



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 1833 (Cy.149) (C.79)

2005 No. 1833 (W.149) (C.79)

ADDYSG, CYMRU

EDUCATION, WALES

**Gorchymyn Deddf Addysg Uwch
2004 (Cychwyn Rhif 2 a
Darpariaeth Drosiannol) (Cymru)
2005**

**The Higher Education Act 2004
(Commencement No.2 and
Transitional Provision) (Wales)
Order 2005**

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 yng Nghymru ar 30 Mehefin 2005 y darpariaethau a ganlyn yn Neddf Addysg Uwch 2004:

This Order brings into force in Wales on 30 June 2005 the following provisions of the Higher Education Act 2004:

Adran 10(2) sy'n rhoi i'r Cynulliad Cenedlaethol y pŵer i ariannu'n uniongyrchol ymchwil yn y celfyddydau a'r dyniaethau ac mewn gweithgareddau cysylltiedig.

Section 10(2) which gives the National Assembly power to directly fund research in the arts and humanities and related activities.

Adran 44(1) sy'n trosglwyddo i'r Cynulliad Cenedlaethol bŵer yr Ysgrifennydd Gwladol i wneud rheoliadau sy'n pennu'r trefniadau ar gyfer rhoi cymorth ariannol i fyfyrwyr.

Section 44(1) which transfers to the National Assembly the Secretary of State's power to make regulations setting out the arrangements for giving financial support to students.

Adran 44(2) sy'n rhoi i'r Cynulliad Cenedlaethol (yn gydredol â'r Ysgrifennydd Gwladol) y pŵer, mewn perthynas â Chymru, i wneud darpariaethau penodol yn y rheoliadau sy'n pennu'r trefniadau ar gyfer rhoi cymorth ariannol i fyfyrwyr.

Section 44(2) which gives the National Assembly power (concurrently with the Secretary of State) to make, in relation to Wales, certain provisions in the regulations setting out the arrangements for giving financial support to students

Adran 44(5) sy'n rhoi i'r Cynulliad Cenedlaethol (yn gydredol â'r Ysgrifennydd Gwladol), a hynny cyn trosglwyddo swyddogaethau cymorth i fyfyrwyr, y pŵer i wneud taliadau i gorff neu berson, megis y Cwmni Benthyciadau i Fyfyrwyr, y bydd un o swyddogaethau'r Cynulliad Cenedlaethol yn arferadwy ganddo ar ôl trosglwyddo pwerau cymorth i fyfyrwyr i'r Cynulliad Cenedlaethol.

Section 44(5) which gives the National Assembly power (concurrently with the Secretary of State), before the transfer of student support functions, to make payments to a body or person, such as the Student Loans Company, by whom a function of the National Assembly will be exercisable after the transfer of student support powers to the National Assembly.

Adran 44(6) sy'n sicrhau bod darpariaethau penodol Deddf Llywodraeth Cymru 1998 yn gymwys i'r swyddogaethau a drosglwyddir, er enghraifft, nad yw gweithdrefnau seneddol yn gymwys i'r gwaith o wneud deddfwriaeth y Cynulliad Cenedlaethol.

Section 44(6) which ensures that certain provisions of the Government of Wales Act 1998 apply to the functions transferred, for example, that Parliamentary procedures do not apply to the making of National Assembly legislation.

Adran 49 ac Atodlen 6 sy'n cynnwys diwygiadau canlyniadol.

Adran 50 ac Atodlen 7 sy'n cynnwys diddymiadau.

Mae'r Gorchymyn hwn yn dwyn i rym yng Nghymru ar 1 Medi 2006 y darpariaethau a ganlyn yn Neddf Addysg Uwch 2004:

Adran 44(3) sy'n sicrhau bod rheoliadau, a wnaed gan yr Ysgrifennydd Gwladol ac sy'n darparu ar gyfer ad-dalu drwy gyfrwng trethi fenthyciadau a roddwyd i fyfyrwyr (rheoliadau a wnaed o dan adran 22(5) o Ddeddf Addysgu ac Addysg Uwch 1998), yn gymwys i Gymru dim ond os yw'r Cynulliad Cenedlaethol yn penderfynu gweithredu system ad-dalu drwy gyfrwng trethi o gasglu'r arian ac yn hysbysu'r Ysgrifennydd Gwladol o'r penderfyniad hwnnw.

Adran 44 (4) sy'n trosglwyddo i'r Cynulliad Cenedlaethol y pŵer i drosglwyddo neu ddirprwyo unrhyw un o'r swyddogaethau sydd ganddo yn rhinwedd y rheoliadau sy'n pennu'r trefniadau ar gyfer rhoi cymorth ariannol i fyfyrwyr.

Section 49 and Schedule 6 which contain consequential amendments.

Section 50 and Schedule 7 which contain repeals.

This Order brings into force in Wales on 1 September 2006, the following provisions of the Higher Education Act 2004:

Section 44(3) which ensures that regulations made by the Secretary of State providing for repayment of student loans through taxation (regulations made under s.22 (5) of the Teaching and Higher Education Act 1998), apply to Wales only if the National Assembly determines to operate a repayment system through collection via taxation and gives notice of that determination to the Secretary of State.

Section 44(4) which transfers to the National Assembly the power to transfer or delegate any of the functions it has by virtue of the regulations setting out the arrangements for giving financial support to students.

**NODYN AM ORCHMYNION CYCHWYN
BLAENOROL**

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

**NOTE AS TO EARLIER
COMMENCEMENT ORDERS**

(This note is not part of the 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>
Adran 1	16 Rhagfyr 2004	2004/3255	Section 1	16 December 2004	2004/3255
Adran 2	1 Ebrill 2005	2005/767	Section 2	1 April 2005	2005/767
Adrannau 3 i 6	16 Rhagfyr 2004	2004/3255	Sections 3 to 6	16 December 2004	2004/3255
Adrannau 8 a 9	16 Rhagfyr 2004	2004/3255	Sections 8 and 9	16 December 2004	2004/3255
Adrannau 11 i 18	1 Rhagfyr 2004	2004/3144	Sections 11 to 18	1 December 2004	2004/3144
Adran 19	1 Tachwedd 2004	2004/2781	Section 19	1 November 2004	2004/2781
Adran 20	1 Ionawr 2005	2004/3144	Section 20	1 January 2005	2004/3144
Adran 21	1 Rhagfyr 2004	2004/3144	Section 21	1 December 2004	2004/3144
Adran 46	1 Ionawr 2005	2004/3144	Section 46	1 January 2005	2004/3144
Adran 49	16 Rhagfyr 2004 1 Ebrill 2005	2004/3255 2005/767	Section 49	16 December 2004 1 April 2005	2004/3255 2005/767
Adran 50	1 Ionawr 2005 1 Ebrill 2005	2004/3144 2005/767	Section 50	1 January 2005 1 April 2005	2004/3144 2005/767
Atodlen 1	1 Rhagfyr 2004	2004/3144	Schedule 1	1 December 2004	2004/3144
Atodlen 2	1 Rhagfyr 2004	2004/3144	Schedule 2	1 December 2004	2004/3144
Atodlen 3	1 Rhagfyr 2004	2004/3144	Schedule 3	1 December 2004	2004/3144
Atodlen 4	1 Rhagfyr 2004	2004/3144	Schedule 4	1 December 2004	2004/3144
Atodlen 6	16 Rhagfyr 2004 1 Ebrill 2005	2004/3255 2005/767	Schedule 6	16 December 2004 1 April 2005	2004/3255 2005/767
Atodlen 7	1 Ionawr 2005 1 Ebrill 2005	2004/3144 2005/767	Schedule 7	1 January 2005 1 April 2005	2004/3144 2005/767

Cafodd amryw o ddarpariaethau Deddf Addysg Uwch 2004 eu dwyn i rym o ran Lloegr a Gogledd Iwerddon gan yr offerynnau statudol a ganlyn: O.S. 2004/2781 ac O.S. 2004/3255. Cafodd adran 10(3) o Ddeddf Addysg Uwch 2004 ei dwyn i rym o ran yr Alban gan O.S. 2005/33.

Various provisions of the Higher Education Act 2004 have been brought into force in relation to England and Northern Ireland by the following statutory instruments: S.I. 2004/2781 and S.I. 2004/3255. Section 10(3) of the Higher Education Act 2004 has been brought into force in relation to Scotland by S.I. 2005/33.

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ADDYSG, CYMRU

**Gorchymyn Deddf Addysg Uwch
2004 (Cychwyn Rhif 2 a
Darpariaeth Drosiannol) (Cymru)
2005**

Wedi'i wneud

6 Gorffennaf 2005

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 47(5), 52(3), (4) a (6) o Ddeddf Addysg Uwch 2004(1) a chyda chytundeb yr Ysgrifennydd Gwladol(2) drwy hyn yn gwneud y Gorchymyn a ganlyn:

Enwi, cymhwyso a dehongli

1. Enw'r Gorchymyn hwn yw Gorchymyn Deddf Addysg Uwch 2004 (Cychwyn Rhif 2 a Darpariaeth Drosiannol) (Cymru) 2005.

2. Mae'r darpariaethau sy'n cael eu dwyn i rym gan y Gorchymyn hwn yn cael eu dwyn i rym o ran Cymru.

3. Yn y Gorchymyn hwn, oni nodir fel arall, mae cyfeiriadau at adrannau ac Atodlenni yn gyfeiriadau at adrannau o Ddeddf Addysg Uwch 2004 a'r Atodlenni iddi.

Darpariaethau sy'n dod i rym

4. Daw'r darpariaethau canlynol i rym ar 30 Mehefin 2005 -

- (a) adran 10(2);
- (b) adran 44 (1), (2), (5) a (6);
- (c) adran 49 i'r graddau mae'n ymwneud â darpariaethau Atodlen 6 isod;
- (ch) adran 50 i'r graddau mae'n ymwneud â darpariaethau Atodlen 7 isod;
- (d) yn Atodlen 6, paragraff 7, dileu adran 26(5) o Ddeddf Addysgu ac Addysg Uwch 1998; ac
- (e) yn Atodlen 7, diddymu adran 26(5) o Ddeddf Addysgu ac Addysg Uwch 1998.

(1) 2004 p.8.

(2) Fel sy'n ofynnol gan Ddeddf Addysg Uwch 2004, adran 52(4).

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EDUCATION, WALES

**The Higher Education Act 2004
(Commencement No.2 and
Transitional Provision) (Wales)
Order 2005**

Made

6 July 2005

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 47(5), 52(3), (4) and (6) of the Higher Education Act 2004(1) with the agreement of the Secretary of State(2) hereby makes the following Order:

Title, application and interpretation

1. The title of this Order is the Higher Education Act 2004 (Commencement No.2 and Transitional Provision) (Wales) Order 2005.

2. Provisions brought into force by this Order are brought into force in relation to Wales.

3. In this Order, unless otherwise stated, references to sections and Schedules are references to sections of and Schedules to the Higher Education Act 2004.

Provisions coming into force

4. The following provisions come into force on 30 June 2005-

- (a) section 10(2);
- (b) section 44 (1), (2), (5) and (6);
- (c) section 49 in so far as it relates to the provisions of Schedule 6 below;
- (d) section 50 in so far as it relates to the provisions of Schedule 7 below;
- (e) in Schedule 6, paragraph 7, the omission of section 26(5) of the Teaching and Higher Education Act 1998; and
- (f) in Schedule 7, the repeal of section 26(5) of the Teaching and Higher Education Act 1998.

(1) 2004 c.8.

(2) As required by the Higher Education Act 2004, section 52(4).

5. Daw'r darpariaethau canlynol i rym ar 1 Medi 2006-

- (a) adran 44(3); a
- (b) adran 44(4).

Darpariaeth drosiannol ac arbed

6. Er gwaethaf dwyn i rym adran 44(1) a (2) yn rhinwedd erthygl 4(b) uchod, hyd at 1 Medi 2006 mae swyddogathau'r Ysgrifennydd Gwladol o dan Reoliadau Addysg (Cymorth i Fyfyrywyr) 2005(1) yn arferadwy mewn perthynas â Chymru gan yr Ysgrifennydd Gwladol yn unig.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(2)

6 Gorffennaf 2005

Llywydd y Cynulliad Cenedlaethol

5. The following provisions come into force on 1 September 2006-

- (a) section 44(3); and
- (b) section 44(4).

Transitional and saving provision

6. Notwithstanding the coming into force of section 44(1) and (2) by virtue of article 4(b) above, until 1 September 2006, the functions of the Secretary of State under the Education (Student Support) Regulations 2005(1) are exercisable in relation to Wales by the Secretary of State solely.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

6 July 2005

The Presiding Officer of the National Assembly

D. Elis-Thomas

(a) O.S. 2005/52.
(2) 1998 p.38.

(a) S.I. 2005/52.
(2) 1998 c.38.

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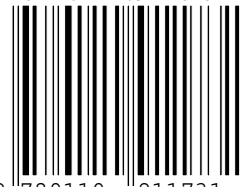
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