



OFFERYNNAU STATUDOL
CYMRU

WELSH
STATUTORY INSTRUMENTS

2009 Rhif 48 (Cy.16)

2009 No. 48 (W.16)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Addysg (Ysgolion
Arbennig a Gynhelir) (Cymru)
(Diwygio) 2009

The Education (Maintained Special
Schools) (Wales) (Amendment)
Regulations 2009

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Addysg (Ysgolion Arbennig a Gynhelir) (Cymru) 1999 drwy roi rheoliad 12 newydd yn lle'r hen un. Y newid y mae'r rheoliad hwn yn ei wneud i'r rheoliad fel yr oedd yn flaenorol yw caniatáu i ddisgybl chweched dosbarth dynnu'n ôl o addoliad crefyddol mewn ysgol arbennig os dyna'i ddymuniad. Mae disgybl chweched dosbarth yn cael ei ddiffinio yn adran 71(8) o Ddeddf Safonau a Fframwaith Ysgolion 1998 fel unrhyw ddisgybl sydd wedi peidio â bod yn ddisgybl o oedran ysgol gorfodol ac sy'n cael addysg sy'n addas i anghenion disgyblion sydd dros oedran ysgol gorfodol. Mae hyn yn cysoni'r gyfraith â'r gyfraith ar gyfer ysgolion prif ffrwd yn adran 71 o Ddeddf Safonau a Fframwaith Ysgolion 1998 fel y'i diwygiwyd gan adran 55 o Ddeddf Addysg ac Arolygiadau 2006.

These Regulations amend the Education (Maintained Special Schools) (Wales) Regulations 1999 by substituting a new regulation 12. The change it makes from the previous regulation is to allow a sixth form pupil to withdraw from religious worship at a special school if the pupil so wishes. A sixth form pupil is defined in section 71(8) of the Schools Standards and Framework Act 1998 as any pupil who has ceased to be of compulsory school age and who is receiving education suitable to the requirements of pupils over compulsory school age. This aligns the law with that for mainstream schools in section 71 of the School Standards and Framework Act 1998 as amended by section 55 of the Education and Inspections Act 2006.

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(Diwygio) 2009**

**The Education (Maintained Special
Schools) (Wales) (Amendment)
Regulations 2009**

Gwnaed 16 Ionawr 2009

Made 16 January 2009

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 19 Ionawr 2009

*Laid before the National
Assembly for Wales* 19 January 2009

Yn dod i rym 9 Chwefror 2009

Coming into force 9 February 2009

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 71(7) o Ddeddf Safonau a Fframwaith Ysgolion 1998(1) ac sydd bellach wedi'u breinio ynddynt hwy(2), yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by section 71(7) of the School Standards and Framework Act 1998(1) and now vested in them(2), make the following Regulations:

Enwi, cychwyn a chymhwyso

Title, commencement and application

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Ysgolion Arbennig a Gynhelir) (Cymru) (Diwygio) 2009 a deuant i rym ar 9 Chwefror 2009.

1.—(1) The title of these Regulations is the Education (Maintained Special Schools) (Wales) (Amendment) Regulations 2009 and they come into force on 9 February 2009.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) These Regulations apply in relation to Wales.

Diwygio'r Rheoliadau

Amendment of Regulations

2. Yn lle rheoliad 12 o Reoliadau Addysg (Ysgolion Arbennig a Gynhelir) (Cymru) 1999(3), rhodder y canlynol —

2. For regulation 12 of the Education (Maintained Special Schools) (Wales) Regulations 1999(3), substitute the following —

(1) 1998 p.31. Diwygiwyd adran 71 gan Ddeddf Addysg 2002 (p.32), Atodlen 21, paragraff 105. Amnewidiwyd adran 71(7) gan adran 55(8) o Ddeddf Addysg ac Arolygiadau 2006 (p.40).

(1) 1998 c.31. Section 71 was amended by the Education Act 2002 (c.32), Schedule 21, paragraph 105. Section 71(7) was substituted by section 55(8) of the Education and Inspections Act 2006 (c.40).

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 71 i Gynulliad Cenedlaethol Cymru yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac adran 180 o Ddeddf Addysg ac Arolygiadau 2006 (fel y'i diwygiwyd gan baragraff 88 o Atodlen 1 i Ddeddf Addysg a Medrau 2008 (p.25)) ac yna i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(2) Functions of the Secretary of State under section 71 were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 180 of the Education and Inspections Act 2006 (as amended by paragraph 88 of Schedule 1 to the Education and Skills Act 2008 (c.25)) and then to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(3) O.S. 1999/1780 fel y'i diwygiwyd gan O.S. 2005/3238 (Cy.243).

(3) S.I. 1999/1780, as amended by S.I. 2005/3238 (W.243).

"Religious Education

12. Arrangements must be made to ensure that, so far as practicable, every pupil attending a maintained special school —

- (a) receives religious education unless withdrawn from receiving such education in accordance with the wishes of the pupil's parent; and
- (b) attends religious worship unless withdrawn from attendance at such worship —
 - (i) in the case of a sixth-form pupil, in accordance with the pupil's own wishes; and
 - (ii) in any other case, in accordance with the wishes of the pupil's parent."

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Jane Hutt

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

16 Ionawr 2009

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

16 January 2009

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