OFFERYNNAU STATUDOL CYMRU

2013 Rhif 1800 (Cy. 182) (C. 74)

ADDYSG, CYMRU

Gorchymyn Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013 (Cychwyn Rhif 2, Darpariaethau Arbed a Throsiannol) 2013

NODYN ESBONIADOL

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

Dyma'r ail orchymyn cychwyn a wnaed gan Weinidogion Cymru o dan Ddeddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013 ("Deddf 2013").

Mae'r Gorchymyn hwn yn cychwyn adrannau 38 a 39 o Ddeddf 2013 i'r graddau nad yw'r adrannau hynny eisoes mewn grym ar 19 Gorffennaf 2013.

Mae'r Gorchymyn hwn hefyd yn dwyn i rym ar 1 Hydref 2013 y darpariaethau a ganlyn:

(a) Pennod 2 o Ran 3 (cynigion trefniadaeth ysgolion);

(b) Pennod 3 o Ran 3 (rhesymoli lleoedd ysgol);

(c) Pennod 4 o Ran 3 (darpariaeth ranbarthol ar gyfer anghenion addysgol arbennig);

(d) Pennod 5 o Ran 3 (cynigion i ailstrwythuro addysg chweched dosbarth);

(e) Pennod 6 o Ran 3 (darpariaethau amrywiol ac atodol);

(f) Atodlen 2 (newidiadau rheoleiddiedig);

(g) Atodlen 3 (gweithredu cynigion statudol);

(h) paragraffau 1 i 7 a pharagraffau 9 i 39 o Atodlen 4 (gweithredu cynigion i newid categori ysgol);

(i) adran 99 (mân ddiwygiadau a diwygiadau canlyniadol) i'r graddau y mae'n ymwneud â'r diwygiadau a wneir gan Ran 2 o Atodlen 5; a

WELSH STATUTORY INSTRUMENTS

2013 No. 1800 (W. 182) (C. 74)

EDUCATION, WALES

The School Standards and Organisation (Wales) Act 2013 (Commencement No. 2, Savings and Transitional Provisions) Order 2013

EXPLANATORY NOTE

(This note is not part of the Order)

This is the second commencement order made by the Welsh Ministers under the School Standards and Organisation (Wales) Act 2013 ("the 2013 Act").

This Order commences sections 38 and 39 in so far as those sections are not already in force on 19 July 2013 of the 2013 Act.

This Order also brings into force on 1 October 2013 the following provisions:

(a) Chapter 2 of Part 3 (school organisation proposals);

(b) Chapter 3 of Part 3 (rationalisation of school places);

(c) Chapter 4 of Part 3 (regional provision for special educational needs);

(d) Chapter 5 of Part 3 (proposals for restructuring sixth form education);

(e) Chapter 6 of Part 3 (miscellaneous and supplemental);

(f) Schedule 2 (regulated alterations);

(g) Schedule 3 (implementation of statutory proposals);

(h) paragraphs 1 to 7 and paragraphs 9 to 39 of Schedule 4 (implementation of proposals to change category of school);

(i) section 99 (minor and consequential amendments) in so far as it relates to the amendments made by Part 2 of Schedule 5; and

(j) Rhan 2 o Atodlen 5.

Mae erthygl 4 o'r Gorchymyn hwn yn arbed amryw ddarpariaethau ym Mhennod 2 o Ran 2 o Ddeddf Safonau a Fframwaith Ysgolion 1998 ("Deddf 1998") mewn perthynas ag:

(a) cynigion trefniadaeth ysgolion a gyhoeddir o dan adrannau 28, 29, 31 a 35 o Ddeddf 1998 cyn 1 Hydref 2013;

(b) hysbysiad gan gorff llywodraethu i derfynu ysgol sefydledig neu ysgol wirfoddol a gyflwynir o dan adran 30 o Ddeddf 1998 cyn 1 Hydref 2013; ac

(c) cyfarwyddyd sy'n ei gwneud yn ofynnol i ysgol arbennig gymunedol neu ysgol arbennig sefydledig gael ei therfynu a roddir o dan adran 32 o Ddeddf 1998 cyn 1 Hydref 2013.

Mae erthygl 5 o'r Gorchymyn hwn yn darparu hyd nes bod adran 21(1) o Fesur Addysg (Cymru) 2011 wedi cychwyn fod y cyfeiriad at ysgol ffederal yn adran 78 o Ddeddf 2013 i gael effaith fel pe bai'n gyfeiriad at "federated school" yn adran 24(2) o Ddeddf Addysg 2002.

NODYN AM Y GORCHMYNION CYCHWYN CYNHARACH

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

Y Ddarpariaeth	*Y Dyddiad Cychwyn*	*Rhif O.S.*
38, 39, 97 a 98	26 Ebrill 2013 i'r graddau y mae'r darpariaethau hynny yn ymwneud â gwneud a gosod y Cod Trefniadaeth Ysgolion	O.S. 2013/1000 (Cy.105)
97 a 98	4 Mai 2013 yn llawn	O.S. 2013/1000 (Cy.105)

(j) Part 2 of Schedule 5.

Article 4 of this Order saves various provisions in Chapter 2 of Part 2 of the School Standards and Framework Act 1998 ("the 1998 Act") in relation to:

(a) school organisation proposals published under sections 28, 29, 31 and 35 of the 1998 Act before 1 October 2013;

(b) a notice by a governing body to discontinue a foundation or voluntary school served under section 30 of the 1998 Act before 1 October 2013; and

(c) a direction requiring discontinuance of community or foundation special school given under section 32 of the 1998 Act before 1 October 2013.

Article 5 of this Order provides that until the commencement of section 21(1) of the Education (Wales) Measure 2011 the reference to a federated school in section 78 of the 2013 Act is to have effect as though it were a reference to a federated school in section 24(2) of the Education Act 2002.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Provision	*Date of Commencement*	*S.I. Number*
38, 39, 97 and 98	26 April 2013 insofar as those provisions relate to the making and laying of the School Organisation Code	S.I. 2013/1000 (W.105)
97 and 98	4 May 2013 fully	S.I. 2013/1000 (W.105)

OFFERYNNAU STATUDOL CYMRU

2013 Rhif 1800 (Cy. 182) (C. 74)

ADDYSG, CYMRU

Gorchymyn Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013 (Cychwyn Rhif 2, Darpariaethau Arbed a Throsiannol) 2013

Gwnaed *16 Gorffennaf 2013*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adran 100 o Ddeddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013(**1**) yn gwneud y Gorchymyn a ganlyn:

Enwi a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013 (Cychwyn Rhif 2, Darpariaethau Arbed a Throsiannol) 2013.

(2) Yn y Gorchymyn hwn—

ystyr "Deddf 1998" ("*the 1998 Act*") yw Deddf Safonau a Fframwaith Ysgolion 1998(**2**); ac

ystyr "Deddf 2013" ("*the 2013 Act*") yw Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013.

Darpariaethau sy'n dod i rym ar 19 Gorffennaf 2013

2. Y diwrnod penodedig ar gyfer dod ag adrannau 38 a 39 o Ddeddf 2013 i rym yw 19 Gorffennaf 2013, i'r graddau nad yw'r adrannau hynny eisoes mewn grym.

(**1**) 2013 dccc 1.
(**2**) 1998 p.31.

WELSH STATUTORY INSTRUMENTS

2013 No. 1800 (W. 182) (C. 74)

EDUCATION, WALES

The School Standards and Organisation (Wales) Act 2013 (Commencement No. 2, Savings and Transitional Provisions) Order 2013

Made *16 July 2013*

The Welsh Ministers, in exercise of the powers conferred upon them by section 100 of the School Standards and Organisation (Wales) Act 2013(**1**) make the following Order:

Title and interpretation

1.—(1) The title of this Order is the School Standards and Organisation (Wales) Act 2013 (Commencement No.2, Savings and Transitional Provisions) Order 2013.

(2) In this Order—

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998(**2**); and

"the 2013 Act" ("*Deddf 2013*") means the School Standards and Organisation (Wales) Act 2013.

Provisions coming into force on 19 July 2013

2. The appointed day for sections 38 and 39 of the 2013 Act coming into force is 19 July 2013, to the extent that those sections are not already in force.

(**1**) 2013 anaw 1.
(**2**) 1998 c.31.

Darpariaethau sy'n dod i rym ar 1 Hydref 2013

3. Yn ddarostyngedig i erthyglau 4 a 5 y diwrnod penodedig ar gyfer dod â'r darpariaethau a ganlyn o Ddeddf 2013 i rym yw 1 Hydref 2013—

(a) Pennod 2 o Ran 3 (cynigion trefniadaeth ysgolion);

(b) Pennod 3 o Ran 3 (rhesymoli lleoedd ysgol);

(c) Pennod 4 o Ran 3 (darpariaeth ranbarthol ar gyfer anghenion addysgol arbennig);

(d) Pennod 5 o Ran 3 (cynigion i ailstrwythuro addysg chweched dosbarth);

(e) Pennod 6 o Ran 3 (darpariaethau amrywiol ac atodol);

(f) Atodlen 2 (newid rheoleiddiedig);

(g) Atodlen 3 (gweithredu cynigion statudol);

(h) paragraffau 1 i 7 a pharagraffau 9 i 39 o Atodlen 4 (gweithredu cynigion i newid categori ysgol);

(i) adran 99 (mân ddiwygiadau a diwygiadau canlyniadol) i'r graddau y mae'n ymwneud â'r diwygiadau a wneir gan Ran 2 o Atodlen 5; a

(j) Rhan 2 o Atodlen 5.

Arbedion mewn perthynas â Phennod 2 o Ran 2 o Ddeddf 1998

4. Er bod Penodau 2 a 6 o Ran 3 o Ddeddf 2013 a'r diddymiadau canlyniadol yn Rhan 2 o Atodlen 5 i'r Ddeddf honno yn dod i rym—

(a) bydd darpariaethau adrannau 28, 29, 31 a 35 o Ddeddf 1998 ac Atodlenni 6 ac 8 iddi yn parhau i fod yn gymwys mewn perthynas ag unrhyw gynigion a gyhoeddir o dan yr adrannau hynny cyn 1 Hydref 2013;

(b) bydd darpariaethau adran 30 o Ddeddf 1998 yn parhau i fod yn gymwys mewn perthynas ag unrhyw hysbysiad a gyflwynir o dan adran 30 o Ddeddf 1998 cyn 1 Hydref 2013;

(c) bydd darpariaethau adran 32 o Ddeddf 1998 yn parhau i fod yn gymwys mewn perthynas ag unrhyw gyfarwyddwyd a roddir o dan yr adran honno cyn 1 Hydref 2013; a

(d) bydd darpariaethau adran 33 o Ddeddf 1998 yn parhau i fod yn gymwys mewn perthynas â chynigion a gyhoeddir o dan adrannau 28, 29, 31 neu 35 o Ddeddf 1998 cyn 1 Hydref 2013.

Provisions coming into force on 1 October 2013

3. Subject to articles 4 and 5, the appointed day for the following provisions of the 2013 Act coming into force is 1 October 2013—

(a) Chapter 2 of Part 3 (school organisation proposals);

(b) Chapter 3 of Part 3 (rationalisation of school places);

(c) Chapter 4 of Part 3 (regional provision for special educational needs);

(d) Chapter 5 of Part 3 (proposals for restructuring sixth form education);

(e) Chapter 6 of Part 3 (miscellaneous and supplemental);

(f) Schedule 2 (regulated alterations);

(g) Schedule 3 (implementation of statutory proposals);

(h) paragraphs 1 to 7 and 9 to 39 of Schedule 4 (implementation of proposals to change category of school);

(i) section 99 (minor and consequential amendments) in so far as it relates to the amendments made by Part 2 of Schedule 5; and

(j) Part 2 of Schedule 5.

Savings in relation to Chapter 2 of Part 2 of the 1998 Act

4. Despite the coming into force of Chapters 2 and 6 of Part 3 of, and the consequential repeals in Part 2 of Schedule 5 to, the 2013 Act—

(a) the provisions of sections 28, 29, 31, 35 of and Schedules 6 and 8 to the 1998 Act will continue to apply in relation to any proposals published under those sections before 1 October 2013;

(b) the provisions of section 30 of the 1998 Act will continue to apply in relation to any notice served under section 30 of the 1998 Act before 1 October 2013;

(c) the provisions of section 32 of the 1998 Act will continue to apply in relation to any direction given under that section before 1 October 2013; and

(d) the provisions of section 33 of the 1998 Act will continue to apply in relation to proposals published under sections 28, 29, 31 or 35 of the 1998 Act before 1 October 2013.

Darpariaeth Drosiannol

5. Hyd nes bod adran 21(1) o Fesur Addysg (Cymru) 2011(**1**) wedi cychwyn mae'r cyfeiriad at ysgol ffederal yn adran 78 o Ddeddf 2013 i gael effaith fel pe bai'n gyfeiriad at "federated school" yn adran 24(2) o Ddeddf Addysg 2002(**2**).

Transitional Provision

5. Until the commencement of section 21(1) of the Education (Wales) Measure 2011(**1**) the reference to a federated school in section 78 of the 2013 Act is to have effect as though it were a reference to a federated school in section 24(2) of the Education Act 2002(**2**).

Huw Lewis

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru

16 Gorffennaf 2013

Minister for Education and Skills, one of the Welsh Ministers

16 July 2013

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(**1**) 2011 mccc 7.
(**2**) 2002 p.32.

(**1**) 2011 nawm 7.
(**2**) 2002 c.32.

OFFERYNNAU STATUDOL CYMRU

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WELSH STATUTORY INSTRUMENTS

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EDUCATION, WALES

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