



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

### Bil Addysg Uwch (Cymru) Higher Education (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.

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 |
|----------------------|-------------------------|
| Sections 1- 57       | Adrannau 1-57           |
| Schedule             | Atodlen                 |

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#### Huw Lewis

4

Section 1, page 1, line 14, after 'limit', insert 'or other requirement included'.

Adran 1, tudalen 1, llinell 15, ar ôl 'ffioedd' yn y lle cyntaf y mae'n ymddangos, mewnosoder 'neu â gofyniad arall sydd wedi ei gynnwys'.

#### Huw Lewis

1

Section 1, page 2, line 5, leave out 'provision about certain supplementary functions of HEFCW,' and insert 'supplementary provision about functions of HEFCW, including provision'.

Adran 1, tudalen 2, llinell 6, hepgorer 'ynghylch swyddogaethau atodol penodol CCAUC,' a mewnosoder 'atodol ynghylch swyddogaethau CCAUC, gan gynnwys darpariaeth'.

**Suzy Davies** **26**

Section 4, page 3, line 14, leave out ‘any maximum period prescribed for the purposes of this section’ and insert ‘two years’.

Adran 4, tudalen 3, llinell 14, hepgorer ‘nag unrhyw gyfnod hwyaf a ragnodir at ddibenion yr adran hon’ a mewnosoder ‘na dwy flynedd’.

**Suzy Davies** **27**

Section 4, page 3, after line 17, insert—

- ‘(4) The Welsh Ministers may, by regulations, amend the period specified in subsection (2).
- (5) Before making regulations under subsection (4), the Welsh Ministers must consult HEFCW and the governing bodies of institutions that already have fee and access plans that have been approved.’.

Adran 4, tudalen 3, ar ôl llinell 17, mewnosoder—

- ‘(4) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio’r cyfnod a bennir yn is-adran (2).
- (5) Cyn gwneud rheoliadau o dan is-adran (4), rhaid i Weinidogion Cymru ymgynghori â CCAUC a chyreff llywodraethu sefydliadau sydd eisoes â chynlluniau ffioedd a mynediad sydd wedi’u cymeradwyo.’.

**Simon Thomas** **43**

Section 6, page 4, after line 35, insert—

- ‘() to take measures to attract and retain students who are able and wish to study or undertake research through the medium of the Welsh language (or to secure the taking of such measures);’.

Adran 6, tudalen 4, ar ôl llinell 37, mewnosoder—

- ‘() cymryd camau i ddenu a chadw myfyrwyr sy’n gallu ac yn dymuno astudio neu ymgymryd â gwaith ymchwil drwy gyfrwng y Gymraeg (neu sicrhau bod camau o’r fath yn cael eu cymryd);’.

**Suzy Davies** **54**

Section 6, page 5, after line 3, insert—

- ‘() Where provision prescribed under subsection (3)(b) has been made on the basis of financial provision made by the Welsh Ministers, the Welsh Ministers must, before changing that financial provision —
  - (a) consult that governing body on the proposal to change to that financial provision, and
  - (b) provide reasonable notice of that proposal.’.

Adran 6, tudalen 5, ar ôl llinell 3, mewnosoder—

- ‘() Pan fo darpariaeth a ragnodir o dan isadran (3)(b) wedi’i gwneud ar sail darpariaeth ariannol a wneir gan Weinidogion Cymru, rhaid i Weinidogion Cymru, cyn newid y ddarpariaeth ariannol honno—

- (a) ymgynghori â'r corff llywodraethu hwnnw ynghylch y cynnig i newid i'r ddarpariaeth ariannol honno, a
- (b) rhoi rhybudd rhesymol ynghylch y cynnig hwnnw.'.

**Simon Thomas**

**44**

Section 6, page 5, after line 16, insert—

- '(c) for expenditure by a regulated institution from any sums derived other than from fees from qualifying persons on qualifying courses.'

Adran 6, tudalen 5, ar ôl llinell 16, mewnosoder—

- '(c) ar gyfer gwariant gan sefydliad rheoleiddiedig o unrhyw symiau sy'n deillio o ffynonellau ac eithrio ffioedd gan bersonau cymhwysol sydd ar gyrsiau cymhwysol.'

**Huw Lewis**

**5**

Section 6, page 5, line 20, leave out 'provisions' at the first place where it appears and insert 'requirements'.

Adran 6, tudalen 5, llinell 20, hepgorer 'ddarpariaethau' a mewnosoder 'ofynion'.

**Huw Lewis**

**6**

Section 6, page 5, line 21, after 'section', insert 'which require the governing body of the institution to do (or not to do) specified things'.

Adran 6, tudalen 5, llinell 22, ar ôl 'hon', mewnosoder 'sy'n ei gwneud yn ofynnol i gorff llywodraethu sefydliad wneud (neu beidio â gwneud) pethau penodedig'.

**Bethan Jenkins**

**25**

To insert a new section—

**'() Promotion of financial literacy**

A fee and access plan must include measures which an institution proposes to take to promote the financial literacy of its students.'

I fewnosod adran newydd—

**'() Hyrwyddo llythrennedd ariannol**

Rhaid i gynllun ffioedd a mynediad gynnwys mesurau y mae sefydliad yn cynnig eu cymryd i hyrwyddo llythrennedd ariannol ei fyfyrwyr.'

**Simon Thomas**

45

Section 7, page 5, after line 29, insert—

‘() HEFCW may not approve a plan unless it is satisfied that it complies with the requirements prescribed under section 6.’.

Adran 7, tudalen 5, ar ôl llinell 30, mewnosoder—

‘() Ni chaiff CCAUC gymeradwyo cynllun oni bai ei fod wedi ei fodloni ei fod yn cydymffurfio â’r gofynion a ragnodir o dan adran 6.’.

**Huw Lewis**

7

Section 9, page 6, line 14, leave out ‘provide for an approved plan to be varied’ and insert ‘make provision permitting the governing body of a regulated institution to vary the institution’s approved plan’.

Adran 9, tudalen 6, llinell 17, hepgorer ‘ddarparu i gynllun a gymeradwywyd gael ei amrywio’ a mewnosoder ‘wneud darpariaeth sy’n caniatáu i gorff llywodraethu sefydliad rheoleiddiedig amrywio cynllun y sefydliad a gymeradwywyd’.

**Huw Lewis**

8

Section 9, page 6, after line 15, insert—

‘(3) The regulations may make provision about the making and determination of applications for approval of a variation.’.

Adran 9, tudalen 6, ar ôl llinell 19, mewnosoder—

‘(3) Caiff y rheoliadau wneud darpariaeth ynghylch gwneud ceisiadau am gymeradwyaeth i amrywiad a phenderfynu ar y ceisiadau hynny.’.

**Huw Lewis**

9

Page 8, line 2, leave out section 13 and insert—

‘() **Directions in respect of failure to comply with general requirements of approved plan**

- (1) This section applies if HEFCW are satisfied that the governing body of a regulated institution has failed, or is likely to fail, to comply with a general requirement of the institution’s approved plan.
- (2) HEFCW may direct the governing body to take (or not to take) specified steps for the purpose of dealing with or preventing the failure to comply.
- (3) But HEFCW may not give a direction under this section if they are satisfied that the governing body has taken all reasonable steps to comply with the requirement in question.
- (4) For procedural provision about directions under this section, see sections 40 to 43.’.

Tudalen 8, llinell 2, hepgorer adran 13 a mewnosoder –

**‘( ) Cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â gofynion cyffredinol cynllun a gymeradwywyd**

- (1) Mae’r adran hon yn gymwys os yw CCAUC wedi ei fodloni bod corff llywodraethu sefydliad rheoleiddiedig wedi methu, neu’n debygol o fethu, â chydymffurfio â gofyniad cyffredinol yng nghynllun y sefydliad a gymeradwywyd.
- (2) Caiff CCAUC gyfarwyddo’r corff llywodraethu i gymryd (neu i beidio â chymryd) camau penodedig at y diben o ymdrin â’r methiant i gydymffurfio neu atal methiant o’r fath.
- (3) Ond ni chaiff CCAUC roi cyfarwyddyd o dan yr adran hon os yw wedi ei fodloni bod y corff llywodraethu wedi cymryd pob cam rhesymol i gydymffurfio â’r gofyniad o dan sylw.
- (4) Am y ddarpariaeth weithdrefnol ynghylch cyfarwyddydau o dan yr adran hon, gweler adrannau 40 i 43.’

**Simon Thomas**

**46**

Section 13, page 8, after line 22, insert –

- ‘(4) The governing body of a regulated institution is not to be regarded for any purpose in this Act, or for any purpose in any regulations made under this Act, as having failed to comply with any of the general provisions of the institution’s approved plan, if the governing body shows that it has taken all reasonable steps to comply with that provision.’.

Adran 13, tudalen 8, ar ôl llinell 25, mewnosoder –

- ‘(4) Nid yw corff llywodraethu sefydliad rheoleiddiedig i’w ystyried at unrhyw ddiben yn y Ddeddf hon, neu at unrhyw ddiben mewn unrhyw reoliadau a wneir o dan y Ddeddf hon, fel pe bai wedi methu â chydymffurfio ag unrhyw rai o ddarpariaethau cyffredinol cynllun cymeradwy’r sefydliad, os bydd y corff llywodraethu yn dangos ei fod wedi cymryd pob cam rhesymol i gydymffurfio â’r ddarpariaeth honno.’.

**Huw Lewis**

**10**

Section 15, page 9, line 5, leave out ‘provisions’ and insert ‘requirements’.

Adran 15, tudalen 9, llinell 5, hepgorer ‘darpariaethau’ a mewnosoder ‘gofynion’.

**Aled Roberts**

**39**

Section 17, page 9, line 24, leave out ‘in Wales’.

Adran 17, tudalen 9, llinell 25, hepgorer ‘yng Nghymru’.

**Aled Roberts**

40

Section 17, page 9, line 28, leave out subsection (2).

Adran 17, tudalen 9, llinell 29, hepgorer is-adran (2).

**Simon Thomas**

47

Section 17, page 9, after line 30, insert—

- ‘() Arrangements for assessment under subsection (1) may only be made by HEFCW with the Quality Assurance Agency for Higher Education or another charitable or not for profit organisation that undertakes similar work.’

Adran 17, tudalen 9, ar ôl llinell 31, mewnosoder—

- ‘() Ni chaniateir i drefniadau ar gyfer asesu o dan is-adran (1) ond gael eu gwneud gan CCAUC gyda’r Asiantaeth Sicrhau Ansawdd ar gyfer Addysg Uwch neu sefydliad elusennol neu ddielw arall sy’n ymgymryd â gwaith tebyg.’

**Simon Thomas**

48

Section 24, page 12, after line 37, insert—

- ‘() Before issuing or approving guidance under this section (or any revised guidance), HEFCW must consult—
- (a) the governing body of each regulated institution, and
  - (b) any other persons they think appropriate.’

Adran 24, tudalen 12, ar ôl llinell 37, mewnosoder—

- ‘() Cyn dyroddi neu gymeradwyo canllawiau o dan yr adran hon (neu unrhyw ganllawiau diwygiedig), rhaid i CCAUC ymgynghori â’r canlynol—
- (a) corff llywodraethu pob sefydliad rheoleiddiedig, a
  - (b) unrhyw bersonau eraill sy’n briodol yn ei farn ef.’

**Simon Thomas**

49

Section 25, page 13, line 5, after ‘appropriate’, insert ‘other than the function of undertaking quality assessment functions’.

Adran 25, tudalen 13, llinell 5, ar ôl ‘ef’, mewnosoder ‘ac eithrio’r swyddogaeth o ymgymryd â swyddogaethau asesu ansawdd’.

**Simon Thomas**

50

Section 25, page 13, line 8, leave out ‘, or to have shown capacity in,’ and insert ‘teaching or undertaking research as part of’.

Adran 25, tudalen 13, llinell 9, hepgorer ‘ddarparu addysg uwch neu eu bod wedi dangos galluedd o ran darparu’ a mewnosoder ‘addysgu neu ymgymryd â gwaith ymchwil fel rhan o’r gwaith o ddarparu’.

**Simon Thomas**

**51**

Section 27, page 13, line 32, leave out ‘relating to the organisation and management of the financial affairs of regulated institutions (referred to in this Act as “the Code”)’ and insert –  
‘(referred to in this Act as “the Code”) which –

- (a) relates to the organisation and management of the financial affairs of regulated institutions;
- (b) must only include provisions which are necessary to enable the governing body of a regulated institution to demonstrate –
  - (i) that it is exercising appropriate control and management of the financial affairs of a regulated institution; and
  - (ii) that it is safeguarding the financial viability of a regulated institution’.

Adran 27, tudalen 13, llinell 35, hepgorer ‘sy’n ymwneud â threfnu a rheoli materion ariannol sefydliadau rheoleiddiedig (y cyfeirir ato yn y Ddeddf hon fel “y Cod”)’ a mewnosoder –  
‘(y cyfeirir ato yn y Ddeddf hon fel “y Cod”) –

- (a) sy’n ymwneud â threfnu a rheoli materion ariannol sefydliadau rheoleiddiedig;
- (b) y mae’n rhaid iddo ond gynnwys darpariaethau sy’n angenrheidiol i alluogi corff llywodraethu sefydliad rheoleiddiedig i ddangos –
  - (i) ei fod yn trefnu ac yn rheoli materion ariannol sefydliad rheoleiddiedig yn briodol; a
  - (ii) ei fod yn diogelu hyfywedd ariannol sefydliad rheoleiddiedig’.

**Simon Thomas**

**52**

Section 28, page 14, line 26, after ‘appropriate’, insert ‘and allow those persons a period of at least 12 weeks to submit comments on the proposed draft Code’.

Adran 28, tudalen 14, llinell 27, ar ôl ‘ef’, mewnosoder ‘a rhoi cyfnod o 12 wythnos o leiaf i’r personau hynny i gyflwyno sylwadau ar y Cod drafft arfaethedig’.

**Simon Thomas**

**57**

Section 28, page 15, leave out line 1 and insert –

- ‘() the draft Code may not be published unless that draft has been laid before, and approved by resolution of, the National Assembly for Wales;’.

Adran 28, tudalen 15, hepgorer llinellau 1 hyd at 2 a mewnosoder-

- ‘() ni chaniateir cyhoeddi’r Cod drafft oni bai bod y drafft hwnnw wedi’i osod gerbron Cynulliad Cenedlaethol Cymru, a’i gymeradwyo ganddo drwy benderfyniad;’.

**Suzy Davies**

**28**

Section 28, page 15, line 1, leave out –

‘the approved draft before the National Assembly for Wales;

(b) HEFCW must publish the Code in the terms of the approved draft.’

and insert –

‘a copy of the draft before the National Assembly for Wales.

- (7) If, before the end of the 40 day period, the National Assembly resolves not to approve the draft of the Code, HEFCW must not publish it in the form of that draft.
- (8) If no such resolution is made before the end of that period, HEFCW must issue the Code (or revised Code) in the form of the draft.
- (9) The 40 day period –
  - (a) begins on the day on which the draft is laid before the National Assembly, and
  - (b) does not include any time during which the National Assembly is dissolved or is in recess for more than four days.
- (10) Subsection (7) does not prevent a new draft of proposed Code or proposed revised Code from being laid before the National Assembly.’.

Adran 28, tudalen 15, llinell 1, hepgorer –

‘y drafft a gymeradwywyd gerbron Cynulliad Cenedlaethol Cymru;

(b) rhaid i CCAUC gyhoeddi’r Cod yn nhelerau’r drafft a gymeradwywyd.’

a mewnosoder –

‘copi o’r drafft gerbron Cynulliad Cenedlaethol Cymru.

- (7) Os, cyn diwedd y cyfnod o 40 niwrnod, bydd y Cynulliad Cenedlaethol yn penderfynu peidio â chymeradwyo’r drafft o’r Cod, ni chaniateir i CCAUC ei gyhoeddi ar ffurf y drafft hwnnw.
- (8) Os na wneir penderfyniad o’r fath cyn diwedd y cyfnod hwnnw, rhaid i CCAUC ddyroddi’r Cod (neu’r Cod diwygiedig) ar ffurf y drafft.
- (9) O ran y cyfnod o 40 niwrnod –
  - (a) bydd yn dechrau ar y diwrnod y gosodir y drafft gerbron y Cynulliad Cenedlaethol, a
  - (b) nid yw’n cynnwys unrhyw bryd y mae’r Cynulliad Cenedlaethol wedi ei ddiddymu neu wedi cymryd saib am fwy na phedwar diwrnod.
- (10) Nid yw is-adran (7) yn atal drafft newydd o God arfaethedig neu God diwygiedig arfaethedig rhag cael ei osod gerbron y Cynulliad Cenedlaethol.’.



**Simon Thomas** 58

Section 28, page 15, line 2, leave out 'approved draft' and insert 'draft approved by the National Assembly for Wales'.

Adran 28, tudalen 15, llinell 3, ar ôl 'gymeradwywyd', mewnosoder 'gan Gynulliad Cenedlaethol Cymru'.

**Simon Thomas** 59

Section 29, page 15, leave out line 30 and insert –

'(a) the draft Code may not be published unless that draft has been laid before, and approved by resolution of, the National Assembly for Wales;'

Adran 29, tudalen 15, hepgorer llinellau 34 hyd at 35 a mewnosoder –

'(a) ni chaniateir cyhoeddi'r Cod drafft oni bai bod y drafft hwnnw wedi'i osod gerbron Cynulliad Cenedlaethol Cymru, a'i gymeradwyo ganddo drwy benderfyniad;'

**Suzy Davies** 29

Section 29, page 15, line 30, leave out –

'the approved draft before the National Assembly for Wales;

(b) HEFCW must publish the Code in the terms of the approved draft.'

and insert –

'a copy of the draft before the National Assembly for Wales.

- (9) If, before the end of the 40 day period, the National Assembly resolves not to approve the draft of the Code, HEFCW must not publish it in the form of that draft.
- (10) If no such resolution is made before the end of that period, HEFCW must issue the Code (or revised Code) in the form of the draft.
- (11) The 40 day period –
- (a) begins on the day on which the draft is laid before the National Assembly, and
  - (b) does not include any time during which the National Assembly is dissolved or is in recess for more than four days.
- (12) Subsection (9) does not prevent a new draft of proposed Code or proposed revised Code from being laid before the National Assembly.'

Adran 29, tudalen 15, line 34, hepgorer –

'y drafft a gymeradwywyd gerbron Cynulliad Cenedlaethol Cymru;

(b) rhaid i CCAUC gyhoeddi'r Cod yn nhelerau'r drafft a gymeradwywyd.'

a mewnosoder –

'copi o'r drafft gerbron Cynulliad Cenedlaethol Cymru.

- (9) Os, cyn diwedd y cyfnod o 40 niwrnod, bydd y Cynulliad Cenedlaethol yn penderfynu

peidio â chymeradwyo'r drafft o'r Cod, ni chaniateir i CCAUC ei gyhoeddi ar ffurf y drafft hwnnw.

- (10) Os na wneir penderfyniad o'r fath cyn diwedd y cyfnod hwnnw, rhaid i CCAUC ddyroddi'r Cod (neu'r Cod diwygiedig) ar ffurf y drafft.
- (11) O ran y cyfnod o 40 niwrnod –
- (a) bydd yn dechrau ar y diwrnod y gosodir y drafft gerbron y Cynulliad Cenedlaethol, a
  - (b) nid yw'n cynnwys unrhyw bryd y mae'r Cynulliad Cenedlaethol wedi ei ddiddymu neu wedi cymryd saib am fwy na phedwar diwrnod
- (12) Nid yw is-adran (9) yn atal drafft newydd o God arfaethedig neu God diwygiedig arfaethedig rhag cael ei osod gerbron y Cynulliad Cenedlaethol.'

**Simon Thomas**

**60**

Section 29, page 15, line 31, leave out 'approved draft' and insert 'draft approved by the National Assembly for Wales'.

Adran 29, tudalen 15, llinell 36, ar ôl 'gymeradwywyd', mewnosoder 'gan Gynulliad Cenedlaethol Cymru'.

**Suzy Davies**

**30**

Section 29, page 15, line 32, leave out '(8)' and insert '(12)'.

Adran 29, tudalen 15, llinell 37, hepgorer '(8)' a mewnosoder '(12)'.

**Huw Lewis**

**11**

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version.

Adran 32, tudalen 16, llinell 12, hepgorer 'â' yn yr ail le y mae'n ymddangos a mewnosoder 'â'r'.

**Huw Lewis**

**12**

Section 36, page 18, line 12, leave out 'the general provisions' and insert 'a general requirement'.

Adran 36, tudalen 18, llinell 14, hepgorer 'darpariaethau cyffredinol cynllun' a mewnosoder 'gofyniad cyffredinol yng nghynllun'.

**Huw Lewis**

**13**

Section 36, page 18, line 17, leave out 'the general provisions' and insert 'a general requirement'.

Adran 36, tudalen 18, llinell 20, hepgorer 'darpariaethau cyffredinol' a mewnosoder 'gofyniad cyffredinol mewn'.

**Huw Lewis** 14

Section 36, page 18, line 18, leave out 'those provisions' and insert 'the requirement'.

Adran 36, tudalen 18, llinell 22, hepgorer 'darpariaethau hynny' a mewnosoder 'gofyniad'.

**Suzy Davies** 55

Section 36, page 18, line 27, leave out 'to give or withdraw notice under this section' and insert 'one or more of the conditions in section 36(3) has been met'.

Adran 36, tudalen 18, llinell 31, hepgorer 'pa un ai i roi hysbysiad o dan yr adran hon neu ei dynnu'n ôl' a mewnosoder 'a oes un neu ragor o'r amodau yn adran 36(3) wedi'i fodloni'.

**Suzy Davies** 56

Section 36, page 18, after line 28, insert—

'() matters to be taken into account by HEFCW in deciding whether to withdraw a notice given in accordance with section 36(1);'

Adran 36, tudalen 18, ar ôl llinell 32, mewnosoder—

'() materion i'w hystyried gan CCAUC wrth benderfynu pa un ai i dynnu hysbysiad a roddwyd yn unol ag adran 36(1) yn ôl;'

**Huw Lewis** 15

Section 38, page 19, line 21, leave out 'provisions' and insert 'requirements'.

Adran 38, tudalen 19, llinell 24, hepgorer 'darpariaethau' a mewnosoder 'gofynion'.

**Huw Lewis** 16

Section 38, page 19, line 22, after 'plan', insert '(or with any of them) or has failed to comply with a direction under section [section to be inserted by amendment 9]'

Adran 38, tudalen 19, llinell 25, ar ôl 'gymeradwywyd', mewnosoder '(neu ag unrhyw un neu ragor ohonynt) neu wedi methu â chydymffurfio â chyfarwyddyd o dan adran [adran i'w mewnosod gan welliant 9]'

**Huw Lewis** 17

Section 38, page 19, after line 26, insert—

'() A governing body is not to be treated for the purposes of subsection (2)(b) as having failed to comply with a general requirement of an approved plan if HEFCW are satisfied that the governing body has taken all reasonable steps to comply with the requirement.'

Adran 38, tudalen 19, ar ôl llinell 29, mewnosoder—

'() Nid yw corff llywodraethu i'w drin at ddibenion is-adran (2)(b) fel be bai wedi methu â chydymffurfio â gofyniad cyffredinol mewn cynllun a gymeradwywyd os yw CCAUC wedi ei fodloni bod y corff llywodraethu wedi cymryd pob cam rhesymol i gydymffurfio â'r gofyniad.'

**Huw Lewis**

18

Section 40, page 20, after line 9, insert—

- ‘(c) a direction under section [section to be inserted by amendment 9] (directions in respect of failure to comply with general requirements of approved plan),’.

Adran 40, tudalen 20, ar ôl llinell 9, mewnosoder—

- ‘(c) cyfarwyddyd o dan adran [adran i'w mewnosod gan welliant 9] (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â gofynion cyffredinol cynllun a gymeradwywyd),’.

**Aled Roberts**

41

Section 45, page 22, after line 2, insert—

- ‘(c) must be limited to failures by a regulated institution of its obligations under this Act —
- (i) which HEFCW reasonably considers to be serious, and
  - (ii) where HEFCW reasonably considers that a direction is necessary to ensure compliance with such obligations;
- (d) must not require expenditure by a regulated institution other than from any sums derived from fees from qualifying students undertaking qualifying courses.’.

Adran 45, tudalen 22, ar ôl llinell 2, mewnosoder—

- ‘(c) rhaid iddo fod wedi'i gyfyngu i fethiannau gan sefydliad rheoleiddiedig o ran ei oblygiadau o dan y Ddeddf hon—
- (i) y mae CCAUC yn barnu'n rhesymol eu bod yn ddifrifol, a
  - (ii) pan fo CCAUC yn barnu'n rhesymol bod cyfarwyddyd yn angenrheidiol er mwyn sicrhau cydymffurfedd â goblygiadau o'r fath;
- (d) ni chaniateir iddo ei gwneud yn ofynnol i sefydliad rheoleiddiedig fynd i wariant ac eithrio gwariant o unrhyw symiau sy'n deillio o ffioedd gan fyfyrwyr cymhwysol sy'n ymgymryd â chyrtsiau cymhwysol.’.

**Huw Lewis**

2

To insert a new section—

**‘() Compatibility with charity law and governing documents of institutions**

- (1) Nothing in this Act confers power on HEFCW to require the governing body of an institution to do anything that is incompatible with—
- (a) any legal obligation or legal restriction that applies to the governing body by virtue of the institution being a charity, or
  - (b) the governing documents of the institution.
- (2) For the purposes of subsection (1)(b), the governing documents of an institution are—
- (a) in the case of an institution established by Royal charter —

- (i) the institution's charter, and
  - (ii) any instrument relating to the conduct of the institution the making or amendment of which requires the approval of the Privy Council;
- (b) in the case of an institution conducted by a higher education corporation, the corporation's instrument of government and the institution's articles of government;
- (c) in the case of an institution conducted by a further education corporation, the corporation's instrument of government and articles of government;
- (d) in the case of an institution designated under section 129 of the Education Reform Act 1988 or section 28 of the Further and Higher Education Act 1992, the institution's instrument of government and articles of government;
- (e) in the case of an institution not falling within paragraphs (a) to (d) that is conducted by a company, the company's memorandum and articles of association.'

I fewnosod adran newydd –

**'(1) Cydnawsedd â chyfraith elusennau a dogfennau llywodraethu sefydliadau**

- (1) Nid oes dim byd yn y Ddeddf hon yn rhoi pŵer i CCAUC i'w gwneud yn ofynnol i gorff llywodraethu sefydliad wneud unrhyw beth sy'n anghydnaws –
- (a) ag unrhyw rwymedigaeth gyfreithiol neu gyfyngiad cyfreithiol sy'n gymwys i'r corff llywodraethu yn rhinwedd bod y sefydliad yn elusen, neu
  - (b) â dogfennau llywodraethu'r sefydliad.
- (2) At ddibenion is-adran (1)(b), dogfennau llywodraethu sefydliad yw –
- (a) yn achos sefydliad a sefydlwyd drwy siarter Frenhinol –
    - (i) siarter y sefydliad, a
    - (ii) unrhyw offeryn sy'n ymwneud â rhedeg y sefydliad, y mae'n ofynnol cael cymeradwyaeth y Cyfrin Gyngor er mwyn gwneud neu ddiwygio'r offeryn hwnnw;
  - (b) yn achos sefydliad sy'n cael ei redeg gan gorfforaeth addysg uwch, offeryn llywodraethu'r gorfforaeth ac erthyglau llywodraethu'r sefydliad;
  - (c) yn achos sefydliad sy'n cael ei redeg gan gorfforaeth addysg bellach, offeryn llywodraethu'r gorfforaeth a'i herthyglau llywodraethu;
  - (d) yn achos sefydliad a ddynodwyd o dan adran 129 o Ddeddf Diwygio Addysg 1988 neu adran 28 o Ddeddf Addysg Bellach ac Uwch 1992, offeryn llywodraethu'r sefydliad a'i erthyglau llywodraethu;
  - (e) yn achos sefydliad nad yw'n dod o fewn paragraffau (a) i (d) sy'n cael ei redeg gan gwmni, memorandwm y cwmni a'i erthyglau cymdeithasu.'

**Huw Lewis**

3

To insert a new section –

**‘( ) Duty to take into account importance of protecting academic freedom**

In exercising functions by virtue of this Act, HEFCW must take into account the importance of protecting academic freedom including, in particular, the freedom of institutions –

- (a) to determine the contents of particular courses and the manner in which they are taught, supervised or assessed,
- (b) to determine the criteria for the admission of students and to apply those criteria in particular cases, and
- (c) to determine the criteria for the selection and appointment of academic staff and to apply those criteria in particular cases.’.

I fewnosod adran newydd –

**‘( ) Dyletswydd i ystyried pwysigrwydd diogelu rhyddid academiaidd**

Wrth arfer swyddogaethau yn rhinwedd y Ddeddf hon, rhaid i CCAUC ystyried pwysigrwydd diogelu rhyddid academiaidd gan gynnwys, yn benodol, rhyddid sefydliadau –

- (a) i benderfynu ar gynnwys cyrsiau penodol a’r dull o’u haddysgu, eu goruchwyllo neu eu hasesu,
- (b) i benderfynu ar y meini prawf ar gyfer derbyn myfyrwyr ac i gymhwyso’r meini prawf hynny mewn achosion penodol, ac
- (c) i benderfynu ar y meini prawf ar gyfer dethol a phenodi staff academiaidd ac i gymhwyso’r meini prawf hynny mewn achosion penodol.’.

**Suzy Davies**

31

Section 47, page 22, after line 25, insert –

- ‘(7) The Welsh Ministers must, within 14 days of receiving a report from HEFCW under subsection (1), lay that report before the National Assembly for Wales.’.

Adran 47, tudalen 22, ar ôl llinell 26, mewnosoder –

- ‘(7) Rhaid i Weinidogion Cymru, o fewn 14 niwrnod i gael adroddiad gan CCAUC o dan is-adran (1), osod yr adroddiad hwnnw gerbron Cynulliad Cenedlaethol Cymru.’.

**Huw Lewis**

19

Section 48, page 22, after line 28, insert –

- ‘( ) compliance with section 10(1) by institutions within section 10(2) generally or by a particular institution;’.

Adran 48, tudalen 22, ar ôl llinell 29, mewnosoder –

‘( ) cydymffurfedd ag adran 10(1) gan sefydliadau o fewn adran 10(2) yn gyffredinol neu gan sefydliad penodol;’.

**Huw Lewis** 20

Section 48, page 22, line 29, leave out ‘provisions’ and insert ‘general requirements’.

Adran 48, tudalen 22, llinell 30, hepgorer ‘darpariaethau’ a mewnosoder ‘gofynion cyffredinol’.

**Huw Lewis** 21

Section 48, page 22, line 30, leave out ‘provisions’ and insert ‘general requirements’.

Adran 48, tudalen 22, llinell 31, hepgorer ‘darpariaethau’ a mewnosoder ‘gofynion cyffredinol’.

**Huw Lewis** 22

Section 49, page 23, after line 24, insert –

‘(b) section [*section to be inserted by amendment 9*] (directions in respect of failure to comply with general requirements of approved plan);’.

Adran 49, tudalen 23, ar ôl llinell 26, mewnosoder –

‘(b) adran [*adran i’w mewnosod gan welliant 9*] (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â gofynion cyffredinol cynllun a gymeradwywyd);’.

**Suzy Davies** 32

Section 52, page 24, after line 34, insert –

‘( ) the first regulations to be made under section 2(4);’.

Adran 52, tudalen 24, ar ôl llinell 35, mewnosoder –

‘( ) the first regulations to be made under section 2(4);’.

**Suzy Davies** 33

Section 52, page 24, after line 34, insert –

‘( ) regulations under section 3(4);’.

Adran 52, tudalen 24, ar ôl llinell 35, mewnosoder –

‘( ) rheoliadau o dan adran 3(4);’.

**Suzy Davies** 34

Section 52, page 24, after line 34, insert –

‘( ) regulations under section 4(4);’.

Adran 52, tudalen 24, ar ôl llinell 35, mewnosoder –

‘() rheoliadau o dan adran 4(4);’.

**Suzy Davies**

35

Section 52, page 24, after line 34, insert –

‘() the first regulations to be made under subsections (2), (3) and (5) of section 5;’.

Adran 52, tudalen 24, ar ôl llinell 35, mewnosoder –

‘() y rheoliadau cyntaf sydd i’w gwneud o dan is-adrannau (2), (3) a (5) o adran 5;’.

**Suzy Davies**

36

Section 52, page 24, after line 34, insert –

‘() regulations under section 6(1);’.

Adran 52, tudalen 24, ar ôl llinell 35, mewnosoder –

‘() rheoliadau o dan adran 6(1);’.

**Suzy Davies**

37

Section 52, page 24, after line 34, insert –

‘() regulations under section 7(3);’.

Adran 52, tudalen 24, ar ôl llinell 35, mewnosoder –

‘() rheoliadau o dan adran 7(3);’.

**Huw Lewis**

23

Section 52, page 24, leave out line 35.

Adran 52, tudalen 24, hepgorer llinell 36.

**Suzy Davies**

38

Section 52, page 25, line 5, after ‘Act’, insert ‘, or an order under section 56(2) that contains provisions within section 56(3)(b),’.

Adran 52, tudalen 25, llinell 5, ar ôl ‘hon’, mewnosoder ‘, neu orchymyn o dan adran 56(2) sy’n cynnwys darpariaethau o fewn adran 56(3)(b),’.

**Aled Roberts**

42

To insert a new section –

‘() **Limitation on powers and functions of Welsh Ministers and HEFCW**

- (1) The Welsh Ministers shall not exercise any powers or functions in this Act, or in regulations made under this Act, in respect of activities carried on by any particular institution or institutions.



- (2) Nothing in this Act, or any regulations made under this Act, shall enable the Welsh Ministers or HEFCW to require the governing body of a regulated institution:
- (a) to apply any sums derived other than from fees payable by qualifying persons undertaking qualifying courses;
  - (b) to do anything which would limit an institution's academic freedom, including in particular, the freedom of institutions –
    - (i) to determine the contents of particular courses of study or programmes of research and the manner in which they are taught, supervised or assessed;
    - (ii) to determine the criteria for the admission of students and to apply those criteria in particular cases;
    - (iii) to determine the criteria for the selection and appointment of academic staff and to apply those criteria in particular cases.
- (3) In exercising functions under this Act, or in any regulations made under this Act, the Welsh Ministers and HEFCW shall have regard to the desirability of –
- (a) not discouraging any regulated institution from maintaining or developing its funding from other sources;
  - (b) maintaining an appropriate balance as between institutions which are of a denominational character and other institutions;
  - (c) maintaining any distinctive characteristics of any institution within the higher education sector.
- (4) For the purposes of subsection (3) above an institution is an institution of a denominational character if it appears to HEFCW that either –
- (a) at least one quarter of the members of the governing body of the institution are persons appointed to represent the interests of a religion or religious denomination;
  - (b) any of the property held for the purposes of the institution is held upon trusts which provide that, in the event of the discontinuance of the institution, the property concerned shall be held for, or sold and the proceeds of sale applied for, the benefit of a religion or religious denomination, or
  - (c) any of the property held for the purposes of the institution is held on trust for or in connection with –
    - (i) the provision of education, or
    - (ii) the conduct of an educational institution,in accordance with the tenets of a religion or religious denomination.'.

I fewnosod adran newydd –

**'(1) Cyfyngu pwerau a swyddogaethau Gweinidogion Cymru a CCAUC**

- (1) Ni chaniateir i Weinidogion Cymru arfer unrhyw bwerau na swyddogaethau yn y Ddeddf hon, neu mewn rheoliadau a wneir o dan y Ddeddf hon, mewn perthynas â gweithgareddau sy'n cael eu cynnal gan unrhyw sefydliad neu sefydliadau penodol.
- (2) Ni fydd unrhyw beth yn y Ddeddf hon, neu unrhyw reoliadau a wneir o dan y Ddeddf

hon, yn galluogi Gweinidogion Cymru neu CCAUC i'w gwneud yn ofynnol i gorff llywodraethu sefydliad rheoleiddiedig wneud fel a ganlyn:

- (a) cymhwyso unrhyw symiau sy'n deillio o ffynonellau ac eithrio ffioedd sy'n daladwy gan bersonau cymhwysol sy'n ymgymryd â chysiau cymhwysol;
  - (b) gwneud unrhyw beth a fyddai'n cyfyngu ar ryddid academiaidd sefydliad, gan gynnwys yn benodol, rhyddid sefydliadau –
    - (i) i benderfynu ar gynnwys cyrsiau neu raglenni ymchwil penodol a'r dull o'u haddysgu, eu goruchwylio neu eu hasesu;
    - (ii) i benderfynu ar y meini prawf ar gyfer derbyn myfyrwyr ac i gymhwyso'r meini prawf hynny mewn achosion penodol;
    - (iii) i benderfynu ar y meini prawf ar gyfer dethol a phenodi staff academiaidd ac i gymhwyso'r meini prawf hynny mewn achosion penodol.
- (3) Wrth arfer swyddogaethau o dan y Ddeddf hon, neu unrhyw reoliadau a wneir o dan y Ddeddf hon, rhaid i Weinidogion Cymru a CCAUC roi sylw i ddymunoldeb –
- (a) peidio ag annog unrhyw sefydliad rheoleiddiedig i beidio â chynnal neu ddatblygu ei gyllid o ffynonellau eraill;
  - (b) cynnal cydbwysedd priodol rhwng sefydliadau o natur enwadol a sefydliadau eraill;
  - (c) cynnal unrhyw nodweddion arbennig sydd gan unrhyw sefydliad yn y sector addysg uwch.
- (4) At ddibenion is-adran (3) uchod mae sefydliad yn sefydliad o natur enwadol os bydd CCAUC o'r farn bod naill ai –
- (a) o leiaf chwarter o aelodau corff llywodraethu'r sefydliad yn bersonau sydd wedi'u penodi i gynrychioli buddiannau crefydd neu enwad crefyddol;
  - (b) unrhyw eiddo a ddelir at ddibenion y sefydliad yn cael ei ddal ar ymddiriedolaethau sy'n darparu, os bydd y sefydliad yn cael ei ddirwyn i ben, y caiff yr eiddo o dan sylw ei ddal, neu ei werthu ac y caiff yr enillion o'r gwerthiant eu defnyddio, er lles crefydd neu enwad crefyddol, neu
  - (c) unrhyw eiddo a ddelir at ddibenion y sefydliad yn cael ei ddal ar ymddiriedolaeth er mwyn neu mewn perthynas â –
    - (i) darparu addysg, neu
    - (ii) rhedeg sefydliad addysgol,yn unol â daliadau crefydd neu enwad crefyddol.'.

Simon Thomas

53

To insert a new section –

**'( ) Status of information, advice and guidance**

- (1) Nothing in this Act, or any regulations made under this Act, shall require the governing body of a regulated institution –
  - (a) to comply with information, advice or guidance which is specified as applicable to

every regulated institution (or to every class or description of regulated institution specified in the information, advice or guidance) unless –

- (i) it is in writing;
  - (ii) it is clearly specified as mandatory to be taken into account by virtue of this Act;
  - (iii) there has been prior consultation with the governing body of every regulated institution about the information, advice or guidance; and
  - (iv) the governing body of a regulated institution considers that it is appropriate to comply with the information, advice or guidance in all the circumstances;
- (b) to comply with information, advice or guidance which is specified as applicable to a particular regulated institution unless –
- (i) it is in writing;
  - (ii) it is clearly specified as mandatory to be taken into account by virtue of this Act; and
  - (iii) the governing body of the regulated institution considers that it is appropriate to comply with the information, advice or guidance in all the circumstances.’.

I fewnosod adran newydd –

**‘()** **Statws gwybodaeth, cyngor a chanllawiau**

- (1) Ni fydd unrhyw beth yn y Ddeddf hon, neu unrhyw reoliadau a wneir o dan y Ddeddf hon, yn ei gwneud yn ofynnol i gorff llywodraethu sefydliad rheoleiddiedig wneud fel a ganlyn –
- (a) cydymffurfio â gwybodaeth, cyngor neu ganllawiau y nodir eu bod yn gymwys i bob sefydliad rheoleiddiedig (neu i bob dosbarth neu ddisgrifiad o sefydliad rheoleiddiedig a nodir yn y wybodaeth, y cyngor neu’r canllawiau) oni bai –
    - (i) bod y wybodaeth, y cyngor neu’r canllawiau yn ysgrifenedig;
    - (ii) ei fod wedi’i nodi’n glir ei bod yn orfodol rhoi ystyriaeth i’r wybodaeth, y cyngor neu’r canllawiau drwy rinwedd y Ddeddf hon;
    - (iii) bod ymgynghoiad wedi’i gynnal ymlaen llaw â chorff llywodraethu pob sefydliad rheoleiddiedig ynghylch y wybodaeth, y cyngor neu’r canllawiau; a
    - (iv) bod corff llywodraethu sefydliad rheoleiddiedig o’r farn ei bod yn briodol cydymffurfio â’r wybodaeth, y cyngor neu’r canllawiau o dan yr holl amgylchiadau;
  - (b) cydymffurfio â gwybodaeth, cyngor neu ganllawiau y nodir eu bod yn gymwys i sefydliad rheoleiddiedig penodol oni bai –
    - (i) bod y wybodaeth, y cyngor neu’r canllawiau yn ysgrifenedig;
    - (ii) ei fod wedi’i nodi’n glir ei bod yn orfodol rhoi ystyriaeth i’r wybodaeth, y cyngor neu’r canllawiau drwy rinwedd y Ddeddf hon;

- (iii) bod corff llywodraethu sefydliad rheoleiddiedig o'r farn ei bod yn briodol cydymffurfio â'r wybodaeth, y cyngor neu'r canllawiau o dan yr holl amgylchiadau.'

**Huw Lewis**

**24**

Section 54, page 26, line 10, leave out 'provisions' ("*darpariaethau*" and insert 'requirements' ("*gofynion*".

Adran 54, tudalen 26, llinell 4, hepgorer 'darpariaethau cyffredinol' ("general provisions' a mewnosoder 'gofynion cyffredinol' ("*general requirements*".