

Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



## RHESTR O WELLIANNAU WEDI'U DIDOLI MARSHALLED LIST OF AMENDMENTS

### Bil Cymwysterau Cymru Qualifications Wales Bill

Mae'r gwelliannau â \* ar eu pwys yn rhai newydd neu'n rhai sydd wedi'u haddasu  
Amendments marked \* are new or have been altered

Mae'r testun mewn italig wedi'i ddarparu gan y sawl a gynigiodd y gwelliant perthnasol i  
esbonio ei ddiben ac i gynorthwyo'r darllenydd. Nid yw'r testun yn rhan o eiriad y  
gwelliant.

The text in italics has been provided by the proposer of the relevant amendment to explain  
its purpose and to aid the reader's understanding. The text does not form part of the  
amendment.

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Caiff y Bil ei ystyried yn y drefn a ganlyn –

The Bill will be considered in the following order –

Section Nos. English	Rhifau adrannau Cymraeg
Section 2	Adran 2
Schedules 1 & 2	Atodlenni 1 & 2
Sections 3 - 11	Adrannau 3 - 11
Schedule 3	Atodlen 3
Sections 12 - 57	Adrannau 12 - 57
Schedule 4	Atodlen 4
Sections 58 - 60	Adrannau 58 - 60
Section 1	Adran 1
Long Title	Teitl Hir

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**Huw Lewis** 36

Schedule 1, page 37, after line 25, insert –

‘() The Welsh Ministers must publish any terms and conditions to which grants made under sub-paragraph (1) are subject.’.

Atodlen 1, tudalen 37, ar ôl llinell 28, mewnosoder –

‘() Rhaid i Weinidogion Cymru gyhoeddi unrhyw delerau ac amodau y mae grantiau a wneir o dan is-baragraff (1) yn ddarostyngedig iddynt.’.

**Huw Lewis** 2

Section 3, page 3, line 25, leave out ‘Wales’ and insert ‘Europe’.

Adran 3, tudalen 3, llinell 23, hepgorer ‘yng Nghymru’ a mewnosoder ‘yn Ewrop’.

**Simon Thomas** 45

Section 3, page 3, after line 35, insert –

‘(i) the promotion of parity of esteem between academic and vocational qualifications.’.

Adran 3, tudalen 3, ar ôl llinell 33, mewnosoder –

‘(i) hyrwyddo parch cydradd i gymwysterau academiaidd a chymwysterau galwedigaethol.’.

**Huw Lewis** 3

Section 4, page 4, line 6, after ‘4 (’, insert ‘priority qualifications and’.

Adran 4, tudalen 4, llinell 6, hepgorer ‘cymeradwyo’ a mewnosoder ‘cymwysterau blaenoriaethol a chymeradwyo’.

**Huw Lewis** 4

Section 8, page 5, line 18, leave out ‘criteria that apply only’ and insert ‘those criteria to the extent that they apply’.

Adran 8, tudalen 5, llinell 18, hepgorer ‘meini prawf nad ydynt ond’ a mewnosoder ‘y meini prawf hynny i’r graddau y maent’.

**Huw Lewis** 5

Section 8, page 5, line 20, after ‘recognised’, insert ‘under this section’.

Adran 8, tudalen 5, llinell 21, ar ôl ‘gydnabod’, mewnosoder ‘o dan yr adran hon’.

**Huw Lewis** 6

Section 8, page 5, line 22, after '(2)', insert 'or a qualification or description of qualification in respect of the award of which recognition under this section has been surrendered or withdrawn,'.

Adran 8, tudalen 5, llinell 22, ar ôl '(2)', mewnosoder 'neu gymhwyster neu ddisgrifiad o gymhwyster y mae cydnabyddiaeth o dan yr adran hon wedi ei hildio neu wedi ei thynnu'n ôl mewn cysylltiad â'i ddyfarnu,'.

**Huw Lewis** 7

Section 8, page 5, line 24, leave out '(3)' and insert '(2)'.

Adran 8, tudalen 5, llinell 25, hepgorer '(3)' a mewnosoder '(2)'.

**Huw Lewis** 8

Section 8, page 5, line 28, after 'those', insert 'qualifications'.

Adran 8, tudalen 5, llinell 29, hepgorer 'rheini' a mewnosoder 'cymwysterau hynny'.

**Huw Lewis** 9

Section 8, page 5, after line 30, insert—

- '(c) any qualification or description of qualification in respect of the award of which recognition under this section has ceased to have effect by virtue of being surrendered or withdrawn.'

Adran 8, tudalen 5, ar ôl llinell 32, mewnosoder—

- '(c) unrhyw gymhwyster neu ddisgrifiad o gymhwyster y mae cydnabyddiaeth o dan yr adran hon wedi peidio â chael effaith mewn cysylltiad â'i ddyfarnu yn rhinwedd cael ei hildio neu ei thynnu'n ôl.'

**Huw Lewis** 10

Section 10, page 6, line 17, leave out 'may' and insert 'must'.

Adran 10, tudalen 6, llinell 20, hepgorer 'Caiff Cymwysterau' a mewnosoder 'Rhaid i Gymwysterau'.

**Huw Lewis** 11

Section 10, page 6, line 24, leave out 'Any' and insert 'The'.

Adran 10, tudalen 6, llinell 27, hepgorer 'gyhoeddi unrhyw reolau' a mewnosoder 'gyhoeddi'r rheolau'.

**Huw Lewis** 37

Schedule 3, page 43, line 33, leave out 'variation' and insert 'revision'.

Atodlen 3, tudalen 43, llinell 34, hepgorer 'amrywio' a mewnosoder 'diwygio'.

**Huw Lewis**

**12**

Section 22, page 11, line 32, leave out 'is subject to any conditions that Qualifications Wales imposes.

(2) The conditions may be imposed by Qualifications Wales', and insert –  
' –

(a) must be subject to a condition within subsection (*first subsection to be inserted by amendment 13*), and

(b) is to be subject to any other conditions Qualifications Wales may impose'.

Adran 22, tudalen 11, llinell 33, hepgorer 'Mae cymeradwyo ffurf ar gymhwyster yn ddarostyngedig i unrhyw amodau y mae Cymwysterau Cymru yn eu gosod.

(2) Caiff Cymwysterau Cymru osod yr amodau', a mewnosoder –

'O ran cymeradwyo ffurf ar gymhwyster –

(a) rhaid iddo fod yn ddarostyngedig i amod o fewn is-adran (*is-adran gyntaf i'w mewnosod gan welliant 13*), a

(b) mae i fod yn ddarostyngedig i unrhyw amodau eraill y caiff Cymwysterau Cymru eu gosod'.

**Huw Lewis**

**13**

Section 22, page 11, after line 35, insert –

'() A condition within this subsection is a condition requiring a form of a qualification that is to be awarded as an approved qualification to be identified by an approval number.

() An approval number is a number (with or without letters or symbols) allocated to a qualification by Qualifications Wales.

() A form of a qualification is awarded as an approved qualification only if it is awarded with its approval number in accordance with the condition mentioned within subsection (*first subsection to be inserted by this amendment*).'

Adran 22, tudalen 11, ar ôl llinell 36, mewnosoder –

'() Mae amod o fewn yr is-adran hon yn amod sy'n ei gwneud yn ofynnol i ffurf ar gymhwyster sydd i'w dyfarnu fel cymhwyster a gymeradwywyd gael ei nodi â rhif cymeradwyo.

() Mae rhif cymeradwyo yn rhif (gyda neu heb lythrennau neu symbolau) sydd wedi ei ddyrannu i gymhwyster gan Gymwysterau Cymru.

() Dim ond os yw ffurf ar gymhwyster wedi ei ddyfarnu â'i rhif cymeradwyo yn unol â'r amod a grybwyllir o fewn is-adran (*is-adran gyntaf i'w mewnosod gan y gwelliant hwn*) y'i dyfernir fel cymhwyster a gymeradwywyd.'.

**Huw Lewis**

**14**

Section 22, page 12, line 1, after 'conditions', insert 'that may be imposed by Qualifications Wales'.

Adran 22, tudalen 12, llinell 1, ar ôl 'amodau', mewnosoder 'y caiff Cymwysterau Cymru eu gosod'.

**Huw Lewis** 15

Section 24, page 12, line 24, leave out 'may' and insert 'must'.

Adran 24, tudalen 12, llinell 26, hepgorer 'Caiff Cymwysterau' a mewnosoder 'Rhaid i Gymwysterau'.

**Huw Lewis** 16

Section 24, page 12, after line 25, insert—

'() The rules may make different provision for different purposes.'

Adran 24, tudalen 12, ar ôl llinell 27, mewnosoder—

'() Caiff y rheolau wneud darpariaeth wahanol at ddibenion gwahanol.'

**Huw Lewis** 17

Section 24, page 12, line 30, leave out 'Any' and insert 'The'.

Adran 24, tudalen 12, llinell 32, hepgorer 'gyhoeddi unrhyw reolau' a mewnosoder 'gyhoeddi'r rheolau'.

**Huw Lewis** 18

Page 17, after line 21, insert a new section—

**[ ] Rules about applications for designation**

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

Tudalen 17, ar ôl llinell 22, i fewnosod adran newydd—

**[ ] Rheolau ynghylch ceisiadau am ddynodiad**

- (1) Rhaid i Gymwysterau Cymru wneud rheolau ynghylch gwneud ceisiadau iddo o dan adran 29.
- (2) Caiff y rheolau wneud darpariaeth wahanol at ddibenion gwahanol.
- (3) Caiff y rheolau wneud darpariaeth ynghylch—
  - (a) ffurf a chynnwys ceisiadau;

(b) y ffordd y mae ceisiadau i gael eu gwneud (gan gynnwys o ran unrhyw ffi sy'n daladwy mewn cysylltiad â chais).

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

**Huw Lewis** 19

Section 33, page 18, line 3, leave out 'pursuant to the approval of that form of qualification under Part 4 for award in Wales' and insert 'as an approved qualification'.

Adran 33, tudalen 18, llinell 3, hepgorer 'yn unol â chymeradwyaeth i'r ffurf honno ar y cymhwyster o dan Ran 4 at ddiben ei dyfarnu yng Nghymru' a mewnosoder 'fel cymhwyster a gymeradwywyd'.

**Huw Lewis** 20

Section 33, page 18, line 20, leave out 'learning difficulties' and insert 'a learning difficulty'.

Adran 33, tudalen 18, llinell 21, hepgorer 'anawsterau' a mewnosoder 'anhawster'.

**Huw Lewis** 21

Section 34, page 19, line 7, leave out 'pursuant to its approval under Part 4' and insert 'awarded as an approved qualification'.

Adran 34, tudalen 19, llinell 8, hepgorer 'yn unol â chymeradwyaeth iddi o dan Ran 4' a mewnosoder 'sydd wedi ei dyfarnu fel cymhwyster a gymeradwywyd'.

**Huw Lewis** 22

Section 34, page 19, line 9, after 'not', insert 'awarded as'.

Adran 34, tudalen 19, llinell 10, hepgorer 'yw'n gymhwyster' a mewnosoder 'yw wedi ei dyfarnu fel cymhwyster'.

**Huw Lewis** 23

Section 34, page 19, line 16, leave out 'pursuant to its approval under Part 4 of that Act' and insert 'awarded as an approved qualification (for which see section 22(*third subsection to be inserted by amendment 13*) of that Act)'.

Adran 34, tudalen 19, llinell 17, hepgorer 'pursuant to its approval under Part 4 of that Act' a mewnosoder 'awarded as an approved qualification (for which see section 22(*trydydd is-adran i'w mewnosod gan y welliant 13*) of that Act)'.

**Huw Lewis** 24

Section 40, page 22, line 32, leave out 'a recognised' and insert 'an awarding'.

Adran 40, tudalen 22, llinell 30, hepgorer 'cydnabyddedig' a mewnosoder 'dyfarnu'.

**Suzy Davies**

**41**

Section 44, page 25, after line 23, insert—

- '() Prior to any commercial activities being undertaken by Qualifications Wales under this section, the Welsh Ministers must prepare a protocol to which Qualifications Wales must have regard.
- () The protocol must set out the minimum steps that Qualifications Wales must take to prevent a conflict of interest or the perception of a conflict of interest between them and the party by whom they have been engaged for commercial purposes under this section.'

Adran 44, tudalen 25, ar ôl llinell 26, mewnosoder—

- '() Cyn i Gymwysterau Cymru gynnal unrhyw weithgareddau masnachol o dan yr adran hon, rhaid i Weinidogion Cymru baratoi protocol y bydd yn rhaid i Gymwysterau Cymru roi sylw iddo.
- () Rhaid i'r protocol nodi'r lleiafswm o gamau y mae'n rhaid i Gymwysterau Cymru eu cymryd i atal gwrthdaro buddiannau neu'r canfyddiad o wrthdaro buddiannau rhyngddo a'r parti y mae wedi bod yn ymgysylltu ag ef at ddibenion masnachol o dan yr adran hon.'

**Suzy Davies**

**42**

Section 44, page 25, after line 23, insert—

- '() In undertaking any services under this section Qualifications Wales must have regard to public and European law.'

Adran 44, tudalen 25, ar ôl llinell 26, mewnosoder—

- '() Wrth ymgymryd ag unrhyw wasanaethau o dan yr adran hon, rhaid i Gymwysterau Cymru roi sylw i gyfraith gyhoeddus ac Ewropeaidd.'

**Huw Lewis**

**25**

Section 46, page 26, line 13, after '4 (' , insert 'priority qualifications and'.

Adran 46, tudalen 26, llinell 13, hepgorer 'cymeradwyo' a mewnosoder 'cymwysterau blaenoriaethol a chymeradwyo'.

**Huw Lewis**

**26**

Section 46, page 26, after line 15, insert—

- '() section 44 (provision of services etc by Qualifications Wales);'.

Adran 46, tudalen 26, ar ôl llinell 15, mewnosoder—

- '() adran 44 (darparu gwasanaethau etc gan Gymwysterau Cymru);'.

**Huw Lewis**

27

Section 48, page 27, line 36, after '4 (' , insert 'priority qualifications and'.

Adran 48, tudalen 27, llinell 36, hepgorer 'cymeradwyo' a mewnosoder 'cymwysterau blaenoriaethol a chymeradwyo'.

**Huw Lewis**

28

Section 48, page 28, line 1, leave out 'and (b) (review of recognised bodies and of approved qualifications)' and insert 'to (c) (review of approved qualifications, designated qualifications and recognised bodies)'.

Adran 48, tudalen 28, llinell 1, hepgorer 'a (b) (adolygu cyrff cydnabyddedig a chymwysterau a gymeradwywyd)' a mewnosoder 'i (c) (adolygu cymwysterau a gymeradwywyd, cymwysterau sydd wedi eu dynodi a chyrrff cydnabyddedig)'.

**Huw Lewis**

29

Section 48, page 28, line 6, after 'prepared', insert 'and published'.

Adran 48, tudalen 28, llinell 5, ar ôl 'luniwyd', mewnosoder 'ac a gyhoeddwyd'.

**Suzy Davies**

43

Section 48, page 28, after line 8, insert—

'() The scheme (and any revised scheme) must have regard to potential consequences for third parties that may arise if awarding bodies are charged.'

Adran 48, tudalen 28, ar ôl llinell 8, mewnosoder—

'() Rhaid i'r cynllun (ac unrhyw gynllun diwygiedig) roi sylw i ganlyniadau posibl i drydydd partïon a allai godi os codir ffi ar gyrff dyfarnu.'

**Huw Lewis**

30

Section 53, page 28, line 34, after '4 (' , insert 'priority qualifications and'.

Adran 53, tudalen 28, llinell 35, hepgorer 'cymeradwyo' a mewnosoder 'cymwysterau blaenoriaethol a chymeradwyo'.

**Huw Lewis**

31

Section 53, page 29, line 1, leave out 'and (b) (review of recognised bodies and of approved qualifications)' and insert 'to (c) (review of approved qualifications, designated qualifications and recognised bodies)'.

Adran 53, tudalen 29, llinell 1, hepgorer 'a (b) (adolygu cyrff cydnabyddedig a chymwysterau a gymeradwywyd)' a mewnosoder 'i (c) (adolygu cymwysterau a gymeradwywyd, cymwysterau sydd wedi eu dynodi a chyrrff cydnabyddedig)'.



**Simon Thomas**

46

Page 29, after line 7, insert a new section –

*‘Duty of Welsh Ministers*

**[ ] Duty of Welsh Ministers to report**

The Welsh Ministers must lay before the Assembly within four years of Royal Assent a report setting out whether or not Qualifications Wales will become an issuing authority for apprenticeships, and if so in what manner.’.

Tudalen 29, ar ôl llinell 8, i fewnosod adran newydd –

*‘Dyletswydd Gweinidogion Cymru*

**[ ] Dyletswydd Gweinidogion Cymru i adrodd**

Rhaid i Weinidogion Cymru osod gerbron y Cynulliad, o fewn pedair blynedd i gael Cydsyniad Brenhinol, adroddiad sy’n nodi a fydd Cymwysterau Cymru yn dod yn awdurdod dyroddi ar gyfer prentisiaethau ai peidio, ac os felly, ym mha fodd.’.

**Huw Lewis**

32

Section 54, page 29, after line 13, insert –

‘(c) includes power to make supplemental, incidental, consequential, transitional, transitory or saving provision.’.

Adran 54, tudalen 29, ar ôl llinell 14, mewnosoder –

‘(c) yn cynnwys pŵer i wneud darpariaeth atodol, darpariaeth gysylltiedig, darpariaeth ganlyniadol, darpariaeth drosiannol, darpariaeth ddarfodol neu ddarpariaeth arbed.’.

**Huw Lewis**

33

Section 55, page 29, line 24, after ‘qualification’ at the first place where it appears, insert ‘, except so far as a contrary intention appears,’.

Adran 55, tudalen 29, llinell 27, ar ôl ‘gymhwyster’ yn y lle cyntaf y mae’n ymddangos, mewnosoder ‘, ac eithrio i’r graddau yr ymddengys bwriad i’r gwrthwyneb,’.

**Huw Lewis**

34

Section 56, page 30, line 13, after ‘4 (’, insert ‘priority qualifications and’.

Adran 56, tudalen 30, llinell 30, hepgorer ‘cymeradwyo’ a mewnosoder ‘cymhwysterau blaenoriaethol a chymeradwyo’.

**Huw Lewis**

**35**

Section 56, page 31, after line 32, insert –

‘(8) References in this Act to the award of a form of qualification as an approved qualification are to be construed in accordance with section 22(*third subsection to be inserted by amendment 13*).’.

Adran 56, tudalen 31, ar ôl llinell 37, mewnosoder –

‘(8) Mae cyfeiriadau yn y Ddeddf hon at ddyfarnu ffurf ar gymhwyster fel cymhwyster a gymeradwywyd i’w dehongli yn unol ag adran 22(*trydydd is-adran i’w mewnosod gan y welliant 13*).’.

**Huw Lewis**

**38**

Schedule 4, page 52, after line 8, insert –

‘() in subsection (2)(e) omit “or 99”.’.

Atodlen 4, tudalen 52, ar ôl llinell 8, mewnosoder –

‘() yn is-adran (2)(e) hepgorer “or 99”.’.

**Huw Lewis**

**39**

Schedule 4, page 54, after line 4, insert –

‘() In section 253A(6) in the definition of “relevant qualification”, for “by section 30(5) of the Education Act 1997” substitute “to “qualification” by section 55 of the Qualifications Wales Act 2015”.’.

Atodlen 4, tudalen 54, ar ôl llinell 4, mewnosoder –

‘() Yn adran 253A(6) yn y diffiniad o “relevant qualification”, yn lle “by section 30(5) of the Education Act 1997” rhodder “to “qualification” by section 55 of the Qualifications Wales Act 2015”.’.

**Huw Lewis**

**40**

Schedule 4, page 54, after line 8, insert –

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

11 (1) The Counter-Terrorism and Security Act 2015 is amended as follows.

(2) In section 32, in subsection (1), in the definition of “relevant further education body”, for the words from “Regulation” to the end of paragraph (b) substitute “, or to qualifications awarded by bodies in respect of the award of which they are recognised by Qualifications Wales under Part 3 of the Qualifications Wales Act 2015;”.

(3) In Schedule 6, under the heading “Education, child care etc”, in the last entry (relating to the governing body or proprietor of an institution not otherwise listed), for the words from “Regulation” to the end of paragraph (a) substitute “, or to qualifications awarded by bodies in respect of the award of which they are recognised by Qualifications Wales under Part 3 of the Qualifications Wales Act 2015;”.

- (4) In Schedule 7, under the heading “Education, child care etc”, in the last entry (relating to the governing body or proprietor of an institution not otherwise listed), for the words from “Regulation” to the end of paragraph (a) substitute “, or to qualifications awarded by bodies in respect of the award of which they are recognised by Qualifications Wales under Part 3 of the Qualifications Wales Act 2015;”.

Atodlen 4, tudalen 54, ar ôl llinell 8, mewnosoder –

*‘Deddf Gwrthderfysgaeth a Diogelwch 2015 (p.6)*

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

**Huw Lewis**

**1**

Section 1, page 1, line 19, after ‘about’, insert ‘priority qualifications and’.

Adran 1, tudalen 1, llinell 20, hepgorer ‘cymeradwyo’ a mewnosoder ‘cymwysterau blaenoriaethol a chymeradwyo’.

**Simon Thomas**

**44**

Section 1, page 2, after line 23, insert –

- ‘( ) Part 8, section (*section to be inserted by amendment 46*), places a duty on Welsh Ministers to report to the Assembly on whether or not Qualifications Wales will become an issuing authority for apprenticeships.’.

Adran 1, tudalen 2, ar ôl llinell 26, mewnosoder –

- ‘( ) Mae Rhan 8, adran (*adran i’w mewnosod gan welliant 46*), yn rhoi dyletswydd ar Weinidogion Cymru i adrodd i’r Cynulliad ynghylch a fydd Cymwysterau Cymru yn dod yn awdurdod dyroddi ar gyfer prentisiaethau ai peidio.’.