

## ATODLEN 1

### MÂN DDIWYGIADAU A DIWYGIADAU CANLYNIADOL A DIDDYMIADAU

#### *Deddf Addysg 1996 (p. 56)*

- 4 (1) Mae Deddf Addysg 1996 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 7 (dyletswydd rhieni i sicrhau addysg i blant o'r oedran ysgol gorfodol), ym mharagraff (b), ar ôl "special educational needs" mewnosoder "(in the case of a child who is in the area of a local authority in England) or additional learning needs (in the case of a child who is in the area of a local authority in Wales)".
- (3) Yn adran 14 (swyddogaethau mewn cysylltiad â darparu ysgolion cynradd ac uwchradd)—
- (a) yn is-adran (4B), yn lle "special educational needs" rhodder "additional learning needs";
- (b) yn is-adran (6)(b), ar ôl "needs" mewnosoder "(in the case of a local authority in England) or the need for securing that additional learning provision is made for pupils who have additional learning needs (in the case of a local authority in Wales)".
- (4) Yn adran 15A (pwerau mewn cysylltiad ag addysg a hyfforddiant), yn is-adran (3), ym mharagraff (b), yn lle "learning difficulties (within the meaning of section 41(5) and (6) of the Learning and Skills Act 2000)" rhodder "additional learning needs".
- (5) Yn adran 15B (swyddogaethau mewn cysylltiad ag addysg ar gyfer personau sy'n hŷn na 19 oed), yn is-adran (3), ym mharagraff (b), yn lle "learning difficulties (within the meaning of section 41(5) and (6) of the Learning and Skills Act 2000)" rhodder "additional learning needs".
- (6) Yn adran 18A (darparu addysg ar gyfer personau sy'n cael eu cadw'n gaeth mewn llety ieuencid perthnasol), yn is-adran (2)—
- (a) ym mharagraff (b), ar y dechrau, mewnosoder "in the case of a local authority in England,";
- (b) ym mharagraff (bb), yn lle "any learning difficulties (within the meaning of section 41(5) and (6) of the Learning and Skills Act 2000)" rhodder "any additional learning needs".
- (7) Yn adran 19 (darpariaeth eithriadol o addysg mewn unedau cyfeirio disgyblion neu mewn manau eraill), yn is-adran (6), yn y diffiniad o "suitable education"—
- (a) ar ôl "young person" mewnosoder "in the area of a local authority in England";
- (b) ar ôl "have" mewnosoder "and in relation to a child or young person in the area of a local authority in Wales, means efficient education suitable to the child's or young person's age, ability and aptitude and to any additional learning needs the child or young person may have".
- (8) Yn adran 29 (darparu gwybodaeth gan awdurdodau lleol), ar ôl is-adran (4) mewnosoder—
- "(4A) In subsection (4) as it applies in relation to the Welsh Ministers, the reference to special educational needs is to be interpreted as a reference to additional learning needs."

- (9) Mae Pennod 1 o Ran 4 (plant yng Nghymru ag anghenion addysgol arbennig) wedi ei diddymu.
- (10) Yn adran 337 (ysgolion arbennig)—
- (a) daw'r darpariaethau presennol yn is-adran (1);
  - (b) yn is-adran (1), ar ôl "A school" mewnosoder "in England";
  - (c) ar ôl is-adran (1) mewnosoder—
 

“(2) A school in Wales is a special school if it is specially organised to make additional learning provision for pupils with additional learning needs and it is maintained by a local authority.”
- (11) Hepgorer adran 348 (darparu addysg arbennig mewn ysgolion nas cynhelir).
- (12) Yn adran 349 (amrywio gweithredoedd ymddiried etc. drwy orchymyn)—
- (a) yn is-adran (1)—
    - (i) yn lle "appropriate national authority" rhodder "Secretary of State";
    - (ii) yn lle "it" rhodder "the Secretary of State";
  - (b) hepgorer is-adran (1A).
- (13) Yn adran 436A (dyletswydd i wneud trefniadau i nodi plant nad ydynt yn cael addysg), yn is-adran (3), ar ôl "any special educational needs he may have" mewnosoder "(in the case of a local authority in England) or suitable to the child's age, ability and aptitude and to any additional learning needs the child may have (in the case of a local authority in Wales)".
- (14) Yn adran 438 (dewis ysgol: plentyn heb gynllun na datganiad)—
- (a) yn is-adran (1), yn lle "a statement under section 324" rhodder "a child for whom an individual development plan is maintained in which a particular school is named";
  - (b) yn is-adran (6), ym mharagraff (c), yn lle "to any special educational needs he may have" rhodder "—
    - (i) (in the case of a local authority in England) any special educational needs the child may have, or
    - (ii) (in the case of a local authority in Wales) any additional learning needs the child may have";
  - (c) yn y pennawd, yn lle "or statement of special educational needs" rhodder "or an individual development plan which names a school".
- (15) Yn adran 440 (diwygio gorchymyn ar gais rhiant: plentyn heb gynllun na datganiad)—
- (a) yn is-adran (1), yn lle "a statement under section 324" rhodder "a child for whom an individual development plan is maintained in which a particular school is named";
  - (b) yn is-adran (4), ym mharagraff (b), yn lle "to any special educational needs he may have" rhodder "—
    - (i) (in the case of a local authority in England) any special educational needs the child may have, or
    - (ii) (in the case of a local authority in Wales) any additional learning needs the child may have";
  - (c) yn y pennawd, yn lle "or statement of special educational needs" rhodder "or an individual development plan which names a school".

- (16) Yn adran 441 (dewis ysgol: plentyn gyda chynllun neu ddatganiad)—
- (a) yn is-adran (1)—
    - (i) ar ôl “where a local authority” mewnosoder “in England”;
    - (ii) hepgorer “(in the case of a local authority in England) or a statement under section 324 (in the case of a local authority in Wales)”;
  - (b) yn is-adran (2), hepgorer “or statement”;
  - (c) yn is-adran (3)—
    - (i) yn y geiriau agoriadol, hepgorer “or statement”;
    - (ii) ym mharagraff (a), hepgorer “or the statement”;
  - (d) hepgorer is-adran (3A);
  - (e) yn is-adran (4)—
    - (i) ym mharagraff (a), hepgorer “or a statement under section 324”;
    - (ii) ym mharagraff (b), hepgorer “or statement”;
  - (f) yn y pennawd, hepgorer “or statement of special educational needs”.

- (17) Ar ôl adran 441 mewnosoder—

**“441A Choice of school: child with individual development plan which names a school**

- (1) Where a local authority in Wales are required by virtue of section 437(3) to serve a school attendance order in respect of a child for whom an individual development plan is maintained in which a particular school is named, that school must be named in the order.
  - (2) Where—
    - (a) a school attendance order is in force in respect of a child for whom an individual development plan is maintained in which a particular school is named, and
    - (b) the name of the school specified in the plan is changed,the local authority must amend the order accordingly.
  - (3) Where—
    - (a) a school attendance order is in force in respect of a child for whom no individual development plan is maintained in which a particular school is named, and
    - (b) an individual development plan in which a particular school is named begins to be maintained for the child,the local authority must amend the order accordingly.”
- (18) Yn adran 442 (dirymu gorchymyn ar gais rhiant)—
- (a) yn is-adran (5)—
    - (i) yn y geiriau agoriadol, hepgorer “or a statement under section 324 (in the case of a local authority in Wales)”;
    - (ii) ym mharagraff (a), hepgorer “or the statement”;
    - (iii) ym mharagraff (b), hepgorer “or the statement”;
  - (b) ar ôl is-adran (5) mewnosoder—

“(6) Where, in the case of a local authority in Wales, the child in question is one for whom an individual development plan is maintained by the authority or by another local authority—

- (a) subsections (2) to (4) do not apply if a school or other institution is named in the individual development plan, and
- (b) in any other case a direction under subsection (4) may require the authority maintaining the individual development plan to make such amendments to the plan as is considered necessary or expedient in consequence of the determination.”

(19) Yn adran 458 (codi tâl am fwyd a llety mewn ysgolion byrddio)—

- (a) yn is-adran (1), ar ôl “(5)” mewnosoder “and section 49 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018”;
- (b) ar y diwedd, mewnosoder—

“(6) In its application to a local authority in Wales, references in this section to special educational needs are to be interpreted as references to additional learning needs.”

(20) Yn adran 463 (ystyr “ysgol annibynnol”), yn is-adran (1), ym mharagraff (b), yn lle “is maintained or for whom a statement is maintained under section 324” rhodder “or an individual development plan is maintained”.

(21) Yn adran 483A (colegau dinas ac academiâu: anghenion addysgol arbennig)—

- (a) yn is-adran (1), hepgorer “if the condition in subsection (3) is satisfied”;
- (b) yn is-adran (2), ym mharagraff (a), yn lle “or a statement under section 324 is maintained” rhodder “is maintained by a local authority in England, or for whom an individual development plan is maintained by a local authority in Wales”;
- (c) hepgorer is-adran (3);
- (d) yn is-adran (4)—
  - (i) ym mharagraff (a), yn lle “the plan or the statement” rhodder “the EHC plan, or for making the additional learning provision specified in the individual development plan (as the case may be)”;
  - (ii) ym mharagraff (b), yn lle “the plan or the statement” rhodder “the EHC plan or the individual development plan”;
- (e) yn y pennawd, ar ôl “needs” mewnosoder “and additional learning needs”.

(22) Yn adran 510 (darparu dillad), yn is-adran (2), ar ôl “special educational provision” mewnosoder “or additional learning provision (as the case may be)”.

(23) Yn adran 514 (darparu bwyd a llety ac eithrio mewn ysgol)—

- (a) yn is-adran (2), ar ôl “local authority” mewnosoder “in England”;
- (b) ar y diwedd, mewnosoder—

“(8) In its application to a local authority in Wales, references in this section to special educational needs are to be interpreted as references to additional learning needs.”

(24) Yn adran 517 (tal ffioedd mewn ysgolion nas cynhelir gan awdurdod lleol)—

- (a) yn is-adran (1), hepgorer “, Part 4 (special educational needs)”;

*Statws* This is the original version (as it was originally enacted).

- (b) yn is-adran (6), hepgorer paragraff (e);
- (c) ar y diwedd, mewnosoder—

“(8) In this section as it applies where a local authority in Wales makes arrangements under section 18 for primary or secondary education to be provided for a pupil at a school not maintained by a local authority—

- (a) references to special educational needs are to be interpreted as references to additional learning needs, and
- (b) references to special educational provision are to be interpreted as references to additional learning provision.

(9) Subsection (5) does not apply where board and lodging is secured for a pupil under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018.”

(25) Hefgorer adran 562C (person sy'n cael ei cadw'n gaeth ac sydd â datganiad anghenion addysgol arbennig).

(26) Hefgorer adran 562D (darpariaeth addysgol arbennig briodol: trefniadau rhwng awdurdodau lleol).

(27) Yn adran 562F (darparu gwybodaeth am bersonau sy'n cael eu cadw'n gaeth), hepgorer is-adrannau (5) a (6).

(28) Hefgorer adran 562G (gwybodaeth am berson sy'n cael ei gadw'n gaeth i gael ei darparu os oedd datganiad anghenion addysgol arbennig yn cael ei gynnal gynt).

(29) Hefgorer adran 562H (rhyddhau person sy'n cael ei gadw'n gaeth yr ymddengys i'r awdurdod lletyol ei bod yn ofynnol ei asesu).

(30) Yn adran 569 (rheoliadau)—

- (a) yn is-adran (2B)—

(i) hepgorer “332ZC, 332AA, 332BA, 332BB, 336.”;

(ii) yn lle “or 444B” rhodder “, 444B or (unless subsection (2BA) applies) Chapter 5A”;

- (b) ar ôl is-adran (2B), mewnosoder—

“(2BA) A statutory instrument which contains (whether alone or with other provision) regulations made by the Welsh Ministers under both section 562J(4) and section 39(2) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.

(2BB) A statutory instrument which contains (whether alone or with other provision) regulations under section 579(3C) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.”;

- (c) hepgorer is-adrannau (5) a (6).

(31) Hefgorer adran 569A (rheoliadau a wneir gan Weinidogion Cymru o dan Bennod 5A).

(32) Yn adran 579 (dehongli cyffredinol)—

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- (a) yn is-adran (1)—
- (i) yn y diffiniad o “special educational needs”, hepgorer paragraff (b);
  - (ii) yn y diffiniad o “special educational provision”, hepgorer paragraff (b);
  - (iii) mewnosoder y diffiniadau a ganlyn yn y lleoedd priodol—
    - ““additional learning needs” has the meaning given by section 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018;”;
    - ““additional learning provision” has the meaning given by section 3 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018;”;
    - ““individual development plan” means a plan within Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018;”;
- (b) hepgorer is-adran (1A).

(33) Yn adran 580 (mynegai)—

- (a) mewnosoder y cofnodion a ganlyn yn y lleoedd priodol—

“additional learning needs	section 579(1)”;
“additional learning provision	section 579(1)”;
“individual development plan	section 579(1)”;
(b) hepgorer y cofnodion a ganlyn—	
“the appropriate national authority (in Chapter 2 of Part 4)	section 337A”;
“the chairmen’s panel (in Part IV)	section 333(2)”;
“child for whom a local authority are responsible (in Part IV)	section 321(3)”;
“the lay panel (in Part IV)	section 333(2)”;
“learning difficulty (in relation to a child in the area of a local authority in Wales)	section 312(2) and (3) (subject to subsection (3A))”;
“the President (in Part IV)	section 333(2)”;
“responsible for a child (in Part IV in relation to a local authority)	section 321(3)”;

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“subject to learning difficulty assessment section 579(1)”;

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“the Tribunal (in Part IV) (in Chapter 1 of Part 4) section 313(5)”;

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- (c) yn y cofnodion ar gyfer “Child”, hepgorer y cofnod ar gyfer “(in Part IV)”;
- (d) yn y cofnod ar gyfer “grant maintained special school”, yn lle “sections 337(4) and” rhodder “section”;
- (e) yn y cofnodion ar gyfer “incorporation date”, hepgorer y cofnod ar gyfer “(in Part IV)”;
- (f) yn y cofnodion ar gyfer “maintained school”, hepgorer y cofnod ar gyfer “(in Part IV)”;
- (g) yn y cofnod ar gyfer “maintained special school”, yn lle “, 33(1) and 337(3)” rhodder “and 33(1)”.

(34) Yn Atodlen 36A (swyddogaethau addysg), ym mharagraff 2, yn y cofnod ar gyfer Deddf Dysgu a Sgiliau 2000, hepgorer y cofnod ar gyfer adran 140(5).