CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2002 Rhif 679 (Cy.76)

ADDYSG, CYMRU

Rheoliadau Addysg (Grantiau Cyfalaf) (Cymru) 2002

NODYN ESBONIADOL

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

Mae adran 484 o Ddeddf Addysg 1996 yn galluogi Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol") i wneud rheoliadau sy'n darparu ar gyfer talu grantiau ar gyfer gwariant a dynnwyd gan awdurdodau addysg lleol at ddibenion addysgol neu mewn cysylltiad â hwy ac y mae'n ymddangos i'r Cynulliad Cenedlaethol y dylid annog yr awdurdodau hynny i'w dynnu er lles addysg yng Nghymru. Mae'r Rheoliadau hyn yn darparu ar gyfer talu grantiau o'r fath.

Mae Rheoliad 1 yn darparu ar gyfer enwi, cychwyn a chymhwyso. Mae'r Rheoliadau yn dod i rym ar 1 Ebrill 2002 ac maent yn gymwys i Gymru yn unig.

Mae Rheoliad 2 yn cynnwys diffiniadau.

Mae Rheoliad 3 yn darparu mai dim ond ar gyfer gwariant a dynnwyd neu a dynnir gan awdurdod addysg lleol at y dibenion a bennir yn yr Atodlen yn ystod blwyddyn ariannol neu mewn cysylltiad â hwy y bydd grantiau yn daladwy, a dim ond i'r graddau y mae'r gwariant wedi'i gymeradwyo am y flwyddyn honno gan y Cynulliad Cenedlaethol at ddibenion y Rheoliadau.

Mae Rheoliad 4 yn darparu yn ôl pa gyfradd y mae grantiau yn daladwy.

Mae Rheoliadau 5 i 7 yn nodi'r amodau sy'n gymwys ar gyfer talu grantiau, gan gynnwys gofynion archwilio.

Mae Rheoliad 8 yn nodi nifer o ofynion eraill y mae'n rhaid i awdurdodau addysg lleol, y mae taliadau grant wedi'u gwneud iddynt, gydymffurfio â hwy .

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2002 No. 679 (W.76)

EDUCATION, WALES

The Education (Capital Grants) (Wales) Regulations 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 484 of the Education Act 1996 enables the National Assembly for Wales ("the National Assembly") to make regulations providing for the payment of grants in respect of expenditure incurred by local education authorities for or in connection with educational purposes which it appears to the National Assembly those authorities should be encouraged to incur in the interests of education in Wales. These Regulations provide for the payment of such grants.

Regulation 1: provides for citation, commencement and application. The Regulations come into force on 1st April 2002 and apply to Wales only.

Regulation 2: contains definitions.

Regulation 3: provides for grants to be payable only in respect of expenditure incurred or due to be incurred by a local education authority for or in connection with the purposes specified in the Schedule in a financial year, and only to the extent that the expenditure is approved for that year by the National Assembly for the purposes of the Regulations.

Regulation 4: provides for the rate at which grants are payable.

Regulations 5 to 7: set out the conditions which apply in respect of the payment of grants, including audit requirements.

Regulation 8: sets out a number of other requirements which must be complied with by local education authorities to whom grant payments have been made.

Mae Rheoliad 9 yn caniatáu i'r Cynulliad Cenedlaethol osod gofynion ychwanegol.

Mae'r Atodlen yn darparu at ba ddibenion neu mewn cysylltiad â pha ddibenion y gall grantiau gael eu talu.

Regulation 9: allows the National Assembly to impose additional requirements.

Schedule: provides for the purposes for or in connection with which grants may be paid.

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2002 Rhif 679 (Cy.76)

ADDYSG, CYMRU

Rheoliadau Addysg (Grantiau Cyfalaf) (Cymru) 2002

Wedi'u gwneud	*12 Mawrth 2002*
Yn dod i rym	*1 Ebrill 2002*

Drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 484, 489 a 569(4) o Ddeddf Addysg 1996(**a**) ac sydd wedi'u breinio bellach yng Nghynulliad Cenedlaethol Cymru(**b**), mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Grantiau Cyfalaf) (Cymru) 2002 a deuant i rym ar 1 Ebrill 2002.

(2) Mae'r Rheoliadau hyn yn gymwys mewn perthynas ag awdurdodau addysg lleol yng Nghymru yn unig.

Dehongli

2.-(1) Yn y Rheoliadau hyn -

ystyr "awdurdod addysg" ("*education authority*") yw awdurdod addysg lleol yng Nghymru;

ystyr "blwyddyn ariannol" ("*financial year*") yw cyfnod o ddeuddeng mis sy'n dod i ben ar 31 Mawrth;

ystyr "y Cynulliad Cenedlaethol" ("*the National Assembly*") yw Cynulliad Cenedlaethol Cymru;

ystyr "Deddf 1996" ("*the 1996 Act*") yw Deddf Addysg 1996(**c**);

ystyr "grant" ("*grant*") yw grant sy'n daladwy o dan adran 484 o Ddeddf 1996 yn unol â'r Rheoliadau hyn;

(a) 1996 p.56; mae adrannau 484 a 489 wedi'u diwygio gan adran 140(1) o Ddeddf Safonau a Fframwaith Ysgolion 1998 a pharagraffau 125 a 126 o Atodlen 30 iddi. I gael ystyr "regulations" *gweler* adran 579(1).

(b) *Gweler* Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(c) 1996 p.56.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2002 No. 679 (W.76)

EDUCATION, WALES

The Education (Capital Grants) (Wales) Regulations 2002

Made	*12th March 2002*
Coming into force	*1st April 2002*

In exercise of the powers conferred upon the Secretary of State by sections 484, 489 and 569(4) of the Education Act 1996(**a**) and now vested in the National Assembly for Wales(**b**), the National Assembly for Wales makes the following Regulations:

Citation, commencement and application

1.-(1) These Regulations may be cited as the Education (Capital Grants) (Wales) Regulations 2002 and shall come into force on 1st April 2002.

(2) These Regulations apply in relation to local education authorities in Wales only.

Interpretation

2.-(1) In these Regulations -

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996(**c**);

"approved expenditure" ("*gwariant a gymeradwywyd*") means any expenditure which is approved as provided in regulation 3;

"determine" ("*penderfynu*") means determine by notice in writing;

"education authority" ("*awdurdod addysg*") means a local education authority in Wales;

"financial year" ("*blwyddyn ariannol*") means a

(a) 1996 c.56; sections 484 and 489 are amended by section 140(1) of, and paragraphs 125 and 126 of Schedule 30 to, the School Standards and Framework Act 1998. For the meaning of regulations *see* section 579(1).

(b) *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(c) 1996 c.56.

ystyr "gwariant a gymeradwywyd" ("*approved expenditure*") yw unrhyw wariant sydd wedi'i gymeradwyo yn unol â'r ddarpariaeth yn rheoliad 3;

ystyr "gwariant a ragnodwyd" ("*prescribed expenditure*") yw gwariant gan awdurdod addysg at unrhyw un o'r dibenion a bennir yn yr Atodlen neu mewn cysylltiad â hwy;

ystyr "penderfynu" ("*determine*") yw penderfynu drwy hysbysiad ysgrifenedig;

mae i "safle ysgol" yr ystyr a roddir i "*school site*" ym mharagraff 2(11) o Atodlen 3 i Ddeddf Safonau a Fframwaith Ysgolion 1998(**a**).

(2) Yn y Rheoliadau hyn mae cyfeiriad at reoliad yn gyfeiriad at reoliad a gynhwysir ynddynt, mae cyfeiriad mewn rheoliad at baragraff yn gyfeiriad at baragraff yn y rheoliad hwnnw, ac mae cyfeiriad at yr Atodlen yn gyfeiriad at yr Atodlen i'r Rheoliadau hyn.

Gwariant y mae grantiau yn daladwy mewn perthynas â hwy

3. Ni fydd grantiau yn daladwy ond ar gyfer gwariant a ragnodwyd ac a dynnwyd neu a dynnir yn ystod blwyddyn ariannol a dim ond i'r graddau y mae'r gwariant hwnnw wedi'i gymeradwyo am y flwyddyn honno gan y Cynulliad Cenedlaethol at ddibenion y Rheoliadau hyn.

Cyfradd y grantiau

4. Rhaid talu grantiau ar gyfer gwariant a gymeradwywyd ac a dynnwyd ar 1 Ebrill 2002 neu ar ôl hynny o'r math y cyfeirir ato yn yr Atodlen yn ôl cyfradd o 100 y cant o'r gwariant hwnnw a gymeradwywyd.

Amodau talu grantiau

5.-(1) Ni thelir grant onid yw'n ymateb i gais ysgrifenedig oddi wrth awdurdod addysg i'r Cynulliad Cenedlaethol, wedi'i ddilysu gan swyddog o'r awdurdod sy'n gyfrifol am weinyddu eu cyllid neu ddirprwy'r person hwnnw.

(2) Rhaid i geisiadau am dalu'r grant ymwneud â gwariant dros un neu ragor o'r cyfnodau a bennir ym mharagraff (3) ar ôl i'r Rheoliadau hyn ddod i rym a rhaid iddynt bennu'r gwariant a gymeradwywyd ac y gwneir cais am grant ar ei gyfer, sef gwariant a dynnwyd gan yr awdurdod addysg yn ystod pob un o'r cyfnodau hynny neu yr amcangyfrifir y bydd yn cael ei dynnu.

(3) Y cyfnodau y cyfeirir atynt ym mharagraff (2) yw -

(a) 1998 p.31.

period of twelve months ending with 31st March;

"grant" ("*grant*") means a grant payable under section 484 of the 1996 Act in pursuance of these Regulations;

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"prescribed expenditure" ("*gwariant a ragnodwyd*") means expenditure by an education authority for or in connection with any of the purposes specified in the Schedule;

"school site" ("*safle ysgol*") has the meaning given to it in paragraph 2(11) of Schedule 3 to the School Standards and Framework Act 1998(**a**).

(2) In these Regulations a reference to a regulation is a reference to a regulation contained herein, a reference in a regulation to a paragraph is a reference to a paragraph of that regulation, and a reference to the Schedule is a reference to the Schedule to these Regulations.

Expenditure in respect of which grants are payable

3. Grants shall be payable only in respect of prescribed expenditure incurred or to be incurred in a financial year and only to the extent to which that expenditure is approved for that year by the National Assembly for the purposes of these Regulations.

Rate of Grant

4. Grants in respect of approved expenditure incurred on or after 1st April 2002 of the kind referred to in the Schedule shall be payable at the rate of 100 per cent of such approved expenditure.

Conditions for payment of grant

5.-(1) No payment of grant shall be made except in response to an application in writing from an education authority to the National Assembly, authenticated by the officer of the authority responsible for the administration of their financial affairs or that person's deputy.

(2) Applications for the payment of grant shall relate to expenditure over one or more of the periods specified in paragraph (3) following the coming into force of these Regulations and shall specify the approved expenditure in respect of which grant is applied for, which has been or which it is estimated will be incurred by the education authority during each such period.

(3) The periods referred to in paragraph (2) are -

(a) 1998 c.31.

(a) o 1 Ebrill hyd at 31 Gorffennaf;

(b) o 1 Ebrill hyd at 30 Tachwedd;

(c) o 1 Rhagfyr hyd at 31 Mawrth.

(4) Rhaid i bob awdurdod addysg y talwyd grant iddo neu sy'n ceisio cael taliad grant ar gyfer gwariant a dynnwyd yn ystod unrhyw flwyddyn ariannol, wneud y canlynol cyn 31 Hydref yn ystod y flwyddyn ariannol ddilynol neu cyn gynted ag y bo'n ymarferol ar ôl y dyddiad hwnnw -

(a) cyflwyno i'r Cynulliad Cenedlaethol ddatganiad ar ffurflen safonol a ddarperir gan y Cynulliad Cenedlaethol a rhaid i'r datganiad hwnnw bennu'r gwariant a gymeradwywyd ac y mae cais wedi'i wneud neu'n cael ei wneud am grant ar ei gyfer, sef gwariant a dynnwyd gan yr awdurdod addysg yn ystod y flwyddyn honno; a

(b) sicrhau cyflwyno i'r Cynulliad Cenedlaethol dystysgrif wedi'i llofnodi gan archwilydd a benodwyd gan y Comisiwn Archwilio i Awdurdodau Lleol a'r Gwasanaeth Iechyd Gwladol yng Nghymru a Lloegr i archwilio cyfrifon yr awdurdod neu unrhyw archwilydd sydd â chymhwyster i gael ei benodi yn rhinwedd adran 3(5), (6) a (7) o Ddeddf y Comisiwn Archwilio 1998(**a**) ac sy'n ardystio bod y manylion a roddwyd yn y datganiad, ym marn yr archwilydd, ac a gyflwynwyd gan yr awdurdod yn unol â'r paragraff hwn, wedi'u datgan yn deg a bod y gwariant a dynnwyd wedi'i gymeradwyo at ddibenion adran 484 o Ddeddf 1996(**b**).

(5) Ac eithrio yn ystod y flwyddyn gyntaf ar ôl i'r Rheoliadau hyn ddod i rym, ni thelir grant mewn perthynas â gwariant a dynnwyd gan awdurdod addysg yn ystod y cyfnod 1 Awst hyd at 30 Tachwedd mewn unrhyw flwyddyn neu unrhyw gyfnod ar ôl hynny os talwyd grant i'r awdurdod mewn perthynas â gwariant yn ystod blwyddyn ariannol flaenorol ac nad yw'r Cynulliad Cenedlaethol eto wedi cael tystysgrif yr archwilydd y cyfeirir ati ym mharagraff (4)(b) am y flwyddyn honno.

(6) Rhaid i unrhyw dandaliad neu ordaliad o grant sy'n dal heb ei dalu ar ôl cael tystysgrif yr archwilydd y cyfeirir ati ym mharagraff (4)(b), heb ragfarnu camau i adennill unrhyw ordaliad o unrhyw daliad dilynol o grant i'r awdurdod addysg, gael ei addasu â thaliad rhwng yr awdurdod a'r Cynulliad Cenedlaethol.

6. Os bydd y Cynulliad Cenedlaethol, adeg cymeradwyo gwariant at ddibenion y Rheoliadau hyn, yn mynnu gwybodaeth mewn perthynas ag unrhyw ddiben a restrir yn yr Atodlen, bydd talu'r grant, at y

(a) 1998 p.18.

(b) Mae adran 484 wedi'i diwygio gan adran 7(10) o Ddeddf Safonau a Fframwaith Ysgolion 1998 a pharagraff 125 o Atodlen 30 iddi.

(a) 1st April to 31st July;

(b) 1st August to 30th November;

(c) 1st December to 31st March.

(4) Each education authority which has received or seeks to receive a payment of grant in respect of expenditure incurred during any financial year shall, before 31st October in the following financial year or as soon as practicable after that date -

(a) submit to the National Assembly a statement on a standard form supplied by the National Assembly which shall specify the approved expenditure in respect of which grant has been or is being applied for, which has been incurred by the education authority during that year; and

(b) secure the submission to the National Assembly of a certificate signed by the auditor appointed by the Audit Commission for Local Authorities and the National Health Service in England and Wales to audit the accounts of the authority or any auditor qualified for such appointment by virtue of section 3(5), (6) and (7) of the Audit Commission Act 1998(**a**) certifying that in his or her opinion the particulars stated in the statement submitted by the authority pursuant to this paragraph are fairly stated and that the expenditure incurred was approved for the purposes of section 484 of the 1996 Act(**b**).

(5) Except in the first year after the coming into force of these Regulations, no payment of grant shall be made in respect of expenditure incurred by an education authority in the period 1st August to 30th November in any year or any subsequent period if grant was paid to the authority in respect of expenditure in a previous financial year and the National Assembly has not yet received the auditor's certificate referred to in paragraph (4)(b) for that year.

(6) Any under-payment or over-payment of grant which remains outstanding following receipt of the auditor's certificate referred to in paragraph (4)(b) shall, without prejudice to the recovery of any over-payment from any subsequent payment of grant to the education authority, be adjusted by payment between the authority and the National Assembly.

6. Where at the time of approving expenditure for the purpose of these Regulations, the National Assembly requests information in respect of any purpose listed in the Schedule, payment of grant in respect of that

(a) 1998 c.18.

(b) Section 484 is amended by section 7(10) of, and paragraph 125 of Schedule 30, to the School Standards and Framework Act 1998.

diben hwnnw yn amodol ar gynnwys yr wybodaeth honno yng nghais yr awdurdod addysg i gael taliad y grant.

7.-(1) Caiff y Cynulliad Cenedlaethol, o bryd i'w gilydd, benderfynu ar amodau pellach y bydd talu yn unol â'r Rheoliadau hyn yn ddibynnol ar eu cyflawni.

(2) Os penderfynwyd ar amodau yn unol â'r rheoliad hwn ni cheir talu grant oni fydd yr amodau hynny wedi'u cyflawni neu wedi'u tynnu'n ôl yn unol â pharagraff (3).

(3) Caiff y Cynulliad Cenedlaethol benderfynu tynnu'n ôl neu, wedi ymgynghori â'r awdurdod addysg, amrywio'r amodau y penderfynwyd arnynt yn unol â'r rheoliad hwn.

Gofynion y mae'n rhaid cydymffurfio â hwy

8. Rhaid i unrhyw awdurdod addysg y talwyd grant iddo, os bydd y Cynulliad Cenedlaethol yn ei fynnu, roi iddo unrhyw wybodaeth bellach y bydd yn ei mynnu i'w alluogi i wirio bod unrhyw grant a dalwyd wedi cael ei dalu'n briodol o dan y Rheoliadau hyn.

9. Rhaid i unrhyw awdurdod addysg y talwyd grant iddo gydymffurfio ag unrhyw ofynion (gan gynnwys gofynion sy'n ymwneud ag ad-dalu'r grant neu dalu i'r Cynulliad unrhyw symiau sy'n perthyn i werth asedau a gaffaelwyd, a ddarparwyd neu a wellhawyd drwy gymorth grant neu log ar symiau sy'n ddyledus iddo) y bydd y Cynulliad yn penderfynu arnynt yn yr achos dan sylw.

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

12 Mawrth 2002

Llywydd y Cynulliad Cenedlaethol

purpose shall be conditional on that information being included in the education authority's application for payment of grant.

7.-(1) The National Assembly may from time to time determine further conditions on the fulfilment of which the making of any payment in pursuance of these Regulations shall be dependent.

(2) Where conditions have been determined in pursuance of this regulation no grant shall be payable unless such conditions have either been fulfilled or been withdrawn in pursuance of paragraph (3).

(3) The National Assembly may determine to withdraw or, after consulting the education authority, to vary conditions determined in pursuance of this regulation.

Requirements to be complied with

8. Any education authority to whom a payment of grant has been made shall, if so required by the National Assembly, furnish it with such further information as may be required to enable it to verify that any grant paid has been properly paid under these Regulations.

9. Any education authority to whom a payment of grant has been made shall comply with such requirements (including requirements as to the repayment of grant or the payment to the National Assembly of other sums related to the value of assets acquired, provided or improved with the aid of grant or interest on sums due to it) as may be determined by the National Assembly in the case in question.

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

12th March 2002

D. Elis-Thomas

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

YR ATODLEN

Rheoliadau 2 a 3

Y DIBENION Y MAE GRANTIAU YN DALADWY AR EU CYFER NEU MEWN CYSYLLTIAD Â HWY

Gwella safleoedd ysgolion, gan gynnwys -

(a) gwella, adnewyddu neu amnewid adeiladau, celfi ac offer (heblaw offer technoleg gwybodaeth a chyfathrebu) a ddefnyddir at ddibenion addysgol;

(b) darparu ceblau ar gyfer offer technoleg gwybodaeth a chyfathrebu a'u gosod fel rhan o wella, adnewyddu neu amnewid o'r fath (ond nid darparu'r offer ei hun a'i osod); ac

(c) darparu offer diogelwch.

SCHEDULE

Regulations 2 and 3

PURPOSES FOR OR IN CONNECTION WITH WHICH GRANTS ARE PAYABLE

The improvement of school sites, including -

(a) the improvement, renovation or replacement of buildings, furniture and equipment (other than information and communications technology equipment) used for educational purposes;

(b) the provision and installation of cabling for information and communications technology equipment as part of such improvement, renovation or replacement (but not the provision and installation of equipment itself); and

(c) the provision of security equipment.

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