



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2006 Rhif 174 (Cy.25)**

**2006 No. 174 (W.25)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

**Rheoliadau Addysg (Penderfynu Trefniadau Derbyn) (Cymru) 2006**

**The Education (Determination of Admission Arrangements) (Wales) Regulations 2006**

**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 dirymu ac yn disodli Rheoliadau Addysg (Penderfynu Trefniadau Derbyn) 1999 er mwyn adlewyrchu'r diwygiadau a wnaed gan Ddeddf Addysg 2002 i Ddeddf Safonau a Fframwaith Ysgolion 1998 ("Deddf 1998") mewn perthynas â threfniadau derbyn ysgolion. Mae'r Rheoliadau hyn yn nodi'r weithdrefn y dylai awdurdodau derbyn ei dilyn wrth benderfynu ar eu trefniadau derbyn, gan gynnwys y prosesau ymgynghori a hysbysu.

These Regulations revoke and replace the Education (Determination of Admission Arrangements) Regulations 1999, to take into account the amendments made to the School Standards and Framework Act 1998 ("the 1998 Act") in relation to school admission arrangements by the Education Act 2002. These Regulations set out the procedure which admission authorities should follow when determining their admission arrangements, including the consultation and notification process.

Mae adran 89 o Ddeddf 1998 yn darparu bod yn rhaid i awdurdod derbyn pob ysgol a gynhelir benderfynu trefniadau derbyn yr ysgol ar gyfer pob blwyddyn ysgol yn unol â'r gofynion a nodir yn yr adran honno. Mae'r Rheoliadau hyn yn darparu ar gyfer nifer o ddibenion sy'n ymwneud â gofynion adran 89.

Section 89 of the 1998 Act provides that the admission authority for every maintained school must determine the school's admission arrangements for each school year in accordance with the requirements set out in that section. These Regulations make provision for a number of purposes relating to the requirements of section 89.

Mae rheoliad 3 yn cynnwys diffiniadau o dermau a ddefnyddir yn y Rheoliadau.

Regulation 3 contains definitions of terms used in the Regulations.

Mae rheoliad 4 yn ei gwneud yn ofynnol i bob awdurdod derbyn gwblhau'r broses ymgynghori sy'n ofynnol gan adran 89 o Ddeddf 1998 cyn 1 Mawrth yn y flwyddyn benderfynu (y flwyddyn ysgol sy'n dechrau ddwy flynedd cyn y flwyddyn ysgol pan gaiff y disgyblion eu derbyn). Rhaid i'r ymgynghori beidio â mynd rhagddo cyn dechrau'r flwyddyn benderfynu, a rhaid i awdurdodau derbyn benderfynu'r trefniadau derbyn rhwng 1 Medi a 15 Ebrill yn y flwyddyn benderfynu.

Regulation 4 requires all admission authorities to complete the consultation required by section 89 of the 1998 Act before 1 March in the determination year (the school year beginning two years before the school year in which the pupils will be admitted). Consultation is not to take place before the beginning of the determination year, and admission authorities must determine the admission arrangements between 1 September and 15 April in the determination year.

Mae dyletswydd newydd i ystyried y nifer derbyn a nodir ar gyfer pob grŵp oedran perthnasol wrth benderfynu ar nifer y disgyblion sydd i'w derbyn mewn unrhyw flwyddyn ysgol, ac mewn unrhyw grŵp oedran perthnasol.

Ystyr y nifer derbyn a nodir yw'r nifer a gyfrifir yn unol â'r dull asesu capasiti yn y canllawiau 'Mesur capasiti ysgolion yng Nghymru' a geir ar wefan y Cynulliad Cenedlaethol [www.dysgu.gov.uk](http://www.dysgu.gov.uk).

Pan fo'r trefniadau derbyn yn ymwneud ag ysgol gynradd, mae rheoliad 5 yn darparu nad yw'r ddyletswydd o dan adran 89(2)(b) o Ddeddf 1998 i ymgynghori gydag awdurdodau derbyn eraill yn yr "ardal berthnasol" ond yn gymwys i awdurdodau ysgolion cynradd eraill.

Mae rheoliad 6 yn pennu'r ymgynghori ychwanegol sy'n ofynnol yn rhinwedd adran 89(2)(d). Rhaid i awdurdod derbyn sy'n awdurdod addysg lleol ymgynghori â phob awdurdod addysg lleol cyffiniol. Rhaid i awdurdod derbyn sy'n gorff llywodraethu ysgol ymgynghori ag unrhyw awdurdod addysg lleol y mae ei ardal yn dod o fewn yr ardal berthnasol ar gyfer ymgynghori neu'n cyffinio â hi.

Mae rheoliad 7 yn rhoi pŵer newydd i gorff llywodraethu sydd hefyd yn awdurdod derbyn i atal dros dro y gofynion ymgynghori o dan amgylchiadau penodol. Datgymhwysir y gofynion os ymgynghorodd y corff llywodraethu ar ei drefniadau arfaethedig o fewn y ddwy flynedd benderfynu flaenorol, os nad yw'r trefniadau derbyn hynny wedi eu newid, ac os na wnaed unrhyw wrthwynebiad i'r Cynulliad Cenedlaethol am drefniadau derbyn y corff yn ystod y pum mlynedd flaenorol. Yn ogystal, rhaid i'r AAL sy'n cynnal yr ysgol fod wedi hysbysu'r Cynulliad Cenedlaethol i'r holl awdurdodau derbyn yn yr ardal berthnasol gyflawni'r ymgynghori sy'n ofynnol ar gyfer y flwyddyn benderfynu sy'n ymwneud â'r flwyddyn ysgol 2008-2009 neu ar gyfer unrhyw flwyddyn ysgol ar ôl hynny.

Mae rheoliad 8 yn darparu bod yn rhaid i'r ymgynghori ymwneud â'r holl drefniadau derbyn arfaethedig, ar wahân i unrhyw "trefniadau esempt", sef trefniadau nad oes modd eu cyflwyno na'u newid ac eithrio drwy gynigion statudol.

Mae rheoliad 9 yn darparu bod yn rhaid i'r awdurdod derbyn anfon copi ysgrifenedig o'i drefniadau derbyn arfaethedig at bob awdurdod derbyn y mae'n ofynnol iddo ymgynghori ag ef, gan wahodd eu sylwadau. Rhaid i unrhyw drefniadau esempt gael eu cynnwys yn y ddogfen ymgynghori ysgrifenedig honno (er gwybodaeth yn unig).

Yn rheoliad 10, ceir y gofynion ar gyfer hysbysu awdurdodau derbyn eraill o'r trefniadau a benderfynir yn derfynol. Rhaid gwneud hynny yn ysgrifenedig o

There is a new duty to have regard to the indicated admission number for each relevant age group when determining the number of pupils to be admitted in any school year in any relevant age group.

The indicated admission number is the number calculated in accordance with the capacity assessment method set out in the guidance document 'Measuring the capacity of schools in Wales'. This guidance is available on the National Assembly's website at [www.learning.gov.uk](http://www.learning.gov.uk).

Regulation 5 provides that where the admission arrangements are for a primary school, the duty under section 89(2)(b) of the 1998 Act to consult other admission authorities in the "relevant area" only applies to the authorities for other primary schools.

Regulation 6 specifies the additional consultation required by virtue of section 89(2)(d). An admission authority which is a local education authority must consult every neighbouring local education authority. An admission authority which is the governing body for a school must consult any other local education authority whose area falls within or adjoins the relevant area for consultation.

Regulation 7 provides a governing body who are an admission authority with a new power to suspend consultation requirements in certain circumstances. The requirements are disapplied if the governing body consulted on their proposed arrangements within the previous two determination years, those arrangements are unchanged, and no objection has been made to the National Assembly about their admission arrangements in the preceding five years. In addition the LEA maintaining the school must have notified the National Assembly that all the admission authorities in the relevant area undertook the required consultation for the determination year relating to 2008-2009 school year or any subsequent school year.

Regulation 8 provides that the consultation must relate to all of the proposed admission arrangements, except any "exempt arrangements", that is arrangements which cannot be introduced or altered except by means of statutory proposals.

Regulation 9 provides that the admission authority must send a written copy of their proposed admission arrangements to each admission authority which they are required to consult, and invite their comments. Any exempt arrangements must be included in this written consultation document (though for information purposes only).

Regulation 10 sets out the requirements for notifying other admission authorities of the arrangements that are finally determined. This must be done in writing

fewn 14 o ddiwrnodau i'r dyddiad y gwnaed y penderfyniad. Mae gofyniad newydd i hysbysu'r holl gyrff priodol yr oedd ganddynt yr hawl bod yr awdurdod derbyn yn ymgynghori â hwy, hyd yn oed os nad ymgynghorwyd â hwy oherwydd bod y gofynion ymgynghori wedi'u hatal dros dro yn unol â rheoliad 7.

Yn ogystal, mae rheoliad 11 yn ei gwneud yn ofynnol cyhoeddi manylion am drefniadau derbyn sy'n darparu ar gyfer dethol disgyblion yn ôl eu gallu, a hynny mewn papur newydd lleol. Mae hefyd yn cynnwys gofyniad newydd i gyhoeddi gwybodaeth ychwanegol pan fydd yr awdurdod derbyn wedi penderfynu nifer derbyn ar gyfer grŵp oedran perthnasol sy'n is na'r nifer derbyn cyfredol a nodir ar gyfer y grŵp oedran hwnnw. Rhaid i'r manylion sydd i'w cyhoeddi gynnwys esboniad am hawl rhieni i wrthwynebu'r trefniadau dethol hynny neu'r nifer derbyn is hwnnw i'r Cynulliad Cenedlaethol.

Mae rheoliad 12 yn ei gwneud yn ofynnol i awdurdod derbyn, y mae'n rhaid iddo gyhoeddi gwybodaeth ychwanegol o dan reoliad 11, ddarparu manylion pellach am ei drefniadau derbyn ac am hawl rhieni i wrthwynebu os gofynnir amdanynt.

within 14 days from the date of the determination. There is a new requirement to notify all appropriate bodies who were entitled to be consulted even if they were not actually consulted because the consultation requirements have been suspended in accordance with Regulation 7.

Regulation 11 additionally requires details about admission arrangements which provide for selection of pupils by ability, to be published in a local newspaper. It also contains a new requirement for additional publication where the admission authority has determined an admission number for a relevant age group which is lower than the current indicated admission number for that age group. The details to be published must include an explanation of parents' right to object to such selection arrangements or such lower admission number to the National Assembly.

Regulation 12 requires an admission authority which must publish additional information under regulation 11 to provide, on request, further details relating to their admission arrangements and to the parents' right of objection.

**2006 Rhif 174 (Cy.25)****2006 No. 174 (W.25)****ADDYSG, CYMRU****EDUCATION, WALES****Rheoliadau Addysg (Penderfynu Trefniadau Derbyn) (Cymru) 2006****The Education (Determination of Admission Arrangements) (Wales) Regulations 2006***Wedi'u gwneud* 2006*Made* 2006*Yn dod i rym* 1 Chwefror 2006*Coming into force* 1 February 2006

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 89(2), (2A), (8), (8A), 89A(3), 138(7) a 144(1) o Ddeddf Safonau a Fframwaith Ysgolion 1998(1), ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(2).

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by section 89(2), (2A), (8), (8A), 89A(3), 138(7) and 144(1) of the School Standards and Framework Act 1998(1), now vested in the National Assembly for Wales(2).

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

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Penderfynu Trefniadau Derbyn) (Cymru) 2006 a deuant i rym ar 1 Chwefror 2006.

1.-(1) The title of these Regulations is The Education (Determination of Admission Arrangements) (Wales) Regulations 2006 and they come into force on 1 February 2006.

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

(2) These Regulations apply in relation to Wales.

**Dirymu****Revocation**

2. Mae'r Rheoliadau hyn yn dirymu Rheoliadau Addysg (Penderfynu Trefniadau Derbyn) 1999(3), o ran Cymru.

2. These Regulations revoke the Education (Determination of Admission Arrangements) Regulations 1999(3) in relation to Wales.

**Dehongli****Interpretation**

3.-(1) Yn y Rheoliadau hyn-

3.-(1) In these Regulations-

(1) 1998 p.31. Amnewidiwyd is-adrannau (2) a (2A) o adran 89, diwygiwyd is-adran (8) a mewnosodwyd is-adran (8A) gan adran 51 o Ddeddf Addysg 2002 (p.32) a pharagraff 5(1), (2), (4) a (5) o Atodlen 4 iddi. Mewnosodwyd adran 89A(3) gan adran 47(2) o Ddeddf Addysg 2002. I gael gweld ystyr "prescribed" a "regulations", gweler adran 142 o Ddeddf 1998.

(2) Gweler Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), ac adran 211 o Ddeddf Addysg 2002.

(3) O.S. 1999/126.

(1) 1998 c.31. Sub-section (2) and (2A) of section 89 were substituted, sub-section (8) was amended and sub-section (8A) was inserted by section 51 of, and paragraph 5(1), (2), (4) and (5) of Schedule 4 to, the Education Act 2002 (c.32). Section 89A(3) was inserted by section 47(2) of the Education Act 2002. For the meaning of "prescribed" and "regulations" see section 142 of the 1998 Act.

(2) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), and section 211 of the Education Act 2002.

(3) S.I. 1999/126.

ystyr “adran”, (“*section*”) onid yw’r cyd-destun yn mynnu fel arall, yw adran o’r Ddeddf.

mae i “ardal berthnasol” yr ystyr sydd i “*relevant area*” yn Rheoliadau Addysg (Ardaloedd perthnasol i Ymgynhori ar Drefniadau Derbyn) 1999(1);

ystyr “awdurdod addysg” (“*education authority*”) yw awdurdod addysg lleol;

ystyr “y Cynulliad Cenedlaethol” (“*the National Assembly*”) yw Cynulliad Cenedlaethol Cymru;

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Safonau a Fframwaith Ysgolion 1998;

ystyr “y flwyddyn benderfynu” (“*the determination year*”) mewn perthynas â threfniadau derbyn arfaethedig ysgol, yw’r flwyddyn ysgol sy’n dechrau ddwy flynedd cyn y flwyddyn ysgol y mae’r trefniadau ar ei chyfer;

ystyr “nifer derbyn” (“*admission number*”) yw’r nifer o ddisgyblion mewn unrhyw grŵp oedran perthnasol y bwriedir eu derbyn yn ystod unrhyw flwyddyn ysgol, fel a benderfynir gan awdurdod derbyn yn unol ag adran 89A(1);

ystyr “nifer derbyn a nodir” (“*indicated admission number*”) yw nifer y disgyblion mewn unrhyw grŵp oedran perthnasol y cyfeirir ato felly yn y dull asesu capasiti ac a benderfynir yn unol â’r dull hwnnw a geir yn y canllawiau “Mesur capasiti ysgolion yng Nghymru”(2), neu, os dyna ddymuniad yr awdurdod derbyn, ei ystyr mewn cysylltiad â’r flwyddyn benderfynu 2008-2009 yw nifer y disgyblion mewn unrhyw grŵp oedran perthnasol y cyfeirir ato felly yn y dull capasiti a geir yn “Y Cyflenwad o Leoedd Ysgol yng Nghymru”(3), neu a benderfynwyd yn unol â’r dull hwnnw;

ystyr “ysgol” (“*school*”) yw ysgol a gynhelir.

(2) At ddibenion y Rheoliadau hyn, dylid trin trefniadau derbyn ysgol fel pe baent ar gyfer y flwyddyn ysgol benodol y caiff disgyblion eu derbyn i’r ysgol ynddi, a hynny o ganlyniad i’r trefniadau.

### **Penderfynu trefniadau derbyn**

4.-(1) Rhaid i bob awdurdod derbyn ysgol, wrth benderfynu ar ei drefniadau derbyn o dan adran 89 o’r Ddeddf, ystyried y nifer derbyn cyfredol a nodir wrth benderfynu ar nifer derbyn pob grŵp oedran perthnasol.

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(1) O.S. 1999/124.

(2) Mae’r canllaw yma ar gael ar wefan y Cynulliad Cenedlaethol [www.dysgu.cymru.gov.uk](http://www.dysgu.cymru.gov.uk).

(3) Cylchlythyr y Swyddfa Gymreig 13/95.

“the Act” (“*y Ddeddf*”) means the School Standards and Framework Act 1998;

“admission number” (“*nifer derbyn*”) means the number of pupils in any relevant age group intended to be admitted in any school year as determined by an admission authority in accordance with section 89A(1);

“the determination year” (“*y flwyddyn benderfynu*”) in relation to the proposed admission arrangements for a school, means the school year beginning two years before the school year which the arrangements will be for;

“education authority” (“*awdurdod addysg*”) means a local education authority;

“indicated admission number” (“*nifer derbyn a nodir*”) means the number of pupils in any relevant age group referred to as such in, and determined in accordance with, the capacity assessment method set out in the guidance document “Measuring the capacity of schools in Wales”(1) or in relation to the determination year 2008-2009, if the admission authority so wishes, means the number of pupils in any relevant age group referred to as such in, and determined in accordance with, the capacity method set out in “The Supply of School Places in Wales”(2);

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“relevant area” (“*ardal berthnasol*”) has the meaning given to it by the Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999(3);

“school” (“*ysgol*”) means a maintained school;

“section” (“*adran*”) unless the context otherwise requires, means a section of the Act.

(2) For the purposes of these Regulations, admission arrangements for a school are to be treated as being for the particular school year in which pupils are to be admitted to the school in consequence of the arrangements.

### **Determination of admission arrangements**

4.-(1) Every admission authority for a school, in determining their admission arrangements under section 89 of the Act, must have regard to the current indicated admission number when determining an admission number for each relevant age group.

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(1) This guidance is available on the National Assembly website at [www.learning.wales.gov.uk](http://www.learning.wales.gov.uk).

(2) Welsh Office Circular 13/95.

(3) S.I. 1999/124.

(2) O ran trefniadau derbyn arfaethedig ysgol ar gyfer pob blwyddyn ysgol, rhaid i bob awdurdod derbyn ysgol, ac eithrio pan fydd rheoliad 7 yn gymwys, gymryd yr holl gamau sy'n angenrheidiol er mwyn sicrhau y bydd wedi cwblhau'r ymgynghori sy'n ofynnol gan adran 89(2), a hynny cyn 1 Mawrth yn y flwyddyn benderfynu. Rhaid peidio â chychwyn ar yr ymgynghori hwnnw cyn dechrau'r flwyddyn benderfynu.

(3) Yn ogystal, rhaid i'r awdurdodau derbyn hynny gymryd yr holl gamau sy'n angenrheidiol er mwyn sicrhau y byddant wedi penderfynu'r trefniadau derbyn hynny rhwng 1 Medi a 15 Ebrill yn y flwyddyn benderfynu.

### **Ymgynghori gan awdurdodau derbyn ysgolion cynradd**

5. Mewn perthynas â threfniadau derbyn arfaethedig ysgol gynradd, at ddibenion adran 89(2)(b), mae'n ofynnol i awdurdod derbyn ymgynghori ag awdurdodau derbyn ysgolion eraill yn yr ardal berthnasol dim ond os ydynt yn awdurdodau ysgolion cynradd.

### **Gofynion ymgynghori ychwanegol**

6.-(1) Mae'r rheoliad hwn yn rhagnodi awdurdodau derbyn yr ysgolion y dylid ymgynghori â hwy am drefniadau derbyn arfaethedig yn rhinwedd adran 89(2)(d).

(2) Os awdurdod addysg yw awdurdod derbyn ysgol, rhaid iddo ymgynghori â phob awdurdod addysg cyffiniol.

(3) At ddibenion paragraff (2), bydd awdurdod addysg yn "gyffiniol" i awdurdod addysg arall os yw ardaloedd y ddau awdurdod yn cyffinio o gwbl.

(4) Os corff llywodraethu yw awdurdod derbyn ysgol, rhaid iddo ymgynghori (i'r graddau nad yw eisoes yn ofynnol iddo wneud hynny, yn rhinwedd adran 89(2)(a) neu (b)) ag unrhyw awdurdod addysg sydd ag unrhyw ran o'i ardal un ai o fewn yr ardal berthnasol, o ran ymgynghori ar y trefniadau arfaethedig, neu'n cyffinio â hi.

### **Atal y gofynion i ymgynghori dros dro**

7.-(1) Yn ddarostyngedig i baragraff (3), mae'r rheoliad hwn yn rhagnodi, at ddibenion adran 89(2A), yr amodau pan na fydd yn ofynnol i gorff llywodraethu sy'n awdurdod derbyn ysgol ymgynghori fel sy'n ofynnol o dan adran 89(2) mewn unrhyw flwyddyn benderfynu.

(2) Except where regulation 7 applies, every admission authority for a school must, in respect of their proposed admission arrangements for the school for each school year, take all steps necessary to ensure that they will have completed the consultation required by section 89(2) before 1 March in the determination year. Such consultation must not be commenced before the beginning of the determination year.

(3) In addition, every such admission authority must take all steps necessary to ensure that they will have determined those admission arrangements between 1 September and 15 April in the determination year.

### **Consultation by admission authorities for primary schools**

5. In relation to the proposed admission arrangements for a primary school, for the purposes of section 89(2)(b) the admission authority is required to consult only those admission authorities for other schools in the relevant area which are primary schools.

### **Additional consultation requirements**

6.-(1) This regulation prescribes the admission authorities for schools that are to be consulted about proposed admission arrangements by virtue of section 89(2)(d).

(2) Where the admission authority for a school is the education authority, they must consult all the neighbouring education authorities.

(3) For the purpose of paragraph (2), an education authority, is "neighbouring", in relation to another education authority, if the areas of the two authorities adjoin to any extent.

(4) Where the admission authority for a school is the governing body, they must consult (so far as not already required to do so by virtue of section 89(2)(a) or (b)) any education authority any part of whose areas falls within or adjoins the relevant area for consultation about the proposed arrangements.

### **Suspension of consultation requirements**

7.-(1) Subject to paragraph (3), this regulation prescribes for the purposes of section 89(2A) the conditions under which a governing body who are the admission authority for a school are not required to undertake the consultation required under section 89(2) in any determination year.

(2) Dyma'r amodau-

- (a) bod y corff llywodraethu wedi ymgynghori, fel sy'n ofynnol o dan adran 89(2) mewn perthynas â threfniadau derbyn arfaethedig yr ysgol, yn ystod y flwyddyn benderfynu flaenorol, neu, os nad oedd ymgynghori'n ofynnol yn y flwyddyn honno oherwydd y rheoliad hwn, yn ystod y flwyddyn benderfynu a ddechreuodd ddwy flynedd cyn y flwyddyn benderfynu dan sylw; a
- (b) bod y corff llywodraethu yn bwriadu penderfynu'r un trefniadau derbyn ar gyfer yr ysgol â'r rhai a benderfynwyd yn y flwyddyn benderfynu y cynhaliwyd yr ymgynghori yn ei chylch, fel y cyfeirir ati yn is-baragraff (a); ac
- (c) na wnaed gwrthwynebiad i'r Cynulliad Cenedlaethol o dan adran 90(1) neu (2) am y trefniadau derbyn a oedd yn yr arfaeth gan y corff llywodraethu yn ystod unrhyw un o'r pum mlynedd flaenorol.

(3) Ni fydd y rheoliad hwn yn gymwys oni bai bod yr awdurdod addysg sy'n cynnal yr ysgol wedi rhoi'r hysbysiad perthnasol i'r Cynulliad Cenedlaethol o ran blwyddyn ysgol gymwys, a hynny mewn perthynas â'r flwyddyn benderfynu y cynhaliwyd yr ymgynghori yn ei chylch, fel y cyfeirir ati ym mharagraff (2)(a).

(4) Yn y rheoliad hwn-

ystyr "blwyddyn ysgol gymwys" ("*qualifying school year*") yw'r flwyddyn ysgol 2008-2009 neu unrhyw flwyddyn ysgol ar ôl hynny;

ystyr "yr hysbysiad perthnasol" ("*the relevant notification*") yw hysbysiad bod yr holl awdurdodau derbyn yn yr ardal berthnasol wedi ymgynghori, fel sy'n ofynnol o dan adran 89(2), mewn perthynas â'u trefniadau derbyn arfaethedig.

### Materion y dylai'r ymgynghori ymwneud â hwy

8.-(1) Rhaid i'r ymgynghori o dan adran 89(2) ymwneud â'r holl drefniadau (gan gynnwys y polisi derbyn yn ei gyfanrwydd) y mae'r awdurdod derbyn yn bwriadu eu penderfynu fel trefniadau derbyn yr ysgol ar gyfer y flwyddyn ysgol arbennig honno, ac eithrio unrhyw drefniadau esempt.

(2) At ddibenion paragraff (1), mae trefniadau derbyn yn esempt (os o gwbl) i'r graddau-

- (a) bod adran 89 wedi'i heithrio gan adran 103(1) a (2) rhag bod yn gymwys ar gyfer eu penderfynu (darparu neu roi'r gorau i ddarparu ar gyfer dethol sy'n cyfrif fel newid rhagnodedig at ddibenion adran 28);

(2) The conditions are that-

- (a) the governing body have undertaken the consultation required under section 89(2) in relation to the proposed admission arrangements for the school in the preceding determination year, or if no consultation was required in that year because of this regulation, in the determination year which began two years before the determination year in question; and
- (b) the governing body propose to determine the same admission arrangements for the school as those determined in the determination year in respect of which consultation took place, as referred to in sub-paragraph (a); and
- (c) no objection was made to the National Assembly under section 90(1) or (2) about the admission arrangements proposed by the governing body in any of the preceding five years.

(3) This regulation does not apply unless, in relation to the determination year in respect of which consultation took place, as referred to in paragraph (2)(a), relating to a qualifying school year, the education authority maintaining the school have provided the National Assembly with the relevant notification.

(4) In this regulation-

"the relevant notification" ("*yr hysbysiad perthnasol*") means notification that all the admission authorities in the relevant area have undertaken the consultation required under section 89(2) in relation to their proposed admission arrangements;

"qualifying school year" ("*blwyddyn ysgol gymwys*") means the school year 2008-2009 or any subsequent school year.

### Matters to which consultation is to relate

8.-(1) Consultation under section 89(2) must relate to all of the arrangements (including the whole admissions policy) which the admission authority proposes to determine as the admission arrangements for the school for the particular school year, except any exempt arrangements.

(2) For the purposes of paragraph (1), admission arrangements are exempt to the extent (if any) that-

- (a) section 89 is excluded by section 103(1) and (2) from applying to their determination (making or abandonment of provision for selection which constitutes a prescribed alteration for the purposes of section 28);

- (b) (ar wahân i'r achosion pan fo is-baragraff (a) yn gymwys) eu bod yn gwneud darpariaeth o fath a fyddai, pan wneir hi am y tro cyntaf mewn ysgol a oedd heb y ddarpariaeth honno o'r blaen, yn creu newid rhagnodedig at ddibenion adran 28.

### **Dull yr ymgynghori**

9.-(1) At ddibenion ymgynghori o dan adran 89(2), rhaid i awdurdod derbyn gyfathrebu ei gynigion, drwy anfon, o leiaf gopi ysgrifenedig o'r trefniadau derbyn arfaethedig at bob awdurdod derbyn y mae'n ofynnol iddo ymgynghori ag ef, gan wahodd eu sylwadau.

(2) Er gwybodaeth, rhaid i'r copi ysgrifenedig a anfonir o'r trefniadau arfaethedig gynnwys unrhyw drefniadau esempt fel y'u diffinnir yn rheoliad 8; ond, os yw'n dymuno hynny, caiff yr awdurdod derbyn ddangos ar y copi ysgrifenedig, drwy unrhyw fodd priodol, na ofynnir am sylwadau ar y ddarpariaeth honno.

(3) Caniateir cyfathrebu o dan baragraff (1) drwy drosglwyddo'r copi ysgrifenedig o'r trefniadau ar ffurf electronig, ac eithrio pan fydd lle i gredu na all y derbynnydd bwriadedig ei ddefnyddio ar y ffurf honno.

### **Y dull o hysbysu am drefniadau derbyn**

10.-(1) Wrth hysbysu'r trefniadau derbyn y mae wedi eu penderfynu ar gyfer ysgol o dan adran 89(4), rhaid i awdurdod derbyn-

- (a) rhoi'r hysbysiad yn ysgrifenedig i bob un o'r cyrff priodol fel y'u diffinnir yn adran 89(10); a
- (b) cynnwys copi ysgrifenedig cyflawn o'r trefniadau derbyn a benderfynwyd os bydd y trefniadau a benderfynwyd yn wahanol mewn unrhyw ffordd (yn ddarostyngedig i baragraff (2)) i'r trefniadau arfaethedig yr ymgynghorwyd arnynt â'r cyrff hynny.

(2) At ddibenion paragraff (1)(b), rhaid diystyru'r gwahaniaeth rhwng y trefniadau arfaethedig a'r trefniadau a benderfynwyd os yw'n ymwneud yn unig â threfniadau esempt fel y'u diffinnir yn rheoliad 8.

(3) Caniateir hysbysu o dan baragraff (1) o fewn 14 o ddiwrnodau ar ôl y dyddiad y penderfynodd yr awdurdod derbyn y trefniadau derbyn dan sylw.

(4) Caniateir hysbysu o dan baragraff (1) drwy drosglwyddo'r hysbysiad ar ffurf electronig, ac eithrio pan fydd lle i gredu na all y derbynnydd bwriadedig ei ddefnyddio ar y ffurf honno.

- (b) (except where sub-paragraph (a) applies) they make provision of a kind which would, when first made at a school which previously had no such provision, effect a prescribed alteration for the purposes of section 28.

### **Manner of consultation**

9.-(1) For the purpose of consultation under section 89(2), an admission authority must communicate their proposals by, at least, sending each admission authority which they are required to consult a written copy of the proposed admission arrangements and inviting their comments.

(2) For the purpose of information, the written copy of the proposed arrangements which is sent must include any exempt arrangements as defined in regulation 8; but the admission authority may, if it wishes, indicate on the written copy by any appropriate means that comments are not sought on that provision.

(3) Communication under paragraph (1) may be effected by the transmission of the written copy of the arrangements in electronic form, except in any case where there are grounds for believing that the intended recipient is unable to make use of it in that form.

### **Manner of notification of admission arrangements**

10.-(1) Notification by an admission authority under section 89(4) of the admission arrangements which they have determined for a school-

- (a) must be given in writing to each of the appropriate bodies as defined in section 89 (10); and
- (b) where the arrangements as determined differ in any respect (subject to paragraph (2)) from the proposed arrangements on which those bodies were consulted, must include a complete copy in writing of the admission arrangements as determined.

(2) For the purpose of paragraph (1)(b), a difference between the arrangements as proposed and the arrangements as determined is to be disregarded if it relates exclusively to exempt arrangements as defined in regulation 8.

(3) Notification under paragraph (1) must be given within 14 days after the date on which the admission authority determined the admission arrangements in question.

(4) Notification under paragraph (1) may be effected by the transmission of the notification in electronic form, except in any case where there are grounds for believing that the intended recipient is unable to make use of it in that form.



## Yr amgylchiadau pan fydd angen cyhoeddi yn ychwanegol

11.-(1) Mae'r rheoliad hwn yn gymwys mewn unrhyw achos pan fydd-

- (a) trefniadau derbyn ysgol a benderfynwyd gan awdurdod derbyn yn cynnwys trefniadau dethol sydd eisoes yn bodoli;
- (b) y nifer derbyn a benderfynwyd ar gyfer unrhyw grŵp oedran perthnasol mewn ysgol yn is na'r nifer derbyn cyfredol a nodir ar gyfer y grŵp oedran hwnnw.

(2) At ddibenion paragraff (1)(a)-

- (a) ystyr "trefniadau dethol" ("*selection arrangements*") yw'r trefniadau hynny (os oes rhai) yn y trefniadau derbyn a benderfynwyd ar gyfer ysgol o ran blwyddyn ysgol benodol sy'n darparu ar gyfer dethol disgyblion yn ôl eu gallu o fewn ystyr adran 99(5); a
- (b) rhaid ystyried bod trefniadau dethol yn rhai sydd eisoes yn bodoli os ydynt-
  - (i) yn parhau o'r ddarpariaeth a wnaed yn nhrefniadau derbyn yr ysgol dan sylw ar ddechrau blwyddyn ysgol 1997-1998 ac a wnaed yn nhrefniadau derbyn olynol yr ysgol byth oddi ar hynny, a
  - (ii) yn llwyr ddibynnol ar adran 100 am eu cyfreithlondeb.

(3) At ddibenion paragraff (2)(b)(ii), dylid ystyried bod trefniadau dethol yn rhai sy'n llwyr ddibynnol ar adran 100 am eu cyfreithlondeb os na chânt eu gwneud yn gyfreithlon yn rhinwedd adran 99(1)(b) neu (2)(c) (dosbarthiadau chwech), ac adran 101 (bandio disgyblion).

(4) Pan fo paragraff (1)(a) yn gymwys, rhaid i'r awdurdod derbyn gyhoeddi'r wybodaeth a ganlyn mewn papur newydd sy'n cylchredeg yn ardal leol yr ysgol, sef-

- (a) enw'r awdurdod derbyn, ac enw'r ysgol neu'r ysgolion y mae'r darpariaethau dethol yn gymwys ar gyfer derbyn disgyblion iddi neu iddynt;
- (b) y ffaith bod trefniadau derbyn sy'n darparu ar gyfer dethol disgyblion wedi'u penderfynu, a datganiad i grynhoi effaith y trefniadau dethol;
- (c) y ffaith y gall rhieni sy'n byw yn yr ardal berthnasol gyfeirio gwrthwynebiad am y trefniadau dethol at y Cynulliad Cenedlaethol (1);

## Circumstances in which additional publication is required

11.-(1) This regulation applies in any case where-

- (a) the admission arrangements for a school determined by an admission authority include pre-existing selection arrangements;
- (b) the determined admission number for any relevant age group at a school is lower than the current indicated admission number for that age group.

(2) For the purposes of paragraph (1)(a)-

- (a) "selection arrangements" ("*trefniadau dethol*") means those arrangements (if any) in the admission arrangements determined for a school for a particular school year which make provision for the selection of pupils by ability within the meaning of section 99(5); and
- (b) selection arrangements are to be regarded as pre-existing if they-
  - (i) continue from provision made by the admission arrangements for the school in question at the beginning of the 1997-1998 school year and made by successive admission arrangements for the school since that time, and
  - (ii) depend solely for their lawfulness on section 100.

(3) For the purpose of paragraph (2)(b)(ii), selection arrangements are to be regarded as depending solely for their lawfulness on section 100 if they are not rendered lawful by virtue of section 99(1)(b) or (2)(c) (sixth forms), and section 101 (pupil banding).

(4) Where paragraph (1)(a) applies, the admission authority must publish the following information in a newspaper circulating in the locality served by the school, namely-

- (a) the names of the admission authority and of the school or schools in respect of admission to which the provision for selection applies;
- (b) the fact that admission arrangements have been determined which make provision for selection and a statement summarising the effect of the selection arrangements;
- (c) the fact that parents living in the relevant area are able to refer an objection about the selection arrangements to the National Assembly(1);

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(1) Is-adran Rheolaeth Ysgolion 3.

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(1) School Management Division 3.

- (ch) cyfeiriad y Cynulliad Cenedlaethol a'r dyddiad erbyn pryd y mae'n rhaid anfon y gwrthwynebiad ato;
- (d) y ffaith y gellir cael gwybodaeth ychwanegol am y trefniadau dethol neu am hawl rhieni i wrthwynebu oddi wrth yr awdurdod derbyn, gan gynnwys y cyfeiriad a'r rhif ffôn ar gyfer cysylltu.

(5) Pan fo paragraff (1)(b) yn gymwys, rhaid i'r awdurdod derbyn gyhoeddi'r wybodaeth a ganlyn mewn papur newydd sy'n cylchredeg yn ardal leol yr ysgol, sef-

- (a) enw'r awdurdod derbyn, ac enw'r ysgol neu'r ysgolion y penderfynwyd nifer derbyn is na'r nifer derbyn cyfredol a nodir ar gyfer grŵp oedran perthnasol ar ei chyfer neu ar eu cyfer;
- (b) y nifer derbyn cyfredol a nodir o ran pob grŵp oedran perthnasol y bu i'r awdurdod derbyn ei ystyried wrth iddo benderfynu nifer derbyn is;
- (c) y nifer derbyn a benderfynwyd o ran pob grŵp oedran perthnasol sy'n is na'r nifer derbyn cyfredol a nodir ar gyfer y grŵp oedran hwnnw;
- (ch) rhesymau'r awdurdod derbyn dros benderfynu ar nifer derbyn sy'n is na'r nifer derbyn cyfredol a nodir;
- (d) y ffaith bod gan rieni sy'n byw yn yr ardal berthnasol yr hawl i gyfeirio gwrthwynebiad am y nifer derbyn at y Cynulliad Cenedlaethol;
- (dd) cyfeiriad y Cynulliad Cenedlaethol a'r dyddiad erbyn pryd y mae'n rhaid anfon y gwrthwynebiad ato;
- (e) y ffaith y gellir cael gwybodaeth ychwanegol am y nifer derbyn neu am hawl rhieni i wrthwynebu oddi wrth yr awdurdod derbyn, gan gynnwys y cyfeiriad a'r rhif ffôn ar gyfer cysylltu.

(6) Rhaid cyhoeddi'r wybodaeth a nodwyd ym mharagraffau (4) a (5) yn y dull a nodwyd o fewn 14 o ddiwrnodau ar ôl y dyddiad pryd y penderfynodd yr awdurdod derbyn y trefniadau derbyn.

### Darparu gwybodaeth ychwanegol

12.-(1) Rhaid i awdurdod derbyn y mae'n ofynnol iddo gyhoeddi gwybodaeth o dan reoliad 11 hefyd ddarparu'r wybodaeth a ganlyn i unrhyw berson yn rhad ac am ddim, os gofynnir amdani-

- (a) (mewn unrhyw achos pan fydd rheoliad 11(1)(a) yn gymwys) gopi o'r trefniadau dethol ac o unrhyw ran arall o'r trefniadau derbyn sy'n berthnasol iddynt;

- (d) the address to which, and the date by which such an objection must be sent to the National Assembly;
- (e) the fact that further information about the selection arrangements or about parents' right of objection may be obtained from the admission authority, including an address and telephone number for such contact.

(5) Where paragraph (1)(b) applies the admission authority must publish the following information in a newspaper circulating in the locality served by the school, namely-

- (a) the names of the admission authority and of the school or schools in respect of which an admission number lower than the current indicated admission number has been determined for any relevant age group;
- (b) the current indicated admission number relating to each relevant age group to which the admission authority had regard when determining a lower admission number;
- (c) the determined admission number relating to each relevant age group which is lower than the current indicated admission number for that age group;
- (d) the admission authority's reasons for determining an admission number which is lower than the current indicated admission number;
- (e) the fact that parents living in the relevant area are able to refer an objection about the admission number to the National Assembly;
- (f) the address to which and the date by which such an objection must be sent to the National Assembly;
- (g) the fact that further information about the admission number or about parents' right of objection may be obtained from the admission authority, including an address and telephone number for such contact.

(6) The information specified in paragraphs (4) and (5) must be published in the manner specified within 14 days after the date on which the admission authority determined the admission arrangements.

### Provision of further information

12.-(1) An admission authority which is required to publish information under regulation 11 must in addition provide to any person without charge any of the following on request-

- (a) (in any case to which regulation 11(1)(a) applies) a copy of the selection arrangements and of any other parts of the admission arrangements that are material to them;

- (b) (mewn unrhyw achos pan fydd rheoliad 11(1)(b) yn gymwys) fanylion am yr asesiad o nifer derbyn cyfredol a nodir ar gyfer yr ysgol, sy'n ymwneud ag unrhyw grŵp oedran perthnasol y penderfynwyd nifer derbyn is ar ei gyfer;
- (c) datganiad ysgrifenedig o wybodaeth am hawl rhieni i wrthwynebu, fel a bennwyd ym mharagraff (2).

(2) Dyma'r wybodaeth y mae'n rhaid ei darparu o dan baragraff (1)(c)-

- (a) datganiad sy'n esbonio effaith adran 90(2);
- (b) yr ardal berthnasol a oedd yn gymwys i ymgynghoriad yr awdurdod derbyn ar y trefniadau derbyn;
- (c) esboniad o'r gofynion a ganlyn sy'n gymwys i wrthwynebiad gan riant-
  - (i) y gofyniad na chaiff rhiant gyfeirio gwrthwynebiad ond os yw'n ymwneud â threfniadau dethol (o fewn yr ystyr sydd i hynny yn rheoliad 11(2)(a)) a oedd eisoes yn bodoli, neu os yw'n ymwneud â phenderfynu ar nifer derbyn sy'n is na'r nifer derbyn a nodir,
  - (ii) disgrifiad o'r rhiant sydd â'r hawl i anfon gwrthwynebiad, a
  - (iii) y gofyniad bod yn rhaid i nifer penodol o rieni anfon gwrthwynebiad neu wrthwynebiadau sydd, yn eu sylwedd, yn codi'r un mater cyn y gall y Cynulliad Cenedlaethol ei benderfynu neu eu penderfynu.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru yn unol ag adran 66(1) o Ddeddf Llywodraeth Cymru 1998(1).

31 Ionawr 2006

Llywydd y Cynulliad Cenedlaethol

- (b) (in any case to which regulation 11(1)(b) applies) details of the assessment of the school's current indicated admission number relating to any relevant age group for which a lower admission number has been determined;
- (c) a written statement of information about parents' right of objection specified in paragraph (2).

(2) The information to be provided under paragraph (1)(c) is-

- (a) a statement explaining the effect of section 90(2);
- (b) the relevant area that applied to the admission authority's consultation on the admission arrangements;
- (c) an explanation of the following requirements that apply to an objection by a parent-
  - (i) the requirement that a parent may only refer an objection about pre-existing selection arrangements (within the meaning of regulation 11(2)(a)), or the determination of an admission number which is lower than the indicated admission number,
  - (ii) the description of parent who is entitled to refer an objection, and
  - (iii) the requirement that a specified number of parents must refer an objection or objections raising substantially the same issue before such an objection can be determined by the National Assembly.

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

31 January 2006

The Presiding Officer of the National Assembly

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OFFERYNNAU STATUDOL

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**2006 Rhif 174 (Cy.25)**

**ADDYSG, CYMRU**

Rheoliadau Addysg (Penderfynu  
Trefniadau Derbyn) (Cymru) 2006

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STATUTORY INSTRUMENTS

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**2006 No. 174 (W.25)**

**EDUCATION, WALES**

The Education (Determination of  
Admission Arrangements) (Wales)  
Regulations 2006

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