CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2004 Rhif 2507 (Cy.225)

ADDYSG, CYMRU

Rheoliadau Addysg (Cynlluniau Ariannol AALl) (Cymru) 2004

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn (sy'n disodli darpariaethau cyfatebol Rheoliadau Ariannu Ysgolion a Gynhelir 1999 a ddirymir) yn gwneud darpariaeth o ran y cynlluniau y mae'n ofynnol i awdurdodau addysg lleol eu paratoi o dan adran 48 o Ddeddf Safonau a Fframwaith Ysgolion 1998 sy'n ymwneud â materion sy'n gysylltiedig ag ariannu'r ysgolion a gynhelir ganddynt.

Ar wahân i ddarpariaeth newydd sy'n galluogi awdurdodau addysg lleol gyhoeddi eu cynlluniau ar eu gwefannau yn hytrach na threfnu eu bod ar gael yn yr ysgolion mae'r Rheoliadau yn ailadrodd Rheoliadau 1999.

Mae Rheoliad 4 a'r Atodlen yn pennu materion y mae'n rhaid ymdrin â hwy yn y cynlluniau. Mae rheoliad 5 yn pennu'r dull y mae'n rhaid i gynlluniau gael eu cyhoeddi ar y dechrau ac mae rheoliad 6 yn ei gwneud yn ofynnol i'r cynlluniau gael eu cyhoeddi yn yr un dull os diwygir hwy.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2004 No. 2507 (W.225)

EDUCATION, WALES

The Education (LEA Financial Schemes) (Wales) Regulations 2004

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (which replace corresponding provisions in the Financing of Maintained Schools Regulations 1999 which are revoked) make provision with respect to the schemes which local education authorities are required to prepare under section 48 of the School Standards and Framework Act 1998 dealing with matters connected with the financing of schools they maintain.

Apart from a new provision enabling local education authorities to publish their schemes on their websites instead of making them available at schools, the Regulations replicate the 1999 Regulations.

Regulation 4 and the Schedule specify the matters which must be dealt with in schemes. Regulation 5 specifies the manner in which schemes must be initially published and regulation 6 requires schemes to be published in the like manner if they are revised.

2004 Rhif 2507 (Cy.225)

ADDYSG, CYMRU

Rheoliadau Addysg (Cynlluniau Ariannol AALl) (Cymru) 2004

Wedi'u gwneud	*21 Medi 2004*
Yn dod i rym	*30 Medi 2004*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 48(1) a (2) a 138(7) ac (8) o Ddeddf Safonau a Fframwaith Ysgolion 1998 a pharagraff 1(7) o Atodlen 14 iddi(**a**) ac sydd wedi'u breinio bellach yng Nghynulliad Cenedlaethol Cymru(**b**).

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Cynlluniau Ariannol AALl) (Cymru) 2004 a deuant i rym ar 30 Medi 2004.

(2) Maent yn gymwys i'r blynyddoedd ariannol sy'n dechrau ar ôl 31 Mawrth 2005 yn unig.

(3) Maent yn gymwys i Gymru yn unig.

Dehongli

2.-(1)Yn y Rheoliadau hyn -

mae "corff llywodraethu" ("*governing body*") yn cynnwys corff llywodraethu dros dro ac mae "llywodraethwr" ("*governor*") yn cynnwys aelod o gorff llywodraethu dros dro;

mae i "cyfran o'r gyllideb" yr ystyr a roddir i "budget share" gan adran 47(1) o Ddeddf 1998;

dehonglir "cyllideb ddiprwyedig" yn unol â "*delegated budget*" yn adran 49(7) o Ddeddf 1998;

ystyr "Deddf 1996" ("*the 1996 Act*") yw Deddf Addysg 1996(**c**);

(a) 1998 p.31. Diwygiwyd adran 48(1) a (2) gan baragraff 2 o Atodlen 3 i Ddeddf Addysg 2002, p.32.

(b) *Gweler* Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac adran 211 o Ddeddf Addysg 2002.

(c) 1996 p.56.

2004 No. 2507 (W.225)

EDUCATION, WALES

The Education (LEA Financial Schemes) (Wales) Regulations 2004

Made	*21 September 2004*
Coming into force	*30 September 2004*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred upon the Secretary of State by sections 48(1) and (2) and 138(7) and (8) of, and paragraph 1(7) of Schedule 14 to, the School Standards and Framework Act 1998(**a**) and now vested in the National Assembly for Wales(**b**).

Name, commencement and application

1.-(1) These Regulations are called the Education (LEA Financial Schemes) (Wales) Regulations 2004 and come into force on 30 September 2004.

(2) They apply only to financial years beginning after 31 March 2005.

(3) They apply only to Wales.

Interpretation

2.-(1) In these Regulations -

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996(**c**);

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998;

"budget share" ("*cyfran o'r gyllideb*") has the meaning given to it by section 47(1) of the 1998 Act;

"delegated budget" ("*cyllideb ddirprwyedig*") is to be construed in accordance with section 49(7) of the 1998 Act;

(a) 1998 c.31. Section 48(1) and (2) was amended by paragraph 2 of Schedule 3 to the Education Act 2002, c.32.

(b) *See* the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672 and section 211 of the Education Act 2002.

(c) 1996 c.56.

ystyr "Deddf 1998" ("*the 1998 Act*") yw Deddf Safonau a Fframwaith Ysgolion 1998.

(2) Yn y Rheoliadau hyn, mae cyfeiriadau at ysgolion a gynhelir gan awdurdod addysg lleol (sut bynnag y caiff ei eirio) yn cynnwys y canlynol yn unig, sef ysgolion cymunedol, ysgolion sefydledig, ysgolion gwirfoddol, ysgolion arbennig cymunedol ac ysgolion arbennig sefydledig, a gynhelir gan yr awdurdod (gan gynnwys ysgol o'r fath y cynigir ei bod yn cael ei chynnal gan yr awdurdod ac y mae ganddi gorff llywodraethu dros dro y gwnaed y trefniadau ar gyfer ei ffurfio gan yr awdurdod gan gydymffurfio â'r ddyletswydd a osodwyd arno gan adran 44(1)(**a**) o Ddeddf 1998 neu adran 34(1) o Ddeddf 2002(**b**)).

Dirymu

3. Dirymir rheoliadau 25 i 28 o Reoliadau Ariannu Ysgolion a Gynhelir 1999 ac Atodlen 3 iddynt(**c**) ar 1 Ebrill 2005.

Yr hyn sy'n ofynnol i'w gynnwys yn y cynlluniau

4. Rhaid i gynllun a baratoir gan awdurdod addysg lleol o dan adran 48(1) o Ddeddf 1998 ymdrin â materion sy'n gysylltiedig ag ariannu ysgolion a gynhelir gan yr awdurdod y nodir hwy yn yr Atodlen i'r Rheoliadau yma.

Dull cyhoeddi

5. At ddibenion paragraff 1(7) o Atodlen 14 i Ddeddf 1998 (y dull a ragnodir i gyhoeddi cynlluniau) rhaid i'r awdurdod addysg lleol o dan sylw gyhoeddi cynllun pan ddaw i rym ac yn yr amgylchiadau a ragnodir yn rheoliad 6 -

(a) drwy roi copi i gorff llywodraethu a phennaeth pob ysgol a gynhelir gan yr awdurdod; a

(b) drwy drefnu bod copi ar gael i gyfeirio ato ar bob adeg resymol yn ddi-dâl -

(i) ym mhrif swyddfa addysg yr awdurdod; a

(ii) ym mhob ysgol a gynhelir gan yr awdurdod neu ar wefan a gynhelir gan yr awdurdod ac sydd ar gael i'r cyhoedd.

"governing body" ("*corff llywodraethu*") includes a temporary governing body and "governor" ("*llywodraethwr*") includes a member of a temporary governing body.

(2) In these Regulations, references to schools maintained by a local education authority (however framed) include only community schools, foundation schools, voluntary schools, community special schools and foundation special schools, maintained by the authority (including a proposed such school to be maintained by the authority which has a temporary governing body the arrangements for the constitution of which were made by the authority in compliance with the duty imposed on them by section 44(1)(**a**) of the 1998 Act or section 34(1) of the 2002 Act(**b**)).

Revocation

3. Regulations 25 to 28 of, and Schedule 5 to, the Financing of Maintained Schools Regulations 1999(**c**) are revoked on 1 April 2005.

Required content of schemes

4. A scheme prepared by a local education authority under section 48(1) of the 1998 Act must deal with the matters connected with the financing of schools maintained by the authority set out in the Schedule to these Regulations.

Manner of publication

5. For the purposes of paragraph 1(7) of Schedule 14 to the 1998 Act (prescribed manner of publication of schemes) a scheme must be published by the local education authority concerned on its coming into force and in the circumstances prescribed in regulation 6 by -

(a) furnishing a copy to the governing body and head teacher of each school maintained by the authority; and

(b) making a copy available for reference at all reasonable times and without charge -

(i) at the principal education office of the authority; and

(ii) at each school maintained by the authority or on a website which is maintained by the authority and accessible to the public.

(a) Bydd adran 44(1) yn cael ei diddymu gan Atodlen 22 i Ddeddf Addysg 2002.

(b) Caiff adran 34(1) ei dwyn i rym ar ddiwrnod sydd i'w benodi.

(c) O.S. 1999/101.

(a) Section 44(1) will be repealed by Schedule 22 to the Education Act 2002.

(b) Section 34(1) will be brought into force on a day to be appointed.

(c) S.I. 1999/101.

Amgylchiadau ychwanegol pan fydd angen cyhoeddi cynlluniau

6. At ddibenion paragraff 1(7)(b) o Atodlen 14 i Ddeddf 1998 (achlysuron a ragnodwyd pan fydd angen cyhoeddi cynlluniau) rhaid i'r awdurdod addysg lleol o dan sylw gyhoeddi cynllun pan ddaw unrhyw ddiwygiad ohono i rym.

Additional occasions when schemes require publication

6. For the purposes of paragraph 1(7)(b) of Schedule 14 to the 1998 Act (prescribed occasions on which publication of schemes is required) a scheme must be published by the local education authority concerned on the coming into force of any revision of it.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**a**)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**a**)

21 Medi 2004

21 September 2004

D. Elis-Thomas

Llywydd Cynulliad Cenedlaethol Cymru

The Presiding Officer of the National Assembly for Wales.

(a) 1998 p.38.

(a) 1998 c.38.

YR ATODLEN

Rheoliad 4

CYNNWYS Y CYNLLUNIAU

Y materion y cyfeirir atynt yn rheoliad 4, sef materion sy'n gysylltiedig ag ariannu ysgolion a gynhelir gan awdurdod addysg lleol, y mae angen i'r awdurdod addysg lleol ymdrin â hwy yn ei gynllun yw:

1. Cario drosodd o un flwyddyn ariannol i'r llall y gwargedau a'r diffygion sy'n codi mewn perthynas â chyfrannau cyllideb ysgolion.

2. Symiau y gellir eu tynnu yn erbyn cyfrannau cyllideb ysgolion.

3. Symiau a gafodd ysgolion y caiff eu cyrff llywodraethu eu dal a'r dibenion y ceir defnyddio'r symiau hynny ar eu cyfer.

4. Gosod amodau gan neu o dan y cynllun y mae'n rhaid i ysgolion gydymffurfio â hwy mewn perthynas â rheoli eu cyllidebau dirprwyedig a symiau y mae'r awdurdod yn trefnu eu bod ar gael i gyrff llywodraethu nad ydynt yn ffurfio rhan o'r cyllidebau dirprwyedig, gan gynnwys amodau a ragnodwyd gan reolau a gweithdrefnau ariannol.

5. Y telerau y mae'r awdurdod yn darparu gwasanaethau a chyfleusterau odanynt i ysgolion a gynhelir ganddo.

6. Talu llogau gan yr awdurdod neu iddo.

7. Yr adegau pan drefnir y bydd symiau sy'n hafal i gyfanswm cyfran yr ysgol o'r gyllideb ar gael i gyrff llywodraethu a phan drefnir pa ran o'r gyfran o'r gyllideb fydd ar gael ar bob adeg o'r fath.

8. Y trosglwyddiad rhwng penawdau cyllideb o fewn y gyllideb ddirprwyedig.

9. Yr amgylchiadau y caiff awdurdod ddirprwyo i'r corff llywodraethu y pŵer i wario unrhyw ran o gyllideb AALl yr awdurdod neu gyllideb ysgolion yn ychwanegol at y rhai a nodir yn adran 49(4)(a) i (c)(**a**) o Ddeddf 1998.

10. Y defnydd ar gyllidebau dirprwyedig a symiau y trefnodd yr awdurdod eu bod ar gael i'r corff llywodraethu nad ydynt yn ffurfio rhan o'r cyllidebau dirprwyedig.

11. Benthyca gan gyrff llywodraethu.

12. Trefniadau bancio y caiff cyrff llywodraethu eu gwneud.

(a) Mae adran 49 i'w diwygio gan baragraff 100(2) o Atodlen 21 i Ddeddf Addysg 2002.

SCHEDULE

Regulation 4

CONTENT OF SCHEMES

The matters referred to in regulation 4, being matters connected with the financing of schools maintained by a local education authority, required to be dealt with in the local education authority's scheme are as follows:

1. The carrying forward from one financial year to another of surpluses and deficits arising in relation to schools' budget shares.

2. Amounts which may be charged against schools' budget shares.

3. Amounts received by schools which may be retained by their governing bodies and the purposes for which such amounts may be used.

4. The imposition, by or under the scheme, of conditions which must be complied with by schools in relation to the management of their delegated budgets and of sums made available to governing bodies by the authority which do not form part of delegated budgets, including conditions prescribing financial controls and procedures.

5. Terms on which services and facilities are provided by the authority for schools maintained by them.

6. The payment of interest by or to the authority.

7. The times at which amounts equal in total to the school's budget share are to be made available to governing bodies and the proportion of the budget share to be made available at each such time.

8. The virement between budget heads within the delegated budget.

9. Circumstances in which the authority may delegate to the governing body the power to spend any part of the authority's LEA budget or schools budget in addition to those set out in section 49(4)(a) to (c)(**a**) of the 1998 Act.

10. The use of delegated budgets and of sums made available to the governing body by the authority which do not form part of delegated budgets.

11. Borrowing by governing bodies.

12. The banking arrangements that may be made by governing bodies.

(a) Section 49 is amended by paragraph 100(2) of Schedule 21 to the Education Act 2002.

13. Datganiad o ran atebolrwydd personol y llywodraethwyr mewn perthynas â chyfrannau cyllideb ysgolion gan ystyried adran 50(7) o Ddeddf 1998.

14. Datganiad o ran y lwfansau sy'n daladwy i lywodraethwyr ysgol sydd heb gyllideb ddirprwyedig yn unol â'r cynllun a wnaed gan yr awdurdod at ddibenion adran 519 o Ddeddf 1996(**a**).

15. Cadw cofrestr o unrhyw fuddiannau busnes y llywodraethwyr a'r pennaeth.

16. Darparu gwybodaeth gan y corff llywodraethu ac iddo.

17. Cynnal a chadw stocrestrau o asedau.

18. Cynlluniau gwario corff llywodraethu.

19. Datganiad o ran y defnydd y mae corff llywodraethu yn bwriadu ei wneud i warged yn y fantolen ysgol sy'n fwy na 5% o gyfran cyllideb yr ysgol neu £10,000 p'un bynnag sydd fwyaf.

20. Datganiad o ran trethu'r symiau a dalwyd neu a gafwyd gan gorff llywodraethu.

21. Yswiriant.

22. Defnyddio cyllidebau dirprwyedig gan gyrff llywodraethu fel y byddant yn bodloni dyletswyddau'r awdurdod a osodwyd gan neu o dan Ddeddf Iechyd a Diogelwch yn y Gwaith etc. 1974(**b**).

23. Darparu cyngor cyfreithiol i'r corff llywodraethu.

24. Cyllid ar gyfer materion amddiffyn plant.

25. Prydau ysgol.

26. At bwy yn yr awdurdod y dylid anfon cwynion a wneir gan bobl sy'n gweithio yn yr ysgol neu gan lywodraethwyr ysgol ynghylch rheoli ariannol neu wedduster ariannol yn yr ysgol a sut y dylid ymdrin â chwynion o'r fath.

27. Gwariant a dynnir gan gorff llywodraethu wrth arfer y pŵer a roddwyd gan adran 27 o Ddeddf Addysg 2002.

28.Y ddarpariaeth gan gyrff llywodraethu o ffurflenni a gwybodaeth at ddibenion pensiynau athrawon.

13. A statement as to the personal liability of governors in respect of schools' budget shares having regard to section 50(7) of the 1998 Act.

14. A statement as to the allowances payable to governors of a school which does not have a delegated budget in accordance with the scheme made by the authority for the purposes of section 519 of the 1996 Act(**a**).

15. The keeping of a register of any business interests of the governors and the head teacher.

16. The provision of information by and to the governing body.

17. The maintenance of inventories of assets.

18. Plans of a governing body's expenditure.

19.A statement as to the use that a governing body proposes to make of a surplus in the school balance which exceeds 5% of the school budget share or £10,000, whichever is the greater.

20. A statement as to the taxation of sums paid or received by a governing body.

21. Insurance.

22. The use of delegated budgets by governing bodies so as to satisfy the authority's duties imposed by or under the Health and Safety at Work etc. Act 1974(**b**).

23. The provision of legal advice to the governing body.

24. Funding for child protection issues.

25. School meals.

26. To whom in the authority complaints should be made by persons working at the school or by school governors about financial management or financial propriety at the school and how such complaints will be dealt with.

27. Expenditure incurred by a governing body in the exercise of the power conferred by section 27 of the Education Act 2002.

28. Provision by governing bodies of returns and information for teacher pensions' purposes.

(a) Diwygiwyd adran 519 gan baragraffau 57 a 139 o Atodlen 30 i Ddeddf 1998.

(b) 1974 p.37.

(a) Section 519 was amended by paragraphs 57 and 139 of Schedule 30 to the 1998 Act.

(b) 1974 c.37.

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2004 Rhif 2507 (Cy.225)

ADDYSG, CYMRU

Rheoliadau Addysg (Cynlluniau Ariannol AALl) (Cymru) 2004

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The Education (LEA Financial Schemes) (Wales) Regulations 2004

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