

ATODLEN 1

(a gyflwynwyd gan adran 2)

OFFERYN AC ERTHYGLAU LLYWODRAETHU

Yn Neddf Addysg Bellach ac Uwch 1992, yn lle Atodlen 4 rhodder—

“SCHEDULE 4

INSTRUMENTS AND ARTICLES OF GOVERNMENT

- 1 This Schedule applies in relation to—
 - (a) a further education corporation,
 - (b) the governing body of a designated institution, and
 - (c) a sixth form college corporation.
- 2 In this Schedule—
 - “the body” means—
 - (a) in the case of a further education corporation or a sixth form college corporation, the corporation, and
 - (b) in the case of the governing body of a designated institution, the governing body;
 - “the institution” means—
 - (a) in the case of a further education corporation, the institution which the corporation are established to conduct;
 - (b) in the case of the governing body of a designated institution, the institution;
 - (c) in the case of a sixth form college corporation, the relevant sixth form college;
 - “instrument” means an instrument of government or articles of government.
- 3 (1) An instrument must provide for—
 - (a) the number of members of the body,
 - (b) the eligibility of persons for membership,
 - (c) the members to include—
 - (i) staff and students at the institution, and
 - (ii) in the case of a sixth form college corporation, parents of students at the institution aged under 19, and
 - (d) the appointment of members, if the institution is in England, or the appointment or election of members, if the institution is in Wales.

(2) In the case of an institution in Wales the provision made by an instrument must include provision—

 - (a) for the members of the body to include—
 - (i) the chief executive,
 - (ii) at least two other members of staff at the institution,
 - (iii) at least two students at the institution, and
 - (iv) one or more representatives of local employers or businesses,
 - (b) for at least one of the members who are members of staff to be a member of the teaching staff, and at least one to be a member of the non-teaching staff,

- elected at an election open to all members of staff from those nominated by any member of staff, and
- (c) for the members who are students to be elected at an election open to all the students at the institution from those nominated by any student or (if the body so determines) to be elected at an election open to all the members of an association which represents students at the institution, and is recognised by the body, from those nominated by any member of the association.
- 4 (1) An instrument must make provision about the procedures of the body and the institution.
- (2) In particular, an instrument must specify how the body may resolve for its dissolution and the transfer of its property, rights and liabilities.
- 5 (1) An instrument must make provision for there to be—
- (a) a chief executive of the institution, and
- (b) a clerk to the body.
- (2) An instrument must make provision about the respective responsibilities of the body, the chief executive and the clerk.
- (3) The responsibilities of the body must include—
- (a) in the case of a sixth form college corporation to which section 33J applies, the preservation and development of the educational character and mission of the institution and the oversight of its activities;
- (b) in the case of any other sixth form college corporation, a further education corporation or a governing body, the determination and periodic review of the educational character and mission of the institution and the oversight of its activities;
- (c) in any case, the effective and efficient use of resources, the solvency of the institution and the body and the safeguarding of their assets.
- 6 An instrument must require the body to publish arrangements for obtaining the views of staff and students on the matters for which the body are responsible under paragraph 5(3)(a) or (b).
- 7 In the case of an institution in Wales, an instrument must require the body to consult persons in the locality of the institution receiving education or training, employers in that locality and bodies representing persons living in that locality as to the education provided at the institution and the planning of its curriculum.
- 8 An instrument must permit the body to change their name with the approval of—
- (a) in the case of an institution in England, the Secretary of State;
- (b) in the case of an institution in Wales, the Welsh Ministers.
- 9 An instrument must specify how the body may modify or replace the instrument of government and articles of government.
- 10 An instrument must prohibit the body from making changes to the instrument of government or articles of government that would result in the body ceasing to be a charity.
- 11 An instrument must provide for—
- (a) a copy of the instrument to be given free of charge to every member of the body,

Statws This is the original version (as it was originally enacted).

- (b) a copy of the instrument to be given free of charge, or at a charge not exceeding the cost of copying, to anyone else who requests it, and
 - (c) a copy of it to be available for inspection at the institution on request, during normal office hours, to every member of staff of, and student at, the institution.
- 12 An instrument must provide for the authentication of the application of the seal of the body.”

ATODLEN 2

(a gyflwynwyd gan adran 8)

MÂN DDIWYGIADAU A DIWYGIADAU CANLYNIADOL

Deddf Addysg Bellach ac Uwch 1992

- 1 Yn Neddf Addysg Bellach ac Uwch 1992—
- (a) yn adran 30 (darpariaeth arbennig ar gyfer sefydliadau penodol), yn is-adran (1), yn lle “29C” rhodder “29B”;
 - (b) yn adran 33I(2)(a) (offeryn ac erthyglau llywodraethu corfforaethau colegau chweched dosbarth), hepgorer “Part 2 of”;
 - (c) yn adran 61 (dehongli Rhan 1), yn is-adran (1), yn y diffiniad o “regulations” ar ôl “Secretary of State” mewnosoder “or the Welsh Ministers”;
 - (d) yn adran 89 (gorchmynion, rheoliadau a chyfarwyddiadau)—
 - (i) yn is-adran (1), hepgorer “of the Secretary of State”;
 - (ii) yn is-adran (2), hepgorer “22ZA(1) and (4),” a “29C(4),”;
 - (iii) yn is-adran (3), yn lle’r geiriau o “a resolution” hyd at y diwedd rhodder “—
 - (a) in the case of an order or regulations made by the Secretary of State, a resolution of either House of Parliament;
 - (b) in the case of an order or regulations made by the Welsh Ministers, a resolution of the National Assembly for Wales.”

Deddf Dysgu a Sgiliau 2000

- 2 Yn Neddf Dysgu a Sgiliau 2000, hepgorer—
- (a) adran 39 (pŵer Gweinidogion Cymru i benodi llywodraethwyr sefydliad sy’n dod o fewn y sector addysg bellach ac sy’n bennaf yn gwasanaethu poblogaeth Cymru), a
 - (b) yn Atodlen 9, paragraffau 22(4) a 25 (sy’n diwygio adrannau 19 ac 31 o Ddeddf Addysg Bellach ac Uwch 1992).

Gorchymyn Cyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Diddymu’r Cyngor) 2005

- 3 Yng Ngorchymyn Cyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Diddymu’r

Cyngor) 2005, yn Atodlen 1, hepgorer paragraffau 14 i 16, 18 a 59 (sy'n diwygio adrannau 19, 22, 27 ac 31 o Ddeddf Addysg Bellach ac Uwch 1992 ac adran 39 o Ddeddf Dysgu a Sgiliau 2000).

Deddf Addysg Bellach a Hyfforddiant 2007

- 4 Yn Neddf Addysg Bellach a Hyfforddiant 2007, hepgorer—
- (a) adran 18(5) (sy'n mewnosod adran 57A yn Neddf Addysg Bellach ac Uwch 1992),
 - (b) adran 21(3) i (5) (sy'n diwygio adran 19 o'r Ddeddf honno), ac
 - (c) adran 22 (a fyddai, pe bai mewn grym, yn mewnosod adran 49A yn Neddf Addysg Bellach ac Uwch 1992 er mwyn ei gwneud yn ofynnol i gorff llywodraethu sefydliad yn y sector addysg bellach yng Nghymru roi sylw i ganllawiau Gweinidogion Cymru ynghylch ymgynghori).

Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009

- 5 Yn Neddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009, yn Atodlen 6, hepgorer paragraffau 3(1), (3) a (4) a 5(b) (sy'n diwygio adrannau 19(4A) a (4B) ac 31(2A) o Ddeddf Addysg Bellach ac Uwch 1992).

Mesur Dysgu a Sgiliau (Cymru) 2009

- 6 Ym Mesur Dysgu a Sgiliau (Cymru) 2009, yn yr Atodlen, ym mharagraff 3 (sy'n diwygio adran 39 o Ddeddf Dysgu a Sgiliau 2000), hepgorer “39(1)”.

Deddf Addysg 2011

- 7 Yn Neddf Addysg 2011, yn Atodlen 12, hepgorer paragraffau 3(3) i (5) a (7)(a) a (9), 5, 6, 7, 16(a), 43 a 45 (sy'n diwygio adrannau 19 ac 20, yn mewnosod adrannau 22 a 22ZA, ac yn disodli adran 27 o Ddeddf Addysg Bellach ac Uwch 1992 ac Atodlen 4 iddi ac yn diwygio adran 22 o Ddeddf Addysg Bellach a Hyfforddiant 2007).