



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2022 Rhif 891 (Cy. 188) (C. 55)

2022 No. 891 (W. 188) (C. 55)

ADDYSG, CYMRU

EDUCATION, WALES

Gorchymyn Deddf Anghenion
Dysgu Ychwanegol a'r Tribiwnlys
Addysg (Cymru) 2018 (Cychwyn
Rhif 8 a Darpariaethau Trosiannol a
Darpariaethau Arbed) 2022

The Additional Learning Needs and
Education Tribunal (Wales) Act
2018 (Commencement No. 8 and
Transitional and Saving Provisions)
Order 2022

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn dwyn i rym ddarpariaethau yn Neddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 ("y Ddeddf").

Mae'r Ddeddf yn sefydlu fframwaith statudol ar gyfer cefnogi plant a phobl ifanc ag anghenion dysgu ychwanegol. Mae hyn yn disodli'r ddeddfwriaeth sy'n ymwneud ag anghenion addysgol arbennig ac asesu plant a phobl ifanc ag anawsterau dysgu.

Daw'r darpariaethau a restrir yn erthygl 3 i rym ar 1 Medi 2022 mewn perthynas â'r rheini sydd ym mlwyddyn 11 ac is (neu'r rheini a fyddai ym mlwyddyn 11 ac is pe baent yn mynychu ysgol), ac sydd â datganiad anghenion addysgol arbennig.

Mae erthygl 1 yn cynnwys diffiniadau, gan gynnwys y "gyfraith newydd" yn y Ddeddf a'r "hen gyfraith" yn Rhan 4 o Ddeddf Addysg 1996. Hyd nes y caiff plentyn ei drosglwyddo i'r gyfraith newydd, bydd yr hen gyfraith yn parhau i fod yn gymwys i'r plentyn ac ni fydd y gyfraith newydd yn cael effaith (erthygl 4).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 ("the Act").

The Act establishes a statutory framework for supporting children and young people with additional learning needs. This replaces the legislation surrounding special educational needs and the assessment of children and young people with learning difficulties.

The provisions listed in article 3 come into force on 1 September 2022 in relation to those who are in year 11 and below (or would be if they attended a school), and who have a statement of special educational needs.

Article 1 contains definitions, including the "new law" in the Act and the "old law" in Part 4 of the Education Act 1996. Until a child is transferred to the new law, the old law will continue to apply to the child and the new law will not have effect (article 4).

Mae'r Gorchymyn hwn yn ei gwneud yn ofynnol i'r awdurdod lleol priodol (gweler erthygl 1(7)) roi hysbysiad i blentyn mewn grŵp blwyddyn penodol mewn blwyddyn ysgol benodol (erthyglau 9 a 10). Er enghraifft, bydd plentyn sy'n iau na'r oedran ysgol gorfodol, sydd mewn dosbarth meithrin, sydd mewn dosbarth derbyn, neu sydd ym mlwyddyn 6, blwyddyn 10 neu flwyddyn 11 (neu a fyddai yn unrhyw un o'r grwpiau blwyddyn hynny pe bai'r plentyn yn ddisgybl cofrestredig mewn ysgol) yn trosglwyddo i'r gyfraith newydd yn ystod y flwyddyn ysgol 2022-2023. Dyddiad yr hysbysiad a roddir i blentyn penodol fydd y dyddiad y mae'r plentyn yn trosglwyddo i'r gyfraith newydd. Nid yw'r ddyletsydd ar yr awdurdod lleol priodol i roi hysbysiad yn gymwys pan allai plentyn neu riant y plentyn ddwyn apêl, neu pan fydd plentyn neu riant y plentyn wedi dwyn apêl ac na ddyfarnwyd yn derfynol ar yr apêl honno. Mewn achos o'r fath, rhaid i'r awdurdod lleol priodol roi hysbysiad cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r amser ar gyfer dwyn apêl ddod i ben (os na ddygir apêl) neu pan ddyfernir yn derfynol ar yr apêl (erthygl 11).

Caiff yr awdurdod lleol priodol roi hysbysiad CDU neu hysbysiad Dim CDU i'r plentyn. Mae hysbysiad CDU yn golygu y bernir bod gan y plentyn anghenion dysgu ychwanegol at ddibenion Pennod 2 o Ran 2 o'r Ddeddf ar ddyddiad yr hysbysiad ac y bwriedir llunio cynllun datblygu unigol ar gyfer y plentyn (erthygl 5). Mae hysbysiad Dim CDU yn golygu y bernir nad oes gan y plentyn anghenion dysgu ychwanegol at ddibenion Pennod 2 o Ran 2 o'r Ddeddf ar ddyddiad yr hysbysiad (erthygl 6).

Caiff plentyn sydd â datganiad neu riant y plentyn ofyn bod hysbysiad yn cael ei roi (erthygl 13). Pan fo cynllun datblygu unigol wedi ei lunio yn dilyn hysbysiad CDU, rhaid rhoi copi o'r cynllun datblygu unigol i'r plentyn a riant y plentyn o fewn 12 wythnos i ddyddiad yr hysbysiad oni bai bod amgylchiadau penodol yn gymwys (erthygl 14).

Caiff yr awdurdod lleol priodol hefyd, o dan amgylchiadau eithriadol, roi i unrhyw blentyn a riant y plentyn hwnnw hysbysiad ADY a fydd yn trosglwyddo'r plentyn i'r gyfraith newydd (erthygl 15).

Os nad yw'r plentyn wedi trosglwyddo i'r gyfraith newydd erbyn diwedd y flwyddyn ysgol y dylai'r plentyn fod wedi trosglwyddo ynddi, mae erthyglau 16 i 19 yn nodi ar ba ddyddiad y mae'r hen gyfraith yn peidio â chael effaith ac y mae'r gyfraith newydd yn cael effaith mewn perthynas â'r plentyn.

This Order requires the appropriate local authority (see article 1(7)) to give a notice to a child in a particular year group in a particular school year (articles 9 and 10). For example, a child under compulsory school age, in a nursery class, in a reception class, year 6, year 10 or year 11 (or who would be in any of those year groups if the child were a registered pupil at a school) will transfer to the new law during the school year 2022-2023. The date of the notice given to a particular child will be the date that child transfers to the new law. The duty on the appropriate local authority to give a notice does not apply when a child or the child's parent could bring an appeal, or has brought an appeal and that appeal has not been finally determined. In such a case, the appropriate local authority must give a notice as soon as reasonably practicable after the time for bringing an appeal ends (if no appeal is brought) or the appeal is finally determined (article 11).

The appropriate local authority can give the child an IDP notice or a No IDP notice. An IDP notice means that the child is deemed to have additional learning needs for the purposes of Chapter 2 of Part 2 of the Act on the date of the notice and that it is intended that an individual development plan is prepared for the child (article 5). A No IDP notice means that the child is deemed not to have additional learning needs for the purposes of Chapter 2 of Part 2 of the Act on the date of the notice (article 6).

A child with a statement or the child's parent can request that a notice is given (article 13). Where an individual development plan is prepared following an IDP notice, a copy of the individual development plan must be given to the child and the child's parent within 12 weeks of the date of the notice unless certain circumstances apply (article 14).

The appropriate local authority may also, in exceptional circumstances, give any child and that child's parent an ALN notice which will transfer the child to the new law (article 15).

If the child has not transferred to the new law by the end of the school year in which the child should have transferred, articles 16 to 19 set out the date on which the old law ceases and the new law has effect in relation to the child.

Mae erthygl 21 yn gymwys pan fo datganiad plentyn yn peidio â chael ei gynnal. Bydd y plentyn yn trosglwyddo i'r gyfraith newydd ar y dyddiad y mae datganiad y plentyn yn peidio â chael ei gynnal.

Mae erthygl 22 yn gymwys i blentyn sy'n peidio â bod yn gyfrifoldeb i'r awdurdod lleol sy'n cynnal y datganiad. Bydd y plentyn yn trosglwyddo i'r gyfraith newydd ar y dyddiad y mae'r plentyn yn peidio â bod yn gyfrifoldeb i'r awdurdod lleol oni bai y gallai'r plentyn neu riant y plentyn ddwyn apêl, neu fod y plentyn neu riant y plentyn wedi dwyn apêl ac na ddyfarnwyd yn derfynol ar yr apêl honno.

Wrth lunio cynllun datblygu unigol ar gyfer plentyn sydd â datganiad, rhaid rhoi sylw i'r datganiad a gynhelir mewn perthynas â'r plentyn yn union cyn trosglwyddo i'r gyfraith newydd (erthygl 23).

Mae erthygl 24 yn adlewyrchu, at ddibenion y Gorchymyn hwn, adran 84 o'r Ddeddf sy'n darparu nad yw dyletswyddau ac amodau penodol mewn perthynas â phlant (e.e. i roi copi o gynllun datblygu unigol i blentyn) yn gymwys os ystyrir nad oes gan y plentyn alluedd i ddeall y mater o dan sylw.

Mae erthygl 25 yn darparu nad yw dyletswyddau ac amodau penodol mewn perthynas â rhieni yn y Gorchymyn hwn (e.e. i roi hysbysiad CDU neu hysbysiad Dim CDU i riant) yn gymwys pan fydd y plentyn yn peidio â bod o oedran ysgol gorfodol.

Article 21 applies where a child's statement ceases to be maintained. The child will transfer to the new law on the date the child's statement ceases to be maintained.

Article 22 applies to a child who ceases to be the responsibility of the local authority maintaining the statement. The child will transfer to the new law on the date that the child ceases to be the responsibility of the local authority unless the child or the child's parent could bring an appeal, or has brought an appeal and that appeal has not been finally determined.

When preparing an individual development plan for a child with a statement, regard must be had to the statement maintained in relation to the child immediately before transferring to the new law (article 23).

Article 24 reflects for the purposes of this Order section 84 of the Act which provides that certain duties and conditions in relation to children (e.g. to give a child a copy of an individual development plan) do not apply if it is considered that the child does not have capacity to understand the subject matter.

Article 25 provides that certain duties and conditions in relation to parents in this Order (e.g. to give a parent an IDP notice or a No IDP notice) do not apply when the child ceases to be of compulsory school age.

**NODYN AM Y GORCHMYNION CYCHWYN
CYNHARACH**

Mae'r darpariaethau a ganlyn o'r Ddeddf wedi eu dwyn i rym drwy Orchymynion Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn(1):

<i>Y Ddarpariaeth</i>	<i>Y Dyddiad Cychwyn</i>	<i>Rhif O.S.</i>
Adrannau 2 i 3 (yn rhannol)	1 Medi 2021	O.S. 2021/373
	1 Ionawr 2022	(Cy. 116) (C. 12)
		O.S. 2021/1243 (Cy. 315) (C. 68)(2)
		O.S. 2021/1244 (Cy. 316) (C. 69)(3)
Adran 4 (yn rhannol)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)
	1 Medi 2021	O.S. 2021/373
	1 Ionawr 2022	(Cy. 116) (C. 12)
		O.S. 2021/1243 (Cy. 315) (C. 68)
		O.S. 2021/1244 (Cy. 316) (C. 69)
Adran 5	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)
		O.S. 2021/1245 (Cy. 317) (C. 70)
		O.S. 2021/1245 (Cy. 317) (C. 70)

**NOTE AS TO EARLIER COMMENCEMENT
ORDERS**

The following provisions of the Act have been brought into force by Commencement Orders made before the date of this Order(1):

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Sections 2 to 3 (partially)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
	1 January 2022	S.I. 2021/1243 (W. 315) (C. 68)(2)
		S.I. 2021/1244 (W. 316) (C. 69)(3)
		S.I. 2021/1245 (W. 317) (C. 70)
Section 4 (partially)	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
	1 January 2022	S.I. 2021/1243 (W. 315) (C. 68)
		S.I. 2021/1244 (W. 316) (C. 69)
		S.I. 2021/1245 (W. 317) (C. 70)
Section 5	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)

(1) *Gweler* Gorchymyn Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Cychwyn Rhif 9 a Darpariaethau Trosiannol a Darpariaethau Arbed) 2022 (O.S. 2022/892 (Cy. 189) (C. 56)), Gorchymyn Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Cychwyn Rhif 10) 2022 (O.S. 2022/893 (Cy. 190) (C. 57)), Gorchymyn Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Cychwyn Rhif 11) 2022 (O.S. 2022/894 (Cy. 191) (C. 58)), Gorchymyn Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Cychwyn Rhif 12) 2022 (O.S. 2022/895 (Cy. 192) (C. 59)), Gorchymyn Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Cychwyn Rhif 13 a Darpariaethau Trosiannol a Darpariaethau Arbed) 2022 (O.S. 2022/896 (Cy. 193) (C. 60)), Gorchymyn Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Cychwyn Rhif 14 a Darpariaethau Trosiannol a Darpariaethau Arbed) 2022 (O.S. 2022/897 (Cy. 194) (C. 61)) a Gorchymyn Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Cychwyn Rhif 15) 2022 (O.S. 2022/898 (Cy. 195) (C. 62)) sy'n dwyn i rym ddarpariaethau at ddibenion penodol ar yr un dyddiad a'r Gorchymyn hwn.

(2) Diwygiwyd gan O.S. 2021/1428 (Cy. 369) (C. 80).

(3) Diwygiwyd gan O.S. 2021/1428 (Cy. 369) (C. 80).

(1) *See* the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 9 and Transitional and Saving Provisions) Order 2022 (S.I. 2022/892 (W. 189) (C. 56)), the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 10) Order 2022 (S.I. 2022/893 (W. 190) (C. 57)), the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 11) Order 2022 (S.I. 2022/894 (W. 191) (C. 58)), the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 12) Order 2022 (S.I. 2022/895 (W. 192) (C. 59)), the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 13 and Transitional and Saving Provisions) Order 2022 (S.I. 2022/896 (W. 193) (C. 60)), the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 14 and Transitional and Saving Provisions) Order 2022 (S.I. 2022/897 (W. 194) (C. 61)) and the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 15) Order 2022 (S.I. 2022/898 (W. 195) (C. 62)) which bring provisions into force for certain purposes on the same date as this Order.

(2) Amended by S.I. 2021/1428 (W. 369) (C. 80).

(3) Amended by S.I. 2021/1428 (W. 369) (C. 80).

Adran 6 (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116)(C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	Section 6 (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)
Adran 7 (yn rhannol)	2 Tachwedd 2020 1 Medi 2021 1 Ionawr 2022	O.S. 2020/1182 (Cy. 267) (C. 33) O.S. 2021/373 (Cy. 116)(C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	Section 7 (partially)	2 November 2020 1 September 2021 1 January 2022	S.I. 2020/1182 (W. 267) (C. 33) S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)
Adran 8 (yn rhannol)	2 Tachwedd 2020 1 Medi 2021 1 Ionawr 2022	O.S. 2020/1182 (Cy. 267) (C. 33) O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	Section 8 (partially)	2 November 2020 1 September 2021 1 January 2022	S.I. 2020/1182 (W. 267) (C. 33) S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)
Adrannau 9 i 14 (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	Sections 9 to 14 (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)
Adran 15	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 15	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
Adran 16 (yn rhannol) (yn llawn)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267) (C. 33) O.S. 2021/373 (Cy. 116) (C. 12)(1)	Section 16 (partially) (fully)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267) (C. 33) S.I. 2021/373 (W. 116) (C. 12) (1)
Adrannau 17 i 20 (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	Sections 17 to 20 (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)

(1) Diwygiwyd gan O.S. 2021/735 (Cy. 184) (C. 34).

(1) Amended by S.I. 2021/735 (W. 184) (C. 34).

Adran 21 (yn rhannol)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 21 (partially)	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)		1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
	1 Ionawr 2022	O.S. 2021/1243 (Cy. 315) (C. 68)		1 January 2022	S.I. 2021/1243 (W. 315) (C. 68)
		O.S. 2021/1244 (Cy. 316) (C. 69)			S.I. 2021/1244 (W. 316) (C. 69)
		O.S. 2021/1245 (Cy. 317) (C. 70)			S.I. 2021/1245 (W. 317) (C. 70)
Adrannau 22 i 31 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	Sections 22 to 31 (partially)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
	1 Ionawr 2022	O.S. 2021/1243 (Cy. 315) (C. 68)		1 January 2022	S.I. 2021/1243 (W. 315) (C. 68)
		O.S. 2021/1244 (Cy. 316)(C. 69)			S.I. 2021/1244 (W. 316) (C. 69)
		O.S. 2021/1245 (Cy. 317) (C. 70)			S.I. 2021/1245 (W. 317) (C. 70)
Adran 32 (yn rhannol)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 32 (partially)	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)		1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
	1 Ionawr 2022	O.S. 2021/1243 (Cy. 315) (C. 68)		1 January 2022	S.I. 2021/1243 (W. 315) (C. 68)
		O.S. 2021/1244 (Cy. 316) (C. 69)			S.I. 2021/1244 (W. 316) (C. 69)
		O.S. 2021/1245 (Cy. 317) (C. 70)			S.I. 2021/1245 (W. 317) (C. 70)
Adrannau 33 i 35 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Sections 33 to 35 (partially)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
	1 Ionawr 2022	O.S. 2021/1243 (Cy. 315) (C. 68)		1 January 2022	S.I. 2021/1243 (W. 315) (C. 68)
		O.S. 2021/1244 (Cy. 316) (C. 69)			S.I. 2021/1244 (W. 316) (C. 69)
		O.S. 2021/1245 (Cy. 317) (C. 70)			S.I. 2021/1245 (W. 317) (C. 70)
Adran 36 (yn rhannol)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 36 (partially)	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)		1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
	1 Ionawr 2022	O.S. 2021/1243 (Cy. 315) (C. 68)		1 January 2022	S.I. 2021/1243 (W. 315) (C. 68)
		O.S. 2021/1244 (Cy. 316) (C. 69)			S.I. 2021/1244 (W. 316) (C. 69)
		O.S. 2021/1245 (Cy. 317) (C. 70)			S.I. 2021/1245 (W. 317) (C. 70)
Adran 37	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 37	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)

Adran 38 (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	Section 38 (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)
Adran 39	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 39	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
Adrannau 40 i 44 (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	Sections 40 to 44 (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)
Adran 45	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 45	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
Adran 46	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 46	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
Adran 47 (yn rhannol)	2 Tachwedd 2020 1 Medi 2021 1 Ionawr 2022	O.S. 2020/1182 (Cy. 267) (C. 33) O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	Section 47 (partially)	2 November 2020 1 September 2021 1 January 2022	S.I. 2020/1182 (W. 267) (C. 33) S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)
Adrannau 48 i 49 (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	Sections 48 to 49 (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)
Adran 50(1), (4) a (5) (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	Section 50(1), (4) and (5) (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)
Adran 50(1), (2) a (3) (yn llawn)	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	Section 50(1), (2) and (3) (fully)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)

Adrannau 51 i 53 (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	Sections 51 to 53 (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)
Adran 54 (yn rhannol) (yn llawn)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267) (C. 33) O.S. 2021/373 (Cy. 116) (C. 12)	Section 54 (partially) (fully)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267) (C. 33) S.I. 2021/373 (W. 116) (C. 12)
Adran 55 (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	Section 55 (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)
Adran 56 (yn rhannol) (yn llawn)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267) (C. 33) O.S. 2021/373 (Cy. 116) (C. 12)	Section 56 (partially) (fully)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267) (C. 33) S.I. 2021/373 (W. 116) (C. 12)
Adran 56(1)	4 Ionawr 2021	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 56(1)	4 January 2021	S.I. 2020/1182 (W. 267) (C. 33)
Adran 56(4) i (6)	4 Ionawr 2021	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 56(4) to (6)	4 January 2021	S.I. 2020/1182 (W. 267) (C. 33)
Adrannau 57 i 58	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	Sections 57 to 58	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Adran 59 (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	Section 59 (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)
Adran 60	4 Ionawr 2021	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 60	4 January 2021	S.I. 2020/1182 (W. 267) (C. 33)
Adran 61	4 Ionawr 2021	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 61	4 January 2021	S.I. 2020/1182 (W. 267) (C. 33)
Adran 62	4 Ionawr 2021	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 62	4 January 2021	S.I. 2020/1182 (W. 267) (C. 33)
Adrannau 63 i 64 (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	Sections 63 to 64 (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)

Adran 65 (yn rhannol)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 65 (partially)	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)		1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
	1 Ionawr 2022	O.S. 2021/1243 (Cy. 315) (C. 68)		1 January 2022	S.I. 2021/1243 (W. 315) (C. 68)
		O.S. 2021/1244 (Cy. 316) (C. 69)			S.I. 2021/1244 (W. 316) (C. 69)
		O.S. 2021/1245 (Cy. 317) (C. 70)			S.I. 2021/1245 (W. 317) (C. 70)
Adran 66 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	Section 66 (partially)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
	1 Ionawr 2022	O.S. 2021/1243 (Cy. 315) (C. 68)		1 January 2022	S.I. 2021/1243 (W. 315) (C. 68)
		O.S. 2021/1244 (Cy. 316) (C. 69)			S.I. 2021/1244 (W. 316) (C. 69)
		O.S. 2021/1245 (Cy. 317) (C. 70)			S.I. 2021/1245 (W. 317) (C. 70)
		O.S. 2021/1182 (Cy. 267) (C. 33)			S.I. 2020/1182 (W. 267) (C. 33)
Adran 67	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 67	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
Adrannau 68 i 69 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	Sections 68 to 69 (partially)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
	1 Ionawr 2022	O.S. 2021/1243 (Cy. 315) (C. 68)		1 January 2022	S.I. 2021/1243 (W. 315) (C. 68)
		O.S. 2021/1244 (Cy. 316) (C. 69)			S.I. 2021/1244 (W. 316) (C. 69)
		O.S. 2021/1245 (Cy. 317) (C. 70)			S.I. 2021/1245 (W. 317) (C. 70)
		O.S. 2021/373 (Cy. 116) (C. 12)			S.I. 2021/373 (W. 116) (C. 12)
Adrannau 70 i 73	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	Sections 70 to 73	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Adran 74	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 74	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
Adran 75 (yn rhannol) (yn llawn)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 75 (partially) (fully)	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)		1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Adran 76 (yn rhannol) (yn llawn)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 76 (partially) (fully)	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)		1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Adran 77 (yn rhannol) (yn llawn)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 77 (partially) (fully)	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)		1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Adrannau 78 i 81	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	Sections 78 to 81	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Adran 82	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 82	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
Adran 83 (yn rhannol) (yn llawn)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 83 (partially) (fully)	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)		1 September 2021	S.I. 2021/373 (W. 116) (C. 12)

Adran 84	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	Section 84	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Adran 85 (yn rhannol)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 85 (partially)	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
(yn llawn)	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	(fully)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Adrannau 86 i 90	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	Sections 86 to 90	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Adran 91 (yn rhannol)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 91 (partially)	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
(yn llawn)	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	(fully)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Adran 92 (yn rhannol)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 92 (partially)	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
(yn llawn)	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	(fully)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Adrannau 93 i 94	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Sections 93 to 94	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Adran 95 (yn rhannol)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 95 (partially)	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
(yn llawn)	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	(fully)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Adran 96 (yn rhannol)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	Section 96 (partially)	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)		1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
	1 Ionawr 2022	O.S. 2021/1243 (Cy. 315) (C. 68)		1 January 2022	S.I. 2021/1243 (W. 315) (C. 68)
		O.S. 2021/1244 (Cy. 316) (C. 69)			S.I. 2021/1244 (W. 316) (C. 69)
		O.S. 2021/1245 (Cy. 317) (C. 70)			S.I. 2021/1245 (W. 317) (C. 70)
Yr Atodlen, paragraff 1 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	The Schedule, paragraph 1 (partially)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
	1 Ionawr 2022	O.S. 2021/1243 (Cy. 315) (C. 68)		1 January 2022	S.I. 2021/1243 (W. 315) (C. 68)
		O.S. 2021/1244 (Cy. 316) (C. 69)			S.I. 2021/1244 (W. 316) (C. 69)
		O.S. 2021/1245 (Cy. 317) (C. 70)			S.I. 2021/1245 (W. 317) (C. 70)
Yr Atodlen, paragraff 2(1), 2(2)(b) a 2(3)	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	The Schedule, paragraph 2(1), 2(2)(b) and 2(3)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Yr Atodlen, paragraff 3	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	The Schedule, paragraph 3	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)

Yr Atodlen, paragraff 4(1), 4(2) i 4(8), 4(9), 4(10), 4(13) i 4(18), 4(19)(b), 4(20), 4(21), 4(23) i 4(29), 4(32)(a)(i) a (ii), 4(32)(b) (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	The Schedule, paragraph 4(1), 4(2) to 4(8), 4(9), 4(10), 4(13) to 4(18), 4(19)(b), 4(20), 4(21), 4(23) to 4(29), 4(32)(a)(i) and (ii), 4(32)(b) (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)
Yr Atodlen, paragraff 4(9) (i'r graddau y mae'n hepgor adrannau 333(1ZA), 333(2) i 333(6) a 334 i 335), 4(12), 4(19)(a), 4(22), 4(30)(a)(ii), 4(30)(b), 4(31), 4(32)(a)(iii), 4(33)(a), 4(33)(b) (i'r graddau y mae'n hepgor diffiniadau penodol), 4(33)(d), 4(33)(e) a 4(33)(g)	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	The Schedule, paragraph 4(9) (in so far as it omits sections 333(1ZA), 333(2) to 333(6) and 334 to 335), 4(12), 4(19)(a), 4(22), 4(30)(a)(ii), 4(30)(b), 4(31), 4(32)(a)(iii), 4(33)(a), 4(33)(b) (in so far as it omits certain definitions), 4(33)(d), 4(33)(e) and 4(33)(g)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Yr Atodlen, paragraff 6(d)(v), 6(f), 6(g), 6(j)(i), 6(l)(i), 6(l)(iii), 6(n)(ii) (i'r graddau y mae'n hepgor paragraff 11 o Atodlen 2), a 6(t)	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	The Schedule, paragraph 6(d)(v), 6(f), 6(g), 6(j)(i), 6(l)(i), 6(l)(iii), 6(n)(ii) (in so far as it omits paragraph 11 of Schedule 2), and 6(t)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Yr Atodlen, paragraff 7 (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	The Schedule, paragraph 7 (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)

Yr Atodlen, paragraff 8 (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	The Schedule, paragraph 8 (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)
Yr Atodlen, paragraffau 9 a 10	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	The Schedule, paragraphs 9 and 10	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Yr Atodlen, paragraff 11(a) (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	The Schedule, paragraph 11(a) (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)
Yr Atodlen, paragraff 11(b)	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	The Schedule, paragraph 11(b)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Yr Atodlen, paragraff 12(a) (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	The Schedule, paragraph 12(a) (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)
Yr Atodlen, paragraff 12(b)	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	The Schedule, paragraph 12(b)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Yr Atodlen, paragraff 13	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	The Schedule, paragraph 13	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Yr Atodlen, paragraff 14(1) i (3) (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	The Schedule, paragraph 14(1) to (3) (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)
Yr Atodlen, paragraff 14(1) a 14(4)	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	The Schedule, paragraph 14(1) and 14(4)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Yr Atodlen, paragraff 15(1) a 15(3) i 15(4)	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	The Schedule, paragraph 15(1) and 15(3) to 15(4)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Yr Atodlen, paragraffau 17 a 18	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	The Schedule, paragraphs 17 and 18	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)

Yr Atodlen, paragraff 19(1), (2), (3), (5)(a) i (d), (5)(e)(i), (5)(f) a (6)	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	The Schedule, paragraph 19(1), (2), (3), (5)(a) to (d), (5)(e)(i), (5)(f) and (6)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Yr Atodlen, paragraff 19(1), (4) a (5)(g) ac (h) (yn rhannol) (yn llawn)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267) (C. 33)	The Schedule, paragraph 19(1),(4) and (5)(g) and (h) (partially) (fully)	2 November 2020	S.I. 2020/1182 (W. 267) (C. 33)
	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)		1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Yr Atodlen, paragraff 19(1), (5)(e)(ii) (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	The Schedule, paragraph 19(1), (5)(e)(ii) (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)
Yr Atodlen, paragraff 20	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	The Schedule, paragraph 20	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Yr Atodlen, paragraff 21(1), (2)(a)(i) a (2)(b)(ii) (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	The Schedule, paragraph 21 (1), (2)(a)(i) and (2)(b)(ii) (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)
Yr Atodlen, paragraff 21(1) ac 21(b)(i)	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	The Schedule, paragraph 21(1) and 21(b)(i)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Yr Atodlen, paragraff 22 (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	The Schedule, paragraph 22 (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)
Yr Atodlen, paragraff 23(1), 23(3)(a) i (c) a (5)	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)	The Schedule, paragraph 23(1), 23(3)(a) to (c) and (5)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12)
Yr Atodlen, paragraff 23(1) a (4) (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	The Schedule, paragraph 23(1) and (4) (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)

Yr Atodlen, paragraff 24(1) a 24(3) a (6)(a) (yn rhannol)	1 Medi 2021 1 Ionawr 2022	O.S. 2021/373 (Cy. 116) (C. 12) O.S. 2021/1243 (Cy. 315) (C. 68) O.S. 2021/1244 (Cy. 316) (C. 69) O.S. 2021/1245 (Cy. 317) (C. 70)	The Schedule, paragraph 24(1) and 24(3) and (6)(a) (partially)	1 September 2021 1 January 2022	S.I. 2021/373 (W. 116) (C. 12) S.I. 2021/1243 (W. 315) (C. 68) S.I. 2021/1244 (W. 316) (C. 69) S.I. 2021/1245 (W. 317) (C. 70)
Yr Atodlen, paragraff 24(1), 24(2), (5) a (6)(b) ac (c)	1 Medi 2021	O.S. 2021/373 (Cy. 116) (C. 12)(1)	The Schedule, paragraph 24(1), 24(2), (5) and (6)(b) and (c)	1 September 2021	S.I. 2021/373 (W. 116) (C. 12) (1)

(1) Diwygiwyd gan O.S. 2021/735 (Cy. 184) (C. 34).

(1) Amended by S.I. 2021/735 (W. 184) (C. 34).

2022 Rhif 891 (Cy. 188) (C. 55)

ADDYSG, CYMRU

Gorchymyn Deddf Anghenion
Dysgu Ychwanegol a'r Tribiwnlys
Addysg (Cymru) 2018 (Cychwyn
Rhif 8 a Darpariaethau Trosiannol a
Darpariaethau Arbed) 2022

Gwnaed

16 Awst 2022

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 100(3) a (4) o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018(1), yn gwneud y Gorchymyn a ganlyn:

Enwi a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Cychwyn Rhif 8 a Darpariaethau Trosiannol a Darpariaethau Arbed) 2022.

(2) Yn y Gorchymyn hwn—

mae i “awdurdod lleol” yr un ystyr â “local authority” yn adran 99 o'r Ddeddf;

ystyr “blwyddyn 6” (“*year 6*”) yw grŵp blwyddyn y bydd mwyafrif y plant, yn ystod y flwyddyn ysgol, yn cyrraedd 11 oed;

ystyr “blwyddyn 10” (“*year 10*”) yw grŵp blwyddyn y bydd mwyafrif y plant, yn ystod y flwyddyn ysgol, yn cyrraedd 15 oed;

ystyr “blwyddyn 11” (“*year 11*”) yw grŵp blwyddyn y bydd mwyafrif y plant, yn ystod y flwyddyn ysgol, yn cyrraedd 16 oed;

2022 No. 891 (W. 188) (C. 55)

EDUCATION, WALES

The Additional Learning Needs and
Education Tribunal (Wales) Act
2018 (Commencement No. 8 and
Transitional and Saving Provisions)
Order 2022

Made

16 August 2022

The Welsh Ministers, in exercise of the powers conferred by section 100(3) and (4) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018(1), make the following Order:

Title and interpretation

1.—(1) The title of this Order is the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 8 and Transitional and Saving Provisions) Order 2022.

(2) In this Order—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996(2);

“the Act” (“*y Ddeddf*”) means the Additional Learning Needs and Education Tribunal (Wales) Act 2018;

“child” (“*plentyn*”) means a person who is not over compulsory school age;

“code” (“*cod*”) means a code on additional learning needs issued under section 4 of the Act;

“compulsory school age” (“*oedran ysgol gorfodol*”) has the same meaning as in section 8(3) of the 1996 Act;

(1) 2018 anaw 2.

(2) 1996 c. 56.

(3) Section 8 was amended by section 52 of the Education Act 1997 (c. 44).

(1) 2018 decc 2.

mae i “blwyddyn ysgol” yr un ystyr â “school year” yn adran 579(1) o Ddeddf 1996;

ystyr “cod” (“*code*”) yw cod ar anghenion dysgu ychwanegol a ddyroddir o dan adran 4 o’r Ddeddf;

ystyr “cynllun datblygu unigol” (“*individual development plan*”) yw cynllun a lunnir ac a gynhelir o dan Bennod 2 o Ran 2 o’r Ddeddf;

ystyr “Deddf 1996” (“*the 1996 Act*”) yw Deddf Addysg 1996(2);

mae i “disgybl cofrestredig” yr un ystyr â “registered pupil” yn adran 434(3) o Ddeddf 1996;

ystyr “dosbarth derbyn” (“*reception class*”) yw grŵp blwyddyn y bydd mwyafrif y plant, yn ystod y flwyddyn ysgol, yn cyrraedd 5 oed;

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Anghenion Dysgu Ychwanegol a’r Tribiwnlys Addysg (Cymru) 2018;

ystyr “grŵp blwyddyn” (“*year group*”) yw grŵp o blant mewn ysgol y bydd y mwyafrif ohonynt, mewn blwyddyn ysgol benodol, yn cyrraedd yr un oedran;

mae i “oedran ysgol gorfodol” yr un ystyr â “compulsory school age” yn adran 8(4) o Ddeddf 1996;

ystyr “plentyn” (“*child*”) yw person nad yw’n hŷn na’r oedran ysgol gorfodol;

mae i “plentyn sy’n derbyn gofal” (“*looked after child*”) yr un ystyr ag yn adran 15 o’r Ddeddf;

ystyr “Rheolau’r Tribiwnlys” (“*Tribunal Rules*”) yw Rheoliadau Tribiwnlys Anghenion Addysgol Arbennig Cymru 2012(5);

mae i “rhiant” yr un ystyr â “parent” yn adran 576(6) o Ddeddf 1996;

ystyr “Tribiwnlys” (“*Tribunal*”) yw Tribiwnlys Addysg Cymru(7);

“in the area” (“*yn ardal*”) has the same meaning as in section 579(3B)(1) of the 1996 Act;

“individual development plan” (“*cynllun datblygu unigol*”) means a plan prepared and maintained under Chapter 2 of Part 2 of the Act;

“local authority” (“*awdurdod lleol*”) has the same meaning as in section 99 of the Act;

“looked after child” (“*plentyn sy’n derbyn gofal*”) has the same meaning as in section 15 of the Act;

“maintained school” (“*ysgol a gynhelir*”) has the same meaning as in section 99 of the Act;

“parent” (“*rhiant*”) has the same meaning as in section 576(2) of the 1996 Act;

“reception class” (“*dosbarth derbyn*”) means a year group in which the majority of children will, in the school year, attain the age of 5;

“registered pupil” (“*disgybl cofrestredig*”) has the same meaning as in section 434(3) of the 1996 Act;

“school year” (“*blwyddyn ysgol*”) has the same meaning as in section 579(4) of the 1996 Act;

“Tribunal” (“*Tribiwnlys*”) means the Education Tribunal for Wales(5);

“Tribunal Rules” (“*Rheolau’r Tribiwnlys*”) means the Special Educational Needs Tribunal for Wales Regulations 2012(6);

“year 6” (“*blwyddyn 6*”) means a year group in which the majority of children will, in the school year, attain the age of 11;

“year 10” (“*blwyddyn 10*”) means a year group in which the majority of children will, in the school year, attain the age of 15;

(1) Mewnosodwyd diffiniad o “school year” gan Ddeddf Addysg 1997 (p. 44), adran 57, paragraff 43 o Atodlen 7.

(2) 1996 p. 56.

(3) Diwygiwyd gan Ddeddf Safonau a Fframwaith Ysgolion 1998 (p. 31), adran 140 a pharagraff 111 o Atodlen 30 a chan Orchymyn Awdurdodau Addysg Lleol ac Awdurdodau Gwasanaethau Plant (Integreiddio Swyddogaethau) 2010 (O.S. 2010/1158), erthygl 3.

(4) Diwygiwyd adran 8 gan adran 52 o Ddeddf Addysg 1997 (p. 44).

(5) O.S. 2012/322 (Cy. 53).

(6) Diwygiwyd gan Ddeddf Safonau a Fframwaith Ysgolion 1998 (p. 31), adran 140 a pharagraff 180 o Atodlen 30 ac Atodlen 31.

(7) Arferai Tribiwnlys Addysg Cymru gael ei alw’n Dribiwnlys Anghenion Addysgol Arbennig Cymru. *Gweler* adran 91 o Ddeddf Anghenion Dysgu Ychwanegol a’r Tribiwnlys Addysg (Cymru) 2018.

(1) Inserted by Children and Families Act 2014 (c. 6), section 82 and paragraphs 1 and 59 of Schedule 3 and amended by section 95 of the Act.

(2) Amended by School Standards and Framework Act 1998 (c. 31), section 140 and paragraph 180 of Schedule 30 and Schedule 31.

(3) Amended by School Standards and Framework Act 1998 (c. 31), section 140 and paragraph 111 of Schedule 30 and by the Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), article 3.

(4) Definition of “school year” was inserted by the Education Act 1997 (c. 44), section 57, paragraph 43 of Schedule 7.

(5) The Education Tribunal for Wales was previously known as the Special Educational Needs Tribunal for Wales. *See* section 91 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018.

(6) S.I. 2012/322 (W. 53).

mae i “yn ardal” (“*in the area*”) yr un ystyr ag ““in the area” of a local authority in Wales” yn adran 579(3B)(1) o Ddeddf 1996;

mae i “ysgol a gynhelir” (“*maintained school*”) yr un ystyr ag yn adran 99 o’r Ddeddf.

(3) Mae cyfeiriadau yn y Gorchymyn hwn at “yr hen gyfraith” yn gyfeiriadau at Bennod 1 o Ran 4 o Ddeddf 1996.

(4) Mae cyfeiriadau yn y Gorchymyn hwn at “y gyfraith newydd” yn gyfeiriadau at—

- (a) y Ddeddf,
- (b) rheoliad neu’r cod a wneir o dan y Ddeddf honno, ac
- (c) unrhyw ddarpariaeth arall o ddeddf, neu a wneir o dan ddeddf, sy’n cael effaith at ddibenion y canlynol neu mewn perthynas â’r canlynol—
 - (i) darpariaeth o’r Ddeddf neu reoliadau neu god o’r fath, neu
 - (ii) person y mae’r Ddeddf neu reoliadau neu god o’r fath yn gymwys iddo.

(5) At ddibenion y Gorchymyn hwn dyfernir yn derfynol ar apêl os caiff ei thynnu’n ôl, neu—

- (a) os caiff penderfyniad ei wneud gan driwlynys neu lys ar yr apêl, a
- (b) os caniateir gwneud cais i adolygu’r penderfyniad neu os caniateir ei apelio ymhellach, a daw’r cyfnod (neu bob un o’r cyfnodau) ar gyfer gwneud hynny i ben heb fod cais am adolygiad wedi ei wneud neu apêl bellach wedi ei wneud.

(6) At ddibenion y Gorchymyn hwn, mae awdurdod lleol yn gyfrifol am blentyn os yw yn ardal yr awdurdod.

(7) At ddibenion y Gorchymyn hwn, o ran plentyn—

- (a) pan fo’n blentyn sy’n derbyn gofal, yr awdurdod lleol priodol yw’r awdurdod lleol sy’n gofalu am y plentyn;
- (b) pan na fo’n blentyn sy’n derbyn gofal, yr awdurdod lleol priodol yw’r awdurdod lleol sy’n gyfrifol am y plentyn.

(8) At ddibenion y Gorchymyn hwn, mae apêl yn mynd rhagddi pan—

- (a) na fo’r cyfnod y gallai apêl o dan adran 326(1), 328(3)(b) neu 329A(8) o Ddeddf 1996, neu baragraff 11 o Atodlen 27 i Ddeddf 1996 gael ei gwneud ynddo o dan Ran B o Reolau’r Tribiwnlys wedi dod i ben;

“year 11” (“*blwyddyn 11*”) means a year group in which the majority of children will, in the school year, attain the age of 16;

“year group” (“*grŵp blwyddyn*”) means a group of children at a school the majority of whom will, in a particular school year, attain the same age.

(3) References in this Order to “the old law” are to Chapter 1 of Part 4 of the 1996 Act.

(4) References in this Order to “the new law” are to—

- (a) the Act,
- (b) a regulation or the code made under that Act, and
- (c) any other provision of, or made under, an act that has effect for the purposes of or in relation to—
 - (i) a provision of the Act or such regulations or code, or
 - (ii) a person to whom the Act or such regulations or code applies.

(5) For the purposes of this Order an appeal is finally determined if it is withdrawn, or if—

- (a) a decision is made by a tribunal or court on the appeal, and
- (b) if a request may be made to review the decision or it may be further appealed, and the period (or each of the periods) for doing so expires without a review being requested or further appeal being made.

(6) For the purposes of this Order, a local authority is responsible for a child if he or she is in the area of the authority.

(7) For the purposes of this Order, where a child is—

- (a) a looked after child, the appropriate local authority is the local authority that looks after the child;
- (b) not a looked after child, the appropriate local authority is the local authority responsible for the child.

(8) For the purposes of this Order, an appeal is ongoing where—

- (a) the period within which an appeal under sections 326(1), 328(3)(b) or 329A(8) of the 1996 Act, or paragraph 11 of Schedule 27 to the 1996 Act could be made under Part B of the Tribunal Rules has not expired;

(1) Mewnosodwyd gan Ddeddf Plant a Theuluoedd 2014 (p. 6), adran 82 a pharagraffau 1 a 59 o Atodlen 3 a diwygiwyd gan adran 95 o’r Ddeddf.

- (b) bo'r plentyn neu riant y plentyn wedi gwneud apêl o dan adran 326(1), 328(3)(b) neu 329A(8) o Ddeddf 1996, neu baragraff 11 o Atodlen 27 i Ddeddf 1996 ac na ddyfarnwyd yn derfynol ar yr apêl honno.

- (b) the child or the child's parent has made an appeal under section 326(1), 328(3)(b) or 329A(8) of the 1996 Act, or paragraph 11 of Schedule 27 to the 1996 Act and that appeal has not been finally determined.

Ystyr plentyn sydd â datganiad

2. At ddibenion y Gorchymyn hwn, mae gan blentyn ("P") "datganiad" os yw P yn blentyn y mae awdurdod lleol yn cynnal datganiad anghenion addysgol arbennig mewn perthynas ag ef o dan adran 324 neu 331 o Ddeddf 1996.

Meaning of a child with a statement

2. For the purposes of this Order, a child ("C") has "a statement" if C is a child in relation to whom a local authority is maintaining a statement of special educational needs under section 324 or 331 of the 1996 Act.

Y darpariaethau sy'n dod i rym ar 1 Medi 2022

3. Daw'r darpariaethau a ganlyn o'r Ddeddf i rym ar 1 Medi 2022 mewn perthynas â phlentyn sydd â datganiad ar 1 Medi 2022—

- (a) adrannau 2 i 4;
- (b) adrannau 6 i 14;
- (c) adrannau 17 i 36;
- (d) adran 38;
- (e) adrannau 40 i 44;
- (f) adrannau 47 i 49;
- (g) adran 50(1) at ddibenion y darpariaethau ym mharagraff (h);
- (h) adran 50(4) a (5);
- (i) adrannau 51 i 53;
- (j) adran 55;
- (k) adran 59;
- (l) adrannau 63 i 66;
- (m) adrannau 68 a 69;
- (n) adran 96 at ddibenion y darpariaethau ym mharagraff (o);
- (o) yn yr Atodlen—
 - (i) paragraff 1;
 - (ii) paragraff 4(1) at ddibenion y darpariaethau yn is-baragraffau (iii) i (xi);
 - (iii) paragraff 4(2) i 4(6);

Provisions coming into force on 1 September 2022

3. The following provisions of the Act come into force on 1 September 2022 in relation to a child who has a statement on 1 September 2022—

- (a) sections 2 to 4;
- (b) sections 6 to 14;
- (c) sections 17 to 36;
- (d) section 38;
- (e) sections 40 to 44;
- (f) sections 47 to 49;
- (g) section 50(1) for the purposes of the provisions in paragraph (h);
- (h) section 50(4) and (5);
- (i) sections 51 to 53;
- (j) section 55;
- (k) section 59;
- (l) sections 63 to 66;
- (m) sections 68 and 69;
- (n) section 96 for the purposes of the provisions in paragraph (o);
- (o) in the Schedule—
 - (i) paragraph 1;
 - (ii) paragraph 4(1) for the purposes of the provisions in sub-paragraphs (iii) to (xi);
 - (iii) paragraph 4(2) to 4(6);

- (iv) paragraff 4(7) i'r graddau nad yw'r paragraff wedi ei ddiddymu mewn perthynas â'r plentyn(1);
- (v) paragraff 4(8) a 4(9);
- (vi) paragraff 4(10);
- (vii) paragraff 4(13) i 4(18);
- (viii) paragraff 4(19)(b);
- (ix) paragraff 4(20) a 4(21);
- (x) paragraff 4(23) i 4(29);
- (xi) paragraff 4(32)(a)(i) a (ii) a pharagraff 4(32)(b);
- (xii) paragraff 7;
- (xiii) paragraff 8;
- (xiv) paragraff 11(a);
- (xv) paragraff 12(a);
- (xvi) paragraff 14(1) at ddibenion y darpariaethau yn is-baragraff (xvii);
- (xvii) paragraff 14(2) a (3);
- (xviii) paragraff 19(1) at ddiben y ddarpariaeth yn is-baragraff (xix);
- (xix) paragraff 19(5)(e)(ii);
- (xx) paragraff 21(1) at ddibenion y darpariaethau yn is-baragraff (xxi);
- (xxi) paragraff 21(2)(a)(i) a (2)(b)(ii);
- (xxii) paragraff 22;
- (xxiii) paragraff 23(1) at ddiben y ddarpariaeth yn is-baragraff (xxiv);
- (xxiv) paragraff 23(4);
- (xxv) paragraff 24(1) at ddibenion y darpariaethau yn is-baragraff (xxvi);
- (xxvi) paragraff 24(3) a (6)(a).

- (iv) paragraph 4(7) to the extent that the paragraph has not been repealed in relation to the child(1);
- (v) paragraph 4(8) and 4(9);
- (vi) paragraph 4(10);
- (vii) paragraph 4(13) to 4(18);
- (viii) paragraph 4(19)(b);
- (ix) paragraph 4(20) and 4(21);
- (x) paragraph 4(23) to 4(29);
- (xi) paragraph 4(32)(a)(i) and (ii) and paragraph 4(32)(b);
- (xii) paragraph 7;
- (xiii) paragraph 8;
- (xiv) paragraph 11(a);
- (xv) paragraph 12(a);
- (xvi) paragraph 14(1) for the purposes of the provisions in sub-paragraph (xvii);
- (xvii) paragraph 14(2) and (3);
- (xviii) paragraph 19(1) for the purpose of the provision in sub-paragraph (xix);
- (xix) paragraph 19(5)(e)(ii);
- (xx) paragraph 21(1) for the purposes of the provisions in sub-paragraph (xxi);
- (xxi) paragraph 21(2)(a)(i) and (2)(b)(ii);
- (xxii) paragraph 22;
- (xxiii) paragraph 23(1) for the purpose of the provision in sub-paragraph (xxiv);
- (xxiv) paragraph 23(4);
- (xxv) paragraph 24(1) for the purposes of the provisions in sub-paragraph (xxvi);
- (xxvi) paragraph 24(3) and (6)(a).

Darpariaeth arbed

4. Yn ddarostyngedig i erthyglau 9 i 12 a 15 i 22, er bod Pennod 1 o Ran 4 o Ddeddf 1996(2) wedi ei datgymhwyso gan adran 96 o'r Ddeddf a pharagraff 4(9) o'r Atodlen iddi mewn perthynas â phlentyn sydd â datganiad—

Saving provision

4. Subject to articles 9 to 12 and 15 to 22, despite the disapplication by section 96 and paragraph 4(9) of the Schedule to the Act of Chapter 1 of Part 4 of the 1996 Act(2) in relation to a child who has a statement—

(1) Mae paragraff 4(7) (“y ddarpariaeth”) wedi ei ddiddymu gan baragraff 75 o Atodlen 2 i Ddeddf Cwricwlwm ac Asesu (Cymru) 2021 (dsc 4) (“Deddf 2021”). Fodd bynnag, mae'r ddarpariaeth wedi ei harbed gan Reoliadau Deddf Cwricwlwm ac Asesu (Cymru) 2021 (Darpariaeth Drosiannol a Darpariaeth Arbed) 2022 (O.S. 2022/111 (Cy. 39)) mewn perthynas â phlentyn neu ddisgybl y darperir addysg iddo o dan yr hen gwricwlwm (h.y. nad yw Deddf 2021 wedi cychwyn mewn perthynas ag ef). Effaith y ddarpariaeth arbed honno yw bod paragraff 4(7) o'r Atodlen i'r Ddeddf yn parhau mewn grym hyd nes y darperir addysg o dan Ddeddf 2021 i'r plentyn neu'r disgybl.

(2) *Gweler* erthygl 3 o'r Gorchymyn hwn a gychwynnodd y darpariaethau hynny.

(1) Paragraph 4(7) (“the provision”) has been repealed by paragraph 75 of Schedule 2 to the Curriculum and Assessment (Wales) Act 2021 (asc 4) (“the 2021 Act”). However, the provision has been saved by the Curriculum and Assessment (Wales) Act 2021 (Transitional and Saving Provision) Regulations 2022 (S.I. 2022/111 (W. 39)) in relation to a child or pupil provided with education under the old curriculum (i.e. in relation to whom the 2021 Act has not been commenced). The effect of that saving provision is that paragraph 4(7) of the Schedule to the Act remains in force until such time as the child or pupil is provided with education under the 2021 Act.

(2) *See* article 3 of this Order which commenced those provisions.

- (a) mae'r hen gyfraith yn parhau i gael effaith mewn perthynas â'r plentyn hwnnw, a
- (b) nid yw'r gyfraith newydd yn cael effaith mewn perthynas â'r plentyn hwnnw.

- (a) the old law continues to have effect in relation to that child, and
- (b) the new law does not have effect in relation to that child.

Hysbysiad CDU

5. Hysbysiad a roddir i blentyn a rhiant plentyn yw hysbysiad CDU sy'n cadarnhau—

- (a) bod gan y plentyn anghenion dysgu ychwanegol at ddibenion Pennod 2 o Ran 2 o'r Ddeddf, a
- (b) y bydd cynllun datblygu unigol yn cael ei lunio ar gyfer y plentyn.

IDP notice

5. An IDP notice is a notice given to a child and a child's parent which confirms that—

- (a) the child has additional learning needs for the purposes of Chapter 2 of Part 2 of the Act, and
- (b) an individual development plan will be prepared for the child.

Hysbysiad Dim CDU

6. Hysbysiad a roddir i blentyn a rhiant plentyn yw hysbysiad Dim CDU sy'n cadarnhau bod yr awdurdod lleol priodol wedi penderfynu nad oes gan y plentyn anghenion dysgu ychwanegol at ddibenion Pennod 2 o Ran 2 o'r Ddeddf.

No IDP notice

6. A No IDP notice is a notice given to a child and a child's parent which confirms that the appropriate local authority has decided that the child does not have additional learning needs for the purposes of Chapter 2 of Part 2 of the Act.

Effaith hysbysiad CDU

7. Effaith yr hysbysiad CDU yw—

- (a) y bernir bod yr awdurdod lleol priodol wedi penderfynu ar ddyddiad yr hysbysiad bod gan y plentyn anghenion dysgu ychwanegol o dan Bennod 2 o Ran 2 o'r Ddeddf,
- (b) bod y gyfraith newydd yn gymwys mewn perthynas â'r plentyn ar y dyddiad hwnnw, ac
- (c) bod yr hen gyfraith yn peidio â bod yn gymwys mewn perthynas â'r plentyn ar y dyddiad hwnnw.

Effect of IDP notice

7. The effect of the IDP notice is that—

- (a) the appropriate local authority is deemed to have decided on the date of the notice that the child has additional learning needs under Chapter 2 of Part 2 of the Act,
- (b) the new law applies in relation to the child on that date, and
- (c) the old law ceases to apply in relation to the child on that date.

Effaith hysbysiad Dim CDU

8. Effaith yr hysbysiad Dim CDU yw—

- (a) y bernir bod yr awdurdod lleol priodol wedi penderfynu ar ddyddiad yr hysbysiad nad oes gan y plentyn anghenion dysgu ychwanegol o dan Bennod 2 o Ran 2 o'r Ddeddf,
- (b) bod y gyfraith newydd yn gymwys mewn perthynas â'r plentyn ar y dyddiad hwnnw, ac
- (c) bod yr hen gyfraith yn peidio â bod yn gymwys mewn perthynas â'r plentyn ar y dyddiad hwnnw.

Effect of No IDP notice

8. The effect of the No IDP notice is that—

- (a) the appropriate local authority is deemed to have decided on the date of the notice that the child does not have additional learning needs under Chapter 2 of Part 2 of the Act,
- (b) the new law applies in relation to the child on that date, and
- (c) the old law ceases to apply in relation to the child on that date.

Dyletswydd i roi hysbysiad

9.—(1) Mae'r erthygl hon yn gymwys i blentyn sydd â datganiad ar 1 Medi 2022 ac—

- (a) sy'n iau na'r oedran ysgol gorfodol, neu
- (b) sydd o oedran ysgol gorfodol ac mewn dosbarth derbyn, ym mlwyddyn 6, blwyddyn 10 neu flwyddyn 11 neu a fyddai yn unrhyw un o'r grwpiau blwyddyn hynny pe bai'r plentyn yn ddisgybl cofrestredig mewn ysgol a gynhelir.

(2) Oni bai bod y gyfraith newydd yn gymwys mewn perthynas â'r plentyn, rhaid i'r awdurdod lleol priodol roi naill ai hysbysiad CDU neu hysbysiad Dim CDU i'r plentyn a rhiant y plentyn yn ystod y flwyddyn ysgol 2022-2023.

(3) Nid yw'r erthygl hon yn gymwys mewn perthynas â phlentyn pan fydd apêl yn mynd rhagddi mewn perthynas â'r plentyn hwnnw.

10.—(1) Mae'r erthygl hon yn gymwys i blentyn sydd â datganiad ar 1 Medi 2022 ac nad oedd yn dod o fewn erthygl 9.

(2) Oni bai bod y gyfraith newydd yn gymwys mewn perthynas â'r plentyn, rhaid i'r awdurdod lleol priodol roi hysbysiad CDU neu hysbysiad Dim CDU i'r plentyn a rhiant y plentyn yn ystod y flwyddyn ysgol 2023-2024.

(3) Nid yw'r erthygl hon yn gymwys mewn perthynas â phlentyn pan fydd apêl yn mynd rhagddi mewn perthynas â'r plentyn hwnnw.

Dyletswydd i roi hysbysiad pan fydd apêl sy'n mynd rhagddi yn dod i ben

11.—(1) Pan na roddir hysbysiad CDU neu hysbysiad Dim CDU yn unol ag erthyglau 9 neu 10 oherwydd apêl sy'n mynd rhagddi, mae paragraff (2) yn gymwys.

(2) Oni bai bod y gyfraith newydd yn gymwys mewn perthynas â'r plentyn, rhaid i'r awdurdod lleol priodol roi naill ai hysbysiad CDU neu hysbysiad Dim CDU i'r plentyn a rhiant y plentyn cyn gynted ag y bo'n rhesymol ymarferol—

- (a) ar ôl i'r cyfnod y gallai apêl gael ei gwneud ynddo ddod i ben, os nad oes apêl wedi ei gwneud;
- (b) ar ôl i'r apêl gael ei dyfarnu'n derfynol, pan fo apêl wedi ei gwneud.

Duty to give a notice

9.—(1) This article applies to a child who on 1 September 2022 has a statement and who is—

- (a) under compulsory school age, or
- (b) of compulsory school age and in a reception class, year 6, year 10 or year 11 or would be in any of those year groups if the child were a registered pupil at a maintained school.

(2) Unless the new law applies in relation to the child, the appropriate local authority must either give an IDP notice or a No IDP notice to the child and the child's parent during the 2022-2023 school year.

(3) This article does not apply in relation to a child when an appeal is ongoing in relation to that child.

10.—(1) This article applies to a child who on 1 September 2022 has a statement and who did not come within article 9.

(2) Unless the new law applies in relation to the child, the appropriate local authority must give an IDP notice or a No IDP notice to the child and the child's parent during the 2023-2024 school year.

(3) This article does not apply in relation to a child when an appeal is ongoing in relation to that child.

Duty to give a notice when an ongoing appeal ends

11.—(1) When an IDP notice or a No IDP notice is not given pursuant to articles 9 or 10 because of an ongoing appeal, paragraph (2) applies.

(2) Unless the new law applies in relation to the child, the appropriate local authority must either give an IDP notice or a No IDP notice to the child and the child's parent as soon as is reasonably practicable after—

- (a) the period within which an appeal could be made has expired, if no appeal has been made;
- (b) the appeal has been finally determined, where an appeal has been made.

Hawl i ofyn am hysbysiad CDU neu hysbysiad Dim CDU

12.—(1) Caiff plentyn a oedd â datganiad ar 1 Medi 2022 neu riant y plentyn hwnnw ofyn i'r awdurdod lleol priodol roi hysbysiad CDU neu hysbysiad Dim CDU a rhaid i'r awdurdod lleol priodol roi naill ai hysbysiad CDU neu hysbysiad Dim CDU cyn gynted ag y bo'n rhesymol ymarferol ar ôl y cais.

(2) Nid yw'r ddyletswydd i roi hysbysiad CDU neu hysbysiad Dim CDU ym mharagraff (1) yn gymwys—

- (a) pan fydd apêl yn mynd rhagddi mewn perthynas â'r plentyn hwnnw, neu
- (b) pan fydd erthyglau 15 i 22 yn gymwys.

Amser ar gyfer rhoi cynllun datblygu unigol

13.—(1) Pan roddir hysbysiad CDU yn unol ag erthyglau 9, 10, 11 neu 12 rhaid rhoi copi o'r cynllun datblygu unigol i'r plentyn a rhiant y plentyn o fewn 12 wythnos i ddyddiad yr hysbysiad, oni bai—

- (a) bod unrhyw un neu ragor o'r amgylchiadau yn adran 12(2) o'r Ddeddf yn gymwys,
- (b) bod adran 31 o'r Ddeddf yn gymwys, neu
- (c) bod amgylchiadau eithriadol.

(2) Os yw unrhyw un neu ragor o'r amgylchiadau yn adran 12(2) o'r Ddeddf yn gymwys neu os oes amgylchiadau eithriadol, rhaid rhoi copi o'r cynllun datblygu unigol cyn gynted ag y bo'n rhesymol ymarferol.

(3) Nid yw unrhyw amserlenni yn y cod sy'n ymwneud â llunio cynllun datblygu unigol yn gymwys pan fydd cynllun datblygu unigol yn cael ei lunio yn dilyn rhoi hysbysiad CDU.

Hysbysiad ADY

14.—(1) Mae'r erthygl hon yn gymwys i blentyn a oedd â datganiad ar 1 Medi 2022.

(2) Yn ddarostyngedig i baragraffau (4) a (5), caiff yr awdurdod lleol priodol roi hysbysiad ADY i blentyn a rhiant y plentyn hwnnw ar unrhyw adeg.

(3) Effaith yr hysbysiad ADY yw—

- (a) bod y gyfraith newydd yn gymwys mewn perthynas â'r plentyn ar ddyddiad yr hysbysiad, a
- (b) bod yr hen gyfraith yn peidio â bod yn gymwys mewn perthynas â'r plentyn ar ddyddiad yr hysbysiad.

(4) Ni chaiff yr awdurdod lleol priodol ond rhoi hysbysiad ADY o dan amgylchiadau eithriadol.

Right to request an IDP notice or a No IDP notice

12.—(1) A child who on 1 September 2022 had a statement or that child's parent may request that the appropriate local authority gives an IDP notice or a No IDP notice and the appropriate local authority must give either an IDP notice or a No IDP notice as soon as reasonably practicable after the request.

(2) The duty to give an IDP notice or a No IDP notice in paragraph (1) does not apply when—

- (a) an appeal is ongoing in relation to that child, or
- (b) articles 15 to 22 apply.

Time for giving an individual development plan

13.—(1) When an IDP notice is given pursuant to articles 9, 10, 11 or 12 a copy of the individual development plan must be given to the child and the child's parent within 12 weeks of the date of the notice, unless—

- (a) any of the circumstances in section 12(2) of the Act apply,
- (b) section 31 of the Act applies, or
- (c) there are exceptional circumstances.

(2) If any of the circumstances in section 12(2) of the Act apply or there are exceptional circumstances a copy of the individual development plan must be given as soon as is reasonably practicable.

(3) Any timescales in the code relating to the preparation of an individual development plan do not apply when an individual development plan is prepared following the giving of an IDP notice.

ALN Notice

14.—(1) This article applies to a child who had a statement on 1 September 2022.

(2) Subject to paragraphs (4) and (5), the appropriate local authority may at any time give an ALN notice to a child and that child's parent.

(3) The effect of the ALN notice is that—

- (a) the new law applies in relation to the child on the date of the notice, and
- (b) the old law ceases to apply in relation to the child on the date of the notice.

(4) The appropriate local authority may only give an ALN notice in exceptional circumstances.

(5) Ni chaiff yr awdurdod lleol priodol roi hysbysiad ADY pan fydd apêl yn mynd rhagddi mewn perthynas â'r plentyn.

Plant nad yw'r gyfraith newydd yn gymwys iddynt erbyn dyddiad penodol

- 15.**—(1) Mae'r erthygl hon yn gymwys i blentyn—
- (a) a oedd â datganiad ar 1 Medi 2022,
 - (b) a oedd yn ystod y flwyddyn ysgol 2022-2023—
 - (i) yn iau na'r oedran ysgol gorfodol, neu
 - (ii) o oedran ysgol gorfodol ac mewn dosbarth derbyn, ym mlwyddyn 6, blwyddyn 10 neu flwyddyn 11 neu a fyddai yn unrhyw un o'r grwpiau blwyddyn hynny pe bai'r plentyn yn ddisgybl cofrestredig mewn ysgol a gynhelir,
 - (c) nad oes apêl yn mynd rhagddi mewn perthynas ag ef ar 30 Awst 2023,
 - (d) nad yw erthygl 16 yn gymwys iddo, ac
 - (e) nad yw'r gyfraith newydd yn gymwys mewn perthynas ag ef ar 30 Awst 2023.
- (2) Ar 31 Awst 2023—
- (a) mae'r gyfraith newydd yn gymwys mewn perthynas â'r plentyn, a
 - (b) mae'r hen gyfraith yn peidio â bod yn gymwys mewn perthynas â'r plentyn.
- 16.**—(1) Mae'r erthygl hon yn gymwys i blentyn—
- (a) a oedd â datganiad ar 1 Medi 2022,
 - (b) a oedd yn ystod y flwyddyn ysgol 2022-2023—
 - (i) yn iau na'r oedran ysgol gorfodol,
 - (ii) o oedran ysgol gorfodol ac mewn dosbarth derbyn, ym mlwyddyn 6, blwyddyn 10 neu flwyddyn 11 neu a fyddai yn unrhyw un o'r grwpiau blwyddyn hynny pe bai'r plentyn yn ddisgybl cofrestredig mewn ysgol a gynhelir,
 - (c) pan fo'r awdurdod lleol yn cael ei orchymyn i gyflawni gweithred o ganlyniad i ddyfarniad terfynol ar apêl ac nad yw'r weithred wedi ei chyflawni erbyn 30 Awst 2023,
 - (d) nad oes apêl bellach yn mynd rhagddi mewn perthynas ag ef ar 30 Awst 2023, ac
 - (e) nad yw'r gyfraith newydd yn gymwys mewn perthynas ag ef ar 30 Awst 2023.

(5) The appropriate local authority must not give an ALN notice when there is an appeal ongoing in relation to the child.

Children for whom the new law does not apply by a certain date

- 15.**—(1) This article applies to a child—
- (a) who had a statement on 1 September 2022,
 - (b) who was during the 2022-2023 school year—
 - (i) under compulsory school age, or
 - (ii) of compulsory school age and in a reception class, year 6, year 10 or year 11 or would be in any of those year groups if the child were a registered pupil at a maintained school,
 - (c) in relation to whom there is no appeal ongoing on 30 August 2023,
 - (d) to whom article 16 does not apply, and
 - (e) in relation to whom the new law does not apply on 30 August 2023.
- (2) On 31 August 2023—
- (a) the new law applies in relation to the child, and
 - (b) the old law ceases to apply in relation to the child.
- 16.**—(1) This article applies to a child—
- (a) who had a statement on 1 September 2022,
 - (b) who was during the 2022-2023 school year—
 - (i) under compulsory school age,
 - (ii) of compulsory school age and in a reception class, year 6, year 10 or year 11 or would be in any of those year groups if the child were a registered pupil at a maintained school,
 - (c) where the local authority is ordered to perform an action as a result of an appeal being finally determined and the action has not been performed by 30 August 2023,
 - (d) in relation to whom no further appeal is ongoing on 30 August 2023, and
 - (e) in relation to whom the new law does not apply on 30 August 2023.

(2) Ar y diwrnod trosglwyddo—

- (a) mae'r gyfraith newydd yn gymwys mewn perthynas â'r plentyn, a
- (b) mae'r hen gyfraith yn peidio â bod yn gymwys mewn perthynas â'r plentyn.

(3) Yn yr erthygl hon, ystyr “diwrnod trosglwyddo” yw'r diwrnod ar ôl i'r weithred y cyfeirir ati ym mharagraff (1)(c) gael ei chyflawni, neu'r diwrnod ar ôl i'r holl weithredoedd gael eu cyflawni os oes mwy nag un weithred.

17.—(1) Mae'r erthygl hon yn gymwys i blentyn—

- (a) a oedd â datganiad ar 1 Medi 2022,
- (b) a oedd yn ystod y flwyddyn ysgol 2022-2023—
 - (i) yn iau na'r oedran ysgol gorfodol,
 - (ii) o oedran ysgol gorfodol ac mewn dosbarth derbyn, ym mlwyddyn 6, blwyddyn 10 neu flwyddyn 11 neu a fyddai yn unrhyw un o'r grwpiau blwyddyn hynny pe bai'r plentyn yn ddisgybl cofrestredig mewn ysgol a gynhelir, ac
- (c) y mae apêl yn mynd rhagddi mewn perthynas ag ef ar 30 Awst 2023.

(2) Ar y diwrnod trosglwyddo—

- (a) mae'r gyfraith newydd yn gymwys mewn perthynas â'r plentyn, a
- (b) mae'r hen gyfraith yn peidio â bod yn gymwys mewn perthynas â'r plentyn.

(3) Yn yr erthygl hon, ystyr “diwrnod trosglwyddo” yw—

- (a) y diwrnod ar ôl diwedd y cyfnod y gallai apêl gael ei gwneud ynddo, os nad oes apêl wedi ei gwneud;
- (b) oni bai bod is-baragraff (c) yn gymwys, y diwrnod ar ôl i'r apêl gael ei dyfarnu'n derfynol, pan fo apêl wedi ei gwneud;
- (c) pan fo'r awdurdod lleol yn cael ei orchymyn i gyflawni gweithred o ganlyniad i ddyfarniad terfynol ar apêl sy'n mynd rhagddi, y diwrnod ar ôl i'r weithred gael ei chyflawni, neu'r diwrnod ar ôl i'r holl weithredoedd gael eu cyflawni os oes mwy nag un weithred.

18.—(1) Mae'r erthygl hon yn gymwys i blentyn—

- (a) a oedd â datganiad ar 1 Medi 2022,
- (b) nad oes apêl yn mynd rhagddi mewn perthynas ag ef ar 30 Awst 2024,
- (c) nad yw erthygl 19 yn gymwys iddo, a
- (d) nad yw'r gyfraith newydd yn gymwys mewn perthynas ag ef ar 30 Awst 2024.

(2) On the transfer day—

- (a) the new law applies in relation to the child, and
- (b) the old law ceases to apply in relation to the child.

(3) In this article “transfer day” means the day after which the action referred to in paragraph (1)(c) is performed, or all of the actions have been performed if there is more than one action.

17.—(1) This article applies to a child—

- (a) who had a statement on 1 September 2022,
- (b) who was during the 2022-2023 school year—
 - (i) under compulsory school age,
 - (ii) of compulsory school age and in a reception class, year 6, year 10 or year 11 or would be in any of those year groups if the child were a registered pupil at a maintained school, and
- (c) in relation to whom an appeal is ongoing on 30 August 2023.

(2) On the transfer day—

- (a) the new law applies in relation to the child, and
- (b) the old law ceases to apply in relation to the child.

(3) In this article “transfer day” means—

- (a) the day after the end of the period within which an appeal could be made, if no appeal has been made;
- (b) unless sub-paragraph (c) applies, the day after the appeal has been finally determined, where an appeal has been made;
- (c) where the local authority is ordered to perform an action as a result of an ongoing appeal being finally determined, the day after which the action is performed, or all of the actions have been performed if there is more than one action.

18.—(1) This article applies to a child—

- (a) who had a statement on 1 September 2022,
- (b) in relation to whom there is no appeal ongoing on 30 August 2024,
- (c) to whom article 19 does not apply, and
- (d) in relation to whom the new law does not apply on 30 August 2024.

(2) Ar 31 Awst 2024—

- (a) mae'r gyfraith newydd yn gymwys mewn perthynas â'r plentyn, a
- (b) mae'r hen gyfraith yn peidio â bod yn gymwys mewn perthynas â'r plentyn.

19.—(1) Mae'r erthygl hon yn gymwys i blentyn—

- (a) a oedd â datganiad ar 1 Medi 2022,
- (b) pan fo'r awdurdod lleol yn cael ei orchymyn i gyflawni gweithred o ganlyniad i ddyfarniad terfynol ar apêl sy'n mynd rhagddi ac nad yw'r weithred wedi ei chyflawni erbyn 30 Awst 2024,
- (c) nad oes apêl bellach yn mynd rhagddi mewn perthynas ag ef ar 30 Awst 2024, a
- (d) nad yw'r gyfraith newydd yn gymwys mewn perthynas ag ef ar 30 Awst 2024.

(2) Ar y diwrnod trosglwyddo—

- (a) mae'r gyfraith newydd yn gymwys mewn perthynas â'r plentyn, a
- (b) mae'r hen gyfraith yn peidio â bod yn gymwys mewn perthynas â'r plentyn.

(3) Yn yr erthygl hon, ystyr “diwrnod trosglwyddo” yw'r diwrnod ar ôl i'r weithred y cyfeirir ati ym mharagraff (1)(b) gael ei chyflawni, neu'r diwrnod ar ôl i'r holl weithredoedd gael eu cyflawni os oes mwy nag un weithred.

20.—(1) Mae'r erthygl hon yn gymwys i blentyn—

- (a) a oedd â datganiad ar 1 Ionawr 2022, a
- (b) y mae apêl yn mynd rhagddi mewn perthynas ag ef ar 30 Awst 2024.

(2) Ar y diwrnod trosglwyddo—

- (a) mae'r gyfraith newydd yn gymwys mewn perthynas â'r plentyn, a
- (b) mae'r hen gyfraith yn peidio â bod yn gymwys mewn perthynas â'r plentyn.

(3) Yn yr erthygl hon, ystyr “diwrnod trosglwyddo” yw—

- (a) y diwrnod ar ôl diwedd y cyfnod y gallai apêl gael ei gwneud ynddo, os nad oes apêl wedi ei gwneud;
- (b) oni bai bod is-baragraff (c) yn gymwys, y diwrnod ar ôl i apêl gael ei dyfarnu'n derfynol, pan fo apêl wedi ei gwneud;
- (c) pan fo'r awdurdod lleol yn cael ei orchymyn i gyflawni gweithred o ganlyniad i ddyfarniad terfynol ar yr apêl sy'n mynd rhagddi, y diwrnod ar ôl i'r weithred gael ei chyflawni, neu'r diwrnod ar ôl i'r holl weithredoedd gael eu cyflawni os oes mwy nag un weithred.

(2) On 31 August 2024—

- (a) the new law applies in relation to the child, and
- (b) the old law ceases to apply in relation to the child.

19.—(1) This article applies to a child—

- (a) who had a statement on 1 September 2022,
- (b) where the local authority is ordered to perform an action as a result of an ongoing appeal being finally determined and the action has not been performed by 30 August 2024,
- (c) in relation to whom no further appeal is ongoing on 30 August 2024, and
- (d) in relation to whom the new law does not apply on 30 August 2024.

(2) On the transfer day—

- (a) the new law applies in relation to the child, and
- (b) the old law ceases to apply in relation to the child.

(3) In this article “transfer day” means the day after which the action referred to in paragraph (1)(b) is performed, or all of the actions have been performed if there is more than one action.

20.—(1) This article applies to a child—

- (a) who had a statement on 1 January 2022, and
- (b) in relation to whom there is an ongoing appeal on 30 August 2024.

(2) On the transfer day—

- (a) the new law applies in relation to the child, and
- (b) the old law ceases to apply in relation to the child.

(3) In this article “transfer day” means—

- (a) the day after the end of the period within which an appeal could be made, if no appeal has been made;
- (b) unless sub-paragraph (c) applies, the day after the appeal has been finally determined, where an appeal has been made;
- (c) where the local authority is ordered to perform an action as a result of the ongoing appeal being finally determined, the day after which the action is performed, or all of the actions have been performed if there is more than one action.

Newid mewn amgylchiadau

21.—(1) Mae'r erthygl hon yn gymwys i blentyn a oedd â datganiad ar 1 Medi 2022 y mae ei ddatganiad yn peidio â chael ei gynnal.

(2) Ar y dyddiad y mae'r awdurdod lleol yn peidio â chynnal y datganiad—

- (a) mae'r gyfraith newydd yn gymwys mewn perthynas â'r plentyn, a
- (b) mae'r hen gyfraith yn peidio â bod yn gymwys mewn perthynas â'r plentyn.

22.—(1) Mae'r erthygl hon yn gymwys i blentyn a oedd â datganiad ar 1 Medi 2022—

- (a) sy'n symud o ardal yr awdurdod lleol a oedd ar 1 Medi 2022 yn cynnal y datganiad, a
- (b) y mae'r hen gyfraith yn gymwys mewn perthynas ag ef.

(2) Oni bai bod apêl yn mynd rhagddi mewn perthynas â'r plentyn, ar y dyddiad y mae'r plentyn yn symud o ardal yr awdurdod lleol a oedd yn cynnal y datganiad—

- (a) mae'r gyfraith newydd yn gymwys mewn perthynas â'r plentyn, a
- (b) mae'r hen gyfraith yn peidio â bod yn gymwys mewn perthynas â'r plentyn.

Sylw i ddatganiad anghenion addysgol arbennig wrth lunio cynllun datblygu unigol

23. Pan fo cynllun datblygu unigol yn cael ei lunio ar gyfer plentyn o fewn 12 wythnos i symud i'r gyfraith newydd, rhaid rhoi sylw i gynnwys y datganiad a gynhaliwyd ar gyfer y plentyn hwnnw yn union cyn symud i'r gyfraith newydd.

Galluedd plant

24.—(1) Yn ddarostyngedig i baragraff (2), mae paragraff (3) yn gymwys i blentyn a oedd â datganiad ar 1 Medi 2022.

(2) Nid oes dim yn yr erthygl hon sy'n gymwys i berson pan fydd y person hwnnw yn peidio â bod o oedran ysgol gorfodol.

(3) Nid yw dyletswydd ym mharagraff (4) na'r pŵer ym mharagraff (5) yn gymwys os yw'r awdurdod lleol priodol yn ystyried nad oes gan y plentyn alluedd i ddeall y mater o dan sylw.

Change of circumstances

21.—(1) This article applies to a child who had a statement on 1 September 2022 whose statement ceases to be maintained.

(2) On the date that the local authority ceases to maintain the statement—

- (a) the new law applies in relation to the child, and
- (b) the old law ceases to apply in relation to the child.

22.—(1) This article applies to a child who had a statement on 1 September 2022—

- (a) who moves from the area of the local authority that on 1 September 2022 was maintaining the statement, and
- (b) in relation to whom the old law applies.

(2) Unless an appeal is ongoing in relation to the child, on the date that the child moves from the area of the local authority that was maintaining the statement—

- (a) the new law applies in relation to the child, and
- (b) the old law ceases to apply in relation to the child.

Regard to statement of special educational needs when preparing an individual development plan

23. Where an individual development plan is being prepared for a child within 12 weeks of moving to the new law, regard must be had to the contents of the statement which was maintained for that child immediately before moving to the new law.

Capacity of children

24.—(1) Subject to paragraph (2), paragraph (3) applies to a child who had a statement on 1 September 2022.

(2) Nothing in this article applies to a person when that person ceases to be of compulsory school age.

(3) A duty in paragraph (4) or the power in paragraph (5) does not apply if the appropriate local authority considers that the child does not have capacity to understand the subject matter.

(4) Y dyletswyddau y cyfeirir atynt ym mharagraff (3) yw—

- (a) y ddyletswydd i roi hysbysiad CDU neu hysbysiad Dim CDU i blentyn yn erthyglau 9(2) a 10(2) ac 11;
- (b) y ddyletswydd i roi hysbysiad yn dilyn cais gan blentyn o dan erthygl 12;
- (c) y ddyletswydd i roi copi o'r cynllun datblygu unigol i blentyn o fewn 12 wythnos yn erthygl 13(1).

(5) Y pŵer y cyfeirir ato ym mharagraff (3) yw'r pŵer i roi hysbysiad ADY i blentyn yn erthygl 14.

(6) Pan fo paragraff (3) yn gymwys mewn perthynas â dyletswydd ym mharagraff (4)(a) neu (b), mae'r cyfeiriad cyntaf at blentyn yn erthygl 5 i'w ddarllen fel pe bai wedi ei hepgor.

(7) Pan fo paragraff (3) yn gymwys mewn perthynas â dyletswydd ym mharagraff (4)(a) neu (b), mae'r cyfeiriad cyntaf at blentyn yn erthygl 6 i'w ddarllen fel pe bai wedi ei hepgor.

Plant sy'n dod yn bersonau ifanc cyn bod y gyfraith newydd yn gymwys

25.—(1) Mae paragraff (2) yn gymwys i blentyn a oedd â datganiad ar 1 Medi 2022.

(2) Nid yw dyletswydd ym mharagraff (3) na phŵer ym mharagraff (4) yn gymwys pan fydd person yn peidio â bod o oedran ysgol gorfodol.

(3) Y dyletswyddau y cyfeirir atynt ym mharagraff (2) yw—

- (a) y ddyletswydd i roi hysbysiad CDU neu hysbysiad Dim CDU i riant yn erthyglau 9(2), 10(2) ac 11;
- (b) y ddyletswydd i roi hysbysiad yn dilyn cais gan riant o dan erthygl 12;
- (c) y ddyletswydd i roi copi o'r cynllun datblygu unigol i riant o fewn 12 wythnos yn erthygl 13(1).

(4) Y pwerau y cyfeirir atynt ym mharagraff (2) yw—

- (a) y pŵer i riant ofyn am hysbysiad CDU neu hysbysiad Dim CDU yn erthygl 12;
- (b) y pŵer i roi hysbysiad ADY i riant yn erthygl 14.

(5) Pan fo paragraff (2) yn gymwys mewn perthynas â dyletswydd ym mharagraff (3)(a) neu (b), mae'r cyfeiriad cyntaf at riant plentyn yn erthygl 5 i'w ddarllen fel pe bai wedi ei hepgor.

(4) The duties referred to in paragraph (3) are—

- (a) the duty to give a child an IDP notice or a No IDP notice in articles 9(2), 10(2) and 11;
- (b) the duty to give a notice following a request by a child under article 12;
- (c) the duty to give a child a copy of the individual development plan within 12 weeks in article 13(1).

(5) The power referred to in paragraph (3) is the power to give a child an ALN notice in article 14.

(6) Where paragraph (3) applies in relation to a duty in paragraph (4)(a) or (b), the first reference to a child in article 5 is to be read as if it were omitted.

(7) Where paragraph (3) applies in relation to a duty in paragraph (4)(a) or (b), the first reference to a child in article 6 is to be read as if it were omitted.

Children who become young persons before the new law applies

25.—(1) Paragraph (2) applies to a child who had a statement on 1 September 2022.

(2) A duty in paragraph (3) or a power in paragraph (4) does not apply when a person ceases to be of compulsory school age.

(3) The duties referred to in paragraph (2) are—

- (a) the duty to give a parent an IDP notice or a No IDP notice in articles 9(2), 10(2) and 11;
- (b) the duty to give a notice following a request by a parent under article 12;
- (c) the duty to give a parent a copy of the individual development plan within 12 weeks in article 13(1).

(4) The powers referred to in paragraph (2) are—

- (a) the power for a parent to request an IDP notice or a No IDP notice in article 12;
- (b) the power to give a parent an ALN notice in article 14.

(5) Where paragraph (2) applies in relation to a duty in paragraph (3)(a) or (b), the first reference to a child's parent in article 5 is to be read as if it were omitted.

(6) Pan fo paragraff (2) yn gymwys mewn perthynas â dyletswydd ym mharagraff (3)(a) neu (b), mae'r cyfeiriad cyntaf at riant plentyn yn erthygl 6 i'w ddarllen fel pe bai wedi ei hepgor.

(6) Where paragraph (2) applies in relation to a duty in paragraph (3)(a) or (b), the first reference to a child's parent in article 6 is to be read as if it were omitted.

Jeremy Miles

Gweinidog y Gymraeg ac Addysg, un o Weinidogion
Cymru
16 Awst 2022

Minister for Education and Welsh Language, one of
the Welsh Ministers
16 August 2022

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