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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2021 Rhif 1244 (Cy. 316) (C. 69)**

**2021 No. 1244 (W. 316) (C. 69)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

Gorchymyn Deddf Anghenion  
Dysgu Ychwanegol a'r Tribiwnlys  
Addysg (Cymru) 2018 (Cychwyn  
Rhif 6 a Darpariaethau Trosiannol a  
Darpariaethau Arbed) 2021

The Additional Learning Needs and  
Education Tribunal (Wales) Act  
2018 (Commencement No. 6 and  
Transitional and Saving Provisions)  
Order 2021

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

*(This note is not part of the Order)*

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

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

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.

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.

Daw'r darpariaethau a restrir yn erthygl 3 i rym ar 1 Ionawr 2022 mewn perthynas â'r rheini sydd ym mlwyddyn 10 ac yn is, sy'n mynychu ysgol a gynhelir (gan gynnwys uned cyfeirio disgyblion), sydd ag anghenion addysgol arbennig penodol a nodwyd ac sydd naill ai yn blant sy'n derbyn gofal neu sydd wedi cofrestru mewn sefydliad arall. Mae'n eithrio rhai eraill sy'n ymwneud â'r fframwaith statudol presennol, gan gynnwys y rheini sydd â datganiad anghenion addysgol arbennig (erthygl 2).

The provisions listed in article 3 come into force on 1 January 2022 in relation to those who are in year 10 and below, attend a maintained school (including a pupil referral unit), who have certain identified special educational needs and who are either looked after children or registered at another institution. It excludes some others engaged with the current statutory framework including those with a statement of special educational needs (article 2).

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).

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 i 11). Er enghraifft, bydd plentyn sydd mewn dosbarth meithrin, neu sydd ym mlwyddyn 1, 3, 5, 7 neu 10 yn trosglwyddo i'r gyfraith newydd yn ystod y flwyddyn ysgol 2021-2022. Dyddiad yr hysbysiad a roddir i blentyn penodol fydd y dyddiad y mae'r plentyn yn trosglwyddo i'r gyfraith newydd.

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 ag anghenion addysgol arbennig a nodwyd neu riant y plentyn ofyn bod hysbysiad yn cael ei roi (erthygl 12). 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 eithriadol yn gymwys (erthygl 13).

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 14).

Os nad yw'r plentyn wedi trosglwyddo i'r gyfraith newydd erbyn diwedd y flwyddyn ysgol y dylai'r plentyn fod wedi trosglwyddo, mae'r hen gyfraith yn peidio â chael effaith ac mae'r gyfraith newydd yn cael effaith ar ddiwrnod olaf y flwyddyn ysgol berthnasol (erthyglau 15 i 17).

Mae erthygl 18 yn gymwys pan fo plentyn yn peidio â bod yn ddisgybl cofrestredig neu'n fyfyrwr sydd wedi ymrestru mewn sefydliad arall ac na fo'n derbyn gofal. Bydd y plentyn yn trosglwyddo i'r gyfraith newydd ar y dyddiad y mae'r plentyn yn peidio â bod yn ddisgybl cofrestredig neu'n fyfyrwr sydd wedi ymrestru mewn sefydliad arall.

Mae erthygl 19 yn gymwys i blentyn sy'n peidio â derbyn gofal. Bydd y plentyn yn trosglwyddo i'r gyfraith newydd ar y dyddiad y mae'r plentyn yn peidio â derbyn gofal gan yr awdurdod lleol.

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 to 11). For example, a child in a nursery class, or in year 1, 3, 5, 7, or 10 will transfer to the new law during the school year 2021-2022. The date of the notice given to a particular child will be the date that child transfers to the new law.

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 identified special educational needs or the child's parent can request that a notice is given (article 12). 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 exceptional circumstances apply (article 13).

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 14).

If the child has not transferred to the new law by the end of the school year that the child should have transferred, the old law ceases and the new law has effect on the final day of the relevant school year (articles 15 to 17).

Article 18 applies where a child ceases to be a registered pupil or an enrolled student at another institution and is not looked after. The child will transfer to the new law on the date the child ceases to be a registered pupil or an enrolled student at another institution.

Article 19 applies to a child who ceases to be looked after. The child will transfer to the new law on the date that the child ceases to be looked after by the local authority.

Wrth lunio cynllun datblygu unigol ar gyfer plentyn ag anghenion addysgol arbennig a nodwyd, o dan amgylchiadau penodol, rhaid rhoi sylw i'r ddarpariaeth addysgol arbennig yr oedd y plentyn yn ei chael yn union cyn trosglwyddo i'r gyfraith newydd (erthygl 20).

When preparing an individual development plan for a child with identified special educational needs, in certain circumstances, regard must be had to the special educational provision the child was receiving immediately before transferring to the new law (article 20).

## NODYN AM Y GORCHMYNION CYCHWYN CYNHARACH

Mae'r darpariaethau a ganlyn o'r Ddeddf wedi eu dwyn i rym drwy Orchymyn 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 (Cy. 116)(C. 12)
Adran 4 (yn rhannol)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)
Adran 5	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267)(C. 33)
Adran 6 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)
Adran 7 (yn rhannol)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)
Adran 8 (yn rhannol)	2 Tachwedd 2020 1 Medi 2021	O.S. 2020/1182 (Cy. 267)(C. 33) O.S. 2021/373 (Cy. 116)(C. 12)
Adrannau 10 i 14 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)
Adran 15	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267)(C. 33)
Adran 16 (yn rhannol)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267)(C. 33)
(yn llawn)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)(2)

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

The following provisions of the Act have been brought into force by Commencement Order 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)
Section 4 (partially)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W. 116)(C. 12)
Section 5	2 November 2020	S.I. 2020/1182 (W. 267)(C. 33)
Section 6 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Section 7 (partially)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W. 116)(C. 12)
Section 8 (partially)	2 November 2020 1 September 2021	S.I. 2020/1182 (W. 267)(C. 33) S.I. 2021/373 (W. 116)(C. 12)
Sections 10 to 14 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Section 15	2 November 2020	S.I. 2020/1182 (W. 267)(C. 33)
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) (2)

(1) Gweler Gorchymyn Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Cychwyn Rhif 5 a Darpariaethau Trosiannol a Darpariaethau Arbed) 2021 (O.S. 2021/1243 (Cy. 315) (C. 68)) a Gorchymyn Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Cychwyn Rhif 7) 2021 (O.S. 2021/1245 (Cy. 317) (C. 70)) sy'n dwyn i rym ddarpariaethau at ddibenion penodol ar yr un dyddiad â'r Gorchymyn hwn.

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

(1) See the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No.5 and Transitional and Saving Provisions) Order 2021 (S.I. 2021/1243 (W. 315) (C. 68)) and the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 7) Order 2021 (S.I. 2021/1245 (W. 317) (C. 70)) which bring provisions into force for certain purposes on the same date as this Order.

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

Adrannau 17 i 20 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Sections 17 to 20 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
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)
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)
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)
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)
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)
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	O.S. 2021/373 (Cy. 116)(C. 12)	Section 38 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
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	O.S. 2021/373 (Cy. 116)(C. 12)	Sections 40 to 44 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
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	O.S. 2020/1182 (Cy. 267)(C. 33)	Section 47 (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)
Adrannau 48 i 49 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Sections 48 to 49 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Adran 50(1), (4) a (5) (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Section 50(1), (4) and (5) (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
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	O.S. 2021/373 (Cy. 116)(C. 12)	Sections 51 to 53 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Adran 54 (yn rhannol)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267)(C. 33)	Section 54 (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 55 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	Section 55 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Adran 56 (yn rhannol)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267)(C. 33)	Section 56 (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 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	O.S. 2021/373 (Cy. 116)(C. 12)	Section 59 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
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	O.S. 2021/373 (Cy. 116)(C. 12)	Sections 63 to 64 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
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)
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)
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)
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)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267)(C. 33)	Section 75 (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 76 (yn rhannol)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267)(C. 33)	Section 76 (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 77 (yn rhannol)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267)(C. 33)	Section 77 (partially)	2 November 2020	S.I. 2020/1182 (W. 267)(C. 33)
(yn llawn)	1 Medi 2021	O.S. 2021/374 (Cy. 116)(C. 12)	(fully)	1 September 2021	S.I. 2021/374 (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)	2 Tachwedd 2020	O.S. 2020/1182 (Cy. 267)(C. 33)	Section 83 (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 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)
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)
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	O.S. 2021/373 (Cy. 116)(C. 12)	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	S.I. 2021/373 (W. 116)(C. 12)

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	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 7 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 8 (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 8 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
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	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 11(a) (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
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	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 12(a) (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)

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	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 14(1) to (3) (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
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)
Yr Atodlen, paragraff 19(1), (5)(e)(ii) (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 19(1), (5)(e)(ii) (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
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	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 21 (1), (2)(a)(i) and (2)(b)(ii) (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
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	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraph 22 (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)



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, paragraff 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	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraff 23(1) and (4) (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
Yr Atodlen, paragraff 24(1) a 24(3) a (6)(a) (yn rhannol)	1 Medi 2021	O.S. 2021/373 (Cy. 116)(C. 12)	The Schedule, paragraff 24(1) and 24(3) and (6)(a) (partially)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12)
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, paragraff 24(1), 24(2), (5) and (6)(b) and (c)	1 September 2021	S.I. 2021/373 (W. 116)(C. 12) (1)

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

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

**2021 Rhif 1244 (Cy. 316) (C. 69)**

**2021 No. 1244 (W. 316) (C. 69)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

Gorchymyn Deddf Anghenion  
Dysgu Ychwanegol a'r Tribiwnlys  
Addysg (Cymru) 2018 (Cychwyn  
Rhif 6 a Darpariaethau Trosiannol a  
Darpariaethau Arbed) 2021

The Additional Learning Needs and  
Education Tribunal (Wales) Act  
2018 (Commencement No. 6 and  
Transitional and Saving Provisions)  
Order 2021

*Gwnaed*

*9 Tachwedd 2021*

*Made*

*9 November 2021*

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:

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:

**Enwi a dehongli**

**Title and interpretation**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Cychwyn Rhif 6 a Darpariaethau Trosiannol a Darpariaethau Arbed) 2021.

1.—(1) The title of this Order is the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 6 and Transitional and Saving Provisions) Order 2021.

(2) Yn y Gorchymyn hwn—

(2) In this Order—

mae i “addysg feithrin” yr un ystyr â “nursery education” yn adran 117 o Ddeddf Safonau a Fframwaith Ysgolion 1998;

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

mae i “anhawster dysgu” yr un ystyr â “learning difficulty” yn—

“the 2014 Act” (“*Deddf 2014*”) means the Children and Families Act 2014(3);

(i) adran 312(2)(2) o Ddeddf 1996—

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

(aa) mewn perthynas â phlentyn yn ardal awdurdod lleol yng Nghymru ond nid plentyn sy'n

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

“child” (“*plentyn*”) means a person who is not over compulsory school age but does not include a person who is in year 11;

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(1) 2018 decc 2.

(2) Diwygiwyd gan Ddeddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p. 22), adran 59 a pharagraffau 1 a 6 o Atodlen 2, gan Ddeddf Plant a Theuluoedd 2014 (p. 6), adran 82 a pharagraffau 1 ac 11 o Atodlen 3, gan Orchymyn Awdurdodau Addysg Lleol ac Awdurdodau Gwasanaethau Plant (Integreiddio Swyddogaethau) 2010 (O.S. 2010/1158), erthygl 5 a pharagraff 7 o Atodlen 2, gan Ddeddf Addysg 1997 (p. 44), adran 57, paragraff 23 o Atodlen 7 ac Atodlen 8.

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(1) 2018 anaw 2.

(2) 1996 c. 56.

(3) 2014 c. 6.

ddisgybl cofrestredig mewn ysgol brif ffrwd yn Lloegr,

- (bb) mewn perthynas â phlentyn yn ardal awdurdod lleol yn Lloegr sy'n ddisgybl cofrestredig mewn ysgol a gynhelir yng Nghymru, fel pe bai "a child in the area of a local authority in Wales" wedi ei hegor,

- (ii) adran 20 o Ddeddf 2014 mewn perthynas â phlentyn yn ardal awdurdod lleol yng Nghymru sy'n ddisgybl cofrestredig mewn ysgol brif ffrwd yn Lloegr;

mae i "asesiad o anghenion AIG" yr un ystyr ag "EHC needs assessment" yn adran 36(2) o Ddeddf 2014;

mae i "awdurdod lleol" yr un ystyr â "local authority" yn adran 579(1) o Ddeddf 1996;

ystyr "blwyddyn 1" ("year 1") yw grŵp blwyddyn y bydd mwyafrif y plant, yn ystod y flwyddyn ysgol, yn cyrraedd 6 oed;

ystyr "blwyddyn 3" ("year 3") yw grŵp blwyddyn y bydd mwyafrif y plant, yn ystod y flwyddyn ysgol, yn cyrraedd 8 oed;

ystyr "blwyddyn 4" ("year 4") yw grŵp blwyddyn y bydd mwyafrif y plant, yn ystod y flwyddyn ysgol, yn cyrraedd 9 oed;

ystyr "blwyddyn 5" ("year 5") yw grŵp blwyddyn y bydd mwyafrif y plant, yn ystod y flwyddyn ysgol, yn cyrraedd 10 oed;

ystyr "blwyddyn 7" ("year 7") yw grŵp blwyddyn y bydd mwyafrif y plant, yn ystod y flwyddyn ysgol, yn cyrraedd 12 oed;

ystyr "blwyddyn 8" ("year 8") yw grŵp blwyddyn y bydd mwyafrif y plant, yn ystod y flwyddyn ysgol, yn cyrraedd 13 oed;

ystyr "blwyddyn 9" ("year 9") yw grŵp blwyddyn y bydd mwyafrif y plant, yn ystod y flwyddyn ysgol, yn cyrraedd 14 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;

mae i "blwyddyn ysgol" yr un ystyr â "school year" yn adran 579(2) o Ddeddf 1996;

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

"EHC needs assessment" ("*asesiad o anghenion AIG*") has the same meaning as in section 36(2) of the 2014 Act;

"EHC plan" ("*cynllun AIG*") has the same meaning as in section 37(2)(1) of the 2014 Act;

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

"institution in the further education sector" ("*sefydliad yn y sector addysg bellach*") has the same meaning as in section 99 of the Act;

"in the area of a local authority in England" ("*yn ardal awdurdod lleol yn Lloegr*") has the same meaning as in section 579(3A)(2) of the 1996 Act;

"in the area of a local authority in Wales" ("*yn ardal awdurdod lleol yng Nghymru*") has the same meaning as in section 579(3B)(3) of the 1996 Act;

"learning difficulty" ("*anhawster dysgu*") has the same meaning as in—

(i) section 312(2)(4) of the 1996 Act—

(aa) in relation to a child in the area of a local authority in Wales but not a child who is a registered pupil at a mainstream school in England,

(bb) in relation to a child in the area of a local authority in England who is a registered pupil at a maintained school in Wales, as if "a child in the area of a local authority in Wales" were omitted,

(ii) section 20 of the 2014 Act in relation to a child in the area of a local authority in Wales who is a registered pupil at a mainstream school in England;

(1) Amnewidiwyd y diffiniad o "awdurdod lleol" gan Orchymyn Awdurdodau Addysg Lleol ac Awdurdodau Gwasanaethau Plant (Integreiddio Swyddogaethau) 2010 (O.S. 2010/1158), erthygl 3.

(2) Mewnosodwyd diffiniad o "blwyddyn ysgol" gan Ddeddf Addysg 1997 (p. 44), adran 57, paragraff 43 o Atodlen 7.

(1) Amended by the Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), article 2 and paragraph 97 of the Schedule.

(2) 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.

(3) 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.

(4) Amended by the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 59 and paragraphs 1 and 6 of Schedule 2, by the Children and Families Act 2014 (c. 6), section 82 and paragraphs 1 and 11 of Schedule 3, by the Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), article 5 and paragraph 7 of Schedule 2, by the Education Act 1997 (c. 44), section 57, paragraph 23 of Schedule 7 and Schedule 8.

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

mae i “cynllun AIG” yr un ystyr ag “EHC Plan” yn adran 37(2)(1) o Ddeddf 2014;

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

mae i “darpariaeth addysgol arbennig” yr un ystyr â “special educational provision” yn—

(i) adran 312(4)(2) o Ddeddf 1996—

(aa) mewn perthynas â phlentyn yn ardal awdurdod lleol yng Nghymru ond nid plentyn sy’n ddisgybl cofrestredig mewn ysgol brif ffrwd yn Lloegr,

(bb) mewn perthynas â phlentyn yn ardal awdurdod lleol yn Lloegr sy’n ddisgybl cofrestredig mewn ysgol a gynhelir yng Nghymru fel pe bai “in relation to a child in the area of a local authority in Wales” wedi ei hepgor,

(ii) adran 21 o Ddeddf 2014 mewn perthynas â phlentyn yn ardal awdurdod lleol yng Nghymru sy’n ddisgybl cofrestredig mewn ysgol brif ffrwd yn Lloegr;

ystyr “Deddf 1996” (“*the 1996 Act*”) yw Deddf Addysg 1996(3);

ystyr “Deddf 2014” (“*the 2014 Act*”) yw Deddf Plant a Theuluoedd 2014(4);

mae i “disgybl cofrestredig” yr un ystyr â “registered pupil” yn adran 434(5) o Ddeddf 1996;

ystyr “dosbarth meithrin” (“*nursery class*”) yw dosbarth o ddisgyblion y mae addysg feithrin yn cael ei darparu iddynt;

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

“local authority” (“*awdurdod lleol*”) has the same meaning as in section 579(1) of the 1996 Act;

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

“mainstream school” (“*ysgol brif ffrwd*”) has the same meaning as in section 83(2) of the 2014 Act;

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

“nursery class” (“*dosbarth meithrin*”) means a class of pupils who are provided with nursery education;

“nursery education” (“*addysg feithrin*”) has the same meaning as in section 117 of the School Standards and Framework Act 1998;

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

“registered pupil” (“*disgybl cofrestredig*”) has the same meaning as in section 434(2) of the 1996 Act;

“school year” (“*blwyddyn ysgol*”) has the same meaning as in section 579(3) of the 1996 Act;

“special educational provision” (“*darpariaeth addysgol arbennig*”) has the same meaning as in—

(i) section 312(4)(4) of the 1996 Act—

(aa) in relation to a child in the area of a local authority in Wales but not a child who is a registered pupil at a mainstream school in England,

(bb) in relation to a child in the area of a local authority in England who is a registered pupil at a maintained school in Wales as if “in relation to a child in the area of a local authority in Wales” were omitted,

(ii) section 21 of the 2014 Act in relation to a child in the area of a local authority in

(1) Diwygiwyd gan Ddeddf Gofal 2014 a Gorchymyn Deddf Plant a Theuluoedd 2014 (Diwygiadau Canlyniadol) 2015 (O.S. 2015/914), erthygl 2 a pharagraff 97 o’r Atodlen.

(2) Diwygiwyd gan Ddeddf Plant a Theuluoedd 2014 (p. 6), adran 82 a pharagraffau 1 ac 11 o Atodlen 3, gan Orchymyn Awdurdodau Addysg Lleol ac Awdurdodau Gwasanaethau Plant (Integreiddio Swyddogaethau) 2010 (O.S. 2010/1158), erthygl 5 a pharagraff 7 o Atodlen 2, gan Ddeddf Safonau a Fframwaith Ysgolion 1998 (p. 31), adran 140 a pharagraff 71 o Atodlen 30 ac Atodlen 31.

(3) 1996 p. 56.

(4) 2014 p. 6.

(5) 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.

(1) Definition of “local authority” was substituted by the Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), article 3.

(2) 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.

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

(4) Amended by the Children and Families Act 2014 (c. 6), section 82 and paragraphs 1 and 11 of Schedule 3, by the Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), article 5 and paragraph 7 of Schedule 2, by the School Standards and Framework Act 1998 (c. 31), section 140 and paragraph 71 of Schedule 30 and Schedule 31.

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 o Ddeddf 1996;

ystyr “plentyn” (“*child*”) yw person nad yw’n hŷn na’r oedran ysgol gorfodol ond nid yw’n cynnwys person sydd ym mlwyddyn 11;

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

ystyr “Rheolau’r Tribiwnlys” (“*Tribunal Rules*”) yw Rheoliadau Tribiwnlys Anghenion Addysgol Arbennig Cymru 2012(1);

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

mae i “sefydliad yn y sector addysg bellach” (“*institution in the further education sector*”) yr un ystyr ag yn adran 99 o’r Ddeddf;

ystyr “Tribiwnlys” (“*Tribunal*”) yw Tribiwnlys Addysg Cymru(2);

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

mae i “yn ardal awdurdod lleol yn Lloegr” yr un ystyr ag “in the area of a local authority in England” yn adran 579(3A)(4) o Ddeddf 1996;

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

mae i “ysgol brif ffrwd” yr un ystyr â “mainstream school” yn adran 83(2) o Ddeddf 2014.

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

- (a) adran 323;
- (b) adran 329;
- (c) adran 329A.

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

(2) 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.

(3) 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.

(4) 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.

Wales who is a registered pupil at a mainstream school in England;

“Tribunal” (“*Tribiwnlys*”) means the Education Tribunal for Wales(1);

“Tribunal Rules” (“*Rheolau’r Tribiwnlys*”) means Special Educational Needs Tribunal for Wales Regulations 2012(2);

“year 1” (“*blwyddyn 1*”) means a year group in which the majority of children will, in the school year, attain the age of 6;

“year 3” (“*blwyddyn 3*”) means a year group in which the majority of children will, in the school year, attain the age of 8;

“year 4” (“*blwyddyn 4*”) means a year group in which the majority of children will, in the school year, attain the age of 9;

“year 5” (“*blwyddyn 5*”) means a year group in which the majority of children will, in the school year, attain the age of 10;

“year 7” (“*blwyddyn 7*”) means a year group in which the majority of children will, in the school year, attain the age of 12;

“year 8” (“*blwyddyn 8*”) means a year group in which the majority of children will, in the school year, attain the age of 13;

“year 9” (“*blwyddyn 9*”) means a year group in which the majority of children will, in the school year, attain the age of 14;

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

“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 but excluding—

- (a) section 323;
- (b) section 329;
- (c) section 329A.

(1) 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.

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

(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 honno neu reoliadau neu god o'r fath, neu
  - (ii) person y mae'r Ddeddf honno neu reoliadau neu god o'r fath yn gymwys iddo.

(5) At ddibenion y Gorchymyn hwn dyfernir yn derfynol ar apêl—

- (a) os caiff penderfyniad ei wneud gan driw 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 dwyn.

(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.

### **Ystyr anghenion addysgol arbennig a nodwyd**

2.—(1) At ddibenion y Gorchymyn hwn, mae gan blentyn (“P”) “angenion addysgol arbennig a nodwyd” os yw P yn ddisgybl cofrestredig—

- (a) mewn ysgol a gynhelir yng Nghymru ac yn blentyn sy'n derbyn gofal ond nid yn blentyn sy'n derbyn gofal sydd yn ardal awdurdod lleol yn Lloegr;
- (b) mewn ysgol a gynhelir yng Nghymru ac—
  - (i) yn ddisgybl cofrestredig neu'n fyfyrwr sydd wedi ymrestru mewn sefydliad arall (a bod y sefydliad hwnnw yn ysgol neu'n sefydliad yn y sector addysg bellach), a
  - (ii) y mae awdurdod lleol yng Nghymru yn gyfrifol am P;

(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 that Act or such regulations or code, or
  - (ii) a person to whom that Act or such regulations or code applies.

(5) For the purposes of this Order an appeal is finally determined 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 brought.

(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.

### **Meaning of identified special educational needs**

2.—(1) For the purposes of this Order, a child (“C”) has “identified special educational needs” if C is a registered pupil—

- (a) at a maintained school in Wales and is a looked after child but not a looked after child who is in the area of a local authority in England;
- (b) at a maintained school in Wales and—
  - (i) is a registered pupil or an enrolled student at another institution (that institution being a school or an institution in the further education sector), and
  - (ii) a local authority in Wales is responsible for C;

a bod ganddo anhawster dysgu a nodwyd gan gorff llywodraethu'r ysgol y mae'r plentyn yn ddisgybl cofrestredig ynddi sy'n galw am wneud darpariaeth addysgol arbennig ar gyfer P.

(2) Ond nid yw'n cynnwys plentyn—

- (a) y mae awdurdod lleol yn cynnal datganiad mewn perthynas ag ef o dan adran 324 o Ddeddf 1996;
- (b) y mae awdurdod lleol yn cynnal cynllun AIG mewn perthynas ag ef;
- (c) y mae awdurdod lleol wedi cyflwyno hysbysiad mewn perthynas ag ef o dan adran 323 o Ddeddf 1996 ac nad yw'r asesiad wedi cychwyn ac nad oes hysbysiad wedi ei roi o dan adran 323(6) o Ddeddf 1996;
- (d) y mae cais wedi ei wneud mewn perthynas ag ef o dan adran 329 neu 329A o Ddeddf 1996 am asesiad o dan adran 323 o Ddeddf 1996 ac nad yw'r awdurdod lleol wedi penderfynu pa un ai i asesu ai peidio;
- (e) y mae cais wedi ei wneud mewn perthynas ag ef o dan adran 329 neu 329A o Ddeddf 1996 am asesiad o dan adran 323 o Ddeddf 1996 a bod yr awdurdod lleol yn penderfynu peidio â chydymffurfio â'r cais ac—
  - (i) nad yw'r amser y mae rhaid i apêl o dan adran 329(2) neu 329A(8) o Ddeddf 1996 gael ei dwyn ynddo o dan Ran B o Reolau'r Tribiwnlys wedi dod i ben;
  - (ii) bod apêl wedi ei dwyn i'r Tribiwnlys o dan adran 329(2) neu 329A(8) o Ddeddf 1996 mewn perthynas â'r penderfyniad hwnnw ond na ddyfarnwyd yn derfynol arni; neu
  - (iii) dyfarnwyd yn derfynol ar apêl i'r Tribiwnlys o dan adran 329(2) neu 329A(8) o Ddeddf 1996 mewn perthynas â'r penderfyniad hwnnw a gorchmynnwyd i'r awdurdod lleol drefnu asesiad, ac nad yw'r asesiad hwnnw wedi cychwyn;
- (f) y mae awdurdod lleol yn ymgymryd ag asesiad o anghenion addysgol mewn perthynas ag ef o dan adran 323 o Ddeddf 1996;
- (g) y mae awdurdod lleol yn bwriadu peidio â gwneud datganiad mewn perthynas ag ef yn dilyn asesiad ac—
  - (i) nad yw'r amser y mae rhaid i apêl o dan adran 325(2) o Ddeddf 1996 gael ei dwyn ynddo o dan Ran B o Reolau'r Tribiwnlys wedi dod i ben;

and has a learning difficulty identified by the governing body of the school at which the child is a registered pupil which calls for special educational provision to be made for C.

(2) But does not include a child—

- (a) in relation to whom a local authority is maintaining a statement under section 324 of the 1996 Act;
- (b) in relation to whom a local authority is maintaining an EHC plan;
- (c) in relation to whom a local authority has served a notice under section 323 of the 1996 Act and the assessment has not commenced and no notice has been given under section 323(6) of the 1996 Act;
- (d) in relation to whom a request has been made under section 329 or 329A of the 1996 Act for an assessment under section 323 of the 1996 Act and the local authority has not determined whether to assess;
- (e) in relation to whom a request has been made under section 329 or 329A of the 1996 Act for an assessment under section 323 of the 1996 Act and the local authority determines not to comply with the request and—
  - (i) the time within which an appeal under section 329(2) or 329A(8) of the 1996 Act has to be brought under Part B of the Tribunal Rules has not ended;
  - (ii) an appeal to the Tribunal under section 329(2) or 329A(8) of the 1996 Act in relation to that determination has been brought but not finally determined; or
  - (iii) an appeal to the Tribunal under section 329(2) or 329A(8) of the 1996 Act in relation to that determination was finally determined and the local authority was ordered to arrange an assessment, and that assessment has not commenced;
- (f) in relation to whom a local authority is undertaking an assessment of educational needs under section 323 of the 1996 Act;
- (g) in relation to whom a local authority proposes not to make a statement following an assessment and—
  - (i) the time within which an appeal under section 325(2) of the 1996 Act has to be brought under Part B of the Tribunal Rules has not ended;

- (ii) bod apêl wedi ei dwyn i'r Tribiwnlys o dan adran 325(2) o Ddeddf 1996 mewn perthynas â'r penderfyniad hwnnw ond na ddyfarnwyd yn derfynol arni;
- (iii) dygwyd apêl i'r Tribiwnlys o dan adran 325(2) o Ddeddf 1996 mewn perthynas â'r penderfyniad hwnnw a dyfarnwyd yn derfynol arni a gorchmynnwyd i'r awdurdod lleol—
  - (aa) gwneud a chynnal datganiad ac nad yw'r broses o wneud y datganiad wedi cychwyn, neu
  - (bb) ailystyried ei benderfyniad ac nad yw'r ailystyried hwnnw wedi cychwyn;
- (h) y mae rhaid i awdurdod lleol wneud datganiad mewn perthynas ag ef o dan adran 324 o Ddeddf 1996 ond nad yw'r broses o wneud y datganiad wedi cychwyn;
- (i) y mae awdurdod lleol wedi penderfynu peidio â chynnal datganiad mewn perthynas ag ef o dan baragraff 11(1) o Atodlen 27 i Ddeddf 1996 mwyach ac—
  - (i) nad yw'r amser y mae rhaid i apêl o dan baragraff 11(2)(b) o'r Atodlen honno gael ei dwyn ynddo o dan Ran B o Reolau'r Tribiwnlys wedi dod i ben, neu
  - (ii) bod apêl wedi ei dwyn i'r Tribiwnlys o dan baragraff 11(2)(b) o'r Atodlen honno mewn perthynas â'r penderfyniad hwnnw ond na ddyfarnwyd yn derfynol arni;
- (j) y mae asesiad mewn perthynas ag ef o dan adran 331 o Ddeddf 1996 yn mynd rhagddo;
- (k) nad yw'n hŷn na'r oedran ysgol gorfodol ond y mae asesiad mewn perthynas ag ef o dan adran 140 o Ddeddf Dysgu a Sgiliau 2000(1)—
  - (i) yn mynd rhagddo, neu
  - (ii) wedi arwain at adroddiad ar anghenion addysgol a hyfforddi y person a'r ddarpariaeth sy'n ofynnol i'w diwallu;
- (l) y mae cais wedi ei wneud mewn perthynas ag ef i awdurdod lleol i sicrhau asesiad o anghenion AIG o dan adran 36(1) o Ddeddf 2014 ac nad yw'r awdurdod lleol wedi penderfynu ar y cais hwnnw o dan adran 36(3);
- (m) y mae awdurdod lleol wedi penderfynu, o dan adran 36, beidio â sicrhau asesiad o anghenion AIG mewn perthynas ag ef ac—
  - (ii) an appeal to the Tribunal under section 325(2) of the 1996 Act in relation to that decision has been brought but not finally determined;
  - (iii) an appeal to the Tribunal under section 325(2) of the 1996 Act in relation to that decision was brought and finally determined and the local authority was ordered to—
    - (aa) make and maintain a statement and the making of the statement has not commenced, or
    - (bb) reconsider its decision and that reconsideration has not commenced;
- (h) in relation to whom a local authority must make a statement under section 324 of the 1996 Act but the making of the statement has not commenced;
- (i) in relation to whom the local authority has determined to cease to maintain a statement under paragraph 11(1) of Schedule 27 to the 1996 Act and—
  - (i) the time within which an appeal under paragraph 11(2)(b) of that Schedule has to be brought under Part B of the Tribunal Rules has not ended, or
  - (ii) an appeal to the Tribunal under paragraph 11(2)(b) of that Schedule has been brought in relation to that decision but not finally determined;
- (j) in relation to whom an assessment under section 331 of the 1996 Act is ongoing;
- (k) who is not over compulsory school age but in relation to whom an assessment under section 140 of the Learning and Skills Act 2000(1)—
  - (i) is ongoing, or
  - (ii) has resulted in a report of the person's educational and training needs and the provision required to meet them;
- (l) in relation to whom a request to a local authority has been made to secure an EHC needs assessment under section 36(1) of the 2014 Act and the local authority has not determined that request under section 36(3);
- (m) in relation to whom a local authority has determined under section 36 not to secure an EHC needs assessment and—



- (i) nad yw'r cyfnod ar gyfer dilyn cyfryngu mewn perthynas â'r penderfyniad hwnnw o dan adran 52 o Ddeddf 2014 wedi dod i ben;
  - (ii) bod cyfryngu o dan adran 55 o Ddeddf 2014 yn mynd rhagddo mewn perthynas â'r penderfyniad hwnnw;
  - (iii) bod tystysgrif gyfryngu wedi ei dyroddi o dan adran 55(4) o Ddeddf 2014 mewn perthynas â'r penderfyniad hwnnw ac nad yw'r cyfnod ar gyfer cyflwyno apêl i'r Tribiwnlys Haen Gyntaf o dan adran 51 o Ddeddf 2014 wedi dod i ben;
  - (iv) bod apêl wedi ei dwyn i'r Tribiwnlys Haen Gyntaf o dan adran 51(2)(a) o Ddeddf 2014 mewn perthynas â'r penderfyniad hwnnw ond na ddyfarnwyd yn derfynol arni;
  - (v) bod apêl wedi ei dwyn i'r Tribiwnlys Haen Gyntaf o dan adran 51(2)(a) o Ddeddf 2014 mewn perthynas â'r penderfyniad hwnnw a dyfarnwyd yn derfynol arni a gorchmynnwyd i'r awdurdod lleol drefnu asesiad neu ailasesiad, ac nad yw'r asesiad hwnnw neu'r ailasesiad hwnnw wedi cychwyn;
- (n) y mae awdurdod lleol wedi cyflwyno hysbysiad mewn perthynas ag ef o dan adran 36(7) o Ddeddf 2014 ei fod yn ystyried sicrhau asesiad o anghenion AIG ac—
- (i) nad yw'r asesiad wedi cychwyn,
  - (ii) bod yr asesiad yn mynd rhagddo, neu
  - (iii) nad oes hysbysiad wedi ei gyflwyno o dan adran 36(9) o Ddeddf 2014;
- (o) y mae awdurdod lleol wedi penderfynu o dan adran 36(9) o Ddeddf 2014 nad yw'n angenrheidiol gwneud darpariaeth addysgol arbennig yn unol â chynllun AIG mewn perthynas ag ef ac—
- (i) nad yw'r cyfnod ar gyfer dilyn cyfryngu mewn perthynas â'r penderfyniad hwnnw o dan adran 52 o Ddeddf 2014 wedi dod i ben;
  - (ii) bod cyfryngu o dan adran 55 o Ddeddf 2014 yn mynd rhagddo mewn perthynas â'r penderfyniad hwnnw;
  - (iii) bod tystysgrif gyfryngu wedi ei dyroddi o dan adran 55(4) o Ddeddf 2014 mewn perthynas â'r penderfyniad hwnnw ac nad yw'r cyfnod ar gyfer cyflwyno apêl i'r Tribiwnlys Haen Gyntaf o dan adran 51 o Ddeddf 2014 wedi dod i ben;
- (i) the period for pursuing mediation in relation to that determination under section 52 of the 2014 Act has not ended;
  - (ii) mediation under section 55 of the 2014 Act is ongoing in relation to that determination;
  - (iii) a mediation certificate has been issued under section 55(4) of the 2014 Act in relation to that determination and the period for submitting an appeal to the First-tier Tribunal under section 51 of the 2014 Act has not ended;
  - (iv) an appeal to the First-tier Tribunal under section 51(2)(a) of the 2014 Act in relation to that determination has been brought but not finally determined;
  - (v) an appeal to the First-tier Tribunal under section 51(2)(a) of the 2014 Act in relation to that determination has been brought and fully determined and the local authority was ordered to arrange an assessment or re-assessment, and that assessment or re-assessment has not commenced;
- (n) in relation to whom a local authority has served a notice under section 36(7) of the 2014 Act that it is considering securing an EHC needs assessment and —
- (i) the assessment has not commenced,
  - (ii) the assessment is ongoing, or
  - (iii) no notice has been served under section 36(9) of the 2014 Act;
- (o) in relation to whom a local authority has determined under section 36(9) of the 2014 Act that it is not necessary for special educational provision to be made in accordance with an EHC plan and—
- (i) the period for pursuing mediation in relation to that determination under section 52 of the 2014 Act has not ended;
  - (ii) mediation under section 55 of the 2014 Act is ongoing in relation to that determination;
  - (iii) a mediation certificate has been issued under section 55(4) of the 2014 Act in relation to that determination and the period for submitting an appeal to the First-tier Tribunal under section 51 of the 2014 Act has not ended;

- (iv) bod apêl wedi ei dwyn i'r Tribiwnlys Haen Gyntaf o dan adran 51(2)(b) o Ddeddf 2014 mewn perthynas â'r penderfyniad hwnnw ond na ddyfarnwyd yn derfynol arni;
- (v) bod apêl wedi ei dwyn i'r Tribiwnlys Haen Gyntaf o dan adran 51(2)(b) o Ddeddf 2014 mewn perthynas â'r penderfyniad hwnnw a dyfarnwyd yn derfynol arni a gorchmynnwyd i'r awdurdod lleol—
  - (aa) gwneud a chynnal cynllun AIG ac nad yw'r broses o wneud y cynllun AIG wedi cychwyn, neu
  - (bb) ailystyried ei benderfyniad ac nad yw'r ailystyried hwnnw wedi cychwyn;
- (p) y mae awdurdod lleol wedi penderfynu o dan adran 36(9) o Ddeddf 2014 ei bod yn angenrheidiol gwneud darpariaeth addysgol arbennig yn unol â chynllun AIG mewn perthynas ag ef ond nad yw'r cynllun hwnnw wedi ei lunio;
- (q) y mae awdurdod lleol wedi penderfynu o dan adran 45 o Ddeddf 2014 nad yw'n angenrheidiol mwyach gynnal cynllun AIG mewn perthynas ag ef ac—
  - (i) nad yw'r cyfnod ar gyfer dilyn cyfryngu mewn perthynas â'r penderfyniad hwnnw o dan adran 52 o Ddeddf 2014 wedi dod i ben;
  - (ii) bod cyfryngu o dan adran 55 o Ddeddf 2014 yn mynd rhagddo mewn perthynas â'r penderfyniad hwnnw;
  - (iii) bod tystysgrif gyfryngu wedi ei dyroddi o dan adran 55(4) o Ddeddf 2014 mewn perthynas â'r penderfyniad hwnnw ac nad yw'r cyfnod ar gyfer cyflwyno apêl i'r Tribiwnlys Haen Gyntaf o dan adran 51 o Ddeddf 2014 wedi dod i ben;
  - (iv) bod apêl wedi ei dwyn i'r Tribiwnlys Haen Gyntaf o dan adran 51(2)(f) o Ddeddf 2014 mewn perthynas â'r penderfyniad hwnnw ond na ddyfarnwyd yn derfynol arni.
- (iv) an appeal to the First-tier Tribunal under section 51(2)(b) of the 2014 Act in relation to that determination has been brought but not finally determined;
- (v) an appeal to the First-tier Tribunal under section 51(2)(b) of the 2014 Act in relation to that determination has been brought and finally determined and the local authority was ordered to—
  - (aa) make and maintain an EHC plan and the making of the EHC plan has not commenced, or
  - (bb) reconsider its decision and that reconsideration has not commenced;
- (p) in relation to whom a local authority has determined under section 36(9) of the 2014 Act that it is necessary for special educational provision to be made in accordance with an EHC plan but that plan is not prepared;
- (q) in relation to whom a local authority has determined under section 45 of the 2014 Act that it is no longer necessary for an EHC plan to be maintained and—
  - (i) the period for pursuing mediation in relation to that determination under section 52 of the 2014 Act has not ended;
  - (ii) mediation under section 55 of the 2014 Act is ongoing in relation to that determination;
  - (iii) a mediation certificate has been issued under section 55(4) of the 2014 Act in relation to that determination and the period for submitting an appeal to the First-tier Tribunal under section 51 of the 2014 Act has not ended;
  - (iv) an appeal to the First-tier Tribunal under section 51(2)(f) of the 2014 Act in relation to that determination has been brought but not finally determined.

### **Y darpariaethau sy'n dod i rym ar 1 Ionawr 2022**

**3.** Daw'r darpariaethau a ganlyn o'r Ddeddf i rym ar 1 Ionawr 2022 mewn perthynas â phlentyn sydd ag anghenion addysgol arbennig a nodwyd ar 1 Ionawr 2022—

- (a) adrannau 2 i 4;
- (b) adrannau 6 i 14;

### **Provisions coming into force on 1 January 2022**

**3.** The following provisions of the Act come into force on 1 January 2022 in relation to a child who has identified special educational needs on 1 January 2022—

- (a) sections 2 to 4;
- (b) sections 6 to 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) i (5);
  - (i) adrannau 51 i 53;
  - (j) adran 55;
  - (k) adran 59;
  - (l) adrannau 63 i 66;
  - (m) adrannau 68 i 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 (x);
    - (iii) paragraff 4(2) i 4(8);
    - (iv) paragraff 4(9);
    - (v) paragraff 4(10);
    - (vi) paragraff 4(13) i 4(18);
    - (vii) paragraff 4(19)(b);
    - (viii) paragraff 4(20) a 4(21);
    - (ix) paragraff 4(23) i 4(29);
    - (x) paragraff 4(32)(a)(i) a (ii) a pharagraff 4(32)(b);
    - (xi) paragraff 7;
    - (xii) paragraff 8;
    - (xiii) paragraff 11(a);
    - (xiv) paragraff 12(a);
    - (xv) paragraff 14(1) at ddibenion y darpariaethau yn is-baragraff (xvi);
    - (xvi) paragraff 14(2) a (3);
    - (xvii) paragraff 19(1) at ddiben y ddarpariaeth yn is-baragraff (xviii);
    - (xviii) paragraff 19(5)(e)(ii);
    - (xix) paragraff 21(1) at ddibenion y darpariaethau yn is-baragraff (xx);
    - (xx) paragraff 21(2)(a)(i) a (2)(b)(ii);
    - (xxi) paragraff 22;
    - (xxii) paragraff 23(1) at ddiben y ddarpariaeth yn is-baragraff (xxiii);
    - (xxiii) paragraff 23(4);
- (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) to (5);
  - (i) sections 51 to 53;
  - (j) section 55;
  - (k) section 59;
  - (l) sections 63 to 66;
  - (m) sections 68 to 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 (x);
    - (iii) paragraph 4(2) to 4(8);
    - (iv) paragraph 4(9);
    - (v) paragraph 4(10);
    - (vi) paragraph 4(13) to 4(18);
    - (vii) paragraph 4(19)(b);
    - (viii) paragraph 4(20) and 4(21);
    - (ix) paragraph 4(23) to 4(29);
    - (x) paragraph 4(32)(a)(i) and (ii) and paragraph 4(32)(b);
    - (xi) paragraph 7;
    - (xii) paragraph 8;
    - (xiii) paragraph 11(a);
    - (xiv) paragraph 12(a);
    - (xv) paragraph 14(1) for the purposes of the provisions in sub-paragraph (xvi);
    - (xvi) paragraph 14(2) and (3);
    - (xvii) paragraph 19(1) for the purpose of the provision in sub-paragraph (xviii);
    - (xviii) paragraph 19(5)(e)(ii);
    - (xix) paragraph 21(1) for the purposes of the provisions in sub-paragraph (xx);
    - (xx) paragraph 21(2)(a)(i) and (2)(b)(ii);
    - (xxi) paragraph 22;
    - (xxii) paragraph 23(1) for the purpose of the provision in sub-paragraph (xxiii);
    - (xxiii) paragraph 23(4);

- (xxiv) paragraff 24(1) at ddibenion y darpariaethau yn is-baragraff (xxv);
- (xxv) paragraff 24(3) a (6)(a).

### **Darpariaeth arbed**

4. Yn ddarostyngedig i erthyglau 9 i 12 a 14 i 19, er bod Pennod 1 o Ran 4 o Ddeddf 1996(1) wedi ei datgymhwyso gan adran 96 o'r Ddeddf a pharagraff 4(9) o'r Atodlen iddi mewn perthynas â phlentyn sydd ag anghenion addysgol arbennig a nodwyd—

- (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.

### **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.

### **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.

### **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.

- (xxiv) paragraph 24(1) for the purposes of the provisions in sub-paragraph (xxv);
- (xxv) paragraph 24(3) and (6)(a).

### **Saving provision**

4. Subject to articles 9 to 12 and 14 to 19, 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(1) in relation to a child who has identified special educational needs—

- (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.

### **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.

### **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.

### **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.

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

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

## **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.

## **Dyletswydd i roi hysbysiad**

**9.—**(1) Mae'r erthygl hon yn gymwys i blentyn sydd ag anghenion addysgol arbennig a nodwyd ar 1 Ionawr 2022 ac sydd mewn dosbarth meithrin neu ym mlwyddyn 1, blwyddyn 3, blwyddyn 5, blwyddyn 7 neu flwyddyn 10.

(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 2021-2022.

**10.—**(1) Mae'r erthygl hon yn gymwys i blentyn sydd ag anghenion addysgol arbennig a nodwyd ar 1 Medi 2022 ac sydd mewn dosbarth meithrin neu ym mlwyddyn 1, blwyddyn 5, blwyddyn 9 neu flwyddyn 10 yn ystod y flwyddyn ysgol 2022-2023.

(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.

**11.—**(1) Mae'r erthygl hon yn gymwys i blentyn sydd ag anghenion addysgol arbennig a nodwyd ar 1 Medi 2023 ac nad oedd yn dod o fewn erthygl 9 na 10.

(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 2023-2024.

## **Hawl i ofyn am hysbysiad CDU neu hysbysiad Dim CDU**

**12.** Caiff plentyn a oedd ag anghenion addysgol arbennig a nodwyd ar 1 Ionawr 2022 neu riant y plentyn hwnnw ofyn i'r awdurdod lleol priodol roi hysbysiad CDU neu hysbysiad Dim CDU a rhaid i'r awdurdod roi naill ai hysbysiad CDU neu hysbysiad Dim CDU o fewn 15 niwrnod gwaith i'r cais.

## **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.

## **Duty to give a notice**

**9.—**(1) This article applies to a child who on 1 January 2022 has identified special educational needs and who is in a nursery class, year 1, year 3, year 5, year 7 or year 10.

(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 2021-2022 school year.

**10.—**(1) This article applies to a child who on 1 September 2022 has identified special educational needs and who is in a nursery class, year 1, year 5, year 9 or year 10 during the school year 2022-2023.

(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.

**11.—**(1) This article applies to a child who on 1 September 2023 has identified special educational needs and who did not come within article 9 or 10.

(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 2023-2024 school year.

## **Right to request an IDP notice or a No IDP notice**

**12.** A child who on 1 January 2022 had identified special educational needs or that child's parent may request that the appropriate local authority gives an IDP notice or a No IDP notice and the authority must give either an IDP notice or a No IDP notice within 15 working days of the request.

### **Amser ar gyfer rhoi cynllun datblygu unigol**

**13.**—(1) Pan fo hysbysiad CDU wedi ei roi yn unol ag erthyglau 9, 10, 11 neu 12 rhaid i'r awdurdod lleol priodol roi copi o'r cynllun datblygu unigol i'r plentyn a rhiant y plentyn o fewn 12 wythnos i ddyddiad yr hysbysiad, oni bai bod amgylchiadau eithriadol.

(2) 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 gan awdurdod lleol yn gymwys pan fo cynllun datblygu unigol wedi ei lunio yn dilyn rhoi hysbysiad CDU.

### **Hysbysiad ADY**

**14.**—(1) Mae'r erthygl hon yn gymwys i blentyn a oedd ag anghenion addysgol arbennig a nodwyd ar 1 Ionawr 2022.

(2) Yn ddarostyngedig i baragraff (4), 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.

### **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 ag anghenion addysgol arbennig a nodwyd ar 1 Ionawr 2022,
- (b) a oedd mewn dosbarth meithrin neu ym mlwyddyn 1, blwyddyn 3, blwyddyn 5, blwyddyn 7 neu flwyddyn 10 yn ystod y flwyddyn ysgol 2021-2022, ac
- (c) nad yw'r gyfraith newydd yn gymwys mewn perthynas ag ef ar 30 Awst 2022.

(2) Ar 31 Awst 2022—

- (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.

### **Time for giving an individual development plan**

**13.**—(1) When an IDP notice is given pursuant to articles 9, 10, 11, or 12 the appropriate local authority must give a copy of the individual development plan to the child and the child's parent within 12 weeks of the date of the notice, unless there are exceptional circumstances.

(2) If 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 by a local authority 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 on 1 January 2022 had identified special educational needs.

(2) Subject to paragraph (4), 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.

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

**15.**—(1) This article applies to a child—

- (a) who had identified special educational needs on 1 January 2022,
- (b) who was in a nursery class, year 1, year 3, year 5, year 7 or year 10 during the 2021-2022 school year, and
- (c) in relation to whom the new law does not apply on 30 August 2022.

(2) On 31 August 2022—

- (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) Mae'r erthygl hon yn gymwys i blentyn—
- (a) a oedd ag anghenion addysgol arbennig a nodwyd ar 1 Ionawr 2022,
  - (b) a oedd mewn dosbarth meithrin neu ym mlwyddyn 1, blwyddyn 5, blwyddyn 9 neu flwyddyn 10 yn ystod y flwyddyn ysgol 2022-2023, ac
  - (c) 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.

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

- (a) a oedd ag anghenion addysgol arbennig a nodwyd ar 1 Ionawr 2022, a
- (b) nad yw'r gyfraith newydd yn gymwys mewn perthynas ag ef ar 30 Awst 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.

### **Newid mewn amgylchiadau**

**18.**—(1) Mae'r erthygl hon yn gymwys i blentyn a oedd ag anghenion addysgol arbennig a nodwyd ar 1 Ionawr 2022—

- (a) sy'n peidio â bod yn ddisgybl cofrestredig neu'n fyfyrwr sydd wedi ymrestru mewn sefydliad arall (a bod y sefydliad hwnnw yn ysgol neu'n sefydliad yn y sector addysg bellach),
- (b) nad yw'n blentyn sy'n derbyn gofal,
- (c) nad oes cais wedi ei wneud am hysbysiad CDU nac hysbysiad Dim CDU ar ei gyfer, a
- (d) y mae'r hen gyfraith yn gymwys mewn perthynas ag ef.

(2) Ar y dyddiad y mae'r plentyn yn peidio â bod yn ddisgybl cofrestredig neu'n fyfyrwr sydd wedi ymrestru mewn sefydliad arall—

- (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) This article applies to a child—

- (a) who had identified special educational needs on 1 January 2022,
- (b) who was in a nursery class, year 1, year 5, year 9 or year 10 during the 2022-2023 school year, and
- (c) 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.

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

- (a) who had identified special educational needs on 1 January 2022, and
- (b) in relation to whom the new law does not apply on 30 August 2024.

(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.

### **Change of circumstances**

**18.**—(1) This article applies to a child who had identified special educational needs on 1 January 2022—

- (a) who ceases to be a registered pupil or an enrolled student at another institution (that institution being a school or institution in the further education sector),
- (b) who is not a looked after child,
- (c) for whom a request for an IDP notice or a No IDP notice has not been made, and
- (d) in relation to whom the old law applies.

(2) On the date that the child ceases to be a registered pupil or an enrolled student at another institution—

- (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) Mae'r erthygl hon yn gymwys i blentyn a oedd ag anghenion addysgol arbennig a nodwyd ar 1 Ionawr 2022—

- (a) sy'n peidio â bod yn blentyn sy'n derbyn gofal,
- (b) nad oes cais wedi ei wneud am hysbysiad CDU nac hysbysiad Dim CDU ar ei gyfer, ac
- (c) y mae'r hen gyfraith yn gymwys mewn perthynas ag ef.

(2) Ar y dyddiad y mae'r plentyn yn peidio â bod yn blentyn sy'n derbyn gofal—

- (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 ddarpariaeth addysgol arbennig wrth lunio cynllun datblygu unigol**

**20.** Pan fo'n ofynnol i awdurdod lleol lunio cynllun datblygu unigol ar gyfer plentyn o fewn 12 wythnos i symud i'r gyfraith newydd, rhaid i'r awdurdod lleol roi sylw i'r ddarpariaeth addysgol arbennig a ddarparwyd i'r plentyn yn union cyn symud i'r gyfraith newydd.

**19.**—(1) This article applies to a child who had identified special educational needs on 1 January 2022—

- (a) who ceases to be a looked after child,
- (b) for whom a request for an IDP notice or a No IDP notice has not been made, and
- (c) in relation to whom the old law applies.

(2) On the date that the child ceases to be a looked after child—

- (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 special educational provision when preparing an individual development plan**

**20.** Where a local authority is required to prepare an individual development plan for a child within 12 weeks of moving to the new law, the local authority must have regard to the special educational provision provided to the child immediately before moving to the new law.

*Jeremy Miles*

Gweinidog y Gymraeg ac Addysg, un o Weinidogion Cymru  
9 Tachwedd 2021

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