CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2006 Rhif 173 (Cy.24)

ADDYSG, CYMRU

Rheoliadau Deddf Addysg 2002 (Darpariaethau Trosiannol a Diwygiadau Canlyniadol) (Cymru) 2006

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud darpariaeth drosiannol mewn cysylltiad â dod â darpariaethau Deddf Addysg 2002 i rym drwy Orchymyn Deddf Addysg 2002 (Cychwyn Rhif 8) (Cymru) 2006. Mae'r darpariaethau hynny'n diwygio Deddf Safonau a Fframwaith Ysgolion 1998 ("Deddf 1998") o ran penderfynu ar drefniadau derbyn, a gwneud gwrthwynebiad i drefniadau derbyn. Mae'r Rheoliadau hyn yn darparu nad yw'r darpariaethau diwygiedig yn gymwys tan flwyddyn derbyn i'r ysgol 2008-09.

Mae'r Rheoliadau hyn yn diwygio adran 98 o Ddeddf 1998 er mwyn cyfeirio at adran 92 o Ddeddf 1998, fel y'i disodlwyd gan Ddeddf Addysg 2002, ac maent yn darparu bod unrhyw reoliadau a wneir o dan adran 92 o Ddeddf 1998 cyn 1 Chwefror 2006 i gael effaith fel petaent wedi'u gwneud o dan yr adran 92 newydd o Ddeddf 1998.

Mae'r Rheoliadau hyn hefyd yn diwygio'r Rheoliadau Addysg (Cynigion ar Drefniadaeth Ysgolion) (Cymru) 1999, y Rheoliadau Categorïau Ysgolion a Gynhelir (Cymru) 2001 a'r Rheoliadau cynigion ar Drefniadaeth Ysgolion gan Gyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant 2004. Mae'r diwygiadau hyn yn ganlyniadol ar diddymu darpariaethau Deddf 1998 ynglŷn â niferoedd safonol a chyflwyno gan Gynulliad Cenedlaethol Cymru ddull newydd o asesu capasiti ysgol at ddibenion y darpariaethau newydd ar benderfynu trefniadau derbyn a gaiff eu cyflwyno gan Ddeddf Addysg 2002. Mae'r Rheoliadau hefyd yn dirymu Rheoliadau Deddf Safonau a Fframwaith Ysgolion 1998 (Derbyniadau a Rhifau Safonol) (Addasiad) 1999 sydd wedi'u disbyddu.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No. 173 (W.24)

EDUCATION, WALES

The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2006

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make transitional provision in connection with the bringing into force of provisions of the Education Act 2002 by the Education Act 2002 (Commencement No. 8) (Wales) Order 2006. Those provisions amend the School Standards and Framework Act 1998 ("the 1998 Act") in relation to the determination of admission arrangements, and the making of objections to admission arrangements. These Regulations provide that the amended provisions do not apply until the school admission year 2008-09.

These Regulations amend section 98 of the 1998 Act so as to refer to section 92 of the 1998 Act, as substituted by the Education Act 2002, and provide that any regulations made under section 92 of the 1998 Act before 1 February 2006 are to have effect as if they had been made under the new section 92 of the 1998 Act.

These Regulations also amend the Education (School Organisation Proposals) (Wales) Regulations 1999, the Change of Category of Maintained Schools (Wales) Regulations 2001 and the School Organisation proposals by the National Council for Education and Training for Wales Regulations 2004. These amendments are consequential on the repeal of the provisions of the 1998 Act relating to standard numbers and the introduction by the National Assembly for Wales of a new method of assessing the capacity of a school for the purposes of the new provisions on determining admission arrangements introduced by the Education Act 2002. The Regulations also revoke the School Standards and Framework Act 1998 (Admissions and Standard Numbers) (Modification) Regulations 1999 which are spent.

OFFERYNNAU STATUDOL

2006 Rhif 173 (Cy.24)

ADDYSG, CYMRU

Rheoliadau Deddf Addysg 2002 (Darpariaethau Trosiannol a Diwygiadau Canlyniadol) (Cymru) 2006

Wedi'u gwneud	*2006*
Yn dod i rym	*1 Chwefror 2006*

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) 2006 a deuant i rym ar 1 Chwefror 2006.

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

Dehongli

2.-(1) Yn y Rheoliadau hyn-

ystyr "blwyddyn ysgol" ("*school year*"), yng nghyd-destun cyfeiriadau at dderbyn plentyn i ysgol mewn unrhyw flwyddyn benodol, yw'r flwyddyn ysgol pryd y byddai'r plentyn hwnnw yn cymryd ei le yno gyntaf o ganlyniad i benderfyniad i'w dderbyn;

ystyr "Deddf 1998" ("*the 1998 Act*") yw Deddf Safonau a Fframwaith Ysgolion 1998(**2**); ac

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

(2) Yn y Rheoliadau hyn, onid yw'r cyd-destun yn mynnu fel arall, mae cyfeiriadau at adrannau ac Atodlenni yn gyfeiriadau, yn eu trefn, at adrannau o Ddeddf 2002 ac Atodlenni iddi.

Dirymu

3. Dirymir Rheoliadau Deddf Safonau a Fframwaith Ysgolion 1998 (Derbyniadau a Niferoedd Safonol) (Addasiad) 1999(**3**).

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

(**2**) 1998 p.31.

(**3**) O.S. 1999/1064.

STATUTORY INSTRUMENTS

2006 No. 173 (W.24)

EDUCATION, WALES

The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2006

Made	*2006*
Coming into force	*1 February 2006*

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 2006 and they come into force on 1 February 2006.

(2) These Regulations apply in relation to Wales.

Interpretation

2.-(1) In these Regulations-

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998(**2**);

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

"school year" ("*blwyddyn ysgol*"), in the context of references to the admission of a child to a school in any particular year, means the school year in which that child would first take up a place there in consequence of a decision to admit him or her.

(2) In these Regulations, unless the context otherwise requires, references to sections and Schedules are references to, respectively, sections of and Schedules to the 2002 Act.

Revocation

3. The School Standards and Framework Act 1998 (Admissions and Standard Numbers) (Modification) Regulations 1999(**3**) are revoked.

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

(**2**) 1998 c.31.

(**3**) S.I. 1999/1064.

Darpariaethau Trosiannol - Trefniadau Derbyn

4. Er i adran 47(1) ddod i rym nid yw'r diwygiadau i adran 86 o Ddeddf 1998 yn cael effaith o ran derbyn plentyn i ysgol a gynhelir mewn unrhyw flwyddyn ysgol gynharach na'r flwyddyn ysgol 2008-09.

5. Er i ddirymiadau adran 93 o Ddeddf 1998 ac Atodlen 23 iddi ddod i rym, a'r diffiniadau o "the relevant standard number" yn adrannau 84(6) ac 143 o Ddeddf 1998, mae'r darpariaethau hynny yn dal i gael effaith o ran unrhyw flwyddyn ysgol gynharach na'r flwyddyn ysgol 2008-09.

6. Er i adran 47(2) a pharagraff 5 o Atodlen 4 ddod i rym, nid yw Adran 89A newydd Deddf 1998 na'r diwygiadau i adran 89 o Ddeddf 1998 yn cael effaith o ran penderfynu ar drefniadau derbyn ar gyfer ysgol a gynhelir am unrhyw flwyddyn ysgol gynharach na blwyddyn ysgol 2008-09.

7. Er i baragraff 6 o Atodlen 4 ddod i rym, nid yw'r diwygiadau i adran 90 o Ddeddf 1998 yn cael effaith o ran y trefniadau derbyn ar gyfer ysgol a gynhelir am unrhyw flwyddyn ysgol gynharach na'r flwyddyn ysgol 2008-09.

8. Er i baragraff 12(2) o Atodlen 4 ddod i rym, nid yw'r diwygiad i adran 98(2) o Ddeddf 1998 yn cael effaith o ran derbyn plentyn i ysgol a gynhelir ar gyfer addysg feithrin mewn unrhyw flwyddyn ysgol gynharach na'r flwyddyn ysgol 2008-09.

9. Er i baragraff 14 o Atodlen 4 ddod i rym, nid yw'r diwygiad i adran 439(2) o Ddeddf Addysg 1996(**1**) yn cael effaith o ran unrhyw orchymyn mynychu'r ysgol a wneir o dan adran 437 o'r Ddeddf honno yn ystod unrhyw flwyddyn ysgol gynharach na'r flwyddyn ysgol 2008-09.

Diwygio Deddf 1998

10.-(1) Yn adran 98(6) ac (8) o Ddeddf 1998 rhodder "92(c) and (d)" yn lle "92(3) to (6)".

(2) Mae Rheoliadau a wneir o dan adran 92 o Ddeddf 1998 cyn 1 Chwefror 2006 i gael effaith fel petaent wedi'u gwneud o dan adran 92 o Ddeddf 1998 fel y'i disodlwyd gan baragraff 7 o Atodlen 4 ynddi.

Diwygio Rheoliadau Addysg (Cynigion Trefniadaeth Ysgolion) (Cymru) 1999

11.-(1) Diwygir Rheoliadau Addysg (Cynigion Trefniadaeth Ysgolion) (Cymru) 1999(**2**) fel a ganlyn o ran y flwyddyn ysgol 2008-09 a blynyddoedd ysgol olynol.

(2) Yn lle rheoliad 2(2) rhodder y paragraff canlynol-

(**1**) 1998 p.31.

(**2**) O.S. 1999/1671 fel y'i diwygiwyd gan O.S. 2004/908 (Cy.91).

Transitional Provisions - Admission Arrangements

4. Despite the coming into force of section 47(1) the amendments to section 86 of the 1998 Act do not have effect in relation to the admission of a child to a maintained school in any school year earlier than the 2008-09 school year.

5. Despite the coming into force of the repeals of section 93 of, and Schedule 23 to the 1998 Act, and of the definitions of "the relevant standard number" in sections 84(6) and 143 of the 1998 Act, those provisions continue to have effect in relation to any school year earlier than the 2008-09 school year.

6. Despite the coming into force of section 47(2) and paragraph 5 of Schedule 4, neither the new section 89A of the 1998 Act nor the amendments of section 89 of the 1998 Act have effect in relation to the determination of the admission arrangements for a maintained school for any school year earlier than the 2008-09 school year.

7. Despite the coming into force of paragraph 6 of Schedule 4, the amendments of section 90 of the 1998 Act do not have effect in relation to the admission arrangements for a maintained school for any school year earlier than the 2008-09 school year.

8. Despite the coming into force of paragraph 12(2) of Schedule 4, the amendment of section 98(2) of the 1998 Act does not have effect in relation to the admission of a child to a maintained school for nursery education for any school year earlier than the 2008-09 school year.

9. Despite the coming into force of paragraph 14 of Schedule 4, the amendment of section 439(2) of the Education Act 1996(**1**) does not have effect in relation to any school attendance order made under section 437 of that Act during any school year earlier than the 2008-09 school year.

Amendment of 1998 Act

10.-(1) In section 98(6) and (8) of the 1998 Act for "92(3) to (6)" there is substituted "92(c) and (d)".

(2) Regulations made under section 92 of the 1998 Act before 1 February 2006 are to have effect as though made under section 92 of the 1998 Act as substituted by paragraph 7 of Schedule 4.

Amendment of the Education (School Organisation Proposals) (Wales) Regulations 1999

11.-(1) The Education (School Organisation Proposals) (Wales) Regulations 1999(**2**) are amended as follows in relation to the school year 2008-09 and subsequent school years.

(2) For regulation 2(2) substitute the following paragraph-

(**1**) 1998 c.31.

(**2**) S.I. 1999/1671 as amended by S.I. 2004/908 (W.91).

"(2) For the purposes of these Regulations the capacity of a school is to be determined in accordance with the capacity assessment method set out in the guidance document "Measuring the capacity of schools in Wales" issued by the National Assembly(**1**).".

(3) Yn rheoliad 5, hepgorer o baragraff (1) y geiriau "and paragraph 9(1)(a) of Schedule 23" ac "and paragraph 9 of Schedule 23", a hepgorer is-baragraff (3)(c).

(4) Yn rheoliad 6, hepgorer o baragraff (1) y geiriau ", and paragraph 9(1)(b) of Schedule 23 to," ac ", and paragraph 9 of Schedule 23 to,", a hepgorer paragraff (3).

(5) Yn rheoliad 7, hepgorer o baragraff (1)(a) y geiriau "and paragraph 9(6) of Schedule 23" ac o baragraff (2) y geiriau "or paragraph 9 of Schedule 23".

(6) Hepgorer rheoliad 11.

(7) Hepgorer Atodlen 1.

(8) Yn Atodlen 3, hepgorer Rhan V a'r pennawd i'r Rhan honno.

(9) Yn Atodlen 4-

(a) ym mharagraff 1 mewnosoder y diffiniad canlynol a'i roi yn y lle priodol yn nhrefn yr wyddor-

""admission number" means the number of pupils in any relevant year group intended to be admitted in any school year as determined by an admission authority in accordance with section 89A(1) of the Act(**2**);";

(b) ym mharagraffau 5(a), 6(a), 20(a) a 38(a) rhodder y geiriau "the admission number" yn lle "the standard number"; a

(c) hepgorer Rhan VI a'r pennawd i'r Rhan honno.

Diwygio Rheoliadau Newid Categori Ysgolion a Gynhelir (Cymru) 2001

12. O ran y flwyddyn ysgol 2008-09 a blynyddoedd ysgol olynol, diwygir Atodlen 1 i Reoliadau Newid Categorïau Ysgolion a Gynhelir (Cymru) 2001(**3**) drwy ychwanegu ar ddiwedd adran 28(11) yn Nhabl 3 yn Rhan 1 fel y'i haddaswyd ac ar ddiwedd adran 28(11) fel y'i haddaswyd ac fel y'i ceir yn Rhan 2 y geiriau "and the capacity of a school is to be determined in accordance with the capacity assessment method set out in the guidance document "Measuring the capacity of schools in Wales" issued by the National Assembly.".

(**1**) Mae'r canllaw yma ar gael ar wefan y Cynulliad Cenedlaethol www.dysgu.cymru.gov.uk.

(**2**) Mewnosodwyd adran 89A gan adran 47(2) o Ddeddf Addysg 2002 (p.32).

(**3**) O.S. 2001/2678 (Cy.219) fel y'i diwygiwyd gan O.S 2005/2916 (Cy.213).

"(2) For the purposes of these Regulations the capacity of a school is to be determined in accordance with the capacity assessment method set out in the guidance document "Measuring the capacity of schools in Wales" issued by the National Assembly(**1**).".

(3) In regulation 5, omit from paragraph (1) the words "and paragraph 9(1)(a) of Schedule 23" and "and paragraph 9 of Schedule 23", and omit sub-paragraph (3)(c).

(4) In regulation 6, omit from paragraph (1) the words ", and paragraph 9(1)(b) of Schedule 23 to," and ", and paragraph 9 of Schedule 23 to,", and omit paragraph (3).

(5) In regulation 7, omit from paragraph (1)(a) the words "and paragraph 9(6) of Schedule 23" and from paragraph (2) the words "or paragraph 9 of Schedule 23".

(6) Omit regulation 11.

(7) Omit Schedule 1.

(8) In Schedule 3, omit Part V and the heading to that Part.

(9) In Schedule 4-

(a) in paragraph 1 insert the following definition in the appropriate alphabetical order-

""admission number" means the number of pupils in any relevant year group intended to be admitted in any school year as determined by an admission authority in accordance with section 89A(1) of the Act(**2**);";

(b) in paragraphs 5(a), 6(a), 20(a) and 38(a), substitute for "the standard number" the words "the admission number"; and

(c) omit Part VI and the heading to that Part.

Amendment of the Change of Category of Maintained Schools (Wales) Regulations 2001

12. In relation to the school year 2008-09 and subsequent school years, Schedule 1 to the Change of Category of Maintained Schools (Wales) Regulations 2001(**3**) is amended by adding at the end of the modified section 28(11) in Table 3 in Part 1 and at the end of the modified section 28(11) as set out in Part 2 the words "and the capacity of a school is to be determined in accordance with the capacity assessment method set out in the guidance document "Measuring the capacity of schools in Wales" issued by the National Assembly.".

(**1**) This guidance is available on the National Assembly website at www.learning.wales.gov.uk.

(**2**) Section 89A was inserted by section 47(2) of the Education Act 2002 (c.32).

(**3**) S.I. 2001/2678 (W.219) as amended by S.I 2005/2916 (W.213).

Diwygio Rheoliadau Cynigion ar Drefniadaeth Ysgolion gan Gyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant 2004

13.-(1) Diwygir Rheoliadau Cynigion Trefniadaeth Ysgolion gan Gyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant 2004(**1**) fel a ganlyn o ran y flwyddyn ysgol 2008-09 a blynyddoedd ysgol olynol.

(2) Rhodder y paragraff canlynol yn lle rheoliad 2(3)-

"(3) At ddibenion y Rheoliadau hyn mae capasiti ysgol i gael ei benderfynu yn unol â'r dull asesu capasiti a geir yn y ddogfen ganllaw "Mesur capasiti ysgolion yng Nghymru" a ddyroddwyd gan y Cynulliad Cenedlaethol.".

(3) Yn Atodlen 3-

(a) ym mharagraff 1 hepgorer y diffiniad o "rhif safonol perthnasol" ("*relevant standard number*") a mewnosoder y diffiniad canlynol a'i roi yn y lle priodol yn nhrefn yr wyddor-

""ystyr nifer derbyn" ("*admission number*") yw nifer y disgyblion mewn unrhyw grŵp blwyddyn perthnasol y bwriedir eu derbyn mewn unrhyw flwyddyn ysgol fel y pennir gan awdurdod derbyn yn unol ag adran 89A(1) o Ddeddf 1998;";

(b) ym mharagraffau 5(a) a 32(a) rhodder y geiriau "y nifer derbyn" yn lle'r geiriau "y rhif safonol perthnasol".

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

31 Ionawr 2006

Amendment of the School Organisation Proposals by the National Council for Education and Training for Wales Regulations 2004

13.-(1) The School Organisation Proposals by the National Council for Education and Training for Wales Regulations 2004(**1**) are amended as follows in relation to the school year 2008-09 and subsequent school years.

(2) For regulation 2(3) substitute the following paragraph-

(3) "For the purposes of these Regulations the capacity of a school is to be determined in accordance with the capacity assessment method set out in the guidance document "Measuring the capacity of schools in Wales" issued by the National Assembly.".

(3) In Schedule 3-

(a) in paragraph 1 omit the definition of "relevant standard number" ("*rhif safonol perthnasol*") and insert the following definition in the appropriate alphabetical order-

""admission number" ("*nifer derbyn*") means the number of pupils in any relevant year group intended to be admitted in any school year as determined by an admission authority in accordance with section 89A(1) of the 1998 Act;";

(b) in paragraphs 5(a) and 32(a), substitute for "the relevant standard number" the words "the admission number".

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

31 January 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(**1**) O.S. 2004/1576, fel y'i diwygiwyd gan O.S. 2005/3238 (Cy.243).

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

(**1**) S.I. 2004/1576, as amended by S.I. 2005/3238 (W.243).

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

OFFERYNNAU STATUDOL

2006 Rhif 173 (Cy.24)

ADDYSG, CYMRU

Rheoliadau Deddf Addysg 2002 (Darpariaethau Trosiannol a Diwygiadau Canlyniadol) (Cymru) 2006

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EDUCATION, WALES

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