



Deddf Addysg Drydyddol ac Ymchwil (Cymru) 2022

2022 dsc 1

Tertiary Education and Research (Wales) Act 2022

2022 asc 1



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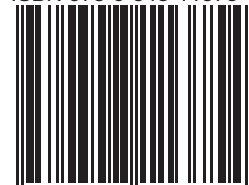
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CYNNWYS

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Deddf Addysg Drydyddol ac Ymchwil (Cymru) 2022

Deddf gan Senedd Cymru i sefydlu'r Comisiwn Addysg Drydyddol ac Ymchwil ac i wneud darpariaeth arall ynghylch addysg drydyddol (sy'n cynnwys addysg uwch, addysg bellach a hyfforddiant) ac ymchwil. [8 Medi 2022]

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

RHAN 1

FFRAMWAITH STRATEGOL AR GYFER ADDYSG DRYDYDDOL AC YMCHWIL

Y Comisiwn

1 Sefydlu'r Comisiwn Addysg Drydyddol ac Ymchwil

- (1) Mae'r Comisiwn Addysg Drydyddol ac Ymchwil ("y Comisiwn") wedi ei sefydlu fel corff corfforedig.
- (2) Mae Atodlen 1 yn cynnwys darpariaeth bellach ynghylch y Comisiwn.

Dyletswyddau strategol y Comisiwn

2 Hybu dysgu gydol oes

Rhaid i'r Comisiwn hybu addysg drydyddol ar gyfer pobl Cymru –

- (a) sy'n darparu cyfleoedd i bobl i gymryd rhan mewn addysg drydyddol drwy gydol eu bywydau o 16 oed;
- (b) sy'n cynnwys amrywiaeth o lefelau astudio a mathau o gymhwyster;
- (c) sy'n cynnwys amrywiaeth o leoliadau addysgol a dulliau astudio;
- (d) sydd wedi ei threfnu'n gydlynol i hwyluso symudiad dysgwyr drwy gamau gwahanol addysg drydyddol ac i gyflogaeth neu fusnes;
- (e) sydd fel arall yn bodloni gofynion gwahanol y rheini a all ddymuno ymgymryd ag addysg drydyddol.



Tertiary Education and Research (Wales) Act 2022

An Act of Senedd Cymru to establish the Commission for Tertiary Education and Research and to make other provision about tertiary education (which includes higher education, further education and training) and research. [8 September 2022]

Having been passed by Senedd Cymru and having received the assent of Her Majesty, it is enacted as follows:

PART 1

STRATEGIC FRAMEWORK FOR TERTIARY EDUCATION AND RESEARCH

The Commission

1 Establishment of the Commission for Tertiary Education and Research

- (1) The Commission for Tertiary Education and Research (“the Commission”) is established as a body corporate.
- (2) Schedule 1 contains further provision about the Commission.

The Commission’s strategic duties

2 Promoting life-long learning

The Commission must promote tertiary education for the people of Wales that –

- (a) provides opportunities for people to participate in tertiary education throughout their lives from the age of 16;
- (b) includes a variety of levels of study and types of qualification;
- (c) includes a variety of educational settings and modes of study;
- (d) is organised coherently to facilitate movement of learners through different stages of tertiary education and into employment or business;
- (e) otherwise meets the different requirements of those who may wish to undertake tertiary education.

3 Hybu cyfle cyfartal

(1) Rhaid i'r Comisiwn hybu –

- (a) cynyddu cyfranogiad, gan bersonau sy'n aelodau o grwpiau sydd heb gynrychiolaeth ddigonol, mewn addysg drydyddol Gymreig;
- (b) cynyddu cyfranogiad, gan bersonau sy'n aelodau o grwpiau sydd heb gynrychiolaeth ddigonol, mewn gwaith ymchwil ac arloesi a wneir yng Nghymru;
- (c) cadw myfyrwyr sy'n aelodau o grwpiau sydd heb gynrychiolaeth ddigonol hyd at ddiwedd cyrsiau addysg drydyddol Gymreig;
- (d) lleihau unrhyw fylchau o ran cyrhaeddiad mewn addysg drydyddol Gymreig rhwng grwpiau gwahanol o fyfyrwyr pan fo'r gwahaniaethau yn codi oherwydd ffactorau cymdeithasol, diwylliannol, economaidd neu sefydliadol;
- (e) darparu cymorth i fyfyrwyr sy'n gorffen cyrsiau addysg drydyddol Gymreig sy'n aelodau o grwpiau sydd heb gynrychiolaeth ddigonol i barhau â'u haddysg drydyddol, dod o hyd i gyflogaeth neu ddechrau busnes.

(2) Yn yr adran hon, "grwpiau sydd heb gynrychiolaeth ddigonol" yw –

- (a) mewn perthynas ag addysg drydyddol, grwpiau nad oes ganddynt gynrychiolaeth ddigonol mewn addysg drydyddol Gymreig o ganlyniad i ffactorau cymdeithasol, diwylliannol, economaidd neu sefydliadol, a
- (b) mewn perthynas ag ymchwil ac arloesi, grwpiau nad oes ganddynt gynrychiolaeth ddigonol mewn gwaith ymchwil ac arloesi a wneir yng Nghymru o ganlyniad i ffactorau cymdeithasol, diwylliannol, economaidd neu sefydliadol.

4 Annog cyfranogiad mewn addysg drydyddol

Rhaid i'r Comisiwn –

- (a) annog unigolion sy'n preswyllo fel arfer yng Nghymru, yn benodol y rheini sydd ag anghenion dysgu ychwanegol, i gymryd rhan mewn addysg drydyddol, a
- (b) annog cyflogwyr yng Nghymru i gymryd rhan yn narpariaeth addysg drydyddol.

5 Hybu gwelliant parhaus mewn addysg drydyddol

(1) Rhaid i'r Comisiwn hybu gwelliant parhaus yn ansawdd addysg drydyddol Gymreig.

(2) Wrth gyflawni'r ddyletswydd hon, rhaid i'r Comisiwn roi sylw (ymhlith pethau eraill) –

- (a) i bwysigrwydd sicrhau bod aelodau o'r gweithlu addysg drydyddol yn gallu darparu addysg drydyddol o ansawdd uchel;
- (b) i ofynion rhesymol aelodau o'r gweithlu addysg drydyddol am ddatblygiad proffesiynol parhaus;
- (c) i bwysigrwydd barn dysgwyr ynghylch ansawdd yr addysg drydyddol a gânt.

(3) Yn yr adran hon, "aelodau o'r gweithlu addysg drydyddol" yw –

- (a) athrawon personau sy'n cael addysg drydyddol,
- (b) personau sy'n darparu cymorth i'r athrawon hynny, ac
- (c) personau sy'n darparu cymorth i ddysgwyr i gymryd rhan mewn addysg drydyddol.

3 Promoting equality of opportunity

- (1) The Commission must promote –
 - (a) increased participation in Welsh tertiary education by persons who are members of under-represented groups;
 - (b) increased participation in the carrying out of research and innovation in Wales by persons who are members of under-represented groups;
 - (c) retention of students who are members of under-represented groups to the end of courses of Welsh tertiary education;
 - (d) reduction of any gaps in attainment in Welsh tertiary education between different groups of students where the differences arise from social, cultural, economic or organisational factors;
 - (e) the provision of support for students finishing courses of Welsh tertiary education who are members of under-represented groups to continue their tertiary education, find employment or start a business.
- (2) In this section, “under-represented groups” are –
 - (a) in relation to tertiary education, groups that are under-represented in Welsh tertiary education as a result of social, cultural, economic or organisational factors, and
 - (b) in relation to research and innovation, groups that are under-represented in the carrying out of research and innovation in Wales as a result of social, cultural, economic or organisational factors.

4 Encouraging participation in tertiary education

The Commission must –

- (a) encourage individuals who are ordinarily resident in Wales, in particular those who have additional learning needs, to participate in tertiary education, and
- (b) encourage employers in Wales to participate in the provision of tertiary education.

5 Promoting continuous improvement in tertiary education

- (1) The Commission must promote continuous improvement in the quality of Welsh tertiary education.
- (2) In discharging this duty, the Commission must have regard (among other things) to –
 - (a) the importance of ensuring that members of the tertiary education workforce are capable of providing tertiary education of a high quality;
 - (b) the reasonable requirements of members of the tertiary education workforce for continuous professional development;
 - (c) the importance of the views of learners about the quality of the tertiary education they receive.
- (3) In this section, “members of the tertiary education workforce” are –
 - (a) teachers of persons receiving tertiary education,
 - (b) persons who provide support to such teachers, and
 - (c) persons who provide support to learners to participate in tertiary education.

6 Hybu gwaith ymchwil ac arloesi

- (1) Rhaid i'r Comisiwn hybu –
 - (a) gwneud gwaith ymchwil ac arloesi yng Nghymru;
 - (b) gwelliant parhaus yn ansawdd gwaith ymchwil ac arloesi a wneir gan bersonau perthnasol, a chystadleurwydd y gwaith ymchwil ac arloesi hwnnw o'i gymharu â gwaith ymchwil ac arloesi a wneir gan bersonau eraill;
 - (c) cydlafurio ar waith ymchwil ac arloesi, yng Nghymru ac mewn mannau eraill yn y byd rhwng –
 - (i) personau perthnasol;
 - (ii) personau perthnasol ac eraill;
 - (d) gwneud gwaith ymchwil ac arloesi a gweithgareddau sy'n ymwneud â gwaith ymchwil ac arloesi gan bersonau perthnasol drwy gyfrwng y Gymraeg.
- (2) Yn is-adran (1), ystyr "person perthnasol" yw –
 - (a) darparwr a bennir mewn rheoliadau o dan adran 105(4);
 - (b) corff sy'n cydlafurio o fewn yr ystyr a roddir gan adran 105(4) wrth wneud gwaith ymchwil ac arloesi y mae cydsyniad a roddir gan y Comisiwn o dan adran 105(5) mewn effaith mewn cysylltiad ag ef.

7 Hybu cydlafurio a chydlynu mewn addysg drydyddol ac ymchwil

Rhaid i'r Comisiwn hybu –

- (a) cydlafurio rhwng darparwyr addysg drydyddol yng Nghymru, ysgolion yng Nghymru a chyflogwyr;
- (b) cydlynu yn narpariaeth addysg drydyddol gan ddarparwyr addysg drydyddol yng Nghymru a chysoni'r ddarpariaeth honno â blaenoriaethau ymchwil ac arloesi.

8 Cyfrannu at economi gynaliadwy ac arloesol

- (1) Rhaid i'r Comisiwn hybu addysg drydyddol ac ymchwil mewn ffordd sy'n cyfrannu at ddatblygu economi gynaliadwy ac arloesol yng Nghymru.
- (2) Wrth gyflawni'r ddyletswydd hon, rhaid i'r Comisiwn roi sylw (ymhlith pethau eraill) i ofynion rhesymol diwydiant, masnach, cyllid, y proffesiynau, cyflogwyr eraill a gweithwyr.
- (3) At ddiben is-adran (1), mae economi gynaliadwy yn economi lle y mae anghenion y presennol wedi eu diwallu heb beryglu gallu cenedlaethau'r dyfodol i ddiwallu eu hanghenion hwythau.

9 Hybu addysg drydyddol drwy gyfrwng y Gymraeg

- (1) Rhaid i'r Comisiwn –
 - (a) annog y galw am addysg drydyddol Gymreig a ddarperir drwy gyfrwng y Gymraeg a chyfranogiad ynddi;
 - (b) cymryd pob cam rhesymol i sicrhau bod digon o addysg drydyddol Gymreig a ddarperir drwy gyfrwng y Gymraeg i ateb y galw;

6 Promotion of research and innovation

- (1) The Commission must promote –
 - (a) the carrying out of research and innovation in Wales;
 - (b) continuous improvement in the quality of research and innovation carried out by relevant persons, and the competitiveness of that research and innovation compared to research and innovation carried out by other persons;
 - (c) collaboration on research and innovation, both in Wales and elsewhere in the world between –
 - (i) relevant persons;
 - (ii) relevant persons and others;
 - (d) the carrying out by relevant persons of research and innovation and of activities related to research and innovation through the medium of Welsh.
- (2) In subsection (1), “relevant person” means –
 - (a) a provider specified in regulations under section 105(4);
 - (b) a collaborating body within the meaning given by section 105(4) when carrying out research and innovation in respect of which consent given by the Commission under section 105(5) is in effect.

7 Promoting collaboration and coherence in tertiary education and research

The Commission must promote –

- (a) collaboration between tertiary education providers in Wales, schools in Wales and employers;
- (b) coherence in the provision of tertiary education by tertiary education providers in Wales and the alignment of such provision with research and innovation priorities.

8 Contributing to a sustainable and innovative economy

- (1) The Commission must promote tertiary education and research in a way that contributes to the development of a sustainable and innovative economy in Wales.
- (2) In discharging this duty, the Commission must have regard (among other things) to the reasonable requirements of industry, commerce, finance, the professions, other employers and workers.
- (3) For the purpose of subsection (1), a sustainable economy is an economy in which the needs of the present are met without compromising the ability of future generations to meet their own needs.

9 Promoting tertiary education through the medium of Welsh

- (1) The Commission must –
 - (a) encourage demand for, and participation in, Welsh tertiary education provided through the medium of Welsh;
 - (b) take all reasonable steps to ensure that there is sufficient Welsh tertiary education provided through the medium of Welsh to meet demand;

- (c) annog darparu addysg drydyddol drwy gyfrwng y Gymraeg –
 - (i) gan ddarparwyr cofrestredig yng Nghymru, a
 - (ii) gan bersonau eraill sy'n darparu addysg drydyddol a gyllidir gan y Comisiwn neu a sicrheir fel arall ganddo.
- (2) Rhaid i Weinidogion Cymru ddynodi person i roi cyngor perthnasol i'r Comisiwn.
- (3) Yn yr adran hon, ystyr "cyngor perthnasol" yw cyngor a roddir at ddiben cynorthwyo'r Comisiwn i gyflawni ei ddyletswyddau o dan is-adran (1).
- (4) Ni chaniateir i berson gael ei ddynodi o dan is-adran (2) ond os yw Gweinidogion Cymru yn ystyried bod y person yn addas i roi cyngor ar y canlynol –
 - (a) hybu, cynnal, datblygu a chynllunio addysg drydyddol a ddarperir yng Nghymru drwy gyfrwng y Gymraeg,
 - (b) hybu caffael a gwella sgiliau Cymraeg,
 - (c) cynnal, datblygu, cynllunio a darparu gweithgareddau i gefnogi caffael a gwella sgiliau Cymraeg, a
 - (d) cydlafurio rhwng darparwyr addysg drydyddol yng Nghymru mewn perthynas â'r materion a grybwyllir ym mharagraffau (a) i (c).
- (5) Nid yw'r ddyletswydd yn is-adran (1) yn gymwys –
 - (a) os yw Gweinidogion Cymru yn ystyried nad oes unrhyw berson sy'n addas i roi cyngor ar y materion a grybwyllir yn is-adran (4), neu
 - (b) os nad oes unrhyw berson sy'n cydsynio i gael ei ddynodi.
- (6) Rhaid i'r Comisiwn roi sylw i unrhyw gyngor perthnasol a roddir iddo gan berson sydd wedi ei ddynodi o dan is-adran (2).
- (7) Rhaid i'r Comisiwn gyhoeddi dynodiad a wneir gan Weinidogion Cymru o dan is-adran (2).
- (8) Caniateir i ddynodiad o dan is-adran (2) gael ei ddileu.

10 Hybu cenhadaeth ddinesig

- (1) Rhaid i'r Comisiwn hybu cyflawni cenhadaeth ddinesig gan ddarparwyr addysg drydyddol yng Nghymru sy'n sefydliadau o fewn y sector addysg bellach a'r sector addysg uwch.
- (2) Caiff y Comisiwn arfer ei swyddogaethau o dan y Ddeddf hon i hybu cyflawni cenhadaeth ddinesig gan bersonau eraill (ac eithrio'r darparwyr addysg drydyddol a grybwyllir yn is-adran (1)) sydd wedi eu cyllido gan y Comisiwn o dan y Ddeddf hon.
- (3) Yn yr adran hon, ystyr "cenhadaeth ddinesig" yw gweithredu at ddiben hybu neu wella llesiant economaidd, cymdeithasol, amgylcheddol neu ddiwylliannol Cymru (gan gynnwys gweithredu sydd wedi ei anelu at gyflawni unrhyw un neu ragor o'r nodau llesiant yn adran 4 o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (dccc 2)).
- (4) Yn is-adran (3) ac yn adran 11, mae "llesiant Cymru" yn cynnwys llesiant –
 - (a) Cymru gyfan neu unrhyw ran ohoni;
 - (b) pob un o'r personau sy'n preswyllo neu'n bresennol yng Nghymru neu unrhyw un neu ragor o'r personau hynny.

- (c) encourage the provision of tertiary education through the medium of Welsh by –
 - (i) registered providers in Wales, and
 - (ii) other persons providing tertiary education funded or otherwise secured by the Commission.
- (2) The Welsh Ministers must designate a person to give relevant advice to the Commission.
- (3) In this section, “relevant advice” means advice given for the purpose of assisting the Commission in the discharge of its duties under subsection (1).
- (4) A person may be designated under subsection (2) only if the Welsh Ministers consider the person is suitable to give advice on the following –
 - (a) the promotion, maintenance, development and planning of tertiary education provided in Wales through the medium of Welsh,
 - (b) the promotion of the acquisition and improvement of Welsh language skills,
 - (c) the maintenance, development, planning and provision of activities to support the acquisition and improvement of Welsh language skills, and
 - (d) collaboration between tertiary education providers in Wales in relation to the matters mentioned in paragraphs (a) to (c).
- (5) The duty in subsection (1) does not apply if –
 - (a) the Welsh Ministers consider there is no person suitable to give advice on the matters mentioned in subsection (4), or
 - (b) there is no person who consents to be designated.
- (6) The Commission must have regard to any relevant advice given to it by a person designated under subsection (2).
- (7) The Commission must publish a designation made by the Welsh Ministers under subsection (2).
- (8) A designation under subsection (2) may be removed.

10 Promoting a civic mission

- (1) The Commission must promote the pursuit of a civic mission by tertiary education providers in Wales that are institutions within the further education sector and the higher education sector.
- (2) The Commission may exercise its functions under this Act to promote the pursuit of a civic mission by other persons (other than the tertiary education providers mentioned in subsection (1)) who are funded by the Commission under this Act.
- (3) In this section, a “civic mission” means action for the purpose of promoting or improving the economic, social, environmental or cultural well-being of Wales (including action aimed at achieving any of the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2)).
- (4) In subsection (3) and in section 11, “well-being of Wales” includes the well-being of –
 - (a) the whole or any part of Wales;
 - (b) all or any persons resident or present in Wales.

11 Hybu golwg fyd-eang

Rhaid i'r Comisiwn hybu –

- (a) cyfleoedd mewn addysg drydyddol i bersonau sy'n preswyllo fel arfer yng Nghymru i astudio neu addysgu mewn manau eraill yn y byd;
- (b) cyfleoedd i astudio neu addysgu mewn addysg drydyddol yng Nghymru ar gyfer personau sy'n preswyllo fel arfer y tu allan i Gymru;
- (c) cyfleoedd i'r buddiannau a geir yn sgil astudio ac addysgu o'r math a grybwyllir ym mharagraffau (a) a (b) gael eu defnyddio ar gyfer llesiant economaidd, cymdeithasol, amgylcheddol neu ddiwylliannol Cymru;
- (d) cydlafurio mewn addysg drydyddol rhwng darparwyr addysg drydyddol yng Nghymru a'r rheini mewn manau eraill yn y byd;
- (e) cyfleoedd i bersonau sy'n preswyllo fel arfer yng Nghymru a darparwyr addysg drydyddol yng Nghymru i wneud gwaith ymchwil ac arloesi mewn manau eraill yn y byd.

12 Hybu cydlafurio rhwng darparwyr addysg drydyddol ac undebau llafur

- (1) Rhaid i'r Comisiwn hybu cydlafurio rhwng darparwyr addysg drydyddol yng Nghymru ac undebau llafur perthnasol.
- (2) Mae undeb llafur yn undeb llafur perthnasol at ddiben yr adran hon os yw'r Comisiwn yn ystyried bod cydlafurio rhyngddo a darparwyr addysg drydyddol yng Nghymru yn debygol o gynorthwyo i gyflawni dyletswyddau'r Comisiwn o dan adrannau 2 i 11, ac –
 - (a) y caiff ei gynrychioli gan y corff o'r enw Wales TUC Cymru, neu
 - (b) os na chaiff ei gynrychioli felly, fod y Comisiwn yn ystyried ei fod yn cynrychioli aelodau o'r gweithlu addysg drydyddol (o fewn yr ystyr a roddir gan adran 5(3)) yng Nghymru.

Strategaeth ar gyfer addysg drydyddol ac ymchwil

13 Datganiad o flaenoriaethau strategol

- (1) Rhaid i Weinidogion Cymru gyhoeddi datganiad sy'n nodi eu blaenoriaethau strategol ar gyfer addysg drydyddol ac ymchwil ac arloesi, ac mewn cysylltiad â hwy.
- (2) Caiff Gweinidogion Cymru, ar unrhyw adeg, ddiwygio'r datganiad a gyhoeddir o dan is-adran (1) (gan gynnwys drwy ei ddisodli'n gyfan gwbl).
- (3) Rhaid i Weinidogion Cymru gyhoeddi unrhyw ddiwygiadau y maent yn eu gwneud i'r datganiad.

14 Cynllun strategol ar gyfer y Comisiwn

- (1) Rhaid i'r Comisiwn lunio cynllun strategol sy'n nodi sut y mae'n bwriadu –
 - (a) cyflawni ei ddyletswyddau strategol o dan adrannau 2 i 12, a
 - (b) ymdrin â'r blaenoriaethau yn natganiad Gweinidogion Cymru o dan adran 13.
- (2) Wrth lunio'r cynllun, rhaid i'r Comisiwnymgyngori â'r personau hynny y mae'n ystyried eu bod yn briodol.

11 Promoting a global outlook

The Commission must promote –

- (a) opportunities in tertiary education for persons ordinarily resident in Wales to study or teach elsewhere in the world;
- (b) opportunities to study or teach in tertiary education in Wales for persons ordinarily resident outside Wales;
- (c) opportunities for the benefits gained from study and teaching of the kind mentioned in paragraphs (a) and (b) to be used for the economic, social, environmental or cultural well-being of Wales;
- (d) collaboration in tertiary education between tertiary education providers in Wales and those elsewhere in the world;
- (e) opportunities for persons ordinarily resident in Wales and tertiary education providers in Wales to carry out research and innovation elsewhere in the world.

12 Promoting collaboration between providers of tertiary education and trade unions

- (1) The Commission must promote collaboration between tertiary education providers in Wales and relevant trade unions.
- (2) A trade union is a relevant trade union for the purpose of this section if the Commission considers that collaboration between it and tertiary education providers in Wales is likely to assist the discharge of the Commission's duties under sections 2 to 11, and it is –
 - (a) represented by the body known as Wales TUC Cymru, or
 - (b) if not so represented, the Commission considers it represents members of the tertiary education workforce (within the meaning given by section 5(3)) in Wales.

Strategy for tertiary education and research

13 Statement of strategic priorities

- (1) The Welsh Ministers must publish a statement setting out their strategic priorities for and in connection with tertiary education and research and innovation.
- (2) The Welsh Ministers may at any time amend the statement published under subsection (1) (including by replacing it entirely).
- (3) The Welsh Ministers must publish any amendments they make to the statement.

14 Strategic plan for the Commission

- (1) The Commission must prepare a strategic plan setting out how it intends to –
 - (a) discharge its strategic duties under sections 2 to 12, and
 - (b) address the priorities in the Welsh Ministers' statement under section 13.
- (2) In preparing the plan, the Commission must consult such persons as it considers appropriate.

15 Cymeradwyo, cyhoeddi a gweithredu'r cynllun strategol

- (1) Rhaid i'r Comisiwn anfon cynllun strategol a lunnir o dan adran 14 at Weinidogion Cymru i'w gymeradwyo cyn diwedd cyfnod o 6 mis sy'n dechrau â'r diwrnod y cyhoeddir y datganiad o dan adran 13(1).
- (2) Caiff Gweinidogion Cymru –
 - (a) cymeradwyo'r cynllun, neu
 - (b) cymeradwyo'r cynllun gydag addasiadau.
- (3) Rhaid i Weinidogion Cymru geisio cytundeb y Comisiwn i bob addasiad y maent yn bwriadu ei wneud i gynllun cyn iddynt ei addasu o dan is-adran (2)(b).
- (4) Os yw Gweinidogion Cymru yn cymeradwyo cynllun sy'n cynnwys addasiad nad yw'r Comisiwn yn cytuno iddo –
 - (a) rhaid i Weinidogion Cymru roi rhesymau dros yr addasiad hwnnw i'r Comisiwn, a
 - (b) rhaid i'r Comisiwn gyhoeddi'r rhesymau a roddir gan Weinidogion Cymru pan fydd yn cyhoeddi ei gynllun strategol cymeradwy.
- (5) Rhaid i'r Comisiwn gyhoeddi ei gynllun strategol cymeradwy.
- (6) Caiff y Comisiwn gyhoeddi ei ddatganiad ynghylch amcanion llesiant o dan adran 7 o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (dccc 2) drwy ei gynnwys yn ei gynllun strategol cymeradwy.
- (7) Rhaid i'r Comisiwn gymryd pob cam rhesymol i weithredu ei gynllun strategol cymeradwy.

16 Adolygu'r cynllun strategol

- (1) Os yw Gweinidogion Cymru yn diwygio eu datganiad o dan adran 13(2) ar ôl i'r Comisiwn gyhoeddi ei gynllun strategol cymeradwy o dan adran 15(5), rhaid i'r Comisiwn adolygu ei gynllun strategol.
- (2) Caiff y Comisiwn adolygu ei gynllun strategol ar unrhyw adeg arall.
- (3) Caiff y Comisiwn ddiwygio ei gynllun strategol ar ôl adolygiad o dan is-adran (1) neu (2) os yw'n ystyried ei bod yn briodol gwneud hynny.
- (4) Os yw'r Comisiwn yn diwygio ei gynllun strategol, mae adran 14 yn gymwys mewn perthynas â diwygio'r cynllun fel y mae'n gymwys mewn perthynas â llunio cynllun.
- (5) Rhaid i'r Comisiwn anfon ei gynllun strategol diwygiedig at Weinidogion Cymru i'w gymeradwyo –
 - (a) pan fo'r diwygio o ganlyniad i adolygiad o dan is-adran (1), cyn diwedd cyfnod o 6 mis sy'n dechrau â'r diwrnod y mae Gweinidogion Cymru yn cyhoeddi'r diwygiadau i'w datganiad, neu
 - (b) pan fo'r diwygio o ganlyniad i adolygiad o dan is-adran (2), cyn gynted ag y bo'n rhesymol ymarferol.
- (6) Mae is-adrannau (2) i (7) o adran 15 yn gymwys i gynllun a ddiwygir o dan yr adran hon fel y maent yn gymwys i gynllun a lunnir o dan adran 14.

15 Approval, publication and implementation of strategic plan

- (1) The Commission must send a strategic plan prepared under section 14 to the Welsh Ministers for their approval before the end of a period of 6 months beginning with the day on which the statement is published under section 13(1).
- (2) The Welsh Ministers may –
 - (a) approve the plan, or
 - (b) approve the plan with modifications.
- (3) The Welsh Ministers must seek the agreement of the Commission to each modification they propose making to a plan before they modify it under subsection (2)(b).
- (4) If the Welsh Ministers approve a plan containing a modification that is not agreed by the Commission –
 - (a) the Welsh Ministers must give reasons for that modification to the Commission, and
 - (b) the Commission must publish the reasons given by the Welsh Ministers when it publishes its approved strategic plan.
- (5) The Commission must publish its approved strategic plan.
- (6) The Commission may publish its statement about well-being objectives under section 7 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2) by including it in its approved strategic plan.
- (7) The Commission must take all reasonable steps to implement its approved strategic plan.

16 Review of strategic plan

- (1) If the Welsh Ministers amend their statement under section 13(2) after the Commission has published its approved strategic plan under section 15(5), the Commission must review its strategic plan.
- (2) The Commission may review its strategic plan at any other time.
- (3) The Commission may revise its strategic plan after a review under subsection (1) or (2) if it considers it appropriate to do so.
- (4) If the Commission revises its strategic plan, section 14 applies in relation to the revision of the plan as it applies in relation to the preparation of a plan.
- (5) The Commission must send its revised strategic plan to the Welsh Ministers for their approval –
 - (a) where the revision is in consequence of a review under subsection (1), before the end of a period of 6 months beginning with the day on which the Welsh Ministers publish the amendments to their statement, or
 - (b) where the revision is in consequence of a review under subsection (2), as soon as is reasonably practicable.
- (6) Subsections (2) to (7) of section 15 apply to a plan revised under this section as they apply to a plan prepared under section 14.

*Rhyddid academiaidd ac awtonomi sefydliadol***17 Rhyddid academiaidd darparwyr a staff addysg uwch**

- (1) Wrth arfer eu swyddogaethau o dan y Ddeddf hon, rhaid i Weinidogion Cymru a'r Comisiwn roi sylw i bwysigrwydd diogelu rhyddid academiaidd darparwyr addysg drydyddol yng Nghymru sy'n –
 - (a) darparu addysg uwch (i'r graddau y mae'r rhyddid yn ymwneud ag addysg uwch neu ymchwil ac arloesi), a
 - (b) staff academiaidd y darparwyr hynny.
- (2) Yn yr adran hon, ystyr "rhyddid academiaidd" yw –
 - (a) mewn perthynas â darparwyr addysg drydyddol, eu rhyddid i benderfynu –
 - (i) cynnwys cyrsiau addysg uwch pendool a'r modd y cânt eu haddysgu, eu goruchwyllo neu eu hasesu,
 - (ii) y meini prawf ar gyfer derbyn myfyrwyr ar gyrsiau addysg uwch ac i gymhwyso'r meini prawf hynny mewn achosion penodol, a
 - (iii) y meini prawf ar gyfer dethol a phenodi staff academiaidd ac i gymhwyso'r meini prawf hynny mewn achosion penodol;
 - (b) mewn perthynas â staff academiaidd, eu rhyddid o fewn y gyfraith –
 - (i) i gwestiynu a phrofi doethineb cyffredin, a
 - (ii) i gyflwyno syniadau newydd a lleisio barn ddadleuol neu amhoblogaidd, heb eu rhoi eu hunain mewn perygl o golli eu swyddi neu unrhyw freintiau a all fod ganddynt yn y darparwyr addysg drydyddol.

18 Awtonomi sefydliadol darparwyr addysg drydyddol

Wrth arfer eu swyddogaethau o dan y Ddeddf hon, rhaid i Weinidogion Cymru a'r Comisiwn roi sylw i bwysigrwydd diogelu'r rhyddid o fewn y gyfraith i ddarparwyr addysg drydyddol yng Nghymru i reoli o ddydd i dydd mewn ffordd effeithiol a medrus.

*Cydnawsedd â chyfraith elusennau***19 Cydnawsedd â chyfraith elusennau a dogfennau llywodraethu darparwyr addysg drydyddol**

- (1) Nid oes dim byd yn y Ddeddf hon sy'n rhoi pŵer i'r Comisiwn neu i Weinidogion Cymru i'w gwneud yn ofynnol i gorff llywodraethu darparwr addysg drydyddol wneud unrhyw beth sy'n anghydnaws –
 - (a) ag unrhyw rwymedigaeth gyfreithiol neu gyfyngiad cyfreithiol sy'n gymwys i'r corff llywodraethu yn rhinwedd bod y darparwr yn elusen, neu
 - (b) â dogfennau llywodraethu'r darparwr.
- (2) At ddibenion is-adran (1), dogfennau llywodraethu darparwr addysg drydyddol yw –
 - (a) yn achos darparwr a sefydlwyd drwy Siarter Frenhinol –
 - (i) Siarter y darparwr, a

*Academic freedom and institutional autonomy***17 Academic freedom of higher education providers and staff**

- (1) In exercising their functions under this Act, the Welsh Ministers and the Commission must have regard to the importance of protecting the academic freedom of –
 - (a) tertiary education providers in Wales that provide higher education (so far as the freedom relates to higher education or research and innovation), and
 - (b) academic staff at those providers.
- (2) In this section, “academic freedom” means –
 - (a) in relation to tertiary education providers, their freedom to determine –
 - (i) the contents of particular higher education courses and the manner in which they are taught, supervised or assessed,
 - (ii) the criteria for admission of students to higher education courses and to apply those criteria in particular cases, and
 - (iii) the criteria for the selection and appointment of academic staff and to apply those criteria in particular cases;
 - (b) in relation to academic staff, their freedom within the law –
 - (i) to question and test received wisdom, and
 - (ii) to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at the tertiary education providers.

18 Institutional autonomy of tertiary education providers

In exercising their functions under this Act, the Welsh Ministers and the Commission must have regard to the importance of protecting the freedom within the law of tertiary education providers in Wales to conduct their day to day management in an effective and competent way.

*Compatibility with charity law***19 Compatibility with charity law and governing documents of tertiary education providers**

- (1) Nothing in this Act confers power on the Commission or on the Welsh Ministers to require the governing body of a tertiary education provider to do anything that is incompatible with –
 - (a) any legal obligation or legal restriction that applies to the governing body by virtue of the provider being a charity, or
 - (b) the governing documents of the provider.
- (2) For the purposes of subsection (1), the governing documents of a tertiary education provider are –
 - (a) in the case of a provider established by Royal Charter –
 - (i) the provider’s Charter, and

- (ii) unrhyw offeryn sy'n ymwneud â rhedeg y darparwr, y mae'n ofynnol i'r Cyfrin Gyngor gymeradwyo ei wneud neu ei ddiwygio;
- (b) yn achos darparwr sy'n cael ei redeg gan gorfforaeth addysg uwch (o fewn yr ystyr a roddir i "higher education corporation" gan adran 90(1) o Ddeddf Addysg Bellach ac Uwch 1992 (p. 13)), offeryn llywodraethu ac erthyglau llywodraethu'r gorfforaeth;
- (c) yn achos darparwr sy'n cael ei redeg gan gorfforaeth addysg bellach (o fewn yr ystyr a roddir i "further education corporation" gan adran 17(1) o Ddeddf Addysg Bellach ac Uwch 1992), offeryn llywodraethu ac erthyglau llywodraethu'r gorfforaeth;
- (d) yn achos darparwr sy'n sefydliad a ddynodir o dan adran 129 o Ddeddf Diwygio Addysg 1988 (p. 40) neu adran 28 o Ddeddf Addysg Bellach ac Uwch 1992, offeryn llywodraethu ac erthyglau llywodraethu'r darparwr;
- (e) yn achos darparwr sy'n ysgol, offeryn llywodraethu'r ysgol (os oes un);
- (f) yn achos darparwr sy'n cael ei redeg gan gwmni, memorandwm ac erthyglau cymdeithasu'r cwmni.

Canllawiau a chyfarwyddydau Gweinidogion Cymru

20 Canllawiau

Wrth arfer ei swyddogaethau, rhaid i'r Comisiwn roi sylw i ganllawiau a roddir iddo gan Weinidogion Cymru.

21 Pŵer Gweinidogion Cymru i roi cyfarwyddydau cyffredinol

- (1) Caiff Gweinidogion Cymru roi cyfarwyddydau cyffredinol i'r Comisiwn ynghylch arfer unrhyw un neu ragor o'i swyddogaethau.
- (2) Caniateir i gyfarwyddydau o dan yr adran hon gael eu llunio drwy gyfeirio at gwrs astudio penodol, ond ni chânt ei gwneud yn ofynnol i'r Comisiwn arfer swyddogaeth mewn ffordd sy'n gwahardd neu'n ei gwneud yn ofynnol darparu cwrs astudio penodol.
- (3) Ni chaniateir i'r cyfarwyddydau gael eu llunio drwy gyfeirio –
 - (a) at ddarparwr cofrestredig penodol,
 - (b) at berson penodol ac eithrio darparwr cofrestredig sy'n cael adnoddau ariannol a ddarperir neu a sicrheir gan y Comisiwn o dan Ran 3,
 - (c) at rannau penodol o gyrsiau astudio,
 - (d) at raglenni ymchwil penodol neu brosiectau arloesi penodol,
 - (e) at gynnwys cyrsiau astudio, rhaglenni ymchwil neu brosiectau arloesi,
 - (f) at y modd y caiff y cyrsiau hynny, y rhaglenni hynny neu'r prosiectau hynny eu haddysgu, eu goruchwylio neu eu hasesu,
 - (g) at y meini prawf ar gyfer dethol, penodi neu ddiswyddo staff academaidd, neu sut y maent yn cael eu cymhwyso, neu
 - (h) at y meini prawf ar gyfer derbyn myfyrwyr, neu sut y maent yn cael eu cymhwyso.

- (ii) any instrument relating to the conduct of the provider the making or amendment of which requires the approval of the Privy Council;
- (b) in the case of a provider conducted by a higher education corporation (within the meaning given by section 90(1) of the Further and Higher Education Act 1992 (c. 13)), the corporation's instrument of government and articles of government;
- (c) in the case of a provider conducted by a further education corporation (within the meaning given by section 17(1) of the Further and Higher Education Act 1992), the corporation's instrument of government and articles of government;
- (d) in the case of a provider that is an institution designated under section 129 of the Education Reform Act 1988 (c. 40) or section 28 of the Further and Higher Education Act 1992, the provider's instrument of government and articles of government;
- (e) in the case of a provider that is a school, the school's instrument of government (if any);
- (f) in the case of a provider that is conducted by a company, the company's memorandum and articles of association.

Welsh Ministers' guidance and directions

20 Guidance

In exercising its functions, the Commission must have regard to guidance given to it by the Welsh Ministers.

21 The Welsh Ministers' power to give general directions

- (1) The Welsh Ministers may give the Commission general directions about the exercise of any of its functions.
- (2) Directions under this section may be framed by reference to a particular course of study, but must not require the Commission to exercise a function in a way which prohibits or requires the provision of a particular course of study.
- (3) The directions must not be framed by reference to –
 - (a) a particular registered provider,
 - (b) a particular person other than a registered provider in receipt of financial resources provided or secured by the Commission under Part 3,
 - (c) particular parts of courses of study,
 - (d) particular programmes of research or innovation projects,
 - (e) the content of courses of study, programmes of research or innovation projects,
 - (f) the manner in which such courses, programmes or projects are taught, supervised or assessed,
 - (g) the criteria for the selection, appointment or dismissal of academic staff, or how they are applied, or
 - (h) the criteria for the admission of students, or how they are applied.

- (4) Nid yw is-adrannau (2) a (3) yn atal cyfarwyddydau o dan yr adran hon rhag cael eu llunio drwy gyfeirio at ddarparu ac asesu cyrsiau astudio neu rannau o gyrsiau astudio drwy gyfrwng y Gymraeg.
- (5) Caniateir i gyfarwyddydau o dan yr adran hon gael eu llunio drwy gyfeirio at faes ymchwil neu arloesi ond dim ond os yw'r maes hwnnw wedi ei bennu yng nghynllun strategol y Comisiwn a gymeradwyir o dan adran 15.
- (6) Cyn rhoi cyfarwyddyd o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori â'r Comisiwn.
- (7) Os yw Gweinidogion Cymru yn rhoi cyfarwyddyd o dan yr adran hon, rhaid iddynt—
 - (a) cyhoeddi'r cyfarwyddyd,
 - (b) adrodd i Senedd Cymru fod cyfarwyddyd wedi ei roi a gosod copi o'r cyfarwyddyd gerbron y Senedd, ac
 - (c) cadw'r cyfarwyddyd o dan adolygiad.
- (8) Rhaid i'r Comisiwn gydymffurfio â chyfarwyddyd a roddir o dan yr adran hon.

*Swyddogaethau ychwanegol***22 Swyddogaethau ychwanegol y Comisiwn**

- (1) Caiff Gweinidogion Cymru, drwy reoliadau, roi swyddogaethau atodol i'r Comisiwn.
- (2) Mae "swyddogaeth atodol" yn swyddogaeth—
 - (a) sy'n arferadwy at ddibenion swyddogaeth i Weinidogion Cymru, a
 - (b) sy'n ymwneud—
 - (i) â darparu, neu'r bwriad i ddarparu, addysg drydyddol, neu
 - (ii) â gwneud, neu'r bwriad i wneud, gwaith ymchwil ac arloesi.
- (3) Mae is-adrannau (4) a (5) yn gymwys—
 - (a) pan fo tir neu eiddo arall yn cael ei ddefnyddio neu ei ddal, neu pan oedd yn cael ei ddefnyddio neu ei ddal, at ddibenion darparwr addysg drydyddol yng Nghymru sy'n sefydliad o fewn y sector addysg uwch neu'r sector addysg bellach, a
 - (b) pan fo Gweinidogion Cymru â'r hawlogaeth i gael unrhyw hawl neu fuddiant mewn cysylltiad â'r eiddo, neu pan fyddent â hawlogaeth o'r fath pe bai digwyddiad yn digwydd.
- (4) Caiff Gweinidogion Cymru gyfarwyddo bod pob un neu unrhyw un neu ragor o swyddogaethau Gweinidogion Cymru mewn cysylltiad â'r eiddo yn arferadwy ar eu rhan gan y Comisiwn.
- (5) Rhaid i'r Comisiwn arfer y swyddogaethau hynny yn unol â chyfarwyddydau a roddir gan Weinidogion Cymru.

*Diddymu Cyngor Cyllido Addysg Uwch Cymru***23 Diddymu Cyngor Cyllido Addysg Uwch Cymru**

Mae Cyngor Cyllido Addysg Uwch Cymru yn peidio â bodoli.

- (4) Subsections (2) and (3) do not prevent directions under this section being framed by reference to courses of study or parts of courses of study being provided and assessed through the medium of Welsh.
- (5) Directions under this section may be framed by reference to an area of research or innovation but only if that area is specified in the Commission's strategic plan approved under section 15.
- (6) Before giving a direction under this section, the Welsh Ministers must consult the Commission.
- (7) If the Welsh Ministers give a direction under this section, they must—
 - (a) publish the direction,
 - (b) report to Senedd Cymru that a direction has been given and lay a copy of the direction before the Senedd, and
 - (c) keep the direction under review.
- (8) The Commission must comply with a direction given under this section.

Additional functions

22 Additional functions of the Commission

- (1) The Welsh Ministers may, by regulations, confer on the Commission supplementary functions.
- (2) A "supplementary function" is a function that—
 - (a) is exercisable for the purposes of a function of the Welsh Ministers, and
 - (b) relates to—
 - (i) the provision, or proposed provision, of tertiary education, or
 - (ii) the carrying out, or proposed carrying out, of research and innovation.
- (3) Subsections (4) and (5) apply where—
 - (a) land or other property is or was used or held for the purposes of a tertiary education provider in Wales that is an institution within the higher education sector or the further education sector, and
 - (b) the Welsh Ministers are entitled to any right or interest in respect of the property, or would be so entitled on the occurrence of an event.
- (4) The Welsh Ministers may direct that all or any of the Welsh Ministers' functions in respect of the property are exercisable on their behalf by the Commission.
- (5) The Commission must exercise those functions in accordance with directions given by the Welsh Ministers.

Dissolution of Higher Education Funding Council for Wales

23 Dissolution of the Higher Education Funding Council for Wales

The Higher Education Funding Council for Wales ceases to exist.

24 Cynlluniau trosglwyddo

Mae Atodlen 2 yn gwneud darpariaeth ynghylch cynlluniau ar gyfer trosglwyddo staff ac eiddo, hawliau ac atebolrwyddau o Gyngor Cyllido Addysg Uwch Cymru a Gweinidogion Cymru i'r Comisiwn.

RHAN 2**COFRESTRU A RHEOLEIDDIO DARPARWYR ADDYSG DRYDYDDOL****PENNOD 1****COFRESTRU DARPARWYR ADDYSG DRYDYDDOL***Y gofrestr a'r weithdrefn gofrestru***25 Y gofrestr**

- (1) Rhaid i'r Comisiwn sefydlu a chynnal cofrestr o ddarparwyr addysg drydyddol yng Nghymru (y cyfeirir ati yn y Ddeddf hon fel "y gofrestr").
- (2) Rhaid i Weinidogion Cymru, drwy reoliadau, bennu un neu ragor o gategoriâu cofrestru y mae rhaid i'r Comisiwn wneud darpariaeth ar eu cyfer yn y gofrestr.
- (3) Rhaid i gategori cofrestru a bennir yn y rheoliadau ymwneud â darparu un neu ragor o fathau o addysg drydyddol.
- (4) Rhaid i'r Comisiwn gofrestru darparwr addysg drydyddol mewn categori o'r gofrestr –
 - (a) os yw ei gorff llywodraethu yn gwneud cais iddo gael ei gofrestru yn y categori,
 - (b) os yw'n ddarparwr addysg drydyddol yng Nghymru,
 - (c) os yw'n darparu'r math o addysg drydyddol sy'n ymwneud â'r categori, neu os yw'r math hwnnw o addysg drydyddol yn cael ei ddarparu ar ei ran,
 - (d) os yw'n bodloni'r amodau cofrestru cychwynnol sy'n gymwys iddo mewn cysylltiad â'r cofrestriad a geisir (gweler adran 27),
 - (e) os nad yw cofrestru wedi ei wahardd gan ddarpariaeth a wneir mewn rheoliadau o dan is-adran (5), ac
 - (f) os yw'r cais yn cydymffurfio ag unrhyw ofynion a osodir o dan is-adran (7).
- (5) Caiff Gweinidogion Cymru, drwy reoliadau, wahardd cofrestru darparwr addysg drydyddol mewn un categori o'r gofrestr ar yr un pryd ag y mae wedi ei gofrestru mewn un neu ragor o'r categorïau eraill.
- (6) Ni chaiff y Comisiwn gofrestru darparwr addysg drydyddol yn y gofrestr ac eithrio –
 - (a) mewn categori cofrestru a bennir mewn rheoliadau o dan is-adran (2);
 - (b) yn unol ag is-adran (4), adran 44 (newid categori cofrestru heb gais) ac unrhyw reoliadau a wneir o dan is-adran (5).
- (7) Caiff y Comisiwn benderfynu –
 - (a) ffurf cais i gofrestru,
 - (b) yr wybodaeth sydd i'w chynnwys yn y cais neu sydd i'w darparu gydag ef, ac

24 Transfer schemes

Schedule 2 makes provision about schemes for the transfer of staff and property, rights and liabilities from the Higher Education Funding Council for Wales and the Welsh Ministers to the Commission.

PART 2**REGISTRATION AND REGULATION OF TERTIARY EDUCATION PROVIDERS****CHAPTER 1****REGISTRATION OF TERTIARY EDUCATION PROVIDERS***The register and registration procedure***25 The register**

- (1) The Commission must establish and maintain a register of tertiary education providers in Wales (referred to in this Act as “the register”).
- (2) The Welsh Ministers must, by regulations, specify one or more categories of registration for which the Commission must make provision in the register.
- (3) A category of registration specified in the regulations must relate to the provision of one or more kinds of tertiary education.
- (4) The Commission must register a tertiary education provider in a category of the register if—
 - (a) its governing body applies for it to be registered in the category,
 - (b) it is a tertiary education provider in Wales,
 - (c) it provides, or has provided on its behalf, the kind of tertiary education that relates to the category,
 - (d) it satisfies the initial registration conditions applicable to it in respect of the registration sought (see section 27),
 - (e) registration is not prohibited by provision made in regulations under subsection (5), and
 - (f) the application complies with any requirements imposed under subsection (7).
- (5) The Welsh Ministers may, by regulations, prohibit the registration of a tertiary education provider in one category of the register at the same time that it is registered in one or more of the other categories.
- (6) The Commission must not register a tertiary education provider in the register otherwise than—
 - (a) in a category of registration specified in regulations under subsection (2);
 - (b) in accordance with subsection (4), section 44 (change in registration category without application) and any regulations made under subsection (5).
- (7) The Commission may determine—
 - (a) the form of an application for registration,
 - (b) the information to be contained in it or provided with it, and

- (c) y ffordd y mae cais i'w gyflwyno.
- (8) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch yr wybodaeth y mae rhaid ei chynnwys yng nghofnod darparwr addysg drydyddol yn y gofrestr.
- (9) Unwaith y bydd wedi ei gofrestru, mae cofrestriad parhaus darparwr addysg drydyddol mewn categori o'r gofrestr yn ddarostyngedig i'r darparwr fodloni –
- (a) yr amodau cofrestru parhaus cyffredinol sy'n gymwys i gofrestriad y darparwr yn y categori ac fel y gallant gael eu diwygio'n ddiweddarach (gweler adran 28), a
- (b) yr amodau cofrestru parhaus penodol (os oes rhai) a osodir arno yn y categori cofrestru hwnnw ac fel y gallant gael eu hamrywio'n ddiweddarach (gweler adran 29).
- (10) Mae cyfeiriadau yn y Rhan hon at amodau cofrestru parhaus darparwr addysg drydyddol yn gyfeiriadau at yr amodau a grybwyllir yn is-adran (9)(a) a (b).
- (11) Rhaid i'r Comisiwn roi'r wybodaeth a gynhwysir yn y gofrestr, a'r wybodaeth a gynhwyswyd ynddi yn flaenorol, ar gael i'r cyhoedd drwy'r cyfrwng y mae'r Comisiwn yn ystyried ei fod yn briodol.

26 Y weithdrefn gofrestru

- (1) Cyn gwrthod cais i gofrestru darparwr addysg drydyddol mewn categori o'r gofrestr, rhaid i'r Comisiwn hysbysu corff llywodraethu'r darparwr ei fod yn bwriadu gwneud hynny.
- (2) Rhaid i'r hysbysiad bennu –
- (a) rhesymau'r Comisiwn dros fwriadu gwrthod cofrestru'r darparwr addysg drydyddol yn y categori,
- (b) y cyfnod pan gaiff corff llywodraethu'r darparwr gyflwyno sylwadau ynghylch yr hyn y mae'r Comisiwn yn bwriadu ei wneud ("y cyfnod penodedig"), ac
- (c) y ffordd y caniateir i'r sylwadau hynny gael eu cyflwyno.
- (3) Ni chaiff y cyfnod penodedig fod yn llai nag 28 o ddiwrnodau sy'n dechrau â'r dyddiad y ceir yr hysbysiad.
- (4) Rhaid i'r Comisiwn roi sylw i unrhyw sylwadau a gyflwynir gan gorff llywodraethu'r darparwr addysg drydyddol yn unol â'r hysbysiad wrth benderfynu pa un ai i'w gofrestru yn y categori.
- (5) Ar ôl penderfynu pa un ai i gofrestru'r darparwr addysg drydyddol yn y categori ai peidio, rhaid i'r Comisiwn hysbysu corff llywodraethu'r darparwr am ei benderfyniad.
- (6) Pan mai cofrestru'r darparwr addysg drydyddol yn y categori yw'r penderfyniad, rhaid i'r hysbysiad bennu –
- (a) dyddiad y cofnod yn y gofrestr yn y categori, a
- (b) yr amodau cofrestru parhaus sy'n gymwys i gofrestriad y darparwr yn y categori ar yr adeg honno.
- (7) Pan mai gwrthod cofrestru'r darparwr yn y categori yw'r penderfyniad, rhaid i'r hysbysiad bennu –
- (a) y sail dros wrthod,

- (c) the way in which an application is to be submitted.
- (8) The Welsh Ministers may, by regulations, make provision about the information which must be contained in a tertiary education provider's entry in the register.
- (9) Once registered, a tertiary education provider's ongoing registration in a category of the register is subject to the provider satisfying—
 - (a) the general ongoing registration conditions applicable to the provider's registration in the category and as they may be later revised (see section 28), and
 - (b) the specific ongoing registration conditions (if any) imposed on it in that category of registration and as they may be later varied (see section 29).
- (10) References in this Part to the ongoing registration conditions of a tertiary education provider are to the conditions mentioned in subsection (9)(a) and (b).
- (11) The Commission must make the information contained in the register, and the information previously contained in it, publicly available by such means as it considers appropriate.

26 Registration procedure

- (1) Before refusing an application to register a tertiary education provider in a category of the register, the Commission must notify the governing body of the provider that it proposes to do so.
- (2) The notice must specify—
 - (a) the Commission's reasons for proposing to refuse to register the tertiary education provider in the category,
 - (b) the period during which the governing body of the provider may make representations about the proposal ("the specified period"), and
 - (c) the way in which those representations may be made.
- (3) The specified period must not be less than 28 days beginning with the date on which the notice is received.
- (4) The Commission must have regard to any representations made by the governing body of the tertiary education provider in accordance with the notice in deciding whether to register it in the category.
- (5) Having decided whether or not to register the tertiary education provider in the category, the Commission must notify the governing body of the provider of its decision.
- (6) Where the decision is to register the tertiary education provider in the category, the notice must specify—
 - (a) the date of entry in the register in the category, and
 - (b) the ongoing registration conditions applicable to the provider's registration in the category at that time.
- (7) Where the decision is to refuse to register the provider in the category, the notice must specify—
 - (a) the grounds for the refusal,

- (b) gwybodaeth o ran yr hawl i gael adolygiad, ac
- (c) y cyfnod a bennir mewn rheoliadau o dan adran 79(4)(c) y caniateir i gais am adolygiad gael ei wneud ynddo.

Amodau cofrestru

27 Amodau cofrestru cychwynnol

- (1) Mae'n amod cofrestru cychwynnol ym mhob categori o'r gofrestr fod y Comisiwn wedi ei fodloni o ran—
 - (a) ansawdd y math o addysg drydyddol a ddarperir gan, neu ar ran, y darparwr addysg drydyddol sy'n gwneud cais, y mae'r categori o'r gofrestr yn ymwneud ag ef;
 - (b) effeithiolrwydd trefniadau llywodraethu a rheoli'r darparwr addysg drydyddol sy'n gwneud cais (gan gynnwys ei drefniadau rheoli ariannol);
 - (c) cynaliadwyedd ariannol y darparwr addysg drydyddol sy'n gwneud cais;
 - (d) effeithiolrwydd trefniadau'r darparwr addysg drydyddol sy'n gwneud cais ar gyfer cefnogi a hybu lles ei fyfyrwyr a'i staff;
 - (e) pan fo trefniadau dilysu yn eu lle, effeithiolrwydd y trefniadau hynny wrth alluogi'r darparwr addysg drydyddol sy'n gwneud cais i'w fodloni ei hunan o ran ansawdd yr addysg sy'n arwain at ddyfarnu cymhwyster o dan y trefniadau.
- (2) Rhaid i'r Comisiwn gyhoeddi dogfen sy'n pennu'r gofynion y mae rhaid iddynt gael eu diwallu er mwyn iddo gael ei fodloni o ran y materion a grybwyllir yn is-adran (1).
- (3) Caiff y Comisiwn ddiwygio'r gofynion.
- (4) Os yw'r Comisiwn yn diwygio'r gofynion, rhaid iddo gyhoeddi dogfen ddiwygiedig sy'n pennu'r gofynion fel y'u diwygiwyd.
- (5) Cyn cyhoeddi'r ddogfen neu ddogfen ddiwygiedig, rhaid i'r Comisiwn, os yw'n ymddangos iddo ei bod yn briodol gwneud hynny, ymgynghori â'r personau hynny y mae'n ystyried eu bod yn briodol.
- (6) Caiff Gweinidogion Cymru, drwy reoliadau, ddarparu ar gyfer amodau cofrestru cychwynnol pellach ar gyfer unrhyw gategori cofrestru.
- (7) Caiff rheoliadau o dan is-adran (6) (ymhlith pethau eraill)—
 - (a) rhoi swyddogaethau i'r Comisiwn mewn cysylltiad â gweithredu amodau cychwynnol pellach y darperir ar eu cyfer yn y rheoliadau;
 - (b) darparu ar gyfer amodau cofrestru cychwynnol pellach sy'n ymwneud—
 - (i) â statws elusennol neu statws arall darparwyr addysg drydyddol;
 - (ii) â'r wybodaeth a ddarperir i ddarpar fyfyrwyr am ddarparwr, ei gyrsiau, a thelerau ac amodau ei gontractau â myfyrwyr;
 - (iii) â gweithdrefnau cwyno darparwyr.
- (8) Yn is-adran (1)(e), ystyr "trefniadau dilysu" yw trefniadau rhwng darparwr addysg drydyddol sy'n gwneud cais a darparwr addysg arall y mae'r darparwr addysg drydyddol sy'n gwneud cais yn dyfarnu cymhwyster odanynt i fyfyrwr yn y darparwr arall neu'n awdurdodi'r darparwr arall i ddyfarnu cymhwyster odanynt ar ei ran.

- (b) information as to the right of review, and
- (c) the period specified in regulations under section 79(4)(c) within which an application for a review may be made.

Registration conditions

27 Initial registration conditions

- (1) It is an initial condition of registration in each category of the register that the Commission is satisfied as to—
 - (a) the quality of the kind of tertiary education provided by, or on behalf of, the applicant tertiary education provider to which the category of the register relates;
 - (b) the effectiveness of the governance and management of the applicant tertiary education provider (including its financial management);
 - (c) the financial sustainability of the applicant tertiary education provider;
 - (d) the effectiveness of the applicant tertiary education provider’s arrangements for supporting and promoting the welfare of its students and staff;
 - (e) where there are validation arrangements in place, the effectiveness of those arrangements in enabling the applicant tertiary education provider to satisfy itself as to the quality of the education leading to the award of a qualification under the arrangements.
- (2) The Commission must publish a document specifying the requirements that must be met for it to be satisfied as to the matters mentioned in subsection (1).
- (3) The Commission may revise the requirements.
- (4) If the Commission revises the requirements, it must publish a revised document specifying the requirements as revised.
- (5) Before publishing the document or revised document, the Commission must, if it appears to it appropriate to do so, consult such persons as it considers appropriate.
- (6) The Welsh Ministers may, by regulations, provide for further initial conditions of registration for any category of registration.
- (7) Regulations under subsection (6) may (among other things)—
 - (a) confer functions on the Commission in connection with the operation of further initial conditions provided for in the regulations;
 - (b) provide for further initial conditions of registration relating to—
 - (i) the charitable or other status of tertiary education providers;
 - (ii) the information provided to prospective students about a provider, its courses, and its terms and conditions of contracts with students;
 - (iii) complaints procedures of providers.
- (8) In subsection (1)(e), “validation arrangements” means arrangements between an applicant tertiary education provider and another education provider under which the applicant tertiary education provider awards a qualification to a student at the other provider or authorises the other provider to award a qualification on its behalf.

28 Amodau cofrestru parhaus cyffredinol

- (1) Rhaid i'r Comisiwn benderfynu amodau cofrestru parhaus cyffredinol a'u cyhoeddi.
- (2) Caniateir i amodau gwahanol gael eu penderfynu ar gyfer categorïau cofrestru gwahanol.
- (3) Mewn perthynas â chategori cofrestru, caniateir i amodau gwahanol gael eu penderfynu ar gyfer disgrifiadau gwahanol o ddarparwr addysg drydyddol.
- (4) Rhaid i'r Comisiwn gyhoeddi'r amodau cofrestru parhaus cyffredinol mewn ffordd sy'n nodi'r categori cofrestru y mae'r amod yn gymwys iddo.
- (5) Caiff y Comisiwn ddiwygio'r amodau.
- (6) Os yw'r Comisiwn yn diwygio'r amodau, rhaid iddo gyhoeddi'r amodau fel y'u diwygiwyd.
- (7) Cyn penderfynu'r amodau neu eu diwygio, rhaid i'r Comisiwn, os yw'n ymddangos iddo ei bod yn briodol gwneud hynny, ymgynghori â'r personau hynny y mae'n ystyried eu bod yn briodol.
- (8) Caiff y Comisiwn, ar adeg cofrestru darparwr addysg drydyddol mewn categori o'r gofrestr neu'n ddiweddarach, benderfynu nad yw unrhyw un neu ragor o'r amodau cofrestru parhaus cyffredinol sy'n gymwys i gofrestriad yn y categori hwnnw yn gymwys i'r darparwr, yn ddarostyngedig i'r gofynion o dan y Rhan hon sy'n ymwneud ag amodau cofrestru parhaus mandadol.
- (9) Pan fo'r penderfyniad wedi ei wneud ar ôl cofrestru'r darparwr addysg drydyddol yn y categori hwnnw o'r gofrestr, rhaid i'r Comisiwn hysbysu corff llywodraethu'r darparwr am ei benderfyniad.

29 Amodau cofrestru parhaus penodol

- (1) Caiff y Comisiwn, ar adeg cofrestru darparwr addysg drydyddol mewn categori o'r gofrestr neu'n ddiweddarach, osod unrhyw amodau ar ei gofrestriad yn y categori y mae'r Comisiwn yn eu penderfynu ("yr amodau cofrestru parhaus penodol").
- (2) Caiff y Comisiwn ar unrhyw adeg amrywio neu ddileu amod cofrestru parhaus penodol.
- (3) Cyn—
 - (a) gosod amod cofrestru parhaus penodol, neu
 - (b) amrywio neu ddileu amod cofrestru parhaus penodol,
 rhaid i'r Comisiwn hysbysu corff llywodraethu'r darparwr addysg drydyddol ei fod yn bwriadu gwneud hynny.
- (4) Rhaid i'r hysbysiad—
 - (a) pennu rhesymau'r Comisiwn dros fwriadu cymryd y cam o dan sylw,
 - (b) pennu'r cyfnod pan gaiff corff llywodraethu'r darparwr addysg drydyddol gyflwyno sylwadau ynghylch yr hyn y mae'r Comisiwn yn bwriadu ei wneud ("y cyfnod penodedig"), ac
 - (c) pennu'r ffordd y caniateir i'r sylwadau hynny gael eu cyflwyno.
- (5) Ni chaiff y cyfnod penodedig fod yn llai nag 28 o ddiwrnodau sy'n dechrau â'r dyddiad y ceir yr hysbysiad.

28 General ongoing registration conditions

- (1) The Commission must determine and publish general ongoing registration conditions.
- (2) Different conditions may be determined for different categories of registration.
- (3) In relation to a category of registration, different conditions may be determined for different descriptions of tertiary education provider.
- (4) The Commission must publish the general ongoing registration conditions in a way that identifies the category of registration to which the condition applies.
- (5) The Commission may revise the conditions.
- (6) If the Commission revises the conditions, it must publish them as revised.
- (7) Before determining or revising the conditions, the Commission must, if it appears to it appropriate to do so, consult such persons as it considers appropriate.
- (8) The Commission may, at the time of a tertiary education provider's registration in a category of the register or later, decide that any one or more general ongoing registration conditions applicable to registration in that category is not applicable to the provider, subject to the requirements under this Part relating to mandatory ongoing registration conditions.
- (9) Where the decision is made after the tertiary education provider's registration in that category of the register, the Commission must notify the governing body of the provider of its decision.

29 Specific ongoing registration conditions

- (1) The Commission may, at the time of a tertiary education provider's registration in a category of the register or later, impose such conditions on its registration in the category as the Commission may determine ("the specific ongoing registration conditions").
- (2) The Commission may at any time vary or remove a specific ongoing registration condition.
- (3) Before –
 - (a) imposing a specific ongoing registration condition, or
 - (b) varying or removing a specific ongoing registration condition,the Commission must notify the governing body of the tertiary education provider that it proposes to do so.
- (4) The notice must –
 - (a) specify the Commission's reasons for proposing to take the step in question,
 - (b) specify the period during which the governing body of the tertiary education provider may make representations about the proposal ("the specified period"), and
 - (c) specify the way in which those representations may be made.
- (5) The specified period must not be less than 28 days beginning with the date on which the notice is received.

- (6) Rhaid i'r Comisiwn roi sylw i unrhyw sylwadau a gyflwynir gan gorff llywodraethu'r darparwr addysg drydyddol yn unol â'r hysbysiad wrth benderfynu pa un ai i gymryd y cam o dan sylw.
- (7) Ar ôl penderfynu pa un ai i gymryd y cam o dan sylw ai peidio, rhaid i'r Comisiwn –
 - (a) hysbysu corff llywodraethu'r darparwr addysg drydyddol am ei benderfyniad, a
 - (b) cyhoeddi'r hysbysiad.
- (8) Os yw'r Comisiwn yn penderfynu gosod amod cofrestru parhaus penodol newydd neu amrywio neu ddileu amod cofrestru parhaus penodol, rhaid i'r hysbysiad –
 - (a) pennu'r amod newydd, yr amod fel y'i hamrywir neu'r amod sy'n cael ei ddileu (yn ôl y digwydd), a
 - (b) pennu'r dyddiad pan fydd y gosod, yr amrywio neu'r dileu yn cymryd effaith.
- (9) Pan fo'r hysbysiad yn ymwneud â gosod neu amrywio amod cofrestru parhaus penodol, rhaid i'r hysbysiad hefyd bennu –
 - (a) y sail dros osod neu amrywio'r amod,
 - (b) gwybodaeth o ran yr hawl i gael adolygiad, ac
 - (c) y cyfnod a bennir mewn rheoliadau o dan adran 79(4)(c) y caniateir i gais am adolygiad gael ei wneud ynddo.
- (10) Ni chaiff amod cofrestru parhaus penodol, neu amrywiad i amod o'r fath, gymryd effaith ar unrhyw adeg –
 - (a) pan allai cais am adolygiad o dan adran 45(b) gael ei ddwyn mewn cysylltiad â'r penderfyniad i osod neu i amrywio'r amod, neu
 - (b) pan fo adolygiad neu benderfyniad gan y Comisiwn yn dilyn adolygiad o'r fath yn yr arfaeth.
- (11) Ond nid yw hynny yn atal amod cofrestru parhaus penodol, neu amrywiad i amod o'r fath, rhag cymryd effaith os yw corff llywodraethu'r darparwr addysg drydyddol yn hysbysu'r Comisiwn nad yw'n bwriadu gwneud cais am adolygiad.
- (12) Pan fo is-adran (10) yn peidio ag atal amod cofrestru parhaus penodol, neu amrywiad i amod o'r fath, rhag cymryd effaith ar y dyddiad a bennir o dan is-adran (8), rhaid i'r Comisiwn benderfynu dyddiad yn y dyfodol pan fydd yn cymryd effaith.
- (13) Ond mae hynny yn ddarostyngedig i'r hyn sydd wedi cael ei benderfynu gan y Comisiwn yn dilyn unrhyw adolygiad o dan adran 45(b) mewn cysylltiad â'r penderfyniad i osod neu i amrywio'r amod.

30 Amodau cymesur etc.

- (1) Rhaid i'r Comisiwn sicrhau –
 - (a) bod y gofynion a bennir o dan adran 27(2), a
 - (b) bod yr holl amodau cofrestru parhaus,
 yn gymesur ag asesiad y Comisiwn o'r risgiau a berir.
- (2) Yng ngoleuni ei ddyletswydd o dan is-adran (1), rhaid i'r Comisiwn gadw'r holl amodau cofrestru parhaus o dan adolygiad.

- (6) The Commission must have regard to any representations made by the governing body of the tertiary education provider in accordance with the notice in deciding whether to take the step in question.
- (7) Having decided whether or not to take the step in question, the Commission must –
 - (a) notify the governing body of the tertiary education provider of its decision, and
 - (b) publish the notice.
- (8) If the Commission decides to impose a new specific ongoing registration condition or vary or remove a specific ongoing registration condition, the notice must –
 - (a) specify the new condition, the condition as varied or the condition being removed (as the case may be), and
 - (b) specify the date when the imposition, variation or removal takes effect.
- (9) Where the notice relates to the imposition or variation of a specific ongoing registration condition, the notice must also specify –
 - (a) the grounds for the imposition or variation of the condition,
 - (b) information as to the right of review, and
 - (c) the period specified in regulations under section 79(4)(c) within which an application for a review may be made.
- (10) A specific ongoing registration condition, or a variation to such a condition, may not take effect at any time when –
 - (a) an application for review under section 45(b) could be brought in respect of the decision to impose or vary the condition, or
 - (b) a review or a decision by the Commission following such a review is pending.
- (11) But that does not prevent a specific ongoing registration condition, or a variation to such a condition, taking effect if the governing body of the tertiary education provider notifies the Commission that it does not intend to apply for a review.
- (12) Where subsection (10) ceases to prevent a specific ongoing registration condition, or a variation to such a condition, taking effect on the date specified under subsection (8), the Commission must determine a future date on which it takes effect.
- (13) But that is subject to what has been determined by the Commission following any review under section 45(b) in respect of the decision to impose or vary the condition.

30 Proportionate conditions etc.

- (1) The Commission must ensure that –
 - (a) the requirements specified under section 27(2), and
 - (b) all ongoing registration conditions,are proportionate to the Commission’s assessment of the risks posed.
- (2) In light of its duty under subsection (1), the Commission must keep all ongoing registration conditions under review.

31 Amodau cofrestru parhaus mandadol ar gyfer pob darparwr cofrestredig

- (1) Rhaid i'r Comisiwn sicrhau bod amodau cofrestru parhaus pob darparwr addysg drydyddol sydd wedi ei gofrestru mewn categori yn cynnwys –
- (a) amod sy'n ymwneud ag ansawdd y math o addysg drydyddol a ddarperir gan, neu ar ran, y darparwr y mae'r categori cofrestru yn ymwneud ag ef;
 - (b) amod sy'n ymwneud ag effeithiolrwydd trefniadau llywodraethu a rheoli'r darparwr (gan gynnwys ei drefniadau rheoli ariannol);
 - (c) amod sy'n ymwneud â chynaliadwyedd ariannol y darparwr;
 - (d) amod sy'n ymwneud ag effeithiolrwydd trefniadau'r darparwr ar gyfer cefnogi a hybu lles ei fyfyrwyr a'i staff;
 - (e) amod sy'n ymwneud ag effeithiolrwydd unrhyw drefniadau dilysu sydd yn eu lle;
 - (f) amod sy'n ei gwneud yn ofynnol i gorff llywodraethu'r darparwr hysbysu'r Comisiwn am unrhyw newid y mae'n dod yn ymwybodol ohono sy'n effeithio ar gywirdeb yr wybodaeth a gynhwysir yng nghofnod y darparwr yn y gofrestr;
 - (g) amod sy'n ei gwneud yn ofynnol i gorff llywodraethu'r darparwr, os yw wedi cael hysbysiad o dan adran 126(1), gael cynllun diogelu dysgwyr yn ei le sydd wedi ei gymeradwyo gan y Comisiwn (o dan adran 126(3) neu (5)) ar neu cyn y dyddiad a bennir yn yr amod a rhoi effaith i'r cynllun;
 - (h) amod sy'n ei gwneud yn ofynnol i gorff llywodraethu'r darparwr gydymffurfio â'r gofynion sydd wedi eu cynnwys yn y Cod Ymgysylltu â Dysgwyr a gyhoeddir o dan adran 129(1) neu unrhyw god diwygiedig a gyhoeddir o dan adran 129(3);
 - (i) amod sy'n ei gwneud yn ofynnol i gorff llywodraethu'r darparwr roi sylw i gyngor neu ganllawiau a roddir gan y Comisiwn i'r corff (naill ai yn benodol neu i bersonau yn gyffredinol) wrth arfer swyddogaethau'r Comisiwn o dan y Ddeddf hon;
 - (j) amod sy'n ei gwneud yn ofynnol i gorff llywodraethu'r darparwr ddarparu i'r Comisiwn, neu i berson sydd wedi ei awdurdodi gan y Comisiwn, unrhyw wybodaeth, unrhyw gynhorthwy ac unrhyw fynediad i gyfleusterau, systemau ac offer y darparwr sy'n rhesymol ofynnol gan y Comisiwn at ddiben arfer swyddogaethau'r Comisiwn o dan y Rhan hon.
- (2) Yn is-adran (1)(e), ystyr "trefniadau dilysu" yw trefniadau rhwng y darparwr cofrestredig a darparwr addysg arall y mae'r darparwr cofrestredig yn dyfarnu cymhwyster odanynt i fyfyrwr yn y darparwr arall neu'n awdurdodi'r darparwr arall i ddyfarnu cymhwyster odanynt ar ei ran.

32 Amod cofrestru parhaus mandadol ar y terfynau ffioedd

- (1) Rhaid i'r Comisiwn sicrhau bod amodau cofrestru parhaus pob darparwr cofrestredig –
- (a) sy'n dod o fewn categori terfyn ffioedd, a
 - (b) sy'n darparu cyrsiau cymhwysol, neu y darperir cyrsiau cymhwysol ar ei ran, yn cynnwys amod terfyn ffioedd.
- (2) Categori terfyn ffioedd yw categori cofrestru –
- (a) y mae rhaid i'r Comisiwn wneud darpariaeth ar ei gyfer yn y gofrestr, a

31 Mandatory ongoing registration conditions for each registered provider

- (1) The Commission must ensure that the ongoing registration conditions of each tertiary education provider registered in a category include –
 - (a) a condition relating to the quality of the kind of tertiary education provided by, or on behalf of, the provider to which the category of registration relates;
 - (b) a condition relating to the effectiveness of the governance and management of the provider (including its financial management);
 - (c) a condition relating to the financial sustainability of the provider;
 - (d) a condition relating to the effectiveness of the provider's arrangements for supporting and promoting the welfare of its students and staff;
 - (e) a condition relating to the effectiveness of any validation arrangements in place;
 - (f) a condition requiring the governing body of the provider to notify the Commission of any change of which it becomes aware which affects the accuracy of the information contained in the provider's entry in the register;
 - (g) a condition requiring the governing body of the provider, if it has been given notice under section 126(1), to have in place a learner protection plan approved by the Commission (under section 126(3) or (5)) on or before the date specified in the condition and to give effect to the plan;
 - (h) a condition requiring the governing body of the provider to comply with the requirements contained in the Learner Engagement Code published under section 129(1) or any revised code published under section 129(3);
 - (i) a condition requiring the governing body of the provider to have regard to advice or guidance given by the Commission to the body (either specifically or to persons generally) in exercise of the Commission's functions under this Act;
 - (j) a condition requiring the governing body of the provider to provide the Commission, or a person authorised by the Commission, with such information, assistance and access to the provider's facilities, systems and equipment as the Commission may reasonably require for the purpose of exercising the Commission's functions under this Part.
- (2) In subsection (1)(e), "validation arrangements" means arrangements between the registered provider and another education provider under which the registered provider awards a qualification to a student at the other provider or authorises the other provider to award a qualification on its behalf.

32 Mandatory ongoing registration condition on fee limits

- (1) The Commission must ensure that the ongoing registration conditions of each registered provider –
 - (a) falling within a fee limit category, and
 - (b) providing qualifying courses, or having qualifying courses provided on its behalf,include a fee limit condition.
- (2) A fee limit category is a category of registration –
 - (a) for which the Commission must make provision in the register, and

- (b) sydd wedi ei bennu at ddiben yr adran hon mewn rheoliadau a wneir gan Weinidogion Cymru.
- (3) Amod terfyn ffioedd yw amod sy'n ei gwneud yn ofynnol i gorff llywodraethu darparwr cofrestredig –
 - (a) meddu ar ddatganiad terfyn ffioedd sydd wedi ei gymeradwyo o dan adran 47, a
 - (b) sicrhau nad yw ffioedd cwrs rheoleiddiedig yn fwy na'r terfyn ffioedd cymwys.
- (4) Cwrs cymhwysol yw cwrs o ddisgrifiad a bennir mewn rheoliadau a wneir gan Weinidogion Cymru y mae is-adran (5) yn gymwys iddo.
- (5) Mae'r is-adran hon yn gymwys i gwrs a ddarperir –
 - (a) mewn un neu ragor o leoedd yng Nghymru neu mewn mannau eraill,
 - (b) drwy gyfrwng gohebiaeth, offer neu gyfleuster arall sy'n galluogi personau nad ydynt yn yr un lle (pa un ai yng Nghymru neu mewn mannau eraill) i gymryd rhan mewn addysgu neu astudio'r cwrs, neu
 - (c) drwy gyfuniad o'r ffyrdd a ddisgrifir ym mharagraffau (a) a (b).
- (6) Ni chaniateir i'r pŵer i bennu disgrifiad o gwrs o dan is-adran (4) gael ei arfer er mwyn gwahaniaethu –
 - (a) mewn perthynas â chyrsgiau hyfforddiant cychwynnol athrawon, rhwng cyrsiau gwahanol ar sail y pynciau y rhoddir yr hyfforddiant hwnnw ynddynt;
 - (b) mewn perthynas â chyrsgiau eraill, rhwng cyrsiau gwahanol ar yr un lefel neu ar lefel gyffelyb ar sail y meysydd astudio neu ymchwil y maent yn ymwneud â hwy.
- (7) Ffioedd cwrs rheoleiddiedig yw ffioedd sy'n daladwy i'r darparwr addysg drydyddol gan berson cymhwysol –
 - (a) mewn cysylltiad â'r person yn ymgymryd â chwrs cymhwysol, a
 - (b) mewn cysylltiad â blwyddyn academiaidd sy'n gymwys i'r cwrs hwnnw, pan fo'r flwyddyn yn dechrau ar ddiwrnod pan yw'r darpariaethau cymwys yn y datganiad terfyn ffioedd yn cael effaith.
- (8) Y terfyn ffioedd cymwys yw –
 - (a) mewn achos pan fo datganiad terfyn ffioedd y darparwr addysg drydyddol yn pennu terfyn ffioedd ar gyfer y cwrs a'r flwyddyn o dan sylw, y terfyn hwnnw;
 - (b) mewn achos pan fo datganiad terfyn ffioedd y darparwr yn darparu ar gyfer penderfynu terfyn ffioedd ar gyfer y cwrs a'r flwyddyn o dan sylw, y terfyn hwnnw fel y'i penderfynir yn unol â'r datganiad.
- (9) Person cymhwysol yw person –
 - (a) nad yw'n fyfyrwr rhyngwladol, a
 - (b) sy'n dod o fewn unrhyw ddsbarth o bersonau a bennir mewn rheoliadau a wneir gan Weinidogion Cymru at ddibenion y Rhan hon.
- (10) Mae myfyrwr rhyngwladol yn berson y caniateir codi ffioedd uwch arno neu y mae rhaid codi ffioedd uwch arno yn rhinwedd rheoliadau a wneir o dan adran 1 o Ddeddf Addysg (Ffioedd a Dyfarndaliadau) 1983 (p. 40) (codi ffioedd uwch yn achos myfyrwyr nad oes ganddynt gysylltiad rhagnodedig â'r Deyrnas Unedig).

- (b) which is specified for the purpose of this section in regulations made by the Welsh Ministers.
- (3) A fee limit condition is a condition that requires the governing body of a registered provider to –
 - (a) have a fee limit statement approved under section 47, and
 - (b) secure that regulated course fees do not exceed the applicable fee limit.
- (4) A qualifying course is a course of a description specified in regulations made by the Welsh Ministers to which subsection (5) applies.
- (5) This subsection applies to a course provided –
 - (a) at one or more places in Wales or elsewhere,
 - (b) by means of correspondence, equipment or other facility that enables persons who are not in the same place (whether in Wales or elsewhere) to participate in teaching or studying the course, or
 - (c) by a combination of the ways described in paragraphs (a) and (b).
- (6) The power to specify a description of course under subsection (4) must not be exercised so as to discriminate –
 - (a) in relation to courses of initial teacher training, between different courses on the basis of the subjects in which such training is given;
 - (b) in relation to other courses, between different courses at the same or a comparable level on the basis of the areas of study or research to which they relate.
- (7) Regulated course fees are fees payable to the tertiary education provider by a qualifying person –
 - (a) in connection with the person undertaking a qualifying course, and
 - (b) in respect of an academic year applicable to that course, where the year begins on a day when the applicable provisions in the fee limit statement have effect.
- (8) The applicable fee limit is –
 - (a) in a case where the tertiary education provider’s fee limit statement specifies a fee limit for the course and year in question, that limit;
 - (b) in a case where the provider’s fee limit statement provides for the determination of a fee limit for the course and year in question, that limit as determined in accordance with the statement.
- (9) A qualifying person is a person who –
 - (a) is not an international student, and
 - (b) falls within any class of persons specified in regulations made by the Welsh Ministers for the purposes of this Part.
- (10) An international student is a person who may or must be charged higher fees by virtue of regulations made under section 1 of the Education (Fees and Awards) Act 1983 (c. 40) (charging of higher fees in case of students not having prescribed connection with the United Kingdom).

- (11) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ar gyfer amgylchiadau pan fo ffioedd sy'n daladwy i berson, mewn cysylltiad â pherson cymhwysol yn ymgymryd â chwrs, neu â rhan o gwrs, a ddarperir ar ran darparwr addysg drydyddol, i'w trin at ddibenion is-adran (7) ac adran 46 fel pe baent yn daladwy i'r darparwr hwnnw mewn cysylltiad â'r person cymhwysol yn ymgymryd â'r cwrs.

33 Amodau cofrestru parhaus mandadol ar gyfle cyfartal

- (1) Rhaid i'r Comisiwn sicrhau bod amodau cofrestru parhaus pob darparwr cofrestredig yn cynnwys amodau sy'n ei gwneud yn ofynnol cyflawni canlyniadau y gellir eu mesur i hyrwyddo pob un o'r nodau yn is-adran (2).
- (2) Y nodau yw –
- (a) cynyddu cyfranogiad, gan bersonau sy'n aelodau o grwpiau sydd heb gynrychiolaeth ddigonol, mewn addysg drydyddol berthnasol a ddarperir gan, neu ar ran, y darparwr cofrestredig;
 - (b) cadw myfyrwyr sy'n aelodau o grwpiau sydd heb gynrychiolaeth ddigonol hyd at ddiwedd cyrsiau addysg drydyddol berthnasol a ddarperir gan, neu ar ran, y darparwr cofrestredig;
 - (c) lleihau unrhyw fylchau o ran cyrhaeddiad mewn addysg drydyddol berthnasol a ddarperir gan, neu ar ran, y darparwr cofrestredig rhwng grwpiau gwahanol o fyfyrwyr a bennir yn yr amodau, pan fo'r gwahaniaethau yn codi oherwydd ffactorau cymdeithasol, diwylliannol, economaidd neu sefydliadol;
 - (d) darparu cymorth i fyfyrwyr sy'n gorffen cyrsiau addysg drydyddol berthnasol a ddarperir gan, neu ar ran, y darparwr cofrestredig sy'n aelodau o grwpiau sydd heb gynrychiolaeth ddigonol i barhau â'u haddysg drydyddol, dod o hyd i gyflogaeth neu ddechrau busnes.

- (3) Yn yr adran hon –

ystyr "addysg drydyddol berthnasol" ("*relevant tertiary education*") yw cyrsiau addysg drydyddol a ddarperir yn gyfan gwbl neu'n bennaf yng Nghymru ac o fath sy'n ymwneud â chategori o'r gofrestr y mae'r darparwr o dan sylw wedi ei gofrestru ynddo;

"grwpiau sydd heb gynrychiolaeth ddigonol" ("*under-represented groups*") yw grwpiau a bennir yn yr amodau nad oes ganddynt gynrychiolaeth ddigonol mewn addysg drydyddol berthnasol o ganlyniad i ffactorau cymdeithasol, diwylliannol, economaidd neu sefydliadol.

34 Pŵer i ddarparu ar gyfer amodau cofrestru parhaus mandadol pellach

Caiff Gweinidogion Cymru, drwy reoliadau, ddarparu ar gyfer amodau cofrestru parhaus mandadol pellach sy'n gymwys i un neu ragor o'r categorïau cofrestru.

35 Dyletswydd y Comisiwn i roi canllawiau ynghylch amodau cofrestru parhaus

Rhaid i'r Comisiwn gyhoeddi canllawiau ar gyfer darparwyr cofrestredig ynghylch amodau cofrestru parhaus.

- (11) The Welsh Ministers may, by regulations, make provision for circumstances in which fees payable to a person, in connection with a qualifying person's undertaking a course, or part of a course, provided on behalf of a tertiary education provider, are to be treated for the purposes of subsection (7) and section 46 as being payable to that provider in connection with the qualifying person's undertaking the course.

33 Mandatory ongoing registration conditions on equal opportunity

- (1) The Commission must ensure that the ongoing registration conditions of each registered provider include conditions requiring the delivery of measurable outcomes to further each of the aims in subsection (2).
- (2) The aims are –
- (a) increasing participation in relevant tertiary education provided by, or on behalf of, the registered provider by persons who are members of under-represented groups;
 - (b) retention of students who are members of under-represented groups to the end of courses of relevant tertiary education provided by, or on behalf of, the registered provider;
 - (c) reduction of any gaps in attainment in relevant tertiary education provided by, or on behalf of, the registered provider between different groups of students specified in the conditions, where the differences arise from social, cultural, economic or organisational factors;
 - (d) provision of support for students finishing courses of relevant tertiary education provided by, or on behalf of, the registered provider who are members of under-represented groups to continue their tertiary education, find employment or start a business.
- (3) In this section –

“relevant tertiary education” (*“addysg drydyddol berthnasol”*) means courses of tertiary education provided wholly or mainly in Wales and of a kind that relates to the category of the register in which the provider in question is registered;

“under-represented groups” (*“grwpiau sydd heb gynrychiolaeth ddigonol”*) are groups specified in the conditions that are under-represented in relevant tertiary education as a result of social, cultural, economic or organisational factors.

34 Power to provide for further mandatory ongoing registration conditions

The Welsh Ministers may, by regulations, provide for further mandatory ongoing registration conditions applicable to one or more of the categories of registration.

35 Commission duty to give guidance about ongoing registration conditions

The Commission must publish guidance for registered providers about ongoing registration conditions.

Monitro a gorfodi amodau cofrestru

- 36 Dyletswydd y Comisiwn i fonitro cydymffurfedd ag amodau cofrestru parhaus**
Rhaid i'r Comisiwn fonitro cydymffurfedd ag amodau cofrestru parhaus gan ddarparwyr cofrestredig.
- 37 Cyngor a chynhorthwy mewn cysylltiad â chydymffurfedd ag amodau cofrestru parhaus**
Caiff y Comisiwn ddarparu, neu wneud trefniadau ar gyfer darparu, cyngor neu gynhorthwy arall i ddarparwr cofrestredig at ddiben sicrhau cydymffurfedd gan y darparwr â'i amodau cofrestru parhaus.
- 38 Adolygiadau sy'n berthnasol i gydymffurfedd ag amodau cofrestru parhaus**
Caiff y Comisiwn gynnal, neu drefnu i berson arall gynnal, adolygiad o unrhyw faterion y mae'n ystyried eu bod yn berthnasol i gydymffurfedd gan ddarparwr cofrestredig â'i amodau cofrestru parhaus.
- 39 Cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio ag amodau cofrestru parhaus**
- (1) Caiff y Comisiwn roi cyfarwyddyd i gorff llywodraethu darparwr addysg drydyddol o dan yr adran hon os yw wedi ei fodloni bod y corff llywodraethu wedi methu, neu'n debygol o fethu, â chydymffurfio ag amod cofrestru parhaus.
 - (2) Yn achos methiant, neu fethiant tebygol, i gydymffurfio ag amod cofrestru parhaus, caiff y Comisiwn gyfarwyddo'r corff llywodraethu i gydymffurfio â'r amod.
 - (3) Yn achos methiant i gydymffurfio ag amod terfyn ffioedd, caiff y Comisiwn hefyd, fel dewis arall i gyfarwyddyd a ddisgrifir yn is-adran (2), neu'n ychwanegol ato, gyfarwyddo'r corff llywodraethu i ad-dalu ffioedd uwchlaw'r terfyn a dalwyd i'r darparwr addysg drydyddol.
 - (4) Caiff cyfarwyddyd o dan yr adran hon bennu camau sydd i'w cymryd (neu nad ydynt i'w cymryd) gan y corff llywodraethu at ddiben cydymffurfio â'r amod.
 - (5) Caiff cyfarwyddyd o'r math a ddisgrifir yn is-adran (3) bennu'r modd y mae ad-dalu'r ffioedd uwchlaw'r terfyn i fod i gael ei roi ar waith, neu y caniateir iddo gael ei roi ar waith.
 - (6) Os yw'r Comisiwn yn rhoi cyfarwyddyd o dan yr adran hon, rhaid iddo –
 - (a) rhoi copi o'r cyfarwyddyd i Weinidogion Cymru;
 - (b) cyhoeddi'r cyfarwyddyd.
 - (7) Mae "ffioedd uwchlaw'r terfyn" yn ffioedd cwrs rheoleiddiedig i'r graddau y mae'r ffioedd hynny yn mynd uwchlaw'r terfyn ffioedd cymwys (fel y'i meintiolir at ddibenion y ddyletswydd o dan adran 32 y mae'r corff llywodraethu wedi methu â chydymffurfio â hi).
 - (8) Am ddarpariaeth weithdrefnol ynghylch cyfarwyddydau o dan yr adran hon, gweler adrannau 75 i 78.

*Monitoring and enforcement of registration conditions***36 Commission duty to monitor compliance with ongoing registration conditions**

The Commission must monitor compliance with ongoing registration conditions by registered providers.

37 Advice and assistance in respect of compliance with ongoing registration conditions

The Commission may provide, or make arrangements for the provision of, advice or other assistance to a registered provider for the purpose of securing compliance by the provider with its ongoing registration conditions.

38 Reviews relevant to compliance with ongoing registration conditions

The Commission may carry out, or arrange for another person to carry out, a review of any matters that it considers relevant to compliance by a registered provider with its ongoing registration conditions.

39 Directions in respect of failure to comply with ongoing registration conditions

- (1) The Commission may give the governing body of a tertiary education provider a direction under this section if it is satisfied that the governing body has failed, or is likely to fail, to comply with an ongoing registration condition.
- (2) In the case of a failure, or likely failure, to comply with an ongoing registration condition, the Commission may direct the governing body to comply with the condition.
- (3) In the case of a failure to comply with a fee limit condition, the Commission may also, as an alternative or in addition to a direction described in subsection (2), direct the governing body to reimburse excess fees paid to the tertiary education provider.
- (4) A direction under this section may specify steps that are (or are not) to be taken by the governing body for the purpose of compliance with the condition.
- (5) A direction of the kind described in subsection (3) may specify the manner in which reimbursement of excess fees is to be, or may be, effected.
- (6) If the Commission gives a direction under this section, it must –
 - (a) give a copy of the direction to the Welsh Ministers;
 - (b) publish the direction.
- (7) “Excess fees” are regulated course fees to the extent that those fees exceed the applicable fee limit (as quantified for the purposes of the duty under section 32 with which the governing body has failed to comply).
- (8) For procedural provision about directions under this section, see sections 75 to 78.

40 Darpariaeth atodol ynghylch cyfarwyddydau o dan adran 39

- (1) Caiff y Comisiwn ddyroddi canllawiau ynghylch y camau sydd i'w cymryd at ddiben cydymffurfio â chyfarwyddyd o dan adran 39.
- (2) Cyn dyroddi canllawiau o dan yr adran hon, rhaid i'r Comisiwn ymgynghori â chorff llywodraethu pob darparwr cofrestredig; a chaiff ymgynghori â chorff llywodraethu unrhyw ddarparwr addysg drydyddol arall yng Nghymru y mae'r Comisiwn yn ystyried ei fod yn briodol.

*Datgofrestru***41 Datgofrestru**

- (1) Rhaid i'r Comisiwn ddileu darparwr addysg drydyddol o gategori o'r gofrestr os yw'r Comisiwn yn dod yn ymwybodol –
 - (a) nad yw'r darparwr yn ddarparwr addysg drydyddol yng Nghymru mwyach, neu
 - (b) nad yw'r darparwr yn darparu'r math o addysg drydyddol sy'n ymwneud â'r categori mwyach, neu na ddarperir y math hwnnw o addysg drydyddol ar ei ran mwyach.
- (2) Caiff Gweinidogion Cymru, drwy reoliadau, bennu amgylchiadau eraill pan fo rhaid dileu darparwr cofrestredig o un neu ragor o gategoriâu'r gofrestr neu o bob categori o'r gofrestr.
- (3) Caiff y Comisiwn ddileu darparwr cofrestredig o gategori o'r gofrestr os yw amod A neu B wedi ei fodloni.
- (4) Mae amod A wedi ei fodloni –
 - (a) os yw'r Comisiwn wedi arfer ei bwerau yn flaenorol o dan adran 39 (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio ag amodau cofrestru parhaus) mewn perthynas â thorri un o amodau cofrestru parhaus y darparwr addysg drydyddol sy'n gymwys i'r categori cofrestru, a
 - (b) os yw'n ymddangos i'r Comisiwn –
 - (i) bod toriad unwaith eto, neu doriad parhaus, o'r amod hwnnw, neu
 - (ii) bod un gwahanol o amodau cofrestru parhaus y darparwr sy'n gymwys i'r categori cofrestru yn cael ei dorri neu wedi cael ei dorri.
- (5) Mae amod B wedi ei fodloni os yw'n ymddangos i'r Comisiwn –
 - (a) bod un o amodau cofrestru parhaus y darparwr addysg drydyddol sy'n gymwys i'r categori cofrestru yn cael ei dorri neu wedi cael ei dorri, a
 - (b) bod ei bwerau o dan adran 39 yn annigonol i ymdrin â'r toriad (pa un a ydynt wedi cael eu harfer, yn cael eu harfer neu i'w harfer mewn perthynas ag ef ai peidio).
- (6) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth drosiannol neu ddarpariaeth arbed mewn cysylltiad â dileu darparwr addysg drydyddol o gategori o'r gofrestr o dan yr adran hon.
- (7) Caiff rheoliadau o dan is-adran (6) gynnwys darpariaeth sy'n trin y darparwr addysg drydyddol fel darparwr cofrestredig at y dibenion hynny a bennir gan y rheoliadau.

40 Supplementary provision about directions under section 39

- (1) The Commission may issue guidance about steps to be taken for the purpose of complying with a direction under section 39.
- (2) Before issuing guidance under this section the Commission must consult the governing body of each registered provider; and may consult the governing body of any other tertiary education provider in Wales as it considers appropriate.

*De-registration***41 De-registration**

- (1) The Commission must remove a tertiary education provider from a category of the register if the Commission becomes aware that the provider –
 - (a) is no longer a tertiary education provider in Wales, or
 - (b) no longer provides, or has provided on its behalf, the kind of tertiary education that relates to the category.
- (2) The Welsh Ministers may, by regulations, specify other circumstances in which a registered provider must be removed from one or more categories of the register or all categories of the register.
- (3) The Commission may remove a registered provider from a category of the register if condition A or B is satisfied.
- (4) Condition A is satisfied if –
 - (a) the Commission has previously exercised its powers under section 39 (directions in respect of failure to comply with ongoing registration conditions) in relation to breach of one of the tertiary education provider's ongoing registration conditions that apply to the category of registration, and
 - (b) it appears to the Commission that –
 - (i) there is again a breach, or a continuing breach, of that condition, or
 - (ii) there is or has been a breach of a different one of the provider's ongoing registration conditions that apply to the category of registration.
- (5) Condition B is satisfied if it appears to the Commission that –
 - (a) there is or has been a breach of one of the tertiary education provider's ongoing registration conditions that apply to the category of registration, and
 - (b) its powers under section 39 are insufficient to deal with the breach (whether or not they have been, are being or are to be, exercised in relation to it).
- (6) The Welsh Ministers may, by regulations, make transitional or saving provision in connection with the removal of a tertiary education provider from a category of the register under this section.
- (7) Regulations under subsection (6) may include provision treating the tertiary education provider as a registered provider for such purposes as the regulations may specify.

- (8) Rhaid i'r Comisiwn –
- (a) cynnal rhestr o ddarparwyr addysg drydyddol sydd wedi eu dileu o gategori o'r gofrestr o dan yr adran hon,
 - (b) cynnwys yn y rhestr honno gyfeiriad at unrhyw reoliadau a wneir o dan is-adran (6), ac
 - (c) rhoi'r rhestr ar gael i'r cyhoedd drwy'r cyfrwng y mae'r Comisiwn yn ystyried ei fod yn briodol.

42 Datgofrestru: y weithdrefn

- (1) Cyn dileu darparwr cofrestredig o gategori o'r gofrestr o dan adran 41, rhaid i'r Comisiwn hysbysu corff llywodraethu'r darparwr ei fod yn bwriadu gwneud hynny.
- (2) Rhaid i'r hysbysiad bennu –
 - (a) rhesymau'r Comisiwn dros fwriadu dileu'r darparwr o gategori o'r gofrestr,
 - (b) y cyfnod pan gaiff corff llywodraethu'r darparwr gyflwyno sylwadau ynghylch yr hyn y mae'r Comisiwn yn bwriadu ei wneud ("y cyfnod penodedig"), ac
 - (c) y ffordd y caniateir i'r sylwadau hynny gael eu cyflwyno.
- (3) Ni chaiff y cyfnod penodedig fod yn llai nag 28 o ddiwrnodau sy'n dechrau â'r dyddiad y ceir yr hysbysiad.
- (4) Rhaid i'r Comisiwn roi sylw i unrhyw sylwadau a gyflwynir gan gorff llywodraethu'r darparwr yn unol â'r hysbysiad wrth benderfynu pa un ai i'w ddileu o gategori o'r gofrestr.
- (5) Ar ôl penderfynu pa un ai i ddileu'r darparwr o gategori o'r gofrestr ai peidio, rhaid i'r Comisiwn hysbysu corff llywodraethu'r darparwr am ei benderfyniad.
- (6) Pan mai dileu'r darparwr o gategori o'r gofrestr yw'r penderfyniad, rhaid i'r hysbysiad bennu'r dyddiad y mae'r dilead yn cymryd effaith.
- (7) Rhaid i'r hysbysiad hefyd bennu –
 - (a) y sail dros ddileu,
 - (b) gwybodaeth o ran yr hawl i gael adolygiad, ac
 - (c) y cyfnod a bennir mewn rheoliadau o dan adran 79(4)(c) caniateir i gais am adolygiad gael ei wneud ynddo.
- (8) Ni chaniateir i ddilead o dan adran 41 gymryd effaith ar unrhyw adeg –
 - (a) pan allai cais am adolygiad o dan adran 45(c) neu (d) gael ei ddwyn mewn cysylltiad â'r penderfyniad i ddileu, neu
 - (b) pan fo adolygiad neu benderfyniad gan y Comisiwn yn dilyn adolygiad o'r fath yn yr arfaeth.
- (9) Ond nid yw hynny yn atal dilead rhag cymryd effaith os yw corff llywodraethu'r darparwr yn hysbysu'r Comisiwn nad yw'n bwriadu gwneud cais am adolygiad.
- (10) Pan fo is-adran (8) yn peidio ag atal dilead rhag cymryd effaith ar y dyddiad a bennir o dan is-adran (6), rhaid i'r Comisiwn benderfynu dyddiad yn y dyfodol pan fydd y dilead yn cymryd effaith.

- (8) The Commission must –
 - (a) maintain a list of tertiary education providers removed from a category of the register under this section,
 - (b) include in that list reference to any regulations made under subsection (6), and
 - (c) make the list publicly available by such means as it considers appropriate.

42 De-registration: procedure

- (1) Before removing a registered provider from a category of the register under section 41, the Commission must notify the governing body of the provider that it proposes to do so.
- (2) The notice must specify –
 - (a) the Commission’s reasons for proposing to remove the provider from a category of the register,
 - (b) the period during which the governing body of the provider may make representations about the proposal (“the specified period”), and
 - (c) the way in which those representations may be made.
- (3) The specified period must not be less than 28 days beginning with the date on which the notice is received.
- (4) The Commission must have regard to any representations made by the governing body of the provider in accordance with the notice in deciding whether to remove it from a category of the register.
- (5) Having decided whether or not to remove the provider from a category of the register, the Commission must notify the governing body of the provider of its decision.
- (6) Where the decision is to remove the provider from a category of the register, the notice must specify the date on which the removal takes effect.
- (7) The notice must also specify –
 - (a) the grounds for the removal,
 - (b) information as to the right of review, and
 - (c) the period specified in regulations under section 79(4)(c) within which an application for review may be made.
- (8) A removal under section 41 may not take effect at any time when –
 - (a) an application for a review under section 45(c) or (d) could be brought in respect of the decision to remove, or
 - (b) a review or a decision by the Commission following such a review is pending.
- (9) But that does not prevent a removal taking effect if the governing body of the provider notifies the Commission that it does not intend to apply for a review.
- (10) Where subsection (8) ceases to prevent a removal taking effect on the date specified under subsection (6), the Commission must determine a future date on which the removal takes effect.

- (11) Ond mae hynny yn ddarostyngedig i'r hyn sydd wedi cael ei benderfynu gan y Comisiwn yn dilyn unrhyw adolygiad o dan adran 45(c) neu (d) mewn cysylltiad â'r penderfyniad i ddileu.

43 Datgofrestru'n wirfoddol a datgofrestru gyda chydysyniad

- (1) Rhaid i'r Comisiwn ddileu darparwr cofrestredig o gategori o'r gofrestr –
- (a) os yw corff llywodraethu'r darparwr yn gwneud cais i'r Comisiwn i'r darparwr gael ei ddileu o'r categori hwnnw o'r gofrestr, a
 - (b) os yw'r cais yn cydymffurfio ag unrhyw ofynion a osodir o dan is-adran (6).
- (2) Ond os yw'r cais o dan is-adran (1)(a) yn pennu ei fod wedi ei gyfuno â chais o dan adran 25(4)(a) i gofrestru mewn categori arall, nid yw'r ddyletswydd yn is-adran (1) yn gymwys oni bai bod yr amod yn is-adran (3) yn gymwys neu fod y ddau amod yn is-adran (4) yn gymwys.
- (3) Yr amod yn yr is-adran hon yw ei bod yn ofynnol i'r Comisiwn gofrestru'r darparwr yn y categori arall yn unol â'r cais o dan adran 25(4)(a).
- (4) Yr amodau yn yr is-adran hon yw –
- (a) y byddai'n ofynnol i'r Comisiwn gofrestru'r darparwr yn y categori arall yn unol â'r cais o dan adran 25(4)(a) pe na bai am effaith adran 25(4)(e) mewn perthynas â'r categorïau cofrestru sy'n destun y cais o dan is-adran (1)(a) ac adran 25(4)(a), a
 - (b) y byddai'n ofynnol i'r Comisiwn gofrestru'r darparwr yn y categori arall os yw'r darparwr yn cael ei ddileu o'r categori y mae'r cais o dan is-adran (1)(a) wedi ei wneud mewn cysylltiad ag ef.
- (5) Caiff y Comisiwn ddileu darparwr cofrestredig o gategori o'r gofrestr os yw corff llywodraethu'r darparwr yn cydsynio i hynny.
- (6) Caiff y Comisiwn benderfynu –
- (a) ffurf cais o dan is-adran (1),
 - (b) yr wybodaeth sydd i'w chynnwys yn y cais neu sydd i'w darparu gydag ef, ac
 - (c) y ffordd y mae cais i'w chyflwyno.
- (7) Rhaid i'r Comisiwn hysbysu corff llywodraethu'r darparwr am y dyddiad pan fydd y darparwr yn cael ei ddileu o'r categori o'r gofrestr o dan yr adran hon ("y dyddiad dileu").
- (8) Caiff y Comisiwn amrywio'r dyddiad dileu ar unrhyw adeg cyn y dyddiad hwnnw drwy hysbysu corff llywodraethu'r darparwr.
- (9) Ni chaniateir i ddilead o dan yr adran hon gymryd effaith ar unrhyw adeg –
- (a) pan allai cais am adolygiad o dan adran 45(d) gael ei ddwyn mewn cysylltiad â'r penderfyniad i ddileu, neu
 - (b) pan fo adolygiad neu benderfyniad gan y Comisiwn yn dilyn adolygiad o'r fath yn yr arfaeth.
- (10) Ond nid yw hynny yn atal dilead rhag cymryd effaith os yw corff llywodraethu'r darparwr yn hysbysu'r Comisiwn nad yw'n bwriadu gwneud cais am adolygiad.

- (11) But that is subject to what has been determined by the Commission following any review under section 45(c) or (d) in respect of the decision to remove.

43 Voluntary de-registration and de-registration with consent

- (1) The Commission must remove a registered provider from a category of the register if—
- (a) the governing body of the provider applies to the Commission for the provider to be removed from that category of the register, and
 - (b) the application complies with any requirements imposed under subsection (6).
- (2) But if the application under subsection (1)(a) specifies that it is combined with an application under section 25(4)(a) for registration in another category, the duty in subsection (1) does not apply unless the condition in subsection (3) applies or both of the conditions in subsection (4) apply.
- (3) The condition in this subsection is that the Commission is required to register the provider in the other category in accordance with the application under section 25(4)(a).
- (4) The conditions in this subsection are—
- (a) that the Commission would be required to register the provider in the other category in accordance with the application under section 25(4)(a) were it not for the effect of section 25(4)(e) in relation to the categories of registration that are the subject of the application under subsection (1)(a) and section 25(4)(a), and
 - (b) that the Commission would be required to register the provider in the other category if the provider is removed from the category in respect of which the application under subsection (1)(a) is made.
- (5) The Commission may remove a registered provider from a category of the register if the governing body of the provider consents.
- (6) The Commission may determine—
- (a) the form of an application under subsection (1),
 - (b) the information to be contained in it or provided with it, and
 - (c) the way in which an application is to be submitted.
- (7) The Commission must notify the governing body of the provider of the date on which the provider is removed from the category of the register under this section (“the removal date”).
- (8) The Commission may vary the removal date at any time before that date by notifying the governing body of the provider.
- (9) A removal under this section may not take effect at any time when—
- (a) an application for a review under section 45(d) could be brought in respect of the decision to remove, or
 - (b) a review or a decision by the Commission following a such review is pending.
- (10) But that does not prevent a removal taking effect if the governing body of the provider notifies the Commission that it does not intend to apply for a review.

- (11) Pan fo is-adran (9) yn peidio ag atal dilead rhag cymryd effaith ar y dyddiad a bennir o dan is-adran (7), rhaid i'r Comisiwn benderfynu dyddiad yn y dyfodol pan fydd y dilead yn cymryd effaith.
- (12) Ond mae hynny yn ddarostyngedig i'r hyn sydd wedi cael ei benderfynu gan y Comisiwn yn dilyn unrhyw adolygiad o dan adran 45(d) mewn cysylltiad â'r penderfyniad i ddileu.
- (13) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth drosiannol neu ddarpariaeth arbed mewn cysylltiad â dileu darparwr o gategori o'r gofrestr o dan yr adran hon.
- (14) Caiff rheoliadau o dan is-adran (13) gynnwys darpariaeth sy'n trin y darparwr fel pe bai'n ddarparwr cofrestredig yn y categori hwnnw at y dibenion hynny a bennir gan y rheoliadau.
- (15) Rhaid i'r Comisiwn –
 - (a) cynnal rhestr o ddarparwyr addysg drydyddol sydd wedi eu dileu o gategoriâu o'r gofrestr o dan yr adran hon,
 - (b) cynnwys yn y rhestr honno gyfeiriad at unrhyw reoliadau a wneir o dan is-adran (13), ac
 - (c) rhoi'r rhestr ar gael i'r cyhoedd drwy'r cyfrwng y mae'r Comisiwn yn ystyried ei fod yn briodol.

44 Newid categori cofrestru heb gais

Pan fo darparwr cofrestredig wedi ei ddileu o gategori o'r gofrestr o dan adran 41(3) neu 43(5), caiff y Comisiwn gofrestru'r darparwr mewn categori arall heb gais o dan adran 25(4)(a) –

- (a) os yw corff llywodraethu'r darparwr yn cydsynio i hynny,
- (b) os yw'n parhau i fod yn ddarparwr addysg drydyddol yng Nghymru,
- (c) os yw'n darparu'r math o addysg drydyddol sy'n ymwneud â'r categori arall, neu os darperir yr addysg honno ar ei ran,
- (d) os yw'n bodloni'r amodau cofrestru cychwynnol sy'n gymwys iddo mewn cysylltiad â'r cofrestriad yn y categori arall (gweler adran 27), ac
- (e) os nad yw cofrestru yn y categori arall wedi ei wahardd gan ddarpariaeth a wneir mewn rheoliadau o dan adran 25(5).

Adolygiadau o benderfyniadau cofrestru

45 Adolygiadau o benderfyniadau cofrestru

Caiff corff llywodraethu darparwr addysg drydyddol wneud cais am adolygiad gan yr adolygydd penderfyniadau o unrhyw un neu ragor o'r penderfyniadau a ganlyn –

- (a) penderfyniad gan y Comisiwn i wrthod cofrestru'r darparwr mewn categori o'r gofrestr o dan adran 25;
- (b) penderfyniad gan y Comisiwn i osod neu i amrywio amod cofrestru parhaus penodol ar y darparwr o dan adran 29;

- (11) Where subsection (9) ceases to prevent a removal taking effect on the date specified under subsection (7), the Commission must determine a future date on which the removal takes effect.
- (12) But that is subject to what has been determined by the Commission following any review under section 45(d) in respect of the decision to remove.
- (13) The Welsh Ministers may, by regulations, make transitional or saving provision in connection with the removal of a provider from a category of the register under this section.
- (14) Regulations under subsection (13) may include provision treating the provider as a registered provider in that category for such purposes as the regulations may specify.
- (15) The Commission must –
 - (a) maintain a list of tertiary education providers removed from categories of the register under this section,
 - (b) include in that list reference to any regulations made under subsection (13), and
 - (c) make the list publicly available by such means as it considers appropriate.

44 Change of registration category without application

Where a registered provider is removed from a category of the register under section 41(3) or 43(5), the Commission may register the provider in another category without an application under section 25(4)(a) if –

- (a) the governing body of the provider consents,
- (b) it continues to be a tertiary education provider in Wales,
- (c) it provides, or has provided on its behalf, the kind of tertiary education that relates to the other category,
- (d) it satisfies the initial registration conditions applicable to it in respect of the registration in the other category (see section 27), and
- (e) registration in the other category is not prohibited by provision made in regulations under section 25(5).

Registration decision reviews

45 Registration decision reviews

The governing body of a tertiary education provider may apply for a review by the decision reviewer of any of the following decisions –

- (a) a decision of the Commission to refuse to register the provider in a category of the register under section 25;
- (b) a decision of the Commission to impose or vary a specific ongoing registration condition on the provider under section 29;

- (c) penderfyniad gan y Comisiwn i ddileu'r darparwr o gategori o'r gofrestr o dan adran 41;
- (d) penderfyniad gan y Comisiwn o ran y dyddiad a bennir o dan adran 42(6) neu adran 43(7) neu (8) fel y dyddiad y mae dileu'r darparwr o gategori o'r gofrestr yn cymryd effaith.

Datganiadau terfyn ffioedd

46 Gofynion ar gyfer datganiad terfyn ffioedd

- (1) Mae datganiad terfyn ffioedd yn ddogfen sy'n cydymffurfio â'r adran hon.
- (2) Rhaid i ddatganiad terfyn ffioedd –
 - (a) pennu terfyn ffioedd, neu
 - (b) darparu ar gyfer penderfynu terfyn ffioedd,
 mewn perthynas â phob cwrs cymhwysol ac mewn cysylltiad â phob blwyddyn academaidd berthnasol.
- (3) Caiff datganiad terfyn ffioedd bennu, neu ddarparu ar gyfer penderfynu, terfynau ffioedd gwahanol mewn perthynas â chyrсияu gwahanol ac mewn cysylltiad â blynyddoedd academaidd perthnasol gwahanol.
- (4) Rhaid i ddatganiad terfyn ffioedd bennu'r dyddiad y mae'n dechrau cael effaith a rhaid i unrhyw amrywiad i ddatganiad terfyn ffioedd bennu'r dyddiad y mae'r amrywiad yn dechrau cael effaith.
- (5) Yn y Rhan hon –
 - (a) mae terfyn ffioedd, mewn perthynas â chwrs, yn derfyn na chaiff y ffioedd sy'n daladwy i'r darparwr addysg drydyddol gan berson cymhwysol, mewn cysylltiad â'r person yn ymgymryd â'r cwrs, fynd uwch ei law;
 - (b) mae blwyddyn academaidd berthnasol, mewn perthynas â chwrs, yn flwyddyn academaidd sy'n gymwys i'r cwrs, ac y mae ffioedd yn daladwy i'r darparwr mewn cysylltiad â hi, ac sy'n dechrau ar ddiwrnod pan yw'r darpariaethau cymwys yn y datganiad terfyn ffioedd yn cael effaith.
- (6) Pan fo datganiad terfyn ffioedd yn pennu terfyn ffioedd mewn perthynas â blwyddyn a chwrs, ni chaniateir i'r terfyn ffioedd a bennir fynd uwchlaw pa swm bynnag a bennir mewn rheoliadau a wneir gan Weinidogion Cymru at ddibenion yr adran hon ("yr uchafswm").
- (7) Pan fo datganiad terfyn ffioedd yn darparu ar gyfer penderfynu terfyn ffioedd mewn perthynas â blwyddyn a chwrs, rhaid i'r datganiad bennu nad yw'r terfyn ffioedd a benderfynir yn unol â'r datganiad i fynd uwchlaw'r uchafswm.

47 Cymeradwyo datganiad terfyn ffioedd

- (1) Caiff corff llywodraethu darparwr addysg drydyddol yng Nghymru wneud cais i'r Comisiwn iddo gymeradwyo datganiad terfyn ffioedd arfaethedig sy'n ymwneud â'r darparwr.
- (2) Os gwneir cais i'r Comisiwn i gymeradwyo datganiad terfyn ffioedd, rhaid i'r Comisiwn drwy hysbysiad i'r corff llywodraethu o dan sylw naill ai –

- (c) a decision of the Commission to remove the provider from a category of the register under section 41;
- (d) a decision of the Commission as to the date specified under section 42(6) or section 43(7) or (8) as the date on which a removal of the provider from a category of the register takes effect.

Fee limit statements

46 Requirements of a fee limit statement

- (1) A fee limit statement is a document that complies with this section.
- (2) A fee limit statement must –
 - (a) specify a fee limit, or
 - (b) provide for the determination of a fee limit,in relation to each qualifying course and in respect of each relevant academic year.
- (3) A fee limit statement may specify, or provide for the determination of, different fee limits in relation to different courses and in respect of different relevant academic years.
- (4) A fee limit statement must specify the date on which it begins to have effect and any variation of a fee limit statement must specify the date on which the variation begins to have effect.
- (5) In this Part –
 - (a) a fee limit, in relation to a course, is a limit that the fees payable to the tertiary education provider by a qualifying person, in connection with the person's undertaking the course, must not exceed;
 - (b) a relevant academic year, in relation to a course, is an academic year that is applicable to the course, and in respect of which fees are payable to the provider, and which begins on a day when the applicable provisions in the fee limit statement have effect.
- (6) Where a fee limit statement specifies a fee limit in relation to a year and course, the fee limit specified must not exceed whatever amount is specified in regulations made by the Welsh Ministers for the purposes of this section ("the maximum amount").
- (7) Where a fee limit statement provides for the determination of a fee limit in relation to a year and course, the statement must specify that the fee limit determined in accordance with the statement is not to exceed the maximum amount.

47 Approval of fee limit statement

- (1) The governing body of a tertiary education provider in Wales may apply to the Commission for the Commission's approval of a proposed fee limit statement relating to the provider.
- (2) If an application for approval of a fee limit statement is made to the Commission, the Commission must by notice to the governing body concerned either –

- (a) cymeradwyo'r datganiad, neu
 - (b) gwrthod y datganiad.
- (3) Caiff corff llywodraethu darparwr a chanddo ddatganiad terfyn ffioedd cymeradwy wneud cais i'r Comisiwn iddo gymeradwyo amrywiad i'r datganiad neu gymeradwyo cael datganiad arall yn ei le.
- (4) Os yw cais i gymeradwyo amrywiad neu i gymeradwyo cael datganiad arall yn ei le wedi ei wneud, rhaid i'r Comisiwn drwy hysbysiad i'r corff llywodraethu naill ai –
- (a) cymeradwyo'r amrywiad neu'r datganiad arall yn ei le, neu
 - (b) gwrthod yr amrywiad neu'r datganiad arall yn ei le.
- (5) Mae datganiad terfyn ffioedd cymeradwy yn peidio â bod yn gymeradwy os yw'r darparwr y mae'n ymwneud ag ef yn peidio â bod wedi ei gofrestru mewn categori cofrestru a bennir o ran adran 32(2)(b) y mae'r datganiad yn ymwneud ag ef.
- (6) Am ddarpariaeth weithdrefnol ynghylch hysbysiad o dan is-adrannau (2)(b) a (4)(b), gweler adrannau 75 i 78.

48 **Cyhoeddi datganiad terfyn ffioedd cymeradwy**

- (1) Pan fo'r Comisiwn wedi cymeradwyo datganiad terfyn ffioedd, rhaid i gorff llywodraethu'r darparwr y mae'r datganiad yn ymwneud ag ef gyhoeddi'r datganiad (ac unrhyw amrywiad sydd wedi ei gymeradwy o'r datganiad neu unrhyw ddatganiad arall sydd wedi ei gymeradwyo yn ei le).
- (2) Wrth gyflawni ei ddyletswydd o dan is-adran (1), rhaid i'r corff llywodraethu roi sylw i'r angen i sicrhau bod y datganiad ar gael yn hawdd i fyfyrwyr a darpar fyfyrwyr.

49 **Dilysrwydd contractau**

- (1) Mae'r adran hon yn gymwys i gontract sy'n darparu ar gyfer talu ffioedd cwrs rheoleiddiedig i ddarparwr addysg drydyddol, gan berson cymhwysol ac mewn cysylltiad â'r person yn ymgymryd â chwrs cymhwysol, sydd uwchlaw'r terfyn ffioedd cymwys.
- (2) At ddibenion unrhyw hawliau ac atebolrwyddau sy'n codi o dan y contract, ac unrhyw drafodion mewn cysylltiad â'r hawliau a'r atebolrwyddau hynny, mae'r contract i'w drin fel pe bai'n darparu ar gyfer talu ffioedd mewn swm sy'n cyfateb i'r terfyn ffioedd cymwys.
- (3) Ac eithrio fel y'i darperir yn is-adran (2), nid yw'r contract yn ddi-rym nac yn anorfodadwy o ganlyniad i ddarparu ar gyfer talu ffioedd sydd uwchlaw'r terfyn ffioedd cymwys.

PENNOD 2

SICRHAU ANSAWDD A GWELLA ANSAWDD

Swyddogaethau sicrhau ansawdd cyffredinol

50 **Fframweithiau sicrhau ansawdd**

- (1) Caiff y Comisiwn gyhoeddi fframweithiau sicrhau ansawdd.
- (2) Mae fframwaith sicrhau ansawdd yn ddogfen sy'n nodi canllawiau a gwybodaeth am faterion polisi ac arfer ynghylch –
- (a) meini prawf ar gyfer asesu ansawdd addysg drydyddol;

- (a) approve the statement, or
 - (b) reject the statement.
- (3) The governing body of a provider with an approved fee limit statement may apply to the Commission for approval of a variation or replacement of the statement.
- (4) If an application for approval of a variation or replacement is made, the Commission must by notice to the governing body either –
- (a) approve the variation or replacement, or
 - (b) reject the variation or replacement.
- (5) An approved fee limit statement ceases to be approved if the provider to which it relates ceases to be registered in a category of registration specified under section 32(2)(b) to which the statement relates.
- (6) For procedural provision about notice under subsections (2)(b) and (4)(b), see sections 75 to 78.

48 Publication of approved fee limit statement

- (1) Where the Commission has approved a fee limit statement, the governing body of the provider to which the statement relates must publish the statement (and any approved variation or replacement of the statement).
- (2) In discharging its duty under subsection (1), the governing body must have regard to the need to make the statement easily accessible to students and prospective students.

49 Validity of contracts

- (1) This section applies to a contract that provides for the payment of regulated course fees to a tertiary education provider, by a qualifying person and in connection with the person's undertaking a qualifying course, that exceed the applicable fee limit.
- (2) For the purposes of any rights and liabilities arising under the contract, and any proceedings in respect of those rights and liabilities, the contract is to be treated as providing for the payment of fees in an amount equivalent to the applicable fee limit.
- (3) Except as provided in subsection (2), the contract is not void or unenforceable in consequence of providing for the payment of fees exceeding the applicable fee limit.

CHAPTER 2

QUALITY ASSURANCE AND IMPROVING QUALITY

General quality assurance functions

50 Quality assurance frameworks

- (1) The Commission may publish quality assurance frameworks.
- (2) A quality assurance framework is a document setting out guidance and information on matters of policy and practice concerning –
- (a) criteria for assessing the quality of tertiary education;

- (b) prosesau ar gyfer asesu ansawdd addysg drydyddol;
 - (c) rolau a chyfrifoldebau –
 - (i) personau sy'n asesu ansawdd addysg drydyddol,
 - (ii) darparwyr addysg drydyddol o ran ansawdd addysg drydyddol, a
 - (iii) unrhyw bersonau eraill y mae'r Comisiwn yn ystyried eu bod yn briodol o ran ansawdd addysg drydyddol;
 - (d) ystyried barn dysgwyr ynghylch ansawdd yr addysg drydyddol a gânt;
 - (e) datblygiad proffesiynol aelodau o'r gweithlu addysg drydyddol;
 - (f) unrhyw fater arall y mae'r Comisiwn yn ystyried ei fod yn berthnasol i sicrhau ansawdd addysg drydyddol.
- (3) Caiff y Comisiwn ddiwygio, disodli neu dynnu'n ôl unrhyw fframwaith sicrhau ansawdd a gyhoeddir o dan yr adran hon.
- (4) Cyn cyhoeddi fframwaith (neu unrhyw fframwaith diwygiedig) neu dynnu fframwaith yn ôl o dan yr adran hon, rhaid i'r Comisiwn ymgynghori –
- (a) â phob darparwr cofrestredig,
 - (b) â Phrif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru ("y Prif Arolygydd"), ac
 - (c) ag unrhyw bersonau eraill y mae'r Comisiwn yn ystyried eu bod yn briodol.
- (5) Rhaid i'r personau a grybwyllir yn is-adran (6), i'r graddau y mae'n berthnasol i arfer eu swyddogaethau, roi sylw i fframwaith sicrhau ansawdd a gyhoeddir o dan yr adran hon.
- (6) Y personau yw –
- (a) y Comisiwn;
 - (b) y Prif Arolygydd;
 - (c) corff dynodedig (gweler adran 56).
- (7) Nid oes dim byd yn yr adran hon sy'n effeithio ar bwerau eraill y Comisiwn i ddyroddi canllawiau.
- (8) Mae i "aelodau o'r gweithlu addysg drydyddol" yr un ystyr ag yn adran 5.

51 Dyletswydd i fonitro ansawdd addysg drydyddol reoleiddiedig ac i hybu gwelliant yn ansawdd yr addysg honno

Rhaid i'r Comisiwn fonitro ansawdd addysg drydyddol a hybu gwelliant yn ansawdd yr addysg honno –

- (a) a ddarperir gan, neu ar ran, darparwyr cofrestredig (i'r graddau y mae'r addysg drydyddol yn ymwneud â chategoriâu cofrestru'r darparwyr);
- (b) a gyllidir gan y Comisiwn neu a sicrheir fel arall ganddo.

52 Cyngor a chynhorthwy mewn cysylltiad ag ansawdd addysg drydyddol

- (1) Mae'r adran hon yn gymwys i addysg drydyddol, neu i gwrs penodol o addysg drydyddol –
- (a) a ddarperir gan, neu ar ran, darparwr cofrestredig,

- (b) processes for assessing the quality of tertiary education;
 - (c) the roles and responsibilities of –
 - (i) persons assessing the quality of tertiary education,
 - (ii) providers of tertiary education as regards the quality of tertiary education, and
 - (iii) any other persons as regards the quality of tertiary education as the Commission considers appropriate;
 - (d) consideration of the views of learners about the quality of the tertiary education they receive;
 - (e) the professional development of members of the tertiary education workforce;
 - (f) any other matter the Commission considers relevant to assurance of the quality of tertiary education.
- (3) The Commission may revise, replace or withdraw any quality assurance framework published under this section.
- (4) Before publishing a framework (or any revised framework) or withdrawing a framework under this section, the Commission must consult –
- (a) each registered provider,
 - (b) Her Majesty’s Chief Inspector of Education and Training in Wales (“the Chief Inspector”), and
 - (c) any other persons the Commission considers appropriate.
- (5) The persons mentioned in subsection (6) must, so far as relevant to the exercise of their functions, have regard to a quality assurance framework published under this section.
- (6) The persons are –
- (a) the Commission;
 - (b) the Chief Inspector;
 - (c) a designated body (see section 56).
- (7) Nothing in this section affects the Commission’s other powers to issue guidance.
- (8) “Members of the tertiary education workforce” has the same meaning as in section 5.

51 Duty to monitor, and promote improvement in, the quality of regulated tertiary education

The Commission must monitor, and promote improvement in, the quality of tertiary education –

- (a) provided by, or on behalf of, registered providers (so far as the tertiary education relates to the providers’ categories of registration);
- (b) funded or otherwise secured by the Commission.

52 Advice and assistance in respect of quality of tertiary education

- (1) This section applies to tertiary education, or a particular course of tertiary education –
- (a) provided by, or on behalf of, a registered provider,

- (b) a gyllidir gan y Comisiwn neu a sicrheir fel arall ganddo, neu
 - (c) a ddarperir yng Nghymru ac nad yw'n dod o fewn paragraff (a) na (b).
- (2) Caiff y Comisiwn ddarparu, neu wneud trefniadau ar gyfer darparu, cyngor neu gynhorthwy arall i unrhyw berson at ddiben—
- (a) gwella ansawdd yr addysg drydyddol neu'r cwrs, neu
 - (b) atal ansawdd yr addysg drydyddol neu'r cwrs rhag dod yn annigonol.
- (3) At ddibenion yr adran hon, mae ansawdd addysg drydyddol, neu ansawdd cwrs addysg drydyddol, yn annigonol os nad yw'n ddigonol i ddiwallu anghenion rhesymol y rheini sy'n cael yr addysg neu sy'n ymgymryd â'r cwrs.

53 Adolygiadau sy'n berthnasol i ansawdd addysg drydyddol

Caiff y Comisiwn gynnal, neu drefnu i berson arall gynnal, adolygiad o unrhyw faterion y mae'n ystyried eu bod yn berthnasol i ansawdd addysg drydyddol, neu i gwrs penodol o addysg drydyddol—

- (a) a ddarperir gan, neu ar ran, darparwr cofrestredig,
- (b) a gyllidir gan y Comisiwn neu a sicrheir fel arall ganddo, neu
- (c) a ddarparir yng Nghymru ac nad yw'n dod o fewn paragraff (a) na (b).

Asesu ansawdd mewn addysg uwch

54 Asesu ansawdd addysg uwch

- (1) Rhaid i'r Comisiwn asesu, neu wneud trefniadau ar gyfer asesu, ansawdd addysg uwch a ddarperir—
- (a) gan bob darparwr cofrestredig;
 - (b) ar ran pob darparwr cofrestredig (pa un ai gan ddarparwr cofrestredig arall neu gan ddarparwr allanol).
- (2) Mae'r dyletswydd yn is-adran (1) yn gymwys i asesu addysg uwch sy'n ymwneud â chategori cofrestru'r darparwr.
- (3) Caiff y Comisiwn asesu, neu wneud trefniadau ar gyfer asesu, ansawdd addysg uwch a ddarperir yng Nghymru gan unrhyw ddarparwr addysg drydyddol.
- (4) Rhaid i'r Comisiwn gyhoeddi adroddiad ar bob asesiad a gynhelir o dan yr adran hon.
- (5) Caiff Gweinidogion Cymru, drwy reoliadau—
- (a) ei gwneud yn ofynnol i asesiadau o dan is-adran (1) gael eu cynnal fesul ysbaid a bennir yn y rheoliadau;
 - (b) ei gwneud yn ofynnol i adroddiadau o dan is-adran (4) gael eu cyhoeddi cyn diwedd cyfnod a bennir yn y rheoliadau.
- (6) Cyn gwneud rheoliadau o dan is-adran (5), rhaid i Weinidogion Cymru ymgynghori â'r Comisiwn.
- (7) Yn y Rhan hon, mae cyfeiriadau at ddarparwr allanol yn gyfeiriadau at berson—
- (a) nad yw'n ddarparwr cofrestredig, ond

- (b) funded or otherwise secured by the Commission, or
 - (c) provided in Wales and not falling within paragraph (a) or (b).
- (2) The Commission may provide, or make arrangements for the provision of, advice or other assistance to any person for the purpose of—
- (a) improving the quality of the tertiary education or course, or
 - (b) preventing the quality of the tertiary education or course from becoming inadequate.
- (3) For the purposes of this section, the quality of tertiary education, or of a course of tertiary education, is inadequate if it is not adequate to meet the reasonable needs of those receiving the education or undertaking the course.

53 **Reviews relevant to quality of tertiary education**

The Commission may carry out, or arrange for another person to carry out, a review of any matters that it considers relevant to the quality of tertiary education, or a particular course of tertiary education—

- (a) provided by, or on behalf of, a registered provider,
- (b) funded or otherwise secured by the Commission, or
- (c) provided in Wales and not falling within paragraph (a) or (b).

Assessment of quality in higher education

54 **Assessment of quality of higher education**

- (1) The Commission must assess, or make arrangements for the assessment of, the quality of higher education provided—
- (a) by each registered provider;
 - (b) on behalf of each registered provider (whether by another registered provider or by an external provider).
- (2) The duty in subsection (1) applies to the assessment of higher education relating to the provider's category of registration.
- (3) The Commission may assess, or make arrangements for the assessment of, the quality of higher education provided in Wales by any tertiary education provider.
- (4) The Commission must publish a report of each assessment carried out under this section.
- (5) The Welsh Ministers may, by regulations—
- (a) require assessments under subsection (1) to be conducted at intervals specified in the regulations;
 - (b) require reports under subsection (4) to be published before the end of a period specified in the regulations.
- (6) Before making regulations under subsection (5), the Welsh Ministers must consult the Commission.
- (7) In this Part, references to an external provider are references to a person who—
- (a) is not a registered provider, but

- (b) sy'n gyfrifol am ddarparu cwrs addysg uwch cyfan, neu ran ohono, ar ran darparwr cofrestredig;

ac mae cyfeiriadau at gorff llywodraethu mewn perthynas â darparwr allanol nad yw'n sefydliad yn gyfeiriadau at y personau sy'n gyfrifol am reoli'r darparwr.

- (8) At ddibenion is-adran (7)(b), caiff Gweinidogion Cymru wneud darpariaeth drwy reoliadau ynghylch yr amgylchiadau pan fo person i'w drin (neu nad yw i'w drin) fel pe bai'n gyfrifol am ddarparu cwrs (neu ran ohono).

55 Cynlluniau gweithredu yn dilyn asesiadau o dan adran 54

- (1) Mae'r adran hon yn gymwys i asesiadau a gynhelir o dan adran 54(1)(a) a (b) ac a gyhoeddir yn unol ag adran 54(4).
- (2) Rhaid i gorff llywodraethu darparwr cofrestredig sy'n darparu'r addysg uwch a asesir, neu y mae'r addysg uwch wedi ei darparu ar ei ran (yn ôl y digwydd) –
- (a) llunio datganiad ysgrifenedig o'r camau gweithredu y mae'n bwriadu eu cymryd yng ngoleuni'r adroddiad ac o fewn pa gyfnod y mae'n bwriadu cymryd y camau hynny;
- (b) anfon y datganiad i'r Comisiwn ac, os cynhaliwyd yr asesiad gan gorff dynodedig, i'r corff dynodedig.
- (3) Rhaid i'r corff llywodraethu sy'n gwneud y datganiad ei gyhoeddi.
- (4) Mae cydymffurfio â'r dyletswyddau o dan is-adrannau (2) a (3) i'w drin fel pe bai'n amod cofrestru parhaus sy'n gymwys i'r darparwr cofrestredig at ddibenion adran 39 (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio ag amodau cofrestru parhaus) ac adran 41 (datgofrestru).

56 Arfer swyddogaethau asesu addysg uwch gan gorff dynodedig

- (1) Mae Atodlen 3 yn gwneud darpariaeth –
- (a) ynghylch dynodi corff i arfer y swyddogaethau asesu;
- (b) ynghylch goruchwyllo'r corff dynodedig gan y Comisiwn;
- (c) i'r corff godi ffioedd.
- (2) At ddibenion y Bennod hon, "y swyddogaethau asesu" yw swyddogaethau'r Comisiwn o dan adran 54 (asesu ansawdd addysg uwch).
- (3) Pan fo corff wedi ei ddynodi o dan Atodlen 3 i arfer y swyddogaethau asesu, nid yw'r swyddogaethau o dan adran 54 yn peidio â bod yn arferadwy gan y Comisiwn.

Arolygu addysg bellach neu hyfforddiant etc.

57 Dyletswydd y Prif Arolygydd i arolygu ac adrodd

- (1) Rhaid i'r Prif Arolygydd arolygu –
- (a) addysg bellach neu hyfforddiant a gyllidir gan y Comisiwn neu a sicrheir fel arall ganddo;
- (b) addysg bellach neu hyfforddiant a gyllidir gan Weinidogion Cymru neu a sicrheir fel arall ganddynt;

(b) is responsible for providing all or part of a course of higher education on behalf of a registered provider;

and references to a governing body in relation to an external provider that is not an institution are references to the persons responsible for the provider's management.

- (8) For the purposes of subsection (7)(b), the Welsh Ministers may make provision by regulations about the circumstances in which a person is (or is not) to be treated as responsible for providing a course (or part of it).

55 Action plans following assessments under section 54

- (1) This section applies to assessments conducted under section 54(1)(a) and (b) and published in accordance with section 54(4).
- (2) The governing body of a registered provider that provides the higher education assessed, or on behalf of which the higher education is provided (as the case may be), must—
- (a) prepare a written statement of the action it proposes to take in the light of the report and the period within which it proposes to take it;
 - (b) send the statement to the Commission and, if the assessment was conducted by a designated body, the designated body.
- (3) The governing body making the statement must publish it.
- (4) Compliance with the duties under subsections (2) and (3) is to be treated as an ongoing registration condition that applies to the registered provider for the purposes of section 39 (directions in respect of failure to comply with ongoing registration conditions) and section 41 (de-registration).

56 Exercise of higher education assessment functions by a designated body

- (1) Schedule 3 makes provision—
- (a) about the designation of a body to exercise the assessment functions;
 - (b) about oversight of the designated body by the Commission;
 - (c) for the body to charge fees.
- (2) For the purposes of this Chapter, “the assessment functions” are the functions of the Commission under section 54 (assessing the quality of higher education).
- (3) Where a body has been designated under Schedule 3 to exercise the assessment functions, the functions under section 54 do not cease to be exercisable by the Commission.

Inspection of further education or training etc.

57 Duty of the Chief Inspector to inspect and report

- (1) The Chief Inspector must inspect—
- (a) further education or training funded or otherwise secured by the Commission;
 - (b) further education or training funded or otherwise secured by the Welsh Ministers;

- (c) addysg bellach neu hyfforddiant a gyllidir gan awdurdod lleol;
 - (d) addysg bellach neu hyfforddiant pan fo'r Comisiwn neu awdurdod lleol yn ystyried rhoi cyllid i ddarparwr yr addysg bellach neu'r hyfforddiant;
 - (e) addysg neu hyfforddiant a ddarperir i bersonau o'r oedran ysgol gorfodol gan ddarparwr addysg drydyddol yng Nghymru sy'n sefydliad o fewn y sector addysg bellach neu'r sector addysg uwch;
 - (f) addysg neu hyfforddiant a ddarperir yng Nghymru ac a bennir gan Weinidogion Cymru mewn rheoliadau (os oes rhai).
- (2) Nid yw paragraffau (a), (b) nac (c) o is-adran (1) yn gymwys –
- (a) i addysg o fath y caniateir iddo gael ei arolygu neu y mae rhaid iddo gael ei arolygu o dan Ran 1 o Ddeddf Addysg 2005 (p. 18) (arolygiadau ysgolion), neu
 - (b) os yw'r cyllid a grybwyllir yn y paragraffau hynny wedi ei roi at ddiben penodol, i addysg neu hyfforddiant nad yw'r cymorth hwnnw wedi ei gyfeirio ati neu ato.
- (3) Rhaid i'r Prif Arolygydd gyhoeddi adroddiad ar bob arolygiad a gynhelir o dan yr adran hon gan gynnwys barn –
- (a) ar ansawdd yr addysg neu'r hyfforddiant a arolygir,
 - (b) ar y safonau a gyrhaeddir gan y rheini sy'n cael yr addysg honno neu'r hyfforddiant hwnnw, ac
 - (c) ar a yw'r adnoddau ariannol sy'n cael eu rhoi ar gael i ddarparwr yr addysg neu'r hyfforddiant yn cael eu rheoli'n effeithlon ac yn cael eu defnyddio mewn ffordd sy'n darparu gwerth am arian.
- (4) Caiff Gweinidogion Cymru, drwy reoliadau –
- (a) ei gwneud yn ofynnol i arolygiadau o dan is-adran (1) (ac eithrio paragraff (d)) gael eu cynnal fesul ysbaid a bennir yn y rheoliadau;
 - (b) ei gwneud yn ofynnol i adroddiadau o dan is-adran (3) gael eu gwneud cyn diwedd cyfnod a bennir yn y rheoliadau.
- (5) Cyn gwneud rheoliadau o dan yr adran hon rhaid i Weinidogion Cymru ymgynghori –
- (a) â'r Comisiwn;
 - (b) â'r Prif Arolygydd.

58 Pŵer y Prif Arolygydd i arolygu ac adrodd

- (1) Caiff y Prif Arolygydd arolygu unrhyw addysg neu hyfforddiant a ddisgrifir yn adran 57(1) ac adrodd arni neu arno.
- (2) Caiff y Prif Arolygydd arolygu unrhyw addysg neu hyfforddiant –
- (a) nad yw o fath a ddisgrifir yn adran 57(1), ond
 - (b) a allai gael ei chyllido neu ei gyllido yn un o'r ffyrdd a grybwyllir yn yr adran honno,
- ac adrodd arni neu arno, os yw ddarparwr yr addysg neu'r hyfforddiant yn gofyn i'r Prif Arolygydd wneud hynny.
- (3) Caiff y Prif Arolygydd godi ffi am gost arolygiad a gynhelir o dan is-adran (2).

- (c) further education or training funded by a local authority;
 - (d) further education or training where the Commission or a local authority is contemplating giving funding to the provider of the further education or training;
 - (e) education or training provided for persons of compulsory school age by a tertiary education provider in Wales that is an institution within the further education sector or the higher education sector;
 - (f) education or training provided in Wales and specified by the Welsh Ministers in regulations (if any).
- (2) Paragraphs (a), (b) and (c) of subsection (1) do not apply to –
- (a) education of a kind that may or must be inspected under Part 1 of the Education Act 2005 (c. 18) (school inspections), or
 - (b) if the funding mentioned in those paragraphs is given for a specific purpose, education or training at which that support is not directed.
- (3) The Chief Inspector must publish a report of each inspection carried out under this section including views on –
- (a) the quality of the education or training inspected,
 - (b) the standards achieved by those receiving that education or training, and
 - (c) whether the financial resources made available to the provider of the education or training are managed efficiently and used in a way which provides value for money.
- (4) The Welsh Ministers may, by regulations, –
- (a) require inspections under subsection (1) (except paragraph (d)) to be conducted at intervals specified in the regulations;
 - (b) require reports under subsection (3) to be made before the end of a period specified in the regulations.
- (5) Before making regulations under this section the Welsh Ministers must consult –
- (a) the Commission;
 - (b) the Chief Inspector.

58 Power of the Chief Inspector to inspect and report

- (1) The Chief Inspector may inspect, and report on, any education or training described in section 57(1).
- (2) The Chief Inspector may inspect, and report on, any education or training –
- (a) which is not of a kind described in section 57(1), but
 - (b) which could be funded in one of the ways mentioned in that section,
- if the provider of the education or training asks the Chief Inspector to do so.
- (3) The Chief Inspector may charge for the cost of an inspection conducted under subsection (2).

- (4) Mae is-adrannau (3) i (5) o adran 57 yn gymwys i adroddiad o dan is-adran (1) fel y maent yn gymwys i gynllun o dan yr adran honno.
- (5) Caiff y Prif Arolygydd drefnu i adroddiad ar arolygiad a gynhelir o ganlyniad i gais o dan is-adran (2) gael ei gyhoeddi.

59 Dyletswydd i ddarparu gwybodaeth a chyngor i'r Comisiwn

- (1) Mae'r adran hon yn gymwys mewn perthynas ag addysg neu hyfforddiant a ddisgrifir yn adran 57(1) ac a gyllidir gan y Comisiwn neu a sicrheir fel arall ganddo.
- (2) Rhaid i'r Prif Arolygydd sicrhau bod y Comisiwn yn cael gwybod yn rheolaidd –
 - (a) am ansawdd yr addysg neu'r hyfforddiant y mae'r adran hon yn gymwys iddi neu iddo,
 - (b) am y safonau a gyrhaeddir gan y rheini sy'n cael yr addysg honno neu'r hyfforddiant hwnnw, ac
 - (c) a yw'r adnoddau ariannol sy'n cael eu rhoi ar gael i'r rheini sy'n darparu'r addysg a'r hyfforddiant yn cael eu rheoli'n effeithlon ac yn cael eu defnyddio er mwyn darparu gwerth am arian.
- (3) Pan fydd y Comisiwn yn gofyn iddo wneud hynny, rhaid i'r Prif Arolygydd –
 - (a) rhoi cyngor i'r Comisiwn ar y materion hynny a bennir gan y Comisiwn sy'n ymwneud ag addysg neu hyfforddiant y mae'r adran hon yn gymwys iddi neu iddo;
 - (b) arolygu'r addysg honno neu'r hyfforddiant hwnnw, neu'r dosbarth hwnnw o addysg neu hyfforddiant, y mae'r adran hon yn gymwys iddi neu iddo, a bennir gan y Comisiwn;
 - (c) adrodd ar ganlyniad arolygiad a gynhelir o dan yr adran hon.

60 Dyletswydd i ddarparu gwybodaeth a chyngor i Weinidogion Cymru

- (1) Mae'r adran hon yn gymwys mewn perthynas ag addysg a hyfforddiant a ddisgrifir yn adran 57(1) nas cyllidir gan y Comisiwn neu nas sicrheir fel arall ganddo.
- (2) Rhaid i'r Prif Arolygydd sicrhau bod Gweinidogion Cymru yn cael gwybod yn rheolaidd –
 - (a) am ansawdd yr addysg neu'r hyfforddiant y mae'r adran hon yn gymwys iddi neu iddo,
 - (b) am y safonau a gyrhaeddir gan y rheini sy'n cael yr addysg honno neu'r hyfforddiant hwnnw, ac
 - (c) a yw'r adnoddau ariannol sy'n cael eu rhoi ar gael i'r rheini sy'n darparu'r addysg a'r hyfforddiant yn cael eu rheoli'n effeithlon ac yn cael eu defnyddio er mwyn darparu gwerth am arian.
- (3) Pan fydd Gweinidogion Cymru yn gofyn iddo wneud hynny, rhaid i'r Prif Arolygydd –
 - (a) rhoi cyngor i Weinidogion Cymru ar y materion hynny a bennir gan Weinidogion Cymru sy'n ymwneud ag addysg neu hyfforddiant y mae'r adran hon yn gymwys iddi neu iddo;

- (4) Subsections (3) to (5) of section 57 apply to a report under subsection (1) as they apply to a report under that section.
- (5) The Chief Inspector may arrange for a report of an inspection carried out as a result of a request under subsection (2) to be published.

59 Duty to provide information and advice to the Commission

- (1) This section applies in relation to education or training described in section 57(1) that is funded or otherwise secured by the Commission.
- (2) The Chief Inspector must keep the Commission informed about –
 - (a) the quality of the education or training to which this section applies,
 - (b) the standards achieved by those receiving that education or training, and
 - (c) whether the financial resources made available to those providing it are managed efficiently and used so as to provide value for money.
- (3) When asked to do so by the Commission, the Chief Inspector must –
 - (a) give the Commission advice on such matters, relating to education or training to which this section applies, as the Commission may specify;
 - (b) inspect such education or training, or such class of education or training, to which this section applies as the Commission may specify;
 - (c) report on the result of an inspection conducted under this section.

60 Duty to provide information and advice to the Welsh Ministers

- (1) This section applies in relation to education and training described in section 57(1) that is not funded or otherwise secured by the Commission.
- (2) The Chief Inspector must keep the Welsh Ministers informed about –
 - (a) the quality of the education or training to which this section applies,
 - (b) the standards achieved by those receiving that education or training, and
 - (c) whether the financial resources made available to those providing it are managed efficiently and used so as to provide value for money.
- (3) When asked to do so by the Welsh Ministers, the Chief Inspector must –
 - (a) give the Welsh Ministers advice on such matters, relating to education or training to which this section applies, as the Welsh Ministers may specify;

- (b) arolygu'r addysg honno neu'r hyfforddiant hwnnw, neu'r dosbarth hwnnw o addysg neu hyfforddiant, y mae'r adran hon yn gymwys iddi neu iddo, a bennir gan Weinidogion Cymru;
- (c) adrodd ar ganlyniad arolygiad a gynhelir o dan yr adran hon.

61 Swyddogaethau ychwanegol y Prif Arolygydd

- (1) Caiff Gweinidogion Cymru, drwy reoliadau, roi swyddogaethau eraill i'r Prif Arolygydd mewn cysylltiad â'r addysg neu'r hyfforddiant a ddisgrifir yn adran 57(1).
- (2) Caiff y swyddogaethau a roddir gan y rheoliadau gynnwys (ymhlith pethau eraill) swyddogaethau mewn cysylltiad â hyfforddi athrawon, darlithwyr, hyfforddwyr neu bersonau eraill sy'n ymwneud â darparu'r addysg honno neu'r hyfforddiant hwnnw, neu mewn cysylltiad â hyfforddiant ar gyfer y personau hynny.

62 Cynlluniau gweithredu yn dilyn arolygiadau gan y Prif Arolygydd

- (1) Mae'r adran hon yn gymwys os yw'r Prif Arolygydd yn cyhoeddi adroddiad ar arolygiad.
- (2) Ond nid yw'n gymwys i adroddiad ar arolygiad a gynhelir –
 - (a) o ganlyniad i gais o dan adran 58(2), neu
 - (b) o dan adran 63.
- (3) Rhaid i'r person sy'n gyfrifol am reoli darparwr yr addysg neu'r hyfforddiant sy'n destun yr adroddiad lunio datganiad ysgrifenedig o'r camau gweithredu y mae'r person yn bwriadu eu cymryd yng ngoleuni'r adroddiad ac o fewn pa gyfnod y mae'n bwriadu cymryd y camau gweithredu hynny.
- (4) Rhaid i'r person sy'n gwneud y datganiad ei gyhoeddi.
- (5) Mae is-adran (6) yn gymwys –
 - (a) os yw person sy'n ddarostyngedig i'r dyletswyddau yn is-adrannau (3) a (4) yn gorff llywodraethu darparwr cofrestredig, a
 - (b) os yw'r addysg neu'r hyfforddiant sy'n destun yr adroddiad yn ymwneud â chategori cofrestru'r darparwr.
- (6) Mae cydymffurfio â'r dyletswyddau yn is-adrannau (3) a (4) i'w drin fel pe bai'n amod cofrestru parhaus sy'n gymwys i'r darparwr cofrestredig at ddibenion adran 39 (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio ag amodau cofrestru parhaus) ac adran 41 (datgofrestru).
- (7) Mae is-adran (8) yn gymwys os yw'r addysg neu'r hyfforddiant sy'n destun yr adroddiad wedi ei chyllido neu wedi ei gyllido gan y Comisiwn neu Weinidogion Cymru o dan Ran 3 o'r Ddeddf hon.
- (8) Mae cydymffurfio â'r dyletswyddau yn is-adrannau (3) a (4) i'w drin fel pe bai'n un o ofynion y telerau a'r amodau cyllido o dan y Ddeddf hon.

63 Arolygiadau ardal

- (1) Caiff y Prif Arolygydd arolygu –
 - (a) ansawdd ac argaeledd disgrifiad o addysg neu hyfforddiant, mewn ardal benodedig yng Nghymru, ar gyfer personau sy'n 15 oed neu'n hŷn,

- (b) inspect such education or training, or such class of education or training, to which this section applies as the Welsh Ministers may specify;
- (c) report on the result of an inspection conducted under this section.

61 Additional functions of the Chief Inspector

- (1) The Welsh Ministers may, by regulations, confer other functions on the Chief Inspector in connection with the education or training described in section 57(1).
- (2) The functions conferred by the regulations may (among other things) include functions with respect to training of or for teachers, lecturers, trainers or other persons engaged in the provision of such education or training.

62 Action plans following inspections by the Chief Inspector

- (1) This section applies if the Chief Inspector publishes a report of an inspection.
- (2) But it does not apply to a report of an inspection conducted –
 - (a) as a result of a request under section 58(2), or
 - (b) under section 63.
- (3) The person responsible for the management of the provider of the education or training which is the subject of the report must prepare a written statement of the action which the person proposes to take in the light of the report and the period within which the person proposes to take it.
- (4) The person making the statement must publish it.
- (5) Subsection (6) applies if –
 - (a) a person subject to the duties in subsections (3) and (4) is the governing body of a registered provider, and
 - (b) the education or training which is the subject of the report relates to the provider's category of registration.
- (6) Compliance with the duties in subsections (3) and (4) is to be treated as an ongoing registration condition that applies to the registered provider for the purposes of section 39 (directions in respect of failure to comply with ongoing registration conditions) and section 41 (de-registration).
- (7) Subsection (8) applies if the education or training which is the subject of the report is funded by the Commission or the Welsh Ministers under Part 3 of this Act.
- (8) Compliance with the duties in subsections (3) and (4) is to be treated as a requirement of the terms and conditions of funding under this Act.

63 Area inspections

- (1) The Chief Inspector may inspect –
 - (a) the quality and availability of a description of education or training, in a specified area in Wales, for persons who are aged 15 or over,

- (b) y safonau a gyrhaeddir gan y rheini sy'n cael yr addysg honno neu'r hyfforddiant hwnnw, ac
 - (c) a yw'r adnoddau ariannol sy'n cael eu rhoi ar gael i'r rheini sy'n darparu'r addysg honno neu'r hyfforddiant hwnnw yn cael eu rheoli'n effeithlon ac yn cael eu defnyddio mewn ffordd sy'n darparu gwerth am arian.
- (2) Rhaid i'r Prif Arolygydd gynnal arolygiad o'r math a ddisgrifir yn is-adran (1) ("arolygiad ardal") os gofynnir iddo wneud hynny –
- (a) gan y Comisiwn;
 - (b) gan Weinidogion Cymru.
- (3) Yr addysg neu'r hyfforddiant a gaiff fod yn destun arolygiad ardal yw unrhyw addysg neu hyfforddiant a ddisgrifir yn adran 57 neu sydd o fewn cylch gwaith y Prif Arolygydd o ganlyniad i unrhyw ddeddfiad arall.
- (4) Ond ni chaniateir i'r pŵer i'w gwneud yn ofynnol i'r Prif Arolygydd gynnal arolygiad ardal gael ei arfer ond –
- (a) yn achos y Comisiwn, mewn cysylltiad â disgrifiad o addysg neu hyfforddiant a gyllidir gan y Comisiwn neu a sicrheir fel arall ganddo;
 - (b) yn achos Gweinidogion Cymru, mewn cysylltiad â disgrifiad o addysg neu hyfforddiant ac eithrio addysg neu hyfforddiant a gyllidir gan y Comisiwn neu a sicrheir fel arall ganddo.
- (5) Caniateir i arolygiad ardal gael ei estyn er mwyn ystyried –
- (a) y modd y mae unrhyw adnoddau ariannol wedi eu cymhwyso gan berson a ddisgrifir yn is-adran (6) mewn cysylltiad â'r addysg neu'r hyfforddiant a arolygir, a
 - (b) a yw unrhyw adnoddau ariannol o'r fath wedi eu cymhwyso mewn ffordd sy'n darparu gwerth am arian.
- (6) Y personau a grybwyllir yn is-adran (5) yw –
- (a) y Comisiwn;
 - (b) Gweinidogion Cymru;
 - (c) awdurdod lleol.
- (7) Rhaid i'r personau a ganlyn ddarparu unrhyw wybodaeth sy'n rhesymol ofynnol gan y Prif Arolygydd mewn cysylltiad â'r arolygiad –
- (a) personau sy'n gyfrifol am reoli unrhyw ddarparwr addysg neu hyfforddiant sy'n destun arolygiad ardal;
 - (b) unrhyw awdurdod lleol o fewn yr ardal sy'n destun arolygiad ardal;
 - (c) y Comisiwn;
 - (d) Gweinidogion Cymru.
- (8) Ar ôl cwblhau arolygiad ardal, rhaid i'r Prif Arolygydd gyhoeddi adroddiad.
- (9) Caiff Gweinidogion Cymru, drwy reoliadau –
- (a) gwneud darpariaeth bellach mewn cysylltiad â'r ddyletswydd i ddarparu gwybodaeth a osodir gan yr adran hon;

- (b) the standards achieved by those receiving that education or training, and
 - (c) whether the financial resources made available to those providing that education or training are managed efficiently and used in a way which provides value for money.
- (2) The Chief Inspector must carry out an inspection of the type described in subsection (1) (“an area inspection”) if requested to do so by –
 - (a) the Commission;
 - (b) the Welsh Ministers.
- (3) The education or training that may be made the subject of an area inspection is any education or training described in section 57 or within the remit of the Chief Inspector as a result of any other enactment.
- (4) But the power to require the Chief Inspector to carry out an area inspection may only be exercised –
 - (a) in the case of the Commission, in respect of a description of education or training funded or otherwise secured by the Commission;
 - (b) in the case of the Welsh Ministers, in respect of a description of education or training other than education or training funded or otherwise secured by the Commission.
- (5) An area inspection may extend to considering –
 - (a) the manner in which any financial resources have been applied by a person described in subsection (6) in respect of the education or training inspected, and
 - (b) whether any such financial resources have been applied in a way which provides value for money.
- (6) The persons mentioned in subsection (5) are –
 - (a) the Commission;
 - (b) the Welsh Ministers;
 - (c) a local authority.
- (7) The following persons must provide such information as the Chief Inspector may reasonably require in connection with the inspection –
 - (a) persons responsible for the management of any provider of education or training which is the subject of an area inspection;
 - (b) any local authority within the area which is the subject of an area inspection;
 - (c) the Commission;
 - (d) the Welsh Ministers.
- (8) On completing an area inspection, the Chief Inspector must publish a report.
- (9) The Welsh Ministers may, by regulations –
 - (a) make further provision with respect to the duty to provide information imposed by this section;

- (b) ei gwneud yn ofynnol i adroddiadau o dan is-adran (8) gael eu cyhoeddi cyn diwedd cyfnod a bennir yn y rheoliadau.
- (10) Am ddarpariaeth ynghylch adrodd ar ddsbarthiadau chwech y canfuwyd eu bod yn peri pryder mewn arolygiad ardal, gweler adrannau 44C a 44E o Ddeddf Addysg 2005 (p. 18).
- (11) Yn is-adran (1) –
- ystyr “penodedig” (“*specified*”) –
- (a) yn achos arolygiad ardal y gofynnir amdano o dan is-adran (2), yw wedi ei bennu yn y cais;
- (b) yn achos arolygiad ardal a gynhelir gan y Prif Arolygydd ac eithrio drwy gais, yw wedi ei bennu gan y Prif Arolygydd;
- mae “personau sy’n 15 oed” (“*persons who are aged 15*”) yn cynnwys personau, y darperir addysg ar eu cyfer mewn ysgol, a fydd yn cyrraedd yr oedran hwnnw yn y flwyddyn ysgol gyfredol.

64 Hawl mynediad a throeddau

- (1) Wrth gynnal arolygiad o dan y Bennod hon, mae gan y Prif Arolygydd, ar bob adeg resymol –
- (a) hawl mynediad i fangre y darperir yr addysg sy’n cael ei harolygu neu’r hyfforddiant sy’n cael ei arolygu ynddi;
- (b) hawl mynediad i fangre darparwr yr addysg honno neu’r hyfforddiant hwnnw sy’n cael ei defnyddio mewn cysylltiad â’r ddarpariaeth honno;
- (c) hawl i arolygu unrhyw gofnodion a gedwir gan y person hwnnw, ac unrhyw ddogfennau eraill sy’n cynnwys gwybodaeth sy’n ymwneud â’r addysg neu’r hyfforddiant, sy’n ofynnol gan yr arolygydd at ddibenion yr arolygiad, ac i gymryd copïau ohonynt.
- (2) Mewn cysylltiad ag addysg neu hyfforddiant a ddarperir gan gyflogwr yn y gweithle, ni chaniateir i’r hawl mynediad a roddir gan is-adran (1) gael ei harfer ond os yw’r cyflogwr wedi cael rhybudd rhesymol.
- (3) Mae’r hawl i arolygu a roddir gan is-adran (1)(c) yn cynnwys yr hawl i gael mynediad i unrhyw gyfrifiadur ac unrhyw gyfarpar neu ddeunydd cysylltiedig sy’n cael ei ddefnyddio neu sydd wedi cael ei ddefnyddio mewn cysylltiad â’r cofnodion neu’r dogfennau o dan sylw ac i arolygu a gwirio gweithrediad unrhyw gyfrifiadur o’r fath ac unrhyw gyfarpar neu ddeunydd cysylltiedig o’r fath.
- (4) Mae’r hawl honno hefyd yn cynnwys yr hawl i gael unrhyw gynhorthwy –
- (a) gan y person sy’n defnyddio neu sydd wedi bod yn defnyddio’r cyfrifiadur neu y mae’r cyfrifiadur yn cael ei ddefnyddio felly neu wedi cael ei ddefnyddio felly ar ei ran, neu
- (b) gan unrhyw berson a chanddo ofal dros y cyfrifiadur, y cyfarpar neu’r deunydd, neu sydd fel arall yn ymwneud â gweithrediad y cyfrifiadur, y cyfarpar neu’r deunydd,
- sy’n rhesymol ofynnol gan y Prif Arolygydd.

- (b) require reports under subsection (8) to be published before the end of a period specified in the regulations.
- (10) For provision on reporting on sixth forms found to be causing concern in an area inspection, see sections 44C and 44E of the Education Act 2005 (c. 18).
- (11) In subsection (1) –
 - “persons who are aged 15” (“*personau sy’n 15 oed*”) includes persons for whom education is being provided at a school who will attain that age in the current school year;
 - “specified” (“*penodedig*”) means –
 - (a) in the case of an area inspection requested under subsection (2), specified in the request;
 - (b) in the case of an area inspection carried out by the Chief Inspector other than by request, specified by the Chief Inspector.

64 Right of entry and offences

- (1) When conducting an inspection under this Chapter, the Chief Inspector has, at all reasonable times –
 - (a) a right of entry to premises on which the education or training being inspected is provided;
 - (b) a right of entry to premises of the provider of that education or training which are used in connection with that provision;
 - (c) a right to inspect, and take copies of, any records kept by that person, and any other documents containing information relating to the education or training, which the inspector requires for the purposes of the inspection.
- (2) In respect of education or training provided by an employer in the workplace, the right of entry conferred by subsection (1) may be exercised only if the employer has been given reasonable notice.
- (3) The right to inspect conferred by subsection (1)(c) includes the right to have access to, and to inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records or documents in question.
- (4) That right also includes the right to such assistance from –
 - (a) the person by whom or on whose behalf the computer is or has been so used, or
 - (b) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,as the Chief Inspector may reasonably require.

- (5) Mae'n drosedd rhwystro'r Prif Arolygydd yn fwriadol wrth iddo arfer swyddogaethau mewn perthynas ag arolygiad o dan y Bennod hon.
- (6) Mae person sy'n euog o drosedd o'r fath yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 4 ar y raddfa safonol.
- (7) Nid yw'r pwerau a roddir gan yr adran hon yn cynnwys y pŵer i fynd i anedd heb gytundeb y meddiannydd.
- (8) Yn yr adran hon, ystyr "mangre" yw mangre yng Nghymru neu Loegr.

65 Arolygon ac astudiaethau

- (1) Caiff y Comisiwn gyfarwyddo'r Prif Arolygydd i gynnal—
 - (a) arolwg o Gymru, neu o ardal o fewn Cymru a bennir yn y cyfarwyddyd, mewn cysylltiad â materion a bennir yn y cyfarwyddyd sy'n ymwneud â pholisi ynglŷn ag addysg bellach neu hyfforddiant;
 - (b) astudiaeth gymharol o'r ddarpariaeth a wneir y tu allan i Gymru mewn cysylltiad â materion a bennir yn y cyfarwyddyd sy'n ymwneud ag addysg bellach neu hyfforddiant.
- (2) Caiff y Prif Arolygydd, heb gael ei gyfarwyddo i wneud hynny, gynnal arolwg neu astudiaeth o'r math hwnnw.

66 Adroddiadau blynyddol

- (1) Rhaid i adroddiad blynyddol y Prif Arolygydd sy'n ofynnol gan adran 21(1)(a) o Ddeddf Addysg 2005 (p. 18) gynnwys adroddiad ar arfer swyddogaethau'r Prif Arolygydd o dan y Bennod hon.
- (2) Mae'r pŵer a roddir gan yr adran honno i wneud adroddiadau eraill yn cynnwys pŵer i wneud adroddiadau mewn cysylltiad â materion sy'n ymwneud ag addysg neu hyfforddiant a ddisgrifir yn adran 57(1).

67 Cynllun blynyddol y Prif Arolygydd

- (1) Rhaid i'r Prif Arolygydd, ar gyfer pob blwyddyn ariannol, lunio cynllun sy'n nodi amcangyfrifon—
 - (a) o'r gwariant sy'n angenrheidiol, yn y flwyddyn ariannol y mae'r cynllun yn ymwneud â hi, er mwyn sicrhau bod swyddogaethau'r Prif Arolygydd yn cael eu harfer yn effeithiol, a
 - (b) o'r incwm y bydd y Prif Arolygydd yn ei gael yn y flwyddyn ariannol honno ac y caniateir iddo gael ei gymhwyso tuag at dalu treuliau'r Prif Arolygydd.
- (2) Rhaid i'r cynllun gynnwys cynigion ar gyfer rheoli unrhyw gyllid a all gael ei ddarparu i'r Prif Arolygydd yn y flwyddyn ariannol honno—
 - (a) o dan adran 68 o'r Ddeddf hon (cyllido gan y Comisiwn), a
 - (b) o dan adran 104(4) o Ddeddf Llywodraeth Cymru 1998 (p. 38) (cyllido gan Weinidogion Cymru).
- (3) Rhaid i'r cynllun gael ei gyflwyno, at ddibenion ymgynghori—
 - (a) i'r Comisiwn, a

- (5) It is an offence wilfully to obstruct the Chief Inspector in the exercise of functions in relation to an inspection under this Chapter.
- (6) A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (7) The powers conferred by this section do not include the power to enter a dwelling without the agreement of the occupier.
- (8) In this section, “premises” means premises in Wales or England.

65 Surveys and studies

- (1) The Commission may direct the Chief Inspector to carry out—
 - (a) a survey of Wales, or of an area within Wales specified in the direction, in respect of matters specified in the direction relating to policy concerned with further education or training;
 - (b) a comparative study of the provision made outside Wales in respect of matters specified in the direction relating to further education or training.
- (2) The Chief Inspector may, without being directed to, carry out a survey or study of that kind.

66 Annual reports

- (1) The annual report of the Chief Inspector required by section 21(1)(a) of the Education Act 2005 (c. 18) must include an account of the exercise of functions of the Chief Inspector under this Chapter.
- (2) The power conferred by that section to make other reports includes a power to make reports with respect to matters relating to education or training described in section 57(1).

67 Annual plan of the Chief Inspector

- (1) The Chief Inspector must, for each financial year, prepare a plan setting out estimates of—
 - (a) the expenditure necessary, in the financial year to which the plan relates, in order to secure that the functions of the Chief Inspector are exercised effectively, and
 - (b) the income which the Chief Inspector will receive in that financial year and which may be applied towards meeting the expenses of the Chief Inspector.
- (2) The plan must contain proposals for the management of any funds which may be provided to the Chief Inspector in that financial year under—
 - (a) section 68 of this Act (funding by the Commission), and
 - (b) section 104(4) of the Government of Wales Act 1998 (c. 38) (funding by the Welsh Ministers).
- (3) The plan must be submitted, for the purposes of consultation, to—
 - (a) the Commission, and

(b) i Weinidogion Cymru,

erbyn yr adeg honno cyn dechrau'r flwyddyn ariannol y mae'r cynllun yn ymwneud â hi a gyfarwyddir ganddynt ar y cyd.

- (4) Caiff y Prif Arolygydd gyhoeddi'r cynllun ar ôl i'r cynllun gael ei gymeradwyo—
- (a) gan y Comisiwn, a
 - (b) gan Weinidogion Cymru.

68 Cyllido arolygiadau ac adroddiadau ar addysg bellach a hyfforddiant etc.

- (1) Rhaid i'r Comisiwn ddarparu unrhyw gyllid i'r Prif Arolygydd y mae'n ystyried ei fod yn briodol ar gyfer arfer swyddogaethau'r Prif Arolygydd, i'r graddau y mae'r swyddogaethau yn ymwneud ag addysg neu hyfforddiant a gyllidir gan y Comisiwn neu a sicrheir fel arall ganddo.
- (2) Wrth benderfynu pa gyllid y mae'n ystyried ei fod yn briodol, rhaid i'r Comisiwn roi sylw yn benodol i'r hyn y mae'r Comisiwn yn ystyried bod angen i'r Prif Arolygydd ei wario er mwyn arfer y swyddogaethau.
- (3) Cyn dechrau pob blwyddyn ariannol, rhaid i'r Comisiwn ymgynghori â'r Prif Arolygydd ynghylch y cyllid y mae i'w ddarparu i'r Prif Arolygydd yn y flwyddyn ariannol honno.
- (4) Rhaid i'r Comisiwn—
- (a) cymeradwyo unrhyw ran (neu rannau) o'r cynllun a lunnir gan y Prif Arolygydd o dan adran 67 sy'n ymwneud â swyddogaethau y mae'n ofynnol i'r Comisiwn ddarparu cyllid o dan yr adran hon mewn cysylltiad â hwy, a
 - (b) penderfynu swm y cyllid y bydd yn ei ddarparu o dan yr adran hon yn unol â'r cynllun i'r graddau y mae wedi ei gymeradwyo gan y Comisiwn.
- (5) Ond cyn iddo gymeradwyo'r cynllun o dan is-adran (4) caiff y Comisiwn ei gwneud yn ofynnol i'r Prif Arolygydd addasu'r cynllun.
- (6) Mae adran 104 o Ddeddf Llywodraeth Cymru 1998 (p. 38) wedi ei diwygio fel a ganlyn—
- (a) ar ôl is-adran (1) mewnosoder—
 - “(1A) But the Welsh Ministers are not responsible for providing funding to the Chief Inspector for the discharge of the Chief Inspector’s functions under Chapter 2 of Part 2 of the Tertiary Education and Research (Wales) Act 2022 so far as they relate to education or training that is funded or otherwise secured by the Commission for Tertiary Education and Research.”;
 - (b) yn is-adran (4A), yn lle paragraff (a) rhodder—
 - “(a) approve such part (or parts) of the plan prepared by the Chief Inspector under section 67 of the Tertiary Education and Research (Wales) Act 2022 as relate to functions in respect of which they are required to provide funding under this section, and”.

(b) the Welsh Ministers,

by such time before the beginning of the financial year to which it relates as they may jointly direct.

- (4) The Chief Inspector may publish the plan after it has been approved by –
- (a) the Commission, and
 - (b) the Welsh Ministers.

68 Funding of inspections and reports on further education and training etc.

- (1) The Commission must provide such funding to the Chief Inspector as it considers appropriate for the exercise of the Chief Inspector's functions, so far as the functions relate to education or training that is funded or otherwise secured by the Commission.
- (2) In deciding what funding it considers appropriate, the Commission must have regard in particular to what the Commission considers the Chief Inspector needs to spend in order to exercise the functions.
- (3) Before the beginning of each financial year, the Commission must consult the Chief Inspector about the funding it is to provide to the Chief Inspector in that financial year.
- (4) The Commission must –
- (a) approve such part (or parts) of the plan prepared by the Chief Inspector under section 67 as relate to functions in respect of which the Commission is required to provide funding under this section, and
 - (b) determine the amount of the funding it will provide under this section in accordance with the plan in so far as it is approved by the Commission.
- (5) But before it approves the plan under subsection (4) the Commission may require the Chief Inspector to modify the plan.
- (6) Section 104 of the Government of Wales Act 1998 (c. 38) is amended as follows –
- (a) after subsection (1) insert –
 - “(1A) But the Welsh Ministers are not responsible for providing funding to the Chief Inspector for the discharge of the Chief Inspector's functions under Chapter 2 of Part 2 of the Tertiary Education and Research (Wales) Act 2022 so far as they relate to education or training that is funded or otherwise secured by the Commission for Tertiary Education and Research.”;
 - (b) in subsection (4A), for paragraph (a) substitute –
 - “(a) approve such part (or parts) of the plan prepared by the Chief Inspector under section 67 of the Tertiary Education and Research (Wales) Act 2022 as relate to functions in respect of which they are required to provide funding under this section, and”.

PENNOD 3**DARPARIAETHAU GORFODI A GWEITHDREFNOL PELLACH***Ymyrryd yn ymddygiad sefydliadau addysg bellach***69 Y seiliau dros ymyrryd**

At ddibenion adrannau 70 a 71, y seiliau dros ymyrryd yn ymddygiad darparwr addysg drydyddol yng Nghymru sy'n sefydliad o fewn y sector addysg bellach yw fel a ganlyn –

- (a) mae materion y darparwr wedi cael neu yn cael eu camreoli gan ei gorff llywodraethu;
- (b) mae corff llywodraethu'r darparwr wedi methu â chydymffurfio â dyletswydd o dan unrhyw ddeddfiad;
- (c) mae corff llywodraethu'r darparwr wedi gweithredu neu'n bwriadu gweithredu'n afresymol wrth arfer ei swyddogaethau o dan unrhyw ddeddfiad;
- (d) mae'r darparwr yn perfformio'n sylweddol waeth nag y gellid yn rhesymol ddisgwyl iddo berfformio o dan yr holl amgylchiadau, neu yn methu neu'n debygol o fethu â rhoi safon dderbyniol o addysg neu hyfforddiant.

70 Pwerau i ymyrryd

- (1) Os yw Gweinidogion Cymru wedi eu bodloni bod un neu ragor o'r seiliau dros ymyrryd yn bodoli mewn perthynas â darparwr addysg drydyddol yng Nghymru sy'n sefydliad o fewn y sector addysg bellach, caiff Gweinidogion Cymru roi cyfarwyddyd i gorff llywodraethu'r darparwr.
- (2) Cyn rhoi cyfarwyddyd o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori â'r Comisiwn.
- (3) Caiff cyfarwyddyd o dan yr adran hon –
 - (a) cynnwys darpariaeth sy'n cael effaith i ddiswyddo pob un neu unrhyw un neu ragor o aelodau corff llywodraethu'r darparwr;
 - (b) cynnwys darpariaeth sy'n cael effaith i benodi aelodau newydd o'r corff hwnnw os oes swyddi gwag (sut bynnag y maent wedi codi);
 - (c) pennu camau sydd i'w cymryd (neu nad ydynt i'w cymryd) gan y corff llywodraethu at ddiben ymdrin â'r seiliau dros ymyrryd.
- (4) Caiff cyfarwyddyd o dan is-adran (3)(c) (ymhlith pethau eraill) ei gwneud yn ofynnol i'r corff llywodraethu –
 - (a) arfer pwerau o dan adran 5(2)(b) i (f) ac (h) o Fesur Addysg (Cymru) 2011 (mccc 7) i gydlafurio â'r personau hynny ac ar y telerau hynny a bennir yn y cyfarwyddyd;
 - (b) pasio penderfyniad o dan adran 27A(1) o Ddeddf Addysg Bellach ac Uwch 1992 (p. 13) ("Deddf 1992") i'r corff gael ei ddiddymu ar ddyddiad a bennir yn y cyfarwyddyd.
- (5) Cymerir at ddibenion adran 27A(1) o Ddeddf 1992 fod corff llywodraethu, y mae cyfarwyddyd fel y'i crybwyllir yn is-adran (4)(b) wedi ei roi iddo, wedi cydymffurfio ag adran 27 o'r Ddeddf honno cyn pasio'r penderfyniad sy'n ofynnol gan y cyfarwyddyd.

CHAPTER 3

FURTHER ENFORCEMENT AND PROCEDURAL PROVISIONS

Intervention in the conduct of further education institutions

69 **Grounds for intervention**

For the purposes of sections 70 and 71, the grounds for intervention in the conduct of a tertiary education provider in Wales that is an institution within the further education sector are as follows –

- (a) the provider's affairs have been or are being mismanaged by its governing body;
- (b) the provider's governing body has failed to comply with a duty under any enactment;
- (c) the provider's governing body has acted or is proposing to act unreasonably in the exercise of its functions under any enactment;
- (d) the provider is performing significantly less well than it might in all the circumstances reasonably be expected to perform, or is failing or likely to fail to give an acceptable standard of education or training.

70 **Powers to intervene**

- (1) If the Welsh Ministers are satisfied that one or more of the grounds for intervention exist in relation to a tertiary education provider in Wales that is an institution within the further education sector, the Welsh Ministers may give a direction to the provider's governing body.
- (2) Before giving a direction under this section, the Welsh Ministers must consult the Commission.
- (3) A direction under this section may –
 - (a) contain provision that has effect to remove all or any of the members of the provider's governing body;
 - (b) contain provision that has effect to appoint new members of that body if there are vacancies (however arising);
 - (c) specify steps that are (or are not) to be taken by the governing body for the purpose of dealing with the grounds of intervention.
- (4) A direction under subsection (3)(c) may (among other things) require the governing body –
 - (a) to exercise powers under section 5(2)(b) to (f) and (h) of the Education (Wales) Measure 2011 (nawm 7) to collaborate with such persons and on such terms as may be specified in the direction;
 - (b) to make a resolution under section 27A(1) of the Further and Higher Education Act 1992 (c. 13) ("the 1992 Act") for the body to be dissolved on a date specified in the direction.
- (5) A governing body to which a direction such as is mentioned in subsection (4)(b) is given is to be taken for the purposes of section 27A(1) of the 1992 Act to have complied with section 27 of that Act before making the resolution required by the direction.

- (6) Caniateir i gyfarwyddydau gael eu rhoi o dan yr adran hon er gwaethaf unrhyw ddeddfiad sy'n gwneud arfer pŵer neu gyflawni dyletswydd yn ddibynnol ar farn corff llywodraethu.
- (7) Ni chaiff Gweinidogion Cymru gyfarwyddo corff llywodraethu o dan yr adran hon i ddiswyddo aelod o staff.
- (8) Ond nid yw is-adran (7) yn atal Gweinidogion Cymru, pan fônt yn ystyried y gall fod yn briodol diswyddo aelod o staff y mae gan y corff llywodraethu bŵer i'w ddiswyddo o dan erthyglau llywodraethu'r darparwr, rhag rhoi unrhyw gyfarwyddydau i'r corff llywodraethu o dan yr adran hon sy'n angenrheidiol er mwyn sicrhau y rhoddir effaith i'r gweithdrefnau sy'n gymwys i ystyried yr achos dros ddiswyddo'r aelod hwnnw o staff mewn perthynas â'r aelod hwnnw o staff.
- (9) Mae penodi aelod o gorff llywodraethu o dan yr adran hon yn cael effaith fel pe bai wedi ei wneud yn unol ag offeryn llywodraethu ac erthyglau llywodraethu'r darparwr o dan sylw.

71 Hysbysu gan y Comisiwn am y seiliau dros ymyrryd

- (1) Os yw'r Comisiwn o'r farn bod unrhyw un neu ragor o'r seiliau dros ymyrryd yn bodoli mewn perthynas â darparwr addysg drydyddol yng Nghymru sy'n sefydliad o fewn y sector addysg bellach, rhaid i'r Comisiwn hysbysu Gweinidogion Cymru am y farn honno.
- (2) Rhaid i Weinidogion Cymru roi sylw i farn y Comisiwn wrth benderfynu pa un ai i arfer y pwerau o dan adran 70.

72 Datganiad Gweinidogion Cymru ar bwerau ymyrryd

- (1) Rhaid i Weinidogion Cymru gyhoeddi datganiad sy'n nodi sut y maent yn bwriadu arfer eu pwerau o dan adran 70
- (2) O ran Gweinidogion Cymru –
 - (a) rhaid iddynt gadw'r datganiad o dan adolygiad;
 - (b) cânt ddiwygio'r datganiad.
- (3) Cyn cyhoeddi'r datganiad neu ddatganiad diwygiedig, rhaid i Weinidogion Cymru ymgynghori â'r personau hynny y maent yn ystyried eu bod yn briodol.
- (4) Cyn gynted â phosibl ar ôl cyhoeddi'r datganiad neu ddatganiad diwygiedig, rhaid i Weinidogion Cymru osod copi ohono gerbron Senedd Cymru.

Mynediad i wybodaeth a chyfleusterau

73 Dyletswydd i gydweithredu

- (1) Rhaid i gorff llywodraethu darparwr allanol sicrhau y darperir i berson sy'n arfer swyddogaeth yn rhinwedd adran 51, 53 neu 54(1) unrhyw wybodaeth, unrhyw gynhorthwy ac unrhyw fynediad i gyfleusterau, systemau ac offer y darparwr allanol sy'n rhesymol ofynnol gan y person at ddiben arfer y swyddogaeth (gan gynnwys at ddiben arfer unrhyw bŵer o dan adran 74).

- (6) Directions may be given under this section despite any enactment making the exercise of a power or discharge of a duty contingent on a governing body's opinion.
- (7) The Welsh Ministers may not direct a governing body under this section to dismiss a member of staff.
- (8) But subsection (7) does not prevent the Welsh Ministers, where they consider that it may be appropriate to dismiss a member of staff whom the governing body has power under the provider's articles of government to dismiss, from giving the governing body such directions under this section as are necessary to secure that the procedures applicable to the consideration of the case for dismissal of that member of staff are given effect to in relation to that member of staff.
- (9) An appointment of a member of a governing body under this section has effect as if made in accordance with the instrument of government and articles of government of the provider concerned.

71 Notification by the Commission of grounds for intervention

- (1) If the Commission is of the view that any one or more of the grounds for intervention exist in relation to a tertiary education provider in Wales that is an institution within the further education sector, the Commission must notify the Welsh Ministers of that view.
- (2) The Welsh Ministers must have regard to the Commission's view in deciding whether to exercise the powers under section 70.

72 Welsh Ministers' statement on intervention powers

- (1) The Welsh Ministers must publish a statement setting out how they propose to exercise their powers under section 70.
- (2) The Welsh Ministers –
 - (a) must keep the statement under review;
 - (b) may revise it.
- (3) Before publishing the statement or a revised statement, the Welsh Ministers must consult such persons as they consider appropriate.
- (4) As soon as possible after publishing the statement or revised statement, the Welsh Ministers must lay a copy of it before Senedd Cymru.

Access to information and facilities

73 Duty to co-operate

- (1) The governing body of an external provider must ensure that a person exercising a function by virtue of section 51, 53 or 54(1) is provided with such information, assistance and access to the external provider's facilities, systems and equipment as the person reasonably requires for the purpose of exercising the function (including for the purpose of exercising any power under section 74).

- (2) Rhaid i gorff llywodraethu darparwr addysg bellach neu hyfforddiant a gyllidir o dan adran 97 sicrhau y darperir i berson sy'n arfer swyddogaeth yn rhinwedd adran 51 neu 53 unrhyw wybodaeth, unrhyw gynhorthwy ac unrhyw fynediad i gyfleusterau, systemau ac offer y darparwr sy'n rhesymol ofynnol gan y person at ddiben arfer y swyddogaeth (gan gynnwys at ddiben arfer unrhyw bŵer o dan adran 74).
- (3) Yn is-adran (2) –
 - ystyr “y corff llywodraethu” (“*the governing body*”) yw'r person sy'n gyfrifol am reoli'r darparwr;
 - nid yw “darparwr addysg bellach neu hyfforddiant” (“*provider of further education or training*”) yn cynnwys darparwr cofrestredig.
- (4) Os yw'r Comisiwn wedi ei fodloni bod corff llywodraethu wedi methu â chydymffurfio ag is-adran (1) neu (2), caiff ei gyfarwyddo i gymryd (neu i beidio â chymryd) camau penodedig at ddiben sicrhau y darperir gwybodaeth, cynhorthwy neu fynediad fel y'i disgrifir yn is-adran (1) neu (2) (fel y bo'n briodol).
- (5) Am ddarpariaeth weithdrefnol ynghylch cyfarwyddyd o dan is-adran (4), gweler adrannau 75 i 78.

74 Pwerau mynd i mewn ac arolygu

- (1) At ddiben arfer swyddogaeth yn rhinwedd adran 36, 38, 51, 53 neu 54(1), caiff person awdurdodedig –
 - (a) mynd i fangre darparwr cofrestredig;
 - (b) edrych ar ddogfennau y deuir o hyd iddynt yn y fangre, eu copïo neu eu cymryd.
- (2) At ddiben arfer swyddogaeth yn rhinwedd adran 51, 53 neu 54(1), caiff person awdurdodedig –
 - (a) mynd i fangre darparwr allanol;
 - (b) edrych ar ddogfennau y deuir o hyd iddynt yn y fangre, eu copïo neu eu cymryd.
- (3) Yn is-adrannau (1)(b) a (2)(b), mae cyfeiriadau –
 - (a) at ddogfennau yn cynnwys gwybodaeth wedi ei chofnodi ar unrhyw ffurf;
 - (b) at ddogfennau y deuir o hyd iddynt yn y fangre yn cynnwys –
 - (i) dogfennau sydd wedi eu storio ar gyfrifiaduron neu ar ddyfeisiau storio electronig yn y fangre, a
 - (ii) dogfennau sydd wedi eu storio mewn man arall ond y gellir cael mynediad iddynt drwy gyfrifiaduron yn y fangre.
- (4) Mae'r pŵer a roddir gan is-adrannau (1)(b) a (2)(b) yn cynnwys pŵer –
 - (a) i'w gwneud yn ofynnol i berson ddarparu dogfennau;
 - (b) i osod gofynion o ran sut y darperir dogfennau (a gaiff gynnwys gofynion i ddarparu copïau darllenadwy o ddogfennau sydd wedi eu storio'n electronig);
 - (c) i edrych ar gyfrifiadur y mae dogfennau wedi eu creu neu eu storio arno neu ar ddyfais storio electronig y mae dogfennau wedi eu creu neu eu storio arni.
- (5) Ni chaniateir i bŵer a roddir gan yr adran hon gael ei arfer ond ar ôl rhoi hysbysiad rhesymol –

- (2) The governing body of a provider of further education or training funded under section 97 must ensure that a person exercising a function by virtue of section 51 or 53 is provided with such information, assistance and access to the provider's facilities, systems and equipment as the person reasonably requires for the purpose of exercising the function (including for the purpose of exercising any power under section 74).
- (3) In subsection (2) –
 - “the governing body” (“*y corff llywodraethu*”) means the person responsible for the provider's management;
 - “provider of further education or training” (“*darparwr addysg bellach neu hyfforddiant*”) does not include a registered provider.
- (4) If the Commission is satisfied that a governing body has failed to comply with subsection (1) or (2), it may direct it to take (or not to take) specified steps for the purpose of securing the provision of information, assistance or access as described in subsection (1) or (2) (as appropriate).
- (5) For procedural provision about a direction under subsection (4), see sections 75 to 78.

74 Powers of entry and inspection

- (1) For the purpose of the exercise of a function by virtue of section 36, 38, 51, 53 or 54(1), an authorised person may –
 - (a) enter the premises of a registered provider;
 - (b) inspect, copy or take away documents found on the premises.
- (2) For the purpose of the exercise of a function by virtue of section 51, 53 or 54(1), an authorised person may –
 - (a) enter the premises of an external provider;
 - (b) inspect, copy or take away documents found on the premises.
- (3) In subsections (1)(b) and (2)(b), references to –
 - (a) documents include information recorded in any form;
 - (b) documents found on the premises include –
 - (i) documents stored on computers or electronic storage devices on the premises, and
 - (ii) documents stored elsewhere which can be accessed by computers on the premises.
- (4) The power conferred by subsections (1)(b) and (2)(b) includes power –
 - (a) to require a person to provide documents;
 - (b) to impose requirements as to how documents are provided (which may include requirements to provide legible copies of documents stored electronically);
 - (c) to inspect a computer or electronic storage device on which documents have been created or stored.
- (5) A power conferred by this section may be exercised only after giving reasonable notice to –

- (a) i gorff llywodraethu'r darparwr cofrestredig neu'r darparwr allanol y mae'r person awdurdodedig yn bwriadu arfer y pŵer mewn perthynas â'i fangre, a
 - (b) i gorff llywodraethu unrhyw ddarparwr cofrestredig y mae'r darparwr hwnnw neu'r darparwr allanol hwnnw yn darparu ar ei ran yr addysg drydyddol y mae arfer y swyddogaeth berthnasol a grybwyllir yn is-adran (1) neu (2) yn ymwneud â hi.
- (6) Nid yw is-adran (5) yn gymwys i arfer pŵer os yw'r person awdurdodedig wedi ei fodloni—
- (a) bod yr achos yn achos brys, neu
 - (b) y byddai cydymffurfio â'r is-adran honno yn tanseilio diben arfer y pŵer.
- (7) Yn yr adran hon, ystyr "person awdurdodedig" yw person sydd wedi ei awdurdodi'n ysgrifenedig gan y Comisiwn (pa un ai'n gyffredinol neu'n benodol) i arfer y pwerau a roddir gan yr adran hon.
- (8) Cyn arfer pŵer o dan yr adran hon, rhaid i berson awdurdodedig, os yw'n ofynnol iddo wneud hynny, ddangos copi o awdurdodiad y person o dan is-adran (7).
- (9) O ran y pwerau a roddir gan yr adran hon—
- (a) caniateir iddynt gael eu harfer ar adegau rhesymol yn unig;
 - (b) ni chaniateir iddynt gael eu harfer i'w gwneud yn ofynnol i berson wneud unrhyw beth ac eithrio ar adeg resymol.
- (10) Nid yw'r pwerau a roddir gan yr adran hon yn cynnwys pŵer i fynd i annedd heb gytundeb y meddiannydd.
- (11) Yn yr adran hon, ystyr "mangre" yw mangre yng Nghymru neu Loegr.

Y weithdrefn rhybuddio ac adolygu

75 Cymhwysio adrannau 76 i 78

- (1) Mae adrannau 76 i 78 yn gymwys—
- (a) i gyfarwyddyd o dan adran 39 (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio ag amodau cofrestru parhaus);
 - (b) i hysbysiad o dan adran 47(2)(b) (gwrthod y datganiad terfyn ffioedd arfaethedig);
 - (c) i hysbysiad o dan adran 47(4)(b) (gwrthod yr amrywiad arfaethedig i ddatganiad terfyn ffioedd neu'r datganiad arfaethedig arall yn ei le);
 - (d) i gyfarwyddyd o dan adran 73(4) (cyfarwyddydau mewn cysylltiad â methiant i gydweithredu).
- (2) Ond nid yw'r adrannau hynny yn gymwys i gyfarwyddyd nad yw'n darparu ond ar gyfer dirymu cyfarwyddyd cynharach.

76 Hysbysiadau a chyfarwyddydau arfaethedig: gofyniad i roi hysbysiad rhybuddio

- (1) Cyn rhoi i gorff llywodraethu hysbysiad neu gyfarwyddyd y mae'r adran hon yn gymwys iddo, rhaid i'r Comisiwn roi hysbysiad rhybuddio i'r corff llywodraethu.
- (2) Rhaid i'r hysbysiad rhybuddio—

- (a) the governing body of the registered provider or external provider in relation to whose premises the authorised person intends to exercise the power, and
 - (b) the governing body of any registered provider on whose behalf that provider or external provider provides the tertiary education to which the exercise of the relevant function mentioned in subsection (1) or (2) relates.
- (6) Subsection (5) does not apply to the exercise of a power if the authorised person is satisfied that—
 - (a) the case is one of urgency, or
 - (b) complying with that subsection would defeat the object of exercising the power.
- (7) In this section, “authorised person” means a person authorised in writing by the Commission (whether generally or specifically) to exercise the powers conferred by this section.
- (8) Before exercising a power under this section, an authorised person must, if required to do so, produce a copy of the person’s authorisation under subsection (7).
- (9) The powers conferred by this section—
 - (a) may be exercised at reasonable times only;
 - (b) may not be exercised to require a person to do anything otherwise than at a reasonable time.
- (10) The powers conferred by this section do not include power to enter a dwelling without the agreement of the occupier.
- (11) In this section, “premises” means premises in Wales or England.

Warning and review procedure

75 Application of sections 76 to 78

- (1) Sections 76 to 78 apply to—
 - (a) a direction under section 39 (directions in respect of failure to comply with ongoing registration conditions);
 - (b) notice under section 47(2)(b) (rejection of proposed fee limit statement);
 - (c) notice under section 47(4)(b) (rejection of proposed variation or replacement of a fee limit statement);
 - (d) a direction under section 73(4) (directions in respect of failure to co-operate).
- (2) But those sections do not apply to a direction that provides only for the revocation of an earlier direction.

76 Proposed notices and directions: requirement to give warning notice

- (1) Before giving a governing body a notice or direction to which this section applies, the Commission must give the governing body a warning notice.
- (2) The warning notice must—

- (a) nodi'r hysbysiad neu'r cyfarwyddyd arfaethedig,
 - (b) datgan y rhesymau dros fwriadu ei roi,
 - (c) pennu'r cyfnod pan gaiff y corff llywodraethu gyflwyno sylwadau ynghylch yr hysbysiad neu'r cyfarwyddyd arfaethedig ("y cyfnod penodedig"), a
 - (d) pennu'r ffordd y caniateir i'r sylwadau hynny gael eu cyflwyno.
- (3) Ni chaiff y cyfnod penodedig fod yn llai nag 28 o ddiwrnodau sy'n dechrau â'r dyddiad y ceir yr hysbysiad.
- (4) Rhaid i'r Comisiwn roi sylw i unrhyw sylwadau a gyflwynir gan y corff llywodraethu yn unol â'r hysbysiad rhybuddio wrth benderfynu pa un ai i roi'r hysbysiad neu'r cyfarwyddyd.
- (5) Ar ôl penderfynu pa un ai i roi'r hysbysiad neu'r cyfarwyddyd, rhaid i'r Comisiwn hysbysu'r corff llywodraethu am ei benderfyniad.

77 Yr wybodaeth sydd i'w rhoi gyda hysbysiadau a chyfarwyddydau a'r effaith tra bo adolygiad yn yr arfaeth

- (1) Os yw'r Comisiwn yn rhoi i gorff llywodraethu hysbysiad neu gyfarwyddyd y mae'r adran hon yn gymwys iddo, rhaid i'r hysbysiad neu'r cyfarwyddyd bennu'r dyddiad y mae'n cymryd effaith.
- (2) Rhaid i'r Comisiwn, ar yr un pryd ag y mae'n rhoi'r hysbysiad neu'r cyfarwyddyd, roi i'r corff llywodraethu ddatganiad sy'n pennu –
- (a) y rhesymau dros roi'r hysbysiad neu'r cyfarwyddyd,
 - (b) gwybodaeth o ran yr hawl i gael adolygiad, ac
 - (c) y cyfnod a bennir mewn rheoliadau o dan adran 79(4)(c) y caniateir i gais am adolygiad gael ei wneud ynddo.
- (3) Ni chaniateir i hysbysiad neu gyfarwyddyd y mae'r adran hon yn gymwys iddo gymryd effaith ar unrhyw adeg –
- (a) pan allai cais am adolygiad o dan adran 78 gael ei ddwyn mewn cysylltiad â'r hysbysiad neu'r cyfarwyddyd, neu
 - (b) pan fo adolygiad neu benderfyniad gan y Comisiwn yn dilyn adolygiad o'r fath yn yr arfaeth.
- (4) Ond nid yw hynny yn atal hysbysiad neu gyfarwyddyd rhag cymryd effaith os yw'r corff llywodraethu yn hysbysu'r Comisiwn nad yw'n bwriadu gwneud cais am adolygiad.
- (5) Pan fo is-adran (3) yn peidio ag atal hysbysiad neu gyfarwyddyd rhag cymryd effaith ar y dyddiad a bennir o dan is-adran (1), rhaid i'r Comisiwn benderfynu dyddiad yn y dyfodol y mae'r hysbysiad neu'r cyfarwyddyd yn cymryd effaith.
- (6) Ond mae hynny yn ddarostyngedig i'r hyn sydd wedi cael ei benderfynu gan y Comisiwn yn dilyn unrhyw adolygiad o dan adran 78 mewn cysylltiad â'r hysbysiad neu'r cyfarwyddyd.

- (a) set out the proposed notice or direction,
 - (b) state the reasons for proposing to give it,
 - (c) specify the period during which the governing body may make representations about the proposed notice or direction (“the specified period”), and
 - (d) specify the way in which those representations may be made.
- (3) The specified period must not be less than 28 days beginning with the date on which the notice is received.
 - (4) The Commission must have regard to any representation made by the governing body in accordance with the warning notice in deciding whether to give the notice or direction.
 - (5) Having decided whether to give the notice or direction, the Commission must notify the governing body of its decision.

77 Information to be given with notices and directions and effect pending review

- (1) If the Commission gives a governing body a notice or direction to which this section applies, the notice or direction must specify the date on which it takes effect.
- (2) The Commission must, at the same time it gives the notice or direction, give the governing body a statement specifying—
 - (a) the reasons for giving the notice or direction,
 - (b) information as to the right of review, and
 - (c) the period specified in regulations under section 79(4)(c) within which an application for review may be made.
- (3) A notice or direction to which this section applies may not take effect at any time when—
 - (a) an application for review under section 78 could be brought in respect of the notice or direction, or
 - (b) a review or a decision by the Commission following such a review is pending.
- (4) But that does not prevent a notice or direction taking effect if the governing body notifies the Commission that it does not intend to apply for a review.
- (5) Where subsection (3) ceases to prevent a notice or direction taking effect on the date specified under subsection (1), the Commission must determine a future date on which the notice or direction takes effect.
- (6) But that is subject to what has been determined by the Commission following any review under section 78 in respect of the notice or direction.

78 Adolygu hysbysiadau a chyfarwyddydau

Os yw'r Comisiwn yn rhoi i gorff llywodraethu hysbysiad neu gyfarwyddyd y mae'r adran hon yn gymwys iddo, caiff y corff llywodraethu wneud cais am adolygiad o'r hysbysiad neu'r cyfarwyddyd gan yr adolygydd penderfyniadau.

79 Adolygydd penderfyniadau

- (1) Rhaid i Weinidogion Cymru benodi person, neu banel o bersonau, i adolygu penderfyniadau o dan adrannau 45 ac 78.
- (2) Caiff Gweinidogion Cymru dalu tâl a lwfansau i bersonau a benodir o dan is-adran (1).
- (3) Rhaid i Weinidogion Cymru, drwy reoliadau, wneud darpariaeth mewn cysylltiad ag adolygiadau gan yr adolygydd penderfyniadau o dan adrannau 45 ac 78.
- (4) Caiff y rheoliadau, ymhlith pethau eraill, wneud darpariaeth –
 - (a) ynghylch y seiliau y caniateir i'r adolygydd penderfyniadau wneud argymhellion i'r Comisiwn arnynt;
 - (b) ynghylch y mathau o argymhellion y caniateir iddynt gael eu gwneud gan yr adolygydd penderfyniadau i'r Comisiwn;
 - (c) ynghylch y cyfnod y caniateir i gais gael ei wneud ynddo, a'r ffordd y mae rhaid gwneud hynny;
 - (d) ynghylch y weithdrefn sydd i'w dilyn gan yr adolygydd penderfyniadau;
 - (e) ynghylch y camau sydd i'w cymryd gan y Comisiwn neu Weinidogion Cymru yn dilyn adolygiad.
- (5) Yn y Rhan hon, ystyr "yr adolygydd penderfyniadau" yw'r person neu'r panel o bersonau a benodir o dan is-adran (1).

*Dyletswyddau amrywiol***80 Dyletswydd i fonitro cynaliadwyedd ariannol ac adrodd arno**

- (1) Rhaid i'r Comisiwn fonitro cynaliadwyedd ariannol –
 - (a) darparwyr cofrestredig;
 - (b) darparwyr addysg drydyddol yng Nghymru –
 - (i) sy'n sefydliadau o fewn y sector addysg bellach,
 - (ii) a gyllidir gan y Comisiwn o dan adran 97, a
 - (iii) nad ydynt yn ddarparwyr cofrestredig;
 - (c) darparwyr addysg drydyddol eraill o fath a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.
- (2) Caiff Gweinidogion Cymru, drwy reoliadau, ddarparu ar gyfer eithriadau i is-adran (1)(a) a (b).
- (3) Rhaid i'r Comisiwn gynnwys yn ei adroddiad blynyddol wybodaeth am sefyllfa ariannol y personau sydd wedi eu monitro o dan is-adran (1) ar gyfer y flwyddyn ariannol y mae'r adroddiad blynyddol yn ymwneud â hi.

78 Review of notices and directions

If the Commission gives a governing body a notice or direction to which this section applies, the governing body may apply for a review of the notice or direction by the decision reviewer.

79 Decision reviewer

- (1) The Welsh Ministers must appoint a person, or a panel of persons, to review decisions under sections 45 and 78.
- (2) The Welsh Ministers may pay remuneration and allowances to persons appointed under subsection (1).
- (3) The Welsh Ministers must, by regulations, make provision in connection with reviews by the decision reviewer under sections 45 and 78.
- (4) The regulations may, among other things, make provision—
 - (a) about the grounds on which the decision reviewer may make recommendations to the Commission;
 - (b) about the kinds of recommendation that may be made by the decision reviewer to the Commission;
 - (c) about the period within which, and the way in which, an application must be made;
 - (d) about the procedure to be followed by the decision reviewer;
 - (e) about steps to be taken by the Commission or the Welsh Ministers following a review.
- (5) In this Part, “the decision reviewer” means the person or panel of persons appointed under subsection (1).

*Miscellaneous duties***80 Duty to monitor and report on financial sustainability**

- (1) The Commission must monitor the financial sustainability of—
 - (a) registered providers;
 - (b) tertiary education providers in Wales that—
 - (i) are institutions within the further education sector,
 - (ii) are funded by the Commission under section 97, and
 - (iii) are not registered providers;
 - (c) other tertiary education providers of a kind specified in regulations made by the Welsh Ministers.
- (2) The Welsh Ministers may, by regulations, provide for exceptions to subsection (1)(a) and (b).
- (3) The Commission must include in its annual report information about the financial position of the persons monitored under subsection (1) for the financial year to which the annual report relates.

- (4) Ar yr un pryd ag y mae'r Comisiwn yn anfon ei adroddiad blynyddol at Weinidogion Cymru, rhaid i'r Comisiwn anfon adroddiad ar wahân at Weinidogion Cymru sy'n cynnwys crynodeb o'r rhagolwg ariannol ar gyfer y personau sydd wedi eu monitro o dan is-adran (1) am y blynyddoedd ariannol sy'n dilyn y flwyddyn ariannol y mae'r adroddiad blynyddol yn ymwneud â hi.
- (5) "Crynodeb o'r rhagolwg ariannol" yw crynodeb o gasgliadau y mae'r Comisiwn wedi dod iddynt, o'i fonitro o dan is-adran (1), ynghylch patrymau perthnasol, tueddiadau perthnasol neu faterion perthnasol eraill y mae wedi eu nodi.
- (6) Mae patrymau, tueddiadau neu faterion eraill yn "perthnasol" –
 - (a) os ydynt yn ymwneud â chynaliadwyedd ariannol rhai o'r personau neu'r holl bersonau sydd wedi eu monitro o dan is-adran (1), a
 - (b) os yw'r Comisiwn yn ystyried eu bod yn briodol i'w dwyn i sylw Gweinidogion Cymru.
- (7) Yn yr adran hon –

ystyr "adroddiad blynyddol" ("*annual report*") yw'r adroddiad blynyddol o dan baragraff 16 o Atodlen 1;

mae i "blwyddyn ariannol" ("*financial year*") yr un ystyr ag yn yr Atodlen honno (gweler paragraff 17).

81 Datganiad y Comisiwn ar swyddogaethau ymyrryd

- (1) Rhaid i'r Comisiwn gyhoeddi datganiad sy'n nodi sut y mae'n bwriadu arfer ei swyddogaethau ymyrryd.
- (2) O ran y Comisiwn –
 - (a) rhaid iddo gadw'r datganiad o dan adolygiad;
 - (b) caiff ddiwygio'r datganiad.
- (3) Cyn cyhoeddi'r datganiad neu ddatganiad diwygiedig, rhaid i'r Comisiwn ymgynghori –
 - (a) â chorff llywodraethu pob darparwr cofrestredig, a
 - (b) ag unrhyw bersonau eraill y mae'n ystyried eu bod yn briodol.
- (4) Swyddogaethau ymyrryd y Comisiwn yw ei swyddogaethau o dan y darpariaethau a ganlyn –
 - (a) adran 36 (dyletswydd i fonitro cydymffurfedd ag amodau cofrestru parhaus);
 - (b) adran 37 (cyngor a chynhorthwy mewn cysylltiad â chydymffurfedd ag amodau cofrestru parhaus);
 - (c) adran 38 (adolygiadau sy'n berthnasol i gydymffurfedd ag amodau);
 - (d) adran 39 (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio ag amodau cofrestru parhaus);
 - (e) adran 41 (datgofrestru);
 - (f) adran 51 (dyletswydd i fonitro ansawdd addysg drydyddol reoleiddiedig ac i hybu gwelliant yn ansawdd yr addysg honno);
 - (g) adran 52 (cyngor a chynhorthwy mewn cysylltiad ag ansawdd addysg drydyddol);

- (4) At the same time the Commission sends its annual report to the Welsh Ministers, the Commission must send a separate report to the Welsh Ministers containing a summary of the financial outlook for the persons monitored under subsection (1) for the financial years following the financial year to which the annual report relates.
- (5) “A summary of the financial outlook” is a summary of conclusions drawn by the Commission, from its monitoring under subsection (1), regarding relevant patterns, trends or other matters which it has identified.
- (6) Patterns, trends or other matters are “relevant” if –
 - (a) they relate to the financial sustainability of some or all of the persons monitored under subsection (1), and
 - (b) the Commission considers that they are appropriate to be brought to the attention of the Welsh Ministers.
- (7) In this section –
 - “annual report” (“*adroddiad blynyddol*”) means the annual report under paragraph 16 of Schedule 1;
 - “financial year” (“*blwyddyn ariannol*”) has the same meaning as in that Schedule (see paragraph 17).

81 Commission’s statement on intervention functions

- (1) The Commission must publish a statement setting out how it proposes to exercise its intervention functions.
- (2) The Commission –
 - (a) must keep the statement under review;
 - (b) may revise it.
- (3) Before publishing the statement or a revised statement, the Commission must consult –
 - (a) the governing body of each registered provider, and
 - (b) any other persons it considers appropriate.
- (4) The Commission’s intervention functions are its functions under the following provisions –
 - (a) section 36 (duty to monitor compliance with ongoing registration conditions);
 - (b) section 37 (advice and assistance in respect of compliance with ongoing registration conditions);
 - (c) section 38 (reviews relevant to compliance with conditions);
 - (d) section 39 (directions in respect of failure to comply with ongoing registration conditions);
 - (e) section 41 (de-registration);
 - (f) section 51 (duty to monitor, and promote improvement in, the quality of regulated tertiary education);
 - (g) section 52 (advice and assistance in respect of quality of tertiary education);

- (h) adran 53 (adolygiadau sy'n berthnasol i ansawdd addysg drydyddol);
- (i) adran 73(4) (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â dyletswydd i gydweithredu).

Cyfarwyddydau

82 Effaith cyfarwyddydau a'u gorfodi

- (1) Os yw'r Comisiwn neu Weinidogion Cymru yn rhoi cyfarwyddyd i gorff llywodraethu o dan y Rhan hon, rhaid i'r corff llywodraethu gydymffurfio â'r cyfarwyddyd.
- (2) Mae'r cyfarwyddyd yn orfodadwy drwy waharddeb yn dilyn cais gan y person a roddodd y cyfarwyddyd.
- (3) Os yw'r corff llywodraethu yn gofyn iddo wneud hynny, rhaid i'r person a roddodd y cyfarwyddyd roi hysbysiad i'r corff llywodraethu sy'n datgan a yw'r person wedi ei fodloni bod y corff llywodraethu wedi cydymffurfio â'r cyfarwyddyd (neu â gofyniad penodol yn y cyfarwyddyd).
- (4) Rhaid i gyfarwyddyd a roddir o dan y Rhan hon fod yn ysgrifenedig.

PENNOD 4

CYFFREDINOL

83 Dynodi darparwyr addysg drydyddol eraill

- (1) Caiff Gweinidogion Cymru, yn dilyn cais gan ddarparwr addysg drydyddol o fewn is-adran (2), ddynodi'r darparwr at ddibenion yr adran hon.
- (2) Mae darparwr addysg drydyddol o fewn yr is-adran hon yn ddarparwr –
 - (a) sy'n darparu addysg drydyddol yng Nghymru, ond
 - (b) na fyddai (oni bai am y dynodiad) yn cael ei ystyried yn sefydliad at ddibenion y Ddeddf hon.
- (3) Mae darparwr addysg drydyddol a ddynodir o dan yr adran hon, oni bai bod y dynodiad wedi ei dynnu'n ôl, i'w drin, at ddibenion unrhyw ddarpariaeth a wneir gan y Ddeddf hon neu odani, fel pe bai'n sefydliad.
- (4) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch –
 - (a) gwneud ceisiadau am ddynodiad;
 - (b) gwneud dynodiadau o dan yr adran hon (gan gynnwys darpariaeth ynghylch y materion sydd i'w hystyried wrth benderfynu pa un ai i wneud dynodiad);
 - (c) tynnu dynodiad yn ôl (gan gynnwys darpariaeth ynghylch y materion sydd i'w hystyried wrth benderfynu pa un ai i dynnu dynodiad yn ôl);
 - (d) effaith tynnu dynodiad yn ôl (gan gynnwys darpariaeth i ddarparwr y mae ei ddynodiad wedi ei dynnu'n ôl barhau i gael ei drin fel pe bai'n sefydliad at ddibenion rhagnodedig er gwaethaf is-adran (3)).

- (h) section 53 (reviews relevant to quality of tertiary education);
- (i) section 73(4) (directions in respect of failure to comply with a duty to co-operate).

Directions

82 Effect and enforcement of directions

- (1) If the Commission or the Welsh Ministers give a governing body a direction under this Part, the governing body must comply with the direction.
- (2) The direction is enforceable by injunction on the application of the person who gave the direction.
- (3) If requested to do so by the governing body, the person who gave the direction must give notice to the governing body stating whether the person is satisfied that it has complied with the direction (or with a particular requirement of the direction).
- (4) A direction given under this Part must be in writing.

CHAPTER 4

GENERAL

83 Designation of other providers of tertiary education

- (1) The Welsh Ministers may, on the application of a provider of tertiary education within subsection (2), designate the provider for the purposes of this section.
- (2) A provider of tertiary education within this subsection is one that –
 - (a) provides tertiary education in Wales, but
 - (b) would not (but for the designation) be regarded as an institution for the purposes of this Act.
- (3) A provider of tertiary education designated under this section is, unless the designation is withdrawn, to be treated for the purposes of any provision made by or under this Act as being an institution.
- (4) The Welsh Ministers may, by regulations, make provision about –
 - (a) the making of applications for designation;
 - (b) the making of designations under this section (including provision about matters to be taken into account in determining whether to make a designation);
 - (c) the withdrawal of a designation (including provision about matters to be taken into account in determining whether to withdraw a designation);
 - (d) the effect of a withdrawal of a designation (including provision for a provider whose designation is withdrawn to continue to be treated as an institution for prescribed purposes despite subsection (3)).

84 Dehongli Rhan 2

Yn y Rhan hon –

mae i “adolygydd penderfyniadau” (“*decision reviewer*”) yr ystyr a roddir gan adran 79(5);

mae i “amod cofrestru parhaus” (“*ongoing registration condition*”) yr ystyr a roddir gan adran 25(10);

mae i “amod terfyn ffioedd” (“*fee limit condition*”) yr ystyr a roddir gan adran 32(3); ystyr “blwyddyn academiaidd” (“*academic year*”) yw cyfnod o 12 mis;

mae i “blwyddyn academiaidd berthnasol” (“*relevant academic year*”), mewn perthynas â darparwr addysg drydyddol y mae datganiad terfyn ffioedd yn ymwneud ag ef, yr ystyr a roddir yn adran 46(5);

mae i “corff llywodraethu” (“*governing body*”), mewn perthynas â darparwr allanol nad yw’n sefydliad, yr ystyr a roddir gan adran 54(7) (gweler adran 144 am ystyr “corff llywodraethu” yn gyffredinol);

ystyr “cwrs cymhwysol” (“*qualifying course*”) yw cwrs a bennir mewn rheoliadau o dan adran 32(4);

mae i “darparwr allanol” (“*external provider*”) yr ystyr a roddir gan adran 54(7);

mae i “datganiad terfyn ffioedd” (“*fee limit statement*”) yr ystyr a roddir gan adran 46(1);

ystyr “ffioedd” (“*fees*”) yw ffioedd mewn perthynas ag ymgymryd â chwrs, neu mewn cysylltiad ag ymgymryd ag ef fel arall, gan gynnwys ffioedd derbyn, cofrestru, dysgu a graddio, a ffioedd sy’n daladwy i ddarparwr addysg drydyddol am ddyfarnu neu achredu unrhyw ran o’r cwrs, ond sy’n eithrio –

- (a) ffioedd sy’n daladwy am fwyd neu lety;
- (b) ffioedd sy’n daladwy am deithiau maes (gan gynnwys unrhyw elfen ddysgu o’r ffioedd hynny);
- (c) ffioedd sy’n daladwy am fod yn bresennol mewn unrhyw seremoni raddio neu seremoni arall;
- (d) unrhyw ffioedd eraill a bennir mewn rheoliadau a wneir gan Weinidogion Cymru at ddibenion y diffiniad hwn;

mae i “ffioedd cwrs rheoleiddiedig” (“*regulated course fees*”) yr ystyr a roddir gan adran 32(7);

mae i “ffioedd uwchlaw’r terfyn” (“*excess fees*”) yr ystyr a roddir gan adran 39(7);

mae i “person cymhwysol” (“*qualifying person*”) yr ystyr a roddir gan adran 32(9);

ystyr “Prif Arolygydd” (“*Chief Inspector*”) yw Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru;

mae i “terfyn ffioedd” (“*fee limit*”) yr ystyr a roddir gan adran 46(5);

mae i “terfyn ffioedd cymwys” (“*applicable fee limit*”) yr ystyr a roddir gan adran 32(8).

84 Interpretation of Part 2

In this Part –

“academic year” (*“blwyddyn academaidd”*) means a period of 12 months;

“applicable fee limit” (*“terfyn ffioedd cymwys”*) has the meaning given by section 32(8);

“Chief Inspector” (*“Prif Arolygydd”*) means Her Majesty’s Chief Inspector of Education and Training in Wales;

“decision reviewer” (*“adolygydd penderfyniadau”*) has the meaning given by section 79(5);

“excess fees” (*“ffioedd uwchlaw’r terfyn”*) has the meaning given by section 39(7);

“external provider” (*“darparwr allanol”*) has the meaning given by section 54(7);

“fee limit” (*“terfyn ffioedd”*) has the meaning given by section 46(5);

“fee limit condition” (*“amod terfyn ffioedd”*) has the meaning given by section 32(3);

“fee limit statement” (*“datganiad terfyn ffioedd”*) has the meaning given by section 46(1);

“fees” (*“ffioedd”*) means fees in respect of, or otherwise in connection with, undertaking a course, including admission, registration, tuition and graduation fees, and fees payable to a tertiary education provider for awarding or accrediting any part of the course, but excluding –

- (a) fees payable for board or lodging;
- (b) fees payable for field trips (including any tuition element of such fees);
- (c) fees payable for attending any graduation or other ceremony;
- (d) any other fees specified in regulations made by the Welsh Ministers for the purposes of this definition;

“governing body” (*“corff llywodraethu”*), in relation to an external provider that is not an institution, has the meaning given by section 54(7) (see section 144 for the meaning of “governing body” generally);

“ongoing registration condition” (*“amod cofrestru parhaus”*) has the meaning given by section 25(10);

“qualifying course” (*“cwrw cymhwysol”*) means a course specified in regulations under section 32(4);

“qualifying person” (*“person cymhwysol”*) has the meaning given by section 32(9);

“regulated course fees” (*“ffioedd cwrw rheoleiddiedig”*) has the meaning given by section 32(7);

“relevant academic year” (*“blwyddyn academaidd berthnasol”*), in relation to a tertiary education provider to which a fee limit statement relates, has the meaning given in section 46(5).

RHAN 3**SICRHAU ADDYSG DRYDYDDOL AC YMCHWIL A'U CYLLIDO***Cyllido'r Comisiwn***85 Pŵer Gweinidogion Cymru i gyllido'r Comisiwn**

- (1) Caiff Gweinidogion Cymru ddarparu unrhyw gyllid i'r Comisiwn y maent yn ystyried ei fod yn briodol er mwyn arfer swyddogaethau'r Comisiwn.
- (2) Caiff Gweinidogion Cymru ddarparu bod cyllid o dan is-adran (1) yn ddarostyngedig i delerau ac amodau a gaiff (ymhlith pethau eraill) –
 - (a) galluogi Gweinidogion Cymru i'w gwneud yn ofynnol ad-dalu, yn gyfan gwbl neu'n rhannol, symiau a dalwyd ganddynt os na chydymffurfir ag unrhyw un neu ragor o'r telerau a'r amodau y talwyd y symiau yn ddarostyngedig iddynt;
 - (b) ei gwneud yn ofynnol talu llog mewn cysylltiad ag unrhyw gyfnod pan fydd swm sy'n ddyledus i Weinidogion Cymru yn unol ag unrhyw un neu ragor o'r telerau a'r amodau yn parhau i fod heb ei dalu;
 - (c) galluogi Gweinidogion Cymru i'w gwneud yn ofynnol i'r Comisiwn ymrwymo i gytundeb canlyniadau â pherson y mae'r Comisiwn yn bwriadu darparu adnoddau ariannol iddo.
- (3) Yn is-adran (2)(c), ystyr "cytundeb canlyniadau" yw cytundeb rhwng –
 - (a) y Comisiwn, a
 - (b) y person y mae'r Comisiwn yn bwriadu darparu adnoddau ariannol iddo,
 sy'n nodi'r gweithgareddau i'w cyflawni gan y person hwnnw at ddibenion cyfrannu at weithredu cynllun strategol y Comisiwn a gymeradwyir o dan adran 15.
- (4) Caiff cytundeb canlyniadau fod yn ofynnol o dan is-adran (2)(c) –
 - (a) ym mhob achos pan fo'r Comisiwn yn bwriadu darparu adnoddau ariannol;
 - (b) ym mhob achos pan fo'r Comisiwn yn bwriadu darparu adnoddau ariannol yn ddarostyngedig i eithriadau penodedig;
 - (c) yn yr achosion hynny pan fo'r Comisiwn yn bwriadu darparu adnoddau ariannol i bersonau penodedig neu i bersonau o ddisgrifiad penodedig;
 - (d) yn yr achosion hynny pan fo'r Comisiwn yn bwriadu darparu adnoddau ariannol at ddibenion penodedig neu at ddibenion o ddisgrifiad penodedig;
 - (e) yn yr achosion hynny pan fo'r Comisiwn yn bwriadu darparu adnoddau ariannol uwchlaw swm penodedig neu islaw'r swm hwnnw.
- (5) Yn is-adran (4), ystyr "penodedig" yw wedi ei bennu yn y telerau a'r amodau.

86 Cyllido'r Comisiwn: cyfyngiadau ar delerau ac amodau

- (1) Ni chaiff telerau ac amodau o dan adran 85 sy'n ymwneud ag adnoddau ariannol a ddarperir gan y Comisiwn i berson o dan adran 88 neu 89 (addysg uwch), adran 97 (addysg bellach neu hyfforddiant) neu adran 105 (ymchwil ac arloesi) ymwneud â gweithgareddau a gynhelir gan berson penodol oni bai eu bod yn gosod gofynion y mae rhaid cydymffurfio â hwy –

PART 3**SECURING AND FUNDING TERTIARY EDUCATION AND RESEARCH***Funding the Commission***85 Power of the Welsh Ministers to fund the Commission**

- (1) The Welsh Ministers may provide such funding to the Commission as they consider appropriate for the exercise of the Commission's functions.
- (2) The Welsh Ministers may make funding under subsection (1) subject to terms and conditions which may (among other things) –
 - (a) enable the Welsh Ministers to require the repayment, in whole or in part, of sums paid by them if any of the terms and conditions subject to which the sums were paid is not complied with;
 - (b) require the payment of interest in respect of any period during which a sum due to the Welsh Ministers in accordance with any of the terms and conditions remains unpaid;
 - (c) enable the Welsh Ministers to require the Commission to enter into an outcome agreement with a person to whom the Commission proposes to provide financial resources.
- (3) In subsection (2)(c), "an outcome agreement" means an agreement between –
 - (a) the Commission, and
 - (b) the person to whom the Commission proposes to provide financial resources,that sets out the activities to be carried out by that person for the purposes of contributing to the implementation of the Commission's strategic plan approved under section 15.
- (4) An outcome agreement may be required under subsection (2)(c) –
 - (a) in all cases where the Commission proposes to provide financial resources;
 - (b) in all cases where the Commission proposes to provide financial resources subject to specified exceptions;
 - (c) in those cases where the Commission proposes to provide financial resources to specified persons or to persons of a specified description;
 - (d) in those cases where the Commission proposes to provide financial resources for specified purposes or for purposes of a specified description;
 - (e) in those cases where the Commission proposes to provide financial resources above or below a specified amount.
- (5) In subsection (4), "specified" means specified in the terms and conditions.

86 Funding the Commission: limitations on terms and conditions

- (1) Terms and conditions under section 85 relating to the provision of financial resources by the Commission to a person under section 88 or 89 (higher education), section 97 (further education or training) or section 105 (research and innovation) must not relate to activities carried on by a particular person unless they impose requirements that must be complied with –

- (a) mewn cysylltiad â phob person, neu bob person o ddsbarth neu ddisgrifiad penodedig, a
 - (b) cyn bod adnoddau ariannol o swm penodedig neu ddisgrifiad penodedig yn cael eu darparu gan y Comisiwn mewn cysylltiad â gweithgareddau a gynhelir gan berson.
- (2) Yn is-adran (1), ystyr “penodedig” yw wedi ei bennu yn y telerau a’r amodau.
- (3) Ni chaniateir i delerau ac amodau o dan adran 85 sy’n ymwneud â darparu adnoddau ariannol gan y Comisiwn gael eu llunio drwy gyfeirio –
- (a) at y meini prawf ar gyfer dethol, penodi neu ddiswyddo staff academiaidd, a sut y maent yn cael eu cymhwyso, neu
 - (b) at y meini prawf ar gyfer derbyn myfyrwyr, neu sut y maent yn cael eu cymhwyso.
- (4) Caniateir i delerau ac amodau o dan adran 85 sy’n ymwneud â darparu adnoddau ariannol gan y Comisiwn o dan adran 105 (ymchwil ac arloesi) gael eu llunio drwy gyfeirio at faes ymchwil neu arloesi ond dim ond os yw’r maes hwnnw wedi ei bennu yng nghynllun strategol y Comisiwn a gymeradwyir o dan adran 15.
- (5) Caniateir i delerau ac amodau o dan adran 85 sy’n ymwneud â darparu adnoddau ariannol gan y Comisiwn o dan adran 88 neu 89 (addysg uwch) gael eu llunio drwy gyfeirio at gwrs astudio penodol, ond ni chânt ei gwneud yn ofynnol i’r Comisiwn arfer swyddogaeth mewn ffordd sy’n gwahardd neu’n ei gwneud yn ofynnol darparu cwrs astudio penodol.
- (6) Ni chaniateir i delerau ac amodau o dan adran 85 sy’n ymwneud â darparu adnoddau ariannol gan y Comisiwn o dan adran 88 neu 89 (addysg uwch) neu adran 105 (ymchwil ac arloesi) gael eu llunio drwy gyfeirio –
- (a) at rannau penodol o gyrsiau astudio;
 - (b) at raglenni ymchwil penodol neu brosiectau arloesi penodol;
 - (c) at gynnwys cyrsiau astudio, rhaglenni ymchwil neu brosiectau arloesi;
 - (d) at y modd y caiff y cyrsiau hynny, y rhaglenni hynny neu’r prosiectau hynny eu haddysgu, eu goruchwylio neu eu hasesu.
- (7) Nid yw is-adrannau (5) a (6) yn atal telerau ac amodau rhag cael eu llunio drwy gyfeirio at ddarparu ac asesu cyrsiau astudio neu rannau o gyrsiau astudio drwy gyfrwng y Gymraeg.

Polisi cyllido’r Comisiwn

87 Polisi ar bwerau cyllido

- (1) Rhaid i’r Comisiwn gyhoeddi datganiad o’i bolisi ar sut y mae’n bwriadu arfer ei bwerau cyllido.
- (2) Wrth lunio’r datganiad, rhaid i’r Comisiwn roi sylw i’r egwyddor y dylai penderfyniadau am ddarparu neu sicrhau adnoddau ariannol gael eu gwneud mewn ffordd sy’n dryloyw.
- (3) Rhaid i’r Comisiwn gadw’r datganiad o dan adolygiad a chaiff y Comisiwn ei ddiwygio.
- (4) Cyn cyhoeddi’r datganiad neu ddatganiad diwygiedig, rhaid i’r Comisiwn ymgynghori â’r personau hynny y mae’n ystyried eu bod yn briodol.
- (5) Pwerau cyllido’r Comisiwn yw ei bwerau i ddarparu neu sicrhau adnoddau ariannol o dan adrannau 88, 89, 97, 101, 103, 104 a 105

- (a) in respect of every person, or every person of a specified class or description, and
 - (b) before financial resources of a specified amount or specified description are provided by the Commission in respect of activities carried on by a person.
- (2) In subsection (1), “specified” means specified in the terms and conditions.
- (3) Terms and conditions under section 85 relating to the provision of financial resources by the Commission must not be framed by reference to –
- (a) the criteria for the selection, appointment or dismissal of academic staff, and how they are applied, or
 - (b) the criteria for the admission of students, or how they are applied.
- (4) Terms and conditions under section 85 relating to the provision of financial resources by the Commission under section 105 (research and innovation) may be framed by reference to an area of research or innovation but only if that area is specified in the Commission’s strategic plan approved under section 15.
- (5) Terms and conditions under section 85 relating to the provision of financial resources by the Commission under section 88 or 89 (higher education) may be framed by reference to a particular course of study, but must not require the Commission to exercise a function in a way which prohibits or requires the provision of a particular course of study.
- (6) Terms and conditions under section 85 relating to the provision of financial resources by the Commission under section 88 or 89 (higher education) or section 105 (research and innovation) must not be framed by reference to –
- (a) particular parts of courses of study;
 - (b) particular programmes of research or innovation projects;
 - (c) the content of courses of study, programmes of research or innovation projects;
 - (d) the manner in which such courses, programmes or projects are taught, supervised or assessed.
- (7) Subsections (5) and (6) do not prevent terms and conditions being framed by reference to courses of study or parts of courses of study being provided and assessed through the medium of Welsh.

Commission’s funding policy

87 Policy on funding powers

- (1) The Commission must publish a statement of its policy on how it intends to exercise its funding powers.
- (2) In preparing the statement, the Commission must have regard to the principle that decisions about the provision or securing of financial resources should be made in a way that is transparent.
- (3) The Commission must keep the statement under review and may revise it.
- (4) Before publishing the statement or a revised statement, the Commission must consult such persons as it considers appropriate.
- (5) The Commission’s funding powers are its powers to provide or secure financial resources under sections 88, 89, 97, 101, 103, 104 and 105.

Cyllido addysg uwch

88 Cymorth ariannol i ddarparwyr penodedig ar gyfer addysg uwch

- (1) Caiff y Comisiwn ddarparu adnoddau ariannol i gorff llywodraethu darparwr penodedig mewn cysylltiad â gwariant yr aed iddo, neu wariant yr eir iddo, gan y corff llywodraethu neu gan gorff sy'n cydlafurio at ddibenion –
 - (a) darparu addysg uwch gan, neu ar ran, y darparwr penodedig;
 - (b) darparu cyfleusterau, a chynnal gweithgareddau eraill, gan neu ar ran y darparwr penodedig y mae ei gorff llywodraethu yn ystyried ei bod yn angenrheidiol neu'n dymunol eu darparu neu eu cynnal at ddibenion addysg uwch y mae'n ei darparu neu sy'n cael ei darparu ar ei ran neu mewn cysylltiad â hi.
- (2) Caiff y Comisiwn hefyd ddarparu adnoddau ariannol i unrhyw berson mewn cysylltiad â gwariant yr aed iddo, neu wariant yr eir iddo, gan y person at ddiben darparu gwasanaethau gan unrhyw berson at ddibenion darparu addysg uwch gan, neu ar ran, darparwr penodedig neu mewn cysylltiad â hi.
- (3) Yn yr adran hon –

ystyr “corff sy'n cydlafurio” (“*collaborating body*”), mewn perthynas â darparwr penodedig, yw person –

 - (a) y mae corff llywodraethu'r darparwr penodedig yn bwriadu talu iddo yr holl adnoddau ariannol neu rai ohonynt a ddarperir iddo o dan is-adran (1), a
 - (b) sy'n darparu, sy'n bwriadu darparu neu sydd wedi darparu addysg uwch ar ran y darparwr penodedig, neu sy'n cydlafurio, sy'n bwriadu cydlafurio neu sydd wedi cydlafurio â'r darparwr at y diben y darperir yr adnoddau ariannol ar ei gyfer;

ystyr “darparwr penodedig” (“*specified provider*”) yw darparwr cofrestredig sydd wedi ei gofrestru mewn categori a bennir at ddibenion yr adran hon mewn rheoliadau a wneir gan Weinidogion Cymru.
- (4) Rhaid i'r Comisiwn roi ei gydsyniad cyn i gorff llywodraethu'r darparwr penodedig wneud taliad i gorff sy'n cydlafurio (gweler adran 109 am ddarpariaeth bellach ynghylch cydsyniad y Comisiwn).
- (5) Caiff Gweinidogion Cymru, drwy reoliadau, ddarparu na chaniateir i adnoddau ariannol gael eu darparu o dan yr adran hon mewn cysylltiad â gwariant yr aed iddo neu wariant yr eir iddo gan berson at ddibenion darparu cwrs hyfforddiant cychwynnol athrawon oni fydd y cwrs yn bodloni gofynion a nodir yn y rheoliadau.

89 Cymorth ariannol ar gyfer cyrsiau addysg uwch a bennir mewn rheoliadau

- (1) Caiff Gweinidogion Cymru, drwy reoliadau, bennu cwrs addysg uwch penodol neu ddisgrifiad o gwrs addysg uwch at ddibenion yr adran hon (“cwrs cymwys”).
- (2) Caiff rheoliadau o dan is-adran (1) ddisgrifio cwrs drwy gyfeirio at (ymhlith pethau eraill) –
 - (a) gofynion sydd i'w bodloni gan y cwrs;
 - (b) y disgrifiad o berson sy'n darparu'r cwrs;

*Funding of higher education***88 Financial support to specified providers for higher education**

- (1) The Commission may provide financial resources to the governing body of a specified provider in respect of expenditure incurred, or to be incurred, by the governing body or by a collaborating body for the purposes of –
 - (a) the provision of higher education by, or on behalf of, the specified provider;
 - (b) the provision of facilities, and the carrying on of other activities, by or on behalf of the specified provider which its governing body considers it necessary or desirable to provide or carry on for the purposes of or in connection with higher education it provides or has provided on its behalf.
- (2) The Commission may also provide financial resources to any person in respect of expenditure incurred, or to be incurred, by the person for the purpose of the provision by any person of services for the purposes of, or in connection with, the provision of higher education by, or on behalf of, a specified provider.
- (3) In this section –

“collaborating body” (*“corff sy’n cydlafurio”*), in relation to a specified provider, means a person –

 - (a) to whom the governing body of the specified provider proposes to pay all or some of the financial resources provided to it under subsection (1), and
 - (b) who is providing, is proposing to provide or has provided higher education on behalf of the specified provider, or who is working, is proposing to work or has worked in collaboration with the provider for the purpose for which the financial resources are provided;

“specified provider” (*“darparwr penodedig”*) means a registered provider registered in a category specified for the purposes of this section in regulations made by the Welsh Ministers.
- (4) The Commission must give its consent before the governing body of the specified provider makes a payment to a collaborating body (see section 109 for further provision about the Commission’s consent).
- (5) The Welsh Ministers may, by regulations, provide that financial resources may not be provided under this section in respect of expenditure incurred or to be incurred by a person for the purposes of the provision of a course of initial teacher training unless the course satisfies requirements set out in the regulations.

89 Financial support for higher education courses specified in regulations

- (1) The Welsh Ministers may, by regulations, specify a particular course of higher education or description of course of higher education for the purposes of this section (“an eligible course”).
- (2) Regulations under subsection (1) may describe a course by reference to (among other things) –
 - (a) requirements to be met by the course;
 - (b) the description of person providing the course;

- (c) y cymhwyster y mae'r cwrs yn arwain ato.
- (3) Caiff y Comisiwn ddarparu adnoddau ariannol i berson ("darparwr") mewn cysylltiad â gwariant yr aed iddo, neu wariant yr eir iddo, gan y darparwr neu gan gorff sy'n cydlafurio at ddiben –
- (a) darparu cwrs cymwys yn gyfan gwbl neu'n bennaf yng Nghymru;
- (b) darparu cwrs cymwys i bersonau sy'n preswyllo fel arfer yng Nghymru.
- (4) Yn is-adran (3), ystyr "corff sy'n cydlafurio", mewn perthynas â darparwr, yw person –
- (a) y mae'r darparwr yn bwriadu talu iddo yr holl adnoddau ariannol, neu rai ohonynt, a ddarperir iddo o dan is-adran (3), a
- (b) sy'n darparu, sy'n bwriadu darparu neu sydd wedi darparu cwrs cymwys (neu ran o'r cwrs hwnnw) ar ran y darparwr, neu sy'n cydlafurio, sy'n bwriadu cydlafurio neu sydd wedi cydlafurio â'r darparwr at y diben y darperir yr adnoddau ariannol ar ei gyfer.
- (5) Rhaid i'r Comisiwn roi ei gydsyniad cyn i'r darparwr wneud taliad i gorff sy'n cydlafurio (gweler adran 109 am ddarpariaeth bellach ynghylch cydsyniad y Comisiwn).

90 Cymorth ariannol o dan adrannau 88 a 89: telerau ac amodau

- (1) Caiff y Comisiwn ddarparu adnoddau ariannol o dan adran 88 neu 89 ar y telerau a'r amodau y mae'r Comisiwn yn ystyried eu bod yn briodol.
- (2) Caiff y telerau a'r amodau (ymhlith pethau eraill) –
- (a) galluogi'r Comisiwn i'w gwneud yn ofynnol ad-dalu, yn gyfan gwbl neu'n rhannol, symiau a dalwyd ganddo os na chydymffurfir ag unrhyw un neu ragor o'r telerau a'r amodau y talwyd y symiau yn ddarostyngedig iddynt;
- (b) ei gwneud yn ofynnol talu llog mewn cysylltiad ag unrhyw gyfnod pan fydd swm sy'n ddyledus i'r Comisiwn yn unol ag unrhyw un neu ragor o'r telerau a'r amodau yn parhau i fod heb ei dalu.
- (3) Ni chaiff y telerau a'r amodau ymwneud â chymhwyso unrhyw symiau sy'n deillio ac eithrio o'r Comisiwn.
- (4) Rhaid i'r telerau a'r amodau mewn perthynas ag adnoddau ariannol a ddarperir o dan adran 89(3)(a) i berson nad yw'n ddarparwr cofrestredig, gynnwys gofyniad i'r person –
- (a) os yw wedi cael hysbysiad o dan adran 126(1), gael cynllun diogelu dysgwyr yn ei le sydd wedi ei gymeradwyo gan y Comisiwn (o dan adran 126(3) neu (5)) ar y dyddiad a bennir yn y telerau a'r amodau neu cyn y dyddiad hwnnw, a rhoi effaith i'r cynllun,
- (b) os yw'r person yn ddarparwr addysg drydyddol yng Nghymru, gydymffurfio â'r gofynion sydd wedi eu cynnwys yn y Cod Ymgysylltu â Dysgwyr a gyhoeddir o dan adran 129(1) neu unrhyw god diwygiedig a gyhoeddir o dan adran 129(3), ac
- (c) rhoi sylw i gyngor neu ganllawiau a roddir gan y Comisiwn i'r person (naill ai'n benodol neu i bersonau yn gyffredinol) wrth arfer swyddogaethau'r Comisiwn yn y Ddeddf hon.

- (c) the qualification to which the course leads.
- (3) The Commission may provide financial resources to a person (“a provider”) in respect of expenditure incurred, or to be incurred, by the provider or by a collaborating body for the purpose of—
 - (a) the provision of an eligible course wholly or mainly in Wales;
 - (b) the provision of an eligible course to persons who are ordinarily resident in Wales.
- (4) In subsection (3), “collaborating body”, in relation to a provider, means a person—
 - (a) to whom the provider proposes to pay all or some of the financial resources provided to it under subsection (3), and
 - (b) who is providing, is proposing to provide or has provided an eligible course (or part of such a course) on behalf of the provider, or who is working, is proposing to work or has worked in collaboration with the provider for the purpose for which the financial resources are provided.
- (5) The Commission must give its consent before the provider makes a payment to a collaborating body (see section 109 for further provision about the Commission’s consent).

90 Financial support under sections 88 and 89: terms and conditions

- (1) Financial resources may be provided by the Commission under section 88 or 89 on the terms and conditions that the Commission considers appropriate.
- (2) The terms and conditions may (among other things)—
 - (a) enable the Commission to require the repayment, in whole or in part, of sums paid by it if any of the terms and conditions subject to which the sums were paid is not complied with;
 - (b) require the payment of interest in respect of any period during which a sum due to the Commission in accordance with any of the terms and conditions remains unpaid.
- (3) The terms and conditions must not relate to the application of any sums derived otherwise than from the Commission.
- (4) The terms and conditions in relation to financial resources provided under section 89(3)(a) to a person who is not a registered provider, must include a requirement that the person—
 - (a) if given notice under section 126(1), has in place a learner protection plan approved by the Commission (under section 126(3) or (5)) on or before the date specified in the terms and conditions, and gives effect to the plan,
 - (b) if the person is a tertiary education provider in Wales, complies with the requirements contained in the Learner Engagement Code published under section 129(1) or any revised code published under section 129(3), and
 - (c) has regard to advice or guidance given by the Commission to the person (either specifically or to persons generally) in exercise of the Commission’s functions in this Act.

91 Cymorth ariannol o dan adrannau 88 ac 89: atodol

- (1) Wrth arfer ei swyddogaethau o dan adran 88 neu 89 i ddarparu adnoddau ariannol i berson, rhaid i'r Comisiwn roi sylw i ddymunoldeb peidio ag anghefnogi'r person hwnnw rhag cynnal neu ddatblygu cyllid o ffynonellau eraill.
- (2) Wrth arfer ei swyddogaethau o dan adran 88 neu 89 i ddarparu adnoddau ariannol i berson, rhaid i'r Comisiwn roi sylw (i'r graddau y mae'n ystyried ei bod yn briodol gwneud hynny yng ngoleuni unrhyw ystyriaethau perthnasol eraill) i ddymunoldeb cynnal unrhyw nodweddion arbennig i unrhyw ddarparwr addysg drydyddol y darperir adnoddau ariannol ar gyfer ei weithgareddau.

92 Cymorth ariannol gan Weinidogion Cymru ar gyfer cyrsiau addysg uwch penodol

- (1) Caiff Gweinidogion Cymru sicrhau bod adnoddau ariannol yn cael eu darparu i berson ("darparwr") mewn cysylltiad â gwariant yr aed iddo, neu wariant yr eir iddo, gan y darparwr neu gan gorff sy'n cydlafurio at ddiben—
 - (a) darparu cwrs addysg uwch perthnasol yn gyfan gwbl neu'n bennaf yng Nghymru;
 - (b) darparu cwrs addysg uwch perthnasol i bersonau sy'n preswyllo fel arfer yng Nghymru.
- (2) Caiff Gweinidogion Cymru sicrhau bod adnoddau ariannol yn cael eu darparu o dan is-adran (1)—
 - (a) drwy ddarparu adnoddau eu hunain;
 - (b) drwy wneud trefniadau i berson arall ddarparu adnoddau;
 - (c) drwy wneud trefniadau i bersonau ddarparu adnoddau ar y cyd (pa un a yw hynny'n cynnwys Gweinidogion Cymru ai peidio).
- (3) Os yw Gweinidogion Cymru eu hunain yn darparu adnoddau ariannol o dan yr adran hon, cânt osod y telerau a'r amodau hynny y maent yn ystyried eu bod yn briodol.
- (4) Caiff y telerau a'r amodau (ymhlith pethau eraill)—
 - (a) galluogi Gweinidogion Cymru i'w gwneud yn ofynnol ad-dalu, yn gyfan gwbl neu'n rhannol, symiau a dalwyd ganddynt os na chydymffurfir ag unrhyw un neu ragor o'r telerau a'r amodau y talwyd y symiau yn ddarostyngedig iddynt;
 - (b) ei gwneud yn ofynnol talu llog mewn cysylltiad ag unrhyw gyfnod pan fydd swm sy'n ddyledus i Weinidogion Cymru yn unol ag unrhyw un neu ragor o'r telerau a'r amodau yn parhau i fod heb ei dalu.
- (5) Yn yr adran hon—

ystyr "corff sy'n cydlafurio" ("*collaborating body*"), mewn perthynas â darparwr, yw person—

 - (a) y mae'r darparwr yn bwriadu talu iddo, gyda chydysniad Gweinidogion Cymru, yr holl adnoddau ariannol, neu rai ohonynt, a ddarperir iddo o dan is-adran (1), a
 - (b) sy'n darparu, sy'n bwriadu darparu neu sydd wedi darparu cwrs addysg uwch perthnasol (neu ran o'r cwrs hwnnw) ar ran y darparwr, neu sy'n cydlafurio, sy'n bwriadu cydlafurio neu sydd wedi cydlafurio â'r darparwr at y diben y darperir yr adnoddau ariannol ar ei gyfer;

91 Financial support under sections 88 and 89: supplementary

- (1) In exercising its functions under section 88 or 89 to provide financial resources to a person, the Commission must have regard to the desirability of not discouraging that person from maintaining or developing funding from other sources.
- (2) In exercising its functions under section 88 or 89 to provide financial resources to a person, the Commission must have regard (so far as it considers it appropriate to do so in the light of any other relevant considerations) to the desirability of maintaining any distinctive characteristics of any tertiary education provider for whose activities financial resources are provided.

92 Financial support by Welsh Ministers for certain higher education courses

- (1) The Welsh Ministers may secure the provision of financial resources to a person (“a provider”) in respect of expenditure incurred, or to be incurred, by the provider or by a collaborating body for the purpose of—
 - (a) the provision of a relevant higher education course wholly or mainly in Wales;
 - (b) the provision of a relevant higher education course to persons who are ordinarily resident in Wales.
- (2) The Welsh Ministers may secure the provision of financial resources under subsection (1)—
 - (a) by providing resources themselves;
 - (b) by making arrangements for the provision of resources by another person;
 - (c) by making arrangements for the provision of resources by persons jointly (whether or not including the Welsh Ministers).
- (3) If the Welsh Ministers themselves provide financial resources under this section, they may impose such terms and conditions as they consider appropriate.
- (4) The terms and conditions may (among other things)—
 - (a) enable the Welsh Ministers to require the repayment, in whole or in part, of sums paid by them if any of the terms and conditions subject to which the sums were paid is not complied with;
 - (b) require the payment of interest in respect of any period during which a sum due to the Welsh Ministers in accordance with any of the terms and conditions remains unpaid.
- (5) In this section—

“collaborating body” (*“corff sy’n cydlafurio”*), in relation to a provider, means a person—

 - (a) to whom the provider proposes to pay, with the consent of the Welsh Ministers, all or some of the financial resources provided to it under subsection (1), and
 - (b) who is providing, is proposing to provide or has provided a relevant higher education course (or part of such a course) on behalf of the provider, or who is working, is proposing to work or has worked in collaboration with the provider for the purpose for which the financial resources are provided;

ystyr “cwrs addysg uwch perthnasol” (“*relevant higher education course*”) yw cwrs o fewn paragraff 1(g) neu (h) o Atodlen 6 i Ddeddf Diwygio Addysg 1988 (p. 40) (cyrsiau er mwyn paratoi at arholiadau proffesiynol ar lefel uwch neu sy’n darparu addysg ar lefel uwch).

Addysg bellach a hyfforddiant

93 Addysg a hyfforddiant ar gyfer personau 16 i 19 oed

- (1) Rhaid i’r Comisiwn sicrhau bod cyfleusterau priodol yn cael eu darparu i Gymru ar gyfer –
 - (a) addysg bellach sy’n addas i ofynion personau sydd dros yr oedran ysgol gorfodol ond nad ydynt wedi cyrraedd 19 oed, a
 - (b) hyfforddiant sy’n addas i ofynion personau o’r fath.
- (2) Mae cyfleusterau yn briodol os ydynt –
 - (a) o nifer sy’n ddigonol i ddiwallu anghenion rhesymol unigolion,
 - (b) o ansawdd sy’n ddigonol i ddiwallu’r anghenion hynny, ac
 - (c) yn ddigonol i fodloni’r hawlogaethau a roddir o dan adran 33F o Ddeddf Dysgu a Sgiliau 2000 (p. 21).

94 Addysg a hyfforddiant ar gyfer personau cymwys dros 19 oed

- (1) Rhaid i’r Comisiwn sicrhau bod cyfleusterau priodol yn cael eu darparu i Gymru ar gyfer addysg berthnasol a hyfforddiant perthnasol i bersonau cymwys sy’n addas i’w gofynion hwy.
- (2) Mae cyfleusterau yn briodol os ydynt –
 - (a) o nifer sy’n ddigonol i ddiwallu anghenion rhesymol unigolion, a
 - (b) o ansawdd sy’n ddigonol i ddiwallu’r anghenion hynny.
- (3) Rhaid i Weinidogion Cymru, drwy reoliadau, bennu fel addysg berthnasol a hyfforddiant perthnasol at ddibenion is-adran (1) ddisgrifiad o addysg bellach neu hyfforddiant.
- (4) Caiff rheoliadau o dan is-adran (3) ddisgrifio addysg bellach neu hyfforddiant drwy gyfeirio at (ymhlith pethau eraill) –
 - (a) y pwnc;
 - (b) lefel yr astudio, gan gynnwys drwy gyfeirio –
 - (i) at y lefel cyrhaeddiad sydd, ym marn Gweinidogion Cymru, wedi ei dangos gan gymhwyster sy’n dod o fewn lefel 1, 2 neu 3 o Fframwaith Credydau a Chymwysterau Cymru, neu
 - (ii) at ddogfen arall a bennir yn y rheoliadau sy’n nodi disgrifiadau o lefelau cymwysterau;
 - (c) y math o gymhwyster.

“relevant higher education course” (“*cwrs addysg uwch perthnasol*”) means a course within paragraph 1(g) or (h) of Schedule 6 to the Education Reform Act 1988 (c. 40) (courses in preparation for professional examinations at a higher level or providing education at a higher level).

Further education and training

93 Education and training for persons aged 16 to 19

- (1) The Commission must secure the provision of proper facilities for Wales for—
 - (a) further education suitable to the requirements of persons who are over compulsory school age but have not attained the age of 19, and
 - (b) training suitable to the requirements of such persons.
- (2) Facilities are proper if they are—
 - (a) of a quantity sufficient to meet the reasonable needs of individuals,
 - (b) of a quality adequate to meet those needs, and
 - (c) sufficient to satisfy the entitlements conferred under section 33F of the Learning and Skills Act 2000 (c. 21).

94 Education and training for eligible persons over 19

- (1) The Commission must secure the provision of proper facilities for Wales for relevant education and training for eligible persons that is suitable to their requirements.
- (2) Facilities are proper if they are—
 - (a) of a quantity sufficient to meet the reasonable needs of individuals, and
 - (b) of a quality adequate to meet those needs.
- (3) The Welsh Ministers must, by regulations, specify as relevant education and training for the purpose of subsection (1) a description of further education or training.
- (4) Regulations under subsection (3) may describe further education or training by reference to (among other things)—
 - (a) subject;
 - (b) level of study, including by reference to—
 - (i) the level of attainment which, in the opinion of the Welsh Ministers, is demonstrated by a qualification falling within level 1, 2 or 3 of the Credit and Qualifications Framework for Wales, or
 - (ii) another document specified in the regulations that sets out descriptions of levels of qualifications;
 - (c) type of qualification.

- (5) Yn is-adran (4), ystyr "Fframwaith Credydau a Chymwysterau Cymru" yw'r ddogfen sy'n dwyn y teitl hwnnw a gyhoeddir gan Weinidogion Cymru (fel y mae'n cael ei diweddarau o bryd i'w gilydd) ac sy'n cynnwys disgrifiadau o lefelau cymwysterau.
- (6) Wrth ffurfio barn at ddibenion is-adran (4)(b)(i) a chyn pennu dogfen o dan is-adran (4)(b)(ii), caiff Gweinidogion Cymru roi sylw, yn benodol, i gyngor neu wybodaeth a ddarperir gan Gymwysterau Cymru sy'n ymwneud â chymwysterau.
- (7) Mae person cymwys yn berson –
 - (a) sydd wedi cyrraedd 19 oed, a
 - (b) sy'n dod o fewn disgrifiad a bennir mewn rheoliadau a wneir gan Weinidogion Cymru (os oes rhai).
- (8) Caiff rheoliadau o dan is-adran (7)(b) –
 - (a) disgrifio person cymwys drwy gyfeirio at (ymhlith pethau eraill) –
 - (i) oedran;
 - (ii) cymwysterau neu gyrhaeddiad addysgol arall;
 - (iii) statws;
 - (iv) incwm;
 - (b) pennu disgrifiadau gwahanol o berson cymwys mewn perthynas â disgrifiadau gwahanol o addysg bellach neu hyfforddiant.

95 Addysg a hyfforddiant ar gyfer personau dros 19 oed

- (1) Rhaid i'r Comisiwn sicrhau bod cyfleusterau rhesymol yn cael eu darparu i Gymru ar gyfer –
 - (a) addysg bellach sy'n addas i ofynion personau sydd wedi cyrraedd 19 oed, a
 - (b) hyfforddiant sy'n addas i ofynion personau o'r fath.
- (2) Mae cyfleusterau yn rhesymol os ydynt (gan roi sylw i adnoddau'r Comisiwn) o'r nifer hwnnw a'r ansawdd hwnnw y gellir disgwyl yn rhesymol i'r Comisiwn sicrhau'r ddarpariaeth ohonynt.

96 Gofynion ar y Comisiwn wrth sicrhau addysg bellach a hyfforddiant

- (1) Wrth gyflawni'r dyletswyddau a osodir arno gan adrannau 93 i 95, rhaid i'r Comisiwn –
 - (a) rhoi sylw i'r manau lle y darperir cyfleusterau, natur y cyfleusterau a'r ffordd y maent wedi eu cyfarparu;
 - (b) rhoi sylw i'r galluoedd gwahanol a'r doniau gwahanol sydd gan bersonau gwahanol;
 - (c) rhoi sylw i ofynion cyflogwyr, cyflogeion a chyflogeion posibl mewn perthynas â'r addysg a'r hyfforddiant sy'n ofynnol mewn sectorau cyflogaeth gwahanol;
 - (d) rhoi sylw i'r addysg a'r hyfforddiant sy'n ofynnol er mwyn sicrhau bod cyflogeion a chyflogeion posibl ar gael sy'n gallu cyflwyno darpariaeth ddysgu ychwanegol yn Gymraeg;

- (5) In subsection (4), "the Credit and Qualifications Framework for Wales" means the document with that title published by the Welsh Ministers (as updated from time to time) and which includes descriptions of levels of qualifications.
- (6) In forming an opinion for the purposes of subsection (4)(b)(i) and before specifying a document under subsection (4)(b)(ii), the Welsh Ministers may have regard, in particular, to advice or information relating to qualifications which is provided by Qualifications Wales.
- (7) An eligible person is a person who –
 - (a) has attained the age of 19, and
 - (b) falls within a description specified in regulations made by the Welsh Ministers (if any).
- (8) Regulations under subsection (7)(b) –
 - (a) may describe an eligible person by reference to (among other things) –
 - (i) age;
 - (ii) qualifications or other educational attainment;
 - (iii) status;
 - (iv) income;
 - (b) may specify different descriptions of eligible person in relation to different descriptions of further education or training.

95 Education and training for persons over 19

- (1) The Commission must secure the provision of reasonable facilities for Wales for –
 - (a) further education suitable to the requirements of persons who have attained the age of 19, and
 - (b) training suitable to the requirements of such persons.
- (2) Facilities are reasonable if (taking account of the Commission's resources) the facilities are of such a quantity and quality that the Commission can reasonably be expected to secure their provision.

96 Requirements on Commission when securing further education and training

- (1) In discharging the duties imposed on it by sections 93 to 95, the Commission must –
 - (a) have regard to the places where facilities are provided, the character of facilities and the way they are equipped;
 - (b) have regard to the different abilities and aptitudes of different persons;
 - (c) have regard to the requirements of employers, employees and potential employees in relation to the education and training required in different sectors of employment;
 - (d) have regard to the education and training that is required in order to ensure that employees and potential employees are available who are able to deliver additional learning provision in Welsh;

- (e) rhoi sylw i'r addysg a'r hyfforddiant sy'n ofynnol er mwyn sicrhau bod cyfleusterau ar gael ar gyfer asesu drwy gyfrwng y Gymraeg a oes gan bersonau anghenion dysgu ychwanegol;
 - (f) rhoi sylw i gyfleusterau y maé'r Comisiwn yn meddwl y gellid sicrhau'r ddarpariaeth ohonynt yn rhesymol gan bersonau eraill (gan gynnwys darpariaeth a sicrheir gan awdurdodau lleol o dan Ran 2 o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (dccc 2));
 - (g) gwneud y defnydd gorau o adnoddau'r Comisiwn ac, yn benodol, osgoi darpariaeth a allai beri gwariant anghymesur.
- (2) Nid yw darpariaeth i'w hystyried yn un sy'n peri gwariant anghymesur dim ond oherwydd bod y ddarpariaeth honno yn ddrutach na darpariaeth gyffelyb.

97 Cymorth ariannol ar gyfer addysg bellach neu hyfforddiant

- (1) Caiff y Comisiwn neu Weinidogion Cymru sicrhau bod adnoddau ariannol yn cael eu darparu –
- (a) i bersonau at ddiben darparu, neu'r bwriad i ddarparu, ganddynt hwy neu gan gorff sy'n cydlafurio (o fewn yr ystyr a roddir gan is-adran (3)), addysg bellach neu hyfforddiant yn gyfan gwbl neu'n bennaf yng Nghymru;
 - (b) i bersonau at ddiben darparu, neu'r bwriad i ddarparu, ganddynt hwy neu gan gorff sy'n cydlafurio (o fewn yr ystyr a roddir gan is-adran (3)), addysg bellach neu hyfforddiant i bersonau sy'n preswyllo fel arfer yng Nghymru;
 - (c) i bersonau at ddiben darparu, neu'r bwriad i ddarparu, nwyddau neu wasanaethau ganddynt hwy, mewn cysylltiad â darparu addysg bellach neu hyfforddiant ganddynt hwy neu gan eraill yn gyfan gwbl neu'n bennaf yng Nghymru;
 - (d) i bersonau sy'n preswyllo fel arfer yng Nghymru ac sy'n cael neu'n bwriadu cael addysg bellach neu hyfforddiant;
 - (e) i bersonau nad ydynt yn preswyllo fel arfer yng Nghymru ac sy'n cael neu'n bwriadu cael addysg bellach neu hyfforddiant yng Nghymru;
 - (f) i ddarparwyr addysg drydyddol yng Nghymru sy'n sefydliadau o fewn y sector addysg bellach neu uwch at ddiben darparu, neu'r bwriad i ddarparu, addysg uwchradd ganddynt hwy, i bersonau o'r oedran ysgol gorfodol;
 - (g) i bersonau sy'n cynnal profion modd o dan drefniadau a wneir o dan adran 100.
- (2) Caiff y Comisiwn neu Weinidogion Cymru sicrhau bod adnoddau ariannol yn cael eu darparu o dan is-adran (1) –
- (a) drwy ddarparu adnoddau ei hunan neu eu hunain;
 - (b) drwy wneud trefniadau i berson arall ddarparu adnoddau;
 - (c) drwy wneud trefniadau i bersonau ddarparu adnoddau ar y cyd (pa un a yw hynny'n cynnwys y Comisiwn neu Weinidogion Cymru ai peidio).
- (3) Caiff person ("darparwr") dalu'r holl adnoddau ariannol, neu rai ohonynt, a ddarperir i'r darparwr o dan is-adran (1)(a) neu (b) i berson arall ("corff sy'n cydlafurio") os yw is-adran (4) yn gymwys.

- (e) have regard to the education and training that is required in order to ensure that facilities are available for assessing through the medium of Welsh whether persons have additional learning needs;
 - (f) have regard to facilities whose provision the Commission thinks might reasonably be secured by other persons (including provision secured by local authorities under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2));
 - (g) make the best use of the Commission's resources and in particular avoid provision which might give rise to disproportionate expenditure.
- (2) Provision is not to be considered as giving rise to disproportionate expenditure only because that provision is more expensive than comparable provision.

97 **Financial support for further education or training**

- (1) The Commission or the Welsh Ministers may secure the provision of financial resources to—
- (a) persons for the purpose of the provision or proposed provision by them or by a collaborating body (within the meaning given by subsection (3)) of further education or training wholly or mainly in Wales;
 - (b) persons for the purpose of the provision or proposed provision by them or by a collaborating body (within the meaning given by subsection (3)) of further education or training to persons who are ordinarily resident in Wales;
 - (c) persons for the purpose of the provision or proposed provision by them of goods or services in connection with the provision by them or others of further education or training wholly or mainly in Wales;
 - (d) persons who are ordinarily resident in Wales and who are receiving or proposing to receive further education or training;
 - (e) persons who are not ordinarily resident in Wales and who are receiving or proposing to receive further education or training in Wales;
 - (f) tertiary education providers in Wales that are institutions within the further or higher education sector for the purpose of the provision or proposed provision by them of secondary education to persons of compulsory school age;
 - (g) persons carrying out means tests under arrangements made under section 100.
- (2) The Commission or the Welsh Ministers may secure the provision of financial resources under subsection (1)—
- (a) by providing resources itself or themselves;
 - (b) by making arrangements for the provision of resources by another person;
 - (c) by making arrangements for the provision of resources by persons jointly (whether or not including the Commission or the Welsh Ministers).
- (3) A person ("a provider") may pay all or some of the financial resources provided to the provider under subsection (1)(a) or (b) to another person ("a collaborating body") if subsection (4) applies.

- (4) Mae'r is-adran hon yn gymwys os yw'r corff sy'n cydlafurio yn darparu, yn bwriadu darparu neu wedi darparu addysg bellach neu hyfforddiant ar ran y darparwr, neu os yw'n cydlafurio, yn bwriadu cydlafurio neu wedi cydlafurio â'r darparwr at y diben y sicrhau yr adnoddau ariannol ar ei gyfer.
- (5) Rhaid i'r Comisiwn (yn achos adnoddau ariannol a sicrhau ganddo) neu Weinidogion Cymru (yn achos adnoddau ariannol a sicrhau ganddynt) roi ei gydsyniad neu eu cydsyniad cyn i'r darparwr wneud taliad i gorff sy'n cydlafurio (gweler adran 109 am ddarpariaeth bellach ynghylch cydsyniad y Comisiwn).
- (6) Ni chaiff y Comisiwn ddarparu ei adnoddau ariannol o dan is-adran (1)(a) neu (1)(b), neu wneud trefniadau i awdurdod lleol ddarparu adnoddau o'r fath o dan is-adran (2)(b), i gorff llywodraethu ysgol a gynhelir yng Nghymru at ddiben darparu addysg gan yr ysgol sy'n addas i ofynion personau dros yr oedran ysgol gorfodol, neu at ddiben sy'n gysylltiedig â hynny (am ddarpariaeth o ran cyllido'r chweched dosbarth mewn ysgolion, gweler adran 101).
- (7) Ond caiff y Comisiwn ddarparu ei adnoddau ariannol o dan yr is-adran hon, neu wneud trefniadau i awdurdod lleol ddarparu adnoddau o'r fath, i gorff llywodraethu ysgol a gynhelir yng Nghymru sy'n darparu addysg sy'n addas i ofynion personau dros yr oedran ysgol gorfodol at ddiben gweithgareddau arloesi.
- (8) Mae gweithgaredd arloesi yn weithgaredd –
 - (a) a fydd, ym marn y Comisiwn, yn cyfrannu at godi safonau addysg drydyddol, a
 - (b) sydd wedi ei ddisgrifio mewn dogfen sydd wedi ei llunio gan y Comisiwn ac sydd wedi ei chymeradwyo gan Weinidogion Cymru.

98 Cymorth ariannol ar gyfer addysg bellach neu hyfforddiant: darpariaeth bellach

- (1) Wrth arfer y pŵer o dan adran 97(1)(d) neu (e), caiff y Comisiwn neu Weinidogion Cymru sicrhau bod adnoddau ariannol yn cael eu darparu drwy gyfeirio at unrhyw ffioedd neu daliadau sy'n daladwy gan y person sy'n cael neu'n bwriadu cael yr addysg neu'r hyfforddiant neu drwy gyfeirio at unrhyw fater arall (megis trafndiaeth neu ofal plant).
- (2) Caiff Gweinidogion Cymru, drwy reoliadau, ddarparu na chaniateir i adnoddau ariannol at ddibenion penodedig gael eu sicrhau o dan adran 97(1)(a) neu (b) ond i ddarparwyr cofrestredig mewn categorïau penodedig.
- (3) Caiff rheoliadau o dan is-adran (2) ddarparu ar gyfer eithriadau i gyrsiau addysg bellach neu hyfforddiant penodedig neu i ddisgrifiadau penodedig o gyrsiau o'r fath; a chaniateir i gwrs gael ei ddisgrifio drwy gyfeirio at (ymhlith pethau eraill) –
 - (a) gofynion sydd i'w bodloni gan y cwrs;
 - (b) y disgrifiad o berson sy'n darparu'r cwrs;
 - (c) y cymhwyster y mae'r cwrs yn arwain ato.
- (4) Yn is-adrannau (2) a (3), ystyr "penodedig" yw wedi ei bennu yn y rheoliadau.

99 Adnoddau ariannol ar gyfer addysg bellach neu hyfforddiant: telerau ac amodau

- (1) Os yw'r Comisiwn ei hunan, neu Weinidogion Cymru eu hunain, yn darparu adnoddau ariannol o dan adran 97, caniateir iddo neu iddynt osod y telerau a'r amodau hynny y mae'n ystyried, neu y maent yn ystyried, eu bod yn briodol.

- (4) This subsection applies if the collaborating body is providing, is proposing to provide or has provided further education or training on behalf of the provider, or is working, is proposing to work or has worked in collaboration with the provider for the purpose for which the financial resources are secured.
- (5) The Commission (in the case of financial resources secured by it) or the Welsh Ministers (in the case of financial resources secured by them) must give their consent before the provider makes a payment to a collaborating body (see section 109 for further provision about the Commission's consent).
- (6) The Commission may not provide its financial resources under subsection (1)(a) or (b), or make arrangements for a local authority to provide such resources under subsection (2)(b), to the governing body of a maintained school in Wales for the purpose of, or for a purpose connected with, the provision by the school of education suitable to the requirements of persons over compulsory school age (for provision as to the funding of school sixth-forms, see section 101).
- (7) But the Commission may provide its financial resources under this subsection, or make arrangements for a local authority to provide such resources, to the governing body of a maintained school in Wales that provides education suitable to the requirements of persons over compulsory school age for the purpose of innovative activities.
- (8) An innovative activity is an activity that –
 - (a) in the Commission's opinion will contribute to the raising of standards of tertiary education, and
 - (b) is described in a document prepared by the Commission and approved by the Welsh Ministers.

98 Financial support for further education or training: further provision

- (1) In exercising the power under section 97(1)(d) or (e), the Commission or the Welsh Ministers may secure the provision of financial resources by reference to any fees or charges payable by the person receiving or proposing to receive the education or training or to any other matter (such as transport or childcare).
- (2) The Welsh Ministers may, by regulations, provide that the provision of financial resources for specified purposes must only be secured under section 97(1)(a) or (b) to registered providers in specified categories.
- (3) Regulations under subsection (2) may provide for exceptions for specified courses of further education or training or specified descriptions of such courses; and a course may be described by reference to (among other things) –
 - (a) requirements to be met by the course;
 - (b) the description of person providing the course;
 - (c) the qualification to which the course leads.
- (4) In subsections (2) and (3), "specified" means specified in the regulations.

99 Financial resources for further education or training: terms and conditions

- (1) If the Commission itself, or the Welsh Ministers themselves, provide financial resources under section 97, they may impose such terms and conditions as they consider appropriate.

- (2) Caiff y telerau a'r amodau (ymhlith pethau eraill) –
- (a) galluogi'r Comisiwn neu Weinidogion Cymru i'w gwneud yn ofynnol ad-dalu, yn gyfan gwbl neu'n rhannol, symiau a dalwyd ganddo neu ganddynt os na chydymffurfir ag unrhyw un neu ragor o'r telerau a'r amodau y talwyd y symiau yn ddarostyngedig iddynt;
 - (b) ei gwneud yn ofynnol talu llog mewn cysylltiad ag unrhyw gyfnod pan fydd swm sy'n ddyledus i'r Comisiwn neu i Weinidogion Cymru yn unol ag unrhyw un neu ragor o'r telerau a'r amodau yn parhau i fod heb ei dalu;
 - (c) ei gwneud yn ofynnol i berson sy'n darparu neu'n bwriadu darparu addysg neu hyfforddiant ("y darparwr") wneud trefniadau sy'n darparu ar gyfer pob un neu unrhyw un neu ragor o'r canlynol –
 - (i) i'r darparwr godi ffioedd drwy gyfeirio at feini prawf penodedig;
 - (ii) i'r darparwr wneud dyfardaliadau drwy gyfeirio at feini prawf penodedig;
 - (iii) i'r darparwr adennill symiau oddi wrth bersonau sy'n cael addysg neu hyfforddiant neu oddi wrth gyflogwyr (neu oddi wrth y ddau);
 - (iv) i symiau gael eu penderfynu drwy gyfeirio at feini prawf penodedig pan fo darpariaeth wedi ei gwneud o dan is-baragraff (iii);
 - (v) i esemptiadau penodedig weithredu pan fo darpariaeth wedi ei gwneud o dan is-baragraff (iii).
- (3) Yn is-adran (2), ystyr "penodedig" yw wedi ei bennu yn y telerau a'r amodau.
- (4) Rhaid i'r telerau a'r amodau wahardd person sy'n darparu, neu sy'n bwriadu darparu, addysg bellach neu hyfforddiant sy'n addas i ofynion personau sydd dros yr oedran ysgol gorfodol ond nad ydynt wedi cyrraedd 19 oed rhag codi ffi ar bersonau o'r oedran hwnnw sy'n cael yr addysg bellach neu'r hyfforddiant.
- (5) Rhaid i'r telerau a'r amodau hefyd wahardd person sy'n darparu, neu sy'n bwriadu darparu, addysg berthnasol a hyfforddiant perthnasol sy'n addas i ofynion personau cymwys rhag codi ffi ar bersonau cymwys sy'n cael yr addysg honno neu'r hyfforddiant hwnnw; yn yr is-adran hon mae i "addysg berthnasol a hyfforddiant perthnasol" a "personau cymwys" yr un ystyr ag yn adran 94.
- (6) Caiff Gweinidogion Cymru, drwy reoliadau, ddarparu ar gyfer esemptiadau i'r gofyniad yn is-adran (4) neu (5).
- (7) Rhaid i'r telerau a'r amodau a osodir gan y Comisiwn mewn perthynas ag adnoddau ariannol a ddarperir o dan adran 97(1)(a) i berson nad yw'n ddarparwr cofrestredig –
- (a) ei gwneud yn ofynnol i'r person, os rhoddir hysbysiad iddo o dan adran 126(1), gael cynllun diogelu dysgwyr yn ei le sydd wedi ei gymeradwyo gan y Comisiwn (o dan adran 126(3) neu (5)) ar y dyddiad a bennir yn y telerau a'r amodau neu cyn y dyddiad hwnnw, a rhoi effaith i'r cynllun;
 - (b) ei gwneud yn ofynnol i'r person, os yw'r person yn ddarparwr addysg drydyddol yng Nghymru, gydymffurfio â'r gofynion sydd wedi eu cynnwys yn y Cod Ymgysylltu â Dysgwyr a gyhoeddir o dan adran 129(1) neu unrhyw god diwygiedig a gyhoeddir o dan adran 129(3);

- (2) The terms and conditions may (among other things) –
 - (a) enable the Commission or the Welsh Ministers to require the repayment, in whole or in part, of sums paid by them if any of the terms and conditions subject to which the sums were paid is not complied with;
 - (b) require the payment of interest in respect of any period in which a sum due to the Commission or the Welsh Ministers in accordance with any of the terms and condition remains unpaid;
 - (c) require a person providing or proposing to provide education or training (“the provider”) to make arrangements providing for all or any of the following –
 - (i) for the provider to charge fees by reference to specified criteria;
 - (ii) for the provider to make awards by reference to specified criteria;
 - (iii) for the provider to recover amounts from persons receiving education or training or from employers (or from both);
 - (iv) for amounts to be determined by reference to specified criteria where provision is made under sub-paragraph (iii);
 - (v) for specified exemptions to operate where provision is made under sub-paragraph (iii).
- (3) In subsection (2), “specified” means specified in the terms and conditions.
- (4) The terms and conditions must prohibit a person providing, or proposing to provide, further education or training suitable to the requirements of persons who are over compulsory school age but have not attained the age of 19 from charging persons of that age who are receiving the further education or training.
- (5) The terms and conditions must also prohibit a person providing, or proposing to provide, relevant education and training suitable to the requirements of eligible persons from charging eligible persons who are receiving that education or training; in this subsection “relevant education and training” and “eligible persons” have the same meaning as in section 94.
- (6) The Welsh Ministers may, by regulations, provide for exceptions to the requirement in subsection (4) or (5).
- (7) Terms and conditions imposed by the Commission in relation to financial resources provided under section 97(1)(a) to a person who is not a registered provider, must –
 - (a) require the person, if given notice under section 126(1), to have in place a learner protection plan approved by the Commission (under section 126(3) or (5)) on or before the date specified in the terms and conditions, and to give effect to the plan;
 - (b) require the person, if the person is a tertiary education provider in Wales, to comply with the requirements contained in the Learner Engagement Code published under section 129(1) or any revised code published under section 129(3);

- (c) ei gwneud yn ofynnol i'r person roi sylw i gyngor neu ganllawiau a roddir gan y Comisiwn (naill ai'n benodol neu i bersonau yn gyffredinol) wrth arfer swyddogaethau'r Comisiwn yn y Ddeddf hon.
- (8) Os yw'r Comisiwn wedi gwneud trefniadau o dan adran 97(2)(b) i berson arall ddarparu adnoddau ariannol y Comisiwn, o ran y Comisiwn—
 - (a) caiff ei gwneud yn ofynnol i'r person hwnnw ddarparu'r adnoddau yn ddarostyngedig i unrhyw delerau ac amodau y mae'r Comisiwn yn ystyried eu bod yn briodol (gan gynnwys telerau ac amodau o fath a allai gael eu gosod o dan is-adran (2)), a
 - (b) rhaid iddo ei gwneud yn ofynnol i'r person hwnnw ddarparu'r adnoddau yn ddarostyngedig i'r telerau a'r amodau a ddisgrifir yn is-adrannau (4) i (7).

100 Profion modd

- (1) Caiff y Comisiwn neu Weinidogion Cymru—
 - (a) cynnal profion modd;
 - (b) trefnu i bersonau eraill gynnal profion modd.
- (2) Caiff y Comisiwn a Gweinidogion Cymru ystyried canlyniadau'r profion modd a gynhelir o dan is-adran (1) wrth arfer y pŵer o dan adran 97(1)(d) neu (e).

101 Y chweched dosbarth mewn ysgolion

- (1) Caiff y Comisiwn roi grant i awdurdod lleol—
 - (a) ar yr amod bod y grant yn cael ei gymhwyso fel rhan o gyllideb ysgolion yr awdurdod am gyfnod cyllido, a
 - (b) gyda golwg ar y grant yn cael ei ddefnyddio at ddibenion darparu addysg gan ysgolion sy'n addas i ofynion personau dros yr oedran ysgol gorfodol neu at ddibenion sy'n gysylltiedig â darparu addysg o'r fath.
- (2) Caniateir i grant a wneir o dan yr adran hon gael ei roi ar delerau ac amodau yn ychwanegol at yr amod a grybwyllir yn is-adran (1)(a) (gan gynnwys telerau ac amodau o fath a allai gael eu gosod o dan adran 99(2)).
- (3) Rhaid i gorff llywodraethu ysgol a gynhelir yng Nghymru sy'n darparu addysg sy'n addas i ofynion personau dros yr oedran ysgol gorfodol gydymffurfio â'r gofynion sydd wedi eu cynnwys yn y Cod Ymgysylltu â Dysgwyr a gyhoeddir o dan adran 129(1) neu unrhyw god diwygiedig a gyhoeddir o dan adran 129(3).
- (4) Rhaid i'r canlynol roi sylw i gyngor neu ganllawiau a roddir gan y Comisiwn (naill ai yn benodol neu i bersonau yn gyffredinol) wrth arfer swyddogaethau'r Comisiwn yn y Ddeddf hon—
 - (a) awdurdod lleol sy'n cael grant o dan yr adran hon, a
 - (b) corff llywodraethu ysgol a gynhelir yng Nghymru sy'n darparu addysg sy'n addas i ofynion personau dros yr oedran ysgol gorfodol.

- (c) require the person to have regard to advice or guidance given by the Commission (either specifically or to persons generally) in exercise of the Commission's functions in this Act.
- (8) If the Commission has made arrangements under section 97(2)(b) for another person to provide the Commission's financial resources, the Commission—
 - (a) may require that person to provide the resources subject to such terms and conditions that the Commission considers appropriate (including terms and conditions of a kind that could be imposed under subsection (2)), and
 - (b) must require that person to provide the resources subject to the terms and conditions described in subsections (4) to (7).

100 Means tests

- (1) The Commission or the Welsh Ministers may—
 - (a) carry out means tests;
 - (b) arrange for other persons to carry out means tests.
- (2) The Commission and the Welsh Ministers may take the results of means tests carried out under subsection (1) into account in exercising the power under section 97(1)(d) or (e).

101 School sixth-forms

- (1) The Commission may make a grant to a local authority—
 - (a) on the condition that the grant be applied as part of the authority's schools budget for a funding period, and
 - (b) with a view to the grant being used for the purposes of, or for purposes connected with, the provision by schools of education suitable to the requirements of persons over compulsory school age.
- (2) A grant made under this section may be made on terms and conditions in addition to the condition mentioned in subsection (1)(a) (including terms and conditions of a kind which could be imposed under section 99(2)).
- (3) The governing body of a maintained school in Wales that provides education suitable to the requirements of persons over compulsory school age must comply with the requirements contained in the Learner Engagement Code published under section 129(1) or any revised code published under section 129(3).
- (4) The following must have regard to advice or guidance given by the Commission (either specifically or to persons generally) in exercise of the Commission's functions in this Act—
 - (a) a local authority in receipt of a grant under this section, and
 - (b) the governing body of a maintained school in Wales that provides education suitable to the requirements of persons over compulsory school age.

(5) Yn yr adran hon –

ystyr “cyfnod cyllido” (“*funding period*”) yw blwyddyn ariannol neu, os yw rhyw gyfnod arall wedi ei ragnodi o ran Cymru o dan is-adran (1B) o adran 45 o Ddeddf Safonau a Fframwaith Ysgolion 1998 (p. 31) (ysgolion a gynhelir i gael cyfrannau cyllideb), y cyfnod arall hwnnw;

mae i “cyllideb ysgolion” yr un ystyr â “schools budget” yn adran 45A(2) o Ddeddf Safonau a Fframwaith Ysgolion 1998 (penderfynu cyllidebau penodedig awdurdod lleol).

102 Personau ag anghenion dysgu ychwanegol

(1) Wrth arfer ei swyddogaethau o dan y darpariaethau a nodir yn is-adran (2), rhaid i’r Comisiwn roi sylw –

- (a) i anghenion personau ag anghenion dysgu ychwanegol;
- (b) i ddymunoldeb bod cyfleusterau ar gael a fyddai’n cynorthwyo i gyflawni dyletswyddau o dan Ddeddf Anghenion Dysgu Ychwanegol a’r Tribiwnlys Addysg (Cymru) 2018 (dccc 2).

(2) Y darpariaethau yw –

- (a) adran 93 (addysg a hyfforddiant ar gyfer personau 16 i 19 oed);
- (b) adran 94 (addysg a hyfforddiant ar gyfer personau cymwys dros 19 oed);
- (c) adran 95 (addysg a hyfforddiant ar gyfer personau dros 19 oed);
- (d) adran 97(1)(a) i (e) a (7) (cymorth ariannol ar gyfer addysg bellach neu hyfforddiant);
- (e) adran 103(1) (cymorth ariannol ar gyfer darparu gwybodaeth, cyngor, canllawiau ac i greu cysylltiadau â chyflogwyr);
- (f) adran 103(2) (cymorth ariannol ar gyfer addysg cyfrwng Cymraeg ac addysgu Cymraeg) ac eithrio i’r graddau y mae darparu addysg drydyddol a’r addysgu y cyfeirir atynt yn yr is-adran honno yn cynnwys addysg uwch.

Cymorth ariannol ar gyfer gweithgareddau eraill sy’n gysylltiedig ag addysg drydyddol

103 Cymorth ariannol ar gyfer gweithgareddau eraill sy’n gysylltiedig ag addysg drydyddol

(1) Caiff y Comisiwn neu Weinidogion Cymru sicrhau bod adnoddau ariannol yn cael eu darparu at ddiben, neu mewn cysylltiad ag –

- (a) darparu neu’r bwriad i ddarparu gwybodaeth, cyngor neu ganllawiau ynghylch addysg berthnasol neu faterion cysylltiedig;
- (b) darparu neu’r bwriad i ddarparu gwybodaeth, cyngor neu ganllawiau i bersonau sy’n preswyllo fel arfer yng Nghymru ynghylch addysg neu hyfforddiant y tu allan i Gymru neu faterion cysylltiedig;
- (c) darparu neu’r bwriad i ddarparu cyfleusterau sydd wedi eu dylunio i greu cysylltiadau rhwng (ar y naill law) cyflogwyr ac (ar y llaw arall) personau sy’n darparu neu’n cael addysg berthnasol.

(2) Caiff y Comisiwn sicrhau bod adnoddau ariannol yn cael eu darparu –

(5) In this section –

“funding period” (“*cyfnod cyllido*”) means a financial year or, if some other period is prescribed in relation to Wales under subsection (1B) of section 45 of the School Standards and Framework Act 1998 (c. 31) (maintained schools to have budget shares), that other period;

“schools budget” (“*cyllideb ysgolion*”) has the same meaning as in section 45A(2) of the School Standards and Framework Act 1998 (determination of specified budgets of local authority).

102 Persons with additional learning needs

(1) In exercising its functions under the provisions set out in subsection (2), the Commission must have regard to –

- (a) the needs of persons with additional learning needs;
- (b) the desirability of facilities being available which would assist the discharge of duties under the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2).

(2) The provisions are –

- (a) section 93 (education and training for persons aged 16 to 19);
- (b) section 94 (education and training for eligible persons over 19);
- (c) section 95 (education and training for persons over 19);
- (d) section 97(1)(a) to (e) and (7) (financial support for further education or training);
- (e) section 103(1) (financial support for provision of information, advice, guidance and to form links with employers);
- (f) section 103(2) (financial support for Welsh medium education and teaching Welsh) except in so far as the provision of tertiary education and the teaching referred to in that subsection consists of higher education.

Financial support for other activities connected to tertiary education

103 Financial support for other activities connected to tertiary education

(1) The Commission or the Welsh Ministers may secure the provision of financial resources for the purpose of, or in connection with –

- (a) the provision or proposed provision of information, advice or guidance about relevant education or connected matters;
- (b) the provision or proposed provision of information, advice or guidance to persons ordinarily resident in Wales about education or training outside Wales or connected matters;
- (c) the provision or proposed provision of facilities designed to form links between (on the one hand) employers and (on the other) persons who provide or receive relevant education.

(2) The Commission may secure the provision of financial resources for –

- (a) at ddiben darparu addysg berthnasol sy'n addysg drydyddol drwy gyfrwng y Gymraeg;
 - (b) at ddiben addysgu Cymraeg drwy gyfrwng addysg berthnasol sy'n addysg drydyddol;
 - (c) at ddibenion eraill sy'n gysylltiedig â'r rheini ym mharagraffau (a) a (b).
- (3) Yn is-adrannau (1) a (2), ystyr "addysg berthnasol" yw –
- (a) addysg drydyddol Gymreig, neu
 - (b) addysg arall neu hyfforddiant arall a ddarperir yn gyfan gwbl neu'n bennaf yng Nghymru neu i bersonau sy'n preswyllo fel arfer yng Nghymru.
- (4) Caiff y Comisiwn neu Weinidogion Cymru sicrhau bod adnoddau ariannol yn cael eu darparu o dan is-adran (1), a chaiff y Comisiwn sicrhau bod adnoddau ariannol yn cael eu darparu o dan is-adran (2) –
- (a) drwy ddarparu adnoddau ei hunan neu eu hunain;
 - (b) drwy wneud trefniadau ar gyfer darparu adnoddau gan berson arall;
 - (c) drwy wneud trefniadau ar gyfer darparu adnoddau gan bersonau ar y cyd (pa un a yw hynny'n cynnwys y Comisiwn neu Weinidogion Cymru ai peidio).
- (5) Ni chaiff y Comisiwn ddarparu ei adnoddau ariannol o dan is-adran (2), neu wneud trefniadau i awdurdod lleol ddarparu adnoddau o'r fath o dan is-adran (4)(b), i gorff llywodraethu ysgol a gynhelir yng Nghymru at ddiben darparu addysg gan yr ysgol sy'n addas i ofynion personau dros yr oedran ysgol gorfodol, neu at ddiben sy'n gysylltiedig â hynny (am ddarpariaeth o ran cyllido'r chweched dosbarth mewn ysgolion, gweler adran 101).
- (6) Os yw'r Comisiwn ei hunan, neu os yw Gweinidogion Cymru eu hunain, yn darparu adnoddau ariannol o dan is-adran (1) neu (2), caniateir iddo neu iddynt osod y telerau a'r amodau hynny y mae'n ystyried, neu y maent yn ystyried, eu bod yn briodol.
- (7) Caiff y telerau a'r amodau (ymhlith pethau eraill) –
- (a) galluogi'r Comisiwn neu Weinidogion Cymru i'w gwneud yn ofynnol ad-dalu, yn gyfan gwbl neu'n rhannol, symiau a dalwyd ganddo neu ganddynt os na chydymffurfir ag unrhyw un neu ragor o'r telerau a'r amodau y talwyd y symiau yn ddarostyngedig iddynt;
 - (b) ei gwneud yn ofynnol talu llog mewn cysylltiad ag unrhyw gyfnod pan fydd swm sy'n ddyledus i'r Comisiwn neu i Weinidogion Cymru yn unol ag unrhyw un neu ragor o'r telerau a'r amodau yn parhau i fod heb ei dalu.
- (8) Os yw'r Comisiwn wedi gwneud trefniadau o dan is-adran (4) i berson arall ddarparu adnoddau ariannol y Comisiwn, caiff y Comisiwn ei gwneud yn ofynnol i'r person hwnnw ddarparu'r adnoddau yn ddarostyngedig i unrhyw delerau ac amodau y mae'r Comisiwn yn ystyried eu bod yn briodol (gan gynnwys telerau ac amodau o fath a allai gael eu gosod o dan is-adran (7)).

- (a) the purpose of providing, through the medium of Welsh, relevant education that is tertiary education;
 - (b) the purpose of teaching Welsh by means of relevant education that is tertiary education;
 - (c) other purposes connected to those in paragraphs (a) and (b).
- (3) In subsections (1) and (2), “relevant education” means –
- (a) Welsh tertiary education, or
 - (b) other education or training provided wholly or mainly in Wales or to persons who are ordinarily resident in Wales.
- (4) The Commission or the Welsh Ministers may secure the provision of financial resources under subsection (1), and the Commission may secure the provision of financial resources under subsection (2) –
- (a) by providing resources itself or themselves;
 - (b) by making arrangements for the provision of resources by another person;
 - (c) by making arrangements for the provision of resources by persons jointly (whether or not including the Commission or the Welsh Ministers).
- (5) The Commission may not provide its financial resources under subsection (2), or make arrangements for a local authority to provide such resources under subsection (4)(b), to the governing body of a maintained school in Wales for the purpose of, or for a purpose connected with, the provision by the school of education suitable to the requirements of persons over compulsory school age (for provision as to the funding of school sixth-forms, see section 101).
- (6) If the Commission itself, or the Welsh Ministers themselves, provide financial resources under subsection (1) or (2), they may impose such terms and conditions as they consider appropriate.
- (7) The terms and conditions may (among other things) –
- (a) enable the Commission or the Welsh Ministers to require the repayment, in whole or in part, of sums paid by them if any of the terms and conditions subject to which the sums were paid is not complied with;
 - (b) require the payment of interest in respect of any period in which a sum due to the Commission or the Welsh Ministers in accordance with any of the terms and condition remains unpaid.
- (8) If the Commission has made arrangements under subsection (4) for another person to provide the Commission’s financial resources, the Commission may require that person to provide the resources subject to such terms and conditions that the Commission considers appropriate (including terms and conditions of a kind that could be imposed under subsection (7)).

*Cymorth ariannol ar gyfer prentisiaethau***104 Cymorth ariannol ar gyfer prentisiaethau**

- (1) Caiff y Comisiwn ddarparu adnoddau ariannol i berson mewn cysylltiad â gwariant yr aed iddo, neu wariant yr eir iddo –
 - (a) gan y person neu gan gorff sy'n cydlafurio (o fewn yr ystyr a roddir gan is-adran (2)) ar gyfer darparu prentisiaeth Cymreig gymeradwy neu mewn cysylltiad â hynny;
 - (b) gan y person ar gyfer llunio fframwaith prentisiaeth neu mewn cysylltiad â hynny.
- (2) Caiff person ("darparwr") dalu'r holl adnoddau ariannol, neu rai ohonynt, a ddarperir i'r darparwr o dan is-adran (1)(a), i berson arall ("corff sy'n cydlafurio") os yw is-adran (3) yn gymwys.
- (3) Mae'r is-adran hon yn gymwys os yw'r corff sy'n cydlafurio yn darparu, yn bwriadu darparu neu wedi darparu prentisiaeth Gymreig gymeradwy ar ran y darparwr, neu os yw'n cydlafurio, yn bwriadu cydlafurio neu wedi cydlafurio â'r darparwr at y diben y darperir yr adnoddau ariannol ar ei gyfer.
- (4) Rhaid i'r Comisiwn roi ei gydsyniad cyn i'r darparwr wneud taliad i gorff sy'n cydlafurio (gweler adran 109 am ddarpariaeth bellach ynghylch cydsyniad y Comisiwn).
- (5) Caiff Gweinidogion Cymru, drwy reoliadau, ddarparu na chaiff y Comisiwn ddarparu adnoddau ariannol o dan is-adran (1)(a) ond i ddarparwyr addysg drydyddol sydd wedi eu cofrestru mewn categorïau a bennir yn y rheoliadau.
- (6) Caiff rheoliadau o dan is-adran (5) ddarparu ar gyfer eithriadau i'r gofyniad i fod yn gofrestredig; a chaniateir i eithriad gael ei lunio drwy gyfeirio at (ymhlith pethau eraill) –
 - (a) gofynion i'w bodloni gan brentisiaeth Gymreig gymeradwy;
 - (b) y disgrifiad o berson sy'n darparu prentisiaeth Gymreig gymeradwy;
 - (c) cymwysterau sy'n ffurfio rhan o brentisiaeth Gymreig gymeradwy.
- (7) Caiff y Comisiwn ddarparu adnoddau ariannol o dan yr adran hon ar y telerau a'r amodau y mae'n ystyried eu bod yn briodol.
- (8) Caiff y telerau a'r amodau (ymhlith pethau eraill) –
 - (a) galluogi'r Comisiwn i'w gwneud yn ofynnol ad-dalu, yn gyfan gwbl neu'n rhannol, symiau a dalwyd ganddo os na chydymffurfir ag unrhyw un neu ragor o'r telerau a'r amodau y talwyd y symiau yn ddarostyngedig iddynt;
 - (b) ei gwneud yn ofynnol talu llog mewn cysylltiad ag unrhyw gyfnod pan fydd swm sy'n ddyledus i'r Comisiwn yn unol ag unrhyw un neu ragor o'r telerau a'r amodau yn parhau i fod heb ei dalu.
- (9) Rhaid i'r telerau a'r amodau a osodir gan y Comisiwn mewn perthynas ag adnoddau ariannol a ddarperir o dan is-adran (1)(a) i berson nad yw'n ddarparwr cofrestredig –
 - (a) ei gwneud yn ofynnol i'r person, os rhoddir hysbysiad iddo o dan adran 126(1), gael cynllun diogelu dysgwyr yn ei le sydd wedi ei gymeradwyo gan y Comisiwn (o dan adran 126(3) neu (5)) ar y dyddiad a bennir yn y telerau a'r amodau neu cyn y dyddiad hwnnw, a rhoi effaith i'r cynllun;

*Financial support for apprenticeships***104 Financial support for apprenticeships**

- (1) The Commission may provide financial resources to a person in respect of expenditure incurred, or to be incurred –
 - (a) by the person or by a collaborating body (within the meaning given by subsection (2)) for or in connection with the provision of an approved Welsh apprenticeship;
 - (b) by the person for or in connection with the preparation of an apprenticeship framework.
- (2) A person (“a provider”) may pay all or some of the financial resources provided to the provider under subsection (1)(a) to another person (“a collaborating body”) if subsection (3) applies.
- (3) This subsection applies if the collaborating body is providing, is proposing to provide or has provided an approved Welsh apprenticeship on behalf of the provider, or is working, is proposing to work, or has worked in collaboration with the provider for the purpose for which the financial resources are provided.
- (4) The Commission must give its consent before the provider makes a payment to a collaborating body (see section 109 for further provision about the Commission’s consent).
- (5) The Welsh Ministers may, by regulations, provide that the Commission must only provide financial resources under subsection (1)(a) to tertiary education providers registered in categories specified in the regulations.
- (6) Regulations under subsection (5) may provide for exceptions to the requirement to be registered; and an exception may be framed by reference to (among other things) –
 - (a) requirements to be met by an approved Welsh apprenticeship;
 - (b) the description of person providing an approved Welsh apprenticeship;
 - (c) qualifications which form part of an approved Welsh apprenticeship.
- (7) Financial resources may be provided by the Commission under this section on the terms and conditions that it considers appropriate.
- (8) The terms and conditions may (among other things) –
 - (a) enable the Commission to require the repayment, in whole or in part, of sums paid by it if any of the terms and conditions subject to which the sums were paid is not complied with;
 - (b) require the payment of interest in respect of any period during which a sum due to the Commission in accordance with any of the terms and conditions remains unpaid.
- (9) Terms and conditions imposed by the Commission in relation to financial resources provided under subsection (1)(a) to a person who is not a registered provider, must –
 - (a) require the person, if given notice under section 126(1), to have in place a learner protection plan approved by the Commission (under section 126(3) or (5)) on or before the date specified in the terms and conditions, and to give effect to the plan;

- (b) ei gwneud yn ofynnol i'r person, os yw'r person yn ddarparwr addysg drydyddol yng Nghymru, gydymffurfio â'r gofynion sydd wedi eu cynnwys yn y Cod Ymgysylltu â Dysgwyr a gyhoeddir o dan adran 129(1) neu unrhyw god diwygiedig a gyhoeddir o dan adran 129(3);
 - (c) ei gwneud yn ofynnol i'r person roi sylw i gyngor neu ganllawiau a roddir gan y Comisiwn (naill ai'n benodol neu i bersonau yn gyffredinol) wrth arfer swyddogaethau'r Comisiwn yn y Ddeddf hon.
- (10) Wrth ddarparu adnoddau ariannol i berson o dan is-adran (1)(a), rhaid i'r Comisiwn roi sylw –
- (a) i ddymunoldeb peidio ag anghefnogi'r person hwnnw rhag cynnal neu ddatblygu cyllid o ffynonellau eraill, a
 - (b) (i'r graddau y mae'n ystyried ei bod yn briodol gwneud hynny yng ngoleuni unrhyw ystyriaethau perthnasol eraill) i ddymunoldeb cynnal unrhyw nodweddion arbennig i unrhyw ddarparwr addysg drydyddol y darperir adnoddau ariannol ar gyfer ei weithgareddau.
- (11) Yn yr adran hon –
- mae i "fframwaith prentisiaeth" ("*apprenticeship framework*") yr ystyr a roddir gan adran 114;
- mae i "prentisiaeth Gymreig gymeradwy" ("*approved Welsh apprenticeship*") yr ystyr a roddir gan adran 111.

Ymchwil ac arloesi

105 Cymorth ariannol ar gyfer ymchwil ac arloesi

- (1) Caiff y Comisiwn ddarparu adnoddau ariannol i gorff llywodraethu darparwr penodedig mewn cysylltiad â gwariant yr aed iddo, neu wariant yr eir iddo, gan y corff llywodraethu neu gan gorff sy'n cydlafurio at ddibenion ymchwil neu arloesi, neu mewn cysylltiad ag ymchwil neu arloesi.
- (2) Caiff y Comisiwn hefyd ddarparu adnoddau ariannol i unrhyw berson mewn cysylltiad â gwariant yr aed iddo, neu wariant yr eir iddo, gan y person at ddiben darparu gwasanaethau gan unrhyw berson at ddibenion gwneud gwaith ymchwil neu arloesi gan ddarparwr penodedig, neu mewn cysylltiad â gwneud gwaith ymchwil neu arloesi ganddo.
- (3) Wrth arfer ei swyddogaethau o dan yr adran hon i ddarparu adnoddau ariannol i ddarparwr penodedig, rhaid i'r Comisiwn roi sylw –
 - (a) i ddymunoldeb peidio ag anghefnogi'r darparwr hwnnw rhag cynnal neu ddatblygu cyllid o ffynonellau eraill, a
 - (b) (i'r graddau y mae'n ystyried ei bod yn briodol gwneud hynny yng ngoleuni unrhyw ystyriaethau perthnasol eraill) i ddymunoldeb cynnal unrhyw nodweddion arbennig i'r darparwr.
- (4) Yn yr adran hon –

ystyr "corff sy'n cydlafurio" ("*collaborating body*"), mewn perthynas â darparwr penodedig, yw person –

- (b) require the person, if the person is a tertiary education provider in Wales, to comply with the requirements contained in the Learner Engagement Code published under section 129(1) or any revised code published under section 129(3);
 - (c) require the person to have regard to advice or guidance given by the Commission (either specifically or to persons generally) in exercise of the Commission's functions in this Act.
- (10) When providing financial resources to a person under subsection (1)(a) the Commission must have regard –
- (a) to the desirability of not discouraging that person from maintaining or developing funding from other sources, and
 - (b) (so far as it considers it appropriate to do so in light of any other relevant considerations) to the desirability of maintaining any distinctive characteristics of any tertiary education provider for whose activities financial resources are provided.
- (11) In this section –
- “apprenticeship framework” (*“fframwaith prentisiaeth”*) has the meaning given by section 114;
 - “approved Welsh apprenticeship” (*“prentisiaeth Gymreig gymeradwy”*) has the meaning given by section 111.

Research and innovation

105 Financial support for research and innovation

- (1) The Commission may provide financial resources to the governing body of a specified provider in respect of expenditure incurred, or to be incurred, by the governing body or by a collaborating body for the purposes of, or in connection with, research or innovation.
- (2) The Commission may also provide financial resources to any person in respect of expenditure incurred, or to be incurred, by the person for the purpose of the provision by any person of services for the purposes of, or in connection with, the carrying out of research or innovation by a specified provider.
- (3) In exercising its functions under this section to provide financial resources to a specified provider, the Commission must have regard –
 - (a) to the desirability of not discouraging that provider from maintaining or developing funding from other sources, and
 - (b) (so far as it considers it appropriate to do so in the light of any other relevant considerations) to the desirability of maintaining any distinctive characteristics of the provider.
- (4) In this section –
 - “collaborating body” (*“corff sy'n cydlafurio”*), in relation to a specified provider, means a person –

- (a) y mae corff llywodraethu'r darparwr penodedig yn bwriadu talu iddo yr holl adnoddau ariannol neu rai ohonynt a roddir i'r corff llywodraethu o dan is-adran (1), a
- (b) sy'n gwneud, sy'n bwriadu gwneud neu sydd wedi gwneud gwaith ymchwil neu arloesi ar ran y darparwr penodedig, neu sy'n cydlafurio, sy'n bwriadu cydlafurio neu sydd wedi cydlafurio, â'r darparwr at y diben y darperir yr adnoddau ariannol ar ei gyfer;

ystyr "darparwr penodedig" ("*specified provider*") yw darparwr cofrestredig sydd wedi ei gofrestru mewn categori a bennir at ddibenion yr adran hon mewn rheoliadau a wneir gan Weinidogion Cymru.

- (5) Rhaid i'r Comisiwn roi ei gydsyniad cyn i gorff llywodraethu'r darparwr penodedig wneud taliad i gorff sy'n cydlafurio (gweler adran 109 am ddarpariaeth bellach ynghylch cydsyniad y Comisiwn).

106 Cymorth ariannol ar gyfer ymchwil ac arloesi: telerau ac amodau

- (1) Caiff y Comisiwn ddarparu adnoddau ariannol o dan adran 105 ar y telerau a'r amodau y mae'r Comisiwn yn ystyried eu bod yn briodol.
- (2) Caiff y telerau a'r amodau (ymhlith pethau eraill) –
 - (a) galluogi'r Comisiwn i'w gwneud yn ofynnol ad-dalu, yn gyfan gwbl neu'n rhannol, symiau a dalwyd ganddo os na chydymffurfir ag unrhyw un neu ragor o'r telerau a'r amodau y talwyd y symiau yn ddarostyngedig iddynt;
 - (b) ei gwneud yn ofynnol talu llog mewn cysylltiad ag unrhyw gyfnod pan fydd swm sy'n ddyledus i'r Comisiwn yn unol ag unrhyw un neu ragor o'r telerau a'r amodau yn parhau i fod heb ei dalu.
- (3) Ni chaiff y telerau a'r amodau ymwneud â chymhwyso unrhyw symiau sy'n deillio ac eithrio o'r Comisiwn.
- (4) Wrth –
 - (a) penderfynu darparu adnoddau ariannol o dan adran 105, a
 - (b) penderfynu unrhyw delerau ac amodau ar gyfer adnoddau ariannol a ddarperir o dan yr adran honno,

rhaid i'r Comisiwn roi sylw i'r egwyddor ei bod yn well gwneud penderfyniadau ar gynigion ymchwil neu arloesi unigol yn dilyn gwerthusiad o ansawdd y cynigion a'u heffaith tebygol (megis proses adolygu gan gymheiriaid).

107 Swyddogaethau eraill y Comisiwn mewn perthynas ag ymchwil ac arloesi

- (1) Rhaid i'r Comisiwn –
 - (a) hybu ymwybyddiaeth a dealltwriaeth yng Nghymru o'r gweithgareddau ymchwil ac arloesi y mae'n eu cyllido;
 - (b) lledaenu yng Nghymru ganlyniadau'r gweithgareddau ymchwil ac arloesi y mae'n eu cyllido;
 - (c) hwyluso cymhwyso'n ymarferol yng Nghymru ganlyniadau'r gweithgareddau ymchwil ac arloesi y mae'n eu cyllido.

- (a) to whom the governing body of the specified provider proposes to pay all or some of the financial resources provided to it under subsection (1), and
- (b) who is carrying out, is proposing to carry out or has carried out research or innovation on behalf of the specified provider, or who is working, is proposing to work or has worked, in collaboration with the provider for the purpose for which the financial resources are provided;

“specified provider” (“*darparwr penodedig*”) means a registered provider registered in a category specified for the purposes of this section in regulations made by the Welsh Ministers.

- (5) The Commission must give its consent before the governing body of the specified provider makes a payment to a collaborating body (see section 109 for further provision about the Commission’s consent).

106 Financial support for research and innovation: terms and conditions

- (1) Financial resources may be provided by the Commission under section 105 on the terms and conditions that the Commission considers appropriate.
- (2) The terms and conditions may (among other things) –
 - (a) enable the Commission to require the repayment, in whole or in part, of sums paid by it if any of the terms and conditions subject to which the sums were paid is not complied with;
 - (b) require the payment of interest in respect of any period during which a sum due to the Commission in accordance with any of the terms and conditions remains unpaid.
- (3) The terms and conditions must not relate to the application of any sums derived otherwise than from the Commission.
- (4) When –
 - (a) deciding to provide financial resources under section 105, and
 - (b) determining any terms and conditions of financial resources provided under that section,

the Commission must have regard to the principle that decisions on individual research or innovation proposals are best taken following an evaluation of the quality and likely impact of the proposals (such as a peer review process).

107 The Commission’s other functions in relation to research and innovation

- (1) The Commission must –
 - (a) promote awareness and understanding in Wales of the research and innovation activities it funds;
 - (b) disseminate in Wales the results of the research and innovation activities it funds;
 - (c) facilitate the practical application in Wales of the results of research and innovation activities it funds.

- (2) Rhaid i'r Comisiwn fonitro sut y mae adnoddau ariannol a ddarperir o dan adran 105 yn cael eu defnyddio.
- (3) Rhaid i'r Comisiwn gynnwys yn ei adroddiad blynyddol (a lunnir o dan baragraff 16 o Atodlen 1) y casgliadau y mae'n dod iddynt o'r monitro hwynnw o ran y graddau y mae'r gweithgareddau y mae'n eu cyllido, ar gyfer y flwyddyn ariannol y mae'r adroddiad yn ymwneud â hi –
 - (a) yn cyflawni canlyniadau llwyddiannus,
 - (b) yn cael eu cyflwyno'n effeithiol, ac
 - (c) yn cynrychioli gwerth am arian.

Telerau ac amodau: ansawdd, llywodraethu etc., lles a chyfle cyfartal

108 Cymorth ariannol o dan adrannau 89, 97 a 104: darpariaeth bellach ynghylch telerau ac amodau

- (1) Wrth benderfynu'r telerau a'r amodau i'w gosod mewn perthynas ag adnoddau ariannol a ddarperir o dan adran 89(3), 97(1)(a) neu (b) neu 104(1)(a) i ddarparwr nad yw'n ddarparwr cofrestredig, rhaid i'r Comisiwn ystyried pa un ai i osod telerau ac amodau sy'n ymwneud –
 - (a) ag ansawdd yr addysg berthnasol a ddarperir gan neu ar ran y darparwr;
 - (b) ag effeithiolrwydd trefniadau llywodraethu a rheoli'r darparwr (gan gynnwys ei drefniadau rheoli ariannol);
 - (c) â chynaliadwyedd ariannol y darparwr;
 - (d) ag effeithiolrwydd trefniadau'r darparwr ar gyfer cefnogi a hybu lles ei fyfyrwyr a'i staff;
 - (e) â chyflawni canlyniadau y gellir eu mesur i hyrwyddo pob un o'r nodau yn is-adran (2).
- (2) Y nodau yw –
 - (a) cynyddu cyfranogiad, gan bersonau sy'n aelodau o grwpiau sydd heb gynrychiolaeth ddigonol, mewn addysg berthnasol a ddarperir gan neu ar ran y darparwr;
 - (b) cadw myfyrwyr sy'n aelodau o grwpiau sydd heb gynrychiolaeth ddigonol hyd at ddiwedd cyrsiau addysg berthnasol a ddarperir gan neu ar ran y darparwr;
 - (c) lleihau unrhyw fylchau o ran cyrhaeddiad mewn addysg berthnasol a ddarperir gan neu ar ran y darparwr rhwng grwpiau gwahanol o fyfyrwyr a bennir yn y telerau a'r amodau pan fo'r gwahaniaethau yn codi oherwydd ffactorau cymdeithasol, diwylliannol, economaidd neu sefydliadol;
 - (d) darparu cymorth i fyfyrwyr sy'n gorffen cyrsiau addysg berthnasol a ddarperir gan neu ar ran y darparwr sy'n aelodau o grwpiau sydd heb gynrychiolaeth ddigonol i barhau â'u haddysg drydyddol, dod o hyd i gyflogaeth neu ddechrau busnes.
- (3) Yn yr adran hon –

ystyr "addysg berthnasol" ("*relevant education*") yw –

- (2) The Commission must monitor how financial resources provided under section 105 are used.
- (3) The Commission must include in its annual report (prepared under paragraph 16 of Schedule 1) the conclusions it reaches from that monitoring as to the extent to which the activities it funds, for the financial year to which the report relates –
 - (a) are achieving successful results,
 - (b) are being delivered effectively, and
 - (c) represent value for money.

Terms and conditions: quality, governance etc., welfare and equal opportunities

108 **Financial support under sections 89, 97 and 104: further provision about terms and conditions**

- (1) When determining the terms and conditions to be imposed in relation to financial resources provided under section 89(3), 97(1)(a) or (b) or 104(1)(a) to a provider who is not a registered provider, the Commission must consider whether to impose terms and conditions relating to –
 - (a) the quality of the relevant education provided by or on behalf of the provider;
 - (b) the effectiveness of the governance and management of the provider (including its financial management);
 - (c) the financial sustainability of the provider;
 - (d) the effectiveness of the provider’s arrangements for supporting and promoting the welfare of its students and staff;
 - (e) the delivery of measurable outcomes to further each of the aims in subsection (2).
- (2) The aims are –
 - (a) increasing participation in relevant education provided by or on behalf of the provider by persons who are members of under-represented groups;
 - (b) retention of students who are members of under-represented groups to the end of courses of relevant education provided by or on behalf of the provider;
 - (c) reduction of any gaps of attainment in relevant education provided by or on behalf of the provider between different groups of students specified in the terms and conditions where the differences arise from social, cultural, economic or organisational factors;
 - (d) provision of support for students finishing courses of relevant education provided by or on behalf of the provider who are members of under-represented groups to continue their tertiary education, find employment or start a business.
- (3) In this section –

“relevant education” (*“addysg berthnasol”*) means –

- (a) pan fo adnoddau ariannol yn cael eu darparu o dan adran 89(3)(a) neu (b), y cwrs cymwys (o fewn yr ystyr a roddir gan adran 89(1)) y darperir yr adnoddau mewn cysylltiad ag ef;
- (b) pan fo adnoddau ariannol yn cael eu darparu o dan adran 97(1)(a) neu (b), yr addysg bellach neu'r hyfforddiant y darperir yr adnoddau mewn cysylltiad â hi neu ag ef;
- (c) pan fo adnoddau ariannol yn cael eu darparu o dan adran 104(1)(a), y brentisiaeth Gymreig gymeradwy (o fewn yr ystyr a roddir gan adran 111) y darperir yr adnoddau mewn cysylltiad â hi;

“grwpiau sydd heb gynrychiolaeth ddigonol” (“*under-represented groups*”) yw grwpiau a bennir yn y telerau a’r amodau nad oes ganddynt gynrychiolaeth ddigonol mewn addysg berthnasol o ganlyniad i ffactorau cymdeithasol, diwylliannol, economaidd neu sefydliadol.

Cyrff sy’n cydlafurio: cydsyniad

109 Cydsyniad i daliadau i gyrff sy’n cydlafurio

- (1) Caiff y Comisiwn roi cydsyniad at ddiben adran 88(4), 89(5), 97(5), 104(4) neu 105(5) yn gyffredinol neu mewn perthynas â thaliad penodol neu gorff penodol sy’n cydlafurio.
- (2) Caiff y Comisiwn roi cydsyniad at ddiben unrhyw un neu ragor o’r darpariaethau hynny yn ddarostyngedig i amodau.
- (3) Rhaid i’r amodau gynnwys gofyniad bod y person y mae adnoddau ariannol yn cael eu darparu neu eu sicrhau iddo o dan adran 88, 89, 97, 104 neu 105 (yn ôl y digwydd) yn gwneud trefniadau at ddiben sicrhau bod yr adnoddau a delir i gorff sy’n cydlafurio yn cael eu rheoli’n effeithlon ac yn cael eu defnyddio mewn ffordd sy’n darparu gwerth am arian.
- (4) Caiff y Comisiwn dynnu’n ôl, atal dros dro neu amrywio cydsyniad a roddir at ddiben unrhyw un neu ragor o’r darpariaethau hynny, a phan fo cydsyniad wedi ei roi yn gyffredinol, caiff wneud hynny yn gyffredinol neu mewn perthynas â thaliad penodol neu gorff penodol sy’n cydlafurio.
- (5) Cyn tynnu’n ôl, amrywio neu atal dros dro gydsyniad, rhaid i’r Comisiwn roi hysbysiad i’r person y mae adnoddau ariannol yn cael eu darparu neu eu sicrhau iddo o dan adran 88, 89, 97, 104 neu 105 (yn ôl y digwydd).
- (6) Rhaid i’r hysbysiad ddatgan –
 - (a) y rhesymau dros fwriadu tynnu’n ôl, amrywio neu atal dros dro gydsyniad,
 - (b) y cyfnod pan ganiateir i sylwadau ynghylch y camau gweithredu arfaethedig gael eu cyflwyno, ac
 - (c) y ffordd y caniateir i’r sylwadau hynny gael eu cyflwyno.
- (7) Rhaid i’r Comisiwn roi sylw i unrhyw sylwadau a gyflwynir yn unol â’r hysbysiad wrth benderfynu pa un ai i dynnu’n ôl, amrywio neu atal dros dro gydsyniad.
- (8) Nid yw’r gofynion yn is-adrannau (5) i (7) yn gymwys os yw’r Comisiwn wedi ei fodloni ei bod yn angenrheidiol tynnu’n ôl, amrywio neu atal dros dro gydsyniad cyn y byddai’n ymarferol cydymffurfio â’r gofynion hynny.

- (a) where financial resources are provided under section 89(3)(a) or (b), the eligible course (within the meaning given by section 89(1)) in respect of which the resources are provided;
- (b) where financial resources are provided under section 97(1)(a) or (b), the further education or training in respect of which the resources are provided;
- (c) where financial resources are provided under section 104(1)(a), the approved Welsh apprenticeship (within the meaning given by section 111) in respect of which the resources are provided;

“under-represented groups” (*“grwpiau sydd heb gynrychiolaeth ddigonol”*) are groups specified in the terms and conditions that are under-represented in relevant education as a result of social, cultural, economic or organisational factors.

Collaborating bodies: consent

109 Consent for payments to collaborating bodies

- (1) The Commission may give consent for the purpose of section 88(4), 89(5), 97(5), 104(4) or 105(5) generally or in relation to a specific payment or a specific collaborating body.
- (2) The Commission may give consent for the purpose of any of those provisions subject to conditions.
- (3) The conditions must include a requirement that the person to whom financial resources are being provided or secured under section 88, 89, 97, 104 or 105 (as the case may be) makes arrangements for the purpose of ensuring that the resources paid to a collaborating body are managed efficiently and used in a way that provides value for money.
- (4) The Commission may withdraw, suspend or vary consent given for the purpose of any of those provisions, and where consent has been given generally, it may do so generally or in relation to a specific payment or a specific collaborating body.
- (5) Before withdrawing, varying or suspending consent, the Commission must give notice to the person to whom financial resources are being provided or secured under section 88, 89, 97, 104 or 105 (as the case may be).
- (6) The notice must state –
 - (a) the reasons for proposing to withdraw, vary or suspend consent,
 - (b) the period during which representations about the proposed action may be made, and
 - (c) the way in which those representations may be made.
- (7) The Commission must have regard to any representations made in accordance with the notice in deciding whether to withdraw, vary or suspend consent.
- (8) The requirements in subsections (5) to (7) do not apply if the Commission is satisfied that it is necessary to withdraw, vary or suspend consent before it would be practicable to comply with those requirements.

- (9) Rhaid i'r Comisiwn gadw cydsyniad a roddir at ddiben adran 88(4), 89(5), 97(5), 104(4) neu 105(5) o dan adolygiad.

Cyfarwyddydau cymorth ariannol

110 Cyfarwyddydau cymorth ariannol

- (1) Caiff Gweinidogion Cymru roi cyfarwyddydau cymorth ariannol i'r Comisiwn mewn perthynas â pherson perthnasol.
- (2) Ni chaniateir i gyfarwyddydau cymorth ariannol gael eu rhoi ond os yw'n ymddangos i Weinidogion Cymru fod materion ariannol y person perthnasol wedi cael eu camreoli neu'n cael eu camreoli.
- (3) "Cyfarwyddydau cymorth ariannol" yw unrhyw gyfarwyddydau ynghylch darparu neu sicrhau adnoddau ariannol o dan adran 88, 89, 97, 101, 103, 104 neu 105 i berson perthnasol y mae Gweinidogion Cymru yn ystyried eu bod yn angenrheidiol neu'n hwylus oherwydd y camreoli.
- (4) Yn yr adran hon, ystyr "person perthnasol" yw —
 - (a) darparwr cofrestredig;
 - (b) person (ac eithrio darparwr cofrestredig neu gorff llywodraethu ysgol a gynhelir) sy'n cael adnoddau ariannol a ddarperir neu a sicheir gan y Comisiwn o dan adran 88(2), 89, 97, 101, 103, 104, neu 105(2).
- (5) Cyn rhoi cyfarwyddyd cymorth ariannol, rhaid i Weinidogion Cymru ymgynghori â'r Comisiwn a'r person perthnasol oni bai bod Gweinidogion Cymru wedi eu bodloni —
 - (a) ei bod yn angenrheidiol rhoi'r cyfarwyddyd cyn y byddai'n ymarferol ymgynghori â'r Comisiwn a'r person perthnasol, neu
 - (b) y byddai'r ymgynghori yn tanseilio diben rhoi'r cyfarwyddyd.
- (6) Os yw Gweinidogion Cymru yn rhoi cyfarwyddyd cymorth ariannol, rhaid iddynt —
 - (a) cyhoeddi'r cyfarwyddyd,
 - (b) adrodd i Senedd Cymru fod cyfarwyddyd wedi ei roi a gosod copi o'r cyfarwyddyd gerbron y Senedd, ac
 - (c) cadw'r cyfarwyddyd o dan adolygiad.
- (7) Rhaid i'r Comisiwn gydymffurfio â chyfarwyddyd cymorth ariannol a roddir o dan yr adran hon.

RHAN 4

PRENTISIAETHAU

Rhagarweiniol

111 Ystyr "prentisiaeth Gymreig gymeradwy"

- (1) Mae prentisiaeth Gymreig gymeradwy yn drefniant sy'n dod o fewn is-adrannau (2), (3) a (4).
- (2) Mae'r trefniant —
 - (a) yn digwydd o dan gytundeb prentisiaeth Gymreig gymeradwy, neu

- (9) The Commission must keep consent given for the purpose of section 88(4), 89(5), 97(5), 104(4) or 105(5) under review.

Financial support directions

110 Financial support directions

- (1) The Welsh Ministers may give the Commission financial support directions in relation to a relevant person.
- (2) Financial support directions may be given only if it appears to the Welsh Ministers that the financial affairs of the relevant person have been or are being mismanaged.
- (3) “Financial support directions” are such directions about the provision or securing of financial resources under section 88, 89, 97, 101, 103, 104 or 105 to a relevant person as the Welsh Ministers consider necessary or expedient because of the mismanagement.
- (4) In this section, “relevant person” means –
- (a) a registered provider;
 - (b) a person (other than a registered provider or the governing body of a maintained school) in receipt of financial resources provided or secured by the Commission under section 88(2), 89, 97, 101, 103, 104 or 105(2).
- (5) Before giving a financial support direction, the Welsh Ministers must consult the Commission and the relevant person unless the Welsh Ministers are satisfied that –
- (a) it is necessary to give the direction before it would be practicable to consult the Commission and the relevant person, or
 - (b) consultation would defeat the object of giving the direction.
- (6) If the Welsh Ministers give a financial support direction, they must –
- (a) publish the direction,
 - (b) report to Senedd Cymru that a direction has been given and lay a copy of the direction before the Senedd, and
 - (c) keep the direction under review.
- (7) The Commission must comply with a financial support direction given under this section.

PART 4

APPRENTICESHIPS

Introductory

111 Meaning of “approved Welsh apprenticeship”

- (1) An approved Welsh apprenticeship is an arrangement that falls within subsections (2), (3) and (4).
- (2) The arrangement –
- (a) takes place under an approved Welsh apprenticeship agreement, or

(b) yn brentisiaeth Gymreig amgen.

- (3) Mae'r gwaith a wneir yn rhinwedd y trefniant yn digwydd yn gyfan gwbl neu'n bennaf yng Nghymru.
- (4) Mae'r trefniant yn bodloni unrhyw amodau a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.
- (5) Mae'r adran hon yn gymwys at ddibenion y Rhan hon.

112 Ystyr "cytundeb prentisiaeth Gymreig gymeradwy"

- (1) Mae cytundeb prentisiaeth Gymreig gymeradwy yn gytundeb—
 - (a) sy'n darparu i berson ("y prentis") weithio i berson arall am gydnabyddiaeth mewn galwedigaeth y mae fframwaith prentisiaeth a gyhoeddir o dan adran 117 mewn grym ar ei chyfer ar yr adeg y gwneir y cytundeb,
 - (b) sy'n darparu i'r prentis gael hyfforddiant er mwyn cynorthwyo'r prentis i fodloni'r gofynion a bennir yn y fframwaith prentisiaeth, ac
 - (c) sy'n bodloni unrhyw amodau eraill a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.
- (2) Mae'r adran hon yn gymwys at ddibenion y Rhan hon.

113 Ystyr "prentisiaeth Gymreig amgen"

- (1) Mae prentisiaeth Gymreig amgen yn drefniant, y mae person yn gweithio odano, sydd o fath a ddisgrifir mewn rheoliadau a wneir gan Weinidogion Cymru.
- (2) Caiff rheoliadau o dan is-adran (1), er enghraifft, ddisgrifio trefniadau sy'n ymwneud ag achosion pan fo person—
 - (a) yn gweithio ac eithrio i berson arall;
 - (b) yn gweithio ac eithrio am gydnabyddiaeth.
- (3) Mae'r adran hon yn gymwys at ddibenion y Rhan hon.

114 Ystyr "fframwaith prentisiaeth"

- (1) Mae fframwaith prentisiaeth yn ddogfen sy'n pennu gofynion ar gyfer cwblhau prentisiaethau Cymreig cymeradwy mewn galwedigaeth neu grŵp o alwedigaethau, a all gynnwys (ond nad ydynt yn gyfyngedig i) gofynion sy'n ymwneud—
 - (a) â safonau cyrhaeddiad;
 - (b) â chymwysterau;
 - (c) â'r math o hyfforddiant neu faint o hyfforddiant yr ymgymerir ag ef.
- (2) Mae'r adran hon yn gymwys at ddibenion y Rhan hon.

Swyddogaethau Gweinidogion Cymru

115 Pennu gofynion mewn perthynas â phrentisiaethau Cymreig cymeradwy

- (1) Caiff Gweinidogion Cymru bennu gofynion mewn perthynas â phrentisiaethau Cymreig cymeradwy at ddibenion y Rhan hon.

(b) is an alternative Welsh apprenticeship.

- (3) The work undertaken by virtue of the arrangement takes place wholly or mainly in Wales.
- (4) The arrangement satisfies any conditions specified in regulations made by the Welsh Ministers.
- (5) This section applies for the purposes of this Part.

112 Meaning of “approved Welsh apprenticeship agreement”

- (1) An approved Welsh apprenticeship agreement is an agreement which –
 - (a) provides for a person (“the apprentice”) to work for another person for reward in an occupation for which an apprenticeship framework published under section 117 is in force at the time the agreement is made,
 - (b) provides for the apprentice to receive training in order to assist the apprentice to meet the requirements specified in the apprenticeship framework, and
 - (c) satisfies any other conditions specified in regulations made by the Welsh Ministers.
- (2) This section applies for the purposes of this Part.

113 Meaning of “alternative Welsh apprenticeship”

- (1) An alternative Welsh apprenticeship is an arrangement, under which a person works, which is of a kind described in regulations made by the Welsh Ministers.
- (2) Regulations under subsection (1) may, for example, describe arrangements which relate to cases where a person –
 - (a) works otherwise than for another person;
 - (b) works otherwise than for reward.
- (3) This section applies for the purposes of this Part.

114 Meaning of “apprenticeship framework”

- (1) An apprenticeship framework is a document that specifies requirements for the completion of approved Welsh apprenticeships in an occupation or a group of occupations, which may include (but are not limited to) requirements relating to –
 - (a) standards of attainment;
 - (b) qualifications;
 - (c) the type or amount of training undertaken.
- (2) This section applies for the purposes of this Part.

Functions of the Welsh Ministers

115 Specification of requirements in relation to approved Welsh apprenticeship

- (1) The Welsh Ministers may specify requirements in relation to approved Welsh apprenticeships for the purposes of this Part.

- (2) Caiff gofyniad ymwneud â chynnwys fframweithiau prentisiaethau, gan gynnwys (ond heb fod yn gyfyngedig i) –
- pennu'r sectorau galwedigaethol y mae rhaid i'r alwedigaeth neu'r grŵp o alwedigaethau a gwmpesir gan fframwaith prentisiaeth ymwneud â hwy;
 - y safonau cyrhaeddiad cyffredinol sy'n angenrheidiol ar gyfer cwblhau prentisiaethau Cymreig cymeradwy;
 - y math o gymwysterau sy'n angenrheidiol ar gyfer cwblhau prentisiaethau Cymreig cymeradwy;
 - y math o hyfforddiant neu faint o hyfforddiant sy'n angenrheidiol ar gyfer cwblhau prentisiaethau Cymreig cymeradwy.
- (3) Caiff gofyniad ymwneud â llunio, diwygio, tynnu'n ôl neu gyhoeddi fframwaith prentisiaeth, gan gynnwys (ond heb fod yn gyfyngedig i) –
- y ffordd y mae fframwaith prentisiaeth yn cael ei lunio, ei ddiwygio, ei dynnu'n ôl neu ei gyhoeddi;
 - y materion y mae rhaid eu hystyried wrth lunio fframwaith prentisiaeth, ei ddiwygio neu ei dynnu'n ôl.
- (4) Caiff gofyniad ymwneud â phrentisiaethau Cymreig cymeradwy yn gyffredinol neu â phrentisiaethau Cymreig cymeradwy mewn un neu ragor o alwedigaethau.
- (5) Caiff Gweinidogion Cymru –
- diwygio gofyniad neu ei dynnu'n ôl drwy bennu gofyniad ymhellach;
 - tynnu gofyniad yn ôl drwy gyhoeddi hysbysiad o'i dynnu'n ôl.
- (6) Rhaid i ofyniad a bennir o dan yr adran hon (gan gynnwys diwygiad a phennu sy'n cynnwys tynnu'n ôl) gael ei gyhoeddi.
- (7) Rhaid i ofyniad a bennir o dan yr adran hon (gan gynnwys diwygiad) a thynnu gofyniad yn ôl (pa un ai drwy hysbysiad neu drwy bennu gofyniad ymhellach) ddatgan y dyddiad y daw i rym.

116 Ymgynghoriad gan Weinidogion Cymru ynghylch pennu

- (1) Cyn cymryd unrhyw gamau gweithredu a grybwyllir yn is-adran (2), rhaid i Weinidogion Cymru ymgynghori –
- â'r Comisiwn, a
 - ag unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.
- (2) Y camau gweithredu yw –
- pennu gofyniad o dan adran 115 (gan gynnwys gofynion diwygiedig);
 - tynnu gofyniad yn ôl o dan adran 115.

Swyddogaethau'r Comisiwn

117 Llunio a chyhoeddi fframweithiau prentisiaethau

- (1) Caiff y Comisiwn lunio fframweithiau prentisiaethau neu sicrhau eu bod yn cael eu llunio.

- (2) A requirement may relate to the content of apprenticeship frameworks, including (but not limited to) –
 - (a) specification of the occupational sectors to which the occupation or group of occupations covered by an apprenticeship framework must relate;
 - (b) general standards of attainment needed for completion of approved Welsh apprenticeships;
 - (c) the type of qualifications needed for completion of approved Welsh apprenticeships;
 - (d) the type or amount of training needed for completion of approved Welsh apprenticeships.
- (3) A requirement may relate to the preparation, revision, withdrawal or publication of an apprenticeship framework, including (but not limited to) –
 - (a) the way in which an apprenticeship framework is prepared, revised, withdrawn or published;
 - (b) the matters that must be taken into account in preparing, revising or withdrawing an apprenticeship framework.
- (4) A requirement may relate to approved Welsh apprenticeships generally or approved Welsh apprenticeships in one or more occupations.
- (5) The Welsh Ministers may –
 - (a) revise or withdraw a requirement by further specification of a requirement;
 - (b) withdraw a requirement by publishing a notice of its withdrawal.
- (6) A requirement specified under this section (including a revision and a specification that includes a withdrawal) must be published.
- (7) A requirement specified under this section (including a revision) and the withdrawal of a requirement (whether by notice or further specification of a requirement) must state the date on which it comes into force.

116 Consultation by Welsh Ministers about specifications

- (1) Before taking any action mentioned in subsection (2), the Welsh Ministers must consult –
 - (a) the Commission, and
 - (b) such other persons as they consider appropriate.
- (2) The actions are –
 - (a) specifying a requirement under section 115 (including revised requirements);
 - (b) withdrawing a requirement under section 115.

Functions of the Commission

117 Preparation and publication of apprenticeship frameworks

- (1) The Commission may prepare or secure the preparation of apprenticeship frameworks.

- (2) Caiff y Comisiwn gyhoeddi fframweithiau prentisiaethau sydd wedi eu llunio gan y Comisiwn ei hunan neu gan bersonau eraill (pa un a yw'r Comisiwn wedi sicrhau eu bod yn cael eu llunio ai peidio).
- (3) Rhaid i fframwaith prentisiaeth a gyhoeddir o dan yr adran hon gydymffurfio ag unrhyw ofynion a bennir o dan adran 115.
- (4) Caiff fframwaith prentisiaeth bennu gofynion ar lefelau cyrhaeddiad gwahanol ar gyfer yr un alwedigaeth neu grŵp o alwedigaethau, naill ai o fewn yr un fframwaith prentisiaeth neu mewn fframweithiau ar wahân.
- (5) Caiff fframwaith prentisiaeth gynnwys unrhyw ddeunydd sy'n berthnasol i brentisiaeth Gymreig gymeradwy yn yr alwedigaeth neu'r grŵp o alwedigaethau y mae'r fframwaith yn ymwneud â hi neu ag ef, neu sy'n berthnasol i brentisiaethau Cymreig cymeradwy yn gyffredinol.
- (6) Rhaid i'r Comisiwn wneud trefniadau i gadw pob fframwaith prentisiaeth a gyhoeddir o dan adolygiad gyda golwg ar benderfynu a ddylai'r fframwaith gael ei ddiwygio neu ei dynnu'n ôl.
- (7) Caiff y Comisiwn—
 - (a) cyhoeddi fersiwn ddiwygiedig o fframwaith prentisiaeth, neu
 - (b) tynnu fframwaith prentisiaeth yn ôl (gan gyhoeddi fframwaith arall yn ei le neu heb gyhoeddi un arall).
- (8) Rhaid i fframwaith prentisiaeth a gyhoeddir o dan yr adran hon ddatgan y dyddiad y daw i rym.
- (9) Mae cyfeiriadau at fframwaith prentisiaeth yn yr adran hon yn cynnwys fframwaith diwygiedig.

118 Cofrestr o fframweithiau prentisiaethau

- (1) Rhaid i'r Comisiwn gynnal cofrestr o'r fframweithiau prentisiaethau a gyhoeddir o dan adran 117.
- (2) Mewn cysylltiad â phob fframwaith prentisiaeth (gan gynnwys unrhyw fframwaith diwygiedig), rhaid i'r gofrestr gynnwys manylion ynghylch pryd y daw i rym.
- (3) Pan fo fframwaith diwygiedig wedi ei gynnwys yn y gofrestr, rhaid i'r gofrestr gynnwys disgrifiad cyffredinol o'r achosion y mae'r fframwaith diwygiedig yn gymwys iddynt.
- (4) Pan fo fframwaith prentisiaeth wedi ei dynnu'n ôl, rhaid i'r gofrestr gynnwys manylion ynghylch pryd y daw'r tynnu'n ôl i rym a disgrifiad cyffredinol o'r achosion y mae'r tynnu'n ôl yn gymwys iddynt.
- (5) Rhaid i'r Comisiwn gyhoeddi'r gofrestr.
- (6) Caiff Gweinidogion Cymru, drwy reoliadau, ei gwneud yn ofynnol i'r Comisiwn gynnwys gwybodaeth arall yn y gofrestr sy'n ymwneud â phrentisiaethau Cymreig cymeradwy.

119 Pŵer i ddyroddi tystysgrifau prentisiaethau

- (1) Caiff y Comisiwn ddyroddi tystysgrif ("tystysgrif brentisiaeth") mewn cysylltiad â pherson sy'n gwneud cais amdani, os yw'n ymddangos i'r Comisiwn fod y person wedi cwblhau prentisiaeth Gymreig gymeradwy.

- (2) The Commission may publish apprenticeship frameworks prepared by itself or by other persons (whether or not the Commission secured their preparation).
- (3) An apprenticeship framework published under this section must comply with any requirements specified under section 115.
- (4) An apprenticeship framework may specify requirements at different levels of attainment for the same occupation or group of occupations, either within the same apprenticeship framework or in separate frameworks.
- (5) An apprenticeship framework may include any material relevant to an approved Welsh apprenticeship in the occupation or group of occupations to which the framework relates or to approved Welsh apprenticeships generally.
- (6) The Commission must make arrangements to keep under review each published apprenticeship framework with a view to determining whether the framework ought to be revised or withdrawn.
- (7) The Commission may –
 - (a) publish a revised version of an apprenticeship framework, or
 - (b) withdraw an apprenticeship framework (with or without publishing another in its place).
- (8) An apprenticeship framework published under this section must state the date on which it comes into force.
- (9) References to an apprenticeship framework in this section include a revised framework.

118 Register of apprenticeship frameworks

- (1) The Commission must maintain a register of the apprenticeship frameworks published under section 117.
- (2) In respect of each apprenticeship framework (including any revised framework), the register must include details of when it comes into force.
- (3) Where a revised framework is included in the register, the register must include a general description of the cases to which the revised framework applies.
- (4) Where an apprenticeship framework has been withdrawn, the register must include details of when the withdrawal comes into force and a general description of the cases to which the withdrawal applies.
- (5) The Commission must publish the register.
- (6) The Welsh Ministers may, by regulations, require the Commission to include other information in the register relating to approved Welsh apprenticeships.

119 Power to issue apprenticeship certificates

- (1) The Commission may issue a certificate (“an apprenticeship certificate”) in respect of a person who applies for it, if it appears to the Commission that the person has completed an approved Welsh apprenticeship.

- (2) Caiff y Comisiwn, yn dilyn cais, gyflenwi copi o dystysgrif brentisiaeth i berson y dyroddwyd y dystysgrif mewn cysylltiad ag ef.
- (3) Caiff y Comisiwn benderfynu –
 - (a) y ffordd y mae rhaid i geisiadau am dystysgrifau neu am gopiâu o dystysgrifau gael eu gwneud;
 - (b) cynnwys tystysgrifau.
- (4) Ni chaiff y Comisiwn godi ffi am ddyroddi tystysgrif brentisiaeth neu am gyflenwi copi ohoni ond os yw rheoliadau a wneir gan Weinidogion Cymru yn awdurdodi codi'r ffi, a dim ond i'r graddau y mae'r rheoliadau yn awdurdodi hynny.

120 Dirprwyo swyddogaethau'r Comisiwn

- (1) Caniateir i swyddogaethau'r Comisiwn o dan adran 117(2) neu 119 gael eu harfer gan berson a ddynodir gan y Comisiwn.
- (2) Caiff dynodiad o dan yr adran hon fod at rai dibenion y swyddogaeth neu at holl ddibenion y swyddogaeth.
- (3) Rhaid i berson a ddynodir o dan yr adran hon –
 - (a) cydymffurfio â chyfarwyddydau a roddir gan y Comisiwn, a
 - (b) rhoi sylw i ganllawiau a roddir gan y Comisiwn.
- (4) Caniateir i ddynodiad o dan yr adran hon gael ei ddirymu.
- (5) Nid yw dirprwyo swyddogaeth yn effeithio –
 - (a) ar allu'r Comisiwn i arfer y swyddogaeth, neu
 - (b) ar gyfrifoldeb y Comisiwn am arfer y swyddogaeth.
- (6) Caiff y Comisiwn dalu i unrhyw berson y mae unrhyw swyddogaeth yn arferadwy ganddo yn rhinwedd is-adran (1) –
 - (a) symiau y mae'n ystyried eu bod yn briodol at ddiben talu am wariant yr aed iddo, neu wariant yr eir iddo, gan y person hwnnw wrth arfer y swyddogaeth honno neu mewn cysylltiad ag arfer y swyddogaeth honno;
 - (b) unrhyw dâl y mae'n ei benderfynu.

Darpariaethau atodol ynghylch cytundebau prentisiaethau

121 Darpariaethau aneffeithiol mewn cytundebau prentisiaethau Cymreig cymeradwy

- (1) Os yw cytundeb –
 - (a) yn cynnwys darpariaeth sy'n bodloni'r amodau a grybwyllir yn adran 112(1)(a) i (c), ond
 - (b) hefyd yn cynnwys darpariaeth sy'n anghyson â'r amodau hynny, mae'r ddarpariaeth arall i'w thrin fel pe na bai'n cael unrhyw effaith.
- (2) Cyn amrywio cytundeb sy'n bodloni'r amodau a grybwyllir yn adran 112(1)(a) i (c) mewn ffordd fel nad yw'n bodloni un neu ragor o'r amodau hynny mwyach, rhaid i'r person y mae'r prentis yn gweithio iddo roi hysbysiad i'r prentis.

- (2) The Commission may, following an application, supply a copy of an apprenticeship certificate to a person in respect of whom the certificate was issued.
- (3) The Commission may determine –
 - (a) the way in which applications for certificates or copies of certificates must be made;
 - (b) the contents of certificates.
- (4) The Commission may charge a fee for issuing an apprenticeship certificate or supplying a copy of it only if, and to the extent that, the charging of the fee is authorised by regulations made by the Welsh Ministers.

120 Delegation of Commission functions

- (1) The functions of the Commission under section 117(2) or 119 may be exercised by a person designated by the Commission.
- (2) A designation under this section may be for some or all purposes of the function.
- (3) A person designated under this section must –
 - (a) comply with directions given by the Commission, and
 - (b) have regard to guidance given by the Commission.
- (4) A designation under this section may be revoked.
- (5) The delegation of a function does not affect –
 - (a) the Commission’s ability to exercise the function, or
 - (b) the Commission’s responsibility for the exercise of the function.
- (6) The Commission may pay to any person by whom any function is exercisable by virtue of subsection (1) –
 - (a) amounts it considers appropriate for the purpose of meeting expenditure incurred or to be incurred by that person in, or in connection with, the exercise of that function;
 - (b) such remuneration as it may determine.

Supplementary provisions about apprenticeship agreements

121 Ineffective provisions of approved Welsh apprenticeship agreements

- (1) If an agreement –
 - (a) contains provision that satisfies the conditions mentioned in section 112(1)(a) to (c), but
 - (b) also contains provision that is inconsistent with those conditions,the other provision is to be treated as having no effect.
- (2) Before an agreement that satisfies the conditions mentioned in section 112(1)(a) to (c) is varied in such a way that it no longer satisfies one or more of those conditions, the person for whom the apprentice is working must give the apprentice a notice.

- (3) Rhaid i'r hysbysiad esbonio, os yw'r amrywiad yn cymryd effaith, y bydd y cytundeb yn peidio â bod yn gytundeb prentisiaeth Gymreig gymeradwy.
- (4) Os yw cytundeb yn cael ei amrywio gan dorri'r gofyniad yn is-adran (2), nid yw'r amrywiad yn cael unrhyw effaith.

122 Statws cytundebau prentisiaethau Gymreig cymeradwy

- (1) I'r graddau y byddai fel arall yn cael ei drin fel pe bai'n gontract prentisiaeth, mae cytundeb prentisiaeth Gymreig gymeradwy i'w drin fel pe na bai'n gontract prentisiaeth.
- (2) I'r graddau na fyddai fel arall yn cael ei drin fel pe bai'n gontract gwasanaeth, mae cytundeb prentisiaeth Gymreig gymeradwy i'w drin fel pe bai'n gontract gwasanaeth.
- (3) Mae'r adran hon yn gymwys at ddibenion unrhyw ddeddfiad neu reol gyfreithiol.

123 Trosglwyddo hawlfraint mewn fframweithiau prentisiaethau

- (1) Mae'r adran hon yn gymwys pan fo fframwaith prentisiaeth –
 - (a) wedi ei lunio gan berson ac eithrio'r Comisiwn, a
 - (b) wedi ei gyhoeddi gan y Comisiwn o dan adran 117(2) gyda chytundeb y person sydd, yn union cyn cyhoeddi, â'r hawlogaeth i gael unrhyw hawl neu fuddiant mewn unrhyw hawlfraint yn y fframwaith.
- (2) Trosglwyddir yr hawl neu'r buddiant, yn rhinwedd yr adran hon, o'r person hwnnw i'r Comisiwn pan gaiff y fframwaith prentisiaeth ei gyhoeddi.

124 Gweision y Goron

- (1) Mae'r Rhan hon yn gymwys mewn perthynas â chytundeb y mae person yn ymgymryd â chyflogaeth y Goron odano fel y mae'n gymwys mewn perthynas ag unrhyw gytundeb arall y mae person yn ymgymryd â gweithio i berson arall odano.
- (2) Mae is-adran (1) yn ddarostyngedig i is-adran (3) ac i unrhyw addasiadau y caniateir darparu ar eu cyfer o dan is-adran (5).
- (3) Nid yw adran 122(2) yn gymwys mewn perthynas â chytundeb prentisiaeth Gymreig gymeradwy sy'n gytundeb o fewn is-adran (1).
- (4) Heb ragfarnu adran 143(2), caniateir i'r pŵer a roddir gan adran 112(1)(c) gael ei arfer, yn benodol, i wneud darpariaeth mewn perthynas â chytundeb prentisiaeth sy'n gytundeb o fewn is-adran (1) sy'n wahanol i ddarpariaeth a wneir mewn perthynas â chytundebau eraill y mae person i weithio i rywun arall odanynt.
- (5) Caiff Gweinidogion Cymru, drwy reoliadau, ddarparu i unrhyw ddarpariaeth yn y Rhan hon fod yn gymwys gydag addasiadau mewn perthynas –
 - (a) â chytundeb o fewn is-adran (1), neu
 - (b) â person sy'n gweithio, neu'n bwriadu gweithio, o dan gytundeb o'r fath.
- (6) Yn is-adran (1), ystyr "cyflogaeth y Goron" yw cyflogaeth o dan neu at ddibenion Llywodraeth Cymru, un o adrannau Llywodraeth y Deyrnas Unedig neu unrhyw swyddog neu gorff sy'n arfer, ar ran y Goron, swyddogaethau a roddir gan ddarpariaeth statudol (ond nid yw'n cynnwys gwasanaeth fel aelod o lynges, byddin neu lu awyr y Goron).

- (3) The notice must explain that if the variation takes effect the agreement will cease to be an approved Welsh apprenticeship agreement.
- (4) If an agreement is varied in breach of the requirement in subsection (2), the variation has no effect.

122 Status of approved Welsh apprenticeship agreements

- (1) To the extent that it would otherwise be treated as being a contract of apprenticeship, an approved Welsh apprenticeship agreement is to be treated as not being a contract of apprenticeship.
- (2) To the extent that it would not otherwise be treated as being a contract of service, an approved Welsh apprenticeship agreement is to be treated as being a contract of service.
- (3) This section applies for the purposes of any enactment or rule of law.

123 Transfer of copyright in apprenticeship frameworks

- (1) This section applies where an apprenticeship framework is –
 - (a) prepared by a person other than the Commission, and
 - (b) published by the Commission under section 117(2) with the agreement of the person who, immediately before publication, is entitled to any right or interest in any copyright in the framework.
- (2) The right or interest is, by virtue of this section, transferred from that person to the Commission on publication.

124 Crown servants

- (1) This Part applies in relation to an agreement under which a person undertakes Crown employment as it applies in relation to any other agreement under which a person undertakes to work for another.
- (2) Subsection (1) is subject to subsection (3) and to any modifications which may be provided for under subsection (5).
- (3) Section 122(2) does not apply in relation to an approved Welsh apprenticeship agreement that is an agreement within subsection (1).
- (4) Without prejudice to section 143(2), the power conferred by section 112(1)(c) may be exercised, in particular, to make provision in relation to an apprenticeship agreement which is an agreement within subsection (1) that differs from provision made in relation to other agreements under which a person is to work for another.
- (5) The Welsh Ministers may, by regulations, provide for any provision of this Part to apply with modifications in relation to –
 - (a) an agreement within subsection (1), or
 - (b) a person working, or proposing to work, under such an agreement.
- (6) In subsection (1), “Crown employment” means employment under or for the purposes of the Welsh Government, a United Kingdom Government department or any officer or body exercising on behalf of the Crown functions conferred by a statutory provision (but does not include service as a member of the naval, military or air forces of the Crown).

Cyffredinol

125 Dehongli Rhan 4

Yn y Rhan hon –

mae i “cytundeb prentisiaeth Gymreig gymeradwy” (“*approved Welsh apprenticeship agreement*”) yr ystyr a roddir gan adran 112;

mae i “fframwaith prentisiaeth” (“*apprenticeship framework*”) yr ystyr a roddir gan adran 114;

mae i “prentisiaeth Gymreig gymeradwy” (“*approved Welsh apprenticeship*”) yr ystyr a roddir gan adran 111;

ystyr “tystysgrif brentisiaeth” (“*apprenticeship certificate*”) yw tystysgrif a ddyroddir o dan adran 119.

RHAN 5**DIOGELU DYSGWYR, GWEITHDREFNAU CWYNO AC YMGYSYLLTU Â DYSGWYR****126 Cynlluniau diogelu dysgwyr**

- (1) Caiff y Comisiwn roi hysbysiad i ddarparwr addysg drydyddol perthnasol sy'n gofyn iddo gyflwyno cynllun diogelu dysgwyr i'r Comisiwn ar y dyddiad a bennir yn yr hysbysiad neu cyn y dyddiad hwnnw.
- (2) Mae cynllun diogelu dysgwyr yn ddogfen sy'n nodi trefniadau'r darparwr addysg drydyddol perthnasol ar gyfer –
 - (a) diogelu buddiannau personau sy'n ymgymryd â chwrs perthnasol os bydd y cwrs yn peidio â chael ei ddarparu am unrhyw reswm, a
 - (b) cefnogi person sy'n ymgymryd â chwrs perthnasol ac sy'n dymuno trosglwyddo i gwrs addysg drydyddol arall (pa un a yw'r cwrs hwnnw yn cael ei ddarparu gan, neu ar ran, y darparwr addysg drydyddol neu berson arall).
- (3) Caiff y Comisiwn gymeradwyo'r cynllun diogelu dysgwyr gydag addasiadau neu hebddynt.
- (4) Os yw darparwr addysg drydyddol perthnasol yn dymuno diwygio ei gynllun diogelu dysgwyr cymeradwy, rhaid iddo anfon cynllun diwygiedig i'r Comisiwn.
- (5) Caiff y Comisiwn gymeradwyo'r cynllun diogelu dysgwyr diwygiedig gydag addasiadau neu hebddynt.
- (6) Rhaid i'r Comisiwn ddyroddi canllawiau ar lunio a diwygio cynlluniau diogelu dysgwyr.
- (7) Cyn dyroddi canllawiau o dan is-adran (6), rhaid i'r Comisiwn ymgynghori â'r personau hynny y mae'n ystyried eu bod yn briodol.
- (8) Rhaid i'r Comisiwn fonitro effeithiolrwydd cynlluniau diogelu dysgwyr.
- (9) Rhaid i'r Comisiwn gynnwys yn ei adroddiad blynyddol (a lunnir o dan baragraff 16 o Atodlen 1) y casgliadau y mae'n dod iddynt o'r monitro hwnnw o ran effeithiolrwydd y cynlluniau diogelu dysgwyr yn ystod y flwyddyn ariannol y mae'r adroddiad yn ymwneud â hi.

*General***125 Interpretation of Part 4**

In this Part—

“apprenticeship certificate” (*“tystysgrif brentisiaeth”*) means a certificate issued section 119;

“apprenticeship framework” (*“fframwaith prentisiaeth”*) has the meaning given by section 114;

“approved Welsh apprenticeship” (*“prentisiaeth Gymreig gymeradwy”*) has the meaning given by section 111;

“approved Welsh apprenticeship agreement” (*“cytundeb prentisiaeth Gymreig gymeradwy”*) has the meaning given by section 112.

PART 5**LEARNER PROTECTION, COMPLAINTS PROCEDURES AND LEARNER ENGAGEMENT****126 Learner protection plans**

- (1) The Commission may give notice to a relevant tertiary education provider asking it to submit a learner protection plan to the Commission on or before the date specified in the notice.
- (2) A learner protection plan is a document setting out the relevant tertiary education provider’s arrangements for—
 - (a) protecting the interests of persons undertaking a relevant course in the event of the course ceasing to be provided for any reason, and
 - (b) supporting a person who is undertaking a relevant course and who wishes to transfer to another course of tertiary education (whether that course is provided by, or on behalf of, the tertiary education provider or another person).
- (3) The Commission may approve the learner protection plan with or without modifications.
- (4) If a relevant tertiary education provider wishes to amend its approved learner protection plan, it must send a revised plan to the Commission.
- (5) The Commission may approve the revised learner protection plan with or without modifications.
- (6) The Commission must issue guidance on the preparation and revision of learner protection plans.
- (7) Before issuing guidance under subsection (6), the Commission must consult such persons as it considers appropriate.
- (8) The Commission must monitor the effectiveness of learner protection plans.
- (9) The Commission must include in its annual report (prepared under paragraph 16 of Schedule 1) the conclusions it reaches from that monitoring as to the effectiveness of learner protection plans during the financial year to which the report relates.

(10) Yn yr adran hon ac yn adran 127 –

“cwrs perthnasol” (“*relevant course*”), mewn perthynas â darparwr addysg drydyddol perthnasol, yw –

- (a) pan fo’r darparwr yn ddarparwr cofrestredig, unrhyw gwrs addysg drydyddol a ddarperir ganddo neu ar ei ran;
- (b) pan na fo’r darparwr yn ddarparwr cofrestredig, gwrs addysg drydyddol a ddarperir ganddo neu ar ei ran ac a gyllidir gan y Comisiwn o dan –
 - (i) adran 89(3)(a) (cyrсияu addysg uwch a bennir mewn rheoliadau),
 - (ii) adran 97(1)(a) (addysg bellach neu hyfforddiant), neu
 - (iii) adran 104(1)(a) (prentisiaethau);

“darparwr addysg drydyddol perthnasol” (“*relevant tertiary education provider*”) yw –

- (a) darparwr cofrestredig;
- (b) person ac eithrio darparwr cofrestredig sy’n cael adnoddau ariannol a ddarperir neu a sicrheir gan y Comisiwn o dan –
 - (i) adran 89(3)(a) (cyrсияu addysg uwch a bennir mewn rheoliadau),
 - (ii) adran 97(1)(a) (addysg bellach neu hyfforddiant), neu
 - (iii) adran 104(1)(a) (prentisiaethau).

127 Gweithdrefnau cwyno

- (1) Rhaid i’r Comisiwn gymryd unrhyw gamau y mae’n ymddangos iddo eu bod yn briodol er mwyn sicrhau –
 - (a) bod gan ddarparwr addysg drydyddol weithdrefn yn ei lle ar gyfer ymchwilio i gwynion am weithred neu anweithred gan y darparwr a wneir gan bersonau sy’n ymgymryd, neu sydd wedi ymgymryd, â chyrсияu perthnasol, a
 - (b) bod darparwr addysg drydyddol yn cymryd camau rhesymol i roi gwybod i bersonau sy’n ymgymryd â chyrсияu perthnasol am y weithdrefn.
- (2) Am ystyr “cwrs perthnasol” a “darparwr addysg drydyddol”, gweler adran 126(10).

128 Sefydliadau cymhwysol ar gyfer y cynllun cwynion myfyrwyr

- (1) Mae Deddf Addysg Uwch 2004 (p. 8) wedi ei diwygio fel a ganlyn.
- (2) Yn adran 11 (sefydliadau cymhwysol) –
 - (a) daw’r testun presennol yn is-adran (1);
 - (b) ar ôl y is-adran honno mewnosoder –
 - “(2) The Welsh Ministers may, by regulations, specify as a qualifying institution for the purposes of this Part, a person other than one within subsection (1) who is –
 - (a) a registered provider, or
 - (b) a tertiary education provider in Wales other than a registered provider in receipt of financial resources –

(10) In this section and in section 127 –

“relevant course” (“*cwrs perthnasol*”), in relation to a relevant tertiary education provider, is –

- (a) where the provider is a registered provider, any course of tertiary education provided by it or on its behalf;
- (b) where the provider is not a registered provider, a course of tertiary education provided by it or on its behalf which is funded by the Commission under –
 - (i) section 89(3)(a) (higher education courses specified in regulations),
 - (ii) section 97(1)(a) (further education or training), or
 - (iii) section 104(1)(a) (apprenticeships);

“relevant tertiary education provider” (“*darparwr addysg drydyddol perthnasol*”) is –

- (a) a registered provider;
- (b) a person other than a registered provider in receipt of financial resources provided or secured by the Commission under –
 - (i) section 89(3)(a) (higher education courses specified in regulations),
 - (ii) section 97(1)(a) (further education or training), or
 - (iii) section 104(1)(a) (apprenticeships).

127 Complaints procedures

- (1) The Commission must take such steps as appear to it appropriate to ensure that a relevant tertiary education provider –
 - (a) has in place a procedure for investigating complaints about an act or omission of the provider which are made by persons who are undertaking or have undertaken relevant courses, and
 - (b) takes reasonable steps to make the procedure known to persons undertaking relevant courses.
- (2) For the meaning of “relevant course” and “relevant tertiary education provider”, see section 126(10).

128 Qualifying institutions for student complaints scheme

- (1) The Higher Education Act 2004 (c. 8) is amended as follows.
- (2) In section 11 (qualifying institutions) –
 - (a) the existing text becomes subsection (1);
 - (b) after that subsection insert –
 - “(2) The Welsh Ministers may, by regulations, specify as a qualifying institution for the purposes of this Part, a person other than one within subsection (1) who is –
 - (a) a registered provider, or
 - (b) a tertiary education provider in Wales other than a registered provider in receipt of financial resources –

- (i) provided by the Commission for Tertiary Education and Research under section 89(3)(a) of the Tertiary Education and Research (Wales) Act 2022 (higher education courses specified in regulations),
 - (ii) secured by the Commission for Tertiary Education and Research or the Welsh Ministers under section 97(1)(a) of that Act (further education or training), or
 - (iii) provided by the Commission for Tertiary Education and Research under section 104(1)(a) of that Act (apprenticeships).
- (3) In subsection (2) –
- “registered provider” means a tertiary education provider registered in the register established and maintained by the Commission for Tertiary Education and Research under section 25 of the Tertiary Education and Research (Wales) Act 2022;
- “tertiary education provider in Wales” has the meaning given by section 144(1) of the Tertiary Education and Research (Wales) Act 2022.
- (4) The power to make regulations in subsection (2) is to be exercised by statutory instrument.
- (5) A statutory instrument containing regulations made under subsection (2) is subject to annulment in pursuance of a resolution of Senedd Cymru.”
- (3) Yn adran 12 (cwynion cymhwysol) –
- (a) ar ôl is-adran (2) mewnosoder –
- “(2A) A complaint within subsection (1) about an act or omission of a qualifying institution specified in regulations made under paragraph (b) of subsection (2) of section 11 is a qualifying complaint only if it is made by a person who is undertaking or has undertaken a course funded by the Commission for Tertiary Education and Research or the Welsh Ministers under –
- (a) section 89(3)(a) of the Tertiary Education and Research (Wales) Act 2022 (higher education courses specified in regulations),
 - (b) section 97(1)(a) of that Act (further education or training), or
 - (c) section 104(1)(a) of that Act (apprenticeships).
- (b) yn is-adran (3) yn lle “section 11” rhodder “subsection (1) of section 11, or of a qualifying institution specified in regulations made under subsection (2) of that section,”.

129 Y Cod Ymgysylltu â Dysgwyr

- (1) Rhaid i’r Comisiwn lunio a chyhoeddi cod (“y Cod Ymgysylltu â Dysgwyr”) ynghylch cynnwys personau sy’n cael addysg drydyddol a ddarperir gan, neu ar ran, darparwr perthnasol (“dysgwyr”) wrth i’r darparwr wneud penderfyniadau perthnasol.

- (i) provided by the Commission for Tertiary Education and Research under section 89(3)(a) of the Tertiary Education and Research (Wales) Act 2022 (higher education courses specified in regulations),
 - (ii) secured by the Commission for Tertiary Education and Research or the Welsh Ministers under section 97(1)(a) of that Act (further education or training), or
 - (iii) provided by the Commission for Tertiary Education and Research under section 104(1)(a) of that Act (apprenticeships).
- (3) In subsection (2) –
- “registered provider” means a tertiary education provider registered in the register established and maintained by the Commission for Tertiary Education and Research under section 25 of the Tertiary Education and Research (Wales) Act 2022;
- “tertiary education provider in Wales” has the meaning given by section 144(1) of the Tertiary Education and Research (Wales) Act 2022.
- (4) The power to make regulations in subsection (2) is to be exercised by statutory instrument.
- (5) A statutory instrument containing regulations made under subsection (2) is subject to annulment in pursuance of a resolution of Senedd Cymru.”
- (3) In section 12 (qualifying complaints) –
- (a) after subsection (2) insert –
 - “(2A) A complaint within subsection (1) about an act or omission of a qualifying institution specified in regulations made under paragraph (b) of subsection (2) of section 11 is a qualifying complaint only if it is made by a person who is undertaking or has undertaken a course funded by the Commission for Tertiary Education and Research or the Welsh Ministers under –
 - (a) section 89(3)(a) of the Tertiary Education and Research (Wales) Act 2022 (higher education courses specified in regulations),
 - (b) section 97(1)(a) of that Act (further education or training), or
 - (c) section 104(1)(a) of that Act (apprenticeships).
 - (b) in subsection (3) for “section 11” substitute “subsection (1) of section 11, or of a qualifying institution specified in regulations made under subsection (2) of that section,”.

129 Learner Engagement Code

- (1) The Commission must prepare and publish a code (“the Learner Engagement Code”) about the involvement of persons receiving tertiary education provided by, or on behalf of, a relevant provider (“learners”) in the making of relevant decisions by the provider.

- (2) Caiff y Cod Ymgysylltu â Dysgwyr gynnwys darpariaeth ynghylch y canlynol (ymhlith pethau eraill) –
- (a) sut y gellir sicrhau bod buddiannau dysgwyr yn cael eu cynrychioli'n effeithiol wrth i'r darparwr perthnasol wneud penderfyniadau perthnasol,
 - (b) sut y gellir sicrhau bod dysgwyr yn cael y cyfle i gymryd rhan wrth i'r darparwr perthnasol wneud penderfyniadau perthnasol, ac
 - (c) sut y gellir sicrhau bod dysgwyr yn cael y cyfle i roi eu barn i'r darparwr perthnasol ar yr addysg drydyddol y maent yn ei chael ac ar faterion eraill a all fod o ddiddordeb i ddysgwyr neu y gall fod ganddynt fuddiant ynddynt.
- (3) Rhaid i'r Comisiwn gadw'r Cod Ymgysylltu â Dysgwyr o dan adolygiad ac os yw'n ystyried ei bod yn briodol, rhaid iddo lunio a chyhoeddi cod diwygiedig (ac mae cyfeiriadau yn yr adran hon at y Cod Ymgysylltu â Dysgwyr yn cynnwys unrhyw god diwygiedig).
- (4) Caiff darpariaeth yn y Cod Ymgysylltu â Dysgwyr fod ar ffurf gofyniad neu ganllawiau.
- (5) Wrth lunio'r Cod Ymgysylltu â Dysgwyr neu'r cod diwygiedig, rhaid i'r Comisiwn ymgynghori â'r personau hynny y mae'r Comisiwn yn ystyried eu bod yn briodol.
- (6) Caiff y Cod Ymgysylltu â Dysgwyr wneud darpariaeth wahanol at ddibenion gwahanol (gan gynnwys ar gyfer darparwyr perthnasol gwahanol neu ddisgrifiadau gwahanol o ddarparwr perthnasol).
- (7) Rhaid i'r Comisiwn fonitro cydymffurfedd gan ddarparwyr perthnasol â'r Cod Ymgysylltu â Dysgwyr.
- (8) Rhaid i'r Comisiwn gynnwys yn ei adroddiad blynyddol (a lunnir o dan baragraff 16 o Atodlen 1) y casgliadau y mae'n dod iddynt o'r monitro hwnnw o ran effeithiolrwydd y Cod Ymgysylltu â Dysgwyr yn ystod y flwyddyn ariannol y mae'r adroddiad yn ymwneud â hi.
- (9) Yn yr adran hon –
- ystyr "darparwr perthnasol" ("*relevant provider*") yw –
- (a) darparwr cofrestredig;
 - (b) darparwr addysg drydyddol yng Nghymru ac eithrio darparwr cofrestredig sy'n cael adnoddau ariannol a ddarperir neu a sicheir gan y Comisiwn o dan –
 - (i) adran 89(3)(a) (gyrsiau addysg uwch a bennir mewn rheoliadau),
 - (ii) adran 97(1)(a) (addysg bellach neu hyfforddiant), neu
 - (iii) adran 104(1)(a) (prentisiaethau);
 - (c) corff llywodraethu ysgol a gynhelir yng Nghymru sy'n darparu addysg sy'n addas i ofynion personau dros yr oedran ysgol gorfodol;
- ystyr "penderfyniad perthnasol" ("*relevant decision*") yw penderfyniad am faterion a all fod o ddiddordeb i ddysgwyr ar gyrsiau neu y gall fod buddiant ynddynt gan ddysgwyr ar gyrsiau –
- (a) a ddarperir gan, neu ar ran, darparwr cofrestredig,

- (2) The Learner Engagement Code may include provision about the following (among other things) –
 - (a) how to ensure that the interests of learners are effectively represented in the making of relevant decisions by the relevant provider,
 - (b) how to ensure that learners have the opportunity to participate in the making of relevant decisions by the relevant provider, and
 - (c) how to ensure that learners have the opportunity to give their views to the relevant provider about the tertiary education they are receiving and on other matters that may be of concern or interest to them.
- (3) The Commission must keep the Learner Engagement Code under review and if it considers it appropriate, it must prepare and publish a revised code (and references in this section to the Learner Engagement Code include any revised code).
- (4) A provision of the Learner Engagement Code may take the form of a requirement or guidance.
- (5) In preparing the Learner Engagement Code or revised code, the Commission must consult with such persons as the Commission considers appropriate.
- (6) The Learner Engagement Code may make different provision for different purposes (including for different relevant providers or different descriptions of relevant provider).
- (7) The Commission must monitor compliance by relevant providers with the Learner Engagement Code.
- (8) The Commission must include in its annual report (prepared under paragraph 16 of Schedule 1) the conclusions it reaches from that monitoring as to the effectiveness of the Learner Engagement Code during the financial year to which the report relates.
- (9) In this section –

“relevant decision” (*“penderfyniad perthnasol”*) means a decision about matters that may be of concern or interest to learners on courses which are –

- (a) provided by, or on behalf of, a registered provider,
- (b) where provided by, or on behalf, of a tertiary education provider other than a registered provider, funded by the Commission under –
 - (i) section 89(3)(a) (higher education courses specified in regulations),
 - (ii) section 97(1)(a) (further education or training), or
 - (iii) section 104(1)(a) (apprenticeships), or
- (c) provided by the governing body of a maintained school in Wales;

“relevant provider” (*“darparwr perthnasol”*) means –

- (a) a registered provider;
- (b) a tertiary education provider in Wales other than a registered provider in receipt of financial resources provided or secured by the Commission under –
 - (i) section 89(3)(a) (higher education courses specified in regulations),
 - (ii) section 97(1)(a) (further education or training), or

- (b) pan fônt yn cael eu darparu gan, neu ar ran, darparwr addysg drydyddol ac eithrio darparwr cofrestredig, a gyllidir gan y Comisiwn o dan—
 - (i) adran 89(3)(a) (cyrsiâu addysg uwch a bennir mewn rheoliadau),
 - (ii) adran 97(1)(a) (addysg bellach neu hyfforddiant), neu
 - (iii) adran 104(1)(a) (prentisiaethau), neu
- (c) a ddarperir gan gorff llywodraethu ysgol a gynhelir yng Nghymru.

RHAN 6

GWYBODAETH, CYNGOR A CHANLLAWIAU

130 Gwybodaeth a chyngor oddi wrth y Comisiwn a gwybodaeth oddi wrth Weinidogion Cymru

- (1) Rhaid i'r Comisiwn roi i Weinidogion Cymru—
 - (a) unrhyw wybodaeth sy'n ymwneud ag unrhyw un neu ragor o'i swyddogaethau neu unrhyw wybodaeth a geir wrth arfer unrhyw un neu ragor o'i swyddogaethau y mae Gweinidogion Cymru yn gofyn amdani, a
 - (b) unrhyw gyngor sy'n ymwneud ag unrhyw un neu ragor o'i swyddogaethau y mae Gweinidogion Cymru yn gofyn amdano.
- (2) Rhaid i wybodaeth a chyngor a roddir o dan is-adran (1) gael eu rhoi ar y ffurf ac yn y modd a benderfynir gan Weinidogion Cymru.
- (3) Caiff y Comisiwn roi i Weinidogion Cymru—
 - (a) gwybodaeth sy'n ymwneud ag unrhyw un neu ragor o'i swyddogaethau neu wybodaeth a geir wrth arfer unrhyw un neu ragor o'i swyddogaethau, neu
 - (b) cyngor sy'n ymwneud ag unrhyw un neu ragor o'i swyddogaethau.
- (4) Caiff Gweinidogion Cymru roi gwybodaeth i'r Comisiwn at ddibenion arfer unrhyw un neu ragor o'i swyddogaethau.

131 Personau y mae'n ofynnol iddynt ddarparu gwybodaeth i'r Comisiwn

- (1) Caiff y Comisiwn, drwy hysbysiad, ei gwneud yn ofynnol i berson o fewn is-adran (2) roi i'r Comisiwn unrhyw wybodaeth y mae'r Comisiwn yn gofyn amdani at ddibenion arfer unrhyw un neu ragor o swyddogaethau'r Comisiwn.
- (2) Y personau o fewn yr is-adran hon yw—
 - (a) darparwr cofrestredig;
 - (b) person ac eithrio darparwr cofrestredig sy'n cael adnoddau ariannol a ddarperir o dan—
 - (i) adran 88(2) (gwasanaethau a ddarperir mewn cysylltiad ag addysg uwch),
 - (ii) adran 89 (cyrsiâu addysg uwch a bennir mewn rheoliadau),
 - (iii) adran 92 (cymorth ariannol ar gyfer cyrsiau addysg uwch penodol),
 - (iv) adran 97 (addysg bellach neu hyfforddiant);
 - (v) adran 103 (gweithgareddau eraill sy'n gysylltiedig ag addysg drydyddol),

- (iii) section 104(1)(a) (apprenticeships);
- (c) the governing body of a maintained school in Wales that provides education suitable to the requirements of persons over compulsory school age.

PART 6

INFORMATION, ADVICE AND GUIDANCE

130 Information and advice from the Commission and information from the Welsh Ministers

- (1) The Commission must give the Welsh Ministers –
 - (a) such information relating to any of its functions or obtained in the exercise of any of its functions as the Welsh Ministers request, and
 - (b) such advice relating to any of its functions as the Welsh Ministers request.
- (2) Information and advice given under subsection (1) must be given in such form and manner as the Welsh Ministers may determine.
- (3) The Commission may give the Welsh Ministers –
 - (a) information relating to any of its functions or obtained in the exercise of any of its functions, or
 - (b) advice relating to any of its functions.
- (4) The Welsh Ministers may give the Commission information for the purposes of the exercise of any of its functions.

131 Persons required to provide information to the Commission

- (1) The Commission may, by notice, require a person within subsection (2) to give the Commission such information as it requests for the purposes of the exercise of any of the Commission's functions.
- (2) The persons within this subsection are –
 - (a) a registered provider;
 - (b) a person other than a registered provider in receipt of financial resources provided under –
 - (i) section 88(2) (services provided in connection with higher education),
 - (ii) section 89 (higher education courses specified in regulations),
 - (iii) section 92 (financial support for certain higher education courses),
 - (iv) section 97 (further education or training),
 - (v) section 103 (other activities connected to tertiary education),

- (vi) adran 104 (prentisiaethau),
 - (vii) adran 105(2) (gwasanaethau a ddarperir mewn cysylltiad ag ymchwil ac arloesi), neu
 - (viii) adran 136 (ymchwil gan y Comisiwn neu Weinidogion Cymru);
 - (c) awdurdod lleol;
 - (d) corff llywodraethu ysgol a gynhelir yng Nghymru sy'n darparu addysg uwch, neu sydd wedi trefnu i addysg uwch gael ei darparu, i ddisgyblion yn yr ysgol o dan adran 28A o Ddeddf Addysg 2002 (p. 32);
 - (e) corff a ddynodir o dan Atodlen 3 i arfer swyddogaethau'r Comisiwn o dan adran 54 (asesu ansawdd addysg uwch);
 - (f) person a ddynodir gan y Comisiwn o dan adran 120 i arfer swyddogaethau'r Comisiwn o dan adran 117(2) (cyhoeddi fframweithiau prentisiaethau) neu adran 119 (dyroddi tystysgrifau prentisiaethau);
 - (g) unrhyw berson sy'n darparu addysg bellach neu hyfforddiant ac sy'n cael cymorth ariannol gan Weinidogion Cymru.
- (3) Ni chaiff hysbysiad o dan is-adran (1) i berson a grybwyllir yn is-adran (2)(c) i (g) ei gwneud yn ofynnol i'r person roi gwybodaeth ac eithrio –
- (a) yn achos person a grybwyllir yn is-adran (2)(c), (d) neu (g), wybodaeth a gedwir gan y person at ddiben darparu addysg drydyddol;
 - (b) yn achos corff a grybwyllir yn is-adran (2)(e) wybodaeth a gedwir gan y corff at ddiben arfer unrhyw un neu ragor o swyddogaethau'r Comisiwn o dan adran 54;
 - (c) yn achos person a grybwyllir yn is-adran (2)(f), wybodaeth a gedwir gan y person at ddiben arfer unrhyw un neu ragor o swyddogaethau'r Comisiwn o dan adran 117(2) neu 119.
- (4) Caiff hysbysiad o dan is-adran (1) ei gwneud yn ofynnol i'r wybodaeth gael ei rhoi –
- (a) erbyn amser a bennir yn yr hysbysiad, a
 - (b) ar ffurf ac mewn modd a bennir yn yr hysbysiad.
- (5) Os yw person yn methu â chydymffurfio â hysbysiad o dan is-adran (1) ac os nad yw'n bodloni'r Comisiwn na ellir rhoi'r wybodaeth y gofynnwyd amdani, mae'r ddyletswydd i gydymffurfio â'r hysbysiad yn orfodadwy drwy waharddeb yn dilyn cais gan y Comisiwn.
- (6) Caiff y Comisiwn roi gwybodaeth i berson a restrir yn is-adran (2) am unrhyw fater y mae gan y Comisiwn swyddogaeth mewn perthynas ag ef.

132 Pwerau i rannu gwybodaeth

- (1) Caiff pob un o'r canlynol roi i'r Comisiwn wybodaeth at ddibenion arfer unrhyw un neu ragor o swyddogaethau'r Comisiwn –
- (a) Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru;
 - (b) Cyngor y Gweithlu Addysg;
 - (c) Cymwysterau Cymru;
 - (d) yr Ysgrifennydd Gwladol;

- (vi) section 104 (apprenticeships),
 - (vii) section 105(2) (services provided in connection with research and innovation), or
 - (viii) section 136 (research by the Commission or the Welsh Ministers);
- (c) a local authority;
 - (d) the governing body of a maintained school in Wales that is providing, or has arranged for the provision of, higher education to pupils at the school under section 28A of the Education Act 2002 (c. 32);
 - (e) a body designated under Schedule 3 to exercise the Commission's functions under section 54 (assessment of quality of higher education);
 - (f) a person designated by the Commission under section 120 to exercise the Commission's functions under section 117(2) (publication of apprenticeship frameworks) or section 119 (issue of apprenticeship certificates);
 - (g) any person providing further education or training and who is in receipt of financial support from the Welsh Ministers.
- (3) A notice under subsection (1) to a person mentioned in subsection (2)(c) to (g) may not require the person to give information other than—
- (a) in the case of a person mentioned in subsection (2)(c), (d) or (g), information held by the person for the purpose of the provision of tertiary education;
 - (b) in the case of a body mentioned in subsection (2)(e), information held by the body for the purpose of the exercise of any of the Commission's functions under section 54;
 - (c) in the case of a person mentioned in subsection (2)(f), information held by the person for the purpose of the exercise of any of the Commission's functions under section 117(2) or 119.
- (4) A notice under subsection (1) may require the information to be given—
- (a) by a time specified in the notice, and
 - (b) in a form and manner specified in the notice.
- (5) If a person fails to comply with a notice under subsection (1) and does not satisfy the Commission that the information requested cannot be given, the duty to comply with the notice is enforceable by injunction on the application of the Commission.
- (6) The Commission may give a person listed in subsection (2) information about any matter in relation to which the Commission has a function.

132 Powers to share information

- (1) Each of the following may give the Commission information for the purposes of the exercise of any of the Commission's functions—
- (a) Her Majesty's Chief Inspector of Education and Training in Wales;
 - (b) the Education Workforce Council;
 - (c) Qualifications Wales;
 - (d) the Secretary of State;

- (e) y Swyddfa Fyfyrrwyr;
 - (f) corff a ddynodir o dan Atodlen 3 i arfer swyddogaethau'r Comisiwn o dan adran 54 (asesu ansawdd addysg uwch);
 - (g) y person a ddynodir gan Weinidogion Cymru o dan adran 13 o Ddeddf Addysg Uwch 2004 (p. 8) fel gweithredwr dynodedig cynllun ar gyfer adolygu cwynion myfyrrwyr;
 - (h) person a bennir mewn trefniadau a wneir gan Weinidogion Cymru o dan adran 23(4) o Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30) i arfer, ar eu rhan, swyddogaethau sy'n arferadwy yn rhinwedd rheoliadau o dan adran 22 o'r Ddeddf honno (trefniadau ar gyfer rhoi cymorth ariannol i fyfyrrwyr);
 - (i) person a bennir mewn trefniadau a wneir gan Weinidogion Cymru o dan adran 14 o Ddeddf Addysg 2002 (p. 32) (cynhorthwy ariannol ar gyfer addysg a phlant etc.), sydd, yn unol ag adran 17 o'r Ddeddf honno, yn darparu i'r person roi cynhorthwy neu arfer swyddogaethau eraill sy'n ymwneud â chynhorthwy;
 - (j) person sy'n darparu gwasanaethau i un neu ragor o ddarparwyr addysg drydyddol yng Nghymru sy'n sefydliadau o fewn y sector addysg uwch sy'n ymwneud â cheisiadau am le ar gyrsiau addysg uwch a ddarperir ganddynt;
 - (k) person a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.
- (2) Caiff y Comisiwn roi i berson a restrir yn is-adran (1) ac i unrhyw berson arall y mae'n ystyried ei fod yn briodol wybodaeth am unrhyw fater y mae gan y Comisiwn swyddogaeth mewn perthynas ag ef.

133 Pŵer i'w gwneud yn ofynnol rhoi gwybodaeth o gyflwyno'r cais i dderbyn y cynnig

- (1) Caiff Gweinidogion Cymru, drwy hysbysiad, ei gwneud yn ofynnol i berson o fewn is-adran (2) roi iddynt neu i'r Comisiwn yr wybodaeth honno o gyflwyno'r cais i dderbyn y cynnig a ddisgrifir yn yr hysbysiad, at ddefnydd ymchwil gymhwysol.
- (2) Mae person o fewn yr is-adran hon yn un sy'n darparu gwasanaethau i un neu ragor o ddarparwyr addysg drydyddol yng Nghymru sy'n sefydliadau o fewn y sector addysg uwch sy'n ymwneud â cheisiadau am le ar gyrsiau addysg uwch a ddarperir ganddynt.
- (3) Ystyr "gwybodaeth o gyflwyno'r cais i dderbyn y cynnig" yw gwybodaeth sy'n ymwneud –
 - (a) â cheisiadau am le ar gyrsiau addysg uwch a ddarperir gan ddarparwyr addysg drydyddol yng Nghymru sy'n sefydliadau o fewn y sector addysg uwch (gan gynnwys graddau a ragfynegir),
 - (b) â chynigion a gwrthodiadau a roddir i unigolion mewn cysylltiad â cheisiadau am le ar y cyrsiau hynny, neu
 - (c) â derbyn cynigion o'r fath.
- (4) Ystyr "ymchwil gymhwysol" yw –
 - (a) ymchwil i'r dewisiadau sydd ar gael i unigolion –
 - (i) sy'n gwneud cais am le ar gyrsiau addysg uwch a ddarperir gan ddarparwyr addysg drydyddol yng Nghymru sy'n sefydliadau o fewn y sector addysg uwch, neu

- (e) the Office for Students;
 - (f) a body designated under Schedule 3 to exercise the Commission's functions under section 54 (assessment of quality of higher education);
 - (g) the person designated by the Welsh Ministers under section 13 of the Higher Education Act 2004 (c. 8) as the designated operator of a scheme for the review of student complaints;
 - (h) a person specified in arrangements made by the Welsh Ministers under section 23(4) of the Teaching and Higher Education Act 1998 (c. 30) to exercise on their behalf functions exercisable by virtue of regulations under section 22 of that Act (arrangements for giving financial support to students);
 - (i) a person specified in arrangements made by the Welsh Ministers under section 14 of the Education Act 2002 (c. 32) (financial assistance for education and children etc.), which, in accordance with section 17 of that Act, provide for the person to give assistance or exercise other functions relating to assistance;
 - (j) a person providing services to one or more tertiary education providers in Wales that are institutions within the higher education sector relating to applications for admission on to higher education courses provided by them;
 - (k) a person specified in regulations made by the Welsh Ministers.
- (2) The Commission may give a person listed in subsection (1) and any other person it considers appropriate information about any matter in relation to which it has a function.

133 Power to require application-to-acceptance information

- (1) The Welsh Ministers may, by notice, require a person within subsection (2) to give them or the Commission such application-to-acceptance information as may be described in the notice for use for qualifying research.
- (2) A person within this subsection is one providing services to one or more tertiary education providers in Wales that are institutions within the higher education sector relating to applications for admission on to higher education courses provided by them.
- (3) "Application-to-acceptance information" means information relating to –
- (a) applications for admission to higher education courses provided by tertiary education providers in Wales that are institutions within the higher education sector (including predicted grades),
 - (b) offers and rejections given to individuals in respect of applications for admission to those courses, or
 - (c) the acceptance of such offers.
- (4) "Qualifying research" means –
- (a) research into the choices available to individuals who are –
 - (i) applying for admission on to higher education courses provided by tertiary education providers in Wales that are institutions within the higher education sector, or

- (ii) sy'n ystyried pa un ai i dderbyn cynnig o le ar gwrs o'r fath gan ddarparwr o'r fath;
 - (b) ymchwil i gyfle cyfartal mewn cysylltiad â mynediad i addysg uwch a ddarperir gan ddarparwyr addysg drydyddol yng Nghymru sy'n sefydliadau o fewn y sector addysg uwch a chymryd rhan yn yr addysg uwch honno;
 - (c) ymchwil i unrhyw bwnc arall a gymeradwyir gan Weinidogion Cymru.
- (5) Caiff hysbysiad o dan is-adran (1) ei gwneud yn ofynnol i'r wybodaeth gael ei rhoi –
- (a) erbyn amser a bennir yn yr hysbysiad, a
 - (b) ar ffurf ac mewn modd a bennir yn yr hysbysiad.
- (6) Os yw person yn methu â chydymffurfio â hysbysiad o dan is-adran (1) ac os nad yw'n bodloni Gweinidogion Cymru na ellir rhoi'r wybodaeth a ddisgrifir yn yr hysbysiad, mae'r ddyletswydd i gydymffurfio â'r hysbysiad yn orfodadwy drwy waharddeb yn dilyn cais gan Weinidogion Cymru.

134 Defnyddio gwybodaeth o gyflwyno'r cais i dderbyn y cynnig at ddibenion ymchwil

- (1) Caiff Gweinidogion Cymru –
- (a) defnyddio gwybodaeth a geir o dan adran 133 ar gyfer ymchwil gymhwysol, a
 - (b) rhoi gwybodaeth a geir o dan adran 133 i'r Comisiwn neu i berson cymeradwy i'w defnyddio ar gyfer ymchwil gymhwysol.
- (2) Caiff Gweinidogion Cymru, y Comisiwn neu berson cymeradwy gyhoeddi cynnyrch ymchwil a wneir gan ddefnyddio gwybodaeth a geir o dan adran 133 cyhyd ag –
- (a) mai darparu gwybodaeth ystadegol yw un o'r dibenion wrth ei gyhoeddi,
 - (b) na ellir adnabod unrhyw unigolyn y mae'r wybodaeth a geir o dan adran 133 yn ymwneud ag ef o'r cyhoeddiad, ac
 - (c) nad yw'r cyhoeddiad yn cynnwys gwybodaeth a geir o dan adran 133 a all gael ei hystyried yn fasnachol sensitif.
- (3) Ystyr "person cymeradwy" yw –
- (a) corff a gymeradwyir gan Weinidogion Cymru at ddibenion yr adran hon sy'n defnyddio neu'n lledaenu gwybodaeth at ddiben ymchwil ("corff cymeradwy"), neu
 - (b) unigolyn a gymeradwyir gan Weinidogion Cymru neu gorff cymeradwy at ddibenion yr adran hon ("ymchwilydd cymeradwy").
- (4) Caiff corff cymeradwy roi gwybodaeth a geir o dan adran 133 i ymchwilydd cymeradwy, ond ni chaiff ymchwilydd cymeradwy roi'r wybodaeth honno –
- (a) i ymchwilydd cymeradwy arall, neu
 - (b) i gorff cymeradwy arall.
- (5) Rhaid i Weinidogion Cymru gyhoeddi canllawiau ynghylch ffactorau i'w hystyried wrth benderfynu pa un ai i gymeradwyo corff neu unigolyn at ddibenion yr adran hon.
- (6) Mae i "ymchwil gymhwysol" yr un ystyr ag yn adran 133.

- (ii) considering whether to accept an offer for admission on such a course from such a provider;
 - (b) research into equality of opportunity in connection with access to and participation in higher education provided by tertiary education providers in Wales that are institutions within the higher education sector;
 - (c) research into any other topic approved by the Welsh Ministers.
- (5) A notice under subsection (1) may require the information to be given –
 - (a) by a time specified in the notice, and
 - (b) in a form and manner specified in the notice.
- (6) If a person fails to comply with a notice under subsection (1) and does not satisfy the Welsh Ministers that the information described in the notice cannot be given, the duty to comply with the notice is enforceable by injunction on the application of the Welsh Ministers.

134 Use of application-to-acceptance information for research purposes

- (1) The Welsh Ministers may –
 - (a) use information obtained under section 133 for qualifying research, and
 - (b) give information obtained under section 133 to the Commission or to an approved person for use for qualifying research.
- (2) The Welsh Ministers, the Commission or an approved person may publish the product of research carried out using information obtained under section 133 so long as –
 - (a) a purpose in publishing it is to provide statistical information,
 - (b) no individual to whom the information obtained under section 133 relates may be identified from the publication, and
 - (c) the publication does not include information obtained under section 133 that may be regarded as commercially sensitive.
- (3) “Approved person” means –
 - (a) a body approved by the Welsh Ministers for the purposes of this section that uses or disseminates information for the purpose of research (“an approved body”), or
 - (b) an individual approved by the Welsh Ministers or an approved body for the purposes of this section (“an approved researcher”).
- (4) An approved body may give information obtained under section 133 to an approved researcher, but an approved researcher may not give that information to –
 - (a) another approved researcher, or
 - (b) another approved body.
- (5) The Welsh Ministers must publish guidance regarding factors to be taken into account in deciding whether to approve a body or individual for the purposes of this section.
- (6) “Qualifying research” has the same meaning as in section 133.

135 Gwybodaeth arall, cyngor arall a chanllawiau eraill

- (1) Caiff y Comisiwn roi cyngor a dyroddi canllawiau (pa un ai'n gyffredinol neu'n benodol) i unrhyw berson ynghylch darparu addysg drydyddol neu unrhyw fater sy'n gysylltiedig â swyddogaethau'r Comisiwn.
- (2) Rhaid i'r Comisiwn –
 - (a) nodi arferion da mewn perthynas â rhannu gwybodaeth gan y personau a bennir yn is-adran (3), a
 - (b) rhoi cyngor a dyroddi canllawiau ar arferion o'r fath i'r personau hynny.
- (3) Y personau a bennir yn yr is-adran hon yw –
 - (a) darparwr cofrestredig,
 - (b) person ac eithrio darparwr cofrestredig sy'n darparu addysg drydyddol a gyllidir gan y Comisiwn neu a sicrheir fel arall ganddo.
- (4) Rhaid i'r Comisiwn gyhoeddi unrhyw ganllawiau y mae'n eu dyroddi o dan is-adrannau (1) a (2).
- (5) Rhaid i'r Comisiwn sefydlu systemau ar gyfer casglu gwybodaeth sydd wedi eu dylunio i sicrhau bod ei benderfyniadau o ran addysg drydyddol yn cael eu gwneud ar sail gadarn.

136 Ymchwil gan y Comisiwn neu Weinidogion Cymru

- (1) Caiff y Comisiwn neu Weinidogion Cymru wneud ymchwil, neu sicrhau bod adnoddau ariannol yn cael eu darparu i bersonau sy'n gwneud neu'n bwriadu gwneud ymchwil, mewn perthynas –
 - (a) ag addysg drydyddol Gymreig;
 - (b) ag addysg arall neu hyfforddiant arall –
 - (i) a ddarperir yn gyfan gwbl neu'n bennaf yng Nghymru, neu
 - (ii) i bersonau sy'n preswyllo fel arfer yng Nghymru;
 - (c) ag unrhyw fater sy'n gysylltiedig ag addysg neu hyfforddiant a ddisgrifir ym mharagraff (a) neu (b);
 - (d) ag unrhyw fater arall sy'n berthnasol i swyddogaethau'r Comisiwn.
- (2) Caiff y Comisiwn neu Weinidogion Cymru gyhoeddi, neu wneud trefniadau ar gyfer cyhoeddi, ganlyniadau'r ymchwil honno cyhyd ag na ellir adnabod unrhyw unigolyn y mae'r ymchwil yn ymwneud ag ef o'r cyhoeddiad.
- (3) Caiff y Comisiwn neu Weinidogion Cymru sicrhau bod adnoddau ariannol yn cael eu darparu o dan is-adran (1) –
 - (a) drwy ddarparu adnoddau ei hunan neu eu hunain;
 - (b) drwy wneud trefniadau ar gyfer darparu adnoddau gan berson arall;
 - (c) drwy wneud trefniadau ar gyfer darparu adnoddau gan bersonau ar y cyd (pa un a yw hynny yn cynnwys y Comisiwn neu Weinidogion Cymru ai peidio).
- (4) Os yw'r Comisiwn ei hunan, neu Weinidogion Cymru eu hunain, yn darparu adnoddau ariannol o dan is-adran (1), caniateir iddo neu iddynt osod y telerau a'r amodau hynny y mae neu y maent yn ystyried eu bod yn briodol.

135 Other information, advice and guidance

- (1) The Commission may give advice and issue guidance (whether general or specific) to any person about the provision of tertiary education or any matter connected with the Commission's functions.
- (2) The Commission must—
 - (a) identify good practice in relation to the sharing of information by the persons specified in subsection (3), and
 - (b) give advice and issue guidance about such practice to those persons.
- (3) The persons specified in this subsection are—
 - (a) a registered provider,
 - (b) a person other than a registered provider providing tertiary education funded or otherwise secured by the Commission.
- (4) The Commission must publish any guidance it issues under subsections (1) and (2).
- (5) The Commission must establish systems for collecting information which is designed to secure that its decisions with regard to tertiary education are made on a sound basis.

136 Research by the Commission or the Welsh Ministers

- (1) The Commission or the Welsh Ministers may carry out, or secure the provision of financial resources to persons carrying out or proposing to carry out, research in relation to—
 - (a) Welsh tertiary education;
 - (b) other education or training—
 - (i) provided wholly or mainly in Wales, or
 - (ii) to persons who are ordinarily resident in Wales;
 - (c) any matter connected to education or training described in paragraph (a) or (b);
 - (d) any other matter relevant to the Commission's functions.
- (2) The Commission or the Welsh Ministers may publish, or arrange for the publication of, the results of such research so long as no individual to whom the research relates may be identified from the publication.
- (3) The Commission or the Welsh Ministers may secure the provision of financial resources under subsection (1)—
 - (a) by providing resources itself or themselves;
 - (b) by making arrangements for the provision of resources by another person;
 - (c) by making arrangements for the provision of resources by persons jointly (whether or not including the Commission or the Welsh Ministers).
- (4) If the Commission itself, or the Welsh Ministers themselves, provide financial resources under subsection (1), they may impose such terms and conditions as they consider appropriate.

- (5) Caiff y telerau a'r amodau (ymhlith pethau eraill) –
- (a) galluogi'r Comisiwn neu Weinidogion Cymru i'w gwneud yn ofynnol ad-dalu, yn gyfan gwbl neu'n rhannol, symiau a dalwyd ganddynt os na chydymffurfir ag unrhyw un neu ragor o'r telerau a'r amodau y talwyd y symiau yn ddarostyngedig iddynt;
 - (b) ei gwneud yn ofynnol talu llog mewn cysylltiad ag unrhyw gyfnod pan fydd swm sy'n ddyledus i'r Comisiwn neu i Weinidogion Cymru yn unol ag unrhyw un neu ragor o'r telerau a'r amodau yn parhau i fod heb ei dalu.
- (6) Os yw'r Comisiwn wedi gwneud trefniadau o dan is-adran (3)(b) i berson arall ddarparu adnoddau ariannol y Comisiwn, caiff y Comisiwn ei gwneud yn ofynnol i'r person hwnnw ddarparu'r adnoddau yn ddarostyngedig i unrhyw delerau ac amodau y mae'r Comisiwn yn ystyried eu bod yn briodol (gan gynnwys telerau ac amodau o fath a allai gael eu gosod o dan is-adran (5)).

RHAN 7

AMRYWIOL A CHYFFREDINOL

Corfforaethau addysg uwch

137 Offerynnau llywodraethu corfforaethau addysg uwch yng Nghymru

- (1) Mae adran 124A o Ddeddf Diwygio Addysg 1988 (p. 40) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (9), yn lle'r geiriau "3 to 5 and" rhodder "2 to".
- (3) Ar ôl is-adran (9) mewnosoder –
 - “(9A) Before making an order under subsection (9) the Welsh Ministers must consult –
 - (a) the Commission for Tertiary Education and Research, and
 - (b) any other persons they think appropriate.
 - (9B) An order made under subsection (9) may, where it is necessary in consequence of amendments made to Schedule 7A to this Act, repeal or amend the following provisions of this Act –
 - (a) subsection 122A(3);
 - (b) in subsection (4) of this section, the words “any provision authorised to be made by that Schedule and”;
 - (c) in section 124C –
 - (i) in subsection (1), the words beginning with “and, in determining” to the end;
 - (ii) subsection (2).”

138 Erthyglau llywodraethu corfforaethau addysg uwch yng Nghymru

- (1) Mae Deddf Diwygio Addysg 1988 (p. 40) wedi ei diwygio fel a ganlyn.
- (2) Yn adran 125, ar ôl is-adran (7) mewnosoder –

- (5) The terms and conditions may (among other things) –
- (a) enable the Commission or the Welsh Ministers to require the repayment, in whole or in part, of sums paid by them if any of the terms and conditions subject to which the sums were paid is not complied with;
 - (b) require the payment of interest in respect of any period in which a sum due to the Commission or the Welsh Ministers in accordance with any of the terms and condition remains unpaid.
- (6) If the Commission has made arrangements under subsection (3)(b) for another person to provide the Commission’s financial resources, the Commission may require that person to provide the resources subject to such terms and conditions that the Commission considers appropriate (including terms and conditions of a kind that could be imposed under subsection (5)).

PART 7

MISCELLANEOUS AND GENERAL

Higher education corporations

137 Instruments of government of higher education corporations in Wales

- (1) Section 124A of the Education Reform Act 1988 (c. 40) is amended as follows.
- (2) In subsection (9), for the words “3 to 5 and” substitute “2 to”.
- (3) After subsection (9) insert –
 - “(9A) Before making an order under subsection (9) the Welsh Ministers must consult –
 - (a) the Commission for Tertiary Education and Research, and
 - (b) any other persons they think appropriate.
 - (9B) An order made under subsection (9) may, where it is necessary in consequence of amendments made to Schedule 7A to this Act, repeal or amend the following provisions of this Act –
 - (a) subsection 122A(3);
 - (b) in subsection (4) of this section, the words “any provision authorised to be made by that Schedule and”;
 - (c) in section 124C –
 - (i) in subsection (1), the words beginning with “and, in determining” to the end;
 - (ii) subsection (2).”

138 Articles of government of higher education corporations in Wales

- (1) The Education Reform Act 1988 (c. 40) is amended as follows.
- (2) In section 125, after subsection (7) insert –

“(8) The Welsh Ministers may by order amend or repeal any of subsections (2) to (4) of this section.

(9) Before making an order under subsection (8) the Welsh Ministers must consult—

- (a) the Commission for Tertiary Education and Research, and
- (b) any other persons they think appropriate.”

(3) Yn adran 232—

(a) yn is-adran (1), ar ôl y geiriau “Secretary of State” mewnosoder “or the Welsh Ministers”;

(b) ar ôl is-adran (4) mewnosoder—

“(4ZA) A statutory instrument containing any order or regulations made by the Welsh Ministers under this Act, other than an order under section 124A, 125, 214 or 216, shall be subject to annulment in pursuance of a resolution of Senedd Cymru.

(4ZB) A statutory instrument containing an order made by the Welsh Ministers under section 124A or 125 of this Act may not be made unless a draft of the instrument has been laid before, and approved by resolution of, Senedd Cymru.

(4ZC) For the purposes of subsection (4ZA) above, any order or regulations made by the Welsh Ministers under this Act includes any order or regulations made under a power that is expressed as a power of the Secretary of State and has been transferred to the Welsh Ministers.”;

(c) yn is-adran (5), yn lle’r gair “thinks” rhodder “or the Welsh Ministers think”.

139 **Diddymu corfforaethau addysg uwch yng Nghymru**

(1) Mae adran 128 o Ddeddf Diwygio Addysg 1988 (p. 40) wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (1), yn is-baragraff (b)(iii), yn lle’r geiriau “the Higher Education Funding Council for Wales” rhodder “the Commission for Tertiary Education and Research (“the Commission”)”.

(3) Ar ôl is-adran (1) mewnosoder—

“(1A) An order under this section may be made only if—

- (a) the higher education corporation to be dissolved has requested that an order be made, or
- (b) if there has been no such request, the higher education corporation consents to an order being made.

(1B) But an order may be made as if consent had been given under subsection (1A)(b) if the Welsh Ministers consider that the higher education corporation—

- (a) has unreasonably withheld its consent, or
- (b) has unreasonably delayed in giving or withholding its consent.

(1C) An order under subsection (1)(b)—

- “(8) The Welsh Ministers may by order amend or repeal any of subsections (2) to (4) of this section.
- (9) Before making an order under subsection (8) the Welsh Ministers must consult—
 - (a) the Commission for Tertiary Education and Research, and
 - (b) any other persons they think appropriate.”
- (3) In section 232—
 - (a) in subsection (1), after the words “Secretary of State” insert “or the Welsh Ministers”;
 - (b) after subsection (4) insert—
 - “(4ZA) A statutory instrument containing any order or regulations made by the Welsh Ministers under this Act, other than an order under section 124A, 125, 214 or 216, shall be subject to annulment in pursuance of a resolution of Senedd Cymru.
 - (4ZB) A statutory instrument containing an order made by the Welsh Ministers under section 124A or 125 of this Act may not be made unless a draft of the instrument has been laid before, and approved by resolution of, Senedd Cymru.
 - (4ZC) For the purposes of subsection (4ZA) above, any order or regulations made by the Welsh Ministers under this Act includes any order or regulations made under a power that is expressed as a power of the Secretary of State and has been transferred to the Welsh Ministers.”;
 - (c) in subsection (5), for the word “thinks” substitute “or the Welsh Ministers think”.

139 Dissolution of higher education corporations in Wales

- (1) Section 128 of the Education Reform Act 1988 (c. 40) is amended as follows.
- (2) In subsection (1), in sub-paragraph (b)(iii), for the words “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research (“the Commission”)”.
- (3) After subsection (1) insert—
 - “(1A) An order under this section may be made only if—
 - (a) the higher education corporation to be dissolved has requested that an order be made, or
 - (b) if there has been no such request, the higher education corporation consents to an order being made.
 - (1B) But an order may be made as if consent had been given under subsection (1A)(b) if the Welsh Ministers consider that the higher education corporation—
 - (a) has unreasonably withheld its consent, or
 - (b) has unreasonably delayed in giving or withholding its consent.
 - (1C) An order under subsection (1)(b) —

- (a) may, in relation to any property or rights of the corporation transferred under the order, make provision about the effect of such transfer on any right of pre-emption, right of return or other similar right that may apply in respect of such property or rights (including provision about the calculation and payment of any just compensation);
 - (b) has effect in relation to property, rights or liabilities to which it applies in spite of any provision (of whatever nature) of any enactment or any rule of law, which would otherwise prevent, penalise or restrict the transfer of the property rights or liabilities."
- (4) Yn is-adran (4), ym mharagraff (b), yn lle'r geiriau "the Higher Education Funding Council for Wales" rhodder "the Commission".
- (5) Yn lle is-adran (5) rhodder –
- "(5) In this section –
 - "charitable purposes" has the meaning given by section 11 of the Charities Act 2011 (c. 25);
 - "right of return" means any right under a provision for the return or reversion of property in specified circumstances."
- (6) Ar ôl is-adran (6) mewnosoder –
- "(7) The Welsh Ministers must publish a statement setting out the circumstances in which they propose to exercise the power under this section to make an order.
 - (8) The Welsh Ministers –
 - (a) must keep the statement under review;
 - (b) may revise it.
 - (9) Before publishing the statement or a revised statement, the Welsh Ministers must consult such persons as they consider appropriate.
 - (10) As soon as possible after publishing the statement or revised statement, the Welsh Ministers must lay a copy of it before Senedd Cymru."

Ymgynghoriad ynghylch gwasanaethau gyrfaoedd

140 Dyletswydd i ymgynghori â'r Comisiwn ynghylch gwasanaethau gyrfaoedd

Yn Neddf Cyflogaeth a Hyfforddiant 1973 (p. 50), ar ôl adran 9 mewnosoder –

"9A Duty of Welsh Ministers to consult the Commission for Tertiary Education and Research

- (1) In each financial year the Welsh Ministers must consult the Commission for Tertiary Education and Research on strategic priorities in the next financial year for the performance of their duty in section 8 and the exercise of their power in section 9.

- (a) may, in relation to any property or rights of the corporation transferred under the order, make provision about the effect of such transfer on any right of pre-emption, right of return or other similar right that may apply in respect of such property or rights (including provision about the calculation and payment of any just compensation);
 - (b) has effect in relation to property, rights or liabilities to which it applies in spite of any provision (of whatever nature) of any enactment or any rule of law, which would otherwise prevent, penalise or restrict the transfer of the property rights or liabilities.”
- (4) In subsection (4), in paragraph (b), for the words “the Higher Education Funding Council for Wales” substitute “the Commission”.
- (5) For subsection (5), substitute –
- “(5) In this section –
 - “charitable purposes” has the meaning given by section 11 of the Charities Act 2011 (c. 25);
 - “right of return” means any right under a provision for the return or reversion of property in specified circumstances.”
- (6) After subsection (6), insert –
- “(7) The Welsh Ministers must publish a statement setting out the circumstances in which they propose to exercise the power under this section to make an order.
 - (8) The Welsh Ministers –
 - (a) must keep the statement under review;
 - (b) may revise it.
 - (9) Before publishing the statement or a revised statement, the Welsh Ministers must consult such persons as they consider appropriate.
 - (10) As soon as possible after publishing the statement or revised statement, the Welsh Ministers must lay a copy of it before Senedd Cymru.”

Consultation about careers services

140 Duty to consult the Commission on careers services

In the Employment and Training Act 1973 (c.50), after section 9 insert –

“9A Duty of Welsh Ministers to consult the Commission for Tertiary Education and Research

- (1) In each financial year the Welsh Ministers must consult the Commission for Tertiary Education and Research on strategic priorities in the next financial year for the performance of their duty in section 8 and the exercise of their power in section 9.

- (2) In this section, “financial year” means a period of 12 months ending on 31 March.”

Cyffredinol

141 Diogelu Data

- (1) Mae’r adran hon yn gymwys i ddyletswydd neu bŵer i ddatgelu neu ddefnyddio gwybodaeth pan osodir y ddyletswydd neu’r pŵer neu pan y’i rhoddir gan neu o dan unrhyw ddarpariaeth yn y Ddeddf hon.
- (2) Nid yw dyletswydd na phŵer y mae’r adran hon yn gymwys iddi neu iddo yn gweithredu i’w gwneud yn ofynnol, neu i awdurdodi, datgelu neu ddefnyddio gwybodaeth a fyddai’n torri’r ddeddfwriaeth diogelu data; ond mae’r ddyletswydd neu’r pŵer i’w hystyried neu ei ystyried wrth benderfynu a fyddai’r datgeliad neu’r defnydd yn torri’r ddeddfwriaeth honno.
- (3) Yn yr adran hon, mae i “deddfwriaeth diogelu data” yr un ystyr ag a roddir i “data protection legislation” yn Neddf Diogelu Data 2018 (gweler adran 3 o’r Ddeddf honno).

142 Cyhoeddi

- (1) Pan fo’r Ddeddf hon yn gosod dyletswydd i gyhoeddi unrhyw beth, rhaid iddo gael ei gyhoeddi –
 - (a) yn electronig, a
 - (b) mewn unrhyw fodd arall y mae’r person sy’n ddarostyngedig i’r ddyletswydd yn ystyried ei fod yn briodol.
- (2) Mae’r ddyletswydd i gyhoeddi yn electronig –
 - (a) yn ddyletswydd i ddarparu mynediad yn rhad ac am ddim, a
 - (b) yn ddyletswydd i gyhoeddi ar wefan y person, os oes gan y person un.
- (3) Caniateir i gopiâu o unrhyw beth a gyhoeddir o dan is-adran (1)(b) gael eu cyflenwi yn rhad ac am ddim neu ar ôl talu unrhyw ffi, nad yw’n fwy na chost cyflenwi’r copi, a benderfynir gan y person sy’n ddarostyngedig i’r ddyletswydd i gyhoeddi.

143 Rheoliadau

- (1) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon i’w arfer drwy offeryn statudol.
- (2) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon yn cynnwys pŵer i wneud –
 - (a) darpariaeth wahanol at ddibenion gwahanol neu ar gyfer ardaloedd gwahanol;
 - (b) darpariaeth gysylltiedig, darpariaeth atodol, darpariaeth ganlyniadol, darpariaeth ddarfodol, darpariaeth drosiannol neu ddarpariaeth arbed.
- (3) Ni chaniateir gwneud offeryn statudol y mae’r is-adran hon yn gymwys iddo oni bai bod drafft o’r offeryn wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad.
- (4) Mae is-adran (3) yn gymwys i offeryn statudol sy’n cynnwys rheoliadau o dan unrhyw un neu ragor o’r darpariaethau a ganlyn –
 - (a) o Ran 1, adran 22(1);

- (2) In this section, “financial year” means a period of 12 months ending on 31 March.”

General

141 Data Protection

- (1) This section applies to a duty or power to disclose or use information where the duty or power is imposed or conferred by or under any provision of this Act.
- (2) A duty or power to which this section applies does not operate to require or authorise the disclosure or use of information which would contravene the data protection legislation; but the duty or power is to be taken into account in determining whether the disclosure or use would contravene that legislation.
- (3) In this section, “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

142 Publication

- (1) Where this Act imposes a duty to publish anything, it must be published –
 - (a) electronically, and
 - (b) in such other manner as the person subject to the duty considers appropriate.
- (2) The duty to publish electronically is –
 - (a) a duty to provide access free of charge, and
 - (b) a duty to publish on the person’s own website, if the person has one.
- (3) Copies of anything published under subsection (1)(b) may be supplied free of charge or on payment of such fee, not exceeding the cost of supplying the copy, as the person subject to the duty to publish may determine.

143 Regulations

- (1) A power to make regulations under this Act is to be exercised by statutory instrument.
- (2) A power to make regulations under this Act includes power to make –
 - (a) different provision for different purposes or different areas;
 - (b) incidental, supplementary, consequential, transitory, transitional or saving provision.
- (3) A statutory instrument to which this subsection applies may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.
- (4) Subsection (3) applies to a statutory instrument containing regulations under any of the following provisions –
 - (a) from Part 1, section 22(1);

- (b) o Ran 2, adrannau 25(2), 27(6), 32(2)(b), 34, 41(2), 46(6), 80(1)(c) a (2) a 83(4);
 - (c) o Ran 3, adrannau 88(3), 94(4) a (7)(b), 98(2), 99(6), 104(5) a 105(4);
 - (d) o Ran 4, adrannau 111(4), 112(1)(c) a 113(1);
 - (e) o'r Rhan hon –
 - (i) adran 145;
 - (ii) adran 146, ond dim ond pan fo'r rheoliadau yn diwygio, yn diddymu neu fel arall yn addasu darpariaeth mewn Deddf gan Senedd y Deyrnas Unedig, Mesur gan Gynulliad Cenedlaethol Cymru neu Ddeddf gan Senedd Cymru.
- (5) Mae offeryn statudol sy'n cynnwys rheoliadau a wneir gan Weinidogion Cymru o dan y Ddeddf hon, nad yw is-adran (4) yn gymwys iddo, yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan Senedd Cymru.

144 Dehongli cyffredinol

- (1) Yn y Ddeddf hon –

ystyr “adnoddau ariannol” (*“financial resources”*) yw adnoddau ariannol o unrhyw fath gan gynnwys grantiau, benthyciadau a thaliadau eraill;

ystyr “addysg drydyddol” (*“tertiary education”*) yw addysg uwch, addysg bellach neu hyfforddiant;

ystyr “addysg drydyddol Gymreig” (*“Welsh tertiary education”*) yw addysg drydyddol –

- (a) a ddarperir gan, neu ar ran, darparwr addysg drydyddol yng Nghymru, neu
- (b) a gyllidir gan y Comisiwn neu a sicrheir fel arall ganddo;

ystyr “addysg uwch” (*“higher education”*) yw addysg a ddarperir drwy gyfrwng cwrs o unrhyw ddisgrifiad a grybwyllir yn Atodlen 6 i Ddeddf Diwygio Addysg 1988 (p. 40);

mae i “addysg uwchradd” yr ystyr a roddir i “secondary education” gan adran 2 o Ddeddf Addysg 1996 (p. 56);

mae i “anghenion dysgu ychwanegol” (*“additional learning needs”*) yr ystyr a roddir gan adran 2 o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (dccc 2);

ystyr “awdurdod lleol” (*“local authority”*) yw cyngor sir neu gyngor bwrdeistref sirol yng Nghymru;

ystyr “y Comisiwn” (*“the Commission”*) yw'r Comisiwn Addysg Drydyddol ac Ymchwil (gweler adran 1);

mae “corff llywodraethu” (*“governing body”*) i'w ddehongli fel a ganlyn –

- (a) mewn perthynas â darparwr hyfforddiant na fyddai, oni bai am yr adran hon, yn cael ei ystyried yn sefydliad, ei ystyr yw unrhyw bersonau sy'n gyfrifol am reoli'r darparwr;
- (b) mewn perthynas ag ysgol, ei ystyr yw perchennog yr ysgol o fewn yr ystyr a roddir i “proprietor” gan adran 579(1) o Ddeddf Addysg 1996 (p. 56);

- (b) from Part 2, sections 25(2), 27(6), 32(2)(b), 34, 41(2), 46(6), 80(1)(c) and (2) and 83(4);
 - (c) from Part 3, sections 88(3), 94(3) and (7)(b), 98(2), 99(6), 104(5) and 105(4);
 - (d) from Part 4, sections 111(4), 112(1)(c) and 113(1);
 - (e) from this Part –
 - (i) section 145;
 - (ii) section 146, but only where the regulations amend, repeal or otherwise modify a provision of an Act of Parliament, a Measure of the National Assembly for Wales or an Act of Senedd Cymru.
- (5) A statutory instrument containing regulations made by the Welsh Ministers under this Act to which subsection (4) does not apply is subject to annulment in pursuance of a resolution of Senedd Cymru.

144 General interpretation

- (1) In this Act –

“additional learning needs” (*“anghenion dysgu ychwanegol”*) has the meaning given by section 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2);

“additional learning provision” (*“darpariaeth ddysgu ychwanegol”*) has the meaning given by section 3 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2);

“the Commission” (*“y Comisiwn”*) means the Commission for Tertiary Education and Research (see section 1);

“facilities for Wales” (*“cyfleusterau i Gymru”*) includes –

- (a) facilities in Wales, and
- (b) other facilities available to persons ordinarily resident in Wales;

“financial resources” (*“adnoddau ariannol”*) means financial resources of any kind including grants, loans and other payments;

“functions” (*“swyddogaethau”*) means powers and duties;

“governing body” (*“corff llywodraethu”*) –

- (a) in relation to a training provider who but for this section would not be regarded as an institution, means any persons responsible for the provider’s management;
- (b) in relation to a school, means its proprietor within the meaning given by section 579(1) of the Education Act 1996 (c. 56);

- (c) mewn perthynas â darparwr a ddynodir o dan adran 83, ei ystyr yw unrhyw bersonau sy'n gyfrifol am reoli'r darparwr;
- (d) mewn perthynas ag unrhyw sefydliad arall, mae iddo'r ystyr a roddir i "governing body" gan adran 90(1) o Ddeddf Addysg Bellach ac Uwch 1992 (p. 13), ond yn ddarostyngedig i unrhyw ddarpariaeth a wneir yn rhinwedd adran 90(2) o'r Ddeddf honno;

mae "cyfleusterau i Gymru" ("*facilities for Wales*") yn cynnwys –

- (a) cyfleusterau yng Nghymru, a
- (b) cyfleusterau eraill sydd ar gael i bersonau sy'n preswyllo fel arfer yng Nghymru;

mae i "darpariaeth ddysgu ychwanegol" ("*additional learning provision*") yr ystyr a roddir gan adran 3 o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (dccc 2);

ystyr "darparwr addysg drydyddol yng Nghymru" ("*tertiary education provider in Wales*") yw sefydliad sy'n darparu addysg drydyddol, gan gynnwys addysg drydyddol a ddarperir ar ei ran, y cynhelir ei weithgareddau yn gyfan gwbl neu'n bennaf yng Nghymru;

ystyr "darparwr cofrestredig" ("*registered provider*") yw darparwr addysg drydyddol sydd wedi ei gofrestru yn y gofrestr; ac mae cyfeiriadau at "cofrestru" ("*registration*") i'w darllen yn unol â hynny;

ystyr "y gofrestr" ("*the register*") yw'r gofrestr a sefydlir ac a gynhelir o dan adran 25;

ystyr "hysbysiad" ("*notice*") yw hysbysiad ysgrifenedig;

mae "sefydliad" ("*institution*") yn cynnwys unrhyw ddarparwr hyfforddiant (pa un a fyddai'r darparwr hyfforddiant fel arall yn cael ei ystyried yn sefydliad ai peidio);

ystyr "swyddogaethau" ("*functions*") yw pwerau a dyletswyddau;

mae i "undeb llafur" yr ystyr a roddir i "trade union" gan Ddeddf yr Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992 (p. 52);

mae i "ysgol" yr ystyr a roddir i "school" gan adran 4 o Ddeddf Addysg 1996 (p. 56);

ystyr "ysgol a gynhelir" ("*maintained school*") yw ysgol gymunedol, ysgol sefydledig neu ysgol wirfoddol, neu ysgol arbennig gymunedol.

- (2) Mae cyfeiriadau yn y Ddeddf hon at addysg bellach yn gyfeiriadau at addysg (ac eithrio addysg uwch) sy'n addas i ofynion personau dros yr oedran ysgol gorfodol a gweithgaredd amser hamdden wedi ei drefnu sy'n gysylltiedig ag addysg o'r fath.
- (3) Yn unol â hynny, at ddibenion y Ddeddf hon, mae addysg bellach yn cynnwys addysg sy'n addas i ofynion disgyblion dros yr oedran ysgol gorfodol ond o dan 19 oed a ddarperir mewn ysgol y darperir addysg uwchradd ynddi hefyd.

- (c) in relation to a provider designated under section 83, means any persons responsible for the provider's management;
- (d) in relation to any other institution, has the meaning given by section 90(1) of the Further and Higher Education Act 1992 (c. 13), but subject to any provision made by virtue of section 90(2) of that Act;

"higher education" (*"addysg uwch"*) means education provided by means of a course of any description mentioned in Schedule 6 to the Education Reform Act 1988 (c. 40);

"institution" (*"sefydliad"*) includes any training provider (whether or not the training provider would otherwise be regarded as an institution);

"local authority" (*"awdurdod lleol"*) means the council of a county or county borough in Wales;

"maintained school" (*"ysgol a gynhelir"*) means a community, foundation or voluntary school, or a community special school;

"notice" (*"hysbysiad"*) means notice in writing;

"the register" (*"y gofrestr"*) means the register established and maintained under section 25;

"registered provider" (*"darparwr cofrestredig"*) means a tertiary education provider which is registered in the register; and references to "registration" (*"cofrestru"*) are to be read accordingly;

"school" (*"ysgol"*) has the meaning given by section 4 of the Education Act 1996 (c. 56);

"secondary education" (*"addysg uwchradd"*) has the meaning given by section 2 of the Education Act 1996 (c. 56);

"tertiary education" (*"addysg drydyddol"*) means higher education, further education or training;

"tertiary education provider in Wales" (*"darparwr addysg drydyddol yng Nghymru"*) means an institution providing tertiary education, including tertiary education provided on its behalf, whose activities are wholly or mainly carried on in Wales;

"trade union" has the meaning given by the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52);

"Welsh tertiary education" (*"addysg drydyddol Gymreig"*) means tertiary education—

- (a) provided by, or on behalf of, a tertiary education provider in Wales, or
 - (b) funded or otherwise secured by the Commission.
- (2) References in this Act to further education are to education (other than higher education) suitable to the requirements of persons who are over compulsory school age and organised leisure-time occupation connected with such education.
 - (3) Accordingly for the purposes of this Act, further education includes education suitable to the requirements of pupils over compulsory school age but under 19 which is provided at a school at which secondary education is also provided.

- (4) Mae cyfeiriadau yn y Ddeddf hon at hyfforddiant yn gyfeiriadau at hyfforddiant sy'n addas i ofynion personau dros yr oedran ysgol gorfodol a gweithgaredd amser hamdden wedi ei drefnu sy'n gysylltiedig â hyfforddiant o'r fath.
- (5) At ddibenion is-adrannau (2) a (4)–
- (a) mae addysg yn cynnwys addysg lawn-amser a rhan-amser;
 - (b) mae hyfforddiant yn cynnwys hyfforddiant llawn-amser a rhan-amser;
 - (c) mae hyfforddiant yn cynnwys hyfforddiant galwedigaethol, cymdeithasol, corfforol a hamdden.
- (6) Yn y Ddeddf hon –
- (a) mae cyfeiriadau at sefydliadau o fewn y sector addysg bellach yn gyfeiriadau at “institutions within the further education sector” sy'n dod o fewn adran 91(3) o Ddeddf Addysg Bellach ac Uwch 1992 (p. 13), a
 - (b) mae cyfeiriadau at sefydliadau o fewn y sector addysg uwch yn gyfeiriadau at “institutions within the higher education sector” sy'n dod o fewn adran 91(5) o Ddeddf Addysg Bellach ac Uwch 1992.
- (7) Mae is-adrannau (2) a (3) o adran 8 o Ddeddf Addysg 1996 (p. 56) yn gymwys i benderfynu, at ddibenion y Ddeddf hon, a yw person o'r oedran ysgol gorfodol, i'r graddau y mae'r adran honno yn gymwys o ran Cymru.
- (8) Mae cyfeiriadau yn y Ddeddf hon (sut bynnag y'u mynegir) at ddarparu addysg drydyddol gan, neu ar ran, darparwr addysg drydyddol yng Nghymru (gan gynnwys darparwr cofrestredig neu ddarparwr penodedig) yn cynnwys cyrsiau addysg drydyddol a ddarperir –
- (a) mewn un neu ragor o leoedd yng Nghymru neu mewn mannau eraill,
 - (b) drwy gyfrwng gohebiaeth, offer neu gyfleuster arall sy'n galluogi personau nad ydynt yn yr un lle (pa un ai yng Nghymru neu mewn mannau eraill) i gymryd rhan yn yr addysg drydyddol, neu
 - (c) drwy gyfuniad o'r ffyrdd a ddisgrifir ym mharagraffau (a) a (b).
- (9) Yn is-adran (1), ystyr “darparwr hyfforddiant” yw person sy'n darparu hyfforddiant ar gyfer aelodau o weithlu'r ysgol (o fewn yr ystyr a roddir i “member of the school workforce” gan adran 100 o Ddeddf Addysg 2005 (p. 18)).
- (10) At ddibenion y Ddeddf hon, mae addysg drydyddol a ddarperir y tu allan i Gymru i'w thrin fel pe bai wedi ei darparu yng Nghymru os y'i darperir fel rhan o gwrs a ddarperir yn bennaf yng Nghymru.

145 Pŵer i ddarparu i'r Brifysgol Agored gael ei thrin fel darparwr addysg drydyddol yng Nghymru

- (1) Caiff Gweinidogion Cymru, drwy reoliadau, ddarparu i'r Brifysgol Agored gael ei thrin fel darparwr addysg drydyddol yng Nghymru at ddiben unrhyw ddarpariaeth yn y Ddeddf hon, neu unrhyw ddarpariaeth a wneir odani.
- (2) Caiff rheoliadau o dan is-adran (1) addasu effaith darpariaeth yn y Ddeddf hon, neu ddarpariaeth a wneir odani, i'r graddau y mae'n gymwys i'r Brifysgol Agored, pa un ai fel darparwr addysg drydyddol yng Nghymru neu fel darparwr cofrestredig (os daw'n un).

- (4) References in this Act to training are to training suitable to the requirements of persons who are over compulsory school age and organised leisure-time occupation connected with such training.
- (5) For the purposes of subsections (2) and (4) –
 - (a) education includes both full-time and part-time education;
 - (b) training includes both full-time and part-time training;
 - (c) training includes vocational, social, physical and recreational training.
- (6) In this Act –
 - (a) references to institutions within the further education sector are references to institutions falling within section 91(3) of the Further and Higher Education Act 1992 (c. 13), and
 - (b) references to institutions within the higher education sector are references to institutions falling within section 91(5) of the Further and Higher Education Act 1992.
- (7) Subsections (2) and (3) of section 8 of the Education Act 1996 (c. 56) apply to determine, for the purposes of this Act, whether a person is of compulsory school age, so far as that section applies in relation to Wales.
- (8) References in this Act (however expressed) to the provision of tertiary education by, or on behalf of, a tertiary education provider in Wales (including a registered provider or specified provider) include courses of tertiary education provided –
 - (a) at one or more places in Wales or elsewhere,
 - (b) by means of correspondence, equipment or other facility that enables persons who are not in the same place (whether in Wales or elsewhere) to participate in the tertiary education, or
 - (c) by a combination of the ways described in paragraphs (a) and (b).
- (9) In subsection (1), “training provider” means a person who provides training for members of the school workforce (within the meaning given by section 100 of the Education Act 2005 (c. 18)).
- (10) For the purposes of this Act, tertiary education provided outside Wales is to be treated as provided in Wales if it is provided as part of a course that is provided mainly in Wales.

145 Power to provide for the Open University to be treated as a tertiary education provider in Wales

- (1) The Welsh Ministers may, by regulations, provide for the Open University to be treated as a tertiary education provider in Wales for the purpose of any provision in, or made under, this Act.
- (2) Regulations under subsection (1) may modify the effect of a provision in, or made under, this Act so far as it applies to the Open University, whether as a tertiary education provider in Wales or a registered provider (if it becomes one).

146 Pŵer i wneud darpariaeth ganlyniadol a darpariaeth drosiannol etc.

- (1) Os yw Gweinidogion Cymru yn ystyried ei bod yn briodol 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) darpariaeth atodol, darpariaeth gysylltiedig neu ddarpariaeth ganlyniadol;
 - (b) darpariaeth drosiannol, darpariaeth ddarfodol neu ddarpariaeth arbed.
- (2) Caiff rheoliadau o dan is-adran (1) ddiwygio, addasu, diddymu neu ddirymu unrhyw ddeddfiad (gan gynnwys deddfiad a gynhwysir yn y Ddeddf hon).

147 Mân ddiwygiadau a diwygiadau canlyniadol

Mae Atodlen 4 yn gwneud mân ddarpariaethau a darpariaethau o ganlyniad i'r Ddeddf hon.

148 Dod i rym

- (1) Daw'r darpariaethau a ganlyn o'r Ddeddf hon i rym drannoeth y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol –
 - (a) adrannau 143 i 146;
 - (b) yr adran hon;
 - (c) adran 149.
- (2) Daw darpariaethau eraill y Ddeddf hon i rym ar ddiwrnod a bennir gan Weinidogion Cymru mewn gorchymyn a wneir drwy offeryn statudol.
- (3) Caiff gorchymyn o dan is-adran (2) –
 - (a) pennu diwrnodau gwahanol at ddibenion gwahanol;
 - (b) gwneud darpariaeth ddarfodol, darpariaeth drosiannol neu ddarpariaeth arbed mewn cysylltiad â dod â darpariaeth i rym a ddygir i rym drwy'r gorchymyn.

149 Enw byr

- (1) Enw byr y Ddeddf hon yw Deddf Addysg Drydyddol ac Ymchwil (Cymru) 2022.
- (2) Mae'r Ddeddf hon i'w chynnwys yn y rhestr o Ddeddfau Addysg a nodir yn adran 578 o Ddeddf Addysg 1996 (p. 56).

146 Power to make consequential and transitional provision etc.

- (1) If the Welsh Ministers consider it appropriate for the purposes of, in consequence of, or for giving full effect to any provision of this Act, they may, by regulations, make –
 - (a) supplementary, incidental or consequential provision;
 - (b) transitional, transitory or saving provision.
- (2) Regulations under subsection (1) may amend, modify, repeal or revoke any enactment (including an enactment contained in this Act).

147 Minor and consequential amendments

Schedule 4 makes minor provision and provision in consequence of this Act.

148 Coming into force

- (1) The following provisions of this Act come into force on the day after the day on which this Act receives Royal Assent –
 - (a) sections 143 to 146;
 - (b) this section;
 - (c) section 149.
- (2) The other provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.
- (3) An order under subsection (2) may –
 - (a) appoint different days for different purposes;
 - (b) make transitory, transitional or saving provision in connection with the coming into force of a provision brought into force by the order.

149 Short title

- (1) The short title of this Act is the Tertiary Education and Research (Wales) Act 2022.
- (2) This Act is to be included in the list of Education Acts set out in section 578 of the Education Act 1996 (c. 56).

ATODLEN 1

(a gyflwynir gan adran 1)

Y COMISIWN ADDYSG DRYDYDDOL AC YMCHWIL

Status

- 1 Nid yw'r Comisiwn 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 (1) Aelodau'r Comisiwn yw –
- (a) y person a benodir gan Weinidogion Cymru i gadeirio'r Comisiwn ("y cadeirydd");
 - (b) y person a benodir gan Weinidogion Cymru yn gadeirydd y PYA o dan baragraff 12(1) sydd i fod yn ddirprwy gadeirydd y Comisiwn;
 - (c) o leiaf 4 a dim mwy na 14 o bersonau eraill a benodir gan Weinidogion Cymru o dan y paragraff hwn ("aelodau arferol");
 - (d) y person a benodir o dan baragraff 10 yn brif weithredwr y Comisiwn ("y prif weithredwr").
- (2) Wrth benodi'r cadeirydd a'r aelodau arferol rhaid i Weinidogion Cymru roi sylw i ddymunoldeb sicrhau bod gan aelodau'r Comisiwn (rhyngddynt) brofiad o'r canlynol, a'u bod wedi dangos gallu o ran y canlynol –
- (a) darparu addysg neu hyfforddiant;
 - (b) gwneud neu weinyddu ymchwil;
 - (c) materion diwydiannol, masnachol neu ariannol neu arfer unrhyw broffesiwn;
 - (d) hybu anghenion dysgwyr mewn addysg drydyddol.
 - (e) darparu addysg neu hyfforddiant drwy gyfrwng y Gymraeg neu hybu addysg neu hyfforddiant o'r fath.

Y cadeirydd a'r aelodau arferol

- 3 (1) Mae'r cadeirydd a'r aelodau arferol yn dal swydd ac yn ymadael â swydd yn unol â thelerau ac amodau eu penodiad.
- (2) Mae'r telerau a'r amodau hynny i'w penderfynu gan Weinidogion Cymru, yn ddarostyngedig i ddarpariaethau'r Atodlen hon.
- (3) Mae person wedi ei anghymhwysu rhag bod yn gadeirydd neu'n aelod arferol os yw'r person –
- (a) yn Aelod o'r Senedd;
 - (b) yn aelod o Dŷ'r Cyffredin;
 - (c) yn aelod o gorff llywodraethu darparwr addysg drydyddol yng Nghymru sy'n sefydliad o fewn y sector addysg bellach;

SCHEDULE 1
(introduced by section 1)

COMMISSION FOR TERTIARY EDUCATION AND RESEARCH

Status

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

Membership

- 2 (1) The members of the Commission are –
- (a) the person appointed by the Welsh Ministers to chair the Commission (“the chair”);
 - (b) the person appointed by the Welsh Ministers as the chair of the RIC under paragraph 12(1) who is to be the deputy chair of the Commission;
 - (c) at least 4 and no more than 14 other persons appointed by the Welsh Ministers under this paragraph (“ordinary members”);
 - (d) the person appointed under paragraph 10 as chief executive of the Commission (“the chief executive”).
- (2) In appointing the chair and ordinary members the Welsh Ministers must have regard to the desirability of the Commission’s members (between them) having experience of, and having shown capability in –
- (a) the provision of education or training;
 - (b) the carrying out or administration of research;
 - (c) industrial, commercial or financial matters or the practice of any profession;
 - (d) promoting the needs of learners in tertiary education.
 - (e) the provision of education or training through the medium of Welsh or the promotion of such education or training.

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 appointment.
- (2) Those terms and conditions are to be determined by the Welsh Ministers, subject to the provisions of this Schedule.
- (3) A person is disqualified from being the chair or an ordinary member if the person is –
- (a) a Member of the Senedd;
 - (b) a member of the House of Commons;
 - (c) a member of the governing body of a tertiary education provider in Wales that is an institution within the further education sector;

- (d) yn aelod o gorff llywodraethu darparwr addysg drydyddol yng Nghymru sy'n sefydliad o fewn y sector addysg uwch.
- (4) Mae person sy'n dod yn anghymwys yn peidio â dal swydd cadeirydd neu aelod arferol.
- (5) Mae'r cadeirydd ac aelodau arferol i'w penodi am gyfnod o hyd at 5 mlynedd.
- (6) Caniateir i berson sydd wedi dal swydd cadeirydd neu aelod arferol gael ei ailbenodi.
- (7) Caiff y cadeirydd neu aelod arferol ymddiswyddo o'i swydd drwy roi hysbysiad i Weinidogion Cymru ac i'r Comisiwn.
- (8) Caiff y Comisiwn, 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'r person hwnnw.
- (9) Caiff Gweinidogion Cymru drwy hysbysiad i'r cadeirydd, i'r dirprwy gadeirydd neu i aelod arferol ddiswyddo'r person hwnnw os ydynt wedi eu bodloni nad yw'r person yn gallu cyflawni swyddogaethau'r swydd, neu ei fod yn anaddas i'w cyflawni, neu ei fod fel arall yn methu â'u cyflawni.
- (10) Caiff Gweinidogion Cymru drwy hysbysiad i'r cadeirydd, i'r dirprwy gadeirydd neu i aelod arferol atal y person hwnnw dros dro o'i swydd, os yw'n ymddangos iddynt y gall fod sail dros arfer y pŵer yn is-baragraff (9).
- (11) Mae ataliad dros dro drwy hysbysiad o dan is-baragraff (10) yn cael effaith –
- am gyfnod a bennir yn yr hysbysiad, neu
 - os na phennir cyfnod yn yr hysbysiad, hyd nes y rhoddir hysbysiad pellach gan Weinidogion Cymru i'r person sydd wedi ei atal dros dro.
- (12) Mae person a ddiswyddwyd yn ddirprwy gadeirydd hefyd yn peidio â dal swydd cadeirydd y PYA.
- (13) Mae person sydd wedi ei atal dros dro o'i swydd fel dirprwy gadeirydd hefyd wedi ei atal dros dro o'i swydd fel cadeirydd y PYA.

Aelodaeth gyswllt

- 4 (1) Aelodau cyswllt y Comisiwn yw –
- o leiaf ddau berson a benodir gan Weinidogion Cymru yn unol â pharagraff 5 i gynrychioli'r gweithlu addysg drydyddol ehangach ("aelodau cyswllt y gweithlu"), pan fo o leiaf un wedi ei benodi i gynrychioli'r gweithlu addysg drydyddol academaidd ac o leiaf un wedi ei benodi i gynrychioli'r gweithlu addysg drydyddol anacademaidd;
 - pan fo un neu ragor o undebau llafur wedi eu cydnabod gan y Comisiwn, berson a benodir yn unol â pharagraff 6 i gynrychioli staff y Comisiwn ("aelod cyswllt staff y Comisiwn");
 - o leiaf un person a benodir gan Weinidogion Cymru yn unol â pharagraff 7 i gynrychioli dysgwyr mewn addysg drydyddol ("aelod cyswllt y dysgwyr").
- (2) Yn y paragraff hwn a pharagraff 6, mae i "cydnabod", mewn perthynas ag undeb llafur, yr ystyr a roddir i "recognised" gan Ddeddf yr Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992.

- (d) a member of the governing body of a tertiary education provider in Wales that is an institution within the higher education sector.
- (4) A person who becomes disqualified ceases to hold office as the chair or as an ordinary member.
 - (5) The chair and ordinary members are to be appointed for a term of up to 5 years.
 - (6) A person who has held office as the chair or as an ordinary member may be reappointed.
 - (7) The chair or an ordinary member may resign from office by giving notice to the Welsh Ministers and to the Commission.
 - (8) The Commission 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.
 - (9) The Welsh Ministers may by notice to the chair, the deputy chair or an ordinary member remove that person 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.
 - (10) The Welsh Ministers may by notice to the chair, the deputy chair or an ordinary member suspend that person from office, if it appears to them that there may be grounds to exercise the power in sub-paragraph (9).
 - (11) A suspension by notice under sub-paragraph (10) has effect—
 - (a) for a period specified in the notice, or
 - (b) if no period is specified in the notice, until further notice by the Welsh Ministers to the person suspended.
 - (12) A person removed from office as the deputy chair also ceases to hold office as the chair of the RIC.
 - (13) A person suspended from office as the deputy chair is also suspended from office as the chair of the RIC.

Associate membership

- 4 (1) The associate members of the Commission are—
- (a) at least two persons appointed by the Welsh Ministers in accordance with paragraph 5 to represent the wider tertiary education workforce (“associate workforce members”), where at least one is appointed to represent the academic tertiary education workforce and at least one is appointed to represent the non-academic tertiary education workforce;
 - (b) where one or more trade unions are recognised by the Commission, a person appointed in accordance with paragraph 6 to represent the staff of the Commission (“associate Commission staff member”);
 - (c) at least one person appointed by the Welsh Ministers in accordance with paragraph 7 to represent learners in tertiary education (“associate learner member”).
- (2) In this paragraph and paragraph 6, “recognised”, in relation to a trade union, has the meaning given by the Trade Union and Labour Relations (Consolidation) Act 1992.

Penodi aelodau cyswllt y gweithlu

- 5 (1) Rhaid i Weinidogion Cymru gyhoeddi –
- (a) rhestr o un neu ragor o undebau llafur at ddiben penodi aelodau cyswllt y gweithlu i gynrychioli'r gweithlu addysg drydyddol academaidd, a
 - (b) rhestr o un neu ragor o undebau llafur at ddiben penodi aelodau cyswllt y gweithlu i gynrychioli'r gweithlu addysg drydyddol anacademaidd.
- (2) Cyn cyhoeddi rhestr (gan gynnwys rhestr sy'n disodli rhestr arall) o dan is-baragraff (1), rhaid i Weinidogion Cymru ymgynghori –
- (a) â'r Comisiwn, a
 - (b) ag unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.
- (3) Mae is-baragraff (4) yn gymwys os nad oes neb yn dal swydd aelod cyswllt y gweithlu i gynrychioli'r gweithlu addysg drydyddol academaidd.
- (4) Rhaid i Weinidogion Cymru wahodd pob un o'r undebau llafur ar y rhestr a gyhoeddwyd yn fwyaf diweddar o dan is-baragraff (1)(a) i enwebu ymgeisydd cymwys i'w benodi'n aelod cyswllt y gweithlu i gynrychioli'r gweithlu addysg drydyddol academaidd.
- (5) Mae is-baragraff (6) yn gymwys os nad oes neb yn dal swydd aelod cyswllt y gweithlu i gynrychioli'r gweithlu addysg drydyddol anacademaidd.
- (6) Rhaid i Weinidogion Cymru wahodd pob un o'r undebau llafur ar y rhestr a gyhoeddwyd yn fwyaf diweddar o dan is-baragraff (1)(b) i enwebu ymgeisydd cymwys i'w benodi'n aelod cyswllt y gweithlu i gynrychioli'r gweithlu addysg drydyddol anacademaidd.
- (7) Rhaid i Weinidogion Cymru bennu'r cyfnod y mae enwebiad o dan is-baragraff (4) neu (6) i'w wneud ynddo.
- (8) Rhaid i Weinidogion Cymru benodi o leiaf un person, o blith yr ymgeiswyr cymwys a enwebir yn ystod y cyfnod a bennir o dan is-baragraff (7), yn aelod cyswllt y gweithlu i gynrychioli'r gweithlu addysg drydyddol academaidd.
- (9) Rhaid i Weinidogion Cymru benodi o leiaf un person, o blith yr ymgeiswyr cymwys a enwebir yn ystod y cyfnod a bennir o dan is-baragraff (7), yn aelod cyswllt y gweithlu i gynrychioli'r gweithlu addysg drydyddol anacademaidd.
- (10) Nid yw person yn ymgeisydd cymwys i'w benodi'n aelod cyswllt y gweithlu i gynrychioli'r gweithlu addysg drydyddol academaidd ond os yw'r person –
- (a) wedi ei gyflogi gan berson sy'n darparu addysg drydyddol yng Nghymru, a
 - (b) yn aelod o undeb llafur ar y rhestr a gyhoeddwyd yn fwyaf diweddar o dan is-baragraff (1)(a).
- (11) Nid yw person yn ymgeisydd cymwys i'w benodi'n aelod cyswllt y gweithlu i gynrychioli'r gweithlu addysg drydyddol anacademaidd ond os yw'r person –
- (a) wedi ei gyflogi gan berson sy'n darparu addysg drydyddol yng Nghymru, a
 - (b) yn aelod o undeb llafur ar y rhestr a gyhoeddwyd yn fwyaf diweddar o dan is-baragraff (1)(b).

Penodi aelod cyswllt staff y Comisiwn

- 6 (1) Mae is-baragraff (2) yn gymwys pan –

Appointment of associate workforce members

- 5 (1) The Welsh Ministers must publish –
- (a) a list of one or more trade unions for the purpose of appointing associate workforce members to represent the academic tertiary education workforce, and
 - (b) a list of one or more trade unions for the purpose of appointing associate workforce members to represent the non-academic tertiary education workforce.
- (2) Before publishing a list (including a replacement list) under sub-paragraph (1), the Welsh Ministers must consult –
- (a) the Commission, and
 - (b) such other persons as they consider appropriate.
- (3) Sub-paragraph (4) applies if no-one holds the position of associate workforce member to represent the academic tertiary education workforce.
- (4) The Welsh Ministers must invite each of the trade unions on the most recently published list under sub-paragraph (1)(a) to nominate an eligible candidate for appointment as an associate workforce member to represent the academic tertiary education workforce.
- (5) Sub-paragraph (6) applies if no-one holds the position of associate workforce member to represent the non-academic tertiary education workforce.
- (6) The Welsh Ministers must invite each of the trade unions on the most recently published list under sub-paragraph (1)(b) to nominate an eligible candidate for appointment as an associate workforce member to represent the non-academic tertiary education workforce.
- (7) The Welsh Ministers must specify the period within which a nomination under sub-paragraph (4) or (6) is to be made.
- (8) The Welsh Ministers must appoint at least one person, from among the eligible candidates nominated during the period specified under sub-paragraph (7), as an associate workforce member to represent the academic tertiary education workforce.
- (9) The Welsh Ministers must appoint at least one person, from among the eligible candidates nominated during the period specified under sub-paragraph (7), as an associate workforce member to represent the non-academic tertiary education workforce.
- (10) A person is an eligible candidate for appointment as an associate workforce member to represent the academic tertiary education workforce only if the person is –
- (a) employed by a person who provides tertiary education in Wales, and
 - (b) a member of a trade union on the most recently published list under sub-paragraph (1)(a).
- (11) A person is an eligible candidate for appointment as an associate workforce member to represent the non-academic tertiary education workforce only if the person is –
- (a) employed by a person who provides tertiary education in Wales, and
 - (b) a member of a trade union on the most recently published list under sub-paragraph (1)(b).

Appointment of associate Commission staff member

- 6 (1) Sub-paragraph (2) applies where –

- (a) bo un neu ragor o undebau llafur wedi eu cydnabod gan y Comisiwn, a
 - (b) bo swydd aelod cyswllt staff y Comisiwn yn wag.
- (2) Rhaid i bwyllgor penodi aelod y staff (gweler paragraff 11(5)) wahodd pob un o'r undebau llafur a gydnabyddir gan y Comisiwn i enwebu ymgeisydd cymwys i'w benodi'n aelod cyswllt staff y Comisiwn.
 - (3) Rhaid i bwyllgor penodi aelod y staff bennu'r cyfnod y mae enwebiad i'w wneud ynddo.
 - (4) Rhaid i bwyllgor penodi aelod y staff benodi person, o blith yr ymgeiswyr cymwys a enwebir yn ystod y cyfnod a bennir o dan is-baragraff (3), yn aelod cyswllt staff y Comisiwn.
 - (5) Nid yw person yn ymgeisydd cymwys i'w benodi'n aelod cyswllt staff y Comisiwn ond os yw'r person—
 - (a) wedi ei gyflogi gan y Comisiwn, a
 - (b) yn aelod o undeb llafur a gydnabyddir gan y Comisiwn.

Penodi aelod cyswllt y dysgwyr

- 7 (1) Rhaid i Weinidogion Cymru gyhoeddi rhestr o un neu ragor o gyrff (pa un a ydynt yn gorfforedig neu'n anghorfforedig) y mae'n ymddangos iddynt eu bod yn cynrychioli buddiannau dysgwyr sy'n ymgymryd ag addysg drydyddol yng Nghymru at ddiben penodi aelod cyswllt y dysgwyr.
- (2) Cyn cyhoeddi rhestr (gan gynnwys rhestr sy'n disodli rhestr arall) o dan is-baragraff (1), rhaid i Weinidogion Cymru ymgynghori—
 - (a) â'r Comisiwn, a
 - (b) ag unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.
- (3) Mae is-baragraff (4) yn gymwys os nad oes neb yn dal swydd aelod cyswllt y dysgwyr.
- (4) Rhaid i Weinidogion Cymru wahodd pob un o'r gyrff ar y rhestr a gyhoeddwyd yn fwyaf diweddar o dan is-baragraff (1) i enwebu ymgeisydd cymwys i'w benodi'n aelod cyswllt y dysgwyr.
- (5) Rhaid i Weinidogion Cymru bennu'r cyfnod y mae enwebiad o dan is-baragraff (4) i'w wneud ynddo.
- (6) Rhaid i Weinidogion Cymru benodi person, o blith yr ymgeiswyr cymwys a enwebir yn ystod y cyfnod a bennir o dan is-baragraff (5), yn aelod cyswllt y dysgwyr.
- (7) Nid yw person yn ymgeisydd cymwys i'w benodi'n aelod cyswllt y dysgwyr ond os yw'r person—
 - (a) wedi bod yn ddysgwr a oedd yn ymgymryd ag addysg drydyddol ar unrhyw adeg yn ystod y cyfnod o 3 blynedd sy'n dod i ben ar ddiwrnod y penodiad, a
 - (b) yn dal swydd neu unrhyw fath o aelodaeth o gorff ar y rhestr a gyhoeddwyd yn fwyaf diweddar o dan is-baragraff (1).

Telerau aelodaeth gyswllt etc.

- 8 (1) Nid yw aelod cyswllt yn gymwys i bleidleisio yn unrhyw drafodion gan y Comisiwn.

- (a) one or more trade unions are recognised by the Commission, and
 - (b) the position of associate Commission staff member is unoccupied.
- (2) The staff member appointment committee (see paragraph 11(5)) must invite each of the trade unions recognised by the Commission to nominate an eligible candidate for appointment as the associate Commission staff member.
- (3) The staff member appointment committee must specify the period within which a nomination is to be made.
- (4) The staff member appointment committee must appoint a person, from among the eligible candidates nominated during the period specified under sub-paragraph (3), as the associate Commission staff member.
- (5) A person is an eligible candidate for appointment as the associate Commission staff member only if the person is—
 - (a) employed by the Commission, and
 - (b) a member of a trade union recognised by the Commission.

Appointment of associate learner member

- 7
- (1) The Welsh Ministers must publish a list of one or more bodies (whether corporate or unincorporate) appearing to them to represent the interests of learners undertaking tertiary education in Wales for the purpose of appointing the associate learner member.
 - (2) Before publishing a list (including a replacement list) under sub-paragraph (1), the Welsh Ministers must consult—
 - (a) the Commission, and
 - (b) such other persons as they consider appropriate.
 - (3) Sub-paragraph (4) applies if no-one holds the position of associate learner member.
 - (4) The Welsh Ministers must invite each of the bodies on the list most recently published under sub-paragraph (1) to nominate an eligible candidate for appointment as the associate learner member.
 - (5) The Welsh Ministers must specify the period within which a nomination under sub-paragraph (4) is to be made.
 - (6) The Welsh Ministers must appoint a person, from among the eligible candidates nominated during the period specified under sub-paragraph (5), as the associate learner member.
 - (7) A person is an eligible candidate for appointment as an associate learner member only if—
 - (a) the person has been a learner undertaking tertiary education at any time during the period of 3 years ending on the day of the appointment, and
 - (b) the person holds an office or any form of membership of a body on the list most recently published under sub-paragraph (1).

Terms of associate membership etc.

- 8
- (1) An associate member is not eligible to vote in any proceedings of the Commission.

- (2) Mae aelod cyswllt y gweithlu ac aelod cyswllt y dysgwyr yn dal swydd ac yn ymadael â swydd yn unol â thelerau ac amodau ei benodiad.
- (3) Mae'r telerau a'r amodau hynny i'w penderfynu gan Weinidogion Cymru, yn ddarostyngedig i ddarpariaethau'r Atodlen hon.
- (4) Mae aelod cyswllt staff y Comisiwn yn dal swydd ac yn ymadael â swydd yn unol â thelerau ac amodau ei benodiad.
- (5) Mae'r telerau a'r amodau hynny i'w penderfynu gan bwyllgor penodi aelod y staff, yn ddarostyngedig i ddarpariaethau'r Atodlen hon.
- (6) Ni chaiff cyfnod y swydd a bennir yn nhelerau penodiad aelod cyswllt fod yn hwy na 4 blynedd.
- (7) Caniateir i berson sydd wedi dal swydd fel aelod cyswllt gael ei ailbenodi'n aelod cyswllt (ac mae is-baragraff (6) yn gymwys mewn perthynas â'r penodiad).
- (8) Caiff aelod cyswllt y gweithlu ac aelod cyswllt y dysgwyr ymddiswyddo drwy roi hysbysiad i Weinidogion Cymru ac i'r cadeirydd.
- (9) Caiff aelod cyswllt staff y Comisiwn ymddiswyddo drwy roi hysbysiad i bwyllgor penodi aelod y staff.
- (10) Caiff y Comisiwn, gyda chymeradwyaeth Gweinidogion Cymru, dalu treuliau a lwfansau i aelod cyswllt.

Diswyddo aelod cyswllt

- 9 (1) Caiff y penderfynwr perthnasol drwy hysbysiad i aelod cyswllt ddiswyddo'r person hwnnw, os yw wedi ei fodloni nad yw'r person yn gallu cyflawni swyddogaethau'r swydd, neu ei fod yn anaddas i'w cyflawni, neu ei fod fel arall yn methu â'u cyflawni.
- (2) Caiff y penderfynwr perthnasol drwy hysbysiad i aelod cyswllt atal y person hwnnw dros dro o'i swydd, os yw'n ymddangos i'r penderfynwr perthnasol y gall fod sail dros arfer y pŵer yn is-baragraff (1).
- (3) Mae ataliad dros dro drwy hysbysiad o dan is-baragraff (2) yn cael effaith –
 - (a) am gyfnod a bennir yn yr hysbysiad, neu
 - (b) os na phennir cyfnod yn yr hysbysiad, hyd nes y rhoddir hysbysiad pellach gan y penderfynwr perthnasol i'r person sydd wedi ei atal dros dro.
- (4) Yn y paragraff hwn, "y penderfynwr perthnasol" yw –
 - (a) Gweinidogion Cymru, pan fo'r aelod cyswllt yn aelod cyswllt y gweithlu neu'n aelod cyswllt y dysgwyr;
 - (b) pwyllgor penodi aelod y staff, pan fo'r aelod cyswllt yn aelod cyswllt staff y Comisiwn.
- (5) Mae aelod cyswllt yn peidio â dal swydd os yw'r aelod yn peidio â bod yn ymgeisydd cymwys i'w benodi i'r math o aelodaeth gyswllt y'i penodwyd iddo (gweler paragraff 5(10) ac (11), paragraff 6(5) a paragraff 7(7)).

- (2) An associate workforce member and an associate learner member hold and vacate office in accordance with the terms and conditions of their appointment.
- (3) Those terms and conditions are to be determined by the Welsh Ministers, subject to the provisions of this Schedule.
- (4) An associate Commission staff member holds and vacates office in accordance with the terms and conditions of their appointment.
- (5) Those terms and conditions are to be determined by the staff member appointment committee, subject to the provisions of this Schedule.
- (6) The period of office specified in an associate member's terms of appointment may not exceed 4 years.
- (7) A person who has held office as an associate member may be reappointed as an associate member (and sub-paragraph (6) applies in relation to the appointment).
- (8) An associate workforce member and an associate learner member may resign from office by giving notice to the Welsh Ministers and the chair.
- (9) An associate Commission staff member may resign from office by giving notice to the staff member appointment committee.
- (10) The Commission may, with the approval of the Welsh Ministers, pay an associate member expenses and allowances.

Removal of associate member from office

- 9 (1) The relevant decision maker may by notice to an associate member remove that person 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.
- (2) The relevant decision maker may by notice to an associate member suspend that person from office, if it appears to the relevant decision maker that there may be grounds to exercise the power in sub-paragraph (1).
- (3) A suspension by notice under sub-paragraph (2) has effect –
 - (a) for a period specified in the notice, or
 - (b) if no period is specified in the notice, until further notice by the relevant decision maker to the person suspended.
- (4) In this paragraph, the “relevant decision maker” is –
 - (a) the Welsh Ministers, where the associate member is an associate workforce member or an associate learner member;
 - (b) the staff member appointment committee, where the associate member is an associate Commission staff member.
- (5) An associate member ceases to hold office if the member ceases to be an eligible candidate for appointment to the type of associate membership to which they were appointed (see paragraph 5(10) and (11), paragraph 6(5) and paragraph 7(7)).

Y prif weithredwr a staff eraill

- 10 (1) Mae'r person cyntaf a benodir yn brif weithredwr y Comisiwn i'w benodi gan Weinidogion Cymru—
- (a) ar unrhyw delerau ac amodau (gan gynnwys amodau o ran tâl, lwfansau a phensiwn) a benderfynir gan Weinidogion Cymru, a
 - (b) am gyfnod o hyd at 4 blynedd.
- (2) Y Comisiwn sydd i benodi (neu ailbenodi) person yn brif weithredwr wedi hynny, gyda chymeradwyaeth Gweinidogion Cymru.
- (3) Ni chaniateir i berson gael ei benodi yn brif weithredwr os yw'r person—
- (a) yn Aelod o'r Senedd;
 - (b) yn aelod o Dŷ'r Cyffredin;
 - (c) yn aelod o gorff llywodraethu darparwr addysg drydyddol yng Nghymru sy'n sefydliad o fewn y sector addysg bellach;
 - (d) yn aelod o gorff llywodraethu darparwr addysg drydyddol yng Nghymru sy'n sefydliad o fewn y sector addysg uwch.
- (4) Mae'r prif weithredwr yn aelod o staff y Comisiwn.
- (5) Caiff y Comisiwn benodi aelodau eraill o staff.
- (6) Ac eithrio mewn perthynas â'r person cyntaf a benodir yn brif weithredwr o dan is-baragraff (1), mae'r canlynol i'w benderfynu gan y Comisiwn, gyda chymeradwyaeth Gweinidogion Cymru—
- (a) telerau ac amodau ei staff (gan gynnwys tâl a lwfansau);
 - (b) talu neu wneud darpariaeth ar gyfer talu pensiwn i aelod o'i staff neu gyn-aelod o'i staff, neu mewn cysylltiad ag ef.
- (7) Nid yw gwasanaeth fel aelod o staff y Comisiwn yn wasanaeth yng ngwasanaeth sifil y Wladwriaeth.

Y Pwyllgor Ymchwil ac Arloesi, y Pwyllgor Ansawdd a phwyllgorau eraill

- 11 (1) Bydd gan y Comisiwn bwyllgor o'r enw y Pwyllgor Ymchwil ac Arloesi ("y PYA") at ddiben cynghori'r Comisiwn ar faterion sy'n ymwneud ag ymchwil ac arloesi.
- (2) Am ddarpariaeth o ran cadeirydd y PYA, gweler paragraff 12.
- (3) Rhaid i'r Comisiwn sefydlu pwyllgor ("y Pwyllgor Ansawdd") at ddiben cynghori'r Comisiwn ar ansawdd yr holl addysg drydyddol a gyllidir gan y Comisiwn neu a sicrheir fel arall ganddo.
- (4) Rhaid i'r Comisiwn benodi un o'i aelodau arferol i gadeirio cyfarfodydd y Pwyllgor Ansawdd.
- (5) Rhaid i'r Comisiwn sefydlu pwyllgor sydd wedi ei gyfansoddi o'r cadeirydd a'r aelodau arferol i fod yn bwyllgor penodi aelod y staff.
- (6) Caiff y Comisiwn sefydlu pwyllgorau eraill.
- (7) Caiff y PYA, y Pwyllgor Ansawdd neu bwyllgor arall a sefydlir o dan is-baragraff (6)—

Chief executive and other staff

- 10 (1) The first person appointed as chief executive of the Commission 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 4 years.
- (2) Subsequent appointments (or reappointments) of a person as chief executive are to be made by the Commission, with the approval of the Welsh Ministers.
- (3) A person may not be appointed as chief executive if the person is –
- (a) a Member of the Senedd;
 - (b) a member of the House of Commons;
 - (c) a member of the governing body of a tertiary education provider in Wales that is an institution within the further education sector;
 - (d) a member of the governing body of a tertiary education provider in Wales that is an institution within the higher education sector.
- (4) The chief executive is a member of the Commission’s staff.
- (5) The Commission may appoint other members of staff.
- (6) Except in relation to the first person appointed as chief executive under sub-paragraph (1), the following are to be determined by the Commission, 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 its staff.
- (7) Service as a member of the Commission’s staff is not service in the civil service of the State.

Research and Innovation Committee, Quality Committee and other committees

- 11 (1) The Commission is to have a committee known as the Research and Innovation Committee (“the RIC”) for the purpose of advising the Commission on matters relating to research and innovation.
- (2) For provision as to the chair of the RIC, see paragraph 12.
- (3) The Commission must establish a committee (“the Quality Committee”) for the purpose of advising the Commission on the quality of all tertiary education funded or otherwise secured by the Commission.
- (4) The Commission must appoint one of its ordinary members to chair meetings of the Quality Committee.
- (5) The Commission must establish a committee composed of the chair and the ordinary members to be the staff member appointment committee.
- (6) The Commission may establish other committees.
- (7) The RIC, the Quality Committee or other committee established under sub-paragraph (6) may –

- (a) sefydlu is-bwyllgorau;
 - (b) diddymu is-bwyllgorau a sefydlir ganddo.
- (8) Caiff y Comisiwn hefyd ddiddymu is-bwyllgorau a sefydlir o dan is-baragraff (7).
- (9) Caiff aelodau'r PYA, y Pwyllgor Ansawdd neu bwyllgor arall a sefydlir o dan is-baragraff (6) neu is-bwyllgor a sefydlir o dan is-baragraff (7) gynnwys personau nad ydynt yn aelodau o'r Comisiwn.
- (10) Caiff y Comisiwn dalu tâl a lwfansau i unrhyw berson –
- (a) sy'n aelod o'r PYA, y Pwyllgor Ansawdd neu bwyllgor arall a sefydlir o dan is-baragraff (6) neu is-bwyllgor a sefydlir o dan is-baragraff (7), ond
 - (b) nad yw'n aelod o'r Comisiwn nac yn aelod o'i staff.

Cadeirydd y PYA

- 12 (1) Rhaid i Weinidogion Cymru benodi person i gadeirio'r PYA ("cadeirydd y PYA").
- (2) Mae cadeirydd y PYA yn dal swydd ac yn ymadael â swydd yn unol â thelerau ac amodau'r penodiad.
- (3) Mae'r telerau a'r amodau hynny i'w penderfynu gan Weinidogion Cymru, yn ddarostyngedig i ddarpariaethau'r Atodlen hon.
- (4) Mae person wedi ei anghymhwysu rhag bod yn gadeirydd y PYA os yw'r person –
- (a) yn Aelod o'r Senedd;
 - (b) yn aelod o Dŷ'r Cyffredin;
 - (c) yn aelod o gorff llywodraethu darparwr addysg drydyddol yng Nghymru sy'n sefydliad o fewn y sector addysg bellach;
 - (d) yn aelod o gorff llywodraethu darparwr addysg drydyddol yng Nghymru sy'n sefydliad o fewn y sector addysg uwch.
- (5) Mae person sy'n dod yn anghymwys yn peidio â dal swydd cadeirydd y PYA.
- (6) Mae cadeirydd y PYA i'w benodi am gyfnod o hyd at 5 mlynedd.
- (7) Caniateir i berson sydd wedi dal swydd cadeirydd y PYA gael ei ailbenodi.
- (8) Caiff cadeirydd y PYA ymddiswyddo o'i swydd ar unrhyw adeg drwy roi hysbysiad i Weinidogion Cymru ac i'r Comisiwn.
- (9) Caiff y Comisiwn, gyda chymeradwyaeth Gweinidogion Cymru, dalu neu wneud darpariaeth ar gyfer talu tâl, lwfansau a phensiwn i berson sy'n gadeirydd y PYA neu sydd wedi bod yn gadeirydd y PYA, neu mewn cysylltiad â'r person hwnnw.
- (10) Caiff Gweinidogion Cymru, drwy hysbysiad i gadeirydd y PYA, ddiswyddo'r cadeirydd os ydynt wedi eu bodloni nad yw'r cadeirydd yn gallu cyflawni swyddogaethau'r swydd, neu ei fod yn anaddas i'w cyflawni, neu ei fod fel arall yn methu â'u cyflawni.
- (11) Caiff Gweinidogion Cymru, drwy hysbysiad i gadeirydd y PYA, atal y cadeirydd dros dro o'i swydd os yw'n ymddangos iddynt y gall fod sail dros arfer y pŵer yn is-baragraff (10).
- (12) Mae ataliad dros dro drwy hysbysiad o dan is-baragraff (11) yn cael effaith –

- (a) establish sub-committees;
 - (b) dissolve sub-committees established by it.
- (8) The Commission may also dissolve sub-committees established under sub-paragraph (7).
- (9) The members of the RIC, the Quality Committee or other committee established under sub-paragraph (6) or a sub-committee established under sub-paragraph (7) may include persons who are not members of the Commission.
- (10) The Commission may pay remuneration and allowances to any person who –
- (a) is a member of the RIC, the Quality Committee or other committee established under sub-paragraph (6) or a sub-committee established under sub-paragraph (7), but
 - (b) is not a member of the Commission or a member of its staff.

Chair of the RIC

- 12 (1) The Welsh Ministers must appoint a person to chair the RIC (“the chair of the RIC”).
- (2) The chair of the RIC holds and vacates office in accordance with the terms and conditions of the appointment.
- (3) Those terms and conditions are to be determined by the Welsh Ministers, subject to the provisions of this Schedule.
- (4) A person is disqualified from being the chair of the RIC if the person is –
- (a) a Member of the Senedd;
 - (b) a member of the House of Commons;
 - (c) a member of the governing body of a tertiary education provider in Wales that is an institution within the further education sector;
 - (d) a member of the governing body of a tertiary education provider in Wales that is an institution within the higher education sector.
- (5) A person who becomes disqualified ceases to hold office as the chair of the RIC.
- (6) The chair of the RIC is to be appointed for a term of up to 5 years.
- (7) A person who has held office as the chair of the RIC may be reappointed.
- (8) The chair of the RIC may resign from office at any time by giving notice to the Welsh Ministers and to the Commission.
- (9) The Commission 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 of the RIC.
- (10) The Welsh Ministers may, by notice to the chair of the RIC, remove the chair from office if they are satisfied that the chair is unable or unfit to carry out the functions of office, or is otherwise failing to do so.
- (11) The Welsh Ministers may, by notice to the chair of the RIC, suspend the chair from office if it appears to them that there may be grounds to exercise the power in sub-paragraph (10).
- (12) A suspension by notice under sub-paragraph (11) has effect –

- (a) am gyfnod a bennir yn yr hysbysiad, neu
 - (b) os na phennir cyfnod yn yr hysbysiad, hyd nes y rhoddir hysbysiad pellach gan Weinidogion Cymru i'r cadeirydd.
- (13) Mae person sy'n peidio â dal swydd cadeirydd y PYA hefyd yn peidio â dal swydd dirprwy gadeirydd y Comisiwn.
- (14) Mae person sydd wedi ei atal dros dro o'i swydd fel cadeirydd y PYA hefyd wedi ei atal dros dro o'i swydd fel dirprwy gadeirydd y Comisiwn.

Cyd-bwyllgorau

- 13 (1) Caiff y Comisiwn, mewn cysylltiad ag arfer ei swyddogaethau, sefydlu pwyllgor ar y cyd ag unrhyw berson.
- (2) Yn yr Atodlen hon, cyfeirir at bwyllgor sydd wedi ei sefydlu o dan o baragraff hwn fel "cyd-bwyllgor".
- (3) Caiff y Comisiwn dalu tâl a lwfansau i unrhyw berson –
- (a) sy'n aelod o gyd-bwyllgor, ond
 - (b) nad yw'n aelod o'r Comisiwn nac yn aelod o'i staff.

Dyletswydd i sicrhau gwerth da

- 14 Rhaid i'r Comisiwn roi sylw i'r angen i sicrhau gwerth da mewn perthynas ag adnoddau ariannol a ddarperir o gronfeydd cyhoeddus.

Cyfrifon ac archwilio

- 15 (1) Rhaid i'r Comisiwn –
- (a) cadw cyfrifon priodol a chofnodion priodol mewn perthynas â hwy, a
 - (b) llunio datganiad o gyfrifon mewn cysylltiad â phob blwyddyn ariannol yn unol â chyfarwyddydau a roddir gan Weinidogion Cymru.
- (2) Caiff y cyfarwyddydau wneud darpariaeth o ran –
- (a) yr wybodaeth sydd i'w chynnwys yn y datganiad;
 - (b) y modd y mae'r wybodaeth i'w chyflwyno;
 - (c) y dulliau a'r egwyddorion y mae'r datganiad i'w lunio yn unol â hwy;
 - (d) gwybodaeth ychwanegol sydd i fynd gyda'r datganiad.
- (3) Heb fod yn hwyrach na 31 Awst ar ôl diwedd pob blwyddyn ariannol, rhaid i'r Comisiwn gyflwyno ei ddatganiad o gyfrifon –
- (a) i Archwilydd Cyffredinol Cymru, a
 - (b) i Weinidogion Cymru.
- (4) Rhaid i Archwilydd Cyffredinol Cymru archwilio'r datganiad o gyfrifon, ei ardystio ac adrodd arno.
- (5) Rhaid i Archwilydd Cyffredinol Cymru, cyn i'r cyfnod o 4 mis ddod i ben, osod gerbron Senedd Cymru –

- (a) for a period specified in the notice, or
 - (b) if no period is specified in the notice, until further notice by the Welsh Ministers to the chair.
- (13) A person who ceases to hold office as the chair of the RIC also ceases to hold office as the deputy chair of the Commission.
- (14) A person suspended from office as chair of the RIC is also suspended from office as the deputy chair of the Commission.

Joint committees

- 13 (1) The Commission 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) The Commission may pay remuneration and allowances to any person who –
- (a) is a member of a joint committee, but
 - (b) is not a member of the Commission or a member of its staff.

Duty to ensure good value

- 14 The Commission must have regard to the need to ensure good value in relation to financial resources provided out of public funds.

Accounts and audit

- 15 (1) The Commission must –
- (a) keep proper accounts and proper records in relation to them, and
 - (b) prepare a statement of accounts in respect of each financial year in accordance with directions given by the Welsh Ministers.
- (2) 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) additional information that is to accompany the statement.
- (3) No later than 31 August after the end of each financial year the Commission must submit its statement of accounts to –
- (a) the Auditor General for Wales, and
 - (b) the Welsh Ministers.
- (4) The Auditor General for Wales must examine, certify and report on the statement of accounts.
- (5) The Auditor General for Wales must, before the expiry of the 4-month period, lay before Senedd Cymru –

- (a) copi o'r datganiad ardystiedig a'r adroddiad, neu
 - (b) os nad yw'n rhesymol ymarferol gwneud hynny, ddatganiad i'r perwyl hwnnw, y mae rhaid iddo gynnwys rhesymau o ran pam y mae hyn yn wir.
- (6) Pan fo datganiad wedi ei osod o dan is-baragraff (5)(b), rhaid i'r Archwilydd Cyffredinol osod copi o'r datganiad ardystiedig a'r adroddiad gerbron Senedd Cymru cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r cyfnod o 4 mis ddod i ben.
- (7) Yn is-baragraffau (5) a (6), ystyr "y cyfnod o 4 mis" yw'r cyfnod o 4 mis sy'n dechrau â'r diwrnod y mae'r datganiad o gyfrifon yn cael ei gyflwyno i Archwilydd Cyffredinol Cymru o dan is-baragraff (3).

Adroddiadau blynyddol

- 16 (1) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd pob blwyddyn ariannol, rhaid i'r Comisiwn lunio adroddiad ("yr adroddiad blynyddol") sy'n –
- (a) rhoi manylion am sut y mae'r Comisiwn wedi arfer ei swyddogaethau yn ystod y flwyddyn;
 - (b) esbonio'r cynnydd y mae'r Comisiwn wedi ei wneud yn ystod y flwyddyn tuag at weithredu ei gynllun strategol sydd wedi ei gymeradwyo o dan adran 15 a'r graddau y mae'r hyn y mae wedi ei wneud yn ystod y flwyddyn wedi ymdrin â blaenoriaethau strategol Gweinidogion Cymru a nodir yn y datganiad a gyhoeddir o dan adran 13;
 - (c) rhoi manylion am y materion a ganlyn ar gyfer y cyfnod adrodd am addysg Gymraeg, ac sy'n esbonio sut y maent yn cymharu â'r manylion am y materion hynny ar gyfer y 12 mis cyn y cyfnod hwnnw –
 - (i) y graddau y darparwyd addysg drydyddol yng Nghymru drwy gyfrwng y Gymraeg, a
 - (ii) y graddau yr addysgwyd y Gymraeg i bersonau a oedd dros yr oedran ysgol gorfodol yng Nghymru;
 - (d) rhoi asesiad o ansawdd addysg drydyddol y mae'n ofynnol i'r Comisiwn ei fonitro gan adran 51;
 - (e) cynnwys yr wybodaeth sy'n ofynnol gan adran 80(3) (gwybodaeth am gynaliadwyedd ariannol);
 - (f) cynnwys yr wybodaeth sy'n ofynnol gan adran 107(3) (monitro cyllid ar gyfer ymchwil ac arloesi);
 - (g) cynnwys yr wybodaeth sy'n ofynnol gan adran 126(9) (effeithiolrwydd cynlluniau diogelu dysgwyr);
 - (h) cynnwys yr wybodaeth sy'n ofynnol gan adran 129(8) (effeithiolrwydd y Cod Ymgysylltu â Dysgwyr);
 - (i) rhoi manylion am sut y mae corff a ddynodir o dan Atodlen 3 wedi arfer ei swyddogaethau yn ystod y flwyddyn academiaidd.
- (2) Yn is-baragraff (1)(c), ystyr "cyfnod adrodd am addysg Gymraeg" yw'r cyfnod diweddaraf o 12 mis sy'n gorffen ar 31 Awst y mae gwybodaeth am y materion a nodir yn is-baragraff (1)(c)(i) a (ii) ar gael i'r Comisiwn mewn cysylltiad ag ef.

- (a) a copy of the certified statement and report, or
 - (b) if it is not reasonably practicable to do so, a statement to that effect, which must include reasons as to why this is the case.
- (6) Where a statement has been laid under sub-paragraph (5)(b), the Auditor General must lay a copy of the certified statement and report before Senedd Cymru as soon as reasonably practicable after the expiry of the 4-month period.
- (7) In sub-paragraphs (5) and (6), “the 4-month period” means the period of 4 months beginning with the day on which the statement of accounts is submitted to the Auditor General for Wales under sub-paragraph (3).

Annual reports

- 16 (1) As soon as reasonably practicable after the end of each financial year the Commission must prepare a report (“the annual report”) that—
- (a) gives details of how the Commission has exercised its functions during the year;
 - (b) explains the progress the Commission has made during the year towards implementing its strategic plan approved under section 15 and the extent to which what it has done during the year has addressed the Welsh Ministers’ strategic priorities set out in the statement published under section 13;
 - (c) gives details of the following matters for the Welsh education reporting period, and explains how they compare with the details of those matters for the 12 months preceding that period—
 - (i) the extent to which tertiary education in Wales was provided through the medium of Welsh, and
 - (ii) the extent to which Welsh was taught to persons over compulsory school age in Wales;
 - (d) gives an assessment of the quality of tertiary education the Commission is required to monitor by section 51;
 - (e) includes the information required by section 80(3) (information about financial sustainability);
 - (f) includes the information required by section 107(3) (monitoring of funding for research and innovation);
 - (g) includes the information required by section 126(9) (effectiveness of learner protection plans);
 - (h) includes the information required by section 129(8) (effectiveness of Learner Engagement Code);
 - (i) gives details of how a body designated under Schedule 3 has exercised its functions during the academic year.
- (2) In sub-paragraph (1)(c), “Welsh education reporting period” means the most recent period of 12 months ending on 31 August in respect of which information about the matters set out in sub-paragraph (1)(c)(i) and (ii) is available to the Commission.

- (3) Caiff yr adroddiad blynyddol gynnwys unrhyw wybodaeth arall y mae'r Comisiwn yn ystyried ei bod yn briodol.
- (4) Cyn gynted â phosibl ar ôl llunio'r adroddiad, rhaid i'r Comisiwn anfon copi at Weinidogion Cymru.
- (5) Cyn gynted â phosibl ar ôl cael yr adroddiad blynyddol, rhaid i Weinidogion Cymru osod copi ohono gerbron Senedd Cymru.

Ystyr "blwyddyn ariannol" a "blwyddyn academiaidd"

- 17 (1) Ym mharagraffau 15 a 16, ystyr "blwyddyn ariannol" yw –
- (a) y cyfnod sy'n dechrau ar y diwrnod y daw adran 1 i rym ac sy'n gorffen ar y 31 Mawrth dilynol;
 - (b) wedi hynny, pob cyfnod dilynol o 12 mis.
- (2) Ym mharagraff 16, ystyr "blwyddyn academiaidd" yw'r cyfnod o 12 mis sy'n gorffen ar 31 Awst yn y flwyddyn ariannol.

Dirprwyo gan y Comisiwn

- 18 (1) Caiff y Comisiwn ddirprwyo unrhyw un neu ragor o'i swyddogaethau –
- (a) i aelod o'r Comisiwn neu aelod o'i staff;
 - (b) i'r PYA, y Pwyllgor Ansawdd neu bwyllgor arall a sefydlir gan y Comisiwn o dan baragraff 11(6), neu is-bwyllgor a sefydlir o dan baragraff 11(7);
 - (c) i gyd-bwyllgor.
- (2) Mae swyddogaeth wedi ei dirprwyo o dan y paragraff hwn i'r graddau ac ar y telerau a benderfynir gan y Comisiwn.
- (3) Nid yw dirprwyo swyddogaeth yn effeithio –
- (a) ar allu'r Comisiwn i arfer y swyddogaeth;
 - (b) ar gyfrifoldeb y Comisiwn am arfer y swyddogaeth.

Dirprwyo gan bwyllgorau

- 19 (1) Caiff y PYA, y Pwyllgor Ansawdd neu bwyllgor arall a sefydlir o dan baragraff 11(6) 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 a benderfynir gan y pwyllgor sy'n dirprwyo'r swyddogaeth.

Trafodion

- 20 (1) Caiff y Comisiwn benderfynu ei weithdrefn ei hunan (gan gynnwys cworwm) a gweithdrefn ei bwyllgorau a'i is-bwyllgorau.
- (2) Nid yw'r materion a ganlyn yn effeithio ar ddilysrwydd trafodion y Comisiwn, na thrafodion ei bwyllgorau neu ei is-bwyllgorau, na thrafodion cyd-bwyllgor –
- (a) swydd wag nac ataliad dros dro;
 - (b) penodiad diffygiol.

- (3) The annual report may include any other information the Commission considers appropriate.
- (4) As soon as possible after the report is prepared the Commission must send a copy to the Welsh Ministers.
- (5) As soon as possible after receiving the annual report the Welsh Ministers must lay a copy of it before Senedd Cymru.

Meaning of “financial year” and “academic year”

- 17 (1) In paragraphs 15 and 16 “financial year” means –
- (a) the period beginning on the day on which section 1 comes into force and ending on the following 31 March;
 - (b) subsequently, each successive period of 12 months.
- (2) In paragraph 16 “academic year” means the period of 12 months ending on 31 August in the financial year.

Delegation by the Commission

- 18 (1) The Commission may delegate any of its functions to –
- (a) a member of the Commission or a member of its staff;
 - (b) the RIC, the Quality Committee or other committee established by the Commission under paragraph 11(6), or a sub-committee established under paragraph 11(7);
 - (c) a joint committee.
- (2) A function is delegated under this paragraph to the extent and on the terms that the Commission determines.
- (3) The delegation of a function does not affect –
- (a) the Commission’s ability to exercise the function;
 - (b) the Commission’s responsibility for the exercise of the function.

Delegation by committees

- 19 (1) The RIC, the Quality Committee or other committee established under paragraph 11(6) 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 delegating the function determines.

Proceedings

- 20 (1) The Commission may determine its own procedure (including quorum) and that of its committees and sub-committees.
- (2) The validity of proceedings of the Commission, of its committees or sub-committees, or of a joint committee, is not affected by –
- (a) a vacancy or suspension;
 - (b) a defective appointment.

- (3) Ni chaiff person sydd wedi ei atal dros dro o'i swydd o dan yr Atodlen hon gymryd rhan yn nhrafodion y Comisiwn, na thrafodion ei bwyllgorau neu ei is-bwyllgorau, na thrafodion cyd-bwyllgor yn ystod y cyfnod y mae'r ataliad dros dro yn cael effaith.

Cofrestr buddiannau

- 21 (1) Rhaid i'r Comisiwn sefydlu a chynnal cofrestr o fuddiannau ei aelodau.
(2) Rhaid i'r Comisiwn gyhoeddi cofnodion a gofnodir yng nghofrestr buddiannau'r aelodau.

Pwerau atodol

- 22 (1) Caiff y Comisiwn wneud unrhyw beth y mae'n ystyried ei fod –
(a) yn briodol at ddibenion ei swyddogaethau neu mewn cysylltiad â hwy, neu
(b) yn gysylltiedig ag arfer y swyddogaethau hynny neu'n ffafriol i'w harfer.
- (2) Caiff yr Comisiwn (ymhlith pethau eraill) –
(a) caffael neu waredu tir neu eiddo arall;
(b) ymrwymo i gontractau;
(c) buddsoddi symiau;
(d) derbyn rhoddion o arian, tir neu eiddo arall.
- (3) Ond ni chaiff y Comisiwn gael benthyg arian heb gymeradwyaeth Gweinidogion Cymru.

- (3) A person suspended from office under this Schedule may not take part in proceedings of the Commission, of its committees or sub-committees, or of a joint committee during the period in which the suspension has effect.

Register of interests

- 21 (1) The Commission must establish and maintain a register of its members' interests.
- (2) The Commission must publish entries recorded in the register of members' interests.

Supplementary powers

- 22 (1) The Commission may do anything that it considers –
 - (a) appropriate for the purposes of, or in connection with, its functions, or
 - (b) incidental or conducive to the exercise of those functions.
- (2) The Commission may (among other things) –
 - (a) acquire or dispose of land or other property;
 - (b) enter into contracts;
 - (c) invest sums;
 - (d) accept gifts of money, land or other property.
- (3) But the Commission may not borrow money without the approval of the Welsh Ministers.

ATODLEN 2

(a gyflwynir gan adran 24)

TROSGLWYDDO EIDDO A STAFF I'R COMISIWN

Pŵer i wneud cynlluniau trosglwyddo

- 1 (1) Caiff Gweinidogion Cymru wneud un neu ragor o gynlluniau sy'n darparu –
 - (a) i staff Cyngor Cyllido Addysg Uwch Cymru neu staff Llywodraeth Cymru ddod yn aelodau o staff y Comisiwn;
 - (b) ar gyfer trosglwyddo eiddo, hawliau ac atebolrwyddau Cyngor Cyllido Addysg Uwch Cymru neu Weinidogion Cymru i'r Comisiwn.
- (2) Mae'r pethau y caniateir eu trosglwyddo o dan gynllun o dan yr Atodlen hon ("cynllun trosglwyddo") yn cynnwys –
 - (a) eiddo, hawliau ac atebolrwyddau na ellid eu trosglwyddo fel arall;
 - (b) eiddo a gaffaelir, a hawliau ac atebolrwyddau sy'n codi, ar ôl i'r cynllun gael ei wneud;
 - (c) atebolrwyddau troseddol.
- (3) Caiff cynllun trosglwyddo wneud darpariaeth ganlyniadol, darpariaeth atodol, darpariaeth gysylltiedig, darpariaeth drosiannol neu ddarpariaeth ddarfodol, er enghraifft er mwyn –
 - (a) creu hawliau, neu osod atebolrwyddau, 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 perchnogaeth eiddo neu ddefnydd ohono;
 - (e) gwneud darpariaeth i gyfeiriadau at Gyngor Cyllido Addysg Uwch Cymru, Llywodraeth Cymru neu Weinidogion Cymru mewn offeryn neu ddogfen arall mewn cysylltiad ag unrhyw beth a drosglwyddir gael eu trin fel pe baent yn gyfeiriadau at y Comisiwn;
 - (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 trosglwyddiad.

Addasu cynlluniau trosglwyddo

- 2 (1) Caiff Gweinidogion Cymru addasu cynllun trosglwyddo.
- (2) Ond os yw trosglwyddiad o dan y cynllun wedi cymryd effaith, ni chaiff unrhyw addasiad sy'n ymwneud â'r trosglwyddiad gael ei wneud ond gyda chytundeb y person (neu'r personau) y mae'r addasiad yn effeithio arno (neu arnynt).

SCHEDULE 2
(introduced by section 24)

TRANSFERS OF PROPERTY AND STAFF TO THE COMMISSION

Power to make transfer schemes

- 1 (1) The Welsh Ministers may make one or more schemes providing for –
- (a) staff of the Higher Education Funding Council for Wales or the Welsh Government to become members of staff of the Commission;
 - (b) the transfer of property, rights and liabilities of the Higher Education Funding Council for Wales or the Welsh Ministers to the Commission.
- (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;
 - (c) criminal liabilities.
- (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 Higher Education Funding Council for Wales, the Welsh Government or the Welsh Ministers in an instrument or other document in respect of anything transferred to be treated as references to the Commission;
 - (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.

Modification of transfer schemes

- 2 (1) The Welsh Ministers may modify a transfer scheme.
- (2) But if a transfer under the scheme has taken effect, any modification that relates to the transfer may be made only with the agreement of the person (or persons) affected by the modification.

- (3) Mae addasiad yn cymryd effaith o'r dyddiad y daeth y cynllun gwreiddiol yn effeithiol neu unrhyw ddyddiad diweddarach a bennir gan Weinidogion Cymru.

Dyletswydd i osod cynlluniau trosglwyddo gerbron Senedd Cymru

- 3 Rhaid i Weinidogion Cymru osod copi o gynllun trosglwyddo a wneir o dan yr Atodlen hon gerbron Senedd Cymru.

Dehongli

- 4 (1) At ddibenion yr Atodlen hon—

- (a) mae unigolyn sydd â chyflogaeth yn y gwasanaeth sifil i'w drin fel pe bai wedi ei gyflogi yn rhinwedd contract cyflogaeth, a
- (b) mae telerau cyflogaeth yr unigolyn yn y gwasanaeth sifil i'w hystyried fel pe baent yn ffurfio telerau'r contract cyflogaeth.

- (2) Yn yr Atodlen hon—

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

ystyr "rheoliadau TUPE" ("*TUPE regulations*") yw Rheoliadau Trosglwyddo Ymgymeriadau (Diogelu Cyflogaeth) 2006 (O.S. 2006/246);

mae cyfeiriadau at hawliau ac atebolrwyddau yn cynnwys hawliau ac atebolrwyddau sy'n ymwneud â chontract cyflogaeth;

mae cyfeiriadau at drosglwyddo eiddo yn cynnwys rhoi les.

- (3) A modification takes effect from the date when the original scheme came into effect or such later date as the Welsh Ministers may specify.

Duty to lay transfer schemes before Senedd Cymru

- 3 The Welsh Ministers must lay a copy of a transfer scheme made under this Schedule before Senedd Cymru.

Interpretation

- 4 (1) 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.
- (2) In this Schedule—
- “civil service” (*“gwasanaeth sifil”*) means the civil service of the State;
 - “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.

ATODLEN 3
(a gyflwynir gan adran 56)

ASESU ADDYSG UWCH: CORFF DYNODEDIG

RHAN 1

DYNODIAD

Dynodiad

- 1 (1) Caiff y Comisiwn ddynodi corff i arfer ei swyddogaethau asesu.
- (2) Ni chaiff y Comisiwn ddynodi corff o dan is-baragraff (1) ond os yw'n ystyried –
 - (a) bod y corff yn addas i arfer y swyddogaethau asesu, a
 - (b) y byddai dynodi'r corff yn briodol er mwyn sicrhau bod ansawdd addysg uwch a ddarperir gan ddarparwyr addysg drydyddol yng Nghymru yn cael ei asesu'n effeithiol.
- (3) Cyn dynodi corff, rhaid i'r Comisiwn –
 - (a) cael cydsyniad Gweinidogion Cymru, a
 - (b) ymgynghori –
 - (i) â phob darparwr cofrestredig sy'n darparu addysg uwch, a
 - (ii) ag unrhyw bersonau eraill y mae'n ystyried eu bod yn briodol.
- (4) Os yw'r Comisiwn yn penderfynu dynodi corff o dan is-baragraff (1), rhaid iddo –
 - (a) hysbysu'r corff am y dynodiad cyn y dyddiad y mae'r dynodiad yn cymryd effaith ("y dyddiad effeithiol"), a
 - (b) cyhoeddi hysbysiad o'r dynodiad cyn y dyddiad hwnnw.
- (5) Rhaid i'r hysbysiad o'r dynodiad ddatgan –
 - (a) enw'r corff, a
 - (b) y dyddiad effeithiol.
- (6) Os nad yw Gweinidogion Cymru yn rhoi eu cydsyniad o dan is-baragraff (3)(a), rhaid iddynt gyhoeddi'r rhesymau dros beidio â gwneud hynny.

Cyrff sy'n addas i arfer swyddogaethau asesu

- 2 (1) Mae corff yn addas i arfer y swyddogaethau asesu os yw'r corff yn bodloni'r amodau yn is-baragraff (2).
- (2) Yr amodau yw –
 - (a) bod y corff yn gallu arfer y swyddogaethau asesu mewn modd effeithiol,
 - (b) bod y personau sy'n penderfynu blaenoriaethau strategol y corff yn cynrychioli ystod eang o ddarparwyr cofrestredig sy'n darparu addysg uwch,
 - (c) bod gan ddarparwyr cofrestredig sy'n darparu addysg uwch ffydd yn y corff,

SCHEDULE 3
(introduced by section 56)

ASSESSING HIGHER EDUCATION: DESIGNATED BODY

PART 1

DESIGNATION

Designation

- 1 (1) The Commission may designate a body to exercise its assessment functions.
- (2) The Commission may designate a body under sub-paragraph (1) only if it considers that—
 - (a) the body is suitable to exercise the assessment functions, and
 - (b) designating the body would be appropriate for securing the effective assessment of the quality of higher education provided by tertiary education providers in Wales.
- (3) Before designating a body, the Commission must—
 - (a) obtain the consent of the Welsh Ministers, and
 - (b) consult—
 - (i) each registered provider providing higher education, and
 - (ii) such other persons as it considers appropriate.
- (4) If the Commission decides to designate a body under sub-paragraph (1) it must—
 - (a) notify the body of the designation before the date on which the designation takes effect (“the effective date”), and
 - (b) publish notice of the designation before that date.
- (5) The notice of the designation must state—
 - (a) the name of the body, and
 - (b) the effective date.
- (6) If the Welsh Ministers do not give their consent under sub-paragraph (3)(a), they must publish the reasons for not doing so.

Bodies suitable to exercise assessment functions

- 2 (1) A body is suitable to exercise the assessment functions if the body satisfies the conditions in sub-paragraph (2).
- (2) The conditions are—
 - (a) that the body is capable of exercising the assessment functions in an effective manner,
 - (b) the persons who determine the strategic priorities of the body represent a broad range of registered providers providing higher education,
 - (c) the body commands the confidence of registered providers providing higher education,

- (d) bod y corff yn arfer ei swyddogaethau yn annibynnol ar unrhyw ddarparwr addysg uwch penodol, ac
- (e) bod y corff yn cydsynio i gael ei ddynodi o dan yr Atodlen hon.

Dileu dynodiad

- 3 (1) Caiff y Comisiwn drwy hysbysiad ddileu dynodiad o dan yr Atodlen hon.
- (2) Rhaid i'r hysbysiad—
- (a) cynnwys y rhesymau dros benderfyniad y Comisiwn, a
 - (b) pennu'r dyddiad y caiff y dynodiad ei ddileu.
- (3) Ni chaiff y Comisiwn ddileu dynodiad ond—
- (a) os yw'r Comisiwn wedi ei fodloni y byddai dileu'r dynodiad yn briodol er mwyn sicrhau bod ansawdd addysg uwch a ddarperir gan ddarparwyr addysg drydyddol yng Nghymru yn cael ei asesu'n effeithiol, neu
 - (b) os yw'r corff dynodedig yn cydsynio i'r dynodiad gael ei ddileu.
- (4) Oni bai bod is-baragraff (3)(b) yn gymwys, rhaid i'r Comisiwn, cyn dileu'r dynodiad—
- (a) cael cydsyniad Gweinidogion Cymru, a
 - (b) ymgynghori—
 - (i) â phob darparwr cofrestredig sy'n darparu addysg uwch, ac
 - (ii) ag unrhyw bersonau eraill y mae'n ystyried eu bod yn briodol.
- (5) Rhaid i'r Comisiwn gyhoeddi hysbysiad o dan y paragraff hwn.
- (6) Os nad yw Gweinidogion Cymru yn rhoi eu cydsyniad o dan is-baragraff (4)(a), rhaid iddynt gyhoeddi'r rhesymau dros beidio â gwneud hynny.

RHAN 2

GORUCHWYLIAETH GAN Y COMISIWN

Cymhwyso

- 4 Mae'r Rhan hon yn gymwys os oes corff a ddynodir o dan yr Atodlen hon i arfer y swyddogaethau asesu.

Pŵer i ddarparu cyllid

- 5 Caiff y Comisiwn ddarparu cyllid i'r corff dynodedig er mwyn arfer y swyddogaethau asesu.

Trefniadau goruchwylio

- 6 Rhaid i'r Comisiwn wneud trefniadau er mwyn dwyn y corff dynodedig i gyfrif am arfer y swyddogaethau asesu.

- (d) the body exercises its functions independent of any particular higher education provider, and
- (e) the body consents to being designated under this Schedule.

Removal of designation

- 3 (1) The Commission may by notice remove a designation under this Schedule.
- (2) The notice must –
- (a) include the reasons for the Commission’s decision, and
 - (b) specify the date on which the designation is removed.
- (3) The Commission may remove a designation only if –
- (a) the Commission is satisfied that removing the designation would be appropriate for securing the effective assessment of the quality of higher education provided by tertiary education providers in Wales, or
 - (b) the designated body consents to the removal of the designation.
- (4) Unless sub-paragraph (3)(b) applies, the Commission must, before removing the designation –
- (a) obtain the consent of the Welsh Ministers, and
 - (b) consult –
 - (i) each registered provider providing higher education, and
 - (ii) such other persons as it considers appropriate.
- (5) The Commission must publish a notice under this paragraph.
- (6) If the Welsh Ministers do not give their consent under sub-paragraph (4)(a), they must publish the reasons for not doing so.

PART 2

OVERSIGHT BY THE COMMISSION

Application

- 4 This Part applies if there is a body designated under this Schedule to exercise the assessment functions.

Power to provide funding

- 5 The Commission may provide funding to the designated body for exercising the assessment functions.

Oversight arrangements

- 6 The Commission must make arrangements for holding the designated body to account for the exercise of the assessment functions.

Adroddiad blynyddol gan y corff dynodedig

- 7 (1) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd pob cyfnod adrodd blynyddol, rhaid i'r corff dynodedig lunio adroddiad am arfer y swyddogaethau asesu yn ystod y cyfnod a'i anfon i'r Comisiwn.
- (2) Ystyr "cyfnod adrodd blynyddol", mewn perthynas â chorff dynodedig, yw –
- y cyfnod o 12 mis sy'n dechrau â'r dyddiad effeithiol, a
 - pob cyfnod dilynol o 12 mis.

Pŵer y Comisiwn i roi cyfarwyddydau

- 8 (1) Caiff y Comisiwn roi cyfarwyddydau cyffredinol i'r corff dynodedig ynghylch arfer y swyddogaethau asesu.
- (2) Wrth roi'r cyfarwyddydau hynny, rhaid i'r Comisiwn roi sylw i'r angen i ddiogelu –
- arbenigedd y corff dynodedig, a
 - gallu'r corff dynodedig i wneud, neu i wneud trefniadau ar gyfer gwneud, asesiad diduedd o ansawdd yr addysg uwch a ddarperir gan ddarparwr addysg drydyddol.
- (3) Rhaid i'r cyfarwyddydau ymwneud –
- â darparwyr addysg drydyddol yng Nghymru sy'n darparu addysg uwch neu ddarparwyr cofrestredig sy'n darparu addysg uwch yn gyffredinol, neu
 - â disgrifiad o'r darparwyr hynny.
- (4) Rhaid i'r corff dynodedig gydymffurfio ag unrhyw gyfarwyddydau a roddir o dan y paragraff hwn.

Dyletswydd y Comisiwn i roi gwybod i Weinidogion Cymru am bryderon sylweddol

- 9 Rhaid i'r Comisiwn roi gwybod i Weinidogion Cymru os oes ganddo bryderon sylweddol ynghylch –
- sut y mae'r corff dynodedig yn arfer y swyddogaethau asesu, neu
 - addasrwydd parhaus y corff dynodedig i arfer y swyddogaethau hynny.

RHAN 3

PŴER I GODI FFI OEDD

- 10 (1) Caiff y corff dynodedig godi ffi, neu ffioedd, ar unrhyw ddarparwr addysg drydyddol y mae'r corff yn arfer y swyddogaethau asesu mewn perthynas ag ef.
- (2) Rhaid i unrhyw ffioedd a godir gan y corff dynodedig o dan is-baragraff (1) gael eu codi yn unol â chynllun a lunnir ac a gyhoeddir gan y corff dynodedig sy'n nodi –
- y ffioedd a godir gan y corff o dan is-baragraff (1), a
 - y sail y cyfrifir y ffioedd hynny arni.
- (3) Caniateir i swm y ffi sy'n daladwy gan unrhyw ddarparwr addysg drydyddol o dan is-baragraff (1) gael ei gyfrifo drwy gyfeirio at gostau yr aed iddynt, neu yr eir iddynt, gan y corff wrth arfer unrhyw un neu ragor o'i swyddogaethau o dan y Ddeddf hon –

Annual report by the designated body

- 7 (1) As soon as reasonably practicable after the end of each annual reporting period, the designated body must prepare and send to the Commission a report about the exercise of the assessment functions during the period.
- (2) “Annual reporting period”, in relation to a designated body, means –
- (a) the period of 12 months beginning with the effective date, and
 - (b) each successive period of 12 months.

Power of the Commission to give directions

- 8 (1) The Commission may give the designated body general directions about the exercise of the assessment functions.
- (2) In giving such directions, the Commission must have regard to the need to protect –
- (a) the expertise of the designated body, and
 - (b) the designated body’s ability to make, or make arrangements for, an impartial assessment of the quality of higher education provided by a tertiary education provider.
- (3) The directions must relate –
- (a) to tertiary education providers in Wales providing higher education or registered providers providing higher education generally, or
 - (b) a description of such providers.
- (4) The designated body must comply with any directions given under this paragraph.

Duty of the Commission to inform the Welsh Ministers about significant concerns

- 9 The Commission must inform the Welsh Ministers if it has significant concerns about –
- (a) how the designated body is exercising the assessment functions, or
 - (b) the continued suitability of the designated body to exercise those functions.

PART 3

POWER TO CHARGE FEES

- 10 (1) The designated body may charge a fee, or fees, to any tertiary education provider in relation to which the body exercises the assessment functions.
- (2) Any fees charged by the designated body under sub-paragraph (1) must be charged in accordance with a scheme prepared and published by the designated body that sets out –
- (a) the fees which the body charges under sub-paragraph (1), and
 - (b) the basis on which such fees are calculated.
- (3) The amount of a fee payable by any tertiary education provider under sub-paragraph (1) may be calculated by reference to costs incurred, or to be incurred, by the body in the exercise of any of its functions under this Act which –

- (a) nad ydynt yn gysylltiedig â'r darparwr;
 - (b) sy'n cael eu harfer, neu sydd i'w harfer, dros gyfnod a bennir yn y cynllun.
- (4) Ond ni chaiff cyfanswm y ffioedd sy'n daladwy o dan y cynllun mewn unrhyw gyfnod fod yn fwy na'r gost i'r corff dynodedig o arfer ei swyddogaethau o dan y Ddeddf hon yn ystod yr un cyfnod.
- (5) At ddibenion is-baragraff (4), y gost i'r corff dynodedig o arfer ei swyddogaethau o dan y Ddeddf hon yw swm y costau yr aed iddo, neu yr eir iddo, gan y corff dynodedig wrth arfer unrhyw un neu ragor o'i swyddogaethau o dan y Ddeddf hon mewn unrhyw gyfnod penodol, llai unrhyw gyllid a geir gan y corff o dan baragraff 5 o'r Atodlen hon yn yr un cyfnod.
- (6) Caiff y corff dynodedig ddiwygio'r cynllun.
- (7) Mae'r cynllun (ac unrhyw gynllun diwygiedig) i'w drin fel pe na bai ond yn cael effaith os yw wedi ei gymeradwyo gan y Comisiwn.

RHAN 4

DEHONGLI

11 (1) Yn yr Atodlen hon—

ystyr “corff dynodedig” (“*designated body*”) yw corff sydd am y tro wedi ei ddynodi o dan yr Atodlen hon;

mae i “y dyddiad effeithiol” (“*the effective date*”), mewn perthynas â chorff dynodedig, yr ystyr a roddir ym mharagraff 1;

mae i “y swyddogaethau asesu” (“*the assessment functions*”) yr ystyr a roddir yn adran 56(2).

- (2) Mae cyfeiriadau yn yr Atodlen hon at gorff sy'n addas i arfer y swyddogaethau asesu i'w darllen yn unol â pharagraff 2.

- (a) are unconnected with the provider;
 - (b) are exercised, or are to be exercised, over a period specified in the scheme.
- (4) But the total fees payable under the scheme in any period must not exceed the cost to the designated body of exercising its functions under this Act during the same period.
- (5) For the purposes of sub-paragraph (4), the cost to the designated body of exercising its functions under this Act is the amount of the costs incurred, or to be incurred, by the designated body in the exercise of any of its functions under this Act in any given period less any funding received by the body under paragraph 5 of this Schedule in the same period.
- (6) The designated body may revise the scheme.
- (7) The scheme (and any revised scheme) is to be treated as having effect only if approved by the Commission.

PART 4

INTERPRETATION

- 11 (1) In this Schedule—
- “the assessment functions” (“*y swyddogaethau asesu*”) has the meaning given in section 56(2);
 - “designated body” (“*corff dynodedig*”) means a body for the time being designated under this Schedule;
 - “the effective date” (“*y dyddiad effeithiol*”), in relation to a designated body, has the meaning given in paragraph 1;
- (2) References in this Schedule to a body that is suitable to exercise the assessment functions are to be read in accordance with paragraph 2.

ATODLEN 4

(a gyflwynir gan adran 147)

MÂN DDIWYGIADAU A DIWYGIADAU CANLYNIADOL

Deddf Cyflogaeth a Hyfforddiant 1973 (p. 50)

- 1 (1) Mae Deddf Cyflogaeth a Hyfforddiant 1973 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 8 (gwasanaethau gyrfaedd), yn is-adran (4), yn lle paragraff (a) rhodder –
- “(a) as respects Wales as references to a tertiary education provider registered under section 25 of the Tertiary Education and Research (Wales) Act 2022 to provide higher education, other than a provider which is also an institution within the further education sector (within the meaning given by section 91(3) of the Further and Higher Education Act 1992) or a school (within the meaning given by section 4 of the Education Act 1996), and”.

Deddf Addysg (Ffioedd a Dyfardaliadau) 1983 (p. 40)

- 2 (1) Mae Deddf Addysg (Ffioedd a Dyfardaliadau) 1983 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 1 (ffioedd mewn prifysgolion, sefydliadau addysg bellach etc.), yn is-adran (3) –
- (a) hepgorer paragraff (ee);
- (b) ym mharagraff (g), yn lle “National Assembly for Wales” rhodder “Welsh Ministers or the Commission for Tertiary Education and Research”.

Deddf Addysg (Rhif 2) 1986 (p. 61)

- 3 (1) Mae Deddf Addysg (Rhif 2) 1986 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 43 (rhyddid i lefaru mewn prifysgolion, etc.) –
- (a) yn is-adran (5), yn lle paragraff (aa) rhodder –
- “(aa) a tertiary education provider registered under section 25 of the Tertiary Education and Research (Wales) Act 2022 to provide higher education, other than an institution within paragraph (a) or (ba) or a school;”;
- (b) yn is-adran (6), yn lle paragraff (b) rhodder –
- “(b) in relation to an institution in Wales within the higher education sector or the further education sector has the meaning given by section 90(1) of the Further and Higher Education Act 1992 (c. 13), but subject to any provision made by virtue of section 90(2) of that Act;”.

Deddf Cyflogaeth 1988 (p. 19)

- 4 (1) Mae Deddf Cyflogaeth 1988 wedi ei diwygio fel a ganlyn.

SCHEDULE 4
(introduced by section 147)

MINOR AND CONSEQUENTIAL AMENDMENTS

Employment and Training Act 1973 (c. 50)

- 1 (1) The Employment and Training Act 1973 is amended as follows.
- (2) In section 8 (careers services), in subsection (4), for paragraph (a) substitute –
 - “(a) as respects Wales as references to a tertiary education provider registered under section 25 of the Tertiary Education and Research (Wales) Act 2022 to provide higher education, other than a provider which is also an institution within the further education sector (within the meaning given by section 91(3) of the Further and Higher Education Act 1992) or a school (within the meaning given by section 4 of the Education Act 1996), and”.

Education (Fees and Awards) Act 1983 (c. 40)

- 2 (1) The Education (Fees and Awards) Act 1983 is amended as follows.
- (2) In section 1 (fees at universities, further education institutions etc.), in subsection (3) –
 - (a) omit paragraph (ee);
 - (b) in paragraph (g), for “National Assembly for Wales” substitute “Welsh Ministers or the Commission for Tertiary Education and Research”.

Education (No. 2) Act 1986 (c. 61)

- 3 (1) The Education (No. 2) Act 1986 is amended as follows.
- (2) In section 43 (freedom of speech in universities, etc.) –
 - (a) in subsection (5), for paragraph (aa) substitute –
 - “(aa) a tertiary education provider registered under section 25 of the Tertiary Education and Research (Wales) Act 2022 to provide higher education, other than an institution within paragraph (a) or (ba) or a school;”;
 - (b) in subsection (6), for paragraph (b) substitute –
 - “(b) in relation to an institution in Wales within the higher education sector or the further education sector has the meaning given by section 90(1) of the Further and Higher Education Act 1992 (c. 13), but subject to any provision made by virtue of section 90(2) of that Act;”.

Employment Act 1988 (c. 19)

- 4 (1) The Employment Act 1988 is amended as follows.

- (2) Yn adran 26 (statws hyfforddeion etc.), yn is-adran (1A), yn lle “under section 34(1)(c) of the Learning and Skills Act 2000” rhodder “or the Commission for Tertiary Education and Research under section 97(1)(d) or (e) of the Tertiary Education and Research (Wales) Act 2022”.

Deddf Diwygio Addysg 1988 (p. 40)

- 5 (1) Mae Deddf Diwygio Addysg 1988 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 120 (pwerau awdurdodau lleol mewn cysylltiad ag addysg uwch), ar ôl is-adran (4) mewnosoder –
- “(4A) In exercising its powers under subsection (3) a local authority must have regard to the Commission for Tertiary Education and Research’s strategic plan approved under section 15 of the Tertiary Education and Research (Wales) Act 2022.”
- (3) Yn adran 124B (cyfrifon), yn is-adran (2)(b), yn lle “the Higher Education Funding Council for Wales” rhodder “the Commission for Tertiary Education and Research”.
- (4) Yn adran 129 (dynodi sefydliadau) –
- (a) yn is-adran (1) –
- (i) yn lle “the Secretary of State” rhodder “the Welsh Ministers”;
- (ii) yn lle “as an institution eligible to receive support from funds administered by the Higher Education Funding Council for Wales” rhodder “for the purposes of this section”;
- (iii) ym mharagraff (a) yn lle “him” rhodder “them”;
- (iv) ym mharagraffau (a) a (b) ar ôl “institution” mewnosoder “in Wales”;
- (b) yn is-adran (5)(d), yn lle “the Secretary of State” rhodder “the Welsh Ministers”.
- (5) Yn adran 133 (taliadau mewn cysylltiad â phersonau a gyflogir yn narpariaeth addysg bellach neu uwch), yn is-adran (1) –
- (a) yn lle “and the Higher Education Funding Council for Wales each have” rhodder “has”;
- (b) yn lle “they think” rhodder “it thinks”;
- (c) ym mharagraff (a) yn lle “their” rhodder “its”.
- (6) Yn adran 198 (trosglwyddiadau), yn is-adran (5), yn lle “the higher education funding council” rhodder “the Commission for Tertiary Education and Research”.
- (7) Yn Atodlen 7 (corfforaethau addysg uwch yng Nghymru sydd wedi eu sefydlu cyn y diwrnod penodedig), ym mharagraff 18(2)(b), yn lle “the Higher Education Funding Council for Wales” rhodder “the Commission for Tertiary Education and Research”.

Deddf Addysg Bellach ac Uwch 1992 (p. 13)

- 6 (1) Mae Deddf Addysg Bellach ac Uwch 1992 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 49B (gwybodaeth am gyrchfannau) –

- (2) In section 26 (status of trainees etc.), in subsection (1A), for “under section 34(1)(c) of the Learning and Skills Act 2000” substitute “or the Commission for Tertiary Education and Research under section 97(1)(d) or (e) of the Tertiary Education and Research (Wales) Act 2022”.

Education Reform Act 1988 (c. 40)

- 5 (1) The Education Reform Act 1988 is amended as follows.
- (2) In section 120 (powers of local authorities with respect to higher education), after subsection (4) insert –
- “(4A) In exercising its powers under subsection (3) a local authority must have regard to the Commission for Tertiary Education and Research’s strategic plan approved under section 15 of the Tertiary Education and Research (Wales) Act 2022.”
- (3) In section 124B (accounts), in subsection (2)(b), for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”.
- (4) In section 129 (designation of institutions) –
- (a) in subsection (1) –
- (i) for “the Secretary of State” substitute “the Welsh Ministers”;
- (ii) for “as an institution eligible to receive support from funds administered by the Higher Education Funding Council for Wales” substitute “for the purposes of this section”;
- (iii) in paragraph (a) for “him” substitute “them”;
- (iv) in paragraphs (a) and (b) after “institution” insert “in Wales”;
- (b) in subsection (5)(d), for “the Secretary of State” substitute “the Welsh Ministers”.
- (5) In section 133 (payments in respect of persons employed in the provision of higher or further education), in subsection (1) –
- (a) for “and the Higher Education Funding Council for Wales each have” substitute “has”;
- (b) for “they think” substitute “it thinks”;
- (c) in paragraph (a) for “their” substitute “its”.
- (6) In section 198 (transfers), in subsection (5), for “the higher education funding council” substitute “the Commission for Tertiary Education and Research”.
- (7) In Schedule 7 (higher education corporations in Wales established before the appointed day), in paragraph 18(2)(b), for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”.

Further and Higher Education Act 1992 (c. 13)

- 6 (1) The Further and Higher Education Act 1992 is amended as follows.
- (2) In section 49B (destination information) –

- (a) yn is-adran (2) yn lle “The Welsh Ministers” rhodder “The Commission for Tertiary Education and Research”;
 - (b) yn is-adran (4) yn lle “the Welsh Ministers” yn y lle cyntaf y mae’n digwydd rhodder “the Commission for Tertiary Education and Research”.
- (3) Hepgorer –
- (a) adran 57 (ymyrryd: Cymru);
 - (b) adran 62 (sefydlu Cyngor Cyllido Addysg Uwch Cymru);
 - (c) adran 65 (gweinyddu cronfeydd gan CCAUC);
 - (d) adran 66 (gweinyddu cronfeydd: atodol);
 - (e) adran 68 (grantiau i CCAUC);
 - (f) adran 69 (swyddogaethau atodol);
 - (g) adran 79 (dyletswydd i roi gwybodaeth i CCAUC);
 - (h) adran 81 (cyfarwyddydau).
- (4) Yn adran 83 (astudiaethau effeithlonrwydd), yn y tabl yn is-adran (1B) hepgorer y cofnodion ar gyfer “the Welsh Ministers” a “the HEFCW”.
- (5) Yn adran 91 (dehongli) –
- (a) hepgorer is-adran (4);
 - (b) yn is-adran (5) –
 - (i) yn lle paragraffau (a) ac (aa) rhodder –
 - “(a) tertiary education providers registered in a category specified in regulations made for the purposes of section 88 or 105 of the Tertiary Education and Research (Wales) Act 2022, other than providers that are also institutions within the further education sector or schools,”;
 - (ii) ym mharagraff (b) ar ôl “in Wales” mewnosoder “, other than ones falling within paragraph (a),”;
 - (iii) ym mharagraff (c) ar ôl “Act)” mewnosoder “, other than institutions falling within paragraph (a)”;
 - (c) hepgorer is-adran (5A).
- (6) Yn adran 92 (mynegai), hepgorer y cofnodion ar gyfer “the HEFCW” ac “institution in Wales (in relation to the HEFCW)”.
- (7) Hepgorer Atodlen 1 (Cynghorau Cyllido Addysg Bellach ac Uwch).

Deddf Addysg 1994 (p. 30)

- 7 (1) Mae Deddf Addysg 1994 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 18 (pŵer i ad-dalu taliadau penodol i bersonau a oedd wedi eu cyflogi gynt mewn hyfforddiant athrawon) –
- (a) yn is-adran (1) –
 - (i) hepgorer “or the Higher Education Funding Council for Wales”;

- (a) in subsection (2) for “The Welsh Ministers” substitute “The Commission for Tertiary Education and Research”;
 - (b) in subsection (4) for “the Welsh Ministers” in the first place where it occurs substitute “the Commission for Tertiary Education and Research”.
- (3) Omit—
- (a) section 57 (intervention: Wales);
 - (b) section 62 (establishment of the Higher Education Funding Council for Wales);
 - (c) section 65 (administration of funds by the HEFCW);
 - (d) section 66 (administration of funds: supplementary);
 - (e) section 68 (grants to the HEFCW);
 - (f) section 69 (supplementary functions);
 - (g) section 79 (duty to give information to HEFCW);
 - (h) section 81 (directions).
- (4) In section 83 (efficiency studies), in the table in subsection (1B) omit the entries for “the Welsh Ministers” and “the HEFCW”.
- (5) In section 91 (interpretation) —
- (a) omit subsection (4);
 - (b) in subsection (5) —
 - (i) for paragraphs (a) and (aa) substitute —
 - “(a) tertiary education providers registered in a category specified in regulations made for the purposes of section 88 or 105 of the Tertiary Education and Research (Wales) Act 2022, other than providers that are also institutions within the further education sector or schools,”;
 - (ii) in paragraph (b) after “in Wales” insert “, other than ones falling within paragraph (a),”;
 - (iii) in paragraph (c) after “Act)” insert “, other than institutions falling within paragraph (a)”;
 - (c) omit subsection (5A).
- (6) In section 92 (index), omit the entries for “the HEFCW” and “institution in Wales (in relation to the HEFCW)”.
- (7) Omit Schedule 1 (the Further and Higher Education Funding Councils).

Education Act 1994 (c. 30)

- 7 (1) The Education Act 1994 is amended as follows.
- (2) In section 18 (power to reimburse certain payments to persons formerly employed in teacher training) —
- (a) in subsection (1) —
 - (i) omit “or the Higher Education Funding Council for Wales”;

- (ii) yn lle “they think” rhodder “it thinks”;
- (b) yn is-adran (4) –
 - (i) hepgorer “or (as the case may be) the Higher Education Funding Council for Wales”;
 - (ii) yn lle “they” rhodder “it” ac yn lle “their” rhodder “its”.
- (3) Yn adran 18C (arolygu hyfforddiant athrawon yng Nghymru) –
 - (a) yn is-adran (3) yn lle paragraff (b) rhodder –
 - “(b) the Commission for Tertiary Education and Research, or”;
 - (b) yn is-adran (12) hepgorer paragraff (b).
- (4) Yn adran 21 (sefydliadau y mae Rhan 2 ar undebau myfyrwyr yn gymwys iddynt) –
 - (a) yn is-adran (1) –
 - (i) ym mharagraff (a) yn lle “section 65 of the Further and Higher Education Act 1992” rhodder “section 88 of the Tertiary Education and Research (Wales) Act 2022”;
 - (ii) ym mharagraff (b) yn lle “that Act” rhodder “the Further and Higher Education Act 1992”;
 - (iii) ym mharagraff (c) hepgorer “as eligible to receive support from funds administered by a higher education funding council”;
 - (iv) ar ôl paragraff (d) mewnosoder –
 - “(da) any institution in Wales designated under section 28 of the Further and Higher Education Act 1992;”
 - (b) yn is-adran (2A), yn lle “has the meaning given by section 62(7) of the Further and Higher Education Act 1992” rhodder “means an institution whose activities are wholly or mainly carried on in Wales”.

Deddf Addysg 1996 (p. 56)

- 8 (1) Mae Deddf Addysg 1996 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 13 (cyfrifoldeb cyffredinol am addysg), yn is-adran (2) yn lle paragraffau (aa) a (b) rhodder –
 - “(ba) the Commission for Tertiary Education and Research, or”.
- (3) Yn adran 15A (pwerau awdurdodau lleol mewn cysylltiad ag addysg a hyfforddiant ar gyfer personau 16 i 18 mlwydd oed), ar ôl is-adran (3) mewnosoder –
 - “(3A) In exercising its functions under this section a local authority in Wales must also have regard to the Commission for Tertiary Education and Research’s strategic plan approved under section 15 of the Tertiary Education and Research (Wales) Act 2022.”
- (4) Yn adran 15B (pwerau awdurdodau lleol mewn cysylltiad ag addysg ar gyfer personau dros 19 oed), ar ôl is-adran (3)(b) mewnosoder –

- (ii) for “they think” substitute “it thinks”;
- (b) in subsection (4) –
 - (i) omit “or (as the case may be) the Higher Education Funding Council for Wales”;
 - (ii) for “they” substitute “it” and for “their” substitute “its”.
- (3) In section 18C (inspection of teacher training in Wales) –
 - (a) in subsection (3) for paragraph (b) substitute –
 - “(b) the Commission for Tertiary Education and Research, or”;
 - (b) in subsection (12) omit paragraph (b).
- (4) In section 21 (establishments to which Part 2 on students’ unions applies) –
 - (a) in subsection (1) –
 - (i) in paragraph (a) for “section 65 of the Further and Higher Education Act 1992” substitute “section 88 of the Tertiary Education and Research (Wales) Act 2022”;
 - (ii) in paragraph (b) for “that Act” substitute “the Further and Higher Education Act 1992”;
 - (iii) in paragraph (c) omit “as eligible to receive support from funds administered by a higher education funding council”;
 - (iv) after paragraph (d) insert –
 - “(da) any institution in Wales designated under section 28 of the Further and Higher Education Act 1992;”.
 - (b) in subsection (2A) for “has the meaning given by section 62(7) of the Further and Higher Education Act 1992” substitute “means an institution whose activities are wholly or mainly carried out in Wales”.

Education Act 1996 (c. 56)

- 8 (1) The Education Act 1996 is amended as follows.
- (2) In section 13 (general responsibility for education), in subsection (2) for paragraphs (aa) and (b) substitute –
 - “(ba) the Commission for Tertiary Education and Research, or”.
 - (3) In section 15A (local authority powers in respect of education and training for 16 to 18 year olds), after subsection (3) insert –
 - “(3A) In exercising its functions under this section a local authority in Wales must also have regard to the Commission for Tertiary Education and Research’s strategic plan approved under section 15 of the Tertiary Education and Research (Wales) Act 2022.”
 - (4) In section 15B (local authority powers in respect of education for persons over 19), after subsection (3)(b) insert –

- “(c) a local authority in Wales must also have regard to the Commission for Tertiary Education and Research’s strategic plan approved under section 15 of the Tertiary Education and Research (Wales) Act 2022.”
- (5) Hepgorer adran 484 (grantiau safonol addysg).
- (6) Yn adran 489 (amodau o ran talu grantiau) –
- (a) yn is-adran (1) yn lle “under any of sections 484 to 488” rhodder “section 485”;
 - (b) hepgorer is-adran (2);
 - (c) yn y pennawd yn lle “sections 484 to 488” rhodder “section 485”.
- (7) Yn adran 508 (swyddogaethau awdurdodau lleol mewn cysylltiad â chyfleusterau ar gyfer hamdden a hyfforddiant cymdeithasol a chorfforol), ar ôl is-adran (3) mewnosoder –
- “(4) In exercising its functions under this section a local authority must have regard to the Commission for Tertiary Education and Research’s strategic plan approved under section 15 of the Tertiary Education and Research (Wales) Act 2022.”
- (8) Yn adran 530 (prynu tir yn orfodol), yn is-adran (3) ym mharagraff (b) hepgorer “(including that paragraph as applied by section 76(3) of that Act)”.
- (9) Yn adran 580 (mynegai), hepgorer y cofnod ar gyfer “grants for education support and training”.
- (10) Yn Atodlen 36A (swyddogaethau addysg awdurdodau lleol), yn y tabl ym mharagraff 2 yn y cofnod ar gyfer Deddf Dysgu a Sgiliau 2000 –
- (a) yn y cofnod ar gyfer adran 33J, yn lle “Welsh Ministers” rhodder “the Commission for Tertiary Education and Research”;
 - (b) hepgorer y cofnod ar gyfer adran 83;
 - (c) hepgorer y cofnod ar gyfer adran 84;
 - (d) hepgorer y cofnod ar gyfer Atodlenni 7 a 7A.

Deddf Addysg 1997 (p. 44)

- 9 (1) Mae Deddf Addysg 1997 wedi ei diwygio fel a ganlyn.
- (2) Yn Rhan 6, yn y pennawd i Bennod 1, ar ôl “AUTHORITIES”, mewnosoder “IN WALES”.
- (3) Yn adran 38 (arolygu awdurdodau lleol) –
- (a) yn is-adran (1) –
 - (i) ym mharagraff (b), yn lle “the Secretary of State” rhodder “the Welsh Ministers or the Commission for Tertiary Education and Research (“the Commission”)”;
 - (ii) ar ôl “authority”, mewnosoder “in Wales”;
 - (b) ar ôl is-adran (2A) mewnosoder –

- “(c) a local authority in Wales must also have regard to the Commission for Tertiary Education and Research’s strategic plan approved under section 15 of the Tertiary Education and Research (Wales) Act 2022.”
- (5) Omit section 484 (education standard grants).
- (6) In section 489 (conditions as to payment of grants) –
- (a) in subsection (1) for “under any of sections 484 to 488” substitute “section 485”;
 - (b) omit subsection (2);
 - (c) in the heading for “sections 484 to 488” substitute “section 485”.
- (7) In section 508 (local authority functions in respect of facilities for recreation and social and physical training), after subsection (3) insert –
- “(4) In exercising its functions under this section a local authority must have regard to the Commission for Tertiary Education and Research’s strategic plan approved under section 15 of the Tertiary Education and Research (Wales) Act 2022.”
- (8) In section 530 (compulsory purchase of land), in subsection (3) in paragraph (b) omit “(including that paragraph as applied by section 76(3) of that Act)”.
- (9) In section 580 (index), omit the entry for “grants for education support and training”.
- (10) In Schedule 36A (education functions of local authorities), in the table in paragraph 2 in the entry for the Learning and Skills Act 2000 –
- (a) in the entry for section 33J, for “Welsh Ministers” substitute “the Commission for Tertiary Education and Research”;
 - (b) omit the entry for section 83;
 - (c) omit the entry for section 84;
 - (d) omit the entry for Schedules 7 and 7A.

Education Act 1997 (c. 44)

- 9 (1) The Education Act 1997 is amended as follows.
- (2) In Part 6, in the heading to Chapter 1, after “AUTHORITIES”, insert “IN WALES”.
- (3) In section 38 (inspection of local authorities) –
- (a) in subsection (1) –
 - (i) in paragraph (b), for “the Secretary of State” substitute “the Welsh Ministers or the Commission for Tertiary Education and Research (“the Commission”)”;
 - (ii) after “authority”, insert “in Wales”;
 - (b) after subsection (2A) insert –

- “(2B) Where the Commission has made a request under subsection (1)(b), the review mentioned in subsection (2A) is to be of the way that the local authority is performing the functions mentioned in subsection (2A)(a) and (b) in so far as those functions relate to further education and training within the meaning of section 144(2) to (5) of the Tertiary Education and Research (Wales) Act 2022.”;
- (c) yn is-adran (3), yn lle “the Secretary of State” rhodder “the Welsh Ministers or the Commission”;
- (d) yn is-adran (4), yn lle “the Secretary of State” rhodder “the Welsh Ministers or the Commission”;
- (e) yn is-adran (6), ar ôl “authority”, mewnosoder “in Wales”;
- (f) yn y pennawd, ar ôl “authorities”, mewnosoder “in Wales”.
- (4) Yn adran 39 (adroddiad arolygu awdurdod lleol a’r cynllun gweithredu), yn is-adran (1) –
- (a) hepgorer yr “and” ar ddiwedd paragraff (a);
- (b) yn lle paragraff (b) rhodder –
- “(b) the Welsh Ministers, and
- (c) where the matters reviewed relate to further education and training within the meaning of section 144(2) to (5) of the Tertiary Education and Research (Wales) Act 2022, the Commission for Tertiary Education and Research.”

Deddf Addysgu ac Addysg Uwch 1998 (p. 30)

- 10 Hefgorer adran 27 o Ddeddf Addysgu ac Addysg Uwch 1998 (gwariant sy’n gymwys i gael cyllid).

Deddf Safonau a Fframwaith Ysgolion 1998 (p. 31)

- 11 (1) Mae Deddf Safonau a Fframwaith Ysgolion 1998 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 49 (ysgolion a gynhelir i gael cyllidebau dirprwyedig), yn is-adran (6), ym mharagraff (b) hepgorer “section 75(2)(b) of,”.
- (3) Yn Rhan 1 o Atodlen 22 (gwarediadau tir: ysgolion sefydledig ac ysgolion gwirfoddol yng Nghymru) –
- (a) ym mharagraff 1, yn is-baragraff (1)(aa) hepgorer “, under that paragraph as applied by section 76(1) of that Act”;
- (b) ym mharagraff 2, yn is-baragraff (1)(aa) hepgorer “, under either of those paragraphs as applied by section 76(1) or (3) of that Act”;
- (c) ym mharagraff 2A, yn is-baragraff (1)(aa) hepgorer “, under that paragraph as applied by section 76(1) of that Act”;
- (d) ym mharagraff 3, yn is-baragraff (1)(aa) hepgorer “, under those paragraphs as applied by section 76(1) or (3) of that Act”.
- (4) Yn Atodlen 30 (mân ddiwygiadau a diwygiadau canlyniadol), hepgorer paragraffau 125 a 126.

- “(2B) Where the Commission has made a request under subsection (1)(b), the review mentioned in subsection (2A) is to be of the way that the local authority is performing the functions mentioned in subsection (2A)(a) and (b) in so far as those functions relate to further education and training within the meaning of section 144(2) to (5) of the Tertiary Education and Research (Wales) Act 2022.”;
- (c) in subsection (3), for “the Secretary of State” substitute “the Welsh Ministers or the Commission”;
 - (d) in subsection (4), for “the Secretary of State” substitute “the Welsh Ministers or the Commission”;
 - (e) in subsection (6), after “authority”, insert “in Wales”;
 - (f) in the heading, after “authorities”, insert “in Wales”.
- (4) In section 39 (report of inspection of local authority and action plan), in subsection (1) –
- (a) omit the “and” at the end of paragraph (a);
 - (b) for paragraph (b) substitute –
 - “(b) the Welsh Ministers, and
 - (c) where the matters reviewed relate to further education and training within the meaning of section 144(2) to (5) of the Tertiary Education and Research (Wales) Act 2022, the Commission for Tertiary Education and Research.”

Teaching and Higher Education Act 1998 (c. 30)

- 10 Omit section 27 of the Teaching and Higher Education Act 1998 (expenditure eligible for funding).

School Standards and Framework Act 1998 (c. 31)

- 11 (1) The School Standards and Framework Act 1998 is amended as follows.
- (2) In section 49 (maintained schools to have delegated budgets), in subsection (6), in paragraph (b) omit “section 75(2)(b) of,”.
 - (3) In Part 1 of Schedule 22 (disposals of land: foundation and voluntary schools in Wales) –
 - (a) in paragraph 1, in sub-paragraph (1)(aa) omit “, under that paragraph as applied by section 76(1) of that Act”;
 - (b) in paragraph 2, in sub-paragraph (1)(aa) omit “, under either of those paragraphs as applied by section 76(1) or (3) of that Act”;
 - (c) in paragraph 2A, in sub-paragraph (1)(aa) omit “, under that paragraph as applied by section 76(1) of that Act”;
 - (d) in paragraph 3, in sub-paragraph (1)(aa) omit “, under those paragraphs as applied by section 76(1) or (3) of that Act”.
 - (4) In Schedule 30 (minor and consequential amendments), omit paragraphs 125 and 126.

Deddf Llywodraeth Cymru 1998 (p. 38)

- 12 (1) Mae Deddf Llywodraeth Cymru 1998 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 145B (astudiaethau mewn perthynas â chyrrff addysgol) –
- (a) yn is-adran (1), yn y Tabl –
- (i) yn y cofnod ar gyfer corff llywodraethu sefydliad yng Nghymru o fewn y sector addysg uwch, yn yr ail golofn, yn lle “the Higher Education Funding Council for Wales” rhodder “the Commission for Tertiary Education and Research”;
- (ii) hepgorer y cofnod ar gyfer corff llywodraethu sy’n cael cymorth ariannol o dan adran 86 o Ddeddf Addysg 2005;
- (iii) yn y cofnod ar gyfer corff llywodraethu sefydliad yng Nghymru o fewn y sector addysg bellach, yn yr ail golofn, yn lle “or the Assembly” rhodder “, the Commission or the Welsh Ministers”;
- (b) yn is-adran (4), yn lle “the Higher Education Funding Council for Wales” rhodder “the Commission for Tertiary Education and Research” ac yn lle “the council” rhodder “the Commission”.
- (3) Yn Rhan 3 o Atodlen 4 (cyrrff sy’n ddarostyngedig i’w diwygio), hepgorer paragraff 16.
- (4) Yn Rhan 1 o Atodlen 17 (cyrrff sy’n ddarostyngedig yn gyffredinol i ddarpariaethau archwilio etc.) –
- (a) ym mharagraff 1 hepgorer “or III”;
- (b) ar ôl paragraff 11 mewnosoder –
- “11A The Commission for Tertiary Education and Research.”

Deddf Safonau Gofal 2000 (p. 14)

- 13 (1) Mae Deddf Safonau Gofal 2000 wedi ei diwygio fel a ganlyn.
- (2) Yn Atodlen 2A (personau sy’n ddarostyngedig i’w hadolygu gan Gomisiynydd Plant Cymru) –
- (a) yn lle paragraff 7, rhodder –
- “7 Any tertiary education provider (other than one within paragraph 5, 6, 8 or 9) that is registered in a category specified in regulations made for the purposes of section 88 or 105 of the Tertiary Education and Research (Wales) Act 2022.”
- (b) ar ôl paragraff 8 mewnosoder –
- “8A The Commission for Tertiary Education and Research.”
- (3) Yn Atodlen 2B (personau y mae eu trefniadau yn ddarostyngedig i’w hadolygu gan Gomisiynydd Plant Cymru), ar ôl paragraff 10 mewnosoder –
- “11 The Commission for Tertiary Education and Research.”

Deddf Dysgu a Sgiliau 2000 (p. 21)

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

Government of Wales Act 1998 (c.38)

- 12 (1) The Government of Wales Act 1998 is amended as follows.
- (2) In section 145B (studies in relation to educational bodies) –
- (a) in subsection (1), in the Table –
 - (i) in the entry for the governing body of an institution in Wales within the higher education sector, in the second column, for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”;
 - (ii) omit the entry for a governing body receiving financial support under section 86 of the Education Act 2005;
 - (iii) in the entry for a governing body of an institution in Wales within the further education sector, in the second column, for “or the Assembly” substitute “, the Commission or the Welsh Ministers”;
 - (b) in subsection (4), for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research” and for “the council” substitute “the Commission”.
- (3) In Part 3 of Schedule 4 (bodies subject to reform), omit paragraph 16.
- (4) In Part 1 of Schedule 17 (bodies subject generally to audit etc. provisions) –
- (a) in paragraph 1 omit “or III”;
 - (b) after paragraph 11 insert –

“11A The Commission for Tertiary Education and Research.”

Care Standards Act 2000 (c. 14)

- 13 (1) The Care Standards Act 2000 is amended as follows.
- (2) In Schedule 2A (persons subject to review by the Children’s Commissioner for Wales) –
- (a) for paragraph 7, substitute –

“7 Any tertiary education provider (other than one within paragraph 5, 6, 8 or 9) that is registered in a category specified in regulations made for the purposes of section 88 or 105 of the Tertiary Education and Research (Wales) Act 2022.”
 - (b) after paragraph 8 insert –

“8A The Commission for Tertiary Education and Research.”
- (3) In Schedule 2B (persons whose arrangements are subject to review by the Children’s Commissioner for Wales), after paragraph 10 insert –

“11 The Commission for Tertiary Education and Research.”

Learning and Skills Act 2000 (c. 21)

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

- (2) Hepgorer adrannau 31 i 33 (prif ddyletswyddau mewn perthynas ag addysg a hyfforddiant ôl-16).
- (3) Yn adran 33A (llunio cwricwla lleol ar gyfer myfyrwyr 16 i 18 oed) –
- (a) yn is-adran (1) yn lle “The Welsh Ministers” rhodder “The Commission”;
 - (b) yn is-adran (2)(b) yn lle “the Welsh Ministers” rhodder “the Commission”.
- (4) Yn adran 33B (cwricwla lleol: y Gymraeg) yn lle “The Welsh Ministers” rhodder “The Commission” ac yn lle “their” rhodder “its”.
- (5) Yn adran 33C (ardaloedd gyda mwy nag un cwricwlwm lleol) –
- (a) yn is-adran (1) yn lle “the Welsh Ministers form” rhodder “the Commission forms”;
 - (b) yn is-adran (2), yn lle “the Welsh Ministers” rhodder “the Commission”.
- (6) Yn adran 33D (penderfynu ysgol berthnasol neu sefydliad perthnasol ar gyfer disgybl), ar ôl is-adran (3) mewnosoder –
- “(3A) The Welsh Ministers must consult the Commission before making regulations under subsection (3).”
- (7) Yn adran 33E (dewisiadau disgyblion o gyrsiau’r cwricwlwm lleol) –
- (a) ar ôl is-adran (3) mewnosoder –
- “(3A) The Welsh Ministers must consult the Commission before making regulations under subsection (3).”;
- (b) yn is-adran (4) yn lle “the Welsh Ministers have” ym mhob lle rhodder “the Commission has”.
- (8) Yn adran 33G (penderfyniad pennaeth ysgol neu bennaeth sefydliad o ran hawlogaeth), ar ôl is-adran (5) mewnosoder –
- “(6) The Welsh Ministers must consult the Commission before making regulations under subsection (3), giving guidance under subsection (4) or making an order under subsection (5).”
- (9) Yn adran 33I (penderfyniad pennaeth ysgol neu bennaeth sefydliad i ddileu hawlogaeth), ar ôl is-adran (5) mewnosoder –
- “(6) The Welsh Ministers must consult the Commission before making regulations under subsection (3), giving guidance under subsection (4) or making an order under subsection (5).”
- (10) Yn adran 33J (cynllunio’r cwricwlwm lleol) –
- (a) yn is-adran (1) yn lle “the Welsh Ministers” rhodder “the Commission”;
 - (b) yn is-adran (2) yn lle “the Welsh Ministers decide” rhodder “the Commission decides”;
 - (c) hepgorer is-adrannau (3) a (4).
- (11) Yn adran 33K (cyflawni hawlogaethau’r cwricwlwm lleol: cydweithio), yn is-adran (6) yn lle “the Welsh Ministers have” ym mhob lle rhodder “the Commission has”.
- (12) Yn adran 33L (cydweithio: canllawiau a chyfarwyddydau), ar ôl is-adran (2) mewnosoder –

- (2) Omit sections 31 to 33 (main duties in relation to post 16 education and training).
- (3) In section 33A (formation of local curricula for students aged 16 to 18) –
 - (a) in subsection (1) for “The Welsh Ministers” substitute “The Commission”;
 - (b) in subsection (2)(b) for “the Welsh Ministers” substitute “the Commission”.
- (4) In section 33B (local curricula: Welsh language) for “The Welsh Ministers” substitute “The Commission” and for “their” substitute “its”.
- (5) In section 33C (areas with more than one local curriculum) –
 - (a) in subsection (1) for “the Welsh Ministers form” substitute “the Commission forms”;
 - (b) in subsection (2) for “the Welsh Ministers” substitute “the Commission”.
- (6) In section 33D (determination of a pupil’s relevant school or institution), after subsection (3) insert –

“(3A) The Welsh Ministers must consult the Commission before making regulations under subsection (3).”
- (7) In section 33E (pupils’ choice of local curriculum courses) –
 - (a) after subsection (3) insert –

“(3A) The Welsh Ministers must consult the Commission before making regulations under subsection (3).”;
 - (b) in subsection (4) for “the Welsh Ministers have” in each place substitute “the Commission has”.
- (8) In section 33G (head teacher’s or principal’s decision as to entitlement), after subsection (5) insert –

“(6) The Welsh Ministers must consult the Commission before making regulations under subsection (3), giving guidance under subsection (4) or making an order under subsection (5).”
- (9) In section 33I (head teacher’s or principal’s decision to remove entitlement), after subsection (5) insert –

“(6) The Welsh Ministers must consult the Commission before making regulations under subsection (3), giving guidance under subsection (4) or making an order under subsection (5).”
- (10) In section 33J (planning the local curriculum) –
 - (a) in subsection (1) for “the Welsh Ministers” substitute “the Commission”;
 - (b) in subsection (2) for “the Welsh Ministers decide” substitute “the Commission decides”;
 - (c) omit subsections (3) and (4).
- (11) In section 33K (delivery of local curriculum entitlements: joint working), in subsection (6) for “the Welsh Ministers have” in each place substitute “the Commission has”.
- (12) In section 33L (joint working: guidance and directions), after subsection (2) insert –

- “(2A) The Welsh Ministers must consult the Commission before giving guidance under subsection (1).”
- (13) Yn adran 33M (pŵer i ddiwygio meysydd dysgu), daw’r testun presennol yn is-adran (1) ac ar ôl yr is-adran honno mewnosoder –
- “(2) The Welsh Ministers must consult the Commission before making an order under subsection (1).”
- (14) Yn adran 33N (y cwricwlwm lleol: dehongli), yn is-adran (1) –
- (a) yn lle “33L” rhodder “33M”;
- (b) ar ôl y diffiniad o “academic year” mewnosoder –
- ““the Commission” means the Commission for Tertiary Education and Research;”.
- (15) Yn adran 33O (y cwricwlwm lleol: cyfarwyddydau), hepgorer “, 33J(3)”.
- (16) Yn adran 33P (cymhwyso darpariaethau’r cwricwlwm lleol i fyfyrwyr sy’n ddisgyblion cofrestredig mewn ysgolion arbennig neu fyfyrwyr a chanddynt anghenion dysgu ychwanegol) –
- (a) yn is-adran (1) ar ôl “Regulations” mewnosoder “made by the Welsh Ministers”;
- (b) ar ôl is-adran (3) mewnosoder –
- “(4) The Welsh Ministers must consult the Commission for Tertiary Education and Research before making regulations under subsection (1).”
- (17) Yn adran 33Q (cymhwyso darpariaethau’r cwricwlwm lleol i sefydliadau o fewn y sector addysg uwch) –
- (a) yn is-adran (1) ar ôl “Regulations” mewnosoder “made by the Welsh Ministers”;
- (b) ar ôl is-adran (3) mewnosoder –
- “(4) The Welsh Ministers must consult the Commission for Tertiary Education and Research before making regulations under subsection (1).”
- (18) Hepgorer adrannau 34 i 38 (prif bwerau).
- (19) Yn adran 40 (ymchwil a gwybodaeth), hepgorer is-adrannau (5) a (6).
- (20) Hepgorer adran 41 (personau ag anghenion dysgu ychwanegol).
- (21) Yn adran 73 (arolygwyr addysg a hyfforddiant yng Nghymru), hepgorer is-adrannau (1) a (2).
- (22) Yn adran 74 (termau wedi eu diffinio), yn is-adran (2) yn lle “the person mentioned in section 73(1)” rhodder “Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru”.
- (23) Hepgorer adrannau 75 i 80 a 83 i 88 (arolygiadau yng Nghymru).
- (24) Yn adran 125 (ymgyngori mewn cysylltiad â darparu gwasanaethau cymorth ieuenctid), yn is-adran (2), ar ôl paragraff (a) mewnosoder –
- “(aa) consult the Commission for Tertiary Education and Research,”.

- “(2A) The Welsh Ministers must consult the Commission before giving guidance under subsection (1).”
- (13) In section 33M (power to amend learning domains), the existing text becomes subsection (1) and after that subsection insert –
- “(2) The Welsh Ministers must consult the Commission before making an order under subsection (1).”
- (14) In section 33N (the local curriculum: interpretation), in subsection (1) –
- (a) for “33L” substitute “33M”;
- (b) after the definition of “academic year” insert –
- ““the Commission” means the Commission for Tertiary Education and Research;”.
- (15) In section 33O (local curriculum: directions), omit “, 33J(3)”.
- (16) In section 33P (application of local curriculum provisions to students who are registered pupils of special schools or who have additional learning needs) –
- (a) in subsection (1) after “Regulations” insert “made by the Welsh Ministers”;
- (b) after subsection (3) insert –
- “(4) The Welsh Ministers must consult the Commission for Tertiary Education and Research before making regulations under subsection (1).”
- (17) In section 33Q (application of local curriculum provisions to institutions within the higher education sector) –
- (a) in subsection (1) after “Regulations” insert “made by the Welsh Ministers”;
- (b) after subsection (3) insert –
- “(4) The Welsh Ministers must consult the Commission for Tertiary Education and Research before making regulations under subsection (1).”
- (18) Omit sections 34 to 38 (main powers).
- (19) In section 40 (research and information), omit subsections (5) and (6).
- (20) Omit section 41 (persons with additional learning needs).
- (21) In section 73 (inspectors of education and training in Wales), omit subsections (1) and (2).
- (22) In section 74 (defined terms), in subsection (2) for “the person mentioned in section 73(1)” substitute “Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru”.
- (23) Omit sections 75 to 80 and 83 to 88 (inspections in Wales).
- (24) In section 125 (consultation in connection with provision of youth support services), in subsection (2), after paragraph (a) insert –
- “(aa) consult the Commission for Tertiary Education and Research;”.

- (25) Yn adran 126 (sefydliadau addysgol: gwybodaeth a mynediad), yn is-adran (3) ym mharagraff (f) yn lle “National Assembly for Wales in the discharge of its functions under Part 2” rhodder “Commission for Tertiary Education and Research under section 97 or 104 of the Tertiary Education and Research (Wales) Act 2022”.
- (26) Yn adran 138 (Cymru: darparu gwybodaeth gan gyrff cyhoeddus), yn is-adran (3) ar ôl paragraff (c) mewnosoder –
- “(ca) the Commission for Tertiary Education and Research;”.
- (27) Yn adran 144 (sefydliadau dynodedig: gwaredu tir, etc.) –
- (a) yn is-adran (4A), ym mharagraff (b) yn lle “the Welsh Ministers” rhodder “the Commission for Tertiary Education and Research”;
- (b) yn is-adran (9), ym mharagraff (b) yn lle “the National Assembly for Wales” rhodder “the Commission for Tertiary Education and Research”.

Deddf Addysg 2002 (p. 32)

- 15 (1) Mae Deddf Addysg 2002 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 18 (diddymu pwerau gwneud grantiau penodol), hepgorer is-adran (2).
- (3) Yn adran 28A (pŵer corff llywodraethu i ddarparu addysg uwch), yn is-adran (3) yn lle “The National Assembly for Wales” rhodder “The Commission for Tertiary Education and Research”.
- (4) Yn adran 140 (addysg bellach: cyffredinol) –
- (a) yn is-adran (3), yn y diffiniad o “higher education institution”, yn lle “section 65 of the Further and Higher Education Act 1992 (c. 13) (administration of funds by higher education funding councils)” rhodder “section 88 of the Tertiary Education and Research (Wales) Act 2022”;
- (b) hepgorer is-adrannau (4) a (5).
- (5) Yn adran 145 (pennu cymhwyster neu gwrs), yn is-adrannau (1)(c) a (3) yn lle “the Higher Education Funding Council for Wales” rhodder “the Commission for Tertiary Education and Research”.
- (6) Yn adran 178 (addysg a hyfforddiant a ddarperir yn y gweithle ar gyfer personau 14 i 16 oed), hepgorer is-adrannau (1) a (4).
- (7) Yn Atodlen 21 (mân ddiwygiadau a diwygiadau canlyniadol), hepgorer paragraffau 49 a 125.

Deddf Addysg Uwch 2004 (p. 8)

- 16 (1) Mae Deddf Addysg Uwch 2004 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 11 (sefydliadau cymhwysol), yn is-adran (1) (fel y'i hailrifwyd gan adran 128(2)(a)), ym mharagraff (a) yn lle “section 65 of the 1992 Act” rhodder “Part 3 of the Tertiary Education and Research (Wales) Act 2022”.
- (3) Yn adran 20A (sefydliadau sy'n peidio â bod yn sefydliadau cymhwysol), yn is-adran (4) yn lle “section 11” rhodder “subsection (1) of section 11, or a qualifying institution specified in regulations made under subsection (2) of that section,”.

- (25) In section 126 (educational institutions: information and access), in subsection (3) in paragraph (f) for “National Assembly for Wales in the discharge of its functions under Part 2” substitute “Commission for Tertiary Education and Research under section 97 or 104 of the Tertiary Education and Research (Wales) Act 2022”.
- (26) In section 138 (Wales: provision of information by public bodies), in subsection (3) after paragraph (c) insert –
 - “(ca) the Commission for Tertiary Education and Research;”.
- (27) In section 144 (designated institutions: disposal of land, etc.) –
 - (a) in subsection (4A), in paragraph (b) for “the Welsh Ministers” substitute “the Commission for Tertiary Education and Research”;
 - (b) in subsection (9), in paragraph (b) for “the National Assembly for Wales” substitute “the Commission for Tertiary Education and Research”.

Education Act 2002 (c. 32)

- 15 (1) The Education Act 2002 is amended as follows.
- (2) In section 18 (repeal of specific grant-making powers), omit subsection (2).
 - (3) In section 28A (power of governing body to provide higher education), in subsection (3) for “The National Assembly for Wales” substitute “The Commission for Tertiary Education and Research”.
 - (4) In section 140 (further education: general) –
 - (a) in subsection (3), in the definition of “higher education institution”, for “section 65 of the Further and Higher Education Act 1992 (c. 13) (administration of funds by higher education funding councils)” substitute “section 88 of the Tertiary Education and Research (Wales) Act 2022”;
 - (b) omit subsections (4) and (5).
 - (5) In section 145 (specification of qualification or course), in subsections (1)(c) and (3) for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”.
 - (6) In section 178 (training and education provided in the workplace for 14 to 16 year olds), omit subsections (1) and (4).
 - (7) In Schedule 21 (minor and consequential amendments), omit paragraphs 49 and 125.

Higher Education Act 2004 (c. 8)

- 16 (1) The Higher Education Act 2004 is amended as follows.
- (2) In section 11 (qualifying institutions), in subsection (1) (as renumbered by section 128(2)(a)), in paragraph (a) for “section 65 of the 1992 Act” substitute “Part 3 of the Tertiary Education and Research (Wales) Act 2022”.
 - (3) In section 20A (institutions that cease to be qualifying institutions), in subsection (4) for “section 11” substitute “subsection (1) of section 11, or a qualifying institution specified in regulations made under subsection (2) of that section,”.

Deddf Plant 2004 (p. 31)

- 17 (1) Mae Deddf Plant 2004 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 25 (cydweithredu i wella llesiant: Cymru), yn is-adran (4) yn lle paragraff (f) rhodder –
- “(f) the Commission for Tertiary Education and Research;”.
- (3) Yn adran 29 (cronfeydd data gwybodaeth), yn is-adran (7) yn lle paragraff (b) rhodder –
- “(b) the Commission for Tertiary Education and Research;”.

Deddf Addysg 2005 (p. 18)

- 18 (1) Mae Deddf Addysg 2005 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 20 (swyddogaethau'r Prif Arolygydd), yn is-adran (7) yn lle “which is brought within the remit of the Chief Inspector by Part 4 of the Learning and Skills Act 2000 (c. 21)” rhodder “to which the functions of the Chief Inspector under Part 2 of the Tertiary Education and Research (Wales) Act 2022 apply”.
- (3) Yn adran 24 (pŵer y Prif Adolygydd i drefnu arolygiadau), yn is-adran (6) yn lle “brought within the remit of the Chief Inspector by Part 4 of the Learning and Skills Act 2000 (c. 21)” rhodder “to which the functions of the Chief Inspector under Part 2 of the Tertiary Education and Research (Wales) Act 2022 apply”.
- (4) Yn adran 28 (dyletswydd i drefnu arolygiadau rheolaidd o ysgolion penodol), ym mharagraff (a) o is-adran (7) yn lle “which is brought within the remit of the Chief Inspector by Part 4 of the Learning and Skills Act 2000 (c. 21)” rhodder “to which the functions of the Chief Inspector under Part 2 of the Tertiary Education and Research (Wales) Act 2022 apply”.
- (5) Yn adran 44C (adroddiad yn dilyn arolygiad ardal ar ysgolion a chanddynt chweched dosbarth y mae arnynt angen gwelliant sylweddol), yn is-adran (1) yn lle “section 83 of the Learning and Skills Act 2000” rhodder “section 63 of the Tertiary Education and Research (Wales) Act 2022”.
- (6) Yn adran 44D (copïau o'r adroddiad a'r cynllun gweithredu), yn is-adran (3) –
- (a) yn lle “paragraph” rhodder “section”;
- (b) ym mharagraff (a), yn lle “38(2)” rhodder “38(3)”.
- (7) Yn adran 44E (adroddiad ar ysgolion chweched dosbarth sy'n peri pryder yn dilyn arolygiad ardal), yn is-adran (1) yn lle “section 83 of the Learning and Skills Act 2000” rhodder “section 63 of the Tertiary Education and Research (Wales) Act 2022”.
- (8) Hepgorer adrannau 85 i 91 (swyddogaethau Cyngor Cyllido Addysg Uwch Cymru mewn perthynas â hyfforddiant athrawon).
- (9) Yn adran 92 (arfer swyddogaethau ar y cyd) –
- (a) yn is-adran (1) hepgorer “, HEFCW”;
- (b) yn is-adran (2) hepgorer “or the the Assembly to the extent that it is discharging its functions under Part 2 of the Learning and Skills Act 2000”;
- (c) hepgorer is-adran (4).
- (10) Yn adran 93 (astudiaethau effeithlonrwydd) –

Children Act 2004 (c. 31)

- 17 (1) The Children Act 2004 is amended as follows.
- (2) In section 25 (co-operation to improve well-being: Wales), in subsection (4) for paragraph (f) substitute –
- “(f) the Commission for Tertiary Education and Research;”.
- (3) In section 29 (information databases), in subsection (7) for paragraph (b) substitute –
- “(b) the Commission for Tertiary Education and Research;”.

Education Act 2005 (c. 18)

- 18 (1) The Education Act 2005 is amended as follows.
- (2) In section 20 (functions on Chief Inspector), in subsection (7) for “which is brought within the remit of the Chief Inspector by Part 4 of the Learning and Skills Act 2000 (c. 21)” substitute “to which the functions of the Chief Inspector under Part 2 of the Tertiary Education and Research (Wales) Act 2022 apply”.
- (3) In section 24 (power of Chief Inspector to arrange for inspections), in subsection (6) for “brought within the remit of the Chief Inspector by Part 4 of the Learning and Skills Act 2000 (c. 21)” substitute “to which the functions of the Chief Inspector under Part 2 of the Tertiary Education and Research (Wales) Act 2022 apply”.
- (4) In section 28 (duty to arrange regular inspections of certain schools), in paragraph (a) of subsection (7) for “which is brought within the remit of the Chief Inspector by Part 4 of the Learning and Skills Act 2000 (c. 21)” substitute “to which the functions of the Chief Inspector under Part 2 of the Tertiary Education and Research (Wales) Act 2022 apply”.
- (5) In section 44C (report after area inspection on schools with sixth forms requiring significant improvement), in subsection (1) for “section 83 of the Learning and Skills Act 2000” substitute “section 63 of the Tertiary Education and Research (Wales) Act 2022”.
- (6) In section 44D (copies of report and action plan), in subsection (3) –
- (a) for “paragraph” substitute “section”;
- (b) in paragraph (a), for “38(2)” substitute “38(3)”.
- (7) In section 44E (report on sixth form schools causing concern after area inspection), in subsection (1) for “section 83 of the Learning and Skills Act 2000” substitute “section 63 of the Tertiary Education and Research (Wales) Act 2022”.
- (8) Omit sections 85 to 91 (Higher Education Funding Council for Wales’ functions in relation to teacher training).
- (9) In section 92 (joint exercise of functions) –
- (a) in subsection (1) omit “, HEFCW”;
- (b) in subsection (2) omit “or the Assembly to the extent that it is discharging its functions under Part 2 of the Learning and Skills Act 2000”;
- (c) omit subsection (4).
- (10) In section 93 (efficiency studies) –

- (a) yn is-adran (1) hepgorer “and HEFCW”;
 - (b) yn is-adran (2) hepgorer “or HEFCW”;
 - (c) yn is-adran (3) hepgorer paragraff (b) a’r “or” o’i flaen.
- (11) Yn adran 94 (darparu gwybodaeth) –
- (a) hepgorer is-adrannau (1) a (2);
 - (b) yn is-adran (3) hepgorer paragraff (b);
 - (c) yn is-adran (4), ym mharagraff (a) hepgorer “, a grant, loan or other payment under section 86, or”.
- (12) Hefgorer adran 97 (sefydliadau sydd o gymeriad enwadol).
- (13) Yn adran 100 (dehongli Rhan 3) –
- (a) yn is-adran (1) hepgorer y diffiniadau o “the Chief Inspector for Wales”, “denominational character”, “governing body” a “HEFCW”;
 - (b) hepgorer is-adran (2).
- (14) Yn Atodlen 9 (diwygiadau sy’n ymwneud ag arolygu ysgolion), hepgorer paragraffau 24 a 25.
- (15) Yn Atodlen 18 (diwygiadau pellach), hepgorer paragraff 13.

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

- 19 (1) Mae Deddf Comisiynydd Pobl Hŷn (Cymru) 2006 wedi ei diwygio fel a ganlyn.
- (2) Yn Atodlen 2 (personau y mae eu swyddogaethau yn ddarostyngedig i’w hadolygu o dan adran 3), o dan yr is-bennawd “Education and training” –
- (a) yn lle “The Higher Education Funding Council for Wales” rhodder “The Commission for Tertiary Education and Research”;
 - (b) yn lle “an institution in Wales falling within section 91(5)(a) of the Further and Higher Education Act 1992 (c. 13)” rhodder “a tertiary education provider (other than one mentioned elsewhere in this Schedule) that is registered in a category specified in regulations made for the purposes of section 88 or 105 of the Tertiary Education and Research (Wales) Act 2022”.
- (3) Yn Atodlen 3 (personau y mae eu trefniadau yn ddarostyngedig i’w hadolygu o dan adran 5), o dan yr is-bennawd “Education and training”, yn lle “an institution in Wales falling within section 91(5)(a) of the Further and Higher Education Act 1992 (c. 13)” rhodder “a tertiary education provider (other than one mentioned elsewhere in this Schedule) that is registered in a category specified in regulations made for the purposes of section 88 or 105 of the Tertiary Education and Research (Wales) Act 2022”.

Deddf Llywodraeth Cymru 2006 (p. 32)

- 20 (1) Mae Deddf Llywodraeth Cymru 2006 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 148 (ystyr cofnodion cyhoeddus Cymru), yn is-adran (2) –
- (a) ar ôl paragraff (a), mewnosoder –

“(aa) the Commission for Tertiary Education and Research,”;

- (a) in subsection (1) omit “and HEFCW”;
 - (b) in subsection (2) omit “or HEFCW”;
 - (c) in subsection (3) omit paragraph (b) and the “or” preceding it.
- (11) In section 94 (provision of information) –
- (a) omit subsections (1) and (2);
 - (b) in subsection (3) omit paragraph (b);
 - (c) in subsection (4), in paragraph (a) omit “, a grant, loan or other payment under section 86, or”.
- (12) Omit section 97 (institutions of a denominational character).
- (13) In section 100 (interpretation of Part 3) –
- (a) in subsection (1) omit the definitions of “the Chief Inspector for Wales”, “denominational character”, “governing body” and “HEFCW”;
 - (b) omit subsection (2).
- (14) In Schedule 9 (amendments relating to school inspection), omit paragraphs 24 and 25.
- (15) In Schedule 18 (further amendments), omit paragraph 13.

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

- 19 (1) The Commissioner for Older People (Wales) Act 2006 is amended as follows.
- (2) In Schedule 2 (persons whose functions are subject to review under section 3), under the sub-heading “Education and training” –
- (a) for “The Higher Education Funding Council for Wales” substitute “The Commission for Tertiary Education and Research”;
 - (b) for “an institution in Wales falling within section 91(5)(a) of the Further and Higher Education Act 1992 (c. 13)” substitute “a tertiary education provider (other than one mentioned elsewhere in this Schedule) that is registered in a category specified in regulations made for the purposes of section 88 or 105 of the Tertiary Education and Research (Wales) Act 2022”.
- (3) In Schedule 3 (persons whose arrangements are subject to review under section 5), under the sub-heading “Education and training”, for “an institution in Wales falling within section 91(5)(a) of the Further and Higher Education Act 1992 (c. 13)” substitute “a tertiary education provider (other than one mentioned elsewhere in this Schedule) that is registered in a category specified in regulations made for the purposes of section 88 or 105 of the Tertiary Education and Research (Wales) Act 2022”.

Government of Wales Act 2006 (c. 32)

- 20 (1) The Government of Wales Act 2006 is amended as follows.
- (2) In section 148 (meaning of Welsh public records), in subsection (2) –
- (a) after paragraph (a), insert –
 - “(aa) the Commission for Tertiary Education and Research,”;

- (b) hepgorer paragraff (h).
- (3) Yn Atodlen 11 (darpariaethau trosiannol), ym mharagraff 35, yn is-baragraff (4), yn Nhabl 2—
 - (a) hepgorer y cofnodion sy'n ymwneud ag adrannau 77(4) a 83(7) o Ddeddf Dysgu a Sgiliau 2000;
 - (b) yn y cofnod sy'n ymwneud ag adran 128(4)(b) o Ddeddf Dysgu a Sgiliau 2000 yn lle "that Act" rhodder "the Learning and Skills Act 2000 (c. 21)";
 - (c) hepgorer y cofnodion sy'n ymwneud ag adrannau 85(3)(d), 90(1), 91(1), 92(4) a 100(2) o Ddeddf Addysg 2005.

Deddf Diogelu Grwpiau Hyglwyf 2006 (p. 47)

- 21 (1) Mae Deddf Diogelu Grwpiau Hyglwyf 2006 wedi ei diwygio fel a ganlyn.
- (2) Yn Atodlen 4 (gweithgareddau rheoleiddiedig sy'n ymwneud â phlant), ym mharagraff 1, ar ôl is-baragraff (9B)(i) mewnosoder —
 - “(ia) an inspection under section 57, 58, 59, 60 or 63 of the Tertiary Education and Research (Wales) Act 2022 (inspection of further education and training, etc. by Her Majesty’s Chief Inspector of Education and Training in Wales);”.
- (3) Yn Atodlen 7, ym mharagraff 1, yn y tabl, yng nghofnod 18, yn lle "section 34(1) of the Learning and Skills Act 2000 (c. 21)" rhodder "section 88(1) or (2), 89(3), 92(1), 97(1) or (7), 103(1) or (2), 104(1)(a) or 136(1) of the Tertiary Education and Research (Wales) Act 2022".

Deddf Addysg a Sgiliau 2008 (p. 25)

- 22 (1) Mae Deddf Addysg a Sgiliau 2008 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 66 (dehongli), yn is-adran (1), yn y diffiniad o "apprenticeship agreement" —
 - (a) hepgorer y geiriau "an apprenticeship agreement within the meaning given in section 32 of the Apprenticeships, Skills, Children and Learning Act 2009 or";
 - (b) yn lle "that Act" rhodder "the Apprenticeships, Skills, Children and Learning Act 2009".
- (3) Yn adran 91 (gwybodaeth: atodol), yn is-adran (3) ar ôl paragraff (b) mewnosoder —
 - “(c) the Commission for Tertiary Education and Research.”

Mesur Teithio gan Ddysgwyr (Cymru) 2008 (mccc 2)

- 23 (1) Mae Mesur Teithio gan Ddysgwyr (Cymru) 2008 wedi ei ddiwygio fel a ganlyn.
- (2) Yn adran 1 (y prif dermau a ddefnyddir yn y Mesur), yn is-adran (4)(g) yn lle "Weinidogion Cymru o dan adran 34(1) o Ddeddf Dysgu a Medrau 2000 (p. 21)" rhodder "y Comisiwn Addysg Drydyddol ac Ymchwil neu Weinidogion Cymru o dan adran 97 o Ddeddf Addysg Drydyddol ac Ymchwil (Cymru) 2022".
- (3) Yn adran 7 (trefniadau teithio i ddysgwyr mewn addysg neu hyfforddiant ôl-16) —

(b) omit paragraph (h).

- (3) In Schedule 11 (transitional provisions), in paragraph 35, in sub-paragraph (4), in Table 2—
- (a) omit the entries relating to sections 77(4) and 83(7) of the Learning and Skills Act 2000;
 - (b) in the entry relating to section 128(4)(b) of the Learning and Skills Act 2000 for “that Act” substitute “the Learning and Skills Act 2000 (c. 21)”;
 - (c) omit the entries relating to sections 85(3)(d), 90(1), 91(1), 92(4) and 100(2) of the Education Act 2005.

Safeguarding Vulnerable Groups Act 2006 (c. 47)

- 21 (1) The Safeguarding Vulnerable Groups Act 2006 is amended as follows.
- (2) In Schedule 4 (regulated activities relating to children), in paragraph 1, after sub-paragraph (9B)(i) insert—
- “(ia) an inspection under section 57, 58, 59, 60 or 63 of the Tertiary Education and Research (Wales) Act 2022 (inspection of further education and training, etc. by Her Majesty’s Chief Inspector of Education and Training in Wales);”.
- (3) In Schedule 7, in paragraph 1, in the table, in entry 18, for “section 34(1) of the Learning and Skills Act 2000 (c. 21)” substitute “section 88(1) or (2), 89(3), 92(1), 97(1) or (7), 103(1) or (2), 104(1)(a) or 136(1) of the Tertiary Education and Research (Wales) Act 2022”.

Education and Skills Act 2008 (c. 25)

- 22 (1) The Education and Skills Act 2008 is amended as follows.
- (2) In section 66 (interpretation), in subsection (1), in the definition of “apprenticeship agreement” —
- (a) omit the words “an apprenticeship agreement within the meaning given in section 32 of the Apprenticeships, Skills, Children and Learning Act 2009 or”;
 - (b) for “that Act” substitute “the Apprenticeships, Skills, Children and Learning Act 2009”.
- (3) In section 91 (information: supplementary), in subsection (3) after paragraph (b) insert —
- “(c) the Commission for Tertiary Education and Research.”

Learner Travel (Wales) Measure 2008 (nawm 2)

- 23 (1) The Learner Travel (Wales) Measure 2008 is amended as follows.
- (2) In section 1 (main terms used in the Measure), in subsection (4)(g) for “the Welsh Ministers under section 34(1) of the Learning and Skills Act 2000 (c. 21)” substitute “the Commission for Tertiary Education and Research or the Welsh Ministers under section 97 of the Tertiary Education and Research (Wales) Act 2022”.
- (3) In section 7 (travel arrangements for learners in post-16 education or training) —

- (a) yn is-adran (1)(b)(ii) ar ôl “gyllidir gan” mewnosoder “y Comisiwn Addysg Drydyddol neu Ymchwil neu”;
- (b) yn is-adran (3)(a) o flaen is-baragraff (i) mewnosoder –
“(ai) y Comisiwn Addysg Drydyddol ac Ymchwil;”.

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

- 24 (1) Mae Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 wedi ei diwygio fel a ganlyn.
- (2) Hepgorer –
- (a) adran 2 (ystyr cwblhau prentisiaeth Gymreig);
 - (b) adrannau 7 i 12 (tystysgrifau a fframweithiau prentisiaethau);
 - (c) adrannau 18 i 22 (fframweithiau prentisiaethau);
 - (d) adrannau 28 i 36 (safonau a chytundebau prentisiaethau);
 - (e) adrannau 38 a 39 (sectorau prentisiaethau a dehongli).
- (3) Yn adran 262 (gorchmynion a rheoliadau), yn is-adran (9), hepgorer “under Chapter 1 of Part 1 (other than an order under section 10) or”.

Mesur Dysgu a Sgiliau (Cymru) 2009 (mccc 1)

- 25 (1) Mae Mesur Dysgu a Sgiliau (Cymru) 2009 wedi ei ddiwygio fel a ganlyn.
- (2) Hepgorer adran 21 (addysg a hyfforddiant ar gyfer personau 16 i 18 oed).
- (3) Yn adran 43 (y ddogfen llwybr dysgu), ar ôl is-adran (6) mewnosoder –
“(7) Rhaid i Weinidogion Cymru ymgynghori â'r Comisiwn Addysg Drydyddol ac Ymchwil cyn rhoi canllawiau o dan is-adran (6).”
- (4) Yn yr Atodlen (mân ddiwygiadau a diwygiadau canlyniadol), hepgorer paragraffau 1 i 9.

Deddf Cydraddoldeb 2010 (p. 15)

- 26 (1) Mae Deddf Cydraddoldeb 2010 wedi ei diwygio fel a ganlyn.
- (2) Yn Atodlen 26 (diwygiadau), hepgorer paragraff 23.

Mesur Plant a Theuluoedd (Cymru) 2010 (mccc 1)

- 27 Yn adran 6 o Fesur Plant a Theuluoedd (Cymru) 2010 (ystyr awdurdod Cymreig), yn is-adran (1)(g), yn lle “Cyngor Cyllido Addysg Uwch Cymru” rhodder “y Comisiwn Addysg Drydyddol ac Ymchwil”.

Mesur y Gymraeg (Cymru) 2011 (mccc 1)

- 28 Yn Atodlen 6 i Fesur y Gymraeg (Cymru) 2011 (personau sy'n agored i orfod cydymffurfio â safonau: cyrff cyhoeddus etc), yn y tabl o dan y pennawd “Cyffredinol” –
- (a) mewnosoder yn y lle priodol –

- (a) in subsection (1)(b)(ii) after “funded by” insert “the Commission for Tertiary Education and Research or”;
- (b) in subsection (3)(a) before sub-paragraph (i) insert –
 - “(ai) the Commission for Tertiary Education and Research;”.

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

- 24 (1) The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows.
- (2) Omit –
 - (a) section 2 (meaning of completing Welsh apprenticeship);
 - (b) sections 7 to 12 (apprenticeship certificates and frameworks);
 - (c) sections 18 to 22 (apprenticeship frameworks);
 - (d) sections 28 to 36 (apprenticeship standards and agreements);
 - (e) sections 38 and 39 (apprenticeship sectors and interpretation).
 - (3) In section 262 (orders and regulations), in subsection (9), omit “under Chapter 1 of Part 1 (other than an order under section 10) or”.

Learning and Skills (Wales) Measure 2009 (nawm 1)

- 25 (1) The Learning and Skills (Wales) Measure 2009 is amended as follows.
- (2) Omit section 21 (education and training for persons aged 16 to 18).
 - (3) In section 43 (the learning pathway document), after subsection (6) insert –
 - “(7) The Welsh Ministers must consult the Commission for Tertiary Education and Research before giving guidance under subsection (6).”
 - (4) In the Schedule (minor and consequential amendments), omit paragraphs 1 to 9.

Equality Act 2010 (c. 15)

- 26 (1) The Equality Act 2010 is amended as follows.
- (2) In Schedule 26 (amendments), omit paragraph 23.

Children and Families (Wales) Measure 2010 (nawm 1)

- 27 In section 6 of the Children and Families (Wales) Measure 2010 (meaning of Welsh authority), in subsection (1)(g), for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”.

Welsh Language (Wales) Measure 2011 (nawm 1)

- 28 In Schedule 6 to the Welsh Language (Wales) Measure 2011 (persons liable to be required to comply with standards: public bodies etc), in the table under the heading “General” –
- (a) insert at the appropriate place –

TABL 1

"Y Comisiwn Addysg Drydyddol ac Ymchwil (<i>"The Commission for Tertiary Education and Research"</i>)	Safonau cyflenwi gwasanaethau
	Safonau llunio polisi
	Safonau gweithredu
	Safonau cadw cofnodion"

(b) hepgorer y cofnod sy'n ymwneud â Chyngor Cyllido Addysg Uwch Cymru.

Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013 (dccc 1)

29 (1) Mae Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013 wedi ei diwygio fel a ganlyn.

(2) Yn adran 1 (trosolwg) –

(a) ar ôl is-adran (9) mewnosoder –

“(9A) Mae Pennod 3A yn darparu pwerau i'r Comisiwn Addysg Drydyddol ac Ymchwil ailstrwythuro addysg chweched dosbarth.”;

(b) hepgorer is-adran (11).

(3) Yn adran 38 (cod trefniadaeth ysgolion) –

(a) yn is-adran (2), ar ôl paragraff (c) mewnosoder –

“(ca) y Comisiwn Addysg Drydyddol ac Ymchwil;”;

(b) yn is-adran (5), ar ddiwedd paragraff (c) hepgorer “neu” ac ar ôl y paragraff hwnnw mewnosoder –

“(ca) y Comisiwn Addysg Drydyddol ac Ymchwil, neu”.

(4) Yn adran 39 (llunio a chymeradwyo cod trefniadaeth ysgolion), yn is-adran (1), ar ddiwedd paragraff (c) hepgorer “ac” ac ar ôl y paragraff hwnnw mewnosoder –

“(ca) y Comisiwn Addysg Drydyddol ac Ymchwil, a”.

(5) Yn adran 50 (eu cymeradwyo gan Weinidogion Cymru), yn is-adran (1) ar ôl “dosbarth” mewnosoder “ac os yw gwrthwynebiad wedi ei wneud i'r cynigion yn unol ag adran 49(2) ac os nad yw wedi ei dynnu yn ôl yn ysgrifenedig cyn diwedd 28 o ddiwrnodau gan ddechrau ar ddiwedd y cyfnod gwrthwynebu”.

(6) Yn adran 61 (ymchwiliad lleol i gynigion) –

(a) yn is-adran (4) yn lle “70 a 73” rhodder “63F, 63G a 70”;

(b) yn is-adran (6) ym mharagraff (d) yn lle “68 neu 71” rhodder “63C neu 68”;

(c) yn is-adran (8) yn lle “yn y cyfarwyddyd o dan adran 57(2)” rhodder “mewn cyfarwyddyd o dan adran 57(2) neu 63A(1)”;

(d) yn is-adran (9) –

(i) ym mharagraff (a) yn lle “70 neu 73” rhodder “63F neu 70”;

(ii) ym mharagraff (b) ar ôl “53” mewnosoder “neu 63G”.

(7) Ar ôl adran 63 mewnosoder –

TABLE 1

“The Commission for Tertiary Education and Research (“Y Comisiwn Addysg Drydyddol ac Ymchwil”)	Service delivery standards
	Policy making standards
	Operational Standards
	Record keeping standards”

(b) omit the entry relating to the Higher Education Funding Council for Wales.

School Standards and Organisation (Wales) Act 2013 (anaw 1)

29 (1) The School Standards and Organisation (Wales) Act 2013 is amended as follows.

(2) In section 1 (overview) –

(a) after subsection (9) insert –

“(9A) Chapter 3A provides for powers for the Commission for Tertiary Education and Research to restructure sixth form education.”;

(b) omit subsection (11).

(3) In section 38 (school organisation code) –

(a) in subsection (2), after paragraph (c) insert –

“(ca) the Commission for Tertiary Education and Research;”;

(b) in subsection (5), at the end of paragraph (c) omit “or” and after that paragraph insert –

“(ca) the Commission for Tertiary Education and Research, or”.

(4) In section 39 (making and approval of school organisation code), in subsection (1), at the end of paragraph (c) omit “and” and after that paragraph insert –

“(ca) the Commission for Tertiary Education and Research, and”.

(5) In section 50 (approval by Welsh Ministers), in subsection (1) after “education” insert “and an objection has been made to the proposals in accordance with section 49(2) and has not been withdrawn in writing before the end of 28 days beginning with the end of the objection period”.

(6) In section 61 (local inquiry into proposals) –

(a) in subsection (4) for “70 and 73” substitute “63F, 63G and 70”;

(b) in subsection (6) in paragraph (d) for “68 or 71” substitute “63C or 68”;

(c) in subsection (8) for “the direction under section 57(2)” substitute “a direction under section 57(2) or 63A(1)”;

(d) in subsection (9) –

(i) in paragraph (a) for “70 or 73” substitute “63F or 70”;

(ii) in paragraph (b) after “53” insert “or 63G”.

(7) After section 63 insert –

“PENNOD 3A**CYNIGION I AILSTRWYTHURO DARPARIAETH CHWECHED DOSBARTH****63A Cyfarwyddau gan y Comisiwn i wneud cynigion chweched dosbarth**

- (1) Caiff y Comisiwn, yn unol â'r Cod—
 - (a) cyfarwyddo awdurdod lleol i arfer ei bwerau i wneud cynigion i—
 - (i) sefydlu neu derfynu ysgol sy'n darparu addysg sy'n addas i ofynion personau dros oedran ysgol gorfodol yn unig, neu
 - (ii) gwneud newid a ddisgrifir yn Atodlen 2 i ysgol, y byddai ei effaith yn golygu bod darparu addysg sy'n addas i ofynion personau dros oedran ysgol gorfodol yn yr ysgol yn cynyddu neu'n lleihau.
 - (b) cyfarwyddo corff llywodraethu ysgol sefydledig neu ysgol wirfoddol i arfer ei bwerau i wneud newid a ddisgrifir yn Atodlen 2 i ysgol, y byddai ei effaith yn golygu bod darparu addysg sy'n addas i ofynion personau dros oedran ysgol gorfodol yn yr ysgol yn cynyddu neu'n lleihau.
- (2) Rhaid i gyfarwyddyd o dan is-adran (1)—
 - (a) ei gwneud yn ofynnol i'r cynigion gael eu cyhoeddi heb fod yn hwyrach na'r dyddiad a bennir yn y cyfarwyddyd, a
 - (b) ei gwneud yn ofynnol i'r cynigion, wrth roi effaith i'r cyfarwyddyd, gymhwyso unrhyw egwyddorion a bennir ynddo.

63B Darpariaeth bellach ynghylch cynigion a wneir ar ôl cyfarwyddyd o dan adran 63A(1)

- (1) Ni chaniateir i gynigion a wneir yn unol â chyfarwyddyd o dan adran 63A(1) gael eu tynnu'n ôl heb gydsyniad y Comisiwn.
- (2) Caiff y Comisiwn roi cydsyniad at ddibenion is-adran (1) yn ddarostyngedig i amodau.
- (3) Rhaid i awdurdod lleol ad-dalu gwariant yr aed iddo'n rhesymol gan gorff llywodraethu ysgol a gynhelir ganddo wrth wneud cynigion yn unol â chyfarwyddyd o dan adran 63A(1).
- (4) Er gwaethaf unrhyw beth yn Rhan 1 o Atodlen 3 (cyfrifoldeb dros weithredu cynigion statudol), rhaid i awdurdod lleol gwrdd â'r gost o weithredu cynigion a wneir gan gorff llywodraethu ysgol a gynhelir ganddo yn unol â chyfarwyddyd o dan adran 63A(1) a'r rheini'n gynigion sydd wedi eu cymeradwyo neu y penderfynwyd eu gweithredu.

“CHAPTER 3A

PROPOSALS FOR RESTRUCTURING SIXTH FORM PROVISION

63A Directions by the Commission to make sixth form proposals

- (1) The Commission may, in accordance with the Code –
 - (a) direct a local authority to exercise its powers to make proposals to –
 - (i) establish or discontinue a school providing education suitable only to the requirements of persons over compulsory school age, or
 - (ii) make an alteration described in Schedule 2 to a school, the effect of which would be that provision of education suitable to the requirements of persons over compulsory school age at the school increases or decreases.
 - (b) direct the governing body of a foundation or voluntary school to exercise its powers to make an alteration described in Schedule 2 to a school, the effect of which would be that provision of education suitable to the requirements of persons over compulsory school age at the school increases or decreases.
- (2) A direction under subsection (1) must –
 - (a) require the proposals to be published no later than the date specified in the direction, and
 - (b) require the proposals, in giving effect to the direction, to apply any principles specified in it.

63B Further provision about proposals made after a direction under section 63A(1)

- (1) Proposals made in accordance with a direction under section 63A(1) may not be withdrawn without the consent of the Commission.
- (2) The Commission may give consent for the purposes of subsection (1) subject to conditions.
- (3) A local authority must reimburse expenditure reasonably incurred by a governing body of a school maintained by it in making proposals in accordance with a direction under section 63A(1).
- (4) Despite anything in Part 1 of Schedule 3 (responsibility for implementation of statutory proposals), a local authority must meet the cost of implementing proposals made by a governing body of a school maintained by it in accordance with a direction under section 63A(1) which have been approved or determined to be implemented.

63C Gwneud cynigion gan y Comisiwn

- (1) Mae'r adran hon yn gymwys pan fo—
 - (a) y Comisiwn wedi gwneud cyfarwyddyd o dan adran 63A(1), a
 - (b) naill ai—
 - (i) cynigion wedi eu cyhoeddi'n unol â'r cyfarwyddyd, neu
 - (ii) yr amser a ganiatawyd o dan y cyfarwyddyd ar gyfer cyhoeddi'r cynigion wedi dirwyn i ben.
- (2) Caiff y Comisiwn wneud unrhyw gynigion y gellid bod wedi eu gwneud yn unol â'r cyfarwyddyd.
- (3) Ond rhaid i'r Comisiwn gael cydsyniad Gweinidogion Cymru cyn gwneud cynnig i wneud newid a ddisgrifir ym mharagraff 6 o Atodlen 2 (agor neu gau chweched dosbarth ysgol) i ysgol wirfoddol neu ysgol sefydledig.
- (4) Pan fo'r Comisiwn yn gwneud cynigion o dan yr adran hon, mae unrhyw gynigion sydd wedi eu gwneud gan awdurdod lleol neu gorff llywodraethu ac sydd wedi eu cyhoeddi yn unol â'r cyfarwyddyd i'w trin fel pe baent wedi eu tynnu'n ôl.

63D Cyhoeddi cynigion y Comisiwn ac ymgynghori arnynt

- (1) Rhaid i'r Comisiwn gyhoeddi cynigion a wneir o dan adran 63C yn unol â'r Cod.
- (2) Cyn cyhoeddi cynigion a wneir o dan adran 63C, rhaid i'r Comisiwn ymgynghori ynglŷn â'i gynigion yn unol â'r Cod.
- (3) Nid yw'r gofyniad i ymgynghori yn gymwys i gynigion i derfynu ysgol sy'n ysgol fach o fewn yr ystyr a roddir gan adran 56.
- (4) Cyn diwedd 7 niwrnod gan ddechrau ar ddiwrnod eu cyhoeddi, rhaid i'r Comisiwn anfon copiâu o'r cynigion cyhoeddedig—
 - (a) at Weinidogion Cymru,
 - (b) at yr awdurdod lleol sy'n cynnal, neu y cynigir y bydd yn cynnal, yr ysgol y mae'r cynigion yn ymwneud â hi, ac
 - (c) at gorff llywodraethu (os oes un) yr ysgol y mae'r cynigion yn ymwneud â hi.
- (5) Rhaid i'r Comisiwn gyhoeddi adroddiad ar yr ymgynghoriad y mae wedi ei gynnal yn unol â'r Cod.

63E Gwrthwynebiadau i gynigion y Comisiwn

- (1) Caiff unrhyw berson wrthwynebu cynigion a gyhoeddir o dan adran 63D.

63C Making of proposals by the Commission

- (1) This section applies where –
 - (a) the Commission has made a direction under section 63A(1), and
 - (b) either –
 - (i) proposals have been published in accordance with the direction, or
 - (ii) the time allowed under the direction for the publication of the proposals has expired.
- (2) The Commission may make any proposals that could have been made in accordance with the direction.
- (3) But the Commission must obtain the consent of the Welsh Ministers before making a proposal to make an alteration described in paragraph 6 of Schedule 2 (opening or closing a school's sixth form) to a voluntary or foundation school.
- (4) Where the Commission makes proposals under this section, any proposals that have been made by a local authority or governing body and published in accordance with the direction are to be treated as having been withdrawn.

63D Publication of Commission's proposals and consultation

- (1) The Commission must publish proposals made under section 63C in accordance with the Code.
- (2) Before publishing proposals made under section 63C, the Commission must consult on its proposals in accordance with the Code.
- (3) The requirement to consult does not apply to proposals to discontinue a school which is a small school within the meaning given by section 56.
- (4) Before the end of 7 days beginning with the day on which they were published, the Commission must send copies of the published proposals to –
 - (a) the Welsh Ministers,
 - (b) the local authority that maintains, or that it is proposed will maintain, the school to which the proposals relate, and
 - (c) the governing body (if any) of the school to which the proposals relate.
- (5) The Commission must publish a report on the consultation it has carried out in accordance with the Code.

63E Objections to the Commission's proposals

- (1) Any person may object to proposals published under section 63D.

- (2) Rhaid i wrthwynebiadau gael eu hanfon yn ysgrifenedig i'r Comisiwn cyn diwedd 28 o ddiwrnodau gan ddechrau ar y diwrnod y cafodd y cynigion eu cyhoeddi ("y cyfnod gwrthwynebu").
- (3) Rhaid i'r Comisiwn gyhoeddi crynodeb o'r holl wrthwynebiadau a wnaed yn unol ag is-adran (2) (ac nad ydynt wedi eu tynnu'n ôl) a'i ymateb i'r gwrthwynebiadau hynny cyn diwedd 28 o ddiwrnodau gan ddechrau ar ddiwedd y cyfnod gwrthwynebu.

63F Eu cymeradwyo gan Weinidogion Cymru

- (1) Mae'n ofynnol i gynigion a gyhoeddir gan y Comisiwn o dan adran 63D gael eu cymeradwyo o dan yr adran hon os yw gwrthwynebiad wedi ei wneud yn unol ag adran 63E(2) ac nad yw wedi ei dynnu'n ôl yn ysgrifenedig cyn diwedd 28 o ddiwrnodau gan ddechrau ar ddiwedd y cyfnod gwrthwynebu.
- (2) Pan fo'n ofynnol i gynigion gael eu cymeradwyo o dan yr adran hon, rhaid i'r Comisiwn anfon copi o'r dogfennau a restrir yn is-adran (3) at Weinidogion Cymru cyn diwedd 35 o ddiwrnodau gan ddechrau ar ddiwedd y cyfnod gwrthwynebu.
- (3) Y dogfennau yw –
 - (a) yr adroddiad a gyhoeddir o dan adran 63D(5),
 - (b) y cynigion cyhoeddedig,
 - (c) unrhyw wrthwynebiadau a wneir yn unol ag adran 63E(2) (ac nad ydynt wedi eu tynnu'n ôl), a
 - (d) pan fo gwrthwynebiadau wedi eu gwneud felly (ac nad ydynt wedi eu tynnu'n ôl), yr ymateb a gyhoeddir o dan adran 63E(3).
- (4) Pan fo'n ofynnol i gynigion gael eu cymeradwyo o dan yr adran hon, caiff Gweinidogion Cymru –
 - (a) gwrthod y cynigion,
 - (b) eu cymeradwyo heb eu haddasu, neu
 - (c) eu cymeradwyo gydag addasiadau –
 - (i) ar ôl cael cydsyniad y Comisiwn i'r addasiadau, a
 - (ii) ar ôl ymgynghori â'r awdurdod lleol sy'n cynnal, neu y cynigir y bydd yn cynnal, yr ysgol y mae'r cynigion yn ymwneud â hi, ac â chorff llywodraethu (os oes un) yr ysgol y mae'r cynigion yn ymwneud â hi.
- (5) Caniateir i gymeradwyaeth ddatgan mai dim ond os bydd digwyddiad a bennir yn y gymeradwyaeth yn digwydd erbyn dyddiad a bennir felly, y byddai'n dod yn weithredol.
- (6) Caiff Gweinidogion Cymru, ar gais y Comisiwn, bennu dyddiad diweddarach erbyn pryd y mae'r digwyddiad y cyfeiriwyd ato yn is-adran (5) i ddigwydd.

- (2) Objections must be sent in writing to the Commission before the end of 28 days beginning with the day on which the proposals were published (“the objection period”).
- (3) The Commission must publish a summary of all objections made in accordance with subsection (2) (and not withdrawn) and its response to those objections before the end of 28 days beginning with the end of the objection period.

63F Approval by Welsh Ministers

- (1) Proposals published by the Commission under section 63D require approval under this section if an objection has been made in accordance with section 63E(2) and has not been withdrawn in writing before the end of 28 days beginning with the end of the objection period.
- (2) Where proposals require approval under this section, the Commission must send a copy of the documents listed in subsection (3) to the Welsh Ministers before the end of 35 days beginning with the end of the objection period.
- (3) The documents are –
 - (a) the report published under section 63D(5),
 - (b) the published proposals,
 - (c) any objections made in accordance with section 63E(2) (and not withdrawn), and
 - (d) where objections have been so made (and not withdrawn), the response published under section 63E(3).
- (4) Where proposals require approval under this section, the Welsh Ministers may –
 - (a) reject the proposals,
 - (b) approve them without modification, or
 - (c) approve them with modifications –
 - (i) after obtaining the consent of the Commission to the modifications, and
 - (ii) after consulting the local authority that maintains, or that it is proposed will maintain, the school to which the proposals relate and the governing body (if any) of the school to which the proposals relate.
- (5) An approval may be expressed to take effect only if an event specified in the approval occurs by a date so specified.
- (6) The Welsh Ministers may, at the request of the Commission, specify a later date by which the event referred to in subsection (5) is to occur.

- (7) Nid yw is-adran (1) yn atal cynigion rhag cael eu tynnu'n ôl drwy hysbysiad ysgrifenedig a roddir gan y Comisiwn i Weinidogion Cymru ar unrhyw bryd cyn iddynt gael eu cymeradwyo o dan yr adran hon.
- (8) Nid yw'n ofynnol i gynigion i derfynu ysgol sy'n ysgol fach o fewn yr ystyr a roddir gan adran 56 gael unrhyw gymeradwyaeth o dan yr adran hon.

63G Penderfynu

- (1) Pan na fo'n ofynnol i gynigion a gyhoeddir o dan adran 63D gael eu cymeradwyo o dan adran 63F, rhaid i'r Comisiwn benderfynu a ddylid gweithredu'r cynigion.
- (2) Os na fydd penderfyniad o dan is-adran (1) wedi ei wneud cyn diwedd 16 o wythnosau gan ddechrau ar ddiwedd y cyfnod gwrthwynebu, bernir bod y Comisiwn wedi tynnu'r cynigion yn eu hôl.
- (3) Cyn diwedd 7 niwrnod gan ddechrau ar ddiwrnod ei benderfyniad o dan is-adran (1), rhaid i'r Comisiwn hysbysu'r canlynol am y penderfyniad—
 - (a) Gweinidogion Cymru;
 - (b) yr awdurdod lleol sy'n cynnal, neu y cynigir y bydd yn cynnal, yr ysgol y mae'r cynigion yn ymwneud â hi;
 - (c) corff llywodraethu (os oes un) yr ysgol y mae'r cynigion yn ymwneud â hi.

63H Gweithredu cynigion

- (1) Mae cynigion sydd wedi eu cymeradwyo gan Weinidogion Cymru o dan adran 63F neu y penderfynwyd eu gweithredu gan y Comisiwn o dan adran 63G yn cael effaith fel petaent wedi eu cymeradwyo gan Weinidogion Cymru o dan adran 50 ar ôl iddynt gael eu gwneud—
 - (a) gan yr awdurdod lleol o dan ei bwerau i wneud cynigion i sefydlu, newid neu derfynu ysgolion, neu
 - (b) yn achos cynigion i newid ysgol sefydledig neu ysgol wirfoddol, gan y corff llywodraethu o dan ei bwerau i wneud cynigion i newid ei ysgol.
- (2) Er gwaethaf unrhyw beth yn Rhan 1 o Atodlen 3 (cyfrifoldeb dros weithredu cynigion statudol), rhaid i'r awdurdod lleol sy'n cynnal yr ysgol o dan sylw gwrdd â'r gost o weithredu cynigion sydd wedi eu cymeradwyo o dan adran 63F neu y penderfynwyd eu gweithredu o dan adran 63G ac sy'n cael effaith fel a grybwyllir yn is-adran (1)(b).

63I Dehongli Pennod 3A

Yn y Bennod hon—

- (7) Subsection (1) does not prevent proposals from being withdrawn by notice in writing given by the Commission to the Welsh Ministers at any time before they are approved under this section.
- (8) No approval is required under this section for proposals to discontinue a school which is a small school within the meaning given by section 56.

63G Determination

- (1) Where proposals published under section 63D do not require approval under section 63F, the Commission must determine whether the proposals should be implemented.
- (2) If a determination under subsection (1) is not made before the end of 16 weeks beginning with the end of the objection period, the Commission is to be taken to have withdrawn the proposals.
- (3) Before the end of 7 days beginning with the day of its determination under subsection (1), the Commission must notify the following of the determination –
 - (a) the Welsh Ministers;
 - (b) the local authority that maintains, or that it is proposed will maintain, the school to which the proposals relate;
 - (c) the governing body (if any) of the school to which the proposals relate.

63H Implementation of proposals

- (1) Proposals approved by the Welsh Ministers under section 63F or determined to be implemented by the Commission under section 63G have effect as if they had been approved by the Welsh Ministers under section 50 after having been made –
 - (a) by the local authority under its powers to make proposals to establish, alter or discontinue schools, or
 - (b) in the case of proposals to alter a foundation or voluntary school, by the governing body under its powers to make proposals to alter its school.
- (2) Despite anything in Part 1 of Schedule 3 (responsibility for implementation of statutory proposals), the local authority that maintains the school in question must meet the cost of implementing proposals approved under section 63F or determined to be implemented under section 63G which have effect as mentioned in subsection (1)(b).

63I Interpretation of Chapter 3A

In this Chapter –

ystyr “y Cod” (“*the Code*”) yw’r cod ar drefniadaeth ysgolion a ddyroddir o dan adran 38(1);

ystyr “y Comisiwn” (“*the Commission*”) yw’r Comisiwn Addysg Drydyddol ac Ymchwil.”

- (8) Hepgorer adrannau 71 i 76 (cynigion i ailstrwythuro addysg chweched dosbarth).
- (9) Yn adran 80 (hysbysiad gan gorff llywodraethu am derfynu ysgol sefydledig neu ysgol wirfoddol), yn is-adran (3) yn lle “â Gweinidogion Cymru” rhodder “â’r Comisiwn Addysg Drydyddol ac Ymchwil” ac yn lle “anghenion” rhodder “ofynion”.
- (10) Yn adran 82 (gorchmynion esemptio trosiannol at ddibenion Deddf Cydraddoldeb 2010), yn is-adran (2) yn lle “, 68 neu 71” rhodder “neu 68”.
- (11) Yn adran 98 (dehongli’n gyffredinol a mynegai o ymadroddion sydd wedi eu diffinio), yn is-adran (3) –
- (a) mewnosoder yn y lle priodol –
- “ystyr “y Comisiwn” (“*the Commission*”) ym Mhennod 3A o Ran 3 yw’r Comisiwn Addysg Drydyddol ac Ymchwil;”;
- (b) yn y diffiniad o “y Cod” yn lle “Mhennod 2” rhodder “Mhenodau 2 a 3A”;
- (c) yn y diffiniad o “cyfnod gwrthwynebu” ar ôl “Ran 3” mewnosoder “ac yn adran 63E(2) at ddibenion Pennod 3A o Ran 3”.
- (12) Yn Atodlen 2 (newidiadau rheoleiddiedig) –
- (a) ym mharagraff 10 (newidiadau i fangreoedd), yn is-baragraff (3)(c)(i), ar ôl “59,” mewnosoder “63D,”;
- (b) ym mharagraff 19 (cynnydd yn nifer disgyblion: ysgolion arbennig), yn is-baragraff (2)(c)(i), ar ôl “59,” mewnosoder “63D,”.
- (13) Yn Atodlen 5 (mân ddiwygiadau a diwygiadau canlyniadol), hepgorer paragraffau 2(3) ac 20(3).

Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4)

- 30 (1) Mae Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 162 (trefniadau i hyrwyddo cydweithrediad: oedolion y mae arnynt anghenion am ofal a chymorth a gofalwyr), yn is-adran (4) –
- (a) ym mharagraff (g), yn lle “Ran 2 o Ddeddf Dysgu a Medrau 2000” rhodder “adran 92, 97 neu 103(1) o Ddeddf Addysg Drydyddol ac Ymchwil (Cymru) 2022”;
- (b) ar ôl paragraff (g) mewnosoder –
- “(ga) y Comisiwn Addysg Drydyddol ac Ymchwil i’r graddau y mae’n cyflawni swyddogaethau o dan adran 93, 94, 95, 97 neu 103(1) o Ddeddf Addysg Drydyddol ac Ymchwil (Cymru) 2022;”.

Deddf Addysg Uwch (Cymru) 2015 (dccc 1)

- 31 Mae Deddf Addysg Uwch (Cymru) 2015 wedi ei diddymu.

“the Code” (“*y Cod*”) means the code on school organisation issued under section 38(1);

“the Commission” (“*y Comisiwn*”) means the Commission for Tertiary Education and Research.”

- (8) Omit sections 71 to 76 (proposals for restructuring sixth form education).
- (9) In section 80 (notice by governing body to discontinue foundation or voluntary school), in subsection (3) for “the Welsh Ministers” substitute “the Commission for Tertiary Education and Research”.
- (10) In section 82 (transitional exemption orders for purposes of Equality Act 2010), in subsection (2) for “, 68 or 71” substitute “or 68”.
- (11) In section 98 (general interpretation and index of defined expressions), in subsection (3) –
- (a) insert in the appropriate place –

“the Commission” (“*y Comisiwn*”) in Chapter 3A of Part 3 means the Commission for Tertiary Education and Research;”;
 - (b) in the definition of “the Code” for “Chapter 2” substitute “Chapters 2 and 3A”;
 - (c) in the definition of “objection period” after “Part 3” insert “and in section 63E(2) for the purposes of Chapter 3A of Part 3”.
- (12) In Schedule 2 (regulated alterations) –
- (a) in paragraph 10 (alterations to premises), in sub-paragraph (3)(c)(i), after “59,” insert “63D;”;
 - (b) in paragraph 19 (increase in pupils: special schools), in sub-paragraph (2)(c)(i), after “59,” insert “63D;”.
- (13) In Schedule 5 (minor and consequential amendments), omit paragraphs 2(3) and 20(3).

Social Services and Well-being (Wales) Act 2014 (anaw 4)

- 30 (1) The Social Services and Well-being (Wales) Act 2014 is amended as follows.
- (2) In section 162 (arrangements to promote co-operation: adults with needs for care and support and carers), in subsection (4) –
- (a) in paragraph (g), for “Part 2 of the Learning and Skills Act 2000” substitute “section 92, 97 or 103(1) of the Tertiary Education and Research (Wales) Act 2022”;
 - (b) after paragraph (g) insert –

“(ga) the Commission for Tertiary Education and Research to the extent that it is discharging functions under section 93, 94, 95, 97 or 103(1) of the Tertiary Education and Research (Wales) Act 2022;”.

Higher Education (Wales) Act 2015 (anaw 1)

- 31 The Higher Education (Wales) Act 2015 is repealed.

Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (dccc 2)

- 32 (1) Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 6 (ystyr corff cyhoeddus), yn is-adran (1)(h), yn lle "Cyngor Cyllido Addysg Uwch Cymru" rhodder "y Comisiwn Addysg Drydyddol ac Ymchwil".
- (3) Yn adran 32 (partneriaid eraill), yn is-adran (1) yn lle paragraff (e) rhodder –
 "(e) y Comisiwn Addysg Drydyddol ac Ymchwil;" .

Deddf Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol (Cymru) 2015 (dccc 3)

- 33 (1) Mae Deddf Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol (Cymru) 2015 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 10 (canllawiau i sefydliadau addysg bellach ac uwch) –
- (a) yn is-adran (1) yn lle "Gweinidogion Cymru" rhodder "y Comisiwn Addysg Drydyddol ac Ymchwil ("y Comisiwn")";
- (b) yn is-adran (2) yn lle "Cyngor Cyllido Addysg Uwch Cymru ("CCAUC")" rhodder "y Comisiwn";
- (c) yn is-adran (3) yn lle "Gweinidogion Cymru a CCAUC" rhodder "y Comisiwn";
- (d) yn is-adran (5) yn lle "i Weinidogion Cymru a CCAUC" rhodder "i'r Comisiwn" ac yn lle "eu barn hwy" rhodder "ei farn ef";
- (e) hepgorer is-adran (8).

Deddf Cymwysterau Cymru 2015 (dccc 5)

- 34 (1) Mae Deddf Cymwysterau Cymru 2015 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 34 (cyfyngu ar gyllido a darparu cyrsiau penodol), yn is-adran (12) yn y diffiniad o "corff awdurdodedig" ar ôl paragraff (b) mewnosoder –
 "(c) y Comisiwn Addysg Drydyddol ac Ymchwil;" .

Deddf Dadreoleiddio 2015 (p. 20)

- 35 (1) Mae Deddf Dadreoleiddio 2015 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 3 (prentisiaethau), hepgorer is-adran (4).
- (3) Yn Atodlen 1 (prentisiaethau) –
- (a) yn Rhan 2, hepgorer paragraffau 9(a) a 15;
- (b) hepgorer Rhan 3.

Deddf yr Amgylchedd (Cymru) 2016 (dccc 3)

- 36 Yn adran 10 o Ddeddf yr Amgylchedd (Cymru) 2016 (ystyr corff cyhoeddus), yn is-adran (1)(f), yn lle "Cyngor Cyllido Addysg Uwch Cymru" rhodder "y Comisiwn Addysg Drydyddol ac Ymchwil".

Well-being of Future Generations (Wales) Act 2015 (anaw 2)

- 32 (1) The Well-being of Future Generations (Wales) Act 2015 is amended as follows.
- (2) In section 6 (meaning of public body), in subsection (1)(h), for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”.
- (3) In section 32 (other partners), in subsection (1) for paragraph (e) substitute—
- “(e) the Commission for Tertiary Education and Research;”.

Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (anaw 3)

- 33 (1) The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 is amended as follows.
- (2) In section 10 (guidance to further and higher education institutions)—
- (a) in subsection (1) for “The Welsh Ministers” substitute “The Commission for Tertiary Education and Research (“the Commission”)”;
- (b) in subsection (2) for “The Higher Education Funding Council for Wales (“HEFCW”)” substitute “The Commission”;
- (c) in subsection (3) for “the Welsh Ministers and HEFCW” substitute “the Commission”;
- (d) in subsection (5) for “the Welsh Ministers and HEFCW” substitute “the Commission” and for “they consider” substitute “it considers”;
- (e) omit subsection (8).

Qualifications Wales Act 2015 (anaw 5)

- 34 (1) The Qualifications Wales Act 2015 is amended as follows.
- (2) In section 34 (restriction on funding and provision of certain courses), in subsection (12) in the definition of “authorised body” after paragraph (b) insert—
- “(c) the Commission for Tertiary Education and Research;”.

Deregulation Act 2015 (c. 20)

- 35 (1) The Deregulation Act 2015 is amended as follows.
- (2) In section 3 (apprenticeships), omit subsection (4).
- (3) In Schedule 1 (apprenticeships)—
- (a) in Part 2, omit paragraphs 9(a) and 15;
- (b) omit Part 3.

Environment (Wales) Act 2016 (anaw 3)

- 36 In section 10 of the Environment (Wales) Act 2016 (meaning of public body), in subsection (1)(f), for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”.

Deddf Iechyd y Cyhoedd (Cymru) 2017 (dccc 2)

- 37 Yn adran 110 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 (ystyr corff cyhoeddus), yn is-adran (1)(h), yn lle “Cyngor Cyllido Addysg Uwch Cymru” rhodder “y Comisiwn Addysg Drydyddol ac Ymchwil”.

Deddf Addysg Uwch ac Ymchwil 2017 (p. 29)

- 38 (1) Mae Deddf Addysg Uwch ac Ymchwil 2017 wedi ei diwygio fel a ganlyn.
 (2) Yn Atodlen 11 (mân ddiwygiadau a diwygiadau canlyniadol sy’n ymwneud â Rhan 1), hepgorer paragraffau 7, 8, 11, 14, 15, 16, 17, 18, 20, 22, 24, 25, 26(3) a (4).

Deddf Anghenion Dysgu Ychwanegol a’r Tribiwnlys Addysg (Cymru) 2018 (dccc 2)

- 39 (1) Mae Deddf Anghenion Dysgu Ychwanegol a’r Tribiwnlys Addysg (Cymru) 2018 wedi ei diwygio fel a ganlyn.
 (2) Yn adran 4 (cod anghenion dysgu ychwanegol), yn is-adran (3), ar ôl paragraff (c) mewnosoder –
 “(ca) y Comisiwn Addysg Drydyddol ac Ymchwil;
 (cb) Gweinidogion Cymru;”
 (3) Yn adran 5 (y weithdrefn ar gyfer gwneud y cod anghenion dysgu ychwanegol), yn is-adran (1), ar ôl paragraff (d) mewnosoder –
 “(da) y Comisiwn Addysg Drydyddol ac Ymchwil;”
 (4) Yn adran 50 (dyletswyddau Gweinidogion Cymru i sicrhau addysg a hyfforddiant ôl-16), hepgorer is-adrannau (2) i (4).
 (5) Yn adran 65 (dyletswyddau i ddarparu gwybodaeth a help arall), yn is-adran (4) ar ôl paragraff (d) mewnosoder –
 “(da) y Comisiwn Addysg Drydyddol ac Ymchwil;
 (db) Gweinidogion Cymru;”

Rheoliadau Safonau’r Gymraeg (Rhif 6) 2017 (O.S. 2017/90)

- 40 (1) Mae Rheoliadau Safonau’r Gymraeg (Rhif 6) 2017 wedi eu diwygio fel a ganlyn.
 (2) Yn rheoliad 3(4) yn lle “Cyngor Cyllido Addysg Uwch Cymru” rhodder “y Comisiwn Addysg Drydyddol ac Ymchwil”.

Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2019 (dccc 3)

- 41 Yn Atodlen 3 i Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2019 (awdurdodau rhestredig), o dan yr is-bennawd “Addysg a hyfforddiant” yn lle “Cyngor Cyllido Addysg Uwch Cymru” rhodder “Y Comisiwn Addysg Drydyddol ac Ymchwil”.

Public Health (Wales) Act 2017 (anaw 2)

- 37 In section 110 of the Public Health (Wales) Act 2017 (meaning of public body), in subsection (1)(h), for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”.

Higher Education and Research Act 2017 (c. 29)

- 38 (1) The Higher Education and Research Act 2017 is amended as follows.
(2) In Schedule 11 (minor and consequential amendments relating to Part 1), omit paragraphs 7, 8, 11, 14, 15, 16, 17, 18, 20, 22, 24, 25, 26(3) and (4).

Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2)

- 39 (1) The Additional Learning Needs and Education Tribunal (Wales) Act 2018 is amended as follows.
(2) In section 4 (additional learning needs code), in subsection (3), after paragraph (c) insert –
 “(ca) the Commission for Tertiary Education and Research;
 (cb) the Welsh Ministers;”.
(3) In section 5 (procedure for making the additional learning needs code), in subsection (1), after paragraph (d) insert –
 “(da) the Commission for Tertiary Education and Research;”.
(4) In section 50 (Welsh Ministers’ duties to secure post-16 education and training), omit subsections (2) to (4).
(5) In section 65 (duties to provide information and other help), in subsection (4) after paragraph (d) insert –
 “(da) the Commission for Tertiary Education and Research;
 (db) the Welsh Ministers;”.

The Welsh Language Standards (No. 6) Regulations 2017 (S.I. 2017/90)

- 40 (1) The Welsh Language Standards (No. 6) Regulations 2017 are amended as follows.
(2) In regulation 3(4) for “The Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”.

Public Services Ombudsman (Wales) Act 2019 (anaw 3)

- 41 In Schedule 3 to the Public Services Ombudsman (Wales) Act 2019 (listed authorities), under the sub-heading “Education and training” for “The Higher Education Funding Council for Wales” substitute “The Commission for Tertiary Education and Research”.

