OFFERYNNAU STATUDOL CYMRU

2011 Rhif 824 (Cy.123) (C.32)

PLANT A PHOBL IFANC, CYMRU

Gorchymyn Deddf Plant a Phobl Ifanc 2008 (Cychwyn Rhif 5) (Cymru) 2011

NODYN ESBONIADOL

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

Y Gorchymyn hwn yw'r pumed Gorchymyn Cychwyn sydd wedi'i wneud o dan Ddeddf Plant a Phobl Ifanc 2008 (p.23) ("Deddf 2008") ac sy'n dod â darpariaethau penodedig o Ddeddf 2008 i rym o ran Cymru.

Mae'r Gorchymyn hwn yn pennu 18 Mawrth 2011 fel y diwrnod y bydd adran 21 o Ddeddf 2008 yn cael ei rhoi mewn grym o ran Cymru i'r graddau nad ydyw eisoes wedi ei rhoi mewn grym gan Orchymyn Deddf Plant a Phobl Ifanc 2008 (Cychwyn Rhif 4) (Cymru) 2010 (O.S. 2010/1329 (Cy.112) (C.81)).

Mae is-adrannau (1) i (3) o adran 21 o Ddeddf 2008 yn diwygio adran 23C o Ddeddf Plant 1989 ("Deddf 1989"). Mae Adran 21(2) yn mewnosod is-adrannau newydd (5A) i (5C), sy'n galluogi Gweinidogion Cymru i wneud rheoliadau sydd:

- yn pennu'r swm perthnasol (bwrsariaeth addysg uwch) sy'n daladwy gan awdurdod lleol o dan adran 23C(5A) o Ddeddf 1989;
- yn pennu ystyr "addysg uwch" at ddibenion y fwrsariaeth addysg uwch;
- yn gwneud darpariaeth o ran talu'r fwrsariaeth addysg uwch; ac
- yn gwneud darpariaeth o ran yr amgylchiadau lle y gall awdurdod lleol adennill y fwrsariaeth addysg uwch.

Mae adran 21(4) yn mewnosod is-adran (2A) newydd i adran 776 o Ddeddf Treth Incwm (Incwm

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CHILDREN AND YOUNG PERSONS, WALES

The Children and Young Persons Act 2008 (Commencement No. 5) (Wales) Order 2011

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the fifth Commencement Order made by the Welsh Ministers under the Children and Young Persons Act 2008 (c.23) ("the 2008 Act") which brings specified provisions of the 2008 Act into force in relation to Wales.

This Order appoints 18 March 2011 as the day on which section 21 of the 2008 Act is brought into force in relation to Wales in so far as not already brought into force by the Children and Young Persons Act 2008 (Commencement No. 4) (Wales) Order 2010 (S.I. 2010/1329 (W.112) (C.81)).

Subsections (1) to (3) of section 21 of the 2008 Act amend section 23C of the Children Act 1989 ("the 1989 Act"). Section 21(2) inserts new subsections (5A) to (5C), which enable the Welsh Ministers to make regulations:

- prescribing the relevant amount (higher education bursary) payable under section 23C(5A) of the 1989 Act by a local authority;
- prescribing the meaning of "higher education" for the purpose of the higher education bursary;
- which make provision as to payment of the higher education bursary; and
- which make provision as to the circumstances in which the higher education bursary may be recovered by the local authority.

Section 21(4) inserts a new subsection (2A) to section 776 of the Income Tax (Trading and Other

Masnachu ac Arall) 2005 (p.5). Mae'r is-adran newydd yn darparu nad oes unrhyw atebolrwydd i dreth incwm yn codi ar fwrsariaethau addysg uwch.

NODYN O RAN GORCHMYNION CYCHWYN CYNHARACH

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

Mae'r ddarpariaeth a ganlyn o Ddeddf 2008 wedi ei rhoi mewn grym o ran Cymru gan Orchmynion Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

Darpariaeth	*Dyddiad Cychwyn*	*Rhif O.S.*
Adran 8(1) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)
Adran 8(2) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)
Adran 8(3)	31 Mawrth 2010	2010/749 (Cy.77) (C.51)
Adran 10(1) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)
Adran 15 (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)
Adran 16(1) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)
Adran 20(3)	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)
Adran 21(2) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)
Adran 22(3) a (5) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)
Adran 23(1)	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)
Adran 25(4) (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)
Adran 27	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)
Adran 28	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)
Adran 29 (yn rhannol)	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)

Income) Act 2005 (c.5). The new subsection makes provision for no income tax liability to arise on higher education bursaries.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provision of the 2008 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 8(1) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 8(2) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 8(3)	31 March 2010	2010/749 (W.77) (C.51)
Section 10(1) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 15 (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 16(1) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 20(3)	26 April 2010	2010/1329 (W.112) (C.81)
Section 21(2) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 22(3) and (5) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 23(1)	26 April 2010	2010/1329 (W.112) (C.81)
Section 25(4) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 27	26 April 2010	2010/1329 (W.112) (C.81)
Section 28	26 April 2010	2010/1329 (W.112) (C.81)
Section 29 (partially)	26 April 2010	2010/1329 (W.112) (C.81)

Adran 30	6 Ebrill 2009	2009/728 (Cy.64) (C.47)	Section 30	6 April 2009	2009/728 (W.64) (C.47)
Adran 33	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)	Section 33	26 April 2010	2010/1329 (W.112) (C.81)
Adran 34	31 Mawrth 2010	2010/749 (Cy.77) (C.51)	Section 34	31 March 2010	2010/749 (W.77) (C.51)
Adran 35	6 Ebrill 2009	2009/728 (Cy.64) (C.47)	Section 35	6 April 2009	2009/728 (W.64) (C.47)
Adran 36	1 Medi 2009	2009/1921 (Cy.175) (C.91)	Section 36	1 September 2009	2009/1921 (W.175) (C.91)
Adran 37	1 Medi 2009	2009/1921 (Cy.175) (C.91)	Section 37	1 September 2009	2009/1921 (W.175) (C.91)
Adran 38	1 Medi 2009	2009/1921 (Cy.175) (C.91)	Section 38	1 September 2009	2009/1921 (W.175) (C.91)
Adran 42 ac Atodlen 4 i'r graddau y maent yn ymwneud â diddymu adran 45(a) o Ddeddf Plant 1989	6 Ebrill 2009	2009/728 (Cy.64) (C.47)	Section 42 and Schedule 4 in so far as they relate to the repeal of section 45(a) of the Children Act 1989	6 April 2009	2009/728 (W.64) (C.47)
Paragraff 4 o Atodlen 1	26 Ebrill 2010	2010/1329 (Cy.112) (C.81)	Paragraph 4 of Schedule 1	26 April 2010	2010/1329 (W.112) (C.81)
Adran 42 ac Atodlen 4 i'r graddau y maent yn ymwneud â diddymu adran 12(5) a (6) o'r Ddeddf Plant, ac â rhannol ddiddymu adran 91(10) o'r Ddeddf honno	1 Medi 2009	2009/1921 (Cy.175) (C.91)	Section 42 and Schedule 4 in so far as they relate to the repeal of section 12(5) and (6) and the repeal in part of section 91(10), of the Children Act	1 September 2009	2009/1921 (W.175) (C.91)
Atodlen 2	31 Mawrth 2010	2010/749 (Cy.77) (C.51)	Schedule 2	31 March 2010	2010/749 (W.77) (C.51)
Atodlen 4 i'r graddau y mae'n ymwneud â diddymu adran 12 o Ddeddf Mabwysiadu a Phlant 2002	31 Mawrth 2010	2010/749 (Cy.77) (C.51)	Schedule 4 in so far as it relates to the repeal relating to section 12 of the Adoption and Children Act 2002	31 March 2010	2010/749 (W.77) (C.51)

Mae'r darpariaethau a ganlyn wedi eu rhoi mewn grym o ran Cymru a Lloegr gan Orchymyn Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

Darpariaeth	*Dyddiad Cychwyn*	*Rhif O.S.*
Adran 18 (yn rhannol)	1 Ionawr 2010	2009/3354 (C.154)
Adran 31	1 Ebrill 2009	2009/268 (C.11)
Adran 32	1 Ebrill 2009	2009/268 (C.11)

Mae'r darpariaethau a ganlyn i gael eu rhoi mewn grym o ran Cymru a Lloegr gan Orchymyn Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

Darpariaeth	*Dyddiad Cychwyn*	*Rhif O.S.*
Adran 17	1 Ebrill 2011	2010/2981 (C.131)
Adran 18 (yn rhannol)	1 Ebrill 2011	2010/2981 (C.131)

Mae amryfal ddarpariaethau o Ddeddf 2008 wedi eu rhoi mewn grym o ran Lloegr gan y Gorchmynion Cychwyn a ganlyn, a wnaed cyn dyddiad y Gorchymyn hwn:

- O.S. 2009/268 (C.11)
- O.S. 2009/323 (C.15)
- O.S. 2009/2273 (C.99)
- O.S. 2009/3354 (C.154)
- O.S. 2010/2714 (C.126)
- O.S. 2010/2981 (C.131)

Gweler yn ogystal adran 44(1) a (2) o Ddeddf 2008 am y darpariaethau a ddaeth i rym ar 13 Tachwedd 2008 (dyddiad y Cydsyniad Brenhinol).

Gweler yn ogystal adran 44(9) o Ddeddf 2008 am y ddarpariaeth a fydd yn dod i rym ar yr un diwrnod ag y bydd adran 7(1) o Ddeddf Gofalwyr a Phlant Anabl 2000 (p.16) yn dod i rym at ddibenion mewnosod adran 17B yn Neddf 1989 o ran Cymru.

The following provisions have been brought into force in relation to England and Wales by Commencement Order made before the date of this Order:

Provision	*Date of Commencement*	*S.I. No*
Section 18 (partially)	1 January 2010	2009/3354 (C.154)
Section 31	1 April 2009	2009/268 (C.11)
Section 32	1 April 2009	2009/268 (C.11)

The following provisions are to be brought into force in relation to England and Wales by Commencement Order made before the date of this Order:

Provision	*Date of Commencement*	*S.I. No*
Section 17	1 April 2011	2010/2981 (C.131)
Section 18 (partially)	1 April 2011	2010/2981 (C.131)

Various provisions of the 2008 Act have been brought into force in relation to England by the following Commencement Orders made before the date of this Order:

- S.I. 2009/268 (C.11)
- S.I. 2009/323 (C.15)
- S.I. 2009/2273 (C.99)
- S.I. 2009/3354 (C.154)
- S.I. 2010/2714 (C.126)
- S.I. 2010/2981 (C.131)

See also section 44(1) and (2) of the 2008 Act for the provisions that came into force on 13 November 2008 (date of Royal Assent).

See also section 44(9) of the 2008 Act for the provision which will come into force on the same day as section 7(1) of the Carers and Disabled Children Act 2000 (c.16) comes into force for the purpose of inserting section 17B into the 1989 Act in relation to Wales.

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PLANT A PHOBL IFANC, CYMRU

Gorchymyn Deddf Plant a Phobl Ifanc 2008 (Cychwyn Rhif 5) (Cymru) 2011

Gwnaed *16 Mawrth 2011*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adran 44(3) a (5) o Ddeddf Plant a Phobl Ifanc 2008(**1**), yn gwneud y Gorchymyn a ganlyn:

Enw

1. Enw'r Gorchymyn hwn yw Gorchymyn Deddf Plant a Phobl Ifanc 2008 (Cychwyn Rhif 5) (Cymru) 2011.

Diwrnod penodedig

2. 18 Mawrth 2011 yw'r diwrnod penodedig ar gyfer rhoi mewn grym y darpariaethau a ganlyn o Ddeddf Plant a Phobl Ifanc 2008 mewn perthynas â hawlogaeth i daliad mewn perthynas ag addysg uwch–

(a) adran 21(1), (3) a (4); a

(b) adran 21(2) i'r graddau nad ydyw eisoes wedi ei chychwyn gan erthygl 2(e) o Orchymyn Deddf Plant a Phobl Ifanc 2008 (Cychwyn Rhif 4) (Cymru) 2010(**2**).

Leighton Andrews

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

16 Mawrth 2011

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(**1**) 2008 p.23.

(**2**) O.S. 2010/1329 (Cy.112) (C.81).

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CHILDREN AND YOUNG PERSONS, WALES

The Children and Young Persons Act 2008 (Commencement No. 5) (Wales) Order 2011

Made *16 March 2011*

The Welsh Ministers, in exercise of the powers conferred by section 44(3) and (5) of the Children and Young Persons Act 2008(**1**), make the following Order:

Title

1. The title of this Order is the Children and Young Persons Act 2008 (Commencement No. 5) (Wales) Order 2011.

Appointed day

2. 18 March 2011 is the appointed day for the coming into force of the following provisions of the Children and Young Persons Act 2008 in respect of entitlement to payment in respect of higher education–

(a) section 21(1), (3) and (4); and

(b) section 21(2) in so far as not already commenced by article 2(g) of the Children and Young Persons Act 2008 (Commencement No. 4) (Wales) Order 2010(**2**).

Leighton Andrews

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

16 March 2011

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(**1**) 2008 c.23.

(**2**) S.I. 2010/1329 (W.112) (C.81).

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The Children and Young Persons Act 2008 (Commencement No. 5) (Wales) Order 2011

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