

## ATODLEN 5

### MÂN DDIWYGIADAU A DIWYGIADAU CANLYNIADOL

#### RHAN 1

#### DIWYGIADAU SY’N YMWNEUD Â RHAN 2 (SAFONAU)

##### *Deddf Diwygio Addysg 1988*

- (1) Mae adran 219 o Ddeddf Diwygio Addysg 1988 (pwerau Gweinidogion Cymru a’r Ysgrifennydd Gwladol mewn perthynas â sefydliadau addysgol penodol) wedi ei diwygio fel a ganlyn.
  - (2) Yn is-adran (3) ar ôl “institution” mewnosoder “in England”.
  - (3) Ar ôl is-adran (3) mewnosoder—
    - “(3A) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) has effect in relation to an institution in Wales to which this section applies as if—
      - (a) a reference to the governing body of a maintained school included a reference to the governing body of an institution to which this section applies;
      - (b) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of the 2013 Act; and
      - (c) sections 3 to 9 and 12 to 16 of the 2013 Act did not apply.”

##### *Deddf Addysg 1996*

- (1) Mae Deddf Addysg 1996 wedi ei diwygio fel a ganlyn.
  - (2) Yn adran 409(4) (cwynion a gorfodi: ysgolion a gynhelir yng Nghymru) yn lle’r geiriau o “section 496” i “duties” rhodder “Chapter 1 or 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in conduct of maintained schools and local authorities)”.
  - (3) Yn adran 484(7) (grantiau safonau addysg) yn lle “sections 495 to 497” rhodder “section 495 or in Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013”.
  - (4) Yn adran 496(2) (y pŵer i atal arfer afresymol o swyddogaethau)—
    - (a) ym mharagraff (a), ar ôl “local authority” mewnosoder “in England”;
    - (b) ym mharagraff (b), ar ôl “school” ym mhob man yr ymddengys mewnosoder “in England”.
  - (5) Yn adran 497(2) (pwerau diodyn cyffredinol am fethu â chyflawni dyletswydd)—
    - (a) ym mharagraff (a), ar ôl “local authority” mewnosoder “in England”;
    - (b) ym mharagraff (b), ar ôl “school” ym mhob man yr ymddengys mewnosoder “in England”.

- (6) Yn adran 497A(1) (y pŵer i sicrhau cyflawni swyddogaethau'n briodol) yn lle “a local authority’s education functions” rhodder “the education functions of a local authority in England”.
- (7) Yn adran 560(6) (profiad gwaith ym mlwyddyn olaf addysg orfodol mewn ysgol) ar ôl “or 496” mewnosoder “or Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013”.
- (8) Ym mharagraff 6(4) o Atodlen 1 (unedau cyfeirio disgyblion) yn lle'r geiriau o “section 496” i “powers” rhodder “Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities)”.

*Deddf Addysgu ac Addysg Uwch 1998*

- 3 Yn adran 19 o Ddeddf Addysgu ac Addysg Uwch 1998 (gofyniad i ddilyn cyfnod ymsefydlu) yn lle is-adran (12) rhodder—
  - “(12) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) has effect in relation to duties imposed and powers conferred by virtue of this section as if—
    - (a) references to functions under the Education Acts included duties imposed and powers conferred by virtue of this section;
    - (b) references to the governing body of a maintained school included—
      - (i) the governing body of a special school not maintained by a local authority,
      - (ii) the governing body (within the meaning given by section 90(1) of the Further and Higher Education Act 1992) of a further education institution, and
      - (iii) an appropriate body for the purposes of subsection (2);
    - (c) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of the 2013 Act; and
    - (d) sections 3 to 9 and 12 to 16 of that Act did not apply.
  - (13) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) has effect in relation to duties imposed and powers conferred by virtue of this section as if references to education functions included duties imposed and powers conferred on a local authority by virtue of this section.”

*Deddf Safonau a Fframwaith Ysgolion 1998*

- 4 (1) Mae Deddf Safonau a Fframwaith Ysgolion 1998 wedi ei diwygio fel a ganlyn.
- (2) Mae Pennod 4 o Ran 1 (ymyrryd mewn ysgolion yng Nghymru sy'n peri pryder) wedi ei diddymu.
- (3) Yn adran 51A (gwariant a wnaed at ddibenion cymunedol)—
  - (a) hepgorer “section 17 or”;
  - (b) ar ôl “15” mewnosoder “or section 8 of the School Standards and Organisation (Wales) Act 2013”.
- (4) Yn adran 62 (pŵer wrth gefn i atal methiant mewn disgyblaeth)—
  - (a) yn is-adran (1)—

- (i) ar ôl “local authority” mewnosoder “in England”;
  - (ii) hepgorer “or (3)”;
  - (b) hepgorer is-adran (3).
- (5) Yn adran 89C(2) (darpariaeth bellach ynghylch cynlluniau i gydgyssylltu trefniadau derbyn) yn lle “, sections 496” i’r diwedd rhodder—
- “(a) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) is to apply as if any obligations imposed on a governing body under the scheme were duties imposed by the Education Acts.
  - (b) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) is to apply as if any obligation imposed on a local authority were an education function.”
- (6) Yn adran 142(4)(b) (dehongli cyffredinol) hepgorer “of section 16(6) or (8)”.
- (7) Yn adran 143 (mynegai) yn y cofnod ar gyfer “maintained school”, hepgorer y cofnod sy’n dechrau “(in Chapter 4 of Part 1)”.
- (8) Hepgorer Atodlen 1A (cyrff llywodraethu a ffurfiwyd o aelodau gweithrediaeth interim).
- (9) Yn Atodlen 22 (gwaredu tir), ym mharagraff 5(1)(b)(i) yn lle “section 19(1)” rhodder “section 16 of the School Standards and Organisation (Wales) Act 2013”.

#### *Deddf Llywodraeth Leol 2000*

- 5 (1) Mae Atodlen 1 i Ddeddf Llywodraeth Leol 2000 (trefniadau gweithrediaeth yng Nghymru) wedi ei diwygio fel a ganlyn.
- (2) Yn lle paragraff 10 rhodder—
- “10 Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies to the performance of any duty imposed on a local authority by virtue of paragraph 8 or 9 as it applies to the performance by a local authority of a duty that is an education function but as if—
- (a) the only relevant grounds for intervention were grounds 1 and 2 in section 21 of that Act; and
  - (b) sections 24 to 27 of that Act did not apply.”
- (3) Ym mharagraff 11A yn lle “9” rhodder “10”.

#### *Deddf Addysg 2002*

- 6 (1) Mae Deddf Addysg 2002 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 34(7) (trefniadau ar gyfer llywodraethu ysgolion newydd) ar ôl “State)” mewnosoder “and Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in conduct of maintained schools in Wales)”.
- (3) Yn adran 35(7) (staffio ysgolion cymunedol, ysgolion gwirfoddol a reolir, ysgolion arbennig cymunedol ac ysgolion meithrin a gynhelir)—
- (a) hepgorer “section 17 of, or”;

- (b) ar ôl “2006” mewnosoder “, or section 8 of the School Standards and Organisation (Wales) Act 2013”.
- (4) Yn adran 36(7) (staffio ysgolion sefydledig, ysgolion gwirfoddol a gynorthwyr ac ysgolion arbennig sefydledig)—
  - (a) hepgorer “section 17 of, or”;
  - (b) ar ôl “2006” mewnosoder “, or section 8 of the School Standards and Organisation (Wales) Act 2013”.
- (5) Yn adran 37(11) (taliadau mewn cysylltiad â diswyddo, etc)—
  - (a) hepgorer “section 17 of, or”;
  - (b) ar ôl “1998 (c 31)” mewnosoder “or section 8 of the School Standards and Organisation (Wales) Act 2013”.
- (6) Hepgorer adrannau 55 i 59 ac adran 63 (pwerau ymyrryd).
- (7) Yn adran 64 (darpariaethau sy’n atodol i bwerau i’w gwneud yn ofynnol i awdurdodau lleol gael gwasanaethau cynghori)—
  - (a) yn is-adran (1)—
    - (i) hepgorer “or 63”,
    - (ii) hepgorer “or the National Assembly for Wales”,
    - (iii) hepgorer “or it”,
    - (iv) hepgorer “or the Assembly” (yn y ddau le);
  - (b) yn is-adran (2) hepgorer “or 63”;
  - (c) yn is-adran (7) hepgorer “or 63” ac “or 63(2)”.
- (8) Hepgorer Atodlenni 5 a 6 (diwygiadau mewn perthynas ag ysgolion sy’n peri pryder a chyrrff llywodraethu a ffurfiwyd o aelodau gweithrediaeth interim).
- (9) Yn Atodlen 21 (mân ddiwygiadau a diwygiadau canlyniadol) hepgorer paragraffau 92 i 94 a 103.
- (10) Gweler hefyd y diwygiad a wnaed gan baragraff 21(11) o’r Atodlen hon i baragraff 5(2) (b)(iii) o Atodlen 1 (sy’n rhannol o ganlyniad i Ran 2 o’r Ddeddf hon).

#### *Deddf Plant 2004*

- 7 (1) Mae Deddf Plant 2004 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 50 (ymyrryd)—
  - (a) yn is-adran (1) ar ôl “local authority” mewnosoder “in England”;
  - (b) yn is-adran (2)(c) hepgorer “or under sections 25, 26 and 29 above (in the case of a local authority in Wales)”;
  - (c) yn y pennawd ar ôl “Intervention” mewnosoder “-England”.
- (3) Ar ôl adran 50 mewnosoder—

#### **“50A Intervention – Wales**

- (1) Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies in relation to the functions of a local authority in Wales which are specified in subsection (2) as it applies in

relation to a local authority's education functions but as if the only relevant ground for intervention were ground 3 in section 21 of that Act.

- (2) The functions of a local authority are—
- (a) functions conferred on or exercisable by the authority which are social services functions, so far as those functions relate to children;
  - (b) the functions conferred on the authority under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph (a)); and
  - (c) the functions conferred on the authority under sections 25, 26 and 29 above.
- (3) In the application of Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 by virtue of this section, section 27 of that Act (power to direct exercise of other education functions) has effect as if the reference to education functions included (for all purposes) the functions of the local authority which are specified in subsection (2).
- (4) In this section—
- “education functions” has the meaning given by section 579(1) of the Education Act 1996;
  - “social services functions” has the same meaning as in the Local Authority Social Services Act 1970.”

#### *Deddf Addysg 2005*

- 8 (1) Mae Deddf Addysg 2005 wedi ei diwygio fel a ganlyn.
- (2) Hepgorer adran 45 (y pŵer i gyfarwyddo bod ysgol yn cael ei chau).
- (3) Yn adran 114(8) (cyflenwi gwybodaeth am weithlu ysgol)—
- (a) hepgorer “and” ar ddiwedd paragraff (a);
  - (b) ym mharagraff (b) ar y dechrau mewnosoder “in relation to England,”;
  - (c) ar ôl paragraff (b) mewnosoder—
- “and
- (c) in relation to Wales, provide that Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) is to have effect as if—
- (i) references to a local authority included a reference to a prescribed person,
  - (ii) duties imposed by virtue of this section were education functions,
  - (iii) the only relevant ground for intervention were ground 1 in section 21, and
  - (iv) sections 24 to 27 did not apply.”
- (4) Yn Atodlen 9 (diwygiadau mewn perthynas ag arolygu ysgol) hepgorer paragraffau 14 i 20.
- (5) Gweler hefyd y diwygiad a wnaed gan baragraff 22(2)(b) o'r Atodlen hon i adran 28(4)(c) o Ddeddf Addysg 2005 (sy'n rhannol o ganlyniad i Ran 2 o'r Ddeddf hon).

*Deddf Addysg ac Arolygiadau 2006*

- 9 (1) Mae Deddf Addysg ac Arolygiadau 2006 wedi ei diwygio fel a ganlyn.
- (2) Yn Atodlen 7 (diwygiadau mewn perthynas ag ysgolion sy'n peri pryder) hepgorer paragraffau 3 i 14, 16, 17, 18, 19(b), a 21.
- (3) Yn Atodlen 17 (diwygiadau amrywiol) hepgorer paragraffau 1, 2 a 6.

*Deddf Gofal Plant 2006*

- 10 Yn lle adran 29 o Ddeddf Gofal Plant 2006 (pwerau Gweinidogion Cymru i sicrhau cyflawniad priodol etc) rhodder—

**“29 Powers of intervention of Welsh Ministers**

- (1) Chapter 2 of Part 2 the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) applies in relation to a Welsh local authority and the powers conferred or the duties imposed on it by, under or for the purposes of this Part as it applies in relation to the education functions (as defined by section 579(1) of the Education Act 1996) of such an authority.
- (2) In the application of Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 by virtue of this section, section 27 of that Act (power to direct exercise of other education functions) has effect as if the reference to education functions included (for all purposes) functions of a Welsh local authority under this Part.”

*Deddf Cydraddoldeb 2010*

- 11 (1) Mae adran 87 o Ddeddf Cydraddoldeb 2010 (cymhwyso pwerau penodol o dan Ddeddf Addysg 1996) wedi ei diwygio fel a ganlyn.
- (2) Ar y dechrau mewnosoder—
- “(A1) Subsections (1) and (2) do not apply in the case of a school in Wales.”
- (3) Ar ôl is-adran (2) mewnosoder—
- “(3) In the case of a school in Wales—
- (a) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) applies to the performance of a duty under section 85, but as if—
- (i) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of that Act, and
- (ii) sections 3 to 9 and 12 to 16 of that Act did not apply;
- (b) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) applies to the performance of a duty under section 85, but as if—
- (i) the only relevant grounds for intervention were grounds 1 and 2 in section 21 of that Act, and
- (ii) sections 24 to 27 of that Act did not apply.

- (4) But neither of Chapters 1 and 2 of Part 2 of the 2013 Act applies to the performance of a duty under section 85 by the proprietor of an independent educational institution (other than a special school).”

*Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009*

- 12 Yn Neddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 hepgorer adran 205 ac Atodlen 14 (pwerau mewn perthynas ag ysgolion sy’n peri pryder).

*Mesur Addysg (Cymru) 2011*

- 13 (1) Mae Mesur Addysg (Cymru) 2011 wedi ei ddiwygio fel a ganlyn.
- (2) Hepgorer adran 16 (ffedereiddio ysgolion sy’n peri pryder drwy gyfarwyddyd gan Weinidogion Cymru).
- (3) Yn adran 18(1) (ffederasiynau: darpariaethau atodol)—
- (a) yn lle paragraff (a) rhodder—
- “(a) Pennod 1 o Ran 2 o Ddeddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013 (ymyrryd ym materion rhedeg ysgolion a gynhelir), neu”;
- (b) ym mharagraff (b) yn lle “o’r Ddeddf honno” rhodder “o Ddeddf Safonau a Fframwaith Ysgolion 1998”.