CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2003 Rhif 1717 (Cy.184)

ADDYSG, CYMRU

Rheoliadau Deddf Addysg 2002 (Darpariaethau Trosiannol a Diwygiadau Canlyniadol) (Cymru) 2003

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn cymhwyso addasiadau trosiannol i Ddeddf Addysg 2002 mewn cysylltiad â'r ffaith bod darpariaethau'r Ddeddf yn cael eu dwyn i rym gan Orchymyn Deddf Addysg 2002 (Cychwyn Rhif 2) (Cymru) 2003. Maent yn gwneud diwygiadau canlyniadol hefyd.

Mae'r cyfeiriadau isod at adrannau ac Atodlenni (heb fanylion pellach) yn gyfeiriadau at adrannau o Ddeddf Addysg 2002 ac Atodlenni iddi.

Mae Rheoliad 3 yn gwneud darpariaeth ynglŷn â dyfodiad i rym adrannau 27 a 28 sy'n galluogi cyrff llywodraethu i ddarparu cyfleusterau cymunedol ac adran 29 sy'n ymwneud â swyddogaethau ychwanegol cyrff llywodraethu. Nes y bydd adran 21 yn dod i rym, mae adran 28 i fod i gael effaith fel petai'n cyfeirio at y ddyletswydd sydd wedi'i chynnwys yn adran 38(2) o Ddeddf Safonau a Fframwaith Ysgolion 1998 (Deddf 1998), sef dyletswydd corff llywodraethu i hyrwyddo safonau uchel o ran cyrhaeddiad addysgol yn yr ysgol. Nes y bydd y diffiniad o "maintained school" yn adran 39 (sy'n cynnwys ysgol feithrin a gynhelir) yn dod i rym, mae'r cyfeiriadau yn adrannau 27, 29(1) ac Atodlen 1 at ysgol a gynhelir i fod i gael effaith fel petaent yn gyfeiriadau at "maintained school" fel y'i diffinnir yn Neddf 1998, a hwnnw'n ddiffiniad nad yw'n cynnwys ysgol feithrin a gynhelir. Nes y bydd paragraff 1 o Atodlen 1 yn dod i rym, mae'r cyfeiriadau at "governing body" ym mharagraff 3 o Atodlen 1 i fod i gael effaith fel petaent yn gyfeiriadau at gorff llywodraethu a ymgorfforwyd o dan Ddeddf 1998.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2003 No. 1717 (W.184)

EDUCATION, WALES

The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2003

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply transitional modifications to the Education Act 2002 in connection with the bringing into force of provisions of the Act by the Education Act 2002 (Commencement No 2) (Wales) Order 2003. They also make consequential amendments.

References below to sections and Schedules (without more) are references to sections of and Schedules to the Education Act 2002.

Regulation 3 makes provision in connection with the coming into force of sections 27 and 28 which enable governing bodies to provide community facilities and section 29 which relates to governing bodies' additional functions. Until section 21 comes into force, section 28 is to have effect as if it refers to the duty of a governing body to promote high standards of educational achievement at the school contained in section 38(2) of the School Standards and Framework Act 1998 (the 1998 Act). Until the definition of maintained school in section 39 (which includes a maintained nursery school) comes into force, the references in sections 27, 29(1) and Schedule 1 to a maintained school are to have effect as if they were references to a maintained school as defined in the 1998 Act, which does not include a maintained nursery school. Until paragraph 1 of Schedule 1 comes into force, references to a governing body in paragraph 3 of Schedule 1 are to have effect as if they were references to a governing body incorporated under the 1998 Act.

Mae Rheoliadau 4 i 6 yn gwneud diwygiadau i Orchymyn Addysg (Trosglwyddo Swyddogaethau ynglŷn â Chiniawau Ysgolion) (Cymru) 1999, Gorchymyn Addysg (Trosglwyddo Swyddogaethau ynglŷn â Chiniawau Ysgolion) (Cymru) (Rhif 2) 1999 a Rheoliadau Addysg (Staff Prydau Bwyd Ysgolion) (Cymru) 1999. Mae'r rhain yn canlyn dwyn i rym ar 31 Mawrth 2003 adran 201 sy'n gwneud darpariaeth ynglŷn â swyddogaethau AALl ynghylch darparu prydau bwyd ysgolion.

Mae Rheoliadau 7 ac 8 yn diwygio Rheoliadau Addysg (Anghenion Addysgol Arbennig) (Cymru) 2002 a Rheoliadau Cymwysterau Athrawon Addysg Bellach (Cymru) 2002, yn y fath fodd ag i gyfeirio at "academïau" yn hytrach nag "academïau dinas". Mae hyn yn canlyn dyfodiad i rym adran 67 ar 26 Gorffennaf 2002, a honno'n adran sy'n darparu bod academïau dinas i'w hadnabod fel academïau. Dim ond yn Lloegr y caniateir i academïau gael eu sefydlu.

Regulations 4 to 6 make amendments to the Education (Transfer of Functions Concerning School Lunches) (Wales) Order 1999, the Education (Transfer of Functions Concerning School Lunches) (Wales) (No. 2) Order 1999 and the Education (School Meals Staff) (Wales) Regulations 1999. These are consequential on the bringing into force on 31st March 2003 of section 201 which makes provision in relation to LEA functions concerning provision of school meals.

Regulations 7 and 8 amend the Education (Special Educational Needs) (Wales) Regulations 2002 and the Further Education Teachers' Qualifications (Wales) Regulations 2002, so as to refer to "academies" instead of "city academies". This is consequential on the coming into force on 26th July 2002 of section 67 which provides that city academies are to be known as academies. Academies can be established only in England.

OFFERYNNAU STATUDOL

2003 Rhif 1717 (Cy.184)

ADDYSG, CYMRU

Rheoliadau Deddf Addysg 2002 (Darpariaethau Trosiannol a Diwygiadau Canlyniadol) (Cymru) 2003

Wedi'u gwneud	*9 Gorffennaf 2003*
Yn dod i rym	*31 Gorffennaf 2003*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adran 214 o Ddeddf Addysg 2002(**a**).

Enw, cychwyn a chymhwyso

1. -(1)Enw'r Rheoliadau hyn yw Rheoliadau Deddf Addysg 2002 (Darpariaethau Trosiannol a Diwygiadau Canlyniadol) (Cymru) 2003 a deuant i rym ar 31 Gorffennaf 2003.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru.

Dehongli

2.-(1)Yn y Rheoliadau hyn -

ystyr "Deddf 1998" ("*the 1998 Act*") yw Deddf Safonau a Fframwaith Ysgolion 1998(**b**); ac

ystyr "Deddf 2002" ("*the 2002 Act*") yw Deddf Addysg 2002.

(2) Yn y Rheoliadau hyn mae cyfeiriadau at adrannau ac Atodlenni yn gyfeiriadau, yn ôl eu trefn, at adrannau o Ddeddf 2002 ac Atodlenni iddi.

Pŵer corff llywodraethu i ddarparu cyfleusterau cymunedol, etc

3. -(1)Yn ystod y cyfnod sy'n dechrau ar 1 Medi 2003 ac sy'n dod i ben yn union cyn dechrau'r diwrnod y mae adran 21 yn dod i rym mewn perthynas â

(a) 2002 p. 32.

(b) 1998 p.31.

STATUTORY INSTRUMENTS

2003 No. 1717 (W.184)

EDUCATION, WALES

The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2003

Made	*9th July 2003*
Coming into force	*31st July 2003*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on it by section 214 of the Education Act 2002(**a**).

Name, commencement and application

1.-(1) These Regulations are called the Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2003 and come into force on 31st July 2003.

(2) These Regulations apply to Wales.

Interpretation

2.-(1) In these Regulations -

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998(**b**); and

"the 2002 Act" ("*Deddf 2002*") means the Education Act 2002.

(2) In these Regulations references to sections and Schedules are references to, respectively, sections of and Schedules to the 2002 Act.

Power of governing body to provide community facilities, etc

3.-(1) During the period beginning on 1st September 2003 and ending immediately before the beginning of the day on which section 21 comes into force in

(a) 2002 c. 32.

(b) 1998 c.31.

Chymru, mae adran 28(3)(**a**) i fod i gael effaith fel petai'r geiriau "section 38(2) of the School Standards and Framework Act 1998" wedi'u rhoi yn lle'r geiriau "section 21(2)".

(2) Yn ystod y cyfnod sy'n dechrau ar 1 Medi 2003 ac sy'n dod i ben yn union cyn dechrau'r diwrnod y mae'r diffiniad o "maintained school" yn adran 39 yn dod i rym mewn perthynas â Chymru, mae cyfeiriadau yn adrannau 27, 29(1) a pharagraff 3 o Atodlen 1(**b**) (i'r graddau y mae mewn grym) at "maintained school" i fod i gael effaith fel petaent yn gyfeiriadau at ysgol a gynhelir fel y diffinnir "maintained school" yn adran 20(7) o Ddeddf 1998.

(3) Yn ystod y cyfnod sy'n dechrau ar 1 Medi 2003 ac sy'n dod i ben yn union cyn dechrau'r diwrnod y mae paragraff 1 o Atodlen 1 yn dod i rym mewn perthynas â Chymru, mae cyfeiriadau ym mhgaragraff 3 o'r Atodlen honno(**c**) (i'r graddau y mae mewn grym) at "governing body" i fod i gael effaith fel petaent yn gyfeiriadau at gorff llywodraethu ysgol a gynhelir a ymgorfforwyd o dan adran 36(1) o Ddeddf 1998.

Diwygio Gorchymyn Addysg (Trosglwyddo Swyddogaethau ynglŷn â Chiniawau Ysgolion) (Cymru) 1999

4.-(1) Mae Gorchymyn Addysg (Trosglwyddo Swyddogaethau ynglŷn â Chiniawau Ysgolion) (Cymru) 1999(**ch**) yn cael ei ddiwygio fel a ganlyn.

(2) Yn erthygl 2(1) mae'r geiriau "Subject to paragraph (3)," yn cael eu dileu.

(3) Yn erthygl 2(2)(a) mae'r geiriau "section 512(3) and (4)" yn cael eu rhoi yn lle'r geiriau "section 512(1A) and (1B)".

(4) Yn erthygl 2(2)(b) mae'r geiriau "section 512ZB(1)" yn cael eu rhoi yn lle'r geiriau "section 512(3)(a)".

(5) Mae erthygl 2(3) yn cael ei dirymu.

(6) Mae erthygl 5 sydd wedi'i rhifo'n anghywir yn cael ei rhifo'n erthygl 4.

(7) Yn erthygl 4(1) a (2) (fel y mae wedi'i hailrifo) mae'r geiriau "section 512ZA(2)" yn cael eu rhoi yn lle'r geiriau "section 512(2)(b)" ym mhob man y maent yn ymddangos.

(a) Mae adran 28 i ddod i rym ar 1 Medi 2003 yn rhinwedd Gorchymyn Deddf Addysg 2002 (Cychwyn Rhif 2) (Cymru) 2003, O.S. 2003/1718 (Cy.185) (C.72).

(b) Mae adrannau 27 a 29 ac Atodlen 1 (yn rhannol) i ddod i rym ar 1 Medi 2003 yn rhinwedd O.S. 2003/1718 (Cy.185) (C.72).

(c) Mae paragraff 3 o Atodlen 1 i ddod i rym yn rhannol ar 1 Medi 2003 yn rhinwedd O.S. 2003/1718 (Cy.185) (C.72).

(ch) O.S. 1999/610.

relation to Wales, section 28(3)(**a**) is to have effect as though there were substituted for the words "section 21(2)", the words "section 38(2) of the School Standards and Framework Act 1998".

(2) During the period beginning on 1st September 2003 and ending immediately before the beginning of the day on which the definition of "maintained school" in section 39 comes into force in relation to Wales, references in sections 27, 29(1) and paragraph 3 of Schedule 1(**b**) (to the extent it is in force) to a maintained school are to have effect as if they were references to a maintained school as defined by section 20(7) of the 1998 Act.

(3) During the period beginning on 1st September 2003 and ending immediately before the beginning of the day on which paragraph 1 of Schedule 1 comes into force in relation to Wales, references in paragraph 3 of that Schedule(**c**) (to the extent that it is in force) to the governing body are to have effect as if they were references to the governing body of a maintained school incorporated under section 36(1) of the 1998 Act.

Amendment of the Education (Transfer of Functions Concerning School Lunches) (Wales) Order 1999

4.-(1) The Education (Transfer of Functions Concerning School Lunches) (Wales) Order 1999(**d**) is amended as follows.

(2) In article 2(1) the words "Subject to paragraph (3)," are deleted.

(3) In article 2(2)(a) the words "section 512(3) and (4)" are substituted for the words "section 512(1A) and (1B)".

(4) In article 2(2)(b) the words "section 512ZB(1)" are substituted for the words "section 512(3)(a)".

(5) Article 2(3) is revoked.

(6) Article 5 which has been incorrectly numbered is renumbered article 4.

(7) In article 4(1) and (2) (as re-numbered) the words "section 512ZA(2)" are substituted for the words "section 512(2)(b)" in each place they occur.

(a) Section 28 is to come into force on 1st September 2003 by virtue of the Education Act 2002 (Commencement No. 2) (Wales) Order 2003, S.I. 2003/1718 (W.185) (C.72).

(b) Sections 27 and 9 and Schedule 1 (in part) are to come into force on 1st September 2003 by virtue of S.I. 2003/1718 (W.185) (C.72).

(c) Paragraph 3 of Schedule 1 is to come into force in part on 1st September 2003 by virtue of S.I. 2003/1718 (W.185) (C.72).

(d) S.I. 1999/610

Diwygio Gorchymyn Addysg (Trosglwyddo Swyddogaethau ynglŷn â Chiniawau Ysgolion) (Cymru) (Rhif 2) 1999

5.-(1) Mae Gorchymyn Addysg (Trosglwyddo Swyddogaethau ynglŷn â Chiniawau Ysgolion) (Cymru) (Rhif 2) 1999(**a**) yn cael ei ddiwygio fel a ganlyn.

(2) Yn erthygl 2(1) mae'r geiriau "Subject to paragraph (3)" yn cael eu dileu.

(3) Yn erthygl 2(2)(a) mae'r geiriau "section 512(3) and (4)" yn cael eu rhoi yn lle'r geiriau "section 512(1A) and (1B)".

(4) Yn erthygl 2(2)(b) mae'r geiriau "section 512ZB(1)" yn cael eu rhoi yn lle'r geiriau "section 512(3)(a)".

(5) Mae erthygl 2(3) yn cael ei dirymu.

(6) Yn erthygl 4(1) a (2) mae'r geiriau "section 512ZA(2)" yn cael eu rhoi yn lle'r geiriau "section 512(2)(b)" ym mhob man y maent yn ymddangos.

Diwygio Rheoliadau Addysg (Staff Prydau Bwyd Ysgolion) (Cymru) 1999

6.-(1) Mae Rheoliadau Addysg (Staff Prydau Bwyd Ysgolion) (Cymru) 1999(**b**) yn cael eu diwygio fel a ganlyn.

(2) Yn y diffiniad o "Gorchymyn adran 512A" yn rheoliad 1(3) mae'r geiriau "adran 512A(2)(b)" yn cael eu rhoi yn lle'r geiriau "adran 512(2)(b)".

Diwygio Rheoliadau Addysg (Anghenion Addysgol Arbennig) (Cymru) 2002

7.-(1) Mae Rheoliadau Addysg (Anghenion Addysgol Arbennig) (Cymru) 2002(**c**) yn cael eu diwygio fel a ganlyn.

(2) Yn rheoliad 18(2)(d) mae'r gair "Academi" yn cael ei roi yn lle'r geiriau "Academi Dinas".

Diwygio Rheoliadau Cymwysterau Athrawon Addysg Bellach (Cymru) 2002

8.-(1) Mae Rheoliadau Cymwysterau Athrawon Addysg Bellach (Cymru) 2002(**ch**) yn cael eu diwygio fel a ganlyn.

(2) Yn rheoliad 3(1)(b)(i) mae'r gair "academi" yn cael ei roi yn lle'r geiriau "academi dinas".

(a) O.S. 1999/1779.

(b) O.S. 1999/2802.

(c) O.S. 2002/152 (Cy. 20).

(ch) O.S. 2002/1663 (Cy. 158).

Amendment of the Education (Transfer of Functions Concerning School Lunches) (Wales) (No 2) Order 1999

5.-(1) The Education (Transfer of Functions Concerning School Lunches) (Wales) (No 2) Order 1999(**a**) is amended as follows.

(2) In article 2(1) the words "Subject to paragraph (3)" are deleted.

(3) In article 2(2)(a) the words "section 512(3) and (4)" are substituted for the words "section 512(1A) and (1B)".

(4) In article 2(2)(b) the words "section 512ZB(1)" are substituted for the words "section 512(3)(a)".

(5) Article 2(3) is revoked.

(6) In article 4(1) and (2) the words "section 512ZA(2)" are substituted for the words "section 512(2)(b)" in each place they occur.

Amendment of the Education (School Meals Staff) (Wales) Regulations 1999

6.-(1) The Education (School Meals Staff) (Wales) Regulations 1999(**b**) are amended as follows.

(2) In the definition of "section 512A Order" in regulation 1(3) the words "section 512A(2)(b)" are substituted for the words "section 512(2)(b)".

Amendment of the Education (Special Educational Needs) (Wales) Regulations 2002

7.-(1) The Education (Special Educational Needs) (Wales) Regulations 2002(**c**) are amended as follows.

(2) In regulation 18(2)(e) the words "an Academy" are substituted for the words "City Academy".

Amendment of the Further Education Teachers' Qualifications (Wales) Regulations 2002

8.-(1) The Further Education Teachers' Qualifications (Wales) Regulations 2002(**d**) are amended as follows.

(2) In regulation 3(1)(b)(i) the words "an academy" are substituted for the words "city academy".

(a) S.I. 1999/1779.

(b) S.I. 1999/2802.

(c) S.I. 2002/152 (W. 20).

(d) S.I. 2002/1663 (W. 158).

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**a**)

9 Gorffennaf 2003

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**a**)

9th July 2003

D.Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

OFFERYNNAU STATUDOL

2003 Rhif 1717 (Cy.184)

ADDYSG, CYMRU

Rheoliadau Deddf Addysg 2002 (Darpariaethau Trosiannol a Diwygiadau Canlyniadol) (Cymru) 2003

STATUTORY INSTRUMENTS

2003 No. 1717 (W.184)

EDUCATION, WALES

The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2003

©Ⓗ Hawlfraint y Goron 2003

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2003

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

ISBN 0-11-090755-8

9 780110 907550

£2.00

W143/7/03 ON