OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2010 Rhif 1369 (Cy.119)

2010 No. 1369 (W.119)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Corfforaeth Addysg Bellach Coleg Gŵyr Abertawe (Llywodraethu) 2010

The Gower College Swansea Further Education Corporation (Government) Regulations 2010

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn rhagnodi'r Offeryn Llywodraethu a'r Erthyglau Llywodraethu ar gyfer Corfforaeth Addysg Bellach Coleg Gŵyr Abertawe. Mae'r Offeryn Llywodraethu a'r Erthyglau Llywodraethu yn darparu ar gyfer cyfansoddiad ac ar gyfer rhedeg Corfforaeth Addysg Bellach Coleg Gŵyr Abertawe.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the Instrument of Government and Articles of Government for Gower College Swansea Further Education Corporation. The Instrument of Government and Articles of Government provide for the constitution and conduct of Gower College Swansea Further Education Corporation.

OFFERYNNAU STATUDOL CYMRU

2010 Rhif 1369 (Cy.119)

ADDYSG, CYMRU

Rheoliadau Corfforaeth Addysg Bellach Coleg Gŵyr Abertawe (Llywodraethu) 2010

Gwnaed	*25 Ebrill 2010*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*29 Ebrill 2010*
Yn dod i rym	*20 Mai 2010*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 20(2) a 21(1) o Ddeddf Addysg Bellach ac Uwch 1992 ac Atodlen 4 iddi(**1**) ("y Ddeddf") ac sydd bellach yn arferadwy ganddynt hwy(**2**).

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Corfforaeth Addysg Bellach Coleg Gŵyr Abertawe (Llywodraethu) 2010 a deuant i rym ar 20 Mai 2010.

(**1**) 1992 p.13; diwygiwyd adran 21(1) gan adran 140 o Ddeddf Safonau a Fframwaith Ysgolion a pharagraff 35 o Atodlen 30 iddi ac Atodlen 31 iddi (p. 31). Mewnosodwyd paragraff 1A o Atodlen 4 gan adran 146 o Ddeddf Dysgu a Sgiliau 2000 a pharagraffau 1 a 44(1) a (2) o Atodlen 9 iddi (p.21). Diwygwyd paragraff 1A o Atodlen 4 gan erthygl 9(1) o Orchymyn Cyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant (Trosglwyddo Swyddogaethau a Diddymu'r Cyngor) 2005 (O.S. 2005/3238) (Cy. 243) a pharagraffau 13 a 28 o Atodlen 1 iddo. Diwygiwyd paragraff 5 o Atodlen 4 gan adran 149 o Ddeddf Dysgu a Sgiliau 2000 a pharagraffau 1 a 44 o Atodlen 9 iddi. Gweler adran 61(1) o Ddeddf Addysg Bellach ac Uwch 1992 am ystyr "regulations".

(**2**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 20(2) a 21(1) o Ddeddf Addysg Bellach ac Uwch 1992 ac Atodlen 4 iddi (i'r graddau yr oeddent yn arferadwy o ran Cymru) i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru wedyn i Weinidogion Cymru yn rhinwedd paragraffau 30(1) a 30(2)(a) o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

WELSH STATUTORY INSTRUMENTS

2010 No. 1369 (W.119)

EDUCATION, WALES

The Gower College Swansea Further Education Corporation (Government) Regulations 2010

Made	*25 April 2010*
Laid before the National Assembly for Wales	*29 April 2010*
Coming into force	*20 May 2010*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 20(2) and 21(1) of, and Schedule 4 to, the Further and Higher Education Act 1992(**1**) ("the Act") and now exercisable by them(**2**).

Title and commencement

1. The title of these Regulations is the Gower College Swansea Further Education Corporation (Government) Regulations 2010 and they come into force on 20 May 2010.

(**1**) 1992 c.13; section 21(1) was amended by section 140 of and paragraph 35 of Schedule 30 to and Schedule 31 to the School Standards and Framework Act 1998 (c. 31). Paragraph 1A of Schedule 4 was inserted by section 146 of, and paragraphs 1 and 44(1) and (2) of Schedule 9 to, the Learning and Skills Act 2000 (c.21). Paragraph 1A of Schedule 4 was amended by article 9(1) of and paragraphs 13 and 28 of Schedule 1 to the National Council for Education and Training for Wales (Transfer of Functions and Abolition) Order 2005 (S.I. 2005/3238) (W. 243). Paragraph 5 of Schedule 4 was amended by section 149 and paragraphs 1 and 44 of Schedule 9 to the Learning and Skills Act 2000. See section 61(1) of the Further and Higher Education Act 1992 for the meaning of "regulations".

(**2**) The functions of the Secretary of State under sections 20(2) and 21(1) of, and Schedule 4 to, the Further and Higher Education Act 1992 were (so far as exercisable in relation to Wales) transferred to the National Assembly for Wales, by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales were then transferred to the Welsh Ministers by virtue of paragraphs 30(1) and 30(2)(a) of Schedule 11 to the Government of Wales Act 2006 (c.32).

Offeryn Llywodraethu

2. Rhagnodir Offeryn Llywodraethu Corfforaeth Addysg Bellach Coleg Gŵyr Abertawe yn Atodlen 1 i'r Rheoliadau hyn.

Erthyglau Llywodraethu

3. Rhagnodir Erthyglau Llywodraethu Corfforaeth Addysg Bellach Coleg Gŵyr Abertawe yn Atodlen 2 i'r Rheoliadau hyn.

Instrument of Government

2. The Instrument of Government of Gower College Swansea Further Education Corporation is as prescribed in Schedule 1 to these Regulations.

Articles of Government

3. The Articles of Government of Gower College Swansea Further Education Corporation are as prescribed in Schedule 2 to these Regulations.

Leighton Andrews

Y Gweinidog dros Blant, Addysg a Dysgu Gydol Oes, un o Weinidogion Cymru

25 Ebrill 2010

Minister for Children, Education and Lifelong Learning, one of the Welsh Ministers

25 April 2010

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Rheoliad 2

YR OFFERYN LLYWODRAETHU

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Dehongli

1.–(1) Yn yr Offeryn Llywodraethu hwn–

ystyr "aelod" ("*member*") yw aelod o'r Gorfforaeth;

ystyr "Cadeirydd" ("*Chair*") yw Cadeirydd y Gorfforaeth;

ystyr "Clerc" ("*Clerk*") yw Clerc y Gorfforaeth;

ystyr "diwrnod gwaith" ("*working day*") yw unrhyw ddydd Llun, Mawrth, Mercher, Iau neu Gwener, ac eithrio gŵyl banc neu ŵyl gyhoeddus arall;

ystyr "y Gorfforaeth" ("*the Corporation*") yw Corfforaeth Addysg Bellach Coleg Gŵyr Abertawe;

ystyr "Is-gadeirydd" ("*Vice-Chair*") yw Is-gadeirydd y Gorfforaeth;

SCHEDULES

SCHEDULE 1

Regulation 2

INSTRUMENT OF GOVERNMENT

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Interpretation

1.–(1) In this Instrument of Government–

"the Corporation" ("*y Gorfforaeth*") means the Gower College Swansea Further Education Corporation;

"Chair" ("*Cadeirydd*") means Chair of the Corporation;

"Clerk" ("*Clerc*") means Clerk to the Corporation;

"the institution" ("*y sefydliad*") means Gower College Swansea and any institution for the time being conducted by the Corporation in exercise of its powers under the Further and Higher Education Act 1992(**1**);

"member" ("*aelod*") means member of the Corporation;

(**1**) 1992 (c.13).

ystyr "materion staff" ("*staff matters*") yw penodiad, tâl, amodau gwaith, dyrchafiad, israddiad, ymddygiad, atal dros dro, diswyddiad neu ymddeoliad unrhyw aelod o'r staff;

ystyr "myfyriwr" ("*student*") yw myfyriwr sydd wedi ymrestru yn y sefydliad ac mae hefyd yn cynnwys person nad yw am y tro wedi ymrestru fel myfyriwr yn y sefydliad ond sydd ar gyfnod o absenoldeb awdurdodedig o fod wedi ymrestru fel myfyriwr yn y sefydliad at ddibenion astudio, teithio neu i wneud dyletswyddau unrhyw swydd a ddeil y person hwnnw yn undeb myfyrwyr y sefydliad;

ystyr "Pennaeth" ("*Principal*") yw prif weithredwr y sefydliad;

ystyr "y sefydliad" ("*the institution*") yw Coleg Gŵyr Abertawe ac unrhyw sefydliad sy'n cael ei redeg am y tro gan y Gorfforaeth wrth arfer ei bwerau o dan Ddeddf Addysg Bellach ac Uwch 1992(**1**).

(2) Yn yr Offeryn Llywodraethu hwn, o ran aelodau–

(a) mae cyfeiriadau at "categori amrywiol" yn gyfeiriadau at unrhyw gategori o aelodau y dichon eu niferoedd amrywio yn unol â pharagraffau 2 a 4; a

(b) mae i'r termau canlynol yr ystyron a roddir iddynt ym mharagraff 2–

"Aelodau a Benodwyd gan Weinidogion Cymru" ("*Welsh Ministers Appointed Members*");

"aelodau awdurdod lleol" ("*local authority members*");

"aelodau busnes" ("*business members*");

"aelodau cyfetholedig" ("*co-opted members*");

"aelodau cymunedol" ("*community members*");

"aelodau myfyrwyr" ("*student members*");

"aelodau rhieni" ("*parent members*"); ac

"aelodau staff" ("*staff members*").

Aelodaeth y Gorfforaeth

2.–(1) Rhaid i'r Gorfforaeth gynnwys–

(a) hyd at saith aelod sydd, neu a fu, yn ymwneud â neu'n gyflogedig mewn busnes, diwydiant neu unrhyw broffesiwn neu unrhyw faes arall o waith sy'n berthnasol i weithgareddau'r sefydliad (ac fe'u gelwir yn "aelodau busnes");

(b) hyd at dri aelod a gyfetholwyd gan aelodau'r Gorfforaeth (ac fe'u gelwir yn "aelodau cyfetholedig");

"Principal" ("*Pennaeth*") means the chief executive of the institution;

"staff matters" ("*materion staff*") means the appointment, remuneration, conditions of service, promotion, demotion, conduct, suspension, dismissal or retirement of any member of staff;

"student" ("*myfyriwr*") means a student enrolled at the institution and also includes a person who is not for the time being enrolled as a student at the institution but who is on a period of authorised absence from enrolment as a student at the institution for the purposes of study or travel or for carrying out the duties of any office held by that person in the institution's student union;

"Vice-Chair" ("*Is-gadeirydd*") means Vice-Chair of the Corporation;

"working day" ("*diwrnod gwaith*") means any Monday, Tuesday, Wednesday, Thursday or Friday, other than a bank holiday or other public holiday.

(2) In this Instrument of Government, in relation to members–

(a) references to a "variable category" are references to any category of members whose numbers may vary in accordance with paragraphs 2 and 4; and

(b) the following terms have the meanings given to them in paragraph 2–

"business members" ("*aelodau busnes*");

"community members" ("*aelodau cymunedol*");

"co opted members" ("*aelodau cyfetholedig*");

"local authority members" ("*aelodau awdurdod lleol*");

"parent members" ("*aelodau rhieni*");

"staff members" ("*aelodau staff* ");

"student members" ("*aelodau myfyrwyr*"); and

"Welsh Ministers Appointed Members" ("*Aelodau a Benodwyd gan Weinidogion Cymru*").

Composition of the Corporation

2.–(1) The Corporation must consist of–

(a) up to seven members who are, or have been, engaged or employed in business, industry or any profession or in any other field of employment relevant to the activities of the institution (to be known as "business members");

(b) up to three members co-opted by the members of the Corporation (to be known as "co-opted members");

(**1**) 1992 (p.13).

(c) o leiaf un a hyd at dri aelod sy'n staff wedi'u cyflogi gan y sefydliad ac a enwebwyd gan staff y sefydliad (ac fe'u gelwir yn "aelodau staff") Os oes mwy nag un aelod staff, rhaid i o leiaf un aelod staff fod wedi'i gyflogi fel aelod o'r staff addysgu, ac wedi'i ethol a'i enwebu ganddynt a rhaid i o leiaf un aelod staff fod wedi'i gyflogi fel aelod arall o staff y sefydliad ac wedi'i ethol a'i enwebu ganddynt;

(ch) o leiaf un a hyd at dri aelod sy'n fyfyrwyr yn y sefydliad ac sydd wedi'u hethol a'u henwebu gan fyfyrwyr y sefydliad neu (fel y caiff y Gorfforaeth benderfynu) wedi'u hethol a'u henwebu gan gymdeithas gydnabyddedig sy'n cynrychioli myfyrwyr y sefydliad (ac fe'u gelwir yn "aelodau myfyrwyr");

(d) hyd at ddau aelod sy'n rhieni i fyfyrwyr o dan 19 mlwydd oed sy'n mynychu'r sefydliad, sydd wedi'u hethol a'u henwebu gan rieni eraill o'r fath neu (fel y caiff y Gorfforaeth benderfynu) wedi'u hethol a'u henwebu gan gymdeithas gydnabyddedig sy'n cynrychioli rhieni o'r fath (ac fe'u gelwir yn "aelodau rhieni");

(dd) o leiaf un a hyd at dri aelod a enwebwyd gan awdurdodau lleol a bennir gan y Gorfforaeth (ac fe'u gelwir yn "aelodau awdurdod lleol");

(e) o leiaf un a hyd at dri aelod a enwebwyd gan gorff neu gyrff cymunedol yr ymddengys i'r aelodau eraill eu bod yn cynrychioli buddiannau adran o'r gymuned leol a enwebwyd gan yr aelodau eraill (ac fe'u gelwir yn "aelodau cymunedol") (at ddibenion y paragraff hwn mae "corff cymunedol" yn cynnwys unrhyw gymdeithas nad yw'n cael ei rhedeg er elw);

(f) Pennaeth y sefydliad (onid yw'r Pennaeth yn dewis peidio â bod yn aelod); ac

(ff) hyd at ddau aelod a benodwyd gan Weinidogion Cymru wrth arfer eu pwerau o dan adran 39 o Ddeddf Dysgu a Sgiliau 2000(**1**) (ac fe'u gelwir yn "Aelodau a Benodwyd gan Weinidogion Cymru").

(2) Rhaid i unrhyw gwestiwn parthed a yw person yn gymwys yn unol ag is-baragraff (1) i'w benodi'n aelod i unrhyw gategori gael ei benderfynu gan yr awdurdod penodi perthnasol fel a bennir ym mharagraff 5.

(**1**) 2000 p.21; diwygiwyd adran 39 gan erthygl 9(1) o Orchymyn Cyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Diddymu'r Cyngor) 2005 (O.S. 2005/3238) (Cy.243) a pharagraffau 48 a 59 o Atodlen 1 iddo; a chan adran 47 o Fesur Dysgu a Sgiliau (Cymru) 2009 (Rhif 1) a pharagraffau 1-3 o'r Atodlen iddo ond ar yr adeg y gwnaed y Rheoliadau hyn nid oedd y darpariaethau hynny eto wedi'u cychwyn.

(c) at least one and up to three members who are employed as and have been nominated by the staff of the institution (to be known as "staff members"). If there is more than one staff member, at least one staff member must be employed as and elected and nominated by the teaching staff and at least one staff member must be employed as and elected and nominated by the other members of staff of the institution;

(d) at least one and up to three members who are students at the institution and have been elected and nominated by the students at the institution or (as the Corporation may determine) elected and nominated by a recognised association representing the students at the institution (to be known as "student members");

(e) up to two members who are parents of students under the age of 19 years attending the institution, who have been elected and nominated by such other parents or (as the Corporation may determine) elected and nominated by a recognised association representing such parents (to be known as "parent members");

(f) at least one and up to three members nominated by local authorities specified by the Corporation (to be known as "local authority members");

(g) at least one and up to three members nominated by a community body or bodies appearing to the other members to represent the interests of a section of the local community nominated by the other members (to be known as "community members") (for the purposes of this paragraph "community body" includes any association not conducted for profit);

(h) the Principal of the institution (unless the Principal chooses not to be a member); and

(i) up to two members appointed by the Welsh Ministers in exercise of their powers under section 39 of the Learning and Skills Act 2000(**1**) (to be known as "Welsh Ministers Appointed Members").

(2) Any question as to whether a person is qualified in accordance with sub-paragraph (1) for appointment as a member to any category, must be determined by the relevant appointing authority as specified in paragraph 5.

(**1**) 2000 c.21; section 39 was amended by article 9(1) of and paragraphs 48 and 59 of Schedule 1 to the National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238) (W.243); and by section 47 of and paragraphs 1-3 of the Schedule to the Learning and Skills (Wales) Measure 2009 (No. 1) but at the time of making these Regulations those provisions had not yet been commenced.

Penderfynu niferoedd yr aelodau

3.–(1) Yn ei gyfarfod cyntaf, rhaid i'r Gorfforaeth benderfynu ar–

(a) cyfanswm yr aelodau (ac eithrio unrhyw Aelodau a Benodwyd gan Weinidogion Cymru); a

(b) nifer yr aelodau ym mhob categori amrywiol.

(2) Caiff y Gorfforaeth ar unrhyw adeg amrywio'r penderfyniadau y cyfeirir atynt yn is-baragraff (1) ac unrhyw benderfyniadau olynol o dan y paragraff hwn.

(3) Rhaid i unrhyw benderfyniad o dan y paragraff hwn sicrhau–

(a) bod nifer yr aelodau, heb gynnwys yr Aelodau a Benodwyd gan Weinidogion Cymru, yn 12 o leiaf a heb fod yn fwy nag 20;

(b) bod nifer aelodau pob categori amrywiol o fewn y terfynau a osodir ym mharagraff 2; ac

(c) bod nifer yr aelodau busnes yn cyfateb i draean cyfanswm yr aelodau, heb gynnwys unrhyw Aelodau a Benodwyd gan Weinidogion Cymru, wedi'u cyfrif i fyny at y rhif cyflawn agosaf.

(4) Nid oes unrhyw benderfyniad o dan y paragraff hwn yn cael effaith fydd yn terfynu penodiad unrhyw berson sydd eisoes yn aelod ar yr adeg y daw yn effeithiol.

Penodiadau

4.–(1) Y Gorfforaeth yw'r awdurdod penodi mewn perthynas â phenodi unrhyw aelod ac eithrio–

(a) Aelod a Benodwyd gan Weinidogion Cymru;

(b) yr aelodau cyntaf, sy'n cael eu penodi gan Weinidogion Cymru; ac

(c) os yw nifer yr aelodau yn disgyn islaw'r nifer sy'n angenrheidiol ar gyfer cworwm, y nifer hwnnw o aelodau sy'n angenrheidiol ar gyfer cworwm.

(2) Os yw nifer yr aelodau yn disgyn islaw'r nifer sy'n angenrheidiol ar gyfer cworwm, Gweinidogion Cymru yw'r awdurdod penodi mewn perthynas â phenodiad y nifer hwnnw o aelodau sy'n angenrheidiol ar gyfer cworwm.

(3) Caiff yr awdurdod penodi wrthod penodi person os yw wedi'i fodloni–

(a) nad oes gan y person y sgiliau a'r profiad penodedig fel y'u diffinnir yn is-baragraff (4);

(b) bod y person, o fewn y deng mlynedd blaenorol, wedi cael ei symud ymaith o swydd fel aelod o gorfforaeth addysg bellach neu sefydliad a ddynodwyd o dan adran 28 o

Determination of membership numbers

3.–(1) At its first meeting, the Corporation must determine–

(a) the total number of members (excluding any Welsh Ministers Appointed Members); and

(b) the number of members in each variable category.

(2) The Corporation may at any time vary the determinations referred to in sub-paragraph (1) and any subsequent determinations under this paragraph.

(3) Any determination under this paragraph must ensure that–

(a) the number of members, excluding Welsh Ministers Appointed Members, is at least 12 and no more than 20;

(b) the number of members of each variable category is within the limits set out in paragraph 2; and

(c) the number of business members is equal to one-third of the total number of members, excluding any Welsh Ministers Appointed Members, rounded up to the nearest whole number.

(4) No determination under this paragraph has effect so as to terminate the appointment of any person who is already a member at the time when it takes effect.

Appointments

4.–(1) The Corporation is the appointing authority in relation to the appointment of any member other than–

(a) a Welsh Ministers Appointed Member;

(b) the first members, who are appointed by the Welsh Ministers; and

(c) where the number of members falls below the number needed for a quorum, such number of members as is required for a quorum.

(2) If the number of members falls below the number needed for a quorum, the Welsh Ministers are the appointing authority in relation to the appointment of such number of members as is required for a quorum.

(3) The appointing authority may decline to appoint a person if it is satisfied that–

(a) the person does not have the specified skills and experience as defined in sub-paragraph (4);

(b) the person has, within the previous ten years, been removed from office as a member of a further education corporation or institution designated under section 28 of the Further and

Ddeddf Addysg Bellach ac Uwch 1992(**1**);

(c) y byddai penodi'r person yn groes i unrhyw ddarpariaeth mewn unrhyw reolau neu is-ddeddfau a wnaed o dan erthygl 20 o'r Erthyglau Llywodraethu;

(ch) nad yw'r person yn gymwys i fod yn aelod yn rhinwedd paragraff 7; neu

(d) yn achos person sydd i'w benodi yn aelod busnes, aelod cyfetholedig, aelod awdurdod lleol neu'n aelod cymunedol, bod y Pwyllgor Chwilio (a sefydlwyd o dan Erthygl 8 o'r Erthyglau Llywodraethu) wedi cynghori na ddylid penodi'r person.

(4) Yn y paragraff hwn ystyr "y sgiliau a'r profiad penodedig" yw'r sgiliau a'r profiad (ac eithrio cymwysterau proffesiynol) a bennir gan y Gorfforaeth eu bod yn briodol i aelodau.

(5) Pan fo swydd unrhyw aelod ac eithrio'r Pennaeth neu Aelod a Benodwyd gan Weinidogion Cymru yn dod yn wag, rhaid i'r Gorfforaeth, cyn gynted ag y bo'n ymarferol, gymryd pob cam angenrheidiol i benodi aelod newydd i lenwi'r lle gwag.

(6) Caiff aelod awdurdod lleol fod yn gynghorydd etholedig o'r awdurdod lleol, yn un o gyflogeion yr awdurdod lleol neu'n unrhyw berson arall a enwebwyd gan yr awdurdod lleol.

(7) Nid oes dim yn y paragraff hwn yn rhoi'r hawl i'r Gorfforaeth ofyn am fwy nag un enwebiad gan unrhyw un neu ragor o'r cyrff y cyfeirir atynt ym mharagraff 2(1)(c) i (e) i lenwi unrhyw le gwag unigol.

Penodi Cadeirydd ac Is-gadeirydd

5.–(1) Rhaid i'r Gorfforaeth benodi Cadeirydd ac Is-gadeirydd o blith ei haelodau.

(2) Ni chaniateir penodi'r Pennaeth nac unrhyw aelod staff nac unrhyw aelod myfyrwyr yn Gadeirydd nac yn Is-gadeirydd.

(3) Bydd y Cadeirydd a'r Is-gadeirydd yn dal eu swyddi am unrhyw gyfnod a bennir gan y Gorfforaeth.

(4) Yn ddarostyngedig i is-baragraff (2), os yw'r Cadeirydd a'r Is-gadeirydd yn absennol o unrhyw gyfarfod o'r Gorfforaeth, rhaid i'r aelodau sy'n bresennol ddewis un o'u plith i weithredu fel cadeirydd am y cyfarfod hwnnw.

(5) Caiff y Cadeirydd neu'r Is-gadeirydd ymddiswyddo o'r swydd ar unrhyw adeg drwy roi hysbysiad ysgrifenedig i'r Clerc.

(**1**) 1992 p.13; diwygiwyd adran 28 gan adrannau 112, 143(1) a 153 o Ddeddf Dysgu a Sgiliau 2000 ac Atodlen 11 iddi (p. 21), adran 140(1) a pharagraff 38 o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998 (p. 31) ac adran 582(1) a pharagraff 109 o Atodlen 37 i Ddeddf Addysg 1996 (p. 56).

Higher Education Act 1992(**1**);

(c) the appointment of the person would contravene any provision of any rules or bye-laws made under article 20 of the Articles of Government;

(d) the person is ineligible to be a member by virtue of paragraph 7; or

(e) in the case of a person to be appointed as a business, co-opted, local authority or community member, the Search Committee (established under Article 8 of the Articles of Government) has advised that the person should not be appointed.

(4) In this paragraph "specified skills and experience" means skills and experience (other than professional qualifications) specified by the Corporation as appropriate for members.

(5) Where the office of any member other than the Principal or a Welsh Ministers Appointed Member becomes vacant, the Corporation must, as soon as practicable, take all necessary steps to appoint a new member to fill the vacancy.

(6) A local authority member may be a local authority elected councillor, a local authority employee, or any other person nominated by the local authority.

(7) Nothing in this paragraph entitles the Corporation to request more than one nomination from any of the bodies referred to in paragraph 2(1)(c) to (g) to fill any single vacancy.

Appointment of Chair and Vice Chair

5.–(1) The Corporation must appoint a Chair and a Vice Chair from among its members.

(2) Neither the Principal nor any staff or student member may be appointed Chair or Vice Chair.

(3) The Chair and Vice Chair hold office for any period determined by the Corporation.

(4) Subject to sub-paragraph (2), if both the Chair and Vice Chair are absent from any meeting of the Corporation, the members present must choose one of their number to act as chair for that meeting.

(5) The Chair or Vice Chair may resign from office at any time by giving notice in writing to the Clerk.

(**1**) 1992 c.13; section 28 was amended by sections 112, 143(1) and 153 and Schedule 11 to the Learning and Skills Act 2000 (c. 21), section 140(1) and paragraph 38 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31) and section 582(1) and paragraph 109 of Schedule 37 to the Education Act 1996 (c. 56).

(6) Os yw'r Gorfforaeth ar unrhyw adeg wedi'i bodloni bod y Cadeirydd yn anabl neu'n anaddas i gyflawni swyddogaethau'r Cadeirydd, caiff y Gorfforaeth, drwy roi hysbysiad ysgrifenedig, symud y Cadeirydd o'i swydd.

(6) If at any time the Corporation is satisfied that the Chair is unable or unfit to discharge the functions of Chair, the Corporation may, by giving written notice, remove the Chair from office.

(7) Os yw'r Gorfforaeth ar unrhyw adeg wedi'i bodloni bod yr Is-gadeirydd yn anabl neu'n anaddas i gyflawni swyddogaethau'r Is-gadeirydd, caiff y Gorfforaeth, drwy roi hysbysiad ysgrifenedig, symud yr Is-gadeirydd o'i swydd.

(7) If at any time the Corporation is satisfied that the Vice-Chair is unable or unfit to discharge the functions of Vice-Chair, the Corporation may, by giving written notice, remove the Vice-Chair from office.

(8) Yng nghyfarfod olaf y Gorfforaeth cyn bod tymor swydd y Cadeirydd neu'r Is-gadeirydd yn dod i ben, neu ar ôl i'r Cadeirydd neu'r Is-gadeirydd ymddiswyddo neu gael ei symud o'r swydd, rhaid i'r Gorfforaeth benodi Cadeirydd neu Is-gadeirydd newydd, yn ôl y digwydd, o blith ei haelodau.

(8) At the last meeting of the Corporation before the expiry of the term of office of the Chair or Vice Chair, or following the resignation or removal from office of the Chair or Vice Chair, the Corporation must appoint a new Chair or Vice Chair, as the case may be, from among its members.

(9) Mae'r Cadeirydd a'r Is-gadeirydd yn gymwys i gael eu hail benodi pan ddaw tymor eu swyddi i ben, yn ddarostyngedig i unrhyw reolau a wnaed o dan erthygl 20 o'r Erthyglau Llywodraethu ynglŷn â nifer y tymhorau swydd y caiff person wasanaethu drostynt.

(9) The Chair and Vice Chair are eligible for reappointment at the expiry of their terms of office, subject to any rules made under article 20 of the Articles of Government concerning the number of terms of office which a person may serve.

Penodi'r Clerc

6.–(1) Rhaid i'r Gorfforaeth benodi person i wasanaethu fel Clerc, ond ni chaniateir penodi'r Pennaeth fel Clerc.

(2) Yn ddarostyngedig i baragraff 13(9), mae hawl gan y Clerc i fynychu pob cyfarfod o'r Gorfforaeth a phob cyfarfod o unrhyw bwyllgor o'r Gorfforaeth.

(3) Yn absenoldeb dros dro'r Clerc, rhaid i'r Gorfforaeth benodi person (ac eithrio'r Pennaeth) i wasanaethu fel Clerc dros dro ac mae unrhyw gyfeiriad yn yr Offeryn hwn at y Clerc yn cynnwys Clerc dros dro.

(4) Rhaid i'r Clerc gydymffurfio ag unrhyw ofynion ysgrifenedig gan Weinidogion Cymru.

Appointment of the Clerk

6.–(1) The Corporation must appoint a person to serve as Clerk, but the Principal may not be appointed as Clerk.

(2) Subject to paragraph 13(9), the Clerk is entitled to attend all meetings of the Corporation and all meetings of any committee of the Corporation.

(3) In the temporary absence of the Clerk, the Corporation must appoint a person (other than the Principal) to serve as a temporary Clerk and any reference in this Instrument to the Clerk includes a temporary Clerk.

(4) The Clerk must comply with any written requirements of the Welsh Ministers.

Cymhwystra

7.– (1) Ni chaiff person o dan 18 mlwydd oed ond bod yn aelod myfyrwyr.

(2) Yn ddarostyngedig i is-baragraff (3), ni chaiff person sy'n aelod o staff ac eithrio'r Pennaeth ond bod yn aelod staff.

(3) Ni chaiff myfyriwr a gyflogir gan y Gorfforaeth mewn cysylltiad â rôl y myfyriwr fel swyddog o undeb y myfyrwyr ond bod yn aelod myfyrwyr.

(4) Yn ddarostyngedig i is-baragraffau (5) a (6), ni chaiff myfyriwr yn y sefydliad ond bod yn aelod myfyrwyr.

(5) Ni chaiff aelod o staff (ac eithrio person a gyflogir gan y Gorfforaeth mewn cysylltiad â'i rôl fel swyddog o undeb y myfyrwyr) sydd hefyd wedi

Eligibility

7.–(1) A person who is under the age of 18 may only be a student member.

(2) Subject to sub-paragraph (3), a person who is a member of staff other than the Principal may only be a staff member.

(3) A student employed by the Corporation in connection with the student's role as an officer of the students' union may only be a student member.

(4) Subject to sub-paragraphs (5) and (6), a student at the institution may only be a student member.

(5) A member of staff (other than a person employed by the Corporation in connection with their role as an officer of the students' union) who is also enrolled as a

ymrestru fel myfyriwr rhan-amser yn y sefydliad ond cael ei benodi fel aelod staff.

(6) Nid yw'n ofynnol i berson sydd eisoes yn aelod ac eithrio aelod myfyrwyr ymddiswyddo os bydd y person hwnnw yn ystod tymor y swydd yn ymrestru ar gwrs rhan-amser yn y sefydliad ond os bydd y person hwnnw yn ymrestru ar gwrs llawnamser yn y sefydliad, bydd y person hwnnw yn peidio â bod yn aelod.

(7) Ni chaiff y Clerc fod yn aelod.

(8) Yn ddarostyngedig i is-baragraffau (9) a (10), ni chaiff person fod yn aelod os yw'r person hwnnw wedi ei ddyfarnu'n fethdalwr(**1**), neu os yw'r person hwnnw yn ddarostyngedig i orchymyn cyfyngu methdaliad, neu orchymyn interim cyfyngu methdaliad neu ymrwymiad cyfyngu methdaliad(**2**), neu os yw'r person hwnnw wedi gwneud compownd neu drefniant â chredydwyr, gan gynnwys trefniant gwirfoddol unigol.

(9) Pan fo person wedi'i anghymhwyso rhag bod yn aelod oherwydd ei fod wedi'i ddyfarnu'n fethdalwr, neu ei fod yn destun gorchymyn cyfyngu methdaliad, gorchymyn interim cyfyngu methdaliad neu ymrwymiad cyfyngu methdaliad, mae'r anghymhwysiad hwnnw yn dod i ben–

(a) pan fydd y person hwnnw yn cael ei ollwng o'r methdaliad, onid yw'r gorchymyn methdaliad wedi cael ei ddiddymu cyn hynny;

(b) os yw'r gorchymyn methdaliad yn cael ei ddiddymu, ar ddyddiad y diddymiad hwnnw;

(c) os yw'r gorchymyn cyfyngu methdaliad yn cael ei ddad-wneud(**3**), ar y dyddiad y gorchmynnir hynny gan y llys;

(ch) os yw'r gorchymyn interim cyfyngu methdaliad yn cael ei ollwng gan y llys, ar y dyddiad y caiff ei ollwng; neu

(d) os diddymir yr ymrwymiad cyfyngu methdaliad, ar ddyddiad y diddymiad hwnnw.

(10) Pan fo person wedi'i anghymhwyso rhag bod yn aelod oherwydd ei fod wedi gwneud compownd neu drefniant, gan gynnwys trefniant gwirfoddol unigol, ac yna ei fod yn talu'r dyledion yn llawn, bydd yr anghymhwysiad yn dod i ben ar y dyddiad pan fydd y taliad wedi'i gwblhau ac mewn unrhyw achos arall bydd yn dod i ben ar ddiwedd tair blynedd o'r dyddiad pan gaiff telerau'r weithred gompownd, y trefniant neu'r trefniant gwirfoddol unigol eu bodloni.

part-time student at the institution may only be appointed as a staff member.

(6) A person who is already a member other than a student member is not required to resign if during the term of office that person enrols on a part time course at the institution, but if that person enrols on a full-time course at the institution, that person ceases to be a member.

(7) The Clerk may not be a member.

(8) Subject to sub-paragraphs (9) and (10), a person may not be a member if that person has been adjudged bankrupt(**1**), or if that person is the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order or a bankruptcy restrictions undertaking(**2**), or if that person has made a composition or arrangement with creditors, including an individual voluntary arrangement.

(9) Where a person is disqualified from being a member by reason of having been adjudged bankrupt, or being the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order or a bankruptcy restrictions undertaking, that disqualification ceases–

(a) on that person's discharge from bankruptcy, unless the bankruptcy order has before then been annulled;

(b) if the bankruptcy order is annulled, on the date of that annulment;

(c) if the bankruptcy restrictions order is rescinded(**3**), on the date so ordered by the court;

(d) if the interim bankruptcy restrictions order is discharged by the court, on the date of that discharge; or

(e) if the bankruptcy restrictions undertaking is annulled, on the date of that annulment.

(10) Where a person is disqualified from being a member by reason of having made a composition or arrangement, including an individual voluntary arrangement, and then pays the debts in full, the disqualification ceases on the date on which the payment is completed and in any other case it ceases on the expiration of three years from the date on which the terms of the deed of composition, arrangement or individual voluntary arrangement are fulfilled.

(**1**) Ar adeg gwneud y Rheoliadau hyn, y darpariaethau deddfwriaethol sy'n ymwneud â dyfarnu person yn fethdalwr yw adran 264 o Ddeddf Ansolfedd 1986 (p.45) fel y'i diwygiwyd gan Ddeddf Menter 2002 (p.40).

(**2**) Ar adeg gwneud y Rheoliadau hyn, y darpariaethau deddfwriaethol sy'n esbonio ystyr gorchmynion interim cyfyngu methdaliad ac ymrwymiad cyfyngu methdaliad yw adran 281A ac Atodlen 4A i Ddeddf Ansolfedd 1986.

(**3**) Byddai hyn, ar adeg gwneud y Rheoliadau hyn, o ganlyniad i gais o dan adran 375 o Ddeddf Ansolfedd 1986. Diwygiwyd adran 375 gan adran 106 o Ddeddf Mynediad at Gyfiawnder 1999 ac Atodlen 15 iddi (p.22).

(**1**) At the time of the making of these Regulations, the legislative provisions dealing with a person being adjudged bankrupt are section 264 of the Insolvency Act 1986 (c.45) as amended by the Enterprise Act 2002 (c.40).

(**2**) At the time of the making of these Regulations, the legislative provisions explaining the meaning of interim bankruptcy restrictions orders and bankruptcy restrictions undertaking are section 281A and Schedule 4A to the Insolvency Act 1986.

(**3**) This would, at the time of the making of these Regulations be as a result of an application under section 375 of the Insolvency Act 1986. Section 375 was amended by section 106 of, and Schedule 15 to, the Access to Justice Act 1999 (c.22).

(11) Yn ddarostyngedig i is-baragraff (12) ni chaiff person fod yn aelod–

(a) os yw'r person hwnnw, o fewn y pum mlynedd blaenorol, neu ers ei benodi, wedi cael ei gollfarnu naill ai yn y Deyrnas Unedig neu mewn man arall o unrhyw dramgwydd ac wedi cael dedfryd o garchar (p'un ai a fyddo wedi'i hatal dros dro ai peidio) am gyfnod o dri mis neu fwy heb gael dewis o ddirwy;

(b) os yw'r person hwnnw, o fewn yr 20 mlynedd blaenorol, wedi cael ei gollfarnu fel a osodir ym mharagraff (a) ac wedi cael dedfryd o garchar am gyfnod o fwy na dwy flynedd a hanner; neu

(c) os yw'r person hwnnw ar unrhyw adeg wedi cael ei gollfarnu fel a osodir ym mharagraff (a) ac wedi cael dedfryd o garchar o bum mlynedd neu fwy.

(12) At ddibenion is-baragraff (11) rhaid diystyru unrhyw gollfarn gan neu gerbron llys y tu allan i'r Deyrnas Unedig am dramgwydd mewn perthynas ag ymddygiad na fyddai, petai wedi digwydd yn unrhyw ran o'r Deyrnas Unedig, wedi bod yn dramgwydd o dan y gyfraith mewn grym yn y rhan honno o'r Deyrnas Unedig.

(13) Pan ddaw aelod yn anghymwys i fod yn aelod yn rhinwedd is-baragraffau (8) i (11), rhaid i'r aelod hwnnw roi hysbysiad ysgrifenedig o'r ffaith honno ar unwaith i'r Clerc.

Tymor swydd

8.–(1) Mae aelod yn dal ac yn gadael swydd yn unol â thelerau'r penodiad ond rhaid i hyd tymor swydd beidio â bod yn hwy na phedair blynedd.

(2) Mae aelod sy'n ymddeol ar ddiwedd y tymor swydd yn gymwys i gael ei ailbenodi yn ddarostyngedig i unrhyw reolau a wneir o dan erthygl 20 o'r Erthyglau Llywodraethu sy'n ymwneud â nifer y tymhorau swydd y caiff person wasanaethu drostynt, ac mae paragraff 4 yn gymwys i ailbenodiad aelod fel y mae'n gymwys i benodiad olynydd i aelod.

Terfynu aelodaeth

9.–(1) Caiff aelod ymddiswyddo o'r swydd ar unrhyw adeg drwy roi hysbysiad ysgrifenedig i'r Clerc.

(2) Caiff y Gorfforaeth symud unrhyw aelod o'i swydd drwy hysbysiad ysgrifenedig, os yw'r Gorfforaeth ar unrhyw adeg wedi'i bodloni bod unrhyw aelod–

(a) wedi bod yn absennol o gyfarfodydd y Gorfforaeth am gyfnod hwy na chwe mis olynol heb ganiatâd y Gorfforaeth; neu

(b) yn anabl neu'n anaddas i gyflawni swyddogaethau aelod.

(11) Subject to sub-paragraph (12) a person may not be a member if–

(a) within the previous five years, or since the appointment, that person has been convicted whether in the United Kingdom or elsewhere of any offence and has received a sentence of imprisonment (whether suspended or not) for a period of three months or more without the option of a fine;

(b) within the previous 20 years, that person has been convicted as set out in paragraph (a) and has received a sentence of imprisonment for a period of more than two and a half years; or

(c) that person has at any time been convicted as set out in paragraph (a) and has received a sentence of imprisonment of five years or more.

(12) For the purpose of sub-paragraph (11) any conviction by or before a court outside the United Kingdom of an offence in respect of conduct which, if it had taken place in any part of the United Kingdom, would not have constituted an offence under the law in force in that part of the United Kingdom must be disregarded.

(13) Upon a member becoming disqualified from being a member by virtue of sub-paragraphs (8) to (11), that member must immediately give written notice of that fact to the Clerk.

Term of office

8.–(1) A member holds and vacates office in accordance with the terms of the appointment but the length of the term of office must not exceed four years.

(2) A member retiring at the end of the term of office is eligible for reappointment, subject to any rules made under article 20 of the Articles of Government concerning the number of terms of office which a person may serve, and paragraph 4 applies to the reappointment of a member as it applies to the appointment of a member's successor.

Termination of membership

9.–(1) A member may resign from office at any time by giving written notice to the Clerk.

(2) The Corporation may by written notice remove any member from office, if at any time the Corporation is satisfied that any member–

(a) has been absent from meetings of the Corporation for a period longer than six consecutive months without the permission of the Corporation; or

(b) is unable or unfit to discharge the functions of a member.

(3) Mae person sy'n aelod yn rhinwedd bod yn aelod o staff y sefydliad (gan gynnwys y Pennaeth) yn peidio â dal swydd pan yw'n peidio â bod yn aelod o staff y sefydliad.

(4) Mae person sy'n aelod yn rhinwedd bod yn fyfyriwr yn y sefydliad yn peidio â dal swydd–

(a) ar ddiwedd blwyddyn academaidd olaf y myfyriwr neu ar y fath adeg arall o'r flwyddyn wedi iddo beidio â bod yn fyfyriwr ag y caiff y Gorfforaeth ei benderfynu; neu

(b) os caiff ei ddiarddel o'r sefydliad.

Aelodau i beidio â bod â buddiannau mewn materion sy'n ymwneud â'r sefydliad

10.–(1) Ac eithrio gyda chymeradwyaeth ysgrifenedig Gweinidogion Cymru ymlaen llaw, ni chaiff unrhyw aelod gymryd neu ddal unrhyw fuddiant mewn unrhyw eiddo a ddelir neu a ddefnyddir at ddibenion y sefydliad.

(2) Mae'n rhaid i aelod y mae is-baragraff (3) yn gymwys iddo–

(a) datgelu i'r Gorfforaeth neu i unrhyw un o bwyllgorau'r Gorfforaeth natur a maint y buddiant;

(b) os yw'n bresennol yn un o gyfarfodydd y Gorfforaeth neu unrhyw bwyllgor o'r Gorfforaeth lle mae'r cyflenwi, y contract neu fater arall a grybwyllir yn is-baragraff (3) i gael ei ystyried, peidio â chymryd rhan yn y broses o'i ystyried, na phleidleisio ar unrhyw gwestiwn ynglŷn ag ef, na chael ei gyfrif yn y cworwm sy'n bresennol yn y cyfarfod o ran penderfyniad nad oes ganddo hawl i bleidleisio arno; ac

(c) ymneilltuo, os yw'n bresennol yn un o gyfarfodydd y Gorfforaeth neu unrhyw bwyllgor o'r Gorfforaeth lle mae'r cyflenwi, y contract neu fater arall a grybwyllir yn is-baragraff (3) i gael ei ystyried, os gofynnir iddo wneud hynny gan fwyafrif o aelodau'r Gorfforaeth sy'n bresennol yn y cyfarfod o'r Gorfforaeth, neu gan fwyafrif o aelodau'r pwyllgor sy'n bresennol yn y cyfarfod o'r pwyllgor, yn ôl y digwydd.

(3) Mae'r paragraff hwn yn gymwys i aelod–

(a) sydd ag unrhyw fuddiant ariannol–

(i) mewn cyflenwi gwaith i'r sefydliad, neu gyflenwi nwyddau at ddibenion y sefydliad;

(ii) mewn unrhyw gontract neu unrhyw gontract arfaethedig sy'n ymwneud â'r sefydliad; neu

(iii) mewn unrhyw fater arall sy'n ymwneud â'r sefydliad, neu

(b) sydd ag unrhyw fuddiant arall o fath a bennir gan y Gorfforaeth mewn unrhyw fater sy'n

(3) A person who is a member by virtue of being a member of the staff of the institution (including the Principal) ceases to hold office upon ceasing to be a member of the staff of the institution.

(4) A person who is a member by virtue of being a student of the institution ceases to hold office–

(a) at the end of the student's final academic year or at such other time in the year after ceasing to be a student as the Corporation may decide; or

(b) if expelled from the institution.

Members not to hold interests in matters relating to the institution

10.–(1) Except with the prior approval in writing of the Welsh Ministers, no member may take or hold any interest in any property held or used for the purpose of the institution.

(2) A member to whom sub-paragraph (3) applies must–

(a) disclose to the Corporation or any committee of the Corporation the nature and extent of the interest;

(b) if present at a meeting of the Corporation or any committee of the Corporation at which such supply, contract or other matter as is mentioned in sub-paragraph (3) is considered, not take part in the consideration or vote on any question with respect to it and not be counted in the quorum present at the meeting in relation to a resolution on which that member is not entitled to vote; and

(c) withdraw, if present at a meeting of the Corporation, or any committee of the Corporation, at which such supply, contract or other matter as is mentioned in sub-paragraph (3) is considered, where required to do so by a majority of the members of the Corporation present at the meeting of the Corporation or by a majority of the committee members present at the committee meeting, as the case may be.

(3) This paragraph applies to a member who–

(a) has any financial interest in–

(i) the supply of work to the institution, or the supply of goods for the purposes of the institution;

(ii) any contract or proposed contract concerning the institution; or

(iii) any other matter relating to the institution, or

(b) has any other interest of a type specified by the Corporation in any matter relating to the

ymwneud â'r sefydliad.

(4) Pan fo'r mater dan ystyriaeth gan y Gorfforaeth neu unrhyw un neu ragor o'i phwyllgorau yn ymwneud â thâl ac amodau gwaith yr holl staff, neu'r holl staff mewn dosbarth penodol, o ran aelod staff–

(a) nid oes angen iddo ddatgelu buddiant ariannol; a

(b) caiff gymryd rhan mewn ystyried y mater, pleidleisio ar unrhyw gwestiwn sy'n ymwneud ag ef a chyfrif tuag at y cworwm sy'n bresennol yn y cyfarfod hwnnw, cyhyd â'i fod wrth wneud hynny, yn gweithredu er lles pennaf y Gorfforaeth yn ei chyfanrwydd ac nad yw'n ceisio cynrychioli buddiannau unrhyw berson neu gorff arall; ond

(c) rhaid iddo ymneilltuo o'r cyfarfod os yw'r mater dan drafodaeth gyda'r staff ac os yw'r aelod staff yn cynrychioli un neu ragor o'r staff sy'n cymryd rhan yn y trafodaethau hynny.

(5) Mae'n rhaid i'r Clerc gadw cofrestr o fuddiannau aelodau'r Gorfforaeth a ddatgelir a rhaid iddo beri bod y gofrestr honno ar gael yn ystod oriau swyddfa arferol yn y sefydliad i unrhyw berson sy'n dymuno ei harchwilio.

(6) Nid yw'r paragraff hwn yn atal aelodau'r Gorfforaeth rhag ystyried cynigion a phleidleisio ar gynigion bod y Gorfforaeth yn yswirio aelodau'r Gorfforaeth yn erbyn rhwymedigaethau y byddant yn mynd iddynt ac sy'n deillio o'u swyddi nac yn atal y Gorfforaeth rhag sicrhau'r yswiriant hwnnw a thalu'r premiymau.

Cyfarfodydd y Gorfforaeth

11.–(1) Rhaid i'r Gorfforaeth gyfarfod o leiaf un waith ym mhob tymor, a chynnal cyfarfodydd eraill yn ôl yr angen.

(2) Yn ddarostyngedig i is-baragraffau (3) a (4), rhaid i bob cyfarfod o'r Gorfforaeth gael ei gynnull gan y Clerc, sy'n gorfod anfon at yr aelodau, o leiaf bum niwrnod gwaith cyn dyddiad y cyfarfod, hysbysiad ysgrifenedig a chopi o'r agenda arfaethedig.

(3) Os bwriedir ystyried mewn unrhyw gyfarfod o'r Gorfforaeth, dâl, amodau gwaith, ymddygiad, atal dros dro, diswyddiad neu ymddeoliad y Clerc, rhaid i'r Cadeirydd anfon at yr aelodau, o leiaf bum niwrnod gwaith cyn dyddiad y cyfarfod, gopi o'r eitem agenda o dan sylw ynghyd ag unrhyw ddogfennau perthnasol.

(4) Caniateir i gyfarfod arbennig o'r Gorfforaeth gael ei gynnull ar unrhyw adeg gan y Cadeirydd neu ar gais ysgrifenedig unrhyw bum aelod. Pan fo'r Cadeirydd neu, yn ei absenoldeb, yr Is-gadeirydd yn rhoi cyfarwyddyd i'r perwyl hwnnw ar y sail bod yna faterion sy'n gofyn am gael eu hystyried ar frys, caniateir i'r hysbysiad yn cynnull y cyfarfod a'r agenda

institution.

(4) Where the matter under consideration by the Corporation or any of its committees relates to the pay and conditions of all staff, or all staff in a particular class, a staff member–

(a) need not disclose a financial interest; and

(b) may take part in the consideration of the matter, vote on any question with respect to it and count towards the quorum present at that meeting, provided that in so doing, the staff member acts in the best interests of the Corporation as a whole and does not seek to represent the interests of any other person or body; but

(c) must withdraw from the meeting if the matter is under negotiation with staff and the staff member is representing any of the staff concerned in those negotiations.

(5) The Clerk must maintain a register of interests of members of the Corporation which are disclosed and must make that register available during normal office hours at the institution to any person wishing to inspect it.

(6) This paragraph does not prevent the members of the Corporation considering and voting upon proposals for the Corporation to insure the members of the Corporation against liabilities incurred by them arising out of their offices or the Corporation obtaining such insurance and paying the premiums.

Meetings of the Corporation

11.–(1) The Corporation must meet at least once in every term, and hold other meetings as may be necessary.

(2) Subject to sub-paragraphs (3) and (4), all meetings of the Corporation must be called by the Clerk, who must, at least five working days before the date of the meeting, send a written notice to the members and a copy of the proposed agenda.

(3) If it is proposed to consider at any meeting of the Corporation the remuneration, conditions of service, conduct, suspension, dismissal or retirement of the Clerk, the Chair must, at least five working days before the date of the meeting, send to the members a copy of the agenda item concerned together with any relevant documents.

(4) A special meeting of the Corporation may be called at any time by the Chair or at the written request of any five members. Where the Chair or, in his or her absence, the Vice Chair so directs on the ground that there are matters demanding urgent consideration, the notice convening the meeting and the proposed agenda may be given within less than five working days.

arfaethedig gael eu rhoi o fewn llai na phum niwrnod gwaith.

(5) Mae'n rhaid i bob aelod weithredu er lles y Gorfforaeth a chan hynny nid yw i gael ei rwymo wrth siarad a phleidleisio gan eirchion a roddir iddo gan unrhyw gorff neu berson arall.

Cworwm

12.–(1) Hyd nes y digwydd y penderfyniad cyntaf ar nifer yr aelodau o dan baragraff 3, mae cworwm yng nghyfarfodydd y Gorfforaeth os oes wyth aelod yn bresennol.

(2) Mae cworwm yng nghyfarfodydd dilynol y Gorfforaeth os yw nifer yr aelodau sy'n bresennol yn o leiaf 40% o gyfanrif cyfanswm yr aelodau a bennir yn unol â pharagraff 3(1) ac unrhyw Aelodau a Benodwyd gan Weinidogion Cymru.

(3) Os nad yw nifer yr aelodau sy'n bresennol ar gyfer cyfarfod o'r Gorfforaeth yn gwneud cworwm, rhaid peidio â chynnal y cyfarfod. Os bydd nifer yr aelodau yn ystod un o gyfarfodydd y Gorfforaeth yn peidio â ffurfio cworwm, rhaid terfynu'r cyfarfod ar unwaith.

(4) Mewn amgylchiadau lle na ellir cynnal cyfarfod o'r Gorfforaeth neu, yn ôl y digwydd, barhau ag ef, am nad oes cworwm, caiff y Cadeirydd gynnull cyfarfod arbennig cyn gynted ag y bo'n rhesymol ymarferol.

Trafodion cyfarfodydd

13.–(1) Mae pob cwestiwn sydd i'w benderfynu yn un o gyfarfodydd y Gorfforaeth i'w benderfynu drwy fwyafrif syml o bleidleisiau'r aelodau sy'n bresennol ac sy'n pleidleisio ar y cwestiwn. Pan fo'r pleidleisiau wedi eu rhannu'n gyfartal, mae cadeirydd y cyfarfod i gael pleidlais fwrw.

(2) Ni chaiff aelod bleidleisio drwy ddirprwy na phleidleisio drwy'r post.

(3) Ni chaniateir i unrhyw benderfyniad yr aelodau gael ei ddad-wneud na'i amrywio mewn cyfarfod dilynol o'r Gorfforaeth oni bai bod ystyried y dad-wneud neu'r amrywiad yn eitem fusnes benodol ar yr agenda ar gyfer y cyfarfod hwnnw.

(4) Caiff Pennaeth sydd wedi dewis peidio â bod yn aelod fod yn bresennol ym mhob un o gyfarfodydd y Gorfforaeth neu unrhyw bwyllgor o'r Gorfforaeth a siarad yn y cyfarfodydd hynny, ac eithrio bod rhaid iddo ymneilltuo mewn unrhyw achos lle byddai'n ofynnol iddo ymneilltuo o dan is-baragraff (5) petai'r Pennaeth yn bresennol fel aelod.

(5) Rhaid i aelod sy'n aelod o staff y sefydliad (gan gynnwys y Pennaeth) ymneilltuo–

(a) o'r rhan honno o unrhyw un o gyfarfodydd y Gorfforaeth, neu unrhyw gyfarfod pwyllgor, lle mae materion staff sy'n ymwneud â'r aelod

(5) Every member must act in the best interests of the Corporation and accordingly may not be bound in speaking and voting by mandates given by any other body or person.

Quorum

12.–(1) Until the first determination of the number of members under paragraph 3, meetings of the Corporation are quorate if eight members are present.

(2) Subsequent meetings of the Corporation are quorate if the number of members present is at least 40% of the aggregate of the total number of members determined in accordance with paragraph 3(1) and any Welsh Ministers Appointed Members.

(3) If the number of members present for a meeting of the Corporation does not constitute a quorum, the meeting must not be held. If during a meeting of the Corporation there ceases to be a quorum, the meeting must be terminated immediately.

(4) In circumstances where a meeting of the Corporation cannot be held or cannot continue, due to a lack of quorum, the Chair may call a special meeting as soon as is reasonably practicable.

Proceedings of meetings

13.–(1) Every question to be decided at a meeting of the Corporation must be determined by a simple majority of the votes of the members present and voting on the question. Where there is an equal division of votes, the chair of the meeting has the casting vote.

(2) A member may not vote by proxy or by way of a postal vote.

(3) No resolution of the members may be rescinded or varied at a subsequent meeting of the Corporation unless consideration of the rescission or variation is a specific item of business on the agenda for that meeting.

(4) A Principal who has chosen not to be a member may attend and speak at all meetings of the Corporation or any committee of the Corporation, except that the Principal must withdraw in any case where this would be required under sub-paragraph (5) if the Principal were attending as a member.

(5) A member who is a member of the staff of the institution (including the Principal), must withdraw–

(a) from that part of any meeting of the Corporation, or any committee meeting, at which staff matters relating solely to that

hwnnw o'r staff yn unig (o'u cyferbynnu â materion staff sy'n ymwneud â phob aelod o'r staff, neu bob aelod o'r staff mewn dosbarth penodol) yn cael eu hystyried;

(b) o'r rhan honno o unrhyw un o gyfarfodydd y Gorfforaeth neu unrhyw gyfarfod pwyllgor lle mae ailbenodiad yr aelod hwnnw, neu benodiad ei olynydd, i gael ei ystyried;

(c) o'r rhan honno o unrhyw un o gyfarfodydd y Gorfforaeth neu unrhyw bwyllgor o'r Gorfforaeth lle mae materion staff, sy'n ymwneud ag unrhyw aelod staff sy'n dal swydd sy'n uwch na'i swydd ei hun, yn cael eu hystyried, os gofynnir iddo wneud hynny gan fwyafrif o'r aelodau eraill sy'n bresennol yn y cyfarfod o'r Gorfforaeth neu gan fwyafrif o aelodau eraill y pwyllgor sy'n bresennol yng nghyfarfod y pwyllgor, yn ôl y digwydd; ac

(ch) o'r rhan honno o unrhyw gyfarfod o'r Gorfforaeth neu unrhyw bwyllgor o'r Gorfforaeth lle mae trafodaethau sy'n ymdrin â chyflog neu amodau gwaith (unrhyw un neu bob un o) aelodau'r staff yn cael eu hystyried, os gofynnir iddo wneud hynny gan fwyafrif o'r aelodau eraill sy'n bresennol yn y cyfarfod o'r Gorfforaeth neu gan fwyafrif o aelodau eraill y pwyllgor sy'n bresennol yng nghyfarfod y pwyllgor, yn ôl y digwydd.

(6) Ni chaiff aelod myfyrwyr sydd o dan 18 oed bleidleisio, boed mewn un o gyfarfodydd y Gorfforaeth neu unrhyw bwyllgor o'r Gorfforaeth, ar unrhyw gwestiwn ynghylch unrhyw gynnig–

(a) ar gyfer gwario arian gan y Gorfforaeth; neu

(b) y byddai'r Gorfforaeth, neu unrhyw aelodau o'r Gorfforaeth, yn ymrwymo i unrhyw gontract o dan y cynnig hwnnw, neu'n tynnu unrhyw ddyled neu rwymedigaeth oddi tano (boed hynny ar unwaith, yn amodol neu fel arall).

(7) Ac eithrio fel y darperir gan reolau a wneir o dan erthygl 15(2) o'r Erthyglau Llywodraethu sy'n ymwneud â sylwadau ac apelau gan fyfyrwyr mewn achosion disgyblu, mae'n rhaid i aelod myfyrwyr ymneilltuo o'r rhan honno o unrhyw un o gyfarfodydd y Gorfforaeth neu'r pwyllgor lle mae ymddygiad, atal dros dro neu ddiarddeliad unrhyw fyfyriwr yn cael ei ystyried.

(8) Mewn unrhyw gyfarfod o'r Gorfforaeth neu unrhyw bwyllgor o'r Gorfforaeth lle trafodir materion staff sy'n ymwneud ag aelod neu ddarpar aelod o staff y sefydliad, rhaid i aelod myfyrwyr–

(a) peidio â chymryd unrhyw ran yn yr ystyriaeth na'r drafodaeth ar y mater hwnnw na phleidleisio ar unrhyw gwestiwn ynglŷn ag ef; a

member of staff (as distinct from staff matters relating to all members of staff, or all members of staff in a particular class) are considered;

(b) from that part of any meeting of the Corporation or any committee meeting at which that member's reappointment, or the appointment of that member's successor, is considered;

(c) from that part of any meeting of the Corporation or of any committee of the Corporation during which staff matters relating to any member of staff holding a post senior to that member's are considered, if so required by a majority of the other members present at the meeting of the Corporation or by a majority of the other committee members present at the committee meeting, as the case may be; and

(d) from that part of any meeting of the Corporation or of any committee of the Corporation during which negotiations covering the pay or conditions of (any or all) members of staff are considered, if so required by a majority of the other members present at the meeting of the Corporation or by a majority of the other committee members present at the committee meeting, as the case may be.

(6) A student member who is under the age of 18 may not vote at a meeting of the Corporation or of any committee of the Corporation, on any question concerning any proposal–

(a) for the expenditure of money by the Corporation; or

(b) under which the Corporation, or any members of the Corporation, would enter into any contract, or would incur any debt or liability (whether immediate, contingent or otherwise).

(7) Except as provided by rules made under article 15(2) of the Articles of Government relating to representations and appeals by students in disciplinary cases, a student member must withdraw from that part of any meeting of the Corporation or committee at which the conduct, suspension or expulsion of any student is considered.

(8) In any meeting of the Corporation or any committee of the Corporation where staff matters relating to a member or prospective member of the staff of the institution are discussed, a student member must–

(a) take no part in the consideration or discussion of that matter and not vote on any question with respect to it; and

(b) ymneilltuo o'r cyfarfod o'r Gorfforaeth neu o'r cyfarfod o bwyllgor y Gorfforaeth, pan ofynnir iddo wneud hynny gan fwyafrif o'r aelodau ac eithrio aelodau myfyrwyr neu gan fwyafrif o aelodau'r pwyllgor sy'n bresennol yn y cyfarfod ac eithrio'r rheini sy'n aelodau myfyrwyr, yn ôl y digwydd.

(9) Rhaid i'r Clerc–

(a) ymneilltuo o'r rhan honno o unrhyw un o gyfarfodydd y Gorfforaeth neu unrhyw bwyllgor o'r Gorfforaeth lle mae tâl y Clerc, ei amodau gwaith, ei ymddygiad, ei ataliad dros dro, ei ddiswyddiad neu ei ymddeoliad, yn rhinwedd ei swyddogaeth fel Clerc, yn cael eu hystyried; a

(b) pan fo'r Clerc yn aelod o staff y sefydliad, rhaid iddo ymneilltuo yn unrhyw achos lle byddai'n ofynnol i aelod ymneilltuo o dan is-baragraff (5) petai yn bresennol fel aelod o'r staff.

(10) Os yw'r Clerc yn ymneilltuo o gyfarfod neu ran ohono o dan is-baragraff (9), rhaid i'r Gorfforaeth neu'r pwyllgor o'r Gorfforaeth benodi person (ac eithrio'r Pennaeth) i weithredu fel Clerc dros dro yn unol â pharagraff 6(3).

Cofnodion

14.–(1) Yn ddarostyngedig i is-baragraff (2), ym mhob un o gyfarfodydd y Gorfforaeth ac unrhyw bwyllgor o'r Gorfforaeth, rhaid trin cofnodion y cyfarfod diwethaf fel eitem agenda ac, os cytunir eu bod yn gywir, rhaid i'r cofnodion hynny gael eu llofnodi fel rhai cywir gan gadeirydd y cyfarfod.

(2) Nid yw is-baragraff (1) yn ei gwneud yn ofynnol i drin cofnodion y cyfarfod diwethaf fel eitem agenda cyfarfod arbennig a gynullir o dan baragraff 11(4) ond pan nad yw cofnodion y cyfarfod diwethaf yn cael eu trin fel un o eitemau agenda'r cyfarfod hwnnw, rhaid eu trin fel eitem agenda yn y cyfarfod nesaf nad yw'n cael ei gynnal o dan baragraff 11(4).

(3) Rhaid cymryd cofnodion ar wahân o'r rhannau hynny o gyfarfodydd y mae'r Clerc, y Pennaeth neu aelodau staff neu aelodau myfyrwyr wedi ymneilltuo ohonynt yn unol ag is-baragraffau (5) i (9) o baragraff 13 ac nid oes gan y cyfryw bersonau hawl i weld y cofnod o'r rhan honno o'r cyfarfod nac unrhyw bapurau ynglŷn â'r rhan honno.

Mynediad i'r cyhoedd i gyfarfodydd y Gorfforaeth

15.–(1) Yn ddarostyngedig i baragraff 13, mae gan y canlynol hawl i fynychu cyfarfodydd y Gorfforaeth–

(a) aelod;

(b) y Clerc; ac

(c) hyd at ddau berson yn arsylwi ar ran Gweinidogion Cymru.

(b) withdraw from the meeting of the Corporation or from the meeting of the committee of the Corporation, where required to do so by a majority of the members other than student members or by a majority of the committee members other than those that are student members, as the case may be.

(9) The Clerk–

(a) must withdraw from that part of any meeting of the Corporation or any committee of the Corporation at which the Clerk's remuneration, conditions of service, conduct, suspension, dismissal or retirement, in the capacity as Clerk, are considered; and

(b) where the Clerk is a member of staff of the institution, must withdraw in any case where a member would be required to withdraw under sub-paragraph (5) if attending as a member of staff.

(10) If the Clerk withdraws from a meeting or part of a meeting under sub-paragraph (9), the Corporation or committee of the Corporation must appoint a person (other than the Principal) to serve as a temporary Clerk in accordance with paragraph 6(3).

Minutes

14.–(1) Subject to sub-paragraph (2), at every meeting of the Corporation and of any committee of the Corporation, the minutes of the last meeting must be taken as an agenda item and, if agreed to be accurate, those minutes must be signed as a true record by the chair of the meeting.

(2) Sub-paragraph (1) does not require the minutes of the last meeting to be taken as an agenda item of a special meeting called under paragraph 11(4) but where they are not taken as an agenda item of such a meeting, they must be taken as an agenda item at the next meeting which is not called under paragraph 11(4).

(3) Separate minutes must be taken of those parts of meetings from which the Clerk, Principal or staff or student members have withdrawn in accordance with sub-paragraphs (5) to (9) of paragraph 13 and such persons are not entitled to see the minute of that part of the meeting or any papers relating to it.

Public access to meetings of the Corporation

15.–(1) Subject to paragraph 13, the following are entitled to attend meetings of the Corporation–

(a) a member;

(b) the Clerk; and

(c) up to two persons observing on behalf of the Welsh Ministers.

(2) Rhaid i unrhyw gwestiwn ynghylch a ddylid caniatáu i unrhyw berson arall fynychu un o gyfarfodydd y Gorfforaeth gael ei benderfynu gan y Gorfforaeth.

(2) Any question as to whether any other person should be allowed to attend a meeting of the Corporation must be determined by the Corporation.

Cyhoeddi'r cofnodion a phapurau

16.–(1) Yn ddarostyngedig i is-baragraff (2), rhaid i'r Gorfforaeth beri bod copi o'r dogfennau a ganlyn ar gael, cyn gynted ag y bo'n rhesymol ymarferol, yn ystod oriau swyddfa arferol yn y sefydliad i unrhyw berson sy'n dymuno eu harchwilio–

(a) yr agenda ar gyfer pob cyfarfod o'r Gorfforaeth ac unrhyw un neu ragor o'i phwyllgorau;

(b) cofnodion drafft pob cyfarfod o'r fath, os ydynt wedi'u cymeradwyo gan gadeirydd y cyfarfod;

(c) cofnodion llofnodedig pob cyfarfod o'r fath; ac

(ch) unrhyw adroddiad, unrhyw ddogfen neu bapur arall a ystyriwyd mewn unrhyw gyfarfod o'r fath.

(2) Rhaid hepgor o unrhyw eitem y mae'n ofynnol ei rhoi ar gael, unrhyw ddeunydd sy'n ymwneud â'r canlynol–

(a) person a enwir sy'n cael ei gyflogi neu y bwriedir ei gyflogi yn y sefydliad;

(b) myfyriwr a enwir yn y sefydliad neu ymgeisydd am gael ei dderbyn i'r sefydliad;

(c) y Clerc; ac

(ch) unrhyw fater y mae'r Gorfforaeth wedi'i bodloni, oherwydd natur y mater hwnnw, y dylid ymdrin ag ef yn gyfrinachol.

(3) Rhaid i eitemau a hepgorir o dan is-baragraff (2)(ch) gael eu hadolygu'n rheolaidd gan y Gorfforaeth. Os yw eitem yn peidio â bod yn gyfrinachol rhaid i'r Gorfforaeth, beri bod copi o'r eitem honno ar gael, cyn gynted ag y bo'n rhesymol ymarferol, yn ystod oriau swyddfa arferol yn y sefydliad i unrhyw berson sy'n dymuno ei harchwilio.

Publication of minutes and papers

16.–(1) Subject to sub-paragraph (2), the Corporation must make available, as soon as reasonably practicable, during normal office hours at the institution to any person wishing to inspect them, a copy of the following documents–

(a) the agenda for every meeting of the Corporation and any of its committees;

(b) the draft minutes of every such meeting, if they have been approved by the chair of the meeting;

(c) the signed minutes of every such meeting; and

(d) any report, document or other paper considered at any such meeting.

(2) There must be excluded from any item required made available, any material relating to–

(a) a named person employed at or proposed to be employed at the institution;

(b) a named student at, or candidate for admission to, the institution;

(c) the Clerk; and

(d) any matter which, by reason of its nature, the Corporation is satisfied should be dealt with on a confidential basis.

(3) Items excluded under sub-paragraph (2)(d) must be regularly reviewed by the Corporation. If an item ceases to be confidential the Corporation must, as soon as reasonably practicable, make a copy of that item available during normal office hours at the institution to any person wishing to inspect it.

Lwfansau i aelodau

17. Caiff y Gorfforaeth dalu i'w haelodau unrhyw lwfansau teithio, lwfansau cynhaliaeth neu lwfansau eraill a benderfynir gan y Gorfforaeth, ond rhaid iddi beidio â thalu lwfansau sy'n talu'r aelodau am eu gwasanaethau fel aelodau.

Allowances to members

17. The Corporation may pay to its members such travelling, subsistence or other allowances as it decides, but must not pay allowances which remunerate members for their services as members.

Copïau o'r Offeryn Llywodraethu

18. Rhaid i'r Gorfforaeth roi copi o'r Offeryn hwn i bob aelod a pheri bod copi ar gael i'w archwilio gan unrhyw berson ar gais yn ystod oriau swyddfa arferol yn y sefydliad.

Copies of Instrument of Government

18. The Corporation must give a copy of this Instrument to every member and make a copy available for inspection by any person upon request during normal office hours at the institution.

Newid enw

19. Caiff y Gorfforaeth newid ei henw gyda chymeradwyaeth Gweinidogion Cymru.

Gosod y sêl

20. Dilysir gosod sêl y Gorfforaeth drwy:

(a) llofnod naill ai'r Cadeirydd neu ryw aelod arall a awdurdodwyd naill ai'n gyffredinol neu'n benodol gan y Gorfforaeth i weithredu at y diben hwnnw; a

(b) llofnod unrhyw aelod arall.

Change of name

19. The Corporation may change its name with the approval of the Welsh Ministers.

Application of seal

20. The application of the seal of the Corporation is authenticated by:

(a) the signature of either the Chair or some other member authorised either generally or specially by the Corporation to act for that purpose; and

(b) the signature of any other member.

ATODLEN 2

Rheoliad 3

ERTHYGLAU LLYWODRAETHU

CYNNWYS

1. Dehongli
2. Rhedeg y sefydliad
3. Cyfrifoldebau'r Gorfforaeth, y Pennaeth a'r Clerc
4. Y Bwrdd Academaidd
5. Pwyllgorau
6. Dirprwyo
7. Pwyllgor i benderfynu ar ddiswyddiadau deiliaid swyddi uwch
8. Y Pwyllgor Chwilio
9. Y Pwyllgor Archwilio
10. Penodi a dyrchafu staff
11. Ymddygiad staff
12. Rhyddid academaidd
13. Cwyno, atal dros dro a gweithdrefnau disgyblaethol
14. Atal dros dro a diswyddo'r Clerc
15. Myfyrwyr
16. Materion ariannol
17. Cydweithredu ag archwilydd Gweinidogion Cymru
18. Archwilio mewnol
19. Cyfrifon ac archwilio cyfrifon
20. Rheolau ac is-ddeddfau
21. Copïau o'r Erthyglau Llywodraethu, y rheolau a'r is-ddeddfau

Dehongli

1. Yn yr Erthyglau Llywodraethu hyn–

ystyr "y Bwrdd Academaidd" ("*the Academic Board*") yw corff a gyfansoddwyd yn unol ag erthygl 4;

"y dyddiad gweithredu" ("*the operative date*") yw 20 Awst 2010, sef y dyddiad y mae'r Gorfforaeth i redeg y sefydliad o hynny ymlaen(**1**);

ystyr "yr Erthyglau hyn" ("*these Articles*") yw'r Erthyglau Llywodraethu hyn;

(**1**) A benodwyd gan Orchymyn Coleg Gŵyr Abertawe (Corffori) 2010 (O.S. 2010/1368 (Cy.118)).

SCHEDULE 2

Regulation 3

ARTICLES OF GOVERNMENT

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2. Conduct of the institution
3. Responsibilities of Corporation, Principal and Clerk
4. Academic Board
5. Committees
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7. Committee to determine the dismissal of senior post holders
8. The Search Committee
9. The Audit Committee
10. Appointment and promotion of staff
11. Conduct of staff
12. Academic freedom
13. Grievance, suspension and disciplinary procedures
14. Suspension and dismissal of the Clerk
15. Students
16. Financial matters
17. Co-operation with the Welsh Ministers' auditor
18. Internal audit
19. Accounts and audit of accounts
20. Rules and bye-laws
21. Copies of Articles of Government, rules and bye-laws

Interpretation

1. In these Articles of Government–

"the Academic Board" ("*y Bwrdd Academaidd*") means a body constituted in accordance with article 4;

"these Articles" ("*yr Erthyglau hyn*") means these Articles of Government;

"the operative date" ("*y dyddiad gweithredu*") is 20 August 2010, being the date from which the Corporation is to conduct the institution(**1**);

(**1**) Appointed by the Gower College Swansea (Incorporation) Order 2010 (S.I. 2010/1368 (W.118)).

ystyr "y staff" ("*the staff*") yw pawb o'r staff sydd â chontract cyflogaeth gyda'r sefydliad, gan gynnwys staff academaidd;

ystyr "swydd uwch" ("*senior post*") yw swydd y Pennaeth a'r fath swyddi eraill y caiff y Gorfforaeth benderfynu arnynt at ddibenion yr Erthyglau hyn;

ystyr "Undeb y Myfyrwyr" ("*Students' Union*") yw unrhyw gymdeithas o fyfyrwyr yn gyffredinol a ffurfiwyd i hyrwyddo dibenion addysgol y sefydliad a lles y myfyrwyr fel myfyrwyr; ac

mae i eiriau ac ymadroddion a ddiffinnir yn yr Offeryn Llywodraethu yr un ystyron.

"senior post" ("*swydd uwch*") means the posts of Principal and such other posts as the Corporation may decide for the purposes of these Articles;

"the staff" ("*y staff*") means all staff who have a contract of employment with the institution, including academic staff;

"Students' Union" ("*Undeb y Myfyrwyr*") means any association of the generality of students formed to further the educational purposes of the institution and the interests of students as students; and

the defined words and expressions in the Instrument of Government have the same meaning.

Rhedeg y sefydliad

2. Rhaid rhedeg y sefydliad yn unol â darpariaethau'r Offeryn Llywodraethu, yr Erthyglau hyn, ac unrhyw reolau neu is-ddeddfau a wneir o dan yr Erthyglau hyn ac unrhyw weithred ymddiriedolaeth sy'n rheoleiddio'r sefydliad.

Conduct of the institution

2. The institution must be conducted in accordance with the provisions of the Instrument of Government, these Articles, any rules or bye laws made under these Articles and any trust deed regulating the institution.

Cyfrifoldebau'r Gorfforaeth, y Pennaeth a'r Clerc

3.–(1) Y Gorfforaeth sy'n gyfrifol am–

(a) penderfynu cymeriad addysgol a chenhadaeth y sefydliad a goruchwylio ei weithgareddau;

(b) defnyddio adnoddau yn effeithiol ac yn effeithlon, solfedd y sefydliad a'r Gorfforaeth a diogelu eu hasedau;

(c) cymeradwyo amcangyfrifon blynyddol incwm a gwariant;

(ch) penodi, graddio, arfarnu, atal dros dro a phenderfynu cyflog ac amodau gwaith deiliaid swyddi uwch a'r Clerc (gan gynnwys, pan fo'r Clerc wedi'i benodi, neu i'w benodi, fel aelod o'r staff, penodiad y Clerc, ei radd, ei atal dros dro a dull penderfynu ei gyflog yn rhinwedd ei swyddogaeth fel aelod o'r staff);

(d) diswyddo deiliaid swyddi uwch a'r Clerc (gan gynnwys, pan fo'r Clerc wedi'i benodi, neu i'w benodi, fel aelod o'r staff, diswyddo'r Clerc yn rhinwedd ei swyddogaeth fel aelod o'r staff);

(dd) pennu fframwaith ar gyfer cyflog ac amodau gwaith yr holl staff eraill; ac

(e) os nad oes yna Fwrdd Academaidd, sicrhau bod trefniadau yn eu lle i gynghori'r Pennaeth ar–

(i) safonau gwaith academaidd y sefydliad a chynllunio, cyd-drefnu, datblygu a goruchwylio'r gwaith hwnnw;

(ii) trefniadau i dderbyn, asesu ac arholi myfyrwyr; a

Responsibilities of the Corporation, Principal and the Clerk

3.–(1) The Corporation is responsible for–

(a) the determination of the educational character and mission of the institution and oversight of its activities;

(b) the effective and efficient use of resources, the solvency of the institution and the Corporation and safeguarding their assets;

(c) approving annual estimates of income and expenditure;

(d) the appointment, grading, appraisal, suspension and determination of the pay and conditions of service of the holders of senior posts and the Clerk (including where the Clerk is, or is to be appointed as a member of staff, the Clerk's appointment, grading, suspension and determination of pay in the capacity as a member of staff);

(e) the dismissal of the holders of senior posts and the Clerk (including where the Clerk is, or is to be appointed as, a member of staff, the Clerk's dismissal in the capacity as a member of staff);

(f) setting a framework for the pay and conditions of service of all other staff; and

(g) if there is no Academic Board, ensuring that arrangements are in place for advising the Principal on–

(i) the standards, planning, co-ordination, development and oversight of the academic work of the institution;

(ii) arrangements for the admission, assessment and examination of students; and

(iii) y gweithdrefnau ar gyfer diarddel myfyrwyr am resymau academaidd.

(2) Y Pennaeth sy'n gyfrifol am–

(a) cyflwyno cynigion i'r Gorfforaeth am gymeriad addysgol a chenhadaeth y sefydliad, ac am roi penderfyniadau'r Gorfforaeth ar waith;

(b) trefnu, cyfarwyddo a rheoli'r sefydliad ac arwain y staff;

(c) penodi, pennu, graddio, arfarnu, atal dros dro staff ac eithrio deiliaid swyddi uwch neu'r Clerc a phenderfynu, o fewn y fframwaith a osodir gan y Gorfforaeth, eu cyflog a'u hamodau gwaith;

(ch) diswyddo staff ac eithrio deiliaid swyddi uwch neu'r Clerc;

(d) penderfynu, ar ôl ymgynghori â'r Bwrdd Academaidd (os oes un), neu os nad oes Bwrdd Academaidd, ar ôl ymgynghori â'r Gorfforaeth, ar weithgareddau academaidd y sefydliad, a phenderfynu ei weithgareddau eraill;

(dd) paratoi amcangyfrifon blynyddol incwm a gwariant, i gael eu hystyried a'u cymeradwyo gan y Gorfforaeth;

(e) rheoli'r gyllideb a'r adnoddau, o fewn yr amcangyfrifon a gymeradwyir gan y Gorfforaeth;

(f) cadw disgyblaeth ar y myfyrwyr, gan gynnwys atal myfyrwyr dros dro neu eu diarddel ar sail ddisgyblaethol; ac

(ff) diarddel myfyrwyr am resymau academaidd.

(3) Mae'r Clerc yn gyfrifol am gynghori'r Gorfforaeth ynglŷn â–

(a) gweithredu ei phwerau;

(b) materion gweithdrefnol;

(c) rhedeg ei busnes; ac

(ch) materion arferion llywodraethu.

Y Bwrdd Academaidd

4.–(1) Caiff y Gorfforaeth sefydlu Bwrdd Academaidd.

(2) Mae paragraffau (3) i (10) yn gymwys os yw'r Gorfforaeth wedi sefydlu Bwrdd Academaidd.

(3) Mae'n rhaid i'r Bwrdd Academaidd gynnwys–

(a) y Pennaeth, sy'n gorfod bod yn gadeirydd y Bwrdd Academaidd;

(b) aelodau eraill o staff neu fyfyrwyr, yn ddarostyngedig i'r terfynau a bennir gan y Gorfforaeth o dan baragraff (4).

(4) Mae'n rhaid i'r Gorfforaeth benderfynu ar yr isafswm a'r uchafswm o staff a myfyrwyr y mae'n rhaid i'r Bwrdd Academaidd eu cynnwys.

(iii) the procedures for the expulsion of students for academic reasons.

(2) The Principal is responsible for–

(a) making proposals to the Corporation about the educational character and mission of the institution, and implementing the decisions of the Corporation;

(b) the organisation, direction and management of the institution and leadership of the staff;

(c) the appointment, assignment, grading, appraisal, suspension, and determination, within the framework set by the Corporation, of the pay and conditions of service, of staff other than the holders of senior posts or the Clerk;

(d) the dismissal of staff other than the holders of senior posts or the Clerk;

(e) the determination, after consultation with the Academic Board (if any), or if there is no Academic Board, after consultation with the Corporation, of the institution's academic activities, and the determination of its other activities;

(f) preparing annual estimates of income and expenditure, for consideration and approval by the Corporation;

(g) the management of budget and resources, within the estimates approved by the Corporation;

(h) maintaining student discipline, including suspending or expelling students on disciplinary grounds; and

(i) expelling students for academic reasons.

(3) The Clerk is responsible for advising the Corporation with regard to–

(a) the operation of its powers;

(b) procedural matters;

(c) the conduct of its business; and

(d) matters of governance practice.

Academic Board

4.–(1) The Corporation may establish an Academic Board.

(2) Paragraphs (3) to (10) apply if the Corporation has established an Academic Board.

(3) The Academic Board must consist of–

(a) the Principal, who must be chair of the Academic Board;

(b) other members of staff or students, subject to the limits determined by the Corporation under paragraph (4).

(4) The Corporation must determine the minimum and maximum number of staff and students of which the Academic Board must consist.

(5) Caiff y Pennaeth enwebu un aelod o'r Bwrdd Academaidd i fod yn gadeirydd y Bwrdd Academaidd pryd bynnag y bydd y Pennaeth yn methu mynychu cyfarfod o'r Bwrdd Academaidd.

(6) Y Bwrdd Academaidd sy'n gyfrifol am sicrhau bod trefniadau yn eu lle i gynghori'r Pennaeth ar–

(a) safonau gwaith academaidd y sefydliad a chynllunio, cyd-drefnu, datblygu a goruchwylio'r gwaith hwnnw;

(b) trefniadau i dderbyn, asesu ac arholi myfyrwyr; ac

(c) gweithdrefnau ar gyfer diarddel myfyrwyr am fod safon eu gwaith yn anfoddhaol neu am resymau academaidd eraill.

(7) Mae'n rhaid i'r Bwrdd Academaidd ymgynghori â chynrychiolwyr y myfyrwyr ac â'r Gorfforaeth, cyn cynghori'r Pennaeth yn unol â pharagraff (6)(c).

(8) Caiff y Bwrdd Academaidd, gyda chymeradwyaeth ysgrifenedig y Pennaeth ymlaen llaw, sefydlu'r pwyllgorau y mae'n barnu eu bod yn angenrheidiol er mwyn ei alluogi i gyflawni ei gyfrifoldebau, fel y'u disgrifir ym mharagraff (6).

(9) Caiff aelodau unrhyw bwyllgor a sefydlir o dan baragraff (8) gynnwys personau nad ydynt yn aelodau o'r Bwrdd Academaidd.

(10) Mae'n rhaid i'r Bwrdd Academaidd gael cymeradwyaeth ysgrifenedig y Gorfforaeth ymlaen llaw ar gyfer–

(a) cyfnod penodiad aelodau'r Bwrdd Academaidd;

(b) y trefniadau ar gyfer dethol neu ethol aelodau o'r Bwrdd Academaidd; ac

(c) nifer aelodau unrhyw bwyllgor a sefydlir o dan baragraff (8) ac ar ba delerau y maent yn dal swydd ac yn ei gadael.

Pwyllgorau

5.–(1) Caiff y Gorfforaeth sefydlu pwyllgor o'r Gorfforaeth at unrhyw ddiben, ac eithrio i wneud y swyddogaethau a briodolir yn yr Erthyglau hyn i'r Pennaeth neu (os yw'r Gorfforaeth wedi sefydlu Bwrdd Academaidd) i'r Bwrdd Academaidd.

(2) Mae'n rhaid i'r Gorfforaeth benderfynu ar nifer aelodau unrhyw bwyllgor a sefydlir o dan yr erthygl hon ac ar ba delerau y maent yn dal swydd ac yn ei gadael.

(3) Caiff unrhyw bwyllgor a sefydlir gan y Gorfforaeth o dan yr erthygl hon gynnwys personau nad ydynt yn aelodau o'r Gorfforaeth.

(4) Mae'n rhaid i'r Gorfforaeth beri bod datganiad ysgrifenedig ar gael i'w archwilio gan unrhyw berson yn ystod oriau swyddfa arferol yn y sefydliad o'i

(5) The Principal may nominate one member of the Academic Board to be chair of the Academic Board whenever the Principal is unable to attend an Academic Board meeting.

(6) The Academic Board is responsible for ensuring that arrangements are in place for advising the Principal on–

(a) the standards, planning, co-ordination, development and oversight of the academic work of the institution;

(b) arrangements for the admission, assessment and examination of students; and

(c) procedures for the expulsion of students for an unsatisfactory standard of work or other academic reasons.

(7) The Academic Board must consult with representatives of the students and with the Corporation, before advising the Principal in accordance with paragraph (6)(c).

(8) The Academic Board may, with the prior written approval of the Principal, establish such committees as it considers necessary for the purpose of enabling it to carry out its responsibilities, as described in paragraph (6).

(9) The members of any committee established under paragraph (8) may include persons who are not members of the Academic Board.

(10) The Academic Board must obtain the prior written approval of the Corporation to–

(a) the period of appointment of members of the Academic Board;

(b) the arrangements for the selection or election of members of the Academic Board; and

(c) the number of members of any committee established under paragraph (8) and the terms on which they hold and vacate office.

Committees

5.–(1) The Corporation may establish a committee of the Corporation for any purpose, other than to carry out functions assigned in these Articles to the Principal or (if the Corporation has established an Academic Board) to the Academic Board.

(2) The Corporation must decide the number of members of any committee established under this article, and the terms on which they hold and vacate office.

(3) Any committee established by the Corporation under this article may include persons who are not members of the Corporation.

(4) The Corporation must make available for inspection by any person during normal office hours at the institution a written statement of its policy

pholisi ynglŷn â mynychu cyfarfodydd o bwyllgorau gan bersonau nad ydynt yn aelodau o'r pwyllgorau hynny.

Dirprwyo

6.–(1) Yn ddarostyngedig i baragraff (2), caiff y Gorfforaeth ddirprwyo pwerau–

(a) i unrhyw bwyllgor a sefydlir o dan erthygl 5;

(b) i'r Cadeirydd neu, yn absenoldeb y Cadeirydd, i'r Is-gadeirydd; neu

(c) i'r Pennaeth.

(2) Rhaid i'r Gorfforaeth beidio â dirprwyo'r canlynol–

(a) penderfynu ar gymeriad addysgol a chenhadaeth y sefydliad;

(b) cymeradwyo amcangyfrifon blynyddol incwm a gwariant;

(c) y cyfrifoldeb dros sicrhau solfedd y sefydliad a'r Gorfforaeth a diogelu eu hasedau;

(ch) penodi person i swydd uwch;

(d) penodi'r Clerc fel aelod o'r staff gan gynnwys, pan fo'r Clerc wedi'i benodi, neu i gael ei benodi yn aelod o'r staff, benodiad y Clerc yn swyddogaeth aelod o'r staff; neu

(dd) gwneud erthyglau llywodraethu newydd yn lle'r Erthyglau hyn neu addasu'r Erthyglau hyn o dan adran 22(4) o Ddeddf Addysg Bellach ac Uwch 1992(**1**).

(3) Caiff y Pennaeth, gyda chymeradwyaeth ysgrifenedig y Gorfforaeth ymlaen llaw, ddirprwyo unrhyw un neu ragor o swyddogaethau'r Pennaeth i aelodau eraill o staff, ac eithrio rheoli'r gyllideb.

(4) Caiff y Bwrdd Academaidd ddirprwyo pwerau i unrhyw bwyllgor a sefydlir o dan erthygl 4(8).

Pwyllgor i benderfynu ar ddiswyddiadau deiliaid swyddi uwch

7.–(1) Caiff y Gorfforaeth sefydlu pwyllgor i benderfynu ar–

(a) yr achos dros ddiswyddo'r Clerc neu ddeiliad swydd uwch;

(b) apêl mewn cysylltiad â diswyddo'r Clerc neu ddeiliad swydd uwch.

(2) Mae'n rhaid i'r Gorfforaeth wneud rheolau yn pennu sut y mae'n rhaid sefydlu a rhedeg pwyllgor sydd â swyddogaethau o dan baragraff (1).

(3) Mae'n rhaid i'r rheolau a wneir o dan baragraff (2) gynnwys y gofyniad mai aelodau o'r Gorfforaeth yn unig fydd ar unrhyw bwyllgor a sefydlir o dan yr erthygl hon.

(**1**) 1992 p.13.

regarding attendance at committee meetings by persons who are not committee members.

Delegations

6.–(1) Subject to paragraph (2), the Corporation may delegate powers to–

(a) any committee established under article 5;

(b) the Chair or, in the Chair's absence, the Vice-Chair; or

(c) the Principal.

(2) The Corporation must not delegate the following-

(a) the determination of the educational character and mission of the institution;

(b) the approval of the annual estimates of income and expenditure;

(c) the responsibility for ensuring the solvency of the institution and the Corporation and the safeguarding of their assets;

(d) the appointment of a person to a senior post;

(e) the appointment of the Clerk, including where the Clerk is, or is to be appointed as a member of staff the Clerk's appointment in the capacity of a member of staff; or

(f) the making of new articles of government in place of these Articles or the modification of these Articles under section 22(4) of the Further and Higher Education Act 1992(**1**).

(3) The Principal may, with the prior written approval of the Corporation, delegate to other members of staff any of the Principal's functions, other than the management of budget.

(4) The Academic Board may delegate powers to any committee established under article 4(8).

Committee to determine the dismissal of senior post holders

7.–(1) The Corporation may establish a committee to determine–

(a) the case for dismissal of the Clerk or the holder of a senior post;

(b) an appeal in connection with the dismissal of Clerk or the holder of a senior post.

(2) The Corporation must make rules specifying the way in which a committee having functions under paragraph (1) must be established and conducted.

(3) The rules made under paragraph (2) must include the requirement that any committee established under this article must consist solely of members of the Corporation.

(**1**) 1992 c.13.

Y Pwyllgor Chwilio

8.–(1) Mae'n rhaid i'r Gorfforaeth sefydlu pwyllgor, o'r enw Pwyllgor Chwilio, i gynghori ar–

(a) penodi'r aelodau busnes, yr aelodau cymunedol a'r aelodau awdurdod lleol;

(b) cyfethol aelodau cyfetholedig y Gorfforaeth; ac

(c) materion eraill yn ymwneud ag aelodaeth a phenodiadau y bydd y Gorfforaeth yn gofyn i'r Pwyllgor Chwilio eu hystyried.

(2) Caiff y Pwyllgor Chwilio gynnwys pobl nad ydynt yn aelodau o'r Gorfforaeth.

(3) Rhaid i'r Gorfforaeth ystyried cyngor y Pwyllgor Chwilio cyn–

(a) penodi unrhyw berson yn aelod busnes, yn aelod cymunedol neu'n aelod awdurdod lleol; neu

(b) cyfethol unrhyw berson yn aelod.

(4) Caiff y Gorfforaeth–

(a) penderfynu ar gylch gorchwyl y Pwyllgor Chwilio; a

(b) gwneud rheolau sy'n pennu'r gweithdrefnau ar gyfer rhedeg y Pwyllgor Chwilio.

(5) Rhaid i'r Gorfforaeth beri bod copi o unrhyw gylch gorchwyl a rheolau o'r fath ar gael i'w archwilio gan unrhyw berson yn ystod oriau swyddfa arferol yn y sefydliad.

The Search Committee

8.–(1) The Corporation must establish a committee, to be known as the Search Committee, to advise on–

(a) the appointment of the business, community and local authority members;

(b) the co-option of the co-opted members of the Corporation; and

(c) other matters relating to membership and appointments that the Corporation asks the Search Committee to consider.

(2) The Search Committee may include people who are not members of the Corporation.

(3) The Corporation must consider the advice of the Search Committee before–

(a) appointing any person as a business, community or local authority member; or

(b) co-opting any person as a member.

(4) The Corporation may–

(a) determine the Search Committee's remit; and

(b) make rules specifying the procedures for the conduct of the Search Committee.

(5) The Corporation must make available a copy of any such remit and rules, for inspection by any person during normal office hours at the institution.

Y Pwyllgor Archwilio

9.–(1) Mae'n rhaid i'r Gorfforaeth sefydlu pwyllgor, o'r enw Pwyllgor Archwilio, i gynghori ar faterion sy'n ymwneud â threfniadau archwilio'r Gorfforaeth a'i systemau rheoli mewnol.

(2) Rhaid bod yna o leiaf dri pherson ar y Pwyllgor Archwilio.

(3) Caiff y Pwyllgor Archwilio gynnwys pobl nad ydynt yn aelodau.

(4) Ni chaiff deiliaid swyddi uwch fod yn aelodau o'r Pwyllgor Archwilio.

(5) Caiff y Pwyllgor Archwilio gynnwys aelodau o staff y Gorfforaeth ac eithrio'r rheini sydd mewn swyddi uwch.

(6) Mae'n rhaid i'r Pwyllgor Archwilio weithredu'n unol ag unrhyw ofynion gan Weinidogion Cymru.

The Audit Committee

9.–(1) The Corporation must establish a committee, to be known as the Audit Committee, to advise on matters relating to the Corporation's audit arrangements and systems of internal control.

(2) The Audit Committee must consist of at least three persons.

(3) The Audit Committee may include people who are not members.

(4) Senior post holders may not be members of the Audit Committee.

(5) The Audit Committee may include members of the staff of the Corporation other than those in senior posts.

(6) The Audit Committee must operate in accordance with any requirements of the Welsh Ministers.

Penodi a dyrchafu staff

10.–(1) Pan fydd swydd uwch yn wag neu y disgwylir iddi fod yn wag, mae'n rhaid i'r Gorfforaeth–

(a) hysbysebu'r swydd yn y fath gyhoeddiadau sy'n cylchredeg drwy'r Deyrnas Unedig ag a ystyrir yn briodol ganddi; a

Appointment and promotion of staff

10.–(1) Where there is a vacancy or expected vacancy in a senior post, the Corporation must–

(a) advertise the vacancy in such publications circulating throughout the United Kingdom as it considers appropriate; and

(b) penodi panel dethol sy'n cynnwys–

(i) pan fo'r swydd wag yn un am swydd y Pennaeth, o leiaf bum aelod o'r Gorfforaeth gan gynnwys y Cadeirydd a/neu'r Is-gadeirydd; neu

(ii) pan fo'r swydd wag yn un am unrhyw swydd uwch arall, y Pennaeth, ac o leiaf dri aelod arall o'r Gorfforaeth.

(2) Rhaid i aelodau'r panel dethol–

(a) penderfynu ar y trefniadau ar gyfer dewis ymgeiswyr i'w cyf-weld;

(b) cyf-weld yr ymgeiswyr hynny; ac

(c) pan fônt yn barnu ei bod yn briodol i wneud hynny, argymell un o'r ymgeiswyr y maent wedi'i gyf-weld i'r Gorfforaeth ei benodi.

(3) Os yw'r Gorfforaeth yn cymeradwyo'r person a argymhellir, mae'n rhaid iddi benodi'r person hwnnw.

(4) Os nad yw aelodau'r panel dethol yn gallu cytuno ar berson i'w argymell i'r Gorfforaeth, neu os nad yw'r Gorfforaeth yn cymeradwyo'u hargymhelliad, caiff y Gorfforaeth ei gwneud yn ofynnol i'r panel ail gymryd y camau a bennir ym mharagraff (2), gan ail hysbysebu, neu beidio ag ail hysbysebu, y swydd wag yn gyntaf.

(5) Bernir mai gan y Gorfforaeth y cafodd y camau a osodir ym mharagraffau (1) i (4) eu dilyn, pan ddilynir y camau hynny gan unrhyw berson neu gorff cyn y dyddiad y sefydlir y Gorfforaeth(**1**).

(6) Os digwydd i swydd uwch wag godi neu fod deiliad swydd uwch yn absennol dros dro ar ôl y dyddiad gweithredu, hyd nes y llenwir y swydd honno neu hyd nes y dychwel deiliad absennol y swydd uwch iddi–

(a) gall fod yn ofynnol i aelod o'r staff weithredu fel Pennaeth neu yn lle deiliad unrhyw swydd uwch arall; a

(b) bydd ganddo holl ddyletswyddau a chyfrifoldebau'r Pennaeth neu ddeiliad y swydd uwch arall honno tra bo'r swydd yn wag neu tra bo deiliad y swydd yn absennol dros dro.

Ymddygiad staff

11. Ar ôl ymgynghori â'r staff, rhaid i'r Gorfforaeth wneud rheolau ynglŷn ag ymddygiad y staff.

Rhyddid academaidd

12. Wrth wneud rheolau o dan erthygl 11, rhaid i'r Gorfforaeth roi sylw i'r angen am sicrhau bod gan staff academaidd y sefydliad ryddid o fewn y gyfraith i

(**1**) Y dyddiad sefydlu yw 20 Mai 2010. Gweler erthygl 2 o Orchymyn Coleg Gŵyr Abertawe (Corffori) 2010 (O.S. 2010/1368 (Cy.118)).

(b) appoint a selection panel consisting of–

(i) where the vacancy is for the post of Principal, at least five members of the Corporation including the Chair and/or the Vice-Chair; or

(ii) where the vacancy is for any other senior post, the Principal, and at least three other members of the Corporation.

(2) The members of the selection panel must–

(a) decide the arrangements for selecting applicants for interview;

(b) interview those applicants; and

(c) where they consider it appropriate to do so, recommend to the Corporation for appointment one of the applicants they have interviewed.

(3) If the Corporation approves the recommended applicant, it must appoint that person.

(4) If the members of the selection panel are unable to agree on a person to recommend to the Corporation, or if the Corporation does not approve their recommendation, the Corporation may require the panel to repeat the steps specified in paragraph (2), with or without first re advertising the vacancy.

(5) Where the steps set out in paragraphs (1) to (4) have been followed by any person or body prior to the date on which the Corporation is established(**1**), they are deemed to have been followed by the Corporation.

(6) Where, after the operative date, there is a vacancy in a senior post or where a senior post holder is temporarily absent, until that post is filled or the absent senior post holder returns, a member of staff–

(a) may be required to act as Principal or in the place of any other senior post holder; and

(b) has all the duties and responsibilities of the Principal or such other senior post holder, during the period of the vacancy or temporary absence.

Conduct of staff

11. After consultation with the staff, the Corporation must make rules relating to the conduct of the staff.

Academic freedom

12. In making rules under article 11, the Corporation must have regard to the need to ensure that academic staff of the institution have freedom within the law to

(**1**) The date of establishment is 20 May 2010. See article 2 of the Gower College Swansea (Incorporation) Order 2010 (S.I. 2010/1368 (W.118)).

gwestiynu a phrofi doethineb cyffredin, ac i gyflwyno syniadau newydd a lleisio barn ddadleuol neu amhoblogaidd, heb eu rhoi eu hunain mewn perygl o golli eu swyddi neu unrhyw freintiau y gallant fod yn eu mwynhau yn y sefydliad.

Cwyno, atal dros dro a gweithdrefnau disgyblaethol

13.–(1) Ar ôl ymgynghori â'r staff, rhaid i'r Gorfforaeth wneud rheolau sy'n gosod–

(a) gweithdrefnau cwyno ar gyfer yr holl staff;

(b) gweithdrefnau atal dros dro ar gyfer yr holl staff; ac

(c) gweithdrefnau disgyblu a diswyddo ar gyfer–

(i) deiliaid swyddi uwch, a

(ii) staff ac eithrio i ddeiliaid swyddi uwch.

(2) Mae'n rhaid i'r rheolau a wneir gan y Gorfforaeth o dan baragraff (1) gydymffurfio â darpariaethau erthygl 7.

Atal dros dro a diswyddo'r Clerc

14.–(1) Pan fo'r Clerc hefyd yn aelod o staff y sefydliad, caiff y Clerc ei drin fel deiliad swydd uwch at ddibenion erthygl 13.

(2) Pan fo'r Clerc yn cael ei atal dros dro neu ei ddiswyddo fel aelod o'r staff yn unol â rheolau a wneir o dan erthygl 13, nid yw'r ataliad dros dro neu'r diswyddiad hwnnw yn effeithio ar safle'r Clerc fel Clerc y Gorfforaeth, sy'n rôl ar wahân.

Myfyrwyr

15.–(1) Rhaid i unrhyw Undeb Myfyrwyr–

(a) rhedeg a rheoli ei fusnes a'i gronfeydd ei hun yn unol â chyfansoddiad a gymeradwyir gan y Gorfforaeth;

(b) sicrhau cymeradwyaeth ysgrifenedig y Gorfforaeth ymlaen llaw i unrhyw ddiwygio neu ddad-wneud ar y cyfansoddiad hwnnw; ac

(c) cyflwyno cyfrifon wedi'u harchwilio i'r Gorfforaeth yn flynyddol.

(2) Rhaid i'r Gorfforaeth, ar ôl ymgynghori â'r Bwrdd Academaidd (os oes un) a chynrychiolwyr y myfyrwyr, wneud rheolau ynghylch ymddygiad y myfyrwyr, gan gynnwys gweithdrefnau ar gyfer atal dros dro a diarddel ar sail ddisgyblaethol.

(3) Os nad oes yna Fwrdd Academaidd, rhaid i'r Gorfforaeth, ar ôl ymgynghori â chynrychiolwyr y myfyrwyr, gynghori'r Pennaeth ar y gweithdrefnau ar gyfer diarddel myfyriwr am fod safon ei waith yn anfoddhaol neu am reswm academaidd arall.

Materion ariannol

16. Rhaid i'r Gorfforaeth bennu'r polisi a ddefnyddir i benderfynu'r ffioedd hyfforddi a'r ffioedd eraill sy'n

question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves at risk of losing their jobs or any privileges which they may enjoy at the institution.

Grievance, suspension and disciplinary procedures

13.–(1) After consultation with staff, the Corporation must make rules setting out–

(a) grievance procedures for all staff;

(b) procedures for the suspension of all staff; and

(c) disciplinary and dismissal procedures for–

(i) senior post-holders, and

(ii) staff other than senior post holders.

(2) The rules made by the Corporation under paragraph (1) must comply with the provisions of article 7.

Suspension and dismissal of the Clerk

14.–(1) Where the Clerk is also a member of staff of the institution, the Clerk is treated as a senior post holder for the purposes of article 13.

(2) Where the Clerk is suspended or dismissed as a member of staff in accordance with rules made under article 13, that suspension or dismissal does not affect the position of the Clerk in the separate role of Clerk to the Corporation.

Students

15.–(1) Any Students' Union must–

(a) conduct and manage its own affairs and funds in accordance with a constitution approved by the Corporation;

(b) secure the Corporation's prior written approval to any amendment to or rescission of that constitution; and

(c) present audited accounts annually to the Corporation.

(2) The Corporation must, after consultation with the Academic Board (if any) and representatives of the students, make rules concerning the conduct of students, including procedures for suspension and expulsion on disciplinary grounds.

(3) If there is no Academic Board, the Corporation must, after consultation with representatives of the students, advise the Principal on procedures for the expulsion of a student for an unsatisfactory standard of work or other academic reason.

Financial matters

16. The Corporation must set the policy by which the tuition and other fees payable to the Corporation are

daladwy i'r Gorfforaeth (yn ddarostyngedig i unrhyw delerau ac amodau a osodir ar grantiau, benthyciadau neu daliadau eraill a wneir gan Weinidogion Cymru).

determined (subject to any terms and conditions attached to grants, loans or other payments made by the Welsh Ministers).

Cydweithredu ag archwilydd Gweinidogion Cymru

17. Rhaid i'r Gorfforaeth gydweithredu ag unrhyw berson a awdurdodir gan Weinidogion Cymru i archwilio unrhyw ddatganiadau niferoedd myfyrwyr neu hawliadau am gymorth ariannol, gan gynnwys caniatáu i unrhyw berson o'r fath weld unrhyw ddogfennau neu gofnodion a ddelir gan y Gorfforaeth gan gynnwys cofnodion a gedwir ar gyfrifiaduron.

Co-operation with the Welsh Ministers' auditor

17. The Corporation must co-operate with any person authorised by the Welsh Ministers to audit any returns of numbers of students or claims for financial assistance, including giving any such person access to any documents or records held by the Corporation, including records stored on computers.

Archwilio mewnol

18.–(1) Mae'n rhaid i'r Gorfforaeth, ar yr adegau y mae'n barnu eu bod yn briodol, archwilio a gwerthuso ei systemau rheolaeth ariannol fewnol (neu, yn ddarostyngedig i baragraff (2), drefnu iddynt gael eu harchwilio a'u gwerthuso ar ei rhan) er mwyn sicrhau eu bod yn cyfrannu at ddefnydd priodol, economaidd, effeithlon ac effeithiol ar adnoddau'r Gorfforaeth.

Internal audit

18.–(1) The Corporation must, whenever it considers appropriate, examine and evaluate (or, subject to paragraph (2), arrange for the examination and evaluation on its behalf of) its systems of internal financial control to ensure that they contribute to the proper, economic, efficient and effective use of the Corporation's resources.

(2) Rhaid i'r Gorfforaeth beidio â phenodi unrhyw bersonau ("archwilwyr mewnol") i gyflawni'r gweithgareddau y cyfeirir atynt ym mharagraff (1) ar ei rhan os penodir y personau hynny yn archwilwyr allanol o dan erthygl 19(3).

(2) The Corporation must not appoint any persons ("internal auditors") to carry out the activities referred to in paragraph (1) on its behalf if such persons are appointed as external auditors under article 19(3).

Cyfrifon ac archwilio cyfrifon

19.–(1) Rhaid i'r Gorfforaeth–

(a) cadw cyfrifon priodol a chofnodion priodol mewn perthynas â'r cyfrifon; a

(b) paratoi datganiad o gyfrifon ar gyfer pob blwyddyn ariannol y Gorfforaeth.

(2) Rhaid i'r datganiad–

(a) rhoi hanes gwir a theg o gyflwr busnes y Gorfforaeth ar ddiwedd y flwyddyn ariannol ac o incwm a gwariant y Gorfforaeth, ac o fewnlifau ac all-lifau ei harian, yn y flwyddyn ariannol; a

(b) cydymffurfio ag unrhyw gyfarwyddiadau a roddir gan Weinidogion Cymru ynglŷn â'r wybodaeth sydd i'w chynnwys ynddo, y modd y mae'r wybodaeth i gael ei chyflwyno, y dulliau a'r egwyddorion i'w dilyn ar gyfer ei lunio ac amser a modd ei gyhoeddi.

(3) Rhaid i'r cyfrifon (gan gynnwys unrhyw ddatganiad a lunnir o dan yr erthygl hon) gael eu harchwilio gan bersonau ("archwilwyr allanol") a benodir gan y Gorfforaeth ar gyfer pob blwyddyn ariannol.

(4) Rhaid i'r archwilwyr allanol hyn gael eu penodi a rhaid i waith archwilio arall gael ei gyflawni, yn unol ag unrhyw ofynion a bennir gan Weinidogion Cymru.

Accounts and audit of accounts

19.–(1) The Corporation must–

(a) keep proper accounts and proper records in relation to the accounts; and

(b) prepare a statement of accounts in respect of each financial year of the Corporation.

(2) The statement must–

(a) give a true and fair account of the state of the Corporation's affairs at the end of the financial year and of the Corporation's income and expenditure and inflows and outflows of cash in the financial year; and

(b) comply with any directions given by the Welsh Ministers as to the information which must be contained in it, the manner in which the information must be presented, the methods and principles according to which it must be prepared and the time and manner of publication.

(3) The accounts (including any statement prepared under this article) must be audited by persons ("external auditors") appointed by the Corporation in respect of each financial year.

(4) Such external auditors must be appointed and other audit work conducted, in accordance with any requirements of the Welsh Ministers.

(5) Rhaid i'r Gorfforaeth beidio â phenodi personau'n archwilwyr allanol o dan baragraff (3) ar gyfer unrhyw flwyddyn ariannol os yw'r personau hynny wedi'u penodi hefyd yn archwilwyr mewnol o dan erthygl 18.

(6) Ystyr "blwyddyn ariannol" ("*financial year*") yw'r flwyddyn ariannol gyntaf, a phob cyfnod dilynol o 12 mis (ac eithrio fel y darperir ar ei gyfer ym mharagraff (8)).

(7) Ystyr "y flwyddyn ariannol gyntaf" ("*the first financial year* ") yw'r cyfnod sy'n dechrau ar y dyddiad y sefydlwyd y Gorfforaeth ac sy'n dod i ben naill ai ar yr ail 31 Gorffennaf ar ôl y dyddiad hwnnw neu sy'n dod i ben ar ryw ddyddiad arall a benderfynir gan y Gorfforaeth gyda chymeradwyaeth Gweinidogion Cymru.

(8) Os diddymir y Gorfforaeth–

(a) mae'r flwyddyn ariannol olaf yn dod i ben ar ddyddiad diddymu'r Gorfforaeth; a

(b) caiff y Gorfforaeth, gyda chymeradwyaeth Gweinidogion Cymru, benderfynu bod yr hyn a fyddai wedi bod fel arall y ddwy flynedd ariannol olaf i'w drin fel blwyddyn ariannol unigol at ddiben yr erthygl hon.

Rheolau ac is-ddeddfau

20. Caiff y Gorfforaeth wneud rheolau ac is-ddeddfau ynghylch unrhyw faterion ynglŷn â llywodraethu a rhedeg y sefydliad. Bydd y rheolau a'r is-ddeddfau hynny yn ddarostyngedig i ddarpariaethau'r Offeryn Llywodraethu ac i'r Erthyglau hyn.

Copïau o'r Erthyglau Llywodraethu, y rheolau a'r is-ddeddfau

21. Rhaid i'r Gorfforaeth roi copi o'r Erthyglau hyn, ac o unrhyw reolau ac is-ddeddfau, i bob aelod a pheri eu bod ar gael i unrhyw berson eu harchwilio ar gais, yn ystod oriau swyddfa arferol yn y sefydliad.

(5) The Corporation must not appoint persons as external auditors under paragraph (3) in respect of any financial year if those persons are also appointed as internal auditors under article 18.

(6) "Financial year" ("*blwyddyn ariannol*") means the first financial year and (except as provided for in paragraph (8)), each successive period of 12 months.

(7) "The first financial year" ("*y flwyddyn ariannol gyntaf*") means the period commencing with the date on which the Corporation is established and ending either on the second 31 July following that date or ending with some other date determined by the Corporation with the approval of the Welsh Ministers.

(8) If the Corporation is dissolved–

(a) the last financial year ends on the date of dissolution of the Corporation; and

(b) the Corporation may decide, with the approval of the Welsh Ministers, that what would otherwise have been the last two financial years are treated as a single financial year for the purpose of this article.

Rules and bye laws

20. The Corporation may make rules and bye laws concerning any matters with regard to the government and conduct of the institution. Such rules and bye laws are subject to the provisions of the Instrument of Government and these Articles.

Copies of Articles of Government, rules and bye laws

21. The Corporation must give a copy of these Articles, and of any rules and bye laws, to every member and must make them available for inspection by any person upon request during normal office hours at the institution.

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