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OFFERYNNAU STATUDOL  
CYMRU

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**2010 Rhif 736 (Cy.73) (C.50)**

**ADDYSG, CYMRU**

Gorchymyn Deddf Addysg ac  
Arolygiadau 2006 (Cychwyn Rhif  
5 a Darpariaeth Drosiannol)  
(Cymru) 2010

**NODYN ESBONIADOL**

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

Mae'r Gorchymyn hwn yn dwyn adran 57 o Ddeddf Addysg ac Arolygiadau 2006 ac Atodlen 5 iddi i rym at y diben o wneud rheoliadau ar 15 Mawrth 2010 ac yna'n llawn ar 2 Ebrill 2010 (ynghyd â diddymiadau cysylltiedig a wnaed gan adran 184 ac Atodlen 18).

Mae adran 57 ac Atodlen 5 yn diwygio darpariaethau Deddf Safonau a Fframwaith Ysgolion 1998 sy'n ymwneud ag ariannu ysgolion a gynhelir. Effaith y diwygiadau hyn fydd fel a ganlyn:

Diwygir adran 47A o Ddeddf Safonau a Fframwaith Ysgolion 1998 (fforymau ysgolion) er mwyn cyfeirio at unrhyw swyddogaeth a osodir ar fforymau ysgolion gan Ddeddf Safonau a Fframwaith Ysgolion 1998 a dileu'r ddarpariaeth a oedd yn caniatáu rheoliadau i roi'r pŵer i Weinidogion Cymru symud aelod nad yw'n aelod ysgolion o fforwm;

Diwygir adran 48 o Ddeddf Safonau a Fframwaith Ysgolion 1998 ac Atodlen 14 iddi fel bod bod dyletswydd awdurdod addysg lleol i baratoi cynllun ariannol yn cael ei disodli gan ddyletswydd i gynnal cynllun a rhaid i unrhyw gynigion i amrywio'r cynllun gael eu cyflwyno i'r fforwm ysgolion. Bydd rheoliadau'n gallu darparu ynghylch cymeradwyaeth gan y fforwm ysgolion neu gan Weinidogion Cymru;

Diwygir adran 49 o Ddeddf Safonau a Fframwaith Ysgolion 1998 fel y bydd gan ysgolion newydd gyllidebau dirprwyedig o ddyddiad a bennir mewn rheoliadau;

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WELSH STATUTORY  
INSTRUMENTS

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**2010 No. 736 (W.73) (C.50)**

**EDUCATION, WALES**

The Education and Inspections Act  
2006 (Commencement No. 5 and  
Transitional Provision) (Wales)  
Order 2010

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings section 57 of, and Schedule 5 to, the Education and Inspections Act 2006 into force for the purpose of making regulations on 15 March 2010 and then fully on 2 April 2010 (together with related repeals made by section 184 and Schedule 18).

Section 57 and Schedule 5 amend provisions of the School Standards and Framework Act 1998 (SSFA 1998) that deal with the financing of maintained schools. The effect of these amendments is as follows:

Section 47A of SSFA 1998 (school forums) is amended so as to refer to any function imposed on school forums by SSFA 1998 and to remove the provision allowing regulations to give the Welsh Ministers the power to remove a non-schools member of a forum;

Section 48 of, and Schedule 14 to, SSFA 1998 are amended so that a local education authority's duty to prepare a financial scheme is replaced by a duty to maintain a scheme and any proposals to vary the scheme must be submitted to the schools forum. Regulations will be able to make provision about approval by the schools forum or the Welsh Ministers;

Section 49 of SSFA 1998 is amended so that new schools will have delegated budgets from a date set in regulations;

Diwygir Atodlen 15 i Ddeddf Safonau a Fframwaith Ysgolion 1998 er mwyn dileu hawl corff llywodraethu i apelio i Weinidogion Cymru yn erbyn atal eu hawl i gael cyllideb ddirprwyedig.

Mae'r Gorchymyn hefyd yn gwneud darpariaeth drosiannol er mwyn darparu mai dim ond mewn perthynas â blynnyddoedd ariannol sy'n cychwyn ar 1 Ebrill 2011 neu ar ôl hynny y mae'r diwygiadau a wneir i adrannau 48 a 49 o Ddeddf Safonau a Fframwaith Ysgolion 1998, ac Atodlen 14 iddi, yn gymwys.

## **NODYN YNGHYLCH GORCHMYNION CYCHWYN CYNHARACH**

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

Mae darpariaethau canlynol Deddf Addysg ac Arolygiadau 2006 wedi'u dwyn i rym o ran Cymru drwy Orchmyntion Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

<i>Y Darpariaeth</i>	<i>Dyddiad Cychwyn</i>	<i>Rhif O.S.</i>
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 89 yn rhannol	1 Ionawr 2010	2009/2545 (Cy.207)
Adran 96 yn rhannol	1 Ionawr 2010	2009/2545 (Cy.207)

Schedule 15 to SSFA 1998 is amended so as to remove a governing body's right to appeal to the Welsh Ministers against a suspension of their right to a delegated budget.

The Order also makes transitional provision to provide that the amendments made to sections 48 and 49 of, and Schedule 14 to, SSFA 1998 apply only in relation to financial years commencing on or after 1 April 2011.

## **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

The following provisions of the Education and Inspections Act 2006 have been brought into force in relation to Wales by Commencement Orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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 89 in part	1 January 2010	2009/2545 (W.207)
Section 96 in part	1 January 2010	2009/2545 (W.207)

Adran 156	30 Mehefin 2008	2008/1429 (Cy.148)	Section 156	30 June 2008	2008/1429 (W.148)
Adran 164	1 Medi 2009	2009/1027 (Cy.89)	Section 164	1 September 2009	2009/1027 (W.89)
Adran 166	30 Mehefin 2008	2008/1429 (Cy.148)	Section 166	30 June 2008	2008/1429 (W.148)
Adran 169	12 Hydref 2009	2009/2545 (Cy.207)	Section 169	12 October 2009	2009/2545 (W.207)
Adran 170	12 Hydref 2009	2009/2545 (Cy.207)	Section 170	12 October 2009	2009/2545 (W.207)
Adran 171	12 Hydref 2009	2009/2545 (Cy.207)	Section 171	12 October 2009	2009/2545 (W.207)
Adran 175	30 Mehefin 2008	2008/1429 (Cy.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)
Adran 184 yn rhannol	1 Ionawr 2010	2009/2545 (Cy.207)	Section 184 in part	1 January 2010	2009/2545 (W.207)
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)
Atodlen 18 yn rhannol	1 Ionawr 2010	2009/2545 (Cy.207)	Schedule 18 in part	1 January 2010	2009/2545 (W.207)

Mae amryw o ddarpariaethau Deddf Addysg ac Arolygiadau 2006 wedi'u dwyn i rym mewn perthynas â Lloegr gan yr Offerynnau Statudol canlynol: O.S. 2006/2990 fel y'i diwygiwyd gan 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 Tachwedd 2006 (dyddiad y Cydsyniad Brenhinol) ac 8 Ionawr 2007 (ddeufis yn ddiweddarach).

Various provisions of the Education and Inspections Act 2006 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. 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 November 2006 (date of Royal Assent) and 8 January 2007 (two months thereafter).

**2010 Rhif 736 (Cy.73) (C.50)**

**ADDYSG, CYMRU**

**Gorchymyn Deddf Addysg ac  
Arolygiadau 2006 (Cychwyn Rhif  
5 a Darpariaeth Drosiannol)  
(Cymru) 2010**

*Gwnaed*

*10 Mawrth 2010*

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 sydd bellach wedi'u breinio ynddynt(2), yn gwneud y Gorchymyn canlynol:

**Enwi a dehongli**

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Addysg ac Arolygiadau 2006 (Cychwyn Rhif 5 a Darpariaeth Drosiannol) (Cymru) 2010.

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

**Diwrnodau penodedig**

2. Mae darpariaethau canlynol Deddf 2006 yn dod i rym at y diben o wneud rheoliadau ar 15 Mawrth 2010:

- (a) adran 57 (cyllido ysgolion) i'r graddau y mae'n ymwneud â'r darpariaethau a osodir ym mharagraff (b);
- (b) paragraffau 3, 4 a 5 o Atodlen 5 (cyllido ysgolion a gynhelir).

3. Mae darpariaethau canlynol Deddf 2006 yn dod i rym ar 2 Ebrill 2010:

- (a) adran 57 (cyllido ysgolion) i'r graddau nad yw eisoes mewn grym;
- (b) adran 184 (diddymiadau) i'r graddau y mae'n ymwneud â'r darpariaethau a nodir ym mharagraff (ch);

(1) 2006 p.40. Diwygiwyd adran 181 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).

**2010 No. 736 (W.73) (C.50)**

**EDUCATION, WALES**

**The Education and Inspections Act  
2006 (Commencement No. 5 and  
Transitional Provision) (Wales)  
Order 2010**

*Made*

*10 March 2010*

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.-(1) The title of this Order is the Education and Inspections Act 2006 (Commencement No. 5 and Transitional Provision) (Wales) Order 2010.

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

**Appointed days**

2. The following provisions of the 2006 Act come into force for the purpose of making regulations on 15 March 2010:

- (a) section 57 (school funding) to the extent it relates to the provisions set out in paragraph (b);
- (b) paragraphs 3, 4 and 5 of Schedule 5 (funding of maintained schools).

3. The following provisions of the 2006 Act come into force on 2 April 2010:

- (a) section 57 (school funding) to the extent it is not already in force;
- (b) section 184 (repeals) to the extent it relates to the provisions set out in paragraph (d);

(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) Atodlen 5 (cyllido ysgolion a gynhelir) i'r graddau nad yw eisoes mewn gymr;
- (ch) yn Rhan 6 o Atodlen 18, diddymu yn Neddf Safonau a Fframwaith Ysgolion 1998–
  - (i) yn adran 17(6), y geiriau o "but" ymlaen,
  - (ii) adran 47A(6),
  - (iii) yn adran 48(4), y geiriau o "the approval" hyd at "and for",
  - (iv) yn Atodlen 14, paragraff 1(1) i (6), yn Atodlen 15, paragraffau 1(4) a (6), 2(5) a 3.
- (c) Schedule 5 (funding of maintained schools) to the extent it is not already in force;
- (d) in Part 6 of Schedule 18, the repeals in SSFA 1998 of–
  - (i) in section 17(6), the words from "but" onwards,
  - (ii) section 47A(6),
  - (iii) in section 48(4), the words from "the approval" to "and for",
  - (iv) in Schedule 14, paragraph 1(1) to (6), in Schedule 15, paragraphs 1(4) and (6), 2(5) and 3.

## Darpariaeth drosiannol

**4.** Dim ond mewn perthynas â blynnyddoedd ariannol sy'n dechrau ar 1 Ebrill 2011 neu ar ôl hynny y mae'r diwygiadau a wneir i adrannau 48 a 49 o Ddeddf Safonau a Fframwaith Ysgolion 1998, ac Atodlen 14 iddi, gan baragraffau 3 i 5 o Atodlen 5 i Ddeddf 2006 a'r diddymiad yn Rhan 6 o Atodlen 18 i Ddeddf 2006 o baragraff 1(1) i (6) o Atodlen 14 i Ddeddf Safonau a Fframwaith Ysgolion 1998, yn gymwys.

## Transitional provision

**4.** The amendments made to sections 48 and 49 of, and Schedule 14 to, SSFA 1998 by paragraphs 3 to 5 of Schedule 5 to the 2006 Act and the repeal in Part 6 of Schedule 18 to the 2006 Act of paragraph 1(1) to (6) of Schedule 14 to SSFA 1998 apply only in relation to financial years beginning on or after 1 April 2011.

*Leighton Andrews*

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

10 Mawrth 2010

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

10 March 2010

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