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WELSH STATUTORY
INSTRUMENTS

2019 Rhif 1363 (Cy. 236)

2019 No. 1363 (W. 236)

ADDYSG, CYMRU

EDUCATION, WALES

**Gorchymyn Cyflog ac Amodau
Athrawon Ysgol (Cymru) 2019**

**The School Teachers' Pay and
Conditions (Wales) Order 2019**

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn gwneud darpariaeth ar gyfer penderfynu'r tâl ar gyfer athrawon ysgol (o fewn ystyr adran 122 o Ddeddf Addysg 2002 (p. 32)) yng Nghymru ac amodau cyflogaeth eraill ar gyfer athrawon ysgol yng Nghymru sy'n ymwneud â'u dyletswyddau proffesiynol a'u hamser gweithio.

Mae'r Gorchymyn yn gwneud y ddarpariaeth hon drwy gyfeirio at adran 2 o ddogfen o'r enw "Dogfen Cyflog ac Amodau Athrawon Ysgol (Cymru) 2019 a chanllawiau ar gyflog ac amodau athrawon ysgol" ("y Ddogfen"). Gellir canfod y Ddogfen ar wefan Llywodraeth Cymru, www.llyw.cymru.

Mae'r Gorchymyn yn gwneud darpariaeth ôl-weithredol, o dan adran 123(3) o Ddeddf Addysg 2002, er mwyn darparu bod y darpariaethau a nodir yn adran 2 o'r Ddogfen yn cael effaith ar ac ar ôl 1 Medi 2019 er bod y Gorchymyn yn dod i rym ar ôl y dyddiad hwnnw (erthygl 2).

Mae'r Gorchymyn yn dirymu Gorchymyn Cyflog ac Amodau Athrawon Ysgol 2018 fel y mae'n gymwys yng Nghymru (erthygl 3).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn. Gellir cael copi oddi wrth: Uned Strategaeth y Gweithlu, Y Gyfarwyddiaeth Addysg, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the determination of the remuneration of school teachers (within the meaning of section 122 of the Education Act 2002 (c. 32)) in Wales and other conditions of employment of school teachers in Wales which relate to their professional duties and working time.

The Order makes this provision by reference to section 2 of a document entitled "School Teachers' Pay and Conditions (Wales) Document 2019 and guidance on school teachers' pay and conditions" ("the Document"). It can be found on the Welsh Government website, www.gov.wales.

The Order makes retrospective provision, under section 123(3) of the Education Act 2002, to provide that the provisions set out in section 2 of the Document have effect on and after 1 September 2019 notwithstanding that the Order comes into force after that date (article 2).

The Order revokes the School Teachers' Pay and Conditions Order 2018 as it applies in Wales (article 3).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Workforce Strategy Unit, The Education Directorate, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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ADDYSG, CYMRU

EDUCATION, WALES

**Gorchymyn Cyflog ac Amodau
Athrawon Ysgol (Cymru) 2019**

**The School Teachers' Pay and
Conditions (Wales) Order 2019**

Gwnaed 18 Hydref 2019

Made 18 October 2019

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 22 Hydref 2019

Laid before the National Assembly for Wales
22 October 2019

Yn dod i rym 12 Tachwedd 2019

Coming into force 12 November 2019

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol gan adrannau 122(1), 123 a 124 o Ddeddf Addysg 2002(1), ac a freiniwyd bellach ynddynt hwy(2), yn gwneud y Gorchymyn a ganlyn.

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 122(1), 123 and 124 of the Education Act 2002(1), and now vested in them(2), make the following Order.

Mae Gweinidogion Cymru yn unol ag adran 126(3) o'r Ddeddf honno wedi ymgynghori â'r personau hynny a'r cyrff hynny y cyfeirir atynt yn yr adran honno yr oedd yn ymddangos i Weinidogion Cymru eu bod yn briodol.

The Welsh Ministers in accordance with section 126(3) of that Act have consulted such of the persons and bodies referred to in that section as appeared to the Welsh Ministers to be appropriate.

Enwi, cychwyn, cymhwyso a dehongli

Title, commencement, application and interpretation

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cyflog ac Amodau Athrawon Ysgol (Cymru) 2019 a daw i rym ar 12 Tachwedd 2019.

1.—(1) The title of this Order is the School Teachers' Pay and Conditions (Wales) Order 2019 and it comes into force on 12 November 2019.

(2) Mae'r Gorchymyn hwn yn gymwys i athrawon ysgol(4) yng Nghymru.

(2) This Order applies to school teachers(4) in Wales.

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- (1) 2002 p. 32. Diwygiwyd adrannau 122 a 123 gan adran 5(1) o O.S. 2010/1158 a chan baragraff 11 o Ran 1 o Atodlen 2 iddo.
(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Weinidogion Cymru gan erthygl 39 o Orchymyn Gweinidogion Cymru (Trosglwyddo Swyddogaethau) 2018 (O.S. 2018/644).
(3) Trosglwyddwyd y swyddogaeth hon o'r Ysgrifennydd Gwladol i Weinidogion Cymru gan erthygl 39 o Orchymyn Gweinidogion Cymru (Trosglwyddo Swyddogaethau) 2018 (O.S. 2018/644).
(4) Diffinnir "school teacher" at y dibenion hyn yn adran 122(3) i (6) o Ddeddf Addysg 2002.

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- (1) 2002 c. 32. Sections 122 and 123 were amended by article 5(1) of, and paragraph 11 of Part 1 of Schedule 2 to, S.I. 2010/1158.
(2) The functions of the Secretary of State were transferred to the Welsh Ministers by article 39 of the Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644).
(3) This function of the Secretary of State was transferred to the Welsh Ministers by article 39 of the Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644).
(4) School teacher is defined for these purposes in section 122(3) to (6) of the Education Act 2002.

(3) Yn y Gorchymyn hwn, ystyr “y Ddogfen” yw’r ddogfen o’r enw “Dogfen Cyflog ac Amodau Athrawon Ysgol (Cymru) 2019 a chanllawiau ar gyflog ac amodau athrawon ysgol” dyddiedig Medi 2019(1).

Y Ddogfen

2. Mae’r darpariaethau a nodir yn adran 2 o’r Ddogfen yn cael effaith ar ac ar ôl 1 Medi 2019 at ddibenion penderfynu—

- (a) y tâl ar gyfer athrawon ysgol, a
- (b) amodau cyflogaeth eraill ar gyfer athrawon ysgol sy’n ymwneud â’u dyletswyddau proffesiynol a’u hamser gweithio.

Dirymu

3. Mae Gorchymyn Cyflog ac Amodau Athrawon Ysgol 2018(2) wedi ei ddirymu i’r graddau y mae’n gymwys mewn perthynas ag athrawon ysgol yng Nghymru.

(3) In this Order, “the Document” means the document entitled “School Teachers’ Pay and Conditions (Wales) Document 2019 and guidance on school teachers’ pay and conditions” dated September 2019(1).

The Document

2. The provisions set out in section 2 of the Document have effect on and after 1 September 2019 for the purposes of determining—

- (a) the remuneration of school teachers, and
- (b) other conditions of employment of school teachers which relate to their professional duties and working time.

Revocation

3. The School Teachers’ Pay and Conditions Order 2018(2) is revoked to the extent that it applies in relation to school teachers in Wales.

Kirsty Williams

Y Gweinidog Addysg, un o Weinidogion Cymru
18 Hydref 2019

Minister for Education, one of the Welsh Ministers
18 October 2019

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Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

(1) Cyhoeddir ar-lein ar <https://llyw.cymru/addysgu-ac-arweinyddiaeth>.
(2) O.S. 2018/998.

(1) Published online at <https://gov.wales/teaching-and-leadership>.
(2) S.I. 2018/998.

£4.90

W201910211000 10/2019

<http://www.legislation.gov.uk/id/wsi/2019/1363>

ISBN 978-0-348-20468-1



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