OFFERYNNAU STATUDOL CYMRU

2020 Rhif 1327 (Cy. 293)

ADDYSG, CYMRU

Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) (Diwygio) 2020

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005 (O.S. 2005/2914 (Cy. 211)).

Mae'r Rheoliadau hyn yn darparu y caniateir cynnal cyfarfodydd cyrff llywodraethu a phwyllgorau cyrff llywodraethu drwy fynediad o bell os yw'r amodau angenrheidiol wedi eu bodloni.

Maent yn dileu'r gofyniad i'r clerc, neu berson sy'n gweithredu fel clerc i gorff llywodraethu neu bwyllgor corff llywodraethu, gofnodi cofnodion y trafodion mewn llyfr neu ar dudalennau a gedwir at y diben hwnnw.

Maent hefyd yn dileu'r gofyniad i'r clerc gofnodi enwau'r aelodau hynny o'r corff llywodraethu neu'r pwyllgor ac unrhyw berson arall sy'n bresennol yn y cyfarfod o dan sylw yn y llyfr neu ar y tudalennau a ddefnyddir at y diben hwnnw.

Mae'r Rheoliadau hyn yn galluogi cyrff llywodraethu a phwyllgorau i gadw'r cofnodion a'r agenda ar ffurf electronig ac i'r cofnodion gael eu llofnodi'n electronig.

Mae'r Rheoliadau hyn yn dileu'r ddarpariaeth sy'n anghymhwyso person rhag dal swydd neu barhau i ddal swydd fel llywodraethwr pan fo'n agored i gael ei gadw'n gaeth o dan Ddeddf Iechyd Meddwl 1983.

WELSH STATUTORY INSTRUMENTS

2020 No. 1327 (W. 293)

EDUCATION, WALES

The Government of Maintained Schools (Wales) (Amendment) Regulations 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Government of Maintained Schools (Wales) Regulations 2005 (S.I. 2005/2914 (W. 211)).

These Regulations provide that meetings of governing bodies and of governing body committees may be held by remote access if the requisite conditions are met.

They remove the requirement for the clerk, or a person acting as clerk to a governing body or a governing body committee, to enter minutes of proceedings in a book or pages kept for that purpose.

They also remove the requirement for the clerk to record the names of those members of the governing body or the committee and of any other person present at the meeting concerned in the book or pages used for that purpose.

These Regulations enable governing bodies and committees to keep the minutes and agenda in electronic form and for the minutes to be signed electronically.

These Regulations remove the provision disqualifying a person from holding or continuing in office as a governor when he or she is liable to be detained under the Mental Health Act 1983.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ni luniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has not been prepared as to the likely cost and benefit of complying with these Regulations.

OFFERYNNAU STATUDOL CYMRU

2020 Rhif 1327 (Cy. 293)

ADDYSG, CYMRU

Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) (Diwygio) 2020

Gwnaed	*20 Tachwedd 2020*
Gosodwyd gerbron Senedd Cymru	*23 Tachwedd 2020*
Yn dod i rym	*18 Rhagfyr 2020*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 19(3) a 210(7) o Ddeddf Addysg 2002(**1**), ac a freiniwyd bellach ynddynt hwy(**2**) yn gwneud y Rheoliadau a ganlyn:

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) (Diwygio) 2020 a deuant i rym ar 18 Rhagfyr 2020.

Dehongli

2. Yn y Rheoliadau hyn, ystyr "mynediad o bell" yw mynediad i gyfarfod i alluogi'r rheini nad ydynt i gyd yn bresennol gyda'i gilydd yn yr un man i fynd i'r cyfarfod a chymryd rhan ynddo ar yr un pryd drwy ddulliau electronig, gan gynnwys drwy gyswllt sain byw a chyswllt fideo byw.

(**1**) 2002 p. 32. Diwygiwyd adran 210(7) gan adran 21(3) o Fesur Teithio gan Ddysgwyr (Cymru) 2008 (mccc 2). Gweler adran 212(1) am y diffiniad o "regulations".

(**2**) Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

WELSH STATUTORY INSTRUMENTS

2020 No. 1327 (W. 293)

EDUCATION, WALES

The Government of Maintained Schools (Wales) (Amendment) Regulations 2020

Made	*20 November 2020*
Laid before Senedd Cymru	*23 November 2020*
Coming into force	*18 December 2020*

The Welsh Ministers, in exercise of the powers conferred by sections 19(3) and 210(7) of the Education Act 2002(**1**), and now vested in them(**2**) make the following Regulations:

Title and commencement

1. The title of these Regulations is the Government of Maintained Schools (Wales) (Amendment) Regulations 2020 and they come into force on 18 December 2020.

Interpretation

2. In these Regulations, "remote access" means access to a meeting to enable those who are not all present together at the same place to attend and participate simultaneously by electronic means, including by live audio and live video link.

(**1**) 2002 c. 32. Section 210(7) was amended by section 21(3) of the Learner Travel (Wales) Measure 2008 (nawm 2). See section 212(1) for the definition of "regulations".

(**2**) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

Diwygio Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005

3.—(1) Mae Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 45, ar ôl paragraff (1) mewnosoder—

"(1A) Caiff y corff llywodraethu benderfynu cynnal cyfarfod drwy fynediad o bell os yw'r amodau a ganlyn wedi eu bodloni—

(a) y bydd y cyfranogwyr yn gallu cyflwyno sylwadau neu gyflawni eu swyddogaethau yn llawn (yn ôl y digwydd);

(b) bod y cyfranogwyr yn cytuno i'r cyfarfod gael ei gynnal gan ddefnyddio mynediad o bell;

(c) bod gan bob cyfranogwr fynediad at y dulliau electronig er mwyn caniatáu iddo glywed a chael ei glywed, a gweld a chael ei weld (pan ddefnyddir cyswllt fideo byw), drwy gydol y cyfarfod; ac

(ch) bod modd cynnal y cyfarfod yn deg ac yn dryloyw."

(3) Yn rheoliad 47—

(a) hepgorer paragraff (2);

(b) ym mharagraff (3), yn lle "ysgrifennu'n union cyn y nodyn sy'n cofnodi'r cyfarfod hwnnw yn y llyfr neu ar y tudalennau a ddefnyddir at y diben hwnnw" rhodder "ysgrifennu yng nghofnodion y cyfarfod hwnnw";

(c) ar ôl paragraff (4) mewnosoder—

"(5) Caniateir i'r cofnodion a'r agenda a lunnir at ddibenion y rheoliad hwn gael eu cadw ar ffurf electronig a phan fo hynny'n digwydd caniateir i'r cofnodion gael eu llofnodi'n electronig."

(4) Yn rheoliad 60, ar ôl paragraff (3) mewnosoder—

"(3A) Caniateir i gyfarfodydd pwyllgor gael eu cynnal drwy fynediad o bell os yw'r amodau a ganlyn wedi eu bodloni—

(a) y bydd y cyfranogwyr yn gallu cyflwyno sylwadau neu gyflawni eu swyddogaethau yn llawn (yn ôl y digwydd);

(**1**) O.S. 2005/2914 (Cy. 211), a ddiwygiwyd gan O.S. 2005/3200 (Cy. 236) ac O.S. 2010/1142 (Cy. 101); mae offerynnau diwygio eraill ond nid oes yr un ohonynt yn berthnasol.

Amendments to the Government of Maintained Schools (Wales) Regulations 2005

3.—(1) The Government of Maintained Schools (Wales) Regulations 2005(**1**) are amended as follows.

(2) In regulation 45, after paragraph (1) insert—

"(1A) The governing body may decide to hold a meeting by remote access provided that the following conditions are met—

(a) the participants will be able to fully make representations or discharge their functions (as the case may be);

(b) the participants agree to the meeting being held using remote access;

(c) each participant has access to the electronic means to allow them to hear and be heard and (where using a live video link) see and be seen, throughout the meeting; and

(d) the meeting is capable of being held fairly and transparently."

(3) In regulation 47—

(a) omit paragraph (2);

(b) in paragraph (3), for "immediately before the entry recording the minutes of that meeting in the book or pages used for that purpose" substitute "in the minutes of that meeting";

(c) after paragraph (4) insert—

"(5) The minutes and agenda drawn up for the purposes of this regulation may be kept in electronic form and where that is the case the minutes may be signed electronically."

(4) In regulation 60, after paragraph (3) insert—

"(3A) Committee meetings may be held by remote access provided that the following conditions are met—

(a) the participants will be able to fully make representations or discharge their functions (as the case may be);

(**1**) S.I. 2005/2914 (W. 211), amended by S.I. 2005/3200 (W. 236) and S.I. 2010/1142 (W. 101); there are other amending instruments but none is relevant.

(b) bod y cyfranogwyr yn cytuno i'r cyfarfod gael ei gynnal gan ddefnyddio mynediad o bell;

(c) bod gan bob cyfranogwr fynediad at y dulliau electronig er mwyn caniatáu iddo glywed a chael ei glywed, a gweld a chael ei weld (pan ddefnyddir cyswllt fideo byw), drwy gydol y cyfarfod; ac

(ch) bod modd cynnal y cyfarfod yn deg ac yn dryloyw."

(5) Yn rheoliad 61, ar ôl paragraff (2) mewnosoder—

"(3) Caniateir i'r cofnodion a'r agenda a lunnir at ddibenion y rheoliad hwn gael eu cadw ar ffurf electronig a phan fo hynny'n digwydd caniateir i'r cofnodion gael eu llofnodi'n electronig."

(6) Yn Atodlen 5—

(a) hepgorer paragraff 4 (anhwylder meddyliol);

(b) ym mharagraff 7(b), yn lle "gorchymyn anghymwyso o dan Rhan 2 o Orchymyn Cwmnïau (Gogledd Iwerddon) 1989" rhodder "gorchymyn anghymhwyso o dan Orchymyn Anghymhwyso Cyfarwyddwyr Cwmnïau (Gogledd Iwerddon) 2002(**1**)";

(c) ym mharagraff 8(b), yn lle "adran 7 o Ddeddf Diwygio'r Gyfraith (Darpariaethau Amrywiol) (Yr Alban) 1990" rhodder "adran 34 o Ddeddf Elusennau a Buddsoddi gan Ymddiriedolwyr (Yr Alban) 2005(**2**)".

(b) the participants agree to the meeting being held using remote access;

(c) each participant has access to the electronic means to allow them to hear and be heard and (where using a live video link) see and be seen, throughout the meeting; and

(d) the meeting is capable of being held fairly and transparently."

(5) In regulation 61, after paragraph (2) insert—

"(3) The minutes and agenda drawn up for the purposes of this regulation may be kept in electronic form and where that is the case the minutes may be signed electronically."

(6) In Schedule 5—

(a) omit paragraph 4 (mental disorder);

(b) in paragraph 7(b), for "a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989" substitute "a disqualification order under the Company Directors Disqualification (Northern Ireland) Order 2002(**1**)";

(c) in paragraph 8(b), for "section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990" substitute "section 34 of the Charities and Trustee Investment (Scotland) Act 2005(**2**)".

Kirsty Williams

Y Gweinidog Addysg, un o Weinidogion Cymru
20 Tachwedd 2020

Minister for Education, one of the Welsh Ministers
20 November 2020

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(**1**) O.S. 2002/3150 (G.I. 4).
(**2**) 2005 dsa 10.

(**1**) S.I. 2002/3150 (N.I. 4).
(**2**) 2005 asp 10.

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