



OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2016 Rhif 27 (Cy. 9)**

**2016 No. 27 (W. 9)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

**Rheoliadau Cyngor y Gweithlu  
Addysg (Ffioedd Cofrestru)  
(Cymru) 2016**

**The Education Workforce Council  
(Registration Fees) (Wales)  
Regulations 2016**

**NODYN ESBONIADOL**

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

Mae adran 12 o Ddeddf Addysg (Cymru) 2014 (“Deddf 2014”) yn caniatáu i Weinidogion Cymru wneud rheoliadau mewn perthynas â'r ffioedd sy'n daladwy mewn cysylltiad â chofrestru yn y gofrestr a sefydlir ac a gynhelir gan Gyngor y Gweithlu Addysg (“y Cyngor”) o dan adran 9 o Ddeddf 2014.

Mae rheoliad 1 yn darparu bod y Rheoliadau hyn yn dod i rym ar 1 Chwefror 2016 ac eithrio rheoliad 2 sy'n dod i rym ar 1 Ebrill 2016. Mae rheoliad 2 yn darparu bod Rheoliadau Cyngor y Gweithlu Addysg (Ffioedd Cofrestru) (Cymru) 2015 (“Rheoliadau 2015”) wedi eu dirymu. Felly, mae Rheoliadau 2015 wedi eu dirymu a hynny'n effeithiol o 1 Ebrill 2016.

Mae rheoliad 3 yn cynnwys y darpariaethau dehongli.

Mae'r ffioedd sy'n daladwy ar gyfer pob categori cofrestru wedi eu nodi yn rheoliad 4. Mae rheoliad 4 hefyd yn darparu y caiff Gweinidogion Cymru bennu swm y cymhorthdal a roddir tuag at y ffioedd cofrestru hynny ac yn ei gwneud yn ofynnol iddynt gyhoeddi swm y cymhorthdal hwnnw ar wefan Llywodraeth Cymru.

Mae rheoliad 5 yn caniatáu i'r Cyngor wneud darpariaeth mewn perthynas â'r ffioedd sy'n daladwy yn unol â'r Rheoliadau hyn.

Mae rheoliad 6 yn darparu bod rhaid i gyflogwr, ar gais y Cyngor, gyflenwi i'r Cyngor yr wybodaeth a nodir yn yr Atodlen pan fo'n cyflogi neu fel arall yn cymryd ymlaen i ddarparu gwasanaethau perthnasol berson y mae'n ofynnol iddo gael ei gofrestru.

**EXPLANATORY NOTE**

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

Section 12 of the Education (Wales) Act 2014 (“the 2014 Act”) allows the Welsh Ministers to make regulations in relation to the fees payable in connection with registration in the register established and maintained by the Education Workforce Council (“the Council”) under section 9 of the 2014 Act.

Regulation 1 provides that these Regulations come into force on 1 February 2016 except for regulation 2 which comes into force on 1 April 2016. Regulation 2 provides that the Education Workforce Council (Registration Fees) (Wales) Regulations 2015 (“the 2015 Regulations”) are revoked. Therefore, the 2015 Regulations are revoked with effect from 1 April 2016.

Regulation 3 contains the interpretation provisions.

The fees payable for all categories of registration are set out in regulation 4. Regulation 4 also provides that the Welsh Ministers may determine the amount by which those registration fees will be subsidised and requires them to publish the amount of that subsidy on the Welsh Government website.

Regulation 5 allows the Council to make provision in relation to the fees payable pursuant to these Regulations.

Regulation 6 provides that an employer must on request by the Council supply the Council with the information set out in the Schedule where they employ or otherwise engage to provide relevant services a person who is required to be registered.

Mae rheoliad 7 yn ei gwneud yn ofynnol i gyflogwr sydd wedi cael ei hysbysu gan y Cyngor ddiidynnu ffi gofrestru o gyflog athro neu athrawes ysgol, gweithiwr cymorth dysgu mewn ysgol, athro neu athrawes addysg bellach neu weithiwr cymorth dysgu mewn addysg bellach; ac mae rheoliad 8 yn ei gwneud yn ofynnol i'r cyflogwr ei thalu i'r Cyngor o fewn 14 diwrnod.

Mae rheoliad 9 yn ei gwneud yn ofynnol i'r cyflogwr gyflenwi i'r Cyngor yr wybodaeth yn yr Atodlen mewn cysylltiad â'r person y telir y ffi iddo wrth dalu'r ffi iddo.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth yr Is-adran Safonau Ymarferwyr a Datblygu Proffesiynol yn yr Adran Addysg a Sgiliau.

Regulation 7 requires an employer who has been notified by the Council to deduct a registration fee from a school teacher's, school learning support worker's, further education teacher's or further education learning support worker's salary; and regulation 8 requires the employer to remit it to the Council within 14 days.

Regulation 9 requires the employer to supply to the Council the information in the Schedule in respect of the person to whom the fee is remitted when remitting the fee to them.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Practitioner Standards and Professional Development Division in the Department for Education and Skills.

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**The Education Workforce Council  
(Registration Fees) (Wales)  
Regulations 2016**

*Gwnaed* 13 Ionawr 2016

*Made* 13 January 2016

*Yn dod i rym* 1 Chwefror 2016  
*ac eithrio fel y darperir ar ei gyfer yn*  
*rheoliad 1(1)*

*Coming into force* 1 February 2016  
*except as provided for in regulation 1(1)*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adrannau 12, 36 a 47(1) a (2) o Ddeddf Addysg (Cymru) 2014(1) yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers, in exercise of the powers conferred upon them by sections 12, 36 and 47(1) and (2) of the Education (Wales) Act 2014(1) make the following Regulations.

Yn unol ag adran 47(2) o Ddeddf Addysg (Cymru) 2014, gosodwyd drafft o'r Rheoliadau hyn gerbron Cynulliad Cenedlaethol Cymru ac fe'i cymeradwywyd ganddo drwy benderfyniad.

In accordance with section 47(2) of the Education (Wales) Act 2014 a draft of these Regulations was laid before the National Assembly for Wales and approved by a resolution of the National Assembly for Wales.

**Enwi, cychwyn a chymhwyso**

**Title, commencement and application**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cyngor y Gweithlu Addysg (Ffioedd Cofrestru) (Cymru) 2016 a deuant i rym ar 1 Chwefror 2016 ac eithrio rheoliad 2 a ddaw i rym ar 1 Ebrill 2016.

1.—(1) The title of these Regulations is the Education Workforce Council (Registration Fees) (Wales) Regulations 2016 and they come into force on 1 February 2016 except for regulation 2 which comes into force on 1 April 2016.

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

(2) These Regulations apply in relation to Wales.

**Dirymu**

**Revocation**

2. Mae Rheoliadau Cyngor y Gweithlu Addysg (Ffioedd Cofrestru) (Cymru) 2015(2) wedi eu dirymu.

2. The Education Workforce Council (Registration Fees) (Wales) Regulations 2015(2) are revoked.

**Dehongli**

**Interpretation**

3. Yn y Rheoliadau hyn—

3. In these Regulations—

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(1) 2014 dccc 5.  
(2) O.S. 2015/195 (Cy. 10).

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(1) 2014 anaw 5.  
(2) S.I. 2015/195 (W. 10).

ystyr “athro neu athrawes ysgol” (“*school teacher*”) yw person sy’n athro neu athrawes ysgol—

(a) o fewn yr ystyr a roddir iddo yn rhes 1 o dabl 1 yn Atodlen 2 i Ddeddf 2014; a

(b) nad yw’n athro neu athrawes ysgol DCAAY;

ystyr “athro neu athrawes ysgol DCAAY” (“*STPCD school teacher*”) yw person sy’n athro neu athrawes ysgol—

(a) o fewn yr ystyr a roddir iddo yn rhes 1 o dabl 1 yn Atodlen 2 i Ddeddf 2014; a

(b) sy’n cael ei dalu yn unol â DCAAY;

ystyr “Cofrestr” (“*Register*”) yw’r gofrestr a sefydlir ac a gynhelir o dan adran 9 o Ddeddf 2014; ac ystyr “cofrestru” (“*registration*”) yw cofrestru yn y Gofrestr;

ystyr “cyflogwr” (“*employer*”) yw person sy’n cyflogi person cofrestredig i ddarparu gwasanaethau perthnasol neu sy’n cymryd person cofrestredig ymlaen i ddarparu gwasanaethau perthnasol;

ystyr “DCAAY” (“*STPCD*”) yw’r ddogfen y cyfeirir ati yn y Gorchymyn a wneir yn flynyddol gan yr Ysgrifennydd Gwladol o dan adran 122 o Ddeddf Addysg 2002(1) ac sy’n cynnwys darpariaethau sy’n ymwneud â chyflog ac amodau athrawon ysgol;

ystyr “Deddf 2014” (“*the 2014 Act*”) yw Deddf Addysg (Cymru) 2014;

ystyr “dyddiad hysbysu” (“*notification date*”) yw’r dyddiad yr hysbysir cyflogwr amdano gan y Cyngor fel y dyddiad y daw’r ffi yn daladwy;

ystyr “ffi” (“*fee*”) yw unrhyw ffi sy’n daladwy yn rhinwedd adran 12 o Ddeddf 2014;

ystyr “ffi’r categori cofrestru” (“*category of registration fee*”) yw’r ffi sy’n daladwy mewn perthynas â phob categori cofrestru a nodir yn rheoliad 4(1).

“the 2014 Act” (“*Deddf 2014*”) means the Education (Wales) Act 2014;

“category of registration fee” (“*ffi’r categori cofrestru*”) means the fee payable in relation to each category of registration set out in regulation 4(1);

“employer” (“*cyflogwr*”) means a person who employs or engages a registered person to provide relevant services;

“fee” (“*ffi*”) means any fee payable by virtue of section 12 of the 2014 Act;

“notification date” (“*dyddiad hysbysu*”) means the date notified to an employer by the Council as being the date upon which the fee becomes payable;

“Register” (“*Cofrestr*”) means the register established and maintained under section 9 of the 2014 Act; and “registration” (“*cofrestru*”) means registration on the Register;

“school teacher” (“*athro neu athrawes ysgol*”) means a person who is a school teacher—

(a) within the meaning given to it in row 1 of table 1 in Schedule 2 to the 2014 Act; and

(b) is not an STPCD school teacher;

“STPCD” (“*DCAAY*”) means the document referred to in the Order made yearly by the Secretary of State under section 122 of the Education Act 2002(1) and which contains provisions relating to school teachers pay and conditions;

“STPCD school teacher” (“*athro neu athrawes ysgol DCAAY*”) means a person who is a school teacher—

(a) within the meaning given to it in row 1 of table 1 in Schedule 2 to the 2014 Act; and

(b) is paid in accordance with the STPCD.

### **Swm y ffi gofrestru sy’n daladwy**

4.—(1) Y ffi gofrestru sy’n daladwy ar gyfer y flwyddyn sy’n dechrau ar 1 Ebrill 2016 ac sy’n dod i ben ar 31 Mawrth 2017 ac ar gyfer pob blwyddyn ar ôl hynny yw—

(a) £78 y flwyddyn ar gyfer athro neu athrawes ysgol DCAAY;

(b) £49 y flwyddyn ar gyfer athro neu athrawes ysgol;

### **Amount of registration fee payable**

4.—(1) The registration fee payable for the year commencing on 1 April 2016 and ending on 31 March 2017 and each subsequent year is—

(a) £78 per year for an STPCD school teacher;

(b) £49 per year for a school teacher;

(c) £49 per year for a school learning support worker;

(d) £49 per year for a further education teacher; and

- (c) £49 y flwyddyn ar gyfer gweithiwr cymorth dysgu mewn ysgol;
- (d) £49 y flwyddyn ar gyfer athro neu athrawes addysg bellach; ac
- (e) £49 y flwyddyn ar gyfer gweithiwr cymorth dysgu mewn addysg bellach.

(2) Mae swm a bennir gan Weinidogion Cymru o bryd i'w gilydd i gael ei roi'n gymhorthdal tuag at y ffi sy'n daladwy o dan baragraff (1).

(3) Rhaid i swm unrhyw gymhorthdal a bennir gan Weinidogion Cymru yn unol â pharagraff (2) gael ei gyhoeddi ar wefan Llywodraeth Cymru.

(4) Pan fo person yn gwneud cais i gael ei gofrestru neu ei fod wedi ei gofrestru mewn mwy nag un categori cofrestru (“categoriâu cofrestru perthnasol”)—

- (a) dim ond ffi un categori cofrestru sy'n daladwy ar gyfer pob un o'r categorïau cofrestru perthnasol; a
- (b) ffi'r categori cofrestru sy'n daladwy yw'r uchaf o'r ffioedd hynny ar ôl ystyried unrhyw gymhorthdal a bennir o dan baragraff (2).

#### **Darpariaeth sydd i gael ei gwneud gan y Cyngor mewn perthynas â ffioedd**

5. Caiff y Cyngor wneud darpariaeth—

- (a) i godi ac adennill ffioedd a bennir gan Weinidogion Cymru mewn cysylltiad â—
  - (i) ceisiadau i gofrestru neu i ailosod cofnodion yn y Gofrestr; a
  - (ii) cadw cofnodion yn y Gofrestr; a
- (b) bod eithriadau ac esemptiadau pan na fo ffioedd yn cael eu codi.

#### **Yr wybodaeth sydd i gael ei chyflenwi gan gyflogwr i'r Cyngor ar gais**

6. Os gwneir cais gan y Cyngor, rhaid i gyflogwr roi'r manylion a bennir yn yr Atodlen iddo am unrhyw berson—

- (a) sydd, ar ddyddiad a bennir gan y Cyngor, naill ai wedi ei gyflogi neu fel arall wedi ei gymryd ymlaen gan y cyflogwr hwnnw i ddarparu gwasanaethau perthnasol; a
- (b) y mae'n ofynnol iddo gael ei gofrestru yn rhinwedd rheoliadau a wneir o dan adrannau 14 i 16 o Ddeddf 2014.

#### **Didynnu ffi**

7.—(1) Rhaid i gyflogwr person y mae'r rheoliad hwn yn gymwys iddo sicrhau bod y ffi yn cael ei

- (c) £49 per year for a school learning support worker;
- (d) £49 per year for a further education teacher; and
- (e) £49 per year for a further education learning support worker.

(2) The fee payable under paragraph (1) is to be subsidised by such amount as may be determined by the Welsh Ministers from time to time.

(3) The amount of any subsidy determined by the Welsh Ministers in accordance with paragraph (2) must be published on the Welsh Government website.

(4) Where a person applies to be registered or is registered in more than one category of registration (“relevant categories of registration”)—

- (a) only one category of registration fee is payable for all of the relevant categories of registration; and
- (b) the category of registration fee payable is the higher of those fees after taking into account any subsidy determined under paragraph (2).

#### **Provision to be made by the Council in relation to fees**

5. The Council may make provision—

- (a) to charge and recover fees determined by the Welsh Ministers in respect of—
  - (i) applications for registration or for the restoration of entries in the Register; and
  - (ii) the retention of entries in the Register; and
- (b) for there to be exceptions and exemptions where fees are not charged.

#### **Information to be supplied by an employer to the Council on request**

6. An employer must notify the Council upon request of the details specified in the Schedule of any person who—

- (a) on a date specified by the Council is either employed or otherwise engaged by that employer to provide relevant services; and
- (b) is required to be registered by virtue of regulations made under sections 14 to 16 of the 2014 Act.

#### **Deduction of fee**

7.—(1) The employer of a person to whom this regulation applies must secure that the fee is deducted

didynnu o'r cyflog a delir i'r person hwnnw yn union ar ôl y dyddiad hysbysu.

(2) Mae'r rheoliad hwn yn gymwys i berson y mae'r cyflogwr wedi cael hysbysiad ("hysbysiad talu") gan y Cyngor mewn cysylltiad ag ef, sy'n ei gwneud yn ofynnol iddo sicrhau bod y ffi yn cael ei didynnu o gyflog y person hwnnw.

(3) Rhaid i hysbysiad talu bennu'r swm sydd i gael ei didynnu gan ystyried swm y cymhorthdal a bennir yn unol â rheoliad 4(2).

(4) Ni chaniateir i hysbysiad talu gael ei ddyroddi i gyflogwr ond os yw'r Cyngor wedi ei fodloni nad yw'r person y dyroddir yr hysbysiad mewn cysylltiad ag ef eisoes wedi talu'r ffi ar y dyddiad hysbysu ac—

- (a) bod y person wedi ei gofrestru yn y Gofrestr, neu
- (b) ei bod yn ofynnol i'r person gael ei gofrestru felly yn rhinwedd rheoliadau a wneir o dan adrannau 14 i 16 o Ddeddf 2014.

#### **Talu ffioedd i'r Cyngor**

8. Rhaid i'r cyflogwr, o fewn 14 diwrnod i'r ffi gael ei didynnu yn unol â rheoliad 7 dalu'r ffi honno i'r Cyngor.

#### **Yr wybodaeth sydd i gael ei chyflenwi i'r Cyngor gan y cyflogwr gyda'r ffi**

9. Wrth dalu'r ffi rhaid i'r cyflogwr roi i'r Cyngor y manylion a bennir yn yr Atodlen am y person y telir y ffi mewn perthynas ag ef.

#### **Methu â chyflawni dyletswydd**

10. Os yw person yn methu â chyflawni dyletswydd o fewn terfyn amser a bennir yn y Rheoliadau hyn, nid yw hynny'n rhyddhau'r person hwnnw o'r ddyletswydd honno.

from the payment of salary made to that person immediately following the notification date.

(2) This regulation applies to a person in respect of whom the employer has received notice ("a payment notice") from the Council that they are required to secure that the fee is deducted from that person's salary.

(3) A payment notice must specify the amount to be deducted taking into account the amount of subsidy determined in accordance with regulation 4(2).

(4) A payment notice may be issued to an employer only if the Council is satisfied that on the notification date the person in respect of whom the notice is issued has not already paid the fee and is—

- (a) registered on the Register, or
- (b) required to be so registered by virtue of regulations made under sections 14 to 16 of the 2014 Act.

#### **Remittance of fees to the Council**

8. The employer must within 14 days of the fee being deducted in accordance with regulation 7 remit that fee to the Council.

#### **Information to be supplied to the Council by the employer with the fee**

9. When remitting the fee the employer must notify the Council of the details specified in the Schedule of the person in relation to whom the fee is remitted.

#### **Failure to discharge duty**

10. Failure by a person to discharge a duty within a time limit specified in these Regulations does not relieve that person of that duty.

*Huw Lewis*

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru

13 Ionawr 2016

Minister for Education and Skills, one of the Welsh Ministers

13 January 2016



YR WYBODAETH SYDD I GAEL EI  
CHYFLENWI I'R CYNGOR

INFORMATION TO BE SUPPLIED  
TO THE COUNCIL

1. Enw llawn y person.
2. Os yw'n hysbys, unrhyw enw a fu gan y person gynt.
3. Pa un yw'r person yn wryw neu'n fenyw.
4. Y rhif cofrestru swyddogol, os oes un, a neilltuwyd i'r person.
5. Enw'r ysgol neu'r sefydliad lle y mae'r person yn cael ei gyflogi neu lle y mae fel arall wedi ei gymryd ymlaen i ddarparu gwasanaethau perthnasol.
6. Rhif yswiriant gwladol y person.
7. Cyfeiriad cartref neu gyfeiriad cyswllt arall y person.
8. Dyddiad geni'r person.
9. Rhif ffôn a chyfeiriad post electronig y person (os ydynt ar gael).
10. Pan fo'r person wedi ei gymryd ymlaen i ddarparu gwasanaethau perthnasol drwy asiantaeth, enw'r asiantaeth honno.

1. The full name of the person.
2. If known, any name by which the person was formerly known.
3. Whether the person is male or female.
4. The official registration number, if any, assigned to the person.
5. The name of the school or institution at which the person is employed or otherwise engaged to provide relevant services.
6. The person's national insurance number.
7. The person's home address or other contact address.
8. The person's date of birth.
9. The person's telephone number and electronic mail address (if available).
10. Where the person is engaged to provide relevant services through an agency, the name of that agency.

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