



# Mesur Dysgu a Sgiliau (Cymru) 2009

2009 mccc 1

Mesur gan Gynulliad Cenedlaethol Cymru i wneud darpariaeth ynglŷn â hawlogaeth plant sydd yn nwy flynedd olaf addysg orfodol a phersonau ifanc nad ydynt wedi cyrraedd pedwar ar bymtheg oed i gael addysg; i wneud darpariaeth ynghylch y gwasanaethau perthynol i addysg a ddarperir gan ysgolion a gynhelir a sefydliadau yn y sector addysg bellach; i wneud darpariaeth ar gyfer datgelu gwybodaeth am y cwricwlwm; ac at ddibenion cysylltiedig.

**Mae'r Mesur hwn, a basiwyd gan Gynulliad Cenedlaethol Cymru ar 17 Mawrth 2009 ac a gymeradwywyd gan Ei Mawrhydi yn Ei Chyngor ar 13 Mai 2009, yn deddfu'r darpariaethau a ganlyn:—**

## RHAN 1

### CWRICWLWM LLEOL AR GYFER DISGYBLION YNG NGHYFNOD ALLWEDDOL 4

#### *Cyffredinol*

#### **1 Dehongli**

(1) Mae adran 97 o Ddeddf Addysg 2002 (p. 32) (dehongli Rhan 7) wedi'i diwygio yn unol â'r adran hon.

(2) Ar ôl y diffiniad o “attainment targets”, mewnosoder—

““course of study” means a course of education or training which leads to a qualification or set of qualifications approved under section 99 of the Learning and Skills Act 2000 for the purposes of section 96 of that Act;”.

(3) Ar ôl y diffiniad o “key stage”, mewnosoder—

““local curriculum” and “local curricula” are to be construed in accordance with section 116A and, in relation to a pupil’s school, “local curriculum” means—

- (a) where the local education authority by which the school is maintained has formed a single local curriculum under section 116A, that local curriculum; or
- (b) where the local education authority by which the school is maintained has formed more than one local curriculum under section 116A, the local curriculum in respect of which the school is designated under section 116C(2);”.

(4) Ar ôl y diffiniad o “maintained nursery school”, mewnosoder—

““maintained secondary school”, in sections 116A to 116K, means a maintained school which is a secondary school unless it is a community or foundation special school which is maintained by a local education authority in Wales;”.

(5) Ar ôl y diffiniad o “pupil”, mewnosoder—

““regulations” means regulations made by the Welsh Ministers;

“school”, in sections 116E to 116H, in relation to a pupil means the maintained secondary school of which he or she was a registered pupil when he or she made an election under section 116D(1);”.

## **2 Dyletswydd i weithredu gofynion cyffredinol**

- (1) Mae adran 100 o Ddeddf Addysg 2002 (p. 32) (dyletswydd i weithredu gofynion cyffredinol) wedi'i diwygio'n unol â'r adran hon.
- (2) Hepgorer “and” ar ddiwedd is-adran (4)(a) a mewnosoder “, and” ar ddiwedd is-adran (4)(b).
- (3) Ar ôl is-adran (4)(b), mewnosoder—
  - “(c) functions conferred by this Part in relation to the local curriculum or curricula for a local education authority’s area.”

## **3 Y cwricwlwm sylfaenol ar gyfer pob ysgol a gynhelir yng Nghymru**

- (1) Mae adran 101 o Ddeddf Addysg 2002 (p. 32) (y cwricwlwm sylfaenol ar gyfer pob ysgol a gynhelir yng Nghymru) wedi'i diwygio'n unol â'r adran hon.
- (2) Hepgorer “and” ar ddiwedd is-adran(1)(c).
- (3) Ar ôl is-adran (1)(c), mewnosoder—
  - “(ca) in the case of a secondary school, provision for education which satisfies the entitlements of registered pupils at the school under section 116E, and”.

### *Llunio cwricwla lleol*

## **4 Llunio cwricwla lleol ar gyfer disgyblion yng Nghyfnod Allweddol 4**

Ar ôl adran 116 o Ddeddf Addysg 2002 (p. 32) mewnosoder—

*“The local curricula*

**116A Formation of local curricula for pupils in Key Stage 4**

- (1) Each local education authority in Wales must form for its area one or more local curricula for pupils in the fourth key stage.
- (2) A local curriculum must consist of suitable courses of study each of which—
  - (a) falls within a category in subsection (3) (the “learning domains”); and
  - (b) is from time to time selected by a local education authority to form part of that local curriculum.
- (3) The learning domains are—
  - (a) mathematics, science and technology;
  - (b) business, administration and law;
  - (c) services for people;
  - (d) arts, media, culture and languages;
  - (e) humanities, social sciences and preparation for life and work.
- (4) Subject to any regulations made under subsection (5), a local education authority may form a local curriculum as it sees fit.
- (5) Regulations may make provision as to the formation of a local curriculum, including in particular provision—
  - (a) requiring a minimum number of courses of study to be included within—
    - (i) a local curriculum; or
    - (ii) a particular learning domain of a local curriculum;
  - (b) specifying—
    - (i) a minimum proportion of vocational courses of study (as compared with other courses of study) that must be included within a local curriculum; or
    - (ii) a minimum number of vocational courses of study that must be included within a local curriculum;
  - (c) preventing during a specified period any alteration to the contents of a local curriculum.
- (6) For the purposes of this section—
  - (a) a course of study is suitable if it is designated as suitable for inclusion in local curricula by direction given by the Welsh Ministers;
  - (b) a vocational course of study is a course of study designated as such by direction given by the Welsh Ministers;
  - (c) a course of study falls within a particular learning domain if a direction of the Welsh Ministers so provides.
- (7) Regulations under subsection (5) may make different provision in relation to local curricula formed by different local education authorities.”

## 5 Cwricwla lleol: yr Iaith Gymraeg

Ar ôl adran 116A o Ddeddf Addysg 2002 (p. 32) mewnosoder—

### “116B Local curricula: Welsh language

- (1) Each local education authority must exercise their functions in relation to local curricula so as to promote access to and availability of courses of study which are taught through the medium of the Welsh language.
- (2) In the discharge of its duty under subsection (1), a local education authority must have regard to any guidance given by the Welsh Ministers.
- (3) Guidance under subsection (2) may be given to a particular authority, or to authorities of a particular class or to authorities generally.
- (4) Within two months of the end of each academic year, a local education authority must, in accordance with any instructions given by the Welsh Ministers, provide the Welsh Ministers with a report which—
  - (a) describes the courses of study included within local curricula established by the authority for that academic year which were to be taught through the medium of Welsh;
  - (b) describes how many pupils elected to follow such courses under section 116D and how many pupils were entitled to follow such courses under section 116E;
  - (c) explains what the authority plans to do in academic years following that to which the report relates so that registered pupils of schools maintained by the authority are given the opportunity to follow local curricula courses of study which are taught through the medium of Welsh.
- (5) For the purposes of subsection (4), “academic year” means the period of 12 months beginning on 1 September.”

## 6 Awdurdodau â mwy nag un cwricwlwm lleol

Ar ôl adran 116B o Ddeddf Addysg 2002 (p. 32) mewnosoder—

### “116C Authorities with more than one local curriculum

- (1) This section applies where a local education authority forms more than one local curriculum under section 116A.
- (2) In relation to each local curriculum, the local education authority must designate the maintained secondary schools whose registered pupils are to be entitled to elect under section 116D to follow courses of study included within the curriculum.”

*Hawlogaethau*

## 7 Dewisiadau disgyblion o gyrsiau cwricwlwm lleol

Ar ôl adran 116C o Ddeddf Addysg 2002 (p. 32) mewnosoder—

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*Statws* This is the original version (as it was originally enacted).

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### **“116D Pupils' choices of local curriculum courses**

- (1) A registered pupil of a maintained secondary school has the right to elect to follow, during the fourth key stage, a course or courses of study included within the local curriculum for the pupil's school. But this is subject to regulations made under subsection (2).
- (2) Regulations may make provision as to the making of elections under this section, including in particular provision—
  - (a) specifying the maximum number of courses of study of a particular type that a pupil has the right to elect to follow;
  - (b) identifying points to be allotted to courses of study and preventing a pupil from having the right to elect to follow a combination of courses of study if their aggregate points exceed a specified amount;
  - (c) as to the period during which elections are to be made.”

## **8 Hawlogaethau disgyblion o ran y cwricwlwm lleol**

Ar ôl adran 116D o Ddeddf Addysg 2002 (p. 32) mewnosoder—

### **“116E Pupils' local curriculum entitlements**

- (1) During the fourth key stage, a pupil who has made an election under section 116D(1) is entitled to follow the elected course of study unless—
  - (a) the pupil ceases to be a registered pupil of the school at which he or she was registered when he or she elected under section 116D(1) to follow the course of study; or
  - (b) before the beginning of the fourth key stage, the head teacher of the pupil's school has decided under section 116F that the pupil is not entitled to follow the course of study.
- (2) Where a pupil is entitled to follow a course of study, it is for the head teacher of the pupil's school to decide upon which date during the fourth key stage the course is to begin.”

## **9 Penderfyniad pennaeth ysgol ynghylch hawlogaeth**

Ar ôl adran 116E o Ddeddf Addysg 2002 (p. 32) mewnosoder—

### **“116F Head teacher's decision as to entitlement**

- (1) If the head teacher of a pupil's school is satisfied that any of the grounds in subsection (2) apply, the head teacher may decide that the pupil is not entitled to follow a course of study which the pupil has elected to follow under section 116D(1).
- (2) The grounds referred to in subsection (1) are that—
  - (a) as a result of the pupil's level of educational attainment, the course of study is not suitable for him or her;

- (b) as a result of other elections made by the pupil under section 116D(1), it is not reasonably practicable for him or her to follow the course of study;
  - (c) the amount of time likely to be spent travelling to the place at which the course of study is likely to be delivered would be detrimental to the pupil's education;
  - (d) disproportionate expenditure would be incurred if the pupil were to follow the course of study;
  - (e) the pupil's or another person's health or safety would be placed unacceptably at risk if the pupil were to follow the course of study.
- (3) Regulations may make provision connected with the making of decisions under subsection (1), including in particular provision—
- (a) as to the time or date by which decisions are to be made;
  - (b) as to the procedure to be followed in connection with the making of decisions;
  - (c) for appeals against decisions to be made to the governing body of a pupil's school or another person specified in the regulations;
  - (d) as to the time or date by which appeals are to be determined;
  - (e) as to the procedure to be followed in connection with the determination of an appeal.
- (4) A head teacher and governing body or other person charged with determining appeals under regulations made under subsection (3) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under this section.
- (5) The Welsh Ministers may by order—
- (a) amend or omit any paragraph of subsection (2);
  - (b) add additional paragraphs to that subsection;
  - (c) amend or omit such additional paragraphs.”

## 10 Cyflawni hawlogaethau'r cwricwlwm lleol

Ar ôl adran 116F o Ddeddf Addysg 2002 (p. 32) mewnosoder—

### “116G Delivery of local curriculum entitlements

Where a pupil is entitled to follow a course of study under section 116E(1), the governing body of the pupil's school must ensure that during the fourth key stage the course is made available to the pupil by or on behalf of the governing body.”

## 11 Penderfyniad pennaeth ysgol i ddileu hawlogaeth

Ar ôl adran 116G o Ddeddf Addysg 2002 (p. 32) mewnosoder—

### “116H Head teacher's decision to remove entitlement

- (1) If the head teacher of a pupil's school is satisfied that any of the grounds in subsection (2) apply, the head teacher may decide that a pupil is no longer

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entitled to follow a course of study that the pupil was entitled to follow under section 116E.

- (2) The grounds referred to in subsection (1) are that—
  - (a) the pupil’s or another person’s health or safety would be placed unacceptably at risk if the pupil were to continue to follow the course of study;
  - (b) disproportionate expenditure would be incurred if the pupil were to continue to follow the course of study.
- (3) Regulations may make provision connected with the making of decisions under subsection (1) including in particular provision—
  - (a) as to the procedure to be followed in connection with the making of decisions;
  - (b) for appeals against decisions to be made to the governing body of a pupil’s school or another person specified in the regulations;
  - (c) as to the effect of a decision pending determination of an appeal;
  - (d) as to the procedure to be followed in connection with the determination of an appeal.
- (4) A head teacher and governing body or other person charged with determining appeals under regulations made under subsection (3) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under this section.
- (5) The Welsh Ministers may by order—
  - (a) amend or omit any paragraph of subsection (2);
  - (b) add additional paragraphs to that subsection;
  - (c) amend or omit such additional paragraphs.”

### *Cydweithio*

## 12 Cynllunio'r cwricwlwm lleol

Ar ôl adran 116H o Ddeddf Addysg 2002 (p. 32) mewnosoder—

### “116I Planning the local curriculum

- (1) The following persons must assist a local education authority in planning the local curriculum or curricula for its area—
  - (a) the governing body and head teacher of any maintained secondary school maintained by the authority;
  - (b) the governing body and principal or other head of an institution within the further education sector in the authority’s area.
- (2) In subsection (1), “planning the local curriculum or curricula” means the process by which a local education authority decides under section 116A which courses of study to include in the local curriculum or curricula for its area.
- (3) The persons mentioned in subsection (1) must—
  - (a) have regard to any guidance given from time to time; and
  - (b) comply with any directions given,

by the Welsh Ministers as to the exercise of their functions under that subsection.”

### 13 Cyflawni hawolgaethau'r cwricwlwm lleol: cydweithio

Ar ôl adran 116I o Ddeddf Addysg 2002 (p. 32) mewnosoder—

#### “116J Delivery of local curriculum entitlements: joint-working

- (1) The objective of this section is to maximise the availability of courses of study included in a local curriculum formed under section 116A.
- (2) In relation to the local curriculum or curricula for the area of a local education authority, the persons mentioned in subsection (4) must take all reasonable steps in order to achieve the objective of this section.
- (3) The duty under subsection (2) includes, but is not limited to, a duty to seek to enter into co-operation arrangements where, having considered whether it would further the objective of this section to do so, the persons mentioned in subsection (4) have concluded that entering into such arrangements would further that objective.
- (4) The persons are—
  - (a) the local education authority;
  - (b) the governing body of a secondary school maintained by the authority; and
  - (c) the governing body of an institution within the further education sector which is situated within the area of the authority.
- (5) In this section and section 116K “co-operation arrangements” means—
  - (a) arrangements under which any person provides, on behalf of the governing body of a maintained secondary school, a course of study included within the relevant local curriculum for the school;
  - (b) arrangements made under regulations under section 26 (collaboration between schools); and
  - (c) arrangements made under regulations under section 166 of the Education and Inspections Act 2006 (collaboration arrangements: maintained schools and further education bodies).
- (6) For the purposes of this section, in relation to a maintained secondary school, “relevant local curriculum” means—
  - (a) where the local education authority by which the school is maintained has formed a single local curriculum for its area, that curriculum; or
  - (b) where the local education authority by which the school is maintained has formed more than one local curriculum for its area, the curriculum in respect of which the school is designated under section 116C(2).”

### 14 Cydweithio: canllawiau a chyfarwyddiadau

Ar ôl adran 116J o Ddeddf Addysg 2002 (p. 32) mewnosoder—



**“116K Joint-working: guidance and directions**

- (1) A local education authority, a governing body of a maintained secondary school and the governing body of an institution within the further education sector in Wales must have regard to any guidance given from time to time by the Welsh Ministers as to the discharge of their duties under section 116J.
- (2) Guidance given under subsection (1) may relate to the content of co-operation arrangements.
- (3) The persons mentioned in subsection (1) must comply with any direction given by the Welsh Ministers as to the entering into of co-operation arrangements.
- (4) A direction under subsection (3)—
  - (a) may require persons to enter into specified arrangements;
  - (b) may specify the terms upon which arrangements are to be entered into (whether generally or in respect of specified arrangements);
  - (c) in the case of a direction to enter into specified arrangements with a person who is not mentioned in subsection (1), must not be given unless that person consents to the direction.”

*Atodol*

**15 Pŵer i ddiwygio meysydd dysgu**

Ar ôl adran 116K o Ddeddf Addysg 2002 (p. 32) mewnosoder—

**“116L Power to amend learning domains**

The Welsh Ministers may by order—

- (a) amend or omit any paragraph of subsection (3) of section 116A;
- (b) add additional paragraphs to that subsection;
- (c) amend or omit such additional paragraphs.”

**16 Cymhwyso darpariaethau cwricwlwm lleol i blant nad ydynt yn ddisgyblion cofrestredig**

Ar ôl adran 116L o Ddeddf Addysg 2002 (p. 32) mewnosoder—

**“116M Application of local curriculum provisions to children who are not registered pupils**

- (1) Regulations may apply the provisions of sections 116A to 116K and the provisions of any regulations made under section 46 of the Learning and Skills (Wales) Measure 2009 in respect of a person falling within subsection (3).
- (2) The regulations may apply those provisions with such modifications as appear to the Welsh Ministers to be necessary or expedient.
- (3) A person falls within this subsection if he or she—
  - (a) is of compulsory school age;

- (b) is not a registered pupil of a maintained school; and
- (c) receives all, or the majority of, his or her education at, or under arrangements made by the governing body of, an institution within the further education sector in Wales.”

**17 Cymhwyso darpariaethau cwricwlwm lleol i blant sy'n ddisgyblion cofrestredig mewn ysgolion arbennig**

Ar ôl adran 116M o Ddeddf Addysg 2002 (p. 32) mewnosoder—

**“116N Application of local curriculum provisions to children who are registered pupils of special schools**

- (1) Regulations may apply the provisions of sections 116A to 116K and the provisions of any regulations made under section 46 of the Learning and Skills (Wales) Measure 2009 in respect of a person falling within subsection (3).
- (2) The regulations may apply those provisions with such modifications as appear to the Welsh Ministers to be necessary or expedient.
- (3) A person falls within this subsection if he or she—
  - (a) is of compulsory school age; and
  - (b) is a registered pupil of a community or foundation special school which is maintained by a local education authority in Wales and is not established in a hospital.”

**18 Cwricwlwm lleol: cyfarwyddiadau**

Ar ôl adran 116N o Ddeddf Addysg 2002 (p. 32) mewnosoder—

**“116O Local curriculum: directions**

Any direction given by the Welsh Ministers under sections 116A(6), 116I(3) and 116K(3) may be varied or revoked by a further direction.”

**19 Pwerau i newid neu ddileu gofynion ar gyfer y pedwerydd cyfnod allweddol**

- (1) Mae adran 107 o Ddeddf Addysg 2002 (p. 32) wedi'i diwygio'n unol â'r adran hon.
- (2) Mewnosoder “(1)” ar ddechrau'r adran ac yn lle “National Assembly for Wales” rhodder “Welsh Ministers”.
- (3) Ar ddiwedd yr adran mewnosoder—
  - “(2) Such an order may make such amendments of this Act as appear to the Welsh Ministers to be necessary or expedient in connection with the provision made under subsection (1).”

**20 Rheoliadau a gorchmynion: y weithdrefn**

- (1) Mae Deddf Addysg 2002 (p. 32) wedi'i diwygio yn unol ag is-adrannau (2) a (3).
- (2) Yn adran 210(6A)—

- (a) ar ôl “regulations” mewnosoder “or an order”;
- (b) ar ôl “section 32(9)” mewnosoder “or Part 7”; ac
- (c) ar y diwedd mewnosoder—

“unless the instrument contains an order mentioned in subsection (6AB).”

(3) Ar ôl adran 210(6A) mewnosoder —

“(6AB) No order shall be made by the Welsh Ministers under section 101(3), 103(4) (b), 105(6), 107, 116F(5), 116H(5) or 116L unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, the National Assembly for Wales.”

## RHAN 2

### CWRICWLWM LLEOL AR GYFER MYFYRWYR 16 I 18 OED

#### *Cyffredinol*

#### 21 Addysg a hyfforddiant ar gyfer personau 16 i 18 oed

- (1) Mae adran 31 o Ddeddf Dysgu a Medrau 2000 (p. 21) wedi'i diwygio'n unol ag is-adran (2).
- (2) Yn adran 31(2)—
  - (a) ym mharagraff (a) dileer “and”;
  - (b) ar ddiwedd paragraff (b) mewnosoder “and”;
  - (c) yn dilyn paragraff (b) mewnosoder—
    - “(c) sufficient to satisfy the entitlements conferred under section 33F”.

#### *Llunio cwricwla lleol*

#### 22 Llunio cwricwla lleol ar gyfer myfyrwyr 16 i 18 oed

Ar ôl adran 33 o Ddeddf Dysgu a Medrau 2000 (p. 21) mewnosoder—

#### *“The local curricula*

##### **33A Formation of local curricula for students aged 16 to 18**

- (1) The Welsh Ministers must form for the area of each local education authority one or more local curricula for students who are above compulsory school age but have not attained the age of nineteen.
- (2) Each local curriculum must consist of courses of study each of which—
  - (a) falls within a category in subsection (3) (the “learning domains”); and
  - (b) is from time to time selected by the Welsh Ministers to form part of that local curriculum.

- (3) The learning domains are—
- (a) mathematics, science and technology;
  - (b) business, administration and law;
  - (c) services for people;
  - (d) arts, media, culture and languages;
  - (e) humanities, social sciences and preparation for life and work.
- (4) For the purposes of this section, a course of study falls within a particular learning domain if a direction of the Welsh Ministers so provides.”

## 23 Cwricwla lleol: yr Iaith Gymraeg

Ar ôl adran 33A o [Ddeddf Dysgu a Medrau 2000 \(p. 21\)](#) mewnosoder—

### “33B Local curricula: Welsh language

The Welsh Ministers must exercise their functions in relation to local curricula so as to promote access to and availability of courses of study which are taught through the medium of the Welsh language.”

## 24 Ardaloedd â mwy nag un cwricwlwm lleol

Ar ôl adran 33B o [Ddeddf Dysgu a Medrau 2000 \(p. 21\)](#) mewnosoder—

### “33C Areas with more than one local curriculum

- (1) This section applies where the Welsh Ministers form more than one local curriculum for the area of a local education authority under section 33A.
- (2) In relation to each local curriculum, the Welsh Ministers must designate the maintained schools or institutions whose relevant students are to be entitled to elect under section 33E to follow courses of study included within the curriculum.”

### *Hawlogaethau*

## 25 Penderfynu “relevant school or institution” ar gyfer disgybl

Ar ôl adran 33C o [Ddeddf Dysgu a Medrau 2000 \(p. 21\)](#) mewnosoder—

### “33D Determination of a pupil’s “relevant school or institution”

- (1) Where, during the fourth key stage, a registered pupil of a maintained school requests that the school’s head teacher determines the pupil’s relevant school or institution, the head teacher must comply with that request. But this is subject to regulations made under subsection (3).
- (2) A pupil’s relevant school or institution is the maintained school or institution whose governing body is, in the opinion of the head teacher, likely to be responsible for providing (or making arrangements for the provision of) the

majority of the pupil's education once he or she has ceased to be of compulsory school age.

- (3) Regulations may make provision as to the making of requests and determinations under this section, including in particular provision as to the date or time by which a request or determination is to be made.
- (4) This section does not require any person to admit a pupil to a particular school or institution.”

## 26 Dewisiadau disgyblion o gyrsiau cwricwlwm lleol

Ar ôl adran 33D o Ddeddf Dysgu a Medrau 2000 (p. 21) mewnosoder—

### “33E Pupils' choices of local curriculum courses

- (1) A registered pupil of a maintained school has the right to elect to follow, during the period described in subsection (2) (“the entitlement period”), a course or courses of study included within the relevant local curriculum for that pupil. But this is subject to regulations made under subsection (3).
- (2) The entitlement period—
  - (a) begins on the first day of the academic year subsequent to the pupil having ceased to be of compulsory school age; and
  - (b) ends on the day on which he or she attains the age of nineteen.
- (3) Regulations may make provision as to the making of elections under this section, including in particular provision—
  - (a) specifying the maximum number of courses of study of a particular type that a pupil has the right to elect to follow;
  - (b) identifying points to be allotted to courses of study and preventing a pupil from having the right to elect to follow a combination of courses of study if their aggregate points exceed a specified amount;
  - (c) as to the period during which elections are to be made.
- (4) For the purposes of this section the “relevant local curriculum”, in relation to a pupil, means—
  - (a) where it has been determined under section 33D that a pupil's “relevant school or institution” is a school—
    - (i) where the Welsh Ministers have formed under section 33A a single local curriculum for the area of the local education authority by which the school is maintained, that local curriculum; or
    - (ii) where the Welsh Ministers have formed under section 33A more than one local curriculum for the area of the local education authority by which the school is maintained, the local curriculum in respect of which the school is designated under section 33C(2);
  - (b) where it has been determined under section 33D that a pupil's “relevant school or institution” is an institution—

- (i) where the Welsh Ministers have formed under section 33A a single local curriculum for the local education authority area in which the institution is situated, that local curriculum; or
- (ii) where the Welsh Ministers have formed under section 33A more than one local curriculum for the local education authority area in which the institution is situated, the local curriculum in respect of which the institution is designated under section 33C(2).”

## 27 **Hawlogaethau myfyrwyr o ran y cwricwlwm lleol**

Ar ôl adran 33E o Ddeddf Dysgu a Medrau 2000 (p. 21) mewnosoder—

### “33F Students' local curriculum entitlements

- (1) During the entitlement period, a student who has made an election under section 33E(1) is entitled to follow the elected course of study unless—
  - (a) the governing body of the student’s relevant school or institution ceases to be responsible for providing (or making arrangements for the provision of) the majority of the student’s education; or
  - (b) before the beginning of the entitlement period, the head teacher or principal of the student’s relevant school or institution has decided under section 33G that the student is not entitled to follow the course of study.
- (2) Where a person is entitled to follow a course of study, it is for the head teacher or principal of the relevant school or institution to decide upon which date during the entitlement period the course is to begin.”

## 28 **Penderfyniad pennaeth ysgol neu bennaeth sefydliad ynghylch hawlogaeth**

Ar ôl adran 33F o Ddeddf Dysgu a Medrau 2000 (p. 21) mewnosoder—

### “33G Head teacher’s or principal’s decision as to entitlement

- (1) If the head teacher or principal of a student’s relevant school or institution is satisfied that any of the grounds in subsection (2) apply, the head teacher or principal may decide that the student is not entitled to follow a course of study which the student has elected to follow under section 33E.
- (2) The grounds referred to in subsection (1) are that—
  - (a) as a result of the student’s level of educational attainment, the course of study is not suitable for him or her;
  - (b) as a result of other elections made by the student under section 33E(1), it is not reasonably practicable for him or her to follow the course of study;
  - (c) the amount of time likely to be spent travelling to the place at which the course is likely to be delivered would be detrimental to the student’s education;
  - (d) disproportionate expenditure would be incurred if the student were to follow the course of study;

- (e) the student’s or another person’s health or safety would be placed unacceptably at risk if the student were to follow the course of study.
- (3) Regulations may make provision connected with the making of decisions under subsection (1), including in particular provision—
  - (a) as to the time or date by which decisions are to be made;
  - (b) as to the procedure to be followed in connection with the making of decisions;
  - (c) for appeals against decisions to be made to the school or institution’s governing body or another person specified in the regulations;
  - (d) as to the time or date by which appeals are to be determined;
  - (e) as to the procedure to be followed in connection with the determination of an appeal.
- (4) A head teacher or principal and governing body or other person charged with determining appeals under regulations made under subsection (3) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under this section.
- (5) The Welsh Ministers may by order—
  - (a) amend or omit any paragraph of subsection (2);
  - (b) add additional paragraphs to that subsection;
  - (c) amend or omit such additional paragraphs.”

## 29 Cyflawni hawlogaethau'r cwricwlwm lleol

Ar ôl adran 33G o Ddeddf Dysgu a Medrau 2000 (p. 21) mewnosoder—

### “33H Delivery of local curriculum entitlements

Where a student is entitled to follow a course of study under section 33F(1), the governing body of the student’s relevant school or institution must ensure that during the entitlement period the course is made available to the student by or on behalf of the governing body.”

## 30 Penderfyniad pennaeth ysgol neu bennaeth sefydliad i ddileu hawlogaeth

Ar ôl adran 33H o Ddeddf Dysgu a Medrau 2000 (p. 21) mewnosoder—

### “33I Head teacher’s or principal’s decision to remove entitlement

- (1) If the head teacher or principal of a student’s relevant school or institution is satisfied that any of the grounds in subsection (2) apply, the head teacher or principal may decide that a student is no longer entitled to follow a course of study that the student was entitled to follow under section 33E.
- (2) The grounds referred to in subsection (1) are that—
  - (a) the student’s or another person’s health or safety would be placed unacceptably at risk if the pupil were to continue to follow the course of study;
  - (b) disproportionate expenditure would be incurred if the pupil were to continue to follow the course of study.

- (3) Regulations may make provision connected with the making of decisions under subsection (1) including in particular provision—
- (a) as to the procedure to be followed in connection with the making of decisions;
  - (b) for appeals against decisions to be made to the school or institution’s governing body or another person specified in the regulations;
  - (c) as to the effect of a decision pending determination of an appeal;
  - (d) as to the procedure to be followed in connection with the determination of an appeal.
- (4) A head teacher or principal and governing body or other person charged with determining appeals under regulations made under subsection (3) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under this section.
- (5) The Welsh Ministers may by order—
- (a) amend or omit any paragraph of subsection (2);
  - (b) add additional paragraphs to that subsection;
  - (c) amend or omit such additional paragraphs.”

*Cydweithio*

**31 Cynllunio'r cwricwlwm lleol**

Ar ôl adran 33I o Ddeddf Dysgu a Medrau 2000 (p. 21) mewnosoder—

**“33J Planning the local curriculum**

- (1) The following persons must assist the Welsh Ministers in planning the local curriculum or curricula for a local education authority’s area—
- (a) the local education authority;
  - (b) the governing body and head teacher of any maintained school maintained by the authority;
  - (c) the governing body and principal of an institution in the authority’s area.
- (2) In subsection (1), “planning the local curriculum or curricula” means the process by which the Welsh Ministers decide under section 33A which courses of study to include in the local curriculum or curricula.
- (3) The persons mentioned in subsection (1) (a) to (c) must—
- (a) have regard to any guidance given from time to time; and
  - (b) comply with any directions given,
- by the Welsh Ministers as to the exercise of their functions under that subsection.”

**32 Cyflawni hawlogaethau'r cwricwlwm lleol: cydweithio**

Ar ôl adran 33J o Ddeddf Dysgu a Medrau 2000 (p. 21) mewnosoder—



### **“33K Delivery of local curriculum entitlements: joint-working**

- (1) The objective of this section is to maximise the availability of courses of study included in a local curriculum formed under section 33A.
- (2) In relation to the local curriculum or curricula for a local education authority, the persons mentioned in subsection (4) must take all reasonable steps in order to achieve the objective of this section.
- (3) The duty under subsection (2) includes, but is not limited to, a duty to seek to enter into co-operation arrangements where, having considered whether it would further the objective of this section to do so, the persons mentioned in subsection (4) have concluded that entering into such arrangements would further that objective.
- (4) The persons are—
  - (a) the local education authority;
  - (b) the governing body of a secondary school maintained by the authority; and
  - (c) the governing body of an institution within the further education sector which is situated within the area of the authority.
- (5) In this section and section 33L “co-operation arrangements” means—
  - (a) arrangements under which any person provides, on behalf of the governing body of a maintained school, a course of study included within the relevant local curriculum for the school;
  - (b) arrangements under which any person provides, on behalf of the governing body of an institution, a course of study included within the relevant local curriculum for the institution;
  - (c) arrangements made under regulations under section 26 of the Education Act 2002 (collaboration between schools); and
  - (d) arrangements made under regulations under section 166 of the Education and Inspections Act 2006 (collaboration arrangements: maintained schools and further education bodies).
- (6) For the purposes of this section, “relevant local curriculum” means—
  - (a) in relation to a maintained school—
    - (i) where the Welsh Ministers have formed a single local curriculum for the area of the local education authority by which the school is maintained, that local curriculum; or
    - (ii) where the Welsh Ministers have formed more than one local curriculum for the area of the local education authority by which the school is maintained, the local curriculum in respect of which the school is designated under section 33C(2);
  - (b) in relation to an institution—
    - (i) where the Welsh Ministers have formed a single local curriculum for the local education authority area in which the institution is situated, that curriculum; or
    - (ii) where the Welsh Ministers have formed more than one local curriculum for the local education authority area in which the

institution is situated, the local curriculum in respect of which the institution is designated under section 33C(2).”

### 33 Cydweithio: canllawiau a chyfarwyddiadau

Ar ôl adran 33K o Ddeddf Dysgu a Medrau 2000 (p. 21) mewnosoder—

#### “33L Joint-working: guidance and directions

- (1) A local education authority, a governing body of a maintained school and the governing body of an institution must have regard to any guidance given from time to time by the Welsh Ministers as to the discharge of their duties under section 33K.
- (2) Guidance given under subsection (1) may relate to the contents of co-operation arrangements.
- (3) The persons mentioned in subsection (1) must comply with any direction given by the Welsh Ministers as to the entering into of co-operation arrangements.
- (4) A direction under subsection (3)—
  - (a) may require persons to enter into specified arrangements;
  - (b) may specify the terms upon which arrangements are to be entered into (whether generally or in respect of specified arrangements);
  - (c) in the case of a direction to enter into specified arrangements with a person who is not mentioned in subsection (1), must not be given unless that person consents to the direction.”

*Atodol*

### 34 Pŵer i ddiwygio meysydd dysgu

Ar ôl adran 33L o Ddeddf Dysgu a Medrau 2000 (p. 21) mewnosoder—

#### “33M Power to amend learning domains

The Welsh Ministers may by order—

- (a) amend or omit any paragraph of subsection (3) of section 33A;
- (b) add additional paragraphs to that subsection;
- (c) amend or omit such additional paragraphs.”

### 35 Y cwricwlwm lleol: dehongli

Ar ôl adran 33M o Ddeddf Dysgu a Medrau 2000 (p. 21) mewnosoder—

#### “33N The local curriculum: interpretation

- (1) In sections 33A to 33L—
 

“academic year” means the period of 12 months beginning on 1 September;

*Statws* This is the original version (as it was originally enacted).

“course of study” means a course of education and training which leads to a qualification or set of qualifications approved under section 99 for the purposes of section 96;

“entitlement period” means the period described in section 33E(2);

“fourth key stage” is to be construed in accordance with section 103 of the Education Act 2002;

“institution” means an institution within the further education sector in Wales unless the institution provides education wholly or mainly for persons with a learning difficulty (within the meaning of section 41);

“local curriculum” and “local curricula” are to be construed in accordance with section 33A;

“local education authority” means a local education authority in Wales;

“maintained school” means a community, foundation or voluntary school maintained by a local education authority in Wales provided that it is also a secondary school;

“principal”, in relation to an institution, means the principal or other head of the institution;

“regulations” means regulations made by the Welsh Ministers;

“relevant school or institution”, in relation to a person, is to be construed in accordance with section 33D;

“relevant student”, in relation to a maintained school or institution, means a student for whom the school or institution is his or her relevant school or institution;

“student” means a person who has made an election under section 33E.

- (2) Unless the context otherwise requires, an expression used in sections 33A to 33N, 33P and 33Q and also the Education Act 1996 is to bear for the purposes of those sections the meaning given to it for the purposes of that Act.”

### 36 Cwricwlwm lleol: cyfarwyddiadau

Ar ôl adran 33N o Ddeddf Dysgu a Medrau 2000 (p. 21) mewnosoder—

#### “33O Local curriculum: directions

Any direction given by the Welsh Ministers under sections 33A(4), 33J(3) and 33L(3) may be varied or revoked by a further direction.”

### 37 Cymhwyso darpariaethau cwricwlwm lleol i fyfyrwyr sy'n ddisgyblion cofrestredig mewn ysgolion arbennig neu fyfyrwyr a chanddynt anawsterau dysgu

Ar ôl adran 33O o Ddeddf Dysgu a Medrau 2000 (p. 21) mewnosoder—

**“33P Application of local curriculum provisions to students who are registered pupils of special schools or who have learning difficulties**

- (1) Regulations may apply the provisions of sections 33A to 33L, 33N and 33O and the provisions of any regulations made under section 46 of the Learning and Skills (Wales) Measure 2009 in respect of a person who falls, or is likely to fall, within subsection (3).
- (2) The regulations may apply those provisions with such modifications as appear to the Welsh Ministers to be necessary or expedient.
- (3) A person falls within this subsection if he or she—
  - (a) is above compulsory school age; and
  - (b) either—
    - (i) a registered pupil of a community or foundation special school which is maintained by a local education authority in Wales and is not established in a hospital; or
    - (ii) receiving the majority of his or her education at an institution which provides education wholly or mainly for persons with a learning difficulty (within the meaning of section 41).”

**38 Cymhwyso darpariaethau cwricwlwm lleol i sefydliadau o fewn sector addysg uwch**

Ar ôl adran 33P o Ddeddf Dysgu a Medrau 2000 (p.21) mewnsoder—

**“33Q Application of local curriculum provisions to institutions within the higher education sector**

- (1) Regulations may apply the provisions of sections 33A to 33L, 33N and 33O and the provisions of regulations made under section 46 of the Learning and Skills (Wales) Measure 2009 in relation to an institution, or institutions, within the higher education sector in Wales as those provisions apply in relation to an institution within the further education sector in Wales.
- (2) The regulations may also apply those provisions in relation to the principal or governing body of an institution within the higher education sector in Wales (or to persons with functions that are similar to those of a principal or governing body) as they apply in relation to the principal or governing body of an institution within the further education sector in Wales.
- (3) The regulations may apply those provisions with such modifications as appear to the Welsh Ministers to be necessary or expedient.”

**39 Rheoliadau a gorchmynion: y weithdrefn**

Ar ôl adran 152(4) o Ddeddf Dysgu a Medrau 2000 (p. 21) mewnosoder—

- “(4A) Any statutory instrument containing regulations made by the Welsh Ministers under section 33D(3), 33E(3), 33G(3), 33I(3), 33P or 33Q is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(4B) No order shall be made by the Welsh Ministers under section 33G(5), 33I(5) or 33M unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, the National Assembly for Wales.”

### RHAN 3

#### GWASANAETHAU SY'N YMWNEUD AG ADDYSG, HYFFORDDIANT A SGILIAU

##### *Gwasanaethau cymorth i ddysgwyr*

#### 40 Gwasanaethau a ddarperir gan ysgolion a gynhelir a sefydliadau addysg bellach

- (1) Caiff Gweinidogion Cymru gyfarwyddo person a grybwyllir yn is-adran (2)—
  - (a) i ddarparu gwasanaethau cymorth i ddysgwyr;
  - (b) i sicrhau bod gwasanaethau cymorth i ddysgwyr yn cael eu darparu;
  - (c) i gymryd rhan yn y broses o ddarparu gwasanaethau cymorth i ddysgwyr.
- (2) Y personau yw—
  - (a) corff llywodraethu ysgol a gynhelir yng Nghymru;
  - (b) corff llywodraethu sefydliad yn y sector addysg bellach yng Nghymru.
- (3) Yn yr adran hon ystyr “gwasanaethau cymorth i ddysgwyr” yw gwasanaethau a fydd ym marn Gweinidogion Cymru yn annog, galluogi neu gynorthwyo personau ifanc (yn uniongyrchol neu'n anuniongyrchol)—
  - (a) i gymryd rhan effeithiol mewn addysg neu hyfforddiant;
  - (b) i fanteisio ar gyfleoedd i gael gwaith cyflogedig; neu
  - (c) i gymryd rhan effeithiol a chyfrifol ym mywyd eu cymunedau.
- (4) Caniateir i gyfarwyddyd o dan is-adran (1)—
  - (a) cynnwys darpariaeth ar gyfer grantiau, benthyciadau a mathau eraill o gymorth ariannol sydd i'w darparu gan Weinidogion Cymru (p'un ai o dan amodau ai peidio);
  - (b) ei gwneud yn ofynnol i gorff llywodraethu roi sylw i ganllawiau a roddir gan Weinidogion Cymru;
  - (c) ei gwneud yn ofynnol i gorff llywodraethu, wrth iddo wneud trefniadau â phersonau eraill, ei gwneud yn ofynnol i'r personau hynny roi sylw i ganllawiau a roddir gan Weinidogion Cymru.
- (5) Caniateir i gyfarwyddyd o dan is-adran (1)—
  - (a) ymwneud â dosbarthiad penodol o berson ifanc;
  - (b) gwneud darpariaeth wahanol ar gyfer dosbarthiadau gwahanol o berson ifanc;
  - (c) cael ei ddirymu neu ei amrywio gan gyfarwyddyd diweddarach.
- (6) Pan fo cyfarwyddyd o dan is-adran (1) yn ymwneud â darparu gwasanaeth ar ffurf cyngor neu wybodaeth, rhaid iddo gael ei lunio fel ei fod—
  - (a) yn ymwneud yn unig â gwybodaeth sydd wedi ei chyflwyno mewn modd diduedd; a
  - (b) yn ymwneud yn unig â chyngor—

- (i) sydd wedi ei roi gan berson sy'n ystyried y bydd y cyngor hwnnw yn hyrwyddo lles pennaf y person ifanc o dan sylw; a
- (ii) nad yw'n ceisio hyrwyddo buddiannau neu ddyheadau unrhyw ysgol, sefydliad neu berson arall, yn groes i les pennaf y person ifanc.

(7) Yn yr adran hon—

- (a) ystyr “personau ifanc” yw personau sydd wedi cyrraedd un ar ddeg oed ond nid chwech ar hugain oed;
- (b) mae i “sefydliad yn y sector addysg bellach” yr ystyr a roddir i “institution within the further education sector” yn Neddf Addysg 1996 (p. 56);
- (c) mae i “ysgol a gynhelir” yr ystyr a roddir i “maintained school” yn Neddf Safonau a Fframwaith Ysgolion 1998 (p. 31).

#### 41 Dyletswyddau cyrff llywodraethu

- (1) Rhaid i gorff llywodraethu ysgol a gynhelir neu sefydliad yn y sector addysg bellach gydymffurfio â chyfarwyddyd a roddir iddo o dan adran 40(1).
- (2) Caniateir i gamau y mae corff llywodraethu yn eu cymryd yn unol ag is-adran (1) ymwneud â dosbarthiad penodol o berson ifanc.

#### 42 Diwygiadau i Ddeddf Dysgu a Medrau 2000

- (1) Mae Ddeddf Dysgu a Medrau 2000 (p. 21) wedi'i diwygio'n unol â'r adran hon.
- (2) Yn is-adran (1) o adran 126 o'r Ddeddf honno, ar ôl “section 123(1)(a) or (b)” mewnosoder “or section 40(1)(a) or (b) of the Learning and Skills (Wales) Measure 2009”.
- (3) Yn is-adran (1)(a) o adran 127 o'r Ddeddf honno, ar ôl “section 123(1)” mewnosoder “or section 40(1) of the Learning and Skills (Wales) Measure 2009”.

#### *Llwybrau Dysgu*

#### 43 Y ddogfen llwybr dysgu

- (1) Mae'r adran hon yn gwneud darpariaeth ar gyfer darparu dogfen sy'n cofnodi ei lwybr dysgu i ddisgybl perthnasol neu fyfyrwr perthnasol (“dogfen llwybr dysgu”).
- (2) Yn is-adran (1), ystyr “llwybr dysgu” disgybl neu fyfyrwr yw—
  - (a) y cyrsiau astudio (os oes rhai) y mae gan y disgybl neu'r myfyrwr hawlogaeth i'w dilyn o dan adran 116E(1) o Ddeddf Addysg 2002 neu adran 33F(1) o Ddeddf Dysgu a Medrau 2000; a
  - (b) y gwasanaethau cymorth i ddysgwyr (os oes rhai) sydd i'w darparu i ddisgybl neu fyfyrwr yn rhinwedd adran 40 o'r Mesur hwn.
- (3) Rhaid i'r ddogfen llwybr dysgu—
  - (a) cael ei darparu o fewn cyfnod amser rhesymol yn dilyn hawlogaeth sy'n codi yn y modd a ddisgrifir yn is-adran (2)(a) neu benderfyniad sy'n cael ei wneud i ddarparu gwasanaethau fel a ddisgrifir yn is-adran (2)(b); a
  - (b) cael ei diwygio neu ei hailddyroddi o fewn cyfnod amser rhesymol—

*Statws* This is the original version (as it was originally enacted).

- (i) ar ôl amrywiad yn yr hawlogaeth honno neu'r penderfyniad hwnnw;  
neu
  - (ii) ar ôl i'r hawlogaeth honno godi neu i'r penderfyniad hwnnw gael ei wneud.
- (4) Mae'r ddyletswydd i ddarparu dogfen llwybr dysgu o dan is-adran (3)(a) yn ddyletswydd—
- (a) yn achos disgybl perthnasol, ar bennaeth ysgol a gynhelir y disgybl pan fo achlysur a ddisgrifiwyd yn is-adran (3)(a) yn digwydd; a
  - (b) yn achos myfyriwr perthnasol, ar bennaeth sefydliad y myfyriwr pan fo achlysur a ddisgrifiwyd yn is-adran (3)(a) yn digwydd.
- (5) Mae'r ddyletswydd i ddiwygio neu ailddyroddi dogfen llwybr dysgu o dan is-adran (3)(b) yn ddyletswydd—
- (a) yn achos disgybl perthnasol, ar bennaeth ysgol a gynhelir y disgybl pan fo achlysur a ddisgrifiwyd yn is-adran (3)(b) yn digwydd; a
  - (b) yn achos myfyriwr perthnasol, ar bennaeth sefydliad y myfyriwr pan fo achlysur a ddisgrifiwyd yn is-adran (3)(b) yn digwydd.
- (6) Rhaid i bennaeth ysgol a gynhelir a phennaeth sefydliad roi sylw i unrhyw ganllawiau a roddir o bryd i'w gilydd gan Weinidogion Cymru ynghylch arfer eu swyddogaethau o dan yr adran hon.

#### 44 Llwylbrau dysgu: dehongli

Yn yr adran hon ac yn adran 43—

mae i “disgybl cofrestredig” yr ystyr a roddir i “registered pupil” yn adran 434 o Ddeddf Addysg 1996 (p.56);

ystyr “disgybl perthnasol” (“*relevant pupil*”) yw un o ddisgyblion cofrestredigyngol a gynhelir;

ystyr “myfyriwr perthnasol” (“*relevant student*”) yw person—

- (a) sy'n cael y rhan fwyaf o'i addysg mewn sefydliad, neu o dan drefniadau a wnaed gan gorff llywodraethu'r sefydliad hwnnw; a
- (b) nad yw wedi cyrraedd pedwar ar bymtheg oed neu unrhyw oedran yn ddiweddarach yn ei oes a ragnodir mewn rheoliadau a wneir gan Weinidogion Cymru;

ystyr “pennaeth sefydliad” (“*principal*”) yw pennaeth neu brifathro neu brifathrawes arall sefydliad;

ystyr “sefydliad” (“*institution*”) yw sefydliad yn y sector addysg bellach yng Nghymru, ac, o ran myfyriwr perthnasol, mae'n golygu'r sefydliad y mae ei gorff llywodraethu'n gyfrifol am ddarparu, neu drefnu i ddarparu, y cyfan neu'r rhan fwyaf o addysg y myfyriwr perthnasol hwnnw;

mae i “sefydliad yn y sector addysg bellach” yr ystyr a roddir i “institution within the further education sector” yn Neddf Addysg 1996 (p.56); ac

ystyr “ysgol a gynhelir” (“*maintained school*”) yw—

- (a) unrhyw ysgol gymunedol, sefydledig neu wirfoddol a gynhelir gan awdurdod addysg lleol yng Nghymru, neu
- (b) unrhyw ysgol arbennig gymunedol neu ysgol arbennig sefydledig a gynhelir gan awdurdod addysg lleol yng Nghymru ac nad yw'n wedi'i sefydlu mewn ysbyty,

ac, o ran disgybl perthnasol, mae'n golygu'r ysgol a gynhelir y mae'n ddisgybl cofrestredig ohoni.

*Darparu gwybodaeth am y cwricwlwm*

**45 Darparu gwybodaeth am y cwricwlwm**

- (1) Mae Deddf Addysg 1997 (p.44) wedi'i diwygio yn unol â'r adran hon.
- (2) Ar ôl adran 45A mewnosoder—

**“45B Provision of curriculum information**

- (1) Subject to subsections (2) and (3), a service provider may demand from a person mentioned in subsection (6) such curriculum information as is specified in the demand.
- (2) A service provider must not demand any curriculum information unless the provider reasonably considers that the information would assist it in providing its services.
- (3) A service provider must not demand any curriculum information which identifies, or allows to be identified, any pupil or student.
- (4) A person mentioned in subsection (6) must comply with a demand made under subsection (1) by providing the service provider with the information demanded.
- (5) A service provider may publish in whatever form it sees fit any curriculum information provided under subsection (4).
- (6) The persons referred to in subsection (1) are—
  - (a) the governing body and head teacher of a school in Wales falling within section 43(2)(a); and
  - (b) the governing body and principal of an institution within the further education sector in Wales.
- (7) In this section—
  - “curriculum information” means—
    - (a) in relation to a school mentioned in subsection (6)(a), information about the curriculum for registered pupils at the school during the relevant phase of their education; and
    - (b) in relation to an institution within the further education sector, information about the courses of study and other education and training available at the institution;
  - “pupil” means, in relation to a school mentioned in subsection (6)(a), a person receiving education at the school;
  - “relevant phase” has the same meaning as in section 43(5);
  - “service provider” means a person providing services in pursuance of arrangements made with, or directions given by, the Welsh Ministers under section 10 of the Employment and Training Act 1973, and “services” shall be construed accordingly; and



“student” means, in relation to an institution within the further education sector, a person receiving education at the institution.”

## RHAN 4

### AMRYWIOL AC ATODOL

#### 46 Rheoliadau sy'n gysylltiedig â gweithredu'r cwricwlwm lleol

- (1) Os yw Gweinidogion Cymru o'r farn a grybwyllir yn is-adran (2), cânt wneud darpariaeth drwy reoliadau, at ddibenion penodedig deddfiad, ynghylch yr amgylchiadau—
- (a) pan fo, neu pan na fo, person i'w ystyried—
- yn un y mae addysg yn cael ei darparu ar ei gyfer mewn ysgol;
  - yn ddisgybl ofrestredig ysgol neu riant cofrestredig disgybl o'r fath;
  - yn un sydd mewn ysgol;
  - yn un sy'n mynychu ysgol neu'n bresennol ynddi;
  - yn un sy'n cael addysg mewn ysgol;
  - yn un sy'n astudio, neu'n bwriadu astudio, mewn ysgol;
  - yn un sy'n cael ei dderbyn i ysgol neu y gwrthodwyd ei dderbyn i ysgol;
  - yn un sy'n gwneud cais i gael ei dderbyn i ysgol, yn cynnig derbyn person i ysgol, yn derbyn neu'n gwrthod derbyn cais person i gael ei dderbyn i ysgol neu'n penderfynu derbyniadau i ysgol;
  - yn un sydd wedi penderfynu ym mha ysgol y darperir addysg i blentyn;
  - yn un y caniateir codi taliadau ar ei gyfer ynghylch cael ei dderbyn i ysgol a gynhelir.
- (b) pan fo, neu pan na fo, trefniadau ar gyfer darparu addysg ar ran ysgol i'w hystyried yn drefniadau derbyn;
- (c) pan fo, neu pan na fo, trefniadau ar gyfer galluogi mynegi dymuniadau ynghylch ym mha ysgol y mae'r person sy'n mynegi'r dymuniad yn dymuno y darperir addysg ar ei gyfer ei hun neu ar gyfer person arall yn gymwys;
- (d) pan fo, neu pan na fo, person i'w ystyried—
- yn un sy'n cael addysg neu hyfforddiant mewn sefydliad yn y sector addysg bellach;
  - yn un sy'n mynychu'r sefydliad hwnnw, neu'n bresennol ynddo;
  - yn fyfyrwr y sefydliad hwnnw, neu'n fyfyrwr sydd ynddo;
  - yn un sy'n astudio, neu'n bwriadu astudio, yn y sefydliad hwnnw;
  - yn un sy'n gwneud cais i gael ei dderbyn i'r sefydliad hwnnw, yn cynnig derbyn person i'r sefydliad hwnnw, yn derbyn neu'n gwrthod derbyn cais person i gael ei dderbyn i'r sefydliad hwnnw, yn dethol person i gael ei dderbyn i'r sefydliad hwnnw neu'n penderfynu derbyniadau i'r sefydliad hwnnw;
  - mewn perthynas â'r sefydliad hwnnw, yn berson anabl.

- (2) Y farn yw bod y ddarpariaeth yn angenrheidiol, yn ddymunol neu'n hwylus mewn cysylltiad â gweithredu'r diwygiadau a wnaed i Ddeddf Addysg 2002 (p. 32) a Deddf Dysgu a Medrau 2000 (p. 21) gan Rannau 1 a 2 o'r Mesur hwn.
- (3) Mae'r dibenion y caniateir eu pennu o dan is-adran (1) yn cynnwys y rhai sy'n ymwneud â gwneud rheoliadau neu orchymyn o dan ddeddfiad.
- (4) Yn yr adran hon mae “deddfiad” yn cynnwys deddfiad—
  - (a) sydd wedi'i gynnwys yn y Mesur hwn; neu
  - (b) sydd wedi'i gynnwys mewn Deddf Seneddol neu un o Fesurau Cynulliad Cenedlaethol Cymru a gaiff ei basio ar ôl pasio'r Mesur hwn.

#### 47 **Mân ddiwygiadau a diwygiadau canlyniadol**

Mae'r Atodlen yn cynnwys mân ddiwygiadau a diwygiadau canlyniadol.

#### 48 **Gorchmynion a rheoliadau**

- (1) Mae unrhyw bŵer sydd gan Weinidogion Cymru i wneud rheoliadau neu orchymyn o dan y Mesur hwn yn arferadwy drwy offeryn statudol.
- (2) Mae unrhyw bŵer o'r fath yn cynnwys pŵer—
  - (a) i wneud darpariaeth wahanol ar gyfer achosion gwahanol;
  - (b) i wneud darpariaeth yn gyffredinol neu mewn perthynas ag achosion penodol;
  - (c) i wneud y cyfryw ddarpariaeth gysylltiedig, darpariaeth atodol, darpariaeth drosiannol neu'r cyfryw ddarpariaeth arbed ag y gwêl Gweinidogion Cymru'n dda ei gwneud.
- (3) Mae unrhyw offeryn statudol sy'n cynnwys rheoliadau a wneir o dan y Mesur hwn yn ddarostyngedig i gael ei ddiddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.

#### 49 **Cychwyn**

- (1) Daw adrannau 46, 48, 50 a'r adran hon i rym ar ddiwedd cyfnod o ddau fis sy'n dechrau ar y diwrnod y cymeradwyir y Mesur hwn gan Ei Mawrhydi yn Ei Chyngor.
- (2) Daw gweddill darpariaethau'r Mesur hwn i rym ar y diwrnod y bydd Gweinidogion Cymru yn ei bennu drwy orchymyn. Caniateir i ddiwrnodau gwahanol gael eu pennu at ddibenion gwahanol.

#### 50 **Enw byr**

Enw'r Mesur hwn yw Mesur Dysgu a Sgiliau (Cymru) 2009.

YR ATODLEN

(a gyflwynir gan adran 47)

MÂN DDIWYGIADAU A DIWYGIADAU CANLYNIADOL

*Deddf Dysgu a Medrau 2000 (p. 21)*

- 1 Diwygier Deddf Addysg a Medrau 2000 fel a ganlyn.
- 2 Yn yr adrannau a grybwyllir ym mharagraff 3 yn lle pob cyfeiriad at “National Assembly” rhodder “Welsh Ministers”.
- 3 Yr adrannau yw 32(1), 33, 34, 35(2) a (5), 36(1), 37, 38(1), 39(1), 40 a 41(1).
- 4 Yn adran 31—
  - (a) yn is-adran (1) yn lle “National Assembly for Wales (the National Assembly)” rhodder “Welsh Ministers”;
  - (b) yn is-adran (3) yn lle “on it” rhodder “on them”;
  - (c) yn is-adran (3) yn lle'r cyfeiriad cyntaf at “National Assembly” rhodder “Welsh Ministers”; a
  - (d) yn is-adran (3)(d) yn lle “National Assembly thinks” rhodder “Welsh Ministers think”.
- 5 Yn adran 32(3) yn lle—
  - (a) “on it” rhodder “on them”;
  - (b) y cyfeiriad cyntaf at “National Assembly” rhodder “Welsh Ministers”; ac
  - (c) “National Assembly thinks” rhodder “Welsh Ministers think”.
- 6 Yn adran 34—
  - (a) yn is-adran (2)(a) yn lle “itself” rhodder “themselves”; a
  - (b) yn is-adran (3) yn lle “its power” rhodder “their power”.
- 7 Yn adran 35—
  - (a) yn is-adran (1) yn lle—
    - (i) “National Assembly itself provides” rhodder “Welsh Ministers themselves provide”; a
    - (ii) “it may impose” rhodder “they may impose”;
  - (b) yn is-adran (2) yn lle—
    - (i) “by it” rhodder “by them”;
    - (ii) “it requests” rhodder “they request”; a
    - (iii) “its functions” rhodder “their functions”.
- 8 Yn adran 37—
  - (a) yn is-adran (2) yn lle “its powers” rhodder “their powers”; a
  - (b) yn is-adran (4) yn lle “its power” rhodder “their power”.
- 9 Yn adran 40(5) yn lle “its decisions” rhodder “their decisions”.
- 10 Yn adran 41—
  - (a) yn is-adrannau (2) i (4) yn lle—
    - (i) pob cyfeiriad at “National Assembly is” rhodder “Welsh Ministers are”;
    - (ii) pob cyfeiriad at “it cannot” rhodder “they cannot”; a
    - (iii) pob cyfeiriad at “it also secures” rhodder “they also secure”;

- (b) yn is-adrannau (2) a (3) yn lle pob cyfeiriad at “National Assembly must” rhodder “Welsh Ministers must”; ac
- (c) yn is-adran (4) yn lle “National Assembly may” rhodder “Welsh Ministers may”.

*Deddf Addysg 2002 (p. 32)*

- 11 Diwygier Deddf Addysg 2002 fel a ganlyn.
- 12 Yn yr adrannau a grybwyllir ym mharagraff 13 yn lle pob cyfeiriad at “National Assembly for Wales” rhodder “Welsh Ministers”.
- 13 Yr adrannau yw 100(6) a (8), 101(3), 102, 103(4), 105(4) a (6), 108(1) i (3), (6), (7) a (11), 111(1), (3), (5) a (6), 114(6) a 118.
- 14 Yn adran 100(1) yn lle “The National Assembly for Wales shall exercise its functions” rhodder “The Welsh Ministers shall exercise their functions”.
- 15 Yn adrannau 108(1) a (3) yn lle pob cyfeiriad at “the Assembly considers” rhodder “the Welsh Ministers consider”.
- 16 Yn adrannau 111(5) a 118 yn lle “the Assembly” rhodder “the Welsh Ministers”.
- 17 Yn adran 111(5) yn lle “specified by it” rhodder “specified by them”.
- 18 Yn adran 114(6) yn lle “appears to it” rhodder “appears to them”.
- 19 Yn adran 117 yn lle—
- (a) “the National Assembly for Wales proposes” rhodder “the Welsh Ministers propose”;
  - (b) “the Assembly” rhodder “the Welsh Ministers”; ac
  - (c) “the Assembly considers” rhodder “the Welsh Ministers consider”.
- 20 Yn adran 118 yn lle—
- (a) “it may require” rhodder “they may require”; a
  - (b) “the Assembly's” rhodder “the Welsh Ministers”.

*Deddf Llywodraeth Cymru 2006 (p. 32)*

- 21 Diwygier Deddf Llywodraeth Cymru 2006 fel a ganlyn.
- 22 Yn Nhabl 2 ym mharagraff 35 o Atodlen 11—
- (a) yn y golofn “function”, hepgorer y cofnodion “Section 102 of the Education Act 2002 (c. 32).” a “Section 108(2)(a) of that Act.”;
  - (b) yn y golofn “description”, hepgorer y cofnodion gyferbyn â'r rheini a hepgorwyd o'r golofn “function” gan baragraff (a); ac
  - (c) yn y golofn “function”, yn lle “Section 139(1) of that Act.” rhodder—  
 “Section 139(1) of the Education Act 2002 (c. 32).”