



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 7 Tachwedd 2012
Tabled on 7 November 2012

Bil Safonau a Threfniadaeth Ysgolion (Cymru)
School Standards and Organisation (Wales) Bill

Aled Roberts

140

Section 20, page 13, after line 26, insert—

- ‘() Guidance given by the Welsh Ministers under this section must include the following—
- (a) the criteria to be used by the Welsh Ministers and local authorities in determining whether grounds for intervention exist;
 - (b) the information to be used for the purpose of assessing those criteria;
 - (c) how the Welsh Ministers and local authorities (as the case may be) will give weight to that information when making a determination as to whether grounds for intervention exist;
 - (d) the circumstances in which the powers contained in sections 9 and 17 may be used and the nature of the directions that it would be appropriate and reasonable to give in those circumstances.’.

Adran 20, tudalen 13, ar ôl llinell 26, mewnosoder—

- ‘() Rhaid i ganllawiau a roddir gan Weinidogion Cymru o dan yr adran hon gynnwys y canlynol —
- (a) y meini prawf sydd i’w defnyddio gan Weinidogion Cymru ac awdurdodau lleol wrth bennu a oes seiliau dros ymyrryd;
 - (b) yr wybodaeth sydd i’w defnyddio at ddiben asesu’r meini prawf hynny;

- (c) sut y bydd Gweinidogion Cymru ac awdurdodau lleol (yn ôl y digwydd) yn rhoi pwys i'r wybodaeth honno wrth wneud penderfyniad o ran a oes seiliau dros ymyrryd;
- (d) yr amgylchiadau y gellir defnyddio'r pwerau a gynhwyswyd yn adrannau 9 a 17 a natur y cyfarwyddiadau y byddai'n briodol ac yn rhesymol eu rhoi yn yr amgylchiadau hynny.'

Aled Roberts

141

Section 21, page 14, after line 4, insert –

- '() The Welsh Ministers must issue guidance to local authorities as to the circumstances in which it might consider intervention on one or more of the grounds under subsection (1) to be justified.'

Adran 21, tudalen 14, ar ôl llinell 4, mewnosoder –

- '() Rhaid i Weinidogion Cymru ddyroddi canllawiau i awdurdodau lleol o ran yr amgylchiadau y gallent gyfiawnhau ymyrraeth ar un neu fwy o'r seiliau o dan is-adran (1).'

Aled Roberts

142

Section 21, page 14, after line 4, insert –

- '() Guidance given under subsection (2) must include what would be regarded as acting, or proposing to act, unreasonably for the purpose of ground 2.'

Adran 21, tudalen 14, ar ôl llinell 4, mewnosoder –

- '() Rhaid i ganllawiau a roddir o dan is-adran () gynnwys yr hyn fyddai'n cael ei ystyried yn weithredu, neu'n fwriad i weithredu, yn afresymol at ddibenion sail 2.'

Aled Roberts

143

Section 21, page 14, after line 4, insert –

- '() Guidance given under subsection (2) must include what would be regarded as an adequate standard for the purpose of ground 3.'

Adran 21, tudalen 14, ar ôl llinell 4, mewnosoder –

- '() Rhaid i ganllawiau a roddir o dan is-adran () gynnwys yr hyn fyddai'n cael ei ystyried yn safon ddigonol at ddibenion sail 3.'

Aled Roberts

144

Section 27, page 16, after line 3, insert –

- '(3) Welsh Ministers must issue guidance to local authorities as to the circumstances in which the power contained in this section might be exercised, and the nature of any direction that might be made in reliance on that power.'

Adran 27, tudalen 16, ar ôl llinell 3, mewnosoder –

- (3) Rhaid i Weinidogion Cymru ddyroddi canllawiau i awdurdodau lleol o ran yr amgylchiadau y gellid arfer y pŵer a gynhwysir yn yr adran hon, a natur unrhyw gyfarwyddyd y gellid ei gwneud wrth ddibynnu ar y pŵer hwnnw.’.

Aled Roberts

145

Section 38, page 21, after line 8, insert –

- () The Code must impose requirements to ensure that children and young people who are likely to be affected by proposals are informed of their rights to object to proposals and how they would do so.’.

Adran 38, tudalen 21, ar ôl llinell 8, mewnosoder –

- () Rhaid i'r Cod osod gofynion er mwyn sicrhau bod plant a phobl ifanc y mae'n debyg y bydd cynigion yn effeithio arnynt yn cael eu hysbysu am eu hawliau i wrthwynebu cynigion a sut y byddent yn gwneud hynny.’.

Aled Roberts

146

Section 53, page 28, after line 21, insert –

- () The membership of a local determination panel appointed to consider particular proposals must be drawn from a regional pool of potential members.’.

Adran 53, tudalen 28, ar ôl llinell 25, mewnosoder –

- () Rhaid i aelodau panel penderfynu lleol a benodir i ystyried cynigion penodol gael eu penodi o gronfa ranbarthol o aelodau posibl’.

Aled Roberts

147

Section 53, page 28, after line 21, insert –

- () Local determination panels are not, in exercising their functions under this Part, to be subject to the direction of or control of the relevant local authority.’.

Adran 53, tudalen 28, ar ôl llinell 25, mewnosoder –

- () Wrth arfer eu swyddogaethau o dan y Rhan hon, nid yw panelau penderfynu lleol i fod yn ddarostyngedig i gyfarwyddyd na rheolaeth yr awdurdod lleol perthnasol’.

Aled Roberts

148

Section 53, page 28, line 22, after ‘panels’, insert ‘and regional pools of potential members’.

Adran 53, tudalen 28, llinell 27, ar ôl ‘lleol’, mewnosoder ‘a chronfeydd rhanbarthol o aelodau posibl’.

Aled Roberts

149

To insert a new section –

‘Review of operation of local determination panels

() Review of operation of local determination panels

- (1) The Welsh Ministers must, within two years of the coming into force of section , or following the determination of five proposals, whichever is the sooner, undertake a review of the operation of local determination panels and report to a relevant committee of the National Assembly for Wales.
- (2) A report provided under subsection (1) must include comprehensive details of the costs involved in the setting up and operation of local determination panels, including how those costs have been met.’.

I fewnosod adran newydd –

‘Adolygu gweithgarwch panelau penderfynu lleol

() Adolygu gweithgarwch panelau penderfynu lleol

- (1) Rhaid i Weinidogion Cymru, o fewn dwy flynedd i adran 53 yn dod i rym, neu yn dilyn penderfynu ar bum cynnig, pa un bynnag yw’r cynharaf, gynnal adolygiad o weithgarwch panelau penderfynu lleol ac adrodd i bwyllgor perthnasol Cynulliad Cenedlaethol Cymru.
- (2) Rhaid i adroddiad a ddarperir o dan adran 53 gynnwys manylion cynhwysfawr o’r costau sydd ynghlwm â sefydlu a gweithgarwch panelau penderfynu lleol, gan gynnwys sut y talwyd am y costau hynny’.

Aled Roberts

150

Section 85, page 48, after line 14, insert –

‘(iii) meet any increased demand for Welsh medium education in its area;’.

Adran 85, tudalen 48, ar ôl llinell 10, mewnosoder –

‘(iii) ateb unrhyw alw ychwanegol am addysg cyfrwng Cymraeg yn ei ardal;’.

Aled Roberts

151

Section 86, page 49, after line 9, insert –

‘(7) The Welsh Ministers must take all reasonable steps to ensure that adequate funding is made available to local authorities to implement Welsh in education strategic plans (or revised plans).’.

Adran 86, tudalen 49, ar ôl llinell 6, mewnosoder –

‘(7) Rhaid i Weinidogion Cymru gymryd pob cam rhesymol i sicrhau bod cyllid digonol ar gael i awdurdodau lleol weithredu cynlluniau strategol Cymraeg mewn addysg (neu gynlluniau diwygiedig).’.

Aled Roberts

152

Section 89, page 50, line 15, leave out 'it would be unreasonable to provide the breakfasts and the local authority has notified the governing body in writing' and insert 'the local authority has notified the governing body in writing, citing its reasons why it would be unreasonable to provide the breakfasts and'.

Adran 89, tudalen 50, llinell 16, hepgorer 'y byddai'n afresymol darparu'r brecwast ac o ganlyniad bod yr awdurdod lleol wedi hysbysu'r corff llywodraethu'n ysgrifenedig' a mewnosoder 'bod yr awdurdod lleol wedi hysbysu'r corff llywodraethu'n ysgrifenedig, yn nodi ei resymau pam y byddai'n afresymol darparu'r brecwast ac o ganlyniad'.

Aled Roberts

153

To insert a new section –

'() United Nations Convention on the Rights of the Child

In the exercise of their functions under this Act, Welsh Ministers and local authorities must have regard to the requirements of the United Nations Convention on the Rights of the Child as if section 1 of the Rights of Children and Young Persons (Wales) Measure 2011 applied to the exercise by them of those functions.'

I fewnosod adran newydd –

'() Confensiwn y Cenhedleodd Unedig ar Hawliau'r Plentyn

Wrth arfer eu swyddogaethau o dan y Ddeddf hon, rhaid i Weinidogion Cymru ac awdurdodau lleol roi sylw i ofynion Confensiwn y Cenhedleodd Unedig ar Hawliau'r Plentyn fel pe bai adran 1 o Fesur Hawliau Plant a Phobl Ifanc (Cymru) 2011 yn gymwys iddynt hwy wrth arfer y swyddogaethau hynny.'

Aled Roberts

154

Schedule 3, page 70, line 10, after 'members', insert 'drawn from a regional pool of suitably trained potential members of panels'.

Atodlen 3, tudalen 70, llinell 10, ar ôl 'aelod', mewnosoder 'a benodir o gronfa ranbarthol o aelodau panel posibl sydd wedi'u hyfforddi'n briodol'.

Aled Roberts

155

Schedule 3, page 70, line 18, leave out 'a local authority's executive' and insert 'the political group (or groups) from which the executive is formed'.

Atodlen 3, tudalen 70, llinell 18, hepgorer 'o weithrediaeth awdurdod lleol' a mewnosoder 'o'r grŵp (neu grwpiau) gwleidyddol y mae'r weithrediaeth wedi'i ffurfio ohoni'.

Aled Roberts

156

Schedule 3, page 72, after line 12, insert –

'Regional pools

- 15 Local authorities must collaborate to establish regional pools of potential members of panels and to provide appropriate training for those potential members.'

Atodlen 3, tudalen 72, ar ôl llinell 12, mewnosoder —

'Cronfeydd rhanbarthol

- 15 Rhaid i awdurdodau lleol gydlafurio i sefydlu cronfeydd rhanbarthol o aelodau posibl o banelau a rhoi hyfforddiant priodol i'r aelodau posibl hynny.'

Simon Thomas 157

Section 38, page 21, leave out line 4.

Adran 38, tudalen 21, hepgorer llinell 4.

Simon Thomas 158

Section 38, page 21, leave out line 18.

Adran 38, tudalen 21, hepgorer llinell 18.

Simon Thomas 159

Section 53, page 28, line 20, leave out 'appoint a local determination panel and must provide it with a copy of the documents listed in subsection (4)' and insert 'consider the proposals'.

Adran 53, tudalen 28, llinell 24, hepgorer 'benodi panel penderfynu lleol a rhaid iddo ddarparu i'r panel hwnnw gopi o'r dogfennau a restrir yn is-adran (4)' a mewnosoder 'ystyried y cynigion'.

Simon Thomas 160

Section 53, page 28, line 22, leave out subsection (6).

Adran 53, tudalen 28, llinell 26, hepgorer is-adran (6).

Simon Thomas 161

Section 53, page 28, line 23, leave out 'determination panel' and insert 'authority'.

Adran 53, tudalen 28, llinell 28, hepgorer 'y panel penderfynu' a mewnosoder 'awdurdod'.

Simon Thomas 162

Section 53, page 28, line 28, leave out 'or local authority, as the case may be,'.

Adran 53, tudalen 28, llinell 34, hepgorer 'neu'r awdurdod lleol, yn ôl y digwydd'.

Simon Thomas 163

Section 53, page 28, line 30, leave out 'and the relevant local authority'.

Adran 53, tudalen 28, llinell 36, hepgorer 'a'r awdurdod lleol perthnasol'.

Simon Thomas 164

Section 53, page 28, line 31, leave out 'panel' and insert 'local authority'.

Adran 53, tudalen 28, llinell 37, hepgorer 'y panel' a mewnosoder 'yr awdurdod lleol'.

Simon Thomas 165

Section 53, page 29, line 6, leave out 'determination panel' and insert 'authority'.

Adran 53, tudalen 29, llinell 7, hepgorer 'panel penderfynu' a mewnosoder 'awdurdod'.

Simon Thomas 166

Section 53, page 29, after line 11, insert—

'(14) In considering proposals under this section, local authorities must have regard to any guidance issued by the Welsh Ministers.'

'(14) Wrth ystyried cynigion o dan yr adran hon, rhaid i awdurdod lleol roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru.'

Simon Thomas 167

Section 54, page 29, line 20, leave out 'determination panel' and insert 'authority'.

Adran 54, tudalen 29, llinell 23, hepgorer 'y panel penderfynu' a mewnosoder 'yr awdurdod'.

Simon Thomas 168

Section 54, page 29, line 26, leave out 'determination panel' and insert 'authority'.

Adran 54, tudalen 29, llinell 29, hepgorer 'panel penderfynu' a mewnosoder 'awdurdod'.

Simon Thomas 169

Section 54, page 29, line 34, leave out 'determination panel' and insert 'authority'.

Adran 54, tudalen 29, llinell 38, hepgorer 'y panel penderfynu' a mewnosoder 'awdurdod'.

Simon Thomas 170

Section 54, page 30, line 2, leave out 'panel' and insert 'local authority'.

Adran 54, tudalen 30, llinell 2, hepgorer 'y panel' a mewnosoder 'yr awdurdod lleol'.

Simon Thomas **171**

Section 57, page 32, line 18, leave out subsection (2).

Adran 57, tudalen 32, llinell 16, hepgorer is-adran (2).

Simon Thomas **172**

Section 85, page 48, line 12, after 'area', insert 'so as to reasonably meet the demand among parents as assessed under section 87'.

Adran 85, tudalen 48, llinell 8, ar ôl 'ardal', mewnosoder 'er mwyn ateb y galw ymhlith rhieni mewn ffordd resymol fel y'i asesir o dan adran 87'.

Simon Thomas **173**

Section 87, page 49, line 11, leave out 'The Welsh Ministers may require a local authority, in accordance with regulations, to' and insert 'Local authorities must, in accordance with any regulations made under subsection (2),'.

Adran 87, tudalen 49, llinell 8, hepgorer 'Caiff Gweinidogion Cymru ei gwneud yn ofynnol i awdurdod lleol, yn unol â rheoliadau' a mewnosoder 'Rhaid i awdurdodau lleol, yn unol ag unrhyw reoliadau a wneir o dan is-adran (2)'.

Simon Thomas **174**

Section 87, page 49, line 14, leave out 'Regulations under subsection (1)' and insert 'The Welsh Ministers may make regulations regarding the assessment to be carried out under subsection (1) which'.

Adran 87, tudalen 49, llinell 11, hepgorer 'rheoliadau o dan is-adran (1)' a mewnosoder 'Gweinidogion Cymru wneud rheoliadau ynghylch yr asesiad a gaiff ei wneud o dan is-adran (1) a chaiff y rheoliadau'.

Simon Thomas **175**

Section 99, page 56, leave out line 41.

Adran 99, tudalen 56, hepgorer llinell 40.

Simon Thomas **176**

Page 70, line 1, leave out schedule 3.

Tudalen 70, llinell 1, hepgorer atodlen 3.

Angela Burns **177**

As an amendment to amendment 2, leave out—

'(c) the Welsh Ministers.'

Fel gwelliant i welliant 2, hepgorer –

'(c) Gweinidogion Cymru.'

Angela Burns

178

Section 3, page 5, after line 2, insert –

'() If the warning notice arises from ground 3 in section 2, the action required under subsection (2)(c) must include providing the parents of each pupil at the school with a copy of the warning notice.'

Adran 3, tudalen 5, ar ôl llinell 2, mewnosoder –

'() Os yw'r hysbysiad rhybuddio yn deillio o sail 3 yn adran 2, rhaid i'r cam sy'n ofynnol o dan is-adran (2)(c) gynnwys rhoi copi o'r hysbysiad rhybuddio i rieni pob disgybl yn yr ysgol.'

Angela Burns

179

Section 7, page 7, leave out line 13 and insert –

'() notify the Welsh Ministers of its intention to do so.'

Adran 7, tudalen 7, hepgorer llinell 15 a mewnosoder –

'() hysbysu Gweinidogion Cymru o'i fwriad i wneud hynny.'

Angela Burns

180

Section 13, page 10, line 27, leave out 'may' and insert 'must'.

Adran 13, tudalen 10, llinell 28, hepgorer 'Caiff' a mewnosoder 'Rhaid i'.

Angela Burns

181

Section 23, page 14, after line 31, insert –

'() The Welsh Ministers must issue guidance to local authorities on the factors to be taken into account in considering whether the local authority is unlikely to be able to comply, or secure compliance, with a warning notice.'

Adran 23, tudalen 14, ar ôl llinell 33, mewnosoder –

'() Rhaid i Weinidogion Cymru ddyroddi canllawiau i awdurdodau lleol ar y ffactorau i roi sylw iddynt wrth ystyried a yw'r awdurdod lleol yn annhebyg o allu cydymffurfio, neu sicrhau cydymffurfedd, â hysbysiad rhybuddio.'

Angela Burns

182

Section 27, page 16, after line 3, insert –

'(3) The Welsh Ministers must issue guidance to local authorities as to the circumstances in which they might consider exercising the power contained in subsection (1), and in particular –

- (a) as to what would be regarded as expedient for the purpose of subsection (1), and
- (b) the nature of any direction that might be made in reliance on that power.’

Adran 27, tudalen 16, ar ôl llinell 3, mewnosoder –

- ‘(3) Rhaid i Weinidogion Cymru ddyroddi canllawiau i awdurdodau lleol o ran yr amgylchiadau y gallent ystyried arfer y pŵer sydd wedi’i gynnwys yn is-adran (1), ac yn benodol –
 - (a) o ran beth fyddai’n cael ei ystyried yn hwylus at ddiben is-adran (1), a
 - (b) natur unrhyw gyfarwyddyd y gellid ei wneud wrth ddibynnu ar y pŵer hwnnw.’

Angela Burns

183

Section 40, page 22, line 20, leave out subsection (2) and insert –

- ‘() Sections 26 to 30 of the Education (Wales) Measure 2011 are repealed and the Welsh Ministers must exercise their powers under section 98(3)(c) to make consequential amendments in order to restore legislation amended by those sections to its state before those sections had effect.’

Adran 40, tudalen 22, llinell 23, hepgorer is-adran (2) a mewnosoder –

- ‘() Mae adrannau 26 i 30 o Fesur Addysg (Cymru) 2011 wedi’u diddymu a rhaid i Weinidogion Cymru arfer eu pwerau o dan adran 98(3)(c) i wneud diwygiadau canlyniadol er mwyn adfer deddfwriaeth a ddiwygiwyd gan yr adrannau hynny i’w chyflwr cyn i’r adrannau hynny gael effaith.’

Angela Burns

184

Section 49, page 24, after line 35, insert –

- ‘() The consultation conducted under subsection (2) must include an explanation of the categories of objectors so that objectors can draw the proposer's attention to any category that applies.’

Adran 49, tudalen 24, ar ôl llinell 36, mewnosoder –

- ‘() Rhaid i’r ymgynghoriad a gynhelir o dan is-adran (2) gynnwys eboniad o’r categorïau o wrthwynebwyr fel bod gwrthwynebwyr yn gallu tynnu sylw’r cynigydd at unrhyw gategori sy’n gymwys.’

Angela Burns

185

Section 51, page 26, line 2, leave out ‘in Wales’.

Adran 51, tudalen 26, llinell 2, hepgorer ‘yng Nghymru’.

Angela Burns

186

Section 51, page 26, line 24, after ‘relate’, insert ‘, or represents the parents of such children or young persons’.

Adran 51, tudalen 26, llinell 25, ar ôl ‘hi’, mewnosoder ‘, neu sy'n cynrychioli rhieni plant neu bersonau ifanc o'r fath’.

Angela Burns

187

Section 52, page 27, after line 9, insert –

‘() If –

- (a) the proposals affect sixth form education, and
- (b) objections have been made in accordance with section 50,

then unless all objections so made have been withdrawn in writing within the 28 days referred to in that section, the Welsh Ministers must cause a local inquiry to be held.

- () The purpose of the local inquiry is to consider the proposals and the objections referred to in subsection ().’.

Adran 52, tudalen 27, ar ôl llinell 10, mewnosoder –

‘() Os yw –

- (a) y cynigion yn effeithio ar addysg chweched dosbarth, a
- (b) gwrthwynebiadau wedi’u gwneud yn unol ag adran 50,

yna oni fydd pob gwrthwynebiad sydd wedi ei wneud felly wedi ei dynnu’n ôl yn ysgrifenedig o fewn yr 28 o ddiwrnodau y cyfeiriwyd atynt yn yr adran honno, rhaid i Weinidogion Cymru beri bod ymchwiliad lleol yn cael ei gynnal.

- () Diben yr ymchwiliad lleol yw ystyried y cynigion a’r gwrthwynebiadau y cyfeirir atynt yn is-adran ().’.

Angela Burns

188

Section 52, page 27, line 10, after ‘may’, insert ‘, and after considering the report of the person appointed to hold any inquiry required under subsection () when that subsection applies, do one or more of the following’.

Adran 52, tudalen 27, llinell 12, ar ôl ‘Cymru’, mewnosoder ‘, ac ar ôl ystyried adroddiad y person a benodwyd i gynnal unrhyw ymchwiliad sy’n ofynnol o dan is-adran () pan fo’r is-adran honno yn gymwys, wneud un neu fwy o’r canlynol’.

Angela Burns

189

Section 53, page 28, line 26, leave out ‘any of the modifications specified in subsection (8)’ and insert ‘modifications’.

Adran 53, tudalen 28, llinell 32, hepgorer ‘unrhyw un o’r addasiadau a bennir yn is-adran (8)’ a mewnosoder ‘addasiadau’.

Angela Burns

190

Section 53, page 28, line 31, leave out subsection (8).

Adran 53, tudalen 28, llinell 37, hepgorer is-adran (8).

Angela Burns

191

Section 58, page 33, after line 24, insert –

‘(5) The Welsh Ministers must issue guidance to local authorities as to the circumstances in which they might consider exercising the power contained in this section.’

Adran 58, tudalen 33, ar ôl llinell 25, mewnosoder –

‘(5) Rhaid i Weinidogion Cymru ddyroddi canllawiau i awdurdodau lleol o ran yr amgylchiadau y gallent ystyried arfer y pŵer sydd wedi’i gynnwys yn yr adran hon.’

Angela Burns

192

Section 60, page 34, after line 10, insert –

‘() Proposals under subsection (2) must include (amongst other things) description by reference to the cost or likely cost of such proposals.’

Adran 60, tudalen 34, ar ôl llinell 10, mewnosoder –

‘() Rhaid i gynigion o dan is-adran (2) gynnwys (ymysg pethau eraill) disgrifiad drwy gyfeirio at gost neu gost debygol cynigion o’r fath’.

Angela Burns

193

Section 63, page 35, line 32, leave out subsection (2).

Adran 63, tudalen 35, llinell 37, hepgorer is-adran (2).

Angela Burns

194

Section 67, page 38, after line 10, insert –

‘(6) The Welsh Ministers must issue guidance to local authorities as to the circumstances in which they might consider exercising the power contained in this section.’

Adran 67, tudalen 38, ar ôl llinell 10, mewnosoder –

‘(6) Rhaid i Weinidogion Cymru ddyroddi canllawiau i awdurdodau lleol o ran yr amgylchiadau y gallent ystyried arfer y pŵer sydd wedi’i gynnwys yn yr adran hon.’

Angela Burns

195

To insert a new section –

‘() Local inquiry into proposals

- (1) This section applies where the Welsh Ministers have made proposals under section 69.
- (2) If objections have been made in accordance with section 70, then, unless all objections so made have been withdrawn in writing within the 28 days referred to in that section, the Welsh Ministers must cause a local inquiry to be held.
- (3) The purpose of the local inquiry is to consider the Welsh Ministers’ proposals, and the objections mentioned in subsection (2).
- (4) Proposals referred to a local inquiry under this section are to be determined under section ().

- (5) References in this section to the determination of proposals are to a determination whether or not to adopt or approve the proposals under section ().’.

I fewnosod adran newydd –

‘() Ymchwiliad lleol i gynigion

- (1) Mae’r adran hon yn gymwys pan fo Gweinidogion Cymru wedi gwneud cynigion o dan adran 69.
- (2) Os yw gwrthwynebiadau wedi cael eu gwneud yn unol ag adran 70, yna oni fydd pob gwrthwynebiad sydd wedi ei wneud felly wedi ei dynnu’n ôl yn ysgrifenedig o fewn yr 28 o ddiwrnodau y cyfeiriwyd atynt yn yr adran honno, rhaid i Weinidogion Cymru beri bod ymchwiliad lleol yn cael ei gynnal.
- (3) Diben yr ymchwiliad lleol yw ystyried cynigion Gweinidogion Cymru, a’r gwrthwynebiadau a grybwyllwyd yn is-adran (2).
- (4) Mae cynigion a gyfeirir at ymchwiliad lleol o dan yr adran hon i’w penderfynu o dan adran ().
- (5) Mae cyfeiriadau yn yr adran hon at benderfynu cynigion yn cyfeirio at benderfyniad p’un ai i fabwysiadu neu i gymeradwyo’r cynigion o dan adran ().’.

Angela Burns

196

To insert a new section –

‘() Determination by Welsh Ministers

- (1) Where a local inquiry has been held, the Welsh Ministers may, after considering the report of the person appointed to hold the inquiry, do one or more of the following –
 - (a) adopt, with or without modifications, or determine not to adopt any of the proposals made by the Welsh Ministers and considered by the inquiry;
 - (b) make further proposals under section 69.
- (2) Where the Welsh Ministers have published proposals under section 69 which are not required to be considered by a local inquiry, they may –
 - (a) adopt the proposals, with or without modifications, or
 - (b) withdraw the proposals.
- (3) Before adopting proposals subject to modifications, the Welsh Ministers must consult such persons as they consider appropriate.
- (4) The adoption of proposals may be expressed to take effect only if an event specified in the adoption occurs by a date so specified.
- (5) If the event does not occur by the specified date the Welsh Ministers must reconsider their determination under subsection (1).
- (6) The Welsh Ministers may withdraw their proposals at any time before they make a determination under subsection (1) or (3).
- (7) Proposals adopted by the Welsh Ministers have effect as if they had been approved by the Welsh Ministers under section 52 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, voluntary or foundation special school, by the governing body under its powers to make proposals to alter its school.
- (8) Despite anything in Part 1 of Schedule 4 (responsibility for implementation of statutory proposals), the local authority that maintains the school in question must meet the cost of implementing proposals adopted under subsection (1) which have effect as mentioned in

I fewnosod adran newydd –

(i) Penderfyniad gan Weinidogion Cymru

- (1) Pan fo ymchwiliad lleol wedi'i gynnal, caiff Gweinidogion Cymru, ar ôl ystyried adroddiad y person a benodwyd i gynnal yr ymchwiliad, wneud un neu fwy o'r canlynol –
- (a) mabwysiadu, gydag addasiadau neu hebddynt, neu benderfynu peidio â mabwysiadu unrhyw un o'r cynigion a wnaed gan Weinidogion Cymru ac a ystyriwyd gan yr ymchwiliad;
 - (b) gwneud cynigion pellach o dan adran 69.
- (2) Pan fo Gweinidogion Cymru wedi cyhoeddi cynigion o dan 69 nad yw'n ofynnol iddynt gael eu hystyried gan ymchwiliad lleol, cânt –
- (a) mabwysiadu'r cynigion, gydag addasiadau neu hebddynt, neu
 - (b) tynnu'r cynigion yn eu hôl.
- (3) cyn mabwysiadu cynigion yn ddarostyngedig i addasiadau, rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau y maent yn credu eu bod yn briodol.
- (4) Caniateir i fabwysiad cynigion ddatgan mai dim ond os bydd digwyddiad a bennir yn y mabwysiad yn digwydd erbyn dyddiad a bennir felly, y byddai'n dod yn weithredol.
- (5) Os na fydd y digwyddiad yn digwydd erbyn y dyddiad penodedig rhaid i Weinidogion Cymru ailystyried eu penderfyniad o dan is-adran (1).
- (6) Caiff Gweinidogion Cymru dynnu eu cynigion yn ôl ar unrhyw bryd cyn iddynt wneud penderfyniad o dan is-adran (1) neu (3).
- (7) Mae cynigion sydd wedi eu mabwysiadu gan Weinidogion Cymru yn cael effaith fel petaent wedi eu cymeradwyo gan Weinidogion Cymru o dan adran 52 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, gwirfoddol neu arbennig sefydledig, gan y corff llywodraethu o dan ei bwerau i wneud cynigion i newid ei ysgol.
- (8) Er gwaethaf unrhyw beth yn Rhan 1 o Atodlen 4 (cyfrifoldeb dros weithredu cynigion statudol), rhaid i'r awdurdod lleol sy'n cynnal yr ysgol dan sylw gwrdd â'r gost o weithredu cynigion sy'n cael eu mabwysiadu o dan is-adran (1) sy'n cael effaith fel a grybwyllwyd yn is-adran (3)(b).'.subsection (3)(b).'

Angela Burns

197

Page 39, line 3, leave out section 71.

Tudalen 39, llinell 3, hepgorer adran 71.

Angela Burns

198

To insert a new section –

() Local inquiry into proposals

- (1) This section applies where the Welsh Ministers have made proposals under section 72 (other than proposals made by virtue of section 74(1)(b)) which they have not withdrawn.
- (2) If objections have been made in accordance with section 73, then, unless all objections so made have been withdrawn in writing within the 28 days referred to in that section, the Welsh Ministers must cause a local inquiry to be held.
- (3) The purpose of the local inquiry is to consider the Welsh Ministers' proposals, and the objections mentioned in subsection (2).
- (4) Proposals referred to a local inquiry under this section are to be determined under section 74.
- (5) References in this section to the determination of proposals are to a determination whether or not to adopt or approve the proposals under section 74.'

I fewnosod adran newydd –

() Ymchwiliad lleol i gynigion

- (1) Mae'r adran hon yn gymwys pan fo Gweinidogion Cymru wedi gwneud cynigion o dan adran 72 (ac eithrio cynigion a wnaed yn rhinwedd adran 74(1)(b)) nad ydynt wedi eu tynnu'n ôl.
- (2) Os yw gwrthwynebiadau wedi eu gwneud yn unol ag adran 73, yna, oni fydd pob gwrthwynebiad sydd wedi ei wneud felly wedi ei dynnu'n ôl yn ysgrifenedig o fewn yr 28 o ddiwrnodau y cyfeiriwyd atynt yn yr adran honno, rhaid i Weinidogion Cymru beri bod ymchwiliad lleol yn cael ei gynnal.
- (3) Diben yr ymchwiliad lleol yw ystyried cynigion Gweinidogion Cymru, a'r gwrthwynebiadau a grybwyllwyd yn is-adran (2).
- (4) Mae cynigion a gyfeirir at ymchwiliad lleol o dan yr adran hon i'w penderfynu o dan adran 74.
- (5) Mae cyfeiriadau yn yr adran hon at benderfynu cynigion yn cyfeirio at benderfyniad p'un ai i fabwysiadu neu i gymeradwyo'r cynigion o dan adran 74.'

Angela Burns

199

Section 74, page 40, line 11, leave out 'After the end of the 28 days referred to in section 73(4), the Welsh Ministers must determine whether to –' and insert –

'Where a local inquiry has been held, the Welsh Ministers may, after considering the report of the person appointed to hold the inquiry, do one or more of the following –

- (a) adopt, with or without modifications, or determine not to adopt any of the proposals made by the Welsh Ministers and considered by the inquiry;
- (b) make further proposals under section 72.

(2) Where the Welsh Ministers have published proposals under section 72 which are not required to be considered by a local inquiry, they may –'.

Adran 74, tudalen 40, llinell 11, hepgorer 'Ar ôl diwedd yr 28 o ddiwrnodau y cyfeiriwyd atynt yn adran 73(4), rhaid i Weinidogion Cymru benderfynu a ddylid –' a mewnosoder –

'Pan fo ymchwiliad lleol wedi'i gynnal, caiff Gweinidogion Cymru, ar ôl ystyried adroddiad y person a benodwyd i gynnal yr ymchwiliad, wneud un neu fwy o'r canlynol –

- (a) mabwysiadu, gydag addasiadau neu hebddynt, neu benderfynu peidio â mabwysiadu unrhyw un o'r cynigion a wnaed gan Weinidogion Cymru ac a ystyriwyd gan yr ymchwiliad;
- (b) gwneud cynigion pellach o dan adran 72.

(2) Pan fo Gweinidogion Cymru wedi cyhoeddi cynigion o dan adran 72 nad yw'n ofynnol iddynt gael eu hystyried gan ymchwiliad lleol, cânt –'.

Angela Burns **200**

Section 74, page 40, line 15, leave out subsection (2).

Adran 74, tudalen 40, llinell 15, hepgorer is-adran (2).

Angela Burns **201**

Section 74, page 40, line 24, after '(1)', insert 'or ()'.

Adran 74, tudalen 40, llinell 24, ar ôl '(1)', mewnosoder 'neu ()'.

Angela Burns **202**

Section 82, page 47, after line 6, insert –

'() the parents of any children or young persons attending the school,'.

Adran 82, tudalen 47, ar ôl llinell 2, mewnosoder –

'() rhieni unrhyw blant neu bersonau ifanc sy'n mynychu'r ysgol,'.

Angela Burns **203**

To insert a new section –

'() **Assessing demand for Welsh medium education**

- (1) Local authorities must, in accordance with any regulations made under subsection (2), carry out an assessment of the demand among parents in its area for Welsh medium education for their children.

- (2) The Welsh Ministers may make regulations regarding the assessment to be carried out under subsection (1) which may (among other things) make provision about when and how to make an assessment.
- (3) The assessment to be carried out under this section must be completed before the local authority completes its preparation of its Welsh in education strategic plan under section 85 and submits it to the Welsh Ministers under section 86(1).'

I fewnosod adran newydd –

'() Asesu'r galw am addysg cyfrwng Cymraeg

- (1) Rhaid i awdurdodau lleol, yn unol ag unrhyw reoliadau a wnaed o dan is-adran (2), wneud asesiad o'r galw ymhlith rhieni yn eu hardal am addysg cyfrwng Cymraeg ar gyfer eu plant.
- (2) Caiff Gweinidogion Cymru wneud rheoliadau ynghylch yr asesiad sydd i'w wneud o dan is-adran (1) a chaiff y rheoliadau wneud darpariaeth (ymhlith pethau eraill) ynghylch pryd a sut i wneud asesiad.
- (3) Rhaid i'r asesiad a wneir o dan yr adran hon gael ei gwblhau cyn i'r awdurdod lleol orffen paratoi ei gynllun strategol Cymraeg mewn addysg o dan adran 85 a'i gyflwyno i Weinidogion Cymru o dan adran 86(1).'

Angela Burns

204

Section 85, page 48, after line 29, insert –

- '() the parents of children or young persons who attend the schools to which the plan relates;
- () the parents of children or young persons who might reasonably wish the children or young persons to attend the schools to which the plan relates;'

Adran 85, tudalen 48, ar ôl llinell 25, mewnosoder –

- '() rhieni plant neu bersonau ifanc sy'n mynychu'r ysgolion y mae'r cynllun yn ymwneud â hwy;
- () rhieni plant neu bersonau ifanc a allai'n rhesymol ddymuno bod y plant neu'r personau ifanc yn mynychu'r ysgolion y mae'r cynllun yn ymwneud â hwy;'

Angela Burns

205

Section 86, page 49, after line 2, insert –

- '() Before modifying the plan under subsection (2)(b) or preparing another plan under subsection (2)(c), the Welsh Ministers must consult the local authority regarding their proposals.'

Adran 86, tudalen 48, ar ôl llinell 34, mewnosoder –

- '() Cyn addasu'r cynllun o dan is-adran (2)(b) neu baratoi cynllun arall o dan is-adran (2)(c), rhaid i Weinidogion Cymru ymgynghori â'r awdurdod lleol ynghylch eu cynigion'.

Angela Burns **206**

Section 86, page 49, line 9, after 'plan)', insert ', such steps to include the provision of relevant training of teachers'.

Adran 86, tudalen 49, llinell 6, ar ôl 'gymeradwywyd', mewnosoder ', gyda chamau o'r fath i gynnwys darparu hyfforddiant perthnasol i athrawon'.

Angela Burns **207**

Page 49, line 10, leave out section 87.

Tudalen 49, llinell 7, hepgorer adran 87.

Angela Burns **208**

Section 89, page 50, line 26, after 'charge', insert 'to those children that are eligible for free school lunches under section 512ZB of the Education Act 1996'.

Adran 89, tudalen 50, llinell 27, ar ôl 'ddim', mewnosoder 'i'r plant hynny sy'n gymwys i gael cinio ysgol am ddim o dan adran 512ZB o Ddeddf Addysg 1996'.

Angela Burns **209**

Section 95, page 53, line 32, leave out '30' and insert '25'.

Adran 95, tudalen 53, llinell 33, hepgorer '30' a mewnosoder '25'.

Angela Burns **210**

Section 95, page 53, after line 34, insert—

'() for the purpose of that calculation, only one pupil per family and one parent per family is to be counted.'

Adran 95, tudalen 53, ar ôl llinell 35, mewnosoder—

'() at ddiben y cyfrifo hwnnw, dim ond un disgybl fesul teulu ac un rhiant fesul teulu sydd i'w gyfrif.'

Angela Burns **211**

To insert a new section—

'() Financial impact

In the exercise of their functions under this Act, the Welsh Ministers and local authorities must have regard to the financial impact of the exercise by them of those functions.'

I fewnosod adran newydd—

'() Effaith ariannol

Wrth arfer eu swyddogaethau o dan y Ddeddf hon, rhaid i Weinidogion Cymru ac awdurdodau lleol roi sylw i'r effaith ariannol o arfer y swyddogaethau hynny ganddynt hwy.'.

Angela Burns

212

Section 98, page 54, line 33, leave out '58(2) or'.

Adran 98, tudalen 54, llinell 35, hepgorer '58(2) neu'.

Angela Burns

213

Section 98, page 55, line 12, after 'under', insert 'section 58(2) or'.

Adran 98, tudalen 55, llinell 13, ar ôl 'dan', mewnosoder 'adran 58(2) neu'.