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

2014 dccc 1

Sefydliadau addysg bellach: llywodraethu

1 Benthyca a buddsoddi gan gorfforaethau addysg bellach

Yn adran 19 o Ddeddf Addysg Bellach ac Uwch 1992 (pwerau atodol corfforaeth addysg bellach), hepgorer—

(a) is-adran (4A) (y pŵer yn is-adran (4)(bb) i ffurfio cwmni, i gyfranogi mewn ffurfio cwmni neu i fuddsoddi mewn cwmni i beidio â chael ei arfer gan gorfforaeth addysg bellach yng Nghymru ar gyfer cynnal sefydliad addysgol neu ar gyfer buddsoddi mewn cwmni sy'n cynnal sefydliad addysgol),

(b) is-adran (4AA) (y pŵer yn is-adran (4)(bc) i ffurfio sefydliad elusennol corfforedig, i gyfranogi mewn ffurfio sefydliad elusennol corfforedig neu fel arall i ddod yn aelod o sefydliad elusennol corfforedig i beidio â chael ei arfer gan gorfforaeth addysg bellach yng Nghymru ar gyfer cynnal sefydliad addysgol neu ar gyfer dod yn aelod o sefydliad elusennol corfforedig sy'n cynnal sefydliad addysgol),

(c) is-adran (4AB) (pŵer Gweinidogion Cymru i gydsynio i arfer pŵer nad yw'n cydymffurfio â'r cyfyngiad yn is-adran (4A) neu (4AA)),

(d) is-adran (4B) (y pwerau yn is-adran (4)(bb) a (bc) i beidio â chael eu harfer gan gorfforaeth addysg bellach yng Nghymru ar gyfer darparu addysg a gyllidir gan Weinidogion Cymru o dan Ddeddf Dysgu a Sgiliau 2000),

(e) is-adran (4C) (nid yw is-adran (4B) i fod yn gymwys os yw Gweinidogion Cymru yn cydsynio i'r pwerau gael eu harfer), ac

(f) is-adran (5) (y pŵer yn is-adran (4)(c) i fenthyca i beidio â chael ei arfer gan gorfforaeth addysg bellach yng Nghymru heb gydsyniad Gweinidogion Cymru).

2 Offeryn ac erthyglau llywodraethu corfforaethau addysg bellach

(1) Yn adran 20 o Ddeddf Addysg Bellach ac Uwch 1992 (cyfansoddiad y gorfforaeth a chynnal y sefydliad), yn lle is-adrannau (2) a (2A) rhodder—

"(2) Instruments of government and articles of government of further education corporations—

(a) must comply with the requirements of Schedule 4, and

(b) subject to that, may make such other provision as may be necessary or desirable."

(2) Mae Atodlen 1 (sy'n disodli Atodlen 4 i Ddeddf Addysg Bellach ac Uwch 1992) yn cael effaith.

(3) Yn lle adrannau 22 a 22ZA o Ddeddf Addysg Bellach ac Uwch 1992 rhodder—

"**22 Subsequent instruments and articles**

A further education corporation may modify or replace their instrument of government or articles of government."

3 Diddymu corfforaethau addysg bellach

Yn lle adrannau 27 i 27C o Ddeddf Addysg Bellach ac Uwch 1992 rhodder—

"**27 Proposals for dissolution of further education corporations**

(1) This section applies if a further education corporation propose that the corporation should be dissolved.

(2) The corporation must publish—

(a) details of the proposal, and

(b) such other information as may be prescribed by regulations made by the appropriate authority.

(3) The publication is to be in accordance with regulations made by the appropriate authority.

(4) The corporation must consult on the proposal, and take account of the views of those consulted, in accordance with regulations made by the appropriate authority.

(5) In this section, "the appropriate authority" means—

(a) in relation to a further education corporation in England, the Secretary of State, and

(b) in relation to a further education corporation in Wales, the Welsh Ministers.

27A Dissolution of further education corporations

(1) This section and section 27B apply if, after complying with section 27, a further education corporation resolve that the corporation should be dissolved on a specified date.

(2) "The dissolution date" means the date specified in a resolution under subsection (1).

(3) The corporation must notify the appropriate authority of the resolution and the dissolution date as soon as reasonably practicable.

(4) The corporation are dissolved on the dissolution date.

(5) In this section, "the appropriate authority" has the meaning given in section 27.

27B Dissolution of further education corporations: transfer of property, rights and liabilities

(1) At any time before the dissolution date, the corporation may transfer any of their property, rights or liabilities to such person or body, or a person or body of such description, as may be prescribed by regulations made by the appropriate authority.

(2) The corporation may do so only with the consent of the person or body concerned.

(3) A transfer under subsection (1) has effect on the dissolution date.

(4) Subsection (5) applies if a person or body prescribed, or of a description prescribed, under subsection (1) is not a charity established for charitable purposes which are exclusively educational purposes.

(5) Any property transferred to the person or body must be transferred on trust to be used for charitable purposes which are exclusively educational purposes.

(6) In this section, "the appropriate authority" has the meaning given in section 27."

4 Sefydliadau dynodedig: offeryn ac erthyglau llywodraethu

(1) Yn adran 29A o Ddeddf Addysg Bellach ac Uwch 1992 (yr offerynnau ac erthyglau ôl-ddynodi cyntaf), hepgorer—

(a) yn is-adran (1) y geiriau "and (if the institution is in Wales) subsection (6)",

(b) is-adran (6), ac

(c) yn y pennawd ": England and Wales".

(2) Yn lle adrannau 29B a 29C o'r Ddeddf honno rhodder—

"**29B Changes to instruments and articles**

(1) This section applies to a designated institution to which section 29 applies.

(2) The governing body of the institution may modify or replace its instrument of government and articles of government.

(3) If the institution is in Wales and is an institution to which section 30 applies, the governing body may do any of the things mentioned in subsection (2) only with the consent of the trustees of the institution.

(4) The instrument of government and articles of government (as modified or replaced)—

(a) must comply with the requirements of Schedule 4, and

(b) subject to that, may make such other provision as may be necessary or desirable."

(3) Yn adran 31 o'r Ddeddf honno (sefydliadau dynodedig a gynhelir gan gwmnïau), hepgorer is-adran (2A) (erthyglau sy'n ymwneud â phenodi aelodau i gymryd i ystyriaeth aelodau y caniateir i Weinidogion Cymru eu penodi).

5 Ymyrraeth gan Weinidogion Cymru mewn cysylltiad â sefydliadau o fewn y sector addysg bellach

(1) Mae adran 57 o Ddeddf Addysg Bellach ac Uwch 1992 (ymyrraeth: Cymru) wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (5A)—

(a) ar ôl "include" mewnosoder "—

(a)";

(b) ar y diwedd mewnosoder ", and

(b) a direction requiring a governing body to make a resolution under section 27A(1) for the body to be dissolved on a date specified in the direction."

(3) Ar ôl yr is-adran honno mewnosoder—

"(5B) A governing body to which a direction such as is mentioned in subsection (5A)(b) is given is to be taken for the purposes of section 27A(1) to have complied with section 27 before making the resolution required by the direction."

(4) Hepgorer adran 57A o Ddeddf Addysg Bellach ac Uwch 1992 (polisi ymyrryd: Cymru).

6 Diddymu dyletswyddau sefydliadau addysg bellach i gydymffurfio â chyfarwyddiadau

(1) Yn adran 33J o Ddeddf Dysgu a Sgiliau 2000 (cynllunio'r cwricwlwm lleol), yn lle is-adran (3) rhodder—

"(3) The persons mentioned in paragraphs (a) to (c) of subsection (1) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under that subsection.

(4) The persons mentioned in paragraphs (a) and (b) of subsection (1) must comply with any direction given by the Welsh Ministers as to the exercise of their functions under that subsection."

(2) Yn adran 33L(3) o'r Ddeddf honno (cydweithio: canllawiau a chyfarwyddiadau), yn lle "The persons mentioned in subsection (1)" rhodder "A local authority and a governing body of a maintained school".

(3) Yn adran 116I o Ddeddf Addysg 2002 (cynllunio'r cwricwlwm lleol), yn lle is-adran (3) rhodder—

"(3) The persons mentioned in paragraphs (a) and (b) of subsection (1) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under that subsection.

(4) The persons mentioned in paragraph (a) of subsection (1) must comply with any direction given by the Welsh Ministers as to the exercise of their functions under that subsection."

(4) Yn adran 116K(3) o'r Ddeddf honno (cydweithio: canllawiau a chyfarwyddiadau), yn lle "The persons mentioned in subsection (1)" rhodder "A local authority and a governing body of a maintained secondary school".

7 Diddymu pŵer i reoleiddio cyrsiau addysg uwch yn y sector addysg bellach

Yn Neddf Addysg 2002, hepgorer adran 139 (pŵer i wneud rheoliadau sy'n gwahardd darparu cyrsiau addysg uwch gan sefydliadau o fewn y sector addysg bellach heb gymeradwyaeth Gweinidogion Cymru a phenderfynu ar nifer y personau a gaiff ymgymryd â'r cyrsiau hynny yn y sefydliadau hynny).

8 Mân ddiwygiadau a diwygiadau canlyniadol

Mae Atodlen 2 (sy'n gwneud mân ddiwygiadau a diwygiadau canlyniadol) yn cael effaith.