OFFERYNNAU STATUDOL CYMRU

2024 Rhif 806 (Cy. 130) (C. 51)

ADDYSG, CYMRU

Gorchymyn Deddf Addysg Drydyddol ac Ymchwil (Cymru) 2022 (Cychwyn Rhif 4 a Darpariaethau Darfodol a Throsiannol) 2024

Gwnaed *17 Gorffennaf 2024*

WELSH STATUTORY INSTRUMENTS

2024 No. 806 (W. 130) (C. 51)

EDUCATION, WALES

The Tertiary Education and Research (Wales) Act 2022 (Commencement No. 4 and Transitory and Transitional Provisions) Order 2024

Made *17 July 2024*

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NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn dwyn i rym ddarpariaethau yn Neddf Addysg Drydyddol ac Ymchwil (Cymru) 2022 ("y Ddeddf") ac yn gwneud darpariaeth ddarfodol a throsiannol mewn cysylltiad â dyfodiad darpariaethau penodol i rym. Hwn yw'r pumed gorchymyn a wnaed gan Weinidogion Cymru o dan y Ddeddf. Roedd y gorchymyn blaenorol (y pedwerydd) yn darparu ar gyfer diwygiadau i orchymyn cychwyn cynharach a wnaed gan Weinidogion Cymru o dan y Ddeddf.

Mae Rhan 1 (erthygl 1) yn gwneud darpariaeth mewn cysylltiad ag enwi a dehongli'r Gorchymyn hwn.

Mae Rhan 2 (erthyglau 2 i 13) yn dwyn i rym ddarpariaethau o'r Ddeddf ar 1 Awst 2024. Dygir rhai darpariaethau i rym yn llawn a dygir eraill i rym at ddibenion penodol.

Mae erthygl 2(b) yn dwyn i rym adran 23 o'r Ddeddf, sy'n darparu ar gyfer diddymu Cyngor Cyllido Addysg Uwch Cymru ("CCAUC"). Mae'r Gorchymyn hwn yn darparu ar gyfer y cyfnodau pryd y bydd y Comisiwn Addysg Drydyddol ac Ymchwil ("y Comisiwn") yn arfer swyddogaethau penodol CCAUC, o ddiddymu CCAUC ymlaen, o dan Ddeddf Addysg Bellach ac Uwch 1992 ("Deddf 1992") (erthygl 18) a Deddf Addysg Uwch (Cymru) 2015 ("Deddf 2015") (erthyglau 20 i 22).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Tertiary Education and Research (Wales) Act 2022 ("the Act") and makes transitory and transitional provision in connection with the coming into force of certain provisions. This is the fifth order made by the Welsh Ministers under the Act. The previous (fourth) order provided for amendments to an earlier commencement order made by the Welsh Ministers under the Act.

Part 1 (article 1) makes provision in respect of the title and interpretation of this Order.

Part 2 (articles 2 to 13) brings provisions of the Act into force on 1 August 2024. Some provisions are brought into force in full and others are brought into force for certain purposes.

Article 2(b) brings into force section 23 of the Act which provides for the dissolution of the Higher Education Funding Council for Wales ("HEFCW"). This Order provides for the periods during which the Commission for Tertiary Education and Research ("the Commission") will exercise, from HEFCW's dissolution, certain of HEFCW's functions under the Further and Higher Education Act 1992 ("the 1992 Act") (article 18) and the Higher Education (Wales) Act 2015 ("the 2015 Act") (articles 20 to 22).

Mae erthygl 2(a) yn dwyn i rym ddyletswyddau'r Comisiwn i hybu gwaith ymchwil ac arloesi yn adran 6(1) o'r Ddeddf. Mae erthygl 4 yn dwyn i rym adran 6(2), sy'n darparu ar gyfer ystyr "person perthnasol" fel y cyfeirir ato yn adran 6(1). Mae i "person perthnasol" yr ystyr a nodir yn erthygl 4(2) yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben yn union cyn i adran 105 o'r Ddeddf ddod i rym yn llawn.

Article 2(a) brings into force the Commission's duties to promote research and innovation in section 6(1) of the Act. Article 4 brings into force section 6(2) which provides for the meaning of "relevant person" as referred to in section 6(1). "Relevant person" has the meaning set out in article 4(2) during the period beginning with 1 August 2024 and ending immediately before the coming into force of section 105 of the Act in full.

Mae erthygl 2(c) yn dwyn i rym swyddogaethau penodol y Comisiwn sy'n ymwneud â chyhoeddi fframweithiau sicrhau ansawdd o dan adran 50(1) i (3), (4)(b) ac (c), (7) ac (8) o'r Ddeddf. Mae erthygl 5 yn dwyn i rym adran 50(4)(a) yn ddarostyngedig i addasiad bod rhaid i'r Comisiwn ymgynghori â phob sefydliad rheoleiddiedig (yn lle pob darparwr cofrestredig) cyn cyhoeddi, adolygu neu dynnu'n ôl unrhyw fframwaith yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben â 31 Gorffennaf 2026. Mae'r addasiad hwn yn ofynnol gan na fydd unrhyw ddarparwyr cofrestredig yn ystod y cyfnod hwnnw. Mae "sefydliad rheoleiddiedig" yn sefydliad sydd â chynllun ffioedd a mynediad a gymeradwywyd mewn grym (gweler adran 7(5)(b) o Ddeddf 2015) ac mae "darparwr cofrestredig" yn ddarparwr addysg drydyddol sydd wedi ei gofrestru yn y gofrestr a sefydlwyd ac a gynhelir gan y Comisiwn o dan adran 25 o'r Ddeddf (gweler adran 144(1) o'r Ddeddf).

Article 2(c) brings into force certain functions of the Commission relating to the publication of quality assurance frameworks under section 50(1) to (3), (4)(b) and (c), (7) and (8) of the Act. Article 5 brings into force section 50(4)(a) subject to a modification that the Commission must consult each regulated institution (instead of each registered provider) before publishing, revising or withdrawing any framework during the period beginning with 1 August 2024 and ending with 31 July 2026. This modification is required because there will be no registered providers during that period. A "regulated institution" is an institution with an approved fee and access plan in force (see section 7(5)(b) of the 2015 Act) and a "registered provider" is a tertiary education provider that is registered in the register established and maintained by the Commission under section 25 of the Act (see section 144(1) of the Act).

Mae erthygl 2(d) yn dwyn i rym adran 86(2), (3) a (7) o'r Ddeddf, sy'n nodi'r cyfyngiadau ar y telerau ac amodau y caniateir i Weinidogion Cymru eu gosod ar gyllid y maent yn ei ddarparu i'r Comisiwn. Mae erthygl 6 yn dwyn i rym adran 86(1), (5) a (6) ac yn darparu ar gyfer addasiadau dros dro fel bod y cyfyngiadau ar y telerau ac amodau sy'n gymwys yn unol â'r is-adrannau hynny hefyd yn gymwys mewn cysylltiad â darparu cyllid gan y Comisiwn i berson o dan adran 65 o Ddeddf 1992. Mae'r addasiadau yn gymwys o 1 Awst 2024 hyd nes bod adran 65 o Ddeddf 1992 wedi ei diddymu. Mae erthygl 7 yn dwyn i rym adran 86(4) yn ddarostyngedig i'r addasiad bod y cyfeiriad at bŵer y Comisiwn i gyllido gwaith ymchwil ac arloesi o dan adran 105 o'r Ddeddf yn gyfeiriad at bŵer cyllido'r Comisiwn o dan adran 65 o Ddeddf 1992. Mae'r addasiad hwn yn gymwys o 1 Awst 2024 hyd nes y dygir adran 105 o'r Ddeddf i rym yn llawn.

Article 2(d) brings into force section 86(2), (3) and (7) of the Act which sets out the limitations on the terms and conditions that the Welsh Ministers may attach to funding they provide to the Commission. Article 6 brings into force section 86(1), (5) and (6) and provides for temporary modifications so that the limitations on the terms and conditions that apply pursuant to those subsections also apply in respect of the provision of funding by the Commission to a person under section 65 of the 1992 Act. The modifications apply from 1 August 2024 until section 65 of the 1992 Act is repealed. Article 7 brings section 86(4) into force subject to the modification that the reference to the Commission's power to fund research and innovation under section 105 of the Act is to the Commission's funding power under section 65 of the 1992 Act. This modification applies from 1 August 2024 until section 105 of the Act is brought into force in full.

Mae erthygl 2(e) yn dwyn i rym adran 131(1), (2)(c) a (d), (4) a (5). Mae adran 131(1) yn galluogi'r Comisiwn, drwy hysbysiad, i'w gwneud yn ofynnol i bersonau a restrir yn is-adran (2) roi i'r Comisiwn wybodaeth y mae'n gofyn amdani at ddibenion arfer ei swyddogaethau. Mae awdurdod lleol wedi ei restru fel person yn adran 131(2)(c) ac mae corff llywodraethu ysgol a gynhelir yng Nghymru sy'n darparu addysg

Article 2(e) brings into force section 131(1), (2)(c) and (d), (4) and (5). Section 131(1) enables the Commission, by notice, to require persons listed in subsection (2) to give it information it requests for the purposes of the exercise of its functions. A local authority is listed as a person in section 131(2)(c) and the governing body of a maintained school in Wales that is providing or has arranged to provide higher

uwch, neu sydd wedi trefnu i addysg uwch gael ei ddarparu, yn yr ysgol, yn berson at ddibenion adran 131(2)(d). Mae erthygl 8 yn dwyn i rym adran 131(2)(a) a (b)(viii) yn ddarostyngedig i'r addasiad bod cyfeiriadau at "darparwr cofrestredig" yn adran 131(2)(a) a (2)(b), i'r graddau y mae'n gymwys i is-baragraff (viii), i'w darllen fel cyfeiriadau at "sefydliad rheoleiddiedig" yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben â 31 Gorffennaf 2026. Mae erthygl 8 yn galluogi'r Comisiwn i'w gwneud yn ofynnol i sefydliadau rheoleiddiedig a phersonau ac eithrio sefydliadau rheoleiddiedig sy'n cael cyllid gan y Comisiwn yn unol ag adran 136 o'r Ddeddf roi i'r Comisiwn wybodaeth y mae'n gofyn amdani at ddibenion arfer ei swyddogaethau.

education at the school is a person for the purposes of section 131(2)(d). Article 8 brings section 131(2)(a) and (b)(viii) into force subject to the modification that references to "registered provider" in section 131(2)(a) and (2)(b), in so far as it applies to sub-paragraph (viii), are to be read as "regulated institution" during the period beginning with 1 August 2024 and ending with 31 July 2026. Article 8 enables the Commission to require regulated institutions and persons other than regulated institutions in receipt of funding from the Commission pursuant to section 136 of the Act to give it information it requests for the purposes of the exercise of its functions.

Mae erthygl 16 yn mewnosod darpariaeth newydd (aa) yn adran 131(2) a darpariaeth newydd (2A) ar ôl adran 131(2) yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben â 31 Gorffennaf 2026. Mae'r darpariaethau hyn yn galluogi'r Comisiwn i'w gwneud yn ofynnol i berson ac eithrio sefydliad rheoleiddiedig sy'n cael cyllid a ddarperir o dan adran 65 o Ddeddf 1992 roi i'r Comisiwn wybodaeth y mae'n gofyn amdani at ddibenion arfer ei swyddogaethau.

Article 16 inserts new provision (aa) in section 131(2) and new provision (2A) after section 131(2) during the period beginning with 1 August 2024 and ending with 31 July 2026. These provisions enable the Commission to require a person other than a regulated institution in receipt of funding provided under section 65 of the 1992 Act to provide it with information it requests for the purposes of the exercise of its functions.

Mae erthygl 3(a) yn dwyn i rym adran 131(3)(a) o'r Ddeddf i'r graddau y mae'n ymwneud â pherson a grybwyllir yn is-adran (2)(c) neu (d). Mae erthygl 3(b) yn dwyn i rym adran 131(6) o'r Ddeddf i'r graddau y mae'n galluogi'r Comisiwn i roi gwybodaeth i berson a restrir yn adran 131(2)(a), (aa), (b)(viii), (c) a (d) am unrhyw fater y mae gan y Comisiwn swyddogaeth mewn perthynas ag ef.

Article 3(a) brings into force section 131(3)(a) of the Act to the extent it relates to a person mentioned in subsection (2)(c) or (d). Article 3(b) brings into force section 131(6) of the Act to the extent it enables the Commission to give a person listed in section 131(2)(a), (aa), (b)(viii), (c) and (d) information about any matter in relation to which the Commission has a function.

Mae erthygl 2(f) yn dwyn i rym adran 135(1), (2), (4) a (5) o'r Ddeddf. Mae adran 135(1) yn galluogi'r Comisiwn i roi cyngor a dyroddi canllawiau ynghylch darparu addysg drydyddol neu ynghylch materion sy'n gysylltiedig â swyddogaethau'r Comisiwn. Mae adran 135(2) yn gosod rhwymedigaeth ar y Comisiwn i nodi arferion da a dyroddi cyngor a chanllawiau mewn perthynas â rhannu gwybodaeth gan bersonau a restrir yn is-adran (3). Mae erthygl 9 yn dwyn i rym adran 135(3) o'r Ddeddf yn ddarostyngedig i'r addasiad bod y ddau gyfeiriad at "darparwr cofrestredig" i'w darllen fel cyfeiriadau at "sefydliad rheoleiddiedig" yn ystod y cyfnod trosiannol sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben â 31 Gorffennaf 2026. Mae adran 135(4) a (5) yn gosod rhwymedigaeth ar y Comisiwn i gyhoeddi unrhyw ganllawiau y mae'n eu dyroddi o dan is-adrannau (1) a (2) ac i sefydlu systemau ar gyfer casglu gwybodaeth.

Article 2(f) brings into force section 135(1), (2), (4) and (5) of the Act. Section 135(1) enables the Commission to give advice and issue guidance about the provision of tertiary education or matters connected to its functions. Section 135(2) obliges the Commission to identify good practice and issue advice and guidance in relation to the sharing of information by persons listed in subsection (3). Article 9 brings into force section 135(3) of the Act subject to the modification that both references to "a registered provider" are to be read as "a regulated institution" during the period beginning with 1 August 2024 and ending with 31 July 2026. Section 135(4) and (5) obliges the Commission to publish any guidance it issues under subsections (1) and (2) and to establish systems for collecting information.

Mae erthygl 2(g) yn dwyn i rym adran 136 o'r Ddeddf, sy'n galluogi'r Comisiwn neu Weinidogion Cymru i wneud ymchwil, neu i sicrhau cyllid er mwyn i eraill wneud ymchwil, sy'n dod o fewn is-adran (1)(a) i (d).

Article 2(g) brings into force section 136 of the Act which enables the Commission or the Welsh Ministers to carry out or secure funding for others to carry out research falling within subsection (1)(a) to (d).

Mae erthygl 2(h) yn dwyn i rym adran 139(1), (2) a (4) o'r Ddeddf, sy'n darparu ar gyfer diwygio adran 128(1)(b)(iii) a (4)(b) (diddymu corfforaethau addysg uwch yng Nghymru) o Ddeddf Diwygio Addysg 1988 er mwyn rhoi cyfeiriadau at y Comisiwn yn lle cyfeiriadau at CCAUC.

Article 2(h) brings into force section 139(1), (2) and (4) of the Act which provides for amendments to section 128(1)(b)(iii) and (4)(b) (dissolution of higher education corporations in Wales) of the Education Reform Act 1988 to substitute references to HEFCW with references to the Commission.

Mae erthygl 2(i) yn dwyn i rym adran 140 o'r Ddeddf. Mae adran 140 yn mewnosod adran newydd 9A yn Neddf Cyflogaeth a Hyfforddiant 1973, sy'n gosod rhwymedigaeth ar Weinidogion Cymru i ymgynghori â'r Comisiwn, ym mhob blwyddyn ariannol, ynghylch blaenoriaethau strategol yn y flwyddyn ariannol nesaf.

Article 2(i) brings into force section 140 of the Act. Section 140 inserts a new section 9A in the Employment and Training Act 1973 which obliges the Welsh Ministers to consult the Commission in each financial year on strategic priorities in the next financial year.

Mae erthygl 2(j) yn dwyn i rym ddarpariaethau ym mharagraffau 4, 8, 9, 11 a 15 o Atodlen 1 (y Comisiwn) i'r Ddeddf i'r graddau nad ydynt eisoes mewn grym, ynghyd â pharagraff 6. Mae'r paragraffau hyn o Atodlen 1 yn gwneud darpariaeth ynghylch aelod cyswllt y Comisiwn, telerau aelodaeth gyswllt, pwyllgor penodi aelod y staff a gofynion o ran cyfrifon ac archwilio.

Article 2(j) brings into force provisions in paragraphs 4, 8, 9, 11 and 15 of Schedule 1 (the Commission) to the Act to the extent they are not already in force, together with paragraph 6. These paragraphs of Schedule 1 make provision about the associate Commission staff member, terms of associate membership, the staff member appointment committee, and accounts and audit requirements.

Mae erthygl 2(k)(i) i (xxiii) yn dwyn i rym ddarpariaethau yn Atodlen 4 (mân ddiwygiadau a diwygiadau canlyniadol) i'r Ddeddf, sy'n diwygio deddfwriaeth sy'n codi o ganlyniad i'r Ddeddf.

Article 2(k)(i) to (xxiii) brings into force provisions in Schedule 4 (minor and consequential amendments) to the Act which make amendments to legislation arising in consequence of the Act.

Mae erthygl 3(c)(i) i (vii) yn dwyn i rym ddiwygiadau penodol a nodir yn Atodlen 4 i'r Ddeddf i'r graddau a bennir.

Article 3(c)(i) to (vii) brings into force certain amendments set out in Schedule 4 to the Act to the extent specified.

Mae erthygl 10 yn dwyn i rym baragraff 32 o Atodlen 4 i'r Ddeddf, sy'n rhoi cyfeiriadau at y Comisiwn yn lle cyfeiriadau at CCAUC yn adran 6 (ystyr corff cyhoeddus) ac adran 32 (partneriaid eraill) o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 ("Deddf Llesiant 2015"). Mae erthygl 10 yn gwneud darpariaeth ddarfodol mewn cysylltiad â'r cyfnod pryd y mae rhaid i Archwilydd Cyffredinol Cymru gynnal ymchwiliadau a rhoi adroddiad ynglŷn ag i ba raddau y mae'r Comisiwn wedi gweithredu yn unol â'r egwyddor datblygu cynaliadwy wrth osod ei amcanion llesiant a chymryd camau i gyflawni'r amcanion hynny at ddibenion adran 15(1) o Ddeddf Llesiant 2015.

Article 10 brings into force paragraph 32 of Schedule 4 to the Act which substitutes references to HEFCW with references to the Commission in section 6 (meaning of public body) and section 32 (other partners) of the Well-being of Future Generations (Wales) Act 2015 ("Well-being Act 2015"). Article 10 makes transitory provision in respect of the period during which the Auditor General for Wales must examine and report on the extent to which the Commission has acted in accordance with the sustainable development principle when setting its well-being objectives and taking steps to meet those objectives for the purposes of section 15(1) of the Well-being Act 2015.

Mae erthygl 43 yn gwneud darpariaeth drosiannol mewn cysylltiad ag adran 9(2)(a) o Ddeddf Llesiant 2015 fel ei bod yn ofynnol i'r Comisiwn osod a chyhoeddi ei amcanion llesiant heb fod yn hwyrach na 31 Mawrth 2025.

Article 43 makes transitional provision in respect of section 9(2)(a) of the Well-being Act 2015 so that the Commission is required to set and publish its well-being objectives no later than 31 March 2025.

Mae erthyglau 11(1) a 12(1) yn dwyn i rym ddiwygiadau canlyniadol sy'n ymwneud ag adran 145B (astudiaethau ar gais cyrff addysgol) o Ddeddf Llywodraeth Cymru 1998 ("Deddf 1998"), a nodir ym mharagraff 12(2)(a)(i) a (b) o Atodlen 4 i'r Ddeddf. Mae erthygl 11(2) yn darparu, pan mai CCAUC yw'r corff sydd wedi gofyn am astudiaeth sydd ar y gweill yn union cyn 1 Awst 2024 gan Archwilydd Cyffredinol Cymru o dan adran 145B(1), fod yr astudiaeth honno i'w thrin, ar ac ar ôl 1 Awst 2024, at ddibenion yr adran honno ac adran 145B(3) o Ddeddf 1998, fel pe bai'r Comisiwn wedi gofyn amdani. Mae erthygl 12(2) yn darparu, pan fo Archwilydd Cyffredinol Cymru, yn union cyn 1 Awst 2024, i fod i ymateb i gais am gyngor a ddaeth i law oddi wrth CCAUC cyn 1 Awst 2024 o dan adran 145B(4) o Ddeddf 1998, fod y cais hwnnw am gyngor i'w drin ar ac ar ôl 1 Awst 2024 fel pe bai wedi ei wneud gan y Comisiwn.

Articles 11(1) and 12(1) bring into force consequential amendments relating to section 145B (studies at request of educational bodies) of the Government of Wales Act 1998 ("1998 Act") set out in paragraph 12(2)(a)(i) and (b) of Schedule 4 to the Act. Article 11(2) provides that where HEFCW is the requesting body for a study being undertaken immediately before 1 August 2024 by the Auditor General for Wales under section 145B(1), that study is on and after 1 August 2024 to be treated for the purposes of that section and section 145B(3) of the 1998 Act as having been requested by the Commission. Article 12(2) provides that where, immediately before 1 August 2024, the Auditor General for Wales is due to respond to a request for advice received from HEFCW before 1 August 2024 under section 145B(4) of the 1998 Act, that request for advice is to be treated on and after 1 August 2024 as having been made by the Commission.

Mae erthygl 13 yn dwyn i rym ddiwygiadau canlyniadol sy'n ymwneud ag adran 144 (sefydliadau dynodedig: gwaredu tir, etc.) o Ddeddf Dysgu a Sgiliau 2000 yn ddarostyngedig i ddarpariaethau trosiannol a nodir ym mharagraff (2). Mae adran 144 yn ymwneud â gwarediadau tir penodol gan ymddiriedolwyr. Mae'r darpariaethau trosiannol yn darparu, mewn perthynas â gwarediad tir yng Nghymru cyn 1 Awst 2024, mai Gweinidogion Cymru yw'r awdurdod priodol o hyd (yn hytrach na'r Comisiwn) at ddibenion yr adran honno; a phan fo cymrodeddwr wedi ei benodi mewn perthynas â gwarediad o'r fath, bo treuliau'r cymrodeddwr hwnnw yn cael eu hysgwyddo'n gyfartal rhwng yr ymddiriedolwyr a Gweinidogion Cymru (yn hytrach na'r Comisiwn).

Article 13 brings into force consequential amendments relating to section 144 (designated institutions: disposal of land, etc.) of the Learning and Skills Act 2000 subject to transitional provisions set out in paragraph (2). Section 144 concerns certain disposals of land by trustees. The transitional provisions provide that, in relation to a disposal of land in Wales before 1 August 2024, the Welsh Ministers (rather than the Commission) remain the appropriate authority for the purposes of that section; and where an arbitrator is appointed in relation to such a disposal, the expenses of that arbitrator are borne equally between the trustees and the Welsh Ministers (rather than the Commission).

Mae Rhan 3 (erthyglau 14 a 15) yn dwyn i rym o 1 Ebrill 2025 baragraff 16(1)(a) a (b) a (3) i (5) o Atodlen 1 i'r Ddeddf. Mae'r darpariaethau hyn yn ei gwneud yn ofynnol i'r Comisiwn lunio adroddiad blynyddol sy'n nodi sut y mae wedi arfer ei swyddogaethau yn ystod blwyddyn ariannol, y cynnydd y mae wedi ei wneud tuag at weithredu ei gynllun strategol ac i ba raddau y mae wedi ymdrin â'r datganiad o flaenoriaethau strategol gan Weinidogion Cymru. Mae erthygl 15(2) yn darparu nad yw dyletswydd y Comisiwn i lunio adroddiad blynyddol mewn cysylltiad â sut y mae wedi arfer ei swyddogaethau ym mharagraff 16(1)(a) yn cynnwys manylion ynghylch sut y mae wedi arfer ei swyddogaethau o dan Ddeddf 2015 yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben yn union cyn i baragraff 31 o Atodlen 4 i'r Ddeddf ddod i rym

Part 3 (articles 14 and 15) brings into force from 1 April 2025 paragraph 16(1)(a) and (b) and (3) to (5) of Schedule 1 to the Act. These provisions require the Commission to prepare an annual report setting out how it has exercised its functions during a financial year, the progress it has made towards implementing its strategic plan and the extent to which it has addressed the Welsh Ministers' statement of strategic priorities. Article 15(2) provides that the Commission's duty to prepare an annual report in respect of how it has exercised its functions in paragraph 16(1)(a) does not include details of how it has exercised its functions under the 2015 Act during the period beginning with 1 August 2024 and ending immediately before the coming into force of paragraph 31 of Schedule 4 to the Act in full. The Commission must send a copy of the report to the Welsh Ministers

yn llawn. Rhaid i'r Comisiwn anfon copi o'r adroddiad at Weinidogion Cymru, a rhaid iddynt hwythau osod copi gerbron Senedd Cymru. Mae erthygl 14(b) yn dwyn i rym baragraff 17(1) sy'n rhoi ystyr "blwyddyn ariannol" at ddibenion paragraff 16.

who must lay a copy before Senedd Cymru. Article 14(b) brings into force paragraph 17(1) which provides the meaning of "financial year" for the purposes of paragraph 16.

Mae Rhan 4 (erthyglau 16 i 27) yn nodi addasiadau dros dro i ddeddfwriaeth sy'n codi mewn cysylltiad â diddymu CCAUC a phontio i'r system gofrestru a sefydlwyd o dan Ran 2 o'r Ddeddf.

Part 4 (articles 16 to 27) sets out temporary modifications to legislation arising in connection with the dissolution of HEFCW and the transition to the registration system established under Part 2 of the Act.

Mae Rhan 5 (erthyglau 28 i 45) yn gwneud darpariaeth drosiannol mewn cysylltiad â diddymu CCAUC. Mae hyn yn cynnwys darpariaethau sy'n ymwneud â pharhad pethau a wnaed gan CCAUC cyn ei ddiddymu, cyflwyno datganiad terfynol o gyfrifon CCAUC, agweddau penodol ar Ddeddf 2015 a rheoliadau a wneir o dan Ddeddf 2015.

Part 5 (articles 28 to 45) makes transitional provision in respect of the dissolution of HEFCW. This includes provisions relating to the continuation of things done by HEFCW prior to its dissolution, submission of HEFCW's final statement of accounts, certain aspects of the 2015 Act and regulations made under the 2015 Act.

Mae erthygl 28 yn darparu ar gyfer parhad a thriniaeth, o 1 Awst 2024 ymlaen, bethau a wnaed, neu a oedd yn cael eu gwneud, gan CCAUC, mewn perthynas ag ef, neu ar ei ran, cyn y dyddiad hwnnw, pan fo'r pethau hynny yn gysylltiedig â swyddogaeth sydd i'w chyflawni gan y Comisiwn yn rhinwedd y Gorchymyn hwn neu oherwydd bod darpariaeth o'r Ddeddf yn dod i rym yn rhinwedd y Gorchymyn hwn. Mae erthygl 28 hefyd yn darparu bod cyfeiriadau at CCAUC mewn canllawiau, gwybodaeth, cyngor neu ddogfennau eraill cysylltiedig i gael effaith fel pe bai'r cyfeiriadau hynny yn gyfeiriadau at y Comisiwn. Nid yw erthygl 28 yn gymwys mewn perthynas ag erthyglau 11 i 13, 30 i 42, 44 na 45 o'r Gorchymyn hwn.

Article 28 provides for the continuation and treatment, from 1 August 2024, of things done or being done by, in relation to, or on behalf of HEFCW before that date, where those things are in connection with a function to be performed by the Commission by virtue of this Order or the coming into force of a provision of the Act by virtue of this Order. Article 28 also provides that references to HEFCW in related guidance, information, advice or other documents are to have effect as if those references are references to the Commission. Article 28 does not apply in relation to articles 11 to 13, 30 to 42, 44 or 45 of this Order.

Mae erthygl 29 yn darparu bod rhaid i'r Comisiwn gyflwyno datganiad terfynol o gyfrifon CCAUC i Weinidogion Cymru ac Archwilydd Cyffredinol Cymru erbyn 30 Tachwedd 2024. Rhaid llunio'r datganiad yn unol ag unrhyw gyfarwyddydau a roddir gan Weinidogion Cymru. Rhaid i Archwilydd Cyffredinol Cymru archwilio'r datganiad, ei ardystio ac adrodd arno a gosod copi o'r adroddiad hwnnw a'r datganiad gerbron Senedd Cymru.

Article 29 provides for the Commission to submit HEFCW's final statement of accounts to the Welsh Ministers and the Auditor General for Wales by 30 November 2024. The statement must be prepared in accordance with any directions given by the Welsh Ministers. The Auditor General for Wales must examine, certify and report on the statement and lay a copy of that report and statement before Senedd Cymru.

Mae'r Gorchymyn hwn yn gwneud darpariaeth ar gyfer parhad a thriniaeth, o 1 Awst 2024 ymlaen, gynlluniau ffioedd a mynediad a gymeradwywyd gan CCAUC o dan Ran 2 o Ddeddf 2015 (erthygl 30), cyfarwyddydau, hysbysiadau ac unrhyw hysbysiadau rhybuddio cysylltiedig a roddir gan CCAUC o dan y Ddeddf honno (erthyglau 31, 32, 34 a 37 i 39) ac adolygiadau o dan Ran 6 o Ddeddf 2015 sydd ar y gweill yn union cyn y dyddiad hwnnw (erthygl 33). Mae'r Gorchymyn hwn hefyd yn gwneud darpariaeth drosiannol sy'n ymwneud â chyfarwyddydau a roddir gan Weinidogion Cymru o dan adran 28(4) o Ddeddf 2015 a chanllawiau a ddyroddir gan Weinidogion Cymru sy'n cael effaith yn union cyn 1 Awst 2024 (erthyglau 35, 40 a 41). Yn ogystal, mae erthyglau 36 a

This Order makes provision for the continuation and treatment, from 1 August 2024, of fee and access plans approved by HEFCW under Part 2 of the 2015 Act (article 30), directions, notices and any related warning notices given by HEFCW under that Act (articles 31, 32, 34 and 37 to 39) and reviews under Part 6 of the 2015 Act which are in progress immediately before that date (article 33). This Order also makes transitional provision concerning directions given by the Welsh Ministers under section 28(4) of the 2015 Act and guidance issued by the Welsh Ministers which have effect immediately before 1 August 2024 (articles 35, 40 and 41). Additionally, articles 36 and 42 make provision, respectively, for the continuation and treatment, from 1 August 2024, of the financial

42 yn gwneud darpariaeth, yn ôl eu trefn, ar gyfer parhad a thriniaeth, o 1 Awst 2024 ymlaen, y cod rheolaeth ariannol a gyhoeddir o dan Ran 4 o Ddeddf 2015, a'r datganiad mewn cysylltiad â swyddogaethau ymyrryd a gyhoeddir o dan adran 52 o Ddeddf 2015, sy'n cael effaith yn union cyn 1 Awst 2024.

O ran rheoliadau a wneir o dan Ddeddf 2015, mae erthygl 44 yn gwneud darpariaeth drosiannol mewn cysylltiad â rheoliad 11 o Reoliadau Addysg Uwch (Cynlluniau Ffioedd a Mynediad) (Hysbysiadau a Chyfarwyddydau) (Cymru) 2015. Mae erthygl 45 yn gwneud darpariaeth drosiannol mewn cysylltiad â rheoliad 7 o Reoliadau Addysg Uwch (Cynlluniau Ffioedd a Mynediad) (Hysbysiadau, Gweithdrefn a Chyhoeddi) (Cymru) 2016.

NODYN AM Y GORCHMYNION CYCHWYN CYNHARACH

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

Mae'r darpariaethau a ganlyn o'r Ddeddf wedi eu dwyn i rym drwy orchymynion cychwyn a wnaed cyn dyddiad y Gorchymyn hwn.

Y Ddarpariaeth	*Y Dyddiad Cychwyn*	*Rhif O.S.*
Adran 1	15 Rhagfyr 2022	O.S. 2022/1318 (Cy. 267) (C. 106)
Adran 2 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 2 (i'r graddau nad yw eisoes mewn grym)	1 Ebrill 2024	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 3 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 3 (i'r graddau nad yw eisoes mewn grym)	1 Ebrill 2024	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 4 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 4 (i'r graddau nad yw eisoes mewn grym)	1 Ebrill 2024	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 5 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)

management code published under Part 4 of the 2015 Act and the statement in respect of intervention functions published under section 52 of the 2015 Act which have effect immediately before 1 August 2024.

As regards regulations made under the 2015 Act, article 44 makes transitional provision in respect of regulation 11 of the Higher Education (Fee and Access Plans) (Notices and Directions) (Wales) Regulations 2015. Article 45 makes transitional provision in respect of regulation 7 of the Higher Education (Fee and Access Plans) (Notices, Procedure and Publication) (Wales) Regulations 2016.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order.

Provision	*Date of Commencement*	*S.I. Number*
Section 1	15 December 2022	S.I. 2022/1318 (W. 267) (C. 106)
Section 2 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 2 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 3 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 3 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 4 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 4 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 5 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)

Adran 5 (i'r graddau nad yw eisoes mewn grym)	1 Ebrill 2024	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 6 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 7 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 7 (i'r graddau nad yw eisoes mewn grym)	1 Ebrill 2024	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 8 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 8 (i'r graddau nad yw eisoes mewn grym)	1 Ebrill 2024	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 9 (yn rhannol)	15 Rhagfyr 2022	O.S. 2022/1318 (Cy. 267) (C. 106)
Adran 9 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 9 (i'r graddau nad yw eisoes mewn grym)	1 Ebrill 2024	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 10 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 10 (i'r graddau nad yw eisoes mewn grym)	1 Ebrill 2024	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 11 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 11 (i'r graddau nad yw eisoes mewn grym)	1 Ebrill 2024	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 12 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 12 (i'r graddau nad yw eisoes mewn grym)	1 Ebrill 2024	O.S. 2023/919 (Cy. 144) (C. 52)

Section 5 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 6 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 7 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 7 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 8 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 8 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 9 (partially)	15 December 2022	S.I. 2022/1318 (W. 267) (C. 106)
Section 9 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 9 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 10 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 10 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 11 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 11 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 12 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 12 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)

Adran 13	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 14	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 15, yn ddarostyngedig i addasiad i is-adran (1) sy'n gymwys yn ystod y cyfnod sy'n dechrau â 1 Ebrill 2024 ac sy'n dod i ben ar 16 Rhagfyr 2024	1 Ebrill 2024	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 16	1 Ebrill 2024	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 17	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 18	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 19	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 20	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 21	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 22	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 24	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 25 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 27 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 28 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 30 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)

Section 13	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 14	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 15, subject to a modification to subsection (1) which applies during the period beginning with 1 April 2024 and ending on 16 December 2024	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 16	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 17	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 18	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 19	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 20	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 21	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 22	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 24	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 25 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 27 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 28 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 30 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)

Adran 31 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 32 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 33 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 34	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 35 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 36 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 41 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 43 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 46	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 47 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 54 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 57 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 63 (yn rhannol)	1 Tachwedd 2023	O.S. 2023/1106 (Cy. 191) (C. 71)
Adran 83 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 84 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 85 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 85 (i'r graddau nad yw eisoes mewn grym)	1 Ebrill 2024	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 87 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)

Section 31 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 32 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 33 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 34	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 35 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 36 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 41 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 43 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 46	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 47 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 54 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 57 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 63 (partially)	1 November 2023	S.I. 2023/1106 (W. 191) (C. 71)
Section 83 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 84 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 85 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 85 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 87 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)

Adran 88 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 89 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 94 (yn rhannol)	1 Ebrill 2024	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 97 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 101 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 103 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 104 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 105 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 130	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 132 (yn rhannol)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 141	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 142	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Adran 147	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)
Atodlen 1, paragraffau 1 i 3; 4 (yn rhannol); 5 (yn rhannol); 7 (yn rhannol); 10 (yn rhannol); 11 (yn rhannol); 12	15 Rhagfyr 2022	O.S. 2022/1318 (Cy. 267) (C. 106)

Section 88 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 89 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 94 (partially)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 97 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 101 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 103 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 104 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 105 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 130	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 132 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 141	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 142	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 147	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Schedule 1, paragraphs 1 to 3; 4 (partially); 5 (partially); 7 (partially); 10 (partially); 11 (partially); 12	15 December 2022	S.I. 2022/1318 (W. 267) (C. 106)

Atodlen 1, paragraff 5 (i'r graddau nad yw eisoes mewn grym); paragraff 7 (i'r graddau nad yw eisoes mewn grym); paragraff 8 (yn rhannol); paragraff 9 (yn rhannol); paragraff 10 (i'r graddau nad yw eisoes mewn grym); paragraff 11(1) (i'r graddau nad yw eisoes mewn grym); paragraff 11 (yn rhannol); paragraff 13; paragraff 14; paragraff 15 (yn rhannol); paragraffau 18 i 22	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)	Schedule 1, paragraphs 5 (in so far as not already in force); 7 (in so far as not already in force); 8 (partially); 9 (partially); 10 (in so far as not already in force); 11(1) (in so far as not already in force); 11 (partially); 13; 14; 15 (partially); 18 to 22	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Atodlen 2	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)	Schedule 2	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Atodlen 4, paragraffau 20(1), (2)(a); 28(a)	4 Medi 2023	O.S. 2023/919 (Cy. 144) (C. 52)	Schedule 4, paragraphs 20(1), (2)(a); 28(a)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)

2024 Rhif 806 (Cy. 130) (C. 51)

ADDYSG, CYMRU

Gorchymyn Deddf Addysg Drydyddol ac Ymchwil (Cymru) 2022 (Cychwyn Rhif 4 a Darpariaethau Darfodol a Throsiannol) 2024

Gwnaed *17 Gorffennaf 2024*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 148(2) a (3) o Ddeddf Addysg Drydyddol ac Ymchwil (Cymru) 2022(**1**), yn gwneud y Gorchymyn a ganlyn.

RHAN 1

CYFLWYNIAD

Enwi a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Addysg Drydyddol ac Ymchwil (Cymru) 2022 (Cychwyn Rhif 4 a Darpariaethau Darfodol a Throsiannol) 2024.

(2) Yn y Gorchymyn hwn—

ystyr "CCAUC" ("*HEFCW*") yw Cyngor Cyllido Addysg Uwch Cymru(**2**);

ystyr "y Comisiwn" ("*the Commission*") yw'r Comisiwn Addysg Drydyddol ac Ymchwil a sefydlwyd gan adran 1 o'r Ddeddf;

mae i "corff llywodraethu" ("*governing body*") yr ystyr a roddir gan adran 57(1) o Ddeddf 2015, ac eithrio mewn perthynas ag erthygl 4(2)(b) pan fo iddo'r ystyr a roddir i "governing body" gan adran 90(1) o Ddeddf 1992;

(**1**) 2022 dsc 1.
(**2**) Sefydlwyd CCAUC o dan Ran 2 o Ddeddf 1992 ac mae wedi ei ddiddymu gan adran 23 o'r Ddeddf ar 1 Awst 2024 yn unol ag erthygl 2(b) o'r Gorchymyn hwn.

2024 No. 806 (W. 130) (C. 51)

EDUCATION, WALES

The Tertiary Education and Research (Wales) Act 2022 (Commencement No. 4 and Transitory and Transitional Provisions) Order 2024

Made *17 July 2024*

The Welsh Ministers, in exercise of the powers conferred by section 148(2) and (3) of the Tertiary Education and Research (Wales) Act 2022(**1**), make the following Order.

PART 1

INTRODUCTION

Title and interpretation

1.—(1) The title of this Order is the Tertiary Education and Research (Wales) Act 2022 (Commencement No. 4 and Transitory and Transitional Provisions) Order 2024.

(2) In this Order—

"the 1992 Act" ("*Deddf 1992*") means the Further and Higher Education Act 1992(**2**);

"the 2015 Act" ("*Deddf 2015*") means the Higher Education (Wales) Act 2015(**3**);

"the 2015 Regulations" ("*Rheoliadau 2015*") means the Higher Education (Fee and Access Plans) (Notices and Directions) (Wales) Regulations 2015(**4**);

(**1**) 2022 asc 1.
(**2**) 1992 c. 13.
(**3**) 2015 anaw 1.
(**4**) S.I. 2015/1485 (W. 164).

ystyr "Deddf 1992" ("*the 1992 Act*") yw Deddf Addysg Bellach ac Uwch 1992(**1**);

ystyr "Deddf 2015" ("*the 2015 Act*") yw Deddf Addysg Uwch (Cymru) 2015(**2**);

ystyr "y Ddeddf" ("*the Act*") yw Deddf Addysg Drydyddol ac Ymchwil (Cymru) 2022;

ystyr "Rheoliadau 2015" ("*the 2015 Regulations*") yw Rheoliadau Addysg Uwch (Cynlluniau Ffioedd a Mynediad) (Hysbysiadau a Chyfarwyddydau) (Cymru) 2015(**3**);

ystyr "Rheoliadau 2016" ("*the 2016 Regulations*") yw Rheoliadau Addysg Uwch (Cynlluniau Ffioedd a Mynediad) (Hysbysiadau, Gweithdrefn a Chyhoeddi) (Cymru) 2016(**4**);

mae i "sefydliad rheoleiddiedig" ("*regulated institution*") yr ystyr a roddir gan adran 7(5)(b) o Ddeddf 2015.

"the 2016 Regulations" ("*Rheoliadau 2016*") means the Higher Education (Fee and Access Plans) (Notices, Procedure and Publication) (Wales) Regulations 2016(**1**);

"the Act" ("*y Ddeddf*") means the Tertiary Education and Research (Wales) Act 2022;

"the Commission" ("*y Comisiwn*") means the Commission for Tertiary Education and Research established by section 1 of the Act;

"governing body" ("*corff llywodraethu*") has the meaning given by section 57(1) of the 2015 Act, except in relation to article 4(2)(b) where it has the meaning given by section 90(1) of the 1992 Act;

"HEFCW" ("*CCAUC*") means the Higher Education Funding Council for Wales(**2**);

"regulated institution" ("*sefydliad rheoleiddiedig*") has the meaning given by section 7(5)(b) of the 2015 Act.

RHAN 2

Y DARPARIAETHAU SY'N DOD I RYM AR 1 AWST 2024

Y darpariaethau sy'n dod i rym ar 1 Awst 2024

2. Daw'r darpariaethau a ganlyn o'r Ddeddf i rym ar 1 Awst 2024—

(a) adran 6(1) (hybu gwaith ymchwil ac arloesi) i'r graddau nad yw eisoes mewn grym;

(b) adran 23 (diddymu Cyngor Cyllido Addysg Uwch Cymru);

(c) adran 50(1) i (3), (4)(b) ac (c), (7) ac (8) (fframweithiau sicrhau ansawdd);

(d) adran 86(2), (3) a (7) (cyllido'r Comisiwn: cyfyngiadau ar delerau ac amodau);

(e) adran 131(1), (2)(c) a (d), (4) a (5) (personau y mae'n ofynnol iddynt ddarparu gwybodaeth i'r Comisiwn);

(f) adran 135(1), (2), (4) a (5) (gwybodaeth arall, cyngor arall a chanllawiau eraill);

(g) adran 136 (ymchwil gan y Comisiwn neu Weinidogion Cymru);

(h) adran 139(1), (2) a (4) (diddymu corfforaethau addysg uwch yng Nghymru);

PART 2

PROVISIONS COMING INTO FORCE ON 1 AUGUST 2024

Provisions coming into force on 1 August 2024

2. The following provisions of the Act come into force on 1 August 2024—

(a) section 6(1) (promotion of research and innovation) in so far as not already in force;

(b) section 23 (dissolution of the Higher Education Funding Council for Wales);

(c) section 50(1) to (3), (4)(b) and (c), (7) and (8) (quality assurance frameworks);

(d) section 86(2), (3) and (7) (funding the Commission: limitations on terms and conditions);

(e) section 131(1), (2)(c) and (d), (4) and (5) (persons required to provide information to the Commission);

(f) section 135(1), (2), (4) and (5) (other information, advice and guidance);

(g) section 136 (research by the Commission or the Welsh Ministers);

(h) section 139(1), (2) and (4) (dissolution of higher education corporations in Wales);

(**1**) 1992 p. 13.
(**2**) 2015 dccc 1.
(**3**) O.S. 2015/1485 (Cy. 164).
(**4**) O.S. 2016/223 (Cy. 87).

(**1**) S.I. 2016/223 (W. 87).
(**2**) HEFCW was established under Part 2 of the 1992 Act and is dissolved by section 23 of the Act on 1 August 2024 pursuant to article 2(b) of this Order.

(i) adran 140 (dyletswydd i ymgynghori â'r Comisiwn ynghylch gwasanaethau gyrfaoedd);

(j) yn Atodlen 1 (y Comisiwn Addysg Drydyddol ac Ymchwil)—

(i) paragraff 4 i'r graddau nad yw eisoes mewn grym;

(ii) paragraff 6;

(iii) paragraff 8 i'r graddau nad yw eisoes mewn grym;

(iv) paragraff 9 i'r graddau nad yw eisoes mewn grym;

(v) paragraff 11 i'r graddau nad yw eisoes mewn grym;

(vi) paragraff 15 i'r graddau nad yw eisoes mewn grym;

(k) yn Atodlen 4 (mân ddiwygiadau a diwygiadau canlyniadol)—

(i) paragraff 2;

(ii) paragraff 3(1) a (2)(b);

(iii) paragraff 5;

(iv) paragraff 6(1), (2), (3)(e) ac (g), (5)(a) a (7);

(v) paragraff 7(1) i (3), (4)(a)(iii) a (iv) a (b);

(vi) paragraff 8(1), (3), (4) a (7);

(vii) paragraff 12(1), (2)(a)(ii) a (iii), (3) a (4);

(viii) paragraff 14(1), (24) a (26);

(ix) paragraff 15(1), (3) a (5);

(x) paragraff 18(1), (6), (8), (9)(a) ac (c) a (10) i (13);

(xi) paragraff 19(1) a (2)(a);

(xii) paragraff 20(2)(b);

(xiii) paragraff 22(1) a (3);

(xiv) paragraff 25(1) a (3);

(xv) paragraff 27;

(xvi) paragraff 28 i'r graddau nad yw eisoes mewn grym;

(xvii) paragraff 33(1), (2)(b) ac (e);

(xviii) paragraff 34;

(xix) paragraff 36;

(xx) paragraff 37;

(xxi) paragraff 38(1);

(xxii) paragraff 40;

(xxiii) paragraff 41.

(i) section 140 (duty to consult the Commission on careers services);

(j) in Schedule 1 (Commission for Tertiary Education and Research)—

(i) paragraph 4 in so far as not already in force;

(ii) paragraph 6;

(iii) paragraph 8 in so far as not already in force;

(iv) paragraph 9 in so far as not already in force;

(v) paragraph 11 in so far as not already in force;

(vi) paragraph 15 in so far as not already in force;

(k) in Schedule 4 (minor and consequential amendments)—

(i) paragraph 2;

(ii) paragraph 3(1) and (2)(b);

(iii) paragraph 5;

(iv) paragraph 6(1), (2), (3)(e) and (g), (5)(a) and (7);

(v) paragraph 7(1) to (3), (4)(a)(iii) and (iv) and (b);

(vi) paragraph 8(1), (3), (4) and (7);

(vii) paragraph 12(1), (2)(a)(ii) and (iii), (3) and (4);

(viii) paragraph 14(1), (24) and (26);

(ix) paragraph 15(1), (3) and (5);

(x) paragraph 18(1), (6), (8), (9)(a) and (c) and (10) to (13);

(xi) paragraph 19(1) and (2)(a);

(xii) paragraph 20(2)(b);

(xiii) paragraph 22(1) and (3);

(xiv) paragraph 25(1) and (3);

(xv) paragraph 27;

(xvi) paragraph 28 in so far as not already in force;

(xvii) paragraph 33(1), (2)(b) and (e);

(xviii) paragraph 34;

(xix) paragraph 36;

(xx) paragraph 37;

(xxi) paragraph 38(1);

(xxii) paragraph 40;

(xxiii) paragraph 41.

Y darpariaethau sy'n dod i rym ar 1 Awst 2024 i'r graddau a bennir

3. Daw'r darpariaethau a ganlyn o'r Ddeddf i rym ar 1 Awst 2024 i'r graddau a bennir mewn perthynas â phob darpariaeth o'r fath—

(a) adran 131(3)(a) i'r graddau y mae'n ymwneud â pherson a grybwyllir yn is-adran (2)(c) neu (d);

(b) adran 131(6) i'r graddau y mae'n ymwneud ag adran 131(2)(a), (aa) (fel y'i mewnosodir gan erthygl 16 o'r Gorchymyn hwn), (b)(viii), (c) a (d);

(c) yn Atodlen 4 (mân ddiwygiadau a diwygiadau canlyniadol)—

(i) paragraff 6(3)(b) i'r graddau y mae'n hepgor adran 62(1), (3), (4) a (9) o Ddeddf 1992;

(ii) paragraff 6(3)(f) i'r graddau y mae'n hepgor adran 69(1) a (3) i (7) o Ddeddf 1992;

(iii) paragraff 6(6) i'r graddau y mae'n hepgor y cofnod ar gyfer "the HEFCW" yn adran 92 o Ddeddf 1992;

(iv) paragraff 31 i'r graddau y mae'n hepgor y darpariaethau a ganlyn o Ddeddf 2015—

(aa) adrannau 25, 49, 50(5) i (7), 51 a 53,

(bb) paragraffau 2, 5 a 7 i 26 yn Rhan 1 o'r Atodlen, ac

(cc) Rhan 2 o'r Atodlen;

(v) paragraff 33(2)(c) i'r graddau y mae'n hepgor y geiriau "a CCAUC" ac yn rhoi "a'r Comisiwn" yn ei le;

(vi) paragraff 33(2)(d) i'r graddau y mae'n hepgor y geiriau "a CCAUC" ac yn rhoi "a'r Comisiwn" yn ei le;

(vii) paragraff 38(2) i'r graddau y mae'n hepgor paragraffau 7, 8, 11, 17, 18(2), (3) a (5) i (7), 20, 25 a 26(3) o Atodlen 11 i Ddeddf Addysg Uwch ac Ymchwil 2017(**1**).

Provisions coming into force on 1 August 2024 to the extent specified

3. The following provisions of the Act come into force on 1 August 2024 to the extent specified in relation to each such provision—

(a) section 131(3)(a) to the extent it relates to a person mentioned in subsection (2)(c) or (d);

(b) section 131(6) to the extent it relates to section 131(2)(a), (aa) (as inserted by article 16 of this Order), (b)(viii), (c) and (d);

(c) in Schedule 4 (minor and consequential amendments)—

(i) paragraph 6(3)(b) to the extent it omits section 62(1), (3), (4) and (9) of the 1992 Act;

(ii) paragraph 6(3)(f) to the extent it omits section 69(1) and (3) to (7) of the 1992 Act;

(iii) paragraph 6(6) to the extent it omits the entry for "the HEFCW" in section 92 of the 1992 Act;

(iv) paragraph 31 to the extent it omits the following provisions of the 2015 Act—

(aa) sections 25, 49, 50(5) to (7), 51 and 53,

(bb) paragraphs 2, 5 and 7 to 26 in Part 1 of the Schedule, and

(cc) Part 2 of the Schedule;

(v) paragraph 33(2)(c) to the extent it omits the word "HEFCW" and substitutes it with "the Commission";

(vi) paragraph 33(2)(d) to the extent it omits the word "HEFCW" and substitutes it with "the Commission";

(vii) paragraph 38(2) to the extent it omits paragraphs 7, 8, 11, 17, 18(2), (3) and (5) to (7), 20, 25 and 26(3) of Schedule 11 to the Higher Education and Research Act 2017(**1**).

(**1**) 2017 p. 29.

(**1**) 2017 c. 29.

Y darpariaethau sy'n dod i rym ar 1 Awst 2024 yn ddarostyngedig i ddarpariaethau darfodol

4.—(1) Daw adran 6(2) o'r Ddeddf i rym ar 1 Awst 2024 yn ddarostyngedig i'r addasiad a nodir ym mharagraff (2) sy'n gymwys yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben yn union cyn i adran 105 o'r Ddeddf ddod i rym yn llawn.

(2) Mae adran 6(2) o'r Ddeddf yn cael effaith fel pe bai'r paragraffau a ganlyn wedi eu rhoi yn lle paragraffau (a) a (b)—

"(a) sefydliad addysg uwch o fewn yr ystyr a roddir i "higher education institution" gan adran 65(5) o Ddeddf 1992 sy'n cael cyllid gan y Comisiwn yn unol ag adran 65 o'r Ddeddf honno at ddibenion ymgymryd ag ymchwil, neu mewn cysylltiad â hynny;

(b) sefydliad cysylltiedig o fewn yr ystyr a roddir i "connected institution" gan adran 65(3B) o Ddeddf 1992, y mae corff llywodraethu sefydliad addysg uwch sy'n cael cyllid gan y Comisiwn yn unol ag adran 65 o'r Ddeddf honno yn cynnig talu iddo, gyda chydsyniad y Comisiwn, y cyfan neu unrhyw ran o'r cyllid hwnnw at ddibenion ymgymryd ag ymchwil, neu mewn cysylltiad â hynny."

5.—(1) Daw adran 50(4)(a) o'r Ddeddf i rym ar 1 Awst 2024 yn ddarostyngedig i'r addasiad a nodir ym mharagraff (2) sy'n gymwys yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben â 31 Gorffennaf 2026.

(2) Mae adran 50(4)(a) yn cael effaith fel pe bai'r cyfeiriad at "darparwr cofrestredig" yn gyfeiriad at "sefydliad rheoleiddiedig".

6.—(1) Daw adran 86(1), (5) a (6) o'r Ddeddf i rym ar 1 Awst 2024 yn ddarostyngedig i'r addasiadau a nodir ym mharagraff (2).

(2) Hyd nes y daw paragraff 6(3)(c) o Atodlen 4 i'r Ddeddf i rym—

(a) mae adran 86(1) yn cael effaith fel pe bai'r geiriau "adran 65 (gweinyddu cronfeydd gan y Comisiwn) o Ddeddf 1992," wedi eu mewnosod ar ôl "i berson o dan";

(b) mae adran 86(5) yn cael effaith fel pe bai'r geiriau "adran 65 o Ddeddf 1992 neu" wedi eu mewnosod ar ôl "y Comisiwn o dan";

(c) mae adran 86(6) yn cael effaith fel pe bai'r geiriau "adran 65 o Ddeddf 1992 neu" wedi eu mewnosod ar ôl "y Comisiwn o dan".

Provisions coming into force on 1 August 2024 subject to transitory provisions

4.—(1) Section 6(2) of the Act comes into force on 1 August 2024 subject to the modification set out in paragraph (2) which applies during the period beginning with 1 August 2024 and ending immediately before the coming into force of section 105 of the Act in full.

(2) Section 6(2) of the Act has effect as if for paragraphs (a) and (b) there were substituted—

"(a) a higher education institution within the meaning given by section 65(5) of the 1992 Act that is in receipt of funding from the Commission pursuant to section 65 of that Act for the purposes of, or in connection with, the undertaking of research;

(b) a connected institution within the meaning given by section 65(3B) of the 1992 Act, to which the governing body of a higher education institution in receipt of funding from the Commission pursuant to section 65 of that Act proposes to pay, with the consent of the Commission, the whole or any part of that funding for the purposes of, or in connection with, the undertaking of research."

5.—(1) Section 50(4)(a) of the Act comes into force on 1 August 2024 subject to the modification set out in paragraph (2) which applies during the period beginning with 1 August 2024 and ending with 31 July 2026.

(2) Section 50(4)(a) has effect as if the reference to "registered provider" were to "regulated institution".

6.—(1) Section 86(1), (5) and (6) of the Act comes into force on 1 August 2024 subject to the modifications set out in paragraph (2).

(2) Until the coming into force of paragraph 6(3)(c) of Schedule 4 to the Act—

(a) section 86(1) has effect as if after "to a person under" there were inserted "section 65 (administration of funds by the Commission) of the 1992 Act,";

(b) section 86(5) has effect as if after "the Commission under" there were inserted "section 65 of the 1992 Act,";

(c) section 86(6) has effect as if after "the Commission under" there were inserted "section 65 of the 1992 Act,".

7.—(1) Daw adran 86(4) o'r Ddeddf i rym ar 1 Awst 2024 yn ddarostyngedig i'r addasiad a nodir ym mharagraff (2) sy'n gymwys yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben yn union cyn i adran 105 o'r Ddeddf ddod i rym yn llawn.

(2) Mae adran 86(4) yn cael effaith fel pe bai'r cyfeiriad at "105 (ymchwil ac arloesi)" yn gyfeiriad at "65 (gweinyddu cronfeydd gan y Comisiwn) o Ddeddf 1992".

8.—(1) Daw adran 131(2)(a) a (b)(viii) o'r Ddeddf i rym ar 1 Awst 2024 yn ddarostyngedig i'r addasiad a nodir ym mharagraff (2) sy'n gymwys yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben â 31 Gorffennaf 2026.

(2) Mae adran 131(2)(a) a (b), i'r graddau y mae'n ymwneud ag is-baragraff (viii), yn cael effaith fel pe bai'r ddau gyfeiriad at "darparwr cofrestredig" yn gyfeiriadau at "sefydliad rheoleiddiedig".

9.—(1) Daw adran 135(3) o'r Ddeddf i rym ar 1 Awst 2024 yn ddarostyngedig i'r addasiad a nodir ym mharagraff (2) sy'n gymwys yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben â 31 Gorffennaf 2026.

(2) Mae adran 135(3) yn cael effaith fel pe bai'r ddau gyfeiriad at "darparwr cofrestredig" yn gyfeiriadau at "sefydliad rheoleiddiedig".

10.—(1) Daw paragraff 32 o Atodlen 4 i'r Ddeddf i rym ar 1 Awst 2024 yn ddarostyngedig i'r addasiad a nodir ym mharagraff (2), sy'n gymwys yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben â'r dyddiad sy'n digwydd un diwrnod ac un flwyddyn cyn y dyddiad y mae'r etholiad cyffredinol arferol nesaf ar ôl mis Mai 2026 i'w gynnal o dan adran 3 o Ddeddf Llywodraeth Cymru 2006(**1**).

(2) Mae adran 15 o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015(**2**) yn cael effaith mewn perthynas â'r Comisiwn fel pe bai'r is-adran a ganlyn wedi ei rhoi yn lle is-adran (6)—

> "(6) Mae'r cyfnod y cyfeirir ato yn is-adrannau (2) a (3)—
>
> (a) yn dechrau â 1 Awst 2024, a
>
> (b) yn dod i ben â'r dyddiad sy'n digwydd un diwrnod ac un flwyddyn cyn y dyddiad y mae'r etholiad cyffredinol arferol nesaf ar ôl mis Mai 2026 i'w gynnal o dan adran 3 o Ddeddf Llywodraeth Cymru 2006."

7.—(1) Section 86(4) of the Act comes into force on 1 August 2024 subject to the modification set out in paragraph (2) which applies during the period beginning with 1 August 2024 and ending immediately before the coming into force of section 105 of the Act in full.

(2) Section 86(4) has effect as if the reference to "105 (research and innovation)" were to "65 (administration of funds by the Commission) of the 1992 Act".

8.—(1) Section 131(2)(a) and (b)(viii) of the Act comes into force on 1 August 2024 subject to the modification set out in paragraph (2) which applies during the period beginning with 1 August 2024 and ending with 31 July 2026.

(2) Section 131(2)(a) and (b), in so far as it relates to sub-paragraph (viii), has effect as if both references to "a registered provider" were references to "a regulated institution".

9.—(1) Section 135(3) of the Act comes into force on 1 August 2024 subject to the modification set out in paragraph (2) which applies during the period beginning with 1 August 2024 and ending with 31 July 2026.

(2) Section 135(3) has effect as if both references to "a registered provider" were references to "a regulated institution".

10.—(1) Paragraph 32 of Schedule 4 to the Act comes into force on 1 August 2024 subject to the modification set out in paragraph (2), which applies during the period beginning with 1 August 2024 and ending with the date falling one day and one year before the date on which the next ordinary general election after May 2026 is to be held under section 3 of the Government of Wales Act 2006(**1**).

(2) Section 15 of the Well-being of Future Generations (Wales) Act 2015(**2**) has effect in relation to the Commission as if for subsection (6) there were substituted the following subsection—

> "(6) The period referred to in subsections (2) and (3)—
>
> (a) begins with 1 August 2024, and
>
> (b) ends with the date falling one day and one year before the date on which the next ordinary general election after May 2026 is to be held under section 3 of the Government of Wales Act 2006.
> "

(**1**) 2006 p. 32.
(**2**) 2015 dccc 2.

(**1**) 2006 c. 32.
(**2**) 2015 anaw 2.

Y darpariaethau sy'n dod i rym ar 1 Awst 2024 yn ddarostyngedig i ddarpariaethau trosiannol

11.—(1) Daw paragraff 12(2)(a)(i) o Atodlen 4 i'r Ddeddf i rym ar 1 Awst 2024 yn ddarostyngedig i'r ddarpariaeth drosiannol a nodir ym mharagraff (2).

(2) Mewn perthynas ag astudiaeth sydd ar y gweill yn union cyn 1 Awst 2024 gan Archwilydd Cyffredinol Cymru o dan adran 145B(1) o Ddeddf Llywodraeth Cymru 1998(**1**), pan mai CCAUC yw'r corff sydd wedi gofyn am yr astudiaeth, mae'r astudiaeth honno i'w thrin, ar ac ar ôl 1 Awst 2024, at ddibenion yr adran honno ac adran 145B(3) o Ddeddf Llywodraeth Cymru 1998, fel pe bai'r Comisiwn wedi gofyn amdani.

12.—(1) Daw paragraff 12(2)(b) o Atodlen 4 i'r Ddeddf i rym ar 1 Awst 2024 yn ddarostyngedig i'r ddarpariaeth drosiannol a nodir ym mharagraff (2).

(2) Pan fo Archwilydd Cyffredinol Cymru, yn union cyn 1 Awst 2024, i fod i ymateb i gais am gyngor a ddaeth i law oddi wrth CCAUC cyn y dyddiad hwnnw o dan adran 145B(4) o Ddeddf Llywodraeth Cymru 1998, mae'r cais hwnnw am gyngor i'w drin, ar ac ar ôl 1 Awst 2024, fel pe bai wedi ei wneud gan y Comisiwn.

13.—(1) Daw paragraff 14(27) o Atodlen 4 i'r Ddeddf i rym ar 1 Awst 2024 yn ddarostyngedig i'r ddarpariaeth drosiannol a nodir ym mharagraff (2).

(2) Mewn perthynas â gwarediad tir yng Nghymru gan ymddiriedolwyr cyn 1 Awst 2024, y mae adran 144 o Ddeddf Dysgu a Sgiliau 2000(**2**) yn gymwys iddo—

(a) mae adran 144(4A) o'r Ddeddf honno yn cael effaith fel pe bai'r paragraff a ganlyn wedi ei roi yn lle paragraff (b)—

"(b) in the case of land in Wales, the Welsh Ministers.", a

(b) mae adran 144(9) o'r Ddeddf honno yn cael effaith fel pe bai'r paragraff a ganlyn wedi ei roi yn lle paragraff (b)—

"(b) the Welsh Ministers, in respect of land in Wales."

Provisions coming into force on 1 August 2024 subject to transitional provisions

11.—(1) Paragraph 12(2)(a)(i) of Schedule 4 to the Act comes into force on 1 August 2024 subject to the transitional provision set out in paragraph (2).

(2) In relation to a study being undertaken immediately before 1 August 2024 by the Auditor General for Wales under section 145B(1) of the Government of Wales Act 1998(**1**), where the requesting body for the study is HEFCW, that study is on and after 1 August 2024 to be treated, for the purposes of that section and section 145B(3) of the Government of Wales Act 1998, as having been requested by the Commission.

12.—(1) Paragraph 12(2)(b) of Schedule 4 to the Act comes into force on 1 August 2024 subject to the transitional provision set out in paragraph (2).

(2) Where immediately before 1 August 2024 the Auditor General for Wales is due to respond to a request for advice received from HEFCW before that date under section 145B(4) of the Government of Wales Act 1998, that request for advice is to be treated on and after 1 August 2024 as having been made by the Commission.

13.—(1) Paragraph 14(27) of Schedule 4 to the Act comes into force on 1 August 2024 subject to the transitional provision set out in paragraph (2).

(2) In relation to a disposal of land in Wales by trustees before 1 August 2024 to which section 144 of the Learning and Skills Act 2000(**2**) applies—

(a) section 144(4A) of that Act has effect as if for paragraph (b) there were substituted the following paragraph—

"(b) in the case of land in Wales, the Welsh Ministers.", and

(b) section 144(9) of that Act has effect as if for paragraph (b) there were substituted the following paragraph—

"(b) the Welsh Ministers, in respect of land in Wales."

(**1**) 1998 p. 38.
(**2**) 2000 p. 21.

(**1**) 1998 c. 38.
(**2**) 2000 c. 21.

RHAN 3

Y DARPARIAETHAU SY'N DOD I RYM AR 1 EBRILL 2025

Y darpariaethau sy'n dod i rym ar 1 Ebrill 2025

14. Daw'r darpariaethau a ganlyn o'r Ddeddf i rym ar 1 Ebrill 2025—

(a) paragraff 16(1)(b) a (3) i (5) o Atodlen 1 i'r Ddeddf;

(b) paragraff 17(1) o Atodlen 1 i'r Ddeddf.

Y darpariaethau sy'n dod i rym ar 1 Ebrill 2025 yn ddarostyngedig i ddarpariaethau darfodol

15.—(1) Daw paragraff 16(1)(a) o Atodlen 1 i'r Ddeddf i rym ar 1 Ebrill 2025 yn ddarostyngedig i'r addasiad ym mharagraff (2) sy'n gymwys yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben yn union cyn i baragraff 31 o Atodlen 4 i'r Ddeddf ddod i rym yn llawn.

(2) Mae paragraff 16(1)(a) yn cael effaith fel pe na bai swyddogaethau'r Comisiwn y cyfeirir atynt yn cynnwys ei swyddogaethau o dan Ddeddf 2015.

PART 3

PROVISIONS COMING INTO FORCE ON 1 APRIL 2025

Provisions coming into force on 1 April 2025

14. The following provisions of the Act come into force on 1 April 2025—

(a) paragraph 16(1)(b) and (3) to (5) of Schedule 1 to the Act;

(b) paragraph 17(1) of Schedule 1 to the Act.

Provisions coming into force on 1 April 2025 subject to transitory provisions

15.—(1) Paragraph 16(1)(a) of Schedule 1 to the Act comes into force on 1 April 2025 subject to the modification in paragraph (2) which applies during the period beginning with 1 August 2024 and ending immediately before the coming into force of paragraph 31 of Schedule 4 to the Act in full.

(2) Paragraph 16(1)(a) has effect as if the Commission's functions referred to do not include its functions under the 2015 Act.

RHAN 4

Y DARPARIAETHAU DARFODOL

Y darpariaethau darfodol sy'n ymwneud â'r Ddeddf

16.—(1) Mae paragraffau (2) a (3) yn gymwys yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben â 31 Gorffennaf 2026.

(2) Ar ôl adran 131(2)(a) o'r Ddeddf mewnosoder—

"(aa) person ac eithrio sefydliad rheoleiddiedig sy'n cael adnoddau ariannol a ddarperir o dan adran 65 (gweinyddu cronfeydd gan y Comisiwn) o Ddeddf Addysg Bellach ac Uwch 1992;".

(3) Ar ôl adran 131(2) o'r Ddeddf mewnosoder—

"(2A) Yn adran 131(2)(aa), mae i "sefydliad rheoleiddiedig" yr ystyr a roddir yn adran 7(5)(b) o Ddeddf Addysg Uwch (Cymru) 2015. "

17. Yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben yn union cyn i baragraff 31 o Atodlen 4 i'r Ddeddf ddod i rym yn llawn, mae paragraff 11(3) o Atodlen 1 i'r Ddeddf yn cael effaith fel pe bai diben y Pwyllgor Ansawdd a sefydlwyd gan

PART 4

TRANSITORY PROVISIONS

Transitory provisions relating to the Act

16.—(1) Paragraphs (2) and (3) apply during the period beginning with 1 August 2024 and ending with 31 July 2026.

(2) After section 131(2)(a) of the Act insert—

"(aa) a person other than a regulated institution in receipt of financial resources provided under section 65 (administration of funds by the Commission) of the Further and Higher Education Act 1992;".

(3) After section 131(2) of the Act insert—

"(2A) In section 131(2)(aa), "regulated institution" has the meaning given in section 7(5)(b) of the Higher Education (Wales) Act 2015."

17. During the period beginning with 1 August 2024 and ending immediately before the coming into force of paragraph 31 of Schedule 4 to the Act in full, paragraph 11(3) of Schedule 1 to the Act has effect as if the purpose of the Quality Committee established by

y ddarpariaeth honno yn cynnwys cynghori'r Comisiwn ynghylch arfer swyddogaethau'r Comisiwn o dan Ran 3 o Ddeddf 2015.

Y darpariaethau darfodol sy'n ymwneud â Deddf 1992

18.—(1) Mae'r addasiadau i'r adrannau o Ddeddf 1992 a nodir ym mharagraff (3) yn gymwys yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben yn union cyn i'r canlynol ddod i rym, mewn cysylltiad â'r addasiad i—

(a) adran 62, paragraff 6(3)(b) o Atodlen 4 i'r Ddeddf;

(b) adran 65, paragraff 6(3)(c) o Atodlen 4 i'r Ddeddf;

(c) adran 66, paragraff 6(3)(d) o Atodlen 4 i'r Ddeddf;

(d) adran 69, paragraff 6(3)(f) o Atodlen 4 i'r Ddeddf;

(e) adran 81, paragraff 6(3)(h) o Atodlen 4 i'r Ddeddf;

(f) adran 83, paragraff 6(4) o Atodlen 4 i'r Ddeddf.

(2) Mae'r addasiad a nodir ym mharagraff (4) yn gymwys yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben yn union cyn i baragraff 6(6) o Atodlen 4 i'r Ddeddf ddod i rym.

(3) Mae adrannau 62 (Cyngor Cyllido Addysg Uwch Cymru), 65 (gweinyddu cronfeydd gan CCAUC), 66 (gweinyddu cronfeydd: atodol), 69 (swyddogaethau atodol), 81 (cyfarwyddydau) a 83 (astudiaethau effeithlonrwydd) a'r penawdau i'r adrannau hynny yn cael effaith fel pe bai cyfeiriadau at "the HEFCW" a "the Higher Education Funding Council for Wales" yn gyfeiriadau at "the Commission".

(4) Yn adran 92 (mynegai), mae'r cofnod "institution in Wales (in relation to the HEFCW)" yn cael effaith fel pe bai'n darllen "institution in Wales (in relation to the Commission)".

Y darpariaethau darfodol sy'n ymwneud â Deddf Addysg 1996

19. Yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben yn union cyn i baragraff 8(2) o Atodlen 4 i'r Ddeddf ddod i rym, mae adran 13 o Ddeddf Addysg 1996(**1**) yn cael effaith fel pe bai is-adran (2)(b) wedi ei hepgor.

(**1**) 1996 p. 56.

that provision were to include advising the Commission on the exercise of the Commission's functions under Part 3 of the 2015 Act.

Transitory provisions relating to the 1992 Act

18.—(1) The modifications to the sections of the 1992 Act set out in paragraph (3) apply during the period beginning with 1 August 2024 and ending immediately before the coming into force of, in respect of the modification to—

(a) section 62, paragraph 6(3)(b) of Schedule 4 to the Act;

(b) section 65, paragraph 6(3)(c) of Schedule 4 to the Act;

(c) section 66, paragraph 6(3)(d) of Schedule 4 to the Act;

(d) section 69, paragraph 6(3)(f) of Schedule 4 to the Act;

(e) section 81, paragraph 6(3)(h) of Schedule 4 to the Act;

(f) section 83, paragraph 6(4) of Schedule 4 to the Act.

(2) The modification set out in paragraph (4) applies during the period beginning with 1 August 2024 and ending immediately before the coming into force of paragraph 6(6) of Schedule 4 to the Act.

(3) Sections 62 (the Higher Education Funding Council for Wales), 65 (administration of funds by the HEFCW), 66 (administration of funds: supplementary), 69 (supplementary functions), 81 (directions) and 83 (efficiency studies) and the headings to those sections have effect as if references to "the HEFCW" and "the Higher Education Funding Council for Wales" were references to "the Commission".

(4) In section 92 (index) the entry "institution in Wales (in relation to the HEFCW)" has effect as if it were "institution in Wales (in relation to the Commission)".

Transitory provisions relating to the Education Act 1996

19. During the period beginning with 1 August 2024 and ending immediately before the coming into force of paragraph 8(2) of Schedule 4 to the Act, section 13 of the Education Act 1996(**1**) has effect as if subsection (2)(b) were omitted.

(**1**) 1996 c. 56.

Y darpariaethau darfodol sy'n ymwneud â Deddf 2015

20. Mae'r addasiadau i'r darpariaethau yn Neddf 2015 a nodir yn erthyglau 21 a 22 yn gymwys yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben yn union cyn i baragraff 31 o Atodlen 4 i'r Ddeddf ddod i rym yn llawn.

21.—(1) Ac eithrio mewn perthynas ag adran 57(1) o Ddeddf 2015, mae Deddf 2015 yn cael effaith fel bai'r holl gyfeiriadau at "CCAUC" neu "Cyngor Cyllido Addysg Uwch Cymru" yn y Ddeddf honno yn gyfeiriadau at "y Comisiwn".

(2) Mae adran 57(1) o Ddeddf 2015 yn cael effaith fel pe bai'r diffiniad o "CCAUC" wedi ei hepgor.

22.—(1) Mae adran 50 o Ddeddf 2015 yn cael effaith—

(a) fel mai'r cyfnod sy'n dechrau â 1 Awst 2023 ac sy'n dod i ben â 31 Gorffennaf y flwyddyn ganlynol fyddai'r cyfnod adrodd cyntaf, a

(b) fel mai pob cyfnod olynol o 12 mis fyddai'r cyfnodau adrodd dilynol.

(2) At ddibenion paragraff (1)(a), rhaid i adroddiad blynyddol y Comisiwn mewn cysylltiad â'r cyfnod adrodd cyntaf roi manylion ynghylch sut y mae CCAUC wedi cyflawni ei swyddogaethau o dan Ddeddf 2015 yn ystod y cyfnod sy'n dechrau â 1 Awst 2023 ac sy'n dod i ben â 31 Gorffennaf 2024.

Y darpariaethau darfodol sy'n ymwneud â Rheoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007

23. Mae rheoliad 7 o Reoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007(**1**) (taliadau gan CCAUC) yn cael effaith fel pe bai'r holl gyfeiriadau at "CCAUC" yn gyfeiriadau at "y Comisiwn" yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben yn union cyn i baragraff 6(3)(c) o Atodlen 4 i'r Ddeddf ddod i rym.

Y darpariaethau darfodol sy'n ymwneud â Rheoliadau Addysg (Cymorth i Fyfyrwyr) 2011

24.—(1) Mae'r addasiadau i Reoliadau Addysg (Cymorth i Fyfyrwyr) 2011(**2**) a nodir ym mharagraff (2) yn gymwys yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben â 31 Gorffennaf 2026.

(**1**) O.S. 2007/2310 (Cy. 181), a ddiwygiwyd gan O.S. 2021/481 (Cy. 148); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol i'r Gorchymyn hwn.

(**2**) O.S. 2011/1986, a ddiwygiwyd gan O.S. 2017/114; mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol i'r Gorchymyn hwn.

Transitory provisions relating to the 2015 Act

20. The modifications to the provisions of the 2015 Act set out in articles 21 and 22 apply during the period beginning with 1 August 2024 and ending immediately before the coming into force of paragraph 31 of Schedule 4 to the Act in full.

21.—(1) Except in relation to section 57(1) of the 2015 Act, the 2015 Act has effect as if all references to "HEFCW" or "the Higher Education Funding Council for Wales" in that Act were references to "the Commission".

(2) Section 57(1) of the 2015 Act has effect as if the definition of "HEFCW" were omitted.

22.—(1) Section 50 of the 2015 Act has effect as if—

(a) the first reporting period were the period beginning with 1 August 2023 and ending with the following 31 July, and

(b) subsequent reporting periods were each successive period of 12 months.

(2) For the purposes of paragraph (1)(a), the Commission's annual report in respect of the first reporting period must give details of how HEFCW has discharged its functions under the 2015 Act during the period beginning with 1 August 2023 and ending with 31 July 2024.

Transitory provisions relating to the Education (Fees and Awards) (Wales) Regulations 2007

23. Regulation 7 of the Education (Fees and Awards) (Wales) Regulations 2007(**1**) (payments by HEFCW) has effect as if all references to "HEFCW" were references to "the Commission" during the period beginning with 1 August 2024 and ending immediately before the coming into force of paragraph 6(3)(c) of Schedule 4 to the Act.

Transitory provisions relating to the Education (Student Support) Regulations 2011

24.—(1) The modifications to the Education (Student Support) Regulations 2011(**2**) set out in paragraph (2) apply during the period beginning with 1 August 2024 and ending with 31 July 2026.

(**1**) S.I. 2007/2310 (W. 181), amended by S.I. 2021/481 (W. 148); there are other amending instruments, but none is relevant to this Order.

(**2**) S.I. 2011/1986 amended by S.I. 2017/114; there are other amending instruments, but none is relevant to this Order.

(2) Yn rheoliad 2(1) (dehongli: cyffredinol)—

(a) mae'r diffiniad o "non-regulated institution" yn cael effaith fel pe bai'r cyfeiriad at "the Higher Education Funding Council for Wales" yn gyfeiriad at "the Commission for Tertiary Education and Research";

(b) mae'r diffiniad o "regulated institution", yn cael effaith fel pe bai'r cyfeiriad at "the Higher Education Funding Council for Wales" yn gyfeiriad at "the Commission for Tertiary Education and Research".

Y darpariaethau darfodol sy'n ymwneud â Rheoliadau penodol a wnaed o dan Ddeddf 2015

25.—(1) Mae'r Rheoliadau y cyfeirir atynt ym mharagraff (2) yn cael effaith fel pe bai'r holl gyfeiriadau at "CCAUC" yn gyfeiriadau at "y Comisiwn Addysg Drydyddol ac Ymchwil" yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben yn union cyn i baragraff 31 o Atodlen 4 i'r Ddeddf ddod i rym yn llawn.

(2) Y Rheoliadau yw—

(a) Rheoliadau 2015;

(b) Rheoliadau Addysg Uwch (Cynlluniau Ffioedd a Mynediad) (Cymru) 2015(**1**);

(c) Rheoliadau 2016.

Y darpariaethau darfodol sy'n ymwneud â Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2017

26. Yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben yn union cyn i baragraff 31 o Atodlen 4 i'r Ddeddf ddod i rym yn llawn, mae'r diffiniad o "sefydliad rheoleiddiedig Cymreig" yn rheoliad 2(1) o Reoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2017(**2**), yn cael effaith fel pe bai'r cyfeiriad at "Cyngor Cyllido Addysg Uwch Cymru" yn gyfeiriad at "y Comisiwn Addysg Drydyddol ac Ymchwil".

(**1**) O.S. 2015/1498 (Cy. 170).
(**2**) O.S. 2017/47 (Cy. 21).

(2) In regulation 2(1) (interpretation: general)—

(a) the definition of "non-regulated institution" has effect as if the reference to "the Higher Education Funding Council for Wales" were to "the Commission for Tertiary Education and Research";

(b) the definition of "regulated institution" has effect as if the reference to "the Higher Education Funding Council for Wales" were to "the Commission for Tertiary Education and Research".

Transitory provisions relating to certain Regulations made under the 2015 Act

25.—(1) The Regulations referred to in paragraph (2) have effect as if all references to "HEFCW" were references to "the Commission for Tertiary Education and Research" during the period beginning with 1 August 2024 and ending immediately before the coming into force of paragraph 31 of Schedule 4 to the Act in full.

(2) The Regulations are—

(a) the 2015 Regulations;

(b) the Higher Education (Fee and Access Plans) (Wales) Regulations 2015(**1**);

(c) the 2016 Regulations.

Transitory provisions relating to the Education (Student Support) (Wales) Regulations 2017

26. During the period beginning with 1 August 2024 and ending immediately before the coming into force of paragraph 31 of Schedule 4 to the Act in full, the definition of "Welsh regulated institution" in regulation 2(1) of the Education (Student Support) (Wales) Regulations 2017(**2**) has effect as if the reference to "the Higher Education Funding Council for Wales" were a reference to "the Commission for Tertiary Education and Research".

(**1**) S.I. 2015/1498 (W. 170).
(**2**) S.I. 2017/47 (W. 21).

Y darpariaethau darfodol sy'n ymwneud â Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2018

27.—(1) Mae'r addasiad i Reoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2018(**1**) a nodir ym mharagraff (2) yn gymwys yn ystod y cyfnod sy'n dechrau â 1 Awst 2024 ac sy'n dod i ben yn union cyn i baragraff 31 o Atodlen 4 i'r Ddeddf ddod i rym yn llawn.

(2) Ym mharagraff 2A(1) o Atodlen 1, mae'r diffiniad o "sefydliad rheoleiddiedig Cymreig" yn cael effaith fel bai'r cyfeiriad at "Cyngor Cyllido Addysg Uwch Cymru" yn gyfeiriad at "y Comisiwn Addysg Drydyddol ac Ymchwil".

Transitory provisions relating to the Education (Student Support) (Wales) Regulations 2018

27.—(1) The modification to the Education (Student Support) (Wales) Regulations 2018(**1**) set out in paragraph (2) applies during the period beginning with 1 August 2024 and ending immediately before the coming into force of paragraph 31 of Schedule 4 to the Act in full.

(2) In paragraph 2A(1) of Schedule 1 the definition of "Welsh regulated institution" has effect as if the reference to "the Higher Education Funding Council for Wales" were a reference to "the Commission for Tertiary Education and Research".

RHAN 5

Y DARPARIAETHAU TROSIANNOL MEWN CYSYLLTIAD Â DIDDYMU CCAUC

Cyffredinol

28.—(1) Mae unrhyw beth a wnaed (neu sy'n cael effaith fel pe bai wedi ei wneud) gan CCAUC, mewn perthynas ag ef neu ar ei ran, cyn i adran 23 o'r Ddeddf ddod i rym, mewn cysylltiad â swyddogaeth CCAUC a wneir yn arferadwy gan y Comisiwn—

(a) yn rhinwedd y Gorchymyn hwn, neu

(b) oherwydd bod darpariaeth o'r Ddeddf yn dod i rym yn rhinwedd y Gorchymyn hwn,

yn cael effaith, i'r graddau y bo'n angenrheidiol er mwyn parhau â'i effaith o pan ddaw adran 23 o'r Ddeddf i rym, fel pe bai wedi ei wneud gan y Comisiwn, mewn perthynas ag ef neu ar ei ran.

(2) Caniateir i unrhyw beth (gan gynnwys achosion cyfreithiol) sydd wrthi'n cael ei wneud gan CCAUC, mewn perthynas ag ef neu ar ei ran, yn union cyn i adran 23 o'r Ddeddf ddod i rym, mewn cysylltiad â swyddogaeth CCAUC a wneir yn arferadwy gan y Comisiwn—

(a) yn rhinwedd y Gorchymyn hwn, neu

(b) oherwydd bod darpariaeth o'r Ddeddf yn dod i rym yn rhinwedd y Gorchymyn hwn,

barhau i gael ei wneud gan y Comisiwn, mewn perthynas ag ef neu ar ei ran o pan ddaw adran 23 o'r Ddeddf i rym.

(**1**) O.S. 2018/191 (Cy. 42), a ddiwygiwyd gan O.S. 2019/235 (Cy. 54); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol i'r Gorchymyn hwn.

PART 5

TRANSITIONAL PROVISIONS IN CONNECTION WITH THE DISSOLUTION OF HEFCW

General

28.—(1) Anything done (or having effect as if done) before the coming into force of section 23 of the Act by, in relation to, or on behalf of HEFCW in connection with a function of HEFCW that is made exercisable by the Commission by—

(a) virtue of this Order, or

(b) the coming into force of a provision of the Act by virtue of this Order,

has effect, as far as necessary for continuing its effect from the coming into force of section 23 of the Act, as if done by, in relation to, or on behalf of the Commission.

(2) Anything (including legal proceedings) which, immediately before the coming into force of section 23 of the Act is in the process of being done by, in relation to, or on behalf of HEFCW in connection with a function of HEFCW that is made exercisable by the Commission by—

(a) virtue of this Order, or

(b) the coming into force of a provision of the Act by virtue of this Order,

may, from the coming into force of section 23 of the Act, be continued by, in relation to, or on behalf of the Commission.

(**1**) S.I. 2018/191 (W. 42) amended by S.I. 2019/235 (W. 54); there are other amending instruments, but none is relevant to this Order.

(3) Mae unrhyw ganllawiau, unrhyw wybodaeth, unrhyw gyngor neu unrhyw ddogfen arall a gymeradwyir, a roddir neu a wneir cyn i adran 23 o'r Ddeddf ddod i rym i gael effaith, i'r graddau y bo'n angenrheidiol at ddibenion paragraffau (1) a (2), neu mewn cysylltiad â hwy, fel pe bai unrhyw gyfeiriadau at "CCAUC" (sut bynnag y'u mynegir) yn y canllawiau hynny, yr wybodaeth honno, y cyngor hwnnw neu'r ddogfen arall honno yn gyfeiriadau at "y Comisiwn".

(4) Nid yw'r erthygl hon—

(a) yn gymwys mewn perthynas ag erthyglau 11 i 13, 30 i 42, 44 na 45;

(b) yn effeithio ar ddilysrwydd unrhyw beth a wnaed (neu sy'n cael effaith fel pe bai wedi ei wneud) gan CCAUC, mewn perthynas ag ef neu ar ei ran, cyn 1 Awst 2024.

(3) Any guidance, information, advice or other document approved, given or made before the coming into force of section 23 of the Act is to have effect, in so far as necessary for the purposes of, or in connection with, paragraphs (1) and (2) as if any references to "HEFCW" (however expressed) in that guidance, information, advice or other document were references to "the Commission".

(4) This article does not—

(a) apply in relation to articles 11 to 13, 30 to 42, 44 or 45;

(b) affect the validity of anything done (or having effect as if done) by, in relation to, or on behalf of HEFCW before 1 August 2024.

Datganiad terfynol o gyfrifon CCAUC

29.—(1) Rhaid i'r Comisiwn lunio datganiad o gyfrifon ar gyfer CCAUC mewn cysylltiad â'r cyfnod sy'n dechrau â 1 Ebrill 2023 ac sy'n dod i ben â 31 Gorffennaf 2024 ("datganiad o gyfrifon CCAUC").

(2) Rhaid i ddatganiad o gyfrifon CCAUC gael ei lunio yn unol ag unrhyw gyfarwyddydau a roddir gan Weinidogion Cymru i'r Comisiwn, y caniateir iddynt wneud darpariaeth ynghylch—

(a) yr wybodaeth sydd i'w chynnwys ynddo,

(b) y modd y mae'r wybodaeth i'w chyflwyno,

(c) y dulliau a'r egwyddorion y mae'r datganiad i'w lunio yn unol â hwy, neu

(d) gwybodaeth ychwanegol sydd i fynd gyda'r datganiad.

(3) Rhaid i'r Comisiwn gyflwyno datganiad o gyfrifon CCAUC i Weinidogion Cymru ac Archwilydd Cyffredinol Cymru erbyn 30 Tachwedd 2024.

(4) Rhaid i Archwilydd Cyffredinol Cymru archwilio datganiad o gyfrifon CCAUC, ei ardystio ac adrodd arno a gosod copi o'r adroddiad a'r datganiad hwnnw gerbron Senedd Cymru.

HEFCW's final statement of accounts

29.—(1) The Commission must prepare a statement of accounts for HEFCW in respect of the period beginning with 1 April 2023 and ending with 31 July 2024 ("HEFCW's statement of accounts").

(2) HEFCW's statement of accounts must be prepared in accordance with any directions given by the Welsh Ministers to the Commission which may make provision as to the—

(a) information to be contained in it,

(b) manner in which the information is to be presented,

(c) methods and principles according to which the statement is to be prepared, or

(d) additional information that is to accompany the statement.

(3) The Commission must submit HEFCW's statement of accounts to the Welsh Ministers and the Auditor General for Wales by 30 November 2024.

(4) The Auditor General for Wales must examine, certify and report on HEFCW's statement of accounts and lay a copy of that report and statement before Senedd Cymru.

Cynlluniau ffioedd a mynediad

30.—(1) Mae cynllun ffioedd a mynediad o fewn paragraff (2)—

(a) yn parhau mewn grym ar ac ar ôl 1 Awst 2024, a

(b) yn cael effaith fel pe bai wedi cael ei gymeradwyo gan y Comisiwn.

Fee and access plans

30.—(1) A fee and access plan within paragraph (2)—

(a) continues in force on and after 1 August 2024, and

(b) has effect as if it has been approved by the Commission.

(2) Mae cynllun ffioedd a mynediad o fewn y paragraff hwn—

(a) os yw wedi cael ei gymeradwyo gan CCAUC o dan adran 7 o Ddeddf 2015, a

(b) os yw mewn grym, yn union cyn 1 Awst 2024, at ddibenion adran 7(4) o Ddeddf 2015.

(3) At ddibenion paragraff (2)(a), mae cynllun ffioedd a mynediad a gymeradwywyd gan CCAUC yn cynnwys cynllun ffioedd a mynediad sy'n ddarostyngedig i amrywiad a gymeradwywyd gan CCAUC o dan adran 9 o Ddeddf 2015.

(4) I'r graddau y bo'n angenrheidiol at ddiben bod y Comisiwn yn arfer ei swyddogaethau yn unol â Deddf 2015, mae cyfeiriadau at "CCAUC" neu at "Cyngor Cyllido Addysg Uwch Cymru" mewn cynllun ffioedd a mynediad o fewn paragraff (1) yn cael effaith fel pe baent yn gyfeiriadau at "y Comisiwn", ac mae ymadroddion cysylltiedig i'w dehongli yn unol â hynny.

Hysbysiadau rhybuddio

31.—(1) Mae hysbysiad rhybuddio a roddir gan CCAUC ac sydd mewn effaith yn union cyn 1 Awst 2024—

(a) yn parhau mewn effaith ar ac ar ôl 1 Awst 2024, a

(b) yn cael effaith fel pe bai wedi cael ei roi gan y Comisiwn.

(2) At ddibenion paragraff (1), mae hysbysiad rhybuddio mewn effaith os nad yw'r cyfnod ar gyfer cyflwyno sylwadau mewn cysylltiad â'r hysbysiad hwnnw wedi dod i ben.

(3) Ym mharagraff (2), ystyr y cyfnod ar gyfer cyflwyno sylwadau yw'r cyfnod a bennir—

(a) yn rheoliad 3 o Reoliadau 2015, neu

(b) yn achos hysbysiad rhybuddio a roddir mewn perthynas ag adran 38 o Ddeddf 2015, yn rheoliad 3 o Reoliadau 2015 fel y'i cymhwysir gan reoliad 5 o Reoliadau 2016.

(4) Mae sylwadau a gyflwynir i CCAUC yn unol â'r rheoliadau y cyfeirir atynt ym mharagraff (3) mewn perthynas â hysbysiad rhybuddio o fewn paragraff (1) yn cael effaith ar ac ar ôl 1 Awst 2024 fel pe baent yn sylwadau a gyflwynir i'r Comisiwn.

(5) I'r graddau y bo'n angenrheidiol at ddiben bod y Comisiwn yn arfer ei swyddogaethau yn unol â Deddf 2015, mae cyfeiriadau at "CCAUC" neu at "Cyngor Cyllido Addysg Uwch Cymru" mewn hysbysiad rhybuddio o fewn paragraff (1) yn cael effaith fel pe baent yn gyfeiriadau at "y Comisiwn", ac mae ymadroddion cysylltiedig i'w dehongli yn unol â hynny.

(2) A fee and access plan is within this paragraph if it—

(a) has been approved by HEFCW under section 7 of the 2015 Act, and

(b) is, immediately before 1 August 2024, in force for the purposes of section 7(4) of the 2015 Act.

(3) For the purposes of paragraph (2)(a) a fee and access plan approved by HEFCW includes a fee and access plan which is subject to a variation approved by HEFCW under section 9 of the 2015 Act.

(4) In so far as necessary for the purpose of the exercise by the Commission of its functions pursuant to the 2015 Act, references to "HEFCW" or to "the Higher Education Funding Council for Wales" in a fee and access plan within paragraph (1) have effect as if they were references to "the Commission" and related expressions are to be interpreted accordingly.

Warning notices

31.—(1) A warning notice given by HEFCW which is in effect immediately before 1 August 2024—

(a) continues in effect on and after 1 August 2024, and

(b) has effect as if it has been given by the Commission.

(2) For the purposes of paragraph (1) a warning notice is in effect if the period for making representations in respect of that notice has not expired.

(3) In paragraph (2) the period for making representations means the period specified—

(a) in regulation 3 of the 2015 Regulations, or

(b) in the case of a warning notice given in relation to section 38 of the 2015 Act, in regulation 3 of the 2015 Regulations as applied by regulation 5 of the 2016 Regulations.

(4) Representations made to HEFCW in accordance with the regulations referred to in paragraph (3) in relation to a warning notice within paragraph (1) have effect on and after 1 August 2024 as if they were representations made to the Commission.

(5) In so far as necessary for the purpose of the exercise by the Commission of its functions pursuant to the 2015 Act, references to "HEFCW" or to "the Higher Education Funding Council for Wales" in a warning notice within paragraph (1) have effect as if they were references to "the Commission" and related expressions are to be interpreted accordingly.

(6) Yn yr erthygl hon, ystyr "hysbysiad rhybuddio" yw hysbysiad rhybuddio fel y'i nodir yn adran 42 o Ddeddf 2015.

Cyfarwyddydau CCAUC nad ydynt mewn grym

32.—(1) Mae cyfarwyddyd o fewn paragraff (2) a roddir gan CCAUC cyn 1 Awst 2024 ac y mae paragraff (3) yn gymwys iddo—

(a) yn parhau mewn effaith ar ac ar ôl 1 Awst 2024, a

(b) yn cael effaith fel pe bai wedi cael ei roi gan y Comisiwn.

(2) Mae cyfarwyddyd o fewn y paragraff hwn yn gyfarwyddyd a roddir i gorff llywodraethu sefydliad o dan unrhyw un neu ragor o'r adrannau a ganlyn o Ddeddf 2015

(a) adran 11;

(b) adran 13;

(c) adran 19;

(d) adran 33.

(3) Mae'r paragraff hwn yn gymwys i gyfarwyddyd a roddir i gorff llywodraethu sefydliad pan, yn union cyn 1 Awst 2024—

(a) na fo'r corff llywodraethu hwnnw wedi hysbysu CCAUC yn ysgrifenedig ei fod yn derbyn y cyfarwyddyd ac na fo'r cyfnod amser ar gyfer gwneud cais am adolygiad o dan reoliad 8 o Reoliadau 2015 wedi dod i ben, neu

(b) bo'r corff llywodraethu hwnnw wedi gwneud cais i'r panel adolygu o dan reoliad 8 o Reoliadau 2015 ac—

(i) na fo'r adolygiad wedi gorffen, neu

(ii) bo'r adolygiad wedi gorffen ond na fo CCAUC wedi hysbysu'r corff llywodraethu yn ysgrifenedig fod y cyfarwyddyd yn cael effaith.

(4) Ym mharagraff (3)(a), ystyr hysbysu CCAUC yn ysgrifenedig yw hysbysu o dan reoliad 4(a) o Reoliadau 2015.

(5) Nid oes dim yn yr erthygl hon yn effeithio ar y modd y caiff cyfarwyddyd ei drin at ddibenion Rheoliadau 2015 fel y'i nodir yn rheoliad 4 o'r Rheoliadau hynny.

(6) I'r graddau y bo'n angenrheidiol at ddiben bod y Comisiwn yn arfer ei swyddogaethau yn unol â Deddf 2015, mae cyfeiriadau at "CCAUC" neu at "Cyngor Cyllido Addysg Uwch Cymru" mewn cyfarwyddyd o fewn paragraff (1) yn cael effaith fel pe baent yn gyfeiriadau at "y Comisiwn", ac mae ymadroddion cysylltiedig i'w dehongli yn unol â hynny.

(6) In this article "warning notice" means a warning notice as set out in section 42 of the 2015 Act.

HEFCW directions which are not in force

32.—(1) A direction within paragraph (2) which is given by HEFCW before 1 August 2024 and to which paragraph (3) applies—

(a) continues in effect on and after 1 August 2024, and

(b) has effect as if it has been given by the Commission.

(2) A direction within this paragraph is a direction given to the governing body of an institution under any of the following sections of the 2015 Act—

(a) section 11;

(b) section 13;

(c) section 19;

(d) section 33.

(3) This paragraph applies to a direction given to the governing body of an institution where, immediately before 1 August 2024, that governing body has—

(a) not notified HEFCW in writing that it accepts the direction and the time period for making an application for a review under regulation 8 of the 2015 Regulations has not expired, or

(b) made an application to the review panel under regulation 8 of the 2015 Regulations and the review has—

(i) not concluded, or

(ii) concluded but HEFCW has not notified the governing body in writing that the direction has effect.

(4) In paragraph (3)(a), notification to HEFCW in writing means notification under regulation 4(a) of the 2015 Regulations.

(5) Nothing in this article affects the treatment of a direction for the purposes of the 2015 Regulations as set out in regulation 4 of those Regulations.

(6) In so far as necessary for the purpose of the exercise by the Commission of its functions pursuant to the 2015 Act, references to "HEFCW" or to "the Higher Education Funding Council for Wales" in a direction within paragraph (1) have effect as if they were references to "the Commission" and related expressions are to be interpreted accordingly.

Adolygiadau

33.—(1) Mae adolygiad sy'n cael ei gynnal o dan adran 44 o Ddeddf 2015 yn union cyn 1 Awst 2024 yn parhau ar neu ar ôl 1 Awst 2024 fel pe bai'r cyfarwyddyd neu'r hysbysiad sy'n destun yr adolygiad yn gyfarwyddyd neu'n hysbysiad gan y Comisiwn.

(2) At ddibenion paragraff (1) nid yw adolygiad yn cael ei gynnal os yw'r panel adolygu, cyn 1 Awst 2024, wedi anfon copi o'i adroddiad ysgrifenedig yn unol â rheoliad 9(8)(g) o Reoliadau 2015.

Cyfarwyddydau CCAUC sydd mewn grym

34.—(1) Mae cyfarwyddyd a roddir gan CCAUC o dan unrhyw un neu ragor o'r adrannau o Ddeddf 2015 y cyfeirir atynt yn erthygl 32(2) ac sydd mewn effaith yn union cyn 1 Awst 2024—

(a) yn parhau mewn effaith ar ac ar ôl 1 Awst 2024, a

(b) yn cael effaith fel pe bai wedi cael ei roi gan y Comisiwn.

(2) At ddibenion paragraff (1), mae cyfarwyddyd mewn effaith—

(a) os yw corff llywodraethu'r sefydliad y rhoddwyd y cyfarwyddyd iddo wedi hysbysu CCAUC yn ysgrifenedig o dan reoliad 4(a) o Reoliadau 2015 ei fod yn derbyn y cyfarwyddyd,

(b) os na all corff llywodraethu'r sefydliad y rhoddwyd y cyfarwyddyd iddo wneud cais am adolygiad o dan reoliad 8 o Reoliadau 2015 oherwydd bod y cyfnod amser ar gyfer gwneud cais i'r panel adolygu wedi dod i ben, neu

(c) os yw corff llywodraethu'r sefydliad y rhoddwyd y cyfarwyddyd iddo wedi cael ei hysbysu yn ysgrifenedig gan CCAUC fod y cyfarwyddyd yn cael effaith ar ôl i adolygiad mewn cysylltiad â'r cyfarwyddyd hwnnw orffen.

(3) Mae cyfarwyddyd a roddir gan CCAUC i gorff llywodraethu o dan unrhyw un neu ragor o'r adrannau o Ddeddf 2015 y cyfeirir atynt ym mharagraff (4) ac sydd mewn effaith yn union cyn 1 Awst 2024—

(a) yn parhau mewn effaith ar ac ar ôl 1 Awst 2024, a

(b) yn cael effaith fel pe bai wedi cael ei roi gan y Comisiwn.

(4) Yr adrannau o Ddeddf 2015 yw—

(a) adran 16;

(b) adran 21;

(c) adran 35.

Reviews

33.—(1) A review which is being carried out under section 44 of the 2015 Act immediately before 1 August 2024 continues on or after 1 August 2024 as if the direction or notice which is the subject of the review is a direction or notice from the Commission.

(2) For the purposes of paragraph (1) a review is not being carried out if, before 1 August 2024, the review panel has sent a copy of its written report in accordance with regulation 9(8)(g) of the 2015 Regulations.

HEFCW directions which are in force

34.—(1) A direction given by HEFCW under any of the sections of the 2015 Act referred to in article 32(2) and which is in effect immediately before 1 August 2024—

(a) continues in effect on and after 1 August 2024, and

(b) has effect as if it has been given by the Commission.

(2) For the purposes of paragraph (1) a direction is in effect if the governing body of the institution to which it has been given—

(a) has notified HEFCW in writing under regulation 4(a) of the 2015 Regulations that it accepts the direction,

(b) is not able to apply for a review under regulation 8 of the 2015 Regulations due to the time period for making an application to the review panel having expired, or

(c) has received notification in writing from HEFCW that the direction has effect following the conclusion of a review in respect of that direction.

(3) A direction given by HEFCW to a governing body under any of the sections of the 2015 Act referred to in paragraph (4) and which is in effect immediately before 1 August 2024—

(a) continues in effect on and after 1 August 2024, and

(b) has effect as if it has been given by the Commission.

(4) The sections of the 2015 Act are—

(a) section 16;

(b) section 21;

(c) section 35.

(5) At ddibenion paragraffau (1) a (3), o ran cyfarwyddyd a roddir gan CCAUC—

(a) mae'n cynnwys cyfarwyddyd sydd wedi ei amrywio gan CCAUC cyn 1 Awst 2024 o dan adran 46(b) o Ddeddf 2015;

(b) mae mewn effaith i'r graddau nad yw CCAUC wedi rhoi hysbysiad, o dan adran 45(3) o Ddeddf 2015, i'r corff llywodraethu sy'n cael y cyfarwyddyd, sy'n datgan bod CCAUC wedi ei fodloni bod y corff—

(i) wedi cydymffurfio â'r cyfarwyddyd, neu

(ii) wedi cydymffurfio â gofyniad penodol yn y cyfarwyddyd;

(c) nid yw mewn effaith os yw CCAUC wedi dirymu'r cyfarwyddyd o dan adran 46(b) o Ddeddf 2015.

(6) I'r graddau y bo'n angenrheidiol at ddiben bod y Comisiwn yn arfer ei swyddogaethau yn unol â Deddf 2015, mae cyfeiriadau at "CCAUC" neu at "Cyngor Cyllido Addysg Uwch Cymru" mewn cyfarwyddyd o fewn paragraff (1) neu (3) yn cael effaith fel pe baent yn gyfeiriadau at "y Comisiwn", ac mae ymadroddion cysylltiedig i'w dehongli yn unol â hynny.

Cyfarwyddydau gan Weinidogion Cymru o dan adran 28(4) o Ddeddf 2015

35.—(1) Mae cyfarwyddyd a roddir o dan adran 28(4) o Ddeddf 2015 gan Weinidogion Cymru i CCAUC ac sydd mewn effaith yn union cyn 1 Awst 2024—

(a) yn parhau mewn effaith ar ac ar ôl 1 Awst 2024, a

(b) yn cael effaith fel pe bai wedi cael ei roi gan Weinidogion Cymru i'r Comisiwn.

(2) At ddibenion paragraff (1), mae cyfarwyddyd mewn effaith—

(a) os yw'r cyfnod a bennir yn y cyfarwyddyd yn dechrau cyn 1 Awst 2024 ac yn dod i ben ar neu ar ôl y dyddiad hwnnw, a

(b) os nad yw wedi cael ei ddirymu gan gyfarwyddyd dilynol a roddwyd gan Weinidogion Cymru o dan adran 56(b) o Ddeddf 2015.

(3) I'r graddau y bo'n angenrheidiol at ddiben bod y Comisiwn yn arfer ei swyddogaethau yn unol â Deddf 2015, mae cyfeiriadau at "CCAUC" neu at "Cyngor Cyllido Addysg Uwch Cymru" mewn cyfarwyddyd o fewn paragraff (1) yn cael effaith fel pe baent yn gyfeiriadau at "y Comisiwn", ac mae ymadroddion cysylltiedig i'w dehongli yn unol â hynny.

(5) For the purposes of paragraphs (1) and (3) a direction given by HEFCW—

(a) includes a direction which has been varied by HEFCW before 1 August 2024 under section 46(b) of the 2015 Act;

(b) is in effect to the extent that HEFCW has not given notice under section 45(3) of the 2015 Act to the governing body in receipt of the direction stating that HEFCW is satisfied that the body has complied—

(i) with the direction, or

(ii) with a particular requirement of the direction;

(c) is not in effect if HEFCW has revoked the direction under section 46(b) of the 2015 Act.

(6) In so far as necessary for the purpose of the exercise by the Commission of its functions pursuant to the 2015 Act, references to "HEFCW" or to "the Higher Education Funding Council for Wales" in a direction within paragraph (1) or (3) have effect as if they were references to "the Commission" and related expressions are to be interpreted accordingly.

Directions of the Welsh Ministers under section 28(4) of the 2015 Act

35.—(1) A direction given under section 28(4) of the 2015 Act by the Welsh Ministers to HEFCW and which is in effect immediately before 1 August 2024—

(a) continues in effect on and after 1 August 2024, and

(b) has effect as if it has been given by the Welsh Ministers to the Commission.

(2) For the purposes of paragraph (1) a direction is in effect if—

(a) the period specified in the direction commences before 1 August 2024 and ends on or after that date, and

(b) it has not been revoked by a subsequent direction given by the Welsh Ministers under section 56(b) of the 2015 Act.

(3) In so far as necessary for the purpose of the exercise by the Commission of its functions pursuant to the 2015 Act, references to "HEFCW" or to "the Higher Education Funding Council for Wales" in a direction within paragraph (1) have effect as if they were references to "the Commission" and related expressions are to be interpreted accordingly.

Cod rheolaeth ariannol

36.—(1) Mae cod rheolaeth ariannol y mae paragraff (2) yn gymwys iddo ac sy'n cael effaith yn union cyn 1 Awst 2024—

(a) yn parhau mewn effaith ar ac ar ôl 1 Awst 2024, a

(b) yn cael effaith fel pe bai—

(i) wedi ei gymeradwyo gan Weinidogion Cymru a Senedd Cymru o dan adran 30 o Ddeddf 2015, a

(ii) wedi ei gyhoeddi gan y Comisiwn o dan adran 30(7) o Ddeddf 2015.

(2) Mae'r paragraff hwn yn gymwys i god rheolaeth ariannol sydd—

(a) wedi cael ei gymeradwyo gan Weinidogion Cymru a Senedd Cymru o dan adran 30 o Ddeddf 2015, a

(b) wedi cael ei gyhoeddi gan CCAUC o dan adran 30(7) o Ddeddf 2015.

(3) I'r graddau y bo'n angenrheidiol at ddiben bod y Comisiwn yn arfer ei swyddogaethau yn unol â Deddf 2015, mae cyfeiriadau at "CCAUC" neu at "Cyngor Cyllido Addysg Uwch Cymru" mewn cod rheolaeth ariannol o fewn paragraff (1) yn cael effaith fel pe baent yn gyfeiriadau at "y Comisiwn", ac mae ymadroddion cysylltiedig i'w dehongli yn unol â hynny.

Hysbysiadau CCAUC nad ydynt mewn grym

37.—(1) Mae hysbysiad o fewn paragraff (2) a roddir gan CCAUC cyn 1 Awst 2024 ac y mae paragraff (3) yn gymwys iddo—

(a) yn parhau mewn effaith ar ac ar ôl 1 Awst 2024, a

(b) yn cael effaith fel pe bai wedi cael ei roi gan y Comisiwn.

(2) Mae hysbysiad o fewn y paragraff hwn yn hysbysiad a roddir i gorff llywodraethu sefydliad o dan unrhyw un neu ragor o'r adrannau a ganlyn o Ddeddf 2015—

(a) adran 37;

(b) adran 38;

(c) adran 39.

Financial management code

36.—(1) A financial management code to which paragraph (2) applies and which has effect immediately before 1 August 2024—

(a) continues in effect on and after 1 August 2024, and

(b) has effect as if—

(i) approved by the Welsh Ministers and Senedd Cymru under section 30 of the 2015 Act, and

(ii) published by the Commission under section 30(7) of the 2015 Act.

(2) This paragraph applies to a financial management code which has been—

(a) approved by the Welsh Ministers and Senedd Cymru under section 30 of the 2015 Act, and

(b) published by HEFCW under section 30(7) of the 2015 Act.

(3) In so far as necessary for the purpose of the exercise by the Commission of its functions pursuant to the 2015 Act, references to "HEFCW" or to "the Higher Education Funding Council for Wales" in a financial management code within paragraph (1) have effect as if they were references to "the Commission" and related expressions are to be interpreted accordingly.

HEFCW notices which are not in force

37.—(1) A notice within paragraph (2) which is given by HEFCW before 1 August 2024 and to which paragraph (3) applies—

(a) continues in effect on and after 1 August 2024, and

(b) has effect as if it has been given by the Commission.

(2) A notice within this paragraph is notice given to the governing body of an institution under any of the following sections of the 2015 Act—

(a) section 37;

(b) section 38;

(c) section 39.

(3) Mae'r paragraff hwn yn gymwys i hysbysiad a roddir i gorff llywodraethu sefydliad—

(a) pan na fo'r corff llywodraethu hwnnw wedi hysbysu CCAUC yn ysgrifenedig, yn union cyn 1 Awst 2024, ei fod yn derbyn yr hysbysiad ac na fo'r cyfnod amser ar gyfer gwneud cais am adolygiad o dan reoliad 8 o Reoliadau 2015 wedi dod i ben, neu

(b) pan fo'r corff llywodraethu hwnnw, yn union cyn 1 Awst 2024, wedi gwneud cais i'r panel adolygu o dan reoliad 8 o Reoliadau 2015 ac—

(i) na fo'r adolygiad wedi gorffen, neu

(ii) bo'r adolygiad wedi gorffen ond na fo CCAUC wedi hysbysu'r corff llywodraethu yn ysgrifenedig fod yr hysbysiad yn cael effaith.

(4) Ym mharagraff (3)(a), ystyr hysbysu CCAUC yn ysgrifenedig yw hysbysu o dan reoliad 4(a) o Reoliadau 2015.

(5) Nid oes dim yn yr erthygl hon yn effeithio ar y modd y caiff hysbysiad ei drin at ddibenion Rheoliadau 2015 fel y'i nodir yn rheoliad 4 o'r Rheoliadau hynny.

(6) I'r graddau y bo'n angenrheidiol at ddiben bod y Comisiwn yn arfer ei swyddogaethau yn unol â Deddf 2015, mae cyfeiriadau at "CCAUC" neu at "Cyngor Cyllido Addysg Uwch Cymru" mewn hysbysiad o fewn paragraff (1) yn cael effaith fel pe baent yn gyfeiriadau at "y Comisiwn", ac mae ymadroddion cysylltiedig i'w dehongli yn unol â hynny.

Hysbysiadau CCAUC sydd mewn grym

38.—(1) Mae hysbysiad a roddir gan CCAUC o dan adran o Ddeddf 2015 y cyfeirir ati yn erthygl 37(2) ac sydd mewn effaith yn union cyn 1 Awst 2024—

(a) yn parhau mewn effaith ar ac ar ôl 1 Awst 2024, a

(b) yn cael effaith fel pe bai wedi cael ei roi gan y Comisiwn.

(2) At ddibenion paragraff (1), mae hysbysiad mewn effaith—

(a) os yw corff llywodraethu'r sefydliad y rhoddwyd yr hysbysiad iddo wedi hysbysu CCAUC yn ysgrifenedig o dan reoliad 4(a) o Reoliadau 2015 ei fod yn derbyn yr hysbysiad,

(3) This paragraph applies to a notice given to the governing body of an institution where, immediately before 1 August 2024, that governing body has—

(a) not notified HEFCW in writing that it accepts the notice and the time period for making an application for a review under regulation 8 of the 2015 Regulations has not expired, or

(b) made an application to the review panel under regulation 8 of the 2015 Regulations and the review has—

(i) not concluded, or

(ii) concluded but HEFCW has not notified the governing body in writing that the notice has effect.

(4) In paragraph (3)(a) notification to HEFCW in writing means notification under regulation 4(a) of the 2015 Regulations.

(5) Nothing in this article affects the treatment of a notice for the purposes of the 2015 Regulations as set out in regulation 4 of those Regulations.

(6) In so far as necessary for the purpose of the exercise by the Commission of its functions pursuant to the 2015 Act, references to "HEFCW" or to "the Higher Education Funding Council for Wales" in a notice within paragraph (1) have effect as if they were references to "the Commission" and related expressions are to be interpreted accordingly.

HEFCW notices which are in force

38.—(1) A notice given by HEFCW under a section of the 2015 Act referred to in article 37(2) which is in effect immediately before 1 August 2024—

(a) continues in effect on and after 1 August 2024, and

(b) has effect as if it has been given by the Commission.

(2) For the purposes of paragraph (1) a notice is in effect if the governing body of the institution to which it has been given—

(a) has notified HEFCW in writing under regulation 4(a) of the 2015 Regulations that it accepts the notice,

(b) os na all corff llywodraethu'r sefydliad y rhoddwyd yr hysbysiad iddo wneud cais am adolygiad o dan reoliad 8 o Reoliadau 2015 oherwydd bod y cyfnod amser ar gyfer gwneud cais i'r panel adolygu wedi dod i ben, neu

(c) os yw corff llywodraethu'r sefydliad y rhoddwyd yr hysbysiad iddo wedi cael ei hysbysu yn ysgrifenedig gan CCAUC fod yr hysbysiad yn cael effaith ar ôl i adolygiad mewn cysylltiad â'r hysbysiad orffen.

(3) At ddibenion paragraff (1), nid yw hysbysiad a roddir gan CCAUC o dan adran 37 o Ddeddf 2015 mewn effaith—

(a) os yw'r cyfnod a bennir yn yr hysbysiad wedi dod i ben;

(b) os yw CCAUC wedi tynnu'r hysbysiad yn ôl o dan adran 37(6) o Ddeddf 2015.

(4) I'r graddau y bo'n angenrheidiol at ddiben bod y Comisiwn yn arfer ei swyddogaethau yn unol â Deddf 2015, mae cyfeiriadau at "CCAUC" neu at "Cyngor Cyllido Addysg Uwch Cymru" mewn hysbysiad o fewn paragraff (1) yn cael effaith fel pe baent yn gyfeiriadau at "y Comisiwn", ac mae ymadroddion cysylltiedig i'w dehongli yn unol â hynny.

Hysbysiadau CCAUC o dan adran 45(3) o Ddeddf 2015

39. Mae hysbysiad a roddir o dan adran 45(3) o Ddeddf 2015 gan CCAUC, sy'n cael effaith yn union cyn 1 Awst 2024—

(a) yn parhau mewn effaith ar ac ar ôl 1 Awst 2024, a

(b) yn cael effaith fel pe bai wedi cael ei roi gan y Comisiwn.

Canllawiau a ddyroddir gan Weinidogion Cymru

40. I'r graddau y bo'n angenrheidiol at ddiben bod y Comisiwn yn arfer ei swyddogaethau yn unol â Deddf 2015, mae cyfeiriadau at "CCAUC" neu at "Cyngor Cyllido Addysg Uwch Cymru", mewn unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru mewn perthynas â Deddf 2015 sy'n cael effaith yn union cyn 1 Awst 2024, yn cael effaith ar ac ar ôl 1 Awst 2024 fel pe baent yn gyfeiriadau at "y Comisiwn", ac mae ymadroddion cysylltiedig i'w dehongli yn unol â hynny.

41. Mae canllawiau a ddyroddir gan Weinidogion Cymru i CCAUC o dan adran 49 o Ddeddf 2015 ac sy'n cael effaith yn union cyn 1 Awst 2024 yn cael effaith ar ac ar ôl 1 Awst 2024 fel pe bai wedi cael ei roi gan Weinidogion Cymru i'r Comisiwn o dan adran 20 o'r Ddeddf.

(b) is not able to apply for a review under regulation 8 of the 2015 Regulations due to the time period for making an application to the review panel having expired, or

(c) has received notification in writing from HEFCW that the notice has effect following the conclusion of a review in respect of the notice.

(3) For the purposes of paragraph (1) a notice given by HEFCW under section 37 of the 2015 Act is not in effect if—

(a) the period specified in the notice has expired;

(b) HEFCW has withdrawn the notice under section 37(6) of the 2015 Act.

(4) In so far as necessary for the purpose of the exercise by the Commission of its functions pursuant to the 2015 Act, references to "HEFCW" or to "the Higher Education Funding Council for Wales" in a notice within paragraph (1) have effect as if they were references to "the Commission" and related expressions are to be interpreted accordingly.

HEFCW notices under section 45(3) of the 2015 Act

39. A notice given under section 45(3) of the 2015 Act by HEFCW which has effect immediately before 1 August 2024—

(a) continues in effect on and after 1 August 2024, and

(b) has effect as if it has been given by the Commission.

Guidance issued by the Welsh Ministers

40. In so far as necessary for the purpose of the exercise by the Commission of its functions pursuant to the 2015 Act, references to "HEFCW" or to "the Higher Education Funding Council for Wales" in any guidance issued by the Welsh Ministers in relation to the 2015 Act which has effect immediately before 1 August 2024 have effect on and after 1 August 2024 as if they were references to "the Commission" and related expressions are to be interpreted accordingly.

41. Guidance issued by the Welsh Ministers to HEFCW under section 49 of the 2015 Act and which has effect immediately before 1 August 2024 has effect on and after 1 August 2024 as if it has been given by the Welsh Ministers to the Commission under section 20 of the Act.

Datganiad mewn cysylltiad â swyddogaethau ymyrryd

42.—(1) Mae datganiad mewn cysylltiad â swyddogaethau ymyrryd, sy'n cael effaith yn union cyn 1 Awst 2024—

(a) yn parhau mewn effaith ar ac ar ôl 1 Awst 2024, a

(b) yn cael effaith fel pe bai wedi cael ei lunio a'i gyhoeddi gan y Comisiwn o dan adran 52 o Ddeddf 2015.

(2) I'r graddau y bo'n angenrheidiol at ddiben bod y Comisiwn yn arfer ei swyddogaethau yn unol â Deddf 2015, mae cyfeiriadau at "CCAUC" neu at "Cyngor Cyllido Addysg Uwch Cymru" mewn datganiad mewn cysylltiad â swyddogaethau ymyrryd o fewn paragraff (1) yn cael effaith fel pe baent yn gyfeiriadau at "y Comisiwn", ac mae ymadroddion cysylltiedig i'w dehongli yn unol â hynny.

(3) Yn yr erthygl hon, ystyr "datganiad mewn cysylltiad â swyddogaethau ymyrryd" yw datganiad a gyhoeddir o dan adran 52 o Ddeddf 2015.

Statement in respect of intervention functions

42.—(1) A statement in respect of intervention functions which has effect immediately before 1 August 2024—

(a) continues in effect on and after 1 August 2024, and

(b) has effect as if it has been prepared and published by the Commission under section 52 of the 2015 Act.

(2) In so far as necessary for the purpose of the exercise by the Commission of its functions pursuant to the 2015 Act, references to "HEFCW" or to "the Higher Education Funding Council for Wales" in a statement in respect of intervention functions within paragraph (1) have effect as if they were references to "the Commission" and related expressions are to be interpreted accordingly.

(3) In this article "statement in respect of intervention functions" means a statement published under section 52 of the 2015 Act.

Y darpariaethau trosiannol sy'n ymwneud â Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015

43. O ran ei gymhwyso i'r Comisiwn, mae paragraff (a) o adran 9(2) o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn cael effaith fel pe bai'r paragraff a ganlyn wedi ei roi yn lle'r paragraff hwnnw—

"(a) heb fod yn hwyrach na 31 Mawrth 2025, a".

Transitional provisions relating to the Well-being of Future Generations (Wales) Act 2015

43. In its application to the Commission, paragraph (a) of section 9(2) of the Well-being of Future Generations (Wales) Act 2015 has effect as if for that paragraph there were substituted—

"(a) no later than 31 March 2025, and".

Y darpariaethau trosiannol sy'n ymwneud â Rheoliadau 2015

44.—(1) Pan fo cyfarwyddyd o dan adran 11 o Ddeddf 2015 yn cael ei gyhoeddi ar wefan CCAUC, yn unol â rheoliad 11(1)(b) o Reoliadau 2015, yn union cyn 1 Awst 2024, rhaid i'r Comisiwn gyhoeddi copi o'r cyfarwyddyd hwnnw ar ei wefan.

(2) Mae cyhoeddi'r cyfarwyddyd gan y Comisiwn o dan baragraff (1) yn cael effaith fel cyhoeddi yn unol â rheoliad 11(1)(b) o Reoliadau 2015 at ddibenion rheoliad 11(2) o'r Rheoliadau hynny.

Transitional provisions relating to the 2015 Regulations

44.—(1) Where in accordance with regulation 11(1)(b) of the 2015 Regulations a direction under section 11 of the 2015 Act is being published on HEFCW's website immediately before 1 August 2024, the Commission must publish a copy of that direction on its website.

(2) Publication of the direction by the Commission under paragraph (1) has effect as publication in accordance with regulation 11(1)(b) of the 2015 Regulations for the purposes of regulation 11(2) of those Regulations.

Y darpariaethau trosiannol sy'n ymwneud â Rheoliadau 2016

45.—(1) Pan fo hysbysiad a roddir o dan adran 37, 38 neu 39 o Ddeddf 2015 yn cael ei gyhoeddi ar wefan CCAUC, yn unol â rheoliad 7(b) o Reoliadau 2016, yn union cyn 1 Awst 2024, rhaid i'r Comisiwn gyhoeddi copi o'r hysbysiad hwnnw ar ei wefan.

(2) Mae cyhoeddi'r hysbysiad gan y Comisiwn o dan baragraff (1) yn cael effaith fel cyhoeddi yn unol â rheoliad 7(b) o Reoliadau 2016 at ddibenion rheoliadau 9 a 10 o'r Rheoliadau hynny.

Transitional provisions relating to the 2016 Regulations

45.—(1) Where in accordance with regulation 7(b) of the 2016 Regulations a notice given under section 37, 38 or 39 of the 2015 Act is being published on HEFCW's website immediately before 1 August 2024, the Commission must publish a copy of that notice on its website.

(2) Publication of the notice by the Commission under paragraph (1) has effect as publication in accordance with regulation 7(b) of the 2016 Regulations for the purposes of regulations 9 and 10 of those Regulations.

Lynne Neagle

Ysgrifennydd y Cabinet dros Addysg, un o Weinidogion Cymru
17 Gorffennaf 2024

Cabinet Secretary for Education, one of the Welsh Ministers
17 July 2024

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