CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2007 Rhif 854 (Cy.78)

ADDYSG, CYMRU

Rheoliadau Corfforaethau Addysg Bellach (Cyhoeddi Gorchmynion Drafft) (Cymru) 2007

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn (sydd yn gymwys o ran Cymru) yn rhagnodi amser a dull cyhoeddi gorchmynion drafft y mae'r Cynulliad Cenedlaethol yn bwriadu'u gwneud ar gyfer sefydlu corfforaethau addysg bellach gan Gynulliad Cenedlaethol Cymru o dan adrannau 16(1) a (3) o Ddeddf Addysg Bellach ac Uwch 1992.

2007 No. 854 (W.78)

EDUCATION, WALES

The Further Education Corporations (Publication of Draft Orders) (Wales) Regulations 2007

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations (which apply in relation to Wales) prescribe the time and manner of publication of draft orders proposed to be made by the National Assembly for the establishment of further education corporations by the National Assembly for Wales under sections 16 (1) and (3) of the Further and Higher Education Act 1992.

OFFERYNNAU STATUDOL

2007 Rhif 854 (Cy.78)

ADDYSG, CYMRU

Rheoliadau Corfforaethau Addysg Bellach (Cyhoeddi Gorchmynion Drafft) (Cymru) 2007

Wedi'u gwneud	*14 Mawrth 2007*
Yn dod i rym	*23 Mawrth 2007*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd iddo gan adrannau 51(3) ac 89(4) o Ddeddf Addysg Bellach ac Uwch 1992[**1**] ac a freiniwyd bellach yng Nghynulliad Cenedlaethol Cymru [**2**]):

Enwi, cychwyn, dehongli a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Corfforaethau Addysg Bellach (Cyhoeddi Gorchmynion Drafft) (Cymru) 2007.

(2) Daw'r Rheoliadau hyn i rym ar 23 Mawrth 2007.

(3) Yn y rheoliadau hyn mae cyfeiriad at adran yn gyfeiriad at adran o Ddeddf Addysg Bellach ac Uwch 1992.

(4) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Cyhoeddi etc. gorchmynion y cyfeirir atynt yn adran 51(3)(a)

2.-(1) Mae'r materion a ganlyn wedi'u rhagnodi at ddibenion adran 51(3) mewn perthynas â gorchmynion y cyfeirir atynt yn adran 51(3)(a) (gorchmynion o dan adran 16(1)) -

(a) rhaid i'r gorchymyn drafft gael ei gyhoeddi (yn unol ag is-baragraff (b) a pharagraff (3) is-baragraffau (a) i (c)) dim hwyrach na dau fis cyn y dyddiad a bennir ynddo ar gyfer sefydlu'r corff corfforaethol;

(**1**) 1992 p.13

(**2**) *Gweler* Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S.1999/672)

STATUTORY INSTRUMENTS

2007 No. 854 (W.78)

EDUCATION, WALES

The Further Education Corporations (Publication of Draft Orders) (Wales) Regulations 2007

Made	*14 March 2007*
Coming into force	*23 March 2007*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred by sections 51(3) and 89(4) of the Further and Higher Education Act 1992[**1**] and now vested in the National Assembly for Wales [**2**]):

Title, commencement, interpretation and application

1.-(1) The title of these Regulations is The Further Education Corporations (Publication of Draft Orders) (Wales) Regulations 2007.

(2) These Regulations shall come into force on 23 March 2007.

(3) In these Regulations a reference to a section is a reference to a section of the Further and Higher Education Act 1992.

(4) These Regulations apply in relation to Wales.

Publication etc. of orders referred to in section 51(3)(a)

2.-(1) The following matters are prescribed for the purposes of section 51(3) in relation to orders referred to in section 51(3)(a) (orders under section 16(1)) -

(a) the draft order must be published (in accordance with sub-paragraph (b) and paragraph (3) sub-paragraphs (a) to (c)) no later than two months before the date specified in it for the establishment of the body corporate;

(**1**) 1992 c.13

(**2**) *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672)

(b) rhaid i grynodeb o'r gorchymyn drafft gael ei gyhoeddi -

(i) mewn o leiaf un papur newydd sy'n cylchredeg yn yr ardal a wasanaethir, neu a fydd yn cael ei gwasanaethu, gan y sefydliad y mae'r gorchymyn drafft yn ymwneud ag ef,

(ii) drwy ei osod mewn o leiaf un man amlwg yn yr ardal honno, a

(iii) yn achos gorchymyn drafft sy'n ymwneud â sefydliad sydd eisoes yn bod, drwy ei osod mewn lle amlwg wrth brif fynedfa'r sefydliad hwnnw neu gerllaw iddi.

(2) Rhaid i'r crynodeb ddatgan y gellir cael copi o'r Gorchymyn drafft yn rhad ac am ddim gan Gynulliad Cenedlaethol Cymru.

(3) Rhaid i Gynulliad Cenedlaethol Cymru anfon copi o'r gorchymyn drafft-

(a) at awdurdod addysg lleol yr ardal y lleolir y sefydliad o'i mewn neu lle y bwriedir ei leoli; a

(b) corff llywodraethu unrhyw sefydliad yn y sector addysg bellach, neu gorff llywodraethu unrhyw ysgol a gynhelir gan awdurdod addysg lleol sy'n darparu addysg addas at ofynion pobl dros oed ysgol gorfodol nad ydynt dros bedair ar bymtheg mlwydd oed, ac yn y ddau achos sydd yn yr ardal a wasanaethir neu a fydd yn cael ei gwasanaethu gan y sefydliad y mae'r gorchymyn drafft yn ymwneud ag ef; ac

(c) unrhyw berson arall yr ymddengys i Gynulliad Cenedlaethol Cymru fod ganddo fuddiant; ac

(ch) unrhyw berson sy'n gofyn amdano.

Cyhoeddi etc. gorchmynion y cyfeirir atynt yn adran 51(3)(b)

3.-(1) Mae'r materion ym mharagraff (2) wedi'u rhagnodi at ddibenion adran 51(3) mewn perthynas â gorchmynion y cyfeirir atynt yn adran 51(3)(b) (gorchmynion a wneir o dan adran 16(3)).

(2) Rhaid i'r gorchymyn drafft gael ei gyhoeddi dim hwyrach na dau fis cyn y dyddiad a bennir ynddo ar gyfer sefydlu'r corff corfforaethol drwy anfon copi at-

(a) corff llywodraethu'r sefydliad y cyfeirir ato ynddo;

(b) yr awdurdod addysg lleol, os oes un, sy'n cynnal y sefydliad ac, yn achos ysgol wirfoddol neu ysgol sefydledig sydd o natur grefyddol at ddibenion Rhan II o Ddeddf Safonau a Fframwaith Ysgolion 1998, awdurdod priodol unrhyw enwad crefyddol dan sylw; ac

(b) a summary of the draft order must be published -

(i) in at least one newspaper circulating in the area served, or to be served, by the institution to which the draft order relates,

(ii) by posting it in at least one conspicuous place within that area, and

(iii) in the case of a draft order which relates to an existing institution, by posting it in a conspicuous place at or near the main entrance to that institution.

(2) The summary must state that a copy of the draft order may be obtained free of charge from the National Assembly for Wales.

(3) The National Assembly for Wales must send a copy of the draft order to-

(a) the local education authority in whose area the institution is situated or is proposed to be situated; and

(b) the governing body of any institution within the further education sector, or of any school maintained by a local education authority which provides education suitable to the requirements of persons over compulsory school age who have not attained the age of nineteen years, in either case within the area served or to be served by the institution to which the draft order relates; and

(c) any other person who appears to the National Assembly for Wales to have an interest;

(d) and any person who requests it.

Publication etc. of orders referred to in section 51(3)(b)

3.-(1) The matters in paragraph (2) are prescribed for the purposes of section 51(3) in relation to orders referred to in section 51(3)(b) (orders made under section 16(3)).

(2) The draft order must be published no later than two months before the date specified in it for the establishment of a body corporate by sending a copy to-

(a) the governing body of the institution referred to therein;

(b) the local education authority, if any, which maintains the institution and, in the case of a voluntary or foundation school which has a religious character for the purposes of Part II of the School Standards and Framework Act 1998, the appropriate authority of any religious denomination concerned; and

(c) unrhyw berson yr ymddengys i Gynulliad Cenedlaethol Cymru fod ganddo fuddiant.

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

14 Mawrth 2007

J. Marek

Dirprwy Llywydd Cynulliad Cenedlaethol Cymru

(**1**) 1998 p38

(c) any person who appears to the National Assembly for Wales to have an interest.

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

14 March 2007

The Deputy Presiding Officer of the National Assembly for Wales

(**1**) 1998 p38

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