OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2013 Rhif 1657 (Cy. 155)

ADDYSG, CYMRU

Gorchymyn Deddf Ymddygiad Gwrthgymdeithasol 2003 (Diwygio Deddf Addysg 1996) (Cymru) 2013

2013 No. 1657 (W. 155)

EDUCATION, WALES

The Anti-Social Behaviour Act 2003 (Amendment to the Education Act 1996) (Wales) Order 2013

NODYN ESBONIADOL

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

Mae adran 23(9) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003 yn darparu'r pŵer i Weinidogion Cymru i ddileu'r geiriau "in England" o adrannau 444A a 444B o Ddeddf Addysg 1996 ("Deddf 1996").

Mae adrannau 444A a 444B o Ddeddf 1996 yn darparu pŵer i gwnstabl heddlu, swyddog o'r awdurdod lleol neu'r pennaeth (neu aelod o staff a awdurdodir gan y pennaeth) i ddyroddi, yn unol â'r rheoliadau, hysbysiadau cosb mewn cysylltiad â thriwantiaeth o'r ysgol (ac o fannau eraill lle y caiff addysg ei darparu).

Mae dileu'r geiriau "in England" yn golygu y bydd y darpariaethau hynny yn gymwys i Gymru.

Mae'r Gorchymyn hwn hefyd yn gwneud mân ddiwygiad i adran 569 o Ddeddf Addysg 1996 er mwyn ei gwneud yn glir mai swyddogaethau Gweinidogion Cymru yw'r swyddogaethau o dan adrannau 444A a 444B o Ddeddf 1996.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 23(9) of the Anti-Social Behaviour Act 2003 provides the Welsh Ministers with the power to remove the words "in England" from sections 444A and 444B of the Education Act 1996 ("the 1996 Act").

Sections 444A and 444B of the 1996 Act provide a power for a police constable, a local authority officer or the head teacher (or a member of staff authorised by the head teacher) to issue, in accordance with regulations, penalty notices in respect of truancy from school (and from other places where education is provided).

The effect of removing the words "in England" means that those provisions will apply to Wales.

This Order also makes a minor amendment to section 569 of the Education Act 1996 to make it clear that the functions, under sections 444A and 444B of the 1996 Act, are functions of the Welsh Ministers.

O F F E R Y N N A U S T A T U D O L C Y M R U

W E L S H S T A T U T O R Y I N S T R U M E N T S

2013 Rhif 1657 (Cy. 155)

ADDYSG, CYMRU

Gorchymyn Deddf Ymddygiad Gwrthgymdeithasol 2003 (Diwygio Deddf Addysg 1996) (Cymru) 2013

Gwnaed *2 Gorffennaf 2013*

Yn dod i rym yn unol â erthygl 1

Mae Gweinidogion Cymru, drwy arfer y pŵer a roddwyd i Gynulliad Cenedlaethol Cymru gan adran 23(9) a 94(2) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003(**1**) ac a freiniwyd bellach ynddynt hwy(**2**), yn gwneud y Gorchymyn a ganlyn.

Yn unol â pharagraff 35(3), Tabl 1, o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006, cafodd drafft o'r Gorchymyn hwn ei osod gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo ganddo drwy benderfyniad.

Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Deddf Ymddygiad Gwrthgymdeithasol 2003 (Diwygio Deddf Addysg 1996) (Cymru) 2013 a daw i rym drannoeth y diwrnod y'i gwneir.

(**1**) 2003 p.38 ("Deddf 2003").

(**2**) Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan yr adran hon i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 ("Deddf 2006") (p.32). Mae'r weithdrefn yn Neddf 2003 ar gyfer gwneud y Gorchymyn wedi ei haddasu gan Dabl 1 o baragraff 35(3) o Atodlen 11 i Ddeddf 2006 fel bod rhaid i Orchymyn a wneir o dan adran 29(3) o Ddeddf 2003 gael ei osod gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo ganddo drwy benderfyniad.

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EDUCATION, WALES

The Anti-Social Behaviour Act 2003 (Amendment to the Education Act 1996) (Wales) Order 2013

Made *2 July 2013*

Coming into force in accordance with article 1

The Welsh Ministers, in exercise of the power conferred on the National Assembly for Wales by section 23(9) and 94(2) of the Anti-Social Behaviour Act 2003(**1**) and now vested in them(**2**) make the following Order.

In accordance with paragraph 35(3), Table 1, of Schedule 11 to the Government of Wales Act 2006, a draft of this Order was laid before and approved by a resolution of the National Assembly for Wales.

Title and commencement

1.The title of this Order is the Anti-Social Behaviour Act 2003 (Amendment to the Education Act 1996) (Wales) Order 2013 and it comes into force on the day after the day on which it is made.

(**1**) 2003 c.38. ("the 2003 Act")

(**2**) The functions of the National Assembly for Wales under this section was transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 ("the 2006 Act") (c.32.). The procedure in the 2003 Act for making the Order has been modified by Table 1 of paragraph 35(3) of Schedule 11 to the 2006 Act so that an Order made under section 29(3) of the 2003 Act must be laid before, and approved by a resolution of the National Assembly for Wales.

Diwygio Deddf Addysg 1996

2.—(1) Yn adrannau 444A neu 444B o Ddeddf Addysg 1996 dileer y geiriau “in England” ym mhob man lle y maent yn digwydd.

(2) Yn adran 569(2B) o Ddeddf Addysg 1996 yn lle “or 336” rhodder “, 336, 444A or 444B”.

Amendments to the Education Act 1996

2.—(1) In sections 444A or 444B of the Education Act 1996 remove the words “in England” in each place where they occur.

(2) In section 569(2B) of the Education Act 1996 for "or 336" substitute ", 336, 444A or 444B".

Huw Lewis

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru.

2 Gorffennaf 2013

Minister for Education and Skills, one of the Welsh Ministers.

2 July 2013

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