



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2004 Rhif 912 (Cy.95) (C.40)

2004 No. 912 (W.95) (C.40)

ADDYSG, CYMRU

EDUCATION, WALES

**Gorchymyn Deddf Addysg 2002
(Cychwyn Rhif 4 a Darpariaethau
Trosiannol) (Cymru)
2004**

**The Education Act 2002
(Commencement No. 4 and
Transitional Provisions) (Wales)
Order 2004**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn dwyn i rym ar 31 Mawrth 2004 a 1 Awst 2004 y darpariaethau hynny yn Neddf Addysg 2002 a bennir yn Rhannau 1 a 2 o'r Atodlen i'r Gorchymyn hwn.

This Order brings into force on 31st March 2004 and 1st August 2004 those provisions of the Education Act 2002 specified in Parts 1 and 2 of the Schedule to this Order.

Mae'r cyfeiriadau isod at adrannau ac Atodlenni (heb fanylion pellach) yn gyfeiriadau at adrannau o Ddeddf Addysg 2002 ac Atodlenni iddi.

References below to sections and Schedules (without more) are references to sections of and Schedules to the Education Act 2002.

Yn achos darpariaethau sy'n cael eu dwyn i rym gan y Gorchymyn hwn ac sy'n diwygio deddfwriaeth sy'n bodoli eisoes, mae'r cyfeiriadau at yr Ysgrifennydd Gwladol yn y darpariaethau hynny i'w darllen, mewn perthynas â Chymru, fel cyfeiriadau at Gynulliad Cenedlaethol Cymru - gweler adran 211.

In the case of provisions brought into force by this Order which amend existing legislation, references to the Secretary of State in those provisions are to be read, in relation to Wales, as references to the National Assembly for Wales - see section 211.

Dyma fydd effaith y darpariaethau a bennir yn Rhan 1 o'r Atodlen -

The effect of the provisions specified in Part 1 of the Schedule is as follows -

Mae adran 51 ac Atodlen 4, paragraff 12(1), (3) i (5) yn diwygio adran 98 o Ddeddf Safonau a Fframwaith Ysgolion 1998 (Ddeddf 1998) er mwyn egluro mai'r awdurdod derbyn ar gyfer ysgol a gynhelir sy'n gyfrifol am dderbyn neu wrthod plant i'r ysgol ar gyfer addysg feithrin.

Section 51 and Schedule 4, paragraph 12(1), (3) to (5) amend section 98 of the School Standards and Framework Act 1998 (the 1998 Act) so as to clarify that the admission authority for a maintained school is responsible for admitting or refusing to admit children to the school for nursery education.

Mae adran 154 yn diwygio adran 28 o Ddeddf 1998 er mwyn ei gwneud yn ofynnol i AALL gyhoeddi cynigion i sefydlu neu i wneud newidiadau rhagnodedig i ysgol feithrin a gynhelir.

Section 154 amends section 28 of the 1998 Act so as to require an LEA to publish proposals to establish or make prescribed alterations to a maintained nursery school.

Mae adran 156 yn diwygio'r diffiniad o "nursery school" yn adran 6 o Ddeddf Addysg 1996 (Deddf

Section 156 amends the definition of "nursery school" in section 6 of the Education Act 1996 (the

1996), er mwyn darparu bod ysgol a ddefnyddir yn gyfan gwbl neu'n bennaf i ddarparu addysg i blant rhwng dwy flwydd oed ac oed ysgol gorfodol, yn ysgol feithrin. Gynt yr oedd y diffiniad yn cyfeirio at ysgol a ddefnyddir yn bennaf i ddarparu addysg o'r fath. Mae adran 156 hefyd yn estyn y diffiniad o "primary education" yn adran 2 o Ddeddf 1996 i gynnwys addysg ran-amser sy'n addas i ofynion plant rhwng dwy flwydd oed ac oed ysgol gorfodol. Gynt yr oedd y diffiniad yn cyfeirio at addysg amser llawn yn unig.

Mae adran 198 yn galluogi Cynulliad Cenedlaethol Cymru i'w gwneud yn ofynnol i gyrrff llywodraethu ysgolion uwchradd a'r ysgolion cynradd sy'n eu bwydo lunio cynlluniau i hwyluso trosglwyddo disgyblion o'r naill i'r llall.

Dyma fydd effaith y darpariaethau a bennir yn Rhan 2 o'r Atodlen -

Mae adran 177 yn estyn y diffiniad o "secondary education" yn adran 2 o Ddeddf 1996 er mwyn cynnwys addysg sy'n cael ei derbyn yn rhannol mewn ysgol ac yn rhannol mewn sefydliad arall neu unrhyw le arall, ac er mwyn ei gwneud yn glir ei bod yn cynnwys hyfforddiant galwedigaethol, cymdeithasol, corfforol ac adloniadol. Rhoddir y pŵer hefyd i Gynulliad Cenedlaethol Cymru addasu'r Deddfau Addysg mewn perthynas â phersonau sy'n cael addysg uwchradd yn rhannol mewn ysgol ac yn rhannol mewn sefydliad arall neu gorff arall.

Mae erthygl 6 o'r Gorchymyn yn gwneud darpariaeth drosiannol mewn cysylltiad â dwyn adran 154 i rym. Ni fydd y gofynion newydd i gyhoeddi cynigion yn gymwys mewn perthynas â phenderfyniadau sydd wedi'u cymryd cyn 31 Mawrth 2004.

Mae erthygl 7 yn gwneud darpariaeth drosiannol mewn cysylltiad â dwyn i rym y diwygiadau a wnaed i adran 98 o Ddeddf 1998 sy'n ymwneud â'r cyfrifoldeb dros dderbyniadau i ysgol ar gyfer addysg feithrin. Ni chaiff y diwygiadau hyn effaith tan y flwyddyn ysgol 2004-2005.

1996 Act), so as to provide that a school used wholly or mainly for the provision of education for children aged between two and compulsory school age, is a nursery school. Previously the definition referred to a school used mainly for the provision of such education. Section 156 also extends the definition of "primary education" in section 2 of the 1996 Act to include part-time education suitable to the requirements of children aged between two and compulsory school age. Previously the definition referred only to full-time education.

Section 198 enables the National Assembly for Wales to require the governing bodies of secondary schools and their feeder primary schools to draw up plans to facilitate the transition of pupils from one to the other.

The effect of the provisions specified in Part 2 of the Schedule is as follows -

Section 177 extends the definition of "secondary education" in section 2 of the 1996 Act so as to include education received partly at a school and partly at another institution or any other establishment, and so as to make it clear that it includes vocational, social, physical and recreational training. The National Assembly for Wales is also given the power to modify the Education Acts in relation to persons receiving secondary education partly at a school and partly at another institution or any other establishment.

Article 6 of the Order makes transitional provision in connection with the coming into force of section 154. The new requirements to publish proposals will not apply in relation to decisions taken before 31st March 2004.

Article 7 makes transitional provision in connection with the coming into force of the amendments made to section 98 of the 1998 Act relating to responsibility for admissions to a school for nursery education. The amendments are not to have effect until the school year 2004-2005.

NODYN YNGHYLCH GORCHMYNION
CYCHWYN CYNHARACH
(*Nid yw'r nodyn hwn yn rhan o'r Gorchymyn*)

Mae darpariaethau canlynol Deddf Addysg 2002 wedi'u dwyn i rym mewn perthynas â Chymru trwy orchymyn cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

NOTE AS TO EARLIER COMMENCEMENT
ORDERS

(This note is not part of the Order)

The following provisions of the Education Act 2002 have been brought into force in relation to Wales by commencement order made before the date of this Order:

<i>Y ddarpariaeth</i>	<i>Y Dyddiad Cychwyn</i>	<i>Rhif O.S.</i>	<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Adrannau 14 i 17	31 Mawrth 2003	2002/3185 (Cy.301)	Sections 14 to 17	31st March 2003	2002/3185 to (W.301)
Adran 18(2)	31 Mawrth 2003	2002/3185 (Cy.301)	Section 18(2)	31st March 2003	2002/3185 (W.301)
Adran 19(6) (yn rhannol)	1 Medi 2003	2003/1718 (Cy.185)	Section 19(6) (partially)	1st September 2003	2003/1718 (W.185)
Adrannau 27 a 28	1 Medi 2003	2003/1718 (Cy.185)	Sections 27 and 28	1st September 2003	2003/1718 (W.185)
Adran 29	1 Medi 2003	2003/1718 (Cy.185)	Section 29	1st September 2003	2003/1718 (W.185)
Adran 40 (yn rhannol)	1 Medi 2003	2003/1718 (Cy.185)	Section 40 (partially)	1st September 2003	2003/1718 (W.185)
Adran 41	4 Rhagfyr 2003	2003/2961 (Cy.278)	Section 41	4th December 2003	2003/2961 (W.278)
Adran 42	4 Rhagfyr 2003	2003/2961 (Cy.278)	Section 42	4th December 2003	2003/2961 (W.278)
Adran 43	1 Tachwedd 2003	2003/1718 (Cy.185)	Section 43	1st November 2003	2003/1718 (W.185)
Adran 46	1 Rhagfyr 2003	2003/2961 (Cy.278)	Section 46	1st December 2003	2003/2961 (W.278)
Adran 49	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 49	19th December 2002	2002/3185 (W.301)
Adran 51 (yn rhannol)	9 Ionawr 2004	2003/2961 (Cy.278)	Section 51 (partially)	9th January 2004	2003/2961 (W.278)
Adran 52 (yn rhannol)	9 Ionawr 2004	2003/2961 (Cy.278)	Section 52 (partially)	9th January 2004	2003/2961 (W.278)
Adrannau 54 i 56	19 Rhagfyr 2002	2002/3185 (Cy.301)	Sections 54 to 56	19th December 2002	2002/3185 (W.301)
Adrannau 60 i 64	1 Awst 2003	2003/1718 (Cy.185)	Sections 60 to 64	1st August 2003	2003/1718 (W.185)
Adran 75 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 75 (partially)	19th December 2002	2002/3185 (W.301)
Adrannau 97 a 98	19 Rhagfyr 2002	2002/3185 (Cy.301)	Sections 97 and 98	19th December 2002	2002/3185 (W.301)
Adran 99(1)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 99(1)	19th December 2002	2002/3185 (W.301)

Adran 100 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 100 (partially)	19th December 2002	2002/3185 (W.301)
Adran 101 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 101 (partially)	19th December 2002	2002/3185 (W.301)
Adran 103	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 103	19th December 2002	2002/3185 (W.301)
Adrannau 105 i 107	19 Rhagfyr 2002	2002/3185 (Cy.301)	Sections 105 to 107	19th December 2002	2002/3185 (W.301)
Adran 108 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 108 (partially)	19th December 2002	2002/3185 (W.301)
Adran 109	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 109	19th December 2002	2002/3185 (W.301)
Adrannau 111 i 118	19 Rhagfyr 2002	2002/3185 (Cy.301)	Sections 111 to 118	19th December 2002	2002/3185 (W.301)
Adran 119	1 Hydref 2002	2002/2439	Section 119	1st October 2002	2002/2439
Adran 120(1) a (3) i (5)	1 Hydref 2002	2002/2439	Section 120(1) and (3) to (5)	1st October 2002	2002/2439
Adran 120(2)	1 Awst 2003	2003/1667	Section 120(2)	1st August 2003	2003/1667
Adran 121	1 Hydref 2002	2002/2439	Section 121	1st October 2002	2002/2439
Adran 122 i 129	1 Awst 2003	2003/1667	Section 122 to 129	1st August 2003	2003/1667
Adran 130 (yn rhannol)	1 Hydref 2002	2002/2439	Section 130 (partially)	1st October 2002	2002/2439
(yn llawn)	1 Awst 2003	2003/1667	(fully)	1st August 2003	2003/1667
Adran 131	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 131	19th December 2002	2002/3185 (W.301)
Adrannau 132 a 133	19 Rhagfyr 2002	2002/3185 (Cy.301)	Sections 132 and 133	19th December 2002	2002/3185 (W.301)
Adran 134 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 134 (partially)	19th December 2002	2002/3185 (W.301)
Adran 135	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 135	19th December 2002	2002/3185 (W.301)
Adrannau 136 i 140	1 Medi 2003	2003/1718 (Cy.185)	Sections 136 to 140	1st September 2003	2003/1718 (W.185)
Adran 141	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 141	19th December 2002	2002/3185 (W.301)
Adrannau 142 i 144	31 Mawrth 2003	2002/3185 (Cy.301)	Sections 142 to 144	31st March 2003	2002/3185 (W.301)
Adran 145	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 145	19th December 2002	2002/3185 (W.301)
Adran 146 (yn rhannol)	31 Mawrth 2003	2002/3185 (Cy.301)	Section 146 (partially)	31st March 2003	2002/3185 (W.301)
Adran 148 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 148 (partially)	19th December 2002	2002/3185 (W.301)
Adran 149	31 Mawrth 2003	2002/3185 (Cy.301)	Section 149	31st March 2003	2002/3185 (W.301)

Adran 150	31 Mawrth 2003	2002/3185 (Cy.301)	Section 150	31st March 2003	2002/3185 (W.301)
Adran 151(2)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 151(2)	19th December 2002	2002/3185 (W.301)
Adran 152 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 152 (partially)	19th December 2002	2002/3185 (W.301)
Adrannau 157 i 174	1 Ionawr 2004	2003/2961 (Cy.278)	Sections 157 to 174	1st January 2004	2003/2961 (W.278)
Adran 178(1) a (4)	1 Awst 2003	2003/1718 (Cy.185)	Section 178(1) and (4)	1st August 2003	2003/1718 (W.185)
Adran 179 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 179 (partially)	19th December 2002	2002/3185 (W.301)
Adran 180	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 180	19th December 2002	2002/3185 (W.301)
Adrannau 181 i 185	1 Medi 2003	2003/1718 (Cy. 185)	Sections 181 to 185	1st September 2003	2003/1718 (W.185)
Adran 188 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 188 (partially)	19th December 2002	2002/3185 (W.301)
(yn rhannol)	1 Rhagfyr 2003	2003/2961 (Cy.278)	(partially)	1st December 2003	2003/2961 (W.278)
Adran 189 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 189 (partially)	19th December 2002	2002/3185 (W.301)
Adrannau 191 i 194	19 Rhagfyr 2002	2002/3185 (Cy.301)	Sections 191 to 194	19th December 2002	2002/3185 (W.301)
Adran 195 (yn rhannol)	31 Mawrth 2003	2002/3185 (Cy.301)	Section 195 (partially)	31st March 2003	2002/3185 (W.301)
(yn llawn)	1 Medi 2003	2002/3185 (Cy.301)	(fully)	1st September 2003	2002/3185 (W.301)
Adran 196	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 196	19th December 2002	2002/3185 (W.301)
Adran 197	1 Medi 2003	2003/1718 (Cy.185)	Section 197	1st September 2003	2003/1718 (W.185)
Adran 199	1 Medi 2003	2003/1718 (Cy.185)	Section 199	1st September 2003	2003/1718 (W.185)
Adran 200	31 Mawrth 2003	2002/3185 (Cy.301)	Section 200	31st March 2003	2002/3185 (W.301)
Adran 201 (yn rhannol)	31 Mawrth 2003	2002/3185 (Cy.301)	Section 201 (partially)	31st March 2003	2002/3185 (W.301)
Adrannau 202 a 203	1 Medi 2003	2003/1718 (Cy.185)	Sections 202 and 203	1st September 2003	2003/1718 (W.185)
Adran 206	1 Medi 2003	2003/1718 (Cy.185)	Section 206	1st September 2003	2003/1718 (W.185)
Adran 207 a 208	9 Ionawr 2004	2003/2961 (Cy.278)	Section 207 and 208	9th January 2004	2003/2961 (W.278)
Adran 215 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 215 (partially)	19th December 2002	2002/3185 (W.301)

(yn rhannol)	31 Mawrth 2003	2002/3185 (Cy.301)	(partially)	31st March 2003	2002/3185 (W.301)
(yn rhannol)	1 Awst 2003	2003/1718 (Cy.185) a 2003/1667	(partially)	1st August 2003	2003/1718 (W.185) and 2003/1667
(yn rhannol)	1 Medi 2003	2002/3185 (Cy.301) a 2003/1718 (Cy.185)	(partially)	1st September 2003	2002/3185 (W.301) and 2003/1718 (W.185)
(yn rhannol)	4 Rhagfyr 2003	2003/2961 (Cy.278)	(partially)	4th December 2003	2003/2961 (W.278)
(yn rhannol)	1 Ionawr 2004	2003/2961 (Cy.278)	(partially)	1st January 2004	2003/2961 (W.278)
(yn rhannol)	9 Ionawr 2004	2003/2961 (Cy.278)	(partially)	9th January 2004	2003/2961 (W.278)
Atodlen 1, paragraff 3 (yn rhannol)	1 Medi 2003	2003/1718 (Cy.185)	Schedule 1, paragraph 3 (partially)	1st September 2003	2003/1718 (W.185)
Atodlen 3, paragraffau 1 i 5	1 Medi 2003	2003/1718 (Cy.185)	Schedule 3, paragraphs 1 to 5	1st September 2003	2003/1718 (W.185)
Atodlen 4, paragraffau 1 a 4	9 Ionawr 2004	2003/2961 (Cy.278)	Schedule 4, paragraphs 1 and 4	9th January 2004	2003/2961 (W.278)
Atodlen 5	19 Rhagfyr 2002	2002/3185 (Cy.301)	Schedule 5	19th December 2002	2002/3185 (W.301)
Atodlen 10, paragraffau 1, 6, 11 a 15.	19 Rhagfyr 2002	2002/3185 (Cy.301)	Schedule 10, paragraphs 1, 6, 11 and 15	19th December 2002	2002/3185 (W.301)
Atodlen 11	1 Hydref 2002	2002/2439	Schedule 11	1st October 2002	2002/2439
Atodlen 12, paragraffau 1, 2, 4(1) a (3), 6 a 7,	19 Rhagfyr 2002	2002/3185 (Cy.301)	Schedule 12, paragraphs 1, 2, 4(1) and (3), 6 and 7,	19th December 2002	2002/3185 (W.301)
Paragraff 12(1) a (2)	31 Mawrth 2003	2002/3185 (Cy.301)	Paragraph 12(1) and (2)	31st March 2003	2002/3185 (W.301)
Atodlen 13, paragraffau 1 i 3, 5, 6, 7(1) a (3) ac 8	19 Rhagfyr 2002	2002/3185 (Cy.301)	Schedule 13, paragraphs 1 to 3, 5, 6, 7(1) and (3) and 8	19th December 2002	2002/3185 (W.301)
Atodlen 16, paragraffau 1 i 3	1 Rhagfyr 2003	2003/2961 (Cy.278)	Schedule 16, paragraphs 1 to 3	1st December 2003	2003/2961 (W.278)
Paragraffau 4 i 9	19 Rhagfyr 2002	2002/3185 (Cy.301)	Paragraphs 4 to 9	19th December 2002	2002/3185 (W.301)
Atodlen 17, paragraffau 5(1) i (4), (6) a 6 i 8	19 Rhagfyr 2002	2002/3185 (Cy.301)	Schedule 17, paragraphs 5(1) to (4), (6) and 6 to 8	19th December 2002	2002/3185 (W.301)

Atodlen 18, paragraffau 1, 4, 5 a 7,	31 Mawrth 2003	2002/3185 (Cy.301)	Schedule 18, paragraphs 1, 4, 5 and 7,	31st March 2003	2002/3185 (W.301)
Paragraff 8 , (yn rhannol),	31 Mawrth 2003	2002/3185 (Cy.301)	Paragraph 8 (partially),	31st March 2003	2002/3185 (W.301)
Paragraffau 13 i 15,	31 Mawrth 2003	2002/3185 (Cy.301)	Paragraphs 13 to 15,	31st March 2003	2002/3185 (W.301)
Paragraffau 2, 3, 6, 8 (yn llawn), 9 i 12 ac 16 i 18	1 Medi 2003	2002/3185 (Cy.301)	Paragraphs 2, 3, 6, 8 (fully), 9 to 12 and 16 to 18	1st September 2003	2002/3185 (W.301)
Atodlen 19	1 Medi 2003	2003/1718 (Cy.185)	Schedule 19	1st September 2003	2003/1718 (W.185)
Atodlen 20	1 Medi 2003	2003/1718 (Cy.185)	Schedule 20	1st September 2003	2003/1718 (W.185)
Atodlen 21 (yn rhannol)	1 Hydref 2002	2002/2439	Schedule 21 (partially)	1st October 2002	2002/2439
(yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	(partially)	19th December 2002	2002/3185 (W.301)
(yn rhannol)	31 Mawrth 2003	2002/3185 (Cy.301)	(partially)	31st March 2003	2002/3185 (W.301)
(yn rhannol)	1 Awst 2003	2003/1667	(partially)	1st August 2003	2003/1667
(yn rhannol)	1 Medi 2003	2003/1718 (Cy.185)	(partially)	1st September 2003	2003/1718 (W.185)
(yn rhannol)	4 Rhagfyr 2003	2003/2961 (Cy.278)	(partially)	4th December 2003	2003/2961 (W.278)
(yn rhannol)	1 Ionawr 2004	2003/2961 (Cy.278)	(partially)	1st January 2004	2003/2961 (W.278)
(yn rhannol)	9 Ionawr 2004	2003/2961 (Cy.278)	(partially)	9th January 2004	2003/2961 (W.278)
Atodlen 22 (yn rhannol)	1 Hydref 2002	2002/2439	Schedule 22 (partially)	1st October 2002	2002/2439
(yn rhannol)	9 Rhagfyr 2002	2002/3185 (Cy.301)	(partially)	9th December 2002	2002/3185 (W.301)
(yn rhannol)	31 Mawrth 2003	2002/3185 (Cy.301)	(partially)	31st March 2003	2002/3185 (W.301)
(yn rhannol)	1 Awst 2003	2003/1718 (Cy.185)	(partially)	1st August 2003	2003/1718 (W.185)
(yn rhannol)	1 Medi 2003	2002/3185 (Cy.301), 2003/1718 (Cy.185) ac 2003/1667	(partially)	1st September 2003	2002/3185 (W.301), 2003/1718 (W.185) and 2003/1667
(yn rhannol)	4 Rhagfyr 2003	2003/2961 (Cy.278)	(partially)	4th December 2003	2003/2961 (W.278)
(yn rhannol)	1 Ionawr 2004	2003/2961 (Cy.278)	(partially)	1st January 2004	2003/2961 (W.278)
(yn rhannol)	9 Ionawr 2004	2003/2961 (Cy.278)	(partially)	9th January 2004	2003/2961 (W.278)

Mae amryw o ddarpariaethau Deddf Addysg 2002 wedi'u dwyn i rym mewn perthynas â Lloegr gan yr Offerynnau Statudol canlynol: O.S. 2002/2002 (fel y'i diwygiwyd gan O.S. 2002/2018), O.S. 2002/2439 (fel y'i diwygiwyd gan O.S. 2003/606 (dirymwyd) a 2003/2992), O.S. 2002/2952, O.S. 2003/124, O.S. 2003/1115, O.S. 2003/1667 ac O.S. 2003/2071.

Various provisions of the Education Act 2002 have been brought into force in relation to England by the following Statutory Instruments: S.I. 2002/2002 (as amended by S.I. 2002/2018), S.I. 2002/2439 (as amended by S.I. 2003/606 (revoked) and 2003/2992), S.I. 2002/2952, S.I. 2003/124, S.I. 2003/1115, S.I. 2003/1667 and S.I. 2003/2071.

2004 Rhif 912 (Cy.95) (C.40)

ADDYSG, CYMRU

**Gorchymyn Deddf Addysg 2002
(Cychwyn Rhif 4 a Darpariaethau
Trosiannol) (Cymru)
2004**

Wedi'i wneud

24 Mawrth 2004

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pŵer a roddwyd iddo gan adran 216(3), (4)(b) a (5) o Ddeddf Addysg 2002(a), drwy hyn yn gwneud y Gorchymyn canlynol:

Enwi a chymhwyso

1. Enw'r Gorchymyn hwn yw Gorchymyn Deddf Addysg 2002 (Cychwyn Rhif 4 a Darpariaethau Trosiannol) (Cymru) 2004.

2. Mae'r darpariaethau sy'n cael eu dwyn i rym gan y Gorchymyn hwn yn cael eu dwyn i rym mewn perthynas â Chymru yn unig (ac eithrio mewn perthynas ag adran 198).

Dehongli

3.-(1) Yn y Gorchymyn hwn ystyr "Deddf 1998" ("*the 1998 Act*") yw Deddf Safonau a Fframwaith Ysgolion 1998(b).

(2) Yn y Gorchymyn hwn, oni nodir fel arall, mae cyfeiriadau at adrannau ac Atodlenni yn gyfeiriadau at adrannau o Ddeddf Addysg 2002 a'r Atodlenni iddi.

Diwrnodau penodedig

4. 31 Mawrth 2004 yw'r diwrnod penodedig i'r darpariaethau a bennir yn Rhan 1 o'r Atodlen i'r Gorchymyn hwn ddod i rym.

5. 1 Awst 2004 yw'r diwrnod penodedig i'r darpariaethau a bennir yn Rhan 2 o'r Atodlen i'r Gorchymyn hwn ddod i rym.

(a) 2002 p.32.

(b) 1998 p.31.

2004 No. 912 (W.95) (C.40)

EDUCATION, WALES

**The Education Act 2002
(Commencement No. 4 and
Transitional Provisions) (Wales)
Order 2004**

Made

24th March 2004

The National Assembly for Wales, in exercise of the power conferred upon it by section 216(3), (4)(b) and (5) of the Education Act 2002(a), hereby makes the following Order:

Name and application

1. This Order is called Education Act 2002 (Commencement No.4 and Transitional Provisions) (Wales) Order 2004.

2. Provisions brought into force by this Order are brought into force only in relation to Wales (except in relation to section 198).

Interpretation

3.-(1) In this Order "the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998(b).

(2) In this Order, unless otherwise stated, references to sections and Schedules are references to sections of and Schedules to the Education Act 2002.

Appointed days

4. The day appointed for the coming into force of the provisions specified in Part 1 of the Schedule to this Order is 31st March 2004.

5. The day appointed for the coming into force of the provisions specified in Part 2 of the Schedule to this Order is 1st August 2004.

(a) 2002 c.32.

(b) 1998 c.31.

Darpariaeth drosiannol - sefydlu neu newid ysgolion meithrin a gynhelir

6. Er bod adran 154 yn dod i rym, ni fydd y paragraffau (aa) a (d) newydd yn is-adran (1) o adran 28 o Ddeddf 1998 yn gymwys lle mae awdurdod addysg lleol yng Nghymru wedi cymryd penderfyniad cyn 31 Mawrth 2004 i sefydlu ysgol feithrin newydd a gynhelir neu i wneud newid rhagnodedig i ysgol feithrin a gynhelir.

Darpariaeth drosiannol - trefniadau derbyn ar gyfer addysg feithrin

7. Er bod paragraff 12(1), (3) i (5) o Atodlen 4 sy'n diwygio adran 98 o Ddeddf 1998 yn dod i rym, ni fydd y diwygiadau a wneir gan baragraff 12(3), (4) a (5) yn gymwys i flwyddyn ysgol sy'n gynharach na'r flwyddyn ysgol 2004 i 2005 mewn perthynas â derbyn plentyn i ysgol a gynhelir ar gyfer addysg feithrin.

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

24 Mawrth 2004

Dirprwy Lywydd y Cynulliad Cenedlaethol

Transitional provision - establishment or alteration of maintained nursery schools

6. Despite the coming into force of section 154, the new paragraphs (aa) and (d) in subsection (1) of section 28 of the 1998 Act are not to apply where a local education authority in Wales have taken a decision before 31st March 2004 to establish a new maintained nursery school or to make a prescribed alteration to a maintained nursery school.

Transitional provision - admission arrangements for nursery education

7. Despite the coming into force of paragraph 12(1), (3) to (5) of Schedule 4 amending section 98 of the 1998 Act, the amendments made by paragraph 12(3), (4) and (5) are not to apply to a school year earlier than the 2004 to 2005 school year in relation to the admission of a child to a maintained school for nursery education.

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

24th March 2004

John Marek

The Deputy Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

RHAN 1

PART 1

Y darpariaethau sy'n dod i rym ar 31 Mawrth 2004

Provisions coming into force on 31st March 2004

<i>Y ddarpariaeth</i>	<i>Y pwnc</i>	<i>Provision</i>	<i>Subject matter</i>
Adran 51 i'r graddau y mae'n ymwneud â darpariaethau Atodlen 4 isod	Trefniadau derbyn - addysg feithrin	Section 51 in so far as it relates to the provisions of Schedule 4 below	Admission arrangements - nursery education
Adran 154	Sefydlu neu newid ysgolion meithrin a gynhelir	Section 154	Establishment or alteration of maintained nursery schools
Adran 156	Ystyr ysgol feithrin ac addysg gynradd	Section 156	Meaning of nursery school and primary education
Adran 198	Trosglwyddo o'r ysgol gynradd i'r ysgol uwchradd	Section 198	Transition from primary to secondary school
Adran 215(1) i'r graddau y mae'n ymwneud â darpariaethau Atodlen 21 isod	Mân ddiwygiadau a diwygiadau canlyniadol	Section 215(1) in so far as it relates to the provisions of Schedule 21 below	Minor and consequential amendments
Adran 215(2) i'r graddau y mae'n ymwneud â darpariaethau Atodlen 22 isod	Diddymiadau	Section 215(2) in so far as it relates to the provisions of Schedule 22 below	Repeals
Atodlen 4, paragraff 12(1), (3) i (5)	Trefniadau derbyn - addysg feithrin	Schedule 4, paragraph 12(1), (3) to (5)	Admission arrangements - nursery education
Atodlen 21	Mân ddiwygiadau a diwygiadau canlyniadol	Schedule 21	Minor and consequential amendments
Paragraff 98(2) i'r graddau nad yw eisoes mewn grym		Paragraph 98(2) in so far as not already in force	
Paragraff 115(5) ac eithrio is-baragraff (b)		Paragraph 115(5) except sub-paragraph (b)	
Yn Atodlen 22, Rhan 3, diddymu -	Diddymiadau	In Schedule 22, Part 3, the repeal of -	Repeals
Deddf Addysg 1996(a), yn adran 4(1) y geiriau "part-time education suitable to the requirements of junior pupils or",		Education Act 1996(a), in section 4(1) the words "part-time education suitable to the requirements of junior pupils or",	

(a) 1996 p.56.

(a) 1996 c.56.

yn adran
5(1) y geiriau "part-time
education suitable to the
requirements of junior
pupils or",

yn adran
548(8), paragraff (c),

Deddf Safonau a
Fframwaith Ysgolion
1998(a), yn adran 33(1),
y gair "and" ar
ddiwedd paragraff (b),
adran 39.

in section
5(1) the words "part-time
education suitable to the
requirements of junior
pupils or",

in section
548(8), paragraph (c),

School Standards and
Framework Act 1998(a),
in section 33(1), the word
"and" at the end of
paragraph (b),
section 39.

RHAN 2

Y darpariaethau sy'n dod i rym ar 1 Awst 2004

PART 2

Provisions coming into force on 1st August 2004

Y ddarpariaeth

Y pwnc

Adran 177

Ystyr "secondary
education"

Adran 215(2) i'r
graddau y mae'n
ymwneud â
darpariaethau
Atodlen 22 isod

Diddymiadau

Yn Atodlen 22,
Rhan 3, diddymu -

Diddymiadau

Deddf Addysg 1996,
yn adran 2(3)(a)
y geiriau "(including
vocational, social,
physical and recreational
training)".

Provision

Section 177

Section 215(2) in so far
as it relates to the
provisions of
Schedule 22
below

In Schedule 22, Part 3,
the repeal of -

Education Act 1996,
in section 2(3)(a)
the words
"(including
vocational, social,
physical and
recreational training)".

Subject matter

Meaning of "secondary
education"

Repeals

Repeals

(b) 1998 p.31.

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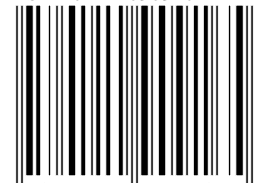
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(a) 1998 c.31.

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