



RHESTR O WELLIANNAU WEDI’U GOSOD MEWN TREFN MARSHALLED LIST OF AMENDMENTS

Mesur Arfaethedig ynghylch Addysg (Cymru)
Proposed Education (Wales) Measure

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

Caiff y Mesur ei ystyried yn y drefn a ganlyn –
The Measure will be considered in the following order –

| | |
|----------------|-----------------|
| Sections 1-21 | Adrannau 1-21 |
| Schedule 1 | Atodlen 1 |
| Sections 22-24 | Adrannau 22-24 |
| New Sections | Adrannau Newydd |
| Long Title | Teitl Hir |

Jane Hutt

1

Section 1, page 4, leave out lines 4 to 5.

Adran 1, tudalen 4, gadewch allan linellau 4 hyd at 5.

*Paul Davies

25

Supported by/Gyda chefnogaeth: William Graham

Section 2, page 4, after line 28, insert –

‘() Any notices or documents served upon a child must be accompanied by an explanation that has regard to the age of the child in question.’.

Adran 2, tudalen 4, ar ôl llinell 28, ychwanegwch—

‘() Any notices or documents served upon a child must be accompanied by an explanation that has regard to the age of the child in question.’.

***Paul Davies**

28

Supported by/Gyda chefnogaeth: William Graham

Section 3, page 5, after line 5, insert—

‘() The consent of the child’s parent is not required before a case friend is appointed, or for the appointment of a particular case friend.’.

Adran 3, tudalen 5, ar ôl llinell 5, ychwanegwch—

‘() The consent of the child’s parent is not required before a case friend is appointed, or for the appointment of a particular case friend.’.

***Paul Davies**

30

Supported by/Gyda chefnogaeth: William Graham

Section 3, page 5, after line 5, insert—

‘() Enhanced Criminal Records Bureau checks are required for case friends who have not been the subject of such checks during the previous 3 years.’.

Adran 3, tudalen 5, ar ôl llinell 5, ychwanegwch—

‘() Enhanced Criminal Records Bureau checks are required for case friends who have not been the subject of such checks during the previous 3 years.’.

***Paul Davies**

23

Supported by/Gyda chefnogaeth: William Graham

Section 3, page 5, line 14, after ‘friends’, insert ‘including how the views of the child should be taken into consideration’.

Adran 3, tudalen 5, llinell 14, ar ôl ‘friends’, ychwanegwch ‘including how the views of the child should be taken into consideration’.

***Paul Davies**

26

Supported by/Gyda chefnogaeth: William Graham

Section 4, page 5, after line 33, insert –

- () Any written advice and information provided for children pursuant to this section must be provided in versions suitable for children with varying degrees of understanding.’.

Adran 4, tudalen 5, ar ôl llinell 33, ychwanegwch –

- () Any written advice and information provided for children pursuant to this section must be provided in versions suitable for children with varying degrees of understanding.’.

***Paul Davies**

32

Supported by/Gyda chefnogaeth: William Graham

Section 5, page 6, after line 28, insert –

- () In making arrangements under this section, every local authority must have regard to the principle that resolution services should be provided to a child independently of any such services provided to the parents.’.

Adran 5, tudalen 6, ar ôl llinell 27, ychwanegwch –

- () In making arrangements under this section, every local authority must have regard to the principle that resolution services should be provided to a child independently of any such services provided to the parents.’.

***Paul Davies**

22

Supported by/Gyda chefnogaeth: William Graham

Section 6, page 8, after line 11, insert –

- () In making arrangements under this section, every local authority must have regard to the principle that the views of the child should be taken into consideration in the choice of the advocate.’.

Adran 6, tudalen 8, ar ôl llinell 11, ychwanegwch –

- () In making arrangements under this section, every local authority must have regard to the principle that the views of the child should be taken into consideration in the choice of the advocate.’.

Jane Hutt **2**

Section 8, page 8, line 30, leave out '332ZA,'.

Adran 8, tudalen 8, llinell 28, gadewch allan '332ZA,'.

Jane Hutt **3**

Section 9, page 9, leave out lines 30 to 31.

Adran 9, tudalen 9, gadewch allan linellau 30 hyd at 31.

***Paul Davies** **29**

Supported by/Gyda chefnogaeth: William Graham

Section 10, page 10, after line 11, insert—

'() The consent of the child's parent is not required before a case friend is appointed, or for the appointment of a particular case friend.'

Adran 10, tudalen 10, ar ôl llinell 11, ychwanegwch—

'() The consent of the child's parent is not required before a case friend is appointed, or for the appointment of a particular case friend.'

***Paul Davies** **31**

Supported by/Gyda chefnogaeth: William Graham

Section 10, page 10, after line 11, insert—

'() Enhanced Criminal Records Bureau checks are required for case friends who have not been the subject of such checks during the previous 3 years.'

Adran 10, tudalen 10, ar ôl llinell 11, ychwanegwch—

'() Enhanced Criminal Records Bureau checks are required for case friends who have not been the subject of such checks during the previous 3 years.'

***Paul Davies** **24**

Supported by/Gyda chefnogaeth: William Graham

Section 10, page 10, line 22, after 'friends', insert 'including how the views of the child should be taken into consideration,'.

Adran 10, tudalen 10, llinell 22, ar ôl 'friends', ychwanegwch 'including how the views of the child should be taken into consideration,'.

Jane Hutt 17

Section 11, page 10, line 37, after 'local', insert 'education'.

Adran 11, tudalen 10, llinell 38, ar ôl 'local', ychwanegwch 'education'.

***Paul Davies** 27
Supported by/Gyda chefnogaeth: William Graham

Section 11, page 10, after line 39, insert –

'() Any written advice and information provided for children pursuant to this section must be provided in versions suitable for children with varying degrees of understanding.'

Adran 11, tudalen 10, ar ôl llinell 40, ychwanegwch –

'() Any written advice and information provided for children pursuant to this section must be provided in versions suitable for children with varying degrees of understanding.'

***Paul Davies** 33
Supported by/Gyda chefnogaeth: William Graham

Section 12, page 11, after line 20, insert –

'() In making arrangements under this section, every local authority must have regard to the principle that resolution services should be provided to a child independently of any such services provided to the parents.'

Adran 12, tudalen 11, ar ôl llinell 21, ychwanegwch –

'() In making arrangements under this section, every local authority must have regard to the principle that resolution services should be provided to a child independently of any such services provided to the parents.'

Jane Hutt 18

Section 13, page 12, line 2, after 'local', insert 'education'.

Adran 13, tudalen 12, llinell 2, ar ôl 'local', ychwanegwch 'education'.

Jane Hutt 14

Section 15, page 13, after line 16, insert –

'() After subsection (1) insert –

- “(1A) If the Welsh Ministers are satisfied (whether on a complaint or otherwise) that a local education authority –
- (a) has acted, or is proposing to act, unreasonably in the discharge of a duty imposed by or under sections 28IC, 28ID or 28IE, or
 - (b) has failed to discharge a duty imposed by or under any of those sections,
- they may give that body such directions as to the discharge of the duty as appear to them to be expedient.”.

Adran 15, tudalen 13, ar ôl llinell 16, ychwanegwch –

‘() Ar ôl is-adran (1), mewnosoder –

- “(1A) If the Welsh Ministers are satisfied (whether on a complaint or otherwise) that a local education authority –
- (a) has acted, or is proposing to act, unreasonably in the discharge of a duty imposed by or under sections 28IC, 28ID or 28IE, or
 - (b) has failed to discharge a duty imposed by or under any of those sections,
- they may give that body such directions as to the discharge of the duty as appear to them to be expedient.”.

Jane Hutt

15

Section 15, page 13, after line 16, insert –

‘() In subsection (4), after “(1)” insert “, (1A)”.’.

Adran 15, tudalen 13, ar ôl llinell 16, ychwanegwch –

‘() Yn is-adran (4), ar ôl “(1)” mewnosoder “, (1A)”.’.

Jane Hutt

16

Section 15, page 13, line 28, after ‘(7),’, insert ‘after “(1),” insert “(1A),”, ‘.

Adran 15, tudalen 13, llinell 28, ar ôl ‘(7),’, ychwanegwch ‘ar ôl “(1),” mewnosoder “(1A),”, ‘.

Jane Hutt

4

Section 16, page 13, line 33, leave out ‘28IA,’.

Adran 16, tudalen 13, llinell 33, gadewch allan ‘28IA,’.

Jane Hutt

7

Section 17, page 14, line 5, after ‘regulations’, insert ‘of up to 40 months (“the pilot period”)’.

Adran 17, tudalen 14, llinell 5, ar ôl 'rheoliadau', ychwanegwch 'o hyd at 40 o fisoedd ("y cyfnod treialu")'.

Jane Hutt 8

Section 17, page 14, line 22, leave out subsection (3).

Adran 17, tudalen 14, llinell 24, gadewch allan is-adran (3).

Jane Hutt 9

Section 17, page 14, line 25, leave out subsection (4).

Adran 17, tudalen 14, llinell 28, gadewch allan is-adran (4).

Jane Hutt 10

Section 17, page 14, after line 31, insert—

'() A report under subsection (5) may be laid before the National Assembly for Wales before the end of the pilot period; but it may not be laid on a date less than 12 months after the start of the pilot period.'

Adran 17, tudalen 14, ar ôl llinell 35, ychwanegwch—

'() Caniateir i adroddiad o dan isadran (5) gael ei osod gerbron Cynulliad Cenedlaethol Cymru cyn diwedd y cyfnod treialu; ond ni chaniateir iddo gael ei osod ar ddyddiad lai na 12 mis ar ôl dechrau'r cyfnod treialu.'

Jane Hutt 11

Section 17, page 14, line 33, leave out '12' and insert '30'.

Adran 17, tudalen 14, llinell 37, gadewch allan '12 mis' a rhowch yn ei le '30 o fisoedd'.

Jane Hutt 12

Section 17, page 14, line 33, leave out 'cease to have effect' and insert 'come into force'.

Adran 17, tudalen 14, llinell 37, gadewch allan 'beidio â bod yn effeithiol' a rhowch yn ei le 'ddod i rym'.

Jane Hutt 5

Section 18, page 15, line 30, leave out subsection (3).

Adran 18, tudalen 15, llinell 34, gadewch allan is-adran (3).

Jane Hutt

13

Section 18, page 15, line 35, leave out ‘day on which the last regulations made under section 17(1) cease to have effect’ and insert ‘last day of the pilot period specified in regulations under section 17(1)’.

Adran 18, tudalen 15, llinell 40, gadewch allan ‘y diwrnod y bydd y rheoliadau diwethaf a wnaed o dan adran 17(1) yn peidio â bod yn effeithiol’ a rhowch yn ei le ‘ddiwrnod olaf y cyfnod treialu a bennir mewn rheoliadau o dan adran 17(1)’.

Jane Hutt

20

Section 22, page 18, line 9, after ‘18’, insert ‘or []’.

Adran 22, tudalen 18, llinell 11, ar ôl ‘18’, ychwanegwch ‘neu []’.

Jane Hutt

6

To insert a new Section—

() Orders under section 18: procedure

- (1) Before the Welsh Ministers make an order under section 18 they must—
 - (a) consult such persons as appear to them to be representative of interests affected by their proposals;
 - (b) have regard to the findings of their report under section 17(5).
- (2) If, following consultation under subsection (1), the Welsh Ministers propose to make an order under section 18 they must lay before the National Assembly for Wales a document including—
 - (a) an explanation of the proposals,
 - (b) a draft of the proposed order, and
 - (c) details of the consultation under subsection (1)(a).
- (3) Where a document is laid before the National Assembly for Wales under subsection (2), a draft of an order under section 18 to give effect to the proposals (with or without modification) must not be laid before the Assembly until after the expiry of the period of sixty days beginning with the day on which the document was laid.
- (4) In calculating the period mentioned in subsection (3) no account is to be taken of any time during which the National Assembly for Wales is dissolved or is in recess for more than four days.
- (5) In preparing a draft order under section 18 the Welsh Ministers must consider any representations made during the period mentioned in subsection (3).

- (6) A draft order laid before the National Assembly for Wales in accordance with section 22(4) must be accompanied by a statement of the Welsh Ministers giving details of –
- (a) any representations considered in accordance with subsection (5), and
 - (b) any changes made to the proposals contained in the document laid before the National Assembly for Wales under subsection (2).'

I ychwanegu Adran newydd –

() Gorchmynion o dan adran 18: y weithdrefn

- (1) Cyn gwneud gorchmyn o dan adran 18 rhaid i Weinidogion Cymru –
 - (a) ymgynghori â'r personau hynny sydd yn eu barn hwy'n gynrychioliadol o fuddiannau yr effeithir arnynt gan eu cynigion;
 - (b) rhoi sylw i ganfyddiadau eu hadroddiad o dan adran 17(5).
- (2) Os bydd Gweinidogion Cymru, ar ôl ymgynghori o dan isadran (1), yn arfaethu gwneud gorchmyn o dan adran 18, rhaid iddynt osod gerbron Cynulliad Cenedlaethol Cymru ddogfen yn cynnwys-
 - (a) esboniad o'r cynigion,
 - (b) drafft o'r gorchmyn arfaethedig, ac
 - (c) manylion yr ymgynghoriad o dan isadran (1)(a).
- (3) Os gosodir dogfen gerbron Cynulliad Cenedlaethol Cymru o dan isadran (2), rhaid i ddrafft o orchymyn o dan adran 18 i roi effaith i'r cynigion (wedi neu heb eu haddasu) beidio â chael ei osod gerbron y Cynulliad hyd oni fydd cyfnod o drigain o ddiwrnodau yn dechrau ar y diwrnod y gosodwyd y ddogfen wedi dod i ben.
- (4) Wrth gyfrifo'r cyfnod a grybwyllir yn isadran (3) nid yw unrhyw amser pan fo Cynulliad Cenedlaethol Cymru wedi ei ddiddymu neu pan fo'r Cynulliad Cenedlaethol mewn cyfnod o doriad o fwy na phedwar diwrnod i'w gyfrif.
- (5) Wrth baratoi gorchmyn drafft o dan adran 18 rhaid i Weinidogion Cymru ystyried unrhyw gynrychioliadau a wnaed yn ystod y cyfnod a grybwyllir yn isadran (3).
- (6) Rhaid i ddatganiad gan Weinidogion Cymru fynd gyda gorchmyn drafft a osodir gerbron Cynulliad Cenedlaethol Cymru'n unol ag adran 22(4) a rhaid i'r datganiad roi manylion ynghylch –
 - (a) unrhyw gynrychioliadau y rhoddwyd ystyriaeth iddynt yn unol ag is-adran (5), a
 - (b) unrhyw newidiadau a wnaed i'r cynigion a gaiff eu cynnwys yn y ddogfen a osodir gerbron Cynulliad Cenedlaethol Cymru o dan isadran (2).'

Jane Hutt

19

To insert a new Section –

'Future repeal and re-enactment of the Disability Discrimination Act 1995

() Powers on repeal and re-enactment of the Disability Discrimination Act 1995

- (1) This section applies if Part 4 of the Disability Discrimination Act 1995 is repealed and re-enacted (with or without modification) by an Act of Parliament.
- (2) In subsection (1) “repealed and re-enacted” includes repeal and re-enactment prior to commencement of the repeal and re-enactment.
- (3) The Welsh Ministers may by order –
 - (a) make provision corresponding to provision made by sections 9 to 16 of this Measure, and
 - (b) make such other provision as they consider appropriate in consequence of any provision made under paragraph (a).
- (4) The power conferred by subsection (3) includes power to amend or repeal any enactment (whenever passed or made), including any provision of this Measure.
- (5) In this section “enactment” includes an enactment comprised in subordinate legislation, within the meaning of the Interpretation Act 1978 (c.30).’.

I ychwanegu Adran newydd –

‘Diddymu ac ailddeddfu Deddf Gwahaniaethu ar sail Anabledd 1995 yn y dyfodol

() Pwerau mewn perthynas â diddymu ac ailddeddfu Deddf Gwahaniaethu ar sail Anabledd 1995

- (1) Mae'r adran hon yn gymwys os diddymir ac ail-ddeddfir, gan Ddeddf Seneddol, Ran 4 o Ddeddf Gwahaniaethu ar sail Anabledd 1995 (wedi neu heb ei haddasu).
- (2) Yn is-adran (1) mae'r ymadrodd “diddymir ac ail-ddeddfir” yn cynnwys diddymu ac ailddeddfu cyn cychwyn y diddymiad ac ailddeddfiad.
- (3) Caiff Gweinidogion Cymru, drwy orchymyn –
 - (a) gwneud darpariaeth sy'n cyfateb i ddarpariaeth a wneir gan adrannau 9 i 16 o'r Mesur hwn, a
 - (b) gwneud y cyfryw ddarpariaeth arall ag y byddant o'r farn ei bod yn briodol iddynt ei gwneud yn sgil unrhyw ddarpariaeth a wneir o dan baragraff (a).
- (4) Mae'r pŵer a roddir gan is-adran (3) yn cynnwys pŵer i ddiwygio neu ddiddymu unrhyw ddeddfiad (pa bryd bynnag y caiff ei basio neu ei wneud), gan gynnwys unrhyw ddarpariaeth yn y Mesur hwn.
- (5) Yn yr adran hon mae “deddfiad” yn cynnwys deddfiad a geir mewn is-ddeddfwriaeth, o fewn ystyr Deddf Ddehongli 1978 (p.30).’.

Jane Hutt

21

To insert a new Section –

‘Amendments to the Learning and Skills Act 2000

() Local curriculum entitlements for students aged 16 to 18

- (1) The Learning and Skills Act 2000 (c.21) is amended in accordance with this section.

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- (2) In section 33F(1)(a), for “ceases to be” substitute “was not at the beginning of the entitlement period, or subsequently ceases to be,”.
 - (3) For the definition of “academic year” in section 33N(1), substitute the following –
 ““academic year” means the period beginning on the fourth Monday of September in any year and ending on the first day of September in the following year;”’.

I ychwanegu Adran newydd –

‘Diwygiadau i Ddeddf Dysgu a Medrau 2000

() Hawliau mewn perthynas â’r cwricwlwm lleol ar gyfer myfyrwyr 16 i 18 oed

- (1) Diwygir Deddf Dysgu a Medrau 2000 (p.21)) yn unol â’r adran hon.
- (2) Yn adran 33F(1)(a), yn lle “ceases to be” rhodder “was not at the beginning of the entitlement period, or subsequently ceases to be,”.
- (3) Yn lle’r diffiniad o “academic year” yn adran 33N (1) rhodder y canlynol –
 ““academic year” means the period beginning on the fourth Monday of September in any year and ending on the first day of September in the following year;”’.