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CYMRU

WELSH STATUTORY
INSTRUMENTS

2021 Rhif 933 (Cy. 213)

2021 No. 933 (W. 213)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Deddf Anghenion
Dysgu Ychwanegol a'r Tribiwnlys
Addysg (Cymru) 2018 (Diwygiadau
Canlyniadol) (Rhif 2) 2021

The Additional Learning Needs and
Education Tribunal (Wales) Act
2018 (Consequential Amendments)
(No. 2) Regulations 2021

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 wedi eu gwneud o ganlyniad i Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 ("Deddf 2018"). Mae Deddf 2018 yn diwygio'r gyfraith ar addysg a hyfforddiant ar gyfer plant a phobl ifanc ag anghenion dysgu ychwanegol ac yn ailnwi Tribiwnlys Anghenion Addysgol Arbennig Cymru yn Dribiwnlys Addysg Cymru.

These Regulations are made in consequence of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 ("the 2018 Act"). The 2018 Act reforms the law on education and training for children and young people with additional learning needs and renames the Special Educational Needs Tribunal for Wales as the Education Tribunal for Wales.

Mae'r Rheoliadau hyn yn gwneud diwygiadau canlyniadol i is-ddeddfwriaeth. Mae rheoliad 7 yn dirymu Rheoliadau a wnaed o dan bwerau sydd wedi eu diwygio fel nad ydynt mwyach yn gymwys o ran Cymru, neu sydd wedi eu diddymu, yn ôl-weithredol, gan adrannau 57 a 58 o Ddeddf 2018. Mae erthygl 8 o Orchymyn Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Cychwyn Rhif 2) 2021 (O.S. 2021/373 (Cy. 116) (C. 12)) yn dwyn adrannau 57 a 58 i rym ar 1 Medi 2021, sef yr un diwrnod ag y daw'r Rheoliadau hyn i rym.

These Regulations make consequential amendments to secondary legislation. Regulation 7 revokes Regulations made under powers which are amended so as no longer to apply in relation to Wales or are repealed by, respectively, sections 57 and 58 of the 2018 Act. The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No. 2) Order 2021 (S.I. 2021/373 (W. 116) (C. 12)), article 8 brings sections 57 and 58 into force on 1 September 2021, which is the same day that these Regulations come into force.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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EDUCATION, WALES

**Rheoliadau Deddf Anghenion
Dysgu Ychwanegol a'r Tribiwnlys
Addysg (Cymru) 2018 (Diwygiadau
Canlyniadol) (Rhif 2) 2021**

**The Additional Learning Needs and
Education Tribunal (Wales) Act
2018 (Consequential Amendments)
(No. 2) Regulations 2021**

Gwnaed 10 Awst 2021

Made 10 August 2021

*Gosodwyd gerbron Senedd
Cymru* 11 Awst 2021

Laid before Senedd Cymru 11 August 2021

Yn dod i rym 1 Medi 2021

Coming into force 1 September 2021

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 97(1) a (2) a 98(2) o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018(1), yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers, in exercise of the powers conferred by sections 97(1) and (2) and 98(2) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018(1), make the following Regulations.

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Diwygiadau Canlyniadol) (Rhif 2) 2021 a deuant i rym ar 1 Medi 2021.

Title and commencement

1. The title of these Regulations is the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Consequential Amendments) (No. 2) Regulations 2021 and they come into force on 1 September 2021.

**Rheoliadau Ysgolion Newydd (Derbyniadau)
(Cymru) 2006**

2.—(1) Mae'r Atodlen i Reoliadau Ysgolion Newydd (Derbyniadau) (Cymru) 2006(2) wedi ei diwygio fel a ganlyn.

(2) Ar ôl is-baragraff (b) o baragraff 1, mewnosoder—

“(ba) adran 48(1) i (5) o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018(3);”.

**The New School (Admissions) (Wales) Regulations
2006**

2.—(1) The Schedule to the New School (Admissions) (Wales) Regulations 2006(2) is amended as follows.

(2) After sub-paragraph (b) of paragraph 1, insert—

“(ba) section 48(1) to (5) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018(3);”.

(1) 2018 decc 2.

(2) O.S. 2006/175 (Cy. 26). Mae paragraff 2 o'r Atodlen wedi ei ddiwygio gan O.S. 2010/1142, erthygl 2(3).

(3) 2018 decc 2.

(1) 2018 anaw 2.

(2) S.I. 2006/175 (W. 26). Paragraph 2 of the Schedule has been amended by S.I. 2010/1142, article 2(3).

(3) 2018 anaw 2.

Gorchymyn Eithriadau Gwarchod Plant a Gofal Dydd (Cymru) 2010

3.—(1) Mae Gorchymyn Eithriadau Gwarchod Plant a Gofal Dydd (Cymru) 2010(1) wedi ei ddiwygio fel a ganlyn.

(2) Yn erthygl 14(2)—

- (a) ar ôl is-baragraff (i) mewnosoder “neu”;
- (b) hepgorer is-baragraff (iii) a’r “neu” o’i flaen.

Rheoliadau Derbyniadau Ysgol (Meintiau Dosbarthiadau Babanod) (Cymru) 2013

4.—(1) Mae Rheoliadau Derbyniadau Ysgol (Meintiau Dosbarthiadau Babanod) (Cymru) 2013(2) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1)—

- (a) yn y lleoedd priodol, mewnosoder y diffiniadau a ganlyn—

“ystyr “DADYTA 2018” (“*the ALNETA 2018*”) yw Deddf Anghenion Dysgu Ychwanegol a’r Tribiwnlys Addysg (Cymru) 2018(3);”;

“mae i “anghenion addysgol arbennig”, mewn perthynas â phlentyn y mae Pennod 1 o Ran 4 o DA 1996(4) yn parhau i fod yn gymwys iddo, yr ystyr a roddir i “special educational needs” gan adran 312 o DA 1996;”;

“mae i “anghenion dysgu ychwanegol” (“*additional learning needs*”), mewn perthynas â phlentyn y mae Rhan 2 o DADYTA 2018 yn gymwys iddo, yr ystyr a roddir gan adran 2 o DADYTA 2018;”;

“ystyr “plentyn sydd â chynllun datblygu unigol” (“*child with an individual development plan*”) yw plentyn y mae cynllun datblygu unigol yn cael ei gynnal mewn perthynas ag ef o dan Ran 2 o DADYTA 2018;”;

- (b) yn y diffiniad o “addysg addas”, ar ôl “arbennig” mewnosoder “neu anghenion dysgu ychwanegol (yn ôl y digwydd)”.

The Child Minding and Day Care Exceptions (Wales) Order 2010

3.—(1) The Child Minding and Day Care Exceptions (Wales) Order 2010(1) is amended as follows.

(2) In article 14(2)—

- (a) after sub-paragraph (i) insert “or”;
- (b) omit sub-paragraph (iii) and the “or” before it.

The School Admissions (Infant Class Sizes) (Wales) Regulations 2013

4.—(1) The School Admissions (Infant Class Sizes) (Wales) Regulations 2013(2) are amended as follows.

(2) In regulation 2(1)—

- (a) at the appropriate places (with the definitions of Acts in chronological order at the start of the list) insert the following definitions—

““the ALNETA 2018” (“*DADYTA 2018*”) means the Additional Learning Needs and Education Tribunal (Wales) Act 2018(3);”;

““additional learning needs” (“*anghenion dysgu ychwanegol*”) in relation to a child to whom Part 2 of the ALNETA 2018 applies, has the meaning given by section 2 of the ALNETA 2018;”;

““child with an individual development plan” (“*plentyn sydd â chynllun datblygu unigol*”) means a child in relation to whom an individual development plan is maintained under Part 2 of the ALNETA 2018;”;

““special educational needs” (“*anghenion addysgol arbennig*”), in relation to a child to whom Chapter 1 of Part 4 of the EA 1996(4) continues to apply, has the meaning given by section 312 of the EA 1996;”;

- (b) in the definition of “suitable education”, after “needs” insert “or additional learning needs (as the case may be)”.

(1) O.S. 2010/2839 (Cy. 233).

(2) O.S. 2013/1141 (Cy. 121). Mae diwygiadau i’r Atodlen nad ydynt yn berthnasol i’r Rheoliadau hyn.

(3) 2018 dccc 2.

(4) 1996 p. 56. Mae Pennod 1 o Ran 4 wedi ei diddymu gan Ddeddf Anghenion Dysgu Ychwanegol a’r Tribiwnlys Addysg (Cymru) 2018, Atodlen 1, paragraff 4(9). Mae diwygiadau perthnasol eraill i adran 312 yn cynnwys y rheini sydd wedi eu gwneud gan Ddeddf Addysg 1997 (p. 44), Atodlen 7, paragraff 23 a Deddf Plant a Theuluoedd 2014 (p. 6), Atodlen 3, Rhan 1, paragraffau 1 ac 11.

(1) S.I. 2010/2839 (W. 233).

(2) S.I. 2013/1141 (W. 121). There are amendments to the Schedule which are not relevant to these Regulations.

(3) 2018 anaw 2.

(4) 1996 c. 56. Chapter 1 of Part 4 is repealed by the Additional Learning Needs and Education Tribunal (Wales) Act 2018, Schedule 1, paragraph 4(9). Other relevant amendments to section 312 include those made by the Education Act 1997 (c. 44), Schedule 7, paragraph 23 and the Children and Families Act 2014 (c. 6), Schedule 3, Part 1, paragraphs 1 and 11.

(3) Yn yr Atodlen—

(a) ar ôl paragraff 2 mewnosoder—

“2A. Mae'r paragraff hwn yn gymwys i blentyn sydd â chynllun datblygu unigol a dderbyniwyd i'r ysgol y tu allan i gylch derbyn arferol, o ganlyniad i enwi'r ysgol yng nghynllun datblygu unigol y plentyn o dan adran 48 o DADYTA 2018.”;

(b) ym mharagraff 14, ar ôl “addysgol arbennig” mewnosoder “neu anghenion dysgu ychwanegol (yn ôl y digwydd)”.

(3) In the Schedule—

(a) after paragraph 2 insert—

“2A. This paragraph applies to a child with an individual development plan admitted to the school outside a normal admission round as a result of the school being named in the child's individual development plan under section 48 of the ALNETA 2018.”;

(b) in paragraph 14, after “needs” insert “or additional learning needs (as the case may be)”.

Rheoliadau Addysg (Trefniadau Sefydlu ar gyfer Athrawon Ysgol) (Cymru) 2015

5.—(1) Mae Rheoliadau Addysg (Trefniadau Sefydlu ar gyfer Athrawon Ysgol) (Cymru) 2015(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3(1), yn y diffiniad o “ysgol arbennig”, yn lle “337(1)” rhodder “337”.

Rheoliadau Addysg (Arolygu Addysg Feithrin) (Cymru) 2015

6.—(1) Mae Rheoliadau Addysg (Arolygu Addysg Feithrin) (Cymru) 2015(2) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3—

(a) hepgorer yr “a” ar ôl paragraff (2)(c)(iii);

(b) yn lle paragraff (2)(c)(iv) rhodder—

“(iv) pan gymeradwywyd yr ysgol o dan adran 347 o Ddeddf Addysg 1996(3) (cymeradwyo ysgolion annibynnol sy'n darparu addysg arbennig) cyn 1 Medi 2021 a'i bod yn parhau i fod wedi ei chymeradwyo yn union cyn y dyddiad hwnnw, awdurdod lleol sy'n talu'r ffioedd mewn cysylltiad â phresenoldeb disgybl cofrestredig yn yr ysgol y mae Pennod 1 o Ran 4 o Ddeddf Addysg 1996(4) yn parhau i fod yn gymwys mewn perthynas ag ef; a

The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2015

5.—(1) The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2015(1) are amended as follows.

(2) In regulation 3(1), in the definition of “special school”, for “337(1)” substitute “337”.

The Education (Inspection of Nursery Education) (Wales) Regulations 2015

6.—(1) The Education (Inspection of Nursery Education) (Wales) Regulations 2015(2) are amended as follows.

(2) In regulation 3—

(a) omit the “and” after paragraph (2)(c)(iii);

(b) for paragraph (2)(c)(iv) substitute—

“(iv) where the school was approved under section 347 of the Education Act 1996(3) (approval of independent schools providing special education) before 1 September 2021 and remains approved immediately before that date, a local authority which is paying the fees in respect of the attendance of a registered pupil at the school in relation to whom Chapter 1 of Part 4 of the Education Act 1996(4) continues to apply; and

(1) O.S. 2015/484 (Cy. 41). Mae diwygiad i reoliad 3 nad yw'n berthnasol i'r Rheoliadau hyn.
(2) O.S. 2015/1599 (Cy. 198). Mae diwygiadau i reoliad 3 nad ydynt yn berthnasol i'r Rheoliadau hyn.
(3) 1996 p. 56. Mae adran 347 wedi ei diddymu gan adran 58 o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (dccc 2). Mae diwygiadau eraill i adran 347 nad ydynt yn berthnasol i'r Rheoliadau hyn.
(4) Mae Pennod 1 o Ran 4 wedi ei diddymu gan Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018, Atodlen 1, paragraff 4(9).

(1) S.I. 2015/484 (W. 41). There is an amendment to regulation 3 which is not relevant to these Regulations.
(2) S.I. 2015/1599 (W. 198). There are amendments to regulation 3 which are not relevant to these Regulations.
(3) 1996 c. 56. Section 347 is repealed by section 58 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2). There are other amendments to section 347 which are not relevant to these Regulations.
(4) Chapter 1 of Part 4 is repealed by the Additional Learning Needs and Education Tribunal (Wales) Act 2018, Schedule 1, paragraph 4(9).

- (v) pan fo gan ddisgybl cofrestredig yn yr ysgol gynllun datblygu unigol y mae'r ysgol wedi ei henwi ynddo o dan adran 14(6) neu 19(4) o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018(1), yr awdurdod lleol sy'n cynnal y cynllun datblygu unigol o dan yr adran 14 neu 19 honno;”.

- (v) where a registered pupil at the school has an individual development plan in which the school is named under section 14(6) or 19(4) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018(1), the local authority that maintains the individual development plan under that section 14 or 19;”.

Dirymiadau canlyniadol

7. O ganlyniad i ddiwygiadau a wnaed i Ddeddf Addysg 1996(2) gan Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018, mae'r canlynol wedi eu dirymu o ran Cymru—

- (a) Rheoliadau Addysg (Anghenion Addysgol Arbennig) (Cymeradwyo Ysgolion Annibynnol) 1994(3);
- (b) Rheoliadau Addysg (Ysgolion Arbennig) 1994(4);
- (c) Rheoliadau Addysg (Anghenion Addysgol Arbennig) (Cymeradwyo Ysgolion Annibynnol) (Diwygio) 1998(5);
- (d) Rheoliadau Addysg (Offer Peryglus mewn Ysgolion) (Dileu'r Cyfyngiadau ar Ddefnydd) (Cymru) 2017(6).

Consequential revocations

7. In consequence of amendments made to the Education Act 1996(2) by the Additional Learning Needs and Education Tribunal (Wales) Act 2018, the following are revoked in relation to Wales—

- (a) the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994(3);
- (b) the Education (Special Schools) Regulations 1994(4);
- (c) the Education (Special Educational Needs) (Approval of Independent Schools) (Amendment) Regulations 1998(5);
- (d) the Education (Hazardous Equipment in Schools) (Removal of Restrictions on Use) (Wales) Regulations 2017(6).

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- (1) 2018 dccc 2. Mae diwygiad i adran 14 nad yw'n berthnasol i'r Rheoliadau hyn.
 - (2) 1996 p. 56. Mae'r diwygiadau perthnasol wedi eu gwneud gan adrannau 57 a 58 o Ddeddf 2018.
 - (3) O.S. 1994/651. Gwnaed y Rheoliadau 1994 hyn o dan bwerau a roddir gan Ddeddf Addysg 1993 (p. 35) ac ar ôl ei chydgrynhoi, maent yn cael effaith fel pe baent wedi eu gwneud o dan Ddeddf Addysg 1996, adrannau 328(6), 347(2) a 569(4). Diwygiwyd adran 347 gan adran 146 o Ddeddf Addysg a Sgiliau 2008 (p. 25) i gyfyngu ei chymhwysiad i Gymru. Cyfyngwyd ar gymhwysiad adran 328(6) i fod mewn perthynas â phlant yn ardal awdurdod lleol yng Nghymru gan Ddeddf Plant a Theuluoedd 2014 (p. 6), Atodlen 3, Rhan 1, paragraffau 1 a 10 (gan fewnosod adran 311A yn Neddf Addysg 1996).
 - (4) O.S. 1994/652. Gwnaed y Rheoliadau 1994 hyn o dan bwerau a roddir gan Ddeddf Addysg 1993 ac ar ôl ei chydgrynhoi, maent yn cael effaith fel pe baent wedi eu gwneud o dan Ddeddf Addysg 1996, adrannau 328(6), 339(1), (5), 342(2), (4), (5), (6), a 569(4). Dirymwyd y Rheoliadau 1994 hyn o ran Lloegr gan O.S. 1999/2257, rheoliad 1(3).
 - (5) O.S. 1998/417.
 - (6) O.S. 2017/965 (Cy. 248).

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- (1) 2018 anaw 2. There is an amendment to section 14 which is not relevant to these Regulations.
 - (2) 1996 c. 56. The relevant amendments are made by sections 57 and 58 of the 2018 Act.
 - (3) S.I. 1994/651. These 1994 Regulations were made under powers conferred by the Education Act 1993 (c. 35) and following its consolidation, have effect as if made under the Education Act 1996, sections 328(6), 347(2) and 569(4). Section 347 was amended by section 146 of the Education and Skills Act 2008 (c. 25) to confine its application to Wales. The application of section 328(6) was confined to being in relation to children in the area of a local authority in Wales by the Children and Families Act 2014 (c. 6), Schedule 3, Part 1, paragraphs 1 and 10 (inserting section 311A into the Education Act 1996).
 - (4) S.I. 1994/652. These 1994 Regulations were made under powers conferred by the Education Act 1993 and following its consolidation, have effect as if made under the Education Act 1996, sections 328(6), 339(1), (5), 342(2), (4), (5), (6), and 569(4). These 1994 Regulations were revoked in relation to England by S.I. 1999/2257, regulation 1(3).
 - (5) S.I. 1998/417.
 - (6) S.I. 2017/965 (W. 248).

Jeremy Miles

Gweinidog y Gymraeg ac Addysg, un o Weinidogion
Cymru
10 Awst 2021

Minister for Education and Welsh Language, one of
the Welsh Ministers
10 August 2021

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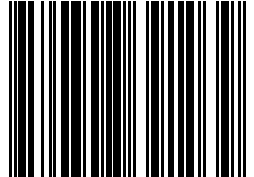
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