CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2006 Rhif 176 (Cy.27)

ADDYSG, CYMRU

Rheoliadau Addysg (Gwrthwynebiadau i Drefniadau Derbyn) (Cymru) 2006

NODYN ESBONIADOL

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

Mae adran 90 o Ddeddf Safonau a Fframwaith Ysgolion 1998 ("Deddf 1998") yn galluogi cyfeirio at y Cynulliad Cenedlaethol wrthwynebiadau ynghylch trefniadau derbyn ysgolion a gynhelir a benderfynwyd o dan adran 89 o'r Ddeddf honno.

Mae'r Rheoliadau'n cynnwys darpariaethau sy'n berthnasol i'r amodau y caniateir gwneud a phenderfynu gwrthwynebiadau oddi tanynt, ac i weithredu unrhyw benderfyniadau.

Maent yn dirymu Rheoliadau Addysg (Gwrthwynebiadau i Drefniadau Derbyn) 1999 ("Rheoliadau 1999"). Mae Rheoliadau 1999 i raddau helaeth yn ailddeddfu, ac maent yn adlewyrchu'r diwygiadau a wnaed i Ddeddf 1998 gan Ddeddf Addysg 2002.

Mae adran 89(2) o Ddeddf 1998 yn nodi'r cyrff hynny y mae'n ofynnol i awdurdod derbyn ymgynghori â hwy ynghylch eu trefniadau derbyn arfaethedig. Diwygiwyd adran 89(2) gan Ddeddf 2002 fel bod yr adran yn cynnwys cyrff llywodraethu pob ysgol gymunedol ac ysgol wirfoddol a reolir mewn ardal berthnasol.

Mae rheoliad 4 yn cyfyngu ar hawl cyrff llywodraethu o'r fath i wrthwynebu. Ni allant wrthwynebu trefniadau derbyn unrhyw ysgol gymunedol arall neu ysgol wirfoddol arall a reolir yn yr ardal berthnasol, ac ni allant ychwaith wrthwynebu trefniadau derbyn ar gyfer eu hysgol eu hunain onid yw'r gwrthwynebiad yn ymwneud â phenderfynu nifer derbyn ar gyfer yr ysgol.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No. 176 (W.27)

EDUCATION, WALES

The Education (Objections to Admission Arrangements) (Wales) Regulations 2006

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 90 of the School Standards and Framework Act 1998 ("the 1998 Act") enables objections to be referred to the National Assembly about admission arrangements for maintained schools which have been determined under section 89 of that Act.

These Regulations contain provisions relating to the conditions under which objections may be made and decided, and the implementation of any decisions.

They revoke the Education (Objections to Admission Arrangements) Regulations 1999 ("the 1999 Regulations"). The 1999 Regulations are largely re-enacted, and these Regulations also reflect amendments made to the 1998 Act by the Education Act 2002.

Section 89(2) of the 1998 Act sets out those bodies whom an admission authority is required to consult about proposed admission arrangements. The 2002 Act amended section 89(2) so as to include the governing bodies of all community and voluntary controlled schools in a relevant area.

Regulation 4 limits the right of such governing bodies to object. They cannot object to the admission arrangements for any other community or voluntary controlled school in the relevant area, nor can they object to admission arrangements for their own school unless the objection relates to the determination of the admission number for the school.

Mae rheoliad 4 hefyd yn darparu na chaniateir gwneud gwrthwynebiad o dan adran 90(1) os sylwedd y gwrthwynebiad yw ceisio newid y trefniadau derbyn, a hwnnw'n newid na ellir ei wneud ond drwy gyhoeddi cynigion statudol, er enghraifft, cyflwyno bandio disgyblion neu trefniadau derbyn un rhyw.

Regulation 4 also provides that an objection may not be made under section 90(1) if the substance of the objection is to seek an alteration to the admission arrangements which can only be made by way of publishing statutory proposals, for example, the introduction of pupil banding or single sex admissions.

Mae rheoliad 5 yn pennu terfynau amser y mae'n rhaid gwneud unrhyw wrthwynebiad o'u mewn. Chwe wythnos ar ôl rhoi hysbysiad bod y trefniadau wedi'u penderfynu neu, os gwrthwynebiad gan riant ydyw, chwe wythnos sy'n dilyn cyhoeddi'r manylion perthnasol mewn papur newydd lleol, yw'r terfynau amser hyn. Yn y naill achos a'r llall bydd gwrthwynebiad a ddaeth i law yn ddiweddarach wedi'i gwneud ddilys os nad oedd yn rhesymol ymarferol iddo fod wedi dod i law yn gynharach.

Regulation 5 specifies the time limits within which any objection must be made. These are six weeks after the notification that the arrangements have been determined or, where the objection is by a parent, six weeks following the publication of relevant details in a local newspaper. In either case an objection received later will have been validly made if it was not reasonably practicable for it to have been received earlier.

Mae rheoliad 6 yn diffinio'r rhieni sy'n gymwys i gwneud gwrthwynebiad. Os yw gwrthwynebiad yn ymwneud â threfniadau dethol sydd eisoes yn bodoli, rhaid i riant fod yn unigolyn sydd â phlentyn o oedran ysgol gorfodol mewn addysg gynradd a rhaid iddo fod yn byw yn yr ardal ymgynghori ar gyfer yr ysgol. Os yw gwrthwynebiad yn ymwneud â nifer derbyn arfaethedig sydd wedi'i osod yn is na'r nifer a nodir gan y dull asesu capasiti a welir yn y canllawiau "Mesur capasiti ysgolion yng Nghymru", rhaid i riant fod yn unigolyn â phlentyn sydd rhwng 2 a 5 mlwydd oed neu o oedran ysgol gorfodol ac sydd yn derbyn addysg gynradd, a rhaid iddo fod yn byw yn yr ardal ymgynghori ar gyfer yr ysgol. Mae'r canllawiau hyn ar gael ar wefan y Cynulliad Cenedlaethol www.dysgu.cymru.gov.uk.

Regulation 6 defines the parents who are eligible to make an objection. If an objection relates to pre-existing selection arrangements a parent must be an individual with a child of compulsory school age in primary education who resides in the consultation area for the school. If an objection relates to a proposed admission number set lower than that indicated by the capacity assessment method set out in the guidance document "Measuring the capacity of schools in Wales", a parent must be an individual with a child who is between 2 and 5 years or who is of compulsory school age receiving primary education, who resides in the consultation area for the school. This guidance is available on the National Assembly's website at www.learning.wales.gov.uk.

Mae rheoliad 7 yn ymwneud â'r math o wrthwynebiadau y caiff rhiant eu gwneud. Gwrthwynebiad i drefniadau penodol yw rhain sydd eisioes yn bodoli i ddethol disgyblion yn ôl eu gallu a gwrthwynebiadau sy'n ymwneud â phenderfynu nifer derbyn sy'n is na'r nifer derbyn a nodir gan y dull asesu capasiti a geir yn y canllawiau y cyfeirir atynt uchod yw'r gwrthwynebiadau hyn.

Regulation 7 deals with the type of objections a parent may make. These are objections to certain pre-existing arrangements for selection of pupils by ability, and objections relating to the determination of an admission number lower than that indicated by the capacity assessment method set out in the guidance document referred to above.

Mae rheoliad 8 yn ychwanegu amod mai dim ond os bydd pum rhiant neu fwy yn gwneud yr un gwrthwynebiad i'r un trefniadau derbyn, neu wrthwynebiad sy'n sylweddol yr un fath, y caiff y Cynulliad Cenedlaethol benderfynu gwrthwynebiad gan riant.

Regulation 8 adds a condition that a parental objection may only be determined by the National Assembly if five or more parents make the same or substantially the same objection to the same admission arrangements.

Mae rheoliad 9 yn rhagnodi'r modd y mae penderfyniadau'r Cynulliad Cenedlaethol ar wrthwynebiadau i'w cyhoeddi. Mae hyn yn cynnwys hysbysu'r partïon i'r gwrthwynebiad a'r holl gyrff eraill yr oedd yn ofynnol i'r awdurdod derbyn, o dan adran 89(2) o Ddeddf 1998, ymgynghori â hwy ynghylch eu trefniadau derbyn arfaethedig neu y byddai, heblaw am adran 89(2A), wedi bod yn ofynnol iddo ymgynghori â hwy. Os yw'r gwrthwynebiad yn ymwneud â threfniadau dethol sydd eisoes yn bodoli neu nifer derbyn is na'r nifer derbyn a nodir, rhaid hefyd gyhoeddi'r penderfyniad ar wefan y Cynulliad Cenedlaethol www.gwybodaeth.cymru.gov.uk.

Regulation 9 prescribes the way National Assembly decisions on objections are to be published. This includes notifying the parties to the objection and all other bodies whom the admission authority were required to consult under section 89(2) of the 1998 Act or would but for section 89(2A) have been required to consult, about their proposed admission arrangements. Where the objection relates to pre-existing selection arrangements or an admission number lower than the indicated admission number, the decision must also be published on the National Assembly's website at www.information.wales.gov.uk.

Mae rheoliad 10 yn darparu, pan fo gwrthwynebiad i drefniadau derbyn ysgol wedi'i benderfynu, na chaniateir gwneud gwrthwynebiad pellach sy'n ymwneud â'r un mater i drefniadau'r ysgol ar gyfer y flwyddyn ysgol honno neu'r flwyddyn ganlynol ac eithrio pan fo'r awdurdod derbyn, yn y flwyddyn ganlynol, yn ceisio ailgyflwyno trefniadau yr oedd gwrthwynebiad iddynt wedi'i gadarnhau eisoes.

Mewn achos pan fo gwrthwynebiad yn erbyn trefniadau derbyn awdurdod derbyn wedi'i gadarnhau, mae rheoliad 11 yn galluogi awdurdod derbyn perthnasol arall i adolygu ei drefniadau derbyn er mwyn bod yn gyson â'r penderfyniad sy'n cadarnhau'r gwrthwynebiad. Pennir amodau, gan gynnwys terfyn amser i adolygu trefniadau o ddeufis o gael hysbysiad o'r penderfyniad. Mae gofyniad i hysbysu'r awdurdodau derbyn yr oedd yn ofynnol iddo ymgynghori â hwy o dan adran 89(2) ynghylch y trefniadau derbyn y mae'n ceisio'u hadolygu o dan y rheoliad, neu y byddai, heblaw am adran 89(2A), wedi bod yn ofynnol iddo ymgynghori â hwy.

Regulation 10 provides that, when an objection to a school's admission arrangements has been decided, no further objection to the school's arrangements for that school year or the following year may be made on the same issue except where, in the following year the admission authority seeks to reintroduce arrangements to which an objection had previously been upheld.

In a case where an objection has been upheld against the admission arrangements of an admission authority, regulation 11 enables another relevant admission authority to revise their admission arrangements to achieve consistency with the decision upholding the objection. Conditions are specified, including a time limit for revising arrangements of two months from receiving the notification of the decision. There is a requirement to notify the admission authorities that they were required to consult under section 89(2) or would, but for section 89(2A) have been required to so consult, about the admission arrangements they are seeking to revise under this regulation.

2006 Rhif 176 (Cy.27)

ADDYSG, CYMRU

Rheoliadau Addysg (Gwrthwynebiadau i Drefniadau Derbyn) (Cymru) 2006

Wedi'u gwneud	*31 Ionawr 2006*
Yn dod i rym	*1 Chwefror 2006*

Drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 90 a 138(7) o Ddeddf Safonau a Fframwaith Ysgolion 1998(**1**) ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(**2**), mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Gwrthwynebiadau i Drefniadau Derbyn) (Cymru) 2006 a deuant i rym ar 1 Chwefror 2006.

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

Dirymu

2. Dirymir Rheoliadau Addysg (Gwrthwynebiadau i Drefniadau Derbyn) 1999(**3**) o ran Cymru.

Dehongli

3.-(1) Yn y Rheoliadau hyn-

mae i "ardal berthnasol" yr un ystyr i "*relevant area*" yn Rheoliadau Addysg (Ardaloedd Perthnasol i ymgynghori ar Drefniadau Derbyn) 1999(**4**)

(**1**) 1998 p.31. Diwygiwyd adran 90(1) gan adran 51 o Ddeddf Addysg 2002 (p.32.) a pharagraff 6 o Atodlen 4 iddi. *Gweler* adran 142(1) ar gyfer ystyr "prescribed" a "regulations".

(**2**) *Gweler* Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(**3**) O.S. 1999/125. Mae'r Rheoliadau o rym o hyd yn Lloegr.

(**4**) O.S 1999/ 124.

2006 No. 176 (W.27)

EDUCATION, WALES

The Education (Objections to Admission Arrangements) (Wales) Regulations 2006

Made	*31 January 2006*
Coming into force	*1 February 2006*

In exercise of the powers conferred upon the Secretary of State by sections 90 and 138(7) of the School Standards and Framework Act 1998(**1**) and now vested in the National Assembly for Wales(**2**), the National Assembly for Wales makes the following Regulations:

Title, commencement and application

1.-(1) The title of these Regulations is the Education (Objections to Admission Arrangements) (Wales) Regulations 2006 and they come into force on 1 February 2006.

(2) These Regulations apply in relation to Wales.

Revocation

2. The Education (Objections to Admission Arrangements) Regulations 1999(**3**) are revoked in relation to Wales.

Interpretation

3.-(1) In these Regulations-

"the Act" *("y Ddeddf")* means the School Standards and Framework Act 1998;

(**1**) 1998 c.31. Section 90(1) was amended by section 51 of, and paragraph 6 of Schedule 4 to the Education Act 2002 (c.32.). *See* section 142(1) for the meaning of "prescribed" and "regulations".

(**2**) *See* National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(**3**) S.I. 1999/125. The Regulations continue in force in relation to England.

ystyr "y Cynulliad Cenedlaethol" ("the National Assembly") yw Cynulliad Cenedlaethol Cymru;

ystyr "y Ddeddf" (*"the Act"*) yw Deddf Safonau a Fframwaith Ysgolion 1998;

ystyr "nifer derbyn" (*"admission number"*) yw'r nifer o ddisgyblion mewn unrhyw grŵp oedran perthnasol y bwriedir eu derbyn mewn unrhyw flwyddyn ysgol, fel a benderfynir gan awdurdod derbyn yn unol ag adran 89A(1)(**1**);

ystyr "nifer derbyn a nodir" (*"indicated admission number"*) yw nifer y disgyblion mewn unrhyw grŵp oedran perthnasol a benderfynir yn unol â'r dull asesu capasiti a nodir yn y canllawiau, "Mesur capasiti ysgolion yng Nghymru" (**2**);

mae i "rhiant" yr ystyr sydd i *"parent"* yn adran 576 o Ddeddf Addysg 1996(**3**).

(2) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at adran â rhif yn gyfeiriad at yr adran honno o'r Ddeddf.

"admission number" ("*nifer derbyn*") means the number of pupils in any relevant age group intended to be admitted in any school year as determined by an admission authority in accordance with section 89A(1)(**1**).

"indicated admission number" (*"nifer derbyn a nodir"*) means the number of pupils in any relevant age group determined in accordance with the capacity assessment method set out in the guidance, document "Measuring the capacity of schools in Wales"(**2**);

"the National Assembly" (*"y Cynulliad Cenedlaethol"*) means the National Assembly for Wales;

"parent" (*"rhiant"*) has the meaning given by section 576 of the Education Act 1996(**3**);

"relevant area" (*"ardal berthnasol"*) has the meaning given to it by the Education (Relevant Areas for consultation on Admission Arrangement) Regulations 1999(**4**).

(2) Any reference in these Regulations to a numbered section is a reference to that section of the Act.

Rhan 1

Cyfeirio Gwrthwynebiadau at y Cynulliad Cenedlaethol

Achosion pan na chaniateir cyfeirio gwrthwynebiad

4.-(1) Mae'r rheoliad hwn yn rhagnodi at ddibenion adran 90(1)(c) y disgrifiad o wrthwynebiadau na chaniateir eu cyfeirio at y Cynulliad Cenedlaethol o dan adran 90(1).

(2) Ni chaniateir cyfeirio gwrthwynebiad-

(a) Os sylwedd y gwrthwynebiad yw ceisio newid y trefniadau derbyn o dan sylw a hwnnw'n newid a fyddai'n gyfystyr â newid a ragnodwyd at ddibenion adran 28, neu

(b) mewn unrhyw achos pan mai corff llywodraethu ysgol gymunedol neu ysgol wirfoddol a reolir yw'r corff sy'n ceisio gwneud y gwrthwynebiad ac nad yw'r cyfrifoldeb dros benderfynu trefniadau derbyn yr ysgol wedi'i ddirprwyo iddo o dan adran 88(1)(a)(ii), ac mai gwrthwynebiad i'r canlynol yw'r gwrthwynebiad-

Part 1

Reference of Objections to the National Assembly

Cases where an objection may not be referred

4.-(1) This regulation prescribes for the purposes of section 90(1)(c) the description of objections that may not be referred to the National Assembly under section 90(1).

(2) An objection may not be referred if-

(a) the substance of the objection is to seek an alteration to the admission arrangements in question which alteration would constitute a prescribed alteration for the purposes of section 28, or

(b) in any case where the body seeking to refer an objection are the governing body of a community or voluntary controlled school, responsibility for determining the admission arrangements for the school not having been delegated to them under section 88(1)(a)(ii), and the objection is to-

(**1**) Mewnosodwyd adran 89(A) gan adran 47(2) o Ddeddf Addysg 2002.

(**2**) Mae'r canllaw yma ar gael ar wefan y Cynulliad Cenedlaethol www.dysgu.cymru.gov.uk.

(**3**) 1996 p.56.

(**1**) Section 89(A) was inserted by section 47(2) of the Education Act 2002.

(**2**) This guidance is available on the National Assembly website at www.information.gov.uk.

(**3**) 1996 c.56.

(**4**) S.I. 1999/ 124.

(i) trefniadau derbyn unrhyw ysgol gymunedol arall neu ysgol wirfoddol arall a reolir yn yr ardal berthnasol lle'r awdurdod addysg lleol yw'r awdurdod derbyn ar gyfer yr ysgol, neu

(ii) trefniadau derbyn yr ysgol y mae'r corff sy'n ceisio gwneud y gwrthwynebiad yn gorff llywodraethu arni, onid yw sylwedd y gwrthwynebiad yn ymwneud â phenderfynu unrhyw nifer derbyn ar gyfer yr ysgol honno.

Terfynau amser y mae'n rhaid cyfeirio'r gwrthwynebiad o'u mewn

5.-(1) Yn ddarostyngedig i baragraff (3), ni chaniateir cyfeirio gwrthwynebiad o dan adran 90(1) onid yw'n dod i law'r Cynulliad Cenedlaethol o fewn 6 wythnos ar ôl i'r hysbysiad sy'n ofynnol yn rhinwedd adran 89(4)(b) ddod i law'r awdurdod derbyn sy'n gwrthwynebu.

(2) Yn ddarostyngedig i baragraff (3), ni chaniateir cyfeirio gwrthwynebiad o dan adran 90(2) onid yw'n dod i law'r Cynulliad Cenedlaethol o fewn 6 wythnos ar ôl y dyddiad y cyhoeddwyd gyntaf hysbysiad o'r penderfyniad ar drefniadau derbyn perthnasol mewn papur newydd yn y dull sy'n ofynnol gan reoliadau o dan adran 89(**1**).

(3) Mae gwrthwynebiad sy'n dod i law ar ôl diwedd y cyfnod a bennir ym mharagraff (1) neu (2) i'w ystyried fel pe bai wedi'i gyfeirio'n briodol os yw'r Cynulliad Cenedlaethol wedi'i fodloni nad oedd yn rhesymol ymarferol i'r gwrthwynebiad fod wedi dod i law yn gynharach na'r amser y daeth i law.

Rhan 2

Cyfeirio Gwrthwynebiadau gan Rieni

Rhieni sy'n gymwys i gyfeirio gwrthwynebiad

6. At ddibenion adran 90(2)(b) y disgrifiad o riant a gaiff gyfeirio gwrthwynebiad sy'n ymwneud â threfniadau derbyn o dan yr is-adran honno yw unigolyn-

(a) os yw'r gwrthwynebiad yn dod o fewn rheoliad 7(1)(a), sy'n rhiant y mae ei blentyn o oedran ysgol gorfodol ac yn derbyn addysg gynradd; neu

(b) os yw'r gwrthwynebiad yn dod o fewn rheoliad 7(1)(b), sy'n rhiant y mae ei blentyn wedi cael ei ben blwydd yn ddwy oed ond heb gael ei ben blwydd yn bump oed, neu sy'n rhiant y mae ei blentyn o oedran ysgol gorfodol ac yn derbyn addysg gynradd,

(**1**) *Gweler* Rheoliadau Addysg (Penderfynu ar Drefniadau Derbyn) (Cymru) 2006, O.S. 2006/174 (Cy.25).

(i) the admission arrangements for any other community or voluntary controlled school in the relevant area for whom the local education authority are the admission authority, or

(ii) the admission arrangements for the school for which they are the governing body, unless the substance of the objection relates to the determination of any admission number for that school.

Time within which objection must be referred

5.-(1) Subject to paragraph (3), an objection may not be referred under section 90(1) unless it is received by the National Assembly within 6 weeks after the receipt by the objecting admission authority of the notification required by virtue of section 89(4)(b).

(2) Subject to paragraph (3), an objection may not be referred under section 90(2) unless it is received by the National Assembly within 6 weeks after the date on which notice of the determination of the relevant admission arrangements was first published in a newspaper in the manner required by regulations under section 89(**1**).

(3) An objection which is received after the end of the period specified in paragraph (1) or (2) is to be regarded as properly referred if the National Assembly is satisfied that it was not reasonably practicable for the objection to have been received earlier than the time it was received.

Part 2

Reference of Objections by Parents

Parents who are eligible to refer an objection

6. For the purposes of section 90(2)(b) the description of a parent who may refer an objection relating to admission arrangements under that subsection is an individual who is-

(a) where the objection falls within regulation 7(1)(a), the parent of a child of compulsory school age receiving primary education; or

(b) where the objection falls within regulation 7(1)(b), the parent of a child who has attained the age of two but has not attained the age of five or whose child is of compulsory school age receiving primary education,

(**1**) *See* The Education (Determination of Admission Arrangements) (Wales) Regulations 2006, SI 2006/174 (W.25).

ac sydd (yn y naill achos a'r llall) yn preswylio yn yr ardal berthnasol y mae ymgynghori o dan adran 89(2)(b) ynghylch y trefniadau derbyn hynny'n gymwys.

Gwrthwynebiadau y caiff rhieni eu cyfeirio

7.-(1) At ddibenion adran 90(2)(c) y disgrifiad o wrthwynebiad y caniateir ei gyfeirio o dan adran 90(2) yw-

(a) gwrthwynebiad sy'n ymwneud â threfniadau dethol sydd eisoes yn bodoli;

(b) gwrthwynebiad sy'n ymwneud â nifer derbyn ar gyfer unrhyw grŵp oedran perthnasol sy'n is na'r nifer derbyn a nodir ar gyfer y grŵp oedran hwnnw.

(2) At ddibenion y rheoliad hwn,

(a) ystyr "trefniadau dethol" ("*selection arrangements*") yw'r trefniadau hynny (os oes rhai) yn y trefniadau derbyn a benderfynwyd ar gyfer ysgol ar gyfer blwyddyn ysgol benodol ac sy'n darparu ar gyfer dethol disgyblion yn ôl eu gallu o fewn ystyr adran 99(5); a

(b) mae trefniadau dethol i'w hystyried yn rhai sydd eisoes yn bodoli os ydynt-

(i) yn parhau o'r ddarpariaeth a wnaed yn nhrefniadau derbyn yr ysgol o dan sylw ar ddechrau blwyddyn ysgol 1997/98 ac a wnaed gan drefniadau derbyn olynol yr ysgol byth oddi ar hynny, a

(ii) yn llwyr ddibynnol ar adran 100 o ran bod yn gyfreithlon.

(3) At ddiben paragraff (2)(b)(ii), mae trefniadau dethol i'w hystyried yn rhai sy'n llwyr ddibynnol ar adran 100 o ran bod yn gyfreithlon os na chânt eu gwneud yn gyfreithlon yn rhinwedd adran 99(1) a (2)(c) (dosbarthiadau chwech), neu adran 101 (bandio disgyblion).

Amod i'w fodloni cyn penderfynu gwrthwynebiadau gan rieni

8.-(1) Rhaid i'r amod ym mharagraff (2) gael ei fodloni cyn bydd yn ofynnol i'r Cynulliad Cenedlaethol benderfynu gwrthwynebiad gan riant o dan adran 90(2).

(2) Yr amod yw bod nid llai na phump o rieni sy'n bodloni'r gofyniad yn rheoliad 6 wedi cyfeirio gwrthwynebiadau o dan adran 90(2) (neu un neu fwy o wrthwynebiadau ar y cyd)-

(a) sy'n ymwneud â'r un trefniadau derbyn; a

(b) sy'n codi'r un mater neu fater sy'n sylweddol yr un fath.

and (in either case) is resident in the relevant area for which consultation under section 89(2)(b) relating to those admission arrangements applies.

Objections that may be referred by parents

7.-(1) For the purposes of section 90(2)(c) the description of objection that may be referred under section 90(2) is-

(a) an objection relating to pre-existing selection arrangements;

(b) an objection relating to an admission number for any relevant age group which is lower than the indicated admission number for that age group.

(2) For the purpose of this regulation,

(a) "selection arrangements" ("*trefniadau dethol*") means those arrangements (if any) in the admission arrangements determined for a school for a particular school year which make provision for the selection of pupils by ability within the meaning of section 99(5); and

(b) selection arrangements are to be regarded as pre-existing if they-

(i) continue from provision made by the admission arrangements for the school in question at the beginning of the 1997/98 school year and made by successive admission arrangements for the school since that time, and

(ii) depend solely for their lawfulness on section 100.

(3) For the purpose of paragraph (2)(b)(ii), selection arrangements are to be regarded as depending solely for their lawfulness on section 100 if they are not rendered lawful by virtue of section 99(1) and (2)(c) (sixth forms), or section 101 (pupil banding).

Condition to be met before determination of objections by parents

8.-(1) The condition in paragraph (2) must be satisfied before the National Assembly is required to determine an objection referred by a parent under section 90(2).

(2) The condition is that not less than five parents who satisfy the requirement in regulation 6 have referred objections under section 90(2) (or one or more such objections jointly) which-

(a) are about the same admission arrangements; and

(b) raise the same or substantially the same issue.

Rhan 3

Penderfyniadau ar Wrthwynebiadau ac Effaith Penderfyniadau

Cyhoeddi penderfyniadau

9.-(1) Rhaid cyhoeddi penderfyniadau'r Cynulliad Cenedlaethol a'r rhesymau drostynt o dan adran 90(7)-

(a) drwy hysbysu'n ysgrifenedig y partïon i'r gwrthwynebiad a'r holl gyrff eraill yr oedd yn ofynnol i'r awdurdod derbyn ymgynghori â hwy o dan adran 89(2), neu y byddai wedi bod yn ofynnol iddo, heblaw am adran 89(2A), ymgynghori â hwy ynghylch y trefniadau derbyn arfaethedig; a

(b) yn achos penderfyniad ar wrthwynebiad yn ymwneud â-

(i) trefniadau derbyn sydd eisoes yn bodoli o fewn ystyr rheoliad 7(2), neu

(ii) nifer derbyn sy'n is na'r nifer derbyn a nodir

(pa un a gyfeiriwyd gwrthwynebiadau o'r fath gan riant ai peidio) drwy gyhoeddi'r wybodaeth ym mharagraff (2) o'r rheoliad hwn ar wefan y Cynulliad Cenedlaethol www.gwybodaeth.cymru.gov.uk o fewn 14 o ddiwrnodau ar ôl y dyddiad y rhoddwyd y penderfyniad a'r rhesymau drosto.

(2) Yr wybodaeth i'w chyhoeddi o dan is-baragraff (1)(b) yw-

(a) enw'r awdurdod derbyn a'r ysgol (os yw'n wahanol) y mae'r trefniadau dethol yn gymwys iddynt; a

(b) disgrifiad byr o'r penderfyniad a'r rhesymau drosto.

Cyfyngu ar wrthwynebiadau diweddarach

10.-(1) Pan fo gwrthwynebiad ynghylch trefniadau derbyn ysgol benodol ar gyfer blwyddyn ysgol benodol wedi'i benderfynu gan y Cynulliad Cenedlaethol ni chaniateir cyfeirio unrhyw wrthwynebiad dilynol (gan y person neu'r corff a wnaeth y gwrthwynebiad neu gan unrhyw un arall) ynghylch-

(a) y trefniadau hynny; neu

(b) trefniadau'r ysgol honno ar gyfer y flwyddyn ysgol ganlynol,

a hwnnw'n wrthwynebiad sy'n codi'r un mater neu fater sy'n sylweddol yr un fath.

(2) Nid yw paragraff (1)(b) yn rwystro gwrthwynebiad rhag cael ei gyfeirio ynghylch trefniadau ysgol-

Part 3

Decisions on Objections and Effect of Decisions

Publication of decisions

9.-(1) Decisions of the National Assembly and the reasons for them must be published under section 90(7)-

(a) by notification in writing to the parties to the objection and to all other bodies whom the admission authority were required to consult under section 89(2), or would but for section 89(2A) have been required so to consult about the proposed admission arrangements; and

(b) in the case of a decision on an objection relating to-

(i) pre-existing selection arrangements within the meaning of regulation 7(2), or

(ii) an admission number which is lower than the indicated admission number,

(whether or not such objections were referred by a parent) by publishing the information in paragraph (2) of this regulation on the National Assembly's website at www.information.wales.gov.uk within 14 days after the date when the decision and reasons were given.

(2) The information to be published under subparagraph (1)(b) is-

(a) the name of the admission authority and (if different) of the school to which the admission arrangements relate; and

(b) a short description of the decision and of the reasons for it.

Limitation on later objections

10.-(1) Where an objection about the admission arrangements for a particular school for a particular school year has been decided by the National Assembly no subsequent objection may be referred (by the person or body who made the objection or by anyone else) about-

(a) those arrangements; or

(b) the arrangements for that school for the next following school year,

which raises the same or substantially the same issue.

(2) Paragraph (1)(b) does not prevent an objection being referred about the arrangements for a school where-

(a) pan fo'r penderfyniad a grybwyllir ym mharagraff (1) wedi cadarnhau gwrthwynebiad i drefniadau derbyn yr ysgol; a

(b) pan mai sylwedd y gwrthwynebiad y ceisir yn awr ei gyfeirio yw bod trefniadau derbyn yr ysgol, a benderfynwyd gan yr awdurdod derbyn ar gyfer y flwyddyn ysgol ganlynol, i'r graddau y maent yn berthnasol, yr un fath â'r rhai y cyfeiriwyd y gwrthwynebiad cynharach yn eu herbyn neu'n sylweddol yr un fath â hwy.

Pŵer i newid trefniadau yn sgil penderfynu gwrthwynebiad

11.-(1) Mae'r rheoliad hwn yn gymwys pan-

(a) bydd y Cynulliad Cenedlaethol wedi gwneud penderfyniad sy'n cadarnhau, i unrhyw raddau, wrthwynebiad i drefniadau derbyn a benderfynwyd gan awdurdod derbyn; a

(b) bydd yn rhesymol i awdurdod derbyn perthnasol fod o'r farn bod y trefniadau y mae wedi eu penderfynu, i'r graddau y mae'n berthnasol-

(i) yr un fath â'r trefniadau hynny; neu

(ii) yn ddigon tebyg i'r un penderfyniad fod wedi'i wneud yn eu herbyn pe bai gwrthwynebiad wedi'i wneud.

(2) Mewn achos pan fo'r rheoliad hwn yn gymwys, caiff yr awdurdod derbyn perthnasol adolygu ei drefniadau derbyn drwy wneud y newidiadau hynny sydd, ym marn resymol yr awdurdod, yn angenrheidiol er mwyn bod yn gyson â'r penderfyniad, a chaiff benderfynu ei drefniadau ar y ffurf honno sy'n ffurf wedi'i hadolygu.

(3) Ni chaniateir gwneud penderfyniad o'r fath ond-

(a) os gwneir trefniadau o'r fath o fewn deufis i'r dyddiad y rhoddwyd hysbysiad o'r penderfyniad a'r rhesymau drosto yn unol â rheoliad 9(1)(a); a

(b) os yw'r awdurdod derbyn perthnasol wedi hysbysu pob corff derbyn yr oedd yn ofynnol iddo ymgynghori ag ef o dan adran 89(2) ynghylch y trefniadau derbyn y mae'n yn ceisio'u hadolygu o dan y rheoliad hwn, neu y byddai, heblaw am adran 89(2A), wedi bod yn ofynnol iddo ymgynghori ag ef.

(4) Yn y rheoliad hwn ystyr "awdurdod derbyn perthnasol" (*"relevant admission authority"*) yw awdurdod derbyn yr oedd yn ofynnol iddo ymgynghori o dan adran 89(2) â'r awdurdod derbyn y gwnaed y penderfyniad yn ei erbyn, neu y byddai wedi bod yn ofynnol iddo, heblaw am adran 89(2A), ymgynghori â'r awdurdod derbyn y gwnaed y penderfyniad yn ei erbyn, a hynny cyn iddo benderfynu'r trefniadau derbyn y mae'n dymuno eu hadolygu.

(a) the decision mentioned in paragraph (1) upheld an objection to the admission arrangements for the school; and

(b) the substance of the objection now sought to be referred is that the admission arrangements for the school determined by the admission authority for the next following school year are, so far as material, the same or substantially the same as those against which the earlier objection was referred.

Power to alter arrangements following decision on an objection

11.-(1) This regulation applies where-

(a) the National Assembly has made a decision upholding to any extent an objection to admission arrangements determined by an admission authority; and

(b) a relevant admission authority reasonably believe that the arrangements which they have determined are, so far as material-

(i) the same as those arrangements; or

(ii) sufficiently similar for the same decision to have been made against them had an objection been made.

(2) In a case where this regulation applies, the relevant admission authority may revise their admission arrangements by making such alterations as they reasonably believe to be necessary to achieve consistency with the decision, and may determine their arrangements in that revised form.

(3) Any such determination may only be made if-

(a) such arrangements are made within two months of the date on which the decision and the reasons for it were notified in accordance with regulation 9(1)(a); and

(b) the relevant admission authority have informed each admission body, whom they were required to consult under section 89(2), or would but for section 89(2A) have been required to so consult, about the admission arrangements which they are seeking to revise under this regulation.

(4) In this regulation "relevant admission authority" (*"awdurdod derbyn perthnasol"*) means an admission authority who, before they determined the admission arrangements that they wish to revise, were required to consult under section 89(2), or would but for section 89(2A) have been required to consult, the admission authority against whom the decision was made.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**1**).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**1**).

31 Ionawr 2006

31 January 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(**1**) 1998 p.38

(**1**) 1998 c.38.

OFFERYNNAU STATUDOL

2006 Rhif 176 (Cy.27)

ADDYSG, CYMRU

Rheoliadau Addysg (Gwrthwynebiadau i Drefniadau Derbyn) (Cymru) 2006

STATUTORY INSTRUMENTS

2006 No. 176 (W.27)

EDUCATION, WALES

The Education (Objections to Admission Arrangements) (Wales) Regulations 2006

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