



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 2961 (Cy.278) (C.108)

2003 No. 2961 (W.278) (C.108)

ADDYSG, CYMRU

EDUCATION, WALES

**Gorchymyn Deddf Addysg 2002
(Cychwyn Rhif 3) (Cymru)
2003**

**The Education Act 2002
(Commencement No. 3) (Wales)
Order 2003**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn dwyn i rym ar 1 Rhagfyr 2003, 4 Rhagfyr 2003, 1 Ionawr 2004 a 9 Ionawr 2004 y darpariaethau hynny yn Neddf Addysg 2002 a bennir yn Rhannau I, II, III a IV o'r Atodlen i'r Gorchymyn hwn.

This Order brings into force on 1st December 2003, 4th December 2003, 1st January 2004 and 9th January 2004 those provisions of the Education Act 2002 specified in Parts I, II, III and IV of the Schedule to this Order.

Mae'r cyfeiriadau isod at adrannau ac Atodlenni (heb fanylion pellach) yn gyfeiriadau at adrannau o Ddeddf Addysg 2002 a'r Atodlenni iddi.

References below to sections and Schedules (without more) are references to sections of and Schedules to the Education Act 2002.

Yn achos darpariaethau sy'n cael eu dwyn i rym gan y Gorchymyn hwn ac sy'n diwygio deddfwriaeth sy'n bodoli eisoes, mae'r cyfeiriadau at yr Ysgrifennydd Gwladol yn y darpariaethau hynny i'w darllen, mewn perthynas â Chymru, fel cyfeiriadau at Gynulliad Cenedlaethol Cymru - gweler adran 211.

In the case of provisions brought into force by this Order which amend existing legislation, references to the Secretary of State in those provisions are to be read, in relation to Wales, as references to the National Assembly for Wales - see section 211.

Dyma fydd effaith y darpariaethau a bennir yn Rhan I o'r Atodlen -

The effect of the provisions specified in Part I of the Schedule is as follows -

Mae adran 46 yn mewnosod adran 85A newydd o Ddeddf Safonau a Fframwaith Ysgolion 1998 ("Deddf 1998"), yn ei gwneud yn ofynnol i AALlau sefydlu fforymau derbyn yn unol â rheoliadau sydd i'w gwneud gan Gynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"). Bydd y fforymau yn cynghori AALlau ar faterion sy'n ymwneud â derbyniadau ysgol.

Section 46 inserts a new section 85A of the School Standards and Framework Act 1998 ("the 1998 Act"), requiring LEAs to establish admission forums in accordance with regulations to be made by the National Assembly for Wales ("the National Assembly"). The forums will advise LEAs on matters relating to school admissions.

Mae adran 188 a pharagraffau 1 i 3 o Atodlen 16 yn diwygio Deddf Arolygiadau Ysgolion 1996 er mwyn ei gwneud yn ofynnol i Brif Arolygydd Cymru roi gwybod i'r Cynulliad Cenedlaethol am ansawdd arweinyddiaeth

Section 188 and paragraphs 1 to 3 of Schedule 16 amend the School Inspections Act 1996 so as to require the Chief Inspector for Wales to keep the National Assembly informed of the quality of the leadership in, and management of, schools in Wales, including whether

mewn ysgolion yng Nghymru a rheolaeth arnynt, gan gynnwys a ydyw'r adnoddau ariannol yn cael eu rheoli'n effeithiol. Mae'r wybodaeth hon hefyd i gael ei chynnwys mewn adroddiad gan arolygydd cofrestredig sy'n cynnal arolygiad o'r ysgol.

Dyma fydd effaith y darpariaethau a bennir yn Rhan II o'r Atodlen -

Mae adran 41 yn mewnosod adran 45A newydd o Ddeddf 1998 sy'n ymwneud â threfniadau cyllido ar gyfer AALlau ac ysgolion. Cyflwynir diffiniadau newydd o "LEA budget" a "schools budget". Bydd rheoliadau yn nodi'r manylion.

Mae adran 42 yn mewnosod adrannau 45B a 45C newydd o Ddeddf 1998 sy'n galluogi'r Cynulliad Cenedlaethol i osod lleiafswm cyllideb ysgolion ar gyfer AALl os yw'r gyllideb a gynigir gan yr AALl yn annigonol neu os yw'r AALl wedi methu hysbysu'r Cynulliad Cenedlaethol o'i gyllideb arfaethedig.

Mae adran 215 ac Atodlenni 21 a 22 yn gwneud mân ddiwygiadau canlyniadol a diddymadau.

Dyma fydd effaith y darpariaethau a bennir yn Rhan III o'r Atodlen -

Mae adrannau 157 i 171 yn darparu ar gyfer system newydd i reoleiddio ysgolion annibynnol. Bydd rheoliadau a wneir gan y Cynulliad Cenedlaethol o dan adran 157 yn nodi'r safonau y bydd angen i ysgolion annibynnol eu bodloni. Mae adran 158 yn darparu ar gyfer parhau cofrestr o ysgolion annibynnol sydd i'w gadw gan y Cynulliad Cenedlaethol. Mae adran 159 yn ei gwneud yn dramgwydd i redeg ysgol annibynnol na chofrestrwyd mohoni ac mae'n rhoi hawl i'r Prif Arolygydd Addysg a Hyfforddiant yng Nghymru fynd ar dir ac i adeiladau.

Mae adran 160 yn nodi'r wybodaeth sydd i'w chynnwys gan berchennog ysgol mewn cais i gofrestru a darparu ar gyfer y Prif Arolygydd i arolygu'r ysgol. Bydd y Cynulliad Cenedlaethol yn penderfynu o dan adran 161 a ydyw'r ysgol yn bodloni safonau'r ysgolion annibynnol oc os ydyw bydd yn cofrestru'r ysgol. O dan adran 162 gall y Cynulliad Cenedlaethol dynnu ysgol o'r gofrestr os bu newid perchennog, newid cyfeiriad neu newid penodedig mewn perthynas â'r disgyblion neu'r llety, ac na chafodd y newid hwnnw ei gymeradwyo. Mae adran 162 hefyd yn gwneud darpariaeth mewn perthynas â cheisiadau ar gyfer cymeradwyaeth. Mae adrannau 163 a 164 yn gwneud darpariaeth mewn perthynas ag arolygu ysgolion

financial resources are managed efficiently. This information is also to be included in a report by a registered inspector conducting an inspection of a school.

The effect of the provisions specified in Part II of the Schedule is as follows -

Section 41 inserts a new section 45A of the the 1998 Act which relates to the funding arrangements for LEAs and schools. New definitions of "LEA budget" and "schools budget" are introduced. Regulations will set out the details.

Section 42 inserts new sections 45B and 45C of the 1998 Act which enable the National Assembly to set a minimum schools budget for an LEA if the budget proposed by the LEA is inadequate or if the LEA have failed to notify the National Assembly of their proposed budget.

Section 215 and Schedules 21 and 22 make minor and consequential amendments and repeals.

The effect of the provisions specified in Part III of the Schedule is as follows -

Sections 157 to 171 provide for a new system for regulating independent schools. Regulations made by the National Assembly under section 157 will set out the standards independent schools will be required to meet. Section 158 provides for the continuation of the register of independent schools which is to be kept by the National Assembly. Section 159 makes it an offence to run an independent school which is not registered and gives the Chief Inspector for Education and Training in Wales rights of entry to premises.

Section 160 sets out the information to be included by a proprietor of a school in an application for registration and provides for the Chief Inspector to inspect the school. The National Assembly will decide under section 161 whether the school meets the independent school standards in which case it will register the school. Under section 162 the National Assembly can remove a school from the register if there has been a change of proprietor, a change of address or a specified change in relation to the pupils or accommodation, and that change has not been approved. Section 162 also makes provision in relation to applications for approval. Sections 163 and 164 make provision in relation to inspections of independent schools and inspection reports. Section 165 provides that

annibynnol ac adroddiadau arolygu. Mae adran 165 yn darparu os nad yw ysgol yn bodloni safonau'r ysgolion annibynnol gall y Cynulliad Cenedlaethol dynnu'r ysgol o'r gofrestr neu ei gwneud yn ofynnol i'r ysgol baratoi a gweithredu cynllun gweithredu. Mae adrannau 166 a 167 yn darparu ar gyfer hawl apelio i dribiwnlys a sefydlir o dan Ddeddf Amddiffyn Plant 1999, yn erbyn gwrthodiad i gymeradwyo newid perthnasol, penderfyniad i dynnu ysgol o'r gofrestr, gorchymyn i gymryd camau penodedig neu wrthod amrywio neu ddirymu gorchymyn o'r fath. Mae'r adrannau yn nodi'r gweithdrefnau ar gyfer gwneud apêl o'r fath a phwerau'r tribiwnlys.

Mae adran 168 yn galluogi'r Cynulliad Cenedlaethol i wneud rheoliadau yn ei gwneud yn ofynnol bod gwybodaeth am ysgol yn cael ei darparu. Mae adran 169 yn galluogi'r Cynulliad Cenedlaethol i dynnu ysgol o'r gofrestr os oes unrhyw berson yn gwneud gwaith yn yr ysgol yn groes i gyfarwyddyd neu orchymyn. Mae adran 170 yn gwneud darpariaeth mewn perthynas â chyflwyno hysbysiadau ac mae adran 171 yn cynnwys diffiniadau.

Mae adran 172 yn diwygio'r diffiniad o ysgol annibynnol yn adran 463 o Ddeddf Addysg 1996 ("Deddf 1996") er mwyn iddo yn awr gynnwys ysgol y mae ganddi o leiaf un disgybl â datganiad o anghenion addysgol arbennig neu sy'n derbyn gofal gan awdurdod lleol. Mae adran 173 yn diwygio adran 327 o Ddeddf 1996 i roi hawl mynediad i AALlau i ysgolion annibynnol i fonitro'r ddarpariaeth a wneir i blant ag anghenion addysgol arbennig. Mae adran 174 yn diwygio adran 347 o Deddf 1996 i ddarparu, pan roddir cydsyniad i leoliad plentyn mewn ysgol annibynnol, bod rhaid i'r Cynulliad Cenedlaethol gael ei fodloni bod lle ar gael yn yr ysgol.

Mae adran 215 ac Atodlenni 21 a 22 yn gwneud mân ddiwygiadau canlyniadol a diddymadau.

Dyma fydd effaith y darpariaethau a bennir yn Rhan IV o'r Atodlen -

Mae adran 51 ac Atodlen 4, paragraffau 1 a 4, yn diwygio adran 87 o Ddeddf 1998 (sy'n tynnu'r gofyniad i dderbyn plentyn a gafodd ei wahardd yn barhaol o ddwy ysgol neu fwy). Mae adran 87 o Ddeddf 1998, fel y'i diwygiwyd, yn darparu na ddylid ystyried bod plentyn wedi'i wahardd yn barhaol pe bai corff llywodraethu neu banel gwahardd wedi cyfarwyddo bod y plentyn i'w dderbyn yn ôl i'r ysgol, pe bai wedi bod yn ymarferol ac yn briodol i wneud hynny.

where a school is not meeting the independent school standards the National Assembly can remove the school from the register or require the school to prepare and implement an action plan. Sections 166 and 167 provide for a right of appeal to the tribunal established under the Protection of Children Act 1999, against a refusal to approve a material change, a decision to remove a school from the register, an order to take specified action or a refusal to vary or revoke such an order. The sections set out the procedures for making such an appeal and the powers of the tribunal.

Section 168 enables the National Assembly to make regulations requiring information about a school to be provided. Section 169 enables the National Assembly to remove a school from the register if any person is carrying out work at the school in contravention of a direction or order. Section 170 makes provision in relation to the service of notices and section 171 contains definitions.

Section 172 amends the definition of independent school in section 463 of the Education Act 1996 ("the 1996 Act") so that it now includes a school which has at least one pupil with a statement of special educational needs or who is looked after by a local authority. Section 173 amends section 327 of the 1996 Act to give LEAs a right of access to independent schools to monitor provision made for children with special educational needs. Section 174 amends section 347 of the 1996 Act to provide that when giving consent to the placement of a child at an independent school, the National Assembly must be satisfied that there is a place available at the school.

Section 215 and Schedules 21 and 22 make minor and consequential amendments and repeals.

The effect of the provisions specified in Part IV of the Schedule is as follows -

Section 51 and Schedule 4, paragraphs 1 and 4, amend section 87 of the 1998 Act (which removes the requirement to admit a child who has been permanently excluded from two or more schools). Section 87 of the 1998 Act, as amended, provides that a child is not to be regarded as permanently excluded if a governing body or exclusion panel would have directed that the child be reinstated, had it been practical and appropriate to do so.

Mae adran 52(1) i (6) yn rhoi'r pŵer i bennaeth ysgol a gynhelir, a'r athro neu'r athrawes sydd â gofal uned cyfeirio disgyblion, i wahardd disgybl ar sail disgyblu. Mae'r gweithdrefnau mewn perthynas â gwahardd, derbyn yn ôl ac apelau i'w nodi mewn rheoliadau a wneir gan y Cynulliad Cenedlaethol.

Mae adran 207 yn ailddeddfu adran 492 o Ddeddf 1996 a darparu i'r Cynulliad Cenedlaethol wneud rheoliadau mewn perthynas ag adennill rhwng awdurdodau. Mae adran 208 yn trosglwyddo'r pŵer i'r Cynulliad Cenedlaethol i wneud rheoliadau o dan adran 493 o Ddeddf 1996, sy'n ymwneud ag adennill mewn perthynas â disgyblion wedi'u gwahardd yn barhaol.

Mae adran 215 ac Atodlenni 21 a 22 yn gwneud mân ddiwygiadau canlyniadol a diddymadau.

Section 52(1) to (6) gives the head teacher of a maintained school, and the teacher in charge of a pupil referral unit, the power to exclude a pupil on disciplinary grounds. The procedures in relation to exclusion, reinstatement and appeals are to be set out in regulations made by the National Assembly.

Section 207 re-enacts section 492 of the 1996 Act and provides for the National Assembly to make regulations in relation to inter-authority recoupment. Section 208 transfers to the National Assembly the power to make regulations under section 493 of the 1996 Act, which deals with recoupment in relation to permanently excluded pupils.

Section 215 and Schedules 21 and 22 make minor and consequential amendments and repeals.

NODYN YNGHYLCH GORCHMYNION CYCHWYN CYNHARACH

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

Mae darpariaethau canlynol Deddf Addysg 2002 wedi'u dwyn i rym mewn perthynas â Chymru trwy orchymyn cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Education Act 2002 have been brought into force in relation to Wales by commencement order made before the date of this Order:

<i>Y ddarpariaeth</i>	<i>Y Dyddiad Cychwyn</i>	<i>Rhif O.S.</i>	<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Adrannau 14 i 17	31 Mawrth 2003	2002/3185 (Cy.301)	Sections 14 to 17	31st March 2003	2002/3185 (W.301)
Adran 18(2)	31 Mawrth 2003	2002/3185 (Cy.301)	Section 18(2)	31st March 2003	2002/3185 (W.301)
Adran 19(6) (yn rhannol)	1 Medi 2003	2003/1718 (Cy.185)	Section 19(6) (partially)	1st September 2003	2003/1718 (W.185)
Adrannau 27 a 28	1 Medi 2003	2003/1718 (Cy.185)	Sections 27 and 28	1st September 2003	2003/1718 (W.185)
Adran 29	1 Medi 2003	2003/1718 (Cy.185)	Section 29	1st September 2003	2003/1718 (W.185)
Adran 40 (yn rhannol)	1 Medi 2003	2003/1718 (Cy.185)	Section 40 (partially)	1st September 2003	2003/1718 (W.185)
Adran 43	1 Tachwedd 2003	2003/1718 (Cy.185)	Section 43	1st November 2003	2003/1718 (W.185)
Adran 49	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 49	19th December 2002	2002/3185 (W.301)
Adrannau 54 i 56	19 Rhagfyr 2002	2002/3185 (Cy.301)	Sections 54 to 56	19th December 2002	2002/3185 (W.301)
Adrannau 60 i 64	1 Awst 2003	2003/1718 (Cy.185)	Sections 60 to 64	1st August 2003	2003/1718 (W.185)

Adran 75 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 75 (partially)	19th December 2002	2002/3185 (W.301)
Adrannau 97 a 98	19 Rhagfyr 2002	2002/3185 (Cy.301)	Sections 97 and 98	19th December 2002	2002/3185 (W.301)
Adran 99(1)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 99(1)	19th December 2002	2002/3185 (W.301)
Adran 100 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 100 (partially)	19th December 2002	2002/3185 (W.301)
Adran 101 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 101 (partially)	19th December 2002	2002/3185 (W.301)
Adran 103	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 103	19th December 2002	2002/3185 (W.301)
Adrannau 105 i 107	19 Rhagfyr 2002	2002/3185 (Cy.301)	Sections 105 to 107	19th December 2002	2002/3185 (W.301)
Adran 108 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 108 (partially)	19th December 2002	2002/3185 (W.301)
Adran 109	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 109	19th December 2002	2002/3185 (W.301)
Adrannau 111 i 118	19 Rhagfyr 2002	2002/3185 (Cy.301)	Sections 111 to 118	19th December 2002	2002/3185 (W.301)
Adran 119	1 Hydref 2002	2002/2439	Section 119	1st October 2002	2002/2439
Adran 120(1) a (3) i (5)	1 Hydref 2002	2002/2439	Section 120(1) and (3) to (5)	1st October 2002	2002/2439
Adran 120(2)	1 Awst 2003	2003/1667	Section 120(2)	1st August 2003	2003/1667
Adran 121	1 Hydref 2002	2002/2439	Section 121	1st October 2002	2002/2439
Adran 122 i 129	1 Awst 2003	2003/1667	Section 122 to 129	1st August 2003	2003/1667
Adran 130 (yn rhannol)	1 Hydref 2002	2002/2439	Section 130 (partially)	1st October 2002	2002/2439
(yn llawn)	1 Awst 2003	2003/1667	(fully)	1st August 2003	2003/1667
Adran 131	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 131	19th December 2002	2002/3185 (W.301)
Adrannau 132 a 133	19 Rhagfyr 2002	2002/3185 (Cy.301)	Sections 132 and 133	19th December 2002	2002/3185 (W.301)
Adran 134 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 134 (partially)	19th December 2002	2002/3185 (W.301)
Adran 135	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 135	19th December 2002	2002/3185 (W.301)
Adrannau 136 i 140	1 Medi 2003	2003/1718 (Cy.185)	Sections 136 to 140	1st September 2003	2003/1718 (W.185)
Adran 141	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 141	19th December 2002	2002/3185 (W.301)
Adrannau 142 i 144	31 Mawrth 2003	2002/3185 (Cy.301)	Sections 142 to 144	31st March 2003	2002/3185 (W.301)
Adran 145	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 145	19th December 2002	2002/3185 (W.301)

Adran 146 (yn rhannol)	31 Mawrth 2003	2002/3185 (Cy.301)	Section 146 (partially)	31st March 2003	2002/3185 (W.301)
Adran 148 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 148 (partially)	19th December 2002	2002/3185 (W.301)
Adran 149	31 Mawrth 2003	2002/3185 (Cy.301)	Section 149	31st March 2003	2002/3185 (W.301)
Adran 150	31 Mawrth 2003	2002/3185 (Cy.301)	Section 150	31st March 2003	2002/3185 (W.301)
Adran 151(2)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 151(2)	19th December 2002	2002/3185 (W.301)
Adran 152 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 152 (partially)	19th December 2002	2002/3185 (W.301)
Adran 178(1) a (4)	1 Awst 2003	2003/1718 (Cy.185)	Section 178 (1) and (4)	1st August 2003	2003/1718 (W.185)
Adran 179 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 179 (partially)	19th December 2002	2002/3185 (W.301)
Adran 180	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 180	19th December 2002	2002/3185 (W.301)
Adrannau 181 i 185	1 Medi 2003	2003/1718 (Cy. 185)	Sections 181 to 185	1st September 2003	2003/1718 (W.185)
Adran 188 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 188 (partially)	19th December 2002	2002/3185 (W.301)
Adran 189 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 189 (partially)	19th December 2002	2002/3185 (W.301)
Adrannau 191 i 194	19 Rhagfyr 2002	2002/3185 (Cy.301)	Sections 191 to 194	19th December 2002	2002/3185 (W.301)
Adran 195 (yn rhannol)	31 Mawrth 2003	2002/3185 (Cy.301)	Section 195 (partially)	31st March 2003	2002/3185 (W.301)
(yn llawn)	1 Medi 2003	2002/3185 (Cy.301)	(fully)	1st September 2003	2002/3185 (W.301)
Adran 196	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 196	19th December 2002	2002/3185 (W.301)
Adran 197	1 Medi 2003	2003/1718 (Cy.185)	Section 197	1st September 2003	2003/1718 (W.185)
Adran 199	1 Medi 2003	2003/1718 (Cy.185)	Section 199	1st September 2003	2003/1718 (W.185)
Adran 200	31 Mawrth 2003	2002/3185 (Cy.301)	Section 200	31st March 2003	2002/3185 (W.301)
Adran 201 (yn rhannol)	31 Mawrth 2003	2002/3185 (Cy.301)	Section 201 (partially)	31st March 2003	2002/3185 (W.301)
Adrannau 202 a 203	1 Medi 2003	2003/1718 (Cy.185)	Sections 202 and 203	1st September 2003	2003/1718 (W.185)
Adran 206	1 Medi 2003	2003/1718 (Cy.185)	Section 206	1st September 2003	2003/1718 (W.185)
Adran 215 (yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	Section 215 (partially)	19th December 2002	2002/3185 (W.301)

(yn rhannol)	31 Mawrth 2003	2002/3185 (Cy.301)	(partially)	31st March 2003	2002/3185 (W.301)
(yn rhannol)	1 Awst 2003	2003/1718 (Cy.185) a 2003/1667	(partially)	1st August 2003	2003/1718 (W.185) and 2003/1667
(yn rhannol)	1 Medi 2003	2002/3185 (Cy.301) a 2003/1718 (Cy.185)	(partially)	1st September 2003	2002/3185 (W.301) and 2003/1718 (W.185)
Atodlen 1, paragraff 3 (yn rhannol)	1 Medi 2003	2003/1718 (Cy.185)	Schedule 1, paragraph 3 (partially)	1st September 2003	2003/1718 (W.185)
Atodlen 3, paragraffau 1 i 5	1 Medi 2003	2003/1718 (Cy.185)	Schedule 3, paragraphs 1 to 5	1st September 2003	2003/1718 (W.185)
Atodlen 5	19 Rhagfyr 2002	2002/3185 (Cy.301)	Schedule 5	19th December 2002	2002/3185 (W.301)
Atodlen 10, paragraffau 1, 6, 11 a 15	19 Rhagfyr 2002	2002/3185 (Cy.301)	Schedule 10, paragraphs 1, 6, 11 and 15	19th December 2002	2002/3185 (W.301)
Atodlen 11	1 Hydref 2002	2002/2439	Schedule 11	1st October 2002	2002/2439
Atodlen 12, paragraffau 1, 2, 4(1) a (3), 6 a 7,	19 Rhagfyr 2002	2002/3185 (Cy.301)	Schedule 12, paragraphs 1, 2, 4(1) and (3), 6 and 7,	19th December 2002	2002/3185 (W.301)
Paragraff 12(1) a (2)	31 Mawrth 2003	2002/3185 (Cy.301)	Paragraph 12(1) and (2)	31st March 2003	2002/3185 (W.301)
Atodlen 13, paragraffau 1 i 3, 5, 6, 7(1) a (3) ac 8	19 Rhagfyr 2002	2002/3185 (Cy.301)	Schedule 13, paragraphs 1 to 3, 5, 6, 7(1) and (3) and 8	19th December 2002	2002/3185 (W.301)
Atodlen 16, paragraffau 4 i 9	19 Rhagfyr 2002	2002/3185 (Cy.301)	Schedule 16, paragraphs 4 to 9	19th December 2002	2002/3185 (W.301)
Atodlen 17, paragraffau 5(1) i (4), (6) a 6 i 8	19 Rhagfyr 2002	2002/3185 (Cy.301)	Schedule 17, paragraphs 5(1) to (4), (6) and 6 to 8	19th December 2002	2002/3185 (W.301)
Atodlen 18, paragraffau 1, 4, 5 a 7,	31 Mawrth 2003	2002/3185 (Cy.301)	Schedule 18, paragraphs 1, 4, 5 and 7,	31st March 2003	2002/3185 (W.301)
Paragraff 8 (yn rhannol),	31 Mawrth 2003	2002/3185 (Cy.301)	Paragraph 8 (partially),	31st March 2003	2002/3185 (W.301)
Paragraffau 13 i 15,	31 Mawrth 2003	2002/3185 (Cy.301)	Paragraphs 13 to 15,	31st March 2003	2002/3185 (W.301)
Paragraffau 2, 3, 6, 8 (yn llawn), 9 i 12 ac 16 i 18	1 Medi 2003	2002/3185 (Cy.301)	Paragraphs 2, 3, 6, 8 (fully), 9 to 12 and 16 to 18	1st September 2003	2002/3185 (W.301)
Atodlen 19	1 Medi 2003	2003/1718 (Cy.185)	Schedule 19	1st September 2003	2003/1718 (W.185)
Atodlen 20	1 Medi 2003	2003/1718 (Cy.185)	Schedule 20	1st September 2003	2003/1718 (W.185)

Atodlen 21 (yn rhannol)	1 Hydref 2002	2002/2439	Schedule 21 (partially)	1st October 2002	2002/2439
(yn rhannol)	19 Rhagfyr 2002	2002/3185 (Cy.301)	(partially)	19th December 2002	2002/3185 (W.301)
(yn rhannol)	31 Mawrth 2003	2002/3185 (Cy.301)	(partially)	31st March 2003	2002/3185 (W.301)
(yn rhannol)	1 Awst 2003	2003/1667	(partially)	1st August 2003	2003/1667
(yn rhannol)	1 Medi 2003	2003/1718 (Cy.185)	(partially)	1st September 2003	2003/1718 (W.185)
Atodlen 22 (yn rhannol)	1 Hydref 2002	2002/2439	Schedule 22 (partially)	1st October 2002	2002/2439
(yn rhannol)	9 Rhagfyr 2002	2002/3185 (Cy.301)	(partially)	9th December 2002	2002/3185 (W.301)
(yn rhannol)	31 Mawrth 2003	2002/3185 (Cy.301)	(partially)	31st March 2003	2002/3185 (W.301)
(yn rhannol)	1 Awst 2003	2003/1718 (Cy.185)	(partially)	1st August 2003	2003/1718 (W.185)
(yn rhannol)	1 Medi 2003	2002/3185 (Cy.301), 2003/1718 (Cy.185) a 2003/1667	(partially)	1st September 2003	2002/3185 (W.301), 2003/1718 (W.185) and 2003/1667

Mae amryw o ddarpariaethau Deddf Addysg 2002 wedi'u dwyn i rym mewn perthynas â Lloegr gan yr Offerynnau Statudol canlynol: O.S. 2002/2002 (fel y'i diwygiwyd gan O.S. 2002/2018), O.S. 2002/2439, O.S. 2002/2952, O.S. 2003/124, O.S. 2003/1115, O.S. 2003/1667 ac O.S. 2003/2071.

Various provisions of the Education Act 2002 have been brought into force in relation to England by the following Statutory Instruments: S.I. 2002/2002 (as amended by S.I. 2002/2018), S.I. 2002/2439, S.I. 2002/2952, S.I. 2003/124, S.I. 2003/1115, S.I. 2003/1667 and S.I. 2003/2071.

2003 Rhif 2961 (Cy.278) (C.108)

ADDYSG, CYMRU

**Gorchymyn Deddf Addysg 2002
(Cychwyn Rhif 3) (Cymru)
2003**

Wedi'i wneud

18 Tachwedd 2003

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pŵer a roddwyd iddo gan adran 216, (4)(b) a (5) o Ddeddf Addysg 2002(a), drwy hyn yn gwneud y Gorchymyn canlynol:

Enwi, cymhwyso a dehongli

1. Enw'r Gorchymyn hwn yw Gorchymyn Deddf Addysg 2002 (Cychwyn Rhif 3) (Cymru) 2003.

2. Mae'r darpariaethau sy'n cael eu dwyn i rym gan y Gorchymyn hwn yn cael eu dwyn i rym mewn perthynas â Chymru yn unig.

3. Yn y Gorchymyn hwn, oni nodir fel arall, mae cyfeiriadau at Rannau, adrannau ac Atodlenni yn gyfeiriadau at Rannau ac adrannau o Ddeddf Addysg 2002 a'r Atodlenni iddi.

Diwrnodau penodedig

4. 1 Rhagfyr 2003 yw'r diwrnod penodedig i'r darpariaethau a bennir yn Rhan I o'r Atodlen i'r Gorchymyn hwn ddod i rym.

5. 4 Rhagfyr 2003 yw'r diwrnod penodedig i'r darpariaethau a bennir yn Rhan II o'r Atodlen i'r Gorchymyn hwn ddod i rym.

6. 1 Ionawr 2004 yw'r diwrnod penodedig i'r darpariaethau a bennir yn Rhan III o'r Atodlen i'r Gorchymyn hwn ddod i rym.

7. 9 Ionawr 2004 yw'r diwrnod penodedig i'r darpariaethau a bennir yn Rhan IV o'r Atodlen i'r Gorchymyn hwn ddod i rym.

(a) 2002 p.32.

2003 No. 2961 (W.278) (C.108)

EDUCATION, WALES

**The Education Act 2002
(Commencement No. 3) (Wales)
Order 2003**

Made

18th November 2003

The National Assembly for Wales, in exercise of the power conferred upon it by section 216, (4)(b) and (5) of the Education Act 2002(a), hereby makes the following Order:

Name, application and interpretation

1. This Order is called Education Act 2002 (Commencement No. 3) (Wales) Order 2003.

2. Provisions brought into force by this Order are brought into force only in relation to Wales.

3. In this Order, unless otherwise stated, references to Parts, sections and Schedules are references to Parts and sections of and Schedules to the Education Act 2002.

Appointed days

4. The day appointed for the coming into force of the provisions specified in Part I of the Schedule to this Order is 1st December 2003.

5. The day appointed for the coming into force of the provisions specified in Part II of the Schedule to this Order is 4th December 2003.

6. The day appointed for the coming into force of the provisions specified in Part III of the Schedule to this Order is 1st January 2004.

7. The day appointed for the coming into force of the provisions specified in Part IV of the Schedule to this Order is 9th January 2004.

(a) 2002 c.32.

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

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

18 Tachwedd 2003

18th November 2003

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

YR ATODLEN**SCHEDULE**

Erthyglau 4, 5, 6 a 7

Articles 4, 5, 6 and 7

RHAN I**PART I**

Darpariaethau sy'n dod i rym ar 1 Rhagfyr 2003

Provisions coming into force on 1st December 2003

<i>Y ddarpariaeth</i>	<i>Y pwnc</i>	<i>Provision</i>	<i>Subject matter</i>
Adran 46	Fforymau Derby	Section 46	Admission Forums
Adran 188 i'r graddau y mae'n ymwneud â darpariaethau Atodlen 16 isod	Arolygiadau ysgolion	Section 188 in so far as in so far as it relates to the provisions of Schedule 16 below	School inspections
Atodlen 16, paragraffau 1 i 3	Diwygiadau i Ddeddf Arolygiadau Ysgolion 1996	Schedule 16, paragraphs 1 to 3	Amendments of School Inspections Act 1996

RHAN II**PART II**

Darpariaethau sy'n dod i rym ar 4 Rhagfyr 2003

Provisions coming into force on 4th December 2003

<i>Y ddarpariaeth</i>	<i>Y pwnc</i>	<i>Provision</i>	<i>Subject matter</i>
Adran 41	Penderfyniad cyllideb benodedig yr AAL1	Section 41	Determination of specified budgets of LEA
Adran 42	Pŵer yr Ysgrifennydd Gwladol i osod lleiafswm cyllideb ysgolion	Section 42	Power of Secretary of State to set minimum schools budget
Adran 215(1) i'r graddau y mae'n ymwneud â darpariaethau Atodlen 21 isod	Mân ddiwygiadau a diwygiadau canlyniadol	Section 215(1) in so far as it relates to the provisions of Schedule 21 below	Minor and consequential amendments
Adran 215(2) i'r graddau y mae'n ymwneud â darpariaethau Atodlen 22 isod	Diddymiadau	Section 215(2) in so far as it relates to the provisions of Schedule 22 below	Repeals
Atodlen 21,	Mân ddiwygiadau a diwygiadau canlyniadol	Schedule 21,	Minor and consequential amendments
Paragraff 100 (1) a (2),		Paragraph 100 (1) and (2),	
Paragraff 113 i'r graddau nad yw eisoes mewn grym ac eithrio is-baragraffau (a), (b) ac (f),		Paragraph 113 in so far as not already in force except sub-paragraphs (a), (b) and (f),	

Paragraff 125,
Yn Atodlen 22,
Rhan 3, diddymu -

Deddf Safonau a
Fframwaith Ysgolion
1998(a),

Adran 46,

Yn adran 143, y cofnod
mewn perthynas â
"local schools budget".

Diddymiadau

Paragraph 125,

In Schedule 22, Part 3, Repeals
the repeal of -

School Standards and
Framework Act 1998(a),

Section 46,

In section 143,
the entry in relation to
local schools budget.

RHAN III

PART III

Darpariaethau sy'n dod i rym ar 1 Ionawr 2004

Provisions coming into force on 1st January 2004

<i>Y ddarpariaeth</i>	<i>Y pwnc</i>	<i>Provision</i>	<i>Subject matter</i>
Adrannau 157 i 171	Rheoleiddio ysgolion annibynnol	Sections 157 to 171	Regulation of independent schools
Adrannau 172 i 174	Ysgolion annibynnol: plant ag anghenion addysgol arbennig	Sections 172 to 174	Independent schools: children with special educational needs
Adran 215(1) i'r graddau y mae'n ymwneud â darpariaethau Atodlen 21 isod	Mân ddiwygiadau a diwygiadau canlyniadol	Section 215(1) in so far as it relates to the provisions of Schedule 21 below	Minor and consequential amendments
Adran 215(2) i'r graddau y mae'n ymwneud â darpariaethau Atodlen 22 isod	Diddymiadau	Section 215(2) in so far as it relates to the provisions of Schedule 22 below	Repeals
Atodlen 21	Mân ddiwygiadau a diwygiadau canlyniadol	Schedule 21,	Minor and consequential amendments
Paragraff 122(b), Yn Atodlen 22, Rhan 3, diddymu -	Diddymiadau	Paragraph 122(b), In Schedule 22, Part 3, the repeal of -	Repeals
Deddf Pensiynau ac Ymddeoliad Barnwyr 1993(b), yn Atodlen 5, y cyfeiriad at "Chairman of an Independent Schools Tribunal", yn Atodlen 7, paragraff 5(5) (xxvii),		Judicial Pensions and Retirement Act 1993(b), in Schedule 5, the reference to "Chairman of an Independent Schools Tribunal", in Schedule 7, paragraph 5(5) (xxvii),	

(a) 1998 p.31.

(b) 1993 p.8.

(a) 1998 c.31.

(b) 1993 c.8.

Deddf Addysg 1996,
adrannau 464 i 478,
adran 537(9) a (10),
yn adran 568, yn
is-adran (2) y geiriau
"section 468, 471(1)
and 474", yn is-adran
(3) y geiriau o
"section 354(6)" hyd at
"401" ac is-adran (4),
yn adran 580, y
cofnodion sy'n ymwneud
â "register, registration;
registered school; Registrar
of Independent Schools",
Atodlen 34,

Deddf Arolygiadau
Ysgolion 1996(a),
yn adran 10, is-adran
(3)(e) ac, yn is-adran (4B),
paragraff (f) a'r "or"
blaenorol,
yn adran 11(5),
ym mharagraff (a), "e",
yn adran 20(3), paragraff
(b) a'r "or" blaenorol,
yn adran 21, yn is-adran
(4), paragraff (b) a'r "or"
blaenorol,
yn Atodlen 3, yn y
diffiniad o "appropriate
authority" ym mharagraff 1,
ym mharagraff (c), "e",

Deddf Addysgu ac Addysg
Uwch 1998(b),
yn adran 3, is-adran
(3)(c),

Deddf Safonau Gofal
2000(c),
Adran 100,
yn Atodlen 4, paragraff 24.

Education Act 1996,
sections 464 to 478,
section 537(9) and (10),
in section 568, in
subsection (2) the words
"section 468, 471(1) and
474", in subsection (3)
the words from "section
354(6)" to "401" and
subsection (4),
in section 580, the entries
relating to register,
registration; registered
school; Registrar of
Independent Schools,
Schedule 34,

School Inspections Act
1996(a),
in section 10,
subsection (3)(e) and, in
subsection (4B), paragraph
(f) and the preceding
"or", in section 11(5), in
paragraph (a), "e",
in section 20(3), paragraph
(b) and the preceding "or",
in section 21, in subsection
(4), paragraph (b) and the
preceding "or",
in Schedule 3, in the
definition of "appropriate
authority" in paragraph 1,
in paragraph (c), "e",

Teaching and Higher
Education Act 1998(b),
in section 3, subsection
(3)(c),

Care Standards Act
2000(c),
section 100,
in Schedule 4, paragraph 24.

(a) 1996 p.57.

(b) 1998 p.30.

(c) 2000 p.14.

(a) 1996 c.57.

(b) 1998 c.30.

(c) 2000 c.14.

RHAN IV**PART IV**

Darpariaethau sy'n dod i rym ar 9 Ionawr 2004

Provisions coming into force on 9th January 2004

<i>Y ddarpariaeth</i>	<i>Y pwnc</i>	<i>Provision</i>	<i>Subject matter</i>
Adran 51 i'r graddau y mae'n ymwneud â darpariaethau Atodlen 4 isod	Plant sydd wedi'u gwahardd yn barhaol o ddwy ysgol neu fwy	Section 51 in so far as it relates to the provisions of Schedule 4 below	Children permanently excluded from two or more schools
Adran 52(1) i (6)	Gwaharddiadau	Section 52(1) to (6)	Exclusions
Adran 207	Adennill: addasu rhwng awdurdodau addysg lleol	Section 207	Recoupment: adjustment between local education authorities
Adran 208	Adennill: achosion arbennig	Section 208	Recoupment: special cases
Adran 215(1) i'r graddau y mae'n ymwneud â darpariaethau Atodlen 21 isod	Mân ddiwygiadau a diwygiadau canlyniadol	Section 215(1) in so far as it relates to the provisions of Schedule 21 below	Minor and consequential amendments
Adran 215(2) i'r graddau y mae'n ymwneud â darpariaethau Atodlen 22 isod	Diddymiadau	Section 215(2) in so far as it relates to the provisions of Schedule 22 below	Repeals
Atodlen 4, paragraffau 1 a 4	Plant sydd wedi'u gwahardd yn barhaol o ddwy ysgol neu fwy	Schedule 4, paragraphs 1 and 4	Children permanently excluded from two or more schools
Atodlen 21,	Mân ddiwygiadau a diwygiadau canlyniadol	Schedule 21,	Minor and consequential amendments
Paragraff 1 ond i'r graddau y mae'n ymwneud â lwfansau ar gyfer panelau apêl yn erbyn gwaharddiad,		Paragraph 1 only in so far as it relates to allowances for exclusion appeal panels,	
Paragraff 2 ac eithrio is-baragraff (a),		Paragraph 2 except sub-paragraph (a),	
Paragraff 22 ond i'r graddau y mae'n amnewid paragraff 15(b) newydd o Atodlen 1 i Ddeddf Tribiwnlysoedd ac Ymchwiliadau 1992,		Paragraph 22 only in so far as it substitutes a new paragraph 15(b) of Schedule 1 to the Tribunals and Inquiries Act 1992,	
Paragraff 27(1) a (2),		Paragraph 27(1) and (2),	
Paragraff 112 ac eithrio i'r graddau y mae'n mewnosod y diffiniad o "foundation governor",		Paragraph 112 except in so far as it inserts the definition of "foundation governor",	
Paragraff 113 i'r graddau nad yw eisoes mewn grym ac eithrio is-baragraffau (b) ac (f),		Paragraph 113 in so far as not already in force except subparagraphs (b) and (f),	

Yn Atodlen 22, Rhan 3, Diddymiadau
diddymu -

Deddf Llywodraeth Leol
1974(a), adran 25(5)(b),

Deddf Addysg 1996(b),
adran 492,
Yn Atodlen 1,
paragraff 7,

Deddf Addysg 1997(c).
Yn Atodlen 7, paragraff 36,

Deddf Safonau a Fframwaith
Ysgolion 1998,
adrannau 64 i 68,
Atodlen 18.

In Schedule 22, Part 3, Repeals
the repeal of -

Local Government Act
1974(a), section 25(5)(b),

Education Act 1996(b),
section 492,
In Schedule
1, paragraph 7,

Education Act 1997(c),
In Schedule 7, paragraph 36,

School Standards and
Framework Act 1998,
sections 64 to 68,
Schedule 18.

(a) 1974 p.7.

(b) 1996 p.56.

(c) 1997 p.44.

(a) 1974 c.7.

(b) 1996 c.56.

(c) 1997 c.44.

OFFERYNNAU STATUDOL

2003 Rhif 2961 (Cy.278) (C.108)

ADDYSG, CYMRU

Gorchymyn Deddf Addysg 2002
(Cychwyn Rhif 3) (Cymru)
2003

STATUTORY INSTRUMENTS

2003 No. 2961 (W.278) (C.108)

EDUCATION, WALES

The Education Act 2002
(Commencement No. 3) (Wales)
Order 2003

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