



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 1795 (Cy.190)

2006 No. 1795 (W.190)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Addysg (Ffioedd a Dyfarniadau) (Diwygio) (Cymru) 2006

The Education (Fees and Awards) (Amendment) (Wales) Regulations 2006

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Addysg (Ffioedd a Dyfarniadau) 1997 ("Rheoliadau 1997") o ran Cymru. Gwnaed Rheoliadau 1997 o dan adrannau 1 a 2 o Ddeddf Addysg (Ffioedd a Dyfarniadau) 1983. Datganolwyd y pwerau o dan adran 2 (sy'n ymwneud â dyfarniadau yn ôl disgrisiwn) i'r Cynulliad Cenedlaethol o ran Cymru yn 1999 (pan gafodd y Cynulliad ei swyddogaethau cyntaf). Ond ni throsglwyddwyd y pwerau o dan adran 1 (sy'n ymwneud â chodi ffioedd mewn sefydliadau addysg bellach ac addysg uwch), nes Fehefin 2006.

These Regulations amend the Education (Fees and Awards) Regulations 1997 ("the 1997 Regulations") in relation to Wales. The 1997 Regulations were made under sections 1 and 2 of the Education (Fees and Awards) Act 1983. The powers under section 2 (which relate to discretionary awards) were devolved to the National Assembly in relation to Wales in 1999 (when the Assembly acquired its first functions). The powers under section 1 (which relate to the charging of fees at further and higher education institutions) were not, however, transferred until June 2006.

Mae Rheoliadau 1997 yn darparu, mewn achosion penodol, ei bod yn gyfreithlon i wahaniaethu rhwng y personau a grybwyllir yn yr Atodlen i'r Rheoliadau hynny a'r personau na chyfeirir atynt yn yr Atodlen mewn cysylltiad â chodi ffioedd a gwneud dyfarniadau. Yn rhinwedd adran 26 o Ddeddf Addysgu ac Addysg Uwch 1998 ac adran 29 o Ddeddf Addysg Uwch 2004, nid yw unrhyw amod a osodir i gyfyngu ar symiau ffioedd dysgu o dan y Ddeddfau hynny yn berthnasol i unrhyw ffioedd sy'n daladwy gan fyfyrwyr ar wahân i'r rhai sy'n disgyn o fewn y dosbarth rhagnodedig o bersonau sydd â chysylltiad penodol â'r Deyrnas Unedig o dan reoliadau a wneir o dan adran 1 o Ddeddf Addysg (Ffioedd a Dyfarniadau) 1983. Mae'r Atodlen i'r Rheoliadau (fel y'i diwygiwyd) yn amlinellu'r dosbarth o bersonau sydd â'r cysylltiad penodol hwnnw gyda'r Deyrnas Unedig.

The 1997 Regulations provide that, in specified cases, it is lawful to differentiate between the persons mentioned in the Schedule to those Regulations and persons not referred to in the Schedule in respect of the charging of fees and the making of awards. By virtue of section 26 of the Teaching and Higher Education Act 1998 and section 29 of the Higher Education Act 2004, no condition imposed to limit tuition fee amounts under those Acts applies in relation to any fees which are payable by students other than those who fall within the prescribed class of persons who have a specified connection with the United Kingdom under regulations made under section 1 of the Education (Fees and Awards) Act 1983. The Schedule to the Regulations (as amended) sets out the class of persons who have that specified connection with the United Kingdom.

Mae Cyfarwyddeb 2004/38/EC Senedd Ewrop a'r Cyngor dyddiedig 29 Ebrill 2004 (OJ L158, 30.04.2004, t77-123) yn ymwneud â hawliau dinasyddion yr Undeb ac aelodau o'u teuluoedd i symud a phreswyllo'n rhydd o fewn tirogaeth yr aelod-

Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 (OJ L158, 30.04.2004, p77-123) is about the rights of citizens of the Union and their family members to move and reside freely in the territory of the member states.

wladwriaethau. Bydd rhai categorïau o bersonau nad oedd ganddynt yr hawl yn flaenorol i gael eu trin yn gyfartal â dinasyddion y Deyrnas Unedig o ran ffioedd dysgu a chymorth cynnal bellach yn gymwys o ganlyniad i'r Gyfarwyddeb.

Cafodd y newidiadau yr oedd eu hangen er mwyn rhoi effaith lawn i'r Gyfarwyddeb mewn perthynas â ffioedd dysgu a dyfarniadau yn ôl disgrisiwn eu gweithredu gan Reoliadau Addysg (Ffioedd a Dyfarniadau) (Diwygio) 2006 a wnaed gan yr Ysgrifennydd Gwladol dros Addysg a Sgiliau. I Gymru y mae'r newidiadau a wneir gan y Rheoliadau hynny yn gymwys i'r graddau y maent yn ymwneud â ffioedd dysgu (nas datganolwyd hyd nes Fehefin 2006). O'u cymhwyso i ddyfarniadau yn ôl disgrisiwn (pan fo'r pŵer i wneud rheoliadau eisoes wedi'i ddatganoli), dim ond i Loegr y mae'r newidiadau yn gymwys. Effaith y Rheoliadau presennol yw gwneud y newidiadau diweddarach hynny'n gymwys i Gymru.

Certain categories of person who were not formerly entitled to equal treatment with nationals of the United Kingdom in relation to tuition fees and maintenance support will be eligible as a result of the Directive.

The changes needed in order to give full effect to the Directive in relation to tuition fees and discretionary awards were implemented by the Education (Fees and Awards) (Amendment) Regulations 2006 made by the Secretary of State for Education and Skills. The changes made by those Regulations apply to Wales insofar as they relate to tuition fees (which were not devolved until June 2006). In their application to discretionary awards (where the power to make regulations had already been devolved), the changes apply only to England. The effect of the present Regulations is to apply those latter changes to Wales.

2006 Rhif 1795 (Cy.190)**2006 No. 1795 (W.190)****ADDYSG, CYMRU****EDUCATION, WALES****Rheoliadau Addysg (Ffioedd a Dyfarniadau) (Diwygio) (Cymru) 2006****The Education (Fees and Awards) (Amendment) (Wales) Regulations 2006***Wedi'u gwneud* 5 Gorffennaf 2006*Made* 5 July 2006*Yn dod i rym* 7 Gorffennaf 2006*Coming into force* 7 July 2006

Drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 2 o Ddeddf Addysg (Ffioedd a Dyfarniadau) 1983(1) ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(2), mae Cynulliad Cenedlaethol Cymru drwy hyn yn gwneud y Rheoliadau canlynol:

In exercise of the powers conferred on the Secretary of State by section 2 of the Education (Fees and Awards) Act 1983(1) and now vested in the National Assembly for Wales(2), the National Assembly for Wales hereby makes the following Regulations:

Enwi, cychwyn a dehongli**Title and commencement and interpretation**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Ffioedd a Dyfarniadau) (Diwygio) (Cymru) 2006 a deuant i rym ar 7 Gorffennaf 2006.

1.-(1.) The title of these Regulations is the Education (Fees and Awards) (Amendment) (Wales) Regulations 2006 and they come into force on 7 July 2006.

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

(2) These Regulations apply in relation to Wales.

(3) Yn y Rheoliadau hyn, ystyr "y Prif Reoliadau" ("*the Principal Regulations*") yw Rheoliadau Addysg (Ffioedd a Dyfarniadau) 1997(3).

(3) In these Regulations "the Principal Regulations" ("*y Prif Reoliadau*") means the Education (Fees and Awards) Regulations 1997(3).

2. I'r graddau nad yw'r diwygiadau a wneir i'r Prif Reoliadau gan Reoliadau Addysg (Ffioedd a Dyfarniadau) (Diwygio) 2006(4) yn gymwys o ran

2. To the extent that the amendments made to the Principal Regulations by the Education (Fees and Awards) (Amendment) Regulations 2006(4) do not

(1) 1983 p.40; gwnaed diwygiadau perthnasol gan Ddeddf Diwygio Addysg 1988 (p.40), Atodlen 12, paragraff 91; Deddf Addysg Bellach ac Uwch 1992 (p.13), Atodlen 8, paragraff 19; Deddf Addysg 1994 (p.30), Atodlen 2, paragraff 7; Deddf Addysg 1996 (p.56), Atodlen 37, paragraff 57 a chan Ddeddf Addysg 2005 (p.18), Atodlen 14, paragraff 9. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan Ddeddf 1983 (ac eithrio'r rhai o dan adran 1), i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672 i fod yn effeithiol o 1 Gorffennaf 1999. Trosglwyddwyd y swyddogaethau o dan adran 1 i'r Cynulliad a hynny'n effeithiol o 8 Mehefin 2006: O.S. 2006/1458.

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

(3) O.S. 1997/1972 fel y'i diwygiwyd gan O.S. 1998/1965, O.S. 1999/229, O.S. 2000/2192, O.S. 2003/2945, O.S. 2003/3280, O.S. 2005/2114 ac O.S. 2006/453.

(4) O.S. 2006/453.

(1) 1983 c.40; relevant amendments were made by the Education Reform Act 1988 (c.40), Schedule 12, paragraph 91; the Further and Higher Education Act 1992 (c.13), Schedule 8, paragraph 19; the Education Act 1994 (c.30), Schedule 2, paragraph 7; the Education Act 1996 (c.56), Schedule 37, paragraph 57 and by the Education Act 2005 (c.18), Schedule 14, paragraph 9. The functions of the Secretary of State under the 1983 Act (except for those under section 1), so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 with effect from 1 July 1999. The functions under section 1 were transferred to the Assembly with effect from 8 June 2006: S.I. 2006/1458.

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

(3) S.I. 1997/1972 as amended by S.I. 1998/1965, S.I. 1999/229, S.I. 2000/2192, S.I. 2003/2945, S.I. 2003/3280, S.I. 2005/2114 and S.I. 2006/453.

(4) S.I. 2006/453..

Cymru(1)mae'r diwygiadau hynny drwy hyn yn cael eu cymhwyso o ran Cymru yn ddarostyngedig i ddiwygiadau pellach a wneir gan y Gorchymyn hwn.

Diwygio'r Rheoliadau

3. Mae'r Prif Reoliadau yn cael eu diwygio fel a ganlyn.

4. Yn rheoliad 2(1A), hepgorer y geiriau "in relation to England and in relation to Wales for the purposes of regulation 4 only".

5. Yn rheoliad 2(1B), hepgorer y geiriau "in relation to England and in relation to Wales for the purposes of its application to regulation 4 only".

6. Hepgorer rheoliad 2(4).

7. Yn rheoliad 2(4B) hepgorer y geiriau "In relation to England and in relation to Wales for the purposes of regulation 4 only,".

8. Hepgorer rheoliad 2(5).

9. Yn rheoliad 2(5B), hepgorer y geiriau "In relation to England".

10. Hepgorer rheoliad 2(6).

11. Ym mhennawd rheoliad 6A ac yn rheoliad 6A(1) a (2), hepgorer y geiriau "In relation to England" .

12. Hepgorer rheoliad 8(2).

13. Yn yr Atodlen-

- (a) hepgorer paragraffau 1(1), 5(1), 6(1), 7, 8 a 9; a
- (b) ym mharagraffau 1(2), 1(4), 5(2) a 6(2) hepgorer y geiriau "In relation to England and in relation to Wales for the purposes of regulation 4 only,".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(2).

5 Gorffennaf 2006

Llywydd y Cynulliad Cenedlaethol

apply in relation to Wales(1), those amendments are hereby applied in relation to Wales subject to the further amendments made by this Order.

Amendment of Regulations

3. The Principal Regulations are amended as follows.

4. In regulation 2(1A), omit the words "in relation to England and in relation to Wales for the purposes of regulation 4 only".

5. In regulation 2(1B), omit the words "in relation to England and in relation to Wales for the purposes of its application to regulation 4 only".

6. Omit regulation 2(4).

7. In regulation 2(4B) omit the words "In relation to England and in relation to Wales for the purposes of regulation 4 only,".

8. Omit regulation 2(5).

9. In regulation 2(5B), omit the words "In relation to England".

10. Omit regulation 2(6).

11. In the heading to regulation 6A and in regulation 6A(1) and (2) omit the words "In relation to England".

12. Omit regulation 8(2).

13. In the Schedule-

- (a) omit paragraphs 1(1), 5(1), 6(1), 7, 8 and 9; and
- (b) in paragraphs 1(2), 1(4), 5(2) and 6(2) omit the words "In relation to England and in relation to Wales for the purposes of regulation 4 only,".

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

5 July 2006

The Presiding Officer of the National Assembly

(1) Gwnaed y Rheoliadau hynny o dan adrannau 1 a 2 o Ddeddf Addysg (Ffioedd a Dyfarniadau) 1983. Mae swyddogaethau'r Ysgrifennydd Gwladol o dan adran 2 wedi'u trosglwyddo i'r Cynulliad Cenedlaethol (*gweler* troednodyn (1) ar dudalen 1), ac felly, nid yw'r diwygiadau a wnaed gan Reoliadau Addysg (Ffioedd a Dyfarniadau) (Diwygio) 2006 o dan yr adran honno yn gymwys o ran Cymru.

(2) 1998 p.38.

(1) Those Regulations were made under sections 1 and 2 of the Education (Fees and Awards) Act 1983. The functions of the Secretary of State under section 2 have been transferred to the National Assembly (*see* footnote (1) on page 1), and so the amendments made by the Education (Fees and Awards) (Amendment) Regulations 2006 under that section do not apply in relation to Wales.

(2) 1998 c.38.

OFFERYNNAU STATUDOL

2006 Rhif 1795 (Cy.190)

ADDYSG, CYMRU

Rheoliadau Addysg (Ffioedd a
Dyfarniadau) (Diwygio) (Cymru)
2006

STATUTORY INSTRUMENTS

2006 No. 1795 (W.190)

EDUCATION, WALES

The Education (Fees and Awards)
(Amendment) (Wales) Regulations
2006

©© Hawlfraint y Goron 2006

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2006

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£3.00

W361/07/06

ON