CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2001 Rhif 2705 (Cy.225) (C.90)

ADDYSG, CYMRU

CYFLOGAETH A HYFFORDDIANT, CYMRU

Gorchymyn Deddf Dysgu a Medrau 2000 (Cychwyn Rhif 4) (Cymru) 2001

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn dod â'r darpariaethau hynny yn Neddf Dysgu a Medrau 2000 a bennir yn Rhan I o'r Atodlen i'r Gorchymyn hwn i rym ar 1 Ebrill 2002. Mae hefyd yn dod â'r darpariaethau hynny yn y Ddeddf honno a bennir yn Rhan II o'r Atodlen i'r Gorchymyn hwn i rym, a hynny ar 1 Medi 2002.

Esbonnir effaith y darpariaethau a bennir yn Rhan I o'r Atodlen isod.

Mae adran 36 yn rhoi pŵer i Gyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant ("y Cyngor Cenedlaethol") roi grantiau i awdurdod addysg lleol ar gyfer addysg a ddarperir gan ysgolion ar gyfer y rheiny sydd dros oedran ysgol gorfodol.

Mae adran 113 yn dod ag Atodlen 7 i rym, sy'n cynnwys pwerau a dyletswyddau sy'n ymwneud â dosbarthiadau chwech annigonol. Yn benodol, mae'n rhoi pŵer i'r Cyngor Cenedlaethol gyhoeddi cynigion i gau darpariaeth chweched dosbarth a gynhelir yn dilyn dau adroddiad arolygu anffafriol. Mae hefyd yn darparu ar gyfer gweithdrefn i ymdrin â gwrthwynebiadau y mae'n rhaid ei dilyn cyn y gellir gweithredu unrhyw gynigion o'r fath.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2001 No. 2705 (W.225) (C.90)

EDUCATION, WALES

EMPLOYMENT AND TRAINING, WALES

The Learning and Skills Act 2000 (Commencement No. 4) (Wales) Order 2001

EXPLANATORY NOTE

(This note does not form part of the Order)

This Order brings into force on 1st April 2002 those provisions of the Learning and Skills Act 2000 specified in Part I of the Schedule to this Order. It also brings into force on 1st September 2002 those provisions of that Act specified in Part II of the Schedule to this Order.

The effect of the provisions specified in Part I of the Schedule is explained below.

Section 36 gives the National Council for Education and Training for Wales ("the National Council") the power to make grants to a local education authority for education provided by schools for those above compulsory school age.

Section 113 brings into effect Schedule 7, which contains powers and duties relating to inadequate 6th forms. In particular, it empowers the National Council to publish proposals for discontinuance of maintained 6th form provision following two adverse inspection reports. It also provides for a procedure for dealing with objections which must be followed before any such proposals can be implemented.

Mae adran 140 ((1)-(2) a (4) i(6)) yn gosod dyletswydd ar y Cynulliad Cenedlaethol mewn amgylchiadau penodol i drefnu ar gyfer asesiad i berson y cedwir datganiad o anghenion arbennig ar ei gyfer. Rhaid i'r asesiad gael ei wneud yn ystod blwyddyn olaf orfodol y person hwnnw yn yr ysgol.

Section 140 ((1)-(2) and (4) to (6)) imposes a duty on the National Assembly in certain circumstances to arrange for an assessment of a person for whom a statement of special needs is maintained. The assessment must be made during that person's last year of compulsory schooling.

Mae Atodlenni 9 ac 11 yn eu trefn yn cynnwys diwygiadau canlyniadol a diddymiadau.

Schedules 9 and 11 respectively contain consequential amendments and repeals.

Esbonnir effaith y ddarpariaeth a bennir yn Rhan II o'r Atodlen isod.

The effect of the provision specified in Part II of the Schedule is explained below.

Mae adran 97 yn gymwys i sefydliad neu gyflogwr, sy'n darparu cyrsiau ar gyfer y rhai 19 oed a throsodd, ac a ariennir gan awdurdod addysg lleol neu'r Cyngor Cenedlaethol. Mae'n gosod sefydliad neu gyflogwr o'r fath o dan ddyletswydd i beidio â gwneud unrhyw daliad mewn perthynas â chymhwyster allanol onid yw'r cymhwyster hwnnw wedi'i gymeradwyo gan y Cynulliad Cenedlaethol.

Section 97 applies to an institution or employer, which provides courses for those aged 19 and over, and is financed by a local education authority or the National Council. It places such an institution or employer under a duty not to make any payment in respect of an external qualification unless that qualification has been approved by the National Assembly.

Nodyn ynghylch Gorchmynion Cychwyn cynharach

(Nid yw'r Nodyn hwn yn rhan o'r Gorchymyn)

Daethpwyd neu deuir â'r darpariaethau canlynol yn Neddf Dysgu a Medrau 2000 i rym, mewn perthynas â Chymru, gan orchmynion cychwyn a wnaed cyn dyddiad y Gorchymyn hwn.

Note as to earlier Commencement Orders

(This Note is not part of the Order)

The following provisions of the Learning and Skills Act 2000 have been, or will be, brought into force in relation to Wales by commencement orders made before the date of this Order.

Y Ddarpariaeth	**Y Dyddiad Cychwyn**	**Rhif yr O.S.**
Adrannau 104, 105, 107 a 108	3 Awst 2000	2000/2114(C.56)
Adran 94 ac adran 149 i'r graddau y mae'n ymwneud â pharagraff 87 o Atodlen 9. Yn atodlen 9, paragraff 87.	1 Medi 2000	2000/2114(C.56)
Adrannau 30, 47, 49 a 51, ac adran 149 i'r graddau y mae'n ymwneud â'r paragraffau yn Atodlen 9 a restrir isod. Atodlen 4. Yn Atodlen 9, paragraffau 3, 4 a 93.	19 Medi 2000	2000/2540 (Cy.163)(C.70)
Adrannau 134-136 a 146, ac adran 149 i'r graddau y mae'n ymwneud â pharagraff 14 o Atodlen 9. Yn Atodlen 9, paragraff 14.	1 Hydref 2000	2000/2559(C.73)
Adrannau 42, 43, 44, 46, 48, 73, 87, 93, 95, 139, 141 a 145. Adran 149 i'r graddau y mae'n ymwneud â'r paragraffau yn Atodlen 9 a restrir isod. Adran 153 i'r graddau y mae'n ymwneud â'r diddymiadau yn Atodlen 11 y cyfeirir atynt isod. Atodlen 5. Yn Atodlen 9, paragraffau 21(b), 34, 36, 44(3) a (4), 45, 64, 70, 81, 86 a 92. Yn Atodlen 11 y diddymiadau a bennir yno mewn perthynas â'r canlynol - Deddf Addysg Bellach ac Uwch 1992, adrannau 18 a 60A, ac Atodlen 5A, Deddf Addysg 1996, paragraff 113 o Atodlen 37, Deddf Addysgu ac Addysg Uwch 1998, adrannau 19 a 22, Deddf Safonau a Fframwaith Ysgolion 1998, adrannau 125 a 126, ac Atodlen 27, Deddf Llywodraeth Cymru 1998, adran 104(4).	1 Ionawr 2001	2000/3230 (Cy.213) (C.103)
Adran 149 i'r graddau y mae'n ymwneud â'r paragraffau yn Atodlen 9 a bennir isod. Adran 151 i'r graddau y mae'n ymwneud	1 Ebrill 2001	2001/654(C.25)

â'r ddarpariaeth yn Atodlen 10 a bennir isod. Adran 153 i'r graddau y mae'n ymwneud â'r diddymiadau yn Atodlen 11 y cyfeirir atynt isod. Yn Atodlen 9, paragraffau 11, 35, 37, 38, 39, 41- 43, 47-50, 52(3), 83 ac 88. Yn Atodlen 10, Rhan IV. Yn Atodlen 11 y diddymiadau a bennir yno mewn perthynas â'r canlynol - Deddf Addysg Bellach ac Uwch 1992, adran 91(2), Deddf Safonau a Fframwaith Ysgolion 1998, adran 142(1).		
Adrannau 31-35, 37- 41, 45, 50, 74-86, 88, 91, 99. Adran 103(1), (2) a (3) i'r graddau y mae angen hynny at ddibenion adran 103(4)(b). Adrannau 103(4), 110-112, 123-129, 137, 138, 140(3). Adran 140(4), (5) a (6) i'r graddau y mae eu hangen at ddibenion adran 140(3). Adrannau 142-144. Adran 149 i'r graddau y mae'n ymwneud â'r paragraffau yn Atodlen 9 a bennir isod. Adran 153 i'r graddau y mae'n ymwneud â'r darpariaethau yn Atodlen 11 a bennir isod. Yn Atodlen 9, paragraffau 5-10, 12, 13, 15-17, 20, 21(a), 22-30, 32, 33, 40, 44(1) a (2), 46, 51, 52(1) a (2), 53-56, 59, 65, 66, 67 (5), 68, 72-74. Paragraff 75(a) a (b), ac (c) i'r graddau y mae'n ymwneud ag adran 34 o Ddeddf Medrau a Dysgu 2000. Paragraffau 76-80 a 94. Yn Atodlen 11 y diddymiadau a bennir yno mewn perthynas â'r canlynol - Deddf Blwydd-dâl 1972, Atodlen 1, Deddf Anghymhwyso o Dŷ'r Cyffredin 1975, Rhan III o Atodlen I , Deddf Gwahaniaethau ar sail Rhyw 1975, adran 25(6)(d), Deddf Cysylltiadau Hiliol 1976, adran 19(6)(d), Deddf Diwygio Addysg 1988, adran 124(2)(b), Deddf Addysg Bellach ac Uwch 1992, adrannau 1-9, 28(2)(b), 32(2A), 44(6), 45(6), 52(1), 55(1)-(3) a (7), 56, ac Atodlen 2, Deddf Gwahaniaethu ar sail Anabledd 1995, adrannau 19(6)(f) a 30(2)-(4), Deddf Addysg 1996, adrannau 15, 509(1) a pharagraffau 70 a 112 o Atodlen 37, Deddf Addysg 1997, adran 30(1) a (3),	1 Ebrill 2001	2001/ 1274 (Cy.73) (C. 46)

Deddf y Comisiwn Archwilio 1998, adran 36(1) a (2), Deddf Addysgu ac Addysg Uwch 1998, adrannau 26(1) a (2), 28(1)(a) a 34, Deddf Safonau a Fframwaith Ysgolion 1998, paragraffau 41 a 42 o Atodlen 30.		
Adrannau 96, 100(2), 102, 103(5) a 148. Adran 149 i'r graddau y mae'n ymwneud â pharagraff 57 o Atodlen 9. Adran 153 i'r graddau y mae'n ymwneud â'r darpariaethau yn Atodlen 11 a bennir isod. Yn Atodlen 9, paragraff 57. Yn Atodlen 11, y diddymiadau a bennir yno mewn perthynas â'r canlynol - Deddf Addysg 1996, adran 403(1), Deddf Addysg 1997, adran 37(1)-(4), a 37(5).	1 Medi 2001	2001/ 1274 (Cy.73) (C.46)
Provision	**Date of Commencement**	**S.I. No.**
Sections 104, 105, 107 and 108.	3 August 2000	2000/2114 (C.56)
Section 94 and section 149 insofar as it relates to paragraph 87 of Schedule 9. In schedule 9, paragraph 87.	1 September 2000	2000/2114 (C.56)
Sections 30, 47, 49 and 51, and section 149 insofar as it relates to the paragraphs of Schedule 9 listed below. Schedule 4. In Schedule 9, paragraphs 3, 4 and 93.	19 September 2000	2000/2540 (W.163)(C.70)
Sections 134-136 and 146, and section 149 insofar as it relates to paragraph 14 of Schedule 9. In Schedule 9, paragraph 14.	1 October 2000	2000/2559 (C.73)
Sections 42, 43, 44, 46, 48, 73, 87, 93, 95, 139, 141 and 145. Section 149 insofar as it relates to the paragraphs of Schedule 9 listed below. Section 153 insofar as it relates to the repeals in Schedule 11 referred to below. Schedule 5. In Schedule 9, paragraphs 21(b), 34, 36, 44(3) and (4), 45, 64, 70, 81, 86, and 92. In Schedule 11 the repeals there specified in respect of- Further and Higher Education Act 1992, sections 18 and 60A, and Schedule 5A, Education Act 1996, paragraph 113 of Schedule 37, Teaching and Higher Education Act 1998,	1 January 2001	2000/3230 (W.213)(C.103)

sections 19 and 22, School Standards and Framework Act 1998, sections 125 and 126, and Schedule 27, Government of Wales Act 1998, section 104(4).		
Section 149 insofar as it relates to the paragraphs of Schedule 9 specified below. Section 151 insofar as it relates to the provision of Schedule 10 specified below. Section 153 insofar as it relates to the repeals in Schedule 11 referred to below. In Schedule 9, paragraphs 11, 35, 37, 38, 39, 41- 43, 47-50, 52(3), 83 and 88. In Schedule 10, Part IV. In Schedule 11 the repeals there specified in respect of - Further and Higher Education Act 1992, section 91(2), School Standards and Framework Act 1998, section 142(1).	1 April 2001	2001/654(C. 25)
Sections 31-35, 37- 41, 45, 50, 74-86, 88, 91, 99. Section 103(1), (2) and (3) insofar as necessary for the purposes of section 103(4)(b). Sections 103(4), 110-112, 123-129, 137, 138, 140(3). Section 140(4), (5) and (6) insofar as necessary for the purposes of section 140(3). Sections 142-144. Section 149 insofar as it relates to the paragraphs of Schedule 9 specified below. Section 153 insofar as it relates to the provisions of Schedule 11 specified below. In Schedule 9, paragraphs 5-10, 12, 13, 15-17, 20, 21(a), 22-30, 32, 33, 40, 44(1) and (2), 46, 51, 52(1) and (2), 53-56, 59, 65, 66, 67 (5), 68, 72-74. Paragraph 75(a) and (b), and (c) insofar as it relates to section 34 of the Learning and Skills Act 2000. Paragraphs 76-80 and 94. In Schedule 11 the repeals there specified in respect of - Superannuation Act 1972, Schedule 1, House of Commons Disqualification Act 1975, Part III of Schedule I, Sex Discrimination Act 1975, section 25(6)(d), Race Relations Act 1976, section 19(6)(d), Education Reform Act 1988, section 124(2)(b), Further and Higher Education Act 1992, sections 1-9, 28(2)(b), 32(2A), 44(6), 45(6), 52(1), 55 (1)-(3) and (7), 56, and Schedule 2 ,	1 April 2001	2001/ 1274 (W.73)(C.46)

Disability Discrimination Act 1995, sections 19(6)(f) and 30(2)-(4), Education Act 1996, sections 15, 509(1), and paragraphs 70 and 112 of Schedule 37, Education Act 1997, section 30(1) and (3), Audit Commission Act 1998, section 36(1) and (2), Teaching and Higher Education Act 1998, sections 26(1) and (2), 28(1)(a) and 34, School Standards and Framework Act 1998, paragraphs 41 and 42 of Schedule 30.		
Sections 96, 100(2), 102, 103 (5) and 148. Section 149 insofar as it relates to paragraph 57 of Schedule 9. Section 153 insofar as it relates to the provisions of Schedule 11 specified below. In Schedule 9, paragraph 57. In Schedule 11, the repeals there specified in respect of - Education Act 1996, section 403(1), Education Act 1997, section 37(1)-(4), and 37(5).	1 September 2001	2001/ 1274 (W.73)(C.46)

OFFERYNNAU STATUDOL

2001 Rhif 2705 (Cy.225) (C.90)

ADDYSG, CYMRU

CYFLOGAETH A HYFFORDDIANT, CYMRU

Gorchymyn Deddf Dysgu a Medrau 2000 (Cychwyn Rhif 4) (Cymru) 2001

Wedi'i wneud *17 Gorffennaf 2001*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Gorchymyn canlynol drwy arfer y pwerau a roddwyd iddo gan adran 154(2) a (4) o Ddeddf Dysgu a Medrau 2000(**a**):

Enwi a chymhwyso

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Dysgu a Medrau 2000 (Cychwyn Rhif 4) (Cymru) 2001.

(2) Mae'r Gorchymyn hwn yn gymwys i Gymru, a daw'r darpariaethau a bennir yn yr Atodlen i rym mewn perthynas â Chymru at bob diben.

Y darpariaethau sy'n dod i rym

2.-(1) Daw'r darpariaethau yn Neddf Dysgu a Medrau 2000 a bennir yn Rhan I o'r Atodlen i'r Gorchymyn hwn i rym ar 1 Ebrill 2002.

(2) Daw'r darpariaethau yn Neddf Dysgu a Medrau 2000 a bennir yn Rhan II o'r Atodlen i'r Gorchymyn hwn i rym ar 1 Medi 2002.

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

17 Gorfennaf 2001

Llywydd y Cynulliad Cenedlaethol

(a) 2000 p.21.

(b) 1998 p.38.

STATUTORY INSTRUMENTS

2001 No. 2705 (W.225) (C.90)

EDUCATION, WALES

EMPLOYMENT AND TRAINING, WALES

The Learning and Skills Act 2000 (Commencement No. 4) (Wales) Order 2001

Made *17th July 2001*

The National Assembly for Wales makes the following Order in exercise of powers conferred on it by section 154(2) and (4) of the Learning and Skills Act 2000(**a**):

Citation and application

1.-(1) This Order may be cited as the Learning and Skills Act 2000 (Commencement No. 4) (Wales) Order 2001.

(2) This Order applies to Wales, and the provisions specified in the Schedule shall come into force in relation to Wales for all purposes.

Provisions coming into force

2.- (1) The provisions of the Learning and Skills Act 2000 specified in Part I of the Schedule to this Order shall come into force on 1st April 2002.

(2) The provisions of the Learning and Skills Act 2000 specified in Part II of the Schedule to this Order shall come into force on 1st September 2002.

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

D. Elis-Thomas

17th July 2001

The Presiding Officer of the National Assembly

(a) 2000 c.21.

(b) 1998 c.38.

YR ATODLEN

Erthygl 2

RHAN I

Darpariaethau sy'n dod i rym mewn perthynas â Chymru ar 1 Ebrill 2002

Adran 36.

Adran 113.

Adran 140 (1) a (2) a (4), (5) a (6) i'r graddau nad ydynt eisoes mewn grym.

Adran 149 i'r graddau y mae'n ymwneud â'r darpariaethau yn Atodlen 9 a bennir isod.

Adran 153 i'r graddau y mae'n ymwneud â'r darpariaethau yn Atodlen 11 a bennir isod.

Atodlen 7.

Yn Atodlen 9 -

paragraff 1 i'r graddau nad yw eisoes mewn grym,

paragraff 67(3),

paragraff 82,

paragraff 84,

paragraff 90(5) a (6),

paragraff 91.

Yn Atodlen 11 diddymiadau'r canlynol i'r graddau y maent yn ymwneud â Chymru -

yn Neddf Safonau a Fframwaith Ysgolion 1998, yn Atodlen 7, ym mharagraff 13(4) y gair "and" yn union ar ôl paragraff (b) ac ym mharagraff 13(7) y gair "or" yn union ar ôl paragraff (a) ac yn Atodlen 22, ym mharagraff 5(1) y gair "or" yn union ar ôl paragraff (a)(i).

RHAN II

Darpariaethau sy'n dod i rym mewn perthynas â Chymru ar 1 Medi 2002

Adran 97.

SCHEDULE

Article 2

PART I

Provisions coming into force in relation to Wales on 1st April 2002

Section 36.

Section 113.

Section 140 (1) and (2) and (4), (5) and (6) insofar as these are not already in force.

Section 149 in so far as it relates to the provisions of Schedule 9 specified below.

Section 153 in so far as it relates to the provisions of Schedule 11 specified below.

Schedule 7.

In Schedule 9 -

paragraph 1 insofar as it is not already in force,

paragraph 67(3),

paragraph 82,

paragraph 84,

paragraph 90(5) and (6),

paragraph 91.

In Schedule 11 the repeals insofar as they relate to Wales of -

in the Schools Standards and Framework Act 1998, in Schedule 7, in paragraph 13(4) the word "and" immediately after paragraph (b) and in paragraph 13(7) the word "or" immediately after paragraph (a) and in Schedule 22, in paragraph 5(1) the word "or" immediately after paragraph (a)(i).

PART II

Provisions coming into force in relation to Wales on 1st September 2002

Section 97.

OFFERYNNAU STATUDOL

2001 Rhif 2705 (Cy.225) (C.90)

ADDYSG, CYMRU

CYFLOGAETH A HYFFORDDIANT, CYMRU

Gorchymyn Deddf Dysgu a Medrau 2000 (Cychwyn Rhif 4) (Cymru) 2001

STATUTORY INSTRUMENTS

2001 No. 2705 (W.225) (C.90)

EDUCATION, WALES

EMPLOYMENT AND TRAINING, WALES

The Learning and Skills Act 2000 (Commencement No. 4) (Wales) Order 2001

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