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OFFERYNNAU STATUDOL  
CYMRU

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**2009 Rhif 3174 (Cy.276) (C.141)**

**ADDYSG, CYMRU**

Gorchymyn Mesur Dysgu a Sgiliau  
(Cymru) 2009 (Cychwyn Rhif 1 a  
Darpariaeth Drosiannol)  
2009

**NODYN ESBONIADOL**

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

Hwn yw'r Gorchymyn Cychwyn cyntaf a wnaed gan Weinidogion Cymru o dan Fesur Dysgu a Sgiliau (Cymru) 2009. Mae'n dod ag amryfal ddarpariaethau'r Mesur a bennir yn erthygl 2 o'r Gorchymyn i rym ar 7 Rhagfyr 2009 ac 1 Ionawr 2010.

Dyma ddarpariaethau'r Mesur sy'n dod i rym ar 7 Rhagfyr 2009:

- Mae adran 1 yn cynnwys diffiniadau.
- Mae adran 4 (a gychwynnir at y diben o wneud gwaith paratoi, gwneud rheoliadau a dyroddi cyfarwyddiadau) yn mewnosod adran 116A yn Neddf Addysg 2002 ("Deddf 2002") sy'n ei gwneud yn ofynnol i awdurdodau lleol lunio un neu fwy o gwricwla lleol ar gyfer rhai sydd rhwng 14-16 blwydd oed.
- Mae adran 7 (a gychwynnir at y diben o wneud rheoliadau) yn mewnosod adran 116D yn Neddf 2002 sy'n rhoi i ddisgyblion yr hawl i ddewis dilyn cwrs penodol o astudiaeth.
- Mae adran 9 (a gychwynnir at y diben o wneud rheoliadau) yn mewnosod adran 116F yn Neddf 2002 sy'n gwneud darpariaeth i bennaeth ysgol benderfynu nad oes gan ddisgybl yr hawl i ddilyn cwrs neu gyrsiâu penodol o astudiaeth.
- Mae adran 11 (a gychwynnir at y diben o wneud rheoliadau) yn mewnosod adran 116H yn Neddf 2002 sy'n gwneud darpariaeth i bennaeth benderfynu nad oes gan ddisgybl hawl mwyach i ddilyn cwrs o astudiaeth.

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**2009 No. 3174 (W.276) (C.141)**

**EDUCATION, WALES**

The Learning and Skills (Wales)  
Measure 2009 (Commencement  
No. 1 and Transitional Provision)  
Order 2009

**EXPLANATORY NOTE**

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

This is the first Commencement Order made by the Welsh Ministers under the Learning and Skills (Wales) Measure 2009. It brings into force on 7 December 2009 and 1 January 2010 various provisions of the Measure specified in article 2 of the Order.

The provisions of the Measure brought into force on 7 December 2009 are as follows:

- Section 1 contains definitions.
- Section 4 (which is commenced for the purpose of carrying out preparatory work, making regulations and issuing directions) inserts section 116A into the Education Act 2002 ("the 2002 Act") which requires local authorities to form one or more local curricula for 14-16 year olds.
- Section 7 (which is commenced for the purpose of making regulations) inserts section 116D into the 2002 Act which confers on pupils the right to elect to follow a particular course of study.
- Section 9 (which is commenced for the purpose of making regulations) inserts section 116F into the 2002 Act which makes provision for a head teacher to decide that a pupil is not entitled to follow a particular course or courses of study.
- Section 11 (which is commenced for the purpose of making regulations) inserts section 116H into the 2002 Act which makes provision for a head teacher to decide that a pupil is no longer be entitled to follow a course of study.

- Mae adran 12 yn mewnosod adran 116I yn Neddf 2002. Mae'r adran hon yn ei gwneud yn ofynnol i gyrff llywodraethu ysgolion uwchradd, penaethiaid ysgolion, gyrff llywodraethu sefydliadau addysg bellach a'u penaethiaid i gynorthwyo awdurdodau addysg lleol wrth iddynt gynllunio'u cwricwla lleol.
- Mae adran 13 yn mewnosod adran 116J yn Neddf 2002 sy'n gwneud darpariaeth ynghylch sicrhau cynnwys y nifer uchaf posibl o gyrsiau o astudiaeth mewn cwricwlwm lleol.
- Mae adran 14 yn mewnosod adran 116K yn Neddf 2002 sy'n gwneud darpariaeth ynghylch y rhwymedigaethau i gydweithio a osodir gan adran 116J.
- Mae adran 18 yn mewnosod adran 116O yn Neddf 2002 ac yn gwneud darpariaeth ynghylch cyfarwyddiadau.
- Mae adran 20 yn diwygio adran 210 o Ddeddf 2002 o ran y weithdrefn ar gyfer gwneud rheoliadau a gorchmynion.
- Mae adran 40 yn gwneud darpariaeth o ran gwasanaethau cymorth i ddysgwyr a ddarperir gan gyrff llywodraethu ysgolion a sefydliadau addysg bellach.
- Mae adran 41 yn ei gwneud yn ofynnol i gyrff llywodraethu gydymffurfio â chyfarwyddyd a roddir o dan adran 40.
- Mae adran 42 yn diwygio adran 126 o Ddeddf Dysgu a Medrau 2000 fel ei bod yn gymwys o ran gwasanaethau cymorth i ddysgwyr ac adran 127 o'r Ddeddf honno fel y gall Estyn drefnu arolygiadau o'r ddarpariaeth o wasanaethau cymorth i ddysgwyr.
- Mae adran 43 yn darparu bod pob "disgybl perthnasol" neu "fyfyrwr perthnasol" yn cael dogfen sy'n cofnodi ei lwybr dysgu.
- Mae adran 44 yn diffinio termau a ddefnyddir yn adran 43.
- Mae adran 45 yn mewnosod adran 45B newydd yn Neddf Addysg 1997 sy'n caniatáu i ddarparwyr gwasanaethau gyrfa fynnu bod ysgolion a sefydliadau addysg bellach yn rhoi iddynt wybodaeth am eu cwricwlwm.
- Mae adran 47 a pharagraffau 11 i 22 o'r Atodlen yn cynnwys mân ddiwygiadau a diwygiadau canlyniadol.
- Section 12 inserts section 116I into the 2002 Act. This requires governing bodies of secondary schools, head teachers, governing bodies of further education institutions and their principals to assist local education authorities in planning their local curricula.
- Section 13 inserts section 116J into the 2002 Act which makes provision in relation to maximising the availability of courses of study included in a local curriculum.
- Section 14 inserts section 116K into the 2002 Act which makes provision in relation to the joint-working obligations imposed by section 116J.
- Section 18 inserts section 116O into the 2002 Act and makes provision about directions.
- Section 20 amends section 210 of the 2002 Act in relation to the procedure for making regulations and orders.
- Section 40 makes provision in relation to the provision of learner support services by the governing bodies of schools and further education institutions.
- Section 41 requires governing bodies to comply with a direction given under section 40.
- Section 42 amends section 126 of the Learning and Skills Act 2000 so that it applies in relation to learner support services and section 127 of that Act so that Estyn can arrange for inspections of the provision of learner support services.
- Section 43 makes provision for each "relevant pupil" or "relevant student" to be provided with a document which records his or her learning pathway.
- Section 44 defines terms used in section 43.
- Section 45 inserts a new section 45B into the Education Act 1997 which permits careers services providers to require schools and further education institutions to provide them with curriculum information.
- Section 47 and paragraphs 11 to 22 of the Schedule contain minor and consequential amendments.

Dyma ddarpariaethau'r Mesur sy'n dod i rym ar 1 Ionawr 2010:

- Mae adran 2 yn diwygio adran 100 o Ddeddf 2002 o ran y gofynion cyffredinol ar gyfer cwricwlwm ysgol a gynhelir.
- The provisions of the Measure brought into force on 1 January 2010 are as follows:
  - Section 2 amends section 100 of the 2002 Act in relation to the general requirements for the curriculum for a maintained school.

- Mae adran 3 yn diwygio adran 101 o Ddeddf 2002 o ran y cwricwlwm sylfaenol i ysgolion.
- Mae adran 5 yn mewnosod adran 116B yn Neddf 2002 i'w gwneud yn ofynnol i awdurdodau addysg lleol hybu mynediad at gyrsgiau o astudiaeth a addysgir yn yr iaith Gymraeg, a pheri eu bod ar gael.
- Mae adran 6 yn mewnosod adran 116C yn Neddf 2002 sy'n gwneud darpariaeth ar gyfer awdurdod addysg lleol sy'n llunio mwy nag un cwricwlwm lleol.
- Cychwynnir adran 7 yn llawn.
- Mae adran 8 yn mewnosod adran 116E yn Neddf 2002 sy'n gwneud darpariaeth o ran hawl disgybl i ddilyn cwrs o astudiaeth o'i ddewis.
- Cychwynnir adran 9 yn llawn.
- Mae adran 10 yn mewnosod adran 116G yn Neddf 2002 sy'n gosod dyletswydd ar gorff llywodraethu ysgol i gyflenwi hawlogaethau cwricwlwm lleol yn ystod y pedwerydd cyfnod allweddol.
- Cychwynnir adran 11 yn llawn.
- Mae adran 15 yn mewnosod adran 116L yn Neddf 2002 sy'n caniatáu i Weinidogion Cymru ddiwygio adran 116A(3) o'r Ddeddf honno.
- Mae adran 16 yn mewnosod adran 116M yn Neddf 2002 sy'n darparu ar gyfer gwneud rheoliadau i gymhwyso darpariaethau'r cwricwlwm lleol i blant nad ydynt yn ddisgyblion cofrestredig mewn ysgolion a gynhelir.
- Mae adran 17 yn mewnosod adran 116N yn Neddf 2002 sy'n darparu ar gyfer gwneud rheoliadau i gymhwyso darpariaethau'r cwricwlwm lleol mewn perthynas â disgyblion cofrestredig ysgolion arbennig.
- Mae adran 19 yn diwygio adran 107 o Ddeddf 2002 o ran y pŵer i newid neu i ddileu gofynion ar gyfer y pedwerydd cyfnod allweddol.
- Section 3 amends section 101 of the 2002 Act in relation to the basic curriculum for schools.
- Section 5 inserts section 116B into the 2002 Act to require local education authorities to promote access to and availability of courses of study which are taught in the Welsh language.
- Section 6 inserts section 116C into the 2002 Act which makes provision for a local education authority that forms more than one local curriculum.
- Section 7 is commenced fully.
- Section 8 inserts section 116E into the 2002 Act which makes provision as to a pupil's entitlement to follow a chosen course of study.
- Section 9 is commenced fully
- Section 10 inserts section 116G into the 2002 Act which imposes a duty on a school governing body to deliver local curriculum entitlements during the fourth key stage.
- Section 11 is commenced fully.
- Section 15 inserts section 116L into the 2002 Act which allows Welsh Ministers to amend section 116A(3) of that Act.
- Section 16 inserts section 116M into the 2002 Act which provides for the making of regulations to apply the local curriculum provisions to children who are not registered pupils of maintained schools.
- Section 17 inserts section 116N into the 2002 Act which provides for the making of regulations to apply the local curriculum provisions in respect of registered pupils of special schools.
- Section 19 amends section 107 of the 2002 Act in relation to the power to alter or remove requirements for the fourth key stage.

Mae erthygl 3 o'r Gorchymyn yn gwneud darpariaeth drosiannol o ran yr adroddiad y mae'n ofynnol ei gyhoeddi o dan adran 116B o Ddeddf 2002 ar gyrsgiau cyfrwng Gymraeg.

Article 3 of the Order makes transitional provision in relation to the report required to be published under section 116B of the 2002 Act on Welsh medium courses.

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**ADDYSG, CYMRU**

**Gorchymyn Mesur Dysgu a Sgiliau  
(Cymru) 2009 (Cychwyn Rhif 1 a  
Darpariaeth Drosiannol)  
2009**

*Gwnaed*

*2 Rhagfyr 2009*

Mae Gweinidogion Cymru drwy arfer y pwerau a roddwyd iddynt gan adrannau 48(2) a 49(2) o Fesur Dysgu a Sgiliau (Cymru) 2009(1), yn gwneud y Gorchymyn a ganlyn:

**Enwi a dehongli**

1.–(1) Enw'r Gorchymyn hwn yw Gorchymyn Mesur Dysgu a Sgiliau (Cymru) 2009 (Cychwyn Rhif 1 a Darpariaeth Drosiannol) 2009.

(2) Yn y Gorchymyn hwn–

ystyr "Deddf 2002" ("*the 2002 Act*") yw Deddf Addysg 2002(2);

ystyr "y Mesur" ("*the Measure*") yw Mesur Dysgu a Sgiliau (Cymru) 2009.

**Diwrnodau Penodedig**

2.–(1) Daw darpariaethau canlynol y Mesur i rym ar 7 Rhagfyr 2009 –

(a) adran 1 (dehongli);

(b) adran 4 (llunio cwricwla lleol ar gyfer disgyblion yng Nghyfnod Allweddol 4) at y diben o wneud y gwaith paratoi angenrheidiol i lunio cwricwlwm lleol yn unol â darpariaethau adran 4 pan ddaw i rym yn llawn ac at ddibenion gwneud rheoliadau o dan adran 116A(5) o Ddeddf 2002 a rhoi cyfarwyddiadau o dan adran 116A(6) o Ddeddf 2002;

(c) adran 7 (dewisiadau disgyblion o gyrsgiau cwricwlwm lleol) at y diben o wneud rheoliadau o dan adran 116D(2) o Ddeddf 2002;

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(1) 2009 mccc 1.

(2) 2002 p.32.

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Order 2009**

*Made*

*2 December 2009*

The Welsh Ministers, in exercise of the powers conferred upon them by sections 48(2) and 49(2) of the Learning and Skills (Wales) Measure 2009(1), make the following Order:

**Title and interpretation**

1.–(1) The title of this Order is the Learning and Skills (Wales) Measure 2009 (Commencement No. 1 and Transitional Provision) Order 2009.

(2) In this Order–

"the 2002 Act" ("*Deddf 2002*") means the Education Act 2002(2);

"the Measure" ("*y Mesur*") means the Learning and Skills (Wales) Measure 2009.

**Appointed Days**

2.–(1) The following provisions of the Measure come into force on 7 December 2009–

(a) section 1 (interpretation);

(b) section 4 (formation of local curricula for pupils in Key Stage 4) for the purpose of carrying out the preparatory work necessary to form the local curriculum in accordance with the provisions of section 4 when it comes fully into force and for the purposes of making regulations under section 116A(5) of the 2002 Act and giving directions under section 116A(6) of the 2002 Act;

(c) section 7 (pupils choices of local curriculum courses) for the purpose of making regulations under section 116D(2) of the 2002 Act;

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(1) 2009 nawm 1.

(2) 2002 c.32.

- (ch) adran 9 (penderfyniad pennaeth ysgol ynghylch hawlogoeth) at y diben o wneud rheoliadau o dan adran 116F(3) o Ddeddf 2002;
- (d) adran 11 (penderfyniad pennaeth ysgol i ddileu hawlogoeth) at y diben o wneud rheoliadau o dan adran 116H(3) o Ddeddf 2002;
- (dd) adran 12 (cynllunio'r cwricwlwm lleol);
- (e) adran 13 (cyflawni hawlogoethau'r cwricwlwm lleol: cydweithio);
- (f) adran 14 (cydweithio: canllawiau a chyfarwyddiadau);
- (ff) adran 18 (cwricwlwm lleol: cyfarwyddiadau);
- (g) adran 20 (rheoliadau a gorchmynion: y weithdrefn);
- (ng) adran 40 (gwasanaethau a ddarperir gan ysgolion a gynhelir a sefydliadau addysg bellach);
- (h) adran 41 (dyletswyddau cyrff llywodraethu);
- (i) adran 42 (diwygiadau i Ddeddf Dysgu a Medrau 2000);
- (j) adran 43 (y ddogfen llwybr dysgu);
- (l) adran 44 (llwybrau dysgu: dehongli);
- (ll) adran 45 (darparu gwybodaeth am y cwricwlwm);
- (m) adran 47 (mân ddiwygiadau a diwygiadau canlyniadol) i'r graddau y mae'n ymwneud â darpariaethau'r Atodlen a bennir ym mharagraff (n);
- (n) paragraffau 11 i 22 o'r Atodlen (mân ddiwygiadau a diwygiadau canlyniadol).
- (2) Daw darpariaethau canlynol y Mesur i rym ar 1 Ionawr 2010–
- (a) adran 2 (dyletswydd i weithredu gofynion cyffredinol);
- (b) adran 3 (y cwricwlwm sylfaenol ar gyfer pob ysgol a gynhelir yng Nghymru);
- (c) adran 4 (llunio cwricwla lleol ar gyfer disgyblion yng Nghyfnod Allweddol 4) yn llawn;
- (ch) adran 5 (cwricwla lleol: yr Iaith Gymraeg);
- (d) adran 6 (awdurdodau â mwy nag un cwricwlwm lleol);
- (dd) adran 7 (dewisiadau disgyblion o gyrsgiau cwricwlwm lleol) yn llawn;
- (e) adran 8 (hawlogoethau disgyblion o ran y cwricwlwm lleol);
- (f) adran 9 (penderfyniad pennaeth ysgol ynghylch hawlogoeth) yn llawn;
- (ff) adran 10 (cyflawni hawlogoethau'r cwricwlwm lleol);
- (g) adran 11 (penderfyniad pennaeth ysgol i ddileu hawlogoeth) yn llawn.
- (d) section 9 (head teacher's decision as to entitlement) for the purpose of making regulations under section 116F(3) of the 2002 Act;
- (e) section 11 (head teacher's decision to remove entitlement) for the purpose of making regulations under section 116H(3) of the 2002 Act;
- (f) section 12 (planning the local curriculum);
- (g) section 13 (delivery of local curriculum entitlements: joint-working);
- (h) section 14 (joint-working: guidance and directions);
- (i) section 18 (local curriculum: directions);
- (j) section 20 (regulations and orders: procedure);
- (k) section 40 (provision of services by maintained schools and further education institutions);
- (l) section 41 (duties of governing bodies);
- (m) section 42 (amendments to the Learning and Skills Act 2000);
- (n) section 43 (the learning pathway document);
- (o) section 44 (learning pathways: interpretation);
- (p) section 45 (provision of curriculum information);
- (q) section 47 (minor and consequential amendments) in so far as it relates to the provisions of the Schedule specified in paragraph (r);
- (r) paragraphs 11 to 22 of the Schedule (minor and consequential amendments).
- (2) The following provisions of the Measure come into force on 1 January 2010–
- (a) section 2 (duty to implement general requirements);
- (b) section 3 (basic curriculum for every maintained school in Wales);
- (c) section 4 (formation of local curricula for pupils in Key Stage 4) fully;
- (d) section 5 (local curricula: Welsh language);
- (e) section 6 (authorities with more than one local curriculum);
- (f) section 7 (pupils' choices of local curriculum courses) fully;
- (g) section 8 (pupils' local curriculum entitlements);
- (h) section 9 (head teacher's decision as to entitlement) fully;
- (i) section 10 (delivery of local curriculum entitlements);
- (j) section 11 (head teacher's decision to remove entitlement) fully.

- (ng) adran 15 (pŵer i ddiwygio meysydd dysgu);
- (h) adran 16 (cymhwyso darpariaethau cwricwlwm lleol i blant nad ydynt yn ddisgyblion cofrestredig);
- (i) adran 17 (cymhwyso darpariaethau cwricwlwm lleol i blant sy'n ddisgyblion cofrestredig mewn ysgolion arbennig);
- (j) adran 19 (pwerau i newid neu ddileu gofynion ar gyfer y pedwerydd cyfnod allweddol).

- (k) section 15 (power to amend learning domains);
- (l) section 16 (application of local curriculum provisions to children who are not registered pupils);
- (m) section 17 (application of local curriculum provisions to children who are registered pupils of special schools);
- (n) section 19 (powers to alter or remove requirements for fourth key stage).

**Darpariaeth drosiannol**

3. Er bod adran 5 o'r Mesur yn dod i rym ar 1 Ionawr 2010 nid yw'r gofyniad ar awdurdod addysg lleol i ddarparu adroddiad o dan adran 116B o Ddeddf 2002 yn gymwys mewn perthynas â diwedd y flwyddyn academaidd 2009 i 2010.

**Transitional provision**

3. Despite the coming into force of section 5 of the Measure on 1 January 2010, the requirement for a local education authority to provide a report under section 116B of the 2002 Act does not apply in relation to the end of the academic year 2009 to 2010.

*John Griffiths*

Y Dirprwy Weinidog dros Sgiliau, o dan awdurdod y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau, un o Weinidogion Cymru

Deputy Minister for Skills under authority of the Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers

2 Rhagfyr 2009

2 December 2009

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