OFFERYNNAU STATUDOL CYMRU

2014 Rhif 2126 (Cy. 209)

ADDYSG, CYMRU

Rheoliadau Diddymu Corfforaethau Addysg Bellach (Cyhoeddi Cynigion a Chyrff Rhagnodedig) (Cymru) 2014

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn rhagnodi amser a dull cyhoeddi'r cynigion drafft ar gyfer diddymu corfforaethau addysg bellach ynghyd â chynnwys y cynigion drafft hynny. Mae'r Rheoliadau hefyd yn darparu manylion am y broses ymgynghori y mae'n rhaid ei dilyn, ynghyd â rhagnodi'r cyrff y gall corfforaeth addysg bellach drosglwyddo ei heiddo, ei hawliau a'i rhwymedigaethau iddynt pan gaiff ei diddymu.

Mae rheoliad 3 ac Atodlen 1 yn pennu'r wybodaeth y mae'n rhaid i gorfforaeth addysg bellach ei chyhoeddi am ei diddymiad arfaethedig. Mae rheoliad 3 hefyd yn darparu pa bryd ac ym mha le y mae'n rhaid i'r gorfforaeth addysg bellach gyhoeddi'r wybodaeth hon.

Mae rheoliad 4 yn nodi at bwy y mae'n rhaid anfon copi o'r cynnig diddymu, a'r broses ymgynghori y mae'n rhaid ei dilyn.

Mae rheoliad 5 ac Atodlen 2 yn rhagnodi'r cyrff y gall corfforaeth addysg bellach drosglwyddo ei heiddo, ei hawliau a'i rhwymedigaethau iddynt pan gaiff ei diddymu.

WELSH STATUTORY INSTRUMENTS

2014 No. 2126 (W. 209)

EDUCATION, WALES

The Dissolution of Further Education Corporations (Publication of Proposals and Prescribed Bodies) (Wales) Regulations 2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the time and manner of publication, and content of draft proposals for the dissolution of further education corporations. The Regulations also provide detail on the consultation process that must be followed, as well as prescribing the bodies to which a further education corporation can transfer its property, rights and liabilities upon dissolution.

Regulation 3 and Schedule 1 specify the information a further education corporation must publish about its proposed dissolution. Regulation 3 also provides when and where the further education corporation must publish this information.

Regulation 4 sets out who must be sent a copy of the dissolution proposal and the consultation process that must be followed.

Regulation 5 and Schedule 2 prescribe the bodies to which a further education corporation can transfer its property, rights and liabilities upon dissolution.

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ADDYSG, CYMRU

Rheoliadau Diddymu Corfforaethau Addysg Bellach (Cyhoeddi Cynigion a Chyrff Rhagnodedig) (Cymru) 2014

Gwnaed *6 Awst 2014*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *8 Awst 2014*

Yn dod i rym *1 Medi 2014*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd iddynt gan adrannau 27(2) i (4), 27B(1) a 89(4) o Ddeddf Addysg Bellach ac Uwch 1992(**1**).

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diddymu Corfforaethau Addysg Bellach (Cyhoeddi Cynigion a Chyrff Rhagnodedig) (Cymru) 2014 a deuant i rym ar 1 Medi 2014.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Dehongli

2. Yn y Rheoliadau hyn ystyr "y Ddeddf" ("*the Act*") yw Deddf Addysg Bellach ac Uwch 1992.

(**1**) 1992 p. 13; mewnosodwyd adrannau 27 a 27B gan adran 3 o Ddeddf Addysg Bellach ac Uwch (Llywodraethu a Gwybodaeth) (Cymru) 2014 (dccc 1). I gael y diffiniad o "regulations" gweler adran 61(1) ac adran 90(5) o Ddeddf Addysg Bellach ac Uwch 1992. Gweler hefyd adran 579(1) o Ddeddf Addysg 1996 i gael ystyr "prescribed".

WELSH STATUTORY INSTRUMENTS

2014 No. 2126 (W. 209)

EDUCATION, WALES

The Dissolution of Further Education Corporations (Publication of Proposals and Prescribed Bodies) (Wales) Regulations 2014

Made *6 August 2014*

Laid before the National Assembly for Wales *8 August 2014*

Coming into force *1 September 2014*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 27(2) to (4), 27B(1) and 89(4) of the Further and Higher Education Act 1992(**1**).

Title, commencement and application

1.—(1) The title of these Regulations is the Dissolution of Further Education Corporations (Publication of Proposals and Prescribed Bodies) (Wales) Regulations 2014 and they come into force on 1 September 2014.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations "the Act" ("*y Ddeddf*") means the Further and Higher Education Act 1992.

(**1**) 1992 c. 13; sections 27 and 27B were inserted by section 3 of the Further and Higher Education (Governance and Information) (Wales) Act 2014 (anaw 1). For the definition of regulations see section 61(1) and section 90(5) of the Further and Higher Education Act 1992. See also section 579(1) of the Education Act 1996 for the meaning of prescribed.

Cyhoeddi cynigion ar gyfer ddiddymu corfforaethau addysg bellach

3.—(1) At ddibenion adran 27(2) a (3) o'r Ddeddf rhaid i'r gorfforaeth gyhoeddi'r cynnig yn unol â pharagraffau (2) i (5).

(2) Rhaid i'r cynnig gynnwys yr wybodaeth a nodir yn Atodlen 1.

(3) Rhaid i'r gorfforaeth gyhoeddi'r cynnig o leiaf chwe mis cyn y dyddiad a bennir yn y cynnig ar gyfer diddymu'r gorfforaeth.

(4) Rhaid i'r gorfforaeth gyhoeddi hysbysiad o'r cynnig:

(a) mewn o leiaf un papur newydd sy'n cylchredeg yn yr ardal a wasanaethir gan y sefydliad y mae'r cynnig yn ymwneud ag ef,

(b) mewn o leiaf un papur newydd sy'n cylchredeg ledled Cymru,

(c) ar wefan y sefydliad.

(5) Rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (4) gynnwys o leiaf yr wybodaeth a ganlyn:

(a) enw'r gorfforaeth addysg bellach ac enw'r sefydliad o dan sylw (os yw'n wahanol),

(b) y dyddiad a gynigir ar gyfer diddymu'r gorfforaeth addysg bellach,

(c) y weithdrefn ar gyfer cael copi o'r cynnig.

Ymgynghori

4.—(1) Rhaid i'r gorfforaeth anfon copi o'r cynnig ar gyfer diddymu at:

(a) corff llywodraethu unrhyw sefydliad yn y sector addysg bellach o fewn yr ardal awdurdod lleol y mae'r sefydliad wedi ei leoli ynddi,

(b) corff llywodraethu unrhyw sefydliad yn y sector addysg uwch o fewn yr ardal awdurdod lleol y mae'r sefydliad wedi ei leoli ynddi,

(c) corff llywodraethu unrhyw ysgol a gynhelir sy'n darparu addysg sy'n addas ar gyfer gofynion personau dros oedran ysgol gorfodol o fewn yr ardal awdurdod lleol y mae'r sefydliad wedi ei leoli ynddi,

(d) yr awdurdod lleol y mae'r sefydliad wedi ei leoli yn ei ardal,

(e) Aelod Cynulliad yr etholaeth honno neu'r rhanbarth hwnnw y mae'r sefydliad y mae'r cynnig yn ymwneud ag ef wedi ei leoli ynddi neu ynddo, ac unrhyw Aelod Cynulliad arall

Publication of proposals for dissolution of further education corporations

3.—(1) For the purposes of section 27(2) and (3) of the Act the corporation must publish the proposal in accordance with paragraphs (2) to (5).

(2) The proposal must contain the information set out in Schedule 1.

(3) The corporation must publish the proposal at least six months before the date which is specified in the proposal for the dissolution of the corporation.

(4) The corporation must publish a notice of the proposal:

(a) in at least one newspaper circulating in the area served by the institution to which the proposal relates,

(b) in at least one newspaper circulating throughout Wales,

(c) on the institution's website.

(5) The notice referred to in paragraph (4) must contain, as a minimum, the following information:

(a) the name of the further education corporation and the name of the institution concerned (if different),

(b) the date proposed for the dissolution of the further education corporation,

(c) the procedure for obtaining a copy of the proposal.

Consultation

4.—(1) The corporation must send a copy of the proposal for dissolution to:

(a) the governing body of any institution in the further education sector within the local authority area in which the institution is situated,

(b) the governing body of any institution in the higher education sector within the local authority area in which the institution is situated,

(c) the governing body of any maintained school which provides education suitable to the requirements of persons over compulsory school age within the local authority area in which the institution is situated,

(d) the local authority in whose area the institution is situated,

(e) the Assembly Member in whose constituency, or in whose region, the institution to which the proposal relates is situated and any other Assembly Member whose constituents it

yr ymddengys i'r gorfforaeth fod y cynnig yn debygol o effeithio ar ei etholwyr,

(f) Gweinidogion Cymru,

(g) Aelod Seneddol yr etholaeth honno y mae'r sefydliad y mae'r cynnig yn ymwneud ag ef wedi ei leoli ynddi,

(h) Cyngor Cyllido Addysg Uwch Cymru,

(i) unrhyw gymdeithas a gydnabyddir gan y gorfforaeth sy'n cynrychioli myfyrwyr yn y sefydliad,

(j) unrhyw undeb llafur a gydnabyddir gan y gorfforaeth sy'n cynrychioli staff yn y sefydliad,

(k) unrhyw berson sy'n gofyn am gopi yn unol â'r weithdrefn y cyfeirir ati yn rheoliad 3(5)(c), ac

(l) unrhyw berson arall yr ymddengys i'r gorfforaeth fod ganddo fuddiant.

(2) At ddiben adran 27(4) o'r Ddeddf rhaid i'r gorfforaeth:

(a) darparu ar gyfer cyfnod o un mis o leiaf sy'n dechrau ar y dyddiad cyhoeddi a ddisgrifir yn rheoliad 3(3) er mwyn i sylwadau gael eu cyflwyno ynglŷn â'r cynnig,

(b) ystyried y safbwyntiau a fynegir mewn unrhyw sylwadau a geir o dan is-baragraff (a),

(c) cyhoeddi crynodeb o'r sylwadau a geir o dan is-baragraff (a) a chanlyniad yr ymgynghoriad ar wefan y sefydliad o fewn dau fis sy'n dechrau ar y dyddiad ar ôl i'r cyfnod ymgynghori a ddisgrifir yn is-baragraff (a) ddod i ben a chyn diddymu'r gorfforaeth, a rhoi copi papur o'r crynodeb ar gael yn rhad ac am ddim i unrhyw berson sy'n gofyn amdano.

Cyrff rhagnodedig

5. Mae person neu gorff wedi ei ragnodi at ddibenion adran 27B(1) o'r Ddeddf (diddymu corfforaethau addysg bellach: trosglwyddo eiddo, hawliau a rhwymedigaethau):

(a) os yw wedi ei restru yn Atodlen 2, a

(b) os yw ei weithgareddau yn cael eu cynnal yn gyfan gwbl, neu'n bennaf, yng Nghymru.

appears to the corporation are likely to be affected by the proposal,

(f) the Welsh Ministers,

(g) the Member of Parliament in whose constituency the institution to which the proposal relates, is situated,

(h) the Higher Education Funding Council for Wales,

(i) any association recognised by the corporation which represents students at the institution,

(j) any trade union recognised by the corporation which represents staff at the institution,

(k) any person who requests a copy in accordance with the procedure referred to in regulation 3(5)(c), and

(l) any other person who appears to the corporation to have an interest.

(2) For the purpose of section 27(4) of the Act the corporation must:

(a) provide for a period of at least one month beginning on the date of publication described in regulation 3(3) for representations to be made on the proposal,

(b) take account of the views expressed in any representations received under sub-paragraph (a),

(c) publish a summary of the representations received under sub-paragraph (a) and the outcome of the consultation on the institution's website within two months beginning on the date after the end of the consultation period described in sub-paragraph (a) and prior to the dissolution of the corporation, and make a paper copy of the summary available free of charge to any person who requests it.

Prescribed bodies

5. A person or body is prescribed for the purposes of section 27B(1) of the Act (dissolution of further education corporations: transfer of property, rights and liabilities) if:

(a) it is listed in Schedule 2, and

(b) its activities are wholly or principally carried on in Wales.

Huw Lewis

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru.
6 Awst 2014

Minister for Education and Skills, one of the Welsh Ministers.
6 August 2014

ATODLEN 1 Rheoliad 3(2)

1. Enw'r gorfforaeth addysg bellach ac enw'r sefydliad o dan sylw (os yw'n wahanol).

2. Cyfeiriad y sefydliad.

3. Disgrifiad cyffredinol o'r addysg a ddarperir gan y sefydliad.

4. Nifer y myfyrwyr llawnamser, nifer y myfyrwyr rhan-amser, a chyfanswm nifer y myfyrwyr yn y sefydliad.

5. Y rheswm dros gynnig diddymu'r gorfforaeth addysg bellach.

6. Y dyddiad a gynigir ar gyfer diddymu'r gorfforaeth addysg bellach.

7. Y ddarpariaeth addysgol sydd i'w gwneud ar gyfer y myfyrwyr hynny nad ydynt wedi cwblhau eu cyrsiau ar y dyddiad hwnnw.

8. Y trefniadau arfaethedig ar gyfer trosglwyddo eiddo, hawliau a rhwymedigaethau'r gorfforaeth addysg bellach.

SCHEDULE 1 Regulation 3(2)

1. The name of the further education corporation and the name of the institution concerned (if different).

2. The address of the institution.

3. A general description of the education provided by the institution.

4. The number of full-time students, the number of part-time students, and the total number of students at the institution.

5. The reason for proposing the dissolution of the further education corporation.

6. The date proposed for the dissolution of the further education corporation.

7. The educational provision to be made for those students who have not completed their courses on that date.

8. The proposed arrangements for the transfer of the property, rights and liabilities of the further education corporation.

ATODLEN 2 Rheoliad 5(a)

At ddibenion rheoliad 5, y cyrff a ganlyn yw'r cyrff rhagnodedig:

1. Corfforaeth addysg bellach.

2. Corff llywodraethu sefydliad dynodedig.

3. Corff llywodraethu ysgol a gynhelir gan awdurdod lleol.

4. Awdurdod lleol.

5. Prifysgol sy'n cael cymorth ariannol gan Gyngor Cyllido Addysg Uwch Cymru.

6. Corfforaeth addysg uwch.

SCHEDULE 2 Regulation 5(a)

For the purposes of regulation 5 the following are the prescribed bodies:

1. A further education corporation.

2. The governing body of a designated institution.

3. The governing body of a school maintained by a local authority

4. A local authority.

5. A university in receipt of financial support from the Higher Education Funding Council for Wales.

6. A higher education corporation.

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