



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2015 Rhif 1327 (Cy. 122) (C. 74)

2015 No. 1327 (W. 122) (C. 74)

ADDYSG, CYMRU

EDUCATION, WALES

**Gorchymyn Deddf Addysg Uwch
(Cymru) 2015 (Cychwyn Rhif 1 a
Darpariaeth Arbed) 2015**

**The Higher Education (Wales) Act
2015 (Commencement No.1 and
Saving Provision) Order 2015**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Gwneir y Gorchymyn hwn o dan adran 59(2) a 59(3) o Ddeddf Addysg Uwch (Cymru) 2015 ("y Ddeddf"). Hwn yw'r gorchymyn cychwyn cyntaf i gael ei wneud o dan y Ddeddf.

This Order is made under section 59(2) and 59(3) of the Higher Education (Wales) Act 2015 ("the Act"). It is the first commencement order to be made under the Act.

Mae erthygl 2 yn dwyn i rym ddarpariaethau penodol y Ddeddf ond dim ond at ddiben llunio rheoliadau. Bydd y darpariaethau hynny'n dod i rym ar y diwrnod wedi'r diwrnod y gwneir y Gorchymyn hwn.

Article 2 brings into force certain provisions of the Act but only for the purpose of making regulations. Those provisions will come into force on the day after the day on which this Order is made.

Mae erthygl 3 yn dwyn i rym ddarpariaethau penodol o'r Ddeddf at ddibenion penodol ar 25 Mai 2015. Mae'r darpariaethau hyn yn Rhan 2 (cynlluniau ffioedd a mynediad), Rhan 4 (materion ariannol sefydliadau rheoleiddiedig) a Rhan 7 (darpariaeth atodol ynghylch swyddogaethau CCAUC) o'r Ddeddf. Mae'r darpariaethau yn Rhan 4 o'r Ddeddf yn cynnwys swyddogaeth CCAUC o ran llunio cod sy'n ymwneud â threfnu a rheoli materion ariannol sefydliadau rheoleiddiedig (adran 27(1)). Caiff darpariaethau yn y cod fod ar ffurf gofynion neu ganllawiau (adran 27 (3)). Mae'r darpariaethau yn Rhan 7 o'r Ddeddf yn cynnwys adrannau 47 i 49. Mae adran 47(1)(a) yn darparu na all unrhyw ofyniad y caiff CCAUC ei osod ar gyrrff llywodraethu sefydliadau o dan y Ddeddf ei gwneud yn ofynnol i'r cyrrff hynny weithredu'n groes i'w rhwymedigaethau fel ymddiriedolwyr elusennau. Mae adran 47(1)(b) yn darparu na all CCAUC ei gwneud yn ofynnol i gyrrff llywodraethu sefydliadau wneud unrhyw beth sy'n anghydnaws â'u dogfennau llywodraethu. Mae adran 48 yn gosod dyletswydd ar CCAUC i ystyried pwysigrwydd diogelu rhyddid academiaidd wrth arfer ei swyddogaethau yn rhinwedd y Ddeddf. O dan adran 49 o'r Ddeddf, rhaid i CCAUC, wrth arfer ei swyddogaethau yn rhinwedd y Ddeddf, ystyried unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru. Mae'r darpariaethau yn Rhan 7 o'r Ddeddf sydd hefyd yn dod i

Article 3 brings certain provisions of the Act into force for certain purposes on 25 May 2015. These provisions are in Part 2 (fee and access plans), Part 4 (financial affairs of regulated institutions) and Part 7 (supplementary provision about functions of HEFCW) of the Act. The provisions in Part 4 of the Act include HEFCW's function of preparing a code relating to the organisation and management of the financial affairs of regulated institutions (section 27(1)). Provisions of the code may take the form of requirements or guidance (section 27(3)). The provisions in Part 7 of the Act include sections 47 to 49. Section 47(1)(a) provides that any requirement that HEFCW may impose under the Act on the governing bodies of institutions cannot require those bodies to act in breach of their obligations as charity trustees. Section 47(1)(b) provides that HEFCW cannot require governing bodies of institutions to do anything that is incompatible with their governing documents. Section 48 imposes a duty on HEFCW to take into account, in exercising their functions by virtue of the Act, the importance of protecting academic freedom. Under section 49 of the Act, HEFCW must, in exercising their functions by virtue of the Act, take into account any guidance issued by the Welsh Ministers. The provisions in Part 7 of the Act which also come into force on 25 May 2015 include HEFCW's function of preparing a

rym ar 25 Mai 2015 yn cynnwys swyddogaeth CCAUC o ran llunio datganiad mewn cysylltiad â'i swyddogaethau ymyrryd (adran 52(1)) a'i swyddogaeth yn adran 54(3) a 54(4) o ran rhoi gwybodaeth a chyngor ynghylch y fframwaith rheoleiddio a sefydlwyd gan y Ddeddf a rolau a chyfrifoldebau sefydliadau rheoleiddiedig, ymysg pethau eraill.

Mae erthygl 4 yn dwyn i rym yn llawn Ran 2 o'r Atodlen i'r Ddeddf (darpariaeth drosiannol) ar 1 Awst 2015. Fel y cyfryw, mae'r cyfnod trosiannol a ddisgrifir yn Rhan 2 o'r Atodlen yn dechrau ar y dyddiad hwnnw ac yn dod i ben ar 31 Awst 2017 (paragraff 29(2) o'r Atodlen). Bydd cynllun sydd wedi ei gymeradwyo gan CCAUC o dan adran 34 o Ddeddf Addysg Uwch 2004 ("Deddf 2004") cyn 1 Awst 2015 ac sy'n dod o fewn paragraff 27 o'r Atodlen i'r Ddeddf yn cael ei drin, yn ystod y cyfnod trosiannol, fel cynllun ffioedd a mynediad sydd wedi ei gymeradwyo o dan adran 7 o'r Ddeddf. Caiff y cynlluniau hynny eu trin fel pe baent yn gynlluniau sydd wedi eu cymeradwyo o dan adran 7 o'r Ddeddf at ddibenion cyfyngedig, ac mae'r darpariaethau a restrir ym mharagraff 28 o Ran 2 o'r Atodlen yn cyfeirio at hyn. Mae'r darpariaethau hynny yn ymwneud â chydymffurfio â'r terfyn ffioedd cymwys (adrannau 10 i 12, 14, 15(1)(a) ac 16 o'r Ddeddf) ac asesu ansawdd yr addysg (adrannau 17 i 23 o'r Ddeddf). Bydd y cynlluniau hynny hefyd yn cael eu trin fel cynlluniau a gymeradwyir o dan adran 7 o'r Ddeddf at ddibenion adroddiadau arbennig CCAUC (adran 51(1)(e)) ac at ddibenion ymgynghori ac arfer da, gwybodaeth a chyngor (adrannau 24(2)(a), 28(2), 52(3) a 54(1) o'r Ddeddf). Daw Rhan 2 o'r Ddeddf i rym ar 1 Awst 2015 oherwydd y gallai sefydliadau yng Nghymru ei gwneud yn ofynnol i rai myfyrwyr sy'n mynychu neu'n dilyn cyrsiau addysg uwch yn y sefydliadau hynny ddechrau mynychu neu ddilyn eu cyrsiau yn ystod mis Awst a pharhau ar y cyrsiau hynny yn ystod yr hydref canlynol. (At ddibenion talu cymorth statudol i fyfyrwyr, mae cyrsiau o'r fath yn cael eu trin fel cyrsiau sy'n dechrau ar 1 Medi yn y flwyddyn galendr berthnasol).

Dim ond darpariaethau penodol o'r fframwaith rheoleiddio a sefydlwyd gan y Ddeddf fydd yn cael effaith yn ystod y cyfnod trosiannol. Daw erthygl 5 â'r darpariaethau hynny i rym ar 1 Medi 2015. Deuir â darpariaethau sy'n ymwneud â chydymffurfedd sefydliadau â'r terfyn ffioedd cymwys i rym yn llawn (adrannau 10 i 12, 14 a 15(1)(a) ac 16), yn ogystal â darpariaethau ynghylch asesu ansawdd yr addysg (adrannau 17 i 25). Daw erthygl 5 hefyd â darpariaethau eraill sy'n ymwneud â'r weithdrefn hysbysiad rhybuddio ac adolygu i rym (adrannau 41(1)(b), 41(1)(d), 41(2) ac adrannau 42 i 44). O 1 Medi 2015, bydd y weithdrefn hysbysiad rhybuddio ac adolygu yn gymwys mewn perthynas ag unrhyw

statement in respect of their intervention functions (section 52(1)) and their function in section 54(3) and 54(4) of providing information and advice about, amongst other things, the regulatory framework established by the Act and the roles and responsibilities of regulated institutions.

Article 4 brings Part 2 of the Schedule to the Act (transitional provision) fully into force on 1 August 2015. As such, the transitional period described in Part 2 of the Schedule begins on that date and ends on 31 August 2017 (paragraph 29(2) of the Schedule). A plan that has been approved by HEFCW under section 34 of the Higher Education Act 2004 ("the 2004 Act") before 1 August 2015 and which falls within paragraph 27 of the Schedule to the Act will be treated, during the transitional period, as a fee and access plan approved under section 7 of the Act. The purposes for which those plans will be treated as approved under section 7 of the Act are limited and the provisions listed in paragraph 28 of Part 2 of the Schedule to the Act refer. Those provisions concern compliance with the applicable fee limit (sections 10 to 12, 14, 15(1)(a) and 16 of the Act) and the assessment of quality of education (sections 17 to 23 of the Act). Those plans will also be treated as plans approved under section 7 of the Act for the purposes of HEFCW special reports (section 51(1)(e)) and for consultation and good practice, information and advice purposes (sections 24(2)(a), 28(2), 52(3) and 54(1) of the Act). Part 2 of the Act comes into force on 1 August 2015 because some students who attend or undertake courses of higher education at institutions in Wales might be required by those institutions to start attending or undertaking their courses during August and continue on those courses during the following autumn. (For the purposes of payments of statutory student support, such courses are treated as starting on 1 September in the relevant calendar year).

Only certain provisions of the regulatory framework established by the Act will have effect during the transitional period. Article 5 brings those provisions into force on 1 September 2015. Provisions relating to institutions' compliance with the applicable fee limit are brought fully into force (sections 10 to 12, 14 and 15(1)(a) and 16), as are provisions concerning the assessment of quality of education (sections 17 to 25). Article 5 also brings into force other provisions relating to the warning notice and review procedure (sections 41(1)(b), 41(1)(d), 41(2) and sections 42 to 44). From 1 September 2015, the warning notice and review procedure will apply in relation to any directions given by HEFCW under sections 11 or 19 of

gyfarwyddydau a roddir gan CCAUC o dan adrannau 11 neu 19 o'r Ddeddf. Yn ogystal, daw erthygl 5 â darpariaethau sy'n ymwneud â llunio adroddiadau arbennig gan CCAUC i rym ar 1 Medi 2015 (adrannau 51(1)(a), 51(1)(e) a 51(2)) a chyhoeddi datganiad mewn cysylltiad â swyddogaethau ymyrryd CCAUC o dan adrannau 11, 19 ac 20(1) ac 20(2). Gan fod erthygl 5 yn dod â darpariaethau penodol yn Rhannau 2 a 3 o'r Ddeddf i rym, daw hefyd â nifer o fân ddiwygiadau cysylltiedig a diwygiadau canlyniadol cysylltiedig a nodir yn Rhan 1 o'r Atodlen i'r Ddeddf i rym. Mae'r rhain yn cynnwys diwygiadau i adran 70 o Ddeddf Addysg Bellach ac Uwch 1992 sy'n cyfyngu ar gymhwysiad yr adran honno i Gyngor Addysg Uwch Lloegr. Deuir â diwygiadau i Ran 3 o Ddeddf Addysg Uwch 2004 i rym hefyd sy'n cyfyngu ar gymhwysiad y Rhan honno i gynlluniau a gymeradwyir yn Lloegr ac sy'n dileu swyddogaethau CCAUC fel awdurdod perthnasol o dan y Ddeddf honno.

Daw erthygl 6 ag adrannau 2, 4, 5, 6 a 7 o'r Ddeddf i rym yn llawn ar 1 Ionawr 2016. Mae'r darpariaethau hyn yn dod o fewn Rhan 2 o'r Ddeddf (cynlluniau ffioedd a mynediad) ac yn ymwneud â cheisiadau y caiff sefydliadau eu gwneud i CCAUC am gymeradwyaeth i gynlluniau ffioedd a mynediad arfaethedig. Daw erthygl 6 ag adran 41(1)(a) i rym ar 1 Ionawr 2016. O'r dyddiad hwnnw, bydd y weithdrefn hysbysiad rhybuddio ac adolygiad yn adrannau 42 i 44 o'r Ddeddf yn gymwys i unrhyw hysbysiadau a ddyroddir gan CCAUC o dan adran 7(1)(b) o'r Ddeddf.

Mae erthyglau 7 ac 8 yn gwneud darpariaeth arbed mewn perthynas â darpariaethau penodol o Ddeddf 2004 a rheoliadau penodol a wnaed o dan y Ddeddf honno. Mae erthygl 7 yn sicrhau bod sefydliad, o 1 Medi 2015, yn dal i allu gwneud cais i CCAUC i amrywio cynllun Deddf 2004 (a ddiffinnir ym mharagraff 29(3) o'r Atodlen i'r Ddeddf) sydd wedi'i drin fel pe bai wedi ei gymeradwyo o dan adran 7 o'r Ddeddf yn ystod y cyfnod trosiannol, yn unol â Rheoliadau Ffioedd Myfyrwyr (Cynlluniau wedi eu Cymeradwyo) (Cymru) 2011 ("Rheoliadau 2011"). Mae erthygl 8 yn sicrhau bod sefydliad sydd wedi gwneud cais i CCAUC am gymeradwyaeth i gynllun arfaethedig o dan adran 34 o Ddeddf 2004 cyn 1 Medi 2015 yn dal i allu gwneud cais am adolygiad mewn perthynas â'r cais hwnnw ar ôl y dyddiad hwnnw yn unol â Rheoliadau 2011.

the Act. Additionally, article 5 brings into force, on 1 September 2015, provisions relating to the production of special reports by HEFCW (sections 51(1)(a), 51(1)(e) and 51(2)) and the publication of a statement in respect of HEFCW's intervention functions under sections 11, 19 and 20(1) and 20(2). As article 5 brings certain provisions in Parts 2 and 3 of the Act into force, it also brings into force a number of related minor and consequential amendments set out in Part 1 of the Schedule to the Act. These include amendments to section 70 of the Further and Higher Education Act 1992 which limit the application of that section to the Higher Education Council for England. Amendments to Part 3 of the Higher Education Act 2004 are also brought into force which limit that Part's application to English approved plans and which remove HEFCW's functions as relevant authority under that Act.

Article 6 brings sections 2, 4, 5, 6 and 7 of the Act fully into force on 1 January 2016. These provisions fall within Part 2 of the Act (fee and access plans) and relate to applications that institutions may make to HEFCW for approval of proposed fee and access plans. Article 6 also brings section 41(1)(a) into force on 1 January 2016. From that date, the warning notice and review procedure in sections 42 to 44 of the Act will apply to any notices issued by HEFCW under section 7(1)(b) of the Act.

Articles 7 and 8 make saving provision in relation to certain provisions of the 2004 Act and certain regulations made under that Act. Article 7 ensures that from 1 September 2015 an institution remains able to apply to HEFCW for a variation of a 2004 Act plan (defined in paragraph 29(3) of the Schedule to the Act), which is treated as approved under section 7 of the Act during the transitional period, in accordance with the Student Fees (Approved Plans) (Wales) Regulations 2011 ("the 2011 Regulations"). Article 8 ensures that an institution which has applied to HEFCW for approval of a proposed plan under section 34 of the 2004 Act prior to 1 September 2015 remains able to apply for a review in relation to that application after that date in accordance with the 2011 Regulations.

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ADDYSG, CYMRU

EDUCATION, WALES

**Gorchymyn Deddf Addysg Uwch
(Cymru) 2015 (Cychwyn Rhif 1 a
Darpariaeth Arbed) 2015**

**The Higher Education (Wales) Act
2015 (Commencement No.1 and
Saving Provision) Order 2015**

Gwnaed

19 Mai 2015

Made

19 May 2015

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adran 59(2) a 59(3) o Ddeddf Addysg Uwch (Cymru) 2015(1), yn gwneud y Gorchymyn a ganlyn:

The Welsh Ministers, in exercise of the powers conferred upon them by section 59(2) and 59(3) of the Higher Education (Wales) Act 2015(1), make the following Order:

Enwi a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Addysg Uwch (Cymru) 2015 (Cychwyn Rhif 1 a Darpariaeth Arbed) 2015.

(2) Yn y Gorchymyn hwn—

ystyr “Deddf 2004” (“*the 2004 Act*”) yw Deddf Addysg Uwch 2004(2);

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Addysg Uwch (Cymru) 2015;

ystyr “Rheoliadau Cynlluniau a Gymeradwywyd” (“*the Approved Plans Regulations*”) yw Rheoliadau Ffioedd Myfyrwyr (Cynlluniau wedi eu Cymeradwyo) (Cymru) 2011(3); ac

ystyr “y Rheoliadau Dynodi” (“*the Designation Regulations*”) yw Rheoliadau Deddf Addysg Uwch 2004 (Awdurdod Perthnasol) (Dynodi) (Cymru) 2011(4).

Title and interpretation

1.—(1) The title of this Order is the Higher Education (Wales) Act 2015 (Commencement No.1 and Saving Provision) Order 2015.

(2) In this Order—

“the Act” (“*y Ddeddf*”) means the Higher Education (Wales) Act 2015;

“the 2004 Act” (“*Deddf 2004*”) means the Higher Education Act 2004(2);

“the Approved Plans Regulations” (“*Rheoliadau Cynlluniau a Gymeradwywyd*”) means the Student Fees (Approved Plans) (Wales) Regulations 2011(3); and

“the Designation Regulations” (“*y Rheoliadau Dynodi*”) means the Higher Education Act 2004 (Relevant Authority) (Designation) (Wales) Regulations 2011(4).

(1) 2015 decc 1.

(2) 2004 p. 8.

(3) O.S. 2011/884 (Cy. 128).

(4) O.S. 2011/658 (Cy. 96).

(1) 2015 anaw 1.

(2) 2004 c. 8.

(3) S.I. 2011/884 (W. 128).

(4) S.I. 2011/658 (W. 96).

Darpariaethau sy'n dod i rym ar y diwrnod wedi'r diwrnod y gwneir y Gorchymyn

2. Daw'r darpariaethau a ganlyn o'r Ddeddf i rym ar y diwrnod wedi'r diwrnod y gwneir y Gorchymyn hwn, at ddiben gwneud rheoliadau yn unig—

- (a) adran 2(4) (ceisiadau am gymeradwyaeth i gynllun ffioedd a mynediad);
- (b) adran 3(4) (dynodi darparwyr addysg uwch eraill);
- (c) adran 4(3) a 4(4) (cyfnod y mae cynllun ffioedd a mynediad i gael effaith mewn cysylltiad ag ef);
- (d) adran 5(2)(b), 5(3) a 5(5) i 5(9) (cyrсияu cymhwysol, yr uchafswm ffioedd, personau cymhwysol a'r ffioedd sy'n daladwy i berson sy'n darparu cwrs ar ran sefydliad);
- (e) adran 6(1) a 6(3) i 6(6) (cynlluniau ffioedd a mynediad a hybu cyfle cyfartal a hybu addysg uwch);
- (f) adran 7(3) (penderfyniad ynghylch cais am gymeradwyaeth i gynllun ffioedd a mynediad);
- (g) adran 8 (cyhoeddi cynllun ffioedd a mynediad a gymeradwywyd);
- (h) adran 9 (amrywio cynllun ffioedd a mynediad a gymeradwywyd);
- (i) adran 11(5) (cyfarwyddydau cydymffurfio ac ad-dalu);
- (j) adran 17(4)(a) (trin person fel person sy'n gyfrifol am ddarparu cwrs);
- (k) adran 37(7) (hysbysiad ynghylch gwrthod cymeradwyaeth i gynllun ffioedd a mynediad newydd);
- (l) adran 38(2) (dyletswydd i dynnu cymeradwyaeth i gynllun ffioedd a mynediad yn ôl);
- (m) adran 39(4) (pŵer i dynnu cymeradwyaeth i gynllun ffioedd a mynediad yn ôl);
- (n) adran 40(2) (hysbysiadau a roddir o dan Ran 5 o'r Ddeddf);
- (o) adran 42(2)(d) (sylwadau mewn cysylltiad â hysbysiadau rhybuddio);
- (p) adran 43(c) (gwybodaeth sydd i'w rhoi gyda hysbysiadau a chyfarwyddydau penodol);
- (q) adran 44(3) a 44(4) (adolygu hysbysiadau a chyfarwyddydau penodol);
- (r) adran 52(4) (datganiad mewn cysylltiad â swyddogaethau ymyrryd);
- (s) adran 58(2) (darpariaeth drosiannol) i'r graddau y mae'n ymwneud â pharagraffau 28(g) a 30 o'r Atodlen; a

Provisions coming into force on the day after the day on which this Order is made

2. The following provisions of the Act come into force, for the purpose only of making regulations, on the day after the day on which this Order is made—

- (a) section 2(4) (applications for approval of a fee and access plan);
- (b) section 3(4) (designation of other providers of higher education);
- (c) section 4(3) and 4(4) (period in respect of which a fee and access plan is to have effect);
- (d) section 5(2)(b), 5(3) and 5(5) to 5(9) (qualifying courses, the maximum fee amount, qualifying persons and fees payable to a person providing a course on behalf of an institution);
- (e) section 6(1) and 6(3) to 6(6) (fee and access plans and the promotion of equality of opportunity and the promotion of higher education);
- (f) section 7(3) (determination of an application for the approval of a fee and access plan);
- (g) section 8 (publication of an approved fee and access plan);
- (h) section 9 (variation of an approved fee and access plan);
- (i) section 11(5) (compliance and reimbursement directions);
- (j) section 17(4)(a) (treating a person as being responsible for providing a course);
- (k) section 37(7) (notice of refusal to approve a new fee and access plan);
- (l) section 38(2) (duty to withdraw approval of a fee and access plan);
- (m) section 39(4) (power to withdraw approval of a fee and access plan);
- (n) section 40(2) (notices given under Part 5 of the Act);
- (o) section 42(2)(d) (representations in respect of warning notices);
- (p) section 43(c) (information given with certain notices and directions);
- (q) section 44(3) and 44(4) (review of certain notices and directions);
- (r) section 52(4) (statement in respect of intervention functions);
- (s) section 58(2) (transitional provision) in so far as it relates to paragraphs 28(g) and 30 of the Schedule; and

- (t) yn yr Atodlen—
 - (i) paragraff 28(g); a
 - (ii) paragraff 30.

- (t) in the Schedule—
 - (i) paragraph 28(g); and
 - (ii) paragraph 30.

Darpariaethau sy'n dod i rym ar 25 Mai 2015

3. Daw'r darpariaethau a ganlyn o'r Ddeddf i rym ar 25 Mai 2015 i'r graddau a bennir—

- (a) adran 6(7) (gofynion cyffredinol) at bob diben;
- (b) adran 7(5) (cyfeiriadau at gynllun a gymeradwywyd ac at sefydliad rheoleiddiedig yn Neddf 2015);
- (c) adran 27(1) (cod rheolaeth ariannol) i'r graddau y mae'n ymwneud â llunio cod;
- (d) adran 27(2), 27(3), 27(7) a 27(8) at bob diben;
- (e) adrannau 47 a 48 (arfer swyddogaethau gan CCAUC) at bob diben;
- (f) adran 49 (dyletswydd i ystyried canllawiau Gweinidogion Cymru) at bob diben;
- (g) adran 52(1) (datganiad mewn cysylltiad â swyddogaethau ymyrryd) i'r graddau y mae'n ymwneud â llunio datganiad;
- (h) adran 52(5) at bob diben; ac
- (i) adran 54(3) a 54(4) (gwybodaeth a chyngor) at bob diben.

Darpariaethau sy'n dod i rym ar 1 Awst 2015

4. Daw'r darpariaethau a ganlyn o'r Ddeddf i rym ar 1 Awst 2015 i'r graddau a bennir—

- (a) adran 58(2) (darpariaethau trosiannol) i'r graddau y mae'n ymwneud â pharagraffau 27, 28(a) i 28(f) a pharagraff 29 o'r Atodlen; a
- (b) yn yr Atodlen (darpariaeth drosiannol)—
 - (i) paragraff 27 at bob diben;
 - (ii) paragraff 28(a) i 28(f) at bob diben; a
 - (iii) paragraff 29 at bob diben.

Darpariaethau sy'n dod i rym ar 1 Medi 2015

5. Daw'r darpariaethau a ganlyn o'r Ddeddf i rym ar 1 Medi 2015 i'r graddau a bennir—

- (a) adran 3 (dynodi darparwyr addysg uwch eraill) at bob diben sy'n weddill;
- (b) adran 10 (terfynau ar ffioedd myfyrwyr) at bob diben;
- (c) adran 11 (cyfarwyddydau cydymffurfio ac ad-dalu) at bob diben sy'n weddill;

Provisions coming into force on 25 May 2015

3. The following provisions of the Act come into force on 25 May 2015 to the extent specified—

- (a) section 6(7) (general requirements) for all purposes;
- (b) section 7(5) (references in the 2015 Act to an approved plan and to a regulated institution);
- (c) section 27(1) (financial management code) in so far as it relates to the preparation of a code;
- (d) section 27(2), 27(3), 27(7) and 27(8) for all purposes;
- (e) sections 47 and 48 (exercise of functions by HEFCW) for all purposes;
- (f) section 49 (duty to take Welsh Ministers' guidance into account) for all purposes;
- (g) section 52(1) (statement in respect of intervention functions) in so far as it relates to the preparation of a statement;
- (h) section 52(5) for all purposes; and
- (i) section 54(3) and 54(4) (information and advice) for all purposes.

Provisions coming into force on 1 August 2015

4. The following provisions of the Act come into force on 1 August 2015 to the extent specified—

- (a) section 58(2) (transitional provisions) in so far as it relates to paragraphs 27, 28(a) to 28(f) and paragraph 29 of the Schedule; and
- (b) in the Schedule (transitional provision)—
 - (i) paragraph 27 for all purposes;
 - (ii) paragraph 28(a) to 28(f) for all purposes; and
 - (iii) paragraph 29 for all purposes.

Provisions coming into force on 1 September 2015

5. The following provisions of the Act come into force on 1 September 2015 to the extent specified—

- (a) section 3 (designation of other providers of higher education) for all remaining purposes;
- (b) section 10 (limits on students fees) for all purposes;
- (c) section 11 (compliance and reimbursement directions) for all remaining purposes;

- (d) adran 12 (darpariaeth atodol ynghylch cyfarwyddydau cydymffurfio ac ad-dalu) at bob diben;
 - (e) adran 14 (dilysrwydd contractau) at bob diben;
 - (f) adrannau 15(1)(a) (dyletswydd i fonitro cydymffurfedd) ac 16 (dyletswydd i gydweithredu) at bob diben;
 - (g) adran 17 (asesu ansawdd yr addysg) at bob diben sy'n weddill;
 - (h) adrannau 18 i 25 (ansawdd annigonol, cydweithredu o ran asesu ansawdd, pwerau atodol at y diben o asesu ansawdd a phwyllgor i gynghori CCAUC ynghylch arfer swyddogaethau asesu ansawdd) at bob diben;
 - (i) adrannau 27(9), 28 a 29 (llunio a gweithdrefn ar gyfer cymeradwyo cod rheolaeth ariannol gan Weinidogion Cymru) at bob diben;
 - (j) adran 41(1)(b), 41(1)(d) a 41(2) (y weithdrefn hysbysiad rhybuddio ac adolygu ar gyfer hysbysiadau a chyfarwyddydau penodol) at bob diben;
 - (k) adrannau 42 i 44 (y weithdrefn hysbysiad rhybuddio ac adolygu ar gyfer hysbysiadau a chyfarwyddydau penodol) at bob diben sy'n weddill;
 - (l) adrannau 45 a 46 (darpariaethau cyffredinol ynghylch cyfarwyddydau) at bob diben;
 - (m) adran 51(1)(a), 51(1)(e) a 51(2) (adroddiadau arbennig) at bob diben;
 - (n) adran 52(1) (datganiad mewn cysylltiad â swyddogaethau ymyrryd) i'r graddau y mae'n ymwneud â chyhoeddi datganiad mewn cysylltiad ag adran 52(5)(a), 52(5)(c) a 52(5)(d);
 - (o) adran 52(2) a 52(3) at bob diben;
 - (p) adran 53 (gwybodaeth a chyngor sydd i'w rhoi gan CCAUC i Weinidogion Cymru) at bob diben;
 - (q) adran 54(1) (gwybodaeth a chyngor arall) at bob diben;
 - (r) adran 58(1) (mân ddiwygiadau a diwygiadau canlyniadol) i'r graddau y mae'n ymwneud â pharagraffau'r Atodlen y cyfeirir atynt ym mharagraff (s);
 - (s) yn yr Atodlen (mân ddiwygiadau a diwygiadau canlyniadol)—
 - (i) paragraff 1 i'r graddau y mae'n ymwneud â pharagraff 2;
 - (ii) paragraff 2 at bob diben;
 - (iii) paragraffau 7 i 21 at bob diben;
 - (iv) paragraff 22 at bob diben;
- (d) section 12 (supplementary provision about compliance and reimbursement directions) for all purposes;
 - (e) section 14 (validity of contracts) for all purposes;
 - (f) sections 15(1)(a) (duty to monitor compliance) and 16 (duty to co-operate) for all purposes;
 - (g) section 17 (assessment of quality of education) for all remaining purposes;
 - (h) sections 18 to 25 (inadequate quality, co-operation with quality assessment, supplementary powers for the purpose of quality assessment and committee to advise HEFCW on the exercise of quality assessment functions) for all purposes;
 - (i) sections 27(9), 28 and 29 (preparation and procedure for approval of financial management code by Welsh Ministers) for all purposes;
 - (j) section 41(1)(b), 41(1)(d) and 41(2) (warning notice and review procedure for certain notices and directions) for all purposes;
 - (k) sections 42 to 44 (warning notice and review procedure for certain notices and directions) for all remaining purposes;
 - (l) sections 45 and 46 (general provisions about directions) for all purposes;
 - (m) section 51(1)(a), 51(1)(e) and 51(2) (special reports) for all purposes;
 - (n) section 52(1) (statement in respect of intervention functions) in so far as it relates to the publication of a statement in connection with section 52(5)(a), 52(5)(c) and 52(5)(d);
 - (o) section 52(2) and 52(3) for all purposes;
 - (p) section 53 (information and advice to be given by HEFCW to Welsh Ministers) for all purposes;
 - (q) section 54(1) (other information and advice) for all purposes;
 - (r) section 58(1) (minor and consequential amendments) in so far as it relates to the paragraphs of the Schedule referred to in paragraph (s);
 - (s) in the Schedule (minor and consequential amendments)—
 - (i) paragraph 1 in so far as it relates to paragraph 2;
 - (ii) paragraph 2 for all purposes;
 - (iii) paragraphs 7 to 21 for all purposes;
 - (iv) paragraph 22 for all purposes;

- (v) paragraff 23 at bob diben;
- (vi) paragraffau 24 i 26 at bob diben;
- (t) adran 58(2) (darpariaeth drosiannol) i'r graddau y mae'n ymwneud â pharagraff 31 o'r Atodlen; ac
- (u) paragraff 31 o'r Atodlen at bob diben.

- (v) paragraph 23 for all purposes;
- (vi) paragraphs 24 to 26 for all purposes;
- (t) section 58(2) (transitional provision) in so far as it relates to paragraph 31 of the Schedule; and
- (u) paragraph 31 of the Schedule for all purposes.

Darpariaethau sy'n dod i rym ar 1 Ionawr 2016

6. Daw'r darpariaethau a ganlyn o'r Ddeddf i rym ar 1 Ionawr 2016 i'r graddau a bennir—

- (a) adran 2 (cais am gymeradwyaeth i gynllun ffioedd a mynediad) at bob diben sy'n weddill;
- (b) adran 4 (y cyfnod y mae cynllun ffioedd a mynediad i gael effaith mewn cysylltiad ag ef) at bob diben sy'n weddill;
- (c) adran 5 (terfyn ffioedd) at bob diben sy'n weddill;
- (d) adran 6 (hybu cyfle cyfartal ac addysg uwch) at bob diben sy'n weddill;
- (e) adran 7 (cymeradwyo cynllun ffioedd a mynediad) at bob diben sy'n weddill; ac
- (f) adran 41(1)(a) (y weithdrefn hysbysiad rhybuddio ac adolygu ar gyfer hysbysiadau a chyfarwyddydau penodol) at bob diben.

Darpariaeth arbed mewn perthynas â dwyn i rym baragraffau 11, 12, 14 i 16 a 19 o'r Atodlen i'r Ddeddf

7. Er gwaethaf dwyn i rym baragraffau 11, 12, 14, 16 a 19 o'r Atodlen i'r Ddeddf ar 1 Medi 2015—

- (a) mae rheoliad 9 o'r Rheoliadau Cynlluniau a Gymeradwywyd yn dal yn gymwys i gynllun Deddf 2004 sy'n cael ei drin fel cynllun ffioedd a mynediad sydd wedi ei gymeradwyo o dan adran 7 o'r Ddeddf yn ystod y cyfnod trosiannol;
- (b) mae'r darpariaethau a ganlyn yn dal yn gymwys at ddibenion y rheoliad hwnnw—
 - (i) adran 32(4) o Ddeddf 2004; a
 - (ii) rheoliad 5 i 7 ac 11 i 18 o'r Rheoliadau Cynlluniau a Gymeradwywyd; ac
- (c) mae rheoliad 2 o'r Rheoliadau Dynodi yn dal yn gymwys i'r graddau y mae'n ymwneud â'r darpariaethau y cyfeirir atynt ym mharagraffau (a) a (b).

8. Er gwaethaf dwyn i rym baragraffau 11, 12, 14 a 15 o'r Atodlen i'r Ddeddf ar 1 Medi 2015—

Provisions coming into force on 1 January 2016

6. The following provisions of the Act come into force on 1 January 2016 to the extent specified—

- (a) section 2 (applications for approval of a fee and access plan) for all remaining purposes;
- (b) section 4 (period in respect of which a fee and access plan is to have effect) for all remaining purposes;
- (c) section 5 (fee limit) for all remaining purposes;
- (d) section 6 (promotion of equality of opportunity and higher education) for all remaining purposes;
- (e) section 7 (approval of fee and access plan) for all remaining purposes; and
- (f) section 41(1)(a) (warning notice and review procedure for certain notices and directions) for all purposes.

Saving provision in relation to the coming into force of paragraphs 11, 12, 14 to 16 and 19 of the Schedule to the Act

7. Notwithstanding the coming into force of paragraphs 11, 12, 14, 16 and 19 of the Schedule to the Act on 1 September 2015—

- (a) regulation 9 of the Approved Plans Regulations continues to apply to a 2004 Act plan which is treated during the transitional period as being a fee and access plan that has been approved under section 7 of the Act;
- (b) the following provisions continue to apply for the purposes of that regulation—
 - (i) section 32(4) of the 2004 Act; and
 - (ii) regulations 5 to 7 and 11 to 18 of the Approved Plans Regulations; and
- (c) regulation 2 of the Designation Regulations continues to apply in so far as it relates to the provisions referred to in paragraphs (a) and (b).

8. Notwithstanding the coming into force of paragraphs 11, 12, 14 and 15 of the Schedule to the Act on 1 September 2015—

- (a) mae rheoliad 5 o'r Rheoliadau Cynlluniau a Gymeradwywyd yn dal yn gymwys i gais am gymeradwyaeth i gynllun arfaethedig a gafodd CCAUC o dan adran 34 o Ddeddf 2004 cyn 1 Medi 2015;
- (b) mae'r darpariaethau a ganlyn yn dal yn gymwys mewn perthynas â'r rheoliad hwnnw at ddibenion cais o'r fath—
 - (i) adran 32(4) o Ddeddf 2004;
 - (ii) adran 35(1) a 35(2)(b) o Ddeddf 2004; a
 - (iii) rheoliadau 6 i 8 ac 11 i 18 o'r Rheoliadau Cynlluniau a Gymeradwywyd; ac
- (c) mae rheoliad 2 o'r Rheoliadau Dynodi yn dal yn gymwys i'r graddau y mae'n ymwneud â'r darpariaethau y cyfeirir atynt ym mharagraffau (a) a (b).

9. Mae erthyglau 7 ac 8 heb leihau effaith gweithrediad adrannau 16 ac 17 o Ddeddf Dehongli 1978(1) fel y'u darllenir gydag adran 23 o'r Ddeddf honno.

- (a) regulation 5 of the Approved Plans Regulations continues to apply to an application for approval of a proposed plan received by HEFCW under section 34 of the 2004 Act before 1 September 2015;
- (b) the following provisions continue to apply in relation to that regulation for the purposes of such an application—
 - (i) section 32(4) of the 2004 Act;
 - (ii) section 35(1) and 35(2)(b) of the 2004 Act; and
 - (iii) regulations 6 to 8 and 11 to 18 of the Approved Plans Regulations; and
- (c) regulation 2 of the Designation Regulations continues to apply in so far as it relates to the provisions referred to in paragraphs (a) and (b).

9. Articles 7 and 8 are without prejudice to the operation of sections 16 and 17 of the Interpretation Act 1978(1) read with section 23 of that Act.

Huw Lewis

Y Gweinidog Addysg a Sgiliau, un o Weinidogion
Cymru
19 Mai 2015

Minister for Education and Skills, one of the Welsh
Ministers
19 May 2015

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