



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2013 Rhif 1793 (Cy. 180)

2013 No. 1793 (W. 180)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Gweithredu'r
Cwricwlwm Lleol (Cymru) 2013

The Operation of the Local
Curriculum (Wales) Regulations
2013

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn gwneud darpariaeth o ran gweithredu'r cwricwlwm lleol, a gyflwynwyd gan Fesur Dysgu a Sgiliau (Cymru) 2009. Maent yn nodi sut y bydd amrywiol ddarpariaethau mewn deddfwriaeth sy'n ymwneud ag addysg yn cael eu cymhwyso o ran disgyblion a myfyrwyr sy'n dilyn cyrsiau astudio at ddiben y cwricwlwm lleol sy'n cael ei ddarparu mewn ysgol neu sefydliad ac eithrio eu hysgol neu eu sefydliad hwy. Mae'r Rheoliadau yn ei gwneud yn eglur pryd y maent i'w hystyried yn ddisgyblion neu'n fyfyrwyr yr ysgol arall honno neu'r sefydliad arall hwnnw.

These Regulations make provision in relation to the operation of the local curriculum, introduced by the Learning and Skills (Wales) Measure 2009. They set out how various provisions of education related legislation are applied in relation to pupils and students following courses of study for the purpose of the local curriculum provided at a school or institution other than their own. The Regulations make it clear when they are to be taken as a pupil or student of that other school or institution.

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**The Operation of the Local
Curriculum (Wales) Regulations
2013**

Gwnaed 16 Gorffennaf 2013

Made 16 July 2013

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 19 Gorffennaf 2013

Laid before the National Assembly for Wales
19 July 2013

Yn dod i rym 1 Medi 2013

Coming into force 1 September 2013

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adrannau 46 a 48(2) o Fesur Dysgu a Sgiliau (Cymru) 2009(1), yn gwneud y Rheoliadau canlynol:

The Welsh Ministers, in exercise of the powers conferred on them by sections 46 and 48(2) of the Learning and Skills (Wales) Measure 2009(1) make the following Regulations:

Enwi, cychwyn a chymhwyso

Title, commencement and application

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gweithredu'r Cwricwlwm Lleol (Cymru) 2013 a deuant i rym ar 1 Medi 2013.

1.—(1) The title of these Regulations is the Operation of the Local Curriculum (Wales) Regulations 2013 and they come into force on 1 September 2013.

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

(2) These Regulations apply in relation to Wales.

Dehongli

Interpretation

2. Yn y Rheoliadau hyn—

2. In these Regulations—

mae i'r ymadrodd “cwricwlwm lleol”, o ran disgyblion yn y pedwerydd cyfnod allweddol, yr ystyr a roddir i “local curriculum” gan adran 97 o Ddeddf 2002 ac, o ran myfyrwyr sy'n hŷn na'r oedran ysgol gorfodol ond sydd heb gyrraedd pedair ar bymtheg oed, mae iddo'r ystyr a roddir i “local curriculum” gan adran 33N o Ddeddf 2000;

“1992 Act” (“*Deddf 1992*”) means the Further and Higher Education Act 1992(2);

“1996 Act” (“*Deddf 1996*”) means the Education Act 1996(3);

“1998 Act” (“*Deddf 1998*”) means the School Standards and Framework Act 1998(4);

“2000 Act” (“*Deddf 2000*”) means the Learning and Skills Act 2000(5);

ystyr “cwrs astudio” (“*course of study*”) yw cwrs addysg neu hyfforddiant sy'n arwain at gymhwyster neu set o gymwysterau a gymeradwywyd o dan adran 99 o Ddeddf 2000 at ddibenion adran 96 o'r Ddeddf honno;

(1) 2009 mccc 1.

(2) 1992 p.13.

(1) 2009 nawm 1.

(2) 1992 c.13.

(3) 1996 c.56.

(4) 1998 c.31.

(5) 2000 c.21.

ystyr “Deddf 1992” (“1992 Act”) yw Deddf Addysg Bellach ac Uwch 1992(1);

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

ystyr “Deddf 1998” (“1998 Act”) yw Deddf Safonau a Fframwaith Ysgolion 1998(3);

ystyr “Deddf 2000” (“2000 Act”) yw Deddf Dysgu a Medrau 2000(4);

ystyr “Deddf 2002” (“2002 Act”) yw Deddf Addysg 2002(5);

mae i'r ymadrodd “disgybl cofrestredig” yr ystyr a roddir i “registered pupil” gan adran 434(5) o Ddeddf 1996;

ystyr “myfyriwr cwricwlwm lleol” (“local curriculum student”) yw person sydd, er mwyn dilyn cwrs astudio sydd wedi ei gynnwys mewn cwricwlwm lleol, yn mynychu ysgol lle nad yw'n ddisgybl cofrestredig neu sefydliad lle nad yw wedi ymrestru fel myfyriwr llawnamser;

mae i'r ymadrodd “oedran ysgol gorfodol” yr ystyr a roddir i “compulsory school age” gan adran 8 o Ddeddf 1996; ac

mae “y pedwerydd cyfnod allweddol” i'w ddehongli'n unol â “fourth key stage” yn adran 103 o Ddeddf 2002.

“2002 Act” (“Deddf 2002”) means the Education Act 2002(1);

“compulsory school age” (“oedran ysgol gorfodol”) has the meaning given by section 8 of the 1996 Act;

“course of study” (“cwrs astudio”) means a course of education or training which leads to a qualification or set of qualifications approved under section 99 of the 2000 Act for the purposes of section 96 of that Act;

“fourth key stage” (“y pedwerydd cyfnod allweddol”) is to be construed in accordance with section 103 of the 2002 Act;

“local curriculum” (“cwricwlwm lleol”), in relation to pupils in the fourth key stage, has the meaning given by section 97 of the 2002 Act and, in relation to students who are above compulsory school age but have not attained the age of nineteen, has the meaning given by section 33N of the 2000 Act;

“local curriculum student” (“myfyriwr cwricwlwm lleol”) means a person who, in order to follow a course of study included within a local curriculum, attends a school where he or she is not a registered pupil or an institution where he or she is not enrolled as a full-time student; and

“registered pupil” (“disgybl cofrestredig”) has the meaning given by section 434(5) of the 1996 Act.

Cymhwyso deddfwriaeth sy'n ymwneud ag addysg i ddisgyblion a myfyriwr sy'n dilyn cyrsiau astudio yn y cwricwlwm lleol

3. At ddibenion y darpariaethau canlynol mae myfyriwr cwricwlwm lleol i'w ystyried yn fyfyrwr sefydliad o fewn y sector addysg bellach neu'n fyfyrwr mewn sefydliad o'r fath, yn berson sy'n cael addysg mewn sefydliad o'r fath neu'n berson sy'n mynychu sefydliad o'r fath—

- (a) adran 43 o Ddeddf Addysg (Rhif 2) 1986(6);
- (b) adrannau 18(3)(c), 44(2A), 85B a 85C o Ddeddf 1992;
- (c) adrannau 20 a 22 o Ddeddf Addysg 1994(7); a
- (d) adran 45 o Ddeddf Addysg 1997(8).

Application of legislation related to education to pupils and students following courses of study in the local curriculum

3. For the purposes of the following provisions a local curriculum student is to be taken to be a student of, or at, an institution within the further education sector, a person receiving education at such an institution or a person attending such an institution—

- (a) section 43 of the Education (No. 2) Act 1986(2);
- (b) sections 18(3)(c), 44(2A), 85B and 85C of the 1992 Act;
- (c) sections 20 and 22 of the Education Act 1994(3); and
- (d) section 45 of the Education Act 1997(4).

(1) 1992 p.13.
(2) 1996 p.56.
(3) 1998 p.31.
(4) 2000 p.21.
(5) 2002 p.32.
(6) 1986 p.61.
(7) 1994 p.30.
(8) 1997 p.44.

(1) 2002 c.32.
(2) 1986 c.61.
(3) 1994 c.30.
(4) 1997 c.44.

4. Ac eithrio pan fo'r Rheoliadau hyn yn darparu fel arall, mae myfyriwr cwricwlwm lleol y mae addysg ran-amser yn cael ei darparu iddo mewn ysgol i'w ystyried yn ddisgybl yn yr ysgol at ddibenion Deddf 1996 (er gwaethaf adran 3(1)(b) o'r Ddeddf honno).

5. At ddiben adran 316 o Ddeddf 1996 mae plentyn i'w ystyried yn un sy'n cael ei addysgu mewn ysgol os yw'n ddisgybl cofrestredig mewn ysgol sy'n dilyn cwrs astudio sydd wedi ei gynnwys o fewn y cwricwlwm lleol ar gyfer yr ysgol a bod y cwrs hwnnw'n cael ei ddarparu mewn man nad yw'n ysgol.

6.—(1) At ddibenion y darpariaethau canlynol mae myfyriwr cwricwlwm lleol i'w ystyried yn ddisgybl cofrestredig mewn ysgol—

- (a) adrannau 317(1)(c), 451(1), 452(6), 453, 454(1), (3), (4), 455(1), 457(3), a 460 o Ddeddf 1996;
- (b) adran 462(2) o Ddeddf 1996 i'r graddau y mae'r diffiniad o "residential trip" yn gymwys i adrannau 452 a 455(1)(d) o Ddeddf 1996;
- (c) adran 62 o Ddeddf 1998; a
- (d) adran 29(3) o Ddeddf 2002.

(2) Mae'r diffiniad o "residential trip" yn adran 462(2) o Ddeddf 1996 yn cynnwys, at ddiben adran 457(4) o Ddeddf 1996, daith a drefnwyd gan neu ar ran corff llywodraethu ysgol arall a gynhelir y mae disgyblion yn ei mynychu at ddibenion dilyn cwrs astudio o fewn y cwricwlwm lleol.

(3) At ddibenion Pennod 3 o Ddeddf 1996, yn ychwanegol at yr amgylchiadau a nodir yn adran 462(3) o'r Ddeddf honno, mae disgybl i'w ystyried yn un sydd wedi ei baratoi mewn ysgol lle y mae'n ddisgybl cofrestredig am faes llafur ar gyfer arholiad cyhoeddus a ragnodwyd os yw unrhyw ran o'r addysg a ddarperir gyda golwg ar gyfer paratoi'r disgybl ar gyfer yr arholiad hwnnw yn y maes llafur hwnnw wedi ei darparu i'r disgybl mewn ysgol neu fan arall a fynychwyd gan y disgybl at ddiben dilyn cwrs astudio o fewn y cwricwlwm lleol.

7. At ddibenion y darpariaethau canlynol mae myfyriwr cwricwlwm lleol i'w ystyried yn berson sy'n mynychu ysgol neu'n berson sy'n cael ei addysgu mewn ysgol—

- (a) adran 317(4) o Ddeddf 1996; a
- (b) adran 45 o Ddeddf Addysg 1997.

8. At ddibenion y darpariaethau canlynol nid yw myfyriwr cwricwlwm lleol i'w ystyried yn ddisgybl mewn ysgol neu'n berson sy'n mynychu ysgol—

- (a) adran 434 o Ddeddf 1996; a
- (b) adran 52 o Ddeddf 2002.

4. Save where these Regulations provide otherwise, a local curriculum student who is being provided with part-time education at a school is to be taken to be a pupil at the school for the purposes of the 1996 Act (despite section 3(1)(b) of that Act).

5. For the purpose of section 316 of the 1996 Act a child is to be taken as being educated in a school if the child is a registered pupil at a school who is following a course of study included within the local curriculum for the school and that course is provided at a place other than a school.

6.—(1) For the purposes of the following provisions a local curriculum student is to be taken to be a registered pupil at a school—

- (a) sections 317(1)(c), 451(1), 452(6), 453, 454(1), (3), (4), 455(1), 457(3), and 460 of the 1996 Act;
- (b) section 462(2) of the 1996 Act in so far as the definition of "residential trip" applies to sections 452 and 455(1)(d) of the 1996 Act;
- (c) section 62 of the 1998 Act; and
- (d) section 29(3) of the 2002 Act.

(2) The definition of "residential trip" in section 462(2) of the 1996 Act includes, for the purpose of section 457(4) of the 1996 Act, a trip arranged by or on behalf of a governing body of another maintained school where pupils attend for the purposes of following a course of study within the local curriculum.

(3) For the purposes of Chapter 3 of the 1996 Act, in addition to the circumstances set out in section 462(3) of that Act, a pupil is to be regarded as having been prepared at a school where the pupil is a registered pupil for a syllabus for a prescribed public examination if any part of the education provided with a view to preparing the pupil for that examination in that syllabus has been provided for the pupil at another school or place where the pupil has attended for the purpose of following a course of study within the local curriculum.

7. For the purposes of the following provisions a local curriculum student is to be taken as a person attending a school or a person who is being educated in a school—

- (a) section 317(4) of the 1996 Act; and
- (b) section 45 of the Education Act 1997.

8. For the purposes of the following provisions a local curriculum student is not to be taken to be a pupil at a school or in attendance at a school—

- (a) section 434 of the 1996 Act; and
- (b) section 52 of the 2002 Act.

9. At ddibenion adran 450 o Ddeddf 1996 ni chaniateir codi ffi mewn cysylltiad â derbyn person i ysgol a gynhelir er mwyn iddo ddilyn cwrs astudio sydd wedi ei gynnwys o fewn cwricwlwm lleol (hyd yn oed os yw'r person hwnnw'n cael addysg ran-amser sy'n addas at anghenion personau o unrhyw oed dros oedran addysg gorfodol).

10. Nid yw adran 80 o Ddeddf 1998 yn gymwys mewn perthynas ag addysg ran-amser a ddarperir i fyfyrwr cwricwlwm lleol.

11.—(1) Nid yw unrhyw drefniadau a wneir i berson ddilyn cwrs astudio sydd wedi ei gynnwys o fewn cwricwlwm lleol mewn ysgol lle nad yw'r person hwnnw'n ddisgybl cofrestredig, neu lle nad yw'n bwriadu dod yn ddisgybl cofrestredig, i'w hystyried yn drefniadau derbyn at ddibenion Rhan 3 o Ddeddf 1998.

(2) Nid yw'r gofyniad i wneud trefniadau o dan adrannau 86 ac 86A o Ddeddf 1998 yn gymwys mewn perthynas ag unrhyw ddewis o ran yr ysgol lle y bydd cwrs astudio penodol o fewn cwricwlwm lleol yn cael ei ddilyn pan fo'r ysgol honno'n wahanol i'r ysgol lle y mae plentyn neu rieni plentyn yn dymuno iddo fod yn ddisgybl cofrestredig.

(3) Nid yw'r gwaith o benderfynu nifer y disgyblion a wneir o dan adran 89A o Ddeddf 1998 y bwriedir eu derbyn i ysgol mewn blwyddyn ysgol benodol i gynnwys nifer y myfyrwr cwricwlwm lleol sy'n debygol o fynychu'r ysgol yn y flwyddyn honno.

(4) Nid yw'r ddyletswydd yn adran 94 o Ddeddf 1998 i wneud trefniadau ar gyfer galluogi personau i apelio yn gymwys mewn perthynas ag unrhyw benderfyniad o ran yr ysgol lle y caiff person ddilyn cwrs astudio sydd wedi ei gynnwys o fewn cwricwlwm lleol lle y mae'r ysgol honno'n wahanol i'r ysgol lle y mae plentyn neu rieni plentyn yn dymuno iddo fod yn ddisgybl cofrestredig.

12. Pan fo'r mesurau a benderfynir gan bennaeth o dan adran 89 o Ddeddf Addysg ac Arolygiadau 2006(1) y caniateir eu cymryd gyda golwg ar reoleiddio ymddygiad disgyblion yn cynnwys cadw disgyblion i mewn y tu allan i sesiynau ysgol, mae rhieni myfyrwr cwricwlwm lleol i'w hystyried yn rhieni disgyblion cofrestredig at ddibenion adran 92(3)(b) a (d) o'r Ddeddf honno os bydd y mesurau hynny'n gymwys mewn perthynas â myfyrwr cwricwlwm lleol.

13.—(1) Pan fo'r canlynol yn digwydd, sef—

- (a) bod person wedi dewis dilyn cwrs astudio o dan adran 116D(1) o Ddeddf 2002 neu adran 33E(1) o Ddeddf 2000, a

9. For the purposes of section 450 of the 1996 Act no charge may be made in respect of a person's admission to a maintained school in order to follow a course of study included within a local curriculum (even if that person is receiving part-time education suitable to the requirements of persons of any age over compulsory school age).

10. Section 80 of the 1998 Act does not apply in relation to part-time education provided to a local curriculum student.

11.—(1) Any arrangements which are made for a person to follow a course of study included within a local curriculum at a school where that person is not a registered pupil, or is not proposing to become a registered pupil, are not to be taken to be admission arrangements for the purposes of Part 3 of the 1998 Act.

(2) The requirement to make arrangements under sections 86 and 86A of the 1998 Act does not apply in relation to any preference as to the school where a particular course of study within a local curriculum is to be followed where that school is different from the school where a child or a child's parents wish the child to be a registered pupil.

(3) The determination of the number of pupils made under section 89A of the 1998 Act whom it is intended to admit to a school in a particular school year is not to include the number of local curriculum students that are likely to attend the school in that year.

(4) The duty in section 94 of the 1998 Act to make arrangements for enabling persons to appeal does not apply in relation to any decision as to the school where a person may follow a course of study included within a local curriculum where that school is different from the school where a child or a child's parents wish the child to be a registered pupil.

12. Where the measures determined by a head teacher under section 89 of the Education and Inspections Act 2006(1) that may be taken with a view to regulating the conduct of pupils include the detention of pupils outside school sessions, the parents of a local curriculum students are to be taken to be parents of registered pupils for the purposes of section 92(3)(b) and (d) of that Act if those measures are to apply in relation to local curriculum students.

13.—(1) Where—

- (a) a person has elected to follow a course of study under section 116D(1) of the 2002 Act or section 33E(1) of the 2000 Act, and

(1) 2006 p.40.

(1) 2006 c.40.

- (b) nad yw'r cwrs astudio hwnnw'n cael ei ddarparu yn yr ysgol lle y mae'r person yn ddisgybl cofrestredig neu yn y sefydliad lle y mae'r person wedi ymrestru fel myfyriwr llawnamser,

mae'r corff sy'n gyfrifol am yr ysgol neu'r sefydliad sy'n darparu'r cwrs astudio i'w ystyried, mewn perthynas â'r person hwnnw, yn gorff sy'n gwneud trefniadau ar gyfer penderfynu pwy sy'n cael ei gynnig derbyniad, ac yn gorff sy'n cynnig derbyn neu sy'n peidio â derbyn at ddiben adrannau 85(1) a (4) a 91(1) a (6) o Ddeddf Cydraddoldeb 2010(1).

(2) Pan fo'r canlynol yn digwydd, sef—

- (a) bod person wedi dewis dilyn cwrs astudio o dan adran 116D(1) o Ddeddf 2002 neu adran 33E(1) o Ddeddf 2000, a
- (b) nad yw'r cwrs astudio hwnnw'n cael ei ddarparu yn yr ysgol lle y mae'r person yn ddisgybl cofrestredig neu'r sefydliad lle y mae'r person wedi ymrestru fel myfyriwr llawnamser,

mae'r person hwnnw i'w ystyried yn berson sydd wedi gwneud cais am gael ei dderbyn at ddiben adrannau 85(3)(b) a 91(5)(b) o Ddeddf Cydraddoldeb 2010.

- (b) that course of study is not provided at the school where the person is a registered pupil or the institution where the person is enrolled as a full time student,

the responsible body for the school or institution which provides the course of study is, in relation to that person, to be taken to be making arrangements for deciding who is offered admission, to be offering to admit or to be not admitting for the purpose of sections 85(1) and (4) and 91(1) and (6) of the Equality Act 2010(1).

(2) Where—

- (a) a person has elected to follow a course of study under section 116D(1) of the 2002 Act or section 33E(1) of the 2000 Act, and
- (b) that course of study is not provided at the school where the person is a registered pupil or the institution where the person is enrolled as a full time student,

that person is to be taken to be a person who has applied for admission for the purpose of sections 85(3)(b) and 91(5)(b) of the Equality Act 2010.

Huw Lewis

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru

16 Gorffennaf 2013

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Minister for Education and Skills, one of the Welsh Ministers

16 July 2013

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