



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 175 (Cy.26)

2006 No. 175 (W.26)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Ysgolion Newydd
(Derbyniadau) (Cymru) 2006**

**The New School (Admissions)
(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 gwneud darpariaeth ynglŷn â phenderfynu'r trefniadau derbyn cychwynnol â cheisiadau am dderbyniad i ysgolion newydd. Maent yn disodli ac yn dirymu Rheoliadau Ysgolion Newydd (Derbyniadau) (Cymru) 1999.

These Regulations make provision in relation to the determination of the initial admission arrangements for admission to new schools. They replace and revoke the New School (Admissions) (Wales) Regulations 1999.

Mae rheoliad 4 yn pennu pwy sydd i fod yn awdurdod derbyn ar gyfer ysgol newydd mewn perthynas â'i blwyddyn gychwynnol, hynny yw, y corff sy'n gyfrifol am benderfynu'r trefniadau ar gyfer derbyn disgyblion i'r ysgol am y flwyddyn ysgol y bydd yn derbyn disgyblion ynddi am y tro cyntaf. Yr awdurdod addysg lleol neu'r corff llywodraethu dros dro, os yw'r awdurdod addysg lleol wedi dirprwyo'r cyfrifoldeb hwn iddynt, fydd yr awdurdod derbyn ar gyfer ysgol gymunedol neu ysgol wirfoddol a reolir. Y corff llywodraethu dros dro (neu, os yw'n briodol, yr awdurdod addysg lleol neu'r hyrwyddwyr) fydd yr awdurdod derbyn ar gyfer ysgol sefydledig neu ysgol wirfoddol a gynorthwyr.

Regulation 4 specifies who is to be the admission authority for a new school in relation to its initial year, that is to say the body responsible for the determination of the arrangements for admission of pupils to the school for the school year in which it will first admit pupils. The admission authority for a community or voluntary controlled school, will be the local education authority or the temporary governing body where the local education authority have delegated this responsibility to them. The admission authority for a foundation or voluntary aided school will be the temporary governing body (or, where appropriate, the local education authority or promoters).

Mae rheoliad 5 yn ei gwneud yn ofynnol i awdurdod derbyn ar gyfer ysgol newydd benderfynu'r trefniadau derbyn cychwynnol heb fod yn llai na chwe mis cyn dyddiad agor yr ysgol. Mae dyletswydd ar awdurdod derbyn i ymgynghori ynglŷn â'r trefniadau derbyn cychwynnol cyn iddynt gael eu penderfynu yn y modd hwn.

Regulation 5 requires an admission authority for a new school to determine the initial admission arrangements not less than six months before the school opening date. An admission authority is under a duty to consult on the initial admission arrangements before they are so determined.

Mae rheoliad 6 yn ei gwneud yn ofynnol i awdurdod derbyn benderfynu, fel rhan o'r trefniadau derbyn cychwynnol, nifer derbyn ar gyfer pob grŵp oedran perthnasol, hynny yw, nifer y disgyblion mewn unrhyw grŵp oedran perthnasol y mae'n bwriadu eu derbyn i'r ysgol. Pan fo'r trefniadau derbyn cychwynnol wedi'u

Regulation 6 requires an admission authority to determine, as part of the initial admission arrangements, an admission number for each relevant age group, that is to say the number of pupils in any relevant age group which it intends to admit to the school. Where the initial admission arrangements have

penderfynu cyn bod y cynigion statudol perthasol wedi'u cymeradwyo, y nifer derbyn yw'r nifer derbyn a bennwyd yn hysbysiad i'r cynigion statudol. Ystyrir bod y nifer hwnnw'n nifer derbyn dros dro hyd nes bod y cynigion wedi'u cymeradwyo.

Mae rheoliad 7 yn gwneud darpariaeth, ar ôl i'r trefniadau derbyn cychwynnol gael eu penderfynu, i awdurdodau derbyn a chyrff llywodraethu ysgolion cymunedol ac ysgolion gwirfoddol a reolir, yr oedd yn ofynnol ymgynghori â hwy o dan reoliad 5, gyfeirio gwrthwynebiadau i'r Cynulliad Cenedlaethol.

Mae rheoliad 8 yn darparu ar gyfer amrywio'r trefniadau derbyn cychwynnol naill ai oherwydd newid sylweddol mewn amgylchiadau, neu pan fo amrywiad yn angenrheidiol i weithredu cynigion statudol a gyhoeddir o dan adran 28 o Ddeddf 1998. Os yw'r amrywiad arfaethedig oherwydd newid sylweddol mewn amgylchiadau, rhaid iddo gael ei gyfeirio at y Cynulliad Cenedlaethol.

Mae rheoliad 9 a'r Atodlen yn darparu y bydd darpariaethau penodol yn y Deddfau Addysg a Rheoliadau Addysg (Gwybodaeth Ysgolion) (Cymru) 1999, yn gymwys gydag addasiadau i ysgolion newydd.

been determined before the relevant statutory proposals have been approved, the admission number will be that stated in the statutory proposal notice. This will be deemed to be a provisional admission number until the proposals have been approved.

Regulation 7 makes provision, after the initial admission arrangements have been determined, for admission authorities and governing bodies of community and voluntary controlled schools who were required to be consulted under regulation 5 to refer objections to the National Assembly.

Regulation 8 provides for the initial admission arrangements to be varied either in view of a major change of circumstance, or where a variation is necessary to implement statutory proposals published under section 28 of the 1998 Act. Where a proposed variation is because of a major change of circumstance, it must be referred to the National Assembly.

Regulation 9 and the Schedule provide for certain provisions of the Education Acts and the Education (School Information) (Wales) Regulations 1999, to apply with modifications to new schools.

2006 Rhif 175 (Cy.26)**2006 No. 175 (W.26)****ADDYSG, CYMRU****EDUCATION, WALES****Rheoliadau Ysgolion Newydd
(Derbyniadau) (Cymru) 2006****The New School (Admissions)
(Wales) Regulations 2006***Wedi'u gwneud* 31 Ionawr 2006*Made* 31 January 2006*Yn dod i rym* 1 Chwefror 2006*Coming into force* 1 February 2006

Drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 72 a 138(7) o Ddeddf Safonau a Fframwaith Ysgolion 1998(1) ac sydd wedi'u breinio bellach yng Nghynulliad Cenedlaethol Cymru(2), mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol:

In exercise of the powers conferred on the Secretary of State by sections 72 and 138(7) of the School Standards and Framework Act 1998(1) now vested in the National Assembly for Wales(2), the National Assembly for Wales makes the following Regulations:

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

1.-(1) Enw'r Reoliadau hyn yw Rheoliadau Ysgolion Newydd (Derbyniadau) (Cymru) 2006 a deuant i rym ar 1 Chwefror 2006.

1.-(1) The title of these Regulations is The New School (Admissions) (Wales) Regulations 2006 and they come into force on 1 February 2006.

(2) Mae'r Rheoliadau hyn yn gymwys i ysgolion newydd yng Nghymru a fydd, yn y flwyddyn ysgol y byddant yn derbyn disgyblion am y tro cyntaf, yn ysgolion cymunedol, ysgolion sefydledig neu'n ysgolion gwirfoddol.

(2) These Regulations apply in relation to new schools in Wales which, in the school year in which they will first admit pupils, are to be community, foundation or voluntary schools.

(3) Nid yw rheoliadau 5, 6 a 7 yn gymwys i ysgol newydd pan fo'r awdurdod derbyn ar gyfer ysgol o'r fath, a sefydlwyd mewn cysylltiad â chynigion sy'n cynnwys cau ysgol arall a gynhelir gan awdurdod addysg lleol, yn penderfynu bod y trefniadau derbyn cychwynnol i fod yr un fath â rhai'r ysgol a gaewyd.

(3) Regulations 5, 6 and 7 do not apply in relation to a new school where the admission authority for such a school, established in connection with proposals involving the discontinuance of another school maintained by a local education authority, determine that the initial admission arrangements are to be the same as those of the discontinued school.

Dirymu a darpariaeth drosiannol**Revocation and transitional provision**

2.-(1) Yn ddarostyngedig i baragraff (2), mae Rheoliadau Ysgolion Newydd (Derbyniadau) (Cymru) 1999(3) wedi'u dirymu.

2.-(1) Subject to paragraph (2), the New School (Admissions) (Wales) Regulations 1999(3) are revoked.

(2) Mae Rheoliadau Ysgolion Newydd (Derbyniadau) (Cymru) 1999 i barhau i gael effaith mewn perthynas ag unrhyw ysgol a sefydlir yn unol â chynigion a gyhoeddwyd o dan adran 28 o Ddeddf 1998 y mae'r dyddiad agor ar ei chyfer cyn y flwyddyn ysgol 2007-8 ac ni fydd dim yn y Rheoliadau hyn yn gymwys i ysgol o'r fath.

(2) The New School (Admissions) (Wales) Regulations 1999 are to continue to have effect in relation to any school established in accordance with proposals published under section 28 of the 1998 Act the opening date for which is before the school year 2007-8 and nothing in these Regulations applies in relation to such a school.

(1) 1998 p.31. I gael ystyr "regulations" gweler adran 142(1).

(1) 1998 c.31. For the meaning of "regulations" see section 142(1).

(2) Gweler Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(2) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(3) O.S. 1999/2800 (Cy. 14).

(3) S.I. 1999/2800 (W. 14).

Dehongli

3. Yn y Rheoliadau hyn-

ystyr “awdurdod derbyn” (“*admission authority*”) mewn perthynas ag ysgol newydd, yw'r person neu'r corff sy'n gyfrifol o dan reoliad 4 am wneud trefniadau derbyn cychwynnol yr ysgol;

ystyr “blwyddyn gychwynnol” (“*initial year*”), mewn perthynas ag ysgol newydd, yw'r flwyddyn ysgol gyntaf y derbynnir disgyblion (neu y bwriedir y dylid eu derbyn) i'r ysgol;

ystyr “corff llywodraethu dros dro” (“*temporary governing body*”) yw corff llywodraethu dros dro a ffurfir o dan adran 34 o Ddeddf Addysg 2002(1) ;

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

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

ystyr “Deddf 2000” (“*the 2000 Act*”) yw Deddf Dysgu a Medrau 2000(2);

ystyr “dyddiad agor yr ysgol” (“*the school opening date*”), mewn perthynas ag ysgol newydd, yw'r dyddiad y mae'r ysgol yn derbyn disgyblion am y tro cyntaf;

ystyr “nifer derbyn” (“*admission number*”) yw'r nifer o ddisgyblion mewn unrhyw grŵp oedran perthnasol y bwriedir eu derbyn i'r ysgol, fel a benderfynir gan awdurdod derbyn yn unol â rheoliad 6;

ystyr “trefniadau derbyn cychwynnol” (“*initial admission arrangements*”), mewn perthynas ag ysgol newydd, yw'r trefniadau ar gyfer derbyn plant i'r ysgol (gan gynnwys polisi derbyn yr ysgol) a benderfynir gan awdurdod derbyn yn unol â rheoliad 5(1);

ystyr “ysgol a gynhelir” (“*maintained school*”) yw ysgol gymunedol, ysgol sefydledig neu ysgol wirfoddol;

ystyr “ysgol newydd” yw ysgol newydd o fewn ystyr “*new school*” yn adran 72(3) o Ddeddf 1998.

Y cyfrifoldeb dros y trefniadau derbyn cychwynnol

4.-(1) Mae'r trefniadau derbyn cychwynnol ar gyfer ysgol newydd sydd i fod yn ysgol gymunedol neu'n ysgol wirfoddol a reolir i'w gwneud gan-

- (a) yr awdurdod addysg lleol; neu
- (b) y corff llywodraethu dros dro pan fo'r awdurdod addysg lleol, gyda chytundeb y corff hwnnw, wedi dirprwyo iddynt y cyfrifoldeb dros benderfynu'r trefniadau hynny.

(1) 2002 p.32.

(2) 2000 p.21.

Interpretation

3. In these Regulations-

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

“the 2000 Act” (“*Deddf 2000*”) means the Learning and Skills Act 2000(1);

“admission authority” (“*awdurdod derbyn*”), in relation to a new school, means the person or body responsible under regulation 4 for making the school's initial admission arrangements;

“admission number” (“*nifer derbyn*”) means the number of pupils in any relevant age group intended to be admitted to the school as determined by an admission authority in accordance with regulation 6;

“initial year” (“*blwyddyn gychwynnol*”), in relation to a new school, means the first school year in which pupils are (or, it is intended, should be) admitted to the school;

“initial admission arrangements” (“*trefniadau derbyn cychwynnol*”), in relation to a new school, means the arrangements for the admission of children to the school (including the school's admission policy) determined by an admission authority in accordance with regulation 5(1);

“maintained school” (“*ysgol a gynhelir*”) means a community, foundation or voluntary school;

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

“new school” (“*ysgol newydd*”) means a new school within the meaning of section 72(3) of the 1998 Act;

“the school opening date” (“*dyddiad agor yr ysgol*”) in relation to a new school, means the date when the school first admits pupils;

“temporary governing body” (“*corff llywodraethu dros dro*”) means a temporary governing body constituted under section 34 of the Education Act 2002(2).

Responsibility for initial admission arrangements

4.-(1) The initial admission arrangements for a new school which is to be a community or voluntary controlled school are to be made by-

- (a) the local education authority; or
- (b) the temporary governing body where, with the agreement of that body, the local education authority have delegated to them responsibility for determining those arrangements.

(1) 2000 c.21.

(2) 2002 c.32.

(2) Mae'r trefniadau derbyn cychwynnol ar gyfer ysgol newydd sydd i fod yn ysgol sefydledig neu'n ysgol wirfoddol a gynorthwyr i'w gwneud gan-

- (a) y corff llywodraethu dros dro; neu
- (b) (onid yw is-baragraff (c) yn gymwys) yr hyrwyddwyr-
 - (i) pan nad yw'r corff llywodraethu dros dro wedi'i ffurfio eto, a
 - (ii) pan fo'r hyrwyddwyr yn credu y byddai'n hwylus i'r trefniadau derbyn gael eu penderfynu yn ddi-oed, neu
- (c) yn achos ysgol sefydledig sydd i'w sefydlu gan awdurdod addysg lleol yn unol â chynigion a gyhoeddir o dan adran 28(1)(a) o Ddeddf 1998, yr awdurdod hwnnw-
 - (i) pan nad yw'r corff llywodraethu dros dro wedi'i ffurfio eto, a
 - (ii) pan fo'r awdurdod hwnnw yn credu y byddai'n hwylus i'r trefniadau derbyn gael eu penderfynu yn ddi-oed.

Y weithdrefn ar gyfer penderfynu trefniadau derbyn

5.-(1) Rhaid i'r awdurdod derbyn ar gyfer ysgol newydd benderfynu'r trefniadau derbyn cychwynnol am y flwyddyn gychwynnol a'r flwyddyn ysgol ganlynol ddim llai na chwe mis cyn dyddiad agor yr ysgol.

(2) Yn ddarostyngedig i baragraff (4) a chyn penderfynu'r trefniadau derbyn cychwynnol, rhaid i'r awdurdod derbyn ymgynghori â'r canlynol ynghylch y trefniadau arfaethedig, sef-

- (a) os yr awdurdod addysg lleol yw'r awdurdod derbyn, pob awdurdod addysg lleol y mae unrhyw ran o'i ardal yn cydffinio ag ardal yr awdurdod ymgynghori;
- (b) os y corff llywodraethu dros dro neu'r hyrwyddwyr yw'r awdurdod derbyn, pob awdurdod addysg lleol y mae unrhyw ran o'i ardal o fewn yr ardal berthnasol, neu'n cydffinio â hi; ac
- (c) ym mhob achos-
 - (i) yr awdurdodau derbyn ar gyfer pob ysgol arall a gynhelir yn yr ardal berthnasol,
 - (ii) corff llywodraethu pob ysgol gymunedol a phob ysgol wirfoddol a reolir (i'r graddau nad ydynt yn dod o dan baragraff (i)) yn yr ardal berthnasol.

(3) Ym mharagraff (2) "yr ardal berthnasol" yw'r ardal berthnasol neu'r ardaloedd perthnasol a benderfynir gan yr awdurdod addysg lleol yn unol â Rheoliadau Addysg (Ardaloedd Perthnasol ar gyfer Ymgynghori ynghylch Trefniadau Derbyn) 1999(1).

(2) The initial admission arrangements for a new school which is to be a foundation or a voluntary aided school are to be made by-

- (a) the temporary governing body; or
- (b) (unless sub-paragraph (c) applies) the promoters where-
 - (i) the temporary governing body have not yet been constituted, and
 - (ii) the promoters consider it expedient for the admission arrangements to be determined without delay, or
- (c) in the case of a foundation school which is to be established by a local education authority pursuant to proposals published under section 28(1)(a) of the 1998 Act, that authority where-
 - (i) the temporary governing body have not yet been constituted, and
 - (ii) that authority considers it expedient for the admission arrangements to be determined without delay.

Procedure for determining admission arrangements

5.-(1) The admission authority for a new school must determine the initial admission arrangements for the initial year and the following school year not less than six months before the school opening date.

(2) Subject to paragraph (4), before determining the initial admission arrangements the admission authority must consult the following about the proposed arrangements, namely-

- (a) where the local education authority are the admission authority, every local education authority any part of whose area adjoins the area of the consulting authority;
- (b) where the temporary governing body or promoters are the admission authority, every local education authority any part of whose area lies within, or adjoins, the relevant area; and
- (c) in all cases-
 - (i) the admission authorities for all other maintained schools in the relevant area;
 - (ii) the governing bodies of all community and voluntary controlled schools (so far as not falling within paragraph (i)) in the relevant area.

(3) In paragraph (2) "the relevant area" is the relevant area or relevant areas determined by the local education authority in accordance with Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999(1).

(1) O.S. 1999/124.

(1) S.I. 1999/124.

(4) Mewn perthynas â'r trefniadau derbyn cychwynnol arfaethedig ar gyfer ysgol gynradd, yr unig gyrrff y mae paragraff (2) yn ei gwneud yn ofynnol i'r awdurdod derbyn ymgynghori â hwy yw-

- (a) yr awdurdodau derbyn ar gyfer ysgolion eraill yn yr ardal berthnasol sy'n ysgolion cynradd; a
- (b) corff llywodraethu pob ysgol gymunedol ac ysgol wirfoddol a reolir (i'r graddau nad ydynt yn dod o dan is-baragraff (a)) yn yr ardal berthnasol sy'n ysgolion cynradd.

(5) Rhaid i'r awdurdod derbyn ar gyfer ysgol sefydledig newydd neu ysgol wirfoddol sy'n un o ysgolion yr Eglwys yng Nghymru neu ysgolion yr Eglwys Gatholig (fel y diffinnir "*Church in Wales school*" a "*Roman Catholic Church School*" gan adran 142(1) o Ddeddf 1998), wrth baratoi trefniadau derbyn cychwynnol ar gyfer ymgynghoriad o dan baragraff (2), ymgynghori â'r awdurdod esgobaethol priodol ynglŷn â'r trefniadau derbyn cychwynnol y maent yn bwriadu eu penderfynu ar gyfer yr ysgol.

(6) Pan fydd yr awdurdod derbyn wedi gwneud unrhyw ymgynghori o dan baragraff (2), rhaid i'r awdurdod-

- (a) penderfynu mai eu trefniadau arfaethedig hwy (naill ai ar eu ffurf wreiddiol neu gyda'r addasiadau y cred yr awdurdod eu bod yn briodol) yw'r trefniadau derbyn cychwynnol; a
- (b) o fewn 14 diwrnod i'r penderfyniad hwnnw hysbysu'r personau yr oedd yn ofynnol iddynt ymgynghori â hwy o dan baragraff (2) o'r trefniadau hynny.

Penderfynu'r nifer derbyn

6.-(1) Yn ddarostyngedig i baragraff (3), rhaid i'r penderfyniad o dan reoliad 5(1) gan yr awdurdod derbyn ar y trefniadau derbyn cychwynnol gynnwys nifer derbyn a benderfynir ar gyfer pob grŵp oedran perthnasol yn unol â pharagraff (2).

(2) O ran ysgol newydd sydd i'w sefydlu-

- (a) yn unol â chynigion a gyhoeddir o dan adran 28 o Ddeddf 1998, rhaid i'r nifer derbyn fod yr un fath ag unrhyw nifer derbyn a nodir mewn unrhyw hysbysiad o'r cynigion y mae'n ofynnol ei gyhoeddi yn unol â rheoliadau a wnaed o dan is-adran (3) o'r adran honno, neu (os yw'n gymwys) fel y'u haddaswyd gan y Cynulliad Cenedlaethol o dan baragraff 8(2) neu 10(2) o Atodlen 6 i Ddeddf 1998; neu
- (b) yn unol â chynigion a wneir o dan adran 113A o Ddeddf 2000, rhaid i'r nifer derbyn fod yr un fath ag unrhyw nifer derbyn a nodir mewn unrhyw hysbysiad o'r cynigion y mae'n ofynnol ei gyhoeddi yn unol â rheoliadau a wnaed o dan is-adran (9) o'r adran honno, neu

(4) In relation to the proposed initial admission arrangements for a primary school, paragraph (2) only requires the admission authority to consult-

- (a) the admission authorities for other schools in the relevant area which are primary schools; and
- (b) the governing bodies of all community and voluntary controlled schools (so far as not falling within sub-paragraph (a)) in the relevant area which are primary schools.

(5) The admission authority for a new foundation or voluntary school which is a Church in Wales school or a Roman Catholic Church School (as defined by section 142(1) of the 1998 Act), must when preparing initial admission arrangements for consultation under paragraph (2), consult the appropriate diocesan authority about the initial admission arrangements which they propose to determine for the school.

(6) Once the admission authority have carried out any consultation under paragraph (2) the authority must-

- (a) determine that their proposed arrangements (either in their original form or with such modifications as the authority think fit) are the initial admission arrangements; and
- (b) within 14 days of that determination notify the persons whom they were required to consult under paragraph (2) of those arrangements.

Determination of admission number

6.-(1) Subject to paragraph (3), a determination under regulation 5(1) by the admission authority of the initial admission arrangements must include an admission number determined for each relevant age group in accordance with paragraph (2).

(2) In relation to a new school to be established pursuant to-

- (a) proposals published under section 28 of the 1998 Act, the admission number must be the same as any admission number stated in any notice of the proposals required to be published pursuant to regulations made under sub-section (3) of that section, or (if applicable) as modified by the National Assembly under paragraph 8(2) or 10(2) of Schedule 6 to the 1998 Act; or
- (b) proposals made under section 113A of the 2000 Act, the admission number must be the same as any admission number stated in any notice of the proposals required to be published pursuant to regulations made under sub-section (9) of that section, or (if

(os yw'n gymwys) fel y'u haddaswyd gan y Cynulliad Cenedlaethol o dan is-adran (5) o'r adran honno, neu o dan baragraff 1(3) o Atodlen 7A i Ddeddf 2000.

(3) Mae paragraff (4) yn gymwys mewn unrhyw achos lle, ar yr adeg y mae'r trefniadau derbyn cychwynnol yn cael eu penderfynu gan yr awdurdod derbyn, y mae unrhyw gynigion y cyfeiriwyd atynt ym mharagraff (2) y mae'r trefniadau hynny yn berthnasol iddynt, heb eu cymeradwyo.

(4) Pan fo'r paragraff hwn yn gymwys-

- (a) rhaid i'r awdurdod derbyn benderfynu ar gyfer pob grŵp oedran perthnasol nifer derbyn, sef y nifer derbyn a benderfynir drwy gyfeirio at gapasiti yr ysgol, ac sydd yr un nifer derbyn a nodir mewn unrhyw hysbysiad o'r cynigion y cyfeiriwyd ato ym mharagraff (2);
- (b) ystyrir y nifer derbyn a benderfynir yn unol ag is-baragraff (a) yn nifer derbyn dros dro hyd nes y cymeradwyr y nifer derbyn a nodir yn y cynigion neu (yn ôl y digwydd) hyd nes yr addesir y nifer derbyn hwnnw fel y'i disgrifiwyd ym mharagraff (2)(a) a (b); ac
- (c) (ac eithrio lle bo'r cyd-destun yn mynnu fel arall) mae unrhyw gyfeiriad yn y Rheoliadau hyn at nifer derbyn i gael effaith fel petai'n gyfeiriad at nifer derbyn dros dro.

Cyfeirio gwrthwynebiadau i'r Cynulliad Cenedlaethol

7.-(1) Pan fo trefniadau derbyn cychwynnol wedi'u penderfynu gan awdurdod derbyn o dan reoliad 5(6)(a), caniateir i wrthwynebiad i'r trefniadau hynny gael ei gyfeirio i'r Cynulliad Cenedlaethol gan unrhyw berson yr oedd yn ofynnol i'r awdurdod derbyn ymgynghori ag ef o dan reoliad 5(2) ar yr amod-

- (a) nad yw'r gwrthwynebiad yn dod o dan unrhyw ddisgrifiad o wrthwynebiad a ragnodir o dan reoliad 4(2) o Reoliadau Addysg (Gwrthwynebiadau i Drefniadau Derbyn) (Cymru) 2006(1); neu
- (b) mewn unrhyw achos lle mae rheoliad 6(4) yn gymwys, nad yw'r gwrthwynebiad yn berthnasol i'r nifer derbyn mewn amgylchiadau lle mae dyddiad unrhyw gymeradwyaeth o'r cynigion (p'un a yw'r nifer derbyn wedi'i addasu neu beidio) yn llai na chwe mis cyn y dyddiad y bwriedir agor yr ysgol.

(2) Yn ddarostyngedig i baragraff (3), ni cheir cyfeirio gwrthwynebiad o dan baragraff (1) oni chaiff ei dderbyn gan y Cynulliad Cenedlaethol o fewn chwech wythnos ar ôl i'r person sy'n gwrthwynebu dderbyn hysbysiad o dan reoliad 5(6)(b).

applicable) as modified by the National Assembly under sub-section (5) of that section, or under paragraph 1(3) of Schedule 7A to the 2000 Act.

(3) Paragraph (4) applies in any case where, at the time when the initial admission arrangements are determined by the admission authority, any proposals referred to in paragraph (2) to which those arrangements relate have not been approved.

(4) Where this paragraph applies-

- (a) the admission authority must determine for each relevant age group an admission number which is the admission number determined by reference to the capacity of the school, and is the same admission number published in any notice of the proposals referred to in paragraph (2);
- (b) an admission number determined in accordance with sub-paragraph (a) is deemed to be a provisional admission number pending approval of the admission number stated in the proposals or (as the case may be) modification of that admission number as described in paragraph(2)(a) and (b); and
- (c) (except where the context otherwise requires) any reference in these Regulations to an admission number is to have effect as if it were a reference to a provisional admission number.

References of objections to the National Assembly

7.-(1) Where initial admission arrangements have been determined by an admission authority under regulation 5(6)(a) an objection to those arrangements may be referred to the National Assembly by any person whom the admission authority were required to consult under regulation 5(2) providing that-

- (a) the objection does not fall within any description of objection prescribed under regulation 4(2) of The Education (Objections to Admission Arrangements) (Wales) Regulations 2006(1); or
- (b) in any case where regulation 6(4) applies, the objection does not relate to the admission number in circumstances where any approval of the proposals (whether with or without modification of the admission number) is less than six months before the intended school opening date.

(2) Subject to paragraph (3), an objection may not be referred under paragraph (1) unless it is received by the National Assembly within 6 weeks after the receipt by the objecting person of a notification under regulation 5(6)(b).

(1) O.S. 2006/176 (Cy.27).

(1) S.I. 2006/176 (W.27).

(3) Serch hynny, mae gwrthwynebiad a ddaw i lawr ar ôl diwedd y cyfnod a bennwyd ym mharagraff (2) i'w ystyried yn un sydd wedi ei gyfeirio'n briodol os yw'r Cynulliad Cenedlaethol yn fodlon nad oedd yn rhesymol ymarferol i'r gwrthwynebiad fod wedi dod i law ynghynt na'r adeg y daeth i law.

(4) Pan fo gwrthwynebiad wedi ei gyfeirio o dan baragraff (1) rhaid i'r Cynulliad Cenedlaethol benderfynu a ddylid cadarnhau'r gwrthwynebiad, ac (os felly) i ba raddau y dylid gwneud hynny ac eithrio na fydd dim yn y paragraff hwn yn ei gwneud yn ofynnol i'r Cynulliad Cenedlaethol wneud penderfyniad o'r fath-

- (i) cyn bod cynigion a gyhoeddwyd o dan adran 28(1) a (2) o Ddeddf 1998 wedi'u cymeradwyo neu wedi'u penderfynu i'w gweithredu yn unol â darpariaethau Atodlen 6 i'r Ddeddf honno, neu
- (ii) cyn bod cynigion a wnaed o dan adran 113A o Ddeddf 2000 wedi'u cymeradwyo yn unol â darpariaethau is-adran (5) o'r adran honno.

(5) Pan fo'r Cynulliad Cenedlaethol yn penderfynu y dylid cadarnhau gwrthwynebiad i unrhyw raddau, gall ei benderfyniad ar y gwrthwynebiad bennu'r addasiadau sydd i'w gwneud i'r trefniadau derbyn cychwynnol o dan sylw.

(6) Rhaid i'r Cynulliad Cenedlaethol gyhoeddi ei benderfyniadau a'i resymau dros wneud y penderfyniadau hynny drwy roi hysbysiad ysgrifenedig i bob parti i'r gwrthwynebiad, ac i bob person arall yr oedd yn ofynnol i'r awdurdod derbyn ymgynghori ag ef am y trefniadau derbyn cychwynnol o dan reoliad 5(2).

(7) Bydd penderfyniad y Cynulliad Cenedlaethol ynglŷn â'r trefniadau derbyn cychwynnol o dan sylw yn rhwymo'r awdurdod derbyn a'r personau hynny sy'n gallu gwneud gwrthwynebiad ynglŷn â'r trefniadau hynny o dan baragraff (1). Os yw'r gwrthwynebiad yn cael ei gadarnhau'r i unrhyw raddau, rhaid i'r awdurdod derbyn adolygu'r trefniadau hynny ar unwaith i roi effaith i'r penderfyniad hwnnw.

Amrywio'r trefniadau derbyn cychwynnol

8.-(1) Mae'r rheoliad hwn yn gymwys-

- (a) pan fo'r awdurdod derbyn ar gyfer ysgol newydd wedi penderfynu'r trefniadau derbyn cychwynnol yn unol â rheoliad 5(6)(a); neu
- (b) pan fo'r awdurdod derbyn ar gyfer ysgol newydd, a sefydlwyd mewn cysylltiad â chynigion sy'n cynnwys cau ysgol arall a gynhelir gan awdurdod addysg lleol, wedi penderfynu bod y trefniadau derbyn cychwynnol i fod yr un fath â rhai'r ysgol honno,

ond ei fod yn barnu ar unrhyw adeg yn ystod y flwyddyn gychwynnol neu'r flwyddyn ysgol ganlynol y dylid amrywio'r trefniadau.

(3) An objection which is received after the end of the period specified in paragraph (2) is nevertheless to be regarded as properly referred if the National Assembly is satisfied that it was not reasonably practicable for the objection to have been received earlier than the time when it was received.

(4) On referral of an objection under paragraph (1) the National Assembly must decide whether, and (if so) to what extent, the objection should be upheld, save that nothing in this paragraph requires the National Assembly to make such a determination before-

- (i) proposals published under section 28(1) and (2) of the 1998 Act, have been approved or determined to be implemented in accordance with the provisions of Schedule 6 to that Act, or
- (ii) proposals made under section 113A of the 2000 Act, have been approved in accordance with the provisions of subsection (5) of that section.

(5) Where the National Assembly decides that an objection should be upheld to any extent, its decision on the objection may specify the modifications that are to be made to the initial admission arrangements in question.

(6) The National Assembly must publish its decisions and the reasons for them by notification in writing to all the parties to the objection and to all other persons whom the admission authority was required to consult about the initial admission arrangements under regulation 5(2).

(7) The decision of the National Assembly, in relation to the initial admission arrangements in question, is binding on the admission authority and those persons who can make an objection about those arrangements under paragraph (1). If the objection is upheld to any extent, the admission authority must revise those arrangements forthwith to give effect to that decision.

Variation of initial admission arrangements

8.-(1) This regulation applies where-

- (a) the admission authority for a new school have determined the initial admission arrangements in accordance with regulation 5(6)(a); or
- (b) the admission authority for a new school established in connection with proposals involving the discontinuance of another school maintained by a local education authority have determined that the initial admission arrangements are to be the same as that school,

but at any time during the initial year or the following school year consider that the arrangements should be varied.

(2) Pan fo'r rheoliad hwn yn gymwys, caiff yr awdurdod derbyn-

- (a) amrywio'r trefniadau derbyn am fod newid sylweddol i'r amgylchiadau wedi digwydd ers i'r trefniadau derbyn cychwynnol gael eu penderfynu felly; neu
- (b) amrywio'r nifer derbyn os yw'r amrywiad hwnnw yn angenrheidiol i weithredu cynigion a gyhoeddwyd o dan adran 28 o Ddeddf 1998-
 - (i) pan fo'r cynigion hynny wedi'u cymeradwyo o dan baragraff 8 o Atodlen 6 i Ddeddf 1998, neu
 - (ii) pan fo'r awdurdod addysg lleol wedi penderfynu o dan baragraff 9 o'r Atodlen honno y byddai'n gweithredu'r cynigion hynny.

(3) Os yw paragraff (2)(a) yn gymwys, rhaid i'r awdurdod derbyn gyfeirio'r amrywiad arfaethedig i'r Cynulliad Cenedlaethol, a hysbysu'r cyrff yr oedd yn ofynnol iddynt ymgynghori â hwy o dan reoliad 5(2) o'r amrywiad arfaethedig.

(4) Rhaid i'r Cynulliad Cenedlaethol bwysu a mesur a ddylai'r trefniadau gael effaith gyda'r amrywiad hwnnw tan ddiwedd y flwyddyn gychwynnol neu y flwyddyn ysgol ganlynol; ac os yw'n penderfynu y dylai'r trefniadau gael yr effaith honno neu y dylent gael effaith yn ddarostyngedig i unrhyw addasiadau i'r amrywiad hwnnw a benderfynir ganddo-

- (a) mae'r trefniadau i gael effaith yn unol â hynny o ddyddiad ei benderfyniad; a
- (b) rhaid i'r awdurdod derbyn hysbysu'r personau yr oedd yn ofynnol iddynt ymgynghori â hwy o dan reoliad 5(2) o'r amrywiad y mae'r trefniadau i gael effaith yn ddarostyngedig iddo.

Cymhwyso'r deddfiadau

9. Mae'r deddfiadau a grybwyllir yn yr Atodlen i'r Rheoliadau hyn yn gymwys i ysgolion newydd yn ddarostyngedig i'r addasiadau a ragnodir yn yr Atodlen honno.

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

31 Ionawr 2006

Llywydd y Cynulliad Cenedlaethol

(1) 1998 p.38.

(2) Where this regulation applies the admission authority may-

- (a) vary the admission arrangements in view of a major change of circumstances which has occurred since the initial admission arrangements were so determined; or
- (b) vary the admission number where such a variation is necessary to implement proposals published under section 28 of the 1998 Act where-
 - (i) such proposals have been approved under paragraph 8 of Schedule 6 to the 1998 Act, or
 - (ii) the local education authority have determined under paragraph 9 of that Schedule to implement such proposals.

(3) Where paragraph (2)(a) applies, the admission authority must refer the proposed variation to the National Assembly and notify the bodies whom they were required to consult under regulation 5(2) of the proposed variation.

(4) The National Assembly must consider whether the arrangements should have effect with the proposed variation until the end of the initial year or the following school year; and if it determines that the arrangements should have such effect or that they should have effect subject to such modifications of the variation as it may determine-

- (a) the arrangements are to have effect accordingly as from the date of its determination; and
- (b) the admission authority must notify the persons whom they were required to consult under regulation 5(2) of the variation subject to which the arrangements are to have effect.

Application of enactments

9. The enactments mentioned in the Schedule to these Regulations apply to new schools, subject to the modifications prescribed in that Schedule.

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

(1) 1998 c.38.

**DARPARIAETHAU DEDDFIADAU SY’N
GYMWYS GYDAG ADDASIADAU I
YSGOLION NEWYDD**

1. Mae darpariaethau canlynol y Deddfau Addysg, sef-

- (a) adrannau 324(5)(b), 324(5A) a 439 o Ddeddf Addysg 1996;
- (b) adrannau 1, 84, 85A, 86, 87, 89B, 89C, 92, 94, 95 i 99, 101, 102 a 103(3) o Ddeddf 1998;
- (c) unrhyw Reoliadau a wneir o dan unrhyw un o’r darpariaethau y cyfeirir atynt yn is-baragraffau (a) a (b) uchod,

yn gymwys i ysgol newydd ond maent yn ddarostyngedig i’r eithriadau a’r addasiadau a bennir ym mharagraffau 2 i 8 isod.

2. Mae cyfeiriad mewn unrhyw un o’r darpariaethau a bennir ym mharagraff 1 at ysgol yn un o’r categorïau canlynol, sef-

- (a) ysgol a gynhelir;
- (b) ysgol a gynhelir gan awdurdod addysg lleol;
- (c) ysgol gymunedol, sefydledig neu wirfoddol,

i’w ddehongli fel cyfeiriad at ysgol newydd a ddaw’n ysgol newydd o’r categori hwnnw pan fydd yn derbyn disgyblion am y tro cyntaf.

3. Mae cyfeiriad mewn unrhyw un o’r darpariaethau hynny at gorff llywodraethu ysgol i gael effaith fel petai’n gyfeiriad at gorff llywodraethu dros dro neu (pan fo’r cyd-destun yn caniatáu hynny) at unrhyw berson arall sy’n gyfrifol am dderbyn disgyblion o dan y trefniadau derbyn cychwynnol.

4. Mae cyfeiriad mewn unrhyw un o’r darpariaethau hynny at drefniadau derbyn i’w ddehongli fel cyfeiriad at drefniadau derbyn cychwynnol fel y’u diffinnir yn rheoliad 3.

5. Mae cyfeiriad mewn unrhyw un o’r darpariaethau hynny at awdurdod derbyn i gael effaith fel petai’n gyfeiriad at awdurdod derbyn fel y’i diffinnir yn rheoliad 3.

6 Mae adran 101(1) o Ddeddf 1998 i gael effaith fel petai “the year in which pupils are first to be admitted to a new school” wedi’u rhoi yn lle’r geiriau “any year”.

7. Mae adran 103(3) o Ddeddf 1998 i gael effaith fel petai’r geiriau “(whether authorised by section 100 or section 101)” wedi’u hepgor.

**PROVISIONS OF ENACTMENTS
APPLYING IN RELATION TO NEW
SCHOOLS WITH MODIFICATIONS**

1. The following provisions of the Education Acts, namely-

- (a) sections 324(5)(b), 324(5A) and 439 of the Education Act 1996;
- (b) sections 1, 84, 85A, 86, 87, 89B, 89C, 92, 94, 95 to 99, 101, 102 and 103(3) of the 1998 Act;
- (c) any Regulations made under any of the provisions referred to in sub-paragraphs (a) and (b) above,

apply in relation to a new school but subject to the exceptions and modifications specified in paragraphs 2 to 8 below.

2. A reference in any of the provisions specified in paragraph 1 to a school of one of the following categories, namely-

- (a) a maintained school;
- (b) a school maintained by a local education authority;
- (c) a community, foundation or voluntary school,

are to be construed as a reference to a new school which will become a school of that category when it first admits pupils.

3. A reference in any of those provisions to a governing body of a school is to have effect as if it were a reference to a temporary governing body or (where the context admits) to any other person responsible for the admission of pupils under the initial admission arrangements.

4. A reference in any of those provisions to admission arrangements is to be construed as a reference to initial admission arrangements as defined in regulation 3.

5. A reference in any of those provisions to an admission authority is to have effect as if it were a reference to an admission authority as defined in regulation 3.

6. Section 101(1) of the 1998 Act is to have effect as if in sub-paragraph (a) for the words “any year” there is to be substituted “the year in which pupils are first to be admitted to a new school”.

7. Section 103(3) of the 1998 Act is to have effect as if the words “(whether authorised by section 100 or section 101)” were omitted.

8. Nid yw Rhan 4 o Reoliadau Addysg (Gwybodaeth Ysgolion) (Cymru) 1999⁽¹⁾ i fod yn gymwys i unrhyw ysgol newydd, y mae dyddiad agor yr ysgol honno rhwng 15 Ebrill ac 1 Awst mewn unrhyw flwyddyn.

8. Part 4 of the Education (School Information) (Wales) Regulations 1999⁽¹⁾ is not to apply in relation to any new school, the school opening date for which is between 15 April and 1 August in any year.

⁽¹⁾ O.S. 1999/1812 diwygiwyd gan O.S. 2001/1111 (Cy.55), O.S. 2001/3710 (Cy.306), O.S. 2002/1400 (Cy.139), O.S. 2004/1736 (Cy.179).

⁽¹⁾ S.I. 1999/1812 as amended by S.I. 2001/1111 (W.55), S.I. 2001/3710 (W.306), S.I. 2002/1400 (W.139), S.I. 2004/1736 (W.179).

OFFERYNNAU STATUDOL

2006 Rhif 175 (Cy.26)

ADDYSG, CYMRU

Rheoliadau Ysgolion Newydd
(Derbyniadau) (Cymru) 2006

STATUTORY INSTRUMENTS

2006 No. 175 (W.26)

EDUCATION, WALES

The New School (Admissions)
(Wales) Regulations 2006

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