OFFERYNNAU STATUDOL CYMRU

2009 Rhif 2545 (Cy.207) (C.107)

ADDYSG, CYMRU

Gorchymyn Deddf Addysg ac Arolygiadau 2006 (Cychwyn Rhif 4 a Darpariaethau Trosiannol) (Cymru) 2009

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn dwyn adrannau 169, 170, a 171 o Ddeddf Addysg ac Arolygiadau 2006 i rym ar 12 Hydref 2009.

Mae adran 169 yn mewnosod adran 167A, 167B, 167C a 167D newydd yn Neddf Addysg 2002. Mae'r adrannau hyn yn caniatáu i Weinidogion Cymru ddyroddi cyfarwyddyd yn gwahardd neu'n cyfyngu ar gyfranogiad person yng ngwaith rheoli ysgol annibynnol. Mae'r adrannau hyn hefyd yn caniatáu i Weinidogion Cymru wneud rheoliadau sy'n disgrifio'r weithdrefn sydd i'w dilyn gan Weinidogion Cymru wrth wneud cyfarwyddiadau o'r fath.

Mae adran 170 yn diwygio adran 169 o Ddeddf Addysg 2002, yn mewnosod paragraff (e) yn is-adran (2) o adran 113BA o Ddeddf yr Heddlu 1997 ac yn mewnosod paragraff (ba) newydd yn is-adran (2) o adran 9 o Ddeddf Amddiffyn Plant 1999.

Mae adran 171 yn darparu ar gyfer darpariaeth drosiannol pan ddaw adran 167A o Ddeddf Addysg 2002 i rym.

Mae'r Gorchymyn hefyd yn dwyn i rym ar 1 Ionawr 2010 adran 89 o Ddeddf Addysg ac Arolygiadau 2006 yn rhannol, ynghyd â diddymu'n rhannol adran 61 o Ddeddf Safonau a Fframwaith Ysgolion 1998. Mae'r darpariaethau sy'n cael eu dwyn i rym yn ailddeddfu adran 61(4) i (7) o Ddeddf Safonau a Fframwaith Ysgolion 1998. Mae'r Gorchymyn hefyd yn gwneud darpariaethau trosiannol. Cychwynnir adran 89 o Ddeddf 2006 yn rhannol yn y dull hwn er mwyn caniatáu diwygiadau a wnaed i'r adran honno gan adran

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EDUCATION, WALES

The Education and Inspections Act 2006 (Commencement No. 4 and Transitional Provisions) (Wales) Order 2009

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings sections 169, 170, and 171 of the Education and Inspections Act 2006 into force on 12 October 2009.

Section 169 inserts new section 167A, 167B, 167C and 167D into the Education Act 2002. These sections allow the Welsh Ministers to issue a direction prohibiting or restricting a person's participation in the management of an independent school. These sections also allow the Welsh Ministers to make regulations setting out the procedure to be followed by the Welsh Ministers in making such directions.

Section 170 amends section 169 of the Education Act 2002, inserts a paragraph (e) into subsection (2) of section 113BA of the Police Act 1997 and inserts a new paragraph (ba) into subsection (2) of section 9 of the Protection of Children Act 1999.

Section 171 provides for transitional provision on the coming into force of section 167A of the Education Act 2002.

The Order also brings into force on 1 January 2010 section 89 of the Education and Inspections Act 2006 in part, together with the partial repeal of section 61 of the School Standards and Framework Act 1998. The provisions brought into force re-enact section 61(4) to (7) of the School Standards and Framework Act 1998. The Order also makes transitional provisions. Section 89 of the 2006 Act is commenced in part in this way so as to allow for the amendments made to that section by section 13 of the Learner Travel (Wales) Measure 2008

13 o Fesur Teithio gan Ddysgwyr (Cymru) 2008 a bydd hyn yn golygu y bydd y cod ymddygiad wrth deithio a wnaed gan Weinidogion Cymru o dan y Mesur hwnnw yn cael ei ymgorffori ym mholisi ymddygiad ysgol.

NODYN AM ORCHMYNION CYCHWYN BLAENOROL

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

Mae darpariaethau canlynol Deddf 2006 wedi'u dwyn i rym o ran Cymru drwy orchmynion cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

Y ddarpariaeth	*Y dyddiad cychwyn*	*O.S. Rhif*
Adran 1	30 Mehefin 2008	2008/1429 (Cy.148)
Adran 4	1 Medi 2009	2009/1027 (Cy.89)
Adran 37(1) a (2)(a)	30 Mehefin 2008	2008/1429 (Cy.148)
Adran 38	1 Medi 2008	2008/1429 (Cy.148)
Adran 39	30 Mehefin 2008	2008/1429 (Cy.148)
Adran 40	1 Medi 2008	2008/1429 (Cy.148)
Adrannau 43 - 45	30 Mehefin 2008	2008/1429 (Cy.148)
Adran 47	30 Mehefin 2008	2008/1429 (Cy.148)
Adran 53	30 Mehefin 2008	2008/1429 (Cy.148)
Adran 55	9 Chwefror 2009	2009/49 (Cy.17)
Adran 156	30 Mehefin 2008	2008/1429 (Cy.148)
Adran 164	1 Medi 2009	2009/1027 (Cy.89)
Adran 166	30 Mehefin 2008	2008/1429 (Cy.148)
Adran 175	30 Mehefin 2008	2008/1429 (Cy.148)

which will mean that the travel behaviour code made by the Welsh Ministers under that Measure is incorporated into a school's behaviour policy.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2006 Act have been brought into force in relation to Wales by commencement orders made before the date of this Order:

Provision	*Date of Commencement*	*S.I. No*
Section 1	30 June 2008	2008/1429 (W.148)
Section 4	1 September 2009	2009/1027 (W.89)
Section 37 (1) and (2)(a)	30 June 2008	2008/1429 (W.148)
Section 38	1 September 2008	2008/1429 (W.148)
Section 39	30 June 2008	2008/1429 (W.148)
Section 40	1 September 2008	2008/1429 (W.148)
Sections 43 - 45	30 June 2008	2008/1429 (W.148)
Section 47	30 June 2008	2008/1429 (W.148)
Section 53	30 June 2008	2008/1429 (W.148)
Section 55	9 February 2009	2009/49 (W.17)
Section 156	30 June 2008	2008/1429 (W.148)
Section 164	1 September 2009	2009/1027 (W.89)
Section 166	30 June 2008	2008/1429 (W.148)
Section 175	30 June 2008	2008/1429 (W.148)

Adran 184 yn rhannol	30 Mehefin 2008	2008/1429 (Cy.148)	Section 184 in part	30 June 2008	2008/1429 (W.148)
Adran 184 yn rhannol	1 Medi 2008	2008/1429 (Cy.148)	Section 184 in part	1 September 2008	2008/1429 (W.148)
Adran 184 yn rhannol	1 Medi 2009	2009/1027 (Cy.89)	Section 184 in part	1 September 2009	2009/1027 (W.89)
Atodlen 17	30 Mehefin 2008	2008/1429 (Cy.148)	Schedule 17	30 June 2008	2008/1429 (W.148)
Atodlen 18 yn rhannol	30 Mehefin 2008	2008/1429 (Cy.148)	Schedule 18 in part	30 June 2008	2008/1429 (W.148)
Atodlen 18 yn rhannol	1 Medi 2008	2008/1429 (Cy.148)	Schedule 18 in part	1 September 2008	2008/1429 (W.148)
Atodlen 18 yn rhannol	1 Medi 2009	2009/1027 (Cy.89)	Schedule 18 in part	1 September 2009	2009/1027 (W.89)

Mae darpariaethau amrywiol yn Neddf 2006 wedi eu dwyn i rym o ran Lloegr gan yr offerynnau statudol canlynol: O.S. 2006/2990 fel y'i diwygiwyd gan O.S. 2008/54, O.S. 2008/54, O.S. 2006/3400, O.S. 2007/935 (fel y'i diwygiwyd gan O.S. 2007/1271), O.S. 2007/1271, O.S. 2007/1801, O.S. 2007/3074 ac O.S. 2008/1971.

Gweler hefyd adran 188(1) a (2) ar gyfer y darpariaethau a ddaeth i rym ar 8 Ionawr 2007 (deufis wedi hynny).

Various provisions of the 2006 Act have been brought into force in relation to England by the following statutory instruments: S.I. 2006/2990 as amended by S.I. 2008/54, S.I. 2008/54, S.I. 2006/3400, S.I. 2007/935 (as amended by S.I. 2007/1271), S.I. 2007/1271, S.I. 2007/1801, S.I. 2007/3074 and S.I. 2008/1971.

See also section 188(1) and (2) for the provisions that came into force on 8 January 2007 (two months thereafter).

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Gwnaed *17 Medi 2009*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 181 a 188(3) o Ddeddf Addysg ac Arolygiadau 2006(**1**) ac a freiniwyd bellach ynddynt hwy(**2**), yn gwneud y Gorchymyn a ganlyn:

Enwi a dehongli

1. Enw'r Gorchymyn hwn yw Gorchymyn Deddf Addysg ac Arolygiadau 2006 (Cychwyn Rhif 4 a Darpariaethau Trosiannol) (Cymru) 2009.

2. Yn y Gorchymyn hwn ystyr "Deddf 2006" ("*the 2006 Act*") yw Deddf Addysg ac Arolygiadau 2006.

Y diwrnodau penodedig

3.—(1) Daw darpariaethau canlynol Deddf 2006 i rym ar 12 Hydref 2009:

(a) adran 169 (gwahardd cymryd rhan mewn gwaith rheoli ysgol annibynnol);

(b) adran 170 (gwahardd cymryd rhan mewn gwaith rheoli: atodol);

(c) adran 171 (gwahardd cymryd rhan mewn gwaith rheoli: darpariaeth drosiannol).

(2) Daw darpariaethau canlynol Deddf 2006 i rym ar 1 Ionawr 2010:

(a) adran 89 ac eithrio is-adran (4);

(b) adran 96(b) i'r graddau y mae'n ymwneud â diddymu is-adrannau (4) i (7) o adran 61 o Ddeddf Safonau a Fframwaith Ysgolion 1998;

(**1**) 2006 p.40. Mae adran 181 wedi ei diwygio gan adran 23 o Fesur Teithio gan Ddysgwyr (Cymru) 2008 (2008 mccc 2).

(**2**) Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

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EDUCATION, WALES

The Education and Inspections Act 2006 (Commencement No. 4 and Transitional Provisions) (Wales) Order 2009

Made *17 September 2009*

The Welsh Ministers, in exercise of the powers conferred upon the National Assembly for Wales by sections 181 and 188(3) of the Education and Inspections Act 2006(**1**), and now vested in them(**2**), make the following Order:

Title and interpretation

1. The title of this Order is the Education and Inspections Act 2006 (Commencement No. 4 and Transitional Provisions) (Wales) Order 2009.

2. In this Order "the 2006 Act" ("*Deddf 2006*") means the Education and Inspections Act 2006.

Appointed days

3.—(1) The following provisions of the 2006 Act come into force on 12 October 2009:

(a) section 169 (prohibition on participation in management of independent school);

(b) section 170 (prohibition on participation in management: supplementary);

(c) section 171 (prohibition on participation in management: transitional provision).

(2) The following provisions of the 2006 Act come into force on 1 January 2010:

(a) section 89 except subsection (4);

(b) section 96(b) in so far as it relates to the repeal of subsections (4) to (7) of section 61 of the School Standards and Framework Act 1998;

(**1**) 2006 c.40. Section 181 is amended by section 23 of the Learner Travel (Wales) Measure 2008 (2008 nawm 2).

(**2**) By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(c) adran 184 (diddymu) i'r graddau y mae'n ymwneud â'r darpariaethau a nodir ym mharagraff (ch);

(ch) yn Rhan 6 o Atodlen 18 y diddymiad yn Neddf Safonau a Fframwaith Ysgolion 1998 o adran 61(4) i (7).

Darpariaeth drosiannol

4.—(1) Hyd nes y bydd adran 88 o Ddeddf 2006 yn cychwyn—

(a) mae'r cyfeiriad yn adran 89(2)(a) yn Neddf 2006 at adran 88(2)(a) i gael effaith fel pe bai'n gyfeiriad at adran 61(2)(a) o Ddeddf Safonau a Fframwaith Ysgolion 1998; a

(b) mae'r cyfeiriad yn adran 89(2)(b) yn Neddf 2006 at adran 88(2)(b) i gael effaith fel pe bai'n gyfeiriad at adran 61(2)(b) o Ddeddf Safonau a Fframwaith Ysgolion 1998.

(2) Hyd nes y cychwynnir adran 89(4) o Ddeddf 2006 caniateir i'r mesurau y bydd pennaeth yn eu penderfynu o dan adran 89(1) o Ddeddf 2006 gynnwys gwneud rheolau a darpariaeth ar gyfer eu gorfodi.

(c) section 184 (repeals) to the extent it relates to the provisions set out in paragraph (d);

(d) in Part 6 of Schedule 18 the repeal in the School Standards and Framework Act 1998 of section 61(4) to (7).

Transitional provision

4.—(1) Until section 88 of the 2006 Act is commenced—

(a) the reference in section 89(2)(a) of the 2006 Act to section 88(2)(a) is to have effect as though it were a reference to section 61(2)(a) of the School Standards and Framework Act 1998; and

(b) the reference in section 89(2)(b) of the 2006 Act to section 88(2)(b) is to have effect as though it were a reference to section 61(2)(b) of the School Standards and Framework Act 1998.

(2) Until section 89(4) of the 2006 Act is commenced the measures which a head teacher determines under section 89(1) of the 2006 Act may include the making of rules and provision for enforcing them.

Jane Hutt

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau, un o Weinidogion Cymru

17 Medi 2009

Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers

17 September 2009

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ADDYSG, CYMRU

EDUCATION, WALES

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The Education and Inspections Act 2006 (Commencement No. 4 and Transitional Provisions) (Wales) Order 2009

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