CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

# 2002 Rhif 1856 (Cy.180)

# ADDYSG, CYMRU

## Rheoliadau Awdurdodau Addysg Lleol (Dyfarndaliadau Addysg Ôl-orfodol) (Cymru) 2002

### NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diddymu ac yn ailddedfu, gyda rhai newidiadau, Rheoliadau Awdurdodau Addysg Lleol (Dyfarndaliadau Addysg Ôl-orfodol) 1999 o ran awdurdodau addysg lleol (AALlau) yng Nghymru.

Mae'r newidiadau wedi cael eu gwneud o ganlyniad i gyflywno Cynllun Grant Dysgu'r Cynulliad. O dan y Cynllun hwnnw, mae'r Cynulliad Cenedlaethol yn addalu gwariant yr AALlau ar dalu'r dyfarndaliadau addysg ôl-orfodol hynny o'r enw Grantiau Dysgu'r Cynulliad, i bobl sy'n dilyn cyrsiau addysg bellach neu addysg uwch ac sy'n bodloni'r amodau ynghylch adnoddau ariannol a meini prawf cymhwyster eraill y Cynllun.

Mae'r pŵer a roddwyd i AALlau gan y rheoliadau blaenorol i ddyfarnu ysgoloriaeth, gwobr, bwrsariaeth neu ddyfarndal arall i "berson cymwys", hynny yw, person dros oed addysg ôl-orfodol, yn parhau. Gellir rhoi dyfarndal o'r fath er mwyn galluogi person cymwys i gymryd mantais o gyfleusterau addysgol penodol sydd ar gael iddo, sef addysg uwchradd a roddir mewn ysgol, neu gwrs o addysg bellach neu addysg uwch. Gwaharddodd y rheoliadau blaenorol ddyfarndaliadau i bobl sy'n gymwys i gymorth ariannol o dan adran 22 o Ddeddf Addysgu ac Addysg Uwch 1998 ac mae'r gwaharddiad hwn yn parhau, ond y mae wedi ei ddatgymhwyso mewn perthynas â Grantiau Dysgu'r Cynulliad.

Roedd y rheoliadau blaenorol yn ei gwneud yn ofynnol i bob AALl wneud penderfyniad, o ran pob blwyddyn ariannol, a fyddai'n cymhwyso ei bŵer i

NATIONAL ASSEMBLY FOR WALES

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# 2002 No. 1856 (W.180)

# EDUCATION, WALES

## Local Education Authority (Post-Compulsory Education Awards)(Wales) Regulations 2002

### EXPLANATORY NOTE

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

These Regulations revoke and re-enact, with some changes, the Local Education Authority (Post-Compulsory Education Awards) Regulations 1999 in relation to local education authorities (LEAs) in Wales.

The changes made are consequent upon the introduction of the Assembly Learning Grant Scheme. Under that Scheme the National Assembly reimburses expenditure by LEAs on the payment of those post-compulsory education awards which are known as Assembly Learning Grants, to those attending courses of further or higher education, who satisfy the conditions as to financial resources and other eligibility criteria of the Scheme.

The power given to LEAs by the previous regulations, to make a scholarship, exhibition, bursary or other award to an "eligible person", that is, a person over compulsory school age, continues. Such an award may be granted for the purpose of enabling an eligible person to take advantage of certain educational facilities available to him or her, namely secondary education provided at a school, or a course of further or higher education. The previous regulations prohibited awards to those eligible for financial support under section 22 of the Teaching and Higher Education Act 1998 and this prohibition is continued, but is disapplied in respect of Assembly Learning Grants.

The previous regulations required each LEA to make a determination in respect of each financial year as to whether it would apply its power to make post-

wneud dyfandaliadau addysg ôl-orfodol yn y flwyddyn honno, ac os felly, i ba raddau. Mae'r gofyniad hwnnw yn parhau fel y mae'r gofyniad i ddod ag unrhyw bederfyniad o'r fath at sylw'r bobl y mae'n debygol y bydd yn effeithio arnynt. Nid yw'r penderfyniad yn effeithio ar unrhyw rwymedigaeth sydd gan yr AALl hwnnw i wneud taliadau o dan ddyfarndaliadau a roddir cyn iddo gymryd effaith. Ond nid oes gan AALlau ddim pwerau i wneud penderfyniad o'r fath o ran Grantiau Dysgu'r Cynulliad.

compulsory education awards in that year and if so, to what extent. That requirement continues, as does the requirement to bring any such determination to the attention of those likely to be affected by it. The determination does not affect any obligation of that LEA to make payments under awards granted before it took effect. However, LEAs have no powers to make such a determination in respect of Assembly Learning Grants.

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# ADDYSG, CYMRU

## Rheoliadau Awdurdodau Addysg Lleol (Dyfarndaliadau Addysg Ôl-orfodol) (Cymru) 2002

| | |
|---|---|
| *Wedi'u gwneud* | *16 Gorffennaf 2002* |
| *Yn dod i rym* | *1 Awst 2002* |

Mae Cynulliad Cenedlaethol Cymru yn gwneud y rheoliadau canlynol, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 518(1)(b) a (2) a 569(4) o Ddeddf Addysg 1996(**a**) ac a freiniwyd bellach yn y Cynulliad Cenedlaethol(**b**).

**Enwi a chychwyn**

**1.** Enw'r Rheoliadau hyn yw Rheoliadau Awdurdodau Addysg Lleol (Dyfarndaliadau Addysg Ôl-orfodol) (Cymru) 2002 a deuant i rym ar 1 Awst 2002.

**Diddymu, eithrio a darparieth drosiannol**

**2**.-(1) Diddymir Rheoliadau Awdurdodau Addysg Lleol (Dyfarndaliadau Addysg Ôl-orfodol) 1999(**c**) mewn perthynas ag awdurdodau addysg lleol yng Nghymru, ond mae'r rheoliadau a ddiddymwyd yn parhau'n gymwys mewn perthynas ag unrhyw ddyfarndaliadau o dan y rheoliadau hynny a wnaed cyn i'r Rheoliadau hyn ddod i rym.

(2) Bernir i unrhyw benderfyniad a wnaed gan awdurdod addysg o dan reoliad 4 o'r rheoliadau a ddiddymwyd mewn perthynas â'r flwyddyn ariannol 2002-2003 gael ei wneud o dan reoliad 5 o'r Rheoliadau hyn.

**Dehongli**

**3**.-(1) Yn y Rheoliadau hyn, oni bai fod y cyd-destun yn mynnu fel arall-

(a) 1996 p.56. Amnewidiwyd adran 518 gan adran 129 o Ddeddf Safonau a Fframwaith Ysgolion 1998 (p.31).

(b) *Gweler* Gorchymyn Cynullaid Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(c) O.S.1999/229.

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# 2002 No. 1856 (W.180)

# EDUCATION, WALES

## Local Education Authority (Post-Compulsory Education Awards)(Wales) Regulations 2002

| | |
|---|---|
| *Made* | *16th July 2002* |
| *Coming into force* | *1st August 2002* |

The National Assembly for Wales makes the following regulations in exercise of the powers conferred upon the Secretary of State by sections 518(1)(b) and (2) and 569(4) of the Education Act 1996(**a**) and now vested in the National Assembly(**b**).

**Name and commencement**

**1**. These Regulations are called the Local Education Authority (Post-Compulsory Education Awards) (Wales) Regulations 2002 and shall come into force on 1st August 2002.

**Revocation, saving and transitional provision**

**2**.-(1) The Local Education Authority (Post-Compulsory Education Awards) Regulations 1999(**c**) are revoked in relation to local education authorities in Wales, but the revoked regulations continue to apply in connection with any awards under those regulations made before the coming into force of these Regulations.

(2) Any determination made by an education authority under regulation 4 of the revoked regulations in relation to the 2002-2003 financial year shall be deemed to have been made under regulation 5 of these Regulations.

**Interpretation**

**3**.-(1) In these Regulations, unless the context otherwise requires -

(a) 1996 c.56. Section 518 was substituted by section 129 of the School Standards and Framework Act 1998 (c.31).

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

(c) S.I.1999/229.

ystyr "awdurdod addysg" ("*education authority*") yw awdurdod addysg lleol yng Nghymru;

ystyr "blwyddyn ariannol" ("*financial year*") yw cyfnod o ddeuddeng mis sy'n dod i ben â 31 Mawrth;

ystyr "cyfleusterau addysgol" ("*educational facilities*") mewn perthynas â pherson cymwys yw-

(a) addysg uwchradd a ddarperir mewn ysgol, neu

(b) cwrs llawnamser neu ran-amser o addysg bellach neu addysg uwch mewn sefydliad addysgol neu fel arall, ar wahân i (oni bai fod y dyfarndaliad yn Grant Dysgu'r Cynulliad) gwrs y mae person yn gymwys i gael cymorth ariannol ar ei gyfer ar ffurf grant neu fenthyciad o dan reoliadau a wneir o dan adran 22 o Ddeddf Addysg Uwch 1998(**a**);

ystyr "Cynllun Grant Dysgu'r Cynulliad" ("*the Assembly Learning Grant Scheme*") yw'r cynllun a sefydlwyd gan y Cynulliad Cenedlaethol ac sy'n nodi'r amodau ynghylch gwneud grant gan y Cynulliad Cenedlaethol o dan reoliadau a wneir o dan adran 484 o Ddeddf Addysg 1996(**b**) i ad-dalu gwariant gan awdurdodau addysg wrth dalu Grantiau Dysgu'r Cynulliad, sef gwariant a gymeradwyir gan y Cynulliad Cenedlaethol at ddibenion y rheoliadau hynny ar gyfer y flwyddyn ariannol dan sylw;

ystyr "Cynulliad Cenedlaethol" ("*National Assembly*") yw Cynulliad Cenedlaethol Cymru;

ystyr "dyfarndal addysg ôl-orfodol" ("*post-compulsory education award*") yw dyfarndal a roddir gan awdurdod addysg o dan reoliad 4;

ystyr "Grant Dysgu'r Cynulliad" ("*Assembly Learning Grant*") yw dyfarndal addysg ôl-orfodol i berson sy'n dilyn cwrs o addysg bellach neu addysg uwch a ddynodwyd at ddibenion Cynllun Grant Dysgu'r Cynulliad os yw'r person hwnnw'n bodloni gofynion cymhwyster y Cynllun hwnnw;

ystyr "person cymwys" ("*eligible person*") yw person dros yr oedran ysgol orfodol;

ystyr "y rheoliadau a ddiddymwyd" ("*the revoked regulations*") yw'r rheoliadau a ddiddymwyd gan reoliad 2.

(2) Yn y Rheoliadau hyn, oni bai fod y cyd-destun yn mynnu fel arall, y mae unrhyw gyfeiriad at reoliad â

"Assembly Learning Grant" ("*Grant Dysgu'r Cynulliad*") means a post-compulsory education award to a person undergoing a course of further or higher education which has been designated for the purposes of the Assembly Learning Grant Scheme, where that person meets the eligibility requirements of that Scheme;

"the Assembly Learning Grant Scheme" ("*Cynllun Grant Dysgu'r Cynulliad*") means the scheme established by the National Assembly, setting out conditions for the making of grant by the National Assembly under regulations made under section 484 of the Education Act 1996(**a**) to reimburse expenditure incurred by education authorities in paying Assembly Learning Grants being expenditure which is approved by the National Assembly for the purposes of those regulations for the financial year in question;

"educational facilities" ("*cyfleusterau addysgol*"), in relation to an eligible person, means-

(a) secondary education provided at a school, or

(b) a full-time or part-time course of further or higher education at an educational institution or otherwise, apart from (unless the award is an Assembly Learning Grant) a course in respect of which that person is eligible for any financial support by way of grant or loan under regulations made under section 22 of the Teaching and Higher Education Act 1998(**b**);

"education authority" ("*awdurdod addysg*") means a local education authority in Wales;

"eligible person" ("*person cymwys*") means a person over compulsory school age;

"financial year" ("*blwyddyn ariannol*") means a period of twelve months ending with 31st March;

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

"post-compulsory education award" ("*dyfarndal addysg ôl-orfodol*") means an award granted by an education authority under regulation 4;

"the revoked regulations" ("*y rheoliadau a ddiddymwyd*") are the regulations revoked by regulation 2.

(2) In these Regulations, unless the context otherwise requires, any reference to a numbered

(a) 1998 p.30.

(b) Y rheoliadau cyfredol a wneir o dan 484 o Ddeddf Addysg 1996 yw Rheoliadau Addysg (Cynllun Grant Dysgu'r Cynulliad) (Cymru) (O.S. 2002/1857 (Cy.181).

(a) The current regulations made under section 484 of the Education Act 1996 are the Education (Assembly Learning Grant Scheme)(Wales) Regulations (S.I. 2002/1857 (W.181).

(b) 1998 c.30.

rhif yn gyfeiriad at y rheoliad sydd â'r rhif hwnnw yn y Rheoliadau hyn ac y mae unrhyw gyfeiriad mewn rheoliad at baragraff yn gyfeiriad at baragraff yn y rheoliad hwnnw.

regulation is a reference to the regulation bearing that number in these Regulations and any reference in a regulation to a paragraph is a reference to a paragraph of that regulation.

**Pŵer i roi dyfarndaliadau addysg ôl-orfodol**

**4**.-(1)Yn ddarostyngedig i baragraff (2) bydd gan awdurdod addysg y pŵer i roi dyfarndal addysg ôl-orfodol, sef-

(a) ysgoloriaeth,

(b) gwobr,

(c) bwrsariaeth, neu

(d) unrhyw lwfans arall

mewn perthynas â pherson cymwys at ddiben galluogi'r person hwnnw i gymryd mantais o unrhyw gyfleusterau addysgol sydd ar gael iddo.

(2) Ac eithrio pan fydd y dyfarndal yn Grant Dysgu'r Cynulliad-

(a) ni cheir arfer y pŵer yn is-adran (1) mewn perthynas ag unrhyw flwyddyn ariannol os yw'r awdurdod addysg wedi penderfynu o dan reoliad 5 na ddylai gael ei arfer mewn perthynas â'r flwyddyn ariannol honno, a

(b) pan fydd yr awdurdod addysg, mewn perthynas ag unrhyw flwyddyn ariannol, wedi penderfynu o dan reoliad 5 na cheir arfer y pŵer ond o ran personau cymwys a all fodloni meini prawf penodol, caiff yr awdurdod arfer y pŵer o dan is-adran (1) i roi dyfarndal addysg ôl-orfodol ond mewn perthynas â pherson cymwys sy'n bodloni'r meini prawf hynny.

**Power to grant post-compulsory education awards**

**4**.-(1) Subject to paragraph (2) an education authority shall have power to grant a post-compulsory education award, that is to say-

(a) a scholarship,

(b) an exhibition,

(c) a bursary, or

(d) any other allowance

in respect of an eligible person for the purpose of enabling that person to take advantage of any educational facilities available to him or her.

(2) Except where the award is an Assembly Learning Grant -

(a) the power in subsection (1) cannot be exercised in relation to any financial year if the education authority have determined under regulation 5 that it should not be exercised in relation to that financial year; and

(b) where in relation to any financial year the education authority have determined under regulation 5 that the power can be exercised only in the case of eligible persons who satisfy particular criteria, the authority can exercise the power under subsection (1) to grant a post-compulsory education award only in respect of an eligible person who satisfies those criteria.

**Awdurdod addysg yn penderfynu**

**5.**-(1) Rhaid i awdurdod addysg benderfynu mewn perthynas â phob blwyddyn ariannol, a ddylai arfer y pŵer yn rheoliad 4(1) mewn perthynas â dyfarndaliadau addysg ôl-orfodol ac os penderfyna wneud felly yn y flwyddyn honno a ddylai wneud hynny-

(a) yn gyffredinol, neu

(b) dim ond yn achos personau cymwys sy'n bodloni'r meini prawf y caiff yr awdurdod benderfynu arnynt.

(2) Rhaid i awdurdod addysg benderfynu o dan baragraff (1)-

(a) mewn perthynas â'r flwyddyn ariannol 2002-2003, o fewn tri mis i'r Rheoliadau hyn ddod i rym (oni bai i'r awdurdod hwnnw benderfynu'n barod mewn perthynas â'r flwyddyn ariannol honno o dan reoliad 4 o'r rheoliadau a ddiddymwyd); a

(b) mewn perthynas â phob blwyddyn ariannol ganlynol, yn y cyfnod o ddeuddeng mis sy'n dod i ben â diwrnod cyntaf y flwyddyn honno.

**Determination by an education authority**

**5**.-(1) An education authority must determine, in respect of each financial year, whether they should exercise the power in regulation 4(1) in respect of post-compulsory education awards and if they are to do so in that year whether to do so-

(a) generally, or

(b) only in the cases of eligible persons who satisfy such criteria as may be determined by the authority.

(2) An education authority must make a determination under paragraph (1)-

(a) in relation to the 2002-2003 financial year, within three months after the coming into force of these Regulations (unless that authority has already made a determination in relation to that financial year under regulation 4 of the revoked regulations); and

(b) in relation to every subsequent financial year, in the period of twelve months ending with the first day of that year.

(3) Ni fydd unrhyw benderfyniad o dan baragraff (1) mewn perthynas ag unrhyw flwyddyn ariannol yn effeithio ar rwymedigaeth barhaus yr awdurdod addysg i wneud taliadau o dan ddyfarndal addysg ôl-orfodol ac a roddir mewn perthynas â pherson cymwys cyn y dyddiad y bydd y penderfyniad yn cymryd effaith.

(4) Yn union wedi i awdurdod addysg benderfynu o dan baragraff (1) mewn perthynas ag unrhyw flwyddyn ariannol, rhaid iddo gymryd y camau y barna eu bod yn rhesymol i'w cymryd er mwyn dod ag effaith y penderfyniad at sylw'r personau hynny y mae'n debygol y bydd yn effeithio arnynt.

(3) No determination under paragraph (1) in relation to any financial year shall affect the continued obligation of the education authority to make payments under a post-compulsory education award granted in respect of an eligible person before the date on which the determination takes effect.

(4) Immediately after an education authority have made a determination under paragraph (1) in relation to any financial year, they must take such steps as they consider reasonable to bring the effect of the determination to the attention of those persons likely to be affected by it.

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

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

16 Gorffennaf 2002

16th July 2002

*D Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

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# 2002 Rhif 1856 (Cy.180)

# ADDYSG, CYMRU

## Rheoliadau Awdurdodau Addysg Lleol (Dyfarndaliadau Addysg Ôl-orfodol) (Cymru) 2002

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# EDUCATION, WALES

## Local Education Authority (Post-Compulsory Education Awards)(Wales) Regulations 2002

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