



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 7 Ionawr 2015
Tabled on 7 January 2015

Bil Addysg Uwch (Cymru)
Higher Education (Wales) Bill

Huw Lewis

1

Section 4, page 3, line 17, leave out 'any maximum period prescribed for the purposes of this section' and insert 'two years'.

Adran 4, tudalen 3, llinell 18, hepgorer 'nag unrhyw gyfnod hwyaf a ragnodir at ddibenion yr adran hon' a mewnosoder 'na dwy flynedd'.

Huw Lewis

2

Section 4, page 3, after line 18, insert—

- '() Regulations may amend subsection (2) to substitute a different period for the period for the time being mentioned in that subsection.
- () Before making regulations under subsection (*first subsection to be inserted by this amendment*), the Welsh Ministers must consult—
 - (a) HEFCW,
 - (b) the governing body of each regulated institution, and
 - (c) any other persons they think appropriate.'

Adran 4, tudalen 3, ar ôl llinell 19, mewnosoder –

- () Caiff rheoliadau ddiwygio is-adran (2) i roi cyfnod gwahanol yn lle’r cyfnod a grybwyllir am y tro yn yr is-adran honno.
- () Cyn gwneud rheoliadau o dan is-adran (*yr is-adran gyntaf i gael ei mewnosod gan y gwelliant hwn*), rhaid i Weinidogion Cymru ymgynghori â’r canlynol –
 - (a) CCAUC,
 - (b) corff llywodraethu pob sefydliad rheoleiddiedig, ac
 - (c) unrhyw bersonau eraill sy’n briodol yn eu barn hwy.’.

Huw Lewis

3

Section 6, page 5, line 15, after ‘plan’, insert ‘relating to an institution’.

Adran 6, tudalen 5, llinell 15, ar ôl ‘gynllun’, mewnosoder ‘sy’n ymwneud â sefydliad’.

Huw Lewis

4

Section 6, page 5, after line 18, insert –

- (c) requiring the institution to incur expenditure, in any academic year, of an amount exceeding the amount of the qualifying fee income of the institution that is attributable to that academic year.’.

Adran 6, tudalen 5, ar ôl llinell 18, mewnosoder –

- (c) sy’n ei gwneud yn ofynnol i’r sefydliad fynd i wariant, mewn unrhyw flwyddyn academaidd, o swm sy’n mynd uwchlaw swm incwm ffioedd cymhwysol y sefydliad y gellir ei briodoli i’r flwyddyn academaidd honno.’.

Huw Lewis

5

Section 6, page 5, line 19, after ‘section’, insert ‘the amount of the qualifying fee income of an institution that is attributable to an academic year is the aggregate amount of those fees payable to the institution, in respect of that academic year, in relation to which a fee limit applies that is specified in the fee and access plan relating to the institution, or for the determination of which the fee and access plan relating to the institution provides;’.

Adran 6, tudalen 5, llinell 19, ar ôl ‘hon’, mewnosoder ‘swm incwm ffioedd cymhwysol sefydliad y gellir ei briodoli i flwyddyn academaidd yw cyfanswm y ffioedd hynny sy’n daladwy i’r sefydliad, mewn cysylltiad â’r flwyddyn academaidd honno, y mae terfyn ffioedd a bennir yn y cynllun ffioedd a mynediad sy’n ymwneud â’r sefydliad yn gymwys mewn perthynas ag ef, neu y mae’r cynllun ffioedd a mynediad sy’n ymwneud â’r sefydliad yn darparu ar gyfer penderfynu arno;’.

Huw Lewis

6

Page 8, line 4, leave out section 13 and insert –

[] Directions in respect of failure to comply with general requirements of approved plan

- (1) If the condition in subsection (2) or (3) is met, HEFCW may give the governing body of an institution a direction within subsection (4).
- (2) The condition is that HEFCW are satisfied that –
 - (a) there has been a failure by the governing body to comply with a general requirement of a fee and access plan relating to the institution, and
 - (b) at the time of the failure, the fee and access plan was approved under section 7.
- (3) The condition is that HEFCW are satisfied that the governing body is likely to fail to comply with a general requirement of the institution's approved plan.
- (4) A direction within this subsection is a direction requiring the governing body to take (or not to take) specified steps for the purpose of dealing with or preventing the failure to comply.
- (5) But HEFCW may not give a direction under this section if they are satisfied that the governing body has taken all reasonable steps to comply with the requirement in question.
- (6) For procedural provision about directions under this section, see sections 40 to 43.

Tudalen 8, llinell 4, hepgorer adran 13 a mewnosoder –

[] Cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â gofynion cyffredinol cynllun a gymeradwywyd

- (1) Os yw'r amod yn is-adran (2) neu (3) wedi ei ddiwallu, caiff CCAUC roi cyfarwyddyd o fewn is-adran (4) i gorff llywodraethu sefydliad.
- (2) Yr amod yw bod CCAUC wedi ei fodloni –
 - (a) bod methiant wedi bod gan y corff llywodraethu i gydymffurfio â gofyniad cyffredinol mewn cynllun ffioedd a mynediad sy'n ymwneud â'r sefydliad, a
 - (b) ar adeg y methiant, fod y cynllun ffioedd a mynediad wedi ei gymeradwyo o dan adran 7.
- (3) Yr amod yw bod CCAUC wedi ei fodloni bod y corff llywodraethu yn debygol o fethu â chydymffurfio â gofyniad cyffredinol yng nghynllun y sefydliad a gymeradwywyd.
- (4) Mae cyfarwyddyd o fewn yr is-adran hon yn gyfarwyddyd sy'n ei gwneud yn ofynnol i'r corff llywodraethu gymryd (neu beidio â chymryd) camau penodedig at y diben o ymdrin â'r methiant i gydymffurfio neu atal methiant o'r fath.
- (5) Ond ni chaiff CCAUC roi cyfarwyddyd o dan yr adran hon os yw wedi ei fodloni bod y corff llywodraethu wedi cymryd pob cam rhesymol i gydymffurfio â'r gofyniad o dan sylw.
- (6) Am y ddarpariaeth weithdrefnol ynghylch cyfarwyddydau o dan yr adran hon, gweler adrannau 40 i 43.

Huw Lewis 7

Section 25, page 13, after line 12, insert –

‘() One member of the committee must be a person who appears to HEFCW to represent the interests of persons being provided with higher education in Wales.’.

Adran 25, tudalen 13, ar ôl llinell 11, mewnosoder –

‘() Rhaid i un aelod o’r pwyllgor fod yn berson yr ymddengys i CCAUC ei fod yn cynrychioli buddiannau personau y darperir addysg uwch yng Nghymru iddynt.’.

Huw Lewis 8

Section 25, page 13, line 13, after ‘the’ at the first place where it appears, insert ‘other’.

Adran 25, tudalen 13, llinell 12, hepgorer ‘aelodau’r’ a mewnosoder ‘aelodau eraill y’.

Huw Lewis 9

Section 27, page 14, line 24, leave out ‘and 29’ and insert ‘, 29 and (*new section to be inserted by amendment 13*)’.

Adran 27, tudalen 14, llinell 24, hepgorer ‘a 29’ a mewnosoder ‘, 29 a (*adran newydd i gael ei mewnosod gan welliant 13*)’.

Huw Lewis 10

Section 28, page 15, line 6, leave out subsection (6).

Adran 28, tudalen 15, llinell 7, hepgorer is-adran (6).

Huw Lewis 11

Section 29, page 16, line 1, leave out subsection (8).

Adran 29, tudalen 16, llinell 1, hepgorer is-adran (8).

Huw Lewis 12

Section 29, page 16, line 4, leave out ‘(8)’ and insert ‘(7)’.

Adran 29, tudalen 16, llinell 6, hepgorer ‘(8)’ a mewnosoder ‘(7)’.

Huw Lewis 13

To insert a new section –

[] Procedure if draft Code approved by Welsh Ministers

- (1) If the Welsh Ministers approve a draft of the first Code or of a revised Code submitted to them under section 28 or 29, they must lay the approved draft before the National Assembly for Wales.

- (2) If the National Assembly for Wales resolves not to approve the draft within the 40 day period –
 - (a) HEFCW may not publish the draft;
 - (b) if the draft is of the first Code, HEFCW must submit a further draft of the first Code to the Welsh Ministers;
 - (c) if the draft is of a revised Code, HEFCW may submit a further draft of a revised Code to the Welsh Ministers.
- (3) Before submitting a further draft of the first Code or of a revised Code to the Welsh Ministers under this section, HEFCW must carry out any further consultation they think appropriate.
- (4) A further draft submitted to the Welsh Ministers under this section must be accompanied by a report –
 - (a) setting out HEFCW's reasons for the terms of the draft, and
 - (b) giving details of any consultation carried out under subsection (3) in relation to the draft and summarising the representations received by HEFCW during the consultation.
- (5) The "40 day period" means the period of 40 days beginning with the day on which the draft is laid before the National Assembly for Wales.
- (6) In calculating the 40 day period, no account is to be taken of any period during which the National Assembly for Wales is dissolved or during which it is in recess for more than four days.
- (7) If no resolution is passed by the National Assembly for Wales within the 40 day period as mentioned in subsection (2), HEFCW must publish the Code in the terms of the approved draft.
- (8) If a further draft is submitted to the Welsh Ministers under this section –
 - (a) subsections (1) to (7) apply if the Welsh Ministers approve the draft as they apply if they approve a draft submitted to them under section 28 or 29;
 - (b) section 29 applies if the Welsh Ministers decide not to approve the draft as it applies if the Welsh Ministers decide not to approve a draft submitted to them under section 28.

I fewnosod adran newydd –

[] Y weithdrefn os cymeradwyir Cod drafft gan Weinidogion Cymru

- (1) Os yw Gweinidogion Cymru yn cymeradwyo drafft o'r Cod cyntaf neu o God diwygiedig a gyflwynir iddynt o dan adran 28 neu 29, rhaid iddynt osod y drafft a gymeradwywyd gerbron Cynulliad Cenedlaethol Cymru.
- (2) Os yw Cynulliad Cenedlaethol Cymru yn penderfynu peidio â chymeradwyo'r drafft o fewn y cyfnod o 40 niwrnod –
 - (a) ni chaiff CCAUC gyhoeddi'r drafft;
 - (b) os drafft o'r Cod cyntaf yw'r drafft, rhaid i CCAUC gyflwyno drafft pellach o'r

Cod cyntaf i Weinidogion Cymru;

- (c) os drafft o God diwygiedig yw'r drafft, caiff CCAUC gyflwyno drafft pellach o God diwygiedig i Weinidogion Cymru.
- (3) Cyn cyflwyno drafft pellach o'r Cod cyntaf neu o God diwygiedig i Weinidogion Cymru o dan yr adran hon, rhaid i CCAUC gynnal unrhyw ymgynghoriad pellach sy'n briodol yn ei farn ef.
- (4) Rhaid i ddrafft pellach a gyflwynir i Weinidogion Cymru o dan yr adran hon gynnwys gydag ef adroddiad—
 - (a) sy'n nodi rhesymau CCAUC dros delerau'r drafft, a
 - (b) sy'n rhoi manylion unrhyw ymgynghoriad a gynhaliwyd o dan is-adran (3) mewn perthynas â'r drafft ac yn crynhoi'r sylwadau a gafodd CCAUC yn ystod yr ymgynghoriad.
- (5) Y "cyfnod o 40 niwrnod" yw'r cyfnod o 40 niwrnod sy'n dechrau ar y diwrnod y gosodir y drafft gerbron Cynulliad Cenedlaethol Cymru.
- (6) Wrth gyfrifo'r cyfnod o 40 niwrnod, nid yw unrhyw gyfnod pan fo Cynulliad Cenedlaethol Cymru wedi ei ddiddymu neu pan fo ar doriad am fwy na phedwar diwrnod i'w ystyried.
- (7) Os na chaiff penderfyniad ei basio gan Gynulliad Cenedlaethol Cymru o fewn y cyfnod o 40 niwrnod fel a grybwyllir yn is-adran (2), rhaid i CCAUC gyhoeddi'r Cod yn nhelerau'r drafft a gymeradwywyd.
- (8) Os cyflwynir drafft pellach i Weinidogion Cymru o dan yr adran hon—
 - (a) mae is-adrannau (1) i (7) yn gymwys os yw Gweinidogion Cymru yn cymeradwyo'r drafft fel y maent yn gymwys os ydynt yn cymeradwyo drafft a gyflwynir iddynt o dan adran 28 neu 29;
 - (b) mae adran 29 yn gymwys os yw Gweinidogion Cymru yn penderfynu peidio â chymeradwyo'r drafft fel y mae'n gymwys os yw Gweinidogion Cymru yn penderfynu peidio â chymeradwyo drafft a gyflwynir iddynt o dan adran 28'.

Huw Lewis

14

Section 36, page 18, after line 14, insert—

'() a direction under section (*new section to be inserted by amendment 6*) (directions in respect of failure to comply with general requirements of approved plan),'

Adran 36, tudalen 18, ar ôl llinell 16, mewnosod—

'() cyfarwyddyd o dan adran (*adran newydd i gael ei mewnosod gan welliant 6*) (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â gofynion cyffredinol cynllun a gymeradwywyd),'

Huw Lewis

15

Section 36, page 18, after line 31, insert—

‘() If the governing body of an institution that is not a regulated institution fails to comply with a direction under section (*new section to be inserted by amendment 6*), this section applies in relation to that institution as it applies in relation to a regulated institution.’

Adran 36, tudalen 18, ar ôl llinell 35, mewnosoder—

‘() Os yw corff llywodraethu sefydliad nad yw’n sefydliad rheoleiddiedig yn methu â chydymffurfio â chyfarwyddyd o dan adran (*adran newydd i gael ei mewnosod gan welliant 6*), mae’r adran hon yn gymwys mewn perthynas â’r sefydliad hwnnw fel y mae’n gymwys mewn perthynas â sefydliad rheoleiddiedig.’

Huw Lewis

16

Section 38, page 19, line 22, after ‘plan’, insert ‘or has failed to comply with a direction under section (*new section to be inserted by amendment 6*) (directions in respect of failure to comply with general requirements of approved plan)’.

Adran 38, tudalen 19, llinell 25, ar ôl ‘gymeradwywyd’, mewnosoder ‘neu wedi methu â chydymffurfio â chyfarwyddyd o dan adran (*adran newydd i gael ei mewnosod gan welliant 6*) (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â gofynion cyffredinol cynllun a gymeradwywyd)’.

Huw Lewis

17

Section 40, page 20, after line 14, insert—

‘() a direction under section (*new section to be inserted by amendment 6*) (directions in respect of failure to comply with general requirements of approved plan),’.

Adran 40, tudalen 20, ar ôl llinell 14, mewnosoder—

‘() cyfarwyddyd o dan adran (*adran newydd i gael ei mewnosod gan welliant 6*) (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â gofynion cyffredinol cynllun a gymeradwywyd),’.

Huw Lewis

18

Section 49, page 23, line 12, after ‘must’, insert ‘submit a’.

Adran 49, tudalen 23, llinell 12, hepgorer ‘adrodd’ yn yr ail le y mae'n ymddangos a mewnosoder ‘gyflwyno adroddiad’.

Huw Lewis

19

Section 49, page 23, after line 14, insert—

‘() As soon as possible after receiving a report under subsection (1), the Welsh Ministers must lay a copy of the report before the National Assembly for Wales.’

Adran 49, tudalen 23, ar ôl llinell 14, mewnosoder –

‘() Cyn gynted â phosibl ar ôl cael adroddiad o dan is-adran (1), rhaid i Weinidogion Cymru osod copi o’r adroddiad gerbron Cynulliad Cenedlaethol Cymru.’

Huw Lewis

20

Section 51, page 24, after line 24, insert –

‘() section (*new section to be inserted by amendment 6*) (directions in respect of failure to comply with general requirements of approved plan);’

Adran 51, tudalen 24, ar ôl llinell 26, mewnosoder –

‘() adran (*adran newydd i gael ei mewnosod gan welliant 6*) (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â gofynion cyffredinol cynllun a gymeradwywyd);’

Huw Lewis

21

Section 54, page 26, after line 1, insert –

‘() regulations under section 4(*first subsection to be inserted by amendment 2*);’

Adran 54, tudalen 26, ar ôl llinell 1, mewnosoder –

‘() rheoliadau o dan adran 4(*yr is-adran gyntaf i gael ei mewnosod gan welliant 2*);’

Huw Lewis

22

Section 54, page 26, after line 1, insert –

‘() the first regulations to be made under section 5(3);’

Adran 54, tudalen 26, ar ôl llinell 1, mewnosoder –

‘() y rheoliadau cyntaf sydd i’w gwneud o dan adran 5(3);’

Huw Lewis

23

Schedule 1, page 33, after line 28, insert –

‘() section 4(*second subsection to be inserted by amendment 2*)(b);’

Atodlen 1, tudalen 33, ar ôl llinell 30, mewnosoder –

‘() adran 4(*yr ail is-adran i gael ei mewnosod gan welliant 2*)(b);’

Huw Lewis

24

Schedule 1, page 33, after line 30, insert –

‘() section 24(2)(a);’

Atodlen 1, tudalen 33, ar ôl llinell 32, mewnosoder –

‘() adran 24(2)(a);’

Huw Lewis

25

Schedule 1, page 34, line 12, leave out '2016' and insert '2017'.

Atodlen 1, tudalen 34, llinell 12, hepgorer '2016' a mewnosoder '2017'.