



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2009 Rhif 371 (Cy.39) (C.45)

2009 No. 371 (W.39) (C.45)

ADDYSG, CYMRU

EDUCATION, WALES

Gorchymyn Mesur Teithio gan
Ddysgwyr (Cymru) 2008
(Cychwyn Rhif 1) 2009

The Learner Travel (Wales)
Measure 2008 (Commencement
No. 1) Order 2009

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Hwn yw'r gorchymyn cychwyn cyntaf a wneir gan Weinidogion Cymru o dan y Mesur Teithio gan Ddysgwyr (Cymru) 2008. Mae'n peri bod y darpariaethau hynny yn y Mesur a bennir yn Rhannau 1 a 2 yn eu tro o'r Atodlen i'r Gorchymyn yn dod i rym ar 6 Mawrth 2009 ac 1 Medi 2009.

This is the first commencement order made by the Welsh Ministers under the Learner Travel (Wales) Measure 2008. It brings into force on 6 March 2009 and 1 September 2009 those provisions of the Measure specified in Parts 1 and 2 respectively of the Schedule to the Order.

Dyma effeithiau darpariaethau'r Mesur a ddaw i rym ar 6 Mawrth 2009:

The effect of the provisions of the Measure brought into force on 6 March 2009 is as follows:

Mae adran 1 yn diffinio'r prif dermau a ddefnyddir yn y Mesur. Dygir yr adran hon i rym ar wahân i baragraff (j) o is-adran (1).

Section 1 defines the main terms used in the Measure. This section is brought into force except for paragraph (j) of subsection (1).

Mae adran 2 yn gosod dyletswydd ar awdurdod lleol i asesu anghenion teithio dysgwyr yn eu hardal.

Section 2 places a duty on a local authority to assess the travel needs of learners in their area.

Dygir adran 5 i rym mewn perthynas ag adran 2 ac mae'n cyfyngu ar y dyletswyddau a osodir ar awdurdodau lleol gan yr adran honno fel nad ydynt yn ymestyn i deithio yn ystod y dydd nac i deithio at ddibenion ac eithrio mynychu man perthnasol ar gyfer addysg a hyfforddiant.

Section 5 is brought into force in relation to section 2 and limits the duties imposed on local authorities by that section so that they do not extend to travel during the day or to travel for purposes other than for attendance at a relevant place for education and training.

Mae adran 6 yn rhoi'r pŵer i awdurdod lleol i wneud trefniadau ar gyfer teithio gan ddysgwyr yn ôl ac ymlaen o fan lle maent yn derbyn addysg neu hyfforddiant.

Section 6 gives a local authority the power to make arrangements for the travel of learners to and from a place where they receive education or training.

Mae adran 10 yn gosod dyletswydd ar awdurdodau lleol ac ar Weinidogion Cymru, pan fyddant yn arfer eu swyddogaethau o dan y Mesur, i hybu mynediad i addysg a hyfforddiant drwy gyfrwng yr iaith Gymraeg.

Section 10 places a duty on local authorities and Welsh Ministers, when exercising their functions under the Measure, to promote access to education and training through the medium of the Welsh language.

Mae adran 11 yn gosod dyletswydd ar awdurdod lleol ac ar Weinidogion Cymru i hybu moddion cynaliadwy o deithio pan fyddant yn arfer eu swyddogaethau o dan y Mesur.

Mae adran 15 yn ei gwneud yn ofynnol i awdurdodau lleol a chyrff llywodraethu ysgolion a gynhelir a sefydliadau addysg bellach roi sylw i ganllawiau ac i gydymffurfio ag unrhyw gyfarwyddyd a roddir gan Weinidogion Cymru.

Mae adran 16 yn caniatáu i Weinidogion Cymru wneud rheoliadau sy'n ei gwneud yn ofynnol i awdurdod lleol gyhoeddi gwybodaeth ynghylch trefniadau teithio.

Mae adran 17 (1) a (2) yn ei gwneud yn ofynnol i gyrff llywodraethu ac awdurdodau lleol gydweithredu.

Mae adran 19 yn gwneud darpariaeth ar gyfer pennu preswylfa arferol person mewn amgylchiadau penodol.

Mae adran 21 yn diwygio adran 32 o Ddeddf Addysg 2002 er mwyn galluogi awdurdodau lleol i bennu amserau sesiynau ysgol mewn amgylchiadau penodol.

Mae adran 23 yn diwygio Deddf Addysg ac Arolygiadau 2006 er mwyn galluogi Gweinidogion Cymru i ddiwygio cyfeiriadau mewn Mesurau at awdurdod addysg lleol.

Mae adran 24 yn cynnwys diffiniadau cyffredinol.

Mae adran 25 ac Atodlen 1 yn gwneud diwygiadau mân a chanlyniadol.

Mae adran 26 ac Atodlen 2 yn diddymu darpariaethau amrywiol mewn Deddfau Seneddol.

Dyma effeithiau darpariaethau'r Mesur a ddygir i rym ar 1 Medi 2009:

Mae adran 3 yn gosod dyletswydd ar awdurdod lleol i wneud trefniadau cludiant ar gyfer plant o oed ysgol gorfodol yn yr amgylchiadau a osodir yn y tabl yn yr adran honno.

Mae adran 4 yn gosod dyletswydd ar awdurdod lleol i wneud trefniadau teithio ar gyfer plant o oed ysgol gorfodol os yw'r awdurdod yn credu fod hynny'n angenrheidiol.

Dygir adran 5 i rym yn llawn fel nad yw'r dyletswyddau a osodir ar awdurdodau lleol gan adrannau 3 a 4 (yn ogystal ag adran 2) yn ymestyn i deithio yn ystod y dydd nac i deithio at ddibenion ac eithrio mynychu man perthnasol ar gyfer addysg a hyfforddiant.

Mae adran 7 yn galluogi Gweinidogion Cymru i wneud rheoliadau ynghylch trefniadau teithio ar gyfer dysgwyr ôl-16.

Section 11 places a duty on a local authority and Welsh Ministers to promote sustainable modes of travel when exercising their functions under the Measure.

Section 15 requires local authorities and governing bodies of maintained schools and further education institutions to have regard to guidance and to comply with any direction given by the Welsh Ministers.

Section 16 allows the Welsh Ministers to make regulations requiring a local authority to publish information about travel arrangements.

Section 17(1) and (2) requires governing bodies and local authorities to co-operate.

Section 19 makes provision for determining a person's ordinary residence in particular circumstances.

Section 21 amends section 32 of the Education Act 2002 to enable local authorities to determine the times of school sessions in certain circumstances.

Section 23 amends the Education and Inspections Act 2006 to enable Welsh Ministers to amend references in Measures to local education authority.

Section 24 contains general definitions.

Section 25 and Schedule 1 make minor and consequential amendments.

Section 26 and Schedule 2 repeals various provisions of Acts of Parliament.

The effect of the provisions of the Measure brought into force on 1 September 2009 is as follows:

Section 3 places a duty on a local authority to make transport arrangements for children of compulsory school age in the circumstances set out in the table in that section.

Section 4 places a duty on a local authority to make travel arrangements for children of compulsory school age if they consider it necessary.

Section 5 is brought fully into force so that the duties imposed on local authorities by sections 3 and 4 (as well as 2) do not extend to travel during the day or to travel for purposes other than for attendance at a relevant place for education and training.

Section 7 enables Welsh Ministers to make regulations about travel arrangements for post-16 learners.

Mae adran 8 yn galluogi Gweinidogion Cymru i wneud rheoliadau ynghylch trefniadau teithio i blant o oed meithrin.

Mae adran 9 yn gwahardd trefniadau teithio a wneir o dan adran 3, 4 a 6 rhag gwahaniaethu rhwng gwahanol gategoriâu o ddysgwyr.

Mae adran 17(3) yn ei gwneud yn ofynnol i awdurdodau lleol gynorthwyo penaethiaid ysgolion mewn perthynas ag ymddygiad disgyblion.

Mae adran 18 yn galluogi awdurdod lleol sy'n gwneud y trefniadau teithio ar gyfer plentyn sy'n derbyn gofal i hawlio ad-daliad o'r costau oddi wrth awdurdod arall y mae'r plentyn yn derbyn gofal ganddo.

Mae adran 20 yn diwygio adran 444 o Ddeddf Addysg 1996 (y tramgwydd ar ran rhiant o fethu â sicrhau fod disgybl cofrestredig yn mynychu'r ysgol yn rheolaidd).

Mae adran 22 yn diwygio adrannau 455 a 456 o Ddeddf Addysg 1996 (codi a rheoleiddio taliadau a ganiateir).

Mae adran 25 ac Atodlen 1 yn gwneud newidiadau mân a chanlyniadol.

Mae adran 26 ac Atodlen 2 yn diddymu darpariaethau amrywiol mewn Deddfau Seneddol.

Section 8 enables Welsh Ministers to make regulations about travel arrangements for nursery age children.

Section 9 prohibits the travel arrangements made under section 3, 4 and 6 from discriminating between various categories of learners.

Section 17(3) requires local authorities to assist head teachers in relation to pupil behaviour.

Section 18 enables a local authority that makes the travel arrangements for a looked after child to demand reimbursement of costs from another authority that looks after the child.

Section 20 amends section 444 of the Education Act 1996 (the offence on the part of a parent of failing to secure the regular attendance at school of a registered pupil).

Section 22 amends sections 455 and 456 of the Education Act 1996 (charging and the regulation of permitted charges).

Section 25 and Schedule 1 make minor and consequential amendments.

Section 26 and Schedule 2 repeal various provisions of Acts of Parliament.

2009 Rhif 371 (Cy.39) (C.45)

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ADDYSG, CYMRU

EDUCATION, WALES

**Gorchymyn Mesur Teithio gan
Ddysgwyr (Cymru) 2008
(Cychwyn Rhif 1) 2009**

**The Learner Travel (Wales)
Measure 2008 (Commencement
No. 1) Order 2009**

Gwnaed

25 Chwefror 2009

Made

25 February 2009

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adran 28(2) o'r Mesur Teithio gan Ddysgwyr (Cymru) 2008(1), yn gwneud y Gorchymyn canlynol:

The Welsh Ministers, in exercise of the powers conferred upon them by section 28(2) of the Learner Travel (Wales) Measure 2008(1), make the following Order:

Enwi a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Mesur Teithio gan Ddysgwyr (Cymru) 2008 (Cychwyn Rhif 1) 2009.

(2) Yn y Gorchymyn hwn ystyr "y Mesur" yw'r Mesur Teithio gan Ddysgwyr (Cymru) 2008.

Title and interpretation

1.—(1) The title of this Order is the Learner Travel (Wales) Measure 2008 (Commencement No. 1) Order 2009.

(2) In this Order "the Measure" means the Learner Travel (Wales) Measure 2008.

Diwrnodau penodedig

2.—(1) Mae darpariaethau'r Mesur a osodir yn Rhan 1 o'r Atodlen i'r Gorchymyn hwn i ddod i rym ar 6 Mawrth 2009.

(2) Mae darpariaethau'r Mesur a osodir yn Rhan 2 o'r Atodlen i'r Gorchymyn hwn i ddod i rym ar 1 Medi 2009.

Appointed Days

2.—(1) The provisions of the Measure set out in Part 1 of the Schedule to this Order are to come into force on 6 March 2009.

(2) The provisions of the Measure set out in Part 2 of the Schedule to this Order are to come into force on 1 September 2009.

Ieuan Wyn Jones

Y Gweinidog dros yr Economi a Thrafnidiaeth, un o Weiniogion Cymru.

Minister for Economy and Transport, one of the Welsh Ministers

25 Chwefror 2009

25 February 2009

RHAN 1

PART 1

Darpariaethau'r Mesur Teithio gan Ddysgwyr
(Cymru) 2008 sy'n dod i rym ar 6 Mawrth
2009

Provisions of the Learner Travel (Wales)
Measure 2008 coming into force on 6 March
2009

<i>Y Ddarpariaeth</i>	<i>Y Pwnc</i>
Adran 1 (1), (2), (3) a (4)(a) i (i)	Y prif dermau a ddefnyddir yn y Mesur hwn
Adran 2	Dyletswydd i asesu anghenion teithio dysgwyr
Adran 5 i'r graddau y mae'n ymwneud ag adran 2	Terfynau dyletswyddau sy'n ymwneud â theithio gan ddysgwyr
Adran 6	Pŵer awdurdodau lleol i wneud trefniadau teithio i ddysgwyr
Adran 10	Hybu mynediad i addysg a hyfforddiant drwy gyfrwng y Gymraeg
Adran 11	Dulliau teithio cynaliadwy
Adran 15	Canllawiau a chyfarwyddiadau
Adran 16	Gwybodaeth am drefniadau teithio
Adran 17(1) a (2)	Cydweithredu: gwybodaeth a chymorth arall
Adran 19	Penderfynu ar breswylfa arferol mewn achosion penodol
Adran 21	Diwygiadau i Ddeddf Addysg 2002
Adran 23	Diwygiadau i Ddeddf Addysg ac Arolygiadau 2006
Adran 24	Dehongli cyffredinol
Adran 25 i'r graddau y mae'n ymwneud â darpariaethau Atodlen 1 isod	Mân ddiwygiadau a diwygiadau canlyniadol
Adran 26 i'r graddau y mae'n ymwneud â	Diddymiadau

<i>Provision</i>	<i>Subject Matter</i>
Section 1(1), (2), (3) and (4)(a) to (i)	Main terms used in this Measure
Section 2	Duty to assess learner travel needs
Section 5 in so far as it relates to section 2	Limits of learner travel duties
Section 6	Power of local authorities to make learner travel arrangements
Section 10	Promoting access to education and training through the medium of the Welsh language
Section 11	Sustainable modes of travel
Section 15	Guidance and directions
Section 16	Information about travel arrangements
Section 17(1) and (2)	Co-operation: information and other assistance
Section 19	Determination of ordinary residence in particular circumstances
Section 21	Amendments to the Education Act 2002
Section 23	Amendments to the Education and Inspections Act 2006
Section 24	General interpretation
Section 25 in so far as it relates to the provisions of Schedule 1 below	Minor and consequential amendments
Section 26 in so far as it relates to the provisions	Repeals

darpariaethau Atodlen 2 isod		of Schedule 2 below	
Atodlen 1, paragraff 2(2)(c) i'r graddau y mae'n mewnosod paragraff (e) newydd o is-adran (1B) o adran 6 o Ddeddf Trafnidiaeth 1985, paragraff 2(3) ac eithrio i'r graddau y mae'n rhoi i mewn gyfeiriad at baragraff (d) o is-adran (1B) o adran 6 o Ddeddf Trafnidiaeth 1985, paragraff 4(1) i (4)	Mân ddiwygiadau a diwygiadau canlyniadol	Schedule 1, paragraph 2(2)(c) in so far as it inserts a new paragraph (e) of subsection (1B) of section 6 of the Transport Act 1985, paragraph 2(3) except in so far as it substitutes the reference to paragraph (d) of subsection (1B) of section 6 of the Transport Act 1985, paragraph 4(1) to (4)	Minor and consequential amendments
<p>Yn Atodlen 2 diddymiad—</p> <p>Deddf Addysg 1996, yn adran 509AA, yn is-adran (2)(d) y geiriau "or the National Assembly for Wales", is-adran (9A), ac yn is-adran (10) y geiriau "(in relation to local education authorities in England) or the National Assembly for Wales (in relation to local education authorities in Wales)";</p> <p>yn adran 509AB, is-adran (4), yn is-adran (6)(c) y geiriau "(in the case of a local education authority in England)", yn is-adran (6)(d) y geiriau ar ôl "England" i ddiwedd yr is-adran honno y tro cyntaf y mae'r gair hwnnw'n ymddangos; yn adran 509AC, is-adran (3), yn is-adran (6) y geiriau ar ôl "subsection (5)" i ddiwedd yr is-adran, is-adran (7).</p> <p>Deddf Addysg ac Arolygiadau 2006, adran 83, is-adran (1), yn is-adran (2) y geiriau ar ôl "England" i ddiwedd yr is-adran honno y tro cyntaf y mae'r gair yn ymddangos, ac is-adran (3);</p> <p>Atodlen 10, paragraff 5(b).</p>	Diddymiadau	<p>In Schedule 2 the repeal of—</p> <p>Education Act 1996, in section 509AA, in subsection (2)(d) the words "or the National Assembly for Wales", subsection (9A), and in subsection (10) the words "(in relation to local education authorities in England) or the National Assembly for Wales (in relation to local education authorities in Wales)";</p> <p>in section 509AB, subsection (4), in subsection (6)(c) the words "(in the case of a local education authority in England)", in subsection (6)(d) the words after "England" the first time that word appears to the end of that subsection; in section 509AC, subsection (3), in subsection (6) the words after "subsection (5)" to the end of the subsection, subsection (7).</p> <p>Education and Inspection Act 2006, section 83, subsection (1), in subsection (2) the words after "England" the first time that word appears to the end of that subsection, and subsection (3);</p> <p>Schedule 10, paragraph 5(b).</p>	Repeals

RHAN 2

Darpariaethau'r Mesur Teithio gan Ddysgwyr
(Cymru) 2008 sy'n dod i rym ar 1
Medi 2009

PART 2

Provisions of the Learner Travel (Wales)
Measure 2008 coming into force on 1
September 2009

<i>Y Ddarpariaeth</i>	<i>Y Pwnc</i>
Adran 3	Dyletswydd awdurdod lleol i wneud trefniadau cludo
Adran 4	Dyletswydd awdurdod lleol i wneud trefniadau teithio eraill
Adran 5 i'r graddau nad yw eisoes mewn grym	Terfynau dyletswyddau sy'n ymwneud â theithio gan ddysgwyr
Adran 7	Trefniadau teithio i ddysgwyr mewn addysg neu hyfforddiant ôl-16
Adran 8	Trefniadau teithio i fan lle y darperir addysg feithrin ac oddi yno
Adran 9	Trefniadau teithio i ddysgwyr a'r rheini'n drefniadau nad ydynt i ffafrio mathau penodol o addysg neu hyfforddiant
Adran 17(3)	Cydweithredu: gwybodaeth a chymorth arall
Adran 18	Talu costau teithio gan awdurdod lleol y mae plentyn yn derbyn gofal ganddo
Adran 20	Diwygiadau i adran 444 o Ddeddf Addysg 1996
Adran 22	Diwygiadau i adrannau 455 a 456 o Ddeddf Addysg 1996
Adran 25 i'r graddau y mae'n ymwneud â darpariaethau Atodlen 1 isod.	Mân ddiwygiadau a diwygiadau canlyniadol
Adran 26 i'r graddau y mae'n ymwneud â darpariaethau Atodlen 2 isod.	Diddymiadau
Atodlen 1, paragraffau 1, 2 i'r graddau nad yw eisoes mewn grym, 3, 4(5), 5	Mân ddiwygiadau a diwygiadau canlyniadol

<i>Provision</i>	<i>Subject Matter</i>
Section 3	Local authority duty to make transport arrangements
Section 4	Local authority duty to make other travel arrangements
Section 5 in so far as not already in force	Limits of learner travel duties
Section 7	Travel arrangements for learners in post-16 education or training
Section 8	Travel arrangements to and from nursery education
Section 9	Learner travel arrangements not to favour certain types of education or training
Section 17(3)	Co-operation: information and other assistance
Section 18	Payment of travel costs by a local authority which looks after a child
Section 20	Amendments to section 444 of the Education Act 1996
Section 22	Amendments to sections 455 and 456 of the Education Act 1996
Section 25 in so far as it relates to the provisions of Schedule 1 below	Minor and consequential amendments
Section 26 in so far as it relates to the provisions of Schedule 2 below	Repeals
Schedule 1, paragraphs 1, 2 in so far as not already in force, 3, 4(5), 5	Minor and consequential amendments

Yn Atodlen 2, diddymiad—	Diddymiadau	In Schedule 2 the repeal of—	Repeals
Deddf Cerbydau Cyhoeddus i Deithwyr 1981, yn adran 46(3)(a) y geiriau "section 509(1) or (1A)";		Public Passenger Vehicles Act 1981, in section 46(3)(a) the words "section 509(1) or (1A)";	
Deddf Trafnidiaeth 1985, yn adran 6(1B) y geiriau "section 509(1) or (1A)" ym mharagraff (a) a'r gair "or" ym mharagraff (b);		Transport Act 1985, in section 6(1B) the words "section 509(1) or (1A)" in paragraph (a) and the word "or" in paragraph (b);	
Deddf Addysg 1996, yn adran 444(5) y geiriau "and (4)", yn adran 455, yn is-adran (1)(c) y geiriau "or 509(2)" ac yn is-adran (2)(b) "or" ar ddiwedd yr is-adran,		Education Act 1996, in section 444(5) the words "and (4)", in section 455, in subsection (1)(c) the words "or 509(2)" and in subsection (2)(b) "or" at the end of the subsection,	
adran 509 i'r graddau y mae'n ymwneud ag awdurdod addysg lleol yng Nghymru,		section 509 in so far as it relates to a local education authority in Wales,	
yn adran 509A, yn is-adran (5), y geiriau "in relation to England," a pharagraff (b);		in section 509A, in subsection (5), the words "in relation to England," and paragraph (b);	
Deddf Safonau a Fframwaith Ysgolion 1998, Atodlen 30, paragraff 133;		School Standards and Framework Act 1998, Schedule 30, paragraph 133;	
Deddf Dysgu a Sgiliau, 2000, Atodlen 9, paragraff 59;		Learning and Skills Act 2000, Schedule 9, paragraph 59;	
Deddf Addysg 2002, Atodlen 19, paragraff 2, Atodlen 21, paragraff 51.		Education Act 2002, Schedule 19, paragraph 2, Schedule 21, paragraph 51.	

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