



Deddf Cymwysterau Cymru 2015

2015 dccc 5

Qualifications Wales Act 2015

2015 anaw 5

Lluniwyd Nodiadau Esboniadol yn gymorth i ddeall y Deddf hon ac maent ar gael ar wahân.

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately.

£19.00



Deddf Cymwysterau Cymru 2015

2015 dccc 5

Qualifications Wales Act 2015

2015 anaw 5



Deddf Cymwysterau Cymru 2015

2015 dccc 5

CYNNWYS

RHAN 1

TROSOLWG

- 1 Trosolwg

RHAN 2

SEFYDLU A PHRIF NODAU CYMWYSTERAU CYMRU

- 2 Sefydlu Cymwysterau Cymru
3 Prif nodau Cymwysterau Cymru

RHAN 3

CYDNABOD CYRFF DYFARNU

Cyffredinol

- 4 Cydnabod cyrff dyfarnu

Meini prawf cydnabod

- 5 Dyletswydd i osod meini prawf cydnabod cyffredinol
6 Pŵer i osod meini prawf cydnabod sy'n benodol i gymhwyster
7 Diwygio meini prawf cydnabod cyffredinol a meini prawf cydnabod sy'n benodol i gymhwyster

Cydnabod cyrff dyfarnu

- 8 Cydnabod corff dyfarnu yn gyffredinol
9 Cydnabod corff dyfarnu mewn ffordd sy'n benodol i gymhwyster
10 Rheolau ynghylch ceisiadau am gydnabyddiaeth
11 Darpariaeth bellach ynghylch cydnabyddiaeth
12 Cydnabod: dehongli



Qualifications Wales Act 2015

2015 anaw 5

CONTENTS

PART 1

OVERVIEW

- 1 Overview

PART 2

ESTABLISHMENT AND PRINCIPAL AIMS OF QUALIFICATIONS WALES

- 2 Establishment of Qualifications Wales
3 Principal aims of Qualifications Wales

PART 3

RECOGNITION OF AWARDING BODIES

General

- 4 Recognition of awarding bodies

Recognition criteria

- 5 Duty to set general recognition criteria
6 Power to set qualification specific recognition criteria
7 Revision of general and qualification specific recognition criteria

Recognition of awarding bodies

- 8 General recognition of an awarding body
9 Qualification specific recognition of an awarding body
10 Rules about applications for recognition
11 Further provision about recognition
12 Recognition: interpretation

RHAN 4**CYMWYSTERAU BLAENORIAETHOL A CHYMERADWYO CYMWYSTERAU***Cymwysterau blaenoriaethol*

- 13 Dyletswydd i lunio rhestr o gymwysterau blaenoriaethol
 14 Cymwysterau blaenoriaethol cyfyngedig
 15 Pŵer i wneud trefniadau i ddatblygu cymhwyster blaenoriaethol cyfyngedig
 16 Cymeradwyo cymhwyster blaenoriaethol cyfyngedig a ddatblygir yn unol â threfniadau adran 15
 17 Cymeradwyo cymhwyster blaenoriaethol cyfyngedig yn absenoldeb trefniadau adran 15
 18 Cymeradwyo cymwysterau blaenoriaethol anghyfyngedig

Cymwysterau eraill

- 19 Cymeradwyo cymwysterau nad ydynt yn gymwysterau blaenoriaethol

Meini prawf cymeradwyo

- 20 Meini prawf cymeradwyo

Pŵer i Weinidogion Cymru bennu gofynion sylfaenol

- 21 Pŵer i bennu gofynion sylfaenol

Darpariaeth atodol sy'n berthnasol i bob cymeradwyaeth

- 22 Amodau cymeradwyo
 23 Cyfnod para'r gymeradwyaeth
 24 Rheolau ynghylch ceisiadau am gymeradwyaeth

Ildio cymeradwyaeth a thynnu cymeradwyaeth yn ôl

- 25 Ildio cymeradwyaeth
 26 Darpariaeth drosiannol mewn cysylltiad ag ildio cymeradwyaeth
 27 Tynnu cymeradwyaeth yn ôl
 28 Darpariaeth drosiannol mewn cysylltiad â thynnu cymeradwyaeth yn ôl

RHAN 5**DYNODI CYMWYSTERAU ERAILL**

- 29 Dynodi cymwysterau eraill
 30 Darpariaeth bellach ynghylch dynodiadau adran 29
 31 Darpariaeth drosiannol mewn cysylltiad â dynodiadau adran 29
 32 Dirymu dynodiadau adran 29
 33 Rheolau ynghylch ceisiadau am ddynodiad

RHAN 6**DARPARIAETH BELLACH SY'N BERTHNASOL I GYDNABOD, CYMERADWYO A DYNODI***Cyllido etc cyrsiau penodol*

- 34 Cyfyngu ar gyllido a darparu cyrsiau penodol

PART 4

PRIORITY QUALIFICATIONS AND APPROVAL OF QUALIFICATIONS

Priority qualifications

- 13 Duty to prepare list of priority qualifications
- 14 Restricted priority qualifications
- 15 Power to make arrangements for development of restricted priority qualification
- 16 Approval of a restricted priority qualification developed in accordance with section 15 arrangements
- 17 Approval of a restricted priority qualification in the absence of section 15 arrangements
- 18 Approval of unrestricted priority qualifications

Other qualifications

- 19 Approval of qualifications that are not priority qualifications

Approval criteria

- 20 Approval criteria

Power for Welsh Ministers to specify minimum requirements

- 21 Power to specify minimum requirements

Supplementary provision relevant to all approvals

- 22 Conditions of approval
- 23 Duration of approval
- 24 Rules about applications for approval

Surrender and withdrawal of approval

- 25 Surrender of approval
- 26 Transitional provision in connection with surrender of approval
- 27 Withdrawal of approval
- 28 Transitional provision in connection with withdrawal of approval

PART 5

DESIGNATION OF OTHER QUALIFICATIONS

- 29 Designation of other qualifications
- 30 Further provision about section 29 designations
- 31 Transitional provision in connection with section 29 designations
- 32 Revocation of section 29 designations
- 33 Rules about applications for designation

PART 6

FURTHER PROVISION RELEVANT TO RECOGNITION, APPROVAL AND DESIGNATION

Funding etc of certain courses

- 34 Restriction on funding and provision of certain courses

Amlinellu rolau Cymwysterau Cymru ac Ofqual

- 35 Dyfarnu cymhwyster a gymeradwywyd yng Nghymru: cyfyngu ar gymhwyso amodau a osodir gan Ofqual
- 36 Cyfyngu ar gymhwyso amodau a osodir gan Gymwysterau Cymru

RHAN 7**PWERAU GORFODI CYMWYSTERAU CYMRU**

- 37 Pŵer i roi cyfarwyddydau
- 38 Pŵer i osod cosbau ariannol
- 39 Cosbau ariannol: apelau
- 40 Cosbau ariannol: llog
- 41 Adennill costau ar gyfer gosod sancsiynau
- 42 Adennill costau: apelau
- 43 Costau: llog
- 44 Mynd i mewn i fangre a'i harolygu

RHAN 8**ATODOL***Gweithgareddau masnachol*

- 45 Darparu gwasanaethau etc gan Gymwysterau Cymru
Adolygu ac ymchwil
- 46 Adolygu ac ymchwil
Is-swyddogaethau
- 47 Datganiad polisi a datganiad ynghylch ymgynghori
- 48 Cwynion
- 49 Cynllun codi ffioedd
- 50 Grantiau
- 51 Darparu gwybodaeth neu gyngor
- 52 Cydweithio
- 53 Dyletswydd i roi sylw i bolisi llywodraeth a materion eraill
- 54 Cyflawni gweithgareddau rheoleiddiol gan Gymwysterau Cymru

RHAN 9**CYFFREDINOL**

- 55 Rheoliadau
- 56 Dehongli cyfeiriadau at "cymhwyster"
- 57 Dehongli cyffredinol a mynegai o ymadroddion wedi eu diffinio
- 58 Diwygiadau canlyniadol
- 59 Pŵer i wneud darpariaeth ganlyniadol a throsiannol etc
- 60 Dod i rym
- 61 Enw byr a chynnwys y Ddeddf fel un o'r Deddfau Addysg

Delineation of roles of Qualifications Wales and Ofqual

- 35 Award in Wales of an approved qualification: restriction on application of conditions imposed by Ofqual
36 Restriction on application of conditions imposed by Qualifications Wales

PART 7

ENFORCEMENT POWERS OF QUALIFICATIONS WALES

- 37 Power to give directions
38 Power to impose monetary penalties
39 Monetary penalties: appeals
40 Monetary penalties: interest
41 Costs recovery for imposition of sanctions
42 Costs recovery: appeals
43 Costs: interest
44 Entry and inspection of premises

PART 8

SUPPLEMENTARY

Commercial activities

- 45 Provision of services etc by Qualifications Wales

Review and research

- 46 Review and research

Subsidiary functions

- 47 Policy statement and statement about consultation
48 Complaints
49 Charging scheme
50 Grants
51 Provision of information or advice
52 Joint working
53 Duty to have regard to government policy and other matters
54 Performance of regulatory activities by Qualifications Wales

PART 9

GENERAL

- 55 Regulations
56 Interpretation of references to “qualification”
57 General interpretation and index of defined expressions
58 Consequential amendments
59 Power to make consequential and transitional provision etc
60 Coming into force
61 Short title and inclusion as one of the Education Acts

- Atodlen 1 – Cymwysterau Cymru
 - Rhan 1 – Sefydlu Cymwysterau Cymru
 - Rhan 2 – Diwygiadau canlyniadol
- Atodlen 2 – Trosglwyddo eiddo a staff i Gymwysterau Cymru
- Atodlen 3 – Darpariaeth bellach ynghylch cydnabod cyrff dyfarnu
- Atodlen 4 – Diwygiadau canlyniadol

- Schedule 1 – Qualifications Wales
 - Part 1 – Establishment of Qualifications Wales
 - Part 2 – Consequential amendments
- Schedule 2 – Transfers of property and staff to Qualifications Wales
- Schedule 3 – Further provision about recognition of awarding bodies
- Schedule 4 – Consequential amendments



Deddf Cymwysterau Cymru 2015

Deddf Cynulliad Cenedlaethol Cymru i sefydlu corff newydd o'r enw Cymwysterau Cymru; i ddarparu i Gymwysterau Cymru allu cydnabod cyrff sy'n gyfrifol am ddyfarnu cymwysterau penodol yng Nghymru a chymeradwyo cymwysterau penodol a ddyfernir yng Nghymru a chyflawni swyddogaethau penodol eraill; ac at ddibenion cysylltiedig. [5 Awst 2015]

Gan ei fod wedi ei basio gan Gynulliad Cenedlaethol Cymru ac wedi derbyn cydsyniad Ei Mawrhydi, deddfir fel a ganlyn:

RHAN 1

TROSOLWG

1 Trosolwg

- (1) Mae'r adran hon yn drosolwg o brif ddarpariaethau'r Ddeddf.
- (2) Mae Rhan 2—
 - (a) yn sefydlu Cymwysterau Cymru ac (yn Atodlen 1) yn gwneud darpariaeth ynghylch ei aelodaeth a'i drefniadau llywodraethu,
 - (b) yn nodi prif nodau Cymwysterau Cymru, ac
 - (c) yn ei gwneud yn ofynnol i Gymwysterau Cymru, wrth arfer ei swyddogaethau, weithredu mewn ffordd y mae'n ystyried ei bod yn briodol at ddiben cyflawni'r nodau hynny.
- (3) Mae Rhan 3 yn gwneud darpariaeth ynghylch cydnabod gan Gymwysterau Cymru gyrff sy'n dyfarnu cymwysterau yng Nghymru.
- (4) Mae Rhan 4 yn gwneud darpariaeth ynghylch cymwysterau blaenoriaethol a chymeradwyo gan Gymwysterau Cymru gymwysterau i'w dyfarnu yng Nghymru. Mae—
 - (a) yn ei gwneud yn ofynnol i Gymwysterau Cymru a Gweinidogion Cymru lunio rhestr o gymwysterau sydd i fod yn flaenoriaeth i Gymwysterau Cymru,
 - (b) yn galluogi Cymwysterau Cymru o dan amgylchiadau penodol i benderfynu y dylid cyfyngu ar nifer y ffurfiau ar y cymwysterau hynny a gymeradwyir ganddo (naill ai i un neu i fwy nag un),



Qualifications Wales Act 2015

An Act of the National Assembly for Wales to establish a new body to be known as Qualifications Wales; providing for Qualifications Wales to be able to recognise bodies responsible for awarding certain qualifications in Wales and to approve certain qualifications awarded in Wales and to perform certain other functions; and for connected purposes. [5 August 2015]

Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:

PART 1

OVERVIEW

1 Overview

- (1) This section is an overview of the main provisions of the Act.
- (2) Part 2—
 - (a) establishes Qualifications Wales and (at Schedule 1) makes provision about its membership and governance arrangements,
 - (b) sets out the principal aims of Qualifications Wales, and
 - (c) requires Qualifications Wales, in exercising its functions, to act in a way that it considers appropriate for the purpose of achieving those aims.
- (3) Part 3 makes provision about the recognition by Qualifications Wales of bodies that award qualifications in Wales.
- (4) Part 4 makes provision about priority qualifications and the approval by Qualifications Wales of qualifications for award in Wales. It—
 - (a) requires Qualifications Wales and the Welsh Ministers to prepare a list of qualifications that are to be a priority for Qualifications Wales,
 - (b) enables Qualifications Wales in certain circumstances to determine that the number of forms of those qualifications approved by it should be restricted (either to one or more than one),

- (c) yn galluogi Cymwysterau Cymru i ymrwymo i drefniadau gyda chorff i ddatblygu ffurf newydd ar gymhwyster i'w dyfarnu yng Nghymru, pan fo wedi gwneud penderfyniad fel y'i disgrifir ym mharagraff (b) mewn cysylltiad â'r cymhwyster o dan sylw, a
 - (d) yn galluogi Cymwysterau Cymru i ystyried cymeradwyo cymhwyster i'w ddyfarnu yng Nghymru nad yw wedi ei gynnwys ar y rhestr y cyfeirir ati ym mharagraff (a).
- (5) Mae Rhan 5 yn galluogi Cymwysterau Cymru i ddynodi cymhwyster at ddiben galluogi i gwrs sy'n arwain ato gael ei gyllido gan Weinidogion Cymru neu awdurdod lleol yng Nghymru, neu ei ddarparu gan neu ar ran ysgol a gynhelir yng Nghymru.
- (6) Mae Rhan 6 –
- (a) yn darparu mai dim ond os yw Cymwysterau Cymru wedi cymeradwyo neu ddynodi'r ffurf ar y cymhwyster y mae cwrs addysg neu hyfforddiant yn arwain ati y caniateir i'r cwrs gael ei gyllido gan Weinidogion Cymru neu awdurdod lleol yng Nghymru, neu ei ddarparu gan neu ar ran ysgol a gynhelir yng Nghymru, a
 - (b) yn gwneud darpariaeth sy'n cyfyngu ar effaith yr amodau a osodir gan Ofqual, mewn cysylltiad â dyfarnu yng Nghymru ffurf ar gymhwyster sydd wedi ei chymeradwyo gan Gymwysterau Cymru; ac sy'n cyfyngu ar effaith yr amodau cydnabod a osodir gan Gymwysterau Cymru fel nad ydynt yn gymwys mewn cysylltiad â dyfarnu cymwysterau y tu allan i Gymru.
- (7) Mae Rhan 7 yn gwneud darpariaeth ynghylch camau y caiff Cymwysterau Cymru eu cymryd os yw'n ystyried bod corff sy'n dyfarnu cymwysterau yng Nghymru wedi methu â chydymffurfio ag amod y mae'r gydnabyddiaeth o'r corff hwnnw, neu'r gymeradwyaeth i gymhwyster a ddyfernir ganddo, yn ddarostyngedig iddo.
- (8) Mae Rhan 8 yn gwneud darpariaeth ynghylch swyddogaethau eraill Cymwysterau Cymru, gan gynnwys –
- (a) y pŵer i ddarparu gwasanaeth ymgynghori a gwasanaethau eraill ar sail fasnachol,
 - (b) y ddyletswydd i lunio datganiad polisi,
 - (c) sut y mae Cymwysterau Cymru i ymdrin â chwynion,
 - (d) ffioedd y caniateir i Gymwysterau Cymru eu codi, ac
 - (e) y ddyletswydd i roi sylw i egwyddorion penodol wrth gyflawni gweithgareddau rheoleiddiol.
- (9) Mae Rhan 9 yn gwneud darpariaeth gyffredinol, gan gynnwys nodi mynegai o dermau wedi eu diffinio a ddefnyddir yn y Ddeddf.
- (10) Yn Rhan 9, mae adran 56 yn nodi ystyr y term "cymhwyster" fel y'i defnyddir yn y Ddeddf.

- (c) enables Qualifications Wales to enter into arrangements with a body for the development of a new form of qualification to be awarded in Wales, where it has made a determination as described in paragraph (b) in respect of the qualification concerned, and
 - (d) enables Qualifications Wales to consider approving a qualification for award in Wales that is not included on the list referred to in paragraph (a).
- (5) Part 5 enables Qualifications Wales to designate a qualification for the purpose of enabling a course leading to it to be funded by the Welsh Ministers or a local authority in Wales, or provided by or on behalf of a maintained school in Wales.
- (6) Part 6—
- (a) provides that a course of education or training may be funded by the Welsh Ministers or a local authority in Wales, or provided by or on behalf of a maintained school in Wales, only if the form of the qualification to which it leads has been approved or designated by Qualifications Wales, and
 - (b) makes provision restricting the effect of conditions imposed by Ofqual, in respect of the award in Wales of a form of a qualification that has been approved by Qualifications Wales; and restricting the effect of conditions of recognition imposed by Qualifications Wales so that they do not apply in respect of the award of qualifications outside Wales.
- (7) Part 7 makes provision about steps that may be taken by Qualifications Wales if it considers that a body awarding qualifications in Wales has failed to comply with a condition to which its recognition, or the approval of a qualification awarded by it, is subject.
- (8) Part 8 makes provision about other functions of Qualifications Wales, including—
- (a) the power to provide consultancy and other services on a commercial basis,
 - (b) the duty to prepare a policy statement,
 - (c) how Qualifications Wales is to deal with complaints,
 - (d) fees that may be charged by Qualifications Wales, and
 - (e) the duty to have regard to certain principles in performing regulatory activities.
- (9) Part 9 makes general provision, including setting out an index of defined terms used in the Act.
- (10) In Part 9, section 56 sets out the meaning of the term “qualification” as used in the Act.

RHAN 2**SEFYDLU A PHRIF NODAU CYMWYSTERAU CYMRU****2 Sefydlu Cymwysterau Cymru**

- (1) Mae Cymwysterau Cymru wedi ei sefydlu fel corff corfforaethol.
- (2) Mae Atodlen 1 yn cynnwys darpariaeth bellach ynghylch Cymwysterau Cymru.
- (3) Mae Atodlen 2 yn gwneud darpariaeth ynghylch trosglwyddo staff ac eiddo i Gymwysterau Cymru.

3 Prif nodau Cymwysterau Cymru

- (1) Wrth arfer ei swyddogaethau, rhaid i Gymwysterau Cymru weithredu mewn ffordd y mae'n ystyried ei bod yn briodol at ddiben cyflawni'r prif nodau a ganlyn—
 - (a) sicrhau bod cymwysterau, a system gymwysterau Cymru, yn effeithiol i ddiwallu anghenion rhesymol dysgwyr yng Nghymru;
 - (b) hybu hyder y cyhoedd mewn cymwysterau ac yn system gymwysterau Cymru.
- (2) Wrth ystyried yr hyn sy'n briodol at ddiben cyflawni ei brif nodau, mae'r materion y mae Cymwysterau Cymru i roi sylw iddynt yn cynnwys (ymhlith pethau eraill)—
 - (a) dymunoldeb hyrwyddo twf cynaliadwy yn economi Cymru;
 - (b) dymunoldeb hyrwyddo a hwyluso'r defnydd o'r Gymraeg, gan gynnwys drwy argaeledd trefniadau asesu sy'n darparu ar gyfer asesu drwy gyfrwng y Gymraeg, ac argaeledd cymwysterau sydd fel arall yn hyrwyddo neu'n hwyluso'r defnydd o'r Gymraeg;
 - (c) ystod a natur y cymwysterau sydd ar gael ac ystod a natur eu trefniadau asesu;
 - (d) gofynion rhesymol cyflogwyr, sefydliadau addysg uwch a'r proffesiynau o ran addysg a hyfforddiant (gan gynnwys o ran safonau gofynnol cymhwysedd ymarferol);
 - (e) pa un a yw'r wybodaeth, y sgiliau a'r ddealltwriaeth y mae'n ofynnol eu dangos at ddiben penderfynu a yw cymhwyster i gael ei ddyfarnu i berson yn adlewyrchu'r wybodaeth gyfredol a'r arferion gorau cyfredol;
 - (f) pa un a yw cymwysterau yn dangos lefel o gyrhaeddiad sy'n gyson â'r hyn a ddangosir gan beth bynnag y mae Cymwysterau Cymru yn ei ystyried yn gymwysterau cyffelyb, pa un a'u dyfernir yn Ewrop neu rywle arall;
 - (g) pa un a ddarperir cymwysterau yn effeithlon ac er mwyn sicrhau gwerth am arian;
 - (h) priod rolau a chyfrifoldebau pob un o'r personau a ganlyn mewn cysylltiad â system gymwysterau Cymru (gan gynnwys drwy gyfeirio at gydweithredu rhwng y personau hynny, a pha mor effeithiol ydynt wrth gyflawni eu rolau)—
 - (i) cyrff dyfarnu, darparwyr dysgu, Cymwysterau Cymru a Gweinidogion Cymru;

PART 2

ESTABLISHMENT AND PRINCIPAL AIMS OF QUALIFICATIONS WALES

2 Establishment of Qualifications Wales

- (1) Qualifications Wales is established as a body corporate.
- (2) Schedule 1 contains further provision about Qualifications Wales.
- (3) Schedule 2 makes provision about transfers of staff and property to Qualifications Wales.

3 Principal aims of Qualifications Wales

- (1) In exercising its functions, Qualifications Wales must act in a way that it considers appropriate for the purpose of achieving the following principal aims –
 - (a) ensuring that qualifications, and the Welsh qualification system, are effective for meeting the reasonable needs of learners in Wales;
 - (b) promoting public confidence in qualifications and in the Welsh qualification system.
- (2) In considering what is appropriate for the purpose of achieving its principal aims, the matters to which Qualifications Wales is to have regard include (among other things) –
 - (a) the desirability of promoting sustainable growth in the Welsh economy;
 - (b) the desirability of promoting and facilitating the use of the Welsh language, including through the availability of assessment arrangements that provide for assessment through the medium of the Welsh language, and of qualifications that otherwise promote or facilitate the use of the Welsh language;
 - (c) the range and nature of qualifications available, and of their assessment arrangements;
 - (d) the reasonable requirements of employers, higher education institutions and the professions regarding education and training (including as to required standards of practical competence);
 - (e) whether the knowledge, skills and understanding required to be demonstrated for the purpose of determining whether a person is to be awarded a qualification reflect current knowledge and best practice;
 - (f) whether qualifications indicate a consistent level of attainment with that indicated by whatever Qualifications Wales considers to be comparable qualifications, whether awarded in Europe or elsewhere;
 - (g) whether qualifications are provided efficiently and so as to secure value for money;
 - (h) the respective roles played by, and responsibilities of, each of the following persons in respect of the Welsh qualification system (including by reference to co-operation between those persons, and their effectiveness in performing their roles) –
 - (i) awarding bodies, learning providers, Qualifications Wales and the Welsh Ministers;

- (ii) unrhyw bersonau eraill sy'n cyflawni swyddogaethau y mae Cymwysterau Cymru yn ystyried eu bod yn berthnasol at ddiben system gymwysterau Cymru.
- (3) Mae cyfeiriadau yn y Ddeddf hon at system gymwysterau Cymru yn gyfeiriadau at y system, yn ei chyfanrwydd, y dyfernir cymwysterau drwyddi i bersonau a asesir yn gyfan gwbl neu'n bennaf yng Nghymru at y diben hwn.

RHAN 3

CYDNABOD CYRFF DYFARNU

Cyffredinol

4 Cydnabod cyrff dyfarnu

- (1) Caiff Cymwysterau Cymru gydnabod corff dyfarnu o dan ddarpariaethau'r Rhan hon.
- (2) Mae Rhan 4 (cymwysterau blaenoriaethol a chymeradwyo cymwysterau) yn gwneud darpariaeth i gorff a gydnabyddir o dan y Rhan hon mewn cysylltiad â dyfarnu cymhwyster wneud cais i Gymwysterau Cymru i ffurf ar y cymhwyster hwnnw gael ei chymeradwyo.
- (3) Mae Rhan 5 (dynodi cymwysterau eraill) yn gwneud darpariaeth i gorff a gydnabyddir o dan y Rhan hon mewn cysylltiad â dyfarnu cymhwyster wneud cais i Gymwysterau Cymru i ffurf ar y cymhwyster hwnnw gael ei dynodi o dan adran 29.

Meini prawf cydnabod

5 Dyletswydd i osod meini prawf cydnabod cyffredinol

- (1) Rhaid i Gymwysterau Cymru osod a chyhoeddi meini prawf cydnabod ("meini prawf cydnabod cyffredinol") i'w cymhwyso ganddo at ddibenion adran 8 (cydnabod corff dyfarnu yn gyffredinol).
- (2) Caiff y meini prawf cydnabod cyffredinol wneud darpariaeth wahanol ar gyfer disgrifiadau gwahanol o gorff dyfarnu.

6 Pŵer i osod meini prawf cydnabod sy'n benodol i gymhwyster

- (1) Caiff Cymwysterau Cymru osod a chyhoeddi meini prawf cydnabod ("meini prawf cydnabod sy'n benodol i gymhwyster") i'w cymhwyso ganddo at ddibenion adran 9 (cydnabod corff dyfarnu mewn ffordd sy'n benodol i gymhwyster).
- (2) Caiff y meini prawf wneud darpariaeth wahanol ar gyfer –
 - (a) disgrifiadau gwahanol o gorff dyfarnu;
 - (b) cymwysterau gwahanol neu ddisgrifiadau gwahanol o gymhwyster.

- (ii) any other persons exercising functions that Qualifications Wales considers relevant for the purpose of the Welsh qualification system.
- (3) References in this Act to the Welsh qualification system are to the system, taken as a whole, by which qualifications are awarded to persons assessed wholly or mainly in Wales for this purpose.

PART 3

RECOGNITION OF AWARDING BODIES

General

4 Recognition of awarding bodies

- (1) Qualifications Wales may recognise an awarding body under the provisions of this Part.
- (2) Part 4 (priority qualifications and approval of qualifications) makes provision for a body that is recognised under this Part in respect of the award of a qualification to apply to Qualifications Wales for approval of a form of that qualification.
- (3) Part 5 (designation of other qualifications) makes provision for a body that is recognised under this Part in respect of the award of a qualification to apply to Qualifications Wales for a form of that qualification to be designated under section 29.

Recognition criteria

5 Duty to set general recognition criteria

- (1) Qualifications Wales must set and publish criteria for recognition (“general recognition criteria”) to be applied by it for the purposes of section 8 (general recognition of an awarding body).
- (2) The general recognition criteria may make different provision for different descriptions of awarding body.

6 Power to set qualification specific recognition criteria

- (1) Qualifications Wales may set and publish criteria for recognition (“qualification specific recognition criteria”) to be applied by it for the purposes of section 9 (qualification specific recognition of an awarding body).
- (2) The criteria may make different provision for –
 - (a) different descriptions of awarding body;
 - (b) different qualifications or different descriptions of qualification.

7 Diwygio meini prawf cydnabod cyffredinol a meini prawf cydnabod sy'n benodol i gymhwyster

- (1) Caiff Cymwysterau Cymru ddiwygio—
 - (a) y meini prawf cydnabod cyffredinol;
 - (b) y meini prawf cydnabod sy'n benodol i gymhwyster.
- (2) Os yw Cymwysterau Cymru yn diwygio'r meini prawf, rhaid iddo—
 - (a) cyhoeddi'r meini prawf fel y'u diwygiwyd, a
 - (b) pennu pa bryd y mae'r diwygiadau i gael effaith.
- (3) Rhaid i'r dyddiad a bennir o dan is-adran (2)(b) beidio â rhagflaenu'r dyddiad y cyhoeddir y meini prawf diwygiedig.

Cydnabod corff dyfarnu

8 Cydnabod corff dyfarnu yn gyffredinol

- (1) Caiff corff dyfarnu wneud cais i Gymwysterau Cymru i gael ei gydnabod yn gyffredinol yn gorff sy'n dyfarnu cymwysterau yng Nghymru.
- (2) Caiff y corff dyfarnu bennu yn ei gais gymhwyster neu ddisgrifiad o gymhwyster nad yw'n dymuno cael ei gydnabod mewn cysylltiad â'i ddyfarnu.
- (3) Os yw'r corff yn bodloni'r meini prawf cydnabod cyffredinol a gyhoeddwyd yn fwyaf diweddar o dan adran 5, rhaid i Gymwysterau Cymru gydnabod y corff dyfarnu.
- (4) Os nad yw'r corff yn bodloni'r holl feini prawf hynny caiff Cymwysterau Cymru, er hynny, os yw o'r farn ei bod yn briodol gwneud hynny, gydnabod y corff.
- (5) Wrth benderfynu a yw'n briodol cydnabod corff o dan is-adran (4), rhaid i Gymwysterau Cymru roi sylw i—
 - (a) pa un a yw'r corff yn bodloni'r meini prawf cydnabod cyffredinol yn sylweddol,
 - (b) effaith ei fethiant i fodloni'r meini prawf hynny yn llawn, ac
 - (c) pa mor debygol ydyw o fodloni'r meini prawf yn llawn wedi hynny.
- (6) Pan fo cymhwyster neu ddisgrifiad o gymhwyster wedi ei bennu gan gorff dyfarnu yn unol ag is-adran (2), nid yw cyfeiriadau at y meini prawf cydnabod cyffredinol yn is-adrannau (3) i (5) i gael eu trin fel pe baent yn cynnwys y meini prawf hynny i'r graddau y maent yn gymwys mewn cysylltiad â dyfarnu'r cymhwyster neu'r disgrifiad o gymhwyster a bennir.
- (7) Pan fo corff dyfarnu wedi ei gydnabod o dan yr adran hon ac eithrio mewn cysylltiad â dyfarnu cymhwyster neu ddisgrifiad o gymhwyster a bennir ganddo yn unol ag is-adran (2), neu gymhwyster neu ddisgrifiad o gymhwyster y mae cydnabyddiaeth o dan yr adran hon wedi ei hildio neu wedi ei thynnu'n ôl mewn cysylltiad â'i ddyfarnu, caiff wneud cais i Gymwysterau Cymru i gael ei gydnabod mewn cysylltiad â dyfarnu'r cymhwyster neu'r disgrifiad o gymhwyster.
- (8) Mae is-adrannau (2) i (6) yn gymwys at ddibenion cais o dan is-adran (7) fel pe bai'n gais o dan is-adran (1).
- (9) Effaith cydnabod o dan yr adran hon yw bod y corff yn cael ei gydnabod mewn cysylltiad â dyfarnu cymwysterau yng Nghymru ac eithrio—

7 Revision of general and qualification specific recognition criteria

- (1) Qualifications Wales may revise –
 - (a) the general recognition criteria;
 - (b) the qualification specific recognition criteria.
- (2) If Qualifications Wales revises the criteria, it must –
 - (a) publish the criteria as revised, and
 - (b) specify when the revisions are to come into effect.
- (3) The date specified under subsection (2)(b) must not precede the date on which the revised criteria are published.

*Recognition of awarding bodies***8 General recognition of an awarding body**

- (1) An awarding body may apply to Qualifications Wales for general recognition as a body awarding qualifications in Wales.
- (2) The awarding body may specify in its application a qualification or description of qualification in respect of the award of which it does not wish to be recognised.
- (3) If the body meets the general recognition criteria most recently published under section 5, Qualifications Wales must recognise the awarding body.
- (4) If the body does not meet all of those criteria Qualifications Wales may nevertheless, if it thinks it appropriate to do so, recognise the body.
- (5) In determining whether it is appropriate to recognise a body under subsection (4), Qualifications Wales must have regard to –
 - (a) whether the body substantially meets the general recognition criteria,
 - (b) the effect of its failure to meet those criteria in full, and
 - (c) the likelihood of its subsequently meeting the criteria in full.
- (6) Where a qualification or description of qualification is specified by an awarding body in accordance with subsection (2), references to the general recognition criteria in subsections (3) to (5) are not to be treated as including those criteria to the extent that they apply in respect of the award of the qualification or description of qualification specified.
- (7) Where an awarding body is recognised under this section other than in respect of the award of a qualification or description of qualification specified by it in accordance with subsection (2), or a qualification or description of qualification in respect of the award of which recognition under this section has been surrendered or withdrawn, it may apply to Qualifications Wales to be recognised in respect of the award of the qualification or description of qualification.
- (8) Subsections (2) to (6) apply for the purposes of an application under subsection (7) as if it were an application under subsection (1).
- (9) The effect of recognition under this section is that the body is recognised in respect of the award in Wales of qualifications other than –

- (a) y cymwysterau hynny y mae meini prawf cydnabod sy'n benodol i gymhwyster yn gymwys mewn cysylltiad â hwy,
- (b) unrhyw gymhwyster neu ddisgrifiad o gymhwyster a bennir yn unol ag is-adran (2), ac
- (c) unrhyw gymhwyster neu ddisgrifiad o gymhwyster y mae cydnabyddiaeth o dan yr adran hon wedi peidio â chael effaith mewn cysylltiad â'i ddyfarnu yn rhinwedd cael ei hildio neu ei thynnu'n ôl.

9 Cydnabod corff dyfarnu mewn ffordd sy'n benodol i gymhwyster

- (1) Caiff corff dyfarnu wneud cais i Gymwysterau Cymru i gael ei gydnabod mewn cysylltiad â dyfarnu yng Nghymru gymhwyster neu ddisgrifiad o gymhwyster y gosodir meini prawf cydnabod sy'n benodol i gymhwyster mewn perthynas ag ef o dan adran 6.
- (2) Os yw'r corff yn bodloni'r ddau o'r canlynol—
 - (a) y meini prawf cydnabod cyffredinol a gyhoeddwyd yn fwyaf diweddar o dan adran 5, a
 - (b) y meini prawf cydnabod sy'n benodol i gymhwyster sy'n berthnasol mewn cysylltiad â'r cymhwyster a'r corff o dan sylw,
 rhaid i Gymwysterau Cymru gydnabod y corff mewn cysylltiad â dyfarnu yng Nghymru y cymhwyster neu'r disgrifiad o gymhwyster o dan sylw.
- (3) Os nad yw'r corff yn bodloni'r holl feini prawf hynny caiff Cymwysterau Cymru, er hynny, os yw o'r farn ei bod yn briodol gwneud hynny, gydnabod y corff mewn cysylltiad â dyfarnu yng Nghymru y cymhwyster neu'r disgrifiad o gymhwyster o dan sylw.
- (4) Wrth benderfynu a yw'n briodol cydnabod corff o dan is-adran (3), rhaid i Gymwysterau Cymru roi sylw i—
 - (a) pa un a yw'r corff yn bodloni'n sylweddol y meini prawf y cyfeirir atynt yn is-adran (2),
 - (b) effaith ei fethiant i fodloni'r meini prawf hynny yn llawn, ac
 - (c) pa mor debygol ydyw o fodloni'r meini prawf hynny yn llawn wedi hynny.
- (5) Effaith cydnabyddiaeth o dan yr adran hon, cyhyd â bod y corff yn cael ei gydnabod o dan adran 8, yw ei fod yn cael ei gydnabod hefyd mewn cysylltiad â dyfarnu yng Nghymru y cymhwyster neu'r disgrifiad o gymhwyster a bennir yn y gydnabyddiaeth o dan yr adran hon.

10 Rheolau ynghylch ceisiadau am gydnabyddiaeth

- (1) Rhaid i Gymwysterau Cymru wneud rheolau ynghylch gwneud ceisiadau iddo o dan y Rhan hon.
- (2) Caiff y rheolau wneud darpariaeth wahanol at ddibenion gwahanol.
- (3) Cânt wneud darpariaeth ynghylch—
 - (a) ffurf a chynnwys ceisiadau;
 - (b) y ffordd y mae ceisiadau i gael eu gwneud (gan gynnwys o ran unrhyw ffi sy'n daladwy mewn cysylltiad â chais).

- (a) those qualifications in respect of which qualification specific recognition criteria apply,
- (b) any qualification or description of qualification specified in accordance with subsection (2), and
- (c) any qualification or description of qualification in respect of the award of which recognition under this section has ceased to have effect by virtue of being surrendered or withdrawn.

9 Qualification specific recognition of an awarding body

- (1) An awarding body may apply to Qualifications Wales for recognition in respect of the award in Wales of a qualification or description of qualification in relation to which qualification specific recognition criteria are set under section 6.
- (2) If the body meets both—
 - (a) the general recognition criteria most recently published under section 5, and
 - (b) the qualification specific recognition criteria applicable in respect of the qualification and the body concerned,

Qualifications Wales must recognise the body in respect of the award in Wales of the qualification or description of qualification concerned.

- (3) If the body does not meet all of those criteria Qualifications Wales may nevertheless, if it thinks it appropriate to do so, recognise the body in respect of the award in Wales of the qualification or description of qualification concerned.
- (4) In determining whether it is appropriate to recognise a body under subsection (3), Qualifications Wales must have regard to—
 - (a) whether the body substantially meets the criteria referred to in subsection (2),
 - (b) the effect of its failure to meet those criteria in full, and
 - (c) the likelihood of its subsequently meeting those criteria in full.
- (5) The effect of recognition under this section is that, provided the body is recognised under section 8, it is recognised also in respect of the award in Wales of the qualification or description of qualification specified in the recognition under this section.

10 Rules about applications for recognition

- (1) Qualifications Wales must make rules about the making of applications to it under this Part.
- (2) The rules may make different provision for different purposes.
- (3) They may make provision about—
 - (a) the form and content of applications;
 - (b) the way in which applications are to be made (including as to any fee payable in respect of an application).

- (4) Rhaid i Gymwysterau Cymru gyhoeddi'r rheolau a wneir o dan yr adran hon.

11 Darpariaeth bellach ynghylch cydnabyddiaeth

- (1) Os yw Cymwysterau Cymru yn gwrthod cais am gydnabyddiaeth a wneir o dan y Rhan hon, rhaid iddo roi datganiad i'r corff dyfarnu o dan sylw sy'n nodi ei resymau dros wrthod y cais.
- (2) Mae Atodlen 3 yn gwneud darpariaeth bellach ynghylch cydnabyddiaeth o dan y Rhan hon, gan gynnwys –
- (a) cyfnod para'r gydnabyddiaeth;
 - (b) yr amodau y mae'r gydnabyddiaeth i fod yn ddarostyngedig iddynt;
 - (c) ildio cydnabyddiaeth a thynnu cydnabyddiaeth yn ôl.

12 Cydnabod: dehongli

- (1) At ddibenion y Ddeddf hon, cydnabyddir corff mewn cysylltiad â dyfarnu cymhwyster –
- (a) os na osodir unrhyw feini prawf o dan adran 6 mewn cysylltiad â'r cymhwyster, os cydnabyddir y corff o dan adran 8 (ar yr amod nad yw'r cymhwyster yn un a bennir, neu o ddisgrifiad a bennir, gan y corff o dan adran 8(2) ac nad yw'n un y mae cydnabyddiaeth o'r corff mewn cysylltiad ag ef wedi peidio â chael effaith fel y'i nodir ym mharagraff 1(2) o Atodlen 3);
 - (b) os gosodir meini prawf o dan adran 6 mewn cysylltiad â'r cymhwyster, neu gymwysterau o'r disgrifiad hwnnw, os yw'r corff –
 - (i) yn cael ei gydnabod o dan adran 8, a
 - (ii) yn cael ei gydnabod o dan adran 9 mewn cysylltiad â dyfarnu'r cymhwyster neu'r disgrifiad o gymhwyster o dan sylw.
- (2) Yn y Ddeddf hon –
- (a) mae cyfeiriadau at gydnabyddiaeth yn gyfeiriadau at gydnabyddiaeth o dan y Rhan hon;
 - (b) mae cyfeiriadau at gorff cydnabyddedig yn gyfeiriadau at gorff dyfarnu a gydnabyddir o dan y Rhan hon.
- (3) At ddibenion y Rhan hon, dyfarnu cymhwyster yng Nghymru yw ei ddyfarnu i bersonau a asesir mewn cysylltiad â'r cymhwyster yn gyfan gwbl neu'n bennaf yng Nghymru.

- (4) The rules made under this section must be published by Qualifications Wales.

11 Further provision about recognition

- (1) If Qualifications Wales refuses an application for recognition made under this Part, it must provide the awarding body concerned with a statement setting out its reasons for refusal.
- (2) Schedule 3 makes further provision about recognition under this Part, including about –
- (a) the duration of recognition;
 - (b) conditions to which recognition is to be subject;
 - (c) the surrender and withdrawal of recognition.

12 Recognition: interpretation

- (1) For the purposes of this Act, a body is recognised in respect of the award of a qualification –
- (a) if no criteria are set under section 6 in respect of the qualification, if the body is recognised under section 8 (provided that the qualification is not one that is specified, or of a description specified, by the body under section 8(2) and is not one in respect of which recognition of the body has ceased to have effect as set out in paragraph 1(2) of Schedule 3);
 - (b) if criteria are set under section 6 in respect of the qualification, or qualifications of that description, if the body is both –
 - (i) recognised under section 8, and
 - (ii) recognised under section 9 in respect of the award of the qualification or description of qualification concerned.
- (2) In this Act –
- (a) references to recognition are to recognition under this Part;
 - (b) references to a recognised body are to an awarding body recognised under this Part.
- (3) For the purposes of this Part, the award of a qualification in Wales is its award to persons assessed in respect of the qualification wholly or mainly in Wales.

RHAN 4**CYMWYSTERAU BLAENORIAETHOL A CHYMERADWYO CYMWYSTERAU***Cymwysterau blaenoriaethol***13 Dyletswydd i lunio rhestr o gymwysterau blaenoriaethol**

- (1) Rhaid i Gymwysterau Cymru a Gweinidogion Cymru lunio ar y cyd restr o gymwysterau y mae'r amod yn is-adran (2) wedi ei fodloni mewn cysylltiad â phob un ohonynt.
- (2) Yr amod yw bod Cymwysterau Cymru a Gweinidogion Cymru wedi eu bodloni bod sicrhau a chynnal hyder y cyhoedd yn y cymhwyster yn flaenoriaeth i Gymwysterau Cymru, oherwydd arwyddocâd y cymhwyster gan roi sylw i anghenion dysgwyr a chyflogwyr yng Nghymru.
- (3) Caiff y rhestr wneud darpariaeth drwy gyfeirio at gymwysterau, neu ddisgrifiadau o gymhwyster.
- (4) Rhaid cyhoeddi'r rhestr, ym mha ffordd bynnag y mae Cymwysterau Cymru a Gweinidogion Cymru yn cytuno arni.
- (5) Caiff Cymwysterau Cymru a Gweinidogion Cymru adolygu'r rhestr ar y cyd ac, os ydynt yn ystyried ei bod yn briodol, ei diwygio.
- (6) Yn y Ddeddf hon—
 - (a) mae cyfeiriadau at gymhwyster blaenoriaethol yn gyfeiriadau at gymhwyster sydd wedi ei gynnwys ar y rhestr, neu at gymhwyster sydd o ddisgrifiad sydd wedi ei gynnwys ar y rhestr;
 - (b) mae cyfeiriadau at gymhwyster blaenoriaethol cyfyngedig yn gyfeiriadau at gymhwyster blaenoriaethol y mae penderfyniad o dan adran 14 yn cael effaith mewn cysylltiad ag ef;
 - (c) mae cyfeiriadau at gymhwyster blaenoriaethol anghyfyngedig yn gyfeiriadau at gymhwyster blaenoriaethol nad yw penderfyniad o dan adran 14 yn cael effaith mewn cysylltiad ag ef.

14 Cymwysterau blaenoriaethol cyfyngedig

- (1) Caiff Cymwysterau Cymru wneud penderfyniad o dan yr adran hon mewn cysylltiad â chymhwyster blaenoriaethol os yw'r amod yn is-adran (3) wedi ei fodloni.
- (2) Mae penderfyniad o dan yr adran hon yn benderfyniad sy'n pennu uchafswm nifer (naill ai un neu ragor) y ffurfiau ar y cymhwyster sydd i fod yn rhai y mae modd eu cymeradwyo o dan y Rhan hon ar unrhyw un adeg.
- (3) Yr amod yw bod Cymwysterau Cymru wedi ei fodloni, gan roi sylw i brif nodau Cymwysterau Cymru, ac i'r amcanion yn is-adran (4), ei bod yn ddymunol cyfyngu ar nifer y ffurfiau ar y cymhwyster a gymeradwyir gan Gymwysterau Cymru o dan y Rhan hon i'r uchafswm nifer a bennir yn y penderfyniad.

PART 4**PRIORITY QUALIFICATIONS AND APPROVAL OF QUALIFICATIONS***Priority qualifications***13 Duty to prepare list of priority qualifications**

- (1) Qualifications Wales and the Welsh Ministers must jointly prepare a list of qualifications, in respect of each of which the condition in subsection (2) is met.
- (2) The condition is that Qualifications Wales and the Welsh Ministers are satisfied that ensuring and maintaining public confidence in the qualification is a priority for Qualifications Wales, by reason of the significance of the qualification having regard to the needs of learners and employers in Wales.
- (3) The list may make provision by reference to qualifications, or descriptions of qualification.
- (4) The list must be published, in whatever way Qualifications Wales and the Welsh Ministers agree.
- (5) Qualifications Wales and the Welsh Ministers may jointly review the list and, if they consider it appropriate, revise it.
- (6) In this Act –
 - (a) references to a priority qualification are to a qualification included on the list, or to a qualification that is of a description included on the list;
 - (b) references to a restricted priority qualification are to a priority qualification in respect of which a determination under section 14 has effect;
 - (c) references to a unrestricted priority qualification are to a priority qualification in respect of which no determination under section 14 has effect.

14 Restricted priority qualifications

- (1) Qualifications Wales may make a determination under this section in respect of a priority qualification if the condition in subsection (3) is met.
- (2) A determination under this section is a determination specifying the maximum number (being either one or more) of forms of the qualification that are to be capable of being approved under this Part at any one time.
- (3) The condition is that Qualifications Wales is satisfied that, having regard to the principal aims of Qualifications Wales, and to the objectives in subsection (4), it is desirable to restrict the number of forms of the qualification that are approved by Qualifications Wales under this Part to the maximum number that is specified in the determination.

- (4) Yr amcanion yw –
- (a) osgoi anghysondeb rhwng ffurfiau gwahanol ar yr un cymhwyster (pa un ai drwy gyfeirio at lefel y cyrhaeddiad a ddangosir drwy ffurfiau gwahanol ar yr un cymhwyster, neu fel arall), a
 - (b) galluogi Cymwysterau Cymru i arfer dewis rhwng cyrff dyfarnu gwahanol, wrth ymrwymo i drefniadau o dan adran 15, a rhwng ffurfiau gwahanol ar gymhwyster, wrth roi cymeradwyaeth o dan adran 17.
- (5) Rhaid i Gymwysterau Cymru gyhoeddi penderfyniad o dan yr adran hon.
- (6) Rhaid i Gymwysterau Cymru arfer ei swyddogaethau o dan adrannau 15 i 17 er mwyn sicrhau nad yw nifer y ffurfiau ar gymhwyster blaenoriaethol cyfyngedig a gymeradwyir ganddo o dan y Rhan hon yn fwy na'r uchafswm nifer a bennir yn y penderfyniad o dan yr adran hon mewn cysylltiad â'r cymhwyster.
- (7) Os yw Cymwysterau Cymru yn bwriadu gwneud penderfyniad o dan yr adran hon mewn cysylltiad â chymhwyster, rhaid iddo cyn gwneud hynny –
- (a) hysbysu pob corff cydnabyddedig, ac unrhyw berson arall y mae Cymwysterau Cymru yn ystyried y gellid disgwyl yn rhesymol fod ganddo buddiant yn y penderfyniad arfaethedig, am y cynnig, a
 - (b) ystyried unrhyw sylwadau a gyflwynir iddo gan y personau hynny mewn cysylltiad â'r cynnig.
- (8) Caniateir i benderfyniad o dan yr adran hon gael ei ddirymu neu ei amrywio; ac mae darpariaethau blaenorol yr adran hon yn gymwys at ddibenion amrywio penderfyniad fel pe bai penderfyniad yn cael ei wneud.

15 Pŵer i wneud trefniadau i ddatblygu cymhwyster blaenoriaethol cyfyngedig

- (1) Caiff Cymwysterau Cymru ymrwymo i drefniadau gyda chorff dyfarnu y mae eu heffaith yn darparu i'r corff ddatblygu ffurf newydd ar gymhwyster blaenoriaethol cyfyngedig, gyda golwg ar gymeradwyaeth ragolygol i'r ffurf honno ar y cymhwyster o dan adran 16.
- (2) Caiff y trefniadau wneud darpariaeth ynghylch, ymhlith pethau eraill –
- (a) y meini prawf i'w bodloni gan y ffurf ar y cymhwyster sydd i'w datblygu;
 - (b) taliadau i'w gwneud gan Gymwysterau Cymru mewn cysylltiad â'i datblygu.
- (3) Rhaid i Gymwysterau Cymru lunio cynllun sy'n gwneud darpariaeth ynghylch gwneud trefniadau o dan yr adran hon.
- (4) Rhaid i Gymwysterau Cymru arfer ei swyddogaethau yn unol â'r cynllun.
- (5) Rhaid i'r cynllun ddarparu ar gyfer gweithdrefn sy'n agored, yn deg ac yn dryloyw.
- (6) Caiff Cymwysterau Cymru ddiwygio'r cynllun.
- (7) Rhaid i Gymwysterau Cymru gyhoeddi'r cynllun.

- (4) The objectives are to—
 - (a) avoid inconsistency between different forms of the same qualification (whether by reference to the level of attainment indicated by different forms of the same qualification, or otherwise), and
 - (b) enable Qualifications Wales to exercise choice between different awarding bodies, in entering into arrangements under section 15, and between different forms of a qualification, in granting approval under section 17.
- (5) Qualifications Wales must publish a determination under this section.
- (6) Qualifications Wales must exercise its functions under sections 15 to 17 so as to secure that the number of forms of a restricted priority qualification approved by it under this Part does not exceed the maximum number specified in the determination under this section in respect of the qualification.
- (7) If Qualifications Wales proposes to make a determination under this section in respect of a qualification, it must before doing so—
 - (a) notify each recognised body, and any other person that Qualifications Wales considers might reasonably be expected to have an interest in the proposed determination, of the proposal, and
 - (b) consider any representations made to it by those persons in respect of the proposal.
- (8) A determination under this section may be revoked or varied; and the preceding provisions of this section apply for the purposes of a variation of a determination as if it was the making of a determination.

15 Power to make arrangements for development of restricted priority qualification

- (1) Qualifications Wales may enter into arrangements with an awarding body the effect of which is to provide for the body to develop a new form of a restricted priority qualification, with a view to the prospective approval of that form of the qualification under section 16.
- (2) The arrangements may make provision about, among other things—
 - (a) criteria to be met by the form of the qualification to be developed;
 - (b) payments to be made by Qualifications Wales in respect of its development.
- (3) Qualifications Wales must prepare a scheme making provision about the making of arrangements under this section.
- (4) Qualifications Wales must exercise its functions in accordance with the scheme.
- (5) The scheme must provide for a procedure that is open, fair and transparent.
- (6) Qualifications Wales may revise the scheme.
- (7) The scheme must be published by Qualifications Wales.

16 Cymeradwyo cymhwyster blaenoriaethol cyfyngedig a ddatblygir yn unol â threfniadau adran 15

- (1) Mae'r adran hon yn gymwys pan fo corff dyfarnu wedi datblygu ffurf ar gymhwyster blaenoriaethol cyfyngedig yn unol â threfniadau o dan adran 15.
- (2) Os cydnabyddir y corff dyfarnu mewn cysylltiad â dyfarnu'r cymhwyster o dan sylw, caiff wneud cais i Gymwysterau Cymru i'r ffurf ar y cymhwyster gael ei chymeradwyo o dan yr adran hon.
- (3) Rhaid i Gymwysterau Cymru ystyried pa un ai i gymeradwyo'r ffurf ar y cymhwyster i'w dyfarnu yng Nghymru gan y corff o dan sylw.
- (4) Caiff Cymwysterau Cymru, os yw'n ystyried ei bod yn briodol gwneud hynny, gymeradwyo'r ffurf ar y cymhwyster i'w dyfarnu yng Nghymru gan y corff o dan sylw.
- (5) Ond mae hyn yn ddarostyngedig i adran 21 (pŵer i bennu gofynion sylfaenol).
- (6) At ddibenion y Rhan hon, dyfarnu ffurf ar gymhwyster yng Nghymru yw ei dyfarnu i bersonau a asesir mewn cysylltiad â'r cymhwyster yn gyfan gwbl neu'n bennaf yng Nghymru.

17 Cymeradwyo cymhwyster blaenoriaethol cyfyngedig yn absenoldeb trefniadau adran 15

- (1) Mae'r adran hon yn gymwys at ddiben cymeradwyo gan Gymwysterau Cymru ffurf ar gymhwyster sy'n gymhwyster blaenoriaethol cyfyngedig, ond nad yw Cymwysterau Cymru yn bwriadu ymrwmo i drefniadau mewn cysylltiad â hi o dan adran 15.
- (2) Caiff Cymwysterau Cymru, ar gais gan gorff a gydnabyddir mewn cysylltiad â dyfarnu'r cymhwyster o dan sylw, os yw'n ystyried ei bod yn briodol gwneud hynny, gymeradwyo ffurf ar y cymhwyster i'r corff o dan sylw ei dyfarnu yng Nghymru.
- (3) Rhaid i Gymwysterau Cymru lunio cynllun sy'n gwneud darpariaeth ynghylch –
 - (a) gwneud ceisiadau am gymeradwyaeth o dan is-adran (2);
 - (b) ystyried gan Gymwysterau Cymru y ceisiadau hynny.
- (4) Rhaid i Gymwysterau Cymru arfer ei swyddogaethau yn unol â'r cynllun.
- (5) Rhaid i'r cynllun ddarparu ar gyfer gweithdrefn sy'n agored, yn deg ac yn dryloyw.
- (6) Caiff Cymwysterau Cymru ddiwygio'r cynllun.
- (7) Rhaid i Gymwysterau Cymru gyhoeddi'r cynllun.
- (8) Mae is-adran (2) yn ddarostyngedig i adran 21 (pŵer i bennu gofynion sylfaenol).

18 Cymeradwyo cymwysterau blaenoriaethol anghyfyngedig

- (1) Mae'r adran hon yn gymwys pan fo cais yn cael ei wneud i Gymwysterau Cymru i ffurf ar gymhwyster blaenoriaethol anghyfyngedig gael ei chymeradwyo gan gorff dyfarnu a gydnabyddir mewn cysylltiad â dyfarnu'r cymhwyster o dan sylw.
- (2) Rhaid i Gymwysterau Cymru ystyried pa un ai i gymeradwyo'r ffurf ar y cymhwyster i'w dyfarnu yng Nghymru gan y corff o dan sylw.
- (3) Caiff Cymwysterau Cymru, os yw'n ystyried ei bod yn briodol gwneud hynny, gymeradwyo'r ffurf ar y cymhwyster i'w dyfarnu yng Nghymru gan y corff o dan sylw.
- (4) Ond mae hyn yn ddarostyngedig i adran 21 (pŵer i bennu gofynion sylfaenol).

16 Approval of a restricted priority qualification developed in accordance with section 15 arrangements

- (1) This section applies where a form of a restricted priority qualification has been developed by an awarding body in accordance with arrangements under section 15.
- (2) If the awarding body is recognised in respect of the award of the qualification concerned, it may make an application to Qualifications Wales for approval of the form of the qualification under this section.
- (3) Qualifications Wales must consider whether to approve the form of the qualification for award in Wales by the body concerned.
- (4) Qualifications Wales may if it considers it appropriate to do so approve the form of the qualification for award in Wales by the body concerned.
- (5) But this is subject to section 21 (power to specify minimum requirements).
- (6) For the purposes of this Part, the award of a form of a qualification in Wales is its award to persons assessed in respect of the qualification wholly or mainly in Wales.

17 Approval of a restricted priority qualification in the absence of section 15 arrangements

- (1) This section applies for the purpose of the approval by Qualifications Wales of a form of a qualification that is a restricted priority qualification, but in respect of which Qualifications Wales does not propose to enter into arrangements under section 15.
- (2) Qualifications Wales may, on an application from a body that is recognised in respect of the award of the qualification concerned, if it considers it appropriate to do so approve a form of the qualification for award in Wales by the body concerned.
- (3) Qualifications Wales must prepare a scheme making provision about –
 - (a) the making of applications for approval under subsection (2);
 - (b) the consideration by Qualifications Wales of those applications.
- (4) Qualifications Wales must exercise its functions in accordance with the scheme.
- (5) The scheme must provide for a procedure that is open, fair and transparent.
- (6) Qualifications Wales may revise the scheme.
- (7) The scheme must be published by Qualifications Wales.
- (8) Subsection (2) is subject to section 21 (power to specify minimum requirements).

18 Approval of unrestricted priority qualifications

- (1) This section applies where an application is made to Qualifications Wales for approval of a form of an unrestricted priority qualification by an awarding body that is recognised in respect of the award of the qualification concerned.
- (2) Qualifications Wales must consider whether to approve the form of the qualification for award in Wales by the body concerned.
- (3) Qualifications Wales may if it considers it appropriate to do so approve the form of the qualification for award in Wales by the body concerned.
- (4) But this is subject to section 21 (power to specify minimum requirements).

*Cymwysterau eraill***19 Cymeradwyo cymwysterau nad ydynt yn gymwysterau blaenoriaethol**

- (1) Mae'r adran hon yn gymwys –
 - (a) pan fo cais yn cael ei wneud i Gymwysterau Cymru, i ffurf ar gymhwyster gael ei chymeradwyo, gan gorff dyfarnu a gydnabyddir mewn cysylltiad â dyfarnu'r cymhwyster o dan sylw, a
 - (b) pan fo Cymwysterau Cymru wedi ei fodloni nad yw'r cymhwyster o dan sylw yn gymhwyster blaenoriaethol.
- (2) Caiff Cymwysterau Cymru, yn ôl ei ddisgresiwn, benderfynu pa un ai i ystyried y ffurf ar y cymhwyster i'w chymeradwyo.
- (3) Os yw Cymwysterau Cymru yn ystyried y ffurf ar y cymhwyster i'w chymeradwyo, caiff gymeradwyo'r ffurf ar y cymhwyster i'w dyfarnu yng Nghymru gan y corff o dan sylw, os yw'n ystyried ei bod yn briodol gwneud hynny.
- (4) Ond mae hyn yn ddarostyngedig i adran 21 (pŵer i bennu gofynion sylfaenol).
- (5) Rhaid i Gymwysterau Cymru lunio cynllun sy'n gwneud darpariaeth ynghylch gwneud penderfyniadau o dan is-adran (2).
- (6) Rhaid i'r cynllun, ymhlith pethau eraill, nodi ffactorau sy'n debygol o gael eu hystyried gan Gymwysterau Cymru wrth benderfynu pa un ai i ystyried ffurf ar gymhwyster i'w chymeradwyo.
- (7) Rhaid i Gymwysterau Cymru arfer ei swyddogaethau yn unol â'r cynllun.
- (8) Caiff Cymwysterau Cymru ddiwygio'r cynllun.
- (9) Rhaid i Gymwysterau Cymru gyhoeddi'r cynllun.

*Meini prawf cymeradwyo***20 Meini prawf cymeradwyo**

- (1) Rhaid i Gymwysterau Cymru osod a chyhoeddi meini prawf i'w cymhwyso ganddo wrth benderfynu pa un ai i gymeradwyo ffurf ar gymhwyster o dan y Rhan hon.
- (2) Caiff y meini prawf wneud darpariaeth wahanol drwy gyfeirio at gymwysterau gwahanol neu ddisgrifiadau gwahanol o gymhwyster.
- (3) Caiff Cymwysterau Cymru ddiwygio'r meini prawf.
- (4) Os yw Cymwysterau Cymru yn diwygio'r meini prawf, rhaid iddo gyhoeddi'r meini prawf fel y'u diwygiwyd.

*Other qualifications***19 Approval of qualifications that are not priority qualifications**

- (1) This section applies where –
 - (a) an application is made to Qualifications Wales, for approval of a form of a qualification, by an awarding body that is recognised in respect of the award of the qualification concerned, and
 - (b) Qualifications Wales is satisfied that the qualification concerned is not a priority qualification.
- (2) Qualifications Wales may at its discretion determine whether to consider the form of the qualification for approval.
- (3) If Qualifications Wales does consider the form of the qualification for approval it may approve the form of the qualification for award in Wales by the body concerned, if it considers it appropriate to do so.
- (4) But this is subject to section 21 (power to specify minimum requirements).
- (5) Qualifications Wales must prepare a scheme making provision about the making of determinations under subsection (2).
- (6) The scheme must, among other things, set out factors likely to be taken into account by Qualifications Wales in determining whether to consider a form of qualification for approval.
- (7) Qualifications Wales must exercise its functions in accordance with the scheme.
- (8) Qualifications Wales may revise the scheme.
- (9) The scheme must be published by Qualifications Wales.

*Approval criteria***20 Approval criteria**

- (1) Qualifications Wales must set and publish criteria to be applied by it in deciding whether to approve a form of a qualification under this Part.
- (2) The criteria may make different provision by reference to different qualifications or different descriptions of qualification.
- (3) Qualifications Wales may revise the criteria.
- (4) If Qualifications Wales revises the criteria, it must publish the criteria as revised.

*Pŵer i Weinidogion Cymru bennu gofynion sylfaenol***21 Pŵer i bennu gofynion sylfaenol**

- (1) Caiff Gweinidogion Cymru drwy reoliadau bennu gofynion sylfaenol, mewn perthynas â chymhwyster, sydd i'w bodloni gan unrhyw ffurf ar y cymhwyster hwnnw a gymeradwyir o dan y Rhan hon.
- (2) Rhaid i'r gofynion ymwneud â'r wybodaeth, y sgiliau neu'r ddealltwriaeth y mae'n ofynnol eu dangos at ddiben penderfynu a yw'r cymhwyster i gael ei ddyfarnu i berson.
- (3) Ond dim ond os yw Gweinidogion Cymru wedi eu bodloni ei bod yn angenrheidiol pennu gofyniad er mwyn sicrhau bod y cwricwlwm a ddilynir gan bersonau sy'n ymgymryd â chwrs sy'n arwain at gymhwyster yn briodol at anghenion rhesymol y personau hynny y caniateir i'r gofyniad hwnnw gael ei bennu mewn perthynas â'r cymhwyster.
- (4) Cyn gwneud rheoliadau o dan yr adran hon sy'n pennu gofynion sylfaenol, rhaid i Weinidogion Cymru ymgynghori â Chymwysterau Cymru ac unrhyw bersonau eraill (os oes rhai) y maent yn ystyried eu bod yn briodol, gan bennu –
 - (a) y gofynion sylfaenol arfaethedig, a
 - (b) eu rhesymau dros eu cynnig.
- (5) Pan fo gofynion wedi eu pennu mewn perthynas â chymhwyster drwy reoliadau o dan yr adran hon, ni chaiff Cymwysterau Cymru gymeradwyo ffurf ar y cymhwyster hwnnw o dan y Rhan hon oni bai ei fod wedi ei fodloni bod y ffurf honno ar y cymhwyster yn cydymffurfio â'r gofynion hynny.

*Darpariaeth atodol sy'n berthnasol i bob cymeradwyaeth***22 Amodau cymeradwyo**

- (1) O ran cymeradwyo ffurf ar gymhwyster –
 - (a) rhaid iddo fod yn ddarostyngedig i amod o fewn is-adran (2), a
 - (b) mae i fod yn ddarostyngedig i unrhyw amodau eraill y caiff Cymwysterau Cymru eu gosod naill ai ar adeg rhoi'r gymeradwyaeth neu wedi hynny.
- (2) Mae amod o fewn yr is-adran hon yn amod sy'n ei gwneud yn ofynnol i ffurf ar gymhwyster sydd i'w dyfarnu fel cymhwyster a gymeradwywyd gael ei nodi â rhif cymeradwyo.
- (3) Mae rhif cymeradwyo yn rhif (gyda neu heb lythrennau neu symbolau) sydd wedi ei ddyrannu i gymhwyster gan Gymwysterau Cymru.
- (4) Dim ond os yw ffurf ar gymhwyster wedi ei ddyfarnu â'i rhif cymeradwyo yn unol â'r amod a grybwyllir o fewn is-adran (2) y'i dyfernir fel cymhwyster a gymeradwywyd.
- (5) Caiff yr amodau y caiff Cymwysterau Cymru eu gosod wneud darpariaeth wahanol, mewn cysylltiad â dyfarnu'r un cymhwyster, at ddibenion gwahanol (gan gynnwys ymhlith pethau eraill drwy gyfeirio at yr amgylchiadau pan fo cymhwyster yn cael ei ddyfarnu, neu at y personau neu'r disgrifiadau o bersonau y dyfernir cymhwyster iddynt).

*Power for Welsh Ministers to specify minimum requirements***21 Power to specify minimum requirements**

- (1) The Welsh Ministers may by regulations specify minimum requirements, in relation to a qualification, that are to be met by any form of that qualification approved under this Part.
- (2) The requirements must relate to the knowledge, skills or understanding required to be demonstrated for the purpose of determining whether a person is to be awarded the qualification.
- (3) But a requirement may be specified in relation to a qualification only if the Welsh Ministers are satisfied that it is necessary to specify that requirement in order to ensure that the curriculum pursued by persons taking a course leading to the qualification is appropriate for the reasonable needs of those persons.
- (4) Before making regulations under this section specifying minimum requirements, the Welsh Ministers must consult Qualifications Wales and such other persons (if any) as they consider appropriate, specifying—
 - (a) the proposed minimum requirements, and
 - (b) their reasons for proposing them.
- (5) Where requirements have been specified in relation to a qualification by regulations under this section, Qualifications Wales may not approve a form of that qualification under this Part unless satisfied that form of the qualification complies with those requirements.

*Supplementary provision relevant to all approvals***22 Conditions of approval**

- (1) Approval of a form of a qualification—
 - (a) must be subject to a condition within subsection (2), and
 - (b) is to be subject to any other conditions Qualifications Wales may impose either at the time of granting approval or subsequently.
- (2) A condition within this subsection is a condition requiring a form of a qualification that is to be awarded as an approved qualification to be identified by an approval number.
- (3) An approval number is a number (with or without letters or symbols) allocated to a qualification by Qualifications Wales.
- (4) A form of a qualification is awarded as an approved qualification only if it is awarded with its approval number in accordance with the condition mentioned within subsection (2).
- (5) The conditions that may be imposed by Qualifications Wales may make different provision, in respect of the award of the same qualification, for different purposes (including among other things by reference to the circumstances in which, or the persons or descriptions of persons to whom, a qualification is awarded).

- (6) Os yw Cymwysterau Cymru, ar ôl cymeradwyo ffurf ar gymhwyster i'w dyfarnu gan gorff cydnabyddedig—
- (a) yn gosod amodau newydd y mae'r gymeradwyaeth i fod yn ddarostyngedig iddynt, neu
 - (b) yn amrywio'r amodau y mae'r gymeradwyaeth i fod yn ddarostyngedig iddynt, rhaid iddo roi hysbysiad i'r corff dyfarnu am yr amodau newydd (neu'r amodau sydd wedi eu hamrywio).
- (7) Rhaid i'r hysbysiad—
- (a) pennu'r dyddiad y bydd yr amodau newydd (neu'r amodau fel y maent wedi eu hamrywio) yn cael effaith, a
 - (b) rhoi rhesymau dros y newid.

23 Cyfnod para'r gymeradwyaeth

- (1) Mae cymeradwyaeth o dan adran 16 neu 17—
- (a) yn cael effaith o ba ddyddiad bynnag a bennir gan Gymwysterau Cymru, a
 - (b) i gael ei rhoi am gyfnod cyfyngedig a bennir gan Gymwysterau Cymru wrth roi'r gymeradwyaeth.
- (2) O ran cymeradwyaeth o dan adran 18 neu 19—
- (a) mae'n cael effaith o ba ddyddiad bynnag a bennir gan Gymwysterau Cymru, a
 - (b) caniateir iddi gael ei rhoi am gyfnod amhenodol neu am gyfnod cyfyngedig a bennir gan Gymwysterau Cymru wrth roi'r gymeradwyaeth.

24 Rheolau ynghylch ceisiadau am gymeradwyaeth

- (1) Rhaid i Gymwysterau Cymru wneud rheolau ynghylch gwneud ceisiadau iddo o dan y Rhan hon.
- (2) Caiff y rheolau wneud darpariaeth wahanol at ddibenion gwahanol.
- (3) Caiff y rheolau wneud darpariaeth ynghylch—
- (a) ffurf a chynnwys ceisiadau;
 - (b) y ffordd y mae ceisiadau i gael eu gwneud (gan gynnwys o ran unrhyw ffi sy'n daladwy mewn cysylltiad â chais).
- (4) Rhaid i Gymwysterau Cymru gyhoeddi'r rheolau a wneir o dan yr adran hon.

Ildio cymeradwyaeth a thynnu cymeradwyaeth yn ôl

25 Ildio cymeradwyaeth

- (1) Caiff corff dyfarnu roi hysbysiad i Gymwysterau Cymru ei fod yn dymuno i gymeradwyaeth i ffurf ar gymhwyster a ddyfernir ganddo beidio â chael effaith ("hysbysiad ildio").
- (2) Rhaid i hysbysiad ildio bennu'r dyddiad y mae'r corff yn dymuno i'r gymeradwyaeth beidio â chael effaith pan ddaw i ben.

- (6) If after approving a form of a qualification for award by a recognised body Qualifications Wales—
 - (a) imposes new conditions to which the approval is to be subject, or
 - (b) varies the conditions to which the approval is to be subject,it must give notice to the awarding body of the new (or varied) conditions.
- (7) The notice must—
 - (a) specify the date on which the new conditions (or the conditions as varied) will come into effect, and
 - (b) give reasons for the change.

23 Duration of approval

- (1) Approval under section 16 or 17—
 - (a) has effect from whatever date is specified by Qualifications Wales, and
 - (b) is to be granted for a limited period specified by Qualifications Wales on granting approval.
- (2) Approval under section 18 or 19—
 - (a) has effect from whatever date is specified by Qualifications Wales, and
 - (b) may be granted indefinitely or for a limited period specified by Qualifications Wales on granting approval.

24 Rules about applications for approval

- (1) Qualifications Wales must make rules about the making of applications to it under this Part.
- (2) The rules may make different provision for different purposes.
- (3) The rules may make provision about—
 - (a) the form and contents of applications;
 - (b) the way in which applications are to be made (including as to any fee payable in respect of an application).
- (4) The rules made under this section must be published by Qualifications Wales.

Surrender and withdrawal of approval

25 Surrender of approval

- (1) An awarding body may give notice to Qualifications Wales that it wishes approval of a form of a qualification awarded by it to cease to have effect (a “surrender notice”).
- (2) A surrender notice must specify the date with the expiry of which the body wishes the approval to cease to have effect.

- (3) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl i hysbysiad ildio ddod i law, rhaid i Gymwysterau Cymru roi hysbysiad i'r corff dyfarnu ("cydnabyddiaeth o ildio") sy'n darparu bod y gymeradwyaeth i beidio â chael effaith pan ddaw'r dyddiad a bennir yn yr hysbysiad ildio i ben neu, os yw Cymwysterau Cymru o'r farn ei bod yn briodol, pan ddaw dyddiad gwahanol i ben.
- (4) Os yw'r gydnabyddiaeth o ildio yn pennu bod y gymeradwyaeth i beidio â chael effaith pan ddaw dyddiad gwahanol i'r un a bennir yn yr hysbysiad ildio i ben, rhaid i'r gydnabyddiaeth o ildio roi rhesymau dros hyn.
- (5) Mae'r gymeradwyaeth yn peidio â chael effaith pan ddaw'r dyddiad a bennir yn y gydnabyddiaeth o ildio i ben.
- (6) Wrth benderfynu a yw'r gymeradwyaeth i beidio â chael effaith pan ddaw'r dyddiad a bennir yn yr hysbysiad ildio i ben, neu pan ddaw dyddiad gwahanol i ben, mae Cymwysterau Cymru i roi sylw i'r canlynol—
 - (a) yr angen i osgoi effaith andwyol ar bersonau sy'n ceisio cael, neu y gellid disgwyl yn rhesymol iddynt geisio cael, y ffurf ar y cymhwyster o dan sylw;
 - (b) dymuniad y corff y dylai'r gymeradwyaeth beidio â chael effaith pan ddaw'r dyddiad a bennir yn yr hysbysiad ildio i ben.

26 Darpariaeth drosiannol mewn cysylltiad ag ildio cymeradwyaeth

- (1) Mae'r adran hon yn gymwys at ddibenion cydnabyddiaeth o ildio o dan adran 25.
- (2) Os yw Cymwysterau Cymru yn ystyried ei bod yn briodol gwneud hynny at ddiben osgoi effaith andwyol ar bersonau sy'n ceisio cael, neu y gellid disgwyl yn rhesymol iddynt geisio cael, y ffurf ar y cymhwyster o dan sylw, caiff wneud darpariaeth yn y gydnabyddiaeth o ildio sydd o fewn is-adran (3).
- (3) Mae darpariaeth o fewn yr is-adran hon yn ddarpariaeth i'r perwyl bod y ffurf ar y cymhwyster, o'r adeg pan ddaw'r dyddiad ildio i ben hyd nes y daw'r dyddiad estyn i ben, i gael ei thrin, at ddibenion a bennir gan Gymwysterau Cymru yn y gydnabyddiaeth o ildio, fel pe bai wedi ei chymeradwyo o dan y Rhan hon gan Gymwysterau Cymru i'w dyfarnu gan y corff o dan sylw.
- (4) Os yw Cymwysterau Cymru yn gwneud darpariaeth o fewn is-adran (3)—
 - (a) rhaid iddo roi rhesymau dros hyn yn y gydnabyddiaeth o ildio, a
 - (b) mae'r ffurf ar y cymhwyster i gael ei thrin, o'r adeg pan ddaw'r dyddiad ildio i ben, at y dibenion a bennir yn y gydnabyddiaeth o ildio, a hyd nes y daw'r dyddiad estyn i ben, fel pe bai wedi ei chymeradwyo o dan y Rhan hon i'w dyfarnu gan y corff o dan sylw.
- (5) Yn yr adran hon—

ystyr "dyddiad estyn" ("*extension date*") yw dyddiad a bennir gan Gymwysterau Cymru yn y gydnabyddiaeth o ildio at ddibenion yr adran hon;

ystyr "dyddiad ildio" ("*surrender date*") yw'r dyddiad a bennir gan Gymwysterau Cymru yn y gydnabyddiaeth o ildio fel y dyddiad y mae'r gymeradwyaeth i beidio â chael effaith pan ddaw i ben.

- (3) As soon as reasonably practicable after receipt of a surrender notice, Qualifications Wales must give notice to the awarding body (an “acknowledgement of surrender”) providing that the approval is to cease to have effect with the expiry of the date specified in the surrender notice or, if Qualifications Wales thinks appropriate, with the expiry of a different date.
- (4) If the acknowledgement of surrender specifies that the approval is to cease to have effect with the expiry of a different date from that specified in the surrender notice, the acknowledgement of surrender must give reasons for this.
- (5) The approval ceases to have effect with the expiry of the date specified in the acknowledgement of surrender.
- (6) In determining whether the approval is to cease to have effect with the expiry of the date specified in the surrender notice, or with the expiry of a different date, Qualifications Wales is to have regard to—
 - (a) the need to avoid prejudice to persons who are seeking, or might reasonably be expected to seek, to obtain the form of the qualification concerned;
 - (b) the body’s wish that approval should cease to have effect with the expiry of the date specified in the surrender notice.

26 Transitional provision in connection with surrender of approval

- (1) This section applies for the purposes of an acknowledgement of surrender under section 25.
- (2) If Qualifications Wales considers it appropriate to do so for the purpose of avoiding prejudice to persons who are seeking, or might reasonably be expected to seek, to obtain the form of the qualification concerned, it may make provision in the acknowledgement of surrender that is within subsection (3).
- (3) Provision within this subsection is provision to the effect that, from the expiry of the surrender date until the expiry of the extension date, the form of the qualification is to be treated, for purposes specified by Qualifications Wales in the acknowledgement of surrender, as being approved under this Part by Qualifications Wales for award by the body concerned.
- (4) If Qualifications Wales makes provision within subsection (3)—
 - (a) it must give reasons for this in the acknowledgement of surrender, and
 - (b) the form of the qualification is to be treated, from the expiry of the surrender date, for the purposes specified in the acknowledgement of surrender, and until the expiry of the extension date, as being approved under this Part for award by the body concerned.
- (5) In this section—

“extension date” (*“dyddiad estyn”*) means a date specified by Qualifications Wales in the acknowledgement of surrender for the purposes of this section;

“surrender date” (*“dyddiad ildio”*) means the date specified by Qualifications Wales in the acknowledgement of surrender as being the date from the expiry of which the approval is to cease to have effect.

27 Tynnu cymeradwyaeth yn ôl

- (1) Caiff Cymwysterau Cymru dynnu'n ôl gymeradwyaeth o dan y Rhan hon i ffurf ar gymhwyster os yw wedi ei fodloni –
 - (a) na chydymffurfiwyd ag amod y mae'r gymeradwyaeth yn ddarostyngedig iddo,
 - (b) bod y corff sy'n dyfarnu'r ffurf ar y cymhwyster wedi peidio â chael ei gydnabod mewn cysylltiad â dyfarnu'r cymhwyster o dan sylw, neu
 - (c) yn achos cymeradwyaeth i ffurf ar gymhwyster a roddir o dan adran 18 neu 19, fod y cymhwyster o dan sylw wedi dod yn gymhwyster blaenoriaethol cyfyngedig.
- (2) Cyn tynnu cymeradwyaeth yn ôl, rhaid i Gymwysterau Cymru roi i'r corff dyfarnu o dan sylw hysbysiad am ei fwriad i wneud hynny.
- (3) Rhaid i'r hysbysiad –
 - (a) esbonio pam y mae Cymwysterau Cymru yn bwriadu tynnu'r gymeradwyaeth yn ôl, a
 - (b) pennu pa bryd y mae Cymwysterau Cymru yn bwriadu penderfynu pa un ai i dynnu cymeradwyaeth yn ôl.
- (4) Wrth benderfynu pa un ai i dynnu cymeradwyaeth yn ôl, rhaid i Gymwysterau Cymru roi sylw i unrhyw sylwadau a gyflwynir gan y corff dyfarnu.
- (5) Os yw Cymwysterau Cymru yn penderfynu tynnu cymeradwyaeth yn ôl, rhaid iddo roi hysbysiad i'r corff dyfarnu am y penderfyniad, sy'n pennu'r dyddiad y bydd y gymeradwyaeth yn cael ei thynnu'n ôl pan ddaw i ben (y "dyddiad tynnu'n ôl").
- (6) Ar unrhyw adeg cyn y dyddiad tynnu'n ôl, caiff Cymwysterau Cymru, gyda chytundeb y corff dyfarnu o dan sylw, roi hysbysiad i'r corff sy'n amrywio'r dyddiad y mae'r gymeradwyaeth i gael ei thynnu'n ôl.
- (7) Pan roddir hysbysiad o dan is-adran (6), mae'r dyddiad a bennir yn yr hysbysiad fel y dyddiad tynnu'n ôl i gael ei drin, o'r dyddiad y rhoddir yr hysbysiad, fel y dyddiad tynnu'n ôl at ddibenion unrhyw hysbysiad pellach o dan yr is-adran honno.
- (8) Wrth benderfynu ar ddyddiad at ddibenion yr adran hon, mae Cymwysterau Cymru i roi sylw i'r angen i osgoi effaith andwyol ar bersonau sy'n ceisio cael, neu y gellid disgwyl yn rhesymol iddynt geisio cael, y ffurf ar y cymhwyster.

28 Darpariaeth drosiannol mewn cysylltiad â thynnu cymeradwyaeth yn ôl

- (1) Mae'r adran hon yn gymwys at ddibenion hysbysiad o dan adran 27(5).
- (2) Os yw Cymwysterau Cymru yn ystyried ei bod yn briodol gwneud hynny at ddiben osgoi effaith andwyol ar bersonau sy'n ceisio cael, neu y gellid disgwyl yn rhesymol iddynt geisio cael, y ffurf ar y cymhwyster o dan sylw, caiff wneud darpariaeth yn yr hysbysiad sydd o fewn is-adran (3).
- (3) Mae darpariaeth o fewn yr is-adran hon yn ddarpariaeth i'r perwyl bod y ffurf ar y cymhwyster, o'r adeg pan ddaw'r dyddiad tynnu'n ôl i ben hyd nes y daw'r dyddiad estyn i ben, i gael ei thrin, at ddibenion a bennir gan Gymwysterau Cymru yn yr hysbysiad, fel pe bai wedi ei chymeradwyo o dan y Rhan hon gan Gymwysterau Cymru i'w dyfarnu gan y corff o dan sylw.

27 Withdrawal of approval

- (1) Qualifications Wales may withdraw approval under this Part of a form of a qualification if it is satisfied that—
 - (a) a condition to which the approval is subject has not been complied with,
 - (b) the body by which the form of the qualification is awarded has ceased to be recognised in respect of the award of the qualification concerned, or
 - (c) in the case of an approval of a form of a qualification granted under section 18 or 19, the qualification concerned has become a restricted priority qualification.
- (2) Before withdrawing approval, Qualifications Wales must give the awarding body concerned notice of its intention to do so.
- (3) The notice must—
 - (a) explain why Qualifications Wales proposes to withdraw approval, and
 - (b) specify when Qualifications Wales proposes to decide whether to withdraw approval.
- (4) In deciding whether to withdraw approval, Qualifications Wales must have regard to any representations made by the awarding body.
- (5) If Qualifications Wales decides to withdraw approval, it must give notice to the awarding body of the decision, specifying the date with the expiry of which withdrawal of approval will take effect (the “withdrawal date”).
- (6) At any time before the withdrawal date, Qualifications Wales may, with the agreement of the awarding body concerned, give notice to the body varying the date on which withdrawal is to take effect.
- (7) Where notice under subsection (6) is given, the date specified in the notice as the withdrawal date is to be treated, as from the date on which the notice is given, as being the withdrawal date for the purposes of any further notice under that subsection.
- (8) In determining a date for the purposes of this section, Qualifications Wales is to have regard to the need to avoid prejudice to persons who are seeking, or might reasonably be expected to seek, to obtain the form of the qualification.

28 Transitional provision in connection with withdrawal of approval

- (1) This section applies for the purposes of notice under section 27(5).
- (2) If Qualifications Wales considers it appropriate to do so for the purpose of avoiding prejudice to persons who are seeking, or might reasonably be expected to seek, to obtain the form of the qualification concerned, it may make provision in the notice that is within subsection (3).
- (3) Provision within this subsection is provision to the effect that, from the expiry of the withdrawal date until the expiry of the extension date, the form of the qualification is to be treated, for purposes specified by Qualifications Wales in the notice, as being approved under this Part by Qualifications Wales for award by the body concerned.

- (4) Os yw Cymwysterau Cymru yn gwneud darpariaeth o fewn is-adran (3) –
- (a) rhaid iddo roi rhesymau dros hyn yn yr hysbysiad, a
 - (b) mae'r ffurf ar y cymhwyster i gael ei thrin, o'r adeg pan ddaw'r dyddiad tynnu'n ôl i ben, at y dibenion a bennir yn yr hysbysiad, a hyd nes y daw'r dyddiad estyn i ben, fel pe bai wedi ei chymeradwyo o dan y Rhan hon i'w dyfarnu gan y corff o dan sylw.
- (5) Yn yr adran hon –
- ystyr "dyddiad estyn" ("*extension date*") yw dyddiad a bennir gan Gymwysterau Cymru yn yr hysbysiad at ddibenion yr adran hon;
- ystyr "dyddiad tynnu'n ôl" ("*withdrawal date*") yw'r dyddiad a bennir gan Gymwysterau Cymru yn yr hysbysiad fel y dyddiad y mae'r gymeradwyaeth i gael ei thynnu'n ôl pan ddaw i ben.

RHAN 5

DYNODI CYMWYSTERAU ERAILL

29 Dynodi cymwysterau eraill

- (1) Caiff Cymwysterau Cymru, ar gais o dan is-adran (2), ddynodi ffurf ar gymhwyster o dan yr adran hon.
- (2) Mae cais o dan yr is-adran hon yn gais gan gorff cydnabyddedig i Gymwysterau Cymru i ffurf ar gymhwyster –
 - (a) a gynigir ganddo, a
 - (b) y'i cydnabyddir mewn cysylltiad â hi,
 gael ei dynodi o dan yr adran hon.
- (3) Ni chaiff Cymwysterau Cymru ddynodi ffurf ar gymhwyster o dan yr adran hon oni bai ei fod wedi ei fodloni bod yr amodau a ganlyn wedi eu bodloni.
- (4) Yr amodau yw –
 - (a) y byddai'n briodol i gwrs addysg neu hyfforddiant sydd o fewn adran 34(2) ac sy'n arwain at ddyfarnu'r ffurf ar gymhwyster gael ei gyllido'n gyhoeddus, a
 - (b) ei bod yn briodol ar hyn o bryd, gyda golwg ar ganiatáu'r cyllid cyhoeddus hwnnw, ddynodi'r ffurf ar gymhwyster o dan yr adran hon yn hytrach na'i chymeradwyo o dan Ran 4.
- (5) At ddibenion is-adran (4)(a) mae cwrs addysg neu hyfforddiant yn cael ei gyllido'n gyhoeddus os y'i cyllidir gan Weinidogion Cymru neu awdurdod lleol yng Nghymru, neu os y'i darperir gan neu ar ran ysgol a gynhelir yng Nghymru (o fewn yr ystyr a roddir gan adran 34(12)).
- (6) Mae'r cyfeiriad yn is-adran (4)(a) at gwrs addysg neu hyfforddiant yn gyfeiriad at gwrs addysg neu hyfforddiant penodol neu at gyrsiau o'r fath yn gyffredinol.
- (7) Yn y Rhan hon, mae cyfeiriadau at ddynodiad adran 29 yn gyfeiriadau at ddynodi ffurf ar gymhwyster o dan yr adran hon.

- (4) If Qualifications Wales makes provision within subsection (3) –
- (a) it must give reasons for this in the notice, and
 - (b) the form of the qualification is to be treated, from the expiry of the withdrawal date, for the purposes specified in the notice, and until the expiry of the extension date, as being approved under this Part for award by the body concerned.
- (5) In this section –
- “extension date” (*“dyddiad estyn”*) means a date specified by Qualifications Wales in the notice for the purposes of this section;
- “withdrawal date” (*“dyddiad tynnu’n ôl”*) means the date specified by Qualifications Wales in the notice as being the date from the expiry of which withdrawal of approval is to take effect.

PART 5

DESIGNATION OF OTHER QUALIFICATIONS

29 Designation of other qualifications

- (1) Qualifications Wales may, on application under subsection (2), designate a form of qualification under this section.
- (2) An application under this subsection is an application by a recognised body to Qualifications Wales for a form of qualification –
- (a) offered by it, and
 - (b) in respect of which it is recognised,
- to be designated under this section.
- (3) Qualifications Wales may not designate a form of qualification under this section unless it is satisfied that the following conditions are met.
- (4) The conditions are that –
- (a) it would be appropriate for a course of education or training that is within section 34(2) and that leads to the award of the form of qualification to be publicly funded, and
 - (b) it is currently appropriate, with a view to permitting that public funding, to designate the form of qualification under this section rather than approve it under Part 4.
- (5) For the purposes of subsection (4)(a) a course of education or training is publicly funded if it is funded by the Welsh Ministers or a local authority in Wales, or provided by or on behalf of a maintained school in Wales (within the meaning given by section 34(12)).
- (6) The reference in subsection (4)(a) to a course of education or training is a reference to a specific course of education or training or to such courses generally.
- (7) In this Part, references to a section 29 designation are to a designation of a form of a qualification under this section.

30 Darpariaeth bellach ynghylch dynodiadau adran 29

- (1) Os yw Cymwysterau Cymru yn gwneud dynodiad adran 29, rhaid iddo bennu'r dyddiad y mae'r dynodiad yn cael effaith ohono a'r dyddiad y mae'n peidio â chael effaith pan ddaw i ben.
- (2) Mae dynodiad adran 29 yn peidio â chael effaith—
 - (a) os yw'r corff dyfarnu y mae'r ffurf ar gymhwyster o dan sylw wedi ei dynodi mewn cysylltiad ag ef yn peidio â chael ei gydnabod mewn cysylltiad â'r ffurf honno ar gymhwyster, ar yr un pryd ag y mae'r gydnabyddiaeth honno yn peidio â chael effaith (gweler paragraff 1(2) o Atodlen 3 am hyn);
 - (b) os yw'r ffurf ar gymhwyster o dan sylw yn cael ei chymeradwyo o dan Ran 4, o ddyfodiad i rym y gymeradwyaeth fel y'i pennir o dan adran 23 (ond gweler adran 31).
- (3) Mae is-adran (4) yn gymwys pan fo ffurf ar gymhwyster wedi ei dynodi o dan adran 29 a bod y cymhwyster yn gymhwyster blaenoriaethol cyfyngedig (gweler adran 14 am hyn).
- (4) Mae'r dynodiad adran 29 y cyfeirir ato yn is-adran (3) yn peidio â chael effaith o ddyfodiad i rym y gymeradwyaeth gyntaf i unrhyw ffurf ar y cymhwyster blaenoriaethol cyfyngedig o dan adran 16 neu 17 fel y'i pennir o dan adran 23 (ond gweler adran 31).
- (5) Os yw dynodiad adran 29 yn peidio â chael effaith yn unol ag is-adran (2) neu (4), rhaid i Gymwysterau Cymru roi i'r corff dyfarnu o dan sylw hysbysiad am y dyddiad y mae'r dynodiad yn peidio â chael effaith ohono.
- (6) Caiff Cymwysterau Cymru bennu bod dynodiad adran 29 i gael effaith at ddibenion penodol, gan gynnwys drwy gyfeirio at yr amgylchiadau y dyfernir y cymhwyster odanynt a'r person neu'r disgrifiad o berson y caniateir i'r cymhwyster gael ei ddyfarnu iddo.
- (7) Rhaid i Gymwysterau Cymru gyhoeddi dynodiad adran 29.

31 Darpariaeth drosiannol mewn cysylltiad â dynodiadau adran 29

- (1) Os yw Cymwysterau Cymru yn ystyried ei bod yn briodol gwneud hynny at ddiben osgoi effaith andwyol ar bersonau sy'n ceisio cael, neu y gellid disgwyl yn rhesymol iddynt geisio cael, ffurf ar gymhwyster sydd wedi ei dynodi o dan adran 29, caiff wneud darpariaeth sydd o fewn is-adran (2).
- (2) Mae darpariaeth o fewn yr is-adran hon yn ddarpariaeth i'r perwyl, er gwaethaf adran 30(2)(b) neu (4), fod ffurf ar gymhwyster sydd wedi ei dynodi o dan adran 29 i gael ei thrin, at ddibenion a bennir gan Gymwysterau Cymru, fel pe bai wedi ei dynodi o dan adran 29 hyd nes y daw dyddiad a bennir gan Gymwysterau Cymru i ben.

32 Dirymu dynodiadau adran 29

- (1) Caiff Cymwysterau Cymru ddirymu dynodiad adran 29.
- (2) Cyn ddirymu dynodiad adran 29, rhaid i Gymwysterau Cymru roi i'r corff cydnabyddedig y mae'r ffurf ar gymhwyster o dan sylw wedi ei dynodi mewn cysylltiad ag ef hysbysiad am ei fwriad i wneud hynny.
- (3) Rhaid i'r hysbysiad—

30 Further provision about section 29 designations

- (1) If Qualifications Wales makes a section 29 designation, it must specify the date from which the designation has effect and the date with the expiry of which it ceases to have effect.
- (2) A section 29 designation ceases to have effect—
 - (a) if the awarding body in respect of which the form of qualification in question is designated ceases to be recognised in respect of that form of qualification, at the same time as that recognition ceases to have effect (for which see paragraph 1(2) of Schedule 3);
 - (b) if the form of qualification in question is approved under Part 4, from the coming into effect of the approval as specified under section 23 (but see section 31).
- (3) Subsection (4) applies where a form of a qualification is designated under section 29 and the qualification is a restricted priority qualification (for which see section 14).
- (4) The section 29 designation referred to in subsection (3) ceases to have effect from the coming into effect of the first approval of any form of the restricted priority qualification under section 16 or 17 as specified under section 23 (but see section 31).
- (5) If a section 29 designation ceases to have effect in accordance with subsection (2) or (4), Qualifications Wales must give the awarding body concerned notice of the date from which the designation ceases to have effect.
- (6) Qualifications Wales may specify that a section 29 designation is to have effect for specific purposes, including by reference to the circumstances in which the qualification is awarded and the person or description of person to whom the qualification may be awarded.
- (7) A section 29 designation must be published by Qualifications Wales.

31 Transitional provision in connection with section 29 designations

- (1) If Qualifications Wales considers it appropriate to do so for the purpose of avoiding prejudice to persons who are seeking, or might reasonably be expected to seek, to obtain a form of qualification that has been designated under section 29, it may make provision that is within subsection (2).
- (2) Provision within this subsection is provision to the effect that, despite section 30(2)(b) or (4), a form of qualification designated under section 29 is to be treated, for purposes specified by Qualifications Wales, as being designated under section 29 until the expiry of a date specified by Qualifications Wales.

32 Revocation of section 29 designations

- (1) Qualifications Wales may revoke a section 29 designation.
- (2) Before revoking a section 29 designation, Qualifications Wales must give the recognised body in respect of which the form of qualification in question is designated notice of its intention to do so.
- (3) The notice must—

- (a) esbonio pam y mae Cymwysterau Cymru yn bwriadu dirymu'r dynodiad adran 29, a
 - (b) pennu pa bryd y mae Cymwysterau Cymru yn bwriadu penderfynu pa un ai i ddirymu'r dynodiad adran 29.
- (4) Wrth benderfynu pa un ai i ddirymu dynodiad adran 29, rhaid i Gymwysterau Cymru roi sylw i unrhyw sylwadau a gyflwynir gan y corff cydnabyddedig.
- (5) Os yw Cymwysterau Cymru yn penderfynu dirymu dynodiad adran 29, rhaid iddo roi hysbysiad i'r corff cydnabyddedig am y penderfyniad gan esbonio pa bryd y mae'r dirymiad i gymryd effaith.
- (6) Mae'r dirymiad i gymryd effaith ar 1 Medi sy'n dod yn y flwyddyn ar ôl i'r penderfyniad i ddirymu gael ei wneud ond dim ond mewn perthynas â dysgwr sy'n dechrau cwrs addysg neu hyfforddiant ar neu ar ôl y dyddiad hwnnw y mae'r dirymiad yn gymwys.
- (7) Rhaid i'r hysbysiad o dan is-adran (5) gael ei roi—
- (a) os gwneir y penderfyniad i ddirymu ar 31 Rhagfyr, ar y diwrnod hwnnw, neu
 - (b) os gwneir y penderfyniad i ddirymu ar unrhyw ddiwrnod arall, yn ddi-oed a beth bynnag ar neu cyn y 31 Rhagfyr ar ôl y penderfyniad.
- (8) Rhaid i Gymwysterau Cymru gyhoeddi hysbysiad am benderfyniad i ddirymu dynodiad adran 29.

33 Rheolau ynghylch ceisiadau am ddynodiad

- (1) Rhaid i Gymwysterau Cymru wneud rheolau ynghylch gwneud ceisiadau iddo o dan adran 29.
- (2) Caiff y rheolau wneud darpariaeth wahanol at ddibenion gwahanol.
- (3) Caiff y rheolau wneud darpariaeth ynghylch—
- (a) ffurf a chynnwys ceisiadau;
 - (b) y ffordd y mae ceisiadau i gael eu gwneud (gan gynnwys o ran unrhyw ffi sy'n daladwy mewn cysylltiad â chais).
- (4) Rhaid i Gymwysterau Cymru gyhoeddi'r rheolau a wneir o dan yr adran hon.

RHAN 6

DARPARIAETH BELLACH SY'N BERTHNASOL I GYDNABOD, CYMERADWYO A DYNODI

Cyllido etc cyrsiau penodol

34 Cyfyngu ar gyllido a darparu cyrsiau penodol

- (1) Oni bai bod gofyniad a nodir yn is-adran (3) neu (5) wedi ei fodloni, ni chaniateir i gwrs addysg neu hyfforddiant sy'n arwain at ddyfarnu ffurf ar gymhwyster ac sydd o fewn is-adran (2)—
- (a) cael ei gyllido gan gorff awdurdodedig, neu
 - (b) cael ei ddarparu gan neu ar ran ysgol a gynhelir yng Nghymru.

- (a) explain why Qualifications Wales proposes to revoke the section 29 designation, and
 - (b) specify when Qualifications Wales proposes to decide whether to revoke the section 29 designation.
- (4) In deciding whether to revoke a section 29 designation, Qualifications Wales must have regard to any representations made by the recognised body.
- (5) If Qualifications Wales decides to revoke a section 29 designation, it must give notice to the recognised body of the decision explaining when the revocation is to take effect.
- (6) The revocation is to take effect on 1 September falling in the year after the decision to revoke has been made but the revocation applies only in relation to a learner starting a course of education or training on or after that date.
- (7) The notice under subsection (5) must be given –
- (a) if the decision to revoke is made on 31 December, on that day, or
 - (b) if the decision to revoke is made on any other day, promptly and in any event on or before the 31 December following the decision.
- (8) Notice of a decision to revoke a section 29 designation must be published by Qualifications Wales.

33 Rules about applications for designation

- (1) Qualifications Wales must make rules about the making of applications to it under section 29.
- (2) The rules may make different provision for different purposes.
- (3) The rules may make provision about –
- (a) the form and contents of applications;
 - (b) the way in which applications are to be made (including as to any fee payable in respect of an application).
- (4) The rules made under this section must be published by Qualifications Wales.

PART 6

FURTHER PROVISION RELEVANT TO RECOGNITION, APPROVAL AND DESIGNATION

Funding etc of certain courses

34 Restriction on funding and provision of certain courses

- (1) Unless a requirement set out in subsection (3) or (5) is met, a course of education or training that leads to the award of a form of a qualification and is within subsection (2) must not be –
- (a) funded by an authorised body, or
 - (b) provided by or on behalf of a maintained school in Wales.

- (2) Mae cwrs addysg neu hyfforddiant o fewn yr is-adran hon os y'i darperir, neu os bwriedir iddo gael ei ddarparu –
- (a) gan neu ar ran ysgol neu sefydliad neu gyflogwr, a
 - (b) ar gyfer disgyblion sydd o oedran ysgol gorfodol, neu'n hŷn na'r oedran ysgol gorfodol ond sydd o dan 19 oed.
- (3) Y gofyniad yw –
- (a) y caiff y ffurf ar gymhwyster y mae'r cwrs yn arwain ati ei dyfarnu gan gorff cydnabyddedig fel cymhwyster a gymeradwywyd, a
 - (b) os yw'r ffurf ar y cymhwyster yn ddarostyngedig i amod sy'n cyfyngu ar ddyfarniad, na ddarperir y cwrs mewn ffordd sy'n arwain at ddyfarnu'r cymhwyster i berson ac eithrio yn unol â'r amod hwnnw.
- (4) Yn is-adran (3)(b), mae amod sy'n cyfyngu ar ddyfarniad yn amod y mae cymeradwyaeth i'r ffurf ar gymhwyster o dan Ran 4 yn ddarostyngedig iddo ac sy'n ymwneud â'r person neu'r disgrifiad o berson y caniateir i'r cymhwyster gael ei ddyfarnu iddo.
- (5) Y gofyniad yw –
- (a) y caiff y ffurf ar y cymhwyster y mae'r cwrs yn arwain ati ei dyfarnu gan gorff cydnabyddedig ac y caiff ei dynodi o dan adran 29, a
 - (b) os yw Cymwysterau Cymru wedi pennu dibenion o dan adran 30(6) y mae'r dynodiad i gael effaith atynt, na ddarperir y cwrs mewn ffordd sy'n arwain at ddyfarnu'r cymhwyster ac eithrio yn unol â'r dibenion hynny.
- (6) Mewn perthynas ag ysgol a gynhelir, rhaid i'r awdurdod lleol a'r corff llywodraethu gyflawni eu swyddogaethau gyda golwg ar sicrhau nad eir yn groes i is-adran (1)(b).
- (7) Nid yw'r cyfyngiad a osodir gan yr adran hon yn gymwys mewn cysylltiad â ddarparu cwrs addysg neu hyfforddiant i berson sydd ag anhawster dysgu.
- (8) Nid yw'r cyfyngiad ychwaith yn gymwys mewn cysylltiad â chwrs addysg neu hyfforddiant a ddynodir gan Weinidogion Cymru at ddiben yr adran hon.
- (9) Caiff dynodiad o dan is-adran (8) wneud darpariaeth –
- (a) yn gyffredinol mewn cysylltiad â chwrs neu ddisgrifiad o gwrs, neu
 - (b) mewn cysylltiad â chwrs neu ddisgrifiad o gwrs a ddarperir mewn amgylchiadau, neu a ddarperir i berson neu ddisgrifiad o berson, a bennir yn y dynodiad.
- (10) O ran dynodiad o dan is-adran (8) –
- (a) rhaid iddo fod yn ysgrifenedig;
 - (b) caniateir iddo gael ei amrywio neu ei ddirymu.
- (11) Yn yr adran hon, mae cyfeiriadau at gwrs sy'n arwain at ffurf ar gymhwyster yn cynnwys cyfeiriadau at gwrs sy'n un o ddau neu ragor o elfennau sy'n arwain at ffurf ar y cymhwyster.
- (12) Yn yr adran hon –
- ystyr "corff awdurdodedig" ("*authorised body*") yw –
- (a) Gweinidogion Cymru;

- (2) A course of education or training is within this subsection if it is provided, or proposed to be provided—
 - (a) by or on behalf of a school or institution or employer, and
 - (b) for pupils who are of compulsory school age, or above compulsory school age but under 19.
- (3) The requirement is that—
 - (a) the form of qualification to which the course leads is awarded by a recognised body as an approved qualification, and
 - (b) if the form of the qualification is subject to an award limitation condition, the provision of the course is not such that it leads to the award of the qualification to a person otherwise than in accordance with that condition.
- (4) In subsection (3)(b), an award limitation condition is a condition to which approval of the form of qualification under Part 4 is subject and which relates to the person or description of person to whom the qualification may be awarded.
- (5) The requirement is that—
 - (a) the form of the qualification to which the course leads is awarded by a recognised body and is designated under section 29, and
 - (b) if Qualifications Wales has specified purposes under section 30(6) for which the designation is to have effect, the provision of the course is not such that it leads to the award of the qualification otherwise than in accordance with those purposes.
- (6) In relation to a maintained school, the local authority and governing body must carry out their functions with a view to securing that subsection (1)(b) is not contravened.
- (7) The restriction imposed by this section does not apply in respect of the provision of a course of education or training to a person with a learning difficulty.
- (8) Nor does the restriction apply in respect of a course of education or training designated by the Welsh Ministers for the purpose of this section.
- (9) A designation under subsection (8) may make provision—
 - (a) generally in respect of a course or description of course, or
 - (b) in respect of a course or description of course provided in circumstances, or to a person or description of person, specified in the designation.
- (10) A designation under subsection (8)—
 - (a) must be in writing;
 - (b) may be varied or revoked.
- (11) In this section, references to a course leading to a form of a qualification include references to a course that is one of two or more components leading to a form of the qualification.
- (12) In this section—

“authorised body” (“*corff awdurdodedig*”) means—

 - (a) the Welsh Ministers;

- (b) awdurdod lleol yng Nghymru;
ystyr “ysgol a gynhelir” (“*maintained school*”) yw –
- (a) ysgol gymunedol, ysgol sefydledig neu ysgol wirfoddol;
(b) ysgol arbennig gymunedol.

Amlinellu rolau Cymwysterau Cymru ac Ofqual

35 Dyfarnu cymhwyster a gymeradwywyd yng Nghymru: cyfyngu ar gymhwyso amodau a osodir gan Ofqual

- (1) Nid yw unrhyw amod y mae cydnabyddiaeth o gorff dyfarnu gan Ofqual o dan adran 132 o Ddeddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p.22) (cydnabod cyrff dyfarnu) yn ddarostyngedig iddo yn gymwys mewn cysylltiad ag unrhyw ddyfarniad, neu at ddibenion unrhyw ddyfarniad, yng Nghymru gan y corff hwnnw o ffurf ar gymhwyster sydd wedi ei dyfarnu fel cymhwyster a gymeradwywyd (ond nid yw hyn yn effeithio ar gymhwyso, os oes cymhwyso, yr amodau hynny mewn cysylltiad â dyfarnu, neu at ddibenion dyfarnu, yng Nghymru ffurf ar gymhwyster nad yw wedi ei dyfarnu fel cymhwyster a gymeradwywyd, hyd yn oed os yw'r ffurf honno wedi ei dynodi o dan adran 29).
- (2) Yn unol â hynny, yn adran 132 o Ddeddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009, ar ôl is-adran (9), mewnosoder –
- “(10) See section 35 of the Qualifications Wales Act 2015 for provision about the effect of conditions imposed by or under this section, in respect of or for the purposes of the award in Wales by an awarding body of a form of a qualification awarded as an approved qualification (for which see section 22(4) of that Act).”
- (3) Yn yr adran hon ystyr “Ofqual” yw'r Swyddfa Rheoleiddio Cymwysterau ac Arholiadau a sefydlwyd o dan adran 127 o Ddeddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009.
- (4) At ddibenion yr adran hon ac adran 36, dyfarnu ffurf ar gymhwyster yng Nghymru yw ei dyfarnu i bersonau a asesir mewn cysylltiad â'r cymhwyster yn gyfan gwbl neu'n bennaf yng Nghymru.

36 Cyfyngu ar gymhwyso amodau a osodir gan Gymwysterau Cymru

- (1) Nid yw unrhyw amod o fewn is-adran (2) ond yn gymwys mewn cysylltiad â dyfarnu, neu at ddibenion dyfarnu, yng Nghymru gan gorff dyfarnu ffurf ar gymhwyster y cydnabyddir y corff o dan Ran 3 mewn cysylltiad â'i dyfarnu.
- (2) Yr amodau yw'r amodau y mae cydnabyddiaeth o'r corff o dan adran 8 neu 9 yn ddarostyngedig iddynt.

RHAN 7

PWERAU GORFODI CYMWYSTERAU CYMRU

37 Pŵer i roi cyfarwyddydau

- (1) Os ymddengys i Gymwysterau Cymru fod corff dyfarnu wedi methu, neu'n debygol o fethu, â chydymffurfio ag amod y mae ei gydnabyddiaeth yn ddarostyngedig iddo, caiff Cymwysterau Cymru gyfarwyddo'r corff i gymryd, neu i beidio â chymryd, camau penodedig, gyda golwg ar sicrhau cydymffurfedd â'r amod.

(b) a local authority in Wales;

“maintained school” (“*ysgol a gynhelir*”) means—

(a) a community, foundation or voluntary school;

(b) a community special school.

Delineation of roles of Qualifications Wales and Ofqual

35 Award in Wales of an approved qualification: restriction on application of conditions imposed by Ofqual

- (1) Any condition to which recognition of an awarding body by Ofqual under section 132 of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) (recognition of awarding bodies) is subject does not apply in respect of, or for the purposes of, any award in Wales by that body of a form of qualification awarded as an approved qualification (but this does not affect the application, if any, of those conditions in respect of or for the purposes of the award in Wales of a form of qualification that is not awarded as an approved qualification, even if that form is designated under section 29).
- (2) Accordingly, in section 132 of the Apprenticeships, Skills, Children and Learning Act 2009, after subsection (9), insert—
 - “(10) See section 35 of the Qualifications Wales Act 2015 for provision about the effect of conditions imposed by or under this section, in respect of or for the purposes of the award in Wales by an awarding body of a form of a qualification awarded as an approved qualification (for which see section 22(4) of that Act).”
- (3) In this section “Ofqual” means the Office of Qualifications and Examinations Regulation established under section 127 of the Apprenticeships, Skills, Children and Learning Act 2009.
- (4) For the purposes of this section and section 36, the award of a form of a qualification in Wales is its award to persons assessed in respect of the qualification wholly or mainly in Wales.

36 Restriction on application of conditions imposed by Qualifications Wales

- (1) Any condition within subsection (2) applies only in respect of, or for the purposes of, the award in Wales by an awarding body of a form of a qualification in respect of the award of which the body is recognised under Part 3.
- (2) The conditions are the conditions to which recognition of the body under section 8 or 9 is subject.

PART 7

ENFORCEMENT POWERS OF QUALIFICATIONS WALES

37 Power to give directions

- (1) If it appears to Qualifications Wales that an awarding body has failed or is likely to fail to comply with a condition to which its recognition is subject, Qualifications Wales may direct the body to take or refrain from taking specified steps with a view to securing compliance with the condition.

- (2) Os ymddengys i Gymwysterau Cymru fod corff dyfarnu sy'n dyfarnu cymhwyster a gymeradwywyd wedi methu, neu'n debygol o fethu, â chydymffurfio ag amod y mae'r gymeradwyaeth honno yn ddarostyngedig iddo, caiff Cymwysterau Cymru gyfarwyddo'r corff i gymryd, neu i beidio â chymryd, camau penodedig gyda golwg ar sicrhau cydymffurfedd â'r amod.
- (3) Cyn rhoi cyfarwyddyd i gorff dyfarnu o dan yr adran hon, rhaid i Gymwysterau Cymru roi hysbysiad i'r corff o dan sylw am ei fwriad i wneud hynny.
- (4) Rhaid i'r hysbysiad—
 - (a) nodi rhesymau Cymwysterau Cymru dros fwriadu rhoi'r cyfarwyddyd;
 - (b) pennu pa bryd y mae Cymwysterau Cymru yn bwriadu penderfynu pa un ai i roi'r cyfarwyddyd.
- (5) Wrth benderfynu pa un ai i roi'r cyfarwyddyd, rhaid i Gymwysterau Cymru roi sylw i unrhyw sylwadau a gyflwynir gan y corff dyfarnu.
- (6) Rhaid i gorff dyfarnu gydymffurfio â chyfarwyddyd a roddir iddo o dan yr adran hon.
- (7) O ran cyfarwyddyd o dan yr adran hon—
 - (a) rhaid iddo fod yn ysgrifenedig;
 - (b) caniateir iddo gael ei amrywio neu ei ddirymu drwy gyfarwyddyd diweddarach;
 - (c) mae'n orfodadwy drwy orchymyn mandadol ar gais Cymwysterau Cymru.

38 Pŵer i osod cosbau ariannol

- (1) Os ymddengys i Gymwysterau Cymru fod corff dyfarnu wedi methu â chydymffurfio ag amod y mae ei gydnabyddiaeth yn ddarostyngedig iddo, caiff Cymwysterau Cymru osod cosb ariannol ar y corff.
- (2) Os ymddengys i Gymwysterau Cymru fod corff dyfarnu sy'n dyfarnu cymhwyster a gymeradwywyd wedi methu â chydymffurfio ag amod y mae'r gymeradwyaeth honno yn ddarostyngedig iddo, caiff Cymwysterau Cymru osod cosb ariannol ar y corff.
- (3) Gofyniad i dalu cosb i Gymwysterau Cymru yw "cosb ariannol" a phenderfynir ar swm y gosb ganddo yn unol â rheoliadau.
- (4) Cyn gosod cosb ariannol, rhaid i Gymwysterau Cymru roi hysbysiad i'r corff dyfarnu o dan sylw am ei fwriad i wneud hynny.
- (5) Rhaid i'r hysbysiad—
 - (a) nodi rhesymau Cymwysterau Cymru dros fwriadu gosod y gosb;
 - (b) pennu swm arfaethedig y gosb;
 - (c) pennu cyfnod y mae Cymwysterau Cymru yn bwriadu penderfynu, pan ddaw'r cyfnod hwnnw i ben, pa un ai i osod y gosb.
- (6) Rhaid i'r cyfnod a bennir o dan is-adran (5)(c) fod yn gyfnod o 28 o ddiwrnodau o leiaf sy'n dechrau â dyddiad yr hysbysiad.
- (7) Wrth benderfynu pa un ai i osod y gosb, rhaid i Gymwysterau Cymru roi sylw i unrhyw sylwadau a gyflwynir gan y corff dyfarnu.
- (8) Os yw Cymwysterau Cymru yn penderfynu gosod cosb ariannol, rhaid iddo roi hysbysiad i'r corff dyfarnu o dan sylw sy'n pennu—

- (2) If it appears to Qualifications Wales that an awarding body that awards an approved qualification has failed or is likely to fail to comply with a condition to which that approval is subject, Qualifications Wales may direct the body to take or refrain from taking specified steps with a view to securing compliance with the condition.
- (3) Before giving an awarding body a direction under this section, Qualifications Wales must give notice to the body concerned of its intention to do so.
- (4) The notice must—
 - (a) set out Qualifications Wales' reasons for proposing to give the direction;
 - (b) specify when Qualifications Wales proposes to decide whether to give the direction.
- (5) In deciding whether to give the direction, Qualifications Wales must have regard to any representations made by the awarding body.
- (6) An awarding body must comply with a direction given to it under this section.
- (7) A direction under this section—
 - (a) must be in writing;
 - (b) may be varied or revoked by a later direction;
 - (c) is enforceable by a mandatory order on the application of Qualifications Wales.

38 Power to impose monetary penalties

- (1) If it appears to Qualifications Wales that an awarding body has failed to comply with a condition to which its recognition is subject, Qualifications Wales may impose a monetary penalty on the body.
- (2) If it appears to Qualifications Wales that an awarding body that awards an approved qualification has failed to comply with a condition to which that approval is subject, Qualifications Wales may impose a monetary penalty on the body.
- (3) A "monetary penalty" is a requirement to pay to Qualifications Wales a penalty of an amount determined by it in accordance with regulations.
- (4) Before imposing a monetary penalty, Qualifications Wales must give notice to the awarding body concerned of its intention to do so.
- (5) The notice must—
 - (a) set out Qualifications Wales' reasons for proposing to impose the penalty;
 - (b) specify the proposed amount of the penalty;
 - (c) specify a period with the expiry of which Qualifications Wales proposes to decide whether to impose the penalty.
- (6) The period specified under subsection (5)(c) must be a period of at least 28 days beginning with the date of the notice.
- (7) In deciding whether to impose the penalty, Qualifications Wales must have regard to any representations made by the awarding body.
- (8) If Qualifications Wales decides to impose a monetary penalty, it must give the awarding body concerned a notice specifying—

- (a) swm y gosb, a
 - (b) y cyfnod y mae rhaid gwneud taliad ynddo.
- (9) Rhaid i'r cyfnod a bennir o dan is-adran (8)(b) fod yn gyfnod o 28 o ddiwrnodau o leiaf sy'n dechrau â dyddiad yr hysbysiad.
- (10) Rhaid i'r hysbysiad hefyd gynnwys gwybodaeth o ran—
- (a) y seiliau dros osod y gosb,
 - (b) sut y caniateir i daliad gael ei wneud,
 - (c) hawliau apelio o dan adran 39, a
 - (d) canlyniadau peidio â thalu.
- (11) Rhaid i unrhyw symiau y mae Cymwysterau Cymru yn eu cael drwy gosb ariannol a osodir o dan yr adran hon neu log o dan adran 40 gael eu talu ganddo i Gronfa Gyfunol Cymru.

39 **Cosbau ariannol: apelau**

- (1) Caiff corff dyfarnu apelio i'r Tribiwnlys Haen Gyntaf yn erbyn—
- (a) penderfyniad i osod cosb ariannol ar y corff o dan adran 38;
 - (b) penderfyniad o ran swm y gosb.
- (2) Caniateir i apêl o dan yr adran hon gael ei gwneud ar y sail—
- (a) na ddigwyddodd yr achos o dorri amod y gosodwyd cosb ariannol mewn cysylltiad ag ef, neu
 - (b) bod y penderfyniad fel arall—
 - (i) yn seiliedig ar wall ffeithiol;
 - (ii) yn anghywir yn y gyfraith; neu
 - (iii) yn afresymol.
- (3) Os gwneir apêl o dan yr adran hon, mae'r gofyniad i dalu'r gosb wedi ei atal dros dro hyd nes y tynnir yr apêl yn ôl neu hyd nes y penderfynir arni.
- (4) O ran apêl o dan yr adran hon caiff y Tribiwnlys—
- (a) tynnu'n ôl y gofyniad i dalu'r gosb;
 - (b) cadarnhau'r gofyniad hwnnw;
 - (c) amrywio'r gofyniad hwnnw;
 - (d) dychwelyd y penderfyniad o ran pa un ai i gadarnhau'r gofyniad i dalu'r gosb, neu unrhyw fater sy'n ymwneud â'r penderfyniad hwnnw, i Gymwysterau Cymru.

40 **Cosbau ariannol: llog**

- (1) Mae is-adran (3) yn gymwys os nad yw cosb ariannol gyfan, neu ran ohoni, a osodir ar gorff dyfarnu o dan adran 38 wedi ei thalu ar ddiwedd y cyfnod sy'n dod i ben â'r dyddiad cymwys.
- (2) Y dyddiad cymwys yw'r diweddaraf o'r canlynol—

- (a) the amount of the penalty, and
 - (b) the period within which payment must be made.
- (9) The period specified under subsection (8)(b) must be a period of at least 28 days beginning with the date of the notice.
- (10) The notice must also contain information as to—
- (a) the grounds for imposing the penalty,
 - (b) how payment may be made,
 - (c) rights of appeal under section 39, and
 - (d) the consequences of non-payment.
- (11) Any sums received by Qualifications Wales by way of a monetary penalty imposed under this section or interest under section 40 must be paid by it into the Welsh Consolidated Fund.

39 Monetary penalties: appeals

- (1) An awarding body may appeal to the First-tier Tribunal against—
- (a) a decision to impose a monetary penalty on the body under section 38;
 - (b) a decision as to the amount of the penalty.
- (2) An appeal under this section may be made on the ground—
- (a) that the breach of condition in respect of which the monetary penalty was imposed did not occur, or
 - (b) that the decision was otherwise—
 - (i) based on an error of fact,
 - (ii) wrong in law, or
 - (iii) unreasonable.
- (3) If an appeal is made under this section, the requirement to pay the penalty is suspended until the appeal is withdrawn or determined.
- (4) On an appeal under this section the Tribunal may—
- (a) withdraw the requirement to pay the penalty;
 - (b) confirm that requirement;
 - (c) vary that requirement;
 - (d) remit the decision whether to confirm the requirement to pay the penalty, or any matter relating to that decision, to Qualifications Wales.

40 Monetary penalties: interest

- (1) Subsection (3) applies if all or part of a monetary penalty imposed on an awarding body under section 38 is unpaid at the end of the period ending with the applicable date.
- (2) The applicable date is the latest of—

- (a) y dyddiad olaf y caniateir i daliad gael ei wneud yn unol â'r hysbysiad a roddir o dan adran 38(8);
- (b) y dyddiad olaf y caiff y gorff dyfarnu wneud apêl o dan adran 39 mewn cysylltiad â'r gosb, os na wneir apêl o'r fath ar neu cyn y dyddiad hwnnw;
- (c) os gwneir apêl o dan adran 39 mewn cysylltiad â'r gosb ar neu cyn y dyddiad y cyfeirir ato ym mharagraff (b) –
 - (i) dyddiad olaf y cyfnod o 14 o ddiwrnodau sy'n dechrau â'r dyddiad y penderfynir ar yr apêl, neu
 - (ii) os tynnir yr apêl yn ôl cyn y penderfynir arni, y diwrnod olaf o'r cyfnod o 14 o ddiwrnodau sy'n dechrau â'r dyddiad y tynnir yr apêl yn ôl.
- (3) Mae swm y gosb nad yw wedi ei dalu am y tro yn dwyn llog, sy'n dechrau â'r diwrnod ar ôl y dyddiad cymwys, ar y gyfradd am y tro a bennir yn adran 17 o Ddeddf Dyfarniadau 1838 (p.110) (ac nid yw hefyd yn dwyn llog fel dyled dyfarniad o dan yr adran honno).
- (4) Ni chaniateir i gyfanswm y llog a osodir o dan is-adran (3) fod yn fwy na swm y gosb.
- (5) Nid yw llog yn daladwy mewn cysylltiad ag unrhyw gyfnod pan gaiff y gofyniad i dalu cosb ariannol ei atal dros dro o dan adran 39(3).

41 Adennill costau ar gyfer gosod sancsiynau

- (1) Caiff Cymwysterau Cymru, drwy hysbysiad, ei gwneud yn ofynnol i gorff dyfarnu y gosodwyd sancsiwn arno dalu'r costau yr aeth Cymwysterau Cymru iddynt mewn cysylltiad â gosod y sancsiwn.
- (2) Mae'r cyfeiriadau yn is-adran (1) at osod sancsiwn yn gyfeiriadau at –
 - (a) rhoi cyfarwyddyd o dan adran 37;
 - (b) gosod cosb ariannol o dan adran 38;
 - (c) tynnu cydnabyddiaeth yn ôl o dan baragraff 19 o Atodlen 3.
- (3) Mae "costau" yn cynnwys, ymhlith pethau eraill –
 - (a) costau ymchwilio;
 - (b) costau gweinyddu;
 - (c) costau cael cyngor arbenigol (gan gynnwys cyngor cyfreithiol).
- (4) Rhaid i hysbysiad a roddir i gorff dyfarnu o dan is-adran (1) –
 - (a) pennu'r swm y mae'n ofynnol ei dalu,
 - (b) pennu'r cyfnod y mae rhaid gwneud y taliad ynddo, ac
 - (c) cynnwys dadansoddiad manwl o'r swm a bennir.
- (5) Rhaid i'r cyfnod a bennir o dan is-adran (4)(b) fod yn gyfnod o 28 o ddiwrnodau o leiaf sy'n dechrau â'r dyddiad yr anfonir yr hysbysiad.
- (6) Rhaid i'r hysbysiad hefyd gynnwys gwybodaeth o ran –
 - (a) sut y caniateir i daliad gael ei wneud,

- (a) the last date on which payment may be made in accordance with the notice given under section 38(8);
 - (b) the last date on which the awarding body may make an appeal under section 39 in respect of the penalty, if no such appeal is made on or before that date;
 - (c) if an appeal under section 39 in respect of the penalty is made on or before the date referred to in paragraph (b) –
 - (i) the final day of the period of 14 days beginning with the date on which the appeal is determined, or
 - (ii) if the appeal is withdrawn before being determined, the final day of the period of 14 days beginning with the date on which the appeal is withdrawn.
- (3) The unpaid amount of the penalty for the time being carries interest, beginning with the day after the applicable date, at the rate for the time being specified in section 17 of the Judgments Act 1838 (c.110) (and does not also carry interest as a judgment debt under that section).
- (4) The total amount of interest imposed under subsection (3) must not exceed the amount of the penalty.
- (5) No interest is payable in respect of any period during which the requirement to pay a monetary penalty is suspended under section 39(3).

41 Costs recovery for imposition of sanctions

- (1) Qualifications Wales may, by notice, require an awarding body on which a sanction has been imposed to pay the costs incurred by Qualifications Wales in connection with imposing the sanction.
- (2) The references in subsection (1) to imposing a sanction are to –
- (a) giving a direction under section 37;
 - (b) imposing a monetary penalty under section 38;
 - (c) withdrawing recognition under paragraph 19 of Schedule 3.
- (3) “Costs” includes, among other things –
- (a) investigation costs;
 - (b) administration costs;
 - (c) costs of obtaining expert advice (including legal advice).
- (4) A notice given to an awarding body under subsection (1) must –
- (a) specify the amount required to be paid,
 - (b) specify the period within which payment must be made, and
 - (c) contain a detailed breakdown of the amount specified.
- (5) The period specified under subsection (4)(b) must be a period of at least 28 days beginning with the date on which the notice is sent.
- (6) The notice must also contain information as to –
- (a) how payment may be made,

- (b) hawliau apelio o dan adran 42, ac
- (c) canlyniadau peidio â thalu.

42 Adennill costau: apelau

- (1) Caiff corff dyfarnu apelio i'r Tribiwnlys Haen Gyntaf yn erbyn—
 - (a) penderfyniad o dan adran 41(1) i'w gwneud yn ofynnol i'r corff dalu costau;
 - (b) penderfyniad o ran swm y costau hynny.
- (2) Caniateir i apêl o dan yr adran hon gael ei gwneud ar y sail—
 - (a) bod y penderfyniad yn seiliedig ar wall ffeithiol;
 - (b) bod y penderfyniad yn anghywir yn y gyfraith;
 - (c) bod y penderfyniad yn afresymol.
- (3) Os gwneir apêl o dan yr adran hon, mae'r gofyniad i dalu'r costau wedi ei atal dros dro hyd nes y tynnir yr apêl yn ôl neu hyd nes y penderfynir arni.
- (4) O ran apêl o dan yr adran hon caiff y Tribiwnlys—
 - (a) tynnu'n ôl y gofyniad i dalu'r costau;
 - (b) cadarnhau'r gofyniad hwnnw;
 - (c) amrywio'r gofyniad hwnnw;
 - (d) dychwelyd y penderfyniad o ran pa un ai i gadarnhau'r gofyniad i dalu'r costau, neu unrhyw fater sy'n ymwneud â'r penderfyniad hwnnw, i Gymwysterau Cymru.

43 Costau: llog

- (1) Mae is-adran (3) yn gymwys os nad yw'r swm cyfan o gostau, neu ran ohono, y mae'n ofynnol i gorff dyfarnu ei dalu o dan adran 41(1), wedi ei dalu ar ddiwedd y cyfnod sy'n dod i ben â'r dyddiad cymwys.
- (2) Y dyddiad cymwys yw'r diweddaraf o'r canlynol—
 - (a) y dyddiad olaf y caniateir i daliad gael ei wneud yn unol â'r hysbysiad a roddir o dan adran 41;
 - (b) y dyddiad olaf y caiff y corff dyfarnu wneud apêl o dan adran 42 mewn cysylltiad â'r costau, os na wneir apêl o'r fath ar neu cyn y dyddiad hwnnw;
 - (c) os gwneir apêl o dan adran 42 mewn cysylltiad â'r costau ar neu cyn y dyddiad y cyfeirir ato ym mharagraff (b)—
 - (i) dyddiad olaf y cyfnod o 14 o ddiwrnodau sy'n dechrau â'r dyddiad y penderfynir ar yr apêl, neu
 - (ii) os tynnir yr apêl yn ôl cyn y penderfynir arni, y diwrnod olaf o'r cyfnod o 14 o ddiwrnodau sy'n dechrau â'r dyddiad y tynnir yr apêl yn ôl.
- (3) Mae'r swm o'r costau nad yw wedi ei dalu am y tro yn dwyn llog, sy'n dechrau â'r diwrnod ar ôl y dyddiad cymwys, ar y gyfradd am y tro a bennir yn adran 17 o Ddeddf Dyfarniadau 1838 (p.110) (ac nid yw hefyd yn dwyn llog fel dyled dyfarniad o dan yr adran honno).

- (b) rights of appeal under section 42, and
- (c) the consequences of non-payment.

42 Costs recovery: appeals

- (1) An awarding body may appeal to the First-tier Tribunal against—
 - (a) a decision under section 41(1) to require the body to pay costs;
 - (b) a decision as to the amount of those costs.
- (2) An appeal under this section may be made on the ground—
 - (a) that the decision was based on an error of fact;
 - (b) that the decision was wrong in law;
 - (c) that the decision was unreasonable.
- (3) If an appeal is made under this section, the requirement to pay the costs is suspended until the appeal is withdrawn or determined.
- (4) On an appeal under this section the Tribunal may—
 - (a) withdraw the requirement to pay the costs;
 - (b) confirm that requirement;
 - (c) vary that requirement;
 - (d) remit the decision whether to confirm the requirement to pay the costs, or any matter relating to that decision, to Qualifications Wales.

43 Costs: interest

- (1) Subsection (3) applies if all or part of an amount of costs that an awarding body is required to pay under section 41(1) is unpaid at the end of the period ending with the applicable date.
- (2) The applicable date is the latest of—
 - (a) the last date on which payment may be made in accordance with the notice given under section 41;
 - (b) the last date on which the awarding body may make an appeal under section 42 in respect of the costs, if no such appeal is made on or before that date;
 - (c) if an appeal under section 42 in respect of the costs is made on or before the date referred to in paragraph (b)—
 - (i) the final day of the period of 14 days beginning with the date on which the appeal is determined, or
 - (ii) if the appeal is withdrawn before being determined, the final day of the period of 14 days beginning with the date on which the appeal is withdrawn.
- (3) The unpaid amount of the costs for the time being carries interest, beginning with the day after the applicable date, at the rate for the time being specified in section 17 of the Judgments Act 1838 (c.110) (and does not also carry interest as a judgment debt under that section).

- (4) Ni chaniateir i gyfanswm y llog a osodir o dan is-adran (3) fod yn fwy na swm y costau.
- (5) Nid yw llog yn daladwy mewn cysylltiad ag unrhyw gyfnod pan gaiff y gofyniad i dalu'r costau ei atal dros dro o dan adran 42(3).

44 Mynd i mewn i fangre a'i harolygu

- (1) Caiff person awdurdodedig wneud cais i ynad heddwch am orchymyn o dan yr adran hon mewn cysylltiad â mangre a feddiannir gan gorff cydnabyddedig.
 - (2) Dim ond os yw'r ynad heddwch wedi ei fodloni bod y gofynion yn is-adrannau (3) i (5) wedi eu bodloni y caiff wneud gorchymyn o dan yr adran hon.
 - (3) Y gofyniad cyntaf yw bod sail resymol dros gredu bod y corff wedi methu â chydymffurfio –
 - (a) ag amod y mae ei gydnabyddiaeth yn ddarostyngedig iddo, neu
 - (b) ag amod y mae cymeradwyaeth o dan Ran 4 o ffurf ar gymhwyster a ddyfernir ganddo yn ddarostyngedig iddo.
 - (4) Yr ail ofyniad yw –
 - (a) bod cais i fynd i mewn i fangre wedi ei wrthod, neu'n debygol o gael ei wrthod, neu
 - (b) y byddai gofyn am gael mynd i mewn yn debygol o danseilio'r diben o gael mynd i mewn.
 - (5) Y trydydd gofyniad yw bod angen mynd i mewn i'r fangre er mwyn canfod a fu achos o dorri'r amod y mae'r gofyniad yn is-adran (3) wedi ei fodloni drwy gyfeirio ato.
 - (6) Pan fo gorchymyn o dan yr adran hon mewn grym, caiff person awdurdodedig ac unrhyw gwnstabl sy'n mynd gyda'r person awdurdodedig yn unol â'r gorchymyn, at ddiben canfod a fu achos o dorri amod y cyfeirir ato yn is-adran (3) –
 - (a) mynd i mewn i'r fangre a bennir yn y gorchymyn;
 - (b) arolygu a chopio cofnodion a dogfennau y deuir o hyd iddynt yn y fangre neu eu symud o'r fangre;
 - (c) ei gwneud yn ofynnol cael mynediad at unrhyw gyfrifiadur neu ddyfais electronig arall y deuir o hyd iddi yn y fangre, ac unrhyw gyfarpar neu ddeunydd cysylltiedig y deuir o hyd iddo yn y fangre, sy'n cael eu defnyddio neu wedi eu defnyddio mewn cysylltiad â chofnodion neu dogfennau eraill, eu harolygu a gwirio eu gweithrediad;
 - (d) ei gwneud yn ofynnol –
 - (i) i'r person sy'n defnyddio neu sydd wedi bod yn defnyddio'r ddyfais electronig neu y mae'r ddyfais electronig yn cael ei defnyddio felly neu wedi ei defnyddio felly ar ei ran, neu
 - (ii) i unrhyw berson sy'n gyfrifol am y ddyfais, y cyfarpar neu'r deunydd, neu sydd fel arall yn ymwneud â gweithrediad y ddyfais, y cyfarpar neu'r deunydd,
- roi unrhyw gymorth i'r person awdurdodedig sy'n ofynnol yn rhesymol gan y person awdurdodedig (gan gynnwys, ymhlith pethau eraill, rhoi gwybodaeth ar gael i'w harolygu neu i'w chopio ar ffurf ddarllenadwy).

- (4) The total amount of interest imposed under subsection (3) must not exceed the amount of the costs.
- (5) No interest is payable in respect of any period during which the requirement to pay the costs is suspended under section 42(3).

44 Entry and inspection of premises

- (1) An authorised person may apply to a justice of the peace for an order under this section in respect of premises occupied by a recognised body.
- (2) The justice of the peace may make an order under this section only if satisfied that the requirements in subsections (3) to (5) are met.
- (3) The first requirement is that there are reasonable grounds for believing that the body has failed to comply with—
 - (a) a condition to which its recognition is subject, or
 - (b) a condition to which approval under Part 4 of a form of a qualification awarded by it is subject.
- (4) The second requirement is that—
 - (a) entry to the premises has been, or is likely to be, refused, or
 - (b) requesting entry would be likely to defeat the object of the entry.
- (5) The third requirement is that entry to the premises is necessary to ascertain whether there has been a breach of the condition by reference to which the requirement in subsection (3) is met.
- (6) When an order under this section is in force, an authorised person and any constable accompanying the authorised person in accordance with the order may, for the purpose of ascertaining whether there has been a breach of a condition referred to in subsection (3)—
 - (a) enter the premises specified in the order;
 - (b) inspect and copy records and documents found on the premises or remove them from the premises;
 - (c) require access to, and inspect and check the operation of, any computer or other electronic device found on the premises, and any associated apparatus or material found on the premises, which is or has been in use in connection with records or other documents;
 - (d) require—
 - (i) the person by whom or on whose behalf the electronic device is or has been so used, or
 - (ii) any person having charge of, or otherwise concerned with the operation of, the device, apparatus or material,to afford the authorised person such assistance as the authorised person may reasonably require (including, among other things, the making of information available for inspection or copying in a legible form).

- (7) Rhaid i orchymyn o dan yr adran hon bennu –
 - (a) y fangre y mae'n ymwneud â hi;
 - (b) y cyfnod y mae'r gorchymyn mewn grym ar ei gyfer.
- (8) Caniateir i orchymyn o dan yr adran hon –
 - (a) caniatáu neu ei gwneud yn ofynnol i gwnstabl fynd gyda'r person awdurdodedig;
 - (b) cyfyngu ar yr amser y caniateir i'r pŵer mynd i mewn a roddir gan y gorchymyn gael ei arfer;
 - (c) ei gwneud yn ofynnol i hysbysiad am y gorchymyn gael ei roi i'r corff cydnabyddedig o dan sylw.
- (9) Caniateir (os oes angen) i gwnstabl sy'n mynd gyda'r person awdurdodedig yn unol â'r gorchymyn ddefnyddio grym rhesymol er mwyn galluogi arfer y pwerau a roddir gan y gorchymyn.
- (10) Mae cyfeiriadau yn yr adran hon at berson awdurdodedig yn gyfeiriadau at aelod o staff Cymwysterau Cymru sydd wedi ei awdurdodi (yn gyffredinol neu'n benodol) gan Gymwysterau Cymru at ddibenion yr adran hon.

RHAN 8

ATODOL

Gweithgareddau masnachol

45 **Darparu gwasanaethau etc gan Gymwysterau Cymru**

- (1) Caiff Cymwysterau Cymru, ar sail fasnachol, ddarparu gwasanaethau ymgynghori a gwasanaethau eraill mewn cysylltiad ag unrhyw un neu ragor o'i swyddogaethau neu unrhyw fater arall sy'n ymwneud â chymwysterau.
- (2) Caniateir i wasanaethau gael eu darparu o dan yr adran hon ar y telerau hynny ac yn ddarostyngedig i'r amodau hynny (os oes telerau ac amodau) y caiff Cymwysterau Cymru benderfynu arnynt, gan gynnwys (ymhlith pethau eraill) o ran ffioedd a godir gan Gymwysterau Cymru.
- (3) Caiff Cymwysterau Cymru, gyda chymeradwyaeth Gweinidogion Cymru, ffurfio cwmni i ddarparu gwasanaethau o dan yr adran hon.
- (4) Cymwysterau Cymru sydd i fod yr unig aelod o unrhyw gwmni a ffurfir o dan is-adran (3).

Adolygu ac ymchwil

46 **Adolygu ac ymchwil**

- (1) Caiff Cymwysterau Cymru adolygu'n gyson –
 - (a) dyfarnu cymwysterau a gymeradwywyd gan gorff cydnabyddedig;
 - (b) dyfarnu ffurfiau ar gymhwyster sydd wedi eu dynodi o dan adran 29 gan gorff cydnabyddedig;

- (7) An order under this section must specify –
 - (a) the premises to which it relates;
 - (b) the period for which the order is in force.
- (8) An order under this section may –
 - (a) permit or require the authorised person to be accompanied by a constable;
 - (b) restrict the time at which the power of entry conferred by the order may be exercised;
 - (c) require notice of the order to be given to the recognised body concerned.
- (9) A constable accompanying the authorised person in accordance with the order may (if necessary) use reasonable force to enable the exercise of the powers conferred by the order.
- (10) References in this section to an authorised person are to a member of the staff of Qualifications Wales who is authorised (generally or specifically) by Qualifications Wales for the purposes of this section.

PART 8

SUPPLEMENTARY

Commercial activities

45 Provision of services etc by Qualifications Wales

- (1) Qualifications Wales may, on a commercial basis, provide consultancy and other services in connection with any of its functions or any other matter related to qualifications.
- (2) Services may be provided under this section on such terms and subject to such conditions (if any) as Qualifications Wales may determine, including (among other things) as to fees charged by Qualifications Wales.
- (3) Qualifications Wales may, with the Welsh Ministers' approval, form a company to provide services under this section.
- (4) Qualifications Wales is to be the sole member of any company formed under subsection (3).

Review and research

46 Review and research

- (1) Qualifications Wales may keep under review –
 - (a) the awarding of approved qualifications by a recognised body;
 - (b) the awarding of forms of qualification designated under section 29 by a recognised body;

- (c) unrhyw weithgareddau eraill corff cydnabyddedig y mae Cymwysterau Cymru yn ystyried eu bod yn berthnasol i gydnabyddiaeth y corff;
 - (d) unrhyw agwedd arall ar gymwysterau.
- (2) Rhaid i Gymwysterau Cymru adolygu'n gyson y priod rolau sydd ganddo ef a chyrrff dyfarnu mewn cysylltiad â system gymwysterau Cymru.
 - (3) Caiff Cymwysterau Cymru gynnal neu gomisiynu gwaith ymchwil i unrhyw fater sy'n gysylltiedig â chymwysterau.

Is-swyddogaethau

47 Datganiad polisi a datganiad ynghylch ymgynghori

- (1) Rhaid i Gymwysterau Cymru lunio datganiad o'i bolisi ("datganiad polisi") mewn cysylltiad ag arfer ei swyddogaethau o dan—
 - (a) Rhan 3 (cydnabod cyrrff dyfarnu);
 - (b) Rhan 4 (cymwysterau blaenoriaethol a chymeradwyo cymwysterau);
 - (c) Rhan 5 (dynodi cymwysterau eraill);
 - (d) Rhan 7 (pwerau gorfodi Cymwysterau Cymru);
 - (e) adran 45 (darparu gwasanaethau etc gan Gymwysterau Cymru);
 - (f) adran 46(1) (adolygiadau).
- (2) Rhaid i'r datganiad polisi gynnwys gwybodaeth o ran—
 - (a) yr amgylchiadau pan fo cydnabyddiaeth o gorff dyfarnu yn debygol o gael ei gwneud yn ddarostyngedig i amod arbennig;
 - (b) y materion sy'n debygol o gael eu hystyried gan Gymwysterau Cymru wrth benderfynu pa un ai i ddynodi ffurf ar gymhwyster o dan adran 29, wrth benderfynu ar y cyfnod y mae dynodiad o'r fath i gael effaith ar ei gyfer ac wrth benderfynu pa un ai i ddirymu dynodiad o'r fath;
 - (c) y meini prawf sy'n debygol o gael eu cymhwysu gan Gymwysterau Cymru wrth benderfynu a yw'n briodol mewn unrhyw achos osod amod capio ffioedd er mwyn sicrhau gwerth am arian;
 - (d) y materion sy'n debygol o gael eu hystyried gan Gymwysterau Cymru wrth benderfynu ar y terfyn a bennir mewn amod capio ffioedd;
 - (e) cyfnod para tebygol amod capio ffioedd;
 - (f) yr amgylchiadau pan fo cyfarwyddyd yn debygol o gael ei roi i gorff dyfarnu yn unol ag amod trosglwyddo, a thestun tebygol unrhyw gyfarwyddyd a roddir yn unol ag amod trosglwyddo;
 - (g) y materion sy'n debygol o gael eu hystyried gan Gymwysterau Cymru wrth benderfynu pa un ai i wneud taliad i gorff dyfarnu o dan baragraff 15 o Atodlen 3, ac wrth benderfynu ar swm unrhyw daliad o'r fath;
 - (h) yr amgylchiadau a'r adegau pan fo amodau arbennig yn debygol o gael eu hadolygu neu eu diwygio, a'r ffactorau sy'n debygol o gael eu hystyried mewn unrhyw adolygiad neu ddiwygiad;

- (c) any other activities of a recognised body which Qualifications Wales considers are relevant to the body's recognition;
 - (d) any other aspect of qualifications.
- (2) Qualifications Wales must keep under review the respective roles played by it and by awarding bodies in respect of the Welsh qualification system.
- (3) Qualifications Wales may carry out or commission research into any matter connected with qualifications.

Subsidiary functions

47 Policy statement and statement about consultation

- (1) Qualifications Wales must prepare a statement of its policy (a "policy statement") with respect to the exercise of its functions under –
- (a) Part 3 (recognition of awarding bodies);
 - (b) Part 4 (priority qualifications and approval of qualifications);
 - (c) Part 5 (designation of other qualifications);
 - (d) Part 7 (enforcement powers of Qualifications Wales);
 - (e) section 45 (provision of services etc by Qualifications Wales);
 - (f) section 46(1) (reviews).
- (2) The policy statement must contain information as to –
- (a) circumstances in which recognition of an awarding body is likely to be made subject to a special condition;
 - (b) matters likely to be taken into account by Qualifications Wales in deciding whether to designate a form of qualification under section 29, in determining the period for which such a designation is to have effect and in deciding whether to revoke such a designation;
 - (c) criteria likely to be applied by Qualifications Wales in determining whether it is appropriate in any case to impose a fee capping condition so as to secure value for money;
 - (d) matters likely to be taken into account by Qualifications Wales in determining the limit specified in a fee capping condition;
 - (e) the likely duration of a fee capping condition;
 - (f) circumstances in which a direction is likely to be given to an awarding body in accordance with a transfer condition, and the likely subject matter of any direction given in accordance with a transfer condition;
 - (g) matters likely to be taken into account by Qualifications Wales in determining whether to make a payment to an awarding body under paragraph 15 of Schedule 3, and in determining the amount of any such payment;
 - (h) the circumstances in which, and occasions on which, special conditions are likely to be reviewed or revised, and the factors that are likely to be taken into account in any review or revision;

- (i) yr amgylchiadau pan fo Cymwysterau Cymru yn debygol o osod cosb ariannol o dan adran 38;
 - (j) y ffactorau y mae Cymwysterau Cymru yn debygol o'u hystyried wrth benderfynu ar swm cosb sydd i'w osod o dan yr adran honno.
- (3) Rhaid i Gymwysterau Cymru hefyd lunio datganiad sy'n nodi –
- (a) yr amgylchiadau pan fo Cymwysterau Cymru yn bwriadu cynnal ymgynghoriad mewn cysylltiad ag arfer unrhyw un neu ragor o'i swyddogaethau;
 - (b) ym mha fodd y mae'n bwriadu cynnal ymgynghoriad.
- (4) Rhaid i Gymwysterau Cymru adolygu'r datganiadau a lunnir o dan yr adran hon yn gyson, ac os yw'n ystyried ei bod yn briodol o ganlyniad i adolygiad, lunio datganiadau diwygiedig.
- (5) Rhaid i Gymwysterau Cymru gyhoeddi unrhyw ddatganiad neu ddatganiad diwygiedig a lunnir o dan yr adran hon.

48 Cwynion

- (1) Rhaid i Gymwysterau Cymru wneud trefniadau ar gyfer ymdrin â chwynion a wneir mewn cysylltiad –
- (a) ag arfer ei swyddogaethau;
 - (b) â dyfarnu cymwysterau a gymeradwywyd gan gorff cydnabyddedig;
 - (c) â dyfarnu ffurfiau ar gymhwyster sydd wedi eu dynodi o dan adran 29 gan gorff cydnabyddedig;
 - (d) ag unrhyw weithgareddau eraill corff cydnabyddedig y mae Cymwysterau Cymru yn ystyried eu bod yn berthnasol i gydnabyddiaeth y corff.
- (2) Rhaid i Gymwysterau Cymru gyhoeddi'r trefniadau.
- (3) Caiff y trefniadau (ymhlith pethau eraill) wneud darpariaeth –
- (a) ynghylch y math o gŵyn y maent yn gymwys mewn cysylltiad â hi;
 - (b) i gŵyn gael ei hatgyfeirio at berson sy'n annibynnol ar Gymwysterau Cymru.
- (4) Mae person yn annibynnol ar Gymwysterau Cymru, at y diben hwn –
- (a) yn achos unigolyn, os nad yw'n aelod o Gymwysterau Cymru nac yn aelod o staff Cymwysterau Cymru;
 - (b) yn achos corff, os nad yw unrhyw un o aelodau'r corff yn aelod o Gymwysterau Cymru nac yn aelod o staff Cymwysterau Cymru.

49 Cynllun codi ffioedd

- (1) Caiff Cymwysterau Cymru godi ffioedd sydd i'w talu gan gorff dyfarnu mewn cysylltiad â'r costau y mae'n mynd iddynt mewn perthynas â'r corff hwnnw mewn cysylltiad –
- (a) ag arfer ei swyddogaethau o dan Ran 3 (cydnabod cyrff dyfarnu),
 - (b) ag arfer ei swyddogaethau o dan Ran 4 (cymwysterau blaenoriaethol a chymeradwyo cymwysterau),
 - (c) ag arfer ei swyddogaethau o dan Ran 5 (dynodi cymwysterau eraill),

- (i) the circumstances in which Qualifications Wales is likely to impose a monetary penalty under section 38;
 - (j) factors which Qualifications Wales is likely to take into account in determining the amount of a penalty to be imposed under that section.
- (3) Qualifications Wales must also prepare a statement setting out –
- (a) circumstances in which Qualifications Wales proposes to carry out consultation in respect of the exercise of any of its functions;
 - (b) the manner in which it proposes to carry out consultation.
- (4) Qualifications Wales must keep the statements prepared under this section under review, and if it considers it appropriate in consequence of a review, prepare revised statements.
- (5) Qualifications Wales must publish any statement or revised statement prepared under this section.

48 Complaints

- (1) Qualifications Wales must make arrangements for dealing with complaints made in respect of –
- (a) the exercise of its functions;
 - (b) the awarding of approved qualifications by a recognised body;
 - (c) the awarding of forms of qualification designated under section 29 by a recognised body;
 - (d) any other activities of a recognised body which Qualifications Wales considers are relevant to the body's recognition.
- (2) Qualifications Wales must publish the arrangements.
- (3) The arrangements may (among other things) make provision –
- (a) about the type of complaint in respect of which they apply;
 - (b) for a complaint to be referred to a person who is independent of Qualifications Wales.
- (4) A person is independent of Qualifications Wales, for this purpose –
- (a) in the case of an individual, if he or she is neither a member of Qualifications Wales nor a member of Qualifications Wales' staff;
 - (b) in the case of a body, if none of the body's members is a member of Qualifications Wales nor a member of Qualifications Wales' staff.

49 Charging scheme

- (1) Qualifications Wales may charge fees to be paid by an awarding body in respect of the costs incurred by it in relation to that body in connection with –
- (a) the exercise of its functions under Part 3 (recognition of awarding bodies),
 - (b) the exercise of its functions under Part 4 (priority qualifications and approval of qualifications),
 - (c) the exercise of its functions under Part 5 (designation of other qualifications),

- (d) ag arfer ei swyddogaethau o dan adran 46(1) i (c) (adolygu cymwysterau a gymeradwywyd, cymwysterau sydd wedi eu dynodi a chyrrff cydnabyddedig), neu
 - (e) â delio â chwyn yn erbyn corff dyfarnu o dan y trefniadau a wneir o dan adran 48.
- (2) Rhaid i unrhyw ffioedd a godir gan Gymwysterau Cymru mewn cysylltiad â'r materion y cyfeirir atynt yn is-adran (1) gael eu codi yn unol â chynllun a luniwyd ac a gyhoeddwyd gan Gymwysterau Cymru sy'n nodi'r ffioedd sy'n daladwy mewn cysylltiad â'r materion hynny.
 - (3) Caiff Cymwysterau Cymru ddiwygio'r cynllun.
 - (4) Mae'r cynllun (ac unrhyw gynllun diwygiedig) i'w drin fel pe na bai ond yn cael effaith os caiff ei gymeradwyo gan Weinidogion Cymru.

50 Grantiau

- (1) Caiff Cymwysterau Cymru roi grantiau i berson os yw Cymwysterau Cymru yn ystyried ei bod yn briodol gwneud hynny mewn cysylltiad ag unrhyw un neu ragor o swyddogaethau Cymwysterau Cymru.
- (2) Caniateir i grant o dan yr adran hon gael ei roi yn ddarostyngedig i amodau (gan gynnwys amodau o ran ad-dalu).

51 Darparu gwybodaeth neu gyngor

Os gofynnir iddo wneud hynny gan Weinidogion Cymru, rhaid i Gymwysterau Cymru ddarparu unrhyw wybodaeth neu gyngor i Weinidogion Cymru, ar faterion sy'n ymwneud ag unrhyw un neu ragor o'i swyddogaethau, a bennir yn y cais.

52 Cydweithio

Caiff Cymwysterau Cymru gydweithio â pherson arall os yw Cymwysterau Cymru yn ystyried ei bod yn briodol gwneud hynny mewn cysylltiad ag unrhyw un neu ragor o swyddogaethau Cymwysterau Cymru.

53 Dyletswydd i roi sylw i bolisi llywodraeth a materion eraill

- (1) Wrth arfer ei swyddogaethau, rhaid i Gymwysterau Cymru roi sylw i unrhyw agweddau ar bolisi llywodraeth, ac i unrhyw faterion eraill, a gyfarwyddir gan Weinidogion Cymru.
- (2) O ran cyfarwyddyd o dan is-adran (1) –
 - (a) rhaid iddo gael ei gyhoeddi gan Weinidogion Cymru;
 - (b) caniateir iddo gael ei amrywio neu ei ddirymu drwy gyfarwyddyd diweddarach.

54 Cyflawni gweithgareddau rheoleiddiol gan Gymwysterau Cymru

- (1) Rhaid i Gymwysterau Cymru roi sylw i'r egwyddorion yn is-adran (2) wrth gyflawni ei swyddogaethau o dan –
 - (a) Rhan 3 (cydnabod cyrrff dyfarnu);
 - (b) Rhan 4 (cymwysterau blaenoriaethol a chymeradwyo cymwysterau);
 - (c) Rhan 7 (pwerau gorfodi Cymwysterau Cymru);

- (d) the exercise of its functions under section 46(1)(a) to (c) (review of approved qualifications, designated qualifications and recognised bodies), or
 - (e) the handling of a complaint against an awarding body under arrangements made under section 48.
- (2) Any fees charged by Qualifications Wales in connection with the matters referred to in subsection (1) must be charged in accordance with a scheme prepared and published by Qualifications Wales that sets out the fees payable in respect of those matters.
- (3) Qualifications Wales may revise the scheme.
- (4) The scheme (and any revised scheme) is to be treated as having effect only if approved by the Welsh Ministers.

50 Grants

- (1) Qualifications Wales may make grants to a person if Qualifications Wales considers it is appropriate to do so in connection with any of Qualifications Wales' functions.
- (2) A grant under this section may be made subject to conditions (including conditions as to repayment).

51 Provision of information or advice

If requested to do so by the Welsh Ministers, Qualifications Wales must provide the Welsh Ministers with such information or advice, on matters relating to any of its functions, as is specified in the request.

52 Joint working

Qualifications Wales may work jointly with another person if Qualifications Wales considers it is appropriate to do so in connection with any of Qualifications Wales' functions.

53 Duty to have regard to government policy and other matters

- (1) In exercising its functions, Qualifications Wales must have regard to such aspects of government policy, and to such other matters, as the Welsh Ministers may direct.
- (2) A direction given under subsection (1) –
- (a) must be published by the Welsh Ministers;
 - (b) may be varied or revoked by a later direction.

54 Performance of regulatory activities by Qualifications Wales

- (1) Qualifications Wales must have regard to the principles in subsection (2) in carrying out its functions under –
- (a) Part 3 (recognition of awarding bodies);
 - (b) Part 4 (priority qualifications and approval of qualifications);
 - (c) Part 7 (enforcement powers of Qualifications Wales);

- (d) adran 46(1)(a) i (c) (adolygu cymwysterau a gymeradwywyd, cymwysterau sydd wedi eu dynodi a chyrrff cydnabyddedig);
 - (e) adran 48 (cwynion).
- (2) Yr egwyddorion yw –
- (a) y dylid cyflawni gweithgareddau rheoleiddiol mewn ffordd sy'n dryloyw, yn atebol, yn gymesur ac yn gyson, a
 - (b) mai dim ond at achosion pan fo angen gweithredu y dylid targedu gweithgareddau rheoleiddiol.

RHAN 9

CYFFREDINOL

55 Rheoliadau

- (1) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon –
- (a) yn arferadwy drwy offeryn statudol;
 - (b) yn cynnwys pŵer i wneud darpariaeth wahanol at ddibenion gwahanol;
 - (c) yn cynnwys pŵer i wneud darpariaeth atodol, darpariaeth gysylltiedig, darpariaeth ganlyniadol, darpariaeth drosiannol, darpariaeth ddarfodol neu ddarpariaeth arbed.
- (2) Ni chaniateir i offeryn statudol sy'n cynnwys unrhyw un neu ragor o'r canlynol gael ei wneud, oni bai bod drafft o'r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru ac wedi ei gymeradwyo ganddo drwy benderfyniad –
- (a) rheoliadau a wneir o dan adran 21 (pŵer i bennu gofynion sylfaenol);
 - (b) rheoliadau a wneir o dan adran 38(3) (pŵer i osod cosbau ariannol);
 - (c) rheoliadau a wneir o dan adran 59 sy'n diwygio neu'n diddymu unrhyw ddarpariaeth mewn Deddf Seneddol neu Fesur neu Ddeddf gan Gynulliad Cenedlaethol Cymru.
- (3) Mae unrhyw offeryn statudol arall sy'n cynnwys rheoliadau a wneir o dan y Ddeddf hon yn ddarostyngedig i ddiddymiad yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.

56 Dehongli cyfeiriadau at "cymhwyster"

- (1) Mae cyfeiriadau yn y Ddeddf hon at gymhwyster, ac eithrio i'r graddau yr ymddengys bwriad i'r gwrthwyneb, yn gyfeiriadau at gymhwyster academaidd neu gymhwyster galwedigaethol a ddyfernir yng Nghymru, ac eithrio –
- (a) gradd sylfaen;
 - (b) gradd gyntaf;
 - (c) gradd ar lefel uwch.

- (d) section 46(1)(a) to (c) (review of approved qualifications, designated qualifications and recognised bodies);
 - (e) section 48 (complaints).
- (2) The principles are that –
- (a) regulatory activities should be carried out in a way that is transparent, accountable, proportionate and consistent, and
 - (b) regulatory activities should be targeted only at cases in which action is needed.

PART 9

GENERAL

55 Regulations

- (1) A power to make regulations under this Act –
- (a) is exercisable by statutory instrument;
 - (b) includes power to make different provision for different purposes;
 - (c) includes power to make supplemental, incidental, consequential, transitional, transitory or saving provision.
- (2) A statutory instrument containing any of the following may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales –
- (a) regulations made under section 21 (power to specify minimum requirements);
 - (b) regulations made under section 38(3) (power to impose monetary penalties);
 - (c) regulations made under section 59 that amend or repeal any provision of an Act of Parliament or a Measure or Act of the National Assembly for Wales.
- (3) Any other statutory instrument containing regulations made under this Act is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

56 Interpretation of references to “qualification”

- (1) References in this Act to a qualification, except so far as a contrary intention appears, are to an academic or vocational qualification awarded in Wales, other than –
- (a) a foundation degree;
 - (b) a first degree;
 - (c) a degree at a higher level.

- (2) Mae cymhwyster i'w ddyfarnu yng Nghymru, at ddibenion yr adran hon, os oes personau, neu y gellir disgwyl yn rhesymol bod personau, sy'n ceisio cael y cymhwyster sy'n cael, neu a fydd yn cael, neu y gellir disgwyl yn rhesymol iddynt gael, eu hasesu mewn cysylltiad â'r cymhwyster yn gyfan gwbl neu'n bennaf yng Nghymru.
- (3) Mae cyfeiriad yn y Ddeddf hon at ddyfarnu cymhwyster yn cynnwys cyfeiriad at—
 - (a) dyfarnu credydau mewn cysylltiad ag elfennau cymhwyster;
 - (b) dyfarnu cymhwyster gan gorff naill ai ar y cyd neu gydag eraill.
- (4) Mae cyfeiriadau yn y Ddeddf hon at ffurf ar gymhwyster yn gyfeiriadau at y fersiwn benodol o gymhwyster sy'n cael ei chynnig, neu sydd i'w chynnig, gan gorff dyfarnu penodol.

57 Dehongli cyffredinol a mynegai o ymadroddion wedi eu diffinio

- (1) Mae darpariaethau'r Ddeddf hon a rhai Deddf Addysg 1996 (p.56) i'w darllen fel pe bai pob un ohonynt wedi eu cynnwys yn Neddf Addysg 1996 (ond mae hyn yn ddarostyngedig i is-adran (2)).
- (2) Pan roddir, at ddibenion unrhyw ddarpariaeth yn y Ddeddf hon, ystyr i ymadrodd sy'n wahanol i'r ystyr a roddir iddo yn Neddf Addysg 1996 (p.56), mae'r ystyr hwnnw i fod yn gymwys at ddibenion y ddarpariaeth honno, yn lle'r ystyr a roddir at ddibenion Deddf Addysg 1996 (p.56).
- (3) Yn y Ddeddf hon—
 - mae i "amod arbennig" (*"special condition"*) yr ystyr a roddir ym mharagraff 4 o Atodlen 3;
 - mae i "amod capio ffioedd" (*"fee capping condition"*) yr ystyr a roddir ym mharagraff 6 o Atodlen 3;
 - mae i "amod trosglwyddo" (*"transfer condition"*) yr ystyr a roddir ym mharagraff 12 o Atodlen 3;
 - mae i "corff cydnabyddedig" (*"recognised body"*) yr ystyr a roddir yn adran 12(2);
 - ystyr "corff dyfarnu" (*"awarding body"*) yw person sy'n dyfarnu, neu sy'n bwriadu dyfarnu, cymhwyster;
 - mae i "cosb ariannol" (*"monetary penalty"*) yr ystyr a roddir yn adran 38(3);
 - ystyr "cwmni" yw cwmni fel y diffinnir "*company*" yn adran 1(1) o Ddeddf Cwmnïau 2006 (p.46);
 - mae i "cydnabyddiaeth" (*"recognition"*) yr ystyr a roddir yn adran 12(2);
 - mae i "cymhwyster" (*"qualification"*) yr ystyr a roddir yn adran 56;
 - ystyr "cymhwyster a gymeradwywyd" (*"approved qualification"*) yw ffurf ar gymhwyster a gymeradwywyd gan Gymwysterau Cymru o dan Ran 4 (cymhwysterau blaenoriaethol a chymeradwyo cymwysterau);
 - mae i "cymhwyster blaenoriaethol" (*"priority qualification"*) yr ystyr a roddir yn adran 13(6);

- (2) A qualification is awarded in Wales, for the purposes of this section, if there are, or may reasonably be expected to be, persons seeking to obtain the qualification who are, will be, or may reasonably be expected to be, assessed in respect of the qualification wholly or mainly in Wales.
- (3) A reference in this Act to the award of a qualification includes a reference to –
 - (a) the award of credits in respect of components of a qualification;
 - (b) the award of a qualification by a body either jointly or with others.
- (4) References in this Act to a form of a qualification are to the particular version of a qualification that is, or is to be, offered by a particular awarding body.

57 General interpretation and index of defined expressions

- (1) The provisions of this Act and those of the Education Act 1996 (c.56) are to be read as if they were all contained in the Education Act 1996 (but this is subject to subsection (2)).
- (2) Where for the purposes of any provision of this Act an expression is given a meaning different from that given to it in the Education Act 1996 (c.56), that meaning is to apply for the purposes of that provision, instead of the meaning given for the purposes of the Education Act 1996 (c.56).
- (3) In this Act –
 - “approved qualification” (“*cymhwyster a gymeradwywyd*”) means a form of a qualification approved by Qualifications Wales under Part 4 (priority qualifications and approval of qualifications);
 - “assessment arrangements” (“*trefniadau asesu*”), in relation to a qualification, means arrangements for assessing relevant skills, knowledge and understanding in relation to the qualification;
 - “awarding body” (“*corff dyfarnu*”) means a person who awards, or proposes to award, a qualification;
 - “company” (“*cwmni*”) means a company as defined in section 1(1) of the Companies Act 2006 (c.46);
 - “fee capping condition” (“*amod capio ffioedd*”) has the meaning given in paragraph 6 of Schedule 3;
 - “general recognition criteria” (“*meini prawf cydnabod cyffredinol*”) has the meaning given in section 5(1);
 - “higher education institution” (“*sefydliad addysg uwch*”) means an institution within the higher education sector;
 - “learners” (“*dysgwyr*”) means persons who are seeking to obtain, or who might reasonably be expected to seek to obtain, qualifications;
 - “learning provider” (“*darparwr dysgu*”) means a person by whom education or training leading to a qualification is provided;
 - “monetary penalty” (“*cosb ariannol*”) has the meaning given in section 38(3);
 - “notice” (“*hysbysiad*”) means notice in writing;

mae i “cymhwyster blaenoriaethol anghyfyngedig” (“*unrestricted priority qualification*”) yr ystyr a roddir yn adran 13(6);

mae i “cymhwyster blaenoriaethol cyfyngedig” (“*restricted priority qualification*”) yr ystyr a roddir yn adran 13(6);

ystyr “darparwr dysgu” (“*learning provider*”) yw person sy’n darparu addysg neu hyfforddiant sy’n arwain at gymhwyster;

ystyr “dysgwyr” (“*learners*”) yw personau sy’n ceisio cael cymwysterau, neu y gellid disgwyl yn rhesymol iddynt geisio cael cymwysterau;

ystyr “hysbysiad” (“*notice*”) yw hysbysiad ysgrifenedig;

mae i “meini prawf cydnabod cyffredinol” (“*general recognition criteria*”) yr ystyr a roddir yn adran 5(1);

mae i “meini prawf cydnabod sy’n benodol i gymhwyster” (“*qualification specific recognition criteria*”) yr ystyr a roddir yn adran 6(1);

ystyr “prif nodau” (“*principal aims*”) Cymwysterau Cymru yw’r nodau a restrir yn adran 3(1);

ystyr “rheoliadau” (“*regulations*”) yw rheoliadau a wneir gan Weinidogion Cymru;

ystyr “sefydliad addysg uwch” (“*higher education institution*”) yw sefydliad o fewn y sector addysg uwch;

mae i “system gymwysterau Cymru” (“*Welsh qualification system*”) yr ystyr a roddir yn adran 3(3);

ystyr “trefniadau asesu” (“*assessment arrangements*”), mewn perthynas â chymhwyster, yw trefniadau ar gyfer asesu’r sgiliau perthnasol, yr wybodaeth berthnasol a’r ddealltwriaeth berthnasol mewn perthynas â’r cymhwyster;

“yr wybodaeth berthnasol, y sgiliau perthnasol neu’r ddealltwriaeth berthnasol” (“*relevant knowledge, skills or understanding*”), mewn perthynas â chymhwyster, yw’r wybodaeth, y sgiliau neu’r ddealltwriaeth y mae’n ofynnol eu dangos at ddiben penderfynu pa un ai i ddyfarnu’r cymhwyster i berson.

- (4) At ddibenion y Ddeddf hon dim ond os yw’r gweithgareddau a gynhelir gan berson at ddibenion dangos yr wybodaeth berthnasol, y sgiliau perthnasol neu’r ddealltwriaeth berthnasol yn cael eu cynnal yn gyfan gwbl neu’n bennaf yng Nghymru yr asesir y person yn gyfan gwbl neu’n bennaf yng Nghymru, mewn cysylltiad â chymhwyster.
- (5) Mae gan berson anhawster dysgu, at ddibenion y Ddeddf hon, os oes gan y person hwnnw –
 - (a) anghenion addysgol arbennig, neu
 - (b) anhawster i ddysgu sy’n llawer mwy na’r rhan fwyaf o bersonau sydd o’r un oedran â’r person, neu
 - (c) anabledd sydd naill ai’n atal neu’n rhwystro’r person rhag defnyddio cyfleusterau addysgol o’r math a ddarperir yn gyffredinol i bersonau o’r un oedran.
- (6) Ond, nid yw person i’w gymryd fel pe bai ganddo anhawster dysgu dim ond oherwydd bod yr iaith (neu’r ffurf ar iaith) a ddefnyddir, neu a fydd yn cael ei defnyddio, i addysgu’r person yn wahanol i’r iaith (neu’r ffurf ar iaith) sydd wedi ei siarad ar unrhyw adeg yng nghartref y person.

the “principal aims” (“*prif nodau*”) of Qualifications Wales means the aims listed in section 3(1);

“priority qualification” (“*cymhwyster blaenoriaethol*”) has the meaning given in section 13(6);

“qualification” (“*cymhwyster*”) has the meaning given in section 56;

“qualification specific recognition criteria” (“*meini prawf cydnabod sy’n benodol i gymhwyster*”) has the meaning given in section 6(1);

“recognised body” (“*corff cydnabyddedig*”) has the meaning given in section 12(2);

“recognition” (“*cydnabyddiaeth*”) has the meaning given in section 12(2);

“regulations” (“*rheoliadau*”) means regulations made by the Welsh Ministers;

“relevant knowledge, skills or understanding” (“*yr wybodaeth berthnasol, y sgiliau perthnasol neu’r ddealltwriaeth berthnasol*”), in relation to a qualification, are the knowledge, skills or understanding required to be demonstrated for the purpose of determining whether a person is to be awarded the qualification;

“restricted priority qualification” (“*cymhwyster blaenoriaethol cyfyngedig*”) has the meaning given in section 13(6);

“special condition” (“*amod arbennig*”) has the meaning given in paragraph 4 of Schedule 3;

“transfer condition” (“*amod trosglwyddo*”) has the meaning given in paragraph 12 of Schedule 3;

“unrestricted priority qualification” (“*cymhwyster blaenoriaethol anghyfyngedig*”) has the meaning given in section 13(6);

“Welsh qualification system” (“*system gymwysterau Cymru*”) has the meaning given in section 3(3).

- (4) For the purposes of this Act a person is assessed wholly or mainly in Wales, in respect of a qualification, only if the activities carried out by the person for the purposes of demonstrating relevant knowledge, skills or understanding are carried out wholly or mainly in Wales.
- (5) A person has a learning difficulty, for the purposes of this Act, if the person –
 - (a) has special educational needs, or
 - (b) has a significantly greater difficulty in learning than the majority of persons of the person’s age, or
 - (c) has a disability that either prevents or hinders the person from making use of educational facilities of a kind generally provided for persons of the same age.
- (6) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which the person is or will be taught is different from a language (or form of language) which has at any time been spoken in the person’s home.

- (7) Mae cyfeiriadau yn y Ddeddf hon at gorff yn cael ei gydnabod mewn cysylltiad â chymhwyster i'w dehongli yn unol ag adran 12.
- (8) Mae cyfeiriadau yn y Ddeddf hon at ddyfarnu ffurf ar gymhwyster fel cymhwyster a gymeradwywyd i'w dehongli yn unol ag adran 22(4).

58 Diwygiadau canlyniadol

Mae Atodlen 4 yn cynnwys diwygiadau canlyniadol.

59 Pŵer i wneud darpariaeth ganlyniadol a throsiannol etc

- (1) Os yw Gweinidogion Cymru yn ystyried ei bod yn angenrheidiol neu'n hwylus at ddibenion unrhyw ddarpariaeth yn y Ddeddf hon, o ganlyniad i unrhyw ddarpariaeth ynddi neu er mwyn rhoi effaith lawn i unrhyw ddarpariaeth ynddi, cânt drwy reoliadau wneud—
 - (a) unrhyw ddarpariaeth atodol, darpariaeth gysylltiedig neu ddarpariaeth ganlyniadol;
 - (b) unrhyw ddarpariaeth drosiannol, darpariaeth ddarfodol neu ddarpariaeth arbed.
- (2) Caiff rheoliadau o dan yr adran hon (ymhlith pethau eraill) ddiwygio, diddymu neu ddirymu unrhyw ddeddfiad.
- (3) Yn yr adran hon, ystyr "deddfiad" yw deddfiad, pa bryd bynnag y'i deddfir neu y'i gwneir, sydd wedi ei gynnwys yn un o'r canlynol neu wedi ei wneud o dan un ohonynt—
 - (a) Deddf Seneddol;
 - (b) Mesur neu Ddeddf gan Gynulliad Cenedlaethol Cymru.

60 Dod i rym

- (1) Daw'r darpariaethau a ganlyn i rym ar y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol—
 - (a) adran 1;
 - (b) adran 2(3);
 - (c) adrannau 55 i 57;
 - (d) adran 59;
 - (e) yr adran hon;
 - (f) adran 61;
 - (g) Atodlen 2.
- (2) Daw darpariaethau eraill y Ddeddf hon i rym ar ddiwrnod y caiff Gweinidogion Cymru ei bennu drwy orchymyn a wneir drwy offeryn statudol.
- (3) Caiff gorchymyn o dan is-adran (2)—
 - (a) pennu diwrnodau gwahanol at ddibenion gwahanol;
 - (b) gwneud darpariaeth drosiannol, darpariaeth ddarfodol neu ddarpariaeth arbed mewn cysylltiad â dod â darpariaeth yn y Ddeddf hon i rym.

- (7) References in this Act to a body's being recognised in respect of a qualification are to be construed in accordance with section 12.
- (8) References in this Act to the award of a form of qualification as an approved qualification are to be construed in accordance with section 22(4).

58 Consequential amendments

Schedule 4 contains consequential amendments.

59 Power to make consequential and transitional provision etc

- (1) If the Welsh Ministers consider it necessary or expedient for the purposes of, in consequence of, or for giving full effect to, any provision of this Act, they may by regulations make—
 - (a) any supplementary, incidental or consequential provision;
 - (b) any transitional, transitory or saving provision.
- (2) Regulations under this section may (among other things) amend, repeal or revoke any enactment.
- (3) In this section, "enactment" mean an enactment, whenever enacted or made, comprised in or made under—
 - (a) an Act of Parliament;
 - (b) a Measure or Act of the National Assembly for Wales.

60 Coming into force

- (1) The following provisions come into force on the day on which this Act receives Royal Assent—
 - (a) section 1;
 - (b) section 2(3);
 - (c) sections 55 to 57;
 - (d) section 59;
 - (e) this section;
 - (f) section 61;
 - (g) Schedule 2.
- (2) The other provisions of this Act come into force on such day as the Welsh Ministers may appoint by order made by statutory instrument.
- (3) An order under subsection (2) may—
 - (a) appoint different days for different purposes;
 - (b) make transitional, transitory or saving provision in connection with the coming into force of a provision of this Act.

61 Enw byr a chynnwys y Ddeddf fel un o'r Deddfau Addysg

- (1) Enw byr y Ddeddf hon yw Deddf Cymwysterau Cymru 2015.
- (2) Mae'r Ddeddf hon i'w chynnwys yn y rhestr o Ddeddfau Addysg a nodir yn adran 578 o Ddeddf Addysg 1996.

61 Short title and inclusion as one of the Education Acts

- (1) The short title of this Act is the Qualifications Wales Act 2015.
- (2) This Act is to be included in the list of Education Acts set out in section 578 of the Education Act 1996.

ATODLEN 1
(cyflwynwyd gan adran 2)

CYMWYSTERAU CYMRU

RHAN 1

SEFYDLU CYMWYSTERAU CYMRU

Statws

- 1 Nid yw Cymwysterau Cymru i'w ystyried yn was nac yn asiant i'r Goron nac ychwaith i'w ystyried yn mwynhau unrhyw statws, imiwnedd na braint sydd gan y Goron.

Aelodaeth

- 2 Mae Cymwysterau Cymru i gynnwys yr aelodau a ganlyn –
- (a) person a benodir o dan baragraff 10 yn brif weithredwr Cymwysterau Cymru (“y prif weithredwr”);
 - (b) person a benodir gan Weinidogion Cymru i gadeirio Cymwysterau Cymru (“y cadeirydd”);
 - (c) o leiaf wyth a dim mwy na deg person arall a benodir gan Weinidogion Cymru o dan y paragraff hwn (“aelodau arferol”).

Y cadeirydd ac aelodau arferol

- 3 (1) Mae'r cadeirydd a'r aelodau arferol yn dal swyddi ac yn eu gadael yn unol â thelerau ac amodau eu penodiadau.
- (2) Yn ddarostyngedig i ddarpariaethau'r Atodlen hon, Gweinidogion Cymru sydd i benderfynu ar y telerau a'r amodau hynny.
- 4 (1) Mae person wedi ei anghymwysu rhag bod yn gadeirydd neu'n aelod arferol os yw'r person –
- (a) yn aelod o gorff dyfarnu a gydnabyddir gan Gymwysterau Cymru neu'n aelod o'i staff;
 - (b) yn aelod o Gynulliad Cenedlaethol Cymru;
 - (c) yn aelod o Dŷ'r Cyffredin neu Dŷ'r Arglwyddi.
- (2) Mae person yn peidio â dal swydd cadeirydd neu aelod arferol os yw'r person hwnnw yn dod yn anghymwys.
- 5 (1) Mae'r cadeirydd i'w benodi am dymor o hyd at dair blynedd.
- (2) Dim ond unwaith y caniateir i berson gael ei ailbenodi yn gadeirydd.
- 6 (1) Mae aelodau arferol i'w penodi am dymor o hyd at dair blynedd.
- (2) Caniateir i berson sydd wedi dal swydd aelod arferol gael ei ailbenodi.
- (3) Ni chaiff telerau unrhyw ailbenodiad ganiatáu i aelod arferol ddal swydd am gyfanswm o fwy na chwe blynedd (pa un a yw'r cyfnod hwnnw yn gyfnod parhaus ai peidio).

SCHEDULE 1
(introduced by section 2)

QUALIFICATIONS WALES

PART 1

ESTABLISHMENT OF QUALIFICATIONS WALES

Status

- 1 Qualifications Wales is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

Membership

- 2 Qualifications Wales is to consist of the following members –
- (a) a person appointed under paragraph 10 as the chief executive of Qualifications Wales (“the chief executive”);
 - (b) a person appointed by the Welsh Ministers to chair Qualifications Wales (“the chair”);
 - (c) at least eight and no more than ten other persons appointed by the Welsh Ministers under this paragraph (“ordinary members”).

The chair and ordinary members

- 3 (1) The chair and ordinary members hold and vacate office in accordance with the terms and conditions of their appointments.
- (2) Subject to the provisions of this Schedule, those terms and conditions are to be determined by the Welsh Ministers.
- 4 (1) A person is disqualified from being the chair or an ordinary member if the person is –
- (a) a member of an awarding body recognised by Qualifications Wales or a member of its staff;
 - (b) a Member of the National Assembly for Wales;
 - (c) a Member of the House of Commons or the House of Lords.
- (2) A person ceases to hold office as the chair or as an ordinary member if that person becomes disqualified.
- 5 (1) The chair is to be appointed for a term of up to three years.
- (2) A person may be reappointed as chair once only.
- 6 (1) Ordinary members are to be appointed for a term of up to three years.
- (2) A person who has held office as an ordinary member may be reappointed.
- (3) The terms of any reappointment may not permit an ordinary member to hold office for a total period of more than six years (whether or not continuous).

- (4) Ond pan na fo person a benodwyd o'r blaen yn aelod arferol wedi dal swydd o'r fath am gyfnod yn union cyn hynny o dair blynedd neu ragor, mae cyfnod neu gyfnodau blaenorol y person hwnnw fel aelod arferol i'w diystyru at ddibenion is-baragraff (3).
- 7 Caiff y cadeirydd neu aelod arferol ymddiswyddo o'i swydd ar unrhyw adeg drwy roi hysbysiad ysgrifenedig i Weinidogion Cymru ac i Gymwysterau Cymru.
- 8 Caiff Gweinidogion Cymru symud y cadeirydd neu aelod arferol o'i swydd os ydynt wedi eu bodloni nad yw'r person yn gallu cyflawni swyddogaethau'r swydd, neu ei fod yn anaddas i'w cyflawni, neu fel arall yn methu â'u cyflawni.
- 9 Caiff Cymwysterau Cymru, gyda chymeradwyaeth Gweinidogion Cymru, dalu neu wneud darpariaeth ar gyfer talu tâl, lwfansau a phensiwn i berson sy'n gadeirydd neu'n aelod arferol neu sydd wedi bod yn gadeirydd neu'n aelod arferol, neu mewn cysylltiad â hwy.

Y prif weithredwr a staff eraill

- 10 (1) Mae'r person cyntaf a benodir yn brif weithredwr i'w benodi gan Weinidogion Cymru –
- (a) ar unrhyw delerau ac amodau (gan gynnwys amodau o ran tâl, lwfansau a phensiwn) y caiff Gweinidogion Cymru benderfynu arnynt, a
 - (b) am gyfnod o hyd at dair blynedd.
- (2) Cymwysterau Cymru sydd i benodi (neu ailbenodi) person yn brif weithredwr wedi hynny.
- 11 Ni chaniateir i berson gael ei benodi yn brif weithredwr os yw'r person –
- (a) yn aelod o gorff dyfarnu a gydnabyddir gan Gymwysterau Cymru neu'n aelod o'i staff;
 - (b) yn aelod o Gynulliad Cenedlaethol Cymru;
 - (c) yn aelod o Dŷ'r Cyffredin neu Dŷ'r Arglwyddi.
- 12 Nid yw penodiad blaenorol person yn brif weithredwr yn effeithio ar gymhwystra'r person hwnnw i gael ei ailbenodi.
- 13 Mae'r prif weithredwr yn aelod o staff Cymwysterau Cymru.
- 14 Caiff Cymwysterau Cymru benodi aelodau eraill o staff.
- 15 Ac eithrio mewn perthynas â'r person cyntaf a benodir yn brif weithredwr o dan baragraff 10(1), mae'r canlynol i'w benderfynu gan Gymwysterau Cymru, gyda chymeradwyaeth Gweinidogion Cymru –
- (a) telerau ac amodau ei staff (gan gynnwys tâl a lwfansau);
 - (b) talu neu wneud darpariaeth i dalu pensiwn i aelod o'i staff neu gyn-aelod o'i staff, neu mewn cysylltiad ag ef.
- 16 Nid yw gwasanaeth fel aelod o staff Cymwysterau Cymru yn wasanaeth yng ngwasanaeth sifil y Wladwriaeth.

(4) But where a person previously appointed as an ordinary member has not held office as such in an immediately preceding period of three years or more, that person's previous period or periods of office as an ordinary member are to be disregarded for the purposes of sub-paragraph (3).

7 The chair or an ordinary member may resign from office at any time by giving written notice to the Welsh Ministers and to Qualifications Wales.

8 The Welsh Ministers may remove the chair or an ordinary member from office if they are satisfied that the person is unable or unfit to carry out the functions of office, or is otherwise failing to do so.

9 Qualifications Wales may, with the Welsh Ministers' approval, pay or make provision for the payment of remuneration, allowances and pension to, or in respect of, a person who is or has been the chair or an ordinary member.

The chief executive and other staff

10 (1) The first person appointed as chief executive is to be appointed by the Welsh Ministers –
(a) on such terms and conditions (including conditions as to remuneration, allowances and pension) as the Welsh Ministers determine, and
(b) for a term of up to three years.

(2) Subsequent appointments (or reappointments) of a person as chief executive are to be made by Qualifications Wales.

11 A person may not be appointed as chief executive if the person is –
(a) a member of an awarding body recognised by Qualifications Wales or a member of its staff;
(b) a Member of the National Assembly for Wales;
(c) a Member of the House of Commons or the House of Lords.

12 The previous appointment of a person as chief executive does not affect the person's eligibility for reappointment.

13 The chief executive is a member of Qualifications Wales' staff.

14 Qualifications Wales may appoint other members of staff.

15 Except in relation to the first person appointed as chief executive under paragraph 10(1), the following are to be determined by Qualifications Wales, with the approval of the Welsh Ministers –

- (a) the terms and conditions of its staff (including remuneration and allowances);
- (b) the payment or provision for the payment of pension to or in respect of a member of its staff or a former member of staff.

16 Service as a member of Qualifications Wales' staff is not service in the civil service of the State.

Pwyllgorau

- 17 (1) Caiff Cymwysterau Cymru sefydlu pwyllgorau.
- (2) Caiff pwyllgor a sefydlir o dan y paragraff hwn—
- (a) sefydlu is-bwyllgorau;
 - (b) diddymu is-bwyllgorau a sefydlir ganddo.
- (3) Caiff Cymwysterau Cymru hefyd ddiddymu is-bwyllgorau a sefydlir o dan y paragraff hwn.
- (4) Caiff Cymwysterau Cymru dalu tâl a lwfansau i unrhyw berson—
- (a) sy'n aelod o bwyllgor neu is-bwyllgor a sefydlir o dan y paragraff hwn, ond
 - (b) nad yw'n aelod o Gymwysterau Cymru neu'n aelod o'i staff.
- 18 (1) Caiff Cymwysterau Cymru, mewn cysylltiad ag arfer ei swyddogaethau, sefydlu pwyllgor ar y cyd ag unrhyw berson.
- (2) Yn yr Atodlen hon cyfeirir at bwyllgor a sefydlir o dan y paragraff hwn fel "cyd-bwyllgor".
- (3) Caiff cyd-bwyllgor sefydlu is-bwyllgorau ("cyd-is-bwyllgorau").
- (4) Caiff Cymwysterau Cymru dalu tâl a lwfansau i unrhyw berson—
- (a) sy'n aelod o gyd-bwyllgor neu gyd-is-bwyllgor, ond
 - (b) nad yw'n aelod o Gymwysterau Cymru neu'n aelod o'i staff.

Dirprwyo

- 19 (1) Caiff Cymwysterau Cymru ddirprwyo unrhyw un neu ragor o'i swyddogaethau i—
- (a) aelod o Gymwysterau Cymru neu aelod o'i staff;
 - (b) pwyllgor a sefydlir gan Gymwysterau Cymru o dan baragraff 17;
 - (c) cyd-bwyllgor.
- (2) Mae swyddogaeth wedi ei dirprwyo o dan y paragraff hwn i'r graddau ac ar y telerau y mae Cymwysterau Cymru yn penderfynu arnynt.
- 20 (1) Caiff pwyllgor a sefydlir gan Gymwysterau Cymru o dan baragraff 17 ddirprwyo unrhyw un neu ragor o'i swyddogaethau i is-bwyllgor a sefydlir ganddo.
- (2) Mae swyddogaeth wedi ei dirprwyo o dan y paragraff hwn i'r graddau ac ar y telerau y mae'r pwyllgor yn penderfynu arnynt, ond mae hyn yn ddarostyngedig i unrhyw gyfarwyddyd a roddir gan Gymwysterau Cymru o ran yr hyn y caiff pwyllgor a sefydlir ganddo ei wneud neu beidio â'i wneud.
- 21 (1) Caiff cyd-bwyllgor ddirprwyo unrhyw un neu ragor o'i swyddogaethau i is-bwyllgor a sefydlir ganddo.
- (2) Mae swyddogaeth wedi ei dirprwyo o dan y paragraff hwn i'r graddau ac ar y telerau y mae'r cyd-bwyllgor yn penderfynu arnynt, ond mae hyn yn ddarostyngedig i unrhyw gyfarwyddyd a roddir gan Gymwysterau Cymru a'r person y sefydlodd y cyd-bwyllgor gydag ef o ran yr hyn y caiff y cyd-bwyllgor ei wneud neu beidio â'i wneud.

Committees

- 17 (1) Qualifications Wales may establish committees.
- (2) A committee established under this paragraph may –
- (a) establish sub-committees;
 - (b) dissolve sub-committees established by it.
- (3) Qualifications Wales may also dissolve sub-committees established under this paragraph.
- (4) Qualifications Wales may pay remuneration and allowances to any person who –
- (a) is a member of a committee or a sub-committee established under this paragraph, but
 - (b) is not a member of Qualifications Wales or a member of its staff.
- 18 (1) Qualifications Wales may, in connection with the exercise of its functions, establish a committee jointly with any person.
- (2) In this Schedule a committee established under this paragraph is referred to as a “joint committee”.
- (3) A joint committee may establish sub-committees (“joint sub-committee”).
- (4) Qualifications Wales may pay remuneration and allowances to any person who –
- (a) is a member of a joint committee or a joint sub-committee, but
 - (b) is not a member of Qualifications Wales or a member of its staff.

Delegation

- 19 (1) Qualifications Wales may delegate any of its functions to –
- (a) a member of Qualifications Wales or a member of its staff;
 - (b) a committee established by Qualifications Wales under paragraph 17;
 - (c) a joint committee.
- (2) A function is delegated under this paragraph to the extent and on the terms that Qualifications Wales determines.
- 20 (1) A committee established by Qualifications Wales under paragraph 17 may delegate any of its functions to a sub-committee established by it.
- (2) A function is delegated under this paragraph to the extent and on the terms that the committee determines, but this is subject to any direction given by Qualifications Wales as to what a committee established by it may or may not do.
- 21 (1) A joint committee may delegate any of its functions to a sub-committee established by it.
- (2) A function is delegated under this paragraph to the extent and on the terms that the joint committee determines, but this is subject to any direction given by Qualifications Wales and the person with whom it established the joint committee as to what the joint committee may or may not do.

Gweithdrefn

- 22 Caiff Cymwysterau Cymru reoleiddio –
- (a) ei weithdrefnau ei hun (gan gynnwys cworwm), a
 - (b) gweithdrefn (gan gynnwys cworwm) ei bwyllgorau (ac eithrio cyd-bwyllgorau).
- 23 Caiff pwyllgor a sefydlir gan Gymwysterau Cymru o dan baragraff 17 reoleiddio gweithdrefn (gan gynnwys cworwm) unrhyw is-bwyllgor a sefydlir ganddo.
- 24 Caiff cyd-bwyllgor reoleiddio –
- (a) ei weithdrefn ei hun (gan gynnwys cworwm), a
 - (b) gweithdrefn (gan gynnwys cworwm) unrhyw is-bwyllgor a sefydlir ganddo.
- 25 Nid effeithir ar ddilysrwydd trafodion Cymwysterau Cymru, pwyllgor neu is-bwyllgor a sefydlir o dan baragraff 17, neu drafodion cyd-bwyllgor neu gyd-is-bwyllgor, gan –
- (a) swydd wag;
 - (b) penodiad diffygiol.

Cofrestr buddiannau

- 26 (1) Rhaid i Gymwysterau Cymru sefydlu a chynnal system ar gyfer datgan a chofrestru buddiannau ei aelodau.
- (2) Rhaid i Gymwysterau Cymru gyhoeddi cofnodion a gofnodir yng nghofrestr buddiannau'r aelodau.

Pwerau atodol

- 27 (1) Caiff Cymwysterau Cymru wneud unrhyw beth y mae'n ystyried ei fod yn angenrheidiol neu'n briodol at ddibenion ei swyddogaethau neu mewn cysylltiad â hwy.
- (2) Ond ni chaniateir i Gymwysterau Cymru, heb gymeradwyaeth Gweinidogion Cymru –
- (a) caffael neu waredu tir neu unrhyw eiddo arall, am gydnabyddiaeth o swm sydd uwchlaw'r trothwy gwariant;
 - (b) cael benthyg neu roi benthyg arian.
- (3) Y trothwy gwariant yw pa swm bynnag (os oes swm) a bennir mewn hysbysiad a roddir gan Weinidogion Cymru i Gymwysterau Cymru at ddibenion y paragraff hwn.
- (4) Caniateir i hysbysiad o dan baragraff (3) –
- (a) pennu trothwyon gwahanol ar gyfer mathau gwahanol o dir neu eiddo arall, a
 - (b) cael ei amrywio neu ei ddirymu gan Weinidogion Cymru.

Adroddiadau blynyddol ac adroddiadau eraill

- 28 (1) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd pob cyfnod adrodd, rhaid i Gymwysterau Cymru lunio adroddiad ("yr adroddiad blynyddol") sy'n rhoi manylion am –
- (a) sut y mae Cymwysterau Cymru wedi arfer ei swyddogaethau yn ystod y cyfnod (gan gynnwys drwy gyfeirio at ei brif nodau);

Procedure

- 22 Qualifications Wales may regulate –
- (a) its own proceedings (including quorum), and
 - (b) the procedure (including quorum) of its committees (except joint committees).
- 23 A committee established by Qualifications Wales under paragraph 17 may regulate the procedure (including quorum) of any sub-committee established by it.
- 24 A joint committee may regulate –
- (a) its own procedure (including quorum), and
 - (b) the procedure (including quorum) of any sub-committee established by it.
- 25 The validity of proceedings of Qualifications Wales, of a committee or sub-committee established under paragraph 17, or of a joint committee or a joint sub-committee, is not affected by –
- (a) a vacancy;
 - (b) a defective appointment.

Register of interests

- 26 (1) Qualifications Wales must establish and maintain a system for the declaration and registration of its members' interests.
- (2) Qualifications Wales must publish entries recorded in the register of members' interests.

Supplementary powers

- 27 (1) Qualifications Wales may do anything that it considers necessary or appropriate for the purposes of, or in connection with, its functions.
- (2) But Qualifications Wales may not, without the approval of the Welsh Ministers –
- (a) acquire or dispose of land or any other property, for consideration of an amount in excess of the expenditure threshold;
 - (b) borrow or lend money.
- (3) The expenditure threshold is whatever amount (if any) is specified in a notice given by the Welsh Ministers to Qualifications Wales for the purposes of this paragraph.
- (4) A notice under paragraph (3) –
- (a) may specify different thresholds for different kinds of land or other property, and
 - (b) may be varied or revoked by the Welsh Ministers.

Annual and other reports

- 28 (1) As soon as reasonably practicable after the end of each reporting period Qualifications Wales must prepare a report ("the annual report") giving details of –
- (a) how Qualifications Wales has exercised its functions during the period (including by reference to its principal aims);

- (b) gweithgareddau a blaenoriaethau arfaethedig Cymwysterau Cymru am y cyfnod adrodd nesaf.
- (2) Mae'r wybodaeth sydd i'w chynnwys o dan is-baragraff (1)(a) yn cynnwys (ymhlith pethau eraill) –
- (a) manylion casgliadau unrhyw asesiad a gynhelir gan Gymwysterau Cymru, yn ystod y cyfnod adrodd, o effaith arfer ei swyddogaethau ar –
- (i) system gymwysterau Cymru;
- (ii) dysgwyr, cyflogwyr a sefydliadau addysg uwch;
- (b) manylion o ran sut y mae Cymwysterau Cymru wedi cynnwys rhanddeiliaid wrth arfer ei swyddogaethau yn ystod y cyfnod adrodd;
- (c) manylion am unrhyw gasgliadau y daethpwyd iddynt, yn ystod y cyfnod adrodd, o ganlyniad i unrhyw waith ymchwil a gynhaliwyd gan neu ar ran Cymwysterau Cymru o dan adran 46(3).
- (3) Yn is-baragraff (2)(b) ystyr "rhanddeiliaid" yw'r personau hynny y mae Cymwysterau Cymru yn ystyried bod ganddynt fuddiant yn arferiad ei swyddogaethau.
- (4) Caiff yr adroddiad blynyddol gynnwys unrhyw wybodaeth arall sy'n briodol ym marn Cymwysterau Cymru.
- (5) Yn y paragraff hwn ystyr "cyfnod adrodd" yw –
- (a) y cyfnod sy'n dechrau â'r diwrnod y daw adran 2(1) i rym ac sy'n dod i ben â 31 Awst 2016; a
- (b) wedi hynny, pob cyfnod olynol o 12 mis.
- 29 Rhaid i Gymwysterau Cymru –
- (a) gosod copi o'r adroddiad blynyddol gerbron Cynulliad Cenedlaethol Cymru;
- (b) cyhoeddi'r adroddiad blynyddol.
- 30 Caiff Cymwysterau Cymru, os yw'n briodol yn ei farn ef, lunio a chyhoeddi adroddiadau eraill ar faterion sy'n ymwneud â'i swyddogaethau.

Ariannu

- 31 (1) Caiff Gweinidogion Cymru roi grantiau i Gymwysterau Cymru o unrhyw symiau ac yn ddarostyngedig i unrhyw delerau ac amodau (gan gynnwys o ran ad-dalu) y maent yn penderfynu arnynt.
- (2) Rhaid i Weinidogion Cymru gyhoeddi unrhyw delerau ac amodau y mae grantiau a wneir o dan is-baragraff (1) yn ddarostyngedig iddynt.

Cyfrifon ac archwilio

- 32 (1) Rhaid i Gymwysterau Cymru gadw cyfrifon priodol a chofnodion priodol mewn perthynas â'r cyfrifon.
- (2) Rhaid i Gymwysterau Cymru lunio datganiad o gyfrifon mewn cysylltiad â phob blwyddyn ariannol yn unol â'r cyfarwyddydau a roddir gan Weinidogion Cymru.

- (b) Qualifications Wales' proposed activities and priorities for the next reporting period.
 - (2) The information that is to be included under sub-paragraph (1)(a) includes (among other things) –
 - (a) details of the conclusions of any assessment carried out by Qualifications Wales, during the reporting period, of the impact of the exercise of its functions on –
 - (i) the Welsh qualification system;
 - (ii) learners, employers and higher education institutions;
 - (b) details of how Qualifications Wales has involved stakeholders in the exercise of its functions during the reporting period;
 - (c) details of any conclusions reached, during the reporting period, as a result of any research carried out by or on behalf of Qualifications Wales under section 46(3).
 - (3) In sub-paragraph (2)(b) “stakeholders” means those persons whom Qualifications Wales considers have an interest in the exercise of its functions.
 - (4) The annual report may include any other information Qualifications Wales thinks fit.
 - (5) In this paragraph “reporting period” means –
 - (a) the period beginning with the day on which section 2(1) comes into force and ending with 31 August 2016; and
 - (b) subsequently, each successive period of 12 months.
- 29 Qualifications Wales must –
- (a) lay a copy of the annual report before the National Assembly for Wales;
 - (b) publish the annual report.
- 30 Qualifications Wales may if it thinks fit prepare and publish other reports on matters relating to its functions.

Finance

- 31 (1) The Welsh Ministers may make grants to Qualifications Wales of such amounts and subject to such terms and conditions (including as to repayment) as they may determine.
- (2) The Welsh Ministers must publish any terms and conditions to which grants made under sub-paragraph (1) are subject.

Accounts and audit

- 32 (1) Qualifications Wales must keep proper accounts and proper records in relation to the accounts.
- (2) Qualifications Wales must prepare a statement of accounts in respect of each financial year in accordance with directions given by the Welsh Ministers.

- (3) Caiff y cyfarwyddydau wneud darpariaeth o ran –
- yr wybodaeth sydd i'w chynnwys yn y datganiad;
 - y modd y mae'r wybodaeth i'w chyflwyno;
 - y dulliau a'r egwyddorion y mae'r datganiad i gael ei lunio yn unol â hwy;
 - unrhyw wybodaeth arall sydd i fynd gyda'r datganiad.
- (4) Caiff Gweinidogion Cymru amrywio neu ddirymu cyfarwyddyd a roddwyd ganddynt o dan y paragraff hwn.
- 33 (1) Heb fod yn hwyrach na 31 Awst ar ôl diwedd pob blwyddyn ariannol, rhaid i Gymwysterau Cymru gyflwyno ei ddatganiad o gyfrifon i Archwilydd Cyffredinol Cymru.
- (2) Rhaid i Archwilydd Cyffredinol Cymru –
- archwilio'r datganiad o gyfrifon, ei ardystio ac adrodd arno, a
 - heb fod yn hwyrach na 4 mis ar ôl i'r datganiad gael ei gyflwyno, gosod gerbron Cynulliad Cenedlaethol Cymru, gopi o'r datganiad ardystiedig a'r adroddiad.
- 34 Ym mharagraffau 32 a 33 ystyr "blwyddyn ariannol" yw –
- y cyfnod sy'n dechrau â'r diwrnod y daw adran 2(1) i rym ac sy'n dod i ben â'r 31 Mawrth a ganlyn;
 - wedi hynny, pob cyfnod olynol o 12 mis.

Cynnal ymchwiliadau i'r defnydd o adnoddau

- 35 (1) Caiff Archwilydd Cyffredinol Cymru gynnal ymchwiliadau i ddarbodaeth, effeithlonrwydd ac effeithiolrwydd y defnydd sydd wedi ei wneud o adnoddau wrth gyflawni swyddogaethau Cymwysterau Cymru.
- (2) Nid yw is-baragraff (1) i'w ddehongli fel pe bai'n rhoi'r hawl i Archwilydd Cyffredinol Cymru gwestiynu rhinweddau amcanion polisi Cymwysterau Cymru.

RHAN 2

DIWYGIADAU CANLYNIADOL

Deddf Safonau Gofal 2000 (p.14)

- 36 Yn Atodlen 2A i Ddeddf Safonau Gofal 2000 (personau sy'n ddarostyngedig i adolygiad gan y comisiynydd o dan adran 72B), ar ôl paragraff 10, mewnosoder –
- “10A Qualifications Wales.”

Deddf Rhyddid Gwybodaeth 2000 (p.36)

- 37 Yn Rhan 6 o Atodlen 1 i Ddeddf Rhyddid Gwybodaeth 2000 (cyrff a swyddi cyhoeddus eraill: cyffredinol), yn y man priodol mewnosoder –
- “Qualifications Wales.”

- (3) The directions may make provision as to—
- (a) the information to be contained in the statement;
 - (b) the manner in which the information is to be presented;
 - (c) the methods and principles according to which the statement is to be prepared;
 - (d) any additional information that is to accompany the statement.
- (4) The Welsh Ministers may vary or revoke a direction they have given under this paragraph.
- 33 (1) No later than 31 August after the end of each financial year Qualifications Wales must submit its statement of accounts to the Auditor General for Wales.
- (2) The Auditor General must—
- (a) examine, certify and report on the statement of accounts, and
 - (b) no later than 4 months after the statement was submitted, lay before the National Assembly for Wales a copy of the certified statement and report.
- 34 In paragraphs 32 and 33 “financial year” means—
- (a) the period beginning on the day on which section 2(1) comes into force and ending on the following 31 March;
 - (b) subsequently, each successive period of 12 months.

Examination of use of resources

- 35 (1) The Auditor General for Wales may carry out examinations into the economy, efficiency and effectiveness with which resources have been used in discharging Qualifications Wales’ functions.
- (2) Sub-paragraph (1) is not to be construed as entitling the Auditor General for Wales to question the merits of the policy objectives of Qualifications Wales.

PART 2

CONSEQUENTIAL AMENDMENTS

Care Standards Act 2000 (c.14)

- 36 In Schedule 2A to the Care Standards Act 2000 (persons subject to review by the commissioner under section 72B), after paragraph 10, insert—
- “10A Qualifications Wales.”

Freedom of Information Act 2000 (c.36)

- 37 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general), at the appropriate place insert—
- “Qualifications Wales.”

Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005 (p.10)

38 Yn Atodlen 3 i Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005 (ymchwilio i gwynion etc: awdurdodau rhestredig), o dan yr is-bennawd "Education and training", ar y diwedd mewnosoder –

"Qualifications Wales."

Deddf Comisiynydd Pobl Hŷn (Cymru) 2006 (p.30)

39 Yn Atodlen 2 i Ddeddf Comisiynydd Pobl Hŷn (Cymru) 2006 (personau y mae eu swyddogaethau yn ddarostyngedig i adolygiad o dan adran 3), o dan yr is-bennawd "Education and training" –

(a) hepgorer y cofnod "The Qualifications, Curriculum and Assessment Authority for Wales", a

(b) ar y diwedd mewnosoder –

"Qualifications Wales."

Deddf Cydraddoldeb 2010 (p.15)

40 Yn Rhan 2 o Atodlen 19 i Ddeddf Cydraddoldeb 2010 (awdurdodau cyhoeddus sy'n ddarostyngedig i ddyletswydd cydraddoldeb y sector cyhoeddus: awdurdodau Cymreig perthnasol), o dan yr is-bennawd "Other educational bodies", ar y diwedd mewnosoder –

"Qualifications Wales."

Public Services Ombudsman (Wales) Act 2005 (c.10)

38 In Schedule 3 to the Public Services Ombudsman (Wales) Act 2005 (investigation of complaints etc: listed authorities), under the sub-heading “Education and training”, at the end insert –

“Qualifications Wales.”

Commissioner for Older People (Wales) Act 2006 (c.30)

39 In Schedule 2 to the Commissioner for Older People (Wales) Act 2006 (persons whose functions are subject to review under section 3), under the sub-heading “Education and training” –

(a) omit the entry “The Qualifications, Curriculum and Assessment Authority for Wales”, and

(b) at the end insert –

“Qualifications Wales.”

Equality Act 2010 (c.15)

40 In Part 2 of Schedule 19 to the Equality Act 2010 (public authorities subject to public sector equality duty: relevant Welsh authorities), under the sub-heading “Other educational bodies”, at the end insert –

“Qualifications Wales.”

ATODLEN 2
(a gyflwynwyd gan adran 2)

TROSGLWYDDO EIDDO A STAFF I GYMWYSTERAU CYMRU

- 1 (1) Caiff Gweinidogion Cymru wneud un neu ragor o gynlluniau sy'n darparu –
 - (a) i staff Llywodraeth Cynulliad Cymru ddod yn aelodau o staff Cymwysterau Cymru, a
 - (b) i eiddo, hawliau a rhwymedigaethau Gweinidogion Cymru gael eu trosglwyddo i Gymwysterau Cymru.
- (2) Mae'r pethau y caniateir eu trosglwyddo o dan gynllun o dan yr Atodlen hon ("cynllun trosglwyddo") yn cynnwys –
 - (a) eiddo, hawliau a rhwymedigaethau na ellid eu trosglwyddo fel arall;
 - (b) eiddo a gaffaelir, a hawliau a rhwymedigaethau sy'n codi, ar ôl i'r cynllun gael ei wneud.
- (3) Caiff cynllun trosglwyddo wneud darpariaeth ganlyniadol, atodol, gysylltiedig, drosiannol neu ddarfodol, er enghraifft er mwyn –
 - (a) creu hawliau, neu osod rhwymedigaethau, mewn perthynas ag eiddo neu hawliau a drosglwyddir;
 - (b) gwneud darpariaeth ynghylch effaith barhaus pethau a wneir mewn cysylltiad ag unrhyw beth a drosglwyddir;
 - (c) gwneud darpariaeth ynghylch parhad pethau (gan gynnwys achosion cyfreithiol) sydd yn y broses o gael eu gwneud mewn cysylltiad ag unrhyw beth a drosglwyddir;
 - (d) gwneud darpariaeth ar gyfer rhannu perchenogaeth eiddo neu ddefnydd ohono;
 - (e) gwneud darpariaeth i gyfeiriadau at Lywodraeth Cynulliad Cymru neu Weinidogion Cymru mewn offeryn neu ddogfen arall mewn cysylltiad ag unrhyw beth a drosglwyddir gael eu trin fel cyfeiriadau at Gymwysterau Cymru;
 - (f) gwneud darpariaeth sydd yr un fath â darpariaeth a wneir gan y rheoliadau TUPE, neu sy'n debyg iddi, mewn achos pan na fo'r rheoliadau hynny yn gymwys mewn perthynas â'r trosglwyddo.
- 2 Caiff cynllun trosglwyddo ddarparu –
 - (a) ar gyfer addasu drwy gytundeb;
 - (b) i addasiadau gael effaith o'r dyddiad y daeth y cynllun gwreiddiol i rym.
- 3 At ddibenion yr Atodlen hon –
 - (a) mae unigolyn sydd â chyflogaeth yn y gwasanaeth sifil i gael ei drin fel pe bai'n gyflogedig yn rhinwedd contract cyflogaeth, a
 - (b) mae telerau cyflogaeth yr unigolyn yn y gwasanaeth sifil i gael eu hystyried fel pe baent yn ffurfio telerau'r contract cyflogaeth.
- 4 Yn yr Atodlen hon –

ystyr "gwasanaeth sifil" ("*civil service*") yw gwasanaeth sifil y Wladwriaeth;

SCHEDULE 2
(*introduced by section 2*)

TRANSFERS OF PROPERTY AND STAFF TO QUALIFICATIONS WALES

- 1 (1) The Welsh Ministers may make one or more schemes providing for—
- (a) staff of the Welsh Assembly Government to become members of staff of Qualifications Wales, and
 - (b) the transfer of property, rights and liabilities of the Welsh Ministers to Qualifications Wales.
- (2) The things that may be transferred under a scheme under this Schedule (a “transfer scheme”) include—
- (a) property, rights and liabilities that could not otherwise be transferred;
 - (b) property acquired, and rights and liabilities arising, after the making of the scheme.
- (3) A transfer scheme may make consequential, supplementary, incidental, transitional or transitory provision, for example so as to—
- (a) create rights, or impose liabilities, in relation to property or rights transferred;
 - (b) make provision about the continuing effect of things done in respect of anything transferred;
 - (c) make provision about the continuation of things (including legal proceedings) in the process of being done in respect of anything transferred;
 - (d) make provision for the shared ownership or use of property;
 - (e) make provision for references to the Welsh Assembly Government or the Welsh Ministers in an instrument or other document in respect of anything transferred to be treated as references to Qualifications Wales;
 - (f) make provision which is the same as or similar to a provision made by the TUPE regulations in a case where those regulations do not apply in relation to the transfer.
- 2 A transfer scheme may provide—
- (a) for modification by agreement;
 - (b) for modifications to have effect from the date when the original scheme came into effect.
- 3 For the purposes of this Schedule—
- (a) an individual who holds employment in the civil service is to be treated as employed by virtue of a contract of employment, and
 - (b) the terms of the individual’s employment in the civil service are to be regarded as constituting the terms of the contract of employment.
- 4 In this Schedule—
- “civil service” (*“gwasanaeth sifil”*) means the civil service of the State;

ystyr “rheoliadau TUPE” (“*TUPE regulations*”) yw Rheoliadau Trosglwyddo Ymgymeriadau (Diogelu Cyflogaeth) 2006 (OS 2006/246);

mae cyfeiriadau at drosglwyddo eiddo yn cynnwys rhoi les;

mae cyfeiriadau at hawliau a rhwymedigaethau yn cynnwys hawliau a rhwymedigaethau sy’n ymwneud â chontract cyflogaeth.

- 5 Rhaid i Weinidogion Cymru osod copi o gynllun trosglwyddo a wneir o dan yr Atodlen hon gerbron Cynulliad Cenedlaethol Cymru.

“TUPE regulations” (“*rheoliadau TUPE*”) means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246);

references to rights and liabilities include rights and liabilities relating to a contract of employment;

references to the transfer of property include the grant of a lease.

- 5 The Welsh Ministers must lay a copy of a transfer scheme made under this Schedule before the National Assembly for Wales.

ATODLEN 3
(a gyflwynwyd gan adran 11)

DARPARIAETH BELLACH YNGHYLCH CYDNABOD CYRFF DYFARNU

Cyfnod para cydnabyddiaeth

- 1 (1) Mae'r gydnabyddiaeth o gorff dyfarnu yn cael effaith o ba ddyddiad bynnag a bennir gan Gymwysterau Cymru wrth gydnabod y corff.
- (2) Mae'n peidio â chael effaith ar yr achlysur cynharaf o'r canlynol –
 - (a) pan gaiff ei hildio o dan baragraff 17;
 - (b) pan gaiff ei thynnu'n ôl o dan baragraff 19;
 - (c) pan fydd y corff dyfarnu (yn achos corff a gydnabyddir o dan adran 9) yn peidio â chael ei gydnabod o dan adran 8.

Amodau cydnabod safonol

- 2 (1) Rhaid i Gymwysterau Cymru lunio a chyhoeddi amodau (yr "amodau safonol") y mae (yn ddarostyngedig i is-baragraffau (3) a (4)) pob cydnabyddiaeth o gorff dyfarnu i fod yn ddarostyngedig iddynt.
- (2) Caiff yr amodau safonol, ymhlith pethau eraill, wneud darpariaeth ynghylch cydymffurfio â chyfarwyddydau a roddir i gorff cydnabyddedig gan Gymwysterau Cymru o dan y paragraff hwn.
- (3) Caniateir i amodau safonol gwahanol gael eu gosod at ddibenion gwahanol, gan gynnwys ymhlith pethau eraill drwy gyfeirio at –
 - (a) disgrifiadau gwahanol o gyrff dyfarnu;
 - (b) cymwysterau gwahanol neu ddisgrifiadau gwahanol o gymhwyster (gan gynnwys drwy gyfeirio at ba un a yw cymhwyster yn gymhwyster a gymeradwywyd neu'n gymhwyster sydd wedi ei ddynodi o dan adran 29 ai peidio);
 - (c) amgylchiadau gwahanol y dyfernir cymhwyster odanynt;
 - (d) disgrifiadau gwahanol o berson y dyfernir cymhwyster iddo.
- (4) Caiff Cymwysterau Cymru benderfynu, mewn achos penodol, nad yw cydnabyddiaeth o gorff dyfarnu i fod yn ddarostyngedig i amod safonol a bennir yn y penderfyniad a fyddai fel arall yn gymwys.
- (5) Caniateir i benderfyniad o fewn is-baragraff (4) gael ei wneud naill ai ar adeg rhoi'r gydnabyddiaeth o dan sylw, neu wedi hynny, a chaiff Cymwysterau Cymru ei ddirymu.
- (6) Ni chaiff yr amodau safonol gynnwys –
 - (a) amodau capio ffioedd (gweler paragraffau 6 i 11 am y rhain);
 - (b) amodau trosglwyddo (gweler paragraffau 12 i 16 am y rhain).
- 3 (1) Caiff Cymwysterau Cymru ddiwygio'r amodau safonol; ac os yw'n gwneud hynny, mae pob cydnabyddiaeth (pa un a'i rhoddir cyn neu ar ôl i'r diwygiadau ddod i rym) i fod yn ddarostyngedig i'r amodau fel y'u diwygiwyd.

SCHEDULE 3
(introduced by section 11)

FURTHER PROVISION ABOUT RECOGNITION OF AWARDING BODIES

Duration of recognition

- 1 (1) The recognition of an awarding body has effect from whatever date is specified by Qualifications Wales on recognising the body.
- (2) It ceases to have effect on whichever is the earliest of—
- (a) its surrender under paragraph 17;
 - (b) its withdrawal under paragraph 19;
 - (c) the awarding body (in the case of a body recognised under section 9) ceasing to be recognised under section 8.

Standard conditions of recognition

- 2 (1) Qualifications Wales must prepare and publish conditions (the “standard conditions”) to which (subject to sub-paragraphs (3) and (4)) each recognition of an awarding body is to be subject.
- (2) The standard conditions may, among other things, make provision about compliance with directions given to a recognised body by Qualifications Wales under this paragraph.
- (3) Different standard conditions may be set for different purposes, including among other things by reference to—
- (a) different descriptions of awarding bodies;
 - (b) different qualifications or descriptions of qualification (including by reference to whether or not a qualification is an approved qualification or a qualification designated under section 29);
 - (c) different circumstances in which a qualification is awarded;
 - (d) different descriptions of person to whom a qualification is awarded.
- (4) Qualifications Wales may determine that, in a particular case, recognition of an awarding body is not to be subject to a standard condition specified in the determination which would otherwise apply.
- (5) A determination within sub-paragraph (4) may be made either at the time of granting the recognition concerned, or subsequently, and may be revoked by Qualifications Wales.
- (6) The standard conditions may not include—
- (a) fee capping conditions (for which see paragraphs 6 to 11);
 - (b) transfer conditions (for which see paragraphs 12 to 16).
- 3 (1) Qualifications Wales may revise the standard conditions; and if it does so, each recognition (whether granted before or after the revisions come into effect) is to be subject to the conditions as revised.

- (2) Mae is-baragraff (1) yn ddarostyngedig i baragraff 2(3) a (4).
- (3) Os yw Cymwysterau Cymru yn diwygio'r amodau safonol, rhaid iddo –
 - (a) cyhoeddi'r amodau fel y'u diwygiwyd,
 - (b) hysbysu pob corff cydnabyddedig am y diwygiadau, a pha bryd y maent i gael effaith.
- (4) Caiff Cymwysterau Cymru ddarparu bod diwygiad i'r amodau i gael effaith ar ddyddiadau gwahanol mewn perthynas â chyrrff gwahanol, neu mewn perthynas â disgrifiadau gwahanol o gorff.
- (5) Nid yw diwygiad i gael ei drin fel pe bai'n cael effaith mewn perthynas â chorff cyn i'r corff gael ei hysbysu amdano.

Amodau arbennig y caniateir i gydnabyddiaeth fod yn ddarostyngedig iddynt

- 4 (1) Caniateir i'r gydnabyddiaeth o gorff, yn ychwanegol, gael ei gwneud yn ddarostyngedig i unrhyw amodau eraill ("amodau arbennig") a bennir gan Gymwysterau Cymru, naill ai ar adeg cydnabod y corff neu wedi hynny.
- (2) Caiff yr amodau arbennig gynnwys –
 - (a) amodau capio ffioedd;
 - (b) amodau trosglwyddo;
 - (c) amodau sy'n gwneud darpariaeth ynghylch cydymffurfio â chyfarwyddydau a roddir o dan y paragraff hwn gan Gymwysterau Cymru.
- (3) Caiff amodau arbennig wneud darpariaeth wahanol at ddibenion gwahanol, gan gynnwys ymhlith pethau eraill drwy gyfeirio at –
 - (a) cymwysterau gwahanol neu ddisgrifiadau gwahanol o gymhwyster (gan gynnwys drwy gyfeirio at ba un a yw cymhwyster yn gymhwyster a gymeradwywyd neu'n gymhwyster sydd wedi ei ddynodi o dan adran 29 ai peidio);
 - (b) amgylchiadau gwahanol y dyfernir cymhwyster odanynt;
 - (c) disgrifiadau gwahanol o berson y dyfernir cymhwyster iddo.
- 5 (1) Caiff Cymwysterau Cymru ddiwygio neu ddirymu amod arbennig.
- (2) Os yw Cymwysterau Cymru yn diwygio neu'n dirymu amod arbennig, rhaid iddo –
 - (a) hysbysu'r corff o dan sylw am y diwygiad neu'r dirymiad, a
 - (b) pennu pa bryd y mae'r diwygiad neu'r dirymiad i ddod i rym.
- (3) Rhaid i'r dyddiad a bennir o dan is-baragraff (2)(b) beidio â rhagflaenu'r dyddiad hysbysu o dan is-baragraff (2)(a).
- (4) Mae'r paragraff hwn yn ddarostyngedig i baragraff 11 (diwygio amod capio ffioedd).

Amodau capio ffioedd

- 6 (1) Mae amod capio ffioedd yn amod arbennig sy'n cyfyngu ar y swm a godir gan gorff cydnabyddedig mewn cysylltiad â –
 - (a) dyfarnu gan y corff i berson gymhwyster a gymeradwywyd,

- (2) Sub-paragraph (1) is subject to paragraph 2(3) and (4).
- (3) If Qualifications Wales revises the standard conditions, it must—
 - (a) publish the conditions as revised,
 - (b) notify each recognised body of the revisions, and of when they are to come into effect.
- (4) Qualifications Wales may provide that a revision to the conditions is to come into effect on different dates in relation to different bodies, or in relation to different descriptions of body.
- (5) A revision is not to be treated as coming into effect in relation to a body before the body has been notified of it.

Special conditions to which recognition may be subject

- 4 (1) The recognition of a body may, in addition, be made subject to any other conditions (“special conditions”) specified by Qualifications Wales, either at the time of recognising the body or subsequently.
- (2) The special conditions may include—
 - (a) fee capping conditions;
 - (b) transfer conditions;
 - (c) conditions making provision about compliance with directions given under this paragraph by Qualifications Wales.
- (3) Special conditions may make different provision for different purposes, including among other things by reference to—
 - (a) different qualifications or descriptions of qualification (including by reference to whether or not a qualification is an approved qualification or a qualification designated under section 29);
 - (b) different circumstances in which a qualification is awarded;
 - (c) different descriptions of person to whom a qualification is awarded.
- 5 (1) Qualifications Wales may revise or revoke a special condition.
- (2) If Qualifications Wales revises or revokes a special condition, it must—
 - (a) notify the body concerned of the revision or revocation, and
 - (b) specify when the revision or revocation is to come into effect.
- (3) The date specified under sub-paragraph (2)(b) must not precede the date of notification under sub-paragraph (2)(a).
- (4) This paragraph is subject to paragraph 11 (revision of a fee capping condition).

Fee capping conditions

- 6 (1) A fee capping condition is a special condition limiting the amount charged by a recognised body in connection with—
 - (a) the award by the body to a person of an approved qualification,

- (b) dyfarnu gan y corff i berson ffurf ar gymhwyster sydd wedi ei dynodi o dan adran 29, neu
- (c) darparu gan y corff unrhyw wasanaeth neu gyfleuster arall mewn cysylltiad â dyfarnu gan y corff i berson gymhwyster a gymeradwywyd neu ffurf ar gymhwyster sydd wedi ei dynodi o dan adran 29, yn ôl y digwydd,

pan fo'r cwrs addysg neu hyfforddiant sy'n arwain at y cymhwyster, ac y mae'r person o dan sylw yn ymgymryd ag ef, yn cael ei gyllido'n gyhoeddus.

- (2) Mae cwrs addysg neu hyfforddiant yn cael ei gyllido'n gyhoeddus, at ddibenion y paragraff hwn, –
 - (a) os y'i cyllidir gan Weinidogion Cymru neu awdurdod lleol yng Nghymru, neu
 - (b) os y'i darperir gan neu ar ran ysgol a gynhelir yng Nghymru.
- (3) Yn y paragraff hwn, ystyr "ysgol a gynhelir" yw –
 - (a) ysgol gymunedol, sefydledig neu wirfoddol;
 - (b) ysgol arbennig gymunedol.

7 Dim ond os yw Cymwysterau Cymru wedi ei fodloni ei bod yn briodol gosod amod capio ffioedd er mwyn sicrhau gwerth am arian y caiff wneud hynny.

Y weithdrefn ar gyfer gosod amodau capio ffioedd

- 8 (1) Cyn gosod amod capio ffioedd, rhaid i Gymwysterau Cymru roi i'r corff o dan sylw hysbysiad am ei fwriad i wneud hynny.
- (2) Rhaid i'r hysbysiad –
 - (a) nodi'r amod capio ffioedd y mae Cymwysterau Cymru yn bwriadu ei osod;
 - (b) esbonio pam y mae Cymwysterau Cymru yn bwriadu gosod yr amod;
 - (c) pennu pa bryd y mae Cymwysterau Cymru yn bwriadu penderfynu pa un ai i'w osod.
- (3) Wrth benderfynu pa un ai i osod yr amod, rhaid i Gymwysterau Cymru roi sylw i unrhyw sylwadau a gyflwynir gan y corff cydnabyddedig.
- 9 (1) Os yw Cymwysterau Cymru yn penderfynu gosod yr amod capio ffioedd, rhaid iddo roi hysbysiad i'r corff cydnabyddedig am y penderfyniad.
- (2) Rhaid i'r hysbysiad –
 - (a) rhoi gwybod i'r corff am ei hawl o dan drefniadau a wneir o dan baragraff 10 i wneud cais am adolygiad o'r penderfyniad,
 - (b) datgan y dyddiad olaf y caniateir gwneud unrhyw gais am adolygiad, ac
 - (c) pennu'r dyddiad y mae'r amod, yn absenoldeb cais am adolygiad, i gymryd effaith.
- (3) Rhaid i'r dyddiad a bennir o dan is-baragraff (2)(c) fod yn ddyddiad ar ôl y dyddiad olaf y caniateir gwneud cais am adolygiad o dan drefniadau a wneir o dan baragraff 10.

- (b) the award by the body to a person of a form of a qualification that is designated under section 29, or
- (c) the provision by the body of any other service or facility in respect of the award by the body to a person of an approved qualification or of a form of qualification designated under section 29, as the case may be,

where the course of education or training leading to the qualification, and undertaken by the person concerned, is publicly funded.

- (2) A course of education or training is publicly funded, for the purposes of this paragraph, if it is—
 - (a) funded by the Welsh Ministers or a local authority in Wales, or
 - (b) provided by or on behalf of a maintained school in Wales.
- (3) In this paragraph, “maintained school” means—
 - (a) a community, foundation or voluntary school;
 - (b) a community special school.

7 Qualifications Wales may impose a fee capping condition only if satisfied that it is appropriate to do so to secure value for money.

Procedure for imposing fee capping conditions

- 8 (1) Before imposing a fee capping condition, Qualifications Wales must give the body concerned notice of its intention to do so.
- (2) The notice must—
 - (a) set out the fee capping condition Qualifications Wales proposes to impose;
 - (b) explain why Qualifications Wales proposes to impose the condition;
 - (c) specify when Qualifications Wales proposes to decide whether to impose it.
- (3) In deciding whether to impose the condition, Qualifications Wales must have regard to any representations made by the recognised body.
- 9 (1) If Qualifications Wales decides to impose the fee capping condition, it must give notice to the recognised body of the decision.
- (2) The notice must—
 - (a) inform the body of its right under arrangements made under paragraph 10 to request a review of the decision,
 - (b) state the latest date on which any request for review may be made, and
 - (c) specify the date on which, in the absence of a request for review, the condition is to take effect.
- (3) The date specified under sub-paragraph (2)(c) must be a date after the latest date on which a review may be requested under arrangements made under paragraph 10.

Adolygu amodau capio ffioedd

- 10 (1) Rhaid i Gymwysterau Cymru wneud trefniadau i benderfyniad o dan baragraff 9 i osod amod capio ffioedd fod yn ddarostyngedig i adolygiad ar gais y corff cydnabyddedig o dan sylw.
- (2) Rhaid i'r trefniadau –
- (a) pennu'r cyfnod y caniateir gwneud cais am adolygiad ynddo,
 - (b) gwneud darpariaeth i'r person sy'n cynnal yr adolygiad wneud argymhellion i Gymwysterau Cymru mewn cysylltiad â'r amod capio ffioedd o dan sylw,
 - (c) gwneud darpariaeth i Gymwysterau Cymru, ar ôl ystyried yr argymhellion hynny, naill ai cadarnhau neu wrthdroi ei benderfyniad i osod yr amod, neu newid yr amod o dan sylw, a
 - (d) ei gwneud yn ofynnol i Gymwysterau Cymru hysbysu'r corff o dan sylw am ganlyniad yr adolygiad.
- (3) Rhaid i'r trefniadau ei gwneud yn ofynnol i berson sy'n annibynnol ar Gymwysterau Cymru gynnal adolygiad.
- (4) Mae person yn annibynnol ar Gymwysterau Cymru, at y diben hwn –
- (a) yn achos unigolyn, os nad yw'n aelod o Gymwysterau Cymru nac yn aelod o staff Cymwysterau Cymru;
 - (b) yn achos corff, os nad yw unrhyw un o aelodau'r corff yn aelod o Gymwysterau Cymru nac yn aelod o staff Cymwysterau Cymru.
- (5) Os yw Cymwysterau Cymru, yn dilyn adolygiad, yn cadarnhau ei benderfyniad i osod amod, neu'n newid yr amod o dan sylw, rhaid iddo roi hysbysiad i'r corff o dan sylw –
- (a) sy'n nodi'r amod, fel y'i cadarnhawyd neu fel y'i newidiwyd,
 - (b) sy'n rhoi rhesymau dros y cadarnhad neu'r newid, ac
 - (c) sy'n datgan y dyddiad y bydd yr amod, neu'r amod fel y'i newidiwyd, yn cymryd effaith.

Diwygio amodau capio ffioedd

- 11 Mae paragraffau 8 i 10 yn gymwys mewn cysylltiad â diwygio amod capio ffioedd o dan baragraff 5 fel pe bai'r diwygiad yn gyfystyr â gosod amod capio ffioedd.

Amodau trosglwyddo

- 12 (1) Mae amod trosglwyddo yn amod arbennig sy'n ei gwneud yn ofynnol i gorff dyfarnu, yn achos digwyddiad a bennir yn yr amod, ac yn unol â chyfarwyddyd Cymwysterau Cymru, wneud trefniadau a bennir yn y cyfarwyddyd at ddiben sicrhau y caniateir i ffurf ar gymhwyster sy'n cael ei dyfarnu neu sydd wedi ei dyfarnu gan y corff gael ei dyfarnu gan gorff dyfarnu arall –
- (a) pan fo'r ffurf ar gymhwyster wedi ei chymeradwyo gan Gymwysterau Cymru, neu
 - (b) pan fo'r ffurf ar gymhwyster wedi ei dynodi gan Gymwysterau Cymru o dan adran 29.

Review of fee capping conditions

- 10 (1) Qualifications Wales must make arrangements for a decision under paragraph 9 to impose a fee capping condition to be subject to review at the request of the recognised body concerned.
- (2) The arrangements must –
- (a) specify the period within which a review may be requested,
 - (b) make provision for recommendations to be made by the person carrying out the review to Qualifications Wales in respect of the fee capping condition concerned,
 - (c) make provision for Qualifications Wales, having considered those recommendations, either to confirm or reverse its decision to impose the condition, or to alter the condition concerned, and
 - (d) require Qualifications Wales to notify the body concerned of the outcome of the review.
- (3) The arrangements must require a review to be carried out by a person who is independent of Qualifications Wales.
- (4) A person is independent of Qualifications Wales, for this purpose –
- (a) in the case of an individual, if he or she is neither a member of Qualifications Wales nor a member of Qualifications Wales' staff;
 - (b) in the case of a body, if none of the body's members is a member of Qualifications Wales nor a member of Qualifications Wales' staff.
- (5) If following a review Qualifications Wales confirms its decision to impose a condition, or alters the condition concerned, it must give notice to the body concerned –
- (a) setting out the condition, as confirmed or altered,
 - (b) giving reasons for the confirmation or alteration, and
 - (c) stating the date on which the condition, or the condition as altered, will take effect.

Revision of fee capping conditions

- 11 Paragraphs 8 to 10 apply in respect of a revision of a fee capping condition under paragraph 5 as if the revision constituted the imposition of a fee capping condition.

Transfer conditions

- 12 (1) A transfer condition is a special condition requiring an awarding body, on the occurrence of an event specified in the condition, and on being so directed by Qualifications Wales, to make arrangements specified in the direction for the purpose of securing that a form of a qualification which is or has been awarded by the body may be awarded by another awarding body where –
- (a) the form of qualification has been approved by Qualifications Wales, or
 - (b) the form of qualification has been designated by Qualifications Wales under section 29.

- (2) Caiff y trefniadau gynnwys, ymhlith pethau eraill, ddarpariaeth ar gyfer trosglwyddo eiddo a hawliau ac ar gyfer gwneud taliadau.
- (3) Dim ond os yw Cymwysterau Cymru wedi ei fodloni ei bod yn angenrheidiol rhoi cyfarwyddyd i gorff dyfarnu yn unol ag amod trosglwyddo er mwyn osgoi effeithiau andwyol sylweddol ar bersonau sy'n ceisio cael, neu y gellid disgwyl yn rhesymol iddynt geisio cael, y ffurf ar gymhwyster y mae'r cyfarwyddyd yn ymwneud â hi y caiff wneud hynny.
- 13 (1) Os yw Cymwysterau Cymru yn bwriadu rhoi cyfarwyddyd i gorff dyfarnu yn unol ag amod trosglwyddo, rhaid iddo roi i'r corff o dan sylw hysbysiad am y cynnig.
- (2) Rhaid i'r hysbysiad –
- (a) nodi'r cyfarwyddyd arfaethedig;
 - (b) esbonio pam y mae Cymwysterau Cymru yn bwriadu rhoi'r cyfarwyddyd;
 - (c) pennu pa bryd y mae'n bwriadu penderfynu pa un ai i roi'r cyfarwyddyd.
- (3) Wrth benderfynu pa un ai i roi'r cyfarwyddyd, rhaid i Gymwysterau Cymru roi sylw i unrhyw sylwadau a gyflwynir gan y corff dyfarnu.
- 14 (1) Os yw Cymwysterau Cymru yn penderfynu rhoi'r cyfarwyddyd, rhaid iddo roi i'r corff dyfarnu hysbysiad am y penderfyniad, sy'n nodi'r cyfarwyddyd.
- (2) Rhaid i'r hysbysiad –
- (a) rhoi gwybod i'r corff am ei hawl i wneud cais am adolygiad o'r penderfyniad,
 - (b) datgan y dyddiad olaf y caniateir gwneud unrhyw gais am adolygiad, ac
 - (c) pennu'r dyddiad erbyn pryd y mae'r cyfarwyddyd, yn absenoldeb cais am adolygiad, i gael effaith.
- (3) Rhaid i'r dyddiad a bennir o dan is-baragraff (2)(c) fod yn ddyddiad ar ôl y dyddiad olaf y caniateir gwneud cais am adolygiad o dan drefniadau a wneir o dan baragraff 16.
- 15 Os yw Cymwysterau Cymru yn rhoi cyfarwyddyd i gorff dyfarnu yn unol ag amod trosglwyddo, caiff, os yw'n ystyried ei bod yn rhesymol ac yn briodol gwneud hynny o dan yr amgylchiadau, dalu digollediad i'r corff mewn cysylltiad â'r golled y mae'r corff wedi ei chael oherwydd cydymffurfio â'r cyfarwyddyd.

Adolygu penderfyniad i roi cyfarwyddyd

- 16 (1) Rhaid i Gymwysterau Cymru wneud trefniadau i'w benderfyniad i roi'r cyfarwyddyd y cyfeirir ato ym mharagraff 14 fod yn ddarostyngedig i adolygiad ar gais y corff dyfarnu o dan sylw.
- (2) Rhaid i'r trefniadau –
- (a) pennu'r cyfnod y caniateir gwneud cais am adolygiad ynddo,
 - (b) gwneud darpariaeth i'r person sy'n cynnal yr adolygiad wneud argymhellion i Gymwysterau Cymru mewn cysylltiad â'r cyfarwyddyd,
 - (c) gwneud darpariaeth i Gymwysterau Cymru, ar ôl ystyried yr argymhellion hynny, naill ai cadarnhau neu wrthdroi ei benderfyniad i roi'r cyfarwyddyd, neu newid y cyfarwyddyd, a

- (2) The arrangements may include, among other things, provision for the transfer of property and rights and for the making of payments.
 - (3) Qualifications Wales may give a direction to an awarding body in accordance with a transfer condition only if it is satisfied that it is necessary to do so in order to avoid significant adverse effects on persons who are seeking, or might reasonably be expected to seek, to obtain the form of a qualification to which the direction relates.
- 13
- (1) If Qualifications Wales proposes to give a direction to an awarding body in accordance with a transfer condition, it must give the body concerned notice of the proposal.
 - (2) The notice must –
 - (a) set out the proposed direction;
 - (b) explain why Qualifications Wales proposes to give the direction;
 - (c) specify when it proposes to decide whether to give the direction.
 - (3) In deciding whether to give the direction, Qualifications Wales must have regard to any representations made by the awarding body.
- 14
- (1) If Qualifications Wales decides to give the direction, it must give notice to the awarding body of the decision, setting out the direction.
 - (2) The notice must –
 - (a) inform the body of its right to request a review of the decision,
 - (b) state the latest date on which any request for review may be made, and
 - (c) specify the date by which, in the absence of a request for review, the direction is to come into effect.
 - (3) The date specified under sub-paragraph (2)(c) must be a date after the latest date on which a review may be requested under arrangements made under paragraph 16.
- 15
- If Qualifications Wales gives a direction to an awarding body in accordance with a transfer condition, it may, if it considers it reasonable and appropriate to do so in the circumstances, pay compensation to the body in respect of loss sustained by the body by reason of compliance with the direction.

Review of decision to give direction

- 16
- (1) Qualifications Wales must make arrangements for its decision to give the direction referred to in paragraph 14 to be subject to review at the request of the awarding body concerned.
 - (2) The arrangements must –
 - (a) specify the period within which a review may be requested,
 - (b) make provision for recommendations to be made by the person carrying out the review to Qualifications Wales in respect of the direction,
 - (c) make provision for Qualifications Wales, having considered those recommendations, either to confirm or reverse its decision to give the direction, or to alter the direction, and

- (d) ei gwneud yn ofynnol i Gymwysterau Cymru hysbysu'r corff o dan sylw am ganlyniad yr adolygiad.
- (3) Rhaid i'r trefniadau ei gwneud yn ofynnol i berson sy'n annibynnol ar Gymwysterau Cymru gynnal adolygiad.
- (4) Mae person yn annibynnol ar Gymwysterau Cymru, at y diben hwn –
 - (a) yn achos unigolyn, os nad yw'n aelod o Gymwysterau Cymru nac yn aelod o staff Cymwysterau Cymru;
 - (b) yn achos corff, os nad yw unrhyw un o aelodau'r corff yn aelod o Gymwysterau Cymru nac yn aelod o staff Cymwysterau Cymru.
- (5) Os yw Cymwysterau Cymru, yn dilyn adolygiad, yn cadarnhau ei benderfyniad i roi cyfarwyddyd, neu'n newid y cyfarwyddyd o dan sylw, rhaid iddo roi hysbysiad i'r corff o dan sylw –
 - (a) sy'n nodi'r cyfarwyddyd, fel y'i cadarnhawyd neu fel y'i newidiwyd,
 - (b) sy'n rhoi rhesymau dros y cadarnhad neu'r newid, ac
 - (c) sy'n datgan y dyddiad y bydd y cyfarwyddyd, neu'r cyfarwyddyd fel y'i newidiwyd, yn cymryd effaith.

Ildio cydnabyddiaeth

- 17 (1) Caiff corff cydnabyddedig roi hysbysiad ("hysbysiad idlio") i Gymwysterau Cymru ei fod yn dymuno peidio â chael ei gydnabod mewn cysylltiad –
 - (a) â dyfarnu cymhwyster penodedig neu ddisgrifiad penodedig o gymhwyster, neu
 - (b) â phob cymhwyster y'i cydnabyddir mewn cysylltiad ag ef.
- (2) Rhaid i hysbysiad ildio bennu'r dyddiad y mae'r corff yn dymuno peidio â chael ei gydnabod yn y cyswllt o dan sylw pan ddaw i ben.
- (3) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl i hysbysiad ildio ddod i law, rhaid i Gymwysterau Cymru roi hysbysiad i'r corff cydnabyddedig ("cydnabyddiaeth o ildio") sy'n darparu bod y corff i beidio â chael ei gydnabod yn y cyswllt hwnnw pan ddaw'r dyddiad a bennir yn yr hysbysiad ildio i ben neu, os yw Cymwysterau Cymru o'r farn ei bod yn briodol, pan ddaw dyddiad gwahanol i ben.
- (4) Os yw'r gydnabyddiaeth o ildio yn pennu bod y corff i beidio â chael ei gydnabod yn y cyswllt hwnnw pan ddaw dyddiad gwahanol i'r un a bennir yn yr hysbysiad ildio i ben, rhaid i'r gydnabyddiaeth o ildio roi rhesymau dros hyn.
- (5) Mae cydnabyddiaeth yn y cyswllt o dan sylw yn peidio â chael effaith pan ddaw'r dyddiad a bennir yn y gydnabyddiaeth o ildio i ben.
- (6) Wrth benderfynu a yw cydnabyddiaeth corff i beidio â chael effaith pan ddaw'r dyddiad a bennir yn yr hysbysiad ildio i ben, neu pan ddaw dyddiad gwahanol i ben, mae Cymwysterau Cymru i roi sylw i'r canlynol –
 - (a) yr angen i osgoi effaith andwyol ar bersonau sy'n ceisio cael, neu y gellid disgwyl yn rhesymol iddynt geisio cael, y cymhwyster, neu gymhwyster o'r disgrifiad, a bennir yn yr hysbysiad ildio, a
 - (b) dymuniad y corff y dylai'r gydnabyddiaeth beidio â chael effaith pan ddaw'r dyddiad a bennir yn yr hysbysiad ildio i ben.

- (d) require Qualifications Wales to notify the body concerned of the outcome of the review.
- (3) The arrangements must require a review to be carried out by a person who is independent of Qualifications Wales.
- (4) A person is independent of Qualifications Wales, for this purpose –
 - (a) in the case of an individual, if he or she is neither a member of Qualifications Wales nor a member of Qualifications Wales' staff;
 - (b) in the case of a body, if none of the body's members is a member of Qualifications Wales nor a member of Qualifications Wales' staff.
- (5) If following a review Qualifications Wales confirms its decision to give a direction, or alters the direction concerned, it must give notice to the body concerned –
 - (a) setting out the direction, as confirmed or altered,
 - (b) giving reasons for the confirmation or alteration, and
 - (c) stating the date on which the direction, or the direction as altered, will take effect.

Surrender of recognition

- 17 (1) A recognised body may give notice (a "surrender notice") to Qualifications Wales that it wishes to cease to be recognised in respect of –
- (a) the award of a specified qualification or description of qualification, or
 - (b) every qualification in respect of which it is recognised.
- (2) A surrender notice must specify the date with the expiry of which the body wishes to cease to be recognised in the respect concerned.
 - (3) As soon as reasonably practicable after receipt of a surrender notice, Qualifications Wales must give notice to the recognised body (an "acknowledgement of surrender") providing that the body is to cease to be recognised in that respect with the expiry of the date specified in the surrender notice or, if Qualifications Wales thinks appropriate, with the expiry of a different date.
 - (4) If the acknowledgement of surrender specifies that the body is to cease to be recognised in that respect with the expiry of a different date from that specified in the surrender notice, the acknowledgement of surrender must give reasons for this.
 - (5) Recognition in the respect concerned ceases to have effect with the expiry of the date specified in the acknowledgement of surrender.
 - (6) In determining whether a body's recognition is to cease to have effect with the expiry of the date specified in the surrender notice, or with the expiry of a different date, Qualifications Wales is to have regard to –
 - (a) the need to avoid prejudice to persons who are seeking, or might reasonably be expected to seek, to obtain the qualification, or a qualification of the description, specified in the surrender notice, and
 - (b) the body's wish that recognition should cease to have effect with the expiry of the date specified in the surrender notice.

Darpariaeth drosiannol mewn cysylltiad ag ildio

- 18 (1) Caiff Cymwysterau Cymru, os yw'n ystyried ei bod yn briodol gwneud hynny at ddiben osgoi effaith andwyol ar bersonau sy'n ceisio cael neu y gellid disgwyl yn rhesymol iddynt geisio cael y cymhwyster o dan sylw, neu gymhwyster o'r disgrifiad o dan sylw, wneud darpariaeth mewn cydnabyddiaeth o ildio o dan baragraff 17(3) sydd o fewn is-baragraff (2).
- (2) Mae darpariaeth o fewn yr is-baragraff hwn yn ddarpariaeth i'r perwyl bod y corff, o'r adeg pan ddaw'r dyddiad ildio i ben hyd nes y daw'r dyddiad estyn i ben, i gael ei drin at ddibenion a bennir gan Gymwysterau Cymru yn y gydnabyddiaeth o ildio fel pe bai'n cael ei gydnabod mewn cysylltiad â dyfarnu'r cymhwyster neu'r disgrifiad o gymhwyster o dan sylw.
- (3) Os yw Cymwysterau Cymru yn gwneud darpariaeth o fewn is-baragraff (2) –
- (a) rhaid iddo roi rhesymau dros hyn yn y gydnabyddiaeth o ildio, a
- (b) mae'r corff i gael ei drin, o'r adeg pan ddaw'r dyddiad ildio i ben, at y dibenion a bennir yn y gydnabyddiaeth o ildio, a hyd nes y daw'r dyddiad estyn i ben, fel pe bai'n cael ei gydnabod mewn cysylltiad â dyfarnu'r cymhwyster neu'r disgrifiad o gymhwyster o dan sylw.
- (4) Yn y paragraff hwn –
- ystyr "dyddiad estyn" ("*extension date*") yw dyddiad a bennir gan Gymwysterau Cymru yn y gydnabyddiaeth o ildio at ddibenion y paragraff hwn;
- ystyr "dyddiad ildio" ("*surrender date*") yw'r dyddiad a bennir gan Gymwysterau Cymru yn y gydnabyddiaeth o ildio fel yr un y mae'r corff i beidio â chael ei gydnabod pan ddaw i ben.

Tynnu cydnabyddiaeth yn ôl

- 19 (1) Os yw corff cydnabyddedig yn methu â chydymffurfio ag unrhyw amod y mae cydnabyddiaeth mewn cysylltiad â dyfarnu cymhwyster neu ddisgrifiad o gymhwyster yn ddarostyngedig iddo, caiff Cymwysterau Cymru dynnu'n ôl ei gydnabyddiaeth o'r corff mewn cysylltiad â dyfarnu –
- (a) cymhwyster penodedig neu ddisgrifiad penodedig o gymhwyster, neu
- (b) pob cymhwyster y cydnabyddir y corff mewn cysylltiad â'i ddyfarnu.
- (2) Os yw corff cydnabyddedig sy'n dyfarnu cymhwyster a gymeradwywyd yn methu â chydymffurfio ag unrhyw amod y mae'r gymeradwyaeth yn ddarostyngedig iddo, caiff Cymwysterau Cymru dynnu'n ôl ei gydnabyddiaeth o'r corff mewn cysylltiad â dyfarnu –
- (a) cymhwyster penodedig neu ddisgrifiad penodedig o gymhwyster, neu
- (b) pob cymhwyster y cydnabyddir y corff mewn cysylltiad â'i ddyfarnu.

Y weithdrefn ar gyfer tynnu cydnabyddiaeth yn ôl

- 20 (1) Cyn tynnu cydnabyddiaeth yn ôl oddi wrth gorff cydnabyddedig o dan baragraff 19, rhaid i Gymwysterau Cymru roi i'r corff hysbysiad am ei fwriad i wneud hynny.
- (2) Rhaid i'r hysbysiad –

Transitional provision in respect of surrender

- 18 (1) Qualifications Wales may, if it considers it appropriate to do so for the purpose of avoiding prejudice to persons who are seeking or might reasonably be expected to seek to obtain the qualification concerned, or a qualification of the description concerned, make provision in an acknowledgement of surrender under paragraph 17(3) that is within sub-paragraph (2).
- (2) Provision within this sub-paragraph is provision to the effect that, from the expiry of the surrender date until the expiry of the extension date, the body is to be treated for purposes specified by Qualifications Wales in the acknowledgement of surrender as being recognised in respect of the award of the qualification or description of qualification concerned.
- (3) If Qualifications Wales makes provision within sub-paragraph (2) –
- (a) it must give reasons for this in the acknowledgement of surrender, and
 - (b) the body is to be treated, from the expiry of the surrender date, for the purposes specified in the acknowledgement of surrender, and until the expiry of the extension date, as being recognised in respect of the award of the qualification or description of qualification concerned.
- (4) In this paragraph –
- “extension date” (*“dyddiad estyn”*) means a date specified by Qualifications Wales in the acknowledgement of surrender for the purposes of this paragraph;
 - “surrender date” (*“dyddiad ildio”*) means the date specified by Qualifications Wales in the acknowledgement of surrender as being that from the expiry of which the body is to cease to be recognised.

Withdrawal of recognition

- 19 (1) If a recognised body fails to comply with any condition to which recognition in respect of the award of a qualification or description of qualification is subject, Qualifications Wales may withdraw its recognition of the body in respect of the award of –
- (a) a specified qualification or description of qualification, or
 - (b) every qualification in respect of the award of which the body is recognised.
- (2) If a recognised body that awards an approved qualification fails to comply with any condition to which the approval is subject, Qualifications Wales may withdraw its recognition of the body in respect of the award of –
- (a) a specified qualification or description of qualification, or
 - (b) every qualification in respect of the award of which the body is recognised.

Procedure for withdrawal of recognition

- 20 (1) Before withdrawing recognition from a recognised body under paragraph 19, Qualifications Wales must give the body notice of its intention to do so.
- (2) The notice must –

- (a) esbonio pam y mae Cymwysterau Cymru yn bwriadu tynnu cydnabyddiaeth yn ôl yn y cyswllt o dan sylw, a
 - (b) pennu pa bryd y mae Cymwysterau Cymru yn bwriadu penderfynu pa un ai i dynnu cydnabyddiaeth yn ôl.
- (3) Wrth benderfynu pa un ai i dynnu cydnabyddiaeth yn ôl fel y'i pennir yn yr hysbysiad, rhaid i Gymwysterau Cymru roi sylw i unrhyw sylwadau a gyflwynir gan y corff cydnabyddedig.
- 21 (1) Os yw Cymwysterau Cymru yn penderfynu tynnu cydnabyddiaeth yn ôl, rhaid iddo roi hysbysiad i'r corff cydnabyddedig am y penderfyniad.
- (2) Rhaid i'r hysbysiad –
- (a) rhoi gwybod i'r corff am ei hawl o dan drefniadau a wneir o dan baragraff 22 i wneud cais am adolygiad o'r penderfyniad,
 - (b) datgan y dyddiad erbyn pryd y mae rhaid gwneud unrhyw gais am adolygiad, ac
 - (c) pennu'r dyddiad y mae'r tynnu'n ôl, yn absenoldeb cais am adolygiad, i gymryd effaith pan ddaw i ben (y "dyddiad tynnu'n ôl").
- (3) Rhaid i'r dyddiad tynnu'n ôl fod yn ddyddiad ar ôl y dyddiad olaf y caniateir gwneud cais am adolygiad o dan drefniadau a wneir o dan baragraff 22.
- (4) Ar unrhyw adeg cyn y dyddiad tynnu'n ôl, caiff Cymwysterau Cymru benderfynu peidio â thynnu cydnabyddiaeth y corff yn ôl; ac os yw'n gwneud hynny, rhaid iddo roi i'r corff hysbysiad i'r perwyl hwn.
- (5) Wrth benderfynu ar y dyddiad tynnu'n ôl, mae Cymwysterau Cymru i roi sylw i'r angen i osgoi effaith andwyol ar bersonau sy'n ceisio cael, neu y gellid disgwyl yn rhesymol iddynt geisio cael, cymhwyster, neu gymhwyster o'r disgrifiad, y mae cydnabyddiaeth i gael ei thynnu'n ôl mewn cysylltiad â'i ddyfarnu.

Adolygu penderfyniad i dynnu cydnabyddiaeth yn ôl

- 22 (1) Rhaid i Gymwysterau Cymru wneud trefniadau i benderfyniad i dynnu cydnabyddiaeth yn ôl oddi wrth gorff fod yn ddarostyngedig i adolygiad ar gais y corff o dan sylw.
- (2) Rhaid i'r trefniadau –
- (a) pennu'r cyfnod y caniateir gwneud cais am adolygiad ynddo,
 - (b) gwneud darpariaeth i'r person sy'n cynnal yr adolygiad wneud argymhellion i Gymwysterau Cymru mewn cysylltiad â'r tynnu'n ôl,
 - (c) gwneud darpariaeth i Gymwysterau Cymru, ar ôl ystyried yr argymhellion hynny, naill ai cadarnhau neu wrthdroi ei benderfyniad i dynnu cydnabyddiaeth yn ôl, a
 - (d) ei gwneud yn ofynnol i Gymwysterau Cymru hysbysu'r corff o dan sylw am ganlyniad yr adolygiad.
- (3) Rhaid i'r trefniadau ei gwneud yn ofynnol i berson sy'n annibynnol ar Gymwysterau Cymru gynnal adolygiad.
- (4) Mae person yn annibynnol ar Gymwysterau Cymru, at y diben hwn –
- (a) yn achos unigolyn, os nad yw'n aelod o Gymwysterau Cymru nac yn aelod o staff Cymwysterau Cymru;

- (a) explain why Qualifications Wales proposes to withdraw recognition in the respect concerned, and
 - (b) specify when Qualifications Wales proposes to decide whether to withdraw recognition.
 - (3) In deciding whether to withdraw recognition as specified in the notice, Qualifications Wales must have regard to any representations made by the recognised body.
- 21
- (1) If Qualifications Wales decides to withdraw recognition, it must give notice to the recognised body of the decision.
 - (2) The notice must—
 - (a) inform the body of its right under arrangements made under paragraph 22 to request a review of the decision,
 - (b) state the date by which any request for review must be made, and
 - (c) specify the date with the expiry of which, in the absence of a request for review, the withdrawal is to take effect (the “withdrawal date”).
 - (3) The withdrawal date must be a date after the last date on which a review may be requested under arrangements made under paragraph 22.
 - (4) At any time before the withdrawal date, Qualifications Wales may decide not to withdraw the body’s recognition; and if it does so, must give the body notice to this effect.
 - (5) In determining the withdrawal date, Qualifications Wales is to have regard to the need to avoid prejudice to persons who are seeking, or might reasonably be expected to seek, to obtain a qualification, or a qualification of the description, in respect of the award of which recognition is to be withdrawn.

Review of decision to withdraw recognition

- 22
- (1) Qualifications Wales must make arrangements for a decision to withdraw recognition from a body to be subject to review at the request of the body concerned.
 - (2) The arrangements must—
 - (a) specify the period within which a review may be requested,
 - (b) make provision for recommendations to be made by the person carrying out the review to Qualifications Wales in respect of the withdrawal,
 - (c) make provision for Qualifications Wales, having considered those recommendations, either to confirm or reverse its decision to withdraw recognition, and
 - (d) require Qualifications Wales to notify the body concerned of the outcome of the review.
 - (3) The arrangements must require a review to be carried out by a person who is independent of Qualifications Wales.
 - (4) A person is independent of Qualifications Wales, for this purpose—
 - (a) in the case of an individual, if he or she is neither a member of Qualifications Wales nor a member of Qualifications Wales’ staff;

- (b) yn achos corff, os nad yw unrhyw un o aelodau'r corff yn aelod o Gymwysterau Cymru nac yn aelod o staff Cymwysterau Cymru.
- (5) Os yw Cymwysterau Cymru, yn dilyn adolygiad, yn cadarnhau ei benderfyniad i dynnu cydnabyddiaeth yn ôl, rhaid iddo roi hysbysiad i'r corff o dan sylw –
 - (a) sy'n rhoi rhesymau dros y cadarnhad, a
 - (b) sy'n datgan y dyddiad y bydd y tynnu'n ôl yn cymryd effaith pan ddaw i ben.

Darpariaeth drosiannol mewn cysylltiad â thynnu'n ôl

- 23 (1) Caiff hysbysiad o dan baragraff 21 neu 22 gynnwys darpariaeth o fewn is-baragraff (2), os yw Cymwysterau Cymru yn ystyried bod y ddarpariaeth honno yn briodol at ddiben osgoi effaith andwyol ar bersonau sy'n ceisio cael neu y gellid disgwyl yn rhesymol iddynt geisio cael y cymhwyster, neu gymhwyster o'r disgrifiad, y mae cydnabyddiaeth i gael ei thynnu'n ôl mewn cysylltiad â'i ddyfarnu.
- (2) Mae darpariaeth o fewn yr is-baragraff hwn yn ddarpariaeth i'r perwyl bod y corff, o'r adeg pan ddaw'r dyddiad tynnu'n ôl i ben hyd nes y daw'r dyddiad estyn i ben, i gael ei drin at ddibenion a bennir gan Gymwysterau Cymru yn yr hysbysiad fel pe bai'n cael ei gydnabod mewn cysylltiad â dyfarnu'r cymhwyster neu'r disgrifiad o gymhwyster o dan sylw.
- (3) Os yw Cymwysterau Cymru yn gwneud darpariaeth mewn hysbysiad o fewn is-baragraff (2) –
- (a) rhaid iddo roi rhesymau dros hyn yn yr hysbysiad, a
 - (b) mae'r corff i gael ei drin, o'r adeg pan ddaw'r dyddiad tynnu'n ôl i ben, at y dibenion a bennir yn yr hysbysiad, a hyd nes y daw'r dyddiad estyn i ben, fel pe bai'n cael ei gydnabod mewn cysylltiad â dyfarnu'r cymhwyster neu'r disgrifiad o gymhwyster o dan sylw.
- (4) Mae is-baragraff (5) yn gymwys –
- (a) os yw hysbysiad o dan baragraff 21 yn cynnwys darpariaeth o fewn is-baragraff (2) ("y ddarpariaeth estyn wreiddiol"), a
 - (b) os yw adolygiad o'r penderfyniad i dynnu cydnabyddiaeth yn ôl yn cael ei gynnal o dan baragraff 22.
- (5) Nid yw'r ddarpariaeth estyn wreiddiol yn cael unrhyw effaith, at ddibenion is-baragraff (3)(b), onis cadarnheir mewn hysbysiad o dan baragraff 22 sy'n cadarnhau'r penderfyniad i dynnu cydnabyddiaeth yn ôl.
- (6) Yn y paragraff hwn –
- ystyr "dyddiad estyn" ("*extension date*") yw dyddiad a bennir gan Gymwysterau Cymru yn yr hysbysiad at ddibenion y paragraff hwn;
 - ystyr "dyddiad tynnu'n ôl" ("*withdrawal date*") yw'r dyddiad a bennir gan Gymwysterau Cymru yn yr hysbysiad fel yr un y mae'r gydnabyddiaeth i gael ei thynnu'n ôl pan ddaw i ben.

- (b) in the case of a body, if none of the body's members is a member of Qualifications Wales nor a member of Qualifications Wales' staff.
- (5) If following a review Qualifications Wales confirms its decision to withdraw recognition, it must give notice to the body concerned –
 - (a) giving reasons for the confirmation, and
 - (b) stating the date with the expiry of which the withdrawal will take effect.

Transitional provision in respect of withdrawal

- 23 (1) Notice under paragraph 21 or 22 may include provision within sub-paragraph (2), if Qualifications Wales considers that provision appropriate for the purpose of avoiding prejudice to persons who are seeking or might reasonably be expected to seek to obtain the qualification, or a qualification of the description, in respect of the award of which recognition is to be withdrawn.
- (2) Provision within this sub-paragraph is provision to the effect that, from the expiry of the withdrawal date until the expiry of the extension date, the body is to be treated for purposes specified by Qualifications Wales in the notice as being recognised in respect of the award of the qualification or description of qualification concerned.
- (3) If Qualifications Wales makes provision in a notice within sub-paragraph (2) –
 - (a) it must give reasons for this in the notice, and
 - (b) the body is to be treated from the expiry of the withdrawal date, for the purposes specified in the notice, and until the expiry of the extension date, as being recognised in respect of the award of the qualification or description of qualification concerned.
- (4) Sub-paragraph (5) applies if –
 - (a) notice under paragraph 21 contains provision within sub-paragraph (2) (the "original extension provision"), and
 - (b) a review of the decision to withdraw recognition is carried out under paragraph 22.
- (5) The original extension provision has no effect, for the purposes of sub-paragraph (3)(b), unless it is confirmed in notice under paragraph 22 confirming the decision to withdraw recognition.
- (6) In this paragraph –
 - "extension date" (*"dyddiad estyn"*) means a date specified by Qualifications Wales in the notice for the purposes of this paragraph;
 - "withdrawal date" (*"dyddiad tynnu'n ôl"*) means the date specified by Qualifications Wales in the notice as being that from the expiry of which recognition is to be withdrawn.

ATODLEN 4
(a gyflwynwyd gan adran 58)

DIWYGIADAU CANLYNIADOL

Deddf Addysg 1996 (p.56)

- 1 (1) Mae Deddf Addysg 1996 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 408 –
 - (a) yn is-adran (1)(a) ar ôl “2009” mewnosoder “or the provisions of the Qualifications Wales Act 2015”;
 - (b) yn is-adran (2)(e) hepgorer “or 99”;
 - (c) ar ôl is-adran (2)(e), mewnosoder –
 - “(f) arrangements relating to qualifications within the meaning given in section 56 of the Qualifications Wales Act 2015 which are approved under Part 4 of that Act and to courses of education or training leading to such qualifications.”
- (3) Yn Atodlen 36A, yn y tabl ym mharagraff 2, yn y cofnod ar gyfer adrannau 96, 101 a 102 o Ddeddf Dysgu a Sgiliau 2000 –
 - (a) yn y golofn gyntaf, hepgorer “and 102”;
 - (b) yn yr ail golofn, ar ôl “qualifications” mewnosoder “(in England)”.

Deddf Addysg 1997 (p.44)

- 2 (1) Mae Deddf Addysg 1997 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 29, ar ôl is-adran (6) mewnosoder –
 - “(7) In this section references to “school examinations and assessment” do not include examinations taken or assessments carried out for the purpose of the award of a qualification within the meaning of section 56 of the Qualifications Wales Act 2015.”
- (3) Hepgorer –
 - (a) adran 30;
 - (b) adran 32(3), (3A) a (4);
 - (c) adrannau 32ZA i 32C.
- (4) Yn adran 54 (gorchmynion a rheoliadau) –
 - (a) yn is-adran (2) hepgorer “32AB(2) or”;
 - (b) hepgorer is-adran (2A).

Deddf Dysgu a Sgiliau 2000 (p.21)

- 3 (1) Mae Deddf Dysgu a Sgiliau 2000 wedi ei diwygio fel a ganlyn.

SCHEDULE 4
(introduced by section 58)

CONSEQUENTIAL AMENDMENTS

Education Act 1996 (c.56)

- 1 (1) The Education Act 1996 is amended as follows.
- (2) In section 408 –
- (a) in subsection (1)(a) after “2009” insert “or the provisions of the Qualifications Wales Act 2015”;
 - (b) in subsection (2)(e) omit “or 99”;
 - (c) after subsection (2)(e), insert –
 - “(f) arrangements relating to qualifications within the meaning given in section 56 of the Qualifications Wales Act 2015 which are approved under Part 4 of that Act and to courses of education or training leading to such qualifications.”
- (3) In Schedule 36A, in the table in paragraph 2, in the entry for sections 96, 101 and 102 of the Learning and Skills Act 2000 –
- (a) in the first column, omit “and 102”;
 - (b) in the second column, after “qualifications” insert “(in England)”.

Education Act 1997 (c.44)

- 2 (1) The Education Act 1997 is amended as follows.
- (2) In section 29, after subsection (6) insert –
- “(7) In this section references to “school examinations and assessment” do not include examinations taken or assessments carried out for the purpose of the award of a qualification within the meaning of section 56 of the Qualifications Wales Act 2015.”
- (3) Omit –
- (a) section 30;
 - (b) section 32(3), (3A) and (4);
 - (c) sections 32ZA to 32C.
- (4) In section 54 (orders and regulations) –
- (a) in subsection (2) omit “32AB(2) or”;
 - (b) omit subsection (2A).

Learning and Skills Act 2000 (c.21)

- 3 (1) The Learning and Skills Act 2000 is amended as follows.

- (2) Yn adran 96 –
- (a) yn is-adran (2) –
- (i) yn y geiriau agoriadol, hepgorer “or 99”;
- (ii) ym mharagraff (b), ar ôl “maintained school” mewnosoder “in England”;
- (b) yn lle is-adran (5) rhodder –
- “(5) In this section “a relevant qualification” means a qualification to which Part 7 of the Apprenticeships, Skills, Children and Learning Act 2009 applies.”;
- (c) yn is-adran (9), yn lle “102 “local authority” has the same meaning as” rhodder “101 “local authority” has the same meaning as “local authority in England””.
- (3) Yn y croesbennawd yn union cyn adran 96, ar y diwedd mewnosoder “: England”.
- (4) Yn adran 98 (y daw ei henw’n “Approved qualifications”), yn is-adran (1) hepgorer y geiriau o “in its” i’r diwedd.
- (5) Hepgorer adran 99.
- (6) Yn adran 100 –
- (a) yng ngeiriau agoriadol is-adran (1), hepgorer “in its application to England”;
- (b) hepgorer is-adran (2).
- (7) Yn adran 101 (y daw ei henw’n “Enforcement”), yn is-adran (1) hepgorer “in its application to England”.
- (8) Hepgorer adran 102.
- (9) Hepgorer adran 103(4).

Deddf Addysg 2002 (p.32)

- 4 Hepgorer paragraff 7 o Atodlen 17 i Ddeddf Addysg 2002.

Gorchymyn Cyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Diddymu’r Cyngor) 2005 (O.S. 2005/3238)

- 5 Hepgorer paragraff 72 o Atodlen 1 i Orchymyn Cyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Diddymu’r Cyngor) 2005.

Gorchymyn Awdurdod Cymwysterau, Cwricwlwm ac Asesu Cymru (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Diddymu’r Awdurdod) 2005 (O.S. 2005/3239)

- 6 Hepgorer paragraffau 14, 15, 18(c), (ch) a (d) a 30 o Atodlen 1 i Orchymyn Awdurdod Cymwysterau, Cwricwlwm ac Asesu Cymru (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Diddymu’r Awdurdod) 2005.

Deddf Llywodraeth Cymru 2006 (p.32)

- 7 Yn adran 148 o Ddeddf Llywodraeth Cymru 2006, ar ôl is-adran (2)(l) mewnosoder –
- “(la) Qualifications Wales,”.

- (2) In section 96 –
 - (a) in subsection (2) –
 - (i) in the opening words, omit “or 99”;
 - (ii) in paragraph (b), after “maintained school” insert “in England”;
 - (b) for subsection (5) substitute –

“(5) In this section “a relevant qualification” means a qualification to which Part 7 of the Apprenticeships, Skills, Children and Learning Act 2009 applies.”;
 - (c) in subsection (9), for “102 “local authority” has the same meaning as” substitute “101 “local authority” has the same meaning as “local authority””.
- (3) In the cross-heading immediately preceding section 96, at the end insert “: England”.
- (4) In section 98 (the title of which becomes “Approved qualifications”), in subsection (1) omit the words from “in its” to the end.
- (5) Omit section 99.
- (6) In section 100 –
 - (a) in the opening words of subsection (1), omit “in its application to England”;
 - (b) omit subsection (2).
- (7) In section 101 (the title of which becomes “Enforcement”), in subsection (1) omit “in its application to England”.
- (8) Omit section 102.
- (9) Omit section 103(4).

Education Act 2002 (c.32)

- 4 Omit paragraph 7 of Schedule 17 to the Education Act 2002.

National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238)

- 5 Omit paragraph 72 of Schedule 1 to the National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005.

Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239)

- 6 Omit paragraphs 14, 15, 18(c), (d) and (e) and 30 of Schedule 1 to the Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005.

Government of Wales Act 2006 (c.32)

- 7 In section 148 of the Government of Wales Act 2006, after subsection (2)(l) insert –
 “(la) Qualifications Wales,”.

Deddf Addysg a Sgiliau 2008 (p.25)

8 Hepgorer adrannau 160(1) a (3) a 162 o Ddeddf Addysg a Sgiliau 2008.

Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p.22)

- 9 (1) Mae Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 253A(6) yn y diffiniad o "relevant qualification", yn lle "by section 30(5) of the Education Act 1997" rhodder "to "qualification" by section 56 of the Qualifications Wales Act 2015".
- (3) Hepgorer paragraffau 45 ac 48 o Atodlen 6.
- (4) Hepgorer paragraffau 15, 16(3), 17 i 19 a 29 o Atodlen 12.

Deddf Addysg 2011 (p.21)

10 Hepgorer adran 24 o Ddeddf Addysg 2011.

Deddf Gwrthderfysgaeth a Diogelwch 2015 (p.6)

- 11 (1) Mae Deddf Gwrthderfysgaeth a Diogelwch 2015 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 32, yn is-adran (1), yn y diffiniad o "relevant further education body", yn lle'r geiriau o "Regulation" hyd at ddiwedd paragraff (b) rhodder ", or to qualifications awarded by bodies in respect of the award of which they are recognised by Qualifications Wales under Part 3 of the Qualifications Wales Act 2015;".
- (3) Yn Atodlen 6, o dan y pennawd "Education, child care etc", yn y cofnod olaf (sy'n ymwneud â chorff llywodraethu neu berchennog sefydliad nas rhestrir fel arall), yn lle'r geiriau o "Regulation" hyd at ddiwedd paragraff (a) rhodder ", or to qualifications awarded by bodies in respect of the award of which they are recognised by Qualifications Wales under Part 3 of the Qualifications Wales Act 2015;".
- (4) Yn Atodlen 7, o dan y pennawd "Education, child care etc", yn y cofnod olaf (sy'n ymwneud â chorff llywodraethu neu berchennog sefydliad nas rhestrir fel arall), yn lle'r geiriau o "Regulation" hyd at ddiwedd paragraff (a) rhodder ", or to qualifications awarded by bodies in respect of the award of which they are recognised by Qualifications Wales under Part 3 of the Qualifications Wales Act 2015;".

Education and Skills Act 2008 (c.25)

8 Omit sections 160(1) and (3) and 162 of the Education and Skills Act 2008.

Apprenticeships, Skills, Children and Learning Act 2009 (c.22)

- 9 (1) The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows.
- (2) In section 253A(6) in the definition of “relevant qualification”, for “by section 30(5) of the Education Act 1997” substitute “to “qualification” by section 56 of the Qualifications Wales Act 2015”.
- (3) Omit paragraphs 45 and 48 of Schedule 6.
- (4) Omit paragraphs 15, 16(3), 17 to 19 and 29 of Schedule 12.

Education Act 2011 (c.21)

10 Omit section 24 of the Education Act 2011.

Counter-Terrorism and Security Act 2015 (c.6)

- 11 (1) The Counter-Terrorism and Security Act 2015 is amended as follows.
- (2) In section 32, in subsection (1), in the definition of “relevant further education body”, for the words from “Regulation” to the end of paragraph (b) substitute “, or to qualifications awarded by bodies in respect of the award of which they are recognised by Qualifications Wales under Part 3 of the Qualifications Wales Act 2015;”.
- (3) In Schedule 6, under the heading “Education, child care etc”, in the last entry (relating to the governing body or proprietor of an institution not otherwise listed), for the words from “Regulation” to the end of paragraph (a) substitute “, or to qualifications awarded by bodies in respect of the award of which they are recognised by Qualifications Wales under Part 3 of the Qualifications Wales Act 2015;”.
- (4) In Schedule 7, under the heading “Education, child care etc”, in the last entry (relating to the governing body or proprietor of an institution not otherwise listed), for the words from “Regulation” to the end of paragraph (a) substitute “, or to qualifications awarded by bodies in respect of the award of which they are recognised by Qualifications Wales under Part 3 of the Qualifications Wales Act 2015;”.

Cyhoeddwyd gan TSO (Y Llyfrfa) ac ar gael o:

Ar-lein

www.tsoshop.co.uk

Post, Ffôn, Ffacs ac E-bost

TSO

Blwch Post 29, Norwich, NR3 1GN

Archebion ffôn/Ymholiadau cyffredinol 0333 202 5070

Archebion ffacs: 0333 202 5080

E-bost: customer.services@tso.co.uk

Ffôn Testun: 0333 202 5077

Y Llyfrfa

12 Bridge Street, Parliament Square,

Llundain SW1A 2JX

Archebion ffôn/Ymholiadau cyffredinol: 020 7219 3890

Archebion ffacs: 020 7219 3866

E-bost: bookshop@parliament.uk

Rhyngrwyd: <http://www.bookshop.parliament.uk>

TSO@Blackwell ac Asiantau Achrededig eraill

Published by TSO (The Stationery Office) and available from:

Online

www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

TSO

PO Box 29, Norwich NR3 1GN

General enquiries: 0333 202 5070

Fax orders: 0333 202 5080

Email: customer.services@tso.co.uk

Textphone: 0333 202 5077

The Houses of Parliament Shop

12 Bridge Street, Parliament Square

London SW1A 2JX

Telephone orders: 020 7219 3890

General enquiries: 020 7219 3890

Fax orders: 020 7219 3866

Email: bookshop@parliament.uk

Internet: <http://www.bookshop.parliament.uk>

TSO@Blackwell and other Accredited Agents

ISBN 978-0-348-11087-6



9 780348 110876