



OFFERYNNAU STATUDOL
CYMRU

2008 Rhif 1429 (Cy.148) (C.64)

ADDYSG, CYMRU

Gorchymyn Deddf Addysg ac
Arolygiadau 2006 (Cychwyn Rhif
1 a Darpariaethau Arbed) (Cymru)
2008

NODYN ESBONIADOL

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

Dyma'r Gorchymyn cychwyn cyntaf i Weinidogion Cymru ei wneud o dan Ddeddf Addysg ac Arolygiadau 2006 (Deddf 2006).

Mae'r Gorchymyn yn dwyn i rym y darpariaethau a ddisgrifir yn fyr isod ar 30 Mehefin 2008 a 1 Medi 2008. Yn yr hyn a ganlyn, mae cyfeiriadau at adrannau ac Atodlenni yn gyfeiriadau at adrannau o Ddeddf 2006 ac at Atodlenni iddi.

Bydd effaith y darpariaethau a bennir yn Rhan 1 o'r Atodlen i'r Gorchymyn sy'n dod i rym ar 30 Mehefin 2008 o ran Cymru fel a ganlyn—

Mae adran 1 yn ailddeddfu adran 13A o Ddeddf Addysg 1996 sy'n ei gwneud yn ofynnol i awdurdodau addysg lleol hybu safonau uchel, ac mae'n ychwanegu gofyniad eu bod yn arfer eu swyddogaethau gyda'r bwriad o hybu cyflawni potensial addysgol pob plentyn.

Mae adran 37 yn diwygio adran 58 o Ddeddf Safonau a Fframwaith Ysgolion 1998 er mwyn tynnu ymaith y gwaharddiad bod pennaeth ysgol sefydledig neu ysgol wirfoddol a reolir yn athro neu'n athrawes neilltuedig. Mae athro neu athrawes neilltuedig yn un a benodwyd, yn benodol i addysgu addysg grefyddol yn unol ag ethos crefyddol yr ysgol.

Mae adran 39 yn ailddeddfu'r gwaharddiad ar ddethol disgybl i gael ei dderbyn i ysgol a gynhelir ar sail gallu disgybl, yn ddarostyngedig i eithriadau penodol.

WELSH
STATUTORY INSTRUMENTS

2008 No. 1429 (W.148) (C.64)

EDUCATION, WALES

The Education and Inspections Act
2006 (Commencement No. 1 and
Saving Provisions) (Wales) Order
2008

EXPLANATORY NOTE

(This note is not part of the Order)

This is the first commencement order made by the Welsh Ministers under the Education and Inspections Act 2006 (the 2006 Act).

The Order brings the provisions described briefly below into force on 30 June 2008 and 1 September 2008. In what follows, references to sections and Schedules are to sections of, and Schedules, to, the 2006 Act.

The effect of the provisions specified in Part 1 of the Schedule to the Order which come into force on 30 June 2008 in relation to Wales is as follows—

Section 1 re-enacts section 13A of the Education Act 1996 which requires local education authorities to promote high standards, adding a requirement that they exercise their functions with a view to promoting the fulfilment of every child's educational potential.

Section 37 amends section 58 of the School Standards and Framework Act 1998 so as to remove the prohibition on the head teacher of a foundation or voluntary controlled school being a reserved teacher. A reserved teacher is a teacher who is appointed, specifically to teach religious education in accordance with the school's religious ethos.

Section 39 re-enacts the prohibition on selection for admission to a maintained school on the basis of a pupil's ability, subject to certain exceptions.

Mae adran 43 yn diwygio adran 88 o Ddeddf Safonau a Fframwaith Ysgolion 1998 er mwyn ei gwneud yn ofynnol i ysgol gymunedol neu ysgol wirfoddol a reolir i weithredu penderfyniad a gymerir gan awdurdod addysg sy'n awdurdod derbyn yr ysgol i dderbyn plentyn. Nid yw hyn yn effeithio ar hawl corff llywodraethu i apelio os yw'r penderfyniad yn ymwneud â phlentyn a waharddwyd yn barhaol ddwywaith.

Mae adran 44 yn mewnosod adran 88A newydd yn Neddf Safonau a Fframwaith Ysgolion 1998 sy'n gwahardd cy-fweld fel rhan o drefniadau derbyn ysgol, ac eithrio mewn cysylltiad â lleoedd byrddio a lle y bo gan ysgol ffurf a ganiateir mewn trefniadau ar gyfer dethol, at ddibenion canfod doniau disgybl.

Mae adran 45 yn diwygio adran 89 o Ddeddf Safonau a Fframwaith Ysgolion 1998 lle y mae'n rhaid i gorff llywodraethu ysgol sefydledig neu ysgol wirfoddol a gynorthwyr gyda chymeriad crefyddol, cyn iddo benderfynu ar ei drefniadau derbyn, ymgynghori ag unrhyw gorff neu berson sy'n cynrychioli'r grefydd neu'r enwad o dan sylw fel a osodir mewn rheoliadau.

Mae adran 47 yn diwygio adran 90 o Deddf Safonau a Fframwaith Ysgolion 1998, sy'n ymwneud â gwrthwynebiadau i drefniadau derbyn. Os cyfeirir gwrthwynebiad at Weinidogion Cymru, cânt ystyried unrhyw agwedd ar drefniadau derbyn yr ysgol. Mae gofynion newydd ynghylch cyhoeddi adroddiad ar benderfyniad, ac mae penderfyniadau Gweinidogion Cymru yn rhwymol a rhaid eu gweithredu.

Mae adran 53 yn diwygio adran 100 o Ddeddf Safonau a Fframwaith Ysgolion 1998, fel na all ysgol sydd eisoes â threfniadau derbyn ar gyfer dethol yn rhannol os bydd hi'n lleihau cyfradd y derbyniadau dethol, ddim wedyn gynyddu'r gyfradd honno.

Mae adran 166 yn galluogi Gweinidogion Cymru i wneud rheoliadau a fydd yn caniatáu i gyrff llywodraethu ysgolion a gynhelir a chyrrff addysg bellach wneud trefniadau cydweithredu i gyflawni eu swyddogaethau ar y cyd.

Mae adran 184 ac Atodlen 18 (sy'n cael eu cychwyn yn rhannol) yn cynnwys diddymyadau canlyniadol.

Mae effaith y darpariaethau a bennir yn Rhan 2 o'r Atodlen i'r Gorchymyn sy'n dod i rym ar 30 Mehefin 2008 fel a ganlyn —

Mae adrannau 156, 184 (yn rhannol) ac Atodlen 18 (yn rhannol) yn diddymu adran 38 o Ddeddf Plant 2004. Nid oes gofyniad bellach i Arolygiaeth Gweinyddu Llysoedd Ei Mawrhydi, pan fydd

Section 43 amends section 88 of the School Standards and Framework Act 1998 so as to require a community or voluntary controlled school to implement a decision to admit a child taken by a local education authority which is the school's admission authority. This does not affect a governing body's right to appeal where the decision relates to a child who has been twice permanently excluded.

Section 44 inserts a new section 88A into the School Standards and Framework Act 1998 which prohibits interviewing as part of a school's admission arrangements, save in relation to boarding places and where the school has a permitted form of selection arrangements, for the purpose of ascertaining a pupil's aptitude.

Section 45 amends section 89 of the School Standards and Framework Act 1998 so that the governing body of a foundation or voluntary aided school with a religious character must, before determining their admission arrangements, consult any body or person representing the religion or denomination in question as are set out in regulations.

Section 47 amends section 90 of the School Standards and Framework Act 1998, which relates to objections to admission arrangements. Where an objection is referred to the Welsh Ministers, they may consider any aspect of the school's admission arrangements. There are new requirements in relation to the publication of a decision report, and the Welsh Ministers' decisions are binding and must be implemented.

Section 53 amends section 100 of the School Standards and Framework Act 1998, so that if a school with pre-existing partially selective admission arrangements reduces the proportion of selective admissions, it cannot subsequently increase that proportion.

Section 166 enables the Welsh Ministers to make regulations which will allow the governing bodies of maintained schools and further education bodies to make collaboration arrangements for the joint discharge of their functions.

Section 184 and Schedule 18 (which are commenced in part) contain consequential repeals.

The effect of the provisions specified in Part 2 of the Schedule to the Order which come into force on 30 June 2008 is as follows—

Sections 156, 184 (in part) and Schedule 18 (in part) repeals section 38 of the Children Act 2004. There is no longer to be a requirement on Her Majesty's Inspectorate of Court Administration,

Gweinidogion Cymru yn gofyn iddynt i wneud hynny, i arolygu a chyflwyno adroddiad ar swyddogaethau Gweinidogion Cymru o dan Ran 4 o Ddeddf Plant 2004 (gwasanaethau cynghori a chefnogi ar gyfer achosion teulu).

Mae adran 175 ac Atodlen 17 yn cynnwys diwygiadau amrywiol ynghylch ysgolion yng Nghymru.

Mae effaith y darpariaethau a bennir yn Rhan 3 o'r Atodlen i'r Gorchymyn sy'n dod i rym ar 1 Medi 2008 o ran Cymru fel a ganlyn—

Mae adran 38 yn diwygio adran 21 o Ddeddf Addysg 2002 fel ei bod yn ei gwneud yn ofynnol i gyrff llywodraethu ysgolion a gynhelir, pan fyddant yn cyflawni eu swyddogaethau ynghylch cynnal yr ysgol, i hybu lles disgyblion yn yr ysgol ac i roi sylw i unrhyw gynllun plant a phobl ifanc perthnasol. Mae hefyd yn diwygio adran 28 o Ddeddf Addysg 2002 er mwyn ei gwneud yn ofynnol i gyrff llywodraethu ysgolion a gynhelir, pan fyddant yn arfer eu pwerau i ddarparu cyfleusterau cymunedol, i roi sylw i unrhyw gynllun plant a phobl ifanc perthnasol.

Mae adran 40 yn diwygio adrannau 84 ac 85 o Ddeddf Safonau a Fframwaith Ysgolion 1998 fel na fydd y cod ar gyfer derbyniadau i ysgolion bellach yn god ymarfer sy'n cynnwys canllawiau ymarferol y mae'n rhaid i gyrff roi sylw iddynt, ond mae'n god a all gynnwys gofynion neu ganllawiau ac y mae'n rhaid i gyrff weithredu'n unol â hwy. Mae fforymau derbyn yn cael eu cynnwys fel cyrff y mae swyddogaethau'r cod yn gymwys iddynt.

Mae erthygl 4 o'r Gorchymyn yn cynnwys darpariaethau arbed ynglyn â'r cod ar gyfer derbyniadau i ysgolion a'r cod ar gyfer apelau derbyniadau.

Mae amryw o ddarpariaethau Deddf 2006 wedi'u dwyn i rym mewn perthynas â Lloegr gan yr Offerynnau Statudol canlynol: O.S. 2006/2990, fel y'i diwygiwyd gan O.S. 2008/54, O.S. 2006/3400, O.S. 2007/935 (fel y'i diwygiwyd gan O.S. 2007/1271), O.S. 2007/1271, O.S. 2007/1801 ac O.S. 2007/3074.

Gweler hefyd adran 188(1) a (2) ar gyfer y darpariaethau a ddaeth i rym ar 8 Tachwedd 2006 (dyddiad y Cydsyniad Brenhinol) ac 8 Ionawr 2007 (deufis yn ddiweddarach).

when requested to do so by the Welsh Ministers, to inspect and report on the functions of the Welsh Ministers under Part 4 of the Children Act 2004 (advisory and support services for family proceedings).

Section 175 and Schedule 17 contain miscellaneous amendments relating to schools in Wales.

The effect of the provisions specified in Part 3 of the Schedule to the Order which come into force on 1 September 2008 in relation to Wales is as follows—

Section 38 amends section 21 of the Education Act 2002 so as to require governing bodies of maintained schools, when discharging their functions relating to the conduct of the school, to promote the well-being of pupils at the school and to have regard to any relevant children and young people's plan. It also amends section 28 of the Education Act 2002 so as to require governing bodies of maintained schools, when exercising their powers to provide community facilities, to have regard to any relevant children and young people's plan.

Section 40 amends sections 84 and 85 of the School Standards and Framework Act 1998 so that the code for school admissions is no longer a code of practice containing practical guidance to which bodies must have regard, but is a code that may contain requirements or guidelines and which bodies must act in accordance with. Admission forums are included as bodies to whose functions the code applies.

Article 4 of the Order contains saving provisions in relation to the code for school admissions and the code for admission appeals.

Various provisions of the 2006 Act have been brought into force in relation to England by the following Statutory Instruments: S.I. 2006/2990 as amended by S.I. 2008/54, S.I. 2006/3400, S.I. 2007/935 (as amended by S.I. 2007/1271), S.I. 2007/1271, S.I. 2007/1801 and S.I. 2007/3074.

See also section 188(1) and (2) for the provisions that came into force on 8 November 2006 (date of Royal Assent) and 8 January 2007 (two months thereafter).

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ADDYSG, CYMRU

EDUCATION, WALES

Gorchymyn Deddf Addysg ac
Arolygiadau 2006 (Cychwyn Rhif
1 a Darpariaethau Arbed) (Cymru)
2008

The Education and Inspections Act
2006 (Commencement No.1 and
Saving Provisions) (Wales) Order
2008

Gwnaed

4 Mehefin 2008

Made

4 June 2008

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 181 a 188(3) o Ddeddf Addysg ac Arolygiadau 2006(1) ac sydd bellach wedi'u breinio ynddynt hwy(2), yn gwneud y Gorchymyn a ganlyn:

The Welsh Ministers, in exercise of the powers conferred upon the National Assembly for Wales by sections 181 and 188(3) of the Education and Inspections Act 2006(1), and now vested in them(2), make the following Order:

Enwi a dehongli

Title and interpretation

1. Enw'r Gorchymyn hwn yw Gorchymyn Deddf Addysg ac Arolygiadau 2006 (Cychwyn Rhif 1 a Darpariaethau Arbed) (Cymru) 2006.

1. The title of this Order is the Education and Inspections Act 2006 (Commencement No. 1 and Saving Provisions) (Wales) Order 2006.

2.—(1) Yn y Gorchymyn hwn—

2.—(1) In this Order —

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

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

ystyr "Deddf 2006" ("*the 2006 Act*") yw Deddf Addysg ac Arolygiadau 2006.

"the 2006 Act" ("*Deddf 2006*") means the Education and Inspections Act 2006.

(2) Yn y Gorchymyn hwn, oni nodir fel arall, mae cyfeiriadau at adrannau ac Atodlenni yn gyfeiriadau at adrannau o Ddeddf 2006 ac at Atodlenni iddi.

(2) In this Order, unless otherwise stated, references to sections and Schedules are references to sections of and Schedules to the 2006 Act.

Y Diwrnodau penodedig

Appointed days

3.—(1) Daw darpariaethau Deddf 2006 a bennir yn Rhan 1 o'r Atodlen i'r Gorchymyn hwn i rym ar 30 Mehefin 2008 o ran Cymru.

3.—(1) The provisions of the 2006 Act specified in Part 1 of the Schedule to this Order are to come into force on 30 June 2008 in relation to Wales.

(2) Daw'r darpariaethau a bennir yn Rhan 2 o'r Atodlen i'r Gorchymyn hwn i rym ar 30 Mehefin 2008.

(2) The provisions specified in Part 2 of the Schedule to this Order are to come into force on 30 June 2008.

(3) Daw'r darpariaethau a bennir yn Rhan 3 o'r Atodlen i'r Gorchymyn hwn i rym ar 1 Medi 2008 o ran Cymru.

(3) The provisions specified in Part 3 of the Schedule to this Order are to come into force on 1 September 2008 in relation to Wales.

(1) 2006 p.40.

(1) 2006 c.40.

(2) Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(2) By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(3) 1998 p. 31.

(3) 1998 c. 31.

Arbed y Codau Ymarfer cyfredol

4.—(1) Er bod adran 40 o Ddeddf 2006 a'r diwygiadau y mae'r adran honno yn ei wneud i adran 84 o Ddeddf 1998 wedi dod i rym, mae Cod Ymarfer Derbyniadau i Ysgolion(1) ac adran 84 o Ddeddf 1998 fel y'i deddfwyd yn wreiddiol mewn perthynas â'r Cod hwnnw i barhau mewn grym tan y dyddiad a benodir gan Weinidogion Cymru i ddwyn i rym god ar gyfer derbyniadau i ysgolion i ddisodli'r Cod hwnnw.

(2) Er bod adran 40 o Ddeddf 2006 a'r diwygiadau y mae'r adran honno yn ei wneud i adran 84 o Ddeddf 1998 wedi dod i rym, mae Cod Ymarfer Apelau Derbyniadau i Ysgolion (2) ac adran 84 o Ddeddf 1998 fel y'i deddfwyd yn wreiddiol mewn perthynas â'r Cod hwnnw i barhau mewn grym —

- (a) tan y dyddiad a benodir gan Weinidogion Cymru i ddwyn i rym god ar gyfer apelau derbyniadau i ysgolion i ddisodli'r Cod hwnnw, a
- (b) o ran unrhyw apêl a wnaed o dan adran 94 o Ddeddf 1998 lle y mae hysbysiad o apêl wedi cael ei roi cyn y dyddiad a benodir gan Weinidogion Cymru i ddwyn i rym god ar gyfer apelau derbyniadau i ysgolion i ddisodli'r Cod hwnnw.

Saving of current Codes of Practice

4.—(1) Despite the coming into force of section 40 of the 2006 Act and the amendments which that section makes to section 84 of the 1998 Act, the School Admissions Code of Practice(1) and section 84 of the 1998 Act as originally enacted in relation to that Code are to continue in force until the date appointed by the Welsh Ministers for the coming into force of a code for school admissions to replace that Code.

(2) Despite the coming into force of section 40 of the 2006 Act and the amendments which that section makes to section 84 of the 1998 Act, the School Admission Appeals Code of Practice(2) and section 84 of the 1998 Act as originally enacted in relation to that Code are to continue in force —

- (a) until the date appointed by the Welsh Ministers for the coming into force of a code for school admission appeals to replace that Code, and
- (b) in relation to any appeal made under section 94 of the 1998 Act where a notice of appeal has been given before the date appointed by the Welsh Ministers for the coming into force of a code for school admission appeals to replace that Code.

Jane Hutt

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau, un o Weinidogion Cymru

Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers

4 Mehefin 2008

4 June 2008

(1) Daeth y Cod Ymarfer Derbyniadau i Ysgolion i rym ar 1 Ebrill 1999, isbn - 07504 23331.

(2) Daeth y Cod Ymarfer Apelau Derbyniadau i Ysgolion i rym ar 1 Medi 1999, isbn - 07504 23528.

(1) The School Admissions Code of Practice came into force on 1 April 1999, isbn - 07504 23331.

(2) The School Admission Appeals Code of Practice came into force on 1 September 1999, isbn - 07504 23528.

RHAN 1

PART 1

Darpariaethau sy'n dod i rym ar 30 Mehefin 2008 o ran Cymru

Provisions coming into force on 30 June 2008 in relation to Wales

<i>Y Ddarpariaeth</i>	<i>Y Pwnc</i>
Adran 1	Dyletswyddau o ran safonau uchel a chyflawni potensial
Adran 37(1) a (2)(1)(a)	Staff mewn ysgolion sefydledig neu ysgolion gwirfoddol gyda chymeriad crefyddol
Adran 39	Cyfyngiad cyffredinol ar ddethol ar sail gallu
Adran 43	Dyletswydd corff llywodraethu i weithredu penderfyniadau ynghylch derbyniadau
Adran 44	Gwahardd cyfweliadau
Adran 45	Trefniadau derbyn ar gyfer ysgolion gyda chymeriad crefyddol; ymgynghori a gwrthwynebiadau
Adran 47	Gwrthwynebiadau i drefniadau derbyn
Adran 53	Ysgolion gyda threfniadau cyn 1998 ar gyfer dethol ar sail gallu neu ddawn
Adran 166	Trefniadau cydweithredu:— ysgolion a gynhelir a chyrrff addysg bellach
Adran 184 i'r graddau y mae'n ymwneud â darpariaethau Atodlen 18 isod	Diddymu
Yn Atodlen 18, yn Rhan 6 diddymu— Deddf Safonau a Fframwaith Ysgolion 1998, adran 5, adran 58(4) yn adran 89, yn	Diddymu

<i>Provision</i>	<i>Subject Matter</i>
Section 1	Duties in relation to high standards and fulfilment of potential
Section 37(1) and (2)(a)	Staff at foundation or voluntary schools with religious character
Section 39	General restriction on selection by ability
Section 43	Duty of governing body to implement decisions relating to admissions
Section 44	Prohibition on interviews
Section 45	Admission arrangements for schools with religious character; consultation and objections
Section 47	Objections to admission arrangements
Section 53	Schools with pre-1998 arrangements for selection by ability or aptitude
Section 166	Collaboration arrangements:— maintained schools and further education bodies
Section 184 in so far as it relates to the provisions of Schedule 18 below	Repeals
In Schedule 18, in Part 6 the repeal of— School Standards and Framework Act 1998, section 5, section 58(4) in section 89, in subsection (2) the	Repeals

is-adran (2), y gair "and" ar ddiwedd paragraff (c), adran 90(6), (7) a (10) adran 99(1)	
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word "and" at the end of paragraph (c), section 90(6), (7) and (10) section 99(1)	
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RHAN 2

Darpariaethau sy'n dod i rym ar 30 Mehefin 2008

<i>Y Ddarpariaeth</i>	<i>Y Pwnc</i>
Adran 156	Tynnu ymaith ddyletswydd Arolygiaeth Gweinyddu Llysoedd Ei Mawrhydi i arolygu perfformiad o swyddogaethau Gweinidogion Cymru ynghylch achosion teulu
Adran 175	Diwygiadau amrywiol yn ymwneud â Chymru
Adran 184 i'r graddau y mae'n ymwneud â darpariaethau Atodlen 18 isod	Diddymu
Atodlen 17	Diwygiadau amrywiol yn ymwneud â Chymru
Yn Atodlen 18, yn Rhan 5 diddymu— Deddf Plant 2004, adran 38.	Diddymu

PART 2

Provisions coming into force on 30 June 2008

<i>Provision</i>	<i>Subject Matter</i>
Section 156	Removal of HMICA's duty to inspect performance of Welsh Ministers' functions relating to family proceedings
Section 175	Miscellaneous amendments relating to Wales
Section 184 in so far as it extends to the provisions of Schedule 18 below	Repeals
Schedule 17	Miscellaneous amendments relating to Wales
In Schedule 18, in Part 5 the repeal of— Children Act 2004, section 38.	Repeals

RHAN 3

Darpariaethau sy'n dod i rym ar 1 Medi 2008 o ran Cymru

<i>Y Ddarpariaeth</i>	<i>Y Pwnc</i>
Adran 38	Dyletswyddau cyffredinol cyrff llywodraethu ysgolion a gynhelir
Adran 40	Cod ar gyfer derbyniadau i ysgol
Adran 184 i'r graddau y mae'n ymwneud â darpariaethau Atodlen 18 isod	Diddymu
Yn Atodlen 18, yn Rhan 6 diddymu— Deddf Safonau a Fframwaith Ysgolion 1998, yn adran 84(5), y geiriau "of practice", ym mhob man lle y maent yn digwydd, yn adran 85(1), y geiriau "of practice".	Diddymu

PART 3

Provisions coming into force on 1 September 2008 in relation to Wales

<i>Provision</i>	<i>Subject Matter</i>
Section 38	General duties of governing bodies of maintained school
Section 40	Code for school admissions
Section 184 in so far as it extends to the provisions of Schedule 18 below	Repeals
In Schedule 18, in Part 6 the repeal of— School Standards and Framework Act 1998, in section 84(5), the words "of practice", in each place where they occur, in section 85(1), the words "of practice".	Repeals

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£3.00

W328/06/08

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