CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2005 Rhif 2915 (Cy.212)

ADDYSG, CYMRU

Rheoliadau Lwfansau Llywodraethwyr (Cymru) 2005

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gymwys i Gymru ac yn dirymu'r Rheoliadau Addysg (Lwfansau Llywodraethwyr) 1999 o ran Cymru. Mae'r Rheoliadau yn dod i rym ar 31 Hydref 2005.

Mae'r Rheoliadau yn darparu ar gyfer talu lwfansau i lywodraethwyr ac i aelodau o bwyllgorau nad ydynt yn llywodraethwyr gan gyrff llywodraethu ysgolion a gynhelir sydd â chyllidebau dirprwyedig.

Mae'r Rheoliadau hefyd yn darparu ar gyfer talu lwfansau gan yr awdurdod addysg lleol i'r personau a ganlyn:

- llywodraethwyr ysgol a gynhelir nad oes ganddi gyllideb ddirprwyedig;
- aelodau nad ydynt yn llywodraethwyr o bwyllgorau corff llywodraethu ysgol a gynhelir nad oes ganddi gyllideb ddirprwyedig; a
- personau a benodwyd i gynrychioli'r awdurdod addysg lleol mewn sefydliad sy'n darparu addysg uwch neu addysg bellach (neu'r ddau), neu ar gorff llywodraethu ysgol annibynnol neu ysgol arbennig nad yw'n cael ei chynnal gan yr awdurdod hwnnw.

Rhaid talu cyfraddau teithio a chynhaliaeth ar gyfradd nad yw'n uwch na'r hyn a bennir gan Gynulliad Cenedlaethol Cymru mewn rheoliadau a wnaed o dan adran 100 o Deddf Llywodraeth Leol 2000. Rhaid talu treuliau eraill pan ddarperir derbynneb ar gyfradd a bennir gan y corff llywodraethu.

Cafodd arfarniad rheoliadol ei baratoi a'i roi ar wefan Cynulliad Cenedlaethol Cymru (www.cymru.gov.uk).

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2005 No. 2915 (W.212)

EDUCATION, WALES

The Governor Allowances (Wales) Regulations 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to Wales and revoke the Education (Governors' Allowances) Regulations 1999 in relation to Wales. The Regulations come into force on 31 October 2005.

The Regulations make provision for allowances to be paid to governors and non-governor members of committees by the governing bodies of maintained schools which have delegated budgets.

The Regulations also make provision for allowances to be paid by the local education authority to the following:

- governors of a maintained school which does not have a delegated budget;
- non-governor members of committees of a governing body of a maintained school which does not have a delegated budget; and
- persons appointed to represent the local education authority at an institution providing higher education or further education (or both), or on the governing body of an independent school or a special school which is not maintained by that authority.

Travel and subsistence rates must be paid at a rate not exceeding that specified by the National Assembly for Wales in regulations made under section 100 of the Local Government Act 2000. Other expenses must be paid on provision of a receipt at a rate determined by the governing body.

A regulatory appraisal has been prepared and placed on the National Assembly for Wales website

Gellir cael copïau oddi wrth Is-adran Rheolaeth Ysgolion Llywodraeth Cynulliad Cymru, Adeiladau'r Goron, Parc Cathays, Caerdydd CF10 3NQ.

(www.wales.gov.uk). Copies can be obtained from the Welsh Assembly Government Schools Management Division, Crown Buildings, Cathays Park, Cardiff CF10 3NQ.

OFFERYNNAU STATUDOL

2005 Rhif 2915 (Cy.212)

ADDYSG, CYMRU

Rheoliadau Lwfansau Llywodraethwyr (Cymru) 2005

Wedi'u gwneud	*18 Hydref 2005*
Yn dod i rym	*31 Hydref 2005*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pŵerau a roddwyd iddo gan adrannau 19(3), 34(5)(b), 210(7) a 214(1) o Ddeddf Addysg 2002(**1**), ac adrannau 519 a 569(4) o Ddeddf Addysg 1996(**2**) yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r rheoliadau hyn yw Rheoliadau Lwfansau Llywodraethwyr (Cymru) 2005 a deuant i rym ar 31 Hydref 2005.

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

Dehongli

2. Yn y Rheoliadau hyn-

mae "corff llywodraethu" ("*governing body*") o ran ysgol a gynhelir yn cynnwys corff llywodraethu dros dro a gyfansoddwyd o dan adran 34 o Ddeddf Addysg 2002;

mae cyfeiriad at "derbynneb" ("*receipt*") yn cynnwys cyfeiriad at unrhyw dystiolaeth sy'n cadarnhau swm y gwariant; ac

mae "llywodraethwr" ("*governor*") mewn perthynas ag ysgol a gynhelir yn cynnwys aelod o gorff llywodraethu dros dro.

(**1**) 2002 p. 32. . I gael ystyr "regulations" *gweler adran* 212(1).

(**2**) 1996 p. 56. Cafodd swyddogaethau yr Ysgrifennydd Gwladol o dan adrannau 519 a 569(4) eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (OS 1999/672). Cafodd adran 519 ei diwygio gan baragraff 139 o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998. I gael ystyr "regulations" a "prescribed" gweler adran 579(1).

STATUTORY INSTRUMENTS

2005 No. 2915 (W.212)

EDUCATION, WALES

The Governor Allowances (Wales) Regulations 2005

Made	*18 October 2005*
Coming into force	*31 October 2005*

The National Assembly for Wales, in exercise of the powers conferred on it by sections 19(3), 34(5)(b), 210(7) and 214(1) of the Education Act 2002(**1**), and sections 519 and 569(4) of the Education Act 1996(**2**), makes the following Regulations:

Title, commencement and application

1.-(1) The title of these Regulations is the Governor Allowances (Wales) Regulations 2005 and they come into force on 31 October 2005.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations-

"governing body" ("*corff llywodraethu*") in relation to a maintained school includes a temporary governing body constituted under section 34 of the Education Act 2002 Act;

"governor" ("*llywodraethwr*") in relation to a maintained school includes a member of a temporary governing body; and

a reference to "receipt" ("*derbynneb*") includes a reference to any evidence establishing the amount of the expenditure.

(**1**) 2002 c. 32. For the meaning of "regulations" *see* section 212(1).

(**2**) 1996 c. 56. The functions of the Secretary of State under sections 519 and 569(4) were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672). Section 519 was amended by paragraph 139 of Schedule 30 to the School Standards and Framework Act 1998 Act. For the meaning of "regulations" and "prescribed" see section 579(1).

Dirymu

3. Dirymir Rheoliadau Addysg (Lwfansau Llywodraethwyr) 1999(**1**) o ran Cymru.

Ysgolion sydd â chyllidebau dirprwyedig

4.-(1) Caiff corff llywodraethu ysgol a gynhelir sydd â chyllideb ddirprwyedig wneud taliadau ar ffurf lwfansau yn unol â'r rheoliad hwn i aelod o'r corff llywodraethu hwnnw neu o unrhyw bwyllgor o'r corff llywodraethu hwnnw.

(2) Rhaid i daliadau a wneir o dan baragraff (1) fod yn unol â darpariaethau cynllun a wnaed gan y corff llywodraethu at ddibenion y Rheoliadau hyn ac ni chaiff cynllun o'r fath wneud darpariaeth wahanol mewn perthynas ag aelodau o'r corff llywodraethu ac aelodau o bwyllgorau'r corff llywodraethu nac o ran categorïau gwahanol o lywodraethwr neu aelod pwyllgor.

(3) Ni cheir gwneud taliadau dan baragraff (1) ond o ran gwariant oedd yn angenrheidiol ei dynnu gan aelod o'r corff llywodraethu at ddibenion ei alluogi i gyflawni ei ddyletswydd fel llywodraethwr neu fel aelod o bwyllgor o'r corff llywodraethu.

(4) Yn ddarostyngedig i reoliad 7, rhaid i daliadau o dan baragraff (1) fod ar gyfradd a bennir gan y corff llywodraethu a'u gwneud pan ddarperir derbynneb am y swm perthnasol.

Ysgolion nad oes ganddynt gyllidebau dirprwyedig a sefydliadau eraill.

5.-(1) Mae'r lwfansau y cyfeirir atynt ym mharagraff (2) yn cael eu rhagnodi fel lwfansau y caiff awdurdod addysg lleol eu talu yn unol â darpariaethau cynllun a wnaed ganddynt at ddibenion adran 519 o Deddf Addysg 1996,-

(a) i lywodraethwr ysgol a gynhelir nad oes ganddi gyllideb ddirprwyedig;

(b) i berson a benodwyd i gynrychioli'r awdurdod addysg lleol ar gorff llywodraethu unrhyw sefydliad sy'n darparu addysg uwch neu addysg bellach (neu'r ddau);

(c) i berson a benodwyd i gynrychioli'r awdurdod addysg lleol ar gorff llywodraethu unrhyw ysgol annibynnol neu ysgol arbennig nad yw'n cael ei chynnal gan yr awdurdod hwnnw.

(**1**) O.S. 1999/703.

Revocation

3. The Education (Governors' Allowances) Regulations 1999(**1**) are revoked in relation to Wales.

Schools with delegated budgets

4.-(1) The governing body of a maintained school which has a delegated budget may make payments by way of allowance in accordance with this regulation to a member of that governing body or of any committee of that governing body.

(2) Payments made under paragraph (1) must be in accordance with the provisions of a scheme made by the governing body for the purpose of these Regulations and such scheme may not make different provision in relation to members of the governing body and members of committees of the governing body or in relation to different categories of governor or committee member.

(3) Payments may only be made under paragraph (1) in respect of expenditure necessarily incurred by a member of the governing body for the purpose of enabling him or her to perform his or her duty as a governor or as a member of a committee of the governing body.

(4) Subject to regulation 7, payments under paragraph (1) must be at a rate determined by the governing body and made on provision of a receipt for the relevant amount.

Schools without delegated budgets and other institutions

5.-(1) The allowances referred to in paragraph (2) are prescribed as allowances which a local education authority may, in accordance with the provisions of a scheme made by them for the purposes of section 519 of the Education Act 1996, pay to-

(a) a governor of a maintained school which does not have a delegated budget;

(b) a person appointed to represent the local education authority on the governing body of any institution providing higher education or further education (or both);

(c) a person appointed to represent the local education authority on the governing body of any independent school or special school which is not maintained by that authority.

(**1**) S.I. 1999/703.

(2) Mae'r taliadau ar ffurf lwfansau y cyfeirir atynt ym mharagraff (1) yn daliadau o ran gwariant oedd yn angenrheidiol ei dynnu gan y person hwnnw er mwyn ei alluogi i gyflawni unrhyw ddyletswydd fel llywodraethwr neu fel person a benodwyd i gynrychioli'r awdurdod addysg lleol ac yn daliadau ar gyfradd a bennir gan yr awdurdod, yn ddarostyngedig i reol 7, ac fe'u gwneir pan ddarperir derbynneb am y swm perthnasol.

6.-(1) Pan nad oes gan ysgol a gynhelir gyllideb ddirprwyedig, caiff yr awdurdod addysg lleol dalu'r lwfansau y cyfeirir atynt ym mharagraff (2) isod i aelodau o bwyllgorau'r corff llywodraethu nad ydynt yn llywodraethwyr yn unol â darpariaethau cynllun a wnaed gan yr awdurdod at y diben hwnnw.

(2) Mae'r taliadau ar ffurf lwfansau y cyfeirir atynt ym mharagraff (1) yn daliadau mewn perthynas â gwariant oedd yn angenrheidiol ei dynnu gan y person hwnnw er mwyn ei alluogi i gyflawni unrhyw ddyletswydd fel aelod o bwyllgor ac yn daliadau ar gyfradd a bennir gan yr awdurdod, yn ddarostyngedig i reoliad 7, ac fe'u gwneir pan ddarperir derbynneb am y swm perthnasol.

(3) Ni chaiff cynllun y cyfeirir ato ym mharagraff (1) wneud darpariaeth wahanol o ran categorïau gwahanol o aelod pwyllgor.

Taliadau teithio a chynhaliaeth

7. Ni chaiff unrhyw daliadau o dan y Rheoliadau hyn ar gyfer treuliau teithio a chynhaliaeth fod yn uwch na chyfraddau a bennir o bryd i'w gilydd gan Gynulliad Cenedlaethol Cymru mewn rheoliadau o dan adran 100 o Deddf Llywodraeth Leol 2000 (**1**).

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**2**)

18 Hydref 2005

(2) The payments by way of allowance referred to in paragraph (1) are in respect of expenditure necessarily incurred by that person for the purpose of enabling him or her to perform any duty as a governor or as a person appointed to represent the local education authority being payments at a rate determined by the authority, subject to regulation 7, and made on provision of a receipt for the relevant amount.

6.-(1) Where a maintained school does not have a delegated budget, the local education authority may pay the allowances referred to in paragraph (2) below to members of committees of the governing body who are not governors in accordance with the provisions of a scheme made by the authority for that purpose.

(2) The payments by way of allowance referred to in paragraph (1) are in respect of expenditure necessarily incurred by that person for the purposes of enabling him or her to perform any duty as a member of a committee being payments at a rate determined by the authority, subject to regulation 7, and made on provision of a receipt for the relevant amount.

(3) A scheme referred to in paragraph (1) may not make different provision in relation to different categories of committee member.

Travel and subsistence payments

7. Payments under these Regulations for travel or subsistence expenses may not exceed such rates as may be specified from time to time by the National Assembly for Wales in regulations under section 100 of the Local Government Act 2000 (**1**).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**2**)

18 October 2005

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(**1**) 2000 p.22. *Gweler* Rheoliadau Awdurdodau Lleol (Lwfansau i Aelodau Cynghorau Sir a Chynghorau Bwrdeistref Sirol ac Awdurdodau Parciau Cenedlaethol) (Cymru) 2002, O.S. 2002/1895 (Cy.196).

(**2**) 1998 p.38.

(**1**) 2000 c.22. *See* the Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002, S.I. 2002/1895 (W. 196).

(**2**) 1998 c.38.

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