



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 239 (Cy. 65) (C. 21)

2017 No. 239 (W. 65) (C. 21)

ADDYSG, CYMRU

EDUCATION, WALES

**Gorchymyn Deddf Addysg Uwch
(Cymru) 2015 (Cychwyn Rhif 3)
2017**

**The Higher Education (Wales) Act
2015 (Commencement No. 3) Order
2017**

NODYN ESBONIADOL

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

Hwn yw'r trydydd gorchymyn cychwyn a wneir gan Weinidogion Cymru o dan Ddeddf Addysg Uwch (Cymru) 2015 ("y Ddeddf"). Mae'n dwyn i rym ar 1 Awst 2017 y darpariaethau hynny o'r Ddeddf nad ydynt eisoes mewn grym.

Gorchymyn Deddf Addysg Uwch (Cymru) 2015 (Cychwyn Rhif 1 a Darpariaeth Arbed) 2015 (O.S. 2015/1327) (Cy. 122) (C. 74) oedd y gorchymyn cychwyn cyntaf a wnaed o dan y Ddeddf. Gorchymyn Deddf Addysg Uwch (Cymru) 2015 (Cychwyn Rhif 2) 2016 (O.S. 2016/110) (Cy. 54) (C. 9) oedd yr ail orchymyn cychwyn a wnaed o dan y Ddeddf.

Mae erthygl 2(a) yn dwyn i rym adran 13 o'r Ddeddf. Mae adran 13 yn galluogi Cyngor Cyllido Addysg Uwch Cymru ("CCAUC") i roi cyfarwyddyd i gorff llywodraethu sefydliad pan fo CCAUC wedi ei fodloni bod y corff llywodraethu wedi methu, neu'n debygol o fethu, â chydymffurfio â gofyniad cyffredinol yng nghynllun y sefydliad a gymeradwywyd.

Mae erthygl 2(b) yn dwyn i rym adran 15(1)(b) i (d) ac adran 15(2) o'r Ddeddf. Mae'r darpariaethau hyn yn ymwneud â dyletswydd CCAUC i fonitro cydymffurfedd â gofynion cyffredinol cynlluniau a gymeradwywyd ac i werthuso effeithiolrwydd cynlluniau a gymeradwywyd.

Mae erthygl 2(c) yn dwyn i rym adran 26 o'r Ddeddf. Mae adran 26 yn darparu ar gyfer cymhwyso Rhan 3 o'r Ddeddf pan fo sefydliad yn peidio â chael cynllun a gymeradwywyd.

EXPLANATORY NOTE

(This note is not part of the Order)

This is the third commencement order made by the Welsh Ministers under the Higher Education (Wales) Act 2015 ("the Act"). It brings into force on 1 August 2017 those provisions of the Act which are not already in force.

The first commencement order made under the Act was the Higher Education (Wales) Act 2015 (Commencement No.1 and Saving Provision) Order 2015 (S.I. 2015/1327) (W. 122) (C. 74). The second commencement order made under the Act was the Higher Education (Wales) Act 2015 (Commencement No.2) Order 2016 (S.I. 2016/110) (W. 54) (C. 9).

Article 2(a) brings section 13 of the Act into force. Section 13 enables the Higher Education Funding Council for Wales ("HEFCW") to give a direction to the governing body of an institution where HEFCW are satisfied that the governing body has failed, or is likely to fail, to comply with a general requirement of the institution's approved plan.

Article 2(b) brings section 15(1)(b) to (d) and section 15(2) of the Act into force. These provisions concern HEFCW's duty to monitor compliance with the general requirements of approved plans and to evaluate the effectiveness of approved plans.

Article 2(c) brings section 26 of the Act into force. Section 26 provides for the application of Part 3 of the Act where an institution ceases to have an approved plan.

Mae erthygl 2(d) yn dwyn i rym adran 27(4) o'r Ddeddf. Mae adran 27(4) yn ei gwneud yn ofynnol i gorff llywodraethu sefydliad rheoleiddiedig gydymffurfio ag unrhyw ofyniad a osodir gan y cod rheolaeth ariannol ac ystyried unrhyw ganllawiau sydd yn y cod hwnnw.

Mae erthygl 2(e) yn dwyn i rym adrannau 31 i 36 o'r Ddeddf. Mae'r darpariaethau hyn yn ymwneud â dyletswydd CCAUC i fonitro, neu i wneud trefniadau ar gyfer monitro, cydymffurfedd sefydliadau rheoleiddiedig â'r cod rheolaeth ariannol a phwerau CCAUC mewn cysylltiad â methiant sefydliad, neu fethiant tebygol sefydliad, i gydymffurfio â gofyniad a osodir gan y cod.

Mae erthygl 2(f) yn dwyn i rym adran 37(1) i (6) ac adran 37(8) a (9) o'r Ddeddf. Mae'r darpariaethau hyn yn ymwneud â phŵer CCAUC i roi hysbysiad ynghylch gwrthod cymeradwyo cynllun ffioedd a mynediad newydd.

Mae erthygl 2(g) yn dwyn i rym adran 39(1) i (3) ac adran 39(5) o'r Ddeddf. Mae'r darpariaethau hyn yn ymwneud â phŵer CCAUC i dynnu'n ôl ei gymeradwyaeth i gynllun ffioedd a mynediad.

Mae erthygl 2(h) yn dwyn i rym adran 41(1)(c) ac adran 41(1)(e) i (g) o'r Ddeddf. Mae'r darpariaethau hyn yn ymwneud â'r hysbysiad rhybuddio a'r weithdrefn adolygu sy'n gymwys mewn perthynas â hysbysiadau a chyfarwyddydau penodol y caiff CCAUC eu rhoi.

Mae erthygl 2(i) yn dwyn i rym adran 50 o'r Ddeddf. Mae adran 50 yn darparu ar gyfer yr adroddiadau blynyddol sydd i gael eu gwneud gan CCAUC.

Mae erthygl 2(j) yn dwyn i rym adran 51(1)(b) i (d) ac adran 51(1)(f) o'r Ddeddf. Mae'r darpariaethau hyn yn ymwneud â gwneud adroddiadau arbennig gan CCAUC.

Mae erthygl 2(k) yn dwyn i rym adran 54(2) o'r Ddeddf. Mae adran 54(2) yn ei gwneud yn ofynnol i gorff llywodraethu sefydliad rheoleiddiedig, wrth arfer ei swyddogaethau, ystyried gwybodaeth neu gyngor a roddir gan CCAUC o dan adran 54(1)(b).

Mae erthygl 2(l) ac erthygl 2(m) yn dwyn i rym y mân ddiwygiadau a'r diwygiadau canlyniadol sy'n weddill yn Rhan 1 o'r Atodlen i'r Ddeddf. Mae'r rhain yn diwygio adrannau 83 ac 91 o Ddeddf Addysg Bellach ac Uwch 1992, adran 4 o Ddeddf Addysg 1996 ac adran 140 o Ddeddf Addysg 2002.

Article 2(d) brings section 27(4) of the Act into force. Section 27(4) requires the governing body of a regulated institution to comply with any requirement imposed by the financial management code and to take into account any guidance contained in that code.

Article 2(e) brings sections 31 to 36 of the Act into force. These provisions concern HEFCW's duty to monitor, or make arrangements for the monitoring of, compliance by regulated institutions with the financial management code and HEFCW's powers in respect of an institution's failure, or likely failure, to comply with a requirement imposed by the code.

Article 2(f) brings section 37(1) to (6) and section 37(8) and (9) of the Act into force. These provisions concern HEFCW's power to give notice of refusal to approve a new fee and access plan.

Article 2(g) brings section 39(1) to (3) and section 39(5) of the Act into force. These provisions concern HEFCW's power to withdraw their approval of a fee and access plan.

Article 2(h) brings section 41(1)(c) and section 41(1)(e) to (g) of the Act into force. These provisions concern the warning notice and review procedure applicable in relation to certain notices and directions that may be given by HEFCW.

Article 2(i) brings section 50 of the Act into force. Section 50 provides for annual reports to be made by HEFCW.

Article 2(j) brings section 51(1)(b) to (d) and section 51(1)(f) of the Act into force. These provisions concern the making of special reports by HEFCW.

Article 2(k) brings section 54(2) of the Act into force. Section 54(2) requires the governing body of a regulated institution, in exercising its functions, to take into account information or advice given by HEFCW under section 54(1)(b).

Article 2(l) and article 2(m) bring into force the remaining minor and consequential amendments in Part 1 of the Schedule to the Act. These are amendments to sections 83 and 91 of the Further and Higher Education Act 1992, section 4 of the Education Act 1996 and section 140 of the Education Act 2002.

2017 Rhif 239 (Cy. 65) (C. 21)

ADDYSG, CYMRU

**Gorchymyn Deddf Addysg Uwch
(Cymru) 2015 (Cychwyn Rhif 3)
2017**

Gwnaed

1 Mawrth 2017

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adran 59(2) o Ddeddf Addysg Uwch (Cymru) 2015(1), yn gwneud y Gorchymyn a ganlyn:

Enwi a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Addysg Uwch (Cymru) 2015 (Cychwyn Rhif 3) 2017.

(2) Yn y Gorchymyn hwn, ystyr “y Ddeddf” (“*the Act*”) yw Deddf Addysg Uwch (Cymru) 2015.

Y darpariaethau sy'n dod i rym ar 1 Awst 2017

2. Daw'r darpariaethau a ganlyn o'r Ddeddf i rym ar 1 Awst 2017—

- (a) adran 13 (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â gofynion cyffredinol cynllun a gymeradwywyd);
- (b) adran 15(1)(b) i (d) ac adran 15(2) (dyletswydd CCAUC i fonitro cydymffurfedd ac i werthuso effeithiolrwydd);
- (c) adran 26 (cymhwyso Rhan 3 pan fo sefydliad yn peidio â chael cynllun a gymeradwywyd);
- (d) adran 27(4) (dyletswydd corff llywodraethu sefydliad rheoleiddiedig mewn cysylltiad â'r cod rheolaeth ariannol);
- (e) adrannau 31 i 36 (monitro cydymffurfedd â'r cod a phwerau mewn cysylltiad â methiant i gydymffurfio â'r cod);

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EDUCATION, WALES

**The Higher Education (Wales) Act
2015 (Commencement No. 3) Order
2017**

Made

1 March 2017

The Welsh Ministers, in exercise of the powers conferred upon them by section 59(2) of the Higher Education (Wales) Act 2015(1), make the following Order:

Title and interpretation

1.—(1) The title of this Order is the Higher Education (Wales) Act 2015 (Commencement No. 3) Order 2017.

(2) In this Order, “the Act” (“*y Ddeddf*”) means the Higher Education (Wales) Act 2015.

Provisions coming into force on 1 August 2017

2. The following provisions of the Act come into force on 1 August 2017—

- (a) section 13 (directions in respect of failure to comply with general requirements of approved plan);
- (b) section 15(1)(b) to (d) and section 15(2) (HEFCW's duty to monitor compliance and evaluate effectiveness);
- (c) section 26 (application of Part 3 where institution ceases to have approved plan);
- (d) section 27(4) (duties of the governing body of a regulated institution in respect of the financial management code);
- (e) sections 31 to 36 (monitoring compliance with code and powers in respect of failure to comply with code);

- (f) adran 37(1) i (6) ac adran 37(8) a (9) (hysbysiad ynghylch gwrthod cymeradwyo cynllun ffioedd a mynediad newydd);
 - (g) adran 39(1) i (3) ac adran 39(5) (pŵer i dynnu cymeradwyaeth yn ôl);
 - (h) adran 41(1)(c) ac adran 41(1)(e) i (g) (cymhwyso adrannau 42 i 44);
 - (i) adran 50 (adroddiadau blynyddol);
 - (j) adran 51(1)(b) i (d) ac adran 51(1)(f) (adroddiadau arbennig);
 - (k) adran 54(2) (dyletswydd corff llywodraethu sefydliad rheoleiddiedig mewn cysylltiad â gwybodaeth neu gyngor a roddir gan CCAUC o dan adran 54(1)(b));
 - (l) adran 58(1) (mân ddiwygiadau a diwygiadau canlyniadol) i'r graddau y mae'n ymwneud â'r paragraffau o Ran 1 o'r Atodlen y cyfeirir atynt ym mharagraff (m); ac
 - (m) yn Rhan 1 o'r Atodlen (mân ddiwygiadau a diwygiadau canlyniadol)—
 - (i) paragraff 1 i'r graddau y mae'n ymwneud â pharagraffau 3 a 4; a
 - (ii) paragraffau 3 i 6.
- (f) section 37(1) to (6) and section 37(8) and (9) (notice of refusal to approve new fee and access plan);
 - (g) section 39(1) to (3) and section 39(5) (power to withdraw approval);
 - (h) section 41(1)(c) and section 41(1)(e) to (g) (application of sections 42 to 44);
 - (i) section 50 (annual reports);
 - (j) section 51(1)(b) to (d) and section 51(1)(f) (special reports);
 - (k) section 54(2) (duty of the governing body of a regulated institution in respect of information or advice given by HEFCW under section 54(1)(b));
 - (l) section 58(1) (minor and consequential amendments) in so far as it relates to the paragraphs of Part 1 of the Schedule referred to in paragraph (m); and
 - (m) in Part 1 of the Schedule (minor and consequential amendments)—
 - (i) paragraph 1 in so far as it relates to paragraphs 3 and 4; and
 - (ii) paragraphs 3 to 6.

Kirsty Williams

Ysgrifennydd y Cabinet dros Addysg, un o
Weinidogion Cymru
1 Mawrth 2017

Cabinet Secretary for Education, one of the Welsh
Ministers
1 March 2017

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