CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2005 Rhif 2913 (Cy.210)

ADDYSG, CYMRU

Rheoliadau Deddf Addysg 2002 (Darpariaethau Trosiannol a Diwygiadau Canlyniadol) (Cymru) 2005

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn cymhwyso addasiadau trosiannol i Ddeddf Addysg 2002 mewn cysylltiad â dwyn i rym ddarpariaethau'r Ddeddf drwy Orchymyn Deddf Addysg 2002 (Cychwyn Rhif 7) (Cymru) 2004. Maent yn gwneud diwygiadau hefyd i nifer o reoliadau sy'n ganlyniad yn bennaf i'r gofyniad newydd sydd wedi'i osod ar ysgolion meithrin a gynhelir i gael cyrff llywodraethu.

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

Mae Rheoliad 3 yn diwygio adran 28D(7)(a) o Ddeddf Gwahaniaethu ar Sail Anabledd 1995 fel y byddai'n glir, o'i darllen gyda'r diwygiadau i'r Ddeddf honno a wnaed gan baragraffau 26 a 29 o Atodlen 21, bod y dyletswyddau o ran cynlluniau hygyrchedd wedi'u gosod ar gyrff llywodraethu ysgolion meithrin a gynhelir.

Mae Rheoliad 4 yn diwygio'r diffiniad o "proprietor" yn adran 579 o Ddeddf Addysg 1996 ("Deddf 1996") fel ei fod yn cynnwys cyfeiriad at gyrff llywodraethu ysgolion meithrin a gynhelir.

Mae Rheoliad 5 yn darparu bod offeryn llywodraethu presennol ysgol i barhau mewn grym hyd nes y bydd offeryn newydd a wnaed o dan reoliadau o dan adran 20 wedi cymryd ei le.

Mae Rheoliad 6 yn darparu bod darpariaethau Deddf Safonau a Fframwaith Ysgolion 1998 ("Deddf 1998")

NATIONAL ASSEMBLY FOR WALES

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EDUCATION, WALES

The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply transitional modifications to the Education Act 2002 in connection with the bringing into force of provisions of the Act by the Education Act 2002 (Commencement No. 7) (Wales) Order 2004. They also make amendments to a number of regulations which are mainly consequential on the new requirement on maintained nursery schools to have governing bodies.

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

Regulation 3 amends section 28D(7)(a) of the Disability Discrimination Act 1995 so that when read with the amendments to that Act made by paragraphs 26 and 29 of Schedule 21, it is clear that the duties in relation to accessibility plans are imposed on governing bodies of maintained nursery schools.

Regulation 4 amends the definition of "proprietor" in section 579 of the Education Act 1996 ("the 1996 Act") so that it includes a reference to governing bodies of maintained nursery schools.

Regulation 5 provides that a school's existing instrument of government is to continue in force until it has been replaced by a new instrument made under regulations under section 20.

Regulation 6 provides that the provisions of the School Standards and Framework Act 1998 ("the 1998 Act") continue to apply in relation to a temporary

yn parhau i fod yn gymwys o ran corff llywodraethu dros dro ysgol newydd a gyfansoddwyd o dan adran 44 o Ddeddf 1998 cyn 31 Hydref 2005. Mae'n addasu hefyd adran 44 o Ddeddf 1998 a Rheoliadau Addysg (Ysgolion Newydd) (Cymru) 1999 fel na fydd angen i gorff llywodraethu dros dro o'r fath gael ei ailgyfansoddi fel corff llywodraethu parhaol tan y dyddiad y caiff ei hysbysu ohono gan yr AALl. Mae hyn yn osgoi'r angen i gyrff llywodraethu gael eu cyfansoddi ar gyfer ysgolion newydd o dan Ddeddf 1998, ac wedyn cael eu hailgyfansoddi o dan y trefniadau newydd.

Mae Rheoliad 7 yn darparu na fydd y gofyniad i gorff llywodraethu gael ei gyfansoddi ar gyfer ysgol feithrin a gynhelir yn gymwys tan 31 Mawrth 2006, ond os bydd corff llywodraethu wedi'i gyfansoddi cyn y dyddiad hwnnw, mae i gael holl bwerau a dyletswyddau corff llywodraethu o'r dyddiad y cafodd ei gyfansoddi.

Mae Rheoliad 8 yn gwneud darpariaeth mewn cysylltiad ag ariannu ysgolion meithrin a gynhelir. Mae'r darpariaethau yn Neddf 1998 sy'n ymwneud ag ariannu ysgolion a gynhelir i fod yn gymwys i ysgolion meithrin a gynhelir o ran y blynyddoedd ariannol sy'n dechrau ar neu ar ôl 1 Ebrill 2006 yn unig.

Mae Rheoliad 9 yn caniatáu i riant-lywodraethwyr cyrff llywodraethu a gyfansoddwyd o dan Ddeddf 1998, yn ogystal â rhiant-lywodraethwyr cyrff llywodraethu a gyfansoddwyd o dan reoliadau a wnaed o dan adran 19, gael eu trin fel rhiant-lywodraethwyr at ddibenion adran 499 o Ddeddf 1996. Mae adran 499 o Ddeddf 1996 yn galluogi rheoliadau i'w gwneud yn ofynnol i bwyllgor addysg awdurdod lleol gynnwys cynrychiolwyr rhiant-lywodraethwyr.

Mae rheoliadau 10 i 15 yn diwygio rheoliadau amrywiol yn y fath fodd ag i ddarparu iddynt fod yn gymwys i ysgolion meithrin a gynhelir. Y rheoliadau diwygiedig yw: Rheoliadau Cynrychiolwyr Rhiant-Lywodraethwyr a Chynrychiolwyr Eglwysig (Cymru) 2001, Rheoliadau Llywodraethu Ysgolion (Cylch Gwaith) (Cymru) 2000, Rheoliadau Newid Amserau Sesiynau Ysgolion (Cymru) 2000, Rheoliadau Addysg (Talu am Gyflenwadau Anghenion Addysgol Arbennig) 1999, Rheoliadau Anghenion Addysgol Arbennig (Darparu Gwybodaeth gan Awdurdodau Lleol) (Cymru) 2002 a Rheoliadau Addysg (Cofrestru Disgyblion) 1995.

Mae Rheoliad 16 yn darparu bod Rheoliadau Addysg (Gwahardd Disgyblion ac Apelau) (Ysgolion a Gynhelir) (Cymru) 2003 yn gymwys i ysgolion meithrin a gynhelir o ran gwaharddiadau ar neu ar ôl 1 Ebrill 2006 yn unig.

Mae Rheoliadau 17 a 18 yn diwygio Rheoliadau Addysg (Datganiadau Cyllideb) (Cymru) 2002 a Rheoliadau Cyllidebau AALl, Cyllidebau Ysgolion a Chyllidebau Ysgolion Unigol (Cymru) 2003 fel eu bod yn gymwys i ysgolion meithrin a gynhelir.

governing body of a new school constituted under section 44 of the 1998 Act before 31 October 2005. It also modifies section 44 of the 1998 Act and the Education (New Schools) (Wales) Regulations 1999 so that such a temporary governing body need not reconstitute as a permanent governing body until the date notified to them by the LEA. This avoids the need for governing bodies to be constituted for new schools under the 1998 Act, and then re-constitute under the new arrangements.

Regulation 7 provides that the requirement for a governing body to be constituted for a maintained nursery schools does not apply until 31 March 2006, but if a governing body is constituted before that date, they are to have all the powers and duties of a governing body from the date on which they are constituted.

Regulation 8 makes provision in connection with the financing of maintained nursery schools. Provisions of the 1998 Act relating to the financing of maintained schools are to apply to maintained nursery schools only in relation to financial years beginning on and after 1 April 2006.

Regulation 9 allows parent governors of governing bodies constituted under the 1998 Act, as well as parent governors of governing bodies constituted under regulations made under section 19, to be treated as parent governors for the purposes of section 499 of the 1996 Act. Section 499 of the 1996 Act enables regulations to require a local authority's education committee to include representatives of parent governors.

Regulations 10 to 15 amend various regulations so as to provide that they apply to maintained nursery schools. The amended regulations are the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001, the School Government (Terms of Reference) (Wales) Regulations 2000, the Changing of School Session Times (Wales) Regulations 2000, the Education (Payment for Special Educational Needs Supplies) Regulations 1999, the Special Educational Needs (Provision of Information by Local Education Authorities) (Wales) Regulations 2002 and the Education (Pupil Registration) Regulations 1995.

Regulation 16 provides that the Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003 apply to maintained nursery schools only in relation to exclusions on or after 1 April 2006.

Regulation 17 and 18 amend the Education (Budget Statements) (Wales) Regulations 2002 and the LEA Budgets, Schools Budget and Individual Schools Budget (Wales) Regulations 2003 so that they apply to maintained nursery schools.

Mae Rheoliad 19 yn diwygio Rheoliadau Cyfrannau Cyllideb Ysgolion (Cymru) 2004 fel eu bod yn gymwys i ysgolion meithrin a gynhelir ar gyfer y blynyddoedd ariannol sy'n dechrau ar ôl 31 Mawrth 2006 yn unig.

Mae Rheoliad 20 yn diwygio Rheoliadau Fforymau Ysgolion (Cymru) 2003 fel bod modd i gynrychiolwyr ysgol gynradd ar fforwm ysgol gynnwys cynrychiolydd ysgol feithrin a gynhelir. Mae hyn i adlewyrchu'r ffaith bod ysgolion meithrin a gynhelir i gael cyllidebau dirprwyedig.

Mae Rheoliadau 21 a 22 yn gwneud darpariaeth drosiannol o ran arolygiadau ysgolion o ysgolion meithrin a gynhelir. Mae Rheoliad 23 yn diwygio Rheoliadau Addysg (Arolygu Addysg Feithrin) (Cymru) 1999 o ganlyniad i'r gofyniad i ysgolion meithrin a gynhelir gael cyrff llywodraethu.

Regulation 19 amends the Schools Budget Shares (Wales) Regulations 2004 so that they apply to maintained nursery schools only in respect of financial years beginning after 31 March 2006.

Regulation 20 amends the School Forums (Wales) Regulations 2003 so that representatives of a primary school on a school forum can include a representative of a maintained nursery school. This is to reflect the fact that maintained nursery schools are to have delegated budgets.

Regulations 21 and 22 make transitional provision in relation to school inspections of maintained nursery schools. Regulation 23 amends the Education (Inspection of Nursery Education) (Wales) Regulations 1999 consequential on the requirement for maintained nursery schools to have governing bodies.

OFFERYNNAU STATUDOL

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ADDYSG, CYMRU

Rheoliadau Deddf Addysg 2002 (Darpariaethau Trosiannol a Diwygiadau Canlyniadol) (Cymru) 2005

Wedi'u gwneud	*18 Hydref 2005*
Yn dod i rym	*31 Hydref 2005*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adran 214 o Ddeddf Addysg 2002(**1**).

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Addysg 2002 (Darpariaethau Trosiannol a Diwygiadau Canlyniadol) (Cymru) 2005 a deuant i rym ar 31 Hydref 2005.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Dehongli

2.-(1) Yn y Rheoliadau hyn-

ystyr "Deddf 1996" ("*the 1996 Act*") yw Deddf Addysg 1996(**2**);

ystyr "Deddf 1998" ("*the 1998 Act*") yw Deddf Safonau a Fframwaith Ysgolion 1998(**3**); ac

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

Addasu adran 28D(7) o Ddeddf Gwahaniaethu ar sail Anabledd 1995

3. Yn adran 28D(7)(a) o Ddeddf Gwahaniaethu ar sail Anabledd 1995(**4**) (Strategaethau a chynlluniau hygyrchedd), ar ôl y geiriau "maintained schools" mewnosoder y geiriau "and maintained nursery schools".

(**1**) 2002 p.32.

(**2**) 1996 p.56.

(**3**) 1998 p.31.

(**4**) 1995 p.50. Mewnosodwyd adran 28D gan adran 14(1) o Ddeddf Anghenion Addysgol Arbennig ac Anabledd 2001 (p.10).

STATUTORY INSTRUMENTS

2005 No. 2913 (W.210)

EDUCATION, WALES

The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2005

Made	*18 October 2005*
Coming into force	*31 October 2005*

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(**1**).

Title, commencement and application

1.-(1) The title of these Regulations is the Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2005 and they come into force on 31 October 2005.

(2) These Regulations apply in relation to Wales.

Interpretation

2.-(1) In these Regulations-

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996(**2**);

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998(**3**); and

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

Modification of section 28D(7) the Disability Discrimination Act 1995

3. In section 28D(7)(a) of the Disability Discrimination Act 1995(**4**) (Accessibility strategies and plans), after the words "maintained schools" insert the words "and maintained nursery schools".

(**1**) 2002 c.32.

(**2**) 1996 c.56.

(**3**) 1998 c.31.

(**4**) 1995 c.50. Section 28D was inserted by section 14(1) of the Special Educational Needs and Disability Act 2001 (c.10).

Addasu adran 579(1) o Ddeddf 1996

4. Yn adran 579(1) o Ddeddf 1996(**1**) (Dehongli cyffredinol), yn y diffiniad o "proprietor", ar ôl "foundation special school" mewnosoder "or a maintained nursery school,".

Offerynnau llywodraethu

5. Er gwaethaf y ffaith bod adran 20(1) o Ddeddf 2002 wedi dod i rym a bod adran 37(1) o Ddeddf 1998 ac Atodlen 12 iddi(**2**) wedi'u diddymu, mae holl offerynnau llywodraethu ysgolion a gynhelir i aros mewn grym hyd nes bod offeryn llywodraethu newydd a wneir yn unol â Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005(**3**) yn cymryd eu lle.

Ysgolion newydd

6.-(1) Er gwaethaf y ffaith bod adran 34 o Ddeddf 2002 wedi dod i rym a bod adran 44 o Ddeddf 1998(**4**) wedi'i diddymu, mae adran 44 o Ddeddf 1998 a Rheoliadau Addysg (Ysgolion Newydd) (Cymru) 1999(**5**) i barhau i fod yn gymwys o ran corff llywodraethu dros dro a gyfansoddwyd cyn 31 Hydref 2005.

(2) Pan fo paragraff (1) yn gymwys-

(a) mae'r darpariaethau yn Neddf 1998 y cyfeirir atynt yn adran 44 o Ddeddf 1998 ac yn Rheoliadau Addysg (Ysgolion Newydd) (Cymru) 1999 ac sydd wedi'u dirymu gan Ddeddf 2002 i gael effaith fel petaent heb eu dirymu;

(b) mae adran 44 o Ddeddf 1998 i gael effaith fel petai is-adran (3)(b) wedi'i hepgor ac fel petai'r geiriau "the date notified to the temporary governing body by the local education authority" wedi'u rhoi yn lle "the school opening date" yn is-adran (4); ac

(c) mae Rheoliadau Addysg (Ysgolion Newydd) (Cymru) 1999 i gael effaith fel petai'r geiriau "the date notified to the temporary governing body by the local education authority" wedi'u rhoi yn lle "the school opening date" yn rheoliad 31(1) ac fel petai rheoliad 31(3) wedi'i hepgor.

(**1**) Cafodd y diffiniad o "proprietor" ei ddiwygio gan adran 140(1) o Ddeddf 1998 a pharagraff 183(a)(iii) o Atodlen 30 iddi.

(**2**) Daw adran 20(1) o Ddeddf 2002 i rym ar 31 Hydref 2005, a diddymir adran 37(1) o Ddeddf 1998 ac Atodlen 12 iddi gan adran 215(2) o Ddeddf 2002, a Rhan 3 o Atodlen 22 iddi, ar 31 Hydref 2005, yn rhinwedd O.S. 2005/2910 (Cy.207) (C.124).

(**3**) O.S. 2005/2914 (Cy. 211).

(**4**) Daw adran 34 o Ddeddf 2002 i rym ar 31 Hydref 2005, a diddymir adran 44 o Ddeddf 1998 gan adran 215(2) o Ddeddf 2002, a Rhan 3 o Atodlen 22 iddi, ar 31 Hydref 2005, yn rhinwedd O.S. 2005/2910 (Cy.207) (C.124).

(**5**) O.S. 1999/2243.

Modification of section 579(1) of the 1996 Act

4. In section 579(1) of the 1996 Act(**1**) (General interpretation), in the definition of "proprietor" after "foundation special school" there is inserted "or a maintained nursery school,".

Instruments of government

5. Despite the coming into force of section 20(1) of the 2002 Act and the repeal of section 37(1) of and Schedule 12 to the 1998 Act(**2**), all instruments of government of maintained schools are to remain in force until replaced by a new instrument of government made in accordance with the Government of Maintained Schools (Wales) Regulations 2005(**3**).

New schools

6.-(1) Despite the coming into force of section 34 of the 2002 Act and the repeal of section 44 of the 1998 Act(**4**), section 44 of the 1998 Act and the Education (New Schools) (Wales) Regulations 1999(**5**) are to continue to apply in relation to a temporary governing body constituted before 31 October 2005.

(2) Where paragraph (1) applies-

(a) provisions of the 1998 Act referred to in section 44 of the 1998 Act and in the Education (New Schools) (Wales) Regulations 1999 which have been revoked by the 2002 Act are to have effect as though they had not been revoked;

(b) section 44 of the 1998 Act is to have effect as though subsection (3)(b) were omitted and as though in subsection (4) there were substituted for "the school opening date" the words "the date notified to the temporary governing body by the local education authority"; and

(c) the Education (New Schools) (Wales) Regulations 1999 are to have effect as though for "the school opening date" in regulation 31(1) there were substituted the words "the date notified to the temporary governing body by the local education authority" and as though regulation 31(3) were omitted.

(**1**) The definition of "proprietor" was amended by section 140(1) of, and paragraph 183(a)(iii) of Schedule 30 to, the 1998 Act.

(**2**) Section 20(1) of the 2002 Act comes into force on 31 October 2005, and section 37(1) of and Schedule 12 to the 1998 Act are repealed by section 215(2) of and Part 3 of Schedule 22 to, the 2002 Act on 31 October 2005, by virtue of S.I. 2005/2910 (W.207) (C.124).

(**3**) S.I. 2005/2914 (W. 211).

(**4**) Section 34 of the 2002 Act comes into force on 31 October 2005, and section 44 of the 1998 Act is repealed by section 215(2) of and Part 3 of Schedule 22 to, the 2002 Act on 31 October 2005, by virtue of S.I. 2005/2910 (W.207) (C.124).

(**5**) S.I. 1999/2243.

Ysgolion meithrin a gynhelir

7.-(1) Er gwaethaf y ffaith bod y diffiniad o "maintained school" yn adran 39 o Ddeddf 2002(**1**) wedi dod i rym, nid oes angen i'r gofynion a osodir gan adrannau 19(1) ac 20(1) o Ddeddf 2002(**2**) i'r graddau y maent yn ymwneud ag ysgolion meithrin a gynhelir gael eu bodloni tan 31 Mawrth 2006.

(2) Hyd nes y bydd offeryn llywodraethu mewn grym ar gyfer ysgol feithrin a gynhelir o dan adran 20(1) o Ddeddf 2002, dim ond er mwyn galluogi'r offeryn llywodraethu i gael ei wneud a galluogi'r corff llywodraethu i gael ei gyfansoddi ar gyfer yr ysgol honno y mae'r darpariaethau perthnasol yn cael effaith.

(3) Gan hynny, mae Cynulliad Cenedlaethol Cymru, awdurdodau addysg lleol, cyrff llywodraethu a phenaethiaid i barhau i gael yr un swyddogaethau hynny tan yr amser hwnnw, o ran ysgolion meithrin a gynhelir ag yr oedd ganddynt yn union cyn cychwyn y darpariaethau perthnasol.

(4) Yn y rheoliad hwn ystyr "y darpariaethau perthnasol" yw'r darpariaethau yn Neddf Addysg 2002 a gafodd eu dwyn i rym gan Orchymyn Deddf Addysg 2002 (Cychwyn Rhif 7) 2005(**3**) a darpariaethau'r Rheoliadau hyn, i'r graddau y mae swyddogaethau yn cael eu rhoi i Gynulliad Cenedlaethol Cymru, awdurdodau addysg lleol, cyrff llywodraethu neu benaethiaid gan neu o dan y darpariaethau hynny o ran ysgolion meithrin a gynhelir.

Ysgolion meithrin a gynhelir a chyllidebau dirprwyedig

8. Mae cymhwyso Pennod 4 o Ran 2 o Ddeddf 1998 i ysgolion meithrin a gynhelir, a hwnnw'n gymhwyso a wnaed drwy beri i adran 45 o Ddeddf 1998 gael ei diwygio gan baragraff 99(2) o Atodlen 21 i Ddeddf 2002(**4**), i gael effaith yn y cyfnod sy'n dod i ben yn union cyn 1 Ebrill 2006 ddim ond at ddibenion ariannu ysgolion meithrin a gynhelir mewn unrhyw flwyddyn ariannol sy'n dechrau ar neu ar ôl y dyddiad hwnnw.

Aelodaeth o bwyllgorau addysg

9. Er gwaethaf yr amnewidiad o adran 499(9)(b) o Ddeddf 1996 a wnaed gan baragraff 50 o Atodlen 21 i Ddeddf 2002(**5**), mae rhiant-lywodraethwr a benodwyd neu a etholwyd i gorff llywodraethu a gyfansoddwyd o dan adran 36 o Ddeddf 1998 i'w drin fel rhiant-lywodraethwr hefyd at ddibenion adran 499(6) ac (8) o Ddeddf 1996.

(**1**) Daw adran 39 o Ddeddf 2002 i rym ar 31 Hydref 2005 yn rhinwedd O.S. 2005/2910 (Cy.207) (C.124).

(**2**) Daw adrannau 19 a 20 o Ddeddf 2002 i rym ar 31 Hydref 2005 yn rhinwedd O.S. 2005/2910 (Cy.207) (C.124).

(**3**) O.S. 2005/2910 (Cy.207) (C.124).

(**4**) Daw paragraff 99 o Atodlen 21 i Ddeddf 2002 i rym ar 31 Hydref 2005 yn rhinwedd O.S. 2005/2910 (Cy.207) (C.124).

(**5**) Daw paragraff 50 o Atodlen 21 i Ddeddf 2002 i rym ar 31 Hydref 2005 yn rhinwedd O.S. 2005/2910 (Cy.207) (C.124).

Maintained nursery schools

7.-(1) Despite the coming into force of the definition of maintained school in section 39 of the 2002 Act(**1**), the requirements imposed by sections 19(1) and 20(1) of the 2002 Act(**2**) in so far as they relate to maintained nursery schools need not be met until 31 March 2006.

(2) Until an instrument of government is in force for a maintained nursery school under section 20(1) of the 2002 Act, the relevant provisions have effect only for the purpose of enabling the instrument of government to be made and the governing body to be constituted for that school.

(3) Accordingly until such time, the National Assembly for Wales, local education authorities, governing bodies and head teachers are to continue to have those same functions in relation to maintained nursery schools as they had immediately before the commencement of the relevant provisions.

(4) In this regulation "the relevant provisions" means the provisions of the Education Act 2002 brought into force by the Education Act 2002 (Commencement No. 7) Order 2005(**3**) and the provisions of these Regulations, in so far as functions are conferred on the National Assembly for Wales, local education authorities, governing bodies or head teachers by or under those provisions in relation to maintained nursery schools.

Maintained nursery schools and delegated budgets

8. The application of Chapter 4 of Part 2 of the 1998 Act to maintained nursery schools, made by the amendment of section 45 of the 1998 Act by paragraph 99(2) of Schedule 21 to the 2002 Act(**4**), is to have effect in the period ending immediately before 1 April 2006 only for the purpose of financing maintained nursery schools in any financial year beginning on and after that date.

Membership of education committees

9. Despite the substitution of section 499(9)(b) of the 1996 Act made by paragraph 50 of Schedule 21 to the 2002 Act(**5**), a parent governor appointed or elected to a governing body constituted under section 36 of the 1998 Act is also to be treated as a parent governor for the purposes of section 499(6) and (8) of the 1996 Act.

(**1**) Section 39 of the 2002 Act comes into force on 31 October 2005 by virtue of S.I. 2005/2910 (W.207) (C.124).

(**2**) Sections 19 and 20 of the 2002 Act come into force on 31 October 2005 by virtue of S.I. 2005/2910 (W.207) (C.124).

(**3**) SI 2005/2910 (W.207) (C.124).

(**4**) Paragraph 99 of Schedule 21 to the 2002 Act comes into force on 31 October 2005 by virtue of S.I. 2005/2910 (W.207) (C.124).

(**5**) Paragraph 50 of Schedule 21 to the 2002 Act comes into force on 31 October 2005 by virtue of S.I. 2005/2910 (W.207) (C.124).

Diwygio Rheoliadau Cynrychiolwyr Rhiant-Lywodraethwyr a Chynrychiolwyr Eglwysig (Cymru) 2001

10.-(1) Mae Rheoliadau Cynrychiolwyr Rhiant-Lywodraethwyr a Chynrychiolwyr Eglwysig (Cymru) 2001(**1**) yn cael eu diwygio fel a ganlyn.

(2) Yn rheoliad 3, yn lle'r diffiniad o "ysgol", rhodder y canlynol-

"ystyr "ysgol" ("*school*") yw ysgol gymunedol, ysgol sefydledig neu ysgol wirfoddol, neu ysgol arbennig gymunedol neu ysgol arbennig sefydledig neu ysgol feithrin a gynhelir;".

Diwygio Rheoliadau Llywodraethu Ysgolion (Cylch Gwaith) (Cymru) 2000

11.-(1) Mae Rheoliadau Llywodraethu Ysgolion (Cylch Gwaith) (Cymru) 2000(**2**) yn cael eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(2)(a) a (b), ar ôl y geiriau "ysgol arbennig sefydledig" mewnosoder y geiriau "neu ysgol feithrin a gynhelir".

(3) Yn rheoliad 7 yn lle'r geiriau "Rheoliad 41 o Reoliadau Addysg (Llywodraethu Ysgolion) (Cymru) 1999" rhodder y geiriau "rheoliad 50 o Reoliadau Llywodraethu Ysgolion (Cymru) 2005(**3**)".

(4) Mewnosoder ar ddiwedd rheoliad 9 y canlynol-

"(5) Nid yw'r rheoliad hwn yn gymwys i ysgolion meithrin a gynhelir."

(5) Mewnosoder ar ddiwedd rheoliad 10 y canlynol-

"(11) Nid yw'r rheoliad hwn yn gymwys i ysgolion meithrin a gynhelir."

Diwygio Rheoliadau Newid Amserau Sesiynau Ysgolion (Cymru) 2000

12.-(1) Mae Rheoliadau Newid Amserau Sesiynau Ysgolion (Cymru) 2000(**4**) yn cael eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1) mewnosoder ar ôl y geiriau "ysgol arbennig gymunedol" y geiriau "neu ysgol feithrin a gynhelir".

(**1**) O.S. 2001/3711 (Cy.307).

(**2**) O.S. 2000/3027 (Cy.195), fel y'u diwygiwyd gan O.S. 2002/1396 (Cy.138).

(**3**) O.S. 2005/2914 (Cy.211).

(**4**) O.S. 2000/2030 (Cy. 143).

Amendment of the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001

10.-(1) The Parent Governor Representatives and Church Representatives (Wales) Regulations 2001(**1**) are amended as follows.

(2) In regulation 3, for the definition of "school" substitute the following-

""school" ("*ysgol*") means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;".

Amendment to the School Government (Terms of Reference) (Wales) Regulations 2000

11.-(1) The School Government (Terms of Reference) (Wales) Regulations 2000(**2**) are amended as follows.

(2) In regulation 2(2)(a) and (b) after the words "foundation special school" insert the words "or a maintained nursery school".

(3) In regulation 7 substitute for the words "Regulation 41 of the Education (School Government) (Wales) Regulations 1999" the words "regulation 50 of the Government of Maintained Schools (Wales) Regulations 2005(**3**)".

(4) Insert at the end of regulation 9 the following-

"(5) This regulation does not apply to maintained nursery schools."

(5) Insert at the end of regulation 10 the following-

"(11) This regulation does not apply to maintained nursery schools."

Amendment of the Changing of School Session Times (Wales) Regulations 2000

12.-(1) The Changing of School Session Times (Wales) Regulations 2000(**4**) are amended as follows.

(2) In regulation 2(1) insert after the words "community special school" the words "or maintained nursery school".

(**1**) S.I. 2001/3711 (W.307).

(**2**) S.I. 2000/3027 (W.195) as amended by S.I. 2002/1396 (W.138).

(**3**) S.I. 2005/2914 (W.211).

(**4**) S.I. 2000/2030 (W. 143).

Diwygio Rheoliadau Addysg (Talu am Gyflenwadau Anghenion Addysgol Arbennig) 1999

13. Mae Rheoliadau Addysg (Talu am Gyflenwadau Anghenion Addysgol Arbennig) 1999(**1**) yn cael eu diwygio drwy fewnosod yn rheoliad 1(2) ar ôl "foundation special school" y geiriau "or maintained nursery school".

Diwygio Rheoliadau Anghenion Addysgol Arbennig (Darparu Gwybodaeth gan Awdurdodau Addysg Lleol) (Cymru) 2002

14.-(1) Mae Rheoliadau Anghenion Addysgol Arbennig (Darparu Gwybodaeth gan Awdurdodau Addysg Lleol) (Cymru) 2002(**2**) wedi'u diwygio fel a ganlyn-

(a) mae rheoliad 1(4) yn cael ei hepgor;

(b) ym mharagraff 1 o'r Atodlen mewnosoder ar ôl y geiriau "o gyfran yr ysgolion a gynhelir o'r gyllideb" y geiriau "neu gyfran yr ysgolion meithrin a gynhelir o'r gyllideb";

(c) ym mharagraff 3(b) o'r Atodlen mewnosoder ar ôl y geiriau "ysgolion a gynhelir" y geiriau "a'r ysgolion meithrin a gynhelir".

(2) Mae rheoliadau 2(a) a 3(1) i (3) o Reoliadau Anghenion Addysgol Arbennig (Darparu Gwybodaeth gan Awdurdodau Addysg Lleol) (Cymru) 2002 yn gymwys, o ran yr wybodaeth y mae'n ofynnol ei chyhoeddi o ganlyniad i'r diwygiadau a wnaed gan baragraff (1), fel petai "30 Ebrill 2006" a "31 Gorffennaf 2006" wedi'u rhoi yn lle "30 Ebrill 2002" a "31 Gorffennaf 2002" yn rheoliad 3(2) a (3).

Diwygio Rheoliadau Addysg (Cofrestru Disgyblion) 1995

15. Mae rheoliad 2 o Reoliadau Addysg (Cofrestru Disgyblion) 1995(**3**) yn cael ei ddiwygio drwy fewnosod yn y diffiniad o "proprietor", ar ôl y geiriau "foundation special school", y geiriau "or a maintained nursery school".

Eithriadau

16. Er gwaethaf y ffaith bod adran 52 (11) o Ddeddf Addysg 2002(**4**) wedi dod i rym ac er gwaethaf rheoliad 7 o'r Rheoliadau hyn, mae Rheoliadau Addysg (Gwahardd Disgyblion ac Apelau) (Ysgolion a Gynhelir) (Cymru) 2003(**5**) yn gymwys o ran ysgolion meithrin a gynhelir mewn perthynas â gwaharddiadau ar neu ar ôl 1 Ebrill 2006 yn unig.

(**1**) O.S. 1999/710.

(**2**) O.S. 2002/157 (Cy.23).

(**3**) O.S. 1995/2089 fel y'i diwygiwyd gan O.S. 1997/2624, 2001/1109 (Cy. 53).

(**4**) Daw adran 52(11) o Ddeddf 2002 i rym ar 31 Hydref 2005 yn rhinwedd O.S. 2005/2910 (Cy.207) (C.124).

(**5**) O.S. 2003/3227 (Cy.308), fel y'i diwygiwyd gan O.S. 2004/1805 (Cy. 193).

Amendment of the Education (Payment for Special Educational Needs Supplies) Regulations 1999

13. The Education (Payment for Special Educational Needs Supplies) Regulations 1999(**1**) are amended by inserting in regulation 1(2) after "foundation special school" the words "or maintained nursery school".

Amendment of the Special Educational Needs (Provision of Information by Local Education Authorities) (Wales) Regulations 2002

14.-(1) The Special Educational Needs (Provision of Information by Local Education Authorities) (Wales) Regulations 2002(**2**) are amended as follows-

(a) regulation 1(4) is omitted;

(b) in paragraph 1 of the Schedule insert after the words "budget shares" the words "or maintained nursery schools' budget shares";

(c) in paragraph 3(b) of the Schedule insert after the words "maintained schools" the words "and maintained nursery schools".

(2) Regulations 2(a) and 3(1) to (3) of the Special Educational Needs (Provision of Information by Local Education Authorities) (Wales) Regulations 2002 apply in relation to the information required to be published as a result of the amendments made by paragraph (1) as though for "30 April 2002" and "31 July 2002" in regulation 3(2) and (3) there were substituted "30 April 2006" and "31 July 2006".

Amendment of the Education (Pupil Registration) Regulations 1995

15. Regulation 2 of the Education (Pupil Registration) Regulations 1995(**3**) is amended by inserting in the definition of "proprietor" after the words "foundation special school" the words "or a maintained nursery school".

Exclusions

16. Despite the coming into force of section 52 (11) of the Education Act 2002(**4**) and despite regulation 7 of these Regulations, the Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003(**5**) apply in relation to maintained nursery schools only in relation to exclusions on or after 1 April 2006.

(**1**) S.I. 1999/710.

(**2**) S.I. 2002/157 (W.23).

(**3**) S.I. 1995/ 2089 as amended by S.I. 1997/2624, 2001/1109 (W. 53).

(**4**) Section 52(11) of the 2002 Act comes into force on 31 October 2005 by virtue of S.I. 2005/2910 (W.207) (C.124).

(**5**) S.I. 2003/3227 (W.308) as amended by S.I. 2004/1805 (W. 193).

Diwygio Rheoliadau Addysg (Datganiadau Cyllideb) (Cymru) 2002

17.-(1) Mae Rheoliadau Addysg (Datganiadau Cyllideb) (Cymru) 2002(**1**) yn cael eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1), yn lle'r diffiniad o "ysgol", rhodder y canlynol-

"ystyr "ysgol" ("*school*") yw ysgol gymunedol, ysgol sefydledig neu ysgol wirfoddol, ysgol gymunedol arbennig neu ysgol sefydledig arbennig neu ysgol feithrin a gynhelir;".

Diwygio Rheoliadau Cyllidebau AALl, Cyllidebau Ysgolion a Chyllidebau Ysgolion Unigol (Cymru) 2003

18.-(1) Mae Rheoliadau Cyllidebau AALl, Cyllidebau Ysgolion a Chyllidebau Ysgolion Unigol (Cymru) 2003(**2**) wedi'u diwygio fel a ganlyn.

(2) Yn rheoliad 2(3), ar ôl y geiriau "ysgol sefydledig arbennig" mewnosoder y geiriau "neu ysgol feithrin a gynhelir".

(3) Ym mharagraff 5(a) o Atodlen 1, mewnosoder ar ôl y geiriau "yr awdurdod" y geiriau "neu ysgol feithrin a gynhelir".

(4) Yn Atodlen 2-

(a) ym mharagraff 1(b), mewnosoder ar ôl y geiriau "ysgol a gynhelir" y geiriau "neu ysgol feithrin a gynhelir";

(b) ym mharagraff 2(b), mewnosoder ar ôl y geiriau "yr awdurdod" y geiriau "neu ysgol feithrin a gynhelir";

(c) ym mharagraff 3 mewnosoder o flaen y geiriau "ysgol gynradd" y geiriau "ysgol feithrin a gynhelir neu'r";

(ch) yn is-baragraffau (a), (b) ac (c) o baragraff 6, ac ym mhob un ohonynt, mewnosoder o flaen y geiriau "ysgolion cynradd" y geiriau "ysgolion meithrin a gynhelir,".

Diwygio Rheoliadau Cyfrannau Cyllideb Ysgolion (Cymru) 2004

19.-(1) Mae Rheoliadau Cyfrannau Cyllideb Ysgolion (Cymru) 2004(**3**) yn cael eu diwygio fel a ganlyn.

(2) Yn rheoliad 1(2) mewnosoder ar ôl y geiriau "ysgolion a gynhelir" y geiriau ", ac eithrio ysgolion meithrin a gynhelir,".

(**1**) O.S. 2002/122 (Cy.16).

(**2**) O.S. 2003/3118 (Cy.296).

(**3**) O.S. 2004/2506 (Cy.224).

Amendment of the Education (Budget Statements) (Wales) Regulations 2002

17.-(1) The Education (Budget Statements) (Wales) Regulations 2002(**1**) are amended as follows.

(2) In regulation 2(1) for the definition of "school" substitute the following-

"school" ("*ysgol*") means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;".

Amendment of the LEA Budget, Schools Budget and Individual Schools Budget (Wales) Regulations 2003

18.-(1) The LEA Budget, Schools Budget and Individual Schools Budget (Wales) Regulations 2003(**2**) are amended as follows.

(2) In regulation 2(3) after the words "foundation special school" insert the words "or maintained nursery school".

(3) In paragraph 5(a) of Schedule 1, insert after the words "the authority" the words "or a maintained nursery school".

(4) In Schedule 2-

(a) in paragraph 1(b) insert after the words "a maintained school" the words "or a maintained nursery school";

(b) in paragraph 2(b) insert after the words "the authority" the words "or a maintained nursery school";

(c) in paragraph 3 insert before the word "primary" the words "maintained nursery school or";

(d) in each of sub-paragraphs (a), (b) and (c) of paragraph 6, insert before the word "primary" the words "maintained nursery schools,".

Amendment of the Schools Budget Shares (Wales) Regulations 2004

19.-(1) The Schools Budget Shares (Wales) Regulations 2004(**3**) are amended as follows.

(2) In regulation 1(2) insert after the words "maintained schools" the words ", except maintained nursery schools,".

(**1**) S.I. 2002/122 (W.16).

(**2**) S.I. 2003/3118 (W.296).

(**3**) S.I. 2004/2506 (W.224).

(3) Ychwaneger ar ôl rheoliad 1(2) y canlynol-

"(3) Mae'r Rheoliadau hyn yn gymwys at ddiben ariannu ysgolion meithrin a gynhelir ar gyfer unrhyw flwyddyn ariannol sy'n dechrau ar ôl 31 Mawrth 2006.".

Diwygio Rheoliadau Fforymau Ysgolion (Cymru) 2003

20.-(1) Mae Rheoliadau Fforymau Ysgolion (Cymru) 2003(**1**) yn cael eu diwygio fel a ganlyn.

(2) Hepgorer o reoliad 4(5) y geiriau "ond heb gynnwys ysgol feithrin".

Arolygiadau Ysgolion

21. Er gwaethaf y diwygiadau a wnaed i'r diffiniad o "appropriate body" yn adran 11(4) o Ddeddf Arolygiadau Ysgolion 1996 gan baragraff 60 o Atodlen 21, mae'r cyfeiriadau at "appropriate body" yn adrannau 16(4) a 17 o'r Ddeddf honno o ran arolygiad o ysgol feithrin a gynhelir a ddigwyddodd cyn bod corff llywodraethu wedi'i gyfansoddi ar gyfer yr ysgol honno i gael effaith fel petaent yn gyfeiriadau at yr awdurdod addysg lleol, ac nid yw'r diwygiad a wnaed gan baragraff 64 i adran 18(1)(a) o'r Ddeddf honno i gael effaith o ran arolygiad o'r fath.

22.-(1) Mae Rheoliadau Addysg (Arolygu Ysgolion) (Cymru) 1998(**2**) yn cael eu diwygio drwy fewnosod yn rheoliad 5(1)(a) a (b) ar ôl y gair "voluntary" y geiriau ", maintained nursery school".

(2) Mae'r cyfeiriadau at ddarpariaethau yn Neddf Arolygiadau Ysgolion 1996 a Deddf 1998 yn Rheoliadau Addysg (Arolygu Ysgolion) (Cymru) 1998(**3**) yn gyfeiriadau at y darpariaethau hynny, fel y'u diwygiwyd gan Ddeddf 2002, ond pan fo adroddiad arolygwyr ar ysgol feithrin a gynhelir wedi dod i law cyn bod corff llywodraethu wedi'i gyfansoddi ar gyfer yr ysgol, mae rheoliadau 8 a 10 yn cael effaith fel petai'r awdurdod addysg lleol oedd yr awdurdod priodol.

(**1**) O.S. 2003/2909 (Cy.275).

(**2**) O.S. 1998/1866 fel y'i diwygiwyd gan adran 73(1) a (3)(a) o Ddeddf Dysgu a Medrau 2000 (p.21), O.S. 1999/1440, 2001/3710, 2004/784.

(**3**) O.S. 1998/1866 fel y'i diwygiwyd gan adran 73(1) a (3)(a) o Ddeddf Dysgu a Medrau 2000 (p.21), O.S. 1999/1440, 2001/3710, 2004/784.

(3) Add after regulation 1(2) the following-

"(3) These Regulations apply for the purpose of the financing of maintained nursery schools in Wales in respect of any financial year beginning after 31 March 2006.".

Amendment of the Schools Forums (Wales) Regulations 2003

20.-(1) The Schools Forums (Wales) Regulations 2003(**1**) are amended as follows.

(2) Omit from regulation 4 (5) the words "excludes a nursery school".

School Inspections

21. Despite the amendments made to the definition of "appropriate body" in section 11(4) of the School Inspections Act 1996 by paragraph 60 of Schedule 21, the references to "appropriate body" in sections 16(4) and 17 of that Act in relation to an inspection of a maintained nursery school that took place before a governing body was constituted for that school are to have effect as if they were references to the local education authority, and the amendment made by paragraph 64 to section 18(1)(a) of that Act is not to have effect in relation to such an inspection.

22.-(1) The Education (School Inspection) (Wales) Regulations 1998(**2**) are amended by inserting in regulation 5(1)(a) and (b) after the word "voluntary" the words ", maintained nursery school".

(2) References to provisions of the School Inspections Act 1996 and the 1998 Act in the Education (School Inspection) (Wales) Regulations 1998(**3**) are to those provisions as amended by the 2002 Act, but where an inspection report on a maintained nursery school has been received before a governing body was constituted for the school, regulations 8 and 10 have effect as though the appropriate authority were the local education authority.

(**1**) S.I. 2003/2909 (W.275).

(**2**) S.I. 1998/1866 as amended by section 73(1) and (3)(a) of the Learning and Skills Act 2000 (c.21), S.I. 1999/1440, 2001/3710, 2004/784.

(**3**) S.I. 1998/1866 as amended by section 73(1) and (3)(a) of the Learning and Skills Act 2000 (c.21), S.I. 1999/1440, 2001/3710, 2004/784.

Diwygio Rheoliadau Addysg (Arolygu Addysg Feithrin) (Cymru) 1999

23.-(1) Mae Rheoliadau Addysg (Arolygu Addysg Feithrin) (Cymru) 1999(**1**) yn cael eu diwygio fel a ganlyn.

(2) Yn rheoliad 3(3)(a) hepgorer y geiriau "(except in the case of a nursery school)".

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

18 Hydref 2005

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

(**1**) O.S. 1999/1441.

(**2**) 1998 p.38.

Amendment of the Education (Inspection of Nursery Education) (Wales) Regulations 1999

23.-(1) The Education (Inspection of Nursery Education) (Wales) Regulations 1999(**1**) are amended as follows.

(2) In regulation 3(3)(a) omit the words "(except in the case of a nursery school)".

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

18 October 2005

The Presiding Officer of the National Assembly

(**1**) S.I. 1999/1441.

(**2**) 1998 c.38.

OFFERYNNAU STATUDOL

2005 Rhif 2913 (Cy.210)

ADDYSG, CYMRU

Rheoliadau Deddf Addysg 2002 (Darpariaethau Trosiannol a Diwygiadau Canlyniadol) (Cymru) 2005

STATUTORY INSTRUMENTS

2005 No. 2913 (W.210)

EDUCATION, WALES

The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2005

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