



OFFERYNNAU STATUDOL
CYMRU

WELSH
STATUTORY INSTRUMENTS

2009 Rhif 828 (Cy.75)

2009 No. 828 (W.75)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Addysg (Maint
Dosbarthiadau Babanod) (Cymru)
(Diwygio) 2009

The Education (Infant Class Sizes)
(Wales) (Amendment) Regulations
2009

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Addysg (Maint Dosbarthiadau Babanod) (Cymru) 1998 ("rheoliadau 1998") a deuant i rym ar 22 Ebrill 2009.

These Regulations amend the Education (Infant Class Sizes) (Wales) Regulations 1998 ("the 1998 regulations") and come into force on 22 April 2009.

Maent yn gwneud pum diwygiad i'r categorïau o ddisgyblion a eithrir a geir yn yr Atodlen i reoliadau 1998 ("yr Atodlen").

They make five amendments to the categories of excepted pupils set out in the Schedule to the 1998 regulations ("the Schedule").

Maent yn ychwanegu tri chategori newydd.

They add three new categories.

Maent yn ychwanegu plant sy'n derbyn gofal ac sy'n cael eu derbyn i ysgolion y tu allan i'r cylch derbyn arferol; disgyblion sy'n cael eu derbyn y tu allan i'r cylch derbyn arferol ac sydd yn dymuno cael addysg mewn ysgol ac iddi gymeriad crefyddol penodol; a phlant sy'n cael eu derbyn i'r ysgol, o fewn grŵp oedran arferol derbyn disgyblion ac ar ôl diwrnod cyntaf y flwyddyn ysgol berthnasol, os na chyrhaeddwyd eto nifer derbyn yr ysgol ond bod yr ysgol eisoes wedi rhoi trefn ar ei dosbarthiadau ac y byddai derbyn y plentyn yn golygu y byddai'n rhaid i'r ysgol gymryd camau perthnasol.

They add looked after children who are admitted to schools outside a normal admission round; pupils admitted outside the normal admission round for whom education at a school of a particular religious character is desired and children who are admitted to the school within an age group in which pupils are normally admitted and after the first day of the relevant school year, where the school has not yet reached its admission number but has already organised its classes and the admission of the child would mean that the school would have to take relevant measures.

Os nad yr awdurdod lleol yw'r awdurdod derbyn ar gyfer yr ysgol, mae'n ofynnol i'r awdurdod lleol gadarnhau, cyn y gellir ystyried y plentyn yn ddisgybl a eithrir, nad oes lleoedd ar gael mewn ysgol ac iddi gymeriad crefyddol penodol o fewn pellter rhesymol i gartref y plentyn.

Where the admission authority for the school is not the local authority, confirmation is required from the local authority that there are no places available at a school of a particular religious character within a reasonable distance of the child's home before the child can be counted as an excepted pupil.

Maent yn diwygio paragraff 5 o'r Atodlen fel y bydd yn ofynnol i'r awdurdod lleol, os nad yr awdurdod lleol yw awdurdod derbyn yr ysgol o dan sylw, gadarnhau, cyn y gellir ystyried y plentyn yn ddisgybl a eithrir, nad

They amend paragraph 5 of the Schedule so that when the admission authority of the school concerned is not the local authority, confirmation is required from the local authority that there are no places available at

oes lleoedd ar gael mewn ysgol addas o fewn pellter rhesymol i gartref y plentyn.

Rhoddir paragraff newydd yn lle paragraff 6 o'r Atodlen ac mae'r eithriad a gafwyd yn wreiddiol ym mharagraff 6 (plant a gaiff eu derbyn i'r ysgol yn y flwyddyn dderbyn arferol ac sydd yn dymuno cael addysg mewn ysgol sy'n ysgol Gymraeg ac os yr ysgol o dan sylw yw'r unig ysgol o'i bath o fewn pellter rhesymol i'w cartrefi) yn gymwys bellach i blant a gaiff eu derbyn y tu allan i'r cylch derbyn arferol.

Os nad yr awdurdod lleol yw'r awdurdod derbyn ar gyfer yr ysgol, mae'n ofynnol i'r awdurdod lleol gadarnhau, cyn y gellir ystyried y plentyn yn ddisgybl a eithrir, nad oes lleoedd ar gael mewn ysgol Gymraeg o fewn pellter rhesymol i gartref y plentyn.

a suitable school within a reasonable distance of the child's home before the child can be counted as an excepted pupil.

Paragraph 6 of the Schedule is replaced and the exception originally in paragraph 6 (children admitted to the school in the normal year of entry for whom education at a school which is Welsh speaking is desired and where the school concerned is the only such school within a reasonable distance of their home) now also applies to pupils who are admitted outside the normal admission round.

Where the admission authority for the school is not the local authority, confirmation is required from the local authority that there are no places available at a Welsh-speaking school within a reasonable distance of the child's home before the child can be counted as an excepted pupil.

2009 Rhif 828 (Cy.75)

ADDYSG, CYMRU

**Rheoliadau Addysg (Maint
Dosbarthiadau Babanod) (Cymru)
(Diwygio) 2009**

Gwnaed 31 Mawrth 2009

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 1 Ebrill 2009

Yn dod i rym 22 Ebrill 2009

Mae Gweinidogion Cymru drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 1 a 138(7) ac (8) o Ddeddf Safonau a Fframwaith Ysgolion 1998 ac a freinir bellach ynddynt hwy(1) drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Maint Dosbarthiadau Babanod) (Cymru) (Diwygio) 2009 a deuant i rym ar 22 Ebrill 2009.

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

**Diwygio Rheoliadau Addysg (Maint
Dosbarthiadau Babanod) (Cymru) 1998**

2. Diwygir Rheoliadau Addysg (Maint Dosbarthiadau Babanod) (Cymru) 1998(2) yn unol â rheoliadau 3 i 6.

(1) Cafodd swyddogaethau'r Ysgrifennydd Gwladol o dan yr adrannau hyn eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac yna i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(2) O.S. 1998/1943.

2009 No. 828 (W.75)

EDUCATION, WALES

**The Education (Infant Class Sizes)
(Wales) (Amendment) Regulations
2009**

Made 31 March 2009

*Laid before the National
Assembly for Wales* 1 April 2009

Coming into force 22 April 2009

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 1 and 138(7) and (8) of the School Standards and Framework Act 1998 and now vested in them(1) hereby make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Infant Class Sizes) (Wales) (Amendment) Regulations 2009 and they come into force on 22 April 2009.

(2) These Regulations apply in relation to Wales.

**Amendment of the Education (Infant Class Sizes)
(Wales) Regulations 1998**

2. The Education (Infant Class Sizes) (Wales) Regulations 1998(2) are amended in accordance with regulations 3 to 6.

(1) The functions of the Secretary of State under these sections were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(2) S.I. 1998/1943.

3. Ar ôl paragraff 2 o'r Atodlen mewnosoder—

"2A. This paragraph applies at any time during the admission school year to any child who is looked after by a local authority (within the meaning of section 22(1) of the Children Act 1989)(1) and is admitted to the school outside the normal admission round."

4. Ym mharagraff 5 o'r Atodlen—

(1) ar ddechrau is-baragraff (1) mewnosoder "Subject to sub-paragraph (3),"; a

(2) ar ôl is-baragraff (2) mewnosoder—

"(3) Where the admission authority for the school in question is not the local authority a child will not be an excepted child under this paragraph unless the local authority has confirmed in writing that it is satisfied the child fulfils the criteria listed in sub-paragraph (1)(a)."

5. Ar ôl paragraff 5 o'r Atodlen mewnosoder—

"5A.—(1) Subject to sub-paragraph (3), this paragraph applies at any time during the admission school year to a child admitted to the school outside a normal admission round, where education at a school of a particular religious character is desired and the school is the only such school within a reasonable distance of the child's home.

(2) In this paragraph "a school of a particular religious character" means a school designated as having such a character by an order made under section 69(3) of the 1998 Act(2).

(3) Where the admission authority for the school in question is not the local authority the child will not be an excepted child under this paragraph unless the local authority has confirmed in writing that there are no places available at another school of the particular religious character within a reasonable distance of the child's home.

5B.—(1) This paragraph applies to a child where—

- (a) at the time of the child's admission to the school, the child fell within an age group in which pupils are normally admitted to the school;
- (b) the number of pupils in that age group seeking admission to the school in the admission school year was fewer than the number of pupils which it was intended to admit to the school in that age group in that year;
- (c) the child was offered a place at the school after the first day of the relevant school year; and

3. After paragraph 2 of the Schedule insert—

"2A. This paragraph applies at any time during the admission school year to any child who is looked after by a local authority (within the meaning of section 22(1) of the Children Act 1989)(1) and is admitted to the school outside the normal admission round."

4. In paragraph 5 of the Schedule—

(1) at the start of sub-paragraph (1) insert "Subject to sub-paragraph (3),"; and

(2) after sub-paragraph (2) insert—

"(3) Where the admission authority for the school in question is not the local authority a child will not be an excepted child under this paragraph unless the local authority has confirmed in writing that it is satisfied the child fulfils the criteria listed in sub-paragraph (1)(a)."

5. After paragraph 5 of the Schedule insert—

"5A.—(1) Subject to sub-paragraph (3), this paragraph applies at any time during the admission school year to a child admitted to the school outside a normal admission round, where education at a school of a particular religious character is desired and the school is the only such school within a reasonable distance of the child's home.

(2) In this paragraph "a school of a particular religious character" means a school designated as having such a character by an order made under section 69(3) of the 1998 Act(2).

(3) Where the admission authority for the school in question is not the local authority the child will not be an excepted child under this paragraph unless the local authority has confirmed in writing that there are no places available at another school of the particular religious character within a reasonable distance of the child's home.

5B.—(1) This paragraph applies to a child where—

- (a) at the time of the child's admission to the school, the child fell within an age group in which pupils are normally admitted to the school;
- (b) the number of pupils in that age group seeking admission to the school in the admission school year was fewer than the number of pupils which it was intended to admit to the school in that age group in that year;
- (c) the child was offered a place at the school after the first day of the relevant school year; and

(1) 1989 p.41.

(2) 1998 p.31.

(1) 1989 c.41.

(2) 1998 c.31.

(d) the school has organised its classes for that age group seeking admission to the school in the admission school year and, unless suitable education could be provided for the child in another infant class at that school, the admission of the child would require relevant measures to be taken.

(2) In this paragraph "relevant measures" has the meaning given to that expression in regulation 4 of these Regulations."

6. Dileer paragraff 6 o'r Atodlen a rhodder y canlynol yn ei lle —

"6.—(1) Subject to sub-paragraph (3), this paragraph applies at any time during the admission school year to a child admitted to the school outside a normal admission round, where education at a school which is Welsh-speaking is desired and the school is the only such school within a reasonable distance of the child's home.

(2) In this paragraph "a school which is a Welsh-speaking school" has the meaning given to that expression in section 105(7) of the Education Act 2002(1).

(3) Where the admission authority for the school in question is not the local authority the child will not be an excepted child under this paragraph unless the local authority has confirmed in writing that there are no places available at another Welsh-speaking school within a reasonable distance of the child's home."

7. Ym mharagraff 9 o'r Atodlen yn lle "3" rhodder "2A".

(d) the school has organised its classes for that age group seeking admission to the school in the admission school year and, unless suitable education could be provided for the child in another infant class at that school, the admission of the child would require relevant measures to be taken.

(2) In this paragraph "relevant measures" has the meaning given to that expression in regulation 4 of these Regulations."

6. Delete paragraph 6 of the Schedule and replace with—

"6.—(1) Subject to sub-paragraph (3), this paragraph applies at any time during the admission school year to a child admitted to the school outside a normal admission round, where education at a school which is Welsh-speaking is desired and the school is the only such school within a reasonable distance of the child's home.

(2) In this paragraph "a school which is a Welsh-speaking school" has the meaning given to that expression in section 105(7) of the Education Act 2002(1).

(3) Where the admission authority for the school in question is not the local authority the child will not be an excepted child under this paragraph unless the local authority has confirmed in writing that there are no places available at another Welsh-speaking school within a reasonable distance of the child's home."

7. In paragraph 9 of the Schedule for "3" substitute "2A".

Jane Hutt

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau, un o Weinidigion Cymru

31 Mawrth 2009

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Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers

31 March 2009

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(Diwygio) 2009

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EDUCATION, WALES

The Education (Infant Class Sizes)
(Wales) (Amendment) Regulations
2009

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