



RHESTR O WELLIANNAU WEDI’U DIDOLI

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
Long Title	Teitl Hir

Jane Hutt 7

Section 1, page 3, line 28, after ‘27’, insert ‘(ceasing to maintain a statement)’.

Adran 1, tudalen 3, llinell 29, ar ôl ‘27’, ychwanegwch ‘(ceasing to maintain a statement)’.

Jane Hutt 3

Section 2, page 4, line 10, after ‘local’, insert ‘education’.

Adran 2, tudalen 4, llinell 10 ar ôl ‘local’, ychwanegwch ‘education’.

Jane Hutt 28

Section 2 page 4, leave out line 14.

Adran 2, tudalen 4, gadewch allan linell 14.

Jane Hutt 29

Section 2 page 4, after line 20, insert –

‘() paragraph 2A of Schedule 27 (amendments to a statement),’.

Adran 2, tudalen 4, ar ôl llinell 20, ychwanegwch –

‘() paragraph 2A of Schedule 27 (amendments to a statement),’.

Jane Hutt 4

Section 2, page 4, line 25, after ‘local’, insert ‘education’.

Adran 2, tudalen 4, llinell 25, ar ôl ‘local’, ychwanegwch ‘education’.

***Paul Davies** 60

Supported by/Gyda chefnogaeth: Peter Black

Section 2, page 4, after line 26, 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 26, 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** 63

Supported by/Gyda chefnogaeth: Peter Black

Section 3, page 5, after line 2, 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 2, 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** 64
Supported by/Gyda chefnogaeth: Peter Black

Section 3, page 5, after line 2, 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 2, 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 58

Section 3, page 5, line 11, after ‘friends’, insert ‘including how the views of the child should be taken into consideration’.

Adran 3, tudalen 5, llinell 11, ar ôl ‘friends’, ychwanegwch ‘including how the views of the child should be taken into consideration’.

Jane Hutt 8

Section 4, page 5, line 23, leave out ‘after “given” insert “” and insert ‘for “given–” substitute “given’.

Adran 4, tudalen 5, llinell 23, gadewch allan ‘ar ôl “given” mewnosoder “” a rhowch yn ei lle ‘yn lle “given–” rhodder “given’.

Jane Hutt 9

Section 4, page 5, leave out line 24 and insert –

‘(d) in subsection (2), omit paragraphs (a) and (b).’.

Adran 4, tudalen 5, gadewch allan llinell 24 a rhowch yn ei lle –

‘(d) yn is-adran (2), hepgorer paragraffau (a) a (b).’.

***Paul Davies** 61
Supported by/Gyda chefnogaeth: Peter Black

Section 4, page 5, after line 30, 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 30, 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.’.

Jane Hutt 10

Section 5, page 6, line 4, leave out ‘this section’ and insert ‘subsection (2)’.

Adran 5, tudalen 6, llinell 4, gadewch allan ‘â’r adran hon’ a rhowch yn ei le ‘ag is-adran (2)’.

Jane Hutt 11

Section 5, page 6, line 10, leave out ‘after “given” insert “” and insert ‘for “given—” substitute “given’.

Adran 5, tudalen 6, llinell 9, gadewch allan ‘ar ôl “given” mewnosoder “” a rhowch yn ei le ‘yn lle “given—” rhodder “given’.

Jane Hutt 12

Section 5, page 6, leave out line 11 and insert—

‘(d) in subsection (4), omit paragraphs (a) and (b).’.

Adran 5, tudalen 6, gadewch allan llinell 10 a rhowch yn ei lle—

‘(d) yn is-adran (4), hepgorer paragraffau (a) a (b).’.

***Paul Davies** 66
Supported by/Gyda chefnogaeth: Peter Black

Section 5, page 6, after line 26, 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 25, 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.’.

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- Jane Hutt** 5
- Section 5, page 7, line 7, after 'local', insert 'education'.
- Adran 5, tudalen 7, llinell 7, ar ôl 'local', ychwanegwch 'education'.
- Paul Davies** 30
- Section 6, page 7, line 21, leave out 'Every local education authority in Wales' and insert 'Welsh Ministers'.
- Adran 6, tudalen 7, llinell 21, gadewch allan 'Every local education authority in Wales' a rhowch yn ei le 'Welsh Ministers'.
- Paul Davies** 31
- Section 6, page 7, line 23, leave out 'their' and insert 'each local authority'.
- Adran 6, tudalen 7, llinell 23, gadewch allan 'their' a rhowch yn ei le 'each local authority'.
- Paul Davies** 32
- Section 6, page 7, line 24, leave out 'refer' and insert 'make arrangements for the referral of'.
- Adran 6, tudalen 7, llinell 24, gadewch allan 'refer' a rhowch yn ei le 'make arrangements for the referral of'.
- Paul Davies** 33
- Section 6, page 7, line 24, leave out 'in their area'.
- Adran 6, tudalen 7, llinell 24, gadewch allan 'in their area'.
- Paul Davies** 34
- Section 6, page 7, line 26, leave out 'refer' and insert 'make arrangements for the referral of'.
- Adran 6, tudalen 7, llinell 26, gadewch allan 'refer' a rhowch yn ei le 'make arrangements for the referral of'.
- Paul Davies** 35
- Section 6, page 7, line 26, leave out 'in their area'.
- Adran 6, tudalen 7, llinell 26, gadewch allan 'in their area'.

Paul Davies 36

Section 6, page 7, line 35, leave out 'In making'.

Adran 6, tudalen 7, llinell 35, gadewch allan 'In making'.

Paul Davies 37

Section 6, page 7, line 35, after 'arrangements' insert 'made'.

Adran 6, tudalen 7, llinell 35, ar ôl 'arrangements' ychwanegwch 'made'.

Paul Davies 38

Section 6, page 7, line 35, leave out ', every local education authority'.

Adran 6, tudalen 7, llinell 35, gadewch allan ', every local education authority'.

Paul Davies 39

Section 6, page 8, line 3, leave out 'Every local education authority in Wales' and insert 'Welsh Ministers'.

Adran 6, tudalen 8, llinell 3, gadewch allan 'Every local education authority in Wales' a rhowch yn ei le 'Welsh Ministers'.

Paul Davies 40

Section 6, page 8, line 6, leave out 'in their area'.

Adran 6, tudalen 8, llinell 6, gadewch allan 'in their area'.

Paul Davies 41

Section 6, page 8, line 7, leave out 'in their area'.

Adran 6, tudalen 8, llinell 7, gadewch allan 'in their area'.

Paul Davies 42

Section 6, page 8, line 8, leave out 'in their area'.

Adran 6, tudalen 8, llinell 8, gadewch allan 'in their area'.

Paul Davies 43

Section 6, page 8, line 13, leave out subsection (7) and insert –

‘(7) Local authorities may not be involved in the making of arrangements under this section.’.

Adran 6, tudalen 8, llinell 13, gadewch allan is-adran (7) a rhowch yn ei lle –

‘(7) Local authorities may not be involved in the making of arrangements under this section.’.

Jane Hutt 18

Section 9, page 9, leave out lines 3 to 4

Adran 9, tudalen 9, gadewch allan linellau 3 hyd at 4.

Jane Hutt 19

Section 9, page 9, line 5, after ‘28I’, insert ‘of the Disability Discrimination Act 1995 (c.50)’.

Adran 9, tudalen 9, llinell 5, ar ôl ‘28I’, ychwanegwch ‘o Ddeddf Gwahaniaethu ar sail Anabledd 1995 (p.50)’.

Jane Hutt 20

Section 9, page 9, line 6, after ‘28I’, insert ‘of that Act’.

Adran 9, tudalen 9, llinell 6, ar ôl ‘28I’, ychwanegwch ‘o’r Ddeddf honno’.

***Paul Davies** 65

Supported by/Gyda chefnogaeth: Peter Black

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**

68

Supported by/Gyda chefnogaeth: Peter Black

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**

59

Supported by/Gyda chefnogaeth: Peter Black

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,’.

***Paul Davies**

62

Supported by/Gyda chefnogaeth: Peter Black

Section 11, page 11, after line 2, 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 11, ar ôl llinell 2, 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**

67

Supported by/Gyda chefnogaeth: Peter Black

Section 12, page 11, after line 23, 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 23, 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 44

Section 13, page 12, line 4, leave out 'Every local education authority in Wales' and insert 'Welsh Ministers'.

Adran 13, tudalen 12, llinell 5, gadewch allan 'Every local education authority in Wales' a rhowch yn ei le 'Welsh Ministers'.

Paul Davies 45

Section 13, page 12, line 6, leave out 'their' and insert 'each local authority area'.

Adran 13, tudalen 12, llinell 7, gadewch allan 'their' a rhowch yn ei le 'each local authority area'.

Paul Davies 46

Section 13, page 12, line 7, leave out 'refer' and insert 'make arrangements for the referral of'.

Adran 13, tudalen 12, llinell 8, gadewch allan 'refer' a rhowch yn ei le 'make arrangements for the referral of'.

Paul Davies 47

Section 13, page 12, line 7, leave out 'in their area'.

Adran 13, tudalen 12, llinell 8, gadewch allan 'in their area'.

Paul Davies 48

Section 13, page 12, line 9, leave out 'refer' and insert 'make arrangements for the referral of'.

Adran 13, tudalen 12, llinell 10, gadewch allan 'refer' a rhowch yn ei le 'make arrangements for the referral of'.

Paul Davies 49

Section 13, page 12, line 9, leave out 'in their area'.

Adran 13, tudalen 12, llinell 10, gadewch allan 'in their area'.

Paul Davies 50

Section 13, page 12, line 23, leave out 'In making'.

Adran 13, tudalen 12, llinell 24, gadewch allan 'In making'.

Paul Davies 51

Section 13, page 12, line 23, after ‘arrangements’ insert ‘made’.

Adran 13, tudalen 12, llinell 24, ar ôl ‘arrangements’ ychwanegwch ‘made’.

Paul Davies 52

Section 13, page 12, line 23, leave out ‘, every local education authority’.

Adran 13, tudalen 12, llinell 24, gadewch allan ‘, every local education authority’.

Paul Davies 53

Section 13, page 12, line 30, leave out ‘Every local education authority in Wales’ and insert ‘Welsh Ministers’.

Adran 13, tudalen 12, llinell 31, gadewch allan ‘Every local education authority in Wales’ a rhowch yn ei le ‘Welsh Ministers’.

Paul Davies 54

Section 13, page 12, line 33, leave out ‘in their area’.

Adran 13, tudalen 12, llinell 34, gadewch allan ‘in their area’.

Paul Davies 55

Section 13, page 12, line 34, leave out ‘in their area’.

Adran 13, tudalen 12, llinell 35, gadewch allan ‘in their area’.

Paul Davies 56

Section 13, page 12, line 35, leave out ‘in their area’.

Adran 13, tudalen 12, llinell 36, gadewch allan ‘in their area’.

Paul Davies 57

Section 13, page 13, line 4, leave out subsection (7) and insert –

‘(7) Local authorities may not be involved in the making of arrangements under this section.’.’.

Adran 13, tudalen 13, llinell 4, gadewch allan is-adran (7) a rhowch yn ei lle –

‘(7) Local authorities may not be involved in the making of arrangements under this section.’.

Jane Hutt 21

Section 14, page 13, line 9, after ‘Ministers’, insert ‘, make provision’.

Adran 14, tudalen 13, llinell 9, ar ôl ‘Ministers’, ychwanegwch ‘, make provision’.

Jane Hutt 22

Section 14, page 13, line 10, leave out ‘regulations that’ and insert ‘provision by regulations’.

Adran 14, tudalen 13, llinell 10, gadewch allan ‘regulations that’ a rhowch yn ei le ‘provision by regulations’.

Jane Hutt 23

Section 14, page 13, line 11, leave out ‘(o)’ and insert ‘(d)’.

Adran 14, tudalen 13, llinell 11, gadewch allan ‘(o)’ a rhowch yn ei le ‘(d)’.

Jane Hutt 24

Section 14, page 13, line 12, leave out ‘(p)’ and insert ‘(da)’.

Adran 14, tudalen 13, llinell 12, gadewch allan ‘(p)’ a rhowch yn ei le ‘(da)’.

Jane Hutt 25

Section 14, page 13, after line 17 insert –

‘() In subsection 8(a) omit “, and”.’.

Adran 14, tudalen 13, ar ôl llinell 17 ychwanegwch –

‘() Yn is-adran 8(a) hepgorer “, and”.’.

Jane Hutt 6

Section 15, page 13, line 35, leave out ‘28IA(3)’ and insert ‘28IA(4)’.

Adran 15, tudalen 13, llinell 34, gadewch allan ‘28IA(3)’ a rhowch yn ei le ‘28IA(4)’.

Jane Hutt 26

Section 20, page 18, line 1, leave out “foundation stage” substitute “foundation phase” and insert “stage”, each time it appears, substitute “phase”.

Adran 20, tudalen 18, llinell 1, gadewch allan “foundation stage” rhodder “foundation phase” a rhowch yn ei le “stage”, bob tro y’i ceir, rhodder “phase”.

Jane Hutt 13

Schedule, page 21, line 6, leave out ‘326 (appeal against contents of statement), in subsection (4)(b), for “the parent, the local education authority, or both” substitute “the child, the parent, the local education authority, or any one or more of them”.’ and insert –

‘326(4) (appeal against contents of statement) –

(a) in paragraph (b), omit the full stop and after “school” insert “, or”;

(b) after paragraph (b) insert –

“(c) in the case of proceedings relating to a statement maintained by a local education authority in Wales only, the child has proposed the school in the proceedings (whether or not the parent, the local education authority or both have also proposed the school).”.

Atodlen, tudalen 21, llinell 6, gadewch allan ‘326 (apêl yn erbyn cynnwys datganiad), yn is-adran (4)(b), yn lle “the parent, the local education authority, or both” rhodder “the child, the parent, the local education authority, or any one or more of them”.’ a rhowch yn ei le –

‘326(4) (apêl yn erbyn cynnwys datganiad) –

(a) ym mharagraff (b), hepgorer yr atalnod llawn ac ar ôl “school” mewnosoder “, or”;

(b) ar ôl paragraff (b) mewnosoder –

“(c) in the case of proceedings relating to a statement maintained by a local education authority in Wales only, the child has proposed the school in the proceedings (whether or not the parent, the local education authority or both have also proposed the school).”.

Jane Hutt 14

Schedule, page 21, line 15, after ‘authority’, insert ‘in England or Wales’.

Atodlen, tudalen 21, llinell 15, ar ôl ‘authority’, ychwanegwch ‘in England or Wales’.

Jane Hutt 15

Schedule, page 21, line 17, leave out ‘against a decision of a local education authority’ and insert ‘or paragraph 8(3) of Schedule 27 against a decision of a local education authority in Wales’.

Atodlen, tudalen 21, llinell 17, gadewch allan ‘against a decision of a local education authority’ a rhowch yn ei le ‘or paragraph 8(3) of Schedule 27 against a decision of a local education authority in Wales’.

Jane Hutt

16

Schedule, page 21, line 21, leave out –

” substitute “the child or the parent of the child (as the case may be)”;

- (b) in paragraph 11(4), for “the parent of the child” substitute “the child or the parent of the child (as the case may be)”;
- (c) in paragraph 11(5)(a), for “the parent of the child” substitute “the child or the parent of the child (as the case may be)”.

and insert –

‘has appealed’ substitute “there is an appeal”;

- (b) in paragraph 11(4), for “the parent of the child appeals” substitute “there is an appeal”;
- (c) in paragraph 11(5)(a), for “the parent of the child has appealed” substitute “there has been an appeal”.

Atodlen, tudalen 21, llinell 21, gadewch allan –

” rhodder “the child or the parent of the child (as the case may be)”;

- (b) ym mharagraff 11(4), yn lle “the parent of the child” rhodder “the child or the parent of the child (as the case may be)”;
- (c) ym mharagraff 11(5)(a), yn lle “the parent of the child” rhodder “the child or the parent of the child (as the case may be)”.

a rhowch yn ei le –

‘has appealed’ rhodder “there is an appeal”;

- (b) ym mharagraff 11(4), yn lle “the parent of the child appeals” rhodder “there is an appeal”;
- (c) ym mharagraff 11(5)(a), yn lle “the parent of the child has appealed” rhodder “there has been an appeal”.

Jane Hutt

17

Schedule, page 22, line 1, leave out ‘28IC’ and insert ‘28ID’.

Atodlen, tudalen 22, llinell 2, gadewch allan ‘28IC’ a rhowch yn ei le ‘28ID’.

Jane Hutt

1

Schedule, page 22, after line 4, insert –

‘Education and Inspections Act 2006 (c.40)

- () Section 162 of the Education and Inspections Act 2006 is amended as follows.
- () For subsection (5A) substitute –
 - “(5A) The Welsh Ministers may by order –
 - (a) make such provision as appears to them to be appropriate for the purpose of –
 - (i) repealing any reference in a Measure of the National Assembly for Wales to a local education authority (however expressed), and
 - (ii) replacing it, where it appears to them to be appropriate, with a reference (however expressed) to a Welsh local authority;
 - (b) make such provision as appears to them to be appropriate in consequence of or in connection with any provision made by virtue of paragraph (a).
 - (5B) An order under subsection (5A) may make provision modifying any enactment whenever passed or made, and may, in particular, make provision of the kind specified in paragraphs (a) to (e) of subsection (2).”.
- () After subsection (6) insert –
 - “(7) In interpreting paragraphs (a) to (e) of subsection (2) for the purposes of subsection (5B), “statutory provision” also includes any provision of a Measure of the National Assembly for Wales, including any Measure passed after the Education (Wales) Measure 2010.”.

Atodlen, tudalen 22, ar ôl llinell 5, ychwanegwch –

‘Deddf Addysg ac Arolygiadau 2006 (p.40)

- () Diwygir adran 162 o Ddeddf Addysg ac Arolygiadau 2006 fel a ganlyn.
- () Yn lle is-adran (5A) rhodder –
 - “(5A) The Welsh Ministers may by order –
 - (a) make such provision as appears to them to be appropriate for the purpose of –
 - (i) repealing any reference in a Measure of the National Assembly for Wales to a local education authority (however expressed), and
 - (ii) replacing it, where it appears to them to be appropriate, with a reference (however expressed) to a Welsh local authority;
 - (b) make such provision as appears to them to be appropriate in consequence of or in connection with any provision made by virtue of paragraph (a).

- (5B) An order under subsection (5A) may make provision modifying any enactment whenever passed or made, and may, in particular, make provision of the kind specified in paragraphs (a) to (e) of subsection (2)."
- () Ar ôl is-adran (6) mewnosoder –
- "(7) In interpreting paragraphs (a) to (e) of subsection (2) for the purposes of subsection (5B), "statutory provision" also includes any provision of a Measure of the National Assembly for Wales, including any Measure passed after the Education (Wales) Measure 2010."."

Jane Hutt

27

Section 23, page 20, after line 1 insert –

'section 22A,'.

Adran 23, tudalen 20, ar ôl llinell 1 ychwanegwch –

'adran 22A,'.

Jane Hutt

2

Section 23, page 20, after line 3, insert –

'() Paragraphs [] to [] of the Schedule come into force on the day on which this Measure is approved by Her Majesty in Council.'

Adran 23, tudalen 20, ar ôl llinell 3, ychwanegwch –

'() Daw paragraffau [] i [] o'r Atodlen i rym ar y diwrnod pan gymeradwyir y Mesur hwn gan Ei Mawrhydi yn Ei Chyngor.'