



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2010 Rhif 1954 (Cy.187)

2010 No. 1954 (W.187)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Cofrestru
Disgyblion) (Cymru) 2010**

**The Education (Pupil Registration)
(Wales) Regulations 2010**

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 disodli, gyda diwygiadau, Rheoliadau Addysg (Cofrestru Disgyblion) 1995. Gwneir newidiadau o sylwedd fel a ganlyn.

These Regulations replace, with amendments, the Education (Pupil Registration) Regulations 1995. The following changes of substance are made.

Rhaid cynnwys enw disgybl yn y gofrestr dderbyn o ddechrau'r diwrnod cyntaf pan yw'r ysgol yn cytuno, neu pan hysbysir yr ysgol, y bydd y disgybl yn mynychu'r ysgol honno (rheoliad 5(3)).

The name of a pupil must be included in the admission register from the beginning of the first day on which the school has agreed, or has been notified, that the pupil will attend the school (regulation 5(3)).

Caniateir marcio disgybl yn y gofrestr bresenoldeb fel un sy'n analluog i fod yn bresennol oherwydd amgylchiadau eithriadol pan fo safle'r ysgol wedi ei gau, neu ran ohono wedi ei chau, neu pan nad yw'r cludiant ar gael, a ddarperir fel arfer i'r disgybl hwnnw gan yr ysgol neu gan yr awdurdod lleol (rheoliad 6(1)).

A pupil may be marked in the attendance register as unable to attend due to exceptional circumstances where the school site, or part of it, is closed or where transport normally provided for that pupil by the school or the local authority is unavailable (regulation 6(1)).

Pan fo disgybl yn mynychu ysgol arall lle y mae'r disgybl yn ddisgybl cofrestredig, rhaid ei farcio yn y gofrestr bresenoldeb fel un sy'n mynychu gweithgaredd addysgol cymeradwy (rheoliad 6(4)).

Where a pupil is attending another school at which he or she is a registered pupil he or she must be marked in the attendance register as attending an approved educational activity (regulation 6(4)).

Pan fo disgybl wedi ei gofrestru mewn mwy nag un ysgol, ni cheir dileu ei enw o gofrestr dderbyn ysgol y peidiodd â'i mynychu oni fydd perchennog unrhyw ysgol arall lle y mae'r disgybl wedi ei gofrestru yn cydsynio (ac eithrio pan fydd farw disgybl, neu pan waherddir disgybl yn barhaol, neu pan nad oes gan ddisgybl breswylfa barhaol) (rheoliad 8(1)(c) a 9).

Where a pupil is registered at more than one school his or her name may only be deleted from the admission register of a school which he or she has ceased to attend, where the proprietor of any other school at which the pupil is registered gives his or her consent (except where the pupil has died, been permanently excluded or is of no fixed abode) (regulation 8(1)(c) and 9).

Cyn y ceir dileu enw disgybl o'r gofrestr dderbyn ar y sail na ddychwelodd ar ôl cael caniatâd i fod yn absennol am fwy na deng niwrnod, rhaid i berchennog yr ysgol yn ogystal â'r awdurdod lleol, ar ôl gwneud ymholiad rhesymol, fod wedi methu â chanfod lle y mae'r disgybl hwnnw (rheoliad 8(1)(dd)).

Before deleting a pupil's name from the admission register on the ground that they have not returned from a leave of absence exceeding ten days, both the proprietor and the local authority must have failed, after reasonable enquiry, to ascertain where the pupil is (regulation 8(1)(f)).

Mae'r cyfnod o absenoldeb diawdurdod di-dor disgybl sy'n sail dros ganiatáu, ar ôl hynny, ddileu enw'r disgybl o'r gofrestr dderbyn, wedi ei newid i ugain diwrnod ysgol, ac yn ychwanegol mae'n rhaid nad oes gan y perchennog sail resymol dros gredu bod y disgybl yn analluog i fynychu'r ysgol oherwydd salwch neu unrhyw achos anocheladwy arall (rheoliad 8(1)(f)).

Yn achos disgybl a gedwir yn gaeth yn unol â gorchymyn terfynol llys neu orchymyn adalw, ni chaniateir bellach ddileu ei enw o'r gofrestr dderbyn ac eithrio pan yw'r gorchymyn i barhau am gyfnod o bedwar mis o leiaf, ac nad oes gan y perchennog sail resymol dros gredu y bydd y disgybl yn dychwelyd i'r ysgol ar ddiwedd y cyfnod hwnnw (rheoliad 8(1)(ff)).

Mae'r gofyniad i wneud datganiad i'r awdurdod lleol pan ddilëir enw disgybl ar seiliau penodol yn cael ei estyn. Mae'r gofyniad hwnnw bellach yn gymwys hefyd i ddileadau o dan reoliad 8(1)(c), (ch), (e), (ff) ac (i) (rheoliad 12(3)).

Os cedwir cofrestr ar gyfrifiadur, rhaid creu copi wrth gefn o'r gofrestr honno, o leiaf unwaith y mis, ar ffurf copi electronig, microfiche neu brintiedig (rheoliad 15(2)).

The period after which a pupil's name may be deleted from the admission register on the ground that the pupil has been continuously absent without authorisation has been changed to twenty school days, and additionally the proprietor must not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or unavoidable cause (regulation 8(1)(h)).

The name of a pupil who is detained in pursuance of a final court order or order of recall may now only be deleted from the admission register where the order is for a period of not less than four months and where the proprietor does not have reasonable grounds to believe that the pupil will return to school at the end of that period (regulation 8(1)(i)).

The requirement to make a return to the local authority where a pupil's name is deleted on certain grounds is extended. That requirement now also applies to deletions under regulation 8(1)(c), (d), (g), (i) and (m) (regulation 12(3)).

Where a register is kept by means of a computer that register must be backed-up in the form of an electronic, micro-fiche or printed copy not less than once a month (regulation 15(2)).

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**The Education (Pupil Registration)
(Wales) Regulations 2010**

Gwnaed 2 Awst 2010
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 3 Awst 2010
Yn dod i rym 1 Medi 2010

Made 2 August 2010
*Laid before the National
Assembly for Wales* 3 August 2010
Coming into force 1 September 2010

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 434(1), (3) a (4), 551(1) a 569 o Ddeddf Addysg 1996(1), ac a freiniwyd bellach ynddynt hwy, yn gwneud y Rheoliadau canlynol:

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 434(1), (3) and (4), 551(1) and 569 of the Education Act 1996(1), and now vested in them, make the following Regulations:

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Cofrestru Disgyblion) (Cymru) 2010 a deuant i rym ar 1 Medi 2010.

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

Title and commencement

1.—(1) The title of these Regulations is the Education (Pupil Registration) (Wales) Regulations 2010 and they come into force on 1 September 2010.

(2) These Regulations apply in relation to Wales.

Dehongli

2. Yn y Rheoliadau hyn—

ystyr "awdurdod lleol" ("*local authority*") yn achos ysgol a gynhelir gan awdurdod lleol, yw'r awdurdod lleol hwnnw, ac ym mhob achos arall, yr awdurdod lleol ar gyfer yr ardal y lleolir yr ysgol ynddi;

mae i "cwrwicwlwm lleol", mewn perthynas â disgyblion yn y pedwerydd cyfnod allweddol, yr ystyr a roddir i "*local curriculum*" gan adran 97 o Ddeddf Addysg 2002 ac, mewn perthynas â disgyblion sydd dros oedran ysgol gorfodol ond nad ydynt wedi cyrraedd pedair ar bymtheg oed, yr

Interpretation

2. In these Regulations—

"local authority" ("*awdurdod lleol*") means in the case of a school maintained by a local authority that local authority, and in every other case the local authority for the area in which the school is situated;

"local curriculum" ("*cwrwicwlwm lleol*"), in relation to pupils in the fourth key stage, has the meaning given by section 97 of the Education Act 2002 and, in relation to pupils who are above compulsory school age but have not attained the age of

(1) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 434, 551 a 569, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac yna i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32). Diwygiwyd adran 434 gan baragraff 111(a) a (b) o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998 (p.31). Diwygiwyd adran 551 gan baragraff 166(a) a (b) o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998.

(1) The functions of the Secretary of State under sections 434, 551 and 569 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers under paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32). Section 434 was amended by paragraph 111(a) and (b) of Schedule 30 to the School Standards and Framework Act 1998 (c.31). Section 551 was amended by paragraph 166(a) and (b) of Schedule 30 to the School Standards and Framework Act 1998.

ystyr a roddir i "*local curriculum*" gan adran 33N o Ddeddf Addysg a Medrau 2000(1); ac

ystyr "person perthnasol" ("*relevant person*")—

- (a) mewn perthynas â disgybl sydd o dan 18 mlwydd oed, yw rhiant y disgybl;
- (b) mewn perthynas â disgybl a gyrrhaeddodd yr oedran hwnnw, yw'r disgybl.

Dirymu

3. Dirymir Rheoliadau Addysg (Cofrestru Disgyblion) 1995(2).

Y cofrestrau sydd i'w cadw

4. Rhaid i berchennog pob ysgol beri bod y canlynol yn cael eu cadw—

- (a) cofrestr dderbyn; a
- (b) ac eithrio yn achos ysgol lle y mae pob disgybl yn ddisgybl preswyl, cofrestr bresenoldeb.

Cynnwys y gofrestr dderbyn

5.—(1) Rhaid i'r gofrestr dderbyn ar gyfer pob ysgol gynnwys mynegai, yn nhrefn yr wyddor, o'r holl ddisgyblion sydd yn yr ysgol, a chynnwys yn ogystal y manylion canlynol mewn perthynas â phob un o'r cyfryw ddisgyblion—

- (a) enw llawn;
- (b) rhyw;
- (c) enw a chyfeiriad pob person y mae'n hysbys i berchennog yr ysgol ei fod yn rhiant i'r disgybl, a chyferbyn â'r cofnod yn y gofrestr o fanylion unrhyw riant y mae'r disgybl yn preswylio gydag ef fel rheol, dynodiad o'r ffaith honno a chofnod o un rhif teleffon o leiaf, y gellir cysylltu â'r rhiant drwyddo mewn argyfwng;
- (ch) dydd, mis a blwyddyn ei eni;
- (d) dydd, mis a blwyddyn ei dderbyn neu'i aildderbyn i'r ysgol; ac
- (dd) enw a chyfeiriad yr ysgol a fynychwyd ddiwethaf, os oes un.

(2) Yn achos pob ysgol sy'n cynnwys disgyblion preswyl, rhaid ychwanegu at y manylion a bennir ym mharagraff (1) ddatganiad pa un ai disgybl preswyl ynteu disgybl dydd yw pob un o'r disgyblion sydd mewn oedran ysgol gorfodol, a rhaid diwygio'r datganiad hwnnw yn briodol pan fo disgybl

nineteen, has the meaning given by section 33N of the Learning and Skills Act 2000(1); and

"relevant person" ("*person perthnasol*") means—

- (a) in relation to a pupil under the age of 18, a parent of the pupil;
- (b) in relation to a pupil who has attained that age, the pupil.

Revocation

3. The Education (Pupil Registration) Regulations 1995(2) are revoked.

Registers to be kept

4. The proprietor of every school must cause to be kept—

- (a) an admission register; and
- (b) except in the case of a school of which all the pupils are boarders, an attendance register.

Contents of admission register

5.—(1) The admission register for every school must contain an index in alphabetical order of all the pupils at the school and must also contain the following particulars in respect of every such pupil—

- (a) name in full;
- (b) sex;
- (c) the name and address of every person known to the proprietor of the school to be a parent of the pupil and, against the entry on the register of the particulars of any parent with whom the pupil normally resides, an indication of that fact and a note of least one telephone number at which the parent can be contacted in an emergency;
- (d) day, month and year of birth;
- (e) day, month and year of admission or re-admission to the school; and
- (f) name and address of the school last attended, if any.

(2) In the case of every school which includes boarding pupils a statement as to whether each pupil of compulsory school age is a boarder or a day pupil must be added to the particulars specified in paragraph (1), and that statement must be amended accordingly where

(1) Mewnosodwyd adran 33N gan adran 35 o Fesur Dysgu a Sgiliau (Cymru) 2009, ond nid yw mewn grym adeg gwneud y Rheoliadau hyn. Rhaid i'r cwricwla lleol ar gyfer myfyrwyr 16 i 18 oed gael eu llunio'n unol ag adran 33A o Ddeddf Dysgu a Medrau 2000. Mewnosodwyd adran 33A gan adran 22 o Fesur Dysgu a Sgiliau (Cymru) 2009.

(2) O.S. 1995/2089; fel y'i diwygiwyd gan O.S. 1997/2624, O.S. 2001/1109 (Cy.53), O.S. 2003/3227 (Cy.308) ac O.S. 2005/2913 (Cy.210).

(1) Section 33N was inserted by section 35 of the Learning and Skills (Wales) Measure 2009, but is not in force at the time of making of these Regulations. The local curricula for students aged 16 to 18 must be formed in accordance with section 33A of the Learning and Skills Act 2000. Section 33A was inserted by section 22 of the Learning and Skills (Wales) Measure 2009.

(2) S.I. 1995/2089; as amended by S.I. 1997/2624, S.I. 2001/1109 (W.53), S.I. 2003/3227 (W.308) and S.I. 2005/2913 (W.210).

cofrestredig yn yr ysgol yn dod, neu'n peidio â bod, yn ddisgybl preswyl yn yr ysgol.

(3) At ddibenion y rheoliad hwn, mae disgybl yn ddisgybl yn yr ysgol o ddechrau'r diwrnod cyntaf pan gytuna, neu pan hysbysir, yr ysgol y bydd y disgybl yn mynychu'r ysgol.

Cynnwys y gofrestr bresenoldeb

6.—(1) Rhaid cofnodi'r manylion canlynol yn y gofrestr bresenoldeb ar ddechrau pob sesiwn foreol ac unwaith yn ystod pob sesiwn brynhawnol—

- (a) yn achos pob disgybl y cofnodwyd ei enw yn y gofrestr dderbyn ac nas dilëwyd ohoni, pa un a yw'r disgybl—
 - (i) yn bresennol;
 - (ii) yn absennol;
 - (iii) yn mynychu gweithgaredd addysgol cymeradwy o fewn paragraff (4); neu
 - (iv) yn analluog i fod yn bresennol oherwydd amgylchiadau eithriadol o fewn paragraff (5);
- (b) yn achos unrhyw ddisgybl o'r fath sydd mewn oedran ysgol gorfodol ac yn absennol, datganiad pa un a yw'r absenoldeb wedi ei awdurdodi yn unol â pharagraff (2) ai peidio;
- (c) yn achos unrhyw ddisgybl o'r fath sydd mewn oedran ysgol gorfodol ac yn mynychu gweithgaredd addysgol cymeradwy, natur y gweithgaredd hwnnw; ac
- (ch) yn achos disgybl sy'n analluog i fod yn bresennol oherwydd amgylchiadau eithriadol, natur yr amgylchiadau hynny,

ond nid yw'r paragraff hwn yn gymwys mewn perthynas â disgybl sy'n ddisgybl preswyl.

(2) Yn achos disgybl nad yw'n ddisgybl preswyl, mae absenoldeb i'w drin fel pe bai wedi ei awdurdodi at ddibenion y rheoliad hwn—

- (a) os rhoddwyd caniatâd i fod yn absennol i'r disgybl yn unol â rheoliad 7;
- (b) os yw'r disgybl yn analluog i fod yn bresennol—
 - (i) oherwydd salwch neu unrhyw achos anoacheladwy;
 - (ii) ar ddiwrnod a neilltuir ar gyfer cadwraeth grefyddol yn unig, gan y corff crefyddol y mae rhiant y disgybl yn perthyn iddo; neu
 - (iii) oherwydd bod yr awdurdod lleol wedi methu â gwneud trefniadau cludiant addas ar gyfer y disgybl y mae dyletswydd ar yr awdurdod i'w darparu o dan adran 3 neu 4 o Fesur Teithio gan Ddysgwyr (Cymru) 2008(1).

a registered pupil at the school becomes or ceases to be a boarder at the school.

(3) For the purpose of this regulation a pupil is a pupil at the school from the beginning of the first day on which the school has agreed, or has been notified, that the pupil will attend the school.

Contents of attendance register

6.—(1) The following particulars must be recorded in the attendance register at the commencement of each morning session and once during each afternoon session—

- (a) in the case of every pupil whose name is entered in and not deleted from the admission register whether the pupil is—
 - (i) present;
 - (ii) absent;
 - (iii) attending an approved educational activity within paragraph (4); or
 - (iv) unable to attend due to exceptional circumstances within paragraph (5);
- (b) in the case of any such pupil of compulsory school age who is absent, a statement whether or not the absence is authorised in accordance with paragraph (2);
- (c) in the case of any such pupil of compulsory school age who is attending an approved educational activity the nature of that activity; and
- (d) in the case of a pupil unable to attend due to exceptional circumstances, the nature of those circumstances,

but this paragraph does not apply in respect of the pupil who is a boarder.

(2) In the case of a pupil who is not a boarder, an absence is to be treated as authorised for the purposes of this regulation if—

- (a) the pupil has been granted leave of absence in accordance with regulation 7;
- (b) the pupil is unable to attend—
 - (i) by reason of sickness or any unavoidable cause;
 - (ii) on a day exclusively set apart for religious observance by the religious body to which his or her parent belongs; or
 - (iii) because the local authority has failed to make suitable transport arrangements for the pupil which it is under a duty to provide under section 3 or 4 of the Learner Travel (Wales) Measure 2008(1).

(3) Os nad oes modd, ar adeg marcio'r gofrestr, canfod y rheswm am absenoldeb disgybl, rhaid cofnodi'r absenoldeb hwnnw fel un diawdurdod, a rhaid gwneud unrhyw gywiriad diweddarach i'r gofrestr, er mwyn cofnodi'r absenoldeb hwnnw fel un a awdurdodwyd, yn unol â rheoliad 13, a hynny cyn gynted ag y bo'n ymarferol wedi i'r person sydd â chyfrifoldeb am lenwi'r gofrestr ganfod y rheswm am yr absenoldeb.

(4) Gweithgaredd addysgol cymeradwy yw—

- (a) gweithgaredd sy'n digwydd y tu allan i fangre'r ysgol, ac sydd—
 - (i) wedi ei gymeradwyo gan berson a awdurdodwyd ar gyfer hynny gan berchennog yr ysgol;
 - (ii) o natur addysgol, gan gynnwys profiad gwaith o dan adran 560 o Ddeddf Addysg 1996(1) a gweithgaredd chwaraeon; a
 - (iii) yn cael ei oruchwylio gan berson a awdurdodwyd ar gyfer hynny gan berchennog neu bennaeth yr ysgol;
- (b) presenoldeb mewn ysgol arall lle y mae'r disgybl yn ddisgybl cofrestredig; neu
- (c) presenoldeb ar gwrs astudio o fewn y cwricwlwm lleol mewn man ac eithrio'r ysgol.

(5) Yr amgylchiadau eithriadol pan ganiateir marcio disgybl yn analluog i fod yn bresennol yw—

- (a) pan fo safle'r ysgol wedi ei gau, neu ran o'r safle wedi ei chau, oherwydd achos anocheiadwy ar adeg pan ddylai disgyblion fod yn bresennol;
- (b) yn achos disgybl y mae'r awdurdod lleol o dan ddyletswydd i wneud trefniadau cludiant addas ar ei gyfer y mae ganddo ddyletswydd i'w darparu o dan adran 3 neu 4 o Fesur Teithio gan Ddysgwyr (Cymru) 2008, pan na fo'r cludiant hwnnw ar gael; neu
- (c) pan fo argyfwng lleol neu genedlaethol wedi arwain at amharu'n helaeth ar deithio a bod hynny wedi atal y disgybl rhag mynychu'r ysgol.

(6) Ni cheir dileu enw disgybl o'r gofrestr bresenoldeb ac eithrio pan fo enw'r disgybl hwnnw wedi ei ddileu o'r gofrestr dderbyn ar gyfer yr ysgol honno yn unol â rheoliad 8.

Caniatâd i fod yn absennol

7.—(1) Ni chaiff neb roi caniatâd i fod yn absennol ac eithrio person a awdurdodwyd ar gyfer hynny gan berchennog yr ysgol.

(3) Where the reason for a pupil's absence cannot be established at the time when the register is taken, that absence must be recorded as unauthorised and any subsequent correction to the register recording that absence as authorised must be made in accordance with regulation 13 and as soon as practicable after the reason for the absence is established by the person with responsibility for completing the register.

(4) An approved educational activity is—

- (a) an activity which takes place outside the school premises and which is—
 - (i) approved by a person authorised in that behalf by the proprietor of the school;
 - (ii) of an educational nature, including work experience under section 560 of the Education Act 1996(1) and a sporting activity; and
 - (iii) supervised by a person authorised in that behalf by the proprietor or the head teacher of the school;
- (b) attendance at another school at which the pupil is a registered pupil; or
- (c) attendance on a course of study within the local curriculum at a place other than the school.

(5) The exceptional circumstances in which a pupil may be marked as unable to attend are where—

- (a) the school site, or part of it, is closed due to unavoidable cause at a time when pupils are due to attend;
- (b) in the case of a pupil for whom the local authority is under a duty to make suitable transport arrangements which it is under a duty to provide under section 3 or 4 of the Learner Travel (Wales) Measure 2008, that transport is not available; or
- (c) a local or national emergency has resulted in widespread disruption to travel which has prevented the pupil from attending school.

(6) The name of a pupil may only be deleted from the attendance register when the pupil's name has been deleted from the admission register for that school in accordance with regulation 8.

Leave of absence

7.—(1) Leave of absence may only be granted by a person authorised in that behalf by the proprietor of the school.

(1) 1996 p.56. Amnewidiwyd is-adrannau (1) a (2) o adran 560 gan adran 112(1) o Ddeddf Safonau a Fframwaith Ysgolion 1998. Diwygiwyd is-adran (3) o adran 560 ymhellach gan adran 112(3) o Ddeddf 1998 ac Atodlen 31 i'r Ddeddf honno.

(1) 1996 c.56. Sub-sections (1) and (2) of section 560 were substituted by section 112(1) of the School Standards and Framework Act 1998. Sub-section (3) of section 560 was further amended by section 112(3) of, and Schedule 31 to, the 1998 Act.

(2) Rhaid peidio â rhoi caniatâd i fod yn absennol er mwyn galluogi disgybl i ymgymryd â chyflogaeth (pa un ai am dâl ai peidio) yn ystod oriau ysgol, ac eithrio—

- (a) cyflogaeth at y diben o gymryd rhan mewn perfformiad yn yr ystyr a roddir i "performance" yn adran 37 o Ddeddf Plant a Phobl Ifanc 1963(1) o dan awdurdod trwydded a roddir gan yr awdurdod lleol o dan yr adran honno; neu
- (b) cyflogaeth dramor at ddiben a grybwyllir yn adran 25 o Ddeddf Plant a Phobl Ifanc 1933(2) pan fo trwydded wedi ei rhoi o dan yr adran honno gan ynad heddwch.

(3) Yn ddarostyngedig i baragraff (4), pan wneir cais gan riant y mae'r disgybl fel rheol yn preswyllo gydag ef, ceir rhoi caniatâd i fod yn absennol o'r ysgol er mwyn galluogi'r disgybl i fynd i ffwrdd ar wyliau.

(4) Ac eithrio mewn amgylchiadau eithriadol, rhaid peidio â rhoi caniatâd i fod yn absennol i ddisgybl yn unol â pharagraff (3) am fwy na deng niwrnod ysgol mewn unrhyw un flwyddyn ysgol.

(5) Mae'r rheoliad hwn yn gymwys yn unig i ysgol a gynhelir ac ysgol arbennig nas cynhelir gan awdurdod lleol.

Dileadau o'r gofrestr dderbyn

8.—(1) Rhagnodir y canlynol fel seiliau sy'n peri bod rhaid dileu o'r gofrestr dderbyn enw disgybl sydd mewn oedran ysgol gofodol—

- (a) pan fo'r disgybl wedi ei gofrestru yn yr ysgol yn unol â gofynion gorchymyn mynychu'r ysgol, a'r awdurdod lleol naill ai wedi pennu ysgol arall i gymryd lle'r ysgol a enwyd yn y gorchymyn neu wedi dirymu'r gorchymyn ar y sail bod trefniadau wedi eu gwneud i'r plentyn gael addysg lawnamser effeithlon ac addas ar gyfer ei oedran, ei allu a'i ddoniau, rywfodd ac eithrio mewn ysgol;
- (b) ac eithrio pan fo'r perchennog wedi cytuno y dylid cofrestru'r disgybl mewn mwy nag un ysgol, mewn achos nad yw'n dod o fewn is-baragraff (a) neu reoliad 9, pan fo'r disgybl wedi ei gofrestru fel disgybl mewn ysgol arall;
- (c) pan fo disgybl wedi ei gofrestru mewn mwy nag un ysgol, ac mewn achos nad yw'n dod o

(2) Leave of absence must not be granted to enable a pupil to undertake employment (whether paid or unpaid) during school hours except—

- (a) employment for the purpose of taking part in a performance within the meaning of section 37 of the Children and Young Persons Act 1963(1) under the authority of a licence granted by the local authority under that section; or
- (b) employment abroad for a purpose mentioned in section 25 of the Children and Young Persons Act 1933(2) where a licence has been granted under that section by a justice of the peace.

(3) Subject to paragraph (4), on application made by a parent with whom the pupil normally resides, a pupil may be granted leave of absence from the school to enable the pupil to go away on holiday.

(4) Save in exceptional circumstances, a pupil must not in pursuance of paragraph (3) be granted more than ten school days leave of absence in any school year.

(5) This regulation applies only in relation to a maintained school and a special school not maintained by a local authority.

Deletions from admission register

8.—(1) The following are prescribed as the grounds on which the name of a pupil of compulsory school age must be deleted from the admission register—

- (a) where the pupil is registered at the school in accordance with the requirements of a school attendance order, that another school is substituted by the local authority for that named in the order or the order is revoked by the local authority on the ground that arrangements have been made for the child to receive efficient full-time education suitable to the child's age, ability and aptitude otherwise than at school;
- (b) except where it has been agreed by the proprietor that the pupil should be registered at more than one school, in a case not falling within sub-paragraph (a) or regulation 9, that the pupil has been registered as a pupil of another school;
- (c) where a pupil is registered at more than one school, and in a case not falling within sub-

(1) 1963 p.37; diwygiwyd gan O.S. 1998/276, paragraff 32 o Atodlen 6 i Ddeddf Trwyddedu 2003 (p.17), paragraff 6 o Atodlen 20 i Ddeddf Darlledu 1990 (p.42) a pharagraff 10 o Atodlen 37 i Ddeddf Addysg 1996 (p.56).

(2) 1933 p.12; diwygiwyd gan O.S. 1998/276, paragraff 3 o Atodlen 13 i Ddeddf Plant 1989 (p.41), paragraff 10 o Ran 3 o Atodlen 3 i Ddeddf Cyflogaeth 1989 (p.38), paragraff 7 o Atodlen 5 i Ddeddf Plant a Phobl Ifanc 1963 a chan baragraff 73 o Atodlen 8 i Ddeddf Llysoedd 2003 (p.39).

(1) 1963 c.37; amended by S.I. 1998/276, paragraph 32 of Schedule 6 to the Licensing Act 2003 (c.17), paragraph 6 of Schedule 20 to the Broadcasting Act 1990 (c.42) and paragraph 10 of Schedule 37 to the Education Act 1996 (c.56).

(2) 1933 c.12; amended by S.I. 1998/276, paragraph 3 of Schedule 13 to the Children Act 1989 (c.41), paragraph 10 of Part 3 of Schedule 3 to the Employment Act 1989 (c.38), paragraph 7 of Schedule 5 to the Children and Young Persons Act 1963 and by paragraph 73 of Schedule 8 to the Courts Act 2003 (c.39).

- fewn is-baragraff (g) neu (i) ac eithrio fel a ddarperir yn rheoliad 9, a'r disgybl wedi peidio â mynychu'r ysgol, a pherchennog unrhyw ysgol arall y cofrestrwyd y disgybl ynddi wedi cydsynio i'r dilead;
- (ch) mewn achos nad yw'n dod o fewn is-baragraff (a), pan fo'r disgybl wedi peidio â mynychu'r ysgol a'r perchennog wedi cael hysbysiad ysgrifenedig gan y rhiant bod y disgybl yn cael addysg rywfodd ac eithrio mewn ysgol;
- (d) ac eithrio yn achos disgybl preswyl, pan fo'r disgybl wedi peidio â mynychu'r ysgol ac nad yw bellach yn preswyl fel arfer mewn man sydd o fewn pellter rhesymol i'r ysgol lle y mae'r disgybl wedi ei gofrestru;
- (dd) yn achos disgybl y rhoddwyd caniatâd i fod yn absennol am fwy na deng niwrnod ysgol iddo at y diben o fynd i ffwrdd ar wyliau yn unol â rheoliad 7(3)—
- (i) pan na fu'r disgybl yn bresennol yn yr ysgol o fewn y deng niwrnod ysgol yn union ar ôl diwedd y cyfnod y rhoddwyd y caniatâd i fod yn absennol ar ei gyfer;
- (ii) nad yw'r perchennog wedi ei fodloni bod y disgybl yn analluog i fynychu'r ysgol oherwydd salwch neu unrhyw achos anocheledwy; a
- (iii) y perchennog yn ogystal â'r awdurdod lleol, ar ôl gwneud ymholiad rhesymol, wedi methu â darganfod lle y mae'r disgybl;
- (e) pan fo'r swyddog meddygol ysgolion wedi ardstyio bod y disgybl yn annhebygol o fod mewn cyflwr iechyd priodol i fynychu'r ysgol cyn peidio â bod mewn oedran ysgol gorfodol, ac nad yw'r disgybl na'i riant wedi mynegi wrth yr ysgol bod bwriad i'r disgybl barhau i fynychu'r ysgol ar ôl peidio â bod mewn oedran ysgol gorfodol;
- (f) pan fo'r disgybl wedi bod yn absennol yn ddi-dor o'r ysgol am gyfnod o ddim llai nag ugain diwrnod ysgol, ac—
- (i) nad oedd ei absenoldeb, ar unrhyw adeg yn ystod y cyfnod hwnnw, wedi ei awdurdodi gan y perchennog yn unol â rheoliad 6(2);
- (ii) nad yw'r perchennog wedi ei fodloni bod y disgybl yn analluog i fynychu'r ysgol oherwydd salwch neu unrhyw achos anocheledwy; a
- (iii) bod perchennog yr ysgol yn ogystal â'r awdurdod lleol, ar ôl gwneud ymholiad rhesymol, wedi methu â darganfod lle y mae'r disgybl;
- (ff) pan fo'r disgybl wedi cael ei gadw'n gaeth yn unol â gorchymyn terfynol a wnaed gan lys, neu orchymyn adalw gan lys neu gan yr Ysgrifennydd Gwladol, a bod y gorchymyn hwnnw am gyfnod nad yw'n llai na 4 mis, ac nad oes gan y perchennog sail resymol dros paragraph (j) or (m) and except as provided in regulation 9 that the pupil has ceased to attend the school and the proprietor of any other school at which the pupil is registered has given consent to the deletion;
- (d) in a case not falling within sub-paragraph (a), that the pupil has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school;
- (e) except in the case of a boarder, that the pupil has ceased to attend the school and no longer ordinarily resides at a place which is a reasonable distance from the school at which the pupil is registered;
- (f) in the case of a pupil granted leave of absence exceeding ten school days for the purpose of a holiday in accordance with regulation 7(3), that—
- (i) the pupil has failed to attend the school within the ten school days immediately following the expiry of the period for which such leave was granted;
- (ii) the proprietor is not satisfied that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and
- (iii) both the proprietor and the local authority have failed, after reasonable enquiry, to ascertain where the pupil is;
- (g) that the pupil is certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither the pupil nor the pupil's parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age;
- (h) that the pupil has been continuously absent from school for a period of not less than twenty school days and—
- (i) at no time was his or her absence during that period authorised by the proprietor in accordance with regulation 6(2);
- (ii) the proprietor is not satisfied that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and
- (iii) both the proprietor of the school and the local authority have failed, after reasonable enquiry, to ascertain where the pupil is;
- (i) that the pupil has been detained in pursuance of a final order made by a court or of an order of recall made by a court or the Secretary of State, that order being for a period of not less than 4 months, and the proprietor does not have reasonable grounds to believe that the

gredu y bydd y disgybl yn dychwelyd i'r ysgol ar ddiwedd y cyfnod hwnnw;

- (g) pan fu farw'r disgybl;
- (ng) os bydd y disgybl yn peidio â bod mewn oedran ysgol gorfodol cyn bo'r ysgol yn ymgynnull nesaf a bod y person perthnasol wedi mynegi bod y disgybl yn bwriadu peidio â mynychu'r ysgol;
- (h) yn achos disgybl mewn ysgol ac eithrio ysgol a gynhelir, pan fo'r disgybl wedi peidio â bod yn ddisgybl o'r ysgol;
- (i) yn achos disgybl a gofrestrwyd mewn ysgol a gynhelir, pan fo'r disgybl wedi ei wahardd yn barhaol o'r ysgol; neu
- (j) pan fo'r disgybl wedi ei dderbyn i'r ysgol i gael addysg feithrin, ac nad yw'r disgybl, ar ôl cwblhau addysg o'r fath, wedi trosglwyddo i ddsbarth derbyn, neu i ddsbarth uwch, yn yr ysgol.

(2) Mewn achos nad yw'n dod o fewn paragraff (1)(a), (g) neu (i) neu reoliad 9, pan fo plentyn, o dan drefniadau a wnaed gan awdurdod lleol, wedi dod yn ddisgybl cofrestredig mewn ysgol arbennig, ni cheir dileu enw'r plentyn hwnnw o gofrestr dderbyn yr ysgol honno heb fod yr awdurdod hwnnw'n cydsynio, neu, os yw'r awdurdod hwnnw'n gwrthod cydsynio, heb gyfarwyddyd gan Weinidogion Cymru.

(3) Rhagnodir y canlynol fel seiliau ar gyfer dileu enw disgybl nad yw mewn oedran ysgol gorfodol o'r gofrestr dderbyn—

- (a) pan fo'r disgybl wedi peidio â mynychu'r ysgol, neu yn achos disgybl preswyl, pan fo'r disgybl wedi peidio â bod yn ddisgybl o'r ysgol;
- (b) pan fo'r disgybl wedi bod yn absennol yn ddi-dor o'r ysgol am gyfnod o ddim llai nag ugain diwrnod ysgol, ac—
 - (i) nad oedd y perchennog ar unrhyw adeg yn ystod y cyfnod hwnnw, wedi cydsynio i'r absenoldeb;
 - (ii) nad yw'r perchennog wedi ei fodloni bod y disgybl yn analluog i fynychu'r ysgol oherwydd salwch neu unrhyw achos anoacheladwy; a
 - (iii) bod perchennog yr ysgol, ar ôl gwneud ymholiad rhesymol, wedi methu â darganfod lle y mae'r disgybl;
- (c) pan fu farw'r disgybl;
- (ch) pan fo'r disgybl wedi ei dderbyn i'r ysgol i gael addysg feithrin, ac nad yw'r disgybl, ar ôl cwblhau addysg o'r fath, wedi trosglwyddo i ddsbarth derbyn, neu i ddsbarth uwch, yn yr ysgol; neu
- (d) yn achos disgybl a gofrestrwyd mewn ysgol a gynhelir, pan fo'r disgybl wedi ei wahardd yn barhaol o'r ysgol.

pupil will return to the school at the end of that period;

- (j) that the pupil has died;
- (k) that the pupil will cease to be of compulsory school age before the school next meets and the relevant person has indicated that the pupil intends to cease to attend the school;
- (l) in the case of a pupil at a school other than a maintained school, that the pupil has ceased to be a pupil of the school;
- (m) where the pupil is registered at a maintained school, that the pupil has been permanently excluded from the school; or
- (n) where the pupil has been admitted to the school to receive nursery education, the pupil has not on completing such education transferred to a reception class, or higher class, at the school.

(2) In a case not covered by paragraph (1)(a), (j) or (m), or regulation 9, the name of a child who has under arrangements made by a local authority become a registered pupil at a special school must not be removed from the admission register of that school without the consent of that authority or, if that authority refuse to give consent, without a direction of the Welsh Ministers.

(3) The following are prescribed as grounds on which the name of a pupil not of compulsory school age is to be deleted from the admission register—

- (a) that the pupil has ceased to attend the school, or, in the case of a boarder, that he or she has ceased to be a pupil of the school;
- (b) that the pupil has been continuously absent from the school for a period of not less than twenty school days—
 - (i) at no time was the absence during that period agreed by the proprietor;
 - (ii) the proprietor is not satisfied that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and
 - (iii) the proprietor of the school has failed, after reasonable enquiry, to locate the pupil;
- (c) that the pupil has died;
- (d) where the pupil has been admitted to the school to receive nursery education, he or she has not on completing such education transferred to a reception class, or higher class, at the school; or
- (e) where the pupil is registered at a maintained school, that he or she has been permanently excluded from the school.

(4) At ddibenion y rheoliad hwn—

- (a) mae disgybl i'w drin fel pe bai'n preswyllo fel arfer yn y man lle y mae'n preswyllo'n gyson ac fel rheol, ar wahân i absenoldebau dros dro neu achlysurol;
- (b) ystyr "dosbarth derbyn" yw dosbarth lle y darperir addysg sy'n addas i anghenion disgyblion pum mlwydd oed ac unrhyw ddisgyblion dan neu dros yr oedran hwnnw, y bo'n gyfleus eu haddysgu ar y cyd â disgyblion o'r oedran hwnnw;
- (c) mae plant i'w hystyried fel pe baent wedi eu derbyn i ysgol i gael addysg feithrin os rhoddir hwy, ar yr adeg y'u derbynir, mewn dosbarth meithrin; ac
- (ch) nid yw gwaharddiad parhaol ar ddisgybl o ysgol a gynhelir yn cael effaith hyd nes y bo'r corff llywodraethu wedi cyflawni ei ddyletswyddau o dan reoliadau a wneir o dan adran 52 o Ddeddf Addysg 2002(1), ac—
 - (i) y person perthnasol wedi datgan mewn ysgrifenedig nad yw'n bwriadu dwyn apêl o dan y rheoliadau hynny;
 - (ii) yr amser ar gyfer dwyn apêl wedi dod i ben, heb i unrhyw apêl gael ei dwyn o fewn yr amser hwnnw; neu
 - (iii) y penderfynwyd neu y rhoddwyd gorau i apêl a ddygwyd o fewn y cyfnod hwnnw.

Cofrestru deuol

9.—(1) Pan fo disgybl wedi ei gofrestru mewn uned cyfeirio disgyblion ac mewn ysgol nad yw'n uned cyfeirio disgyblion, rhaid peidio â dileu enw'r disgybl hwnnw yn unol â rheoliad 8(1)(b), o gofrestr dderbyn yr uned cyfeirio disgyblion nac o gofrestr dderbyn yr ysgol, oni cheir cydsyniad yr awdurdod lleol sy'n cynnal yr uned cyfeirio disgyblion yn ogystal â chydsyniad perchennog yr ysgol.

(2) Yn ddarostyngedig i baragraff (3)—

- (a) pan fo disgybl wedi ei gofrestru fel disgybl mewn ysgol arbennig (gan gynnwys ysgol arbennig a sefydlwyd mewn ysbyty) ac mewn ysgol arall (ac eithrio uned cyfeirio disgyblion), a
- (b) pan na chynhelir, ar gyfer y disgybl hwnnw, ddatganiad o anghenion addysgol arbennig sy'n pennu enw'r ysgol arbennig yn unig,

rhaid peidio â dileu enw'r disgybl hwnnw yn unol â rheoliad 8(1)(b) oddi ar gofrestr dderbyn y naill ysgol na'r llall heb gydsyniad perchennog y ddwy ysgol.

(3) Pan fo disgybl wedi ei gofrestru fel disgybl mewn ysgol arbennig a sefydlwyd mewn ysbyty ac mewn

(4) For the purposes of this regulation—

- (a) a pupil is to be treated as ordinarily residing at a place where the pupil is habitually and normally resident apart from temporary or occasional absences;
- (b) "reception class" means a class in which education is provided which is suitable to the requirements of pupils aged five and any pupils under or over that age whom it is expedient to educate together with pupils of that age;
- (c) children are to be regarded as having been admitted to a school to receive nursery education if they are placed on admission in a nursery class; and
- (d) the permanent exclusion of a pupil from a maintained school does not take effect until the governing body has discharged its duties under regulations made under section 52 of the Education Act 2002(1), and—
 - (i) the relevant person has stated in writing that he or she does not intend to bring an appeal under those regulations;
 - (ii) the time for bringing an appeal has expired and no appeal has been brought within that time; or
 - (iii) an appeal brought within that time has been determined or abandoned.

Dual registration

9.—(1) Where a pupil is registered at a pupil referral unit and at a school other than a pupil referral unit, the name of that pupil must not be removed from the admission register of either the pupil referral unit or the school pursuant to regulation 8(1)(b) without the consent of both the local authority by which the pupil referral unit is maintained and the proprietor of the school.

(2) Subject to paragraph (3) where a pupil—

- (a) is registered as a pupil at a special school (including a special school established in a hospital) and at another school (other than a pupil referral unit), and
- (b) there is not maintained for that pupil a statement of special educational needs specifying the name of the special school only,

the name of that pupil must not be removed from the admission register of either school pursuant to regulation 8(1)(b) without the consent of the proprietor of both schools.

(3) Where a pupil is registered as a pupil at a special school established in a hospital and at another special

(1) 2002 p.32. Y rheoliadau perthnasol sydd mewn grym ar yr adeg y gwneir y Rheoliadau hyn yw O.S. 2003/3227 (Cy.308), O.S. 2003/3246 (Cy.321) ac O.S. 2004/1805 (Cy.193).

(1) 2002 c.32. The relevant regulations in force at the time of making these Regulations are S.I. 2003/3227 (W.308), S.I. 2003/3246 (W.321) and S.I. 2004/1805 (W.193).

ysgol arbennig arall, rhaid peidio â dileu enw'r disgybl hwnnw o gofrestr dderbyn y naill ysgol na'r llall yn unol â rheoliad 8(1)(b) heb gydsyniad perchennog y ddwy ysgol.

(4) Mae'r paragraff hwn yn gymwys i ddisgybl—

- (a) nad oes ganddo breswylfa barhaol oherwydd bod ei riant yn ymgymryd â masnach neu fusnes o natur sy'n ei gwneud yn ofynnol ei fod yn teithio o le i le; a
- (b) sydd, ar unrhyw adeg, wedi ei gofrestru fel disgybl mewn dwy neu ragor o ysgolion.

(5) Rhaid peidio â dileu enw disgybl y mae paragraff (4) yn gymwys iddo o gofrestr dderbyn ysgol yn unol â rheoliad 8(1)(b) tra bo'r disgybl yn mynychu'r ysgol honno.

(6) Rhaid peidio â dileu, yn unol â rheoliad 8(1)(b) neu (c), enw disgybl y mae paragraff (4) yn gymwys iddo, o gofrestr dderbyn yr ysgol a fynychir gan y disgybl hwnnw fel arfer.

(7) Yn ddarostyngedig i baragraff (8), at ddibenion paragraff (6) mae ysgol yn ysgol a fynychir fel arfer gan y disgybl os honno, yn ystod y 18 mis yn union cyn hynny, oedd yr ysgol a fynychwyd gan y disgybl yn ystod y cyfnodau pan nad oedd ei riant yn teithio mewn cysylltiad â masnach neu fusnes.

(8) Mewn unrhyw achos pan fo dwy neu ragor o ysgolion yn bodloni'r diffiniad ym mharagraff (7) o ysgol a fynychir fel arfer, mae paragraff (6) yn gymwys yn unig mewn perthynas â'r ysgol a oedd yn bodloni'r diffiniad ddiwethaf.

(9) Nid yw'r gofynion i gael cydsyniad ym mharagraffau (1) i (3) yn gymwys mewn achosion sy'n dod o fewn rheoliad 8(1)(g) ac (i).

Archwilio cofrestrau

10. Rhaid i gofrestr dderbyn a chofrestr bresenoldeb pob ysgol fod ar gael i'w harchwilio yn ystod oriau ysgol gan—

- (a) Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru neu unrhyw un o Arolygwyr Ei Mawrhydi dros Addysg a Hyfforddiant; a
- (b) yn achos ysgol a gynhelir gan awdurdod lleol, unrhyw swyddog o'r awdurdod lleol a awdurdodwyd at y diben hwnnw.

Detholiadau o'r cofrestrau

11. Rhaid caniatáu i bersonau, a awdurdodir gan reoliad 10 i archwilio cofrestr dderbyn a chofrestr bresenoldeb unrhyw ysgol, wneud detholiadau o'r cofrestrau hynny at ddibenion eu swyddogaethau o dan y Deddfau Addysg.

school the name of that pupil must not be removed from the admission register of either school pursuant to regulation 8(1)(b) without the consent of the proprietor of both schools.

(4) This paragraph applies to a pupil who—

- (a) has no fixed abode for the reason that his or her parent is engaged in a trade or business of such a nature as to require him or her to travel from place to place; and
- (b) is at any time registered as a pupil at two or more schools.

(5) The name of a pupil to whom paragraph (4) applies must not be deleted from the admission register of a school pursuant to regulation 8(1)(b) while he or she is attending that school.

(6) The name of a pupil to whom paragraph (4) applies must not be deleted from the admission register of that pupil's school of ordinary attendance pursuant to regulation 8(1)(b) or (c).

(7) Subject to paragraph (8) for the purposes of paragraph (6), a school is a pupil's school of ordinary attendance if, during the immediately preceding 18 months, it is the school which the pupil has attended during periods when his or her parent is not travelling in the course of trade or business.

(8) In any case in which two or more schools fulfil the definition of a school of ordinary attendance in paragraph (7), paragraph (6) applies only in respect of the school which fulfils the definition most recently.

(9) The requirements to obtain consent in paragraphs (1) to (3) do not apply in cases covered by regulation 8(1)(j) and (m).

Inspection of registers

10. The admission register and the attendance register of every school must be available for inspection during school hours by—

- (a) Her Majesty's Chief Inspector of Education and Training in Wales or by any of Her Majesty's Inspectors of Education and Training; and
- (b) in the case of a school maintained by a local authority, any officer of the local authority authorised for that purpose.

Extracts from registers

11. The persons authorised by regulation 10 to inspect the admission register and attendance register of any school must be permitted to make extracts from those registers for the purposes of their functions under the Education Acts.

Datganiadau

12.—(1) Yn ddarostyngedig i baragraff (2), rhaid i berchennog pob ysgol wneud datganiad i'r awdurdod lleol, fesul pa bynnag ysbaid a gytunir rhwng y perchennog a'r awdurdod lleol, neu a benderfynir gan Weinidogion Cymru yn niffyg cytundeb, o enw a chyfeiriad pob disgybl cofrestredig sydd mewn oedran ysgol gorfodol ac—

- (a) yn peidio â mynychu'r ysgol yn rheolaidd; neu
- (b) a fu'n absennol o'r ysgol, pan na fo'r absenoldeb wedi ei drin fel absenoldeb awdurdodedig yn unol â rheoliad 6(2), am gyfnod di-dor o ddim llai na deng niwrnod ysgol, a chan nodi achos yr absenoldeb os yw'n hysbys i'r perchennog.

(2) Nid yw paragraff (1) yn gymwys mewn perthynas ag unrhyw absenoldeb o'r ysgol—

- (a) oherwydd salwch y disgybl, y darparwyd tystysgrif feddygol mewn perthynas ag ef i bennaeth yr ysgol;
- (b) o ganlyniad i ganiatâd i fod yn absennol a roddwyd yn unol â rheoliad 7;
- (c) yn achos disgybl sydd wedi ei gofrestru mewn mwy nag un ysgol, oherwydd bod y disgybl yn mynychu ysgol arall y mae'n ddisgybl cofrestredig ynddi; ac
- (ch) yn ystod unrhyw gyfnod pan oedd y disgybl yn mynychu gweithgaredd addysgol cymeradwy o fewn ystyr rheoliad 6(4).

(3) Pan fo enw disgybl wedi ei ddileu o'r gofrestr dderbyn yn unol â rheoliad 8(1)(c), (ch), (e), (ff) neu (i), rhaid i'r perchennog wneud datganiad i'r awdurdod lleol, gan roi enw llawn a chyfeiriad y disgybl hwnnw, o fewn y cyfnod o ddeng niwrnod ysgol sy'n dilyn yn union ar ôl y dyddiad y dilëwyd enw'r disgybl felly.

Y dull o wneud cofnodion

13. Rhaid ysgrifennu pob cofnod a wneir mewn cofrestr dderbyn neu gofrestr bresenoldeb mewn inc, a rhaid gwneud pob cywiriad mewn modd a fydd yn caniatáu dirnad yn eglur y cofnod gwreiddiol a'r cywiriad.

Dal gafael ar gofrestrau

14. Rhaid i bob cofnod a wneir mewn cofrestr dderbyn neu gofrestr bresenoldeb gael ei gadw'n ddiogel am gyfnod o dair blynedd ar ôl y dyddiad pan wneir y cofnod.

Defnyddio cyfrifiaduron

15.—(1) Nid oes dim yn y Rheoliadau hyn i'w ddehongli fel pe bai'n rhwystro defnyddio cyfrifiadur i gadw cofrestr dderbyn neu gofrestr bresenoldeb, ond os cedwir cofrestr o'r fath yn y modd hwnnw, bydd

Returns

12.—(1) Subject to paragraph (2), the proprietor of every school must make to the local authority, at such intervals as may be agreed between the proprietor and the local authority, or as may be determined by the Welsh Ministers in default of agreement, a return giving the name and address of every registered pupil of compulsory school age who—

- (a) fails to attend the school regularly; or
- (b) has been absent from the school, where the absence has not been treated as authorised in accordance with regulation 6(2), for a continuous period of not less than ten school days, and specifying the cause of absence if known to the proprietor.

(2) Paragraph (1) does not apply with respect to any absence from the school—

- (a) due to sickness of the pupil in respect of which a medical certificate has been furnished to the head teacher;
- (b) due to leave of absence granted in accordance with regulation 7;
- (c) of a pupil who is registered at more than one school, due to the pupil attending another school at which he or she is a registered pupil; and
- (d) during any period when the pupil was attending an approved educational activity within the meaning of regulation 6(4).

(3) When the name of a pupil has been deleted from the admission register in accordance with regulation 8(1)(c), (d), (g), (i) or (m), the proprietor must make a return to the local authority giving the full name and address of that pupil within the ten school days immediately following the date on which the pupil's name was so deleted.

Method of making entries

13. Every entry in an admission register or attendance register must be written in ink and any correction must be made in such a manner that the original entry and the correction are both clearly distinguishable.

Preservation of registers

14. Every entry in an admission register or attendance register must be preserved for a period of three years after the date on which the entry was made.

Use of computers

15.—(1) Nothing in these Regulations is to be taken to prevent the keeping of an admission register or an attendance register by means of a computer, but where such a register is so kept the following paragraphs of

paragraffau canlynol y rheoliad hwn yn gymwys, at y diben o addasu gofynion y Rheoliadau hyn.

(2) Nid yw gofynion rheoliad 4 i'w trin fel rhai sydd wedi eu bodloni oni wneir copi ychwanegol wrth gefn o'r gofrestr dderbyn a'r gofrestr bresenoldeb, o leiaf unwaith bob mis, ar ffurf copi electronig, microfiche neu brintiedig.

(3) Nid yw gofynion rheoliadau 10 ac 11 i'w trin fel rhai sydd wedi eu bodloni oni chaniateir i'r personau a awdurdodir i archwilio a gwneud detholiadau o'r gofrestr dderbyn a'r gofrestr bresenoldeb archwilio a gwneud detholiadau o'r cofrestrau hynny a gedwir drwy ddefnyddio cyfrifiadur, yn ogystal â'r copïau ychwanegol wrth gefn a wneir yn unol â pharagraff (2).

(4) Nid yw gofynion rheoliad 13 i'w trin fel rhai sydd wedi eu bodloni oni bai, pan wneir unrhyw gywiriad i gofnod gwreiddiol yn y cofrestrau, bod unrhyw gofrestr a gedwir drwy gyfrwng cyfrifiadur ac unrhyw brintiad o unrhyw gofrestr o'r fath a wneir ar ôl y cywiriad, yn gwahaniaethu'n eglur rhwng y cofnod gwreiddiol a'r cywiriad.

(5) Nid yw gofynion rheoliad 14 i'w trin fel rhai sydd wedi eu bodloni oni bai—

- (a) bod pob copi ychwanegol wrth gefn o'r gofrestr dderbyn a'r gofrestr bresenoldeb a wnaed yn unol â pharagraff (2) ac sy'n ymwneud â blwyddyn ysgol benodol yn cael ei gadw am y flwyddyn honno ac am gyfnod o dair blynedd ar ôl diwedd y flwyddyn ysgol honno; a
- (b) bod pob printiad o'r gofrestr dderbyn a'r gofrestr bresenoldeb sy'n ymwneud â blwyddyn ysgol benodol yn cael ei gadw mewn un gyfrol am y flwyddyn honno, ac y cedwir y gyfrol honno am gyfnod o dair blynedd ar ôl diwedd y flwyddyn ysgol honno.

(6) Ystyrir, at ddibenion rheoliad 13, bod printiad o gofrestr a baratowyd gan ddefnyddio cyfrifiadur wedi ei wneud mewn inc.

(7) Nid yw darpariaethau'r rheoliad hwn yn rhagfarnu gofynion Deddf Diogelu Data 1998(1).

this regulation will apply for the purpose of modifying the requirements of these Regulations.

(2) The requirements of regulation 4 are not to be treated as satisfied unless an additional back-up copy of the admission register and the attendance register is made not less than once a month in the form of an electronic, micro-fiche or printed copy.

(3) The requirements of regulations 10 and 11 are not to be treated as satisfied unless the persons authorised to inspect and take extracts from the admission register and the attendance register are permitted to inspect and take extracts from those registers kept by means of a computer and the additional back-up copies made in accordance with paragraph (2).

(4) The requirements of regulation 13 are not to be treated as satisfied, unless, where any correction to an original entry in the registers is made, any register kept by means of a computer and any print made of any such register after the correction distinguish clearly between the original entry and the correction.

(5) The requirements of regulation 14 are not to be treated as satisfied unless—

- (a) each additional back-up copy of the admission register and the attendance register made in accordance with paragraph (2) and relating to a particular school year is retained for that year and for a period of three years after the end of that school year; and
- (b) each print of the admission and attendance register relating to a particular school year is retained in a single volume for that year and that volume is retained for a period of three years after the end of that school year.

(6) A print of a register produced by means of a computer is for the purposes of regulation 13 to be taken to be made in ink.

(7) The provisions of this regulation are without prejudice to the requirements of the Data Protection Act 1998(1).

Leighton Andrews

Y Gweinidog dros Blant, Addysg a Dysgu Gydol Oes, un o Weinidogion Cymru

Minister for Children, Education and Lifelong Learning, one of the Welsh Ministers

2 Awst 2010

2 August 2010

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

OFFERYNNAU STATUDOL
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EDUCATION, WALES

The Education (Pupil Registration)
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