CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2001 Rhif 2263 (Cy.164)

ADDYSG, CYMRU

Rheoliadau Addysg (Llywodraethu Ysgolion) (Cymru) (Diwygio) 2001

NODYN ESBONIADOL

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

Daw'r Rheoliadau hyn i rym ar 1 Medi 2001. Maent yn diwygio Rheoliadau Addysg (Llywodraethu Ysgolion) (Cymru) 1999 y cyfeirir atynt fel "y prif reoliadau". Mae effaith y diwygiadau yn cael ei hesbonio isod.

Mae rheoliad 5 yn darparu mai pedair blynedd fydd cyfnod llywodraethwr sefydledig yn ei swydd os na chydymffurfir â'r darpariaethau ynghylch hysbysu.

Mae rheoliad 7 yn diwygio prif reoliad 19 er mwyn sicrhau, os oes corff llywodraethu yn ystyried diswyddo llywodraethwr cyfetholedig ychwanegol, y caiff y corff a enwebodd y llywodraethwr hwnnw gyflwyno sylwadau yn y cyfarfod perthnasol ei hun.

Mae rheoliad 9 yn diwygio prif reoliadau 29 a 30 drwy fewnosod cyfeiriadau at adran 18 o Ddeddf Safonau a Fframwaith Ysgolion 1998. Pan fydd Cynulliad Cenedlaethol Cymru'n enwebu cadeirydd y corff llywodraethu yn achos ysgol y mae arni angen mesurau arbennig, mae hyn yn sicrhau na all y corff llywodraethu ddiswyddo'r sawl sydd wedi'i enwebu gan y Cynulliad Cenedlaethol. Mae rheoliad 9 hefyd yn diwygio prif reoliad 31 drwy ddileu hawl y cadeirydd i gael pleidlais fwrw yn ystod y rhan honno o unrhyw gyfarfod corff llywodraethu neu gorff llywodraethu dros dro pryd y mae cadeirydd y corff hwnnw i gael ei ethol.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2001 No. 2263 (W.164)

EDUCATION, WALES

The Education (School Government) (Wales) (Amendment) Regulations 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations come into force on 1 September 2001. They amend the Education (School Government) (Wales) Regulations 1999 which are referred to as "the principal regulations". The effect of the amendments is explained below.

Regulation 5 provides for a foundation governor's term of office to be 4 years where there is a lack of compliance with the notification provisions.

Regulation 7 amends principal regulation 19 to ensure that, where a governing body is considering the removal of an additional co-opted governor, the body which nominated that governor may itself make representations at the relevant meeting.

Regulation 9 amends principal regulations 29 and 30 by inserting references to section 18 of the School Standards and Framework Act 1998. This ensures that when the National Assembly for Wales nominates the chairman of the governing body in the case of a school requiring special measures, the governing body cannot remove the National Assembly's nominee. Regulation 9 also amends principal regulation 31 by removing the chairman's right to a casting vote during that part of any meeting of a governing body or temporary governing body at which the chairman of that body is to be elected.

Mae rheoliad 11 yn diwygio prif reoliad 37 drwy resymoli'r gofynion ynghylch y cworwm ar gyfer cyfarfodydd cyrff llywodraethu. Yn benodol, mae'n sicrhau bod angen cworwm o ddau draean er mwyn i gorff llywodraethu ddirprwyo swyddogaeth i bwyllgor neu unigolyn. Mae rheoliad 11 hefyd yn ymestyn y darpariaethau ynghylch y cworwm o ddau draean i sicrhau eu bod yn gymwys wrth ddiswyddo aelodau o gyrff llywodraethu dros dro ac wrth ethol cadeirydd corff llywodraethu a chorff llywodraethu dros dro.

Mae rheoliad 12 yn diwygio prif reoliad 38 i'w gwneud yn ofynnol bod penderfyniad corff llywodraethu i gau ysgol yn cael ei gadarnhau mewn ail gyfarfod o'r corff hwnnw a gynhelir o leiaf 28 diwrnod ar ôl y penderfyniad gwreiddiol. Mae hefyd yn atal trafodion corff llywodraethu rhag cael eu hanilysu oherwydd diffyg wrth benodi'r cadeirydd neu'r is-gadeirydd.

Mae rheoliad 13 yn diwygio prif reoliad 42 i atal cyrff llywodraethu rhag dirprwyo penderfyniadau ynghylch aelodaeth neu drafodion eu pwyllgorau. Mae'n darparu y gall penderfyniadau ar benodi a diswyddo clercod i'r corff llywodraethu neu i un o bwyllgorau'r corff llywodraethu, a chyfrifoldebau dros bennu targedau, gael eu dirprwyo i bwyllgorau ond nid i unigolion.

Mae rheoliad 14 yn diwygio prif reoliad 46 i'w gwneud yn ofynnol bod gweithdrefn un o bwyllgorau'r corff llywodraethu yn cael ei phenderfynu gan y corff llywodraethu ac i atal person nad yw'n aelod o'r corff llywodraethu rhag bod yn gadeirydd un o bwyllgorau'r corff llywodraethu. Mae rheoliad 14 hefyd yn diwygio prif reoliadau 47 a 49 i'w gwneud yn glir bod yr isafswm gofynion ynghylch cyfansoddiad pwyllgorau diswyddo staff, pwyllgorau apelau diswyddo a phwyllgorau derbyn hefyd yn gweithredu fel y cworwm ar gyfer cyfarfodydd y pwyllgorau hyn.

Mae rheoliad 15 yn mewnosod paragraffau (A1) a (A2) newydd ym mhrif reoliad 56, gan ganiatáu i bennaeth ysgol gael yr hawl i fynd i unrhyw un o gyfarfodydd unrhyw un o bwyllgorau ei chorff llywodraethu, ac eithrio yn achos pwyllgorau diswyddo staff, pwyllgorau apelau diswyddo, pwyllgorau disgyblu disgyblion neu os oes cyfyngiad penodol ar waith er mwyn sicrhau tegwch.

Mae rheoliad 16 yn diwygio Atodlen 7 i'r prif reoliadau. Mae'n ymestyn y cyfyngiad sy'n atal person rhag bod yn bresennol yn un o gyfarfodydd y corff llywodraethu lle mae penodiad y person hwnnw ei hun i swyddi penodol neu ei ddiswyddiad ohonynt yn cael ei ystyried, a hynny i gynnwys penodi i neu ddiswyddo o swydd is-gadeirydd y corff llywodraethu neu un o bwyllgorau'r corff llywodraethu. Mae'r cyfyngiad ar bleidleisio mewn cyfarfodydd o'r fath yn cael ei ymestyn yn yr un modd. Mae rheoliad 16 hefyd yn ei gwneud yn glir na chaiff aelod o'r staff fod yn bresennol mewn cyfarfod tra bydd penodiad olynydd i'r aelod staff hwnnw yn cael ei drafod, ac na chaiff bleidleisio ar y penodiad hwnnw.

Regulation 11 amends principal regulation 37 by rationalising the requirements for the quorum for governing body meetings. In particular, it ensures a two thirds quorum is necessary for delegation of a function by a governing body to a committee or an individual. Regulation 11 also extends the two thirds quorum provisions to ensure that they apply to removal of members of temporary governing bodies and to election of the chairman of a governing body and temporary governing body.

Regulation 12 amends principal regulation 38 to require a governing body's decision to discontinue a school to be confirmed at a second meeting of that body held at least 28 days after the initial decision. It also prevents the proceedings of a governing body being invalidated by a defect in the appointment of the chairman or vice chairman.

Regulation 13 amends principal regulation 42 to prevent governing bodies from delegating decisions about membership of, or proceedings of, their committees. It provides that decisions on the appointment and dismissal of clerks to the governing body or to a committee of the governing body, and responsibilities for target setting, can be delegated to committees but not to individuals.

Regulation 14 amends principal regulation 46 to require procedure of a committee of the governing body to be determined by the governing body and to prevent a person who is not a member of the governing body from being a chairman of a committee of the governing body. Regulation 14 also amends principal regulations 47 and 49 to make it clear that the minimum requirements for the composition of staff dismissal committees, dismissal appeal committees and admission committees also operate as quorums for meetings of those committees.

Regulation 15 inserts new paragraphs (A1) and (A2) into principal regulation 56, allowing the head teacher of a school the right to attend any meeting of a committee of its governing body, except in the case of staff dismissal committees, dismissal appeal committees, pupil discipline committees or where a specific restriction to ensure fairness applies.

Regulation 16 amends Schedule 7 to the principal regulations. It extends the restriction preventing a person from attending a meeting of the governing body at which that person's own appointment to or removal from certain offices is considered, to include appointment to or removal from office as vice chairman of the governing body or of a committee of the governing body. The restriction on voting in such meetings is similarly extended. Regulation 16 also makes it clear that a member of staff cannot be present at a meeting whilst the appointment of the successor to that member of staff is discussed, and cannot vote on that appointment.

Mae rheoliad 18 yn diwygio paragraff 4 o Atodlen 6 i'r prif reoliadau drwy ymestyn y gwaharddiad ar ailbenodi yn sgil methiant parhaus â mynychu cyfarfodydd i lywodraethwyr partneriaeth.

Mae rheoliad 19 yn cywiro rhai o'r darpariaethau trosiannol manwl a gynhwyswyd yn Atodlen 8 i'r prif reoliadau. Mae rheoliad 21 yn diwygio rheoliad 57 o Reoliadau Addysg (Trosi i Fframwaith Newydd) (Ysgolion Newydd, Grwpiau ac Amrywiol) 1999 er mwyn sicrhau nad yw'r uchafswm arferol o bedair blynedd yn gymwys ar gyfer cyfnod swydd llywodraethwr a benodir gan Gynulliad Cenedlaethol Cymru mewn perthynas ag ysgol y mae arni angen mesurau arbennig.

Mae rheoliadau 4(2)(a), 6(1), 6(2)(a), 10, 12(a), 15(b), 16(1)(a), 18(b) a 19(c) yn cynnwys mân ddiwygiadau, naill ai i egluro ystyr y prif reoliadau neu o ganlyniad i ddiwygiadau o sylwedd a geir yn y Rheoliadau diwygio hyn.

Mae rheoliadau 4(1), 4(2)(b), 4(3), 6(2)(b), 8, 9(1)(c), 9(2)(b), 13(a)(i) a (iii), 14(4), 16(1)(b), 17, 20 a 21(a) yn cywiro gwallau drafftio.

Regulation 18 amends paragraph 4 of Schedule 6 to the principal regulations by extending to partnership governors the prohibition on reappointment following persistent failure to attend meetings.

Regulation 19 corrects some of the detailed transitional provisions contained in Schedule 8 to the principal regulations. Regulation 21 amends regulation 57 of the Education (Transition to New Framework) (New Schools, Groups and Miscellaneous) Regulations 1999 to ensure that the term of office of a governor appointed by the National Assembly for Wales in respect of a school requiring special measures is not subject to the usual maximum of 4 years.

Regulations 4(2)(a), 6(1), 6(2)(a), 10, 12(a), 15(b), 16(1)(a), 18(b) and 19(c) contain minor amendments, either clarifying the meaning of the principal regulations or consequential on amendments of substance contained in these amending Regulations.

Regulations 4(1), 4(2)(b), 4(3), 6(2)(b), 8, 9(1)(c), 9(2)(b), 13(a)(i) and (iii), 14(4), 16(1)(b), 17, 20 and 21(a) correct drafting errors.

OFFERYNNAU STATUDOL

2001 Rhif 2263 (Cy.164)

ADDYSG, CYMRU

Rheoliadau Addysg (Llywodraethu Ysgolion) (Cymru) (Diwygio) 2001

Wedi'u gwneud	*19 Mehefin 2001*
Yn dod i rym	*1 Medi 2001*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo(**a**) gan adrannau 44, 138(7) ac (8), a 144 o Ddeddf Safonau a Fframwaith Ysgolion 1998(**b**), a pharagraffau 4, 15(1) a (2), 16 a 17 o Atodlen 9, paragraff 1 o Atodlen 10, paragraffau 1 i 5 ac 8 o Atodlen 11 a pharagraffau 4 a 5 o Atodlen 12 iddi:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Llywodraethu Ysgolion) (Cymru) (Diwygio) 2001.

(2) Daw'r Rheoliadau hyn i rym ar 1 Medi 2001.

(3) Mae'r Rheoliadau hyn yn gymwys mewn perthynas ag ysgolion a gynhelir ac ysgolion newydd yng Nghymru(**c**).

Dehongli

2. Yn y Rheoliadau hyn -

ystyr "y prif reoliadau" ("*the principal regulations*") yw Rheoliadau Addysg (Llywodraethu Ysgolion) (Cymru) 1999 (**ch**);

ystyr "y Rheoliadau Trosiannol Cyntaf" ("*the First*

(a) Cafodd yr holl bwerau hyn eu rhoi i'r Ysgrifennydd Gwladol yn Neddf Safonau a Fframwaith Ysgolion 1998 a chafodd yr holl bwerau hyn mewn perthynas â Chymru, ac eithrio'r rhai a roddwyd gan adran 144, eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Cafodd y pwerau a roddwyd gan adran 144 eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253).

(b) 1998 p.31; i gael ystyr "prescribed" a "regulations" gweler adran 142(1).

(c) I gael ystyr "ysgolion a gynhelir" ("*maintained schools*") a "ysgolion newydd" ("*new schools*") gweler y prif reoliadau.

(ch) O.S. 1999/2242 (Cy.2).

STATUTORY INSTRUMENTS

2001 No. 2263 (W.164)

EDUCATION, WALES

The Education (School Government) (Wales) (Amendment) Regulations 2001

Made	*19th June 2001*
Coming into force	*1st September 2001*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on it(**a**) by sections 44, 138(7) and (8), and 144 of, and paragraphs 4, 15(1) and (2), 16 and 17 of Schedule 9, paragraph 1 of Schedule 10, paragraphs 1 to 5 and 8 of Schedule 11 and paragraphs 4 and 5 of Schedule 12 to the School Standards and Framework Act 1998(**b**):

Citation, commencement and application

1.-(1) These Regulations are called the Education (School Government) (Wales) (Amendment) Regulations 2001.

(2) These Regulations shall come into force on 1st September 2001.

(3) These Regulations apply in relation to maintained schools and new schools in Wales(**c**).

Interpretation

2. In these regulations -

"the principal regulations" ("*y prif reoliadau*") means the Education (School Government) (Wales) Regulations 1999 (**d**);

"the First Transitional Regulations" ("*y Rheoliadau*

(a)All these powers were conferred on the Secretary of State in the School Standards and Framework Act 1998 and all these powers in relation to Wales, except those conferred by section 144, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Powers conferred by section 144 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253).

(b) 1998 c.31; for the meaning of "prescribed" and "regulations" see section 142(1).

(c) For the meaning of "maintained schools" and "new schools" see the principal regulations

(d) S.I. 1999/2242 (W.2).

Transistional Regulations") yw Rheoliadau Addysg (Llywodraethu Ysgolion) (Trosi i Fframwaith Newydd)1998 (**a**); ac

ystyr "yr Ail Reoliadau Trosiannol" ("*the Second Transitional Regulations*") yw Rheoliadau Addysg (Trosi i Fframwaith Newydd) (Ysgolion Newydd, Grwpiau ac Amrywiol) 1999 (**b**).

Diwygio'r prif reoliadau

3. Diwygir y prif reoliadau yn unol â'r darpariaethau canlynol yn y Rheoliadau hyn.

Y rhaglith, cymhwyso a dehongli

4.-(1) Yn rhaglith y prif reoliadau, yn lle "paragraph 5 of Schedule 12" rhoddir "paragraphs 4 and 5 of Schedule 12".

(2) Yn rheoliadau 2 o'r prif reoliadau-

(a) ym mharagraff (1), ar ôl y diffiniad o "new school" mewnosodir-

""nominating body", in relation to an additional co-opted governor, means any person from whom nominations were sought for the purpose of appointing, and who nominated, the additional co-opted governor in question;" ; a

(b) ym mharagraff (2), yn y diffiniad o "appropriate diocesan authority", ar ôl "section 142(1)" mewnosodir "and (4)".

(3) Ym mharagraff (2) o reoliad 14 o'r prif reoliadau, ar ôl "First Transitional Regulations" mewnosodir ", regulation 13 of the First Transitional Regulations as it applies by virtue of regulation 20 of those regulations,".

Cyfnod mewn swydd

5. Ar ôl paragraff (1)(b) o reoliad 16 o'r prif reoliadau mewnosodir yr is-baragraff canlynol -

"(bb) In default of a term being notified in accordance with sub-paragraph (b), a governor to whom that sub-paragraph applies shall hold office for a term of four years.".

Llywodraethwyr yn ymddiswyddo ac yn cael eu diswyddo

6.-(1)Ym mharagraffau (2) a (3) o reoliad 17 o'r prif reoliadau, ar ôl y geiriau "may resign", yn y ddau le y maent yn digwydd, mewnosodir "as governor".

(2) Yn rheoliad 18 o'r prif reoliadau -

(a) O.S. 1998/2763.

(b) O.S. 1999/362.

Trosiannol Cyntaf") means the Education (School Government) (Transition to New Framework) Regulations 1998(**a**); and

"the Second Transitional Regulations" ("yr Ail Reoliadau Trosiannol") means the Education (Transition to New Framework) (New Schools, Groups and Miscellaneous) Regulations 1999 (**b**).

Amendment of principal regulations

3. The principal regulations shall be amended in accordance with the following provisions of these Regulations.

Preamble, application and interpretation

4-(1) In the preamble to the principal regulations, for "paragraph 5 of Schedule 12" there shall be substituted "paragraphs 4 and 5 of Schedule 12".

(2) In regulation 2 of the principal regulations-

(a) in paragraph (1), after the definition of "new school" there shall be inserted -

""nominating body", in relation to an additional co-opted governor, means any person from whom nominations were sought for the purpose of appointing, and who nominated, the additional co-opted governor in question;" ; and

(b) in paragraph (2), the definition of "appropriate diocesan authority", after "section 142(1)" there shall be inserted "and (4)".

(3) In paragraph (2) of regulation 14 of the principal regulations, after "First Transitional Regulations" there shall be inserted ", regulation 13 of the First Transitional Regulations as it applies by virtue of regulation 20 of those regulations,".

Term of office

5. After paragraph (1)(b) of regulation 16 of the principal regulations there shall be inserted the following sub-paragraph -

"(bb) In default of a term being notified in accordance with sub-paragraph (b), a governor to whom that sub-paragraph applies shall hold office for a term of four years.".

Resignation and removal of governors

6.-(1) In paragraphs (2) and (3) of regulation 17 of the principal regulations, after the words "may resign", in both places where they occur, there shall be inserted "as governor".

(2) In regulation 18 of the principal regulations -

(a) S.I.1998/2763.

(b) S.I. 1999/362.

(a) caiff paragraph (3)(c) ei: hepgor; a

(b) ym mharagraff (4), hepgorir "(within the meaning of the 1998 Act)".

7. Yn rheoliad 19(3) o'r prif reoliadau, ar ôl "nominating body" mewnosodir "(although the nominating body may also make representations if they so wish)".

Clerc y Corff Llywodraethu

8. Ym mharagraff (3) o reoliad 23 o'r prif reoliadau, yn lle "Subject to regulation 24, where" rhoddir "Where".

Cadeirydd y Corff Llywodraethu

9.-(1) Yn rheoliad 29 o'r prif reoliadau -

(a) ym mharagraffau (1) a (6), ar ôl y geiriau "paragraph (2)", yn y ddau achos lle mae'r geiriau hynny'n digwydd, mewnosodir "and to section 18 of the 1998 Act";

(b) ym mharagraff (5)(c), ar ôl "regulation 30" mewnosodir "or pursuant to section 18 of the 1998 Act";

(c) ym mharagraff (9)(a) a (b), hepgorir y geiriau "or vice-chairman" bob un o'r tair gwaith y maent yn digwydd;

(ch) ym mharagraff (11), yn lle "to be elected." rhoddir "elected, but for these purposes regulation 38(2) (chairman's casting vote) shall not apply.".

(2) Yn rheoliad 30 o'r prif reoliadau -

(a) ym mharagraff (1), ar ôl "remove the chairman from office" mewnosodir ", unless the chairman has been nominated as such by the Assembly pursuant to section 18 of the 1998 Act(**a**)"; a

(b) ym mharagraff (3), ar ôl y geiriau "additional governors" mewnosodir "or additional foundation governors".

(3) Yn rheoliad 31(9) o'r prif reoliadau, yn lle "is elected." rhoddir "is elected, but for these purposes regulation 38(2) (chairman's casting vote) shall not apply.".

Llywodraethwyr cyfetholedig

10.-(1) Yn rheoliad 34(6) o'r prif reoliadau, yn lle "a co-opted governor's removal" rhoddir "the removal of a co-opted governor or an additional co-opted governor".

(2) Ym mharagraff 1 o Atodlen 4 i'r prif reoliadau, yn lle'r atalnod llawn terfynol, rhoddir hanner colon ac ar ôl hwnnw yr is-baragraff canlynol:

(**a**) Rhoes adran 18 o Ddeddf Safonau a Fframwaith Ysgolion 1998 y pŵer hwn i'r Ysgrifennydd Gwladol. Cafodd y pŵer mewn perthynas â Chymru ei drosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(a) paragraph (3)(c) shall be omitted; and

(b) in paragraph (4), "(within the meaning of the 1998 Act)" shall be omitted.

7. In regulation 19(3) of the principal regulations, after "nominating body" there shall be inserted "(although the nominating body may also make representations if they so wish)".

Clerk to Governing Body

8 In paragraph (3) of regulation 23 of the principal regulations, for "Subject to regulation 24, where" there shall be substituted "Where".

Chairman of the Governing Body

9.-(1) In regulation 29 of the principal regulations -

(a) in paragraphs (1) and (6), after the words "paragraph (2)", in both cases where those words occur, there shall be inserted "and to section 18 of the 1998 Act";

(b) in paragraph (5)(c), after "regulation 30" there shall be inserted "or pursuant to section 18 of the 1998 Act";

(c) in paragraph (9)(a) and (b), the words "or vice-chairman" shall be omitted on each of the three occasions they occur;

(d) in paragraph (11), for "to be elected." there shall be substituted "elected, but for these purposes regulation 38(2) (chairman's casting vote) shall not apply.".

(2) In regulation 30 of the principal regulations -

(a) in paragraph (1), after "remove the chairman from office" there shall be inserted ", unless the chairman has been nominated as such by the Assembly pursuant to section 18 of the 1998 Act(**a**)"; and

(b) in paragraph (3), after the words "additional governors" there shall be inserted "or additional foundation governors".

(3) In regulation 31(9) of the principal regulations, for "is elected." there shall be substituted "is elected, but for these purposes regulation 38(2) (chairman's casting vote) shall not apply.".

Co-opted governors

10.-(1) In regulation 34(6) of the principal regulations, for "a co-opted governor's removal" there shall be substituted "the removal of a co-opted governor or an additional co-opted governor".

(2) In paragraph 1 of Schedule 4 to the principal regulations, for the final full stop there shall be substituted a semicolon and the following subparagraph inserted afterwards:

(**a**) Section 18 of the School Standards and Framework Act 1998 conferred this power on the Secretary of State. The power in relation to Wales was transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

" (c) "co-opted governors" does not include additional co-opted governors.".

Cwarwm

11. Yn rheoliad 37 o'r prif reoliadau -

(a) ym mharagraff (2), ar ôl is-baragraff (c) mewnosodir yr is-baragraff canlynol -

"(cc) making a decision to delegate to an individual or a committee under regulation 41, paragraph 17 of Schedule 16 to the 1998 Act or paragraph 17 of Schedule 17 to that Act,";

(b) ym mharagraff (2)(e), ar ôl "regulation 19" mewnosodir "or the removal of a member of the temporary governing body in accordance with regulation 25 of the Education (New Schools) (Wales) Regulations 1999(**a**); ac

(c) ym mharagraff (2)(f), ar y dechrau mewnosodir "any vote on the election of the chairman of the governing body or temporary governing body under regulation 29 or 31 or".

Trafodion y Corff Llywodraethu

12. Yn rheoliad 38 o'r prif reoliadau -

(a) ym mharagraff (2), yn lle "Where" rhoddir "Subject to regulations 29(11) and 31(9), where", a chaiff y geiriau "in accordance with regulation 29" eu hepgor;

(b) ar ôl paragraff (2) mewnosodir y paragraff canlynol -

"(2A) No decision taken at a meeting of the governing body to serve notice of discontinuance of the school under section 30 of the 1998 Act shall have effect unless it is confirmed at a second meeting of the governing body held not less than 28 days after the first."; ac

(c) ar ôl paragraff (3)(a), mewnosodir yr is-baragraff canlynol -

"(aa) any defect in the appointment of any chairman or vice-chairman of the governing body;".

(a) O.S. 1999/2243 (Cy.3).

" (c) "co-opted governors" does not include additional co-opted governors.".

Quorum

11. In regulation 37 of the principal regulations -

(a) in paragraph (2), after sub-paragraph (c) there shall be inserted the following sub-paragraph -

"(cc) making a decision to delegate to an individual or a committee under regulation 41, paragraph 17 of Schedule 16 to the 1998 Act or paragraph 17 of Schedule 17 to that Act,";

(b) in paragraph (2)(e), after "regulation 19" there shall be inserted "or the removal of a member of the temporary governing body in accordance with regulation 25 of the Education (New Schools) (Wales) Regulations 1999(**a**); and

(c) in paragraph (2)(f), at the beginning there shall be inserted "any vote on the election of the chairman of the governing body or temporary governing body under regulation 29 or 31 or".

Proceedings of the Governing Body

12. In regulation 38 of the principal regulations -

(a) in paragraph (2), for "Where" there shall be substituted "Subject to regulations 29(11) and 31(9), where", and the words "in accordance with regulation 29" shall be omitted;

(b) after paragraph (2) there shall be inserted the following paragraph -

"(2A) No decision taken at a meeting of the governing body to serve notice of discontinuance of the school under section 30 of the 1998 Act shall have effect unless it is confirmed at a second meeting of the governing body held not less than 28 days after the first."; and

(c) after paragraph (3)(a), there shall be inserted the following sub-paragraph -

"(aa) any defect in the appointment of any chairman or vice-chairman of the governing body;".

(a) S.I. 1999/2243 (W.3).

Dirprwyo

13. Yn rheoliad 42 o'r prif reoliadau -

(a) ym mharagraff (1) -

(i) yn is-baragraff (s), ar ôl "governing body", mewnosodir "or temporary governing body",

(ii) yn is-baragraff (v), ar ôl "constitution" mewnosodir ", membership, proceedings", a

(iii) yn is-baragraff (y), yn lle "Part III of the Education (School Information) (Wales) Regulations 1997" rhoddir "Part IV of the Education (School Information) (Wales) Regulations 1999(**a**)", ac yn lle "referred to in regulation 9" rhoddir "referred to in regulation 12"; a

(b) ym mharagraff (5) -

(i) ar ddiwedd is-baragraff (c), hepgorir y gair "and", a

(ii) ar ôl is-baragraff (d), mewnosodir yr is-baragraffau canlynol -

"(e) relating to the appointment or dismissal of the clerk to the governing body under Part IV, or the appointment or dismissal of the clerk to a committee of the governing body under Part VI, or

(f) under regulations 4, 5, 6, 7 or 9 of the Education (School Performance and Unauthorised Absence Targets) (Wales) Regulations 1999(**b**).".

Pwyllgorau

14.-(1) Yn rheoliad 46 o'r prif reoliadau -

(a) ym mharagraff (a), yn lle "and membership" rhoddir ", membership and procedures"; a

(b) ym mharagraff (h), yn lle "or a registered pupil thereat," rhoddir "or who is a registered pupil thereat, nor any person who is not a member of the governing body,".

(2) Yn rheoliad 47 o'r prif reoliadau, ar ôl paragraff (6) mewnosodir y paragraff canlynol -

"(7) The minimum requirements for the composition of the staff dismissal committee and the dismissal appeal committee specified in this regulation shall, in either case, also operate as a quorum for meetings of the committee and any vote on any matter thereat.".

(a) O.S. 1999/1812.

(b) O.S. 1999/1811.

Delegation

13. In regulation 42 of the principal regulations -

(a) in paragraph (1) -

(i) in sub-paragraph (s), after "governing body", there shall be inserted "or temporary governing body",

(ii) in sub-paragraph (v), after "constitution" there shall be inserted ",membership, proceedings", and

(iii) in sub-paragraph (y), for "Part III of the Education (School Information) (Wales) Regulations 1997" there shall be substituted "Part IV of the Education (School Information) (Wales) Regulations 1999(**a**)", and for "referred to in regulation 9" there shall be substituted "referred to in regulation 12"; and

(b) in paragraph (5) -

(i) at the end of sub-paragraph (c), the word "and" shall be omitted, and

(ii) after sub-paragraph (d), there shall be inserted the following sub-paragraphs -

"(e) relating to the appointment or dismissal of the clerk to the governing body under Part IV, or the appointment or dismissal of the clerk to a committee of the governing body under Part VI, or

(f) under regulations 4, 5, 6, 7 or 9 of the Education (School Performance and Unauthorised Absence Targets) (Wales) Regulations 1999(**b**).".

Committees

14.-(1) In regulation 46 of the principal regulations -

(a) in paragraph (2)(a), for "and membership" there shall be substituted ", membership and procedures"; and

(b) in paragraph (2)(h), for "or a registered pupil thereat," there shall be substituted "or who is a registered pupil thereat, nor any person who is not a member of the governing body,".

(2) In regulation 47 of the principal regulations, after paragraph (6) there shall be inserted the following paragraph -

"(7) The minimum requirements for the composition of the staff dismissal committee and the dismissal appeal committee specified in this regulation shall, in either case, also operate as a quorum for meetings of the committee and any vote on any matter thereat.".

(a) S.I. 1999/1812.

(b) S.I. 1999/1811.

(3) Yn rheoliad 49 o'r prif reoliadau, ar ôl paragraff (2) mewnosodir y paragraff canlynol -

"(3) The minimum requirement for the composition of the admissions committee specified in this regulation shall also operate as a quorum for meetings of the committee and any vote on any matter at such meetings.".

(4) Yn rheoliad 51(4) o'r prif reoliadau, ar ôl "paragraph (1)" mewnosodir "and paragraph (3)".

Mynd i gyfarfodydd pwyllgorau

15. Yn rheoliad 56 o'r prif reoliadau -

(a) mewnosodir y paragraffau canlynol ar y dechrau -

"(A1) A headteacher of a school shall be entitled to attend any meeting of a committee of the governing body of the school, subject however to PartVII and to paragraph (A2)

(A2) Paragraph (A1) shall not confer any additional right on the head teacher in relation to any committee referred to in regulation 47,48 or 49, or in relation to any committee or selection panel excercising a function referred to in Schedule 16 or 17 to the 1998 Act."; a

(b) yn is-baragraff (4)(b), hepgorir y geiriau "under this regulation".

Cyfyngiadau ar bwy gaiff gymryd rhan yn y trafodion

16.-(1) Yn rheoliad 57 o'r prif reoliadau -

(a) ym mharagraff (1)(b), yn lle "the head teacher" rhoddir "a head teacher entitled to attend meetings"; a

(b) yn lle paragraff (5) rhoddir -

"(5) A governor or member of a committee of the governing body at more than one school shall not be prevented from considering or voting upon any matter by reason that he or she is a governor or a member of a committee of the governing body at more than one school, and

(5A) Paragraph (5) applies irrespective of whether the interests of any school at which the person concerned is a governor or a member of a committee of the governing body conflict with the interests of any other school at which he or she is a governor or a member of a committee of the governing body.".

(3) In regulation 49 of the principal regulations, after paragraph (2) there shall be inserted the following paragraph -

"(3) The minimum requirement for the composition of the admissions committee specified in this regulation shall also operate as a quorum for meetings of the committee and any vote on any matter at such meetings.".

(4) In regulation 51(4) of the principal regulations, after "paragraph (1)" there shall be inserted "and paragraph (3)".

Access to committee meetings

15. In regulation 56 of the principal regulations -

(a) there shall be inserted at the beginning the following paragraphs-

"(A1) A head teacher of a school shall be entitled to attend any meeting of a committee of the governing body of the school, subject however to Part VII and to paragraph (A2).

(A2) Paragraph (A1) shall not confer any additional right on the head teacher in relation to any committee referred to in regulation 47, 48 or 49, or in relation to any committee or selection panel exercising a function referred to in Schedule 16 or 17 to the 1998 Act."; and

(b) in paragraph (4)(b), the words "under this regulation" shall be omitted.

Restrictions on persons taking part in proceedings

16.-(1) In regulation 57 of the principal regulations-

(a) in paragraph (1)(b), for "the head teacher" there shall be substituted "a head teacher entitled to attend meetings"; and

(b) for paragraph (5) there shall be substituted -

"(5) A governor or member of a committee of the governing body at more than one school shall not be prevented from considering or voting upon any matter by reason that he or she is a governor or a member of a committee of the governing body at more than one school, and

(5A) Paragraph (5) applies irrespective of whether the interests of any school at which the person concerned is a governor or a member of a committee of the governing body conflict with the interests of any other school at which he or she is a governor or a member of a committee of the governing body.".

(2) Yn Atodlen 7 i'r prif reoliadau -

(a) ym mhennawd paragraff 3, yn lle "chairman or clerk" rhoddir "chairman, vice chairman or clerk";

(b) ym mharagraff 3(1)(b), yn lle'r gair "chairman", yn y ddau achos lle mae'n digwydd, rhoddir "chairman or vice chairman"; ac

(c) ar ôl paragraff 4, mewnosodir y paragraff canlynol -

"Appointment of Staff

5.-(1)This sub-paragraph applies where a relevant person who is employed to work at a school is present at a meeting of the school at which a subject of consideration is the appointment of a successor to that person.

(2) In any case where sub-paragraph (1) applies, the person first mentioned in that sub-paragraph shall withdraw from the meeting during the consideration or discussion of the matter in question and shall not vote on any question with respect to that matter.".

Rhieni-lywodraethwyr

17. Ym mharagraff 4(a) o Atodlen 2 i'r prif reoliadau, yn lle "of" rhoddir "for".

Cymhwyso ac anghymhwyso

18. Ym mharagraff 4(5) o Atodlen 6 i'r prif reoliadau -

(a) ar ôl y geiriau "representative governor" mewnosodir ", partnership governor"; a

(b) ar ôl "co-opted governor" mewnosodir "(including an additional co-opted governor)".

Trosiannol

19. Yn Atodlen 8 i'r prif reoliadau -

(a) ym mharagraff 4 -

(i) caiff y paragraff ei rifo fel is-baragraff (1),

(ii) ar ôl "governor of a school" mewnosodir "(other than as head teacher or as an ex officio foundation governor)", a

(iii) ar y diwedd mewnosodir yr is-baragraff canlynol -

"(2) A governor appointed by the local education authority under regulation 19(4) of the First Transitional Regulations shall hold office for a term of four years";

(2) In Schedule 7 to the principal regulations -

(a) in the heading to paragraph 3, for "chairman or clerk" there shall be substituted "chairman, vice chairman or clerk";

(b) in paragraph 3(1)(b), for the word "chairman", in both cases where it occurs, there shall be substituted "chairman or vice chairman"; and

(c) after paragraph 4, there shall be inserted the following paragraph -

"Appointment of Staff

5.-(1)This sub-paragraph applies where a relevant person who is employed to work at a school is present at a meeting of the school at which a subject of consideration is the appointment of a successor to that person.

(2) In any case where sub-paragraph (1) applies, the person first mentioned in that sub-paragraph shall withdraw from the meeting during the consideration or discussion of the matter in question and shall not vote on any question with respect to that matter.".

Parent governors

17. In paragraph 4(a) of Schedule 2 to the principal regulations, for "of" there shall be substituted "for".

Qualifications and disqualifications

18. In paragraph 4(5) of Schedule 6 to the principal regulations -

(a) after the words "representative governor" there shall be inserted ", partnership governor"; and

(b) after "co-opted governor" there shall be inserted "(including an additional co-opted governor)".

Transitional

19. In Schedule 8 to the principal regulations -

(a) in paragraph 4 -

(i) the paragraph shall be numbered as sub-paragraph (1),

(ii) after "governor of a school" there shall be inserted "(other than as head teacher or as an ex officio foundation governor)", and

(iii) at the end there shall be inserted the following sub-paragraph -

"(2) A governor appointed by the local education authority under regulation 19(4) of the First Transitional Regulations shall hold office for a term of four years";

(b) ym mharagraff 5, ar ôl "additional co-opted governor)", mewnosodir "appointed for the purposes of the constitution or reconstitution of the governing body and"; ac

(c) ym mharagraff 9(1), yn lle "regulation" rhoddir "paragraph" ac yn lle "the appointed day", rhoddir "1st September 1999".

Diwygio'r Rheoliadau Trosiannol Cyntaf

20. Yn rheoliad 13(10) o'r Rheoliadau Trosiannol Cyntaf, yn lle "paragraphs 1 to 10, 12, 13, 15 and 16", rhoddir "paragraphs 1-11, 14 and 16".

Diwygio'r Ail Reoliadau

21. Yn yr Ail Reoliadau Trosiannol -

(a) yn rheoliad 33(8), yn lle "paragraphs 1 to 10, 12, 13, 15 and 16", rhoddir "paragraphs 1-11, 14 and 16"; a

(b) yn lle rheoliad 57(7) rhoddir -

"(7) Subject to paragraph (6), any governor to whom this regulation applies, other than a governor appointed by the National Assembly for Wales under section 18 of the 1998 Act (**a**) shall hold office for the remainder of the term for which he was appointed, but for no longer than four years from the appointed day.".

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

19 Mehefin 2001

Llywydd y Cynulliad Cenedlaethol

(b) in paragraph 5, after "additional co-opted governor)" there shall be inserted "appointed for the purposes of the constitution or reconstitution of the governing body and"; and

(c) in paragraph 9(1), for "regulation" there should be substituted "paragraph" and for "the appointed day", there shall be substituted "1st September 1999".

Amendment of First Transitional Regulations

20. In regulation 13(10) of the First Transitional Regulations, for "paragraphs 1 to 10, 12, 13, 15 and 16", there shall be substituted "paragraphs 1-11, 14 and 16".

Amendment of Second Transitional Regulations

21. In the Second Transitional Regulations -

(a) in regulation 33(8), for paragraphs 1 to 10,12,13,15 and 16", there shall be substituted "paragraphs 1-11, 14 and 16"; and

(b) for regualtion 57(7) there shall be substituted -

"(7) Subject to paragraph (6), any governor to whom this regulation applies, other than a governor appointed by the National Assembly for Wales under section 18 of the 1998 Act (**a**) shall hold office for the remainder of the term for which he was appointed, but for no longer than four years from the appointed day.".

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

19th June 2001

D. Elis-Thomas

The Presiding Officer of the National Assembly

(a) Rhoddwyd y pŵer i benodi llywodraethwr i'r Ysgrifennydd Gwladol yn adran 18 o Ddeddf Safonau a Fframwaith Ysgolion 1998, ond cafodd y pŵer mewn perthynas â Chymru ei drosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(b) 1998 p.38.

(a) Power to appoint a governor was given to the Secretary of State in section 18 of the School Standards and Framework Act 1998, but that power in relation to Wales was transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(b) 1998 c.38.

CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2001 Rhif 2263 (Cy.164)

ADDYSG, CYMRU

Rheoliadau Addysg (Llywodraethu Ysgolion) (Cymru) (Diwygio) 2001

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2001 No. 2263 (W.164)

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The Education (School Government) (Wales) (Amendment) Regulations 2001

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