



**CYNULLIAD CENEDLAETHOL CYMRU**

**NATIONAL ASSEMBLY FOR WALES**

**OFFERYNNAU STATUDOL**

**STATUTORY INSTRUMENTS**

**2003 Rhif 3233 (Cy.313)**

**2003 No. 3233 (W.313)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

**Rheoliadau Ysgolion Annibynnol  
(Cymeriad Crefyddol Ysgolion)  
(Gweithdrefn Ddynodi) (Cymru)  
2003**

**The Independent Schools  
(Religious Character of Schools)  
(Designation Procedure) (Wales)  
Regulations 2003**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae'r Rheoliadau hyn yn gosod y weithdrefn y mae'n rhaid ei dilyn pan fydd Cynulliad Cenedlaethol Cymru, mewn gorchymyn o dan adran 69(3) o Ddeddf Safonau a Fframwaith Ysgolion 1998 fel y'i cymhwysir i ysgolion annibynnol erbyn adran 124B, a fewnosodwyd i fewn i Ddeddf Safonau a Fframwaith Ysgolion 1998 gan Reoliadau Ysgolion Annibynnol (Cyflogaeth Athrawon Mewn Ysgolion gyda Chymeriad Crefyddol) 2003 yn dynodi ysgol annibynnol yn ysgol grefyddol ei chymeriad. Mae adran 124B(2) o Ddeddf Safonau a Fframwaith Ysgolion 1998 yn darparu bod rhaid i orchymyn o dan adran 69(3) ddatgan y crefydd neu'r enwad crefyddol y darperir yr addysg neu y rheolir yr ysgol yn unol â'i daliadau.

These Regulations set out the procedure to be followed when the National Assembly for Wales designates an independent school as having a religious character in an order under section 69(3) of the School Standards and Framework Act 1998 as applied to independent schools by section 124B, which was inserted into the School Standards and Framework Act 1998 by the Independent Schools (Employment of Teachers with a Religious Character) Regulations 2003 (S.I. 2003/2037). Section 124B(2) of the School Standards and Framework Act 1998 provides that an order under section 69(3) must state the religion or religious denomination in accordance with whose tenets education is provided at the school or the school is conducted.

Mae rheoliad 4 yn darparu bod rhaid i berchennog ysgol annibynnol wneud cais i'r Cynulliad Cenedlaethol am orchymyn o dan adran 69(3) ac mae'n dangos beth y mae'n rhaid ei gynnwys yn y cais hwnnw. Caiff y Cynulliad Cenedlaethol ymgynghori ag unrhyw gorff crefyddol y mae'n barnu ei fod yn briodol ynghylch cais yr ysgol.

Regulation 4 provides that an independent school's proprietor must apply to the National Assembly for an order under section 69(3) and sets out what that application must include. The National Assembly may consult any religious body which it considers appropriate regarding the school's application.

Mae rheoliad 5(1) yn nodi'r amgylchiadau sy'n ei gwneud yn ofynnol i'r Cynulliad Cenedlaethol wneud gorchymyn sy'n dynodi ysgol annibynnol yn ysgol grefyddol ei chymeriad. Mae rheoliad 5(2) yn nodi'r amgylchiadau sy'n caniatáu i'r Cynulliad Cenedlaethol wneud gorchymyn sy'n dynodi'r ysgol annibynnol yn ysgol o gymeriad crefyddol.

Regulation 5(1) sets out the circumstances in which the National Assembly must make an order designating the independent school as having a religious character. Regulation 5(2) sets out the circumstances in which the National Assembly may make an order designating the independent school as having a religious character.

Mae rheoliad 6 yn darparu bod rhaid i'r Cynulliad Cenedlaethol ddiwygio gorchymyn dynodi mewn perthynas ag ysgol os yw'n fodlon ei fod yn sylweddol anghywir a phryd y mae'n rhaid iddo ymgynghori â pherchennog yr ysgol ynghylch y gwaith diwygio hwnnw.

Nid yw datganiad bod enwad crefyddol ysgol yn Gatholig Rhufeinig yn penderfynu a yw'r ysgol honno yn Ysgol Gatholig yn ôl cyfraith ganonig.

Regulation 6 provides that the National Assembly must amend a designation order in respect of a school if it is satisfied that it is materially incorrect and when it must consult the proprietor of the school in connection with such an amendment.

A statement in relation to a school that the religious denomination is Roman Catholic does not determine whether or not the school is a Catholic School according to canon law.

**2003 Rhif 3233 (Cy.313)****2003 No. 3233 (W.313)****ADDYSG, CYMRU****EDUCATION, WALES****Rheoliadau Ysgolion Annibynnol  
(Cymeriad Crefyddol Ysgolion)  
(Gweithdrefn Ddynodi) (Cymru)  
2003****The Independent Schools  
(Religious Character of Schools)  
(Designation Procedure) (Wales)  
Regulations 2003***Wedi'u gwneud**9 Rhagfyr 2003**Made**9th December 2003**Yn dod i rym**1 Ionawr 2004**Coming into force**1st January 2004*

Drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 69(5) fel y'i cymhwysir i ysgolion annibynnol, a 138(7) o Ddeddf Safonau a Fframwaith Ysgolion 1998(a), ac a drosglwyddwyd i Gynulliad Cenedlaethol Cymru drwy Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999(b), mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol:

In exercise of the powers conferred on the Secretary of State by sections 69(5) as it applies to independent schools and 138(7) of the School Standards and Framework Act 1998(a) and transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999(b), the National Assembly for Wales makes the following Regulations:

**Enwi, cychwyn a chymhwyso****Name, commencement and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Ysgolion Annibynnol (Cymeriad Crefyddol Ysgolion) (Gweithdrefn Ddynodi) (Cymru) 2003 a deuant i rym ar 1 Ionawr 2004.

1.-(1) These Regulations are called the Independent Schools (Religious Character of Schools) (Designation Procedure) (Wales) Regulations 2003 and come into force on 1st January 2004.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru

(2) These Regulations apply in relation to Wales.

**Dehongli****Interpretation**

2. Yn y Rheoliadau hyn -

2. In these Regulations -

- (a) ystyr "Deddf 1998" ("*the 1998 Act*") yw Deddf Safonau a Fframwaith Ysgolion 1998;
- (b) ystyr "Cynulliad Cenedlaethol" ("*National Assembly*") yw Cynulliad Cenedlaethol Cymru;
- (c) ystyr "y grefydd berthnasol neu'r enwad crefyddol perthnasol" ("*the relevant religion or religious denomination*") yw'r grefydd neu'r enwad crefyddol (neu bob un o'r crefyddau neu'r enwadau crefyddol hyn) y darperir addysg neu y bydd yn rhaid ei ddarparu yn yr ysgol neu y rheolir yr ysgol yn unol â'u daliadau.

- (a) "the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998;
- (b) "National Assembly" ("*Cynulliad Cenedlaethol*") means the National Assembly for Wales;
- (c) "the relevant religion or religious denomination" ("*y grefydd berthnasol neu'r enwad crefyddol perthnasol*") means the religion or religious denomination in accordance with whose tenets religious education is or may be required to be provided at the school, or the school is conducted (or, as the case may be, each such religion or religious denomination);

(a) 1998 p.31; mewnosodwyd adran 124B gan Reoliadau Ysgolion Annibynnol (Cyflogaeth Athrawon Mewn Ysgolion gyda Chymeriad Crefyddol) 2003 (O.S. 2003/2037).

(a) 1998 c.31; section 124B was inserted by the Independent Schools (Employment of Teachers in Schools with a Religious Character) Regulations 2003 (S.I. 2003/2037).

(b) O.S. 1999/672.

(b) S.I. 1999/672.

(ch) ystyr "adran 69(3)" ("*section 69(3)*") yw adran 69(3) o Ddeddf 1998 fel y mae'n gymwys i ysgolion annibynnol.

(d) "section 69(3)" ("*adran 69(3)*") means section 69(3) of the 1998 Act as it applies to independent schools by virtue of section 124B of that Act.

### **Cymhwyso'r Rheoliadau hyn**

3. Mae'r Rheoliadau hyn yn pennu'r weithdrefn y mae'n rhaid ei dilyn mewn cysylltiad â -

- (a) dynodi, mewn gorchymyn o dan adran 69(3), ysgol annibynnol yn ysgol grefyddol ei chymeriad; a
- (b) datgan yn y gorchymyn hwnnw, mewn perthynas â'r ysgol honno, y grefydd berthnasol neu'r enwad crefyddol perthnasol.

### **Gweithdrefn gwneud cais**

4.-(1) Er mwyn i ysgol annibynnol gael ei dynodi yn ysgol grefyddol ei chymeriad, rhaid i berchennog yr ysgol wneud cais i'r Cynulliad Cenedlaethol am orchymyn o dan adran 69(3).

(2) Rhaid i'r cais -

- (a) datgan crefydd berthnasol neu enwad crefyddol perthnasol yr ysgol;
- (b) cynnwys y sail dros wneud y cais ynghyd ag unrhyw dystiolaeth sy'n cefnogi'r sail honno; ac
- (c) cynnwys unrhyw sylwadau a wneir gan gorff crefyddol ar ran yr ysgol.

(3) Pan fydd y Cynulliad Cenedlaethol yn cael cais am orchymyn, o dan y Rheoliadau hyn, caiff ymgynghori ag unrhyw gorff crefyddol y mae'n ei farnu'n briodol ynghylch cais yr ysgol.

### **Gweithdrefn ddynodi**

5.-(1) Os bydd perchennog ysgol yn gwneud cais am orchymyn o dan y Rheoliadau hyn, rhaid i'r Cynulliad Cenedlaethol ddynodi'r ysgol yn ysgol grefyddol ei chymeriad os -

- (a) yw'n fodlon y rheolir yr ysgol neu fod yr addysg a ddarperir yn yr ysgol yn unol â daliadau un neu fwy o grefyddau neu enwadau crefyddol; a
- (b) bod rhai neu'r cyfan o'r tiroedd a'r adeiladau a feddiennir gan yr ysgol ar hyn o bryd wedi'u darparu ar ymddiried mewn cysylltiad â -
  - (i) darparu addysg, neu
  - (ii) rheoli sefydliad addysgol

yn unol â daliadau un neu fwy o grefyddau neu enwadau crefyddol; neu

- (c) bod o leiaf un aelod o'r corff llywodraethu yn berson a benodwyd yn llywodraethwr i gynrychioli buddiannau un neu fwy o grefyddau neu enwadau crefyddol; neu

### **Application of these Regulations**

3. These Regulations specify the procedure to be followed in connection with -

- (a) the designation, in an order under section 69(3), of an independent school as having a religious character; and
- (b) the statement in such an order, in relation to such a school, of the relevant religion or religious denomination.

### **Application procedure**

4.-(1) In order for an independent school to be designated as a school which has a religious character, the school's proprietor must apply to the National Assembly for an order under section 69(3).

(2) The application must -

- (a) state the relevant religion or religious denomination of the school;
- (b) include the grounds on which the application is based and any supporting evidence of those grounds; and
- (c) include any representations made by a religious body on behalf of the school.

(3) On receipt of an application for an order, under these Regulations, the National Assembly may consult any religious body regarding the school's application, which it considers appropriate.

### **Designation Procedure**

5.-(1) If a school's proprietor applies for an order under these Regulations, the National Assembly must designate the school as a school which has a religious character if -

- (a) it is satisfied that the school is conducted, or education at the school is provided, in accordance with the tenets of one or more religions or religious denominations; and
- (b) some or all of the premises currently occupied by the school were provided on trust in connection with -
  - (i) the provision of education, or
  - (ii) the conduct of an educational institution

in accordance with the tenets of one or more religions or religious denominations; or

- (c) at least one member of the governing body is a person appointed as a governor to represent the interests of one or more religions or religious denominations; or

(ch) bod offeryn llywodraethu'r ysgol yn darparu -

- (i) y rheolir yr ysgol yn unol â daliadau un neu ragor o grefyddau neu enwadau crefyddol; neu
- (ii) y darperir yr addysg yn yr ysgol yn unol â daliadau un neu fwy o grefyddau neu enwadau crefyddol.

(2) Os yw perchennog ysgol yn gwenud cais am orchymyn yn unol â'r Rheoliadau yma, ond nid yw is-baragraff (1) yn gymwys, mi all y Cynulliad Cenedlaethol serch hynny ddynodi ysgol sydd â chymeriad crefyddol os yw yn ei ystyried yn addas i wneud hynny, gan ystyried y canlynol-

- (a) p'un a yw'r ysgol yn cael ei rheoli yn unol â daliadau un neu ragor o grefyddau neu enwadau crefyddol;
- (b) p'un a yw'r addysg yn yr ysgol yn cael ei darparu yn unol â daliadau un neu fwy o grefyddau neu enwadau crefyddol; ac
- (c) unrhyw sylwadau a wneir gan gorff crefyddol ar ran yr ysgol.

(3) At ddibenion y rheoliad hwn nid yw unrhyw gyfeiriad at addysg mewn ysgol yn cael ei darparu yn unol â daliadau un neu fwy o grefyddau neu enwadau crefyddol yn ei gwneud yn ofynnol i'r holl addysg gael ei gwneud yn unol â'r daliadau crefyddol hynny.

#### **Newidiadau mewn dynodiadau a datganiadau**

6.-(1) Os yw'r Cynulliad Cenedlaethol ar unrhyw adeg o'r farn bod gorchymyn a wnaed yn flaenorol o dan adran 69(3) yn cynnwys camgymeriad perthnasol, neu y methyd yn anghywir i ddynodi unrhyw ysgol; mae'n rhaid i'r Cynulliad Cenedlaethol wneud pa bynnag orchymyn o dan yr adran honno y mae'n ystyried yn briodol at ddibenion cywiro'r camgymeriad.

(2) Cyn gwneud gorchymyn o dan baragraff (1) sydd yn effeithio dynodiad ysgol arbennig neu'r datganiad o grefydd priodol neu enwad crefyddol mewn perthynas â ysgol arbennig, mae'n rhaid i'r Cynulliad Cenedlaethol ymgynghori gyda pherchennog yr ysgol honno, a gall ymgynghori gydag unrhyw gorff crefyddol y mae'n ystyried yn briodol.

(d) the governing instrument of the school provides -

- (i) that the school will be conducted in accordance with the tenets of one or more religions or religious denominations; or
- (ii) that education at the school will be provided in accordance with the tenets of one or more religions or religious denominations.

(2) If a school's proprietor applies for an order in accordance with these Regulations but paragraph (1) does not apply, the National Assembly may nevertheless designate a school which has a religious character if it considers it appropriate to do so having regard to the following -

- (a) whether the school is conducted in accordance with the tenets of one or more religions or religious denominations;
- (b) whether education at the school is provided in accordance with the tenets of one or more religions or religious denominations; and
- (c) any representations made by a religious body on behalf of the school.

(3) For the purposes of this regulation any reference to the education at a school being provided in accordance with the tenets of one or more religions or religious denominations does not require all education provided to be in accordance with those tenets.

#### **Changes in designations and statements**

6.-(1) Where the National Assembly is at any time of the opinion that an order previously made under section 69(3) contains a material error or that there has been a wrongful failure to designate any school the National Assembly must make such an order under that section as it considers appropriate for the purpose of correcting the error.

(2) Before making an order under paragraph (1) which effects the designation of a particular school or the statement of the relevant religion or religious denomination in relation to a particular school, the National Assembly must consult the proprietor of that school, and may consult any religious body which it considers appropriate.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a).

9 Rhagfyr 2003

9th December 2003

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol Cymru

The Presiding Officer of the National Assembly

---

(a) 1998 p.38.

---

(a) 1998 c.38.



---

OFFERYNNAU STATUDOL

---

**2003 Rhif 3233 (Cy.313)**

**ADDYSG, CYMRU**

Rheoliadau Ysgolion Annibynnol  
(Cymeriad Crefyddol Ysgolion)  
(Gweithdrefn Ddynodi) (Cymru)  
2003

---

STATUTORY INSTRUMENTS

---

**2003 No. 3233 (W.313)**

**EDUCATION, WALES**

The Independent Schools  
(Religious Character of Schools)  
(Designation Procedure) (Wales)  
Regulations 2003

© Hawlfraint y Goron 2003

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

**£2.00**

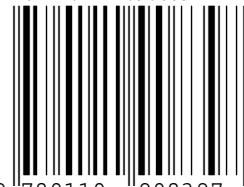
W207/12/03

ON

© Crown copyright 2003

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

ISBN 0-11-090839-2



9 780110 908397