



Deddf Addysg (Cymru) 2014

2014 dccc 5

Education (Wales) Act 2014

2014 anaw 5

Lluniwyd Nodiadau Esboniadol yn gymorth i ddeall y Ddeddf hon ac maent ar gael ar wahân.

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately.

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Deddf Addysg (Cymru) 2014

Deddf gan Gynulliad Cenedlaethol Cymru i wneud darpariaeth ynghylch Cyngor y Gweithlu Addysg (Cyngor Addysgu Cyffredinol Cymru gynt); i estyn gofynion cofrestru, cymhwyso a hyfforddi'r gweithlu addysg; i wneud darpariaeth ynghylch penderfynu ar ddyddiadau tymhorau a gwyliau ysgol yng Nghymru; i wneud darpariaeth mewn cysylltiad â phenodiadau i Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru; ac at ddibenion cysylltiedig.

[12 Mai 2014]

Gan ei fod wedi ei basio gan Gynulliad Cenedlaethol Cymru ac wedi derbyn cydsyniad Ei Mawrhydi, deddfir fel a ganlyn:-

RHAN 1

CYFLWYNIAD

1 Trosolwg

- (1) Mae'r Rhan hon yn rhoi trosolwg o gynnwys y Ddeddf hon.
- (2) Mae Rhan 2 yn gwneud darpariaeth ynghylch—
 - (a) diwygio Cyngor Addysgu Cyffredinol Cymru a'i ailenwi'n Gyngor y Gweithlu Addysg;
 - (b) cofrestru personau penodol sy'n addysgu plant a phobl ifanc;
 - (c) rheoleiddio personau cofrestredig, gan gynnwys—
 - (i) y rhwymedigaeth ar bersonau cofrestredig i gydymffurfio â chod sy'n pennu'r safonau ymddygiad ac ymarfer proffesiynol;
 - (ii) y camau y gellir eu cymryd yn erbyn person cofrestredig;
 - (d) rhannu gwybodaeth ynghylch personau cofrestredig.



Education (Wales) Act 2014

An Act of the National Assembly for Wales to make provision about the Education Workforce Council (formerly the General Teaching Council for Wales); to extend the registration, qualification and training requirements of the education workforce; to make provision about the determination of school term and holiday dates in Wales; to make provision in connection with appointments to Her Majesty's Inspectorate of Education and Training in Wales; and for connected purposes.

[12 May 2014]

Having been passed by the National Assembly for Wales and having received the Assent of Her Majesty, it is enacted as follows:-

PART 1

INTRODUCTION

1 Overview

- (1) This Part gives an overview of the content of this Act.
- (2) Part 2 makes provision about—
 - (a) the reform of the General Teaching Council for Wales and its renaming as the Education Workforce Council;
 - (b) the registration of certain persons who educate children and young people;
 - (c) the regulation of registered persons, including—
 - (i) the obligation of registered persons to comply with a code specifying the standards of professional conduct and practice;
 - (ii) the action that can be taken against a registered person;
 - (d) the sharing of information about registered persons.

- (3) Mae Rhan 3 yn gwneud darpariaeth ynghylch—
- (a) pennu dyddiadau tymhorau a gwyliau ar gyfer ysgolion yng Nghymru;
 - (b) amserau sesiynau ysgolion;
 - (c) penodi personau i Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru.
 - (d) swyddogaethau addysg awdurdodau lleol sydd, yn rhinwedd adran 25 neu 26 o Ddeddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013, i'w trin yn arferadwy, at bob diben, gan bersonau a gyfarwyddir gan Weinidogion Cymru.
- (4) Mae Rhan 4 yn gwneud darpariaeth gyffredinol mewn perthynas â'r Ddeddf.
- (5) Darperir mynegai o'r geiriau a'r ymadroddion sydd wedi eu diffinio a'u defnyddio yn y Ddeddf hon yn Atodlen 4.

RHAN 2

Y GWEITHLU ADDYSG

Cyngor y Gweithlu Addysg

2 **Cyngor y Gweithlu Addysg**

- (1) Mae'r corff corfforaethol a sefydlwyd yn unol ag adran 8 o Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30) a elwir Cyngor Addysgu Cyffredinol Cymru—
- (a) i barhau i fodoli, ond
 - (b) i newid ei enw i (ac fe'i gelwir o hyn ymlaen yn) "Cyngor y Gweithlu Addysg" (y cyfeirir ato yn y Ddeddf hon fel "y Cyngor").
- (2) Mae Atodlen 1 (sy'n gwneud darpariaeth ynghylch cyfansoddiad a phwerau'r Cyngor) yn cael effaith.

3 **Nodau'r Cyngor**

Prif nodau'r Cyngor yw—

- (a) cyfrannu at wella safonau addysgu ac ansawdd y dysgu yng Nghymru, a
- (b) cynnal a gwella safonau ymddygiad proffesiynol ymhlith athrawon a phersonau sy'n cefnogi addysgu a dysgu yng Nghymru.

4 **Swyddogaethau'r Cyngor**

- (1) Prif swyddogaethau'r Cyngor yw—
- (a) darparu cyngor ar faterion sy'n ymwneud â'r personau y mae'n eu rheoleiddio ac addysgu a dysgu yn unol ag adran 7;
 - (b) ymgymryd â gweithgareddau i hybu gyrfaoedd mewn proffesiynau cofrestradwy yn unol ag adran 8;
 - (c) sefydlu a chynnal cofrestr yn unol ag adran 9;

- (3) Part 3 makes provision about—
 - (a) the fixing of term and holiday dates for schools in Wales;
 - (b) the times of school sessions;
 - (c) the appointment of persons to Her Majesty’s Inspectorate of Education in Wales;
 - (d) education functions of local authorities which, by virtue of section 25 or 26 of the School Standards and Organisation (Wales) Act 2013, are to be treated for all purposes as exercisable by persons directed by the Welsh Ministers.
- (4) Part 4 makes general provision in relation to the Act.
- (5) An index of the defined words and expressions used in this Act is provided in Schedule 4.

PART 2

EDUCATION WORKFORCE

Education Workforce Council

2 Education Workforce Council

- (1) The body corporate established in pursuance of section 8 of the Teaching and Higher Education Act 1998 (c. 30) and known as the General Teaching Council for Wales—
 - (a) is to continue to exist, but
 - (b) is to change its name to (and now be known as) the “Education Workforce Council” (in this Act referred to as “the Council”).
- (2) Schedule 1 (which makes provision about the constitution and powers of the Council) has effect.

3 Aims of the Council

The principal aims of the Council are—

- (a) to contribute to improving the standards of teaching and the quality of learning in Wales, and
- (b) to maintain and improve standards of professional conduct amongst teachers and persons who support teaching and learning in Wales.

4 Functions of the Council

- (1) The Council’s main functions are—
 - (a) to provide advice on matters related to the persons which it regulates and teaching and learning in accordance with section 7;
 - (b) to undertake activities to promote careers in registrable professions in accordance with section 8;
 - (c) to establish and maintain a register in accordance with section 9;

- (d) sicrhau bod ganddo'r wybodaeth ddiweddaraf ynghylch sefydlu personau yn unol ag adran 17 a gwrando apelau mewn perthynas â phenderfyniadau sefydlu yn unol ag adran 19;
 - (e) adolygu a diwygio'r cod sy'n pennu safonau ymddygiad ac ymarfer proffesiynol ar gyfer personau cofrestredig yn unol ag adran 24;
 - (f) ymchwilio i ymddygiad proffesiynol annerbyniol ac anghymhwysedd proffesiynol a chymryd camau priodol mewn cysylltiad â phersonau cofrestredig yn unol ag adran 26;
 - (g) cadw unrhyw wybodaeth ynghylch personau a bennir yn unol ag adran 33 a darparu gwybodaeth i unrhyw gyrff a bennir yn unol ag adran 35.
- (2) Mae gan y Cyngor hefyd y swyddogaethau ychwanegol sydd wedi eu rhoi iddo yn rhinwedd –
- (a) y Ddeddf hon;
 - (b) gorchymyn o dan adran 5;
 - (c) unrhyw ddeddfiad arall.
- (3) Mae'r swyddogaethau sydd wedi eu rhoi i'r Cyngor gan neu o dan y Rhan hon yn arferadwy ganddo o ran Cymru yn unig.

5 Y pŵer i ychwanegu swyddogaethau

- (1) Caiff Gweinidogion Cymru drwy orchymyn roi neu osod ar y Cyngor unrhyw swyddogaethau ychwanegol sy'n briodol yn eu barn hwy.
- (2) Cyn gwneud gorchymyn o dan is-adran (1) rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy'n briodol yn eu barn hwy.

6 Cyfarwyddiadau

- (1) Rhaid i'r Cyngor gydymffurfio ag unrhyw gyfarwyddyd (cyffredinol neu benodol) a roddir iddo gan Weinidogion Cymru.
- (2) Ni chaniateir i gyfarwyddyd gael ei roi mewn cysylltiad â'r canlynol –
 - (a) cais penodol i gofrestru o dan adran 9;
 - (b) apêl sy'n ymwneud â chais o'r fath;
 - (c) achos disgyblu penodol o dan adran 26.
- (3) Rhaid i Weinidogion Cymru gyhoeddi cyfarwyddyd a roddir o dan yr adran hon mewn unrhyw ddull sy'n briodol yn eu barn hwy.
- (4) Caiff Gweinidogion Cymru amrywio neu ddirymu cyfarwyddyd (ac mae is-adran (3) yn gymwys mewn perthynas ag unrhyw ddogfen sy'n amrywio neu'n dirymu cyfarwyddyd fel y mae'n gymwys i gyfarwyddyd).

- (d) to keep itself informed about the induction of persons in accordance with section 17 and to hear appeals in relation to induction decisions in accordance with section 19;
 - (e) to review and revise the code which specifies standards of professional conduct and practice for registered persons in accordance with section 24;
 - (f) to investigate unacceptable professional conduct and professional incompetence and take appropriate action in respect of registered persons in accordance with section 26;
 - (g) to hold such information about persons as may be specified in accordance with section 33 and to provide information to such bodies as may be specified in accordance with section 35.
- (2) The Council also has the additional functions conferred on it by virtue of –
- (a) this Act;
 - (b) an order under section 5;
 - (c) any other enactment.
- (3) The functions conferred on the Council by or under this Part are exercisable by it only in relation to Wales.

5 Power to add functions

- (1) The Welsh Ministers may by order confer or impose on the Council such additional functions as they consider appropriate.
- (2) Before making an order under subsection (1) the Welsh Ministers must consult such persons as they consider appropriate.

6 Directions

- (1) The Council must comply with any direction (general or specific) given to it by the Welsh Ministers.
- (2) A direction may not be given in respect of –
 - (a) a specific application for registration under section 9;
 - (b) an appeal relating to such an application;
 - (c) a specific disciplinary case under section 26.
- (3) The Welsh Ministers must publish a direction given under this section in such manner as they consider appropriate.
- (4) The Welsh Ministers may vary or revoke a direction (and subsection (3) applies in relation to any document varying or revoking a direction as it applies to a direction).

*Darparu cyngor a hybu gyrfaoedd***7 Darparu cyngor gan y Cyngor**

- (1) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i'r Cyngor ddarparu cyngor –
 - (a) iddynt hwy ar –
 - (i) mater perthnasol, neu
 - (ii) unrhyw fater arall sy'n ymwneud ag addysgu neu ddysgu, a
 - (b) i berson arall ar fater perthnasol.
- (2) At ddibenion yr adran hon, y "materion perthnasol" yw –
 - (a) safonau gwasanaethau a ddarperir gan bersonau cofrestredig;
 - (b) safonau ymddygiad ar gyfer personau cofrestredig;
 - (c) addasrwydd personau cofrestredig i ymarfer;
 - (d) rolau'r proffesiynau a gynrychiolir yn y categorïau cofrestru;
 - (e) statws pob un o'r proffesiynau hynny;
 - (f) hyfforddi, datblygu gyrfa a rheoli perfformiad personau cofrestredig;
 - (g) recriwtio personau cofrestredig ym mhob categori cofrestru a'u cadw;
 - (h) y cyflenwad o bersonau cofrestredig.
- (3) Caiff y Cyngor hefyd ddarparu unrhyw gyngor sy'n briodol yn ei farn ef ar faterion perthnasol i unrhyw bersonau y mae'n penderfynu arnynt.
- (4) Rhaid i'r Cyngor hysbysu Gweinidogion Cymru yn ysgrifenedig, bob dau fis, am unrhyw gyngor sydd wedi ei roi ganddo ar faterion perthnasol yn ystod y ddau fis blaenorol, ac am y sawl a gafodd y cyngor hwnnw.
- (5) Rhaid i gyngor a roddir o dan yr adran hon mewn perthynas â materion perthnasol fod o natur gyffredinol.
- (6) Caiff y Cyngor, gyda chydysniad Gweinidogion Cymru, gyhoeddi unrhyw gyngor a roddir ganddo o dan yr adran hon.

8 Hybu gyrfaoedd

- (1) Rhaid i'r Cyngor ymgymryd ag unrhyw weithgareddau sy'n ofynnol gan Weinidogion Cymru gyda'r bwriad o hybu gyrfaoedd, a datblygiad gyrfaoedd, yn y proffesiynau cofrestradwy yng Nghymru.
- (2) Caiff y gweithgareddau gofynnol hynny gynnwys, yn benodol –
 - (a) rhoi cyngor;
 - (b) trefnu cynadleddau a darlithoedd;
 - (c) cyhoeddi deunyddiau hybu.

Provision of advice and promotion of careers

7 Provision of advice by the Council

- (1) The Welsh Ministers may require the Council to provide advice—
 - (a) to them on—
 - (i) a relevant matter, or
 - (ii) any other matter relating to teaching or learning, and
 - (b) to another person on a relevant matter.
- (2) For the purposes of this section the “relevant matters” are—
 - (a) standards of services provided by registered persons;
 - (b) standards of conduct for registered persons;
 - (c) the fitness to practise of registered persons;
 - (d) the roles of the professions represented in the categories of registration;
 - (e) the standing of each of those professions;
 - (f) the training, career development and performance management of registered persons;
 - (g) the recruitment to and retention of registered persons in each category of registration;
 - (h) the supply of registered persons.
- (3) The Council may also provide such advice on relevant matters as it considers appropriate to such persons as it may determine.
- (4) The Council must, every two months, notify the Welsh Ministers in writing of any advice it has given on relevant matters during the preceding two months, and of the recipient of that advice.
- (5) Advice given under this section in relation to relevant matters must be of a general nature.
- (6) The Council may, with the consent of the Welsh Ministers, publish any advice it gives under this section.

8 Promotion of careers

- (1) The Council must undertake such activities as the Welsh Ministers may require with a view to promoting careers, and the development of careers, in the registrable professions in Wales.
- (2) The activities that may be required may include, in particular—
 - (a) giving advice;
 - (b) organising conferences and lectures;
 - (c) publishing promotional materials.

- (3) At ddibenion adran 4(1)(b) a'r adran hon, mae'r cyfeiriad at yrfaeodded yn y proffesiynau cofrestradwy yn gyfeiriad at yrfaeodded sy'n darparu'r gwasanaethau a ddisgrifir mewn perthynas â chategori cofrestru (er enghraifft, addysgu).

Cofrestru'r gweithlu addysg

9 Cofrestr

- (1) Rhaid i'r Cyngor sefydlu a chymnal cofrestr at ddibenion y Rhan hon.
- (2) Rhaid i'r gofrestr gynnwys enw pob person sy'n gymwys i'w gofrestru o dan adran 10 ac sy'n gwneud cais i gael ei gofrestru.
- (3) Rhaid i'r gofrestr gynnwys y categorïau a nodir ac a ddisgrifir yn nhabl 1 o Atodlen 2 (y "categoriâu cofrestru").
- (4) Rhaid i bob person cofrestredig fod wedi ei gofrestru mewn o leiaf un categori cofrestru.
- (5) Caniateir i berson gael ei gofrestru ar sail dros dro.

10 Cymhwysra ar gyfer cofrestru

- (1) Mae person yn gymwys i'w gofrestru os yw'r person yn bodloni'r amodau yn yr adran hon.
- (2) Yr amod cyntaf yw bod y person—
 - (a) yn bodloni'r disgrifiad o gategori cofrestru ac wedi cwblhau'n foddhaol unrhyw gyfnod sefydlu sy'n ofynnol yn rhinwedd adran 17, neu
 - (b) yn bodloni unrhyw ofynion ar gyfer cofrestru dros dro a bennir drwy reoliadau gan Weinidogion Cymru.
- (3) Yr ail amod yw nad yw'r person—
 - (a) wedi ei wahardd rhag gweithgaredd a reoleiddir sy'n ymwneud â phlant (o fewn ystyr adran 3(2) o Ddeddf Diogelu Grwpiau Hyglwyf 2006 (p. 47)),
 - (b) yn ddarostyngedig i orchymyn disgyblu a wneir o dan y Ddeddf hon ac yn rhinwedd y gorchymyn hwnnw mae'r person yn anghymwys i gofrestru, neu
 - (c) wedi ei anghymhwysu rhag gweithio mewn swydd sy'n cyfateb i'r categori cofrestru y mae'n ceisio cofrestru ar ei gyfer mewn rhan arall o'r Deyrnas Unedig.
- (4) Y trydydd amod yw bod y Cyngor, ar adeg cofrestru, yn fodlon bod y ceisydd yn berson addas i'w gofrestru yn y categori cofrestru y mae'n ceisio cofrestru ar ei gyfer.
- (5) Wrth arfer ei swyddogaethau o dan is-adran (4), rhaid i'r Cyngor roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru.
- (6) Caiff Gweinidogion Cymru drwy orchymyn ddiwygio is-adran (3) i bennu unrhyw seiliau ychwanegol o ran anghymhwysra sy'n angenrheidiol neu'n hwylus yn eu barn hwy.
- (7) Cyn gwneud gorchymyn o dan is-adran (6) rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau neu gyrff sy'n briodol yn eu barn hwy.

- (3) For the purposes of section 4(1)(b) and this section, the reference to careers in the registrable professions is a reference to careers providing the services described in relation to a category of registration (for example, teaching).

Registration of education workforce

9 Register

- (1) The Council must establish and maintain a register for the purposes of this Part.
- (2) The register must contain the name of every person who is eligible for registration under section 10 and applies to be registered.
- (3) The register must comprise the categories set out and described in table 1 of Schedule 2 (the “categories of registration”).
- (4) Each registered person must be registered in at least one category of registration.
- (5) A person may be registered on a provisional basis.

10 Eligibility for registration

- (1) A person is eligible for registration if the person meets the conditions in this section.
- (2) The first condition is that the person—
 - (a) meets the description of a category of registration and has satisfactorily completed any period of induction required by virtue of section 17, or
 - (b) satisfies such requirements for provisional registration as the Welsh Ministers may by regulations specify.
- (3) The second condition is that the person is not—
 - (a) barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006 (c. 47)),
 - (b) subject to a disciplinary order made under this Act by virtue of which the person is ineligible to register, or
 - (c) disqualified from working in a post equivalent to the category of registration for which registration is sought in another part of the United Kingdom.
- (4) The third condition is that, at the time of registration, the Council is satisfied that the applicant is a suitable person to be registered in the category of registration for which registration is sought.
- (5) In exercising its functions under subsection (4), the Council must have regard to any guidance issued by the Welsh Ministers.
- (6) The Welsh Ministers may by order amend subsection (3) to specify such additional grounds of ineligibility as they consider necessary or expedient.
- (7) Before making an order under subsection (6) the Welsh Ministers must consult such persons or bodies as they consider appropriate.

11 Apelau yn erbyn gwrthod cais i gofrestru

- (1) Caiff person y mae ei gais i gofrestru wedi ei wrthod gan y Cyngor ar y sail nad oedd y Cyngor wedi ei fodloni o ran addasrwydd y ceisydd o dan adran 10(4) apelio yn erbyn y penderfyniad i'r Uchel Lys.
- (2) Rhaid gwneud apêl o dan is-adran (1) cyn pen y cyfnod o 28 o ddiwrnodau sy'n dechrau ar y dyddiad y cyflwynir yr hysbysiad am y penderfyniad i'r ceisydd.
- (3) Mewn cysylltiad ag apêl o'r fath, caiff yr Uchel Lys wneud unrhyw orchymyn sy'n briodol yn ei farn ef.
- (4) Mae penderfyniad yr Uchel Lys yn derfynol (ac ni chaniateir apelio yn ei erbyn).

12 Ffioedd cofrestru

- (1) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth ynghylch y ffioedd y caniateir iddynt fod yn daladwy mewn cysylltiad â chofrestru (gan gynnwys ffioedd er mwyn ailosod enw ar y gofrestr neu er mwyn cadw enw arni).
- (2) Caiff rheoliadau o dan yr adran hon, yn benodol, wneud darpariaeth—
 - (a) yn awdurdodi'r Cyngor i godi ffioedd a'u hadennill;
 - (b) ynghylch swm y ffioedd (a phwy sydd i benderfynu'r swm hwnnw);
 - (c) ynghylch unrhyw eithriadau neu esemptiadau y caniateir iddynt fod yn gymwys neu y mae rhaid iddynt fod yn gymwys;
 - (d) yn ei gwneud yn ofynnol i gyflogwyr personau cofrestredig—
 - (i) didynnu (neu drefnu didyniad) o gyflog person cofrestredig unrhyw ffi sy'n daladwy, a
 - (ii) talu'r ffi honno i'r Cyngor;
 - (e) ynghylch y trefniadau sydd i'w mabwysiadu gan gyflogwyr yn unol â pharagraff (d);
 - (f) ynghylch y taliadau gweinyddu y caiff cyflogwyr eu didynnu o unrhyw ffioedd a delir i'r Cyngor;
 - (g) ynghylch canlyniadau methu â thalu ffioedd (a gaiff gynnwys gwrthod cofrestru neu ddileu enw o'r gofrestr).
- (3) Yn yr adran hon, mae "cyflog" yn cynnwys unrhyw dâl sy'n daladwy mewn cysylltiad â gwasanaethau a ddarperir gan berson cofrestredig.

13 Cofrestru: darpariaeth bellach

- (1) Caiff Gweinidogion Cymru drwy reoliadau wneud unrhyw ddarpariaeth bellach ynghylch y gofrestr a chofrestru sy'n briodol neu'n hwylus yn eu barn hwy.
- (2) Caiff rheoliadau o dan yr adran hon, yn benodol, wneud darpariaeth ynghylch—
 - (a) ffurf a chynnwys y gofrestr;
 - (b) y ffurf a'r dull ar gyfer gwneud cais i gofrestru;
 - (c) y ddogfennaeth a thystiolaeth arall sydd i fynd gyda cheisiadau;

11 Appeals against refusal of registration

- (1) A person whose application for registration has been refused by the Council on the ground that the Council was not satisfied as to the applicant's suitability under section 10(4) may appeal against the decision to the High Court.
- (2) An appeal under subsection (1) must be made within the period of 28 days beginning with the date on which the notice of the decision is served on the applicant.
- (3) In respect of such an appeal, the High Court may make any order which it considers appropriate.
- (4) The decision of the High Court is final (and may not be appealed).

12 Registration fees

- (1) The Welsh Ministers may by regulations make provision about the fees which may be payable in connection with registration (including fees for restoration to, or retention in, the register).
- (2) Regulations under this section may, in particular, make provision—
 - (a) authorising the Council to charge and recover fees;
 - (b) about the amount of the fees (and who is to determine the amount);
 - (c) about any exceptions and exemptions which may or must apply;
 - (d) requiring employers of registered persons—
 - (i) to deduct (or arrange for the deduction) from the salary of a registered person any fee payable, and
 - (ii) to remit that fee to the Council;
 - (e) about the arrangements to be adopted by employers in pursuance of paragraph (d);
 - (f) about the administration charges which may be deducted by employers from any fees remitted to the Council;
 - (g) about the consequences of failing to pay fees (which may include refusal to register, or removal from the register).
- (3) In this section, "salary" includes any remuneration payable in respect of services provided by a registered person.

13 Registration: further provision

- (1) The Welsh Ministers may by regulations make such further provision about the register and registration as they consider necessary or expedient.
- (2) Regulations under this section may, in particular, make provision about—
 - (a) the form and content of the register;
 - (b) the form and manner in which applications for registration are to be made;
 - (c) the documentary and other evidence which is to accompany applications;

- (d) sut i roi gwybod i geisydd am –
 - (i) y penderfyniad o ran p'un ai i gymeradwyo neu i wrthod cais i gofrestru, a
 - (ii) yn achos gwrthod cofrestru, y sail ar gyfer gwrthod y cais a hawl y ceisydd i apelio yn erbyn y penderfyniad;
- (e) y materion sydd i'w cofnodi yn y gofrestr yn erbyn enwau'r rhai hynny sydd wedi eu cofrestru ynddi;
- (f) ailosod cofnodion a'u newid;
- (g) dileu cofnodion o'r gofrestr o dan yr amgylchiadau hynny a bennir yn y rheoliadau;
- (h) dyroddi tystysgrifau cofrestru a ffurf y tystysgrifau hynny;
- (i) yr wybodaeth sydd wedi ei chynnwys yn y gofrestr y caniateir iddi fod ar gael i'r cyhoedd edrych arni a'r amgylchiadau hynny pan ganiateir i'r wybodaeth honno fod ar gael a'r amodau hynny y caniateir i'r wybodaeth honno fod ar gael yn ddarostyngedig iddynt.

Y gofynion sydd i'w bodloni er mwyn ddarparu gwasanaethau

14 Athrawon ysgol a gweithwyr cymorth dysgu mewn ysgolion

- (1) Caiff Gweinidogion Cymru drwy reoliadau ddarparu na chaiff person ddarparu gwasanaethau penodedig mewn ysgol oni bai –
 - (a) bod y person –
 - (i) yn athro cymwysedig neu'n athrawes gymwysedig (gweler adran 132 o Ddeddf 2002), neu
 - (ii) yn bodloni gofynion penodedig, a
 - (b) bod y person wedi ei gofrestru mewn categori cofrestru penodedig.
- (2) Caiff rheoliadau o dan is-adran (1) sy'n pennu gwasanaethau at ddiben yr adran hon wneud darpariaeth drwy gyfeirio at –
 - (a) un neu ragor o weithgareddau penodedig, neu
 - (b) yr amgylchiadau ar gyfer cynnal gweithgareddau.
- (3) Caniateir i ddarpariaeth a wneir yn rhinwedd is-adran (2) gael ei wneud, yn benodol, drwy gyfeirio at weithgaredd a bennir mewn dogfen o'r math a grybwyllir yn adran 124(3) o Ddeddf 2002.
- (4) Caniateir i ofyniad yn y rheoliadau o dan is-adran (1) ymwneud, yn benodol, â –
 - (a) meddu ar gymhwyster penodedig neu brofiad o fath penodedig;
 - (b) cymryd rhan mewn rhaglen neu gwrs hyfforddi penodedig neu gwblhau rhaglen neu gwrs o'r fath;
 - (c) cydymffurfedd ag amod penodedig;
 - (d) arfer disgresiwn gan Weinidogion Cymru, person penodedig arall neu berson arall o ddisgrifiad penodedig.
- (5) Caiff rheoliadau o dan is-adran (1) gyfyngu ar y cyfnod amser a ganiateir er mwyn i waith gael ei ddarparu gan berson yn ddibynnol ar is-adran (1)(a)(ii).

- (d) how an applicant is to be informed of—
 - (i) the decision on whether to grant or refuse an application for registration, and
 - (ii) in the case of a refusal to register, the grounds on which the application was refused and the applicant's right to appeal the decision;
- (e) the matters which are to be recorded in the register against the names of those registered in it;
- (f) the restoration and alteration of entries;
- (g) the removal of entries from the register in such circumstances as the regulations may specify;
- (h) the issue and form of certificates of registration;
- (i) the information contained in the register which may be made available for inspection by members of the public and the circumstances in which and the conditions subject to which that information may be made available.

Requirements to be satisfied to provide services

14 School teachers and school learning support workers

- (1) The Welsh Ministers may by regulations provide that specified services may not be provided by a person in a school unless—
 - (a) the person—
 - (i) is a qualified teacher (see section 132 of the 2002 Act), or
 - (ii) satisfies specified requirements, and
 - (b) the person is registered in a specified category of registration.
- (2) Regulations under subsection (1) specifying services for the purpose of this section may make provision by reference to—
 - (a) one or more specified activities, or
 - (b) the circumstances in which activities are carried out.
- (3) Provision made by virtue of subsection (2) may, in particular, be made by reference to an activity specified in a document of the kind mentioned in section 124(3) of the 2002 Act.
- (4) A requirement of regulations under subsection (1) may, in particular, relate to—
 - (a) the possession of a specified qualification or experience of a specified kind;
 - (b) participation in or completion of a specified programme or course of training;
 - (c) compliance with a specified condition;
 - (d) an exercise of discretion by the Welsh Ministers, another specified person or another person of a specified description.
- (5) Regulations under subsection (1) may limit the period of time during which work may be provided by a person in reliance on subsection (1)(a)(ii).

- (6) Yn yr adran hon, ystyr “ysgol” yw –
- (a) ysgol a gynhelir gan awdurdod lleol yng Nghymru, a
 - (b) ysgol arbennig yng Nghymru nas cynhelir felly.

15 Athrawon addysg bellach

- (1) Caiff Gweinidogion Cymru drwy reoliadau –
- (a) ddarparu na chaniateir i addysg gael ei darparu gan berson mewn neu ar ran sefydliad addysg bellach yng Nghymru oni bai –
 - (i) bod gan y person hwnnw gymhwyster penodedig, a
 - (ii) bod y person hwnnw wedi ei gofrestru yng nghategori athro neu athrawes addysg bellach;
 - (b) pennu amodau y mae rhaid i berson sy’n darparu addysg mewn neu ar ran sefydliad addysg bellach yng Nghymru gydymffurfio â hwy neu y mae rhaid cydymffurfio â hwy mewn cysylltiad â’r person hwnnw.
- (2) Caiff rheoliadau o dan is-adran (1) ddarparu nad yw darpariaeth benodedig yn y rheoliadau i fod yn gymwys pan fo amod penodedig (a gaiff gyfeirio at farn person penodedig) wedi ei fodloni.
- (3) Caiff rheoliadau o dan is-adran (1) osod swyddogaeth ar –
- (a) awdurdod lleol yng Nghymru;
 - (b) corff llywodraethu (o fewn ystyr “governing body” yn adran 90(1) o Ddeddf Addysg Bellach ac Uwch 1992 (p. 13)) sefydliad addysg bellach yng Nghymru.
- (4) At ddibenion yr adran hon, mae i “addysg” yr ystyr a roddir i “education” gan adran 140(3) o Ddeddf 2002.

16 Gweithwyr cymorth dysgu mewn addysg bellach

- (1) Caiff Gweinidogion Cymru drwy reoliadau ddarparu na chaiff person (yn uniongyrchol neu’n anuniongyrchol) ddarparu’r gwasanaethau a ddisgrifir yn is-adran (2) mewn neu ar ran sefydliad addysg bellach yng Nghymru oni bai bod y person hwnnw –
- (a) yn bodloni unrhyw ofynion penodedig, a
 - (b) wedi ei gofrestru yng nghategori gweithiwr cymorth dysgu mewn addysg bellach.
- (2) Y gwasanaethau yw –
- (a) galluogi neu helpu dysgwr i gymryd rhan mewn addysg,
 - (b) cefnogi annibyniaeth, cyflawniad neu ddilyniant y dysgwr, neu
 - (c) cefnogi person sy’n darparu addysg mewn neu ar ran sefydliad addysg bellach.
- (3) Caiff gofyniad yn y rheoliadau o dan is-adran (1) ymwneud, yn benodol, â –
- (a) meddu ar gymhwyster penodedig neu brofiad o fath penodedig;
 - (b) cymryd rhan mewn rhaglen neu gwrs hyfforddi penodedig neu gwblhau rhaglen neu gwrs o’r fath;
 - (c) cydymffurfedd ag amod penodedig;

- (6) In this section, “school” means –
 - (a) a school maintained by a local authority in Wales, and
 - (b) a special school in Wales not so maintained.

15 Further education teachers

- (1) The Welsh Ministers may by regulations –
 - (a) provide that education may not be provided by a person in or for a further education institution in Wales unless the person –
 - (i) has a specified qualification, and
 - (ii) is registered in the category of further education teacher;
 - (b) specify conditions to be complied with by or in respect of a person providing education in or for a further education institution in Wales.
- (2) Regulations under subsection (1) may provide that a specified provision of the regulations is not to apply where a specified condition (which may refer to the opinion of a specified person) is satisfied.
- (3) Regulations under subsection (1) may impose a function on –
 - (a) a local authority in Wales;
 - (b) a governing body (within the meaning of section 90(1) of the Further and Higher Education Act 1992 (c. 13)) of a further education institution in Wales.
- (4) For the purposes of this section, “education” has the meaning given by section 140(3) of the 2002 Act.

16 Further education learning support workers

- (1) The Welsh Ministers may by regulations provide that a person may not (directly or indirectly) provide the services described in subsection (2) in or for a further education institution in Wales unless the person –
 - (a) satisfies any specified requirements, and
 - (b) is registered in the category of further education learning support worker.
- (2) The services are –
 - (a) enabling or assisting a learner to participate in education,
 - (b) supporting a learner’s independence, achievement or progression, or
 - (c) supporting a person who is providing education in or for a further education institution.
- (3) A requirement of regulations under subsection (1) may, in particular, relate to –
 - (a) the possession of a specified qualification or experience of a specified kind;
 - (b) participation in or completion of a specified programme or course of training;
 - (c) compliance with a specified condition;

- (d) arfer disgrisiwn gan Weinidogion Cymru, person penodedig arall neu berson arall o ddisgrifiad penodedig.
- (4) At ddibenion yr adran hon, mae i “addysg” yr ystyr a roddir i “education” gan adran 140(3) o Ddeddf 2002.

Sefydlu a gwerthuso personau cofrestredig

17 Gofyniad i ymgymryd â chyfnod sefydlu

- (1) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth ar gyfer ei gwneud yn ofynnol, neu mewn cysylltiad â'i gwneud yn ofynnol, fod person wedi cwblhau unrhyw gyfnod sefydlu yn foddhaol mewn man neu leoliad o unrhyw ddisgrifiad a bennir cyn y caniateir i'r person hwnnw gofrestru (ac eithrio ar sail dros dro).
- (2) Caiff rheoliadau o dan is-adran (1) wneud darpariaeth—
- (a) ynghylch yr amgylchiadau pan ganiateir i berson gael ei esemptio o'r gofyniad ei fod wedi cwblhau cyfnod sefydlu yn foddhaol;
- (b) ynghylch y cyfnod a'r broses sefydlu gan gynnwys, yn benodol, ddarpariaeth sy'n ymwneud â'r canlynol—
- (i) y cyfnodau o gyflogaeth y caniateir iddynt gael eu cyfrif fel rhan o'r cyfnod sefydlu;
- (ii) y cymeradwyaethau y caniateir iddynt fod yn ofynnol cyn y caiff person ymgymryd â chyfnod sefydlu;
- (iii) yr amgylchiadau pan nad yw'r sefydlu i ddigwydd mewn man neu leoliad o ddisgrifiad penodedig;
- (iv) yr amgylchiadau pan gaiff person ymgymryd â mwy nag un cyfnod sefydlu;
- (c) ynghylch hyfforddi a goruchwyllo person yn ystod cyfnod sefydlu;
- (d) ynghylch asesu personau sy'n ymgymryd â chyfnod sefydlu, gan gynnwys, yn benodol, ddarpariaeth—
- (i) sy'n pennu'r person neu'r corff sy'n gyfrifol am benderfynu a yw person wedi cwblhau cyfnod sefydlu yn foddhaol (“y corff priodol”);
- (ii) sy'n ei gwneud yn ofynnol i'r pennaeth perthnasol wneud argymhelliad i'r corff priodol o ran a yw'r person wedi bodloni'r safonau gofynnol y penderfynir arnynt o dan adran 18;
- (iii) sy'n pennu amgylchiadau pan gaiff y corff priodol benderfynu y dylid estyn cyfnod sefydlu person neu pan fo rhaid i'r corff priodol benderfynu estyn y cyfnod hwnnw;
- (e) ynghylch y canlyniadau yn sgil cwblhau cyfnod sefydlu gan berson (p'un ai yn foddhaol ai peidio), gan gynnwys, yn benodol, ddarpariaeth—
- (i) sy'n ei gwneud yn ofynnol i'r corff priodol hysbysu Gweinidogion Cymru a'r Cyngor pan fydd person wedi cwblhau cyfnod sefydlu neu fod y cyfnod hwnnw wedi ei estyn;

- (d) an exercise of discretion by the Welsh Ministers, another specified person or another person of a specified description.
- (4) For the purposes of this section, “education” has the meaning given by section 140(3) of the 2002 Act.

Induction and appraisal of registered persons

17 Requirement to undertake period of induction

- (1) The Welsh Ministers may by regulations make provision for, and in connection with, requiring a person to have satisfactorily completed such period of induction in a place or setting of such description as may be specified before the person may be registered (otherwise than on a provisional basis).
- (2) Regulations under subsection (1) may make provision –
 - (a) about the circumstances in which a person may be exempted from the requirement to have satisfactorily completed a period of induction;
 - (b) about the period and process of induction including, in particular, provision relating to –
 - (i) the periods of employment which may count towards the period of induction;
 - (ii) the approvals which may be required before a person may undertake a period of induction;
 - (iii) the circumstances in which induction is not to occur at a place or setting of a specified description;
 - (iv) the circumstances in which a person may undertake more than one period of induction;
 - (c) about the training and supervision of a person during a period of induction;
 - (d) about the assessment of persons who are undertaking a period of induction, including, in particular, provision –
 - (i) specifying the person or body who is responsible for deciding whether a person has satisfactorily completed a period of induction (“the appropriate body”);
 - (ii) requiring a relevant principal to make a recommendation to the appropriate body as to whether a person has met the required standards determined under section 18;
 - (iii) specifying circumstances in which the appropriate body may or must decide that a person’s period of induction should be extended;
 - (e) about the consequences of a person completing a period of induction (whether satisfactorily or not), including, in particular, provision –
 - (i) requiring the appropriate body to inform the Welsh Ministers and the Council when a person has completed a period of induction or had it extended;

- (ii) sy'n ei gwneud yn ofynnol i gyflogwr person nad yw wedi cwblhau cyfnod sefydlu yn foddhaol derfynu cyflogaeth y person neu fel arall sicrhau bod y person yn rhoi'r gorau i ddarparu gwasanaethau perthnasol ar gyfer y cyflogwr;
 - (iii) sy'n ei gwneud yn ofynnol mai dim ond y gwasanaethau perthnasol hynny y penderfynir arnynt yn unol â'r rheoliadau y caiff y person eu darparu ar gyfer ei gyflogwr;
- (f) ynghylch unrhyw faterion eraill sy'n ymwneud â chyfnodau sefydlu sy'n angenrheidiol neu'n hwylus ym marn Gweinidogion Cymru, gan gynnwys (er enghraifft) ddarpariaeth –
- (i) sy'n ei gwneud yn ofynnol i gorff priodol nad yw'n awdurdod lleol gynnwys cynrychiolydd o awdurdod o'r fath,
 - (ii) sy'n rhoi swyddogaethau pellach ar y corff priodol, a
 - (iii) sy'n awdurdodi'r corff priodol, mewn unrhyw amgylchiadau a bennir, i godi unrhyw daliadau mewn cysylltiad ag arfer ei swyddogaethau y mae'n penderfynu arnynt.
- (3) Rhaid i berson neu gorff sy'n arfer swyddogaeth o dan yr adran hon neu unrhyw reoliadau a wneir oddi tani roi sylw i unrhyw ganllawiau perthnasol a ddyroddir gan Weinidogion Cymru.

18 Safonau ar gyfer asesu'r cyfnod sefydlu

- (1) Caiff Gweinidogion Cymru benderfynu ar y safonau y mae person i'w asesu yn unol â hwy at y diben o benderfynu p'un a yw'r person hwnnw wedi cwblhau cyfnod sefydlu o dan adran 17 yn foddhaol ai peidio.
- (2) Caniateir i safonau gwahanol gael eu penderfynu ar gyfer categorïau cofrestru gwahanol.
- (3) Rhaid i Weinidogion Cymru ymgynghori â'r Cyngor cyn gwneud penderfyniad o dan yr adran hon.

19 Apelau yn erbyn penderfyniadau sefydlu

- (1) Caiff person a dramgwyddir gan benderfyniad y corff priodol o dan adran 17(2)(d) apelio i'r Cyngor yn erbyn y penderfyniad.
- (2) Mae unrhyw benderfyniad a wneir ar apêl o'r fath yn derfynol (ac ni chaniateir apelio yn ei erbyn).
- (3) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth ynghylch unrhyw faterion sy'n ymwneud ag apelau o dan yr adran hon sy'n angenrheidiol neu'n hwylus ym marn Gweinidogion Cymru.

20 Sefydlu: pwerau ymyrryd

- (1) Mae Pennod 2 o Ran 2 o Ddeddf 2013 (ymyrryd mewn awdurdodau lleol) yn cael effaith mewn perthynas â dyletswyddau a osodir a phwerau a roddir yn rhinwedd adran 17 fel pe bai cyfeiriadau at yr awdurdod lleol yn cynnwys –
 - (a) corff llywodraethu (o fewn yr ystyr a roddir i "governing body" gan adran 90(1) o Ddeddf Addysg Bellach ac Uwch 1992) sefydliad addysg bellach, a

- (ii) requiring that the employer of a person who has not satisfactorily completed a period of induction terminate the person's employment or otherwise secure that the person stops providing relevant services for the employer;
 - (iii) requiring that the person only provides such relevant services for the person's employer as may be determined in accordance with the regulations;
- (f) about such other matters relating to periods of induction as the Welsh Ministers consider necessary or expedient, including (for example) provision—
 - (i) requiring an appropriate body which is not a local authority to include a representative of such an authority,
 - (ii) conferring further functions on the appropriate body, and
 - (iii) authorising the appropriate body, in such circumstances as may be specified, to make such charges in connection with the exercise of its functions as it may determine.
- (3) A person or body exercising a function under this section or any regulations made under it must have regard to any relevant guidance issued by the Welsh Ministers.

18 Induction assessment standards

- (1) The Welsh Ministers may determine the standards against which a person is to be assessed for the purpose of deciding whether or not that person has satisfactorily completed a period of induction under section 17.
- (2) Different standards may be determined for different categories of registration.
- (3) The Welsh Ministers must consult the Council before making a determination under this section.

19 Appeals against induction decisions

- (1) A person who is aggrieved by a decision of the appropriate body under section 17(2)(d) may appeal against the decision to the Council.
- (2) Any decision made on such an appeal is final (and may not be appealed).
- (3) The Welsh Ministers may by regulations make provision about such matters relating to appeals under this section as the Welsh Ministers consider necessary or expedient.

20 Induction: intervention powers

- (1) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) has effect in relation to duties imposed and powers conferred by virtue of section 17 as if references to the local authority included—
 - (a) the governing body (within the meaning given by section 90(1) of the Further and Higher Education Act 1992) of a further education institution, and

- (b) corff priodol ac eithrio corff llywodraethu ysgol a gynhelir gan awdurdod lleol, corff llywodraethu ysgol arbennig nas cynhelir felly neu awdurdod lleol.
- (2) At ddibenion is-adran (1), mae cyfarwyddyd a roddir gan Weinidogion Cymru o dan Bennod 2 o Ran 2 o Ddeddf 2013 yn orfodadwy drwy waharddeb (yn hytrach na gorchymyn gorfodol) ar gais gan Weinidogion Cymru neu ar eu rhan.
- (3) Nid yw'r adran hon yn rhagfarnu Rhan 2 o Ddeddf 2013 fel y mae'n gymwys i—
 - (a) cyrff llywodraethu—
 - (i) ysgolion a gynhelir gan awdurdod lleol yng Nghymru,
 - (ii) ysgolion arbennig yng Nghymru nas cynhelir felly, a
 - (b) awdurdodau lleol yng Nghymru,
 mewn cysylltiad ag unrhyw ddyletswyddau a osodir arnynt neu unrhyw bwerau a roddir iddynt yn rhinwedd adran 17.

21 Sefydlu: dehongli

At ddibenion adrannau 17 i 20—

mae “corff priodol” i’w ddehongli yn unol ag adran 17(2)(d);

ystyr “pennaeth perthnasol” yw—

- (a) pennaeth ysgol,
- (b) pennaeth sefydliad addysg bellach, ac
- (c) unrhyw berson arall sydd â chyfrifoldeb cyffredinol dros bersonau cofrestredig sy’n darparu gwasanaethau perthnasol.

22 Darpariaeth arbennig ar gyfer ysgolion a gynhelir sydd â chyllidebau dirprwyedig

- (1) Mae'r adran hon yn gymwys pan fo person—
 - (a) wedi ymgymryd â chyfnod sefydlu mewn ysgol berthnasol a gynhelir gyda'r bwriad o ddod yn athro neu athrawes ysgol neu'n weithiwr cymorth dysgu mewn ysgol,
 - (b) heb gwblhau'n foddhaol y cyfnod sefydlu hwnnw, ac
 - (c) yn unol â gofyniad a osodir yn rhinwedd adran 17(2)(e)(iii), dim ond yn darparu'r gwasanaethau perthnasol hynny yn yr ysgol y penderfynwyd arnynt yn unol â'r rheoliadau.
- (2) Nid yw unrhyw gostau yr aed iddynt gan yr awdurdod lleol mewn cysylltiad â thâl y person i gael eu talu o gyfran yr ysgol o'r gyllideb ar gyfer unrhyw flwyddyn ariannol ac eithrio i'r graddau y mae gan yr awdurdod reswm da dros ddiwyddu'r costau hynny, neu unrhyw ran o'r costau hynny, o'r gyfran honno.
- (3) Yn yr adran hon—
 - (a) ystyr “cyfnod sefydlu” yw cyfnod sefydlu sy’n ofynnol o dan reoliadau o dan adran 17(1);
 - (b) ystyr “ysgol berthnasol a gynhelir” yw ysgol a gynhelir gan awdurdod lleol yng Nghymru sydd â chyllideb ddirprwyedig;

- (b) an appropriate body other than a governing body of a school maintained by a local authority, the governing body of a special school not so maintained or a local authority.
- (2) For the purposes of subsection (1), a direction given by the Welsh Ministers under Chapter 2 of Part 2 of the 2013 Act is enforceable by an injunction (rather than a mandatory order) on application by, or on behalf of, the Welsh Ministers.
- (3) This section is without prejudice to Part 2 of the 2013 Act as it applies to—
 - (a) governing bodies of—
 - (i) schools maintained by a local authority in Wales,
 - (ii) special schools in Wales which are not so maintained, and
 - (b) local authorities in Wales,
 in respect of any duties imposed or powers conferred on them by virtue of section 17.

21 Induction: interpretation

For the purposes of sections 17 to 20—

“appropriate body” is to be construed in accordance with section 17(2)(d);

“relevant principal” means—

- (a) the head teacher of a school,
- (b) the principal of a further education institution, and
- (c) any other person with overall responsibility for registered persons providing relevant services.

22 Special provision for maintained schools with delegated budgets

- (1) This section applies where a person—
 - (a) has undertaken a period of induction at a relevant maintained school with a view to becoming a school teacher or a school learning support worker,
 - (b) has not satisfactorily completed such period of induction, and
 - (c) in accordance with a requirement imposed by virtue of section 17(2)(e)(iii), is providing only such relevant services at the school as have been determined in accordance with the regulations.
- (2) Any costs incurred by the local authority in respect of the person’s remuneration are not to be met from the school’s budget share for any financial year except in so far as the authority has good reason for deducting those costs, or any part of those costs, from that share.
- (3) In this section—
 - (a) a “period of induction” means a period of induction required under regulations under section 17(1);
 - (b) a “relevant maintained school” is a school maintained by a local authority in Wales which has a delegated budget;

- (c) mae i gyfeiriad at gyfran yr ysgol o'r gyllideb neu at y ffaith bod gan ysgol gyllideb ddirprwyedig yr un ystyr ag yn Rhan 2 o Ddeddf Safonau a Fframwaith Ysgolion 1998.

23 Gwerthuso personau cofrestredig

- (1) Caiff Gweinidogion Cymru drwy reoliadau ei gwneud yn ofynnol i berfformiad personau cofrestredig gael ei werthuso –
 - (a) mewn dull a bennir gan y rheoliadau, a
 - (b) ar adegau a bennir gan y rheoliadau neu y penderfynir arnynt yn unol â hwy.
- (2) Caiff rheoliadau o dan is-adran (1) osod dyletswydd ar –
 - (a) awdurdod lleol;
 - (b) corff llywodraethu ysgol neu sefydliad addysg bellach;
 - (c) unrhyw gyflogwr arall personau cofrestredig sy'n darparu gwasanaethau perthnasol;
 - (d) pennaeth ysgol neu bennaeth sefydliad addysg bellach;
 - (e) unrhyw berson arall sydd â chyfrifoldeb gyffredinol dros bersonau cofrestredig sy'n darparu gwasanaethau perthnasol.
- (3) Caiff rheoliadau o dan is-adran (1) –
 - (a) ei gwneud yn ofynnol neu ganiatáu i werthusiad gael ei gynnal mewn dull sy'n rhoi disgrisiwn ar berson a bennir gan y rheoliadau neu a ddewisir neu y penderfynir arno yn unol â hwy;
 - (b) caniatáu i berson y mae dyletswydd wedi ei gosod arno o dan is-adran (2) ddirprwyo'r ddyletswydd honno yn gyfan gwbl neu'n rhannol.
- (4) Caiff rheoliadau o dan is-adran (1) ei gwneud yn ofynnol neu ganiatáu i berson a restrir yn is-adran (2) roi sylw i ganlyniadau gwerthusiad wrth gyflawni swyddogaeth a bennir gan y rheoliadau.
- (5) Caniateir i ganlyniadau gwerthusiad gael eu defnyddio i benderfynu ar dâl athro neu athrawes ysgol.
- (6) Cyn gwneud rheoliadau o dan yr adran hon rhaid i Weindiogion Cymru ymgynghori ag unrhyw bersonau neu gyfrff sy'n briodol yn eu barn hwy.
- (7) Yn yr adran hon, ystyr "ysgol" yw –
 - (a) ysgol a gynhelir gan awdurdod lleol yng Nghymru, a
 - (b) ysgol arbennig yng Nghymru nas cynhelir felly.

Cod ymddygiad ac ymarfer ar gyfer personau cofrestredig

24 Cod ymddygiad ac ymarfer

- (1) Rhaid i Weinidogion Cymru lunio a chyhoeddi cod sy'n pennu'r safonau ymddygiad ac ymarfer proffesiynol a ddisgwylir gan bersonau cofrestredig.
- (2) Caiff y cod ddarparu ar gyfer safonau gwahanol ar gyfer categorïau gwahanol o berson cofrestredig.

- (c) a reference to a school's budget share or to its having a delegated budget has the same meaning as in Part 2 of the School Standards and Framework Act 1998.

23 Appraisal of registered persons

- (1) The Welsh Ministers may by regulations require the appraisal of the performance of registered persons –
 - (a) in a manner specified by the regulations, and
 - (b) at times specified by or determined in accordance with the regulations.
- (2) Regulations under subsection (1) may impose a duty on –
 - (a) a local authority;
 - (b) the governing body of a school or a further education institution;
 - (c) any other employer of registered persons providing relevant services;
 - (d) the head teacher of a school or the principal of a further education institution;
 - (e) any other person with overall responsibility for registered persons providing relevant services.
- (3) Regulations under subsection (1) may –
 - (a) require or permit an appraisal to be carried out in a manner which confers a discretion on a person specified by, or chosen or determined in accordance with, the regulations;
 - (b) permit a person on whom a duty is imposed under subsection (2) to delegate that duty in whole or in part.
- (4) Regulations under subsection (1) may require or permit a person listed in subsection (2) to have regard to the results of an appraisal in the performance of a function specified by the regulations.
- (5) The results of an appraisal may be used in determining a school teacher's remuneration.
- (6) Before making regulations under this section the Welsh Ministers must consult such persons or bodies as they consider appropriate.
- (7) In this section, "school" means –
 - (a) a school maintained by a local authority in Wales, and
 - (b) a special school in Wales not so maintained.

Code of conduct and practice for registered persons

24 Code of conduct and practice

- (1) The Welsh Ministers must prepare and publish a code specifying the standards of professional conduct and practice expected of registered persons.
- (2) The code may provide for different standards for different categories of registered person.

- (3) Wrth lunio'r cod, rhaid i Weinidogion Cymru ymgynghori â'r personau a'r cyrff hynny sy'n debygol o fod â buddiant yn y cod yn eu barn hwy.
- (4) Rhaid i'r Cyngor adolygu'r cod a gwneud unrhyw ddiwygiadau iddo sy'n briodol yn ei farn ef—
 - (a) cyn pen 3 blynedd ar ôl pob dyddiad cyhoeddi (o dan is-adran (1) neu (5)), a
 - (b) pan fydd categori cofrestru newydd yn cael ei ychwanegu.
- (5) Ar ôl pob adolygiad o dan is-adran (4), rhaid i'r Cyngor gyhoeddi'r cod mewn dull sydd, ym marn y Cyngor, yn debygol o'i ddwyn i sylw'r personau cofrestredig ac unrhyw un arall a all fod â buddiant yn y cod yn ei farn ef.
- (6) Wrth arfer ei swyddogaethau o dan is-adran (4), rhaid i'r Cyngor ymgynghori â'r personau a'r cyrff hynny sy'n debygol o fod â buddiant yn y cod yn ei farn ef.

25 Cod ymddygiad ac ymarfer: darpariaeth bellach

- (1) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth ynghylch y cod a ddisgrifir yn adran 24 ac mewn cysylltiad â'r cod hwnnw.
- (2) Caiff rheoliadau o dan yr adran hon, yn benodol, wneud darpariaeth ynghylch—
 - (a) ffurf a chynnwys y cod, a
 - (b) canlyniadau unrhyw fethiant gan berson cofrestredig i gydymffurfio â'r cod, a gaiff gynnwys trafodion disgyblu o dan adran 26.

Swyddogaethau disgyblu'r Cyngor

26 Swyddogaethau disgyblu

- (1) Rhaid i'r Cyngor gynnal unrhyw ymchwiliadau sy'n briodol yn ei farn ef mewn achosion—
 - (a) pan honnir bod person cofrestredig—
 - (i) yn euog o ymddygiad proffesiynol annerbyniol neu anghymhwysedd proffesiynol difrifol, neu
 - (ii) wedi ei gollfarnu (ar unrhyw adeg) o drosedd berthnasol, neu
 - (b) pan ymddengys i'r Cyngor y gall person cofrestredig fod yn euog yn y fath fodd neu ei fod wedi ei gollfarnu yn y fath fodd.
- (2) Rhaid i'r Cyngor benderfynu, ar ôl cynnal ymchwiliad o dan is-adran (1), pa gamau pellach i'w cymryd mewn cysylltiad â'r achos.
- (3) Y camau y caiff y Cyngor eu cymryd yw—
 - (a) os yw o'r farn nad oes achos i'w ateb, peidio â pharhau â'r achos;
 - (b) os yw o'r farn bod (neu y gall fod) achos i'w ateb—
 - (i) cynnal gwrandawriad mewn cysylltiad â'r achos, neu
 - (ii) gyda chydysyniad y person y mae'r ymchwiliad yn ymwneud ag ef, penderfynu'r achos heb wrandawriad;
 - (c) peidio â pharhau â'r achos ar ryw sail arall.

- (3) In preparing the code, the Welsh Ministers must consult such persons and bodies as they consider likely to have an interest in the code.
- (4) The Council must review the code and make such revisions to it as it considers appropriate—
 - (a) within 3 years of each date of its publication (under subsection (1) or (5)), and
 - (b) when a new category of registration is added.
- (5) After each review under subsection (4), the Council must publish the code in a manner which the Council considers likely to bring it to the attention of registered persons and anyone else who it considers may have an interest in the code.
- (6) In exercising its functions under subsection (4), the Council must consult such persons and bodies as it considers likely to have an interest in the code.

25 Code of conduct and practice: further provision

- (1) The Welsh Ministers may by regulations make provision about and in connection with the code described in section 24.
- (2) Regulations under this section may, in particular, make provision about—
 - (a) the form and content of the code, and
 - (b) the consequences of any failure by a registered person to comply with the code, which may include disciplinary proceedings under section 26.

Disciplinary functions of the Council

26 Disciplinary functions

- (1) The Council must carry out such investigations as it considers appropriate in cases where—
 - (a) it is alleged that a registered person—
 - (i) is guilty of unacceptable professional conduct or serious professional incompetence, or
 - (ii) has been convicted (at any time) of a relevant offence, or
 - (b) it appears to the Council that a registered person may be so guilty or have been so convicted.
- (2) The Council must decide, after carrying out an investigation under subsection (1), what further action to take in respect of the case.
- (3) The actions the Council may take are—
 - (a) if it considers that there is no case to answer, to discontinue the case;
 - (b) if it considers that there is (or may be) a case to answer—
 - (i) to hold a hearing in respect of the case, or
 - (ii) with the consent of the person to whom the investigation relates, to determine the case without a hearing;
 - (c) to discontinue the case on some other basis.

- (4) Pan fo'r Cyngor yn cynnal gwrandawriad neu fod y person wedi cydsynio i'r achos gael ei benderfynu heb wrandawriad, caiff y Cyngor benderfynu –
- nad oes achos i'w ateb;
 - bod y person yn euog o ymddygiad proffesiynol annerbyniol, anghymhwysedd proffesiynol difrifol, neu ei fod wedi ei gollfarnu o drosedd berthnasol.
- (5) Pan fo'r Cyngor yn penderfynu bod person –
- yn euog o ymddygiad proffesiynol annerbyniol neu anghymhwysedd proffesiynol difrifol, neu
 - wedi ei gollfarnu o drosedd berthnasol,
- caiff y Cyngor wneud gorchymyn disgyblu mewn perthynas â'r person hwnnw.
- (6) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth ar gyfer eithrio unrhyw swyddogaethau a roddir i'r Cyngor o dan yr adran hon neu gyfyngu arnynt mewn unrhyw ddull a bennir yn y rheoliadau neu y penderfynir arno oddi tanynt.
- (7) Mae'r ddarpariaeth y caniateir ei gwneud o dan is-adran (6) yn cynnwys unrhyw ddarpariaeth ar gyfer eithrio unrhyw swyddogaethau sy'n briodol ym marn Gweinidogion Cymru neu gyfyngu arnynt gyda'r bwriad o roi ystyriaeth i'r pwerau sy'n arferadwy gan y Gwasanaeth Datgelu a Gwahardd o dan Ddeddf Diogelu Grwpiau Hyglwyf 2006 (p. 47).

27 Swyddogaethau disgyblu: dehongli

- (1) At ddibenion adran 26 –
- mae "person cofrestredig" yn cynnwys –
- person a oedd wedi ei gofrestru ar adeg unrhyw ymddygiad neu drosedd honedig (p'un ai o dan adran 9 neu o dan adran 3 o Ddeddf 1998), a
 - person sydd wedi gwneud cais i gael ei gofrestru felly;
- ystyr "trosedd berthnasol", mewn perthynas â pherson cofrestredig, yw –
- mewn achos o gollfarn yn y Deyrnas Unedig, trosedd ac eithrio un nad oes ganddi berthnasedd o bwys i addasrwydd y person i fod yn berson cofrestredig yn y categori cofrestru perthnasol;
 - mewn achos o gollfarn yn rhywle arall, trosedd a fyddai, pe bai wedi ei gyflawni yng Nghymru a Lloegr, yn drosedd fel y'i crybwyllir ym mharagraff (a).
- (2) Yn y Rhan hon, ystyr "gorchymyn disgyblu" yw –
- cerydd;
 - gorchymyn cofrestru amodol;
 - gorchymyn atal dros dro;
 - gorchymyn gwahardd.
- (3) Pan fo rheoliadau o dan baragraff 12(1)(b) o Atodlen 1 yn ei gwneud yn ofynnol i'r Cyngor sefydlu pwyllgor at y diben o gyflawni unrhyw un neu ragor o'r swyddogaethau a roddir i'r Cyngor o dan adran 26, mae cyfeiriadau yn yr adran honno at y Cyngor i'w dehongli yn gyfeiriadau at y pwyllgor hwnnw.

- (4) Where the Council holds a hearing or the person consents to the case being determined without a hearing, the Council may determine –
 - (a) that there is no case to answer;
 - (b) that the person is guilty of unacceptable professional conduct, serious professional incompetence or has been convicted of a relevant offence.
- (5) Where the Council determines that a person –
 - (a) is guilty of unacceptable professional conduct or serious professional incompetence, or
 - (b) has been convicted of a relevant offence,
 the Council may make a disciplinary order in relation to the person.
- (6) The Welsh Ministers may by regulations make provision for any functions conferred on the Council under this section to be excluded or restricted in such manner as may be specified in or determined under the regulations.
- (7) The provision that may be made under subsection (6) includes such provision for excluding or restricting any such functions as the Welsh Ministers consider appropriate with a view to taking account of the powers exercisable by the Disclosure and Barring Service under the Safeguarding Vulnerable Groups Act 2006 (c. 47).

27 **Disciplinary functions: interpretation**

- (1) For the purposes of section 26 –

“registered person” includes –

 - (a) a person who was registered at the time of any alleged conduct or offence (whether under section 9 or under section 3 of the 1998 Act), and
 - (b) a person who has applied to be so registered;

“relevant offence”, in relation to a registered person, means –

 - (a) in the case of a conviction in the United Kingdom, a criminal offence other than one having no material relevance to the person’s fitness to be a registered person in the relevant category of registration;
 - (b) in the case of a conviction elsewhere, an offence which, if committed in England and Wales, would constitute such an offence as is mentioned in paragraph (a).
- (2) In this Part, a “disciplinary order” means –
 - (a) a reprimand;
 - (b) a conditional registration order;
 - (c) a suspension order;
 - (d) a prohibition order.
- (3) Where regulations under paragraph 12(1)(b) of Schedule 1 require the Council to establish a committee for the purpose of discharging any of the functions conferred on the Council under section 26, references in that section to the Council are to be construed as references to that committee.

28 Swyddogaethau disgyblu: darpariaeth bellach

- (1) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth ynghylch swyddogaethau'r Cyngor neu mewn cysylltiad â hwy o dan adran 26.
- (2) Caiff rheoliadau o dan is-adran (1) wneud darpariaeth, yn benodol, ynghylch—
 - (a) y weithdrefn sy'n ymwneud ag unrhyw ymchwiliad neu drafodion (gan gynnwys gofynion hysbysu, gorfodi presenoldeb, derbynioldeb tystiolaeth a gweinyddu llwon);
 - (b) gorchmynion disgyblu (gan gynnwys gofynion cyflwyno, pan fydd gorchmynion yn cymryd effaith ac adolygu gorchmynion);
 - (c) y camau y caniateir iddi fod yn ofynnol i gyflogwr person sy'n cael gorchymyn disgyblu eu cymryd ac y caniateir iddynt fod yn ofynnol mewn perthynas â'r cyflogwr hwnnw (gan gynnwys diswyddo'r sawl sy'n cael y gorchymyn).
- (3) Nid yw i fod yn ofynnol i unrhyw berson yn rhinwedd y rheoliadau o dan yr adran hon roi unrhyw dystiolaeth neu ddangos unrhyw ddogfen neu unrhyw beth arall na ellid gorfodi'r person hwnnw i'w rhoi neu i'w dangos mewn trafodion sifil mewn unrhyw lys yng Nghymru a Lloegr.

29 Gorchmynion cofrestru amodol

- (1) Mae is-adran (2) yn gymwys pan fo gorchymyn cofrestru amodol wedi ei wneud mewn perthynas â pherson.
- (2) O ran y person—
 - (a) mae'n parhau yn gymwys i'w gofrestru o dan adran 9, ond
 - (b) rhaid iddo gydymffurfio ag unrhyw amodau sy'n berthnasol i gyflogaeth y person fel person cofrestredig a bennir yn y gorchymyn.
- (3) Caiff yr amodau a bennir (ymhlith pethau eraill)—
 - (a) ei gwneud yn ofynnol i'r person gymryd unrhyw gamau penodedig a fydd, ym marn y Cyngor, yn helpu'r person i ddod yn berson cofrestredig medrus;
 - (b) ymwneud â gwariant ar ran y person.
- (4) Mae unrhyw amod a bennir mewn gorchymyn cofrestru amodol i gael effaith—
 - (a) am unrhyw gyfnod a bennir felly, neu
 - (b) heb derfyn amser.
- (5) Ond caiff y Cyngor, ar gais person sydd wedi cael gorchymyn cofrestru amodol, amrywio neu ddirymu unrhyw amod a bennir yn y gorchymyn.
- (6) Rhaid i gais o dan is-adran (5) gael ei wneud yn unol ag unrhyw reoliadau a wneir at y diben hwnnw o dan adran 28.

30 Gorchmynion atal dros dro

- (1) Mae is-adrannau (2) a (3) yn gymwys pan fo gorchymyn atal dros dro wedi ei wneud mewn perthynas â pherson.
- (2) Rhaid tynnu enw'r person oddi ar y gofrestr (os nad yw ei enw wedi ei dynnu oddi arni eisoes).

28 Disciplinary functions: further provision

- (1) The Welsh Ministers may by regulations make provision about or in connection with the functions of the Council under section 26.
- (2) Regulations under subsection (1) may, in particular, make provision –
 - (a) about the procedure relating to any investigation or proceedings (including notice requirements, compelling attendance, admissibility of evidence and the administration of oaths);
 - (b) about disciplinary orders (including service requirements, when orders take effect, and the review of orders);
 - (c) about the action that may be required of and in relation to the employer of a person who is the recipient of a disciplinary order (including dismissing the recipient of the order).
- (3) No person is to be required by virtue of regulations under this section to give any evidence or produce any document or other thing which that person could not be compelled to give or produce in civil proceedings in any court in England and Wales.

29 Conditional registration orders

- (1) Subsection (2) applies where a conditional registration order is made in relation to a person.
- (2) The person –
 - (a) remains eligible for registration under section 9, but
 - (b) must comply with such conditions relevant to the person's employment as a registered person as may be specified in the order.
- (3) The conditions specified may (among other things) –
 - (a) require the person to take any specified steps that will, in the opinion of the Council, help the person become a competent registered person;
 - (b) involve expenditure on the part of the person.
- (4) Any condition specified in a conditional registration order is to have effect –
 - (a) for such period as may be so specified, or
 - (b) without limit of time.
- (5) But the Council may, on the application of a person who has received a conditional registration order, vary or revoke any condition specified in the order.
- (6) An application under subsection (5) must be made in accordance with any regulations made for that purpose under section 28.

30 Suspension orders

- (1) Subsections (2) and (3) apply where a suspension order is made in relation to a person.
- (2) The person's name must be removed from the register (if it has not already been removed).

- (3) Daw'r person yn anghymwys i'w gofrestru o dan adran 9 am y cyfnod a bennir yn y gorchymyn (nad yw'n fwy na dwy flynedd).
- (4) Caiff gorchymyn atal dros dro bennu amodau i'r person y mae'r gorchymyn yn ymwneud ag ef gydymffurfio â hwy ac, yn yr achos hwnnw –
 - (a) mae'r person i ddod yn gymwys unwaith eto i'w gofrestru o dan adran 9 ar ddiwedd y cyfnod a bennir o dan is-adran (3) os yw'r person wedi cydymffurfio â'r amodau, a
 - (b) os nad yw'r person wedi cydymffurfio â'r amodau, mae'r person yn parhau yn anghymwys i'w gofrestru hyd nes y bydd wedi cydymffurfio â'r amodau.
- (5) Mae unrhyw amod a bennir mewn gorchymyn atal dros dro i gael effaith –
 - (a) am unrhyw gyfnod a bennir felly, neu
 - (b) heb derfyn amser.
- (6) Ond caiff y Cyngor, ar gais person sydd wedi cael gorchymyn atal dros dro, amrywio neu ddirymu unrhyw amod a bennir yn y gorchymyn.
- (7) Rhaid i gais o dan is-adran (6) gael ei wneud yn unol ag unrhyw reoliadau a wneir at y diben hwnnw o dan adran 28.

31 Gorchmynion gwahardd

- (1) Mae is-adrannau (2) a (3) yn gymwys pan fo gorchymyn gwahardd wedi ei wneud mewn perthynas â pherson.
- (2) Rhaid tynnu enw'r person oddi ar y gofrestr (os nad yw ei enw wedi ei dynnu oddi arni eisoes).
- (3) Daw'r person yn anghymwys i'w gofrestru o dan adran 9.
- (4) Caiff y Cyngor, ar gais person sydd wedi cael gorchymyn gwahardd, benderfynu bod person yn gymwys i'w gofrestru unwaith eto.
- (5) Rhaid i gais o dan is-adran (4) gael ei wneud yn unol ag unrhyw reoliadau a wneir at y diben hwnnw o dan adran 28.
- (6) Ni chaniateir i gais o'r fath gael ei wneud cyn diwedd y cyfnod o ddwy flynedd sy'n dechrau ar y dyddiad y mae'r gorchymyn gwahardd yn cymryd effaith neu unrhyw gyfnod hwy a bennir yn y gorchymyn.

32 Apelau yn erbyn gorchmynion disgyblu

- (1) Caiff person y mae gorchymyn disgyblu wedi ei wneud mewn cysylltiad ag ef apelio yn erbyn y gorchymyn i'r Uchel Lys.
- (2) Rhaid gwneud apêl o dan is-adran (1) cyn pen y cyfnod o 28 o ddiwrnodau sy'n dechrau ar y dyddiad y cyflwynir hysbysiad am y penderfyniad i'r person.
- (3) Mewn cysylltiad ag apêl o'r fath, caiff yr Uchel Lys wneud unrhyw orchymyn sy'n briodol yn ei farn ef.
- (4) Mae penderfyniad yr Uchel Lys yn derfynol (ac ni chaniateir apelio yn ei erbyn).

- (3) The person becomes ineligible for registration under section 9 for the period (not exceeding two years) specified in the order.
- (4) A suspension order may specify conditions to be complied with by the person to whom the order relates and, in that case –
 - (a) the person is to become eligible again for registration under section 9 at the end of the period specified under subsection (3) if the person has complied with the conditions, and
 - (b) if the person has not complied with the conditions, the person remains ineligible for registration until the person has complied with the conditions.
- (5) Any condition specified in a suspension order is to have effect –
 - (a) for such period as may be so specified, or
 - (b) without limit of time.
- (6) But the Council may, on the application of a person who has received a suspension order, vary or revoke any condition specified in the order.
- (7) An application under subsection (6) must be made in accordance with any regulations made for that purpose under section 28.

31 Prohibition orders

- (1) Subsections (2) and (3) apply where a prohibition order is made in relation to a person.
- (2) The person's name must be removed from the register (if it has not already been removed).
- (3) The person becomes ineligible for registration under section 9.
- (4) The Council may, on the application of a person who has received a prohibition order, determine that a person is eligible again for registration.
- (5) An application under subsection (4) must be made in accordance with any regulations made for that purpose under section 28.
- (6) No such application may be made before the end of the period of two years beginning with the date when the prohibition order takes effect or such longer period as may be specified in the order.

32 Appeals against disciplinary orders

- (1) A person in respect of whom a disciplinary order has been made may appeal against the order to the High Court.
- (2) An appeal under subsection (1) must be made within the period of 28 days beginning with the date on which notice of the order is served on the person.
- (3) In respect of such an appeal the High Court may make any order which it considers appropriate.
- (4) The decision of the High Court is final (and may not be appealed).

*Dyletswyddau o ran gwybodaeth***33 Y Cyngor i gynnal cofnodion ynghylch personau penodol**

- (1) At ddibenion y Rhan hon, caiff Gweinidogion Cymru drwy reoliadau ei gwneud yn ofynnol i'r Cyngor gynnal unrhyw gofnodion am unrhyw bersonau a bennir yn y rheoliadau.
- (2) Caiff rheoliadau o dan is-adran (1), yn benodol –
 - (a) wneud darpariaeth ynghylch ffurf a chynnwys y cofnodion, a
 - (b) ei gwneud yn ofynnol i'r Cyngor gynnal cofnodion ynghylch personau nad ydynt yn gymwys i'w cofrestru.

34 Rhoi gwybodaeth: Gweinidogion

- (1) Caiff Gweinidogion Cymru ddarparu i'r Cyngor unrhyw wybodaeth sy'n ymwneud â phersonau cofrestredig unigol –
 - (a) y caiff y Cyngor ofyn amdani at ddibenion cyflawni unrhyw un neu ragor o'r swyddogaethau a roddir iddo gan neu o dan y Rhan hon, neu
 - (b) y mae'n angenrheidiol neu'n ddymunol ym marn Gweinidogion Cymru i'r Cyngor ei chael at ddibenion cyflawni swyddogaethau o'r fath.
- (2) Caiff yr Ysgrifennydd Gwladol ddarparu i'r Cyngor unrhyw wybodaeth sy'n ymwneud ag athrawon unigol mewn ysgolion –
 - (a) y caiff y Cyngor ofyn amdani at ddibenion cyflawni unrhyw un neu ragor o'r swyddogaethau a roddir iddo gan neu o dan y Rhan hon, neu
 - (b) y mae'n angenrheidiol neu'n ddymunol ym marn yr Ysgrifennydd Gwladol i'r Cyngor ei chael at ddibenion cyflawni swyddogaethau o'r fath.

35 Rhoi gwybodaeth: y Cyngor

- (1) Rhaid i'r Cyngor ddarparu i Weinidogion Cymru unrhyw wybodaeth sy'n ofynnol yn rhesymol ganddynt.
- (2) Rhaid i'r Cyngor, yn dilyn cais gan berson cofrestredig, ddarparu i'r person hwnnw gopi o'r wybodaeth a roddwyd yn y gofrestr wrth enw'r person hwnnw.
- (3) Rhaid i'r Cyngor, yn dilyn cais gan berson (ac eithrio person cofrestredig) y mae'n cynnal cofnodion mewn cysylltiad ag ef yn unol ag adran 33, ddarparu i'r person hwnnw gopi o unrhyw gofnodion y mae'n eu cadw amdano.
- (4) Caiff Gweinidogion Cymru drwy reoliadau ei gwneud yn ofynnol i'r Cyngor ddarparu gwybodaeth –
 - (a) i unrhyw berson neu gorff arall a bennir, a
 - (b) at unrhyw ddibenion ac yn ddarostyngedig i unrhyw amodau a bennir.

36 Rhoi gwybodaeth: cyflogwyr

- (1) Rhaid i gyflogwr perthnasol ddarparu i'r Cyngor –
 - (a) enw unrhyw berson cofrestredig y mae'n ei gyflogi neu y mae'n ei gymryd ymlaen i ddarparu gwasanaethau perthnasol yng Nghymru, a

*Information duties***33 Council to maintain records about certain persons**

- (1) For the purposes of this Part, the Welsh Ministers may by regulations require the Council to maintain such records about such persons as may be specified in the regulations.
- (2) Regulations under subsection (1) may, in particular –
 - (a) make provision about the form and content of the records, and
 - (b) require the Council to maintain records about persons who are not eligible to be registered.

34 Supply of information: Ministers

- (1) The Welsh Ministers may provide the Council with such information relating to individual registered persons –
 - (a) as the Council may request for the purposes of carrying out any of the functions conferred on it by or under this Part, or
 - (b) as the Welsh Ministers consider it to be necessary or desirable for the Council to have for the purposes of carrying out such functions.
- (2) The Secretary of State may provide the Council with such information relating to individual teachers in schools –
 - (a) as the Council may request for the purposes of carrying out any of the functions conferred on it by or under this Part, or
 - (b) as the Secretary of State considers it to be necessary or desirable for the Council to have for the purposes of carrying out such functions.

35 Supply of information: the Council

- (1) The Council must provide the Welsh Ministers with such information as they may reasonably require.
- (2) The Council must, following a request by a registered person, provide that person with a copy of the information entered in the register against that person's name.
- (3) The Council must, following a request by a person (other than a registered person) in respect of whom it maintains records in accordance with section 33, provide that person with a copy of any records it holds about that person.
- (4) The Welsh Ministers may by regulations require the Council to provide information –
 - (a) to such other person or body as may be specified, and
 - (b) for such purposes and subject to such conditions as may be specified.

36 Supply of information: employers

- (1) A relevant employer must provide the Council with –
 - (a) the name of any registered person it employs or engages to provide relevant services in Wales, and

(b) unrhyw wybodaeth arall am unrhyw berson cofrestredig sy'n ofynnol yn rhesymol gan y Cyngor mewn cysylltiad â chyflawni ei swyddogaethau.

(2) Pan fo cyflogwr perthnasol –

- (a) yn peidio â defnyddio gwasanaethau person cofrestredig yng Nghymru ar sail a grybwyllir yn is-adran (3), neu
- (b) wedi gallu peidio â defnyddio gwasanaethau'r person cofrestredig yng Nghymru ar sail a grybwyllir yn is-adran (3) pe na bai'r person hwnnw wedi rhoi'r gorau i ddarparu'r gwasanaethau hynny,

rhaid i'r cyflogwr perthnasol ddarparu i'r Cyngor unrhyw wybodaeth a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.

(3) Y seiliau yw –

- (a) ymddygiad proffesiynol annerbyniol;
- (b) anghymhwysedd proffesiynol;
- (c) collfarn am drosedd berthnasol.

(4) Yn yr adran hon –

ystyr "cyflogwr perthnasol" yw person sy'n cyflogi neu fel arall yn cymryd ymlaen bersonau cofrestredig i ddarparu gwasanaethau perthnasol yng Nghymru;

mae i "trosedd berthnasol" yr un ystyr ag yn adran 27(1).

37 Rhoi gwybodaeth: asiantwyr a chontractwyr

(1) Mae'r adran hon yn gymwys i drefniadau a wneir gan un person (yr "asiant") i berson cofrestredig ddarparu gwasanaethau perthnasol ar gais neu gyda chydysyniad cyflogwr perthnasol (p'un ai o dan gontract ai peidio).

(2) Pan fo asiant –

- (a) wedi terfynu'r trefniadau ar sail a grybwyllir yn adran 36(3),
- (b) wedi gallu terfynu'r trefniadau ar sail a grybwyllir yn adran 36(3) pe na bai'r person cofrestredig wedi eu terfynu, neu
- (c) wedi gallu atal rhag gwneud trefniadau newydd ar gyfer y person cofrestredig ar sail a grybwyllir yn adran 36(3) pe na bai'r person cofrestredig wedi peidio â chynnig darparu'r gwasanaethau,

rhaid i'r asiant ddarparu i'r Cyngor unrhyw wybodaeth a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.

(3) Yn yr adran hon, mae i "cyflogwr perthnasol" yr un ystyr ag yn adran 36 (4) .

38 Cyfarwyddiadau i sicrhau cydymffurfedd â dyletswyddau o ran gwybodaeth

(1) Mae'r adran hon yn gymwys os yw Gweinidogion Cymru o'r farn –

- (a) bod cyflogwr perthnasol wedi methu â chydymffurfio â dyletswydd sy'n codi o dan adran 36, neu'n debygol o fethu â chydymffurfio â'r ddyletswydd honno, neu
- (b) bod asiant wedi methu â chydymffurfio â dyletswydd sy'n codi o dan adran 37, neu'n debygol o fethu â chydymffurfio â'r ddyletswydd honno.

(b) such other information about such a registered person as the Council may reasonably require in connection with the performance of its functions.

(2) Where a relevant employer –

(a) ceases to use the services of a registered person in Wales on a ground mentioned in subsection (3), or

(b) might have ceased to use the services of the registered person in Wales on a ground mentioned in subsection (3) had the person not stopped providing those services,

the relevant employer must provide the Council with such information as may be specified in regulations made by the Welsh Ministers.

(3) The grounds are –

(a) unacceptable professional conduct;

(b) professional incompetence;

(c) conviction of a relevant offence.

(4) In this section –

“relevant employer” means a person who employs or otherwise engages registered persons to provide relevant services in Wales;

“relevant offence” has the same meaning as in section 27(1).

37 Supply of information: agents and contractors

(1) This section applies to arrangements made by one person (the “agent”) for a registered person to provide relevant services at the request of or with the consent of a relevant employer (whether or not under a contract).

(2) Where an agent –

(a) has terminated the arrangements on a ground mentioned in section 36(3),

(b) might have terminated the arrangements on a ground mentioned in section 36(3) if the registered person had not terminated them, or

(c) might have refrained from making new arrangements for the registered person on a ground mentioned in section 36(3) if the registered person had not ceased offering to provide the services,

the agent must provide the Council with such information as may be specified in regulations made by the Welsh Ministers.

(3) In this section, “relevant employer” has the same meaning as in section 36(4).

38 Directions to secure compliance with information duties

(1) This section applies if the Welsh Ministers consider that –

(a) a relevant employer has failed or is likely to fail to comply with a duty arising under section 36, or

(b) an agent has failed or is likely to fail to comply with a duty arising under section 37.

- (2) Caiff Gweinidogion Cymru gyfarwyddo'r cyflogwr neu (yn ôl y digwydd) yr asiant i gydymffurfio â'r ddyletswydd.
- (3) Caniateir i gyfarwyddyd o dan adran (2), ar gais Gweinidogion Cymru, gael ei orfodi drwy waharddeb.
- (4) Yn yr adran hon—
 - mae "asiant" i'w ddehongli yn unol ag adran 37;
 - mae i "cyflogwr perthnasol" yr un ystyr ag yn adran 36 (4).

Darpariaeth drosiannol a darfodol

39 Trosglwyddo cofrestrïadau personau sydd eisoes wedi eu cofrestru

- (1) Pan, yn union cyn y dyddiad y daw'r adran hon i rym—
 - (a) fo person wedi ei gofrestru yn y gofrestr a gynhelir o dan adran 3 o Ddeddf 1998, a
 - (b) fo'r person wedi cwblhau cyfnod sefydlu yn foddhaol at ddibenion adran 19 o'r Ddeddf honno,

tybir bod y person wedi ei gofrestru yn y categori athro neu athrawes ysgol ar y dyddiad hwnnw ac ar ôl hynny yn y gofrestr a gynhelir o dan adran 9 o'r Ddeddf hon.

- (2) Pan, yn union cyn y dyddiad y daw'r adran hon i rym—
 - (a) fo person wedi ei gofrestru yn y gofrestr a gynhelir o dan adran 3 o Ddeddf 1998, ond
 - (b) na fo'r person wedi cwblhau cyfnod sefydlu yn foddhaol at ddibenion adran 19 o'r Ddeddf honno,

tybir bod y person wedi ei gofrestru ar sail dros dro yn y categori athro neu athrawes ysgol ar y dyddiad hwnnw ac ar ôl hynny yn y gofrestr a gynhelir o dan adran 9.

40 Materion darfodol sy'n ymwneud â chymhwysra i gofrestru

At ddibenion adran 10(3)—

- (a) mae person sy'n ddarostyngedig i gyfarwyddyd o dan adran 142(1)(a) o Ddeddf 2002 (gwahardd rhag addysgu etc.) yn parhau yn anghymwys i'w gofrestru, a
- (b) mae cyfeiriad at orchymyn disgyblu o dan y Ddeddf hon yn cynnwys cyfeiriad at orchymyn disgyblu cyfatebol a wnaed o dan Ddeddf 1998.

Dehongli Rhan 2

41 Dehongli Rhan 2

- (1) Yn y Rhan hon, ac eithrio pan fo'r cyd-destun yn mynnu fel arall—
 - mae "categori cofrestru" ("*category of registration*") i'w ddehongli yn unol ag adran 9(3);
 - ystyr "y gofrestr" ("*the register*") yw'r gofrestr a sefydlir ac a gynhelir o dan adran 9(1);

- (2) The Welsh Ministers may direct the employer or (as the case may be) agent to comply with the duty.
- (3) A direction under subsection (2) may, on the application of the Welsh Ministers, be enforced by an injunction.
- (4) In this section –
 - “agent” is to be construed in accordance with section 37;
 - “relevant employer” has the same meaning as in section 36(4).

Transitional and transitory provision

39 Transfer of registrations of persons already registered

- (1) Where, immediately before the date on which this section comes into force –
 - (a) a person was registered in the register maintained under section 3 of the 1998 Act, and
 - (b) the person had satisfactorily completed a period of induction for the purposes of section 19 of that Act,

the person is deemed on and after that date to be registered in the category of school teacher in the register maintained under section 9 of this Act.
- (2) Where, immediately before the date on which this section comes into force –
 - (a) a person was registered in the register maintained under section 3 of the 1998 Act, but
 - (b) the person had not satisfactorily completed a period of induction for the purposes of section 19 of that Act,

the person is deemed on and after that date to be registered on a provisional basis in the category of school teacher in the register maintained under section 9.

40 Transitory matters relating to eligibility for registration

For the purposes of section 10(3) –

- (a) a person who is subject to a direction under section 142(1)(a) of the 2002 Act (prohibition from teaching etc.) remains ineligible for registration, and
- (b) a reference to a disciplinary order under this Act includes a reference to an equivalent disciplinary order made under the 1998 Act.

Interpretation of Part 2

41 Interpretation of Part 2

- (1) In this Part, except where the context otherwise requires –
 - “category of registration” (“*categori cofrestru*”) is to be construed in accordance with section 9(3);
 - “further education institution” (“*sefydliad addysg bellach*”) has the meaning given in section 140 of the 2002 Act;

“gwasanaethau perthnasol” (“*relevant services*”) yw’r gwasanaethau y caniateir iddynt gael eu darparu gan berson cofrestredig yn unig;

ystyr “person cofrestredig” (“*registered person*”) yw (yn ddarostyngedig i adran 27) person sydd wedi ei gofrestru yn y gofrestr a sefydlir o dan adran 9 (gan gynnwys y rhai sydd wedi eu cofrestru ar sail dros dro);

mae i “sefydliad addysg bellach” yr ystyr a roddir i “*further education institution*” yn adran 140 o Ddeddf 2002.

- (2) Yn y Rhan hon, mae cyfeiriad at berson yn cael ei gofrestru dros dro (sut bynnag y’i mynegir) yn gyfeiriad at berson sydd wedi ei gofrestru ar sail dros dro.

RHAN 3

DARPARIAETH AMRYWIOL

Dyddiadau tymhorau a gwyliau ac amserau sesiynau ysgol

42 Dyddiadau tymhorau a gwyliau ac amserau sesiynau ysgol

Ar ôl adran 32 o Ddeddf 2002, mewnosoder –

“32A Responsibility for fixing term and holiday dates in Wales

- (1) A local authority in Wales must determine the term dates for each community, voluntary controlled or community special school or maintained nursery school in its area.
- (2) A governing body of a foundation or voluntary aided school in Wales (a “*relevant governing body*”) must determine the term dates for its school.
- (3) In exercising its functions under subsection (1), a local authority must co-operate and co-ordinate with—
 - (a) each relevant governing body in its area, and
 - (b) every other local authority in Wales,
 to ensure that the term dates determined are the same (or as similar as can be) for every maintained school in Wales.
- (4) In exercising its functions under subsection (2), a relevant governing body must co-operate and co-ordinate with—
 - (a) the local authority, and
 - (b) every other relevant governing body in the local authority’s area,
 to ensure that the term dates determined are the same (or as similar as can be) for every maintained school in Wales.
- (5) Each local authority in Wales must notify the Welsh Ministers of the term dates which have been determined for a school year in respect of all the maintained schools in its area.

“registered person” (“*person cofrestredig*”) means (subject to section 27) a person registered in the register established under section 9 (including those registered on a provisional basis);

“relevant services” (“*gwasanaethau perthnasol*”) are services which may be provided only by a registered person;

“the register” (“*y gofrestr*”) means the register established and maintained under section 9(1).

- (2) In this Part, a reference to a person being provisionally registered (however expressed) is a reference to a person who has been registered on a provisional basis.

PART 3

MISCELLANEOUS PROVISION

Term and holiday dates and times of school sessions

42 Dates of terms and holidays and times of school sessions

After section 32 of the 2002 Act insert—

“32A Responsibility for fixing term and holiday dates in Wales

- (1) A local authority in Wales must determine the term dates for each community, voluntary controlled or community special school or maintained nursery school in its area.
- (2) A governing body of a foundation or voluntary aided school in Wales (a “relevant governing body”) must determine the term dates for its school.
- (3) In exercising its functions under subsection (1), a local authority must co-operate and co-ordinate with—
 - (a) each relevant governing body in its area, and
 - (b) every other local authority in Wales,
 to ensure that the term dates determined are the same (or as similar as can be) for every maintained school in Wales.
- (4) In exercising its functions under subsection (2), a relevant governing body must co-operate and co-ordinate with—
 - (a) the local authority, and
 - (b) every other relevant governing body in the local authority’s area,
 to ensure that the term dates determined are the same (or as similar as can be) for every maintained school in Wales.
- (5) Each local authority in Wales must notify the Welsh Ministers of the term dates which have been determined for a school year in respect of all the maintained schools in its area.

- (6) The Welsh Ministers may by regulations make provision about the requirements of notification under subsection (5) including, in particular, provision about—
 - (a) the form and content of notifications;
 - (b) the period in which notification must be given;
 - (c) the procedure for notification.
- (7) A local authority or a relevant governing body may alter the term dates which have been notified to the Welsh Ministers only if all the parties mentioned in subsection (8) agree to the alteration.
- (8) The parties are—
 - (a) the local authority,
 - (b) each relevant governing body in the local authority's area, and
 - (c) the Welsh Ministers.
- (9) In this section—

“maintained school” means a school in Wales which is a community, foundation or voluntary school, a community special school or a maintained nursery school;

“term dates” means the dates on which the school terms and holidays are to begin and end.

32B Welsh Ministers' power to direct determination of term dates

- (1) The Welsh Ministers may direct a local authority in Wales or a relevant governing body to determine such term dates for a maintained school in Wales as may be specified in the direction.
- (2) A direction under subsection (1) may, in particular—
 - (a) require different dates to be determined for different schools;
 - (b) be made in respect of such descriptions of schools as may be specified in the direction (for example, all community schools or all schools within a specified area);
 - (c) require the determination of different dates from those already determined or altered under section 32A.
- (3) Before making a direction under subsection (1) the Welsh Ministers must carry out such consultation as they consider appropriate.
- (4) The Welsh Ministers may, by regulations, make such further provision about such consultation as they consider necessary or expedient.
- (5) The Welsh Ministers must publish a direction under subsection (1) electronically.
- (6) In this section—

“maintained school” has the same meaning as in section 32A(9);

- (6) The Welsh Ministers may by regulations make provision about the requirements of notification under subsection (5) including, in particular, provision about—
 - (a) the form and content of notifications;
 - (b) the period in which notification must be given;
 - (c) the procedure for notification.
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 - (a) require different dates to be determined for different schools;
 - (b) be made in respect of such descriptions of schools as may be specified in the direction (for example, all community schools or all schools within a specified area);
 - (c) require the determination of different dates from those already determined or altered under section 32A.
- (3) Before making a direction under subsection (1) the Welsh Ministers must carry out such consultation as they consider appropriate.
- (4) The Welsh Ministers may, by regulations, make such further provision about such consultation as they consider necessary or expedient.
- (5) The Welsh Ministers must publish a direction under subsection (1) electronically.
- (6) In this section—

“maintained school” has the same meaning as in section 32A(9);

“relevant governing body” means the governing body of a foundation or voluntary aided school in Wales;

“term dates” means the dates on which the school terms and holidays are to begin and end.

32C Responsibility for fixing times of school sessions in Wales

- (1) Except in the circumstances described in subsection (2), a governing body of a maintained school must determine the times of the school sessions for the school.
- (2) The circumstances are—
 - (a) that the local authority in whose area the school is situated have given notice to the governing body that the times of the school sessions are to be determined in accordance with subsection (4), and
 - (b) that the notice has not been withdrawn by the local authority.
- (3) A local authority must not give a notice under this section unless they consider that a change in the times of the school sessions is necessary or expedient in order to—
 - (a) promote the use of sustainable modes of travel within the meaning of section 11 of the Learner Travel (Wales) Measure 2008 (nawm 2), or
 - (b) improve the effectiveness or efficiency of travel arrangements made, or to be made, by the authority under that Measure.
- (4) In the circumstances described in subsection (2)—
 - (a) where there are 2 sessions on the relevant school day—
 - (i) the local authority must determine the time each day at which the first school session starts and the second school session ends, and
 - (ii) the governing body must determine the time each day at which the first school session ends and the second school session starts,
 - (b) where there is one school session on the relevant school day the local authority must determine the time each day at which the school session starts and ends.
- (5) The Welsh Ministers may by regulations make provision—
 - (a) as to the procedure to be followed where the governing body of a community, voluntary controlled or community special school or maintained nursery school proposes to make any change in the time of the school sessions;
 - (b) as to the implementation of any such proposal;

“relevant governing body” means the governing body of a foundation or voluntary aided school in Wales;

“term dates” means the dates on which the school terms and holidays are to begin and end.

32C Responsibility for fixing times of school sessions in Wales

- (1) Except in the circumstances described in subsection (2), a governing body of a maintained school must determine the times of the school sessions for the school.
- (2) The circumstances are –
 - (a) that the local authority in whose area the school is situated have given notice to the governing body that the times of the school sessions are to be determined in accordance with subsection (4), and
 - (b) that the notice has not been withdrawn by the local authority.
- (3) A local authority must not give a notice under this section unless they consider that a change in the times of the school sessions is necessary or expedient in order to –
 - (a) promote the use of sustainable modes of travel within the meaning of section 11 of the Learner Travel (Wales) Measure 2008 (nawm 2), or
 - (b) improve the effectiveness or efficiency of travel arrangements made, or to be made, by the authority under that Measure.
- (4) In the circumstances described in subsection (2) –
 - (a) where there are 2 sessions on the relevant school day –
 - (i) the local authority must determine the time each day at which the first school session starts and the second school session ends, and
 - (ii) the governing body must determine the time each day at which the first school session ends and the second school session starts,
 - (b) where there is one school session on the relevant school day the local authority must determine the time each day at which the school session starts and ends.
- (5) The Welsh Ministers may by regulations make provision –
 - (a) as to the procedure to be followed where the governing body of a community, voluntary controlled or community special school or maintained nursery school proposes to make any change in the time of the school sessions;
 - (b) as to the implementation of any such proposal;

- (c) for enabling the local authority to determine, for any purposes of the regulations, whether any person is to be treated as a parent of a registered pupil at the school;
 - (d) as to the procedure to be followed where the local authority propose to give a notice under this section;
 - (e) as to the form and content of such a notice;
 - (f) as to the implementation of a determination made under subsection (4).
- (6) A local authority must have regard to any guidance given by the Welsh Ministers when giving a notice under subsection (2) or discharging any function conferred by this section or regulations made under it.
- (7) In this section –
- “maintained school” means a school in Wales which is a community, foundation or voluntary school, a community special school or a maintained nursery school;
 - “the times of the school sessions” means the times at which each of the school sessions or, if there is only one, the school session, is to begin and end on any day.”.

Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru

43 Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru

Yn adran 19 o Ddeddf Addysg 2005 (p. 18) (Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru), hepgoror is-adran (6) (Gweinidogion Cymru i gynghori'r Ysgrifennydd Gwladol ar argymhellion i'w Mawrhydi ar arfer pwerau penodi a diswyddo o dan is-adrannau (1), (2) a (4)(c)).

Swyddogaethau addysg awdurdodau lleol - ymyrryd

44 Swyddogaethau addysg awdurdodau lleol yn arferadwy gan y personau a gyfarwyddir

- (1) Mae Deddf 2013 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 25 (pŵer i'w gwneud yn ofynnol i swyddogaethau gael eu cyflawni gan bersonau eraill ar ran awdurdod), ar ôl is-adran (3), mewnosoder –
 - “(4) Os oes cyfarwyddyd o dan is-adran (2) mewn grym, mae swyddogaethau'r awdurdod lleol y mae'n ymwneud â hwy i'w trin at bob diben fel petaent yn arferadwy gan y person penodedig.”.
- (3) Yn adran 26 (pŵer i'w gwneud yn ofynnol i swyddogaethau gael eu cyflawni gan Weinidogion Cymru neu enwebai), ar ôl is-adran (3), mewnosoder –
 - “(4) Os oes cyfarwyddyd o dan is-adran (2) mewn grym, mae swyddogaethau'r awdurdod lleol y mae'n ymwneud â hwy i'w trin at bob diben fel petaent yn arferadwy gan Weinidogion Cymru neu eu henwebai.”.

- (c) for enabling the local authority to determine, for any purposes of the regulations, whether any person is to be treated as a parent of a registered pupil at the school;
 - (d) as to the procedure to be followed where the local authority propose to give a notice under this section;
 - (e) as to the form and content of such a notice;
 - (f) as to the implementation of a determination made under subsection (4).
- (6) A local authority must have regard to any guidance given by the Welsh Ministers when giving a notice under subsection (2) or discharging any function conferred by this section or regulations made under it.
- (7) In this section –
- “maintained school” means a school in Wales which is a community, foundation or voluntary school, a community special school or a maintained nursery school;
 - “the times of the school sessions” means the times at which each of the school sessions or, if there is only one, the school session, is to begin and end on any day.”.

Her Majesty’s Inspectorate of Education and Training in Wales

43 Her Majesty’s Inspectorate of Education and Training in Wales

In section 19 of the Education Act 2005 (c. 18) (Her Majesty’s Inspectorate of Education and Training in Wales), omit subsection (6) (Welsh Ministers to advise Secretary of State on recommendations to Her Majesty on the exercise of powers of appointment and removal under subsections (1), (2) and (4)(c)).

Local authority education functions - intervention

44 Local authority education functions exercisable by the persons directed

- (1) The 2013 Act is amended as follows.
- (2) In section 25 (power to require performance of functions by other persons on behalf of authority), after subsection (3), insert –
 - “(4) If a direction under subsection (2) is in force, the functions of the local authority to which it relates are to be treated for all purposes as being exercisable by the specified person.”.
- (3) In section 26 (power to require performance of functions by Welsh Ministers or nominee), after subsection (3), insert –
 - “(4) If a direction under subsection (2) is in force, the functions of the local authority to which it relates are to be treated for all purposes as being exercisable by the Welsh Ministers or their nominee.”.

RHAN 4

DARPARIAETH GYFFREDINOL

45 Statws fel Deddf Addysg

Mae'r Ddeddf hon i gael ei chynnwys yn y rhestr o Ddeddfau Addysg a nodir yn adran 578 o Ddeddf 1996.

46 Darpariaeth ategol

- (1) Caiff Gweinidogion Cymru, drwy orchymyn, wneud unrhyw ddarpariaeth gysylltiedig, ganlyniadol, atodol, drosiannol, ddarfodol neu arbed sy'n briodol yn eu barn hwy at ddibenion rhoi effaith lawn i unrhyw ddarpariaeth a wneir gan y Ddeddf hon neu oddi tani neu mewn cysylltiad â hynny.
- (2) Caiff gorchymyn o dan yr adran hon addasu'r deddfiad hwn neu unrhyw ddeddfiad arall.

47 Gorchmynion a rheoliadau

- (1) Mae unrhyw bŵer sydd gan Weinidogion Cymru i wneud gorchymyn neu reoliadau o dan y Ddeddf hon (ac eithrio gorchymyn o dan adran 50) yn arferadwy drwy offeryn statudol ac mae'n cynnwys y pŵer i—
 - (a) gwneud unrhyw ddarpariaeth gysylltiedig, ganlyniadol, atodol, drosiannol, ddarfodol neu arbed sy'n angenrheidiol neu'n hwylus ym marn Gweinidogion Cymru at ddibenion y Ddeddf hon neu mewn cysylltiad â hi, a
 - (b) gwneud darpariaeth wahanol at ddibenion gwahanol gan gynnwys, yn benodol, gwneud darpariaeth wahanol ar gyfer categorïau cofrestru gwahanol.
- (2) Ni chaniateir i offeryn statudol sy'n cynnwys (ar ei ben ei hun neu gyda darpariaeth arall)—
 - (a) gorchymyn o dan adran 5;
 - (b) gorchymyn o dan adran 10(6);
 - (c) rheoliadau o dan adran 12;
 - (d) gorchymyn o dan adran 46 sy'n cynnwys darpariaeth sy'n ychwanegu at destun Deddf Seneddol neu Fesur neu Ddeddf gan Gynulliad Cenedlaethol Cymru, yn diwygio'r testun neu'n ei hepgor;
 - (e) gorchymyn o dan baragraff 3 o Atodlen 1 neu baragraff 2 o Atodlen 2, gael ei wneud oni bai bod drafft o'r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru ac wedi ei gymeradwyo drwy benderfyniad ganddo.
- (3) Mae unrhyw offeryn statudol arall sy'n cynnwys gorchymyn neu reoliadau o dan y Ddeddf hon (ac eithrio gorchymyn o dan adran 50) i fod yn ddarostyngedig i gael ei ddiddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.

PART 4

GENERAL PROVISION

45 Status as an Education Act

This Act is to be included in the list of Education Acts set out in section 578 of the 1996 Act.

46 Ancillary provision

- (1) The Welsh Ministers may by order make such incidental, consequential, supplemental, transitional, transitory or saving provision as they consider appropriate for the purposes of, or in connection with, giving full effect to any provision made by or under this Act.
- (2) An order under this section may modify this or any other enactment.

47 Orders and regulations

- (1) Any power of the Welsh Ministers to make an order or regulations under this Act (except an order under section 50) is exercisable by statutory instrument and includes power to—
 - (a) make such incidental, consequential, supplemental, transitional, transitory or saving provision as the Welsh Ministers consider necessary or expedient for the purposes of, or in connection with, this Act, and
 - (b) make different provision for different purposes including, in particular, making different provision for different categories of registration.
- (2) A statutory instrument which contains (alone or with other provision)—
 - (a) an order under section 5;
 - (b) an order under section 10(6);
 - (c) regulations under section 12;
 - (d) an order under section 46 which includes provision which adds to, amends or omits the text of an Act of Parliament or a Measure or Act of the National Assembly for Wales;
 - (e) an order under paragraph 3 of Schedule 1 or paragraph 2 of Schedule 2,may not be made unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.
- (3) Any other statutory instrument containing an order or regulations under this Act (except an order under section 50) is to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.

48 Mân ddiwygiadau a diddymiadau a diwygiadau a diddymiadau canlyniadol

Mae Atodlen 3 (sy'n gwneud mân ddiwygiadau a diddymiadau a diwygiadau a diddymiadau canlyniadol) yn cael effaith.

49 Dehongli cyffredinol

(1) Yn y Ddeddf hon, onid yw'r cyd-destun yn mynnu fel arall—

mae "addasu" ("*modify*"), mewn perthynas â deddfiad, yn cynnwys diwygio neu diddymu;

ystyr "Deddf 1996" ("*1996 Act*") yw Deddf Addysg 1996 (p. 56);

ystyr "Deddf 1998" ("*1998 Act*") yw Deddf Addysgu ac Addysg Uwch 1998 (p. 30);

ystyr "Deddf 2002" ("*2002 Act*") yw Deddf Addysg 2002 (p. 32);

ystyr "Deddf 2013" ("*2013 Act*") yw Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013 (dccc 1);

ystyr "deddfiad" ("*enactment*") yw darpariaeth sydd wedi ei chynnwys mewn unrhyw un o'r canlynol (pa bryd bynnag y cawsant eu deddfu neu eu gwneud)—

(a) Deddf Seneddol;

(b) Mesur neu Ddeddf gan Gynulliad Cenedlaethol Cymru;

(c) is-ddeddfwriaeth o fewn ystyr "subordinate legislation" yn Neddf Dehongli 1978 (gan gynnwys is-ddeddfwriaeth a wnaed o dan Ddeddf Seneddol neu o dan un o Fesurau neu Ddeddfau Cynulliad Cenedlaethol Cymru);

ystyr "penodedig" ("*specified*") yw wedi ei bennu mewn gorchymyn neu reoliadau a wneir o dan y Ddeddf hon.

(2) Mae i ymadroddion eraill, os defnyddir hwy yn y Ddeddf hon ac yn Neddf 1996, yr un ystyr yn y Ddeddf hon ag yn Neddf 1996.

(3) Ond pan roddir i ymadrodd at ddibenion unrhyw ddarpariaeth yn y Ddeddf hon ystyr sy'n wahanol i'r un a roddwyd iddo at ddibenion Deddf 1996, mae'r ystyr hwnnw i fod yn gymwys at ddibenion y ddarpariaeth honno yn lle'r un a roddwyd at ddibenion Deddf 1996.

50 Cychwyn

(1) Daw'r darpariaethau a ganlyn i rym ar y diwrnod y mae'r Ddeddf hon yn cael y Cydsyniad Brenhinol—

(a) adran 1;

(b) adran 45;

(c) adran 46;

(d) adran 47;

(e) adran 49;

48 Minor and consequential amendments and repeals

Schedule 3 (which makes minor and consequential amendments and repeals) has effect.

49 General interpretation

(1) In this Act, unless the context requires otherwise –

“1996 Act” (“*Deddf 1996*”) means the Education Act 1996 (c. 56);

“1998 Act” (“*Deddf 1998*”) means the Teaching and Higher Education Act 1998 (c. 30);

“2002 Act” (“*Deddf 2002*”) means the Education Act 2002 (c. 32);

“2013 Act” (“*Deddf 2013*”) means the School Standards and Organisation (Wales) Act 2013 (anaw 1);

“enactment” (“*deddfiad*”) means a provision contained in any of the following (whenever enacted or made) –

(a) an Act of Parliament;

(b) a Measure or an Act of the National Assembly for Wales;

(c) subordinate legislation within the meaning of the Interpretation Act 1978 (including subordinate legislation made under an Act of Parliament or under a Measure or an Act of the National Assembly for Wales);

“modify” (“*addasu*”), in relation to an enactment, includes amend or repeal;

“specified” (“*penodedig*”) means specified in an order or regulations made under this Act.

(2) Other expressions, if used in this Act and the 1996 Act, have the same meaning in this Act as in the 1996 Act.

(3) But where an expression is given for the purposes of any provision of this Act a meaning different from that given to it for the purposes of the 1996 Act, that meaning is to apply for the purposes of that provision instead of the one given for the purposes of the 1996 Act.

50 Commencement

(1) The following provisions come into force on the day on which this Act receives Royal Assent –

(a) section 1;

(b) section 45;

(c) section 46;

(d) section 47;

(e) section 49;

- (f) yr adran hon;
 - (g) adran 51.
- (2) Daw adran 42 i rym ar y diwrnod y mae'r Ddeddf hon yn cael y Cydsyniad Brenhinol ond dim ond i'r graddau y mae ei hangen er mwyn i reoliadau gael eu gwneud o dan adran 32A(6) neu 32B(4) o Ddeddf 2002.
 - (3) Daw paragraff 2 o Ran 1 o Atodlen 3 i rym ar ddiwedd y cyfnod o ddau fis sy'n dechrau ar y diwrnod y mae'r Ddeddf hon yn cael y Cydsyniad Brenhinol.
 - (4) Daw darpariaethau eraill y Ddeddf hon i rym ar unrhyw ddiwrnod a bennir gan Weinidogion Cymru drwy orchymyn a wneir drwy offeryn statudol.
 - (5) Caiff gorchymyn o dan is-adran (4) –
 - (a) pennu diwrnodau gwahanol at ddibenion gwahanol, a
 - (b) cynnwys unrhyw ddarpariaeth drosiannol, ddarfodol neu arbed sy'n angenrheidiol neu'n hwylus ym marn Gweinidogion Cymru.

51 Enw byr

Enw byr y Ddeddf hon yw Deddf Addysg (Cymru) 2014.

- (f) this section;
 - (g) section 51.
- (2) Section 42 comes into force on the day on which this Act receives Royal Assent but only to the extent necessary for regulations to be made under section 32A(6) or 32B(4) of the 2002 Act.
 - (3) Paragraph 2 of Part 1 of Schedule 3 comes into force at the end of the period of two months beginning with the day on which this Act receives Royal Assent.
 - (4) The other provisions of this Act come into force on such day as the Welsh Ministers may by order made by statutory instrument appoint.
 - (5) An order under subsection (4) may –
 - (a) appoint different days for different purposes, and
 - (b) include such transitional, transitory or saving provision as the Welsh Ministers consider necessary or expedient.

51 Short title

The short title of this Act is the Education (Wales) Act 2014.

ATODLEN 1
(cyflwynwyd gan adran 2(2))

CYNGOR Y GWEITHLU ADDYSG

Statws

- 1 (1) O ran y Cyngor, —
- (a) nid yw'n was nac yn asiant i'r Goron, a
 - (b) nid oes ganddo statws, imiwnedd na braint sydd gan y Goron.
- (2) Nid yw eiddo'r Cyngor yn eiddo i'r Goron nac yn eiddo a ddelir ar ei rhan.

Pwerau

- 2 (1) Caiff y Cyngor wneud unrhyw beth a fwriedir i hwyluso cyflawni unrhyw un neu ragor o'i swyddogaethau, neu sy'n gysylltiedig â hynny neu'n ffafriol i hynny.
- (2) Yn benodol, caiff y Cyngor —
- (a) caffael a gwaredu tir neu eiddo arall;
 - (b) ymrwymo i gontractau;
 - (c) buddsoddi symiau nad oes eu hangen ar unwaith at ddiben cyflawni ei swyddogaethau;
 - (d) derbyn rhoddion o arian, tir neu eiddo arall;
 - (e) ffurfio cyrff corfforaethol neu gysylltiedig neu gyrff eraill nad ydynt yn gyrff corfforaethol;
 - (f) ymrwymo i fentrau ar y cyd â phersonau eraill;
 - (g) tanysgrifio am gyfranddaliadau a stoc;
 - (h) cael benthyg arian.

Aelodaeth

- 3 (1) Mae'r Cyngor i gael 14 o aelodau.
- (2) Ond caiff Gweinidogion Cymru ddiwygio'r paragraff hwn drwy orchymyn i bennu bod y Cyngor i gael —
- (a) nifer gwahanol o aelodau, neu
 - (b) isafswm ac uchafswm penodedig o aelodau.
- (3) Gweinidogion Cymru sydd i benodi aelodau.
- (4) Wrth i Weinidogion Cymru gyflawni unrhyw swyddogaeth mewn perthynas ag aelodaeth y Cyngor, rhaid iddynt —
- (a) rhoi sylw i ddymunoldeb sicrhau bod yr aelodaeth honno yn cynnwys personau â'r profiad a'r sgiliau y mae eu hangen i alluogi'r Cyngor i gyflawni ei swyddogaethau yn effeithlon ac yn effeithiol, a

SCHEDULE 1
(introduced by section 2(2))

EDUCATION WORKFORCE COUNCIL

Status

- 1 (1) The Council—
 - (a) is not a servant or agent of the Crown, and
 - (b) has no status, immunity or privilege of the Crown.
- (2) The Council's property is not property of, or property held on behalf of, the Crown.

Powers

- 2 (1) The Council may do anything which is calculated to facilitate, or is incidental or conducive to, the carrying out of any of its functions.
- (2) In particular, the Council may—
 - (a) acquire and dispose of land or other property;
 - (b) enter into contracts;
 - (c) invest sums not immediately required for the purpose of carrying out its functions;
 - (d) accept gifts of money, land or other property;
 - (e) form bodies corporate or associated or other bodies which are not bodies corporate;
 - (f) enter into joint ventures with other persons;
 - (g) subscribe for shares and stock;
 - (h) borrow money.

Membership

- 3 (1) The Council is to have 14 members.
- (2) But the Welsh Ministers may by order amend this paragraph to specify that the Council is to have—
 - (a) a different number of members, or
 - (b) a specified minimum and maximum number of members.
- (3) Members are to be appointed by the Welsh Ministers.
- (4) The Welsh Ministers must, when exercising any function in relation to the membership of the Council—
 - (a) have regard to the desirability of that membership including persons with the experience and skills necessary to enable the Council to perform its functions efficiently and effectively, and

- (b) sicrhau bod y mwyafrif o aelodau'r Cyngor yn bersonau cofrestredig, neu wedi bod yn bersonau cofrestredig yn ddiweddar.
- (5) Mae aelodau i weithredu fel unigolion (hynny yw, nid ydynt i weithredu fel cynrychiolwyr unrhyw sefydliad neu gorff y gallant fod yn perthyn iddo, nac unrhyw berson, sefydliad neu gorff sydd wedi eu henwebu).

Aelodaeth: darpariaeth bellach

- 4 (1) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ynglŷn ag aelodau a'u penodi.
- (2) Caiff rheoliadau o dan y paragraff hwn, yn benodol, gynnwys darpariaeth am—
 - (a) cymhwystra person i gael ei benodi;
 - (b) y weithdrefn benodi;
 - (c) llenwi unrhyw leoedd gwag yn yr aelodaeth sy'n codi ac eithrio ar ddiwedd tymor swydd aelod.
- (3) Caiff rheoliadau o dan y paragraff hwn—
 - (a) cymhwyso (gydag addasiadau neu hebddynt) unrhyw god ymarfer sy'n ymwneud â phenodiadau i gyrff cyhoeddus, neu
 - (b) gwneud darpariaeth arall sy'n ymwneud ag unrhyw god o'r fath.

Deiliadaeth

- 5 (1) Tymor swydd aelod yw unrhyw gyfnod hyd at 5 mlynedd y caiff Gweinidogion Cymru ei bennu wrth benodi'r aelod hwnnw.
- (2) Caiff aelod ymddiswyddo ar unrhyw adeg drwy roi hysbysiad ysgrifenedig i brif swyddog y Cyngor.

Diswyddo

- 6 (1) Caniateir i aelod gael ei ddiswyddo drwy bleidlais fwyafrifol gan yr aelodau eraill os yw'r aelod, heb reswm dilys—
 - (a) wedi bod yn absennol o 3 chyfarfod o'r Cyngor yn olynol, neu
 - (b) wedi bod yn absennol o gyfarfodydd am gyfnod o 6 mis neu fwy, gan ddechrau ar y dyddiad yr aeth yr aelod i gyfarfod o'r Cyngor ddiwethaf.
- (2) Cyn i unrhyw bleidlais gael ei chymryd i ddiswyddo aelod, rhaid i'r aelod gael cyfle i wneud sylwadau llafar i'r Cyngor.
- (3) Bydd person yn peidio â bod yn aelod—
 - (a) os yw'r person wedi ei wahardd o weithgaredd a reoleiddir yn ymwneud â phlant o fewn ystyr adran 3(2) o Ddeddf Diogelu Grwpiau Hyglwyf 2006;
 - (b) os yw'r person wedi ei wahardd rhag cael ei gyflogi fel athro neu athrawes yn rhinwedd gorchymyn gwahardd o dan adran 141B o Ddeddf 2002;
 - (c) os yw'r person yn dod yn anghymwys i'w gofrestru o dan adran 9 yn rhinwedd gorchymyn disgyblu a wneir mewn cysylltiad â'r person hwnnw o dan adran 26;

- (b) secure that the majority of members of the Council are, or recently have been, registered persons.
- (5) Members are to act as individuals (that is, they are not to act as representatives of any organisation or body to which they may belong, nor any person, organisation or body that nominated them).

Membership: further provision

- 4 (1) The Welsh Ministers may by regulations make provision relating to members and their appointment.
- (2) Regulations under this paragraph may, in particular, include provision about—
- (a) the eligibility of a person for appointment;
 - (b) the procedure for an appointment;
 - (c) the filling of any vacancies in membership which arises otherwise than at the end of a member's term of office.
- (3) Regulations under this paragraph may—
- (a) apply (with or without modifications) any code of practice that is concerned with appointments to public bodies, or
 - (b) make other provision relating to any such code.

Tenure

- 5 (1) The term of office of a member is such period of up to 5 years as the Welsh Ministers may specify in the appointment.
- (2) A member may resign at any time by giving notice in writing to the chief officer of the Council.

Removal from office

- 6 (1) A member may be removed from office by a majority vote of other members if without good cause—
- (a) the member has been absent from 3 consecutive Council meetings, or
 - (b) the member has been absent from meetings for a period of 6 months or more beginning with the date on which the member last attended a Council meeting.
- (2) Before any vote is taken to remove a member, the member must be given an opportunity to make oral representations to the Council.
- (3) A person ceases to hold office as a member if—
- (a) the person is barred from regulated activity relating to children within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006;
 - (b) the person is prohibited from being employed as a teacher by virtue of a prohibition order under section 141B of the 2002 Act;
 - (c) a disciplinary order is made in respect of the person under section 26 by virtue of which the person becomes ineligible for registration under section 9;

- (d) os yw'r person wedi ei anghymwysu rhag cael ei gyflogi fel athro neu athrawes mewn unrhyw ysgol yn rhinwedd gorchymyn wedi ei wneud –
 - (i) gan Dribiwnlys Ysgolion Annibynnol o dan adran 470 o Ddeddf 1996, neu
 - (ii) gan yr Ysgrifennydd Gwladol neu Weinidogion Cymru o dan adran 471 o'r Ddeddf honno; neu
- (e) os yw'r person yn dod yn anghymwys i'w gofrestru fel athro neu athrawes, neu wedi ei anghymwysu rhag bod yn athro neu athrawes mewn ysgol neu sefydliad addysg bellach, mewn rhan arall o'r Deyrnas Unedig.

Tâl, lwfansau a threuliau aelodau

- 7 (1) Caiff y Cyngor –
- (a) talu unrhyw dâl, lwfansau a threuliau y mae'n penderfynu arnynt i'w aelodau, a
 - (b) talu, neu wneud darpariaeth ar gyfer talu, unrhyw symiau fel pensiwn, lwfans ac arian rhodd i aelod, neu mewn cysylltiad ag aelod, y mae'n penderfynu arnynt.
- (2) Os yw person yn peidio â bod yn aelod o'r Cyngor a'i bod yn ymddangos i'r Cyngor bod amgylchiadau arbennig sy'n ei gwneud yn briodol i'r person hwnnw dderbyn digollediad, caiff y Cyngor wneud taliad o unrhyw swm y mae'n penderfynu arno i'r person hwnnw.
- (3) Caiff y Cyngor dalu unrhyw dreuliau a lwfansau y mae'n penderfynu arnynt i aelodau unrhyw un neu ragor o'i bwyllgorau nad ydynt yn aelodau o'r Cyngor.
- (4) Caiff y Cyngor dalu i gyflogwr person sy'n aelod o'r Cyngor (neu berson nad yw'n aelod o'r Cyngor ond sy'n aelod o unrhyw un neu ragor o'i bwyllgorau) unrhyw ddigollediad y mae'n penderfynu arno mewn cysylltiad â cholli gwasanaethau'r person hwnnw.

Aelod-gadeirydd

- 8 (1) Rhaid i'r Cyngor ethol aelod-gadeirydd o blith ei aelodaeth.
- (2) Mae'r aelod-gadeirydd i ddal y swydd am unrhyw gyfnod y mae'r Cyngor yn penderfynu arno.
- (3) Caiff yr aelod-gadeirydd –
- (a) ymddiswyddo fel aelod-gadeirydd ar unrhyw adeg drwy roi hysbysiad ysgrifenedig i brif swyddog y Cyngor, a
 - (b) cael ei ddiswyddo fel aelod-gadeirydd drwy bleidlais â mwyafrif o ddwy ran o dair gan yr aelodau eraill.

Prif swyddog a staff eraill

- 9 (1) Rhaid i'r Cyngor gael prif swyddog.
- (2) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch penodi prif swyddog, gan gynnwys, yn benodol –
- (a) pennu pwy sydd i benodi'r prif swyddog;
 - (b) y weithdrefn ar gyfer y penodiad hwnnw;

- (d) the person is disqualified from being employed as a teacher in any school by virtue of an order made—
 - (i) by an Independent Schools Tribunal under section 470 of the 1996 Act, or
 - (ii) by the Secretary of State or the Welsh Ministers under section 471 of that Act; or
- (e) the person becomes ineligible for registration as a teacher, or is disqualified from being a teacher in a school or further education institution, in another part of the United Kingdom.

Remuneration, allowances and expenses of members

- 7 (1) The Council may—
- (a) pay to its members such remuneration, allowances and expenses as it may determine, and
 - (b) pay or make provision for the payment of such sums by way of pension, allowance and gratuities to or in respect of a member as it may determine.
- (2) If a person ceases to be a member of the Council and it appears to the Council that there are special circumstances which make it appropriate that the person should receive compensation, the Council may make to that person a payment of such amount as it may determine.
- (3) The Council may pay to members of any of its committees who are not members of the Council such expenses and allowances as it may determine.
- (4) The Council may pay to the employer of a person who is a member of the Council (or a member of any of its committees but not a member of the Council) such compensation in respect of the loss of that person's services as it may determine.

Chairing member

- 8 (1) The Council must elect a chairing member from amongst its membership.
- (2) The chairing member is to hold office for such period as the Council may determine.
- (3) The chairing member may—
- (a) resign as chairing member at any time by giving notice in writing to the chief officer of the Council, and
 - (b) be removed as chairing member by a two-thirds majority vote of the other members.

Chief officer and other staff

- 9 (1) The Council must have a chief officer.
- (2) The Welsh Ministers may by regulations make provision about the appointment of the chief officer, including, in particular—
- (a) specifying who is to appoint the chief officer;
 - (b) the procedure for such an appointment;

- (c) sut y mae telerau ac amodau'r prif swyddog (gan gynnwys tâl, lwfansau, treuliau a phensiynau) i gael eu penderfynu.
- (3) Caiff rheoliadau o dan y paragraff hwn –
- (a) cymhwyso (gydag addasiadau neu hebddynt) unrhyw god ymarfer sy'n ymwneud â phenodiadau i gyrff cyhoeddus, neu
- (b) gwneud darpariaeth arall sy'n ymwneud ag unrhyw god o'r fath.
- (4) Caiff y Cyngor benodi unrhyw gyflogeion eraill sy'n briodol yn ei farn ef.
- (5) Mae cyflogeion (ac eithrio'r prif swyddog) i gael eu penodi ar unrhyw delerau ac amodau (gan gynnwys o ran tâl, lwfansau, treuliau a phensiynau) y mae'r Cyngor yn penderfynu arnynt.
- (6) Caiff y Cyngor –
- (a) talu pensiynau neu arian rhodd, neu wneud taliadau mewn cysylltiad â hwy, i gyflogeion neu gyn-gyflogeion neu mewn cysylltiad â hwy;
- (b) darparu a chynnal cynlluniau (p'un a ydynt yn gyfrannol ai peidio) ar gyfer talu pensiynau ac arian rhodd i gyflogeion neu gyn-gyflogeion neu mewn cysylltiad â hwy.
- (7) Mae cyfeiriadau yn y paragraff hwn at bensiynau ac arian rhodd yn cynnwys cyfeiriadau at bensiynau ac arian rhodd i ddigolledu cyflogeion sy'n colli cyflogaeth neu sy'n dioddef colled neu leihad o ran enillion, neu mewn cysylltiad â'r cyflogeion hynny.
- (8) Os –
- (a) yw unrhyw berson, ar beidio â bod yn gyflogedig gan y Cyngor, yn dod yn aelod o'r Cyngor, neu'n parhau i fod yn aelod o'r Cyngor, a
- (b) oedd y person hwnnw, drwy gyfeirio at ei gyflogaeth, yn gyfranogwr mewn cynllun pensiwn a gynhelir gan y Cyngor,
- caiff y Cyngor wneud darpariaeth i'r person hwnnw barhau i gyfranogi yn y cynllun hwnnw, ar unrhyw delerau ac amodau y mae'n penderfynu arnynt, fel pe bai gwasanaeth y person fel aelod yn wasanaeth fel cyflogai; ac nid yw unrhyw ddarpariaeth o'r fath i ragfarnu paragraff 7.

Cynlluniau yn ymwneud â thâl etc

- 10 (1) Rhaid i'r Cyngor –
- (a) llunio cynllun sy'n nodi ei ddull o benderfynu ar y symiau y caiff eu talu –
- (i) i aelodau o dan baragraff 7, a
- (ii) i gyflogeion o dan baragraff 9 (gan gynnwys y prif swyddog os yw rheoliadau a wneir o dan baragraff 9(2)(c) yn gwneud hynny'n ofynnol), a
- (b) cyflwyno'r cynllun i Weinidogion Cymru i'w gymeradwyo.
- (2) Dim ond yn unol â chynllun y mae Gweinidogion Cymru wedi ei gymeradwyo o dan y paragraff hwn y caiff y Cyngor benderfynu ar y symiau y mae'n eu talu i aelodau a chyflogeion.
- (3) Rhaid i'r Cyngor gyhoeddi cynllun sydd wedi ei gymeradwyo gan Weinidogion Cymru yn y modd y caiff Gweinidogion Cymru ei bennu.

- (c) how the terms and conditions (including remuneration, allowances, expenses and pensions) of the chief officer are to be determined.
- (3) Regulations under this paragraph may –
 - (a) apply (with or without modifications) any code of practice that is concerned with appointments to public bodies, or
 - (b) make other provision relating to any such code.
- (4) The Council may appoint such other employees as it considers appropriate.
- (5) Employees (other than the chief officer) are to be appointed on such terms and conditions (including as to remuneration, allowances, expenses and pensions) as the Council may determine.
- (6) The Council may –
 - (a) pay, or make payments in respect of pensions or gratuities to or in respect of employees or former employees;
 - (b) provide and maintain schemes (whether contributory or not) for the payment of pensions and gratuities to or in respect of employees or former employees.
- (7) References in this paragraph to pensions and gratuities include references to pensions and gratuities by way of compensation to or in respect of employees who suffer loss of employment or loss or diminution of emoluments.
- (8) If any person –
 - (a) on ceasing to be employed by the Council, becomes or continues to be one of its members, and
 - (b) was, by reference to the person's employment, a participant in a pension scheme maintained by the Council,

the Council may make provision for that person to continue to participate in that scheme, on such terms and conditions as it may determine, as if the person's service as a member were service as an employee; and any such provision is to be without prejudice to paragraph 7.

Schemes relating to remuneration etc.

- 10 (1) The Council must –
- (a) prepare a scheme setting out its approach to determining the amounts which it may pay –
 - (i) to members under paragraph 7, and
 - (ii) to employees under paragraph 9 (including the chief officer if so required by regulations made under paragraph 9(2)(c)), and
 - (b) submit the scheme to Welsh Ministers for approval.
- (2) The Council may determine the amounts it pays to members and employees only in accordance with a scheme approved under this paragraph by the Welsh Ministers.
- (3) The Council must publish a scheme approved by Welsh Ministers in such manner as the Welsh Ministers may specify.

- (4) Caiff y Cyngor ddiwygio'r cynllun o bryd i'w gilydd (ac os felly, mae is-baragraffau (1)(b), (2) a (3) yn gymwys i'r cynllun diwygiedig hwnnw).

Cymhwysra ar gyfer y cynllun blwydd-daliadau

- 11 (1) Mae cyflogaeth gyda'r Cyngor ymhlith y mathau o gyflogaeth y gall cynllun o dan adran 1 o Ddeddf Blwydd-daliadau 1972 (p. 11) (cynlluniau blwydd-daliadau o ran gweision sifil ac ati) fod yn gymwys iddi.
- (2) Rhaid i'r Cyngor dalu i Weinidog y Gwasanaeth Sifil, ar unrhyw adegau a gyfarwyddir gan y Gweinidog, unrhyw symiau y mae'r Gweinidog yn penderfynu arnynt mewn cysylltiad â'r cynnydd sydd i'w briodoli i is-baragraff (1) yn y symiau sy'n daladwy o'r arian a ddarperir gan Senedd y Deyrnas Unedig o dan y Ddeddf honno.
- (3) Pan fo cyflogai'r Cyngor, drwy gyfeirio at y gyflogaeth honno, yn gyfranogwr mewn cynllun o dan adran 1 o Ddeddf Blwydd-daliadau 1972 a hefyd yn aelod o'r Cyngor, caiff yr Ysgrifennydd Gwladol benderfynu bod gwasanaeth y person fel aelod i gael ei drin at ddibenion y cynllun fel gwasanaeth fel cyflogai (p'un a oes budd-daliadau yn daladwy iddo neu mewn cysylltiad ag ef yn rhinwedd paragraff 7 ai peidio).

Pwyllgorau'n gyffredinol

- 12 (1) O ran y Cyngor, –
- (a) caiff sefydlu pwyllgorau at unrhyw ddiben, a
- (b) os yw rheoliadau a wneir gan Weinidogion Cymru yn gwneud hynny'n ofynnol, rhaid iddo sefydlu unrhyw bwyllgorau at unrhyw ddibenion a bennir yn y rheoliadau;
- (ond gweler hefyd baragraffau 19 ac 20).
- (2) Yn ddarostyngedig i is-baragraff (3), o ran y Cyngor, –
- (a) caiff benderfynu ar nifer yr aelodau y mae pwyllgor a sefydlir o dan y paragraff hwn i'w cael, a
- (b) rhaid iddo benderfynu ar y telerau y mae'r aelodau hynny i fod yn y swydd a gadael y swydd yn unol â hwy.
- (3) Caiff rheoliadau o dan is-baragraff (1)(b) wneud darpariaeth ynghylch –
- (a) aelodaeth pwyllgor a sefydlir o dan y rheoliadau;
- (b) y telerau y mae aelodau'r pwyllgor hwnnw i adael y swydd yn unol â hwy;
- (c) gweithdrefn y pwyllgor hwnnw.
- (4) Caiff rheoliadau o dan is-baragraff (1)(b) hefyd awdurdodi'r Cyngor i wneud darpariaeth mewn cysylltiad ag unrhyw fater y caniateir i ddarpariaeth gael ei gwneud gan y rheoliadau hynny mewn perthynas â hi.
- (5) Yn ddarostyngedig i unrhyw amodau a osodir gan reoliadau sydd wedi eu gwneud o dan is-baragraff (1)(b), caiff y Cyngor gynnwys ar bwyllgor bersonau nad ydynt yn aelodau o'r Cyngor.

- (4) The Council may from time to time revise the scheme (in which case sub-paragraphs (1)(b), (2) and (3) apply to such a revised scheme).

Eligibility for superannuation scheme

- 11 (1) Employment with the Council is among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) (superannuation schemes as respects civil servants etc.) can apply.
- (2) The Council must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of the increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under that Act.
- (3) Where an employee of the Council is, by reference to that employment, a participant in a scheme under section 1 of the Superannuation Act 1972 and is also a member of the Council, the Secretary of State may determine that the person's service as a member is to be treated for the purposes of the scheme as service as an employee (whether or not any benefits are payable to or in respect of him by virtue of paragraph 7).

Committees generally

- 12 (1) The Council –
 - (a) may establish committees for any purpose, and
 - (b) if so required by regulations made by the Welsh Ministers, must establish such committees for such purposes as may be specified in the regulations;(but see also paragraphs 19 and 20).
- (2) Subject to sub-paragraph (3), the Council –
 - (a) may determine the number of members which a committee established under this paragraph are to have, and
 - (b) must determine the terms on which such members are to hold and vacate office.
- (3) Regulations under sub-paragraph (1)(b) may make provision about –
 - (a) the membership of a committee established under the regulations;
 - (b) the terms on which such a committee's members are to vacate office;
 - (c) the procedure of any such committee.
- (4) Regulations under sub-paragraph (1)(b) may also authorise the Council to make provision with respect to any matter as to which provision may be made by those regulations.
- (5) Subject to any conditions as may be imposed by regulations made under sub-paragraph (1)(b), the Council may include on a committee persons who are not members of the Council.

Dirprwyo swyddogaethau

- 13 (1) Caiff y Cyngor awdurdodi'r aelod-gadeirydd neu unrhyw bwyllgor sydd wedi ei sefydlu o dan baragraff 12 i arfer unrhyw un neu ragor o'i swyddogaethau y mae'n penderfynu arnynt.
- (2) Nid yw is-baragraff (1) yn effeithio ar—
- (a) cyfrifoldeb y Cyngor am arfer y swyddogaethau dirprwyedig, neu
 - (b) gallu'r Cyngor i arfer y swyddogaethau dirprwyedig.

Trafodion

- 14 (1) Caiff y Cyngor reoleiddio ei weithdrefn ei hun a gweithdrefn unrhyw un neu ragor o'i bwyllgorau (ac eithrio i'r graddau y mae'r Atodlen hon neu reoliadau a wneir oddi tani yn darparu fel arall).
- (2) Nis effeithir ar ddilysrwydd trafodion y Cyngor gan—
- (a) unrhyw swyddi gwag o ran ei aelodau;
 - (b) unrhyw ddiffyg wrth benodi aelod;
 - (c) anghymwyso person fel aelod ar ôl ei benodi.
- (3) Rhaid i'r Cyngor roi unrhyw gopiâu o unrhyw ddogfennau a ddosberthir i'w aelodau neu ei bwyllgorau i Weinidogion Cymru y bydd Gweinidogion Cymru yn gofyn amdanynt.

Gosod y sêl

- 15 Mae'r weithred o osod sêl y Cyngor i gael ei dilysu drwy lofnod—
- (a) yr aelod-gadeirydd neu ryw berson arall sydd wedi ei awdurdodi'n gyffredinol neu'n benodol gan y Cyngor i weithredu at y diben hwnnw, a
 - (b) un aelod arall.

Profi dogfennau

- 16 Mae pob dogfen yr honnir ei bod yn offeryn sydd wedi ei wneud neu ei ddyroddi gan y Cyngor neu ar ei ran ac sydd i gael ei weithredu'n briodol o dan sêl y Cyngor, neu sydd i gael ei lofnodi neu ei weithredu gan berson sydd wedi ei awdurdodi gan y Cyngor i weithredu ar ei ran yn hynny o beth, i gael ei derbyn yn dystiolaeth a'i thrin, heb brawf pellach, fel ei bod wedi ei gwneud neu ei dyroddi felly oni ddangosir i'r gwrthwyneb.

Cyllid

- 17 Caiff Gweinidogion Cymru roi grantiau i'r Cyngor o unrhyw symiau ac yn ddarostyngedig i unrhyw delerau ac amodau (gan gynnwys o ran ad-dalu) y maent yn penderfynu arnynt.

Swyddog cyfrifyddu

- 18 (1) Caiff Gweinidogion Cymru ddynodi person i weithredu fel swyddog cyfrifyddu'r Cyngor.

Delegation of functions

- 13 (1) The Council may authorise the chairing member or any committee established under paragraph 12 to exercise such of its functions as it may determine.
- (2) Sub-paragraph (1) does not affect the Council's –
- (a) responsibility for the exercise of delegated functions, or
 - (b) ability to exercise delegated functions.

Proceedings

- 14 (1) The Council may regulate its own procedure and that of any its committees (except to the extent that this Schedule or regulations made under it provide otherwise).
- (2) The validity of the Council's proceedings are not affected by –
- (a) any vacancy in its members;
 - (b) any defect in the appointment of a member;
 - (c) the disqualification of a person as a member after appointment.
- (3) The Council must provide the Welsh Ministers with such copies of any documents distributed to its members or committees as the Welsh Ministers may require.

Application of seal

- 15 The application of the seal of the Council is to be authenticated by the signature of –
- (a) the chairing member or some other person authorised either generally or specifically by the Council to act for that purpose, and
 - (b) one other member.

Proof of documents

- 16 Every document purporting to be an instrument made or issued by or on behalf of the Council and to be duly executed under the seal of the Council, or to be signed or executed by a person authorised by the Council to act in that behalf, is to be received in evidence and treated, without further proof, as being so made or issued unless the contrary is shown.

Finance

- 17 The Welsh Ministers may make grants to the Council of such amounts and subject to such terms and conditions (including as to repayment) as they may determine.

Accounting officer

- 18 (1) The Welsh Ministers may designate a person to act as the Council's accounting officer.

- (2) Mae gan y swyddog cyfrifyddu, mewn perthynas â chyfrifon a chyllid y Cyngor, y cyfrifoldebau a bennir mewn cyfarwyddyd gan Weinidogion Cymru.
- (3) Ymhlith y cyfrifoldebau y caniateir eu pennu mae cyfrifoldebau –
 - (a) mewn perthynas â llofnodi cyfrifon;
 - (b) am briodoldeb a rheoleidd-dra cyllid y Cyngor;
 - (c) am sicrhau darbodaeth, effeithlonrwydd ac effeithiolrwydd wrth i'r Cyngor ddefnyddio ei adnoddau;
 - (d) sy'n ddyledus i Weinidogion Cymru, Cynulliad Cenedlaethol Cymru neu Bwyllgor Cyfrifon Cyhoeddus y Cynulliad Cenedlaethol;
 - (e) sy'n ddyledus i Dŷ'r Cyffredin neu Bwyllgor Cyfrifon Cyhoeddus y Tŷ hwnnw.

Pwyllgor archwilio

- 19 (1) Rhaid i'r Cyngor sefydlu pwyllgor ("pwyllgor archwilio") i –
 - (a) adolygu materion ariannol y Cyngor a chraffu arnynt,
 - (b) adolygu ac asesu trefniadau rheoli risg, rheolaeth fewnol a llywodraethu corfforaethol y Cyngor,
 - (c) adolygu ac asesu darbodaeth, effeithlonrwydd ac effeithiolrwydd y defnydd sydd wedi ei wneud o adnoddau wrth gyflawni swyddogaethau'r Cyngor, a
 - (d) gwneud adroddiadau ac argymhellion i'r Cyngor mewn perthynas ag adolygiadau a gynhelir o dan baragraffau (a), (b) neu (c).
- (2) Rhaid i'r pwyllgor archwilio anfon copïau o'i adroddiadau a'i argymhellion at Weinidogion Cymru.
- (3) Y pwyllgor archwilio sydd i benderfynu sut i gyflawni ei swyddogaethau o dan y paragraff hwn.

Pwyllgor archwilio: aelodaeth

- 20 (1) Mae'r pwyllgor archwilio i gynnwys –
 - (a) o leiaf ddau aelod o'r Cyngor, a
 - (b) o leiaf un aelod lleyg.
- (2) Ni chaiff aelod-gadeirydd y Cyngor fod yn aelod o'r pwyllgor archwilio.
- (3) Caiff y Cyngor dalu unrhyw dâl, lwfansau a threuliau i aelod lleyg y mae'n penderfynu arnynt.
- (4) Rhaid i'r Cyngor ymgynghori â Gweinidogion Cymru cyn penderfynu ar y tâl neu'r lwfansau sy'n daladwy i aelod lleyg.
- (5) Yn y paragraff hwn ystyr "aelod lleyg" yw unrhyw berson nad yw'n aelod o'r Cyngor nac yn gyflogai iddo.

- (2) The accounting officer has, in relation to the Council's accounts and finances, the responsibilities specified in a direction by the Welsh Ministers.
- (3) The responsibilities that may be specified include responsibilities –
 - (a) in relation to the signing of accounts;
 - (b) for the propriety and regularity of the Council's finances;
 - (c) for the economy, efficiency and effectiveness with which the Council uses its resources;
 - (d) owed to the Welsh Ministers, the National Assembly for Wales or the Public Accounts Committee of the National Assembly;
 - (e) owed to the House of Commons or the Committee of Public Accounts of that House.

Audit committee

- 19 (1) The Council must establish a committee (an "audit committee") to –
- (a) review and scrutinise the Council's financial affairs,
 - (b) review and assess the Council's risk management, internal control and corporate governance arrangements,
 - (c) review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the Council's functions, and
 - (d) make reports and recommendations to the Council in relation to reviews conducted under paragraphs (a), (b) or (c).
- (2) The audit committee must send copies of its reports and recommendations to the Welsh Ministers.
- (3) It is for the audit committee to determine how to exercise its functions under this paragraph.

Audit committee: membership

- 20 (1) The audit committee is to consist of –
- (a) at least two members of the Council, and
 - (b) at least one lay member.
- (2) The Council's chairing member may not be a member of the audit committee.
- (3) The Council may pay such remuneration, allowances and expenses to a lay member as it may determine.
- (4) The Council must consult the Welsh Ministers before determining the remuneration or allowances payable to a lay member.
- (5) In this paragraph "lay member" means any person other than a member or an employee of the Council.

Cyfrifon ac archwilio allanol

- 21 (1) Rhaid i'r Cyngor –
- (a) cadw cyfrifon priodol a chofnodion priodol mewn perthynas â hwy, a
 - (b) llunio datganiad o gyfrifon mewn cysylltiad â phob blwyddyn ariannol.
- (2) Wrth lunio datganiad o gyfrifon, rhaid i'r Cyngor gydymffurfio ag unrhyw gyfarwyddyd a roddir gan Weinidogion Cymru o ran –
- (a) ffurf a chynnwys cyfrifon o'r fath;
 - (b) y dulliau ac egwyddorion y mae'r datganiad i gael ei lunio yn unol â hwy.
- (3) Heb fod yn hwyrach na 31 Awst ar ôl diwedd pob blwyddyn ariannol, rhaid i'r Cyngor gyflwyno copi o'i ddatganiad o gyfrifon i –
- (a) Gweinidogion Cymru, a
 - (b) Archwilydd Cyffredinol Cymru.
- (4) Rhaid i Archwilydd Cyffredinol Cymru –
- (a) archwilio'r datganiad o gyfrifon, ei ardystio ac adrodd arno, a
 - (b) heb fod yn hwyrach na 4 mis ar ôl cyflwyno'r copi o dan is-baragraff (3), osod gerbron Cynulliad Cenedlaethol Cymru gopi o'r datganiad ardystiedig a'r adroddiad.
- (5) Yn yr Atodlen hon ystyr "blwyddyn ariannol" yw'r cyfnod o 12 mis sy'n dod i ben ar 31 Mawrth.

Adroddiadau blynyddol

- 22 (1) Heb fod yn hwyrach na 30 Tachwedd ar ôl diwedd pob blwyddyn ariannol, rhaid i'r Cyngor gyflwyno adroddiad i Weinidogion Cymru ar y ffordd y cyflawnwyd ei swyddogaethau yn ystod y flwyddyn honno.
- (2) Rhaid i Weinidogion Cymru osod copi o'r adroddiad gerbron Cynulliad Cenedlaethol Cymru.
- (3) Caiff y Cyngor gyhoeddi'r adroddiad mewn unrhyw ffordd sy'n briodol yn ei farn ef (gan gynnwys yn electronig).

Accounts and external audit

- 21 (1) The Council must—
- (a) keep proper accounts and proper records in relation to them, and
 - (b) prepare in respect of each financial year a statement of accounts.
- (2) In preparing a statement of accounts, the Council must comply with any direction given by the Welsh Ministers as to—
- (a) the form and content of such accounts;
 - (b) the methods and principles according to which the statement is to be prepared.
- (3) No later than 31 August after the end of each financial year, the Council must submit a copy of its statement of accounts to—
- (a) the Welsh Ministers, and
 - (b) the Auditor General for Wales.
- (4) The Auditor General for Wales must—
- (a) examine, certify and report on the statement of accounts, and
 - (b) no later than 4 months after the copy is submitted under sub-paragraph (3), lay before the National Assembly for Wales a copy of the certified statement and report.
- (5) In this Schedule “financial year” means the period of 12 months ending on 31 March.

Annual reports

- 22 (1) No later than 30 November after the end of each financial year the Council must submit a report to the Welsh Ministers on the discharge of its functions during that year.
- (2) The Welsh Ministers must lay a copy of the report before the National Assembly for Wales.
- (3) The Council may publish the report in such manner as it considers appropriate (including electronically).

ATODLEN 2
(cyflwynwyd gan adran 9(3))

CATEGORïAU COFRESTRU

- 1 Mae'r golofn gyntaf yn nhabl 1 yn nodi'r categorïau cofrestru ac mae'r ail golofn yn disgrifio'r categori drwy gyfeirio at y personau sy'n dod oddi mewn iddo.

TABL 1

Categori	Disgrifiad
Athro neu athrawes ysgol	Person sy'n athro cymwysedig neu'n athrawes gymwysedig ac sy'n darparu (neu sy'n dymuno darparu) unrhyw wasanaethau a bennir mewn rheoliadau a wneir o dan adran 14 mewn ysgol.
Gweithiwr cymorth dysgu mewn ysgol	Person sy'n bodloni'r gofynion a bennir mewn rheoliadau a wneir o dan adran 14(1)(a)(ii) ac sy'n darparu (neu sy'n dymuno darparu) unrhyw wasanaethau a bennir mewn rheoliadau a wneir o dan yr adran honno mewn ysgol.
Athro neu athrawes addysg bellach	Person sy'n darparu (neu sy'n dymuno darparu) addysg (fel y'i diffinnir gan adran 140(3) o Ddeddf 2002) mewn neu ar ran sefydliad addysg bellach yng Nghymru.
Gweithiwr cymorth dysgu mewn addysg bellach	Person, ac eithrio athro neu athrawes addysg bellach, sy'n darparu (neu sy'n dymuno darparu), yn uniongyrchol neu'n anuniongyrchol, unrhyw un neu ragor o'r gwasanaethau a ddisgrifir yn adran 16(2) mewn neu ar ran sefydliad addysg bellach yng Nghymru.

Newid categorïau gweithiwr cofrestredig

- 2 (1) Caiff Gweinidogion Cymru, drwy orchymyn, ychwanegu, diwygio neu ddileu categori cofrestru (neu'r disgrifiad o gategori), a chaiff hynny gynnwys, ymhlith pethau eraill, ychwanegu categori cofrestru sy'n ymwneud ag ysgolion annibynnol (o fewn ystyr "independent school" yn adran 463 o Ddeddf 1996), a diwygio neu ddileu categori o'r fath.
- (2) Caiff gorchymyn o dan is-baragraff (1) wneud unrhyw ddarpariaeth am y categori cofrestru newydd, neu mewn cysylltiad ag ef, sy'n angenrheidiol neu'n hwylus ym marn Gweinidogion Cymru.
- (3) Yn benodol, caiff gorchymyn o dan is-baragraff (1) bennu'r gwasanaethau na chaiff person eu darparu oni bai bod y person—
- (a) yn bodloni unrhyw ofynion a bennir, a
 - (b) wedi ei gofrestru.

SCHEDULE 2
(introduced by section 9(3))

CATEGORIES OF REGISTRATION

- 1 The first column in table 1 sets out the categories of registration and the second column describes the category by reference to the persons who fall within it.

TABLE 1

Category	Description
School teacher	A person who is a qualified teacher and who provides (or wishes to provide) any services specified in regulations made under section 14 in a school.
School learning support worker	A person who satisfies the requirements specified in regulations made under section 14(1)(a)(ii) and who provides (or wishes to provide) any services specified in regulations made under that section in a school.
Further education teacher	A person who provides (or wishes to provide) education (as defined by section 140(3) of the 2002 Act) in or for a further education institution in Wales.
Further education learning support worker	A person, other than a further education teacher, who directly or indirectly provides (or wishes to provide) any of the services described in section 16(2) in or for a further education institution in Wales.

Changing the categories of registered worker

- 2 (1) The Welsh Ministers may by order add, amend or remove a category of registration (or the description of a category) which may include, amongst other things, adding a category of registration relating to independent schools (within the meaning of section 463 of the 1996 Act), and amending or removing such a category.
- (2) An order under sub-paragraph (1) may make such provision about or in connection with the new category of registration as the Welsh Ministers consider necessary or expedient.
- (3) In particular, an order under sub-paragraph (1) may specify services that may not be provided by a person unless the person—
- (a) satisfies any specified requirements, and
 - (b) is registered.

- (4) Caiff gorchymyn sy'n pennu gwasanaethau at ddibenion is-baragraff (3) wneud darpariaeth drwy gyfeirio at –
 - (a) un neu ragor o weithgareddau penodedig, neu
 - (b) yr amgylchiadau y cyflawnir gweithgareddau ynddynt.
- (5) Caiff gofyniad gorchymyn o'r fath ymwneud, yn benodol, â –
 - (a) meddu ar gymhwyster penodedig neu brofiad o fath penodedig;
 - (b) cymryd rhan mewn rhaglen neu gwrs hyfforddi penodedig neu gwblhau rhaglen neu gwrs o'r fath;
 - (c) cydymffurfio ag amod penodedig;
 - (d) arfer disgresiwn gan Weinidogion Cymru, person penodedig arall neu berson arall o ddisgrifiad penodedig.
- (6) Cyn gwneud gorchymyn o dan y paragraff hwn, rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy'n briodol yn eu barn hwy.
- (7) Caiff gorchymyn a wneir o dan y paragraff hwn addasu'r Ddeddf hon neu unrhyw ddeddfiad arall.

Dehongli

- 3 Yn yr Atodlen hon, ystyr "ysgol" yw –
 - (a) ysgol a gynhelir gan awdurdod lleol yng Nghymru;
 - (b) ysgol arbennig yng Nghymru nas cynhelir felly.

- (4) An order specifying services for the purposes of sub-paragraph (3) may make provision by reference to—
 - (a) one or more specified activities, or
 - (b) the circumstances in which activities are carried out.
- (5) A requirement of such an order may, in particular, relate to—
 - (a) the possession of a specified qualification or experience of a specified kind;
 - (b) participation in or completion of a specified programme or course of training;
 - (c) compliance with a specified condition;
 - (d) an exercise of discretion by the Welsh Ministers, another specified person or another person of a specified description.
- (6) Before making an order under this paragraph, the Welsh Ministers must consult such persons as they consider appropriate.
- (7) An order made under this paragraph may modify this Act or any other enactment.

Interpretation

- 3 In this Schedule, “school” means—
- (a) a school maintained by a local authority in Wales;
 - (b) a special school in Wales not so maintained.

ATODLEN 3
(cyflwynwyd gan adran 48)

NEWIDIADAU I DDEDDFWRIAETH ARALL

RHAN 1

MÂN DDIWYGIADAU A DIWYGIADAU CANLYNIADOL

Deddf Addysg 2002 (p. 32)

- 1 (1) Mae Deddf 2002 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 32 (cyfrifoldeb am bennu dyddiadau tymhorau a gwyliau ac am bennu amserau sesiynau) –
 - (a) yn is-adran (1) –
 - (i) ar ôl “school” y tro cyntaf a’r ail dro y mae’r gair yn ymddangos, mewnosoder “in England”;
 - (ii) ym mharagraff (b), hepgorer “subject to subsections (5) to (9),”;
 - (b) yn is-adran (2) –
 - (i) ar ôl “school” y tro cyntaf y mae’r gair yn ymddangos, mewnosoder “in England”;
 - (ii) ym mharagraff (b), hepgorer “subject to subsections (5) to (9),”;
 - (c) hepgorer is-adrannau (5) i (10);
 - (d) yn unol â hynny, pennawd adran 32 bellach fydd “Responsibility for fixing dates of terms and holidays and times of sessions: England”.
- (3) Yn adran 131(1) (gwerthuso athrawon ysgol), ar ôl “teachers” mewnosoder “in England”.
- (4) Yn adran 132 (statws athro cymwysedig neu athrawes gymwysedig), yn lle “General Teaching Council for Wales” rhodder “Education Workforce Council”.
- (5) Yn adran 133(1) (gofyniad i fod yn gymwysedig), ar ôl “school” mewnosoder “in England”.
- (6) Yn adran 210(6A) (gorchmynion a rheoliadau), yn lle “32(9)” rhodder “32C(5)”.

Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013 (dccc 1)

- 2 Yn Atodlen 4 i Ddeddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013, ym mharagraff 8, yn lle “Atodlen 13 i Ddeddf Safonau a Fframwaith Ysgolion 1998” rhodder “reoliadau a wneir o dan adran 31 o Ddeddf Addysg 2002 (rheoli mangreodd ysgol)”.

SCHEDULE 3
(introduced by section 48)

CHANGES TO OTHER LEGISLATION

PART 1

MINOR AND CONSEQUENTIAL AMENDMENTS

Education Act 2002 (c. 32)

- 1 (1) The 2002 Act is amended as follows.
- (2) In section 32 (responsibility for fixing dates of terms and holidays and times of sessions) –
 - (a) in subsection (1) –
 - (i) after “school” where it occurs the first and second time, insert “in England”;
 - (ii) in paragraph (b), omit “subject to subsections (5) to (9),”;
 - (b) in subsection (2) –
 - (i) after “school” where it occurs the first time, insert “in England”;
 - (ii) in paragraph (b), omit “subject to subsections (5) to (9),”;
 - (c) omit subsections (5) to (10);
 - (d) accordingly, the heading of section 32 becomes “Responsibility for fixing dates of terms and holidays and times of sessions: England”.
- (3) In section 131(1) (appraisal of school teachers), after “teachers” insert “in England”.
- (4) In section 132 (qualified teacher status), for “General Teaching Council for Wales” substitute “Education Workforce Council”.
- (5) In section 133(1) (requirement to be qualified), after “school” insert “in England”.
- (6) In section 210(6A) (orders and regulations), for “32(9)” substitute “32C(5)”.

School Standards and Organisation (Wales) Act 2013 (anaw 1)

- 2 In Schedule 4 to the School Standards and Organisation (Wales) Act 2013, in paragraph 8, for “Schedule 13 to the Schools Standards and Framework Act 1998” substitute “regulations made under section 31 of the Education Act 2002 (control of school premises)”.

RHAN 2

DIDDYMIADAU

- 3 Mae'r deddfiadau a nodir yn y golofn gyntaf wedi eu diddymu i'r graddau a nodir yn yr ail golofn.

TABL 2

<i>Deddfiad</i>	<i>Graddau'r diddymiad</i>
Deddf Addysgu ac Addysg Uwch 1998 (p. 30)	Adrannau 1 i 15. Adran 19. Atodlen 1. Atodlen 2.
Deddf Addysg 2002 (p. 32)	Adran 131(7). Adran 134.

PART 2

REPEALS

- 3 The enactments mentioned in the first column are repealed to the extent mentioned in the second column.

TABLE 2

<i>Enactment</i>	<i>Extent of repeal</i>
Teaching and Higher Education Act 1998 (c. 30)	Sections 1 to 15. Section 19. Schedule 1. Schedule 2.
Education Act 2002 (c. 32)	Section 131(7). Section 134.

ATODLEN 4
(cyflwynwyd gan adran 1)

MYNEGAI O EIRIAU AC YMADRODDION WEDI EU DIFFINIO

O ran y geiriau a'r ymadroddion yng ngholofn gyntaf tabl 3—

- (a) mae'r geiriau a'r ymadroddion Saesneg cyfatebol wedi eu nodi yn yr ail golofn, a
- (b) maent wedi eu diffinio gan neu maent, yn ôl y digwydd, i gael eu dehongli yn unol â'r darpariaethau yn y Ddeddf hon sydd wedi eu rhestru yn y drydedd golofn.

TABL 3

Gair neu ymadrodd	Gair neu ymadrodd yn y Saesneg	Darpariaeth berthnasol
Addasu	Modify	Adran 49
Addysg (yn adrannau 15 ac 16)	Education (in sections 15 & 16)	Adrannau 15, 16
Asiant	Agent	Adran 37
Athro neu athrawes addysg bellach	Further education teacher	Atodlen 2
Athro neu athrawes ysgol	School teacher	Atodlen 2
Blwyddyn ariannol (yn Atodlen 1)	Financial year (in Schedule 1)	Paragraff 21(5) o Atodlen 1
Categori cofrestru	Category of registration	Adran 41(1)
Corff priodol	Appropriate body	Adran 21
Cyflog (yn adran 12)	Salary (in section 12)	Adran 12
Cyflogwr perthnasol	Relevant employer	Adran 36 (4)
Cyfnod sefydlu	Period of induction	Adran 22(3)
Cyngor y Gweithlu Addysg	Education Workforce Council	Adran 2
Deddf 1996	1996 Act	Adran 49
Deddf 1998	1998 Act	Adran 49
Deddf 2002	2002 Act	Adran 49
Deddf 2013	2013 Act	Adran 49
Deddfiad	Enactment	Adran 49
Gorchymyn disgyblu	Disciplinary order	Adran 27(2)
Gwasanaethau perthnasol	Relevant services	Adran 41
Gweithiwr cymorth dysgu mewn addysg bellach	Further education learning support worker	Atodlen 2
Gweithiwr cymorth dysgu mewn ysgol	School learning support worker	Atodlen 2

SCHEDULE 4
(introduced by section 1)

INDEX OF DEFINED WORDS AND EXPRESSIONS

The words and expressions in the first column of table 3 –

- (a) have their Welsh language equivalents noted in the second column, and
- (b) are defined by, or as the case may be, are to be interpreted in accordance with the provisions of this Act listed in the third column.

TABLE 3

Word or expression	Welsh language equivalent	Relevant provision
1996 Act	Deddf 1996	Section 49
1998 Act	Deddf 1998	Section 49
2002 Act	Deddf 2002	Section 49
2013 Act	Deddf 2013	Section 49
Agent	Asiant	Section 37
Appropriate body	Corff priodol	Section 21
Category of registration	Categori cofrestru	Section 41(1)
Disciplinary order	Gorchymyn disgyblu	Section 27(2)
Education (in sections 15 & 16)	Addysg (yn adrannau 15 ac 16)	Sections 15, 16
Education Workforce Council	Cyngor y Gweithlu Addysg	Section 2
Enactment	Deddfiad	Section 49
Financial year (in Schedule 1)	Blwyddyn ariannol (yn Atodlen 1)	Paragraph 21(5) of Schedule 1
Further education institution	Sefydliad addysg bellach	Section 41(1)
Further education learning support worker	Gweithiwr cymorth dysgu mewn addysg bellach	Schedule 2
Further education teacher	Athro neu athrawes addysg bellach	Schedule 2
Modify	Addasu	Section 49
Period of induction	Cyfnod sefydlu	Section 22(3)
Registered person	Person cofrestredig	Section 41(1) (see also section 27(1))
Registrable profession (in sections 4 & 8)	Proffesiwn cofrestradwy (yn adrannau 4 ac 8)	Section 8
Relevant employer	Cyflogwr perthnasol	Section 36(4)
Relevant maintained school (in section 22(3))	Ysgol berthnasol a gynhelir (yn adran 22(3))	Section 22(3)

Materion perthnasol (yn adran 7)	Relevant matters (in section 7)	Adran 7
Pennaeth perthnasol	Relevant principal	Adran 21
Penodedig	Specified	Adran 49
Person cofrestredig	Registered person	Adran 41(1) (gweler hefyd adran 27(1))
Proffesiwn cofrestradwy (yn adrannau 4 ac 8)	Registrable profession (in sections 4 & 8)	Adran 8
Sefydliad addysg bellach	Further education institution	Adran 41(1)
Trosedd berthnasol	Relevant offence	Adran 27(1)
Y Cyngor	The Council	Adran 2(1)(b)
Y gofrestr	The register	Adran 41(1)
Ysgol (yn adrannau 14, 23 ac Atodlen 2)	School (in sections 14, 23 & Schedule 2)	Adrannau 14(6), 23(7), paragraff 3 o Atodlen 2
Ysgol berthnasol a gynhelir (yn adran 22(3))	Relevant maintained school (in section 22(3))	Adran 22(3)

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Relevant matters (in section 7)	Materion perthnasol (yn adran 7)	Section 7
Relevant offence	Trosedd berthnasol	Section 27(1)
Relevant principal	Pennaeth perthnasol	Section 21
Relevant services	Gwasanaethau perthnasol	Section 41
Salary (in section 12)	Cyflog (yn adran 12)	Section 12
School (in sections 14, 23 & Schedule 2)	Ysgol (yn adrannau 14, 23 ac Atodlen 2)	Sections 14(6), 23(7), paragraph 3 of Schedule 2
School learning support worker	Gweithiwr cymorth dysgu mewn ysgol	Schedule 2
School teacher	Athro neu athrawes ysgol	Schedule 2
Specified	Penodedig	Section 49
The Council	Y Cyngor	Section 2(1)(b)
The register	Y gofrestr	Section 41(1)

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