OFFERYNNAU STATUDOL CYMRU

2011 Rhif 97 (Cy.20) (C.6)

ADDYSG, CYMRU

Gorchymyn Mesur Dysgu a Sgiliau (Cymru) 2009 (Cychwyn Rhif 2) 2011

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn dwyn i rym ar 19 Ionawr 2011 a 14 Chwefror 2011 amrywiol ddarpariaethau Mesur Dysgu a Sgiliau (Cymru) 2009 a bennir yn erthygl 2 o'r Gorchymyn.

Mae darpariaethau'r Mesur a gafodd eu dwyn i rym ar 19 Ionawr 2011 fel a ganlyn:

- Mae adran 23 yn mewnosod yn Neddf Dysgu a Sgiliau 2000 ("Deddf 2000") adran 33B sy'n ei gwneud yn ofynnol i Weinidogion Cymru hyrwyddo mynediad at gyrsiau astudio a addysgir drwy gyfrwng y Gymraeg a hyrwyddo'r ffaith eu bod ar gael.
- Mae adran 25 yn mewnosod yn Neddf 2000 adran 33D sy'n ei gwneud yn ofynnol i bennaeth ysgol bennu ysgol neu sefydliad perthnasol i'r disgybl os gofynnir iddo wneud hynny.
- Mae adran 26 yn mewnosod yn Neddf 2000 adran 33E sy'n rhoi i ddisgybl cofrestredig ysgol a gynhelir yr hawl i ddewis dilyn cwrs astudio neu gyrsiau astudio a gynhwysir mewn cwricwlwm lleol.
- Mae adran 28 (sy'n cael ei chychwyn at ddibenion gwneud rheoliadau) yn mewnosod yn Neddf 2000 adran 33G sy'n gwneud darpariaeth i bennaeth ysgol neu bennaeth sefydliad benderfynu nad oes gan fyfyriwr yr hawlogaeth i ddilyn cwrs astudio penodol neu gyrsiau astudio penodol.
- Mae adran 30 (sy'n cael ei chychwyn at ddibenion gwneud rheoliadau) yn mewnosod

WELSH STATUTORY INSTRUMENTS

2011 No. 97 (W.20) (C.6)

EDUCATION, WALES

The Learning and Skills (Wales) Measure 2009 (Commencement No 2) Order 2011

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 19 January 2011 and 14 February 2011 various provisions of the Learning and Skills (Wales) Measure 2009 specified in article 2 of the Order.

The provisions of the Measure brought into force on 19 January 2011 are as follows:

- Section 23 inserts section 33B into the Learning and Skills Act 2000 ("the 2000 Act") which requires the Welsh Ministers to promote access to and availability of courses of study taught through the medium of Welsh.
- Section 25 inserts section 33D into the 2000 Act which requires a head teacher at a school to determine a pupil's relevant school or institution if requested to do so.
- Section 26 inserts section 33E into the 2000 Act which gives a registered pupil of a maintained school the right to elect to follow a course or courses of study included in a local curriculum.
- Section 28 (which is commenced for the purpose of making regulations) inserts section 33G into the 2000 Act which makes provision for a head teacher or principal to decide that a student is not entitled to follow a particular course or courses of study.
- Section 30 (which is commenced for the purpose of making regulations) inserts section

yn Neddf 2000 adran 33I sy'n gwneud darpariaeth i bennaeth ysgol neu bennaeth sefydliad benderfynu nad oes gan fyfyriwr mwyach yr hawlogaeth i ddilyn cwrs astudio.

- Mae adran 31 yn mewnosod yn Neddf 2000 adran 33J. Mae'r adran hon yn ei gwneud yn ofynnol i awdurdodau lleol, cyrff llywodraethu a phenaethiaid sefydliadau addysg bellach gynorthwyo Gweinidogion Cymru i gynllunio'r cwricwla lleol.
- Mae adran 32 yn mewnosod yn Neddf 2000 adran 33K sy'n gwneud darpariaeth mewn perthynas â sicrhau bod y nifer mwyaf o gyrsiau astudio ar gael o fewn cwricwlwm lleol.
- Mae adran 33 yn mewnosod yn Neddf 2000 adran 33L sy'n gwneud darpariaeth mewn perthynas â goblygiadau cydweithio a orfodir gan adran 33K o Ddeddf 2000.
- Mae adran 34 yn mewnosod yn Neddf 2000 adran 33M. Mae'r adran hon yn caniatáu i Weinidogion Cymru ddiwygio adran 33A(3) o Ddeddf 2000.
- Mae adran 35 yn mewnosod yn Neddf 2000 adran 33N. Mae'r adran hon yn cynnwys diffiniadau.
- Mae adran 36 yn mewnosod yn Neddf 2000 adran 33O ac yn gwneud darpariaeth ynghylch cyfarwyddiadau.
- Mae adran 37 yn mewnosod yn Neddf 2000 adran 33P er mwyn caniatáu i reoliadau gymhwyso darpariaethau'r cwricwlwm lleol i ysgolion arbennig.
- Mae adran 38 yn mewnosod yn Neddf 2000 adran 33Q er mwyn caniatáu i reoliadau gymhwyso darpariaethau'r cwricwlwm lleol i sefydliadau addysg uwch.
- Mae adran 39 yn diwygio adran 152 o Ddeddf 2000 mewn perthynas â'r weithdrefn ar gyfer gwneud rheoliadau a gorchmynion.
- Mae adran 47 a pharagraffau 1 i 10 o'r Atodlen yn cynnwys mân ddiwygiadau a diwygiadau canlyniadol.

Mae darpariaethau'r Mesur a gafodd eu dwyn i rym ar 14 Chwefror 2011 fel a ganlyn:

- Mae adran 21 yn diwygio adran 31 o Ddeddf 2000 fel bod y dyletswyddau cyffredinol sydd ar Weinidogion Cymru mewn perthynas ag addysg bellach yn gymwys mewn perthynas â'r cwricwlwm lleol.
- Mae adran 22 yn mewnosod yn Neddf 2000 adran 33A sy'n ei gwneud yn ofynnol i Weinidogion Cymru lunio un cwricwlwm lleol o leiaf mewn cysylltiad â phob ardal awdurdod

33I into the 2000 Act which makes provision for a head teacher or principal to decide that a student is no longer entitled to follow a course of study.

- Section 31 inserts section 33J into the 2000 Act. This requires local authorities, governing bodies and head teachers of secondary schools, governing bodies and principals of further education institutions to assist the Welsh Ministers in planning the local curricula.
- Section 32 inserts section 33K into the 2000 Act which makes provision in relation to maximising the availability of courses of study included in a local curriculum.
- Section 33 inserts section 33L into the 2000 Act which makes provision in relation to the joint-working obligations imposed by section 33K of the 2000 Act.
- Section 34 inserts section 33M into the 2000 Act. This allows Welsh Ministers to amend section 33A(3) of the 2000 Act.
- Section 35 inserts section 33N into the 2000 Act. This contains definitions.
- Section 36 inserts section 33O into the 2000 Act and makes provision about directions.
- Section 37 inserts section 33P into the 2000 Act so as to allow regulations to apply the local curriculum provisions to special schools.
- Section 38 inserts section 33Q into the 2000 Act so as to allow regulations to apply the local curriculum provisions to higher education institutions.
- Section 39 amends section 152 of the 2000 Act in relation to the procedure for making regulations and orders.
- Section 47 and paragraphs 1 to 10 of the Schedule contain minor and consequential amendments.

The provisions of the Measure brought into force on 14 February 2011 are as follows:

- Section 21 amends section 31 of the 2000 Act so that the general duties on Welsh Ministers in relation to further education apply in relation to the local curriculum.
- Section 22 inserts section 33A into the 2000 Act which requires the Welsh Ministers to form at least one local curriculum in respect of each local authority area for students who are

lleol ar gyfer myfyrwyr sydd dros oedran ysgol gorfodol ond nad ydynt wedi cyrraedd 19 oed.

- Mae adran 24 yn mewnosod yn Neddf 2000 adran 33C sy'n gwneud darpariaeth mewn perthynas â llunio mwy nag un cwricwlwm lleol i ardal awdurdod lleol.
- Mae adran 27 yn mewnosod yn Neddf 2000 adran 33F sy'n gwneud darpariaeth o ran hawlogaeth myfyriwr i ddilyn cwrs astudio a ddewiswyd.
- Mae adran 28 yn cael ei chychwyn i'r graddau nad yw eisoes wedi ei chychwyn gan y Gorchymyn hwn.
- Mae adran 29 yn mewnosod yn Neddf 2000 adran 33H sy'n gosod dyletswydd ar gorff llywodraethu ysgol neu sefydliad i gyflawni hawlogaethau cwricwlwm lleol.
- Mae adran 30 yn cael ei chychwyn i'r graddau nad yw eisoes wedi ei chychwyn gan y Gorchymyn hwn.

NODYN AM ORCHMYNION CYCHWYN BLAENOROL

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

Mae darpariaethau canlynol Mesur Dysgu a Sgiliau (Cymru) 2009 wedi eu dwyn i rym gan Orchymyn Mesur Dysgu a Sgiliau (Cymru) (Cychwyn Rhif 1 a Darpariaeth Drosiannol) 2009 a wnaed cyn dyddiad y Gorchymyn hwn:

Y ddarpariaeth	*Dyddiad cychwyn*	*O.S. Rhif*
Adran 1	7 Rhagfyr 2009	2009/3174 (Cy.276) (C.141)
Adrannau 2 a 3	1 Ionawr 2010	2009/3174 (Cy.276) (C.141)
Adran 4 yn rhannol	7 Rhagfyr 2009	2009/3174 (Cy.276) (C.141)
Adran 4 yn llawn	1 Ionawr 2010	2009/3174 (Cy.276) (C.141)
Adrannau 5 a 6	1 Ionawr 2010	2009/3174 (Cy.276) (C.141)
Adran 7 yn rhannol	7 Rhagfyr 2009	2009/3174 (Cy.276) (C.141)

above compulsory school age but have not attained the age of 19.

- Section 24 inserts section 33C into the 2000 Act which makes provision in relation to the formation of more than one local curriculum for a local authority area.
- Section 27 inserts section 33F into the 2000 Act which makes provision as to a student's entitlement to follow a chosen course of study.
- Section 28 is commenced in so far as not already commenced by this Order.
- Section 29 inserts section 33H into the 2000 Act which imposes a duty on the governing body of a school or institution to deliver local curriculum entitlements.
- Section 30 is commenced in so far as not already commenced by this Order.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Learning and Skills (Wales) Measure 2009 have been brought into force by the Learning and Skills (Wales) Measure 2009 (Commencement No 1 and Transitional Provision) Order 2009 made before the date of this Order:

Provision	*Date of commencement*	*S.I. No*
Section 1	7 December 2009	2009/3174 (W.276) (C.141)
Sections 2 and 3	1 January 2010	2009/3174 (W.276) (C.141)
Section 4 in part	7 December 2009	2009/3174 (W.276) (C.141)
Section 4 fully	1 January 2010	2009/3174 (W.276) (C.141)
Sections 5 and 6	1 January 2010	2009/3174 (W.276) (C.141)
Section 7 in part	7 December 2009	2009/3174 (W.276) (C.141)

Adran 7 yn llawn	1 Ionawr 2010	2009/3174 (Cy.276) (C.141)
Adran 8	1 Ionawr 2010	2009/3174 (Cy.276) (C.141)
Adran 9 yn rhannol	7 Rhagfyr 2009	2009/3174 (Cy.276) (C.141)
Adran 9 yn llawn	1 Ionawr 2010	2009/3174 (Cy.276) (C.141)
Adran 10	1 Ionawr 2010	2009/3174 (Cy.276) (C.141)
Adran 11 yn rhannol	7 Rhagfyr 2009	2009/3174 (Cy.276) (C.141)
Adran 11 yn llawn	1 Ionawr 2010	2009/3174 (Cy.276) (C.141)
Adrannau 12 i 14	7 Rhagfyr 2009	2009/3174 (Cy.276) (C.141)
Adrannau 15 i 17	1 Ionawr 2010	2009/3174 (Cy.276) (C.141)
Adran 18	7 Rhagfyr 2009	2009/3174 (Cy.276) (C.141)
Adran 19	1 Ionawr 2010	2009/3174 (Cy.276) (C.141)
Adran 20	7 Rhagfyr 2009	2009/3174 (Cy.276) (C.141)
Adrannau 40 i 45	7 Rhagfyr 2009	2009/3174 (Cy.276) (C.141)
Adran 47 yn rhannol	7 Rhagfyr 2009	2009/3174 (Cy.276)
Paragraffau 11 i 22 o'r Atodlen	7 Rhagfyr 2009	2009/3174 (Cy.276)

Gweler hefyd adran 49(1) ar gyfer y darpariaethau sy'n dod i rym ar 13 Gorffennaf 2009 (ddeufis ar ôl cymeradwyo'r Mesur gan Ei Mawrhydi yn y Cyfrin Gyngor).

Section 7 fully	1 January 2010	2009/3174 (W.276) (C.141)
Section 8	1 January 2010	2009/3174 (W.276) (C.141)
Section 9 in part	7 December 2009	2009/3174 (W.276) (C.141)
Section 9 fully	1 January 2010	2009/3174 (W.276) (C.141)
Section 10	1 January 2010	2009/3174 (W.276) (C.141)
Section 11 in part	7 December 2009	2009/3174 (W.276) (C.141)
Section 11 fully	1 January 2010	2009/3174 (W.276)
Sections 12 to 14	7 December 2009	2009/3174 (W.276) (C.141)
Sections 15 to 17	1 January 2010	2009/3174 (W.276) (C.141)
Section 18	7 December 2009	2009/3174 (W.276) (C.141)
Section 19	1 January 2010	2009/3174 (W.276) (C.141)
Section 20	7 December 2009	2009/3174 (W.276) (C.141)
Sections 40 to 45	7 December 2009	2009/3174 (W.276) (C.141)
Section 47 in part	7 December 2009	2009/3174 (W.276) (C.141)
Paragraphs 11 to 22 of the Schedule	7 December 2009	2009/3174 (W.276) (C.141)

See also section 49(1) for the provisions that come into force on 13 July 2009 (two months after approval of the Measure by Her Majesty in Council).

OFFERYNNAU STATUDOL CYMRU

2011 Rhif 97 (Cy.20) (C.6)

ADDYSG, CYMRU

Gorchymyn Mesur Dysgu a Sgiliau (Cymru) 2009 (Cychwyn Rhif 2) 2011

Gwnaed *17 Ionawr 2011*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adrannau 48(2) a 49(2) o Fesur Dysgu a Sgiliau (Cymru) 2009(**1**), yn gwneud y Gorchymyn a ganlyn:

Enwi a dehongli

1.–(1) Enw'r Gorchymyn hwn yw Gorchymyn Mesur Dysgu a Sgiliau (Cymru) 2009 (Cychwyn Rhif 2) 2011.

(2) Yn y Gorchymyn hwn–

ystyr "Deddf 2000" ("*the 2000 Act*") yw Deddf Dysgu a Sgiliau 2000(**2**);

ystyr "y Mesur" ("*the Measure*") yw Mesur Dysgu a Sgiliau (Cymru) 2009.

Diwrnodau Penodedig

2.–(1) Y diwrnod penodedig at ddibenion dod i rym ddarpariaethau canlynol y Mesur yw 19 Ionawr 2011–

(a) adran 23 (cwricwla lleol: Y Gymraeg);

(b) adran 25 (penderfynu "relevant school or institution" ar gyfer disgybl);

(c) adran 26 (dewisiadau disgyblion o gyrsiau cwricwlwm lleol);

(ch) adran 28 (penderfyniad pennaeth ysgol neu bennaeth sefydliad ynghylch hawlogaeth) at ddibenion gwneud rheoliadau o dan adran 33G(3) o Ddeddf 2000;

(d) adran 30 (penderfyniad pennaeth ysgol neu bennaeth sefydliad i ddileu hawlogaeth) at ddibenion gwneud rheoliadau o dan adran 33I(3) o Ddeddf 2000;

(dd) adran 31 (cynllunio'r cwricwlwm lleol);

(**1**) 2009 mccc 1.

(**2**) 2000 p.21.

WELSH STATUTORY INSTRUMENTS

2011 No. 97 (W.20) (C.6)

EDUCATION, WALES

The Learning and Skills (Wales) Measure 2009 (Commencement No 2) Order 2011

Made *17 January 2011*

The Welsh Ministers, in exercise of the powers conferred upon them by sections 48(2) and 49(2) of the Learning and Skills (Wales) Measure 2009(**1**), make the following Order:

Title and interpretation

1.–(1) The title of this Order is the Learning and Skills (Wales) Measure 2009 (Commencement No 2) Order 2011.

(2) In this Order–

"the 2000 Act" ("*Deddf 2000*") means the Learning and Skills Act 2000(**2**);

"the Measure" ("*y Mesur*") means the Learning and Skills (Wales) Measure 2009.

Appointed Days

2.–(1) The appointed day for the purpose of the coming into force of the following provisions of the Measure is 19 January 2011–

(a) section 23 (local curricula: Welsh language);

(b) section 25 (determination of a pupil's "relevant school or institution");

(c) section 26 (pupils' choices of local curriculum courses);

(d) section 28 (head teacher's or principal's decision as to entitlement) for the purpose of making regulations under section 33G(3) of the 2000 Act;

(e) section 30 (head teacher's or principal's decision to remove entitlement) for the purpose of making regulations under section 33I(3) of the 2000 Act;

(f) section 31 (planning the local curriculum);

(**1**) 2009 nawm 1.

(**2**) 2000 c.21.

(e) adran 32 (cyflawni hawlogaethau'r cwricwlwm lleol: cydweithio);

(f) adran 33 (cydweithio: canllawiau a chyfarwyddiadau);

(ff) adran 34 (pŵer i ddiwygio meysydd dysgu);

(g) adran 35 (y cwricwlwm lleol: dehongli);

(ng) adran 36 (cwricwlwm lleol: cyfarwyddiadau);

(h) adran 37 (cymhwyso darpariaethau cwricwlwm lleol i fyfyrwyr sy'n ddisgyblion cofrestredig mewn ysgolion arbennig neu fyfyrwyr a chanddynt anawsterau dysgu);

(i) adran 38 (cymhwyso darpariaethau'r cwricwlwm lleol i sefydliadau o fewn y sector addysg uwch);

(j) adran 39 (rheoliadau a gorchmynion: y weithdrefn);

(l) adran 47 (mân ddiwygiadau a diwygiadau canlyniadol) yn llawn;

(ll) paragraffau 1 i 10 o'r Atodlen (mân ddiwygiadau a diwygiadau canlyniadol).

(2) Y diwrnod penodedig at ddibenion dod i rym ddarpariaethau canlynol y Mesur yw 14 Chwefror 2011–

(a) adran 21 (addysg a hyfforddiant ar gyfer personau 16 i 18 oed);

(b) adran 22 (llunio cwricwla lleol ar gyfer myfyrwyr 16 i 18 oed);

(c) adran 24 (ardaloedd â mwy nag un cwricwlwm lleol);

(ch) adran 27 (hawlogaethau myfyrwyr o ran y cwricwlwm lleol);

(d) adran 28 (penderfyniad pennaeth ysgol neu bennaeth sefydliad ynghylch hawlogaeth) i'r graddau nad yw wedi ei chychwyn gan erthygl 2(1)(ch);

(dd) adran 29 (cyflawni hawlogaethau'r cwricwlwm lleol);

(e) adran 30 (penderfyniad pennaeth ysgol neu bennaeth sefydliad i ddileu hawlogaeth) i'r graddau nad yw wedi ei chychwyn gan erthygl 2(1)(d).

(g) section 32 (delivery of local curriculum entitlements: joint-working);

(h) section 33 (joint-working: guidance and directions);

(i) section 34 (power to amend learning domains);

(j) section 35 (the local curriculum: interpretation);

(k) section 36 (local curriculum: directions);

(l) section 37 (application of local curriculum provisions to students who are registered pupils of special schools or who have learning difficulties);

(m) section 38 (application of local curriculum provisions to institutions within the higher education sector);

(n) section 39 (regulations and orders: procedure);

(o) section 47 (minor and consequential amendments) fully;

(p) paragraphs 1 to 10 of the Schedule (minor and consequential amendments).

(2) The appointed day for the purpose of the coming into force of the following provisions of the Measure is 14 February 2011–

(a) section 21 (education and training for persons aged 16 to 18);

(b) section 22 (formation of local curricula for students aged 16 to 18);

(c) section 24 (areas with more than one local curriculum);

(d) section 27 (students' local curriculum entitlements);

(e) section 28 (head teacher's or principal's decision as to entitlement) in so far as not commenced by article 2(1)(d);

(f) section 29 (delivery of local curriculum entitlements);

(g) section 30 (head teacher's or principal's decision to remove entitlement) in so far as not commenced by article 2(1)(e).

Leighton Andrews

Y Dirprwy Weinidog dros Sgiliau o dan awdurdod y Gweinidog dros Blant, Addysg a Dysgu Gydol Oes, un o Weinidogion Cymru

17 Ionawr 2011

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

17 January 2011

©ⓗ Hawlfraint y Goron 2010

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2010

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

OFFERYNNAU STATUDOL CYMRU

2011 Rhif 97 (Cy.20) (C.6)

ADDYSG, CYMRU

Gorchymyn Mesur Dysgu a Sgiliau (Cymru) 2009 (Cychwyn Rhif 2) 2011

WELSH STATUTORY INSTRUMENTS

2011 No. 97 (W.20) (C.6)

EDUCATION, WALES

The Learning and Skills (Wales) Measure 2009 (Commencement No 2) Order 2011

£5.75

W811/02/11 ON