



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 1274 (Cy. 73) (C. 46)

2001 No. 1274 (W. 73) (C. 46)

ADDYSG, CYMRU

EDUCATION, WALES

**CYFLOGAETH A
HYFFORDDIANT, CYMRU**

**EMPLOYMENT AND
TRAINING, WALES**

**Gorchymyn Deddf Dysgu a
Medrau 2000 (Cychwyn Rhif 3 a
Darpariaethau Trosiannol) (Cymru)
2001**

**The Learning and Skills Act 2000
(Commencement No. 3 and
Transitional Provisions) (Wales)
Order 2001**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note does not form part of the Order)

Mae'r Gorchymyn hwn yn dod â'r darpariaethau hynny yn Neddf Dysgu a Medrau 2000 a bennir yn Rhan I o'r Atodlen i'r Gorchymyn hwn i rym ar 1 Ebrill 2001. Mae hefyd yn dod â'r darpariaethau hynny yn y Ddeddf honno a bennir yn Rhan II o'r Atodlen i'r Gorchymyn i rym, a hynny ar 1 Medi 2001. Ceir darpariaethau trosiannol ac mewn un achos mae yna eithriad yn gysylltiedig â'r cychwyn.

Esbonnir effaith y darpariaethau a bennir yn Rhan I o'r Atodlen isod.

Mae adrannau 31 a 32 yn nodi prif ddyletswyddau Cyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant mewn perthynas ag addysg a hyfforddiant i bersonau 16 i 19 oed, a'r rhai sydd dros 19 oed, yn eu tro. Mae adran 33 yn ei gwneud yn ofynnol i'r Cyngor annog unigolion a chyflogwyr i ymgymryd ag addysg a hyfforddiant ar ôl 16 oed, cymryd rhan ynddynt a chyfrannu at eu costau. Yn adrannau 34, 35 a 37 nodir pŵer y Cyngor i sicrhau y darperir adnoddau ariannol ar gyfer darparwyr penodol addysg a hyfforddiant ar ôl 16 oed, rhoddir pŵer i'r Cyngor osod amodau mewn cysylltiad â darpariaeth o'r fath ac i ddatblygu cynlluniau ar gyfer asesu perfformiad a chynnal profion moddion. Mae adran 38 yn rhoi pŵer i'r Cyngor hybu Cyfrifon Dysgu Unigol

This Order brings into force on 1st April 2001 those provisions of the Learning and Skills Act 2000 specified in Part I of the Schedule to this Order. It also brings into force on 1st September 2001 those provisions of that Act specified in Part II of the Schedule to this Order. There are transitional provisions and in one case the commencement is subject to savings.

The effect of the provisions specified in Part I of the Schedule is explained below.

Sections 31 and 32 set out the main duties of the National Council for Education and Training for Wales in respect of education and training for persons aged 16 to 19 years, and over 19 years, respectively. Section 33 requires the Council to encourage individuals and employers to undertake, to participate in, and to contribute to the costs of, post-16 education and training. Sections 34, 35 and 37 set out the Council's power to secure the provision of financial resources to certain providers of post-16 education and training, give the Council the power to impose conditions in relation to such provision, and empower the Council to develop schemes of performance assessment and to undertake means tests. Section 38 empowers the Council to promote Individual Learning Accounts and

ac mae adrannau 39 a 40 yn rhoi pŵer iddo benodi aelodau i gyrff llywodraethu sefydliadau addysg bellach penodol, ac i wneud ymchwil ynghylch unrhyw fater sy'n berthnasol i'w swyddogaethau. Mae adran 41 yn ei gwneud yn ofynnol i'r Cyngor roi sylw i anghenion personau ag anawsterau dysgu wrth gyflawni dyletswyddau penodol ac mae adran 45 yn ei gwneud yn ofynnol iddo roi sylw i wybodaeth a roddir iddo gan unrhyw gorff a ddynodir gan Gynulliad Cenedlaethol Cymru at y diben hwnnw. Mae adran 50 yn ei gwneud yn ofynnol i'r Cyngor baratoi adroddiad blynyddol ar ddiwedd pob blwyddyn ariannol ac anfon copi o'r adroddiad hwnnw i'r Cynulliad Cenedlaethol.

Yn adran 74 diffinnir termau sy'n berthnasol i arolygu. Mae adrannau 75 a 76 yn nodi cylch gwaith estynedig a swyddogaethau ychwanegol Prif Arolygydd Addysg a Hyfforddiant Ei Mawrhydi yng Nghymru. Mae adran 77 yn gosod dyletswydd ar y Prif Arolygydd i arolygu addysg a hyfforddiant y deuir â hwy o fewn cylch gwaith y Prif Arolygydd gan adran 75 ac mae adran 78 yn rhoi amryw byd o bwerau cyffredinol ynglŷn â chynghori a chyflwyno adroddiadau. Ymdrin â hawl mynediad y Prif Arolygydd y mae adran 79 ac mae adran 80 yn ei gwneud yn ofynnol bod darparwydd addysg yn cynhyrchu cynllun gweithredu yn sgil cyhoeddi adroddiad ar arolygiad.

Mae adran 81 yn ei gwneud yn ofynnol i'r Prif Arolygydd, ar gais Cynulliad Cenedlaethol Cymru, arolygu gwasanaethau addysgu, hyfforddi neu gynghori os yw'r rheiny'n cael eu darparu gan gyrff sydd hefyd yn darparu'r gwasanaeth gyrfaoedd yng Nghymru. Mae adran 82 yn rhoi pŵer i'r Prif Arolygydd, ar gais y Cynulliad Cenedlaethol neu'r Ysgrifennydd Gwladol dros Addysg a Chyflogaeth neu'r Arolygiaeth Dysgu Oedolion yn Lloegr, arolygu addysg a hyfforddiant yng Nghymru a ddarperir yn unol â threfniadau a wneir o dan adran 2 o Ddeddf Cyflogaeth a Hyfforddiant 1973.

Mae adran 83 yn gwneud darpariaeth ar gyfer arolygiadau ardal, adran 84 yn ymdrin â chynlluniau gweithredu yn sgil arolygiadau o'r fath ac adran 85 yn rhoi pŵer i'r Cynulliad Cenedlaethol gyfarwyddo'r Prif Arolygydd i ymgymryd ag astudiaethau ar draws Cymru, neu y tu allan i Gymru, ar faterion sy'n ymwneud ag addysg a hyfforddiant ar ôl 16 oed.

Mae adran 86 yn ei gwneud yn ofynnol i'r Prif Arolygydd gyflwyno adroddiad blynyddol i'r Cynulliad Cenedlaethol, ac mae adran 88 yn rhoi braint amodol i rannau penodol o adroddiad y Prif Arolygydd.

Yn adran 91 darperir ar gyfer diddymu Cyngor Cyllido Addysg Bellach Cymru ac ar gyfer breinio'i holl eiddo, hawliau a rhwymedigaethau yn y Cyngor. Gan hynny, 1 Ebrill 2001 yw'r 'diwrnod penodedig' ('appointed day') y cyfeirir ato yn adran 91.

Mae adran 99 yn awdurdodi'r Cynulliad Cenedlaethol i gymeradwyo cymwysterau allanol, neu

sections 39 and 40 empower it to appoint members to the governing bodies of certain further education institutions, and to carry out research relating to any matter relevant to its functions. Section 41 requires the Council to have regard to the needs of persons with learning difficulties when discharging certain functions and section 45 requires it to have regard to information supplied to it by any body designated by the National Assembly for Wales for that purpose. Section 50 requires the Council to prepare an annual report after the end of each financial year and to send a copy of that report to the National Assembly.

Section 74 defines terms relevant to inspection. Sections 75 and 76 set out the extended remit and additional functions of Her Majesty's Chief Inspector for Education and Training in Wales. Section 77 imposes a duty on the Chief Inspector to inspect education and training brought within the Chief Inspector's remit by section 75, and section 78 confers various general advisory and reporting powers. Section 79 deals with the Chief Inspector's right of entry. Section 80 requires the production of an action plan by a provider of education following the publication of an inspection report.

Section 81 requires the Chief Inspector, at the request of the National Assembly for Wales, to inspect education, training or advisory services where those services are provided by bodies which also provide the careers service in Wales. Section 82 empowers the Chief Inspector, at the request of the National Assembly or the Secretary of State for Education and Employment or the Adult Learning Inspectorate in England, to inspect education and training in Wales provided in accordance with arrangements made under section 2 of the Employment and Training Act 1973.

Section 83 makes provision for area inspections, section 84 deals with action plans following such inspections, and section 85 empowers the National Assembly to direct the Chief Inspector to undertake studies across Wales, or outside Wales, on matters relating to post-16 education and training.

Section 86 requires the Chief Inspector to make an annual report to the National Assembly, and section 88 gives qualified privilege to certain reports of the Chief Inspector.

Section 91 provides for the dissolution of the Further Education Funding Council for Wales and for the vesting of all its property, rights and liabilities in the Council. 'The appointed day' referred to in section 91 is therefore 1st April 2001.

Section 99 authorises the National Assembly to approve external qualifications, or to confirm their

i gadarnhau'r gymeradwyaeth y mae corff dynodedig wedi'i rhoi iddynt.

Mae adran 103(4) yn diwygio Deddf Addysg 1997 i ganiatáu i'r Cynulliad Cenedlaethol roi pwerau i Awdurdod Cwricwlwm, Cymwysterau ac Asesu Cymru mewn perthynas â datblygu, gosod a gweinyddu profion sy'n arwain at ennill cymwysterau allanol penodol. Mae hefyd yn dileu pwerau penodol nad ydynt yn berthnasol mwyach.

Mae adran 110 yn ailddiffinio addysg uwchradd i ganiatáu i sefydliad sy'n darparu addysg chweched dosbarth yn unig gael ei gynnal fel ysgol. Yn adrannau 111 a 112 diwygir y darpariaethau presennol i atal dod ag ysgolion chweched dosbarth i mewn i'r sector addysg bellach heb gydsyniad y corff llywodraethu a'r awdurdod addysg lleol.

Mae adrannau 123-129 yn gwneud darpariaeth ar gyfer gwasanaeth cymorth ieuenctid yng Nghymru. Mae adran 123 yn rhoi pwerau newydd i'r Cynulliad Cenedlaethol gyfarwyddo'r awdurdodau lleol yng Nghymru i ddarparu gwasanaethau cymorth ieuenctid ar gyfer pob person 11-25 oed, i sicrhau y cânt eu darparu, neu i gymryd rhan wrth eu darparu. Mae adran 124 yn nodi'r dyletswyddau a'r pwerau y mae eu hangen er mwyn galluogi'r awdurdodau lleol i gydymffurfio â'r cyfarwyddiadau hynny. Yn adran 125 gosodir dyletswydd ar yr awdurdodau lleol i ymgynghori cyn cydymffurfio ag unrhyw gyfarwyddyd. Mae adran 126 yn gosod dyletswyddau ar amryw byd o sefydliadau addysgol i roi gwybodaeth i ddarparwyr gwasanaethau cymorth ieuenctid a chaniatáu cyfle i weld disgyblion a myfyrwyr. Yn adrannau 127 a 128 nodir trefniadau arolygu ac yn adran 129 ceir darpariaethau atodol.

Mae adran 137 yn diwygio adran 508 o Ddeddf Addysg 1996 i ddileu dyletswydd yr awdurdodau addysg lleol i ddarparu gwasanaethau sy'n atodol i'w darpariaeth addysg bellach, gan roi pŵer yn ei lle. Mae hyn yn adlewyrchu'r ffaith bod dyletswydd i ddarparu addysg bellach benodol wedi'i rhoi i Gyngor Cenedlaethol Addysg a Hyfforddiant Cymru yn lle'r awdurdodau addysg lleol.

Mae adran 138 yn galluogi cyrff cyhoeddus penodol sydd wedi'u rhestru i roi gwybodaeth am berson ifanc i awdurdod lleol neu i gorff sy'n ymwneud â darparu gwasanaethau cymorth ieuenctid, hyfforddiant neu yrfaedd yng Nghymru.

Mae adran 140(3) yn rhoi pŵer i'r Cynulliad Cenedlaethol drefnu ar gyfer asesu'r rhai o dan 25 oed y mae ganddynt anawsterau dysgu ac sy'n derbyn addysg neu hyfforddiant ar ôl 16 oed, neu addysg uwch neu'n debyg o'u derbyn.

Mae adran 142 yn galluogi corfforaethau addysg bellach i ddarparu addysg uwchradd. Yn adran 143 darperir ar gyfer ymgorffori cyrff llywodraethu sefydliadau dynodedig. Mae adran 144 yn gosod gofynion ar sefydliadau dynodedig mewn perthynas â

approval by a designated body.

Section 103(4) amends the Education Act 1997 to allow the National Assembly to confer on the Qualifications, Curriculum and Assessment Authority for Wales powers in respect of the development, setting and administration of tests leading to the attainment of certain external qualifications. It also removes certain powers of that Authority which are no longer relevant.

Section 110 redefines secondary education to allow an institution providing only sixth form education to be maintained as a school. Sections 111 and 112 amend existing provisions to prevent sixth form schools being brought into the further education sector without the consent of the governing body and the local education authority.

Sections 123-129 make provision for a youth support service in Wales. Section 123 gives the National Assembly new powers to direct local authorities in Wales to provide, to secure the provision of, or to participate in the provision of, youth support services for all 11-25 year olds. Section 124 sets out the duties and powers necessary to enable local authorities to comply with those directions. Section 125 imposes on local authorities a duty to consult before complying with any direction. Section 126 imposes duties on various educational institutions to provide information to youth support service providers and to permit access to pupils and students. Sections 127 and 128 set out inspection arrangements and section 129 contains supplementary provisions.

Section 137 amends section 508 of the Education Act 1996 to remove local education authorities' duty to provide services ancillary to their further education provision and to replace it with a power. This reflects the imposition of a duty to provide certain further education on the National Council for Education and Training for Wales instead of the local education authorities.

Section 138 enables certain listed public bodies to provide information about a young person to a local authority or other person or body involved in the provision of youth support, training or careers services in Wales.

Section 140(3) empowers the National Assembly to arrange for assessment of those under the age of 25 years who have learning difficulties and who are receiving, or likely to receive, post-16 education or training, or higher education.

Section 142 enables further education corporations to provide secondary education. Section 143 provides for the incorporation of the governing bodies of designated institutions. Section 144 imposes requirements on designated institutions in respect of

chael gwared ar dir.

Mae Atodlenni 9 ac 11 yn cynnwys diwygiadau canlyniadol a diddymiadau yn y drefn honno.

Esbonnir effaith y darpariaethau a bennir yn Rhan II o'r Atodlen isod.

Mae adran 96, ar y cyd ag adran 103(5), yn atal cyrff awdurdodedig (a ddiffinnir yn adran 100 i gynnwys awdurdodau addysg lleol a Chyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant) rhag ariannu cyrsiau sy'n arwain at gymwysterau allanol, oni bai bod y cymwysterau hynny wedi'u cymeradwyo. Mae'r cyfyngiad hwn yn gynnwys i gyrsiau i'r rhai o dan 19 oed a ddarperir gan ysgol, sefydliad neu gyflogydd. (Mae'r cyfyngiad y mae'n disodli'n gynnwys i gyrsiau i'r rhai sydd o oedran ysgol gorfodol ac a ddarperir gan ysgol yn unig.) Ceir darpariaethau ynghylch gorfodi yn adran 102.

Mae adran 148 yn gosod dyletswydd ar awdurdodau addysg lleol, penaethiaid a chyrff llywodraethu i roi sylw i ganllawiau'r Cynulliad Cenedlaethol ynghylch addysg rhyw. Mae adran 148 hefyd yn ei gwneud yn ofynnol i'r Cynulliad Cenedlaethol gyhoeddi canllawiau sydd wedi'u cynllunio i sicrhau bod plant yn dysgu am bwysigrwydd priodas ac yn cael eu hamddiffyn rhag deunyddiau addysgu amhriodol.

Ceir diwygiad canlyniadol a diddymiadau yn y drefn honno yn Atodlenni 9 ac 11.

disposal of land.

Schedules 9 and 11 respectively contain consequential amendments and repeals.

The effect of the provisions specified in Part II of the Schedule is explained below.

Section 96, in conjunction with section 103(5), prevents authorised bodies (defined in section 100 to include local education authorities and the National Council for Education and Training for Wales) from funding courses leading to external qualifications, unless those qualifications are approved. This restriction applies to courses for those under the age of 19 years provided by a school, institution or employer. (The restriction which it replaces applies only to courses for those of compulsory school age provided by a school.) Section 102 contains enforcement provisions.

Section 148 imposes a duty on local education authorities, head teachers and governing bodies to have regard to the National Assembly's guidance relating to sex education. Section 148 also requires the National Assembly to issue guidance designed to secure that children learn about the importance of marriage and are protected from inappropriate teaching materials.

Schedules 9 and 11 respectively contain a consequential amendment and repeals.

**Nodyn ynghylch Gorchmynion Cychwyn
cynharach**

**Note as to earlier Commencement
Orders**

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

(This Note is not part of the Order)

Daethpwyd neu deuir â'r darpariaethau canlynol yn Neddf Dysgu a Medrau 2000 i rym, mewn perthynas â Chymru, gan orchmynion cychwyn a wnaed cyn dyddiad y Gorchymyn hwn.

The following provisions of the Learning and Skills Act 2000 have been, or will be, brought into force in relation to Wales by commencement orders made before the date of this Order.

Y Ddarpariaeth	Y Dyddiad Cychwyn	Rhif yr O.S.
Adrannau 104, 105, 107 a 108	3 Awst 2000	2000/2114 (C.56)
Adran 94 ac adran 149 i'r graddau y mae'n ymwneud â pharagraff 87 o Atodlen 9. Yn atodlen 9, paragraff 87.	1 Medi 2000	2000/2114 (C.56)
Adrannau 30, 47, 49 a 51, ac adran 149 i'r graddau y mae'n ymwneud â'r paragraffau yn Atodlen 9 a restrir isod. Atodlen 4. Yn Atodlen 9 paragraffau 3, 4 a 93.	19 Medi 2000	2000/2540 (Cy.163) (C.70)
Adrannau 134-136 a 146, ac adran 149 i'r graddau y mae'n ymwneud â pharagraff 14 o Atodlen 9. Yn Atodlen 9, paragraff 14.	1 Hydref 2000	2000/2559 (C.73)
Adrannau 42, 43, 44, 46, 48, 73, 87, 93, 95, 139, 141 a 145. Adran 149 i'r graddau y mae'n ymwneud â'r paragraffau yn Atodlen 9 a restrir isod. Adran 153 i'r graddau y mae'n ymwneud â'r diddymiadau yn Atodlen 11 y cyfeirir atynt isod. Atodlen 5. Yn Atodlen 9, paragraffau 21(b), 34, 36, 44(3) a (4), 45, 64, 70, 81, 86, a 92. Yn Atodlen 11 y diddymiadau a bennir yno mewn perthynas â'r canlynol - Deddf Addysg Bellach ac Uwch 1992, adrannau 18 a 60A, ac Atodlen 5A, Deddf Addysg 1996, paragraff 113 o Atodlen 37, Deddf Addysgu ac Addysg Uwch	1 Ionawr 2001	2000/3230 (Cy.213) (C.103)

1998, adrannau 19 a 22, Deddf Safonau a Fframwaith Ysgolion 1998, adrannau 125 a 126, ac Atodlen 27, Deddf Llywodraeth Cymru 1998, adran 104(4).		
Adran 149 i'r graddau y mae'n ymwneud â'r paragraffau yn Atodlen 9 a restrir isod. Adran 153 i'r graddau y mae'n ymwneud â'r didymiadau yn Atodlen lly cyfeirir atynt isod. Yn Atodlen 9, paragraffau 11, 35, 37-39, 41-43, 47-50, 52(3), 83 ac 88. Yn Atodlen 10, Rhan IV. Yn Atodlen 11, y didymiadau a bennir yno mewn perthynas â'r canlynol- Deddf Addysg Bellach ac Uwch 1992, adran 91(2), Deddf Safonau a Fframwaith Ysgolion 1998, adran 142(1).	1 Ebrill 2001	2001/654 (C.25)
Provision	Date of Commencement	S.I. No
Sections 104, 105, 107 and 108	3 August 2000	2000/2114 (C.56)
Section 94 and section 149 insofar as it relates to paragraph 87 of Schedule 9. In schedule 9, paragraph 87.	1 September 2000	2000/2114 (C.56)
Sections 30, 47, 49 and 51, and section 149 insofar as it relates to the paragraphs of Schedule 9 listed below. Schedule 4. In Schedule 9, paragraphs 3, 4 and 93.	19 September 2000	2000/2540 (W.163) (C.70)
Sections 134-136 and 146, and section 149 insofar as it relates to paragraph 14 of Schedule 9.	1 October 2000	2000/2559 (C.73)
In Schedule 9, paragraph 14. Sections 42, 43, 44, 46, 48, 73, 87, 93, 95, 139, 141 and 145. Section 149 insofar as it relates to the paragraphs of Schedule 9 listed below. Section 153 insofar as it relates to the repeals in Schedule 11 referred to below. Schedule 5. In Schedule 9, paragraphs 21(b), 34, 36, 44(3) and (4), 45, 64, 70, 81, 86, and 92. In Schedule 11 the repeals there specified in respect of- Further and Higher Education Act 1992, sections 18 and 60A, and Schedule 5A, Education Act 1996, paragraph 113 of Schedule 37, Teaching and Higher Education Act	1 January 2001	2000/3230 (W.213) (C.103)

<p>1998, sections 19 and 22, School Standards and Framework Act 1998, sections 125 and 126, and Schedule 27, Government of Wales Act 1998, section 104(4).</p>		
<p>Section 149 insofar as it relates to the paragraphs of Schedule 9 listed below. Section 153 insofar as it relates to the repeals in Schedule 11 referred to below. In Schedule 9, paragraphs 11, 35, 37-39, 41-43, 47-50, 52(3), 83 and 88.</p> <p>In Schedule 10, Part IV. In Schedule 11, the repeals there specified in respect of- Further and Higher Education Act 1992, section 91(2), School Standards and Framework Act 1998, section 142 (1).</p>	<p>1 April 2001</p>	<p>2001/654(C.25)</p>

2001 Rhif 1274 (Cy. 73) (C. 46)

2001 No. 1274 (W. 73) (C. 46)

ADDYSG, CYMRU

EDUCATION, WALES

**CYFLOGAETH A
HYFFORDDIANT, CYMRU**

**EMPLOYMENT AND
TRAINING, WALES**

Gorchymyn Deddf Dysgu a
Medrau 2000 (Cychwyn Rhif 3 a
Darpariaethau Trosiannol) (Cymru)
2001

The Learning and Skills Act 2000
(Commencement No. 3 and
Transitional Provisions) (Wales)
Order 2001

Wedi'i wneud

22 Mawrth 2001

Made

22nd March 2001

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Gorchymyn canlynol drwy arfer y pwerau a roddwyd iddo gan adran 154(2), (4), (7) ac (8) o Ddeddf Dysgu a Medrau 2000(a):

The National Assembly for Wales makes the following Order in exercise of powers conferred on it by section 154(2), (4), (7) and (8) of the Learning and Skills Act 2000(a):

Enwi a dehongli a chymhwyso

Citation and interpretation and application

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Dysgu a Medrau 2000 (Cychwyn Rhif 3 a Darpariaethau Trosiannol) (Cymru) 2001.

1.-(1) This Order may be cited as the Learning and Skills Act 2000 (Commencement No. 3 and Transitional Provisions) (Wales) Order 2001.

(2) Yn y Gorchymyn hwn:

(2) In this Order:

ystyr "Deddf 1992" ("*the 1992 Act*") yw Deddf Addysg Bellach ac Uwch 1992(b);

"the 1992 Act" ("*Deddf 1992*") means the Further and Higher Education Act 1992(b);

ystyr "Deddf 2000" ("*the 2000 Act*") yw Deddf Dysgu a Medrau 2000.

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

(3) Mae'r Gorchymyn hwn yn gymwys i Gymru, a daw'r darpariaethau a bennir yn yr Atodlen i rym mewn perthynas â Chymru oni nodir fel arall.

(3) This Order applies to Wales, and the provisions specified in the Schedule shall come into force in relation to Wales for all purposes unless otherwise specified.

Y darpariaethau sy'n dod i rym

Provisions coming into force

2.-(1) Daw'r darpariaethau yn Neddf 2000 a bennir yn Rhan I o'r Atodlen i'r Gorchymyn hwn i rym ar 1 Ebrill 2001.

2.-(1) The provisions of the 2000 Act specified in Part I of the Schedule to this Order shall come into force on 1st April 2001.

(2) Daw'r darpariaethau yn Neddf 2000 a bennir yn Rhan II o'r Atodlen i'r Gorchymyn hwn i rym ar 1 Medi 2001.

(2) The provisions of the 2000 Act specified in Part II of the Schedule to this Order shall come into force on 1st September 2001.

(a) 2000 p.21.

(b) 1992 p.13.

(a) 2000 c.21.

(b) 1992 c.13.

Darpariaethau Trosiannol ac Eithriadau

3.-(1) Yn yr erthygl hon -

ystyr “y Cyngor newydd” (“*the new Council*”) yw Cyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant;

ystyr “yr hen Gyngor” (“*the old Council*”) yw Cyngor Cyllido Addysg Bellach Cymru.

(2) Heb ragfarnu paragraff 11 o Atodlen 10 i Ddeddf 2000, bydd i unrhyw beth a wnaed cyn 1 Ebrill 2001 gan yr hen Gyngor yn unol ag adran 51 o Ddeddf 1992 effaith fel pe bai wedi’i wneud gan y Cyngor newydd.

(3) Os oes unrhyw ddarpariaeth yn offeryn neu erthyglau llywodraethu unrhyw sefydliad yn y sector addysg bellach (o fewn ystyr adran 91(3) o Ddeddf 1992) yn darparu y dylai unrhyw beth gael ei wneud yn unol â gofynion yr hen Gyngor neu y dylai gydymffurfio â chyfarwyddiadau a roddwyd gan yr hen Gyngor, bydd i’r ddarpariaeth honno effaith, mewn perthynas ag unrhyw ofyniad a osodir neu unrhyw gyfarwyddyd a roddir ar neu ar ôl 1 Ebrill 2001 fel pe bai cyfeiriadau at yr hen Gyngor yn gyfeiriadau at y Cyngor newydd.

(4) Bydd y pwerau a geir -

- (a) yn adran 496 o Ddeddf Addysg 1996 fel y’i chymhwysid at yr hen Gyngor gan adran 56(3) o Ddeddf 1992, a
- (b) yn adran 57(3) a (4) o Ddeddf 1992,

yn parhau yn arferadwy mewn perthynas ag unrhyw weithred (gan gynnwys methu â gweithredu) gan yr hen Gyngor cyn 1 Ebrill 2001 ond rhaid i unrhyw gyfarwyddyd a roddir o dan y pwerau hynny gael ei roi i’r Cyngor newydd.

4. Ni fydd y diwygiad i adran 41(10) o Ddeddf 1992 a wnaed gan baragraff 26 o Atodlen 9 i Ddeddf 2000 yn effeithiol at ddibenion dyfarnu a gafodd unrhyw gontract a wnaed cyn 1 Ebrill 2001 ei wneud yn groes i adran 41 o Ddeddf 1992.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

22 Mawrth 2001

Llywydd y Cynulliad Cenedlaethol

Transitional and Savings Provisions

3.-(1) In this article-

“the old Council” (“*yr hen Gyngor*”) means the Further Education Funding Council for Wales;

“the new Council” (“*y Cyngor newydd*”) means the National Council for Education and Training for Wales.

(2) Without prejudice to paragraph 11 of Schedule 10 to the 2000 Act any thing done before 1st April 2001 by the old Council pursuant to section 51 of the 1992 Act shall have effect as if done by the new Council.

(3) If any provision in the instrument or articles of government of any institution within the further education sector (within the meaning of section 91(3) of the 1992 Act) provides that anything should be done in accordance with requirements of the old Council or should comply with directions given by the old Council, such provision shall have effect, in relation to any requirement imposed or direction given on or after 1st April 2001, as if references to the old Council were references to the new Council.

(4) The powers contained in -

- (a) section 496 of the Education Act 1996 as applied in relation to the old Council by section 56(3) of the 1992 Act, and
- (b) section 57(3) and (4) of the 1992 Act,

shall continue to be exercisable in respect of any action (including failure to take any action) by the old Council before 1st April 2001 but any direction given under those powers shall be given to the new Council.

4. The amendment of section 41(10) of the 1992 Act made by paragraph 26 of Schedule 9 to the 2000 Act shall not have effect for the purpose of determining whether any contract entered into before 1st April 2001 was entered into in contravention of section 41 of the 1992 Act.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a).

22nd March 2001

The Presiding Officer of the
National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

RHAN I

PART I

Darpariaethau sy'n dod i rym mewn perthynas â Chymru ar 1 Ebrill 2001**Provisions coming into force in relation to Wales on 1st April 2001**

Adran 31.

Section 31.

Adran 32.

Section 32.

Adran 33.

Section 33.

Adran 34.

Section 34.

Adran 35.

Section 35.

Adran 37.

Section 37.

Adran 38.

Section 38.

Adran 39.

Section 39.

Adran 40.

Section 40.

Adran 41.

Section 41.

Adran 45.

Section 45.

Adran 50.

Section 50.

Adran 74.

Section 74.

Adran 75.

Section 75.

Adran 76.

Section 76.

Adran 77.

Section 77.

Adran 78.

Section 78.

Adran 79.

Section 79.

Adran 80.

Section 80.

Adran 81.

Section 81.

Adran 82.

Section 82.

Adran 83.

Section 83.

Adran 84.

Section 84.

Adran 85.

Section 85.

Adran 86.

Section 86.

Adran 88.

Section 88.

Adran 91.

Section 91.

Adran 99.

Section 99.

Adran 103(1), (2) a (3) i'r graddau y mae angen hynny at ddibenion adran 103(4)(b).

Section 103(1), (2) and (3) insofar as necessary for the purposes of section 103(4)(b).

Adran 103(4).

Section 103(4).

Adran 110.

Section 110.

Adran 111.	Section 111.
Adran 112.	Section 112.
Adran 123.	Section 123.
Adran 124.	Section 124.
Adran 125.	Section 125.
Adran 126.	Section 126.
Adran 127.	Section 127.
Adran 128.	Section 128.
Adran 129.	Section 129.
Adran 137.	Section 137.
Adran 138.	Section 138.
Adran 140(3).	Section 140(3).
Adran 140(4), (5) a (6) i'r graddau y mae eu hangen at ddibenion adran 140(3).	Section 140(4), (5) and (6) insofar as necessary for the purposes of section 140(3).
Adran 142.	Section 142.
Adran 143.	Section 143.
Adran 144.	Section 144.
Adran 149 i'r graddau y mae'n ymwneud â'r darpariaethau yn Atodlen 9 a bennir isod.	Section 149 insofar as it relates to the provisions of Schedule 9 specified below.
Adran 153 i'r graddau y mae'n ymwneud â'r darpariaethau yn Atodlen 11 a bennir isod.	Section 153 insofar as it relates to the provisions of Schedule 11 specified below.
Yn Atodlen 9-	In Schedule 9-
paragraff 5,	paragraph 5,
paragraff 6,	paragraph 6,
paragraff 7,	paragraph 7,
paragraff 8,	paragraph 8,
paragraff 9,	paragraph 9,
paragraff 10,	paragraph 10,
paragraff 12,	paragraph 12,
paragraff 13,	paragraph 13,
paragraff 15,	paragraph 15,
paragraff 16,	paragraph 16 ,
paragraff 17,	paragraph 17,
paragraff 20,	paragraph 20,
paragraff 21(a),	paragraph 21(a),
paragraff 22,	paragraph 22,
paragraff 23,	paragraph 23,
paragraff 24,	paragraph 24,

paragraff 25,
paragraff 26,
paragraff 27,
paragraff 28,
paragraff 29,
paragraff 30,
paragraff 32,
paragraff 33,
paragraff 40,
paragraff 44(1) a (2),
paragraff 46,
paragraff 51,
paragraff 52(1) a (2),
paragraff 53,
paragraff 54,
paragraff 55,
paragraff 56,
paragraff 59,
paragraff 65,
paragraff 66,
paragraff 67 (5),
paragraff 68,
paragraff 72,
paragraff 73 ,
paragraff 74,
paragraff 75(a) a (b), ac (c) i'r graddau y mae'n ymwneud ag adran 34 o Ddeddf Medrau a Dysgu 2000,
paragraff 76,
paragraff 77,
paragraff 78,
paragraff 79,
paragraff 80,
paragraff 94.

Yn Atodlen 11 y diddymiadau i'r graddau y maent yn ymwneud â Chymru -

yn Neddf Blwydd-dâl 1972, Atodlen 1, yn y rhestr o "Other Bodies" y geiriau "Further Education Funding Council for Wales in receipt of remuneration",

paragraph 25,
paragraph 26,
paragraph 27,
paragraph 28,
paragraph 29,
paragraph 30,
paragraph 32,
paragraph 33,
paragraph 40,
paragraph 44(1) and (2),
paragraph 46,
paragraph 51,
paragraph 52(1) and (2),
paragraph 53,
paragraph 54,
paragraph 55,
paragraph 56,
paragraph 59,
paragraph 65,
paragraph 66,
paragraph 67 (5),
paragraph 68,
paragraph 72,
paragraph 73,
paragraph 74,
paragraph 75(a) and (b), and (c) insofar as it relates to section 34 of the Learning and Skills Act 2000,
paragraph 76,
paragraph 77,
paragraph 78,
paragraph 79,
paragraph 80,
paragraph 94.

In Schedule 11 the repeals insofar as they relate to Wales of -

in the Superannuation Act 1972, Schedule 1, in the list of "Other Bodies" the words "Further Education Funding Council for Wales in receipt of remuneration.",

yn Neddf Anghymhwyso o Dŷ'r Cyffredin 1975, yn Rhan III o Atodlen I y geiriau "Any member of the Further Education Funding Council for Wales in receipt of remuneration.",

yn Neddf Gwahaniaethau ar sail Rhyw 1975, adran 25(6)(d),

yn Neddf Cysylltiadau Hiliol 1976, adran 19(6)(d),

yn Neddf Diwygio Addysg 1988, yn adran 124(2)(b), y geiriau "as defined by section 15(6) and (7) of the Education Act 1996",

yn Neddf Addysg Bellach ac Uwch 1992, adrannau 1 i 9, adran 28(2)(b), adran 32(2A), adran 44(6), adran 45(6), yn adran 52(1) y gair "full-time", yn adran 55 is-adrannau (1) i (3) a pharagraffau (a) a (b) o is-adran (7), adran 56, ac Atodlen 2,

yn Neddf Gwahaniaethu ar sail Anabledd 1995, adran 19(6)(f) ac adran 30(2) i (4),

yn Neddf Addysg 1996, adran 15, yn adran 509(1) paragraff (d) a'r gair "or" yn union cyn y paragraff hwnnw, a pharagraffau 70 a 112 o Atodlen 37,

yn Neddf Addysg 1997, yn adran 30, yn is-adran (1) y geiriau "or by subsection(3)", ac is adran (3),

yn Neddf y Comisiwn Archwilio 1998, yn y Tabl yn adran 36(1) y cofnod ynghylch cyngor cyllido addysg bellach, ac yn adran 36(2) y geiriau "or a further education funding council",

yn Neddf Addysgu ac Addysg Uwch 1998, adran 26(1) a (2), yn niffiniad "publicly-funded institution" yn adran 28(1)(a) y geiriau "5 or" a'r geiriau o "from a further" i "its costs", ac adran 34,

yn Neddf Safonau a Fframwaith Ysgolion 1998, paragraffau 41 a 42 o Atodlen 30.

in the House of Commons Disqualification Act 1975, in Part III of Schedule I the words "Any member of the Further Education Funding Council for Wales in receipt of remuneration.",

in the Sex Discrimination Act 1975, section 25(6)(d),

in the Race Relations Act 1976, section 19(6)(d),

in the Education Reform Act 1988, in section 124(2)(b), the words "as defined by section 15(6) and (7) of the Education Act 1996",

in the Further and Higher Education Act 1992, sections 1 to 9, section 28(2)(b), section 32(2A), section 44(6), section 45(6), in section 52(1) the word "full-time", in section 55 subsections (1) to (3) and paragraphs (a) and (b) of subsection (7), section 56, and Schedule 2 ,

in the Disability Discrimination Act 1995, section 19(6)(f) and section 30(2) to (4),

in the Education Act 1996, section 15, in section 509(1) paragraph (d) and the word "or" immediately preceding that paragraph, and paragraphs 70 and 112 of Schedule 37,

in the Education Act 1997, in section 30, in subsection (1) the words "or by subsection (3)", and subsection (3),

in the Audit Commission Act 1998, in the Table in section 36(1) the entry relating to a further education funding council, and in section 36(2) the words "or a further education funding council",

in the Teaching and Higher Education Act 1998, section 26(1) and (2), in the definition of "publicly-funded institution" in section 28(1)(a) the words "5 or" and the words from "from a further" to "its costs", and section 34,

in the School Standards and Framework Act 1998, paragraphs 41 and 42 of Schedule 30.

RHAN II

Darpariaethau sy'n dod i rym mewn perthynas â Chymru ar 1 Medi 2001

Adran 96.

Adran 100(2).

Adran 102.

Adran 103(5).

Adran 148.

Adran 149 i'r graddau y mae'n ymwneud â pharagraff 57 o Atodlen 9.

PART II

Provisions coming into force in relation to Wales on 1st September 2001

Section 96.

Section 100(2).

Section 102.

Section 103 (5).

Section 148.

Section 149 insofar as it relates to paragraph 57 of Schedule 9.

Adran 153 i'r graddau y mae'n ymwneud â'r darpariaethau yn Atodlen 11 a bennir isod.

Yn Atodlen 9, paragraff 57.

Yn Atodlen 11, y diddymu i'r graddau y mae'n gymwys i Gymru -

yn Neddf Addysg 1996, yn adran 403(1) y geiriau "local education authority,"

yn Neddf Addysg 1997, adran 37(1)-(4), ac yn adran 37(5) y geiriau " , which are superseded by this section,".

Section 153 insofar as it relates to the provisions of Schedule 11 specified below.

In Schedule 9, paragraph 57.

In Schedule 11, the repeals insofar as they relate to Wales of -

in the Education Act 1996, in section 403(1) the words "local education authority,"

in the Education Act 1997, section 37(1)-(4), and in section 37(5) the words " , which are superseded by this section,".

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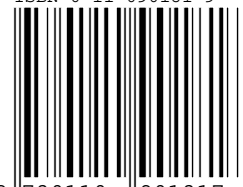
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