



Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013

2013 dccc 1

School Standards and Organisation (Wales) Act 2013

2013 anaw 1

Lluniwyd Nodiadau Esboniadol yn gymorth i ddeall y Ddeddf hon ac maent ar gael ar wahân.

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately.

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Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013

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Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013

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School Standards and Organisation (Wales) Act 2013

2013 anaw 1

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Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013

Deddf gan Gynulliad Cenedlaethol Cymru i ddiwygio pwerau awdurdodau lleol a Gweinidogion Cymru i ymyrryd ym materion rhedeg ysgolion a gynhelir gan awdurdodau lleol ac sy'n peri pryder; diwygio pwerau Gweinidogion Cymru i ymyrryd ym materion arfer swyddogaethau addysg gan awdurdodau lleol; darparu ar gyfer canllawiau gwella ysgolion; diwygio'r trefniadau statudol ar gyfer trefniadaeth ysgolion a gynhelir; darparu ar gyfer cynlluniau strategol Cymraeg mewn addysg; gwneud darpariaeth amrywiol mewn perthynas ag ysgolion a gynhelir; ac at ddibenion cysylltiedig. [4 Mawrth 2013]

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

RHAN 1

CYFLWYNIAD

1 Trosolwg ar y Ddeddf hon

- (1) Mae 6 Rhan i'r Ddeddf hon.
- (2) Mae Rhan 2 wedi ei rhannu'n 3 Pennod sy'n cynnwys darpariaethau sy'n ymwneud â chynnal a gwella safonau –
 - (a) mewn ysgolion a gynhelir, a
 - (b) yn y modd y mae swyddogaethau addysg yn cael eu harfer gan awdurdodau lleol.
- (3) Mae Pennod 1 o Ran 2 (gan gynnwys Atodlen 1) –
 - (a) yn nodi'r seiliau dros ymyrraeth gan awdurdodau lleol a Gweinidogion Cymru ym materion rhedeg ysgolion a gynhelir sy'n peri pryder, a
 - (b) yn darparu amrediad o bwerau ymyrryd i alluogi awdurdodau lleol a Gweinidogion Cymru i ymdrin ag achosion y pryder.



School Standards and Organisation (Wales) Act 2013

An Act of the National Assembly for Wales to reform the powers of local authorities and the Welsh Ministers to intervene in the conduct of schools maintained by local authorities that are causing concern; to reform the powers of the Welsh Ministers to intervene in the exercise of education functions by local authorities; to provide for school improvement guidance; to reform the statutory arrangements for the organisation of maintained schools; to provide for Welsh in education strategic plans; to make miscellaneous provision in relation to maintained schools; and for connected purposes. [4 March 2013]

Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:

PART 1

INTRODUCTION

1 Overview of this Act

- (1) This Act has 6 Parts.
- (2) Part 2 is divided into 3 Chapters containing provisions concerned with maintaining and improving standards –
 - (a) in maintained schools, and
 - (b) in the exercise of education functions by local authorities.
- (3) Chapter 1 of Part 2 (including Schedule 1) –
 - (a) sets out the grounds for intervention by local authorities and the Welsh Ministers in the conduct of maintained schools that are causing concern, and
 - (b) provides a range of intervention powers to enable local authorities and the Welsh Ministers to deal with the causes of concern.

- (4) Mae Pennod 2—
 - (a) yn nodi'r seiliau dros ymyrraeth gan Weinidogion Cymru ym materion arfer swyddogaethau addysg gan awdurdodau lleol sy'n peri pryder, a
 - (b) yn darparu amrediad o bwerau ymyrryd i alluogi Gweinidogion Cymru i ymdrin ag achosion y pryder.
- (5) Mae Pennod 3 yn gwneud darpariaeth i Weinidogion Cymru roi canllawiau i gyrff llywodraethu ysgolion a gynhelir, penaethiaid ysgolion o'r fath ac awdurdodau lleol ynghylch sut y dylai swyddogaethau gael eu harfer gyda golwg ar wella safon yr addysg sy'n cael ei darparu mewn ysgolion a gynhelir.
- (6) Mae Rhan 3 wedi ei rhannu'n 6 Phennod sy'n cynnwys darpariaeth am drefniadaeth ysgolion a gynhelir.
- (7) Mae Pennod 1 o Ran 3 yn darparu ar gyfer Cod Trefniadaeth Ysgolion ynghylch arfer swyddogaethau o dan Ran 3.
- (8) Mae Pennod 2 (gan gynnwys Atodlenni 2 i 4) yn gwneud darpariaeth sy'n ei gwneud yn ofynnol i sefydlu, newid a therfynu ysgolion a gynhelir yn unol â phroses benodedig.
- (9) Mae Pennod 3 yn darparu ar gyfer rhesymoli lleoedd ysgol os yw Gweinidogion Cymru o'r farn bod darpariaeth ormodol neu annigonol ar gyfer addysg gynradd neu uwchradd mewn ysgolion a gynhelir.
- (10) Mae Pennod 4 yn darparu ar gyfer gwneud darpariaeth ranbarthol ar gyfer anghenion addysgol arbennig.
- (11) Mae Pennod 5 yn darparu pwerau i Weinidogion Cymru ailstrwythuro addysg chweched dosbarth.
- (12) Mae Pennod 6 yn darparu ar gyfer materion amrywiol ac atodol sy'n ymwneud â threfniadaeth ysgolion.
- (13) Mae Rhan 4 yn gwneud darpariaeth ar gyfer cynlluniau strategol Cymraeg mewn addysg, sydd—
 - (a) i'w paratoi gan awdurdodau lleol,
 - (b) i'w cymeradwyo gan Weinidogion Cymru, ac
 - (c) i'w cyhoeddi a'u gweithredu gan awdurdodau lleol (adrannau 84, 85 a 87).
- (14) Mae Rhan 4 hefyd yn darparu pŵer sy'n arferadwy drwy reoliadau i Weinidogion Cymru ei gwneud yn ofynnol i awdurdodau lleol wneud asesiad o'r galw ymhlith rhieni am addysg cyfrwng Cymraeg i'w plant (adran 86).
- (15) Mae Rhan 5 yn gwneud darpariaeth am swyddogaethau amrywiol sy'n ymwneud ag ysgolion a gynhelir, gan gynnwys darpariaeth—
 - (a) sy'n ei gwneud yn ofynnol i awdurdodau lleol ddarparu brecwast ar gyfer disgyblion mewn ysgolion cynradd a gynhelir ar gais cyrff llywodraethu'r ysgolion hynny (adrannau 88 i 90);
 - (b) sy'n diwygio pwerau presennol awdurdodau lleol a chyrrff llywodraethu i godi tâl am brydau ysgol, fel bod—
 - (i) gofyniad cysylltiedig i godi'r un pris ar bob person am yr un maint o'r un eitem yn cael ei ddileu, a

- (4) Chapter 2—
 - (a) sets out the grounds for intervention by the Welsh Ministers in the exercise of education functions by local authorities that are causing concern, and
 - (b) provides a range of intervention powers to enable the Welsh Ministers to deal with the causes of concern.
- (5) Chapter 3 makes provision for the Welsh Ministers to give guidance to the governing bodies of maintained schools, the head teachers of such schools and local authorities on how functions should be exercised with a view to improving the standard of education provided in maintained schools.
- (6) Part 3 is divided into 6 Chapters containing provision about the organisation of maintained schools.
- (7) Chapter 1 of Part 3 provides for a School Organisation Code about the exercise of functions under Part 3.
- (8) Chapter 2 (including Schedules 2 to 4) makes provision requiring the establishment, alteration and discontinuance of maintained schools in accordance with a specified process.
- (9) Chapter 3 provides for the rationalisation of school places if the Welsh Ministers are of the opinion that there is excessive or insufficient provision for primary or secondary education in maintained schools.
- (10) Chapter 4 provides for the making of regional provision for special educational needs.
- (11) Chapter 5 provides for powers for the Welsh Ministers to re-structure sixth form education.
- (12) Chapter 6 provides for miscellaneous and supplemental matters relating to school organisation.
- (13) Part 4 makes provision for Welsh in education strategic plans, which are to be—
 - (a) prepared by local authorities,
 - (b) approved by the Welsh Ministers, and
 - (c) published and implemented by local authorities (sections 84, 85 and 87).
- (14) Part 4 also provides a power exercisable by regulations for the Welsh Ministers to require local authorities to carry out an assessment of the demand among parents for Welsh medium education for their children (section 86).
- (15) Part 5 makes provision about miscellaneous functions relating to maintained schools, including provision—
 - (a) requiring local authorities to provide breakfasts for pupils at maintained primary schools at the request of the governing bodies of those schools (sections 88 to 90);
 - (b) amending the existing powers of local authorities and governing bodies to charge for school meals, so that—
 - (i) a related requirement to charge every person the same price for the same quantity of the same item is removed, and

- (ii) gofyniad newydd na fydd y pris a godir am eitem yn fwy na chost darparu'r eitem honno yn cael ei osod (adran 91);
 - (c) yn ei gwneud yn ofynnol i awdurdodau lleol sicrhau darpariaeth resymol am wasanaeth sy'n cwnsela mewn cysylltiad ag anghenion iechyd, anghenion emosiynol ac anghenion cymdeithasol i ddisgyblion ysgol penodedig a phlant eraill (adran 92);
 - (d) yn ei gwneud yn ofynnol i gyrff llywodraethu ysgolion a gynhelir gynnal cyfarfod os gofynnir iddynt wneud hynny gan rieni mewn deiseb (adran 94) ac yn diddymu dyletswydd sy'n bodoli eisoes i gynnal cyfarfod blynyddol rhieni (adran 95);
 - (e) yn diddymu dyletswydd Gweinidogion Cymru i ddyroddi cod ymarfer ar gyfer sicrhau perthynas effeithiol rhwng awdurdodau lleol ac ysgolion a gynhelir (adran 96).
- (16) Mae Rhan 6 –
- (a) yn cyflwyno Atodlen 5, sy'n gwneud mân ddiwygiadau a diwygiadau canlyniadol i ddeddfwriaeth arall sy'n codi o ddarpariaethau'r Ddeddf hon;
 - (b) yn cynnwys diffiniadau sy'n gymwys at ddibenion y Ddeddf hon yn gyffredinol a mynegai o ddiffiniadau sy'n gymwys i nifer o ddarpariaethau, ond nid yr holl Ddeddf (adran 98);
 - (c) yn cynnwys darpariaethau eraill sy'n gymwys yn gyffredinol at ddibenion y Ddeddf hon.

RHAN 2

SAFONAU

PENNOD 1

YMYRRYD YM MATERION RHEDEG YSGOLION A GYNHELIR

Y seiliau dros ymyrryd

2 Y seiliau dros ymyrryd

At ddibenion y Bennod hon, mae'r seiliau dros ymyrryd ym materion rhedeg ysgol a gynhelir fel a ganlyn –

SAIL 1 - Mae safonau perfformiad disgyblion yn yr ysgol yn annerbyniol o isel.

At y diben hwn, mae safonau perfformiad disgyblion yn isel os ydynt yn isel drwy gyfeirio at unrhyw un neu fwy o'r canlynol –

- (a) y safonau y gellid yn rhesymol ddisgwyl o dan yr holl amgylchiadau i'r disgyblion eu cyrraedd;
- (b) pan fo'n berthnasol, y safonau a gyrhaeddwyd ganddynt o'r blaen;
- (c) y safonau a gyrhaeddwyd gan ddisgyblion mewn ysgolion cyffelyb.

SAIL 2 - Mae methiant wedi bod yn y ffordd y mae'r ysgol yn cael ei rheoli neu ei llywodraethu.

- (ii) a new requirement that the price charged for an item does not exceed the cost of providing that item is imposed (section 91);
 - (c) requiring local authorities to secure reasonable provision for a service providing counselling in respect of health, emotional and social needs for specified school pupils and other children (section 92);
 - (d) requiring governing bodies of maintained schools to hold a meeting if requested to do so by parents in a petition (section 94) and repealing an existing duty to hold an annual parents' meeting (section 95);
 - (e) repealing the Welsh Ministers' duty to issue a code of practice for securing effective relationships between local authorities and maintained schools (section 96).
- (16) Part 6—
- (a) introduces Schedule 5, which makes minor and consequential amendments to other legislation arising from the provisions of this Act;
 - (b) contains definitions that apply for the purposes of this Act generally and an index of definitions that apply to a number of provisions, but not the whole Act (section 98);
 - (c) contains other provisions which apply generally for the purposes of this Act.

PART 2

STANDARDS

CHAPTER 1

INTERVENTION IN CONDUCT OF MAINTAINED SCHOOLS

Grounds for intervention

2 Grounds for intervention

For the purposes of this Chapter, the grounds for intervention in the conduct of a maintained school are as follows—

GROUND 1 - The standards of performance of pupils at the school are unacceptably low.

For this purpose, the standards of performance of pupils are low if they are low by reference to any one or more of the following—

- (a) the standards that the pupils might in all the circumstances reasonably be expected to attain;
- (b) where relevant, the standards previously attained by them;
- (c) the standards attained by pupils at comparable schools.

GROUND 2 - There has been a breakdown in the way the school is managed or governed.

SAIL 3 - Mae ymddygiad disgyblion yn yr ysgol neu unrhyw gamau a gymerwyd gan y disgyblion hynny neu eu rhieni yn rhagfarnu'n ddifrifol, neu'n debyg o ragfarnu'n ddifrifol, addysg unrhyw ddisgyblion yn yr ysgol.

SAIL 4 - Mae diogelwch disgyblion neu staff yr ysgol o dan fygythiad (p'un ai drwy fethiant disgyblu neu fel arall).

SAIL 5 - Mae'r corff llywodraethu neu'r pennaeth wedi methu, neu'n debyg o fethu, â chydymffurfio â dyletswydd o dan y Deddfau Addysg.

SAIL 6 - Mae'r corff llywodraethu neu'r pennaeth wedi gweithredu, neu'n bwriadu gweithredu, yn afresymol wrth arfer unrhyw rai o'i swyddogaethau o dan y Deddfau Addysg.

SAIL 7 - Mae Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru ("y Prif Arolygydd") wedi rhoi hysbysiad o dan adran 37(2) o Ddeddf Addysg 2005 i ddweud bod angen gwelliant sylweddol ar yr ysgol a bod yr hysbysiad hwnnw heb ei ddisodli –

- (a) gan y Prif Arolygydd wrth iddo roi hysbysiad o dan yr adran honno i ddweud ei bod yn ofynnol i fesurau arbennig gael eu cymryd mewn perthynas â'r ysgol, neu
- (b) gan berson sy'n gwneud arolygiad dilynol ac yn llunio adroddiad sy'n datgan nad oes angen gwelliant sylweddol ar yr ysgol mwyach yn ei farn ef.

SAIL 8 - Mae Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru wedi rhoi hysbysiad o dan adran 37(2) o Ddeddf Addysg 2005 i ddweud ei bod yn ofynnol i fesurau arbennig gael eu cymryd mewn perthynas â'r ysgol ac nad yw'r hysbysiad hwnnw wedi ei ddisodli gan berson sy'n gwneud arolygiad dilynol ac yn llunio adroddiad sy'n datgan nad oes angen mesurau arbennig ar yr ysgol mwyach yn ei farn ef.

Ymyrraeth gan awdurdod lleol

3 Hysbysiad rhybuddio

- (1) Os yw awdurdod lleol wedi ei fodloni bod un neu fwy o seiliau 1 i 6 yn bodoli mewn perthynas ag un o'i ysgolion a gynhelir, caiff yr awdurdod roi hysbysiad rhybuddio i gorff llywodraethu'r ysgol.
- (2) Rhaid i'r awdurdod lleol bennu pob un o'r canlynol yn yr hysbysiad rhybuddio –
 - (a) y seiliau dros ymyrryd;
 - (b) y rhesymau pam y mae'r awdurdod wedi ei fodloni bod y seiliau'n bodoli;
 - (c) y camau y mae'r awdurdod yn ei gwneud yn ofynnol i'r corff llywodraethu eu cymryd er mwyn ymdrin â'r seiliau dros ymyrryd;
 - (d) y cyfnod y mae'r camau i'w cymryd ynddo gan y corff llywodraethu ("y cyfnod cydymffurfio");
 - (e) y camau y mae'r awdurdod â'i fryd ar eu cymryd os bydd y corff llywodraethu'n methu â chymryd y camau sy'n ofynnol.

GROUND 3 - The behaviour of pupils at the school or any action taken by those pupils or their parents is severely prejudicing, or is likely to severely prejudice, the education of any pupils at the school.

GROUND 4 - The safety of pupils or staff of the school is threatened (whether by a breakdown of discipline or otherwise).

GROUND 5 - The governing body or head teacher has failed, or is likely to fail, to comply with a duty under the Education Acts.

GROUND 6 - The governing body or head teacher has acted, or is proposing to act, unreasonably in the exercise of any of its or his or her functions under the Education Acts.

GROUND 7 - Her Majesty's Chief Inspector of Education and Training in Wales ("the Chief Inspector") has given a notice under section 37(2) of the Education Act 2005 that the school requires significant improvement and that notice has not been superseded by –

- (a) the Chief Inspector giving notice under that section that special measures are required to be taken in relation to the school, or
- (b) a person making a subsequent inspection making a report stating that in his or her opinion the school no longer requires significant improvement.

GROUND 8 - Her Majesty's Chief Inspector of Education and Training in Wales has given a notice under section 37(2) of the Education Act 2005 that special measures are required to be taken in relation to the school and that notice has not been superseded by a person making a subsequent inspection making a report stating that in his or her opinion the school no longer requires special measures.

Intervention by a local authority

3 Warning notice

- (1) If a local authority is satisfied that one or more of grounds 1 to 6 exist in relation to one of its maintained schools, the authority may give a warning notice to the governing body of the school.
- (2) The local authority must specify each of the following in the warning notice –
 - (a) the grounds for intervention;
 - (b) the reasons why the authority is satisfied that the grounds exist;
 - (c) the action the authority requires the governing body to take in order to deal with the grounds for intervention;
 - (d) the period within which the action is to be taken by the governing body ("the compliance period");
 - (e) the action the authority is minded to take if the governing body fails to take the required action.

- (3) Os yw'r awdurdod lleol yn rhoi hysbysiad rhybuddio i gorff llywodraethu ysgol, rhaid iddo yr un pryd roi copi o'r hysbysiad rhybuddio i—
 - (a) y pennaeth;
 - (b) os yw'r ysgol yn ysgol sefydledig neu'n ysgol wirfoddol—
 - (i) y person sy'n penodi'r llywodraethwyr sefydledig, a
 - (ii) os yw'r ysgol yn ysgol sydd â chymeriad crefyddol, y corff crefyddol priodol;
 - (c) Gweinidogion Cymru.

4 Pŵer i ymyrryd

- (1) Mae gan awdurdod lleol bŵer i ymyrryd ym materion rhedeg un o'i ysgolion a gynhelir o dan y Bennod hon os yw is-adran (2), (3) neu (4) yn gymwys.
- (2) Mae'r is-adran hon yn gymwys—
 - (a) os yw'r awdurdod lleol wedi rhoi hysbysiad rhybuddio o dan adran 3 i gorff llywodraethu'r ysgol, a
 - (b) os yw'r corff llywodraethu wedi methu â chydymffurfio, neu â sicrhau cydymffurfedd, â'r hysbysiad er boddhad yr awdurdod o fewn y cyfnod cydymffurfio.
- (3) Mae'r is-adran hon yn gymwys os yw'r awdurdod lleol wedi ei fodloni bod un neu fwy o seiliau 1 i 6 yn bodoli mewn perthynas â'r ysgol a bod ganddo reswm dros gredu bod risg cysylltiedig i iechyd neu ddiogelwch unrhyw berson a hwnnw'n risg sy'n galw am ymyriad brys o dan y Bennod hon.
- (4) Mae'r is-adran hon yn gymwys—
 - (a) os yw sail 7 (ysgol y mae arni angen gwelliant sylweddol) neu sail 8 (ysgol y mae arni angen mesurau arbennig) yn bodoli mewn perthynas â'r ysgol, a
 - (b) os yw cyfnod heb fod yn llai na 10 niwrnod wedi mynd heibio er y dyddiad y rhoes y Prif Arolygydd hysbysiad i'r awdurdod lleol o dan adran 37(2) o Ddeddf Addysg 2005, yn ddarostyngedig i is-adran (5).
- (5) Caiff Gweinidogion Cymru benderfynu, mewn perthynas ag ysgol benodol, bod is-adran (4)(b) yn cael effaith fel petai'r cyfeiriad at 10 niwrnod yn cyfeirio at gyfnod byrrach a bennir yn y penderfyniad.
- (6) Pan fo gan awdurdod lleol bŵer i ymyrryd, rhaid iddo gadw golwg ar yr amgylchiadau a arweiniodd at y pŵer.
- (7) Os yw'r awdurdod yn dod i'r casgliad bod y seiliau dros ymyrryd wedi eu trin wrth ei fodd, neu na fyddai arfer ei bwerau o dan y Bennod hon yn briodol am unrhyw reswm arall, rhaid iddo ysgrifennu at y corff llywodraethu i'w hysbysu am ei gasgliad.
- (8) Os yw awdurdod lleol yn rhoi hysbysiad o dan is-adran (7), rhaid iddo anfon copi yr un pryd—
 - (a) os yw'r ysgol yn ysgol sefydledig neu'n ysgol wirfoddol—
 - (i) at y person sy'n penodi'r llywodraethwyr sefydledig, a

- (3) If the local authority gives a warning notice to the governing body of a school, it must at the same time give a copy of the warning notice to—
 - (a) the head teacher;
 - (b) if the school is a foundation or voluntary school—
 - (i) the person who appoints the foundation governors, and
 - (ii) if the school has a religious character, the appropriate religious body;
 - (c) the Welsh Ministers.

4 Power to intervene

- (1) A local authority has the power to intervene in the conduct of one of its maintained schools under this Chapter if subsection (2), (3) or (4) applies.
- (2) This subsection applies if—
 - (a) the local authority has given a warning notice under section 3 to the governing body of the school, and
 - (b) the governing body has failed to comply, or secure compliance, with the notice to the authority's satisfaction within the compliance period.
- (3) This subsection applies if the local authority is satisfied that one or more of grounds 1 to 6 exist in relation to the school and it has reason to believe that there is a related risk to the health or safety of any person that calls for urgent intervention under this Chapter.
- (4) This subsection applies if—
 - (a) ground 7 (school requiring significant improvement) or ground 8 (school requiring special measures) exists in relation to the school, and
 - (b) a period of not less than 10 days has elapsed since the date on which the Chief Inspector gave notice to the local authority under section 37(2) of the Education Act 2005, subject to subsection (5).
- (5) The Welsh Ministers may, in relation to a particular school, determine that subsection (4) (b) has effect as if the reference to 10 days were to a shorter period specified in the determination.
- (6) Where a local authority has the power to intervene, it must keep the circumstances giving rise to the power under review.
- (7) If the authority concludes that the grounds for intervention have been dealt with to its satisfaction or that exercise of its powers under this Chapter would not be appropriate for any other reason, it must notify the governing body of its conclusion in writing.
- (8) If a local authority gives notice under subsection (7), it must at the same time send a copy of the notice to—
 - (a) in the case of a foundation or voluntary school—
 - (i) the person who appoints the foundation governors, and

- (ii) os yw'r ysgol yn ysgol sydd â chymeriad crefyddol, at y corff crefyddol priodol, a
 - (b) at Weinidogion Cymru.
- (9) Mae pŵer awdurdod lleol i ymyrryd yn parhau i gael effaith hyd nes y bydd un o'r camau canlynol yn digwydd –
 - (a) bod yr awdurdod yn rhoi hysbysiad o dan is-adran (7);
 - (b) bod Gweinidogion Cymru yn penderfynu nad oes effaith mwyach i'r pŵer i ymyrryd a'u bod yn ysgrifennu at yr awdurdod lleol a'r corff llywodraethu i'w hysbysu am eu penderfyniad;
 - (c) bod Gweinidogion Cymru yn rhoi hysbysiad rhybuddio i gorff llywodraethu'r ysgol o dan adran 10.
- (10) Nid yw awdurdod lleol sydd â phŵer i ymyrryd wedi ei gyfyngu i gymryd y camau y dywedodd ei fod â'i fryd ar eu cymryd mewn hysbysiad rhybuddio.

5 Pŵer i'w gwneud yn ofynnol i gorff llywodraethu sicrhau cyngor neu gydlafurio

- (1) Mae'r adran hon yn gymwys os oes gan awdurdod lleol bŵer i ymyrryd ym materion rhedeg un o'i ysgolion a gynhelir.
- (2) Caiff yr awdurdod lleol, gyda golwg ar wella perfformiad yr ysgol, gyfarwyddo corff llywodraethu'r ysgol i wneud y naill neu'r llall o'r canlynol neu'r ddau ohonynt –
 - (a) ymrwmo i gontract neu drefniant arall gyda pherson penodedig (a gaiff fod yn gorff llywodraethu ysgol arall) i ddarparu i'r corff llywodraethu wasanaethau penodedig sy'n gynghorol eu natur;
 - (b) arfer y pwerau o dan adran 5(2) o Fesur Addysg (Cymru) 2011 (pwerau cydlafurio) a bennir yn y cyfarwyddyd, yn ddarostyngedig i ddarpariaeth a wneir mewn rheoliadau o dan adran 6 o'r Mesur hwnnw.
- (3) Cyn rhoi cyfarwyddyd rhaid i'r awdurdod lleol ymgynghori â'r canlynol –
 - (a) corff llywodraethu'r ysgol, a
 - (b) yn achos ysgol sefydledig neu ysgol wirfoddol –
 - (i) y person sy'n penodi'r llywodraethwyr sefydledig, a
 - (ii) os yw'r ysgol yn ysgol sydd â chymeriad crefyddol, y corff crefyddol priodol.
- (4) Caiff cyfarwyddyd o dan is-adran (2)(a) ei gwneud yn ofynnol i'r contract neu'r trefniant arall gynnwys telerau ac amodau penodedig.

6 Pŵer i benodi llywodraethwyr ychwanegol

- (1) Mae'r adran hon yn gymwys os oes gan awdurdod lleol bŵer i ymyrryd ym materion rhedeg un o'i ysgolion a gynhelir.
- (2) Caiff yr awdurdod lleol benodi cymaint o lywodraethwyr ychwanegol i gorff llywodraethu'r ysgol ag y gwêl yn dda; ac mae'r offeryn llywodraethu ar gyfer yr ysgol yn cael effaith fel petai'n darparu ar gyfer penodiadau o'r fath (er gwaethaf unrhyw beth mewn rheoliadau o dan adran 19 o Ddeddf Addysg 2002).

- (ii) if the school has a religious character, the appropriate religious body, and
 - (b) the Welsh Ministers.
- (9) A local authority's power to intervene continues in effect until one of the following events takes place—
- (a) the authority gives notice under subsection (7);
 - (b) the Welsh Ministers determine that the power to intervene is no longer in effect and give notice in writing to the local authority and the governing body of their determination;
 - (c) the Welsh Ministers give a warning notice to the governing body of the school under section 10.
- (10) A local authority which has the power to intervene is not limited to taking the action it said it was minded to take in a warning notice.

5 Power to require governing body to secure advice or collaborate

- (1) This section applies if a local authority has the power to intervene in the conduct of one of its maintained schools.
- (2) The local authority may, with a view to improving the performance of the school, direct the governing body of the school to do either or both of the following—
- (a) enter into a contract or other arrangement with a specified person (who may be the governing body of another school) for the provision to the governing body of specified services of an advisory nature;
 - (b) exercise such of the powers under section 5(2) of the Education (Wales) Measure 2011 (powers to collaborate) as are specified in the direction, subject to provision made in regulations under section 6 of that Measure.
- (3) Before giving a direction the local authority must consult—
- (a) the governing body of the school, and
 - (b) in the case of a foundation or voluntary school—
 - (i) the person who appoints the foundation governors, and
 - (ii) if the school has a religious character, the appropriate religious body.
- (4) A direction under subsection (2)(a) may require the contract or other arrangement to contain specified terms and conditions.

6 Power to appoint additional governors

- (1) This section applies if a local authority has the power to intervene in the conduct of one of its maintained schools.
- (2) The local authority may appoint as many additional governors to the governing body of the school as it thinks fit; and the instrument of government for the school has effect as if it provided for such appointments (despite anything in regulations under section 19 of the Education Act 2002).

- (3) Caiff yr awdurdod lleol enwebu un o'r llywodraethwyr hynny i fod yn gadeirydd y corff llywodraethu yn lle unrhyw berson a etholwyd yn gadeirydd y corff hwnnw.
- (4) Cyn gwneud unrhyw benodiad neu enwebiad o'r fath mewn perthynas ag ysgol wirfoddol a gynorthwyir, rhaid i'r awdurdod lleol ymgynghori â'r canlynol—
 - (a) y person sy'n penodi'r llywodraethwyr sefydledig, a
 - (b) os yw'r ysgol yn ysgol sydd â chymeriad crefyddol, y corff crefyddol priodol.
- (5) Bydd llywodraethwr a benodir o dan yr adran hon yn dal ei swydd am gyfnod a benderfynir gan yr awdurdod lleol.
- (6) Bydd llywodraethwr a enwebir gan yr awdurdod lleol i fod yn gadeirydd y corff llywodraethu yn gadeirydd am gyfnod a benderfynir gan yr awdurdod lleol.
- (7) Caiff yr awdurdod lleol dalu tâl cydnabyddiaeth a lwfansau i lywodraethwyr a benodir o dan yr adran hon.

7 Pŵer awdurdod lleol i gyfansoddi corff llywodraethu o aelodau gweithrediaeth interim

- (1) Mae'r adran hon yn gymwys os oes gan awdurdod lleol bŵer i ymyrryd ym materion rhedeg un o'i ysgolion a gynhelir.
- (2) Caiff yr awdurdod lleol ysgrifennu at gorff llywodraethu'r ysgol i'w hysbysu bod y corff llywodraethu, o ddyddiad a bennir yn yr hysbysiad, i'w gyfansoddi'n unol ag Atodlen 1 (cyrff llywodraethu sydd wedi eu ffurfio o aelodau gweithrediaeth interim).
- (3) Cyn rhoi hysbysiad rhaid i'r awdurdod lleol—
 - (a) ymgynghori â chorff llywodraethu'r ysgol,
 - (b) yn achos ysgol sefydledig neu ysgol wirfoddol, ymgynghori â'r canlynol—
 - (i) y person sy'n penodi'r llywodraethwyr sefydledig, a
 - (ii) os yw'r ysgol yn ysgol sydd â chymeriad crefyddol, y corff crefyddol priodol, ac
 - (c) sicrhau cydsyniad Gweinidogion Cymru.

8 Pŵer awdurdod lleol i atal dros dro yr hawl i gael cyllideb ddirprwyedig

- (1) Mae'r adran hon yn gymwys—
 - (a) os oes gan awdurdod lleol bŵer i ymyrryd ym materion rhedeg ysgol a gynhelir, a
 - (b) os oes gan yr ysgol gyllideb ddirprwyedig o fewn ystyr Rhan 2 o Ddeddf Safonau a Fframwaith Ysgolion 1998.
- (2) Caiff yr awdurdod lleol atal dros dro hawl y corff llywodraethu i gael cyllideb ddirprwyedig drwy roi i'r corff llywodraethu hysbysiad am yr ataliad dros dro.
- (3) Mae'r ataliad dros dro ar yr hawl i gael cyllideb ddirprwyedig yn dod yn weithredol o'r adeg y bydd y corff llywodraethu'n cael yr hysbysiad.
- (4) Os yw'r awdurdod lleol yn rhoi hysbysiad yn atal dros dro yr hawl i gael cyllideb ddirprwyedig, rhaid iddo roi copi o'r hysbysiad i'r pennaeth yr un pryd.

- (3) The local authority may nominate one of those governors to be the chair of the governing body in place of any person who has been elected as chair of that body.
- (4) Before making any such appointment or nomination in relation to a voluntary aided school, the local authority must consult—
 - (a) the person who appoints the foundation governors, and
 - (b) if the school has a religious character, the appropriate religious body.
- (5) A governor appointed under this section is to hold office for a period determined by the local authority.
- (6) A governor nominated by the local authority to be the chair of the governing body is to be the chair for a period determined by the local authority.
- (7) The local authority may pay remuneration and allowances to governors appointed under this section.

7 Power of local authority to constitute governing body of interim executive members

- (1) This section applies if a local authority has the power to intervene in the conduct of one of its maintained schools.
- (2) The local authority may give the governing body of the school a notice in writing stating that, as from a date specified in the notice, the governing body is to be constituted in accordance with Schedule 1 (governing bodies consisting of interim executive members).
- (3) Before giving a notice the local authority must—
 - (a) consult the governing body of the school,
 - (b) in the case of a foundation or voluntary school, consult—
 - (i) the person who appoints the foundation governors, and
 - (ii) if the school has a religious character, the appropriate religious body, and
 - (c) obtain the consent of the Welsh Ministers.

8 Power of local authority to suspend right to delegated budget

- (1) This section applies if—
 - (a) a local authority has the power to intervene in the conduct of a maintained school, and
 - (b) the school has a delegated budget within the meaning of Part 2 of the School Standards and Framework Act 1998.
- (2) The local authority may suspend the governing body's right to a delegated budget by giving the governing body notice of the suspension.
- (3) The suspension of the right to a delegated budget takes effect on receipt of the notice by the governing body.
- (4) If the local authority gives a notice suspending the right to a delegated budget, it must give a copy of the notice to the head teacher at the same time.

- (5) Mae ataliad dros dro sy'n cael ei osod o dan yr adran hon yn cael effaith at ddibenion Pennod 4 o Ran 2 o Ddeddf Safonau a Fframwaith Ysgolion 1998 (ariannu ysgolion a gynhelir) fel petai wedi ei wneud o dan baragraff 1 o Atodlen 15 i'r Ddeddf honno (atal dros dro ddirprwyiad ariannol).

9 Pŵer cyffredinol i roi cyfarwyddiadau a chymryd camau

- (1) Mae'r adran hon yn gymwys os oes gan yr awdurdod lleol bŵer i ymyrryd ym materion rhedeg un o'i ysgolion a gynhelir.
- (2) Os yw'r awdurdod lleol yn credu ei bod yn briodol at ddibenion ymdrin â'r seiliau dros ymyrryd, caiff—
- (a) rhoi cyfarwyddiadau i'r corff llywodraethu neu'r pennaeth, neu
 - (b) cymryd unrhyw gamau eraill.

Ymyrraeth gan Weinidogion Cymru

10 Hysbysiad rhybuddio

- (1) Caiff Gweinidogion Cymru roi hysbysiad rhybuddio i gorff llywodraethu ysgol a gynhelir—
- (a) os ydynt wedi eu bodloni bod un neu fwy o seiliau 1 i 6 yn bodoli mewn perthynas â'r ysgol, a
 - (b) os yw'r awdurdod lleol sy'n cynnal yr ysgol naill ai—
 - (i) heb roi hysbysiad rhybuddio i'r corff llywodraethu o dan adran 3 ar un neu fwy o'r seiliau hynny, neu
 - (ii) wedi rhoi hysbysiad rhybuddio, ond yn nhermau sy'n annigonol ym marn Gweinidogion Cymru.
- (2) Rhaid i Weinidogion Cymru bennu pob un o'r canlynol yn yr hysbysiad rhybuddio—
- (a) y seiliau dros ymyrryd;
 - (b) y rhesymau pam y maent wedi eu bodloni bod y seiliau yn bodoli;
 - (c) y camau y maent yn ei gwneud yn ofynnol i'r corff llywodraethu eu cymryd er mwyn ymdrin â'r seiliau dros ymyrryd;
 - (d) y cyfnod y mae'r camau i'w cymryd ynddo gan y corff llywodraethu ("y cyfnod cydymffurfio");
 - (e) y camau y maent â'u bryd ar eu cymryd os bydd y corff llywodraethu yn methu â chymryd y camau sy'n ofynnol.
- (3) Os yw Gweinidogion Cymru yn rhoi hysbysiad rhybuddio i gorff llywodraethu ysgol, rhaid iddynt yr un pryd ag y byddant yn rhoi'r hysbysiad rhybuddio i'r corff llywodraethu roi copi o'r hysbysiad rhybuddio i—
- (a) yr awdurdod lleol;
 - (b) y pennaeth;
 - (c) os yw'r ysgol yn ysgol sefydledig neu'n ysgol wirfoddol—
 - (i) y person sy'n penodi'r llywodraethwyr sefydledig, a

- (5) A suspension imposed under this section has effect for the purposes of Chapter 4 of Part 2 of the School Standards and Framework Act 1998 (financing of maintained schools) as if made under paragraph 1 of Schedule 15 to that Act (suspension of financial delegation).

9 General power to give directions and take steps

- (1) This section applies if the local authority has the power to intervene in the conduct of one of its maintained schools.
- (2) If the local authority thinks it is appropriate for the purposes of dealing with the grounds for intervention, the authority may –
- (a) give directions to the governing body or head teacher, or
 - (b) take any other steps.

Intervention by the Welsh Ministers

10 Warning notice

- (1) The Welsh Ministers may give a warning notice to the governing body of a maintained school if –
- (a) they are satisfied that one or more of grounds 1 to 6 exist in relation to the school, and
 - (b) the local authority that maintains the school either –
 - (i) has not given a warning notice to the governing body under section 3 on one or more of those grounds, or
 - (ii) has given a warning notice, but in terms that are inadequate in the opinion of the Welsh Ministers.
- (2) The Welsh Ministers must specify each of the following in the warning notice –
- (a) the grounds for intervention;
 - (b) the reasons why they are satisfied that the grounds exist;
 - (c) the action they require the governing body to take in order to deal with the grounds for intervention;
 - (d) the period within which the action is to be taken by the governing body (“the compliance period”);
 - (e) the action they are minded to take if the governing body fails to take the required action.
- (3) If the Welsh Ministers give a warning notice to the governing body of a school, they must at the same time as they give the warning notice to the governing body give a copy of the warning notice to –
- (a) the local authority;
 - (b) the head teacher;
 - (c) if the school is a foundation or voluntary school –
 - (i) the person who appoints the foundation governors, and

- (ii) os yw'r ysgol yn ysgol sydd â chymeriad crefyddol, y corff crefyddol priodol.

11 Pŵer Gweinidogion Cymru i ymyrryd

- (1) Mae gan Weinidogion Cymru bŵer i ymyrryd ym materion rhedeg ysgol a gynhelir o dan y Bennod hon os yw is-adran (2), (3), (4) neu (5) yn gymwys.
- (2) Mae'r is-adran hon yn gymwys—
 - (a) os yw'r awdurdod lleol wedi rhoi hysbysiad rhybuddio o dan adran 3 i gorff llywodraethu'r ysgol,
 - (b) os yw'r corff llywodraethu wedi methu â chydymffurfio, neu sicrhau cydymffurfedd, â'r hysbysiad er boddhad Gweinidogion Cymru o fewn y cyfnod cydymffurfio, ac
 - (c) os yw Gweinidogion Cymru wedi eu bodloni nad yw'r awdurdod lleol wedi cymryd, ac nad yw'n debyg o gymryd, camau digonol at ddibenion ymdrin â'r seiliau dros ymyrryd.
- (3) Mae'r is-adran hon yn gymwys—
 - (a) os yw Gweinidogion Cymru wedi rhoi hysbysiad rhybuddio o dan adran 10 i gorff llywodraethu'r ysgol, a
 - (b) os yw'r corff llywodraethu wedi methu â chydymffurfio, neu sicrhau cydymffurfedd, â'r hysbysiad er boddhad Gweinidogion Cymru o fewn y cyfnod cydymffurfio.
- (4) Mae'r is-adran hon yn gymwys os yw Gweinidogion Cymru wedi eu bodloni bod un neu fwy o seiliau 1 i 6 yn bodoli mewn perthynas â'r ysgol a bod ganddynt reswm dros gredu bod risg cysylltiedig i iechyd neu ddiogelwch unrhyw berson a hwnnw'n risg sy'n galw am ymyriad brys o dan y Bennod hon.
- (5) Mae'r is-adran hon yn gymwys—
 - (a) os yw sail 7 (ysgol y mae arni angen gwelliant sylweddol) neu sail 8 (ysgol y mae arni angen mesurau arbennig) yn bodoli mewn perthynas â'r ysgol, a
 - (b) os yw cyfnod heb fod yn llai na 10 niwrnod wedi mynd heibio er y dyddiad y rhoes y Prif Arolygydd hysbysiad i Weinidogion Cymru o dan adran 37(2) o Ddeddf Addysg 2005, yn ddarostyngedig i is-adran (6).
- (6) Caiff Gweinidogion Cymru benderfynu, mewn perthynas ag ysgol benodol, bod is-adran (5)(b) yn cael effaith fel petai'r cyfeiriad at 10 niwrnod yn cyfeirio at gyfnod byrrach a bennir yn y penderfyniad.
- (7) Pan fo gan Weinidogion Cymru bŵer i ymyrryd, rhaid iddynt gadw golwg ar yr amgylchiadau a arweiniodd at y pŵer.
- (8) Os yw Gweinidogion Cymru'n credu bod y seiliau dros ymyrryd wedi eu trin wrth eu bodd, neu na fyddai arfer eu pwerau o dan y Bennod hon yn briodol am unrhyw reswm arall, rhaid iddynt ysgrifennu at y corff llywodraethu a'r awdurdod lleol i'w hysbysu am eu casgliad.
- (9) Os yw Gweinidogion Cymru yn rhoi hysbysiad o dan is-adran (8) mewn perthynas ag ysgol sefydledig neu ysgol wirfoddol, rhaid iddynt anfon copi yr un pryd at—

- (ii) if the school has a religious character, the appropriate religious body.

11 Power of the Welsh Ministers to intervene

- (1) The Welsh Ministers have the power to intervene in the conduct of a maintained school under this Chapter if subsection (2), (3), (4) or (5) applies.
- (2) This subsection applies if –
 - (a) the local authority has given a warning notice under section 3 to the governing body of the school,
 - (b) the governing body has failed to comply, or secure compliance, with the notice to the Welsh Ministers' satisfaction within the compliance period, and
 - (c) the Welsh Ministers are satisfied that the local authority has not taken, and is not likely to take, adequate action for the purposes of dealing with the grounds for intervention.
- (3) This subsection applies if –
 - (a) the Welsh Ministers have given a warning notice under section 10 to the governing body of the school, and
 - (b) the governing body has failed to comply, or secure compliance, with the notice to the Welsh Ministers' satisfaction within the compliance period.
- (4) This subsection applies if the Welsh Ministers are satisfied that one or more of grounds 1 to 6 exist in relation to the school and they have reason to believe that there is a related risk to the health or safety of any person that calls for urgent intervention under this Chapter.
- (5) This subsection applies if –
 - (a) ground 7 (school requiring significant improvement) or ground 8 (school requiring special measures) exists in relation to the school, and
 - (b) a period of not less than 10 days has elapsed since the date on which the Chief Inspector gave notice to the Welsh Ministers under section 37(2) of the Education Act 2005, subject to subsection (6).
- (6) The Welsh Ministers may, in relation to a particular school, determine that subsection (5) (b) has effect as if the reference to 10 days were to a shorter period specified in the determination.
- (7) Where the Welsh Ministers have the power to intervene, they must keep the circumstances giving rise to the power under review.
- (8) If the Welsh Ministers conclude that the grounds for intervention have been dealt with to their satisfaction or that exercise of their powers under this Chapter would not be appropriate for any other reason, they must notify the governing body and the local authority of their conclusion in writing.
- (9) If the Welsh Ministers give notice under subsection (8) in relation to a foundation or voluntary school, they must at the same time, send a copy of the notice to –

- (a) y person sy'n penodi'r llywodraethwyr sefydledig, a
 - (b) os yw'r ysgol yn ysgol sydd â chymeriad crefyddol, y corff crefyddol priodol.
- (10) Mae pŵer Gweinidogion Cymru i ymyrryd yn parhau i gael effaith hyd nes y byddant yn rhoi hysbysiad o dan is-adran (8).
- (11) Os oes gan Weinidogion Cymru bŵer i ymyrryd, nid ydynt wedi eu cyfyngu i gymryd y camau yr oeddent wedi dweud mewn hysbysiad rhybuddio eu bod â'u bryd ar eu cymryd.

12 Pŵer i'w gwneud yn ofynnol i gorff llywodraethu sicrhau cyngor neu gydlafurio

- (1) Mae'r adran hon yn gymwys os oes gan Weinidogion Cymru bŵer i ymyrryd ym materion rhedeg ysgol a gynhelir.
- (2) Caiff Gweinidogion Cymru, gyda golwg ar wella perfformiad yr ysgol, gyfarwyddo corff llywodraethu'r ysgol i wneud y naill neu'r llall o'r canlynol neu'r ddau ohonynt—
- (a) ymrwymo i gontract neu drefniant arall gyda pherson penodedig (a gaiff fod yn gorff llywodraethu ysgol arall) i ddarparu i'r corff llywodraethu wasanaethau penodedig sy'n gynghorol eu natur;
 - (b) arfer y pwerau o dan adran 5(2) o Fesur Addysg (Cymru) 2011 (pwerau cydlafurio) a bennir yn y cyfarwyddyd, yn ddarostyngedig i ddarpariaeth a wneir mewn rheoliadau o dan adran 6 o'r Mesur hwnnw.
- (3) Cyn rhoi cyfarwyddyd rhaid i Weinidogion Cymru ymgynghori â'r canlynol—
- (a) corff llywodraethu'r ysgol, a
 - (b) yn achos ysgol sefydledig neu ysgol wirfoddol—
 - (i) y person sy'n penodi'r llywodraethwyr sefydledig, a
 - (ii) os yw'r ysgol yn ysgol sydd â chymeriad crefyddol, y corff crefyddol priodol.
- (4) Caiff cyfarwyddyd o dan is-adran (2)(a) ei gwneud yn ofynnol i'r contract neu'r trefniant arall gynnwys telerau ac amodau penodedig.

13 Pŵer Gweinidogion Cymru i benodi llywodraethwyr ychwanegol

- (1) Mae'r adran hon yn gymwys os oes gan Weinidogion Cymru bŵer i ymyrryd ym materion rhedeg ysgol a gynhelir.
- (2) Caiff Gweinidogion Cymru benodi cymaint o lywodraethwyr ychwanegol i gorff llywodraethu'r ysgol ag y gwelant yn dda; ac mae'r offeryn llywodraethu ar gyfer yr ysgol yn cael effaith fel petai'n darparu ar gyfer penodiadau o'r fath (er gwaethaf unrhyw beth mewn rheoliadau o dan adran 19 o Ddeddf Addysg 2002).
- (3) Caiff Gweinidogion Cymru enwebu un o'r llywodraethwyr hynny i fod yn gadeirydd y corff llywodraethu yn lle unrhyw berson a etholwyd yn gadeirydd y corff hwnnw.
- (4) Cyn gwneud unrhyw benodiad neu enwebiad o'r fath mewn perthynas ag ysgol wirfoddol a gynorthwyir, rhaid i Weinidogion Cymru ymgynghori â'r canlynol—
- (a) y person sy'n penodi'r llywodraethwyr sefydledig, a
 - (b) os yw'r ysgol yn ysgol sydd â chymeriad crefyddol, y corff crefyddol priodol.

- (a) the person who appoints the foundation governors, and
 - (b) if the school has a religious character, the appropriate religious body.
- (10) The Welsh Ministers' power to intervene continues in effect until they give notice under subsection (8).
- (11) Where the Welsh Ministers have the power to intervene they are not limited to taking the action they said they were minded to take in a warning notice.

12 Power to require governing body to secure advice or collaborate

- (1) This section applies if the Welsh Ministers have the power to intervene in the conduct of a maintained school.
- (2) The Welsh Ministers may, with a view to improving the performance of the school, direct the governing body of the school to do either or both of the following –
- (a) enter into a contract or other arrangement with a specified person (who may be the governing body of another school) for the provision to the governing body of specified services of an advisory nature;
 - (b) exercise such of the powers under section 5(2) of the Education (Wales) Measure 2011 (powers to collaborate) as are specified in the direction, subject to provision made in regulations under section 6 of that Measure.
- (3) Before giving a direction the Welsh Ministers must consult –
- (a) the governing body of the school, and
 - (b) in the case of a foundation or voluntary school –
 - (i) the person who appoints the foundation governors, and
 - (ii) if the school has a religious character, the appropriate religious body.
- (4) A direction under subsection (2)(a) may require the contract or other arrangement to contain specified terms and conditions.

13 Power of Welsh Ministers to appoint additional governors

- (1) This section applies if the Welsh Ministers have the power to intervene in the conduct of a maintained school.
- (2) The Welsh Ministers may appoint as many additional governors to the governing body of the school as they think fit; and the instrument of government for the school has effect as if it provided for such appointments (despite anything in the regulations under section 19 of the Education Act 2002).
- (3) The Welsh Ministers may nominate one of those governors to be the chair of the governing body in place of any person who has been elected as chair of that body.
- (4) Before making any such appointment or nomination in relation to a voluntary aided school, the Welsh Ministers must consult –
- (a) the person who appoints the foundation governors, and
 - (b) if the school has a religious character, the appropriate religious body.

- (5) Bydd llywodraethwr a benodir o dan yr adran hon yn dal ei swydd am gyfnod a benderfynir gan Weinidogion Cymru.
- (6) Bydd llywodraethwr a enwebir gan Weinidogion Cymru i fod yn gadeirydd y corff llywodraethu yn gadeirydd am gyfnod a benderfynir gan Weinidogion Cymru.
- (7) Caiff Gweinidogion Cymru dalu tâl cydnabyddiaeth a lwfansau i lywodraethwyr a benodir o dan yr adran hon.
- (8) Pan fo Gweinidogion Cymru wedi arfer eu pŵer o dan yr adran hon mewn perthynas ag unrhyw ysgol –
 - (a) ni chaiff yr awdurdod lleol atal dros dro hawl y corff llywodraethu i gael cyllideb ddirprwyedig o dan baragraff 1 o Atodlen 15 i Ddeddf Safonau a Fframwaith 1998, a
 - (b) os yw'r awdurdod lleol eisoes wedi arfer y pŵer hwnnw neu ei bŵer o dan adran 8, caiff Gweinidogion Cymru ddirymu'r ataliad dros dro.
- (9) Pan fo Gweinidogion Cymru wedi arfer eu pwerau o dan yr adran hon mewn perthynas ag ysgol wirfoddol a gynorthwyr, nid oes dim mewn rheoliadau o dan adran 19 o Ddeddf Addysg 2002 i'w ddarllen fel petai'n awdurdodi penodi llywodraethwyr sefydledig er mwyn eu gwneud yn fwy niferus na'r llywodraethwyr eraill fel y bydd eu nifer hwy wedi ei gynyddu gan y rhai a gaiff eu penodi gan Weinidogion Cymru o dan yr adran hon.
- (10) O ran dirymu ataliad dros dro o dan is-adran (8)(b) –
 - (a) rhaid i'r awdurdod lleol gael ei hysbysu'n ysgrifenedig amdano, a
 - (b) daw'n weithredol o'r dyddiad a bennir yn yr hysbysiad hwnnw.

14 Pŵer Gweinidogion Cymru i gyfansoddi corff llywodraethu o aelodau gweithrediaeth interim

- (1) Mae'r adran hon yn gymwys os oes gan Weinidogion Cymru bŵer i ymyrryd ym materion rhedeg ysgol a gynhelir.
- (2) Caiff Gweinidogion Cymru ysgrifennu at gorff llywodraethu'r ysgol i'w hysbysu bod y corff llywodraethu, o'r dyddiad a bennir yn yr hysbysiad, i'w gyfansoddi'n unol ag Atodlen 1 (cyrff llywodraethu sydd wedi eu ffurfio o aelodau gweithrediaeth interim).
- (3) Cyn rhoi hysbysiad rhaid i Weinidogion Cymru ymgynghori â'r canlynol –
 - (a) yr awdurdod lleol sy'n cynnal yr ysgol,
 - (b) corff llywodraethu'r ysgol, ac
 - (c) yn achos ysgol sefydledig neu ysgol wirfoddol –
 - (i) y person sy'n penodi'r llywodraethwyr sefydledig, a
 - (ii) os yw'r ysgol yn ysgol sydd â chymeriad crefyddol, y corff crefyddol priodol.
- (4) Nid yw Gweinidogion Cymru yn gorfod ymgynghori â'r personau a grybwyllwyd yn is-adran (3)(b) ac (c) os yw'r awdurdod lleol wedi ymgynghori â hwy am gyfansoddiad corff llywodraethu o dan adran 7 ar sail pŵer i ymyrryd y daethpwyd ag ef i ben drwy effaith adran 4(9)(b) neu (c).

- (5) A governor appointed under this section is to hold office for a period determined by the Welsh Ministers.
- (6) A governor nominated by the Welsh Ministers to be the chair of the governing body is to be the chair for a period determined by the Welsh Ministers.
- (7) The Welsh Ministers may pay remuneration and allowances to governors appointed under this section.
- (8) Where the Welsh Ministers have exercised their power under this section in relation to any school—
 - (a) the local authority may not suspend the governing body's right to a delegated budget under paragraph 1 of Schedule 15 to the School Standards and Framework Act 1998, and
 - (b) if the local authority has already exercised that power or its power under section 8, the Welsh Ministers may revoke the suspension.
- (9) Where the Welsh Ministers have exercised their power under this section in relation to a voluntary aided school, nothing in regulations under section 19 of the Education Act 2002 is to be read as authorising the appointment of foundation governors for the purpose of outnumbering the other governors as augmented by those appointed by the Welsh Ministers under this section.
- (10) The revocation of a suspension under subsection (8)(b)—
 - (a) must be notified to the local authority in writing, and
 - (b) takes effect from the date specified in that notification.

14 Power of Welsh Ministers to constitute governing body of interim executive members

- (1) This section applies if the Welsh Ministers have the power to intervene in the conduct of a maintained school.
- (2) The Welsh Ministers may give the governing body of the school a notice in writing stating that, as from the date specified in the notice, the governing body is to be constituted in accordance with Schedule 1 (governing bodies consisting of interim executive members).
- (3) Before giving a notice the Welsh Ministers must consult—
 - (a) the local authority that maintains the school,
 - (b) the governing body of the school, and
 - (c) in the case of a foundation or voluntary school—
 - (i) the person who appoints the foundation governors, and
 - (ii) if the school has a religious character, the appropriate religious body.
- (4) The Welsh Ministers are not obliged to consult the persons mentioned in subsection (3)(b) and (c) if the local authority has consulted them about the constitution of a governing body under section 7 on the basis of a power to intervene brought to an end by effect of section 4(9)(b) or (c).

15 Pŵer Gweinidogion Cymru i gyfarwyddo bod ysgolion yn cael eu ffedereiddio

- (1) Mae'r adran hon yn gymwys os oes gan Weinidogion Cymru bŵer i ymyrryd ym materion rhedeg ysgol a gynhelir ("yr ysgol sy'n peri pryder").
- (2) Caiff Gweinidogion Cymru gyfarwyddo unrhyw un o'r personau canlynol i ddarparu ar gyfer un neu fwy o'r trefniadau a nodir yn is-adran (3) –
 - (a) awdurdod lleol;
 - (b) corff llywodraethu ysgol a gynhelir;
 - (c) corff llywodraethu ffederasiwn.
- (3) Dyma'r trefniadau –
 - (a) ffedereiddio'r ysgol sy'n peri pryder ac un neu fwy o ysgolion a gynhelir;
 - (b) ffedereiddio'r ysgol sy'n peri pryder a ffederasiwn sy'n bodoli eisoes;
 - (c) ffedereiddio'r ysgol sy'n peri pryder a ffederasiwn sy'n bodoli eisoes ac un neu fwy o ysgolion a gynhelir;
 - (d) pan fo'r ysgol sy'n peri pryder yn rhan o ffederasiwn, ffedereiddio'r ffederasiwn hwnnw ac un neu fwy o ysgolion a gynhelir;
 - (e) pan fo'r ysgol sy'n peri pryder yn rhan o ffederasiwn, ffedereiddio'r ffederasiwn hwnnw a ffederasiwn arall sy'n bodoli eisoes;
 - (f) pan fo'r ysgol sy'n peri pryder yn rhan o ffederasiwn, ffedereiddio'r ffederasiwn hwnnw a ffederasiwn arall sy'n bodoli eisoes ac un neu fwy o ysgolion a gynhelir;
 - (g) pan fo'r ysgol sy'n peri pryder yn rhan o ffederasiwn, bod yr ysgol yn ymadael â'r ffederasiwn hwnnw.
- (4) Cyn rhoi cyfarwyddiad o dan is-adran (2), rhaid i Weinidogion Cymru ymgynghori â'r canlynol –
 - (a) yr awdurdod lleol,
 - (b) y cyrff llywodraethu sydd o dan sylw, ac
 - (c) yn achos ysgol sefydledig neu ysgol wirfoddol –
 - (i) y person sy'n penodi'r llywodraethwyr sefydledig, a
 - (ii) os yw'r ysgol yn ysgol sydd â chymeriad crefyddol, y corff crefyddol priodol.
- (5) Yn yr adran hon mae i "ffederasiwn" yr ystyr a roddir gan adran 21(1) o Fesur Addysg (Cymru) 2011.

16 Pŵer Gweinidogion Cymru i gyfarwyddo bod ysgol yn cael ei chau

- (1) Mae'r adran hon yn gymwys os oes gan Weinidogion Cymru bŵer i ymyrryd ym materion rhedeg ysgol a gynhelir ar dir sail 8 (ysgol y mae arni angen mesurau arbennig).
- (2) Caiff Gweinidogion Cymru roi cyfarwyddyd i'r awdurdod lleol yn ei gwneud yn ofynnol i'r ysgol gael ei therfynu ar ddyddiad a bennir yn y cyfarwyddyd.
- (3) Cyn rhoi cyfarwyddyd o dan is-adran (2), rhaid i Weinidogion Cymru ymgynghori â'r canlynol –
 - (a) yr awdurdod lleol sy'n cynnal yr ysgol,

15 Power of Welsh Ministers to direct federation of schools

- (1) This section applies if the Welsh Ministers have the power to intervene in the conduct of a maintained school (“the school causing concern”).
- (2) The Welsh Ministers may direct any of the following persons to provide for one or more of the arrangements set out in subsection (3) –
 - (a) a local authority;
 - (b) a governing body of a maintained school;
 - (c) a governing body of a federation.
- (3) The arrangements are –
 - (a) the federation of the school causing concern and one or more maintained schools;
 - (b) the federation of the school causing concern and an existing federation;
 - (c) the federation of the school causing concern and an existing federation and one or more maintained schools;
 - (d) where the school causing concern is part of a federation, the federation of that federation and one or more maintained schools;
 - (e) where the school causing concern is part of a federation, the federation of that federation and another existing federation;
 - (f) where the school causing concern is part of a federation, the federation of that federation and an existing federation and one or more maintained schools;
 - (g) where the school causing concern is part of a federation, for the school to leave that federation.
- (4) Before giving a direction under subsection (2), the Welsh Ministers must consult –
 - (a) the local authority,
 - (b) the governing bodies concerned, and
 - (c) in the case of a foundation or voluntary school –
 - (i) the person who appoints the foundation governors, and
 - (ii) if the school has a religious character, the appropriate religious body.
- (5) In this section “federation” has the meaning given by section 21(1) of the Education (Wales) Measure 2011.

16 Power of Welsh Ministers to direct closure of school

- (1) This section applies if the Welsh Ministers have the power to intervene in the conduct of a maintained school on the basis of ground 8 (school requiring special measures).
- (2) The Welsh Ministers may give a direction to the local authority requiring the school to be discontinued on a date specified in the direction.
- (3) Before giving a direction under subsection (2), the Welsh Ministers must consult –
 - (a) the local authority that maintains the school,

- (b) corff llywodraethu'r ysgol,
 - (c) yn achos ysgol sefydledig neu wirfoddol—
 - (i) y person sy'n penodi'r llywodraethwyr sefydledig, a
 - (ii) os yw'r ysgol yn ysgol sydd â chymeriad crefyddol, y corff crefyddol priodol, ac
 - (d) unrhyw bersonau eraill sy'n briodol ym marn Gweinidogion Cymru.
- (4) Wrth roi cyfarwyddyd i derfynu'r ysgol, rhaid i Weinidogion Cymru roi hysbysiad ysgrifenedig hefyd am y cyfarwyddyd i gorff llywodraethu'r ysgol a'i phennaeth.
- (5) Pan fo cyfarwyddyd yn cael ei roi i'r awdurdod lleol o dan is-adran (2), rhaid iddo derfynu'r ysgol o dan sylw ar y dyddiad a bennir yn y cyfarwyddyd; ac nid oes dim yn Rhan 3 sy'n gymwys i derfynu'r ysgol o dan yr adran hon.
- (6) Yn yr adran hon mae unrhyw gyfeiriad at derfynu ysgol a gynhelir yn cyfeirio at yr awdurdod lleol yn peidio â'i chynnal.

17 Pŵer cyffredinol i roi cyfarwyddiadau a chymryd camau

- (1) Mae'r adran hon yn gymwys os oes gan Weinidogion Cymru bŵer i ymyrryd ym materion rhedeg ysgol a gynhelir.
- (2) Os yw Gweinidogion Cymru yn credu ei bod yn briodol at ddibenion ymdrin â'r seiliau dros ymyrryd, cânt—
- (a) rhoi cyfarwyddiadau i'r corff llywodraethu neu'r pennaeth, neu
 - (b) cymryd unrhyw gamau eraill.

Darpariaethau atodol

18 Cyrff llywodraethu sydd wedi eu ffurfio o aelodau gweithrediaeth interim

Mae Atodlen 1 (penodi aelodau o fyrddau gweithrediaeth interim, swyddogaethau'r byrddau, eu gweithdrefnau a materion cysylltiedig) yn cael effaith.

19 Cyfarwyddiadau

- (1) Rhaid i gorff llywodraethu ysgol a gynhelir neu bennaeth sy'n ddarostyngedig i gyfarwyddyd o dan y Bennod hon gydymffurfio ag ef.
- (2) Mae hyn yn cynnwys cyfarwyddyd i arfer pŵer neu ddyletswydd sy'n ddibynnol ar farn y corff llywodraethu neu'r pennaeth.
- (3) O ran cyfarwyddyd o dan y Bennod hon—
- (a) rhaid iddo fod yn ysgrifenedig;
 - (b) caniateir ei amrywio neu ei ddirymu drwy gyfarwyddyd diweddarach;
 - (c) gellir ei orfodi drwy orchymyn mandadol ar gais gan, neu ar ran, y person a roes y cyfarwyddyd.

20 Canllawiau

Wrth arfer ei swyddogaethau o dan y Bennod hon, rhaid i awdurdod lleol roi sylw i ganllawiau a roddir gan Weinidogion Cymru.

- (b) the governing body of the school,
 - (c) in the case of a foundation or voluntary school –
 - (i) the person who appoints the foundation governors, and
 - (ii) if the school has a religious character, the appropriate religious body, and
 - (d) any other persons the Welsh Ministers consider appropriate.
- (4) On giving a direction to discontinue the school, the Welsh Ministers must also give notice in writing of the direction to the governing body of the school and its head teacher.
- (5) Where the local authority is given a direction under subsection (2), it must discontinue the school in question on the date specified in the direction; and nothing in Part 3 applies to the discontinuance of the school under this section.
- (6) In this section any reference to the discontinuance of a maintained school is to the local authority ceasing to maintain it.

17 General power to give directions and take steps

- (1) This section applies if the Welsh Ministers have the power to intervene in the conduct of a maintained school.
- (2) If the Welsh Ministers think it is appropriate for the purposes of dealing with the grounds for intervention, the Welsh Ministers may –
- (a) give directions to the governing body or head teacher, or
 - (b) take any other steps.

Supplementary

18 Governing bodies consisting of interim executive members

Schedule 1 (appointment of members of interim executive boards, the functions of boards, their procedures and related matters) has effect.

19 Directions

- (1) A governing body of a maintained school or a head teacher subject to a direction under this Chapter must comply with it.
- (2) This includes a direction to exercise a power or duty that is contingent upon the opinion of the governing body or head teacher.
- (3) A direction under this Chapter –
- (a) must be in writing;
 - (b) may be varied or revoked by a later direction;
 - (c) is enforceable by mandatory order on application by, or on behalf of, the person who gave the direction.

20 Guidance

In exercising its functions under this Chapter, a local authority must have regard to guidance given by the Welsh Ministers.

PENNOD 2

YMYRRYD MEWN AWDURDODAU LLEOL

Y seiliau dros ymyrryd

21 Y seiliau dros ymyrryd

At ddibenion y Bennod hon, mae'r seiliau dros ymyrryd â'r modd y mae awdurdod lleol yn arfer ei swyddogaethau addysg fel a ganlyn—

SAIL 1 - Mae'r awdurdod lleol wedi methu, neu'n debyg o fethu, â chydymffurfio â dyletswydd sy'n swyddogaeth addysg.

SAIL 2 - Mae'r awdurdod lleol wedi gweithredu, neu'n bwriadu gweithredu, yn afresymol wrth arfer swyddogaeth addysg.

SAIL 3 - Mae'r awdurdod lleol yn methu, neu'n debyg o fethu, â chyflawni swyddogaeth addysg yn ôl safon ddigonol.

Hysbysiad rhybuddio

22 Hysbysiad rhybuddio

- (1) Caiff Gweinidogion Cymru roi hysbysiad rhybuddio i awdurdod lleol os ydynt wedi eu bodloni bod un neu fwy o seiliau 1 i 3 yn bodoli mewn perthynas â'r awdurdod lleol.
- (2) Rhaid i Weinidogion Cymru bennu pob un o'r canlynol yn yr hysbysiad rhybuddio—
 - (a) y seiliau dros ymyrryd;
 - (b) y rhesymau pam y maent wedi eu bodloni bod y seiliau yn bodoli;
 - (c) y camau y maent yn ei gwneud yn ofynnol i'r awdurdod lleol eu cymryd er mwyn ymdrin â'r seiliau dros ymyrryd;
 - (d) y cyfnod y mae'r camau i'w cymryd ynddo gan yr awdurdod lleol ("y cyfnod cydymffurfio");
 - (e) y camau y maent â'u bryd ar eu cymryd os bydd yr awdurdod lleol yn methu â chymryd y camau gofynnol.

Pwerau ymyrryd

23 Pŵer Gweinidogion Cymru i ymyrryd

- (1) Mae gan Weinidogion Cymru bŵer i ymyrryd o dan y Bennod hon â'r modd y mae swyddogaethau addysg yn cael eu harfer gan awdurdod lleol os yw is-adran (2) neu (3) yn gymwys.
- (2) Mae'r is-adran hon yn gymwys—
 - (a) os yw Gweinidogion Cymru wedi rhoi hysbysiad rhybuddio, a
 - (b) os yw'r awdurdod lleol wedi methu â chydymffurfio, neu sicrhau cydymffurfedd, â'r hysbysiad er boddhad Gweinidogion Cymru o fewn y cyfnod cydymffurfio.
- (3) Mae'r is-adran hon yn gymwys os yw Gweinidogion Cymru wedi eu bodloni bod un neu fwy o seiliau 1 i 3 yn bodoli mewn perthynas â'r awdurdod lleol a bod ganddynt reswm dros gredu—

CHAPTER 2
INTERVENTION IN LOCAL AUTHORITIES

Grounds for intervention

21 Grounds for intervention

For the purposes of this Chapter, the grounds for intervention in the exercise by a local authority of its education functions are as follows –

GROUND 1 - The local authority has failed, or is likely to fail, to comply with a duty that is an education function.

GROUND 2 - The local authority has acted, or is proposing to act, unreasonably in the exercise of an education function.

GROUND 3 - The local authority is failing, or is likely to fail, to perform an education function to an adequate standard.

Warning notice

22 Warning notice

- (1) The Welsh Ministers may give a warning notice to a local authority if they are satisfied that one or more of grounds 1 to 3 exist in relation to the local authority.
- (2) The Welsh Ministers must specify each of the following in the warning notice –
 - (a) the grounds for intervention;
 - (b) the reasons why they are satisfied that the grounds exist;
 - (c) the action they require the local authority to take in order to deal with the grounds for intervention;
 - (d) the period within which the action is to be taken by the local authority (“the compliance period”);
 - (e) the action they are minded to take if the local authority fails to take the required action.

Powers of intervention

23 Power of Welsh Ministers to intervene

- (1) The Welsh Ministers have the power to intervene under this Chapter in the exercise of education functions by a local authority if subsection (2) or (3) applies.
- (2) This subsection applies if –
 - (a) the Welsh Ministers have given a warning notice, and
 - (b) the local authority has failed to comply, or secure compliance, with the notice to the Welsh Ministers’ satisfaction within the compliance period.
- (3) This subsection applies if the Welsh Ministers are satisfied that one or more of grounds 1 to 3 exist in relation to the local authority and they have reason to believe that –

- (a) bod risg cysylltiedig i iechyd neu ddiogelwch unrhyw berson a hwnnw'n risg sy'n galw am ymyriad brys o dan y Bennod hon, neu
 - (b) bod yr awdurdod lleol yn annhebyg o allu cydymffurfio, neu sicrhau cydymffurfedd, â hysbysiad rhybuddio.
- (4) Pan fo gan Weinidogion Cymru bŵer i ymyrryd, rhaid iddynt gadw golwg ar yr amgylchiadau a arweiniodd at y pŵer.
- (5) Os yw Gweinidogion Cymru yn dod i'r casgliad bod y seiliau dros ymyrryd wedi eu trin wrth eu bodd, neu na fyddai arfer eu pwerau o dan y Bennod hon yn briodol am unrhyw reswm arall, rhaid iddynt ysgrifennu at yr awdurdod lleol i'w hysbysu am eu casgliad.
- (6) Mae pŵer Gweinidogion Cymru i ymyrryd yn parhau i gael effaith hyd nes y byddant yn rhoi hysbysiad o dan is-adran (5).
- (7) Os oes gan Weinidogion Cymru bŵer i ymyrryd, nid ydynt wedi eu cyfyngu i gymryd y camau yr oeddent wedi dweud mewn hysbysiad rhybuddio eu bod â'u bryd ar eu cymryd.

24 Pŵer i'w gwneud yn ofynnol i awdurdod lleol gael gwasanaethau cyngori

- (1) Mae'r adran hon yn gymwys os oes gan Weinidogion Cymru bŵer i ymyrryd â'r modd y mae swyddogaethau addysg yn cael eu harfer gan awdurdod lleol.
- (2) Caiff Gweinidogion Cymru gyfarwyddo'r awdurdod lleol i ymrwymo i gontract neu drefniant arall gyda pherson penodedig, neu berson sy'n dod o fewn dosbarth penodedig, i ddarparu i'r awdurdod neu gorff llywodraethu ysgol a gynhelir ganddo (neu'r ddau ohonynt), wasanaethau penodedig sy'n gynghorol eu natur.
- (3) Caiff y cyfarwyddyd ei gwneud yn ofynnol i'r contract neu'r trefniant arall gynnwys telerau ac amodau penodedig.
- (4) Yn yr adran hon ystyr "penodedig" yw wedi ei bennu mewn cyfarwyddyd o dan yr adran hon.

25 Pŵer i'w gwneud yn ofynnol i swyddogaethau gael eu cyflawni gan bersonau eraill ar ran awdurdod

- (1) Mae'r adran hon yn gymwys os oes gan Weinidogion Cymru bŵer i ymyrryd â'r modd y mae swyddogaethau addysg yn cael eu harfer gan awdurdod lleol.
- (2) Caiff Gweinidogion Cymru roi unrhyw gyfarwyddiadau i'r awdurdod lleol neu i unrhyw un neu rai o swyddogion yr awdurdod y maent yn credu eu bod yn briodol i sicrhau bod y swyddogaethau y mae'r seiliau dros ymyrryd yn ymwneud â hwy yn cael eu cyflawni ar ran yr awdurdod gan berson a bennir yn y cyfarwyddyd.
- (3) Caiff cyfarwyddyd o dan is-adran (2) ei gwneud yn ofynnol i unrhyw gontract neu drefniant arall a wneir gan yr awdurdod â'r person penodedig gynnwys telerau ac amodau a bennir yn y cyfarwyddyd.

26 Pŵer i'w gwneud yn ofynnol i swyddogaethau gael eu cyflawni gan Weinidogion Cymru neu enwebai

- (1) Mae'r adran hon yn gymwys os oes gan Weinidogion Cymru bŵer i ymyrryd â'r modd y mae swyddogaethau addysg yn cael eu cyflawni gan awdurdod lleol.

- (a) there is a related risk to the health or safety of any person that calls for urgent intervention under this Chapter, or
 - (b) the local authority is unlikely to be able to comply, or secure compliance, with a warning notice.
- (4) Where the Welsh Ministers have the power to intervene, they must keep the circumstances giving rise to the power under review.
- (5) If the Welsh Ministers conclude that the grounds for intervention have been dealt with to their satisfaction or that exercise of their powers under this Chapter would not be appropriate for any other reason, they must notify the local authority of their conclusion in writing.
- (6) The Welsh Ministers' power to intervene continues in effect until they give notice under subsection (5).
- (7) Where the Welsh Ministers have the power to intervene, they are not limited to taking the action they said they were minded to take in a warning notice.

24 Power to require local authority to obtain advisory services

- (1) This section applies if the Welsh Ministers have the power to intervene in the exercise of education functions by a local authority.
- (2) The Welsh Ministers may direct the local authority to enter into a contract or other arrangement with a specified person, or a person falling within a specified class for the provision to the authority or the governing body of a school maintained by it (or both), of specified services of an advisory nature.
- (3) The direction may require the contract or other arrangement to contain specified terms and conditions.
- (4) In this section "specified" means specified in a direction under this section.

25 Power to require performance of functions by other persons on behalf of authority

- (1) This section applies if the Welsh Ministers have the power to intervene in the exercise of education functions by a local authority.
- (2) The Welsh Ministers may give such directions to the local authority or any of its officers as they think are appropriate for securing that the functions to which the grounds for intervention relate are performed on behalf of the authority by a person specified in the direction.
- (3) A direction under subsection (2) may require that any contract or other arrangement made by the authority with the specified person contains terms and conditions specified in the direction.

26 Power to require performance of functions by Welsh Ministers or nominee

- (1) This section applies if the Welsh Ministers have the power to intervene in the exercise of education functions by a local authority.

- (2) Caiff Gweinidogion Cymru gyfarwyddo bod y swyddogaethau sy'n ymwneud â'r seiliau dros ymyrryd i'w harfer gan Weinidogion Cymru neu berson a enwebir ganddynt.
- (3) Os yw cyfarwyddyd wedi ei wneud o dan is-adran (2), rhaid i'r awdurdod lleol gydymffurfio ag arweiniad Gweinidogion Cymru neu eu henwebai mewn perthynas ag arfer y swyddogaethau.

27 Pŵer i gyfarwyddo'r modd y mae swyddogaethau addysg eraill yn cael eu harfer

- (1) Os yw Gweinidogion Cymru yn credu ei bod yn hwylus, caiff cyfarwyddyd o dan adran 25 neu 26 ymwneud â chyflawni swyddogaethau addysg yn ychwanegol at y swyddogaethau y mae'r seiliau dros ymyrryd yn ymwneud â hwy.
- (2) Caiff Gweinidogion Cymru roi sylw (ymhlith pethau eraill) i ystyriaethau ariannol wrth benderfynu a yw'n hwylus i gyfarwyddyd ymwneud â swyddogaethau addysg nad ydynt yn swyddogaethau sy'n ymwneud â'r seiliau dros ymyrryd.

28 Pŵer cyffredinol i roi cyfarwyddiadau a chymryd camau

- (1) Mae'r adran hon yn gymwys os oes gan Weinidogion Cymru bŵer i ymyrryd â'r modd y mae swyddogaethau addysg yn cael eu harfer gan awdurdod lleol.
- (2) Os yw Gweinidogion Cymru yn credu ei bod yn briodol at ddibenion ymdrin â'r seiliau dros ymyrryd, cânt—
 - (a) rhoi cyfarwyddiadau i'r corff llywodraethu neu'r pennaeth, neu
 - (b) cymryd unrhyw gamau eraill.

Darpariaethau atodol

29 Cyfarwyddiadau

- (1) Rhaid i awdurdod lleol, neu swyddog i awdurdod, sy'n ddarostyngedig i gyfarwyddyd neu arweiniad o dan y Bennod hon gydymffurfio ag ef.
- (2) Mae hyn yn cynnwys cyfarwyddyd neu arweiniad i arfer pŵer neu ddyletswydd sy'n ddibynnol ar farn yr awdurdod lleol neu swyddog i'r awdurdod.
- (3) O ran cyfarwyddyd o dan y Bennod hon—
 - (a) rhaid iddo fod yn ysgrifenedig;
 - (b) caniateir ei amrywio neu ei ddirymu drwy gyfarwyddyd diweddarach;
 - (c) gellir ei orfodi drwy orchymyn mandadol ar gais gan Weinidogion Cymru neu ar eu rhan.

30 Dyletswydd i gydweithredu

- (1) Rhaid i awdurdod lleol a chorff llywodraethu ysgol a gynhelir roi i Weinidogion Cymru, ac unrhyw berson a bennir yn is-adran (3) gymaint o gymorth mewn cysylltiad ag arfer swyddogaethau o dan neu yn rhinwedd y Bennod hon ag y gallant yn rhesymol ei roi.
- (2) Rhaid i gorff llywodraethu ysgol a gynhelir a'r awdurdod lleol sy'n cynnal yr ysgol sicrhau hefyd, i'r graddau y mae'n rhesymol ymarferol, fod personau sy'n gweithio yn yr ysgol yn gwneud yr un fath.

- (2) The Welsh Ministers may direct that the functions to which the grounds for intervention relate are to be exercised by the Welsh Ministers or a person nominated by them.
- (3) If a direction is made under subsection (2), the local authority must comply with the instructions of the Welsh Ministers or their nominee in relation to the exercise of the functions.

27 Power to direct exercise of other education functions

- (1) If the Welsh Ministers think it is expedient, a direction under section 25 or 26 may relate to the performance of education functions in addition to the functions to which the grounds for intervention relate.
- (2) The Welsh Ministers may have regard (among other things) to financial considerations in deciding whether it is expedient that a direction should relate to education functions other than functions relating to the grounds for intervention.

28 General power to give directions and take steps

- (1) This section applies if the Welsh Ministers have the power to intervene in the exercise of education functions by a local authority.
- (2) If the Welsh Ministers think it is appropriate in order to deal with the grounds for intervention, the Welsh Ministers may –
 - (a) give directions to the local authority or any of its officers, or
 - (b) take any other steps.

Supplementary

29 Directions

- (1) A local authority, or an officer of an authority, subject to a direction or instruction under this Chapter must comply with it.
- (2) This includes a direction or an instruction to exercise a power or duty that is contingent upon the opinion of the local authority or an officer of the authority.
- (3) A direction under this Chapter –
 - (a) must be in writing;
 - (b) may be varied or revoked by a later direction;
 - (c) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers.

30 Duty to co-operate

- (1) A local authority and the governing body of a maintained school must give the Welsh Ministers and any person specified in subsection (3) as much assistance in connection with the exercise of functions under or by virtue of this Chapter as they are reasonably able to give.
- (2) The governing body of a maintained school and the local authority that maintains the school must also secure, so far as reasonably practicable, that persons who work at the school do the same.

- (3) Y personau penodedig yw –
- (a) unrhyw berson a awdurdodir at ddibenion yr adran hon gan Weinidogion Cymru;
 - (b) unrhyw berson sy'n gweithredu o dan gyfarwyddiadau o dan y Bennod hon;
 - (c) unrhyw berson sy'n cynorthwyo –
 - (i) Gweinidogion Cymru, neu
 - (ii) person a grybwyllwyd ym mharagraff (a) neu (b).

31 Pwerau mynd i mewn ac arolygu

- (1) Ar bob adeg resymol mae gan berson sy'n dod o fewn is-adran (2) –
- (a) hawl i fynd i mewn i fangre'r awdurdod lleol o dan sylw ac unrhyw ysgol a gynhelir ganddo;
 - (b) hawl i arolygu unrhyw gofnodion neu ddogfennau eraill a gedwir gan yr awdurdod neu unrhyw ysgol a gynhelir ganddo, ac unrhyw ddogfennau eraill sy'n cynnwys gwybodaeth ynglŷn â'r awdurdod neu unrhyw ysgol o'r fath, y mae'r person yn barnu eu bod yn berthnasol i'r modd y mae swyddogaethau yn cael eu harfer gan y person o dan neu yn rhinwedd y Bennod hon ac i wneud copïau o unrhyw gofnodion neu ddogfennau o'r fath.
- (2) Y personau canlynol sy'n dod o fewn yr is-adran hon –
- (a) y person a bennir mewn cyfarwyddyd o dan adran 24 neu, pan fo'r cyfarwyddyd yn pennu dosbarth ar bersonau, y person y mae'r awdurdod lleol yn ymrwymo gydag ef i'r contract neu'r trefniant arall sy'n ofynnol gan y cyfarwyddyd;
 - (b) y person a bennir mewn cyfarwyddyd o dan adran 25;
 - (c) Gweinidogion Cymru yn unol â chyfarwyddyd o dan adran 26;
 - (d) y person a enwebir drwy gyfarwyddyd o dan adran 26.
- (3) Wrth arfer yr hawl o dan is-adran (1)(b) i arolygu cofnodion neu ddogfennau eraill, mae person ("P") –
- (a) yn meddu ar yr hawl i gael mynediad i unrhyw gyfrifiadur ac unrhyw aparatws neu ddeunydd cysylltiedig sy'n cael neu sydd wedi bod yn cael eu defnyddio mewn cysylltiad â'r cofnodion neu'r dogfennau eraill sydd o dan sylw, ac arolygu a gwirio eu gweithrediad, a
 - (b) yn cael ei gwneud yn ofynnol i'r personau canlynol roi unrhyw gymorth y mae ar P angen rhesymol amdano (gan gynnwys, ymhlith pethau eraill, trefnu bod gwybodaeth ar gael i'w harolygu neu ei chopïo ar ffurf ddarllenadwy) –
 - (i) y person y defnyddir neu y defnyddiwyd y cyfrifiadur felly ganddo neu ar ei ran;
 - (ii) unrhyw berson sydd â gofal dros y cyfrifiadur, yr aparatws neu'r deunydd, neu sydd fel arall yn ymwneud â'i weithredu.
- (4) Mae unrhyw gyfeiriad yn yr adran hon at berson sy'n dod o fewn is-adran (2) yn cynnwys cyfeiriad at unrhyw berson sy'n cynorthwyo'r person hwnnw.

- (3) The specified persons are –
 - (a) any person authorised for the purposes of this section by the Welsh Ministers;
 - (b) any person acting under directions under this Chapter;
 - (c) any person assisting –
 - (i) the Welsh Ministers, or
 - (ii) a person mentioned in paragraph (a) or (b).

31 Powers of entry and inspection

- (1) A person falling within subsection (2) has at all reasonable times –
 - (a) a right of entry to the premises of the local authority in question and any school maintained by it;
 - (b) a right to inspect, and take copies of, any records or other documents kept by the authority or any school maintained by it, and any other documents containing information relating to the authority or any such school, which the person considers relevant to the exercise by the person of functions under or by virtue of this Chapter.
- (2) The following persons fall within this subsection –
 - (a) the person specified in a direction under section 24 or, where the direction specifies a class of persons, the person with whom the local authority enter into the contract or other arrangement required by the direction;
 - (b) the person specified in a direction under section 25;
 - (c) the Welsh Ministers in pursuance of a direction under section 26;
 - (d) the person nominated by direction under section 26.
- (3) In exercising the right under subsection (1)(b) to inspect records or other documents, a person (“P”) –
 - (a) is entitled to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records or other documents in question, and
 - (b) may require the following persons to provide any assistance P may reasonably require (including, among other things, the making of information available for inspection or copying in a legible form) –
 - (i) the person by whom or on whose behalf the computer is or has been so used;
 - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.
- (4) Any reference in this section to a person falling within subsection (2) includes a reference to any person assisting that person.

- (5) Yn yr adran hon mae'r termau "dogfen" a "cofnodion" ill dau yn cynnwys gwybodaeth a gofnodir ar unrhyw ffurf.

PENNOD 3

CANLLAWIAU GWELLA YSGOLION

32 Ystyr "awdurdod ysgol"

Yn y Bennod hon ystyr "awdurdod ysgol" yw –

- (a) awdurdod lleol wrth iddo arfer ei swyddogaethau addysg;
- (b) corff llywodraethu ysgol a gynhelir;
- (c) pennaeth ysgol a gynhelir.

33 Pŵer i ddyroddi canllawiau gwella ysgolion

- (1) Caiff Gweinidogion Cymru ddyroddi canllawiau i awdurdod ysgol ynglŷn â'r ffordd y dylai'r awdurdod arfer ei swyddogaethau gyda golwg ar wella safon yr addysg sy'n cael ei darparu gan unrhyw ysgol a gynhelir y mae'r awdurdod yn arfer swyddogaethau mewn cysylltiad â hi ("canllawiau gwella ysgolion").
- (2) Caiff Gweinidogion Cymru –
 - (a) dyroddi canllawiau gwella ysgolion i awdurdodau ysgolion yn gyffredinol neu i un neu fwy o awdurdodau penodol;
 - (b) dyroddi canllawiau gwahanol ynghylch gwella ysgolion i wahanol awdurdodau ysgolion;
 - (c) diwygio neu ddirymu canllawiau gwella ysgolion drwy ganllawiau pellach;
 - (d) dirymu canllawiau gwella ysgolion drwy ddyroddi hysbysiad i'r awdurdodau ysgolion y mae'r canllawiau wedi eu cyfeirio atynt.
- (3) Rhaid i Weinidogion Cymru sicrhau bod canllawiau gwella ysgolion, neu hysbysiad yn dirymu'r canllawiau hynny, yn datgan –
 - (a) eu bod yn cael eu dyroddi, neu ei fod yn cael ei ddyroddi, o dan yr adran hon, a
 - (b) y dyddiad y deuant neu y daw yn weithredol arno.
- (4) Rhaid i Weinidogion Cymru drefnu i gyhoeddi canllawiau gwella ysgolion, neu hysbysiad yn dirymu'r canllawiau hynny.

34 Ymgynghori a gweithdrefnau Cynulliad Cenedlaethol Cymru

- (1) Cyn dyroddi neu ddiwygio canllawiau gwella ysgolion, rhaid i Weinidogion Cymru ymgynghori â'r personau a ganlyn ynghylch drafft o'r canllawiau –
 - (a) awdurdodau ysgolion y mae'r canllawiau yn debyg o effeithio arnynt,
 - (b) Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru, ac
 - (c) unrhyw berson arall sy'n briodol ym marn Gweinidogion Cymru.
- (2) Os yw Gweinidogion Cymru yn dymuno bwrw ymlaen â'r drafft (gydag addasiadau neu hebddynt), rhaid iddynt osod copi o'r drafft gerbron Cynulliad Cenedlaethol Cymru.

- (5) In this section “document” and “records” each include information recorded in any form.

CHAPTER 3

SCHOOL IMPROVEMENT GUIDANCE

32 **Meaning of “school authority”**

In this Chapter “school authority” means –

- (a) a local authority in the exercise of its education functions;
- (b) the governing body of a maintained school;
- (c) the head teacher of a maintained school.

33 **Power to issue school improvement guidance**

- (1) The Welsh Ministers may issue guidance to a school authority on how the authority should exercise its functions with a view to improving the standard of education provided by any maintained school in respect of which the authority exercises functions (“school improvement guidance”).
- (2) The Welsh Ministers –
 - (a) may issue school improvement guidance to school authorities generally or to one or more particular authorities;
 - (b) may issue different school improvement guidance to different school authorities;
 - (c) may revise or revoke school improvement guidance by further guidance;
 - (d) may revoke school improvement guidance by issuing a notice to the school authorities to which it is directed.
- (3) The Welsh Ministers must ensure that school improvement guidance, or a notice revoking such guidance, states –
 - (a) that it is issued under this section, and
 - (b) the date on which it is to take effect.
- (4) The Welsh Ministers must arrange for school improvement guidance, or a notice revoking such guidance, to be published.

34 **Consultation and National Assembly for Wales procedures**

- (1) Before issuing or revising school improvement guidance, the Welsh Ministers must consult the following persons on a draft of the guidance –
 - (a) school authorities likely to be affected by the guidance,
 - (b) Her Majesty's Chief Inspector of Education and Training in Wales, and
 - (c) any other person the Welsh Ministers consider appropriate.
- (2) If the Welsh Ministers wish to proceed with the draft (with or without modifications) they must lay a copy of the draft before the National Assembly for Wales.

- (3) Os yw'r Cynulliad Cenedlaethol, cyn diwedd y cyfnod o 40 o ddiwrnodau, yn penderfynu peidio â chymeradwyo'r drafft o'r canllawiau, rhaid i Weinidogion Cymru beidio â'u dyroddi ar ffurf y drafft hwnnw.
- (4) Os na chaiff unrhyw benderfyniad ei wneud cyn diwedd y cyfnod hwnnw, rhaid i Weinidogion Cymru ddyroddi'r canllawiau (neu'r canllawiau diwygiedig) ar ffurf y drafft.
- (5) O ran y cyfnod o 40 o ddiwrnodau –
 - (a) mae'n dechrau ar y diwrnod y mae'r drafft yn cael ei osod gerbron y Cynulliad Cenedlaethol, a
 - (b) nid yw'n cynnwys unrhyw bryd y mae'r Cynulliad Cenedlaethol wedi ei ddiddymu neu wedi cymryd saib am fwy na phedwar diwrnod.
- (6) Nid yw is-adran (3) yn atal drafft newydd o ganllawiau arfaethedig neu ganllawiau diwygiedig arfaethedig rhag cael eu gosod gerbron y Cynulliad Cenedlaethol.

35 Dyletswydd i ddilyn canllawiau gwella ysgolion

- (1) Rhaid i awdurdod ysgol ddilyn y llwybr a nodir mewn canllawiau gwella ysgolion a ddyroddir iddo yn unol â'r Bennod hon pan fydd yn arfer pŵer neu ddyletswydd (gan gynnwys pŵer neu ddyletswydd sy'n ddibynnol ar farn yr awdurdod ysgol); ond mae hyn yn ddarostyngedig i ddarpariaethau canlynol yr adran hon.
- (2) Nid yw awdurdod ysgol sy'n awdurdod lleol yn ddarostyngedig i'r ddyletswydd o dan is-adran (1) cyhyd –
 - (a) â bod yr awdurdod yn meddwl bod rheswm da iddo beidio â dilyn y canllawiau mewn categorïau achos penodol neu beidio â'u dilyn o gwbl,
 - (b) â'i fod yn penderfynu ar bolisi amgen ar gyfer arfer ei swyddogaethau mewn cysylltiad â phwnc y canllawiau, ac
 - (c) â bod effaith i ddatganiad polisi a ddyroddir gan yr awdurdod yn unol ag adran 36.
- (3) Nid yw awdurdod ysgol sy'n gorff llywodraethu ysgol a gynhelir neu'n bennaeth arni yn ddarostyngedig i'r ddyletswydd o dan is-adran (1) cyhyd â bod –
 - (a) y corff llywodraethu'n meddwl bod rheswm da iddo ef neu'r pennaeth beidio â dilyn y canllawiau mewn categorïau achos penodol neu beidio â'u dilyn o gwbl,
 - (b) y corff llywodraethu'n penderfynu ar bolisi amgen ar gyfer arfer ei swyddogaethau neu rai'r pennaeth mewn cysylltiad â phwnc y canllawiau, ac
 - (c) effaith i ddatganiad polisi a ddyroddir gan y corff llywodraethu yn unol ag adran 36.
- (4) Pan fo is-adran (2) neu (3) yn gymwys yn achos awdurdod ysgol –
 - (a) rhaid i'r awdurdod ddilyn y llwybr a nodir yn y datganiad polisi, a
 - (b) dim ond i'r graddau nad yw pwnc y canllawiau gwella ysgolion wedi ei ddisodli gan y datganiad polisi y mae'r awdurdod yn ddarostyngedig i'r ddyletswydd o dan is-adran (1).

- (3) If, before the end of the 40 day period, the National Assembly resolves not to approve the draft of the guidance, the Welsh Ministers must not issue it in the form of that draft.
- (4) If no such resolution is made before the end of that period, the Welsh Ministers must issue the guidance (or revised guidance) in the form of the draft.
- (5) The 40 day period –
 - (a) begins on the day on which the draft is laid before the National Assembly, and
 - (b) does not include any time during which the National Assembly is dissolved or is in recess for more than four days.
- (6) Subsection (3) does not prevent a new draft of proposed guidance or proposed revised guidance from being laid before the National Assembly.

35 Duty to follow school improvement guidance

- (1) A school authority must follow the course set out in school improvement guidance issued to it in accordance with this Chapter when exercising a power or duty (including a power or duty that is contingent upon the opinion of the school authority); but this is subject to the following provisions of this section.
- (2) A school authority that is a local authority is not subject to the duty under subsection (1) so far as –
 - (a) the authority thinks there is good reason for it not to follow the guidance in particular categories of case or at all,
 - (b) it decides on an alternative policy for the exercise of its functions in respect of the subject matter of the guidance, and
 - (c) a policy statement issued by the authority in accordance with section 36 is in effect.
- (3) A school authority that is the governing body of a maintained school or its head teacher is not subject to the duty under subsection (1) so far as –
 - (a) the governing body thinks there is good reason for it or the head teacher not to follow the guidance in particular categories of case or at all,
 - (b) the governing body decides on an alternative policy for the exercise of its, or the head teacher's, functions in respect of the subject matter of the guidance, and
 - (c) a policy statement issued by the governing body in accordance with section 36 is in effect.
- (4) Where subsection (2) or (3) applies in the case of a school authority, the authority –
 - (a) must follow the course set out in the policy statement, and
 - (b) is subject to the duty under subsection (1) only so far as the subject matter of the school improvement guidance is not displaced by the policy statement.

- (5) Nid yw'r dyletswyddau yn is-adrannau (1) a (4) yn gymwys i awdurdod ysgol i'r graddau y byddai'n afresymol i'r awdurdod ddilyn y canllawiau gwella ysgolion neu'r datganiad polisi mewn achos penodol neu gategori penodol o achos.

36 Datganiadau polisi: gofynion a phwerau ategol

- (1) Rhaid i ddatganiad polisi a ddyroddir o dan adran 35(2) neu (3) nodi—
- (a) sut mae'r awdurdod lleol neu'r corff llywodraethu (yn ôl y digwydd) yn cynnig y dylai swyddogaethau gael eu harfer yn wahanol i'r llwybr a nodir yn y canllawiau gwella ysgolion, a
 - (b) rhesymau'r awdurdod neu'r corff dros gynnig y llwybr gwahanol hwnnw.
- (2) Caiff awdurdod neu gorff sydd wedi dyroddi datganiad polisi—
- (a) dyroddi datganiad polisi diwygiedig;
 - (b) rhoi hysbysiad sy'n dirymu datganiad polisi.
- (3) Rhaid i ddatganiad polisi (neu ddatganiad diwygiedig am bolisi) ddatgan—
- (a) ei fod wedi ei ddyroddi o dan adran 35(2) neu (3) (yn ôl y digwydd), a
 - (b) y dyddiad y mae i ddod yn weithredol arno.
- (4) Rhaid i'r awdurdod neu'r corff sy'n dyroddi datganiad polisi (neu ddatganiad diwygiedig am bolisi), neu sy'n rhoi hysbysiad o dan is-adran (2)(b)—
- (a) trefnu bod datganiad neu hysbysiad yn cael ei gyhoeddi;
 - (b) anfon copi o unrhyw ddatganiad neu hysbysiad at Weinidogion Cymru.

37 Cyfarwyddiadau

- (1) Mae is-adran (2) yn gymwys os yw Gweinidogion Cymru yn credu, mewn perthynas â datganiad polisi a ddyroddir gan awdurdod ysgol, nad yw polisi amgen yr awdurdod ar gyfer arfer swyddogaethau (yn gyfan gwbl neu'n rhannol) yn debyg o wella safon yr addysg a ddarperir yn yr ysgol y mae'r datganiad polisi yn ymwneud â hi.
- (2) Caiff Gweinidogion Cymru gyfarwyddo'r awdurdod ysgol i gymryd unrhyw gamau y mae Gweinidogion Cymru yn credu eu bod yn briodol er mwyn sicrhau bod yr awdurdod yn arfer ei swyddogaethau yn unol â'r canllawiau gwella ysgolion a ddyroddir i'r awdurdod yn unol â'r Bennod hon.
- (3) Rhaid i awdurdod ysgol sy'n ddarostyngedig i gyfarwyddyd o dan yr adran hon gydymffurfio ag ef.
- (4) Mae hyn yn cynnwys cyfarwyddyd i arfer pŵer neu ddyletswydd sy'n ddibynnol ar farn yr awdurdod ysgol.
- (5) O ran cyfarwyddyd o dan yr adran hon—
- (a) rhaid iddo gael ei roi'n ysgrifenedig;
 - (b) caniateir ei amrywio neu ei ddirymu drwy gyfarwyddyd diweddarach;
 - (c) gellir ei orfodi drwy orchymyn mandadol ar gais Gweinidogion Cymru neu ar eu rhan.

- (5) The duties in subsections (1) and (4) do not apply to a school authority so far as it would be unreasonable for the authority to follow the school improvement guidance or policy statement in a particular case or category of case.

36 Policy statements: requirements and ancillary powers

- (1) A policy statement issued under section 35(2) or (3) must set out –
- (a) how the local authority or governing body (as the case may be) proposes that functions should be exercised differently from the course set out in the school improvement guidance, and
 - (b) the authority's or the body's reasons for proposing that different course.
- (2) An authority or body that has issued a policy statement may –
- (a) issue a revised policy statement;
 - (b) give notice revoking a policy statement.
- (3) A policy statement (or revised statement) must state –
- (a) that it is issued under section 35(2) or (3) (as the case may be), and
 - (b) the date on which it is to take effect.
- (4) The authority or body that issues a policy statement (or revised statement), or gives a notice under subsection (2)(b), must –
- (a) arrange for a statement or notice to be published;
 - (b) send a copy of any statement or notice to the Welsh Ministers.

37 Directions

- (1) Subsection (2) applies if, in relation to a policy statement issued by a school authority, the Welsh Ministers consider that the authority's alternative policy for the exercise of functions (in whole or in part) is not likely to improve the standard of education provided at a school to which the policy statement relates.
- (2) The Welsh Ministers may direct the school authority to take any action which the Welsh Ministers consider appropriate for the purpose of securing the exercise of functions by the authority in accordance with the school improvement guidance issued to the authority in accordance with this Chapter.
- (3) A school authority subject to a direction under this section must comply with it.
- (4) This includes a direction to exercise a power or duty that is contingent upon the opinion of the school authority.
- (5) A direction under this section –
- (a) must be given in writing;
 - (b) may be varied or revoked by a later direction;
 - (c) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers.

RHAN 3

TREFNIADAETH YSGOLION

PENNOD 1

COD TREFNIADAETH YSGOLION

38 Cod Trefniadaeth Ysgolion

- (1) Rhaid i Weinidogion Cymru ddyroddi cod am drefniadaeth ysgolion (“y Cod”), a chaniateir iddynt ei ddiwygio o dro i dro.
- (2) Mae’r Cod i gynnwys darpariaeth ynghylch arfer swyddogaethau’r personau canlynol o dan y Rhan hon –
 - (a) Gweinidogion Cymru;
 - (b) awdurdodau lleol;
 - (c) cyrff llywodraethu ysgolion a gynhelir;
 - (d) personau eraill mewn cysylltiad â chynigion a wneir (neu sydd i’w gwneud) ganddynt o dan y Rhan hon.
- (3) Caiff y Cod osod gofynion, a chaiff gynnwys canllawiau sy’n nodi nodau, amcanion a materion eraill.
- (4) Rhaid i’r personau y cyfeiriwyd atynt yn is-adran (2), wrth arfer eu swyddogaethau o dan y Rhan hon –
 - (a) gweithredu’n unol ag unrhyw ofynion perthnasol a gynhwysir yn y Cod, a
 - (b) rhoi sylw i unrhyw ganllawiau perthnasol a gynhwysir ynddo.
- (5) Mae’r ddyletswydd a osodir gan is-adran (4) yn gymwys hefyd i berson sy’n arfer swyddogaeth at ddibenion cyflawni swyddogaethau o dan y Rhan hon gan –
 - (a) Gweinidogion Cymru,
 - (b) awdurdod lleol,
 - (c) corff llywodraethu ysgol a gynhelir, neu
 - (d) personau eraill mewn cysylltiad â chynigion a wneir (neu sydd i’w gwneud) ganddynt o dan y Rhan hon.
- (6) Rhaid i Weinidogion Cymru gyhoeddi ar eu gwefan y Cod sydd mewn grym am y tro.
- (7) Caiff Gweinidogion Cymru wneud darpariaeth ar wahân (drwy gyfrwng codau ar wahân) mewn perthynas â swyddogaethau gwahanol o dan y Rhan hon sy’n perthyn i’r personau a grybwyllwyd yn is-adran (2).
- (8) Mae cyfeiriadau yn yr adran hon at “y Cod” neu at swyddogaethau o dan y Rhan hon yn cael effaith, mewn perthynas â chod ar wahân, fel cyfeiriadau at y cod hwnnw neu at swyddogaethau o dan y Rhan hon y mae’n ymwneud â hwy.

39 Llunio a chymeradwyo Cod Trefniadaeth Ysgolion

- (1) Cyn dyroddi neu ddiwygio cod o dan adran 38, rhaid i Weinidogion Cymru ymgynghori â’r personau a ganlyn ynghylch drafft o’r cod (neu’r cod diwygiedig) –

PART 3

SCHOOL ORGANISATION

CHAPTER 1

SCHOOL ORGANISATION CODE

38 School Organisation Code

- (1) The Welsh Ministers must issue, and may from time to time revise, a code on school organisation (“the Code”).
- (2) The Code is to contain provision about the exercise of the functions of the following persons under this Part –
 - (a) the Welsh Ministers;
 - (b) local authorities;
 - (c) governing bodies of maintained schools;
 - (d) other persons in connection with proposals made (or to be made) by them under this Part.
- (3) The Code may impose requirements, and may include guidelines setting out aims, objectives and other matters.
- (4) The persons referred to in subsection (2) must, when exercising functions under this Part –
 - (a) act in accordance with any relevant requirements contained in the Code, and
 - (b) have regard to any relevant guidelines contained in it.
- (5) The duty imposed by subsection (4) also applies to a person exercising a function for the purpose of the discharge of functions under this Part by –
 - (a) the Welsh Ministers,
 - (b) a local authority,
 - (c) the governing body of a maintained school, or
 - (d) other persons in connection with proposals made (or to be made) by them under this Part.
- (6) The Welsh Ministers must publish the Code for the time being in force on their website.
- (7) The Welsh Ministers may make separate provision (by means of separate codes) in relation to different functions under this Part of the persons mentioned in subsection (2).
- (8) References in this section to “the Code” or to functions under this Part have effect, in relation to a separate code, as references to that code or to functions under this Part to which it relates.

39 Making and approval of School Organisation Code

- (1) Before issuing or revising a code under section 38, the Welsh Ministers must consult the following persons on a draft of the code (or revised code) –

- (a) pob awdurdod lleol,
 - (b) corff llywodraethu pob ysgol a gynhelir,
 - (c) Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru, ac
 - (d) unrhyw berson arall sy'n briodol ym marn Gweinidogion Cymru.
- (2) Os yw Gweinidogion Cymru yn dymuno bwrw ymlaen â'r drafft (gydag addasiadau neu hebddynt), rhaid iddynt osod copi o'r drafft gerbron Cynulliad Cenedlaethol Cymru.
- (3) Os yw'r Cynulliad Cenedlaethol, cyn diwedd y cyfnod o 40 o ddiwrnodau, yn penderfynu peidio â chymeradwyo'r drafft o'r cod, rhaid i Weinidogion Cymru beidio â dyroddi'r cod arfaethedig ar ffurf y drafft hwnnw.
- (4) Os na chaiff unrhyw benderfyniad o'r fath ei wneud cyn diwedd y cyfnod hwnnw –
- (a) rhaid i Weinidogion Cymru ddyroddi'r cod (neu'r cod diwygiedig) ar ffurf y drafft, a
 - (b) daw'r cod (neu'r cod diwygiedig) i rym ar y dyddiad a bennir drwy orchymyn gan Weinidogion Cymru.
- (5) O ran y cyfnod o 40 o ddiwrnodau –
- (a) mae'n dechrau ar y diwrnod y caiff y drafft ei osod gerbron Cynulliad Cenedlaethol Cymru, a
 - (b) nid yw'n cynnwys unrhyw amser pryd y mae Cynulliad Cenedlaethol Cymru wedi ei ddiddymu neu wedi cymryd saib am fwy na phedwar diwrnod.
- (6) Nid yw is-adran (3) yn atal drafft newydd o god arfaethedig rhag cael ei osod gerbron y Cynulliad Cenedlaethol.
- (7) Mae cyfeiriadau yn yr adran hon at god arfaethedig yn cynnwys cod diwygiedig arfaethedig.
- (8) Caniateir i'r gofyniad i ymgynghori a osodir gan is-adran (1) gael ei fodloni drwy ymgynghoriad yr ymgwymerwyd ag ef cyn i'r Rhan hon ddod i rym er bod y cod a ddyroddir o dan adran 38(1) yn cymryd i ystyriaeth (i unrhyw raddau) unrhyw ddarpariaeth a wneir gan y Rhan hon.

PENNOD 2

CYNIGION TREFNIADAETH YSGOLION

Sefydlu, newid a therfynu ysgolion a gynhelir

40 Cyfyngu ar sefydlu, newid a therfynu ysgolion a gynhelir

- (1) Dim ond yn unol â'r Rhan hon y caniateir i ysgol gymunedol, ysgol wirfoddol neu ysgol arbennig gymunedol newydd gael ei sefydlu yng Nghymru.
- (2) Ni chaniateir i ysgol sefydledig nac ysgol arbennig sefydledig newydd gael ei sefydlu yng Nghymru.
- (3) Dim ond yn unol â'r Rhan hon y caniateir i ysgol a gynhelir gael ei therfynu.
- (4) Dim ond yn unol â'r Rhan hon y caniateir i newid gael ei wneud i ysgol a gynhelir sy'n newid rheoleiddiedig mewn perthynas â'r math o ysgol o dan sylw.

- (a) each local authority,
 - (b) the governing body of each maintained school,
 - (c) Her Majesty's Chief Inspector of Education and Training in Wales, and
 - (d) any other person the Welsh Ministers consider appropriate.
- (2) If the Welsh Ministers wish to proceed with the draft (with or without modifications) they must lay a copy of the draft before the National Assembly for Wales.
- (3) If, before the end of the 40 day period, the National Assembly resolves not to approve the draft of the code, the Welsh Ministers must not issue the proposed code in the form of that draft.
- (4) If no such resolution is made before the end of that period –
 - (a) the Welsh Ministers must issue the code (or revised code) in the form of the draft, and
 - (b) the code (or revised code) comes into force on the date appointed by order of the Welsh Ministers.
- (5) The 40 day period –
 - (a) begins on the day on which the draft is laid before the National Assembly for Wales, and
 - (b) does not include any time during which the National Assembly for Wales is dissolved or is in recess for more than four days.
- (6) Subsection (3) does not prevent a new draft of a proposed code from being laid before the National Assembly.
- (7) References in this section to a proposed code include a proposed revised code.
- (8) The requirement to consult imposed by subsection (1) may be satisfied by consultation undertaken before the coming into force of this Part even though the code issued under section 38(1) takes account (to any extent) of any provision made by this Part.

CHAPTER 2

SCHOOL ORGANISATION PROPOSALS

Establishment, alteration and discontinuance of maintained schools

40 Restriction on establishment, alteration and discontinuance of maintained schools

- (1) A new community school, voluntary school or community special school may be established in Wales only in accordance with this Part.
- (2) No new foundation school or foundation special school may be established in Wales.
- (3) A maintained school may be discontinued only in accordance with this Part.
- (4) An alteration which is a regulated alteration in relation to the type of school in question may be made to a maintained school only in accordance with this Part.

- (5) Ni chaniateir i unrhyw newid gael ei wneud i ysgol a gynhelir sy'n newid cymeriad crefyddol yr ysgol neu'n peri i ysgol gaffael neu golli ei chymeriad crefyddol.
- (6) Mae is-adran (3) yn cael effaith yn ddarostyngedig i adran 16(5) (pŵer Gweinidogion Cymru i gyfarwyddo bod ysgol yn cau).
- (7) Mae Atodlen 2 (sy'n disgrifio newidiadau rheoleiddiedig) yn cael effaith.

41 Cynigion i sefydlu ysgolion prif ffrwd

- (1) Caiff awdurdod lleol wneud cynigion i sefydlu –
 - (a) ysgol gymunedol newydd, neu
 - (b) ysgol feithrin newydd a gynhelir.
- (2) Caiff unrhyw berson wneud cynigion i sefydlu ysgol wirfoddol newydd.

42 Cynigion i newid ysgolion prif ffrwd

- (1) Caiff awdurdod lleol wneud cynigion –
 - (a) i wneud newid rheoleiddiedig i ysgol gymunedol;
 - (b) gyda chydsyniad Gweinidogion Cymru, i wneud newid a ddisgrifir ym mharagraff 6 o Atodlen 2 (agor neu gau chweched dosbarth ysgol) i ysgol wirfoddol neu ysgol sefydledig;
 - (c) i wneud newid a ddisgrifir ym mharagraff 10, 11, 12 neu 13 o Atodlen 2 (cynyddu a lleihau capasiti) i ysgol wirfoddol neu ysgol sefydledig os nad oes gan yr ysgol honno gymeriad crefyddol;
 - (d) i wneud newid rheoleiddiedig i ysgol feithrin a gynhelir.
- (2) Caiff corff llywodraethu ysgol sefydledig neu ysgol wirfoddol wneud cynigion i wneud newid rheoleiddiedig i'r ysgol.

43 Cynigion i derfynu ysgolion prif ffrwd

- (1) Caiff awdurdod lleol wneud cynigion i derfynu –
 - (a) ysgol gymunedol, ysgol sefydledig neu ysgol wirfoddol, neu
 - (b) ysgol feithrin a gynhelir.
- (2) Caiff corff llywodraethu ysgol sefydledig neu ysgol wirfoddol wneud cynigion i derfynu'r ysgol.

44 Cynigion i sefydlu, newid neu derfynu ysgolion arbennig cymunedol

- Caiff awdurdod lleol wneud cynigion –
- (a) i sefydlu ysgol arbennig gymunedol newydd,
 - (b) i wneud newid rheoleiddiedig i ysgol o'r fath, neu
 - (c) i derfynu ysgol o'r fath.

- (5) No alteration may be made to a maintained school that changes the religious character of the school or causes a school to acquire or lose a religious character.
- (6) Subsection (3) has effect subject to section 16(5) (power of Welsh Ministers to direct closure of school).
- (7) Schedule 2 (which describes regulated alterations) has effect.

41 Proposals to establish mainstream schools

- (1) A local authority may make proposals to establish—
 - (a) a new community school, or
 - (b) a new maintained nursery school.
- (2) Any person may make proposals to establish a new voluntary school.

42 Proposals to alter mainstream schools

- (1) A local authority may make proposals—
 - (a) to make a regulated alteration to a community school;
 - (b) with the consent of the Welsh Ministers, to make an alteration described in paragraph 6 of Schedule 2 (opening or closing a school's sixth form) to a voluntary or foundation school;
 - (c) to make an alteration described in paragraph 10, 11, 12 or 13 of Schedule 2 (increasing and reducing capacity) to a voluntary or foundation school if that school does not have a religious character;
 - (d) to make a regulated alteration to a maintained nursery school.
- (2) The governing body of a foundation or voluntary school may make proposals to make a regulated alteration to the school.

43 Proposals to discontinue mainstream schools

- (1) A local authority may make proposals to discontinue—
 - (a) a community, foundation or voluntary school, or
 - (b) a maintained nursery school.
- (2) The governing body of a foundation or voluntary school may make proposals to discontinue the school.

44 Proposals to establish, alter or discontinue community special schools

- A local authority may make proposals—
- (a) to establish a new community special school,
 - (b) to make a regulated alteration to such a school, or
 - (c) to discontinue such a school.

Newidiadau categori

45 Cynigion i newid categori ysgol

- (1) Caiff corff llywodraethu ysgol gymunedol wneud cynigion i'r ysgol ddod yn ysgol wirfoddol a gynorthwyir neu'n ysgol wirfoddol a reolir.
- (2) Caiff corff llywodraethu ysgol wirfoddol a gynorthwyir wneud cynigion i'r ysgol ddod yn ysgol gymunedol neu'n ysgol wirfoddol a reolir (ond gweler is-adran (5)).
- (3) Caiff corff llywodraethu ysgol wirfoddol a reolir wneud cynigion i'r ysgol ddod yn ysgol gymunedol neu'n ysgol wirfoddol a gynorthwyir (ond gweler is-adran (5)).
- (4) Caiff corff llywodraethu ysgol sefydledig wneud cynigion i'r ysgol ddod yn ysgol gymunedol, yn ysgol wirfoddol a gynorthwyir neu'n ysgol wirfoddol a reolir (ond gweler is-adran (5)).
- (5) Ni chaniateir gwneud cynigion i ysgol sefydledig sydd â chymeriad crefyddol neu ysgol wirfoddol sydd â chymeriad crefyddol ddod yn ysgol gymunedol.

46 Cyfyngiadau ar newid categori ysgol

- (1) Dim ond yn unol â'r Rhan hon y caiff ysgol a gynhelir o fewn un o'r categorïau a nodir yn adran 20(1) o Ddeddf Safonau a Fframwaith Ysgolion 1998 ddod yn ysgol o fewn un arall o'r categorïau hynny (ac eithrio ysgol sefydledig neu ysgol arbennig sefydledig).
- (2) Ni chaiff ysgol newid categori i ddod yn ysgol wirfoddol a gynorthwyir oni fydd corff llywodraethu'r ysgol yn bodloni Gweinidogion Cymru y byddai'n gallu cyflawni ei rwymedigaethau o dan Atodlen 3 i Ddeddf Safonau a Fframwaith Ysgolion 1998 (cyllido ysgolion gwirfoddol a gynorthwyir) am gyfnod o bum mlynedd o leiaf ar ôl y dyddiad y cynigir bod y newid categori yn digwydd.
- (3) Ni chaiff ysgol wirfoddol neu ysgol sefydledig ddod yn ysgol gymunedol onid ydys wedi ymrwymo i unrhyw gytundeb trosglwyddo ac unrhyw gytundeb i drosglwyddo hawliau a rhwymedigaethau sy'n ofynnol o dan Ran 3 o Atodlen 4.

47 Effaith newid categori

- (1) Nid yw newid yng nghategori ysgol yn unol â chynigion a wneir o dan adran 45 i'w drin fel petai'n awdurdodi unrhyw newid yng nghymeriad yr ysgol nac fel petai'n ei gwneud yn ofynnol i unrhyw newid o'r fath gael ei wneud (gan gynnwys, yn benodol, unrhyw newid yng nghymeriad crefyddol yr ysgol).
- (2) Nid yw newid yng nghategori ysgol yn unol â chynigion a wneir o dan adran 45 i'w drin fel petai'n awdurdodi ysgol i sefydlu corff sefydledig, nac i ymuno neu ymadael â chorff o'r fath.

Cyhoeddi, ymgynghori a gwrthwynebu

48 Cyhoeddi ac ymgynghori

- (1) Rhaid i gynigydd gyhoeddi cynigion a wneir o dan y Bennod hon yn unol â'r Cod.
- (2) Cyn cyhoeddi cynigion a wneir o dan y Bennod hon, rhaid i gynigydd ymgynghori ynglŷn â'i gynigion yn unol â'r Cod.

Changes of category

45 Proposals to change a school's category

- (1) The governing body of a community school may make proposals for the school to become a voluntary aided school or a voluntary controlled school.
- (2) The governing body of a voluntary aided school may make proposals for the school to become a community school or a voluntary controlled school (but see subsection (5)).
- (3) The governing body of a voluntary controlled school may make proposals for the school to become a community school or a voluntary aided school (but see subsection (5)).
- (4) The governing body of a foundation school may make proposals for the school to become a community school, a voluntary aided school or a voluntary controlled school (but see subsection (5)).
- (5) No proposals may be made for a foundation or voluntary school which has a religious character to become a community school.

46 Restrictions on changing category of school

- (1) A maintained school within one of the categories set out in section 20(1) of the School Standards and Framework Act 1998 may become a school within another of those categories (except a foundation school or foundation special school) only in accordance with this Part.
- (2) A school may not change category to become a voluntary aided school unless the governing body of the school satisfies the Welsh Ministers that it will be able to carry out its obligations under Schedule 3 to the School Standards and Framework Act 1998 (funding of voluntary aided schools) for a period of at least five years following the date on which it is proposed that the change of category is to take place.
- (3) A voluntary or foundation school may not become a community school unless any transfer agreement and transfer of rights and liabilities agreement required by Part 3 of Schedule 4 has been entered into.

47 Effect of change of category

- (1) A school's change of category in accordance with proposals made under section 45 is not to be taken as authorising or requiring any change in the character of the school (including, in particular, any religious character of the school).
- (2) A school's change of category in accordance with proposals made under section 45 is not to be taken as authorising a school to establish, join or leave a foundation body.

Publication, consultation and objections

48 Publication and consultation

- (1) A proposer must publish proposals made under this Chapter in accordance with the Code.
- (2) Before publishing proposals made under this Chapter, a proposer must consult on its proposals in accordance with the Code.

- (3) Nid yw'r gofyniad i ymgynghori yn gymwys i gynigion i derfynu ysgol sy'n ysgol fach (gweler adran 56).
- (4) Cyn diwedd 7 niwrnod gan ddechrau ar ddiwrnod eu cyhoeddi, rhaid i'r cynigydd anfon copiâu o'r cynigion cyhoeddedig –
 - (a) at Weinidogion Cymru, a
 - (b) at yr awdurdod lleol (os nad hwnnw yw'r cynigydd) sy'n cynnal, neu y cynigir ei fod yn cynnal, yr ysgol y mae'r cynigion yn ymwneud â hi.
- (5) Rhaid i'r cynigydd gyhoeddi adroddiad ar yr ymgynghori y mae wedi ei wneud yn unol â'r Cod.

49 Gwrthwynebu

- (1) Caiff unrhyw berson wrthwynebu cynigion a gyhoeddir o dan adran 48.
- (2) Rhaid i wrthwynebiadau gael eu hanfon yn ysgrifenedig at y cynigydd cyn diwedd 28 o ddiwrnodau gan ddechrau ar y diwrnod y cafodd y cynigion eu cyhoeddi ("y cyfnod gwrthwynebu").
- (3) Rhaid i'r cynigydd gyhoeddi crynodeb o'r holl wrthwynebiadau a wnaed yn unol ag is-adran (2) (ac nas tynnwyd yn eu hôl) a'i ymateb i'r gwrthwynebiadau hynny –
 - (a) yn achos awdurdod lleol y mae'n ofynnol iddo benderfynu ar ei gynigion ei hun o dan adran 53, cyn diwedd 7 niwrnod gan ddechrau ar ddiwrnod ei benderfyniad o dan adran 53(1), a
 - (b) ym mhob achos arall, cyn diwedd 28 o ddiwrnodau gan ddechrau ar y diwrnod y mae'r cyfnod gwrthwynebu'n dod i ben.

Cymeradwyo cynigion a phenderfynu arnynt

50 Eu cymeradwyo gan Weinidogion Cymru

- (1) Mae'n ofynnol i gynigion a gyhoeddir o dan adran 48 gael eu cymeradwyo o dan yr adran hon –
 - (a) os yw'r cynigion yn effeithio ar addysg chweched dosbarth, neu
 - (b) os yw'r cynigion wedi eu gwneud gan gynigydd ac eithrio'r awdurdod lleol perthnasol ac os yw gwrthwynebiad wedi ei wneud gan yr awdurdod hwnnw yn unol ag adran 49(2) ac os nad yw wedi ei dynnu yn ôl yn ysgrifenedig cyn diwedd 28 o ddiwrnodau gan ddechrau ar ddiwedd y cyfnod gwrthwynebu.
- (2) Mae cynigion yn effeithio ar addysg chweched dosbarth –
 - (a) os ydynt yn gynigion i sefydlu neu derfynu ysgol sy'n darparu addysg sy'n addas at anghenion personau sydd dros oedran ysgol gorfodol yn unig, neu
 - (b) os ydynt yn gynigion i wneud newid rheoleiddiedig i ysgol, y byddai ei effaith yn golygu bod darparu addysg sy'n addas i anghenion personau sydd dros oedran ysgol gorfodol yn yr ysgol yn cynyddu neu'n lleihau.
- (3) Pan fo'n ofynnol i gynigion gael eu cymeradwyo o dan yr adran hon, rhaid i'r cynigydd anfon copi o'r dogfennau a restrir yn is-adran (4) at Weinidogion Cymru cyn diwedd 35 o ddiwrnodau gan ddechrau ar ddiwedd y cyfnod gwrthwynebu.

- (3) The requirement to consult does not apply to proposals to discontinue a school which is a small school (see section 56).
- (4) Before the end of 7 days beginning with the day on which they were published, the proposer must send copies of the published proposals to –
 - (a) the Welsh Ministers, and
 - (b) the local authority (if it is not the proposer) that maintains, or that it is proposed will maintain, the school to which the proposals relate.
- (5) The proposer must publish a report on the consultation it has carried out in accordance with the Code.

49 Objections

- (1) Any person may object to proposals published under section 48.
- (2) Objections must be sent in writing to the proposer before the end of 28 days beginning with the day on which the proposals were published (“the objection period”).
- (3) The proposer must publish a summary of all objections made in accordance with subsection (2) (and not withdrawn) and its response to those objections –
 - (a) in the case of a local authority that is required to determine its own proposals under section 53, before the end of 7 days beginning with the day of its determination under section 53(1), and
 - (b) in all other cases, before the end of 28 days beginning with the end of the objection period.

Approval and determination of proposals

50 Approval by Welsh Ministers

- (1) Proposals published under section 48 require approval under this section if –
 - (a) the proposals affect sixth form education, or
 - (b) the proposals have been made by a proposer other than the relevant local authority and an objection has been made by that authority in accordance with section 49(2) and has not been withdrawn in writing before the end of 28 days beginning with the end of the objection period.
- (2) Proposals affect sixth form education if –
 - (a) they are proposals to establish or discontinue a school providing education suitable only to the requirements of persons above compulsory school age, or
 - (b) they are proposals to make a regulated alteration to a school, the effect of which would be that provision of education suitable to the requirements of persons above compulsory school age at the school increases or decreases.
- (3) Where proposals require approval under this section, the proposer must send a copy of the documents listed in subsection (4) to the Welsh Ministers before the end of 35 days beginning with the end of the objection period.

- (4) Y dogfennau yw'r canlynol –
- (a) yr adroddiad a gyhoeddir o dan adran 48(5),
 - (b) y cynigion cyhoeddedig,
 - (c) unrhyw wrthwynebiadau a wneir yn unol ag adran 49(2) (ac nad ydynt wedi eu tynnu'n ôl), a
 - (d) pan fo gwrthwynebiadau wedi eu gwneud felly (a heb gael eu tynnu'n ôl), yr ymateb a gyhoeddir o dan adran 49(3).
- (5) Pan fo angen i gynigion gael cymeradwyaeth o dan yr adran hon, caiff Gweinidogion Cymru –
- (a) gwrthod y cynigion,
 - (b) eu cymeradwyo heb eu haddasu, neu
 - (c) eu cymeradwyo gydag addasiadau –
 - (i) ar ôl cael cydsyniad y cynigydd â'r addasiadau, a
 - (ii) (ac eithrio os y cynigydd yw'r corff llywodraethu neu'r awdurdod lleol, yn ôl y digwydd), ar ôl ymgynghori â chorff llywodraethu (os oes un) yr ysgol y mae'r cynigion yn ymwneud â hi a'r awdurdod lleol perthnasol.
- (6) Caniateir i gymeradwyaeth ddatgan mai dim ond os bydd digwyddiad a bennir yn y gymeradwyaeth yn digwydd erbyn dyddiad a bennir felly, y byddai'n dod yn weithredol.
- (7) Caiff Gweinidogion Cymru, ar gais y cynigydd, bennu dyddiad diweddarach erbyn pryd y mae'r digwyddiad y cyfeiriwyd ato yn is-adran (6) i ddiwydd.
- (8) Nid yw is-adran (1) yn atal cynigion rhag cael eu tynnu'n ôl drwy hysbysiad ysgrifenedig a roddir gan y cynigydd i Weinidogion Cymru ar unrhyw bryd cyn iddynt gael eu cymeradwyo o dan yr adran hon.
- (9) Nid yw'n ofynnol i gynigion a wneir o dan adran 43 neu 44 i derfynu ysgol sy'n ysgol fach (gweler adran 56) gael unrhyw gymeradwyaeth o dan yr adran hon.
- (10) Yn yr adran hon ystyr "awdurdod lleol perthnasol" yw'r awdurdod lleol sy'n cynnal, neu y cynigir ei fod yn cynnal, yr ysgol y mae'r cynigion yn ymwneud â hi.

51 Eu cymeradwyo gan awdurdod lleol

- (1) Mae'n ofynnol i gynigion a gyhoeddir o dan adran 48 gael eu cymeradwyo o dan yr adran hon os –
- (a) nad yw'n ofynnol iddynt gael eu cymeradwyo o dan adran 50,
 - (b) ydynt wedi eu gwneud gan gynigydd ac eithrio'r awdurdod lleol perthnasol, ac
 - (c) yw gwrthwynebiad i'r cynigion wedi ei wneud yn unol ag adran 49(2) ac nad yw wedi ei dynnu'n ôl yn ysgrifenedig cyn diwedd 28 o ddiwrnodau gan ddechrau ar ddiwedd y cyfnod gwrthwynebu.
- (2) Pan fo'n ofynnol i gynigion gael eu cymeradwyo o dan yr adran hon, rhaid i'r cynigydd anfon copi o'r dogfennau a restrir yn is-adran (3) at yr awdurdod lleol perthnasol cyn diwedd 35 o ddiwrnodau gan ddechrau ar ddiwedd y cyfnod gwrthwynebu.
- (3) Y dogfennau yw'r canlynol –

- (4) The documents are –
 - (a) the report published under section 48(5),
 - (b) the published proposals,
 - (c) any objections made in accordance with section 49(2) (and not withdrawn), and
 - (d) where objections have been so made (and not withdrawn), the response published under section 49(3).
- (5) Where proposals require approval under this section, the Welsh Ministers may –
 - (a) reject the proposals,
 - (b) approve them without modification, or
 - (c) approve them with modifications –
 - (i) after obtaining the consent of the proposer to the modifications, and
 - (ii) (except where the governing body or local authority, as the case may be, is the proposer), after consulting the governing body (if any) of the school to which the proposals relate and the relevant local authority.
- (6) An approval may be expressed to take effect only if an event specified in the approval occurs by a date so specified.
- (7) The Welsh Ministers may, at the request of the proposer, specify a later date by which the event referred to in subsection (6) is to occur.
- (8) Subsection (1) does not prevent proposals from being withdrawn by notice in writing given by the proposer to the Welsh Ministers at any time before they are approved under this section.
- (9) No approval is required under this section for proposals made under section 43 or 44 to discontinue a school which is a small school (see section 56).
- (10) In this section “relevant local authority” means the local authority that maintains, or that it is proposed will maintain, the school to which the proposals relate.

51 Approval by local authority

- (1) Proposals published under section 48 require approval under this section if –
 - (a) they do not require approval under section 50,
 - (b) they have been made by a proposer other than the relevant local authority, and
 - (c) an objection to the proposals has been made in accordance with section 49(2) and has not been withdrawn in writing before the end of 28 days beginning with the end of the objection period.
- (2) Where proposals require approval under this section, the proposer must send a copy of the documents listed in subsection (3) to the relevant local authority before the end of 35 days beginning with the end of the objection period.
- (3) The documents are –

- (a) yr adroddiad a gyhoeddir o dan adran 48(5),
 - (b) y cynigion cyhoeddedig,
 - (c) gwrthwynebiadau a wneir yn unol ag adran 49(2) (ac nad ydynt wedi eu tynnu'n ôl), a
 - (d) yr ymateb a gyhoeddir o dan adran 49(3).
- (4) Pan fo'n ofynnol i gynigion gael eu cymeradwyo o dan yr adran hon, caiff yr awdurdod lleol perthnasol –
- (a) gwrthod y cynigion,
 - (b) eu cymeradwyo heb eu haddasu, neu
 - (c) eu cymeradwyo gydag unrhyw un o'r addasiadau a bennir yn is-adran (5) –
 - (i) ar ôl cael cydsyniad Gweinidogion Cymru a'r cynigydd â'r addasiadau, a
 - (ii) (ac eithrio os y cynigydd yw'r corff llywodraethu), ar ôl ymgynghori â chorff llywodraethu (os oes un) yr ysgol y mae'r cynigion yn ymwneud â hi.
- (5) Caiff yr awdurdod lleol perthnasol addasu –
- (a) y dyddiad neu'r dyddiadau a bennir yn y cynigion cyhoeddedig fel y dyddiad neu'r dyddiadau y bwriedir gweithredu'r cynigion;
 - (b) nifer y disgyblion a bennir yn y cynigion cyhoeddedig fel y nifer sydd i'w derbyn i'r ysgol (mewn unrhyw grŵp oedran ac mewn unrhyw flwyddyn ysgol).
- (6) Caniateir i gymeradwyaeth ddatgan mai dim ond os bydd digwyddiad a bennir yn y gymeradwyaeth yn digwydd erbyn dyddiad a bennir felly, y byddai'n dod yn weithredol.
- (7) Caiff yr awdurdod lleol perthnasol, ar gais y cynigydd, bennu dyddiad diweddarach erbyn pryd y mae'r digwyddiad y cyfeiriwyd ato yn is-adran (6) i ddigwydd.
- (8) Rhaid i'r awdurdod lleol perthnasol wneud penderfyniad o dan is-adran (4) p'un ai i wrthod neu i gymeradwyo'r cynigion cyn diwedd y cyfnod o 16 o wythnosau gan ddechrau ar ddiwedd y cyfnod gwrthwynebu.
- (9) Nid yw is-adran (1) yn atal cynigion rhag cael eu tynnu'n ôl drwy hysbysiad ysgrifenedig a roddir gan y cynigydd i'r awdurdod lleol perthnasol ar unrhyw bryd cyn iddynt gael eu cymeradwyo o dan yr adran hon.
- (10) Nid yw'n ofynnol i gynigion a wneir o dan adran 43 neu 44 i derfynu ysgol sy'n ysgol fach (gweler adran 56) gael unrhyw gymeradwyaeth o dan yr adran hon.
- (11) Yn yr adran hon ystyr "awdurdod lleol perthnasol" yw'r awdurdod lleol sy'n cynnal, neu y cynigir ei fod yn cynnal, yr ysgol y mae'r cynigion yn ymwneud â hi.

52 Cynigion cysylltiedig

- (1) Rhaid i gynigydd anfon at Weinidogion Cymru gynigion ("cynigion B") y mae wedi eu gwneud –
- (a) os yw o'r farn eu bod yn gysylltiedig â chynigion y mae'n ofynnol iddynt gael eu cymeradwyo o dan adran 50 ("cynigion A"), a

- (a) the report published under section 48(5),
 - (b) the published proposals,
 - (c) objections made in accordance with section 49(2) (and not withdrawn), and
 - (d) the response published under section 49(3).
- (4) Where proposals require approval under this section, the relevant local authority may –
- (a) reject the proposals,
 - (b) approve them without modification, or
 - (c) approve them with any of the modifications specified in subsection (5) –
 - (i) after obtaining the consent of the Welsh Ministers and the proposer to the modifications, and
 - (ii) (except where the governing body is the proposer) after consulting the governing body (if any) of the school to which the proposals relate.
- (5) The relevant local authority may modify –
- (a) the date or dates specified in the published proposals as the date or dates on which the proposals are planned to be implemented;
 - (b) the number of pupils specified in the published proposals as the number to be admitted to the school (in any age group and in any school year).
- (6) An approval may be expressed to take effect only if an event specified in the approval occurs by a date so specified.
- (7) The relevant local authority may, at the request of the proposer, specify a later date by which the event referred to in subsection (6) is to occur.
- (8) The relevant local authority must make a determination under subsection (4) whether to reject or approve the proposals before the end of 16 weeks beginning with the end of the objection period.
- (9) Subsection (1) does not prevent proposals from being withdrawn by notice in writing given by the proposer to the relevant local authority at any time before they are approved under this section.
- (10) No approval is required under this section for proposals made under section 43 or 44 to discontinue a school which is a small school (see section 56).
- (11) In this section “relevant local authority” means the local authority that maintains, or that it is proposed will maintain, the school to which the proposals relate.

52 Related proposals

- (1) A proposer must send to the Welsh Ministers proposals (“proposals B”) it has made if –
- (a) it considers that they are related to proposals requiring approval under section 50 (“proposals A”), and

- (b) os nad yw'r cynigydd wedi penderfynu a fyddai'n gweithredu cynigion B o dan adran 53 cyn bod Gweinidogion Cymru yn cymeradwyo neu'n gwrthod cynigion A.
- (2) Os yw Gweinidogion Cymru o'r farn bod cynigion B yn gysylltiedig â chynigion A, mae cynigion B i'w trin fel petai'n ofynnol iddynt gael eu cymeradwyo o dan adran 50.
- (3) Rhaid i gynigydd anfon at awdurdod lleol gynigion ("cynigion D") y mae wedi eu gwneud—
 - (a) os yw o'r farn eu bod yn gysylltiedig â chynigion y mae'n ofynnol iddynt gael eu cymeradwyo gan yr awdurdod lleol o dan adran 51 ("cynigion C"), a
 - (b) os nad yw'r cynigydd wedi penderfynu a ddylid gweithredu cynigion D o dan adran 53 cyn bod yr awdurdod lleol yn cymeradwyo neu'n gwrthod cynigion C.
- (4) Os yw'r awdurdod lleol o'r farn bod cynigion D yn gysylltiedig â chynigion C, mae cynigion D i'w trin fel petai'n ofynnol iddynt gael eu cymeradwyo o dan adran 51.
- (5) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i unrhyw gynigion eraill gael eu trin fel rhai y mae'n ofynnol iddynt gael eu cymeradwyo o dan adran 50—
 - (a) os ydynt o'r farn eu bod yn gysylltiedig â chynigion y mae'n ofynnol iddynt gael eu cymeradwyo ganddynt hwy o dan adran 50, a
 - (b) os nad yw'r cynigydd wedi penderfynu a ddylid eu gweithredu o dan adran 53 cyn bod Gweinidogion Cymru yn cymeradwyo neu'n gwrthod y cynigion y mae'n ofynnol iddynt gael eu cymeradwyo.
- (6) Caiff awdurdod lleol ei gwneud yn ofynnol i unrhyw gynigion eraill gael eu trin fel rhai y mae'n ofynnol iddynt gael eu cymeradwyo o dan adran 51—
 - (a) os yw o'r farn eu bod yn gysylltiedig â chynigion y mae'n ofynnol iddynt gael eu cymeradwyo ganddo o dan adran 51, a
 - (b) os nad yw'r cynigydd wedi penderfynu a ddylid eu gweithredu o dan adran 53 cyn bod yr awdurdod lleol yn cymeradwyo neu'n gwrthod y cynigion y mae'n ofynnol iddynt gael eu cymeradwyo.
- (7) Nid yw'r adran hon yn gymwys i gynigion a gyfeirir i ymchwiliad lleol o dan adran 61 (ymchwiliad lleol i gynigion i resymoli lleoedd ysgol).

53 Penderfynu

- (1) Pan nad yw'n ofynnol i unrhyw gynigion a gyhoeddir o dan adran 48 gael eu cymeradwyo o dan adran 50 neu 51, rhaid i'r cynigydd benderfynu a ddylid gweithredu'r cynigion.
- (2) Os na fydd penderfyniad o dan is-adran (1) wedi ei wneud cyn diwedd 16 o wythnosau gan ddechrau ar ddiwedd y cyfnod gwrthwynebu, bernir bod y cynigydd wedi tynnu'r cynigion yn eu hól.
- (3) Cyn diwedd 7 niwrnod gan ddechrau ar ddiwrnod ei benderfyniad o dan is-adran (1), rhaid i'r cynigydd hysbysu'r canlynol am y penderfyniad—
 - (a) Gweinidogion Cymru;
 - (b) (ac eithrio os y cynigydd yw ef) yr awdurdod lleol sy'n cynnal, neu y cynigir ei fod yn cynnal, yr ysgol y mae'r cynigion yn ymwneud â hi;

- (b) the proposer has not determined whether to implement proposals B under section 53 before the Welsh Ministers approve or reject proposals A.
- (2) If the Welsh Ministers consider that proposals B are related to proposals A, proposals B are to be treated as requiring approval under section 50.
- (3) A proposer must send to a local authority proposals (“proposals D”) it has made if—
 - (a) it considers that they are related to proposals requiring the local authority's approval under section 51 (“proposals C”), and
 - (b) the proposer has not determined whether to implement proposals D under section 53 before the local authority approves or rejects proposals C.
- (4) If the local authority considers that proposals D are related to proposals C, proposals D are to be treated as requiring approval under section 51.
- (5) The Welsh Ministers may require any other proposals to be treated as requiring approval under section 50 if—
 - (a) they consider that they are related to proposals requiring their approval under section 50, and
 - (b) the proposer has not determined whether to implement them under section 53 before the Welsh Ministers approve or reject the proposals requiring approval.
- (6) A local authority may require any other proposals to be treated as requiring approval under section 51 if—
 - (a) it considers that they are related to proposals requiring its approval under section 51, and
 - (b) the proposer has not determined whether to implement them under section 53 before the local authority approves or rejects the proposals requiring approval.
- (7) This section does not apply to proposals referred to a local inquiry under section 61 (local inquiry into proposals for the rationalisation of school places).

53 Determination

- (1) Where any proposals published under section 48 do not require approval under section 50 or 51, the proposer must determine whether the proposals should be implemented.
- (2) If a determination under subsection (1) is not made before the end of 16 weeks beginning with the end of the objection period, the proposer is to be taken to have withdrawn the proposals.
- (3) Before the end of 7 days beginning with the day of its determination under subsection (1), the proposer must notify the following of the determination—
 - (a) the Welsh Ministers;
 - (b) (except where it is the proposer) the local authority that maintains, or that it is proposed will maintain, the school to which the proposals relate;

- (c) (ac eithrio os y cynigydd yw ef) corff llywodraethu (os oes un) yr ysgol y mae'r cynigion yn ymwneud â hi.

54 **Eu hatgyfeirio i Weinidogion Cymru**

- (1) Mae'r adran hon yn gymwys os yw awdurdod lleol wedi –
- (a) penderfynu cymeradwyo neu wrthod cynigion o dan adran 51(4), neu
 - (b) penderfynu o dan adran 53(1) i weithredu cynigion y gwnaed gwrthwynebiad iddynt yn unol ag adran 49 (ac nas tynnwyd yn ei ôl yn ysgrifenedig cyn diwedd 28 o ddiwrnodau gan ddechrau ar ddiwedd y cyfnod gwrthwynebu).
- (2) Cyn diwedd 28 o ddiwrnodau gan ddechrau ar ddiwrnod penderfynu'r awdurdod lleol o dan adran 51(4) neu 53(1), caiff y canlynol atgyfeirio'r cynigion i Weinidogion Cymru –
- (a) awdurdod lleol arall y mae'n debyg y bydd y cynigion yn effeithio arno;
 - (b) awdurdod lleol yn Lloegr y mae'n debyg y bydd y cynigion yn effeithio arno;
 - (c) y corff crefyddol priodol ar gyfer –
 - (i) yr ysgol y mae'r cynigion yn ymwneud â hi os yw'n ysgol sydd â chymeriad crefyddol, neu y bwriedir iddi fod yn ysgol o'r fath, neu
 - (ii) unrhyw ysgol arall sydd â chymeriad crefyddol ac y mae'n debyg y bydd y cynigion yn effeithio arni;
 - (d) os yw'r ysgol y mae'r cynigion yn ymwneud â hi yn ysgol sefydledig neu'n ysgol wirfoddol, corff llywodraethu'r ysgol;
 - (e) ymddiriedolaeth sy'n dal eiddo at ddibenion yr ysgol y mae'r cynigion yn ymwneud â hi;
 - (f) sefydliad o fewn y sector addysg bellach y mae'n debyg y bydd y cynigion yn effeithio arno.
- (3) Cwestiwn i gael ei benderfynu gan Weinidogion Cymru yw a yw awdurdod, ysgol neu sefydliad yn debyg o gael ei effeithio gan y cynigion at ddiben is-adran (2).
- (4) Rhaid i Weinidogion Cymru ystyried cynigion a atgyfeiriwyd iddynt o dan yr adran hon o'r newydd ac mae is-adrannau (5) i (8) o adran 50 yn gymwys fel petai angen eu cymeradwyaeth o dan yr adran honno.
- (5) Ni chaniateir i gynigion a wneir o dan adran 43 neu 44 i derfynu ysgol sy'n ysgol fach (gweler adran 56) gael eu hatgyfeirio i Weinidogion Cymru o dan yr adran hon.
- (6) Os yw'n ofynnol i Weinidogion Cymru ystyried cynigion a atgyfeiriwyd o dan yr adran hon, nid yw'r cynigion hynny i'w trin at ddibenion adran 55 neu 61 fel rhai a gymeradwywyd o dan adran 51 neu fel cynigion y mae'r cynigydd wedi penderfynu eu gweithredu o dan adran 53.
- (7) Os yw Gweinidogion Cymru yn cymeradwyo cynigion yn unol â'r adran hon, mae'r cynigion i'w trin at ddibenion adran 55 fel petaent wedi eu cymeradwyo o dan adran 50.
- (8) Os yw Gweinidogion Cymru yn gwrthod cynigion yn unol â'r adran hon, mae'r cynigion i'w trin at ddibenion paragraff 35(3)(e) o Atodlen 4 fel petaent wedi eu gwrthod o dan adran 50.

- (c) (except where it is the proposer) the governing body (if any) of the school to which the proposals relate.

54 Referral to the Welsh Ministers

- (1) This section applies if a local authority has –
 - (a) determined to approve or reject proposals under section 51(4), or
 - (b) determined under section 53(1) to implement proposals to which there was an objection made in accordance with section 49 (and which was not withdrawn in writing before the end of 28 days beginning with the end of the objection period).
- (2) Before the end of 28 days beginning with the day of the local authority's determination under section 51(4) or 53(1), the following may refer the proposals to the Welsh Minister –
 - (a) another local authority which is likely to be affected by the proposals;
 - (b) a local authority in England which is likely to be affected by the proposals ;
 - (c) the appropriate religious body for –
 - (i) the school to which the proposals relate if it is, or is intended to be, a school which has a religious character, or
 - (ii) any other school which has a religious character and which is likely to be affected by the proposals;
 - (d) if the school to which the proposals relate is a foundation or voluntary school, the governing body of the school;
 - (e) a trust holding property for the purpose of the school to which the proposals relate;
 - (f) an institution within the further education sector which is likely to be affected by the proposals.
- (3) Whether an authority, school or institution is likely to be affected by the proposals for the purpose of subsection (2) is a question to be determined by the Welsh Ministers.
- (4) The Welsh Ministers must consider proposals referred to them under this section afresh and subsections (5) to (8) of section 50 apply as if the proposals required their approval under that section.
- (5) Proposals made under section 43 or 44 to discontinue a school which is a small school (see section 56) may not be referred to the Welsh Ministers under this section.
- (6) Proposals which the Welsh Ministers are required to consider under this section are not to be treated for the purposes of section 55 or 61 as proposals approved under section 51 or as proposals that the proposer has determined to implement under section 53.
- (7) Proposals approved in accordance with this section are to be treated for the purposes of section 55 as proposals approved under section 50.
- (8) Proposals rejected in accordance with this section are to be treated for the purposes of paragraph 35(3)(e) of Schedule 4 as proposals rejected under section 50.

55 Gweithredu

- (1) Mae'r adran hon yn gymwys i'r canlynol—
 - (a) cynigion sydd wedi eu cymeradwyo o dan adran 50 neu 51, neu
 - (b) cynigion y mae'r cynigydd wedi penderfynu o dan adran 53 y byddai'n eu gweithredu.
- (2) Rhaid i'r cynigion (yn ddarostyngedig i ddarpariaethau canlynol yr adran hon) gael eu gweithredu ar y ffurf y cawsant eu cymeradwyo neu eu penderfynu i gael eu gweithredu ynddi—
 - (a) yn achos cynigion a wneir o dan adran 41, 42, 43 neu 44 (sefydlu, newid neu derfynu ysgolion), yn unol ag Atodlen 3;
 - (b) yn achos cynigion a wneir o dan adran 45 (newid categori), yn unol ag Atodlen 4.
- (3) Caiff y cynigydd (yn ddarostyngedig i is-adran (6)) benderfynu gohirio gweithredu am gyfnod o hyd at dair blynedd o'r dyddiad neu'r dyddiadau a bennwyd yn y cynigion (fel y cawsant eu cymeradwyo neu eu penderfynu) fel y dyddiad neu'r dyddiadau y maent i'w gweithredu arno neu arnynt, os yw wedi ei fodloni—
 - (a) y byddai gweithredu'r cynigion ar y dyddiad hwnnw neu'r dyddiadau hynny yn afresymol o anodd, neu
 - (b) bod yr amgylchiadau wedi newid i'r fath graddau ers i'r cynigion gael eu cymeradwyo o dan adran 50 neu 51 neu eu penderfynu o dan adran 53, y byddai gweithredu'r cynigion ar y dyddiad hwnnw neu'r dyddiadau hynny yn amhriodol.
- (4) Yn achos cynigion i derfynu ysgol a wneir o dan adran 43 neu 44, caiff y cynigydd (yn ddarostyngedig i is-adran (6)) benderfynu dod â'r gweithredu ymlaen gan gyfnod o hyd at 13 o wythnosau o'r dyddiad neu'r dyddiadau a bennir yn y cynigion (fel y'u cymeradwyir neu eu penderfynir) fel y dyddiad neu'r dyddiadau pan gânt eu gweithredu.
- (5) Caiff y cynigydd (yn ddarostyngedig i is-adran (6)) benderfynu na fydd is-adran (2) yn gymwys i gynigion os yw wedi ei fodloni—
 - (a) y byddai gweithredu'r cynigion yn afresymol o anodd, neu
 - (b) bod yr amgylchiadau wedi newid cymaint ers i'r cynigion gael eu cymeradwyo o dan adran 50 neu 51 neu eu penderfynu o dan adran 53, y byddai'n amhriodol gweithredu'r cynigion.
- (6) Yn achos cynigion sydd wedi eu cymeradwyo o dan adran 50 neu 51, dim ond gyda chytundeb Gweinidogion Cymru y caiff y cynigydd wneud penderfyniad o dan is-adran (3), (4) neu (5).
- (7) Cyn diwedd 7 niwrnod gan ddechrau ar ddiwrnod y penderfyniad, rhaid i'r cynigydd hysbysu'r canlynol am unrhyw benderfyniad y mae'n ei wneud o dan is-adran (3), (4) neu (5)—
 - (a) Gweinidogion Cymru;
 - (b) (ac eithrio os y cynigydd yw ef) yr awdurdod lleol sy'n cynnal, neu y cynigir ei fod yn cynnal, yr ysgol y mae'r cynigion yn ymwneud â hi;

55 Implementation

- (1) This section applies to –
 - (a) proposals approved under section 50 or 51, or
 - (b) proposals which the proposer has determined under section 53 to implement.
- (2) The proposals must (subject to the following provisions of this section) be implemented in the form in which they were approved or determined to be implemented –
 - (a) in the case of proposals made under section 41, 42, 43 or 44 (establishment, alteration or discontinuance of schools), in accordance with Schedule 3;
 - (b) in the case of proposals made under section 45 (change of category), in accordance with Schedule 4.
- (3) The proposer may (subject to subsection (6)) determine to delay implementation for a period of up to three years from the date or dates specified in the proposals (as approved or determined) as the date or dates on which they are to be implemented, if it is satisfied –
 - (a) that implementation of the proposals on that date or those dates would be unreasonably difficult, or
 - (b) that circumstances have so altered since the proposals were approved under section 50 or 51 or determined under section 53, that implementation of the proposals on that date or those dates would be inappropriate.
- (4) In the case of proposals to discontinue a school made under section 43 or 44, the proposer may (subject to subsection (6)) determine to bring forward implementation by a period of up to 13 weeks from the date or dates specified in the proposals (as approved or determined) as the date or dates on which they are to be implemented.
- (5) The proposer may (subject to subsection (6)) determine that subsection (2) does not apply to proposals if it is satisfied –
 - (a) that implementation of the proposals would be unreasonably difficult, or
 - (b) that circumstances have so altered since the proposals were approved under section 50 or 51 or determined under section 53, that implementation of the proposals would be inappropriate.
- (6) In the case of proposals which have been approved under section 50 or 51, the proposer may only make a determination under subsection (3), (4) or (5) with the agreement of the Welsh Ministers.
- (7) Before the end of 7 days beginning with the day of the determination, the proposer must notify the following of any determination it makes under subsection (3), (4) or (5) –
 - (a) the Welsh Ministers;
 - (b) (except where it is the proposer) the local authority that maintains, or that it is proposed will maintain the school to which the proposals relate;

- (c) (ac eithrio os y cynigydd yw ef) corff llywodraethu (os oes un) yr ysgol y mae'r cynigion yn ymwneud â hi.
- (8) Pan fo is-adran (2), yn rhinwedd is-adran (5), yn peidio â bod yn gymwys i unrhyw gynigion, mae'r cynigion hynny i'w trin fel petaent wedi eu gwrthod o dan adran 50(5)(a) neu 51(4)(a) neu fel petai'r cynigydd wedi penderfynu o dan adran 53 y byddai'n peidio â'u gweithredu.

56 Dehongli Pennod 2

- (1) Yn y Bennod hon –

ystyr “y Cod” (*“the Code”*) yw'r cod ar drefniadaeth ysgolion a ddyroddir o dan adran 38(1);

mae i “cyfnod gwrthwynebu” (*“objection period”*) yr ystyr a roddir gan adran 49(2); “cynigydd” (*“proposer”*), mewn perthynas â chynigion a wneir o dan adran 41, 42, 43, 44 neu 45, yw'r awdurdod lleol, y corff llywodraethu neu'r person arall sydd wedi gwneud y cynigion;

ystyr “newid rheoleiddiedig” (*“regulated alteration”*) yw newid a ddisgrifir yn Atodlen 2;

ystyr “ysgol fach” (*“small school”*) yw ysgol sydd â llai na 10 o ddisgyblion cofrestredig ar y trydydd dydd Mawrth yn y mis Ionawr yn union cyn y dyddiad y caiff y cynigion eu gwneud.

- (2) Caiff Gweinidogion Cymru ddiwygio drwy orchymyn y diffiniad o “ysgol fach” yn is-adran (1) yn y fath fodd ag i roi cyfeiriad at ddyddiad gwahanol yn lle'r cyfeiriad at y dyddiad a bennir am y tro.

PENNOD 3

RHESYMOLI LLEOEDD YSGOL

Cyfarwyddiadau i wneud cynigion i resymoli lleoedd ysgol

57 Cyfarwyddiadau i wneud cynigion i gywiro darpariaeth ormodol neu annigonol

- (1) Mae'r adran hon yn gymwys pan fo Gweinidogion Cymru o'r farn bod darpariaeth ormodol neu fod, neu ei bod yn debygol y bydd, darpariaeth annigonol ar gyfer addysg gynradd neu uwchradd mewn ysgolion a gynhelir –
- (a) yn ardal awdurdod lleol, neu
- (b) mewn rhan o'r ardal honno.
- (2) Caiff Gweinidogion Cymru –
- (a) cyfarwyddo'r awdurdod lleol i arfer ei bwerau i wneud cynigion i sefydlu, newid neu derfynu ysgolion, a
- (b) cyfarwyddo corff llywodraethu ysgol sefydledig neu wirfoddol a gynhelir gan yr awdurdod i arfer ei bwerau i wneud cynigion i newid ei ysgol.
- (3) Rhaid i gyfarwyddyd o dan is-adran (2) –
- (a) ei gwneud yn ofynnol i'r cynigion gael eu cyhoeddi heb fod yn hwyrach na'r dyddiad a bennir yn y cyfarwyddyd,

- (c) (except where it is the proposer) the governing body (if any) of the school to which the proposals relate.
- (8) Where, by virtue of subsection (5), subsection (2) ceases to apply to any proposals, those proposals are to be treated as if they had been rejected under section 50(5)(a) or 51(4)(a) or as if the proposer had determined under section 53 not to implement them.

56 Interpretation of Chapter 2

- (1) In this Chapter –
- “the Code” (“*y Cod*”) means the code on school organisation issued under section 38(1);
- “objection period” (“*cyfnod gwrthwynebu*”) has the meaning given by section 49(2);
- “proposer” (“*cynigydd*”), in relation to proposals made under section 41, 42, 43, 44 or 45, is the local authority, the governing body or other person who has made the proposals;
- “regulated alteration” (“*newid rheoleiddiedig*”) means an alteration described in Schedule 2;
- “small school” (“*ysgol fach*”) means a school with fewer than 10 registered pupils on the third Tuesday in the January immediately preceding the date on which the proposals are made.
- (2) The Welsh Ministers may by order amend the definition of “small school” in subsection (1) so as to substitute a reference to a different date for the reference to the date for the time being specified.

CHAPTER 3

RATIONALISATION OF SCHOOL PLACES

Directions to make proposals for rationalisation of school places

57 Directions to make proposals to remedy excessive or insufficient provision

- (1) This section applies where the Welsh Ministers are of the opinion that there is excessive provision, or that there is, or there is likely to be, insufficient provision, for primary or secondary education in maintained schools –
- (a) in the area of a local authority, or
- (b) in a part of such an area.
- (2) The Welsh Ministers may –
- (a) direct the local authority to exercise its powers to make proposals to establish, alter or discontinue schools, and
- (b) direct the governing body of a foundation or voluntary school maintained by the authority to exercise its powers to make proposals to alter its school.
- (3) A direction under subsection (2) must –
- (a) require the proposals to be published no later than the date specified in the direction,

- (b) ei gwneud yn ofynnol i'r cynigion, wrth iddynt roi effaith i'r cyfarwyddyd, gymhwyso unrhyw egwyddorion a bennir ynddo, ac
 - (c) pan fo Gweinidogion Cymru o'r farn bod, neu ei bod yn debygol y bydd, darpariaeth annigonol, pennu'r nifer ychwanegol o ddisgyblion y mae lle i'w drefnu ar eu cyfer.
- (4) Ni chaniateir i gyfarwyddyd o dan is-adran (2)(a) ei gwneud yn ofynnol i'r cynigion ymwneud ag ysgol a enwir.

58 Darpariaeth bellach am gynigion a wneir ar ôl cyfarwyddyd o dan adran 57(2)

- (1) Ni chaniateir i gynigion a wneir yn unol â chyfarwyddyd o dan adran 57(2) gael eu tynnu'n ôl heb gydsyniad Gweinidogion Cymru.
- (2) Caiff Gweinidogion Cymru roi cydsyniad at ddibenion is-adran (1) yn ddarostyngedig i amodau.
- (3) Rhaid i'r awdurdod lleol ad-dalu gwariant yr aed iddo'n rhesymol gan gorff llywodraethu ysgol a gynhelir ganddo wrth wneud cynigion yn unol â chyfarwyddyd o dan adran 57(2).
- (4) Er gwaethaf unrhyw beth yn Rhan 1 o Atodlen 3 (cyfrifoldeb dros weithredu cynigion statudol), rhaid i'r awdurdod lleol gwrdd â'r gost o weithredu cynigion a wneir gan gorff llywodraethu ysgol a gynhelir gan yr awdurdod yn unol â chyfarwyddyd o dan adran 57(2) a rheini'n gynigion sydd wedi eu cymeradwyo neu y penderfynwyd eu gweithredu.

Cynigion gan Weinidogion Cymru i resymoli lleoedd ysgol

59 Gwneud a chyhoeddi cynigion gan Weinidogion Cymru

- (1) Mae'r adran hon yn gymwys pan fo –
 - (a) Gweinidogion Cymru wedi gwneud cyfarwyddyd o dan adran 57(2), a
 - (b) naill ai –
 - (i) cynigion wedi eu cyhoeddi'n unol â'r cyfarwyddyd, neu
 - (ii) yr amser a ganiatawyd o dan y cyfarwyddyd ar gyfer cyhoeddi'r cynigion wedi dirwyn i ben.
- (2) Caiff Gweinidogion Cymru wneud unrhyw gynigion y gellid fod wedi eu gwneud yn unol â'r cyfarwyddyd.
- (3) Rhaid i'r cynigion gael eu cyhoeddi'n unol â'r cod a ddyroddwyd o dan adran 38(1) ac sydd mewn grym am y tro.
- (4) Rhaid i Weinidogion Cymru anfon copi o'r cynigion –
 - (a) at yr awdurdod lleol ar gyfer yr ardal, a
 - (b) at gorff llywodraethu pob ysgol y mae'r cynigion yn ymwneud â hwy.

- (b) require the proposals, in giving effect to the direction, to apply any principles specified in it, and
 - (c) where the Welsh Ministers are of the opinion that there is, or there is likely to be, insufficient provision, specify the additional number of pupils to be accommodated.
- (4) A direction under subsection (2)(a) may not require the proposals to relate to a named school.

58 Further provision about proposals made after a direction under section 57(2)

- (1) Proposals made in accordance with a direction under section 57(2) may not be withdrawn without the consent of the Welsh Ministers.
- (2) The Welsh Ministers may give consent for the purposes of subsection (1) subject to conditions.
- (3) The local authority must reimburse expenditure reasonably incurred by a governing body of a school maintained by it in making proposals in accordance with a direction under section 57(2).
- (4) Despite anything in Part 1 of Schedule 3 (responsibility for implementation of statutory proposals), the local authority must meet the cost of implementing proposals made by a governing body of a school maintained by the authority in accordance with a direction under section 57(2) which have been approved or determined to be implemented.

Proposals by Welsh Ministers to rationalise school places

59 Making and publication of proposals by Welsh Ministers

- (1) This section applies where –
 - (a) the Welsh Ministers have made a direction under section 57(2), and
 - (b) either –
 - (i) proposals have been published in accordance with the direction, or
 - (ii) the time allowed under the direction for the publication of the proposals has expired.
- (2) The Welsh Ministers may make any proposals that could have been made in accordance with the direction.
- (3) The proposals must be published in accordance with the code issued under section 38(1) for the time being in force.
- (4) The Welsh Ministers must send a copy of the proposals –
 - (a) to the local authority for the area, and
 - (b) to the governing body of each school to which the proposals relate.

*Y weithdrefn ar gyfer ymdrin â chynigion o dan adran 59***60 Gwrthwynebiadau**

- (1) Caiff unrhyw berson wrthwynebu cynigion a gyhoeddir o dan adran 59.
- (2) Rhaid i wrthwynebiadau gael eu hanfon yn ysgrifenedig at Weinidogion Cymru cyn diwedd 28 o ddiwrnodau gan ddechrau ar y diwrnod y cafodd y cynigion eu cyhoeddi.

61 Ymchwiliad lleol i gynigion

- (1) Mae'r adran hon yn gymwys pan fo Gweinidogion Cymru wedi gwneud cynigion o dan adran 59 (ac eithrio cynigion a wnaed yn rhinwedd adran 62(1)) nad ydynt wedi eu tynnu'n ôl.
- (2) Os yw gwrthwynebiadau wedi eu gwneud yn unol ag adran 60(2), yna, oni fydd pob gwrthwynebiad sydd wedi ei wneud felly wedi ei dynnu'n ôl yn ysgrifenedig o fewn yr 28 o ddiwrnodau y cyfeiriwyd atynt yn yr adran honno, rhaid i Weinidogion Cymru beri bod ymchwiliad lleol yn cael ei gynnal.
- (3) Diben yr ymchwiliad lleol yw ystyried cynigion Gweinidogion Cymru, unrhyw gynigion eraill y mae Gweinidogion Cymru yn eu cyfeirio at yr ymchwiliad a'r gwrthwynebiadau a grybwyllwyd yn is-adran (2).
- (4) Mae cynigion a gyfeirir at ymchwiliad lleol o dan yr adran hon i'w penderfynu o dan adran 62 ac nid yw adrannau 50, 51, 53, 54, 70 a 73 yn gymwys iddynt.
- (5) Pan fo'n ofynnol i ymchwiliad lleol gael ei gynnal, rhaid i Weinidogion Cymru gyfeirio'r cynigion a restrir yn is-adran (6) i'r ymchwiliad os yw'r cynigion –
 - (a) heb gael eu penderfynu cyn i drafodion yr ymchwiliad ddechrau, a
 - (b) yn ymddangos i Weinidogion Cymru eu bod yn rhai sy'n gysylltiedig â'r cynigion a wnaed o dan adran 59 ac y mae'r ymchwiliad i'w gynnal mewn cysylltiad â hwy.
- (6) Y cynigion sydd i'w cyfeirio yw –
 - (a) unrhyw gynigion eraill a gyhoeddir o dan adran 59 mewn perthynas ag ardal yr awdurdod lleol (ac sydd heb gael eu tynnu'n ôl);
 - (b) unrhyw gynigion a wneir gan yr awdurdod hwnnw wrth arfer eu pwerau i wneud cynigion i sefydlu, newid neu derfynu ysgolion (ac sydd heb gael eu tynnu'n ôl);
 - (c) unrhyw gynigion a wneir gan gorff llywodraethu ysgol sefydledig neu wirfoddol yn yr ardal wrth arfer ei bwerau i wneud cynigion i newid ei ysgol (a'r rheini'n gynigion sydd heb gael eu tynnu'n ôl);
 - (d) unrhyw gynigion a wneir o dan adran 68 neu 71 (ac sydd heb gael eu tynnu'n ôl).
- (7) Os bydd Gweinidogion Cymru, cyn bod trafodion yr ymchwiliad yn dechrau, yn ffurfio barn y dylid gweithredu unrhyw gynigion, nid yw is-adran (5) yn ei gwneud yn ofynnol iddynt gyfeirio'r cynigion hynny i'r ymchwiliad oni fyddant yn ffurfio barn wahanol cyn bod –
 - (a) trafodion yr ymchwiliad wedi eu cwblhau, neu
 - (b) (os ydynt yn gynharach) y cynigion wedi eu penderfynu.

Procedure for dealing with proposals under section 59

60 Objections

- (1) Any person may object to proposals published under section 59.
- (2) Objections must be sent in writing to the Welsh Ministers before the end of 28 days beginning with the day on which the proposals were published.

61 Local inquiry into proposals

- (1) This section applies where the Welsh Ministers have made proposals under section 59 (other than proposals made by virtue of section 62(1)) which they have not withdrawn.
- (2) If objections have been made in accordance with section 60(2), then, unless all objections so made have been withdrawn in writing within the 28 days referred to in that section, the Welsh Ministers must cause a local inquiry to be held.
- (3) The purpose of the local inquiry is to consider the Welsh Ministers' proposals, any other proposals the Welsh Ministers refer to the inquiry and the objections mentioned in subsection (2).
- (4) Proposals referred to a local inquiry under this section are to be determined under section 62, and sections 50, 51, 53, 54, 70 and 73 do not apply to them.
- (5) Where a local inquiry is required to be held, the Welsh Ministers must refer the proposals listed in subsection (6) to the inquiry if the proposals –
 - (a) have not been determined before the proceedings on the inquiry begin, and
 - (b) appear to the Welsh Ministers to be related to the proposals made under section 59 in respect of which the inquiry is to be held.
- (6) The proposals to be referred are –
 - (a) any other proposals published under section 59 in relation to the area of the local authority (and not withdrawn);
 - (b) any proposals made by that authority in the exercise of their powers to make proposals to establish, alter or discontinue schools (and not withdrawn);
 - (c) any proposals made by the governing body of a foundation or voluntary school in the area in the exercise of its powers to make proposals to alter its school (and not withdrawn);
 - (d) any proposals made under section 68 or 71 (and not withdrawn).
- (7) If, before the proceedings on the inquiry begin, the Welsh Ministers form the opinion that any proposals should be implemented, subsection (5) does not require them to refer those proposals to the inquiry unless they form a different opinion before –
 - (a) the proceedings on the inquiry are concluded, or
 - (b) (if earlier) the proposals are determined.

- (8) Nid yw'n agored i'r ymchwiliad gwestiynu'r egwyddorion a bennir yn y cyfarwyddyd o dan adran 57(2).
- (9) Mae cyfeiriadau yn yr adran hon at benderfynu cynigion yn cyfeirio at—
 - (a) penderfyniad p'un ai i fabwysiadu neu i gymeradwyo'r cynigion o dan adran 50, 51, 62, 70 neu 73;
 - (b) penderfyniad p'un ai i weithredu'r cynigion o dan adran 53 ai peidio;
 - (c) penderfyniad p'un ai i gymeradwyo cynigion a atgyfeiriwyd i Weinidogion Cymru o dan adran 54 ai peidio.

62 Mabwysiadu cynigion

- (1) Pan fo ymchwiliad lleol wedi ei gynnal, caiff Gweinidogion Cymru, ar ôl ystyried adroddiad y person a benodwyd i gynnal yr ymchwiliad, wneud un neu fwy o'r canlynol—
 - (a) mabwysiadu, gydag addasiadau neu hebddynt, neu benderfynu peidio â mabwysiadu unrhyw un o'r cynigion a wnaed gan Weinidogion Cymru (gan gynnwys cynigion a wnaed ganddynt, a gyfeiriwyd o dan adran 61(5)) ac a ystyriwyd gan yr ymchwiliad;
 - (b) cymeradwyo, gydag addasiadau neu hebddynt, neu wrthod unrhyw gynigion eraill a gyfeiriwyd at yr ymchwiliad o dan adran 61(5);
 - (c) gwneud cynigion pellach o dan adran 59.
- (2) Os bydd Gweinidogion Cymru'n gwneud cynigion pellach o dan adran 59 yn unol ag is-adran (1)(c), ni fydd y gofyniad yn adran 61(2) i beri i ymchwiliad lleol gael ei gynnal yn gymwys.
- (3) Pan fo Gweinidogion Cymru wedi cyhoeddi cynigion o dan adran 59 nad yw'n ofynnol iddynt gael eu hystyried gan ymchwiliad lleol, cânt, ar ôl ystyried unrhyw wrthwynebiadau a wnaed yn unol ag adran 60(2) (ac sydd heb gael eu tynnu'n ôl)—
 - (a) mabwysiadu'r cynigion gydag addasiadau neu hebddynt, neu
 - (b) penderfynu peidio â mabwysiadu'r cynigion.
- (4) Caniateir i fabwysiad neu gymeradwyaeth cynigion ddatgan mai dim ond os bydd digwyddiad a bennir yn y mabwysiad neu'r gymeradwyaeth yn digwydd erbyn dyddiad a bennir felly, y byddai'n dod yn weithredol.

63 Gweithredu cynigion

- (1) Mae cynigion sydd wedi eu mabwysiadu neu eu cymeradwyo gan Weinidogion Cymru o dan adran 62 yn cael effaith fel petaent wedi eu cymeradwyo gan Weinidogion Cymru o dan adran 50 ar ôl iddynt gael eu gwneud—
 - (a) gan yr awdurdod lleol o dan ei bwerau i wneud cynigion i sefydlu, newid neu derfynu ysgolion, neu
 - (b) yn achos cynigion i newid ysgol sefydledig neu wirfoddol, gan y corff llywodraethu o dan ei bwerau i wneud cynigion i newid ei ysgol.

- (8) It is not open to the inquiry to question the principles specified in the direction under section 57(2).
- (9) References in this section to the determination of proposals are to—
 - (a) a determination whether or not to adopt or approve the proposals under section 50, 51, 62, 70 or 73;
 - (b) a determination whether or not to implement the proposals under section 53;
 - (c) a determination whether or not to approve proposals referred to the Welsh Ministers under section 54.

62 Adoption of proposals

- (1) Where a local inquiry has been held, the Welsh Ministers may, after considering the report of the person appointed to hold the inquiry, do one or more of the following—
 - (a) adopt, with or without modifications, or determine not to adopt any of the proposals made by the Welsh Ministers (including proposals made by them referred under section 61(5)) and considered by the inquiry;
 - (b) approve, with or without modifications, or reject any other proposals which were referred to the inquiry under section 61(5);
 - (c) make further proposals under section 59.
- (2) If the Welsh Ministers make further proposals under section 59 in accordance with subsection (1)(c), the requirement in section 61(2) to cause a local inquiry to be held does not apply.
- (3) Where the Welsh Ministers have published proposals under section 59 which are not required to be considered by a local inquiry, they may, after considering any objections made in accordance with section 60(2) (and not withdrawn)—
 - (a) adopt the proposals with or without modifications, or
 - (b) determine not to adopt the proposals.
- (4) The adoption or approval of proposals may be expressed to take effect only if an event specified in the adoption or approval occurs by a date so specified.

63 Implementation of proposals

- (1) Proposals adopted or approved by the Welsh Ministers under section 62 have effect as if they had been approved by the Welsh Ministers under section 50 after having been made—
 - (a) by the local authority under its powers to make proposals to establish, alter or discontinue schools, or
 - (b) in the case of proposals to alter a foundation or voluntary school, by the governing body under its powers to make proposals to alter its school.

- (2) Er gwaethaf unrhyw beth yn Rhan 1 o Atodlen 3 (cyfrifoldeb dros weithredu cynigion statudol), rhaid i'r awdurdod lleol sy'n cynnal yr ysgol dan sylw gwrdd â'r gost o weithredu cynigion sy'n cael eu mabwysiadu neu eu cymeradwyo o dan adran 62 ac sy'n cael effaith fel a grybwyllwyd yn is-adran (1)(b).

PENNOD 4

DARPARIAETH RANBARTHOL AR GYFER ANGHENION ADDYSGOL ARBENNIG

64 Ystyr "darpariaeth ranbarthol" a "swyddogaethau addysg arbennig"

Yn y Bennod hon –

ystyr "darpariaeth ranbarthol" ("*regional provision*") yw –

- (a) darpariaeth addysg i blant sy'n perthyn i ardaloedd gwahanol awdurdodau lleol, mewn ysgol a gynhelir gan un o'r awdurdodau hynny, neu
- (b) darpariaeth a wneir gan ddau awdurdod lleol neu fwy i nwyddau neu wasanaethau gael eu cyflenwi gan un o'r awdurdodau –
 - (i) i'r llall neu'r lleill, neu
 - (ii) i un neu fwy o gyrff llywodraethu ysgolion a gynhelir gan yr awdurdod arall neu'r awdurdodau eraill;

ystyr "swyddogaethau addysg arbennig" ("*special education functions*") yw swyddogaethau o dan Ran 4 o Ddeddf Addysg 1996 (anghenion addysgol arbennig).

65 Cyfarwyddyd i ystyried gwneud darpariaeth ranbarthol

- (1) Caiff Gweinidogion Cymru gyfarwyddo awdurdodau lleol i ystyried a fyddent hwy (neu unrhyw rai ohonynt) yn gallu cyflawni eu swyddogaethau addysg arbennig, mewn cysylltiad â phlant sydd â'r anghenion addysgol arbennig a bennir yn y cyfarwyddyd, yn fwy effeithlon neu effeithiol pe câi darpariaeth ranbarthol ei gwneud.
- (2) Rhaid i'r awdurdodau y rhoddir cyfarwyddyd iddynt gyflwyno adroddiad ar eu casgliadau i Weinidogion Cymru heb fod yn hwyrach na'r amser a bennir yn y cyfarwyddyd.
- (3) Caniateir i gyfarwyddyd o dan yr adran hon gael ei roi i awdurdodau lleol yn gyffredinol neu i un neu fwy o awdurdodau a bennir yn y cyfarwyddyd.

66 Cyfarwyddiadau i wneud cynigion i sicrhau darpariaeth ranbarthol

- (1) Mae'r adran hon yn gymwys pan fo Gweinidogion Cymru o'r farn y byddai dau neu fwy o awdurdodau lleol yn gallu cyflawni eu swyddogaethau addysg arbennig, mewn cysylltiad â phlant sy'n syrthio o fewn disgrifiad penodol, yn fwy effeithiol neu effeithlon os câi darpariaeth ranbarthol ei gwneud mewn perthynas ag ardaloedd yr awdurdodau hynny.
- (2) Caiff Gweinidogion Cymru roi un neu fwy o'r cyfarwyddiadau a bennir yn is-adran (3) er mwyn sicrhau bod darpariaeth ranbarthol yn cael ei gwneud mewn perthynas â'r disgrifiad o blant o'r ardaloedd a bennir yn y cyfarwyddyd.
- (3) Y cyfarwyddiadau yw –

- (2) Despite anything in Part 1 of Schedule 3 (responsibility for implementation of statutory proposals), the local authority that maintains the school in question must meet the cost of implementing proposals adopted or approved under section 62 which have effect as mentioned in subsection (1)(b).

CHAPTER 4

REGIONAL PROVISION FOR SPECIAL EDUCATIONAL NEEDS

64 Meaning of “regional provision” and “special education functions”

In this Chapter –

“regional provision” (*“darpariaeth ranbarthol”*) means –

- (a) provision of education for children belonging to the areas of different local authorities, at a school maintained by one of those authorities, or
- (b) provision made by two or more local authorities for goods or services to be supplied by one of the authorities –
 - (i) to the other or others, or
 - (ii) to one or more governing bodies of schools maintained by the other authority or authorities;

“special education functions” (*“swyddogaethau addysg arbennig”*) means functions under Part 4 of the Education Act 1996 (special educational needs).

65 Direction to consider making regional provision

- (1) The Welsh Ministers may direct local authorities to consider whether they (or any of them) would be able to carry out their special education functions, in respect of children with the special educational needs specified in the direction, more efficiently or effectively if regional provision were made.
- (2) The authorities to whom a direction is given must report their conclusions to the Welsh Ministers no later than the time specified in the direction.
- (3) A direction under this section may be given to local authorities generally or to one or more authorities specified in the direction.

66 Directions to make proposals to secure regional provision

- (1) This section applies where the Welsh Ministers are of the opinion that two or more local authorities would be able to carry out their special education functions, in respect of children falling within a particular description, more effectively or efficiently if regional provision were made in relation to the areas of those authorities.
- (2) The Welsh Ministers may give one or more of the directions specified in subsection (3) for the purpose of securing that regional provision is made in relation to the description of children from the areas specified in the direction.
- (3) The directions are –

- (a) bod awdurdod lleol yn arfer ei bwerau i wneud cynigion i sefydlu, newid neu derfynu ysgolion;
 - (b) bod corff llywodraethu ysgol sefydledig neu wirfoddol yn arfer ei bwerau i wneud cynigion i newid ei ysgol;
 - (c) bod dau neu fwy o awdurdodau lleol yn gwneud trefniadau –
 - (i) y bydd darpariaeth ar gyfer addysg yn cael ei gwneud odanynt gan un o'r awdurdodau mewn cysylltiad â phersonau o ardal (neu ardaloedd) yr awdurdod arall (neu'r awdurdodau eraill), a
 - (ii) y bydd darpariaeth yn cael ei gwneud odanynt i benderfynu'r taliadau sydd i'w gwneud o dan y trefniadau mewn cysylltiad â darparu'r addysg honno;
 - (d) bod dau neu fwy o awdurdodau lleol yn gwneud trefniadau sy'n darparu bod un o'r awdurdodau hynny'n cyflenwi i'r llall (neu'r lleill) nwyddau neu wasanaethau sydd i'w pennu yn y trefniadau ar delerau (gan gynnwys telerau o ran talu) a fyddai'n cael eu pennu felly;
 - (e) bod awdurdod lleol a chyrff llywodraethu un neu fwy o ysgolion sefydledig neu wirfoddol yn gwneud trefniadau sy'n darparu bod yr awdurdod yn cyflenwi i'r cyrff llywodraethu nwyddau neu wasanaethau sydd i'w pennu yn y trefniadau, ar delerau (gan gynnwys telerau o ran talu) a fyddai'n cael eu pennu felly.
- (4) Pan fo Gweinidogion Cymru yn rhoi cyfarwyddyd o dan is-adran (3)(c) a chyfarwyddyd o dan is-adran (3)(a) neu (3)(b), caniateir i'r taliadau y mae is-adran (3)(c) yn cyfeirio atynt gynnwys swm mewn cysylltiad â'r costau sy'n gysylltiedig â sefydlu, newid neu derfynu'r ysgol o dan sylw.
- (5) Rhaid i gyfarwyddyd o dan is-adran (3)(a) neu (3)(b) –
- (a) ei gwneud yn ofynnol i'r cynigion o dan sylw i gael eu cyhoeddi heb fod yn hwyrach na'r dyddiad a bennir yn y cyfarwyddyd, a
 - (b) ei gwneud yn ofynnol i'r corff sy'n gwneud y cynigion anfon copi o'r cynigion cyhoeddedig, ynghyd â gwybodaeth arall (o fath a bennir yn y cyfarwyddyd) mewn cysylltiad â'r cynigion hynny i Weinidogion Cymru.

67 Darpariaeth bellach am gynigion a wneir ar ôl cyfarwyddyd o dan adran 66

- (1) Ni chaniateir i gynigion a wneir yn unol â chyfarwyddyd o dan adran 66 gael eu tynnu'n ôl heb gydsyniad Gweinidogion Cymru.
- (2) Caiff Gweinidogion Cymru roi cydsyniad at ddibenion is-adran (1) yn ddarostyngedig i amodau.
- (3) Rhaid i'r awdurdod lleol ad-dalu gwariant yr aed iddo'n rhesymol gan gorff llywodraethu ysgol a gynhelir ganddo wrth wneud cynigion yn unol â chyfarwyddyd o dan adran 66.
- (4) Er gwaethaf unrhyw beth yn Rhan 1 o Atodlen 3 (cyfrifoldeb dros weithredu cynigion statudol), rhaid i'r awdurdod lleol gwrdd â'r gost o weithredu cynigion a wneir gan gorff llywodraethu ysgol a gynhelir gan yr awdurdod yn unol â chyfarwyddyd o dan adran 66 a'r rheini'n gynigion sydd wedi eu cymeradwyo neu y penderfynwyd eu gweithredu.

- (a) that a local authority exercise its powers to make proposals to establish, alter or discontinue schools;
 - (b) that the governing body of a foundation or voluntary school exercise its powers to make proposals to alter its school;
 - (c) that two or more local authorities make arrangements under which—
 - (i) provision for education is made by one of the authorities in respect of persons from the area (or areas) of the other authority (or authorities), and
 - (ii) provision is made for determining the payments to be made under the arrangements in respect of the provision of that education;
 - (d) that two or more local authorities make arrangements that provide for one of those authorities to supply to the other (or others) goods or services to be specified in the arrangements on terms (including terms as to payment) to be so specified;
 - (e) that a local authority and the governing bodies of one or more foundation or voluntary schools make arrangements that provide for the authority to supply to the governing bodies goods or services to be specified in the arrangements, on terms (including terms as to payment) to be so specified.
- (4) Where the Welsh Ministers give a direction under subsection (3)(c) and a direction under subsection (3)(a) or (3)(b), the payments to which subsection (3)(c) refers may include an amount in respect of the costs connected with the establishment, alteration or discontinuance of the school in question.
- (5) A direction under subsection (3)(a) or (3)(b)—
- (a) must require the proposals in question to be published no later than the date specified in the direction, and
 - (b) must require the body making the proposals to send a copy of the published proposals, together with other information (of a kind specified in the direction) in connection with those proposals to the Welsh Ministers.

67 Further provision about proposals made after a direction under section 66

- (1) Proposals made in accordance with a direction under section 66 may not be withdrawn without the consent of the Welsh Ministers.
- (2) The Welsh Ministers may give consent for the purposes of subsection (1) subject to conditions.
- (3) The local authority must reimburse expenditure reasonably incurred by the governing body of a school maintained by it in making proposals in accordance with a direction under section 66.
- (4) Despite anything in Part 1 of Schedule 3 (responsibility for implementation of statutory proposals), the local authority must meet the cost of implementing proposals made by the governing body of a school maintained by the authority in accordance with a direction under section 66 which have been approved or determined to be implemented.

68 Cynigion gan Weinidogion Cymru

- (1) Mae'r adran hon yn gymwys pan fo –
 - (a) Gweinidogion Cymru wedi rhoi cyfarwyddyd o dan adran 66, a
 - (b) naill ai –
 - (i) cynigion wedi eu cyhoeddi'n unol â'r cyfarwyddyd, neu
 - (ii) yr amser a ganiatawyd o dan y cyfarwyddyd ar gyfer cyhoeddi'r cynigion wedi dirwyn i ben.
- (2) Caiff Gweinidogion Cymru wneud unrhyw gynigion y gellid fod wedi eu gwneud yn unol â'r cyfarwyddyd.
- (3) Cyn cyhoeddi cynigion o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori ynglŷn â'r cynigion yn unol â'r cod a ddyroddwyd o dan adran 38(1) ac sydd mewn grym am y tro.
- (4) Rhaid i'r cynigion gael eu cyhoeddi'n unol â'r cod a ddyroddwyd o dan adran 38(1) ac sydd mewn grym am y tro.
- (5) Rhaid i Weinidogion Cymru anfon copi o'r cynigion –
 - (a) at yr awdurdodau lleol y mae'r cynigion yn effeithio ar eu hardaloedd, a
 - (b) at gorff llywodraethu pob ysgol y mae'r cynigion yn ymwneud â hwy.

69 Gwrthwynebiadau

- (1) Caiff unrhyw berson wrthwynebu cynigion a gyhoeddir o dan adran 68.
- (2) Rhaid i wrthwynebiadau gael eu hanfon yn ysgrifenedig at Weinidogion Cymru cyn diwedd 28 o ddiwrnodau gan ddechrau ar y diwrnod y cafodd y cynigion eu cyhoeddi.

70 Mabwysiadu cynigion

- (1) Caiff Gweinidogion Cymru, ar ôl ystyried unrhyw wrthwynebiadau a wnaed yn unol ag adran 69 (ac sydd heb gael eu tynnu'n ôl) –
 - (a) mabwysiadu'r cynigion gydag addasiadau neu hebddynt, neu
 - (b) penderfynu peidio â mabwysiadu'r cynigion.
- (2) Caniateir i fabwysiad cynigion ddatgan mai dim ond os bydd digwyddiad a bennir yn y mabwysiad yn digwydd erbyn dyddiad a bennir felly, y byddai'n dod yn weithredol.
- (3) Mae cynigion sydd wedi eu mabwysiadu gan Weinidogion Cymru yn cael effaith fel petaent wedi eu cymeradwyo gan Weinidogion Cymru o dan adran 50 ar ôl cael eu gwneud –
 - (a) gan yr awdurdod lleol o dan ei bwerau i wneud cynigion i sefydlu, newid neu derfynu ysgolion, neu
 - (b) yn achos cynigion i newid ysgol sefydledig neu wirfoddol, gan y corff llywodraethu o dan ei bwerau i wneud cynigion i newid ei ysgol.
- (4) Er gwaethaf unrhyw beth yn Rhan 1 o Atodlen 3 (cyfrifoldeb dros weithredu cynigion statudol), rhaid i'r awdurdod lleol sy'n cynnal yr ysgol dan sylw gwrdd â'r gost o weithredu cynigion sy'n cael eu mabwysiadu o dan is-adran (1) ac sy'n cael effaith fel a grybwyllwyd yn is-adran (3)(b).

68 Proposals by Welsh Ministers

- (1) This section applies where –
 - (a) the Welsh Ministers have given a direction under section 66, and
 - (b) either –
 - (i) proposals have been published in accordance with the direction, or
 - (ii) the time allowed under the direction for the publication of the proposals has expired.
- (2) The Welsh Ministers may make any proposals that could have been made in accordance with the direction.
- (3) Before publishing proposals under this section, the Welsh Ministers must consult on the proposals in accordance with the code issued under section 38(1) for the time being in force.
- (4) The proposals must be published in accordance with the code issued under section 38(1) for the time being in force.
- (5) The Welsh Ministers must send a copy of the proposals to –
 - (a) local authorities whose areas are affected by the proposals, and
 - (b) the governing body of each school to which the proposals relate.

69 Objections

- (1) Any person may object to proposals published under section 68.
- (2) Objections must be sent in writing to the Welsh Ministers before the end of 28 days beginning with the day on which the proposals were published.

70 Adoption of proposals

- (1) The Welsh Ministers may, after considering any objections made in accordance with section 69 (and not withdrawn) –
 - (a) adopt the proposals with or without modifications, or
 - (b) determine not to adopt the proposals.
- (2) The adoption of proposals may be expressed to take effect only if an event specified in the adoption occurs by a date so specified.
- (3) Proposals adopted by the Welsh Ministers have effect as if they had been approved by the Welsh Ministers under section 50 after having been made –
 - (a) by the local authority under its powers to make proposals to establish, alter or discontinue schools, or
 - (b) in the case of proposals to alter a foundation or voluntary school, by the governing body under its powers to make proposals to alter its school.
- (4) Despite anything in Part 1 of Schedule 3 (responsibility for implementation of statutory proposals), the local authority that maintains the school in question must meet the cost of implementing proposals adopted under subsection (1) which have effect as mentioned in subsection (3)(b).

PENNOD 5

CYNIGION I AILSTRWYTHURO ADDYSG CHWECHED DOSBARTH

Gwneud cynigion a'u penderfynu

71 Pwerau Gweinidogion Cymru i ailstrwythuro addysg chweched dosbarth

- (1) Caiff Gweinidogion Cymru wneud cynigion o dan yr adran hon—
 - (a) i un neu fwy o ysgolion cymunedol neu arbennig cymunedol newydd gael eu sefydlu gan awdurdod lleol i ddarparu addysg uwchradd sy'n addas at anghenion disgyblion chweched dosbarth (ac nid unrhyw addysg uwchradd arall);
 - (b) ar gyfer newid a ddisgrifir ym mharagraff 6 o Atodlen 2 i un neu fwy o ysgolion a gynhelir;
 - (c) i derfynu un neu fwy o ysgolion a gynhelir sy'n darparu addysg uwchradd sy'n addas at anghenion disgyblion chweched dosbarth (ac nid unrhyw addysg uwchradd arall).
- (2) Mae "disgybl chweched dosbarth" yn berson sydd dros oedran ysgol gorfodol ond o dan 19 oed.

72 Ymgynghori, cyhoeddi a gwrthwynebiadau

- (1) Cyn cyhoeddi cynigion a wneir o dan adran 71, rhaid i Weinidogion Cymru ymgynghori ynglŷn â'r cynigion yn unol â'r cod a ddyroddwyd o dan adran 38(1) ac sydd mewn grym am y tro.
- (2) Rhaid i Weinidogion Cymru gyhoeddi cynigion a wneir o dan adran 71 yn unol â'r cod a ddyroddwyd o dan adran 38(1) ac sydd mewn grym am y tro.
- (3) Caiff unrhyw berson wrthwynebu'r cynigion.
- (4) Rhaid i wrthwynebiadau gael eu hanfon yn ysgrifenedig at Weinidogion Cymru cyn diwedd 28 o ddiwrnodau gan ddechrau ar y diwrnod y cyhoeddwyd y cynigion.

73 Penderfyniad gan Weinidogion Cymru

- (1) Ar ôl diwedd yr 28 o ddiwrnodau y cyfeiriwyd atynt yn adran 72(4), rhaid i Weinidogion Cymru benderfynu a ddylid—
 - (a) mabwysiadu'r cynigion, gydag addasiadau neu hebddynt, neu
 - (b) tynnu'r cynigion yn eu hôl.
- (2) Wrth wneud penderfyniad o dan is-adran (1), rhaid i Weinidogion Cymru roi sylw i unrhyw wrthwynebiadau a wnaed yn unol ag adran 72(4) ac sydd heb gael eu tynnu'n ôl.
- (3) Cyn mabwysiadu cynigion yn ddarostyngedig i addasiadau, rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau y maent yn credu eu bod yn briodol.
- (4) Caniateir i fabwysiad cynigion ddatgan mai dim ond os bydd digwyddiad a bennir yn y mabwysiad yn digwydd erbyn dyddiad a bennir felly, y byddai'n dod yn weithredol.
- (5) Os na fydd y digwyddiad yn digwydd erbyn y dyddiad penodedig rhaid i Weinidogion Cymru ailystyried eu penderfyniad o dan is-adran (1).

CHAPTER 5

PROPOSALS FOR RESTRUCTURING SIXTH FORM EDUCATION

Making and determining proposals

71 Welsh Ministers' powers to restructure sixth form education

- (1) The Welsh Ministers may make proposals under this section for –
 - (a) the establishment by a local authority of one or more new community or community special schools to provide secondary education suitable to the requirements of sixth formers (and no other secondary education);
 - (b) an alteration described in paragraph 6 of Schedule 2 to one or more maintained schools;
 - (c) the discontinuance of one or more maintained schools which provide secondary education suitable to the requirements of sixth formers (and no other secondary education).
- (2) A “sixth former” is a person who is above compulsory school age but below the age of 19.

72 Consultation, publication and objections

- (1) Before publishing proposals made under section 71, the Welsh Ministers must consult on the proposals in accordance with the code issued under section 38(1) for the time being in force.
- (2) The Welsh Ministers must publish proposals made under section 71 in accordance with the code issued under section 38(1) for the time being in force.
- (3) Any person may object to the proposals.
- (4) Objections must be sent in writing to the Welsh Ministers before the end of 28 days beginning with the day on which the proposals were published.

73 Determination by Welsh Ministers

- (1) After the end of the 28 days referred to in section 72(4), the Welsh Ministers must determine whether to –
 - (a) adopt the proposals, with or without modifications, or
 - (b) withdraw the proposals.
- (2) In making a determination under subsection (1), the Welsh Ministers must have regard to any objections made in accordance with section 72(4) and not withdrawn.
- (3) Before adopting proposals subject to modifications, the Welsh Ministers must consult such persons as they consider appropriate.
- (4) The adoption of proposals may be expressed to take effect only if an event specified in the adoption occurs by a date so specified.
- (5) If the event does not occur by the specified date the Welsh Ministers must reconsider their determination under subsection (1).

- (6) Caiff Gweinidogion Cymru dynnu eu cynigion yn ôl ar unrhyw bryd cyn iddynt wneud penderfyniad o dan is-adran (1).

Gweithredu cynigion ar gyfer ailstrwythuro addysg chweched dosbarth

74 Y ffurf weithredu

- (1) Mae'r adran hon yn gymwys i gynigion sydd wedi eu mabwysiadu gan Weinidogion Cymru o dan adran 73.
- (2) Rhaid i'r cynigion (yn ddarostyngedig i ddarpariaethau canlynol yr adran hon) gael eu gweithredu ar y ffurf y cawsant eu mabwysiadu.
- (3) Ar gais corff penodedig, caiff Gweinidogion Cymru –
- addasu cynigion sydd wedi eu mabwysiadu o dan adran 73 ar ôl ymgynghori â'r cyrff penodedig, a
 - pan fo wedi ei datgan bod mabwysiad y cynigion yn dod yn weithredol yn ddarostyngedig i ddigwyddiad penodedig, bennu dyddiad diweddarach erbyn pryd y bydd yn rhaid i'r digwyddiad hwnnw ddigwydd.
- (4) Caiff Gweinidogion Cymru benderfynu nad yw is-adran (2) yn gymwys i'r cynigion os ydynt wedi eu bodloni, ar ôl ymgynghori â'r cyrff penodedig –
- y byddai gweithredu'r cynigion yn afresymol o anodd, neu
 - bod yr amgylchiadau wedi newid cymaint ers i'r cynigion gael eu mabwysiadu y byddai'n amhriodol gweithredu'r cynigion.
- (5) "Corff penodedig" yw pob un o'r canlynol at ddibenion is-adrannau (3) a (4) –
- corff llywodraethu'r ysgol y mae'r cynigion yn ymwneud â hi;
 - yn achos cynnig i sefydlu ysgol newydd, y corff llywodraethu dros dro a gyfansoddwyd yn unol â threfniadau a wnaed o dan adran 34 o Ddeddf Addysg 2002;
 - yr awdurdod lleol sy'n cynnal, neu y cynigir y bydd yn cynnal, yr ysgol y mae'r cynigion yn ymwneud â hi;
 - pan fo'r ysgol y mae'r cynigion yn ymwneud â hi yn ysgol arbennig gymunedol, pob awdurdod lleol sy'n cynnal datganiad o anghenion addysgol arbennig o dan Ran 4 o Ddeddf Addysg 1996 mewn cysylltiad â disgybl cofrestredig yn yr ysgol.

75 Y cyfrifoldeb dros weithredu

- (1) Rhaid i gynigion i sefydlu ysgol gael eu gweithredu gan yr awdurdod lleol y cynigir y bydd yn cynnal yr ysgol.
- (2) Rhaid i gynigion i wneud newid a ddisgrifir ym mharagraff 6 o Atodlen 2 gael eu gweithredu –
- yn achos cynigion sy'n ymwneud ag ysgol gymunedol, gan yr awdurdod lleol sy'n cynnal yr ysgol;
 - yn achos cynigion sy'n ymwneud ag ysgol wirfoddol a gynorthwyr –
 - i'r graddau y maent yn ymwneud â darparu unrhyw fangre berthnasol, gan yr awdurdod lleol sy'n cynnal yr ysgol, a

- (6) The Welsh Ministers may withdraw their proposals at any time before they make a determination under subsection (1).

Implementation of proposals for restructuring sixth form education

74 Form of implementation

- (1) This section applies to proposals which have been adopted by the Welsh Ministers under section 73.
- (2) The proposals must (subject to the following provisions of this section) be implemented in the form in which they were adopted.
- (3) At the request of a specified body, the Welsh Ministers –
 - (a) may modify proposals adopted under section 73 after consulting the specified bodies, and
 - (b) where the adoption of proposals was expressed to take effect subject to the occurrence of a specified event, may specify a later date by which that event must occur.
- (4) The Welsh Ministers may determine that subsection (2) does not apply to the proposals if they are satisfied, after consulting the specified bodies –
 - (a) that implementation of the proposals would be unreasonably difficult, or
 - (b) that circumstances have so altered since the proposals were adopted that implementation of the proposals would be inappropriate.
- (5) Each of the following is a “specified body” for the purposes of subsections (3) and (4) –
 - (a) the governing body of the school to which the proposals relate;
 - (b) in the case of a proposal to establish a new school, the temporary governing body constituted in accordance with arrangements made under section 34 of the Education Act 2002;
 - (c) the local authority that maintains, or that it is proposed will maintain, the school to which the proposals relate;
 - (d) where the school to which the proposals relate is a community special school each local authority which maintains a statement of special educational needs under Part 4 of the Education Act 1996 in respect of a registered pupil at the school.

75 Responsibility for implementation

- (1) Proposals to establish a school must be implemented by the local authority that it is proposed will maintain the school.
- (2) Proposals to make an alteration described in paragraph 6 of Schedule 2 must be implemented –
 - (a) in the case of proposals relating to a community school, by the local authority that maintains the school;
 - (b) in the case of proposals relating to a voluntary aided school –
 - (i) so far as relating to the provision of any relevant premises, by the local authority that maintains the school, and

- (ii) fel arall, gan yr awdurdod lleol sy'n cynnal yr ysgol a chorff llywodraethu'r ysgol i'r graddau (os o gwbl) y mae'r cynigion yn darparu bod pob un ohonynt yn gwneud hynny;
 - (c) yn achos cynigion sy'n ymwneud ag unrhyw ysgol arall, gan yr awdurdod lleol sy'n cynnal yr ysgol a chorff llywodraethu'r ysgol i'r graddau (os o gwbl) y mae'r cynigion yn darparu bod pob un ohonynt yn gwneud hynny.
- (3) Yn is-adran (2) ystyr "mangre berthnasol" yw –
- (a) caeau chwarae, neu
 - (b) adeiladau sydd i ffurfio rhan o fangre'r ysgol ond nad ydynt i fod yn adeiladau'r ysgol.
- (4) Rhaid i gynigion i derfynu ysgol gael eu gweithredu –
- (a) yn achos cynigion sy'n ymwneud ag ysgol gymunedol neu ysgol arbennig gymunedol, gan yr awdurdod lleol sy'n cynnal yr ysgol, a
 - (b) mewn unrhyw achos arall, gan yr awdurdod lleol sy'n cynnal yr ysgol a chorff llywodraethu'r ysgol.
- (5) Os bydd ysgol yn newid categori o fod yn ysgol gymunedol ar ôl i gynigion gael eu cyhoeddi o dan adran 72 ond cyn iddynt gael eu gweithredu, rhaid i'r cynigion (i'r graddau nad ydynt wedi eu gweithredu) gael eu gweithredu gan yr awdurdod lleol sy'n cynnal yr ysgol (er gwaethaf is-adrannau (2) a (4)).

76 Darpariaeth bellach o ran gweithredu

- (1) Pan fo'n ofynnol i awdurdod lleol yn rhinwedd adran 75 ddarparu safle ar gyfer ysgol sefydledig neu ysgol wirfoddol a reolir, mae paragraff 7 o Atodlen 3 (darparu safle ac adeiladau i ysgol sefydledig neu ysgol wirfoddol a reolir) yn gymwys fel y bo'n gymwys yn yr amgylchiadau a grybwyllir yn is-baragraff (1) o'r paragraff hwnnw.
- (2) Mae paragraff 8 o Atodlen 3 (grantiau mewn cysylltiad â gwariant penodol ynghylch ysgol wirfoddol a gynorthwyir) yn gymwys mewn perthynas â'r rhwymedigaeth o dan adran 75(2)(b)(ii) fel y bo'n gymwys mewn perthynas â'r rhwymedigaethau y cyfeirir atynt ym mharagraff 8(1)(a) o'r Atodlen honno.
- (3) Mae paragraff 9 o Atodlen 3 (cymorth gan awdurdod lleol mewn cysylltiad ag ysgol wirfoddol a gynorthwyir) yn gymwys mewn perthynas â rhwymedigaethau a osodir ar gorff llywodraethu ysgol wirfoddol a gynorthwyir o dan adran 75(2)(b)(ii) fel y bo'n gymwys mewn perthynas â'r rhwymedigaethau y cyfeirir atynt yn y paragraff 9 hwnnw, ac mae paragraff 11 o'r Atodlen honno (dyletswydd ar awdurdod lleol i drosglwyddo buddiant mewn mangre a ddarperir o dan baragraff 9 neu 10) yn gymwys yn unol â hynny.

Darpariaethau atodol

77 Diwygiadau canlyniadol i adroddiadau arolygu ar addysg chweched dosbarth

Ar ôl adran 44 o Ddeddf Addysg 2005 mewnosoder –

- (ii) otherwise, by the local authority that maintains the school and the governing body of the school to the extent (if any) as the proposals provide for each of them to do so;
 - (c) in the case of proposals relating to any other school, by the local authority that maintains the school and the governing body of the school to the extent (if any) as the proposals provide for each of them to do so.
- (3) In subsection (2) “relevant premises” means –
 - (a) playing fields, or
 - (b) buildings which are to form part of the school premises but are not to be school buildings.
- (4) Proposals to discontinue a school must be implemented –
 - (a) in the case of proposals relating to a community or community special school, by the local authority that maintains the school, and
 - (b) in any other case, by the local authority that maintains the school and the governing body of the school.
- (5) If a school changes category from a community school after proposals have been published under section 72 but before they have been implemented, the proposals (to the extent that they have not been implemented) must be implemented by the local authority that maintains the school (despite subsections (2) and (4)).

76 Further provision as to implementation

- (1) Where a local authority is required by virtue of section 75 to provide a site for a foundation or voluntary controlled school, paragraph 7 of Schedule 3 (provision of site and buildings for foundation or voluntary controlled school) applies as it applies in the circumstances mentioned in sub-paragraph (1) of that paragraph.
- (2) Paragraph 8 of Schedule 3 (grants in respect of certain expenditure relating to voluntary aided schools) applies in relation to the obligation under section 75(2)(b)(ii) as it applies in relation to the obligations referred to in paragraph 8(1)(a) of that Schedule.
- (3) Paragraph 9 of Schedule 3 (assistance from local authority in respect of voluntary aided schools) applies in relation to obligations imposed on the governing body of a voluntary aided school under section 75(2)(b)(ii) as it applies in relation to the obligations referred to in that paragraph 9, and paragraph 11 of that Schedule (duty on local authority to transfer interest in premises provided under paragraph 9 or 10) applies accordingly.

Supplementary

77 Consequential amendments to inspection reports on sixth form education

After section 44 of the Education Act 2005 insert –

“Sixth forms requiring significant improvement in Wales

44A Schools with sixth forms

- (1) Sections 44B to 44D apply to a maintained school in Wales which—
 - (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
 - (b) provides full-time education suitable to the requirements of pupils of compulsory school age.
- (2) For the purposes of those sections a school requires significant improvement in relation to its sixth form if—
 - (a) the school is failing to give its pupils over compulsory school age an acceptable standard of education, or
 - (b) in relation to its provision for pupils over compulsory school age, the school is performing significantly less well than it might in all the circumstances reasonably be expected to perform.

44B Inspection reports on schools with sixth forms requiring significant improvement

- (1) Where a person inspecting a school under Chapter 3 is of the opinion that the school requires significant improvement in relation to its sixth form, the provisions specified in subsection (2) apply (with the necessary modifications) as they apply where the person is of the opinion that special measures are required to be taken in relation to the school.
- (2) Those provisions are section 34(1) to (6) (registered inspectors) or, as the case requires, section 35(1) of that Act (members of the Inspectorate).

44C Report after area inspection on schools with sixth forms requiring significant improvement

- (1) This section applies if in the course of an area inspection under section 83 of the Learning and Skills Act 2000 the Chief Inspector forms the opinion that a school requires significant improvement in relation to its sixth form.
- (2) The Chief Inspector must make a report about the school stating that opinion.
- (3) The report is to be treated for the purposes of this Part as if it were a report of an inspection of the school under section 28.

44D Copies of report and action plan

- (1) This section applies to a report of an inspection under Chapter 3 which—

*“Sixth forms requiring significant improvement in Wales***44A Schools with sixth forms**

- (1) Sections 44B to 44D apply to a maintained school in Wales which—
 - (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
 - (b) provides full-time education suitable to the requirements of pupils of compulsory school age.
- (2) For the purposes of those sections a school requires significant improvement in relation to its sixth form if—
 - (a) the school is failing to give its pupils over compulsory school age an acceptable standard of education, or
 - (b) in relation to its provision for pupils over compulsory school age, the school is performing significantly less well than it might in all the circumstances reasonably be expected to perform.

44B Inspection reports on schools with sixth forms requiring significant improvement

- (1) Where a person inspecting a school under Chapter 3 is of the opinion that the school requires significant improvement in relation to its sixth form, the provisions specified in subsection (2) apply (with the necessary modifications) as they apply where the person is of the opinion that special measures are required to be taken in relation to the school.
- (2) Those provisions are section 34(1) to (6) (registered inspectors) or, as the case requires, section 35(1) of that Act (members of the Inspectorate).

44C Report after area inspection on schools with sixth forms requiring significant improvement

- (1) This section applies if in the course of an area inspection under section 83 of the Learning and Skills Act 2000 the Chief Inspector forms the opinion that a school requires significant improvement in relation to its sixth form.
- (2) The Chief Inspector must make a report about the school stating that opinion.
- (3) The report is to be treated for the purposes of this Part as if it were a report of an inspection of the school under section 28.

44D Copies of report and action plan

- (1) This section applies to a report of an inspection under Chapter 3 which—

- (a) states an opinion that a school requires significant improvement in relation to its sixth form, and
 - (b) is made by a member of the Inspectorate or states that the Chief Inspector agrees with the opinion.
- (2) The person making the report must send a copy (together with a copy of the summary, if there is one) –
- (a) to the Welsh Ministers, and
 - (b) if the person making the report is a member of the Inspectorate, to the appropriate authority for the school.
- (3) The following provisions apply (with the necessary modifications) in relation to a report to which this paragraph applies –
- (a) section 38(2) (additional copies),
 - (b) section 38(4) (publication by appropriate authority),
 - (c) section 39 (action plan by appropriate authority), and
 - (d) where the local authority receives a copy of a report about a school the governing body of which have a delegated budget, section 40(2) and (3) (measures by local authority).
- (4) In the application of those provisions –
- (a) a reference to a report and summary is to be taken as a reference to a report and, if there is one, its summary, and
 - (b) a reference to a summary alone is to be taken, in a case where there is no summary, as a reference to the report.

44E Report on sixth form schools causing concern after area inspection

- (1) This section applies if in the course of an area inspection under section 83 of the Learning and Skills Act 2000 the Chief Inspector forms the opinion that –
- (a) special measures are required to be taken in relation to a sixth form school, or
 - (b) that a sixth form school requires significant improvement.
- (2) The Chief Inspector must make a report about the school stating that opinion.
- (3) The report is to be treated for the purpose of this Part as if it were a report of an inspection of the school under section 28.
- (4) A “sixth form school” is a maintained school which –
- (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
 - (b) does not provide full-time education suitable to the requirements of pupils of compulsory school age.

- (a) states an opinion that a school requires significant improvement in relation to its sixth form, and
 - (b) is made by a member of the Inspectorate or states that the Chief Inspector agrees with the opinion.
- (2) The person making the report must send a copy (together with a copy of the summary, if there is one) –
- (a) to the Welsh Ministers, and
 - (b) if the person making the report is a member of the Inspectorate, to the appropriate authority for the school.
- (3) The following provisions apply (with the necessary modifications) in relation to a report to which this paragraph applies –
- (a) section 38(2) (additional copies),
 - (b) section 38(4) (publication by appropriate authority),
 - (c) section 39 (action plan by appropriate authority), and
 - (d) where the local authority receives a copy of a report about a school the governing body of which have a delegated budget, section 40(2) and (3) (measures by local authority).
- (4) In the application of those provisions –
- (a) a reference to a report and summary is to be taken as a reference to a report and, if there is one, its summary, and
 - (b) a reference to a summary alone is to be taken, in a case where there is no summary, as a reference to the report.

44E Report on sixth form schools causing concern after area inspection

- (1) This section applies if in the course of an area inspection under section 83 of the Learning and Skills Act 2000 the Chief Inspector forms the opinion that –
- (a) special measures are required to be taken in relation to a sixth form school, or
 - (b) that a sixth form school requires significant improvement.
- (2) The Chief Inspector must make a report about the school stating that opinion.
- (3) The report is to be treated for the purpose of this Part as if it were a report of an inspection of the school under section 28.
- (4) A “sixth form school” is a maintained school which –
- (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
 - (b) does not provide full-time education suitable to the requirements of pupils of compulsory school age.

44F Interpretation of sections 44A to 44E

In sections 44A to 44E –

“the appropriate authority”, in relation to a maintained school, means the school’s governing body or, if the school does not have a delegated budget, the local authority;

“the Chief Inspector” means Her Majesty’s Chief Inspector of Education and Training in Wales;

“maintained school” means a community, foundation or voluntary school or a community special school;

“member of the Inspectorate” means the Chief Inspector, any of Her Majesty’s Inspectors of Education and Training in Wales and any additional inspector appointed under paragraph 2 of Schedule 2.”

PENNOD 6

DARPARIAETHAU AMRYWIOL AC ATODOL

78 Ysgolion ffederal

Caiff cynigion a wneir o dan y Rhan hon i sefydlu ysgol newydd fod yn gysylltiedig â sefydlu’r ysgol fel ysgol ffederal (o fewn yr ystyr a roddir gan adran 21(1) o the Fesur Addysg (Cymru) 2011).

79 Gwaharddiad ar awdurdodau lleol rhag sefydlu ysgolion yn Lloegr

Ni chaniateir i unrhyw gynigion gael eu gwneud ar gyfer sefydlu ysgol yn Lloegr y cynigir ei bod yn cael ei chynnal gan awdurdod lleol yng Nghymru.

80 Hysbysiad gan gorff llywodraethu am derfynu ysgol sefydledig neu ysgol wirfoddol

- (1) Caiff corff llywodraethu ysgol sefydledig neu ysgol wirfoddol derfynu’r ysgol drwy gyflwyno i Weinidogion Cymru a’r awdurdod lleol sy’n cynnal yr ysgol hysbysiad sy’n rhoi dwy flynedd o rybudd o’i fwriad i wneud hynny.
- (2) Mae’n ofynnol cael cydsyniad Gweinidogion Cymru cyn cyflwyno hysbysiad o dan yr adran hon os aed i wariant ar fangre’r ysgol (ac eithrio mewn cysylltiad ag atgyweiriadau) –
 - (a) gan Weinidogion Cymru, neu
 - (b) gan unrhyw awdurdod lleol.
- (3) Rhaid i’r corff llywodraethu ymgynghori â Gweinidogion Cymru cyn cyflwyno hysbysiad o dan yr adran hon os byddai terfynu’r ysgol yn effeithio ar y cyfleusterau ar gyfer addysg lawnamser sy’n addas at anghenion personau dros oedran ysgol gorfodol nad ydynt wedi cyrraedd 19 oed.
- (4) Os yw’r corff llywodraethu, tra bo hysbysiad o dan yr adran hon mewn grym, yn hysbysu’r awdurdod lleol ei fod yn anabl neu’n anfodlon rhedeg yr ysgol hyd nes y bydd yr hysbysiad yn dirwyn i ben, mae’r awdurdod –

44F Interpretation of sections 44A to 44E

In sections 44A to 44E—

“the appropriate authority”, in relation to a maintained school, means the school’s governing body or, if the school does not have a delegated budget, the local authority;

“the Chief Inspector” means Her Majesty’s Chief Inspector of Education and Training in Wales;

“maintained school” means a community, foundation or voluntary school or a community special school;

“member of the Inspectorate” means the Chief Inspector, any of Her Majesty’s Inspectors of Education and Training in Wales and any additional inspector appointed under paragraph 2 of Schedule 2.”

CHAPTER 6

MISCELLANEOUS AND SUPPLEMENTAL

78 Federated schools

Proposals made under this Part to establish a new school may relate to the establishment of the school as a federated school (within the meaning given by section 21(1) of the Education (Wales) Measure 2011).

79 Prohibition on local authorities establishing schools in England

No proposals may be made for the establishment of a school in England which is proposed to be maintained by a local authority in Wales.

80 Notice by governing body to discontinue foundation or voluntary school

- (1) The governing body of a foundation or voluntary school may discontinue the school by giving the Welsh Ministers and the local authority that maintains the school two years’ notice of its intention to do so.
- (2) The Welsh Ministers’ consent is required before giving a notice under this section if expenditure has been incurred on the school premises (otherwise than in connection with repairs)—
 - (a) by the Welsh Ministers, or
 - (b) by any local authority.
- (3) The governing body must consult the Welsh Ministers before giving a notice under this section if discontinuing the school would affect the facilities for full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of 19.
- (4) If, while a notice under this section is in force, the governing body informs the local authority that it is unable or unwilling to carry on the school until the notice expires, the authority—

- (a) yn cael rhedeg yr ysgol am y cyfan neu ran o gyfnod yr hysbysiad nad yw wedi dirwyn i ben fel petai'n ysgol gymunedol, a
 - (b) yn meddu ar hawl i ddefnyddio mangre'r ysgol yn ddi-dâl at y diben hwnnw.
- (5) Tra bo'r ysgol yn cael ei rhedeg felly –
- (a) rhaid i'r awdurdod gadw mangre'r ysgol mewn cyflwr da, a
 - (b) mae unrhyw fuddiant yn y fangre a ddeler at ddibenion yr ysgol i'w drin, at bob diben sy'n ymwneud â chyflwr y fangre, ei meddiannu neu ei defnyddio, neu wneud newidiadau iddi, fel buddiant sydd wedi ei freinio yn yr awdurdod.
- (6) Er gwaethaf is-adran (5) caiff y corff llywodraethu ddefnyddio'r fangre, neu unrhyw ran ohoni, pan nad oes ei hangen at ddibenion yr ysgol i'r un graddau â phetai wedi parhau i redeg yr ysgol yn ystod cyfnod yr hysbysiad nad oedd wedi dirwyn i ben.
- (7) Ni chaniateir i hysbysiad o dan is-adran (1) gael ei dynnu'n ôl heb gydsyniad yr awdurdod lleol.
- (8) Os yw ysgol sefydledig neu ysgol wirfoddol wedi ei therfynu o dan yr adran hon, mae dyletswydd yr awdurdod lleol i gynnal yr ysgol fel ysgol sefydledig neu ysgol wirfoddol yn peidio.
- (9) Nid oes dim yn adran 43 yn gymwys mewn perthynas â therfynu ysgol sefydledig neu ysgol wirfoddol o dan yr adran hon.
- (10) Mae is-adran (11) yn gymwys –
- (a) pan fo tir sydd wedi ei feddiannu gan yr ysgol yn cael ei ddal gan unrhyw ymddiriedolwyr at ddibenion yr ysgol,
 - (b) pan fo'r ymddiriedolwyr (a hwythau â'r hawl i wneud hynny) yn bwriadu rhoi hysbysiad i gorff llywodraethu'r ysgol i derfynu meddiannaeth yr ysgol ar y tir hwnnw, ac
 - (c) pan fyddai terfynu meddiannaeth yr ysgol ar y tir hwnnw yn arwain at y canlyniad nad oedd yn rhesymol ymarferol i'r ysgol barhau i gael ei rhedeg ar ei safle presennol.
- (11) Rhaid i'r hysbysiad y mae'r ymddiriedolwyr yn ei roi i'r corff llywodraethu i derfynu meddiannaeth yr ysgol ar y tir gael ei roi o leiaf ddwy flynedd ymlaen llaw; ond os, yn ystod y ddeuddeng mis cyntaf o gyfnod yr hysbysiad hwnnw, yw'r corff llywodraethu yn rhoi hysbysiad o dan is-adran (1), nid yw hysbysiad yr ymddiriedolwyr yn cael yr effaith o derfynu meddiannaeth yr ysgol ar y tir hyd nes i hysbysiad y corff llywodraethu ddod i ben.
- (12) Rhaid i gopi o hysbysiad yr ymddiriedolwyr hefyd gael ei roi i Weinidogion Cymru a'r awdurdod lleol adeg rhoi'r hysbysiad i'r corff llywodraethu.
- (13) Pan fo ymddiriedolwyr yn rhoi, yr un (neu i raddau helaeth yr un) pryd, hysbysiadau sy'n honni terfynu meddiannaeth ysgol sefydledig neu ysgol wirfoddol ar ddau neu fwy o ddarnau o dir sy'n cael eu dal gan yr ymddiriedolwyr at ddibenion yr ysgol, yna er mwyn penderfynu a yw is-adran (10)(c) yn gymwys mewn perthynas ag unrhyw un neu rai o'r darnau hynny o dir, caniateir i ystyriaeth gael ei rhoi i effaith gyfun terfynu meddiannaeth yr ysgol ar y ddau neu'r cyfan ohonynt.

- (a) may conduct the school for all or part of the unexpired period of the notice as if it were a community school, and
 - (b) is entitled to use the school premises free of charge for that purpose.
- (5) While the school is being so conducted –
- (a) the authority must keep the school premises in good repair, and
 - (b) any interest in the premises which is held for the purposes of the school is to be treated, for all purposes relating to the condition, occupation or use of the premises, or the making of alterations to them, as vested in the authority.
- (6) Despite subsection (5) the governing body may use the premises, or any part of them, when not required for the purposes of the school to the same extent as if it had continued to carry on the school during the unexpired period of the notice.
- (7) A notice under subsection (1) may not be withdrawn without the consent of the local authority.
- (8) If a foundation or voluntary school is discontinued under this section, the duty of the local authority to maintain the school as a foundation or voluntary school ceases.
- (9) Nothing in section 43 applies in relation to the discontinuance of a foundation or voluntary school under this section.
- (10) Subsection (11) applies where –
- (a) land occupied by the school is held by any trustees for the purposes of the school,
 - (b) the trustees (being entitled to do so) intend to give notice to the governing body of the school to terminate the school's occupation of that land, and
 - (c) the termination of the school's occupation of that land would have the result that it was not reasonably practicable for the school to continue to be conducted at its existing site.
- (11) The notice given by the trustees to the governing body to terminate the school's occupation of the land must be at least two years; but if, during the first twelve months of that notice period, the governing body gives notice under subsection (1), the trustees' notice does not have the effect of terminating the school's occupation of the land until the expiry of the governing body's notice.
- (12) A copy of the trustees' notice must also be given to the Welsh Ministers and the local authority at the time when the notice is given to the governing body.
- (13) Where trustees give, at the same (or substantially the same) time, notices purporting to terminate a foundation or voluntary school's occupation of two or more pieces of land held by the trustees for the purposes of the school, then for the purpose of determining whether subsection (10)(c) applies in relation to any of those pieces of land, regard may be had to the combined effect of terminating the school's occupation of both or all of them.

- (14) Os bydd cwestiwn yn codi ynghylch a fyddai terfynu meddiannaeth ysgol ar unrhyw dir yn arwain at y canlyniad a grybwyllwyd yn is-adran (10)(c) (gan gynnwys cwestiwn ynghylch a yw is-adran (13) yn gymwys mewn unrhyw amgylchiadau penodol), mae i'w benderfynu gan Weinidogion Cymru.

81 Cyfarwyddyd sy'n ei gwneud yn ofynnol bod ysgol arbennig gymunedol yn cael ei therfynu

- (1) Caiff Gweinidogion Cymru gyfarwyddo awdurdod lleol i derfynu ysgol arbennig gymunedol a gynhelir ganddo ar ddiwrnod penodedig, os ydynt yn credu ei bod yn hwylus gwneud hynny er iechyd, diogelwch neu les disgyblion yn yr ysgol.
- (2) Caiff cyfarwyddyd o dan is-adran (1) ei gwneud yn ofynnol i'r awdurdod lleol hysbysu personau penodedig neu ddsbarth penodedig ar bersonau.
- (3) Cyn rhoi cyfarwyddyd o dan is-adran (1), rhaid i Weinidogion Cymru ymgynghori â'r canlynol—
 - (a) yr awdurdod lleol,
 - (b) unrhyw awdurdod lleol arall y byddai terfynu'r ysgol yn effeithio arno yn eu barn hwy, ac
 - (c) unrhyw bersonau eraill sy'n briodol ym marn Gweinidogion Cymru.
- (4) Wrth roi cyfarwyddyd o dan is-adran (1), rhaid i Weinidogion Cymru roi hysbysiad ysgrifenedig am y cyfarwyddyd i gorff llywodraethu'r ysgol a'i phennaeth.
- (5) Rhaid i awdurdod lleol y rhoddir cyfarwyddyd iddo o dan is-adran (1) derfynu'r ysgol o dan sylw ar y dyddiad a bennir yn y cyfarwyddyd.
- (6) Nid oes dim yn adran 44 sy'n gymwys i derfynu ysgol o dan yr adran hon.

82 Gorchmynion esemptio trosiannol at ddibenion Deddf Cydraddoldeb 2010

- (1) Mae'r adran hon yn gymwys i gynigion bod ysgol yn peidio â bod yn ysgol un rhyw.
- (2) Mae gwneud cynigion o'r fath o dan adran 59, 68 neu 71 i'w drin fel cais gan y corff sy'n gyfrifol i Weinidogion Cymru am orchymyn esemptio trosiannol o dan Ddeddf 2010, a chaiff Gweinidogion Cymru wneud gorchymyn o'r fath yn unol â hynny.
- (3) Yn yr adran hon—

mae i "y corff sy'n gyfrifol" yr un ystyr â ("*the responsible body*") yn adran 85 o Ddeddf 2010;

ystyr "Deddf 2010" ("*the 2010 Act*") yw Deddf Cydraddoldeb 2010;

mae i "gorchymyn esemptio trosiannol" yr un ystyr â ("*transitional exemption order*") ym mharagraff 3 o Atodlen 11 i Ddeddf 2010;

mae "gwneud" ("*make*"), mewn perthynas â gorchymyn esemptio trosiannol, yn cynnwys amrywio neu ddirymu;

mae i "ysgol un rhyw" yr un ystyr â ("*single-sex school*") ym mharagraff 1 o Atodlen 11 i Ddeddf 2010.

83 Dehongli Rhan 3

- (1) Yn y Rhan hon—

- (14) If a question arises as to whether the termination of a school's occupation of any land would have the result mentioned in subsection (10)(c) (including a question as to whether subsection (13) applies in any particular circumstances), it is to be determined by the Welsh Ministers.

81 Direction requiring discontinuance of community special school

- (1) The Welsh Ministers may direct a local authority to discontinue a community special school maintained by it on a specified date, if they consider it expedient to do so in the interests of the health, safety or welfare of pupils at the school.
- (2) A direction under subsection (1) may require the local authority to notify specified persons or a specified class of persons.
- (3) Before giving a direction under subsection (1), the Welsh Ministers must consult –
 - (a) the local authority,
 - (b) any other local authority that would in their opinion be affected by the discontinuance of the school, and
 - (c) any other persons the Welsh Ministers consider appropriate.
- (4) On giving a direction under subsection (1), the Welsh Ministers must give notice in writing of the direction to the governing body of the school and its head teacher.
- (5) A local authority to which a direction is given under subsection (1) must discontinue the school in question on the date specified in the direction.
- (6) Nothing in section 44 applies to the discontinuance of a school under this section.

82 Transitional exemption orders for purposes of Equality Act 2010

- (1) This section applies to proposals for a school to cease to be a single-sex school.
- (2) The making of such proposals under section 59, 68 or 71 is to be treated as an application by the responsible body to the Welsh Ministers for a transitional exemption order under the 2010 Act, and the Welsh Ministers may make such an order accordingly.
- (3) In this section –
 - “the 2010 Act” (*“Deddf 2010”*) means the Equality Act 2010;
 - “make” (*“gwneud”*), in relation to a transitional exemption order, includes vary or revoke;
 - “the responsible body” (*“y corff sy'n gyfrifol”*) has the same meaning as in section 85 of the 2010 Act;
 - “single-sex school” (*“ysgol un rhyw”*) has the same meaning as in paragraph 1 of Schedule 11 to the 2010 Act;
 - “transitional exemption order” (*“gorchymyn esemptio trosiannol”*) has the same meaning as in paragraph 3 of Schedule 11 to the 2010 Act.

83 Interpretation of Part 3

- (1) In this Part –

ystyr “pwerau i wneud cynigion i sefydlu, newid neu derfynu ysgolion” (“*powers to make proposals to establish, alter or discontinue schools*”) yw’r cyfan neu unrhyw rai o bwerau awdurdod lleol i wneud cynigion o dan adran 41, 42, 43 neu 44;

ystyr “pwerau i wneud cynigion i newid ei ysgol” (“*powers to make proposals to alter its school*”), mewn perthynas â chorff llywodraethu ysgol sefydledig neu wirfoddol, yw ei bwerau i wneud cynigion o dan adran 42(2).

- (2) Mae cyfeiriad yn y Rhan hon atategori ysgol yn golygu un o’r categorïau a nodir yn adran 20(1) o Ddeddf Safonau a Fframwaith Ysgolion 1998 (ac mae cyfeiriadau at newid categori i’w darllen yn unol â hynny).
- (3) Mae cyfeiriad yn y Rhan hon at derfynu ysgol a gynhelir yn gyfeiriad at yr awdurdod lleol yn peidio â’i chynnal.

RHAN 4

CYNLLUNIAU STRATEGOL CYMRAEG MEWN ADDYSG

84 Llunio cynlluniau strategol Cymraeg mewn addysg

- (1) Cynllun yw cynllun strategol Cymraeg mewn addysg sy’n cynnwys—
 - (a) cynigion awdurdod lleol ynghylch sut y bydd yn cyflawni ei swyddogaethau addysg er mwyn—
 - (i) gwella’r broses o gynllunio’r modd y mae addysg drwy gyfrwng y Gymraeg (“addysg cyfrwng Cymraeg”) yn cael ei darparu yn ei ardal;
 - (ii) gwella safonau addysg cyfrwng Cymraeg a safonau addysgu Cymraeg yn ei ardal;
 - (b) targedau’r awdurdod lleol ar gyfer gwella’r broses o gynllunio’r modd y mae addysg cyfrwng Cymraeg yn cael ei darparu yn ei ardal ac ar gyfer gwella safonau’r addysg honno ac addysgu Cymraeg yn ei ardal;
 - (c) adroddiad ar y cynnydd a wnaed i fodloni’r targedau a gynhwyswyd yn y cynllun blaenorol neu’r cynllun diwygiedig blaenorol.
- (2) Rhaid i awdurdod lleol lunio cynllun strategol Cymraeg mewn addysg ar gyfer ei ardal.
- (3) Rhaid i awdurdod lleol gadw golwg ar ei gynllun, ac os yw’n angenrheidiol, ei ddiwygio.
- (4) Wrth lunio cynllun strategol Cymraeg mewn addysg neu gynllun diwygiedig, rhaid i awdurdod lleol ymgynghori â’r canlynol—
 - (a) ei awdurdodau lleol cyfagos;
 - (b) pennaeth pob ysgol a gynhelir ganddo;
 - (c) corff llywodraethu pob ysgol a gynhelir ganddo;
 - (d) pob sefydliad o fewn y sector addysg bellach yn ei ardal;
 - (e) mewn perthynas ag unrhyw ysgol sefydledig neu ysgol wirfoddol yn ei ardal—
 - (i) y person sy’n penodi’r llywodraethwyr sefydledig, a
 - (ii) os yw’r ysgol yn ysgol sydd â chymeriad crefyddol, y corff crefyddol priodol;

“powers to make proposals to establish, alter or discontinue schools” (*“pŵerau i wneud cynigion i sefydlu, newid neu derfynu ysgolion”*) means all or any of the powers of a local authority to make proposals under section 41, 42, 43 or 44;

“powers to make proposals to alter its school” (*“pŵerau i wneud cynigion i newid ei ysgol”*), in relation to the governing body of a foundation or voluntary school, means its powers to make proposals under section 42(2).

- (2) A reference in this Part to a school’s category means one of the categories set out in section 20(1) of the School Standards and Framework Act 1998 (and references to a change of category are to be read accordingly).
- (3) A reference in this Part to the discontinuance of a maintained school is a reference to the local authority ceasing to maintain it.

PART 4

WELSH IN EDUCATION STRATEGIC PLANS

84 Preparation of Welsh in education strategic plans

- (1) A Welsh in education strategic plan is a plan which contains –
 - (a) a local authority’s proposals on how it will carry out its education functions to –
 - (i) improve the planning of the provision of education through the medium of Welsh (“Welsh medium education”) in its area;
 - (ii) improve the standards of Welsh medium education and of the teaching of Welsh in its area;
 - (b) the local authority’s targets for improving the planning of the provision of Welsh medium education in its area and for improving the standards of that education and of the teaching of Welsh in its area;
 - (c) a report on the progress made to meet the targets contained in the previous plan or previous revised plan.
- (2) A local authority must prepare a Welsh in education strategic plan for its area.
- (3) A local authority must keep its plan under review, and if necessary, revise it.
- (4) In preparing a Welsh in education strategic plan or revised plan, a local authority must consult –
 - (a) its neighbouring local authorities;
 - (b) the head teacher of each school maintained by it;
 - (c) the governing body of each school maintained by it;
 - (d) each institution within the further education sector in its area;
 - (e) in relation to any foundation or voluntary school in its area –
 - (i) the person who appoints the foundation governors, and
 - (ii) if the school has a religious character, the appropriate religious body;

(f) personau rhagnodedig eraill.

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

85 Cymeradwyo, cyhoeddi a gweithredu cynlluniau strategol Cymraeg mewn addysg

- (1) Rhaid i awdurdod lleol sydd wedi llunio cynllun strategol Cymraeg mewn addysg ei gyflwyno i Weinidogion Cymru ei gymeradwyo.
- (2) Caiff Gweinidogion Cymru –
- (a) cymeradwyo'r cynllun fel y'i cyflwynwyd,
 - (b) cymeradwyo'r cynllun gydag addasiadau, neu
 - (c) gwrthod y cynllun a llunio cynllun arall sydd i'w drin fel cynllun cymeradwyo'r awdurdod.
- (3) Os yw awdurdod lleol yn dymuno diwygio ei gynllun, rhaid iddo gyflwyno cynllun diwygiedig i Weinidogion Cymru.
- (4) Caiff Gweinidogion Cymru gymeradwyo'r cynllun diwygiedig, gydag addasiadau neu hebddynt.
- (5) Rhaid i Weinidogion Cymru ymgynghori ag awdurdod lleol cyn –
- (a) addasu cynllun yr awdurdod o dan is-adran (2)(b),
 - (b) llunio cynllun arall i gymryd lle cynllun yr awdurdod o dan is-adran (2)(c), neu
 - (c) addasu cynllun diwygiedig yr awdurdod o dan is-adran (4).
- (6) Rhaid i awdurdod lleol gyhoeddi ei gynllun strategol Cymraeg mewn addysg (neu ei gynllun diwygiedig) a gymeradwywyd.
- (7) Rhaid i awdurdod lleol gymryd pob cam rhesymol i weithredu ei gynllun strategol Cymraeg mewn addysg (neu ei gynllun diwygiedig) a gymeradwywyd.

86 Asesu'r galw am addysg cyfrwng Cymraeg

- (1) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i awdurdod lleol, yn unol â rheoliadau, wneud asesiad o'r galw ymhlith rhieni yn ei ardal am addysg cyfrwng Cymraeg ar gyfer eu plant.
- (2) Caiff rheoliadau o dan is-adran (1) wneud darpariaeth (ymhlith pethau eraill) ynghylch pryd a sut i wneud asesiad.

87 Rheoliadau a chanllawiau

- (1) Caiff Gweinidogion Cymru wneud rheoliadau ynghylch cynlluniau strategol Cymraeg mewn addysg.
- (2) Caiff rheoliadau wneud darpariaeth bellach am y materion canlynol (ymhlith pethau eraill) –
- (a) ffurf a chynnwys cynllun;
 - (b) amseriad a hyd cynllun;
 - (c) cadw golwg ar gynllun a'i ddiwygio;

(f) other prescribed persons.

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

85 Approval, publication and implementation of Welsh in education strategic plans

- (1) A local authority which has prepared a Welsh in education strategic plan must submit it to the Welsh Ministers for their approval.
- (2) The Welsh Ministers may –
- (a) approve the plan as submitted,
 - (b) approve the plan with modifications, or
 - (c) reject the plan and prepare another plan which is to be treated as the authority's approved plan.
- (3) If a local authority wishes to amend its plan, it must submit a revised plan to the Welsh Ministers.
- (4) The Welsh Ministers may approve the revised plan, with or without modifications.
- (5) The Welsh Ministers must consult a local authority before –
- (a) they modify its plan under subsection (2)(b),
 - (b) they prepare another plan to replace the authority's plan under subsection (2)(c), or
 - (c) they modify its revised plan under subsection (4).
- (6) A local authority must publish its approved Welsh in education strategic plan (or revised plan).
- (7) A local authority must take all reasonable steps to implement its approved Welsh in education strategic plan (or revised plan).

86 Assessing demand for Welsh medium education

- (1) The Welsh Ministers may require a local authority, in accordance with regulations, to carry out an assessment of the demand among parents in its area for Welsh medium education for their children.
- (2) Regulations under subsection (1) may (among other things) make provision about when and how to make an assessment.

87 Regulations and guidance

- (1) The Welsh Ministers may make regulations about Welsh in education strategic plans.
- (2) The regulations may make further provision about the following matters (among other things) –
- (a) the form and content of a plan;
 - (b) the timing and duration of a plan;
 - (c) keeping a plan under review and its revision;

- (d) ymgynghori yn ystod y broses o lunio cynllun a'i ddiwygio;
 - (e) cyflwyno cynllun i gael ei gymeradwyo;
 - (f) pryd a sut i gyhoeddi cynllun.
- (3) Caiff y rheoliadau wneud darpariaeth i alluogi dau neu fwy o awdurdodau lleol i lunio cydgyllun, a chaiff unrhyw reoliadau o'r fath addasu unrhyw ddarpariaeth yn y Rhan hon o ran y modd y mae'n gymwys i gydgylluniau.
- (4) Rhaid i awdurdod lleol, wrth arfer ei swyddogaethau o dan y Rhan hon, roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru.

RHAN 5

SWYDDOGAETHAU AMRYWIOL YSGOLION

Brecwast am ddim mewn ysgolion cynradd

- 88 Dyletswydd i ddarparu brecwast am ddim i ddisgyblion mewn ysgolion cynradd**
- (1) Rhaid i awdurdod lleol ddarparu brecwast ar bob diwrnod ysgol i ddisgyblion mewn ysgol gynradd a gynhelir gan yr awdurdod –
- (a) os yw corff llywodraethu'r ysgol wedi ysgrifennu at yr awdurdod i ofyn bod brecwast yn cael ei ddarparu, a
 - (b) os yw 90 o ddiwrnodau wedi mynd heibio, gan ddechrau ar y diwrnod ar ôl y diwrnod y cafwyd y cais.
- (2) Nid yw'r ddyletswydd yn is-adran (1) yn gymwys (neu y mae'n peidio â bod yn gymwys) mewn perthynas â chais gan gorff llywodraethu os yw'r naill neu'r llall o'r paragraffau canlynol yn gymwys –
- (a) bod y corff llywodraethu wedi ysgrifennu at yr awdurdod i ofyn iddo roi'r gorau i ddarparu brecwast;
 - (b) y byddai'n afresymol ddarparu'r brecwast ac o ganlyniad bod yr awdurdod lleol wedi hysbysu'r corff llywodraethu'n ysgrifenedig –
 - (i) nad yw'n mynd i ddarparu brecwast, neu
 - (ii) ei fod yn mynd i roi'r gorau i ddarparu brecwast.
- (3) Os yw'r ddyletswydd o dan is-adran (1) yn gymwys, rhaid i'r awdurdod lleol ddarparu brecwast i bob disgybl sy'n gofyn i'r awdurdod amdano; at y diben hwn, caniateir i'r cais gael ei wneud gan neu ar ran y disgybl.
- (4) O ran brecwast a ddarperir gan awdurdod lleol o dan yr adran hon –
- (a) caiff fod ar unrhyw ffurf y gwêl yr awdurdod yn dda, yn ddarostyngedig i unrhyw reoliadau a wneir o dan adran 4 o Fesur Bwyta'n Iach mewn Ysgolion (Cymru) 2009 (gofynion ynglŷn â bwyd a diod a ddarperir ar fangre ysgol);
 - (b) rhaid ei ddarparu am ddim;
 - (c) rhaid iddo fod ar gael ar fangre'r ysgol;

- (d) consultation during the preparation and revision of a plan;
 - (e) the submission of a plan for approval;
 - (f) when and how to publish a plan.
- (3) The regulations may make provision enabling the preparation of a joint plan by two or more local authorities, and any such regulations may modify any provision of this Part in its application to joint plans.
- (4) A local authority must, in the exercise of its functions under this Part, have regard to any guidance issued by the Welsh Ministers.

PART 5

MISCELLANEOUS SCHOOLS FUNCTIONS

Free breakfasts in primary schools

88 Duty to provide free breakfasts for pupils in primary schools

- (1) A local authority must provide breakfasts on each school day for pupils at a primary school maintained by the authority, if –
- (a) the governing body of the school has asked the authority in writing for breakfasts to be provided, and
 - (b) 90 days have passed, beginning with the day following the day on which the request was received.
- (2) The duty in subsection (1) does not apply (or ceases to apply) in relation to a request from a governing body if either of the following paragraphs applies –
- (a) the governing body has asked the authority in writing to stop providing breakfasts;
 - (b) it would be unreasonable to provide the breakfasts and the local authority has notified the governing body in writing that as a result –
 - (i) it is not going to provide breakfasts, or
 - (ii) it is going to stop providing breakfasts.
- (3) If the duty under subsection (1) applies, the local authority must provide breakfast for each pupil who asks the authority for it; for this purpose, the request may be made by or on behalf of the pupil.
- (4) Breakfasts provided by a local authority under this section –
- (a) may take any form the authority thinks fit, subject to any regulations made under section 4 of the Healthy Eating in Schools (Wales) Measure 2009 (requirements for food and drink provided on school premises);
 - (b) must be provided free of charge;
 - (c) must be available on the school's premises;

- (d) rhaid iddo fod ar gael cyn dechrau pob diwrnod ysgol, ac eithrio yn achos ysgol arbennig gymunedol lle y caniateir i frecwast fod ar gael cyn neu ar ddechrau pob diwrnod ysgol.
- (5) Wrth arfer ei swyddogaethau, rhaid i awdurdod lleol neu gorff llywodraethu ysgol gynradd a gynhelir gan awdurdod lleol roi sylw i unrhyw ganllawiau a roddir gan Weinidogion Cymru am ddarparu brecwast i ddisgyblion.

89 Darpariaeth drosiannol

- (1) Pan fo awdurdod lleol sy'n cynnal ysgol gynradd, neu ei gorff llywodraethu, eisoes yn darparu brecwast i ddisgyblion yr ysgol ar yr adeg y daw adran 88 i rym, mae'r adran honno'n gymwys mewn perthynas â'r ysgol fel petai—
 - (a) cais wedi ei wneud o dan yr adran honno i frecwast gael ei ddarparu gan y corff llywodraethu,
 - (b) 90 o ddiwrnodau wedi mynd heibio, gan ddechrau ar y diwrnod ar ôl y diwrnod y cafwyd y cais, ac
 - (c) pob disgybl y mae brecwast eisoes yn cael ei ddarparu ar ei gyfer wedi gwneud cais i'r awdurdod.
- (2) Mae is-adran (3) yn gymwys pan fo cais ysgrifenedig am ddarparu brecwast i ddisgyblion wedi ei wneud, cyn i adran 88 ddod i rym, gan gorff llywodraethu'r ysgol gynradd i'r awdurdod lleol sy'n cynnal yr ysgol, ond nad yw'r awdurdod lleol na'r corff llywodraethu wedi bod yn darparu brecwast i ddisgyblion yr ysgol.
- (3) Mae cais a wneir cyn i adran 88 ddod i rym yn cael effaith fel cais o dan yr adran honno a wnaed ar y diwrnod y daeth yr adran i rym.

90 Dehongli adrannau 88 a 89

Yn adrannau 88 a 89—

mae "darparu" ("*provide*") yn cynnwys trefnu darpariaeth;

ystyr "disgybl" ("*pupil*") yw plentyn sy'n cael addysg gynradd yn yr ysgol (p'un a yw'r plentyn yn ddisgybl cofrestredig ai peidio);

ystyr "ysgol gynradd" ("*primary school*") yw ysgol sy'n darparu addysg gynradd (p'un a yw hefyd yn darparu mathau eraill o addysg ai peidio).

Pŵer i godi tâl am brydau bwyd

91 Diwygio'r pŵer i godi tâl am brydau bwyd ysgol etc

- (1) Mae Rhan 9 o Ddeddf Addysg 1996 (swyddogaethau atodol) wedi ei diwygio fel a nodir yn is-adrannau (2) a (3).
- (2) Yn adran 512ZA (pŵer i godi tâl am brydau bwyd etc)—
 - (a) yn is-adran (1A), hepgorer "in England";
 - (b) hepgorer is-adran (2).
- (3) Yn adran 533 (swyddogaethau cyrff llywodraethu ysgolion a gynhelir mewn cysylltiad â darparu prydau bwyd ysgol etc)—

- (d) must be available before the start of each school day, except in the case of a community special school where breakfasts may be made available before or at the start of each school day.
- (5) In exercising its functions, a local authority or a governing body of a primary school maintained by a local authority must have regard to any guidance given by the Welsh Ministers about providing breakfasts for pupils.

89 Transitional provision

- (1) Where a local authority that maintains a primary school, or its governing body, is already providing breakfast for pupils of the school at the time section 88 comes into force, that section applies in relation to the school as if –
 - (a) a request had been made under that section for provision of breakfasts by the governing body,
 - (b) 90 days have passed, beginning with the day following the day on which the request was received, and
 - (c) each pupil for whom breakfast is already being provided has made a request to the authority.
- (2) Subsection (3) applies where, before the coming into force of section 88, a request in writing for the provision of breakfasts for pupils has been made by the governing body of the primary school to the local authority that maintains the school, but neither the local authority nor the governing body has been providing breakfast for pupils of the school.
- (3) The request made before the coming into force of section 88 has effect as a request under that section made on the day that the section came into force.

90 Interpretation of sections 88 and 89

In sections 88 and 89 –

“primary school” (*“ysgol gynradd”*) means a school that provides primary education (whether or not it also provides other kinds of education);

“provide” (*“darparu”*) includes arranging provision;

“pupil” (*“disgybl”*) means a child receiving primary education at the school (whether or not the child is a registered pupil).

Power to charge for meals

91 Amendment to power to charge for school meals etc

- (1) Part 9 of the Education Act 1996 (ancillary functions) is amended as set out in subsections (2) and (3).
- (2) In section 512ZA (power to charge for meals etc) –
 - (a) in subsection (1A), omit “in England”;
 - (b) omit subsection (2).
- (3) In section 533 (functions of governing bodies of maintained schools with respect to provision of school meals etc) –

- (a) yn is-adran (3A), hepgorer “in England”;
- (b) hepgorer is-adran (4).

Cwmsela mewn ysgolion

92 Gwasanaethau cwnsela annibynnol ar gyfer disgyblion ysgol a phlant eraill

- (1) Rhaid i awdurdod lleol sicrhau darpariaeth resymol ar gyfer gwasanaeth sy'n cwnsela mewn cysylltiad ag anghenion iechyd, anghenion emosiynol ac anghenion cymdeithasol (“gwasanaeth cwnsela annibynnol”) i'r canlynol –
 - (a) disgyblion cofrestredig sy'n cael addysg uwchradd –
 - (i) mewn ysgolion a gynhelir gan yr awdurdod, a
 - (ii) mewn ysgolion eraill yn ei ardal;
 - (b) personau eraill sy'n perthyn i ardal yr awdurdod ac sydd wedi cyrraedd 11 oed ond nid 19 oed;
 - (c) disgyblion cofrestredig sy'n ymgymryd â blwyddyn academiaidd olaf eu haddysg gynradd –
 - (i) mewn ysgolion a gynhelir gan yr awdurdod, a
 - (ii) mewn ysgolion eraill yn ei ardal;
 - (d) y personau eraill sy'n cael addysg gynradd a bennir gan Weinidogion Cymru mewn rheoliadau.
- (2) Wrth sicrhau bod gwasanaeth cwnsela annibynnol yn cael ei ddarparu o dan yr adran hon, rhaid i awdurdod lleol roi sylw –
 - (a) i'r egwyddor bod y gwasanaeth i fod yn annibynnol ar –
 - (i) corff llywodraethu neu berchennog arall ysgol lle y mae person y darperir y gwasanaeth iddo yn cael addysg, a
 - (ii) rheolwyr ysgol lle y mae person y darperir y gwasanaeth iddo yn cael addysg;
 - (b) i ganllawiau a roddir gan Weinidogion Cymru.
- (3) Rhaid i awdurdod lleol sicrhau bod gwasanaeth cwnsela annibynnol yn cael ei ddarparu ar safle pob ysgol a gynhelir gan yr awdurdod sy'n darparu addysg uwchradd (p'un a yw'n darparu mathau eraill o addysg hefyd ai peidio).
- (4) Caiff awdurdod lleol sicrhau bod gwasanaeth cwnsela annibynnol yn cael ei ddarparu mewn mannau eraill.
- (5) Caiff Gweinidogion Cymru drwy reoliadau ei gwneud yn ofynnol i wasanaeth cwnsela annibynnol gael ei ddarparu mewn mannau eraill.

93 Gwybodaeth am wasanaethau cwnsela annibynnol eraill

- (1) Rhaid i awdurdod lleol gydymffurfio â chyfarwyddyd a roddir gan Weinidogion Cymru i'r awdurdod i wneud y canlynol –
 - (a) crynhoi gwybodaeth am y gwasanaeth cwnsela annibynnol y mae'n ei sicrhau o dan adran 92;

- (a) in subsection (3A), omit “in England”;
- (b) omit subsection (4).

School-based counselling

92 Independent counselling services for school pupils and other children

- (1) A local authority must secure reasonable provision for a service providing counselling in respect of health, emotional and social needs (an “independent counselling service”) for—
 - (a) registered pupils receiving secondary education at—
 - (i) schools maintained by the authority, and
 - (ii) other schools in its area;
 - (b) other persons belonging to the authority’s area who have attained the age of 11 but not the age of 19;
 - (c) registered pupils undertaking their final academic year of primary education at—
 - (i) schools maintained by the authority, and
 - (ii) other schools in its area;
 - (d) such other persons receiving primary education as the Welsh Ministers may specify in regulations.
- (2) In securing provision of an independent counselling service under this section, a local authority must have regard—
 - (a) to the principle that the service is to be independent of—
 - (i) the governing body or other proprietor of a school at which a person to whom the service is provided is receiving education, and
 - (ii) the management of a school at which a person to whom the service is provided is receiving education;
 - (b) to guidance given by the Welsh Ministers.
- (3) A local authority must secure that an independent counselling service is provided on the site of each school maintained by the authority that provides secondary education (whether or not it also provides other kinds of education).
- (4) A local authority may secure the provision of an independent counselling service at other locations.
- (5) The Welsh Ministers may by regulations require the provision of an independent counselling service at other locations.

93 Information about independent counselling services

- (1) A local authority must comply with a direction given by the Welsh Ministers to the authority—
 - (a) to compile information about the independent counselling service it secures under section 92;

- (b) darparu gwybodaeth am y gwasanaeth hwnnw i Weinidogion Cymru.
- (2) Caiff cyfarwyddyd o dan is-adran (1) gynnwys arweiniad i grynhoi neu ddarparu gwybodaeth mewn modd, ac ar adeg, a bennir yn y cyfarwyddyd.
- (3) Ni chaniateir i gyfarwyddyd o dan is-adran (1) ei gwneud yn ofynnol i awdurdod lleol—
 - (a) darparu gwybodaeth am unigolyn dynodedig;
 - (b) darparu gwybodaeth mewn modd sydd, naill ai ar ei phen ei hun, neu mewn cyfuniad ag unrhyw wybodaeth arall, yn dynodi unrhyw unigolyn y mae'n ymwneud ag ef neu sy'n galluogi'r unigolyn hwnnw i gael ei ddynodi.
- (4) Os nad yr awdurdod lleol yw'r person sy'n darparu gwasanaeth cwnsela annibynnol—
 - (a) rhaid i'r awdurdod lleol roi i'r person sy'n darparu'r gwasanaeth gopi o unrhyw gyfarwyddyd a roddir o dan is-adran (1), a
 - (b) rhaid i'r person sy'n darparu'r gwasanaeth grynhoi'r wybodaeth sy'n angenrheidiol i gydymffurfio â'r cyfarwyddyd, a'i darparu i'r awdurdod lleol mewn modd nad yw'n dynodi'r unigolion y mae'n ymwneud â hwy, nac yn ei gwneud yn bosibl iddynt gael eu dynodi (naill ai ar ei phen ei hun neu mewn cyfuniad â gwybodaeth arall).
- (5) O ran cyfarwyddyd o dan yr adran hon—
 - (a) rhaid iddo fod yn ysgrifenedig;
 - (b) caniateir iddo gael ei amrywio neu ei ddirymu gan gyfarwyddyd diweddarach;
 - (c) gellir ei orfodi drwy orchymyn mandadol ar gais Gweinidogion Cymru neu ar eu rhan.

Cyfarfodydd rhieni

- 94 Dyletswydd corff llywodraethu ysgol a gynhelir i gynnal cyfarfodydd yn dilyn deiseb gan rieni**
- (1) Rhaid i gorff llywodraethu ysgol a gynhelir gynnal cyfarfod ("y cyfarfod") os yw'n cael deiseb gan rieni disgyblion cofrestredig yn yr ysgol yn gofyn am gyfarfod a'i fod wedi cael ei fodloni bod pob un o'r pedwar amod canlynol wedi ei fodloni.
 - (2) Yr amod cyntaf yw bod y ddeiseb yn cynnwys llofnodion y nifer gofynnol o rieni disgyblion cofrestredig yn yr ysgol.
 - (3) Y nifer gofynnol o rieni yw'r isaf o'r canlynol—
 - (a) rhieni 10% o ddisgyblion cofrestredig, neu
 - (b) rhieni 30 disgybl cofrestredig.
 - (4) At ddibenion is-adran (3), mae nifer y disgyblion cofrestredig i'w gyfrifo drwy gyfeirio at nifer y disgyblion cofrestredig ar y diwrnod y ceir y ddeiseb.
 - (5) Yr ail amod yw bod y cyfarfod y gofynnir amdano yn un at ddibenion trafod mater sy'n ymwneud â'r ysgol.
 - (6) Y trydydd amod, pe bai cyfarfod yn cael ei gynnal, yw na ddylid cynnal mwy na thri chyfarfod o dan yr adran hon yn ystod y flwyddyn ysgol y ceir y ddeiseb.

- (b) to provide information about that service to the Welsh Ministers.
- (2) A direction under subsection (1) may include instructions to compile or provide information in a way, and at a time, specified in the direction.
- (3) A direction under subsection (1) may not require a local authority –
 - (a) to provide information about an identified individual;
 - (b) to provide information in a way that, either by itself or in combination with any other information, identifies any individual to whom it relates or enables that individual to be identified.
- (4) If the person providing an independent counselling service is not the local authority –
 - (a) the local authority must give the person providing the service a copy of any direction given to the authority under subsection (1), and
 - (b) the person providing the service must compile the information necessary for compliance with the direction, and provide it to the local authority, in a way that does not identify the individuals to whom it relates, or enable them to be identified (either by itself or in combination with other information).
- (5) A direction under this section –
 - (a) must be in writing;
 - (b) may be varied or revoked by a later direction;
 - (c) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers.

Parents' meetings

94 Duty of governing body of maintained schools to hold meetings following petition by parents

- (1) The governing body of a maintained school must hold a meeting (“the meeting”) if it receives a petition from parents of registered pupils at the school requesting a meeting and it is satisfied that each of the following four conditions is satisfied.
- (2) The first condition is that the petition contains the signatures of the required minimum number of parents of registered pupils at the school.
- (3) The required minimum number of parents is the lower of the following –
 - (a) the parents of 10% of registered pupils, or
 - (b) the parents of 30 registered pupils.
- (4) For the purpose of subsection (3), the number of registered pupils is to be calculated by reference to the number of registered pupils on the day the petition is received.
- (5) The second condition is that the meeting requested is for the purpose of discussing a matter relating to the school.
- (6) The third condition is that, should a meeting be held, there would be no more than three meetings held under this section during the school year in which the petition is received.

- (7) Y pedwerydd amod yw bod digon o ddiwrnodau ysgol ar ôl yn y flwyddyn ysgol i gydymffurfio â'r gofyniad yn is-adran (8).
- (8) Rhaid i'r gyfarfod gael ei gynnal cyn diwedd cyfnod o 25 o ddiwrnodau.
- (9) At ddibenion is-adran (8)–
 - (a) mae'r cyfnod o 25 o ddiwrnodau yn dechrau ar y diwrnod cyntaf ar ôl y diwrnod y ceir y ddeiseb (yn ddarostyngedig i is-adran (10)), a
 - (b) nid yw'r cyfnod o 25 o ddiwrnodau yn cynnwys unrhyw ddiwrnod nad yw'n ddiwrnod ysgol.
- (10) Os cynhelir cyfarfod arall y mae'n ofynnol ei gynnal o dan yr adran hon o ganlyniad i ddeiseb wahanol ("y cyfarfod arall") ar ddiwrnod yn ystod y cyfnod o 25 o ddiwrnodau yn is-adran (9), ond cyn y diwrnod y cynhelir y cyfarfod, bydd y cyfnod o 25 o ddiwrnodau yn dechrau ar y diwrnod cyntaf ar ôl y diwrnod y cynhelir y cyfarfod arall.
- (11) Mae'r cyfarfod i fod yn agored i'r canlynol–
 - (a) rhieni pob disgybl cofrestredig yn yr ysgol,
 - (b) y pennaeth, ac
 - (c) personau eraill a wahoddir gan y corff llywodraethu.
- (12) Rhaid i'r corff llywodraethu, cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael deiseb sy'n ei gwneud yn ofynnol i gynnal cyfarfod, ysgrifennu at rieni pob disgybl cofrestredig yn yr ysgol i'w hysbysu am ddyddiad y cyfarfod a'r mater sydd i'w drafod.
- (13) Wrth arfer ei swyddogaethau o dan yr adran hon, rhaid i gorff llywodraethu ysgol a gynhelir roi sylw i ganllawiau a roddir gan Weinidogion Cymru.

95 Diddymu dyletswydd i gynnal cyfarfod blynyddol rhieni

Mae adran 33 o Ddeddf Addysg 2002 wedi ei diddymu.

Cod ymarfer ar y berthynas rhwng awdurdodau lleol ac ysgolion

96 Diddymu'r ddarpariaeth am god ymarfer ar gyfer y berthynas rhwng awdurdodau lleol ac ysgolion

Mae adran 127 o Ddeddf Safonau a Fframwaith Ysgolion 1998 (cod ymarfer i sicrhau perthynas effeithiol rhwng awdurdodau lleol ac ysgolion a gynhelir yng Nghymru) wedi ei diddymu.

RHAN 6

CYFFREDINOL

97 Gorchmynion a rheoliadau

- (1) Rhaid i bŵer Gweinidogion Cymru i wneud gorchymyn neu reoliadau o dan y Ddeddf hon gael ei arfer drwy offeryn statudol.
- (2) Mae pŵer Gweinidogion Cymru i wneud gorchymyn neu reoliadau o dan y Ddeddf hon yn cynnwys pŵer –

- (7) The fourth condition is that there are enough school days left in the school year for the requirement in subsection (8) to be complied with.
- (8) The meeting must be held before the end of a 25 day period.
- (9) For the purpose of subsection (8), the 25 day period –
 - (a) begins on the first day after the day on which the petition is received (subject to subsection (10)), and
 - (b) does not include any day which is not a school day.
- (10) If another meeting required to be held under this section as a result of a different petition (“the other meeting”) is held on a day during the 25 day period in subsection (9), but before the day on which the meeting is held, the 25 day period begins on the first day after the day on which the other meeting is held.
- (11) The meeting is to be open to –
 - (a) all parents of registered pupils at the school,
 - (b) the head teacher, and
 - (c) other persons invited by the governing body.
- (12) The governing body must, as soon as it reasonably can after receiving a petition that requires a meeting to be held, notify the parents of all registered pupils at the school in writing of the date of the meeting and the matter to be discussed.
- (13) In exercising its functions under this section, the governing body of a maintained school must have regard to guidance given by the Welsh Ministers.

95 Repeal of duty to hold annual parents’ meeting

Section 33 of the Education Act 2002 is repealed.

Code of practice on local authority school relations

96 Repeal of provision for code of practice for local authority school relations

Section 127 of the School Standards and Framework Act 1998 (code of practice for securing effective relationships between local authorities and maintained schools in Wales) is repealed.

PART 6

GENERAL

97 Orders and regulations

- (1) A power of the Welsh Ministers to make an order or regulations under this Act is to be exercised by statutory instrument.
- (2) A power of the Welsh Ministers to make an order or regulations under this Act includes power –

- (a) i wneud darpariaeth wahanol ar gyfer achosion gwahanol neu ddsbarthau gwahanol ar achos, gwahanol ardaloedd neu ddibenion gwahanol;
 - (b) i wneud darpariaeth wahanol yn gyffredinol neu'n ddarostyngedig i esemptiadau neu eithriadau penodedig neu mewn perthynas ag achosion penodol neu ddsbarthau penodol ar achos yn unig;
 - (c) i wneud unrhyw ddarpariaethau cysylltiedig, atodol, canlyniadol, dros dro, trosiannol neu ddarpariaethau arbed ag y gwêl Gweinidogion Cymru yn dda.
- (3) Mae offeryn statudol sy'n cynnwys rheoliadau a gaiff eu gwneud o dan y Ddeddf hon neu orchymyn o dan adran 56(2) yn ddarostyngedig i'w ddiddymu'n unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.
- (4) Ni chaniateir i offeryn statudol sy'n cynnwys gorchymyn o dan baragraff 26(1) o Atodlen 2 gael ei wneud oni bai bod drafft o'r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru, ac wedi ei gymeradwyo drwy benderfyniad ganddo.

98 Dehongli'n gyffredinol a mynegai o ymadroddion sydd wedi eu diffinio

- (1) Mae darpariaethau'r Ddeddf hon a darpariaethau Ddeddf Addysg 1996 i'w darllen fel petai nhw i gyd wedi eu cynnwys yn Neddf Addysg 1996.
- (2) Ond pan roddir i ymadrodd at ddibenion unrhyw ddarpariaeth yn y Ddeddf hon ystyr sy'n wahanol i'r un a roddwyd iddo at ddibenion Deddf Addysg 1996, mae'r ystyr a roddir at ddibenion y ddarpariaeth honno i fod yn gymwys yn lle'r un a roddwyd at ddibenion Deddf Addysg 1996.
- (3) Yn y Ddeddf hon –
- mae i "awdurdod esgobaethol priodol" yr un ystyr ag ("*appropriate diocesan authority*") yn adran 142(1) o Ddeddf Safonau a Fframwaith Ysgolion 1998;
 - ystyr "awdurdod lleol" ("*local authority*") (ac eithrio yn adran 54(2)(b)) yw cyngor sir neu gyngor bwrdeistref sirol yng Nghymru;
 - mae "awdurdod ysgol" ("*school authority*") wedi ei ddiffinio yn adran 32 at ddibenion Pennod 3 o Ran 2;
 - ystyr "y Cod" ("*the Code*") ym Mhennod 2 o Ran 3 yw'r cod ar drefniadaeth ysgolion a ddyroddir o dan adran 38(1);
 - ystyr "corff crefyddol priodol" ("*appropriate religious body*") –
 - (a) yn achos un o ysgolion yr Eglwys yng Nghymru neu un o ysgolion yr Eglwys Gatholig Rufeinig, neu ysgol arfaethedig o'r fath, yw'r awdurdod esgobaethol priodol, a
 - (b) yn achos ysgolion eraill neu ysgolion arfaethedig eraill, yw'r corff sy'n cynrychioli'r crefydd neu'r enwad crefyddol a ddatganwyd, neu y bwriedir iddo gael ei ddatgan, mewn perthynas â'r ysgol mewn gorchymyn o dan adran 69(3) o Ddeddf Safonau a Fframwaith Ysgolion 1998;
 - mae i "corff sefydledig" yr un ystyr â ("*foundation body*") yn adran 21(4)(a) o Ddeddf Safonau a Fframwaith Ysgolion 1998;
 - mae "cyfnod gwrthwynebu" ("*objection period*") wedi ei ddiffinio yn adran 49(2) at ddibenion Pennod 2 o Ran 3;

- (a) to make different provision for different cases or classes of case, different areas or different purposes;
 - (b) to make different provision generally or subject to specified exemptions or exceptions or only in relation to specific cases or classes of case;
 - (c) to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Welsh Ministers think fit.
- (3) A statutory instrument containing regulations made under this Act or an order under section 56(2) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4) A statutory instrument containing an order under paragraph 26(1) of Schedule 2 must not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.

98 General interpretation and index of defined expressions

- (1) The provisions of this Act and those of the Education Act 1996 are to be read as if they were all contained in the Education Act 1996.
- (2) But where an expression is given for the purposes of any provision of this Act a meaning different from that given to it for the purposes of the Education Act 1996, the meaning given for the purposes of that provision is to apply instead of the one given for the purposes of the Education Act 1996.
- (3) In this Act –
- “appropriate diocesan authority” (“*awdurdod esgobaethol priodol*”) has the same meaning as in section 142(1) of the School Standards and Framework Act 1998;
 - “appropriate religious body” (“*corff crefyddol priodol*”) means –
 - (a) in the case of a Church in Wales school or a Roman Catholic Church school, or proposed such school, the appropriate diocesan authority, and
 - (b) in the case of other schools or proposed schools, the body representing the religion or religious denomination stated, or that it is intended to be stated, in relation to the school in an order under section 69(3) of the School Standards and Framework Act 1998;
 - “Church in Wales school” (“*un o ysgolion yr Eglwys yng Nghymru*”) has the same meaning as in section 142(1) of the School Standards and Framework Act 1998;
 - “the Code” (“*y Cod*”) in Chapter 2 of Part 3 means the code on school organisation issued under section 38(1);
 - “foundation body” (“*corff sefydledig*”) has the same meaning as in section 21(4)(a) of the School Standards and Framework Act 1998;
 - “foundation governor” (“*llywodraethwr sefydledig*”), in relation to a foundation school or a voluntary school, means a person appointed as a foundation governor in accordance with regulations under section 19 of the Education Act 2002;
 - “local authority” (“*awdurdod lleol*”) (except in section 54(2)(b)) means a county or county borough council in Wales;

mae "cynigydd" (*"proposer"*) wedi ei ddiffinio yn adran 56 at ddibenion Pennod 2 o Ran 3;

mae "darpariaeth ranbarthol" (*"regional provision"*) wedi ei diffinio yn adran 64 at ddibenion Pennod 4 o Ran 3;

mae "darparu" (*"provide"*) wedi ei ddiffinio yn adran 90 at ddibenion adrannau 88 a 89;

mae "disgybl" (*"pupil"*) wedi ei ddiffinio yn adran 90 at ddibenion adrannau 88 a 89;

ystyr "llywodraethwr sefydledig" (*"foundation governor"*), mewn perthynas ag ysgol sefydledig neu ysgol wirfoddol, yw person a benodwyd yn llywodraethwr sefydledig yn unol â rheoliadau o dan adran 19 o Ddeddf Addysg 2002;

ystyr "newid rheoleiddiedig" (*"regulated alteration"*) ym Mhennod 2 o Ran 3 yw newid a ddisgrifir yn Atodlen 2;

mae "pwerau i wneud cynigion i newid ei ysgol" (*"powers to make proposals to alter its school"*) wedi eu diffinio yn adran 83 at ddibenion Rhan 3;

mae "pwerau i wneud cynigion i sefydlu, newid neu derfynu ysgolion" (*"powers to make proposals to establish, alter or discontinue schools"*) wedi eu diffinio yn adran 83 at ddibenion Rhan 3;

ystyr "rhagnodedig" (*"prescribed"*) yw wedi ei ragnodi drwy reoliadau;

ystyr "rheoliadau" (*"regulations"*) yw rheoliadau a wneir gan Weinidogion Cymru;

mae "swyddogaethau addysg arbennig" (*"special education functions"*) wedi eu diffinio yn adran 64 at ddibenion Pennod 4 o Ran 3;

mae i "un o ysgolion yr Eglwys Gatholig Rufeinig" yr un ystyr â (*"Roman Catholic Church school"*) yn adran 142(1) o Ddeddf Safonau a Fframwaith Ysgolion 1998;

mae i "un o ysgolion yr Eglwys yng Nghymru" yr un ystyr â (*"Church in Wales school"*) yn adran 142(1) o Ddeddf Safonau a Fframwaith Ysgolion 1998;

ystyr "ysgol a gynhelir" (*"maintained school"*) yw ysgol yng Nghymru sy'n ysgol gymunedol, sefydledig neu wirfoddol, yn ysgol arbennig gymunedol neu'n ysgol feithrin a gynhelir;

mae "ysgol fach" (*"small school"*) wedi ei diffinio yn adran 56 at ddibenion Pennod 2 o Ran 3;

mae "ysgol gynradd" (*"primary school"*) wedi ei diffinio yn adran 90 at ddibenion adrannau 88 a 89.

(4) Ar gyfer cyfeiriadau yn Rhan 3 at—

(a) terfynu ysgol a gynhelir, gweler adran 83;

(b) categori ysgol, gweler adran 83.

(5) Mae cyfeiriad yn y Ddeddf hon at ysgol â chymeriad crefyddol yn cyfeirio at ysgol sydd wedi ei dynodi'n un sydd â chymeriad o'r fath drwy orchymyn o dan adran 69(3) o Ddeddf Safonau a Fframwaith Ysgolion 1998.

“maintained school” (“*ysgol a gynhelir*”) means a school in Wales which is a community, foundation or voluntary school, a community special school or a maintained nursery school;

“objection period” (“*cyfnod gwrthwynebu*”) is defined in section 49(2) for the purposes of Chapter 2 of Part 3;

“powers to make proposals to alter its school” (“*pŵerau i wneud cynigion i newid ei ysgol*”) is defined in section 83 for the purposes of Part 3;

“powers to make proposals to establish, alter or discontinue schools” (“*pŵerau i wneud cynigion i sefydlu, newid neu derfynu ysgolion*”) is defined in section 83 for the purposes of Part 3;

“prescribed” (“*rhagnodedig*”) means prescribed by regulations;

“primary school” (“*ysgol gynradd*”) is defined in section 90 for the purposes of sections 88 and 89;

“proposer” (“*cynigydd*”) is defined in section 56 for the purposes of Chapter 2 of Part 3;

“provide” (“*darparu*”) is defined in section 90 for the purposes of sections 88 and 89;

“pupil” (“*disgybl*”) is defined in section 90 for the purposes of sections 88 and 89;

“regional provision” (“*darpariaeth ranbarthol*”) is defined in section 64 for the purposes of Chapter 4 of Part 3;

“regulated alteration” (“*newid rheoleiddiedig*”) in Chapter 2 of Part 3 means an alteration described in Schedule 2;

“regulations” (“*rheoliadau*”) means regulations made by the Welsh Ministers;

“Roman Catholic Church school” (“*un o ysgolion yr Eglwys Gatholig Rufeinig*”) has the same meaning as in section 142(1) of the School Standards and Framework Act 1998;

“school authority” (“*awdurdod ysgol*”) is defined in section 32 for the purposes of Chapter 3 of Part 2;

“small school” (“*ysgol fach*”) is defined in section 56 for the purposes of Chapter 2 of Part 3;

“special education functions” (“*swyddogaethau addysg arbennig*”) is defined in section 64 for the purposes of Chapter 4 of Part 3.

- (4) For references in Part 3 to—
- (a) the discontinuance of a maintained school, see section 83;
 - (b) a school’s category, see section 83.
- (5) A reference in this Act to a school which has a religious character is to a school which is designated as having such a character by an order under section 69(3) of the School Standards and Framework Act 1998.

99 Mân ddiwygiadau a diwygiadau canlyniadol

Mae Atodlen 5 yn cynnwys mân ddiwygiadau a diwygiadau canlyniadol.

100 Cychwyn

- (1) Daw'r darpariaethau canlynol i rym y diwrnod ar ôl y diwrnod y caiff y Ddeddf hon Gydsyniad Brenhinol –
adran 1;
yr adran hon;
adran 101.
- (2) Daw'r darpariaethau canlynol i rym ar 1 Ebrill 2013 –
adrannau 88 i 90;
adrannau 92 a 93.
- (3) Daw'r darpariaethau canlynol i rym ar ddiwedd y cyfnod o ddeufis gan ddechrau ar y diwrnod y caiff y Ddeddf hon Gydsyniad Brenhinol –
Pennod 3 o Ran 2;
adran 91;
adrannau 94 a 95;
paragraffau 31, 33, 34(1) a (3), 35 a 36 o Ran 3 o Atodlen 5 (ac adran 99 i'r graddau y mae'n ymwneud â'r paragraffau hynny).
- (4) Daw gweddill y darpariaethau yn y Ddeddf hon i rym ar ddyddiad a bennir gan Weinidogion Cymru drwy orchymyn.

101 Enw byr y Ddeddf hon a'i chynnwys yn un o'r Deddfau Addysg

- (1) Enw byr y Ddeddf hon yw Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013.
- (2) Mae'r Ddeddf hon i'w chynnwys yn y rhestr o Deddfau Addysg a nodir yn adran 578 o Ddeddf Addysg 1996.

99 Minor and consequential amendments

Schedule 5 contains minor and consequential amendments.

100 Commencement

- (1) The following provisions come into force on the day after the day on which this Act receives Royal Assent –
 - section 1;
 - this section;
 - section 101.
- (2) The following provisions come into force on 1 April 2013 –
 - sections 88 to 90;
 - sections 92 and 93.
- (3) The following provisions come into force at the end of the period of two months beginning on the day on which this Act receives Royal Assent –
 - Chapter 3 of Part 2;
 - section 91;
 - sections 94 and 95;
 - paragraphs 31, 33, 34(1) and (3), 35 and 36 of Part 3 of Schedule 5 (and section 99 in so far as relating to those paragraphs).
- (4) The remaining provisions of this Act are to come into force on a day appointed by the Welsh Ministers in an order.

101 Short title and inclusion as one of the Education Acts

- (1) The short title of this Act is the School Standards and Organisation (Wales) Act 2013.
- (2) This Act is to be included in the list of Education Acts set out in section 578 of the Education Act 1996.

ATODLEN 1
(a gyflwynwyd gan adran 18)

CYRFF LLYWODRAETHU SYDD WEDI EU FFURFIO O AELODAU
GWEITHREDIAETH INTERIM

Dehongli'r Atodlen

1 (1) Yn yr Atodlen hon—

ystyr “yr awdurdod priodol” (“*the appropriate authority*”)—

- (a) pan fo’r Atodlen hon yn gymwys drwy rinwedd hysbysiad o dan adran 7, yw’r awdurdod lleol a roes yr hysbysiad, a
- (b) pan fo’r Atodlen hon yn gymwys drwy rinwedd hysbysiad o dan adran 14, yw Gweinidogion Cymru;

ystyr “corff llywodraethu a gyfansoddwyd yn normal” (“*a normally constituted governing body*”) yw corff llywodraethu a gyfansoddwyd yn unol â rheoliadau a wnaed yn rhinwedd adran 19 o Ddeddf Addysg 2002 (cyrff llywodraethu);

ystyr “y cyfnod interim” (“*the interim period*”), o ran ysgol y mae hysbysiad o dan adran 7 neu 14 wedi ei roi mewn cysylltiad â hi, yw’r cyfnod y mae’r corff llywodraethu wedi ei gyfansoddi ynddo yn unol â’r Atodlen hon;

ystyr “llywodraethwyr presennol” (“*existing governors*”), o ran ysgol y mae hysbysiad o dan adran 7 neu 14 wedi ei roi mewn cysylltiad â hi, yw’r llywodraethwyr sy’n dal swydd yn union cyn y daw’r corff llywodraethu’n gyfansoddedig yn unol â’r Atodlen hon.

- (2) Yn yr Atodlen hon mae unrhyw gyfeiriad at derfynu ysgol a gynhelir yn gyfeiriad at yr awdurdod lleol yn peidio â’i chynnal.

Y corff llywodraethu i gael ei ffurfio o aelodau a benodir gan awdurdod priodol

- 2 (1) Mae corff llywodraethu’r ysgol i gael ei ffurfio o aelodau a benodir gan yr awdurdod priodol, yn lle cael ei gyfansoddi’n unol â rheoliadau a wneir yn rhinwedd adran 19 o Ddeddf Addysg 2002.

- (2) Yn narpariaethau canlynol yr Atodlen hon—

- (a) cyfeirir at y corff llywodraethu fel y’i cyfansoddir yn unol â’r Atodlen hon fel “y bwrdd gweithrediaeth interim”, a
- (b) cyfeirir at aelodau’r corff llywodraethu fel y’u cyfansoddir felly fel “aelodau gweithrediaeth interim”.

Effaith hysbysiad o dan adran 7 neu 14

- 3 (1) Ar y dyddiad a bennir yn yr hysbysiad o dan adran 7 neu 14, mae’r llywodraethwyr presennol yn gadael eu swydd.
- (2) Nid yw is-paragraff (1) yn atal llywodraethwr presennol rhag cael ei benodi’n aelod gweithrediaeth interim.

SCHEDULE 1
(introduced by section 18)

GOVERNING BODIES CONSISTING OF INTERIM EXECUTIVE MEMBERS

Interpretation of Schedule

1 (1) In this Schedule –

“the appropriate authority” (“*yr awdurdod priodol*”) means –

- (a) where this Schedule applies by virtue of a notice under section 7, the local authority that gave the notice, and
- (b) where this Schedule applies by virtue of a notice under section 14, the Welsh Ministers;

“existing governors” (“*llywodraethwyr presennol*”), in relation to a school in respect of which a notice under section 7 or 14 has been given, means the governors who hold office immediately before the governing body becomes constituted in accordance with this Schedule;

“the interim period” (“*y cyfnod interim*”), in relation to a school in respect of which a notice under section 7 or 14 has been given, means the period during which the governing body is constituted in accordance with this Schedule;

“a normally constituted governing body” (“*corff llywodraethu a gyfansoddwyd yn normal*”) means a governing body constituted in accordance with regulations made by virtue of section 19 of the Education Act 2002 (governing bodies).

(2) In this Schedule any reference to the discontinuance of a maintained school is a reference to the local authority ceasing to maintain it.

Governing body to consist of members appointed by appropriate authority

2 (1) The governing body of the school is to consist of members appointed by the appropriate authority, instead of being constituted in accordance with regulations made by virtue of section 19 of the Education Act 2002.

(2) In the following provisions of this Schedule –

- (a) the governing body as constituted in accordance with this Schedule is referred to as “the interim executive board”, and
- (b) the members of the governing body as so constituted are referred to as “interim executive members”.

Effect of notice under section 7 or 14

3 (1) On the date specified in the notice under section 7 or 14, the existing governors vacate office.

(2) Sub-paragraph (1) does not prevent the appointment of an existing governor as an interim executive member.

- (3) Yn ystod y cyfnod interim, mae unrhyw gyfeiriad mewn unrhyw ddarpariaeth sydd yn y Deddfau Addysg, neu sydd wedi ei gwneud oddi tanynt, at lywodraethwr neu lywodraethwr sefydledig ysgol yn cael effaith, o ran yr ysgol, fel cyfeiriad at aelod gweithrediaeth interim.
- (4) Yn ystod y cyfnod interim, mae adran 83 o Ddeddf Safonau a Fframwaith Ysgolion 1998 (addasu'r darpariaethau sy'n gwneud llywodraethwyr ysgol sefydledig neu wirfoddol yn ymddiriedolwyr ex officio) yn cael effaith o ran yr ysgol drwy roi yn lle paragraffau (a) i (c) gyfeiriad at yr aelodau gweithrediaeth interim.

Nifer yr aelodau gweithrediaeth interim

- 4 (1) Rhaid i nifer yr aelodau gweithrediaeth interim beidio â bod yn llai na dau.
- (2) Rhaid i benodiad cychwynnol aelodau gweithrediaeth interim gael ei wneud yn y fath fodd ag i ddod yn weithredol ar y dyddiad a bennir yn yr hysbysiad o dan adran 7 neu 14.
- (3) Caiff yr awdurdod priodol benodi aelodau gweithrediaeth interim pellach ar unrhyw bryd yn ystod y cyfnod interim.

Telerau penodi aelodau gweithrediaeth interim

- 5 (1) Rhaid i bob penodiad aelod gweithrediaeth interim gael ei wneud drwy offeryn ysgrifenedig yn gosod telerau'r penodiad.
- (2) O ran aelod gweithrediaeth interim –
 - (a) mae'n dal swydd yn unol â thelerau'r penodiad ac yn ddarostyngedig i baragraff 16, a
 - (b) caniateir iddo gael ei symud o'i swydd gan yr awdurdod priodol am anghymhwyster neu gamymddygiad.
- (3) Caiff telerau penodi aelod gweithrediaeth interim ddarparu i'r penodiad fod yn derfynadwy gan yr awdurdod priodol drwy hysbysiad.

Dyletswydd yr awdurdod priodol i hysbysu personau eraill

- 6 (1) Rhaid i'r awdurdod priodol roi copi o'r hysbysiad o dan adran 7 neu 14 ac o bob offeryn penodi aelod gweithrediaeth interim –
 - (a) i bob aelod gweithrediaeth interim,
 - (b) i bob llywodraethwr presennol yr ysgol,
 - (c) os yr awdurdod lleol yw'r awdurdod priodol, i Weinidogion Cymru,
 - (d) os Gweinidogion Cymru yw'r awdurdod priodol, i'r awdurdod lleol, ac
 - (e) yn achos ysgol sefydledig neu wirfoddol –
 - (i) i'r person sy'n penodi'r llywodraethwyr sefydledig, a
 - (ii) os yw'r ysgol yn ysgol sydd â chymeriad crefyddol, i'r corff crefyddol priodol.
- (2) Nid yw methiant â chydymffurfio ag is-baragraff (1) yn annilysu'r hysbysiad na'r penodiad.

- (3) During the interim period, any reference in any provision contained in, or made under, the Education Acts to a governor or foundation governor of a school has effect, in relation to the school, as a reference to an interim executive member.
- (4) During the interim period, section 83 of the School Standards and Framework Act 1998 (modification of provisions making governors of foundation or voluntary school ex officio trustees) has effect in relation to the school with the substitution for paragraphs (a) to (c) of a reference to the interim executive members.

Number of interim executive members

- 4 (1) The number of interim executive members must not be less than two.
- (2) The initial appointment of interim executive members must be made so as to take effect on the date specified in the notice under section 7 or 14.
- (3) The appropriate authority may appoint further interim executive members at any time during the interim period.

Terms of appointment of interim executive members

- 5 (1) Every appointment of an interim executive member must be made by an instrument in writing setting out the terms of the appointment.
- (2) An interim executive member –
 - (a) holds office in accordance with the terms of the appointment and subject to paragraph 16, and
 - (b) may at any time be removed from office by the appropriate authority for incapacity or misbehaviour.
- (3) The terms of appointment of an interim executive member may provide for the appointment to be terminable by the appropriate authority by notice.

Duty of appropriate authority to inform other persons

- 6 (1) The appropriate authority must give a copy of the notice under section 7 or 14 and of every instrument of appointment of an interim executive member –
 - (a) to every interim executive member,
 - (b) to every existing governor of the school,
 - (c) where the local authority is the appropriate authority, to the Welsh Ministers,
 - (d) where the Welsh Ministers are the appropriate authority, to the local authority, and
 - (e) in the case of a foundation or voluntary school –
 - (i) to the person who appoints the foundation governors, and
 - (ii) if the school has a religious character, to the appropriate religious body.
- (2) A failure to comply with sub-paragraph (1) does not invalidate the notice or appointment.

Pŵer i bennu hyd cyfnod interim

- 7 Caiff yr awdurdod priodol bennu hyd y cyfnod interim yn yr hysbysiad o dan adran 7 neu 14.

Cadeirydd

- 8 Caiff yr awdurdod priodol enwebu un o'r aelodau gweithrediaeth interim i fod yn gadeirydd y bwrdd gweithrediaeth interim.

Cydnabyddiaeth a lwfansau

- 9 Caiff yr awdurdod priodol dalu i unrhyw aelod gweithrediaeth interim unrhyw gydnabyddiaeth a lwfansau y bydd yr awdurdod priodol yn eu penderfynu, yn ddarostyngedig i unrhyw reoliadau a wneir o dan baragraff 13(2).

Dyletswydd y bwrdd gweithrediaeth interim

- 10 (1) Yn ystod y cyfnod interim, rhaid i'r bwrdd gweithrediaeth interim redeg yr ysgol yn y fath fodd ag i sicrhau, cyhyd â'i bod yn ymarferol gwneud hynny, bod sail gadarn yn cael ei darparu ar gyfer gwella yn y dyfodol y modd y mae'r ysgol yn cael ei rhedeg.
- (2) Nid yw is-baragraff (1) yn effeithio ar ddyletswyddau eraill y bwrdd gweithrediaeth interim fel corff llywodraethu.

Trafodion y bwrdd gweithrediaeth interim

- 11 (1) Caiff y bwrdd gweithrediaeth interim benderfynu ei weithdrefn ei hun.
- (2) Caiff y bwrdd gweithrediaeth interim wneud unrhyw drefniadau y gwêl yn dda i unrhyw berson arall gyflawni ei swyddogaethau.
- (3) Mae'r paragraff hwn yn ddarostyngedig i unrhyw reoliadau a wneir o dan baragraff 13(2).

Effaith ar atal dros dro gyllideb ddirprwyedig

- 12 (1) Os nad oes gan yr ysgol, yn union cyn y dyddiad a bennir mewn hysbysiad o dan adran 7 neu 14, gyllideb ddirprwyedig, mae ataliad dros dro ar hawl y corff llywodraethu i gael cyllideb ddirprwyedig wedi ei ddirymu yn rhinwedd yr is-baragraff hwn o'r dyddiad hwnnw.
- (2) Os yw hysbysiad o dan baragraff 1 o Atodlen 15 i Ddeddf Safonau a Fframwaith Ysgolion 1998 (atal cyllideb ddirprwyedig dros dro am gamreoli etc) wedi ei roi i'r corff llywodraethu cyn y dyddiad a bennwyd mewn hysbysiad o dan adran 7 neu 14 ond nad yw wedi dod yn weithredol eto, mae effaith yr hysbysiad yn peidio ar y dyddiad hwnnw.
- (3) Yn ystod y cyfnod interim, ni chaiff yr awdurdod lleol arfer y pŵer a roddir gan adran 8 (pŵer i atal dros dro hawl i gael cyllideb ddirprwyedig).
- (4) Mae is-baragraff (1) i'w ddehongli'n unol ag adran 49(7) o Ddeddf Safonau a Fframwaith Ysgolion 1998.

Power to specify duration of interim period

- 7 The appropriate authority may specify the duration of the interim period in the notice under section 7 or 14.

Chair

- 8 The appropriate authority may nominate one of the interim executive members to be chair of the interim executive board.

Remuneration and allowances

- 9 The appropriate authority may pay to any interim executive member such remuneration and allowances as the appropriate authority may determine, subject to any regulations made under paragraph 13(2).

Duty of interim executive board

- 10 (1) During the interim period, the interim executive board must conduct the school so as to secure, so far as is practicable to do so, the provision of a sound basis for future improvement in the conduct of the school.
- (2) Sub-paragraph (1) does not affect the other duties of the interim executive board as governing body.

Proceedings of interim executive board

- 11 (1) The interim executive board may determine its own procedure.
- (2) The interim executive board may make such arrangements as it thinks fit for the discharge of its functions by any other person.
- (3) This paragraph is subject to regulations made under paragraph 13(2).

Effect on suspension of delegated budget

- 12 (1) If immediately before the date specified in a notice under section 7 or 14 the school does not have a delegated budget, the suspension of the governing body's right to a delegated budget is by virtue of this sub-paragraph revoked with effect from that date.
- (2) If a notice under paragraph 1 of Schedule 15 to the School Standards and Framework Act 1998 (suspension of delegated budget for mismanagement etc) has been given to the governing body before the date specified in a notice under section 7 or 14 but has not yet taken effect, the notice ceases to have effect on that date.
- (3) During the interim period, the local authority may not exercise the power conferred by section 8 (power to suspend right to delegated budget).
- (4) Sub-paragraph (1) is to be construed in accordance with section 49(7) of the School Standards and Framework Act 1998.

Eithrio darpariaethau statudol penodol

- 13 (1) Nid yw rheoliadau a wneir o dan adran 19(2) neu (3) o Ddeddf Addysg 2002 (cyrff llywodraethu) yn gymwys mewn perthynas â'r bwrdd gweithrediaeth interim.
- (2) Ond caniateir i reoliadau a wneir o dan adran 19(3)(f), (g), (i), (j), (k) neu (l) o Ddeddf Addysg 2002 (ac eithrio rheoliadau o dan adran 19(3)(l) sy'n ymwneud â chyfansoddiad cyrff llywodraethu) gael eu cymhwyso mewn perthynas â'r bwrdd (gydag addasiadau neu hebddynt) drwy reoliadau.
- (3) Nid yw offeryn llywodraethu'r ysgol yn cael effaith mewn perthynas â'r bwrdd gweithrediaeth interim i'r graddau y maen ymwneud â chyfansoddiad y corff llywodraethu.
- (4) Yn ystod y cyfnod interim –
- (a) ni chaiff yr awdurdod lleol arfer unrhyw bŵer a roddir gan adran 6 (pŵer i benodi llywodraethwyr ychwanegol), a
 - (b) ni chaiff Gweinidogion Cymru arfer unrhyw bŵer a roddir gan adran 13 (pŵer i benodi llywodraethwyr ychwanegol).

Cau'r ysgol

- 14 (1) Ar unrhyw bryd yn ystod y cyfnod interim, caiff y bwrdd gweithrediaeth interim, os gwêl yn dda, wneud adroddiad i'r awdurdod lleol a Gweinidogion Cymru yn argymhell y dylai'r ysgol gael ei therfynu, a chan ddatgan y rhesymau dros yr argymhelliad hwnnw.
- (2) Ni chaiff y bwrdd gweithrediaeth interim –
- (a) cyhoeddi o dan adran 43 gynigion i derfynu'r ysgol, na
 - (b) cyflwyno hysbysiad o dan adran 80.
- (3) Bydd is-baragraff (4) yn gymwys os, yn ystod y cyfnod interim –
- (a) bydd Gweinidogion Cymru yn rhoi cyfarwyddyd o dan adran 16 neu 81 mewn perthynas â'r ysgol, neu
 - (b) bydd yr awdurdod lleol yn penderfynu terfynu'r ysgol.
- (4) Mae'r cyfnod interim i barhau tan y dyddiad terfynu, hyd yn oed pan fyddai'n dod i ben fel arall cyn y dyddiad hwnnw.
- (5) Yn y paragraff hwn ystyr "y dyddiad terfynu" yw un o'r canlynol (yn ôl fel y digwydd) –
- (a) y dyddiad y bydd cynigion i derfynu'r ysgol yn cael eu gweithredu arno o dan Ran 1 o Atodlen 3;
 - (b) y dyddiad y caiff yr ysgol ei therfynu arno o dan adran 80;
 - (c) y dyddiad a bennir yn y cyfarwyddyd o dan adran 16 neu 81(1).

Hysbysu bod y corff llywodraethu a gyfansoddwyd yn normal wedi ailddechrau llywodraethu

- 15 (1) Bydd yr is-baragraff canlynol yn gymwys –
- (a) os nad yw'r hysbysiad o dan adran 7 neu 14 yn pennu hyd y cyfnod interim, a
 - (b) os nad yw paragraff 14(4) yn gymwys.

Exclusion of certain statutory provisions

- 13 (1) Regulations made under section 19(2) or (3) of the Education Act 2002 (governing bodies) do not apply in relation to the interim executive board.
- (2) But regulations made under section 19(3)(f), (g), (i), (j), (k) or (l) of the Education Act 2002 (other than regulations under section 19(3)(l) relating to the constitution of governing bodies) may be applied in relation to the board (with or without modifications) by regulations.
- (3) The instrument of government of the school does not have effect in relation to the interim executive board in so far as it relates to the constitution of the governing body.
- (4) During the interim period –
- (a) the local authority may not exercise any power conferred by section 6 (power to appoint additional governors), and
 - (b) the Welsh Ministers may not exercise any power conferred by section 13 (power to appoint additional governors).

Closure of school

- 14 (1) At any time during the interim period, the interim executive board may, if it thinks fit, make a report to the local authority and the Welsh Ministers recommending that the school be discontinued, and stating the reasons for that recommendation.
- (2) The interim executive board may not –
- (a) publish under section 43 proposals to discontinue the school, or
 - (b) serve notice under section 80.
- (3) Sub-paragraph (4) applies if during the interim period –
- (a) the Welsh Ministers give a direction under section 16 or 81 in relation to the school, or
 - (b) the local authority determine to discontinue the school.
- (4) The interim period is to continue until the discontinuance date, even where it would otherwise end before that date.
- (5) In this paragraph “the discontinuance date” means one of the following (as the case may be) –
- (a) the date on which proposals for discontinuing the school are implemented under Part 1 of Schedule 3;
 - (b) the date on which the school is discontinued under section 80;
 - (c) the date specified in the direction under section 16 or 81(1).

Notice of resumption of government by normally constituted governing body

- 15 (1) The following sub-paragraph applies if –
- (a) the notice under section 7 or 14 does not specify the duration of the interim period, and
 - (b) paragraph 14(4) does not apply.

- (2) Caiff yr awdurdod priodol roi hysbysiad i'r personau a grybwyllir yn is-baragraff (3) yn pennu dyddiad pan fydd y corff llywodraethu'n dod yn gorff llywodraethu a gyfansoddwyd yn normal.
- (3) Y personau hynny yw'r canlynol—
- pob aelod gweithrediaeth interim,
 - os yr awdurdod lleol yw'r awdurdod priodol, Gweinidogion Cymru,
 - os Gweinidogion Cymru yw'r awdurdod priodol, yr awdurdod lleol, a
 - yn achos ysgol sefydledig neu wirfoddol—
 - y person sy'n penodi'r llywodraethwyr sefydledig, a
 - os yw'r ysgol yn ysgol sydd â chymeriad crefyddol, y corff crefyddol priodol.

Yr amser pan fydd aelodau gweithrediaeth interim yn peidio â dal eu swydd

- 16 (1) Mae aelodau gweithrediaeth interim i adael eu swydd—
- mewn achos lle y mae is-baragraff (4) o baragraff 14 yn gymwys, ar y dyddiad terfynu o fewn ystyr y paragraff hwnnw,
 - mewn achos lle nad yw'r is-baragraff hwnnw yn gymwys a bod yr hysbysiad o dan adran 7 neu 14 yn pennu hyd y cyfnod interim, ar ddiwedd y cyfnod penodedig, ac
 - mewn unrhyw achos arall, ar y dyddiad a bennir o dan baragraff 15(2).
- (2) Nid yw is-baragraff (1) yn atal terfynu penodiad aelod gweithrediaeth interim ynghynt o dan baragraff 5(2)(b) neu'n unol â thelerau ei benodiad.

Sefydlu corff llywodraethu a gyfansoddwyd yn normal

- 17 (1) Pan fo aelodau gweithrediaeth interim i adael eu swydd ar y dyddiad y cyfeiriwyd ato ym mharagraff 16(1)(b) neu (c), rhaid i'r awdurdod lleol wneud trefniadau sy'n darparu ar gyfer cyfansoddi'r corff llywodraethu ar neu ar ôl y dyddiad hwnnw.
- (2) Caiff Gweinidogion Cymru wneud, drwy reoliadau, ddarpariaeth ynglŷn â'r trosi o fwrdd gweithrediaeth interim i gorff llywodraethu a gyfansoddwyd yn normal, a chânt, mewn cysylltiad â'r trosi hwnnw—
- addasu unrhyw ddarpariaeth a wnaed o dan unrhyw un neu rai o adrannau 19, 20 a 23 o Ddeddf Addysg 2002 neu gan Atodlen 1 i'r Ddeddf honno,
 - cymhwyso unrhyw ddarpariaeth o'r fath gydag addasiadau neu hebddynt, ac
 - gwneud darpariaeth sy'n cyfateb i unrhyw ddarpariaeth o'r fath neu'n gyffelyb iddi.
- (3) Mae'r ddarpariaeth y caniateir ei gwneud yn rhinwedd is-baragraff (2) yn cynnwys, ymhlith pethau eraill, ddarpariaeth sy'n galluogi llywodraethwyr i gael eu hethol neu eu penodi, ac i arfer swyddogaethau, cyn diwedd y cyfnod interim.

- (2) The appropriate authority may give notice to the persons mentioned in sub-paragraph (3) specifying a date on which the governing body are to become a normally constituted governing body.
- (3) Those persons are—
 - (a) every interim executive member,
 - (b) where the local authority is the appropriate authority, the Welsh Ministers,
 - (c) where the Welsh Ministers are the appropriate authority, the local authority, and
 - (d) in the case of a foundation or voluntary school—
 - (i) the person who appoints the foundation governors, and
 - (ii) if the school has a religious character, the appropriate religious body.

Time when interim executive members cease to hold office

- 16 (1) The interim executive members are to vacate office—
- (a) in a case where sub-paragraph (4) of paragraph 14 applies, on the discontinuance date within the meaning of that paragraph,
 - (b) in a case where that sub-paragraph does not apply and the notice under section 7 or 14 specified the duration of the interim period, at the end of the specified period, and
 - (c) in any other case, on the date specified under paragraph 15(2).
- (2) Sub-paragraph (1) does not prevent the termination of the appointment of an interim executive member at any earlier time under paragraph 5(2)(b) or in accordance with the terms of the appointment.

Establishment of normally constituted governing body

- 17 (1) Where interim executive members are to vacate office on the date referred to in paragraph 16(1)(b) or (c), the local authority must make arrangements providing for the constitution of the governing body on and after that date.
- (2) The Welsh Ministers may by regulations make provision with respect to the transition from an interim executive board to a normally constituted governing body, and may in connection with that transition—
- (a) modify any provision made under any of sections 19, 20 and 23 of the Education Act 2002 or by Schedule 1 to that Act,
 - (b) apply any such provision with or without modifications, and
 - (c) make provision corresponding to or similar to any such provision.
- (3) The provision that may be made by virtue of sub-paragraph (2) includes, among other things, provision enabling governors to be elected or appointed, and to exercise functions, before the end of the interim period.

ATODLEN 2
(Cyflwynwyd gan adran 40)

NEWIDIADAU RHEOLEIDDIEDIG

RHAN 1

POB YSGOL A GYNHELIR

- 1 Mae paragraffau 2 a 3 yn disgrifio newidiadau rheoleiddiedig mewn perthynas ag ysgolion cymunedol, ysgolion sefydledig, ysgolion gwirfoddol, ysgolion arbennig cymunedol ac ysgolion meithrin a gynhelir.

Trosglwyddo safle

- 2 Trosglwyddo ysgol i safle neu safleoedd newydd oni fyddai prif fynedfa'r ysgol ar ei safle neu safleoedd newydd o fewn 1.609344 cilomedr (un filltir) o brif fynedfa'r ysgol ar ei safle neu safleoedd presennol.

Ysgolion rhyw gymysg ac ysgolion un rhyw

- 3 (1) Newid a wneir i ysgol fel a ganlyn –
- (a) bod ysgol a oedd yn derbyn disgyblion o un rhyw yn unig yn derbyn disgyblion o'r ddau ryw, neu
 - (b) bod ysgol a oedd yn derbyn disgyblion o'r ddau ryw yn derbyn disgyblion o un rhyw yn unig.
- (2) At ddibenion y paragraff hwn mae ysgol i'w thrin fel un sy'n derbyn disgyblion o un rhyw yn unig os yw trefn derbyn disgyblion o'r rhyw arall –
- (a) yn gyfyngedig i ddisgyblion dros oedran ysgol gorfodol; a
 - (b) heb fod yn fwy na 25% o nifer y disgyblion yn y grŵp oedran a dan sylw sydd fel arfer yn yr ysgol.

RHAN 2

POB YSGOL A GYNHELIR AR WAHÂN I YSGOLION MEITHRIN A GYNHELIR

- 4 Mae paragraffau 5 i 8 yn disgrifio newidiadau rheoleiddiedig mewn perthynas ag ysgolion cymunedol, ysgolion sefydledig, ysgolion gwirfoddol ac ysgolion arbennig cymunedol.

Ystod oedran

- 5 (1) Newid oedran isaf y disgyblion y darperir addysg iddynt yn arferol yn yr ysgol gan flwyddyn neu fwy.
- (2) Newid oedran uchaf y disgyblion y darperir addysg iddynt yn arferol yn yr ysgol gan flwyddyn neu fwy os yw'r ysgol, cyn ac ar ôl y newid, yn darparu addysg sy'n addas i ofynion disgyblion mewn oedran ysgol gorfodol ond heb fod yn darparu addysg sy'n addas i ofynion disgyblion dros oedran ysgol gorfodol.

SCHEDULE 2
(Introduced by section 40)

REGULATED ALTERATIONS

PART 1

ALL MAINTAINED SCHOOLS

- 1 Paragraphs 2 and 3 describe regulated alterations in relation to community, foundation, voluntary schools, community special schools, and maintained nursery schools.

Site transfers

- 2 The transfer of a school to a new site or sites unless a main entrance of the school on its new site or sites would be within 1.609344 kilometres (one mile) of a main entrance of the school on its current site or sites.

Mixed sex and single-sex schools

- 3 (1) An alteration to a school so that—
- (a) a school which admitted pupils of one sex only admits pupils of both sexes, or
 - (b) a school which admitted pupils of both sexes admits pupils of one sex only.
- (2) For the purposes of this paragraph a school is to be treated as admitting pupils of one sex only if the admission of pupils of the other sex—
- (a) is limited to pupils over compulsory school age; and
 - (b) does not exceed 25% of the number of pupils in the age group in question normally at the school.

PART 2

ALL MAINTAINED SCHOOLS OTHER THAN MAINTAINED NURSERY SCHOOLS

- 4 Paragraphs 5 to 8 describe regulated alterations in relation to community, foundation and voluntary schools, and community special schools.

Age range

- 5 (1) The alteration by a year or more of the lowest age of pupils for whom education is normally provided at the school.
- (2) The alteration by a year or more of the highest age of pupils for whom education is normally provided at a school where the school, both before and after the alteration, provides education suitable to the requirements of pupils of compulsory school age and does not provide full time education suitable to the requirements of pupils over compulsory school age.

Darpariaeth chweched dosbarth

- 6 (1) Cyflwyno'r ddarpariaeth o addysg lawnamser sy'n addas i ofynion disgyblion dros oedran ysgol gorfodol mewn ysgol sy'n darparu addysg lawnamser sy'n addas i ofynion disgyblion mewn oedran ysgol gorfodol.
- (2) Terfynu'r ddarpariaeth o addysg lawnamser sy'n addas i ofynion disgyblion dros oedran ysgol gorfodol mewn ysgol sydd i barhau i ddarparu addysg lawnamser sy'n addas i ofynion disgyblion mewn oedran ysgol gorfodol.

Cyfrwng iaith – addysg gynradd

- 7 (1) Mae'r paragraff hwn yn gymwys ar gyfer –
- (a) ysgolion cynradd,
 - (b) ysgolion arbennig ond dim ond mewn perthynas â darparu addysg gynradd i ddisgyblion yn yr ysgolion, ac
 - (c) ysgolion canol ond dim ond mewn perthynas â darparu addysg gynradd i ddisgyblion yn yr ysgolion.
- (2) Daw newid o fewn y paragraff hwn os yw addysgu dosbarth o ddisgyblion mewn grŵp oedran (neu grwpiau oedran) mewn ysgol yn dod o fewn disgrifiad mewn cofnod yng ngholofn 1 o dabl 1 isod, ac os cynigir newid addysgu'r dosbarth cyfatebol o ddisgyblion yn y grŵp oedran hwnnw (neu'r grwpiau oedran hynny) fel ei fod yn dod o fewn y disgrifiad yn y cofnod cyfatebol yng ngholofn 2.
- (3) Yn y paragraff hwn –
- (a) ystyr "grŵp oedran" yw –
 - (i) grŵp blwyddyn o'r cyfnod sylfaen (o fewn yr ystyr a roddir i "*foundation phase*" gan adran 102 o Ddeddf Addysg 2002), neu
 - (ii) grŵp blwyddyn o'r ail gyfnod allweddol (o fewn yr ystyr a roddir i "*second key stage*" gan adran 103 o Ddeddf Addysg 2002);
 - (b) nid yw cyfeiriad at addysgu dosbarth o ddisgyblion yn cynnwys gwasanaeth ysgol na gweithgareddau eraill mewn ysgol a gynhelir fel arfer gyda grwpiau mawr o ddisgyblion.

Sixth form provision

- 6 (1) The introduction of the provision of full-time education suitable to the requirements of pupils over compulsory school age at a school which provides full time education suitable to the requirements of pupils of compulsory school age.
- (2) The ending of the provision of full time education suitable to the requirements of pupils over compulsory school age at a school which is to continue to provide full time education suitable to the requirements of pupils of compulsory school age.

Language medium – primary education

- 7 (1) This paragraph applies to—
- (a) primary schools,
 - (b) special schools but only in relation to the provision of primary education to pupils at the schools, and
 - (c) middle schools but only in relation to the provision of primary education to pupils at the schools.
- (2) An alteration comes within this paragraph if the teaching of a class of pupils in an age group (or groups) at a school falls within a description in an entry in column 1 of table 1 below, and it is proposed to alter the teaching of the corresponding class of pupils in that age group (or those age groups) so that it falls within the description in the corresponding entry in column 2.
- (3) In this paragraph—
- (a) “age group” means—
 - (i) a year group of the foundation phase (within the meaning given by section 102 of the Education Act 2002), or
 - (ii) a year group of the second key stage (within the meaning given by section 103 of the Education Act 2002);
 - (b) a reference to the teaching of a class of pupils does not include a school assembly or other school activities usually conducted with large groups of pupils.

TABL 1

1	2
Mae o leiaf 20% ond dim mwy nag 80% o'r addysgu yn cael ei gynnal drwy gyfrwng y Saesneg	Cynnydd neu leihad o fwy na 20% yn yr addysgu sy'n cael ei gynnal drwy gyfrwng y Gymraeg
Mae o leiaf 20% ond dim mwy nag 80% o'r addysgu yn cael ei gynnal drwy gyfrwng y Gymraeg	Cynnydd neu leihad o fwy na 20% yn yr addysgu sy'n cael ei gynnal drwy gyfrwng y Saesneg
Mae mwy nag 80% o'r addysgu yn cael ei gynnal drwy gyfrwng y Saesneg, ac mae rhywfaint o addysgu yn cael ei gynnal drwy gyfrwng y Gymraeg	Cynnydd o fwy na 10% yn yr addysgu sy'n cael ei gynnal drwy gyfrwng y Gymraeg
Mae mwy nag 80% o'r addysgu yn cael ei gynnal drwy gyfrwng y Gymraeg, ac mae rhywfaint o addysgu yn cael ei gynnal drwy gyfrwng y Saesneg	Cynnydd o fwy na 10% yn yr addysgu sy'n cael ei gynnal drwy gyfrwng y Saesneg
Ni chynhelir dim addysgu drwy gyfrwng y Gymraeg	Cynhelir mwy na 10% o'r addysgu drwy gyfrwng y Gymraeg
Ni chynhelir dim addysgu drwy gyfrwng y Saesneg	Cynhelir mwy na 10% o'r addysgu drwy gyfrwng y Saesneg
Cynhelir rhywfaint o addysgu drwy gyfrwng y Saesneg	Ni chynhelir dim addysgu drwy gyfrwng y Saesneg
Cynhelir rhywfaint o addysgu drwy gyfrwng y Gymraeg	Ni chynhelir dim addysgu drwy gyfrwng y Gymraeg

Cyfrwng iaith – addysg uwchradd

- 8 (1) Mae'r paragraff hwn yn gymwys ar gyfer –
- (a) ysgolion uwchradd,
 - (b) ysgolion arbennig ond dim ond mewn perthynas â darparu addysg uwchradd i ddisgyblion yn yr ysgolion, ac
 - (c) ysgolion canol ond dim ond mewn perthynas â darparu addysg uwchradd i ddisgyblion yn yr ysgolion.
- (2) Daw newid o fewn y paragraff hwn os yw addysgu disgyblion mewn grŵp blwyddyn mewn ysgol yn dod o fewn disgrifiad mewn cofnod yng ngholofn 1 o dabl 2 isod, ac os cynigir newid addysgu'r disgyblion yn y grŵp blwyddyn hwnnw fel ei fod yn dod o fewn y disgrifiad yn y cofnod cyfatebol yng ngholofn 2.
- (3) Yn y paragraff hwn "pwnc perthnasol" yw unrhyw bwnc ar wahân i Gymraeg a Saesneg a addysgir yn yr ysgol i ddisgyblion yn y grŵp blwyddyn o dan sylw.

TABLE 1

1	2
At least 20% but no more than 80% of the teaching is conducted through the medium of English	An increase or a decrease of more than 20% in the teaching which is conducted through the medium of Welsh
At least 20% but no more than 80% of the teaching is conducted through the medium of Welsh	An increase or a decrease of more than 20% in the teaching which is conducted through the medium of English
More than 80% of the teaching is conducted through the medium of English, and some teaching is conducted through the medium of Welsh	An increase of more than 10% in the teaching which is conducted through the medium of Welsh
More than 80% of the teaching is conducted through the medium of Welsh, and some teaching is conducted through the medium of English	An increase of more than 10% in the teaching which is conducted through the medium of English
No teaching is conducted through the medium of Welsh	More than 10% of teaching is conducted through the medium of Welsh
No teaching is conducted through the medium of English	More than 10% of teaching is conducted through the medium of English
Some teaching is conducted through the medium of English	No teaching is conducted through the medium of English
Some teaching is conducted through the medium of Welsh	No teaching is conducted through the medium of Welsh

Language medium - secondary education

- 8 (1) This paragraph applies to—
- (a) secondary schools,
 - (b) special schools but only in relation to the provision of secondary education to pupils at the schools, and
 - (c) middle schools but only in relation to the provision of secondary education to pupils at the schools.
- (2) An alteration comes within this paragraph if the teaching of pupils in a year group at a school falls within a description in an entry in column 1 of table 2 below, and it is proposed to alter the teaching of pupils in that year group so that it falls within the description in the corresponding entry in column 2.
- (3) In this paragraph a “relevant subject” is any subject other than English and Welsh which is taught at the school to pupils in the year group concerned.

TABL 2

1	2
Addysgir pump neu ragor o bynciau perthnasol (yn gyfan gwbl neu'n bennaf) drwy gyfrwng y Gymraeg i unrhyw ddisgybl	Lleihad o bedwar neu ragor o'r pynciau perthnasol a addysgir (yn gyfan gwbl neu'n bennaf) drwy gyfrwng y Gymraeg i unrhyw ddisgybl
Addysgir pump neu ragor o bynciau perthnasol (yn gyfan gwbl neu'n bennaf) drwy gyfrwng y Saesneg i unrhyw ddisgybl	Lleihad o bedwar neu ragor o'r pynciau perthnasol a addysgir (yn gyfan gwbl neu'n bennaf) drwy gyfrwng y Saesneg i unrhyw ddisgybl
Addysgir pob pwnc perthnasol (yn gyfan gwbl neu'n bennaf) drwy gyfrwng y Gymraeg i bob disgybl	Addysgir tri neu ragor o bynciau perthnasol (yn gyfan gwbl neu'n bennaf) drwy gyfrwng y Saesneg i unrhyw ddisgybl
Addysgir pob pwnc perthnasol (yn gyfan gwbl neu'n bennaf) drwy gyfrwng y Saesneg i bob disgybl	Addysgir tri neu ragor o bynciau perthnasol (yn gyfan gwbl neu'n bennaf) drwy gyfrwng y Gymraeg i unrhyw ddisgybl
Addysgir un neu ragor o bynciau perthnasol (yn gyfan gwbl neu'n bennaf) drwy gyfrwng y Gymraeg i unrhyw ddisgybl	Nid addysgir unrhyw bwnc perthnasol (yn gyfan gwbl neu'n bennaf) drwy gyfrwng y Gymraeg i unrhyw ddisgybl
Addysgir un neu ragor o bynciau perthnasol (yn gyfan gwbl neu'n bennaf) drwy gyfrwng y Saesneg i unrhyw ddisgybl	Nid addysgir unrhyw bwnc perthnasol (yn gyfan gwbl neu'n bennaf) drwy gyfrwng y Saesneg i unrhyw ddisgybl

RHAN 3

YSGOLION CYMUNEDOL, YSGOLION SEFYDLEDIG AC YSGOLION GWIRFODDOL

- 9 Mae paragraffau 10 i 17 yn disgrifio newidiadau rheoleiddiedig mewn perthynas ag ysgolion cymunedol, ysgolion sefydledig ac ysgolion gwirfoddol.

Newidiadau i fangreodd

- 10 (1) Ehangu mangre'r ysgol a fyddai'n cynyddu capasiti'r ysgol gan o leiaf 25% neu 200 o ddisgyblion o'i gymharu â chapasiti'r ysgol ar y dyddiad priodol.
- (2) Wrth benderfynu cynnydd mewn capasiti at ddibenion is-baragraff (1), mae pob ehangiad a wnaed ar ôl y dyddiad priodol i'w cymryd i ystyriaeth ynghyd â'r ehangiad arfaethedig.
- (3) Y "dyddiad priodol" yw'r diweddaraf o'r canlynol—
- (a) y dyddiad sy'n dod bum mlynedd cyn y dyddiad y cynllunnir gweithredu'r cynigion i wneud yr ehangiad;
- (b) y dyddiad pan dderbyniodd yr ysgol ddisgyblion gyntaf;

TABLE 2

1	2
Five or more relevant subjects are taught (wholly or mainly) through the medium of Welsh to any pupils	A decrease by four or more of the relevant subjects taught (wholly or mainly) through the medium of Welsh to any pupils
Five or more relevant subjects are taught (wholly or mainly) through the medium of English to any pupils	A decrease by four or more of the relevant subjects taught (wholly or mainly) through the medium of English to any pupils
Every relevant subject is taught (wholly or mainly) through the medium of Welsh to all pupils	Three or more relevant subjects are taught (wholly or mainly) through the medium of English to any pupils
Every relevant subject is taught (wholly or mainly) through the medium of English to all pupils	Three or more relevant subjects are taught (wholly or mainly) through the medium of Welsh to any pupils
One or more relevant subject is taught (wholly or mainly) through the medium of Welsh to any pupils	No relevant subject is taught (wholly or mainly) through the medium of Welsh to any pupils
One or more relevant subject is taught (wholly or mainly) through the medium of English to any pupils	No relevant subject is taught (wholly or mainly) through the medium of English to any pupils

PART 3

COMMUNITY, FOUNDATION AND VOLUNTARY SCHOOLS

- 9 Paragraphs 10 to 17 describe regulated alterations in relation to community, foundation and voluntary schools.

Alterations to premises

- 10 (1) An enlargement of the premises of the school which would increase the capacity of the school by at least 25% or 200 pupils as compared with the school's capacity on the appropriate date.
- (2) In determining an increase in capacity for the purpose of sub-paragraph (1), all enlargements that have taken place since the appropriate date are to be taken into account together with the proposed enlargement.
- (3) The "appropriate date" is the latest of—
- (a) the date falling five years before the date on which it is planned to implement the proposals to make the enlargement;
 - (b) the date when the school first admitted pupils;

- (c) dyddiad (neu ddyddiad diweddaraf) gweithredu cynigion i wneud unrhyw newid i'r ysgol a oedd yn golygu ehangu ei mangre ac y cyhoeddwyd y cynigion hynny o dan—
- (i) adran 48, 59, 68 neu 72, neu
 - (ii) adran 28 o Ddeddf Safonau a Fframwaith Ysgolion 1998 neu baragraff 5 o Atodlen 7 i'r Ddeddf honno.
- (4) Nid yw cyfeiriadau yn y paragraff hwn at ehangu yn cynnwys ehangu dros dro.
- 11 (1) Ehangu mangre'r ysgol a fyddai'n cynyddu capasiti'r ysgol os yw'r dyddiad y cynllunnir gweithredu'r cynigion i wneud yr ehangiad yn dod o fewn y cyfnod a ddisgrifir yn is-baragraff (2).
- (2) Pum mlynedd yw'r cyfnod ac mae'n dechrau ar ddyddiad gweithredu'r cynigion (neu'r dyddiad diweddaraf) sy'n dod o fewn paragraff 13 (lleihau capasiti ysgol).
- (3) Nid yw "ehangu" yn y paragraff hwn yn cynnwys ehangu dros dro.
- 12 Gwneud ehangu dros dro, a fyddai ar yr adeg y'i gwnaed wedi dod o fewn paragraff 10 (heblaw am y ffaith ei fod dros dro), yn ehangu parhaol.
- 13 Newid a wneir i fangre'r ysgol a fyddai'n lleihau capasiti'r ysgol, lle y byddai'r capasiti arfaethedig yn is na'r nifer uchaf o ddisgyblion cofrestredig yn yr ysgol ar unrhyw adeg yn ystod y ddwy flynedd cyn y dyddiad y lluniodd y cynigydd ei gynnig i wneud y newid arfaethedig.
- 14 At ddibenion paragraffau 10 i 13—
- (a) mae cyfeiriadau at gapasiti ysgol yn gyfeiriadau at nifer y disgyblion y gall yr ysgol drefnu lle ar eu cyfer fel a ddyfernir yn unol â chanllawiau a roddir gan Weinidogion Cymru, a
 - (b) "ehangu dros dro" yw ehangu mangre ysgol y rhagwelir y bydd yr ehangiad, ar yr adeg y'i gwneir, yn ei le am lai na thair blynedd.

Anghenion addysgol arbennig

- 15 (1) Sefydlu darpariaeth neu ddirwyn darpariaeth i ben a gydnabyddir gan yr awdurdod lleol yn ddarpariaeth a gadwyd yn ôl ar gyfer plant ag anghenion addysgol arbennig.
- (2) Os oes darpariaeth a gydnabyddir gan yr awdurdod lleol yn ddarpariaeth a gadwyd yn ôl ar gyfer plant ag anghenion addysgol arbennig, newid yn y math o'r cyfryw ddarpariaeth.

Trefniadau derbyn

- 16 Cyflwyno trefniadau derbyn y mae adran 101(1) o Ddeddf Safonau a Fframwaith Ysgolion 1998 (bandio disgyblion) yn gymwys iddynt.

Darpariaeth fyrddio

- 17 (1) Cyflwyno darpariaeth ar gyfer llety byrddio neu ei dirwyn i ben.

- (c) the date (or latest date) of implementation of proposals to make an alteration to the school consisting of an enlargement of its premises which proposals were published under –
 - (i) section 48, 59, 68 or 72, or
 - (ii) section 28 of the School Standards and Framework Act 1998 or paragraph 5 of Schedule 7 to that Act.
- (4) References in this paragraph to an enlargement do not include a temporary enlargement.
- 11 (1) An enlargement of the premises of the school which would increase the capacity of the school if the date on which it is planned to implement the proposals to make the enlargement falls within the period described in sub-paragraph (2).
- (2) The period is five years beginning with the date (or latest date) of implementation of proposals falling within paragraph 13 (reducing a school’s capacity).
- (3) “Enlargement” does not include a temporary enlargement.
- 12 The making permanent of a temporary enlargement which at the time of its making would have fallen within paragraph 10 (but for the fact that it was temporary).
- 13 An alteration of the premises of the school which would reduce the capacity of the school, where the proposed capacity would be lower than the highest number of registered pupils at the school at any time during the two years before the date on which the proposer formed the intention to make the proposed alteration.
- 14 For the purposes of paragraphs 10 to 13 –
 - (a) references to the capacity of a school are to the number of pupils the school can accommodate as determined in accordance with guidance given by the Welsh Ministers, and
 - (b) a “temporary enlargement” is an enlargement of a school’s premises which it is anticipated, at the time of its making, will be in place for fewer than three years.

Special educational needs

- 15 (1) The establishment or discontinuance of provision which is recognised by the local authority as reserved for children with special educational needs.
- (2) Where there is provision which is recognised by the local authority as reserved for children with special educational needs, a change in the type of such provision.

Admission arrangements

- 16 The introduction of admission arrangements to which section 101(1) of the School Standards and Framework Act 1998 (pupil banding) applies.

Boarding provision

- 17 (1) The introduction or ending of provision for boarding accommodation.

- (2) Newid y ddarpariaeth ar gyfer llety byrddio fel bod y nifer o ddisgyblion y gwneir darpariaeth o'r fath ar eu cyfer yn cael ei gynyddu neu ei leihau gan 50 o ddisgyblion neu ragor neu gan 50% neu ragor.

RHAN 4

YSGOLION ARBENNIG

- 18 Mae paragraffau 19 i 21 yn disgrifio newidiadau rheoleiddiedig mewn perthynas ag ysgolion arbennig cymunedol.

Cynnydd yn nifer disgyblion

- 19 (1) Ac eithrio pan fo ysgol wedi ei sefydlu mewn ysbyty, cynnydd yn nifer y disgyblion y mae'r ysgol yn gwneud darpariaeth ar eu cyfer, a fyddai o'i gymryd ynghyd â phob cynnydd blaenorol ar ôl y dyddiad priodol, yn cynyddu nifer y disgyblion gan o leiaf 10% neu gan y nifer perthnasol o'i gymharu â nifer y disgyblion ar y dyddiad priodol.
- (2) Yn y paragraff hwn –
- y "dyddiad priodol" ("*appropriate date*") yw'r diweddaraf o'r canlynol –
- (a) 19 Ionawr 2012;
 - (b) y dyddiad pan dderbyniodd yr ysgol ddisgyblion gyntaf;
 - (c) dyddiad (neu ddyddiad diweddaraf) gweithredu cynigion i wneud newid i'r ysgol i gynyddu nifer y disgyblion y mae'r ysgol yn darparu ar eu cyfer ac y cyhoeddwyd y cynigion hynny o dan y canlynol –
 - (i) adran 48, 59, 68 neu 72, neu
 - (ii) adran 31 o Ddeddf Safonau a Fframwaith Ysgolion 1998 neu baragraff 5 o Atodlen 7 i'r Ddeddf honno; ac
- "y nifer perthnasol" ("*relevant number*") mewn perthynas â nifer y disgyblion mewn ysgol yw –
- (a) pan fo'r ysgol yn darparu llety byrddio yn unig, 5, a
 - (b) ym mhob achos arall, 20.

Darpariaeth fyrddio

- 20 Newid y ddarpariaeth ar gyfer llety byrddio fel bod y nifer o ddisgyblion y gwneir darpariaeth o'r fath ar eu cyfer yn cael ei gynyddu neu ei leihau gan 5 disgybl neu ragor.

Darpariaeth anghenion addysgol arbennig

- 21 Newid yn y math o anghenion addysgol arbennig y trefnwyd yr ysgol i wneud darpariaeth ar ei gyfer.

RHAN 5

YSGOLION MEITHRIN A GYNHELIR

- 22 Mae paragraffau 23 i 25 yn disgrifio newidiadau rheoleiddiedig mewn perthynas ag ysgolion meithrin a gynhelir.

- (2) The alteration of provision for boarding accommodation so that the number of pupils for whom such provision is made is increased or decreased by 50 pupils or more or by 50% or more.

PART 4

SPECIAL SCHOOLS

- 18 Paragraphs 19 to 21 describe regulated alterations in relation to community special schools.

Increase in pupils

- 19 (1) Except where the school is established in a hospital, an increase in the number of pupils for whom the school makes provision which, when taken with all previous increases since the appropriate date, would increase the number of pupils at least by 10% or by the relevant number as compared with the number of pupils on the appropriate date.
- (2) In this paragraph—
- the “appropriate date” (“*dyddiad priodol*”) is the latest of—
 - (a) 19 January 2012;
 - (b) the date when the school first admitted pupils;
 - (c) the date (or latest date) of implementation of proposals to make an alteration to the school to increase the number of pupils for whom the school makes provision which proposals were published under—
 - (i) section 48, 59, 68 or 72, or
 - (ii) section 31 of the School Standards and Framework Act 1998 or paragraph 5 of Schedule 7 to that Act; and
- “relevant number” (“*y nifer perthnasol*”) in relation to the number of pupils at a school, is—
- (a) where the school provides boarding accommodation only, 5, and
 - (b) in any other case, 20.

Boarding provision

- 20 The alteration of the provision of boarding accommodation so that the number of pupils for whom such provision is made is increased or decreased by 5 pupils or more.

Special educational needs provision

- 21 A change in the type of special educational needs for which the school is organised to make provision.

PART 5

MAINTAINED NURSERY SCHOOLS

- 22 Paragraphs 23 to 25 describe regulated alterations in relation to maintained nursery schools.

Y man addysgu

- 23 (1) Ehangu'r man addysgu, ac eithrio ehangu dros dro, gan 50% neu fwy.
- (2) Gwneud ehangu dros dro y man addysgu gan 50% neu fwy yn ehangu parhaol.
- (3) Yn y paragraff hwn –
- ystyr “man addysgu” (“*teaching space*”) yw unrhyw fan a ddefnyddir yn gyfan gwbl neu'n bennaf ar gyfer darparu addysg feithrin ac eithrio'r canlynol –
- (a) unrhyw fan a ddefnyddir yn gyfan gwbl neu'n bennaf ar gyfer addysg disgyblion y mae eu hanghenion addysgol yn cael eu hasesu o dan adran 323 o Ddeddf Addysg 1996 a disgyblion sydd â datganiadau anghenion addysgol arbennig a gedwir o dan adran 324 o'r Ddeddf honno;
- (b) unrhyw fan a gafodd ei adeiladu, ei addasu neu ei drefnu yn y fath fodd nad yw'n addas at ddibenion addysgu cyffredinol;
- (c) unrhyw fan a gafodd ei adeiladu, ei addasu neu ei drefnu yn bennaf ar gyfer storio cyfarpar, offer neu ddeunyddiau a ddefnyddir wrth addysgu;
- (d) unrhyw ran o ardal y mae ei hangen ar gyfer symudiad disgyblion drwy'r ardal honno ac a ddefnyddir yn gyfan gwbl neu'n bennaf at y diben hwnnw;
- “ehangu dros dro” (“*temporary enlargement*”) yw ehangu man addysgu y rhagwelir y bydd yr ehangiad, ar yr adeg y'i gwneir, yn ei le am lai na thair blynedd.

Anghenion addysgol arbennig

- 24 (1) Sefydlu darpariaeth neu ddirwyn darpariaeth i ben a gydnabyddir gan yr awdurdod lleol yn ddarpariaeth a gadwyd yn ôl ar gyfer plant ag anghenion addysgol arbennig.
- (2) Os oes darpariaeth a gydnabyddir gan yr awdurdod lleol yn ddarpariaeth a gadwyd yn ôl ar gyfer plant ag anghenion addysgol arbennig, newid yn y math o'r cyfryw ddarpariaeth.

Cyfrwng iaith

- 25 (1) Yn achos ysgol y caiff grŵp o ddisgyblion ynddi ei addysgu yn gyfan gwbl neu'n bennaf drwy gyfrwng y Gymraeg, unrhyw newid i'r ysgol fel y byddai pob disgybl yn cael ei addysgu yn gyfan gwbl neu'n bennaf drwy gyfrwng y Saesneg.
- (2) Yn achos ysgol y caiff grŵp o ddisgyblion ynddi ei addysgu yn gyfan gwbl neu'n bennaf drwy gyfrwng y Saesneg, unrhyw newid i'r ysgol fel y byddai pob disgybl yn cael ei addysgu yn gyfan gwbl neu'n bennaf drwy gyfrwng y Gymraeg.

RHAN 6

ATODOL

Y pŵer i ddiwygio

- 26 (1) Caiff Gweinidogion Cymru drwy orchymyn ddiwygio unrhyw ddarpariaeth yn yr Atodlen hon.

Teaching space

- 23 (1) An enlargement of the teaching space, other than a temporary enlargement, by 50% or more.
- (2) The making permanent of a temporary enlargement of the teaching space by 50% or more.
- (3) In this paragraph—
- “teaching space” (“*man addysgu*”) means any area used wholly or mainly for the provision of nursery education excluding—
- (a) any area used wholly or mainly for the education of pupils whose educational needs are being assessed under section 323 of the Education Act 1996 and pupils with statements of special educational needs maintained under section 324 of that Act;
 - (b) any area constructed, adapted or equipped so as to be unsuitable for general teaching purposes;
 - (c) any area constructed, adapted or equipped primarily for the storage of apparatus, equipment or materials used in teaching;
 - (d) any part of an area which is required for the movement of pupils through that area and which is used wholly or mainly for that purpose;
- a “temporary enlargement” (“*ehangu dros dro*”) is an enlargement of the teaching space which it is anticipated, at the time of its making, will be in place for fewer than three years.

Special educational needs

- 24 (1) The establishment or discontinuance of provision which is recognised by the local authority as reserved for children with special educational needs.
- (2) Where there is provision which is recognised by the local authority as reserved for children with special educational needs, a change in the type of such provision.

Language medium

- 25 (1) In the case of a school at which a group of pupils is taught wholly or mainly through the medium of Welsh, an alteration to the school so that all pupils would be taught wholly or mainly through the medium of English.
- (2) In the case of a school at which a group of pupils is taught wholly or mainly through the medium of English, an alteration to the school so that all pupils would be taught wholly or mainly through the medium of Welsh.

PART 6

SUPPLEMENTARY

Power to amend

- 26 (1) The Welsh Ministers may by order amend any provision of this Schedule.

- (2) Caiff gorchymyn o dan is-baragraff (1) wneud diwygiadau canlyniadol i unrhyw ddarpariaeth yn Rhan 3 o'r Ddeddf hon.

- (2) An order under sub-paragraph (1) may make consequential amendments to any provision of Part 3 of this Act.

ATODLEN 3
(Cyflwynwyd gan adran 55)

GWEITHREDU CYNIGION STATUDOL

RHAN 1

CYFRIFOLDEB DROS WEITHREDU

Dehongli

1 Yn y Rhan hon o'r Atodlen hon—

- (a) ystyr "cynigion" yw cynigion sydd i'w gweithredu o dan adran 55;
- (b) mae cyfeiriad at awdurdod lleol mewn perthynas ag ysgol neu ysgol arfaethedig yn gyfeiriad at yr awdurdod lleol sy'n cynnal neu a fydd yn cynnal yr ysgol honno.

Cynigion ynghylch ysgolion cymunedol neu ysgolion meithrin a gynhelir

- 2 (1) Mae'r paragraff hwn yn gymwys i gynigion ynghylch ysgol gymunedol neu ysgol feithrin a gynhelir neu ysgol gymunedol arfaethedig neu ysgol feithrin a gynhelir sy'n arfaethedig.
- (2) Rhaid i gynigion a wneir gan awdurdod lleol o dan adran 41, 42 neu 43 gael eu gweithredu gan yr awdurdod lleol.

Cynigion ynghylch ysgolion sefydledig neu ysgolion gwirfoddol a reolir

- 3 (1) Mae'r paragraff hwn yn gymwys i gynigion ynghylch ysgol sefydledig neu ysgol wirfoddol a reolir neu ysgol wirfoddol a reolir sy'n arfaethedig.
- (2) Rhaid i gynigion a wneir gan awdurdod lleol o dan adran 41(2) neu 43(1)(a) gael eu gweithredu gan yr awdurdod.
- (3) Rhaid i gynigion a wneir gan awdurdod lleol o dan adran 42(1)(b) neu (c) gael eu gweithredu gan yr awdurdod a chan y corff llywodraethu i'r graddau y mae'r cynigion yn darparu (os ydynt) i bob un ohonynt wneud hynny.
- (4) Rhaid i gynigion a wneir o dan adran 41(2) (nas gwneir gan awdurdod lleol) gael eu gweithredu gan yr awdurdod lleol a chan y person a wnaeth y cynigion i'r graddau y mae'r cynigion yn darparu (os ydynt) i bob un ohonynt wneud hynny.
- (5) Rhaid i gynigion a wneir gan gorff llywodraethu o dan adran 42(2) gael eu gweithredu gan yr awdurdod lleol a'r corff llywodraethu i'r graddau y mae'r cynigion yn darparu (os ydynt) i bob un ohonynt wneud hynny.
- (6) Rhaid i gynigion a wneir gan gorff llywodraethu o dan adran 43(2) gael eu gweithredu gan y corff llywodraethu a chan yr awdurdod lleol.

Cynigion ynghylch ysgolion gwirfoddol a gynorthwyir

- 4 (1) Mae'r paragraff hwn yn gymwys i gynigion ynghylch ysgol wirfoddol a gynorthwyir neu ysgol wirfoddol a gynorthwyir sy'n arfaethedig.

SCHEDULE 3
(Introduced by section 55)

IMPLEMENTATION OF STATUTORY PROPOSALS

PART 1

RESPONSIBILITY FOR IMPLEMENTATION

Interpretation

1 In this Part of this Schedule –

- (a) “proposals” means proposals falling to be implemented under section 55;
- (b) a reference to a local authority in relation to a school or proposed school is a reference to the local authority that maintains, or that will maintain, that school.

Proposals relating to community or maintained nursery schools

- 2
- (1) This paragraph applies to proposals relating to a community or maintained nursery school or a proposed community or maintained nursery school.
 - (2) Proposals made by a local authority under section 41, 42 or 43 must be implemented by the local authority.

Proposals relating to foundation or voluntary controlled schools

- 3
- (1) This paragraph applies to proposals relating to a foundation or voluntary controlled school or a proposed voluntary controlled school.
 - (2) Proposals made by a local authority under section 41(2) or 43(1)(a) must be implemented by the authority.
 - (3) Proposals made by a local authority under section 42(1)(b) or (c) must be implemented by both the authority and governing body to the extent (if any) that the proposals provide for each of them to do so.
 - (4) Proposals made under section 41(2) (other than by a local authority) must be implemented by the local authority and by the person who made the proposals to the extent (if any) that the proposals provide for each of them to do so.
 - (5) Proposals made by a governing body under section 42(2) must be implemented by the local authority and by the governing body to the extent (if any) that the proposals provide for each of them to do so.
 - (6) Proposals made by a governing body under section 43(2) must be implemented by both the governing body and the local authority.

Proposals relating to voluntary aided schools

- 4
- (1) This paragraph applies to proposals relating to a voluntary aided school or a proposed voluntary aided school.

- (2) Rhaid i gynigion a wneir gan awdurdod lleol o dan adran 42(1)(b) neu (c) gael eu gweithredu –
 - (a) i'r graddau y maent yn ymwneud â darparu mangre berthnasol i'r ysgol, gan yr awdurdod lleol, a
 - (b) fel arall gan yr awdurdod a'r corff llywodraethu i'r graddau y mae'r cynigion yn darparu (os ydynt) i bob un ohonynt wneud hynny.
- (3) Rhaid i gynigion a wneir o dan adran 41(2) gael eu gweithredu –
 - (a) os yr awdurdod lleol yw'r cynigydd, gan yr awdurdod lleol, a
 - (b) os nad yr awdurdod lleol yw'r cynigydd –
 - (i) i'r graddau y maent yn ymwneud â darparu mangre berthnasol i'r ysgol, gan yr awdurdod lleol, a
 - (ii) fel arall gan y person a wnaeth y cynigion.
- (4) Nid oes dim sydd yn is-baragraff (3)(b) yn ei gwneud yn ofynnol i awdurdod lleol ddarparu mangre berthnasol –
 - (a) pan fo'r ysgol newydd wirfoddol a gynorthwyir i'w sefydlu yn lle un neu ragor o ysgolion annibynnol, sefydledig neu wirfoddol sy'n rhai presennol ac sydd i'w terfynu ar neu cyn dyddiad gweithredu'r cynigion, a
 - (b) pan oedd y fangre honno yn rhan o fangre unrhyw un neu rai o'r ysgolion presennol ond na chafodd ei darparu gan yr awdurdod.
- (5) Rhaid i gynigion a wneir gan gorff llywodraethu o dan adran 42(2) gael eu gweithredu –
 - (a) i'r graddau y maent yn ymwneud â darparu mangre berthnasol i'r ysgol, gan yr awdurdod lleol, a
 - (b) fel arall gan y corff llywodraethu.
- (6) Ystyr "mangre berthnasol" yw –
 - (a) caeau chwarae, neu
 - (b) adeiladau sydd i ffurfio rhan o fangre'r ysgol ond nad ydynt i fod yn adeiladau ysgol.
- (7) Rhaid i gynigion a wneir gan awdurdod lleol o dan adran 43(1) gael eu gweithredu gan yr awdurdod.
- (8) Rhaid i gynigion a wneir gan gorff llywodraethu o dan adran 43(2) gael eu gweithredu gan y corff llywodraethu a chan yr awdurdod lleol.

Cynigion ynghylch ysgolion arbennig gymunedol

- 5 (1) Mae'r paragraff hwn yn gymwys i gynigion ynghylch ysgol arbennig gymunedol neu ysgol arbennig gymunedol arfaethedig.
- (2) Rhaid i gynigion a wneir gan awdurdod lleol o dan adran 44 gael eu gweithredu gan yr awdurdod.

- (2) Proposals made by a local authority under section 42(1)(b) or (c) must be implemented –
 - (a) so far as relating to the provision of relevant premises for the school, by the local authority, and
 - (b) otherwise by both the authority and the governing body to the extent (if any) that the proposals provide for each of them to do so.
- (3) Proposals made under section 41(2) must be implemented –
 - (a) where the local authority is the proposer, by the local authority, and
 - (b) where the local authority is not the proposer –
 - (i) so far as relating to the provision of relevant premises for the school, by the local authority, and
 - (ii) otherwise by the person who made the proposals.
- (4) Nothing in sub-paragraph (3)(b) requires a local authority to provide relevant premises where –
 - (a) the new voluntary aided school is to be established in place of one or more existing independent, foundation or voluntary schools falling to be discontinued on or before the date of implementation of the proposals, and
 - (b) those premises were part of the premises of any of the existing schools but were not provided by the authority.
- (5) Proposals made by a governing body under section 42(2) must be implemented –
 - (a) so far as relating to the provision of relevant premises for the school, by the local authority, and
 - (b) otherwise by the governing body.
- (6) “Relevant premises” means –
 - (a) playing fields, or
 - (b) buildings which are to form part of the school premises but are not to be school buildings.
- (7) Proposals made by a local authority under section 43(1) must be implemented by the authority.
- (8) Proposals made by the governing body under section 43(2) must be implemented by both the governing body and the local authority.

Proposals relating to community special schools

- 5 (1) This paragraph applies to proposals relating to a community special school or a proposed community special school.
- (2) Proposals made by a local authority under section 44 must be implemented by the authority.

Newid categori

- 6 Os bydd ysgol yn newid categori o ysgol gymunedol ar ôl i gynigion cael eu cyhoeddi o dan adran 48 ond cyn iddynt gael eu gweithredu, rhaid i'r cynigion (i'r graddau na chawsant eu gweithredu) gael eu gweithredu gan yr awdurdod lleol (er gwaethaf paragraffau 3 a 4).

RHAN 2

DARPARU MANGREOEDD A CHYMORTH ARALL

Darparu safle ac adeiladau i ysgol sefydledig neu ysgol wirfoddol a reolir

- 7 (1) Mae'r paragraff hwn yn gymwys pan fo'n ofynnol i awdurdod lleol yn rhinwedd paragraff 3(2), (3), (4) neu (5) ddarparu safle i ysgol sefydledig neu ysgol wirfoddol a reolir, neu ysgol wirfoddol a reolir sy'n arfaethedig.
- (2) Rhaid i'r awdurdod drosglwyddo ei fuddiant yn y safle ac yn unrhyw adeiladau sydd ar y safle sydd i ffurfio rhan o fangre'r ysgol—
- (a) i ymddiriedolwyr yr ysgol, i'w ddal ganddynt ar ymddiried at ddibenion yr ysgol, neu
- (b) os nad oes ymddiriedolwyr gan yr ysgol, i gorff sefydledig yr ysgol neu (yn absenoldeb corff o'r fath) i'r corff llywodraethu, i'w ddal gan y corff hwnnw at y dibenion perthnasol.
- (3) Os bydd unrhyw amheuaeth neu anghydfod yn codi o ran y personau y mae'n ofynnol i'r awdurdod wneud y trosglwyddiad iddynt, rhaid iddo gael ei wneud i'r personau hynny y mae Gweinidogion Cymru'n barnu eu bod yn briodol.
- (4) Rhaid i'r awdurdod dalu i'r personau y gwneir y trosglwyddiad iddynt eu costau rhesymol mewn cysylltiad â'r trosglwyddiad.
- (5) Mae is-baragraff (6) yn gymwys—
- (a) pan fo trosglwyddiad yn cael ei wneud o dan y paragraff hwn, a
- (b) pan fo'r trosglwyddiad yn cael ei wneud i bersonau ("y trosglwyddeion") y mae ganddynt unrhyw swm, neu sydd â hawl ganddynt iddo neu y gellid bod ganddynt yr hawl iddo, sef swm sy'n cynrychioli'r enillion ar werthiant mangre arall a gafodd ei defnyddio at ddibenion yr ysgol.
- (6) Rhaid i'r trosglwyddeion hysbysu'r awdurdod lleol bod is-baragraff (5)(b) yn gymwys iddynt a rhaid iddynt hwy neu eu hollynwyr dalu i'r awdurdod lleol gymaint o'r swm hwnnw, gan roi sylw i werth y buddiant a drosglwyddwyd, ag y benderfynir ei fod yn gyfiawn, naill ai drwy gytundeb rhyngddynt hwy a'r awdurdod neu, yn niffyg cytundeb, gan Weinidogion Cymru.
- (7) Yn is-baragraff (5)(b) mae'r cyfeiriad at enillion ar werthiant mangre arall yn cynnwys cyfeiriad at y canlynol—
- (a) cydnabyddiaeth am greu neu am waredu unrhyw fath o fuddiant mewn mangre arall, gan gynnwys rhent, a
- (b) unrhyw log sydd wedi cronni mewn perthynas â chydabyddiaeth o'r fath.

Change of category

- 6 If a school changes category from a community school after proposals have been published under section 48 but before they have been implemented, the proposals (to the extent that they have not been implemented) must be implemented by the local authority (despite paragraphs 3 and 4).

PART 2

PROVISION OF PREMISES AND OTHER ASSISTANCE

Provision of site and buildings for foundation or voluntary controlled school

- 7 (1) This paragraph applies where a local authority is required by virtue of paragraph 3(2), (3), (4) or (5) to provide a site for a foundation or voluntary controlled school or a proposed voluntary controlled school.
- (2) The authority must transfer its interest in the site and in any buildings on the site which are to form part of the school premises –
- (a) to the school's trustees, to be held by them on trust for the purposes of the school, or
 - (b) if the school has no trustees, to the school's foundation body or (in the absence of such a body) to the governing body, to be held by that body for the relevant purposes.
- (3) If any doubt or dispute arises as to the persons to whom the authority is required to make the transfer, it must be made to such persons as the Welsh Ministers think proper.
- (4) The authority must pay to the persons to whom the transfer is made their reasonable costs in connection with the transfer.
- (5) Sub-paragraph (6) applies where –
- (a) a transfer is made under this paragraph, and
 - (b) the transfer is made to persons ("the transferees") who possess, or are or may become entitled to, any sum representing proceeds of the sale of other premises which have been used for the purposes of the school.
- (6) The transferees must notify the local authority that sub-paragraph (5)(b) applies to them and they or their successors must pay to the local authority so much of that sum as, having regard to the value of the interest transferred, may be determined to be just, either by agreement between them and the authority or, in default of agreement, by the Welsh Ministers.
- (7) In sub-paragraph (5)(b) the reference to proceeds of the sale of other premises includes a reference to –
- (a) consideration for the creation or disposition of any kind of interest in other premises, including rent, and
 - (b) interest which has accrued in respect of any such consideration.

- (8) Mae unrhyw swm a delir o dan is-baragraff (6) i'w drin at ddibenion adran 14 o Ddeddf Safleoedd Ysgolion 1841 (sy'n ymwneud â gwerthu neu gyfnewid tir sy'n cael ei ddal ar ymddiried at ddibenion ysgol) fel swm a ddefnyddir at brynu safle i'r ysgol.
- (9) Caniateir i benderfyniad gael ei wneud o dan is-baragraff (6) mewn cysylltiad ag unrhyw eiddo sy'n ddarostyngedig i ymddiriedolaeth sydd wedi codi o dan adran 1 o Ddeddf Dychweliad Safleoedd 1987 (hawl dychweliad yn cael ei disodli gan ymddiried i werthu) –
- os gwneir y penderfyniad gan Weinidogion Cymru (a dim ond bryd hynny), a
 - maent wedi eu bodloni (a dim ond bryd hynny) bod camau wedi eu cymryd i amddiffyn buddiannau'r buddiolwyr o dan yr ymddiriedolaeth.
- (10) Mae is-baragraff (6) yn gymwys at ddibenion digolledu'r awdurdod a hysbysir o dan yr is-baragraff hwnnw mewn perthynas yn unig â'r rhan honno o'r swm a grybwyllir yn is-baragraff (5)(b) (os oes un) sy'n weddill ar ôl cymhwyso paragraffau 1 i 3 o Atodlen 22 i Ddeddf Safonau a Fframwaith Ysgolion 1998 (gwaredu tir - ysgolion sefydledig, ysgolion gwirfoddol ac ysgolion arbennig sefydledig) i'r swm hwnnw.
- (11) Yn y paragraff hwn –
- ystyr "y dibenion perthnasol" ("*the relevant purposes*") yw –
- mewn perthynas â throsglwyddiad i gorff sefydledig ysgol, dibenion yr ysgolion sy'n ffurfio'r grŵp y mae'r corff hwnnw'n gweithredu drosto, neu
 - mewn perthynas â throsglwyddiad i gorff llywodraethu ysgol, dibenion yr ysgol;
- nid yw "safle" ("*site*") yn cynnwys caeau chwarae ond fel arall mae'n cynnwys unrhyw safle sydd i ffurfio rhan o fangre'r ysgol o dan sylw.

Grantiau mewn cysylltiad â gwariant penodol ynghylch ysgol wirfoddol a gynorthwyir boed hi'n un bresennol neu'n un arfaethedig

- 8 (1) Mae'r paragraff hwn yn gymwys –
- pan fo'n ofynnol i gorff llywodraethu ysgol wirfoddol a gynorthwyir yn rhinwedd paragraff 4(5) i weithredu cynigion i wneud newid rheoleiddiedig i'r ysgol, neu
 - pan fo'n ofynnol i berson yn rhinwedd paragraff 4(3)(b) i weithredu cynigion i sefydlu ysgol newydd wirfoddol a gynorthwyir.
- (2) Mae paragraff 5 o Atodlen 3 i Ddeddf Safonau a Fframwaith Ysgolion 1998 (grantiau i ysgolion gwirfoddol a gynorthwyir mewn cysylltiad â gwariant ar fangre neu gyfarpar) –
- yn gymwys mewn perthynas â'r ysgol a grybwyllir yn is-baragraff (1)(a), a
 - yn gymwys mewn perthynas â'r ysgol newydd a grybwyllir yn is-baragraff (1)(b) fel y mae'n gymwys mewn perthynas ag ysgol bresennol sy'n ysgol wirfoddol a gynorthwyir.
- (3) Wrth gymhwyso'r paragraff hwnnw mewn perthynas ag ysgol newydd wirfoddol a gynorthwyir –

- (8) Any sum paid under sub-paragraph (6) is to be treated for the purposes of section 14 of the Schools Sites Act 1841 (which relates to the sale or exchange of land held on trust for the purposes of a school) as a sum applied in the purchase of a site for the school.
- (9) A determination may be made under sub-paragraph (6) in respect of any property subject to a trust which has arisen under section 1 of the Reverter of Sites Act 1987 (right of reverter replaced by trust for sale) if (and only if) –
- (a) the determination is made by the Welsh Ministers, and
 - (b) they are satisfied that steps have been taken to protect the interests of the beneficiaries under the trust.
- (10) Sub-paragraph (6) applies for the purpose of compensating the authority notified under that sub-paragraph only in relation to such part of the sum mentioned in sub-paragraph (5)(b) (if any) as remains after the application of paragraphs 1 to 3 of Schedule 22 to the School Standards and Framework Act 1998 (disposals of land - foundation, voluntary and foundation special schools) to that sum.
- (11) In this paragraph –
- “the relevant purposes” (*“y dibenion perthnasol”*) means –
- (a) in relation to a transfer to a school’s foundation body, the purposes of the schools comprising the group for which that body acts, or
 - (b) in relation to a transfer to a school’s governing body, the purposes of the school;
- “site” (*“safle”*) does not include playing fields but otherwise includes any site which is to form part of the premises of the school in question.

Grants in respect of certain expenditure relating to existing or proposed voluntary aided school

- 8 (1) This paragraph applies where –
- (a) the governing body of a voluntary aided school is required by virtue of paragraph 4(5) to implement proposals to make a regulated alteration to the school, or
 - (b) a person is required by virtue of paragraph 4(3)(b) to implement proposals to establish a new voluntary aided school.
- (2) Paragraph 5 of Schedule 3 to the School Standards and Framework Act 1998 (grants to voluntary aided schools in respect of expenditure on premises or equipment) –
- (a) applies in relation to the school mentioned in sub-paragraph (1)(a), and
 - (b) applies in relation to the new school mentioned in sub-paragraph (1)(b) as it applies in relation to an existing voluntary aided school.
- (3) In the application of that paragraph in relation to a new voluntary aided school –

- (a) mae cyfeiriadau at y corff llywodraethu, mewn perthynas ag unrhyw adeg cyn i'r corff llywodraethu gael ei gyfansoddi, yn gyfeiriadau at y person a wnaeth y cynigion o dan adran 41(2), a
- (b) pan osodir gofynion mewn perthynas a grant a delir yn rhinwedd y paragraff hwn i'r person a wnaeth y cynigion, rhaid i gorff llywodraethu, pan gyfansoddir ef, yn ogystal â'r person hwnnw, gydymffurfio â'r gofynion.

Cymorth mewn cysylltiad â chynnal a chadw a rhwymedigaethau eraill mewn perthynas ag ysgol wirfoddol a gynorthwyir

- 9 Caiff awdurdod lleol roi i gorff llywodraethu ysgol wirfoddol a gynorthwyir y cymorth y gwêl yr awdurdod yn dda i'w roi pan fo'r corff llywodraethu'n cyflawni unrhyw rwymedigaeth sy'n codi yn rhinwedd paragraff 4(5) mewn perthynas â chynigion a wnaed ganddo o dan adran 42(2).

Cymorth mewn cysylltiad ag ysgol newydd wirfoddol a gynorthwyir

- 10 Caiff awdurdod lleol roi i'r personau y mae'n ofynnol iddynt yn rhinwedd paragraff 4(3) (b) i weithredu cynigion i sefydlu ysgol wirfoddol a gynorthwyir y cymorth y gwêl yn dda i'w roi pan fo'r personau hynny'n cyflawni unrhyw rwymedigaeth sy'n codi yn rhinwedd y paragraff hwnnw.

Dyletswydd i drosglwyddo buddiant mewn mangre a ddarperir o dan baragraff 9 neu 10

- 11 (1) Pan fo cymorth o dan baragraff 9 neu 10 yn golygu darparu unrhyw fangre i'w defnyddio at ddibenion ysgol, rhaid i'r awdurdod leol drosglwyddo ei fuddiant yn y fangre—
- (a) i ymddiriedolwyr yr ysgol i'w ddal ar ymddiried at ddibenion yr ysgol, neu
 - (b) os nad oes ymddiriedolwyr gan yr ysgol, i gorff sefydledig yr ysgol, i'w ddal gan y corff hwnnw at ddibenion yr ysgolion sy'n ffurfio'r grŵp y mae'r corff hwnnw'n gweithredu drosto.
- (2) Os bydd unrhyw amheuaeth neu anghydfod yn codi o ran y personau y mae'n ofynnol i'r awdurdod wneud y trosglwyddiad iddynt, rhaid iddo gael ei wneud i'r personau hynny y mae Gweinidogion Cymru'n barnu eu bod yn briodol.
- (3) Rhaid i'r awdurdod dalu i'r personau y gwneir y trosglwyddiad iddynt eu costau rhesymol mewn cysylltiad â'r trosglwyddiad.

RHAN 3

GORCHMYNION ESEMPTIO TROSIANNOL AT DDIBENION DEDDF CYDRADDOLDEB 2010

Ysgolion un rhyw

- 12 (1) Mae'r paragraff hwn yn gymwys i gynigion i wneud newid rheoleiddiedig a ddisgrifir ym mharagraff 3(1)(a) o Atodlen 2 (ysgol i beidio â bod yn un sy'n derbyn disgyblion o un rhyw yn unig).

- (a) the references to the governing body, in relation to any time before the governing body is constituted, are to the person who made the proposals under section 41(2), and
- (b) where requirements are imposed in relation to grant paid by virtue of this paragraph to the person who made the proposals, the requirements must be complied with by the governing body, when it is constituted, as well as by that person.

Assistance in respect of maintenance and other obligations relating to voluntary aided school

- 9 A local authority may give to the governing body of a voluntary aided school such assistance as the authority thinks fit in relation to the carrying out by the governing body of any obligation arising by virtue of paragraph 4(5) in relation to proposals made by it under section 42(2).

Assistance in respect of new voluntary aided school

- 10 A local authority may give to persons required by virtue of paragraph 4(3)(b) to implement proposals to establish a voluntary aided school such assistance as it thinks fit in relation to the carrying out by those persons of any obligation arising by virtue of that paragraph.

Duty to transfer interest in premises provided under paragraph 9 or 10

- 11 (1) Where assistance under paragraph 9 or 10 consists of the provision of any premises for use for the purposes of a school, the local authority must transfer its interest in the premises –
- (a) to the trustees of the school to be held on trust for the purposes of the school, or
 - (b) if the school has no trustees, to the school's foundation body, to be held by that body for the purposes of the schools comprising the group for which that body acts.
- (2) If any doubt or dispute arises as to the persons to whom the authority is required to make the transfer it must be made to such persons as the Welsh Ministers think proper.
- (3) The authority must pay to the persons to whom the transfer is made their reasonable costs in connection with the transfer.

PART 3

TRANSITIONAL EXEMPTION ORDERS FOR PURPOSES OF THE EQUALITY ACT 2010

Single-sex schools

- 12 (1) This paragraph applies to proposals to make a regulated alteration described in paragraph 3(1)(a) of Schedule 2 (school to cease to be one which admits pupils of one sex only).

- (2) Mae is-baragraff (3) yn gymwys pan wneir cynigion o'r fath o dan adran 42 neu 44 ac, yn unol ag adran 48(4), pan fo'r cynigydd yn anfon copi o'r cynigion wedi eu cyhoeddi at Weinidogion Cymru.
- (3) Mae anfon y cynigion wedi eu cyhoeddi i Weinidogion Cymru i'w drin fel cais gan y cynigydd am orchymyn esemptio trosiannol o dan Ddeddf Cydraddoldeb 2010, a chaniateir i Weinidogion Cymru wneud gorchymyn o'r fath yn unol â hynny.
- (4) Yn y paragraff hwn—
 - mae i "gorchymyn esemptio trosiannol" yr ystyr a roddir i ("*transitional exemption order*") ym mharagraff 3 o Atodlen 11 i Ddeddf Cydraddoldeb 2010;
 - mae "gwneud" ("*make*"), mewn perthynas â gorchymyn esemptio trosiannol yn cynnwys amrywio neu ddirymu.

- (2) Sub-paragraph (3) applies where such proposals are made under section 42 or 44 and, in accordance with section 48(4), the proposer sends a copy of the published proposals to the Welsh Ministers.
- (3) The sending of the published proposals to the Welsh Ministers is to be treated as an application by the proposer for a transitional exemption order under the Equality Act 2010, and the Welsh Ministers may make such an order accordingly.
- (4) In this paragraph—
 - “make” (*“gwneud”*), in relation to a transitional exemption order, includes vary or revoke;
 - “transitional exemption order” (*“gorchymyn esemptio trosiannol”*) has the same meaning as in paragraph 3 of Schedule 11 to the Equality Act 2010.

ATODLEN 4
(Cyflwynwyd gan adran 55)

GWEITHREDU CYNIGION I NEWID CATEGORI YSGOL

RHAN 1

CYFLWYNIAD

Dehongli

1 Yn yr Atodlen hon—

ystyr “cytundeb trosglwyddo” (*“transfer agreement”*) mewn perthynas ag ysgol yw cytundeb—

- (a) a wnaed rhwng yr awdurdod lleol ac ymddiriedolwyr neu gorff sefydledig neu gorff llywodraethu’r ysgol, a
- (b) sy’n darparu bod tir yn cael ei drosglwyddo i’r awdurdod lleol, ac yn cael ei freinio ynddo ar y dyddiad gweithredu (p’un a fu cydnabyddiaeth drwy daliad ai peidio gan yr awdurdod);

“y dyddiad gweithredu” (*“the implementation date”*) yw’r dyddiad y cynigir y bydd y newid categori yn digwydd;

mae i “grŵp” yr ystyr a roddir i (*“group”*) gan adran 21(4)(b) o Ddeddf Safonau a Fframwaith Ysgolion 1998;

ystyr “tir wedi ei gyllido’n gyhoeddus” (*“publicly funded land”*) yw tir a gafodd ei gaffael—

- (a) oddi wrth awdurdod lleol o dan drosglwyddiad o dan adran 201(1)(a) o Ddeddf Addysg 1996,
- (b) yn gyfan gwbl drwy gyfrwng grant cynnal, grant diben arbennig neu grant cyfalaf (o fewn ystyr Pennod 6 o Ran 3 o Ddeddf Addysg 1996),
- (c) yn gyfan gwbl drwy gyfrwng grant a wnaed o dan reoliadau a wnaed o dan baragraff 4 o Atodlen 32 i Ddeddf Safonau a Fframwaith Ysgolion 1998,
- (d) yn gyfan gwbl drwy gyfrwng gwariant a wnaed at ddibenion yr ysgol ac a gafodd ei drin gan yr awdurdod lleol fel gwariant o natur cyfalaf,
- (e) o dan drosglwyddiad o dan reoliadau a wnaed o dan baragraff 5 o Atodlen 8 i Ddeddf Safonau a Fframwaith Ysgolion 1998,
- (f) yn gyfan gwbl drwy gyfrwng cymorth ariannol a roddwyd o dan adran 14 o Ddeddf Addysg 2002,
- (g) o dan drosglwyddiad o dan yr Atodlen hon, neu
- (h) yn gyfan gwbl drwy enillion wrth waredu unrhyw dir a gafodd ei gaffael fel a grybwyllir yn unrhyw un neu ragor o baragraffau (a) i (g).

SCHEDULE 4
(Introduced by section 55)

IMPLEMENTATION OF PROPOSALS TO CHANGE CATEGORY OF SCHOOL

PART 1

INTRODUCTORY

Interpretation

1 In this Schedule—

“group” (*“grŵp”*) has the meaning given by section 21(4)(b) of the School Standards and Framework Act 1998;

“the implementation date” (*“y dyddiad gweithredu”*) means the date on which it is proposed that the change of category is to take place;

“publicly funded land” (*“tir wedi ei gyllido'n gyhoeddus”*) means land which was acquired—

- (a) from a local authority under a transfer under section 201(1)(a) of the Education Act 1996,
- (b) wholly by means of any maintenance, special purpose or capital grant (within the meaning of Chapter 6 of Part 3 of the Education Act 1996),
- (c) wholly by means of a grant made under regulations made under paragraph 4 of Schedule 32 to the School Standards and Framework Act 1998,
- (d) wholly by means of expenditure incurred for the purposes of the school and treated by the local authority as expenditure of a capital nature,
- (e) under a transfer under regulations made under paragraph 5 of Schedule 8 to the School Standards and Framework Act 1998,
- (f) wholly by means of financial assistance given under section 14 of the Education Act 2002,
- (g) under a transfer under this Schedule, or
- (h) wholly with the proceeds of disposal of any land acquired as mentioned in any of paragraphs (a) to (g);

“transfer agreement” (*“cytundeb trosglwyddo”*), in relation to a school, means an agreement—

- (a) made between the local authority and the trustees or the foundation body or the governing body of the school, and
- (b) providing for land to be transferred to, and vest in, the local authority on the implementation date (whether or not in consideration of payment by the authority).

Gweithredu

2 Ar y dyddiad gweithredu mae'r ysgol i newid categori yn unol â'r cynigion.

RHAN 2

TROSLWYDDO STAFF

Newid i ysgol wirfoddol a gynorthwyir

- 3
- (1) Mae'r paragraff hwn yn gymwys pan fo ysgol gymunedol neu ysgol wirfoddol a reolir yn newid categori i ddod yn ysgol wirfoddol a gynorthwyir.
 - (2) Mae'r contract cyflogaeth rhwng P a'r awdurdod lleol yn cael effaith o'r dyddiad gweithredu fel pe bai wedi ei wneud yn wreiddiol rhwng P a'r corff llywodraethu.
 - (3) Caiff holl hawliau, pwerau, dyletswyddau a rhwymedigaethau'r awdurdod lleol o dan y contract cyflogaeth neu mewn cysylltiad ag ef eu trosglwyddo i'r corff llywodraethu ar y dyddiad gweithredu.
 - (4) Mae unrhyw beth a gafodd ei wneud cyn y dyddiad hwnnw gan yr awdurdod lleol neu mewn perthynas ag ef mewn cysylltiad â'r contract hwnnw neu â P i'w drin o'r dyddiad hwnnw ymlaen fel pe bai wedi ei wneud gan y corff llywodraethu neu mewn perthynas ag ef.
 - (5) Yn y paragraff hwn, "P" yw person sydd –
 - (a) yn union cyn y dyddiad gweithredu yn gyflogedig gan yr awdurdod lleol i weithio dim ond yn yr ysgol o dan sylw, neu
 - (b) cyn y dyddiad gweithredu, wedi ei benodi gan yr awdurdod lleol i weithio yn yr ysgol o'r dyddiad gweithredu ymlaen neu ar ddyddiad diweddarach.
 - (6) Ond nid yw cyfeiriad at "P" yn cynnwys –
 - (a) person y mae ei contract cyflogaeth yn terfynu ar y diwrnod yn union cyn y dyddiad gweithredu, neu
 - (b) person a gyflogir gan yr awdurdod lleol i weithio yn yr ysgol dim ond mewn cysylltiad â darparu prydau bwyd.
 - (7) Nid yw'r paragraff hwn yn effeithio ar unrhyw hawl gan gyflogai i derfynu'r contract os gwneir (ar wahân i newid cyflogwr) newid sylweddol sy'n niweidiol i amodau gwaith y cyflogai.

Newid i ysgol gymunedol neu ysgol wirfoddol a reolir

- 4
- (1) Mae'r paragraff hwn yn gymwys pan fo ysgol sefydledig neu ysgol wirfoddol a gynorthwyir yn newid categori i ddod yn ysgol gymunedol neu'n ysgol wirfoddol a reolir.
 - (2) Mae'r contract cyflogaeth rhwng P a'r corff llywodraethu yn cael effaith o'r dyddiad gweithredu fel pe bai wedi ei wneud yn wreiddiol rhwng P a'r awdurdod lleol.
 - (3) Caiff holl hawliau, pwerau, dyletswyddau a rhwymedigaethau'r corff llywodraethu o dan y contract cyflogaeth neu mewn cysylltiad ag ef eu trosglwyddo i'r awdurdod lleol ar y dyddiad gweithredu.

Implementation

- 2 On the implementation date the school is to change category in accordance with the proposals.

PART 2

TRANSFER OF STAFF

Change to voluntary aided school

- 3 (1) This paragraph applies where a community or voluntary controlled school changes category to become a voluntary aided school.
- (2) The contract of employment between P and the local authority has effect from the implementation date as if originally made between P and the governing body.
- (3) All the local authority's rights, powers, duties and liabilities under or in connection with the contract of employment are transferred to the governing body on the implementation date.
- (4) Anything done before that date by or in relation to the local authority in connection with that contract or P is to be treated from that date as having been done by or in relation to the governing body.
- (5) In this paragraph, "P" is a person who –
- (a) immediately before the implementation date is employed by the local authority to work solely at the school in question, or
 - (b) before the implementation date, is appointed by the local authority to work at the school as from the implementation date or a later date.
- (6) But a reference to "P" does not include –
- (a) a person whose contract of employment terminates on the day immediately preceding the implementation date, or
 - (b) a person employed by the local authority to work at the school solely in connection with the provision of meals.
- (7) This paragraph does not affect any right of an employee to terminate the contract if (apart from the change of employer) a substantial change is made to the employee's detriment in the employee's working conditions.

Change to community or voluntary controlled school

- 4 (1) This paragraph applies where a foundation or voluntary aided school changes category to become a community or voluntary controlled school.
- (2) The contract of employment between P and the governing body has effect from the implementation date as if originally made between P and the local authority.
- (3) All the governing body's rights, powers, duties and liabilities under or in connection with the contract of employment are transferred to the local authority on the implementation date.

- (4) Mae unrhyw beth a gafodd ei wneud cyn y dyddiad hwnnw gan y corff llywodraethu neu mewn perthynas ag ef mewn cysylltiad â'r contract hwnnw neu â P i'w drin o'r dyddiad hwnnw ymlaen fel pe bai wedi ei wneud gan yr awdurdod lleol neu mewn perthynas ag ef.
- (5) Yn y paragraff hwn, "P" yw person sydd –
 - (a) yn union cyn y dyddiad gweithredu yn gyflogedig gan y corff llywodraethu i weithio yn yr ysgol o dan sylw, neu
 - (b) cyn y dyddiad gweithredu, wedi ei benodi gan y corff llywodraethu i weithio yn yr ysgol o'r dyddiad gweithredu ymlaen neu ar ddyddiad diweddarach.
- (6) Ond nid yw "P" yn cynnwys person y mae ei gontract cyflogaeth yn terfynu ar y diwrnod yn union cyn y dyddiad gweithredu.
- (7) Nid yw'r paragraff hwn yn effeithio ar unrhyw hawl gan gyflogai i derfynu'r contract os gwneir (ar wahân i newid cyflogwr) newid sylweddol sy'n niweidiol i amodau gwaith y cyflogai.

Newid i ysgol wirfoddol a gynorthwyir sydd â chymeriad crefyddol

- 5 (1) Mae'r paragraff hwn yn gymwys pan fo ysgol wirfoddol a reolir neu ysgol sefydledig sydd â chymeriad crefyddol yn newid categori i ddod yn ysgol wirfoddol a gynorthwyir sydd â chymeriad crefyddol.
- (2) Mae is-baragraff (3) yn gymwys os bydd, yn union cyn y dyddiad gweithredu, athro neu athrawes yn yr ysgol wirfoddol a reolir neu'r ysgol sefydledig yn mwynhau hawliau a roddwyd gan adran 59(2) i (4) o Ddeddf Safonau a Fframwaith Ysgolion 1998 yn rhinwedd adran 60(2) o'r Ddeddf honno.
- (3) Mae'r athro hwnnw neu'r athrawes honno i barhau i fwynhau'r hawliau hynny tra bydd yn gyflogedig fel athro neu athrawes yn yr ysgol wirfoddol a gynorthwyir.

RHAN 3

TROSGLWYDDO TIR

Effaith trosglwyddo

- 6 (1) Mae is-baragraff (2) yn gymwys –
 - (a) pan fo tir yn cael ei drosglwyddo a'i freinio mewn corff yn unol â'r Atodlen hon, a
 - (b) pan fo'r trosglwyddwr yn mwynhau neu'n ysgwyddo unrhyw hawliau neu rwymedigaethau yn union cyn y dyddiad gweithredu mewn cysylltiad â'r tir hwnnw.
 - (2) Caiff yr hawliau neu'r rhwymedigaethau hynny hefyd eu trosglwyddo i'r corff hwnnw, ac yn rhinwedd yr Atodlen hon, eu breinio ynddo.
- 7 Mae unrhyw gyfeiriad yn y Rhan hon o'r Atodlen hon, mewn perthynas ag ysgol, at dir yn cael ei drosglwyddo i gorff sefydledig a'i freinio ynddo yn gyfeiriad ato'n cael ei drosglwyddo i'r corff hwnnw a'i freinio ynddo at ddibenion yr ysgolion sy'n ffurfio'r grŵp y mae'r corff hwnnw'n gweithredu drosto.

- (4) Anything done before that date by or in relation to the governing body in connection with that contract or P is to be treated from that date as having been done by or in relation to the local authority.
- (5) In this paragraph, “P” is a person who—
 - (a) immediately before the implementation date is employed by the governing body to work at the school in question, or
 - (b) before the implementation date, is appointed by the governing body to work at the school as from the implementation date or a later date.
- (6) But “P” does not include a person whose contract of employment terminates on the day immediately preceding the implementation date.
- (7) This paragraph does not affect any right of an employee to terminate the contract if (apart from the change of employer) a substantial change is made to the employee’s detriment in the employee’s working conditions.

Change to voluntary aided school with a religious character

- 5 (1) This paragraph applies where a voluntary controlled school or a foundation school with a religious character changes category to become a voluntary aided school with a religious character.
- (2) Sub-paragraph (3) applies if, immediately before the implementation date, a teacher at the voluntary controlled school or foundation school enjoys rights conferred by section 59(2) to (4) of the School Standards and Framework Act 1998 by virtue of section 60(2) of that Act.
- (3) That teacher is to continue to enjoy those rights while employed as a teacher at the voluntary aided school.

PART 3

TRANSFER OF LAND

Effect of transfers

- 6 (1) Sub-paragraph (2) applies where—
 - (a) land is transferred to and vests in a body in accordance with this Schedule, and
 - (b) the transferor enjoys or incurs any rights or liabilities immediately before the implementation date in connection with that land.
 - (2) Those rights or liabilities are also transferred to, and by virtue of this Schedule, vest in, that body.
- 7 Any reference in this Part of this Schedule, in relation to a school, to land being transferred to, and vesting in, a foundation body is a reference to its being transferred to, and vesting in, that body for the purposes of the schools comprising the group for which that body acts.

- 8 Nid yw trosglwyddo tir o dan yr Atodlen hon yn effeithio ar hawliau'r corff llywodraethu mewn perthynas â'r tir o dan Atodlen 13 i Ddeddf Safonau a Fframwaith Ysgolion 1998.
- 9 Yn ei gymhwysiad at drosglwyddo o dan yr Atodlen hon, mae Atodlen 10 i Ddeddf Diwygio Addysg 1988 yn cael effaith fel pe bai'r cyfeiriadau sydd ynddi at y dyddiad trosglwyddo yn gyfeiriadau at y dyddiad gweithredu.

Newid o ysgol gymunedol i ysgol wirfoddol a gynorthwyr

- 10 (1) Mae is-baragraff (2) yn gymwys –
- (a) pan fo'n ofynnol o dan adran 55(2) i weithredu cynigion bod ysgol gymunedol yn dod yn ysgol wirfoddol a gynorthwyr, a
 - (b) o'r dyddiad gweithredu ymlaen pan na fydd yr ysgol yn aelod o'r grŵp y mae corff sefydledig yn gweithredu drosto.
- (2) Mae unrhyw dir ar wahân i gaeau chwarae a oedd yn cael ei ddal neu ei ddefnyddio, yn union cyn y dyddiad gweithredu, gan awdurdod lleol at ddibenion yr ysgol gymunedol, ar y dyddiad hwnnw, i'w drosglwyddo i ymddiriedolwyr yr ysgol, ac i'w freinio ynddynt, i'w ddal ganddynt ar ymddiried at ddibenion yr ysgol.
- 11 (1) Mae is-baragraff (2) yn gymwys –
- (a) pan fo'n ofynnol o dan adran 55(2) i weithredu cynigion bod ysgol gymunedol yn dod yn ysgol wirfoddol a gynorthwyr, a
 - (b) o'r dyddiad gweithredu ymlaen pan fydd yr ysgol yn aelod o'r grŵp y mae corff sefydledig yn gweithredu drosto.
- (2) Mae unrhyw dir ar wahân i gaeau chwarae neu dir sy'n cael ei ddal ar ymddiried, a oedd yn cael ei ddal neu ei ddefnyddio, yn union cyn y dyddiad gweithredu, gan awdurdod lleol at ddibenion yr ysgol gymunedol, ar y dyddiad hwnnw, i'w drosglwyddo i'r corff sefydledig ac i'w freinio ynddo.

Newid o ysgol gymunedol i ysgol wirfoddol a reolir

- 12 (1) Mae is-baragraff (2) yn gymwys –
- (a) pan fo'n ofynnol o dan adran 55(2) i weithredu cynigion bod ysgol gymunedol yn dod yn ysgol wirfoddol a reolir, a
 - (b) o'r dyddiad gweithredu ymlaen pan na fydd yr ysgol yn aelod o'r grŵp y mae corff sefydledig yn gweithredu drosto.
- (2) Mae unrhyw dir ar wahân i gaeau chwarae a oedd yn cael ei ddal neu ei ddefnyddio, yn union cyn y dyddiad gweithredu, gan awdurdod lleol at ddibenion yr ysgol gymunedol, ar y dyddiad hwnnw, i'w drosglwyddo i ymddiriedolwyr yr ysgol, ac i'w freinio ynddynt, i'w ddal ganddynt ar ymddiried at ddibenion yr ysgol.
- 13 (1) Mae is-baragraff (2) yn gymwys –
- (a) pan fo'n ofynnol o dan adran 55(2) i weithredu cynigion bod ysgol gymunedol yn dod yn ysgol wirfoddol a reolir, a
 - (b) o'r dyddiad gweithredu ymlaen pan fydd yr ysgol yn aelod o'r grŵp y mae corff sefydledig yn gweithredu drosto.

- 8 Transfers of land under this Schedule do not affect the rights of the governing body in relation to the land under Schedule 13 to the School Standards and Framework Act 1998.
- 9 In its application to transfers under this Schedule, Schedule 10 to the Education Reform Act 1988 has effect as if references in it to the transfer date were references to the implementation date.

Change from community school to voluntary aided school

- 10 (1) Sub-paragraph (2) applies where—
- (a) proposals for a community school to become a voluntary aided school are required to be implemented under section 55(2), and
 - (b) as from the implementation date the school will not be a member of the group for which a foundation body acts.
- (2) Any land other than playing fields which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school is, on that date, to be transferred to, and vest in, the trustees of the school, to be held by them on trust for the purposes of the school.
- 11 (1) Sub-paragraph (2) applies where—
- (a) proposals for a community school to become a voluntary aided school are required to be implemented under section 55(2), and
 - (b) as from the implementation date the school will be a member of the group for which a foundation body acts.
- (2) Any land other than playing fields or land held on trust which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school is, on that date, to be transferred to, and vest in, the foundation body.

Change from community school to voluntary controlled school

- 12 (1) Sub-paragraph (2) applies where—
- (a) proposals for a community school to become a voluntary controlled school are required to be implemented under section 55(2), and
 - (b) as from the implementation date the school will not be a member of the group for which a foundation body acts.
- (2) Any land other than playing fields which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school is, on that date, to be transferred to, and vest in, the trustees of the school, to be held by them on trust for the purposes of the school.
- 13 (1) Sub-paragraph (2) applies where—
- (a) proposals for a community school to become a voluntary controlled school are required to be implemented under section 55(2), and
 - (b) as from the implementation date the school will be a member of the group for which a foundation body acts.

- (2) Mae unrhyw dir ar wahân i gaeau chwarae neu dir sy'n cael ei ddal ar ymddiried, a oedd yn cael ei ddal neu ei ddefnyddio, yn union cyn y dyddiad gweithredu, gan awdurdod lleol at ddibenion yr ysgol gymunedol, ar y dyddiad hwnnw, i'w drosglwyddo i'r corff sefydledig ac i'w freinio ynddo.

Newid o ysgol sefydledig i ysgol gymunedol

- 14 (1) Mae is-baragraffau (2) a (3) yn gymwys pan fo'n ofynnol o dan adran 55(2) i weithredu cynigion bod ysgol sefydledig nad yw'n aelod o'r grŵp y mae corff sefydledig yn gweithredu drosto yn dod yn ysgol gymunedol.
 - (2) Mae unrhyw dir wedi ei gyllido'n gyhoeddus, a oedd, yn union cyn y dyddiad gweithredu, yn cael ei ddal gan ymddiriedolwyr yr ysgol neu'r corff llywodraethu at ddibenion yr ysgol, ar y dyddiad hwnnw, i'w drosglwyddo i'r awdurdod lleol ac i'w freinio ynddo.
 - (3) Mae unrhyw dir arall, a oedd, yn union cyn y dyddiad hwnnw, yn cael ei ddal gan ymddiriedolwyr yr ysgol neu'r corff llywodraethu at ddibenion yr ysgol, i'w drosglwyddo i'r awdurdod lleol, ac i'w freinio ynddo, yn unol â chytundeb trosglwyddo.
- 15 (1) Mae is-baragraffau (2) a (3) yn gymwys pan fo'n ofynnol o dan adran 55(2) i weithredu cynigion bod ysgol sefydledig sy'n aelod o'r grŵp y mae corff sefydledig yn gweithredu drosto yn dod yn ysgol gymunedol.
 - (2) Mae unrhyw dir wedi ei gyllido'n gyhoeddus, a oedd, yn union cyn y dyddiad gweithredu, yn cael ei ddal gan y corff sefydledig at ddibenion yr ysgolion yn y grŵp ac yn cael ei ddefnyddio at ddibenion yr ysgol sefydledig, ar y dyddiad hwnnw, i'w drosglwyddo i'r awdurdod lleol ac i'w freinio ynddo.
 - (3) Mae unrhyw dir arall, a oedd, yn union cyn y dyddiad hwnnw, yn cael ei ddal gan y corff sefydledig at ddibenion yr ysgolion yn y grŵp ac yn cael ei ddefnyddio at ddibenion yr ysgol sefydledig, i'w drosglwyddo i'r awdurdod lleol, ac i'w freinio ynddo, yn unol â chytundeb trosglwyddo.

Newid o ysgol sefydledig i ysgol wirfoddol a gynorthwyir neu ysgol wirfoddol a reolir

- 16 (1) Mae is-baragraff (2) yn gymwys –
 - (a) pan fo'n ofynnol o dan adran 55(2) i weithredu cynigion bod ysgol sefydledig nad yw'n aelod o'r grŵp y mae corff sefydledig yn gweithredu drosto yn dod yn ysgol wirfoddol a gynorthwyir neu'n ysgol wirfoddol a reolir, a
 - (b) o'r dyddiad gweithredu ymlaen pan na fydd yr ysgol yn aelod o'r grŵp.
- (2) Mae unrhyw dir, ar wahân i dir sy'n cael ei ddal ar ymddiried, a oedd, yn union cyn y dyddiad gweithredu, yn cael ei ddal gan y corff llywodraethu at ddibenion yr ysgol sefydledig, ar y dyddiad hwnnw i'w drosglwyddo i ymddiriedolwyr yr ysgol, ac i'w freinio ynddynt, i'w ddal ganddynt ar ymddiried at ddibenion yr ysgol.
- 17 (1) Mae is-baragraff (2) yn gymwys –
 - (a) pan fo'n ofynnol o dan adran 55(2) i weithredu cynigion bod ysgol sefydledig nad yw'n aelod o'r grŵp y mae corff sefydledig yn gweithredu drosto yn dod yn ysgol wirfoddol a gynorthwyir neu'n ysgol wirfoddol a reolir, a
 - (b) o'r dyddiad gweithredu ymlaen pan fydd yr ysgol yn aelod o'r grŵp.

- (2) Any land other than playing fields or land held on trust which, immediately before the implementation date, was held or used by a local authority for the purposes of the community school is, on that date, to be transferred to, and vest in, the foundation body.

Change from foundation school to community school

- 14 (1) Sub-paragraphs (2) and (3) apply where proposals for a foundation school which is not a member of the group for which a foundation body acts to become a community school are required to be implemented under section 55(2).
- (2) Any publicly funded land which, immediately before the implementation date, was held by the trustees of the school or the governing body for the purposes of the school is, on that date, to be transferred to, and vest in, the local authority.
- (3) Any other land which, immediately before that date, was held by the trustees of the school or the governing body for the purposes of the school is to be transferred to, and vest in, the local authority in accordance with a transfer agreement.
- 15 (1) Sub-paragraphs (2) and (3) apply where proposals for a foundation school which is a member of the group for which a foundation body acts to become a community school are required to be implemented under section 55(2).
- (2) Any publicly funded land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the foundation school is, on that date, to be transferred to, and vest in, the local authority.
- (3) Any other land which, immediately before that date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the foundation school is to be transferred to, and vest in, the local authority in accordance with a transfer agreement.

Change from foundation school to voluntary aided or voluntary controlled school

- 16 (1) Sub-paragraph (2) applies where –
 - (a) proposals for a foundation school which is not a member of the group for which a foundation body acts to become a voluntary aided or voluntary controlled school are required to be implemented under section 55(2), and
 - (b) as from the implementation date the school will not be a member of the group.
- (2) Any land, other than land held on trust, which, immediately before the implementation date, was held by the governing body for the purposes of the foundation school is, on that date, to be transferred to, and vest in, the trustees of the school, to be held by them on trust for the purposes of the school.
- 17 (1) Sub-paragraph (2) applies where –
 - (a) proposals for a foundation school which is not a member of the group for which a foundation body acts to become a voluntary aided or voluntary controlled school are required to be implemented under section 55(2), and
 - (b) as from the implementation date the school will be a member of the group.

- (2) Mae unrhyw dir, ar wahân i dir sy'n cael ei ddal ar ymddiried, a oedd, yn union cyn y dyddiad gweithredu, yn cael ei ddal gan y corff llywodraethu at ddibenion yr ysgol sefydledig, ar y dyddiad hwnnw i'w drosglwyddo i'r corff sefydledig, ac i'w freinio ynddo.
- 18 (1) Mae is-baragraff (2) yn gymwys –
- (a) pan fo'n ofynnol o dan adran 55(2) i weithredu cynigion bod ysgol sefydledig sy'n aelod o'r grŵp y mae corff sefydledig yn gweithredu drosto yn dod yn ysgol wirfoddol a gynorthwyir neu'n ysgol wirfoddol a reolir, a
 - (b) o'r dyddiad gweithredu ymlaen pan na fydd yr ysgol yn aelod o'r grŵp.
- (2) Mae unrhyw dir, a oedd, yn union cyn y dyddiad gweithredu, yn cael ei ddal gan y corff sefydledig at ddibenion yr ysgolion yn y grŵp ac yn cael ei ddefnyddio at ddibenion yr ysgol sefydledig, ar y dyddiad hwnnw, i'w drosglwyddo i ymddiriedolwyr yr ysgol ac i'w freinio ynddynt, i'w ddal ganddynt ar ymddiried at ddibenion yr ysgol.

Newid o ysgol wirfoddol a gynorthwyir i ysgol gymunedol

- 19 (1) Mae is-baragraffau (2) a (3) yn gymwys pan fo'n ofynnol o dan adran 55(2) i weithredu cynigion bod ysgol wirfoddol a gynorthwyir nad yw'n aelod o'r grŵp y mae corff sefydledig yn gweithredu drosto yn dod yn ysgol gymunedol.
- (2) Mae unrhyw dir wedi ei gyllido'n gyhoeddus, a oedd, yn union cyn y dyddiad gweithredu, yn cael ei ddal gan ymddiriedolwyr yr ysgol neu'r corff llywodraethu at ddibenion yr ysgol, ar y dyddiad hwnnw, i'w drosglwyddo i'r awdurdod lleol ac i'w freinio ynddo.
- (3) Mae unrhyw dir arall, a oedd, yn union cyn y dyddiad hwnnw, yn cael ei ddal gan ymddiriedolwyr yr ysgol neu'r corff llywodraethu at ddibenion yr ysgol, i'w drosglwyddo i'r awdurdod lleol, ac i'w freinio ynddo, yn unol â chytundeb trosglwyddo.
- 20 (1) Mae is-baragraffau (2) a (3) yn gymwys pan fo'n ofynnol o dan adran 55(2) i weithredu cynigion bod ysgol wirfoddol a gynorthwyir sy'n aelod o'r grŵp y mae corff sefydledig yn gweithredu drosto yn dod yn ysgol gymunedol.
- (2) Mae unrhyw dir wedi ei gyllido'n gyhoeddus, a oedd, yn union cyn y dyddiad gweithredu, yn cael ei ddal gan y corff sefydledig at ddibenion yr ysgolion yn y grŵp ac yn cael ei ddefnyddio at ddibenion yr ysgol wirfoddol a gynorthwyir, ar y dyddiad hwnnw, i'w drosglwyddo i'r awdurdod lleol ac i'w freinio ynddo.
- (3) Mae unrhyw dir arall, a oedd, yn union cyn y dyddiad hwnnw, yn cael ei ddal gan y corff sefydledig at ddibenion yr ysgolion yn y grŵp ac yn cael ei ddefnyddio at ddibenion yr ysgol wirfoddol a gynorthwyir i'w drosglwyddo i'r awdurdod lleol, ac i'w freinio ynddo, yn unol â chytundeb trosglwyddo.

Newid o ysgol wirfoddol a gynorthwyir neu ysgol wirfoddol a reolir i ysgol wirfoddol a reolir neu ysgol wirfoddol a gynorthwyir

- 21 (1) Mae is-baragraff (2) yn gymwys –

- (2) Any land, other than land held on trust, which, immediately before the implementation date, was held by the governing body for the purposes of the foundation school is, on that date, to be transferred to, and vest in, the foundation body.

18 (1) Sub-paragraph (2) applies where –

- (a) proposals for a foundation school which is a member of the group for which a foundation body acts to become a voluntary aided or voluntary controlled school are required to be implemented under section 55(2), and
- (b) as from the implementation date the school will not be a member of the group.

- (2) Any land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the foundation school is, on that date, to be transferred to, and vest in, the trustees of the school, to be held by them on trust for the purposes of the school.

Change from voluntary aided school to community school

19 (1) Sub-paragraphs (2) and (3) apply where proposals for a voluntary aided school which is not a member of the group for which a foundation body acts to become a community school are required to be implemented under section 55(2).

- (2) Any publicly funded land which, immediately before the implementation date, was held by the trustees of the school or the governing body for the purposes of the school is, on that date, to be transferred to, and vest in, the local authority.

- (3) Any other land which, immediately before that date, was held by the trustees of the school or the governing body for the purposes of the school is to be transferred to, and vest in, the local authority in accordance with a transfer agreement.

20 (1) Sub-paragraphs (2) and (3) apply where proposals for a voluntary aided school which is a member of the group for which a foundation body acts to become a community school are required to be implemented under section 55(2).

- (2) Any publicly funded land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the voluntary aided school is, on that date, to be transferred to, and vest in, the local authority.

- (3) Any other land which, immediately before that date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the voluntary aided school is to be transferred to, and vest in, the local authority in accordance with a transfer agreement.

Change from voluntary aided or voluntary controlled school to voluntary controlled or voluntary aided school

21 (1) Sub-paragraph (2) applies where –

- (a) pan fo'n ofynnol o dan adran 55(2) i weithredu cynigion bod ysgol wirfoddol a gynorthwyir neu ysgol wirfoddol a reolir nad yw'n aelod o'r grŵp y mae corff sefydledig yn gweithredu drosto yn dod yn ysgol wirfoddol a reolir neu'n ysgol wirfoddol a gynorthwyir, a
 - (b) o'r dyddiad gweithredu ymlaen pan fydd yr ysgol yn aelod o'r grŵp.
- (2) Mae unrhyw dir, ar wahân i dir sy'n cael ei ddal ar ymddiried, a oedd, yn union cyn y dyddiad gweithredu, yn cael ei ddal gan y corff llywodraethu at ddibenion yr ysgol, ar y dyddiad hwnnw i'w drosglwyddo i'r corff sefydledig, ac i'w freinio ynddo.
- 22 (1) Mae is-baragraff (2) yn gymwys –
- (a) pan fo'n ofynnol o dan adran 55(2) i weithredu cynigion bod ysgol wirfoddol a gynorthwyir neu ysgol wirfoddol a reolir sy'n aelod o'r grŵp y mae corff sefydledig yn gweithredu drosto yn dod yn ysgol wirfoddol a reolir neu'n ysgol wirfoddol a gynorthwyir, a
 - (b) o'r dyddiad gweithredu ymlaen pan na fydd yr ysgol yn aelod o'r grŵp.
- (2) Mae unrhyw dir, a oedd, yn union cyn y dyddiad gweithredu, yn cael ei ddal gan y corff sefydledig at ddibenion yr ysgolion yn y grŵp ac yn cael ei ddefnyddio at ddibenion yr ysgol, ar y dyddiad hwnnw, i'w drosglwyddo i ymddiriedolwyr yr ysgol ac i'w freinio ynddynt, i'w ddal ganddynt ar ymddiried at ddibenion yr ysgol.

Newid o ysgol sefydledig, ysgol wirfoddol a gynorthwyir neu ysgol wirfoddol a reolir i ysgol wirfoddol a reolir neu ysgol wirfoddol a gynorthwyir

- 23 (1) Mae is-baragraff (2) yn gymwys –
- (a) pan fo'n ofynnol o dan adran 55(2) i weithredu cynigion bod ysgol sefydledig, ysgol wirfoddol a gynorthwyir neu ysgol wirfoddol a reolir sy'n aelod o'r grŵp y mae corff sefydledig yn gweithredu drosto yn dod yn ysgol wirfoddol a reolir neu'n ysgol wirfoddol a gynorthwyir, a
 - (b) o'r dyddiad gweithredu ymlaen pan fydd yr ysgol yn aelod o'r grŵp y mae corff sefydledig arall yn gweithredu drosto.
- (2) Mae unrhyw dir, a oedd, yn union cyn y dyddiad gweithredu, yn cael ei ddal gan y corff sefydledig a grybwyllir yn is-baragraff (1)(a) at ddibenion yr ysgolion yn y grŵp ac yn cael ei ddefnyddio at ddibenion yr ysgol, ar y dyddiad hwnnw, i'w drosglwyddo i'r corff sefydledig a grybwyllir yn is-baragraff (1)(b), ac i'w freinio ynddo.

Newid o ysgol wirfoddol a reolir i ysgol gymunedol

- 24 (1) Mae is-baragraffau (2) a (3) yn gymwys pan fo'n ofynnol o dan adran 55(2) i weithredu cynigion bod ysgol wirfoddol a reolir nad yw'n aelod o'r grŵp y mae corff sefydledig yn gweithredu drosto yn dod yn ysgol gymunedol.
- (2) Mae unrhyw dir wedi ei gyllido'n gyhoeddus, a oedd, yn union cyn y dyddiad gweithredu, yn cael ei ddal gan ymddiriedolwyr yr ysgol neu'r corff llywodraethu at ddibenion yr ysgol, ar y dyddiad hwnnw, i'w drosglwyddo i'r awdurdod lleol ac i'w freinio ynddo.

- (a) proposals for a voluntary aided school or a voluntary controlled school which is not a member of the group for which a foundation body acts to become a voluntary controlled school or a voluntary aided school are required to be implemented under section 55(2), and
 - (b) as from the implementation date the school will be a member of such a group.
- (2) Any land, other than land held on trust, which, immediately before the implementation date, was held by the governing body for the purposes of the school is, on that date, to be transferred to, and vest in, the foundation body.
- 22 (1) Sub-paragraph (2) applies where –
- (a) proposals for a voluntary aided school or a voluntary controlled school which is a member of the group for which a foundation body acts to become a voluntary controlled school or a voluntary aided school are required to be implemented under section 55(2), and
 - (b) as from the implementation date the school will not be a member of the group.
- (2) Any land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the school is, on that date, to be transferred to, and vest in, the trustees of the school to be held by them on trust for the purposes of the school.

Change from foundation, voluntary aided or voluntary controlled school to voluntary controlled or voluntary aided school

- 23 (1) Sub-paragraph (2) applies where –
- (a) proposals for a foundation, voluntary aided or voluntary controlled school which is a member of the group for which a foundation body acts to become a voluntary controlled or voluntary aided school are required to be implemented under section 55(2), and
 - (b) as from the implementation date the school will be a member of the group for which another foundation body acts.
- (2) Any land which, immediately before the implementation date, was held by the foundation body mentioned in sub-paragraph (1)(a) for the purposes of the schools in the group and used for the purposes of the school is, on that date, to be transferred to, and vest in, the foundation body mentioned in sub-paragraph (1)(b).

Change from voluntary controlled school to community school

- 24 (1) Sub-paragraphs (2) and (3) apply where proposals for a voluntary controlled school which is not a member of the group for which a foundation body acts to become a community school are required to be implemented under section 55(2).
- (2) Any publicly funded land which, immediately before the implementation date, was held by the trustees of the school or the governing body for the purposes of the school is, on that date, to be transferred to, and vest in, the local authority.

- (3) Mae unrhyw dir arall, a oedd, yn union cyn y dyddiad hwnnw, yn cael ei ddal gan ymddiriedolwyr yr ysgol neu'r corff llywodraethu at ddibenion yr ysgol, i'w drosglwyddo i'r awdurdod lleol ac i'w freinio ynddo yn unol â chytundeb trosglwyddo.
- 25 (1) Mae is-baragraffau (2) a (3) yn gymwys pan fo'n ofynnol o dan adran 55(2) i weithredu cynigion bod ysgol wirfoddol a reolir sy'n aelod o'r grŵp y mae corff sefydledig yn gweithredu drosto yn dod yn ysgol gymunedol.
- (2) Mae unrhyw dir wedi ei gyllido'n gyhoeddus, a oedd, yn union cyn y dyddiad gweithredu, yn cael ei ddal gan y corff sefydledig at ddibenion yr ysgol yn y grŵp ac yn cael ei ddefnyddio at ddibenion ysgol wirfoddol a reolir, ar y dyddiad hwnnw, i'w drosglwyddo i'r awdurdod lleol ac i'w freinio ynddo.
- (3) Mae unrhyw dir arall, a oedd, yn union cyn y dyddiad hwnnw, yn cael ei ddal gan y corff sefydledig at ddibenion yr ysgolion yn y grŵp ac yn cael ei ddefnyddio at ddibenion yr ysgol wirfoddol a reolir i'w drosglwyddo i'r awdurdod lleol, ac i'w freinio ynddo, yn unol â chytundeb trosglwyddo.

Trosglwyddiadau heb eu cwblhau

- 26 (1) Mae is-baragraff (2) yn gymwys, yn union cyn y dyddiad gweithredu, mewn perthynas ag unrhyw newid categori sy'n digwydd mewn cysylltiad ag ysgol—
- (a) pan fo'n ofynnol yn rhinwedd unrhyw ddarpariaeth statudol i drosglwyddo unrhyw dir a freiniwyd mewn awdurdod lleol i gorff llywodraethu neu i unrhyw ymddiriedolwyr yr ysgol, ond
- (b) pan nad yw'r tir hyd yn hyn wedi ei drosglwyddo felly.
- (2) Mae paragraffau 10 i 25 o'r Atodlen hon yn gymwys i'r ysgol fel pe bai'r tir wedi cael ei drosglwyddo felly erbyn yr adeg honno.

Trosglwyddo hawl i ddefnyddio tir

- 27 (1) Mae is-baragraff (2) yn gymwys—
- (a) os yw paragraff 10, 11, 12 neu 13 yn gymwys i ysgol,
- (b) os oedd unrhyw dir a oedd yn cael ei ddal gan berson neu gorff ar wahân i awdurdod lleol, yn union cyn y dyddiad gweithredu, yn cael ei ddefnyddio at ddibenion yr ysgol, ac
- (c) os oedd yr awdurdod lleol yn mwynhau neu'n ysgwyddo unrhyw hawliau neu rwymedigaethau yn union cyn y dyddiad gweithredu mewn cysylltiad â defnydd o'r tir.
- (2) Mae'r hawliau a'r rhwymedigaethau hynny, ar y dyddiad gweithredu, i'w trosglwyddo i ymddiriedolwyr yr ysgol, ac i'w freinio ynddynt, ac os nad oes ymddiriedolwyr, y corff llywodraethu.
- 28 (1) Mae is-baragraff (2) yn gymwys—
- (a) os yw paragraff 14, 15, 19, 20, 24 neu 25 yn gymwys i ysgol,
- (b) os oedd unrhyw dir a oedd yn cael ei ddal gan berson neu gorff ar wahân i gorff llywodraethu'r ysgol, yn union cyn y dyddiad gweithredu, yn cael ei ddefnyddio at ddibenion yr ysgol, ac

- (3) Any other land which, immediately before that date, was held by the trustees of the school or the governing body for the purposes of the school is to be transferred to, and vest in, the local authority in accordance with a transfer agreement.
- 25
- (1) Sub-paragraphs (2) and (3) apply where proposals for a voluntary controlled school which is a member of the group for which a foundation body acts to become a community school are required to be implemented under section 55(2).
 - (2) Any publicly funded land which, immediately before the implementation date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the voluntary controlled school is, on that date, to be transferred to, and vest in, the local authority.
 - (3) Any other land which, immediately before that date, was held by the foundation body for the purposes of the schools in the group and used for the purposes of the voluntary controlled school is to be transferred to, and vest in, the local authority in accordance with a transfer agreement.

Outstanding transfers

- 26
- (1) Sub-paragraph (2) applies where immediately before the implementation date in relation to any change of category occurring in respect of a school—
 - (a) any land vested in a local authority is by virtue of any statutory provision required to be transferred to the governing body or any trustees of the school, but
 - (b) the land has not yet been so transferred.
 - (2) Paragraphs 10 to 25 of this Schedule apply to the school as if the land had been so transferred by that time.

Transfer of right to use land

- 27
- (1) Sub-paragraph (2) applies if—
 - (a) paragraph 10, 11, 12 or 13 applies to a school,
 - (b) any land held by a person or body other than a local authority was, immediately before the implementation date, used for the purposes of the school, and
 - (c) the local authority enjoyed or incurred any rights or liabilities immediately before the implementation date in connection with the use of the land.
 - (2) Those rights and liabilities are, on the implementation date, to be transferred to, and vest in, the trustees of the school or, if there are no trustees, the governing body.
- 28
- (1) Sub-paragraph (2) applies if—
 - (a) paragraph 14, 15, 19, 20, 24 or 25 applies to a school,
 - (b) any land held by a person or body other than the governing body of the school was, immediately before the implementation date, used for the purposes of the school, and

- (c) os oedd y corff llywodraethu yn mwynhau neu'n ysgwyddo unrhyw hawliau neu rwymedigaethau yn union cyn y dyddiad gweithredu mewn cysylltiad â'r defnydd o'r tir.
- (2) Mae'r hawliau a'r rhwymedigaethau hynny, ar y dyddiad gweithredu, i'w trosglwyddo i'r awdurdod lleol ac i'w breinio ynddo.
- 29 (1) Mae is-baragraff (2) yn gymwys –
- (a) os yw paragraff 14, 15, 19, 20, 24 neu 25 yn gymwys i ysgol,
- (b) os oedd unrhyw dir a oedd yn cael ei ddal gan berson neu gorff ar wahân i unrhyw ymddiriedolwyr neu gorff sefydledig, yn union cyn y dyddiad gweithredu, yn cael ei ddefnyddio at ddibenion yr ysgol, ac
- (c) os oedd yr ymddiriedolwyr neu'r corff sefydledig yn mwynhau neu'n ysgwyddo unrhyw hawliau neu rwymedigaethau yn union cyn y dyddiad gweithredu mewn cysylltiad â defnydd o'r tir.
- (2) Mae'r hawliau a'r rhwymedigaethau hynny, ar y dyddiad gweithredu, i'w trosglwyddo i'r awdurdod lleol ac i'w breinio ynddo yn unol â chytundeb trosglwyddo hawliau a rhwymedigaethau.
- (3) Ystyr "cytundeb trosglwyddo hawliau a rhwymedigaethau" yw cytundeb –
- (a) a wnaed at ddibenion is-baragraff (2) rhwng yr awdurdod lleol a'r ymddiriedolwyr neu'r corff sefydledig, a
- (b) sy'n darparu i'r hawliau neu'r rhwymedigaethau o dan sylw gael eu trosglwyddo i'r awdurdod a chael eu breinio ynddo ar y dyddiad gweithredu, p'un a ydyw mewn cydnabyddiaeth o daliad ai peidio gan yr awdurdod o swm y cytunir arno rhwng y partion.

Eithrio rhag trosglwyddo

- 30 Nid oes dim ym mharagraffau 10 i 25 yn cael yr effaith o drosglwyddo i unrhyw gorff neu freinio ynddo –
- (a) unrhyw dir, hawliau neu rwymedigaethau a eithrir o dan baragraff 31 neu 32,
- (b) unrhyw hawliau neu rwymedigaethau o dan gontract cyflogaeth,
- (c) unrhyw rwymedigaeth gan awdurdod lleol, corff llywodraethu neu ymddiriedolwyr mewn cysylltiad â phrifswm unrhyw fenthyciad neu logau arno, neu
- (d) unrhyw rwymedigaeth mewn cyfraith camwedd.
- 31 (1) Mae is-baragraff (2) yn gymwys os ceir y canlynol cyn y dyddiad gweithredu mewn perthynas ag unrhyw newid categori –
- (a) bod y trosglwyddai a'r trosglwyddwr arfaethedig wedi cytuno'n ysgrifenedig y dylid eithrio unrhyw dir rhag gweithrediad paragraffau 10 i 25, a
- (b) bod Gweinidogion Cymru wedi rhoi eu cymeradwyaeth ysgrifenedig i'r cytundeb.
- (2) Mae'r tir (ac unrhyw hawliau neu rwymedigaethau sy'n ymwneud ag ef) i'w eithrio felly.
- 32 (1) Mae is-baragraff (2) yn gymwys yn absenoldeb cytundeb o dan baragraff 31 –

- (c) the governing body enjoyed or incurred any rights and liabilities immediately before the implementation date in connection with the use of the land.
 - (2) Those rights and liabilities are, on the implementation date, to be transferred to, and vest in, the local authority.
- 29 (1) Sub-paragraph (2) applies if –
- (a) paragraph 14, 15, 19, 20, 24 or 25 applies to a school,
 - (b) any land held by a person or body other than any trustees or foundation body who hold any land for the purposes of the school was, immediately before the implementation date, used for the purposes of the school, and
 - (c) the trustees or foundation body enjoyed or incurred any rights or liabilities immediately before the implementation date in connection with the use of the land.
- (2) Those rights and liabilities are, on the implementation date, to be transferred to, and vest in, the local authority in accordance with a transfer of rights and liabilities agreement.
- (3) A “transfer of rights and liabilities agreement” means an agreement –
- (a) made for the purposes of sub-paragraph (2) between the local authority and the trustees or foundation body, and
 - (b) providing for the rights or liabilities in question to be transferred to, and vest in, the authority on the implementation date, whether or not in consideration of the payment by the authority of such amount as may be agreed between the parties.

Exclusions from transfer

- 30 Nothing in paragraphs 10 to 25 has the effect of transferring to, or vesting in, any body –
- (a) any land, rights or liabilities excluded under paragraph 31 or 32,
 - (b) any rights or liabilities under a contract of employment,
 - (c) any liability of a local authority, governing body or trustees in respect of the principal of, or any interest on, any loan, or
 - (d) any liability in tort.
- 31 (1) Sub-paragraph (2) applies if before the implementation date in relation to any change of category –
- (a) the prospective transferee and transferor have agreed in writing that any land should be excluded from the operation of paragraphs 10 to 25, and
 - (b) the Welsh Ministers have given their written approval of the agreement.
- (2) The land (and any rights or liabilities relating to it) is to be so excluded.
- 32 (1) Sub-paragraph (2) applies if in the absence of agreement under paragraph 31 –

- (a) os yw'r trosglwyddai a'r trosglwyddwr arfaethedig wedi gwneud cais i Weinidogion Cymru i eithrio unrhyw dir rhag gweithrediad paragraffau 10 i 25, a
 - (b) os yw Gweinidogion Cymru wedi rhoi cyfarwyddyd i'w eithrio.
- (2) Mae'r tir (ac unrhyw hawliau neu rwymedigaethau sy'n ymwneud ag ef) i'w eithrio felly.
- 33 (1) Caiff cytundeb o dan baragraff 31 ddarparu bod y tir yn cael ei ddefnyddio neu ei ddal at ddibenion yr ysgol ar y cyfryw delerau ag a bennir neu a ddyfernir yn unol â'r cytundeb.
- (2) O ran cyfarwyddiadau o dan baragraff 32 –
- (a) cânt roi unrhyw hawliau neu osod unrhyw rwymedigaethau y gellid bod wedi eu rhoi neu eu gosod drwy gytundeb o dan baragraff 31, a
 - (b) maent yn cael effaith fel pe baent wedi eu cynnwys mewn cytundeb o'r fath.
- 34 Ym mharagraffau 31 a 32 –
- ystyr "y trosglwyddai arfaethedig" (*"the prospective transferee"*), mewn perthynas ag unrhyw dir, yw'r corff (ar wahân i baragraffau 31 a 32) y byddai'r tir yn cael ei drosglwyddo iddo o dan baragraffau 10 i 25, a
- mae "y trosglwyddwr arfaethedig" (*"the prospective transferor"*) i'w ddehongli yn unol â hynny.

Cyfyngiadau ar waredu neu ddefnyddio tir

- 35 (1) At ddibenion paragraffau 36 a 37 mae'r weithdrefn i ddod yn ysgol mewn categori arall heb ei chwblhau mewn perthynas ag ysgol pan fo'r weithdrefn wedi ei dechrau gan y corff llywodraethu mewn perthynas ag ysgol a heb gael ei therfynu.
- (2) Bernir bod y weithdrefn wedi ei dechrau mewn perthynas ag ysgol pan fo'r awdurdod lleol yn cael hysbysiad o gyfarfod y corff llywodraethu y mae cynnig ynddo i ystyried cael penderfyniad i ymgynghori ynghylch cynigion i newid categori.
- (3) Bernir bod y weithdrefn wedi ei therfynu –
- (a) os na chynhelir y cyfarfod,
 - (b) os cynhelir y cyfarfod ond na roddir y cynnig gerbron neu, er bod y cynnig wedi ei roi gerbron, nid yw'r penderfyniad yn cael ei basio,
 - (c) os na wneir yr ymgynghoriad yn unol ag adran 48,
 - (d) os na chaiff y cynigion y gwnaed yr ymgynghoriad mewn cysylltiad â hwy eu cyhoeddi yn unol ag adran 48,
 - (e) os caiff y cynigion eu gwrthod gan Weinidogion Cymru o dan adran 50 neu gan awdurdod lleol o dan adran 51 neu os cânt eu tynnu'n ôl neu os yw'r corff llywodraethu wedi penderfynu peidio â'u gweithredu o dan adran 53, neu
 - (f) ar ddyddiad gweithredu'r cynigion.
- 36 (1) Tra bod y weithdrefn o ddod yn ysgol o gategori arall heb ei chwblhau mewn perthynas ag ysgol, ni chaiff awdurdod lleol, heb gydsyniad Gweinidogion Cymru –
- (a) gwaredu unrhyw dir a ddefnyddir yn gyfan gwbl neu'n rhannol at ddibenion yr ysgol, neu
 - (b) ymrwymo i gontract i waredu tir o'r fath.

- (a) the prospective transferee or transferor has applied to the Welsh Ministers to exclude any land from the operation of paragraphs 10 to 25, and
 - (b) the Welsh Ministers have directed its exclusion.
- (2) The land (and any rights or liabilities relating to it) is to be excluded.
- 33 (1) An agreement under paragraph 31 may provide for the land to be used or held for the purposes of the school on such terms as may be specified in or determined in accordance with the agreement.
- (2) Directions under paragraph 32 –
- (a) may confer any rights or impose any liabilities that could have been conferred or imposed by an agreement under paragraph 31, and
 - (b) have effect as if contained in such an agreement.
- 34 In paragraphs 31 and 32 –
- “the prospective transferee” (“*y trosglwyddai arfaethedig*”), in relation to any land, means the body to which (apart from paragraphs 31 and 32) the land would fall to be transferred under paragraphs 10 to 25, and
- “the prospective transferor” (“*y trosglwyddwr arfaethedig*”) is to be construed accordingly.

Restrictions on disposal or use of land

- 35 (1) For the purposes of paragraphs 36 and 37 the procedure for becoming a school of another category is pending in relation to a school when it has been started by the governing body in relation to the school and not terminated.
- (2) That procedure is to be regarded as started in relation to a school on receipt by the local authority of notice of a meeting of the governing body at which a motion for a resolution to consult about proposals to change category is to be considered.
- (3) That procedure is to be regarded as terminated –
- (a) if the meeting is not held,
 - (b) if the meeting is held but the motion is not moved or, though the motion is moved, the resolution is not passed,
 - (c) if consultation is not carried out in accordance with section 48,
 - (d) if the proposals in respect of which consultation was carried out are not published in accordance with section 48,
 - (e) if the proposals are rejected by the Welsh Ministers under section 50 or by a local authority under section 51 or are withdrawn or if the governing body has determined not to implement them under section 53, or
 - (f) on the date of implementation of the proposals.
- 36 (1) While the procedure for becoming a school of another category is pending in relation to a school, a local authority may not, without the consent of the Welsh Ministers –
- (a) dispose of any land used wholly or partly for the purposes of the school, or
 - (b) enter into a contract to dispose of such land.

- (2) Nid yw is-baragraff (1) yn gymwys mewn perthynas â gwarediad a wneir yn unol â chontract yr ymrwymwyd iddo, neu opsiwn a roddwyd, cyn bod y weithdrefn i ddod yn ysgol o gategori arall wedi ei dechrau mewn perthynas â'r ysgol.
 - (3) Mae is-baragraff (4) yn gymwys –
 - (a) os caiff cynigion i ddod yn ysgol o gategori arall eu cymeradwyo neu os yw'r corff llywodraethu wedi penderfynu eu gweithredu, a
 - (b) os yw'n ofynnol dod i gytundeb o dan baragraff 2(1) o Atodlen 10 i Ddeddf Diwygio Addysg 1988 (dynodi eiddo, etc.) ar unrhyw fater sy'n ymwneud ag unrhyw dir sydd i'w drosglwyddo.
 - (4) Nid yw'r weithdrefn i ddod yn ysgol o gategori arall i'w thrin fel un a derfynwyd at ddibenion y paragraff hwn mewn perthynas â'r tir hwnnw tan y dyddiad y caiff y mater ei benderfynu'n derfynol.
 - (5) Nid yw gwarediad neu gontract yn annilys neu'n ddi-rym am yr unig reswm iddo gael ei wneud neu yr ymrwymwyd iddo yn groes i'r paragraff hwn ac nid yw person sy'n caffael tir, neu'n ymrwymo i gontract i gaffael tir, oddi wrth awdurdod lleol i ymboeni a ddylid gwneud ymholiadau a gafodd unrhyw gydsyniad sy'n ofynnol gan y paragraff hwn ei roi.
 - (6) Mae'r paragraff hwn yn cael effaith er gwaethaf unrhyw beth yn adran 123 o Ddeddf Llywodraeth Leol 1972 (pŵer cyffredinol i waredu tir) neu mewn unrhyw ddeddfiad arall; ac mae'r cydsyniad sy'n ofynnol gan y paragraff hwn yn ychwanegol at unrhyw gydsyniad sy'n ofynnol gan is-adran (2) o'r adran honno neu gan unrhyw ddeddfiad arall.
 - (7) Yn y paragraff hwn –
 - (a) mae cyfeiriadau at waredu tir yn cynnwys rhoi neu waredu unrhyw fuddiant yn y tir, a
 - (b) mae cyfeiriadau at ymrwymo i gontract i waredu tir yn cynnwys rhoi opsiwn i gaffael tir neu fuddiant o'r fath.
- 37 (1) Tra bod y weithdrefn ar gyfer dod yn ysgol o gategori arall heb ei chwblhau mewn perthynas ag ysgol, ni chaiff awdurdod lleol, heb gydsyniad Gweinidogion Cymru, gymryd unrhyw gamau mewn perthynas ag unrhyw dir yr awdurdod sy'n cael ei ddefnyddio neu ei ddal at ddibenion yr ysgol sy'n peri bod y tir i unrhyw raddau yn peidio â chael ei ddefnyddio neu ei ddal felly.
- (2) Mae is-baragraff (3) yn gymwys yn achos unrhyw ysgol –
 - (a) os yw cynigion bod ysgol yn dod yn ysgol o gategori arall yn cael eu cymeradwyo neu os yw'r corff llywodraethu yn penderfynu eu gweithredu, a
 - (b) os yw awdurdod lleol, mewn perthynas ag unrhyw dir, wedi cymryd camau yn groes i is-baragraff (1).
 - (3) Mae'r darpariaethau ynghylch trosglwyddo eiddo yn cael effaith fel pe bai'r eiddo, yn union cyn y dyddiad gweithredu, wedi cael ei ddefnyddio neu ei ddal gan yr awdurdod at y dibenion y cafodd ei ddefnyddio neu ei ddal pan ddechreuwyd y weithdrefn o ddod yn ysgol o gategori arall.
 - (4) Yn y paragraff hwn –

- (2) Sub-paragraph (1) does not apply in relation to a disposal which is made in accordance with a contract entered into, or an option granted, before the procedure for becoming a school of another category was started in relation to the school.
 - (3) Sub-paragraph (4) applies if—
 - (a) proposals for becoming a school of another category are approved or the governing body has determined to implement them, and
 - (b) agreement is required to be reached under paragraph 2(1) of Schedule 10 to the Education Reform Act 1988 (identification of property, etc.) on any matter relating to any land to be transferred.
 - (4) The procedure for becoming a school of another category is not to be treated as terminated for the purposes of this paragraph in relation to that land until the date on which that matter is finally determined.
 - (5) A disposal or contract is not invalid or void by reason only that it has been made or entered into in breach of this paragraph and a person acquiring land, or entering into a contract to acquire land, from a local authority is not to be concerned to enquire whether any consent required by this paragraph has been given.
 - (6) This paragraph has effect despite anything in section 123 of the Local Government Act 1972 (general power to dispose of land) or in any other enactment; and the consent required by this paragraph is in addition to any consent required by subsection (2) of that section or by any other enactment.
 - (7) In this paragraph—
 - (a) references to disposing of land include granting or disposing of any interest in land, and
 - (b) references to entering into a contract to dispose of land include granting an option to acquire land or such an interest.
- 37
- (1) While the procedure for becoming a school of another category is pending in relation to a school, a local authority may not, without the consent of the Welsh Ministers, take any action in relation to any land of the authority used or held for the purposes of the school by which the land ceases to any extent to be so used or held.
 - (2) Sub-paragraph (3) applies if in the case of any school—
 - (a) proposals that a school become a school of another category are approved or the governing body have determined to implement them, and
 - (b) a local authority has, in relation to any land, taken action in breach of sub-paragraph (1).
 - (3) The transfer of property provisions have effect as if, immediately before the implementation date, the property were used or held by the authority for the purposes for which it was used or held when the procedure for becoming a school of another category was started.
 - (4) In this paragraph—

- (a) ystyr “y darpariaethau ynghylch trosglwyddo eiddo” yw darpariaethau’r Atodlen hon ac adran 198 of Ddeddf Diwygio Addysg 1988 ac Atodlen 10 iddi, a
- (b) mae’r cyfeiriadau at gymryd camau yn cynnwys perchnogi eiddo at unrhyw ddiben.

RHAN 4

ATODOL

Llywodraethu ysgol

- 38 (1) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth mewn cysylltiad â gweithredu cynigion i newid categori ysgol o ran llywodraethu’r ysgol.
- (2) Caiff y rheoliadau hynny (ymysg pethau eraill) wneud darpariaeth—
- (a) ynghylch adolygu a disodli offeryn llywodraethu’r ysgol,
 - (b) ynghylch ailgyfansoddi ei chorff llywodraethu,
 - (c) sy’n cymhwyso, gydag addasiadau neu hebddynt, darpariaeth a wnaed gan neu o dan Bennod 1 o Ran 3 o Ddeddf Addysg 2002 (llywodraethu ysgolion a gynhelir), a
 - (d) ynghylch materion trosiannol.

Darpariaethau trosiannol - derbyniadau

- 39 (1) Pan fo ysgol gymunedol neu ysgol wirfoddol a reolir yn dod yn ysgol wirfoddol a gynorthwyir mae unrhyw beth a wnaed cyn y dyddiad gweithredu gan yr awdurdod lleol fel awdurdod derbyn o dan unrhyw ddarpariaeth ym Mhennod 1 o Ran 3 o Ddeddf Safonau a Fframwaith Ysgolion 1998 (trefniadau derbyn) yn cael effaith, o’r dyddiad gweithredu ymlaen, fel pe bai wedi ei wneud gan y corff llywodraethu.
- (2) Pan fo ysgol sefydledig neu ysgol wirfoddol a gynorthwyir yn dod yn ysgol gymunedol neu’n ysgol wirfoddol a reolir mae unrhyw beth a wnaed cyn y dyddiad gweithredu gan y corff llywodraethu fel awdurdod derbyn o dan unrhyw ddarpariaeth ym Mhennod 1 o Ran 3 o Ddeddf Safonau a Fframwaith Ysgolion 1998 yn cael effaith, o’r dyddiad gweithredu ymlaen, fel pe bai wedi ei wneud gan yr awdurdod lleol.

- (a) “the transfer of property provisions” means this Schedule and section 198 of, and Schedule 10 to, the Education Reform Act 1988, and
- (b) the references to taking action include appropriating property for any purpose.

PART 4

SUPPLEMENTAL

School government

- 38 (1) The Welsh Ministers may by regulations make provision in connection with the implementation of proposals to change a school’s category with respect to the government of the school.
- (2) Those regulations may (amongst other things) make provision—
- (a) about the revision and replacement of the school’s instrument of government,
 - (b) about the reconstitution of its governing body,
 - (c) applying, with or without modifications, provision made by or under Chapter 1 of Part 3 of the Education Act 2002 (government of maintained schools), and
 - (d) about transitional matters.

Transitional provisions - admissions

- 39 (1) Where a community or voluntary controlled school becomes a voluntary aided school anything done before the implementation date by the local authority as admission authority under any provision in Chapter 1 of Part 3 of the School Standards and Framework Act 1998 (admission arrangements) has effect, from the implementation date, as if done by the governing body.
- (2) Where a foundation or voluntary aided school becomes a community or voluntary controlled school anything done before the implementation date by the governing body as admission authority under any provision in Chapter 1 of Part 3 of the School Standards and Framework Act 1998 has effect, from the implementation date, as if done by the local authority.

ATODLEN 5
(*Cyflwynwyd gan adran 99*)

MÂN DDIWYGIADAU A DIWYGIADAU CANLYNIADOL

RHAN 1

DIWYGIADAU SY’N YMWNEUD Â RHAN 2 (SAFONAU)

Deddf Diwygio Addysg 1988

- 1 (1) Mae adran 219 o Ddeddf Diwygio Addysg 1988 (pwerau Gweinidogion Cymru a’r Ysgrifennydd Gwladol mewn perthynas â sefydliadau addysgol penodol) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (3) ar ôl “institution” mewnosoder “in England”.
- (3) Ar ôl is-adran (3) mewnosoder –
- “(3A) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) has effect in relation to an institution in Wales to which this section applies as if –
- (a) a reference to the governing body of a maintained school included a reference to the governing body of an institution to which this section applies;
- (b) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of the 2013 Act; and
- (c) sections 3 to 9 and 12 to 16 of the 2013 Act did not apply.”

Deddf Addysg 1996

- 2 (1) Mae Deddf Addysg 1996 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 409(4) (cwynion a gorfodi: ysgolion a gynhelir yng Nghymru) yn lle’r geiriau o “section 496” i “duties” rhodder “Chapter 1 or 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in conduct of maintained schools and local authorities)”.
- (3) Yn adran 484(7) (grantiau safonau addysg) yn lle “sections 495 to 497” rhodder “section 495 or in Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013”.
- (4) Yn adran 496(2) (y pŵer i atal arfer afresymol o swyddogaethau) –
- (a) ym mharagraff (a), ar ôl “local authority” mewnosoder “in England”;
- (b) ym mharagraff (b), ar ôl “school” ym mhob man yr ymddengys mewnosoder “in England”.
- (5) Yn adran 497(2) (pwerau diofyn cyffredinol am fethu â chyflawni dyletswydd) –
- (a) ym mharagraff (a), ar ôl “local authority” mewnosoder “in England”;
- (b) ym mharagraff (b), ar ôl “school” ym mhob man yr ymddengys mewnosoder “in England”.

SCHEDULE 5
(Introduced by section 99)

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS RELATING TO PART 2 (STANDARDS)

Education Reform Act 1988

- 1 (1) Section 219 of the Education Reform Act 1988 (powers of Welsh Ministers and Secretary of State in relation to certain educational institutions) is amended as follows.
- (2) In subsection (3) after “institution” insert “in England”.
- (3) After subsection (3) insert –
- “(3A) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) has effect in relation to an institution in Wales to which this section applies as if –
- (a) a reference to the governing body of a maintained school included a reference to the governing body of an institution to which this section applies;
- (b) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of the 2013 Act; and
- (c) sections 3 to 9 and 12 to 16 of the 2013 Act did not apply.”

Education Act 1996

- 2 (1) The Education Act 1996 is amended as follows.
- (2) In section 409(4) (complaints and enforcement: maintained schools in Wales) for the words from “section 496” to “duties)” substitute “Chapter 1 or 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in conduct of maintained schools and local authorities)”.
- (3) In section 484(7) (education standards grants) for “sections 495 to 497” substitute “section 495 or in Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013”.
- (4) In section 496(2) (power to prevent unreasonable exercise of functions) –
- (a) in paragraph (a), after “local authority” insert “in England”;
- (b) in paragraph (b), after “school” in each place it appears insert “in England”.
- (5) In section 497(2) (general default powers for failure to discharge duty) –
- (a) in paragraph (a), after “local authority” insert “in England”;
- (b) in paragraph (b), after “school” in each place it appears insert “in England”.

- (6) Yn adran 497A(1) (y pŵer i sicrhau cyflawni swyddogaethau'n briodol) yn lle "a local authority's education functions" rhodder "the education functions of a local authority in England".
- (7) Yn adran 560(6) (profiad gwaith ym mlwyddyn olaf addysg orfodol mewn ysgol) ar ôl "or 496" mewnosoder "or Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013".
- (8) Ym mharagraff 6(4) o Atodlen 1 (unedau cyfeirio disgyblion) yn lle'r geiriau o "section 496" i "powers)" rhodder "Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities)".

Deddf Addysgu ac Addysg Uwch 1998

- 3 Yn adran 19 o Ddeddf Addysgu ac Addysg Uwch 1998 (gofyniad i ddilyn cyfnod ymsefydlu) yn lle is-adran (12) rhodder—

"(12) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 ("the 2013 Act") (intervention in conduct of maintained schools) has effect in relation to duties imposed and powers conferred by virtue of this section as if—

- (a) references to functions under the Education Acts included duties imposed and powers conferred by virtue of this section;
- (b) references to the governing body of a maintained school included—
 - (i) the governing body of a special school not maintained by a local authority,
 - (ii) the governing body (within the meaning given by section 90(1) of the Further and Higher Education Act 1992) of a further education institution, and
 - (iii) an appropriate body for the purposes of subsection (2);
- (c) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of the 2013 Act; and
- (d) sections 3 to 9 and 12 to 16 of that Act did not apply.

(13) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) has effect in relation to duties imposed and powers conferred by virtue of this section as if references to education functions included duties imposed and powers conferred on a local authority by virtue of this section."

Deddf Safonau a Fframwaith Ysgolion 1998

- 4 (1) Mae Deddf Safonau a Fframwaith Ysgolion 1998 wedi ei diwygio fel a ganlyn.
- (2) Mae Pennod 4 o Ran 1 (ymyrryd mewn ysgolion yng Nghymru sy'n peri pryder) wedi ei diddymu.
- (3) Yn adran 51A (gwariant a wnaed at ddibenion cymunedol)—
- (a) hepgorer "section 17 or";

- (6) In section 497A(1) (power to secure proper performance of functions) for “a local authority’s education functions” substitute “the education functions of a local authority in England”.
- (7) In section 560(6) (work experience in last year of compulsory schooling) after “or 496” insert “or Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013”.
- (8) In paragraph 6(4) of Schedule 1 (pupil referral units) for the words from “section 496” to “powers)” substitute “Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities)”.

Teaching and Higher Education Act 1998

- 3 In section 19 of the Teaching and Higher Education Act 1998 (requirement to serve induction period) for subsection (12) substitute –

“(12) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) has effect in relation to duties imposed and powers conferred by virtue of this section as if –

- (a) references to functions under the Education Acts included duties imposed and powers conferred by virtue of this section;
- (b) references to the governing body of a maintained school included –
 - (i) the governing body of a special school not maintained by a local authority,
 - (ii) the governing body (within the meaning given by section 90(1) of the Further and Higher Education Act 1992) of a further education institution, and
 - (iii) an appropriate body for the purposes of subsection (2);
- (c) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of the 2013 Act; and
- (d) sections 3 to 9 and 12 to 16 of that Act did not apply.

(13) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) has effect in relation to duties imposed and powers conferred by virtue of this section as if references to education functions included duties imposed and powers conferred on a local authority by virtue of this section.”

School Standards and Framework Act 1998

- 4 (1) The School Standards and Framework Act 1998 is amended as follows.
- (2) Chapter 4 of Part 1 (intervention in schools in Wales causing concern) is repealed.
 - (3) In section 51A (expenditure incurred for community purposes) –
 - (a) omit “section 17 or”;

- (b) ar ôl “15” mewnosoder “or section 8 of the School Standards and Organisation (Wales) Act 2013”.
- (4) Yn adran 62 (pŵer wrth gefn i atal methiant mewn disgyblaeth) –
 - (a) yn is-adran (1) –
 - (i) ar ôl “local authority” mewnosoder “in England”;
 - (ii) hepgorer “or (3)”;
 - (b) hepgorer is-adran (3).
- (5) Yn adran 89C(2) (darpariaeth bellach ynghylch cynlluniau i gydgyssylltu trefniadau derbyn) yn lle “, sections 496” i’r diwedd rhodder –
 - “(a) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) is to apply as if any obligations imposed on a governing body under the scheme were duties imposed by the Education Acts.
 - (b) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) is to apply as if any obligation imposed on a local authority were an education function.”
- (6) Yn adran 142(4)(b) (dehongli cyffredinol) hepgorer “of section 16(6) or (8)”.
- (7) Yn adran 143 (mynegai) yn y cofnod ar gyfer “maintained school”, hepgorer y cofnod sy’n dechrau “(in Chapter 4 of Part 1)”.
- (8) Hepgorer Atodlen 1A (cyrff llywodraethu a ffurfiwyd o aelodau gweithrediaeth interim).
- (9) Yn Atodlen 22 (gwaredu tir), ym mharagraff 5(1)(b)(i) yn lle “section 19(1)” rhodder “section 16 of the School Standards and Organisation (Wales) Act 2013”.

Deddf Llywodraeth Leol 2000

- 5 (1) Mae Atodlen 1 i Ddeddf Llywodraeth Leol 2000 (trefniadau gweithrediaeth yng Nghymru) wedi ei diwygio fel a ganlyn.
- (2) Yn lle paragraff 10 rhodder –
 - “10 Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies to the performance of any duty imposed on a local authority by virtue of paragraph 8 or 9 as it applies to the performance by a local authority of a duty that is an education function but as if –
 - (a) the only relevant grounds for intervention were grounds 1 and 2 in section 21 of that Act; and
 - (b) sections 24 to 27 of that Act did not apply.”
- (3) Ym mharagraff 11A yn lle “9” rhodder “10”.

Deddf Addysg 2002

- 6 (1) Mae Deddf Addysg 2002 wedi ei diwygio fel a ganlyn.

- (b) after “15” insert “or section 8 of the School Standards and Organisation (Wales) Act 2013”.
- (4) In section 62 (reserve power to prevent breakdown of discipline)—
 - (a) in subsection (1)—
 - (i) after “local authority” insert “in England”;
 - (ii) omit “or (3)”;
 - (b) omit subsection (3).
- (5) In section 89C(2) (further provision about schemes for co-ordinating admission arrangements) for “, sections 496” to the end substitute—
 - “(a) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) is to apply as if any obligations imposed on a governing body under the scheme were duties imposed by the Education Acts.
 - (b) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) is to apply as if any obligation imposed on a local authority were an education function.”
- (6) In section 142(4)(b) (general interpretation) omit “of section 16(6) or (8)”.
- (7) In section 143 (index) in the entry for “maintained school”, omit the entry beginning “(in Chapter 4 of Part 1)”.
- (8) Omit Schedule 1A (governing bodies consisting of interim executive members).
- (9) In Schedule 22 (disposal of land), in paragraph 5(1)(b)(i) for “section 19(1)” substitute “section 16 of the School Standards and Organisation (Wales) Act 2013”.

Local Government Act 2000

- 5 (1) Schedule 1 to the Local Government Act 2000 (executive arrangements in Wales) is amended as follows.
- (2) For paragraph 10 substitute—
 - “10 Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies to the performance of any duty imposed on a local authority by virtue of paragraph 8 or 9 as it applies to the performance by a local authority of a duty that is an education function but as if—
 - (a) the only relevant grounds for intervention were grounds 1 and 2 in section 21 of that Act; and
 - (b) sections 24 to 27 of that Act did not apply.”
- (3) In paragraph 11A for “9” substitute “10”.

Education Act 2002

- 6 (1) The Education Act 2002 is amended as follows.

- (2) Yn adran 34(7) (trefniadau ar gyfer llywodraethu ysgolion newydd) ar ôl "State)" mewnosoder "and Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in conduct of maintained schools in Wales)".
- (3) Yn adran 35(7) (staffio ysgolion cymunedol, ysgolion gwirfoddol a reolir, ysgolion arbennig cymunedol ac ysgolion meithrin a gynhelir) –
 - (a) hepgorer "section 17 of, or";
 - (b) ar ôl "2006" mewnosoder ", or section 8 of the School Standards and Organisation (Wales) Act 2013".
- (4) Yn adran 36(7) (staffio ysgolion sefydledig, ysgolion gwirfoddol a gynorthwyir ac ysgolion arbennig sefydledig) –
 - (a) hepgorer "section 17 of, or";
 - (b) ar ôl "2006" mewnosoder ", or section 8 of the School Standards and Organisation (Wales) Act 2013".
- (5) Yn adran 37(11) (taliadau mewn cysylltiad â diswyddo, etc) –
 - (a) hepgorer "section 17 of, or";
 - (b) ar ôl "1998 (c 31)" mewnosoder "or section 8 of the School Standards and Organisation (Wales) Act 2013".
- (6) Hepgorer adrannau 55 i 59 ac adran 63 (pwerau ymyrryd).
- (7) Yn adran 64 (darpariaethau sy'n atodol i bwerau i'w gwneud yn ofynnol i awdurdodau lleol gael gwasanaethau cynghori) –
 - (a) yn is-adran (1) –
 - (i) hepgorer "or 63",
 - (ii) hepgorer "or the National Assembly for Wales",
 - (iii) hepgorer "or it",
 - (iv) hepgorer "or the Assembly" (yn y ddau le);
 - (b) yn is-adran (2) hepgorer "or 63";
 - (c) yn is-adran (7) hepgorer "or 63" ac "or 63(2)".
- (8) Hepgorer Atodlenni 5 a 6 (diwygiadau mewn perthynas ag ysgolion sy'n peri pryder a chyrrff llywodraethu a ffurfiwyd o aelodau gweithrediaeth interim).
- (9) Yn Atodlen 21 (mân ddiwygiadau a diwygiadau canlyniadol) hepgorer paragraffau 92 i 94 a 103.
- (10) Gweler hefyd y diwygiad a wnaed gan baragraff 21(11) o'r Atodlen hon i baragraff 5(2) (b)(iii) o Atodlen 1 (sy'n rhannol o ganlyniad i Ran 2 o'r Ddeddf hon).

Deddf Plant 2004

- 7 (1) Mae Deddf Plant 2004 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 50 (ymyrryd) –
 - (a) yn is-adran (1) ar ôl "local authority" mewnosoder "in England";

- (2) In section 34(7) (arrangements for government of new schools) after “State)” insert “and Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in conduct of maintained schools in Wales)”.
- (3) In section 35(7) (staffing of community, voluntary controlled, community special and maintained nursery schools) –
 - (a) omit “section 17 of, or”;
 - (b) after “2006” insert “, or section 8 of the School Standards and Organisation (Wales) Act 2013”.
- (4) In section 36(7) (staffing of foundation, voluntary aided and foundation special schools) –
 - (a) omit “section 17 of, or”;
 - (b) after “2006” insert “, or section 8 of the School Standards and Organisation (Wales) Act 2013”.
- (5) In section 37(11) (payments in respect of dismissal, etc) –
 - (a) omit “section 17 of, or”;
 - (b) after “1998 (c 31)” insert “or section 8 of the School Standards and Organisation (Wales) Act 2013”.
- (6) Omit sections 55 to 59 and section 63 (powers of intervention).
- (7) In section 64 (provisions supplementary to powers to require local authorities to obtain advisory services) –
 - (a) in subsection (1) –
 - (i) omit “or 63”,
 - (ii) omit “or the National Assembly for Wales”,
 - (iii) omit “or it”,
 - (iv) omit “or the Assembly” (in both places);
 - (b) in subsection (2) omit “or 63”;
 - (c) in subsection (7) omit “or 63” and “or 63(2)”.
- (8) Omit Schedules 5 and 6 (amendments relating to schools causing concern and governing bodies consisting of interim executive members).
- (9) In Schedule 21 (minor and consequential amendments) omit paragraphs 92 to 94 and 103.
- (10) See also the amendment made by paragraph 21(11) of this Schedule to paragraph 5(2)(b) (iii) of Schedule 1 (which is in part consequential on Part 2 of this Act).

Children Act 2004

- 7 (1) The Children Act 2004 is amended as follows.
- (2) In section 50 (intervention) –
 - (a) in subsection (1) after “local authority” insert “in England”;

- (b) yn is-adran (2)(c) hepgorer “or under sections 25, 26 and 29 above (in the case of a local authority in Wales)”;
 - (c) yn y pennawd ar ôl “Intervention” mewnosoder “- England”.
- (3) Ar ôl adran 50 mewnosoder –

“50A Intervention – Wales

- (1) Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies in relation to the functions of a local authority in Wales which are specified in subsection (2) as it applies in relation to a local authority’s education functions but as if the only relevant ground for intervention were ground 3 in section 21 of that Act.
- (2) The functions of a local authority are –
 - (a) functions conferred on or exercisable by the authority which are social services functions, so far as those functions relate to children;
 - (b) the functions conferred on the authority under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph (a)); and
 - (c) the functions conferred on the authority under sections 25, 26 and 29 above.
- (3) In the application of Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 by virtue of this section, section 27 of that Act (power to direct exercise of other education functions) has effect as if the reference to education functions included (for all purposes) the functions of the local authority which are specified in subsection (2).
- (4) In this section –
 - “education functions” has the meaning given by section 579(1) of the Education Act 1996;
 - “social services functions” has the same meaning as in the Local Authority Social Services Act 1970.”

Deddf Addysg 2005

- 8
- (1) Mae Deddf Addysg 2005 wedi ei diwygio fel a ganlyn.
 - (2) Hepgorer adran 45 (y pŵer i gyfarwyddo bod ysgol yn cael ei chau).
 - (3) Yn adran 114(8) (cyflenwi gwybodaeth am weithlu ysgol) –
 - (a) hepgorer “and” ar ddiwedd paragraff (a);
 - (b) ym mharagraff (b) ar y dechrau mewnosoder “in relation to England,”;
 - (c) ar ôl paragraff (b) mewnosoder –
 - “and

- (b) in subsection (2)(c) omit “or under sections 25, 26 and 29 above (in the case of a local authority in Wales)”;
 - (c) in the heading after “Intervention” insert “- England”.
- (3) After section 50 insert –

“50A Intervention – Wales

- (1) Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies in relation to the functions of a local authority in Wales which are specified in subsection (2) as it applies in relation to a local authority’s education functions but as if the only relevant ground for intervention were ground 3 in section 21 of that Act.
- (2) The functions of a local authority are –
 - (a) functions conferred on or exercisable by the authority which are social services functions, so far as those functions relate to children;
 - (b) the functions conferred on the authority under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph (a)); and
 - (c) the functions conferred on the authority under sections 25, 26 and 29 above.
- (3) In the application of Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 by virtue of this section, section 27 of that Act (power to direct exercise of other education functions) has effect as if the reference to education functions included (for all purposes) the functions of the local authority which are specified in subsection (2).
- (4) In this section –
 - “education functions” has the meaning given by section 579(1) of the Education Act 1996;
 - “social services functions” has the same meaning as in the Local Authority Social Services Act 1970.”

Education Act 2005

- 8
- (1) The Education Act 2005 is amended as follows.
 - (2) Omit section 45 (power to direct closure of school).
 - (3) In section 114(8) (supply of information about school workforce) –
 - (a) omit “and” at the end of paragraph (a);
 - (b) in paragraph (b) at the beginning insert “in relation to England,”;
 - (c) after paragraph (b) insert –
 - “and

- (c) in relation to Wales, provide that Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) is to have effect as if—
 - (i) references to a local authority included a reference to a prescribed person,
 - (ii) duties imposed by virtue of this section were education functions,
 - (iii) the only relevant ground for intervention were ground 1 in section 21, and
 - (iv) sections 24 to 27 did not apply.”
- (4) Yn Atodlen 9 (diwygiadau mewn perthynas ag arolygu ysgol) hepgorer paragraffau 14 i 20.
- (5) Gweler hefyd y diwygiad a wnaed gan baragraff 22(2)(b) o’r Atodlen hon i adran 28(4)(c) o Ddeddf Addysg 2005 (sy’n rhannol o ganlyniad i Ran 2 o’r Ddeddf hon).

Deddf Addysg ac Arolygiadau 2006

- 9 (1) Mae Deddf Addysg ac Arolygiadau 2006 wedi ei diwygio fel a ganlyn.
- (2) Yn Atodlen 7 (diwygiadau mewn perthynas ag ysgolion sy’n peri pryder) hepgorer paragraffau 3 i 14, 16, 17, 18, 19(b), a 21.
- (3) Yn Atodlen 17 (diwygiadau amrywiol) hepgorer paragraffau 1, 2 a 6.

Deddf Gofal Plant 2006

- 10 Yn lle adran 29 o Ddeddf Gofal Plant 2006 (pwerau Gweinidogion Cymru i sicrhau cyflawniad priodol etc) rhodder—

“29 Powers of intervention of Welsh Ministers

- (1) Chapter 2 of Part 2 the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies in relation to a Welsh local authority and the powers conferred or the duties imposed on it by, under or for the purposes of this Part as it applies in relation to the education functions (as defined by section 579(1) of the Education Act 1996) of such an authority.
- (2) In the application of Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 by virtue of this section, section 27 of that Act (power to direct exercise of other education functions) has effect as if the reference to education functions included (for all purposes) functions of a Welsh local authority under this Part.”

Deddf Cydraddoldeb 2010

- 11 (1) Mae adran 87 o Ddeddf Cydraddoldeb 2010 (cymhwyso pwerau penodol o dan Ddeddf Addysg 1996) wedi ei diwygio fel a ganlyn.
- (2) Ar y dechrau mewnosoder—

- (c) in relation to Wales, provide that Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) is to have effect as if—
 - (i) references to a local authority included a reference to a prescribed person,
 - (ii) duties imposed by virtue of this section were education functions,
 - (iii) the only relevant ground for intervention were ground 1 in section 21, and
 - (iv) sections 24 to 27 did not apply.”
- (4) In Schedule 9 (amendments relating to school inspection) omit paragraphs 14 to 20.
- (5) See also the amendment made by paragraph 22(2)(b) of this Schedule to section 28(4)(c) of the Education Act 2005 (which is in part consequential on Part 2 of this Act).

Education and Inspections Act 2006

- 9 (1) The Education and Inspections Act 2006 is amended as follows.
 - (2) In Schedule 7 (amendments relating to schools causing concern) omit paragraphs 3 to 14, 16, 17, 18, 19(b) and 21.
 - (3) In Schedule 17 (miscellaneous amendments) omit paragraphs 1, 2 and 6.

Childcare Act 2006

- 10 For section 29 of the Childcare Act 2006 (powers of Welsh Ministers to secure proper performance etc) substitute—

“29 Powers of intervention of Welsh Ministers

- (1) Chapter 2 of Part 2 the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies in relation to a Welsh local authority and the powers conferred or the duties imposed on it by, under or for the purposes of this Part as it applies in relation to the education functions (as defined by section 579(1) of the Education Act 1996) of such an authority.
- (2) In the application of Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 by virtue of this section, section 27 of that Act (power to direct exercise of other education functions) has effect as if the reference to education functions included (for all purposes) functions of a Welsh local authority under this Part.”

Equality Act 2010

- 11 (1) Section 87 of the Equality Act 2010 (application of certain powers under Education Act 1996) is amended as follows.
 - (2) At the beginning insert—

“(A1) Subsections (1) and (2) do not apply in the case of a school in Wales.”

(3) Ar ôl is-adran (2) mewnosoder –

“(3) In the case of a school in Wales –

(a) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) applies to the performance of a duty under section 85, but as if –

(i) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of that Act, and

(ii) sections 3 to 9 and 12 to 16 of that Act did not apply;

(b) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) applies to the performance of a duty under section 85, but as if –

(i) the only relevant grounds for intervention were grounds 1 and 2 in section 21 of that Act, and

(ii) sections 24 to 27 of that Act did not apply.

(4) But neither of Chapters 1 and 2 of Part 2 of the 2013 Act applies to the performance of a duty under section 85 by the proprietor of an independent educational institution (other than a special school).”

Ddeddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009

12 Yn Neddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 hepgorer adran 205 ac Atodlen 14 (pwerau mewn perthynas ag ysgolion sy’n peri pryder).

Mesur Addysg (Cymru) 2011

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

(2) Hepgorer adran 16 (ffedereiddio ysgolion sy’n peri pryder drwy gyfarwyddyd gan Weinidogion Cymru).

(3) Yn adran 18(1) (ffederasiynau: darpariaethau atodol) –

(a) yn lle paragraff (a) rhodder –

“(a) Pennod 1 o Ran 2 o Ddeddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013 (ymyrryd ym materion rhedeg ysgolion a gynhelir), neu”;

(b) ym mharagraff (b) yn lle “o’r Ddeddf honno” rhodder “o Ddeddf Safonau a Fframwaith Ysgolion 1998”.

“(A1) Subsections (1) and (2) do not apply in the case of a school in Wales.”

(3) After subsection (2) insert—

“(3) In the case of a school in Wales—

(a) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) applies to the performance of a duty under section 85, but as if—

(i) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of that Act, and

(ii) sections 3 to 9 and 12 to 16 of that Act did not apply;

(b) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) applies to the performance of a duty under section 85, but as if—

(i) the only relevant grounds for intervention were grounds 1 and 2 in section 21 of that Act, and

(ii) sections 24 to 27 of that Act did not apply.

(4) But neither of Chapters 1 and 2 of Part 2 of the 2013 Act applies to the performance of a duty under section 85 by the proprietor of an independent educational institution (other than a special school).”

Apprenticeships, Skills, Children and Learning Act 2009

12 In the Apprenticeships, Skills, Children and Learning Act 2009 omit section 205 and Schedule 14 (powers in relation to schools causing concern).

Education (Wales) Measure 2011

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

(2) Omit section 16 (federation of schools causing concern by direction of the Welsh Ministers).

(3) In section 18(1) (federations: supplementary provisions)—

(a) for paragraph (a) substitute—

“(a) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in conduct of maintained schools), or”;

(b) in paragraph (b) for “that Act” substitute “the School Standards and Framework Act 1998”.

RHAN 2

DIWYGIADAU SY’N YMWNEUD Â RHAN 3 (TREFNIADAETH YSGOL)

Deddf Diwygio Addysg 1988

- 14 (1) Mae Deddf Diwygio Addysg 1988 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 198(1) (trosglwyddo o dan Rannau 1 a 2) ar ôl paragraff (c) mewnosoder –
- “or
- (d) Part 3 of Schedule 4 to the School Standards and Organisation (Wales) Act 2013;”.

Mesur Byrddau Addysg Esgobaethol 1991

- 15 (1) Mae Mesur Byrddau Addysg Esgobaethol 1991 wedi ei ddiwygio fel a ganlyn.
- (2) Yn adran 3 (gweithrediadau pan fo cyngor neu gydsyniad y Bwrdd yn ofynnol) –
- (a) hepgorer is-adran (1)(a)(ii), (b)(ii) a (d);
- (b) yn is-adran (1)(c) yn lle “1998 Act” rhodder “School Standards and Framework Act 1998 (“the 1998 Act”)”.
- (3) Yn adran 7 (pwerau’r Bwrdd i roi cyfarwyddiadau i gyrff llywodraethu ysgolion eglwysig gwirfoddol a gynorthwyir) –
- (a) yn is-adran (1) –
- (i) hepgorer paragraffau (a)(ii), (b)(ii) ac (c);
- (ii) ym mharagraff (b)(i) yn lle “1998 Act” rhodder “School Standards and Framework Act 1998”;
- (b) yn is-adran (1A) hepgorer “or paragraph 2 or 3 of Schedule 8 to the 1998 Act”;
- (c) yn is-adran (3) –
- (i) ym mharagraff (a) hepgorer “or section 28(2)(b) of the 1998 Act”;
- (ii) hepgorer paragraff (b);
- (iii) yn y geiriau ar ôl paragraff (b) hepgorer “the 1998 Act and”.

Deddf Addysg Bellach ac Addysg Uwch 1992

- 16 (1) Mae Deddf Addysg Bellach ac Addysg Uwch 1992 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 58 (ad-drefnu ysgolion sy’n ymwneud â sefydlu corfforaeth addysg bellach) –
- (a) yn is-adran (3), yn lle paragraff (b) rhodder –
- “(b) a relevant alteration has been made to the school,”;
- (b) hepgorer is-adran (4);
- (c) ar y diwedd mewnosoder –
- “(5) In subsection (3)(b) “relevant alteration” means –

PART 2

AMENDMENTS RELATING TO PART 3 (SCHOOL ORGANISATION)

Education Reform Act 1988

- 14 (1) The Education Reform Act 1988 is amended as follows.
- (2) In section 198(1) (transfers under Parts 1 and 2) after paragraph (c) insert –
- “or
- (d) Part 3 of Schedule 4 to the School Standards and Organisation (Wales) Act 2013;”.

Diocesan Boards of Education Measure 1991

- 15 (1) The Diocesan Boards of Education Measure 1991 is amended as follows.
- (2) In section 3 (transactions for which advice or consent of the Board is required) –
- (a) omit subsection (1)(a)(ii), (b)(ii) and (d);
- (b) in subsection (1)(c) for “1998 Act” substitute “School Standards and Framework Act 1998 (“the 1998 Act”)”.
- (3) In section 7 (powers of Board to give directions to governing bodies of voluntary aided church schools) –
- (a) in subsection (1) –
- (i) omit paragraphs (a)(ii), (b)(ii) and (c);
- (ii) in paragraph (b)(i) for “1998 Act” substitute “School Standards and Framework Act 1998”;
- (b) in subsection (1A) omit “or paragraph 2 or 3 of Schedule 8 to the 1998 Act”;
- (c) in subsection (3) –
- (i) in paragraph (a) omit “or section 28(2)(b) of the 1998 Act”;
- (ii) omit paragraph (b);
- (iii) in the words after paragraph (b) omit “the 1998 Act and”.

Further and Higher Education Act 1992

- 16 (1) The Further and Higher Education Act 1992 is amended as follows.
- (2) In section 58 (reorganisation of schools involving establishment of further education corporation) –
- (a) in subsection (3), for paragraph (b) substitute –
- “(b) a relevant alteration has been made to the school;”;
- (b) omit subsection (4);
- (c) at the end insert –
- “(5) In subsection (3)(b) “relevant alteration” means –

- (a) in the case of a school in England, a prescribed alteration within the meaning of section 18 of the Education and Inspections Act 2006, and
- (b) in the case of a school in Wales, a regulated alteration within the meaning of Chapter 2 of Part 3 of the School Standards and Organisation (Wales) Act 2013.”

Deddf Addysg 1996

- 17 (1) Mae Deddf Addysg 1996 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 5(3A)(b) (ysgolion cynradd, ysgolion uwchradd ac ysgolion canol) –
- (a) mae’r geiriau ar ôl “Wales,” yn mynd yn is-baragraff (i);
 - (b) ar ôl “1998” mewnosoder –
“, and
(ii) section 48, 59 or 68 of the School Standards and Organisation (Wales) Act 2013”.
- (3) Yn adran 394 (penderfynu achosion pan nad yw’r gofyniad ar gyfer addoli cynulleidfaol Cristnogol i fod yn gymwys), hepgorer is-adran (9)(b).
- (4) Yn adran 409(2) (cwynion a gorfodi: ysgolion a gynhelir yng Nghymru), hepgorer “or foundation special”.
- (5) Yn adran 529(2) (y pŵer i dderbyn rhoddion ar ymddiried at ddibenion addysgol) –
- (a) yn lle “28 and 31 of the School Standards and Framework Act 1998” rhodder “41 and 44 of the School Standards and Organisation (Wales) Act 2013”;
 - (b) yn lle’r geiriau o “(so that” i “in Wales)” rhodder “and sections 48 to 55 of, and Schedule 3 to, that Act (school organisation proposals”.
- (6) Yn adran 530(3)(b) (prynu tir yn orfodol) o’r geiriau o “paragraph 18” i’r diwedd rhodder “paragraph 9 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013 (assistance in respect of maintenance and other obligations relating to voluntary aided schools) including that paragraph as applied by section 76(3) of that Act”.

Deddf Addysg 1997

- 18 (1) Mae Deddf Addysg 1997 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 29 (swyddogaethau Gweinidogion Cymru mewn perthynas â chwricwlwm ac asesu) –
- (a) yn is-adran (5) yn y diffiniad o “maintained school”, hepgorer “or foundation”;
 - (b) yn is-adran (6) hepgorer “or foundation”.
- (3) Yn adran 43(2)(c) (darparu addysg gyrfaoedd mewn ysgolion yng Nghymru), hepgorer “or foundation”.

Deddf Safonau a Fframwaith Ysgolion 1998

- 19 (1) Mae Deddf Safonau a Fframwaith Ysgolion 1998 wedi ei diwygio fel a ganlyn.

- (a) in the case of a school in England, a prescribed alteration within the meaning of section 18 of the Education and Inspections Act 2006, and
- (b) in the case of a school in Wales, a regulated alteration within the meaning of Chapter 2 of Part 3 of the School Standards and Organisation (Wales) Act 2013.”

Education Act 1996

- 17 (1) The Education Act 1996 is amended as follows.
- (2) In section 5(3A)(b) (primary schools, secondary schools and middle schools) –
 - (a) the words after “Wales,” become sub-paragraph (i);
 - (b) after “1998” insert –
 - “, and
 - (ii) section 48, 59 or 68 of the School Standards and Organisation (Wales) Act 2013”.
 - (3) In section 394 (determination of cases in which requirement for Christian collective worship is not to apply), omit subsection (9)(b).
 - (4) In section 409(2) (complaints and enforcement: maintained schools in Wales), omit “or foundation special”.
 - (5) In section 529(2) (power to accept gifts on trust for educational purposes) –
 - (a) for “28 and 31 of the School Standards and Framework Act 1998” substitute “41 and 44 of the School Standards and Organisation (Wales) Act 2013”;
 - (b) for the words from “(so that” to “in Wales” substitute “and sections 48 to 55 of, and Schedule 3 to, that Act (school organisation proposals”.
 - (6) In section 530(3)(b) (compulsory purchase of land) for the words from “paragraph 18” to the end substitute “paragraph 9 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013 (assistance in respect of maintenance and other obligations relating to voluntary aided schools) (including that paragraph as applied by section 76(3) of that Act)”.

Education Act 1997

- 18 (1) The Education Act 1997 is amended as follows.
- (2) In section 29 (functions of the Welsh Ministers in relation to curriculum and assessment) –
 - (a) in subsection (5) in the definition of “maintained school”, omit “or foundation”;
 - (b) in subsection (6) omit “or foundation”.
 - (3) In section 43(2)(c) (provision of careers education in schools in Wales), omit “or foundation”.

School Standards and Framework Act 1998

- 19 (1) The School Standards and Framework Act 1998 is amended as follows.

- (2) Yn adran 20(2A)(b) (categoriâu newydd o ysgolion a gynhelir) ar ôl "this Act" mewnosoder "or sections 45 to 55 of, and Schedule 4 to, the School Standards and Organisation (Wales) Act 2013".
- (3) Yn adran 21(6) (mathau o ysgolion sefydledig ac ysgolion gwirfoddol a mathau o sefydliadau) –
 - (a) ym mharagraff (a) –
 - (i) hepgorer "in accordance with Schedule 8 or", a
 - (ii) ar ôl "Act 2006" mewnosoder "or in accordance with proposals made under section 45 of the School Standards and Organisation (Wales) Act 2013";
 - (b) ym mharagraff (f) –
 - (i) yn is-baragraff (i), hepgorer "under paragraph 2 of Schedule 8 or" ac ar ôl "Act 2006" mewnosoder "or under section 48 of the School Standards and Organisation (Wales) Act 2013",
 - (ii) yn is-baragraff (ii) yn lle "that paragraph or that section" rhodder "either of those sections",
 - (iii) hepgorer is-baragraff (iii).
- (4) Hepgorer adrannau 28 a 29 (cynigion ar gyfer sefydlu, newid a therfynu ysgolion prif ffrwd).
- (5) Yn adran 30 (hysbysiad gan gorff llywodraethu am derfynu ysgol sefydledig neu ysgol wirfoddol) –
 - (a) yn is-adran (1) ar ôl "voluntary school" mewnosoder "in England";
 - (b) yn is-adran (3) hepgorer paragraff (b);
 - (c) yn is-adran (9) hepgorer paragraff (a);
 - (d) yn y pennawd ar ôl "voluntary school" mewnosoder "in England".
- (6) Hepgorer adrannau 31 i 35 (darpariaethau'n ymwneud ag ysgolion arbennig, rhesymoli lleoedd ysgol a newid categori ysgolion).
- (7) Yn adran 49(6) (ysgolion a gynhelir i gael cyllidebau dirprwyedig) –
 - (a) hepgorer "paragraph 14(2) of Schedule 6, paragraph 3(3) of Schedule 7A to the Learning and Skills Act 2000",
 - (b) ar ôl "2002" mewnosoder "section 75(2)(b) of, or paragraph 4 of Schedule 3 to, the School Standards and Organisation (Wales) Act 2013".
- (8) Yn adran 82(1) (addasu gweithredoedd ymddiriedolaeth), yn lle "or the Academies Act 2010" rhodder ", the Academies Act 2010 or the School Standards and Organisation (Wales) Act 2013".
- (9) Hepgorer adran 101(3) (dethol a ganiateir: bandio disgyblion).
- (10) Yn adran 103(2)(b) (dethol a ganiateir: cyflwyno, amrywio neu roi'r gorau i ddarpariaeth ar gyfer dethol o'r fath) yn lle "prescribed alteration for the purposes of section 28" rhodder "regulated alteration within the meaning of Chapter 2 of Part 3 of the School Standards and Organisation (Wales) Act 2013".

- (2) In section 20(2A)(b) (new categories of maintained schools) after “this Act” insert “or sections 45 to 55 of, and Schedule 4 to, the School Standards and Organisation (Wales) Act 2013”.
- (3) In section 21(6) (kinds of foundation and voluntary schools and types of foundations)—
 - (a) in paragraph (a)—
 - (i) omit “in accordance with Schedule 8 or”, and
 - (ii) after “Act 2006” insert “or in accordance with proposals made under section 45 of the School Standards and Organisation (Wales) Act 2013”;
 - (b) in paragraph (f)—
 - (i) in sub-paragraph (i), omit “under paragraph 2 of Schedule 8 or” and after “Act 2006” insert “or under section 48 of the School Standards and Organisation (Wales) Act 2013”,
 - (ii) in sub-paragraph (ii), for “that paragraph or that section” substitute “either of those sections”,
 - (iii) omit sub-paragraph (iii).
- (4) Omit sections 28 and 29 (proposals for establishment, alteration and discontinuance of mainstream schools).
- (5) In section 30 (notice by governing body to discontinue foundation or voluntary school)—
 - (a) in subsection (1) after “voluntary school” insert “in England”;
 - (b) in subsection (3) omit paragraph (b);
 - (c) in subsection (9) omit paragraph (a);
 - (d) in the heading after “voluntary school” insert “in England”.
- (6) Omit sections 31 to 35 (provisions relating to special schools, rationalisation of school places and change of category of schools).
- (7) In section 49(6) (maintained schools to have delegated budgets)—
 - (a) omit “paragraph 14(2) of Schedule 6, paragraph 3(3) of Schedule 7A to the Learning and Skills Act 2000”,
 - (b) after “2002” insert “section 75(2)(b) of, or paragraph 4 of Schedule 3 to, the School Standards and Organisation (Wales) Act 2013”.
- (8) In section 82(1) (modification of trust deeds) for “or the Academies Act 2010” substitute “, the Academies Act 2010 or the School Standards and Organisation (Wales) Act 2013”.
- (9) Omit section 101(3) (permitted selection: pupil banding).
- (10) In section 103(2)(b) (permitted selection: introduction, variation or abandonment of provision for such selection) for “prescribed alteration for the purposes of section 28” substitute “regulated alteration within the meaning of Chapter 2 of Part 3 of the School Standards and Organisation (Wales) Act 2013”.

- (11) Yn adran 143 (mynegai) –
- (a) hepgorer y cofnod sy'n dechrau "alteration";
 - (b) hepgorer y cofnod sy'n dechrau "area";
 - (c) hepgorer y cofnod sy'n dechrau "discontinuing";
 - (d) hepgorer y cofnod sy'n dechrau "promoters";
 - (e) hepgorer y cofnod sy'n dechrau "school opening date".
- (12) Yn Atodlen 3 (cyllido ysgolion sefydledig, ysgolion gwirfoddol ac ysgolion arbennig sefydledig) –
- (a) ym mharagraff 2(2)(a)(ii), yn lle'r geiriau o "or promoters" i "proposals" rhodder "or the person by whom proposals were made is required to provide by virtue of Part 2 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013 (provision of premises and other assistance)";
 - (b) ym mharagraff 7 –
 - (i) yn is-baragraff (3)(a) ar ôl "28," mewnosoder –
 - "(ia) the implementation of proposals made under section 42 of the School Standards and Organisation (Wales) Act 2013 to make a regulated alteration to a school,";
 - (ii) yn is-baragraff (5) yn lle "to the promoters" rhodder –
 - (a) in relation to England, to the promoters, and
 - (b) in relation to Wales, to the person who made the proposals under section 41(2) of the School Standards and Organisation (Wales) Act 2013".
- (13) Hepgorer Atodlenni 6 i 8 (darpariaethau'n ymwneud â gweithdrefn a gweithredu cynigion statudol, rhesymoli lleoedd ysgol a newid categori ysgolion).
- (14) Yn Atodlen 22 (gwaredu tir) –
- (a) ym mharagraff 1, –
 - (i) yn is-baragraff (1) yn lle ", voluntary or foundation special" rhodder "or voluntary";
 - (ii) ar ôl is-baragraff (1)(a) mewnosoder –
 - "(aa) any land acquired under paragraph 7 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under that paragraph as applied by section 76(1) of that Act or under Part 3 of Schedule 4 to that Act;"
 - (b) ym mharagraff 2, ar ôl is-baragraff (1)(a) mewnosoder –
 - "(aa) any land acquired under paragraph 7 or 11 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under either of those paragraphs as applied by section 76(1) or (3) of that Act or under Part 3 of Schedule 4 to that Act;"
 - (c) ym mharagraff 2A –
 - (i) yn is-baragraff (1) hepgorer "or foundation special";

- (11) In section 143 (index) –
- (a) omit the entry beginning “alteration”;
 - (b) omit the entry beginning “area”;
 - (c) omit the entry beginning “discontinuing”;
 - (d) omit the entry beginning “promoters”;
 - (e) omit the entry beginning “school opening date”.
- (12) In Schedule 3 (funding of foundation, voluntary and foundation special schools) –
- (a) in paragraph 2(2)(a)(ii), for the words from “or promoters” to “proposals” substitute “or the person by whom proposals were made is required to provide by virtue of Part 2 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013 (provision of premises and other assistance)”;
 - (b) in paragraph 7 –
 - (i) in sub-paragraph (3)(a) after “28,” insert –
 - “(ia) the implementation of proposals made under section 42 of the School Standards and Organisation (Wales) Act 2013 to make a regulated alteration to a school,”;
 - (ii) in sub-paragraph (5) for “to the promoters” substitute –
 - “(a) in relation to England, to the promoters, and
 - (b) in relation to Wales, to the person who made the proposals under section 41(2) of the School Standards and Organisation (Wales) Act 2013”.
- (13) Omit Schedules 6 to 8 (provisions about procedure and implementation of statutory proposals, rationalisation of school places and changes of category of schools).
- (14) In Schedule 22 (disposals of land) –
- (a) in paragraph 1, –
 - (i) in sub-paragraph (1) for “, voluntary or foundation special” substitute “or voluntary”;
 - (ii) after sub-paragraph (1)(a) insert –
 - “(aa) any land acquired under paragraph 7 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under that paragraph as applied by section 76(1) of that Act or under Part 3 of Schedule 4 to that Act;”;
 - (b) in paragraph 2, after sub-paragraph (1)(a) insert –
 - “(aa) any land acquired under paragraph 7 or 11 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under either of those paragraphs as applied by section 76(1) or (3) of that Act or under Part 3 of Schedule 4 to that Act;”;
 - (c) in paragraph 2A –
 - (i) in sub-paragraph (1) omit “or foundation special”;

- (ii) ar ôl is-baragraff (1)(a) mewnosoder –
 - “(aa) any land acquired under paragraph 7 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under that paragraph as applied by section 76(1) of that Act or under Part 3 of Schedule 4 to that Act;”;
 - (iii) yn is-baragraff (1)(b) ar ôl “(a)” mewnosoder “or (aa)”;
 - (iv) yn is-baragraff (1)(c) hepgorer “or foundation special”;
 - (v) yn is-baragraff (2)(a)(ii) ar ôl “(a)” mewnosoder “or (aa)”;
 - (vi) yn is-baragraff (2)(b) ar ôl “(a)” mewnosoder “or (aa)”;
 - (vii) yn is-baragraff (6) hepgorer “or foundation special school”;
 - (viii) yn y pennawd hepgorer “or foundation special school”;
- (d) ym mharagraff 3 –
- (i) yn is-baragraff (1) yn lle “, voluntary or foundation special” rhodder “or voluntary”;
 - (ii) ar ôl is-baragraff (1)(a) mewnosoder –
 - “(aa) any land acquired under paragraph 7 or 11 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under those paragraphs as applied by section 76(1) or (3) of that Act or under Part 3 of Schedule 4 to that Act;”;
 - (iii) yn is-baragraff (3) ar ôl “(a)” mewnosoder “or (aa),”;
 - (iv) yn is-baragraff (4)(c)(ii) ar ôl “this Act” mewnosoder “or under paragraph 7(6) of Schedule 3 to the School Standards and Organisation (Wales) Act 2013”;
 - (v) yn is-baragraff (8)(b)(i) yn lle “, voluntary or foundation special” rhodder “or voluntary”;
 - (vi) yn is-baragraff (8)(b)(ii) yn lle “foundation, voluntary or foundation special” rhodder “voluntary”;
 - (vii) yn is-baragraff (12) yn lle “, voluntary or foundation special” rhodder “or voluntary”;
 - (viii) yn y pennawd yn lle “, voluntary or foundation special” rhodder “or voluntary”;
- (e) ym mharagraff 4(1)(a)(i) yn lle “, voluntary or foundation special” rhodder “or voluntary”;
- (f) ym mharagraff 5 –
- (i) yn is-baragraff (1)(b)(i) yn lle “, voluntary or foundation special” rhodder “or voluntary”;
 - (ii) hepgorer is-baragraff (1)(b)(ii);
 - (iii) yn is-baragraff (4)(c) ar ôl “alteration” mewnosoder “or regulated alteration”;

- (ii) after sub-paragraph (1)(a) insert –
 - “(aa) any land acquired under paragraph 7 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under that paragraph as applied by section 76(1) of that Act or under Part 3 of Schedule 4 to that Act;”;
 - (iii) in sub-paragraph (1)(b) after “(a)” insert “or (aa)”;
 - (iv) in sub-paragraph (1)(c) omit “or foundation special”;
 - (v) in sub-paragraph (2)(a)(ii) after “(a)” insert “or (aa)”;
 - (vi) in sub-paragraph (2)(b) after “(a)” insert “or (aa)”;
 - (vii) in sub-paragraph (6) omit “or foundation special”;
 - (viii) in the heading omit “or foundation special school”;
- (d) in paragraph 3 –
- (i) in sub-paragraph (1) for “, voluntary or foundation special” substitute “or voluntary”;
 - (ii) after sub-paragraph (1)(a) insert –
 - “(aa) any land acquired under paragraph 7 or 11 of Schedule 3 to the School Standards and Organisation (Wales) Act 2013, under those paragraphs as applied by section 76(1) or (3) of that Act or under Part 3 of Schedule 4 to that Act;”;
 - (iii) in sub-paragraph (3) after “(a),” insert “(aa),”;
 - (iv) in sub-paragraph (4)(c)(ii) after “this Act” insert “or under paragraph 7(6) of Schedule 3 to the School Standards and Organisation (Wales) Act 2013”;
 - (v) in sub-paragraph (8)(b)(i) for “, voluntary or foundation special” substitute “or voluntary”;
 - (vi) in sub-paragraph (8)(b)(ii) for “foundation, voluntary or foundation special” substitute “voluntary”;
 - (vii) in sub-paragraph (12) for “, voluntary or foundation special” substitute “or voluntary”;
 - (viii) in the heading for “, voluntary or foundation special” substitute “or voluntary”;
- (e) in paragraph 4(1)(a)(i) for “, voluntary or foundation special” substitute “or voluntary”;
- (f) in paragraph 5 –
- (i) in sub-paragraph (1)(b)(i) for “, voluntary or foundation special” substitute “or voluntary”;
 - (ii) omit sub-paragraph (1)(b)(ii);
 - (iii) in sub-paragraph (4)(c) after “alteration” insert “or regulated alteration”;

- (iv) yn is-baragraff (4A) hepgorer “or foundation special” ac ar ôl “(a),” mewnosoder “(aa),”;
- (v) yn is-baragraff (4B)(b)(ii) hepgorer “or foundation special”;
- (vi) yn is-baragraff (4B)(d) ar ôl “alteration” mewnosoder “or regulated alteration”;
- (vii) yn is-baragraff (6)(a) ar ôl “2A(1)(a),” mewnosoder “(aa),”;
- (g) ym mharagraff 6 –
 - (i) yn is-baragraff (1) ar ôl “section 30(1)” mewnosoder “or section 80 of the School Standards and Organisation (Wales) Act 2013”;
 - (ii) yn is-baragraff (2)(a) ar ôl “section 30(2)” mewnosoder “or section 80(2) of the School Standards and Organisation (Wales) Act 2013”;
- (h) ym mharagraff 8 –
 - (i) yn is-baragraff (1) ar ôl “section 30(10)” mewnosoder “or section 80(11) of the School Standards and Organisation (Wales) Act 2013”;
 - (ii) yn is-baragraff (2) ar ôl “section 30(2)(a) to (d)” mewnosoder “or section 80(2) of the School Standards and Organisation (Wales) Act 2013”;
- (i) ym mharagraff 10 ar ôl is-baragraff (1)(e) mewnosoder –
 - “(f) “regulated alteration” has the same meaning as in Chapter 2 of Part 3 of the School Standards and Organisation (Wales) Act 2013.”

Deddf Dysgu a Sgiliau 2000

- 20 (1) Mae Deddf Dysgu a Sgiliau 2000 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 33P(3)(b)(i) (cymhwyso darpariaethau cwricwlwm lleol i fyfyrwyr sy'n ddisgyblion cofrestredig mewn ysgolion arbennig neu fyfyrwyr a chanddynt anawsterau dysgu) hepgorer “or foundation”.
- (3) Ar ôl adran 83(9) (arolygiadau ardal) mewnosoder –
- “(9A) For provision on reporting on sixth forms found to be causing concern in an area inspection, see sections 44C and 44E of the Education Act 2005.”
- (4) Hepgorer adrannau 113 a 113A.
- (5) Yn adran 126(3)(b) (sefydliadau addysgol: gwybodaeth a mynediad) hepgorer “or foundation”.
- (6) Hepgorer y darpariaethau a ganlyn –
- (a) Atodlenni 7 a 7A;
 - (b) paragraffau 84, 89 a 90 o Atodlen 9.

Deddf Addysg 2002

- 21 (1) Mae Deddf Addysg 2002 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 19(2)(e) (cyrff llywodraethu) hepgorer “, a foundation special school”.

- (iv) in sub-paragraph (4A) omit “or foundation special” and after “(a),” insert “(aa),”;
- (v) in sub-paragraph (4B)(b)(ii) omit “or foundation special”;
- (vi) in sub-paragraph (4B)(d) after “alteration” insert “or regulated alteration”;
- (vii) in sub-paragraph (6)(a) after “2A(1)(a),” insert “(aa),”;
- (g) in paragraph 6 –
 - (i) in sub-paragraph (1) after “section 30(1)” insert “or section 80 of the School Standards and Organisation (Wales) Act 2013”;
 - (ii) in sub-paragraph (2)(a) after “section 30(2)” insert “or section 80(2) of the School Standards and Organisation (Wales) Act 2013”;
- (h) in paragraph 8 –
 - (i) in sub-paragraph (1) after “section 30(10)” insert “or section 80(11) of the School Standards and Organisation (Wales) Act 2013”;
 - (ii) in sub-paragraph (2) after “section 30(2)(a) to (d)” insert “or section 80(2) of the School Standards and Organisation (Wales) Act 2013”;
- (i) in paragraph 10 after sub-paragraph (1)(e) insert –
 - “(f) “regulated alteration” has the same meaning as in Chapter 2 of Part 3 of the School Standards and Organisation (Wales) Act 2013.”

Learning and Skills Act 2000

- 20 (1) The Learning and Skills Act 2000 is amended as follows.
- (2) In section 33P(3)(b)(i) (application of local curriculum provisions to students who are registered pupils of special schools or who have learning difficulties) omit “or foundation”.
 - (3) After section 83(9) (area inspections) insert –
 - “(9A) For provision on reporting on sixth forms found to be causing concern in an area inspection, see sections 44C and 44E of the Education Act 2005.”
 - (4) Omit sections 113 and 113A.
 - (5) In section 126(3)(b) (educational institutions: information and access) omit “or foundation”.
 - (6) Omit the following provisions –
 - (a) Schedules 7 and 7A;
 - (b) paragraphs 84, 89 and 90 of Schedule 9.

Education Act 2002

- 21 (1) The Education Act 2002 is amended as follows.
- (2) In section 19(2)(e) (governing bodies) omit “, a foundation special school”.

- (3) Hepgorer adran 72 (ailstrwythuro addysg chweched dosbarth).
- (4) Yn adran 97 (dehongli Rhan 7) –
 - (a) ym mharagraff (b) yn y diffiniad o “maintained school” hepgorer “or foundation”;
 - (b) yn y diffiniad o “maintained secondary school” hepgorer “or foundation”.
- (5) Yn adran 111(4) (gwaith datblygu ac arbrofion) yn lle “, voluntary aided or foundation special” rhodder “or voluntary aided”.
- (6) Yn adran 116N(3)(b) (cymhwyso darpariaethau cwricwlwm lleol i blant sy’n ddisgyblion cofrestredig mewn ysgolion arbennig) hepgorer “or foundation”.
- (7) Yn adran 129(6)(b) (trosglwyddo cyflogaeth) ar ôl “1998” mewnosoder “or Part 3 of the School Standards and Organisation (Wales) Act 2013”.
- (8) Yn adran 153(4) (pwerau awdurdod lleol mewn cysylltiad ag addysg feithrin a ariennir) yn y diffiniad o “maintained school” hepgorer “or foundation”.
- (9) Hepgorer adran 154 (sefydlu neu newid ysgolion meithrin a gynhelir).
- (10) Hepgorer adrannau 191 i 193 (darpariaeth ranbarthol ar gyfer anghenion addysgol arbennig).
- (11) Ym mharagraff 5(2)(b) o Atodlen 1 (ymgorfforiad a phwerau corff llywodraethu) yn lle paragraffau (i) i (iii) rhodder –
 - “(i) the date on which proposals for discontinuing the school are implemented under Part 3 of the School Standards and Organisation (Wales) Act 2013,
 - (ii) the date on which the school is discontinued under section 80 of the School Standards and Organisation (Wales) Act 2013, or
 - (iii) the date specified in a direction given under section 16(2) or 81(1) of the School Standards and Organisation (Wales) Act 2013”.
- (12) Hepgorer Atodlenni 9 a 10 (cynigion sy’n ymwneud â chweched dosbarth a sefydlu ysgolion).
- (13) Yn Atodlen 21 (mân ddiwygiadau a diwygiadau canlyniadol) hepgorer paragraffau 98, 115, 116 a 126.

Deddf Addysg 2005

- 22 (1) Mae Deddf Addysg 2005 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 28 (dyletswydd i drefnu arolygiadau rheolaidd ar ysgolion penodol) –
 - (a) yn is-adran (2)(b) hepgorer “and foundation”,
 - (b) yn is-adran (4) –
 - (i) ym mharagraff (a) hepgorer “or foundation”;
 - (ii) ym mharagraff (b) yn lle “section 30 of the School Standards and Framework Act 1998 (c31)” rhodder “section 80 of the School Standards and Organisation (Wales) Act 2013”;

- (3) Omit section 72 (restructuring sixth form education).
- (4) In section 97 (interpretation of Part 7) –
 - (a) in paragraph (b) in the definition of “maintained school” omit “or foundation”;
 - (b) in the definition of “maintained secondary school” omit “or foundation”.
- (5) In section 111(4) (development work and experiments) for “, voluntary aided or foundation special” substitute “or voluntary aided”.
- (6) In section 116N(3)(b) (application of local curriculum provisions to children who are registered pupils of special schools) omit “or foundation”.
- (7) In section 129(6)(b) (transfer of employment) after “1998” insert “or Part 3 of the School Standards and Organisation (Wales) Act 2013”.
- (8) In section 153(4) (powers of local authority in respect of funded nursery education) in the definition of “maintained school” omit “or foundation”.
- (9) Omit section 154 (establishment or alteration of maintained nursery schools).
- (10) Omit sections 191 to 193 (regional provision for special educational needs).
- (11) In paragraph 5(2)(b) of Schedule 1 (incorporation and powers of governing body) for paragraphs (i) to (iii) substitute –
 - “(i) the date on which proposals for discontinuing the school are implemented under Part 3 of the School Standards and Organisation (Wales) Act 2013,
 - (ii) the date on which the school is discontinued under section 80 of the School Standards and Organisation (Wales) Act 2013, or
 - (iii) the date specified in a direction given under section 16(2) or 81(1) of the School Standards and Organisation (Wales) Act 2013”.
- (12) Omit Schedules 9 and 10 (proposals relating to sixth forms and establishment of schools).
- (13) In Schedule 21 (minor and consequential amendments) omit paragraphs 98, 115, 116 and 126.

Education Act 2005

- 22 (1) The Education Act 2005 is amended as follows.
- (2) In section 28 (duty to arrange regular inspections of certain schools) –
 - (a) in subsection (2)(b) omit “and foundation”;
 - (b) in subsection (4) –
 - (i) in paragraph (a) omit “or foundation”;
 - (ii) in paragraph (b) for “section 30 of the School Standards and Framework Act 1998 (c31)” substitute “section 80 of the School Standards and Organisation (Wales) Act 2013”;

- (iii) ym mharagraff (c) hepgorer “or foundation” ac yn lle “section 19 or 32 of that Act” rhodder “section 16(2) or 81(1) of the School Standards and Organisation (Wales) Act 2013”;
 - (iv) ym mharagraff (d) hepgorer “or foundation”.
- (3) Yn adran 31(1) (dehongli Pennod 3) yn y diffiniad o “maintained school” hepgorer “or foundation”.
- (4) Yn adran 41(3) (cyrchfan adroddiadau: ysgolion nas cynhelir) hepgorer “or foundation”.
- (5) Yn adran 42(4) (datganiad i’w lunio gan berchennog ysgol) hepgorer “or foundation”.
- (6) Yn adran 43 (dehongli Pennod 4) yn y diffiniad o “maintained school” hepgorer “or foundation”.
- (7) Hepgorer y darpariaethau a ganlyn –
- (a) adran 46 (chweched dosbarth lle y mae gwelliant arwyddocaol yn ofynnol);
 - (b) adrannau 68, 69, 70, 71 (trefniadaeth ysgol).
- (8) Ym mharagraff 1 o Atodlen 4 (arolygiadau ysgol yng Nghymru o dan adran 28) yn y diffiniad o “appropriate authority” hepgorer “or foundation”.
- (9) Hepgorer y darpariaethau a ganlyn –
- (a) Atodlen 5 (chweched dosbarth lle y mae gwelliant arwyddocaol yn ofynnol);
 - (b) paragraffau 7, 8, 13 a 14 o Atodlen 12 (diwygiadau’n ymwneud â threfniadaeth ysgol).

Deddf Addysg ac Arolygiadau 2006

- 23 (1) Mae Deddf Addysg ac Arolygiadau 2006 wedi ei diwygio fel a ganlyn.
- (2) Hepgorer adran 54(1)(e) (bandio disgyblion).
 - (3) Yn Atodlen 3 (diwygiadau’n ymwneud â threfniadaeth ysgol) hepgorer paragraffau 14(b) (ii), 18, 20, 22 i 26, 33 i 36, 46 a 50.
 - (4) Yn Atodlen 14 (mân ddiwygiadau a diwygiadau canlyniadol) hepgorer paragraffau 61 a 66.

Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006

- 24 (1) Mae Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 wedi ei diwygio fel a ganlyn.
- (2) Ym mharagraff 5(1)(a) a (b) o Atodlen 1 (darpariaeth bellach am Weinidogion Cymru a gwasanaethau o dan y Ddeddf hon) yn lle “, voluntary or foundation special” rhodder “or voluntary”.

Mesur Teithio gan Ddysgwyr (Cymru) 2008

- 25 (1) Mae Mesur Teithio gan Ddysgwyr (Cymru) 2008 wedi ei ddiwygio fel a ganlyn.
- (2) Yn adran 24(1) (dehongli cyffredinol) yn y diffiniad o “ysgol a gynhelir” hepgorer “neu ysgol arbennig sefydledig”.

- (iii) in paragraph (c) omit “or foundation” and for “section 19 or 32 of that Act” substitute “ section 16(2) or 81(1) of the School Standards and Organisation (Wales) Act 2013”;
 - (iv) in paragraph (d) omit “or foundation”.
- (3) In section 31(1) (interpretation of Chapter 3) in the definition of “maintained school” omit “or foundation”.
 - (4) In section 41(3) (destination of reports: non-maintained schools) omit “or foundation”.
 - (5) In section 42(4) (statement to be prepared by proprietor of school) omit “or foundation”.
 - (6) In section 43 (interpretation of Chapter 4) in the definition of “maintained school” omit “or foundation”.
 - (7) Omit the following provisions –
 - (a) section 46 (sixth forms requiring significant improvement);
 - (b) sections 68, 69, 70, 71 (school organisation).
 - (8) In paragraph 1 of Schedule 4 (school inspections in Wales under section 28) in the definition of “appropriate authority” omit “or foundation”.
 - (9) Omit the following provisions –
 - (a) Schedule 5 (sixth forms requiring significant improvement);
 - (b) paragraphs 7, 8, 13 and 14 of Schedule 12 (amendments relating to school organisation).

Education and Inspections Act 2006

- 23 (1) The Education and Inspections Act 2006 is amended as follows.
 - (2) Omit section 54(1)(e) (pupil banding).
 - (3) In Schedule 3 (amendments relating to school organisation) omit paragraphs 14(b)(ii), 18, 20, 22 to 26, 33 to 36, 46 and 50.
 - (4) In Schedule 14 (minor and consequential amendments) omit paragraphs 61 and 66.

National Health Service (Wales) Act 2006

- 24 (1) The National Health Service (Wales) Act 2006 is amended as follows.
 - (2) In paragraph 5(1)(a) and (b) of Schedule 1 (further provision about the Welsh Ministers and services under this Act) for “, voluntary or foundation special” substitute “or voluntary”.

Learner Travel (Wales) Measure 2008

- 25 (1) The Learner Travel (Wales) Measure 2008 is amended as follows.
 - (2) In section 24(1) (general interpretation) in the definition of “maintained school” omit “or foundation”.

Mesur Dysgu a Sgiliau (Cymru) 2009

- 26 (1) Mae Mesur Dysgu a Sgiliau (Cymru) 2009 wedi ei ddiwygio fel a ganlyn.
(2) Yn adran 44 (llwybrau dysgu: dehongli) yn y diffiniad o “ysgol a gynhelir” hepgorer “neu ysgol arbennig sefydledig”.

Mesur Bwyta’n Iach mewn Ysgolion (Cymru) 2009

- 27 (1) Mae Mesur Bwyta’n Iach mewn Ysgolion (Cymru) 2009 wedi ei ddiwygio fel a ganlyn.
(2) Yn adran 11 (dehongli) yn y diffiniad o “ysgol a gynhelir” hepgorer “neu sefydledig”.

Deddf Cydraddoldeb 2010

- 28 (1) Mae Deddf Cydraddoldeb 2010 wedi ei diwygio fel a ganlyn.
(2) Ym mharagraff 4 o Atodlen 11 (ysgolion un rhyw yn troi i fod yn ysgolion cydaddysgol) –
(a) yn is-baragraff (2) yn lle’r geiriau o “paragraph 22” i “1998” rhodder “section 82 of, or Part 3 of Schedule 3 to, the School Standards and Organisation (Wales) Act 2013”;
(b) hepgorer is-baragraff (5).

Mesur Addysg (Cymru) 2011

- 29 (1) Mae Mesur Addysg (Cymru) 2011 wedi ei ddiwygio fel a ganlyn.
(2) Yn adran 8 (dehongli Rhan 1) yn y diffiniad o “ysgol a gynhelir” hepgorer “neu ysgol arbennig sefydledig”.
(3) Yn adran 13(b) (corff llywodraethu sengl ar gyfer ffederasiynau) yn lle’r geiriau o “ym Mhennod 2” i’r diwedd rhodder “yn Rhan 3 o Ddeddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013 (trefniadaeth ysgolion) neu yn Rhan 3 o Ddeddf Safonau a Fframwaith Ysgolion 1998 (derbyniadau i ysgolion)”.
(4) Hpgorer adran 20 (mân ddiwygiadau a diwygiadau canlyniadol i Ddeddf Addysg 2005).
(5) Yn adran 21(1) (dehongli Pennod 1) yn y diffiniad o “ysgol a gynhelir” hepgorer “neu ysgol sefydledig arbennig”.
(6) Hpgorer adrannau 26 i 30 (ysgolion sefydledig).

Mesur y Gymraeg (Cymru) 2011

- 30 (1) Mae Mesur y Gymraeg (Cymru) 2011 wedi ei ddiwygio fel a ganlyn.
(2) Ym mharagraff 2 o Atodlen 6 yn y diffiniad o “corff llywodraethu ysgolion” hepgorer “neu ysgol arbennig sefydledig”.

Learning and Skills (Wales) Measure 2009

- 26 (1) The Learning and Skills (Wales) Measure 2009 is amended as follows.
- (2) In section 44 (learning pathways: interpretation) in the definition of “maintained school” omit “or foundation”.

Healthy Eating in Schools (Wales) Measure 2009

- 27 (1) The Healthy Eating in Schools (Wales) Measure 2009 is amended as follows.
- (2) In section 11 (interpretation) in the definition of “maintained school” omit “or foundation”.

Equality Act 2010

- 28 (1) The Equality Act 2010 is amended as follows.
- (2) In paragraph 4 of Schedule 11 (single-sex schools turning co-educational) –
- (a) in sub-paragraph (2) for the words from “paragraph 22” to “1998” substitute “section 82 of, or Part 3 of Schedule 3 to, the School Standards and Organisation (Wales) Act 2013”;
- (b) omit sub-paragraph (5).

Education (Wales) Measure 2011

- 29 (1) The Education (Wales) Measure 2011 is amended as follows.
- (2) In section 8 (interpretation of Part 1) in the definition of “maintained school” omit “or foundation”.
- (3) In section 13(b) (single governing body for federations) for the words from “Chapter 2” to the end substitute “Part 3 of the School Standards and Organisation (Wales) Act 2013 (school organisation) or in Part 3 of the School Standards and Framework Act 1998 (school admissions)”.
- (4) Omit section 20 (minor and consequential amendments to the Education Act 2005).
- (5) In section 21(1) (interpretation of Chapter 1) in the definition of “maintained school” omit “or foundation”.
- (6) Omit sections 26 to 30 (foundation schools).

Welsh Language (Wales) Measure 2011

- 30 (1) The Welsh Language (Wales) Measure 2011 is amended as follows.
- (2) In paragraph 2 of Schedule 6 in the definition of “governing body of a school” omit “or foundation”.

RHAN 3

DIWYGIADAU SY'N YMWNEUD Â RHAN 5 (DYLETSWYDDAU AMRYWIOL YSGOLION)

Deddf Addysg 1996 a gorchmynion a wneir odani

- 31 (1) Yn adran 512A(6) o Ddeddf Addysg 1996 (trosglwyddo swyddogaethau o dan adran 512 i gyrff llywodraethu), hepgorer o "and such" i'r diwedd.
- (2) Yng Ngorchymyn Addysg (Trosglwyddo Swyddogaethau Ynghylch Ciniawau Ysgol) (Cymru) 1999 (OS 1999/610), hepgorer erthygl 4.
- (3) Yng Ngorchymyn Addysg (Trosglwyddo Swyddogaethau Ynghylch Ciniawau Ysgol) (Cymru) (Rhif 2) 1999 (OS 1999/1779), hepgorer erthygl 4.

Deddf Addysg 2002

- 32 Yn Atodlen 21 i Ddeddf Addysg 2002 (mân ddiwygiadau a diwygiadau canlyniadol) hepgorer paragraff 110.

Deddf Addysg 2005

- 33 Yn adran 103 o o Ddeddf Addysg 2005 (cyfarfodydd blynyddol rhieni) hepgorer is-adran (2) a (3)(a)(ii).

Deddf Addysg ac Arolygiadau 2006

- 34 (1) Mae Deddf Addysg ac Arolygiadau 2006 wedi ei diwygio fel a ganlyn.
- (2) Hepgorer adran 58 (cod ymarfer o ran y berthynas rhwng awdurdodau lleol ac ysgolion a gynhelir).
- (3) Yn adran 87 (y pŵer i godi tâl am ddarparu pryddau bwyd) –
- (a) yn is-adran (1), hepgorer paragraff (b);
- (b) yn is-adran (2), hepgorer paragraff (b).

Mesur Bwyta'n Iach mewn Ysgolion (Cymru) 2009

- 35 Yn adran 8(2)(b) o Fesur Bwyta'n Iach mewn Ysgolion (Cymru) 2009 (sy'n darparu i is-adran (4A) newydd gael ei mewnosod yn adran 512 o Ddeddf Addysg 1996), yn lle "7(5)" rhodder "4".

Deddf Addysg 2011

- 36 Yn adran 35 o Ddeddf Addysg 2011 (dyletswyddau mewn perthynas â phryddau bwyd) –
- (a) yn is-adran (2) hepgorer paragraff (b);
- (b) yn is-adran (3) hepgorer paragraff (b).

PART 3

AMENDMENTS RELATING TO PART 5 (MISCELLANEOUS SCHOOLS DUTIES)

Education Act 1996 and orders made under it

- 31 (1) In section 512A(6) of the Education Act 1996 (transfer of functions under section 512 to governing bodies), omit from “and such” to the end.
- (2) In the Education (Transfer of Functions Concerning School Lunches) (Wales) Order 1999 (SI 1999/610), omit article 4.
- (3) In the Education (Transfer of Functions Concerning School Lunches) (Wales) (No. 2) Order 1999 (SI 1999/1779), omit article 4.

Education Act 2002

- 32 In Schedule 21 to the Education Act 2002 (minor and consequential amendments) omit paragraph 110.

Education Act 2005

- 33 In section 103 of the Education Act 2005 (annual parents’ meetings) omit subsection (2) and (3)(a)(ii).

Education and Inspections Act 2006

- 34 (1) The Education and Inspections Act 2006 is amended as follows.
- (2) Omit section 58 (code of practice as to relationships between local authorities and maintained schools).
- (3) In section 87 (power to charge for provision of meals) –
- (a) in subsection (1), omit paragraph (b);
- (b) in subsection (2), omit paragraph (b).

Healthy Eating in Schools (Wales) Measure 2009

- 35 In section 8(2)(b) of the Healthy Eating in Schools (Wales) Measure 2009 (which provides for a new subsection (4A) to be inserted into section 512 of the Education Act 1996), for “7(5)” substitute “4”.

Education Act 2011

- 36 In section 35 of the Education Act 2011 (duties in relation to school meals) –
- (a) in subsection (2) omit paragraph (b);
- (b) in subsection (3) omit paragraph (b).



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