



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 1109 (Cy.53)

2001 No. 1109 (W.53)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Addysg (Cofrestru
Disgyblion) (Diwygio) (Cymru)
2001

The Education (Pupil Registration)
(Amendment) (Wales) Regulations
2001

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Addysg (Cofrestru Disgyblion) 1995 fel y maent yn gymwys i Gymru.

These Regulations amend the Education (Pupil Registration) Regulations 1995 in relation to Wales.

Effaith rheoliad 5, yn achos disgybl sydd wedi'i gofrestru fel disgybl mewn mwy nag un ysgol (ac eithrio disgybl sydd heb gyfeiriad parhaol oherwydd natur deithiol masnach neu fusnes rhieni'r disgybl), yw newid y ffordd y mae absenoldeb y disgybl o un o'r ysgolion hynny o achos ei bresenoldeb mewn ysgol arall o'r fath yn cael ei gofnodi yn nghofrestr bresenoldeb ysgol. Yn yr amgylchiadau hyn bydd absenoldeb y disgybl yn cael ei gofnodi fel gweithgaredd addysgol a gymeradwywyd yn hytrach nag absenoldeb sydd wedi'i awdurdodi.

The effect of regulation 5, in the case of a pupil who is registered as a pupil at more than one school (except one who has no fixed abode because of the itinerant nature of the pupil's parent's trade or business), is to change the way the pupil's absence from one of those schools on account of his attendance at another such school is recorded in a school's attendance register. In these circumstances the pupil's absence will be recorded as an approved educational activity rather than as an authorised absence.

Mae rheoliad 6 yn cymryd i ystyriaeth y diwygiad i adran 25 o Ddeddf Plant a Phersonau Ifanc 1933 gan reoliad 5 o Reoliadau Plant (Eu Hamddiffyn yn y Gwaith) 1998.

Regulation 6 takes account of the amendment of section 25 of the Children and Young Persons Act 1933 by regulation 5 of the Children (Protection at Work) Regulations 1998.

Mae rheoliad 7 yn cymryd i ystyriaeth y darpariaethau yn Neddf Safonau a Fframwaith Ysgolion 1998 ynghylch pryd y mae effaith gwaharddiad parhaol disgybl yn dechrau.

Regulation 7 takes account of the provisions in the School Standards and Framework Act 1998 in relation to when the permanent exclusion of a pupil takes effect.

2001 Rhif 1109 (Cy.53)**2001 No. 1109 (W.53)****ADDYSG, CYMRU****EDUCATION, WALES****Rheoliadau Addysg (Cofrestru Disgyblion) (Diwygio) (Cymru) 2001****The Education (Pupil Registration) (Amendment) (Wales) Regulations 2001***Wedi'u gwneud* 15 Mawrth 2001*Made* 15th March 2001*Yn dod i rym* 1 Medi 2001*Coming into force* 1st September 2001

Drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 434(1) a (3) a 551 o Ddeddf Addysg 1996(a), sydd wedi'u breinio bellach yng Nghynulliad Cenedlaethol Cymru(b), mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol:

In exercise of the powers conferred on the Secretary of State by sections 434(1) and (3) and 551 of the Education Act 1996(a), and now vested in the National Assembly for Wales(b), the National Assembly for Wales makes the following Regulations:

Enwi, cychwyn a chymhwyso**Citation, commencement and application**

1. Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Cofrestru Disgyblion) (Diwygio) (Cymru) 2001 a deuant i rym ar 1 Medi 2001.

1. These Regulations may be cited as the Education (Pupil Registration) (Amendment) (Wales) Regulations 2001 and shall come into force on 1st September 2001.

2. Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

2. These Regulations apply to Wales only.

Diwygio**Amendment**

3. Diwygir Rheoliadau Addysg (Cofrestru Disgyblion) 1995(c) fel a ganlyn fel y maent yn gymwys i Gymru.

3. The Education (Pupil Registration) Regulations 1995(c) shall be amended as follows in relation to Wales.

4. Yn lle rheoliad 2 (Dehongli) rhoddir y rheoliad canlynol -

4. For regulation 2 (Interpretation) there shall be substituted the following regulation -

(a) 1996 p.56. Gweler y diffiniad o "prescribed" a "regulations" yn adran 579(1).

(a) 1996 c.56. See the definition of "prescribed" and "regulations" in section 579 (1).

(b) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 434 a 551 o Ddeddf Addysg 1996, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) y mae diwygiadau iddo nad ydynt yn berthnasol i'r rheoliadau hyn.

(b) The functions of the Secretary of State under sections 434 and 551 of the Education Act 1996 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) to which there are amendments not relevant to these regulations.

(c) O.S. 1995/2089; yr offeryn diwygio perthnasol yw O.S. 1997/2624. Diddymwyd y pwerau y cafodd y rheoliadau hyn eu gwneud odanynt gan Ddeddf Addysg 1996, adran 582(2) ac Atodlen 38 ac yn rhinwedd adran 582(3) o'r Ddeddf honno, a pharagraff 1(2) o Atodlen 39 iddi, mae'r Rheoliadau yn awr yn cael effaith o dan adrannau 434 a 551 o'r Ddeddf honno.

(c) S.I. 1995/2089; the relevant amending instrument is S.I. 1997/2624. The powers under which these regulations were made were repealed by the Education Act 1996, section 582(2) and Schedule 38 and, by virtue of section 582(3) of, and paragraph 1(2) of Schedule 39 to, that Act, the Regulations now have effect under sections 434 and 551 of that Act.

“Interpretation

2. In these Regulations -

“the 1998 Act” means the School Standards and Framework Act 1998(a);

“maintained school” means a school maintained by a local education authority;

“proprietor” in relation to a school, means the person or body of persons responsible for the management of the school (so that, in relation to a community, foundation or voluntary school, or community or foundation special school, it means the governing body);

“the relevant person” means -

- (a) in relation to a pupil under the age of 18, a parent of the pupil;
- (b) in relation to a pupil who has attained that age, the pupil.”.

5. Yn rheoliad 7 (Cynnwys y Gofrestr Bresenoldeb) -

(a) ym mharagraff (3)(c), yn lle’r geiriau “who” hyd at “because” rhoddir “to whom regulation 10(3A) applies,”;

(b) yn lle paragraff (4A)(b) rhoddir y canlynol-

“(4A) An approved educational activity is either-

- (a) an activity which takes place outside the school premises and which is-
 - (i) approved by a person authorised in that behalf by the proprietor of the school;
 - (ii) of an educational nature, including work experience under section 560 of the Education Act 1996 and a sporting activity; and
 - (iii) supervised by a person authorised in that behalf by the proprietor or the head teacher of the school; or
- (b) in the case of a pupil, other than a pupil to whom regulation 10(3A) applies, that pupil’s attendance at another school at which he or she is a registered pupil.”(c).

6. Yn rheoliad 8 (Absenoldeb gyda chaniatâd), ym mharagraff (2)(c), yn lle’r geiriau “a police magistrate as defined in paragraph (9) of that section” rhoddir y geiriau “a justice of the peace”.

(a) 1998 p.31.

(b) Mewnosodwyd paragraff (4A) gan O.S. 1997/2624.

(c) Bydd absenoldeb disgybl y mae rheoliad 10(3A) yn gymwys iddo (plentyn teithwyr) er mwyn mynd i ysgol arall lle mae ef neu hi yn ddisgybl cofrestredig yn cael ei gofnodi nid fel gweithgaredd addysgol a gymeradwywyd ond fel absenoldeb a awdurdodwyd; gweler y diwygiad i reoliad 7(3)(c) o O.S. 1995/2089 fel y rhoddir effaith iddo gan reoliad 5(a) o’r Rheoliadau hyn.

“Interpretation

2. In these Regulations -

“the 1998 Act” means the School Standards and Framework Act 1998(a);

“maintained school” means a school maintained by a local education authority;

“proprietor” in relation to a school, means the person or body of persons responsible for the management of the school (so that, in relation to a community, foundation or voluntary school, or community or foundation special school, it means the governing body);

“the relevant person” means -

- (a) in relation to a pupil under the age of 18, a parent of the pupil;
- (b) in relation to a pupil who has attained that age, the pupil.”.

5. In regulation 7 (Contents of the Attendance Register) -

(a) in paragraph (3)(c), for the words “who” to “because” there shall be substituted “to whom regulation 10(3A) applies,”;

(b) for paragraph (4A)(b) there shall be substituted the following-

“(4A) An approved educational activity is either-

- (a) an activity which takes place outside the school premises and which is-
 - (i) approved by a person authorised in that behalf by the proprietor of the school;
 - (ii) of an educational nature, including work experience under section 560 of the Education Act 1996 and a sporting activity; and
 - (iii) supervised by a person authorised in that behalf by the proprietor or the head teacher of the school; or
- (b) in the case of a pupil, other than a pupil to whom regulation 10(3A) applies, that pupil’s attendance at another school at which he or she is a registered pupil.”(c).

6. In regulation 8 (Leave of absence), in paragraph (2)(c), for the words “a police magistrate as defined in paragraph (9) of that section” there shall be substituted the words “a justice of the peace”.

(a) 1998 c.31.

(b) Paragraph (4A) was inserted by S.I 1997/2624.

(c) The absence of a pupil to whom regulation 10(3A) applies (a traveller child) to attend another school at which he or she is a registered pupil will be recorded not as an approved educational activity but as an authorised absence; see the amendment to regulation 7(3)(c) of S.I. 1995/2089 as effected by regulation 5(a) of these Regulations.

7. Yn rheoliad 9 (Dileadau o'r Gofrestr Dderbyn), yn lle paragraff (4)(d) rhoddir y canlynol -

“(d) the permanent exclusion of a pupil does not take effect until the governing body have discharged their duties under section 66 of the 1998 Act, and -

- (i) the relevant person has stated in writing that he or she does not intend to bring an appeal under section 67 of the 1998 Act;
- (ii) the time for bringing an appeal has expired and no appeal has been brought within that time; or
- (iii) an appeal brought within that time has been determined or abandoned.”

8. Yn rheoliad 16 (Defnyddio Cyfrifiaduron), ym mharagraff (6), yn lle “Data Protection Act 1984” rhoddir “Data Protection Act 1998”(a).

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(b)

15 Mawrth 2001

Llywydd y Cynulliad Cenedlaethol

7. In regulation 9 (Deletions from Admissions Register), for paragraph (4)(d) there shall be substituted the following -

“(d) the permanent exclusion of a pupil does not take effect until the governing body have discharged their duties under section 66 of the 1998 Act, and -

- (i) the relevant person has stated in writing that he or she does not intend to bring an appeal under section 67 of the 1998 Act;
- (ii) the time for bringing an appeal has expired and no appeal has been brought within that time; or
- (iii) an appeal brought within that time has been determined or abandoned.”

8. In regulation 16 (Use of Computers), in paragraph (6), for “Data Protection Act 1984” there shall be substituted “Data Protection Act 1998”(a).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(b)

15th March 2001

The Presiding Officer of the National Assembly

D. Elis-Thomas

(a) 1998 p.29.

(b) 1998 p.38.

(a) 1998 c.29.

(b) 1998 c.38.

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