OFFERYNNAU STATUDOL CYMRU

2023 Rhif 1125 (Cy. 196)

ADDYSG, CYMRU

Gorchymyn Cymelldaliadau Athrawon Ysgol (Cymru) 2023

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn darparu nad yw cyfandaliadau a delir i athrawon ysgol yng Nghymru o dan y Fwrsariaeth i Gadw Athrawon Cymraeg mewn Addysg yn cael eu trin fel tâl at ddiben adran 122(1) o Ddeddf Addysg 2002 ac felly nad ydynt yn ddarostyngedig i'r fframwaith tâl statudol ac nad ydynt yn bensiynadwy.

Mae canllawiau ar y Fwrsariaeth i Gadw Athrawon Cymraeg mewn Addysg wedi eu cyhoeddi ar wefan llyw.cymru yn https://www.llyw.cymru/y-fwrsariaeth-i-gadw-athrawon-cymraeg-mewn-addysg-canllawiau-i-ymgeiswyr-html.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn. Gellir cael copi oddi wrth: Y Gangen Addysgeg, Gyrfa Cynnar ac Ymarferwyr Cymraeg, Yr Is-adran Addysgeg, Arweinyddiaeth a Dysgu Proffesiynol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

WELSH STATUTORY INSTRUMENTS

2023 No. 1125 (W. 196)

EDUCATION, WALES

The School Teachers' Incentive Payments (Wales) Order 2023

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides that lump sum payments paid to school teachers in Wales under the Welsh in Education Teacher Retention Bursary are not treated as remuneration for the purpose of section 122(1) of the Education Act 2002 and so are not subject to the statutory pay framework and are not pensionable.

Guidance on the Welsh in Education Teacher Retention Bursary is published on the gov.wales website at https://www.gov.wales/welsh-education-teacher-retention-bursary-guidance-applicants-html.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Pedagogy, Early Career and Welsh Practitioners Branch, Pedagogy, Leadership and Professional Learning Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

OFFERYNNAU STATUDOL CYMRU

2023 Rhif 1125 (Cy. 196)

ADDYSG, CYMRU

Gorchymyn Cymelldaliadau Athrawon Ysgol (Cymru) 2023

Gwnaed	*25 Hydref 2023*
Gosodwyd gerbron Senedd Cymru	*27 Hydref 2023*
Yn dod i rym	*17 Tachwedd 2023*

Mae Gweinidogion Cymru, drwy arfer y pŵer a roddir iddynt gan adran 123(4)(a) o Ddeddf Addysg 2002(**1**), yn gwneud y Gorchymyn a ganlyn.

Enwi, dod i rym, cymhwyso a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cymelldaliadau Athrawon Ysgol (Cymru) 2023 a daw i rym ar 17 Tachwedd 2023.

(2) Mae'r Gorchymyn hwn yn gymwys i athrawon ysgol yng Nghymru.

(3) Yn y Gorchymyn hwn—

mae i "athro neu athrawes ysgol" yr ystyr a roddir i "school teacher" gan adran 122(3) i (6) o Ddeddf Addysg 2002(**2**);

mae i "awdurdod lleol yng Nghymru" yr ystyr a roddir i "local authority in Wales" gan adran 579(1) o Ddeddf Addysg 1996(**3**).

(**1**) 2002 p. 32. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Weinidogion Cymru gan erthygl 39(3) o Orchymyn Gweinidogion Cymru (Trosglwyddo Swyddogaethau) 2018 (O.S. 2018/644).

(**2**) Diwygiwyd is-adrannau (3) a (4) o adran 122 gan erthygl 5(1) o O.S. 2010/1158 a chan baragraff 11 o Ran 1 o Atodlen 2 iddo.

(**3**) Rhoddwyd "local authority in Wales" a diffiniadau eraill yn lle'r diffiniad o "local authority" gan erthygl 3(2)(b) o O.S. 2010/1158.

WELSH STATUTORY INSTRUMENTS

2023 No. 1125 (W. 196)

EDUCATION, WALES

The School Teachers' Incentive Payments (Wales) Order 2023

Made	*25 October 2023*
Laid before Senedd Cymru	*27 October 2023*
Coming into force	*17 November 2023*

The Welsh Ministers, in exercise of the power conferred on them by section 123(4)(a) of the Education Act 2002(**1**), make the following Order.

Title, coming into force, application and interpretation

1.—(1) The title of this Order is the School Teachers' Incentive Payments (Wales) Order 2023 and it comes into force on 17 November 2023.

(2) This Order applies to school teachers in Wales.

(3) In this Order—

"local authority in Wales" ("*awdurdod lleol yng Nghymru*") has the meaning given by section 579(1) of the Education Act 1996(**2**);

"school teacher" ("*athro neu athrawes ysgol*") has the meaning given by section 122(3) to (6) of the Education Act 2002(**3**).

(**1**) 2002 c. 32. The functions of the Secretary of State were transferred to the Welsh Ministers by article 39(3) of the Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644).

(**2**) "local authority in Wales" and other definitions were substituted for the definition of "local authority" by article 3(2)(b) of S.I. 2010/1158.

(**3**) Sub-sections (3) and (4) of section 122 were amended by article 5(1) of, and paragraph 11 of Part 1 of Schedule 2 to, S.I. 2010/1158.

Cymelldaliadau i athrawon ysgol

2. Nid yw cyfandaliad a wneir i athro neu athrawes ysgol o dan y Cynllun Bwrsariaeth i Gadw Athrawon Cymraeg mewn Addysg(**1**), gan awdurdod lleol yng Nghymru neu gorff llywodraethu ysgol a gynhelir gan awdurdod o’r fath, i’w drin fel tâl at ddiben adran 122(1) o Ddeddf Addysg 2002.

Incentive payments to school teachers

2. A lump sum payment made to a school teacher under the Welsh in Education Teacher Retention Bursary Scheme(**1**), by a local authority in Wales or the governing body of a school maintained by such an authority, is not to be treated as remuneration for the purpose of section 122(1) of the Education Act 2002.

Jeremy Miles

Gweinidog y Gymraeg ac Addysg, un o Weinidogion Cymru
25 Hydref 2023

Minister for Education and Welsh Language, one of the Welsh Ministers
25 October 2023

©ⓗHawlfraint y Goron 2023

Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

© Crown copyright 2023

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty’s Stationery Office and King’s Printer of Acts of Parliament.

(**1**) ISBN 978-1-83504-879-5.

(**1**) ISBN 978-1-83504-878-8.

ISBN 978-0-348-39485-6

£5.78