



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2002 Rhif 3184 (Cy.300)

2002 No. 3184 (W.300)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Deddf Addysg 2002
(Darpariaethau Trosiannol)
(Cymru) 2002**

**The Education Act 2002
(Transitional Provisions) (Wales)
Regulations 2002**

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 gwneud addasiadau i ddarpariaethau Deddf Addysg 2002 ("y Ddeddf") wedi'u pennu ar gyfer cyfnod trosiannol er mwyn hwyluso dwyn darpariaethau eraill o'r Ddeddf i rym ar ddyddiad cynharach nag y caiff y darpariaethau eraill hynny o'r Ddeddf eu dwyn i rym. Maent hefyd yn gwneud darpariaethau trosiannol mewn perthynas â'r Ddeddf. Yn benodol -

These Regulations make modifications to provisions of the Education Act 2002 ("the Act") specified for a transitional period to facilitate the bringing into force of other provisions of the Act on a date earlier than those other provisions of that Act are to be brought into force. They also make transitional provisions in relation to the Act. In particular -

1. Caiff pwerau ymyrryd mewn ysgolion sy'n peri pryder a ddiwygiwyd gan y Ddeddf eu cymhwyso mewn perthynas ag adroddiadau arolygwyr a wnaed cyn 19 Rhagfyr 2002, sef y dyddiad pan ddygir y darpariaethau newydd i rym (rheoliad 3).
2. Gwneir diwygiad i Ddeddf Safonau a Fframwaith Ysgolion 1998 i gywiro croesgyfeiriad anghywir yn y diwygiad a wnaed gan adran 41(2) o'r Ddeddf (rheoliad 4).
3. Addesir Rhan 7 o'r Ddeddf (Y Cwricwlwm yng Nghymru), y dygir rhannau ohoni i rym gan Orchymyn Deddf Addysg 2002 (Cychwyn Rhif 1) (Cymru) 2002 ("y Gorchymyn Cychwyn"), tra'n disgwyl i ddarpariaethau'r Rhan honno sy'n ymwneud â'r cyfnod sylfaen newydd, ysgolion meithrin a gynhelir ac addysg feithrin gael eu dwyn i rym (rheoliad 5(1) i (5)). Gwneir diwygiad hefyd i Ddeddf Addysg 1996 er mwyn cyfeirio at y darpariaethau cwricwlwm newydd yn y Ddeddf (rheoliad 5(6)).

1. The powers of intervention in schools causing concern which have been amended by the Act are applied in relation to inspectors' reports made before 19th December 2002, which is the date when the new provisions are brought into force (regulation 3).
2. An amendment is made to the School Standards and Framework Act 1998 to correct an incorrect cross reference in the amendment made by section 41(2) of the Act (regulation 4).
3. Part 7 of the Act (The Curriculum in Wales), parts of which are brought into force by the Education Act 2002 (Commencement No. 1) (Wales) Order 2002 ("the Commencement Order"), is modified pending the bringing into force of the provisions of that Part relating to the new foundation stage, maintained nursery schools and nursery education (regulation 5(1) to (5)). An amendment is also made to the Education Act 1996 so as to refer to the new curriculum provisions in the Act (regulation 5(6)).

4. Addesir y diffiniad newydd o "qualified teacher" yn adran 132 o'r Ddeddf (sy'n cyfeirio at "a person who satisfies requirements specified in regulations") a ddygir i rym gan y Gorchymyn Cychwyn tra'n disgwyl i'r rheoliadau o dan yr adran honno ddod i rym (rheoliad 6(1)).
 5. Datgymhwysir adran 122(3)(d) o'r Ddeddf (diffiniad o "school teacher" at ddibenion yr adran honno), sy'n cyfeirio at berson sy'n cyflawni gwaith o'r math a bennir gan reoliadau o dan adran 133(1) ac a ddygir i rym gan Orchymyn yr Ysgrifennydd Gwladol (ar gyfer Cymru a Lloegr), tra'n disgwyl i'r rheoliadau hynny ddod i rym (rheoliad 6(2)).
 6. Addesir cyfeiriad at gofrestru dros dro gyda'r Cyngor Addysgu Cyffredinol yn adran 134 o'r Ddeddf (gofyniad i gofrestru gyda'r Cyngor Addysgu Cyffredinol) tra'n disgwyl dwyn darpariaethau Atodlen 12 i'r Ddeddf sy'n ymwneud â chofrestru dros dro o'r fath i rym (rheoliad 7(1)). Mewn modd tebyg addesir diwygiad canlyniadol yn Atodlen 21 i'r Ddeddf honno a ddygir i rym gan y Gorchymyn Cychwyn hwnnw sy'n cyfeirio at adran 134 o'r Ddeddf tra'n disgwyl i reoliadau o dan yr adran honno ddod i rym (rheoliad 7(2)).
 7. Gwneir diwygiad i Ddeddf yr Heddlu 1997 er mwyn cyfeirio'n gywir at Ddeddf Plant 1989 (rheoliad 8).
4. The new definition of "qualified teacher" in section 132 of the Act (which refers to "a person who satisfies requirements specified in regulations") which is brought into force by the Commencement Order is modified pending the coming into force of regulations under that section (regulation 6(1)).
 5. Section 122(3)(d) of the Act (definition of "school teacher" for the purposes of that section), which refers to a person who carries out work of a kind specified by regulations under section 133(1) and will be brought into force by an Order of the Secretary of State (for both England and Wales), is disapplied pending the coming into force of those regulations (regulation 6(2)).
 6. A reference to provisional registration with the General Teaching Council in section 134 of the Act (requirement to be registered with the General Teaching Council) is modified pending the bringing into force of the provisions of Schedule 12 to the Act relating to such provisional registration (regulation 7(1)). Similarly a consequential amendment in Schedule 21 to that Act brought into force by that Commencement Order which refers to section 134 of the Act is modified pending the coming into force of regulations under that section (regulation 7(2)).
 7. An amendment is made to the Police Act 1997 so as to refer correctly to the Children Act 1989 (regulation 8).

2002 Rhif 3184 (Cy.300)**2002 No. 3184 (W.300)****ADDYSG, CYMRU****EDUCATION, WALES****Rheoliadau Deddf Addysg 2002
(Darpariaethau Trosiannol)
(Cymru) 2002****The Education Act 2002
(Transitional Provisions) (Wales)
Regulations 2002***Wedi'u gwneud* 18 Rhagfyr 2002*Made* 18th December 2002*Yn dod i rym* 19 Rhagfyr 2002*Coming into force* 19th December 2002

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adran 214 o Ddeddf Addysg 2002(a).

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on it by section 214 of the Education Act 2002(a).

Enw, cychwyn a chymhwyso**Name, commencement and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Addysg 2002 (Darpariaethau Trosiannol) (Cymru) 2002 a deuant i rym ar 19 Rhagfyr 2002.

1.-(1) These Regulations are called the Education Act 2002 (Transitional Provisions) (Wales) Regulations 2002 and shall come into force on 19th December 2002.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru.

(2) These Regulations apply to Wales.

Dehongli**Interpretation**

2.-(1) Yn y Rheoliadau hyn -

2.-(1) In these Regulations -

ystyr "Deddf 1996" ("*the 1996 Act*") yw Deddf Arolygiadau Ysgolion 1996(b);

"the 1996 Act" ("*Deddf 1996*") means the School Inspections Act 1996(b);

ystyr "Deddf 1998" ("*the 1998 Act*") yw Deddf Safonau a Fframwaith Ysgolion 1998(c);

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998(c);

ystyr "Deddf 2002" ("*the 2002 Act*") yw Deddf Addysg 2002;

"the 2002 Act" ("*Deddf 2002*") means the Education Act 2002;

ystyr "adroddiad arolygydd" ("*an inspector's report*") yw adroddiad a wneir o dan adran 5(2)(b), adran 13 neu adran 14 o Ddeddf 1996.

"an inspector's report" ("*adroddiad arolygydd*") means a report made under section 5(2)(b), section 13 or section 14 of the 1996 Act.

(2) Yn y rheoliadau hyn mae cyfeiriadau at adrannau ac Atodlenni yn gyfeiriadau at adrannau o Ddeddf 2002 a'r Atodlenni iddi.

(2) In these regulations references to sections and Schedules are references to, respectively, sections of and Schedules to the 2002 Act.

(a) 2002 p. 32.

(b) 1996 p.57.

(c) 1998 p. 31.

(a) 2002 c. 32.

(b) 1996 c.57.

(c) 1998 c. 31.

Addasiadau sy'n ymwneud ag ysgolion sy'n peri pryder

3. Os bydd adroddiad arolygydd wedi cael ei wneud cyn 19 Rhagfyr 2002:

- (a) bydd adran 15(4) a (6) o Ddeddf 1998 yn effeithiol fel pe na bai'r diwygiadau a wneir gan adran 55 wedi dod i rym;
- (b) caiff Cynulliad Cenedlaethol Cymru arfer unrhyw bwerau a roddwyd iddo gan adrannau 18(1) neu 19(1) o Ddeddf 1998 fel pe bai'r adroddiad wedi'i baratoi ar ôl y dyddiad hwnnw a bod hysbysiad wedi'i roi o dan adran 16A(2)(a) o Ddeddf 1996;
- (c) caiff awdurdod addysg lleol arfer y pwerau a roddwyd iddo gan adrannau 14(2)(a) neu (b), 16 neu 17 o Ddeddf 1998 fel pe bai'r adroddiad wedi'i baratoi ar ôl y dyddiad hwnnw a bod hysbysiad wedi'i roi o dan adran 16A(2) o Ddeddf 1996.

Addasu darpariaeth sy'n ymwneud ag ariannu ysgolion

4. Bydd adran 41(2) yn effeithiol fel pe bai'r geiriau "subsection (1)" wedi'u hamnewid gan y geiriau "subsection (2)".

Addasu darpariaethau sy'n ymwneud â'r Cwricwlwm

5.-(1) Yn y rheoliad hwn mae cyfeiriadau at gyfnod yr addasiad yn gyfeiriadau at y cyfnod sy'n dechrau ar 19 Rhagfyr 2002 ac yn diweddu ar y dyddiad pan ddaw adrannau 102, 104 a 108(2) i rym.

(2) Yn ystod cyfnod yr addasiad bydd adrannau 99(1), 100(1)(a), (2)(a) a (3), 111(1), 114(1) a (5) a 115(4)(a) yn effeithiol fel pe bai'r geiriau "or maintained nursery school" wedi'u hepgor, a bydd adran 111(3) yn effeithiol fel pe bai'r geiriau "or a maintained nursery school" wedi'u hepgor.

(3) Yn ystod cyfnod yr addasiad bydd adran 100 yn effeithiol fel pe bai paragraff (4)(b) wedi'i amnewid gan -

"(b) functions relating to religious education and religious worship."

(4) Yn ystod cyfnod yr addasiad bydd adran 101 yn effeithiol fel pe bai paragraff (1)(b) wedi'i amnewid gan -

"(b)a curriculum for all registered pupils at the school of compulsory school age (known as "the National Curriculum for Wales"),"

(5) Yn ystod cyfnod yr addasiad bydd adran 108 yn effeithiol fel pe bai'r canlynol wedi'u hepgor -

- (a) yn is-adran (1)(b), y geiriau "the foundation

(a) Mewnosodwyd gan adran 54.

Modifications relating to schools causing concern

3. Where an inspector's report has been made before 19th December 2002:

- (a) section 15(4) and (6) of the 1998 Act shall have effect as if the amendments made by section 55 had not come into force;
- (b) the National Assembly for Wales may exercise any of the powers conferred on it by sections 18(1) or 19(1) of the 1998 Act as if the report had been prepared after that date and a notice had been given under section 16A(2)(a) of the 1996 Act;
- (c) a local education authority may exercise the powers conferred on it by sections 14(2)(a) or (b), 16 or 17 of the 1998 Act as if the report had been prepared after that date and a notice had been given under section 16A(2) of the 1996 Act.

Modification of provision relating to financing of schools

4. Section 41(2) shall have effect as though there were substituted for the words "subsection (1)" the words "subsection (2)".

Modification of provisions relating to the Curriculum

5.-(1) In this regulation references to the modification period are references to the period beginning on 19th December 2002 and ending on the day when sections 102, 104 and 108(2) come into force.

(2) During the modification period sections 99(1), 100(1)(a), (2)(a) and (3), 111(1), 114(1) and (5) and 115(4)(a) shall have effect as if the words "or maintained nursery school" were omitted, and section 111(3) shall have effect as if the words "or a maintained nursery school" were omitted.

(3) During the modification period section 100 shall have effect as if there were substituted for paragraph (4) (b) -

"(b) functions relating to religious education and religious worship."

(4) During the modification period section 101 shall have effect as if there were substituted for paragraph (1)(b) -

"(b)a curriculum for all registered pupils at the school of compulsory school age (known as "the National Curriculum for Wales"),"

(5) During the modification period section 108 shall have effect as though these were omitted -

- (a) in subsection (1)(b) the words "the foundation

(a) Inserted by section 54.

stage and";

- (b) yn is-adran (4), "(2) or", "the foundation stage or", "educational programme or" a "(or the timetables of any person providing funded nursery education)";
- (c) yn is-adran (5) "(2) or";
- (ch) yn is-adran (8) "(2)(b) (iii) or" ;
- (d) yn is-adran (10) "(6) or" ac "or, as the case may be, premises on which the funded nursery education is being provided"; a
- (dd) yn is-adran (11) "(2)(b)(iii) or" a "(6) or".

(6) Bydd paragraff 6(1) o Atodlen 1 i Ddeddf Addysg 1996(a) yn effeithiol fel pe bai'r geiriau "section 351(1)" wedi'u hamnewid gan y geiriau "section 78(1) or 99(1) of the Education Act 2002".

Addasu darpariaethau sy'n ymwneud ag athrawon

6.-(1) Yn ystod y cyfnod sy'n dechrau ar 19 Rhagfyr 2002 ac yn diweddau ar y dyddiad pan ddaw'r rheoliadau o dan adran 132 i rym, bydd yr adran honno'n effeithiol fel pe bai is-adran (1) wedi'i hamnewid gan -

"A reference in the Education Acts to a "qualified teacher" is to a qualified teacher within the meaning of section 218(2) of the Education Reform Act 1988(b)."

(2) Yn ystod y cyfnod sy'n dechrau ar y dyddiad y daw adran 122(3)(d) i rym(c) ac yn diweddau ar y diwrnod pan ddaw'r rheoliadau o dan adran 133 i rym, ni fydd adran 122(3)(d) yn gymwys.

7.-(1) Yn ystod y cyfnod sy'n dechrau ar 31 Mawrth 2003 ac yn diweddau ar y diwrnod y daw paragraff 3(3) o Atodlen 12 i rym bydd adran 134(1) yn effeithiol fel pe bai'r geiriau "with full registration" wedi'u hepgor.

(2) Yn ystod y cyfnod sy'n dechrau ar 31 Mawrth 2003 ac yn diweddau ar y diwrnod pan ddaw'r rheoliadau o dan adran 134(1) i rym, bydd yr adran 12(2)(b) newydd o Ddeddf Addysgu ac Addysg Uwch 1998 a amnewidir gan baragraff 81(a) o Atodlen 21 yn effeithiol fel pe amnewidiwyd y canlynol ar ei chyfer -

"(b)required as a consequence of their employment to be so registered by virtue of section 218(1)(aa)(ch) of the Education Reform Act 1988."

stage and";

- (b) in subsection (4), "(2) or", "the foundation stage or", "educational programme or" and "(or the timetables of any person providing funded nursery education)";
- (c) in subsection (5) "(2) or";
- (d) in subsection (8) "(2)(b) (iii) or" ;
- (e) in subsection (10) "(6) or" and "or, as the case may be, premises on which the funded nursery education is being provided"; and
- (f) in subsection (11) "(2)(b)(iii) or" and "(6) or".

(6) Paragraph 6(1) of Schedule 1 to the Education Act 1996(a) shall have effect as though there were substituted for the words "section 351(1)" the words "section 78(1) or 99(1) of the Education Act 2002".

Modification of provisions relating to teachers

6.-(1) During the period beginning on 19th December 2002 and ending on the day on which regulations under section 132 come into force, that section shall have effect as though there were substituted for subsection (1) -

"A reference in the Education Acts to a "qualified teacher" is to a qualified teacher within the meaning of section 218(2) of the Education Reform Act 1988(b)."

(2) During the period beginning on the date on which section 122(3)(d) comes into force(c) and ending on the day on which regulations under section 133 come into force, section 122(3)(d) shall not apply.

7.-(1) During the period beginning on 31st March 2003 and ending on the day on which paragraph 3(3) of Schedule 12 comes into force, section 134(1) shall have effect as though the words "with full registration" were omitted.

(2) During the period beginning on 31st March 2003 and ending on the day on which regulations under section 134(1) come into force, the new section 12(2)(b) of the Teaching and Higher Education Act 1998 substituted by paragraph 81(a) of Schedule 21 shall have effect as though there were substituted therefor -

"(b)required as a consequence of their employment to be so registered by virtue of section 218(1)(aa)(d) of the Education Reform Act 1988."

(a) 1996 p.56.

(b) 1988 p.40.

(c) Mae adran 122(3)(d) yn dod i rym ar ddyddiad a benodir gan yr Ysgrifennydd Gwladol - gweler adran 216(2). Ni phenodwyd dyddiad hyd yn hyn.

(ch) Mewnosodwyd gan adran 11 o Ddeddf Addysgu ac Addysg Uwch 1998.

(a) 1996 c.56.

(b) 1988 c.40.

(c) Section 122(3)(d) comes into force on a date appointed by the Secretary of State - see section 216(2). No date has been appointed yet.

(d) Inserted by section 11 of the Teaching and Higher Education Act 1998.

Addasiad o ddarpariaeth yn ymwneud â gofal plant

8. Bydd paragraff (c) o adran 113(3E) o Ddeddf yr Heddlu 1997(a) yn effeithiol fel pe bai'r geiriau o "for child minding" hyd at "that Act" wedi'u hamnewid gan y geiriau "for child minding or providing day care under section 71 of the Children Act 1989".

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

18 Rhagfyr 2002

Llywydd Cynulliad Cenedlaethol Cymru

Modification of provision relating to child care

8. Paragraph (c) of section 113(3E) of the Police Act 1997(a) shall have effect as though there were substituted for the words from "for child minding" until "that Act" the words "for child minding or providing day care under section 71 of the Children Act 1989".

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

18th December 2002

D. Elis-Thomas

The Presiding Officer of the National Assembly

(a) 1997 p.50. Diwygir yr adran hon hefyd gan baragraff 7 o Atodlen 13 i Ddeddf 2002.

(b) 1998 p.38.

(a) 1997 c.50. This section is also amended by paragraph 7 of Schedule 13 to the 2002 Act.

(b) 1998 c.38.

OFFERYNNAU STATUDOL

2002 Rhif 3184 (Cy.300)

ADDYSG, CYMRU

Rheoliadau Deddf Addysg 2002
(Darpariaethau Trosiannol)
(Cymru) 2002

STATUTORY INSTRUMENTS

2002 No. 3184 (W.300)

EDUCATION, WALES

The Education Act 2002
(Transitional Provisions) (Wales)
Regulations 2002

©© Hawlfraint y Goron 2002

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

£2.00

W187/12/02

ON

© Crown copyright 2002

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

ISBN 0-11-090612-8



9 780110 906126