CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2003 Rhif 918 (Cy.119)

ADDYSG, CYMRU

Rheoliadau Cyfrifon Dysgu Unigol Cymru 2003

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn, sy'n dirymu Rheoliadau Cyfrifon Dysgu Unigol (Cymru) 2000, yn diffinio'r trefniadau ymgymhwyso y cyfeirir atynt yn adran 105 o Ddeddf Dysgu a Medrau 2000 ac yn darparu ar gyfer talu grantiau i bersonau sy'n ddeiliaid cyfrif dysgu unigol neu mewn perthynas â hwy.

Mae rheoliadau 3 i 5 yn ymdrin â threfniadau ymgymhwyso (sydd i'w hadnabod fel "Cyfrifon Dysgu Unigol Cymru"). Rhaid i'r trefniadau hyn fod ar ffurf cofrestru gan berson cymwys gyda'r gweinyddydd cyfrifon dysgu sef corff a gymeradwyir gan Gynulliad Cenedlaethol Cymru. Y corff a gymeradwyir ar hyn o bryd yw Cyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant. Mae rheoliad 4 yn nodi amodau cymhwyster sy'n cynnwys preswylio yng Nghymru (neu breswylio dros dro y tu allan i Gymru adeg cofrestru ond preswylio fel arfer yng Nghymru).

Yn rheoliadau 6 i 9 darperir ar gyfer talu grantiau mewn perthynas â deiliaid cyfrif dysgu unigol. Mae rheoliad 6 yn darparu ar gyfer y pŵer i dalu grantiau. Mae rheoliad 7 yn darparu y gall grantiau gael eu talu mewn perthynas ag addysg neu hyfforddiant a bennir gan Gynulliad Cenedlaethol Cymru heblaw addysg uwchradd neu unrhyw gategori arall o addysg a eithrir gan y Cynulliad Cenedlaethol. Yn rheoliad 8 darperir mai Cynulliad Cenedlaethol Cymru sy'n penderfynu swm y grant ac mae rheoliad 9 yn cynnwys amrywiaeth o ddarpariaethau atodol, gan gynnwys darpariaeth ar gyfer talu'r grant i'r person sy'n darparu'r addysg neu'r hyfforddiant ac ar gyfer y posibilrwydd o adennill, oddi wrth y person sy'n darparu'r addysg neu'r hyfforddiant neu oddi wrth y deiliad cyfrif dysgu unigol, y grant a dalwyd o dan rai amgylchiadau.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2003 No. 918 (W.119)

EDUCATION, WALES

The Individual Learning Accounts Wales Regulations 2003

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which revoke the Individual Learning Accounts (Wales) Regulations 2000, define the qualifying arrangements referred to in section 105 of the Learning and Skills Act 2000 and provide for payment of grants to or in respect of persons who are individual learning account holders.

Regulations 3 to 5 deal with qualifying arrangements (which are to be known as "Individual Learning Accounts Wales"). They must take the form of registration by an eligible person with the learning account administrator which is a body approved by the National Assembly for Wales. The body currently approved is the National Council for Education and Training for Wales. Regulation 4 sets out conditions of eligibility which include residence in Wales (or temporary residence outside Wales at the time of registration but ordinary residence in Wales).

Regulations 6 to 9 provide for the payment of grants in respect of individual learning account holders. Regulation 6 provides for the power to pay grants. Regulation 7 provides that grants may be paid in respect of education or training specified by the National Assembly for Wales other than secondary education or any other category of education excluded by the National Assembly. Regulation 8 provides for the amount of grant to be decided by the National Assembly for Wales and regulation 9 contains various supplementary provisions including provision for the payment of grant to the person providing the education or training and for the possibility of recoupment, from the person providing the education or training or the individual learning account holder, of grant paid in certain circumstances.

Yn rheoliad 10 ceir darpariaethau ar gyfer penderfynu ar breswylfa aelodau'r lluoedd arfog a Charcharorion a ddelir dan ddedfryd.

Regulation 10 contains provisions for determining the residence of members of the armed forces and of prisoners serving a custodial sentence.

OFFERYNNAU STATUDOL

2003 Rhif 918 (Cy.119)

ADDYSG, CYMRU

Rheoliadau Cyfrifon Dysgu Unigol Cymru 2003

Wedi'u gwneud	*26 Mawrth 2003*
Yn dod i rym	*1 Ebrill 2003*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adrannau 105, 108, 150 a 152 o Ddeddf Dysgu a Medrau 2000(**a**):

Enwi, cychwyn, dehongli a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cyfrifon Dysgu Unigol Cymru 2003 a deuant i rym ar 1 Ebrill 2003.

(2) Yn y Rheoliadau hyn -

ystyr "deiliad cyfrif dysgu unigol" ("*individual learning account holder*") yw person sy'n barti i drefniant ymgymhwyso (fel y'i pennir yn rheoliad 3);

ystyr "y Ddeddf" ("*the Act*") yw Deddf Dysgu a Medrau 2000;

ystyr "gweinyddydd cyfrifon dysgu" ("*learning account administrator*") yw corff sy'n trefnu addysg a hyfforddiant neu sy'n cynorthwyo i'w darparu ac iddo'r fantais, ar hyn o bryd, o fod wedi'i gymeradwyo gan Gynulliad Cenedlaethol Cymru o dan adran 105(5) o'r Ddeddf at ddibenion y Rheoliadau hyn; ac

mae i "person cymwys" ("*eligible person*") yr ystyr a roddir iddo yn rheoliad 4.

(3) Oni bai bod y cyd-destun yn mynnu fel arall, at ddibenion y rheoliadau hyn mae person yn preswylio yng Nghymru os yw'n preswylio yno dros dro neu yn barhaol.

(4) Mae'r Rheoliadau hyn yn gymwys mewn perthynas â Chymru yn unig.

(a) 2000 p.21.

STATUTORY INSTRUMENTS

2003 No. 918 (W.119)

EDUCATION, WALES

The Individual Learning Accounts Wales Regulations 2003

Made	*26th March 2003*
Coming into force	*1st April 2003*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on it by sections 105, 108, 150 and 152 of the Learning and Skills Act 2000(**a**):

Citation, commencement interpretation and application

1.-(1) These Regulations are called the Individual Learning Accounts Wales Regulations 2003 and are to come into force on 1 April 2003.

(2) In these Regulations -

"the Act" ("*y Ddeddf*") means the Learning and Skills Act 2000;

"eligible person" ("*person cymwys*") has the meaning given in regulation 4;

"learning account administrator" ("*gweinyddydd cyfrifon dysgu*") means the body arranging or supporting the provision of education and training which has, for the time being, the benefit of an approval given by the National Assembly for Wales under section 105(5) of the Act for the purposes of these Regulations; and

"individual learning account holder" ("*deiliad cyfrif dysgu unigol*") means a person who is a party to a qualifying arrangement (as specified in regulation 3).

(3) Unless the context otherwise requires, the purposes of these regulations a person is resident in Wales if that person is temporarily or permanently resident there.

(4) These Regulations apply only in relation to Wales.

(a) 2000 c.21.

Dirymu

2. Dirymir Rheoliadau Cyfrifon Dysgu Unigol (Cymru) 2000(**a**).

Trefniadau ymgymhwyso

3. At ddibenion adran 105 o'r Ddeddf mae trefniadau yn gymwys o dan yr adran honno mewn perthynas â Chymru -

(a) os ydynt ar ffurf cofrestru gan berson cymwys gyda gweinyddydd cyfrifon dysgu; a

(b) os nad yw'r cofrestriad wedi'i ddileu neu wedi'i dynnu'n ôl yn unol â rheoliad 5; ac

(c) os y'u hadnabyddir wrth yr enw "Cyfrif Dysgu Unigol Cymru".

Ystyr Person Cymwys

4.-(1) At ddibenion y Rheoliadau hyn mae person yn berson cymwys os yw'n bodloni'r amodau a geir ym mharagraffau (2) i (5) isod ar y dyddiad cofrestru.

(2) Yr amod cyntaf yw bod y person wedi cyrraedd 18 mlwydd oed.

(3) Yr ail amod yw bod y person -

(a) yn ddinesydd Prydeinig;

(b) wedi setlo yn y Deyrnas Unedig o fewn ystyr adran 33(2A) o Ddeddf Mewnfudo 1971(**b**);

(c) yn ffoadur, yn preswylio fel arfer yn y Deyrnas Unedig, nad yw wedi peidio â phreswylio felly ers cael ei gydnabod yn ffoadur, neu ei fod yn briod, yn blentyn neu'n llys-blentyn i ffoadur o'r fath;

(ch) yn berson sydd -

(i) wedi'i hysbysu gan berson yn gweithredu o dan awdurdod yr Ysgrifennydd Gwladol dros yr Adran Gartref y credir ei bod yn iawn caniatáu iddo aros yn y Deyrnas Unedig er na fernir ei fod yn gymwys i gael ei gydnabod yn ffoadur;

(ii) wedi cael caniatâd i ddod i mewn neu i aros yn unol â hynny; a

(iii) wedi bod yn preswylio fel arfer yn y Deyrnas Unedig drwy gydol y cyfnod ers cael caniatâd i ddod i mewn neu i aros,

neu, ei fod yn briod, yn blentyn neu'n llys-blentyn i berson o'r fath; neu

(a) O.S. 2000/3384 (Cy.222).

(b) 1971 p.77; diwygiwyd ei fod a mewnosodwyd is-adran (2A), gan Ddedf Cenedligrwydd 1981 (p. 61), adran 39 ac Atodlen 4.

Revocation

2. The Individual Learning Accounts (Wales) Regulations 2000(**a**) are revoked.

Qualifying arrangements

3. For the purposes of section 105 of the Act arrangements qualify under that section in relation to Wales if -

(a) they take the form of registration by an eligible person with a learning account administrator; and

(b) the registration has not been cancelled or withdrawn in accordance with regulation 5; and

(c) the arrangements are identified by the name "Individual Learning Account Wales".

Meaning of Eligible Person

4.-(1) For the purposes of these Regulations a person is an eligible person if that person, at the date of registration, satisfies the conditions contained in paragraphs (2) to (5) below.

(2) The first condition is that the person has attained the age of 18.

(3) The second condition is that the person -

(a) is a British citizen;

(b) is settled in the United Kingdom within the meaning of section 33(2A) of the Immigration Act 1971(**b**);

(c) is a refugee, ordinarily resident in the United Kingdom who has not ceased to be so resident since that person was recognised as a refugee, or who is the spouse, child, or stepchild of such a refugee;

(d) is a person who -

(i) has been informed by a person acting under the authority of the Secretary of State for the Home Department that, although that person is considered not to qualify for recognition as a refugee, it is thought right to allow that person to remain in the United Kingdom,

(ii) has been granted leave to enter or remain accordingly; and

(iii) has been ordinarily resident in the United Kingdom throughout the period since that person was granted leave to enter or remain,

or who is the spouse, child or stepchild of such a person; or

(a) S.I. 2000/3384 (W. 222).

(b) 1971 c.77; amended, and subsection (2A) inserted, by The British Nationality Act 1981 (c.61), section 39 and Schedule 4.

(d) yn berson nad yw'n dod o fewn paragraffau (a) i (ch) ond ei fod yn wladolyn un o aelod-wladwriaethau Ardal Economaidd Ewrop sy'n gweithio yn y Deyrnas Unedig, neu ei fod yn briod, yn blentyn neu'n llys-blentyn i berson o'r fath.

(4) Y trydydd amod yw bod y person naill ai -

(a) yn preswylio yng Nghymru; neu

(b) yn preswylio y tu allan i Gymru dros dro ond yn preswylio fel arfer yng Nghymru (oni bai bod rheoliad 10 yn gymwys).

(5) Y pedwerydd amod yw bod y person heb gyrraedd safon cymhwyster addysgol sy'n uwch na Lefel 2 neu ei chyfwerth fel y nodwyd yn y fframwaith cymwysterau cenedlaethol(**a**).

Cofrestru - Cyffredinol

5.-(1) Caiff gweinyddydd cyfrifon dysgu fynnu bod ceisydd am gofrestru yn darparu'r wybodaeth honno neu'r dogfennau hynny y gallai'r gweinyddydd cyfrifon dysgu benderfynu arnynt er mwyn i'r gweinyddydd cyfrifon dysgu benderfynu a yw'r person yn berson cymwys, a chaiff wrthod ystyried cais am gofrestru oni bai bod yr wybodaeth honno neu'r dogfennau hynny yn cael eu darparu.

(2) Caiff gweinyddydd cyfrifon dysgu ddileu cofrestriad ar unrhyw adeg -

(a) os yw'n ymddangos i'r gweinyddydd cyfrifon dysgu fod unrhyw wybodaeth a ddarparwyd o dan baragraff (1) yn ffug o ran manylyn perthnasol; neu

(b) os yw'r deiliad cyfrif dysgu unigol yn cyrraedd safon cymhwyster addysgol sy'n Lefel 3 neu'n uwch, neu'n ei chyfwerth, fel y nodwyd yn y fframwaith cymwysterau cenedlaethol; neu

(c) os nad yw'r deiliad cyfrif dysgu unigol yn preswylio fel arfer yng Nghymru mwyach.

(3) Caiff deiliad cyfrif dysgu unigol dynnu ei gofrestriad gyda gweinyddydd cyfrifon dysgu yn ôl ar unrhyw adeg.

(4) Os yw person yn barti i drefniant ymgymhwyso nid yw unrhyw gofrestriad dilynol gyda gweinyddydd cyfrifon dysgu i ddwyn unrhyw effaith.

Grantiau i ddeiliaid cyfrif dysgu unigol neu mewn perthynas â hwy

6. Gall grantiau gael eu talu yn unol â rheoliadau 7 i

(a) Yn unol â swyddogaethau'r awdurdodau rheoleiddio mewn perthynas â chymwysterau allanol ac yn unol â pholisi cenedlaethol, cyhoeddir y fframwaith cymwysterau cenedlaethol ar y cyd gan Awdurdod Cymwysterau, Cyricwlwm ac Asesu Cymru, yr Awdurdod Cymwysterau a Chyricwlwm (Lloegr) a'r Cyngor Cyricwlwm, Arholiadau ac Asesu (Gogledd Iwerddon). Rhestrir cymwysterau yn ôl categori a lefel. Gellir cael y fframwaith ar www.accac.org.uk.

(e) is a person not falling within paragraphs (a) to (d) but is a national of a member state of the European Economic Area who is working in the United Kingdom or the spouse, child or stepchild of such a person.

(4) The third condition is that the person is either -

(a) resident in Wales, or

(b) temporarily resident outside Wales but ordinarily resident in Wales (unless regulation 10 applies).

(5) The fourth condition is that the person has not attained a level of educational qualification above Level 2 or equivalent as set out in the national qualifications framework (**a**).

Registration - General

5.-(1) A learning account administrator may require an applicant for registration to provide such information or documents as the learning account administrator may determine in order for the learning account administrator to determine whether the person is an eligible person and may decline to consider an application for registration unless such information or documents are provided.

(2) A learning account administrator may at any time cancel a registration if -

(a) it appears to the learning account administrator that any information provided under paragraph (1) was false in a material particular; or

(b) the individual learning account holder reaches a level of educational qualification at Level 3 or above, or equivalent, as set out in the national qualifications framework; or

(c) the individual learning account holder is no longer ordinarily resident in Wales.

(3) An individual learning account holder may at any time withdraw his or her registration with a learning account administrator.

(4) Where a person is a party to a qualifying arrangement any subsequent registration with a learning account administrator is to be of no effect.

Grants to or in respect of individual learning account holders

6. Grants may be paid in accordance with regulations

(a) In accordance with the regulatory authorities' functions in respect of external qualifications and with national policy, the national qualifications framework is published jointly by the Qualifications, Curriculum and Assessment Authority for Wales, the Qualifications and Curriculum Authority (England) and the Council for Curriculum, Examinations and Assessment (Northern Ireland). Qualifications are listed by category and level. The framework may be accessed on www.accac.org.uk.

9 isod mewn perthynas â deiliaid cyfrif dysgu unigol mewn cysylltiad ag unrhyw addysg neu hyfforddiant y maent yn bwriadu ymgymryd â hwy -

(a) os nad yw'r deiliad cyfrif dysgu unigol, adeg talu'r grant, yn cael unrhyw ysgoloriaeth, grant neu lwfans arall sy'n cael eu talu o gronfeydd cyhoeddus mewn perthynas â chost gyfan yr addysg neu'r hyfforddiant o dan sylw; a

(b) os yw'r addysg neu'r hyfforddiant yn dod o fewn rheoliad 7; ac

(c) os yw'r deiliad cyfrif dysgu unigol, adeg talu'r grant, yn preswylio fel arfer yng Nghymru.

Yr addysg a'r hyfforddiant y gellir talu grant ar eu cyfer

7.-(1) Yr addysg neu'r hyfforddiant y cyfeirir atynt yn rheoliad 6 yw unrhyw addysg neu hyfforddiant, heblaw addysg eithriedig, sydd -

(a) o fath a bennir gan Gynulliad Cenedlaethol Cymru mewn unrhyw ffordd y gwêl yn dda; a

(b) yn cael eu darparu gan berson sydd wedi ei gymeradwyo gan weinyddydd cyfrifon dysgu ac nad yw ei gymeradwyaeth wedi'i thynnu'n ôl.

(2) Yn y rheoliad hwn, "addysg eithriedig" yw -

(a) addysg uwchradd (o fewn ystyr "secondary education" yn adran 2 o Ddeddf Addysg 1996(**a**)); neu

(b) unrhyw gategori arall o addysg a bennir o bryd i'w gilydd gan Gynulliad Cenedlaethol Cymru.

Swm y grant

8. Swm y grant y gellir ei dalu i ddeiliad cyfrif dysgu unigol neu mewn perthynas â deiliad cyfrif dysgu unigol yw'r swm a benderfynir gan Gynulliad Cenedlaethol Cymru o bryd i'w gilydd.

Grantiau - darpariaethau atodol

9.-(1) Mae grantiau i gael eu talu ar yr adegau ac yn y rhandaliadau a benderfynir gan Gynulliad Cenedlaethol Cymru (ac yn benodol caiff Cynulliad Cenedlaethol Cymru benderfynu nad yw grant i gael ei dalu nes bod y deiliad cyfrif dysgu unigol wedi gwneud unrhyw daliad neu wedi sicrhau y telir unrhyw daliad tuag at gostau'r addysg neu'r hyfforddiant fel sy'n angenrheidiol).

(2) Mae grantiau i gael eu talu i'r person sy'n darparu'r addysg neu'r hyfforddiant.

(3) Caiff grantiau eu talu ar y telerau hynny a benderfynir gan Gynulliad Cenedlaethol Cymru a chaiff y telerau hynny gynnwys telerau yn ei gwneud yn ofynnol bod rhan neu'r cyfan o'r grant yn cael ei ad-dalu -

(a) 1996 p.56.

7 to 9 below in respect of individual learning account holders in connection with any education or training proposed to be undertaken by them where -

(a) the individual learning account holder at the time of payment of the grant is not in receipt of any scholarship, grant or other allowance paid out of public funds in respect of the whole cost of the education or training in question; and

(b) the education or training falls within regulation 7; and

(c) the individual learning account holder at the time of payment of the grant is ordinarily resident in Wales.

Education and training for which grant can be paid

7.-(1) The education or training referred to in regulation 6 is any education or training, other than excepted education, which is -

(a) of a kind specified by the National Assembly for Wales in any way it thinks fit; and

(b) provided by a person who has been approved by a learning account administrator and whose approval has not been withdrawn.

(2) In this regulation "excepted education" is -

(a) secondary education (within the meaning of section 2 of the Education 1996(**a**)); or

(b) any other category of education specified by the National Assembly for Wales from time to time.

Amount of grant

8. The amount of grant which may be paid to or in respect of an individual learning account holder is the amount as decided by the National Assembly for Wales from time to time.

Grants - supplementary provision

9.-(1) Grants are to be paid at such times and in such instalments as the National Assembly for Wales may decide (and in particular the National Assembly for Wales may decide that a grant is not be paid until the individual learning account holder has made or secured the making of any payment towards the costs of the education or training as is necessary).

(2) Grants are to be paid to the person providing the education or training.

(3) Grants may be paid on such terms as the National Assembly for Wales decides and those terms may include terms requiring repayment of whole or part of the grant-

(a) 1996 c.56.

(a) gan y person sy'n darparu'r addysg neu'r hyfforddiant -

(i) os na chaiff yr addysg neu'r hyfforddiant o dan sylw eu darparu,

(ii) os nad yw'r deiliad cyfrif dysgu unigol yn ymgymryd â'r addysg neu'r hyfforddiant, neu

(iii) os na chydymffurfir ag unrhyw delerau eraill y talwyd y grant arnynt; neu

(b) gan y deiliad cyfrif dysgu unigol -

(i) os dilëir ei gofrestriad yn unol â rheoliad 5(2)(a) neu (b) neu os gellir dileu'r cofrestriad adeg talu'r grant yn unol â rheoliad 5(2) neu (b); neu

(ii) os yw'n dod i'r amlwg nad oedd yr amodau a gynhwysir yn rheoliad 6(a) neu (c) wedi eu bodloni adeg talu'r grant.

(4) Gall grantiau gael eu talu gan Gynulliad Cenedlaethol Cymru neu gan weinyddydd cyfrifon dysgu o dan drefniadau a wneir gyda Chynulliad Cenedlaethol Cymru ac os gwneir trefniadau o'r fath caiff Cynulliad Cenedlaethol Cymru dalu tâl neu symiau i dalu ei gostau i'r gweinyddydd cyfrifon dysgu.

Preswylfa - darpariaethau atodol

10. At ddibenion y rheoliadau hyn -

(1) penderfynir ar breswylfa aelod o lynges, byddin neu awyrlu y Goron ("aelod o'r lluoedd arfog") yn unol ag is-baragraffau (a) a (b) -

(a) oni bai bod paragraff (b) yn gymwys, ymdrinnir ag aelod o'r lluoedd arfog fel pe bai'n preswylio yn y sefydliad lle mae'n gwasanaethu am y tro,

(b) os yw'r aelod o'r lluoedd arfog yn gwasanaethu mewn sefydliad y tu allan i'r Deyrnas Unedig, ymdrinnir â'r aelod hwnnw fel pe bai'n preswylio yn y sefydliad yn y Deyrnas Unedig lle bu'n gwasanaethu yn fwyaf diweddar, gan ddiystyru unrhyw sefydliad lle bu'n gwasanaethau am gyfnod o lai na mis;

(2) ymdrinnir â charcharor a ddelir dan ddedfryd o fewn y Deyrnas Unedig fel pe bai'n preswylio yng Nghymru os -

(a) os yw'r man neu'r sefydliad lle mae'r carcharor wedi'i ddal dan ddedfryd

(b) os yw'r man neu'r sefydliad lle mae'r carcharor yn preswylion'n barhaol yng Nghymru yn union cyn dechrau'r ddedfryd.

(a) by the person providing the education or training if -

(i) the education or training in question is not provided,

(ii) the individual learning account holder does not undertake the education or training, or

(iii) any other terms on which the grant was paid are not complied with; or

(b) by the individual learning account holder if -

(i) his or her registration is cancelled or at the time of payment of the grant the registration is capable of being cancelled in accordance with regulation 5(2)(a) or (b); or

(ii) it comes to light that the conditions contained in regulation 6(a) or (c) were not satisfied at the time of payment of the grant.

(4) Grants may be paid by the National Assembly for Wales or by a learning account administrator under arrangements made with the National Assembly for Wales and if such arrangements are made the National Assembly for Wales may pay the learning account administrator remuneration or amounts to meet its expenses.

Residence - supplementary provisions

10.- For the purpose of these regulations -

(1) the residence of a member of the naval, military or air force of the Crown ("a member of the armed forces") is to be determined in accordance with subparagraphs (a) and (b)-

(a) unless paragraph (b) applies a member of the armed forces is to be treated as resident at the establishment where that member of the armed forces is for the time being serving,

(b) where the member of the armed forces is serving at an establishment outside the United Kingdom that member is to be treated as resident at the establishment in the United Kingdom where that member most recently served, disregarding any establishment at which that member served for a period of less than a month;

(2) a prisoner serving a custodial sentence within the United Kingdom is to be treated as resident in Wales if -

(a) the establishment or institution where the prisoner is serving the sentence is in Wales; or

(b) the establishment or institution where the prisoner is serving the sentence is outside Wales and the prisoner was permanently resident in Wales immediately prior to the start of the sentence.

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

26 Mawrth 2003

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

26th March 2003

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

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