



Deddf Cwricwlwm ac Aseu (Cymru) 2021

2021 dsc 4

Curriculum and Assessment (Wales) Act 2021

2021 asc 4



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2021 dsc 4

CYNNWYS

RHAN 1

CYSYNIADAU SYLFAENOL A DOGFENNAU ALLWEDDOL

- 1 Cyflwyniad
- 2 Y pedwar diben
- 3 Y meysydd dysgu a phrofiad
- 4 Y sgiliau trawsgwricwlaidd mandadol
- 5 Pŵer i ddiwygio adrannau 3 a 4
- 6 Cod yr Hyn sy'n Bwysig
- 7 Y Cod Cynnydd
- 8 Y Cod ACRh

RHAN 2

CWRICWLWM MEWN YSGOLION A GYNHELIR, YSGOLION MEITHRIN A GYNHELIR AC ADDYSG FEITHRIN A GYLLIDIR OND NAS GYNHELIR

PENNOD 1

CYNLLUNIO A MABWYSIADU CWRICWLWM

Cyffredinol

- 9 Cyflwyniad a dehongli
Ysgolion a gynhelir ac ysgolion meithrin a gynhelir
- 10 Cynllunio cwricwlwm
- 11 Mabwysiadu cwricwlwm



Curriculum and Assessment (Wales) Act 2021

2021 asc 4

CONTENTS

PART 1

BASIC CONCEPTS AND KEY DOCUMENTS

- 1 Introduction
- 2 The four purposes
- 3 The areas of learning and experience
- 4 The mandatory cross-curricular skills
- 5 Power to amend sections 3 and 4
- 6 The What Matters Code
- 7 The Progression Code
- 8 The RSE Code

PART 2

CURRICULUM IN MAINTAINED SCHOOLS, MAINTAINED NURSERY SCHOOLS AND FUNDED NON-MAINTAINED NURSERY EDUCATION

CHAPTER 1

CURRICULUM DESIGN AND ADOPTION

General

- 9 Introduction and interpretation
Maintained schools and maintained nursery schools
- 10 Curriculum design
- 11 Curriculum adoption

12 Adolygu a diwygio cwricwlwm

Addysg feithrin a gyllidir ond nas cynhelir

13 Dyletswydd Gweinidogion Cymru i gyhoeddi cwricwlwm

14 Adolygu a diwygio cwricwlwm a gyhoeddir gan Weinidogion Cymru

15 Mabwysiadu cwricwlwm

16 Adolygu a diwygio cwricwlwm

Darpariaeth atodol

17 Pŵer i wneud darpariaeth atodol ynghylch mabwysiadu a diwygio cwricwlwm

18 Pŵer i wneud darpariaeth atodol ynghylch crynodebau cwricwlwm

PENNOD 2

GOFYNION CWRICWLWM

Cyffredinol

19 Cyflwyniad

Gofynion cwricwlwm

20 Y pedwar diben

21 Cynnydd

22 Addasrwydd

23 Ehangder a chydbwysedd

24 Meysydd dysgu a phrofiad a sgiliau trawsgwricwlaidd

25 Pŵer i osod gofynion pellach cwricwlwm

PENNOD 3

GWEITHREDU CWRICWLWM

Cyffredinol

26 Cyflwyniad a dehongli

Ysgolion a gynhelir ac ysgolion meithrin a gynhelir

27 Dyletswydd i sicrhau gweithrediad y cwricwlwm mabwysiedig

28 Gofynion gweithredu cyffredinol

29 Gofynion gweithredu pellach ar gyfer disgyblion 3 i 14 oed

30 Gofynion gweithredu pellach ar gyfer disgyblion 14 i 16 oed

31 Pŵer i ddatgymhwyso dyletswydd i weithredu dewis disgybl

32 Pŵer i ddatgymhwyso dyletswydd i weithredu dewis disgybl: atodol

33 Adolygiadau ac apelau sy'n ymwneud â dewis disgybl

Addysg feithrin a gyllidir ond nas cynhelir

34 Dyletswydd i sicrhau gweithrediad y cwricwlwm mabwysiedig

35 Gofynion gweithredu cyffredinol

36 Gofynion sy'n ymwneud â meysydd dysgu a phrofiad a sgiliau trawsgwricwlaidd

PENNOD 4

GWEITHREDU CWRICWLWM: EITHRIADAU

37 Cyflwyniad

- 12 Curriculum review and revision
Funded non-maintained nursery education
- 13 Welsh Ministers' duty to publish a curriculum
14 Review and revision of curriculum published by Welsh Ministers
15 Curriculum adoption
16 Curriculum review and revision
Supplementary provision
- 17 Power to make supplementary provision about curriculum adoption and revision
18 Power to make supplementary provision about curriculum summaries

CHAPTER 2

CURRICULUM REQUIREMENTS

General

- 19 Introduction
Curriculum requirements
- 20 The four purposes
21 Progression
22 Suitability
23 Breadth and balance
24 Areas of learning and experience and cross-curricular skills
25 Power to impose further curriculum requirements

CHAPTER 3

CURRICULUM IMPLEMENTATION

General

- 26 Introduction and interpretation
Maintained schools and maintained nursery schools
- 27 Duty to ensure implementation of adopted curriculum
28 General implementation requirements
29 Further implementation requirements for pupils aged 3 to 14
30 Further implementation requirements for pupils aged 14 to 16
31 Power to disapply duty to implement pupil choice
32 Power to disapply duty to implement pupil choice: supplementary
33 Reviews and appeals relating to pupil choice
Funded non-maintained nursery education
- 34 Duty to ensure implementation of adopted curriculum
35 General implementation requirements
36 Requirements relating to areas of learning and experience and cross-curricular skills

CHAPTER 4

CURRICULUM IMPLEMENTATION: EXCEPTIONS

- 37 Introduction

- 38 Gwaith datblygu ac arbrofion
 39 Gwaith datblygu ac arbrofion: amodau
 40 Gwaith datblygu ac arbrofion: atodol
 41 Disgyblion a phlant ag anghenion dysgu ychwanegol
 42 Eithriadau dros dro ar gyfer disgyblion a phlant unigol
 43 Eithriadau dros dro ar gyfer disgyblion a phlant unigol: atodol
 44 Darparu gwybodaeth am eithriadau dros dro
 45 Apelau am eithriadau dros dro ar gyfer disgyblion unigol
 46 Apelau am eithriadau dros dro ar gyfer plant unigol
 47 Eithriad ar gyfer disgyblion y mae trefniadau wedi eu gwneud ar eu cyfer o dan adran 19A o Ddeddf Addysg 1996
 48 Pŵer i wneud darpariaeth ar gyfer eithriadau pellach

RHAN 3

CWRICWLWM AR GYFER DARPARIAETH EITHRIADOL O ADDYSG MEWN UNEDAU CYFEIRIO DISGYBLION NEU MEWN MANNAU ERAILL

Cyffredinol

- 49 Cyflwyniad

Unedau cyfeirio disgyblion

- 50 Gofynion cwricwlwm
 51 Adolygu a diwygio cwricwlwm
 52 Gweithredu cwricwlwm

Addysg arall a ddarperir o dan adran 19A o Ddeddf Addysg 1996

- 53 Gofynion cwricwlwm
 54 Adolygu a diwygio
 55 Gweithredu cwricwlwm

RHAN 4

ASESU A CHYNNYDD

- 56 Dyletswydd i wneud darpariaeth ynghylch trefniadau asesu
 57 Hybu a chynnal dealltwriaeth o gynnydd

RHAN 5

CWRICWLWM: ADDYSG ÔL-ORFODOL MEWN YSGOLION A GYNHELIR

- 58 Cyflwyniad a dehongli
 59 Gofyniad cwricwlwm cyffredinol
 60 Gofyniad cwricwlwm: Addysg Cydberthynas a Rhywioldeb
 61 Gofyniad cwricwlwm: Crefydd, Gwerthoedd a Moeseg
 62 Gofynion pellach cwricwlwm

- 38 Development work and experiments
- 39 Development work and experiments: conditions
- 40 Development work and experiments: supplementary
- 41 Pupils and children with additional learning needs
- 42 Temporary exceptions for individual pupils and children
- 43 Temporary exceptions for individual pupils and children: supplementary
- 44 Provision of information about temporary exceptions
- 45 Appeals about temporary exceptions for individual pupils
- 46 Appeals about temporary exceptions for individual children
- 47 Exception for pupils for whom arrangements are made under section 19A of the Education Act 1996
- 48 Power to make provision for further exceptions

PART 3

CURRICULUM FOR EXCEPTIONAL PROVISION OF EDUCATION IN PUPIL REFERRAL UNITS OR ELSEWHERE

General

- 49 Introduction

Pupil referral units

- 50 Curriculum requirements
- 51 Curriculum review and revision
- 52 Curriculum implementation

Other education provided under section 19A of the Education Act 1996

- 53 Curriculum requirements
- 54 Review and revision
- 55 Curriculum implementation

PART 4

ASSESSMENT AND PROGRESSION

- 56 Duty to make provision about assessment arrangements
- 57 Promoting and maintaining understanding of progression

PART 5

CURRICULUM: POST COMPULSORY EDUCATION IN MAINTAINED SCHOOLS

- 58 Introduction and interpretation
- 59 General curriculum requirement
- 60 Curriculum requirement: Relationships and Sexuality Education
- 61 Curriculum requirement: Religion, Values and Ethics
- 62 Further curriculum requirements

RHAN 6**ATODOL***Iechyd meddwl a lles emosiynol*

63 Dyletswydd i roi sylw i iechyd meddwl a lles emosiynol plant a phobl ifanc

Confensiynau'r Cenhedloedd Unedig

64 Dyletswydd i hybu gwybodaeth am Gonfensiynau'r Cenhedloedd Unedig ar hawliau plant a hawliau pobl ag anableddau a dealltwriaeth o'r Confensiynau hynny

Cydweithredu a hwyluso

65 Dyletswydd i gydweithredu

66 Dyletswyddau Gweinidogion Cymru i hwyluso cyflawni swyddogaethau

67 Dyletswyddau awdurdodau lleol i hwyluso cyflawni swyddogaethau

Y Gymraeg

68 Dyletswydd Gweinidogion Cymru i hybu mynediad etc at gyrsiau astudio cyfrwng Cymraeg

Darpariaeth benodol ar gyfer lleoliadau pellach etc

69 Pŵer i wneud darpariaeth ar gyfer plant sy'n cael addysg mewn mwy nag un lleoliad etc

70 Pŵer i gymhwyso'r Ddeddf i blant sy'n cael eu cadw'n gaeth a phobl ifanc sy'n cael eu cadw'n gaeth

Canllawiau

71 Dyletswydd i roi sylw i ganllawiau

RHAN 7**CYFFREDINOL**

72 Statws y Ddeddf hon fel Deddf Addysg

73 Mân ddiwygiadau a diwygiadau canlyniadol a diddymiaidau

74 Pŵer i wneud darpariaeth ychwanegol i roi effaith lawn i'r Ddeddf hon etc

75 Rheoliadau

76 Cod yr Hyn sy'n Bwysig a'r Cod Cynnydd: y weithdrefn

77 Y Cod ACRh: y weithdrefn

78 Gwybodaeth, hysbysiadau a chyfarwyddydau ysgrifenedig

79 Ystyr "ysgol a gynhelir", "ysgol feithrin a gynhelir" ac ymadroddion cysylltiedig

80 Ystyr "addysg feithrin a gyllidir ond nas cynhelir" ac ymadroddion cysylltiedig

81 Ystyr "uned cyfeirio disgyblion" ac ymadroddion cysylltiedig

82 Dehongli cyffredinol

83 Mynegai o ymadroddion a ddiffinnir yn y Ddeddf hon

84 Dod i rym

85 Enw byr

Atodlen 1 – Crefydd, Gwerthoedd a Moeseg

Rhan 1 – Cynllunio Cwricwlwm

PART 6**SUPPLEMENTARY***Mental health and emotional well-being*

- 63 Duty to have regard to mental health and emotional well-being of children and young persons

UN Conventions

- 64 Duty to promote knowledge and understanding of UN Conventions on the rights of children and persons with disabilities

Co-operation and facilitation

- 65 Duty to co-operate
 66 Welsh Ministers' duty to facilitate the performance of functions
 67 Local authorities' duty to facilitate the performance of functions

Welsh language

- 68 Welsh Ministers' duty to promote access etc to Welsh medium courses of study

Specific provision for further settings etc

- 69 Power to make provision for children receiving education in more than one setting etc
 70 Power to apply Act to detained children and detained young persons

Guidance

- 71 Duty to have regard to guidance

PART 7**GENERAL**

- 72 Status of this Act as an Education Act
 73 Minor and consequential amendments and repeals
 74 Power to make additional provision to give full effect to this Act etc
 75 Regulations
 76 The What Matters Code and the Progression Code: procedure
 77 The RSE Code: procedure
 78 Written information, notices and directions
 79 Meaning of "maintained school", "maintained nursery school" and associated expressions
 80 Meaning of "funded non-maintained nursery education" and associated expressions
 81 Meaning of "pupil referral unit" and associated expressions
 82 General interpretation
 83 Index of expressions defined in this Act
 84 Coming into force
 85 Short title

Schedule 1 – Religion, Values and Ethics

Part 1 – Curriculum Design

- Rhan 2 – Gweithredu Cwricwlwm
- Rhan 3 – Dehongli
- Atodlen 2 – Mân Ddiwygiadau a Diwygiadau Canlyniadol a Diddymiadau

- Part 2 – Curriculum Implementation
- Part 3 – Interpretation
- Schedule 2 – Minor and Consequential Amendments and Repeals



Deddf Cwricwlwm ac Asesu (Cymru) 2021

Deddf gan Senedd Cymru i sefydlu fframwaith newydd ar gyfer cwricwlwm i ddisgyblion o'r oedran ysgol gorfodol mewn ysgolion a gynhelir ac unedau cyfeirio disgyblion, i blant o'r oedran ysgol gorfodol y mae addysg fel arall wedi ei threfnu ar eu cyfer gan awdurdodau lleol, i ddisgyblion mewn ysgolion meithrin a gynhelir ac i blant penodol eraill y darperir addysg feithrin ar eu cyfer; i wneud darpariaeth ynghylch cynnydd ac asesu mewn cysylltiad â chwricwlwm i'r disgyblion hynny a'r plant hynny; i wneud darpariaeth ynghylch cwricwlwm i ddisgyblion sy'n hŷn na'r oedran ysgol gorfodol mewn ysgolion a gynhelir; ac at ddibenion cysylltiedig.

[29 Ebrill 2021]

Gan ei fod wedi ei basio gan Senedd Cymru ac wedi derbyn cydsyniad Ei Mawrhydi, deddfir fel a ganlyn:

RHAN 1

CYSYNIADAU SYLFAENOL A DOGFENNAU ALLWEDDOL

1 Cyflwyniad

- (1) Mae'r Rhan hon yn nodi cysyniadau sylfaenol sy'n cael effaith mewn perthynas â chwricwlwm ar gyfer unrhyw un o'r canlynol—
 - (a) disgyblion cofrestredig mewn ysgolion a gynhelir (ac eithrio'r rheini dros yr oedran ysgol gorfodol) ac mewn ysgolion meithrin a gynhelir;
 - (b) plant y darperir addysg feithrin a gyllidir ond nas cynhelir ar eu cyfer;
 - (c) plant y darperir addysg ar eu cyfer o dan drefniadau a wneir gan awdurdod lleol yng Nghymru o dan adran 19A o Ddeddf Addysg 1996 (p. 56).
- (2) Mae'r Rhan hon hefyd yn cynnwys darpariaeth ynghylch dogfennau allweddol sy'n cefnogi cwricwlwm o'r math hwnnw.
- (3) Yn y Rhan hon, mae cyfeiriadau at gwricwlwm yn gyfeiriadau at gwricwlwm o'r math hwnnw; ac mae cyfeiriadau at ddisgyblion a phlant yn gyfeiriadau at y disgyblion a'r plant y cyfeirir atynt yn is-adran (1).



The Curriculum and Assessment Wales Act 2021

An Act of Senedd Cymru to establish a new framework for a curriculum for pupils of compulsory school age at maintained schools and pupil referral units, for children of compulsory school age for whom education is otherwise arranged by local authorities, for pupils at maintained nursery schools and for certain other children for whom nursery education is provided; to make provision about progression and assessment in connection with a curriculum for those pupils and children; to make provision about a curriculum for pupils above compulsory school age at maintained schools; and for connected purposes. [29 April 2021]

Having been passed by Senedd Cymru and having received the assent of Her Majesty, it is enacted as follows:

PART 1

BASIC CONCEPTS AND KEY DOCUMENTS

1 Introduction

- (1) This Part sets out basic concepts that have effect in relation to a curriculum for any of the following—
 - (a) registered pupils at maintained schools (except those over compulsory school age) and at maintained nursery schools;
 - (b) children for whom funded non-maintained nursery education is provided;
 - (c) children for whom education is provided under arrangements made by a local authority in Wales under section 19A of the Education Act 1996 (c. 56).
- (2) This Part also includes provision about key documents that support a curriculum of that kind.
- (3) In this Part references to a curriculum are to a curriculum of that kind; and references to pupils and children are to the pupils and children referred to in subsection (1).

2 Y pedwar diben

- (1) Pedwar diben cwricwlwm yw –

Galluogi disgyblion a phlant i ddatblygu yn ddysgwyr galluog ac uchelgeisiol, sy'n barod i ddysgu drwy gydol eu hoes;

Galluogi disgyblion a phlant i ddatblygu yn gyfranwyr mentrus a chreadigol, sy'n barod i chwarae rhan lawn mewn bywyd a gwaith;

Galluogi disgyblion a phlant i ddatblygu yn ddinasyddion egwyddorol a gwybodus i Gymru a'r byd;

Galluogi disgyblion a phlant i ddatblygu yn unigolion iach a hyderus, sy'n barod i fyw bywydau boddhaus fel aelodau gwerthfawr o'r gymdeithas.

- (2) Mae cyfeiriadau yn y Ddeddf hon at y pedwar diben yn gyfeiriadau at y dibenion hynny.

3 Y meysydd dysgu a phrofiad

- (1) Y meysydd dysgu a phrofiad ar gyfer cwricwlwm yw –

Y Celfyddydau Mynegiannol

Y Dyniaethau

Gwyddoniaeth a Thechnoleg

Iechyd a Lles

Ieithoedd, Llythrennedd a Chyfathrebu

Mathemateg a Rhifedd.

- (2) O fewn y meysydd dysgu a phrofiad, mae'r canlynol yn elfennau mandadol –

Addysg Cydberthynas a Rhywioldeb

Crefydd, Gwerthoedd a Moeseg

Cymraeg

Saesneg.

- (3) Ond nid yw Saesneg i'w thrin fel elfen fandadol, at ddibenion y Ddeddf hon, ar gyfer cwricwlwm o fewn is-adran (4).

- (4) Mae cwricwlwm o fewn yr is-adran hon os yw'n –

(a) cwricwlwm i ddisgyblion cofrestredig mewn ysgol nad ydynt wedi cwblhau'r flwyddyn ysgol y mae'r rhan fwyaf o'r disgyblion yn eu dosbarth yn cyrraedd 7 oed ynddi;

(b) cwricwlwm ar gyfer addysg feithrin a gyllidir ond nas cynhelir;

(c) cwricwlwm ar gyfer addysg a ddarperir o dan adran 19A o Ddeddf Addysg 1996 (p. 56) (darpariaeth eithriadol o addysg mewn unedau cyfeirio disgyblion neu mewn mannau eraill: Cymru) i ddisgyblion neu blant nad ydynt wedi cyrraedd 7 oed.

- (5) Mae cyfeiriadau yn y Ddeddf hon at y meysydd dysgu a phrofiad yn gyfeiriadau at y meysydd a restrir yn is-adran (1).

2 The four purposes

- (1) The four purposes of a curriculum are –
- To enable pupils and children to develop as ambitious, capable learners, ready to learn throughout their lives;
 - To enable pupils and children to develop as enterprising, creative contributors, ready to play a full part in life and work;
 - To enable pupils and children to develop as ethical, informed citizens of Wales and the world;
 - To enable pupils and children to develop as healthy, confident individuals, ready to live fulfilling lives as valued members of society.
- (2) References in this Act to the four purposes are to those purposes.

3 The areas of learning and experience

- (1) The areas of learning and experience for a curriculum are –
- Expressive Arts
 - Health and Well-being
 - Humanities
 - Languages, Literacy and Communication
 - Mathematics and Numeracy
 - Science and Technology.
- (2) Within the areas of learning and experience, the following are mandatory elements –
- English
 - Relationships and Sexuality Education
 - Religion, Values and Ethics
 - Welsh.
- (3) But English is not to be treated as a mandatory element, for the purposes of this Act, for a curriculum within subsection (4).
- (4) A curriculum is within this subsection if it is –
- (a) a curriculum for registered pupils at a school who have not completed the school year in which the majority of the pupils in their class attain the age of 7;
 - (b) a curriculum for funded non-maintained nursery education;
 - (c) a curriculum for education provided under section 19A of the Education Act 1996 (c. 56) (exceptional provision of education at pupil referral units or elsewhere: Wales) for pupils or children who have not attained the age of 7.
- (5) References in this Act to the areas of learning and experience are to the areas listed in subsection (1).

- (6) Mae cyfeiriadau yn y Ddeddf hon at yr elfennau mandadol i'w dehongli yn unol â'r adran hon.

4 Y sgiliau trawsgwricwlaidd mandadol

- (1) Y sgiliau trawsgwricwlaidd mandadol ar gyfer cwricwlwm yw –
Cymhwysedd Digidol
Llythrennedd
Rhifedd.
- (2) Mae cyfeiriadau yn y Ddeddf hon at y sgiliau trawsgwricwlaidd mandadol yn gyfeiriadau at y sgiliau a restrir yn is-adran (1).

5 Pŵer i ddiwygio adrannau 3 a 4

Caiff rheoliadau ddiwygio adrannau 3 a 4.

6 Cod yr Hyn sy'n Bwysig

- (1) Rhaid i Weinidogion Cymru ddyroddi cod ("Cod yr Hyn sy'n Bwysig") sy'n nodi cysyniadau allweddol ar gyfer pob maes dysgu a phrofiad.
- (2) Nid yw cwricwlwm yn cwmpasu maes dysgu a phrofiad oni bai ei fod yn cwmpasu'r cysyniadau hynny fel y'u nodir yng Nghod yr Hyn sy'n Bwysig.
- (3) Nid yw addysgu a dysgu yn cwmpasu maes dysgu a phrofiad oni bai ei fod yn cwmpasu'r cysyniadau hynny fel y'u nodir yng Nghod yr Hyn sy'n Bwysig.
- (4) O ran Gweinidogion Cymru –
(a) rhaid iddynt gadw Cod yr Hyn sy'n Bwysig o dan adolygiad, a
(b) cânt ei ddiwygio.
- (5) Am ddarpariaeth bellach ynghylch Cod yr Hyn sy'n Bwysig, gweler adran 76.

7 Y Cod Cynnydd

- (1) Rhaid i Weinidogion Cymru ddyroddi cod (y "Cod Cynnydd") sy'n nodi'r ffordd y mae cwricwlwm i wneud darpariaeth ar gyfer cynnydd gan ddisgyblion a phlant.
- (2) Nid yw cwricwlwm yn gwneud darpariaeth ar gyfer cynnydd priodol oni bai ei fod yn cyd-fynd â'r Cod Cynnydd.
- (3) Nid yw addysgu a dysgu yn gwneud darpariaeth ar gyfer cynnydd priodol oni bai ei fod yn cyd-fynd â'r Cod Cynnydd.
- (4) O ran Gweinidogion Cymru –
(a) rhaid iddynt gadw'r Cod Cynnydd o dan adolygiad, a
(b) cânt ei ddiwygio.
- (5) Am ddarpariaeth bellach ynghylch y Cod Cynnydd, gweler adran 76.

- (6) References in this Act to the mandatory elements are to be interpreted in accordance with this section.

4 The mandatory cross-curricular skills

- (1) The mandatory cross-curricular skills for a curriculum are –
- Digital Competence
 - Literacy
 - Numeracy.
- (2) References in this Act to the mandatory cross-curricular skills are to the skills listed in subsection (1).

5 Power to amend sections 3 and 4

Regulations may amend sections 3 and 4.

6 The What Matters Code

- (1) The Welsh Ministers must issue a code (the “What Matters Code”) that sets out key concepts for each area of learning and experience.
- (2) A curriculum does not encompass an area of learning and experience unless it encompasses those concepts as set out in the What Matters Code.
- (3) Teaching and learning does not encompass an area of learning and experience unless it encompasses those concepts as set out in the What Matters Code.
- (4) The Welsh Ministers –
- (a) must keep the What Matters Code under review, and
 - (b) may revise it.
- (5) For further provision about the What Matters Code, see section 76.

7 The Progression Code

- (1) The Welsh Ministers must issue a code (the “Progression Code”) that sets out the way in which a curriculum is to make provision for progression by pupils and children.
- (2) A curriculum does not make provision for appropriate progression unless it accords with the Progression Code.
- (3) Teaching and learning does not make provision for appropriate progression unless it accords with the Progression Code.
- (4) The Welsh Ministers –
- (a) must keep the Progression Code under review, and
 - (b) may revise it.
- (5) For further provision about the Progression Code, see section 76.

8 Y Cod ACRh

- (1) Rhaid i Weinidogion Cymru ddyroddi cod (y "Cod ACRh") sy'n nodi themâu a materion sydd i'w cwmpasu gan elfen fandadol Addysg Cydberthynas a Rhywioldeb.
- (2) Nid yw cwricwlwm yn cwmpasu elfen fandadol Addysg Cydberthynas a Rhywioldeb oni bai ei fod yn cyd-fynd â'r ddarpariaeth yn y Cod ACRh.
- (3) Nid yw addysgu a dysgu yn cwmpasu elfen fandadol Addysg Cydberthynas a Rhywioldeb oni bai ei fod yn cyd-fynd â'r ddarpariaeth yn y Cod ACRh.
- (4) Am ddarpariaeth bellach ynghylch y Cod ACRh, gweler adran 77.

RHAN 2**CWRICWLWM MEWN YSGOLION A GYNHELIR, YSGOLION MEITHRIN A GYNHELIR AC ADDYSG FEITHRIN A GYLLIDIR OND NAS CYNHELIR****PENNOD 1****CYNLLUNIO A MABWYSIADU CWRICWLWM***Cyffredinol***9 Cyflwyniad a dehongli**

- (1) Mae'r Bennod hon yn gwneud darpariaeth ynghylch cynllunio a mabwysiadu cwricwlwm i unrhyw un o'r canlynol –
 - (a) disgyblion cofrestredig mewn ysgol a gynhelir, ac eithrio'r rheini dros yr oedran ysgol gorfodol;
 - (b) disgyblion cofrestredig mewn ysgol feithrin a gynhelir;
 - (c) plant y darperir addysg feithrin a gyllidir ond nas cynhelir ar eu cyfer.
- (2) Mae cyfeiriadau yn y Bennod hon at ysgol yn gyfeiriadau –
 - (a) at ysgol a gynhelir, neu
 - (b) at ysgol feithrin a gynhelir.
- (3) Yn y Bennod hon –
 - (a) mae cyfeiriadau at ddisgyblion, mewn perthynas ag ysgol, yn gyfeiriadau at ddisgyblion cofrestredig yn yr ysgol, ac eithrio'r rheini dros yr oedran ysgol gorfodol;
 - (b) mae cyfeiriadau at blant, mewn perthynas ag addysg feithrin a gyllidir ond nas cynhelir, yn gyfeiriadau at blant y darperir yr addysg honno ar eu cyfer;
 - (c) mae cyfeiriadau at y cwricwlwm mabwysiedig, mewn perthynas ag ysgol, yn gyfeiriadau at y cwricwlwm a fabwysiedir o dan adran 11 gan bennaeth a chorff llywodraethu'r ysgol (ac os caiff y cwricwlwm hwnnw ei ddiwygio o dan adran 12, at y cwricwlwm fel y'i diwygir);

8 The RSE Code

- (1) The Welsh Ministers must issue a code (the “RSE Code”) setting out themes and matters to be encompassed by the mandatory element of Relationships and Sexuality Education.
- (2) A curriculum does not encompass the mandatory element of Relationships and Sexuality Education unless it accords with the provision in the RSE Code.
- (3) Teaching and learning does not encompass the mandatory element of Relationships and Sexuality Education unless it accords with the provision in the RSE Code.
- (4) For further provision about the RSE Code, see section 77.

PART 2

**CURRICULUM IN MAINTAINED SCHOOLS, MAINTAINED NURSERY SCHOOLS
AND FUNDED NON-MAINTAINED NURSERY EDUCATION**

CHAPTER 1

CURRICULUM DESIGN AND ADOPTION

General

9 Introduction and interpretation

- (1) This Chapter makes provision about the design and adoption of a curriculum for any of the following –
 - (a) registered pupils at a maintained school, except those over compulsory school age;
 - (b) registered pupils at a maintained nursery school;
 - (c) children for whom funded non-maintained nursery education is provided.
- (2) References in this Chapter to a school are to –
 - (a) a maintained school, or
 - (b) a maintained nursery school.
- (3) In this Chapter –
 - (a) references to pupils, in relation to a school, are to registered pupils at the school, except those over compulsory school age;
 - (b) references to children, in relation to funded non-maintained nursery education, are to children for whom that education is provided;
 - (c) references to the adopted curriculum, in relation to a school, are to the curriculum adopted under section 11 by the head teacher and governing body of the school (and if that curriculum is revised under section 12, to the curriculum as revised);

- (d) mae cyfeiriadau at y cwricwlwm mabwysiedig, mewn perthynas ag addysg feithrin a gyllidir ond nas cynhelir, yn gyfeiriadau at y cwricwlwm a fabwysiedir o dan adran 15 gan ddarparwr yr addysg (ac os caiff y cwricwlwm hwnnw ei ddiwygio o dan adran 16, at y cwricwlwm fel y'i diwygir).

Ysgolion a gynhelir ac ysgolion meithrin a gynhelir

10 Cynllunio cwricwlwm

- (1) Rhaid i bennaeth ysgol gynllunio cwricwlwm i ddisgyblion yr ysgol.
- (2) Rhaid i'r cwricwlwm hwnnw gydymffurfio â'r gofynion yn adrannau 20 i 24, ac unrhyw ofyniad a osodir o dan adran 25.

11 Mabwysiadu cwricwlwm

- (1) Rhaid i bennaeth a chorff llywodraethu ysgol—
 - (a) mabwysiadu'r cwricwlwm a gynllunnir o dan adran 10 fel y cwricwlwm i ddisgyblion yr ysgol, a
 - (b) cyhoeddi crynodeb o'r cwricwlwm mabwysiedig.
- (2) Ond ni chaniateir mabwysiadu cwricwlwm o dan yr adran hon oni bai ei fod yn cydymffurfio â'r gofynion yn adrannau 20 i 24, ac unrhyw ofyniad a osodir o dan adran 25.

12 Adolygu a diwygio cwricwlwm

- (1) Rhaid i bennaeth a chorff llywodraethu ysgol—
 - (a) cadw'r cwricwlwm mabwysiedig o dan adolygiad, a
 - (b) sicrhau ei fod yn parhau i gydymffurfio â'r gofynion yn adrannau 20 i 24, ac unrhyw ofyniad a osodir o dan adran 25.
- (2) Wrth ystyried a yw'r cwricwlwm mabwysiedig yn parhau i gydymffurfio â'r gofynion y cyfeirir atynt yn is-adran (1)(b), rhaid i'r pennaeth a'r corff llywodraethu roi sylw i wybodaeth sy'n deillio o unrhyw drefniadau asesu a weithredir ganddynt o dan reoliadau a wneir o dan adran 56.
- (3) Rhaid i bennaeth a chorff llywodraethu ysgol ddiwygio'r cwricwlwm mabwysiedig os ydynt yn ystyried ei bod yn angenrheidiol gwneud hynny er mwyn sicrhau ei fod yn parhau i gydymffurfio â'r gofynion y cyfeirir atynt yn is-adran (1)(b).
- (4) Caiff pennaeth a chorff llywodraethu ysgol ddiwygio'r cwricwlwm mabwysiedig hefyd os ydynt yn ystyried ei bod yn briodol gwneud hynny ar unrhyw adeg.
- (5) Os yw pennaeth a chorff llywodraethu ysgol yn diwygio'r cwricwlwm mabwysiedig, rhaid iddynt gyhoeddi crynodeb o'r cwricwlwm diwygiedig.

- (d) references to the adopted curriculum, in relation to funded non-maintained nursery education, are to the curriculum adopted under section 15 by the provider of the education (and if that curriculum is revised under section 16, to the curriculum as revised).

Maintained schools and maintained nursery schools

10 Curriculum design

- (1) The head teacher of a school must design a curriculum for the school's pupils.
- (2) That curriculum must comply with the requirements in sections 20 to 24, and any requirement imposed under section 25.

11 Curriculum adoption

- (1) The head teacher and governing body of a school must—
 - (a) adopt the curriculum designed under section 10 as the curriculum for the school's pupils, and
 - (b) publish a summary of the adopted curriculum.
- (2) But a curriculum may not be adopted under this section unless it complies with the requirements in sections 20 to 24, and any requirement imposed under section 25.

12 Curriculum review and revision

- (1) The head teacher and governing body of a school must—
 - (a) keep the adopted curriculum under review, and
 - (b) ensure that it continues to comply with the requirements in sections 20 to 24, and any requirement imposed under section 25.
- (2) In considering whether the adopted curriculum continues to comply with the requirements referred to in subsection (1)(b), the head teacher and governing body must have regard to information derived from any assessment arrangements implemented by them under regulations made under section 56.
- (3) The head teacher and governing body of a school must revise the adopted curriculum if they consider it necessary to do so to ensure that it continues to comply with the requirements referred to in subsection (1)(b).
- (4) The head teacher and governing body of a school may also revise the adopted curriculum if they consider it appropriate to do so at any time.
- (5) If the head teacher and governing body of a school revise the adopted curriculum, they must publish a summary of the revised curriculum.

*Addysg feithrin a gyllidir ond nas cynhelir***13 Dyletswydd Gweinidogion Cymru i gyhoeddi cwricwlwm**

- (1) Rhaid i Weinidogion Cymru gyhoeddi cwricwlwm (y “cwricwlwm adran 13”) y maent yn ystyried ei fod yn addas i blant y darperir addysg feithrin a gyllidir ond nas cynhelir ar eu cyfer.
- (2) Rhaid i'r cwricwlwm adran 13 gydymffurfio â'r gofynion yn adrannau 20 i 24, ac unrhyw ofyniad a osodir o dan adran 25.

14 Adolygu a diwygio cwricwlwm a gyhoeddir gan Weinidogion Cymru

- (1) Rhaid i Weinidogion Cymru –
 - (a) cadw'r cwricwlwm adran 13 o dan adolygiad, a
 - (b) sicrhau ei fod yn parhau i gydymffurfio ag adrannau 20 i 24, ac unrhyw ofyniad a osodir o dan adran 25.
- (2) Rhaid i Weinidogion Cymru ddiwygio'r cwricwlwm adran 13 os ydynt yn ystyried ei bod yn angenrheidiol gwneud hynny er mwyn sicrhau ei fod yn parhau i gydymffurfio â'r gofynion y cyfeirir atynt yn is-adran (1)(b).
- (3) Caiff Gweinidogion Cymru ddiwygio'r cwricwlwm adran 13 hefyd os ydynt yn ystyried ei bod yn briodol gwneud hynny ar unrhyw adeg.
- (4) Os yw Gweinidogion Cymru yn diwygio'r cwricwlwm adran 13, rhaid iddynt gyhoeddi'r cwricwlwm diwygiedig.

15 Mabwysiadu cwricwlwm

- (1) Rhaid i ddarparwr addysg feithrin a gyllidir ond nas cynhelir –
 - (a) mabwysiadu cwricwlwm i blant y darperir yr addysg honno ar eu cyfer (boed y cwricwlwm adran 13 neu gwricwlwm arall y mae'r darparwr yn ystyried ei fod yn addas), a
 - (b) cyhoeddi crynodeb o'r cwricwlwm mabwysiedig.
- (2) Ond ni chaniateir mabwysiadu cwricwlwm o dan yr adran hon oni bai ei fod yn cydymffurfio â'r gofynion yn adrannau 20 i 24, ac unrhyw ofyniad a osodir o dan adran 25.

16 Adolygu a diwygio cwricwlwm

- (1) Rhaid i ddarparwr addysg feithrin a gyllidir ond nas cynhelir –
 - (a) cadw'r cwricwlwm mabwysiedig o dan adolygiad, a
 - (b) sicrhau ei fod yn parhau i gydymffurfio ag adrannau 20 i 24, ac unrhyw ofyniad a osodir o dan adran 25.
- (2) Wrth ystyried a yw'r cwricwlwm mabwysiedig yn parhau i gydymffurfio â'r gofynion y cyfeirir atynt yn is-adran (1)(b), rhaid i'r darparwr roi sylw i wybodaeth sy'n deillio o unrhyw drefniadau asesu a weithredir gan y darparwr o dan reoliadau a wneir o dan adran 56.

*Funded non-maintained nursery education***13 Welsh Ministers' duty to publish a curriculum**

- (1) The Welsh Ministers must publish a curriculum (the "section 13 curriculum") that they consider suitable for children for whom funded non-maintained nursery education is provided.
- (2) The section 13 curriculum must comply with the requirements in sections 20 to 24, and any requirement imposed under section 25.

14 Review and revision of curriculum published by Welsh Ministers

- (1) The Welsh Ministers must –
 - (a) keep the section 13 curriculum under review, and
 - (b) ensure that it continues to comply with sections 20 to 24, and any requirement imposed under section 25.
- (2) The Welsh Ministers must revise the section 13 curriculum if they consider it necessary to do so to ensure that it continues to comply with the requirements referred to in subsection (1)(b).
- (3) The Welsh Ministers may also revise the section 13 curriculum if they consider it appropriate to do so at any time.
- (4) If the Welsh Ministers revise the section 13 curriculum, they must publish the revised curriculum.

15 Curriculum adoption

- (1) A provider of funded non-maintained nursery education must –
 - (a) adopt a curriculum for children for whom that education is provided (whether the section 13 curriculum or another curriculum the provider considers suitable), and
 - (b) publish a summary of the adopted curriculum.
- (2) But a curriculum may not be adopted under this section unless it complies with the requirements in sections 20 to 24, and any requirement imposed under section 25.

16 Curriculum review and revision

- (1) A provider of funded non-maintained nursery education must –
 - (a) keep the adopted curriculum under review, and
 - (b) ensure that it continues to comply with sections 20 to 24, and any requirement imposed under section 25.
- (2) In considering whether the adopted curriculum continues to comply with the requirements referred to in subsection (1)(b), the provider must have regard to information derived from any assessment arrangements implemented by the provider under regulations made under section 56.

- (3) Rhaid i'r darparwr ddiwygio'r cwricwlwm mabwysiedig os yw'r darparwr yn ystyried ei bod yn angenrheidiol gwneud hynny er mwyn sicrhau ei fod yn parhau i gydymffurfio â'r gofynion y cyfeirir atynt yn is-adran (1)(b).
- (4) Caiff y darparwr ddiwygio'r cwricwlwm mabwysiedig hefyd os yw'r darparwr yn ystyried ei bod yn briodol gwneud hynny ar unrhyw adeg.
- (5) Os yw'r darparwr wedi mabwysiadu'r cwricwlwm adran 13, a bod Gweinidogion Cymru yn diwygio'r cwricwlwm hwnnw o dan adran 14, rhaid i'r darparwr ystyried a yw'n briodol diwygio'r cwricwlwm mabwysiedig o dan is-adran (4) er mwyn adlewyrchu'r diwygiadau a wnaed o dan adran 14.
- (6) Os yw'r darparwr yn diwygio'r cwricwlwm mabwysiedig, rhaid i'r darparwr gyhoeddi crynodeb o'r cwricwlwm diwygiedig.

Darpariaeth atodol

17 **Pŵer i wneud darpariaeth atodol ynghylch mabwysiadu a diwygio cwricwlwm**

Caiff rheoliadau wneud darpariaeth ynghylch –

- (a) camau sydd i'w cymryd cyn i gwricwlwm gael ei fabwysiadu o dan y Rhan hon (gan gynnwys darpariaeth ynghylch camau sydd i'w cymryd er mwyn penderfynu a yw cwricwlwm arfaethedig yn addas ar gyfer ei fabwysiadu);
- (b) y dyddiad erbyn pryd y mae rhaid mabwysiadu cwricwlwm o dan y Rhan hon;
- (c) amgylchiadau ychwanegol y mae rhaid diwygio cwricwlwm mabwysiedig odanynt.

18 **Pŵer i wneud darpariaeth atodol ynghylch crynodebau cwricwlwm**

Caiff rheoliadau wneud darpariaeth –

- (a) ynghylch gwybodaeth sydd i'w chynnwys mewn crynodeb o gwricwlwm mabwysiedig a gyhoeddir o dan y Rhan hon;
- (b) ynghylch cyhoeddi crynodeb o gwricwlwm mabwysiedig (gan gynnwys darpariaeth ynghylch sut y mae rhaid ei gyhoeddi, a'r dyddiad erbyn pryd y mae rhaid ei gyhoeddi).

PENNOD 2

GOFYNION CWRICWLWM

Cyffredinol

19 **Cyflwyniad**

- (1) Mae'r Bennod hon yn nodi gofynion cwricwlwm.
- (2) Mae cyfeiriadau yn y Bennod hon at gwricwlwm yn gyfeiriadau at gwricwlwm i unrhyw un o'r canlynol –
 - (a) disgyblion cofrestredig mewn ysgol a gynhelir, ac eithrio'r rheini dros yr oedran ysgol gorfodol;
 - (b) disgyblion cofrestredig mewn ysgol feithrin a gynhelir;

- (3) The provider must revise the adopted curriculum if the provider considers it necessary to do so to ensure that it continues to comply with the requirements referred to in subsection (1)(b).
- (4) The provider may also revise the adopted curriculum if the provider considers it appropriate to do so at any time.
- (5) If the provider has adopted the section 13 curriculum, and the Welsh Ministers revise that curriculum under section 14, the provider must consider whether it is appropriate to revise the adopted curriculum under subsection (4) so as to reflect the revisions made under section 14.
- (6) If the provider revises the adopted curriculum, the provider must publish a summary of the revised curriculum.

Supplementary provision

17 Power to make supplementary provision about curriculum adoption and revision

Regulations may make provision about—

- (a) steps to be taken before a curriculum is adopted under this Part (including provision about steps to be taken in order to determine whether a proposed curriculum is suitable for adoption);
- (b) the date by which a curriculum must be adopted under this Part;
- (c) additional circumstances in which an adopted curriculum must be revised.

18 Power to make supplementary provision about curriculum summaries

Regulations may make provision—

- (a) about information that is to be included in a summary of an adopted curriculum published under this Part;
- (b) about the publication of a summary of an adopted curriculum (including provision about how publication must take place, and the date by which it must take place).

CHAPTER 2

CURRICULUM REQUIREMENTS

General

19 Introduction

- (1) This Chapter sets out curriculum requirements.
- (2) References in this Chapter to a curriculum are to a curriculum for any of the following—
 - (a) registered pupils at a maintained school, except those over school age;
 - (b) registered pupils at a maintained nursery school;

- (c) plant y darperir addysg feithrin a gyllidir ond nas cynhelir ar eu cyfer.
- (3) Yn y Bennod hon –
- (a) mae cyfeiriadau at ddisgyblion yn gyfeiriadau at ddisgyblion cofrestredig mewn ysgol a gynhelir neu ysgol feithrin a gynhelir, ac eithrio'r rheini dros yr oedran ysgol gorfodol;
- (b) mae cyfeiriadau at blant, mewn perthynas ag addysg feithrin a gyllidir ond nas cynhelir, yn gyfeiriadau at blant y darperir yr addysg honno ar eu cyfer.

Gofynion cwricwlwm

20 Y pedwar diben

Rhaid i'r cwricwlwm alluogi disgyblion, neu blant, i ddatblygu yn y ffyrdd a ddisgrifir yn y pedwar diben.

21 Cynnydd

Rhaid i'r cwricwlwm ddarparu ar gyfer cynnydd priodol.

22 Addasrwydd

Rhaid i'r cwricwlwm fod yn addas i ddisgyblion, neu blant, o oedrannau, galluedd a doniau gwahanol.

23 Ehangder a chydbwysedd

Rhaid i'r cwricwlwm fod yn eang ac yn gytbwys.

24 Meysydd dysgu a phrofiad a sgiliau trawsgwricwlaidd

- (1) Rhaid i'r cwricwlwm wneud darpariaeth ar gyfer addysgu a dysgu –
- (a) sy'n cwmpasu pob un o'r meysydd dysgu a phrofiad, gan gynnwys yr elfennau mandadol o fewn y meysydd dysgu a phrofiad, a
- (b) sy'n datblygu'r sgiliau trawsgwricwlaidd mandadol.
- (2) Rhaid i'r ddarpariaeth ar gyfer addysgu a dysgu sy'n cwmpasu elfen fandadol Addysg Cydberthynas a Rhywioldeb fod yn briodol yn ddatblygiadol i ddisgyblion, neu blant.
- (3) Rhaid i'r ddarpariaeth ar gyfer addysgu a dysgu sy'n cwmpasu elfen fandadol Crefydd, Gwerthoedd a Moeseg gyd-fynd â Rhan 1 o Atodlen 1, ac eithrio pan fo is-adran (4) yn gymwys.
- (4) Mae'r is-adran hon yn gymwys pan fo'r ddarpariaeth ar gyfer addysgu a dysgu wedi ei gwneud –
- (a) ar gyfer disgyblion mewn dosbarth y mae'r rhan fwyaf o'r disgyblion ynddo yn iau na'r oedran ysgol gorfodol ar ddechrau'r flwyddyn ysgol;
- (b) ar gyfer plant y darperir addysg feithrin a gyllidir ond nas cynhelir ar eu cyfer.
- (5) Os yw'r cwricwlwm yn gymwys i ddisgyblion sydd wedi cwblhau'r flwyddyn ysgol y cyrhaeddodd y rhan fwyaf o'r disgyblion yn eu dosbarth 14 oed ynddi, rhaid iddo gynnig i'r disgyblion hynny ddewis o addysgu a dysgu o fewn pob maes dysgu a phrofiad.

- (c) children for whom funded non-maintained nursery education is provided.
- (3) In this Chapter –
- (a) references to pupils are to registered pupils at a maintained school or maintained nursery school, except those over compulsory school age;
 - (b) references to children, in relation to funded non-maintained nursery education, are to children for whom that education is provided.

Curriculum requirements

20 The four purposes

The curriculum must enable pupils, or children, to develop in the ways described in the four purposes.

21 Progression

The curriculum must provide for appropriate progression.

22 Suitability

The curriculum must be suitable for pupils, or children, of differing ages, abilities and aptitudes.

23 Breadth and balance

The curriculum must be broad and balanced.

24 Areas of learning and experience and cross-curricular skills

- (1) The curriculum must make provision for teaching and learning that –
 - (a) encompasses each of the areas of learning and experience, including the mandatory elements within the areas of learning and experience, and
 - (b) develops the mandatory cross-curricular skills.
- (2) The provision for teaching and learning encompassing the mandatory element of Relationships and Sexuality Education must be developmentally appropriate for pupils, or children.
- (3) The provision for teaching and learning encompassing the mandatory element of Religion, Values and Ethics must accord with Part 1 of Schedule 1, except where subsection (4) applies.
- (4) This subsection applies where the provision for teaching and learning is made –
 - (a) for pupils in a class in which the majority of the pupils are below compulsory school age at the beginning of the school year;
 - (b) for children for whom funded non-maintained nursery education is provided.
- (5) If the curriculum applies to pupils who have completed the school year in which the majority of the pupils in their class attained the age of 14, it must offer those pupils a choice of teaching and learning within each area of learning and experience.

25 Pŵer i osod gofynion pellach cwricwlwm

- (1) Caiff rheoliadau bennu gofynion pellach y mae rhaid i gwricwlwm ar gyfer ysgol a gynhelir gydymffurfio â hwy i'r graddau y mae'n gymwys i ddisgyblion o fewn is-adran (2).
- (2) Y disgyblion yw'r rheini sydd wedi cwblhau'r flwyddyn ysgol y cyrhaeddodd y rhan fwyaf o'r disgyblion yn eu dosbarth 14 oed ynddi, ond sy'n dal i fod o'r oedran ysgol gorfodol.
- (3) Caiff y rheoliadau, ymhlith pethau eraill, bennu darpariaeth –
 - (a) y mae rhaid ei gwneud mewn cwricwlwm;
 - (b) na chaniateir ei gwneud mewn cwricwlwm.
- (4) Caiff y rheoliadau wneud darpariaeth drwy gyfeirio at gyrsiau astudio (er enghraifft, er mwyn ei gwneud yn ofynnol i gwricwlwm wneud darpariaeth ar gyfer isafswm nifer o gyrsiau astudio, neu ar gyfer cyrsiau astudio a bennir yn y rheoliadau).
- (5) Yn yr adran hon, ystyr "cwrw astudio" yw cwrw addysg neu hyfforddiant –
 - (a) sy'n arwain at ffurf ar gymhwyster neu set o ffurfiau ar gymhwyster a gymeradwyir o dan Ran 4 o Ddeddf Cymwysterau Cymru 2015 (dccc 5) neu a ddynodir o dan Ran 5 o'r Ddeddf honno, neu
 - (b) a ddynodir gan Weinidogion Cymru o dan adran 34(8) o'r Ddeddf honno.

PENNOD 3**GWEITHREDU CWRICWLWM***Cyffredinol***26 Cyflwyniad a dehongli**

- (1) Mae'r Bennod hon yn gwneud darpariaeth ynghylch gweithredu cwricwlwm i unrhyw un o'r canlynol –
 - (a) disgyblion cofrestredig mewn ysgol a gynhelir, ac eithrio'r rheini dros yr oedran ysgol gorfodol;
 - (b) disgyblion cofrestredig mewn ysgol feithrin a gynhelir;
 - (c) plant y darperir addysg feithrin a gyllidir ond nas cynhelir ar eu cyfer.
- (2) Mae Pennod 4 yn nodi eithriadau i'r dyletswyddau gweithredu cwricwlwm yn y Bennod hon.
- (3) Mae cyfeiriadau yn y Bennod hon ac ym Mhennod 4 at ysgol yn gyfeiriadau –
 - (a) at ysgol a gynhelir, neu
 - (b) at ysgol feithrin a gynhelir.
- (4) Yn y Bennod hon ac ym Mhennod 4 –
 - (a) mae cyfeiriadau at ddisgyblion, mewn perthynas ag ysgol, yn gyfeiriadau at ddisgyblion cofrestredig yn yr ysgol, ac eithrio'r rheini dros yr oedran ysgol gorfodol;

25 Power to impose further curriculum requirements

- (1) Regulations may specify further requirements with which a curriculum for a maintained school must comply so far as it applies to pupils within subsection (2).
- (2) The pupils are those who have completed the school year in which the majority of the pupils in their class attained the age of 14, but are still of compulsory school age.
- (3) The regulations may, among other things, specify provision –
 - (a) that must be made in a curriculum;
 - (b) that must not be made in a curriculum.
- (4) The regulations may make provision by reference to courses of study (for example, so as to require a curriculum to make provision for a minimum number of courses of study, or for courses of study specified in the regulations).
- (5) In this section, “course of study” means a course of education or training that –
 - (a) leads to a form of qualification or set of forms of qualification approved under Part 4 of the Qualifications Wales Act 2015 (anaw 5) or designated under Part 5 of that Act, or
 - (b) is designated by the Welsh Ministers under section 34(8) of that Act.

CHAPTER 3**CURRICULUM IMPLEMENTATION***General***26 Introduction and interpretation**

- (1) This Chapter makes provision about the implementation of a curriculum for any of the following –
 - (a) registered pupils at a maintained school, except those over compulsory school age;
 - (b) registered pupils at a maintained nursery school;
 - (c) children for whom funded non-maintained nursery education is provided.
- (2) Chapter 4 sets out exceptions to the curriculum implementation duties in this Chapter.
- (3) References in this Chapter and in Chapter 4 to a school are to –
 - (a) a maintained school, or
 - (b) a maintained nursery school.
- (4) In this Chapter and in Chapter 4 –
 - (a) references to pupils, in relation to a school, are to registered pupils at the school, except those over compulsory school age;

- (b) mae cyfeiriadau at blant, mewn perthynas ag addysg feithrin a gyllidir ond nas cynhelir, yn gyfeiriadau at blant y darperir yr addysg honno ar eu cyfer;
- (c) mae cyfeiriadau at y cwricwlwm mabwysiedig, mewn perthynas ag ysgol, yn gyfeiriadau at y cwricwlwm a fabwysiedir o dan adran 11 gan bennaeth a chorff llywodraethu'r ysgol (ac os diwygir y cwricwlwm hwnnw o dan adran 12, at y cwricwlwm fel y'i diwygir);
- (d) mae cyfeiriadau at y cwricwlwm mabwysiedig, mewn perthynas ag addysg feithrin a gyllidir ond nas cynhelir, yn gyfeiriadau at y cwricwlwm a fabwysiedir o dan adran 15 gan ddarparwr yr addysg (ac os diwygir y cwricwlwm hwnnw o dan adran 16, at y cwricwlwm fel y'i diwygir).

Ysgolion a gynhelir ac ysgolion meithrin a gynhelir

27 Dyletswydd i sicrhau gweithrediad y cwricwlwm mabwysiedig

- (1) Rhaid i bennaeth ysgol sicrhau bod y cwricwlwm mabwysiedig yn cael ei weithredu i ddisgyblion yr ysgol yn unol ag adrannau 28, 29 a 30.
- (2) Rhaid i gorff llywodraethu ysgol arfer ei swyddogaethau gyda golwg ar sicrhau bod y cwricwlwm mabwysiedig yn cael ei weithredu i ddisgyblion yr ysgol yn unol ag adrannau 28, 29 a 30.

28 Gofynion gweithredu cyffredinol

Rhaid gweithredu'r cwricwlwm mabwysiedig mewn ffordd –

- (a) sy'n galluogi pob disgybl i ddatblygu yn y ffyrdd a ddisgrifir yn y pedwar diben,
- (b) sy'n sicrhau addysgu a dysgu sy'n cynnig cynnydd priodol ar gyfer pob disgybl,
- (c) sy'n addas ar gyfer oedran, gallu a dawn pob disgybl,
- (d) sy'n ystyried anghenion dysgu ychwanegol pob disgybl (os oes rhai), ac
- (e) sy'n sicrhau addysgu a dysgu eang a chytbwys i bob disgybl.

29 Gofynion gweithredu pellach ar gyfer disgyblion 3 i 14 oed

- (1) Rhaid gweithredu'r cwricwlwm mabwysiedig yn unol ag is-adran (2) i ddisgyblion nad ydynt eto wedi cwblhau'r flwyddyn ysgol y mae'r rhan fwyaf o'r disgyblion yn eu dosbarth yn cyrraedd 14 oed ynddi.
- (2) Rhaid gweithredu'r cwricwlwm mabwysiedig mewn ffordd sy'n sicrhau addysgu a dysgu i bob disgybl –
 - (a) sy'n cwmpasu'r meysydd dysgu a phrofiad (gan gynnwys yr elfennau mandadol o fewn y meysydd hynny), a
 - (b) sy'n datblygu'r sgiliau trawsgwricwlaidd mandadol.
- (3) Rhaid i'r addysgu a dysgu a sicrhau o dan is-adran (2) –
 - (a) mewn cysylltiad ag elfen fandadol Addysg Cydberthynas a Rhywioldeb, fod yn addas ar gyfer cyfnod datblygu'r disgybl, a
 - (b) mewn cysylltiad ag elfen fandadol Crefydd, Gwerthoedd a Moeseg, gyd-fynd â Rhan 2 o Atodlen 1, ac eithrio pan fo is-adran (4) yn gymwys.

- (b) references to children, in relation to funded non-maintained nursery education, are to children for whom that education is provided;
- (c) references to the adopted curriculum, in relation to a school, are to the curriculum adopted under section 11 by the head teacher and governing body of the school (and if that curriculum is revised under section 12, to the curriculum as revised);
- (d) references to the adopted curriculum, in relation to funded non-maintained nursery education, are to the curriculum adopted under section 15 by the provider of the education (and if that curriculum is revised under section 16, to the curriculum as revised).

Maintained schools and maintained nursery schools

27 Duty to ensure implementation of adopted curriculum

- (1) The head teacher of a school must ensure that the adopted curriculum is implemented for the school's pupils in accordance with sections 28, 29 and 30.
- (2) The governing body of a school must exercise its functions with a view to ensuring that the adopted curriculum is implemented for the school's pupils in accordance with sections 28, 29 and 30.

28 General implementation requirements

The adopted curriculum must be implemented in a way that –

- (a) enables each pupil to develop in the ways described in the four purposes,
- (b) secures teaching and learning that offers appropriate progression for each pupil,
- (c) is suitable for each pupil's age, ability and aptitude,
- (d) takes account of each pupil's additional learning needs (if any), and
- (e) secures broad and balanced teaching and learning for each pupil.

29 Further implementation requirements for pupils aged 3 to 14

- (1) The adopted curriculum must be implemented in accordance with subsection (2) for pupils who have not yet completed the school year in which the majority of the pupils in their class attain the age of 14.
- (2) The adopted curriculum must be implemented in a way that secures teaching and learning for each pupil that –
 - (a) encompasses the areas of learning and experience (including the mandatory elements within those areas), and
 - (b) develops the mandatory cross-curricular skills.
- (3) The teaching and learning secured under subsection (2) –
 - (a) in respect of the mandatory element of Relationships and Sexuality Education, must be suitable for the pupil's stage of development, and
 - (b) in respect of the mandatory element of Religion, Values and Ethics, must accord with Part 2 of Schedule 1, except where subsection (4) applies.

- (4) Mae'r is-adran hon yn gymwys pan fo'r addysgu a dysgu i ddisgyblion mewn dosbarth y mae'r rhan fwyaf o'r disgyblion ynddo yn iau na'r oedran ysgol gorfodol ar ddechrau'r flwyddyn ysgol.

30 Gofynion gweithredu pellach ar gyfer disgyblion 14 i 16 oed

- (1) Rhaid gweithredu'r cwricwlwm mabwysiedig yn unol ag is-adran (2) i ddisgyblion sydd wedi cwblhau'r flwyddyn ysgol y cyrhaeddodd y rhan fwyaf o'r disgyblion yn eu dosbarth 14 oed ynddi.
- (2) Rhaid gweithredu'r cwricwlwm mabwysiedig mewn ffordd –
- sy'n sicrhau addysgu a dysgu i bob disgybl sy'n cwmpasu'r elfennau mandadol o fewn y meysydd dysgu a phrofiad, a
 - sy'n sicrhau addysgu a dysgu arall i bob disgybl ym mhob maes dysgu a phrofiad.
- (3) Rhaid i'r addysgu a dysgu a sicrhau o dan is-adran (2) ddatblygu'r sgiliau trawsgwricwlaidd mandadol.
- (4) Rhaid i'r addysgu a dysgu a sicrhau o dan is-adran (2) gynnwys –
- addysgu a dysgu mewn cysylltiad ag unrhyw ddarpariaeth a wneir yn y cwricwlwm, i'r graddau y mae'n gymwys i'r disgybl, yn rhinwedd rheoliadau a wneir o dan adran 25, a
 - yr addysgu a dysgu a ddewisir gan y disgybl yn rhinwedd adran 24.
- (5) Am eithriad i'r ddyletswydd i sicrhau'r addysgu a dysgu a ddewisir gan y disgybl, gweler adran 31.
- (6) Rhaid i'r addysgu a dysgu a sicrhau o dan is-adran (2) –
- mewn cysylltiad ag elfen fandadol Addysg Cydberthynas a Rhywioldeb, fod yn addas ar gyfer cyfnod datblygu'r disgybl, a
 - mewn cysylltiad ag elfen fandadol Crefydd, Gwerthoedd a Moeseg, gyd-fynd â Rhan 2 o Atodlen 1.

31 Pŵer i ddatgymhwyso dyletswydd i weithredu dewis disgybl

- (1) Mae'r adran hon yn gymwys i'r addysgu a dysgu a ddewisir gan ddisgybl yn rhinwedd adran 24.
- (2) Os yw pennaeth ysgol a gynhelir wedi ei fodloni bod sail berthnasol yn gymwys, caiff y pennaeth benderfynu nad yw'r ddyletswydd i sicrhau'r addysgu a dysgu yn gymwys.
- (3) Yn achos penderfyniad a wneir cyn i'r disgybl ddechrau'r flwyddyn ysgol berthnasol, y seiliau perthnasol yw –
- nad yw'r addysgu a dysgu yn addas i'r disgybl, oherwydd lefel cyrhaeddiad addysgol y disgybl;
 - nad yw'n rhesymol ymarferol sicrhau'r addysgu a dysgu i'r disgybl, oherwydd dewisiadau eraill a wneir gan y disgybl yn rhinwedd adran 24;
 - y byddai'r amser sy'n debygol o gael ei dreulio yn teithio i'r man lle y mae'r addysgu yn debygol o gael ei ddarparu yn niweidiol i addysg y disgybl;

- (4) This subsection applies where the teaching and learning is for pupils in a class in which the majority of the pupils are below compulsory school age at the beginning of the school year.

30 Further implementation requirements for pupils aged 14 to 16

- (1) The adopted curriculum must be implemented in accordance with subsection (2) for pupils who have completed the school year in which the majority of the pupils in their class attained the age of 14.
- (2) The adopted curriculum must be implemented in a way that –
- (a) secures teaching and learning for each pupil that encompasses the mandatory elements within the areas of learning and experience, and
 - (b) secures other teaching and learning for each pupil in each area of learning and experience.
- (3) The teaching and learning secured under subsection (2) must develop the mandatory cross-curricular skills.
- (4) The teaching and learning secured under subsection (2) must include –
- (a) teaching and learning in respect of any provision made in the curriculum, so far as it applies to the pupil, by virtue of regulations made under section 25, and
 - (b) the teaching and learning chosen by the pupil by virtue of section 24.
- (5) For an exception to the duty to secure the teaching and learning chosen by the pupil, see section 31.
- (6) The teaching and learning secured under subsection (2) –
- (a) in respect of the mandatory element of Relationships and Sexuality Education, must be suitable for the pupil's stage of development, and
 - (b) in respect of the mandatory element of Religion, Values and Ethics, must accord with Part 2 of Schedule 1.

31 Power to disapply duty to implement pupil choice

- (1) This section applies to the teaching and learning chosen by a pupil by virtue of section 24.
- (2) If the head teacher of a maintained school is satisfied that a relevant ground applies, the head teacher may determine that the duty to secure the teaching and learning does not apply.
- (3) In the case of a determination made before the pupil begins the relevant school year, the relevant grounds are that –
- (a) the teaching and learning is not suitable for the pupil, due to the pupil's level of educational attainment;
 - (b) it is not reasonably practicable to secure the teaching and learning for the pupil, due to other choices made by the pupil by virtue of section 24;
 - (c) the amount of time likely to be spent travelling to the place at which the teaching is likely to be delivered would be detrimental to the pupil's education;

- (d) yr eid i wariant anghymesur pe bai'r addysgu a dysgu yn cael ei sicrhau i'r disgybl;
 - (e) y rhoddid iechyd neu ddiogelwch y disgybl neu berson arall mewn perygl yn annerbyniol pe bai'r addysgu a dysgu yn cael ei sicrhau i'r disgybl.
- (4) Yn achos penderfyniad a wneir ar ôl i'r disgybl ddechrau'r flwyddyn ysgol berthnasol, y seiliau perthnasol yw –
- (a) yr eid i wariant anghymesur pe bai'r addysgu a dysgu yn parhau i gael ei sicrhau i'r disgybl;
 - (b) y rhoddid iechyd neu ddiogelwch y disgybl neu berson arall mewn perygl yn annerbyniol pe bai'r addysgu a dysgu yn parhau i gael ei sicrhau i'r disgybl.
- (5) Yn is-adrannau (3) a (4), y "blwyddyn ysgol berthnasol" yw'r flwyddyn ysgol y bydd y rhan fwyaf o'r disgyblion yn nosbarth y disgybl yn cyrraedd 15 oed ynddi.
- (6) Caiff rheoliadau ddiwygio is-adrannau (3) a (4).

32 Pŵer i ddatgymhwyso dyletswydd i weithredu dewis disgybl: atodol

- (1) Rhaid i bennaeth sy'n gwneud penderfyniad o dan adran 31 roi'r wybodaeth a ddisgrifir yn is-adran (2) –
- (a) i'r disgybl y mae'r penderfyniad yn ymwneud ag ef, a
 - (b) i riant y disgybl.
- (2) Yr wybodaeth yw –
- (a) y ffaith bod y penderfyniad wedi ei wneud,
 - (b) effaith y penderfyniad,
 - (c) rhesymau'r pennaeth dros wneud y penderfyniad,
 - (d) gwybodaeth am yr addysgu a dysgu a sicrhau i'r disgybl yn lle'r addysgu a dysgu y mae'r penderfyniad wedi ei wneud mewn cysylltiad ag ef, ac
 - (e) gwybodaeth am yr hawl i ofyn am adolygiad, neu wneud apêl, o dan adran 33.
- (3) Rhaid rhoi'r wybodaeth yn ysgrifenedig.
- (4) Nid yw'r ddyletswydd yn is-adran (1)(a) yn gymwys os yw'r pennaeth yn ystyried nad oes gan y disgybl o dan sylw y galluedd i ddeall –
- (a) yr wybodaeth a roddid, neu
 - (b) yr hyn y mae'n ei olygu i arfer yr hawliau a roddir gan adran 33.
- (5) Caiff rheoliadau wneud darpariaeth bellach mewn cysylltiad â phenderfyniadau o dan adran 31.

33 Adolygiadau ac apelau sy'n ymwneud â dewis disgybl

- (1) Caiff disgybl neu riant y rhoddir gwybodaeth iddo am benderfyniad a wneir gan bennaeth o dan adran 31 –
- (a) ei gwneud yn ofynnol i'r pennaeth adolygu'r penderfyniad, a

- (d) disproportionate expenditure would be incurred if the teaching and learning were to be secured for the pupil;
 - (e) the pupil or another person's health or safety would be placed unacceptably at risk if the teaching and learning were to be secured for the pupil.
- (4) In the case of a determination made after the pupil has begun the relevant school year, the relevant grounds are that –
- (a) disproportionate expenditure would be incurred if the teaching and learning were to continue to be secured for the pupil;
 - (b) the pupil's or another person's health or safety would be placed unacceptably at risk if the teaching and learning were to continue to be secured for the pupil.
- (5) In subsections (3) and (4), the "relevant school year" is the school year in which the majority of the pupils in the pupil's class will attain the age of 15.
- (6) Regulations may amend subsections (3) and (4).

32 Power to disapply duty to implement pupil choice: supplementary

- (1) A head teacher who makes a determination under section 31 must give the information described in subsection (2) to –
- (a) the pupil to whom the determination relates, and
 - (b) the pupil's parent.
- (2) The information is –
- (a) the fact that the determination has been made,
 - (b) the effect of the determination,
 - (c) the head teacher's reasons for making the determination,
 - (d) information about the teaching and learning that will be secured for the pupil in place of the teaching and learning in respect of which the determination has been made, and
 - (e) information about the right to request a review, or make an appeal, under section 33.
- (3) The information must be given in writing.
- (4) The duty in subsection (1)(a) does not apply if the head teacher considers that the pupil in question does not have the capacity to understand –
- (a) the information that would be given, or
 - (b) what it means to exercise the rights conferred by section 33.
- (5) Regulations may make further provision in connection with determinations under section 31.

33 Reviews and appeals relating to pupil choice

- (1) A pupil or parent who is given information about a determination made by a head teacher under section 31 –
- (a) may require the head teacher to review the determination, and

- (b) os nad yw wedi ei fodloni ar benderfyniad y pennaeth ar yr adolygiad, apelio i gorff llywodraethu'r ysgol yn erbyn y penderfyniad hwnnw.
- (2) Yn sgil adolygiad –
- (a) caiff y pennaeth gadarnhau, amrywio neu ddirymu'r penderfyniad, a
- (b) rhaid i'r pennaeth roi hysbysiad ysgrifenedig o'r penderfyniad hwnnw –
- (i) i'r disgybl,
- (ii) i riant y disgybl a
- (iii) i'r corff llywodraethu.
- (3) Ond nid yw is-adran (2)(b)(i) yn gymwys os yw'r pennaeth yn ystyried nad oes gan y disgybl y galluedd i ddeall –
- (a) yr wybodaeth a roddid, neu
- (b) yr hyn y mae'n ei olygu i arfer yr hawl a roddir gan is-adran (1)(b).
- (4) Yn sgil apêl –
- (a) caiff y corff llywodraethu gadarnhau penderfyniad y pennaeth ar yr adolygiad neu gyfarwyddo'r pennaeth i gymryd y camau gweithredu y mae'n ystyried eu bod yn briodol, a
- (b) rhaid i'r corff llywodraethu roi hysbysiad ysgrifenedig o'i benderfyniad –
- (i) i'r disgybl,
- (ii) i riant y disgybl, a
- (iii) i'r pennaeth.
- (5) Ond nid yw is-adran (4)(b)(i) yn gymwys os yw'r corff llywodraethu yn ystyried nad oes gan y disgybl y galluedd i ddeall yr wybodaeth a roddid.
- (6) Rhaid i'r pennaeth gydymffurfio â chyfarwyddyd a roddir o dan is-adran (4)(a).
- (7) Rhaid i bennaeth a chorff llywodraethu ysgol o fewn is-adran (8) gyhoeddi gwybodaeth sy'n nodi gweithdrefn ar gyfer adolygiadau ac apelau o dan yr adran hon.
- (8) Mae ysgol o fewn yr is-adran hon os yw'r cwricwlwm mabwysiedig yn gymwys i ddisgyblion sydd wedi cwblhau'r flwyddyn ysgol y cyrhaeddodd y rhan fwyaf o'r disgyblion yn eu dosbarth 14 oed ynddi.

Addysg feithrin a gyllidir ond nas cynhelir

34 Dyletswydd i sicrhau gweithrediad y cwricwlwm mabwysiedig

- (1) Rhaid i ddarparwr addysg feithrin a gyllidir ond nas cynhelir sicrhau bod y cwricwlwm mabwysiedig yn cael ei weithredu i blant yn unol ag adrannau 35 a 36.
- (2) Rhaid i awdurdod lleol sy'n sicrhau addysg feithrin a gyllidir ond nas cynhelir arfer ei swyddogaethau gyda golwg ar sicrhau bod y cwricwlwm mabwysiedig yn cael ei weithredu yn unol ag adrannau 35 a 36 i blant y darperir yr addysg honno ar eu cyfer.

35 Gofynion gweithredu cyffredinol

Rhaid gweithredu'r cwricwlwm mabwysiedig mewn ffordd –

- (b) if dissatisfied with the head teacher's decision on the review, may appeal to the governing body of the school against that decision.
- (2) On a review, the head teacher –
 - (a) may confirm, vary or revoke the determination, and
 - (b) must give written notice of that decision to –
 - (i) the pupil,
 - (ii) the pupil's parent, and
 - (iii) the governing body.
- (3) But subsection (2)(b)(i) does not apply if the head teacher considers that the pupil does not have the capacity to understand –
 - (a) the information that would be given, or
 - (b) what it means to exercise the right conferred by subsection (1)(b).
- (4) On an appeal, the governing body –
 - (a) may confirm the head teacher's decision on the review or direct the head teacher to take the action that it considers appropriate, and
 - (b) must give written notice of its decision to –
 - (i) the pupil,
 - (ii) the pupil's parent, and
 - (iii) the head teacher.
- (5) But subsection (4)(b)(i) does not apply if the governing body considers that the pupil does not have the capacity to understand the information that would be given.
- (6) The head teacher must comply with a direction given under subsection (4)(a).
- (7) The head teacher and governing body of a school within subsection (8) must publish information setting out a procedure for reviews and appeals under this section.
- (8) A school is within this subsection if the adopted curriculum applies to pupils who have completed the school year in which the majority of the pupils in their class attained the age of 14.

Funded non-maintained nursery education

34 Duty to ensure implementation of adopted curriculum

- (1) A provider of funded non-maintained nursery education must ensure that the adopted curriculum is implemented for children in accordance with sections 35 and 36.
- (2) A local authority that secures funded non-maintained nursery education must exercise its functions with a view to ensuring that the adopted curriculum is implemented in accordance with sections 35 and 36 for children for whom that education is provided.

35 General implementation requirements

The adopted curriculum must be implemented in a way that –

- (a) sy'n galluogi pob plentyn i ddatblygu yn y ffyrdd a ddisgrifir yn y pedwar diben,
- (b) sy'n sicrhau addysgu a dysgu sy'n cynnig cynnydd priodol ar gyfer pob plentyn,
- (c) sy'n addas ar gyfer oedran, gallu a dawn pob plentyn,
- (d) sy'n ystyried anghenion dysgu ychwanegol pob plentyn (os oes rhai), ac
- (e) sy'n sicrhau addysgu a dysgu eang a chytbwys i bob plentyn.

36 Gofynion sy'n ymwneud â meysydd dysgu a phrofiad a sgiliau trawsgwricwlaidd

- (1) Rhaid gweithredu'r cwricwlwm mabwysiedig mewn ffordd sy'n sicrhau addysgu a dysgu i bob plentyn –
 - (a) sy'n cwmpasu'r meysydd dysgu a phrofiad (gan gynnwys yr elfennau mandadol o fewn y meysydd hynny), a
 - (b) sy'n datblygu'r sgiliau trawsgwricwlaidd mandadol.
- (2) Rhaid i'r addysgu a dysgu a sicrhau i blentyn o dan is-adran (1), mewn cysylltiad ag elfen fandadol Addysg Cydberthynas a Rhywioldeb, fod yn addas ar gyfer cyfnod datblygu'r plentyn.

PENNOD 4

GWEITHREDU CWRICWLWM: EITHRIADAU

37 Cyflwyniad

- (1) Mae'r Bennod hon yn nodi eithriadau i'r dyletswyddau gweithredu cwricwlwm ym Mhennod 3.
- (2) Mae adran 26 yn esbonio ystyr ymadroddion penodol a ddefnyddir yn y Bennod hon.

38 Gwaith datblygu ac arbrofion

- (1) Caiff Gweinidogion Cymru roi cyfarwyddyd o dan yr adran hon er mwyn ei gwneud yn bosibl gwneud gwaith datblygu neu gynnal arbrofion.
- (2) Caniateir rhoi cyfarwyddyd mewn perthynas –
 - (a) ag ysgol a bennir yn y cyfarwyddyd;
 - (b) ag ysgolion o ddisgrifiad a bennir yn y cyfarwyddyd;
 - (c) ag addysg feithrin a gyllidir ond nas cynhelir o ddisgrifiad a bennir yn y cyfarwyddyd.
- (3) Rhaid rhoi cyfarwyddyd a roddir mewn perthynas ag ysgol –
 - (a) i bennaeth a chorff llywodraethu'r ysgol, a
 - (b) i'r awdurdod lleol sy'n cynnal yr ysgol (oni bai bod yr ysgol yn ysgol sefydledig neu'n ysgol wirfoddol a gynorthwyr).
- (4) Caiff cyfarwyddyd a roddir mewn perthynas ag ysgol, am gyfnod a bennir yn y cyfarwyddyd –
 - (a) datgymhwyso adrannau 27, 28, 29 a 30, neu unrhyw un neu ragor o'r adrannau hynny, mewn perthynas â'r ysgol;

- (a) enables each child to develop in the ways described in the four purposes,
- (b) secures teaching and learning that offers appropriate progression for each child,
- (c) is suitable for each child's age, ability and aptitude,
- (d) takes account of each child's additional learning needs (if any), and
- (e) secures broad and balanced teaching and learning for each child.

36 Requirements relating to areas of learning and experience and cross-curricular skills

- (1) The adopted curriculum must be implemented in a way that secures teaching and learning for each child that –
 - (a) encompasses the areas of learning and experience (including the mandatory elements within those areas), and
 - (b) develops the mandatory cross-curricular skills.
- (2) Teaching and learning secured for a child under subsection (1) in respect of the mandatory element of Relationships and Sexuality Education must be suitable for the child's stage of development.

CHAPTER 4

CURRICULUM IMPLEMENTATION: EXCEPTIONS

37 Introduction

- (1) This Chapter sets out exceptions to the curriculum implementation duties in Chapter 3.
- (2) Section 26 explains the meaning of certain expressions used in this Chapter.

38 Development work and experiments

- (1) The Welsh Ministers may give a direction under this section in order to enable development work or experiments to be carried out.
- (2) A direction may be given in relation to –
 - (a) a school specified in the direction;
 - (b) schools of a description specified in the direction;
 - (c) funded non-maintained nursery education of a description specified in the direction.
- (3) A direction given in relation to a school must be given –
 - (a) to the head teacher and the governing body of the school, and
 - (b) to the local authority that maintains the school (unless the school is a foundation or voluntary aided school).
- (4) A direction given in relation to a school may, for a period specified in the direction –
 - (a) disapply sections 27, 28, 29 and 30, or any of those sections, in relation to the school;

- (b) darparu bod adrannau 27, 28, 29 a 30, neu unrhyw un neu ragor o'r adrannau hynny, yn gymwys mewn perthynas â'r ysgol gyda'r addasiadau a bennir yn y cyfarwyddyd.
- (5) Caiff cyfarwyddyd a roddir mewn perthynas ag ysgol hefyd ei gwneud yn ofynnol –
- (a) i bennaeth a chorff llywodraethu'r ysgol, a
- (b) i'r awdurdod lleol sy'n cynnal yr ysgol (oni bai bod yr ysgol yn ysgol sefydledig neu'n ysgol wirfoddol a gynorthwyr),
- adrodd i Weinidogion Cymru am unrhyw faterion a bennir yn y cyfarwyddyd ar adegau neu ysbeidiau a bennir yn y cyfarwyddyd.
- (6) Rhaid rhoi cyfarwyddyd a roddir mewn perthynas ag addysg feithrin a gyllidir ond nas cynhelir –
- (a) i ddarparwr yr addysg, a
- (b) i'r awdurdod lleol sy'n sicrhau'r addysg.
- (7) Caiff cyfarwyddyd a roddir mewn perthynas ag addysg feithrin a gyllidir ond nas cynhelir, am gyfnod a bennir yn y cyfarwyddyd –
- (a) datgymhwyso adrannau 34, 35 a 36, neu unrhyw un neu ragor o'r adrannau hynny, mewn perthynas â'r addysg honno;
- (b) darparu bod adrannau 34, 35 a 36, neu unrhyw un neu ragor o'r adrannau hynny, yn gymwys mewn perthynas â'r addysg honno gyda'r addasiadau a bennir yn y cyfarwyddyd.
- (8) Caiff cyfarwyddyd a roddir mewn perthynas ag addysg feithrin a gyllidir ond nas cynhelir hefyd ei gwneud yn ofynnol –
- (a) i ddarparwr yr addysg, a
- (b) i'r awdurdod lleol sy'n sicrhau'r addysg,
- adrodd i Weinidogion Cymru am unrhyw faterion a bennir yn y cyfarwyddyd ar adegau neu ysbeidiau a bennir yn y cyfarwyddyd.
- (9) Rhaid i berson y rhoddir cyfarwyddyd iddo o dan yr adran hon gydymffurfio â'r cyfarwyddyd.

39 Gwaith datblygu ac arbrofion: amodau

- (1) Dim ond os yw'r amodau yn yr adran hon wedi eu bodloni y caiff Gweinidogion Cymru roi cyfarwyddyd o dan adran 38.
- (2) Yr amod cyntaf yw bod Gweinidogion Cymru wedi eu bodloni y bydd y cwricwlwm a gaiff ei weithredu i'r disgyblion neu'r plant o ganlyniad i'r cyfarwyddyd –
- (a) yn galluogi pob disgybl neu blentyn i ddatblygu yn y ffyrdd a ddisgrifir yn y pedwar diben,
- (b) yn sicrhau addysgu a dysgu sy'n cynnig cynnydd priodol ar gyfer pob disgybl neu blentyn,
- (c) yn addas ar gyfer oedran, gallu a dawn pob disgybl neu blentyn,
- (d) yn ystyried anghenion dysgu ychwanegol pob disgybl neu blentyn (os oes rhai), ac

- (b) provide that sections 27, 28, 29 and 30, or any of those sections, apply in relation to the school with the modifications specified in the direction.
- (5) A direction given in relation to a school may also require –
- (a) the head teacher and the governing body of the school, and
 - (b) the local authority that maintains the school (unless the school is a foundation or voluntary aided school),
- to report to the Welsh Ministers on any matters specified in the direction at times or intervals specified in the direction.
- (6) A direction given in relation to funded non-maintained nursery education must be given to –
- (a) the provider of the education, and
 - (b) the local authority that secures the education.
- (7) A direction given in relation to funded non-maintained nursery education may, for a period specified in the direction –
- (a) disapply sections 34, 35 and 36, or any of those sections, in relation to that education;
 - (b) provide that sections 34, 35 and 36, or any of those sections, apply in relation to that education with the modifications specified in the direction.
- (8) A direction given in relation to funded non-maintained nursery education may also require –
- (a) the provider of the education, and
 - (b) the local authority that secures the education,
- to report to the Welsh Ministers on any matters specified in the direction at times or intervals specified in the direction.
- (9) A person to whom a direction is given under this section must comply with the direction.

39 Development work and experiments: conditions

- (1) The Welsh Ministers may give a direction under section 38 only if the conditions in this section are met.
- (2) The first condition is that the Welsh Ministers are satisfied that the curriculum that will be implemented for the pupils or children as a result of the direction will –
 - (a) enable each pupil or child to develop in the ways described in the four purposes,
 - (b) secure teaching and learning that offers appropriate progression for each pupil or child,
 - (c) be suitable for each pupil or child's age, ability and aptitude,
 - (d) take account of each pupil's or child's additional learning needs (if any), and

- (e) yn sicrhau addysgu a dysgu eang a chytbwys i bob disgybl neu blentyn.
- (3) Yr ail amod, yn achos cyfarwyddyd sy'n ymwneud ag ysgol gymunedol, ysgol wirfoddol a reolir, ysgol arbennig gymunedol neu ysgol feithrin a gynhelir, yw bod y cyfarwyddyd yn cael ei roi –
- ar gais a wneir gan y corff llywodraethu gyda chytundeb yr awdurdod lleol,
 - ar gais a wneir gan yr awdurdod lleol gyda chytundeb y corff llywodraethu, neu
 - ar gynnig a wneir gan Weinidogion Cymru gyda chytundeb y corff llywodraethu a'r awdurdod lleol.
- (4) Yr ail amod, yn achos cyfarwyddyd sy'n ymwneud ag ysgol sefydledig neu ysgol wirfoddol a gynorthwyir, yw bod y cyfarwyddyd yn cael ei roi –
- ar gais a wneir gan y corff llywodraethu, neu
 - gyda chytundeb y corff llywodraethu.
- (5) Yr ail amod, yn achos cyfarwyddyd sy'n ymwneud ag addysg feithrin a gyllidir ond nas cynhelir, yw bod y cyfarwyddyd yn cael ei roi –
- ar gais a wneir gan yr awdurdod lleol gyda chytundeb darparwr yr addysg, neu
 - ar gynnig a wneir gan Weinidogion Cymru gyda chytundeb yr awdurdod lleol a darparwr yr addysg.
- (6) Yn yr adran hon –
- mae cyfeiriadau at yr awdurdod lleol, mewn perthynas ag ysgol, yn gyfeiriadau at yr awdurdod lleol sy'n cynnal yr ysgol;
 - mae cyfeiriadau at yr awdurdod lleol, mewn perthynas ag addysg feithrin a gyllidir ond nas cynhelir, yn gyfeiriadau at yr awdurdod lleol sy'n sicrhau'r addysg.

40 Gwaith datblygu ac arbrofion: atodol

- Mae'r adran hon yn gymwys mewn perthynas â chyfarwyddyd a roddir o dan adran 38.
- Rhaid rhoi'r cyfarwyddyd yn ysgrifenedig.
- Rhaid i Weinidogion Cymru gyhoeddi'r cyfarwyddyd.
- Pan fo'r cyfarwyddyd yn ymwneud ag ysgol –
 - rhaid i bennaeth a chorff llywodraethu'r ysgol gyhoeddi crynodeb o'r cwricwlwm a gaiff ei weithredu o ganlyniad i'r cyfarwyddyd, a
 - nid yw adran 12 yn gymwys mewn perthynas â'r ysgol ond i'r graddau y mae arfer swyddogaethau o dan yr adran honno yn gydnaws â'r cyfarwyddyd.
- Pan fo'r cyfarwyddyd yn ymwneud ag addysg feithrin a gyllidir ond nas cynhelir –
 - rhaid i ddarparwr yr addysg gyhoeddi crynodeb o'r cwricwlwm a gaiff ei weithredu o ganlyniad i'r cyfarwyddyd, a
 - nid yw adran 16 yn gymwys mewn perthynas â'r addysg ond i'r graddau y mae arfer swyddogaethau o dan yr adran honno yn gydnaws â'r cyfarwyddyd.

- (e) secure broad and balanced teaching and learning for each pupil or child.
- (3) The second condition, in the case of a direction relating to a community school, voluntary controlled school, community special school or maintained nursery school, is that the direction is given—
 - (a) on an application made by the governing body with the local authority's agreement,
 - (b) on an application made by the local authority with the governing body's agreement, or
 - (c) on a proposal made by the Welsh Ministers with the agreement of the governing body and the local authority.
- (4) The second condition, in the case of a direction relating to a foundation school or voluntary aided school, is that the direction is given—
 - (a) on an application made by the governing body, or
 - (b) with the governing body's agreement.
- (5) The second condition, in the case of a direction relating to funded non-maintained nursery education, is that the direction is given—
 - (a) on an application made by the local authority with the agreement of the provider of the education, or
 - (b) on a proposal made by the Welsh Ministers with the agreement of the local authority and the provider of the education.
- (6) In this section—
 - (a) references to the local authority, in relation to a school, are to the local authority that maintains the school;
 - (b) references to the local authority, in relation to funded non-maintained nursery education, are to the local authority that secures the education.

40 Development work and experiments: supplementary

- (1) This section applies in relation to a direction given under section 38.
- (2) The direction must be given in writing.
- (3) The Welsh Ministers must publish the direction.
- (4) Where the direction relates to a school—
 - (a) the head teacher and governing body of the school must publish a summary of the curriculum that will be implemented as a result of the direction, and
 - (b) section 12 applies in relation to the school only to the extent that the exercise of functions under that section is compatible with the direction.
- (5) Where the direction relates to funded non-maintained nursery education—
 - (a) the provider of the education must publish a summary of the curriculum that will be implemented as a result of the direction, and
 - (b) section 16 applies in relation to the education only to the extent that the exercise of functions under that section is compatible with the direction.

41 Disgyblion a phlant ag anghenion dysgu ychwanegol

- (1) Caiff y ddarpariaeth ddysgu ychwanegol a ddisgrifir mewn cynllun datblygu unigol a lunnir neu a gynhelir gan awdurdod lleol o dan Ran 2 o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (dccc 2) gynnwys darpariaeth—
 - (a) sy'n datgymhwyso adrannau 27, 28, 29 a 30, neu unrhyw un neu ragor o'r adrannau hynny, mewn perthynas â disgybl;
 - (b) sy'n cymhwyso adrannau 27, 28, 29 a 30, neu unrhyw un neu ragor o'r adrannau hynny, mewn perthynas â disgybl gyda'r addasiadau a bennir yn y cynllun;
 - (c) sy'n datgymhwyso adrannau 34, 35 a 36, neu unrhyw un neu ragor o'r adrannau hynny, mewn perthynas â phlentyn;
 - (d) sy'n cymhwyso adrannau 34, 35 a 36, neu unrhyw un neu ragor o'r adrannau hynny, mewn perthynas â phlentyn gyda'r addasiadau a bennir yn y cynllun.
- (2) Caiff y ddarpariaeth addysgol arbennig a bennir mewn cynllun AIG o dan adran 37 o Ddeddf Plant a Theuluoedd 2014 (p. 6) (cynlluniau addysg, iechyd a gofal) gynnwys darpariaeth—
 - (a) sy'n datgymhwyso adrannau 27, 28, 29 a 30, neu unrhyw un neu ragor o'r adrannau hynny, mewn perthynas â disgybl;
 - (b) sy'n cymhwyso adrannau 27, 28, 29 a 30, neu unrhyw un neu ragor o'r adrannau hynny, mewn perthynas â disgybl gyda'r addasiadau a bennir yn y cynllun;
 - (c) sy'n datgymhwyso adrannau 34, 35 a 36, neu unrhyw un neu ragor o'r adrannau hynny, mewn perthynas â phlentyn;
 - (d) sy'n cymhwyso adrannau 34, 35 a 36, neu unrhyw un neu ragor o'r adrannau hynny, mewn perthynas â phlentyn gyda'r addasiadau a bennir yn y cynllun.
- (3) Ond ni chaiff cynllun datblygu unigol neu gynllun AIG gynnwys darpariaeth y cyfeirir ati yn is-adran (1) neu (2) oni bai bod yr awdurdod lleol wedi ei fodloni y bydd y cwricwlwm a gaiff ei weithredu i'r plentyn o ganlyniad i'r datgymhwyso neu'r addasu—
 - (a) yn galluogi'r disgybl neu'r plentyn i ddatblygu yn y ffyrdd a ddisgrifir yn y pedwar diben,
 - (b) yn sicrhau addysgu a dysgu sy'n cynnig cynnydd priodol ar gyfer y disgybl neu'r plentyn,
 - (c) yn addas ar gyfer oedran, gallu a dawn y disgybl neu'r plentyn, a
 - (d) yn sicrhau addysgu a dysgu eang a chytbwys i'r disgybl neu'r plentyn.
- (4) Caiff rheoliadau bennu amodau pellach y mae rhaid eu bodloni cyn y caiff cynllun datblygu unigol neu gynllun AIG gynnwys darpariaeth y cyfeirir ati yn is-adran (1) neu (2).
- (5) Yn yr adran hon, mae'r cyfeiriad at yr awdurdod lleol yn gyfeiriad at yr awdurdod lleol sy'n llunio neu'n cynnal y cynllun datblygu unigol neu sy'n sicrhau bod y cynllun AIG yn cael ei lunio, ei ddiwygio neu ei ddisodli.

41 Pupils and children with additional learning needs

- (1) The additional learning provision described in an individual development plan prepared or maintained by a local authority under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2) may include provision—
 - (a) that disapplies sections 27, 28, 29 and 30, or any of those sections, in relation to a pupil;
 - (b) that applies sections 27, 28, 29 and 30, or any of those sections, in relation to a pupil with the modifications specified in the plan;
 - (c) that disapplies sections 34, 35 and 36, or any of those sections, in relation to a child;
 - (d) that applies sections 34, 35 and 36, or any of those sections, in relation to a child with the modifications specified in the plan.
- (2) The special educational provision specified in an EHC plan under section 37 of the Children and Families Act 2014 (c. 6) (education, health and care plans) may include provision—
 - (a) that disapplies sections 27, 28, 29 and 30, or any of those sections, in relation to a pupil;
 - (b) that applies sections 27, 28, 29 and 30, or any of those sections, in relation to a pupil with the modifications specified in the plan;
 - (c) that disapplies sections 34, 35 and 36, or any of those sections, in relation to a child;
 - (d) that applies sections 34, 35 and 36, or any of those sections, in relation to a child with the modifications specified in the plan.
- (3) But an individual development plan or EHC plan may include provision referred to in subsection (1) or (2) only if the local authority is satisfied that the curriculum that will be implemented for the child as a result of the disapplication or modification will—
 - (a) enable the pupil or child to develop in the ways described in the four purposes,
 - (b) secure teaching and learning that offers appropriate progression for the pupil or child,
 - (c) be suitable for the pupil or child's age, ability and aptitude, and
 - (d) secure broad and balanced teaching and learning for the pupil or child.
- (4) Regulations may specify further conditions that must be satisfied before an individual development plan or EHC plan may include provision referred to in subsection (1) or (2).
- (5) In this section, the reference to the local authority is to the local authority that prepares or maintains the individual development plan or that secures the preparation, amendment or replacement of the EHC plan.

42 Eithriadau dros dro ar gyfer disgyblion a phlant unigol

- (1) Caiff rheoliadau alluogi pennaeth ysgol a gynhelir neu ysgol feithrin a gynhelir i benderfynu, mewn achosion neu o dan amgylchiadau a bennir yn y rheoliadau –
 - (a) bod adrannau 27, 28, 29 a 30, neu unrhyw un neu ragor o'r adrannau hynny, i'w datgymhwyso mewn perthynas â disgybl cofrestredig yn yr ysgol yn ystod y cyfnod a bennir yn y penderfyniad, neu
 - (b) bod adrannau 27, 28, 29 a 30, neu unrhyw un neu ragor o'r adrannau hynny, i'w cymhwyso mewn perthynas â disgybl cofrestredig yn yr ysgol, yn ystod y cyfnod a bennir yn y penderfyniad, gyda'r addasiadau a bennir yn y penderfyniad.
- (2) Caiff rheoliadau alluogi darparwr addysg feithrin a gyllidir ond nas cynhelir i benderfynu, mewn achosion neu o dan amgylchiadau a bennir yn y rheoliadau –
 - (a) bod adrannau 34, 35 a 36, neu unrhyw un neu ragor o'r adrannau hynny, i'w datgymhwyso, yn ystod y cyfnod a bennir yn y penderfyniad, mewn perthynas â phlentyn y darperir yr addysg ar ei gyfer, neu
 - (b) bod adrannau 34, 35 a 36, neu unrhyw un neu ragor o'r adrannau hynny, i'w cymhwyso mewn perthynas â phlentyn o'r fath, yn ystod y cyfnod a bennir yn y penderfyniad, gyda'r addasiadau a bennir yn y penderfyniad.
- (3) Os gwneir rheoliadau o dan yr adran hon, rhaid iddynt ddarparu na chaiff person wneud penderfyniad o dan y rheoliadau oni bai ei fod wedi ei fodloni y bydd y cwricwlwm a gaiff ei weithredu i'r disgybl neu'r plentyn o ganlyniad i'r penderfyniad –
 - (a) yn galluogi'r disgybl neu'r plentyn i ddatblygu yn y ffyrdd a ddisgrifir yn y pedwar diben,
 - (b) yn sicrhau addysgu a dysgu sy'n cynnig cynnydd priodol ar gyfer pob disgybl neu blentyn,
 - (c) yn addas ar gyfer oedran, gallu a dawn y disgybl neu'r plentyn,
 - (d) yn ystyried anghenion dysgu ychwanegol y disgybl neu'r plentyn (os oes rhai), ac
 - (e) yn sicrhau addysgu a dysgu eang a chytbwys i'r disgybl neu'r plentyn.
- (4) Caiff rheoliadau a wneir o dan yr adran hon bennu amodau pellach y mae rhaid eu bodloni cyn y caniateir i benderfyniad gael ei wneud o dan y rheoliadau.

43 Eithriadau dros dro ar gyfer disgyblion a phlant unigol: atodol

- (1) Mae'r adran hon yn gwneud darpariaeth bellach ynghylch rheoliadau a wneir o dan adran 42.
- (2) Ni chaiff y rheoliadau ganiatáu i benderfyniad gael ei wneud o dan y rheoliadau ar y sail bod gan ddisgybl neu blentyn anghenion dysgu ychwanegol neu y gall fod ganddo anghenion dysgu ychwanegol (gweler, yn hytrach, adran 41).
- (3) Rhaid i'r rheoliadau bennu bod cyfnod gweithredol penderfyniad a wneir o dan y rheoliadau naill ai –
 - (a) yn gyfnod penodol a bennir yn y penderfyniad nad yw'n hwy na 6 mis, neu
 - (b) yn gyfnod y mae rhaid dod ag ef i ben (yn unol â'r rheoliadau) heb fod yn hwyrach na 6 mis i'w ddechrau.

42 Temporary exceptions for individual pupils and children

- (1) Regulations may enable the head teacher of a maintained school or maintained nursery school to determine, in cases or circumstances specified in the regulations –
 - (a) that sections 27, 28, 29 and 30, or any of those sections, are to be disapplied in relation to a registered pupil at the school during the period specified in the determination, or
 - (b) that sections 27, 28, 29 and 30, or any of those sections, are to be applied in relation to a registered pupil at the school, during the period specified in the determination, with the modifications specified in the determination.
- (2) Regulations may enable a provider of funded non-maintained nursery education to determine, in cases or circumstances specified in the regulations –
 - (a) that sections 34, 35 and 36, or any of those sections, are to be disapplied, during the period specified in the determination, in relation to a child for whom the education is provided, or
 - (b) that sections 34, 35 and 36, or any of those sections, are to be applied in relation to such a child, during the period specified in the determination, with the modifications specified in the determination.
- (3) If regulations are made under this section, they must provide that a person may make a determination under the regulations only if satisfied that the curriculum that will be implemented for the pupil or child as a result of the determination will –
 - (a) enable the pupil or child to develop in the ways described in the four purposes,
 - (b) secure teaching and learning that offers appropriate progression for each pupil or child,
 - (c) be suitable for the pupil or child’s age, ability and aptitude,
 - (d) take account of the pupil’s or child’s additional learning needs (if any), and
 - (e) secure broad and balanced teaching and learning for the pupil or child.
- (4) Regulations made under this section may specify further conditions that must be met before a determination may be made under the regulations.

43 Temporary exceptions for individual pupils and children: supplementary

- (1) This section makes further provision about regulations made under section 42.
- (2) The regulations must not allow a determination to be made under the regulations on the grounds that a pupil or child has, or may have, additional learning needs (see, instead, section 41).
- (3) The regulations must specify that that the operative period of a determination made under the regulations is either –
 - (a) a fixed period specified in the determination that does not exceed 6 months, or
 - (b) a period that must be brought to an end (in accordance with the regulations) no later than 6 months from its beginning.

- (4) Ond caiff y rheoliadau bennu cyfnod gweithredol gwahanol ar gyfer penderfyniad os yw'r cyfnod gweithredol hwnnw i ddechrau –
 - (a) yn union ar ôl diwedd cyfnod gweithredol penderfyniad blaenorol, neu
 - (b) cyn diwedd cyfnod, a bennir yn y rheoliadau, sy'n dechrau â diwedd cyfnod gweithredol penderfyniad blaenorol.
- (5) Caiff y rheoliadau alluogi person sy'n gwneud penderfyniad o dan y rheoliadau –
 - (a) i amrywio'r penderfyniad, ac eithrio mewn perthynas â'i gyfnod gweithredol, neu
 - (b) i ddirymu'r penderfyniad.
- (6) Caiff y rheoliadau bennu –
 - (a) ym mha achosion neu o dan ba amgylchiadau y caniateir amrywio neu ddirymu penderfyniad a wneir o dan y rheoliadau;
 - (b) amodau y mae rhaid eu bodloni cyn y caniateir amrywio neu ddirymu penderfyniad a wneir o dan y rheoliadau.
- (7) Yn yr adran hon, ystyr "cyfnod gweithredol" penderfyniad yw'r cyfnod y mae'r penderfyniad yn cael effaith ar ei gyfer.

44 Darparu gwybodaeth am eithriadau dros dro

- (1) Rhaid i bennaeth sy'n gwneud, yn amrywio neu'n dirymu penderfyniad o dan reoliadau a wneir o dan adran 42 roi'r wybodaeth a ddisgrifir yn is-adrannau (3) a (4), yn ysgrifenedig, i –
 - (a) y disgybl y mae'r penderfyniad yn ymwneud ag ef,
 - (b) rhiant y disgybl,
 - (c) corff llywodraethu'r ysgol, a
 - (d) yr awdurdod lleol sy'n cynnal yr ysgol.
- (2) Rhaid i ddarparwr addysg feithrin a gyllidir ond nas cynhelir sy'n gwneud, yn amrywio neu'n dirymu penderfyniad o dan reoliadau a wneir o dan adran 42 roi'r wybodaeth a ddisgrifir yn is-adrannau (3) a (4), yn ysgrifenedig, i –
 - (a) rhiant y plentyn y mae'r penderfyniad yn ymwneud ag ef, a
 - (b) yr awdurdod lleol sy'n sicrhau'r addysg.
- (3) Yr wybodaeth yw –
 - (a) y ffaith bod y penderfyniad wedi ei wneud, ei amrywio neu ei ddirymu;
 - (b) effaith y penderfyniad, yr amrywiad neu'r dirymiad;
 - (c) y rhesymau dros wneud, amrywio neu ddirymu'r penderfyniad;
 - (d) gwybodaeth am –
 - (i) yr hawl i wneud apêl o dan adran 45 (yn achos penderfyniad sy'n ymwneud â disgybl);
 - (ii) yr hawl i wneud apêl o dan adran 46 (yn achos penderfyniad sy'n ymwneud ag unrhyw blentyn arall).

- (4) But the regulations may specify a different operative period for a determination if that operative period is to begin –
 - (a) immediately after the end of the operative period of a previous determination, or
 - (b) before the end of a period, specified in the regulations, that begins with the end of the operative period of a previous determination.
- (5) The regulations may enable a person who makes a determination under the regulations –
 - (a) to vary the determination, except in relation to its operative period, or
 - (b) to revoke the determination.
- (6) The regulations may specify –
 - (a) cases or circumstances in which a determination made under the regulations may be varied or revoked;
 - (b) conditions which must be met before a determination made under the regulations may be varied or revoked.
- (7) In this section, the “operative period” of a determination means the period for which the determination has effect.

44 Provision of information about temporary exceptions

- (1) A head teacher who makes, varies or revokes a determination under regulations made under section 42 must give the information described in subsections (3) and (4), in writing, to –
 - (a) the pupil to whom the determination relates,
 - (b) the pupil’s parent,
 - (c) the governing body of the school, and
 - (d) the local authority that maintains the school.
- (2) A provider of funded non-maintained nursery education who makes, varies or revokes a determination under regulations made under section 42 must give the information described in subsections (3) and (4), in writing, to –
 - (a) the parent of the child to whom the determination relates, and
 - (b) the local authority that secures the education.
- (3) The information is –
 - (a) the fact that the determination has been made, varied or revoked;
 - (b) the effect of the determination, variation or revocation;
 - (c) the reasons for making, varying or revoking the determination;
 - (d) information about –
 - (i) the right to make an appeal under section 45 (in the case of a determination that relates to a pupil);
 - (ii) the right to make an appeal under section 46 (in the case of a determination that relates to any other child).

- (4) Pan fo penderfyniad wedi ei wneud neu ei amrywio, rhaid i'r wybodaeth hefyd gynnwys—
- (a) disgrifiad o'r ddarpariaeth a wneir ar gyfer addysg y disgybl neu'r plentyn yn ystod y cyfnod a bennir yn y penderfyniad;
 - (b) disgrifiad o'r ffordd y mae'r pennaeth neu'r darparwr yn bwriadu sicrhau bod y cwricwlwm mabwysiedig yn cael ei weithredu i'r disgybl neu'r plentyn ar ddiwedd y cyfnod hwnnw.
- (5) Nid yw'r ddyletswydd yn is-adran (1)(a) yn gymwys os yw'r pennaeth yn ystyried nad oes gan y disgybl y galluedd i ddeall—
- (a) yr wybodaeth a roddid, neu
 - (b) yr hyn y mae'n ei olygu i arfer yr hawl a roddir gan adran 45.

45 **Apelau am eithriadau dros dro ar gyfer disgyblion unigol**

- (1) Mae'r adran hon yn gymwys—
- (a) pan fo pennaeth ysgol yn gwneud, yn amrywio neu'n dirymu penderfyniad sy'n ymwneud â disgybl o dan reoliadau a wneir o dan adran 42, neu
 - (b) pan fo disgybl, neu riant disgybl, yn gofyn i bennaeth ysgol wneud penderfyniad o dan y rheoliadau hynny mewn perthynas â'r disgybl, ond pan na fo penderfyniad wedi ei wneud.
- (2) Caiff pob un o'r canlynol apelio i gorff llywodraethu'r ysgol—
- (a) y disgybl;
 - (b) rhiant y disgybl.
- (3) Nid yw is-adran (2)(a) yn gymwys os yw'r corff llywodraethu yn ystyried nad oes gan y disgybl o dan sylw y galluedd i ddeall yr hyn y mae'n ei olygu i arfer yr hawl a roddir gan yr adran hon.
- (4) Os gwneir apêl o dan yr adran hon, caiff y corff llywodraethu—
- (a) cyfarwyddo'r pennaeth, yn ysgrifenedig, i gymryd y camau gweithredu y mae'n ystyried eu bod yn briodol mewn cysylltiad â'r penderfyniad y cyfeirir ato yn is-adran (1)(a) neu'r cais y cyfeirir ato yn is-adran (1)(b), neu
 - (b) hysbysu'r pennaeth, yn ysgrifenedig, na roddir unrhyw gyfarwyddyd o'r fath.
- (5) Rhaid i'r corff llywodraethu roi hysbysiad ysgrifenedig o'i benderfyniad—
- (a) i'r disgybl, a
 - (b) i riant y disgybl.
- (6) Nid yw is-adran (5)(a) yn gymwys os yw'r corff llywodraethu yn ystyried nad oes gan y disgybl o dan sylw y galluedd i ddeall yr wybodaeth a roddid.
- (7) Rhaid i'r pennaeth gydymffurfio â chyfarwyddyd a roddir o dan is-adran (4).
- (8) Caiff rheoliadau wneud darpariaeth bellach mewn cysylltiad ag apelau o dan yr adran hon.

- (4) Where a determination is made or varied, the information must also include –
 - (a) a description of the provision that will be made for the pupil or child's education during the period specified in the determination;
 - (b) a description of the way in which the head teacher or provider proposes to ensure that the adopted curriculum is implemented for the pupil or child at the end of that period.
- (5) The duty in subsection (1)(a) does not apply if the head teacher considers that the pupil does not have the capacity to understand –
 - (a) the information that would be given, or
 - (b) what it means to exercise the right conferred by section 45.

45 Appeals about temporary exceptions for individual pupils

- (1) This section applies where –
 - (a) the head teacher of a school makes, varies or revokes a determination relating to a pupil under regulations made under section 42, or
 - (b) a pupil, or a pupil's parent, asks the head teacher of a school to make a determination under those regulations in relation to the pupil, but no determination is made.
- (2) Each of the following may appeal to the governing body of the school –
 - (a) the pupil;
 - (b) the pupil's parent.
- (3) Subsection (2)(a) does not apply if the governing body considers that the pupil in question does not have the capacity to understand what it means to exercise the right conferred by this section.
- (4) If an appeal is made under this section, the governing body may –
 - (a) direct the head teacher, in writing, to take the action that it considers appropriate in respect of the determination referred to in subsection (1)(a) or the request referred to in subsection (1)(b), or
 - (b) inform the head teacher, in writing, that no such direction will be given.
- (5) The governing body must give written notice of its decision to –
 - (a) the pupil, and
 - (b) the pupil's parent.
- (6) Subsection (5)(a) does not apply if the governing body considers that the pupil in question does not have the capacity to understand the information that would be given.
- (7) The head teacher must comply with a direction given under subsection (4).
- (8) Regulations may make further provision in connection with appeals under this section.

46 Apelau am eithriadau dros dro ar gyfer plant unigol

- (1) Mae'r adran hon yn gymwys –
 - (a) pan fo darparwr addysg feithrin a gyllidir ond nas cynhelir yn gwneud, yn amrywio neu'n dirymu penderfyniad o dan reoliadau a wneir o dan adran 42 mewn perthynas â phlentyn y darperir yr addysg ar ei gyfer, neu
 - (b) pan fo rhiant plentyn y darperir addysg feithrin a gyllidir ond nas cynhelir ar ei gyfer yn gofyn i ddarparwr yr addysg gwneud penderfyniad o dan y rheoliadau hynny mewn perthynas â'r plentyn, ond pan na fo penderfyniad wedi ei gwneud.
- (2) Caiff rhiant y plentyn apelio i'r awdurdod lleol sydd wedi sicrhau'r addysg.
- (3) Os gwneir apêl o dan yr adran hon, caiff yr awdurdod lleol –
 - (a) cyfarwyddo'r darparwr, yn ysgrifenedig, i gymryd y camau gweithredu y mae'r awdurdod lleol yn ystyried eu bod yn briodol mewn cysylltiad â'r penderfyniad y cyfeirir ato yn is-adran (1)(a) neu'r cais y cyfeirir ato yn is-adran (1)(b), neu
 - (b) hysbysu'r darparwr, yn ysgrifenedig, na roddir unrhyw gyfarwyddyd o'r fath.
- (4) Rhaid i'r awdurdod lleol roi hysbysiad ysgrifenedig o'i benderfyniad i riant y plentyn.
- (5) Rhaid i'r darparwr gydymffurfio â chyfarwyddyd a roddir o dan is-adran (3).
- (6) Caiff rheoliadau gwneud darpariaeth bellach mewn cysylltiad ag apelau o dan yr adran hon.

47 Eithriad ar gyfer disgyblion y mae trefniadau wedi eu gwneud ar eu cyfer o dan adran 19A o Ddeddf Addysg 1996

Nid yw adrannau 27, 28, 29 a 30 yn gymwys mewn perthynas â disgyblion y mae trefniadau wedi eu gwneud ar eu cyfer o dan adran 19A o Ddeddf Addysg 1996 (p. 56) (gweler, yn hytrach, Ran 3).

48 Pŵer i gwneud darpariaeth ar gyfer eithriadau pellach

- (1) Caiff rheoliadau –
 - (a) datgymhwyso adrannau 27, 28, 29 a 30, neu unrhyw un neu ragor o'r adrannau hynny, mewn achosion neu o dan amgylchiadau a bennir yn y rheoliadau;
 - (b) darparu bod adrannau 27, 28, 29 a 30, neu unrhyw un neu ragor o'r adrannau hynny, yn gymwys gyda'r addasiadau a bennir yn y rheoliadau mewn achosion neu o dan amgylchiadau a bennir yn y rheoliadau;
 - (c) datgymhwyso adrannau 34, 35 a 36 neu unrhyw un neu ragor o'r adrannau hynny, mewn achosion neu o dan amgylchiadau a bennir yn y rheoliadau;
 - (d) darparu bod adrannau 34, 35 a 36, neu unrhyw un neu ragor o'r adrannau hynny, yn gymwys gyda'r addasiadau a bennir yn y rheoliadau mewn achosion neu o dan amgylchiadau a bennir yn y rheoliadau.
- (2) Caiff rheoliadau o dan yr adran hon roi disgrisiwn i berson.

46 Appeals about temporary exceptions for individual children

- (1) This section applies where –
 - (a) a provider of funded non-maintained nursery education makes, varies or revokes a determination under regulations made under section 42 in relation to a child for whom the education is provided, or
 - (b) the parent of a child for whom funded non-maintained nursery education is provided asks the provider of the education to make a determination under those regulations in relation to the child, but no determination is made.
- (2) The child's parent may appeal to the local authority that has secured the education.
- (3) If an appeal is made under this section, the local authority may –
 - (a) direct the provider, in writing, to take the action that the local authority considers appropriate in respect of the determination referred to in subsection (1)(a) or the request referred to in subsection (1)(b), or
 - (b) inform the provider, in writing, that no such direction will be given.
- (4) The local authority must give written notice of its decision to the child's parent.
- (5) The provider must comply with a direction given under subsection (3).
- (6) Regulations may make further provision in connection with appeals under this section.

47 Exception for pupils for whom arrangements are made under section 19A of the Education Act 1996

Sections 27, 28, 29 and 30 do not apply in relation to pupils for whom arrangements are made under section 19A of the Education Act 1996 (c. 56) (see, instead, Part 3).

48 Power to make provision for further exceptions

- (1) Regulations may –
 - (a) disapply sections 27, 28, 29 and 30, or any of those sections, in cases or circumstances specified in the regulations;
 - (b) provide that sections 27, 28, 29 and 30, or any of those sections, apply with the modifications specified in the regulations in cases or circumstances specified in the regulations;
 - (c) disapply sections 34, 35 and 36, or any of those sections, in cases or circumstances specified in the regulations;
 - (d) provide that sections 34, 35 and 36, or any of those sections, apply with the modifications specified in the regulations in cases or circumstances specified in the regulations.
- (2) Regulations under this section may confer a discretion on a person.

RHAN 3**CWRICWLWM AR GYFER DARPARIAETH EITHRIADOL O ADDYSG MEWN UNEDAU CYFEIRIO DISGYBLION NEU MEWN MANNAU ERAILL***Cyffredinol***49 Cyflwyniad**

- (1) Mae'r Rhan hon yn gwneud darpariaeth ynghylch cwricwlwm ar gyfer addysg a ddarperir o dan adran 19A o Ddeddf Addysg 1996 (p. 56) (darpariaeth eithriadol o addysg mewn unedau cyfeirio disgyblion neu mewn mannau eraill: Cymru).
- (2) Mae adrannau 50 i 52 yn gymwys i addysg a ddarperir mewn unedau cyfeirio disgyblion.
- (3) Mae adrannau 53 i 55 yn gymwys i addysg a ddarperir ac eithrio mewn unedau cyfeirio disgyblion.
- (4) Mae cyfeiriadau yn y Rhan hon at ddisgyblion, mewn perthynas ag uned cyfeirio disgyblion, yn gyfeiriadau at ddisgyblion cofrestredig yn yr uned, ac eithrio'r rheini sydd dros yr oedran ysgol gorfodol.

*Unedau cyfeirio disgyblion***50 Gofynion cwricwlwm**

- (1) Rhaid i'r awdurdod lleol, y pwyllgor rheoli (os oes un) a'r athro neu'r athrawes sydd â chyfrifoldeb am uned cyfeirio disgyblion arfer eu swyddogaethau gyda golwg ar sicrhau bod cwricwlwm ar gyfer yr uned sy'n cydymffurfio â'r gofynion yn is-adrannau (2) i (5).
- (2) Y gofyniad cyntaf yw bod rhaid i'r cwricwlwm—
 - (a) galluogi disgyblion i ddatblygu yn y ffyrdd a ddisgrifir yn y pedwar diben,
 - (b) darparu ar gyfer cynnydd priodol i ddisgyblion,
 - (c) bod yn addas i ddisgyblion o oeddrannau, galluoedd a doniau gwahanol, a
 - (d) bod yn eang ac yn gytbwys, i'r graddau y mae'n briodol i ddisgyblion.
- (3) Yr ail ofyniad yw bod rhaid i'r cwricwlwm wneud darpariaeth ar gyfer addysgu a dysgu—
 - (a) sy'n cwmpasu maes dysgu a phrofiad Iechyd a Lles,
 - (b) sy'n cwmpasu elfen fandadol Addysg Cydberthynas a Rhywioldeb, ac
 - (c) sy'n datblygu'r sgiliau trawsgwricwlaidd mandadol.
- (4) Y trydydd gofyniad yw bod rhaid i'r ddarpariaeth a wneir o dan is-adran (3)(b) fod yn briodol yn ddatblygiadol i ddisgyblion.
- (5) Y pedwerydd gofyniad yw bod rhaid i'r cwricwlwm wneud darpariaeth, os yw'n rhesymol bosibl a phriodol gwneud hynny, ar gyfer addysgu a dysgu—
 - (a) yn y meysydd dysgu a phrofiad eraill, a
 - (b) yn yr elfennau mandadol eraill.

PART 3**CURRICULUM FOR EXCEPTIONAL PROVISION OF EDUCATION IN PUPIL REFERRAL UNITS OR ELSEWHERE***General***49 Introduction**

- (1) This Part makes provision about a curriculum for education provided under section 19A of the Education Act 1996 (c. 56) (exceptional provision of education at pupil referral units or elsewhere: Wales).
- (2) Sections 50 to 52 apply to education provided at pupil referral units.
- (3) Sections 53 to 55 apply to education provided otherwise than at pupil referral units.
- (4) References in this Part to pupils, in relation to a pupil referral unit, are to registered pupils at the unit, except those over compulsory school age.

*Pupil referral units***50 Curriculum requirements**

- (1) The local authority, the management committee (if there is one) and the teacher in charge of a pupil referral unit must exercise their functions with a view to ensuring that there is a curriculum for the unit that complies with the requirements in subsections (2) to (5).
- (2) The first requirement is that the curriculum must –
 - (a) enable pupils to develop in the ways described in the four purposes,
 - (b) provide for appropriate progression for pupils,
 - (c) be suitable for pupils of differing ages, abilities and aptitudes, and
 - (d) be broad and balanced, so far as is appropriate for pupils.
- (3) The second requirement is that the curriculum must make provision for teaching and learning that –
 - (a) encompasses the Health and Well-being area of learning and experience,
 - (b) encompasses the mandatory element of Relationships and Sexuality Education, and
 - (c) develops the mandatory cross-curricular skills.
- (4) The third requirement is that the provision made under subsection (3)(b) must be developmentally appropriate for pupils.
- (5) The fourth requirement is that the curriculum must make provision, if it is reasonably possible and appropriate to do so, for teaching and learning –
 - (a) in the other areas of learning and experience, and
 - (b) in the other mandatory elements.

- (6) Rhaid i'r athro neu'r athrawes sydd â chyfrifoldeb am uned cyfeirio disgyblion gyhoeddi crynodeb o'r cwricwlwm ar gyfer yr uned, neu drefnu iddo gael ei gyhoeddi.

51 Adolygu a diwygio cwricwlwm

- (1) Rhaid i'r awdurdod lleol, y pwyllgor rheoli (os oes un) a'r athro neu'r athrawes sydd â chyfrifoldeb am uned cyfeirio disgyblion –
- cadw'r cwricwlwm ar gyfer yr uned o dan adolygiad, a
 - sicrhau ei fod yn parhau i gydymffurfio â'r gofynion yn adran 50.
- (2) Wrth ystyried a yw'r cwricwlwm yn parhau i gydymffurfio â'r gofynion yn adran 50, rhaid iddynt roi sylw i wybodaeth sy'n deillio o unrhyw drefniadau asesu a weithredir ganddynt o dan reoliadau a wneir o dan adran 56.
- (3) Rhaid iddynt ddiwygio'r cwricwlwm os ydynt yn ystyried ei bod yn angenrheidiol gwneud hynny er mwyn sicrhau ei fod yn parhau i gydymffurfio â'r gofynion yn adran 50.
- (4) Cânt ddiwygio'r cwricwlwm hefyd ar unrhyw adeg y maent yn ystyried ei bod yn briodol gwneud hynny.
- (5) Os caiff y cwricwlwm ei ddiwygio, rhaid i'r athro neu'r athrawes sydd â chyfrifoldeb am yr uned gyhoeddi crynodeb o'r cwricwlwm diwygiedig, neu drefnu iddo gael ei gyhoeddi.

52 Gweithredu cwricwlwm

- (1) Rhaid i'r athro neu'r athrawes sydd â chyfrifoldeb am uned cyfeirio disgyblion sicrhau bod y cwricwlwm ar gyfer yr uned yn cael ei weithredu mewn ffordd –
- sy'n galluogi pob disgybl i ddatblygu yn y ffyrdd a ddisgrifir yn y pedwar diben,
 - sy'n sicrhau addysgu a dysgu sy'n cynnig cynnydd priodol i bob disgybl,
 - sy'n addas ar gyfer oedran, gallu a dawn pob disgybl,
 - sy'n ystyried anghenion dysgu ychwanegol pob disgybl (os oes rhai), ac
 - sy'n sicrhau addysgu a dysgu eang a chytbwys i bob disgybl.
- (2) Rhaid i'r athro neu'r athrawes sydd â chyfrifoldeb am uned cyfeirio disgyblion sicrhau bod y cwricwlwm ar gyfer yr uned yn cael ei weithredu mewn ffordd sy'n sicrhau addysgu a dysgu i bob disgybl –
- sy'n cwmpasu maes dysgu a phrofiad Iechyd a Lles,
 - sy'n cwmpasu elfen fandadol Addysg Cydberthynas a Rhywioldeb, ac
 - sy'n datblygu'r sgiliau trawsgwricwlaidd mandadol.
- (3) Rhaid i'r athro neu'r athrawes sydd â chyfrifoldeb am uned cyfeirio disgyblion sicrhau bod yr addysgu a dysgu a sicrheir o dan is-adran (2)(b) yn addas ar gyfer cyfnod datblygu pob disgybl.
- (4) Rhaid i'r athro neu'r athrawes sydd â chyfrifoldeb am uned cyfeirio disgyblion –
- ystyried pa addysgu a dysgu y byddai'n briodol ei ddarparu ar gyfer pob disgybl yn y meysydd dysgu a phrofiad eraill a'r elfennau mandadol eraill y mae'r cwricwlwm yn gwneud darpariaeth ar eu cyfer, a

- (6) The teacher in charge of a pupil referral unit must publish a summary of the curriculum for the unit, or arrange for it to be published.

51 Curriculum review and revision

- (1) The local authority, the management committee (if there is one) and the teacher in charge of a pupil referral unit must –
 - (a) keep the curriculum for the unit under review, and
 - (b) ensure that it continues to comply with the requirements in section 50.
- (2) In considering whether the curriculum continues to comply with the requirements in section 50, they must have regard to information derived from any assessment arrangements implemented by them under regulations made under section 56.
- (3) They must revise the curriculum if they consider it necessary to do so to ensure that it continues to comply with the requirements in section 50.
- (4) They may also revise the curriculum at any time they consider it appropriate to do so.
- (5) If the curriculum is revised, the teacher in charge of the unit must publish a summary of the revised curriculum, or arrange for it to be published.

52 Curriculum implementation

- (1) The teacher in charge of a pupil referral unit must ensure that the curriculum for the unit is implemented in a way that –
 - (a) enables each pupil to develop in the ways described in the four purposes,
 - (b) secures teaching and learning that offers appropriate progression for each pupil,
 - (c) is suitable for each pupil's age, ability and aptitude,
 - (d) takes account of each pupil's additional learning needs (if any), and
 - (e) secures broad and balanced teaching and learning for each pupil.
- (2) The teacher in charge of a pupil referral unit must ensure that the curriculum for the unit is implemented in a way that secures teaching and learning for each pupil that –
 - (a) encompasses the Health and Well-being area of learning and experience,
 - (b) encompasses the mandatory element of Relationships and Sexuality Education, and
 - (c) develops the mandatory cross-curricular skills.
- (3) The teacher in charge of a pupil referral unit must ensure that the teaching and learning secured under subsection (2)(b) is suitable for each pupil's stage of development.
- (4) The teacher in charge of a pupil referral unit must –
 - (a) consider what teaching and learning it would be appropriate to provide for each pupil in the other areas of learning and experience and the other mandatory elements for which the curriculum makes provision, and

- (b) sicrhau, i'r graddau y mae'n rhesymol bosibl, y darperir yr addysgu a dysgu ar gyfer y disgybl.
- (5) Rhaid i'r awdurdod lleol a'r pwyllgor rheoli (os oes un) ar gyfer uned cyfeirio disgyblion arfer eu swyddogaethau gyda golwg ar sicrhau y gweithredir y cwricwlwm ar gyfer yr uned i ddisgyblion yn unol â'r adran hon.

Addysg arall a ddarperir o dan adran 19A o Ddeddf Addysg 1996

53 Gofynion cwricwlwm

- (1) Rhaid i awdurdod lleol sy'n gwneud trefniadau o dan adran 19A o Ddeddf Addysg 1996 (p. 56) i ddarparu addysg ar gyfer plentyn ac eithrio mewn uned cyfeirio disgyblion sicrhau bod y trefniadau yn sicrhau cwricwlwm i'r plentyn sy'n cydymffurfio â'r gofynion yn is-adrannau (2) i (5).
- (2) Y gofyniad cyntaf yw bod rhaid i'r cwricwlwm—
- galluogi'r plentyn i ddatblygu yn y ffyrdd a ddisgrifir yn y pedwar diben,
 - darparu ar gyfer cynnydd priodol i'r plentyn,
 - bod yn addas ar gyfer oedran, gallu a dawn y plentyn, a
 - bod yn eang ac yn gytbwys, i'r graddau y mae'n briodol i'r plentyn.
- (3) Yr ail ofyniad yw bod rhaid i'r cwricwlwm wneud darpariaeth, i'r graddau y mae'n briodol i'r plentyn, ar gyfer addysgu a dysgu—
- sy'n cwmpasu maes dysgu a phrofiad Iechyd a Lles,
 - sy'n cwmpasu elfen fandadol Addysg Cydberthynas a Rhywioldeb, ac
 - sy'n datblygu'r sgiliau trawsgwricwlaidd mandadol.
- (4) Y trydydd gofyniad yw bod rhaid i'r ddarpariaeth a wneir o dan is-adran (3)(b) fod yn addas ar gyfer cyfnod datblygu'r plentyn.
- (5) Y pedwerydd gofyniad yw bod rhaid i'r cwricwlwm wneud darpariaeth, os yw'n rhesymol bosibl a phriodol gwneud hynny, ar gyfer addysgu a dysgu—
- yn y meysydd dysgu a phrofiad eraill, a
 - yn yr elfennau mandadol eraill.

54 Adolygu a diwygio

- (1) Rhaid i awdurdod lleol sy'n gwneud trefniadau o dan adran 19A o Ddeddf Addysg 1996 (p. 56) i ddarparu addysg ar gyfer plentyn ac eithrio mewn uned cyfeirio disgyblion—
- cadw'r trefniadau o dan adolygiad, a
 - sicrhau eu bod yn parhau i sicrhau cwricwlwm i'r plentyn sy'n cydymffurfio â'r gofynion yn adran 53.
- (2) Wrth ystyried a yw'r trefniadau yn parhau i sicrhau cwricwlwm i'r plentyn sy'n cydymffurfio â'r gofynion hynny, rhaid i'r awdurdod lleol roi sylw i wybodaeth sy'n deillio o unrhyw drefniadau asesu a weithredir mewn perthynas â'r plentyn o dan reoliadau a wneir o dan adran 56.

- (b) ensure, as far as reasonably possible, that the teaching and learning is provided for the pupil.
- (5) The local authority and the management committee (if there is one) for a pupil referral unit must exercise their functions with a view to ensuring that the curriculum for the unit is implemented for pupils in accordance with this section.

Other education provided under section 19A of the Education Act 1996

53 Curriculum requirements

- (1) A local authority that makes arrangements under section 19A of the Education Act 1996 (c. 56) to provide education for a child otherwise than at a pupil referral unit must ensure that the arrangements secure a curriculum for the child that complies with the requirements in subsections (2) to (5).
- (2) The first requirement is that the curriculum must –
 - (a) enable the child to develop in the ways described in the four purposes,
 - (b) provide for appropriate progression for the child,
 - (c) be suitable for the child’s age, ability and aptitude, and
 - (d) be broad and balanced, so far as is appropriate for the child.
- (3) The second requirement is that the curriculum must make provision, so far as is appropriate for the child, for teaching and learning that –
 - (a) encompasses the Health and Well-being area of learning and experience,
 - (b) encompasses the mandatory element of Relationships and Sexuality Education, and
 - (c) develops the mandatory cross-curricular skills.
- (4) The third requirement is that the provision made under subsection (3)(b) must be suitable for the child’s stage of development.
- (5) The fourth requirement is that the curriculum must make provision, if it is reasonably possible and appropriate to do so, for teaching and learning –
 - (a) in the other areas of learning and experience, and
 - (b) in the other mandatory elements.

54 Review and revision

- (1) A local authority that makes arrangements under section 19A of the Education Act 1996 (c. 56) to provide education for a child otherwise than at a pupil referral unit must –
 - (a) keep the arrangements under review, and
 - (b) ensure that they continue to secure a curriculum for the child that complies with the requirements in section 53.
- (2) In considering whether the arrangements continue to secure a curriculum for the child that complies with those requirements, the local authority must have regard to information derived from any assessment arrangements implemented in relation to the child under regulations made under section 56.

- (3) Rhaid i'r awdurdod lleol ddiwygio'r trefniadau os yw'n ystyried ei bod yn angenrheidiol gwneud hynny er mwyn sicrhau eu bod yn parhau i sicrhau cwricwlwm i'r plentyn sy'n parhau i gydymffurfio â'r gofynion yn adran 53.

55 Gweithredu cwricwlwm

- (1) Rhaid i awdurdod lleol sy'n gwneud trefniadau o dan adran 19A o Ddeddf Addysg 1996 (p. 56) i ddarparu addysg ar gyfer plentyn ac eithrio mewn uned cyfeirio disgyblion sicrhau bod y trefniadau yn sicrhau bod y cwricwlwm i'r plentyn yn cael ei weithredu mewn ffordd –
- sy'n galluogi'r plentyn i ddatblygu yn y ffyrdd a ddisgrifir yn y pedwar diben,
 - sy'n sicrhau addysgu a dysgu sy'n cynnig cynnydd priodol ar gyfer y plentyn,
 - sy'n addas ar gyfer oedran, gallu a dawn y plentyn,
 - sy'n ystyried anghenion dysgu ychwanegol y plentyn (os oes rhai), ac
 - sy'n sicrhau addysgu a dysgu sy'n eang ac yn gytbwys, i'r graddau y mae'n briodol i'r plentyn.
- (2) Rhaid i'r awdurdod lleol hefyd sicrhau bod y trefniadau yn sicrhau'r addysgu a dysgu y mae rhaid i'r cwricwlwm wneud darpariaeth ar ei gyfer o dan adran 53(3), (4) a (5).

RHAN 4

ASESU A CHYNNYDD

56 Dyletswydd i wneud darpariaeth ynghylch trefniadau asesu

- (1) Rhaid i reoliadau wneud darpariaeth ynghylch trefniadau asesu.
- (2) Trefniadau asesu yw trefniadau ar gyfer asesu, mewn perthynas â'r cwricwlwm perthnasol –
- y cynnydd a wnaed gan ddisgyblion a phlant,
 - y camau nesaf yn eu cynnydd, ac
 - yr addysgu a dysgu y mae ei angen i wneud y cynnydd hwnnw.
- (3) Caiff rheoliadau o dan yr adran hon (ymhlith pethau eraill) –
- ei gwneud yn ofynnol i berson perthnasol wneud a gweithredu trefniadau asesu;
 - pennu pa bryd a sut y mae'r trefniadau hynny i'w gwneud a'u gweithredu;
 - pennu'r trefniadau asesu, neu'r meini prawf y mae rhaid i'r trefniadau eu bodloni;
 - ei gwneud yn ofynnol gwerthuso effeithiolrwydd trefniadau asesu;
 - gwneud darpariaeth ynghylch sut y mae'r gwerthusiad hwnnw i'w gynnal;
 - ei gwneud yn ofynnol cadw trefniadau asesu o dan adolygiad, a'u diwygio;
 - ei gwneud yn ofynnol i berson perthnasol ddarparu gwybodaeth, fel y'i pennir yn y rheoliadau, ynghylch trefniadau asesu a wneir neu a weithredir gan y person hwnnw, ac ynghylch y materion a ddisgrifir yn is-adran (2).
- (4) Yn yr adran hon, ystyr "person perthnasol" yw –

- (3) The local authority must revise the arrangements if they consider it necessary to do so to ensure that they continue to secure a curriculum for the child that continues to comply with the requirements in section 53.

55 Curriculum implementation

- (1) A local authority that makes arrangements under section 19A of the Education Act 1996 (c. 56) to provide education for a child otherwise than at a pupil referral unit must ensure that the arrangements ensure that the curriculum for the child is implemented in a way that—
 - (a) enables the child to develop in the ways described in the four purposes,
 - (b) secures teaching and learning that offers appropriate progression for the child,
 - (c) is suitable for the child’s age, ability and aptitude,
 - (d) takes account of the child’s additional learning needs (if any), and
 - (e) secures teaching and learning that is broad and balanced, so far as is appropriate for the child.
- (2) The local authority must also ensure that the arrangements ensure the teaching and learning for which the curriculum must make provision under section 53(3), (4) and (5).

PART 4

ASSESSMENT AND PROGRESSION

56 Duty to make provision about assessment arrangements

- (1) Regulations must make provision about assessment arrangements.
- (2) Assessment arrangements are arrangements for assessing, in relation to the relevant curriculum—
 - (a) the progress made by pupils and children,
 - (b) the next steps in their progression, and
 - (c) the teaching and learning needed to make that progress.
- (3) Regulations under this section may (among other things)—
 - (a) require a relevant person to make and implement assessment arrangements;
 - (b) specify when and how those arrangements are to be made and implemented;
 - (c) specify the assessment arrangements, or criteria that the arrangements must meet;
 - (d) require the effectiveness of assessment arrangements to be evaluated;
 - (e) make provision about how that evaluation is to be carried out;
 - (f) require assessment arrangements to be kept under review, and to be revised;
 - (g) require a relevant person to provide information, as specified in the regulations, about assessment arrangements made or implemented by that person, and about the matters described in subsection (2).
- (4) In this section, “relevant person” means—

- (a) pennaeth ysgol a gynhelir neu ysgol feithrin a gynhelir;
 - (b) corff llywodraethu ysgol a gynhelir neu ysgol feithrin a gynhelir;
 - (c) darparwr addysg feithrin a gyllidir ond nas cynhelir;
 - (d) yr athro neu'r athrawes sydd â chyfrifoldeb am uned cyfeirio disgyblion;
 - (e) pwyllgor rheoli uned cyfeirio disgyblion;
 - (f) person sy'n darparu addysgu a dysgu ar gyfer plentyn ac eithrio mewn ysgol a gynhelir, ysgol feithrin a gynhelir neu uned cyfeirio disgyblion yn rhinwedd trefniadau a wneir o dan adran 19A o Ddeddf Addysg 1996 (p. 56).
- (5) Yn yr adran hon, ystyr "cwricwlwm perthnasol" –
- (a) mewn perthynas ag ysgol a gynhelir neu ysgol feithrin a gynhelir, yw'r cwricwlwm a fabwysiedir o dan adran 11 gan bennaeth a chorff llywodraethu'r ysgol (ac os caiff y cwricwlwm hwnnw ei ddiwygio o dan adran 12, ei ystyr yw'r cwricwlwm hwnnw fel y'i diwygir);
 - (b) mewn perthynas ag addysg feithrin a gyllidir ond nas cynhelir, yw'r cwricwlwm a fabwysiedir o dan adran 15 gan y person y darperir yr addysg ganddo (ac os caiff y cwricwlwm hwnnw ei ddiwygio o dan adran 16, ei ystyr yw'r cwricwlwm hwnnw fel y'i diwygir);
 - (c) mewn perthynas ag uned cyfeirio disgyblion, yw'r cwricwlwm ar gyfer yr uned y cyfeirir ato yn adran 50 (ac os caiff y cwricwlwm hwnnw ei ddiwygio o dan adran 51, ei ystyr yw'r cwricwlwm hwnnw fel y'i diwygir);
 - (d) mewn perthynas ag addysg a ddarperir ar gyfer plentyn ac eithrio mewn ysgol a gynhelir, ysgol feithrin a gynhelir neu uned cyfeirio disgyblion yn rhinwedd trefniadau a wneir o dan adran 19A o Ddeddf Addysg 1996, yw'r cwricwlwm i'r plentyn y cyfeirir ato yn adran 53.
- (6) Caiff rheoliadau o dan yr adran hon –
- (a) pennu'r trefniadau asesu sydd i'w gwneud a'u gweithredu drwy gyfeirio at ddogfen a gyhoeddir o bryd i'w gilydd gan unrhyw berson;
 - (b) gwneud darpariaeth i drefniadau asesu gael eu gweithredu yn unol â dogfen a gyhoeddir o bryd i'w gilydd gan unrhyw berson.

57 Hybu a chynnal dealltwriaeth o gynnydd

- (1) Caiff Gweinidogion Cymru gyfarwyddo person perthnasol (neu bersonau perthnasol o ddisgrifiad penodedig) i gymryd camau penodedig gyda golwg ar hybu a chynnal dealltwriaeth o gynnydd yng nghyd-destun cwricwlwm perthnasol.
- (2) Rhaid i berson perthnasol y rhoddir cyfarwyddyd iddo o dan yr adran hon gydymffurfio â'r cyfarwyddyd.
- (3) Yn yr adran hon –
 - (a) mae i "cwricwlwm perthnasol" a "person perthnasol" yr ystyr a roddir yn adran 56, a
 - (b) ystyr "penodedig" yw penodedig mewn cyfarwyddyd o dan yr adran hon.

- (a) the head teacher of a maintained school or a maintained nursery school;
 - (b) the governing body of a maintained school or a maintained nursery school;
 - (c) a provider of funded non-maintained nursery education;
 - (d) the teacher in charge of a pupil referral unit;
 - (e) the management committee of a pupil referral unit;
 - (f) a person who provides teaching and learning for a child otherwise than at a maintained school, maintained nursery school or pupil referral unit by virtue of arrangements made under section 19A of the Education Act 1996 (c. 56).
- (5) In this section, “relevant curriculum” –
- (a) in relation to a maintained school or maintained nursery school, means the curriculum adopted under section 11 by the head teacher and governing body of the school (and if that curriculum is revised under section 12, means that curriculum as revised);
 - (b) in relation to funded non-maintained nursery education, means the curriculum adopted under section 15 by the person by whom the education is provided (and if that curriculum is revised under section 16, means that curriculum as revised);
 - (c) in relation to a pupil referral unit, means the curriculum for the unit referred to in section 50 (and if that curriculum is revised under section 51, means that curriculum as revised);
 - (d) in relation to education provided for a child otherwise than at a maintained school, maintained nursery school or pupil referral unit by virtue of arrangements made under section 19A of the Education Act 1996, means the curriculum for the child referred to in section 53.
- (6) Regulations under this section may –
- (a) specify assessment arrangements to be made and implemented by reference to a document published from time to time by any person;
 - (b) make provision for assessment arrangements to be implemented in accordance with a document published from time to time by any person.

57 Promoting and maintaining understanding of progression

- (1) The Welsh Ministers may direct a relevant person (or relevant persons of a specified description) to take specified steps with a view to promoting and maintaining understanding of progression in the context of a relevant curriculum.
- (2) A relevant person to whom a direction is given under this section must comply with the direction.
- (3) In this section –
 - (a) “relevant curriculum” and “relevant person” have the meaning given in section 56, and
 - (b) “specified” means specified in a direction under this section.

RHAN 5**CWRICWLWM: ADDYSG ÔL-ORFODOL MEWN YSGOLION A GYNHELIR****58 Cyflwyniad a dehongli**

- (1) Mae'r Rhan hon yn gwneud darpariaeth ynghylch cwricwlwm i ddisgyblion cofrestredig mewn ysgolion a gynhelir sy'n hŷn na'r oedran ysgol gorfodol.
- (2) Yn y Rhan hon –
 - (a) mae cyfeiriadau at ysgol a gynhelir yn gyfeiriadau at ysgol a gynhelir y mae disgyblion sy'n hŷn na'r oedran ysgol gorfodol wedi eu cofrestru ynddi;
 - (b) mae cyfeiriadau at ddisgyblion, mewn perthynas ag ysgol a gynhelir, yn gyfeiriadau at ddisgyblion cofrestredig yn yr ysgol sy'n hŷn na'r oedran ysgol gorfodol;
 - (c) mae cyfeiriadau at gwricwlwm yn gyfeiriadau at gwricwlwm i'r disgyblion hynny.

59 Gofyniad cwricwlwm cyffredinol

- (1) Rhaid i bennaeth a chorff llywodraethu ysgol a gynhelir sicrhau bod y cwricwlwm i ddisgyblion yr ysgol yn cydymffurfio â'r gofyniad yn is-adran (2).
- (2) Y gofyniad yw bod y cwricwlwm yn gwricwlwm cytbwys ac eang –
 - (a) sy'n hybu datblygiad ysbrydol, moesol, diwylliannol, meddyliol a chorfforol y disgyblion a'r gymdeithas, a
 - (b) sy'n paratoi'r disgyblion ar gyfer cyfleoedd, cyfrifoldebau a phrofiadau bywyd yn ddiweddarach.
- (3) Rhaid i awdurdod lleol yng Nghymru arfer ei swyddogaethau gyda golwg ar sicrhau bod y cwricwlwm yn cydymffurfio â'r gofyniad yn is-adran (2) ym mhob ysgol a gynhelir y mae'n ei chynnal.
- (4) Rhaid i Weinidogion Cymru arfer eu swyddogaethau gyda golwg ar sicrhau bod y cwricwlwm yn cydymffurfio â'r gofyniad yn is-adran (2) ym mhob ysgol a gynhelir.

60 Gofyniad cwricwlwm: Addysg Cydberthynas a Rhywioldeb

- (1) Rhaid i bennaeth ysgol a gynhelir sicrhau y darperir addysgu a dysgu mewn Addysg Cydberthynas a Rhywioldeb yn yr ysgol ar gyfer disgyblion sy'n gofyn amdano.
- (2) Mae'r pennaeth i'w drin fel pe bai'n cydymffurfio ag is-adran (1) os darperir yr addysgu a dysgu yn yr ysgol ar adeg neu adegau sy'n gyfleus i'r rhan fwyaf o'r disgyblion sydd wedi gofyn amdano.
- (3) Rhaid i gorff llywodraethu ysgol a gynhelir arfer ei swyddogaethau gyda golwg ar sicrhau y darperir addysgu a dysgu mewn Addysg Cydberthynas a Rhywioldeb yn unol â'r adran hon.

PART 5**CURRICULUM: POST COMPULSORY EDUCATION IN MAINTAINED SCHOOLS****58 Introduction and interpretation**

- (1) This Part makes provision about a curriculum for registered pupils at maintained schools who are above compulsory school age.
- (2) In this Part –
 - (a) references to a maintained school are to a maintained school at which pupils above compulsory school age are registered;
 - (b) references to pupils, in relation to a maintained school, are to registered pupils at the school who are above compulsory school age;
 - (c) references to a curriculum are to a curriculum for those pupils.

59 General curriculum requirement

- (1) The head teacher and governing body of a maintained school must ensure that the curriculum for the school's pupils complies with the requirement in subsection (2).
- (2) The requirement is that the curriculum is a balanced and broadly based curriculum that –
 - (a) promotes the spiritual, moral, cultural, mental and physical development of the pupils and of society, and
 - (b) prepares the pupils for the opportunities, responsibilities and experiences of later life.
- (3) A local authority in Wales must exercise its functions with a view to ensuring that the curriculum complies with the requirement in subsection (2) in every maintained school that it maintains.
- (4) The Welsh Ministers must exercise their functions with a view to ensuring that the curriculum complies with the requirement in subsection (2) in every maintained school.

60 Curriculum requirement: Relationships and Sexuality Education

- (1) The head teacher of a maintained school must ensure that teaching and learning in Relationships and Sexuality Education is provided at the school for pupils who request it.
- (2) The head teacher is to be treated as complying with subsection (1) if the teaching and learning is provided at the school at a time or times which are convenient for the majority of the pupils who have requested it.
- (3) The governing body of a maintained school must exercise its functions with a view to ensuring that teaching and learning in Relationships and Sexuality Education is provided in accordance with this section.

61 Gofyniad cwricwlwm: Crefydd, Gwerthoedd a Moeseg

- (1) Rhaid i bennaeth ysgol a gynhelir sicrhau y darperir addysgu a dysgu mewn Crefydd, Gwerthoedd a Moeseg yn yr ysgol ar gyfer disgyblion sy'n gofyn amdano.
- (2) Mae'r pennaeth i'w drin fel pe bai'n cydymffurfio ag is-adran (1) os darperir yr addysgu a dysgu yn yr ysgol ar adeg neu adegau sy'n gyfleus i'r rhan fwyaf o'r disgyblion sydd wedi gofyn amdano.
- (3) Rhaid i'r addysgu a dysgu a ddarperir o dan yr adran hon –
 - (a) adlewyrchu'r ffaith mai Cristnogol yn bennaf yw'r traddodiadau crefyddol yng Nghymru, gan ystyried dysgeidiaeth ac arferion y prif grefyddau eraill a gynrychiolir yng Nghymru, a
 - (b) adlewyrchu hefyd y ffaith y delir ystod o argyhoeddiadau athronyddol nad ydynt yn grefyddol yng Nghymru.
- (4) Yn is-adran (3), mae'r cyfeiriad at "argyhoeddiadau athronyddol" yn gyfeiriadau at argyhoeddiadau athronyddol o fewn ystyr "philosophical convictions" yn Erthygl 2 o Brotocol Cyntaf y Confensiwn Ewropeaidd ar Hawliau Dynol.
- (5) Rhaid i gorff llywodraethu ysgol a gynhelir arfer ei swyddogaethau gyda golwg ar sicrhau y darperir addysgu a dysgu mewn Crefydd, Gwerthoedd a Moeseg yn unol â'r adran hon.
- (6) Yn yr adran hon –

ystyr "y Confensiwn Ewropeaidd ar Hawliau Dynol" (*"the European Convention on Human Rights"*) yw'r Confensiwn ar Amddiffyn Hawliau Dynol a Rhyddid Sylfaenol, a gytunwyd gan Gyngor Ewrop yn Rhufain ar 4 Tachwedd 1950, fel y mae'n cael effaith am y tro o ran y Deyrnas Unedig;

ystyr "y Protocol Cyntaf" (*"the First Protocol"*), mewn perthynas â'r Confensiwn hwnnw, yw protocol y Confensiwn a gytunwyd ym Mharis ar 20 Mawrth 1952.

62 Gofynion pellach cwricwlwm

Gweler adrannau 33A i 33O o Ddeddf Dysgu a Sgiliau 2000 (p. 21) (cwricwla lleol i fyfyrwyr 16 i 18 oed) am ddarpariaeth bellach ynghylch cwricwlwm i ddisgyblion mewn ysgolion a gynhelir sy'n hŷn na'r oedran ysgol gorfodol.

RHAN 6**ATODOL***Iechyd meddwl a lles emosiynol***63 Dyletswydd i roi sylw i iechyd meddwl a lles emosiynol plant a phobl ifanc**

- (1) Rhaid i berson o fewn is-adran (2), wrth arfer unrhyw swyddogaeth a roddir gan neu o dan y Ddeddf hon, roi sylw i iechyd meddwl a lles emosiynol plant a phobl ifanc y mae arfer y swyddogaeth yn debygol o effeithio arnynt.

61 Curriculum requirement: Religion, Values and Ethics

- (1) The head teacher of a maintained school must ensure that teaching and learning in Religion, Values and Ethics is provided at the school for pupils who request it.
- (2) The head teacher is to be treated as complying with subsection (1) if the teaching and learning is provided at the school at a time or times which are convenient for the majority of the pupils who have requested it.
- (3) Teaching and learning provided under this section –
 - (a) must reflect the fact that the religious traditions in Wales are mainly Christian, while taking account of the teaching and practices of the other principal religions represented in Wales, and
 - (b) must also reflect the fact that a range of non-religious philosophical convictions are held in Wales.
- (4) In subsection (3), the reference to “philosophical convictions” is to philosophical convictions within the meaning of Article 2 of the First Protocol to the European Convention on Human Rights.
- (5) The governing body of a maintained school must exercise its functions with a view to ensuring that teaching and learning in Religion, Values and Ethics is provided in accordance with this section.

- (6) In this section –

“the European Convention on Human Rights” (*“y Confensiwn Ewropeaidd ar Hawliau Dynol”*) means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950, as it has effect for the time being in relation to the United Kingdom;

“the First Protocol” (*“y Protocol Cyntaf”*), in relation to that Convention, means the protocol to the Convention agreed at Paris on 20th March 1952.

62 Further curriculum requirements

See sections 33A to 33O of the Learning and Skills Act 2000 (c. 21) (local curricula for students aged 16 to 18) for further provision about a curriculum for pupils at maintained schools who are above compulsory school age.

PART 6**SUPPLEMENTARY***Mental health and emotional well-being***63 Duty to have regard to mental health and emotional well-being of children and young persons**

- (1) A person within subsection (2) must, in exercising any function conferred by or under this Act, have regard to the mental health and emotional well-being of children and young persons likely to be affected by the exercise of the function.

- (2) Y personau yw –
- (a) pennaeth ysgol a gynhelir neu ysgol feithrin a gynhelir;
 - (b) corff llywodraethu ysgol a gynhelir neu ysgol feithrin a gynhelir;
 - (c) darparwr addysg feithrin a gyllidir ond nas cynhelir;
 - (d) yr athro neu'r athrawes sydd â chyfrifoldeb am uned cyfeirio disgyblion;
 - (e) y pwyllgor rheoli ar gyfer uned cyfeirio disgyblion;
 - (f) person sy'n darparu addysgu a dysgu ar gyfer plentyn ac eithrio mewn ysgol a gynhelir, ysgol feithrin a gynhelir neu uned cyfeirio disgyblion yn rhinwedd trefniadau a wneir o dan adran 19A o Ddeddf Addysg 1996 (p. 56);
 - (g) awdurdod lleol yng Nghymru.

Confensiynau'r Cenhedloedd Unedig

64 Dyletswydd i hybu gwybodaeth am Gonfensiynau'r Cenhedloedd Unedig ar hawliau plant a hawliau pobl ag anableddau a dealltwriaeth o'r Confensiynau hynny

- (1) Rhaid i bennaeth a chorff llywodraethu ysgol a gynhelir neu ysgol feithrin a gynhelir hybu gwybodaeth am Ran 1 o CCUHP, ac am CCUHPA, a dealltwriaeth ohonynt, ymhlith y rheini sy'n darparu addysgu a dysgu mewn cysylltiad â chwricwlwm yr ysgol.
- (2) Rhaid i ddarparwr addysg feithrin a gyllidir ond nas cynhelir hybu gwybodaeth am Ran 1 o CCUHP, ac am CCUHPA, a dealltwriaeth ohonynt, ymhlith y rheini sy'n darparu addysgu a dysgu mewn cysylltiad â'r cwricwlwm i blant y darperir yr addysg honno ar eu cyfer.
- (3) Rhaid i'r awdurdod lleol, y pwyllgor rheoli (os oes un) a'r athro neu'r athrawes sydd â chyfrifoldeb am uned cyfeirio disgyblion hybu gwybodaeth am Ran 1 o CCUHP, ac am CCUHPA, a dealltwriaeth ohonynt, ymhlith y rheini sy'n darparu addysgu a dysgu mewn cysylltiad â'r cwricwlwm ar gyfer yr uned.
- (4) Rhaid i awdurdod lleol yng Nghymru hybu gwybodaeth am Ran 1 o CCUHP, ac am CCUHPA, a dealltwriaeth ohonynt, ymhlith y rheini sy'n darparu addysgu a dysgu ac eithrio mewn uned cyfeirio disgyblion o dan drefniadau a wneir gan yr awdurdod o dan adran 19A o Ddeddf Addysg 1996 (p. 56).
- (5) Yn yr adran hon –

ystyr "CCUHP" ("UNCRC") yw Confensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn a fabwysiadwyd ac a agorwyd i'w lofnodi, ei gadarnhau a'i gytuno gan benderfyniad y Cynulliad Cyffredinol 44/25 dyddiedig 20 Tachwedd 1989; ac mae Rhan 1 o CCUHP i'w thrin fel pe bai'n cael effaith –

- (a) fel y'i nodir am y tro yn Rhan 1 o'r Atodlen i Fesur Hawliau Plant a Phobl Ifanc (Cymru) 2011 (mccc 2), ond
- (b) yn ddarostyngedig i unrhyw ddatganiad neu neilltued fel y'i nodir am y tro yn Rhan 3 o'r Atodlen honno;

- (2) The persons are –
- (a) the head teacher of a maintained school or a maintained nursery school;
 - (b) the governing body of a maintained school or a maintained nursery school;
 - (c) a provider of funded non-maintained nursery education;
 - (d) the teacher in charge of a pupil referral unit;
 - (e) the management committee for a pupil referral unit;
 - (f) a person who provides teaching and learning for a child otherwise than at a maintained school, maintained nursery school or pupil referral unit by virtue of arrangements made under section 19A of the Education Act 1996 (c. 56);
 - (g) a local authority in Wales.

UN Conventions

64 Duty to promote knowledge and understanding of UN Conventions on the rights of children and persons with disabilities

- (1) The head teacher and governing body of a maintained school or a maintained nursery school must promote knowledge and understanding of Part 1 of the UNCRC, and of the UNCRPD, among those who provide teaching and learning in respect of the school's curriculum.
- (2) A provider of funded non-maintained nursery education must promote knowledge and understanding of Part 1 of the UNCRC, and of the UNCRPD, among those who provide teaching and learning in respect of the curriculum for children for whom that education is provided.
- (3) The local authority, the management committee (if there is one) and the teacher in charge of a pupil referral unit must promote knowledge and understanding of Part 1 of the UNCRC, and of the UNCRPD, among those who provide teaching and learning in respect of the curriculum for the unit.
- (4) A local authority in Wales must promote knowledge and understanding of Part 1 of the UNCRC, and of the the UNCRPD, among those who provide teaching and learning otherwise than at a pupil referral unit under arrangements made by the authority under section 19A of the Education Act 1996 (c. 56).
- (5) In this section –

“UNCRC” (“CCUHP”) means the United Nations Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989; and Part 1 of the UNCRC is to be treated as having effect –

 - (a) as set out for the time being in Part 1 of the Schedule to the Rights of Children and Young Persons (Wales) Measure 2011 (nawm 2), but
 - (b) subject to any declaration or reservation as set out for the time being in Part 3 of that Schedule;

ystyr “CCUHPA” (“UNCRPD”) yw Confensiwn y Cenhedloedd Unedig ar Hawliau Pobl ag Anableddau a’i brotocol dewisol a fabwysiadwyd ar 13 Rhagfyr 2006 gan benderfyniad y Cynulliad Cyffredinol A/RES/61/106 ac a agorwyd i’w lofnodi ar 30 Mawrth 2007; ac mae i’w drin fel pe bai’n cael effaith yn ddarostyngedig i unrhyw ddatganiad neu neilltuad a wnaed gan Lywodraeth y Deyrnas Unedig ar ôl ei gadarnhau, ac eithrio pan fo’r datganiad neu’r neilltuad wedi ei dynnu’n ôl wedi hynny.

Cydweithredu a hwyluso

65 Dyletswydd i gydweithredu

- (1) Rhaid i berson o fewn is-adran (2) geisio ymrwymo i drefniadau cydweithredu –
 - (a) â pherson arall o fewn yr is-adran honno, neu
 - (b) â chorff llywodraethu sefydliad yng Nghymru o fewn y sector addysg bellach,
 os yw’r person yn ystyried y byddai ymrwymo i drefniadau o’r fath yn hwyluso arfer swyddogaeth a roddir i’r person gan neu o dan y Ddeddf hon.
- (2) Y personau yw –
 - (a) pennaeth ysgol a gynhelir neu ysgol feithrin a gynhelir;
 - (b) corff llywodraethu ysgol a gynhelir neu ysgol feithrin a gynhelir;
 - (c) darparwr addysg feithrin a gyllidir ond nas cynhelir;
 - (d) yr athro neu’r athrawes sydd â chyfrifoldeb am uned cyfeirio disgyblion;
 - (e) y pwyllgor rheoli ar gyfer uned cyfeirio disgyblion;
 - (f) awdurdod lleol yng Nghymru.
- (3) Os yw person yn ceisio ymrwymo i drefniadau cydweithredu â pherson arall yn unol ag is-adran (1), rhaid i’r person arall ystyried y cais.
- (4) Yn yr adran hon, ystyr “trefniadau cydweithredu” yw –
 - (a) trefniadau a wneir wrth arfer y pwerau cydlafurio a ddisgrifir yn adran 5 o Fesur Addysg (Cymru) 2011 (mccc 7), neu
 - (b) trefniadau o fath tebyg a wneir gan neu gyda –
 - (i) pennaeth ysgol a gynhelir neu ysgol feithrin a gynhelir,
 - (ii) darparwr addysg feithrin a gyllidir ond nas cynhelir,
 - (iii) yr athro neu’r athrawes sydd â chyfrifoldeb am uned cyfeirio disgyblion, neu
 - (iv) pwyllgor rheoli ar gyfer uned cyfeirio disgyblion.

66 Dyletswyddau Gweinidogion Cymru i hwyluso cyflawni swyddogaethau

- (1) Rhaid i Weinidogion Cymru arfer eu swyddogaethau gyda golwg ar hwyluso cyflawni swyddogaethau, gan bersonau o fewn is-adran (2), a roddir iddynt gan neu o dan Rannau 2 i 4.
- (2) Y personau yw –
 - (a) pennaeth ysgol a gynhelir neu ysgol feithrin a gynhelir;

“UNCRPD” (“CCUHPA”) means the United Nations Convention on the Rights of Persons with Disabilities and its optional protocol adopted on 13 December 2006 by General Assembly resolution A/RES/61/106 and opened for signature on 30 March 2007; and it is to be treated as having effect subject to any declaration or reservation made by the United Kingdom Government upon ratification, save where the declaration or reservation has subsequently been withdrawn.

Co-operation and facilitation

65 Duty to co-operate

- (1) A person within subsection (2) must seek to enter into co-operation arrangements with—
 - (a) another person within that subsection, or
 - (b) the governing body of an institution in Wales within the further education sector,if the person considers that entering into such arrangements would facilitate the exercise of a function conferred on the person by or under this Act.
- (2) The persons are—
 - (a) the head teacher of a maintained school or a maintained nursery school;
 - (b) the governing body of a maintained school or a maintained nursery school;
 - (c) a provider of funded non-maintained nursery education;
 - (d) the teacher in charge of a pupil referral unit;
 - (e) the management committee for a pupil referral unit;
 - (f) a local authority in Wales.
- (3) If a person seeks to enter into co-operation arrangements with another person in accordance with subsection (1), the other person must consider the request.
- (4) In this section, “co-operation arrangements” means—
 - (a) arrangements made in exercise of the powers of collaboration described in section 5 of the Education (Wales) Measure 2011 (nawm 7), or
 - (b) arrangements of a similar kind made by or with—
 - (i) the head teacher of a maintained school or a maintained nursery school,
 - (ii) a provider of funded non-maintained nursery education,
 - (iii) the teacher in charge of a pupil referral unit, or
 - (iv) the management committee for a pupil referral unit.

66 Welsh Ministers’ duty to facilitate the performance of functions

- (1) The Welsh Ministers must exercise their functions with a view to facilitating the performance of functions, by persons within subsection (2), that are conferred on them by or under Parts 2 to 4.
- (2) The persons are—
 - (a) the head teacher of a maintained school or a maintained nursery school;

- (b) corff llywodraethu ysgol a gynhelir neu ysgol feithrin a gynhelir;
- (c) darparwr addysg feithrin a gyllidir ond nas cynhelir;
- (d) yr athro neu'r athrawes sydd â chyfrifoldeb am uned cyfeirio disgyblion;
- (e) y pwyllgor rheoli ar gyfer uned cyfeirio disgyblion;
- (f) person sy'n darparu addysgu a dysgu ar gyfer plentyn ac eithrio mewn ysgol a gynhelir, ysgol feithrin a gynhelir neu uned cyfeirio disgyblion yn rhinwedd trefniadau a wneir o dan adran 19A o Ddeddf Addysg 1996 (p. 56);
- (g) awdurdod lleol yng Nghymru.

67 Dyletswyddau awdurdodau lleol i hwyluso cyflawni swyddogaethau

- (1) Rhaid i awdurdod lleol yng Nghymru arfer ei swyddogaethau gyda golwg ar hwyluso cyflawni swyddogaethau, gan bersonau o fewn is-adran (2), a roddir iddynt gan neu o dan Rannau 2 i 4.
- (2) Y personau yw –
 - (a) pennaeth ysgol a gynhelir neu ysgol feithrin a gynhelir, a gynhelir gan yr awdurdod lleol;
 - (b) corff llywodraethu ysgol a gynhelir neu ysgol feithrin a gynhelir, a gynhelir gan yr awdurdod lleol;
 - (c) darparwr addysg feithrin a gyllidir ond nas cynhelir, a sicrheir gan yr awdurdod lleol;
 - (d) yr athro neu'r athrawes sydd â chyfrifoldeb am uned cyfeirio disgyblion a gynhelir gan yr awdurdod lleol;
 - (e) y pwyllgor rheoli ar gyfer uned cyfeirio disgyblion a gynhelir gan yr awdurdod lleol.
- (3) Mae is-adran (4) yn gymwys pan fo awdurdod lleol yn gwneud trefniadau o dan adran 19A o Ddeddf Addysg 1996 (p. 56) ar gyfer darparu addysg i blentyn ac eithrio –
 - (a) mewn ysgol a gynhelir neu ysgol feithrin a gynhelir, a gynhelir gan yr awdurdod lleol, neu
 - (b) mewn uned cyfeirio disgyblion a gynhelir gan yr awdurdod lleol.
- (4) Rhaid i'r awdurdod arfer ei swyddogaethau gyda golwg ar hwyluso cyflawni, gan bersonau o fewn is-adran (5), eu swyddogaethau perthnasol.
- (5) Y personau yw –
 - (a) pan fo'r addysg yn cael ei darparu i'r plentyn mewn ysgol a gynhelir neu ysgol feithrin a gynhelir, a gynhelir gan awdurdod lleol arall, bennaeth a chorff llywodraethu'r ysgol;
 - (b) pan fo'r addysg yn cael ei darparu i'r plentyn mewn uned cyfeirio disgyblion a gynhelir gan awdurdod lleol arall, yr athro neu'r athrawes sydd â chyfrifoldeb am yr uned, y pwyllgor rheoli ar gyfer yr uned (os oes un) a'r awdurdod hwnnw;
 - (c) pan fo'r addysg yn cael ei darparu ar gyfer y plentyn ac eithrio mewn ysgol a gynhelir neu uned cyfeirio disgyblion, unrhyw berson sy'n ei darparu.

- (b) the governing body of a maintained school or a maintained nursery school;
- (c) a provider of funded non-maintained nursery education;
- (d) the teacher in charge of a pupil referral unit;
- (e) the management committee for a pupil referral unit;
- (f) a person who provides teaching and learning for a child otherwise than at a maintained school, maintained nursery school or pupil referral unit by virtue of arrangements made under section 19A of the Education Act 1996 (c. 56);
- (g) a local authority in Wales.

67 Local authorities' duty to facilitate the performance of functions

- (1) A local authority in Wales must exercise its functions with a view to facilitating the performance of functions, by persons within subsection (2), that are conferred on them by or under Parts 2 to 4.
- (2) The persons are—
 - (a) the head teacher of a maintained school or a maintained nursery school that is maintained by the local authority;
 - (b) the governing body of a maintained school or a maintained nursery school that is maintained by the local authority;
 - (c) a provider of funded non-maintained nursery education secured by the local authority;
 - (d) the teacher in charge of a pupil referral unit maintained by the local authority;
 - (e) the management committee for a pupil referral unit maintained by the local authority.
- (3) Subsection (4) applies where a local authority makes arrangements under section 19A of the Education Act 1996 (c. 56) for the provision of education to a child otherwise than at—
 - (a) a maintained school or maintained nursery school that is maintained by the local authority, or
 - (b) a pupil referral unit that is maintained by the local authority.
- (4) The authority must exercise its functions with a view to facilitating the performance of their relevant functions by persons within subsection (5).
- (5) The persons are—
 - (a) where the child is provided with the education at a maintained school or a maintained nursery school that is maintained by another local authority, the head teacher and governing body of the school;
 - (b) where the child is provided with the education at a pupil referral unit that is maintained by another local authority, the teacher in charge of the unit, the management committee for the unit (if there is one) and that authority;
 - (c) where the education is provided for the child otherwise than at a maintained school or pupil referral unit, any person who provides it.

- (6) “Swyddogaethau perthnasol” person o fewn is-adran (5) yw’r swyddogaethau a roddir i’r person hwnnw, gan neu o dan Rannau 2 i 4, mewn cysylltiad â’r addysg.

Y Gymraeg

68 Dyletswydd Gweinidogion Cymru i hybu mynediad etc at gyrsiau astudio cyfrwng Cymraeg

- (1) Rhaid i Weinidogion Cymru hybu mynediad at gyrsiau astudio a addysgir drwy gyfrwng y Gymraeg, ac argaeledd y cyrsiau hynny, ar gyfer plant y mae’r Ddeddf hon yn gymwys iddynt.
- (2) Yn yr adran hon, ystyr “cwrs astudio” yw cwrs addysg neu hyfforddiant –
- (a) sy’n arwain at ffurf ar gymhwyster neu set o ffurfiau ar gymhwyster a gymeradwyir o dan Ran 4 o Ddeddf Cymwysterau Cymru 2015 (dccc 5) neu a ddynodir o dan Ran 5 o’r Ddeddf honno, neu
- (b) a ddynodir gan Weinidogion Cymru o dan adran 34(8) o’r Ddeddf honno.

Darpariaeth benodol ar gyfer lleoliadau pellach etc

69 Pŵer i wneud darpariaeth ar gyfer plant sy’n cael addysg mewn mwy nag un lleoliad etc

- (1) Caiff rheoliadau wneud darpariaeth ar gyfer addysgu a dysgu sydd i’w sicrhau i blant o’r oedran ysgol gorfodol y mae’r adran hon yn gymwys iddynt ac mewn cysylltiad ag addysgu a dysgu o’r fath.
- (2) Mae’r adran hon yn gymwys i blentyn sy’n ddisgybl cofrestredig mewn ysgol a gynhelir –
- (a) os darperir addysg ar gyfer y plentyn, naill ai yn rhinwedd trefniadau a wneir o dan adran 19A o Ddeddf Addysg 1996 (p. 56) neu fel arall –
- (i) mewn ysgol arall a gynhelir, neu
- (ii) mewn ysgol feithrin a gynhelir;
- (b) os darperir addysg ar gyfer y plentyn o dan adran 19A o Ddeddf Addysg 1996 mewn uned cyfeirio disgyblion;
- (c) os darperir addysg ar gyfer y plentyn o dan adran 19A o Ddeddf Addysg 1996, ac eithrio mewn uned cyfeirio disgyblion, ysgol a gynhelir neu ysgol feithrin a gynhelir.
- (3) Mae’r adran hon yn gymwys i blentyn sy’n ddisgybl cofrestredig mewn ysgol feithrin a gynhelir –
- (a) os darperir addysg ar gyfer y plentyn, naill ai yn rhinwedd trefniadau a wneir o dan adran 19A o Ddeddf Addysg 1996 neu fel arall –
- (i) mewn ysgol feithrin arall a gynhelir, neu
- (ii) mewn ysgol a gynhelir;
- (b) os darperir addysg ar gyfer y plentyn mewn uned cyfeirio disgyblion;

- (6) The “relevant functions” of a person within subsection (5) are the functions conferred on that person, by or under Parts 2 to 4, in respect of the education.

Welsh language

68 Welsh Ministers’ duty to promote access etc to Welsh medium courses of study

- (1) The Welsh Ministers must promote access to, and the availability of, courses of study taught through the medium of the Welsh language for children to whom this Act applies.
- (2) In this section, “course of study” means a course of education or training that –
- (a) leads to a form of qualification or set of forms of qualification approved under Part 4 of the Qualifications Wales Act 2015 (anaw 5) or designated under Part 5 of that Act, or
 - (b) is designated by the Welsh Ministers under section 34(8) of that Act.

Specific provision for further settings etc

69 Power to make provision for children receiving education in more than one setting etc

- (1) Regulations may make provision for and in connection with teaching and learning to be secured for children of compulsory school age to whom this section applies.
- (2) This section applies to a child who is a registered pupil at a maintained school if –
- (a) education is provided for the child, either by virtue of arrangements made under section 19A of the Education Act 1996 (c. 56) or otherwise –
 - (i) at another maintained school, or
 - (ii) at a maintained nursery school;
 - (b) education is provided for the child under section 19A of the Education Act 1996 at a pupil referral unit;
 - (c) education is provided for the child under section 19A of the Education Act 1996, otherwise than at a pupil referral unit, maintained school or maintained nursery school.
- (3) This section applies to a child who is a registered pupil at a maintained nursery school if –
- (a) education is provided for the child, either by virtue of arrangements made under section 19A of the Education Act 1996 or otherwise –
 - (i) at another maintained nursery school, or
 - (ii) at a maintained school;
 - (b) education is provided for the child at a pupil referral unit;

- (c) os darperir addysg ar gyfer y plentyn o dan adran 19A o Ddeddf Addysg 1996, ac eithrio mewn uned cyfeirio disgyblion, ysgol a gynhelir neu ysgol feithrin a gynhelir.
- (4) Mae'r adran hon yn gymwys i blentyn sy'n ddisgybl cofrestredig mewn uned cyfeirio disgyblion os darperir addysg ar gyfer y plentyn, yn rhinwedd trefniadau a wneir o dan adran 19A o Ddeddf Addysg 1996 –
 - (a) mewn uned cyfeirio disgyblion arall, neu
 - (b) ac eithrio mewn uned cyfeirio disgyblion neu ysgol a gynhelir neu ysgol feithrin a gynhelir.
- (5) Mae'r adran hon yn gymwys i blentyn –
 - (a) os nad yw'r plentyn yn hŷn na'r oedran ysgol gorfodol, a
 - (b) os yw'r plentyn o ddisgrifiad a bennir yn y rheoliadau.
- (6) Caiff rheoliadau o dan yr adran hon hefyd wneud darpariaeth ar gyfer gwneud a gweithredu, ac mewn cysylltiad â gwneud a gweithredu, trefniadau ar gyfer asesu'r materion a ganlyn –
 - (a) y cynnydd a wneir gan blant y ma'r adran hon yn gymwys iddynt;
 - (b) y camau nesaf yn eu cynnydd;
 - (c) yr addysgu a dysgu y mae ei angen i wneud y cynnydd hwnnw.
- (7) Caiff y rheoliadau –
 - (a) rhoi swyddogaethau i berson o fewn is-adran (8);
 - (b) cymhwyso darpariaeth a wneir gan neu o dan y Ddeddf hon mewn cysylltiad â phlant y ma'r adran hon yn gymwys iddynt, gydag addasiadau neu hebddynt;
 - (c) darparu i ddarpariaeth a wneir gan neu o dan y Ddeddf hon, a fyddai fel arall yn gymwys mewn cysylltiad â'r plant hynny, beidio â bod felly.
- (8) Y personau yw –
 - (a) pennaeth ysgol a gynhelir neu ysgol feithrin a gynhelir;
 - (b) corff llywodraethu ysgol a gynhelir neu ysgol feithrin a gynhelir;
 - (c) yr athro neu'r athrawes sydd â chyfrifoldeb am uned cyfeirio disgyblion;
 - (d) y pwyllgor rheoli ar gyfer uned cyfeirio disgyblion;
 - (e) person sy'n darparu addysgu a dysgu ar gyfer plentyn ac eithrio mewn ysgol a gynhelir, ysgol feithrin a gynhelir neu uned cyfeirio disgyblion yn rhinwedd trefniadau a wneir o dan adran 19A o Ddeddf Addysg 1996;
 - (f) darparwr addysg feithrin a gyllidir ond nas cynhelir;
 - (g) awdurdod lleol yng Nghymru.

70 Pŵer i gymhwyso'r Ddeddf i blant sy'n cael eu cadw'n gaeth a phobl ifanc sy'n cael eu cadw'n gaeth

- (1) Caiff rheoliadau gymhwyso darpariaethau yn y Ddeddf hon, gydag addasiadau neu hebddynt –

- (c) education is provided for the child under section 19A of the Education Act 1996, otherwise than at a pupil referral unit, maintained school or maintained nursery school.
- (4) This section applies to a child who is a registered pupil at a pupil referral unit if education is provided for the child, by virtue of arrangements made under section 19A of the Education Act 1996 –
 - (a) at another pupil referral unit, or
 - (b) otherwise than at a pupil referral unit or a maintained school or maintained nursery school.
- (5) This section applies to a child if the child –
 - (a) is not above compulsory school age, and
 - (b) is of a description specified in the regulations.
- (6) Regulations under this section may also make provision for and in connection with the making, and implementation, of arrangements for assessing the following matters –
 - (a) the progress made by children to whom this section applies;
 - (b) the next steps in their progression;
 - (c) the teaching and learning needed to make that progress.
- (7) The regulations may –
 - (a) confer functions on a person within subsection (8);
 - (b) apply a provision made by or under this Act in respect of children to whom this section applies, with or without modifications;
 - (c) provide for a provision made by or under this Act, that would otherwise apply in respect of those children, not to do so.
- (8) The persons are –
 - (a) the head teacher of a maintained school or a maintained nursery school;
 - (b) the governing body of a maintained school or a maintained nursery school;
 - (c) the teacher in charge of a pupil referral unit;
 - (d) the management committee for a pupil referral unit;
 - (e) a person who provides teaching and learning for a child otherwise than at a maintained school, maintained nursery school or pupil referral unit by virtue of arrangements made under section 19A of the Education Act 1996;
 - (f) a provider of funded non-maintained nursery education;
 - (g) a local authority in Wales.

70 Power to apply Act to detained children and detained young persons

- (1) Regulations may apply provisions of this Act, with or without modifications, to –

- (a) i blant sy'n cael eu cadw'n gaeth yng Nghymru o ddisgrifiad a bennir yn y rheoliadau, a
 - (b) i bobl ifanc sy'n cael eu cadw'n gaeth yng Nghymru o ddisgrifiad a bennir yn y rheoliadau.
- (2) Yn yr adran hon, ystyr plentyn sy'n cael ei gadw'n gaeth neu berson ifanc sy'n cael ei gadw'n gaeth yw plentyn neu berson ifanc sy'n cael ei gadw'n gaeth yn unol –
- (a) â gorchymyn a wneir gan lys, neu
 - (b) â gorchymyn adalw a wneir gan yr Ysgrifennydd Gwladol.

Canllawiau

71 **Dyletswydd i roi sylw i ganllawiau**

- (1) Caiff Gweinidogion Cymru ddyroddi canllawiau mewn perthynas ag arfer swyddogaethau a roddir gan neu o dan y Ddeddf hon.
- (2) Cyn dyroddi canllawiau o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori â'r personau y maent yn meddwl eu bod yn briodol (os oes rhai).
- (3) Wrth arfer eu swyddogaethau, rhaid i'r personau a ganlyn roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru o dan yr adran hon –
 - (a) pennaeth ysgol a gynhelir neu ysgol feithrin a gynhelir;
 - (b) corff llywodraethu ysgol a gynhelir neu ysgol feithrin a gynhelir;
 - (c) darparwr addysg feithrin a gyllidir ond nas cynhelir;
 - (d) yr athro neu'r athrawes sydd â chyfrifoldeb am uned cyfeirio disgyblion;
 - (e) y pwyllgor rheoli ar gyfer uned cyfeirio disgyblion;
 - (f) person sy'n darparu addysgu a dysgu ar gyfer plentyn, ac eithrio mewn ysgol a gynhelir, ysgol feithrin a gynhelir neu uned cyfeirio disgyblion, yn rhinwedd trefniadau a wneir o dan adran 19A o Ddeddf Addysg 1996 (p. 56);
 - (g) awdurdod lleol yng Nghymru.

RHAN 7

CYFFREDINOL

72 **Statws y Ddeddf hon fel Deddf Addysg**

Mae'r Ddeddf hon i'w chynnwys yn y rhestr o Ddeddfau Addysg yn adran 578 o Ddeddf Addysg 1996 (p. 56).

73 **Mân ddiwygiadau a diwygiadau canlyniadol a diddymiadau**

Mae Atodlen 2 yn cynnwys mân ddiwygiadau a diwygiadau canlyniadol a diddymiadau.

74 **Pŵer i wneud darpariaeth ychwanegol i roi effaith lawn i'r Ddeddf hon etc**

- (1) Caiff rheoliadau wneud –

- (a) detained children in Wales of a description specified in the regulations, and
 - (b) detained young persons in Wales of a description specified in the regulations.
- (2) In this section, a detained child or detained young person means a child or young person who is detained in pursuance of—
- (a) an order made by a court, or
 - (b) an order of recall made by the Secretary of State.

Guidance

71 Duty to have regard to guidance

- (1) The Welsh Ministers may issue guidance in relation to the exercise of functions conferred by or under this Act.
- (2) Before issuing guidance under this section, the Welsh Ministers must consult the persons they think appropriate (if any).
- (3) In exercising their functions, the following persons must have regard to any guidance issued by the Welsh Ministers under this section—
- (a) the head teacher of a maintained school or a maintained nursery school;
 - (b) the governing body of a maintained school or a maintained nursery school;
 - (c) a provider of funded non-maintained nursery education;
 - (d) the teacher in charge of a pupil referral unit;
 - (e) the management committee for a pupil referral unit;
 - (f) a person who provides teaching and learning for a child, otherwise than at a maintained school, maintained nursery school or pupil referral unit, by virtue of arrangements made under section 19A of the Education Act 1996 (c. 56);
 - (g) a local authority in Wales.

PART 7

GENERAL

72 Status of this Act as an Education Act

This Act is to be included in the list of Education Acts in section 578 of the Education Act 1996 (c. 56).

73 Minor and consequential amendments and repeals

Schedule 2 contains minor and consequential amendments and repeals.

74 Power to make additional provision to give full effect to this Act etc

- (1) Regulations may make—

- (a) unrhyw ddarpariaeth atodol, darpariaeth gysylltiedig neu ddarpariaeth ganlyniadol, neu
 - (b) unrhyw ddarpariaeth ddarfodol, darpariaeth drosiannol neu ddarpariaeth arbed, y mae Gweinidogion Cymru yn meddwl ei bod yn angenrheidiol neu'n briodol at ddibenion rhoi effaith lawn i unrhyw ddarpariaeth a wneir gan neu o dan y Ddeddf hon, neu o ganlyniad i unrhyw ddarpariaeth o'r fath.
- (2) Caiff rheoliadau o dan is-adran (1) addasu'r Ddeddf hon neu unrhyw ddeddfiad arall (pryd bynnag y'i deddfir neu y'i gwneir).

75 Rheoliadau

- (1) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon –
- (a) yn arferadwy drwy offeryn statudol, a
 - (b) yn cynnwys pŵer i wneud darpariaeth wahanol at ddibenion gwahanol.
- (2) Ni chaniateir gwneud offeryn statudol sy'n cynnwys –
- (a) rheoliadau o dan adran 5, 31 neu 48, neu
 - (b) rheoliadau o dan adran 74 sy'n diwygio neu'n diddymu unrhyw ddeddfiad sydd wedi ei gynnwys mewn deddfwriaeth sylfaenol,
- oni bai bod drafft o'r offeryn wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad.
- (3) Mae unrhyw offeryn statudol arall sy'n cynnwys rheoliadau o dan y Ddeddf hon yn ddarostyngedig i'w diddymu yn unol â phenderfyniad gan Senedd Cymru.
- (4) Yn is-adran (2), ystyr "deddfwriaeth sylfaenol" yw –
- (a) Deddf gan Senedd Cymru;
 - (b) Mesur Cynulliad;
 - (c) Deddf gan Senedd y Deyrnas Unedig.

76 Cod yr Hyn sy'n Bwysig a'r Cod Cynnydd: y weithdrefn

- (1) Mae'r adran hon yn gymwys i'r canlynol –
- (a) Cod yr Hyn sy'n Bwysig;
 - (b) y Cod Cynnydd.
- (2) Cyn dyroddi neu ddiwygio'r Cod, rhaid i Weinidogion Cymru –
- (a) ymgynghori â'r personau y maent yn meddwl eu bod yn briodol (os oes rhai), a
 - (b) gosod gerbron Senedd Cymru ddrafft o'r Cod arfaethedig (neu, yn achos diwygiadau, o'r Cod diwygiedig arfaethedig).
- (3) Os yw'r Senedd, cyn diwedd y cyfnod o 40 niwrnod, yn penderfynu peidio â chymeradwyo drafft a osodwyd ger ei bron o dan is-adran (2)(b), ni chaiff Gweinidogion Cymru ddyroddi'r Cod neu'r Cod diwygiedig ar ffurf y drafft hwnnw (nac ar unrhyw ffurf arall, oni bai bod drafft o'r ffurf arall honno wedi ei osod gerbron y Senedd o dan is-adran (2)(b)).

- (a) any supplementary, incidental or consequential provision, or
- (b) any transitory, transitional or saving provision,

that the Welsh Ministers think necessary or appropriate for the purposes of giving full effect to, or in consequence of, any provision made by or under this Act.

- (2) Regulations under subsection (1) may modify this Act or any other enactment (whenever enacted or made).

75 Regulations

- (1) A power to make regulations under this Act –
 - (a) is exercisable by statutory instrument, and
 - (b) includes power to make different provision for different purposes.
- (2) A statutory instrument containing –
 - (a) regulations under section 5, 31 or 48, or
 - (b) regulations under section 74 that amend or repeal any enactment contained in primary legislation,may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.
- (3) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of Senedd Cymru.
- (4) In subsection (2), “primary legislation” means –
 - (a) an Act of Senedd Cymru;
 - (b) an Assembly Measure;
 - (c) an Act of Parliament.

76 The What Matters Code and the Progression Code: procedure

- (1) This section applies to –
 - (a) the What Matters Code;
 - (b) the Progression Code.
- (2) Before issuing or revising the Code, the Welsh Ministers must –
 - (a) consult the persons they think appropriate (if any), and
 - (b) lay before Senedd Cymru a draft of the proposed Code (or, in the case of revisions, of the proposed revised Code).
- (3) If, before the end of the 40 day period, the Senedd resolves not to approve a draft laid before it under subsection (2)(b), the Welsh Ministers must not issue the Code or revised Code in the form of that draft (or in any other form, unless a draft of that other form is laid before the Senedd under subsection (2)(b)).

- (4) Os na wneir unrhyw benderfyniad o'r fath cyn diwedd y cyfnod hwnnw mewn cysylltiad â drafft a osodwyd gerbron y Senedd o dan is-adran (2)(b), rhaid i Weinidogion Cymru ddyroddi'r Cod (neu'r Cod diwygiedig) ar ffurf y drafft.
- (5) O ran y cyfnod o 40 niwrnod, mewn perthynas â drafft –
 - (a) mae'n dechrau â'r diwrnod y gosodir y drafft gerbron y Senedd o dan is-adran (2)(b), a
 - (b) nid yw'n cynnwys unrhyw gyfnod y mae'r Senedd wedi ei diddymu neu y mae'r Senedd mewn toriad am fwy na phedwar diwrnod ynddo.
- (6) Pan fo Gweinidogion Cymru yn ymgynghori ag unrhyw bersonau ynghylch Cod y cyfeirir ato yn is-adran (1) cyn i'r adran hon ddod i rym, mae'r ymgynghoriad hwnnw i'w drin fel pe bai'n cyflawni'r ddyletswydd yn is-adran (2)(a) mewn perthynas â'r Cod hwnnw.

77 Y Cod ACRh: y weithdrefn

- (1) Cyn dyroddi neu ddiwygio'r Cod ACRh, rhaid i Weinidogion Cymru –
 - (a) ymgynghori â'r personau y maent yn meddwl eu bod yn briodol (os oes rhai), a
 - (b) gosod gerbron Senedd Cymru ddrafft o'r Cod arfaethedig (neu, yn achos diwygiadau, o'r Cod diwygiedig arfaethedig).
- (2) Ni chaiff Gweinidogion Cymru ddyroddi'r Cod ACRh (neu'r Cod ACRh diwygiedig) oni bai bod drafft o'r Cod arfaethedig (neu o'r Cod diwygiedig arfaethedig) –
 - (a) wedi ei osod gerbron y Senedd o dan is-adran (1)(b), a
 - (b) wedi ei gymeradwyo drwy benderfyniad gan y Senedd.
- (3) Os yw'r Senedd yn penderfynu cymeradwyo drafft a osodwyd ger ei bron o dan is-adran (1)(b), rhaid i Weinidogion Cymru ddyroddi'r Cod ACRh (neu'r Cod ACRh diwygiedig) ar ffurf y drafft.
- (4) Pan fo Gweinidogion Cymru yn ymgynghori ag unrhyw bersonau ynghylch y Cod ACRh cyn i'r adran hon ddod i rym, mae'r ymgynghoriad hwnnw i'w drin fel pe bai'n cyflawni'r ddyletswydd yn is-adran (1)(a).

78 Gwybodaeth, hysbysiadau a chyfarwyddydau ysgrifenedig

- (1) Mae'r adran hon yn gymwys pan fo darpariaeth a wneir gan neu o dan y Ddeddf hon –
 - (a) yn ei gwneud yn ofynnol i wybodaeth gael ei rhoi i berson yn ysgrifenedig,
 - (b) yn ei gwneud yn ofynnol i hysbysiad ysgrifenedig gael ei roi i berson, neu
 - (c) yn ei gwneud yn ofynnol neu'n awdurdodi i gyfarwyddyd gael ei roi i berson.
- (2) Caniateir rhoi'r wybodaeth, yr hysbysiad neu'r cyfarwyddyd i'r person –
 - (a) drwy ei danfon neu ei ddanfon i'r person,
 - (b) drwy ei gadael neu ei adael yng nghyfeiriad priodol y person,
 - (c) drwy ei hanfon neu ei anfon drwy'r post i gyfeiriad priodol y person, neu
 - (d) os yw'r amod yn is-adran (3) wedi ei fodloni, drwy ei hanfon neu ei anfon yn electronig i gyfeiriad priodol y person,

- (4) If no such resolution is made before the end of that period in respect of a draft laid before the Senedd under subsection (2)(b), the Welsh Ministers must issue the Code (or revised Code) in the form of the draft.
- (5) The 40 day period, in relation to a draft –
 - (a) begins with the day on which the draft is laid before the Senedd under subsection (2)(b), and
 - (b) does not include any period during which the Senedd is dissolved, or is in recess for more than four days.
- (6) Where the Welsh Ministers consult any persons about a Code referred to in subsection (1) before this section comes into force, that consultation is to be treated as fulfilling the duty in subsection (2)(a) in relation to that Code.

77 The RSE Code: procedure

- (1) Before issuing or revising the RSE Code, the Welsh Ministers must –
 - (a) consult the persons they think appropriate (if any), and
 - (b) lay before Senedd Cymru a draft of the proposed Code (or, in the case of revisions, of the proposed revised Code).
- (2) The Welsh Ministers must not issue the RSE Code (or the revised RSE Code) unless a draft of the proposed Code (or of the proposed revised Code) –
 - (a) has been laid before the Senedd under subsection (1)(b), and
 - (b) has been approved by a resolution of the Senedd.
- (3) If the Senedd resolves to approve a draft laid before it under subsection (1)(b), the Welsh Ministers must issue the RSE Code (or the revised RSE Code) in the form of the draft.
- (4) Where the Welsh Ministers consult any persons about the RSE Code before this section comes into force, that consultation is to be treated as fulfilling the duty in subsection (1)(a).

78 Written information, notices and directions

- (1) This section applies where provision made by or under this Act –
 - (a) requires information to be given to a person in writing,
 - (b) requires a written notice to be given to a person, or
 - (c) requires or authorises a direction to be given to a person.
- (2) The information, notice or direction may be given to the person –
 - (a) by delivering it to the person,
 - (b) by leaving it at the person's proper address,
 - (c) by sending it by post to the person's proper address, or
 - (d) if the condition in subsection (3) is met, by sending it electronically to the person's proper address,

ac mae'r cyfeiriadau yn is-adrannau (4) i (6) at roi gwybodaeth neu hysbysiad neu gyfarwyddyd yn gyfeiriadau at ei rhoi neu ei roi yn un o'r ffyrdd a bennir ym mharagraffau (a) i (d).

- (3) Mae'r amod yn yr is-adran hon wedi ei fodloni os yw'r person y mae'r wybodaeth, yr hysbysiad neu'r cyfarwyddyd i'w rhoi neu i'w roi iddo –
 - (a) wedi cytuno y caniateir ei hanfon neu ei anfon yn electronig, a
 - (b) wedi darparu cyfeiriad sy'n addas at y diben hwnnw.
- (4) Caniateir rhoi'r wybodaeth, yr hysbysiad neu'r cyfarwyddyd i gorff corfforedig drwy ei rhoi neu ei roi i ysgrifennydd neu glerc y corff hwnnw.
- (5) Caniateir rhoi'r wybodaeth, yr hysbysiad neu'r cyfarwyddyd i bartneriaeth drwy ei rhoi neu ei roi –
 - (a) i bartner yn y bartneriaeth, neu
 - (b) i berson a chanddo'r rheolaeth dros fusnes y bartneriaeth neu sy'n rheoli busnes y bartneriaeth.
- (6) Caniateir rhoi'r wybodaeth, yr hysbysiad neu'r cyfarwyddyd i unrhyw gorff anghorfforedig arall drwy ei rhoi neu ei roi i aelod o gorff llywodraethu'r corff anghorfforedig.
- (7) At ddibenion is-adran (2)(b) ac (c) ac adran 13(1) o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4) (cyflwyno dogfennau), cyfeiriad priodol person yw –
 - (a) yn achos pennaeth, gyfeiriad yr ysgol;
 - (b) yn achos athro neu athrawes sydd â chyfrifoldeb am uned cyfeirio disgyblion, gyfeiriad yr uned cyfeirio disgyblion;
 - (c) yn achos corff corfforedig, gyfeiriad swyddfa gofrestrdig neu brif swyddfa'r corff;
 - (d) yn achos partneriaeth, neu unrhyw gorff anghorfforedig arall, gyfeiriad prif swyddfa'r bartneriaeth neu'r corff;
 - (e) yn achos person y rhoddir yr wybodaeth neu'r hysbysiad iddo gan ddibynnu ar unrhyw un o is-adrannau (4) i (6), gyfeiriad priodol y corff corfforedig, y bartneriaeth neu'r corff anghorfforedig arall o dan sylw;
 - (f) mewn unrhyw achos arall, gyfeiriad hysbys diwethaf y person.
- (8) At ddibenion is-adran (2)(d) ac adran 13(2) o Ddeddf Deddfwriaeth (Cymru) 2019, cyfeiriad priodol person yw'r cyfeiriad a ddarperir gan y person hwnnw yn unol ag is-adran (3)(b).
- (9) Yn achos –
 - (a) cwmni sydd wedi ei gofrestru y tu allan i'r Deyrnas Unedig,
 - (b) partneriaeth sy'n cynnal busnes y tu allan i'r Deyrnas Unedig, ac
 - (c) unrhyw gorff anghorfforedig arall a chanddo swyddfeydd y tu allan i'r Deyrnas Unedig,

mae'r cyfeiriadau yn is-adran (7) at brif swyddfa yn cynnwys cyfeiriadau at brif swyddfa yn y Deyrnas Unedig (os oes un).

and the references in subsections (4) to (6) to giving information or a notice or a direction are references to giving it in one of the ways specified in paragraphs (a) to (d).

- (3) The condition in this subsection is met if the person to whom the information, notice or direction is to be given—
 - (a) has agreed that it may be sent electronically, and
 - (b) has provided an address suitable for that purpose.
- (4) The information, notice or direction may be given to a body corporate by giving it to the secretary or clerk of that body.
- (5) The information, notice or direction may be given to a partnership by giving it to—
 - (a) a partner in the partnership, or
 - (b) a person having the control or management of the partnership business.
- (6) The information, notice or direction may be given to any other unincorporated body by giving it to a member of the governing body of the unincorporated body.
- (7) For the purposes of subsection (2)(b) and (c) and section 13(1) of the Legislation (Wales) Act 2019 (anaw 4) (service of documents), the proper address of a person is—
 - (a) in the case of a head teacher, the address of the school;
 - (b) in the case of a teacher in charge of a pupil referral unit, the address of the pupil referral unit;
 - (c) in the case of a body corporate, the address of the registered or principal office of the body;
 - (d) in the case of a partnership, or any other unincorporated body, the address of the principal office of the partnership or body;
 - (e) in the case of a person to whom the information or notice is given in reliance on any of subsections (4) to (6), the proper address of the body corporate, partnership or other unincorporated body in question;
 - (f) in any other case, the last known address of the person.
- (8) For the purposes of subsection (2)(d) and section 13(2) of the Legislation (Wales) Act 2019, the proper address of a person is the address provided by that person in accordance with subsection (3)(b).
- (9) In the case of—
 - (a) a company registered outside the United Kingdom,
 - (b) a partnership carrying on business outside the United Kingdom, and
 - (c) any other unincorporated body with offices outside the United Kingdom,

the references in subsection (7) to its principal office include references to its principal office within the United Kingdom (if any).

79 Ystyr “ysgol a gynhelir”, “ysgol feithrin a gynhelir” ac ymadroddion cysylltiedig

- (1) Yn y Ddeddf hon –
- (a) ystyr “ysgol a gynhelir” yw –
 - (i) ysgol gymunedol, sefydledig neu wirfoddol a gynhelir gan awdurdod lleol yng Nghymru, neu
 - (ii) ysgol arbennig gymunedol a gynhelir gan awdurdod lleol yng Nghymru, ac eithrio ysgol arbennig gymunedol a sefydlir mewn ysbyty;
 - (b) ystyr “ysgol feithrin a gynhelir” yw ysgol feithrin a gynhelir gan awdurdod lleol yng Nghymru ac nad yw’n ysgol arbennig.
- (2) Yn y Ddeddf hon, mae i’r ymadroddion a ganlyn yr un ystyr ag a roddir i’r ymadroddion Saesneg cyfatebol yn Neddf Safonau a Fframwaith Ysgolion 1998 (p. 31) –
- “ysgol arbennig gymunedol” (“*community special school*”)
 - “ysgol gymunedol” (“*community school*”)
 - “ysgol sefydledig” (“*foundation school*”)
 - “ysgol wirfoddol” (“*voluntary school*”)
 - “ysgol wirfoddol a gynorthwyir” (“*voluntary aided school*”)
 - “ysgol wirfoddol a reolir” (“*voluntary controlled school*”).

80 Ystyr “addysg feithrin a gyllidir ond nas cynhelir” ac ymadroddion cysylltiedig

- (1) Yn y Ddeddf hon –
- (a) ystyr “addysg feithrin a gyllidir ond nas cynhelir” yw addysg feithrin a ddarperir –
 - (i) gan berson ac eithrio corff llywodraethu ysgol a gynhelir neu ysgol feithrin a gynhelir,
 - (ii) o dan drefniadau a wneir rhwng y person hwnnw ac awdurdod lleol yng Nghymru, drwy arfer dyletswydd yr awdurdod lleol i sicrhau addysg feithrin o dan adran 118 o Ddeddf Safonau a Fframwaith Ysgolion 1998 (p. 31), a
 - (iii) yn gydnabyddiaeth am y cymorth ariannol a ddarperir gan yr awdurdod o dan y trefniadau;
 - (b) ystyr “addysg feithrin” yw addysg lawnamser neu ran-amser sy’n addas i blant nad ydynt wedi cyrraedd yr oedran ysgol gorfodol;
- (2) Yn y Ddeddf hon –
- (a) mae darparwr addysg feithrin a gyllidir ond nas cynhelir yn berson y mae awdurdod lleol wedi gwneud trefniadau ag ef drwy arfer dyletswydd yr awdurdod lleol i sicrhau addysg feithrin o dan adran 118 o Ddeddf Safonau a Fframwaith Ysgolion 1998, a
 - (b) mae awdurdod lleol sy’n sicrhau addysg feithrin a gyllidir ond nas cynhelir yn awdurdod lleol sy’n gwneud trefniadau o’r disgrifiad hwnnw ar gyfer yr addysg honno.

79 Meaning of “maintained school”, “maintained nursery school” and associated expressions

- (1) In this Act –
- (a) “maintained school” means –
 - (i) a community, foundation or voluntary school maintained by a local authority in Wales, or
 - (ii) a community special school maintained by a local authority in Wales, other than a community special school established in a hospital;
 - (b) “maintained nursery school” means a nursery school which is maintained by a local authority in Wales and is not a special school.
- (2) In this Act, the following expressions have the same meaning as in the School Standards and Framework Act 1998 (c. 31) –
- “community school” (*“ysgol gymunedol”*)
 - “community special school” (*“ysgol arbennig gymunedol”*)
 - “foundation school” (*“ysgol sefydledig”*)
 - “voluntary aided school” (*“ysgol wirfoddol a gynorthwyir”*)
 - “voluntary controlled school” (*“ysgol wirfoddol a reolir”*)
 - “voluntary school” (*“ysgol wirfoddol”*).

80 Meaning of “funded non-maintained nursery education” and associated expressions

- (1) In this Act –
- (a) “funded non-maintained nursery education” means nursery education that is provided –
 - (i) by a person other than the governing body of a maintained school or maintained nursery school,
 - (ii) under arrangements made between that person and a local authority in Wales, in the exercise of its duty to secure nursery education under section 118 of the School Standards and Framework Act 1998 (c. 31), and
 - (iii) in consideration of financial assistance provided by the authority under the arrangements;
 - (b) “nursery education” means full-time or part-time education suitable for children who have not attained compulsory school age.
- (2) In this Act –
- (a) a provider of funded non-maintained nursery education is a person with whom arrangements are made by a local authority in the exercise of its duty to secure nursery education under section 118 of the School Standards and Framework Act 1998, and
 - (b) a local authority that secures funded non-maintained nursery education is a local authority by which arrangements of that description are made for that education.

81 Ystyr “uned cyfeirio disgyblion” ac ymadroddion cysylltiedig

- (1) Yn y Ddeddf hon, mae i “uned cyfeirio disgyblion” yr ystyr a roddir i “pupil referral unit” gan adran 19A(2) o Ddeddf Addysg 1996 (p. 56) (darpariaeth eithriadol o addysg mewn unedau cyfeirio disgyblion neu mewn manau eraill: Cymru).
- (2) Yn y Ddeddf hon—
- ystyr yr awdurdod lleol, mewn perthynas ag uned cyfeirio disgyblion, yw’r awdurdod lleol sy’n cynnal yr uned, a
 - ystyr y pwyllgor rheoli, mewn perthynas ag uned cyfeirio disgyblion, yw’r pwyllgor (os oes un) a sefydlir i weithredu fel y pwyllgor rheoli ar gyfer yr uned o dan reoliadau a wneir o dan Atodlen 1 i Ddeddf Addysg 1996.

82 Dehongli cyffredinol

- (1) Yn y Ddeddf hon—
- mae “addasu” (“*modify*”), mewn perthynas â deddfiad, yn cynnwys diwygio, diddymu neu ddirymu;
- ystyr “dosbarth” (“*class*”), mewn perthynas â disgybl, yw—
- y grŵp addysgu yr addysgir y disgybl ynddo yn rheolaidd, neu
 - pan fo dau neu ragor o grwpiau o’r fath, y grŵp a ddynodir gan bennaeth yr ysgol;
- ystyr “rheoliadau” (“*regulations*”) yw rheoliadau a wneir gan Weinidogion Cymru.
- (2) Mae i ymadroddion eraill yn y Ddeddf hon y diffinnir yr ymadroddion Saesneg cyfatebol iddynt yn Neddf Addysg 1996 (p. 56), neu y rhoddir ystyr iddynt ganddi, yr un ystyr ag a roddir i’r ymadroddion Saesneg cyfatebol hynny yn y Ddeddf honno.
- (3) Ond pan fo ystyr wedi ei roi i ymadrodd at ddibenion y Ddeddf hon (naill ai gan y Ddeddf hon neu gan Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4)) sy’n wahanol i’r ystyr a roddir iddo at ddibenion Deddf Addysg 1996, mae’r ystyr honno yn gymwys at ddibenion y ddarpariaeth honno yn lle’r un a roddir at ddibenion Deddf 1996.

83 Mynegai o ymadroddion a ddiffinnir yn y Ddeddf hon

Mae’r Tabl isod yn rhestru darpariaethau yn y Ddeddf hon sy’n diffinio neu fel arall yn esbonio ymadroddion a ddefnyddir yn y Ddeddf hon.

TABL 1

Ymadrodd	Darpariaeth berthnasol
addasu (“ <i>modify</i> ”)	adran 82(1)
addysg feithrin (“ <i>nursery education</i> ”)	adran 80(1)(b)
addysg feithrin a gyllidir ond nas cynhelir (“ <i>funded non-maintained nursery education</i> ”)	adran 80(1)(a)
awdurdod lleol (“ <i>local authority</i> ”) (mewn perthynas ag uned cyfeirio disgyblion)	adran 81(2)(a)

81 Meaning of “pupil referral unit” and associated expressions

- (1) In this Act, “pupil referral unit” has the meaning given by section 19A(2) of the Education Act 1996 (c. 56) (exceptional provision of education in pupil referral units or elsewhere: Wales).
- (2) In this Act—
- (a) the local authority, in relation to a pupil referral unit, means the local authority that maintains the unit, and
 - (b) the management committee, in relation to a pupil referral unit, means the committee (if there is one) established to act as the management committee for the unit under regulations made under Schedule 1 to the Education Act 1996.

82 General interpretation

- (1) In this Act—
- “class” (“*dosbarth*”), in relation to a pupil, means—
- (a) the teaching group in which the pupil is regularly taught, or
 - (b) where there are two or more such groups, the group designated by the head teacher of the school;
- “modify” (“*addasu*”), in relation to an enactment, includes amend, repeal or revoke;
- “regulations” (“*rheoliadau*”) means regulations made by the Welsh Ministers.
- (2) Other expressions in this Act that are defined in, or given a meaning by, the Education Act 1996 (c. 56) have the same meaning as in that Act.
- (3) But where for the purposes of this Act an expression is given (either by this Act or by the Legislation (Wales) Act 2019 (anaw 4)) a meaning different from that given to it for the purposes of the Education Act 1996, that meaning applies for the purposes of that provision instead of the one given for the purposes of the 1996 Act.

83 Index of expressions defined in this Act

The Table below lists provisions in this Act that define or otherwise explain expressions used in this Act.

TABLE 1

Expression	Relevant provision
adopted curriculum (“ <i>curriculum mabwysiedig</i> ”) (in Chapter 1 of Part 2) (in Chapters 3 and 4 of Part 2)	section 9(3) section 26(4)
appropriate progression (“ <i>cynnydd priodol</i> ”)	section 7(2) and (3)
area of learning and experience (“ <i>maes dysgu a phrofiad</i> ”)	section 3(1)
assessment arrangements (“ <i>trefniadau asesu</i> ”) (in Part 4)	section 56(2)

awdurdod lleol sy'n sicrhau addysg feithrin a gyllidir ond nas cynhelir (<i>"local authority that secures funded non-maintained nursery education"</i>)	adran 80(2)(b)
blwyddyn ysgol berthnasol (<i>"relevant school year"</i>)	adran 31(5)
Cod ACRh (<i>"RSE Code"</i>)	adran 8(1)
Cod Cynnydd (<i>"Progression Code"</i>)	adran 7(1)
Cod yr Hyn sy'n Bwysig (<i>"What Matters Code"</i>)	adran 6(1)
cwmpasu (<i>"encompass"</i>) (mewn perthynas â maes dysgu a phrofiad) (mewn perthynas ag elfen fandadol Addysg Cydberthynas a Rhywioldeb)	adran 6(2) a (3) adran 8(2) a (3)
cwricwlwm adran 13 (<i>"section 13 curriculum"</i>)	adran 13(1)
cwricwlwm mabwysiedig (<i>"adopted curriculum"</i>) (ym Mhennod 1 o Ran 2) (ym Mhenodau 3 a 4 o Ran 2)	adran 9(3) adran 26(4)
cwricwlwm perthnasol (<i>"relevant curriculum"</i>) (yn Rhan 4)	adran 56(5)
cwrs astudio (<i>"course of study"</i>)	adrannau 25(5) a 68(2)
cynnydd priodol (<i>"appropriate progression"</i>)	adran 7(2) a (3)
darparwr addysg feithrin a gyllidir ond nas cynhelir (<i>"provider of funded non-maintained nursery education"</i>)	adran 80(2)(a)
dosbarth (<i>"class"</i>)	adran 82(1)
elfen fandadol (<i>"mandatory element"</i>)	adran 3(2)
maes dysgu a phrofiad (<i>"area of learning and experience"</i>)	adran 3(1)
pedwar diben (<i>"four purposes"</i>)	adran 2(1)
person perthnasol (<i>"relevant person"</i>) (yn Rhan 4)	adran 56(4)
pwyllgor rheoli (<i>"management committee"</i>) (mewn perthynas ag uned cyfeirio disgyblion)	adran 81(2)(b)
rheoliadau (<i>"regulations"</i>)	adran 82(1)
sgîl trawsgwricwlaidd mandadol (<i>"mandatory cross-curricular skill"</i>)	adran 4(1)
trefniadau asesu (<i>"assessment arrangements"</i>) (yn Rhan 4)	adran 56(2)
uned cyfeirio disgyblion (<i>"pupil referral unit"</i>)	adran 81(1)
ysgol (<i>"school"</i>) (ym Mhennod 1 o Ran 2) (ym Mhenodau 3 a 4 o Ran 2)	adran 9(2) adran 26(3)

class (“ <i>dosbarth</i> ”)	section 82(1)
community school (“ <i>ysgol gymunedol</i> ”)	section 79(2)
community special school (“ <i>ysgol arbennig gymunedol</i> ”)	section 79(2)
course of study (“ <i>cwrs astudio</i> ”)	sections 25(5) and 68(2)
encompass (“ <i>cwmpasu</i> ”) (in relation to an area of learning and experience) (in relation to the mandatory element of Relationships and Sexuality Education)	section 6(2) and (3) section 8(2) and (3)
foundation school (“ <i>ysgol sefydledig</i> ”)	section 79(2)
four purposes (“ <i>pedwar diben</i> ”)	section 2(1)
funded non-maintained nursery education (“ <i>addysg feithrin a gyllidir ond nas cynhelir</i> ”)	section 80(1)(a)
local authority (“ <i>awdurdod lleol</i> ”) (in relation to a pupil referral unit)	section 81(2)(a)
local authority that secures funded non-maintained nursery education (“ <i>awdurdod lleol sy’n sicrhau addysg feithrin a gyllidir ond nas cynhelir</i> ”)	section 80(2)(b)
maintained nursery school (“ <i>ysgol feithrin a gynhelir</i> ”)	section 79(1)(b)
maintained school (“ <i>ysgol a gynhelir</i> ”) (generally) (in Part 5)	section 79(1)(a) section 58(2)(a)
management committee (“ <i>pwyllgor rheoli</i> ”) (in relation to a pupil referral unit)	section 81(2)(b)
mandatory cross-curricular skill (“ <i>sgil trawsgwricwlaidd mandadol</i> ”)	section 4(1)
mandatory element (“ <i>elfen fandadol</i> ”)	section 3(2)
modify (“ <i>addasu</i> ”)	section 82(1)
nursery education (“ <i>addysg feithrin</i> ”)	section 80(1)(b)
Progression Code (“ <i>Cod Cynnydd</i> ”)	section 7(1)
provider of funded non-maintained nursery education (“ <i>darparwr addysg feithrin a gyllidir ond nas cynhelir</i> ”)	section 80(2)(a)
pupil referral unit (“ <i>uned cyfeirio disgyblion</i> ”)	section 81(1)
regulations (“ <i>rheoliadau</i> ”)	section 82(1)

ysgol a gynhelir (" <i>maintained school</i> ") (yn gyffredinol) (yn Rhan 5)	adran 79(1)(a) adran 58(2)(a)
ysgol arbennig gymunedol (" <i>community special school</i> ")	adran 79(2)
ysgol feithrin a gynhelir (" <i>maintained nursery school</i> ")	adran 79(1)(b)
ysgol gymunedol (" <i>community school</i> ")	adran 79(2)
ysgol sefydledig (" <i>foundation school</i> ")	adran 79(2)
ysgol wirfoddol (" <i>voluntary school</i> ")	adran 79(2)
ysgol wirfoddol a gynorthwyir (" <i>voluntary aided school</i> ")	adran 79(2)
ysgol wirfoddol a reolir (" <i>voluntary controlled school</i> ")	adran 79(2)

84 **Dod i rym**

- (1) Daw'r Rhan hon i rym drannoeth y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.
- (2) Daw'r darpariaethau eraill yn y Ddeddf hon i rym ar ba ddiwrnod neu ddiwrnodau bynnag y caiff Gweinidogion Cymru ei bennu neu eu pennu drwy orchymyn.
- (3) Caiff Gweinidogion Cymru bennu diwrnodau gwahanol o dan is-adran (2) at ddibenion gwahanol.
- (4) O ran gorchymyn o dan is-adran (2) –
 - (a) mae i'w wneud drwy offeryn statudol, a
 - (b) caiff wneud darpariaeth drosiannol, darpariaeth ddarfodol neu ddarpariaeth arbed mewn cysylltiad â dyfodiad darpariaeth yn y Ddeddf hon i rym.

85 **Enw byr**

Enw byr y Ddeddf hon yw Deddf Cwricwlwm ac Asesu (Cymru) 2021.

relevant curriculum (“ <i>cwricwlwm perthnasol</i> ”) (in Part 4)	section 56(5)
relevant person (“ <i>person perthnasol</i> ”) (in Part 4)	section 56(4)
relevant school year (“ <i>blwyddyn ysgol berthnasol</i> ”)	section 31(5)
RSE Code (“ <i>Cod ACRh</i> ”)	section 8(1)
school (“ <i>ysgol</i> ”) (in Chapter 1 of Part 2) (in Chapters 3 and 4 of Part 2)	section 9(2) section 26(3)
section 13 curriculum (“ <i>cwricwlwm adran 13</i> ”)	section 13(1)
voluntary aided school (“ <i>ysgol wirfoddol a gynorthwyr</i> ”)	section 79(2)
voluntary controlled school (“ <i>ysgol wirfoddol a reolir</i> ”)	section 79(2)
voluntary school (“ <i>ysgol wirfoddol</i> ”)	section 79(2)
What Matters Code (“ <i>Cod yr Hyn sy’n Bwysig</i> ”)	section 6(1)

84 Coming into force

- (1) This Part comes into force on the day after the day on which this Act receives Royal Assent.
- (2) The other provisions of this Act come into force on whatever day or days the Welsh Ministers may appoint by order.
- (3) The Welsh Ministers may appoint different days under subsection (2) for different purposes.
- (4) An order under subsection (2) –
 - (a) is to be made by statutory instrument, and
 - (b) may make transitional, transitory or saving provision in connection with the coming into force of a provision of this Act.

85 Short title

The short title of this Act is the Curriculum and Assessment (Wales) Act 2021.

ATODLEN 1

(a gyflwynir gan adrannau 24(3), 29(3)(b) a 30(6)(b))

CREFYDD, GWERTHOEDD A MOESEG

RHAN 1

CYNLLUNIO CWRICWLWM

Cymhwys

- 1 Mae'r Rhan hon yn gymwys at ddibenion adran 24(3) (darpariaeth ar gyfer addysgu a dysgu sy'n cwmpasu elfen fandadol Crefydd, Gwerthoedd a Moeseg).

Ysgolion cymunedol ac ysgolion sefydledig a gwirfoddol heb gymeriad crefyddol

- 2 (1) Mae'r paragraff hwn yn gymwys i—
- (a) ysgol gymunedol;
 - (b) ysgol sefydledig neu wirfoddol heb gymeriad crefyddol.
- (2) Rhaid bod y ddarpariaeth wedi ei chynllunio gan roi sylw i'r maes llafur cytunedig.

Ysgolion sefydledig ac ysgolion gwirfoddol a reolir sydd â chymeriad crefyddol

- 3 (1) Mae'r paragraff hwn yn gymwys i ysgol sefydledig, neu ysgol wirfoddol a reolir, sydd â chymeriad crefyddol.
- (2) Rhaid bod y ddarpariaeth wedi ei chynllunio gan roi sylw i'r maes llafur cytunedig.
- (3) Mae is-baragraff (4) yn gymwys yn yr achosion hynny pan na fo'r ddarpariaeth honno yn cyd-fynd—
- (a) ag unrhyw ddarpariaethau yng ngweithred ymddiriedolaeth yr ysgol sy'n ymwneud ag addysgu a dysgu mewn cysylltiad ag elfen fandadol Crefydd, Gwerthoedd a Moeseg, neu
 - (b) os nad oes unrhyw ddarpariaethau o'r fath, â daliadau'r grefydd neu'r enwad crefyddol a bennir mewn perthynas â'r ysgol mewn gorchymyn o dan adran 68A o Ddeddf Safonau a Fframwaith Ysgolion 1998 (p. 31).
- (4) Yn yr achosion hynny, rhaid i'r cwricwlwm hefyd wneud darpariaeth ychwanegol ar gyfer addysgu a dysgu sy'n cwmpasu elfen fandadol Crefydd, Gwerthoedd a Moeseg sydd yn cyd-fynd â'r darpariaethau hynny neu (yn ôl y digwydd) y daliadau hynny.

Ysgolion gwirfoddol a gynorthwyir sydd â chymeriad crefyddol

- 4 (1) Mae'r paragraff hwn yn gymwys i ysgol wirfoddol a gynorthwyir sydd â chymeriad crefyddol.
- (2) Rhaid i'r ddarpariaeth gyd-fynd—
- (a) ag unrhyw ddarpariaethau yng ngweithred ymddiriedolaeth yr ysgol sy'n ymwneud ag addysgu a dysgu mewn cysylltiad ag elfen fandadol Crefydd, Gwerthoedd a Moeseg, neu

SCHEDULE 1
(introduced by sections 24(3), 29(3)(b) and 30(6)(b))

RELIGION, VALUES AND ETHICS

PART 1

CURRICULUM DESIGN

Application

- 1 This Part applies for the purposes of section 24(3) (provision for teaching and learning encompassing the mandatory element of Religion, Values and Ethics).

Community schools and foundation and voluntary schools without a religious character

- 2 (1) This paragraph applies to—
(a) a community school;
(b) a foundation or voluntary school without a religious character.
(2) The provision must have been designed having regard to the agreed syllabus.

Foundation and voluntary controlled schools that have a religious character

- 3 (1) This paragraph applies to a foundation or voluntary controlled school that has a religious character.
(2) The provision must have been designed having regard to the agreed syllabus.
(3) Sub-paragraph (4) applies in those cases where that provision does not accord—
(a) with any provisions of the school's trust deed that relate to teaching and learning in respect of the mandatory element of Religion, Values and Ethics, or
(b) if there are no such provisions, with the tenets of the religion or religious denomination specified in relation to the school in an order under section 68A of the School Standards and Framework Act 1998 (c. 31).
(4) In those cases, the curriculum must also make additional provision for teaching and learning encompassing the mandatory element of Religion, Values and Ethics that does accord with those provisions or (as the case may be) tenets.

Voluntary aided schools that have a religious character

- 4 (1) This paragraph applies to a voluntary aided school that has a religious character.
(2) The provision must accord—
(a) with any provisions of the school's trust deed that relate to teaching and learning in respect of the mandatory element of Religion, Values and Ethics, or

- (b) os nad oes unrhyw ddarpariaethau o'r fath, â daliadau'r grefydd neu'r enwad crefyddol a bennir mewn perthynas â'r ysgol mewn gorchymyn o dan adran 68A o Ddeddf Safonau a Fframwaith Ysgolion 1998 (p. 31).
- (3) Mae is-baragraff (4) yn gymwys yn yr achosion hynny pan na fo'r ddarpariaeth sy'n ofynnol o dan is-baragraff (2) yn ddarpariaeth sy'n cyd-fynd â'r maes llafur cytunedig.
- (4) Yn yr achosion hynny, rhaid i'r cwricwlwm hefyd wneud darpariaeth ychwanegol ar gyfer addysgu a dysgu sy'n cwmpasu elfen fandadol Crefydd, Gwerthoedd a Moeseg y mae rhaid ei bod wedi ei chynllunio gan roi sylw i'r maes llafur cytunedig.

RHAN 2

GWEITHREDU CWRICWLWM

Cymhwyso

- 5 Mae'r Rhan hon yn gymwys i'r addysgu a dysgu y mae rhaid ei sicrhau o dan adrannau 29(3)(b) a 30(6)(b) mewn cysylltiad ag elfen fandadol Crefydd, Gwerthoedd a Moeseg.

Ysgolion cymunedol ac ysgolion sefydledig a gwirfoddol heb gymeriad crefyddol

- 6 (1) Mae'r paragraff hwn yn gymwys i—
- (a) ysgol gymunedol;
 - (b) ysgol sefydledig neu wirfoddol heb gymeriad crefyddol.
- (2) Rhaid i'r addysgu a dysgu fod yn addysgu a dysgu y gwneir darpariaeth ar ei gyfer yn y cwricwlwm o dan baragraff 2(2) (darpariaeth sydd wedi ei chynllunio gan roi sylw i'r maes llafur cytunedig).

Ysgolion sefydledig ac ysgolion gwirfoddol a reolir sydd â chymeriad crefyddol

- 7 (1) Mae'r paragraff hwn yn gymwys i ysgol sefydledig, neu ysgol wirfoddol a reolir, sydd â chymeriad crefyddol.
- (2) Rhaid i'r addysgu a dysgu fod yn addysgu a dysgu y gwneir darpariaeth ar ei gyfer yn y cwricwlwm o dan baragraff 3(2) (darpariaeth sydd wedi ei chynllunio gan roi sylw i'r maes llafur cytunedig), ac eithrio yn achos disgybl y mae is-baragraff (4) yn gymwys iddo.
- (3) Yn achos disgybl y mae is-baragraff (4) yn gymwys iddo, rhaid i'r addysgu a dysgu fod yn addysgu a dysgu y gwneir darpariaeth ar ei gyfer yn y cwricwlwm o dan baragraff 3(3) (darpariaeth sy'n cyd-fynd â'r weithred ymddiriedolaeth etc).
- (4) Mae'r is-baragraff hwn yn gymwys i ddisgybl os yw rhiant i'r disgybl yn gofyn bod yr addysgu a dysgu yn addysgu a dysgu y gwneir darpariaeth ar ei gyfer yn y cwricwlwm o dan baragraff 3(3) (darpariaeth sy'n cyd-fynd â'r weithred ymddiriedolaeth etc).

Ysgolion gwirfoddol a gynorthwyir sydd â chymeriad crefyddol

- 8 (1) Mae'r paragraff hwn yn gymwys i ysgol wirfoddol a gynorthwyir sydd â chymeriad crefyddol.

- (b) if there are no such provisions, with the tenets of the religion or religious denomination specified in relation to the school in an order under section 68A of the School Standards and Framework Act 1998 (c. 31).
- (3) Sub-paragraph (4) applies in those cases where the provision required under sub-paragraph (2) is not provision that accords with the agreed syllabus.
- (4) In those cases, the curriculum must also make additional provision for teaching and learning encompassing the mandatory element of Religion, Values and Ethics that must have been designed having regard to the agreed syllabus.

PART 2

CURRICULUM IMPLEMENTATION

Application

- 5 This Part applies to the teaching and learning that must be secured under sections 29(3)(b) and 30(6)(b) in respect of the mandatory element of Religion, Values and Ethics.

Community schools and foundation and voluntary schools without a religious character

- 6 (1) This paragraph applies to—
- (a) a community school;
 - (b) a foundation or voluntary school without a religious character.
- (2) The teaching and learning must be that for which provision is made in the curriculum under paragraph 2(2) (provision designed having regard to agreed syllabus).

Foundation and voluntary controlled schools that have a religious character

- 7 (1) This paragraph applies to a foundation or voluntary controlled school that has a religious character.
- (2) The teaching and learning must be that for which provision is made in the curriculum under paragraph 3(2) (provision designed having regard to agreed syllabus), except in the case of a pupil to whom sub-paragraph (4) applies.
- (3) In the case of a pupil to whom sub-paragraph (4) applies, the teaching and learning must be that for which provision is made in the curriculum under paragraph 3(3) (provision that accords with trust deed etc).
- (4) This sub-paragraph applies to a pupil if a parent of the pupil requests that the teaching and learning be that for which provision is made in the curriculum under paragraph 3(3) (provision that accords with trust deed etc).

Voluntary aided schools that have a religious character

- 8 (1) This paragraph applies to a voluntary aided school that has a religious character.

- (2) Rhaid i'r addysgu a dysgu fod yn addysgu a dysgu y gwneir darpariaeth ar ei gyfer yn y cwricwlwm o dan baragraff 4(2) (darpariaeth sy'n cyd-fynd â'r weithred ymddiriedolaeth etc), ac eithrio yn achos disgybl y mae is-baragraff (4) yn gymwys iddo.
- (3) Yn achos disgybl y mae is-baragraff (4) yn gymwys iddo, rhaid i'r addysgu a dysgu fod yn addysgu a dysgu y gwneir darpariaeth ar ei gyfer yn y cwricwlwm yn unol â pharagraff 4(3) (darpariaeth sydd wedi ei chynllunio gan roi sylw i'r maes llafur cytunedig).
- (4) Mae'r is-baragraff hwn yn gymwys i ddisgybl os yw rhiant i'r disgybl yn gofyn bod yr addysgu a dysgu yn addysgu a dysgu y gwneir darpariaeth ar ei gyfer yn y cwricwlwm yn unol â pharagraff 4(3) (darpariaeth sydd wedi ei chynllunio gan roi sylw i'r maes llafur cytunedig).

RHAN 3

DEHONGLI

- 9 (1) Am ystyr "agreed syllabus" ("maes llafur cytunedig"), gweler adran 375A(7) o Ddeddf Addysg 1996 (p. 56).
- (2) At ddibenion yr Atodlen hon, mae i ysgol gymeriad crefyddol os y'i dynodir gan orchymyn sy'n cael ei wneud (neu sy'n cael ei drin fel pe bai'n cael ei wneud) o dan adran 68A o Ddeddf Safonau a Fframwaith Ysgolion 1998 (p. 31) (ac mae cyfeiriadau at ysgol heb gymeriad crefyddol i'w dehongli yn unol â hynny).

- (2) The teaching and learning must be that for which provision is made in the curriculum under paragraph 4(2) (provision that accords with trust deed etc), except in the case of a pupil to whom sub-paragraph (4) applies.
- (3) In the case of a pupil to whom sub-paragraph (4) applies, the teaching and learning must be that for which provision is made in the curriculum in accordance with paragraph 4(3) (provision designed having regard to agreed syllabus).
- (4) This sub-paragraph applies to a pupil if a parent of the pupil requests that the teaching and learning be that for which provision is made in the curriculum in accordance with paragraph 4(3) (provision designed having regard to agreed syllabus).

PART 3

INTERPRETATION

- 9 (1) For the meaning of “agreed syllabus”, see section 375A(7) of the Education Act 1996 (c. 56).
- (2) For the purposes of this Schedule, a school has a religious character if it is designated by an order made (or treated as being made) under section 68A of the School Standards and Framework Act 1998 (c. 31) (and references to a school without a religious character are to be construed accordingly).

ATODLEN 2
(a gyflwynir gan adran 73)

MÂN DDIWYGIADAU A DIWYGIADAU CANLYNIADOL A DIDDYMIADAU

Deddf Addysg 1996 (p. 56)

- 1 Mae Deddf Addysg 1996 wedi ei diwygio fel a ganlyn.
- 2 Yn adran 4 (ysgolion: cyffredinol), yn is-adran (2), ar ôl "section 19(1)", yn y ddau le y mae'n digwydd, mewnosoder "or 19A(1)".
- 3 (1) Mae adran 19 (darpariaeth eithriadol o addysg mewn unedau cyfeirio disgyblion neu mewn mannau eraill) wedi ei diwygio fel a ganlyn.
 - (2) Yn y pennawd, ar y diwedd mewnosoder ": England".
 - (3) Yn is-adran (1), ar ôl "Each local authority" mewnosoder "in England".
 - (4) Yn is-adran (1A), hepgorer "In relation to England,".
 - (5) Hepgorer is-adrannau (2) a (2A).
 - (6) Yn is-adran (2B), ar ôl "a local authority" mewnosoder "in England".
 - (7) Yn is-adran (3), ar ôl "A local authority" mewnosoder "in England".
 - (8) Yn is-adran (3A), hepgorer "In relation to England,".
 - (9) Yn is-adran (4), ar ôl "A local authority" mewnosoder "in England".
 - (10) Yn is-adran (7), ar ôl "pupil referral units" mewnosoder "maintained by a local authority in England".
- 4 Ar ôl adran 19 mewnosoder –

"19A Exceptional provision of education in pupil referral units or elsewhere: Wales

- (1) Each local authority in Wales must make arrangements for the provision of suitable education at school or otherwise than at school for children within the authority's area who –
 - (a) are of compulsory school age, and
 - (b) by reason of illness, exclusion from school or otherwise, may not receive suitable education for a period unless such arrangements are made for them.
- (2) A school established (whether before or after the commencement of this Act) and maintained by a local authority in Wales which –
 - (a) is specially organised to provide education for children falling within subsection (1), and
 - (b) is not a special school,
 is to be known as a "pupil referral unit".
- (3) A local authority in Wales may secure the provision of boarding accommodation at any pupil referral unit.

SCHEDULE 2
(introduced by section 73)

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

Education Act 1996 (c. 56)

- 1 The Education Act 1996 is amended as follows.
- 2 In section 4 (schools: general), in subsection (2), after “section 19(1)”, in both places it occurs, insert “or 19A(1)”.
- 3 (1) Section 19 (exceptional provision of education in pupil referral units or elsewhere) is amended as follows.
- (2) In the heading, at the end insert “: England”.
- (3) In subsection (1), after “Each local authority” insert “in England”.
- (4) In subsection (1A), omit “In relation to England,”.
- (5) Omit subsections (2) and (2A).
- (6) In subsection (2B), after “a local authority” insert “in England”.
- (7) In subsection (3), after “A local authority” insert “in England”.
- (8) In subsection (3A), omit “In relation to England,”.
- (9) In subsection (4), after “A local authority” insert “in England”.
- (10) In subsection (7), after “pupil referral units” insert “maintained by a local authority in England”.
- 4 After section 19 insert—

“19A Exceptional provision of education in pupil referral units or elsewhere: Wales

- (1) Each local authority in Wales must make arrangements for the provision of suitable education at school or otherwise than at school for children within the authority’s area who—
- (a) are of compulsory school age, and
- (b) by reason of illness, exclusion from school or otherwise, may not receive suitable education for a period unless such arrangements are made for them.
- (2) A school established (whether before or after the commencement of this Act) and maintained by a local authority in Wales which—
- (a) is specially organised to provide education for children falling within subsection (1), and
- (b) is not a special school,
- is to be known as a “pupil referral unit”.
- (3) A local authority in Wales may secure the provision of boarding accommodation at any pupil referral unit.

- (4) A local authority in Wales may make arrangements for the provision of suitable education otherwise than at a school for young persons within the authority's area who, by reason of illness, exclusion from school or otherwise, may not receive a suitable education for a period unless such arrangements are made for them.
- (5) In this section, "suitable education", in relation to a child or young person means efficient education suitable to the young person's age, ability and aptitude and to any additional learning needs the child or young person may have.
- (6) The following persons are to be treated as pupils for the purposes of this Act—
 - (a) any child for whom education is provided otherwise than at school under this section, and
 - (b) any young person for whom full-time education is provided otherwise than at school under this section.
- (7) Schedule 1 has effect in relation to pupil referral units maintained by local authorities in Wales."

5 Yn Rhan 5, ym mhennawd Pennod 3, ar ôl "Education" mewnosoder "etc".

- 6 (1) Mae adran 375 (meysydd llafur cytunedig addysg grefyddol) wedi ei diwygio fel a ganlyn.
- (2) Yn y pennawd, ar ôl "religious education" mewnosoder ": England".
- (3) Yn is-adran (2)—
 - (a) yn y geiriau o flaen paragraff (a), ar ôl "agreed syllabus" mewnosoder ", in relation to England,";
 - (b) ym mharagraff (b), ar ôl "local authority" mewnosoder "in England".
- (4) Yn is-adran (3), ar ôl "agreed syllabus" mewnosoder "for use in England".
- (5) Yn is-adran (4), ar ôl "local authority" mewnosoder "in England".
- 7 Ar ôl adran 375 mewnosoder —

"375A Agreed syllabus of Religion, Values and Ethics: Wales

- (1) Each local authority in Wales must adopt a syllabus of Religion, Values and Ethics for use in the schools maintained by them.
- (2) The syllabus adopted by an authority may make different provision in respect of—
 - (a) different descriptions of school maintained by the local authority;
 - (b) different descriptions of pupils.
- (3) The syllabus—
 - (a) must reflect the fact that the religious traditions in Wales are in the main Christian while taking account of the teaching and practices of the other principal religions represented in Wales;

- (4) A local authority in Wales may make arrangements for the provision of suitable education otherwise than at a school for young persons within the authority's area who, by reason of illness, exclusion from school or otherwise, may not receive a suitable education for a period unless such arrangements are made for them.
- (5) In this section, "suitable education", in relation to a child or young person means efficient education suitable to the young person's age, ability and aptitude and to any additional learning needs the child or young person may have.
- (6) The following persons are to be treated as pupils for the purposes of this Act—
 - (a) any child for whom education is provided otherwise than at school under this section, and
 - (b) any young person for whom full-time education is provided otherwise than at school under this section.
- (7) Schedule 1 has effect in relation to pupil referral units maintained by local authorities in Wales."

5 In Part 5, in the heading of Chapter 3, after "Education" insert "etc".

6 (1) Section 375 (agreed syllabuses of religious education) is amended as follows.

(2) In the heading, after "religious education" insert ": England".

(3) In subsection (2) —

(a) in the words before paragraph (a), after "agreed syllabus" insert ", in relation to England,";

(b) in paragraph (b), after "local authority" insert "in England".

(4) In subsection (3), after "agreed syllabus" insert "for use in England".

(5) In subsection (4), after "local authority" insert "in England".

7 After section 375 insert —

"375A Agreed syllabus of Religion, Values and Ethics: Wales

(1) Each local authority in Wales must adopt a syllabus of Religion, Values and Ethics for use in the schools maintained by them.

(2) The syllabus adopted by an authority may make different provision in respect of —

(a) different descriptions of school maintained by the local authority;

(b) different descriptions of pupils.

(3) The syllabus —

(a) must reflect the fact that the religious traditions in Wales are in the main Christian while taking account of the teaching and practices of the other principal religions represented in Wales;

- (b) must also reflect the fact that a range of non-religious philosophical convictions are held in Wales.
- (4) In subsection (3), the reference to philosophical convictions is to philosophical convictions within the meaning of Article 2 of the First Protocol to the European Convention on Human Rights.
- (5) Schedule 31 makes further provision in relation to a syllabus of Religion, Values and Ethics.
- (6) In this section –
- “the European Convention on Human Rights” means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950, as it has effect for the time being in relation to the United Kingdom;
- “the First Protocol”, in relation to that Convention, means the protocol to the Convention agreed at Paris on 20th March 1952.
- (7) References in this Act to an agreed syllabus, in relation to Wales, are to a syllabus adopted under this section, or deemed to be adopted under this section by virtue of paragraph 14(2) of Schedule 31; and accordingly in relation to a syllabus deemed to have been so adopted, any reference to the date on which an agreed syllabus was adopted is a reference to the date of deemed adoption specified by the Welsh Ministers in a direction under that paragraph.
- (8) In exercising functions under this section, a local authority must have regard to any guidance given by the Welsh Ministers.”
- 8 Yn y pennawd italg o flaen adran 390 (cyfansoddiad cynghorau ymgynghorol sefydlog ar addysg grefyddol), hepgorer “*on religious education*”.
- 9 (1) Mae adran 390 (cyfansoddiad cynghorau ymgynghorol) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1), ar ôl “local authority” mewnosoder “in England”.
- (3) Ar ôl is-adran (1) mewnosoder –
- “(1A) A local authority in Wales shall constitute a standing advisory council on Religion, Values and Ethics for the purposes mentioned in section 391(1A).”
- (4) Yn is-adran (2), yn lle “The council” rhodder “A council constituted under subsection (1) or (1A)”.
- (5) Yn is-adran (3), yn lle “The council” rhodder “A council constituted under subsection (1) or (1A)”.
- (6) Yn is-adran (4) –
- (a) ym mharagraff (a), o flaen “a group” mewnosoder “in the case of an area in England,”;
- (b) ar ôl paragraff (a) mewnosoder –
- “(aa) in the case of an area in Wales, a group of persons to represent –

- (b) must also reflect the fact that a range of non-religious philosophical convictions are held in Wales.
- (4) In subsection (3), the reference to philosophical convictions is to philosophical convictions within the meaning of Article 2 of the First Protocol to the European Convention on Human Rights.
- (5) Schedule 31 makes further provision in relation to a syllabus of Religion, Values and Ethics.
- (6) In this section –
- “the European Convention on Human Rights” means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950, as it has effect for the time being in relation to the United Kingdom;
- “the First Protocol”, in relation to that Convention, means the protocol to the Convention agreed at Paris on 20th March 1952.
- (7) References in this Act to an agreed syllabus, in relation to Wales, are to a syllabus adopted under this section, or deemed to be adopted under this section by virtue of paragraph 14(2) of Schedule 31; and accordingly in relation to a syllabus deemed to have been so adopted, any reference to the date on which an agreed syllabus was adopted is a reference to the date of deemed adoption specified by the Welsh Ministers in a direction under that paragraph.
- (8) In exercising functions under this section, a local authority must have regard to any guidance given by the Welsh Ministers.”
- 8 In the italic heading before section 390 (constitution of standing advisory councils on religious education), omit “*on religious education*”.
- 9 (1) Section 390 (constitution of advisory councils) is amended as follows.
- (2) In subsection (1), after “local authority” insert “in England”.
- (3) After subsection (1) insert –
- “(1A) A local authority in Wales shall constitute a standing advisory council on Religion, Values and Ethics for the purposes mentioned in section 391(1A).”
- (4) In subsection (2), for “The council” substitute “A council constituted under subsection (1) or (1A)”.
- (5) In subsection (3), for “The council” substitute “A council constituted under subsection (1) or (1A)”.
- (6) In subsection (4) –
- (a) in paragraph (a), before “a group” insert “in the case of an area in England,”;
- (b) after paragraph (a) insert –
- “(aa) in the case of an area in Wales, a group of persons to represent –

- (i) Christian denominations and other religions and denominations of such religions, and
 - (ii) non-religious philosophical convictions;"
- (7) Yn is-adran (6), ar ôl "appointed" mewnosoder "by a local authority in England".
- (8) Ar ôl is-adran (6) mewnosoder –
 - “(6A) A local authority in Wales, in appointing persons to a representative group under subsection (4)(aa), must take all reasonable steps to secure the outcome referred to in subsection (6B).
 - (6B) The outcome is that the number of members appointed to the group to represent a religion, denomination or non-religious philosophical conviction shall, so far as consistent with the efficient discharge of the group's functions, reflect broadly the proportionate strength of that religion, denomination or non-religious philosophical conviction in the area.”
- (9) Ar ôl is-adran (7) mewnosoder –
 - “(8) In exercising functions under this section, a local authority in Wales must have regard to any guidance given by the Welsh Ministers.
 - (9) In this section, “non-religious philosophical conviction” has the same meaning as in section 375A(3).”
- 10 (1) Mae adran 391 (swyddogaethau cynghorau ymgynghorol) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl is-adran (1) mewnosoder –
 - “(1A) The purposes referred to in section 390(1A) are –
 - (a) to advise the local authority on such matters connected with –
 - (i) religious worship in community schools or in foundation schools which (within the meaning of Part 2 of the School Standards and Framework Act 1998) do not have a religious character, and
 - (ii) the provision of teaching and learning, under the Curriculum and Assessment (Wales) Act 2021, either in respect of the mandatory element of Religion, Values and Ethics (within the meaning of that Act), or under section 61 of that Act (post-compulsory education in maintained schools: Religion, Values and Ethics),

as the authority may refer to the council or as the council may see fit, and
 - (b) to carry out the functions conferred on them by section 394.”
- (3) Yn is-adran (2), yn lle "subsection (1)(a)" rhodder "subsections (1)(a) and (1A)(a)".
- (4) Ar ôl is-adran (10) mewnosoder –
 - “(11) In exercising its functions under this Act, a council constituted by a local authority in Wales must have regard to any guidance issued by the Welsh Ministers.”

- (i) Christian denominations and other religions and denominations of such religions, and
 - (ii) non-religious philosophical convictions;”.
- (7) In subsection (6), after “appointed” insert “by a local authority in England”.
- (8) After subsection (6) insert—
- “(6A) A local authority in Wales, in appointing persons to a representative group under subsection (4)(aa), must take all reasonable steps to secure the outcome referred to in subsection (6B).
 - (6B) The outcome is that the number of members appointed to the group to represent a religion, denomination or non-religious philosophical conviction shall, so far as is consistent with the efficient discharge of the group’s functions, reflect broadly the proportionate strength of that religion, denomination or non-religious philosophical conviction in the area.”
- (9) After subsection (7) insert—
- “(8) In exercising functions under this section, a local authority in Wales must have regard to any guidance given by the Welsh Ministers.
 - (9) In this section, “non-religious philosophical conviction” has the same meaning as in section 375A(3).”
- 10 (1) Section 391 (functions of advisory councils) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) The purposes referred to in section 390(1A) are—
 - (a) to advise the local authority on such matters connected with—
 - (i) religious worship in community schools or in foundation schools which (within the meaning of Part 2 of the School Standards and Framework Act 1998) do not have a religious character, and
 - (ii) the provision of teaching and learning, under the Curriculum and Assessment (Wales) Act 2021, either in respect of the mandatory element of Religion, Values and Ethics (within the meaning of that Act), or under section 61 of that Act (post-compulsory education in maintained schools: Religion, Values and Ethics),
 as the authority may refer to the council or as the council may see fit, and
 - (b) to carry out the functions conferred on them by section 394.”
- (3) In subsection (2), for “subsection (1)(a)” substitute “subsections (1)(a) and (1A)(a)”.
- (4) After subsection (10) insert—
- “(11) In exercising its functions under this Act, a council constituted by a local authority in Wales must have regard to any guidance issued by the Welsh Ministers.”

- 11 (1) Mae adran 392 (cyngorau ymgynghorol: darpariaethau atodol) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1), yn lle “the standing advisory council on religious education” rhodder “a standing advisory council”.
- (3) Yn is-adran (2), ar ôl pob cyfeiriad at “denomination” mewnosoder “, philosophical conviction”.
- (4) Yn is-adran (3), ar ôl “denomination” mewnosoder “, philosophical conviction”.
- (5) Yn is-adran (8), ym mharagraff (b), ar ôl pob cyfeiriad at “denomination” mewnosoder “, philosophical conviction”.
- 12 Yn adran 394 (penderfynu ar achosion pan na fo gofyniad am addoli Cristnogol ar y cyd i fod yn gymwys), yn is-adran (1), ym mharagraff (b) –
- (a) ar ôl “section” mewnosoder “68A or”;
- (b) ar ôl “by” mewnosoder “the Welsh Ministers or”.
- 13 Yn adran 396 (pŵer yr Ysgrifennydd Gwladol i gyfarwyddo cyngor ymgynghorol i ddirymu penderfyniad neu gyflawni dyletswydd), yn is-adran (1), ar ôl “local authority” mewnosoder “in England”.
- 14 Ar ôl adran 396 mewnosoder –

“396A Power of Welsh Ministers to direct advisory council to revoke determination etc

- (1) Where the Welsh Ministers are satisfied, either on complaint by any person or otherwise, that any standing advisory council constituted by a local authority in Wales under section 390 –
- (a) have acted, or are proposing to act, unreasonably in determining for the purposes of section 394 or 395 whether it is appropriate for the requirement imposed by paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998 to apply in the case of any school or any class or description of pupils at a school, or
- (b) have failed to discharge any duty imposed under section 394 or 395,

the Welsh Ministers may give the council such directions as to the revocation of the determination, or the withdrawal of the proposed determination or (as the case may be) the discharge of the duty as appear to them to be expedient; and the council shall comply with the directions.

- (2) Directions under subsection (1) may provide for the making by the council of a new determination to take effect in place of the determination or proposed determination to be revoked or withdrawn by them.”

- 15 (1) Mae adran 397 (addysg grefyddol: mynediad at gyfarfodydd a dogfennau) wedi ei diwygio fel a ganlyn.

- 11 (1) Section 392 (advisory councils: supplementary provisions) is amended as follows.
- (2) In subsection (1), for “the standing advisory council on religious education” substitute “a standing advisory council”.
- (3) In subsection (2), after each reference to “denomination” insert “, philosophical conviction”.
- (4) In subsection (3), after “denomination” insert “, philosophical conviction”.
- (5) In subsection (8), in paragraph (b), after each reference to “denomination” insert “, philosophical conviction”.
- 12 In section 394 (determination of cases in which requirement for Christian collective worship is not to apply), in subsection (1), in paragraph (b) –
- (a) after “section” insert “68A or”;
- (b) after “by” insert “the Welsh Ministers or”.
- 13 In section 396 (power of Secretary of State to direct advisory council to revoke determination or discharge duty), in subsection (1), after “local authority” insert “in England”.
- 14 After section 396 insert –

“396A Power of Welsh Ministers to direct advisory council to revoke determination etc

- (1) Where the Welsh Ministers are satisfied, either on complaint by any person or otherwise, that any standing advisory council constituted by a local authority in Wales under section 390 –
- (a) have acted, or are proposing to act, unreasonably in determining for the purposes of section 394 or 395 whether it is appropriate for the requirement imposed by paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998 to apply in the case of any school or any class or description of pupils at a school, or
- (b) have failed to discharge any duty imposed under section 394 or 395,

the Welsh Ministers may give the council such directions as to the revocation of the determination, or the withdrawal of the proposed determination or (as the case may be) the discharge of the duty as appear to them to be expedient; and the council shall comply with the directions.

- (2) Directions under subsection (1) may provide for the making by the council of a new determination to take effect in place of the determination or proposed determination to be revoked or withdrawn by them.”

- 15 (1) Section 397 (religious education: access to meetings and documents) is amended as follows.

- (2) Yn y pennawd, hepgorer “Religious education:”
- (3) Yn is-adran (1) –
- (a) ym mharagraff (a), yn lle “(1)” rhodder “(A1)”;
 - (b) ym mharagraff (b), hepgorer “on religious education”.
- (4) Yn is-adran (2), ar ôl “Regulations” mewnosoder “made by the appropriate authority”.
- (5) Ar ôl is-adran (3) mewnosoder –
- “(4) The “appropriate authority” is –
 - (a) in relation to a conference convened by a local authority in Wales, or a standing advisory council convened by a local authority in Wales, the Welsh Ministers;
 - (b) in relation to a conference convened by a local authority in England, or a standing advisory council convened by a local authority in England, the Secretary of State.”
- 16 (1) Mae adran 399 (penderfynu a yw addysg grefyddol yn unol â’r weithred ymddiriedolaeth) wedi ei diwygio fel a ganlyn.
- (2) Yn y pennawd, ar ôl “religious education” mewnosoder “or education in respect of Religion, Values and Ethics”.
- (3) Daw’r ddarpariaeth bresennol yn is-adran (1).
- (4) Yn is-adran (1), ar ôl “voluntary school” mewnosoder “in England”.
- (5) Ar ôl is-adran (1), mewnosoder –
- “(2) Where any trust deed relating to a foundation or voluntary school in Wales makes any provision whereby a bishop or any other ecclesiastical or denominational authority has power to decide whether provision for the mandatory element of Religion, Values and Ethics does or does not accord with the provisions of the trust deed, that question shall be determined in accordance with the provisions of the trust deed.
 - (3) In subsection (2), the reference to the mandatory element of Religion, Values and Ethics has the same meaning as in the Curriculum and Assessment (Wales) Act 2021.”
- 17 Yn y pennawd italig o flaen adran 403, ar ôl “Sex education” mewnosoder “in England”.
- 18 (1) Mae adran 403 (addysg rhyw: y modd y mae rhaid ei darparu) wedi ei diwygio fel a ganlyn.
- (2) Yn y pennawd, ar ôl “Sex education” mewnosoder “in England”.
- (3) Yn is-adran (1) –
- (a) ar ôl “head teacher” mewnosoder “of a maintained school in England”;
 - (b) yn lle “a maintained” rhodder “the”.
- (4) Yn is-adran (1A), yn y geiriau o flaen paragraff (a), ar ôl “maintained schools” mewnosoder “in England”.
- (5) Yn is-adran (1C), ar ôl “schools” mewnosoder “in England”.

- (2) In the heading, omit “Religious education:”
 - (3) In subsection (1) –
 - (a) in paragraph (a), for “(1)” substitute “(A1)”;
 - (b) in paragraph (b), omit “on religious education”.
 - (4) In subsection (2), after “Regulations” insert “made by the appropriate authority”.
 - (5) After subsection (3) insert –
 - “(4) The “appropriate authority” is –
 - (a) in relation to a conference convened by a local authority in Wales, or a standing advisory council convened by a local authority in Wales, the Welsh Ministers;
 - (b) in relation to a conference convened by a local authority in England, or a standing advisory council convened by a local authority in England, the Secretary of State.”
- 16 (1) Section 399 (determination of question whether religious education in accordance with trust deed) is amended as follows.
- (2) In the heading, after “religious education” insert “or education in respect of Religion, Values and Ethics”.
 - (3) The existing provision becomes subsection (1).
 - (4) In subsection (1), after “voluntary school” insert “in England”.
 - (5) After subsection (1), insert –
 - “(2) Where any trust deed relating to a foundation or voluntary school in Wales makes any provision whereby a bishop or any other ecclesiastical or denominational authority has power to decide whether provision for the mandatory element of Religion, Values and Ethics does or does not accord with the provisions of the trust deed, that question shall be determined in accordance with the provisions of the trust deed.
 - (3) In subsection (2), the reference to the mandatory element of Religion, Values and Ethics has the same meaning as in the Curriculum and Assessment (Wales) Act 2021.”
- 17 In the italic heading before section 403, after “*Sex education*” insert “*in England*”.
- 18 (1) Section 403 (sex education: manner of provision) is amended as follows.
- (2) In the heading, after “Sex education” insert “in England”.
 - (3) In subsection (1) –
 - (a) after “head teacher” insert “of a maintained school in England”;
 - (b) for “a maintained” substitute “the”.
 - (4) In subsection (1A), in the words before paragraph (a), after “maintained schools” insert “in England”.
 - (5) In subsection (1C), after “schools” insert “in England”.

- 19 Yn adran 404 (addysg rhyw: datganiadau polisi) –
- (a) yn y pennawd, ar ôl “Sex education” mewnosoder “in England”;
 - (b) yn is-adran (1), ar ôl “maintained school” mewnosoder “in England”.
- 20 Yn adran 405 (esemptiad rhag addysg rhyw) –
- (a) yn y pennawd, ar ôl “sex education” mewnosoder “in England”;
 - (b) yn is-adran (1), ar ôl “maintained school” mewnosoder “in England”.
- 21 Yn adran 444ZA (cymhwyso adran 444 i ddarpariaeth addysgol amgen), yn is-adran (1), ar ôl “section 19” mewnosoder “or 19A”.
- 22 Yn adran 569 (rheoliadau), yn is-adran (2B) –
- (a) o flaen “444A” mewnosoder “397,”;
 - (b) o flaen “made by the Welsh Ministers” mewnosoder “, or under paragraph 6B or 6C of Schedule 1,”.
- 23 Yn adran 579 (dehongli cyffredinol), yn is-adran (1), yn y diffiniad o “regulations” –
- (a) hepgorer “(except in Chapter 5A)”;
 - (b) ar y diwedd mewnosoder “, except where otherwise stated or where the function of making the regulations has been transferred to the Welsh Ministers in relation to Wales”.

- 24 Yn adran 580 (mynegai), yn lle’r cofnod ar gyfer “agreed syllabus” rhodder –

“agreed syllabus (in relation to England) (in relation to Wales)	Section 375(2) and (4) Section 375A(7)”.
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- 25 (1) Mae Atodlen 1 (unedau cyfeirio disgyblion) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl paragraffau 1 a 2 (addasiadau cyffredinol o ddeddfiadau) mewnosoder –
- “2A Paragraphs 1 and 2 do not apply to references in an enactment in, or made under, the Curriculum and Assessment (Wales) Act 2021.”
- (3) Ym mharagraff 6 (cwricwlwm) –
- (a) yn is-baragraff (1) –
 - (i) ar ôl “every pupil referral unit” mewnosoder “maintained by a local authority in England”;
 - (ii) hepgorer “or 99(1)”;
 - (b) yn is-baragraff (2), ar ôl “every pupil referral unit” mewnosoder “maintained by a local authority in England”;
 - (c) hepgorer is-baragraffau (3) a (4).
- (4) Ar ôl paragraff 6 mewnosoder –
- “6A Paragraphs 6B, 6C and 6D apply in relation to every pupil referral unit maintained by a local authority in Wales.
- 6B (1) The local authority, the management committee (where applicable) and the teacher in charge of a pupil referral unit must exercise their functions –

- 19 In section 404 (sex education: statements of policy) –
- (a) in the heading, after “Sex education” insert “in England”;
 - (b) in subsection (1), after “maintained school” insert “in England”.
- 20 In section 405 (exemption from sex education) –
- (a) in the heading, after “sex education” insert “in England”;
 - (b) in subsection (1), after “maintained school” insert “in England”.
- 21 In section 444ZA (application of section 444 to alternative educational provision), in subsection (1), after “section 19” insert “or 19A”.
- 22 In section 569 (regulations), in subsection (2B) –
- (a) before “444A” insert “397,”;
 - (b) before “made by the Welsh Ministers” insert “, or under paragraph 6B or 6C of Schedule 1,”.
- 23 In section 579 (general interpretation), in subsection (1), in the definition of “regulations” –
- (a) omit “(except in Chapter 5A)”;
 - (b) at the end insert “, except where otherwise stated or where the function of making the regulations has been transferred to the Welsh Ministers in relation to Wales”.
- 24 In section 580 (index), for the entry for “agreed syllabus” substitute –

“agreed syllabus (in relation to England) (in relation to Wales)	Section 375(2) and (4) Section 375A(7)”.
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- 25 (1) Schedule 1 (pupil referral units) is amended as follows.
- (2) After paragraphs 1 and 2 (general adaptations of enactments) insert –
- “2A Paragraphs 1 and 2 do not apply to references in an enactment in, or made under, the Curriculum and Assessment (Wales) Act 2021.”
- (3) In paragraph 6 (curriculum) –
- (a) in sub-paragraph (1) –
 - (i) after “every pupil referral unit” insert “maintained by a local authority in England”;
 - (ii) omit “or 99(1)”;
 - (b) in sub-paragraph (2), after “every pupil referral unit” insert “maintained by a local authority in England”;
 - (c) omit sub-paragraphs (3) and (4).
- (4) After paragraph 6 insert –
- “6A Paragraphs 6B, 6C and 6D apply in relation to every pupil referral unit maintained by a local authority in Wales.
- 6B (1) The local authority, the management committee (where applicable) and the teacher in charge of a pupil referral unit must exercise their functions –

- (a) in relation to registered pupils of compulsory school age at the unit, in accordance with sections 50 to 52 of the Curriculum and Assessment (Wales) Act 2021 (curriculum requirements);
 - (b) in relation to registered pupils above compulsory school age at the unit, with a view to securing that the curriculum for those pupils meets the requirements in sub-paragraph (2).
 - (2) The requirements are that the curriculum is a balanced and broadly based curriculum which –
 - (a) promotes the spiritual, moral, cultural, mental and physical development of the pupils, and
 - (b) prepares them for the opportunities, responsibilities and experiences of later life.
 - (3) The Welsh Ministers may, by regulations, make provision in respect of the curriculum for registered pupils above compulsory school age at pupil referral units, including provision as to making, and keeping up to date, a written statement of the policy in relation to the curriculum for those pupils.
- 6C The Welsh Ministers may, by regulations –
- (a) require the local authority, the management committee (where applicable) or the teacher in charge of a pupil referral unit to exercise any functions relating to the curriculum that are specified in regulations, or
 - (b) require those persons, or any of them, to collaborate with each other in exercising any functions relating to the curriculum that are specified in regulations.
- 6D (1) Each local authority in Wales must make arrangements to deal with complaints that the authority, or the teacher in charge of a pupil referral unit maintained by the authority –
- (a) have acted or are proposing to act unreasonably in relation to the exercise of a power conferred, or the performance of a duty imposed, on them –
 - (i) by section 50, 51 or 52 of the Curriculum and Assessment (Wales) Act 2021, or
 - (ii) by paragraph 6B, or by regulations made under paragraph 6B or 6C, or
 - (b) have failed to discharge a duty imposed on them by or under any of those provisions.
- (2) The Welsh Ministers must not exercise their powers under Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) in relation to –
- (a) a complaint for which arrangements are required to be made under sub-paragraph (1), or

- (a) in relation to registered pupils of compulsory school age at the unit, in accordance with sections 50 to 52 of the Curriculum and Assessment (Wales) Act 2021 (curriculum requirements);
 - (b) in relation to registered pupils above compulsory school age at the unit, with a view to securing that the curriculum for those pupils meets the requirements in sub-paragraph (2).
 - (2) The requirements are that the curriculum is a balanced and broadly based curriculum which –
 - (a) promotes the spiritual, moral, cultural, mental and physical development of the pupils, and
 - (b) prepares them for the opportunities, responsibilities and experiences of later life.
 - (3) The Welsh Ministers may, by regulations, make provision in respect of the curriculum for registered pupils above compulsory school age at pupil referral units, including provision as to making, and keeping up to date, a written statement of the policy in relation to the curriculum for those pupils.
- 6C The Welsh Ministers may, by regulations –
- (a) require the local authority, the management committee (where applicable) or the teacher in charge of a pupil referral unit to exercise any functions relating to the curriculum that are specified in regulations, or
 - (b) require those persons, or any of them, to collaborate with each other in exercising any functions relating to the curriculum that are specified in regulations.
- 6D (1) Each local authority in Wales must make arrangements to deal with complaints that the authority, or the teacher in charge of a pupil referral unit maintained by the authority –
- (a) have acted or are proposing to act unreasonably in relation to the exercise of a power conferred, or the performance of a duty imposed, on them –
 - (i) by section 50, 51 or 52 of the Curriculum and Assessment (Wales) Act 2021, or
 - (ii) by paragraph 6B, or by regulations made under paragraph 6B or 6C, or
 - (b) have failed to discharge a duty imposed on them by or under any of those provisions.
- (2) The Welsh Ministers must not exercise their powers under Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) in relation to –
- (a) a complaint for which arrangements are required to be made under sub-paragraph (1), or

- (b) a complaint that a local authority in Wales has failed to exercise its powers to secure compliance by the teacher in charge of a pupil referral unit with a duty referred to in sub-paragraph (1),

unless a complaint about the same matter has been made, and has been dealt with, in accordance with arrangements made under that sub-paragraph."

- (5) Ym mharagraff 8—

- (a) daw'r ddarpariaeth bresennol yn is-baragraff (1);
 (b) yn yr is-baragraff hwnnw —
 (i) ar ôl "pupil referral units" mewnosoder "in England";
 (ii) ar ôl "community schools" mewnosoder "in England";
 (c) ar ôl yr is-baragraff hwnnw mewnosoder —

"(2) Sections 406 and 407 (political indoctrination, and treatment of political issues) apply in relation to pupil referral units in Wales as they apply in relation to community schools in Wales."

- 26 (1) Mae Atodlen 31 (meysydd llafur cytunedig addysg grefyddol) wedi ei diwygio fel a ganlyn.
 (2) Ym mhennawd yr Atodlen, ar ôl "Religious Education" mewnosoder "and Religion, Values and Ethics".
 (3) O flaen pennawd paragraff 1 mewnosoder —

"Duty to convene conference to prepare first syllabus of Religion, Values and Ethics: Wales

A1 A local authority in Wales must convene a conference for the purpose of preparing the first syllabus of Religion, Values and Ethics to be adopted by the local authority under section 375A."

- (4) Ym mharagraff 4, yn is-baragraff (2) —

- (a) ym mharagraff (a), o flaen "a committee" mewnosoder "in the case of an area in England,";
 (b) ar ôl paragraff (a) mewnosoder —

"(aa) in the case of an area in Wales, a committee of persons representing —

- (i) Christian denominations and other religions and denominations of such religions, and
 (ii) non-religious philosophical convictions;"

- (5) Ym mharagraff 4, yn is-baragraff (4), ar ôl "appointed" mewnosoder "by a local authority in England".
 (6) Ym mharagraff 4, ar ôl is-baragraff (4) mewnosoder —

- (b) a complaint that a local authority in Wales has failed to exercise its powers to secure compliance by the teacher in charge of a pupil referral unit with a duty referred to in sub-paragraph (1),

unless a complaint about the same matter has been made, and has been dealt with, in accordance with arrangements made under that sub-paragraph.”

- (5) In paragraph 8—

- (a) the existing provision becomes sub-paragraph (1);
- (b) in that sub-paragraph—
 - (i) after “pupil referral units” insert “in England”;
 - (ii) after “community schools” insert “in England”;
- (c) after that sub-paragraph insert—

“(2) Sections 406 and 407 (political indoctrination, and treatment of political issues) apply in relation to pupil referral units in Wales as they apply in relation to community schools in Wales.”

- 26 (1) Schedule 31 (agreed syllabuses of religious education) is amended as follows.
- (2) In the heading of the Schedule, after “Religious Education” insert “and Religion, Values and Ethics”.
- (3) Before the heading of paragraph 1 insert—

“Duty to convene conference to prepare first syllabus of Religion, Values and Ethics: Wales

A1A local authority in Wales must convene a conference for the purpose of preparing the first syllabus of Religion, Values and Ethics to be adopted by the local authority under section 375A.”

- (4) In paragraph 4, in sub-paragraph (2)—
 - (a) in paragraph (a), before “a committee” insert “in the case of an area in England,”;
 - (b) after paragraph (a) insert—
 - “(aa) in the case of an area in Wales, a committee of persons representing—
 - (i) Christian denominations and other religions and denominations of such religions, and
 - (ii) non-religious philosophical convictions;”.
- (5) In paragraph 4, in sub-paragraph (4), after “appointed” insert “by a local authority in England”.
- (6) In paragraph 4, after sub-paragraph (4) insert—

- (5) A local authority in Wales, in appointing persons to a representative group under sub-paragraph (2)(aa), must take all reasonable steps to secure the outcome referred to in sub-paragraph (6).
- (6) The outcome is that the number of members appointed to the committee to represent a religion, denomination or non-religious philosophical conviction shall, so far as consistent with the efficient discharge of the committee's functions, reflect broadly the proportionate strength of that religion, denomination or non-religious philosophical conviction in the area.
- (7) In this paragraph, "non-religious philosophical conviction" has the same meaning as in section 375A(3)."
- (7) Ym mharagraff 7—
- (a) yn is-baragraff (1), ar ôl pob cyfeiriad at "denomination" mewnosoder " , philosophical conviction";
- (b) yn is-baragraff (2), ar ôl "denomination" mewnosoder " , philosophical conviction".
- (8) Ym mharagraff 8, ym mharagraff (b), ar ôl "denomination" mewnosoder " , philosophical conviction".
- (9) Ar ôl paragraff 9 mewnosoder—

"Adoption of first syllabus of Religion, Values and Ethics: Wales

- 9A (1) This paragraph applies where a local authority in Wales convene a conference for the purpose of preparing the first syllabus of Religion, Values and Ethics to be adopted by the authority under section 375A.
- (2) If—
- (a) the conference unanimously recommend a syllabus for adoption by the authority under section 375A, and
- (b) it appears to the authority that the recommended syllabus meets the condition in sub-paragraph (3),
- the authority may give effect to the recommendation by adopting the syllabus.
- (3) The condition is that the syllabus—
- (a) reflects the fact that the religious traditions in Wales are mainly Christian, while taking account of the teaching and practices of the other principal religions represented in Wales, and
- (b) also reflects the fact that a range of non-religious philosophical convictions (within the meaning of section 375A(3)) are held in Wales.
- (4) If—

- “(5) A local authority in Wales, in appointing persons to a representative group under sub-paragraph (2)(aa), must take all reasonable steps to secure the outcome referred to in sub-paragraph (6).
 - (6) The outcome is that the number of members appointed to the committee to represent a religion, denomination or non-religious philosophical conviction shall, so far as consistent with the efficient discharge of the committee's functions, reflect broadly the proportionate strength of that religion, denomination or non-religious philosophical conviction in the area.
 - (7) In this paragraph, “non-religious philosophical conviction” has the same meaning as in section 375A(3).”
- (7) In paragraph 7—
- (a) in sub-paragraph (1), after each reference to “denomination” insert “, philosophical conviction”;
 - (b) in sub-paragraph (2), after “denomination” insert “, philosophical conviction”.
- (8) In paragraph 8, in paragraph (b), after “denomination” insert “, philosophical conviction”.
- (9) After paragraph 9 insert—

“Adoption of first syllabus of Religion, Values and Ethics: Wales

- 9A (1) This paragraph applies where a local authority in Wales convene a conference for the purpose of preparing the first syllabus of Religion, Values and Ethics to be adopted by the authority under section 375A.
- (2) If—
- (a) the conference unanimously recommend a syllabus for adoption by the authority under section 375A, and
 - (b) it appears to the authority that the recommended syllabus meets the condition in sub-paragraph (3),
- the authority may give effect to the recommendation by adopting the syllabus.
- (3) The condition is that the syllabus—
- (a) reflects the fact that the religious traditions in Wales are mainly Christian, while taking account of the teaching and practices of the other principal religions represented in Wales, and
 - (b) also reflects the fact that a range of non-religious philosophical convictions (within the meaning of section 375A(3)) are held in Wales.
- (4) If—

- (a) the authority report to the Welsh Ministers that the conference are unable unanimously to recommend a syllabus for adoption under section 375A,
- (b) the authority report to the Welsh Ministers that the condition in sub-paragraph (3) prevents them from giving effect to the unanimous recommendation of the conference, or
- (c) it appears to the Welsh Ministers that the authority have failed to exercise their power under sub-paragraph (2) to give effect to the unanimous recommendation of the conference,

the Welsh Ministers must proceed in accordance with paragraph 12.”

(10) Ym mharagraff 10—

- (a) yn is-baragraff (1), yn lle “This paragraph applies where a local authority” rhodder “Sub-paragraph (2) applies where a local authority in England”;
- (b) ar ôl is-baragraff (2) mewnosoder—
 - “(2A) Sub-paragraphs (2B) and (2C) apply where a local authority in Wales cause a conference to be convened for the purpose of reconsidering any agreed syllabus under paragraph 2 or 3.
 - (2B) If—
 - (a) the conference—
 - (i) unanimously recommend that the existing syllabus should continue to be the agreed syllabus, or
 - (ii) unanimously recommend a new syllabus to be adopted in substitution for the existing syllabus, and
 - (b) it appears to the authority that the condition in sub-paragraph (2C) has been met in relation to the syllabus,

the authority may give effect to the recommendation.
 - (2C) The condition in this sub-paragraph is met in relation to a syllabus if the syllabus—
 - (a) reflects the fact that the religious traditions in Wales are in the main Christian while taking account of the teaching and practices of the other principal religions represented in Wales, and
 - (b) also reflects the fact that a range of non-religious philosophical convictions (within the meaning of section 375A(3)) are held in Wales.
 - (2D) Sub-paragraph (3) applies in relation to local authorities in England and local authorities in Wales.”;
- (c) yn is-baragraff (3), ym mharagraff (a), ar ôl “Secretary of State” mewnosoder “(in the case of an authority in England) or to the Welsh Ministers (in the case of an authority in Wales)”;

- (a) the authority report to the Welsh Ministers that the conference are unable unanimously to recommend a syllabus for adoption under section 375A,
- (b) the authority report to the Welsh Ministers that the condition in sub-paragraph (3) prevents them from giving effect to the unanimous recommendation of the conference, or
- (c) it appears to the Welsh Ministers that the authority have failed to exercise their power under sub-paragraph (2) to give effect to the unanimous recommendation of the conference,

the Welsh Ministers must proceed in accordance with paragraph 12.”

(10) In paragraph 10—

(a) in sub-paragraph (1) for “This paragraph applies where a local authority” substitute “Sub-paragraph (2) applies where a local authority in England”;

(b) after sub-paragraph (2) insert—

“(2A) Sub-paragraphs (2B) and (2C) apply where a local authority in Wales cause a conference to be convened for the purpose of reconsidering any agreed syllabus under paragraph 2 or 3.

(2B) If—

(a) the conference—

(i) unanimously recommend that the existing syllabus should continue to be the agreed syllabus, or

(ii) unanimously recommend a new syllabus to be adopted in substitution for the existing syllabus, and

(b) it appears to the authority that the condition in sub-paragraph (2C) has been met in relation to the syllabus,

the authority may give effect to the recommendation.

(2C) The condition in this sub-paragraph is met in relation to a syllabus if the syllabus—

(a) reflects the fact that the religious traditions in Wales are in the main Christian while taking account of the teaching and practices of the other principal religions represented in Wales, and

(b) also reflects the fact that a range of non-religious philosophical convictions (within the meaning of section 375A(3)) are held in Wales.

(2D) Sub-paragraph (3) applies in relation to local authorities in England and local authorities in Wales.”;

(c) in sub-paragraph (3), in paragraph (a), after “Secretary of State” insert “(in the case of an authority in England) or to the Welsh Ministers (in the case of an authority in Wales)”;

- (d) yn is-baragraff (3), ym mharagraff (b), ar ôl "(2)(b)" mewnosoder "or, as the case may be, (2B)(b),";
- (e) yn is-baragraff (3), ym mharagraff (c) –
- (i) ar ôl "Secretary of State" mewnosoder "or, as the case may be, the Welsh Ministers,";
 - (ii) ar ôl "sub-paragraph (2)" mewnosoder "or, as the case may be, sub-paragraph (2B)";
 - (iii) yn y geiriau ar ôl paragraff (c), ar ôl "Secretary of State" mewnosoder "or, as the case may be, the Welsh Ministers,".
- (11) Ym mharagraff 12, ar ôl is-baragraff (1) mewnosoder –
- “(1A) Where required by paragraph 9A or 10 to proceed in accordance with this paragraph, the Welsh Ministers shall appoint a body of persons appearing to the Welsh Ministers to possess relevant experience to prepare a syllabus of Religion, Values and Ethics.”
- (12) Ym mharagraff 13 –
- (a) yn is-baragraff (1), ym mharagraff (b), ar ôl "religious education" mewnosoder "or, as the case may be, a syllabus of Religion, Values and Ethics";
 - (b) yn is-baragraff (1), ym mharagraff (c), yn lle "to the Secretary of State" rhodder " –
 - (i) in the case of a body appointed by the Secretary of State, to the Secretary of State;
 - (ii) in the case of a body appointed by the Welsh Ministers, to the Welsh Ministers”.
- (13) Ym mharagraff 14 –
- (a) daw'r ddarpariaeth bresennol yn is-baragraff (1);
 - (b) yn yr is-baragraff hwnnw, yn lle "the appointed body" rhodder "a body appointed under paragraph 12 by the Secretary of State";
 - (c) ar ôl yr is-baragraff hwnnw mewnosoder –
 - (2) The syllabus prepared by a body appointed by the Welsh Ministers under paragraph 12 shall be deemed to be the syllabus adopted by the authority under section 375A –
 - (a) as from such date as the Welsh Ministers may direct, and
 - (b) until a new syllabus is adopted by that authority under that section.”
- (14) Ar ôl paragraff 14 mewnosoder –
- “Guidance*
- 14A (1) In exercising functions under this Schedule, each of the persons specified in sub-paragraph (2) must have regard to any guidance given by the Welsh Ministers.

- (d) in sub-paragraph (3), in paragraph (b), after “(2)(b)” insert “or, as the case may be, (2B)(b),”;
- (e) in sub-paragraph (3), in paragraph (c) –
- (i) after “Secretary of State” insert “or, as the case may be, the Welsh Ministers,”;
 - (ii) after “sub-paragraph (2)” insert “or, as the case may be, sub-paragraph (2B)”;
 - (iii) in the words after paragraph (c), after “Secretary of State” insert “or, as the case may be, the Welsh Ministers,”.
- (11) In paragraph 12, after sub-paragraph (1) insert –
- “(1A) Where required by paragraph 9A or 10 to proceed in accordance with this paragraph, the Welsh Ministers shall appoint a body of persons appearing to the Welsh Ministers to possess relevant experience to prepare a syllabus of Religion, Values and Ethics.”
- (12) In paragraph 13 –
- (a) in sub-paragraph (1), in paragraph (b), after “religious education” insert “or, as the case may be, a syllabus of Religion, Values and Ethics”;
 - (b) in sub-paragraph (1), in paragraph (c), for “to the Secretary of State” substitute “ –
 - (i) in the case of a body appointed by the Secretary of State, to the Secretary of State;
 - (ii) in the case of a body appointed by the Welsh Ministers, to the Welsh Ministers”.
- (13) In paragraph 14 –
- (a) the existing provision becomes sub-paragraph (1);
 - (b) in that sub-paragraph, for “the appointed body” substitute “a body appointed under paragraph 12 by the Secretary of State”;
 - (c) after that sub-paragraph insert –
 - “(2) The syllabus prepared by a body appointed by the Welsh Ministers under paragraph 12 shall be deemed to be the syllabus adopted by the authority under section 375A –
 - (a) as from such date as the Welsh Ministers may direct, and
 - (b) until a new syllabus is adopted by that authority under that section.”
- (14) After paragraph 14 insert –

“Guidance

- 14A (1) In exercising functions under this Schedule, each of the persons specified in sub-paragraph (2) must have regard to any guidance given by the Welsh Ministers.

- (2) The persons are –
- (a) a local authority in Wales;
 - (b) a conference convened by a local authority in Wales under this Schedule;
 - (c) a body of persons appointed by the Welsh Ministers under paragraph 12.”

Deddf Addysg 1997 (p. 44)

- 27 Mae Deddf Addysg 1997 wedi ei diwygio fel a ganlyn.
- 28 Yn adran 56 (dehongli), yn is-adran (1), yn y diffiniad o “regulations”, ar y diwedd mewnosoder “, except where otherwise stated or where the function of making regulations under this Act has been transferred to the Welsh Ministers in relation to Wales”.

Deddf Safonau a Fframwaith Ysgolion 1998 (p. 31)

- 29 Mae Deddf Safonau a Fframwaith Ysgolion 1998 wedi ei diwygio fel a ganlyn.
- 30 Yn adran 58 (penodi a diswyddo athrawon penodol mewn ysgolion sydd â chymeriad crefyddol), yn is-adran (1), yn y testun ar ôl paragraff (b), ar ôl “in accordance with” mewnosoder “section 68A and”.
- 31 Yn adran 60 (staff mewn ysgol sefydledig neu wirfoddol sydd â chymeriad crefyddol), yn is-adran (5), ym mharagraff (a), yn is-baragraff (i), ar ôl “under” mewnosoder “section 68A or”.
- 32 Yn Rhan 2, ym mhennawd Pennod 6 (addysg grefyddol ac addoli), ar ôl “religious education” mewnosoder “etc”.
- 33 O flaen adran 69 (a’r pennawd italig o’i blaen) mewnosoder –

*“Designation of schools: Wales***68A Designation of schools with a religious character: Wales**

- (1) For the purposes of this Part and the Curriculum and Assessment (Wales) Act 2021 a foundation or voluntary school in Wales has a religious character if it is designated as a school having such a character by an order made by the Welsh Ministers.
- (2) An order under subsection (1) must state the religion or religious denomination in accordance with whose tenets provision in the school’s curriculum in respect of Religion, Values and Ethics is, or may be, required to be designed and implemented under the Curriculum and Assessment (Wales) Act 2021 (or, as the case may be, each such religion or religious denomination).
- (3) The procedure to be followed in connection with –
 - (a) the designation of a school in an order under subsection (1), and

- (2) The persons are –
- (a) a local authority in Wales;
 - (b) a conference convened by a local authority in Wales under this Schedule;
 - (c) a body of persons appointed by the Welsh Ministers under paragraph 12.”

Education Act 1997 (c. 44)

- 27 The Education Act 1997 is amended as follows.
- 28 In section 56 (construction), in subsection (1), in the definition of “regulations”, at the end insert “, except where otherwise stated or where the function of making regulations under this Act has been transferred to the Welsh Ministers in relation to Wales”.

School Standards and Framework Act 1998 (c. 31)

- 29 The School Standards and Framework Act 1998 is amended as follows.
- 30 In section 58 (appointment and dismissal of certain teachers at schools with a religious character), in subsection (1), in the text after paragraph (b), after “in accordance with” insert “section 68A and”.
- 31 In section 60 (staff at foundation or voluntary school with a religious character), in subsection (5), in paragraph (a), in sub-paragraph (i), after “under” insert “section 68A or”.
- 32 In Part 2, in the heading of Chapter 6 (religious education and worship), after “religious education” insert “etc”.
- 33 Before section 69 (and the italic heading before it) insert –

“Designation of schools: Wales

68A Designation of schools with a religious character: Wales

- (1) For the purposes of this Part and the Curriculum and Assessment (Wales) Act 2021 a foundation or voluntary school in Wales has a religious character if it is designated as a school having such a character by an order made by the Welsh Ministers.
- (2) An order under subsection (1) must state the religion or religious denomination in accordance with whose tenets provision in the school’s curriculum in respect of Religion, Values and Ethics is, or may be, required to be designed and implemented under the Curriculum and Assessment (Wales) Act 2021 (or, as the case may be, each such religion or religious denomination).
- (3) The procedure to be followed in connection with –
 - (a) the designation of a school in an order under subsection (1), and

- (b) the statement required by subsection (2),
may be specified in regulations made by the Welsh Ministers.
- (4) Any order made under section 69(3) in respect of a foundation or voluntary school in Wales that has effect immediately before the coming into force of this section continues to have effect until revoked.
- (5) Where an order continues to have effect under subsection (4) –
- (a) the order is to be treated for all purposes as being an order made under this section,
 - (b) the school designated by the order is to be treated for all purposes as being designated under this section, and
 - (c) any references in the order to religious education are to be treated as being references to Religion, Values and Ethics."
- 34 Yn y pennawd italig o flaen adran 69, ar y diwedd mewnosoder " : *England*".
- 35 (1) Mae adran 69 (dyletswydd i sicrhau darpariaeth ddyladwy addysg grefyddol) wedi ei diwygio fel a ganlyn.
- (2) Yn y pennawd, ar ôl "religious education" mewnosoder " : *England*".
- (3) Yn is-adran (1) –
- (a) yn y geiriau o flaen paragraff (a), ar ôl "voluntary school" mewnosoder "in *England*";
 - (b) yn y geiriau ar ôl paragraff (b), hepgorer "or 101(1)(a)".
- (4) Yn is-adran (2) –
- (a) yn y geiriau o flaen paragraff (a), hepgorer "or 101(1)(a)";
 - (b) ym mharagraff (a), ar ôl "voluntary schools" mewnosoder "in *England*";
 - (c) ym mharagraff (b), ar ôl "voluntary controlled schools" mewnosoder "in *England*";
 - (d) ym mharagraff (c), ar ôl "voluntary aided schools" mewnosoder "in *England*".
- (5) Yn is-adran (3), ar ôl "voluntary school" mewnosoder "in *England*".
- 36 (1) Mae adran 71 (eithriadau a threfniadau arbennig: darpariaeth ar gyfer ysgolion arbennig) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1), yn y geiriau o flaen paragraff (a), ar ôl "voluntary school" mewnosoder "in *England*".
- (3) Yn is-adran (2), ym mharagraff (a), hepgorer "or 101(1)(a)".
- (4) Yn is-adran (7), ar ôl "foundation special school" mewnosoder "in *England*".
- (5) Ar ôl is-adran (7) mewnosoder –
- "(7A) Regulations made by the Welsh Ministers shall make provision for ensuring that, so far as practicable, every pupil attending a community or foundation special school in Wales attends religious worship unless withdrawn from attendance at such worship –

- (b) the statement required by subsection (2),
may be specified in regulations made by the Welsh Ministers.
- (4) Any order made under section 69(3) in respect of a foundation or voluntary school in Wales that has effect immediately before the coming into force of this section continues to have effect until revoked.
- (5) Where an order continues to have effect under subsection (4) –
- (a) the order is to be treated for all purposes as being an order made under this section,
 - (b) the school designated by the order is to be treated for all purposes as being designated under this section, and
 - (c) any references in the order to religious education are to be treated as being references to Religion, Values and Ethics.”
- 34 In the italic heading before section 69, at the end insert “: *England*”.
- 35 (1) Section 69 (duty to secure due provision of religious education) is amended as follows.
- (2) In the heading, after “religious education” insert “: *England*”.
 - (3) In subsection (1) –
 - (a) in the words before paragraph (a), after “voluntary school” insert “in *England*”;
 - (b) in the words after paragraph (b), omit “or 101(1)(a)”.
 - (4) In subsection (2) –
 - (a) in the words before paragraph (a), omit “or 101(1)(a)”;
 - (b) in paragraph (a), after “voluntary schools” insert “in *England*”;
 - (c) in paragraph (b), after “voluntary controlled schools” insert “in *England*”;
 - (d) in paragraph (c), after “voluntary aided schools” insert “in *England*”.
 - (5) In subsection (3), after “voluntary school” insert “in *England*”.
- 36 (1) Section 71 (exceptions and special arrangements: provision for special schools) is amended as follows.
- (2) In subsection (1), in the words before paragraph (a), after “voluntary school” insert “in *England*”.
 - (3) In subsection (2), in paragraph (a), omit “or 101(1)(a)”.
 - (4) In subsection (7), after “foundation special school” insert “in *England*”.
 - (5) After subsection (7) insert –
 - “(7A) Regulations made by the Welsh Ministers shall make provision for ensuring that, so far as practicable, every pupil attending a community or foundation special school in Wales attends religious worship unless withdrawn from attendance at such worship –

- (a) in the case of a sixth-form pupil, in accordance with the pupil's own wishes, and
 - (b) in any other case, in accordance with the wishes of the pupil's parent."
- 37 (1) Mae adran 124B (dynodi bod i ysgolion annibynnol gymeriad crefyddol) wedi ei diwygio fel a ganlyn.
- (2) O flaen is-adran (1) mewnosoder –
 - “(A1) Subsections (1) and (3) of section 68A (which relate to the designation of foundation or voluntary schools in Wales as having a religious character) apply in relation to an independent school in Wales as they apply in relation to a foundation or voluntary school in Wales, but as if –
 - (a) in subsection (1) of that section, the references to Part 2 and the Curriculum and Assessment (Wales) Act 2021 were a reference to this Part, and
 - (b) in subsection (3) of that section, the reference to subsection (2) of that section were a reference to subsection (2) of this section.”
- (3) Yn is-adran (1) –
 - (a) ar ôl “voluntary schools” mewnosoder “in England”;
 - (b) ar ôl “independent school” mewnosoder “in England”.
- (4) Yn is-adran (2), ar ôl “made under” mewnosoder “section 68A by virtue of subsection (A1) or under”.
- 38 Yn adran 138A (gweithdrefn ar gyfer rheoliadau) –
 - (a) yn y pennawd, ar ôl “under” mewnosoder “section 71(7A) or”;
 - (b) yn is-adran (1), ar ôl “under” mewnosoder “section 71(7A) or”.
- 39 (1) Mae adran 142 (dehongli cyffredinol) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1) –
 - (a) yn y diffiniad o “Church in Wales school” –
 - (i) yn lle “Secretary of State” rhodder “Welsh Ministers”;
 - (ii) yn lle “section 69(4)” rhodder “section 68A”;
 - (b) yn y diffiniad o “regulations”, yn lle “(except in sections 89 to 90)” rhodder “(except where otherwise stated or where the function of making the regulations has been transferred to the Welsh Ministers in relation to Wales)”;
 - (c) yn y diffiniad o “Roman Catholic Church school”, ar ôl “section” mewnosoder “68A or”.
- (3) Yn is-adran (2), yn lle “Secretary of State” rhodder “Welsh Ministers”.
- (4) Yn is-adran (3), ar ôl “under” mewnosoder “section 68A,”.
- 40 (1) Mae adran 143 (mynegai) wedi ei diwygio fel a ganlyn.

- (a) in the case of a sixth-form pupil, in accordance with the pupil's own wishes, and
 - (b) in any other case, in accordance with the wishes of the pupil's parent."
 - 37 (1) Section 124B (designation of independent schools as having a religious character) is amended as follows.
 - (2) Before subsection (1) insert –
 - “(A1) Subsections (1) and (3) of section 68A (which relate to the designation of foundation or voluntary schools in Wales as having a religious character) apply in relation to an independent school in Wales as they apply in relation to a foundation or voluntary school in Wales, but as if –
 - (a) in subsection (1) of that section, the references to Part 2 and the Curriculum and Assessment (Wales) Act 2021 were a reference to this Part, and
 - (b) in subsection (3) of that section, the reference to subsection (2) of that section were a reference to subsection (2) of this section.”
 - (3) In subsection (1) –
 - (a) after “voluntary schools” insert “in England”;
 - (b) after “independent school” insert “in England”.
 - (4) In subsection (2), after “made under ” insert “section 68A by virtue of subsection (A1) or under”.
 - 38 In section 138A (procedure for regulations) –
 - (a) in the heading, after “under” insert “section 71(7A) or”;
 - (b) in subsection (1), after “under” insert “section 71(7A) or”.
 - 39 (1) Section 142 (general interpretation) is amended as follows.
 - (2) In subsection (1) –
 - (a) in the definition of “Church in Wales school” –
 - (i) for “Secretary of State” substitute “Welsh Ministers”;
 - (ii) for “section 69(4)” substitute “section 68A”;
 - (b) in the definition of “regulations”, for “(except in sections 89 to 90)” substitute “(except where otherwise stated or where the function of making the regulations has been transferred to the Welsh Ministers in relation to Wales)”;
 - (c) in the definition of “Roman Catholic Church school”, after “section” insert “68A or”.
 - (3) In subsection (2), for “the Secretary of State” substitute “the Welsh Ministers”.
 - (4) In subsection (3), after “under” insert “section 68A,”.
- 40 (1) Section 143 (index) is amended as follows.

(2) Yn y cofnod sy'n dechrau "school which has a religious character", ar ôl "school", yn y lle cyntaf y mae'n digwydd, mewnosoder "in England".

(3) Ar ôl y cofnod hwnnw, mewnosoder –

<p>"school in Wales which has a religious character (in Part 2 in relation to a foundation or voluntary school) (in Part 5A in relation to an independent school)</p>	<p>section 68A(1) sections 68A(1) and 124B(A1)".</p>
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41 Yn Atodlen 3, yn Rhan 2 (cyllido ysgolion gwirfoddol a gynorthwyir), ym mharagraff 5(12), yn y diffiniad o "appropriate schools", ym mharagraff (a), ar ôl "section" mewnosoder "68A or".

42 (1) Mae Atodlen 19 (darpariaeth ofynnol ar gyfer addysg grefyddol) wedi ei diwygio fel a ganlyn.

(2) Ym mhennawd yr Atodlen, ar ôl "RELIGIOUS EDUCATION" mewnosoder ": ENGLAND".

(3) Ym mharagraff 1 (rhagarweiniol), yn is-baragraff (1), hepgorer "or 101(1)(a)".

(4) Ym mharagraff 2 (ysgolion cymunedol ac ysgolion sefydledig a gwirfoddol heb gymeriad crefyddol), yn is-baragraff (1) –

(a) ym mharagraff (a), ar ôl "community school" mewnosoder "in England";

(b) ym mharagraff (b), ar ôl "voluntary school" mewnosoder "in England".

(5) Ym mharagraff 3 (ysgolion sefydledig ac ysgolion gwirfoddol a reolir sydd â chymeriad crefyddol), yn is-baragraff (1), ar ôl "voluntary controlled school" mewnosoder "in England".

(6) Ym mharagraff 4 (ysgolion gwirfoddol a gynorthwyir sydd â chymeriad crefyddol), yn is-baragraff (1), ar ôl "voluntary aided school" mewnosoder "in England".

43 Yn Atodlen 20 (addoli ar y cyd), ym mharagraff 5, yn y geiriau ar ôl paragraff (b), ar ôl "section" mewnosoder "68A or".

Deddf Addysg 2002 (p. 32)

44 Mae Deddf Addysg 2002 wedi ei diwygio fel a ganlyn.

45 Hefgorer Rhan 7 (y cwricwlwm yng Nghymru).

46 (1) Mae adran 210 (gorchmynion a rheoliadau) wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (6A) –

(a) hepgorer "or Part 7";

(b) hepgorer "unless the instrument contains an order mentioned in subsection (6AB)".

(3) Hefgorer is-adran (6AB).

(2) In the entry beginning “school which has a religious character”, after “school” in the first place it occurs insert “in England”.

(3) After that entry, insert—

<p>“school in Wales which has a religious character (in Part 2 in relation to a foundation or voluntary school) (in Part 5A in relation to an independent school)</p>	<p>section 68A(1) sections 68A(1) and 124B(A1)”. .</p>
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41 In Schedule 3, in Part 2 (funding of voluntary aided schools), in paragraph 5(12), in the definition of “appropriate schools”, in paragraph (a), after “section” insert “68A or”.

42 (1) Schedule 19 (required provision for religious education) is amended as follows.

(2) In the heading of the Schedule, after “RELIGIOUS EDUCATION” insert “: ENGLAND”.

(3) In paragraph 1 (introductory), in sub-paragraph (1), omit “or 101(1)(a)”.

(4) In paragraph 2 (community schools and foundation and voluntary schools without a religious character), in sub-paragraph (1)—

(a) in paragraph (a), after “community school” insert “in England”;

(b) in paragraph (b), after “voluntary school” insert “in England”.

(5) In paragraph 3 (foundation and voluntary controlled schools with a religious character), in sub-paragraph (1), after “voluntary controlled school” insert “in England”.

(6) In paragraph 4 (voluntary aided schools with a religious character), in sub-paragraph (1), after “voluntary aided school” insert “in England”.

43 In Schedule 20 (collective worship), in paragraph 5, in the words after paragraph (b), after “section” insert “68A or”.

Education Act 2002 (c. 32)

44 The Education Act 2002 is amended as follows.

45 Omit Part 7 (the curriculum in Wales).

46 (1) Section 210 (orders and regulations) is amended as follows.

(2) In subsection (6A)—

(a) omit “or Part 7”;

(b) omit “unless the instrument contains an order mentioned in subsection (6AB)”.

(3) Omit subsection (6AB).

Deddf Trwyddedu 2003 (p. 17)

- 47 Mae Deddf Trwyddedu 2003 wedi ei diwygio fel a ganlyn.
- 48 Yn Atodlen 1 (darparu adloniant rheoleiddiedig), yn Rhan 3, ym mharagraff 21, yn is-baragraff (1), ym mharagraff (d), ar ôl "section 19" mewnosoder "or 19A".

Deddf Ymddygiad Gwrthgymdeithasol 2003 (p. 38)

- 49 Mae Deddf Ymddygiad Gwrthgymdeithasol 2003 wedi ei diwygio fel a ganlyn.
- 50 Yn adran 24 (dehongli), yn y diffiniad o "relevant school", ym mharagraff (d), ar ôl "section 19(2)" mewnosoder "or 19A(2)".

Deddf Addysg 2005 (p. 18)

- 51 (1) Mae adran 50 o Ddeddf Addysg 2005 (arolygu addysg grefyddol: Cymru) wedi ei diwygio fel a ganlyn.
- (2) Yn y pennawd, yn lle "religious" rhodder "denominational".
- (3) Yn is-adran (1), yn y geiriau o flaen paragraff (a), yn lle "69(3)" rhodder "68A".
- (4) Yn is-adran (2), ym mharagraff (a), yn lle "69(4)" rhodder "68A".

Deddf y Gwasanaeth Iechyd Gwladol 2006 (p. 41)

- 52 Mae Deddf y Gwasanaeth Iechyd Gwladol 2006 wedi ei diwygio fel a ganlyn.
- 53 Yn Atodlen 1 (darpariaeth bellach ynghylch yr Ysgrifennydd Gwladol a gwasanaethau o dan y Ddeddf), ym mharagraff 2, yn is-baragraff (1), ym mharagraff (b), ar ôl "19" mewnosoder "or 19A".

Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42)

- 54 Mae Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 wedi ei diwygio fel a ganlyn.
- 55 Yn Atodlen 1 (darpariaeth bellach ynghylch Gweinidogion Cymru a gwasanaethau o dan y Ddeddf), ym mharagraff 2, yn is-baragraff (1), ym mharagraff (b), ar ôl "19" mewnosoder "or 19A".

Mesur Dysgu a Sgiliau (Cymru) 2009 (mccc 1)

- 56 Mae Mesur Dysgu a Sgiliau (Cymru) 2009 wedi ei ddiwygio fel a ganlyn.
- 57 Hepgorer Rhan 1 (cwricwlwm lleol ar gyfer disgyblion yng Nghyfnod Allweddol 4).
- 58 Yn adran 46 (rheoliadau sy'n gysylltiedig â gweithredu'r cwricwlwm lleol), yn is-adran (2), yn lle "Rannau 1 a 2" rhodder "Ran 2".
- 59 Yn yr Atodlen (mân ddiwygiadau a diwygiadau canlyniadol) –
- (a) hepgorer y pennawd italig o flaen paragraff 11;
- (b) hepgorer paragraffau 11 i 20.

Mesur Addysg (Cymru) 2009 (mccc 5)

- 60 Mae Mesur Addysg (Cymru) 2009 wedi ei ddiwygio fel a ganlyn.

Licensing Act 2003 (c. 17)

47 The Licensing Act 2003 is amended as follows.

48 In Schedule 1 (provision of regulated entertainment), in Part 3, in paragraph 21, in sub-paragraph (1), in paragraph (d), after “section 19” insert “or 19A”.

Anti-Social Behaviour Act 2003 (c. 38)

49 The Anti-Social Behaviour Act 2003 is amended as follows.

50 In section 24 (interpretation), in the definition of “relevant school”, in paragraph (d), after “section 19(2)” insert “or 19A(2)”.

Education Act 2005 (c. 18)

51 (1) Section 50 of the Education Act 2005 (inspection of religious education: Wales) is amended as follows.

(2) In the heading, for “religious” substitute “denominational”.

(3) In subsection (1), in the words before paragraph (a), for “69(3)” substitute “68A”.

(4) In subsection (2), in paragraph (a), for “69(4)” substitute “68A”.

National Health Service Act 2006 (c. 41)

52 The National Health Service Act 2006 is amended as follows.

53 In Schedule 1 (further provision about the Secretary of State and services under the Act), in paragraph 2, in sub-paragraph (1), in paragraph (b), after “19” insert “or 19A”.

National Health Service (Wales) Act 2006 (c. 42)

54 The National Health Service (Wales) Act 2006 is amended as follows.

55 In Schedule 1 (further provision about the Welsh Ministers and services under the Act), in paragraph 2, in sub-paragraph (1), in paragraph (b), after “19” insert “or 19A”.

Learning and Skills (Wales) Measure 2009 (nawm 1)

56 The Learning and Skills (Wales) Measure 2009 is amended as follows.

57 Omit Part 1 (local curriculum for pupils in Key Stage 4).

58 In section 46 (regulations in connection with the operation of the local curriculum), in subsection (2), for “Parts 1 and 2” substitute “Part 2”.

59 In the Schedule (minor and consequential amendments) –

(a) omit the italic heading before paragraph 11;

(b) omit paragraphs 11 to 20.

Education (Wales) Measure 2009 (nawm 5)

60 The Education (Wales) Measure 2009 is amended as follows.

61 Hepgorer adran 21 (y cyfnod sylfaen).

Deddf Cydraddoldeb 2010 (p. 15)

62 Mae Deddf Cydraddoldeb 2010 wedi ei diwygio fel a ganlyn.

63 Yn Atodlen 11 (ysgolion: eithriadau), yn Rhan 2 (gwahaniaethu ar sail crefydd neu gred), ym mharagraff 5, yn is-baragraff (a), ar ôl "section" mewnosoder "68A or".

64 Yn Atodlen 17 (disgyblion anabl: gorfodi), ym mharagraff 6A (fel y mae'n cael effaith cyn i baragraff 19(5)(g) o Atodlen 1 i Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (dccc 2) roi paragraff newydd yn ei le), yn is-baragraff (7), yn y diffiniad o "pupil referral unit", ar ôl "section 19" mewnosoder "or 19A".

65 Yn Atodlen 19 (awdurdodau cyhoeddus), yn Rhan 1, yn y rhestr o "Other educational bodies", yn y cofnod ar gyfer awdurdod lleol, ar ôl "section 19" mewnosoder "or 19A".

Mesur Addysg (Cymru) 2011 (mccc 7)

66 Mae Mesur Addysg (Cymru) 2011 wedi ei ddiwygio fel a ganlyn.

67 Yn adran 9 (mân ddiwygiadau a diwygiadau canlyniadol), yn is-adran (3), hepgorer paragraff (b).

Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013 (dccc 1)

68 Mae Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013 wedi ei diwygio fel a ganlyn.

69 Yn adran 98 (dehongli'n gyffredinol a mynegai o ymadroddion sydd wedi eu diffinio) –

(a) yn is-adran (3), yn y diffiniad o "corff crefyddol priodol", ym mharagraff (b), yn lle "69(3)" rhodder "68A";

(b) yn is-adran (5), yn lle "69(3)" rhodder "68A".

70 Yn Atodlen 5 (mân ddiwygiadau a diwygiadau canlyniadol), ym mharagraff 21, hepgorer is-baragraffau (4) i (6).

Deddf Addysg Bellach ac Uwch (Llywodraethu a Gwybodaeth) (Cymru) 2014 (dccc 1)

71 Mae Deddf Addysg Bellach ac Uwch (Llywodraethu a Gwybodaeth) (Cymru) 2014 wedi ei diwygio fel a ganlyn.

72 Yn adran 6 (diddymu dyletswyddau sefydliadau addysg bellach i gydymffurfio â chyfarwyddiadau), hepgorer is-adrannau (3) a (4).

Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (dccc 2)

73 Mae Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 wedi ei diwygio fel a ganlyn.

74 Yn adran 14 (dyletswyddau i lunio a chynnal cynlluniau: awdurdodau lleol), ar ôl is-adran (9) mewnosoder –

61 Omit section 21 (foundation phase).

Equality Act 2010 (c. 15)

62 The Equality Act 2010 is amended as follows.

63 In Schedule 11 (schools: exceptions), in Part 2 (religious or belief-related discrimination), in paragraph 5, in sub-paragraph (a), after “section” insert “”68A or”.

64 In Schedule 17 (disabled pupils: enforcement), in paragraph 6A (as it has effect before its substitution by paragraph 19(5)(g) of Schedule 1 to the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2)), in sub-paragraph (7), in the definition of “pupil referral unit”, after “section 19” insert “or 19A”.

65 In Schedule 19 (public authorities), in Part 1, in the list of “Other educational bodies”, in the entry for a local authority, after “section 19” insert “or 19A”.

Education (Wales) Measure 2011 (nawm 7)

66 The Education (Wales) Measure 2011 is amended as follows.

67 In section 9 (minor and consequential amendments), in subsection (3), omit paragraph (b).

School Standards and Organisation (Wales) Act 2013 (anaw 1)

68 The School Standards and Organisation (Wales) Act 2013 is amended as follows.

69 In section 98 (general interpretation and index of defined expressions) –

(a) in subsection (3), in the definition of “appropriate religious body”, in paragraph (b), for “69(3)” substitute “68A”;

(b) in subsection (5), for “69(3)” substitute “68A”.

70 In Schedule 5 (minor and consequential amendments), in paragraph 21, omit sub-paragraphs (4) to (6).

Further and Higher Education (Governance and Information) (Wales) Act 2014 (anaw 1)

71 The Further and Higher Education (Governance and Information) (Wales) 2014 is amended as follows.

72 In section 6 (abolition of duties of further education institutions to comply with directions), omit subsections (3) and (4).

Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2)

73 The Additional Learning Needs and Education Tribunal (Wales) Act 2018 is amended as follows.

74 In section 14 (duties to prepare and maintain plans: local authorities), after subsection (9) insert –

“(9A) Os yw’r ddarpariaeth ddysgu ychwanegol a ddisgrifir mewn cynllun datblygu unigol yn cynnwys darpariaeth o’r math a grybwyllir yn adran 41(1) o Ddeddf Cwricwlwm ac Asesu (Cymru) 2021, ni chaiff awdurdod lleol roi cyfarwyddydau i gorff llywodraethu ysgol o dan is-adran (2)(b) neu (4) mewn perthynas â’r cynllun.”

75 Yn Atodlen 1 (mân ddiwygiadau a diwygiadau canlyniadol a diddymiadau), ym mharagraff 4, hepgorer is-baragraff (7).

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“(9A) If the additional learning provision described in an individual development plan includes provision of the kind mentioned in section 41(1) of the Curriculum and Assessment (Wales) Act 2021, a local authority may not give directions to the governing body of a school under subsection (2)(b) or (4) in relation to the plan.”

75 In Schedule 1 (minor and consequential amendments and repeals), in paragraph 4, omit sub-paragraph (7).

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