



OFFERYNNAU STATUDOL
CYMRU

2012 Rhif 1797 (Cy.227)

ADDYSG, CYMRU

**Rheoliadau Addysg (Ysgolion
Canol) (Cymru) 2012**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn dirymu ac yn disodli Rheoliadau Addysg (Ysgolion Canol) 1980 fel y'u diwygiwyd gan Reoliadau Addysg (Ysgolion Canol) (Diwygio) 1994 o ran Cymru.

Mae'r Rheoliadau hyn yn pennu'r amgylchiadau pan fo ysgol ganol i'w thrin naill ai'n ysgol gynradd neu'n ysgol uwchradd, at ddibenion y Deddfau Addysg.

Mae rheoliad 4 yn darparu bod ysgol ganol i'w dyfarnu'n ysgol uwchradd pan fo gan yr ysgol honno ystod ehangach o ddisgyblion o oedran ysgol uwchradd nag o ddisgyblion o oedran ysgol gynradd, neu, oni wnaed dyfarniad o dan reoliad 5(2), pan fo'r ysgol honno yn darparu addysg hyd at yr oedran ysgol gorfodol neu ar ôl yr oedran hwnnw.

Mae rheoliad 5(1) yn darparu bod ysgol ganol i'w dyfarnu'n ysgol gynradd pan fo gan yr ysgol honno ystod ehangach o ddisgyblion o oedran ysgol gynradd nag o ddisgyblion o oedran ysgol uwchradd, a phan na fo'r ysgol honno yn darparu addysg hyd at yr oedran ysgol gorfodol nac ar ôl yr oedran hwnnw.

O dan reoliad 5(2), caiff Gweinidogion Cymru drin ysgol ganol yn ysgol gynradd pan fo'r ysgol dan sylw yn darparu addysg hyd at yr oedran ysgol gorfodol neu ar ôl yr oedran hwnnw, a phan fo naill ai'r awdurdod lleol, y corff llywodraethu neu'r hyrwyddwyr yn gofyn i Weinidogion Cymru wneud y dyfarniad hwnnw.

Mae gan Weinidogion Cymru hefyd y pŵer o dan reoliad 6 i ddyfarnu a yw ysgol ganol i'w thrin yn ysgol gynradd neu'n ysgol uwchradd pan fo gan yr ysgol dan sylw ystod gyfartal o ddisgyblion o oedran ysgol gynradd ac oedran ysgol uwchradd, a phan na fo'r

WELSH STATUTORY
INSTRUMENTS

2012 No. 1797 (W.227)

EDUCATION, WALES

**The Education (Middle Schools)
(Wales) Regulations 2012**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Education (Middle Schools) Regulations 1980 as amended by the Education (Middle Schools) (Amendment) Regulations 1994 in relation to Wales.

These Regulations specify the circumstances in which a middle school is to be treated as either a primary or secondary school, for the purposes of the Education Acts.

Regulation 4 provides that a middle school is to be determined to be a secondary school where that school has a wider range of pupils of secondary school age, than primary school age, or, unless a determination has been made under regulation 5(2), where that school provides education up to or beyond compulsory school age.

Regulation 5(1) provides that a middle school is to be determined to be a primary school where that school has a wider range of pupils of primary school age, than secondary school age, and where that school does not provide education up to or beyond compulsory school age.

Under regulation 5(2), a middle school may be treated to be a primary school by the Welsh Ministers where the school in question provides education up to or beyond compulsory school age, and either the local authority, governing body or promoters request the Welsh Ministers to make such a determination.

The Welsh Ministers also have the power under regulation 6 to determine whether a middle school is to be treated to be primary or secondary where the school in question has an equal range of pupils of primary and secondary school age, and where that school does not

ysgol honno yn darparu addysg hyd at yr oedran ysgol gorfodol. Rhaid i Weinidogion Cymru, o dan y rheoliad hwn, ganiatáu i'r awdurdod lleol, y corff llywodraethu neu'r hyrwyddwyr wneud sylwadau a rhaid iddynt ystyried unrhyw sylwadau a wneir.

Mae rheoliad 7 yn darparu pan fo gan ysgol ganol ddisgyblion yn y pedwerydd cyfnod allweddol fod yn rhaid ei thrin yn ysgol uwchradd at ddibenion adrannau 116A i 116K o Ddeddf Addysg 2002 yn unig, hyd yn oed os caiff ei thrin yn ysgol gynradd at bob diben arall o dan y Ddeddf Addysg.

Mae rheoliad 8 yn darparu pan fo gan ysgol ganol ddisgyblion iau (y rhai nad ydynt wedi cyrraedd 12 mlwydd oed hyd yn hyn) fod yn rhaid ei thrin yn ysgol gynradd at ddibenion adran 101(1)(c) o Ddeddf Addysg 2002 yn unig. Mae'n darparu ymhellach pan fo gan yr ysgol honno ddisgyblion hŷn (y rhai sydd wedi cyrraedd 12 mlwydd oed ond nad ydynt yn 19 mlwydd oed hyd yn hyn) fod yn rhaid ei thrin yn ysgol uwchradd at ddibenion adran 101(1)(c) o Ddeddf Addysg 2002 yn unig.

provide education up to compulsory school age. The Welsh Ministers must, under this regulation, allow the local authority, governing body or promoters to make representations and must take any representations made into account.

Regulation 7 provides that where a middle school has pupils in the fourth key stage it must be treated as a secondary school for the purposes of sections 116A to 116K of the Education Act 2002 only even if it is treated as a primary school for all other Education Act purposes.

Regulation 8 provides that where a middle school has junior pupils (those who have not yet attained 12 years of age) it must be treated as a primary school for the purposes of section 101(1)(c) of the Education Act 2002 only. It further provides that where that school has senior pupils (those who have attained 12 years of age but are not yet 19) it must be treated as a secondary school for the purposes of section 101(1)(c) of the Education Act 2002 only.

2012 Rhif 1797 (Cy.227)

ADDYSG, CYMRU

**Rheoliadau Addysg (Ysgolion
Canol) (Cymru) 2012**

Gwnaed 6 Mehefin 2012

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 10 Mehefin 2012

Yn dod i rym 1 Medi 2012

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 5(4) a 569(4) a (5) o Ddeddf Addysg 1996(1) ac a freiniwyd bellach ynddynt hwy yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Ysgolion Canol) (Cymru) 2012, a deuant i rym ar 1 Medi 2012.

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

Dirymu ac arbedion

2.—(1) Mae'r rheoliadau a ganlyn wedi eu dirymu o ran Cymru—

- (a) Rheoliadau Addysg (Ysgolion Canol) 1980(2); a
- (b) Rheoliadau Addysg (Ysgolion Canol) (Diwygio) 1994(3).

(2) Mae'r rheoliadau y cyfeirir atynt ym mharagraff (1) yn parhau i fod yn gymwys mewn perthynas â'r cynigion hynny sydd wedi eu rhoi ar waith cyn y dyddiad y daw'r Rheoliadau hyn i rym.

(1) 1996 p.56. Diwygiwyd adran 569(4) gan Fesur Addysg (Cymru) 2009 (mccc 5), adran 8. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 5 a 569(4) a (5) o Ddeddf Addysg 1996 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac yna i Weinidogion Cymru o dan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(2) O.S. 1980/918.

(3) O.S. 1994/581.

2012 No. 1797 (W.227)

EDUCATION, WALES

**The Education (Middle Schools)
(Wales) Regulations 2012**

Made 6 June 2012

*Laid before the National
Assembly for Wales* 10 June 2012

Coming into force 1 September 2012

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 5(4) and 569(4) and (5) of the Education Act 1996(1) and now vested in them make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Middle Schools) (Wales) Regulations 2012, and they come into force on 1 September 2012.

(2) These Regulations apply in relation to Wales.

Revocation and savings

2.—(1) The following regulations are revoked in relation to Wales—

- (a) the Education (Middle Schools) Regulations 1980(2); and
- (b) the Education (Middle Schools) (Amendment) Regulations 1994(3).

(2) The regulations referred to in paragraph (1) continue to apply in relation to those proposals which have been implemented before the date on which these Regulations come into force.

(1) 1996 c.56. Section 569(4) was amended by the Education (Wales) Measure 2009 (nawm 5), section 8. The functions of the Secretary of State under sections 5 and 569(4) and (5) of the Education Act 1996 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 under paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(2) S.I. 1980/918.

(3) S.I. 1994/581.

Dehongli

3. Yn y Rheoliadau hyn—

mae "corff llywodraethu" ("*governing body*") yn cynnwys corff llywodraethu dros dro a gyfansoddir yn unol ag adran 34 o Ddeddf 2002(1);

ystyr "cynigion" ("*proposals*") yw'r cynigion y cyfeirir atynt yn adran 28 o Ddeddf Safonau a Fframwaith Ysgolion 1998(2) ac sy'n gwneud y canlynol—

- (a) pennu oedran sy'n iau na 10 mlwydd 6 mis oed ac oedran sy'n hŷn na 12 mlwydd oed; a
- (b) darparu bod yr ysgol y mae'r cynigion yn ymwneud â hi i fod yn ysgol sy'n darparu addysg lawnamser sy'n addas i ofynion disgyblion rhwng yr oeddrannau a bennir;

ystyr "Deddf 2002" ("*2002 Act*") yw Deddf Addysg 2002(3);

ystyr "dibenion y Ddeddf Addysg" ("*Education Act purposes*") yw dibenion Deddf Addysg 1996 a'r deddfiadau eraill sy'n ymwneud ag addysg;

ystyr "hyrwyddwyr" ("*promoters*") yw personau ar wahân i awdurdod lleol sydd wedi cyhoeddi cynigion i sefydlu ysgol newydd o dan adran 28(2) o Ddeddf Safonau a Fframwaith Ysgolion 1998;

ystyr "pedwerydd cyfnod allweddol" ("*fourth key stage*") yw'r cyfnod a nodir yn adran 103(1)(d) o Ddeddf 2002;

ystyr "ystod oedran ysgol gynradd" ("*primary age range*") yw'r ystod blynnyddoedd pan fo disgybl rhwng 11 mlwydd oed a'r oedran ieuaf a bennir yn y cynigion; ac

ystyr "ystod oedran ysgol uwchradd" ("*secondary age range*") yw'r ystod blynnyddoedd pan fo disgybl rhwng 11 mlwydd oed a'r oedran hynaf a bennir yn y cynigion.

-
- (1) 2002 p.32, fel y'i diwygiwyd gan baragraff 11(1) a (2) o Ran 1 o Atodlen 2 i Orchymyn Awdurdodau Addysg Lleol ac Awdurdodau Gwasanaethau Plant (Integreiddio Swyddogaethau) 2010 (O.S. 2010/1158).
 - (2) Diwygiwyd y pennawd gan Ddeddf Addysg ac Arolygiadau 2006 (p.40), paragraff 18(1) a (10). Diwygiwyd is-adran (1) gan Ddeddf Addysg ac Arolygiadau 2006 (p.40), paragraff 18(1), (2)(a) a (b) o Atodlen 3 a chan Ran 3 o Atodlen 18, a hefyd gan Ddeddf Addysg 2002, adran 154(1) i (3), a chan baragraff 10(1) a (2) o Ran 1 o Atodlen 2 i Orchymyn Awdurdodau Addysg Lleol ac Awdurdodau Gwasanaethau Plant (Integreiddio Swyddogaethau) 2010, a hefyd gan Fesur Addysg (Cymru) 2011 (mccc 7), adran 26(1) a (2)(a). Diwygiwyd is-adran (2)(a) gan Ddeddf Addysg 2002, paragraff 97(1) a (3) o Atodlen 21, a chan Ddeddf Addysg 2005, Rhan 2 o Atodlen 19, a chan Ddeddf Addysg ac Arolygiadau 2006, paragraff 18(1) a (3)(a) o Atodlen 3 a hefyd gan Fesur Addysg (Cymru) 2011, adran 26(1) a (2)(b). Diwygiwyd is-adran (2)(b) gan Ddeddf Addysg 2002, adran 73, a chan Ddeddf Addysg ac Arolygiadau 2006, paragraff 18(1), (3)(b)(i) a (ii) o Ran 3 o Atodlen 18.
 - (3) 2002 p.32.

Interpretation

3. In these Regulations—

"2002 Act" ("*Deddf 2002*") means the Education Act 2002(1);

"Education Act purposes" ("*dibenion y Ddeddf Addysg*") means the purposes of the Education Act 1996 and the other enactments relating to education;

"fourth key stage" ("*pedwerydd cyfnod allweddol*") means the period set out in section 103(1)(d) of the 2002 Act;

"governing body" ("*corff llywodraethu*") includes a temporary governing body constituted in accordance with section 34 of the 2002 Act(2);

"primary age range" ("*ystod oedran ysgol gynradd*") means the range of years during which a pupil is between the age of 11 years and the lower age specified in the proposals;

"promoters" ("*hyrwyddwyr*") means persons other than a local authority who have published proposals for the establishment of a new school under section 28(2) of the School Standards and Framework Act 1998;

"proposals" ("*cynigion*") means the proposals referred to in section 28 of the School Standards and Framework Act 1998(3) and which—

- (a) specify an age which is below the age of 10 years 6 months and an age which is above the age of 12 years; and
- (b) provide that the school to which the proposals relate is to be a school providing full-time education suitable to the requirements of pupils whose ages are between the ages specified; and

"secondary age range" ("*ystod oedran ysgol uwchradd*") means the range of years during which a pupil is between the age of 11 years and the higher age specified in the proposals.

-
- (1) 2002 c.32.
 - (2) 2002 c.32, as amended by paragraph 11(1) and (2) of Part 1 of Schedule 2 to the Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158).
 - (3) The heading was amended by the Education and Inspections Act 2006 (c.40), paragraph 18(1) and (10). Sub-section (1) was amended by the Education and Inspections Act 2006 (c.40) paragraph 18(1), (2)(a) and (b) of Schedule 3 and by Part 3 of Schedule 18, and also by the Education Act 2002, section 154(1) to (3), and by paragraph 10(1) and (2) of Part 1 of Schedule 2 to the Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010, and also by the Education (Wales) Measure 2011 (nawm 7), section 26(1) and (2)(a). Sub-section (2)(a) was amended by the Education Act 2002, paragraph 97(1) and (3) of Schedule 21, and by the Education Act 2005, Part 2 of Schedule 19, and by the Education and Inspections Act 2006, paragraph 18(1) and (3)(a) of Schedule 3 and also by the Education (Wales) Measure 2011, section 26(1) and (2)(b). Sub-section (2)(b) was amended by the Education Act 2002, section 73, and by the Education and Inspections Act 2006, paragraph 18(1), (3)(b)(i) and

Dyfarnu bod ysgol ganol yn ysgol uwchradd

4. Mae ysgol ganol, y mae'r cynigion yn ymwneud â hi, i'w thrin yn ysgol uwchradd at ddibenion y Ddeddf Addysg—

- (a) pan fo gan yr ysgol honno ystod oedran ysgol uwchradd ehangach o ddisgyblion nag o ddisgyblion o ystod oedran ysgol gynradd;
- (b) pan fo'r ysgol yn bwriadu darparu addysg ar gyfer disgyblion hyd nes iddynt beidio â bod o'r oedran ysgol gorfodol mwyach neu eu bod yn hŷn na'r oedran ysgol gorfodol; ac
- (c) (pan fo paragraff (b) yn gymwys) pan na fo Gweinidogion Cymru wedi gwneud dyfarniad o dan reoliad 5(2).

Dyfarnu bod ysgol ganol yn ysgol gynradd

5.—(1) Mae ysgol ganol, y mae'r cynigion yn ymwneud â hi, i'w thrin yn ysgol gynradd at ddibenion y Ddeddf Addysg pan fo gan yr ysgol honno ystod oedran ysgol gynradd ehangach o ddisgyblion nag o ddisgyblion o ystod oedran ysgol uwchradd, ac—

- (a) pan na fo rheoliad 4(b) yn gymwys; neu
- (b) pan fo rheoliad 4(b) yn gymwys ond bod Gweinidogion Cymru wedi gwneud dyfarniad o dan baragraff (2).

(2) Caiff Gweinidogion Cymru ddyfarnu bod ysgol ganol, y mae'r cynigion yn ymwneud â hi, i'w thrin yn ysgol gynradd at ddibenion y Ddeddf Addysg—

- (a) pan fo rheoliad 4(b) yn gymwys;
- (b) pan fo'r awdurdod lleol, y corff llywodraethu neu'r hyrwyddwyr yn gofyn i Weinidogion Cymru wneud dyfarniad o dan y rheoliad hwn; ac
- (c) pan fo Gweinidogion Cymru yn ystyried bod dyfarniad o'r fath yn briodol.

Dyfarnu ynghylch ysgol ganol pan fo'r ystod oedran ysgol gynradd o ddisgyblion yn gyfartal â'r ystod oedran ysgol uwchradd o ddisgyblion

6.—(1) Rhaid i Weinidogion Cymru ddyfarnu p'un a yw'r ysgol ganol, y mae'r cynigion yn ymwneud â hi, i'w thrin at ddibenion y Ddeddf Addysg yn ysgol gynradd neu'n ysgol uwchradd—

- (a) pan fo gan yr ysgol, y mae'r cynigion yn ymwneud â hi, ystod oedran ysgol gynradd o ddisgyblion sy'n gyfartal â'r ystod oedran ysgol uwchradd o ddisgyblion; a
- (b) pan na fo rheoliad 4(b) yn gymwys.

(2) Cyn gwneud y dyfarniad hwnnw, rhaid i Weinidogion Cymru—

- (a) rhoi cyfle i'r awdurdod lleol, y corff llywodraethu neu'r hyrwyddwyr wneud sylwadau; a

Determination of a middle school as secondary school

4. A middle school, to which the proposals relate, is to be treated as a secondary school for Education Act purposes where—

- (a) that school has a wider secondary age range of pupils than of primary age range pupils;
- (b) the school proposes to provide education for pupils until they cease to be of compulsory school age or are above compulsory school age; and
- (c) (where paragraph (b) applies) the Welsh Ministers have not made a determination under regulation 5(2).

Determination of a middle school as primary school

5.—(1) A middle school, to which the proposals relate, is to be treated as a primary school for Education Act purposes where that school has a wider primary age range of pupils than of secondary age range pupils, and—

- (a) regulation 4(b) does not apply; or
- (b) regulation 4(b) does apply but the Welsh Ministers have made a determination under paragraph (2).

(2) The Welsh Ministers may determine a middle school, to which the proposals relate, be treated as a primary school for Education Act purposes where—

- (a) regulation 4(b) applies;
- (b) the local authority, governing body or promoters request the Welsh Ministers to make a determination under this regulation; and
- (c) the Welsh Ministers consider such a determination to be appropriate.

Determination of a middle school where there is a primary age range of pupils equal to its secondary age range of pupils

6.—(1) The Welsh Ministers must determine whether the middle school, to which the proposals relate, is to be treated for Education Act purposes as a primary or secondary school where—

- (a) the school, to which the proposals relate, has a primary age range of pupils which is equal to that of its secondary age range of pupils; and
- (b) regulation 4(b) does not apply.

(2) Before making such a determination, the Welsh Ministers must—

- (a) allow the local authority, governing body or promoters an opportunity to make representations; and

(b) ystyried unrhyw sylwadau a wneir ganddynt.

(b) take into consideration any representations made by them.

Dyfarnu bod ysgol ganol yn ysgol uwchradd at ddibenion adrannau 116A i 116K o Ddeddf 2002

7. Pan ddyfarnwyd bod ysgol ganol, y mae'r cynigion yn ymwneud â hi, yn ysgol gynradd yn unol â rheoliadau 5 neu 6, mae i'w thrin at ddibenion adrannau 116A i 116K o Ddeddf 2002 yn ysgol uwchradd pan fo gan yr ysgol honno ddisgyblion yn y pedwerydd cyfnod allweddol.

Dyfarnu bod ysgol ganol yn ysgol gynradd neu'n ysgol uwchradd at ddibenion adran 101(1)(c) o Ddeddf 2002

8. Pan ddyfarnwyd bod ysgol ganol, y mae'r cynigion yn ymwneud â hi, yn ysgol gynradd neu'n ysgol uwchradd yn unol â'r Rheoliadau hyn, mae i'w thrin at ddibenion adran 101(1)(c) o Ddeddf 2002—

- (a) yn ysgol gynradd mewn perthynas â'r disgyblion iau yn yr ysgol; a
- (b) yn ysgol uwchradd mewn perthynas â'r disgyblion hŷn yn yr ysgol.

Determination of a middle school as a secondary school for the purposes of sections 116A to 116K of the 2002 Act

7. Where a middle school, to which the proposals relate, has been determined to be a primary school in accordance with regulations 5 or 6, it is to be treated for the purposes of sections 116A to 116K of the 2002 Act as a secondary school where that school has pupils in the fourth key stage.

Determination of a middle school as a primary or secondary school for the purposes of section 101(1)(c) of the 2002 Act

8. Where a middle school, to which the proposals relate, has been determined to be a primary or secondary school in accordance with these Regulations, it is to be treated for the purposes of section 101(1)(c) of the 2002 Act as—

- (a) a primary school in relation to junior pupils at the school; and
- (b) a secondary school in relation to senior pupils at the school.

Leighton Andrews

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru

6 Mehefin 2012

Minister for Education and Skills, one of the Welsh Ministers

6 June 2012

© Crown copyright 2012

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 2012

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.

OFFERYNNAU STATUDOL
CYMRU

2012 Rhif 1797 (Cy.227)

ADDYSG, CYMRU

Rheoliadau Addysg (Ysgolion
Canol) (Cymru) 2012

WELSH STATUTORY
INSTRUMENTS

2012 No. 1797 (W.227)

EDUCATION, WALES

The Education (Middle Schools)
(Wales) Regulations 2012