CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2002 Rhif 3146 (Cy.292)

Y GYFRAITH GYFANSODDIADOL, CYMRU

Gorchymyn Ombwdsmon Gweinyddiaeth Cymru (Awdurdodaeth) 2002

NODYN ESBONIADOL

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

Mae paragraff 14(1) o Atodlen 9 i Ddeddf Llywodraeth Cymru 1998 yn darparu mai'r cyrff sy'n ddarostyngedig i ymchwiliad gan Ombwdsmon Gweinyddiaeth Cymru (yr Ombwdsmon) yw Cynulliad Cenedlaethol Cymru (y Cynulliad) a'r cyrff a restrir ym mharagraff 14(2) o'r Atodlen honno.

Mae paragraff 14(3) o'r Atodlen honno yn darparu y gall y Cynulliad drwy orchymyn ddiwygio paragraff 14(2) drwy ychwanegu neu ddileu unrhyw gorff neu drwy newid disgrifiad unrhyw gorff.

Mae'r Gorchymyn hwn yn ychwanegu Cyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant (gweler Rhan 2 o Ddeddf Dysgu a Medrau 2000 mewn perthynas ag ef) a Chyngor Cyllido Addysg Uwch Cymru (gweler Rhan 2 o Ddeddf Addysg Bellach ac Uwch 1992 mewn perthynas ag ef) at y cyrff a restrir yn y paragraff 14(2) a enwyd.

Mae paragraff 15(1) o'r Atodlen honno yn cynnwys nodiadau sy'n cyfyngu ar gwmpas swyddogaethau ymchwilio yr Ombwdsmon mewn perthynas â rhai o'r cyrff y cyfeirir atynt ym mharagraff 14(2) neu'r cyfan ohonynt.

Mae paragraff 15(2) yn darparu y gall y Cynulliad drwy orchymyn ddiwygio paragraff 15(1) drwy ychwanegu, hepgor neu ddiwygio unrhyw nodyn.

Mae'r Gorchymyn hwn yn ychwanegu Nodyn i baragraff 15(1). Mae'r Nodyn hwnnw yn darparu na all yr Ombwdsmon ymchwilio i unrhyw gŵyn yn erbyn

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2002 No. 3146 (W.292)

CONSTITUTIONAL LAW, WALES

Welsh Administration Ombudsman (Jurisdiction) Order 2002

EXPLANATORY NOTE

(This note is not part of the Order)

Paragraph 14(1) of Schedule 9 to the Government of Wales Act 1998 provides that the bodies that are subject to investigation by the Welsh Administration Ombudsman (the Ombudsman) are the National Assembly for Wales (the Assembly) and the bodies listed in paragraph 14(2) of that Schedule.

Paragraph 14(3) of that Schedule provides that the Assembly may by order amend paragraph 14(2) by adding or deleting any body or by altering the description of any body.

This Order adds the National Council for Education and Training for Wales (in respect of which see Part 2 of the Learning and Skills Act 2000) and the Higher Education Funding Council for Wales (in respect of which see Part 2 of the Further and Higher Education Act 1992) to the bodies listed in the said paragraph 14(2).

Paragraph 15(1) of that Schedule contains notes that limit the extent of the Ombudsman's investigatory functions in respect of some or all of the bodies referred to in paragraph 14(2).

Paragraph 15(2) provides that the Assembly may by order amend paragraph 15(1) by adding, omitting or amending any note.

This Order adds a Note to paragraph 15(1). That Note provides that the Ombudsman may not investigate any complaint against the National Council

Cyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant pan fo'r gŵyn yn ymwneud â gweithred a gymerwyd yn wreiddiol gan Gyngor Cyllido Addysg Bellach Cymru ac sydd ond yn cael ei thrin fel pe bai wedi'i chymryd gan Gyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant drwy rinwedd paragraff 11 neu 12 o Atodlen 10 i Ddeddf Dysgu a Medrau 2000.

for Education and Training for Wales where the complaint relates to action originally taken by the Further Education Funding Council for Wales and which is only treated as having been taken by the National Council for Education and Training for Wales by virtue of paragraph 11 or 12 of Schedule 10 to the Learning and Skills Act 2000.

OFFERYNNAU STATUDOL

2002 Rhif 3146 (Cy.292)

Y GYFRAITH GYFANSODDIADOL, CYMRU

Gorchymyn Ombwdsmon Gweinyddiaeth Cymru (Awdurdodaeth) 2002

Wedi'i wneud	*17 Rhagfyr 2002*
Yn dod i rym	*31 Rhagfyr 2002*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Gorchymyn canlynol, drwy arfer y pwerau a roddwyd iddo gan baragraffau 14(3) a 15(2) o Atodlen 9 i Ddeddf Llywodraeth Cymru 1998(**a**):

1. Enw'r gorchymyn hwn yw Gorchymyn Ombwdsmon Gweinyddiaeth Cymru (Awdurdodaeth) 2002 a daw i rym ar 31 Rhagfyr 2002.

2. Bydd gan Atodlen 9 i Ddeddf Llywodraeth Cymru 1998 effaith yn ddarostyngedig i'r diwygiadau canlynol:

(a) Ym mharagraff 14(2) o'r Atodlen a enwyd ar ôl "the Forestry Commissioners," mewnosodir -

"(da) the Higher Education Funding Council for Wales,

(db) the National Council for Education and Training for Wales,",

(b) Ym mharagraff 15(1) o'r Atodlen a enwyd, ar ôl nodyn 2 ychwanegir -

"2A. In the case of the National Council for Education and Training for Wales no investigation may be conducted by the Welsh Administration Ombudsman in respect of action taken by virtue of paragraph 11 or 12 of Schedule 10 to the Learning and Skills Act 2000."(**b**).

(a) 1998 p.38; diwygiwyd paragraff 14(2) o Atodlen 9 gan adran 6 (3) o Ddeddf Safonau Gofal 2000 (p. 14) a chan adran 73(1) a (3) (a) o Ddeddf Dysgu a Medrau 2000 (p. 21).

(b) 2000 p.21.

STATUTORY INSTRUMENTS

2002 No. 3146 (W.292)

CONSTITUTIONAL LAW, WALES

Welsh Administration Ombudsman (Jurisdiction) Order 2002

Made	*17th December 2002*
Coming into force	*31st December 2002*

The National Assembly for Wales makes the following Order, in exercise of the powers conferred upon it by paragraphs 14(3) and 15(2) of Schedule 9 to the Government of Wales Act 1998(**a**):

1. This Order may be cited as the Welsh Administration Ombudsman (Jurisdiction) Order 2002 and shall come into force on 31st December 2002.

2. Schedule 9 to the Government of Wales Act 1998 shall have effect subject to the following amendments:

(a) In paragraph 14(2) of the said Schedule after "the Forestry Commissioners," insert -

"(da) the Higher Education Funding Council for Wales,

(db) the National Council for Education and Training for Wales,",

(b) In paragraph 15(1) of the said Schedule, after note 2 add -

"2A. In the case of the National Council for Education and Training for Wales no investigation may be conducted by the Welsh Administration Ombudsman in respect of action taken by virtue of paragraph 11 or 12 of Schedule 10 to the Learning and Skills Act 2000."(**b**).

(a) 1998 c.38; paragraph 14(2) of Schedule 9 was amended by section 6 (3) of, and paragraph 27 (c) of Schedule 1, to the Care Standards Act 2000 (c.14) and by section 73 (1) and (3) (a) of the Learning and Skills Act 2000 (c.21).

(b) 2000 c.21.

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

17 Rhagfyr 2002

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

17th December 2002

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the Assembly

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