



OFFERYNNAU STATUDOL
CYMRU

2010 Rhif 2413 (Cy.207) (C.118)

ADDYSG, CYMRU

Gorchymyn Deddf Prentisiaethau,
Sgiliau, Plant a Dysgu 2009
(Cychwyn Rhif 2 a Darpariaethau
Trosiannol) (Cymru)
2010

NODYN ESBONIADOL

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

Dyma'r ail orchymyn cychwyn i'w wneud gan Weinidogion Cymru o dan Ddeddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p.22) ("Deddf 2009"). Mae'r Gorchymyn yn dwyn i rym ar 1 Tachwedd 2010 baragraffau 11, 13 a 27 o Atodlen 12 i'r graddau y maent yn ymwneud â Chymru (a'r cofnodion cysylltiedig yn Atodlen 16), paragraffau 14 i 19 a 29 o Atodlen 12 (a chofnodion cysylltiedig yn Atodlen 16), adrannau 174 a 192 i'r graddau y maent yn ymwneud â'r paragraffau yn eu trefn yn Atodlen 12; ac adran 266 i'r graddau y mae'n ymwneud â chofnodion perthnasol yn Atodlen 16.

Mae Atodlen 12 i Ddeddf 2009 yn gwneud mân ddiwygiadau a diwygiadau canlyniadol i Ran 5 o Ddeddf Addysg 1997 ("Deddf 1997") a Deddf Dysgu a Medrau 2000 (p.21) ("Deddf 2000") mewn perthynas â Chymru. Mae paragraff 15 o Atodlen 12 yn amnewid adran 30(1) o Ddeddf 1997 er mwyn rhoi swyddogaethau ychwanegol i Weinidogion Cymru mewn perthynas â chydabod cyrff dyfarnu ac ag achredu cymwysterau. Yn lle'r diffiniad o "external qualification" a geir yn Rhan 5 o Ddeddf 1997 rhoddir diffiniad o "relevant qualification". Mae paragraffau 17 ac 19 o Atodlen 12 yn rhoi swyddogaethau ychwanegol mewn perthynas â chydabod cyrff dyfarnu. Mae paragraff 27 o Atodlen 12 yn dileu o Ddeddf 2000 y gofyniad am i gyrsiau sy'n arwain at ddyfarnu cymwysterau ar gyfer y rhai o dan 19 oed fod yn ddarostyngedig i gymeradwyaeth ar wahân ar ran Gweinidogion Cymru.

WELSH STATUTORY
INSTRUMENTS

2010 No. 2413 (W.207) (C.118)

EDUCATION, WALES

The Apprenticeships, Skills,
Children and Learning Act 2009
(Commencement No. 2 and
Transitional Provisions) (Wales)
Order 2010

EXPLANATORY NOTE

(This note is not part of the Order)

This is the second commencement order made by the Welsh Ministers under the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) ("the 2009 Act"). The Order brings into force on 1 November 2010 paragraphs 11, 13 and 27 of Schedule 12 so far as relating to Wales (and the associated entries in Schedule 16), paragraphs 14 to 19 and 29 of Schedule 12 (and associated entries in Schedule 16), sections 174 and 192 so far as they relate to the respective paragraphs of Schedule 12; and section 266 so far as it relates to relevant entries in Schedule 16.

Schedule 12 to the 2009 Act makes minor and consequential amendments to Part 5 of the Education Act 1997 ("the 1997 Act") and the Learning and Skills Act 2000 (c. 21) ("the 2000 Act") in relation to Wales. Paragraph 15 of Schedule 12 substitutes section 30(1) of the 1997 Act to confer additional functions on the Welsh Ministers in relation to the recognition of awarding bodies and the accreditation of qualifications. The definition of "external qualification" contained in Part 5 of the 1997 Act is replaced with a definition of "relevant qualification". Paragraphs 17 and 19 of Schedule 12 confer additional functions in relation to the recognition of awarding bodies. Paragraph 27 of Schedule 12 removes from the 2000 Act the requirement for courses leading to the award of qualifications for those under the age of 19 to be the subject of separate approval on the part of the Welsh Ministers.

Mae gweddill paragraffau Atodlen 12 sy'n cael eu cychwyn gan y Gorchymyn hwn yn gwneud mân ddiwygiadau neu ddiwygiadau canlyniadol eraill. Mae paragraffau cyfatebol Atodlen 16 yn gwneud diddymiadau a dirymiadau.

Mae'r Gorchymyn yn dwyn i rym adran 259 o Ddeddf 2009 ar 1 Hydref 2010. Mae'r adran hon yn diwygio adran 76 o Ddeddf Addysg Bellach ac Uwch 1992. Drwy ddiddymu'r geiriau "in England" a geir yn adran 76(1)(b), gall y Cyfrin Gyngor bennu sefydliadau addysg bellach yng Nghymru (yn ogystal ag yn Lloegr) yn sefydliadau cymwys i ddyfarnu graddau sylfaen.

Mae erthyglau 3 i 5 o'r Gorchymyn hwn yn gwneud darpariaeth drosiannol fel y bernir bod y cyrff dyfarnu hynny sy'n gydnabyddedig, neu a gaiff eu trin fel pe baent yn gydnabyddedig, cyn y dyddiad penodedig, yn gydnabyddedig, ac y bernir bod cymwysterau, a achredir cyn y dyddiad penodedig, yn ddarostyngedig i ofyniad achredu ac yn achrededig, a hynny, o ran y ddau beth, o dan yr adrannau a amnewidir yn Neddf 1997.

NODYN AM ORCHMYNION CYCHWYN BLAENOROL

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

Mae darpariaethau canlynol Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 wedi eu dwyn i rym o ran Cymru gan Orchymyn Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

<i>Y Ddarpariaeth</i>	<i>Y Dyddiad Cychwyn</i>	<i>Rhif yr O.S.</i>
Adran 205	12 Ionawr 2010	O.S. 2009/3341 (Cy. 292)
Atodlen 14	12 Ionawr 2010	O.S. 2009/3341 (Cy. 292)

Mae amryw o ddarpariaethau Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 wedi eu dwyn i rym o ran Lloegr gan yr Offerynnau Statudol canlynol: O.S. 2009/3317, O.S. 2010/303 (fel y'i diwygiwyd gan O.S. 2010/1891), O.S. 2010/1151 (fel y'i diwygiwyd gan O.S. 2010/1702).

The remaining paragraphs of Schedule 12 commenced by this Order make other minor or consequential amendments. The corresponding paragraphs of Schedule 16 make repeals and revocations.

The Order brings section 259 of the 2009 Act into force on 1 October 2010. This section amends section 76 of the Further and Higher Education Act 1992. By repealing the words "in England" from section 76(1)(b), the Privy Council is able to specify further education institutions in Wales (as well as in England) as competent to award foundation degrees.

Articles 3 to 5 of this Order make transitional provision so that those awarding bodies recognised or treated as recognised before the appointed day are deemed recognised and qualifications accredited before the appointed day are deemed subject to a requirement of accreditation and to be accredited, both under the substituted sections of the 1997 Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Apprenticeships, Skills, Children and Learning Act 2009 have been brought into force in relation to Wales by a Commencement Order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 205	12 January 2010	S.I. 2009/3341 (W. 292)
Schedule 14	12 January 2010	S.I. 2009/3341 (W. 292)

Various provisions of the Apprenticeships, Skills, Children and Learning Act 2009 have been brought into force in relation to England by the following Statutory Instruments: S.I. 2009/3317, S.I. 2010/303 (as amended by S.I. 2010/1891), S.I. 2010/1151 (as amended by S.I. 2010/1702).

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ADDYSG, CYMRU

Gorchymyn Deddf Prentisiaethau,
Sgiliau, Plant a Dysgu 2009
(Cychwyn Rhif 2 a Darpariaethau
Trosiannol) (Cymru)
2010

Gwnaed

30 Medi 2010

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adran 269(3), (7) ac (8) o Ddeddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009(1), yn gwneud y Gorchymyn a ganlyn:

Enwi a dehongli

1.–(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (Cychwyn Rhif 2 a Darpariaethau Trosiannol) (Cymru) 2010.

(2) Yn y Gorchymyn hwn:

ystyr "Atodlen 12" ("*Schedule 12*") yw Atodlen 12 i Ddeddf 2009 ac ystyr "Atodlen 16" ("*Schedule 16*") yw Atodlen 16 i Ddeddf 2009;

ystyr "Deddf 1997" ("*the 1997 Act*") yw Deddf Addysg 1997(2);

ystyr "Deddf 2009" ("*the 2009 Act*") yw Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009;

ystyr "y diwrnod penodedig" ("*the appointed day*") yw 1 Tachwedd 2010 ac eithrio mewn perthynas ag erthygl 2(c) ac (ch) pan mai 1 Hydref 2010 yw ei ystyr.

Y Diwrnod Penodedig

2. Daw'r darpariaethau canlynol i rym ar y dyddiad penodedig—

(a) adrannau 174 a 192 o Ddeddf 2009 i'r graddau y maent yn ymwneud â pharagraffau 11, 13 a 27 o Atodlen 12 (i'r graddau y maent yn

(1) 2009 p. 22.

(2) 1997 p. 44.

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EDUCATION, WALES

The Apprenticeships, Skills,
Children and Learning Act 2009
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Order 2010

Made

30 September 2010

The Welsh Ministers, in exercise of the powers conferred by section 269(3), (7) and (8) of the Apprenticeships, Skills, Children and Learning Act 2009 Act(1), make the following Order:

Title and interpretation

1.–(1) The title of this Order is the Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No 2 and Transitional Provisions) (Wales) Order 2010.

(2) In this Order:

"the 1997 Act" ("*Deddf 1997*") means the Education Act 1997(2);

"the 2009 Act" ("*Deddf 2009*") means the Apprenticeships, Skills, Children and Learning Act 2009;

"the appointed day" ("*y diwrnod penodedig*") means 1 November 2010 except in relation to article 2(c) and (d) where it means 1 October 2010;

"Schedule 12" ("*Atodlen 12*") means Schedule 12 to the 2009 Act and "Schedule 16" ("*Atodlen 16*") means Schedule 16 to the 2009 Act.

Appointed Day

2. The following provisions come into force on the appointed day—

(a) sections 174 and 192 of the 2009 Act so far as they relate to the paragraphs 11, 13 and 27 of Schedule 12 (so far as relating to Wales);

(1) 2009 c. 22.

(2) 1997 c. 44.

ymwneud â Chymru); paragraffau 14 i 19 a 29 o Atodlen 12; a'r cofnodion cysylltiedig yn Atodlen 16;

- (b) adran 266 o Ddeddf 2009 i'r graddau y mae'n ymwneud—
- (i) â'r diddymiaid canlynol a bennir yn Rhan 4 o Atodlen 16:
- (a2) adran 30(1C), (1D), (2) a (6) o Ddeddf 1997;
- (b2) adran 32(4A) o Ddeddf 1997;
- (c2) adran 32A(6) o Ddeddf 1997;
- (ch2) paragraff 5(6) o Atodlen 17 i Ddeddf Addysg 2002(1);
- (d2) adran 162(2) i (5) o Ddeddf Addysg a Sgiliau 2008(2);
- (ii) â'r diddymiaid neu'r dirymiaid canlynol a bennir yn Rhan 4 o Atodlen 16 i'r graddau y maent yn ymwneud â Chymru:
- (a2) adrannau 21 i 26A o Ddeddf 1997;
- (b2) paragraff 214 o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998(3);
- (c2) adran 103(2) a (3) o Ddeddf Dysgu a Medrau 2000(4) a pharagraff 69 o Atodlen 9 iddi;
- (ch2) yn adran 216(2) o Ddeddf Addysg 2002, y geiriau "paragraphs 1 to 4 and 9 of Schedule 17, and section 189 so far as relating to those paragraphs,";
- (d2) paragraffau 1 i 4 a'r pennawd mewn sgrïpt italig o flaen paragraff 1 o Atodlen 17 i Ddeddf Addysg 2002;
- (dd2) paragraff 69 o Atodlen 21 i Ddeddf Addysg 2002;
- (e2) paragraff 7 o Atodlen 1 i Orchymyn Awdurdod Cymwysterau, Cwricwlwm ac Asesu Cymru (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Diddymu'r Awdurdod) 2005(5);
- (f2) paragraff 2 o Atodlen 1 i Ddeddf Gofal Plant 2006(6) a'r pennawd mewn sgrïpt italig sy'n dod o'i flaen;
- (ff2) paragraff 21 o Atodlen 14 i Ddeddf Addysg ac Arolygiadau 2006(7);
- (g2) adrannau 161 ac 163 o Ddeddf Addysg a

paragraphs 14 to 19 and 29 of Schedule 12; and the associated entries in Schedule 16;

- (b) section 266 of the 2009 Act so far as it relates to—
- (i) the following repeals specified in Part 4 of Schedule 16:
- (aa) section 30(1C), (1D), (2) and (6) of the 1997 Act;
- (bb) section 32(4A) of the 1997 Act;
- (cc) section 32A(6) of the 1997 Act;
- (dd) paragraph 5(6) of Schedule 17 to the Education Act 2002(1);
- (ee) section 162(2) to (5) of the Education and Skills Act 2008(2);
- (ii) the following repeals or revocations specified in Part 4 of Schedule 16 so far as relating to Wales:
- (aa) sections 21 to 26A of the 1997 Act;
- (bb) paragraph 214 of Schedule 30 to the School Standards and Framework Act 1998(3);
- (cc) section 103(2) and (3) of and paragraph 69 of Schedule 9 to the Learning and Skills Act 2000(4);
- (dd) in section 216(2) of the Education Act 2002, the words "paragraphs 1 to 4 and 9 of Schedule 17, and section 189 so far as relating to those paragraphs,";
- (ee) paragraphs 1 to 4 and the italic heading before paragraph 1 in Schedule 17 to the Education Act 2002;
- (ff) paragraph 69 of Schedule 21 to the Education Act 2002;
- (gg) paragraph 7 of Schedule 1 to the Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005(5);
- (hh) paragraph 2 of Schedule 1 to the Childcare Act 2006(6) and the italic heading before it;
- (ii) paragraph 21 of Schedule 14 to the Education and Inspections Act 2006(7);
- (jj) sections 161 and 163 of the Education

(1) 2002 p.32.

(2) 2008 p. 25.

(3) 1998 p. 31.

(4) 2000 p. 21.

(5) O.S. 2005/3239 (Cy. 244).

(6) 2006 p. 21.

(7) 2006 p. 40.

(1) 2002 c.32.

(2) 2008 c. 25.

(3) 1998 c. 31.

(4) 2000 c. 21.

(5) S.I. 2005/3239 (W. 244).

(6) 2006 c. 21.

(7) 2006 c. 40.

Sgiliau 2008;

(c) adran 259 o Ddeddf 2009;

(ch) y diddymiad a bennir yn Atodlen 16 yn adran 76(1)(b) o Ddeddf Addysg Bellach ac Uwch 1992(1) sef diddymu'r geiriau "in England".

Cydnabyddiaeth mewn cysylltiad â dyfarnu cymwysterau neu eu dilysu

3.–(1) Mae'r erthygl hon yn gymwys os cydnabyddir person (neu os caiff ei drin fel pe cydnabyddir ef), yn union cyn y diwrnod penodedig, gan Weinidogion Cymru o dan adran 30(1)(cb) o Ddeddf 1997(2), a'i fod yn dyfarnu neu'n dilysu cymhwyster sy'n cael ei achredu gan Weinidogion Cymru o dan adran 30(1)(e) o Ddeddf 1997.

(2) Yn effeithiol o'r diwrnod penodedig ymlaen, bennir bod y person yn cael ei gydnabod gan Weinidogion Cymru o dan adran 30(1)(e) o Ddeddf 1997 mewn cysylltiad â dyfarnu neu ddilysu'r cymhwyster hwnnw neu'r disgrifiad hwnnw o gymhwyster.

Gofyniad am achredu

4.–(1) Mae'r erthygl hon yn gymwys os achredir cymhwyster ("y cymhwyster"), yn union cyn y diwrnod penodedig, gan Weinidogion Cymru o dan adran 30(1)(e) o Ddeddf 1997.

(2) Yn effeithiol o'r diwrnod penodedig ymlaen, mae'r cymhwyster i'w drin fel pe bai'n ddarostyngedig i ofyniad am achredu yn unol â dyfarniad a wneir o dan adran 30(1)(f) o Ddeddf 1997.

Cymwysterau Achrededig

5.–(1) Mae'r erthygl hon yn gymwys os achredir ffurf ar gymhwyster ("y ffurf ar gymhwyster"), yn union cyn y diwrnod penodedig, gan Weinidogion Cymru o dan adran 30(1)(e) o Ddeddf 1997 ac y bennir, yn rhinwedd erthygl 4, ei bod yn ddarostyngedig i ofyniad am achredu.

(2) Yn effeithiol o'r diwrnod penodedig ymlaen, caiff y ffurf ar y cymhwyster ei thrin fel pe bai wedi ei hachredu gan Weinidogion Cymru o dan adran 30(1)(h) o Ddeddf 1997.

and Skills Act 2008;

(c) section 259 of the 2009 Act;

(d) the repeal specified in Schedule 16 in section 76(1)(b) of the Further and Higher Education Act 1992(1) of the words "in England".

Recognition in respect of award or authentication of qualifications

3.–(1) This article applies where immediately before the appointed day, a person is recognised (or is treated as recognised) by the Welsh Ministers under section 30(1)(cb) of the 1997 Act(2) and awards or authenticates a qualification which is accredited by the Welsh Ministers under section 30(1)(e) of the 1997 Act.

(2) With effect from the appointed day the person is deemed to be recognised by the Welsh Ministers under section 30(1)(e) of the 1997 Act in respect of the award or authentication of that qualification or description of qualification.

Requirement of accreditation

4.–(1) This article applies where immediately before the appointed day a qualification ("the qualification") is accredited by the Welsh Ministers under section 30(1)(e) of the 1997 Act.

(2) With effect from the appointed day the qualification is to be treated as though it were subject to a requirement of accreditation in accordance with a determination made under section 30(1)(f) of the 1997 Act.

Accredited Qualifications

5.–(1) This article applies where immediately before the appointed day a form of qualification ("the form of qualification") is accredited by the Welsh Ministers under section 30(1)(e) of the 1997 Act and is deemed by virtue of article 4 to be subject to a requirement of accreditation.

(2) With effect from the appointed day, the form of the qualification is treated as accredited by the Welsh Ministers under section 30(1)(h) of the 1997 Act.

(1) 1992 p.13. Mewn nosodwyd adran 76(1)(b) gan Ddeddf Addysg Bellach a Hyfforddiant 2007 (p.25) adran 19(2).

(2) Trosglwyddwyd swyddogaethau Awdurdod Cymwysterau, Cwricwlwm ac Asesu Cymru i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Awdurdod Cymwysterau, Cwricwlwm ac Asesu Cymru (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Diddymu'r Awdurdod) 2005 (O.S. 2005/3239). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd paragraffau 30(1) a 30(2)(a) o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(1) 1992 c.13. Section 76(1)(b) was inserted by the Further Education and Training Act 2007 (c.25) section 19(2).

(2) The functions of the Qualifications, Curriculum and Assessment Authority for Wales were transferred to the National Assembly for Wales by article 2 of the Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraphs 30(1) and 30(2)(a) of Schedule 11 to the Government of Wales Act 2006 (c.32).

Leighton Andrews

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

30 Medi 2010

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

30 September 2010

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