OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2024 Rhif 803 (Cy. 128)

ADDYSG, CYMRU

Rheoliadau Deddf Addysg Drydyddol ac Ymchwil (Cymru) 2022 (Diwygiadau Canlyniadol) 2024

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud o dan adran 146 o Ddeddf Addysg Drydyddol ac Ymchwil (Cymru) 2022 ("Deddf 2022") sy'n galluogi Gweinidogion Cymru i wneud darpariaeth at ddibenion unrhyw ddarpariaeth yn Neddf 2022, o ganlyniad i unrhyw ddarpariaeth ynddi, neu er mwyn rhoi effaith lawn i unrhyw ddarpariaeth ynddi.

Mae Deddf 2022 yn sefydlu'r Comisiwn Addysg Drydyddol ac Ymchwil, yn diddymu Cyngor Cyllido Addysg Uwch Cymru, ac yn gwneud darpariaeth mewn perthynas â rheoleiddio a chyllido addysg drydyddol ac ymchwil yng Nghymru.

Mae'r Rheoliadau hyn yn gwneud diwygiadau canlyniadol i ddeddfwriaeth sylfaenol ac is-ddeddfwriaeth er mwyn adlewyrchu'r darpariaethau yn Neddf 2022.

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

2024 No. 803 (W. 128)

EDUCATION, WALES

The Tertiary Education and Research (Wales) Act 2022 (Consequential Amendments) Regulations 2024

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 146 of the Tertiary Education and Research (Wales) Act 2022 ("the 2022 Act") which enables the Welsh Ministers to make provision for the purposes of, in consequence of, or for giving full effect to any provision of the 2022 Act.

The 2022 Act establishes the Commission for Tertiary Education and Research, abolishes the Higher Education Funding Council for Wales, and makes provision in relation to the regulation and funding of tertiary education and research in Wales.

These Regulations make consequential amendments to primary and secondary legislation to reflect the provisions in the 2022 Act.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

OFFERYNNAU STATUDOL CYMRU

2024 Rhif 803 (Cy. 128)

ADDYSG, CYMRU

Rheoliadau Deddf Addysg Drydyddol ac Ymchwil (Cymru) 2022 (Diwygiadau Canlyniadol) 2024

Gwnaed	*17 Gorffennaf 2024*
Yn dod i rym	*1 Awst 2024*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir iddynt gan adran 146 o Ddeddf Addysg Drydyddol ac Ymchwil (Cymru) 2022(**1**).

Yn unol ag adran 143(3) a (4)(e)(ii) o Ddeddf Addysg Drydyddol ac Ymchwil (Cymru) 2022, gosodwyd drafft o'r offeryn hwn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad(**2**).

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Addysg Drydyddol ac Ymchwil (Cymru) 2022 (Diwygiadau Canlyniadol) 2024.

(2) Daw'r Rheoliadau hyn i rym ar 1 Awst 2024.

Deddf Diwygio Addysg 1988

2.—(1) Mae Deddf Diwygio Addysg 1988(**3**) wedi ei diwygio fel a ganlyn.

(**1**) 2022 dsc 1.

(**2**) *Gweler* hefyd adran 40 o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4) am ddarpariaeth ynghylch y weithdrefn sy'n gymwys i'r offeryn hwn.

(**3**) 1988 p. 40. Diwygiwyd adran 198(6) gan Ddeddf Safonau a Fframwaith Ysgolion 1998 (p. 31), Atodlen 29, paragraff 2(3), yn ddarostyngedig i ddarpariaeth drosiannol yn O.S. 1999/120, erthygl 4.

WELSH STATUTORY INSTRUMENTS

2024 No. 803 (W. 128)

EDUCATION, WALES

The Tertiary Education and Research (Wales) Act 2022 (Consequential Amendments) Regulations 2024

Made	*17 July 2024*
Coming into force	*1 August 2024*

The Welsh Ministers make these Regulations in exercise of the powers conferred on them by section 146 of the Tertiary Education and Research (Wales) Act 2022(**1**).

In accordance with section 143(3) and (4)(e)(ii) of the Tertiary Education and Research (Wales) Act 2022, a draft of this instrument has been laid before, and approved by resolution of, Senedd Cymru.(**2**)

Title and coming into force

1.—(1) The title of these Regulations is the Tertiary Education and Research (Wales) Act 2022 (Consequential Amendments) Regulations 2024.

(2) These Regulations come into force on 1 August 2024.

Education Reform Act 1988

2.—(1) The Education Reform Act 1988(**3**) is amended as follows.

(**1**) 2022 asc 1.

(**2**) *See* also section 40 of the Legislation (Wales) Act 2019 (anaw 4) for provision about the procedure that applies to this instrument.

(**3**) 1988 c. 40. Section 198(6) was amended by the School Standards and Framework Act 1998 (c. 31), Schedule 29, paragraph 2(3), subject to transitional provision in S.I. 1999/120, article 4.

(2) Yn adran 198 (trosglwyddiadau o dan Rannau 1 a 2), yn is-adran (6), yn lle “that Council” rhodder “the Commission for Tertiary Education and Research”(**1**).

(2) In section 198 (transfers under Parts 1 and 2), in subsection (6), for “that Council” substitute “the Commission for Tertiary Education and Research”(**1**).

Deddf yr Iaith Gymraeg 1993

3.—(1) Mae Deddf yr Iaith Gymraeg 1993(**2**) wedi ei diwygio fel a ganlyn.

(2) Yn adran 6 (ystyr “corff cyhoeddus”), yn is-adran (1), hepgorer paragraff (k).

Welsh Language Act 1993

3.—(1) The Welsh Language Act 1993(**2**) is amended as follows.

(2) In section 6 (meaning of “public body”), in subsection (1), omit paragraph (k).

Deddf Addysg 1994

4.—(1) Mae Deddf Addysg 1994(**3**) wedi ei diwygio fel a ganlyn.

(2) Yn adran 18C (arolygu hyfforddiant athrawon yng Nghymru), yn is-adran (8), yn lle “a funding agency” rhodder “the Commission for Tertiary Education and Research”.

Education Act 1994

4.—(1) The Education Act 1994(**3**) is amended as follows.

(2) In section 18C (inspection of teacher training in Wales), in subsection (8), for “a funding agency” substitute “the Commission for Tertiary Education and Research”.

Deddf Llywodraeth Cymru 1998

5.—(1) Mae Deddf Llywodraeth Cymru 1998(**4**) wedi ei diwygio fel a ganlyn.

(2) Yn adran 28 (diwygio cyrff cyhoeddus Cymreig eraill)—

(a) yn is-adran (1)(a), hepgorer “or III”;

(b) yn is-adran (5)(b), hepgorer “or III”.

Government of Wales Act 1998

5.—(1) The Government of Wales Act 1998(**4**) is amended as follows.

(2) In section 28 (reform of other Welsh public bodies)—

(a) in subsection (1)(a), omit “or III”;

(b) in subsection (5)(b), omit “or III”.

Rheoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007

6.—(1) Mae Rheoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007(**5**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (dehongli), ym mharagraff (1), hepgorer y diffiniadau o “CCAUC”, “darparwr hyfforddiant” a “Deddf 2005”.

(3) Yn rheoliad 4 (codi ffioedd), hepgorer paragraff (3)(c).

Education (Fees and Awards) (Wales) Regulations 2007

6.—(1) The Education (Fees and Awards) (Wales) Regulations 2007(**5**) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), omit the definitions of “the 2005 Act”, “HEFCW” and “training provider”.

(3) In regulation 4 (fee charging), omit paragraph (3)(c).

(**1**) Sefydlwyd y Comisiwn Addysg Drydyddol ac Ymchwil gan adran 1 o Ddeddf Addysg Drydyddol ac Ymchwil (Cymru) 2022.

(**2**) 1993 p. 38. Diddymir adran 6 gan Fesur y Gymraeg (Cymru) 2011 (mccc 1), adran 145(2)(a) (nad yw eto mewn grym). Mae offerynnau diwygio eraill ond nid yw’r un ohonynt yn berthnasol i’r Rheoliadau hyn.

(**3**) 1994 p. 30. Mewnosodwyd adran 18C gan Ddeddf Addysg 2005 (p. 18), Atodlen 14, paragraff 13, ac fe’i diwygiwyd gan Ddeddf Addysg 2011, Atodlen 5, paragraff 9, a chan Ddeddf Addysg Drydyddol ac Ymchwil (Cymru) 2022 (dsc 1), Atodlen 4, paragraff 7(3).

(**4**) 1998 p. 38. Diwygiwyd adran 28 gan Ddeddf Llywodraeth Cymru 2006 (p. 32), Atodlen 10, paragraff 42(2) i (4).

(**5**) O.S. 2007/2310 (Cy. 181), a ddiwygiwyd gan O.S. 2021/481 (Cy. 148); mae offerynnau diwygio eraill ond nid yw’r un ohonynt yn berthnasol i’r Rheoliadau hyn.

(**1**) The Commission for Tertiary Education and Research was established by section 1 of the Tertiary Education and Research (Wales) Act 2022.

(**2**) 1993 c. 38. Section 6 is repealed by the Welsh Language (Wales) Measure 2011 (nawm 1), section 145(2)(a) (not yet in force). There are other amending instruments but none are relevant to these Regulations.

(**3**) 1994 c. 30. Section 18C was inserted by the Education Act 2005 (c. 18), Schedule 14, paragraph 13, and amended by the Education Act 2011, Schedule 5, paragraph 9 and the Tertiary Education and Research (Wales) Act 2022 (asc 1), Schedule 4, paragraph 7(3).

(**4**) 1998 c. 38. Section 28 was amended by the Government of Wales Act 2006 (c. 32), Schedule 10, paragraph 42(2) to (4).

(**5**) S.I. 2007/2310 (W. 181), amended by S.I. 2021/481 (W. 148); there are other amending instruments but none are relevant to these Regulations.

(4) Hepgorer rheoliad 6 (taliadau gan CCAUC i ddarparwyr hyfforddiant).

Rheoliadau Addysg (Cymorth i Fyfyrwyr) 2011

7.—(1) Mae Rheoliadau Addysg (Cymorth i Fyfyrwyr) 2011(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (dehongli: cyffredinol), ym mharagraff (1), ym mharagraff (b) o'r diffiniad o "authority-funded", ar ôl "Higher Education Funding Council for Wales" mewnosoder "before 1st August 2024 or the Commission for Tertiary Education and Research on or after 1st August 2024".

Rheoliadau Diddymu Corfforaethau Addysg Bellach (Cyhoeddi Cynigion a Chyrff Rhagnodedig) (Cymru) 2014

8.—(1) Mae Rheoliadau Diddymu Corfforaethau Addysg Bellach (Cyhoeddi Cynigion a Chyrff Rhagnodedig) (Cymru) 2014(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 4(1)(h), yn lle "Cyngor Cyllido Addysg Uwch Cymru" rhodder "Y Comisiwn Addysg Drydyddol ac Ymchwil".

(3) Ym mharagraff 5 o Atodlen 2, yn lle "Gyngor Cyllido Addysg Uwch Cymru" rhodder "y Comisiwn Addysg Drydyddol ac Ymchwil".

Rheoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) 2015

9.—(1) Mae Rheoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) 2015(**3**) wedi eu diwygio fel a ganlyn.

(2) Hepgorer rheoliad 6.

(4) Omit regulation 6 (payments by HEFCW to training providers).

Education (Student Support) Regulations 2011

7.—(1) The Education (Student Support) Regulations 2011(**1**) are amended as follows.

(2) In regulation 2 (interpretation: general), in paragraph (1), in paragraph (b) of the definition of "authority-funded", after "Higher Education Funding Council for Wales" insert "before 1st August 2024 or the Commission for Tertiary Education and Research on or after 1st August 2024".

Dissolution of Further Education Corporations (Publication of Proposals and Prescribed Bodies) (Wales) Regulations 2014

8.—(1) The Dissolution of Further Education Corporations (Publication of Proposals and Prescribed Bodies) (Wales) Regulations 2014(**2**) are amended as follows.

(2) In regulation 4(1)(h), for "the Higher Education Funding Council for Wales" substitute "the Commission for Tertiary Education and Research".

(3) In paragraph 5 of Schedule 2, for "the Higher Education Funding Council for Wales" substitute "the Commission for Tertiary Education and Research".

Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015

9.—(1) The Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015(**3**) are amended as follows.

(2) Omit regulation 6.

(**1**) O.S. 2011/1986, a ddiwygiwyd gan O.S. 2013/1728 ac O.S. 2019/142; mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.
(**2**) O.S. 2014/2126 (Cy. 209).
(**3**) O.S. 2015/1484 (Cy. 163); mae offerynnau diwygio ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

(**1**) S.I. 2011/1986, amended by S.I. 2013/1728 and S.I. 2019/142; there are other amending instruments but none are relevant to these Regulations.
(**2**) S.I. 2014/2126 (W. 209).
(**3**) S.I. 2015/1484 (W. 163); there are amending instruments but none are relevant to these Regulations.

Rheoliadau Addysg (Gwybodaeth am Fyfyrwyr) (Lloegr) 2015

10.—(1) Mae Rheoliadau Addysg (Gwybodaeth am Fyfyrwyr) (Lloegr) 2015(**1**) wedi eu diwygio fel a ganlyn.

(2) Ym mharagraff 1(5) o Atodlen 2, yn lle “the Higher Education Funding Council for Wales” rhodder “the Commission for Tertiary Education and Research”.

Rheoliadau Addysg (Benthyciadau at Radd Feistr Ôl-raddedig) 2016

11.—(1) Mae Rheoliadau Addysg (Benthyciadau at Radd Feistr Ôl-raddedig) 2016(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (dehongli), ym mharagraff (1), ym mharagraff (b) o’r diffiniad o “authority-funded”, ar ôl “Higher Education Funding Council for Wales” mewnosoder “before 1st August 2024 or the Commission for Tertiary Education and Research on or after 1st August 2024”.

Education (Student Information) (England) Regulations 2015

10.—(1) The Education (Student Information) (England) Regulations 2015(**1**) are amended as follows.

(2) In paragraph 1(5) of Schedule 2, for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”.

Education (Postgraduate Master’s Degree Loans) Regulations 2016

11.—(1) The Education (Postgraduate Master’s Degree Loans) Regulations 2016(**2**) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), in paragraph (b) of the definition of “authority-funded”, after “Higher Education Funding Council for Wales” insert “before 1st August 2024 or the Commission for Tertiary Education and Research on or after 1st August 2024”.

Lynne Neagle

Ysgrifennydd y Cabinet dros Addysg, un o Weinidogion Cymru
17 Gorffennaf 2024

Cabinet Secretary for Education, one of the Welsh Ministers
17 July 2024

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(**1**) O.S. 2015/1567; mae offerynnau diwygio ond nid yw’r un ohonynt yn berthnasol i’r Rheoliadau hyn.

(**2**) O.S. 2016/606, a ddiwygiwyd gan O.S. 2019/142; mae offerynnau diwygio eraill ond nid yw’r un ohonynt yn berthnasol i’r Rheoliadau hyn.

(**1**) S.I. 2015/1567; there are amending instruments but none are relevant to these Regulations.

(**2**) S.I. 2016/606, amended by S.I. 2019/142; there are other amending instruments but none are relevant to these Regulations.

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