



**CYNULLIAD CENEDLAETHOL CYMRU**

**NATIONAL ASSEMBLY FOR WALES**

**OFFERYNNAU STATUDOL**

**STATUTORY INSTRUMENTS**

**2007 Rhif 1045 (Cy.104)**

**2007 No. 1045 (W.104)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

**Rheoliadau Grantiau a  
Benthyciadau Dysgu y Cynulliad  
(Addysg Uwch) (Cymru) 2007**

**The Assembly Learning Grants and  
Loans (Higher Education) (Wales)  
Regulations 2007**

**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 darparu ar gyfer cymorth ariannol i fyfyrwyr sy'n preswyl fel arfer yng Nghymru ac sy'n dilyn cyrsiau addysg uwch dynodedig mewn perthynas â blynyddoedd academiaidd sy'n dechrau ar neu ar ôl 1 Medi 2007. Maent yn cydgrynhau, gyda rhai newidiadau, Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2006, fel y'u diwygiwyd gan Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) (Diwygio) 2006.

These Regulations provide for financial support for students who are ordinarily resident in Wales taking designated higher education courses in respect of academic years beginning on or after 1 September 2007. They consolidate, with some changes, the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006, as amended by the Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) Regulations 2006;

Mae'r Rheoliadau yn dirymu Rheoliadau 2006 a'r Rheoliadau diwygio. Mae rheoliad 3 yn nodi rhychwant y dirymiad. Mae'r newidiadau sylweddol a wneir yn y Rheoliadau hyn (heblaw cyfraddau grantiau a benthyciadau) wedi'u nodi isod.

The Regulations revoke those 2006 Regulations and amending Regulations. Regulation 3 sets out the extent of the revocation. Changes of substance made in these Regulations (other than rates of grants and loans) are highlighted below.

Mae'r gwahaniaeth rhwng myfyrwyr cymwys o dan yr hen drefn a myfyrwyr cymwys o dan y drefn newydd (a gyflwynwyd gan Rheoliadau 2006) o ran cymorth ariannol i fyfyrwyr ar gyfer cyrsiau amserllawn yn cael ei gadw (rheoliad 2(1)).

The distinction between old system eligible students and new system eligible students (introduced by the 2006 Regulations) in relation to financial support to students for full-time courses is retained (regulation 2(1)).

Mae myfyrwyr cymwys o dan yr hen drefn yn fyfyrwyr cymwys sy'n mynychu cyrsiau a ddechreuodd cyn 1 Medi 2006 a myfyrwyr sy'n cymryd blwyddyn i fwrdd sy'n dechrau cyrsiau cyn 1 Medi 2007, a chategoriâu penodol eraill o fyfyrwyr. Mae'r grantiau a'r benthyciadau canlynol ar gael i fyfyrwyr cymwys o dan yr hen drefn yn ddarostyngedig i'r amodau penodedig -

Old system eligible students are eligible students attending courses that started before 1st September 2006 and gap-year students starting courses before 1 September 2007, and certain other categories of student. The following grants and loans are available to old system eligible subject to the specified conditions -

- grant at ffioedd (Rhan 4);
- benthyciad at gyfraniad at ffioedd (rheoliad 20);

- grant for fees (Part 4);
- fee contribution loan (regulation 20);

- grant at gostau byw myfyrwyr anabl (rheoliad 24);
- grant ar gyfer dibynyddion (rheoliadau 25 i 30);
- grant at deithio (rheoliad 31);
- grant addysg uwch (rheoliad 35); a
- benthyciadau at gostau byw (Rhan 6).

Mae myfyriwr cymwys o dan y drefn newydd yn fyfyriwr cymwys sy'n dechrau ei gwrs ar neu ar ôl 1 Medi 2006 ac nad yw'n fyfyriwr cymwys o dan yr hen drefn. Mae'r grantiau a'r benthyciadau canlynol ar gael i fyfyrwyr cymwys o dan y drefn newydd, yn ddarostyngedig i'r amodau penodedig -

- grantiau at ffioedd newydd (rheoliad 18);
- benthyciadau at ffioedd (rheoliadau 21 a 22);
- grant at gostau byw myfyrwyr anabl (rheoliad 24);
- grant ar gyfer dibynyddion (rheoliadau 25 i 30);
- grant at deithio (rheoliad 31);
- grant cynhaliaeth (rheoliad 36);
- grant cymorth arbennig (rheoliad 37); a
- benthyciadau at gostau byw (Rhan 6).

I fod â hawl i gael cymorth ariannol, rhaid i fyfyriwr fod yn "fyfyriwr cymwys". Yn fras, mae person yn fyfyriwr cymwys os yw'n dod o fewn un o'r categorïau a restrir yn Rhan 2 o Atodlen 1 a'r darpariaethau cymhwysra yn Rhan 2 o'r Rheoliadau. Mae'r Rheoliadau yn gymwys i fyfyrwyr sy'n preswyllo fel arfer yng Nghymru ble bynnag y bônt yn astudio ar gwrs dynodedig. At ddibenion y Rheoliadau hyn, bernir bod person sy'n preswyllo fel arfer yng Nghymru, Lloegr, yr Alban, Gogledd Iwerddon, Ynysoedd y Sianel neu Ynys Manaw o ganlyniad i symud o unrhyw un o'r ardaloedd hyn er mwyn ymgymryd â'i gwrs yn preswyllo fel arfer yn y lle y symudodd ohono (Atodlen 1, paragraff 1(3)). Rhaid i fyfyriwr cymwys fodloni hefyd unrhyw ofnyon mewn manau eraill yn y Rheoliadau; yn enwedig felly y gofynion penodol sy'n gymwys i bob math o gymorth ariannol. O ran y grantiau "newydd" at ffioedd ar gyfer myfyrwyr cymwys o dan y drefn newydd y cyfeirir atynt yn y rhestr uchod, gweler isod.

Dim ond ar gyfer cyrsiau "dynodedig" o fewn ystyr rheoliadau 5, 63 ac Atodlen 2 y mae cymorth ar gael o dan y Rheoliadau.

Mae'r Rheolau ar astudio blaenorol heb eu newid (rheoliadau 6 a 7). Yn gyffredinol, mae myfyrwyr sy'n dechrau cyrsiau ar neu ar ôl 1 Medi 2006 yn gymwys i gael cymorth at ffioedd a grantiau cynhaliaeth am hyd arferol eu cwrs ac am un flwyddyn ychwanegol. Gostyngir nifer y blynyddoedd pryd y mae cymorth ar gael ar sail nifer y blynyddoedd y rhoddwyd cymorth at addysg uwch eisoes. Ar gyfer myfyrwyr a ddechreuodd eu cwrs cyn 1 Medi 2006, bydd cymorth

- grant for disabled students' living costs (regulation 24);
- grant for dependants (regulations 25 to 30);
- grant for travel (regulation 31);
- higher education grant (regulation 35); and
- loans for living costs (Part 6).

A new system eligible student is an eligible student who starts their course on or after 1 September 2006 and who is not an old system eligible student. The following grants and loans are available to new system eligible students, subject to the specified conditions -

- new fee grants (regulation 18);
- fee loans (regulations 21 and 22);
- grant for disabled students' living costs (regulation 24);
- grant for dependants (regulations 25 to 30);
- grant for travel (regulation 31);
- maintenance grant (regulation 36);
- special support grant (regulation 37); and
- loans for living costs (Part 6).

To qualify for financial support a student must be an "eligible student". Broadly, a person is an eligible student if he or she falls within one of the categories listed in Part 2 of Schedule 1 and the eligibility provisions in Part 2 of the Regulations. The Regulations apply to students ordinarily resident in Wales wherever they study on a designated course. For the purposes of these Regulations a person who is ordinarily resident in Wales, England, Scotland, Northern Ireland, the Channel Islands or the Isle of Man as a result of having moved from one of those areas for the purpose of undertaking his or her course is considered ordinarily resident in the place from which that person moved (Schedule 1, paragraph 1(3)). An eligible student must also satisfy any requirements elsewhere in the Regulations; in particular the specific requirements applicable to each type of financial support. As to the "new" fee grants for new system eligible students referred to in the list above, see below.

Support is only available under the Regulations in respect of "designated" courses within the meaning of regulations 5, 63 and Schedule 2.

The rules on previous study are unchanged (regulations 6 and 7). In general, students starting courses on or after 1 September 2006 are eligible for fee support and maintenance grants for the ordinary length of their course plus one additional year. The number of years of support available is reduced by the number of years of previously supported higher education. For students who started their course before 1 September 2006 support will be available for the

ar gael am hyd arferol eu cwrs. Bydd Cynulliad Cenedlaethol Cymru yn gallu estyn cymhwysra os oes rhesymau personol anorchfygol dros wneud hynny mewn perthynas â'r myfyriwr o dan sylw. Mae benthyciadau cynhaliaeth ar gael drwy gydol y cyfnod cymhwysra, sy'n dod i ben ar ddiwedd y flwyddyn academaidd pryd y mae'r myfyriwr yn gorffen y cwrs dynodedig. Bydd myfyrwyr sy'n mynychu cyrsiau ar gyfer hyfforddiant cychwynnol athrawon sy'n parhau llai na dwy flynedd yn esempt rhag y rheolau ar astudio blaenorol.

Ni fydd myfyrwyr sydd â chymhwyster gradd anrhydedd oddi wrth sefydliad addysg uwch yn y DU yn gymwys fel arfer i gael cymorth o dan y Rheoliadau, ond bydd myfyrwyr sy'n ymgymryd â chwrs ail radd sy'n arwain at gymhwyster proffesiynol fel gweithiwr cymdeithasol, meddyg, deintydd, milfeddyg, pensaer, pensaer tirlun, dylunydd tirlun, cynllunydd tref neu gynllunydd gwlad a thref yn dal yn gymwys i gael benthyciad cynhaliaeth.

Mae Rhan 3 o'r Rheoliadau yn gwneud darpariaeth ar gyfer ceisiadau am gymorth (rheoliad 9), terfynau amser ar gyfer ceisiadau (rheoliad 10) ac mae rheoliad 11 ac Atodlen 3 yn pennu'r wybodaeth y mae'n rhaid i geiswyr ei darparu.

Mae Pennod 1 o Ran 4 o'r Rheoliadau yn darparu i fyfyrwyr sy'n dod yn gymwys yn ystod blwyddyn academaidd fod â hawl i gael cymorth o dan Ran 4.

Mae Pennod 2 o Ran 4 o'r Rheoliadau yn gwneud darpariaeth ar gyfer grant at ffioedd. O 2007 ymlaen, mae grant (uwch) newydd at ffioedd yn cael ei gyflwyno ar gyfer myfyrwyr sy'n gymwys o dan y drefn newydd (rheoliad 18). Rhaid i fyfyrwyr, os gwladolion y DU ydynt, fod wedi bod yn preswyllo fel arfer yng Nghymru ers tair blynedd cyn dechrau'r cwrs, ond nid yw hyn yn gymwys i wladolion Aelod-wladwriaethau'r GE. Dim ond i fyfyrwyr sy'n dechrau cyrsiau mewn sefydliadau a ariannir yn gyhoeddus yng Nghymru ar neu ar ôl 1 Medi 2006 y mae'r grant yn gymwys. Mae grant llai at ffioedd yn dal ar gael i fyfyrwyr sy'n gymwys o dan yr hen drefn.

Mae Pennod 3 o Ran 4 yn gwneud darpariaeth ar gyfer benthyciadau at ffioedd. Mae rheoliad 22 yn cyflwyno benthyciad llai newydd at ffioedd i'r myfyrwyr hynny sydd â hawl i gael y grant (uwch) newydd at ffioedd. Uchafswm y benthyciad yw £1,225 neu £610 o dan yr amgylchiadau a bennir yn rheoliad 16(3). Mae rheoliad 20 yn parhau i ddarparu ar gyfer benthyciadau at gyfraniad at ffioedd heb fod yn fwy na £1225 am bob blwyddyn academaidd i fyfyrwyr sy'n gymwys o dan yr hen drefn mewn perthynas â mynychu cyrsiau dynodedig. £610 yw'r terfyn o dan yr amgylchiadau a bennir yn rheoliad 16(3). Mae rheoliad 21 yn parhau i ddarparu ar gyfer benthyciad at ffioedd hyd at fwyafswm o £3,070 am bob blwyddyn academaidd i fyfyrwyr cymwys o dan y drefn newydd

ordinary length of their course. The National Assembly for Wales will be able to extend eligibility where there are compelling personal reasons for doing so in respect of the student concerned. Maintenance loans are available throughout the period of eligibility, which terminates at the end of the academic year in which the student completes the designated course. Students attending courses for the initial training of teachers lasting less than two years are exempt from the previous study rules.

Students who have an honours degree qualification from a higher education institution in the UK will not ordinarily be eligible for support under the Regulations, but students undertaking a second degree course which leads to professional qualification as a social worker, medical doctor, dentist, veterinary surgeon, architect, landscape architect, landscape designer, town planner or town and country planner will still be eligible for a maintenance loan.

Part 3 of the Regulations makes provision for applications for support (regulation 9), time limits for applications (regulation 10) and regulation 11 and Schedule 3 specify the information that must be provided by applicants.

Chapter 1 of Part 4 of the Regulations makes provision for students who become eligible during the course of an academic year to qualify for support under Part 4.

Chapter 2 of Part 4 of the Regulations makes provision for grant for fees. From 2007, a new (increased) grant for fees is introduced for new system eligible students (regulation 18). Students who are UK nationals must have been ordinarily resident in Wales for three years prior to the start of the course, but this does not apply to nationals of the EC Member States. The grant applies only to students who start courses at publicly-funded institutions in Wales on or after 1 September 2006. A smaller fee grant continues to be available to old system eligible students.

Chapter 3 of Part 4 makes provision for loans for fees. Regulation 22 introduces a new smaller loan for fees for those students who qualify for the new (increased) fee grant. The maximum loan is £1,225 or £610 in the circumstances specified in regulation 16(3). Regulation 20 continues to provide for fee contribution loans not exceeding £1225 per academic year for old system eligible students in respect of their attendance on designated courses. The limit is £610 in the circumstances specified in regulations 16(3). Regulation 21 continues to provide for a fee loan up to a maximum of £3,070 per academic year for new system eligible students who do not qualify for the new fee grant in respect of fees payable by them in respect of their attendance on designated courses. The limit is

nad oes ganddynt hawl i gael y grant newydd at ffioedd mewn perthynas â ffioedd sy'n daladwy ganddynt mewn perthynas â mynychu cyrsiau dynodedig. £1535 yw'r terfyn o dan yr amgylchiadau a bennir yn rheoliad 16(3).

Mae Rhan 5 yn gwneud darpariaeth ar gyfer grantiau at gostau byw. Mae'r grant cynhaliath a'r grant cymorth arbennig o dan brawf modd a gyflwynwyd gan Reoliadau 2006 yn parhau. Nid yw'r grant arbennig i fyfyrwyr sy'n ymadael â gofal ar gael mwyach. Erbyn hyn, mae'r grant at ofal plant ar gael ar gyfer unrhyw fath o ofal plant sy'n cyfrif fel gofal plant at ddibenion credydau treth o dan reoliadau a wnaed o dan Ddeddf Credydau Treth 2002 (gan gynnwys, yn benodol, gofal plant yn yr Alban a Gogledd Iwerddon).

Mae Rhan 6 yn gwneud darpariaeth ar gyfer benthyciadau at gostau byw. Bydd myfyrwyr cymwys o dan y drefn newydd sy'n gymwys i gael grant cynhaliath yn parhau i fod yn gymwys i gael benthyciad cynhaliath a thelir hyd at £1,225 o'r grant yn lle elfen o'r benthyciad myfyriwr. Parheir i ostwng yr hawl i gael benthyciad cynhaliath o £1 am bob £1 o'r grant sy'n daladwy hyd at uchafswm o £1,225. Un darn bach o resymoli yw y bydd myfyriwr sy'n mynychu sefydliad dros y môr yn perthyn i "gategori 3" at ddibenion cyfrifo hawliau.

Mae Rhan 8 ac Atodlen 4 yn parhau i wneud darpariaeth ar gyfer "benthyciadau at ffioedd coleg" (a gyflwynwyd gan Reoliadau diwygio 2006). Benthyciadau yw'r rhain mewn perthynas â'r ffioedd coleg sy'n daladwy gan fyfyrwr cymhwysol i goleg neu neuadd breifat barhaol ym Mhrifysgol Rhydychen neu i un o golegau Prifysgol Caergrawnt mewn perthynas â phresenoldeb myfyriwr cymhwysol ar gwrs cymhwysol.

Mae Rhan 9 ac Atodlen 5 yn parhau i wneud darpariaeth ar gyfer prawf modd i fyfyrwyr sy'n cymryd cyrsiau amser-llawn dynodedig. Cyfrifir cyfraniad gan y myfyriwr ar sail incwm yr aelwyd. Mae'r cyfraniad i'w gymhwyso at grantiau a benthyciadau penodedig hyd nes iddo gael ei ddiddymu yn erbyn swm y grantiau a'r benthyciadau penodol y mae gan y myfyriwr hawl i'w cael.

Mae Rhan 10 yn gwneud darpariaeth ar gyfer talu grantiau a benthyciadau.

Mae Rhan 11 yn gwneud darpariaeth ar gyfer cyrsiau rhan-amser.

Mae Rhan 12 yn gwneud darpariaeth ar gyfer myfyrwyr ôl-raddedig sydd ag anableddau.

£1535 in the circumstances specified in regulation 16(3).

Part 5 makes provision for grants for living costs. The means-tested maintenance and special support grants introduced by the 2006 Regulations are continued. The special grant for students leaving care is no longer available. The grant for childcare is now available for any form of childcare that counts as childcare for tax credits purposes under regulations made under the Tax Credits Act 2002 (including, in particular, childcare in Scotland and Northern Ireland).

Part 6 makes provision for loans for living costs. New system eligible students eligible for a maintenance grant will continue to be eligible for a maintenance loan and up to £1,225 of the grant is paid in substitution for an element of the student loan. Maintenance loan entitlement will continue to be reduced by £1 for every £1 of grant payable up to a maximum of £1,225. One small piece of rationalisation is that a student who attends an overseas institution will be in "category 3" for the purpose of calculating entitlements.

Part 8 and Schedule 4 continue to make provision for "college fee loans" (introduced by the 2006 amending Regulations). These are loans in respect of the college fees payable by a qualifying student to a college or permanent private hall of the University of Oxford or to a college of the University of Cambridge in connection with attendance of a qualifying student on a qualifying course.

Part 9 and Schedule 5 continue to make provision for the means-testing of students taking designated full-time courses. A contribution from the student is calculated on the basis of household income. The contribution is to be applied to specified grants and loans until it is extinguished against the amount of the particular grants and loans for which the student qualifies.

Part 10 makes provision for payment of grants and loans.

Part 11 makes provision for support for part-time courses.

Part 12 makes provision for postgraduate students with disabilities.

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(Addysg Uwch) (Cymru) 2007****The Assembly Learning Grants and  
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Regulations 2007***Wedi'u gwneud* 27 Mawrth 2007*Made* 27 March 2007*Yn dod i rym* 1 Ebrill 2007*Coming into force* 1 April 2007

## TREFN Y RHEOLIADAU

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RHAN 1

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PART 1

ELIGIBLE STUDENTS

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Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 22, 42(6) a 43(1) o Ddeddf Addysgu ac Addysg Uwch 1998(1), yn gwneud y Rheoliadau canlynol:

## RHAN 1

### CYFFREDINOL

#### Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2007.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2007 ac maent yn gymwys mewn perthynas â Chymru.

#### Dehongli

2.-(1) Yn y Rheoliadau hyn ac eithrio pan fo'r cyddestun yn mynnu fel arall-

ystyr "a ariennir yn gyhoeddus" ("*publicly-funded*") yw yn cael ei gynnal neu ei gynorthwyo gan grantiau ailadroddus o'r cronfeydd cyhoeddus, ac mae ymadroddion perthynol i'w dehongli yn unol â hyn;

mae i "athro neu athrawes gymwysedig" yr ystyr a roddir i "*qualified teacher*" yn adran 132(1) o Ddeddf Addysg 2002(2);

ystyr "awdurdod academaidd" ("*academic authority*"), mewn perthynas â sefydliad, yw'r corff llywodraethu neu'r corff arall sydd â

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(1) 1998 p. 30; diwygiwyd adran 22 gan Ddeddf Dysgu a Sgiliau 2000 (p. 21), adran 146 ac Atodlen 11, Deddf Treth Incwm (Enillion a Phensiynau) 2003 (p. 1), Atodlen 6, Deddf Cyllid 2003 (p. 14), adran 147 a Deddf Addysg Uwch 2004 (p. 8), adran 42. Diwygiwyd adran 42 ac adran 43 gan Ddeddf Addysg 2002 (p. 32), Atodlen 12. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan adran 44 o Ddeddf Addysg Uwch 2004 (p.8) a Gorchymyn Deddf Addysg Uwch 2004 (Cychwyn Rhif 2 a Darpariaeth Drosiannol) (Cymru) 2005 O.S. 2005/1833 (Cy.149) (C.79) a Gorchymyn Deddf Addysg Uwch 2004 (Cychwyn Rhif 2 a Darpariaeth Drosiannol) (Cymru) (Diwygio) 2006 (O.S. 2006/1660 (Cy.159)(c56)).

(2) 2002 p. 32.

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998(1), makes the following Regulations:

## PART 1

### GENERAL

#### Title, commencement and application

1.-(1) The title of these Regulations is the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2007.

(2) These Regulations come into force on 1 April 2007 and apply in relation to Wales.

#### Interpretation

2.-(1) In these Regulations, except where the context otherwise requires -

"the 1962 Act" ("*Deddf 1962*") means the Education Act 1962(2);

"the 1998 Regulations" ("*Rheoliadau 1998*") means the Education (Student Support) Regulations 1998(3);

"the 1999 Regulations" ("*Rheoliadau 1999*") means the Education (Student Support) Regulations 1999(4);

"the 2000 Regulations" ("*Rheoliadau 2000*") means the Education (Student Support) Regulations 2000(5);

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(1) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146 and Schedule 11, the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6, the Finance Act 2003 (c. 14), section 147 and the Higher Education Act 2004 (c. 8), section 42. Section 42 and section 43 were amended by the Education Act 2002 (c. 32), Schedule 12. The functions of the Secretary of State were transferred to the National Assembly for Wales by section 44 of the Higher Education Act 2004, the Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) Order 2005 (S.I. 2005/1833 (W.149)(c.79) and Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) (Amendment) Order 2006 (S.I. 2006/1660 (W.159)(c.56)).

(2) 1962 c. 12; sections 1 to 4 and Schedule 1 were substituted by the provisions set out in Schedule 5 to the Education Act 1980 (c. 20). Section 1(3)(d) was amended by the Education (Grants and Awards) Act 1984 (c. 11), section 4. Section 4 was amended by the Education Act 1994 (c. 30), Schedule 2, paragraph 2. The entire Act was repealed by the Teaching and Higher Education Act 1998 (c. 30), section 44(2) and Schedule 4, subject to the transitional provisions and savings set out in the Teaching and Higher Education Act 1998 (Commencement No. 4 and Transitional Provisions) Order 1998 (S.I. 1998/3237), article 3.

(3) S.I. 1998/2003.

(4) S.I. 1999/496, amended by S.I. 1999/2266 and S.I. 2000/1120.

(5) S.I. 2000/1121, amended by S.I. 2000/1490, S.I. 2000/2142 and S.I. 2000/2912.

swyddogaethau corff llywodraethu ac mae'n cynnwys person sy'n gweithredu gydag awdurdod y corff hwnnw;

ystyr "benthyciad" ("*loan*"), ac eithrio lle nodir fel arall, yw benthyciad yn unol ag unrhyw reoliadau a wnaed o dan adran 22 o'r Ddeddf, gan gynnwys y llog sy'n crynhoi ar y benthyciad ac unrhyw gosbau neu daliadau sy'n codi mewn cysylltiad ag ef;

ystyr "benthyciad at ffioedd coleg" ("*college fee loan*") yw benthyciad yn unol â rheoliadau a wnaed gan y Cynulliad Cenedlaethol o dan adran 22 o'r Ddeddf mewn perthynas â'r ffioedd coleg sy'n daladwy gan fyfyrwr i goleg neu neuadd breifat barhaol ym Mhrifysgol Rhydychen neu i un o golegau Prifysgol Caergrawnt;

ystyr "benthyciad at gostau byw" ("*loan for living costs*") yw benthyciad o dan Ran 6 o'r Rheoliadau hyn;

ystyr "benthyciwr" ("*borrower*") yw person y mae benthyciad wedi'i roi iddo;

ystyr "blwyddyn academiaidd" ("*academic year*") yw'r cyfnod o ddeuddeng mis sy'n dechrau ar 1 Ionawr, 1 Ebrill, 1 Gorffennaf neu 1 Medi yn y flwyddyn galendr y mae blwyddyn academiaidd y cwrs o dan sylw yn dechrau ynddi, yn ôl a yw'r flwyddyn academiaidd honno yn dechrau ar neu ar ôl 1 Ionawr a chyn 1 Ebrill, ar neu ar ôl 1 Ebrill a chyn 1 Gorffennaf, ar neu ar ôl 1 Gorffennaf a chyn 1 Awst neu ar neu ar ôl 1 Awst ac ar neu cyn 31 Rhagfyr, yn y drefn honno;

ystyr "bwrsari gofal iechyd" ("*healthcare bursary*") yw bwrsari neu ddyfarniad o ddisgrifiad tebyg o dan adran 63 o Ddeddf Gwasanaethau Iechyd ac Iechyd y Cyhoedd 1968(1) neu Erthygl 44 o Orchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1972(2);

"the 2001 Regulations" ("*Rheoliadau 2001*") means the Education (Student Support) Regulations 2001(1);

"the 2002 Regulations" ("*Rheoliadau 2002*") means the Education (Student Support) Regulations 2002(2);

"the 2003 Regulations" ("*Rheoliadau 2003*") means the Education (Student Support) (No. 2) Regulations 2002(3) as amended only by the Education (Student Support) (No. 2) Regulations 2002 (Amendment) Regulations 2003(4) and the Education (Student Fees and Support) (Switzerland) Regulations 2003(5);

"the 2004 Regulations" ("*Rheoliadau 2004*") means the 2003 Regulations as amended by the Education (Student Support) (No. 2) Regulations 2002 (Amendment) Regulations 2004(6), the Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 2) Regulations 2004(7), the Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 3) Regulations 2004(8), the Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 4) Regulations 2004(9) and the Education (Student Support) (No. 2) Regulations 2002 (Amendment) Regulations 2005(10) and the Education (Student Support) (Amendment) (No.2) Regulations 2005(11);

"the 2005 Regulations" ("*Rheoliadau 2005*") means the Education (Student Support) Regulations 2005(12) as amended by the Education (Student Support) (Amendment) Regulations 2005, the Education (Student Support) (Amendment) (No. 2) Regulations 2005, the Adoption and Children (Miscellaneous Amendments) Regulations 2005(13) and the Education (Student Support) (Amendment) Regulations 2006(14).

(1) 1968 p. 46; diwygiwyd adran 63 gan Ddeddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1972 (p. 58), Atodlen 7, Deddf Ad-drefnu'r Gwasanaeth Iechyd Gwladol 1973 (p. 32), Atodlenni 4 a 5, Deddf y Gwasanaeth Iechyd Gwladol 1977 (p. 49), Atodlenni 15 ac 16, Deddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978 (p. 29), Atodlenni 16 a 17, Deddf Llywodraeth Leol 1985 (p. 51), Atodlen 17, Deddf Iechyd a Meddygiaethau 1988 (p. 49), adran 20, adran 25(2) ac Atodlen 3, Deddf Llywodraeth Leol (Yr Alban) 1994 (p. 39), Atodlen 13, Deddf Awdurdodau Iechyd 1995 (p. 17), Atodlen 1, Gorchymyn Ad-drefnu Llywodraeth Leol (Cymru) (Diwygiadau Canlyniadol Rhif 2) 1996 (O.S. 1996/1008), Deddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 (p. 46), Atodlen 2, Deddf Iechyd 1999 (p. 8), Atodlen 4, Deddf Iechyd a Gofal Cymdeithasol 2001 (p. 15), Atodlen 5, Deddf Diwygio'r Gwasanaeth Iechyd Gwladol a'r Proffesiynau Gofal Iechyd 2002 (p. 17), Atodlenni 2, 5 a 9, Rheoliadau Deddf Diwygio'r Gwasanaeth Iechyd Gwladol a'r Proffesiynau Gofal Iechyd 2002 (Darpariaethau Atodol, Canlyniadol etc) 2002 (O.S. 2002/2469), Atodlen 1, Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p. 43), Atodlenni 4, 11 a 14, Gorchymyn Cychwyn (Rhif 2) Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 2004 (O.S. 2004/288), erthygl 7, Gorchymyn Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (Cychwyn Rhif 1) (Cymru) 2004 (O.S. 2004/480), erthygl 6 a Gorchymyn Deddf Gwasanaethau Meddygol Sylfaenol (Yr Alban) 2004 (Diwygiadau Canlyniadol) 2004 (O.S. 2004/957), yr Atodlen.

(2) O.S. 1972/1265 (G.I. 14).

(1) S.I. 2001/951, amended by S.I. 2001/1730, S.I. 2001/2355 and S.I. 2002/174.

(2) S.I. 2002/195, amended by S.I. 2002/1318, S.I. 2002/2088 and S.I. 2002/3059.

(3) S.I. 2002/3200.

(4) S.I. 2003/1065.

(5) S.I. 2003/3280.

(6) S.I. 2004/161.

(7) S.I. 2004/1602.

(8) S.I. 2004/2041.

(9) S.I. 2004/2598.

(10) S.I. 2005/5.

(11) SI 2005/2084.

(12) S.I. 2005/52 as amended by S.I. 2005/1341 and S.I. 2005/2084.

(13) S.I.2005/3482.

(14) S.I.2006/955.

ystyr "cronfeydd cyhoeddus" ("*public funds*") yw arian sy'n cael ei ddarparu gan Senedd y Deyrnas Unedig gan gynnwys cronfeydd sy'n cael eu darparu gan Gynulliad Cenedlaethol Cymru;

ystyr "cwrw addysg uwch" ("*higher education course*") yw cwrw y cyfeirir ato yn Atodlen 2 neu gwrs i ôl-raddedigion neu gwrs arall y mae ei safon yn uwch na safon cwrw gradd gyntaf;

mae "cwrw ar gyfer hyfforddiant cychwynnol athrawon" ("*course for the initial training of teachers*") yn cynnwys cwrw o'r fath sy'n arwain at radd gyntaf oni nodir yn wahanol ac nid yw'n cynnwys cynllun hyfforddi athrawon wedi'i seilio ar gyflogaeth;

ystyr "cwrw carlam" ("*accelerated course*") yw cwrw y mae'r sefydliad sy'n ei ddarparu yn ei gwneud yn ofynnol fel rheol i'r personau sy'n ei gymryd fod yn bresennol (boed ar fangre'r sefydliad ynteu mewn man arall) am gyfnod o 40 wythnos o leiaf yn y flwyddyn derfynol, a hwnnw'n gwrs sy'n para am ddwy flwyddyn academaidd;

ystyr "cwrw cymhwysol" ("*qualifying course*") yw cwrw dynodedig amser-llawn a ddarperir gan Brifysgol Rhydychen neu Brifysgol Caergrawnt ac -

- (i) sydd wedi'i restru yn rheoliad 5(5);
- (ii) sy'n arwain at gymhwyster gweithiwr cymdeithasol; neu
- (iii) y mae gan fyfyrwr hawl, mewn perthynas ag unrhyw flwyddyn academaidd o'r cwrw, i gael taliad o dan fwrsari gofal iechyd y cyfrifir ei swm drwy gyfeirio at incwm y myfyrwr neu fwrsari gofal iechyd yn yr Alban y cyfrifir ei swm drwy gyfeirio at incwm y myfyrwr;

ystyr "cwrw dynodedig" ("*designated course*") yw cwrw a ddynodwyd gan rheoliad 5 neu gan y Cynulliad Cenedlaethol o dan reoliad 5;

ystyr "cwrw HCA hyblyg i ôl-raddedigion" ("*flexible postgraduate ITT course*") yw cwrw ôl-radd o hyfforddiant cychwynnol athrawon, y mae ei hyd a'i batrwm yn cael eu pennu drwy gyfeirio at brofiad ac anghenion hyfforddi'r myfyrwr cymwys ac sydd wedi'i gymeradwyo gan yr Asiantaeth Hyfforddi a Datblygu ar gyfer Ysgolion(1);

ystyr "cwrw ôl-radd dynodedig" ("*designated postgraduate course*") yw cwrw sydd wedi'i ddynodi o dan reoliad 75 neu gan y Cynulliad Cenedlaethol o dan reoliad 75;

"the 2006 Regulations" ("*Rheoliadau 2006*") means the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006(1) as amended by the Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) Regulations 2006(2);

"academic authority" ("*awdurdod academaidd*") means, in relation to an institution, the governing body or other body having the functions of a governing body and includes a person acting with the authority of that body;

"academic year" ("*blwyddyn academaidd*") means the period of twelve months beginning on 1 January, 1 April, 1 July or 1 September of the calendar year in which the academic year of the course in question begins according to whether that academic year begins on or after 1 January and before 1 April, on or after 1 April and before 1 July, on or after 1 July and before 1 August or on or after 1 August and on or before 31 December, respectively;

"accelerated course" ("*cwrw carlam*") means a course which persons undertaking it are normally required by the institution providing it to attend (whether at premises of the institution or elsewhere) for a period of at least 40 weeks in the final year, being a course of two academic years' duration;

"the Act" ("*Y Ddeddf*") means the Teaching and Higher Education Act 1998;

"borrower" ("*benthyciwr*") means a person to whom a loan has been made;

"college fee loan" ("*benthyciad at ffioedd coleg*") means a loan pursuant to regulations made by the National Assembly under section 22 of the Act in respect of the college fees payable by a student to a college or permanent private hall of the University of Oxford or to a college of the University of Cambridge;

"contribution" ("*cyfraniad*") means an eligible student's contribution calculated pursuant to regulation 53 and Schedule 5;

"course for the initial training of teachers" ("*cwrw ar gyfer hyfforddiant cychwynnol athrawon*") includes such a course leading to a first degree unless otherwise specified and excludes an employment-based teacher training scheme;

"designated course" ("*cwrw dynodedig*") means a course designated by regulation 5 or by the National Assembly under regulation 5;

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(1) Sefydlwyd y corff hwn yn wreiddiol o dan adran 1 o Ddeddf Addysg 1994 (p. 30) fel yr Asiantaeth Hyfforddi Athrawon. Mae'n parhau mewn bodolaeth yn rhinwedd adran 74 o Ddeddf Addysg 2005 (p.18) ond ei enw fydd yr Asiantaeth Hyfforddi a Datblygu ar gyfer Ysgolion.

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(1) S.I. 2006/126 (W.19).

(2) S.I. 2006/ 1863 (W.196) .

ystyr "cwrs ôl-radd presennol" ("*present postgraduate course*") yw'r cwrs ôl-radd dynodedig y mae person yn gwneud cais am gymorth mewn cysylltiad ag ef;

ystyr "cwrs penben" ("*end-on course*") yw -

- (a) cwrs gradd gyntaf amser-llawn (heblaw cwrs gradd gyntaf ar gyfer hyfforddiant cychwynnol athrawon) a hwnnw'n gwrs y mae myfyriwr yn dechrau bod yn bresennol arno, gan anwybyddu unrhyw wyliau yn y cyfamser, yn union ar ôl rhoi'r gorau i fod yn bresennol ar gwrs amser-llawn sydd wedi'i grybwyll ym mharagraff 2 neu 3 o Atodlen 2 ac y mae'r myfyriwr wedi cael dyfarniad trosiannol, benthyciad o dan Reoliadau 1998 neu gymorth o dan Reoliadau 1999, 2000, 2001, 2002, 2003, 2004, 2005 neu 2006 ar ei gyfer, neu yr oedd gan y myfyriwr hawlogaeth i gael un o'r rhain ar ei gyfer;
- (b) cwrs gradd anrhydedd amser-llawn sy'n dechrau ar neu ar ôl 1 Medi 2006 a hwnnw'n gwrs y mae myfyriwr yn dechrau bod yn bresennol arno, gan anwybyddu unrhyw wyliau yn y cyfamser, yn union ar ôl rhoi'r gorau i fod yn bresennol ar gwrs gradd sylfaenol amser-llawn ac y mae'r myfyriwr wedi cael dyfarniad trosiannol, benthyciad o dan Reoliadau 1998 neu gymorth o dan Reoliadau 1999, 2000, 2001, 2002, 2003, 2004, 2005 neu 2006 ar ei gyfer, neu yr oedd gan y myfyriwr hawlogaeth i gael un o'r rhain ar ei gyfer;
- (c) cwrs ar gyfer hyfforddiant cychwynnol athrawon sy'n dechrau cyn 1 Medi 2006 nad yw'n para am fwy na dwy flynedd (gan fynegi hyd cwrs rhan-amser mewn modd sy'n gyfartal i hyd y cwrs amser-llawn sy'n cyfateb iddo) a hwnnw'n gwrs y mae myfyriwr yn dechrau bod yn bresennol arno, gan anwybyddu unrhyw wyliau yn y cyfamser, yn union ar ôl rhoi'r gorau i fod yn bresennol ar gwrs gradd gyntaf ac y mae'r myfyriwr wedi cael dyfarniad trosiannol, benthyciad o dan Reoliadau 1998 neu gymorth o dan Reoliadau 1999, 2000, 2001, 2002, 2003, 2004, 2005 neu 2006 ar ei gyfer, neu yr oedd gan y myfyriwr hawlogaeth i gael un o'r rhain ar ei gyfer;

ystyr "cwrs presennol" ("*present course*") yw'r cwrs dynodedig y mae person yn gwneud cais am gymorth mewn perthynas ag ef;

ystyr "cwrs rhan-amser dynodedig" ("*designated part-time course*") yw cwrs sydd wedi'i ddynodi gan reoliad 63 neu gan y Cynulliad Cenedlaethol o dan reoliad 63;

"designated part-time course" ("*cwrs rhan amser dynodedig*") means a course designated by regulation 63 or by the National Assembly under regulation 63;

"designated postgraduate course" ("*cwrs ôl-raddedig dynodedig*") means a course designated by regulation 75 or by the National Assembly under regulation 75;

Directive 2004/38" ("*Cyfarwyddeb 2004/38*") means Directive 2004/38/EC of the European Parliament and of the Council of 29th April 2004(1) on the rights of citizens of the Union and their family members to move and reside freely in the territory of the Member States;

"EC national" ("*gwladolyn y GE*") means a national of a Member State of the European Community;

"electronic signature" ("*llofnod electronig*") is so much of anything in electronic form as -

- (a) is incorporated into or otherwise logically associated with any electronic communication or electronic data; and
- (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication or data, the integrity of the communication or data, or both;

"eligible part-time student" ("*myfyriwr rhan-amser cymwys*") has the meaning given in regulation 62;

"eligible postgraduate student" ("*myfyriwr ôl-raddedig cymwys*") has the meaning given in regulation 74;

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

"employment-based teacher training scheme" ("*cynllun hyfforddi athrawon ar sail cyflogaeth*") means a scheme established by the National Assembly for the purpose of regulation 8 of the Education (School Teachers' Qualifications) (Wales) Regulations 2004 (2) whereby a person may undertake initial teacher training in order to obtain qualified teacher status while being employed to teach at a maintained school, an independent school or other institution except a pupil referral unit;

- (a) "end-on course" ("*cwrs pen-ben*") means a full-time first degree course (other than a first degree course for the initial training of teachers) which, disregarding any intervening vacation, a student begins to attend immediately after ceasing to attend a full-time course mentioned in paragraph 2 or 3 of Schedule 2 for which the student received or

(1) OJ L158, 30.04.2004, p77-123.

(2) S.I. 2004/1729 (W.173).

ystyr "cwrs rhan-amser presennol" ("*present part-time course*") yw'r cwrs rhan-amser dynodedig y mae person yn gwneud cais am gymorth mewn cysylltiad ag ef;

mae i "cwrs rhyngosod" ("*sandwich course*") yr ystyr a roddir ym mharagraff (2);

ystyr "Cyfarwyddeb 2004/38" ("*Directive 2004/38*") yw Cyfarwyddeb 2004/38/EC Senedd Ewrop a'r Cyngor dyddiedig 29 Ebrill 2004(1) ar hawliau dinasyddion yr Undeb ac aelodau o'u teuluoedd i symud ac i fyw'n ddilyffethair yn nhiriogaeth yr Aelod-wladwriaethau;

ystyr "cyfnodau o brofiad gwaith" ("*periods of work experience*") yw -

- (a) cyfnodau o brofiad diwydiannol, proffesiynol neu fasnachol sy'n gysylltiedig ag astudiaethau amser-llawn mewn sefydliad ond mewn man y tu allan i'r sefydliad hwnnw;
- (b) cyfnodau pryd y caiff myfyriwr ei gyflogi ac y bydd yn preswyllo mewn gwlad y mae ei hiaith yn un y mae'r myfyriwr yn ei hastudio at ei gwrs (ar yr amod bod y cyfnod o breswyllo yn y wlad honno yn un o ofynion ei gwrs a bod astudio un neu fwy o ieithoedd modern yn cyfrif am nid llai na hanner cyfanswm yr amser a dreulir yn astudio ar y cwrs);

ystyr "cyfraniad" ("*contribution*") yw cyfraniad myfyriwr cymwys wedi'i gyfrifo yn unol â rheoliad 53 ac Atodlen 5;

ystyr "Cyngor Ymchwil" ("*Research Council*") yw unrhyw un o'r cynghorau ymchwil canlynol -

- (a) Cyngor Ymchwil y Celfyddydau a'r Dyniaethau,
- (b) Cyngor Ymchwil Biodechnoleg a'r Gwyddorau Biolegol,
- (c) Y Cyngor Ymchwil Economaidd a Chymdeithasol,
- (ch) Cyngor Ymchwil Peirianeg a'r Gwyddorau Ffisegol,
- (d) Y Cyngor Ymchwil Feddygol,
- (dd) Cyngor Ymchwil yr Amgylchedd Naturiol,
- (e) Cyngor Ymchwil Ffiseg Ronynnol a Seryddiaeth;

ystyr "cymorth" ("*support*") yw cymorth ariannol ar ffurf grant neu fenthyciad sy'n cael eu rhoi gan y Cynulliad Cenedlaethol yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf;

ystyr "cyn Ardal yr Heddlu Metropolitaidd" ("*former Metropolitan Police District*") yw -

was entitled to receive a transitional award, a loan under the 1998 Regulations or support under the 1999, 2000, 2001, 2002, 2003, 2004, 2005 or 2006 Regulations;

- (b) a full-time honours degree course beginning on or after 1 September 2006 which, disregarding any intervening vacation, a student starts to attend immediately after ceasing to attend a full-time foundation degree course for which the student received or was entitled to receive a transitional award, a loan under the 1998 Regulations or support under the 1999, 2000, 2001, 2002, 2003, 2004, 2005 or 2006 Regulations;
- (c) a course for the initial training of teachers beginning before 1 September 2006 the duration of which does not exceed two years (the duration of a part-time course being expressed as its full-time equivalent) which, disregarding any intervening vacation, a student begins to attend immediately after ceasing to attend a first degree course for which the student received or was entitled to receive a transitional award, a loan under the 1998 Regulations or support under the 1999, 2000, 2001, 2002, 2003, 2004 or 2005 Regulations;

"European Community" ("*Y Gymuned Ewropeaidd*") means the territory comprised by the Member States of the European Community as constituted from time to time;

"fees" ("*ffioedd*") has the meaning given in section 41(1) of the Higher Education Act 2004 except in references to college fees;

"flexible postgraduate ITT course" ("*cwrs HCA hyblyg i ôl-raddedigion*") means a postgraduate course of initial teacher training, the length and pattern of which is determined by reference to the eligible student's experience and training requirements and which has been approved by the Training and Development Agency for Schools (1);

"former Metropolitan Police District" ("*cyn ardal yr Heddlu Metropolitaidd*") means -

- (a) Greater London, excluding the city of London, the Inner Temple and the Middle Temple;
- (b) in the county of Essex, in the district of Epping Forest -

the area of the former urban district of Chigwell,

the parish of Waltham Abbey;

- (c) in the county of Hertfordshire -

(1) OJ L158, 30.04.2004, t.77-123.

(1) This body was originally established under section 1 of the Education Act 1994 (c. 30) as the Teacher Training Agency. By virtue of section 74 of the Education Act 2005 (c.18), it continues in existence but is to be known instead as the Training and Development Agency for Schools.

- (a) Llundain Fwyaf, heb gynnwys dinas Llundain, y Deml Fewnol a'r Deml Ganol;
- (b) yn sir Essex, yn nosbarth Epping Forest - ardal cyn ddosbarth trefol Chigwell, plwyf Waltham Abbey;
- (c) yn sir Hertfordshire - ym mwrdeistref Broxbourne, ardal cyn ddosbarth trefol Cheshunt, dosbarth Hertsmere, yn nosbarth Welwyn Hatfield, plwyf Northaw; ac
- (ch) yn sir Surrey - ym mwrdeistref Elmbridge, ardal cyn ddosbarth trefol Esher, bwrdeistrefi Epsom ac Ewell a Spelthorne, yn nosbarth Reigate a Banstead, ardal cyn ddosbarth trefol Banstead;
- ystyr "cynllun hyfforddi athrawon ar sail cyflogaeth" ("*employment-based teacher training scheme*") yw cynllun a sefydlwyd gan y Cynulliad Cenedlaethol at ddibenion rheoliad 8 o Reoliadau Addysg (Cymwysterau Athrawon Ysgol) (Cymru) 2004(1) sy'n caniatáu i berson ymgymryd â hyfforddiant cychwynol athrawon er mwyn ennill statws athro neu athrawes gymwysedig tra bo'n cael ei gyflogi i addysgu mewn ysgol a gynhelir, ysgol annibynnol neu sefydliad arall ac eithrio uned cyfeirio disgyblion;
- ystyr "y Cynulliad Cenedlaethol" ("*National Assembly*") yw Cynulliad Cenedlaethol Cymru;

- in the borough of Broxbourne, the area of the former urban district of Cheshunt, the district of Hertsmere, in the district of Welwyn Hatfield, the parish of Northaw; and
- (d) in the county of Surrey - in the borough of Elmbridge, the area of the former urban district of Esher, the boroughs of Epsom and Ewell and Spelthorne, in the district of Reigate and Banstead, the area of the former urban district of Banstead;
- "grant for living costs" ("*grant at gostau byw*") (without more) means a grant under any of the provisions of Part 5 of these Regulations;
- "healthcare bursary" ("*bwrsari gofal iechyd*") means a bursary or award of similar description under section 63 of the Health Services and Public Health Act 1968(1) or Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972(2);
- "higher education course" ("*cwrs addysg uwch*") means a course referred to in Schedule 2 or a postgraduate or other course the standard of which is higher than the standard of a first degree course;
- "household income" ("*incwm yr aelwyd, incwm aelwyd ac incwm sydd gan yr aelwyd*") has the meaning given in Schedule 5;
- "Islands" ("*Ynysoedd*") means the Channel Islands and the Isle of Man;

(1) O.S. 2004/1729 (Cy.173).

(1) 1968 c. 46; section 63 was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 7, the National Health Service Reorganisation Act 1973 (c. 32), Schedules 4 and 5, the National Health Service Act 1977 (c. 49), Schedules 15 and 16, the National Health Service (Scotland) Act 1978 (c. 29), Schedules 16 and 17, the Local Government Act 1985 (c. 51), Schedule 17, the Health and Medicines Act 1988 (c. 49), section 20, section 25(2) and Schedule 3, the Local Government (Scotland) Act 1994 (c. 39), Schedule 13, the Health Authorities Act 1995 (c. 17), Schedule 1, the Local Government Reorganisation (Wales) (Consequential Amendments No. 2) Order 1996 (S.I. 1996/1008), the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, the Health Act 1999 (c. 8), Schedule 4, the Health and Social Care Act 2001 (c. 15), Schedule 5, the National Health Service Reform and Health Care Professions Act 2002 (c. 17), Schedules 2, 5 and 9, the National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc Provisions) Regulations 2002 (S.I. 2002/2469), Schedule 1, the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedules 4, 11 and 14, the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 2) Order 2004 (S.I. 2004/288), article 7, the Health and Social Care (Community Health and Standards) Act 2003 (Commencement No. 1) (Wales) Order 2004 (S.I. 2004/480), article 6 and the Primary Medical Services (Scotland) Act 2004 (Consequential Modifications) Order 2004 (S.I. 2004/957), the Schedule.

(2) S.I. 1972/1265 (N.I. 14).

ystyr "chwarter" ("*quarter*") mewn perthynas â blwyddyn academaidd yw cyfnod yn y flwyddyn honno -

- (a) sy'n dechrau ar 1 Ionawr ac sy'n diweddau ar 31 Mawrth;
- (b) sy'n dechrau ar 1 Ebrill ac sy'n diweddau ar 30 Mehefin;
- (c) sy'n dechrau ar 1 Gorffennaf ac sy'n diweddau ar 31 Awst; neu
- (ch) sy'n dechrau ar 1 Medi ac sy'n diweddau ar 31 Rhagfyr;

ystyr "Deddf 1962" ("*the 1962 Act*") yw Deddf Addysg 1962(1);

ystyr "dyfarniad statudol" ("*statutory award*") yw unrhyw ddyfarniad a roddir, unrhyw grant a delir neu unrhyw gymorth arall a ddarperir yn rhinwedd y Ddeddf neu Ddeddf 1962, neu unrhyw ddyfarniad, grant neu gymorth arall cyffelyb mewn perthynas ag ymgymryd â chwrs sy'n cael ei dalu o'r cronfeydd cyhoeddus;

ystyr "dyfarniad trosiannol" ("*transitional award*") yw dyfarniad a wnaed o dan Reoliadau Addysg (Dyfarniadau Gorfodol) 1998(2) heblaw hen ddyfarniad;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Addysgu ac Addysg Uwch 1998;

ystyr "y ddeddfwriaeth ar fenthyciadau i fyfyrwyr" ("*student loans legislation*") yw Deddf Addysg (Benthyciadau i Fyfirwyr) 1990(3), Gorchymyn Addysg (Benthyciadau i Fyfirwyr) (Gogledd Iwerddon) 1990(4), Deddf Addysg (Yr Alban) 1980 a rheoliadau a wnaed o dan y Deddfau hynny neu'r Gorchymyn hwnnw, Gorchymyn Addysg (Cymorth i Fyfirwyr) (Gogledd Iwerddon) 1998(5) a rheoliadau a wnaed o dan y Gorchymyn hwnnw neu'r Ddeddf a rheoliadau a wnaed o dan y Ddeddf honno;

mae i "ffioedd" yr ystyr a roddir i "*fees*" yn adran 41(1) o Ddeddf Addysg Uwch 2004 ac eithrio mewn cyfeiriadau at ffioedd coleg;

"loan" ("*benthyciad*"), except where otherwise indicated, means a loan pursuant to any regulations made under section 22 of the Act, including the interest accrued on the loan and any penalties or charges incurred in connection with it;

"loan for living costs" ("*benthyciad at gostau byw*") means a loan under Part 6 of these Regulations;

"maintained school" ("*ysgol a gynhelir*") means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

"National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"new fee grant" ("*grant newydd at ffiodd*") means a grant under regulation 18;

"new system eligible student" ("*myfyriwr cymwys o dan y drefn newydd*") means an eligible student who -

- (a) is not an old system eligible student; and
- (b) either-
  - (i) starts the present course on or after 1 September 2006 and is continuing on that course after 31 August 2007; or
  - (ii) starts the present course on or after 1 September 2007.

"old award" ("*hen ddyfarniad*") is an award within the meaning of the Education (Mandatory Awards) Regulations 2003(1);

"old system eligible student" ("*myfyriwr cymwys odan yr hen drefn*") means an eligible student who -

- (a) started the present course before 1 September 2006 and who is continuing on that course after 31 August 2007,
- (b) is a gap-year student in relation to the present course,
- (c) started the present course on or after 1 September 2006 where that course is an end-on

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(1) 1962 p. 12; amnewidiwyd adrannau 1 i 4 ac Atodlen 1 gan y darpariaethau a nodwyd yn Atodlen 5 i Ddeddf Addysg 1980 (p. 20). Diwygiwyd adran 1(3)(d) gan Ddeddf Addysg (Grantiau a Dyfarniadau) 1984 (p. 11), adran 4. Diwygiwyd adran 4 gan Ddeddf Addysg 1994 (p. 30), Atodlen 2, paragraff 2. Cafodd y Ddeddf gyfan ei diddymu gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 44(2) ac Atodlen 4, yn ddarostyngedig i'r darpariaethau trosiannol a'r arbedion a nodwyd yng Ngorchymyn Deddf Addysgu ac Addysg Uwch 1998 (Cychwyn Rhif 4 a Darpariaethau Trosiannol) 1998 (O.S. 1998/3237), erthygl 3.

(2) O.S. 1998/1166, a ddiwygiwyd gan O.S. 1998/1972.

(3) 1990 p. 6; a ddiddymwyd gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), Atodlen 4.

(4) O.S. 1990/1506 (G.I. 11), a ddiwygiwyd gan O.S. 1996/1274 (G.I. 1), Erthygl 43 ac Atodlen 5 Rhan II, O.S. 1996/1918 (G.I. 15), Erthygl 3 a'r Atodlen ac O.S. 1998/258 (G.I. 1), Erthyglau 3 i 6.

(5) O.S. 1998/1760 (G.I. 14).

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(1) S.I. 2003/1994, amended by S.I. 2004/1038 and S.I. 2004/1792.

ystyr "ffoadur" ("*refugee*") yw person a gydnabuwyd gan Lywodraeth Ei Mawrhydi fel ffoadur o fewn ystyr Confensiwn y Cenedloedd Unedig sy'n ymwneud â Statws Ffoaduriaid a wnaed yng Ngenefa ar 28 Gorffennaf 1951(1) fel y'i hestynnwyd gan y Protocol iddo a ddaeth i rym ar 4 Hydref 1967(2) ac mae unrhyw gyfeiriad at blentyn i ffoadur yn cynnwys cyfeiriad at lysblentyn;

ystyr "grant at gostau byw" ("*grant for living costs*") (heb ddim mwy) yw grant o dan unrhyw rai o ddarpariaethau Rhan 5 o'r Rheoliadau hyn;

ystyr "grant newydd at ffioedd" ("*new fee grant*") yw grant o dan reoliad 18;

ystyr "y Gymuned Ewropeaidd" ("*European Community*") yw tiriogaeth Aelod-wladwriaethau'r Gymuned Ewropeaidd fel y'i cyfansoddid o bryd i'w gilydd;

ystyr "hawl i breswyllo'n barhaol" ("*right of permanent residence*") yw hawl sy'n deillio o dan Gyfarwyddeb 2004/38 i breswyllo yn y Deyrnas Unedig yn barhaol heb gyfyngiad;

mae "hen ddyfarniad" ("*old award*") yn ddyfarniad o fewn ystyr "award" yn Rheoliadau Addysg (Dyfarniadau Gorfodol) 2003(3);

mae i "incwm yr aelwyd", "incwm aelwyd" ac "incwm sydd gan yr aelwyd" ("*household income*") yr ystyr a roddir iddynt yn Atodlen 5;

ystyr "lwfans gofal iechyd yr Alban" ("*Scottish healthcare allowance*") yw unrhyw lwfans o dan adrannau 73(f) a 74(1) o Ddeddf Addysg (Yr Alban) 1980(4) a roddwyd mewn perthynas â pherson sy'n bresennol ar gwrs sy'n arwain at gymhwyster mewn proffesiwn gofal iechyd heblaw fel doctor meddygol neu ddeintydd;

ystyr "llofnod electronig" ("*electronic signature*") yw cymaint o unrhyw beth ar ffurf electronig ag sydd -

- (a) wedi'i ymgorffori mewn unrhyw gyfathrebiad electronig neu ddata electronig neu sydd fel arall wedi'i gysylltu yn rhesymegol â hwy; a
- (b) yn honni ei fod wedi'i ymgorffori neu wedi'i gysylltu felly er mwyn cael ei ddefnyddio i

course (other than one of the kind referred to in paragraph (c) of the definition of "end-on course" in this regulation) following on from a course that-

- (i) he or she started before 1 September 2006; or,
  - (ii) he or she started before 1 September 2007 and in relation to which he or she was a gap-year student; or,
- (d) started the present course on or after 1 September 2006 having had his or her status as an eligible student transferred to that course as a result of one or more transfers of that status by the National Assembly pursuant to regulations made under section 22 of the Act from a designated course which he or she began-
- (i) before 1 September 2006; or,
  - (ii) before 1 September 2007 and in relation to which he or she was a gap year student;

"periods of work experience" ("*cyfnodau o brofiad gwaith*") means -

- (a) periods of industrial, professional or commercial experience associated with full-time study at an institution but at a place outside that institution;
- (b) periods during which a student is employed and residing in a country whose language is one that he or she is studying for his or her course (provided that the period of residence in that country is a requirement of his or her course and the study of one or more modern languages accounts for not less than one half of the total time spent studying on the course);

"person with leave to enter or remain" ("*person sydd a chaniatâd i dodd mewn neu i aros*") means a person who-

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

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(1) Cmnd. 9171.

(2) Cmnd. 3906 (allan o brint; mae llungopïau ar gael, am ddim, oddi wrth yr Adran Cymorth i Fyfyrrwyr, Yr Adran Addysg a Sgiliau, Mowden Hall, Staindrop Road, Darlington DL3 9BG).

(3) O.S. 2003/1994, a ddiwygiwyd gan O.S. 2004/1038 ac O.S. 2004/1792.

(4) 1980 p.44; diwygiwyd adran 73(f) gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 29(1) a Deddf Addysg (Gwaddoliad Graddedigion a Chymorth i Fyfyrrwyr) (Yr Alban) 2001 (dsa 6), adran 3(2) a diwygiwyd adran 74 gan Ddeddf Ysgolion Hunanlywodraethol etc. (Yr Alban) 1989 (p. 39), Atodlen 10, paragraff 8(17). Trosglwyddwyd swyddogaethau'r Cynulliad Cenedlaethol i Weinidogion yr Alban yn rhinwedd adran 53 o Ddeddf yr Alban 1998 (p. 46).



sefydlu bod y cyfathrebiad neu'r data yn ddilys, bod y cyfathrebiad neu'r data yn gyflawn, neu'r ddau;

mae i "myfyriwr cymwys" ("*eligible student*") yr ystyr a roddir yn rheoliad 4;

ystyr "myfyriwr cymwys o dan y drefn newydd" ("*new system eligible student*") yw myfyriwr cymwys-

(a) nad yw'n fyfyriwr cymwys o dan yr hen

drefn; a

(b) sydd naill ai-

- (i) yn dechrau ar y cwrs presennol ar neu ar ôl 1 Medi 2006 ac yn parhau i fynychu'r cwrs ar ôl 31 Awst 2007; neu
- (ii) yn dechrau ar y cwrs presennol ar neu ar ôl 1 Medi 2007.

ystyr "myfyriwr cymwys o dan yr hen drefn" ("*old system eligible student*") yw myfyriwr cymwys -

- (a) a ddechreuodd ar y cwrs presennol cyn 1 Medi 2006 ac sy'n parhau ar y cwrs hwnnw ar ôl 31 Awst 2007,
- (b) sy'n fyfyriwr sy'n cymryd blwyddyn i ffwrdd mewn perthynas â'r cwrs presennol,
- (c) a ddechreuodd ar y cwrs presennol ar neu ar ôl 1 Medi 2006 os yw'r cwrs hwnnw yn gwrs penben (ac eithrio cwrs o'r math y cyfeirir ato ym mharagraff (c) o'r diffiniad o "cwrs penben" yn y rheoliad hwn) sy'n dilyn ymlaen ar ôl cwrs
  - (i) y dechreuodd arno cyn 1 Medi 2006; neu
  - (ii) y dechreuodd arno cyn 1 Medi 2007 ac yr oedd, mewn perthynas â'r cwrs, yn fyfyriwr sy'n cymryd blwyddyn i ffwrdd, neu
- (ch) a ddechreuodd ar y cwrs presennol ar neu ar ôl 1 Medi 2006 wedi i'w statws fel myfyriwr cymwys gael ei drosglwyddo i'r cwrs hwnnw o ganlyniad i un neu fwy nag un trosglwyddiad o'r statws hwnnw gan y Cynulliad Cenedlaethol, yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf, oddi ar gwrs dynodedig y dechreuodd y myfyriwr arno
  - (i) cyn 1 Medi 2006; neu,
  - (ii) cyn 1 Medi 2007 ac yr oedd, mewn perthynas â'r cwrs, yn fyfyriwr sy'n cymryd blwyddyn i ffwrdd;

ystyr "myfyriwr cymhwysol" ("*qualifying student*") yw person sy'n bodloni'r amodau ym mharagraff 2 o Atodlen 4;

ystyr "myfyriwr math 1 ar gwrs hyfforddi athrawon" ("*type 1 teacher training student*") yw myfyriwr cymwys o dan y drefn newydd sydd ar gwrs hyfforddiant cychwynnol athrawon (heblaw

(b) has been granted leave to enter or to remain accordingly (and which grant has not been revoked); and

(c) has been ordinarily resident in the United Kingdom and Islands throughout the period since he or she was granted leave to enter or remain;

"present course" ("*cwrs presennol*") means the designated course in respect of which a person is applying for support;

"present part-time course" ("*cwrs rhan-amser presennol*") means the designated part-time course in respect of which a person is applying for support;

"present postgraduate course" ("*cwrs ôl-rad presennol*") means the designated postgraduate course in respect of which a person is applying for support ;

"private institution" ("*sefydliad preifat*") means an institution which is not publicly funded;

"public funds" ("*cronfeydd cyhoeddus*") means moneys provided by Parliament including funds provided by the National Assembly for Wales;

"publicly-funded" ("*a ariennir yn gyhoeddus*") means maintained or assisted by recurrent grants out of public funds, and related expressions are to be interpreted accordingly;

"qualified teacher" ("*athro neu athrawes gymwysiedig*") has the meaning given in section 132(1) of the Education Act 2002(1);

"qualifying course" ("*cwrs cymhwysol*") means a full-time designated course that is provided by the University of Oxford or the University of Cambridge and-

- (i) is listed in regulation 5(5);
- (ii) leads to qualification as a social worker; or
- (iii) in respect of any academic year of which the student is eligible to receive a payment under a healthcare bursary the amount of which is calculated by reference to his or her income or a Scottish healthcare allowance the amount of which is calculated by reference to his or her income;

"qualifying student" ("*myfyriwr cymhwysol*") means a person who meets the conditions in paragraph 2 of Schedule 4;

"quarter" ("*chwarter*") in relation to an academic year means a period in that year -

- (a) beginning on 1 January and ending on 31 March;
- (b) beginning on 1 April and ending on 30 June;

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(1) 2002 c. 32.

cwrs gradd gyntaf) y mae cyfanswm ei gyfnodau o bresenoldeb amser-llawn (gan gynnwys presenoldeb er mwyn ymarfer dysgu) yn y flwyddyn academaidd y mae'n gwneud cais am gymorth mewn perthynas â hi yn 6 wythnos o leiaf ond yn llai na 10 wythnos;

ystyr "myfyriwr math 2 ar gwrs hyfforddi athrawon" ("*type 2 teacher training student*") yw myfyriwr cymwys o dan y drefn newydd sydd ar gwrs hyfforddiant cychwynnol athrawon (heblaw cwrs gradd gyntaf) y mae cyfanswm ei gyfnodau o bresenoldeb amser-llawn (gan gynnwys presenoldeb er mwyn ymarfer dysgu) yn y flwyddyn academaidd y mae'n gwneud cais am gymorth mewn perthynas â hi yn 10 wythnos neu fwy;

y mae i "myfyriwr ôl-raddedig cymwys" ("*eligible postgraduate student*") yr ystyr a roddir yn rheoliad 74;

mae i "myfyriwr rhan-amser cymwys" ("*eligible part-time student*") yr ystyr a roddir yn rheoliad 62;

ystyr "person sydd â chaniatâd i ddod i mewn neu i aros" ("*person with leave to enter or remain*") yw person

- (a) a hysbyswyd gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref y tybir ei bod yn iawn caniatáu iddo ddod i mewn neu i aros yn y Deyrnas Unedig er yr ystyrir nad yw'n gymwys i gael ei adnabod fel ffoadur;
- (b) y rhoddwyd caniatâd iddo i ddod i mewn neu i aros yn unol â hynny (ac na ddirymwyd y cyfryw ganiatâd); ac
- (c) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod er pan roddwyd iddo ganiatâd i ddod i mewn ac i aros;

ystyr "Rheoliadau 1998" ("*the 1998 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrrwyr) 1998(1);

ystyr "Rheoliadau 1999" ("*the 1999 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrrwyr) 1999(2);

- (c) beginning on 1 July and ending on 31 August; or
- (d) beginning on 1 September and ending on 31 December;

"refugee" ("*ffoadur*") means a person who is recognised by Her Majesty's government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28 July 1951(1) as extended by the Protocol thereto which entered into force on 4 October 1967(2) and any reference to the child of a refugee includes a reference to a step-child;

"Research Council" ("*Cyngor Ymchwil*") means any of the following research councils -

- (a) Arts and Humanities Research Council,
- (b) Biotechnology and Biological Sciences Research Council,
- (c) Economic and Social Research Council,
- (d) Engineering and Physical Sciences Research Council,
- (e) Medical Research Council,
- (f) Natural Environment Research Council,
- (g) Particle Physics and Astronomy Research Council;

"right of permanent residence" ("*hawl i breswyllo'n barhaol*") means a right arising under Directive 2004/38 to reside in the United Kingdom permanently without restriction;

"sandwich course" ("*cwrs rhyngosod*") has the meaning given in paragraph (2);

"Scottish healthcare allowance" ("*lwfans gofal iechyd yr Alban*") means any allowance under sections 73(f) and 74(1) of the Education (Scotland) Act 1980(3) granted in respect of a person attending a course leading to a qualification in a healthcare profession other than as a medical doctor or dentist;

"statutory award" ("*dyfarniad statudol*") means any award bestowed, grant paid or other support provided by virtue of the Act or the 1962 Act, or any comparable award, grant or other support in respect of undertaking a course which is paid out of public funds;

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(1) O.S. 1998/2003.

(2) O.S. 1999/496, a ddiwygiwyd gan O.S. 1999/2266 ac O.S. 2000/1120.

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(1) Cmnd. 9171.

(2) Cmnd. 3906 (out of print; photocopies are available, free of charge, from the Student Support Division, Department for Education and Skills, Mowden Hall, Staindrop Road, Darlington DL3 9BG).

(3) 1980 c. 44; section 73(f) was amended by the Teaching and Higher Education Act 1998 (c. 30), section 29(1) and the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp6), section 3(2) and section 74 was amended by the Self Governing Schools etc. (Scotland) Act 1989 (c. 39), Schedule 10, paragraph 8(17). The functions of the National Assembly were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

ystyr "Rheoliadau 2000" ("*the 2000 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrrwyr) 2000(1);

ystyr "Rheoliadau 2001" ("*the 2001 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrrwyr) 2001(2);

ystyr "Rheoliadau 2002" ("*the 2002 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrrwyr) 2002(3);

ystyr "Rheoliadau 2003" ("*the 2003 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Rhif 2) 2002(4) fel y'u diwygiwyd dim ond gan Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Rhif 2) 2002 (Diwygio) 2003(5) a Rheoliadau Addysg (Ffioedd a Chymorth i Fyfyrrwyr) (Y Swistir) 2003(6);

ystyr "Rheoliadau 2004" ("*the 2004 Regulations*") yw Rheoliadau 2003 fel y'u diwygiwyd gan Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Rhif 2) 2002 (Diwygio) 2004(7), Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Rhif 2) 2002 (Diwygio) (Rhif 2) 2004(8), Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Rhif 2) 2002 (Diwygio) (Rhif 3) 2004(9), Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Rhif 2) 2002 (Diwygio) (Rhif 4) 2004(10) a Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Rhif 2) 2002 (Diwygio) 2005(11) a Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Diwygio) (Rhif 2) 2005(12);

ystyr "Rheoliadau 2005" ("*the 2005 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrrwyr) 2005(13) fel y'u diwygiwyd gan Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Diwygio) 2005, Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Diwygio) (Rhif 2) 2005, Rheoliadau Mabwysiadu a Phlant (Diwygiadau Amrywiol) 2005(14) a Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Diwygio) 2006(15);

"student loans legislation" ("*y ddeddfwriaeth ar fenthyciadau i fyfyrrwyr*") means the Education (Student Loans) Act 1990(1), the Education (Student Loans) (Northern Ireland) Order 1990(2), the Education (Scotland) Act 1980 and regulations made under those Acts or that Order, the Education (Student Support) (Northern Ireland) Order 1998(3) and regulations made under that Order or the Act and regulations made under that Act;

"support" ("*cymorth*") means financial support by way of grant or loan made by the National Assembly pursuant to regulations made under section 22 of the Act;

"transitional award" ("*dyfarniad trosiannol*") means an award made under the Education (Mandatory Awards) Regulations 1998(4) other than an old award;

"type 1 teacher training student" ("*myfyriwr math 1 ar gwrs hyfforddi athrawon*") means a new system eligible student on a course for the initial training of teachers (other than a course for a first degree) whose periods of full-time attendance (including attendance for the purpose of teaching practice) in the academic year in respect of which he or she is applying for support are in aggregate at least 6 weeks but less than 10 weeks; and

"type 2 teacher training student" ("*myfyriwr math 2 ar gwrs hyfforddi athrawon*") means a new system eligible student on a course for the initial training of teachers (other than a course for a first degree) whose periods of full-time attendance (including attendance for the purpose of teaching practice) in the academic year in respect of which he or she is applying for support are in aggregate 10 weeks or more.

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(1) O.S. 2000/1121, a ddiwygiwyd gan O.S. 2000/1490, O.S. 2000/2142 ac O.S. 2000/2912.  
(2) O.S. 2001/951, a ddiwygiwyd gan O.S. 2001/1730, O.S. 2001/2355 ac O.S. 2002/174.  
(3) O.S. 2002/195, a ddiwygiwyd gan O.S. 2002/1318, O.S. 2002/2088 ac O.S. 2002/3059.  
(4) O.S. 2002/3200.  
(5) O.S. 2003/1065.  
(6) O.S. 2003/3280.  
(7) O.S. 2004/161.  
(8) O.S. 2004/1602.  
(9) O.S. 2004/2041.  
(10) O.S. 2004/2598.  
(11) O.S. 2005/5.  
(12) O.S. 2005/2084.  
(13) O.S. 2005/52 fel y'i diwygiwyd gan O.S. 2005/1341 ac O.S. 2005/2084.  
(14) O.S. 2005/3482.  
(15) O.S. 2006/955.

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(1) 1990 c. 6; repealed by the Teaching and Higher Education Act 1998 (c. 30), Schedule 4.  
(2) S.I. 1990/1506 (N.I. 11), amended by S.I. 1996/1274 (N.I. 1), Article 43 and Schedule 5 Part II, S.I. 1996/1918 (N.I. 15), Article 3 and the Schedule and S.I. 1998/258 (N.I. 1), Articles 3 to 6.  
(3) S.I. 1998/1760 (N.I. 14).  
(4) S.I. 1998/1166, amended by S.I. 1998/1972.

ystyr "Rheoliadau 2006" ("*the 2006 Regulations*") yw Rheoliadau Grantiau a Benthyciadau y Cynulliad (Addysg Uwch) (Cymru) 2006(1) fel y'u diwygiwyd gan Reoliadau Grantiau a Benthyciadau y Cynulliad (Addysg Uwch) (Cymru) (Diwygio) 2006(2);

ystyr "sefydliad preifat" ("*private institution*") yw sefydliad nad yw'n cael ei ariannu'n gyhoeddus;

ystyr "un o wladolion y GE" yw un o wladolion un o Aelod-wladwriaethau'r Gymuned Ewropeaidd;

ystyr "Ynysoedd" ("*Islands*") yw Ynysoedd y Sianel ac Ynys Manaw; ac

ystyr "ysgol a gynhelir" ("*maintained school*") yw ysgol gymunedol, ysgol sefydledig neu ysgol wirfoddol, ysgol arbennig gymunedol neu sefydledig neu ysgol feithrin a gynhelir.

(2) Yn y Rheoliadau hyn -

(a) mae cwrs yn "gwrs rhyngosod" ("*sandwich course*") -

- (i) os nad yw'n gwrs y cyfeirir ato ym mharagraff 4 o Atodlen 2;
- (ii) os yw'n cynnwys cyfnodau o astudio amser-llawn mewn sefydliad am yn ail â chyfnodau o brofiad gwaith; a
- (iii) gan gymryd y cwrs yn ei gyfanrwydd, os yw'r myfyriwr yn bresennol ar y cyfnodau o astudio amser-llawn am nid llai na 18 wythnos ym mhob blwyddyn ar gyfartaledd;

(b) er mwyn cyfrifo presenoldeb y myfyriwr, trinnir y cwrs fel pe bai'n dechrau gyda'r cyfnod cyntaf o astudio amser-llawn ac yn diweddu gyda'r cyfnod olaf o'r fath; ac

(c) os ceir cyfnodau o astudio amser-llawn am yn ail â phrofiad gwaith yn ystod unrhyw wythnos ar y cwrs, mae'r dyddiau o astudio amser-llawn yn cael eu hadio at ei gilydd ac at unrhyw wythnosau o astudio amser-llawn wrth bennu nifer yr wythnosau o astudio amser-llawn ym mhob blwyddyn.

(3) Ac eithrio yn achos rheoliad 31 (grant at deithio), mae cyfeiriad yn y Rheoliadau hyn at "bresenoldeb" myfyriwr cymwys ar gwrs dynodedig yn cynnwys ymgymryd â chwrs drwy ddysgu o hirbell os nad yw'r myfyriwr cymwys yn gallu bod yn bresennol yn gorfforol am ei fod yn anabl.

(4) Yn y Rheoliadau hyn ystyr "myfyriwr sy'n cymryd blwyddyn i ffwrdd" ("*gap-year student*") yw myfyriwr cymwys y mae paragraffau (5) neu (6) yn gymwys iddo ac sy'n dechrau ar gwrs dynodedig ("y cwrs presennol") ar neu ar ôl 1 Medi 2006.

(2) In these Regulations -

(a) a course is a "sandwich course" ("*cwrs rhyngosod*") if -

- (i) it is not a course referred to in paragraph 4 of Schedule 2;
- (ii) it consists of alternate periods of full-time study in an institution and periods of work experience; and
- (iii) taking the course as a whole, the student attends the periods of full-time study for an average of not less than 18 weeks in each year;

(b) for the purposes of calculating the student's attendance, the course is treated as beginning with the first period of full-time study and ending with the last such period; and

(c) where periods of full-time study and work experience alternate within any week of the course, the days of full-time study are aggregated with each other and with any weeks of full-time study in determining the number of weeks of full-time study in each year.

(3) Except in the case of regulation 31 (grant for travel), a reference in these Regulations to the "attendance" of an eligible student on a designated course includes the undertaking of a course by distance learning if the eligible student is unable to physically attend by reason of his or her disability.

(4) In these Regulations a "gap-year student" ("*myfyriwr sy'n cymryd blwyddyn i ffwrdd*") means an eligible student to whom paragraph (5) or (6) applies and who starts a designated course ("the present course") on or after 1 September 2006.

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(1) O.S. 2006/126 (Cy.19).

(2) O.S. 2006/1863 (Cy.196).

(5) Mae'r paragraff hwn yn gymwys i fyfyrwr cymwys -

- (a) a oedd wedi cael cynnig lle, ar neu cyn 1 Awst 2005, p'un ai yn amodol ar ennill cymwysterau penodedig ai peidio, ar y cwrs presennol neu gwrs tebyg, a
- (b) sy'n dechrau ar flwyddyn academaidd gyntaf y cwrs presennol ar neu ar ôl 1 Medi 2006 ond cyn 1 Medi 2007.

(6) Mae'r paragraff hwn yn gymwys i fyfyrwr cymwys -

- (a) a oedd wedi cael cynnig lle ar gwrs dynodedig (p'un ai yn yr un sefydliad â'r cwrs presennol ai peidio) y mae blwyddyn academaidd gyntaf y cwrs hwnnw yn dechrau cyn 1 Medi 2006,
- (b) na allai dderbyn y cynnig oherwydd na ddyfarnwyd iddo gymhwyster penodedig neu safon benodedig;
- (c) a apeliodd yn erbyn y penderfyniad i beidio dyfarnu'r cymhwyster neu'r safon iddo;
- (ch) os caniatwyd yr apêl ar ôl y dyddiad diwethaf y gallai'r myfyrwr fod wedi derbyn y cynnig,
- (d) os cafodd gynnig lle ar y cwrs presennol o ganlyniad i ganiatáu'r apêl honno, ac
- (dd) os dechreuodd blwyddyn academaidd gyntaf y cwrs perthnasol ar ôl 31 Awst 2006 ond cyn 1 Medi 2007.

(7) At ddibenion paragraff (5)(a) mae cwrs ("y cwrs gwreiddiol") yn debyg i'r cwrs presennol -

- (a) os yw'n ymddangos i gorff llywodraethu'r sefydliad sy'n darparu'r cwrs presennol fod cynnwys y cwrs, yn gyfan gwbl neu'n rhannol, yr un fath â chynnwys y cwrs gwreiddiol, a
- (b) ac eithrio pan nad yw'r cwrs gwreiddiol yn cael ei ddarparu mwyach, os yw'r cwrs presennol yn cael ei ddarparu gan y sefydliad a fyddai wedi darparu'r cwrs gwreiddiol.

(8) Yn y Rheoliadau hyn ystyr "y cwrs dynodedig a bennir" ("*specified designated course*") yw'r cwrs presennol yn ddarostyngedig i baragraffau (9) a (10).

(9) Os yw statws y myfyrwr fel myfyrwr cymwys wedi'i drosglwyddo i'r cwrs presennol o ganlyniad i un neu fwy nag un trosglwyddiad o'r statws hwnnw gan y Cynulliad Cenedlaethol oddi ar gwrs (y "cwrs cychwynnol") y penderfynodd y Cynulliad Cenedlaethol mewn cysylltiad ag ef fod y myfyrwr yn fyfyrwr cymwys yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf, y cwrs cychwynnol yw'r cwrs dynodedig a bennir.

(10) Os yw'r cwrs presennol yn gwrs penben, y cwrs dynodedig a bennir yw'r cwrs y mae'r cwrs presennol yn gwrs penben mewn perthynas ag ef ("y cwrs

(5) This paragraph applies to an eligible student -

- (a) who had on or before 1 August 2005 received an offer, whether conditional on obtaining specified qualifications or not, of a place on the present course or a similar course, and
- (b) who starts the first academic year of the present course on or after 1 September 2006 but before 1 September 2007.

(6) This paragraph applies to an eligible student -

- (a) who had received an offer of a place on a designated course (whether or not at the same institution as the present course) the first academic year of which begins before 1 September 2006,
- (b) who was unable to take up the offer because a specified qualification or grade was not awarded to him or her,
- (c) who appealed against the decision not to award him or her the qualification or grade,
- (d) where the appeal was allowed after the last date on which he or she could have taken up the offer,
- (e) where as a result he or she was offered a place on the present course, and
- (f) where the first academic year of the relevant course began after 31 August 2006 but before 1 September 2007.

(7) For the purpose of paragraph (5)(a) a course ("the original course") is similar to the present course if -

- (a) it appears to the governing body of the institution providing the present course that the subject-matter of the course is in whole or in part the same as the subject-matter of the original course, and
- (b) except where the original course is no longer being provided, the present course is provided by the institution which was to have provided the original course.

(8) In these Regulations, the "specified designated course" ("y cwrs dynodedig a bennir") means the present course subject to paragraphs (9) and (10).

(9) Where the student's status as an eligible student has been transferred to the present course as a result of one or more transfers of that status by the National Assembly from a course (the "initial course") in connection with which the National Assembly determined the student to be an eligible student pursuant to regulations made under section 22 of the Act, the specified designated course is the initial course.

(10) Where the present course is an end-on course, the specified designated course is the course in relation to which the present course is an end-on course (the

blaenorol"). Os yw'r cwrs blaenorol ei hun yn gwrs penben, y cwrs dynodedig a bennir yw'r cwrs y mae'r cwrs blaenorol ei hun yn gwrs penben mewn perthynas ag ef.

(11) Yn y Rheoliadau hyn, mae'r ymadrodd "myfyriwr sydd â hawl i gael grant newydd at ffioedd" ("*student who qualifies for a new fee grant*") mewn perthynas â chwrs dynodedig ac unrhyw gyfeiriad at fyfyriwr nad oes ganddo hawl i gael grant newydd at ffioedd, i'w dehongli yn unol â rheoliad 18.

(12) Yn y Rheoliadau hyn, mae i'r ymadrodd "cwrs dynodedig cymhwysol" ("*qualifying designated course*"), mewn perthynas â myfyriwr sydd â hawl i gael grant newydd at ffioedd, yr ystyr a roddir iddo gan reoliad 18.

(13) At ddibenion y Rheoliadau hyn, mae person sy'n preswyllo'n arferol yng Nghymru, Lloegr, yr Alban, Gogledd Iwerddon neu yn yr Ynysoedd, o ganlyniad i fod wedi symud o un arall o'r ardaloedd hynny at ddiben ymgymryd ag-

- (a) y cwrs presennol; neu
- (b) a diystyru unrhyw wyliau yn y cyfamser, cwrs yr ymgymrodd y myfyriwr ag ef yn syth cyn ymgymryd â'r cwrs presennol,

i'w ystyried yn berson sy'n preswyllo'n arferol yn y lle y mae wedi symud ohono.

#### **Dirymu, arbedion a darpariaethau trosiannol**

3.-(1) Yn ddarostyngedig i baragraffau (2) i (5), dirymir y Rheoliadau canlynol mewn perthynas â Chymru ar 1 Medi 2007 -

- (a) Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2006; a
- (b) Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) (Diwygio) 2006.

(2) Mae Rheoliadau 2003 yn parhau'n gymwys i ddarparu cymorth i fyfyrwyr mewn perthynas â blwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Medi 2003 ond cyn 1 Medi 2004.

(3) Mae Rheoliadau 2004 yn parhau'n gymwys i ddarparu cymorth i fyfyrwyr mewn perthynas â blwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Medi 2004 ond cyn 1 Medi 2005.

(4) Mae Rheoliadau 2005 yn parhau'n gymwys i ddarparu cymorth i fyfyrwyr mewn perthynas â blwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Medi 2005 ond cyn 1 Medi 2006.

(5) Mae Rheoliadau 2006 yn parhau'n gymwys i ddarparu cymorth i fyfyrwyr mewn perthynas â blwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Medi 2006 ond cyn 1 Medi 2007.

"preceding course"). Where the preceding course is itself an end-on course, the specified designated course is the course in relation to which the preceding course is an end-on course.

(11) In these Regulations, the expression "student who qualifies for a new fee grant" (*myfyriwr sydd â hawl i gael grant newydd at ffioedd*"), in relation to a qualifying designated course, and any reference to a student who does not qualify for a new fee grant are to be construed in accordance with regulation 18.

(12) In these Regulations, the expression "qualifying designated course" ("*qualifying designated course*"), in relation to a student who qualifies for a new fee grant, has the meaning given to it by regulation 18.

(13) For the purposes of these Regulations, a person who is ordinarily resident in Wales, England, Scotland, Northern Ireland or the Islands, as a result of having moved from another of those areas for the purpose of undertaking-

- (a) the present course; or
- (b) a course which, disregarding any intervening vacation, the student undertook immediately before undertaking the present course,

is to be considered to be ordinarily resident in the place from which he or she moved.

#### **Revocation, savings and transitional provisions**

3.-(1) Subject to paragraphs (2) to (5), the following regulations are revoked in relation to Wales on 1 September 2007 -

- (a) the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006; and
- (b) the Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) Regulations 2006.

(2) The 2003 Regulations continue to apply to the provision of support to students in relation to an academic year which begins on or after 1 September 2003 but before 1 September 2004.

(3) The 2004 Regulations continue to apply to the provision of support to students in relation to an academic year which begins on or after 1 September 2004 but before 1 September 2005.

(4) The 2005 Regulations continue to apply to the provision of support to students in relation to an academic year which begins on or after 1 September 2005 but before 1 September 2006.

(5) The 2006 regulations continue to apply to the provision of support to students in relation to an academic year which begins on or after 1 September 2006 but before 1 September 2007.

(6) At ddibenion paragraffau (2) i (4), mae unrhyw gyfeiriad at yr Ysgrifennydd Gwladol o ran unrhyw swyddogaeth a roddwyd i'r Ysgrifennydd Gwladol gan y Rheoliadau y cyfeirir atynt yn y paragraffau hynny, i'w ddarllen o ran Cymru fel cyfeiriad at -

- (a) y Cynulliad Cenedlaethol, yn achos swyddogaeth y cyfeirir ati yn adran 44(1) o'r Ddeddf; neu
- (b) y Cynulliad Cenedlaethol neu'r Ysgrifennydd Gwladol, yn achos swyddogaeth y cyfeirir ati yn adran 44(2) o'r Ddeddf

(7) Mae'r Rheoliadau hyn yn gymwys mewn perthynas â darparu cymorth i fyfyrwyr mewn perthynas â blwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Medi 2007 p'un a gaiff unrhyw beth a wneir o dan y Rheoliadau hyn ei wneud cyn, ar neu ar ôl 1 Medi 2007.

(8) Er gwaethaf unrhyw ddarpariaeth arall yn y Rheoliadau hyn -

- (a) os yw person yn bresennol ar gwrs y rhoddydwyd dyfarniad trosiannol iddo mewn perthynas ag ef; neu
- (b) os na roddwyd dyfarniad o dan Ddeddf 1962 mewn perthynas â'r cwrs ond y byddai dyfarniad trosiannol wedi'i roi i'r person pe bai wedi gwneud cais am ddyfarniad o dan Ddeddf 1962 a phe na bai ei adnoddau wedi bod yn fwy na'i anghenion,

mae'r person yn fyfyrwr cymwys o dan yr hen drefn at ddibenion Rhannau 4 a 5 mewn cysylltiad â'r cwrs, neu mewn cysylltiad ag unrhyw gwrs dilynol y byddai'r dyfarniad (a roddwyd neu a fyddai wedi'i roi o dan Ddeddf 1962) wedi'i drosglwyddo iddo pe bai dyfarniadau trosiannol yn darparu ar gyfer taliadau ar ôl blwyddyn gyntaf cwrs, ond oni bai bod paragraff (9) yn gymwys mae gan y person hawl i gael cymorth ar ffurf benthyciad o dan Ran 6 dim ond os yw'n fyfyrwr cymwys o dan y Rheoliadau hyn ac os yw'n bodloni amodau'r hawl i gael cymorth o dan y Rhan honno.

(9) Er gwaethaf unrhyw ddarpariaeth arall yn y Rheoliadau hyn, os cafodd unrhyw berson fenthyciad neu os oedd yn gymwys i gael benthyciad mewn perthynas â blwyddyn academaidd cwrs o dan Reoliadau 1998, mae'n fyfyrwr cymwys o dan yr hen drefn at ddibenion Rhan 6 mewn cysylltiad â'r cwrs, neu ag unrhyw gwrs dynodedig dilynol y bydd yn dechrau arno (gan anwybyddu unrhyw wyliau yn y cyfamser) yn union ar ôl rhoi'r gorau i'r cwrs hwnnw, ond oni bai bod paragraff (8) yn gymwys mae gan y person hawl i gael cymorth ar ffurf grant o dan Rannau 4 a 5 dim ond os yw'n fyfyrwr cymwys o dan y Rheoliadau hyn ac os yw'n bodloni amodau perthnasol yr hawl i gael cymorth o dan Rannau 4 a 5.

(6) For the purposes of paragraphs (2) to (4), any reference to the Secretary of State in relation to any function conferred on the Secretary of State by the Regulations referred to in those paragraphs, is to be read in relation to Wales as a reference to -

- (a) the National Assembly, in the case of a function referred to in section 44(1) of the Act; or
- (b) the National Assembly or the Secretary of State, in the case of a function referred to in section 44(2) of the Act.

(7) These Regulations apply in relation to the provision of support to students in relation to an academic year which begins on or after 1 September 2007 whether anything done under these Regulations is done before, on or after 1 September 2007.

(8) Despite any other provision in these Regulations where -

- (a) a person attends a course in respect of which a transitional award was bestowed on him or her; or
- (b) no award under the 1962 Act was bestowed in respect of the course but a transitional award would have been bestowed on him or her if the person had applied for an award under the 1962 Act and his or her resources had not exceeded his or her requirements,

he or she is an old system eligible student for the purposes of Parts 4 and 5 in connection with the course, or in connection with any subsequent course to which the award (either bestowed or which would have been bestowed under the 1962 Act) would have been transferred if transitional awards provided for payments after the first year of a course, but unless paragraph (9) applies he or she qualifies for support by way of loan under Part 6 only if he or she is an eligible student under these Regulations and if he or she satisfies the qualifying conditions for support under that Part .

(9) Despite any other provision in these Regulations, where any person received or was eligible to receive a loan in relation to an academic year of a course under the 1998 Regulations he or she is an old system eligible student for the purposes of Part 6 in connection with the course, or any subsequent designated course which (disregarding any intervening vacation) he or she starts immediately after ceasing that course, but unless paragraph (8) applies he or she qualifies for support by way of grant under Parts 4 and 5 only if he or she is an eligible student under these Regulations and if he or she satisfies the relevant qualifying conditions for support under Parts 4 and 5.

## RHAN 2

### CYMHWYSTRA

#### Myfyrwyr cymwys

4.-(1) Mae gan fyfyrwr cymwys hawl i gael cymorth mewn cysylltiad â chwrs dynodedig yn ddarostyngedig i'r Rheoliadau hyn ac yn unol â hwy.

(2) Mae person yn fyfyrwr cymwys mewn cysylltiad â chwrs dynodedig -

- (a) os yw'r Cynulliad Cenedlaethol, wrth asesu cais y person am gymorth, yn penderfynu ei fod yn dod o fewn un o'r categorïau a nodir yn Rhan 2 o Atodlen 1; a
- (b) os nad yw'r person wedi'i hepgor gan baragraff (3).

(3) Ni fydd person yn fyfyrwr cymwys -

- (a) os oes hen ddyfarniad wedi'i roi i'r person hwnnw mewn perthynas â phresenoldeb y person ar y cwrs;
- (b) os yw'r person yn gymwys i gael benthyciad mewn perthynas â blwyddyn academaidd ar y cwrs o dan Ddeddf Addysg (Benthyciadau i Fyfyrrwyr) 1990 neu Orchymyn Addysg (Benthyciadau i Fyfyrrwyr) (Gogledd Iwerddon) 1990;
- (c) os rhoddwyd neu os talwyd i'r person mewn perthynas â'i bresenoldeb ar y cwrs -
  - (i) bwrsari gofal iechyd nad yw ei swm yn cael ei gyfrifo drwy gyfeirio at incwm y person; neu
  - (ii) unrhyw lwfans o dan Reoliadau Lwfansau Myfyrwyr Nyrsio a Bydwreigiaeth (Yr Alban) 1992(1);
- (ch) os yw'r person wedi torri unrhyw rwymedigaeth i ad-dalu unrhyw fenthyciad;
- (d) os yw'r person wedi cyrraedd ei 18 oed ac nad yw wedi dilysu unrhyw gytundeb ynglŷn â benthyciad a wnaed gydag ef pan oedd o dan 18 oed; neu
- (dd) os yw'r person, ym marn y Cynulliad Cenedlaethol, wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth.

(4) At ddibenion paragraffau (3)(ch) a (3)(d), ystyr "benthyciad" ("*loan*") yw benthyciad a roddwyd o dan y ddeddfwriaeth ar fenthyciadau i fyfyrwyr.

(5) Mewn achos lle mae'r cytundeb ynglŷn â benthyciad yn ddarostyngedig i gyfraith yr Alban, dim ond os cafodd y cytundeb ei wneud -

- (a) cyn 25 Medi 1991, a

## PART 2

### ELIGIBILITY

#### Eligible students

4.-(1) An eligible student qualifies for support in connection with a designated course subject to and in accordance with these Regulations.

(2) A person is an eligible student in connection with a designated course if -

- (a) in assessing his or her application for support the National Assembly determines that the person falls within one of the categories set out in Part 2 of Schedule 1; and
- (b) the person is not excluded by paragraph (3).

(3) A person is not an eligible student if -

- (a) an old award has been bestowed on that person in respect of the person's attendance on the course;
- (b) the person is eligible for a loan in relation to an academic year of the course under the Education (Student Loans) Act 1990 or the Education (Student Loans) (Northern Ireland) Order 1990;
- (c) there has been bestowed on, or paid to, the person in relation to the person's attendance on the course -
  - (i) a healthcare bursary the amount of which is not calculated by reference to the person's income; or
  - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 1992(1);
- (d) the person is in breach of any obligation to repay any loan;
- (e) the person has reached the age of 18 and has not ratified any agreement for a loan made with them when they were under the age of 18; or
- (f) the person has, in the opinion of the National Assembly, shown themselves by their conduct to be unfitted to receive support.

(4) For the purposes of paragraphs (3)(d) and (3)(e), "loan" ("*benthyciad*") means a loan made under the student loans legislation.

(5) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (3)(e) only applies if the agreement was made -

- (a) before 25 September 1991, and

(1) O.S. 1992/580, a ddiwygiwyd gan O.S.A. 2002/423 ac O.S.A. 2003/401.

(1) S.I. 1992/580, amended by S.S.I. 2002/423 and S.S.I. 2003/401.



(b) gyda chydysyniad curadur y benthyciwr neu ar adeg pan nad oedd ganddo guradur

y mae paragraff 3(d) yn gymwys.

(6) Rhaid i fyfyrwr cymwys y mae blwyddyn academaidd gyntaf y cwrs yn dechrau mewn perthynas ag ef ar neu ar ôl 1 Medi 2000 beidio, ar unrhyw un adeg, â bod â hawl i gael cymorth -

- (a) at fwy nag un cwrs dynodedig;
- (b) at gwrs dynodedig a chwrs rhan-amser dynodedig;
- (c) at gwrs dynodedig a chwrs ôl-radd dynodedig.

(7) Er gwaethaf paragraff (3), ac yn ddarostyngedig i baragraffau (12) a (13), mae person yn fyfyrwr cymwys at ddibenion y Rheoliadau hyn os yw'n bodloni'r gofynion ym mharagraff (8), (9) neu (10).

(8) Yr amodau yn y paragraff hwn yw -

- (a) bod y person wedi ymgymhwyso fel myfyrwr cymwys mewn cysylltiad â blwyddyn academaidd gynharach ar y cwrs dynodedig presennol yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf ;
- (b) bod y person yn preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs presennol; ac
- (c) nad yw statws y person wedi dod i ben neu wedi'i derfynu.

(9) Yr amodau yn y paragraff hwn yw -

- (a) bod y cwrs presennol yn gwrs penben y mae'r person yn ei ddechrau ar neu ar ôl 1 Medi 2006;
- (b) bod y person wedi ymgymhwyso fel myfyrwr cymwys mewn cysylltiad â'r cwrs y mae'r cwrs presennol yn gwrs penben mewn perthynas ag ef;
- (c) mai dim ond ar y sail bod y myfyrwr wedi cwblhau'r cwrs y daeth y cyfnod cymhwystra mewn perthynas â'r cwrs yn is-baragraff (b) i ben; ac
- (ch) bod y person yn preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs yn is-baragraff (b).

(10) Yr amodau yn y paragraff hwn yw -

- (a) bod y Cynulliad Cenedlaethol wedi penderfynu o'r blaen fod y person -
  - (i) yn fyfyrwr rhan-amser cymwys mewn cysylltiad â chwrs rhan-amser dynodedig; neu
  - (ii) yn fyfyrwr cymwys mewn cysylltiad â chwrs dynodedig heblaw'r cwrs presennol,
- (b) bod statws y person fel myfyrwr rhan-amser cymwys neu fel myfyrwr cymwys mewn

(b) with the concurrence of the borrower's curator or at a time when he or she had no curator.

(6) An eligible student in respect of whom the first academic year of the course begins on or after 1 September 2000 does not, at any one time, qualify for support for -

- (a) more than one designated course;
- (b) a designated course and a designated part-time course;
- (c) a designated course and a designated postgraduate course.

(7) Despite paragraph (3) and subject to paragraphs (12) and (13), a person is an eligible student for the purposes of these Regulations if he or she satisfies the conditions in paragraph (8), (9) or (10).

(8) The conditions in this paragraph are -

- (a) the person qualified as an eligible student in connection with an earlier academic year of the present designated course pursuant to regulations made under section 22 of the Act;
- (b) the person was ordinarily resident in Wales on the first day of the first academic year of the present course; and
- (c) that status has not expired or been terminated.

(9) The conditions in this paragraph are -

- (a) the present course is an end-on course which the person is starting on or after 1 September 2006;
- (b) the person qualified as an eligible student in connection with the course in relation to which the present course is an end-on course;
- (c) the period of eligibility in respect of the course in sub-paragraph (b) only ceased on the grounds that the student had completed the course; and
- (d) the person was ordinarily resident in Wales on the first day of the first academic year of the course in sub-paragraph (b).

(10) The conditions in this paragraph are -

- (a) the National Assembly has previously determined that the person is -
  - (i) an eligible part-time student in connection with a designated part-time course; or
  - (ii) an eligible student in connection with a designated course other than the present course,
- (b) the person's status as an eligible part-time student or as an eligible student in connection

cysylltiad â'r cwrs yn is-baragraff (a) wedi'i drosi neu wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs presennol o ganlyniad i drosi neu drosglwyddo unwaith neu fwy yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf;

- (c) bod y person yn preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs yn is-baragraff (a); ac
- (ch) nad yw statws y person fel myfyriwr cymwys wedi'i derfynu.

(11) Mae person y mae'r Cynulliad Cenedlaethol yn fodlon ei fod yn dod o fewn paragraff 4 neu 5 o Ran 2 o Atodlen 1 i Reoliadau 2006 yn union cyn i'r Rheoliadau hyn ddod i rym ac nad yw wedi'i hepgor gan baragraff (3) uchod yn fyfyrwr cymwys mewn cysylltiad â chwrs dynodedig (o fewn ystyr y Rheoliadau hyn), er nad yw'n dod o fewn y ddarpariaeth gyfatebol a geir ym mharagraff 4 neu 5 o Ran 2 o Atodlen 1 i'r Rheoliadau hyn.

(12) Os bydd-

- (a) y Cynulliad Cenedlaethol wedi penderfynu bod person ("A"), yn rhinwedd bod yn ffoadur neu fod yn briod, yn bartner sifil, yn blentyn neu'n llysbentyn i ffoadur-
  - (i) yn fyfyrwr cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o'r cwrs presennol, mewn cysylltiad â chais am gymorth ar gyfer cwrs y mae'r cwrs presennol yn gwrw penben mewn perthynas ag ef neu mewn cysylltiad â chais mewn perthynas â chwrs rhan-amser dynodedig y mae ei statws fel myfyriwr rhan-amser cymwys neu fyfyrwr cymwys wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs presennol;
  - (ii) yn fyfyrwr cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o'r cwrs cymhwysol neu o gwrw cymhwysol arall y mae ei statws fel myfyriwr cymwys wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs cymhwysol y mae'r myfyriwr yn gwneud cais am gymorth mewn perthynas ag ef; a
- (b) ar y diwrnod cyn diwrnod dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, os bydd statws ffoadur A neu ei briod, ei bartner sifil, ei riant neu ei lys-riant, yn ôl y digwydd, wedi dod i ben ac nad oes hawl bellach i aros wedi'i rhoi ac nad oes apêl yn yr arfaeth (o fewn yr ystyr yn adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002)(1),

bydd statws A fel myfyriwr cymwys yn terfynu ar y diwrnod cyn diwrnod cyntaf y flwyddyn academaidd y mae'r myfyriwr yn gwneud cais am gymorth mewn perthynas â hi.

with the course in sub-paragraph (a) has been converted or transferred from that course to the present course as a result of one or more conversions or transfers in accordance with regulations made under section 22 of the Act;

- (c) the person was ordinarily resident in Wales on the first day of the first academic year of the course in sub-paragraph (a); and
- (d) the person's status as an eligible student has not terminated.

(11) A person who the National Assembly is satisfied fell within paragraph 4 or 5 of Part 2 of Schedule 1 to the 2006 Regulations immediately before the coming into force of these Regulations and is not excluded by paragraph (3) above, is an eligible student in connection with a designated course (within the meaning of these Regulations), even though he or she does not fall within the equivalent provision contained in paragraph 4 or 5 of Part 2 of Schedule 1 to these Regulations.

(12) Where-

- (a) the National Assembly has determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person ("A") was-
  - (i) an eligible student in connection with an application for support for an earlier year of the present course, an application for support for a course in relation to which the present course is an end-on course or an application in connection with a designated part-time course from which his or her status as an eligible part-time student or an eligible student has been transferred to the present course;
  - (ii) a qualifying student in connection with an application for support for an earlier year of the qualifying course or other qualifying course from which his or her status as a qualifying student has been transferred to the qualifying course in respect of which the student is applying for support; and
- (b) as at the day before the academic year in respect of which A is applying for support starts, the refugee status of A or of his or her spouse, civil partner, parent or step-parent, as the case may be, has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002)(1),

A's status as an eligible student terminates on the day before the first day of the academic year in respect of which he or she is applying for support.

(1) 2002 c.41

(1) 2002 c.41

(13) Os bydd-

- (a) y Cynulliad Cenedlaethol wedi penderfynu bod person ("A"), yn rhinwedd bod yn berson â hawl i ddod i mewn neu i aros neu yn rhinwedd bod yn briod, yn bartner sifil, yn blentyn neu'n llysbentyn i'r cyfryw berson-
  - (i) yn fyfyrwr cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o'r cwrs presennol, mewn cysylltiad â chais am gymorth ar gyfer cwrs y mae'r cwrs presennol yn gwrw penben mewn perthynas ag ef neu mewn cysylltiad â chais mewn perthynas â chwrs rhan-amser dynodedig neu gwrw dynodedig arall y mae ei statws fel myfyrwr rhan-amser cymwys neu fyfyrwr cymwys wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs presennol; neu
  - (ii) yn fyfyrwr cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o'r cwrs cymhwysol neu o gwrw cymhwysol arall y mae ei statws fel myfyrwr cymwys wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs cymhwysol y mae'r myfyrwr yn gwneud cais am gymorth mewn perthynas ag ef; a
- (b) y cyfnod y caniateir i'r person â hawl i ddod i mewn neu i aros aros yn y Deyrnas Unedig i fod i ddod i ben cyn diwrnod cyntaf y flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi ac, ar y diwrnod cyn diwrnod dechrau'r flwyddyn academaidd honno, na roddwyd hawl bellach i aros ac nad oes apêl yn yr arfaeth (o fewn yr ystyr yn adran 104 o Ddeddf Cenedligrwydd, Mewnffudo a Lloches 2002),

bydd statws A fel myfyrwr cymwys yn terfynu ar y diwrnod cyn diwrnod cyntaf y flwyddyn academaidd y mae'r myfyrwr yn gwneud cais am gymorth mewn perthynas â hi.

(14) Nid yw paragraffau (12) a (13) yn gymwys pan fydd y myfyrwr wedi cychwyn ar y cwrs y penderfynodd y Cynulliad Cenedlaethol mewn cysylltiad ag ef ei fod yn fyfyrwr rhan-amser cymwys, yn fyfyrwr cymwys neu'n fyfyrwr cymhwysol, yn ôl y digwydd, cyn 1 Medi 2007.

### Cyrsiau dynodedig

5.-(1) Yn ddarostyngedig i baragraff (2), mae cwrs yn gwrw dynodedig at ddibenion adran 22(1) o'r Ddeddf a rheoliad 4 os yw -

- (a) wedi'i grybwyll yn Atodlen 2;
- (b) yn un o'r canlynol -
  - (i) cwrs amser-llawn;
  - (ii) cwrs rhyngosod; neu
  - (iii) cwrs rhan-amser ar gyfer hyfforddiant

(13) Where-

- (a) the National Assembly has determined that, by virtue of being a person with leave to enter or remain or the spouse, civil partner, child or step-child of such a person, a person ("A") was-
  - (i) an eligible student in connection with an application for support for an earlier year of the present course, an application for a course in relation to which the present course is an end-on course or an application in connection with a designated part-time course or other designated course from which his or her status as an eligible part-time student or eligible student has been transferred to the present course; or
  - (ii) a qualifying student in connection with an application for support for an earlier year of the qualifying course or other qualifying course from which his or her status as a qualifying student has been transferred to the qualifying course in respect of which the student is applying for support; and
- (b) the period for which the person with leave to enter or remain is allowed to stay in the United Kingdom is due to expire before the first day of the academic year in respect of which A is applying for support and, as at the day before that academic year starts, no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A's status as an eligible student terminates on the day before the first day of the academic year in respect of which he or she is applying for support.

(14) Paragraphs (12) and (13) do not apply where the student began the course in connection with which the National Assembly determined that he or she was an eligible part-time student, an eligible student or a qualifying student, as the case may be, before 1 September 2007.

### Designated courses

5.-(1) Subject to paragraph (2), a course is a designated course for the purposes of section 22(1) of the Act and regulation 4 if it is -

- (a) mentioned in Schedule 2;
- (b) one of the following -
  - (i) a full-time course;
  - (ii) a sandwich course; or
  - (iii) a part-time course for the initial training of

cychwynnol athrawon;

- (c) yn para am o leiaf un flwyddyn academaidd; ac
- (ch) yn cael ei ddarparu'n gyfan gwbl gan sefydliad neu sefydliadau addysgol yn y Deyrnas Unedig a ariennir yn gyhoeddus neu'n cael ei ddarparu gan sefydliad neu sefydliadau o'r fath ar y cyd â sefydliad neu sefydliadau y tu allan i'r Deyrnas Unedig.

(2) Nid yw cwrs sy'n syrthio o fewn paragraff 6 neu 7 o Atodlen 2 yn gwrs dynodedig os yw corff llywodraethu ysgol a gynhelir wedi trefnu darparu'r cwrs hwnnw i un o ddisgyblion yr ysgol.

(3) At ddibenion paragraff (1) -

- (a) mae cwrs yn cael ei ddarparu gan sefydliad os yw'r sefydliad yn darparu'r addysgu a'r goruchwyllo sy'n ffurfio'r cwrs, p'un a yw'r sefydliad wedi gwneud cytundeb gyda'r myfyriwr i ddarparu'r cwrs neu beidio;
- (b) bernir bod prifysgol ac unrhyw goleg neu sefydliad cyfansoddol sydd o natur coleg prifysgol yn cael eu hariannu'n gyhoeddus os yw naill ai'r brifysgol neu'r coleg neu sefydliad cyfansoddol yn cael eu hariannu'n gyhoeddus; ac
- (c) ni fernir bod sefydliad yn cael ei ariannu'n gyhoeddus dim ond am ei fod yn cael arian cyhoeddus oddi wrth gorff llywodraethu sefydliad addysg uwch yn unol ag adran 65(3A) o Ddeddf Addysg Bellach ac Uwch 1992(1).

(4) Bernir bod cwrs y mae'r paragraff hwn yn gymwys iddo yn gwrs sengl ar gyfer gradd gyntaf neu ar gyfer cymhwyster cyfatebol hyd yn oed -

- (a) os yw'r cwrs yn arwain at ddyfarnu gradd neu gymhwyster arall cyn y radd neu'r cymhwyster cyfatebol; a
- (b) os yw rhan o'r cwrs yn ddewisol.

(5) Mae paragraff (4) yn gymwys i gwrs nad yw ei safon yn uwch na gradd gyntaf ac sy'n arwain at gymhwyster fel meddyg, deintydd, milfeddyg, pensaer, pensaer tirluniau, dylunydd tirluniau, rheolwr tirluniau, cynllunydd tref neu gynllunydd gwlad a thref.

(6) At ddibenion adran 22 o'r Ddeddf a rheoliad 4(1), caiff y Cynulliad Cenedlaethol ddynodi cyrsiau addysg uwch nad ydynt wedi'u dynodi o dan baragraff (1).

teachers;

- (c) of at least one academic year's duration; and
- (d) wholly provided by a publicly-funded educational institution or institutions in the United Kingdom or provided by such an institution or institutions in conjunction with an institution or institutions outside the United Kingdom.

(2) A course falling within paragraph 6 or 7 of Schedule 2 is not a designated course where the governing body of a maintained school has arranged for the provision of such a course to a pupil of the school.

(3) For the purposes of paragraph (1) -

- (a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not the institution has entered into an agreement with the student to provide the course;
- (b) a university and any constituent college or institution in the nature of a college of a university is regarded as publicly funded if either the university or the constituent college or institution is publicly funded; and
- (c) an institution is not regarded as publicly funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992(1).

(4) A course to which this paragraph applies is considered to be a single course for a first degree or for an equivalent qualification even if -

- (a) the course leads to another degree or qualification being conferred before the degree or equivalent qualification; and
- (b) part of the course is optional.

(5) Paragraph (4) applies to a course the standard of which is not higher than a first degree which leads to a qualification as a medical doctor, dentist, veterinary surgeon, architect, landscape architect, landscape designer, landscape manager, town planner or town and country planner.

(6) For the purposes of section 22 of the Act and regulation 4(1) the National Assembly may designate courses of higher education which are not designated under paragraph (1).

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(1) 1992 p. 13; mewnosodwyd adran 65(3A) gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 27.

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(1) 1992 c. 13; section 65(3A) was inserted by the Teaching and Higher Education Act 1998 (c. 30), section 27.

## Cyfnod cymhwysra

6.-(1) Mae myfyriwr cymwys yn cadw ei statws fel myfyriwr cymwys mewn cysylltiad â chwrs dynodedig hyd oni fydd y statws yn dod i ben yn unol â'r rheoliad hwn neu reoliad 4.

(2) Yn ddarostyngedig i'r paragraffau canlynol, mae'r "cyfnod cymhwysra" ("*period of eligibility*") yn dod i ben ar ddiwedd y flwyddyn academiaidd y bydd y myfyriwr yn cwblhau'r cwrs dynodedig ynddi.

(3) Er gwaethaf paragraff (1), dim ond ar gyfer grant neu fenthyciad at ffioedd neu grant at gostau byw mewn perthynas â'r cwrs presennol am y nifer o flynyddoedd academiaidd sy'n hafal i **OD+R+1** y mae myfyriwr cymwys o dan y drefn newydd neu fyfyriwr sy'n cymryd blwyddyn i ffwrdd ac nad yw wedi bod yn bresennol ar gwrs blaenorol yn gymwys.

(4) Er gwaethaf paragraff (1) ac yn ddarostyngedig i baragraff (6), dim ond ar gyfer grantiau neu fenthyciadau at ffioedd a grantiau at gostau byw mewn perthynas â'r cwrs presennol am y nifer o flynyddoedd academiaidd sy'n hafal i **(OD+R+1)-PC** y mae myfyriwr cymwys o dan y drefn newydd neu fyfyriwr sy'n cymryd blwyddyn i ffwrdd ac sydd wedi bod yn bresennol ar gwrs blaenorol yn gymwys, ac eithrio-

- (a) nad oes unrhyw ddidyniad sy'n cyfateb i **PC** yn gymwys yn achos myfyriwr ar gwrs hyfforddi athrawon; a
- (b) bod un flwyddyn ychwanegol yn cael ei hadio yn achos myfyriwr cymwys na chwblhaodd yn llwyddiannus y cwrs blaenorol diweddaraf oherwydd rhesymau personol anorchfygol.

(5) Mae paragraff (6) yn gymwys -

- (a) i fyfyriwr cymwys o dan y drefn newydd sydd ar gwrs penben o'r math a ddisgrifir ym mharagraff (a) neu (b) o'r diffiniad o "cwrsg penben" yn rheoliad 2;
- (b) i fyfyriwr cymwys o dan y drefn newydd -
  - (i) sydd wedi cwblhau cwrs amser-llawn a grybwyllir ym mharagraff 2 neu 3 o Atodlen 2;
  - (ii) sydd ar gwrs gradd gyntaf amser-llawn (heblaw gradd gyntaf ar gyfer hyfforddiant cychwynnol athrawon) na ddechreuodd arno yn union ar ôl y cwrs y cyfeirir ato ym mharagraff (i); a
  - (iii) nad yw wedi cymryd cwrs gradd gyntaf amser-llawn ar ôl y cwrs y cyfeirir ato ym mharagraff (i) a chyn y cwrs presennol;
- (c) i fyfyriwr cymwys o dan y drefn newydd -
  - (i) sydd wedi cwblhau gradd sylfaenol amser-llawn;
  - (ii) sydd ar gwrs gradd anrhydedd amser-llawn na ddechreuodd arno yn union ar ôl y cwrs y cyfeirir ato ym mharagraff (i) a chyn y cwrs presennol; a

## Period of eligibility

6.-(1) An eligible student retains his or her status as an eligible student in connection with a designated course until the status terminates in accordance with this regulation or regulation 4.

(2) Subject to the following paragraphs, the "period of eligibility" ("*cyfnod cymhwysra*") terminates at the end of the academic year in which the student completes the designated course.

(3) Despite paragraph (1), a new system eligible student or gap-year student who has not attended a previous course is only eligible for a grant or loan for fees or a grant for living costs in respect of the present course for the number of academic years equal to **OD+R+1**.

(4) Despite paragraph (1) and subject to paragraph (6), a new system eligible student or gap-year student who has attended a previous course is only eligible for grants or loans for fees and grants for living costs in respect of the present course for the number of academic years equal to **(OD+R+1)-PC**, except that-

- (a) no deduction equivalent to **PC** applies in the case of a teacher training student; and
- (b) one additional year is added in the case of an eligible student who did not complete successfully the latest previous course because of compelling personal reasons.

(5) Paragraph (6) applies to -

- (a) a new system eligible student who is on an end-on course of the kind described in paragraph (a) or (b) of the definition of "end-on course" in regulation 2;
- (b) a new system eligible student who has -
  - (i) completed a full-time course mentioned in paragraph 2 or 3 of Schedule 2;
  - (ii) is on a full-time first degree course (other than a first degree course for the initial training of teachers) that he or she did not begin immediately after the course referred to in paragraph (i); and
  - (iii) has not taken a full-time first degree course after the course referred to in paragraph (i) and before the present course;
- (c) a new system eligible student who has -
  - (i) completed a full-time foundation degree course;
  - (ii) is on a full-time honours degree course that he or she did not begin immediately after the course referred to in paragraph (i) and before the present course; and

(iii) nad yw wedi cymryd cwrs gradd gyntaf amser-llawn ar ôl y cwrs y cyfeirir ato ym mharagraff (i) a chyn y cwrs presennol; ac

(ch) i fyfyrwr cymwys o dan yr hen drefn sy'n fyfyrwr ar gwrs penben o'r math a ddisgrifir ym mharagraffau (a) a (b) o'r diffiniad o "cwrs penben" yn rheoliad 2.

(6) Er gwaethaf paragraff (1), dim ond ar gyfer grantiau neu fenthyciadau at ffioedd neu grantiau at gostau byw mewn perthynas â'r cwrs presennol am y nifer o flynyddoedd academaidd sy'n hafal i  $(D + X) - Pr C$  y mae myfyriwr cymwys y mae'r paragraff hwn yn gymwys iddo yn gymwys.

(7) Er gwaethaf paragraff (1), dim ond ar gyfer grant neu fenthyciad at ffioedd neu grant at gostau byw mewn perthynas â'r cwrs presennol am y nifer o flynyddoedd academaidd sy'n hafal i  $(A+R+1)-Y$  y mae myfyriwr sy'n parhau yn gymwys.

(8) Er gwaethaf paragraff (1) ac yn ddarostyngedig i baragraff (9), dim ond ar gyfer grant neu fenthyciad at ffioedd neu grant at gostau byw mewn perthynas â'r cwrs presennol am y nifer o flynyddoedd academaidd sy'n hafal i  $(A+R+1)-Y$  y mae myfyriwr sy'n trosglwyddo yn gymwys.

(9) Dim ond ar gyfer grant neu fenthyciad at ffioedd neu grant at gostau byw mewn perthynas â'r cwrs pellach am y nifer o flynyddoedd sy'n hafal i  $(A+R+1)-Y-Z$  y mae myfyriwr sy'n trosglwyddo ac sy'n dechrau blwyddyn academaidd lawn gyntaf cwrs pellach y mae'n trosglwyddo iddo o dan reoliad 8 ar ôl 1 Medi 2007 yn gymwys.

(10) Mewn unrhyw achos lle mae nifer y blynyddoedd academaidd y mae grant neu fenthyciad at ffioedd neu grant at gostau byw ar gael ar eu cyfer yn unol â'r rheoliad hwn yn llai na nifer y blynyddoedd academaidd sy'n ffurfio'r cyfnod y mae ei angen fel arfer i gwblhau'r cwrs presennol, blynyddoedd diweddaraf y cwrs presennol yw'r blynyddoedd academaidd y mae'r myfyriwr yn gymwys ynddynt i gael grant neu fenthyciad at ffioedd neu grant at gostau byw.

(11) Yn y rheoliad hwn -

(a) **A** yw nifer y blynyddoedd academaidd o 31 Awst 2006 sy'n ffurfio'r cyfnod y mae ei angen fel arfer i gwblhau'r cwrs presennol neu, yn achos myfyriwr sy'n trosglwyddo, y cwrs blaenorol;

(b) **D** yw 3 neu nifer y blynyddoedd academaidd sy'n ffurfio cyfnod arferol y cwrs, p'un bynnag yw'r mwyaf;

(c) **OD** yw nifer y blynyddoedd academaidd sy'n ffurfio'r cyfnod y mae ei angen fel arfer i gwblhau'r cwrs presennol;

(ch) **PC** yw nifer y blynyddoedd y bu'r myfyriwr cymwys yn bresennol ar gwrs blaenorol;

(iii) has not taken a full-time first degree course after the course referred to in paragraph (i) and before the present course; and

(d) an old system eligible student who is a student on an end-on course of the kind described in paragraphs (a) and (b) of the definition of "end-on course" in regulation 2.

(6) Despite paragraph (1), an eligible student to whom this paragraph applies is only eligible for grants or loans for fees and grants for living costs in respect of the present course for the number of academic years equal to  $(D + X) - Pr C$ .

(7) Despite paragraph (1), a continuing student is only eligible for a grant or loan for fees or a grant for living costs in respect of the present course for the number of academic years equal to  $(A+R+1)-Y$ .

(8) Despite paragraph (1) and subject to paragraph (9), a transferring student is only eligible for a grant or loan for fees or a grant for living costs in respect of the present course for the number of academic years equal to  $(A+R+1)-Y$ .

(9) A transferring student starting the first full academic year of a further course to which he or she transfers under regulation 8 after 1 September 2007 is only eligible for a grant or loan for fees or a grant for living costs in respect of the further course for the number of years equal to  $(A+R+1)-Y-Z$ .

(10) In any case where the number of academic years for which a grant or loan for fees or a grant for living costs is available in accordance with this regulation is less than the number of academic years that make up the period ordinarily required for the completion of the present course, the academic years in which he or she is eligible for a grant or loan for fees or a grant for living costs are the latest years of the present course.

(11) In this regulation -

(a) **A** is the number of academic years from 31 August 2006 that make up the period ordinarily required for the completion of the present course or, in the case of a transferring student, the previous course;

(b) **D** is the greater of 3 and a number of academic years that make up the ordinary duration of the course;

(c) **OD** is number of academic years that make up the period ordinarily required for the completion of the present course;

(d) **PC** is the number of years of attendance by the eligible student on a previous course; and

- (d) **X** yw 1 pan oedd cyfnod arferol y cwrs rhagarweiniol yn llai na thair blynedd a 2 pan oedd cyfnod arferol y cwrs rhagarweiniol yn dair blynedd;
- (dd) **R** yw nifer y blynyddoedd academaidd sy'n cael eu hailadrodd ar y cwrs presennol gan ddechrau ar neu ar ôl 1 Medi 2006 a'r rheini'n gyfnodau o ailadrodd y blynyddoedd academaidd blaenorol nad oedd y myfyriwr cymwys yn gallu eu cwblhau'n llwyddiannus oherwydd rhesymau personol anorchfygol;
- (e) **PrC** yw'r nifer o flynyddoedd academaidd a dreuliodd y myfyriwr ar y cwrs rhagarweiniol ac eithrio unrhyw flynyddoedd yn ailadrodd astudiaethau am resymau personol anorchfygol;
- (f) **Y** yw nifer blynyddoedd y cwrs presennol, neu'r cwrs blaenorol yn achos myfyriwr sy'n trosglwyddo, ac y penderfynwyd mewn perthynas â'r cwrs hwnnw cyn 1 Medi 2006 o dan reoliadau a wnaed o dan adran 22 o'r Ddeddf nad oedd cymorth ar gael;
- (ff) **Z** yw nifer y blynyddoedd academaidd a dreuliodd ar gwrws blaenorol gan ddechrau ar neu ar ôl 1 Medi 2006;
- (g) ystyr "myfyriwr sy'n parhau" ("*continuing student*") yw myfyriwr cymwys o dan yr hen drefn a ddechreuodd y cwrs presennol cyn 1 Medi 2006;
- (ng) ystyr "myfyriwr ar gwrws hyfforddi athrawon" ("*teacher training student*") yw myfyriwr sy'n bresennol ar gwrws ar gyfer hyfforddiant cychwynnol athrawon os nad yw cyfnod y cwrs yn para'n hwy na 2 flynedd (gan fynegi cyfnod cwrs rhan-amser yn ôl yr hyn sy'n cyfateb i gwrws amser-llawn) ac nad yw'r myfyriwr yn athro neu athrawes gymwysedig.
- (h) ystyr "myfyriwr sy'n trosglwyddo" ("*transferring student*") yw myfyriwr cymwys sy'n dechrau'r cwrs presennol ar neu ar ôl 1 Medi 2007 wedi i'w statws fel myfyriwr cymwys gael ei drosglwyddo i'r cwrs hwnnw o ganlyniad i un neu fwy nag un trosglwyddiad o'r statws hwnnw yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf oddi ar gwrws dynodedig y ddechreuodd y myfyriwr hwnnw arno cyn 1 Medi 2007.
- (e) **X** is 1 where the ordinary duration of the preliminary course was less than three years and 2 where the ordinary duration of the preliminary course was three years;
- (f) **R** is the number of repeated academic years on the present course starting on or after 1 September 2006 that are repeats of preceding academic years that the eligible student was unable to complete successfully because of compelling personal reasons;
- (g) **PrC** is the number of academic years that the student spent on the preliminary course excluding any years of repeat study for compelling personal reasons;
- (h) **Y** is the number of years of the present course, or the previous course in the case of a transferring student, in respect of which it has been determined before 1 September 2006 under regulations made under section 22 of the Act that support was not available;
- (i) **Z** is the number of academic years spent on a previous course beginning on or after 1 September 2006;
- (j) "continuing student" ("*myfyriwr syn parhau*") is an old system eligible student who started the present course before 1 September 2006;
- (k) "teacher training student" ("*myfyriwr ar gwrws hyfforddi athrawon*") means a student attending a course for the initial training of teachers where the duration of the course does not exceed 2 years (the duration of a part-time course being expressed in its full-time equivalent) and the student is not a qualified teacher;
- (l) "transferring student" ("*myfyriwr trosglwyddo*") means an eligible student who starts the present course on or after 1 September 2007 having had his or her status as an eligible student transferred to that course as a result of one or more transfers of that status pursuant to regulations made under section 22 of the Act from a designated course which he or she began before 1 September 2007.

(12) Wrth gyfrifo nifer y blynyddoedd at ddibenion y rheoliad hwn, trinnir presenoldeb am ran o flwyddyn academaidd fel blwyddyn academaidd gyfan.

(13) Caiff y Cynulliad Cenedlaethol, ar unrhyw adeg, adnewyddu neu estyn y cyfnod cymhwystra am unrhyw gyfnod ychwanegol y bydd yn penderfynu arno.

(14) Caiff y Cynulliad Cenedlaethol roi cymhwystra i gael grantiau a benthyciadau at ffioedd a grantiau at gostau byw heblaw yn unol â pharagraffau (3) i (11).

(12) In calculating the number of years for the purpose of this regulation, attendance for part of an academic year is treated as a whole academic year.

(13) The National Assembly may, at any time, renew or extend the period of eligibility for such further period as it determines.

(14) The National Assembly may confer eligibility to grants and loans for fees and grants for living costs otherwise than in accordance with paragraphs (3) to (11).

(15) Mae'r cyfnod cymhwysra yn terfynu pan fydd y myfyriwr cymwys -

- (a) yn tynnu'n ôl o'i gwrs dynodedig o dan amgylchiadau lle nad yw'r Cynulliad Cenedlaethol wedi trosi neu lle na fydd yn trosi statws y myfyriwr fel myfyriwr cymwys o dan reoliad 70(1); neu
- (b) yn rhoi'r gorau i'w gwrs dynodedig neu'n cael ei ddiarddel oddi arno.

(16) Caiff y Cynulliad Cenedlaethol derfynu'r cyfnod cymhwysra os yw'r myfyriwr cymwys wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth.

(17) Os yw'r Cynulliad Cenedlaethol wedi'i fodloni bod myfyriwr cymwys wedi methu â chydymffurfio ag unrhyw ofyniad i roi gwybodaeth o dan y Rheoliadau hyn neu ei fod wedi rhoi gwybodaeth sy'n anghywir o ran manylyn perthnasol, caiff y Cynulliad Cenedlaethol gymryd unrhyw rai o'r camau canlynol y mae'n credu eu bod yn briodol o dan yr amgylchiadau -

- (a) terfynu'r cyfnod cymhwysra;
- (b) penderfynu nad oes gan y myfyriwr hawl mwyach i gael unrhyw gymorth penodol neu unrhyw swm penodol o gymorth; neu
- (c) trin unrhyw gymorth a dalwyd i'r myfyriwr fel gordal y caniateir ei adennill o dan reoliad 60.

(18) Yn y rheoliad hwn cwrs a grybwyllir ym mharagraff 2 neu 3 o Atodlen 2 ac yr ymgwymerir ag ef cyn ymgymryd â chwrs gradd amser-llawn (ac eithrio cwrs gradd gyntaf ar gyfer hyfforddiant cychwynnol i athrawon) neu gwrs gradd sylfaenol yr ymgwymerir ag ef cyn ymgymryd â chwrs gradd anrhydedd amser-llawn, yn ôl y digwydd, yw "cwrs rhagarweiniol" ("*preliminary course*").

### **Astudio blaenorol**

7.-(1) Yn ddarostyngedig i baragraffau (3) a (4), nid oes gan fyfyriwr cymwys sydd wedi ennill gradd anrhydedd yn sgil ei bresenoldeb ar gwrs blaenorol neu gwrs rhan-amser dynodedig hawl i gael grant na benthyciad at ffioedd.

(2) Yn ddarostyngedig i baragraffau (4) a (5), nid oes gan fyfyriwr cymwys sy'n dechrau ar ei gwrs ar neu ar ôl 1 Medi 2006 hawl i gael benthyciad at gostau byw os yw wedi ennill gradd anrhydedd yn sgil ei bresenoldeb ar gwrs blaenorol neu gwrs rhan-amser dynodedig.

(3) Nid yw paragraffau (1) a (2) yn gymwys i fyfyriwr cymwys sy'n bresennol ar gwrs ar gyfer hyfforddiant cychwynnol athrawon os nad yw cyfnod arferol y cwrs yn para'n hwy na 2 flynedd (gan fynegi cyfnod arferol cwrs rhan-amser yn ôl yr hyn sy'n cyfateb i gwrs amser-llawn) ac nad yw'r myfyriwr cymwys yn athro neu athrawes gymwysedig.

(15) The period of eligibility terminates when the eligible student -

- (a) withdraws from the student's designated course in circumstances where the National Assembly has not converted or will not convert the student's status as an eligible student under regulation 70(1); or
- (b) abandons, or is expelled from, the student's designated course.

(16) The National Assembly may terminate the period of eligibility where the eligible student has shown himself or herself by his or her conduct to be unfitted to receive support.

(17) If the National Assembly is satisfied that an eligible student has failed to comply with any requirement to provide information under these Regulations or has provided information which is inaccurate in a material particular, the National Assembly may take such of the following actions as it considers appropriate in the circumstances -

- (a) terminate the period of eligibility;
- (b) determine that the student no longer qualifies for any particular support or particular amount of support;
- (c) treat any support paid to the student as an overpayment which may be recovered under regulation 60.

(18) In this regulation a "preliminary course" ("*cwrs rhagarweiniol*") is a course mentioned in paragraph 2 or 3 of Schedule 2 that is taken before a full-time degree course (other than a first degree course for the initial training of teachers) or a foundation degree course that is taken before a full-time honours degree course, as the case may be.

### **Previous study**

7.-(1) Subject to paragraphs (3) and (4), an eligible student who has attained an honours degree following attendance on a previous course or a designated part-time course does not qualify for a grant or loan for fees.

(2) Subject to paragraphs (4) and (5), an eligible student who starts his or her course on or after 1 September 2006 does not qualify for a loan for living costs if he or she has attained an honours degree following attendance on a previous course or a designated part-time course.

(3) Paragraphs (1) and (2) do not apply to an eligible student attending a course for the initial training of teachers where the ordinary duration of the course does not exceed 2 years (the ordinary duration of a part-time course being expressed as its full-time equivalent) and the eligible student is not a qualified teacher.



(4) Os bernir bod y cwrs presennol yn gwrs sengl oherwydd rheoliadau 5(4) a 5(5) a'i fod yn arwain at ddyfarnu gradd anrhydedd gan sefydliad yn y Deyrnas Unedig i fyfyrwr cymwys cyn y radd derfynol neu'r cymwysterau cyfatebol, nid yw'r myfyriwr cymwys yn cael ei rwystro rhag bod â hawl i gael cymorth o dan baragraff (1) neu (2) mewn perthynas ag unrhyw ran o'r cwrs sengl yn rhinwedd y ffaith iddo gael y radd anrhydedd honno.

(5) Nid yw paragraff (2) yn gymwys -

- (a) os yw'r cwrs presennol yn arwain at gymhwyster fel gweithiwr cymdeithasol;
- (b) os yw'r myfyriwr cymwys i gael unrhyw daliad o dan fwrsari gofal iechyd y cyfrifwyd ei swm drwy gyfeirio at ei incwm neu lwfans gofal iechyd yr Alban y cyfrifwyd ei swm drwy gyfeirio at ei incwm mewn perthynas ag unrhyw flwyddyn academiaidd o'r cwrs presennol; neu
- (c) os yw'r cwrs presennol yn gwrs ar gyfer hyfforddiant cychwynnol athrawon.

(6) At ddibenion y rheoliad hwn a rheoliad 6, mae cwrs blaenorol yn unrhyw gwrs y bu'r myfyriwr yn bresennol arno cyn y cwrs presennol ac sy'n bodloni'r amodau ym mharagraff (7).

(7) Yr amodau y cyfeirir atynt ym mharagraff (6) yw bod y cwrs yn gwrs addysg uwch a ddarparwyd gan sefydliad yn y Deyrnas Unedig ac -

- (a) bod y sefydliad hwnnw'n cael ei ariannu'n gyhoeddus pan ddarparwyd y cwrs; neu
- (b) bod unrhyw ysgoloriaeth, arddangostal, bwrsari, grant, lwfans neu ddyfarniad o unrhyw ddisgrifiad a oedd ar gael mewn perthynas â phresenoldeb y myfyriwr ar y cwrs i dalu ffioedd wedi'i dalu o'r cronfeydd cyhoeddus neu o gronfeydd a oedd i'w priodoli i'r cronfeydd cyhoeddus gan unrhyw berson neu gorff, cyhoeddus neu breifat.

(8) Yn y rheoliad hwn a rheoliad 6, ystyr "cyfnod arferol y cwrs" ("*ordinary duration of the course*") yw nifer y blynyddoedd academiaidd y byddai myfyriwr safonol yn eu cymryd i gwblhau'r cwrs dynodedig ac ystyr "myfyriwr safonol" ("*standard student*") yw myfyriwr sydd i'w ystyried yn un -

- (a) sydd wedi dechrau'r cwrs dynodedig ar yr un dyddiad â'r myfyriwr cymwys o dan sylw;
- (b) nad yw wedi'i esgusodi o unrhyw ran o'r cwrs am ei fod wedi bod yn bresennol ar gwrs arall;
- (c) na fydd yn ailadrodd unrhyw ran o'r cwrs; ac
- (ch) nad yw'n absennol o'r cwrs heblaw yn ystod gwyliau.

(9) Yn ddarostyngedig i eithriadau penodedig, mae paragraffau (7) ac (8) o reoliad 23 yn estyn i'r grantiau at gostau byw y cyfeirir atynt yn y paragraffau hynny

(4) Where the present course is considered to be a single course because of regulations 5(4) and 5(5) and it leads to an honours degree from an institution in the United Kingdom being conferred on the eligible student before the final degree or equivalent qualifications, the eligible student is not prevented from qualifying for support under paragraph (1) or (2) in respect of any part of the single course by virtue of having that honours degree.

(5) Paragraph (2) does not apply where -

- (a) the present course leads to qualification as a social worker;
- (b) the eligible student is to receive any payment under a healthcare bursary the amount of which is calculated by reference to his or her income or a Scottish healthcare allowance the amount of which is calculated by reference to his or her income in respect of any academic year of the present course; or
- (c) the present course is a course for the initial training of teachers.

(6) For the purposes of this regulation and regulation 6 a previous course is any course the student attended before the present course and which meets the conditions in paragraph (7).

(7) The conditions referred to in paragraph (6) are that the course was a higher education course provided by an institution in the United Kingdom and -

- (a) that institution was publicly funded at the time the course was provided; or
- (b) any scholarship, exhibition, bursary, grant, allowance or award of any description which was available in respect of the student's attendance on the course to defray fees was paid out of public funds or funds attributable to public funds by any person or body, public or private.

(8) In this regulation and regulation 6, the "ordinary duration of the course" ("*cyfnod arferol y cwrs*") means the number of academic years that a standard student would take to complete the designated course and "standard student" ("*myfyriwr safonol*") means a student who is to be taken -

- (i) to have started the designated course on the same date as the eligible student in question;
- (ii) not to be excused any part of the course on account of having attended another course;
- (iii) not to repeat any part of the course; and
- (iv) not to be absent from the course other than during vacations.

(9) Paragraphs (7) and (8) of regulation 23 extend the provisions of this regulation relating to qualification for fee loans and fee grants to the grants

ddarpariaethau'r rheoliad hwn sy'n ymwneud â'r hawl i gael benthyciadau at ffioedd a grantiau at ffioedd.

### Trosglwyddo statws

8.-(1) Os yw myfyriwr cymwys yn trosglwyddo i gwrs arall, rhaid i'r Cynulliad Cenedlaethol drosglwyddo statws y myfyriwr fel myfyriwr cymwys i'r cwrs hwnnw -

- (a) os caiff gais oddi wrth y myfyriwr cymwys am wneud hynny;
- (b) os yw wedi'i fodloni bod un neu fwy o'r seiliau trosglwyddo ym mharagraff (2) yn gymwys; ac
- (c) os nad yw'r cyfnod cymhwysra wedi dod i ben neu wedi'i derfynu.

(2) Y seiliau trosglwyddo y cyfeirir atynt ym mharagraff (1) yw-

- (a) bod y myfyriwr cymwys, ar argymhelliad yr awdurdod academaidd, yn dechrau bod yn bresennol ar gwrs arall yn y sefydliad;
- (b) bod y myfyriwr cymwys yn dechrau bod yn bresennol ar gwrs dynodedig mewn sefydliad arall gyda chydysyniad awdurdod academaidd y sefydliad hwnnw;
- (c) ar ôl iddo ddechrau cwrs ar gyfer y Dystysgrif mewn Addysg, bod y myfyriwr cymwys, wrth gwblhau'r cwrs hwnnw neu cyn hynny, yn cael ei dderbyn ar gwrs dynodedig ar gyfer gradd Baglor mewn Addysg naill ai yn yr un sefydliad neu mewn sefydliad arall;
- (ch) ar ôl iddo ddechrau cwrs ar gyfer gradd (heblaw gradd anrhydedd) Baglor mewn Addysg, bod y myfyriwr cymwys, wrth gwblhau'r cwrs hwnnw neu cyn hynny, yn cael ei dderbyn ar gwrs dynodedig ar gyfer gradd anrhydedd Baglor mewn Addysg naill ai yn yr un sefydliad neu mewn sefydliad arall; neu
- (d) ar ôl iddo ddechrau cwrs ar gyfer gradd gyntaf (heblaw gradd anrhydedd) bod y myfyriwr cymwys, cyn cwblhau'r cwrs hwnnw, yn cael ei dderbyn ar gwrs dynodedig ar gyfer gradd anrhydedd yn yr un pwnc neu bynciau yn y sefydliad.

(3) Yn ddarostyngedig i baragraff (4), mae myfyriwr cymwys sy'n trosglwyddo o dan baragraff (1) yn parhau i gael, mewn cysylltiad â'r cwrs y bydd yn trosglwyddo iddo, y cymorth y mae'r Cynulliad Cenedlaethol wedi penderfynu bod ganddo'r hawl i'w gael, mewn perthynas â'r cwrs y bydd yn trosglwyddo oddi arno, am weddill y flwyddyn academaidd y bydd yn trosglwyddo ynddi.

(4) Caiff y Cynulliad Cenedlaethol ailasesu swm y cymorth sy'n daladwy ar ôl y trosglwyddiad.

(5) Ni chaiff myfyriwr cymwys sy'n trosglwyddo o dan baragraff (1) ar ôl i'r Cynulliad Cenedlaethol asesu'r cymorth a roddir mewn cysylltiad â blwyddyn

for living costs referred to in those paragraphs, subject to specified exceptions.

### Transfer of status

8.-(1) Where an eligible student transfers to another course, the National Assembly must transfer the student's status as an eligible student to that course where -

- (a) it receives a request from the eligible student to do so;
- (b) it is satisfied that one or more of the grounds of transfer in paragraph (2) applies; and
- (c) the period of eligibility has not expired or been terminated.

(2) The grounds of transfer referred to in paragraph (1) are -

- (a) on the recommendation of the academic authority the eligible student starts to attend another course at the institution;
- (b) the eligible student starts to attend a designated course at another institution with the consent of the academic authority of that institution;
- (c) after commencing a course for the Certificate in Education, the eligible student is, on or before the completion of that course, admitted to a designated course for the degree of Bachelor of Education either at the same institution or at another institution;
- (d) after commencing a course for the degree (other than an honours degree) of Bachelor of Education, the eligible student is, on or before completion of that course, admitted to a designated course for the honours degree of Bachelor of Education either at the same institution or at another institution; or
- (e) after commencing a course for a first degree (other than an honours degree) the eligible student is, before completion of that course, admitted to a designated course for an honours degree in the same subject or subjects at the institution.

(3) Subject to paragraph (4), an eligible student who transfers under paragraph (1) continues to receive in connection with the course to which he or she transfers the support for which the National Assembly has determined he or she qualifies in respect of the course from which he or she transfers for the remainder of the academic year in which he or she transfers.

(4) The National Assembly may re-assess the amount of support payable after the transfer.

(5) An eligible student who transfers under paragraph (1) after the National Assembly has assessed his or her support in connection with the academic

academaidd y cwrs y mae'n trosglwyddo ohono ond yn gwneud hynny cyn iddo gwblhau'r flwyddyn honno, wneud cais, mewn cysylltiad â blwyddyn academaidd y cwrs y mae'r myfyriwr yn trosglwyddo iddo, am grant neu fenthyciad arall o'r math y mae eisoes wedi gwneud cais amdano o dan y Rheoliadau hyn mewn cysylltiad â blwyddyn academaidd y cwrs y mae'r myfyriwr yn trosglwyddo ohono oni ddarperir fel arall.

### RHAN 3

#### GWNEUD CAIS AM GYMORTH A RHOI GWYBODAETH

##### Ceisiadau am gymorth

9.-(1) Rhaid i berson (y "ceisydd") wneud cais am gymorth mewn cysylltiad â phob blwyddyn academaidd ar gwrs dynodedig drwy lenwi a chyflwyno i'r Cynulliad Cenedlaethol gais ar unrhyw ffurf a chan ddarparu unrhyw ddogfennau y bydd y Cynulliad Cenedlaethol yn gofyn amdanynt.

(2) Caiff y Cynulliad Cenedlaethol gymryd unrhyw gamau a gwneud unrhyw ymholiadau y mae'n credu eu bod yn angenrheidiol er mwyn penderfynu a yw'r ceisydd yn fyfyrwr cymwys, a oes gan y ceisydd hawl i gael cymorth a swm y cymorth sy'n daladwy, os oes cymorth yn daladwy o gwbl.

(3) Rhaid i'r Cynulliad Cenedlaethol hysbysu'r ceisydd a oes gan y ceisydd hawl i gael cymorth neu beidio ac, os oes gan y ceisydd hawl, swm y cymorth sy'n daladwy mewn perthynas â'r flwyddyn academaidd, os oes cymorth yn daladwy o gwbl.

##### Terfynau amser

10.-(1) Y rheol gyffredinol yw bod rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol o fewn cyfnod o naw mis sy'n dechrau gyda diwrnod cyntaf y flwyddyn academaidd y mae'n cael ei gyflwyno mewn perthynas â hi.

(2) Nid yw'r rheol gyffredinol ym mharagraff (1) yn gymwys -

- (a) os bydd un o'r digwyddiadau a restrir yn rheoliad 14 yn digwydd ar ôl diwrnod cyntaf y flwyddyn academaidd y mae'r ceisydd yn gwneud cais am gymorth mewn perthynas â hi, ac os felly rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol o fewn cyfnod o naw mis sy'n dechrau gyda'r diwrnod y mae'r digwyddiad perthnasol yn digwydd;
- (b) os yw'r ceisydd yn gwneud cais ar wahân am fenthyciad at ffioedd o dan reoliad 21 neu reoliad 22 neu fenthyciad at gyfraniad at ffioedd o dan reoliad 20 neu fenthyciad at gostau byw o dan reoliad 38 neu fenthyciad at

year of the course from which he or she is transferring but before he or she completes that year may not, in connection with the academic year of the course to which he or she transfers, apply for another grant or loan of a kind that he or she has already applied for under these Regulations in connection with the academic year of the course from which he or she is transferring unless otherwise provided.

### PART 3

#### APPLYING FOR SUPPORT AND PROVISION OF INFORMATION

##### Applications for support

9.-(1) A person (the "applicant") must apply for support in connection with each academic year of a designated course by completing and submitting to the National Assembly an application in such form and accompanied by such documentation as the National Assembly may require.

(2) The National Assembly may take such steps and make such inquiries as it considers necessary to determine whether the applicant is an eligible student, whether the applicant qualifies for support and the amount of support payable, if any.

(3) The National Assembly must notify the applicant of whether or not the applicant qualifies for support and, if the applicant does qualify, the amount of support payable in respect of the academic year, if any.

##### Time limits

10.-(1) The general rule is that the application must reach the National Assembly within a period of nine months beginning with the first day of the academic year in respect of which it is submitted.

(2) The general rule in paragraph (1) does not apply where -

- (a) one of the events listed in regulation 14 occurs after the first day of the academic year in respect of which the applicant is applying for support, in which case the application must reach the National Assembly within a period of nine months beginning with the day on which the relevant event occurs.
- (b) the applicant is making a separate application for a fee loan under regulation 21 or regulation 22 or a fee contribution loan under regulation 20 or a loan for living costs under regulation 38 or a college fee loan under regulation 52

ffioedd coleg o dan reoliad 52 ac Atodlen 4 neu os yw'n ceisio am swm ychwanegol o fenthyciad at ffioedd o dan reoliad 21(6) neu 21(8), swm ychwanegol o fenthyciad at gyfraniad at ffioedd o dan reoliad 20(5), neu swm ychwanegol o fenthyciad at ffioedd o dan reoliad 22(3), neu swm ychwanegol o fenthyciad at gostau byw o dan reoliad 50(3) neu swm ychwanegol o fenthyciad at ffioedd coleg o dan reoliad 52 ac Atodlen 4 paragraff 9(2) ac os felly rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol heb fod yn hwyrach nag un mis cyn diwedd y flwyddyn academaidd y mae'r ceisydd yn gwneud cais am gymorth mewn perthynas â hi;

- (c) os yw'r ceisydd yn gwneud cais am fenthyg swm ychwanegol o fenthyciad at gyfraniad at ffioedd o dan reoliad 20(4) neu swm ychwanegol o fenthyciad at gostau byw o dan reoliad 50(1), ac os felly rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol heb fod yn hwyrach nag un mis cyn diwedd y flwyddyn academaidd y mae'r cais yn cyfeirio ati neu o fewn cyfnod o un mis sy'n dechrau gyda'r diwrnod y caiff y ceisydd hysbysiad ynglŷn â'r uchafswm wedi'i gynyddu, p'un bynnag yw'r olaf;
- (ch) os yw'r ceisydd yn gwneud cais am grant o dan reoliad 24, ac os felly rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol cyn gynted ag y bo'n rhesymol ymarferol;
- (d) os yw'r Cynulliad Cenedlaethol o'r farn, ar ôl rhoi sylw i amgylchiadau'r achos penodol, y dylid llacio'r terfyn amser, ac os felly rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol heb fod yn hwyrach na'r dyddiad a bennir ganddo.

## Gwybodaeth

11.-(1) Mae Atodlen 3 yn gymwys i roi gwybodaeth.

### RHAN 4

#### GRANTIAU A BENTHYCIADAU AT FFIOEDD

##### PENNOD 1

#### DARPARIAETHAU CYFFREDINOL

### Cymorth at ffioedd yn gyffredinol

12.-(1) Ni chaff cymorth o dan y Rhan hon mewn perthynas â blwyddyn academaidd fod yn fwy na'r ffioedd sy'n daladwy gan y myfyriwr mewn perthynas â'r flwyddyn academaidd honno.

and Schedule 4 or is applying for an additional amount of fee loan under regulation 21(6) or 21(8), an additional amount of fee contribution loan under regulation 20(5) or an additional amount of fee loan under regulation 22(3) or an additional amount of loan for living costs under regulation 50(3) or an additional amount of college fee loan under regulation 52 and Schedule 4 paragraph 9(2) in which case the application must reach the National Assembly not later than one month before the end of the academic year in respect of which the applicant is applying for support;

- (c) the applicant is applying to borrow an additional amount of fee contribution loan under regulation 20(4) or an additional amount of loan for living costs under regulation 50(1), in which case the application must reach the National Assembly not later than one month before the end of the academic year to which the application relates or within a period of one month beginning with the day on which the applicant receives notice of the increased maximum amount, whichever is the later;
- (d) the applicant is applying for a grant under regulation 24, in which case the application must reach the National Assembly as soon as is reasonably practicable;
- (e) the National Assembly considers that having regard to the circumstances of the particular case the time limit should be relaxed, in which case the application must reach the National Assembly not later than such date as it specifies.

## Information

11. Schedule 3 applies to the provision of information.

### PART 4

#### GRANTS AND LOANS FOR FEES

##### CHAPTER 1

#### GENERAL PROVISION

### Fee Support Generally

12.-(1) Support under this Part in respect of an academic year may not exceed the fees payable by the student in respect of that academic year.

(2) Er mwyn derbyn benthyciad o dan y Rheoliadau hyn rhaid i'r myfyriwr ymrwymo i gcontract gyda'r Cynulliad Cenedlaethol ar delerau i'w penderfynu gan y Cynulliad Cenedlaethol.

(3) At ddibenion cyfrifo swm y cymorth at ffioedd o dan y Rhan hon, nid yw sefydliad sy'n darparu cyrsiau a ddynodir gan reoliad 4 o Reoliadau Addysg (Cymorth i Fyfyrrwyr) (Dawnsio a Drama) 1999(1) i'w ystyried yn sefydliad a ariennir yn gyhoeddus am ddim rheswm ond am ei fod yn derbyn cyllid cyhoeddus gan gorff llywodraethu sefydliad addysg uwch yn unol ag adran 65(3A) o Ddeddf Addysg Bellach ac Addysg Uwch 1992(2).

### **Myfyrrwyr sy'n dod yn gymwys yn ystod blwyddyn academaidd**

**13.** Os bydd unrhyw un o'r digwyddiadau a restrir yn rheoliad 14 yn digwydd yn ystod blwyddyn academaidd -

- (a) caiff myfyriwr fod â hawl i gael grantiau a benthyciadau o dan y Rhan hon mewn cysylltiad â'r flwyddyn academaidd honno ar yr amod bod y digwyddiad perthnasol wedi digwydd yn ystod tri mis cyntaf y flwyddyn academaidd; a
- (b) nid yw'r grantiau a'r benthyciadau hyn ar gael mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol ynddi.

### **Digwyddiadau**

**14.** Y digwyddiadau yw -

- (a) bod cwrs y myfyriwr yn dod yn gwrs dynodedig;
- (b) bod y myfyriwr, ei briod, ei bartner sifil neu ei riant yn cael ei gydnabod fel ffoadur neu ei fod yn dod yn berson sydd â chaniatâd i ddod i mewn neu i aros;
- (c) bod gwladwriaeth yn ymaelodi â'r Gymuned Ewropeaidd os yw'r myfyriwr yn wladolyn o'r wladwriaeth honno neu'n aelod o deulu (fel y'i diffinnir yn Rhan 1 o Atodlen 1) gwladolyn o'r wladwriaeth honno;
- (ch) bod y myfyriwr yn dod yn aelod o deulu (fel y'i diffinnir yn Rhan 1 o Atodlen 1) gwladolyn o'r GE;
- (d) bod y myfyriwr yn ennill yr hawl i breswylion'n barhaol;
- (dd) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 6(1)(a) o Atodlen 1; neu
- (e) bod y myfyriwr yn dod yn blentyn i wladolyn o'r Swistir.

(2) To receive a loan under these Regulations the student must enter into a contract with the National Assembly on terms to be decided by the National Assembly.

(3) For the purposes of calculating the amount of fee support under this Part, an institution that provides courses designated by regulation 4 of the Education (Student Support) (Dance and Drama) Regulations 1999(1) is not to be regarded as publicly funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992(2).

### **Students becoming eligible during the course of an academic year**

**13.** Where any of the events listed in regulation 14 occurs in the course of an academic year -

- (a) a student may qualify for grants and loans under this Part in respect of that academic year provided that the relevant event occurred within the first three months of the academic year; and
- (b) such grants and loans are not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

### **Events**

**14.** The events are -

- (a) the student's course becomes a designated course;
- (b) the student, his or her spouse, his or her civil partner or his or her parent is recognised as a refugee or becomes a person with leave to enter or remain ;
- (c) a state accedes to the European Community where the student is a national of that state or a family member (as defined in Part 1 of Schedule 1) of a national of that state;
- (d) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EC national;
- (e) the student acquires the right of permanent residence ;
- (f) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or
- (g) the student becomes the child of a Swiss national.

(1) O.S. 1999/2263, a ddiwigiwyd gan O.S. 2001/2893.

(2) 1992 p. 13; mewnosodwyd adran 65(3A) gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 27.

(1) S.I. 1999/2263, amended by S.I. 2001/2893.

(2) 1992 c. 13; section 65(3A) was inserted by the Teaching and Higher Education Act 1998 (c. 30), section 27.

**Grantiau at ffioedd: Amodau'r hawl ar gyfer myfyrwyr cymwys o dan yr hen drefn**

15.-(1) Yn ddarostyngedig i reoliadau 6 a 7, mae gan fyfyrwr cymwys o dan yr hen drefn hawl yn unol â'r rheoliad hwn i gael grant mewn perthynas â'r ffioedd(1) am flwyddyn academiaidd sy'n daladwy gan y myfyrwr mewn perthynas â phresenoldeb y myfyrwr ar gwrs dynodedig, neu mewn cysylltiad â'r presenoldeb hwnnw mewn modd arall.

(2) Pennir swm y grant at ffioedd mewn perthynas â blwyddyn academiaidd yn unol â rheoliad 16 neu 17.

(3) Nid oes gan fyfyrwr cymwys hawl i gael cymorth mewn perthynas â blwyddyn academiaidd -

- (a) os yw, mewn perthynas â'r flwyddyn honno, yn gymwys i gael unrhyw daliad o dan fwsari gofal iechyd y mae ei swm yn cael ei gyfrifo drwy gyfeirio at ei incwm;
- (b) os yw, mewn perthynas â'r flwyddyn honno, yn gymwys i gael lwfans gofal iechyd yr Alban y mae ei swm yn cael ei gyfrifo drwy gyfeirio at ei incwm;
- (c) os yw'n cymryd rhan yng nghynllun gweithredu y Gymuned Ewropeaidd ar gyfer symudedd myfyrwyr prifysgol sy'n cael ei adnabod fel ERASMUS(2) ac -
  - (i) bod ei gwrs yn gwrs y cyfeirir ato yn rheoliad 5(1)(ch); a
  - (ii) bod yr holl gyfnodau astudio yn ystod y flwyddyn academiaidd yn gyfnodau astudio mewn sefydliad y tu allan i'r Deyrnas Unedig; neu
- (ch) os yw'n ymgymryd â chwrs HCA ôl-radd hyblyg.

**Swm y grant at ffioedd mewn sefydliad a ariennir yn gyhoeddus ac mewn sefydliad preifat ar ran sefydliad a ariennir yn gyhoeddus: myfyrwyr cymwys o dan yr hen drefn**

16.-(1) Yn ddarostyngedig i'r paragraffau canlynol, swm y grant at ffioedd ar gyfer myfyrwr cymwys o dan yr hen drefn mewn perthynas â blwyddyn academiaidd cwrs dynodedig mewn sefydliad a ariennir yn gyhoeddus yw'r swm lleiaf o'r isod-

- (a) £1,225; a
- (b) y ffioedd sy'n daladwy gan y myfyrwr mewn cysylltiad â'r flwyddyn honno.

(1) Diffinnir ffioedd ("fees") yn adran 28(1) o Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30).

(2) Mae ERASMUS yn rhan o raglen weithredu SOCRATES y Gymuned Ewropeaidd; OJ Rhif L28, 3.2.2000, t1.

**Grants for fees: Qualifying conditions for old system eligible students**

15.-(1) Subject to regulations 6 and 7, an old system eligible student qualifies in accordance with this regulation for a grant in respect of the fees(1) for an academic year payable by the student in respect of, or otherwise in connection with, the student's attendance on a designated course.

(2) The amount of the grant for fees in respect of an academic year is determined in accordance with regulation 16 or 17.

(3) An eligible student does not qualify for support in respect of an academic year if -

- (a) in relation to that year he or she is eligible to receive any payment under a healthcare bursary the amount of which is calculated by reference to his or her income;
- (b) in relation to that year he or she is eligible to receive a Scottish healthcare allowance the amount of which is calculated by reference to his or her income;
- (c) he or she is participating in the action scheme of the European Community for the mobility of university students known as ERASMUS(2) and -
  - (i) his or her course is a course referred to in regulation 5(1)(d); and
  - (ii) all the periods of study during the academic year are at an institution outside the United Kingdom; or
- (d) he or she is undertaking a flexible postgraduate ITT course.

**Amount of grants for fees at a publicly funded institution and at a private institution on behalf of a publicly funded institution: old system eligible students**

16.-(1) Subject to the following paragraphs, the amount of the grant for fees for an old system eligible student in respect of an academic year of a designated course at a publicly-funded institution is the lesser of-

- (a) £1,225; and
- (b) the fees payable by the student in connection with that year.

(1) "fees" ("ffioedd") is defined in section 28(1) of the Teaching and Higher Education Act 1998 (c. 30).

(2) ERASMUS is part of the European Community action programme SOCRATES; OJ No L28, 3.2.2000, p1.

(2) Yn ddarostyngedig i baragraffau (4), (5) a (7), swm y grant at ffioedd ar gyfer myfyriwr cymwys o dan yr hen drefn mewn perthynas â blwyddyn academaidd yn yr achosion ym mharagraff (3) yw'r lleiaf o'r canlynol-

- (a) £610, a
- (b) y swm sy'n daladwy gan y myfyriwr mewn cysylltiad â'r flwyddyn honno.

(3) Y canlynol yw'r achosion-

- (a) blwyddyn derfynol y cwrs os yw fel rheol yn ofynnol i'r flwyddyn honno gael ei chwblhau ar ôl llai na 15 wythnos o bresenoldeb;
- (b) mewn perthynas â chwrs rhyngosod, blwyddyn academaidd -
  - (i) pryd y mae cyfanswm unrhyw gyfnodau o astudio amser-llawn yn llai na 10 wythnos; neu
  - (ii) mewn perthynas â'r flwyddyn academaidd honno ac unrhyw flynyddoedd academaidd blaenorol ar y cwrs, os yw cyfanswm unrhyw un neu fwy o gyfnodau o bresenoldeb nad ydynt yn gyfnodau o astudio amser-llawn yn y sefydliad (gan anwybyddu gwyliau yn y cyfamser) yn fwy na 30 wythnos;
- (c) mewn perthynas â chwrs ar gyfer hyfforddiant cychwynnol athrawon (gan gynnwys cwrs sy'n arwain at radd gyntaf), blwyddyn academaidd pryd y mae cyfanswm unrhyw gyfnodau o astudio amser-llawn yn llai na 10 wythnos;
- (ch) mewn perthynas â chwrs a ddarperir ar y cyd â sefydliad dros y môr, blwyddyn academaidd-
  - (i) pryd y mae cyfanswm y cyfnodau o astudio amser-llawn yn y sefydliad yn y Deyrnas Unedig yn llai na 10 wythnos; neu
  - (ii) mewn perthynas â'r flwyddyn academaidd honno ac unrhyw flynyddoedd academaidd blaenorol ar y cwrs, os yw cyfanswm unrhyw un neu fwy o gyfnodau o bresenoldeb nad ydynt yn gyfnodau o astudio amser-llawn yn y sefydliad yn y Deyrnas Unedig (gan anwybyddu gwyliau yn y cyfamser) yn fwy na 30 wythnos; neu
- (d) mewn perthynas â blwyddyn academaidd cwrs a ddarperir gan Athrofa Prifysgol Llundain ym Mharis(1) a ddechreuodd cyn 1 Medi 2001.

(4) Yn achos cwrs dynodedig yng Ngholeg Heythrop, swm y grant at ffioedd mewn perthynas â blwyddyn academaidd yw £2,195.

(5) Yn achos cwrs dynodedig yn Ysgol Cerdd a Drama Guildhall, swm y grant at ffioedd mewn perthynas â blwyddyn academaidd yw £4,445.

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(1) Enw blaenorol Athrofa Prifysgol Llundain ym Mharis oedd y Sefydliad Prydeinig ym Mharis.

(2) Subject to paragraphs (4), (5) and (7) the amount of the grant for fees for an old system eligible student in respect of an academic year in the cases in paragraph (3) is the lesser of-

- (a) £610; and
- (b) the fees payable by the student in connection with that year

(3) The cases are -

- (a) the final year of the course where that year is ordinarily required to be completed after less than 15 weeks' attendance;
- (b) in respect of a sandwich course, an academic year -
  - (i) during which any periods of full-time study are in aggregate less than 10 weeks; or
  - (ii) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution (disregarding intervening vacations) exceeds 30 weeks;
- (c) in respect of a course for the initial training of teachers (including a course leading to a first degree), an academic year during which any periods of full-time study are in aggregate less than 10 weeks;
- (d) in respect of a course provided in conjunction with an overseas institution, an academic year -
  - (i) during which the periods of full-time study at the institution in the United Kingdom are in aggregate less than 10 weeks; or
  - (ii) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution in the United Kingdom (disregarding intervening vacations) exceeds 30 weeks; or
- (e) in respect of an academic year of a course provided by the University of London Institute in Paris(1) which began before 1 September 2001.

(4) In the case of a designated course at Heythrop College, the amount of grant for fees in respect of an academic year is £2,195.

(5) In the case of a designated course at Guildhall School of Music and Drama, the amount of grant for fees in respect of an academic year is £4,445.

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(1) The University of London Institute in Paris was formerly known as the British Institute in Paris.

(6) Caniateir didynnu swm o'r grant at ffioedd y penderfynir arno o dan baragraff (1) neu (2) yn unol â rheoliad 54.

(7) Swm sylfaenol y grant at ffioedd mewn cysylltiad â blwyddyn academaidd mewn sefydliad preifat sy'n darparu cwrs dynodedig ar ran sefydliad cyhoeddus yw'r lleiaf o'r symiau canlynol, sef £1,150 a'r ffioedd sy'n daladwy gan y myfyriwr mewn cysylltiad â'r flwyddyn honno-

- (a) os dechreuodd y cwrs dynodedig ar neu ar ôl 1 Medi 2001;
- (b) os darperir y cwrs dynodedig ar ran sefydliad a ariennir yn gyhoeddus; ac
- (c) os nad yw unrhyw un o'r amgylchiadau yn rheoliad 16(3) yn gymwys.

(8) Swm y grant at ffioedd mewn cysylltiad â blwyddyn academaidd mewn sefydliad preifat sy'n darparu cwrs dynodedig ar ran sefydliad cyhoeddus yw'r lleiaf o'r symiau canlynol, sef £610 a'r ffioedd sy'n daladwy gan y myfyriwr mewn cysylltiad â'r flwyddyn honno-

- (a) os dechreuodd y cwrs dynodedig ar neu ar ôl 1 Medi 2001;
- (b) os darperir y cwrs dynodedig ar ran sefydliad a ariennir yn gyhoeddus; ac
- (c) os bod un neu fwy o'r amgylchiadau yn rheoliad 16(3) yn gymwys.

(9) Pan gyfrifir cyfraniad sy'n fwy na dim o dan Atodlen 5, gwneir didyniad o swm y grant at ffioedd a benderfynir o dan baragraff (1) neu (2) yn unol â rheoliad 54.

#### **Swm y grant at ffioedd ar gyfer cwrs mewn sefydliad preifat: myfyrwyr cymwys o dan yr hen drefn**

17.-(1) Yn ddarostyngedig i baragraff (2), swm y grant at ffioedd mewn cysylltiad â blwyddyn academaidd cwrs dynodedig mewn sefydliad preifat yw'r lleiaf o'r canlynol-

- (a) £1,150; a
- (b) y ffioedd sy'n daladwy gan y myfyriwr mewn cysylltiad â'r flwyddyn honno.

(2) Yn achos cwrs dynodedig ym Mhrifysgol Buckingham, swm y grant at ffioedd mewn cysylltiad â blwyddyn academaidd yw £2,905.

#### **Grantiau newydd at ffioedd**

18.-(1) Yn ddarostyngedig i baragraff (2), caiff myfyriwr sydd â hawl i gael grant newydd at ffioedd wneud cais o dan y rheoliad hwn am grant newydd at ffioedd o swm nad yw'n fwy na'r uchafswm sydd ar gael (yn unol â pharagraff (3) neu (4), yn ôl fel y digwydd) mewn perthynas â'i bresenoldeb ar gwrs dynodedig cymhwysol, neu mewn cysylltiad â'r presenoldeb hwnnw mewn modd arall.

(6) A deduction may be made from the grant for fees determined under paragraph (1) or (2) in accordance with regulation 54.

(7) The basic amount of the grant for fees in respect of an academic year at a private institution providing a designated course on behalf of a public institution is the lesser of £1,150 and the fees payable by the student in connection with that year if-

- (a) the designated course began on or after 1 September 2001;
- (b) the designated course is provided on behalf of a publicly-funded institution; and
- (c) none of the circumstances in regulation 16(3) applies.

(8) The amount of the grant for fees in respect of an academic year at a private institution providing a designated course on behalf of a public institution is the lesser of £610 and the fees payable by the student in connection with that year if-

- (a) the designated course began on or after 1 September 2001;
- (b) the designated course is provided on behalf of a publicly-funded institution; and
- (c) one or more of the circumstances in regulation 16(3) applies.

(9) Where a contribution exceeding nil is calculated under Schedule 5, a deduction will be made from the amount of the grant for fees determined under paragraph (1) or (2) in accordance with regulation 54.

#### **Amount of the grant for fees at a private institution: Old system eligible students**

17.-(1) Subject to paragraph (2), the amount of the grant for fees in respect of an academic year of a designated course at a private institution is the lesser of-

- (a) £1,150; and
- (b) the fees payable by the student in connection with that year.

(2) In the case of a designated course at the University of Buckingham, the amount of the grant for fees in respect of an academic year is £2,905.

#### **New fee grant**

18.-(1) Subject to paragraph (2), a student who qualifies for a new fee grant may apply under this regulation for a new fee grant of an amount not exceeding the maximum available (in accordance with paragraph (3) or (4), as the case may be) in respect of, or otherwise in connection with, his or her attendance on a qualifying designated course.



(2) Nid oes grant newydd at ffioedd ar gael mewn perthynas â blwyddyn academiaidd -

- (a) os yw'r myfyriwr yn gymwys mewn perthynas â'r flwyddyn honno i gael unrhyw daliad o dan fwrari gofal iechyd y mae ei swm yn cael ei gyfrifo drwy gyfeirio at ei incwm;
- (b) os yw, mewn perthynas â'r flwyddyn honno, yn gymwys i gael lwfans gofal iechyd yr Alban y mae ei swm yn cael ei gyfrifo drwy gyfeirio at ei incwm;
- (c) os yw'n cymryd rhan yng nghynllun gweithredu y Gymuned Ewropeaidd ar gyfer symudedd myfyrwyr prifysgol sy'n cael ei adnabod fel ERASMUS ac -
  - (i) bod ei gwrs yn gwrs y cyfeirir ato yn rheoliad 5(1)(ch); a
  - (ii) bod yr holl gyfnodau astudio yn ystod y flwyddyn academiaidd yn gyfnodau astudio mewn sefydliad y tu allan i'r Deyrnas Unedig; neu

(ch) os yw'n ymgymryd â chwrs HCA ôl-radd hyblyg.

(3) Uchafswm y grant sydd ar gael o dan y rheoliad hwn i geisydd mewn perthynas â blwyddyn academiaidd ar gwrs dynodedig cymhwysol os nad yw'r un o'r amgylchiadau yn rheoliad 16(3) yn gymwys yw £1,845 neu y gwahaniaeth rhwng £1,225 a'r ffioedd sy'n daladwy ganddo, p'un bynnag yw'r lleiaf.

(4) Uchafswm y grant sydd ar gael mewn perthynas â blwyddyn academiaidd o'r fath o dan y rheoliad hwn i geisydd os yw un o'r amgylchiadau yn rheoliad 16(3) yn gymwys yw £925 neu y gwahaniaeth rhwng £610 a'r ffioedd sy'n daladwy ganddo, p'un bynnag yw'r lleiaf.

(5) Yn y Rheoliadau hyn, ystyr "myfyriwr sydd â hawl i gael grant newydd at ffioedd" ("*student who qualifies for a new fee grant*"), mewn perthynas â chwrs dynodedig cymhwysol, yw myfyriwr cymwys o dan y drefn newydd-sy'n berson y mae'r Cynulliad Cenedlaethol wedi penderfynu mewn cysylltiad â'r cwrs dynodedig ei fod yn dod o fewn un o'r categorïau a nodir yn Rhan 2 o Atodlen 1.

(6) Yn y Rheoliadau hyn, nid yw myfyriwr a grybwyllir ym mharagraff (5) yn gymwys ar gyfer grant newydd at ffioedd os yr unig baragraff yn Rhan 2 o Atodlen 1 y mae'r myfyriwr yn dod oddi tano yw paragraff 9.

(7) Yn y Rheoliadau hyn, ystyr "cwrs dynodedig cymhwysol" ("*qualifying designated course*"), mewn perthynas â myfyriwr y mae ganddo hawl i gael grant newydd at ffioedd, yw cwrs dynodedig sy'n cael ei ddarparu gan sefydliad a ariannir yn gyhoeddus yng Nghymru.

(2) A new fee grant is not available in respect of an academic year if -

- (a) in relation to that year the student is eligible to receive any payment under a healthcare bursary the amount of which is calculated by reference to his or her income;
- (b) in relation to that year he or she is eligible to receive a Scottish healthcare allowance the amount of which is calculated by reference to his or her income;
- (c) he or she is participating in the action scheme of the European Community for the mobility of university students known as ERASMUS and -
  - (i) his or her course is a course referred to in regulation 5(1)(d); and
  - (ii) all the periods of study during the academic year are at an institution outside the United Kingdom; or
- (d) he or she is undertaking a flexible postgraduate ITT course.

(3) The maximum amount of grant available under this regulation to an applicant in respect of an academic year of a qualifying designated course where none of the circumstances in regulation 16(3) applies is £1,845 or the amount by which the fees payable by him or her exceed £1,225, whichever is the lesser.

(4) The maximum amount of grant available in respect of such an academic year under this regulation to an applicant where one of the circumstances in regulation 16(3) applies is £925 or the amount by which the fees payable by him or her exceed £610, whichever is the lesser.

(5) In these Regulations, "student who qualifies for a new fee grant" ("*myfyriwr sydd â hawl i gael grant newydd at ffioedd*"), in relation to a qualifying designated course, means a new system eligible student who is a person whom the National Assembly has determined in connection with the designated course falls within one of the categories set out in Part 2 of Schedule 1.

(6) In these Regulations, a student mentioned in paragraph (5) does not qualify for a new fee grant if the only paragraph in Part 2 of Schedule 1 into which the student falls is paragraph 9.

(7) In these Regulations, "qualifying designated course" ("*cwrs dynodedig cymhwysol*"), in relation to a student who qualifies for a new fee grant, means a designated course provided by a publicly-funded institution in Wales.

**Amodau cyffredinol yr hawl i gael benthyciadau at ffioedd**

19.-(1) Mae gan fyfyrwr cymwys hawl i gael benthyciad at ffioedd mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig o dan y Rhan hon ar yr amod nad yw'r myfyrwr wedi'i hepgor rhag bod â hawl gan y paragraff canlynol, rheoliad 6 neu reoliad 7.

(2) Nid oes gan fyfyrwr cymwys hawl i gael benthyciad at ffioedd mewn perthynas â blwyddyn academaidd -

- (a) os yw, mewn perthynas â'r flwyddyn honno, yn gymwys i gael unrhyw daliad o dan fwrsari gofal iechyd y mae ei swm yn cael ei gyfrifo drwy gyfeirio at ei incwm;
- (b) os yw, mewn perthynas â'r flwyddyn honno, yn gymwys i gael lwfans gofal iechyd yr Alban y mae ei swm yn cael ei gyfrifo drwy gyfeirio at ei incwm;
- (c) os yw'n cymryd rhan yng nghynllun gweithredu y Gymuned Ewropeaidd ar gyfer symudedd myfyrwyr prifysgol sy'n cael ei adnabod fel ERASMUS ac -
  - (i) bod ei gwrs yn gwrs y cyfeirir ato yn rheoliad 5(1)(ch); a
  - (ii) bod yr holl gyfnodau astudio yn ystod y flwyddyn academaidd yn gyfnodau astudio mewn sefydliad y tu allan i'r Deyrnas Unedig; neu
- (ch) os yw'n ymgymryd â chwrs HCA ôl-radd hyblyg.

**Benthyciadau at gyfraniad at ffioedd (i fyfyrwyr cymwys o dan yr hen drefn)**

20.-(1) Yn ddarostyngedig i baragraff (7), mae gan fyfyrwr cymwys o dan yr hen drefn hawl i gael benthyciad at gyfraniad at ffioedd mewn perthynas â blwyddyn academaidd cwrs dynodedig-

- (a) os yw'n gymwys i gael grant at ffioedd mewn cysylltiad â'r flwyddyn honno neu os byddai wedi bod yn gymwys pe byddai wedi gwneud cais am y grant (hyd yn oed pe byddai'r swm wedi bod yn ddim); ac
- (b) os darperir y cwrs dynodedig gan neu ar ran sefydliad a oedd yn cael ei ariannu'n gyhoeddus ar 1 Awst 2005.

(2) Os yw myfyrwr cymwys o dan yr hen drefn yn gwneud cais am grant at ffioedd ac am benthyciad at gyfraniad at ffioedd, swm y benthyciad at gyfraniad at ffioedd mewn perthynas â blwyddyn academaidd ar y cwrs dynodedig yw'r swm y mae'r myfyrwr yn gwneud cais amdano a hwnnw'n swm nad yw'n fwy na'r swm a ddiwyddwyd o'i grant at ffioedd yn unol â rheoliad 54.

**General qualifying conditions for loans for fees**

19.-(1) An eligible student qualifies for a loan for fees in connection with the student's attendance on a designated course under this Part provided that the student is not excluded from qualification by the following paragraph, regulation 6 or regulation 7.

(2) An eligible student does not qualify for a loan for fees in respect of an academic year if -

- (a) in relation to that year he or she is eligible to receive any payment under a healthcare bursary the amount of which is calculated by reference to his or her income;
- (b) in relation to that year he or she is eligible to receive a Scottish healthcare allowance the amount of which is calculated by reference to his or her income;
- (c) he or she is participating in the action scheme of the European Community for the mobility of university students known as ERASMUS and -
  - (i) his or her course is a course referred to in regulation 5(1)(d); and
  - (ii) all the periods of study during the academic year are at an institution outside the United Kingdom; or
- (d) he or she is undertaking a flexible postgraduate ITT course.

**Fee contribution loans (for old system eligible students)**

20.-(1) Subject to paragraph (7), an old system eligible student qualifies for a fee contribution loan in respect of an academic year of a designated course if-

- (a) he or she qualifies for a grant for fees in respect of that year or would have qualified if he or she had applied for the grant (even if the amount would have been nil); and
- (b) the designated course is provided by or on behalf of an institution that was publicly funded as at 1 August 2005.

(2) Where an old system eligible student applies for a grant for fees and a fee contribution loan, the amount of the fee contribution loan in respect of an academic year of the designated course is the amount for which the student applies not exceeding the amount deducted from his or her grant for fees in accordance with regulation 54.

(3) Os benthyciad at gyfraniad at ffioedd yw'r unig gymorth at ffioedd y mae myfyriwr cymwys o dan yr hen drefn yn gwneud cais amdano, swm y benthyciad hwnnw mewn perthynas â blwyddyn academiaidd y cwrs dynodedig yw'r swm y mae'r myfyriwr yn gwneud cais amdano, a hwnnw'n swm nad yw'n fwy na £1,225 neu, os oes unrhyw rai o'r amgylchiadau yn rheoliad 16(3) yn gymwys, £610.

(4) Caiff myfyriwr cymwys o dan yr hen drefn wneud cais am fenthyciad swm ychwanegol o fenthyciad at gyfraniad at ffioedd -

- (i) os yw'r Cynulliad Cenedlaethol yn penderfynu y dylid cynyddu uchafswm y benthyciad at gyfraniad at ffioedd (gan gynnwys rhoi swm pan na roddwyd dim ynghynt) sydd wedi'i hysbysu i'r myfyriwr mewn perthynas â blwyddyn academiaidd o ganlyniad i ailasesu cyfraniad y myfyriwr neu fel arall; a
- (ii) os yw'r Cynulliad Cenedlaethol o'r farn nad yw'r cynnydd yn yr uchafswm yn digwydd oherwydd i'r myfyriwr cymwys o dan yr hen drefn -
  - (aa) methu â rhoi yn brydlon wybodaeth a allai effeithio ar ei allu i fod â hawl i gael benthyciad at gyfraniad at ffioedd y mae ganddo hawl i'w gael; neu
  - (bb) rhoi gwybodaeth sy'n anghywir o ran unrhyw fanylyn perthnasol.

(5) Nid yw'r swm ychwanegol ym mharagraff (4), o'i adio at y swm y gwnaed cais amdano eisoes, yn fwy na'r uchafswm wedi'i gynyddu.

(6) Os yw myfyriwr cymwys o dan yr hen drefn wedi gwneud cais am fenthyciad at gyfraniad at ffioedd sy'n llai na'r uchafswm y mae ganddo hawlogaeth i'w gael mewn perthynas â'r flwyddyn academiaidd, caiff wneud cais am fenthyciad swm ychwanegol nad yw, o'i adio at y swm y gwnaed cais amdano eisoes, yn fwy na'r uchafswm perthnasol sy'n gymwys yn achos y myfyriwr hwnnw.

### **Benthyciadau at ffioedd: Myfyriwr cymwys o dan y drefn newydd nad oes ganddynt hawl i gael grant newydd at ffioedd**

21.-(1) Yn ddarostyngedig i baragraff (9), mae gan fyfyriwr cymwys o dan y drefn newydd hawl yn unol â'r rheoliad hwn i gael benthyciad mewn perthynas â'r ffioedd sy'n daladwy ganddo mewn perthynas â'i bresenoldeb ar gwrs dynodedig, neu mewn cysylltiad â'r presenoldeb hwnnw mewn modd arall.

(2) Rhaid i swm benthyciad at ffioedd mewn perthynas â blwyddyn academiaidd ar gwrs dynodedig beidio â bod yn fwy na'r lleiaf o'r canlynol -

- (a) £3,070 neu, os oes un o'r amgylchiadau ym mharagraff (3) yn gymwys, £1,535; a
- (b) y ffioedd sy'n daladwy gan y myfyriwr mewn

(3) Where the only fee support for which an old system eligible student applies is a fee contribution loan, the amount of that loan in respect of an academic year of the designated course is the amount for which the student applies not exceeding £1,225 or, if any of the circumstances in regulation 16(3) apply, £610.

(4) An old system eligible student may apply to borrow an additional amount of fee contribution loan where -

- (i) the National Assembly determines that the maximum amount of fee contribution loan which has been notified to the student in relation to an academic year should be increased (including an increase from nil) as a result of a reassessment of the student's contribution or otherwise; and
- (ii) the National Assembly considers that the increase in the maximum amount does not result from the old system eligible student -
  - (aa) failing to provide information promptly which might affect his or her ability to qualify for a fee contribution loan for which he or she qualifies; or
  - (bb) providing information which is inaccurate in any material particular.

(5) The additional amount in paragraph (4) is an amount which when added to the amount already applied for does not exceed the increased maximum.

(6) Where an old system eligible student has applied for a fee contribution loan of less than the maximum amount to which he is entitled in relation to the academic year, he or she may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed the relevant maximum applicable in his or her case.

### **Fee loans: New system eligible students not qualifying for new fee grant**

21.-(1) Subject to paragraph (9), a new system eligible student qualifies in accordance with this regulation for a loan in respect of the fees payable by him or her in respect of, or otherwise in connection with his or her attendance on a designated course.

(2) The amount of a fee loan in respect of an academic year of a designated course must not exceed the lesser of -

- (a) £3,070 or, where one of the circumstances in paragraph (3) applies, £1,535; and
- (b) the fees payable by the student in respect of, or

perthynas â'r flwyddyn honno, neu mewn cysylltiad â hi mewn modd arall.

(3) Yn yr achosion a bennir yn rheoliad 16(3), uchafswm y benthyciad at ffioedd mewn perthynas â blwyddyn academiaidd yw £1,535.

(4) Os caiff statws myfyriwr fel myfyriwr cymwys ei drosglwyddo o un cwrs dynodedig i un arall o dan y Rheoliadau hyn a bod un o'r amgylchiadau ym mharagraff (5) yn gymwys, caiff y myfyriwr fenthyc swm ychwanegol ar ffurf benthyciad at ffioedd mewn perthynas â blwyddyn academiaidd y cwrs y mae'r myfyriwr hwnnw yn trosglwyddo iddo.

(5) Yr amgylchiadau yw -

- (a) bod y ffioedd sy'n daladwy mewn perthynas â blwyddyn academiaidd y cwrs y mae'r myfyriwr cymwys o dan y drefn newydd yn trosglwyddo iddo yn fwy na'r ffioedd sy'n daladwy mewn perthynas â blwyddyn academiaidd y cwrs y mae'r myfyriwr wedi trosglwyddo ohono; a
- (b) nad yw blwyddyn academiaidd y cwrs y mae'r myfyriwr cymwys o dan y drefn newydd yn trosglwyddo iddo yn dechrau ar ddyddiad diweddarach na blwyddyn academiaidd y cwrs y mae'r myfyriwr wedi trosglwyddo oddi arno.

(6) Os yw paragraff (5)(a) yn gymwys, rhaid i'r swm ychwanegol y caiff y myfyriwr cymwys o dan y drefn newydd ei fenthyc mewn perthynas â'r flwyddyn academiaidd y mae'r myfyriwr hwnnw'n trosglwyddo iddi beidio â bod yn fwy na swm sy'n hafal i'r ffioedd sy'n daladwy gan y myfyriwr hwnnw mewn perthynas â'r flwyddyn academiaidd honno, llai swm unrhyw fenthyciad at ffioedd y mae'r myfyriwr hwnnw wedi'i godi mewn perthynas â'r flwyddyn academiaidd y mae wedi trosglwyddo oddi arni.

(7) Os yw paragraff 5(b) yn gymwys, rhaid i'r swm ychwanegol y caiff y myfyriwr cymwys o dan y drefn newydd ei fenthyc mewn perthynas â'r flwyddyn academiaidd y mae'n trosglwyddo iddi beidio â bod yn fwy na'r lleiaf o'r canlynol -

- (a) £3,070 neu, os oes un o'r amgylchiadau yn rheoliad 16(3) yn gymwys, £1,535; a
- (b) y ffioedd sy'n daladwy gan y myfyriwr mewn perthynas â'r flwyddyn honno, neu mewn cysylltiad â hi mewn modd arall.

(8) Os yw myfyriwr cymwys o dan y drefn newydd wedi gwneud cais am fenthyciad at ffioedd sy'n llai na'r uchafswm sydd ar gael mewn perthynas â blwyddyn academiaidd, caiff wneud cais am fenthyc swm ychwanegol nad yw, o'i adio at y swm y gwnaed cais amdano eisoes, yn fwy na'r uchafswm perthnasol sy'n gymwys yn achos y myfyriwr hwnnw.

(9) Nid yw'r rheoliad hwn yn gymwys mewn perthynas â myfyriwr os oes ganddo hawl i gael grant newydd at ffioedd a bod y cwrs yn gwrs dynodedig cymhwysol.

otherwise in connection with, that year.

(3) The maximum amount of the fee loan in respect of an academic year is £1,535 in the cases specified in regulation 16(3).

(4) If the student's status as an eligible student is transferred from one designated course to another under these Regulations and one of the circumstances in paragraph (5) applies, the student may borrow an additional amount by way of fee loan in respect of the academic year of the course to which he or she transfers.

(5) The circumstances are -

- (a) the fees payable in respect of the academic year of the course to which the new system eligible student transfers exceed the fees payable in respect of the academic year of the course from which the student has transferred; and
- (b) the academic year of the course to which the new system eligible student transfers does not begin on a later date than the academic year of the course from which he or she has transferred.

(6) Where paragraph (5)(a) applies, the additional amount that the new system eligible student may borrow in respect of the academic year to which he or she transfers must not exceed an amount equal to the fees payable by him or her in respect of that academic year less the amount of any fee loan he or she has taken out in respect of the academic year from which he or she has transferred.

(7) Where paragraph (5)(b) applies, the additional amount that the new system eligible student may borrow in respect of the academic year to which he or she transfers must not exceed the lesser of -

- (a) £3,070 or, where one of the circumstances in regulation 16(3) applies, £1,535; and
- (b) the fees payable by the student in respect of, or otherwise in connection with, that year.

(8) Where a new system eligible student has applied for a fee loan of less than the maximum amount available in relation to an academic year, he or she may apply to borrow an additional amount which when added to the amount already applied for does not exceed the relevant maximum applicable in his or her case.

(9) This regulation does not apply in relation to a student if he or she qualifies for a new fee grant and the course is a qualifying designated course.

## **Benthyciadau at ffioedd: Myfyriwr sydd â hawl i gael grant newydd at ffioedd**

22.-(1) Caiff myfyriwr sydd â hawl i gael grant newydd at ffioedd wneud cais o dan y rheoliad hwn am fenthyciad mewn perthynas â mynychu'r cwrs dynodedig cymhwysol.

(2) Uchafswm y benthyciad sydd ar gael o dan y rheoliad hwn yw'r lleiaf o'r canlynol -

- (a) £1,225 neu, pan fydd unrhyw un neu rai o'r amgylchiadau yn rheoliad 16(3) yn gymwys, £610; a
- (b) gweddill y ffioedd sy'n daladwy gan y myfyriwr a swm sy'n hafal i'r grant newydd at ffioedd mewn perthynas â'r flwyddyn honno neu mewn cysylltiad â hi fel arall wedi i ddiwynnu oddi wrtho.

(3) Os yw'r myfyriwr wedi gwneud cais am fenthyciad at ffioedd sy'n llai na'r uchafswm sydd ar gael mewn perthynas â blwyddyn academaidd, caiff wneud cais am fenthyciad swm ychwanegol nad yw, o'i adio at y swm y gwnaed cais amdano eisoes, yn fwy na'r uchafswm hwnnw.

(4) Os yw statws myfyriwr fel myfyriwr cymwys yn cael ei drosglwyddo o gwrs dynodedig cymhwysol i gwrs dynodedig cymhwysol arall o dan y Rheoliadau hyn a bod un o'r amgylchiadau ym mharagraff (5) yn gymwys, caiff y myfyriwr fenthyciad swm ychwanegol ar ffurf benthyciad at ffioedd mewn perthynas â blwyddyn academaidd y cwrs y mae'n trosglwyddo iddo.

(5) Yr amgylchiadau yw -

- (a) bod y ffioedd sy'n daladwy mewn perthynas â blwyddyn academaidd y cwrs y mae'r myfyriwr cymwys yn trosglwyddo iddo yn fwy na'r ffioedd sy'n daladwy mewn perthynas â blwyddyn academaidd y cwrs y mae'r myfyriwr cymwys wedi trosglwyddo ohono; a
- (b) nad yw blwyddyn academaidd y cwrs y mae'r myfyriwr cymwys yn trosglwyddo iddo yn dechrau ar ddyddiad diweddarach na blwyddyn academaidd y cwrs y mae wedi trosglwyddo ohono.

(6) Pan fo paragraff (5)(a) yn gymwys, rhaid i'r swm ychwanegol y caiff y myfyriwr cymwys ei fenthyciad mewn cysylltiad â'r flwyddyn academaidd y mae'n trosglwyddo iddi beidio â bod yn fwy na swm hafal i'r ffioedd sy'n daladwy ganddo mewn perthynas â'r flwyddyn academaidd honno llai swm unrhyw fenthyciad at ffioedd y mae wedi'i gymryd ac/neu unrhyw grant newydd at ffioedd y mae wedi'i dderbyn mewn cysylltiad â'r flwyddyn academaidd y mae wedi trosglwyddo ohoni.

(7) Pan fo paragraff (5)(b) yn gymwys, rhaid i'r swm ychwanegol y caiff y myfyriwr cymwys ei fenthyciad mewn cysylltiad â'r flwyddyn academaidd y mae'n

## **Fee loans: Students qualifying for new fee grant**

22.-(1) A student who qualifies for a new fee grant may apply under this regulation for a loan in respect of his or her attendance on the qualifying designated course.

(2) The maximum amount of loan available under this regulation is the lesser of -

- (a) £1,225 or, where any of the circumstances in regulation 16(3) apply, £610; and
- (b) the remainder of the fees payable by the student less an amount equal to the new fee grant in respect of or otherwise in connection with that year.

(3) Where the student has applied for a fee loan of less than the maximum amount available in relation to an academic year, he or she may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed that maximum.

(4) If the student's status as an eligible student is transferred from a qualifying designated course to another qualifying designated course under these Regulations and one of the circumstances in paragraph (5) applies, the student may borrow an additional amount by way of fee loan in respect of the academic year of the course to which he or she transfers.

(5) The circumstances are -

- (a) the fees payable in respect of the academic year of the course to which the eligible student transfers exceed the fees payable in respect of the academic year of the course from which the student has transferred; and
- (b) the academic year of the course to which the eligible student transfers does not begin on a later date than the academic year of the course from which he or she has transferred.

(6) Where paragraph (5) (a) applies, the additional amount that the eligible student may borrow in respect of the academic year to which he or she transfers must not exceed an amount equal to the fees payable by him or her in respect of that academic year less the amount of any fee loan he or she has taken out and/or any new fee grant that he or she has received in respect of the academic year from which he or she has transferred.

(7) Where paragraph (5)(b) applies, the additional amount that the eligible student may borrow in respect of the academic year to which he or she transfers must not exceed the lesser of -

trosglwyddo iddi beidio â bod yn fwy na'r lleiaf o'r canlynol-

- (a) £3,070 neu, pan fo un o'r amgylchiadau yn rheoliad 16(3) yn gymwys, £1,535; a
- (b) gweddill y ffioedd sy'n daladwy gan y myfyriwr llai swm hafal i'r grant newydd at ffioedd mewn perthynas â'r flwyddyn honno, neu mewn cysylltiad â hi fel arall.

## RHAN 5

### GRANTIAU AT GOSTAU BYW

#### Amodau cyffredinol yr hawl i gael grantiau at gostau byw

23.-(1) Mae gan fyfyriwr cymwys hawl i gael grant o dan y Rhan hon ar yr amod -

- (a) nad yw'r myfyriwr wedi'i hepgor rhag bod â hawl gan unrhyw un o'r paragraffau canlynol, rheoliad 6 neu reoliad 7; a
- (b) bod y myfyriwr yn bodloni amodau'r hawl i gael y grant penodol y mae'n gwneud cais amdano.

(2) Nid oes gan fyfyriwr cymwys hawl i gael grant o dan y Rhan hon os paragraff 9 yw'r unig baragraff yn Rhan 2 o Atodlen 1 y mae'r myfyriwr yn syrthio odano.

(3) Nid oes gan fyfyriwr cymwys hawl i gael grant o dan y Rhan hon mewn perthynas ag unrhyw flwyddyn academaidd -

- (a) pryd y mae'r myfyriwr yn gymwys i gael unrhyw daliad o dan fwrsari gofal iechyd y mae ei swm yn cael ei gyfrifo drwy gyfeirio at incwm y myfyriwr;
- (b) pryd y mae'r myfyriwr yn gymwys i gael lwfans gofal iechyd yr Alban y mae ei swm yn cael ei gyfrifo drwy gyfeirio at incwm y myfyriwr; neu
- (c) ar gwrs ar gyfer hyfforddiant cychwynnol athrawon pryd y mae cyfanswm y cyfnodau o bresenoldeb amser-llawn, gan gynnwys presenoldeb er mwyn ymarfer dysgu, yn llai na 6 wythnos.

(4) Nid yw paragraff (3)(c) yn gymwys at ddibenion rheoliad 24.

(5) Nid oes gan fyfyriwr cymwys hawl i gael grant o dan y Rhan hon mewn perthynas ag unrhyw flwyddyn academaidd ar gwrs rhyngosod os yw cyfanswm y cyfnodau o astudio amser-llawn yn llai na 10 wythnos oni bai bod y cyfnodau o brofiad gwaith yn wasanaeth di-dâl.

(6) At ddibenion paragraff (5), ystyr "gwasanaeth di-dâl" ("*unpaid service*") yw -

- (a) £3,070 or, where one of the circumstances in regulation 16(3) applies, £1,535; and
- (b) the remainder of fees payable by the student less an amount equal to the new fee grant in respect of, or otherwise in connection with, that year.

## PART 5

### GRANTS FOR LIVING COSTS

#### General qualifying conditions for grants for living costs

23.-(1) An eligible student qualifies for a grant under this Part provided that -

- (a) the student is not excluded from qualification by any of the following paragraphs, regulation 6 or regulation 7; and
- (b) the student satisfies the qualifying conditions for the particular grant for which he or she is applying.

(2) An eligible student does not qualify for a grant under this Part if the only paragraph in Part 2 of Schedule 1 into which the student falls is paragraph 9.

(3) An eligible student does not qualify for a grant under this Part in respect of any academic year -

- (a) during which the student is eligible to receive any payment under a healthcare bursary the amount of which is calculated by reference to the student's income;
- (b) during which the student is eligible to receive a Scottish healthcare allowance the amount of which is calculated by reference to the student's income; or
- (c) of a course for the initial training of teachers during which the periods of full-time attendance, including attendance for the purpose of teaching practice, are in aggregate less than 6 weeks.

(4) Paragraph (3)(c) does not apply for the purposes of regulation 24.

(5) An eligible student does not qualify for a grant under this Part in respect of any academic year of a sandwich course where the periods of full-time study are in aggregate less than 10 weeks unless the periods of work experience constitute unpaid service.

(6) For the purposes of paragraph (5), "unpaid service" ("*gwasanaeth di-dâl*") means -

- (a) gwasanaeth di-dâl mewn ysbyty neu mewn labordy gwasanaeth iechyd cyhoeddus neu gydag ymddiriedolaeth gofal sylfaenol yn y Deyrnas Unedig;
- (b) gwasanaeth di-dâl gydag awdurdod lleol yn y Deyrnas Unedig sy'n gweithredu i arfer eu swyddogaethau sy'n ymwneud â gofal plant a phersonau ifanc, iechyd neu les neu gyda chorff gwirfoddol sy'n darparu cyfleusterau neu sy'n cynnal gweithgareddau o natur debyg yn y Deyrnas Unedig;
- (c) gwasanaeth di-dâl yn y gwasanaeth carchardai neu'r gwasanaeth prawf ac ôl-ofal yn y Deyrnas Unedig;
- (ch) ymchwil ddi-dâl mewn sefydliad yn y Deyrnas Unedig neu, yn achos myfyriwr sy'n bresennol mewn sefydliad tramor fel rhan o'i gwrs, mewn sefydliad tramor; neu
- (d) gwasanaeth di-dâl gydag -
- (i) Awdurdod Iechyd neu Awdurdod Iechyd Strategol a sefydlwyd yn unol ag adran 8 o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(1) ("Deddf 1977") neu Awdurdod Iechyd Arbennig a sefydlwyd yn unol ag adran 11 o'r Ddeddf honno(2) neu yn unol ag adran 22 o Ddeddf y Gwasanaeth Iechyd Gwladol 2006(3) neu Fwrdd Iechyd Lleol a sefydlwyd yn unol ag adran 16BA o Ddeddf 1977(4) neu yn unol ag adran 11 o Ddeddf y Gwasanaeth Iechyd Gwladol 2006 neu Fwrdd Iechyd Lleol a sefydlwyd yn unol ag adran 16 BA Ddeddf 1977;
- (ii) Bwrdd Iechyd neu Fwrdd Iechyd Arbennig a gyfansoddwyd o dan adran 2 o Ddeddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978(5); neu
- (iii) Bwrdd Iechyd a Gwasanaethau Cymdeithasol a sefydlwyd o dan Erthygl 16 o Orchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1972 (6).
- (a) unpaid service in a hospital or in a public health service laboratory or with a primary care trust in the United Kingdom;
- (b) unpaid service with a local authority in the United Kingdom acting in the exercise of their functions relating to the care of children and young persons, health or welfare or with a voluntary organisation providing facilities or carrying out activities of a like nature in the United Kingdom;
- (c) unpaid service in the prison or probation and aftercare service in the United Kingdom;
- (d) unpaid research in an institution in the United Kingdom or, in the case of a student attending an overseas institution as part of his or her course, in an overseas institution; or
- (e) unpaid service with -
- (i) a Health Authority or a Strategic Health Authority established pursuant to section 8 of the National Health Service Act 1977(1) ("the 1977 Act") or a Special Health Authority established pursuant to section 11 of the 1977 Act(2) or pursuant to section 22 of the National Health Service (Wales) Act 2006(3) or a Local Health Board established pursuant to section 16BA to the 1977(4) Act or pursuant to section 22 of the National Health Service (Wales) Act 2006 ;
- (ii) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(5); or
- (iii) a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(6).

(7) Yn ddarostyngedig i baragraff (8), nid oes gan fyfyrwr cymwys hawl i gael grant o dan reoliad 35, 36 neu 37 mewn perthynas â blwyddyn academiaidd ar y cwrs dynodedig os nad oes gan y myfyriwr hawl i gael cymorth perthnasol mewn perthynas â'r flwyddyn academiaidd honno.

(7) Subject to paragraph (8), an eligible student does not qualify for a grant under regulation 35, 36 or 37 in respect of an academic year of the designated course if the student does not qualify for relevant support in respect of that academic year.

(1) 1977 p. 49; diwygiwyd adran 8 gan Ddeddf Diwygio'r Gwasanaeth Iechyd Gwladol a'r Proffesiynau Gofal Iechyd 2002 (p. 17), adran 1(2).

(2) Diwygiwyd adran 11 gan Ddeddf yr Awdurdodau Iechyd 1995 (p. 17), adran 2 ac Atodlen 1, paragraff 2 a Deddf Iechyd 1999 (p. 8), Atodlen 4, paragraff 6.

(3) 2006 p. 42

(4) Mewnosodwyd adran 16BA gan Ddeddf Diwygio'r Gwasanaeth Iechyd Gwladol a'r Proffesiynau Gofal Iechyd 2002, adran 6(1).

(5) 1978 p. 29.

(6) O.S. 1972/1265 (G.I. 14).

(1) 1977 c. 49; section 8 was amended by the National Health Service Reform and Health Care Professions Act 2002 (c. 17), section 1(2).

(2) Section 11 was amended by the Health Authorities Act 1995 (c. 17), section 2 and Schedule 1, paragraph 2 and the Health Act 1999 (c. 8), Schedule 4, paragraph 6.

(3) 2006 c.42

(8) Nid yw paragraff (7) yn gymwys os y rheswm nad oes gan y myfyriwr hawl i gael cymorth perthnasol yw -

- (a) ei fod yn cymryd rhan yng nghynllun gweithredu'r Gymuned Ewropeaidd ar gyfer symudedd myfyrwyr prifysgol sy'n cael ei adnabod fel ERASMUS a bod ei gwrs yn gwrs y cyfeirir ato yn rheoliad 5(1)(ch); a bod yr holl gyfnodau astudio yn ystod y flwyddyn academaidd yn gyfnodau astudio mewn sefydliad y tu allan i'r Deyrnas Unedig; neu
- (b) bod y cwrs gradd yn gwrs HCA hyblyg.

(9) Ym mharagraff (7) ystyr "cymorth perthnasol" ("*relevant support*"), yn achos grant o dan reoliad 35, yw grant at ffioedd, neu, yn achos grant o dan reoliad 36 neu 37, benthyciad at ffioedd.

(10) Os daw myfyriwr yn fyfyrwr cymwys yn ystod blwyddyn academaidd o ganlyniad i un o'r digwyddiadau a restrir ym mharagraff (11), caiff y myfyriwr fod â hawl i gael grant penodol yn unol â'r Rhan hon mewn perthynas â'r flwyddyn academaidd honno ond nid oes ganddo hawl i gael grant mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol ynddi.

(11) Y digwyddiadau y cyfeirir atynt ym mharagraff (10) yw -

- (a) bod cwrs y myfyriwr yn dod yn gwrs dynodedig;
- (b) bod y myfyriwr, priod y myfyriwr, partner sifil y myfyriwr neu riant y myfyriwr yn cael ei gydnabod fel ffoadur neu ei fod yn cael caniatâd i ddod i mewn neu i aros;
- (c) bod y wladwriaeth y mae'r myfyriwr yn wladolyn iddi yn ymaelodi â'r Gymuned Ewropeaidd os yw'r myfyriwr wedi bod yn preswyl fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd yn union cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;
- (ch) bod y myfyriwr yn ennill yr hawl i breswyl o'n barhaol;
- (d) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 6(1)(a) o Atodlen 1; neu
- (dd) bod y myfyriwr yn dod yn blentyn i wladolyn o'r Swistir.

### Grantiau at gostau byw myfyrwyr anabl

24.-(1) Mae gan fyfyrwr cymwys hawl yn unol â'r rheoliad hwn i gael grant i helpu gyda'r gwariant ychwanegol y mae'r Cynulliad Cenedlaethol wedi'i fodloni ei bod yn ofynnol i'r myfyriwr ei ysgwyddo mewn perthynas ag ymgymryd â chwrs dynodedig oherwydd anabledd sydd ganddo.

(8) Paragraph (7) does not apply if the reason that the student does not qualify for relevant support is because -

- (a) he or she is participating in the action scheme of the European Community for the mobility of university students known as ERASMUS and his or her course is a course referred to in regulation 5(1)(d); and all the periods of study during the academic year are at an institution outside the United Kingdom; or
- (b) the degree course is a flexible postgraduate ITT course.

(9) In paragraph (7) "relevant support" ("*cymorth perthnasol*") means, in the case of a grant under regulation 35, a grant for fees, or, in the case of a grant under regulations 36 or 37, a loan for fees.

(10) Where a student becomes an eligible student during the course of an academic year as a result of one of the events listed in paragraph (11), the student may qualify for a particular grant in accordance with this Part in respect of that academic year but does not qualify for a grant in respect of any academic year beginning before the academic year in which the relevant event occurred.

(11) The events referred to in paragraph (10) are -

- (a) the student's course becomes a designated course;
- (b) the student, the student's spouse, the student's civil partner or the student's parent is recognised as a refugee or is granted leave to enter or remain;
- (c) the state of which the student is a national accedes to the European Community where the student has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course;
- (d) the student acquires the right of permanent residence;
- (e) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or
- (f) the student becomes the child of a Swiss national.

### Grants for disabled students' living costs

24.-(1) An eligible student qualifies in accordance with this regulation for a grant to assist with the additional expenditure which the National Assembly is satisfied the student is obliged to incur in respect of his or her undertaking a designated course by reason of a disability to which the student is subject.



(2) Nid oes gan fyfyrwr cymwys hawl i gael grant o dan y rheoliad hwn oni bai bod y myfyrwr yn ymgymryd â'r cwrs yn y Deyrnas Unedig.

(3) Yn ddarostyngedig i'r paragraffau canlynol, swm y grant o dan y rheoliad hwn yw'r swm sy'n briodol ym marn y Cynulliad Cenedlaethol.

(4) Rhaid i swm y grant beidio â bod yn fwy na'r canlynol-

- (a) £12,425 mewn perthynas â blwyddyn academaidd at wariant ar gynorthwydd personol anfeddygol;
- (b) £4,910 mewn perthynas â phob blwyddyn academaidd yn ystod y cyfnod cymhwystra at wariant ar eitemau mawr o offer arbenigol;
- (c) y gwariant ychwanegol sy'n cael ei ysgwyddo -
  - (i) yn y Deyrnas Unedig er mwyn bod yn bresennol yn y sefydliad,
  - (ii) yn y Deyrnas Unedig neu y tu allan iddi er mwyn bod yn bresennol, fel rhan o'i gwrs, ar unrhyw gyfnod astudio mewn sefydliad dros y môr neu er mwyn bod yn bresennol yn Athrofa Prifysgol Llundain ym Mharis;
- (ch) £1,645 mewn perthynas â blwyddyn academaidd at unrhyw wariant arall gan gynnwys gwariant sy'n cael ei ysgwyddo at y dibenion y cyfeirir atynt yn is-baragraff (a) neu (b) sy'n fwy na'r uchafsymiau penodedig.

(5) Os yw'r myfyrwr cymwys wedi cael taliadau i helpu gyda gwariant ar eitemau mawr o offer arbenigol mewn cysylltiad â'r cwrs yn rhinwedd y ffaith bod ganddo ddyfarniad trosiannol, mae uchafswm y grant o dan baragraff (4)(b) yn cael ei ostwng yn ôl swm y taliadau hynny.

(6) Uchafswm y grant o dan baragraffau (4)(a) a (4)(ch) yw £9,325 a £1,230, yn y drefn honno -

- (a) os yw myfyrwr cymwys yn bresennol ar gwrs ar gyfer hyfforddiant cychwynnol athrawon; a
- (b) os yw cyfanswm y cyfnodau o bresenoldeb amser-llawn mewn unrhyw flwyddyn academaidd ar y cwrs hwnnw, (gan gynnwys presenoldeb er mwyn ymarfer dysgu) yn llai na 6 wythnos.

### **Grantiau ar gyfer dibynnyddion - cyffredinol**

**25.-(1)** Mae'r grant ar gyfer dibynnyddion yn cynnwys yr elfennau canlynol -

- (a) grant dibynnyddion mewn oed;
- (b) grant gofal plant;
- (c) lwfans dysgu rhieni.

(2) Nodir amodau'r hawl i gael pob elfen a'r symiau

(2) An eligible student does not qualify for a grant under this regulation unless the student undertakes the course in the United Kingdom.

(3) Subject to the following paragraphs, the amount of grant under this regulation is the amount that the National Assembly considers appropriate.

(4) The amount of the grant must not exceed -

- (a) £12,425 in respect of an academic year for expenditure on a non-medical personal helper;
- (b) £4,910 in respect of all the academic years during the period of eligibility for expenditure on major items of specialist equipment;
- (c) the additional expenditure incurred -
  - (i) within the United Kingdom for the purpose of attending the institution,
  - (ii) within or outside the United Kingdom for the purpose of attending, as a part of his or her course, any period of study at an overseas institution or for the purpose of attending the University of London Institute in Paris ;
- (d) £1,645 in respect of an academic year for any other expenditure including expenditure incurred for the purposes referred to in sub-paragraph (a) or (b) which exceeds the specified maxima.

(5) Where the eligible student has received payments to assist with expenditure on major items of specialist equipment in connection with the course by virtue of holding a transitional award, the maximum amount of grant under paragraph (4)(b) is reduced by the amount of those payments.

(6) The maximum amount of grant under paragraphs (4)(a) and (4)(d) is £9,325 and £1,230, respectively where -

- (a) an eligible student attends a course for the initial training of teachers; and
- (b) in any academic year of that course, the periods of full-time attendance (including attendance for the purpose of teaching practice) are in aggregate less than 6 weeks.

### **Grants for dependants - general**

**25.-(1)** The grant for dependants consists of the following elements -

- (a) adult dependants' grant;
- (b) childcare grant;
- (c) parents' learning allowance.

(2) The qualifying conditions for each element and

sy'n daladwy yn rheoliadau 26 i 29.

(3) Caniateir didynnu swm o unrhyw un o elfennau'r grant ar gyfer dibynnyddion yn unol â rheoliad 54.

### **Grantiau ar gyfer dibynnyddion - grant dibynnyddion mewn oed**

26.-(1) Mae gan fyfyrwr cymwys hawl i gael grant dibynnyddion mewn oed mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig yn unol â'r rheoliad hwn.

(2) Mae'r grant dibynnyddion mewn oed ar gael mewn perthynas â dibynnydd i fyfyrwr cymwys sydd naill ai -

- (a) yn bartner i'r myfyrwr cymwys; neu
- (b) yn ddibynnydd mewn oed i'r myfyrwr cymwys nad yw ei incwm net yn fwy na £3,615.

(3) Mae swm y grant dibynnyddion mewn oed sy'n daladwy mewn perthynas â blwyddyn academaidd yn cael ei gyfrifo yn unol â rheoliad 29, a'r swm sylfaenol yw -

- (a) £2,515; neu
- (b) os yw'r person y mae'r myfyrwr cymwys yn gwneud cais mewn perthynas ag ef am grant dibynnyddion mewn oed yn preswyllo fel arfer y tu allan i'r Deyrnas Unedig, unrhyw swm nad yw'n fwy na £2,515 sydd ym marn y Cynulliad Cenedlaethol yn rhesymol o dan yr amgylchiadau.

(4) Mae swm y grant dibynnyddion mewn oed a gyfrifir o dan reoliad 29 yn cael ei ostwng o hanner -

- (a) os yw partner y myfyrwr cymwys -
  - (i) yn fyfyrwr cymwys; neu
  - (ii) yn dal dyfarniad statudol; a
- (b) os cymerir dibynnyddion y partner hwnnw i ystyriaeth wrth gyfrifo swm y cymorth y mae'r partner hwnnw â hawl i'w gael neu'r taliad y mae ganddo hawlogaeth iddo o dan y dyfarniad statudol.

### **Grantiau ar gyfer dibynnyddion - grant gofal plant**

27.-(1) Mae gan fyfyrwr cymwys, mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig, hawl i gael grant mewn perthynas â chostau gofal plant sy'n gostau rhagnodedig a dynnir mewn perthynas â phob plentyn dibynnol yn unol â'r rheoliad hwn.

(2) Yn ddarostyngedig i baragraffau (3) a (4), mae gan fyfyrwr cymwys hawl i gael grant gofal plant mewn perthynas â blwyddyn academaidd y mae'n tynnu costau gofal plant rhagnodedig ynddi a hynny ar gyfer -

the amounts payable are set out in regulations 26 to 29.

(3) A deduction may be made from any element of the grant for dependants in accordance with regulation 54.

### **Grants for dependants - adult dependants' grant**

26.-(1) An eligible student qualifies for an adult dependants' grant in connection with his or her attendance on a designated course in accordance with this regulation.

(2) The adult dependants' grant is available in respect of a dependant of an eligible student who is either -

- (a) the eligible student's partner; or
- (b) an adult dependant of the eligible student whose net income does not exceed £3,615.

(3) The amount of adult dependants' grant payable in respect of an academic year is calculated in accordance with regulation 29, the basic amount being -

- (a) £2,515; or
- (b) where the person in respect of whom the eligible student is applying for adult dependants' grant is ordinarily resident outside the United Kingdom, such amount not exceeding £2,515 as the National Assembly considers reasonable in the circumstances.

(4) The amount of adult dependants' grant calculated under regulation 29 is reduced by one half where -

- (a) the eligible student's partner -
  - (i) is an eligible student; or
  - (ii) holds a statutory award; and
- (b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which he or she is entitled under the statutory award.

### **Grants for dependants - childcare grant**

27.-(1) An eligible student qualifies, in connection with his or her attendance on a designated course, for a grant in respect of prescribed childcare charges incurred in relation to each dependent child in accordance with this regulation.

(2) Subject to paragraphs (3) and (4), an eligible student qualifies for a childcare grant in respect of an academic year in which he or she incurs prescribed childcare charges for -

- (a) plentyn sydd o dan 15 oed yn union cyn dechrau'r flwyddyn academaidd; neu
- (b) plentyn sydd ag anghenion addysgol arbennig o fewn yr ystyr a roddir i "*special educational needs*" yn adran 312 o Ddeddf Addysg 1996(1) a'i fod o dan 17 oed yn union cyn dechrau'r flwyddyn academaidd.

(3) Nid oes gan fyfyrwr cymwys hawl i gael grant o dan y rheoliad hwn os yw'r myfyrwr neu bartner y myfyrwr wedi dewis cael yr elfen gofal plant o'r credyd treth gweithio o dan Ran I o Ddeddf Credydau Treth 2002(2).

(4) Nid yw myfyrwr cymwys yn gymwys i gael grant o dan y rheoliad hwn os yw'r costau gofal plant rhagnodedig y mae'n eu tynnu'n cael eu talu neu os ydynt i'w talu gan y myfyrwr i'w bartner mewn perthynas â-

- (a) ei blentyn; neu
- (b) plentyn ei bartner.

(5) Yn ddarostyngedig i baragraff (6), swm sylfaenol y grant gofal plant am bob wythnos yw -

- (a) ar gyfer un plentyn dibynnol, 85 y cant o gostau gofal plant rhagnodedig, hyd at uchafswm o £153 yr wythnos; neu
- (b) ar gyfer dau neu fwy o blant dibynnol, 85 y cant o gostau gofal plant rhagnodedig, hyd at uchafswm o £259.25 yr wythnos,

ac eithrio nad oes gan y myfyrwr hawl i gael unrhyw grant o'r fath mewn perthynas â phob wythnos sy'n syrthio o fewn y cyfnod rhwng diwedd y cwrs a diwedd y flwyddyn academaidd y daw'r cwrs i ben ynddi.

(6) Er mwyn cyfrifo swm sylfaenol y grant gofal plant -

- (a) mae wythnos yn rhedeg o ddydd Llun i ddydd Sul; a
- (b) os yw wythnos y caiff costau gofal plant rhagnodedig eu tynnu mewn perthynas â hi yn syrthio'n rhannol o fewn y flwyddyn academaidd y mae grant gofal plant yn daladwy mewn perthynas â hi o dan y rheoliad hwn ac yn rhannol y tu allan iddi, mae uchafswm wythnosol y grant yn cael ei gyfrifo drwy luosi'r uchafswm wythnosol perthnasol ym mharagraff (4) â chyfrannedd y nifer o ddyddiau yn yr wythnos honno sy'n syrthio o fewn y flwyddyn academaidd o'i chymharu â nifer y dyddiau mewn wythnos.

(1) 1996 p. 56; diwygiwyd adran 312 gan Ddeddf Addysg 1997 (p. 44), Atodlen 7, paragraff 23, Deddf Safonau a Fframwaith Ysgolion 1998 (p. 31), adran 140, Atodlen 30, paragraff 71 ac Atodlen 31 a Deddf Dysgu a Sgiliau 2000 (p. 21), Atodlen 9, paragraff 56.

(2) 2002 p.21.

- (a) a child who is under the age of 15 immediately before the beginning of the academic year; or
- (b) a child who has special educational needs within the meaning of section 312 of the Education Act 1996(1) and is under the age of 17 immediately before the beginning of the academic year.

(3) An eligible student does not qualify for a grant under this regulation if the student or the student's partner has elected to receive the childcare element of the working tax credit under Part I of the Tax Credits Act 2002(2).

(4) An eligible student does not qualify for a grant under this regulation if the prescribed childcare charges that he or she incurs are paid or to be paid by the student to his or her partner in respect of-

- (a) his or her child; or
- (b) a child of his or her partner.

(5) Subject to paragraph (6), the basic amount of childcare grant for each week is -

- (a) for one dependent child, 85 per cent. of the prescribed childcare charges, subject to a maximum amount of £153 per week; or
- (b) for two or more dependent children, 85 per cent. of the prescribed childcare charges, subject to a maximum amount of £ 259.25 per week,

except that the student does not qualify for any such grant in respect of each week falling within the period between the end of the course and the end of the academic year in which the course ends.

(6) For the purposes of calculating the basic amount of childcare grant -

- (a) a week runs from Monday to Sunday; and
- (b) where a week in respect of which prescribed childcare charges are incurred falls partly within and partly outside the academic year in respect of which childcare grant is payable under this regulation, the maximum weekly amount of grant is calculated by multiplying the relevant maximum weekly amount in paragraph (4) by the proportion which the number of days of that week falling within the academic year bears to the number of days in a week.

(1) 1996 c. 56; section 312 was amended by the Education Act 1997 (c. 44), Schedule 7, paragraph 23, the Schools Standards and Framework Act 1998 (c. 31), section 140, Schedule 30, paragraph 71 and Schedule 31 and the Learning and Skills Act 2000 (c. 21), Schedule 9, paragraph 56.

(2) 2002 c. 21.

(7) Yn y rheoliad hwn, ystyr "costau gofal plant rhagnodedig" ("*prescribed childcare charges*") yw costau gofal plant o ddisgrifiad a ragnodir at ddibenion adran 12 o Ddeddf Credydau Treth 2002(1).

### Grantiau ar gyfer dibynyddion - lwfans dysgu rhieni

28.-(1) Mae gan fyfyrwr cymwys hawl mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig i gael y lwfans dysgu rhieni os oes gan y myfyrwr un neu fwy o blant dibynnol.

(2) Mae swm y lwfans dysgu rhieni sy'n daladwy mewn perthynas â blwyddyn academiaidd yn cael ei gyfrifo yn unol â rheoliad 29, a'r swm sylfaenol yw £1,435.

### Grantiau ar gyfer dibynyddion - eu cyfrifo

29.-(1) Yn ddarostyngedig i'r paragraffau canlynol, y swm sy'n daladwy mewn perthynas ag elfen benodol o'r grant ar gyfer dibynyddion y mae gan y myfyrwr cymwys hawl i'w gael o dan reoliadau 26 i 28 yw'r swm hwnnw o'r elfen honno sy'n weddill ar ôl cymhwyso, hyd nes y daw i ben, swm sy'n hafal i (**A - B**) fel a ganlyn ac yn y drefn ganlynol -

- (a) i ostwng swm sylfaenol y grant dibynyddion mewn oed os oes gan y myfyrwr cymwys hawl i gael yr elfen honno o dan reoliad 26;
- (b) i ostwng swm sylfaenol y grant gofal plant am y flwyddyn academiaidd os oes gan y myfyrwr cymwys hawl i gael yr elfen honno o dan reoliad 27; ac
- (c) i ostwng swm sylfaenol y lwfans dysgu rhieni os oes gan y myfyrwr cymwys hawl i gael yr elfen honno o dan reoliad 28.

(2) Yn ddarostyngedig i baragraffau (4) a (5), os yw **B** yn fwy na neu'n hafal i **A**, mae swm sylfaenol pob elfen o'r grant ar gyfer dibynyddion y mae gan y myfyrwr cymwys hawl i'w chael yn daladwy.

(3) Os yw (**A - B**) yn hafal i neu'n fwy na chyfanswm symiau sylfaenol elfennau'r grant ar gyfer dibynyddion y mae gan y myfyrwr cymwys hawl i'w cael, y swm sy'n daladwy mewn perthynas â phob elfen yw dim.

(4) Rhaid gostwng swm y grant dibynyddion mewn oed a gyfrifir o dan y rheoliad hwn yn unol â rheoliad 26(4).

(7) In this regulation "prescribed childcare charges" ("*costau gofal plant rhagnodedig*") means childcare charges of a description prescribed for the purposes of section 12 of the Tax Credits Act 2002(1)

### Grants for dependants - parents' learning allowance

28.-(1) An eligible student qualifies in connection with the student's attendance on a designated course for the parents' learning allowance if the student has one or more dependent children.

(2) The amount of parents' learning allowance payable in respect of an academic year is calculated in accordance with regulation 29, the basic amount being £1,435.

### Grants for dependants - calculations

29.-(1) Subject to the following paragraphs, the amount payable in respect of a particular element of the grant for dependants for which the eligible student qualifies under regulations 26 to 28 is the amount of that element remaining after applying, until it is extinguished, an amount equal to (**A - B**) as follows and in the following order -

- (a) to reduce the basic amount of the adult dependants' grant where the eligible student qualifies for that element under regulation 26;
- (b) to reduce the basic amount of the childcare grant for the academic year where the eligible student qualifies for that element under regulation 27; and
- (c) to reduce the basic amount of the parents' learning allowance where the eligible student qualifies for that element under regulation 28.

(2) Subject to paragraphs (4) and (5), where **B** is greater than or equal to **A**, the basic amount of each element of the grant for dependants for which the eligible student qualifies is payable.

(3) Where (**A - B**) is equal to or exceeds the aggregate of the basic amounts of the elements of the grant for dependants for which the eligible student qualifies, the amount payable in respect of each element is nil.

(4) The amount of the adult dependants' grant calculated under this regulation must be reduced in accordance with regulation 26(4).

(1) Mae Rheoliad 14 o Reoliadau Credyd Treth Gwaith (Hawlogaeth ac Uchafsymiau) 2002 (O.S. 2002/2005, fel y'i diwygir gan O.S.2003/701, S.I. 2003/2815, S.I. 2004/762, S.I. 2004/1276, S.I. 2004/2663, S.I. 2005/769, S.I. 2005/2919, S.I. 2006/766) yn nodi'r costau a ragnodir, ac felly gostau gofal plant rhagnodedig, at ddibenion adran 12 o Ddeddf Credydau Treth 2002.

(1) Regulation 14 of the Working Tax Credit (Entitlement and Maximum Amount) Regulations 2002 (S.I. 2002/2005: as amended by S.I. 2003/701, S.I. 2003/2815, S.I. 2004/762, S.I. 2004/1276, S.I. 2004/2663, S.I. 2005/769, S.I. 2005/2919, S.I. 2006/766) sets out the charges that are prescribed, and thus relevant childcare charges, for the purposes of section 12 of the Tax Credits Act 2002.

(5) Rhaid gostwng swm y grant gofal plant a gyfrifir o dan y rheoliad hwn yn unol â rheoliad 27(6).

(6) Os yw swm y lwfans dysgu rhieni a gyfrifir o dan baragraff (1) yn £0.01 neu fwy ond yn llai na £50, swm y lwfans dysgu rhieni sy'n daladwy yw £50.

(7) Yn y rheoliad hwn -

- (a) **A** yw cyfanswm incwm net pob un o ddibynyddion y myfyriwr cymwys; a
- (b) **B** yw
  - (i) £1,000 os nad oes gan y myfyriwr cymwys blentyn dibynnol;
  - (ii) £3,300 os nad yw'r myfyriwr cymwys yn rhiant unigol a bod ganddo un plentyn dibynnol;
  - (iii) £4,405 os nad yw'r myfyriwr cymwys yn rhiant unigol a bod ganddo fwy nag un plentyn dibynnol;
  - (iv) £4,405 os yw'r myfyriwr cymwys yn rhiant unigol a bod ganddo un plentyn;
  - (v) £5,510 os yw'r myfyriwr cymwys yn rhiant unigol a bod ganddo fwy nag un plentyn dibynnol.

(8) Mae paragraffau (9) i (12) yn gymwys os bydd unrhyw un o'r canlynol yn digwydd, yn ystod y flwyddyn academaidd -

- (a) bod nifer dibynyddion y myfyriwr cymwys yn newid;
- (b) bod person yn dod yn ddibynnydd i'r myfyriwr cymwys neu'n peidio â bod yn ddibynnydd iddo;
- (c) bod y myfyriwr cymwys yn dod yn rhiant unigol neu'n peidio â bod yn rhiant unigol;
- (ch) bod myfyriwr yn dod yn fyfyrwr cymwys o ganlyniad i ddigwyddiad y cyfeirir ato yn rheoliad 23(11).

(9) Er mwyn penderfynu priod werthoedd **A** a **B** ac a oes grant dibynyddion mewn oed neu lwfans dysgu rhieni yn daladwy, rhaid i'r Cynulliad Cenedlaethol benderfynu ar y canlynol mewn perthynas â phob chwarter perthnasol drwy gyfeirio at amgylchiadau'r myfyriwr yn y chwarter perthnasol -

- (a) faint o ddibynyddion y mae'r myfyriwr cymwys i gael ei drin fel pe baent ganddo;
- (b) pwy yw'r dibynyddion hynny;
- (c) a yw'r myfyriwr i gael ei drin fel rhiant unigol.

(10) Swm y grant ar gyfer dibynyddion am y flwyddyn academaidd yw cyfanswm y grant dibynyddion mewn oed a'r lwfans dysgu rhieni wedi'u cyfrifo mewn perthynas â phob chwarter perthnasol o dan baragraff (11) a swm unrhyw grant gofal plant am

(5) The amount of the childcare grant calculated under this regulation must be reduced in accordance with regulation 27(6).

(6) Where the amount of the parents' learning allowance calculated under paragraph (1) is £0.01 or more but less than £50, the amount of parents' learning allowance payable is £50.

(7) In this regulation -

- (a) **A** is the aggregate of the net income of each of the eligible student's dependants; and
- (b) **B** is-
  - (i) £1,100 where the eligible student has no dependent child;
  - (ii) £3,300 where the eligible student is not a lone parent and has one dependent child;
  - (iii) £4,405 where the eligible student is not a lone parent and has more than one dependent child;
  - (iv) £4,405 where the eligible student is a lone parent and has one dependent child;
  - (v) £5,510 where the eligible student is a lone parent and has more than one dependent child.

(8) Paragraphs (9) to (12) apply where, in the course of the academic year, any of the following occurs -

- (a) there is a change in the number of the eligible student's dependants;
- (b) a person becomes or ceases to be a dependant of the eligible student;
- (c) the eligible student becomes or ceases to be a lone parent;
- (d) a student becomes an eligible student as a result of an event referred to in regulation 23(11).

(9) For the purposes of determining the respective values of **A** and **B** and whether adult dependants' grant or parents' learning allowance is payable, the National Assembly must determine the following in relation to each relevant quarter by reference to the student's circumstances in the relevant quarter -

- (a) how many dependants the eligible student is to be treated as having;
- (b) who those dependants are;
- (c) whether the student is to be treated as a lone parent.

(10) The amount of grant for dependants for the academic year is the aggregate of the amounts of adult dependants' grant and parents' learning allowance calculated in respect of each relevant quarter under paragraph (11) and the amount of any childcare grant

y flwyddyn academaidd.

(11) Mae swm y grant dibynnyddion mewn oed a'r lwfans dysgu rhieni mewn perthynas â chwarter perthnasol yn draean o swm y grant neu'r lwfans am y flwyddyn academaidd pe bai amgylchiadau'r myfyriwr yn y chwarter perthnasol fel y'u pennir o dan baragraff (9) yn gymwys drwy gydol y flwyddyn academaidd.

(12) Yn y rheoliad hwn, ystyr "chwarter perthnasol" ("*relevant quarter*") yw -

- (a) yn achos person y cyfeirir ato ym mharagraff (8)(ch), chwarter sy'n dechrau ar ôl i'r digwyddiad perthnasol ddigwydd heblaw chwarter pryd y mae'r un hiraf o unrhyw wyliau yn digwydd, ym marn y Cynulliad Cenedlaethol;
- (b) fel arall, chwarter heblaw'r chwarter pryd y mae'r un hiraf o unrhyw wyliau yn digwydd, ym marn y Cynulliad Cenedlaethol.

### Grantiau ar gyfer dibynnyddion - dehongli

30.-(1) Yn rheoliadau 25 i 29 -

- (a) ystyr "dibynnol" ("*dependent*") yw ariannol ddibynnol yn gyfan gwbl neu'n bennaf;
- (b) ystyr "dibynnydd" ("*dependant*"), mewn perthynas â myfyriwr cymwys, yw partner y myfyriwr, plentyn dibynnol y myfyriwr neu ddibynnydd mewn oed, nad yw ym mhob achos yn fyfyrwr cymwys ac nad oes ganddo ddyfarniad statudol;
- (c) ystyr "dibynnydd mewn oed" ("*adult dependant*"), mewn perthynas â myfyriwr cymwys, yw person mewn oed sy'n dibynnu ar y myfyriwr heblaw plentyn y myfyriwr, partner neu gyn bartner y myfyriwr (gan gynnwys priod neu bartner sifil nad yw'n preswyllo fel arfer gyda'r myfyriwr);
- (ch) mae i "incwm net" ("*net income*") yr ystyr a roddir ym mharagraff (2);
- (d) yn ddarostyngedig i is-baragraffau (f), (ff) ac (g) ac (ng) ystyr "partner" ("*partner*") yw unrhyw un o'r canlynol -
  - (i) priod myfyriwr cymwys;
  - (ii) partner sifil myfyriwr cymwys;
  - (iii) person sydd fel arfer yn byw gyda myfyriwr cymwys fel pe bai'n briod i'r myfyriwr hwnnw os yw myfyriwr cymwys yn syrthio o fewn paragraff 2(a) o Atodlen 5 a'i fod yn dechrau ar y cwrs dynodedig ar neu ar ôl 1 Medi 2000;
  - (iv) person sydd fel arfer yn byw gyda myfyriwr cymwys fel pe bai'n bartner sifil i'r myfyriwr cymwys os yw myfyriwr cymwys yn syrthio o fewn paragraff 2(a) o Atodlen 5 a'i fod yn dechrau ar y cwrs

for the academic year.

(11) The amount of adult dependants' grant and parents' learning allowance in respect of a relevant quarter is one third of what that grant or allowance would be for the academic year if the student's circumstances in the relevant quarter as determined under paragraph (9) applied for the duration of the academic year.

(12) In this regulation, a "relevant quarter" ("*chwarter perthnasol*") means -

- (a) in the case of a person referred to in paragraph (8)(d), a quarter which begins after the relevant event occurs other than a quarter during which, in the opinion of the National Assembly, the longest of any vacation occurs;
- (b) otherwise, a quarter other than the one quarter during which, in the opinion of the National Assembly, the longest of any vacation occurs.

### Grants for dependants - interpretation

30.-(1) In regulations 25 to 29 -

- (a) "adult dependant" ("*dibynnydd mewn oed*") means, in relation to an eligible student, an adult person dependent on the student other than the student's child, the student's partner or former partner (including a spouse or civil partner who is not ordinarily living with the student);
- (b) "child" ("*plentyn*") in relation to an eligible student includes any child of the student's partner and any child for whom the student has parental responsibility where those children are dependent on the student;
- (c) "dependant" ("*dibynnydd*") means, in relation to an eligible student, the student's partner, the student's dependent child or an adult dependant, who in each case is not an eligible student and does not hold a statutory award;
- (d) "dependent" ("*dibynnol*") means wholly or mainly financially dependent;
- (e) "lone parent" ("*rhiant unigol*") means an eligible student who does not have a partner and who has a dependent child or dependent children;
- (f) "net income" ("*incwm net*") has the meaning given in paragraph (2);
- (g) subject to sub-paragraphs (h), (i), (j) and (k), "partner" ("*partner*") means any of the following -
  - (i) the spouse of an eligible student;
  - (ii) the civil partner of an eligible student;
  - (iii) a person ordinarily living with an eligible student as if he or she were his or her spouse where an eligible student falls

dynodedig ar neu ar ôl 1 Medi 2005;

- (dd) mae "plentyn" ("*child*") mewn perthynas â myfyriwr cymwys yn cynnwys unrhyw blentyn i bartner y myfyriwr ac unrhyw blentyn y mae gan y myfyriwr gyfrifoldeb rhiant drosto os yw'r plant hynny'n dibynnu ar y myfyriwr;
- (e) ystyr "rhiant unigol" ("*lone parent*") yw myfyriwr cymwys nad oes ganddo bartner ac sydd â phlentyn dibynnol neu blant dibynnol;
- (f) nid yw person a fyddai fel arall yn bartner o dan is-baragraff (d) yn cael ei drin fel partner -
  - (i) os yw'r person hwnnw a'r myfyriwr cymwys, ym marn y Cynulliad Cenedlaethol, wedi rhoi'r gorau i fyw gyda'i gilydd fel arfer; neu
  - (ii) os yw'r person fel arfer yn byw y tu allan i'r Deyrnas Unedig ac nad yw'n cael ei gynnal gan y myfyriwr cymwys;
- (ff) at ddibenion is-baragraff (c), mae person yn cael ei drin fel partner pe bai'r person yn bartner o dan is-baragraff (d) oni bai am y ffaith nad yw'r myfyriwr cymwys y mae'r person fel arfer yn byw gydag ef yn syrthio o fewn paragraff 2(a) o Atodlen 5; ac
- (g) at ddibenion is-baragraffau (dd) a (e), mae person yn cael ei drin fel partner pe bai'r person yn bartner o dan is-baragraff (d) oni bai am y dyddiad y dechreuodd y myfyriwr cymwys ar ei gwrs neu'r ffaith nad yw'r myfyriwr cymwys y mae'r person fel arfer yn byw gydag ef yn syrthio o fewn paragraff 2(a) o Atodlen 5.
- (ng) at ddibenion rheoliad 27 -
  - (aa) nid yw is-baragraff (ff) yn gymwys; a
  - (bb) mae person i'w drin fel pe bai'n bartner pe byddai'n bartner o dan is-baragraff (f) pe na bai am y ffaith nad yw'r myfyriwr cymwys y mae'n byw gydag ef yn arferol yn dod o fewn paragraff (2)(1)(a) o Atodlen 5.

(2) Yn ddarostyngedig i baragraff (3), incwm net dibynnydd yw incwm y dibynnydd o bob ffynhonnell am y flwyddyn academiaidd o dan sylw wedi'i ostwng yn ôl swm y dreth incwm a'r cyfraniadau nawdd cymdeithasol sy'n daladwy mewn perthynas â hi ond gan anwybyddu -

- (a) unrhyw bensiwn, lwfans neu fudd-dal arall a delir oherwydd anabledd neu analluedd sydd gan y dibynnydd;
- (b) budd-dal plant sy'n daladwy o dan Ran IX o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(1);
- (c) unrhyw gymorth ariannol sy'n daladwy i'r dibynnydd gan awdurdod lleol yn unol â rheoliadau a wnaed o dan baragraff 3 o

within paragraph 2(a) of Schedule 5 and begins the designated course on or after 1 September 2000;

- (iv) a person ordinarily living with an eligible student as if they were the student's civil partner where an eligible student falls within paragraph 2(a) of Schedule 5 and begins the designated course on or after 1 September 2005;
- (h) a person who would otherwise be a partner under sub-paragraph (g) is not treated as a partner if -
  - (i) in the opinion of the National Assembly, that person and the eligible student have ceased ordinarily to live together; or
  - (ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible student;
- (i) for the purposes of sub-paragraph (a), a person is treated as a partner if the person would be a partner under sub-paragraph (g) but for the fact that the eligible student with whom the person is ordinarily living does not fall within paragraph 2(a) of Schedule 5;
- (j) for the purposes of sub-paragraphs (b) and (e), a person is treated as a partner if the person would be a partner under sub-paragraph (g) but for the date on which the eligible student began the student's course or the fact that the eligible student with whom the person is ordinarily living does not fall within paragraph 2(a) of Schedule 5.
- (k) for the purposes of regulation 27 -
  - (i) sub-paragraph (i) does not apply; and
  - (ii) a person is to be treated as a partner if he or she would be a partner under sub-paragraph (h) but for the fact that the eligible student with whom he or she is ordinarily living does not fall within paragraph (2) (1) (a) of Schedule 5.

(2) Subject to paragraph (3), a dependant's net income is the dependant's income from all sources for the academic year in question reduced by the amount of income tax and social security contributions payable in respect of it but disregarding -

- (a) any pension, allowance or other benefit paid by reason of a disability or incapacity to which the dependant is subject;
- (b) child benefit payable under Part IX of the Social Security Contributions and Benefits Act 1992(1);
- (c) any financial support payable to the dependant by a local authority in accordance with regulations made under paragraph 3 of

Atodlen 4 i Ddeddf Mabwysiadu a Phlant 2002(1);

- (ch) unrhyw lwfans gwarcheidwad y mae gan y dibynnydd hawlogaeth i'w gael o dan adran 77 o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992;
- (d) yn achos dibynnydd y mae plentyn sy'n derbyn gofal awdurdod lleol wedi'i fyrddio gydag ef, unrhyw daliad a wneir i'r dibynnydd hwnnw yn unol ag adran 23 o Ddeddf Plant 1989(2);
- (dd) unrhyw daliadau a wneir i'r dibynnydd o dan adran 15 o Ddeddf Plant 1989 ac Atodlen 1 iddi mewn perthynas â pherson nad yw'n blentyn i'r dibynnydd neu unrhyw gymorth a roddir gan awdurdod lleol yn unol ag adran 24 o'r Ddeddf honno; ac
- (e) unrhyw gredyd treth plant y mae gan y dibynnydd hawlogaeth i'w gael o dan Ran I o Ddeddf Credydau Treth 2002.

(3) Os yw myfyriwr cymwys neu bartner y myfyriwr yn gwneud unrhyw daliadau ailgylchol a oedd gynt yn cael eu gwneud gan y myfyriwr yn unol â rhwymedigaeth a ysgwyddwyd cyn blwyddyn academaidd gyntaf cwrs y myfyriwr, incwm net y partner yw'r incwm net wedi'i gyfrifo yn unol â pharagraff (2) wedi'i ostwng yn ôl -

- (a) swm sy'n hafal i'r taliadau o dan sylw am y flwyddyn academaidd, os cafodd y rhwymedigaeth, ym marn y Cynulliad Cenedlaethol, ei hysgwyddo'n rhesymol; neu
- (b) unrhyw swm llai, os bydd unrhyw swm o gwbl, sy'n briodol ym marn y Cynulliad Cenedlaethol pe gallai rhwymedigaeth lai fod wedi'i hysgwyddo'n rhesymol, ym marn y Cynulliad Cenedlaethol.

(4) At ddibenion paragraff (2), os yw'r dibynnydd yn blentyn dibynnol a bod taliadau'n cael eu gwneud i'r myfyriwr cymwys tuag at gynhaliath y plentyn, mae'r taliadau hynny i gael eu trin fel incwm y plentyn.

### Amodau cymhwysol ar gyfer y grant at deithio

31.-(1) Mae grant ar gael i fyfyrwr cymwys sy'n mynychu cwrs mewn meddygaeth neu ddeintyddiaeth (y mae rhan hanfodol ohono'n gyfnod o astudio ar ffurf hyfforddiant clinigol) mewn perthynas â'r gwariant rhesymol y mae'n orfodol iddo ei dynnu mewn blwyddyn academaidd at ddiben mynychu mewn cysylltiad â'i gwrs unrhyw ysbyty neu fangre arall yn y Deyrnas Unedig (nad yw'n rhan o'r sefydliad) lle y darperir cyfleusterau ar gyfer hyfforddiant clinigol a hynny ac eithrio gwariant a dynnir at ddiben cyfnod o astudio preswyl heb fod yn y sefydliad.

Schedule 4 to the Adoption and Children Act 2002(1);

- (d) any guardian's allowance to which the dependant is entitled under section 77 of the Social Security Contributions and Benefits Act 1992;
- (e) in the case of a dependant with whom a child in the care of a local authority is boarded out, any payment made to that dependant in pursuance of section 23 of the Children Act 1989(2);
- (f) any payments made to the dependant under section 15 of and Schedule 1 to the Children Act 1989 in respect of a person who is not the dependant's child or any assistance given by a local authority pursuant to section 24 of that Act; and
- (g) any child tax credit to which the dependant is entitled under Part I of the Tax Credits Act 2002.

(3) Where an eligible student or the student's partner makes any recurrent payments which were previously made by the student in pursuance of an obligation incurred before the first academic year of the student's course, the partner's net income is the net income calculated in accordance with paragraph (2) reduced by -

- (a) an amount equal to the payments in question for the academic year, if in the opinion of the National Assembly the obligation had been reasonably incurred; or
- (b) such lesser amount, if any, as the National Assembly considers appropriate if, in its opinion, a lesser obligation could reasonably have been incurred.

(4) For the purposes of paragraph (2), where the dependent is a dependent child and payments are made to the eligible student towards the child's maintenance, those payments are to be treated as the child's income.

### Qualifying conditions for the grant for travel

31.-(1) A grant is available to an eligible student attending a course in medicine or dentistry (a necessary part of which is a period of study by way of clinical training) in respect of the reasonable expenditure which he or she is obliged to incur in an academic year for the purpose of attending in connection with his or her course any hospital or other premises in the United Kingdom (not comprised in the institution) at which facilities for clinical training are provided other than expenditure incurred for the purpose of residential study away from the institution.

(1) 2002 p. 38.

(2) 1989 p. 41. Diwygiwyd adran 23 gan Ddeddf Plant 2004 (p.31), adran 49 (3).

(1) 2002 c. 38.

(2) 1989 c. 41. Section 23 was amended by the Children Act 2004 (c.31), section 49 (3).



(2) Mae grant ar gael i fyfyrwr cymwys sy'n mynychu sefydliad tramor neu Athrofa Prifysgol Llundain ym Mharis fel rhan o'i gwrs mewn perthynas â'r costau teithio y mae'n orfodol iddo eu tynnu ym mhob chwarter cymhwysol.

### Swm y grant at deithio

32.-(1) Mae swm y grant sy'n daladwy o dan reoliad 31(1) mewn perthynas â blwyddyn academiaidd yn hafal i'r gwariant rhesymol y mae'r Cynulliad Cenedlaethol yn penderfynu bod yn rhaid i'r myfyriwr cymwys ei dynnu at y dibenion a nodir yn y rheoliad hwnnw llai £290.

(2) Swm y grant sy'n daladwy o dan reoliad 31(2) mewn perthynas â blwyddyn academiaidd yw cyfanswm y costau teithio y mae'n orfodol i'r myfyriwr cymwys eu tynnu ym mhob chwarter cymhwysol llai £290.

(3) Mae myfyriwr cymwys-

- (a) sy'n gymwys i gael grant o dan reoliad 31(2); a
- (b) sy'n rhesymol yn tynnu unrhyw wariant wrth yswirio yn erbyn atebolrwydd o ran cost triniaeth feddygol a ddarperir y tu allan i'r Deyrnas Unedig i unrhyw salwch neu anaf corfforol a gaiff ei beri neu y dioddefir ohono yn ystod y cyfnod y mae'r myfyriwr yn mynychu'r sefydliad tramor neu Athrofa Prifysgol Llundain ym Mharis,

yn gymwys i gael grant ychwanegol o dan y rheoliad hwn sy'n hafal i'r swm a dynnir.

### Didyniadau o'r grant at deithio

33. Caniateir gwneud didyniad o grant o dan reoliadau 30 i 32 yn unol â Rhan 9.

### Dehongli

34. At ddibenion y Rhan hon-

- (a) o ran unrhyw gyfeiriad at wariant a dynnir at ddiben mynychu sefydliad neu gyfnod o astudio-
  - (i) mae'n cynnwys gwariant cyn ac ar ôl mynychu felly; a
  - (ii) nid yw'n cynnwys unrhyw wariant y mae grant yn daladwy mewn perthynas ag ef o dan reoliad 24.
- (b) ystyr "chwarter cymhwysol" ("*qualifying quarter*") yw chwarter y mae myfyriwr cymwys yn treulio o leiaf hanner cyfnod y chwarter hwnnw yn mynychu, fel rhan o'i gwrs, sefydliad tramor neu Athrofa Prifysgol Llundain ym Mharis;
- (c) ystyr "costau teithio" ("*travel expenses*") yw gwariant rhesymol ar deithio o fewn y Deyrnas

(2) A grant is available to an eligible student who attends an overseas institution or the University of London Institute in Paris as part of his or her course in respect of the travel expenses that he or she is obliged to incur in each qualifying quarter.

### Amount of the grant for travel

32.-(1) The amount of grant payable under regulation 31 (1) in respect of an academic year is equal to the reasonable expenditure that the National Assembly determines the eligible student is obliged to incur for the purposes set out in that regulation less £290.

(2) The amount of grant payable under regulation 31 (2) in respect of an academic year is the aggregate of the travel expenses that the eligible student is obliged to incur in each qualifying quarter less £290.

(3) An eligible student who-

- (a) qualifies for a grant under regulation 31(2); and
- (b) reasonably incurs any expenditure in insuring against liability for the cost of medical treatment provided outside the United Kingdom for any illness or bodily injury contracted or suffered during the period he or she is attending the overseas institution or the University of London Institute in Paris,

qualifies for additional grant under this regulation equal to the amount incurred.

### Deductions from the grant for travel

33. A deduction may be made from a grant under regulations 30 to 32 in accordance with Part 9.

### Interpretation

34. For the purposes of this Part-

- (a) any reference to expenditure incurred for the purpose of attending an institution or period of study-
  - (i) includes expenditure both before and after so attending; and
  - (ii) does not include any expenditure in respect of which a grant is payable under regulation 24.
- (b) "qualifying quarter" ("*chwarter cymhwysol*") means a quarter during which the eligible student attends as part of his or her course an overseas institution or the University of London Institute in Paris for at least half the period covered by that quarter;
- (c) "travel expenses" ("*costau teithio*") means reasonable expenditure on travel within or

Unedig neu'r tu allan iddi at ddibenion mynychu fel rhan o gwrs dynodedig sefydliad tramor neu Athrofa Prifysgol Llundain ym Mharis.

### Grantiau addysg uwch

35.-(1) Mae gan fyfyrwr cymwys o dan yr hen drefn hawl yn unol â'r rheoliad hwn i gael grant addysg uwch mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig i dalu costau llyfrau, offer, teithio neu ofal plant sy'n cael eu hysgwyddo er mwyn bod yn bresennol ar y cwrs hwnnw.

(2) Nid oes gan fyfyrwr cymwys o dan yr hen drefn hawl i gael grant addysg uwch oni bai ei fod wedi dechrau ar y cwrs dynodedig ar neu ar ôl 1 Medi 2004.

(3) Uchafswm y grant addysg uwch sydd ar gael mewn perthynas â blwyddyn academiaidd yw £1,000.

(4) Mae gan fyfyrwr cymwys sydd â hawl i gael grant addysg uwch hawlogaeth i gael swm fel a ganlyn -

- (a) mewn unrhyw achos lle mae incwm yr aelwyd yn £16,355 neu lai, mae ganddo hawlogaeth i gael uchafswm y grant sydd ar gael;
- (b) mewn unrhyw achos lle mae incwm yr aelwyd yn fwy na £16,355 ac nad yw'n fwy na £22,340, mae'r myfyrwr yn cael swm sy'n hafal i  $M-A$ , pan fo  $M$  yn £1,000 ac  $A$  yn £1 am bob £6.30 cyflawn o incwm sydd gan yr aelwyd uwchlaw £16,355; ac

mewn unrhyw achos lle mae incwm yr aelwyd yn fwy nag £22,340, nid oes grant yn daladwy o dan y rheoliad hwn.

### Grant cynhaliath

36.-(1) Mae gan fyfyrwr cymwys o dan y drefn newydd hawl yn unol â'r rheoliad hwn i gael grant cynhaliath mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig.

(2) Nid oes gan fyfyrwr cymwys o dan y drefn newydd hawl i gael grant cynhaliath os oes ganddo hawl i gael grant cymorth arbennig.

(3) Nid oes gan fyfyrwr cymwys hawl i gael grant cynhaliath oni bai ei fod yn dechrau ar y cwrs dynodedig ar neu ar ôl 1 Medi 2006.

(4) Uchafswm y grant cynhaliath sydd ar gael mewn perthynas â blwyddyn academiaidd yw -

- (a) yn achos myfyrwr math 1 ar gwrs hyfforddi athrawon, £1,380;
- (b) yn achos myfyrwr math 2 ar gwrs hyfforddi athrawon, £2,765; ac
- (c) yn achos myfyrwr cymwys o dan y drefn newydd heblaw myfyrwr math 1 neu fath 2 ar gwrs hyfforddi athrawon, £2,765.

outside the United Kingdom for the purposes of attending as a part of a designated course an overseas institution or the University of London Institute in Paris.

### Higher education grants

35.-(1) An old system eligible student qualifies in accordance with this regulation for a higher education grant in connection with his or her attendance on a designated course to defray the cost of books, equipment, travel or childcare incurred for the purpose of attending that course.

(2) An old system eligible student does not qualify for a higher education grant unless he or she began the designated course on or after 1 September 2004.

(3) The maximum amount of higher education grant available in respect of an academic year is £1,000.

(4) An eligible student who qualifies for a higher education grant is entitled to receive an amount as follows -

- (a) in any case where the household income is £16,355 or less, he or she is entitled to receive the maximum amount of grant available;
- (b) in any case where the household income exceeds £16,355 and does not exceed £22,340, he or she receives an amount equal to  $M - A$ , where  $M$  is £1,000 and  $A$  is £1 for every complete £6.30 by which the household income exceeds £16,355; and

in any case where the household income exceeds £22,340, no grant is payable under this regulation.

### Maintenance grant

36.-(1) A new system eligible student qualifies in accordance with this regulation for a maintenance grant for living costs in connection with his or her attendance on a designated course.

(2) A new system eligible student does not qualify for a maintenance grant if he or she qualifies for a special support grant.

(3) An eligible student does not qualify for a maintenance grant unless he or she begins the designated course on or after 1 September 2006.

(4) The maximum amount of maintenance grant available in respect of an academic year is -

- (a) in the case of a type 1 teacher training student, £1,380;
- (b) in the case of a type 2 teacher training student, £2,765; and
- (c) in the case of a new system student other than a type 1 or type 2 teacher training student, £2,765.

(5) Mae myfyriwr math 1 ar gwrs hyfforddi athrawon sydd â hawl i gael grant cynhaliath mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno -

- (a) os yw incwm yr aelwyd yn £17,920 neu lai, mae'n cael £1,380;
- (b) os yw incwm yr aelwyd yn fwy na £17,920 ond heb fod yn fwy na £27,160, mae'n cael swm sy'n hafal i  $M-(A/2)$  pan fo  $M$  yn £1,380 ac  $A$  yn £1 am bob £6 o incwm sydd gan yr aelwyd uwchlaw £17,920; ac
- (c) os yw incwm yr aelwyd yn fwy na £27,160, mae'n cael £610.

(6) Mae myfyriwr math 2 ar gwrs hyfforddi athrawon sydd â hawl i gael grant cynhaliath mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno-

- (a) os yw incwm yr aelwyd yn £17,920 neu lai, mae'n cael £2,765;
- (b) os yw incwm yr aelwyd yn fwy na £17,920 ond heb fod yn fwy na £27,160, mae'n cael swm sy'n hafal i  $M-A$  pan fo  $M$  yn £2,765 ac  $A$  yn £1 am bob £6 o incwm sydd gan yr aelwyd uwchlaw £17,920; ac
- (c) os yw incwm yr aelwyd yn fwy na £27,160, mae'n cael £1,225.

(7) Mae myfyriwr cymwys o dan y drefn newydd heblaw myfyriwr math 1 neu fath 2 ar gwrs hyfforddi athrawon sydd â hawl i gael grant cynhaliath mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno-

- (a) os yw incwm yr aelwyd yn £17,920 neu lai, mae'n cael £2,765;
- (b) os yw incwm yr aelwyd yn fwy na £17,920 ond heb fod yn fwy na £27,160, mae'n cael swm sy'n hafal i  $M-A$  pan fo  $M$  yn £2,765 ac  $A$  yn £1 am bob £6 o incwm sydd gan yr aelwyd uwchlaw £17,920; ac
- (c) os yw incwm yr aelwyd yn fwy na £27,160 ond heb fod yn fwy na £38,325, mae'n cael swm sy'n hafal i  $RM-A$ , pan fo  $RM$  yn £1,225 ac  $A$  yn £1 am bob £9.50 cyflawn o incwm sydd gan yr aelwyd uwchlaw £27,160;
- (ch) os yw incwm yr aelwyd yn fwy na £38,325 nid oes grant cynhaliath yn daladwy.

### Grant Cymorth Arbennig

37.-(1) Mae gan fyfyrwr cymwys o dan y drefn newydd hawl yn unol â'r rheoliad hwn i gael grant cymorth arbennig mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig i dalu cost llyfrau, offer, teithio neu ofal plant sy'n cael eu hysgwyo er mwyn bod yn bresennol ar y cwrs hwnnw.

(2) Mae gan fyfyrwr cymwys o dan y drefn newydd hawl i gael grant cymorth arbennig os yw'n syrthio o

(5) A type 1 teacher training student who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year -

- (a) where the household income is £17,920 or less, he or she receives £1,380;
- (b) where household income exceeds £17,920 but does not exceed £27,160, he or she receives an amount equal to  $M-(A/2)$  where  $M$  is £1,380 and  $A$  is £1 for every £6 by which household income exceeds £17,920; and
- (c) where the household income exceeds £27,160, he or she receives £610.

(6) A type 2 teacher training student who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year -

- (a) where the household income is £17,920 or less, he or she receives £2,765;
- (b) where household income exceeds £17,920 but does not exceed £27,160, he or she receives an amount equal to  $M-A$  where  $M$  is £2,765 and  $A$  is £1 for every £6 by which household income exceeds £17,920; and
- (c) where the household income exceeds £27,160, he or she receives £1,225.

(7) A new system eligible student other than a type 1 or type 2 teacher training student who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year -

- (a) where the household income is £17,920 or less, he or she receives £2,765;
- (b) where household income exceeds £17,920 but does not exceed £27,160, he or she receives an amount equal to  $M-A$  where  $M$  is £2,765 and  $A$  is £1 for every £6 by which household income exceeds £17,920;
- (c) where household income exceeds £27,160 but does not exceed £38,325, he or she receives an amount equal to  $RM - A$ , where  $RM$  is £1,225 and  $A$  is £1 for every complete £9.50 by which household income exceeds £27,160;
- (d) where the household income exceeds £38,325, no maintenance grant is payable.

### Special Support Grant

37.-(1) A new system eligible student qualifies in accordance with this regulation for a special support grant in connection with his or her attendance on a designated course to defray the cost of books, equipment, travel or childcare incurred for the purpose of attending that course.

(2) A new system eligible student qualifies for a special support grant if he or she falls within a

fewn categori rhagnodedig o berson at ddibenion adran 124(1)(e) o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(1), neu os ymdrinnir ag ef fel rhywun sy'n atebol i wneud taliadau mewn perthynas ag annedd a ragnodwyd gan reoliadau a wnaed o dan adran 130(2) o'r Ddeddf honno(2).

(3) Uchafswm y grant cymorth arbennig sydd ar gael mewn perthynas â blwyddyn academiaidd yw-

- (a) yn achos myfyriwr math 1 ar gwrs hyfforddi athrawon, £1,380;
- (b) yn achos myfyriwr math 2 ar gwrs hyfforddi athrawon, £2,765; ac
- (c) yn achos myfyriwr cymwys o dan y drefn newydd heblaw myfyriwr math 1 neu fyfyriwr math 2 ar gwrs hyfforddi athrawon, £2,765.

(4) Mae myfyriwr math 1 ar gwrs hyfforddi athrawon sydd â hawl i gael grant cymorth arbennig mewn perthynas â blwyddyn academiaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno-

- (a) os yw incwm yr aelwyd yn £17,920 neu lai, mae'n cael £1,380;
- (b) os yw incwm yr aelwyd yn fwy na £17,920 ond heb fod yn fwy na £27,160, mae'n cael swm sy'n hafal i  $M-(A/2)$  pan fo  $M$  yn £1,380 ac  $A$  yn £1 am bob £6 o incwm sydd gan yr aelwyd uwchlaw £17,920; ac
- (c) os yw incwm yr aelwyd yn fwy na £27,160, mae'n cael £615.

(5) Mae myfyriwr math 2 ar gwrs hyfforddi athrawon sydd â hawl i gael grant cymorth arbennig mewn perthynas â blwyddyn academiaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno -

- (a) os yw incwm yr aelwyd yn £17,920 neu lai, mae'n cael £2,765;
- (b) os yw incwm yr aelwyd yn fwy na £17,920 ond heb fod yn fwy na £27,160, mae'n cael swm sy'n hafal i  $M-A$  pan fo  $M$  yn £2,765 ac  $A$  yn £1 am bob £6 o incwm sydd gan yr aelwyd uwchlaw £17,920; ac
- (c) os yw incwm yr aelwyd yn fwy na £27,160, neu os yw'r myfyriwr wrth wneud cais am y grant yn dewis peidio â rhoi'r wybodaeth y mae ei hangen i gyfrifo incwm yr aelwyd, mae'n cael £1,225.

(6) Mae myfyriwr cymwys o dan y drefn newydd heblaw myfyriwr math 1 neu fath 2 ar gwrs hyfforddi athrawon sydd â hawl i gael grant cymorth arbennig mewn perthynas â blwyddyn academiaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno -

prescribed category of person for the purposes of section 124(1)(e) of the Social Security Contributions and Benefits Act 1992(1), or if he or she is treated as being liable to make payments in respect of a dwelling prescribed by regulations made under section 130(2) of that Act(2).

(3) The maximum amount of special support grant available in respect of an academic year is

- (a) in the case of a type 1 teacher training student, £1,380;
- (b) in the case of a type 2 teacher training student, £2,765; and
- (c) in the case of a new system eligible student other than a type 1 or type 2 teacher training student, £2765.

(4) A type 1 teacher training student who qualifies for special support grant in respect of an academic year receives an amount as follows in respect of that year -

- (a) where the household income is £17,920 or less, he or she receives £1,380;
- (b) where household income exceeds £17,920 but does not exceed £27,160, he or she receives an amount equal to  $M-(A/2)$  where  $M$  is £1,380 and  $A$  is £1 for every £6 by which household income exceeds £17,920; and
- (c) where the household income exceeds £27,160, he or she receives £615.

(5) A type 2 teacher training student who qualifies for special support grant in respect of an academic year receives an amount as follows in respect of that year -

- (a) where the household income is £17,920 or less, he or she receives £2,765;
- (b) where household income exceeds £17,920 but does not exceed £27,160, he or she receives an amount equal to  $M-A$  where  $M$  is £2,765 and  $A$  is £1 for every £6 by which household income exceeds £17,920; and
- (c) where the household income exceeds £27,160, or the student opts when applying for the grant not to provide the information needed to calculate the household income he or she receives £1,225.

(6) A new system eligible student other than a type 1 or type 2 teacher training student who qualifies for a special support grant in respect of an academic year receives an amount as follows in respect of that year -

(1) 1992 p. 4. Y rheoliad perthnasol yw rheoliad 4ZA o Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987 (O.S. 1987/1967). Mewnosodwyd rheoliad 4ZA gan O.S. 1996/206, a ddiwygiwyd gan O.S. 2000/1981; mae yna offerynnau diwygio eraill ond nid ydynt yn berthnasol.

(2) Y rheoliad perthnasol yw 48A o Reoliadau Bydd-dal Tai (Cyffredinol) 1987 (O.S. 1987/1971). Mewnosodwyd rheoliad 48A gan O.S. 1990/1549; mae O.S. 1992/432, 1995/626, 1996/1510 a 1998/766 yn offerynnau diwygio perthnasol.

(1) 1992 c 4. The relevant regulation is regulation 4ZA of the Income Support (General) Regulations 1987 (S.I. 1987/1967). Regulation 4ZA was inserted by S.I. 1996/206, amended by S.I. 2000/1981; there are other amending instruments but none are relevant.

(2) The relevant regulation is regulation 48A of the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971). Regulation 48A was inserted by S.I. 1990/1549; relevant amending instruments are S.I. 1992/432, 1995/626, 1996/1510 and 1998/766.

- (a) os yw incwm yr aelwyd yn £17,920 neu lai, mae'n cael £2,765;
- (b) os yw incwm yr aelwyd yn fwy na £17,920 ond heb fod yn fwy na £27,160, mae'n cael swm sy'n hafal i **M-A** pan fo M yn £2,765 ac A yn £1 am bob £6 o incwm sydd gan yr aelwyd uwchlaw £17,920;
- (c) os yw incwm yr aelwyd yn fwy na £27,160 ond heb fod yn fwy na £38,325, mae'n cael swm sy'n hafal i **RM-A**, pan fo RM yn £1,225 ac A yn £1 am bob £9.50 cyflawn o incwm sydd gan yr aelwyd uwchlaw £27,160;
- (ch) os yw incwm yr aelwyd yn fwy na £38,325, nid oes grant cymorth arbennig yn daladwy.

- (a) where the household income is £17,920 or less, he or she receives £2,765;
- (b) where household income exceeds £17,920 but does not exceed £27,160, he or she receives an amount equal to **M-A** where M is £2,765 and A is £1 for every £6 by which household income exceeds £17,920;
- (c) where household income exceeds £27,160 but does not exceed £38,325, he or she receives an amount equal to **RM - A**, where RM is £1,225 and A is £1 for every complete £9.50 by which household income exceeds £27,160;
- (d) where the household income exceeds £38,325, no special support grant is payable.

## RHAN 6

### BENTHYCIADAU AT GOSTAU BYW

#### Amodau'r hawl i gael benthyciadau at gostau byw

**38.**-(1) Mae gan fyfyrwr cymwys hawl i gael benthyciad at gostau byw mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig os yw'r myfyrwr yn bodloni'r amod ym mharagraff (2) ac nad yw'n cael ei hepgor gan baragraff (3) neu reoliad 7.

(2) Yr amod yw bod y myfyrwr cymwys o dan 60 oed ar y dyddiad perthnasol.

(3) Nid oes gan fyfyrwr cymwys hawl i gael benthyciad at gostau byw os paragraff 9 yw'r unig baragraff yn Rhan 2 o Atodlen 1 y mae'r myfyrwr yn syrthio odano.

(4) Mae myfyrwr cymwys o dan yr hen system sy'n dod o fewn paragraff (a) neu (ch)(i) o'r diffiniad o "myfyrwr cymwys o dan yr hen system" yn rheoliad 2 yn gymwys i gael benthyciad at gostau byw mewn cysylltiad â mynychu cwrs dynodedig os yw o dan 60 oed ar y dyddiad perthnasol.

#### Uchafswm benthyciadau i fyfyrwyr cymwys o dan yr hen drefn sydd â hawlogaeth lawn

**39.**-(1) Yn ddarostyngedig i reoliadau 43 i 48, uchafswm y benthyciad at gostau byw y mae gan fyfyrwr cymwys o dan yr hen drefn sydd â hawlogaeth lawn hawl i'w gael mewn perthynas â blwyddyn academaidd (heblaw blwyddyn derfynol cwrs carlam), yw-

- (a) i fyfyrwr yng nghategori 1, £3,495;
- (b) i fyfyrwr yng nghategori 2, £6,320;
- (c) i fyfyrwr yng nghategori 3, £5,380;
- (ch) i fyfyrwr yng nghategori 4, £5,380;
- (d) i fyfyrwr yng nghategori 5, £4,510.

## PART 6

### LOANS FOR LIVING COSTS

#### Qualifying conditions for loans for living costs

**38.**-(1) An eligible student qualifies for a loan for living costs in connection with the student's attendance on a designated course if the student satisfies the condition in paragraph (2) and is not excluded by paragraph (3) or regulation 7.

(2) The condition is that the eligible student is under the age of 60 on the relevant date.

(3) An eligible student does not qualify for a loan for living costs if the only paragraph in Part 2 of Schedule 1 into which the student falls is paragraph 9.

(4) An old system eligible student who falls within paragraph (a) or (d)(i) of the definition of "old system eligible student" in regulation 2 qualifies for a loan for living costs in connection with his or her attendance on a designated course if he or she is under the age of 60 on the relevant date.

#### Maximum amount of loans for old system eligible students with full entitlement

**39.**-(1) Subject to regulations 43 to 48, the maximum amount of loan for living costs for which an old system eligible student with full entitlement qualifies in respect of an academic year (other than the final year of an accelerated course) is -

- (a) for a student in category 1, £3,495;
- (b) for a student in category 2, £6,320;
- (c) for a student in category 3, £5,380;
- (d) for a student in category 4, £5,380;
- (e) for a student in category 5, £4,510.

(2) Yn ddarostyngedig i reoliadau 43 i 48, uchafswm y benthyciad at gostau byw y mae gan fyfyrwr cymwys o dan yr hen drefn sydd â hawlogaeth lawn hawl i'w gael mewn perthynas â blwyddyn academaidd sy'n flwyddyn derfynol cwrs heblaw cwrs carlam yw -

- (a) i fyfyrwr yng nghategori 1, £3,160;
- (b) i fyfyrwr yng nghategori 2, £5,755;
- (c) i fyfyrwr yng nghategori 3, £4,680;
- (ch) i fyfyrwr yng nghategori 4, £4,680;
- (d) i fyfyrwr yng nghategori 5, £4,180.

#### Uchafswm benthyciadau i fyfyrwr cymwys o dan y drefn newydd sydd â hawlogaeth lawn

40.-(1) Mae'r rheoliad hwn yn gymwys i fyfyrwr cymwys o dan y drefn newydd sydd â hawlogaeth lawn, heblaw myfyrwr math 1 neu fath 2 ar gwrs hyfforddi athrawon, pan fo incwm yr aelwyd yn fwy na £38,810.

(2) Yn ddarostyngedig i reoliadau 43 i 48, mae uchafswm y benthyciad at gostau byw y mae gan fyfyrwr y mae'r rheoliad hwn yn gymwys iddo hawl i'w gael mewn perthynas â blwyddyn academaidd (heblaw blwyddyn derfynol cwrs nad yw'n gwrs carlam) yn hafal i (X-Y) -

Os

X

- (i) i fyfyrwr yng nghategori 1, yw £3,495;
- (ii) i fyfyrwr yng nghategori 2, yw £6,320;
- (iii) i fyfyrwr yng nghategori 3, yw £5,380;
- (iv) i fyfyrwr yng nghategori 4, yw £5,380;
- (v) i fyfyrwr yng nghategori 5, yw £4,510;

Y yw swm y grant cynhaliaeth.

(3) Yn ddarostyngedig i reoliadau 43 i 48, mae uchafswm y benthyciad at gostau byw y mae gan fyfyrwr y mae'r rheoliad hwn yn gymwys iddo hawl i'w gael mewn perthynas â blwyddyn academaidd sy'n flwyddyn derfynol cwrs nad yw'n gwrs carlam yn hafal i (X-Y) -

Os

X

- (i) i fyfyrwr yng nghategori 1, yw £3,160;
- (ii) i fyfyrwr yng nghategori 2, yw £5,755;
- (iii) i fyfyrwr yng nghategori 3, yw £4,680;
- (iv) i fyfyrwr yng nghategori 4, yw £4,680;
- (v) i fyfyrwr yng nghategori 5, yw £4,180;

Y yw swm y grant cynhaliaeth.

(4) Yn y rheoliad hwn, "swm y grant cynhaliaeth" ("*the maintenance grant amount*") yw'r canlynol

- (a) os oes gan y myfyrwr hawl o dan reoliad 36 i

(2) Subject to regulations 43 to 48, the maximum amount of loan for living costs for which an old system eligible student with full entitlement qualifies in respect of an academic year which is the final year of a course other than an accelerated course is -

- (a) for a student in category 1, £3,160;
- (b) for a student in category 2, £5,755;
- (c) for a student in category 3, £4,680;
- (d) for a student in category 4, £4,680;
- (e) for a student in category 5, £4,180.

#### Maximum amount of loans for new system eligible students with full entitlement

40.-(1) This regulation applies to a new system eligible student with full entitlement, other than a type 1 or type 2 teacher training student, with a household income exceeding £38,810.

(2) Subject to regulations 43 to 48, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year (other than a final year of a course that is not an accelerated course) is equal to (X-Y) -

Where

X is -

- (i) for a student in category 1, £3,495;
- (ii) for a student in category 2, £6,320;
- (iii) for a student in category 3, £5,380;
- (iv) for a student in category 4, £5,380;
- (v) for a student in category 5, £4,510;

Y is the maintenance grant amount.

(3) Subject to regulations 43 to 48, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year that is the final year of a course that is not an accelerated course is equal to (X-Y) -

Where

X is -

- (i) for a student in category 1, £3,160;
- (ii) for a student in category 2, £5,755;
- (iii) for a student in category 3, £4,680;
- (iv) for a student in category 4, £4,680;
- (v) for a student in category 5, £4,180;

Y is the maintenance grant amount.

(4) In this regulation, "the maintenance grant amount" ("*swm y grant cynhaliaeth*") is -

- (a) where the student qualifies under regulation 36

gael swm o grant cynhaliath nad yw'n fwy na £1,225, swm y grant cynhaliath sy'n daladwy;

- (b) os oes gan y myfyriwr hawl o dan reoliad 36 i gael swm o grant cynhaliath sy'n fwy na £1,225, £1,225; ac
- (c) os nad oes grant cynhaliath yn daladwy, dim.

**41.**-(1) Mae'r rheoliad hwn yn gymwys i fyfyrwr math 1 a myfyriwr math 2 ar gwrs hyfforddi athrawon pan fo incwm yr aelwyd yn fwy na £38,810.

(2) Yn ddarostyngedig i reoliadau 43 i 48, uchafswm y benthygiad at gostau byw y mae gan fyfyrwr y mae'r rheoliad hwn yn gymwys iddo hawl i'w gael mewn perthynas â blwyddyn academaidd (heblaw blwyddyn derfynol cwrs nad yw'n gwrs carlam) yw -

- (a) i fyfyrwr yng nghategori 1, £3,495;
- (b) i fyfyrwr yng nghategori 2, £6,320;
- (c) i fyfyrwr yng nghategori 3, £5,380;
- (ch) i fyfyrwr yng nghategori 4, £5,380;
- (d) i fyfyrwr yng nghategori 5, £4,510.

(3) Yn ddarostyngedig i reoliadau 43 i 48, uchafswm y benthygiad at gostau byw y mae gan fyfyrwr y mae'r rheoliad hwn yn gymwys iddo hawl i'w gael mewn perthynas â blwyddyn academaidd cwrs (heblaw blwyddyn derfynol cwrs nad yw'n gwrs carlam) yw -

- (a) i fyfyrwr yng nghategori 1, £3,160;
- (b) i fyfyrwr yng nghategori 2, £5,755;
- (c) i fyfyrwr yng nghategori 3, £4,680;
- (ch) i fyfyrwr yng nghategori 4, £4,680;
- (d) i fyfyrwr yng nghategori 5, £4,180.

### **Myfyrwyr sydd â hawlogaeth wedi'i gostwng**

**42.**-(1) Yn ddarostyngedig i reoliadau 43 i 48, uchafswm y benthygiad at gostau byw y mae gan fyfyrwr sydd â hawlogaeth wedi'i gostwng hawl i'w gael mewn perthynas â blwyddyn academaidd cwrs (heblaw blwyddyn derfynol cwrs nad yw'n gwrs carlam) yw -

- (a) os yw'r myfyriwr yn syrthio o fewn rheoliad 23(3)(a) neu 23(3)(b) -
  - (i) i fyfyrwr yng nghategori 1, £1,660;
  - (ii) i fyfyrwr yng nghategori 2, £3,105;
  - (iii) i fyfyrwr yng nghategori 3, £2,210;
  - (iv) i fyfyrwr yng nghategori 4, £2,210;
  - (v) i fyfyrwr yng nghategori 5, £2,210;
- (b) os yw'r myfyriwr yn syrthio o fewn rheoliad 23(3)(c) neu 23(5) -
  - (i) i fyfyrwr yng nghategori 1, £1,660;
  - (ii) i fyfyrwr yng nghategori 2, £3,105;
  - (iii) i fyfyrwr yng nghategori 3, £2,645;

for an amount of maintenance grant not exceeding £1,225, the amount of maintenance grant payable;

- (b) where the student qualifies under regulation 36 for an amount of maintenance grant exceeding £1,225, £1,225; and
- (c) where no maintenance grant is payable, nil.

**41.**-(1) This regulation applies to a type 1 and type 2 teacher training student with a household income exceeding £38,810.

(2) Subject to regulations 43 to 48, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year (other than the final year of a course that is not an accelerated course) is -

- (a) for a student in category 1, £3,495;
- (b) for a student in category 2, £6,320;
- (c) for a student in category 3, £5,380;
- (d) for a student in category 4, £5,380;
- (e) for a student in category 5, £4,510.

(3) Subject to regulations 43 to 48, the maximum loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year of a course (other than the final year of a course that is not an accelerated course) is -

- (a) for a student in category 1, £3,160;
- (b) for a student in category 2, £5,755;
- (c) for a student in category 3, £4,680;
- (d) for a student in category 4, £4,680;
- (e) for a student in category 5, £4,180.

### **Students with reduced entitlement**

**42.**-(1) Subject to regulations 43 to 48, the maximum amount of loan for living costs for which a student with reduced entitlement qualifies in respect of an academic year of a course (other than the final year of a course than is not an accelerated course) is -

- (a) where the student falls within regulation 23(3)(a) or 23(3)(b) -
  - (i) for a student in category 1, £1,660;
  - (ii) for a student in category 2, £3,105;
  - (iii) for a student in category 3, £2,210;
  - (iv) for a student in category 4, £2,210;
  - (v) for a student in category 5, £2,210;
- (b) where the student falls within regulation 23(3)(c) or 23(5) -
  - (i) for a student in category 1, £1,660;
  - (ii) for a student in category 2, £3,105;
  - (iii) for a student in category 3, £2,645;

- (iv) i fyfyrwr yng nghategori 4, £2,645;
- (v) i fyfyrwr yng nghategori 5, £2,210;
- (c) os yw'r myfyrwr yn gwneud cais am fenthyciad at gostau byw ac yn dewis peidio â rhoi'r wybodaeth y mae ei hangen i gyfrifo incwm ei aelwyd swm hafal i **X-Y** pan fo-

**X-**

- (i) i fyfyrwr yng nghategori 1, yn £2,620;
- (ii) i fyfyrwr yng nghategori 2, yn £4,740;
- (iii) i fyfyrwr yng nghategori 3, yn £4,035;
- (iv) i fyfyrwr yng nghategori 4, yn £4,035;
- (v) i fyfyrwr yng nghategori 5, yn £3,385;

**Y** yw'r swm a bennir ym mharagraff (ch).

(d) y swm penodedig yw -

- (i) £610 os myfyrwr math 1 ar gwrs hyfforddi athrawon yw'r myfyrwr, sy'n dewis peidio â darparu'r wybodaeth y mae ei hangen ar gyfer cyfrifo incwm yr aelwyd pan yw'n gwneud cais am grant cynhaliaeth ac sy'n gymwys i gael grant cynhaliaeth o £610;
- (ii) £1,225 os myfyrwr math 2 ar gwrs hyfforddi athrawon yw'r myfyrwr, sy'n dewis peidio â darparu'r wybodaeth y mae ei hangen ar gyfer cyfrifo incwm yr aelwyd pan yw'n gwneud cais am grant cynhaliaeth ac sy'n gymwys i gael grant cynhaliaeth o £1,225;
- (iii) dim pan nad yw'r myfyrwr yn fyfyrwr math 1 ar gwrs hyffordd neu pan nad yw'n fyfyrwr math 2 ar gwrs hyfforddi athrawon.

(2) Yn ddarostyngedig i reoliadau 43 i 48, uchafswm y benthyciad at gostau byw y mae gan fyfyrwr sydd â hawlogaeth wedi'i gostwng hawl i'w gael mewn perthynas â blwyddyn academaidd cwrs sy'n flwyddyn derfynol cwrs nad yw'n gwrs carlam yw -

- (a) os yw'r myfyrwr yn syrthio o fewn rheoliad 23(3)(a) neu 23(3)(b) -
  - (i) i fyfyrwr yng nghategori 1, £1,260;
  - (ii) i fyfyrwr yng nghategori 2, £2,375;
  - (iii) i fyfyrwr yng nghategori 3, £1,720;
  - (iv) i fyfyrwr yng nghategori 4, £1,720;
  - (v) i fyfyrwr yng nghategori 5, £1,720;
- (b) os yw'r myfyrwr yn syrthio o fewn rheoliad 23(3)(c) neu 23(5) -
  - (i) i fyfyrwr yng nghategori 1, £1,260;
  - (ii) i fyfyrwr yng nghategori 2, £2,375;
  - (iii) i fyfyrwr yng nghategori 3, £1,930;
  - (iv) i fyfyrwr yng nghategori 3, £1,930;
  - (v) i fyfyrwr yng nghategori 3, £1,720;
- (c) os yw'r myfyrwr yn gwneud cais am

(iv) for a student in category 4, £2,645;

(v) for a student in category 5, £2,210;

- (c) where the student applies for a loan for living costs and opts not to provide the information needed to calculate the household income an amount equal to **X-Y** where -

**X** is -

- (i) for a student in category 1, £2,620;
- (ii) for a student in category 2, £4,740;
- (iii) for a student in category 3, £4,035;
- (iv) for a student in category 4, £4,035;
- (v) for a student in category 5, £3,385;

**Y** is the amount specified in paragraph (d).

(d) the specified amount is -

- (i) £610 where the student is a type 1 teacher training student who opts not to provide the information needed to calculate the household income when applying for a maintenance grant and who qualifies for a maintenance grant of £610;
- (ii) £1,225 where the student is a type 2 teacher training student who opts not to provide the information needed to calculate the household income when applying for a maintenance grant and who qualifies for a maintenance grant of £1,225;
- (iii) nil where the student is not a type 1 or type 2 teacher training student.

(2) Subject to regulations 43 to 48, the maximum amount of loan for living costs for which a student with reduced entitlement qualifies in respect of an academic year that is the final year of a course that is not an accelerated course is -

- (a) where the student falls within regulation 23(3)(a) or 23(3)(b) -
  - (i) for a student in category 1, £1,260;
  - (ii) for a student in category 2, £2,375;
  - (iii) for a student in category 3, £1,720;
  - (iv) for a student in category 4, £1,720;
  - (v) for a student in category 5, £1,720;
- (b) where the student falls within regulation 23(3)(c) or 23(5) -
  - (i) for a student in category 1, £1,260;
  - (ii) for a student in category 2, £2,375;
  - (iii) for a student in category 3, £1,930;
  - (iv) for a student in category 4, £1,930;
  - (v) for a student in category 5, £1,720;
- (c) where the student applies for a loan for living



fenthyciad at gostau byw ac yn dewis peidio â rhoi'r wybodaeth y mae ei hangen i gyfrifo incwm ei aelwyd swm hafal i  $X-Y$  pan fo-

**X**

- (i) i fyfyrwr yng nghategori 1, yn £2,370;
- (ii) i fyfyrwr yng nghategori 2, yn £4,315;
- (iii) i fyfyrwr yng nghategori 3, yn £3,510;
- (iv) i fyfyrwr yng nghategori 4, yn £3,510;
- (v) i fyfyrwr yng nghategori 5, yn £3,135;

**Y** yw'r swm a bennir ym mharagraff (ch).

(ch) y swm penodedig yw-

- (vi) £610 os myfyrwr math 1 ar gwrs hyfforddi athrawon yw'r myfyrwr, sy'n dewis peidio â darparu'r wybodaeth y mae ei hangen ar gyfer cyfrifo incwm yr aelwyd pan yw'n gwneud cais am grant cynhaliaeth ac sy'n gymwys i gael grant cynhaliaeth o £610;
- (vii) £ 1,225 os myfyrwr math 2 ar gwrs hyfforddi athrawon yw'r myfyrwr, sy'n dewis peidio â darparu'r wybodaeth y mae ei hangen ar gyfer cyfrifo incwm yr aelwyd pan yw'n gwneud cais am grant cynhaliaeth ac sy'n gymwys i gael grant cynhaliaeth o £1,225;
- (viii) dim pan nad yw'r myfyrwr yn fyfyrwr math 1 ar gwrs hyfforddi neu pan nad yw'n fyfyrwr math 2 ar gwrs hyfforddi athrawon.

### **Myfyrwyr sy'n preswyllo gyda'u rhieni**

**43.**-(1) Yn ddarostyngedig i baragraff (2), os yw myfyrwr cymwys yn preswyllo yng nghartref ei rieni a bod y Cynulliad Cenedlaethol wedi'i fodloni nad yw'n rhesymol disgwyl, o dan yr holl amgylchiadau, i rieni'r myfyrwr gynnal y myfyrwr oherwydd oedran, analluedd neu fel arall ac y byddai'n briodol i swm y benthyciad sy'n daladwy i fyfyrwr mewn categori heblaw categori 1 fod yn gymwys yn achos y myfyrwr hwnnw, rhaid trin y myfyrwr fel pe na bai'n preswyllo yng nghartref ei rieni.

(2) Nid yw paragraff (1) yn gymwys i fyfyrwr cymwys sy'n dechrau ar gwrs ar neu ar ôl 1 Medi 2004.

(3) Os yw myfyrwr cymwys yn aelod o urdd grefyddol sy'n preswyllo yn un o dai ei urdd, trinnir y myfyrwr fel pe bai'n preswyllo yng nghartref ei rieni.

### **Benthyciadau at gostau byw sy'n daladwy ar gyfer chwarteri o'r flwyddyn academaidd**

**44.** Yn ddarostyngedig i reoliad 48, mae benthyciad yn daladwy mewn perthynas â thri chwarter o'r flwyddyn academaidd ac nid yw'n daladwy mewn

costs and opts not to provide the information needed to calculate the household income an amount equal to  $X-Y$  where -

**X** is-

- (i) for a student in category 1, £2,370;
- (ii) for a student in category 2, £4,315;
- (iii) for a student in category 3, £3,510;
- (iv) for a student in category 4, £3,510;
- (v) for a student in category 5, £3,135;

**Y** is the amount specified in paragraph (d).

(d) the specified amount is-

- (i) £ 610 where the student is a type 1 teacher training student who opts not to provide the information needed to calculate the household income when applying for a maintenance grant and who qualifies for a maintenance grant of £ 610;
- (ii) £ 1,225 where the student is a type 2 teacher training student who opts not to provide the information needed to calculate the household income when applying for a maintenance grant and who qualifies for a maintenance grant of £ 1,225;
- (iii) nil where the student is not a type 1 or type 2 teacher training student.

### **Students residing with parents**

**43.**-(1) Subject to paragraph (2), where an eligible student resides at his or her parents' home and the National Assembly is satisfied that in all the circumstances the student's parents by reason of age, incapacity or otherwise cannot reasonably be expected to support the student and that it would be appropriate for the amount of loan payable to a student in a category other than category 1 to apply in his or her case, the student must be treated as if the student were not residing at the student's parents' home.

(2) Paragraph (1) does not apply to an eligible student who begins a course on or after 1 September 2004.

(3) Where an eligible student is a member of a religious order who resides in a house of his or her order the student is treated as if the student were residing at the student's parents' home.

### **Loans for living costs payable in respect of three quarters of the academic year**

**44.** Subject to regulation 48, a loan is payable in respect of three quarters of the academic year and is not payable in respect of the quarter in which, in the

perthynas â'r chwarter y mae'r hiraf o unrhyw wyliau yn digwydd ynddo ym marn y Cynulliad Cenedlaethol.

### **Myfyrwyr sy'n syrthio i fwy nag unategori**

**45.-**(1) Os yw myfyriwr cymwys yn syrthio i fwy nag un o'r categorïau yn rheoliad 42 yn ystod y flwyddyn academaidd -

- (a) uchafswm y benthyciad at gostau byw am y flwyddyn academaidd yw cyfanswm uchafsymiau'r benthyciad at gostau byw am bob chwarter y mae'r benthyciad yn daladwy mewn perthynas â hwy;
- (b) uchafswm y benthyciad at gostau byw am bob chwarter o'r fath yw traean o uchafswm y benthyciad at gostau byw a fyddai'n gymwys am y flwyddyn academaidd pe bai'r myfyriwr yn syrthio i'r categori sy'n gymwys i'r chwarter perthnasol drwy gydol y flwyddyn academaidd; ac
- (c) yn ddarostyngedig i baragraff (2), y categori sy'n gymwys i chwarter yw -
  - (i) y categori y mae'r myfyriwr yn syrthio iddo am y cyfnod hwyaf yn y chwarter hwnnw; neu
  - (ii) os yw'r myfyriwr yn syrthio i fwy nag unategori am gyfnod cyfartal yn y cyfnod hwnnw, y categori sydd â'r gyfradd uchaf o fenthyciad at gostau byw am y flwyddyn academaidd.

### **Myfyrwyr sy'n dod yn gymwys yn ystod blwyddyn academaidd**

**46.-**(1) Os yw myfyriwr yn dod yn fyfyriwr cymwys yn ystod blwyddyn academaidd o ganlyniad i un o'r digwyddiadau a restrir ym mharagraff (2), gall fod gan y myfyriwr hawl i gael benthyciad at gostau byw, mewn perthynas â'r chwarteri hynny o'r flwyddyn academaidd honno y mae benthyciad at gostau byw yn daladwy mewn perthynas â hwy ac sy'n dechrau ar ôl i'r digwyddiad perthnasol ym mharagraff (2) ddigwydd.

(2) Y digwyddiadau yw -

- (a) bod cwrs y myfyriwr yn dod yn gwrsw dynodedig;
- (b) bod y myfyriwr, priod y myfyriwr, partner sifil y myfyriwr neu riant y myfyriwr yn cael ei gydnabod fel ffoadur neu'n dod yn berson â chaniatâd i ddod i mewn neu i 1;
- (c) bod y wladwriaeth y mae'r myfyriwr yn wladolyn iddi yn ymaelodi â'r Gymuned Ewropeaidd os yw'r myfyriwr wedi bod yn preswyl fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd yn union cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;

opinion of the National Assembly, the longest of any vacations occurs.

### **Students falling into more than one category**

**45.-** Where an eligible student falls into more than one of the categories in regulation 42 in the course of the academic year -

- (a) the maximum amount of loan for living costs for the academic year is the aggregate of the maximum amount of loan for living costs for each quarter in respect of which the loan is payable;
- (b) the maximum amount of loan for living costs for each such quarter is one third of the maximum amount of loan for living costs which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year; and
- (c) subject to paragraph (2), the category which applies to a quarter is -
  - (i) the category into which the student falls for the longer or longest period in that quarter; or
  - (ii) if the student falls into more than one category for an equal period in that quarter, the category with the higher or highest rate of loan for living costs for the academic year.

### **Students becoming eligible during the course of an academic year**

**46.-**(1) Where a student becomes an eligible student during the course of an academic year as a result of one of the events listed in paragraph (2), the student may qualify for a loan for living costs in respect of such quarters of that academic year in respect of which a loan for living costs is payable as begin after the relevant event in paragraph (2) occurs.

(2) The events are -

- (a) the student's course becomes a designated course;
- (b) the student, the student's spouse, the student's civil partner or the student's parent is recognised as a refugee or becomes a person with leave to enter or remain ;
- (c) the state of which the student is a national accedes to the European Community where the student has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course;

- (ch) bod y myfyriwr yn ennill yr hawl i breswyllo'n barhaol;
- (d) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 6(1)(a) o Atodlen 1; neu
- (dd) bod y myfyriwr yn dod yn blentyn i wladolyn o'r Swistir.

(3) Nid oes gan fyfyrwr cymwys y mae paragraff (1) yn gymwys iddo hawl i gael benthyciad at gostau byw mewn perthynas ag unrhyw flwyddyn academiaidd sy'n dechrau cyn y flwyddyn academiaidd y mae'r digwyddiad perthnasol yn digwydd ynddi.

(4) Uchafswm y benthyciad at gostau byw sy'n daladwy yw cyfanswm uchafsymiau'r benthyciad am bob chwarter y mae gan y myfyriwr hawl i gael cymorth mewn perthynas â hwy o dan y rheoliad hwn.

(5) Uchafswm y benthyciad at gostau byw am bob chwarter o'r fath yw traean o uchafswm y benthyciad at gostau byw a fyddai'n gymwys am y flwyddyn academiaidd pe bai'r myfyriwr yn syrthio i'r categori sy'n gymwys i'r chwarter perthnasol drwy gydol y flwyddyn academiaidd.

#### Codiadau yn yr uchafswm

47.-(1) Os yw'n ofynnol i fyfyrwr cymwys fod yn bresennol ar ei gwrs am gyfnod sy'n fwy na 30 wythnos a 3 diwrnod mewn blwyddyn academiaidd, rhaid codi uchafswm y benthyciad at gostau byw a bennir yn rheoliadau 39 i 41 am bob wythnos neu bob rhan o wythnos o bresennoldeb yn y flwyddyn academiaidd honno y tu hwnt i 30 wythnos a 3 diwrnod fel a ganlyn:

- (a) i fyfyrwr yng nghategori 1, codiad o £52;
- (b) i fyfyrwr yng nghategori 2, codiad o £100;
- (c) i fyfyrwr yng nghategori 3, codiad o £110;
- (ch) i fyfyrwr yng nghategori 4, codiad o £110;
- (d) i fyfyrwr yng nghategori 5, codiad o £79.

(2) Os yw myfyriwr cymwys yn bresennol ar ei gwrs am gyfnod heb fod yn llai na 45 wythnos mewn unrhyw gyfnod di-dor o 52 wythnos, codir swm y benthyciad at gostau byw a bennir yn rheoliadau 39 i 41 am bob wythnos yn ystod y cyfnod o 52 wythnos pan nad oedd y myfyriwr yn bresennol yn ôl y symiau y cyfeirir atynt ym mharagraff (1).

(3) Nid yw'r rheoliad hwn yn gymwys yn achos myfyriwr sydd â hawlogaeth wedi'i gostwng

#### Didynnu o fenthyciadau at gostau byw

48.-(1) Caniateir didynnu o swm y benthyciad at gostau byw a gyfrifir o dan y Rhan hon mewn perthynas â myfyriwr cymwys o dan yr hen drefn sydd â hawlogaeth lawn neu fyfyrwr cymwys o dan y drefn newydd sydd â hawlogaeth lawn o'r benthyciad at gostau byw yn unol â rheoliad 54.

- (d) the student acquires the right of permanent residence;
- (e) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or
- (f) the student becomes the child of a Swiss National.

(3) An eligible student to whom paragraph (1) applies does not qualify for a loan for living costs in respect of any academic year beginning before the academic year in which the relevant event occurred.

(4) The maximum amount of loan for living costs payable is the aggregate of the maximum amount of loan for each quarter in respect of which the student qualifies for support under this regulation.

(5) The maximum amount of loan for living costs for each such quarter is one third of the maximum amount of loan for living costs which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year.

#### Increases in maximum amount

47.-(1) Where an eligible student is required to attend his or her course for a period exceeding 30 weeks and 3 days in an academic year, the maximum amount of loan for living costs specified in regulations 39 to 41 must be increased for each week or part week of attendance in that academic year beyond 30 weeks and 3 days as follows:

- (a) for a student in category 1, by £52;
- (b) for a student in category 2, by £100;
- (c) for a student in category 3, by £110;
- (d) for a student in category 4, by £110;
- (e) for a student in category 5, by £79.

(2) Where an eligible student attends his or her course for a period of not less than 45 weeks in any continuous period of 52 weeks the amount of loan for living costs specified in regulations 39 to 41 is increased for each week in the 52 week period during which the student did not attend by the amounts referred to in paragraph (1).

(3) This regulation does not apply in the case of a student with reduced entitlement.

#### Deductions from loans for living costs

48.-(1) A deduction from the amount of loan for living costs calculated under this Part in respect of an old system eligible student with full entitlement or a new system eligible student with full entitlement may be made from the loan for living costs in accordance with regulation 54.

(2) Ni chaniateir didynnu o swm y benthyciad at gostau byw a gyfrifir o dan y Rhan hon mewn perthynas â myfyriwr sydd â hawlogaeth wedi'i gostwng o dan reoliad 54.

## Dehongli Rhan 8

49.-(1) Yn y Rhan hon -

- (a) mae myfyriwr yng nghategori 1 os yw'r myfyriwr yn preswyllo yng nghartref ei rieni tra bydd yn bresennol ar y cwrs dynodedig neu os yw'n aelod o urdd grefyddol ac yn byw yn un o dai'r urdd honno;
- (b) mae myfyriwr yng nghategori 2 os nad yw yng nghategori 1 a'i fod yn bresennol ar un neu fwy o'r canlynol -
  - (i) cwrs ym Mhrifysgol Llundain;
  - (ii) cwrs mewn sefydliad sy'n ei gwneud yn ofynnol iddo fod yn bresennol am hanner o leiaf o gyfanswm yr amser mewn unrhyw chwarter o'r cwrs yn y flwyddyn academaidd ar safle sydd yn gyfan gwbl neu yn rhannol yn ardal Dinas Llundain a chyn Ardal yr Heddlu Metropolitaidd; neu
  - (iii) cwrs rhyngosod mewn sefydliad sy'n ei gwneud yn ofynnol i'r myfyriwr cymwys ymgymryd â phrofiad gwaith neu gyfuniad o brofiad gwaith ac astudio ar yr amod bod y myfyriwr yn ymgymryd â'r profiad gwaith hwnnw neu'r cyfuniad hwnnw o brofiad gwaith ac astudio am hanner o leiaf o gyfanswm yr amser mewn unrhyw chwarter o'r cwrs yn y flwyddyn academaidd ar safle neu safleoedd sydd yn gyfan gwbl neu'n rhannol yn ardal Dinas Llundain a chyn Ardal yr Heddlu Metropolitaidd;
- (c) mae myfyriwr yng nghategori 3 os nad yw'r myfyriwr yng nghategori 1 ac os yw'r myfyriwr yn mynychu sefydliad tramor fel rhan o'i gwrs;
- (ch) mae myfyriwr yng nghategori 4 os nad yw'r myfyriwr yng nghategori 1 a'i fod yn mynychu Athrofa Prifysgol Llundain ym Mharis;
- (d) mae myfyriwr yng nghategori 5 os nad yw yng nghategoriâu 1 i 4.
- (dd) ystyr "y dyddiad perthnasol" (*"the relevant date"*) yw diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs dynodedig a bennir;
- (e) "myfyriwr cymwys o dan y drefn newydd sydd â hawlogaeth lawn" (*"new system eligible student with full entitlement"*) yw myfyriwr cymwys o dan y drefn newydd heblaw myfyriwr sydd â hawlogaeth wedi'i gostwng;
- (f) "myfyriwr cymwys o dan yr hen drefn sydd â hawlogaeth lawn" (*"old system eligible student*

(2) A deduction from the amount of loan for living costs calculated under this Part in respect of a student with reduced entitlement may not be made under regulation 54.

## Interpretation of Part 6

49.-(1) In this Part -

- (a) a student is in category 1 if the student resides at his or her parents' home while attending the designated course or if he or she is a member of a religious order who resides in a house of that order;
- (b) a student is in category 2 if he or she is not in category 1 and attends one or more of the following -
  - (i) a course at the University of London;
  - (ii) a course at an institution which requires attendance for at least half the time in aggregate of any quarter of the course in the academic year at a site wholly or partly within the area comprising the City of London and the former Metropolitan Police District; or
  - (iii) a sandwich course at an institution which requires the eligible student to undertake work experience or a combination of work experience and study provided that the student undertakes such work experience or combination of work experience and study for at least half the time in aggregate of any quarter of the course in the academic year at a site or sites wholly or partly within the area comprising the City of London and the former Metropolitan Police District;
- (c) a student is in category 3 if the student is not in category 1 and the student attends an overseas institution as part of his or her course;
- (d) a student is in category 4 if the student is not in category 1 and attends the University of London Institute in Paris;
- (e) a student is in category 5 if the student is not in categories 1 to 4;
- (f) a "new system eligible student with full entitlement" (*"myfyriwr cymwys o dan y drefn newydd sydd"*) is a new system eligible student other than a student with reduced entitlement;
- (g) an "old system eligible student with full entitlement" (*"myfyriwr cymwys o dan yr hen drefn sydd â hawlogaeth lawn"*) is an old system eligible student other than a student with reduced entitlement;
- (h) the "relevant date" (*"dyddiad perthnasol"*) means the first day of the first

*with full entitlement*") yw myfyriwr cymwys o dan yr hen drefn heblaw myfyriwr sydd â hawlogaeth wedi'i gostwng;

- (ff) "myfyriwr sydd â hawlogaeth wedi'i gostwng" ("*student with reduced entitlement*") yw myfyriwr cymwys -
- (i) nad yw'n gymwys i gael grant at gostau byw neu gostau eraill mewn cysylltiad â'r flwyddyn academaidd yn rhinwedd rheoliad 23(3)(a) neu 23(3)(b);
  - (ii) nad yw'n gymwys i gael grant at gostau byw mewn cysylltiad â'r flwyddyn academaidd yn rhinwedd rheoliad 23(3)(c) na 23(5); neu
  - (iii) sydd, wrth wneud cais am fenthyciad at gostau byw, yn dewis peidio â rhoi'r wybodaeth y mae ei hangen i gyfrifo incwm ei aelwyd; neu
  - (iv) os un flwyddyn academaidd yn unig yw hyd cwrs i raddedigion neu ar lefel ôl-radd ar gyfer hyfforddiant cychwynnol athrawon, nid yw'r flwyddyn honno i gael ei thrin fel y flwyddyn derfynol.

academic year of the specified designated course;

- (i) a "student with reduced entitlement" ("*myfyriwr sydd â hawlogaeth wedi'i gostwng*") is an eligible student who-
- (i) is not eligible for a grant for living or other costs in respect of the academic year by virtue of regulation 23(3)(a) or 23(3)(b);
- (ii) is not eligible for a grant for living costs in respect of the academic year by virtue of regulation 23(3)(c) or 23(5);
- (iii) opts when applying for a loan for living costs not to provide the information needed to calculate the household income or
- (iv) where the duration of a graduate-entry or postgraduate-level course for the initial training of teachers is only one academic year, that year is not to be treated as the final year.

## RHAN 7

### DARPARIAETHAU CYFFREDINOL

#### Symiau ychwanegol o fenthyciadau

**50.**-(1) Caiff myfyriwr cymwys wneud cais am fenthyg swm ychwanegol o fenthyciad at gostau byw -

- (a) os yw'r Cynulliad Cenedlaethol yn penderfynu y dylid cynyddu uchafswm y benthyciad at gostau byw sydd wedi'i hysbysu i'r myfyriwr mewn perthynas â blwyddyn academaidd (gan gynnwys cynnydd i fyny o ddim byd) o ganlyniad i ailasesu cyfraniad y myfyriwr neu fel arall; a
- (b) os yw'r Cynulliad Cenedlaethol o'r farn nad yw'r cynnydd yn yr uchafswm yn digwydd oherwydd i'r myfyriwr cymwys -
  - (i) methu â rhoi yn brydlon wybodaeth a allai effeithio ar ei allu i fod â hawl i gael benthyciad neu swm y benthyciad y mae ganddo hawl i'w gael; neu
  - (ii) rhoi gwybodaeth sy'n anghywir o ran unrhyw fanylyn perthnasol.

(2) Nid yw'r swm ychwanegol ym mharagraff (1), o'i adio at y swm y gwnaed cais amdano eisoes, yn fwy na'r uchafswm wedi'i gynyddu.

(3) Os yw myfyriwr cymwys wedi gwneud cais am fenthyciad sy'n llai na'r uchafswm y mae ganddo hawlogaeth i'w gael mewn perthynas â'r flwyddyn academaidd, caiff wneud cais am fenthyg swm

## PART 7

### GENERAL LOAN PROVISIONS

#### Additional amount of loans

**50.**-(1) An eligible student may apply to borrow an additional amount of loan for living costs where -

- (a) the National Assembly determines that the maximum amount of loan for living costs which has been notified to the student in relation to an academic year should be increased (including an increase from nil) as a result of a reassessment of the student's contribution or otherwise; and
- (b) the National Assembly considers that the increase in the maximum amount does not result from the eligible student -
  - (i) failing to provide information promptly which might affect his or her ability to qualify for a loan or the amount of loan for which he or she qualifies; or
  - (ii) providing information which is inaccurate in any material particular.

(2) The additional amount under paragraph (1) is an amount which when added to the amount already applied for does not exceed the increased maximum.

(3) Where an eligible student has applied for a loan of less than the maximum amount to which he or she is entitled in relation to the academic year, he or she may apply to borrow an additional amount which, when

ychwanegol nad yw, o'i adio at y swm y gwnaed cais amdano eisoes, yn fwy na'r uchafswm perthnasol sy'n gymwys yn ei achos ef.

## **Llog**

51.-(1) Yn ddarostyngedig i baragraff (2), mae benthyciadau'n cario llog yn ôl y gyfradd a fydd yn arwain at gyfradd ganrannol flynyddol o dâl a bennir yn unol â Rheoliadau Credyd Defnyddwyr (Cyfanswm y Tâl am Credyd) 1980(1) sy'n hafal i'r cynnydd canrannol rhwng y mynegai prisiau manwerthu pob eitem a gyhoeddwyd gan y Swyddfa Ystadegau Gwladol ar gyfer Mawrth 2006 a'r mynegai a gyhoeddwyd ganddi ar gyfer Mawrth 2007.

(2) Os yw'r gyfradd y cyfeirir ati ym mharagraff (1) yn fwy na'r gyfradd sydd am y tro wedi'i phennu at ddibenion unrhyw esemptiad sydd wedi'i roi yn rhinwedd adran 16(5)(b) o Ddeddf Credyd Defnyddwyr 1974(2) mae benthyciadau'n cario llog yn ôl y gyfradd sydd wedi'i phennu felly.

(3) Cyfrifir llog ar y prifswm sy'n weddill bob dydd ac mae'n cael ei ychwanegu at y prifswm bob mis.

(4) Y mynegai prisiau y mae adran 22(8) o'r Ddeddf yn ei gwneud yn ofynnol i'r Cynulliad Cenedlaethol roi sylw iddo wrth ragnodi cyfradd llog benthyciadau yw'r mynegai prisiau manwerthu pob eitem a grybwyllir ym mharagraff (1).

added to the amount already applied for, does not exceed the relevant maximum applicable in his or her case.

## **Interest**

51.-(1) Subject to paragraph (2), loans bear interest at the rate which will result in an annual percentage rate of charge determined in accordance with the Consumer Credit (Total Charge for Credit) Regulations 1980(1) equal to the percentage increase between the retail prices all items index published by the Office for National Statistics for March 2006 and that index so published for March 2007.

(2) If the rate referred to in paragraph (1) exceeds the rate for the time being specified for the purposes of any exemption conferred by virtue of section 16(5)(b) of the Consumer Credit Act 1974(2) loans bear interest at the rate so specified.

(3) Interest is calculated on the principal outstanding daily and is added to the principal monthly.

(4) The index of prices to which the National Assembly is required by section 22(8) of the Act to have regard in prescribing the rate of interest which loans bear is the retail prices all items index mentioned in paragraph (1).

## **RHAN 8**

### **BENTHYCIADAU AT FFI OEDD COLEG**

52. Mae benthyciad at ffioedd coleg ar gael i fyfyrwr cymwys yn unol ag Atodlen 4.

## **RHAN 9**

### **ASESIAD ARIANNOL**

#### **Cyfrifo'r cyfraniad**

53.-(1) Cyfraniad myfyriwr cymwys mewn perthynas â blwyddyn academiaidd yw'r swm a gyfrifir o dan Atodlen 5, os oes unrhyw swm o gwbl.

(2) At ddibenion arfer swyddogaethau'r Cynulliad Cenedlaethol o dan y Ddeddf a'r rheoliadau a wnaed odani, caiff y Cynulliad Cenedlaethol ei gwneud yn ofynnol i fyfyrwr cymwys roi o bryd i'w gilydd unrhyw wybodaeth y mae'r Cynulliad Cenedlaethol yn credu ei bod yn angenrheidiol am incwm unrhyw

## **PART 8**

### **COLLEGE FEE LOANS**

52. A college fee loan is available to an eligible student in accordance with Schedule 4.

## **PART 9**

### **FINANCIAL ASSESSMENT**

#### **Calculation of contribution**

53.-(1) An eligible student's contribution in respect of an academic year is the amount, if any, calculated under Schedule 5.

(2) For the purposes of the exercise of the National Assembly's functions under the Act and regulations made under it, the National Assembly may require an eligible student to provide from time to time such information as it considers necessary as to the income of any person whose means are relevant to the

(1) O.S. 1980/51, a ddiwygiwyd gan O.S. 1989/596 ac O.S. 1999/3177.

(2) 1974 p. 39.

(1) S.I. 1980/51, amended by S.I. 1989/596 and S.I. 1999/3177.

(2) 1974 c. 39.

berson y mae ei foddion yn berthnasol ar gyfer asesu cyfraniad y myfyriwr.

### Cymhwyso'r cyfraniad

54.-(1) Yn ddarostyngedig i baragraffau (2) a (3), rhaid i swm sy'n hafal i'r cyfraniad a gyfrifir o dan Atodlen 5 gael ei gymhwyso nes ei ddiyhysbyddu yn erbyn swm y grantiau a'r benthyciadau penodol y mae gan y myfyriwr cymwys hawl i'w cael fel a ganlyn -

- (a) yn gyntaf, i ostwng **GFF**;
- (b) yn ail, i ostwng **ADG**;
- (c) yn drydydd, i ostwng **CCG**;
- (ch) yn bedwerydd, i ostwng **PLA**;
- (d) yn bumed, i ostwng **LLC** i ddim llai na'r lefel isaf am y flwyddyn academaidd;
- (dd) yn chweched, i ostwng **GFT**.

(2) Yn achos myfyriwr cymwys o dan yr hen drefn -

- (a) pan fo'r grant at ffioedd yn cael ei gyfrifo yn unol â rheoliadau 16(1) a 16(7),
  - (i) mae **GFF** yn £1,225; a
  - (ii) y swm sy'n weddill ar ôl didynnu'r cyfraniad o **GFF** yw swm y grant at ffioedd sy'n daladwy;
- (b) pan fo rheoliad 16(3)(a) neu (c) yn gymwys
  - (i) **GFF** yw £610; a
  - (ii) y swm sy'n weddill ar ôl didynnu'r cyfraniad o **GFF** yw swm y grant at ffioedd sy'n daladwy;
- (c) pan fo rheoliad 16(3)(b), (ch) neu (d) yn gymwys neu fod yr amgylchiadau cyfatebol o dan reoliad 17(3) yn gymwys-
  - (i) **GFF** yw £610; a
  - (ii) gostyngir £610 ar y cyfraniad cyn iddo gael ei gymhwyso yn erbyn **GFF**;
- (ch) pan fo'r cwrs dynodedig yn gwrs ar gyfer hyfforddiant cychwynnol athrawon (heblaw cwrs ar gyfer gradd gyntaf) -
  - (i) **GFF** yw dim;
  - (ii) nid oes gostyngiad ar swm y grant at ffioedd a gyfrifir o dan reoliadau 16 a 17; a
  - (iii) mae'r cyfraniad yn cael ei gymhwyso'n gyntaf i ostwng **ADG**;
- (d) Pan nad oes gan y myfyriwr hawl i gael grant at ffioedd mewn perthynas â'r flwyddyn academaidd yn rhinwedd y ffaith ei fod yn cymryd rhan yn y rhaglen ERASMUS -
  - (i) **GFF** yw dim;
  - (ii) gostyngir £1,225 ar y cyfraniad; a
  - (iii) mae'r cyfraniad yn cael ei gymhwyso'n gyntaf i ostwng **ADG**;

assessment of the student's contribution.

### Application of contribution

54.-(1) Subject to paragraphs (2) and (3), an amount equal to the contribution calculated under Schedule 5 must be applied until it is extinguished against the amount of the particular grants and loans for which the eligible student qualifies as follows -

- (a) first, to reduce **GFF**;
- (b) second, to reduce **ADG**;
- (c) third, to reduce **CCG**;
- (d) fourth, to reduce **PLA**;
- (e) fifth, to reduce **LLC** to no less than the minimum level for the academic year;
- (f) sixth, to reduce **GFT**.

(2) In the case of an old system eligible student -

- (a) where the grant for fees is calculated in accordance with regulation 16(1) and 16 (7), -
  - (i) **GFF** is £1,225; and
  - (ii) The amount of grant for fees payable is the amount left after deducting the contribution from **GFF**;
- (b) where regulation 16(3)(a) or (c) applies-
  - (i) **GFF** is £610; and
  - (ii) the amount of grant for fees payable is the amount left after deducting the contribution from **GFF**;
- (c) where regulation 16(3)(b), (d) or (e) applies -
  - (i) **GFF** is £610; and
  - (ii) the contribution is reduced by £610 before it is applied against **GFF**;
- (d) where the designated course is a course for the initial training of teachers (other than a course for a first degree) -
  - (i) **GFF** is nil;
  - (ii) there is no reduction in the amount of grant for fees calculated under regulations 16 and 17; and
  - (iii) the contribution is first applied to reduce **ADG**;
- (e) Where the student does not qualify for a grant for fees in respect of the academic year by virtue of participating in the ERASMUS programme -
  - (i) **GFF** is nil;
  - (ii) the contribution is reduced by £1,225; and
  - (iii) the contribution is applied first to reduce **ADG**;

(dd) pan nad oes gan y myfyriwr hawl i gael grant at ffioedd am unrhyw reswm arall, **GFF** yw dim ac mae'r cyfraniad yn cael ei gymhwyso'n gyntaf i ostwng **ADG**.

(3) Yn achos myfyriwr cymwys o dan y drefn newydd, **GFF** yw dim ac mae'r cyfraniad yn cael ei gymhwyso'n gyntaf i ostwng **ADG**.

(4) Yn y rheoliad hwn -

- (a) **ADG** yw swm y grant dibynyddion mewn oed, os oes unrhyw swm o gwbl, a gyfrifir yn unol â rheoliad 26;
- (b) **CCG** yw swm y grant gofal plant, os oes unrhyw swm o gwbl, a gyfrifir yn unol â rheoliad 27;
- (c) **PLA** yw swm y lwfans dysgu rhieni, os oes unrhyw swm o gwbl, a gyfrifir o dan reoliad 28 (ac eithrio £50 cyntaf y lwfans);
- (ch) **LLC** yw swm y benthyciad at gostau byw, os oes unrhyw swm o gwbl, y mae gan y myfyriwr cymwys, heblaw myfyriwr sydd â hawlogaeth wedi'i gostwng, hawl i'w gael o dan Ran 6;
- (d) **GFT** yw swm y grant at deithio y mae gan y myfyriwr cymwys hawl i'w gael o dan reoliad 31, os oes unrhyw swm o gwbl;

(5) Yn ddarostyngedig i baragraffau (6) a (7), y "lefel isaf am y flwyddyn academaidd" ("*minimum level for the academic year*") yw -

- (a) £2,620, yn achos myfyriwr yng nghategori 1;
- (b) £4,740, yn achos myfyriwr yng nghategori 2;
- (c) £4,035, yn achos myfyriwr yng nghategori 3;
- (ch) £4,035, yn achos myfyriwr yng nghategori 4;
- (d) £3,385, yn achos myfyriwr yng nghategori 5;

(6) Yn ddarostyngedig i baragraff (7), os yw'r flwyddyn academaidd o dan sylw yn flwyddyn derfynol cwrs heblaw cwrs carlam, y "lefel isaf am y flwyddyn academaidd" ("*minimum level for the academic year*") yw -

- (a) £2,370, yn achos myfyriwr yng nghategori 1;
- (b) £4,315, yn achos myfyriwr yng nghategori 2;
- (c) £3,510, yn achos myfyriwr yng nghategori 3;
- (ch) £3,510, yn achos myfyriwr yng nghategori 4;
- (d) £3,135, yn achos myfyriwr yng nghategori 5.

(7) Os oes categorïau gwahanol yn gymwys o dan reoliad 42 ar gyfer gwahanol chwarteri o'r flwyddyn academaidd, y lefelau isaf ym mharagraffau (5) a (6) yw cyfanswm y symiau a bennir o dan baragraff (8) ar gyfer pob un o'r tri chwarter y mae benthyciad yn daladwy mewn perthynas â hwy.

(8) Y swm a bennir ar gyfer pob chwarter o dan y paragraff hwn yw traean o'r swm ym mharagraff (5) neu (6) sy'n cyfateb i'r gyfradd sy'n gymwys ar gyfer y

(f) where the student does not qualify for a grant for fees for any other reason, **GFF** is nil and the contribution is applied first to reduce **ADG**.

(3) In the case of a new system eligible student, **GFF** is nil and the contribution is applied first to reduce **ADG**.

(4) In this regulation -

- (a) **ADG** is the amount, if any, of the adult dependants' grant calculated in accordance with regulation 26;
- (b) **CCG** is the amount, if any, of the childcare grant calculated in accordance with regulation 27;
- (c) **PLA** is the amount, if any, of the parents' learning allowance calculated under regulation 28 (except the first £50 of the allowance);
- (d) **LLC** is the amount of loan for living costs, if any, for which the eligible student other than a student with reduced entitlement qualifies under Part 6;
- (e) **GFT** is the amount of the grant for travel for which the eligible student qualifies under regulation 31, if any.

(5) Subject to paragraphs (6) and (7), the "minimum level for the academic year" ("*lefel isaf am y flwyddyn academaidd*") is -

- (a) £2,620, in the case of a student in category 1;
- (b) £4,740, in the case of a student in category 2;
- (c) £4,035, in the case of a student in category 3;
- (d) £4,035, in the case of a student in category 4;
- (e) £3,385, in the case of a student in category 5;

(6) Subject to paragraph (7), where the academic year in question is the final year of a course other than an accelerated course, the "minimum level for the academic year" ("*lefel isaf am y flwyddyn academaidd*") is -

- (a) £2,370, in the case of a student in category 1;
- (b) £4,315, in the case of a student in category 2;
- (c) £3,510, in the case of a student in category 3;
- (d) £3,510, in the case of a student in category 4;
- (e) £3,135, in the case of a student in category 5.

(7) Where under regulation 42 different categories apply for different quarters of the academic year, the minimum levels in paragraphs (5) and (6) are the aggregate of the amounts determined under paragraph (8) for each of the three quarters in respect of which a loan is payable.

(8) The amount determined for each quarter under this paragraph is one third of the amount in paragraph (5) or (6) which corresponds to the rate applicable for



chwarter.

(9) Y swm sy'n weddill ar ôl didynnu £610 o swm y benthyciad at gostau byw sy'n weddill ar ôl cymhwyso'r cyfraniad yn unol â'r rheoliad hwn yw'r benthyciad at gostau byw sy'n daladwy mewn perthynas â blwyddyn academaidd i fyfyrwr math 1 ar gwrs hyfforddi athrawon y mae ganddo incwm aelwyd sy'n fwy na £38,810.

(10) Y swm sy'n weddill ar ôl didynnu £1,225 o swm y benthyciad at gostau byw sy'n weddill ar ôl cymhwyso'r cyfraniad yn unol â'r rheoliad hwn yw'r benthyciad at gostau byw sy'n daladwy mewn perthynas â blwyddyn academaidd i fyfyrwr math 2 ar gwrs hyfforddi athrawon y mae ganddo incwm aelwyd sy'n fwy na £38,810.

(11) Mae i gategoriâu 1 i 5 yr ystyr a roddir yn rheoliad 49.

## **RHAN 10**

### **TALIADAU**

#### **Talu grantiau neu fenthyciadau at ffioedd**

**55.**-(1) Rhaid i'r Cynulliad Cenedlaethol dalu'r grant neu'r benthyciad at ffioedd y mae gan fyfyrwr hawl i'w gael i'r sefydliad y mae'r myfyriwr yn atebol i'w dalu pan gaiff y Cynulliad Cenedlaethol gais am daliad oddi wrth yr awdurdod academaidd perthnasol.

(2) Rhaid i'r Cynulliad Cenedlaethol dalu'r grant neu'r benthyciad at ffioedd i'r awdurdod academaidd -

- (a) nid cyn diwedd cyfnod o dri mis sy'n dechrau ar ddiwrnod cyntaf y flwyddyn academaidd; ac, yn achos grant yn unig,
- (b) nid hwyrach na 10 wythnos ar ôl diwedd y cyfnod yn is-baragraff (a), neu yn ddi-oed ar ôl i gais dilys am daliad ddod i law, os yw hynny yn hwyrach.

(3) Os yw asesu cyfraniad y myfyriwr neu faterion eraill wedi gohirio cyfrifiad terfynol swm y grant y mae gan y myfyriwr hawl i'w gael, caiff y Cynulliad Cenedlaethol wneud asesiad dros dro.

(4) Caiff y Cynulliad Cenedlaethol dalu'r benthyciad at ffioedd mewn rhandaliadau.

(5) Os yw asesu cyfraniad myfyriwr o dan yr hen drefn neu faterion eraill wedi gohirio cyfrifiad terfynol swm y benthyciad at gyfraniad at ffioedd y mae gan y myfyriwr hawl i'w gael, caiff y Cynulliad Cenedlaethol wneud asesiad a thaliad dros dro.

(6) Ni chaniateir talu'r grant neu'r benthyciad at ffioedd mewn cysylltiad â chwrs dynodedig-

- (a) os bydd y myfyriwr cymwys yn rhoi'r gorau i

the quarter.

(9) The loan for living costs payable in respect of an academic year to a type 1 teacher training student who has a household income exceeding £38,810 is the amount left after deducting £610 from the amount of loan for living costs left after applying the contribution in accordance with this regulation.

(10) The loan for living costs payable in respect of an academic year to a type 2 teacher training student who has a household income exceeding £38,810 is the amount left after deducting £1,225 from the amount of loan for living costs left after applying the contribution in accordance with this regulation.

(11) Categories 1 to 5 have the meaning given in regulation 49.

## **PART 10**

### **PAYMENTS**

#### **Payment of grants or loans for fees**

**55.**-(1) The National Assembly must pay the grant or loan for fees for which a student qualifies to the institution to which the student is liable to make payment where it receives a request for payment from the relevant academic authority.

(2) The National Assembly must pay the grant or loan for fees to the academic authority -

- (a) not before the expiry of a period of three months beginning with the first day of the academic year; and in the case of a grant only;
- (b) not later than 10 weeks after the expiry of the period in sub-paragraph (a), or promptly after a valid request for payment has been received, if that is later.

(3) Where assessment of the student's contribution or other matters has delayed the final calculation of the amount of grant for which the student qualifies, the National Assembly may make a provisional assessment.

(4) The National Assembly may pay the fee loan in instalments.

(5) Where assessment of an old system student's contribution or other matters have delayed the final calculation of the amount of fee contribution loan for which the student qualifies, the National Assembly may make a provisional assessment and payment.

(6) No payment of the grant or loan for fees may be made in respect of a designated course if -

- (a) before the expiry of a period of three months

fod yn bresennol ar y cwrs cyn diwedd cyfnod o dri mis sy'n dechrau ar ddiwrnod cyntaf y flwyddyn academiaidd; a

- (b) os yw'r awdurdod academiaidd wedi penderfynu neu wedi cytuno na fydd y myfyriwr yn dechrau bod yn bresennol eto yn ystod y flwyddyn academiaidd y mae'r ffioedd yn daladwy mewn perthynas â hi neu o gwbl.

### **Talu grantiau at gostau byw**

**56.**-(1) Yn ddarostyngedig i'r paragraffau canlynol, caiff y Cynulliad Cenedlaethol dalu cymorth o dan Ran 5 yn y cyfryw randaliadau (os bydd rhandaliadau) ac ar y cyfryw adegau ag y mae o'r farn eu bod yn briodol

(2) Mae'n ofynnol i sefydliad anfon cadarnhad o bresenoldeb at y Cynulliad Cenedlaethol.

(3) Rhaid i'r Cynulliad Cenedlaethol beidio â thalu'r rhandaliad cyntaf neu, os penderfynwyd peidio â thalu cymorth o dan Ran 5 mewn rhandaliadau, rhaid iddo beidio â gwneud unrhyw daliad cymorth o dan Ran 6 i fyfyrwr cymwys cyn i'r cadarnhad ddod i law onid oes eithriad yn gymwys.

(4) Mae eithriad yn gymwys-

- (a) pan fo lwfans myfyrwyr anabl yn daladwy, ac yn yr achos hwnnw caniateir talu'r grant arbennig hwnnw cyn i gadarnhad o bresenoldeb ddod i law'r Cynulliad Cenedlaethol; neu
- (b) pan fo'r Cynulliad Cenedlaethol wedi penderfynu y byddai'n briodol oherwydd amgylchiadau eithriadol i wneud taliad a chadarnhad o bresenoldeb heb eto ddod i law.

(5) Pan na ellir gwneud asesiad terfynol ar sail yr wybodaeth a ddarperir gan y myfyriwr, caiff y Cynulliad Cenedlaethol wneud asesiad a thaliad cymorth dros dro o dan Ran 5.

(6) Mae taliadau cymorth o dan Ran 5 i'w gwneud yn y cyfryw dull ag y mae'r Cynulliad Cenedlaethol o'r farn ei fod yn briodol a chaiff y Cynulliad ei gwneud yn un o amodau hawlogaeth i gael taliad fod yn rhaid i'r myfyriwr cymwys ddarparu ar ei gyfer fanylion cyfrif banc neu gymdeithas adeiladu yn y Deyrnas Unedig y caniateir gwneud taliadau iddo drwy eu trosglwyddo'n electronig.

(7) Nid oes unrhyw gymorth o dan Ran 5 yn ddyledus mewn perthynas ag unrhyw gyfnod talu sy'n dechrau ar ôl i gyfnod cymhwysra myfyriwr cymwys ddod i ben.

(8) Pan fydd cyfnod cymhwysra myfyriwr cymwys yn dod i ben ar neu ar ôl y dyddiad perthnasol, rhaid i'r Cynulliad Cenedlaethol benderfynu-

- (a) swm pob grant at gostau byw a chostau eraill y mae'r myfyriwr yn gymwys i'w gael ac a fyddai'n daladwy mewn perthynas â'r cyfnod

beginning with the first day of the academic year the eligible student ceases to attend the course; and

- (b) the academic authority has determined or agreed that the student will not commence attending again during the academic year in respect of which the fees are payable or at all.

### **Payment of grants for living costs**

**56.**-(1) Subject to the following paragraphs, the National Assembly may pay support under Part 5 in such instalments (if any) and at such times as it considers appropriate.

(2) An institution is required to send an attendance confirmation to the National Assembly.

(3) The National Assembly must not pay the first instalment or, where it has been determined not to pay support under Part 5 by instalments, make any payment of support under Part 6 to an eligible student before it has received the confirmation unless an exception applies.

(4) An exception applies if-

- (a) a disabled students' allowance is payable in which case that particular grant may be paid before the National Assembly has received an attendance confirmation; or
- (b) the National Assembly has determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving an attendance confirmation.

(5) Where a final assessment cannot be made on the basis of the information provided by the student, the National Assembly may make a provisional assessment and payment of support under Part 5.

(6) Payments of support under Part 5 are to be made in such manner as the National Assembly considers appropriate and it may make it a condition of entitlement to payment that the eligible student must provide it with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

(7) No support under Part 5 is due in respect of any payment period beginning after an eligible student's period of eligibility terminates.

(8) Where an eligible student's period of eligibility terminates on or after the relevant date, the National Assembly must determine-

- (a) the amount of each grant for living and other costs for which the student qualifies that would be payable in respect of the relevant payment

talw perthnasol pe na byddai cyfnod cymhwysra'r myfyriwr cymwys wedi dod i ben (y "cyfanswm"); a

- (b) faint o'r cyfanswm sy'n ddyledus mewn perthynas â'r cyfnod sy'n ymestyn o ddiwrnod cyntaf y cyfnod talu perthnasol hyd at a chan gynnwys y diwrnod y daeth cyfnod cymhwysra'r myfyriwr cymwys i ben (y "swm rhannol").

(9) Yn y rheoliad hwn, y "dyddiad perthnasol" ("*relevant date*") yw'r dyddiad y mae tymor cyntaf y flwyddyn academiaidd o dan sylw yn dechrau mewn gwirionedd.

(10) Os yw'r Cynulliad Cenedlaethol wedi talu grant at gostau byw a chostau eraill mewn perthynas â'r cyfnod talu perthnasol cyn y pwynt yn y cyfnod hwnnw pryd y daeth cyfnod cymhwysra'r myfyriwr cymwys i ben a bod taliad yn fwy na swm rhannol y grant hwnnw-

- (a) caiff y Cynulliad Cenedlaethol drin y tâl dros ben fel gordal o'r grant hwnnw
- (b) os yw o'r farn ei bod yn briodol iddo wneud hynny caiff estyn cyfnod cymhwysra'r myfyriwr mewn perthynas â'r grant hwnnw hyd ddiwedd y cyfnod talu perthnasol a chaiff benderfynu bod cyfanswm y grant yn ddyledus mewn perthynas â'r cyfnod talu hwnnw.

(11) Os yw taliad grant at gostau byw a chostau eraill mewn perthynas â'r cyfnod talu perthnasol i'w dalu ar ôl i gyfnod cymhwysra'r myfyriwr cymwys ddod i ben neu os dyna pryd y'i telir, swm y grant hwnnw sy'n ddyledus yw'r swm rhannol onid yw'r Cynulliad Cenedlaethol o'r farn ei bod yn briodol i estyn y cyfnod cymhwysra mewn perthynas â'r grant hwnnw hyd ddiwedd y cyfnod talu perthnasol neu'n briodol i benderfynu bod cyfanswm y grant hwnnw'n ddyledus mewn perthnasol â'r cyfnod talu hwnnw.

(12) Nid oes unrhyw gymorth o dan Ran 5 yn ddyledus mewn perthynas â chyfnod talu y mae myfyriwr cymwys yn absennol o'i gwrs yn ystod unrhyw ran ohono, oni fyddai'n briodol ym marn y Cynulliad Cenedlaethol yn yr amgylchiadau i gyd i'r cymorth gael ei dalu mewn perthynas â'r cyfnod o absenoldeb.

(13) Wrth benderfynu p'un a fyddai'n briodol i gymorth fod yn ddyledus o dan baragraff (12) mae'r amgylchiadau y mae'n rhaid i'r Cynulliad Cenedlaethol roi sylw iddynt yn cynnwys y rheswm dros absenoldeb y myfyriwr, hyd y cyfnod o absenoldeb a'r caledi ariannol a fyddai'n cael ei achosi pe na fyddai'r gymorth yn cael ei dalu.

(14) Nid ddylid ystyried bod myfyriwr cymwys yn absennol o'i gwrs os yw'n methu mynychu oherwydd salwch ac os nad yw wedi bod yn absennol am fwy na 60 o ddiwrnodau.

period if the eligible student's period of eligibility had not terminated ( the "full amount"); and

- (b) how much of the full amount is due in respect of the period which runs from the first day of the relevant payment period up to and including the day on which the eligible student's period of eligibility terminated ( the "partial amount").

(9) In this regulation, the "relevant date" ("*dyddiad perthnasol*") is the date on which the first term of the academic year in question actually begins.

(10) If the National Assembly has made a payment of grant for living and other costs in respect of the relevant payment period before the point in that period at which the eligible student's period of eligibility terminated and that payment exceeds the partial amount of that grant-

- (a) it may treat the excess as an overpayment of that grant
- (b) if it considers that it is appropriate to do so it may extend the student's period of eligibility in respect of that grant until the end of the relevant payment period and determine that the full amount of the grant is due in respect of that payment period.

(11) If a payment of a grant for living and other costs in respect of the relevant payment period is due to be made or is made after the eligible student's period of eligibility has terminated, the amount of that grant due is the partial amount unless the National Assembly considers it appropriate to extend the period of eligibility in respect of that grant until the end of the relevant payment period and to determine that the full amount of that grant is due in respect of that payment period.

(12) No support under Part 5 is due in respect of a payment period during any part of which an eligible student is absent from his or her course, unless in the opinion of the National Assembly it would be appropriate in all the circumstances for support to be paid in respect of the period of absence.

(13) In deciding whether it would be appropriate for support to be due under paragraph (12) the circumstances to which the National Assembly must have regard include the reason for the student's absence, the length of the absence and the financial hardship which not paying the support would cause.

(14) An eligible student is not to be considered absent from his or her course if he or she is unable to attend due to illness and his or her absence has not exceeded 60 days.

(15) Os yw'r Cynulliad Cenedlaethol, ar ôl iddo wneud unrhyw daliad o gymorth o dan Ran 5 neu Ran 6, yn penderfynu swm y grant at gostau byw a chostau eraill y mae'r myfyriwr yn gymwys i'w gael naill ai am y tro cyntaf neu ar ffurf adolygiad o benderfyniad dros dro neu benderfyniad arall ynghylch y swm hwnnw-

- (a) os penderfyniad i gynyddu swm y grant hwnnw y mae'r myfyriwr yn gymwys i'w gael yw'r penderfyniad rhaid i'r Cynulliad Cenedlaethol dalu'r swm ychwanegol yn y cyfryw randaliadau (os bydd rhandaliadau) ac ar y cyfryw adegau ag y mae'r Cynulliad Cenedlaethol o'r farn eu bod yn briodol;
- (b) os penderfyniad i ostwng swm y grant hwnnw y mae'r myfyriwr yn gymwys i'w gael yw'r penderfyniad rhaid i'r Cynulliad Cenedlaethol dynnu i ffwrdd swm y gostyngiad o swm y grant hwnnw sydd ar ôl i'w dalu;
- (c) os yw swm y gostyngiad yn fwy na swm y grant hwnnw sydd ar ôl i'w dalu gostyngir y swm diwethaf hwn i ddim a chaiff y balans ei dynnu i ffwrdd o unrhyw grant arall at gostau byw a chostau eraill y mae'r myfyriwr yn gymwys i'w gael mewn perthynas â'r flwyddyn academaidd;
- (ch) gellir adennill unrhyw ordal sy'n weddill yn unol â rheoliad 60 .

#### **Talu Benthyciadau - amodau hawlogaeth i gael taliad**

57.-(1) Caiff y Cynulliad Cenedlaethol ei gwneud yn un o amodau hawlogaeth i gael taliad o ran unrhyw fenthyciad fod yn rhaid i'r myfyriwr cymwys ddarparu ar gyfer y Cynulliad Cenedlaethol ei rif yswiriant gwladol yn y Deyrnas Unedig.

(2) Pan fo'r Cynulliad Cenedlaethol wedi gosod amod o dan baragraff (1), rhaid iddo beidio â gwneud unrhyw daliad o ran y benthyciad i'r myfyriwr cymwys cyn iddo gael ei fodloni bod y myfyriwr wedi cydymffurfio â'r amod hwnnw.

(3) Er gwaethaf paragraff (2), caiff y Cynulliad Cenedlaethol, os yw wedi'i fodloni y byddai'n briodol iddo wneud taliad o'r fath o achos amgylchiadau eithriadol, wneud taliad benthyciad i fyfyriwr cymwys heb fod y myfyriwr cymwys wedi cydymffurfio â'r amod a osodwyd o dan baragraff (1).

(4) Caiff y Cynulliad Cenedlaethol ar unrhyw adeg ei gwneud yn ofynnol i geisydd, fyfyriwr cymwys ymrwymo i gytundeb i ad-dalu benthyciad drwy fodd arbennig.

(5) Pan fo'r Cynulliad Cenedlaethol wedi gofyn am gytundeb o ran y modd yr ad-delir o dan y rheoliad hwn, caiff gadw unrhyw daliad benthyciad yn ôl hyd oni fo'r person yn darparu yr hyn y gofynnwyd amdano.

(15) Where, after the National Assembly has made any payment of support under Part 5 or Part 6, it makes a determination of the amount of a grant for living and other costs for which the student qualifies either for the first time or by way of revision of a provisional or other determination of that amount-

- (a) if the determination increases the amount of that grant for which the student qualifies it must pay the additional amount in such instalments (if any) and at such times as it considers appropriate;
- (b) if the determination decreases the amount of that grant for which the student qualifies it must subtract the amount of the decrease from the amount of that grant which remains to be paid;
- (c) if the amount of the decrease is greater than the amount of that grant remaining to be paid the latter amount is reduced to nil and the balance subtracted from any other grant for living and other costs for which the student qualifies in respect of the academic year;
- (d) any remaining overpayment is recoverable in accordance with regulation 60 .

#### **Payment of Loans - conditions of entitlement to payment**

57.-(1) The National Assembly may make it a condition of entitlement to payment of any loan that an eligible student must provide it with his or her United Kingdom national insurance number.

(2) Where the National Assembly has imposed a condition under paragraph (1), it must not make any payment of the loan to the eligible student before it is satisfied that the student has complied with that condition.

(3) Despite paragraph (2), the National Assembly may make a payment of loan to an eligible student if it is satisfied that owing to exceptional circumstances it would be appropriate to make such a payment without the eligible student having complied with the condition imposed under paragraph (1).

(4) The National Assembly may at any time require an applicant or eligible student to enter into an agreement to repay a loan by a particular method.

(5) Where the National Assembly has requested an agreement as to the method of repayment under this regulation, it may withhold any payment of a loan until the person provides what has been requested.

## **Gofynion o ran gwybodaeth**

**58.**-(1) Caiff y Cynulliad Cenedlaethol ar unrhyw adeg ofyn i geisydd am wybodaeth y mae o'r farn ei bod yn ofynnol ar gyfer adennill benthyciad.

(2) Caiff y Cynulliad Cenedlaethol ar unrhyw adeg ofyn i geisydd am gael gweld ei gerdyn adnabod dilys, ei basbort dilys a ddyroddwyd gan y wladwriaeth y mae'n un o'i dinasyddion neu ei dystysgrif geni.

(3) Pan fo'r Cynulliad Cenedlaethol wedi gofyn am wybodaeth neu ddogfennau o dan y rheoliad hwn, caiff gadw'n ôl unrhyw daliad benthyciad hyd oni fydd y person yn darparu'r hyn y gofynnwyd amdano neu hyd onid yw'n darparu eglurhad boddhaol am beidio â chydymffurfio â'r cais.

## **Talu benthyciadau at gostau byw a chostau eraill**

**59.**-(1) Caiff y Cynulliad Cenedlaethol dalu cymorth o dan Ran 8 mewn rhandaliadau.

(2) Yn ddarostyngedig i baragraff (3), caiff y Cynulliad Cenedlaethol dalu cymorth o dan Ran 6 ar y cyfryw adegau ag y mae o'r farn eu bod yn briodol.

(3) Mae'n ofynnol i sefydliad anfon cadarnhad o bresenoldeb at y Cynulliad Cenedlaethol.

(4) Rhaid i'r Cynulliad Cenedlaethol beidio â thalu'r rhandaliad cyntaf, neu pan fydd wedi penderfynu peidio â thalu cymorth o dan Ran 6 drwy rhandaliadau, wneud unrhyw daliad cymorth o dan Ran 6 i'r myfyriwr cymwys hyd oni fydd cadarnhad o bresenoldeb wedi dod i law oddi wrth y sefydliad perthnasol onid oes eithriad yn gymwys.

(5) Mae eithriad yn gymwys os yw'r Cynulliad Cenedlaethol wedi penderfynu y byddai'n briodol, o achos amgylchiadau eithriadol, iddo wneud taliad heb i gadarnhad o bresenoldeb ddod i law.

(6) Pan na ellir gwneud asesiad terfynol ar sail yr wybodaeth a ddarparwyd gan y myfyriwr, caiff y Cynulliad Cenedlaethol wneud asesiad a thaliad cymorth dros dro o dan Ran 6.

(7) Mae taliadau cymorth o dan Ran 6 i'w gwneud yn y cyfryw fodd ag y mae'r Cynulliad Cenedlaethol o'r farn ei fod yn briodol a chaiff ei gwneud yn un o amodau hawlogaeth i gael taliad fod y rhaid i'r myfyriwr cymwys ddarparu ar ei gyfer fanylion cyfrif banc neu gymdeithas adeiladu yn y Deyrnas Unedig y gall taliadau gael eu talu iddo drwy eu trosglwyddo'n electronig.

(8) Pan fo'r Cynulliad Cenedlaethol wedi gwneud unrhyw daliad cymorth o dan Ran 5 neu o dan Ran 6 a bod myfyriwr sy'n gymwys i gael benthyciad at gostau byw o dan Ran 6 yn gwneud cais am fenthyciad o'r fath neu'n gwneud cais am swm ychwanegol o fenthyciad at gostau byw mewn perthynas â blwyddyn academiaidd, caiff y Cynulliad Cenedlaethol dalu'r benthyciad

## **Information requirements**

**58.**-(1) The National Assembly may at any time request from an applicant information that it considers is required to recover a loan.

(2) The National Assembly may at any time request from an applicant sight of his or her valid national identity card, his or her valid passport issued by the state of which he or she is a national or his or her birth certificate.

(3) Where the National Assembly has requested information or documents under this regulation, it may withhold any payment of a loan until the person provides what has been requested or provides a satisfactory explanation for not complying with the request.

## **Payment of loans for living and other costs**

**59.**-(1) The National Assembly may pay support under Part 8 in instalments.

(2) Subject to paragraph (3), the National Assembly may pay support under Part 6 at such times as it considers appropriate.

(3) An institution is required to send an attendance confirmation to the National Assembly.

(4) The National Assembly must not pay the first instalment, or where it has determined not to pay support under Part 6 by instalments, make any payment of support under Part 6 to the eligible student before it has received an attendance confirmation from the relevant institution unless an exception applies.

(5) An exception applies if the National Assembly has determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving an attendance confirmation.

(6) Where a final assessment cannot be made on the basis of the information provided by the student, the National Assembly may make a provisional assessment and payment of support under Part 6.

(7) Payments of support under Part 6 are to be made in such manner as the National Assembly considers appropriate and it may make it a condition of entitlement to payment that the eligible student must provide it with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

(8) Where the National Assembly has made any payment of support under Part 5 or under Part 6 and a student who qualifies for a loan for living costs under Part 6 applies for such a loan or applies for an additional amount of loan for living costs in respect of an academic year, the National Assembly may pay that loan or that additional amount of loan in such

hwnnw neu'r swm ychwanegol hwnnw o fenthyciad yn cyfryw randaliadau (os bydd rhandaliadau) ac ar y cyfryw adegau ag y mae o'r farn eu bod yn briodol cyn gynted ag y bo'n rhesymol ymarferol ar ôl i gais boddhaol ddod i law.

(9) Yn ddarostyngedig i reoliad 8, nid oes unrhyw gymorth o dan Ran 6 yn daladwy mewn perthynas ag unrhyw gyfnod talu sy'n dechrau ar ôl i gyfnod cymhwysra myfyriwr cymwys ddod i ben.

(10) Nid oes unrhyw gymorth o dan Ran 6 yn ddyledus mewn perthynas â chyfnod talu y mae myfyriwr cymwys yn absennol o'i gwrs yn ystod rhan ohono, oni fyddai'n briodol, ym marn y Cynulliad Cenedlaethol, yn yr holl amgylchiadau, i gymorth gael ei dalu mewn perthynas â'r cyfnod o absenoldeb.

(11) Wrth benderfynu p'un a fyddai'n briodol i gymorth fod yn ddyledus o dan baragraff (10) mae'r amgylchiadau y mae'n rhaid i'r Cynulliad Cenedlaethol roi sylw iddynt yn cynnwys y rhesymau am absenoldeb y myfyriwr, hyd y cyfnod o absenoldeb a'r caledi ariannol y byddai peidio â thalu'r myfyriwr yn ei achosi.

(12) Ni ddylid ystyried bod myfyriwr cymwys yn absennol o'i gwrs os yw'n methu mynychu oherwydd salwch ac os nad yw wedi bod yn absennol am fwy na 60 o ddiwrnodau.

(13) Os yw'r Cynulliad Cenedlaethol, ar ôl iddo wneud unrhyw daliad benthyciad at gostau byw y mae'r myfyriwr yn gymwys i'w gael mewn perthynas â blwyddyn academiaidd o dan Ran 6, yn gwneud penderfyniad bod y swm o fenthyciad at gostau byw y mae'r myfyriwr yn gymwys i'w gael yn llai na'r swm a benderfynwyd yn flaenorol naill ai drwy adolygiad o asesiad dros dro neu fel arall -

- (a) rhaid iddo dynnu i ffwrdd o unrhyw swm o fenthyciad at gostau byw sydd ar ôl i'w dalu y cyfryw swm ag y mae ei angen er mwyn sicrhau nad yw'r myfyriwr yn benthycio swm o fenthyciad at gostau byw sy'n fwy na'r swm y mae'n gymwys i'w gael;
- (b) os yw'r swm sydd i'w dynnu i ffwrdd yn fwy na'r swm o fenthyciad at gostau byw sydd ar ôl i'w dalu, gostyngir y swm diwethaf hwn i ddim;
- (c) gellir adennill unrhyw ordal yn unol â rheoliad 60.

## Gordaliadau

**60.**-(1) Caiff y Cynulliad Cenedlaethol adennill unrhyw ordal o grant neu fenthyciad at ffioedd oddi wrth yr awdurdod academiaidd.

(2) Rhaid i fyfyriwr cymwys, os bydd y Cynulliad Cenedlaethol yn gofyn iddo wneud hynny, ad-dalu unrhyw swm a delir i'r myfyriwr o dan Ran 5 neu 6 ac sydd am ba reswm bynnag yn fwy na'r swm o gymorth

instalments (if any) and at such times as it considers appropriate as soon as is reasonably practicable after a satisfactory application has been received.

(9) Subject to regulation 8, no support under Part 6 is payable in respect of any payment period beginning after an eligible student's period of eligibility terminates.

(10) No support under Part 6 is due in respect of a payment period during part of which an eligible student is absent from his or her course, unless in the opinion of the National Assembly it would be appropriate in all the circumstances for support to be paid in respect of the period of absence.

(11) In deciding whether it would be appropriate for support to be due under paragraph (10) the circumstances to which the National Assembly must have regard include the reasons for the student's absence, the length of absence and the financial hardship which not paying the student would cause.

(12) An eligible student is not to be considered absent from his or her course if he or she is unable to attend due to illness and his or her absence has not exceeded 60 days.

(13) Where, after the National Assembly has made any payment of loan for living costs for which a student qualifies in respect of an academic year under Part 6, it makes a determination that the amount of loan for living costs for which the student qualifies is less than the amount previously determined either by way of a revision of a provisional assessment or otherwise -

- (a) it must subtract such amount as is necessary to ensure that the student does not borrow an amount of loan for living costs which is greater than that for which he or she qualifies from any amount of loan for living costs which remains to be paid;
- (b) if the amount to be subtracted is greater than the amount of loan for living costs remaining to be paid, the latter is reduced to nil;
- (c) any remaining overpayment is recoverable in accordance with regulation 60.

## Overpayments

**60.**-(1) Any overpayment of a grant or loan for fees may be recovered by the National Assembly from the academic authority.

(2) An eligible student must, if so required by the National Assembly, repay any amount paid to the student under Part 5 or 6 which for whatever reason exceeds the amount of support to which the student is

y mae gan y myfyriwr hawlogaeth arno o dan Ran 5 neu 6.

(3) Rhaid i'r Cynulliad Cenedlaethol adennill gordal o unrhyw grant at gostau byw a chostau eraill onid yw o'r farn nad yw'n briodol iddo wneud hynny.

(4) Mae taliad o unrhyw grant at gostau byw a chostau eraill a wnaed cyn y dyddiad perthnasol yn ordal os yw'r myfyriwr yn rhoi'r gorau i'r cwrs cyn y dyddiad perthnasol oni fydd y Cynulliad Cenedlaethol yn penderfynu fel arall.

(5) Yn yr amgylchiadau ym mharagraff (6) neu (7), mae gordal o'r grant at gostau byw myfyrwyr anabl oni fydd y Cynulliad Cenedlaethol yn penderfynu fel arall.

(6) Yr amgylchiadau yw-

- (a) mae'r Cynulliad Cenedlaethol yn cymhwyso'r cyfan neu ran o'r grant at gostau byw myfyrwyr anabl i brynu offer arbenigol ar ran y myfyriwr cymwys;
- (b) mae cyfnod cymhwystra'r myfyriwr yn dod i ben neu fe'i terfynir o dan reoliad 6 ar ôl y dyddiad perthnasol; ac
- (c) nid yw'r offer wedi'i ddanfôn at y myfyriwr cyn i'w gyfnod cymhwystra ddod i ben neu cyn iddo gael ei derfynu.

(7) Yr amgylchiadau yw-

- (a) mae cyfnod cymhwystra'r myfyriwr cymwys yn dod i ben neu fe'i terfynir o dan reoliad 6 ar ôl y dyddiad perthnasol; a
- (b) gwneir taliad o'r grant at gostau byw myfyrwyr anabl mewn perthynas ag offer arbenigol i'r myfyriwr ar ôl i gyfnod cymhwystra'r myfyriwr ddod i ben neu iddo gael ei derfynu.

(8) Os oes gordal o grant at gostau byw myfyrwyr anabl, caiff y Cynulliad Cenedlaethol dderbyn yn ôl offer arbenigol a brynwyd â'r grant yn fodd i adennill y cyfan neu ran o'r gordal os yw o'r farn ei bod yn briodol iddo wneud hynny.

(9) Caniateir adennill unrhyw ordal o unrhyw grant o dan Ran 5 ym mha un bynnag neu ym mha rai bynnag o'r ffyrdd canlynol y mae'r Cynulliad Cenedlaethol o'r farn ei bod neu eu bod yn briodol yn yr holl amgylchiadau -

- (a) drwy dynnu i ffwrdd y gordal o unrhyw fath o grant sy'n daladwy i'r myfyriwr o bryd i'w gilydd yn unol â rheoliadau a wneir o dan adran 22 o'r Ddeddf;
- (b) drwy gymryd y cyfryw gamau eraill i adennill gordal ag sydd ar gael iddo.

(10) Caniateir adennill unrhyw ordal o fenthyciad at gostau byw mewn perthynas ag unrhyw flwyddyn academaidd os ym marn y Cynulliad Cenedlaethol -

entitled under Part 5 or 6.

(3) The National Assembly must recover an overpayment of any grant for living and other costs unless it considers it is not appropriate to do so.

(4) A payment of any grant for living and other costs made before the relevant date is an overpayment if the student withdraws from the course before the relevant date unless the National Assembly decides otherwise.

(5) In the circumstances in paragraph (6) or (7), there is an overpayment of the grant for disabled students' living costs unless the National Assembly decides otherwise.

(6) The circumstances are-

- (a) the National Assembly applies all or part of the grant for disabled students' living costs to the purchase of specialist equipment on behalf of the eligible student;
- (b) the student's period of eligibility terminates or is terminated under regulation 6 after the relevant date; and
- (c) the equipment has not been delivered to the student before his or her period of eligibility terminates or is terminated.

(7) The circumstances are-

- (a) the eligible student's period of eligibility terminates or is terminated under regulation 6 after the relevant date; and
- (b) a payment of the grant for disabled students' living costs in respect of specialist equipment is made to the student after the student's period of eligibility terminated or was terminated.

(8) Where there is an overpayment of the grant for disabled students' living costs, the National Assembly may accept the return of specialist equipment purchased with the grant by way of recovery of all or part of the overpayment if it considers it is appropriate to do so.

(9) Any overpayment of any grant under Part 5 may be recovered in whichever one or more of the following ways the National Assembly considers appropriate in all the circumstances -

- (a) by subtracting the overpayment from any kind of grant payable to the student from time to time pursuant to regulations made under section 22 of the Act;
- (b) by taking such other action for the recovery of an overpayment as is available to it.

(10) Any overpayment of a loan for living costs in respect of any academic year may be recovered if in the opinion of the National Assembly -

- (a) bod y gordal wedi digwydd o ganlyniad i fethiant ar ran y myfyriwr i ddarparu'n brydlon wybodaeth a allai effeithio ar b'un a yw'n gymwys ai peidio i gael benthyciad neu ar y swm o fenthyciad y mae'n gymwys i'w gael; neu
- (b) bod unrhyw wybodaeth y mae'r myfyriwr wedi'i ddarparu yn anghywir mewn manylyn perthnasol; neu
- (c) bod y myfyriwr wedi methu â darparu gwybodaeth y mae'r Cynulliad Cenedlaethol o'r farn ei bod yn berthnasol yng nghyd-destun adennill y benthyciad.

(11) Pan fo modd adennill gordal o fenthyciad at gostau byw yn unol â pharagraff (4), caniateir ei adennill ym mha un bynnag neu ym mha rai bynnag o'r ffyrdd canlynol y mae'r Cynulliad Cenedlaethol o'r farn ei bod neu eu bod yn briodol yn yr holl amgylchiadau -

- (a) drwy dynnu i ffwrdd y gordal o swm unrhyw fenthyciad sy'n daladwy i'r myfyriwr o bryd i'w gilydd yn unol â rheoliadau a wneir o dan adran 22 o'r Ddeddf;
- (b) drwy gymryd y cyfryw gamau eraill i adennill gordal ag sydd ar gael iddo.

(12) Pan na fo modd adennill gordal o dan baragraff (4), caiff y Cynulliad Cenedlaethol dynnu i ffwrdd y gordal o swm unrhyw fenthyciad sy'n daladwy i'r myfyriwr o bryd i'w gilydd yn unol â rheoliadau a wneir o dan adran 22 o'r Ddeddf.

(13) Yn y rheoliad hwn "y dyddiad perthnasol" ("*the relevant date*") yw'r dyddiad y mae tymor cyntaf y flwyddyn academaidd o dan sylw yn dechrau mewn gwirionedd.

## Taliadau - dehongli

61.-(1) Yn y Rhan hon-

- (a) ystyr "cadarnhad o bresenoldeb" ("*attendance confirmation*") yw-
  - (i) cadarnhad gan y sefydliad fod y myfyriwr wedi ymrestru ar gyfer y flwyddyn academaidd-
    - (aa) pan fo'r myfyriwr yn gwneud cais am gymorth mewn cysylltiad â chwrs dynodedig am y tro cyntaf;
    - (bb) pan fo gan y myfyriwr anabledd; ac
    - (cc) pan fo'r myfyriwr yn ymgymryd â'r cwrs ond nad yw'n mynychu'r cwrs (ni waeth a yw'r rheswm am beidio â mynychu'n ymwneud â'i anabledd ai peidio);
  - (ii) cadarnhad gan y sefydliad fod y myfyriwr wedi ymgyflwyno yn y sefydliad ac wedi dechrau mynychu'r cwrs-

- (a) the overpayment is a result of a failure of the student to provide promptly information which might affect whether he or she qualifies for a loan or the amount of loan for which he or she qualifies; or
- (b) any information which the student has provided is inaccurate in a material particular; or
- (c) the student has failed to provide information which the National Assembly considers to be material in the context of the recovery of the loan.

(11) Where an overpayment of a loan for living costs is recoverable in accordance with paragraph (4), it may be recovered in whichever one or more of the following ways the National Assembly considers appropriate in all the circumstances -

- (a) by subtracting the overpayment from the amount of any loan payable to the student from time to time pursuant to regulations made under section 22 of the Act;
- (b) by taking such other action for the recovery of an overpayment as is available to it.

(12) Where there has been an overpayment of a loan for living costs which is not recoverable under paragraph (4), the National Assembly may subtract the overpayment from the amount of any loan payable to the student from time to time pursuant to regulations made under section 22 of the Act.

(13) In this regulation "the relevant date" ("*y dyddiad perthnasol*") is the date on which the first term of the academic year in question actually begins.

## Payments - interpretation

61.-(1) In this Part-

- (a) "attendance confirmation" ("*cadarnhad o bresenoldeb*") means-
- (i) confirmation from the institution that the student has enrolled for the academic year where-
  - (aa) the student is applying for support in connection with a designated course for the first time;
  - (bb) the student has a disability; and
  - (cc) the student is undertaking the course but not attending (regardless of whether the reason for not attending relates to his or her disability);
- (ii) confirmation from the institution that the student has presented himself or herself at the institution and begun to attend the course where-



- (aa) pan fo'r myfyriwr yn gwneud cais am gymorth mewn cysylltiad â chwrs dynodedig am y tro cyntaf;
- (bb) pan na fo'r myfyriwr wedi cael ei statws fel myfyriwr cymwys wedi'i drosglwyddo i'r cwrs o gwrs dynodedig arall yn yr un sefydliad; ac
- (cc) pan na fo is-baragraff (i)(cc) yn gymwys;
- (iii) cadarnhad gan y sefydliad fod y myfyriwr wedi ymrestru ar gyfer y flwyddyn academaidd-
  - (aa) pan fo'r myfyriwr yn gwneud cais am gymorth mewn cysylltiad â chwrs dynodedig a hynny heb fod am y tro cyntaf; neu
  - (bb) pan fo'r myfyriwr yn gwneud cais am gymorth mewn cysylltiad â chwrs dynodedig am y tro cyntaf ar ôl iddo gael ei statws fel myfyriwr cymwys wedi'i drosglwyddo i'r cwrs hwnnw o gwrs arall yn yr un sefydliad;
- (b) ystyr "cyfnod talu" ("*payment period*") yw cyfnod y mae'r Cynulliad Cenedlaethol yn talu mewn perthynas ag ef y cymorth perthnasol o dan Ran 5 neu Ran 6 neu y byddai wedi talu'r cyfryw gymorth pe na bai cyfnod cymhwystra'r myfyriwr cymwys wedi dod i ben.

- (aa) the student is applying for support in connection with a designated course for the first time;
- (bb) the student has not had his or her status as an eligible student transferred to the course from another designated course at the same institution; and
- (cc) sub-paragraph (i)(cc) does not apply;
- (iii) confirmation from the institution that the student has enrolled for the academic year where-
  - (aa) the student is applying for support in connection with a designated course other than for the first time; or
  - (bb) the student is applying for support in connection with a designated course for the first time after having his or her status as an eligible student transferred to that course from another course at the same institution;
- (b) "payment period" ("*cyfnod talu*") means a period in respect of which the National Assembly pays the relevant support under Part 5 or Part 6 or would have paid such support if the eligible student's period of eligibility had not terminated.

## RHAN 11

### CYMORTH AT GYRSIAU RHAN-AMSER

#### Myfyrwyr rhan-amser cymwys

62.-(1) Mae gan fyfyriwr rhan-amser cymwys hawl i gael cymorth mewn cysylltiad ag ymgymryd â chwrs rhan-amser dynodedig yn ddarostyngedig i'r Rhan hon ac yn unol â hi.

(2) Mae person yn fyfyriwr rhan-amser cymwys mewn cysylltiad â chwrs rhan-amser dynodedig -

- (a) os yw'r Cynulliad Cenedlaethol wrth iddo asesu cais y myfyriwr am gymorth yn penderfynu bod y person yn dod o fewn un o'r categorïau a nodir yn Rhan 2 o Atodlen 1; a
- (b) os nad yw'r person wedi'i hepgor gan baragraff (3).

(3) Nid yw person yn fyfyriwr rhan-amser cymwys -

- (a) os rhoddwyd neu os talwyd i'r person hwnnw mewn perthynas ag ymgymryd â'r cwrs rhan-amser -
  - (i) bwrsari gofal iechyd p'un a yw swm y bwrsari hwnnw yn cael ei gyfrifo drwy gyfeirio at incwm y person neu beidio;

## PART 11

### SUPPORT FOR PART-TIME COURSES

#### Eligible part-time students

62.-(1) An eligible part-time student qualifies for support in connection with his or her undertaking a designated part-time course subject to and in accordance with this Part.

(2) A person is an eligible part-time student in connection with a designated part-time course if -

- (a) in assessing his or her application for support the National Assembly determines that the person falls within one of the categories set out in Part 2 of Schedule 1; and
- (b) the person is not excluded by paragraph (3).

(3) A person is not an eligible part-time student if -

- (a) there has been bestowed on that person or paid to that person in relation to his or her undertaking the part-time course -
  - (i) a healthcare bursary whether or not the amount of such bursary is calculated by reference to the person's income;

- (ii) unrhyw lwfans o dan Reoliadau Lwfansau Myfyrwyr Nyrsio a Bydwreigiaeth (Yr Alban) 1992(1); neu
- (iii) lwfans gofal iechyd yr Alban p'un a yw swm y lwfans hwnnw yn cael ei gyfrifo drwy gyfeirio at incwm y person hwnnw neu beidio;
- (b) os yw'r person hwnnw wedi torri unrhyw rwymedigaeth i ad-dalu unrhyw fenthyciad;
- (c) os yw'r person hwnnw wedi cyrraedd ei 18 oed ac nad yw wedi dilysu unrhyw gytundeb ynglŷn â benthyciad a wnaed gydag ef pan oedd o dan 18 oed;
- (ch) os yw'r person hwnnw, ym marn y Cynulliad Cenedlaethol, wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth; neu
- (d) yn ddarostyngedig i baragraff (4), os yw'n garcharor sy'n bwrw dedfryd o gaethiwed.

(4) Nid yw paragraff (3)(d) yn gymwys mewn perthynas â blwyddyn academiaidd pryd y mae'r myfyriwr yn mynd i'r carchar i fwrw dedfryd mewn caethiwed neu'n cael ei ryddhau o'r carchar ar ôl bwrw dedfryd o'r fath.

(5) At ddibenion paragraffau (3)(b) a (3)(c), ystyr "benthyciad" ("loan") yw benthyciad a wnaed o dan y ddeddfwriaeth ar fenthyciadau i fyfyrwyr.

(6) Mewn achos lle mae'r cytundeb ynglŷn â benthyciad yn ddarostyngedig i gyfraith yr Alban, dim ond os cafodd y cytundeb ei wneud -

- (a) cyn 25 Medi 1991, a
- (b) gyda chydysniad curadur y benthyciwr neu ar adeg pan nad oedd ganddo guradur y bydd paragraff 3(c) yn gymwys.

(7) Nid oes gan fyfyrwr rhan-amser cymwys hawl i gael cymorth o dan reoliad 65(1)(b) neu reoliad 66 os paragraff 9 yw'r unig baragraff o Ran 2 o Atodlen 1 y mae'n syrthio odano.

(8) Nid oes gan fyfyrwr rhan-amser cymwys hawl i gael cymorth -

- (a) o dan reoliad 65(1)(a) oni bai ei fod yn ymgymryd â'r cwrs rhan-amser dynodedig yng Nghymru neu Loegr; neu
- (b) o dan reoliad 65(1)(b) neu 66 oni bai ei fod yn ymgymryd â'r cwrs rhan-amser dynodedig yn y Deyrnas Unedig.

(9) Nid oes gan fyfyrwr rhan-amser cymwys hawl i gael cymorth o dan reoliad 65 os yw wedi ymgymryd ag un neu fwy o gyrsiau rhan-amser am gyfanswm o wyth mlynedd academiaidd a'i fod wedi cael mewn perthynas â phob un o'r blynyddoedd academiaidd hynny fenthyciad neu grant o'r math a ddisgrifir ym mharagraff (10).

- (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 1992(1); or
- (iii) a Scottish healthcare allowance whether or not the amount of such allowance is calculated by reference to that person's income;
- (b) that person is in breach of any obligation to repay any loan;
- (c) that person has reached the age of 18 and has not ratified any agreement for a loan made with him or her when he or she was under the age of 18;
- (d) that person has, in the opinion of the National Assembly, shown himself or herself by his or her conduct to be unfitted to receive support; or
- (e) subject to paragraph (4), he or she is a prisoner serving a custodial sentence.

(4) Paragraph (3)(e) does not apply in respect of an academic year during which the student enters prison to serve a custodial sentence or is released from prison having served such a sentence.

(5) For the purposes of paragraphs (3)(b) and (3)(c), "loan"("benthyciad") means a loan made under the student loans legislation.

(6) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (3)(c) only applies if the agreement was made -

- (a) before 25 September 1991; and
- (b) with the concurrence of the borrower's curator or at a time when he or she had no curator.

(7) An eligible part-time student does not qualify for support under regulation 65(1)(b) or regulation 66 if the only paragraph in Part 2 of Schedule 1 into which he or she falls is paragraph 9.

(8) An eligible part-time student does not qualify for support -

- (a) under regulation 65(1)(a) unless he or she undertakes the designated part-time course in Wales or England; or
- (b) under regulation 65(1)(b) or 66 unless he or she undertakes the designated part-time course in the United Kingdom.

(9) An eligible part-time student does not qualify for support under regulation 65 if he or she has undertaken one or more part-time courses for eight academic years in aggregate and he or she has received in respect of each of those academic years a loan or a grant of the kind described in paragraph (10).

(1) O.S. 1992/580, a ddiwygiwyd gan O.S.A. 2002/423 ac O.S.A. 2003/401.

(1) S.I. 1992/580, amended by S.S.I. 2002/423 and S.S.I. 2003/401.

(10) Y benthyciadau a'r grantiau y cyfeirir atynt ym mharagraff (9) yw -

- (a) benthyciad, grant mewn perthynas â ffioedd neu grant at lyfrau, teithio a gwariant arall bob un wedi'i roi mewn perthynas â blwyddyn academaidd cwrs rhan-amser yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf;
- (b) benthyciad, grant mewn perthynas â ffioedd neu grant at lyfrau, teithio a gwariant arall bob un wedi'i roi mewn perthynas â blwyddyn academaidd cwrs rhan-amser gan yr Adran Cyflogi a Dysgu (Gogledd Iwerddon) yn unol â rheoliadau a wnaed o dan Erthyglau 3 ac 8(4) o Orchymyn Addysg (Cymorth i Fyfywyr) (Gogledd Iwerddon) 1998(1); neu
- (c) benthyciad mewn perthynas â blwyddyn academaidd cwrs rhan-amser a roddwyd yn unol â rheoliadau a wnaed o dan adrannau 73(f), 73B a 74(1) o Ddeddf Addysg (Yr Alban) 1980(2).

(11) Nid oes gan fyfyrwr rhan-amser cymwys hawl i gael cymorth o dan reoliad 65 os oes ganddo radd gyntaf oddi wrth sefydliad addysgol yn y Deyrnas Unedig.

(12) At ddibenion paragraff (11), nid yw gradd yn cael ei thrin fel gradd gyntaf -

- (a) os yw'n radd (heblaw gradd anrhydedd) sydd wedi'i dyfarnu i fyfyrwr rhan-amser cymwys sydd wedi cwblhau'r modiwlau, yr arholiadau neu'r dulliau asesu eraill sy'n angenrheidiol at gwrs ei radd gyntaf;
- (b) os ymgwymerwyd â'r cwrs mewn sefydliad addysgol yn y Deyrnas Unedig; ac
- (c) os yw'r myfyrwr rhan-amser cymwys wedi'i gofrestru i barhau â'r cwrs yn yr un sefydliad addysgol ar ôl i'w radd gael ei dyfarnu er mwyn sicrhau gradd anrhydedd pan gwblheir y modiwlau, yr arholiadau neu'r dulliau asesu eraill sy'n angenrheidiol.

(13) Os bydd un o'r digwyddiadau a restrir ym mharagraff (15) yn digwydd yn ystod blwyddyn academaidd -

- (a) gall myfyrwr fod â hawl i gael grant mewn perthynas â ffioedd mewn perthynas â'r flwyddyn academaidd honno yn unol â'r Rhan hon ar yr amod bod y digwyddiad perthnasol

(10) The loans and grants referred to in paragraph (9) are -

- (a) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a part-time course pursuant to regulations made under section 22 of the Act;
- (b) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a part-time course by the Department for Employment and Learning (Northern Ireland) pursuant to regulations made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998(1); or
- (c) a loan in respect of an academic year of a part-time course made pursuant to regulations made under sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980(2).

(11) An eligible part-time student does not qualify for support under regulation 65 if he or she holds a first degree from an educational institution in the United Kingdom.

(12) For the purposes of paragraph (11), a degree is not treated as a first degree where -

- (a) it is a degree (other than an honours degree) that has been awarded to an eligible part-time student who has completed the required modules, examinations or other forms of assessment for his or her first degree course;
- (b) the course was undertaken at an educational institution in the United Kingdom; and
- (c) the eligible part-time student is registered to continue the course at the same educational institution after the award of his or her degree so as to obtain an honours degree on completion of the required modules, examinations or other form of assessment.

(13) Where one of the events listed in paragraph (15) occurs in the course of an academic year -

- (a) a student may qualify for a grant in respect of fees in respect of that academic year in accordance with this Part provided that the relevant event occurred within the first three

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(1) O.S. 1998/1760 (G.I. 14).

(2) 1980 p.44; diwygiwyd adran 73(f) gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 29(1) a Deddf Addysg (Gwaddoliad Graddedigion a Chymorth i Fyfywyr (Yr Alban) 2001 (dsa6), adran 3(2). Mewnosodwyd adran 73B gan adran 29(2) o Ddeddf Addysgu ac Addysg Uwch 1998. Diwygiwyd adran 74 gan Ddeddf Ysgolion Hunan-lywodraethol etc. (Yr Alban) 1989 (p. 39), Atodlen 10, paragraff 8(17). Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Weinidogion yr Alban yn rhinwedd adran 53 o Ddeddf yr Alban 1998 (p. 46).

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(1) S.I. 1998/1760 (N.I. 14).

(2) 1980 c.44; section 73(f) was amended by the Teaching and Higher Education Act 1998 (c. 30), section 29(1) and the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp6), section 3(2). Section 73B was inserted by section 29(2) of the Teaching and Higher Education Act 1998. Section 74 was amended by the Self Governing Schools etc. (Scotland) Act 1989 (c. 39), Schedule 10, paragraph 8(17). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

wedi digwydd yn ystod tri mis cyntaf y flwyddyn academaidd; a

- (b) nid oes grant mewn perthynas â ffioedd ar gael mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol ynddi.

(14) Os bydd un o'r digwyddiadau a restrir yn is-baragraffau (a), (b), (d), (dd), (e) neu (f) o baragraff (15) yn digwydd yn ystod blwyddyn academaidd -

- (a) gall myfyriwr fod â hawl i gael grant at lyfrau, teithio a gwariant arall mewn perthynas â'r flwyddyn academaidd honno yn unol â'r Rhan hon; a
- (b) nid oes grant at lyfrau, teithio a gwariant arall ar gael mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol ynddi.

(15) Y digwyddiadau yw -

- (a) bod cwrs y myfyriwr yn dod yn gwrw rhan-amser dynodedig;
- (b) bod y myfyriwr, ei briod, ei bartner sifil neu ei riant yn cael ei gydnabod fel ffoadur neu ei fod yn dod yn berson sydd â chaniatâd i ddod i mewn neu i aros;
- (c) bod gwladwriaeth yn ymaelodi â'r Gymuned Ewropeaidd os yw'r myfyriwr yn wladolyn o'r wladwriaeth honno neu'n aelod o deulu (fel y'i diffinnir yn Rhan 1 o Atodlen 1) gwladolyn o'r wladwriaeth honno;
- (ch) bod y myfyriwr yn dod yn aelod o deulu (fel y'i diffinnir yn Rhan 1 o Atodlen 1) gwladolyn o'r GE;
- (d) bod y wladwriaeth y mae'r myfyriwr yn wladolyn iddi yn ymaelodi â'r Gymuned Ewropeaidd os yw'r myfyriwr wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd yn union cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;
- (dd) bod y myfyriwr yn ennill yr hawl i breswyllo'n barhaol;
- (e) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 6(1)(a) o Atodlen 1; neu
- (f) bod y myfyriwr yn dod yn blentyn i wladolyn o'r Swistir.

(16) Er gwaethaf paragraff (2), mae person yn fyfyrwr rhan-amser cymwys at ddibenion y Rhan hon os yw'n bodloni'r amodau ym mharagraffau (17) neu (18).

(17) Yr amodau yn y paragraff hwn yw-

- (a) bod y person wedi ymgymhwyso fel myfyriwr rhan-amser cymwys mewn cysylltiad â blwyddyn academaidd gynharach ar y cwrs

months of the academic year; and

- (b) a grant in respect of fees is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

(14) Where one of the events listed in subparagraphs (a), (b), (e), (f), (g) or (h) of paragraph (15) occurs in the course of an academic year -

- (a) a student may qualify for a grant for books, travel and other expenditure in respect of that academic year in accordance with this Part; and
- (b) a grant for books, travel and other expenditure is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

(15) The events are -

- (a) the student's course becomes a designated part-time course;
- (b) the student, his or her spouse, his or her civil partner or his or her parent is recognised as a refugee or becomes a person with leave to enter or remain ;
- (c) a state accedes to the European Community where the student is a national of that state or a family member (as defined in Part 1 of Schedule 1) of a national of that state;
- (d) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EC national;
- (e) the state of which the student is a national accedes to the European Community where the student has been ordinarily resident in the United Kingdom and Islands throughout the three year-period immediately preceding the first day of the first academic year of the course;
- (f) the student acquires the right of permanent residence;
- (g) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or
- (h) the student becomes the child of a Swiss national.

(16) Despite paragraph (2), a person is an eligible part-time student for the purposes of this Part if he or she satisfies the conditions in paragraphs (17) or (18).

(17) The conditions in this paragraph are -

- (a) he or she qualified as an eligible part-time student in connection with an earlier academic year of the present designated part-time course

rhan-amser dynodedig presennol yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf;

- (b) bod y person yn preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs; ac
- (c) nad yw statws y person fel myfyriwr rhan-amser cymwys wedi'i derfynu.

(18) Yr amodau yn y paragraff hwn yw-

- (a) bod y Cynulliad Cenedlaethol wedi penderfynu o'r blaen fod y person -
  - (i) yn fyfyrwr cymwys mewn cysylltiad â chwrs dynodedig; neu
  - (ii) yn fyfyrwr rhan-amser cymwys mewn cysylltiad â chwrs rhan-amser dynodedig heblaw'r cwrs rhan-amser dynodedig presennol;
- (b) bod statws y myfyriwr fel myfyriwr cymwys neu fel myfyriwr rhan-amser cymwys mewn cysylltiad â'r cwrs hwnnw wedi'i drosi neu wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs presennol o ganlyniad i drosi neu drosglwyddo unwaith neu fwy yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf;
- (c) bod y person yn preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs yn is-baragraff (a); ac
- (ch) nad yw statws y person fel myfyriwr cymwys wedi'i derfynu.

(19) Os bydd-

- (a) y Cynulliad Cenedlaethol wedi penderfynu bod person ("A"), yn rhinwedd bod yn ffoadur, neu fod yn briod, partner sifil, plentyn neu'n llysblentyn i ffoadur, yn fyfyrwr rhan-amser cymwys mewn cysylltiad â chais am gymorth am flwyddyn gynharach o'r cwrs rhan-amser presennol neu mewn cysylltiad â chais mewn cysylltiad â chwrs dynodedig neu gwrs rhan-amser dynodedig arall y mae ei statws fel myfyriwr rhan-amser cymwys neu fyfyrwr cymwys wedi'i drosglwyddo oddi wrtho i'r cwrs rhan-amser presennol; a
- (b) ar y diwrnod cyn diwrnod dechrau'r flwyddyn academiaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, statws ffoadur A neu ei briod, ei bartner sifil, ei riant neu ei lys-riant, yn ôl y digwydd, wedi dod i ben ac na roddwyd caniatâd pellach iddo aros ac nad oes apêl yn yr arfaeth (o fewn yr ystyr yn adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002),

bydd statws A fel myfyriwr rhan-amser cymwys yn dod i ben ar y diwrnod cyn diwrnod cyntaf y flwyddyn academiaidd y mae'n gwneud cais am gymorth mewn perthynas â hi.

pursuant to regulations made under section 22 of the Act;

- (b) the person was ordinarily resident in Wales on the first day of the first academic year of the course; and
- (c) the person's status as an eligible part-time student has not terminated.

(18) The conditions in this paragraph are

- (a) the National Assembly has previously determined that the person is -
  - (i) an eligible student in connection with a designated course; or
  - (ii) an eligible part-time student in connection with a designated part-time course other than the present designated part-time course;
- (b) the student's status as an eligible student or as an eligible part-time student in connection with that course has been converted or transferred from that course to the present course as a result of one or more conversions or transfers in accordance with regulations made under section 22 of the Act;
- (c) the person was ordinarily resident in Wales on the first day of the first academic year of the course in sub-paragraph (a); and
- (d) the person's status as an eligible student has not terminated.

(19) Where-

- (a) the National Assembly has determined that by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person ("A") was an eligible part-time student in connection with an application for support for an earlier year of the present part-time course or an application in connection with a designated course or other designated part-time course from which his or her status as an eligible part-time student or eligible student has been transferred to the present part-time course; and
- (b) as at the day before the academic year in respect of which A is applying for support starts, the refugee status of A or of his or her spouse, civil partner, parent or step-parent, as the case may be, has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A's status as an eligible part-time student terminates on the day before the first day of the academic year in respect of which he or she is applying for support.

(20) Os bydd-

- (a) y Cynulliad Cenedlaethol wedi penderfynu bod person ("A"), yn rhinwedd bod yn berson â chaniatâd i ddod i mewn neu i aros, neu fod yn briod, partner sifil, plentyn neu'n llysbentyn i berson o'r fath, yn fyfyrwr rhan-amser cymwys mewn cysylltiad â chais am gymorth am flwyddyn gynharach o'r cwrs rhan-amser presennol neu mewn cysylltiad â chais mewn cysylltiad â chwrs dynodedig neu gwrs rhan-amser dynodedig arall y mae ei statws fel myfyriwr rhan-amser cymwys neu fyfyrwr cymwys wedi'i drosglwyddo oddi wrtho i'r cwrs rhan-amser presennol; a
- (b) y cyfnod y caniateir i'r person â hawl i ddod i mewn neu i aros aros yn y Deyrnas Unedig i fod i ddod i ben cyn diwrnod cyntaf y flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi ac, ar y diwrnod cyn diwrnod dechrau'r flwyddyn academaidd honno, os na roddwyd hawl bellach i aros ac nad oes apêl yn yr arfaeth (o fewn yr ystyr yn adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002),

bydd statws A fel myfyriwr rhan-amser cymwys yn dod i ben ar y diwrnod cyn diwrnod cyntaf y flwyddyn academaidd y mae'n gwneud cais am gymorth mewn perthynas â hi.

(21) Nid yw paragraffau (19) a (20) yn gymwys pan fo'r myfyriwr wedi dechrau ar y cwrs y penderfynodd y Cynulliad Cenedlaethol mewn cysylltiad ag ef fod y myfyriwr yn fyfyrwr rhan-amser cymwys neu'n fyfyrwr cymwys, yn ôl y digwydd, cyn 1 Medi 2007.

(22) Nid oes gan fyfyrwr rhan-amser cymwys hawl, ar unrhyw un adeg, i gael gymorth-

- (a) at fwy nag un cwrs rhan-amser dynodedig;
- (b) at gwrs rhan-amser dynodedig a chwrs dynodedig;
- (c) at gwrs rhan-amser dynodedig a chwrs ôl-radd dynodedig.

### Cyrsiau rhan-amser dynodedig

63.-(1) Yn ddarostyngedig i baragraff (2), mae cwrs rhan-amser yn gwrs dynodedig at ddibenion adran 22(1) o'r Ddeddf a rheoliad 62 -

- (a) os yw'n gwrs a grybwyllir yn Atodlen 2 ac eithrio cwrs ar gyfer hyfforddiant cychwynnol i athrawon;
- (b) os yw'n para am o leiaf un flwyddyn academaidd;
- (c) os yw fel arfer yn bosibl gorffen y cwrs mewn dim mwy na dwywaith y cyfnod y mae fel arfer ei angen i gwblhau cwrs amser-llawn cyfatebol;

(20) Where-

- (a) the National Assembly has determined that, by virtue of being a person with leave to enter or remain or the spouse, civil partner, child or step-child of such a person, a person ("A") was an eligible part-time student in connection with an application for support for an earlier year of the present part-time course or an application in connection with a designated course or other designated part-time course from which his or her status as an eligible part-time student or eligible student has been transferred to the present part-time course; and
- (b) the period for which the person with leave to enter or remain is allowed to stay in the United Kingdom is due to expire before the first day of the academic year in respect of which A is applying for support and, as at the day before that academic year starts, no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A's status as an eligible part-time student terminates on the day before the first day of the academic year in respect of which he or she is applying for support.

(21) Paragraphs (19) and (20) do not apply where the student started the course in connection with which the National Assembly determined that he or she was an eligible part-time student or eligible student, as the case may be, before 1 September 2007.

(22) An eligible part-time student does not, at any one time, qualify for support for -

- (a) more than one designated part-time course;
- (b) a designated part-time course and a designated course;
- (c) a designated part-time course and a designated postgraduate course.

### Designated part-time courses

63.-(1) Subject to paragraph (2), a part-time course is designated for the purposes of section 22(1) of the Act and regulation 62 if -

- (a) it is a course mentioned in Schedule 2 other than a course for the initial training of teachers;
- (b) it is of at least one academic year's duration;
- (c) it is ordinarily possible to complete the course in not more than twice the period ordinarily required to complete the full-time equivalent;

(ch) os yw'n cael ei ddarparu'n gyfan gwbl gan sefydliad neu sefydliadau addysgol yn y Deyrnas Unedig a ariennir yn gyhoeddus neu'n cael ei ddarparu gan sefydliad neu sefydliadau o'r fath ar y cyd â sefydliad neu sefydliadau y tu allan i'r Deyrnas Unedig; ac

(d) nad yw wedi'i ddynodi gan neu o dan reoliad 5.

(2) Nid yw cwrs sy'n syrthio o fewn paragraff 6 neu 7 o Atodlen 2 yn gwrs rhan-amser dynodedig os yw corff llywodraethu ysgol a gynhelir wedi trefnu darparu'r cwrs hwnnw i un o ddisgyblion yr ysgol.

(3) Nid yw cwrs yr ymgymerir ag ef fel rhan o gynllun hyfforddi athrawon ar sail cyflogaeth yn gwrs rhan-amser dynodedig.

(4) At ddibenion paragraff (1) -

(a) mae cwrs yn cael ei ddarparu gan sefydliad os yw'r sefydliad yn darparu'r addysgu a'r goruchwyllo sy'n ffurfio'r cwrs, p'un a yw'r sefydliad wedi gwneud cytundeb gyda'r myfyriwr i ddarparu'r cwrs neu beidio;

(b) bernir bod prifysgol ac unrhyw goleg neu sefydliad cyfansoddol sydd o natur coleg prifysgol yn cael eu hariannu'n gyhoeddus os yw naill ai'r brifysgol neu'r coleg neu sefydliad cyfansoddol yn cael eu hariannu'n gyhoeddus; ac

(c) ni fernir bod sefydliad yn cael ei ariannu'n gyhoeddus dim ond am ei fod yn cael arian cyhoeddus oddi wrth gorff llywodraethu sefydliad addysg uwch yn unol ag adran 65(3A) o Ddeddf Addysg Bellach ac Uwch 1992(1).

(5) At ddibenion paragraff (1)(c)-

(a) ystyr "cwrs amser-llawn cyfatebol" ("*full-time equivalent*") yw cwrs amser-llawn sy'n arwain at yr un cymhwyster â'r cwrs dan sylw;

(b) ystyr "cyfnod sy'n ofynnol fel arfer i gwblhau'r cwrs amser-llawn cyfatebol" ("*period ordinarily required to complete the full-time equivalent*") yw-

(i) os darperir y cwrs gan neu ar ran y Brifysgol Agored, y cyfnod y byddai ei angen ar fyfyrwr amser-llawn safonol i gwblhau'r cwrs amser-llawn cyfatebol pe rhoddid iddo 120 o bwyntiau credyd ym mhob blwyddyn academaidd;

(ii) os darperir y cwrs gan neu ar ran unrhyw sefydliad arall, y cyfnod y byddai myfyriwr amser-llawn safonol yn ei gymryd i gwblhau'r cwrs amser-llawn cyfatebol;

(d) it is wholly provided by a publicly-funded educational institution or institutions in the United Kingdom or is provided by such institution or institutions in conjunction with an institution or institutions outside the United Kingdom; and

(e) it is not designated by or under regulation 5.

(2) A course falling within paragraph 6 or 7 of Schedule 2 is not a designated part-time course where the governing body of a maintained school has arranged for the provision of such a course to a pupil of the school.

(3) A course that is taken as part of an employment-based teacher training scheme is not a designated part-time course.

(4) For the purposes of paragraph (1) -

(a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not the institution has entered into an agreement with the student to provide the course;

(b) a university and any constituent college or institution in the nature of a college of a university is regarded as publicly funded if either the university or the constituent college or institution is publicly funded; and

(c) an institution is not regarded as publicly funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992(1).

(5) For the purposes of paragraph (1)(c)-

(a) "full-time equivalent" ("*cwrs amser-llawn cyfatebol*") means a full-time course leading to the same qualification as the course in question;

(b) the "period ordinarily required to complete the full-time equivalent" ("*cyfnod sy'n ofynnol fel arfer i gwblhau'r cwrs amser-llawn cyfatebol*") means-

(i) where the course is provided by or on behalf of the Open University, the period that a standard full-time student would require to complete the full-time equivalent if he or she were awarded 120 credit points in each academic year ;

(ii) where the course is provided by or on behalf of any other institution, the period in which a standard full-time student would complete the full-time equivalent;

(1) 1992 p. 13; mewnosodwyd adran 65(3A) gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 27.

(1) 1992 c. 13; section 65(3A) was inserted by the Teaching and Higher Education Act 1998 (c. 30), section 27.

(c) "myfyriwr amser-llawn safonol" ("*standard full-time student*") yw myfyriwr y cymerir-

- (i) ei fod wedi dechrau cwrs amser-llawn cyfatebol ar yr un dyddiad ag y dechreuodd y myfyriwr rhan-amser cymwys ar y cwrs o dan sylw;
- (ii) nad yw wedi'i esgusodi rhag dilyn unrhyw ran o'r cwrs amser-llawn cyfatebol;
- (iii) nad yw wedi ailadrodd unrhyw ran o'r cwrs amser-llawn cyfatebol; a
- (iv) nad yw wedi bod yn absennol o'r cwrs amser-llawn cyfatebol ac eithrio yn ystod gwyliau.

(6) At ddibenion adran 22 o'r Ddeddf a rheoliad 62(1), caiff y Cynulliad Cenedlaethol ddynodi cyrsiau addysg uwch nad ydynt wedi'u dynodi gan baragraff (1).

### Cyfnod cymhwysra

64.-(1) Mae myfyriwr rhan-amser cymwys yn cadw ei statws fel myfyriwr rhan-amser cymwys mewn cysylltiad â chwrs rhan-amser dynodedig hyd onid yw'r statws yn dod i ben yn unol â'r rheoliad hwn a rheoliadau 4 a 6.

(2) Y cyfnod y mae myfyriwr rhan-amser cymwys yn cadw ei statws yw'r "cyfnod cymhwysra".

(3) Yn ddarostyngedig i'r paragraffau canlynol, mae'r "cyfnod cymhwysra" ("*period of eligibility*") ym mharagraff (2) yn dod i ben ar ddiwedd y flwyddyn academaidd y bydd y myfyriwr rhan-amser cymwys yn cwblhau ei gwrs rhan-amser dynodedig ynddi.

(4) Mae'r cyfnod cymhwysra yn terfynu pan fydd y myfyriwr rhan-amser cymwys -

- (a) yn tynnu'n ôl o'i gwrs rhan-amser dynodedig o dan amgylchiadau lle nad yw'r Cynulliad Cenedlaethol wedi trosglwyddo neu wedi trosi neu lle na fydd yn trosglwyddo neu yn trosi ei statws o dan reoliad 69 neu 70; neu
- (b) yn rhoi'r gorau i'w gwrs rhan-amser dynodedig neu'n cael ei ddiarddel oddi arno.

(5) Mae'r cyfnod cymhwysra'n dod i ben ar ddiwedd y flwyddyn academaidd berthnasol pan na all y myfyriwr rhan-amser cymwys gwblhau'r cwrs o fewn y cyfnod a bennir yn rheoliad 69(1)(c).

(6) At ddibenion paragraff (5) ystyr "blwyddyn academaidd berthnasol" ("*relevant academic year*") yw'r flwyddyn academaidd y mae'n dod yn amhosibl i'r myfyriwr yn ystod y flwyddyn neu ar ei diwedd gwblhau'r cwrs o fewn y cyfnod a bennir yn rheoliad 69(1)(c) hyd yn oed os bydd yn dwysáu ei astudiaethau.

(c) "standard full-time student" ("*myfyriwr amser-llawn safonol*") is a student who is to be taken -

- (i) to have started the full-time equivalent on the same date as the eligible part-time student started the course in question;
- (ii) not to have been excused any part of the full-time equivalent;
- (iii) not to have repeated any part of the full-time equivalent; and
- (iv) not to have been absent from the full-time equivalent other than during vacations.

(6) For the purposes of section 22 of the Act and regulation 62(1) the National Assembly may designate courses of higher education which are not designated by paragraph (1).

### Period of eligibility

64.-(1) An eligible part-time student retains his or her status as an eligible part-time student in connection with a designated part-time course until the status terminates in accordance with this regulation and regulations 4 and 6.

(2) The period for which an eligible part-time student retains his or her status is the "period of eligibility".

(3) Subject to the following paragraphs, the "period of eligibility" ("*cyfnod cymhwysra*") in paragraph (2) terminates at the end of the academic year in which the eligible part-time student completes his or her designated part-time course.

(4) The period of eligibility terminates when the eligible part-time student -

- (a) withdraws from his or her designated part-time course in circumstances where the National Assembly has not transferred or converted or will not transfer or convert his or her status under regulation 69 or 70 or
- (b) abandons or is expelled from his or her designated part-time course.

(5) The period of eligibility terminates at the end of the relevant academic year where the eligible part-time student cannot complete the course within the period specified in regulation 69(1) (c).

(6) For the purposes of paragraph (5) "relevant academic year" ("*blwyddyn academaidd berthnasol*") means the academic year during or at the end of which it becomes impossible for the student to complete the course within the period specified in regulation 69(1) (c) even if he or she increases his or her intensity of study



(7) Caiff y Cynulliad Cenedlaethol derfynu'r cyfnod cymhwysra os yw'r myfyriwr rhan-amser cymwys wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth.

(8) Os yw'r Cynulliad Cenedlaethol wedi'i fodloni bod myfyriwr rhan-amser cymwys wedi methu â chydymffurfio ag unrhyw ofyniad i roi gwybodaeth o dan y Rhan hon neu ei fod wedi rhoi gwybodaeth sy'n anghywir o ran manylyn perthnasol, caiff y Cynulliad Cenedlaethol gymryd unrhyw rai o'r camau canlynol y mae'n credu eu bod yn briodol o dan yr amgylchiadau -

- (a) terfynu'r cyfnod cymhwysra;
- (b) penderfynu nad oes gan y myfyriwr hawl mwyach i gael unrhyw gymorth penodol neu unrhyw swm penodol o gymorth;
- (c) trin unrhyw gymorth a dalwyd i'r myfyriwr fel gordal y caniateir ei adennill o dan reoliad 73.

(9) Pan fo'r cyfnod cymhwysra'n dod i ben-

- (a) cyn diwedd y flwyddyn academiaidd y mae'r myfyriwr rhan-amser cymwys yn cwblhau'r cwrs rhan-amser dynodedig ynddi; a
- (b) ac eithrio o dan baragraff (5),

caiff y Cynulliad Cenedlaethol, ar unrhyw adeg, adnewyddu, neu estyn y cyfnod cymhwysra am y cyfryw gyfnod ag y mae'n penderfynu arno.

### Cymorth at gyrsiau rhan-amser

65.-(1) At ddibenion y rheoliad hwn, y cymorth sydd ar gael yw -

- (a) grant mewn perthynas â ffioedd nad yw'n fwy na'r lleiaf o'r symiau canlynol -
  - (i) y grant sylfaenol, a
  - (ii) y "ffioedd gwirioneddol" ("*actual fees*"), sef swm y ffioedd a godir mewn perthynas â blwyddyn academiaidd ar y cwrs rhan-amser dynodedig; a
- (b) grant nad yw'n fwy na £1,000 at lyfrau, teithio a gwariant arall mewn cysylltiad â'r cwrs rhan-amser dynodedig.

(2) Mae'r grant sylfaenol yn amrywio yn ôl pa mor ddwys yw'r astudio.

Cyfrifir pa mor ddwys yw'r astudio fel a ganlyn a'i fynegi fel canran  $\frac{PT}{FT} \times 100$

os

PT yw nifer y modiwlau, credydau, pwyntiau credyd, pwyntiau neu uned arall sydd i'w dyfarnu i'r myfyriwr rhan-amser cymwys gan yr awdurdod academiaidd os bydd yn cwblhau'n llwyddiannus y flwyddyn academiaidd y mae'n gwneud cais am gymorth mewn cysylltiad â hi;

(7) The National Assembly may terminate the period of eligibility where the eligible part-time student has shown himself or herself by his or her conduct to be unfitted to receive support.

(8) If the National Assembly is satisfied that an eligible part-time student has failed to comply with any requirement to provide information under this Part or has provided information which is inaccurate in a material particular, the National Assembly may take such of the following actions as it considers appropriate in the circumstances -

- (a) terminate the period of eligibility;
- (b) determine that the student no longer qualifies for any particular support or particular amount of support;
- (c) treat any support paid to the student as an overpayment which may be recovered under regulation 73.

(9) Where the period of eligibility terminates-

- (a) before the end of the academic year in which the eligible part-time student completes the designated part-time course; and
- (b) otherwise than under paragraph (5),

the National Assembly may, at any time, renew, or extend the period of eligibility for such period as it determines.

### Support for part-time courses

65.-(1) For the purposes of this regulation, the support available is -

- (a) a grant in respect of fees not exceeding the lesser of the following amounts -
  - (i) the basic grant, and
  - (ii) the "actual fees" ("*ffioedd gwirioneddol*"), being the amount of fees charged in respect of an academic year of the designated part-time course; and
- (b) a grant not exceeding £1,000 for books, travel and other expenditure in connection with the designated part-time course.

(2) The basic grant varies according to the intensity of study.

The intensity of study is calculated as follows and expressed as a percentage  $\frac{PT}{FT} \times 100$

where

PT is the number of modules, credits, credit points, points or other unit to be awarded to the eligible part-time student by the academic authority if he or she successfully completes the academic year in connection with which he or she is applying for support;

FT yw-

- (a) os darperir y cwrs gan neu ar ran y Brifysgol Agored, 120;
- (b) os darperir y cwrs gan neu ar ran unrhyw sefydliad arall, nifer y modiwlau, credydau, pwyntiau credyd, pwyntiau neu uned arall y byddai'n ofynnol i fyfyrwr amser-llawn safonol eu hennill ym mhob blwyddyn academiaidd er mwyn iddo gwblhau'r cwrs amser-llawn cyfatebol o fewn y cyfnod y mae ei angen fel arfer i gwblhau'r cwrs hwnnw.

(3) At ddibenion paragraff (2)-

- (a) mae "cwrs amser-llawn cyfatebol" ("full-time equivalent") a "myfyriwr amser-llawn safonol" ("standard full-time student") i'w dehongli; ac
- (b) mae "y cyfnod y mae ei angen fel arfer i gwblhau'r cwrs amser-llawn cyfatebol" ("*the period ordinarily required to complete the full-time equivalent*") i'w gyfrifo

yn unol â rheoliad 70.

(4) Y "grant sylfaenol" ("basic grant") yw -

- (a) £605 os yw dwysedd yr astudio yn llai na 60 y cant ("lefel 1");
- (b) £725 os yw dwysedd yr astudio yn 60 y cant neu fwy ond yn llai na 75 y cant ("lefel 2");
- (c) £905 os yw dwysedd yr astudio yn 75 y cant neu'n fwy ("lefel 3").

(5) Yn ddarostyngedig i baragraffau (6) a (7), mae swm y cymorth sy'n daladwy mewn perthynas â blwyddyn academiaidd fel a ganlyn -

- (a) mae uchafswm y cymorth sydd ar gael o dan baragraff (1) yn daladwy os oes gan y myfyriwr rhan-amser cymwys neu ei bartner hawlogaeth ar ddyddiad ei gais -
  - (i) o dan Ran VII o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(1) i gael cymhorthdal incwm, budd-dal tai neu fudd-dal y dreth gyngor; neu
  - (ii) o dan Ran 1 o Ddeddf Ceisio Gwaith 1995(2) i gael lwfans ceisio gwaith ar sail incwm neu o dan adran 2 o Ddeddf

FT is-

- (a) where the course is provided by or on behalf of the Open University, 120;
- (b) where the course is provided by or on behalf of any other institution, the number of modules, credits, credit points, points or other unit that a standard full-time student would be required to obtain in each academic year in order to complete the full-time equivalent within the period ordinarily required to complete that course.

(3) For the purposes of paragraph (2)-

- (a) "full-time equivalent" ("cwrs amser-llawn cyfatebol") and "standard full-time student" ("y cyfnod y mae ei angen fel arfer i gwblhau'r cwrs amser-llawn cyfatebol") are to be interpreted; and
- (b) "the period ordinarily required to complete the full-time equivalent" ("cyfnod sy'n ofynnol fel arfer i gwblhau'r cwrs amser-llawn cyfatebol") is to be calculated

in accordance with regulation 70.

(4) The "basic grant" ("grant sylfaenol") is -

- (a) £605 where the intensity of study is less than 60 per cent. ("level 1");
- (b) £725 where the intensity of study is 60 per cent. or more but less than 75 per cent. ("level 2");
- (c) £905 where the intensity of study is 75 per cent. or more ("level 3").

(5) Subject to paragraphs (6) and (7), the amount of support payable in respect of an academic year is as follows -

- (a) the maximum amount of assistance available under paragraph (1) is payable if at the date of his or her application the eligible part-time student or his or her partner is entitled -
  - (i) under Part VII of the Social Security Contributions and Benefits Act 1992(1) to income support, housing benefit or council tax benefit; or
  - (ii) under Part 1 of the Jobseekers Act 1995(2) to income-based jobseekers allowance or under section 2 of the Employment and

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(1) 1992 p. 4; diwygiwyd Rhan VII gan Ddeddf Tai 1991 (p. 52), Atodlen 19, Deddf Cyllid Llywodraeth Leol 1992 (p. 14), Atodlen 9 ac Atodlen 14, Deddf Ceisio Gwaith 1995 (p. 18), Atodlen 2 ac Atodlen 3, Deddf Diwygio Lles a Phensiynau 1999 (p. 30), Atodlen 8 a Deddf Credyd Pensiwn y Wladwriaeth 2002 (p. 16), Atodlen 2 ac Atodlen 3 a'r Ddeddf Partneriaeth Sifil 2004 (p.33), Atodlen 24.

(2) 1995 p. 18; diwygiwyd Rhan I gan Ddeddf Hawliau Cyflogaeth 1996 (p. 18), Atodlen 1, Deddf Nawdd Cymdeithasol 1998 (p. 14), Atodlenni 7 ac 8, Deddf Diwygio Lles a Phensiynau 1999 (p. 30), Atodlenni 7, 8 a 13, Deddf Credyd Pensiwn y Wladwriaeth 2002 (p. 16), Atodlen 2, Deddf Cyfraniadau Yswiriant Gwladol 2002 (p. 19), Atodlen 1 a Deddf Treth Incwm (Enillion a Phensiynau) 2003 (p. 18), Atodlen 6 and the Civil Partnership Act 2004 (c.33), Atodlen 24.

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(1) 1992 c. 4; Part VII was amended by the Housing Act 1991 (c. 52), Schedule 19, the Local Government Finance Act 1992 (c. 14), Schedule 9 and Schedule 14, the Jobseekers Act 1995 (c. 18), Schedule 2 and Schedule 3, the Welfare Reform and Pensions Act 1999 (c. 30), Schedule 8 and the State Pension Credit Act 2002 (c. 16), Schedule 2 and Schedule 3 and the Civil Partnership Act 2004 (c.33), Schedule 24.

(2) 1995 c. 18; Part I was amended by the Employment Rights Act 1996 (c. 18), Schedule 1, the Social Security Act 1998 (c. 14), Schedules 7 and 8, the Welfare Reform and Pensions Act 1999 (c. 30), Schedules 7, 8 and 13, the State Pension Credit Act 2002 (c. 16), Schedule 2, the National Insurance Contributions Act 2002 (c. 19), Schedule 1 and the Income Tax (Earnings and Pensions) Act 2003 (c. 18), Schedule 6 and the Civil Partnership Act 2004 (c.33), Schedule 24.

Cyflogaeth a Hyfforddiant 1973(1) i gael lwfans y fargen newydd;

- (b) os yw'r incwm perthnasol yn llai na £15,715, mae uchafswm y cymorth sydd ar gael o dan baragraff (1) yn daladwy;
- (c) os yw'r incwm perthnasol yn £15,715, mae uchafswm y cymorth sydd ar gael o dan baragraff (1)(b) yn daladwy ynghyd â £50 yn llai nag uchafswm y cymorth sydd ar gael o dan baragraff (1)(a);
- (ch) os yw'r incwm perthnasol yn fwy na £15,715 ond yn llai na £23,700, mae uchafswm y cymorth sydd ar gael o dan baragraff (1)(b) yn daladwy a swm y cymorth sy'n daladwy o dan baragraff (1)(a) yw'r swm a bennir yn unol â pharagraff (6);
- (d) os yw'r incwm perthnasol yn £23,700, mae uchafswm y cymorth sydd ar gael o dan baragraff (1)(b) yn daladwy a swm y cymorth sy'n daladwy o dan baragraff (1)(a) yw £50;
- (dd) os yw'r incwm perthnasol yn fwy na £23,700 ond yn llai na £24,315, mae uchafswm y cymorth sydd ar gael o dan baragraff (1)(b) yn daladwy ac nid oes cymorth yn daladwy o dan baragraff (1)(a);
- (e) os yw'r incwm perthnasol yn £24,315 neu fwy ond yn llai na £26,260, nid oes cymorth ar gael o dan baragraff (1)(a) a swm y cymorth sy'n daladwy o dan baragraff (1)(b) yw'r swm sy'n weddill ar ôl didynnu o uchafswm y cymorth sydd ar gael o dan baragraff (1)(b) £1 am bob £2.00 cyflawn o incwm perthnasol uwchlaw £24,315;
- (f) os yw'r incwm perthnasol yn £26,260, nid oes cymorth yn daladwy o dan baragraff (1)(a) a swm y cymorth sy'n daladwy o dan baragraff (1)(b) yw £50;
- (ff) os yw'r incwm perthnasol yn fwy na £26,260, nid oes cymorth yn daladwy o dan baragraff (1).

(6) Os yw paragraff (5)(ch) yn gymwys, pennir swm y cymorth sy'n daladwy o dan baragraff (1)(a) drwy ddidynnu o uchafswm y cymorth sydd ar gael o dan baragraff (1)(a) un o'r symiau canlynol -

- (a) £50 plws £1 arall am bob £15.92, £12.79 neu £9.94 cyflawn o incwm perthnasol uwchlaw £15,715 yn ôl a yw dwysedd yr astudio ar lefel 1, 2 neu 3, yn y drefn honno; neu

Training Act 1973(1) to new deal allowance;

- (b) where the relevant income is less than £15,715, the maximum amount of support available under paragraph (1) is payable;
- (c) where the relevant income is £15,715, the maximum amount of support available under paragraph (1)(b) is payable together with £50 less than the maximum amount of support available under paragraph (1)(a);
- (d) where the relevant income exceeds £15,715 but is less than £23,700, the maximum amount of support available under paragraph (1)(b) is payable and the amount of support payable under paragraph (1)(a) is the amount determined in accordance with paragraph (6);
- (e) where the relevant income is £23,700, the maximum amount of support available under paragraph (1)(b) is payable and the amount of assistance payable under paragraph (1)(a) is £50;
- (f) where the relevant income exceeds £23,700 but is less than £24,315, the maximum amount of support available under paragraph (1)(b) is payable and no support is payable under paragraph (1)(a);
- (g) where the relevant income is £24,315 or more but less than £26,260, no support is available under paragraph (1)(a) and the amount of support payable under paragraph (1)(b) is the amount left after deducting from the maximum amount of support available under paragraph (1)(b) £1 for every complete £2.00 by which the relevant income exceeds £24,315;
- (h) where the relevant income is £26,260, no support is payable under paragraph (1)(a) and the amount of support payable under paragraph (1)(b) is £50;
- (i) where the relevant income exceeds £26,260, no support is payable under paragraph (1).

(6) Where paragraph (5)(d) applies, the amount of support payable under paragraph (1)(a) is determined by deducting from the maximum amount of support available under paragraph (1)(a) one of the following amounts -

- (a) £50 plus a further £1 for each complete £15.92, £12.79 and £9.94 by which the relevant income exceeds £15,715 according to whether the intensity of study is level 1, 2 or 3, respectively; or

(1) 1973 p. 50; diwygiwyd adran 2 fel y'u hamnewidiwyd gan Ddeddf Cyflogaeth 1988 (p. 19) gan Ddeddf Cyflogaeth 1989 (p. 38), Atodlen 7. Mewn nodwyd is-adrannau (3A) a (3B) gan Ddeddf Diwygio Undebau Llafur a Hawliau Cyflogaeth 1993 (p. 19), adran 47 mewn perthynas â'r Alban yn unig.

(1) 1973 c. 50; section 2 as substituted by the Employment Act 1988 (c. 19) was amended by the Employment Act 1989 (c. 38), Schedule 7. Subsections (3A) and (3B) were inserted by the Trade Union Reform and Employment Rights Act 1993 (c. 19), section 47 in relation to Scotland only.

(b) os yw'r grant sylfaenol yn fwy na'r ffioedd gwirioneddol, swm sy'n hafal i'r hyn sy'n weddill ar ôl didynnu o'r swm a gyfrifwyd o dan is-baragraff (a) y gwahaniaeth rhwng y grant sylfaenol a'r ffioedd gwirioneddol (oni bai bod y swm yn rhif negyddol ac os felly mae uchafswm y cymorth sydd ar gael o dan baragraff (1)(a) yn daladwy).

(7) At ddibenion y rheoliad hwn -

(a) ystyr "blwyddyn ariannol" ("*financial year*") yw'r cyfnod o ddeuddeng mis y mae incwm y myfyriwr rhan-amser cymwys yn cael ei gyfrifo mewn perthynas â hi at ddibenion y ddeddfwriaeth ar dreth incwm sy'n gymwys iddo;

(b) ystyr "blwyddyn ariannol flaenorol" ("*preceding financial year*") yw'r flwyddyn ariannol yn union cyn y flwyddyn ariannol gyfredol;

(c) ystyr "dibynol" ("*dependent*") yw ariannol ddibynol yn gyfan gwbl neu'n bennaf;

(ch) ystyr "y flwyddyn ariannol gyfredol" ("*current financial year*") yw'r flwyddyn ariannol sy'n cynnwys diwrnod cyntaf y flwyddyn academaidd y mae person yn cael ei asesu ar gyfer cymorth mewn perthynas â hi;

(d) ystyr "incwm" ("*income*") yw incwm gros o bob ffynhonnell heb gynnwys unrhyw greydau treth a ddyfarnwyd yn unol ag unrhyw geisiadau o dan adran 3 o Ddeddf Credydau Treth 2002;

(dd) mae i "incwm perthnasol" ("*relevant income*") yr ystyr a roddir ym mharagraff (8);

(e) yn ddarostyngedig i is-baragraff (f), ystyr "partner" ("*partner*") yw unrhyw un o'r canlynol -

- (i) priod myfyriwr rhan-amser cymwys;
- (ii) partner sifil myfyriwr rhan-amser cymwys;

(iii) person sydd fel arfer yn byw gyda myfyriwr rhan-amser cymwys fel pe bai'n briod iddo os yw'r myfyriwr rhan-amser cymwys yn 25 oed neu drosodd ar ddiwrnod cyntaf y flwyddyn academaidd y mae'n cael ei asesu ar gyfer cymorth mewn perthynas â hi ac os dechreuodd y myfyriwr rhan-amser cymwys ar y cwrs rhan-amser dynodedig a bennir cyn 1 Medi 2005;

(iv) person sydd fel arfer yn byw gyda myfyriwr rhan-amser cymwys fel pe bai'n briod neu'n bartner sifil iddo os yw'r myfyriwr rhan-amser cymwys yn dechrau ar y cwrs rhan-amser dynodedig ar neu ar ôl 1 Medi 2005;

(b) where the basic grant is greater than the actual fees, an amount equal to that left after deducting from the amount calculated under sub-paragraph (a) the difference between the basic grant and the actual fees (unless the amount is a negative number in which case the maximum amount of support available under paragraph (1)(a) is payable).

(7) For the purposes of this regulation -

(a) "child" ("*plentyn*") in relation to an eligible part-time student includes any child of his or her partner and any child for whom he or she has parental responsibility;

(b) "current financial year" ("*y flwyddyn ariannol gyfredol*") means the financial year which includes the first day of the academic year in respect of which a person is being assessed for assistance;

(c) "dependent" ("*dibynol*") means wholly or mainly financially dependent;

(d) "financial year" ("*blwyddyn ariannol*") means the period of twelve months for which the income of the eligible part-time student is computed for the purposes of the income tax legislation which applies to it;

(e) "income" ("*incwm*") means gross income from all sources excluding any tax credits awarded pursuant to any claims under section 3 of the Tax Credits Act 2002;

(f) subject to sub-paragraph (g), "partner" ("*partner*") means any of the following -

- (i) the spouse of an eligible part-time student;
- (ii) the civil partner of an eligible part-time student;

(iii) a person ordinarily living with an eligible part-time student as if he or she were his or her spouse where an eligible part-time student is aged 25 or over on the first day of the academic year in respect of which he or she is being assessed for assistance and where he or she began the specified designated part-time course before 1 September 2005;

(iv) a person ordinarily living with an eligible part-time student as if he or she were his or her spouse or civil partner where an eligible part-time student begins the designated part-time course on or after 1 September 2005;

- (f) nid yw person a fyddai fel arall yn bartner o dan is-baragraff (e) yn cael ei drin fel partner -
  - (i) os yw'r person hwnnw a'r myfyriwr rhan-amser cymwys, ym marn y Cynulliad Cenedlaethol, wedi rhoi'r gorau i fyw gyda'i gilydd fel arfer; neu
  - (ii) os yw'r person fel arfer yn byw y tu allan i'r Deyrnas Unedig ac nad yw'n cael ei gynnal gan y myfyriwr rhan-amser;
- (ff) mae "plentyn" ("*child*") mewn perthynas â myfyriwr rhan-amser cymwys yn cynnwys unrhyw blentyn i'w bartner ac unrhyw blentyn y mae ganddo gyfrifoldeb riant drosto;

(8) At ddibenion y rheoliad hwn -

- (a) yn ddarostyngedig i is-baragraff (b), mae incwm perthnasol myfyriwr rhan-amser cymwys yn hafal i'w adnoddau ariannol yn y flwyddyn ariannol flaenorol llai -
  - (i) £2,000 mewn perthynas â'i bartner;
  - (ii) £2,000 mewn perthynas â'r unig blentyn neu'r plentyn hynaf sy'n ddibynnol ar y myfyriwr neu ei bartner; a
  - (iii) £1,000 mewn perthynas â phob plentyn arall sy'n ddibynnol ar y myfyriwr neu ei bartner;
- (b) os yw'r Cynulliad Cenedlaethol wedi'i fodloni bod adnoddau ariannol myfyriwr rhan-amser cymwys yn y flwyddyn ariannol flaenorol yn fwy na'i adnoddau ariannol yn y flwyddyn ariannol gyfredol a bod y gwahaniaeth rhwng y ddau swm yn £1,000 neu fwy, caiff asesu adnoddau ariannol y myfyriwr hwnnw o dan is-baragraff (a) drwy gyfeirio at yr adnoddau hynny yn y flwyddyn ariannol gyfredol;
- (c) ystyr adnoddau ariannol myfyriwr rhan-amser cymwys mewn blwyddyn ariannol yw cyfanswm ei incwm am y flwyddyn honno ynghyd â chyfanswm yr incwm am y flwyddyn honno sydd gan unrhyw berson sydd ar ddyddiad y cais am gymorth yn bartner i'r myfyriwr.

(9) Yn y rheoliad hwn ystyr "cwrs rhan-amser dynodedig a bennir" ("*specified designated part-time course*") yw'r cwrs y mae'r person yn gwneud cais am gymorth mewn perthynas ag ef, pan fo statws y myfyriwr fel myfyriwr rhan-amser cymwys wedi'i drosglwyddo i'r cwrs rhan-amser dynodedig presennol o ganlyniad i un trosglwyddiad o'r statws hwnnw neu fwy gan y Cynulliad Cenedlaethol o gwrs rhan-amser (y "cwrs cychwynnol") y penderfynodd y Cynulliad Cenedlaethol mewn cysylltiad ag ef fod y myfyriwr yn fyfyriwr rhan-amser cymwys yn unol â rheoliadau a wneir o dan adran 22 o Ddeddf 1998, y cwrs rhan-amser dynodedig a bennir yw'r cwrs cychwynnol.

- (g) a person who would otherwise be a partner under sub-paragraph (f) is not treated as a partner if -
  - (i) in the opinion of the National Assembly, that person and the eligible part-time student have ceased ordinarily to live together; or
  - (ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible part-time student;
- (h) "preceding financial year" ("*blwyddyn ariannol flaenorol*") means the financial year immediately preceding the current financial year;
- (i) "relevant income" ("*incwm perthnasol*") has the meaning given in paragraph (8); and

(8) For the purposes of this regulation -

- (a) subject to sub-paragraph (b), an eligible part-time student's relevant income is equal to his or her financial resources in the preceding financial year less -
  - (i) £2,000 in respect of his or her partner;
  - (ii) £2,000 in respect of the only or eldest child who is dependent on the student or his or her partner; and
  - (iii) £1,000 in respect of each other child who is dependent on the student or his or her partner;
- (b) where the National Assembly is satisfied that an eligible part-time student's financial resources in the preceding financial year are greater than his or her financial resources in the current financial year and that the difference between the two amounts is £1,000 or more, it may assess that student's financial resources under sub-paragraph (a) by reference to those resources in the current financial year;
- (c) an eligible part-time student's financial resources in a financial year means the aggregate of his or her income for that year together with the aggregate of the income for that year of any person who at the date of the application for support is the student's partner.

(9) In this regulation "specified designated part-time course" ("*Cwrs rhan-amser dynodedig a bennir*") means the course in respect of which the person is applying for support or, where the student's status as an eligible part-time student has been transferred to the present designated part-time course as a result of one or more transfers of that status by the National Assembly from a part-time course (the "initial course") in connection with which the National Assembly determined the student to be an eligible part-time student pursuant to regulations made under section 22 of the 1998 Act, the specified designated part-time course is the initial course.

## **Grantiau at gostau byw myfyrwyr rhan-amser anabl**

66.-(1) Mae gan fyfyrwr rhan-amser cymwys hawl yn unol â'r Rhan hon i gael grant i helpu gyda'r gwariant ychwanegol y mae'r Cynulliad Cenedlaethol wedi'i fodloni ei bod yn ofynnol i'r myfyrwr ei ysgwyddo mewn perthynas ag ymgymryd â chwrs rhan-amser dynodedig oherwydd anabledd sydd ganddo.

(2) Yn ddarostyngedig i'r paragraffau canlynol, swm y grant o dan y rheoliad hwn yw'r swm sy'n briodol ym marn y Cynulliad Cenedlaethol.

(3) Rhaid i swm y grant beidio â bod yn fwy na'r canlynol -

- (a) £9,325 mewn perthynas â blwyddyn academiaidd at wariant ar gynorthwydd personol anfeddygol;
- (b) £4,910 mewn perthynas â phob blwyddyn academiaidd yn ystod y cyfnod cymhwystra at wariant ar eitemau mawr o offer arbenigol;
- (c) y gwariant ychwanegol sy'n cael ei ysgwyddo -
  - (i) yn y Deyrnas Unedig er mwyn bod yn bresennol yn y sefydliad;
  - (ii) yn y Deyrnas Unedig neu y tu allan iddi er mwyn bod yn bresennol, fel rhan o'i gwrs, ar unrhyw gyfnod astudio mewn sefydliad dros y môr neu er mwyn bod yn bresennol yn Athrofa Prifysgol Llundain ym Mharis;
- (ch) £1,230 mewn perthynas â blwyddyn academiaidd at unrhyw wariant arall gan gynnwys gwariant sy'n cael ei ysgwyddo at y dibenion y cyfeirir atynt yn is-baragraff (a) neu (b) sy'n fwy na'r uchafsymiau penodedig.

## **Ceisiadau am gymorth**

67.-(1) Rhaid i berson (y "ceisydd") wneud cais am gymorth mewn cysylltiad â phob blwyddyn academiaidd o gwrs rhan-amser dynodedig drwy gwblhau ffurflen gais ar y cyfryw ffurf ag y byddo'r Cynulliad Cenedlaethol yn gofyn amdani a'i chyflwyno i'r Cynulliad Cenedlaethol.

(2) Rhaid anfon gyda'r cais-

- (a) datganiad a gwblhawyd gan yr awdurdod academiaidd; a
- (b) y cyfryw ddogfennaeth ychwanegol ag y byddo'r Cynulliad Cenedlaethol yn gofyn amdani.

(3) Y rheol gyffredinol yw bod rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol o fewn cyfnod o chwe mis sy'n dechrau gyda diwrnod cyntaf blwyddyn academiaidd y cwrs y mae'n cael ei gyflwyno mewn perthynas â hi.

## **Grants for disabled part-time students' living costs**

66.-(1) An eligible part-time student qualifies in accordance with this Part for a grant to assist with the additional expenditure which the National Assembly is satisfied the student is obliged to incur in respect of his or her undertaking a designated part-time course by reason of a disability to which he or she is subject.

(2) Subject to the following paragraphs, the amount of grant under this regulation is the amount that the National Assembly considers appropriate.

(3) The amount of the grant must not exceed -

- (a) £9,325 in respect of an academic year for expenditure on a non-medical personal helper;
- (b) £4,910 in respect of all the academic years during the period of eligibility for expenditure on major items of specialist equipment;
- (c) the additional expenditure incurred -
  - (i) within the United Kingdom for the purpose of attending the institution;
  - (ii) within or outside the United Kingdom for the purpose of attending, as a part of his or her course, any period of study at an overseas institution or for the purpose of attending the University of London Institute in Paris ;
- (d) £1,230 in respect of an academic year for any other expenditure including expenditure incurred for the purposes referred to in subparagraph (a) or (b) which exceeds the specified maxima.

## **Applications for support**

67.-(1) A person (the "applicant") must apply for support in connection with each academic year of a designated part-time course by completing and submitting to the National Assembly an application in such form as the National Assembly may require.

(2) The application must be accompanied by-

- (a) a declaration completed by the academic authority; and
- (b) such additional documentation as the National Assembly may require.

(3) The general rule is that the application must reach the National Assembly within a period of six months beginning with the first day of the academic year of the course in respect of which it is submitted.

(4) Nid yw'r rheol gyffredinol ym mharagraff (2) yn gymwys -

- (a) os bydd un o'r digwyddiadau a restrir ym mharagraff (15) o reoliad 62 yn digwydd ar ôl diwrnod cyntaf y flwyddyn academaidd y mae'r ceisydd yn gwneud cais am gymorth mewn perthynas â hi, ac os felly rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol o fewn cyfnod o chwe mis sy'n dechrau gyda'r dyddiad y mae'r digwyddiad yn digwydd;
- (b) os yw'r ceisydd yn gwneud cais am gymorth o dan reoliad 66, ac os felly rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol cyn gynted ag y bo'n rhesymol ymarferol; neu
- (c) os yw'r Cynulliad Cenedlaethol o'r farn, ar ôl rhoi sylw i amgylchiadau'r achos penodol, y dylid llacio'r terfyn amser, ac os felly rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol heb fod yn hwyrach na'r dyddiad a bennir ganddo.

(5) Caiff y Cynulliad Cenedlaethol gymryd unrhyw gamau a gwneud unrhyw ymholiadau y mae'n credu eu bod yn angenrheidiol er mwyn penderfynu a yw'r ceisydd yn fyfyrwr rhan-amser cymwys, a oes gan y ceisydd hawl i gael cymorth a swm y cymorth sy'n daladwy, os oes cymorth yn daladwy o gwbl.

(6) Rhaid i'r Cynulliad Cenedlaethol hysbysu'r ceisydd a oes gan y ceisydd hawl i gael cymorth neu beidio ac, os oes gan y ceisydd hawl, swm y cymorth sy'n daladwy mewn perthynas â'r flwyddyn academaidd, os oes cymorth yn daladwy o gwbl.

### Gwybodaeth a materion eraill

68. -(1) Mae Atodlen 3 yn gymwys i roi gwybodaeth.

(2) Yn ddarostyngedig i baragraff (3), rhaid i'r awdurdod academaidd priodol, ar gais y ceisydd, gwblhau'r datganiad y cyfeirir ato yn rheoliad 67 (2) ar y ffurf y gofynnir amdani gan y Cynulliad Cenedlaethol.

(3) Nid yw'n ofynnol i awdurdod academaidd gwblhau datganiad os nad yw'n gallu rhoi'r cadarnhad gofynnol.

(4) Yn y Rhan hon, ystyr "datganiad" ("*declaration*") yw-

- (a) pan fo'r ceisydd yn gwneud cais am gymorth mewn cysylltiad â'r cwrs rhan-amser dynodedig am y tro cyntaf, datganiad-
  - (i) sy'n darparu gwybodaeth am y cwrs; a
  - (ii) sy'n cadarnhau bod y ceisydd wedi ymgymryd ag o leiaf ddwy o wythnosau o'r cwrs rhan-amser dynodedig;
- (b) mewn unrhyw achos arall, datganiad-
  - (i) sy'n darparu gwybodaeth am y cwrs; a

(4) The general rule in paragraph (2) does not apply where -

- (a) one of the events listed in paragraph (15) of regulation 62 occurs after the first day of the academic year in respect of which the applicant is applying for support, in which case the application must reach the National Assembly within a period of six months beginning with the date on which the event occurs.
- (b) the applicant is applying for support under regulation 66, in which case the application must reach the National Assembly as soon as is reasonably practicable; or
- (c) the National Assembly considers that having regard to the circumstances of the particular case the time limit should be relaxed, in which case the application must reach the National Assembly not later than such date as it specifies.

(5) The National Assembly may take such steps and make such inquiries as it considers necessary to determine whether the applicant is an eligible part-time student, whether he or she qualifies for support and the amount of support payable, if any.

(6) The National Assembly must notify the applicant of whether or not he or she qualifies for support and, if the applicant does qualify, the amount of support payable in respect of the academic year, if any.

### Information and other matters

68.-(1) Schedule 3 applies to the provision of information.

(2) Subject to paragraph (3), the appropriate academic authority must, on the request of the applicant, complete the declaration referred to in regulation 67 (2) in the form required by the National Assembly.

(3) An academic authority is not required to complete a declaration if it is unable to give the confirmation required.

(4) In this Part, "declaration" ("*datganiad*") means-

- (a) where the applicant is applying for support in connection with the designated part-time course for the first time, a statement that-
  - (i) provides the course information; and
  - (ii) confirms that the applicant has undertaken at least two weeks of the designated part-time course;
- (b) in any other case, a statement that-
  - (i) provides the course information; and

- (ii) sy'n cadarnhau bod y ceisydd wedi ymrestru i ymgymryd â blwyddyn academaidd y cwrs rhan-amser dynodedig y mae'n gwneud cais am gymorth mewn perthynas â hi.

(5) Yn y rheoliad hwn, ystyr "gwybodaeth am y cwrs" ("*course information*") yw-

- (a) swm y ffioedd a godir mewn perthynas â'r flwyddyn academaidd y mae'r ceisydd yn gwneud cais am gymorth mewn perthynas â hi;
- (b) pa mor ddwys yw'r astudio; a
- (c) nodyn ardystio gan yr awdurdod academaidd ei fod o'r farn-
  - (i) mai cwrs rhan-amser dynodedig yw'r cwrs;
  - (ii) y bydd yn bosibl i'r ceisydd gwblhau'r cwrs o fewn y cyfnod a bennir yn rheoliad 63(5)(b) .

(6) At ddibenion paragraff (5)(c)(ii) rhaid i'r awdurdod academaidd roi sylw i-

- (a) unrhyw gynnydd ym mha mor ddwys y byddai angen astudio er mwyn i'r ceisydd gwblhau'r cwrs o fewn y cyfnod a bennir yn rheoliad 63(5)(b);
- (b) unrhyw rannau o'r cwrs y mae wedi bod yn ofynnol i'r ceisydd eu hailadrodd.

### Trosglwyddo statws

69.-(1) Os yw myfyriwr rhan-amser cymwys yn trosglwyddo i gwrs rhan-amser arall, rhaid i'r Cynulliad Cenedlaethol drosglwyddo statws y myfyriwr fel myfyriwr rhan-amser cymwys i'r cwrs hwnnw -

- (a) os caiff gais oddi wrth y myfyriwr rhan-amser cymwys am wneud hynny;
- (b) os yw wedi'i fodloni bod un neu fwy o'r seiliau trosglwyddo ym mharagraff (2) yn gymwys; ac
- (c) os nad yw'r cyfnod cymhwysra wedi dod i ben neu wedi'i derfynu.

(2) Y seiliau trosglwyddo y cyfeirir atynt ym mharagraff (1) yw -

- (a) bod y myfyriwr rhan-amser cymwys yn dechrau ymgymryd â chwrs rhan-amser dynodedig arall yn y sefydliad;
- (b) bod y myfyriwr rhan-amser cymwys yn dechrau ymgymryd â chwrs rhan-amser dynodedig mewn sefydliad arall; neu
- (c) ar ôl iddo ddechrau cwrs rhan-amser dynodedig ar gyfer gradd gyntaf (heblaw gradd anrhydedd) bod y myfyriwr rhan-amser cymwys, cyn cwblhau'r cwrs hwnnw, yn cael ei dderbyn ar gwrs rhan-amser dynodedig ar gyfer gradd anrhydedd yn yr un pwnc neu bynciau yn y sefydliad.

- (ii) confirms that the applicant has enrolled to undertake the academic year of the designated part-time course in respect of which he or she is applying for support.

(5) In this regulation, "course information" ("*gwbodaeth am y cwrs*") means-

- (a) the amount of fees being charged in respect of the academic year in respect of which the applicant is applying for support;
- (b) the intensity of study; and
- (c) certification by the academic authority that it considers-
  - (i) the course to be a designated part-time course;
  - (ii) that it will be possible for the applicant to complete the course within the period specified in regulation 63(5)(b) .

(6) For the purposes of paragraph (5)(c)(ii) the academic authority must have regard for -

- (a) any increase in intensity of study that would be required for the applicant to complete the course within the period specified in regulation 63(5)(b) ;
- (b) any parts of the course which the applicant has been required to repeat.

### Transfer of status

69.-(1) Where an eligible part-time student transfers to another part-time course, the National Assembly must transfer the student's status as an eligible part-time student to that course where -

- (a) it receives a request from the eligible part-time student to do so;
- (b) it is satisfied that one or more of the grounds for transfer in paragraph (2) applies; and
- (c) the period of eligibility has not expired or been terminated.

(2) The grounds for transfer referred to in paragraph (1) are -

- (a) the eligible part-time student starts to undertake another designated part-time course at the institution;
- (b) the eligible part-time student starts to undertake a designated part-time course at another institution; or
- (c) after commencing a designated part-time course for a first degree (other than an honours degree) the eligible part-time student is, before the completion of that course, admitted to a designated part-time course for an honours degree in the same subject or subjects at the institution.



(3) Yn ddarostyngedig i baragraff (4), bydd myfyriwr rhan-amser cymwys sy'n trosglwyddo o dan baragraff (1) yn parhau i gael mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo y cymorth y mae'r Cynulliad Cenedlaethol wedi penderfynu bod ganddo hawl i'w gael mewn perthynas â'r cwrs y mae'n trosglwyddo oddi arno am weddill y flwyddyn academaidd y mae'n trosglwyddo ynddi.

(4) Caiff y Cynulliad Cenedlaethol ailasesu swm y cymorth sy'n daladwy ar ôl y trosglwyddo yn unol â'r Rhan hon.

(5) Ni chaiff myfyriwr cymwys sy'n trosglwyddo o dan baragraff (1) ar ôl i'r Cynulliad Cenedlaethol benderfynu ar ei gymorth mewn cysylltiad â blwyddyn academaidd y cwrs y mae'n trosglwyddo oddi wrtho ond cyn iddo gwblhau'r flwyddyn honno wneud cais am grant arall o dan reoliad 65(1)(b) neu reoliad 66 mewn cysylltiad â blwyddyn academaidd y cwrs y mae'n trosglwyddo iddo.

(6) Os yw myfyriwr yn trosglwyddo o dan baragraff (1), uchafswm y cymorth o dan reoliad 65(1)(a) mewn perthynas â'r blynyddoedd academaidd y mae'n trosglwyddo iddynt neu oddi wrthynt yw swm y cymorth at ffioedd sydd ar gael mewn cysylltiad â'r cwrs mwyaf dwys o ran ei astudio fel y diffinnir yn rheoliad 65.

### Trosi statws

**70.**-(1) Os yw myfyriwr cymwys yn rhoi'r gorau i ymgymryd â chwrs dynodedig a'i fod yn trosglwyddo i gwrs rhan-amser dynodedig yn yr un sefydliad neu mewn sefydliad arall, rhaid i'r Cynulliad Cenedlaethol drosi statws y myfyriwr fel myfyriwr cymwys i statws myfyriwr rhan-amser cymwys mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo -

- (a) os caiff gais oddi wrth y myfyriwr cymwys am wneud hynny; a
- (b) os nad yw'r cyfnod cymhwysra wedi dod i ben neu wedi'i derfynu.

(2) Os yw'r myfyriwr, cyn cwblhau'r cwrs dynodedig, yn trosglwyddo i gwrs rhan-amser yn yr un pwnc neu bynciau sy'n arwain at yr un cymhwyster yn yr un sefydliad, trinnir y cwrs rhan-amser fel pe bai'n bodloni rheoliad 63(1)(b) os yw cyfnod yr astudio rhan-amser yr ymgymerir ag ef gan y myfyriwr yn para am flwyddyn academaidd o leiaf ac nad yw'n fwy na dwywaith y cyfnod y mae ei angen fel rheol i gwblhau gweddill y cwrs dynodedig y mae'r myfyriwr yn trosglwyddo oddi arno.

(3) Mae'r canlynol yn gymwys i fyfyriwr sy'n trosglwyddo o dan baragraff (1) -

- (a) os yw'r Cynulliad Cenedlaethol wedi penderfynu talu swm o grant i'r myfyriwr o dan reoliad 24 mewn rhandaliadau o bryd i'w gilydd, ni chaniateir talu taliad mewn perthynas â'r swm hwnnw o grant mewn

(3) Subject to paragraph (4), an eligible part-time student who transfers under paragraph (1) shall, for the remainder of the academic year in which he or she transfers, continue to receive in connection with the course to which he or she transfers the support for which the National Assembly has determined he or she qualifies in respect of the course from which he or she transfers.

(4) The National Assembly may re-assess the amount of support payable after the transfer in accordance with this Part.

(5) An eligible student who transfers under paragraph (1) after the National Assembly has determined his or her support in connection with the academic year of the course from which he or she is transferring but before he or she completes that year may not apply for another grant under regulation 65(1) (b) or regulation 66 in connection with the academic year of the course to which he or she transfers.

(6) Where a student transfers under paragraph (1), the maximum amount of assistance under regulation 65(1)(a) in respect of the academic years to and from which he or she transfers is the amount of assistance with fees available in connection with the course which has the highest intensity of study as defined in regulation 65.

### Conversion of status

**70.**-(1) Where an eligible student ceases to undertake a designated course and transfers to a designated part-time course at the same or at another institution, the National Assembly must convert the student's status as an eligible student to that of an eligible part-time student in connection with the course to which he or she is transferring where -

- (a) it receives a request from the eligible student to do so; and
- (b) the period of eligibility has not expired or been terminated.

(2) Where, before completing the designated course, the student transfers to a part-time course in the same subject or subjects leading to the same qualification at the same institution, the part-time course is treated as satisfying regulation 63(1)(b) if the period of part-time study to be undertaken by the student is of at least one academic year's duration and does not exceed twice the period normally required to complete the remainder of the designated course from which the student transfers.

(3) The following applies to a student who transfers under paragraph (1) -

- (a) where the National Assembly has determined to pay an amount of grant to the student under regulation 24 in periodic instalments, no payment in respect of that amount of grant may be made in respect of any instalment period

perthynas â chyfnod unrhyw randaliad sy'n dechrau ar ôl y dyddiad y daeth y myfyriwr yn fyfyrwr rhan-amser cymwys;

- (b) mae uchafswm y grant y byddai gan y myfyriwr hawlogaeth i'w gael, heblaw am y rheoliad hwn, yn unol â rheoliad 66 mewn cysylltiad ag ymgymryd â chwrs rhan-amser dynodedig mewn perthynas â'r flwyddyn academaidd honno yn cael ei ostwng o un traean os daeth y myfyriwr yn fyfyrwr rhan-amser cymwys yn ystod ail chwarter y flwyddyn academaidd ac o ddau draean os daeth yn fyfyrwr o'r fath mewn chwarter arall yn nes ymlaen yn y flwyddyn honno;
- (c) os oes swm o grant at unrhyw ddiben wedi'i dalu i'r myfyriwr o dan reoliad 24 mewn unrhandaliad, mae uchafswm y grant sy'n daladwy iddo yn unol â rheoliad 66 at y diben hwnnw yn cael ei ostwng (neu, os yw is-baragraff (b) yn gymwys, ei ostwng ymhellach) yn ôl swm y grant a dalwyd iddo at y diben hwnnw yn unol â rheoliad 24, ac os yw'r swm sy'n deillio o hyn yn ddim neu'n swm negyddol, bydd y swm hwnnw yn ddim; ac
- (ch) os oedd y myfyriwr, yn union cyn dod yn fyfyrwr rhan-amser cymwys, yn gymwys i wneud cais, ond ei fod heb wneud cais, am fenthyciad at gostau byw mewn perthynas â'r flwyddyn honno, neu heb wneud cais am yr uchafswm neu'r uchafswm wedi'i gynyddu yr oedd ganddo hawlogaeth i'w gael, caiff wneud cais am y benthyciad hwnnw neu'r swm ychwanegol hwnnw o fenthyciad fel pe bai wedi parhau yn fyfyrwr cymwys; ac o dan yr amgylchiadau a grybwyllir ym mharagraff (4) mae uchafswm y benthyciad hwnnw neu uchafswm wedi'i gynyddu y benthyciad hwnnw am y flwyddyn academaidd yn cael ei ostwng yn unol â'r paragraff hwnnw.

(4) Os yw'r cais o dan baragraff (1) yn cael ei wneud yn ystod chwarter cyntaf y flwyddyn academaidd y mae'r benthyciad yn daladwy mewn perthynas â hi, mae uchafswm y benthyciad neu uchafswm wedi'i gynyddu y benthyciad (yn ôl fel y digwydd) yn cael ei ostwng o ddau draean, ac os yw'r cais yn cael ei wneud yn ystod ail chwarter y flwyddyn honno mae'r swm hwnnw'n cael ei ostwng o un traean.

(5) Os yw myfyriwr rhan-amser cymwys yn rhoi'r gorau i ymgymryd â chwrs rhan-amser dynodedig a'i fod yn trosglwyddo i gwrs dynodedig yn yr un sefydliad neu mewn sefydliad arall, rhaid i'r Cynulliad Cenedlaethol drosi statws y myfyriwr hwnnw fel myfyriwr rhan-amser cymwys i statws myfyriwr cymwys mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo -

- (a) os caiff gais oddi wrth y myfyriwr rhan-amser cymwys am wneud hynny; a

beginning after the date on which the student became an eligible part-time student;

- (b) the maximum amount of grant to which the student would, apart from this regulation, be entitled pursuant to regulation 66 in connection with his or her undertaking a designated part-time course in respect of that academic year is reduced by one third where the student became an eligible part-time student during the second quarter of the academic year and by two thirds where he or she became such a student in a later quarter of that year;
- (c) where an amount of grant for any purpose has been paid to the student under regulation 24 in a single instalment, the maximum amount of grant payable to him or her pursuant to regulation 66 for that purpose is reduced (or, where sub-paragraph (b) applies, further reduced) by the amount of grant paid to him or her for that purpose pursuant to regulation 24, and where the resulting amount is nil or a negative amount that amount is nil; and
- (d) where immediately before he or she became an eligible part-time student he or she was eligible to apply, but had not applied, for a loan for living costs in respect of that year, or had not applied for the maximum amount or increased maximum for which he or she was entitled, he or she may apply for such a loan or such additional amount of loan as if he or she had continued to be an eligible student; and in the circumstances mentioned in paragraph (4) the maximum or increased maximum amount of such loan for the academic year is reduced in accordance with that paragraph.

(4) Where the request under paragraph (1) is made during the first quarter of the academic year in respect of which the loan is payable the maximum amount or increased maximum amount of loan (as the case may be) is reduced by two thirds, and where the request is made during the second quarter of that year that amount is reduced by one third.

(5) Where an eligible part-time student ceases to undertake a designated part-time course and transfers to a designated course at the same or at another institution, the National Assembly must convert that student's status as an eligible part-time student to that of an eligible student in connection with the course to which he or she is transferring where -

- (a) it receives a request from the eligible part-time student to do so; and

- (b) os nad yw'r cyfnod cymhwysra wedi dod i ben neu wedi'i derfynu.
- (6) Mae'r canlynol yn gymwys i fyfyrwr sy'n trosglwyddo o dan baragraff (5) -
- (a) os yw'r Cynulliad Cenedlaethol wedi penderfynu talu swm o grant i'r myfyrwr yn unol â rheoliad 66 mewn rhandaliadau o bryd i'w gilydd, ni chaniateir talu taliad mewn perthynas â'r swm hwnnw o grant mewn perthynas â chyfnod unrhyw randaliad sy'n dechrau ar ôl y dyddiad y daeth y myfyrwr yn fyfyrwr cymwys;
- (b) rhaid i unrhyw gymorth y mae gan y myfyrwr hawlogaeth i'w gael o dan y Rhan hon mewn perthynas â'r flwyddyn academaidd y mae'r myfyrwr yn trosglwyddo ynddi gael ei anwybyddu wrth bennu swm y gymorth y gall fod ganddo hawlogaeth i'w gael mewn perthynas â'r flwyddyn honno o dan Rannau 4 i 6;
- (c) mae uchafswm unrhyw gymorth o dan Ran 7 neu 8 y byddai gan y myfyrwr hawlogaeth i'w gael, heblaw am y rheoliad hwn, mewn cysylltiad â chwrs dynodedig mewn perthynas â'r flwyddyn academaidd honno yn cael ei ostwng o un traean os daeth y myfyrwr yn fyfyrwr cymwys yn ystod ail chwarter y flwyddyn academaidd honno ac o ddau draean os daeth yn fyfyrwr o'r fath mewn chwarter arall yn nes ymlaen yn y flwyddyn honno; ac
- (ch) os oes swm o grant at unrhyw ddiben wedi'i dalu i'r myfyrwr yn unol â rheoliad 66 mewn un rhandaliad, mae uchafswm y grant sy'n daladwy iddo o dan reoliad 24 at y diben hwnnw yn cael ei ostwng (neu, os yw is-baragraff (c) yn gymwys, ei ostwng ymhellach) yn ôl swm y grant a dalwyd iddo at y diben hwnnw yn unol â rheoliad 66 ac os yw'r swm sy'n deillio o hyn yn ddim neu'n swm negyddol, bydd y swm hwnnw yn ddim.

### **Talu cymorth i fyfyrwr rhan-amser cymwys**

71.-(1) Rhaid i'r Cynulliad Cenedlaethol dalu cymorth o dan reoliad 66 ac o dan reoliad 65(1)(b) a hynny mewn unrhyw randaliadau (os oes rhandaliadau) ac ar unrhyw adegau y mae'n credu eu bod yn briodol ac wrth arfer ei swyddogaethau o dan y paragraff hwn fe gaiff, os nad oes modd gwneud asesiad terfynol ar sail yr wybodaeth a roddwyd gan y myfyrwr, wneud asesiad dros dro o'r cymorth sy'n daladwy.

(2) Caniateir i daliadau gael eu gwneud mewn unrhyw fodd sy'n briodol ym marn y Cynulliad Cenedlaethol a chaiff y Cynulliad Cenedlaethol ei gwneud yn un o amodau'r hawlogaeth i gael taliad fod rhaid i'r myfyrwr rhan-amser cymwys roi i'r Cynulliad Cenedlaethol fanylion cyfrif banc neu gyfrif cymdeithas adeiladu yn y Deyrnas Unedig y gall

- (b) the period of eligibility has not expired or been terminated.

(6) The following applies to a student who transfers under paragraph (5) -

- (a) where the National Assembly has determined to pay an amount of grant to the student pursuant to regulation 66 in periodic instalments no payment in respect of that amount of grant may be made in respect of any instalment period beginning after the date on which the student became an eligible student;
- (b) any support to which the student is entitled under this Part in respect of the academic year in which the student transfers must be ignored in determining the amount of support to which he or she may be entitled in respect of that year under Parts 4 to 6;
- (c) the maximum amount of any support under Part 7 or 8 to which the student would, apart from this regulation, be entitled in connection with a designated course in respect of that academic year is reduced by one third where the student became an eligible student during the second quarter of that academic year and by two thirds where he or she became such a student in a later quarter of that year; and
- (d) where an amount of grant for any purpose has been paid to the student pursuant to regulation 66 in a single instalment, the maximum amount of grant payable to him or her under regulation 24 for that purpose is reduced (or, where sub-paragraph (c) applies, further reduced) by the amount of grant paid to him or her for that purpose pursuant to regulation 66 and where the resulting amount is nil or a negative amount that amount is nil.

### **Payment of support to eligible part-time students**

71.-(1) The National Assembly must pay support under regulation 66 and under regulation 65(1)(b) and in such instalments (if any) and at such times as it considers appropriate and in the exercise of its functions under this paragraph it may, where a final assessment cannot be made on the basis of the information provided by the student, make a provisional assessment of the support payable.

(2) Payments may be made in such manner as the National Assembly considers appropriate and it may make it a condition of entitlement to payment that the eligible part-time student must provide it with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

taliadau gael eu talu iddo drwy eu trosglwyddo'n electronig.

(3) Rhaid i'r Cynulliad Cenedlaethol beidio â thalu'r rhandaliad cyntaf neu, os penderfynwyd peidio â thalu cymorth mewn rhandaliadau, beidio â gwneud unrhyw daliad grant at lyfrau, teithio a gwariant arall neu'r grant myfyrwyr rhan-amser anabl at gostau byw o dan reoliad 66 cyn i'r datganiad y cyfeirir ato yn rheoliad 67(2) ddod i law onid oes eithriad yn gymwys.

(4) Mae eithriad yn gymwys-

- (a) os yw grant myfyrwyr rhan-amser anabl at gostau byw o dan reoliad 66 yn daladwy ac yn yr achos hwnnw caniateir talu'r grant arbennig hwnnw cyn i'r datganiad ddod i law'r Cynulliad Cenedlaethol;
- (b) os yw'r Cynulliad Cenedlaethol wedi penderfynu y byddai'n briodol o achos amgylchiadau eithriadol iddo wneud taliad heb i ddatganiad ddod i law.

### **Talu grantiau at ffioedd**

72.-(1) Yn ddarostyngedig i baragraffau (2) a (3), rhaid i'r Cynulliad Cenedlaethol dalu'r grant mewn perthynas â ffioedd y mae gan y myfyriwr hawl i'w gael o dan reoliad 65(1)(a) i'r awdurdod academaidd priodol ar ôl i gais dilyys am daliad ddod i law.

(2) Caiff y Cynulliad Cenedlaethol wneud taliadau o dan baragraff (1) ar unrhyw adegau ac mewn unrhyw randaliadau y mae'n credu eu bod yn addas.

(3) Caiff y Cynulliad Cenedlaethol wneud taliadau dros dro o dan baragraff (1) mewn unrhyw achosion y mae'n credu eu bod yn briodol.

### **Gordaliadau**

73.-(1) Caiff y Cynulliad Cenedlaethol adennill unrhyw ordal grant mewn perthynas â ffioedd o dan reoliad 65(1)(a) oddi wrth yr awdurdod academaidd.

(2) Os bydd y Cynulliad Cenedlaethol yn gofyn iddo, rhaid i fyfyrwr rhan-amser cymwys ad-dalu unrhyw swm a dalwyd i'r myfyriwr o dan y Rhan hon sydd am ba reswm bynnag yn fwy na swm y grant y mae ganddo hawl i'w gael o dan y Rhan hon.

(3) Caniateir i unrhyw ordal grant o dan y Rhan hon gael ei adennill ym mha un neu fwy bynnag o'r ffyrdd canlynol y mae'r Cynulliad Cenedlaethol yn credu eu bod yn briodol o dan yr holl amgylchiadau -

- (a) drwy dynnu'r gordal o unrhyw fath o grant sy'n daladwy i'r myfyriwr o bryd i'w gilydd yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf;
- (b) drwy gymryd unrhyw gamau eraill i adennill gordal sydd ar gael i'r Cynulliad Cenedlaethol.

(3) The National Assembly must not pay the first instalment or, where it has been determined not to pay support in instalments, make any payment of the grant for books, travel and other expenditure or the disabled part-time students' grant for living costs under regulation 66 before it has received the declaration referred to in regulation 67(2) unless an exception applies.

(4) An exception applies if-

- (a) a disabled part-time students' grant for living costs under regulation 66 is payable in which case that particular grant may be paid before the National Assembly has received a declaration;
- (b) the National Assembly has determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving a declaration.

### **Payment of grants for fees**

72.-(1) Subject to paragraphs (2) and (3), the National Assembly must pay the grant in respect of fees for which the student qualifies under regulation 65(1)(a) to the appropriate academic authority after a valid request for payment has been received.

(2) The National Assembly may make payments under paragraph (1) at such times and in such instalments as it sees fit.

(3) The National Assembly may make provisional payments under paragraph (1) in such cases as it deems appropriate.

### **Overpayments**

73.-(1) Any overpayment of a grant in respect of fees under regulation 65(1)(a) may be recovered by the National Assembly from the academic authority.

(2) An eligible part-time student must, if so required by the National Assembly, repay any amount paid to the student under this Part which for whatever reason exceeds the amount of grant to which he or she qualifies under this Part.

(3) Any overpayment of grant under this Part may be recovered in whichever one or more of the following ways the National Assembly considers appropriate in all the circumstances -

- (a) by subtracting the overpayment from any kind of grant payable to the student from time to time pursuant to regulations made under section 22 of the Act;
- (b) by taking such other action for the recovery of an overpayment as is available to it.

(4) Mae taliad o grant myfyrwyr rhan-amser anabl at gostau byw o dan reoliad 66 a wnaed cyn y dyddiad perthnasol yn ordal os yw'r myfyriwr yn rhoi'r gorau i'r cwrs cyn y dyddiad perthnasol onid yw'r Cynulliad Cenedlaethol yn penderfynu fel arall.

(5) Y "dyddiad perthnasol ("*relevant date*") yw'r dyddiad y mae tymor cyntaf y flwyddyn academaidd dan sylw yn dechrau mewn gwirionedd.

(6) Yn yr amgylchiadau ym mharagraff (7) neu (8), ceir gordal o grant myfyrwyr rhan-amser anabl at gostau byw o dan reoliad 66 onid yw'r Cynulliad Cenedlaethol yn penderfynu fel arall.

(7) Yr amgylchiadau yw-

- (a) mae'r Cynulliad Cenedlaethol yn cymhwyso'r cyfan neu ran o'r grant myfyriwr rhan-amser anabl at gostau byw o dan reoliad 66 i brynu offer arbenigol ar ran y myfyriwr rhan-amser cymwys;
- (b) mae cyfnod cymhwystra myfyriwr yn dod i ben ar ôl y dyddiad perthnasol; a
- (c) nid yw'r offer wedi'i ddanfôn at y myfyriwr cyn i gyfnod cymhwystra'r myfyriwr ddod i ben.

(8) Yr amgylchiadau yw-

- (a) mae cyfnod cymhwystra'r myfyriwr rhan-amser cymwys yn dod i ben ar ôl y dyddiad perthnasol;
- (b) gwneir taliad grant myfyrwyr rhan-amser anabl at gostau byw o dan reoliad 66 mewn perthynas ag offer arbenigol i'r myfyriwr ar ôl i gyfnod cymhwystra'r myfyriwr rhan-amser cymwys ddod i ben.

(9) Pan fo gordal o grant myfyrwyr rhan-amser anabl at gostau byw o dan reoliad 66, caiff y Cynulliad Cenedlaethol dderbyn yn ôl offer arbenigol a brynwyd â'r grant yn fodd i adennill y cyfan neu ran o'r gordal os yw o'r farn ei bod yn briodol iddo wneud hynny.

(4) A payment of the disabled part-time students' grant for living costs under regulation 66 made before the relevant date is an overpayment if the student withdraws from the course before the relevant date unless the National Assembly decides otherwise.

(5) The "relevant date" (*dyddiad perthnasol*) is the date on which the first term of the academic year in question actually begins.

(6) In the circumstances in paragraph (7) or (8), there is an overpayment of the disabled part-time students' grant for living costs under regulation 66 unless the National Assembly decides otherwise.

(7) The circumstances are-

- (a) the National Assembly applies all or part of the disabled part-time students' grant for living costs under regulation 66 to the purchase of specialist equipment on behalf of the eligible part-time student;
- (b) the student's period of eligibility terminates after the relevant date; and
- (c) the equipment has not been delivered to the student before the student's period of eligibility terminated.

(8) The circumstances are-

- (a) the eligible part-time student's period of eligibility terminates after the relevant date;
- (b) a payment of the disabled part-time students' grant for living costs under regulation 66 in respect of specialist equipment is made to the student after the eligible part-time student's period of eligibility terminates.

(9) Where there is an overpayment of the disabled part-time students' grant for living costs under regulation 66, the National Assembly may accept the return of specialist equipment purchased with the grant by way of recovery of all or part of the overpayment if it considers it is appropriate to do so.

## RHAN 12

### CYMORTH I FYFYRWYR ÔL-RADDEDIG SYDD AG ANABLEDDAU

#### Myfyrwyr ôl-raddedig cymwys

74.-(1) Mae gan fyfyriwr ôl-raddedig cymwys hawl, yn ddarostyngedig i'r Rhan hon ac yn unol â hi, i gael grant i helpu gyda'r gwariant ychwanegol y mae'r Cynulliad Cenedlaethol wedi'i fodloni ei bod yn ofynnol iddo ei ysgwyddo mewn cysylltiad ag ymgymryd â chwrs ôl-radd dynodedig oherwydd anabledd sydd ganddo.

## PART 12

### SUPPORT FOR POSTGRADUATE STUDENTS WITH DISABILITIES

#### Eligible postgraduate students

74.-(1) An eligible postgraduate student qualifies, subject to and in accordance with this Part, for a grant to assist with the additional expenditure which the National Assembly is satisfied he or she is obliged to incur in connection with his or her undertaking a designated postgraduate course by reason of a disability to which he or she is subject.

(2) Mae person yn fyfyrwr ôl-raddedig cymwys mewn cysylltiad â chwrs ôl-radd dynodedig os yw'r person hwnnw'n bodloni'r amodau ym mharagraff (3) ac nad yw wedi'i hepgor gan baragraff (4).

(3) Yr amodau yw -

- (a) bod y Cynulliad Cenedlaethol, wrth asesu cais person am gymorth, wedi penderfynu mewn cysylltiad â'r cwrs ôl-radd dynodedig fod y person yn dod o fewn un o'r categorïau a nodir yn Rhan 2 o Atodlen 1; a
- (b) bod y Cynulliad Cenedlaethol wedi'i fodloni ei bod yn ofynnol i'r person ysgwyddo gwariant ychwanegol mewn perthynas ag ymgymryd â'r cwrs oherwydd anabledd sydd ganddo.

(4) Nid yw person yn fyfyrwr ôl-raddedig cymwys -

- (a) os rhoddwyd neu os talwyd iddo mewn perthynas ag ymgymryd â'r cwrs -
  - (i) bwrsari gofal iechyd;
  - (ii) unrhyw lwfans o dan Reoliadau Lwfansau Myfyrwyr Nyrso a Bydwreigiaeth (Yr Alban) 1992(1);
  - (iii) unrhyw lwfans, bwrsari neu ddyfarniad o ddisgrifiad tebyg a wnaed gan Gyngor Ymchwil;
  - (iv) unrhyw lwfans, bwrsari neu ddyfarniad o ddisgrifiad tebyg a wnaed gan ei sefydliad sy'n cynnwys unrhyw daliad er mwyn talu am wariant ychwanegol a dynnwyd gan y myfyrwr oherwydd ei anabledd; neu
  - (v) unrhyw lwfans, bwrsari neu ddyfarniad o ddisgrifiad tebyg a wnaed gan y Cyngor Gofal Cymdeithasol Cyffredinol o dan adran 67(4)(a) o Ddeddf Safonau Gofal 2000(2) sy'n cynnwys taliad er mwyn talu am wariant ychwanegol a dynnwyd gan y myfyrwr oherwydd ei anabledd; neu
- (b) os yw wedi torri rhwymedigaeth i ad-dalu unrhyw fenthyciad;
- (c) os yw wedi cyrraedd ei 18 oed ac nad yw wedi dilysu unrhyw gytundeb ynglŷn â benthyciad a wnaed gydag ef pan oedd o dan 18 oed;
- (ch) os yw'r person hwnnw, ym marn y Cynulliad Cenedlaethol, wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth.

(5) At ddibenion paragraffau (4)(b) a (4)(c) ystyr "benthyciad" ("*loan*") yw benthyciad a wneir o dan y ddeddfwriaeth ar fenthyciadau myfyrwyr.

(2) A person is an eligible postgraduate student in connection with a designated postgraduate course if that person satisfies the conditions in paragraph (3) and is not excluded by paragraph (4).

(3) The conditions are -

- (a) the National Assembly, in assessing a person's application for support, has determined in connection with the designated postgraduate course that the person falls within one of the categories set out in Part 2 of Schedule 1; and
- (b) the National Assembly is satisfied that, by reason of a disability to which the person is subject, he or she will be obliged to incur additional expenditure in respect of his or her undertaking the course.

(4) A person is not an eligible postgraduate student if -

- (a) there has been bestowed on him or her or paid to him or her in relation to his or her undertaking the course -
  - (i) a healthcare bursary;
  - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 1992(1);
  - (iii) any allowance, bursary or award of similar description made by a Research Council;
  - (iv) any allowance, bursary or award of similar description made by his or her institution which includes any payment for the purpose of meeting additional expenditure incurred by the student by reason of his or her disability; or
  - (v) any allowance, bursary or award of similar description made by the General Social Care Council under section 67(4)(a) of the Care Standards Act 2000(2) which includes payment for meeting additional expenditure incurred by the student by reason of his or her disability; or
- (b) he or she is in breach of an obligation to repay any loan;
- (c) he or she has reached the age of 18 and has not ratified any agreement for a loan made with him or her when he or she was under the age of 18;
- (d) that person has, in the opinion of the National Assembly, shown himself or herself by his or her conduct to be unfitted to receive support.

(5) For the purposes of paragraphs (4)(b) and (4)(c), "loan" ("*benthyciad*") means a loan made under the student loans legislation.

(1) O.S. 1992/580, a ddiwygiwyd gan O.S.A. 2002/423 ac O.S.A. 2003/401.

(2) 2000 p.14.

(1) S.I. 1992/580, amended by S.S.I 2002/423 and S.S.I 2003/401.

(2) 2000 c.14.

(6) Mewn achos lle mae'r cytundeb ynglŷn â benthyciad yn ddarostyngedig i gyfraith yr Alban, dim ond os cafodd y cytundeb ei wneud -

- (a) cyn 25 Medi 1991; a
- (b) gyda chydysniad curadur y benthyciwr neu ar adeg pan nad oedd ganddo guradur y bydd paragraff 4(c) yn gymwys.

(7) Nid oes gan fyfyrwr ôl-raddedig cymwys hawl i gael grant o dan y Rhan hon os paragraff 9 yw'r unig baragraff o Ran 2 o Atodlen 1 y mae'n syrthio odano.

(8) Nid oes gan fyfyrwr ôl-raddedig cymwys hawl i gael grant o dan y Rhan hon oni bai ei fod yn ymgymryd â'i gwrs yn y Deyrnas Unedig.

(9) Er gwaethaf paragraffau (3)(a) a (4), mae person yn fyfyrwr ôl-raddedig cymwys at ddibenion y Rhan hon os yw'n bodloni'r amodau ym mharagraff (3)(b) a pharagraff (10) neu (11)-

(10) Yr amodau yw -

- (a) bod y person wedi ymgymhwyso fel myfyrwr ôl-raddedig cymwys mewn cysylltiad â blwyddyn academaidd gynharach ar y cwrs ôl-radd dynodedig presennol yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf ac nad yw'r statws hwnnw wedi dod i ben neu wedi'i derfynu;
- (b) bod y person yn preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs ôl-radd dynodedig presennol; ac
- (c) nad yw statws y person fel myfyrwr ôl-raddedig cymwys wedi'i derfynu.

(11) Yr amodau yw -

- (a) bod y Cynulliad Cenedlaethol wedi penderfynu o'r blaen fod y person yn fyfyrwr ôl-raddedig cymwys mewn cysylltiad â chwrs ôl-radd dynodedig heblaw'r cwrs ôl-radd dynodedig presennol;
- (b) bod statws y myfyrwr fel myfyrwr ôl-raddedig cymwys mewn cysylltiad â'r cwrs yn is-baragraff (a) wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs presennol o ganlyniad i drosglwyddo unwaith neu fwy yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf;
- (c) bod y person yn preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd y cwrs yn is-baragraff (a); ac
- (ch) nad yw statws y person fel myfyrwr ôl-raddedig cymwys wedi'i derfynu.

(12) Os bydd-

- (a) y Cynulliad Cenedlaethol wedi penderfynu bod person ("A"), yn rhinwedd bod yn ffoadur, neu fod yn briod, partner sifil, plentyn neu'n llysbentyn i ffoadur, yn fyfyrwr ôl-raddedig

(6) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (4)(c) only applies if the agreement was made -

- (a) before the 25 September 1991; and
- (b) with the concurrence of the borrower's curator or at a time when he or she had no curator.

(7) An eligible postgraduate student does not qualify for a grant under this Part if the only paragraph in Part 2 of Schedule 1 into which he or she falls is paragraph 9.

(8) An eligible postgraduate student does not qualify for a grant under this Part unless he or she is undertaking his or her course in the United Kingdom.

(9) Despite paragraphs (3) (a) and (4), a person is an eligible postgraduate student for the purposes of this Part if he or she satisfies the conditions in paragraph (3) (b) and paragraph (10) or (11).

(10) The conditions are -

- (a) the person qualified as an eligible postgraduate student in connection with an earlier academic year of the present designated postgraduate course pursuant to regulations made under section 22 of the Act and that status has not expired or been terminated;
- (b) the person was ordinarily resident in Wales on the first day of the academic year of the present designated postgraduate course; and
- (c) the person's status as an eligible postgraduate student has not terminated.

(11) The conditions are -

- (a) the National Assembly has previously determined that the person is an eligible postgraduate student in connection with a designated postgraduate course other than the present designated postgraduate course;
- (b) the student's status as an eligible postgraduate student in connection with the course in sub-paragraph (a) has been transferred from that course to the present course as a result of one or more transfers in accordance with regulations made under section 22 of the Act;
- (c) the person was ordinarily resident in Wales on the first day of the academic year of the course in sub-paragraph (a); and
- (d) the person's status as an eligible postgraduate student has not terminated.

(12) Where-

- (a) the National Assembly has determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person ("A") was an eligible postgraduate

cymwys mewn cysylltiad â chais am gymorth am flwyddyn gynharach o'r cwrs ôl-radd presennol neu mewn cysylltiad â chais mewn cysylltiad â chwrs ôl-radd dynodedig arall y mae ei statws fel myfyriwr ôl-raddedig cymwys wedi'i drosglwyddo oddi wrtho i'r cwrs ôl-radd presennol; a

- (b) ar y diwrnod cyn diwrnod dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, statws ffoadur A neu ei briod, ei bartner sifil, ei riant neu ei lys-riant wedi dod i ben ac na roddwyd caniatâd pellach iddo aros ac nad oes apêl yn yr arfaeth (o fewn yr ystyr yn adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002),

bydd statws A fel myfyriwr ôl-raddedig cymwys yn dod i ben ar y diwrnod cyn diwrnod cyntaf y flwyddyn academaidd y mae'n gwneud cais am gymorth mewn perthynas â hi.

(13) Os bydd-

- (a) y Cynulliad Cenedlaethol wedi penderfynu bod person ("A"), yn rhinwedd bod yn ffoadur, neu fod yn briod, partner sifil, plentyn neu'n llysblentyn i ffoadur, yn fyfyrwr ôl-raddedig cymwys mewn cysylltiad â chais am gymorth am flwyddyn gynharach o'r cwrs ôl-radd presennol neu mewn cysylltiad â chais mewn cysylltiad â chwrs ôl-radd dynodedig arall y mae ei statws fel myfyriwr ôl-raddedig cymwys neu fyfyrwr cymwys wedi'i drosglwyddo oddi wrtho i'r cwrs ôl-radd presennol; a
- (b) y diwrnod cyn dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, y cyfnod y caniateir i'r person â hawl i ddod i mewn neu i aros aros yn y Deyrnas Unedig wedi dod i ben, ac na roddwyd hawl bellach i aros ac nad oes apêl yn yr arfaeth (o fewn yr ystyr yn adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002),

bydd statws A fel myfyriwr ôl-raddedig cymwys yn dod i ben ar y diwrnod cyn diwrnod cyntaf y flwyddyn academaidd y mae'n gwneud cais am gymorth mewn perthynas â hi.

(14) Nid yw paragraffau (12) a (13) yn gymwys pan fo'r myfyriwr wedi dechrau'r cwrs y penderfynodd y Cynulliad Cenedlaethol mewn cysylltiad ag ef ei fod yn fyfyrwr ôl-raddedig cymwys cyn 1 Medi 2007.

(15) Nid oes gan fyfyrwr ôl-raddedig cymwys, ar unrhyw un adeg, hawl i gael gymorth at y canlynol -

- (a) mwy nag un cwrs ôl-radd dynodedig;
- (b) cwrs ôl-radd dynodedig a chwrs dynodedig;

student in connection with an application for support for an earlier year of the present postgraduate course or an application in connection with another designated postgraduate course from which his or her status as an eligible postgraduate student has been transferred to the present postgraduate course; and

- (b) as at the day before the academic year in respect of which A is applying for support starts, the refugee status of A or of his spouse, civil partner, parent or step-parent has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A's status as an eligible postgraduate student terminates on the day before the first day of the academic year in respect of which he or she is applying for support.

(13) Where-

- (a) the National Assembly has determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person ("A") was an eligible postgraduate student in connection with an application for support for an earlier year of the present postgraduate course or an application in connection with another designated postgraduate course from which his or her status as an eligible postgraduate student has been transferred to the present postgraduate course; and
- (b) as at the day before the academic year in respect of which A is applying for support, the period for which the person with leave to enter or remain is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A's status as an eligible postgraduate student terminates on the day before the first day of the academic year in respect of which he or she is applying for support.

(14) Paragraphs (12) and (13) do not apply where the student began the course in connection with which the National Assembly determined that he or she was an eligible postgraduate student before 1 September 2007.

(15) An eligible postgraduate student does not, at any one time, qualify for support for -

- (a) more than one designated postgraduate course;
- (b) a designated postgraduate course and a designated course;



- (c) cwrs ôl-radd dynodedig a chwrs rhan-amser dynodedig.

(16) Os digwydd un o'r digwyddiadau a restrir ym mharagraff (17) yn ystod blwyddyn academiaidd-

- (a) caiff myfyriwr fod yn gymwys i gael grant o dan y Rhan hon mewn perthynas â'r flwyddyn academiaidd honno yn unol â'r Rhan hon; a
- (b) nid oes grant o'r math sydd ar gael o dan y Rhan hon ar gael mewn perthynas ag unrhyw flwyddyn academiaidd yn dechrau cyn y flwyddyn academiaidd y digwyddodd y digwyddiad perthnasol ynddi.

(17) Y digwyddiadau yw-

- (a) mae cwrs y myfyriwr yn dod yn gwrs ôl-radd dynodedig;
- (b) cydnabyddir bod y myfyriwr, ei briod, ei bartner sifil neu ei riant yn ffoadur neu mae'n dod yn berson â chaniatâd i ddod i mewn neu i aros;
- (c) mae'r wladwriaeth y mae'r myfyriwr yn un o'i dinasyddion yn ymaelodi â'r Gymuned Ewropeaidd pan fo'r myfyriwr wedi bod yn preswyllo'n arferol yn y Deyrnas Unedig a'r Ynysoedd trwy gydol y cyfnod o dair blynedd yn union cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs;
- (ch) mae'r myfyriwr yn caffael yr hawl i breswyllo'n barhaol;
- (d) daw'r myfyriwr yn berson a ddisgrifir ym mharagraff 6(1)(a) o Ran 2 o Atodlen 1; neu
- (dd) daw'r myfyriwr yn blentyn i un o ddinasyddion y Swistir.

### Cyrsgiau ôl-radd dynodedig

75. Mae cwrs ôl-radd yn gwrs dynodedig at ddibenion adran 22(1) o'r Ddeddf a rheoliad 74 -

- (a) os yw'n gwrs y mae angen gradd gyntaf (neu gymhwyster cyfatebol) neu'n uwch i gael mynediad iddo fel rheol;
- (b) os yw'n gwrs -
  - (i) sy'n para am o leiaf un flwyddyn academiaidd; a
  - (ii) yn achos cwrs rhan-amser, y mae fel arfer yn bosibl cwblhau'r cwrs mewn nid mwy na dwywaith y cyfnod sydd fel arfer yn ofynnol ar gyfer cwblhau'r cwrs amser-llawn cyfatebol;
- (c) os yw'n cael ei ddarparu yn gyfan gwbl gan sefydliad neu sefydliadau addysgol yn y Deyrnas Unedig a ariennir yn gyhoeddus neu'n cael ei ddarparu gan sefydliad neu sefydliadau o'r fath ar y cyd â sefydliad neu sefydliadau y tu allan i'r Deyrnas Unedig; ac

- (c) a designated postgraduate course and a designated part-time course.

(16) Where one of the events listed in paragraph (17) occurs in the course of an academic year-

- (a) a student may qualify for a grant under this Part in respect of that academic year in accordance with this Part; and
- (b) a grant of the kind available under this Part is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

(17) The events are-

- (a) the student's course becomes a designated postgraduate course;
- (b) the student, his or her spouse, his or her civil partner or his or her parent is recognised as a refugee or becomes a person with leave to enter or remain;
- (c) the state of which the student is a national accedes to the European Community where the student has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course;
- (d) the student acquires the right of permanent residence;
- (e) the student becomes a person described in paragraph 6(1)(a) of Part 2 of Schedule 1; or
- (f) the student becomes the child of a Swiss national.

### Designated postgraduate courses

75.-(1) A postgraduate course is designated for the purposes of section 22(1) of the Act and regulation 74 if -

- (a) it is a course entry for which a first degree (or equivalent qualification) or higher is normally required;
- (b) it is a course -
  - (i) of at least one academic year's duration; and
  - (ii) in the case of a part-time course, it is ordinarily possible to complete the course in not more than twice the period ordinarily required to complete the full time equivalent ;
- (c) it is wholly provided by a publicly-funded educational institution or institutions in the United Kingdom or is provided by such an institution or institutions in conjunction with an institution or institutions outside the United Kingdom; and

(ch) nad yw'n gwrs hyfforddiant cychwynnol athrawon neu gwrs yr ymgymmerir ag ef fel rhan o gynllun hyfforddi athrawon ar sail cyflogaeth.

(2) At ddibenion paragraff (1) -

- (a) mae cwrs yn cael ei ddarparu gan sefydliad os yw'r sefydliad yn darparu'r addysgu a'r goruchwyllo sy'n ffurfio'r cwrs, p'un a yw'r sefydliad wedi gwneud cytundeb gyda'r myfyriwr i ddarparu'r cwrs neu beidio;
- (b) bernir bod prifysgol ac unrhyw goleg neu sefydliad cyfansoddol sydd o natur coleg prifysgol yn cael eu hariannu'n gyhoeddus os yw naill ai'r brifysgol neu'r coleg neu sefydliad cyfansoddol yn cael eu hariannu'n gyhoeddus; ac
- (c) ni fernir bod sefydliad yn cael ei ariannu'n gyhoeddus dim ond am ei fod yn cael arian cyhoeddus oddi wrth gorff llywodraethu sefydliad addysg uwch yn unol ag adran 65(3A) o Ddeddf Addysg Bellach ac Uwch 1992(1).

(3) At ddibenion paragraff (1)(b)(ii)-

- (a) ystyr "cwrs amser-llawn cyfatebol" ("*full-time equivalent*") yw cwrs amser-llawn sy'n arwain at yr un cymhwyster â'r cwrs o dan sylw;
- (b) ystyr y " cyfnod y mae ei angen fel arfer i gwblhau'r cwrs amser-llawn cyfatebol" ("*period ordinarily required to complete the full-time equivalent*") yw-
  - (i) os darperir y cwrs gan neu ar ran y Brifysgol Agored, y cyfnod y byddai ei angen ar fyfyrwr amser-llawn safonol i gwblhau'r cwrs amser-llawn cyfatebol pe rhoddid iddo 120 o bwyntiau credyd ym mhob blwyddyn academaidd;
  - (ii) os darperir y cwrs gan neu ar ran unrhyw sefydliad arall, y cyfnod y byddai ei angen ar fyfyrwr amser-llawn safonol i gwblhau'r cwrs amser-llawn cyfatebol;

(4) ystyr "myfyriwr amser-llawn safonol" ("*standard full-time student*") yw myfyriwr sydd i'w ystyried yn un -

- (i) sydd wedi dechrau'r cwrs amser-llawn cyfatebol ar yr un dyddiad ag y dechreuodd myfyriwr rhan-amser cymwys ar y cwrs o dan sylw;
- (ii) nad yw wedi'i esgusodi o unrhyw ran o'r cwrs amser-llawn gyfatebol;
- (iii) nad yw wedi ailadrodd unrhyw ran o'r cwrs amser-llawn cyfatebol; ac

(d) it is not a course for the initial training of teachers or a course taken as part of an employment based teacher training scheme.

(2) For the purposes of paragraph (1) -

- (a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not it has entered an agreement with the student to provide the course;
- (b) a university and any constituent college or institution in the nature of a college of a university is regarded as publicly funded if either the university or the constituent college or institution is publicly funded; and
- (c) an institution is not regarded as publicly funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992(1).

(3) For the purposes of paragraph (1)(b)(ii)-

- (a) "full-time equivalent" ("*cwrs amser-llawn cyfatebol*") means a full-time course leading to the same qualification as the course in question;
- (b) the "period ordinarily required to complete the full-time equivalent" ("*cyfnod sy'n ofynnol fel arfer i gwblhau'r cwrs amser-llawn cyfatebol*") means-
  - (i) where the course is provided by or on behalf of the Open University, the period that a standard full-time student would require to complete the full-time equivalent if he or she were awarded 120 credit points in each academic year ;
  - (ii) where the course is provided by or on behalf of any other institution , the period in which a standard full-time student would complete the full-time equivalent;
- (c) "standard full-time student" ("*myfyriwr amser-llawn safonol*") is a student who is to be taken -
  - (i) to have begun the full-time equivalent on the same date as the eligible part-time student began the course in question;
  - (ii) not to have been excused any part of the full-time equivalent;
  - (iii) not to have repeated any part of the full-time equivalent; and

(1) 1992 p. 13; mewnosodwyd adran 65(3A) gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 27.

(1) 1992 c.13; section 65(3A) was inserted by the Teaching and Higher Education Act 1998 (c.30), section 27.

- (iv) nad yw wedi bod yn absennol o'r cwrs amser-llawn cyfatebol heblaw yn ystod gwyliau.

(5) At ddibenion adran 22 o'r Ddeddf a rheoliad 74, caiff y Cynulliad Cenedlaethol ddynodi cyrsiau addysg uwch nad ydynt wedi'u dynodi o dan baragraff (1).

### Cyfnod cymhwysra

76.-(1) Mae myfyriwr ôl-raddedig cymwys yn cadw ei statws fel myfyriwr ôl-raddedig cymwys hyd oni therfynir y statws yn unol â'r rheoliad hwn a rheoliadau 4 a 6.

(2) Y cyfnod y bydd myfyriwr ôl-raddedig cymwys yn cadw'r statws yw'r "cyfnod cymhwysra" ("*period of eligibility*").

(3) Yn ddarostyngedig i'r paragraffau canlynol, mae'r cyfnod cymhwysra'n dod i ben ar ddiwedd y cyfnod y mae ei angen fel arfer i gwblhau'r cwrs ôl-radd dynodedig.

(4) Mae'r cyfnod cymhwysra yn terfynu pan fydd y myfyriwr ôl-raddedig cymwys -

- (a) yn tynnu'n ôl o'i gwrs ôl-radd dynodedig o dan amgylchiadau lle nad yw'r Cynulliad Cenedlaethol wedi trosglwyddo neu lle na fydd yn trosglwyddo ei statws fel myfyriwr ôl-raddedig cymwys i gwrs arall o dan reoliad 77; neu
- (b) yn rhoi'r gorau i'w gwrs ôl-radd dynodedig neu'n cael ei ddiarddel oddi arno.

(5) Caiff y Cynulliad Cenedlaethol derfynu'r cyfnod cymhwysra os yw'r myfyriwr ôl-raddedig cymwys wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth.

(6) Os yw'r Cynulliad Cenedlaethol wedi'i fodloni bod myfyriwr ôl-raddedig cymwys wedi methu â chydymffurfio ag unrhyw ofyniad i roi gwybodaeth o dan y Rhan hon neu ei fod wedi rhoi gwybodaeth sy'n anghywir o ran manylyn perthnasol, caiff y Cynulliad Cenedlaethol gymryd unrhyw rai o'r camau canlynol y mae'n credu eu bod yn briodol o dan yr amgylchiadau -

- (a) terfynu'r cyfnod cymhwysra;
- (b) penderfynu nad oes gan y myfyriwr hawl mwyach i gael grant neu unrhyw swm penodol o grant;
- (c) trin unrhyw gymorth a dalwyd i'r myfyriwr fel gordal y caniateir ei adennill o dan reoliad 82.

(7) Pan fo'r cyfnod cymhwysra'n dod i ben ar y dyddiad y daw'r cyfnod y mae ei angen fel arfer i gwblhau'r cwrs ôl-radd dynodedig i ben neu cyn y dyddiad hwnnw, caiff y Cynulliad Cenedlaethol, ar unrhyw adeg, adnewyddu'r cyfnod cymhwysra am y cyfryw gyfnodau ag y bydd yn penderfynu arnynt.

- (iv) not to have been absent from the full-time equivalent other than during vacations.

(4) For the purposes of section 22 of the Act and regulation 74, the National Assembly may designate courses of higher education which are not designated under paragraph (1).

### Period of eligibility

76.-(1) An eligible postgraduate student retains his or her status as an eligible postgraduate student until the status is terminated in accordance with this regulation and regulations 4 and 6.

(2) The period for which an eligible postgraduate student retains the status is the "period of eligibility" ("*cyfnod cymhwysra*").

(3) Subject to the following paragraphs, the period of eligibility terminates at the end of the period ordinarily required for completion of the designated postgraduate course.

(4) The period of eligibility terminates when the eligible postgraduate student -

- (a) withdraws from his or her designated postgraduate course in circumstances where the National Assembly has not transferred or will not transfer his or her status as an eligible postgraduate student to another course under regulation 77; or
- (b) abandons or is expelled from his or her designated postgraduate course.

(5) The National Assembly may terminate the period of eligibility where the eligible postgraduate student has shown himself or herself by his or her conduct to be unfitted to receive support.

(6) If the National Assembly is satisfied that an eligible postgraduate student has failed to comply with any requirement to provide information under this Part or has provided information which is inaccurate in a material particular, the National Assembly may take such of the following actions as it considers appropriate in the circumstances -

- (a) terminate the period of eligibility;
- (b) determine that the student no longer qualifies for a grant or any particular amount of grant;
- (c) treat any support paid to the student as an overpayment which may be recovered under regulation 82.

(7) Where the period of eligibility terminates on or before the expiry of the period ordinarily required for the completion of the designated postgraduate course, the National Assembly may, at any time, renew the period of eligibility for such periods as it determines.

## Trosglwyddo statws

77.-(1) Os yw myfyriwr ôl-raddedig cymwys yn trosglwyddo i gwrs ôl-radd arall, rhaid i'r Cynulliad Cenedlaethol drosglwyddo statws y myfyriwr fel myfyriwr ôl-raddedig cymwys i'r cwrs hwnnw -

- (a) os caiff gais oddi wrth y myfyriwr ôl-raddedig cymwys am wneud hynny;
- (b) os yw wedi'i fodloni bod un neu fwy o'r seiliau trosglwyddo ym mharagraff (2) yn gymwys; ac
- (c) os nad yw'r cyfnod cymhwysra wedi dod i ben neu wedi'i derfynu.

(2) Y seiliau trosglwyddo y cyfeirir atynt ym mharagraff (1) yw -

- (a) bod y myfyriwr ôl-raddedig cymwys, ar argymhelliad yr awdurdod academiaidd, yn dechrau ymgymryd â chwrs ôl-radd dynodedig arall yn y sefydliad; neu
- (b) bod y myfyriwr ôl-raddedig cymwys yn dechrau ymgymryd â chwrs ôl-radd dynodedig mewn sefydliad arall gyda chydysyniad awdurdod academiaidd y sefydliad hwnnw.

(3) Yn ddarostyngedig i baragraff (4), rhaid i fyfyrwr ôl-raddedig cymwys sy'n trosglwyddo o dan baragraff (1) barhau i gael, mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo y cymorth y mae'r Cynulliad Cenedlaethol wedi penderfynu bod ganddo hawl i'w gael mewn perthynas â'r cwrs y mae'n trosglwyddo oddi arno am weddill y flwyddyn academiaidd y mae'n trosglwyddo ynddi.

(4) Caiff y Cynulliad Cenedlaethol ailasesu swm y cymorth sy'n daladwy ar ôl y trosglwyddo yn unol â'r Rhan hon.

(5) Ni chaiff myfyriwr cymwys sy'n trosglwyddo o dan baragraff (1) ar ôl i'r Cynulliad Cenedlaethol benderfynu ar ei gymorth mewn cysylltiad â blwyddyn academiaidd y cwrs y mae'n trosglwyddo oddi wrtho ond cyn iddo gwblhau'r flwyddyn honno wneud cais am grant arall o dan y Rhan hon mewn cysylltiad â blwyddyn academiaidd y cwrs y mae'n trosglwyddo iddo.

## Ceisiadau am gymorth

78.-(1) Rhaid i berson (y "ceisydd") wneud cais am grant o dan y Rhan hon mewn cysylltiad â phob blwyddyn academiaidd ar gwrs ôl-radd dynodedig drwy lenwi a chyflwyno i'r Cynulliad Cenedlaethol gais ar unrhyw ffurf a chan ddarparu unrhyw ddogfennau y bydd y Cynulliad Cenedlaethol yn gofyn amdanynt.

(2) Rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol cyn gynted ag y bo'n rhesymol ymarferol.

(3) Caiff y Cynulliad Cenedlaethol gymryd unrhyw gamau a gwneud unrhyw ymholiadau y mae'n credu eu bod yn angenrheidiol er mwyn penderfynu a yw'r ceisydd yn fyfyrwr ôl-raddedig cymwys, a oes gan y

## Transfer of status

77.-(1) Where an eligible postgraduate student transfers to another postgraduate course, the National Assembly must transfer the student's status as an eligible postgraduate student to that course where -

- (a) it receives a request from the eligible postgraduate student to do so;
- (b) it is satisfied that one or more of the grounds for transfer in paragraph (2) applies; and
- (c) the period of eligibility has not expired or been terminated.

(2) The grounds for transfer referred to in paragraph (1) are -

- (a) on the recommendation of the academic authority the eligible postgraduate student starts to undertake another designated postgraduate course at the institution; or
- (b) the eligible postgraduate student starts to undertake a designated postgraduate course at another institution with the consent of the academic authority of that institution.

(3) Subject to paragraph (4), an eligible postgraduate student who transfers under paragraph (1) shall, for the remainder of the academic year in which he or she transfers, continue to receive in connection with the course to which he or she transfers the support for which the National Assembly has determined he or she qualifies in respect of the course from which he or she transfers.

(4) The National Assembly may re-assess the support after the transfer in accordance with this Part.

(5) An eligible student who transfers under paragraph (1) after the National Assembly has determined his or her support in connection with the academic year of the course from which he or she is transferring but before he or she completes that year may not apply for another grant under this Part in connection with the academic year of the course to which he transfers.

## Applications for support

78.-(1) A person (the "applicant") must apply for a grant under this Part in connection with each academic year of a designated postgraduate course by completing and submitting to the National Assembly an application in such form and accompanied by such documentation as the National Assembly may require.

(2) The application must reach the National Assembly as soon as is reasonably practicable.

(3) The National Assembly may take such steps and make such inquiries as it considers necessary to determine whether the applicant is an eligible postgraduate student, whether he or she qualifies for a

ceisydd hawl i gael grant a swm y grant sy'n daladwy, os oes grant yn daladwy o gwbl.

(4) Rhaid i'r Cynulliad Cenedlaethol hysbysu'r ceisydd

- (a) pa un a oes gan y ceisydd hawl i gael grant neu beidio;
- (b) os oes gan y ceisydd hawl, y swm sy'n daladwy mewn perthynas â'r flwyddyn academaidd, os oes swm yn daladwy o gwbl; ac
- (c) sut y dyrennir y swm hwnnw rhwng y mathau o wariant cymwys.

### Gwybodaeth

79. Mae Atodlen 3 yn gymwys i roi gwybodaeth.

### Swm grantiau

80.-(1) Yn ddarostyngedig i baragraff (2), grant o dan y Rhan hon yw unrhyw swm sy'n briodol ym marn y Cynulliad Cenedlaethol, i gynorthwyo gydag un neu fwy o fathau o wariant cymwys.

(2) Rhaid i'r grant beidio â bod yn fwy na £5,920 mewn perthynas â blwyddyn academaidd.

(3) At ddibenion y Rhan hon, y canlynol yw'r "mathau o wariant cymwys" -

- (a) gwariant ar gynorthwydd nad yw'n gynorthwydd meddygol;
- (b) gwariant ar eitemau mawr o offer arbenigol; a
- (c) gwariant ychwanegol a dynnir-
  - (i) o fewn y Deyrnas Unedig at ddiben mynychu sefydliad;
  - (ii) o fewn y Deyrnas Unedig neu'r tu allan iddi at ddiben mynychu, fel rhan o'r cwrs, unrhyw gyfnod o astudio mewn sefydliad tramor neu at ddibenion mynychu Athrofa Prifysgol Llundain ym Mharis.

### Talu grantiau

81.-(1) Caiff y Cynulliad Cenedlaethol dalu grant y mae gan fyfyrwr hawl i'w gael o dan y Rhan hon a hynny mewn unrhyw randaliadau (os oes rhandaliadau) ac ar unrhyw adegau y mae'n credu eu bod yn briodol ac wrth arfer ei swyddogaethau o dan y paragraff hwn fe gaiff wneud taliadau dros dro hyd nes y ceir cyfrifiad terfynol swm y grant y mae gan y myfyrwr hawl i'w gael.

(2) Caniateir i daliadau gael eu gwneud mewn unrhyw fodd sy'n briodol ym marn y Cynulliad Cenedlaethol a chaiff y Cynulliad Cenedlaethol ei gwneud yn un o amodau'r hawlogaeth i gael taliad fod rhaid i'r myfyrwr ôl-raddedig cymwys roi i'r Cynulliad Cenedlaethol fanylion cyfrif banc neu gyfrif

grant and the amount of grant payable, if any.

(4) The National Assembly must notify the applicant-

- (a) whether he or she qualifies for a grant ;
- (b) if he or she does qualify, the amount payable in respect of the academic year, if any; and
- (c) how that amount is allocated between the types of eligible expenditure.

### Information

79. Schedule 3 applies to the provision of information.

### Amount of grants

80.-(1) Subject to paragraph (2), the grant under this Part is such amount as the National Assembly considers appropriate to assist with one or more types of eligible expenditure.

(2) The grant must not exceed £5,920 in respect of an academic year.

(3) For the purposes of this Part, the "types of eligible expenditure" are-

- (a) expenditure on a non-medical helper;
- (b) expenditure on major items of specialist equipment; and
- (c) additional expenditure incurred-
  - (i) within the United Kingdom for the purpose of attending the institution;
  - (ii) within or outside the United Kingdom for the purpose of attending, as part of the course, any period of study at an overseas institution or for the purposes of attending the University of London Institute in Paris.

### Payment of grants

81.-(1) The National Assembly may pay a grant for which a student qualifies under this Part in such instalments (if any) and at such times as it considers appropriate and in the exercise of its functions under this paragraph it may make provisional payments pending the final calculation of the amount of grant for which the student qualifies.

(2) Payments may be made in such manner as the National Assembly considers appropriate and it may make it a condition of entitlement to payment that the eligible postgraduate student must provide it with particulars of a bank or building society account in the United Kingdom into which payments may be made by

cymdeithas adeiladu yn y Deyrnas Unedig y gall taliadau gael eu talu iddo drwy eu trosglwyddo'n electronig.

## Gordaliadau

**82.**-(1) Os bydd y Cynulliad Cenedlaethol yn gofyn iddo, rhaid i fyfyrwr ôl-raddedig cymwys ad-dalu unrhyw swm a dalwyd i'r myfyriwr o dan y Rhan hon sydd am ba reswm bynnag yn fwy na swm y grant y mae ganddo hawlogaeth i'w gael o dan y Rhan hon.

(2) Caniateir i unrhyw ordal grant o dan y Rhan hon gael ei adennill ym mha un neu fwy bynnag o'r ffyrdd canlynol y mae'r Cynulliad Cenedlaethol yn credu eu bod yn briodol o dan yr holl amgylchiadau -

- (a) drwy dynnu'r gordal o unrhyw fath o grant sy'n daladwy i'r myfyriwr o bryd i'w gilydd yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf;
- (b) drwy gymryd unrhyw gamau eraill i adennill gordal sydd ar gael i'r Cynulliad Cenedlaethol.

(3) Mae taliad grant o dan y Rhan hon a wnaed cyn y dyddiad perthnasol yn ordal os yw'r myfyriwr yn rhoi'r gorau i'r cwrs cyn y dyddiad perthnasol onid yw'r Cynulliad Cenedlaethol yn penderfynu fel arall.

(4) Yn y rheoliad hwn, y "dyddiad perthnasol" ("*relevant date*") yw'r dyddiad y mae tymor cyntaf y flwyddyn academaidd dan sylw yn dechrau mewn gwirionedd.

(5) Yn yr amgylchiadau ym mharagraffau (6) a (7), mae gordal o grant o dan y Rhan hon onid yw'r Cynulliad Cenedlaethol yn penderfynu fel arall.

(6) Yr amgylchiadau yw-

- (a) mae'r Cynulliad Cenedlaethol yn cymhwyso'r cyfan neu ran o'r grant o dan y Rhan hon i brynu offer arbenigol ar ran y myfyriwr ôl-raddedig cymwys;
- (b) mae cyfnod cymhwystra'r myfyriwr yn dod i ben ar ôl y dyddiad perthnasol; ac
- (c) nid yw'r offer wedi'i ddanfon at y myfyriwr cyn i gyfnod cymhwystra'r myfyriwr ddod i ben.

(7) Yr amgylchiadau yw-

- (a) mae cyfnod cymhwystra'r myfyriwr ôl-raddedig cymwys yn dod i ben ar ôl y dyddiad perthnasol; a
- (b) gwneir taliad grant o dan y Rhan hon mewn perthynas ag offer arbenigol i'r myfyriwr ar ôl i gyfnod cymhwystra'r myfyriwr ddod i ben.

(8) Pan fo gordal o grant o dan y Rhan hon, caiff y Cynulliad Cenedlaethol dderbyn yn ôl offer arbenigol a brynwyd â'r grant yn fodd i adennill y cyfan neu ran o'r gordal os yw o'r farn ei bod yn briodol iddo wneud hynny.

electronic transfer.

## Overpayments

**82.**-(1) An eligible postgraduate student must, if so required by the National Assembly, repay any amount paid to the student under this Part which for whatever reason exceeds the amount of grant to which he or she is entitled under this Part.

(2) Any overpayment of grant under this Part must be recovered in whichever one or more of the following ways the National Assembly considers appropriate in all the circumstances -

- (a) by subtracting the overpayment from any kind of grant payable to the student from time to time pursuant to regulations made under section 22 of the Act;
- (b) by taking such other action for the recovery of an overpayment as is available to it;

(3) A payment of grant under this Part made before the relevant date is an overpayment if the student withdraws from the course before the relevant date unless the National Assembly decides otherwise.

(4) In this regulation, the "relevant date" ("*dyddiad perthnasol*") is the date on which the first term of the academic year in question actually begins.

(5) In the circumstances in paragraphs (6) and (7), there is an overpayment of grant under this Part unless the National Assembly decides otherwise.

(6) The circumstances are-

- (a) the National Assembly applies all or part of the grant under this Part to the purchase of specialist equipment on behalf of the eligible postgraduate student;
- (b) the student's period of eligibility terminates after the relevant date; and
- (c) the equipment has not been delivered to the student before the student's period of eligibility terminated.

(7) The circumstances are-

- (a) the eligible postgraduate student's period of eligibility terminates after the relevant date; and
- (b) a payment of grant under this Part in respect of specialist equipment is made to the student after the student's period of eligibility terminated.

(8) Where there is an overpayment of the grant under this Part, the National Assembly may accept the return of specialist equipment purchased with the grant by way of recovery of all or part of the overpayment if it considers it is appropriate to do so.

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

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

27 Mawrth 2007

27 March 2007

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

## ATODLEN 1

Rheoliadau 4, 52 ac Atodlen 4, 62 a 74

Myfyrwyr Cymwys

### RHAN 1

#### Dehongli

1.-(1) At ddibenion yr Atodlen hon -

ystyr "AEE" ("*EEA*") yw Ardal Economaidd Ewropeaidd sef y Gymuned Ewropeaidd, Gweriniaeth Gwlad yr Iâ, Teyrnas Norwy a Thywysogaeth Liechtenstein;

ystyr "aelod o deulu" ("*family member*") (oni nodir fel arall) yw -

(a) o ran gweithiwr ffin yr AEE, gweithiwr mudol o'r AEE, person hunan-gyflogedig ffin yr AEE neu berson hunan-gyflogedig o'r AEE -

- (i) ei briod neu ei bartner sifil;
- (ii) ei blentyn neu blentyn ei briod neu ei bartner sifil; neu
- (iii) perthnasau uniongyrchol dibynnol yn ei linach esgynnol ef neu yn llinach esgynnol ei briod neu ei bartner sifil;

(b) o ran person cyflogedig o'r Swistir, person cyflogedig ffin y Swistir, person hunan-gyflogedig ffin y Swistir neu berson hunan-gyflogedig o'r Swistir-

- (i) ei briod neu ei bartner sifil; neu
- (ii) ei blentyn neu blentyn ei briod neu ei bartner sifil;

(c) o ran gwladolyn o'r Gymuned Ewropeaidd sy'n dod o fewn Erthygl 7(1)(c) o Gyfarwyddeb 2004/38 -

- (i) ei briod neu ei bartner sifil; neu
- (ii) ei ddisgynyddion uniongyrchol ef neu ddisgynyddion uniongyrchol ei briod neu ei bartner sifil sydd -

(aa) o dan 21 oed; neu

(bb) yn ddibynyddion iddo ef neu i'w briod neu ei bartner sifil;

(ch) o ran gwladolyn o'r GE sy'n dod o fewn Erthygl 7(1)(b) o Gyfarwyddeb 2004/38 -

- (i) ei briod neu ei bartner sifil; neu
- (ii) ei ddisgynyddion uniongyrchol ef neu ddisgynyddion uniongyrchol ei briod neu ei bartner sifil sydd -

(aa) o dan 21 oed; neu

(bb) yn ddibynyddion iddo ef neu i'w

## SCHEDULE 1

Regulations 4, 52 and Schedule 4, 62 and 74

Eligible Students

### PART 1

#### Interpretation

1.-(1) For the purposes of this Schedule -

"EEA" ("*AEE*") means the European Economic Area which is the area comprised by the European Community, the Republic of Iceland, the Kingdom of Norway and the Principality of Liechtenstein;

"EEA frontier self-employed person" ("*person hunan-gyflogedig ffin yr AEE*") means an EEA national who -

- (a) is a self-employed person in Wales; and
- (b) resides in Switzerland or the territory of an EEA State other than the United Kingdom and returns to his or her residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

"EEA frontier worker" ("*gweithiwr ffin yr AEE*") means an EEA national who-

- (a) is a worker in Wales; and
- (b) resides in Switzerland or the territory of an EEA State other than the United Kingdom and returns to his or her residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

"EEA migrant worker" ("*gweithiwr mudol o'r yr AEE*") means an EEA national who is a worker, other than an EEA frontier worker, in the United Kingdom;

"EEA national" ("*gwladolyn AEE*") means a national of an EEA State other than the United Kingdom;

"EEA self-employed person" ("*person hunan gyflogedig o'r AEE*") means an EEA national who is a self-employed person, other than an EEA frontier self-employed person, in the United Kingdom;

"EEA State" ("*gwladwriaeth AEE*") means a Member State of the European Economic Area;

"employed person" ("*person cyflogedig*") means an employed person within the meaning of Annex 1 to the Swiss Agreement;

"family member" ("*aelod o deulu*") means (unless otherwise indicated) -



briod neu ei bartner sifil;

- (iii) perthnasau uniongyrchol dibynnol yn ei linach esgynnol ef neu yn llinach esgynnol ei briod neu ei bartner sifil;
- (d) o ran gwladolyn o'r Deyrnas Unedig, at ddibenion paragraff 9 -
  - (i) ei briod neu ei bartner sifil; neu
  - (ii) ei ddisgynyddion uniongyrchol ef neu ddisgynyddion uniongyrchol ei briod neu ei bartner sifil sydd -
    - (aa) o dan 21 oed; neu
    - (bb) yn ddibynyddion iddo ef neu i'w briod neu ei bartner sifil;

ystyr "Cytundeb y Swistir" ("*Swiss Agreement*") yw'r Cytundeb rhwng y Gymuned Ewropeaidd a'i Haelod-wladwriaethau, o'r naill ran, a Chyddfederaswin y Swistir, o'r rhan arall, ar Symud Rhydd Personau a lofnodwyd yn Lwcsembwrg ar 21 Mehefin 1999<sup>(1)</sup> ac a ddaeth i rym ar 1 Mehefin 2002;

ystyr "gweithiwr" yw "*worker*" o fewn ystyr Erthygl 7 o Gyfarwyddeb 2004/38 neu Gytundeb yr AEE, yn ôl fel y digwydd;

ystyr "gweithiwr mudol o'r AEE" ("*EEA migrant worker*") yw gwladolyn o'r AEE sy'n weithiwr, heblaw gweithiwr ffin yr AEE, yn y Deyrnas Unedig;

ystyr "gweithiwr ffin yr AEE" ("*EEA frontier worker*") yw gwladolyn o'r AEE -

- (e) sy'n weithiwr yng Nghymru; a
- (f) sy'n preswyllo yn y Swistir neu yn nhiriogaeth Gwladwriaeth AEE heblaw'r Deyrnas Unedig ac sy'n dychwelyd i'w breswylfa yn y Swistir neu'r Wladwriaeth AEE honno, yn ôl fel y digwydd, yn ddyddiol neu o leiaf unwaith yr wythnos;

ystyr "gwladolyn o'r Deyrnas Unedig" ("*United Kingdom national*") yw person sydd i'w drin fel gwladolyn o'r Deyrnas Unedig at ddibenion Cytuniadau'r Gymuned;

ystyr "gwladolyn o'r AEE" ("*EEA national*") yw gwladolyn o Wladwriaeth yn yr AEE heblaw'r Deyrnas Unedig;

ystyr "Gwladwriaeth AEE" ("*EEA State*") yw Aelod-wladwriaeth o'r Ardal Economaidd Ewropeaidd;

ystyr "person cyflogedig" ("*employed person*") yw person cyflogedig o fewn ystyr Atodiad 1 i Gytundeb y Swistir;

ystyr "person cyflogedig o'r Swistir" ("*Swiss employed person*") yw gwladolyn o'r Swistir sy'n berson cyflogedig, heblaw person cyflogedig ffin y

- (a) in relation to an EEA frontier worker, an EEA migrant worker, an EEA frontier self-employed person or an EEA self-employed person -
  - (i) his or her spouse or civil partner;
  - (ii) his or her child or the child of his or her spouse or civil partner; or
  - (iii) dependent direct relatives in his or her ascending line or that of his or her spouse or civil partner;
- (b) in relation to a Swiss employed person, a Swiss frontier employed person, a Swiss frontier self-employed person or a Swiss self-employed person -
  - (i) his or her spouse or civil partner; or
  - (ii) his or her child or the child of his or her spouse or civil partner;
- (c) in relation to an EC national who falls within Article 7(1)(c) of Directive 2004/38 -
  - (i) his or her spouse or civil partner; or
  - (ii) direct descendants of his or her or of his or her spouse or civil partner who are-
    - (aa) under the age of 21; or
    - (bb) dependants of his or her or of his or her spouse or civil partner;
- (d) in relation to an EC national who falls within Article 7(1)(b) of Directive 2004/38 -
  - (i) his or her spouse or civil partner; or
  - (ii) direct descendants of his or her or of his or her spouse or civil partner who are-
    - (aa) under the age of 21; or
    - (bb) dependants of his or her or of his or her spouse or civil partner;
  - (iii) dependent direct relatives in his or her ascending line or that of his or her spouse or civil partner;
- (e) in relation to a United Kingdom national, for the purposes of paragraph 9 -
  - (i) his or her spouse or civil partner; or
  - (ii) direct descendants of his or her or of his or her spouse or civil partner who are-
    - (aa) under the age of 21; or
    - (bb) dependants of his or her or of his or her spouse or civil partner; and

"self-employed person" ("*person hunan-gyflogedig*") means-

- (a) in relation to an EEA national, a person who is self-employed within the meaning of article 7 of Directive 2004/38 or the EEA Agreement, as the case may be; or
- (b) in relation to a Swiss national, a person who is a self-employed person within the meaning of

(1) Cm. 4904.

Swistir, yn y Deyrnas Unedig;

ystyr "person cyflogedig ffin y Swistir" ("*Swiss frontier employed person*") yw gwladolyn o'r Swistir sydd -

- (a) yn berson cyflogedig yng Nghymru; a
- (b) yn preswyllo yn y Swistir neu yn nhiriogaeth Gwladwriaeth AEE heblaw'r Deyrnas Unedig ac sy'n dychwelyd i'w breswylfa yn y Swistir neu'r Wladwriaeth AEE honno, yn ôl fel y digwydd, yn ddyddiol neu o leiaf unwaith yr wythnos;

ystyr "person hunan-gyflogedig" ("*self-employed person*") yw -

- (c) o ran gwladolyn o'r AEE, person sy'n hunan-gyflogedig o fewn ystyr erthygl 7 o Gyfarwydddeb 2004/38 neu Gytundeb yr AEE, yn ôl fel y digwydd; neu
- (d) o ran gwladolyn o'r Swistir, person sy'n berson hunan-gyflogedig o fewn ystyr Atodiad 1 i Gytundeb y Swistir;

ystyr "person hunan-gyflogedig o'r AEE" ("*EEA self-employed person*") yw gwladolyn o'r AEE sy'n berson hunan-gyflogedig, heblaw person hunan-gyflogedig ffin yr AEE, yn y Deyrnas Unedig;

ystyr "person hunan-gyflogedig ffin yr AEE" ("*EEA frontier self-employed person*") yw gwladolyn o'r AEE sydd -

- (a) yn berson hunan-gyflogedig yng Nghymru; a
- (b) yn preswyllo yn y Swistir neu yn nhiriogaeth Gwladwriaeth AEE heblaw'r Deyrnas Unedig ac sy'n dychwelyd i'w breswylfa yn y Swistir neu'r Wladwriaeth AEE honno, yn ôl fel y digwydd, yn ddyddiol neu o leiaf unwaith yr wythnos;

ystyr "person hunan-gyflogedig o'r Swistir" ("*Swiss self-employed person*") yw gwladolyn o'r Swistir sy'n berson hunan-gyflogedig, heblaw person hunan-gyflogedig ffin y Swistir, yn y Deyrnas Unedig;

ystyr "person hunan-gyflogedig ffin y Swistir" ("*Swiss frontier self-employed person*") yw gwladolyn o'r Swistir sydd -

- (a) yn berson hunan-gyflogedig yng Nghymru; a
- (b) yn preswyllo yn y Swistir neu yn nhiriogaeth Gwladwriaeth EEA heblaw'r Deyrnas Unedig ac sy'n dychwelyd i'w breswylfa yn y Swistir neu'r Wladwriaeth EEA honno, yn ôl fel y digwydd, yn ddyddiol neu o leiaf unwaith yr wythnos;

mae i "wedi setlo" yr ystyr a roddir i "*settled*" gan adran 33(2A) o Ddeddf Mewnffudo 1971(1).

Annex 1 to the Swiss Agreement;

"settled" ("*wedi setlo*") has the meaning given by section 33(2A) of the Immigration Act 1971(1);

"Swiss Agreement" ("*Cytundeb y Swistir*") means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons signed at Luxembourg on 21st June 1999(2) and which came into force on 1st June 2002;

"Swiss employed person" ("*person cyflogedig o'r Swistir*") means a Swiss national who is an employed person, other than a Swiss frontier employed person, in the United Kingdom;

"Swiss frontier employed person" ("*person hunan-gyflogedig ffin y swistir*") means a Swiss national who-

- (c) is an employed person in Wales; and
- (d) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to his or her residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

"Swiss frontier self-employed person" ("*person hunan-gyflogedig ffin y Swistir*") means a Swiss national who-

- (a) is a self-employed person in Wales; and
- (b) resides in Switzerland or in the territory of an EEA State, other than the United Kingdom, and returns to his or her residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

"Swiss self-employed person" ("*person hunan-gyflogedig o'r Swistir*") means a Swiss national who is a self-employed person, other than a Swiss frontier self-employed person, in the United Kingdom;

"United Kingdom national" ("*gwladolyn o'r Deyrnas Unedig*") means a person who falls to be treated as a national of the United Kingdom for the purposes of the Community Treaties;

"worker" ("*gweithiwr*") means a worker within the meaning of article 7 of Directive 2004/38 or the EEA Agreement, as the case may be;

(1) 1971 p. 77; mewnosodwyd adran 33(2A) gan baragraff 7 o Atodlen 4 i Ddeddf Cenedligrwydd Prydeinig 1981 (p. 61).

(1) 1971 c. 77; section 33(2A) was inserted by paragraph 7 of Schedule 4 to the British Nationality Act 1981 (c. 61).

(2) Cm. 4904.

(2) At ddibenion yr Atodlen hon, mae "rhiant" ("*parent*") yn cynnwys gwarcheidwad, unrhyw berson arall sydd â chyfrifoldeb rhiant dros blentyn ac unrhyw berson sydd â gofal am blentyn ac mae "plentyn" ("*child*") i'w ddehongli yn unol â hynny.

(3) At ddibenion yr Atodlen hon, mae person i gael ei drin fel rhywun sy'n preswyllo fel arfer yng Nghymru, y Deyrnas Unedig a'r Ynysoedd neu yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir pe bai wedi bod yn preswyllo felly oni bai am y ffaith bod -

- (a) y person hwnnw;
- (b) ei briod neu ei bartner sifil;
- (c) ei riant; neu
- (ch) yn achos perthynas uniongyrchol dibynnol yn y llinach esgynnol, ei blentyn ef neu blentyn ei briod neu ei bartner sifil,

yn gyflogedig dros dro neu wedi bod yn gyflogedig dros dro y tu allan i Gymru, y Deyrnas Unedig a'r Ynysoedd neu, yn ôl fel y digwydd, y tu allan i'r diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir.

(4) At ddibenion is-baragraff (3), mae cyflogaeth dros dro y tu allan i Gymru, y Deyrnas Unedig a'r Ynysoedd neu'r diriogaeth sy'n ffurfio'r AEE a'r Swistir yn cynnwys -

- (a) yn achos aelodau o luoedd rheolaidd y llynges, y fyddin neu'r llu awyr y Goron, unrhyw gyfnod pan fyddant yn gwasanaethu y tu allan i'r Deyrnas Unedig fel aelodau o'r cyfryw luoedd; a
- (b) yn achos aelodau o luoedd arfog rheolaidd Gwladwriaeth EEA neu'r Swistir, unrhyw gyfnod pan fyddant yn gwasanaethu y tu allan i'r diriogaeth sy'n ffurfio'r AEE a'r Swistir fel aelodau o'r cyfryw luoedd.

(5) At ddibenion yr Atodlen hon mae ardal -

- (a) nad oedd gynt yn rhan o'r Gymuned Ewropeaidd neu'r AEE; ond
- (b) sydd ar unrhyw adeg cyn neu ar ôl i'r Rheoliadau hyn ddod i rym wedi dod yn rhan o'r naill neu'r llall, neu o'r ddwy, o'r ardaloedd hyn,

i'w hystyried fel pe bai wastad wedi bod yn rhan o'r AEE.

(2) For the purposes of this Schedule, "parent" ("*rhiant*") includes a guardian, any other person having parental responsibility for a child and any person having care of a child and "child" ("*plentyn*") is to be construed accordingly.

(3) For the purposes of this Schedule, a person is to be treated as ordinarily resident in Wales, the United Kingdom and Islands or in the territory comprising the E E A and Switzerland if he or she would have been so resident but for the fact that -

- (a) he or she;
- (b) his or her spouse or civil partner;
- (c) his or her parent; or
- (d) in the case of a dependent direct relative in the ascending line, his or her child or child's spouse or civil partner,

is or was temporarily employed outside Wales, the United Kingdom and Islands or, as the case may be, outside the territory comprising the EEA and Switzerland.

(4) For the purposes of sub-paragraph (4), temporary employment outside Wales, the United Kingdom and Islands or the territory comprising the EEA and Switzerland includes -

- (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces; and
- (b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising the E E A and Switzerland as members of such forces.

(5) For the purposes of this Schedule an area which -

- (a) was previously not part of the European Community or the EEA; but
- (b) at any time before or after these Regulations come into force has become part of one or other or both of these areas,

is to be considered to have always been a part of the EEA;

## RHAN 2

### Categoriâu

#### Personau sydd wedi setlo yn y Deyrnas Unedig

2.-(1) Person sydd ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs -

- (a) wedi setlo yn y Deyrnas Unedig heblaw am y rheswm ei fod wedi ennill yr hawl i breswyllo'n barhaol;
- (b) yn preswyllo fel arfer yng Nghymru;
- (c) wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac
- (ch) yn ddarostyngedig i is-baragraff (2), na fu'n preswyllo yn y Deyrnas Unedig a'r Ynysoedd yn ystod unrhyw ran o'r cyfnod y cyfeirir ato ym mharagraff (c) yn gyfan gwbl neu'n bennaf er mwyn derbyn addysg amser-llawn.

(2) Nid yw paragraff (ch) o is-baragraff (1) yn gymwys i berson yr ymdrinnir ag ef fel rhywun sy'n preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd yn unol â pharagraff 1(4).

#### 3. Person -

- (a) sydd wedi setlo yn y Deyrnas Unedig yn rhinwedd y ffaith ei fod wedi ennill yr hawl i breswyllo'n barhaol;
- (b) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;
- (c) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac
- (ch) mewn achos lle'r oedd y preswyllo y cyfeirir ato ym mharagraff (c) yn gyfan gwbl neu'n bennaf er mwyn derbyn addysg amser-llawn, a oedd yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir yn union cyn y cyfnod preswyllo arferol y cyfeirir ato ym mharagraff (c).

#### Ffoaduriaid ac aelodau o'u teuluoedd

#### 4.-(1) Person -

- (a) sy'n ffoadur;
- (b) sy'n preswyllo'n arferol yn y Deyrnas Unedig a'r Ynysoedd ac nad yw wedi peidio â phreswyllo felly ers iddo gael ei gydnabod yn ffoadur; ac
- (c) sy'n preswyllo'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

## PART 2

### Categories

#### Persons who are settled in the United Kingdom

2.-(1) A person who on the first day of the first academic year of the course -

- (a) is settled in the United Kingdom other than by reason of having acquired the right of permanent residence;
- (b) is ordinarily resident in Wales;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(4).

#### 3. A person who -

- (a) is settled in the United Kingdom by virtue of having acquired the right of permanent residence;
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) in a case where his or her residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the EEA and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

#### Refugees and their family members

#### 4. A person who -

- (a) is a refugee;
- (b) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since he or she was recognised as a refugee; and
- (c) is ordinarily resident in Wales on the first day of the first academic year of the course.

(2) Person-

- (a) sy'n briod neu'n bartner sifil i'r ffoadur;
- (b) oedd yn briod neu'n bartner sifil i'r ffoadur ar y dyddiad y gwnaeth y ffoadur ei gais am loches;
- (c) sy'n preswyllo'n arferol yn y Deyrnas Unedig a'r Ynysoedd ac nad yw wedi peidio â bod yn preswyllo felly ers iddo gael caniatâd i aros yn y Deyrnas Unedig; ac
- (ch) sy'n preswyllo'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(3) Person-

- (a) sy'n blentyn i ffoadur neu'n blentyn i briod neu i bartner sifil ffoadur;
- (b) ar y dyddiad y gwnaeth y ffoadur ei gais am loches, oedd yn blentyn i'r ffoadur neu'n blentyn i berson a oedd yn briod neu'n bartner sifil i'r ffoadur ar y dyddiad hwnnw;
- (c) oedd o dan 18 oed ar y dyddiad y gwnaeth y ffoadur ei gais am loches;
- (ch) sy'n preswyllo'n arferol yn y Deyrnas Unedig a'r Ynysoedd ac nad yw wedi peidio â bod yn preswyllo felly ers iddo gael caniatâd i aros yn y Deyrnas Unedig; a
- (d) sy'n preswyllo'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

**Personau â chaniatâd i ddod i mewn neu i aros ac aelodau o'u teuluoedd**

5.-(1) Person-

- (a) â chaniatâd I ddod i mewn neu i aros-
- (b) sy'n preswyllo'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; a
- (c) sydd wedi bod yn preswyllo'n arferol yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(2) Person-

- (a) sy'n briod neu'n bartner sifil i berson â chaniatâd i ddod i mewn neu i aros;
- (b) oedd yn briod neu'n bartner sifil i'r person â chaniatâd i ddod i mewn neu i aros ar y dyddiad y gwnaeth y person hwnnw ei gais am loches;
- (c) sy'n preswyllo'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac
- (ch) sydd wedi bod yn preswyllo'n arferol yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf

(2) A person who-

- (a) is the spouse or civil partner of a refugee;
- (b) was the spouse or civil partner of the refugee on the date on which the refugee made his or her application for asylum;
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since he or she was given leave to remain in the United Kingdom; and
- (d) is ordinarily resident in Wales on the first day of the first academic year of the course.

(3) A person who-

- (a) is the child of a refugee or the child of the spouse or civil partner of a refugee;
- (b) on the date on which the refugee made his or her application for asylum, was the child of the refugee or the child of a person who was the spouse or civil partner of the refugee on that date;
- (c) was under 18 on the date on which the refugee made his or her application for asylum;
- (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since he or she was given leave to remain in the United Kingdom; and
- (e) is ordinarily resident in Wales on the first day of the first academic year of the course.

**Persons with leave to enter or remain and their family members**

5.-(1) A person-

- (a) with leave to enter or remain-
- (b) who is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

(2) A person-

- (a) who is the spouse or civil partner of a person with leave to enter or remain;
- (b) who was the spouse or civil partner of the person with leave to enter or remain on the date on which that person made his or her application for asylum;
- (c) who is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (d) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first

blwyddyn academiaidd gyntaf y cwrs.

(3) Person-

- (a) sy'n blentyn i berson â chaniatâd i ddod i mewn neu i aros neu sy'n blentyn i briod neu i bartner sifil person â chaniatâd i ddod i mewn neu i aros;
- (b) oedd, ar y dyddiad y gwnaeth y person â chaniatâd i ddod i mewn neu i aros ei gais am loches, yn blentyn i'r person hwnnw neu'n blentyn i berson oedd yn briod neu'n bartner sifil i'r person â chaniatâd i ddod i mewn neu i aros ar y dyddiad hwnnw;
- (c) oedd o dan 18 oed ar y dyddiad y gwnaeth y person â chaniatâd i ddod i mewn neu i aros ei gais am loches;
- (ch) sy'n preswyllo'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs; a
- (d) sydd wedi bod yn preswyllo'n arferol yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs.

**Gweithwyr, personau cyflogedig, personau hunan-gyflogedig ac aelodau o'u teulu**

6.-(1) Person -

- (a) sydd -
  - (i) yn weithiwr mudol o'r EEA neu yn berson hunan-gyflogedig o'r EEA;
  - (ii) yn berson cyflogedig o'r Swistir neu'n berson hunan-gyflogedig o'r Swistir;
  - (iii) yn aelod o deulu person a grybwyllir ym mharagraff (i) neu (ii);
  - (iv) yn weithiwr ffin yr EEA neu yn berson hunan-gyflogedig ffin yr EEA;
  - (v) yn berson cyflogedig ffin y Swistir neu'n berson hunan-gyflogedig ffin y Swistir; neu
  - (vi) yn aelod o deulu person a grybwyllir ym mharagraff (iv) neu (v);
- (b) yn ddarostyngedig i is-baragraff (2), sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs; ac
- (c) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs.

(2) Nid yw paragraff (b) o is-baragraff (1) yn gymwys os yw'r person sy'n gwneud cais am gymorth yn syrthio o fewn paragraff (a)(iv), (v) neu (vi) o is-baragraff (1).

academic year of the course.

(3) A person-

- (a) who is the child of a person with leave to enter or remain or the child of the spouse or civil partner of a person with leave to enter or remain;
- (b) who, on the date on which the person with leave to enter or remain made his application for asylum, was the child of that person or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on that date;
- (c) who was under 18 on the date on which the person with leave to enter or remain made his or her application for asylum;
- (d) who is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (e) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

**Workers, employed persons, self-employed persons and their family members**

6.-(1) A person who-

- (a) is -
  - (i) an EEA migrant worker or an EEA self-employed person;
  - (ii) a Swiss employed person or a Swiss self-employed person;
  - (iii) a family member of a person mentioned in paragraph (i) or (ii);
  - (iv) an EEA frontier worker or an EEA frontier self-employed person;
  - (v) a Swiss frontier employed person or a Swiss frontier self-employed person; or
  - (vi) a family member of a person mentioned in paragraph (iv) or (v);
- (b) subject to sub-paragraph (2), is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course.

(2) Paragraph (b) of sub-paragraph (1) does not apply where the person applying for support falls within paragraph (a)(iv), (v) or (vi) of sub-paragraph (1).

7. Person sydd -

- (a) yn preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs;
- (b) wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs; ac
- (c) â hawlogaeth i gael cymorth yn rhinwedd Erthygl 12 o Reoliad y Cyngor (EEC) Rhif 1612/68 ar ryddid gweithwyr i symud<sup>(1)</sup>, fel y'i hestynnwyd gan Gytundeb yr AEE (2).

**Personau sydd wedi setlo yn y Deyrnas Unedig ac sydd wedi arfer hawl i breswyllo yn rhywle arall**

8.-(1) Person -

- (a) sydd wedi setlo yn y Deyrnas Unedig;
- (b) sydd wedi ymadael â'r Deyrnas Unedig ac wedi arfer hawl i breswyllo ar ôl iddo fod wedi setlo yn y Deyrnas Unedig;
- (c) sy'n preswyllo fel arfer yng Nghymru ar y diwrnod y mae tymor cyntaf y flwyddyn academiaidd gyntaf mewn gwirionedd yn dechrau;
- (ch) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs; a
- (d) mewn achos lle'r oedd y preswyllo arferol y cyfeirir ato ym mharagraff (ch) yn gyfan gwbl neu'n bennaf er mwyn derbyn addysg amserllawn, a oedd yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir yn union cyn y cyfnod preswyllo arferol y cyfeirir ato ym mharagraff (ch).

(2) At ddibenion y paragraff hwn, mae person wedi arfer hawl i breswyllo os yw'n wladolyn o'r Deyrnas Unedig, yn aelod o deulu gwladolyn o'r Deyrnas Unedig at ddibenion Erthygl 7 o Gyfarwyddeb 2004/38 (neu ddibenion cyfatebol o dan Gytundeb yr EEA neu Gytundeb y Swistir) neu'n berson sydd â hawl i breswyllo'n barhaol sydd yn y ddau achos wedi arfer hawl o dan Erthygl 7 o Gyfarwyddeb 2004/38 neu unrhyw hawl gyfatebol o dan Gytundeb yr AEE neu Gytundeb y Swistir mewn gwladwriaeth heblaw'r Deyrnas Unedig neu, yn achos person sydd wedi setlo yn y Deyrnas Unedig ac sydd â hawl i breswyllo'n

(1) OJ Rhif L257, 19.10.1968, t.2 (OJ/D-Dn 1968 (II) t.475).

(2) ystyr "Cytundeb yr EEA" ("EEA Agreement") yw'r Cytundeb ar yr Ardal Economaidd Ewropeaidd a lofnodwyd yn Oporto ar 2 Mai 1992(Cm 2073, ) fel y'i haddaswyd gan y Protocol a lofnodwyd ym Mrwsel ar 17 Mawrth 1993(Cm 2183);

7. A person who-

- (a) is ordinarily resident in Wales on the first day of the first academic year of the course;
- (b) has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (c) is entitled to support by virtue of Article 12 of Council Regulation (EEC) No. 1612/68 on the freedom of movement of workers<sup>(1)</sup>, as extended by the EEA Agreement<sup>(2)</sup>.

**Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere**

8.-(1) A person who-

- (a) is settled in the United Kingdom;
- (b) left the United Kingdom and exercised a right of residence after having been settled in the United Kingdom;
- (c) is ordinarily resident in Wales on the day on which the first term of the first academic year actually begins;
- (d) has been ordinarily resident in the territory comprising the E E A and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (e) in a case where his or her ordinary residence referred to in paragraph (d) was wholly or mainly for the purposes of receiving full time education, was ordinarily resident in the territory comprising the E E A and Switzerland immediately before the period of ordinary residence referred to in paragraph (d)

(2) For the purposes of this paragraph, a person has exercised a right of residence if he or she is a United Kingdom national, a family member of a United Kingdom National for the purposes of Article 7 of Directive 2004/38 (or corresponding purposes under the EEA Agreement or Swiss Agreement) or a person who has a right of permanent residence who in each case has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom or, in the case of a person who is settled in the United Kingdom and has a right of

(1) OJ No L257, 19.10.1968, p2 (OJ/SE 1968 (II) p475).

(2) means the Agreement on the European Economic Area signed at Oporto on 2 May 1992 - Cm 2073, as adjusted by the Protocol signed at Brussels on 17 March 1993, Cm 2183.

barhaol, os yw'n mynd i'r wladwriaeth o fewn y diriogaeth sy'n ffurfio'r AEE a'r Swistir y mae'n wladolyn iddi neu y mae'r person y mae'n aelod o deulu gwladolyn iddi mewn perthynas ag ef yn wladolyn iddi.

### **Gwladolion o'r GE**

#### **9.-(1) Person -**

- (a) sydd naill ai -
  - (i) yn wladolyn o'r GE ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; neu
  - (ii) yn aelod o deulu person o'r fath;
- (b) sydd -
  - (i) yn mynychu cwrs dynodedig yng Nghymru; neu
  - (ii) yn ymgymryd â chwrs rhan-amser dynodedig neu gwrs ôl-radd dynodedig yng Nghymru;
- (c) wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac
- (ch) yn ddarostyngedig i is-baragraff (2), na fu'n preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir yn ystod unrhyw ran o'r cyfnod y cyfeirir ato ym mharagraff (c) yn gyfan gwbl neu'n bennaf er mwyn derbyn addysg amser-llawn.

(2) Nid yw paragraff (ch) o is-baragraff (1) yn gymwys i berson yr ymdrinnir ag ef fel rhywun sy'n preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir yn unol â pharagraff 1(4).

(3) Os yw gwladwriaeth yn ymaelodi â'r Gymuned Ewropeaidd ar ôl diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs a bod person yn wladolyn o'r wladwriaeth honno neu'n aelod o deulu gwladolyn o'r wladwriaeth honno, trinnir y gofyniad ym mharagraff (a) o is-baragraff (1) bod rhywun yn wladolyn o'r GE ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs fel gofyniad sydd wedi'i fodloni.

#### **10.-(1) Person -**

- (a) sy'n wladolyn o'r GE heblaw gwladolyn o'r Deyrnas Unedig ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;
- (b) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;
- (c) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd yn union cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac

permanent residence, if he or she goes to the state within the territory comprising the E E A and Switzerland of which he or she is a national or of which the person in relation to whom he or she is a family member is a national .

### **EC nationals**

#### **9.-(1) A person who -**

- (a) is either -
  - (i) an EC national on the first day of the first academic year of the course; or
  - (ii) a family member of a such a person;
- (b) is -
  - (i) attending a designated course in Wales; or
  - (ii) undertaking a designated part-time course or designated postgraduate course in Wales;
- (c) has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the EEA and Switzerland has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the EEA and Switzerland in accordance with paragraph 1(4).

(3) Where a state accedes to the European Community after the first day of the first academic year of the course and a person is a national of that state or the family member of a national of that state, the requirement in paragraph (a) of sub-paragraph (1) to be an EC national on the first day of the first academic year of the course is treated as being satisfied.

#### **10.-(1) A person who-**

- (a) is an EC national other than a United Kingdom national on the first day of the first academic year of the course;
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course; and



(ch) mewn achos lle'r oedd y preswyllo arferol y cyfeirir ato ym mharagraff (c) yn gyfan gwbl neu'n bennaf er mwyn derbyn addysg amserllawn, a oedd yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir yn union cyn y cyfnod preswyllo arferol y cyfeirir ato ym mharagraff (c).

(2) Os yw gwladwriaeth yn ymaelodi â'r Gymuned Ewropeaidd ar ôl diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs a bod person yn wladolyn o'r wladwriaeth honno, trinnir y gofyniad ym mharagraff (a) o is-baragraff (1) bod rhywun yn wladolyn o'r GE heblaw gwladolyn o'r Deyrnas Unedig ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs fel gofyniad sydd wedi'i fodloni.

### Plant gwladolion o'r Swistir

#### 11. Person -

- (a) sy'n blentyn i wladolyn o'r Swistir y mae ganddo hawl i gael cymorth yn y Deyrnas Unedig yn rhinwedd Erthygl 3(6) o Atodiad 1 i Gytundeb y Swistir;
  - (b) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;
  - (c) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac
- (ch) mewn achos lle'r oedd y preswyllo arferol y cyfeirir ato ym mharagraff (c) yn gyfan gwbl neu'n bennaf er mwyn derbyn addysg amserllawn, a oedd yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir yn union cyn y cyfnod preswyllo arferol y cyfeirir ato ym mharagraff (c).

(d) in a case where his or her ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the E E A and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

(2) Where a state accedes to the European Community after the first day of the first academic year of the course and a person is a national of that state, the requirement in paragraph (a) of subparagraph (1) to be an EC national other than a United Kingdom national on the first day of the first academic year of the course is treated as being satisfied.

### Children of Swiss nationals

#### 11. A person who-

- (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of article 3(6) of Annex 1 to the Swiss Agreement;
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) in a case where his or her ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the E E A and Switzerland immediately prior to the period of ordinary residence referred to in paragraph (c).

## ATODLEN 2

## SCHEDULE 2

Rheoliadau 5 a 63

Regulations 5 and 63

### CYRSIAU DYNODEDIG

1. Cwrs gradd gyntaf.
2. Cwrs ar gyfer y Ddiploma Addysg Uwch.
3. Cwrs ar gyfer Diploma Genedlaethol Uwch neu Dystysgrif Genedlaethol Uwch y canlynol -
  - (a) Cyngor Addysg Busnes a Thechnegwyr; neu
  - (b) Awdurdod Cymwysterau'r Alban.
4. Cwrs ar gyfer dystysgrif Addysg Uwch

### DESIGNATED COURSES

1. A first degree course.
2. A course for the Diploma of Higher Education.
3. A course for the Higher National Diploma or Higher National Certificate of -
  - (a) the Business & Technician Education Council; or
  - (b) the Scottish Qualification Authority.
4. A course for the certificate of Higher Education

5. Cwrs ar gyfer hyfforddiant cychwynnol athrawon.

6. Cwrs o hyfforddiant pellach i weithwyr ieuencid a chymuned.

7. Cwrs i baratoi at arholiad proffesiynol o safon sy'n uwch na'r canlynol -

- (a) yr arholiad safon uwch ar gyfer y Dystysgrif Addysg Gyffredinol neu'r arholiad lefel uwch ar gyfer Tystysgrif Addysg yr Alban; neu
- (b) yr arholiad ar gyfer Tystysgrif Genedlaethol neu Ddiploma Genedlaethol y naill neu'r llall o'r cyrff a grybwyllwyd ym mharagraff 3,

nad yw'n gwrs y mae angen gradd gyntaf (neu gymhwyster cyfatebol) i gael mynediad iddo fel rheol.

8. Cwrs sy'n darparu addysg (boed i baratoi at arholiad neu beidio) y mae ei safon -

- (a) yn uwch na safon cyrsiau sy'n darparu addysg i baratoi at unrhyw un o'r arholiadau a grybwyllwyd ym mharagraff 7(a) neu (b) uchod; ond
- (b) nad yw'n uwch na safon cwrs gradd gyntaf,

ac nad oes angen gradd gyntaf (neu gymhwyster cyfatebol) i gael mynediad iddo fel rheol.

### ATODLEN 3

Rheoliadau 11, 68 a 79

#### GWYBODAETH

1. Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael cais am wneud hynny, rhaid i bob ceisydd, pob myfyriwr cymwys, pob myfyriwr rhan-amser cymwys a phob myfyriwr ôl-raddedig cymwys roi i'r Cynulliad Cenedlaethol unrhyw wybodaeth y mae'r Cynulliad Cenedlaethol yn credu bod arno ei hangen at ddibenion y Rheoliadau hyn.

2. Rhaid i bob ceisydd, pob myfyriwr cymwys, pob myfyriwr rhan-amser cymwys a phob myfyriwr ôl-raddedig cymwys roi gwybod ar unwaith i'r Cynulliad Cenedlaethol a rhoi'r manylion iddo os bydd unrhyw rai o'r canlynol yn digwydd -

- (a) ei fod yn tynnu'n ôl o'i gwrs, yn rhoi'r gorau iddo neu'n cael ei ddiarddel oddi arno;
- (b) ei fod yn trosglwyddo i unrhyw gwrs arall yn yr un sefydliad neu mewn sefydliad gwahanol;
- (c) ei fod yn rhoi'r gorau i ymgymryd â'i gwrs ac nad yw'n bwriadu parhau ag ef am weddill y flwyddyn academaidd neu nad yw'n cael caniatâd i barhau ag ef am weddill y flwyddyn academaidd;

5. A course for the initial training of teachers.

6. A course for the further training of youth and community workers.

7. A course in preparation for a professional examination of a standard higher than that of -

- (a) examination at advanced level for the General Certificate of Education or the examination at higher level for the Scottish Certificate of Education; or
- (b) the examination for the National Certificate or the National Diploma of either of the bodies mentioned in paragraph 3,

not being a course for entry to which a first degree (or equivalent qualification) is normally required.

8. A course providing education (whether or not in preparation for an examination) the standard of which is -

- (a) higher than that of courses providing education in preparation for any of the examinations mentioned in paragraph 7(a) or (b) above; but
- (b) not higher than that of a first degree course,

and for entry to which a first degree (or equivalent qualification) is not normally required.

### SCHEDULE 3

Regulations 11, 68 and 79

#### INFORMATION

1. Every applicant, eligible student, eligible part-time student and eligible postgraduate student must, as soon as reasonably practicable after he or she is requested to do so, provide the National Assembly with such information as the National Assembly considers it requires for the purposes of these Regulations.

2. Every applicant, eligible student, eligible part-time student and eligible postgraduate student must forthwith inform the National Assembly and provide it with particulars if any of the following occurs -

- (a) he or she withdraws from, abandons or is expelled from his or her course;
- (b) he or she transfers to any other course at the same or at a different institution;
- (c) he or she ceases to undertake his or her course and does not intend to or is not permitted to continue it for the remainder of the academic year;

- (ch) ei fod yn absennol o'i gwrs am fwy na 60 diwrnod oherwydd salwch neu am unrhyw gyfnod am unrhyw reswm arall;
- (d) bod y mis ar gyfer dechrau'r cwrs neu ei gwblhau yn newid;
- (dd) bod ei gyfeiriad neu ei rif ffôn gartref neu yn ystod y tymor yn newid.

3. Rhaid i'r wybodaeth a roddir i'r Cynulliad Cenedlaethol o dan y Rheoliadau hyn fod yn y ffurf y gofynnir amdani gan y Cynulliad Cenedlaethol ac, os yw'r Cynulliad Cenedlaethol yn gofyn bod yr wybodaeth yn cael ei llofnodi gan y person sy'n ei rhoi, caniateir i lofnod electronig ar unrhyw ffurf a bennir gan y Cynulliad Cenedlaethol fodloni'r gofyniad hwnnw.

- (d) he or she is absent from his or her course for more than 60 days due to illness or for any period for any other reason;
- (e) the month for the start or completion of the course changes;
- (f) his or her home or term-time address or telephone number changes.

3. Information provided to the National Assembly under these Regulations must be in the format that the National Assembly requires and, if it requires the information to be signed by the person providing it, an electronic signature in such form as the National Assembly may specify satisfies such a requirement.

#### ATODLEN 4

#### SCHEDULE 4

Rheoliad 52

Regulation 52

#### BENTHYCIADAU AT FFIOEDD COLEG

#### COLLEGE FEE LOANS

##### Y benthyciadau at ffioedd coleg sydd ar gael

1. Mae gan berson hawl i gael benthyciad at ffioedd coleg mewn cysylltiad â'i bresenoldeb ar gwrs cymhwysol yn unol â'r Atodlen hon.

2. Mae gan berson hawl i gael benthyciad at ffioedd coleg os yw'n bodloni'r amodau canlynol-

- (a) ei fod yn fyfyrwr cymwys na chafodd ei wahardd rhag bod â hawl gan baragraff 3;
- (b) bod ganddo radd anrhydedd o sefydliad yn y Deyrnas Unedig;
- (c) ei fod yn cymryd cwrs cymhwysol-
  - (i) sy'n cychwyn ar neu ar ôl 1 Medi 2006 ac y bydd y myfyriwr yn parhau i'w fynychu ar ôl 31 Awst 2007; neu
  - (ii) sy'n cychwyn ar neu ar ôl 1 Medi 2007;
- (ch) ei fod yn aelod o goleg neu neuadd breifat barhaol ym Mhrifysgol Rhydychen neu'n aelod o goleg ym Mhrifysgol Caergrawnt;
- (d) ei fod o dan 60 oed ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs cymhwysol; ac
- (e) nad oes dim o'r amgylchiadau yn rheoliad 4(3) yn gymwys iddo.

3. Nid oes gan fyfyrwr cymwys sy'n dod o fewn paragraff 9 o Ran 1 Atodlen 1 hawl i gael benthyciad at ffioedd coleg o dan y Rheoliadau hyn os yw'n preswyllo fel arfer yn Lloegr, yr Alban neu Ogledd Iwerddon.

##### Availability of college fee loans

1. A person qualifies for a college fee loan in connection with his or her attendance on a qualifying course in accordance with this Schedule.

2. A person qualifies for a college fee loan if he or she meets the following conditions-

- (a) he or she is an eligible student who is not excluded from qualifying by paragraph 3;
- (b) he or she has an honours degree from an institution in the United Kingdom;
- (c) he or she is taking a qualifying course which he or she-
  - (i) starts on or after 1 September 2006 and on which he or she is continuing after 31 August 2007; or
  - (ii) starts on or after 1 September 2007;
- (d) he or she is a member of a college or a permanent private hall of the University of Oxford or a member of a college of the University of Cambridge;
- (e) he or she is under the age of 60 on the first day of the first academic year of the qualifying course; and
- (f) none of the circumstances in regulation 4(3) apply to him or her.

3. An eligible student who falls within paragraph 9 of Part 2 of Schedule 1 does not qualify for a college fee loan under these Regulations if he or she is ordinarily resident in England, Scotland or Northern Ireland.

4. Os bydd un o'r digwyddiadau a restrir ym mharagraff 5 yn digwydd yn ystod blwyddyn academaidd -

- (a) gall myfyriwr gael yr hawl i gael benthyciad at ffioedd coleg yn unol â'r Atodlen hon mewn perthynas â'r flwyddyn academaidd honno ar yr amod bod y digwyddiad perthnasol wedi digwydd yn ystod tri mis cyntaf y flwyddyn academaidd; a
- (b) nid oes benthyciad at ffioedd coleg ar gael mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol ynddi.

5. Y digwyddiadau yw -

- (a) bod y myfyriwr, ei briod, ei bartner sifil neu ei riant yn cael ei gydnabod fel ffoadur neu yn dod yn berson sydd â chaniatâd i ddod i mewn neu i aros;
- (b) bod gwladwriaeth yn ymaelodi â'r Gymuned Ewropeaidd os yw'r myfyriwr yn wladolyn o'r wladwriaeth honno neu'n aelod o deulu (fel y'i diffinnir yn Rhan 1 o Atodlen 1) gwladolyn o'r wladwriaeth honno;
- (c) bod y myfyriwr yn dod yn aelod o deulu (fel y'i diffinnir yn Rhan 1 o Atodlen 1) gwladolyn o'r GE;
- (ch) bod y myfyriwr yn ennill yr hawl i breswylion barhaol;
- (d) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 6(1)(a) o Atodlen 1;
- (dd) bod y myfyriwr yn dod yn blentyn i wladolyn o'r Swistir.

6. Mae benthyciad at ffioedd coleg ar gael mewn perthynas â phob blwyddyn academaidd safonol ar y cwrs cymhwysol ac mewn perthynas ag un flwyddyn academaidd ar y cwrs cymhwysol nad yw'n flwyddyn academaidd safonol.

7. Os caniateir i fyfyrwr cymhwysol astudio cynnwys un flwyddyn academaidd safonol o'r cwrs cymhwysol dros ddwy flwyddyn academaidd neu fwy, er mwyn penderfynu a oes gan y myfyriwr hawl i gael benthyciad at ffioedd coleg ar gyfer y blynyddoedd hynny, ymdrinnir â'r gyntaf o'r cyfryw flynyddoedd o astudio fel blwyddyn academaidd safonol ac ymdrinnir â'r blynyddoedd canlynol o'r fath fel blynyddoedd academaidd nad ydynt yn flynyddoedd academaidd safonol.

Yn yr Atodlen hon ystyr "blwyddyn academaidd safonol" ("*standard academic year*") yw blwyddyn academaidd o'r cwrs cymhwysol y byddai person nad yw'n ailadrodd unrhyw ran o'r cwrs ac a fyddai'n dechrau ar y cwrs ar yr un pwynt â'r myfyriwr cymwys yn ymgymryd â hi.

4. Where one of the events listed in paragraph 5 occurs in the course of an academic year-

- (a) a student may qualify for a college fee loan in accordance with this Schedule in respect of that academic year provided that the relevant event occurred within the first three months of the academic year; and
- (b) a college fee loan is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

5. The events are-

- (a) the student, his or her spouse, his or her civil partner or his or her parent is recognised as a refugee or becomes a person with leave to enter or remain;
- (b) a state accedes to the European Community where the student is a national of that state or is the family member (as defined in Part 1 of Schedule 1) of a national of that state;
- (c) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EC national;
- (d) the student acquires a right of permanent residence;
- (e) the student becomes a person described in paragraph 6(1)(a) of Schedule 1;
- (f) the student becomes the child of a Swiss national.

6. A college fee loan is available in respect of each standard academic year of the qualifying course and in respect of one academic year of the qualifying course that is not a standard academic year.

7. Where a qualifying student is allowed to study the content of one standard academic year of the qualifying course over two or more academic years, for the purpose of determining whether the student qualifies for a college fee loan for those years, the first of such years of study is to be treated as a standard academic year and the following years of that kind are to be treated as academic years that are not standard academic years.

8. In this Schedule "standard academic year" ("*blwyddyn academaidd safonol*") means an academic year of the qualifying course that would be taken by a person who does not repeat any part of the course and who enters the course at the same point as the qualifying student.

## Swm y benthyciad at ffioedd coleg

8.-(1) Rhaid i swm y benthyciad at ffioedd coleg mewn perthynas â blwyddyn academiaidd ar gwrs cymhwysol beidio â bod yn fwy na swm sy'n hafal i'r ffioedd coleg sy'n daladwy gan y myfyriwr i'w goleg neu i'w neuadd breifat barhaol mewn cysylltiad â'r flwyddyn honno.

(2) Os yw'r myfyriwr cymhwysol wedi gwneud cais am fenthyciad at ffioedd coleg sy'n llai na'r uchafswm sydd ar gael mewn perthynas â'r flwyddyn academiaidd, caiff wneud cais am fenthyciad swm ychwanegol nad yw, o'i adio at y swm y gwnaed cais amdano eisoes, yn fwy na'r uchafswm sydd ar gael.

## Trosglwyddo

9. Er gwaethaf rheoliad 8, os bydd myfyriwr cymhwysol yn trosglwyddo o un cwrs cymhwysol i gwrs cymhwysol arall-

- (a) rhaid i'r Cynulliad Cenedlaethol drosglwyddo statws y myfyriwr fel myfyriwr cymhwysol i'r cwrs arall ar gais y myfyriwr oni bai bod y cyfnod cymhwystra wedi dod i ben;
- (b) os yw'r myfyriwr yn trosglwyddo cyn diwedd y flwyddyn academiaidd ar ôl gwneud cais am fenthyciad at ffioedd coleg, telir y swm y gwnaed cais amdano i'r coleg neu'r neuadd breifat barhaol berthnasol mewn perthynas â'r cwrs cymhwysol y mae'r myfyriwr yn trosglwyddo iddo ar yr amod bod yr amodau ym mharagraff 11 wedi'u bodloni ac nad yw'n gallu sicrhau hawl i gael benthyciad arall at ffioedd coleg mewn perthynas â'r flwyddyn academiaidd honno;
- (c) os yw'r myfyriwr yn trosglwyddo ar ôl i'r benthyciad at ffioedd coleg gael ei dalu a chyn diwedd y flwyddyn academiaidd, ni chaiff wneud cais am fenthyciad arall at ffioedd coleg mewn cysylltiad â blwyddyn academiaidd y cwrs cymhwysol y mae'n trosglwyddo iddo.

## Talu

10.-(1) Rhaid i'r Cynulliad Cenedlaethol dalu'r benthyciad at ffioedd coleg y mae gan fyfyrwr cymhwysol hawl i'w gael i'r coleg neu'r neuadd breifat barhaol y mae'r myfyriwr yn atebol i wneud y taliad iddo neu iddi.

(2) Rhaid i'r Cynulliad Cenedlaethol dalu'r benthyciad at ffioedd coleg mewn cyfandaliad unigol.

(3) Rhaid i'r Cynulliad Cenedlaethol beidio â thalu'r benthyciad at ffioedd coleg-

- (a) cyn ei fod wedi cael cais dilys am daliad oddi wrth y coleg neu'r neuadd breifat barhaol; a
- (b) cyn bod cyfnod o dri mis sy'n dechrau ar ddiwrnod cyntaf y flwyddyn academiaidd wedi dod i ben.

## Amount of the college fee loan

9.-(1) The amount of the college fee loan in respect of an academic year of a qualifying course must not exceed the amount equal to the college fees payable by the student to his or her college or permanent private hall in connection with that year.

(2) Where a qualifying student has applied for a college fee loan of less than the maximum amount available in relation to the academic year, he or she may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed the maximum amount available.

## Transfers

10. Despite regulation 8, where a qualifying student transfers from one qualifying course to another qualifying course-

- (a) the National Assembly must transfer the student's status as a qualifying student to the other course on the request of the student unless the period of eligibility has terminated;
- (b) if the student transfers before the end of the academic year after applying for a college fee loan, the amount applied for is paid to the relevant college or permanent private hall in respect of the qualifying course to which the student transfers provided that the conditions in paragraph 11 are met and he or she cannot qualify for another college fee loan in respect of that academic year;
- (c) if the student transfers after the college fee loan is paid and before the end of the academic year, he or she cannot apply for another college fee loan in connection with the academic year of the qualifying course to which he or she transfers.

## Payment

11.-(1) The National Assembly must pay the college fee loan for which a qualifying student qualifies to the college or permanent private hall to which the student is liable to make payment.

(2) The National Assembly must pay the college fee loan in a single lump sum.

(3) The National Assembly must not pay the college fee loan before-

- (a) it has received a valid request for payment from the college or permanent private hall; and
- (b) a period of three months beginning with the first day of the academic year has expired.

(4) Mae'n ofynnol i goleg neu neuadd breifat barhaol anfon cadarnhad o bresenoldeb at y Cynulliad Cenedlaethol ar unrhyw ffurf y caiff y Cynulliad Cenedlaethol ofyn amdani a rhaid i'r Cynulliad Cenedlaethol beidio â thalu'r benthyciad at ffioedd coleg mewn perthynas â'r flwyddyn academaidd nes ei fod wedi cael cadarnhad o bresenoldeb gan y coleg neu'r neuadd breifat berthnasol oni bai ei fod yn penderfynu oherwydd amgylchiadau eithriadol, y byddai'n briodol gwneud taliad heb gael cadarnhad o bresenoldeb. Yn y paragraff hwn mae i "cadarnhad o bresenoldeb" yr un ystyr ag yn rheoliad 53(20).

(5) Rhaid i'r Cynulliad Cenedlaethol beidio â thalu benthyciad at ffioedd coleg mewn perthynas â chwrs cymhwysol -

- (a) os bydd y myfyriwr cymhwysol yn rhoi'r gorau i fynychu'r cwrs cyn i'r cyfnod o dri mis sy'n dechrau ar ddiwrnod cyntaf y flwyddyn academaidd ddod i ben; a
- (b) os bydd y coleg neu'r neuadd breifat barhaol wedi penderfynu neu wedi cytuno na fydd y myfyriwr yn dechrau mynychu eto yn ystod y flwyddyn academaidd y mae'r ffioedd coleg yn daladwy ar ei chyfer neu o gwbl.

## Gordalu

11. Caiff y Cynulliad Cenedlaethol adennill unrhyw ordal benthyciad at ffioedd coleg oddi wrth y coleg neu'r neuadd breifat barhaol.

(4) A college or permanent private hall is required to send confirmation of attendance to the National Assembly in such form as the Assembly may require and the National Assembly must not pay the college fee loan in respect of the academic year until it has received an attendance confirmation from the relevant college or private hall unless it determines that owing to exceptional circumstances, it would be appropriate to make a payment without receiving an attendance confirmation. In this paragraph "attendance confirmation" has the same meaning as in regulation 53(20).

(5) The National Assembly must not make a payment of college fee loan in respect of a qualifying course if-

- (a) before the expiry of a period of three months beginning with the first day of the academic year the qualifying student ceases to attend the course; and
- (b) the college or permanent private hall has determined or agreed that the student will not commence attending again during the academic year in respect of which the college fees are payable or at all.

## Overpayment

12. Any overpayment of college fee loan is recoverable by the National Assembly from the college or permanent private hall.

## ATODLEN 5

## SCHEDULE 5

Rheoliadau 16 a 53

Regulations 16 and 53

## ASESIAD ARIANNOL

## FINANCIAL ASSESSMENT

### Diffiniadau

1. Yn yr Atodlen hon -

- (a) ystyr "Aelod-wladwriaeth" ("*Member State*") yw un o Aelod-wladwriaethau'r Undeb Ewropeaidd;
- (b) ystyr "blwyddyn ariannol" ("*financial year*") yw'r cyfnod o ddeuddeg mis y mae incwm person y mae ei incwm gweddilliol yn cael ei gyfrifo o dan ddarpariaethau'r Atodlen hon yn cael ei gyfrifo mewn perthynas â hi at ddibenion y ddeddfwriaeth ar dreth incwm sy'n gymwys iddo;
- (c) ystyr "blwyddyn ariannol flaenorol" ("*preceding financial year*") yw'r flwyddyn ariannol yn union cyn y flwyddyn berthnasol;
- (ch) ystyr "blwyddyn berthnasol" ("*relevant year*") yw'r flwyddyn academaidd y mae incwm yr

### Definitions

1. In this Schedule: -

- (a) "existing student" ("*myfyriwr presennol*") means an eligible student who is not a new eligible student;
- (b) "financial year" ("*blwyddyn ariannol*") means the period of twelve months in respect of which the income of a person whose residual income is calculated under the provisions of this Schedule is computed for the purposes of the income tax legislation which applies to it;
- (c) "household income" ("*incwm yr aelwyd*") has the meaning given in paragraph 3;
- (d) "independent eligible student" ("*myfyriwr annibynnol cymwys*") has the meaning given in paragraph 2;
- (e) "Member State" ("*Aelod-wladwriaeth*") means

- aelwyd i'w asesu mewn perthynas â hi;
- (d) mae i "incwm aelwyd", "incwm yr aelwyd" ac "incwm sydd gan yr aelwyd", ("*household income*") yr ystyr a roddir ym mharagraff 3;
- (dd) ystyr "incwm gweddilliol" ("*residual income*") yw incwm trethadwy ar ôl cymhwysio paragraff 4 (yn achos myfyriwr cymwys), paragraff 5 (yn achos rhiant myfyriwr cymwys), paragraff 6 (yn achos partner myfyriwr cymwys) neu baragraff 7 (yn achos partner rhiant myfyriwr cymwys newydd);
- (e) ystyr "incwm trethadwy" ("*taxable income*"), mewn perthynas â pharagraff 4, mewn perthynas â'r flwyddyn academaidd y mae cais wedi'i wneud ar ei chyfer o dan reoliad 9 ac, mewn perthynas â pharagraff 5, mewn perthynas (yn ddarostyngedig i is-baragraffau (3), (4) a (5) o baragraff 5) â'r flwyddyn ariannol flaenorol, yw incwm trethadwy person o bob ffynhonnell fel petai wedi'i gyfrifo at ddibenion -
- (i) y Deddfau Treth Incwm;
- (ii) deddfwriaeth treth incwm Aelod-wladwriaeth arall sy'n gymwys i incwm y person; neu
- (iii) os yw deddfwriaeth mwy nag un Aelod-wladwriaeth yn gymwys i'r cyfnod, y deddfwriaeth y mae'r Cynulliad Cenedlaethol yn credu y bydd y person yn talu'r swm mwyaf o dreth odani yn y cyfnod hwnnw (ac eithrio fel y darperir fel arall ym mharagraff 5);
- (f) mae i "myfyriwr cymwys annibynnol" ("*independent eligible student*") yr ystyr a roddir ym mharagraff 2;
- (g) ystyr "myfyriwr cymwys newydd" ("*new eligible student*") yw myfyriwr cymwys sy'n dechrau ar gwrs dynodedig ar neu ar ôl 1 Medi 2004;
- (ng) ystyr "myfyriwr presennol" ("*existing student*") yw myfyriwr cymwys nad yw'n fyfyrwr cymwys newydd;
- (g) ystyr "myfyriwr sy'n rhiant" ("*parent student*") yw myfyriwr cymwys sy'n rhiant i fyfyrwr cymwys;
- (h) ystyr "partner" ("*partner*") mewn perthynas â myfyriwr cymwys yw unrhyw un o'r canlynol -
- (i) priod myfyriwr cymwys;
- (ii) partner sifil myfyriwr cymwys;
- (iii) person sydd fel arfer yn byw gyda myfyriwr cymwys fel pe bai'n briod iddo os yw myfyriwr cymwys yn syrthio o fewn paragraff 2(1)(a) a'i fod yn dechrau ar y cwrs dynodedig ar neu ar ôl 1 Medi 2000;
- (iv) person sydd fel arfer yn byw gyda myfyriwr cymwys fel pe bai'n bartner sifil
- a Member State of the European Union;
- (f) "new eligible student" ("*myfyriwr cymwys newydd*") means an eligible student who begins a designated course on or after 1 September 2004;
- (g) "parent" ("*rhiant*") means a natural or adoptive parent and "child" ("*plentyn*"), "mother" ("*mam*") and "father" ("*tad*") is construed accordingly;
- (h) "parent student" ("*myfyriwr sy'n rhiant*") means an eligible student who is the parent of an eligible student;
- (i) "partner" ("*partner*") in relation to an eligible student means any of the following -
- (i) the spouse of an eligible student;
- (ii) the civil partner of an eligible student;
- (iii) a person ordinarily living with an eligible student as if he or she were his or her spouse where an eligible student falls within paragraph 2(1)(a) and he or she begins the designated course on or after 1 September 2000;
- (iv) a person ordinarily living with an eligible student as if he or she were his or her civil partner where an eligible student falls within paragraph 2(1)(a) and he or she begins the designated course on or after 1 September 2005;
- (j) "partner" ("*partner*") in relation to the parent of an eligible student means any of the following other than another parent of the eligible student -
- (i) the spouse of an eligible student's parent;
- (ii) the civil partner of an eligible student's parent;
- (iii) a person ordinarily living with the parent of an eligible student as if he or she were his or her spouse;
- (iv) a person ordinarily living with the parent of an eligible student as if he or she were the parent's civil partner;
- (k) "preceding financial year" ("*blwyddyn ariannol flaenorol*") means the financial year immediately preceding the relevant year;
- (l) "relevant year" ("*blwyddyn berthnasol*") means the academic year in respect of which the household income falls to be assessed;
- (m) "residual income" ("*incwm gweddilliol*") means taxable income after the application of paragraph 4 (in the case of an eligible student), paragraph 5 (in the case of an eligible student's parent), paragraph 6 (in the case of an eligible student's partner) or paragraph 7 (in the case of the partner of a new eligible student's parent); and
- (n) "taxable income" ("*incwm trethadwy*") means,

iddo os yw myfyriwr cymwys yn syrthio o fewn paragraff 2(1)(a) a'i fod yn dechrau ar y cwrs dynodedig ar neu ar ôl 1 Medi 2005;

- (i) ystyr "partner" ("*partner*") mewn perthynas â rhiant myfyriwr cymwys yw unrhyw un o'r canlynol heblaw rhiant arall i'r myfyriwr cymwys -
  - (i) priod rhiant myfyriwr cymwys;
  - (ii) partner sifil rhiant myfyriwr cymwys;
  - (iii) person sydd fel arfer yn byw gyda rhiant myfyriwr cymwys fel pe bai'n briod iddo;
  - (iv) person sydd fel arfer yn byw gyda rhiant myfyriwr cymwys fel pe bai'n bartner sifil i'r rhiant;
- (i) ystyr "rhiant" ("*parent*") yw rhiant naturiol neu fabwysiadol a dehonglir "plentyn" ("*child*"), "mam" ("*mother*") a "tad" ("*father*") yn unol â hynny.

### Myfyriwr cymwys annibynnol

2. Myfyriwr cymwys annibynnol yw myfyriwr cymwys ym mhob achos -

- (a) lle mae'n 25 oed neu drosodd ar ddiwrnod cyntaf y flwyddyn berthnasol;
- (b) lle mae wedi bod yn briod neu lle mae mewn partneriaeth sifil cyn dechrau'r flwyddyn berthnasol, p'un a yw'r briodas neu'r bartneriaeth sifil yn dal yn bod neu beidio;
- (c) lle nad oes ganddo riant yn fyw;
- (ch) lle mae'r Cynulliad Cenedlaethol wedi'i fodloni na ellir dod o hyd i'r naill neu'r llall o'i rieni neu nad yw'n rhesymol ymarferol cysylltu â'r naill na'r llall ohonynt;
- (d) lle nad yw wedi cyfathrebu â'r naill na'r llall o'i rieni am gyfnod o flwyddyn cyn dechrau'r flwyddyn berthnasol neu lle y gall, ym marn y Cynulliad Cenedlaethol, ddangos ar seiliau eraill ei fod wedi ymddieithrio oddi wrth ei rieni mewn ffordd lle nad oes modd cymodi;
- (dd) pan yw wedi bod dan ofal awdurdod lleol o fewn ystyr adran 22 o Ddeddf Plant 1989(1) a hynny drwy gydol unrhyw gyfnod o dri mis yn gorffen ar neu ar ôl y dyddiad y cyrhaeddodd 16 oed a chyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs ("y cyfnod perthnasol") ar yr amod nad yw wedi bod mewn gwirionedd ar unrhyw adeg yn ystod y cyfnod perthnasol o dan ofal neu reolaeth ei rieni;
- (e) lle mae ei rieni'n preswyllo y tu allan i'r Gymuned Ewropeaidd a bod y Cynulliad Cenedlaethol wedi'i fodloni naill ai -

in relation to paragraph 4, in respect of the academic year for which an application has been made under regulation 9 and, in relation to paragraph 5, in respect (subject to subparagraphs (3), (4) and (5) of paragraph 5) of the preceding financial year, a person's taxable income from all sources computed as for the purposes of -

- (i) the Income Tax Acts;
- (ii) the income tax legislation of another Member State which applies to the person's income; or
- (iii) where the legislation of more than one Member State applies to the period, the legislation under which the National Assembly considers the person will pay the largest amount of tax in that period (except as otherwise provided in paragraph 5).

### Independent eligible student

2.-(1) An independent eligible student is an eligible student in every case where -

- (a) he or she is aged 25 or over on the first day of the relevant year;
- (b) he or she has been married or is in a civil partnership before the beginning of the relevant year, whether or not the marriage or civil partnership is still subsisting;
- (c) he or she has no parent living;
- (d) the National Assembly is satisfied that neither of his or her parents can be found or that it is not reasonably practicable to get in touch with either of them;
- (e) he or she has communicated with neither of his or her parents for the period of one year before the beginning of the relevant year or, in the opinion of the National Assembly, he or she can demonstrate on other grounds that he or she is irreconcilably estranged from his or her parents;
- (f) he or she was looked after by a local authority within the meaning of section 22 of the Children Act 1989(1) throughout any three-month period ending on or after the date on which he or she attained the age of 16 and before the first day of the first academic year of the course ("the relevant period") provided that he or she has not in fact at any time during the relevant period been under the charge or control of his or her parents;
- (g) his or her parents are residing outside the European Community and the National Assembly is satisfied that either -



- (i) y byddai asesu incwm yr aelwyd drwy gyfeirio at eu hincwm gweddilliol yn gosod y rhieni hynny mewn perygl; neu
  - (ii) na fyddai'n rhesymol ymarferol i'r rhieni hynny anfon unrhyw arian perthnasol i'r Deyrnas Unedig o ganlyniad i gyfrifo unrhyw gyfraniad o dan baragraff 8 neu 9;
- (f) lle mae paragraff 5(9) yn gymwys a lle mae'r rhiant y barnodd y Cynulliad Cenedlaethol mai'r rhiant hwnnw oedd y mwyaf priodol at ddibenion y paragraff hwnnw wedi marw (ni waeth a oedd gan y rhiant o dan sylw bartner neu beidio);
- (ff) lle mae'n aelod o urdd grefyddol sy'n preswyllo yn un o dai'r urdd honno;
- (g) lle mae yn gofalu am berson o dan 18 oed ar ddiwrnod cyntaf y flwyddyn berthnasol; neu
- (ng) lle mae wedi'i gynnal ei hun o'i enillion am unrhyw gyfnod neu gyfnodau sy'n diweddu cyn blwyddyn academaidd gyntaf y cwrs a bod cyfanswm y cyfnodau hynny gyda'i gilydd heb fod yn llai na thair blynedd, ac at ddibenion yr is-baragraff hwn mae'n cael ei drin fel pe bai'n ei gynnal ei hun o'i enillion yn ystod unrhyw gyfnod -
- (i) pan oedd yn cymryd rhan mewn trefniadau ar gyfer hyfforddi'r di-waith o dan unrhyw gynllun a oedd yn cael ei weithredu, ei noddi neu ei ariannu gan unrhyw un o awdurdodau neu asiantaethau'r wladwriaeth, boed cenedlaethol, rhanbarthol neu leol ("awdurdod perthnasol");
  - (ii) pan oedd yn cael budd-dal sy'n daladwy gan unrhyw awdurdod perthnasol mewn perthynas â pherson sydd ar gael i'w gyflogi ond sy'n ddi-waith;
  - (iii) pan oedd ar gael i'w gyflogi a'i fod wedi cydymffurfio ag unrhyw ofyniad ynglŷn â chofrestru a osodwyd gan awdurdod perthnasol fel un o amodau'r hawlogaeth i gymryd rhan mewn trefniadau ar gyfer hyfforddi neu ar gyfer derbyn y budd-dal hwnnw;
  - (iv) pan oedd ganddo Efrogiaeth y Wladwriaeth neu ddyfarniad tebyg;
  - (v) pan oedd yn cael unrhyw bensiwn, lwfans neu fudd-dal arall a oedd yn cael ei dalu gan unrhyw berson oherwydd anabledd sydd ganddo, neu oherwydd cyfyngder, anaf neu salwch.
- (2) Mae myfyriwr cymwys sy'n gymwys i fod yn fyfyriwr cymwys annibynnol o dan baragraff 2(1)(g) mewn perthynas â blwyddyn academaidd cwrs dynodedig yn cadw'r statws hwnnw tra pery'r cyfnod cymhwysra.
- (i) the assessment of the household income by reference to their residual income would place those parents in jeopardy; or
  - (ii) it would not be reasonably practicable for those parents as a result of the calculation of any contribution under paragraph 8 or 9 to send any relevant funds to the United Kingdom;
- (h) paragraph 5(9) applies and the parent whom the National Assembly considered the more appropriate for the purposes of that paragraph has died (irrespective of whether the parent in question had a partner);
- (i) he or she is a member of a religious order who resides in a house of that order;
  - (j) he or she has the care of a person under the age of 18 as at the first day of the relevant year; or
  - (k) he or she has supported himself or herself out of his or her earnings for any period or periods ending before the first academic year of the course which periods together aggregate not less than three years, and for the purposes of this sub-paragraph he or she is treated as supporting himself or herself out of his or her earnings during any period in which -
- (i) he or she was participating in arrangements for training for the unemployed under any scheme operated by, sponsored or funded by any state authority or agency, whether national, regional or local ("a relevant authority");
  - (ii) he or she was in receipt of benefit payable by any relevant authority in respect of a person who is available for employment but who is unemployed;
  - (iii) he or she was available for employment and had complied with any requirement of registration imposed by a relevant authority as a condition of entitlement for participation in arrangements for training or receipt of benefit;
  - (iv) he or she held a State Studentship or comparable award;
  - (v) he or she received any pension, allowance or other benefit paid by any person by reason of a disability to which he or she is subject, or by reason of confinement, injury or sickness.

(2) An eligible student who qualifies as an independent eligible student under paragraph 2(1)(j) in respect of an academic year of a designated course retains that status for the duration of the period of eligibility.

## **Incwm yr aelwyd**

3.-(1) Mae swm cyfraniad myfyriwr cymwys yn dibynnu ar incwm yr aelwyd.

(2) Incwm yr aelwyd yw'r canlynol -

- (a) yn achos myfyriwr cymwys nad yw'n fyfyrwr cymwys annibynnol, incwm gweddilliol y myfyriwr cymwys wedi'i agregu gydag incwm gweddilliol rhieni'r myfyriwr cymwys (yn ddarostyngedig i baragraff 5(9)) ac -
  - (i) yn achos myfyriwr cymwys newydd a ddechreuodd ar ei gwrs dynodedig a bennir cyn 1 Medi 2005, incwm gweddilliol partner (heblaw partner o fewn ystyr paragraff 1(g)(iv)) rhiant y myfyriwr (ar yr amod bod y Cynulliad Cenedlaethol wedi dewis y rhiant hwnnw o dan baragraff 5(9)); neu
  - (ii) yn achos myfyriwr cymwys newydd a ddechreuodd ar ei gwrs ar neu ar ôl 1 Medi 2005, incwm gweddilliol partner rhiant y myfyriwr (ar yr amod bod y Cynulliad Cenedlaethol wedi dewis y rhiant hwnnw o dan baragraff 5(9));
- (b) yn achos myfyriwr cymwys annibynnol y mae ganddo bartner, incwm gweddilliol y myfyriwr cymwys wedi'i agregu gydag incwm gweddilliol partner y myfyriwr cymwys (yn ddarostyngedig i is-baragraff (4)); neu
- (c) yn achos myfyriwr cymwys annibynnol nad oes ganddo bartner, incwm gweddilliol y myfyriwr cymwys.

(3) Wrth bennu incwm yr aelwyd o dan is-baragraff (2), mae'r swm o £1,075 yn cael ei ddiynnu -

- (a) am bob plentyn sy'n ariannol ddibynnol yn gyfan gwbl neu'n bennaf ar y myfyriwr cymwys neu bartner y myfyriwr cymwys; neu
- (b) am bob plentyn heblaw'r myfyriwr cymwys sy'n ariannol ddibynnol yn gyfan gwbl neu'n bennaf ar riant y myfyriwr cymwys neu bartner rhiant y myfyriwr cymwys y mae ei incwm gweddilliol yn cael ei gymryd i ystyriaeth.

(4) Er mwyn cyfrifo'r cyfraniad sy'n daladwy mewn perthynas â myfyriwr sy'n rhiant, rhaid i incwm gweddilliol partner y myfyriwr sy'n rhiant beidio â chael ei agregu o dan baragraff (b) o is-baragraff (2) yn achos myfyriwr sy'n rhiant y mae gan ei blentyn ef neu y mae gan blentyn ei bartner ddyfarniad y mae incwm yr aelwyd yn cael ei gyfrifo mewn perthynas ag ef gan gyfeirio at incwm gweddilliol y myfyriwr sy'n rhiant neu bartner y myfyriwr sy'n rhiant neu'r ddau.

## **Cyfrifo incwm gweddilliol y myfyriwr cymwys**

4.-(1) Er mwyn pennu incwm gweddilliol myfyriwr cymwys, didynnir o'i incwm trehadwy (oni bai ei fod wedi'i ddiynnu eisoes wrth bennu'r incwm trehadwy)

## **Household income**

3.-(1) The amount of an eligible student's contribution depends on the household income.

(2) The household income is -

- (a) in the case of an eligible student who is not an independent eligible student, the residual income of the eligible student aggregated with the residual income of the eligible student's parents (subject to paragraph 5(9)) and -
  - (i) in the case of a new eligible student who began his or her specified designated course before 1 September 2005, the residual income of the partner (other than a partner within the meaning of paragraph 1(j)(iv)) of the student's parent (provided that the National Assembly has selected that parent under paragraph 5(9)); or
  - (ii) in the case of a new eligible student who began his or her course on or after 1 September 2005, the residual income of the partner of the student's parent (provided that the National Assembly has selected that parent under paragraph 5(9));
- (b) in the case of an independent eligible student who has a partner, the residual income of the eligible student aggregated with the residual income of the eligible student's partner (subject to sub-paragraph (4)); or
- (c) in the case of an independent eligible student who does not have a partner, the residual income of the eligible student.

(3) In determining the household income under sub-paragraph (2), the sum of £1,075 is deducted -

- (a) for each child wholly or mainly financially dependent on the eligible student or the eligible student's partner; or
- (b) for each child other than the eligible student wholly or mainly financially dependent on the eligible student's parent or the eligible student's parent's partner whose residual income is being taken into account.

(4) For the purpose of calculating the contribution payable in respect of a parent student, the residual income of the parent student's partner must not be aggregated under paragraph (b) of sub-paragraph (2) in the case of a parent student whose child or whose partner's child holds an award in respect of which the household income is calculated with reference to the residual income of the parent student or of the parent student's partner or of both.

## **Calculation of eligible student's residual income**

4.-(1) For the purpose of determining the residual income of an eligible student, there is deducted from his or her taxable income (unless already deducted in

gyfanswm unrhyw symiau sy'n syrthio o fewn unrhyw un o'r is-baragraffau canlynol -

- (a) unrhyw dâl am waith a wnaed yn ystod unrhyw flwyddyn academiaidd ar gwrs y myfyriwr cymwys, ar yr amod nad yw'r tâl hwnnw'n cynnwys unrhyw symiau a dalwyd mewn perthynas ag unrhyw gyfnod pan oedd ganddo ganiatâd i fod yn absennol neu pan oedd wedi'i ryddhau o'i ddyletswyddau arferol er mwyn bod yn bresennol ar y cwrs hwnnw;
- (b) swm gros unrhyw bremiwm neu swm arall a dalwyd gan y myfyriwr cymwys mewn perthynas â phensiwn (nad yw'n bensiwn sy'n daladwy o dan bolisi yswiriant bywyd) y mae rhyddhad yn cael ei roi mewn perthynas ag ef o dan adran 273, 619 neu 639 o Ddeddf Treth Incwm a Threth Gorfforaeth 1988(1) neu o dan adran 188 o Ddeddf Cyllid 2004(2), neu os yw incwm y myfyriwr cymwys yn cael ei gyfrifo at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, swm gros unrhyw bremiwm neu swm o'r fath y byddai rhyddhad yn cael ei roi mewn perthynas ag ef os byddai'r ddeddfwriaeth honno'n gwneud darpariaeth sy'n gyfatebol i'r Deddfau Treth Incwm.

(2) Os paragraff 9 yw'r unig baragraff o Ran 2 o Atodlen 1 y mae myfyriwr cymwys yn syrthio odano a bod ei incwm yn codi o ffynonellau neu o dan ddeddfwriaeth sy'n wahanol i'r ffynonellau neu'r ddeddfwriaeth sydd fel rheol yn berthnasol i berson y cyfeirir ato ym mharagraff 9 o Ran 2 o Atodlen 1, nid yw ei incwm yn cael ei anwybyddu yn unol ag is-baragraff (1) ond yn hytrach mae'n cael ei anwybyddu i'r graddau sy'n angenrheidiol er mwyn sicrhau nad yw'n cael ei drin yn llai ffafriol nag y câi person y cyfeirir ato yn unrhyw un o baragraffau Rhan 2 o Atodlen 1 ei drin o dan amgylchiadau tebyg pe bai ganddo incwm tebyg.

(3) Os yw'r myfyriwr cymwys yn cael incwm mewn arian cyfredol heblaw sterling, gwerth yr incwm hwnnw at ddibenion y paragraff hwn yw -

- (a) os yw'r myfyriwr yn prynu sterling â'r incwm, swm y sterling a gaiff y myfyriwr fel hyn;
- (b) fel arall, gwerth y sterling y byddai'r incwm yn ei brynu gan ddefnyddio'r gyfradd a gyhoeddwyd gan y Swyddfa Ystadegau Gwladol (3) ar gyfer y mis y ceir yr incwm ynddo.

(1) 1988 p. 1; diwygiwyd adran 273 gan Ddeddf Cyllid 1988 (p. 39), Atodlen 3, paragraff 10 and the Income Tax (Trading and other Income) Act 2005, Atodlen 1. Ni ddaeth diwygiadau a wnaed i adran 273 gan Ddeddf Cyllid 2004 (p. 12), adran 281 ac Atodlen 35 yn dod i rym tan 6 Ebrill 2006. Dirymwyd adrannau 619 a 639 gan Ddeddf Cyllid 2004, adran 326 ac Atodlen 42 o 6 Ebrill 2006 ymlaen yn ddarostyngedig i'r darpariaethau trosiannol a'r arbedion yn Atodlen 36 i Ddeddf Cyllid 2004.

(2) 2004 p.12.

(3) "Financial Statistics" (ISSN 0015-203X).

determining taxable income) the aggregate of any amounts falling within any of the following sub-paragraphs -

- (a) any remuneration for work done during any academic year of the eligible student's course, provided that such remuneration does not include any sums paid in respect of any period for which he or she has leave of absence or is relieved of his or her normal duties for the purpose of attending that course;
- (b) the gross amount of any premium or other sum paid by the eligible student in relation to a pension (not being a pension payable under a policy of life insurance) in respect of which relief is given under section 273, 619 or 639 of the Income and Corporation Taxes Act 1988(1) or under section 188 of the Finance Act 2004(2), or where the eligible student's income is computed for the purposes of the income tax legislation of another Member State, the gross amount of any such premium or sum in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts.

(2) Where the only paragraph in Part 2 of Schedule 1 into which an eligible student falls is paragraph 9 and his or her income arises from sources or under legislation different from sources or legislation normally relevant to a person referred to in paragraph 9 of Part 2 of Schedule 1, his or her income is not disregarded in accordance with sub-paragraph (1) but is instead disregarded to the extent necessary to ensure that he or she is treated no less favourably than a person who is referred to in any paragraph of Part 2 of Schedule 1 would be treated if in similar circumstances and in receipt of similar income.

(3) Where the eligible student receives income in a currency other than sterling, the value of that income for the purpose of this paragraph is -

- (a) if the student purchases sterling with the income, the amount of sterling the student so receives;
- (b) otherwise, the value of the sterling which the income would purchase using the rate for the month in which it is received published by the Office for National Statistics(3).

(1) 1988 c. 1; section 273 was amended by the Finance Act 1988 (c. 39), Schedule 3, paragraph 10 and the Income Tax (Trading and other Income) Act 2005, Schedule 1. Amendments to section 273 made by the Finance Act 2004 (c. 12), section 281 and Schedule 35 do not come into force until 6th April 2006. Sections 619 and 639 are repealed by the Finance Act 2004, section 326 and Schedule 42 with effect from 6th April 2006 subject to the transitional provisions and savings in Schedule 36 to the Finance Act 2004.

(2) 2004 c.12.

(3) "Financial Statistics" (ISSN 0015-203X).

## Cyfrifo incwm gweddilliol y rhiant

5.-(1) Er mwyn pennu incwm trethadwy rhiant myfyriwr cymwys, rhaid i ddidyniadau y disgwylir eu gwneud neu esemptiadau a ganiateir -

- (a) ar ffurf y rhyddhad personol y darperir ar ei gyfer ym Mhennod 1 o Ran VII o Ddeddf Treth Incwm a Threth Gorfforaeth 1988 neu o dan adran 188 o Ddeddf Cyllid 2004, neu, os yw'r incwm yn cael ei gyfrifo at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, unrhyw ryddhad personol tebyg;
- (b) yn unol ag unrhyw ddeddfiad neu reol gyfreithiol nad yw taliadau a fyddai fel arall yn cael eu trin o dan gyfraith y Deyrnas Unedig fel rhan o incwm y person yn cael eu trin felly yn unol â hwy; neu
- (c) o dan is-baragraff (2).

beidio â chael eu gwneud neu eu caniatáu.

(2) Er mwyn pennu incwm gweddilliol rhiant myfyriwr cymwys, didynnir o'r incwm trethadwy a bennir o dan is-baragraff (1) gyfanswm unrhyw symiau sy'n syrthio o fewn unrhyw rai o'r is-baragraffau canlynol -

- (a) swm gros unrhyw bremiwm neu swm sy'n ymwneud â phensiwn (nad yw'n bremiwm sy'n daladwy o dan bolisi yswiriant bywyd) y mae rhyddhad yn cael ei roi mewn perthynas ag ef o dan adran 273, 619 neu 639 o Ddeddf Treth Incwm a Threth Gorfforaeth 1988, neu os yw'r incwm yn cael ei gyfrifo at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, swm gros unrhyw bremiwm o'r fath y byddai rhyddhad yn cael ei roi mewn perthynas ag ef os byddai'r deddfwriaeth honno'n gwneud darpariaeth sy'n gyfatebol i'r Deddfau Treth Incwm.
- (b) mewn unrhyw achos lle mae incwm yn cael ei gyfrifo at ddibenion y Deddfau Treth Incwm yn rhinwedd is-baragraff (6) unrhyw symiau sy'n cyfateb i'r didyniad a grybwyllwyd yn is-baragraff (a), ar yr amod nad yw unrhyw symiau a ddidynnir fel hyn yn fwy na'r didyniadau a fyddai'n cael eu gwneud pe bai'r cyfan o incwm rhiant y myfyriwr cymwys mewn gwirionedd yn incwm at ddibenion y Deddfau Treth Incwm;
- (c) yn achos myfyriwr sy'n rhiant neu riant myfyriwr cymwys y mae ganddo ddyfarniad statudol, £1,075.

(3) Os yw'r Cynulliad Cenedlaethol wedi'i fodloni bod incwm y rhiant yn y flwyddyn ariannol sy'n dechrau yn union cyn y flwyddyn berthnasol ("y flwyddyn ariannol gyfredol"), o ganlyniad i ryw ddigwyddiad y tu hwnt i reolaeth y rhiant, yn debyg o beidio â bod yn fwy na 85 y cant o werth sterling ei incwm yn y flwyddyn ariannol flaenorol, fe gaiff y

## Calculation of parent's residual income

5.-(1) For the purposes of determining the taxable income of an eligible student's parent, any deductions which fall to be made or exemptions which are permitted -

- (a) by way of personal reliefs provided for in Chapter 1 of Part VII of the Income and Corporation Taxes Act 1988 or under section 188 of the Finance Act 2004, or, where the income is computed for the purposes of the income tax legislation of another Member State, any comparable personal reliefs;
- (b) pursuant to any enactment or rule of law under which payments which would otherwise under United Kingdom law form part of a person's income are not treated as such; or
- (c) under sub-paragraph (2);

must not be made or permitted.

(2) For the purposes of determining the residual income of an eligible student's parent, there is to be deducted from the taxable income determined under sub-paragraph (1) the aggregate of any amounts falling within any of the following sub-paragraphs -

- (a) the gross amount of any premium or sum relating to a pension (not being a premium payable under a policy of life assurance) in respect of which relief is given under section 273, 619 or 639 of the Income and Corporation Taxes Act 1988, or where the income is computed for the purposes of the income tax legislation of another Member State, the gross amount of any such premium in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;
- (b) in any case where income is computed for the purposes of the Income Tax Acts by virtue of sub-paragraph (6) any sums equivalent to the deduction mentioned in sub-paragraph (a), provided that any sums so deducted do not exceed the deductions which would be made if the whole of the eligible student's parent's income were in fact income for the purposes of the Income Tax Acts;
- (c) in the case of a parent student or an eligible student's parent who holds a statutory award, £1,075.

(3) Where the National Assembly is satisfied that the income of the parent in the financial year beginning immediately before the relevant year ("the current financial year") is, as a result of some event beyond his or her control, likely to be not more than 85 per cent. of the sterling value of his or her income in the preceding financial year it may, for the purpose of

Cynulliad Cenedlaethol, er mwyn galluogi'r myfyriwr cymwys i fod yn bresennol ar y cwrs heb galedi, ddarganfod incwm yr aelwyd am y flwyddyn ariannol gyfredol.

(4) Os yw'r Cynulliad Cenedlaethol wedi'i fodloni bod incwm y rhiant mewn unrhyw flwyddyn ariannol, o ganlyniad i ryw ddigwyddiad y tu hwnt i reolaeth y rhiant, yn debyg o beidio â bod ac o barhau ar ôl y flwyddyn honno i beidio â bod yn fwy na 85 y cant o werth sterling ei incwm yn y flwyddyn ariannol flaenorol, fe gaiff y Cynulliad Cenedlaethol, er mwyn galluogi'r myfyriwr cymwys i fod yn bresennol ar y cwrs heb galedi, ddarganfod incwm yr aelwyd am flwyddyn academaidd cwrs y myfyriwr cymwys y digwyddodd y digwyddiad hwnnw ynddi drwy gymryd cyfartaledd incwm gweddilliol y rhiant am bob un o'r blynyddoedd ariannol y mae'r flwyddyn academaidd honno'n syrthio ynddynt fel ei incwm gweddilliol.

(5) Os yw rhiant y myfyriwr cymwys yn bodloni'r Cynulliad Cenedlaethol fod ei incwm yn deillio'n gyfan gwbl neu'n bennaf o elw busnes neu broffesiwn y mae'n ei gynnal, yna mae unrhyw gyfeiriad yn yr Atodlen hon at flwyddyn ariannol flaenorol yn golygu'r cyfnod cynharaf o ddeuddeg mis sy'n diweddu ar ôl dechrau'r flwyddyn ariannol flaenorol y mae cyfrifon yn cael eu cadw mewn perthynas ag ef sy'n ymwneud â'r busnes neu'r proffesiwn hwnnw.

(6) Os yw rhiant myfyriwr cymwys yn derbyn unrhyw incwm nad yw'n ffurfio rhan o'i incwm at ddibenion y Deddfau Treth Incwm neu ddeddfwriaeth teth incwm Aelod-wladwriaeth arall dim ond am y rheswm -

- (a) nad yw'n preswyllo, yn preswyllo fel arfer neu wedi ymgartrefu yn y Deyrnas Unedig, neu, os yw ei incwm yn cael ei gyfrifo fel petai at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, os nad yw'n preswyllo, yn preswyllo fel arfer neu wedi ymgartrefu felly yn yr Aelod-wladwriaeth honno;
- (b) nad yw'r incwm yn codi yn y Deyrnas Unedig, neu, os yw incwm y rhiant yn cael ei gyfrifo at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, nad yw'n codi yn yr Aelod-wladwriaeth honno; neu
- (c) bod yr incwm yn codi o swydd, gwasanaeth neu gyflogaeth y mae'r incwm ohonynt yn esempt rhag treth yn unol ag unrhyw ddeddfwriaeth,

mae ei incwm trethadwy at ddibenion yr Atodlen hon yn cael ei gyfrifo fel pe bai'r incwm o dan yr is-baragraff hwn yn rhan o'i incwm at ddibenion y Deddfau Treth Incwm neu ddeddfwriaeth treth incwm Aelod-wladwriaeth arall, yn ôl fel y digwydd.

(7) Os yw incwm rhiant y myfyriwr cymwys yn cael ei gyfrifo fel petai at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, mae'n cael ei gyfrifo o

enabling the eligible student to attend the course without hardship, ascertain the household income for the current financial year.

(4) Where the National Assembly is satisfied that the income of the parent in any financial year is, as a result of some event beyond his or her control, likely to be and to continue after that year to be not more than 85 per cent. of the sterling value of his or her income in the previous financial year it may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain the household income for the academic year of the eligible student's course in which that event occurred by taking as the residual income of the parent the average of his or her residual income for each of the financial years in which that academic year falls.

(5) Where the eligible student's parent satisfies the National Assembly that his or her income is wholly or mainly derived from the profits of a business or profession carried on by him or her, then any reference in this Schedule to a preceding financial year means the earliest period of twelve months which ends after the start of the preceding financial year and in respect of which accounts are kept relating to that business or profession.

(6) Where an eligible student's parent is in receipt of any income which does not form part of his or her income for the purposes of the Income Tax Acts or the income tax legislation of another Member State by reason only that -

- (a) he or she is not resident, ordinarily resident or domiciled in the United Kingdom, or where his or her income is computed as for the purposes of the income tax legislation of another Member State, not so resident, ordinarily resident or domiciled in that Member State;
- (b) the income does not arise in the United Kingdom, or where the parent's income is computed as for the purposes of the income tax legislation of another Member State, does not arise in that Member State; or
- (c) the income arises from an office, service or employment, income from which is exempt from tax in pursuance of any legislation,

his or her taxable income for the purposes of this Schedule is computed as though the income under this sub-paragraph were part of his or her income for the purposes of the Income Tax Acts or the income tax legislation of another Member State, as the case may be.

(7) Where the income of the eligible student's parent is computed as for the purposes of the income tax legislation of another Member State, it is computed

dan ddarpariaethau'r Atodlen hon yn arian cyfredol yr Aelod-wladwriaeth honno, ac incwm rhiant y myfyriwr cymwys at ddibenion yr Atodlen hon yw gwerth sterling yr incwm hwnnw wedi'i bennu yn unol â'r gyfradd ar gyfer y mis y mae diwrnod olaf y flwyddyn ariannol o dan sylw yn syrthio ynddo, fel y'i cyhoeddwyd gan y Swyddfa Ystadegau Gwladol.

(8) Os yw un o rieni'r myfyriwr cymwys yn marw naill ai cyn neu yn ystod y flwyddyn berthnasol a bod incwm y rhiant hwnnw wedi'i gymryd i ystyriaeth er mwyn pennu incwm yr aelwyd neu y byddai wedi'i gymryd i ystyriaeth felly, mae incwm yr aelwyd -

- (a) os yw'r rhiant yn marw cyn y flwyddyn berthnasol, yn cael ei bennu drwy gyfeirio at incwm y rhiant sydd wedi goroesi; neu
- (b) os yw'r rhiant yn marw yn ystod y flwyddyn berthnasol, yn gyfanswm y canlynol-
  - (i) y gyfran briodol o incwm yr aelwyd a bennir drwy gyfeirio at incwm y ddau riant, sef y gyfran mewn perthynas â'r rhan honno o'r flwyddyn berthnasol pan oedd y ddau riant yn fyw; a
  - (ii) y gyfran briodol o incwm yr aelwyd a bennir drwy gyfeirio at incwm y rhiant sydd wedi goroesi, sef y gyfran mewn perthynas â'r rhan honno o'r flwyddyn berthnasol sy'n weddill ar ôl i'r rhiant arall farw.

(9) Os yw'r Cynulliad Cenedlaethol yn penderfynu nad yw'r rhieni fel arfer yn byw gyda'i gilydd drwy gydol y flwyddyn berthnasol, mae incwm yr aelwyd yn cael ei bennu drwy gyfeirio at incwm p'un bynnag o'r rhieni y mae'r Cynulliad Cenedlaethol yn credu mai ef yw'r mwyaf priodol o dan yr amgylchiadau.

(10) Os yw'r Cynulliad Cenedlaethol yn penderfynu nad yw'r rhieni fel arfer yn byw gyda'i gilydd am ran yn unig o'r flwyddyn berthnasol, mae incwm yr aelwyd yn cael ei bennu drwy gyfeirio at gyfanswm y canlynol -

- (a) y gyfran briodol o incwm yr aelwyd a bennir yn unol ag is-baragraff (9), sef y gyfran mewn perthynas â'r rhan honno o'r flwyddyn berthnasol pan nad yw'r rhieni yn byw gyda'i gilydd fel hyn; a
- (b) y gyfran briodol o incwm yr aelwyd a bennir fel arall mewn perthynas â gweddill y flwyddyn berthnasol.

### **Cyfrifo incwm gweddilliol partner y myfyriwr cymwys**

6.-(1) Yn ddarostyngedig i is-baragraffau (2), (3) a (4) o'r paragraff hwn a chan eithrio is-baragraffau (8), (9) a (10) o baragraff 5, mae incwm partner myfyriwr cymwys yn cael ei bennu yn unol â pharagraff 5, gan ddehongli cyfeiriadau at y rhiant fel pe baent yn gyfeiriadau at bartner y myfyriwr cymwys.

under the provisions of this Schedule in the currency of that Member State and the income of the eligible student's parent for the purposes of this Schedule is the sterling value of that income determined in accordance with the rate for the month in which the last day of the financial year in question falls, as published by the Office for National Statistics.

(8) Where one of the eligible student's parents dies either before or during the relevant year and that parent's income has been or would be taken into account for the purpose of determining the household income, the household income is -

- (a) where the parent dies before the relevant year, determined by reference to the income of the surviving parent; or
- (b) where the parent dies during the relevant year, the aggregate of -
  - (i) the appropriate proportion of the household income determined by reference to the income of both parents, being the proportion in respect of that part of the relevant year during which both parents were alive; and
  - (ii) the appropriate proportion of the household income determined by reference to the income of the surviving parent, being the proportion in respect of that part of the relevant year remaining after the death of the other parent.

(9) Where the National Assembly determines that the parents do not ordinarily live together throughout the relevant year, the household income is determined by reference to the income of whichever parent the National Assembly considers the more appropriate under the circumstances.

(10) Where the National Assembly determines that the parents do not ordinarily live together for part only of the relevant year, the household income is determined by reference to the aggregate of -

- (a) the appropriate proportion of the household income determined in accordance with sub-paragraph (9), being the proportion in respect of that part of the relevant year for which the parents do not so live together; and
- (b) the appropriate proportion of the household income determined otherwise in respect of the remainder of the relevant year.

### **Calculation of eligible student's partner's residual income**

6.-(1) Subject to sub-paragraphs (2), (3) and (4) of this paragraph and with the exception of sub-paragraphs (8), (9) and (10) of paragraph 5, an eligible student's partner's income is determined in accordance with paragraph 5, references to the parent being construed as references to the eligible student's partner.

(2) Os yw'r Cynulliad Cenedlaethol yn penderfynu nad yw'r myfyriwr cymwys a'i bartner fel arfer yn byw gyda'i gilydd drwy gydol y flwyddyn berthnasol, nid yw incwm y partner yn cael ei gymryd i ystyriaeth wrth bennu incwm yr aelwyd.

(3) Os yw'r Cynulliad Cenedlaethol yn penderfynu nad yw'r myfyriwr cymwys a'i bartner fel arfer yn byw gyda'i gilydd am ran yn unig o'r flwyddyn berthnasol, mae incwm y partner yn cael ei bennu drwy gyfeirio at ei incwm o dan is-baragraff (1) wedi'i rannu â hanner cant a dau ac wedi'u luosi â'r nifer o wythnosau cyflawn yn y flwyddyn berthnasol y mae'r Cynulliad Cenedlaethol yn penderfynu bod y myfyriwr cymwys a'i bartner yn byw gyda'i gilydd fel arfer.

(4) Os oes gan fyfyriwr cymwys fwy nag un partner mewn unrhyw un flwyddyn academaidd, mae darpariaethau'r paragraff hwn yn gymwys mewn perthynas â phob un.

### **Cyfrifo incwm gweddilliol partner rhiant**

7. Mae incwm partner rhiant myfyriwr cymwys newydd y mae ei incwm yn rhan o incwm yr aelwyd yn rhinwedd paragraff 3(2)(a) yn cael ei bennu yn unol â pharagraff 6, gan ddehongli cyfeiriadau at bartner y myfyriwr cymwys fel pe baent yn gyfeiriadau at bartner rhiant y myfyriwr cymwys newydd, a chan ddehongli cyfeiriadau at y myfyriwr cymwys fel pe baent yn gyfeiriadau at riant y myfyriwr cymwys newydd.

### **Cyfrifo cyfraniad - myfyrwyr cymwys o dan yr hen drefn**

8.-(1) Mae'r cyfraniad sy'n daladwy mewn perthynas â myfyriwr cymwys o dan yr hen drefn nad yw'n fyfyriwr cymwys annibynnol, neu sy'n fyfyriwr cymwys annibynnol ac iddo bartner fel a ganlyn-

- (a) mewn unrhyw achos pan fo incwm yr aelwyd yn £23,100 neu fwy, £45 gyda £1 yn cael ei hychwanegu am bob swm cyflawn o £9.50 sy'n codi incwm yr aelwyd yn uwch na £23,100; a
- (b) mewn unrhyw achos pan fo incwm yr aelwyd yn llai na £23,100, dim.

(2) Mae'r cyfraniad sy'n daladwy mewn perthynas â myfyriwr cymwys o dan yr hen drefn sy'n fyfyriwr cymwys annibynnol heb bartner fel a ganlyn-

- (a) mewn unrhyw achos pan fo incwm yr aelwyd yn £10,755 neu fwy, £45 gyda £1 yn cael ei hychwanegu am bob swm cyflawn o £9.50 sy'n codi incwm yr aelwyd yn uwch na £10,755; a
- (b) mewn unrhyw achos pan fo incwm yr aelwyd yn llai na £10,755, dim.

(3) Rhaid i swm y cyfraniad sy'n daladwy o dan is-baragraff (1) neu (2) beidio â bod yn fwy na £7,610 mewn unrhyw achos.

(4) Caniateir addasu'r cyfraniad yn unol â pharagraff

(2) Where the National Assembly determines that the eligible student and his or her partner do not ordinarily live together throughout the relevant year, the partner's income is not taken into account in determining the household income.

(3) Where the National Assembly determines that the eligible student and his or her partner do not ordinarily live together for part only of the relevant year, the partner's income is determined by reference to his or her income under sub-paragraph (1) divided by fifty-two and multiplied by the number of complete weeks in the relevant year for which the National Assembly determines that the eligible student and his or her partner ordinarily live together.

(4) Where an eligible student has more than one partner in any one academic year, the provisions of this paragraph apply in relation to each.

### **Calculation of parent's partner's residual income**

7. The income of a new eligible student's parent's partner whose income is part of the household income by virtue of paragraph 3(2)(a) is determined in accordance with paragraph 6, references to the eligible student's partner being construed as references to the new eligible student's parent's partner, and references to the eligible student being construed as references to the new eligible student's parent.

### **Calculation of contribution - old system eligible students**

8.-(1) The contribution payable in relation to an old system eligible student who is not an independent eligible student or is an independent eligible student with a partner is-

- (a) in any case where the household income is £23,100 or more, £45 with the addition of £1 for every complete £9.50 by which the household income exceeds £23,100; and
- (b) in any case where the household income is less than £23,100, nil.

(2) The contribution payable in relation to an old system eligible student who is an independent eligible student without a partner is-

- (a) in any case where the household income is £10,755 or more, £45 with the addition of £1 for every complete £9.50 by which the household income exceeds £10,755; and
- (b) in any case where the household income is less than £10,755, nil.

(3) The amount of the contribution payable under sub-paragraph (1) or (2) must in no case exceed £7,610.

(4) The contribution may be adjusted in accordance

10 neu 11.

(5) Pan fo is-baragraff (6) yn gymwys, rhaid i gyfanswm y cyfraniadau beidio â bod yn fwy na £7,610.

(6) Mae'r is-baragraff hwn yn gymwys-

- (a) os bydd cyfraniad yn daladwy mewn perthynas â dau neu fwy o fyfyrwyr cymwys (ac eithrio myfyrwyr cymwys o dan y drefn newydd) mewn perthynas â'r un incwm o dan baragraff 5 neu, pan fo incwm gweddilliol partner y rhiant perthnasol yn cael ei ystyried o dan baragraffau 5 a 7; neu
- (b) os incwm gweddilliol myfyriwr cymwys annibynnol a'i bartner yw incwm yr aelwyd a bod gan y ddau ddyfarniad statudol.

### **Cyfrifo cyfraniad - myfyrwyr cymwys o dan y drefn newydd**

9.-(1) Mewn perthynas â myfyriwr cymwys sy'n fyfyrwr cymwys o dan y drefn newydd, y cyfraniad sy'n daladwy yw -

- (a) mewn unrhyw achos lle mae incwm yr aelwyd dros £38,810, £1 am bob swm cyflawn o £9.50 sy'n codi incwm yr aelwyd uwchlaw £38,810; a
- (b) mewn unrhyw achos lle mae incwm yr aelwyd yn £38,810 neu lai, dim.

(2) Rhaid i'r cyfraniad mewn unrhyw achos beidio â bod yn fwy na £5,910.

(3) Caniateir addasu'r cyfraniad yn unol â pharagraff 10 neu 11.

(4) Pan fo is-baragraff (5) yn gymwys, rhaid i gyfanswm y cyfraniadau beidio â bod yn fwy na £5,910.

(5) Mae'r is -baragraff hwn yn gymwys-

- (a) os bydd cyfraniad yn daladwy mewn perthynas â dau neu fwy o fyfyrwyr cymwys (ac eithrio myfyrwyr cymwys o dan yr hen drefn) mewn perthynas â'r un incwm o dan baragraff 5 neu, pan fo incwm gweddilliol partner y rhiant perthnasol yn cael ei ystyried, o dan baragraffau 5 a 7; neu
- (b) os incwm gweddilliol myfyriwr cymwys annibynnol a'i bartner yw incwm yr aelwyd a bod gan y ddau ddyfarniad statudol.

### **Rhannu cyfraniadau- myfyrwyr cymwys nad ydynt yn annibynnol**

10.-(1) Mae'r paragraff hwn yn gymwys pan fydd cyfraniad yn daladwy mewn perthynas â myfyriwr cymwys nad yw'n fyfyrwr cymwys annibynnol.

with paragraph 10 or 11.

(5) Where sub-paragraph (6) applies, the aggregate contributions must not exceed £7,610.

(6) This sub-paragraph applies where-

- (a) a contribution is payable in relation to two or more eligible students (other than new system eligible students) in respect of the same income under paragraph 5 or, where the relevant parent's partner's residual income is taken into account under paragraphs 5 and 7; or
- (b) the household income consists of the residual income of an independent eligible student and his or her partner where both hold a statutory award.

### **Calculation of contribution - new system eligible students**

9.-(1) In relation to an eligible student who is a new system eligible student, the contribution payable is -

- (a) in any case where the household income exceeds £38,810, £1 for every complete £9.50 by which the household income exceeds £38,810; and
- (b) in any case where the household income is £38,810 or less, nil.

(2) The contribution must not in any case exceed £5,910.

(3) The contribution may be adjusted in accordance with paragraph 10 or 11.

(4) Where sub-paragraph (5) applies, the aggregate contributions must not exceed £5,910.

(5) This sub-paragraph applies where-

- (a) a contribution is payable in relation to two or more eligible students (other than old system eligible students) in respect of the same income under paragraph 5 or, where the relevant parent's partner's residual income is taken into account, under paragraphs 5 and 7; or
- (b) the household income consists of the residual income of an independent eligible student and his or her partner where both hold a statutory award.

### **Split contributions - eligible students who are not independent**

10.-(1) This paragraph applies where a contribution is payable in relation to an eligible student who is not an independent eligible student.



(2) Mae is-baragraffau (3) i (7) yn gymwys pan fo'r plant sy'n fyfyrwyr cymwys i gyd naill ai'n fyfyrwyr cymwys o dan yr hen drefn neu i gyd yn fyfyrwyr cymwys o dan y drefn newydd.

(3) Am unrhyw flwyddyn pan fo gan y canlynol ddyfarniad statudol ac eithrio dyfarniad y cyfeirir ato yn is-baragraff (4)-

- (i) mwy nag un o blant rhieni'r myfyriwr cymwys;
- (ii) rhiant y myfyriwr cymwys; neu
- (iii) partner rhiant y myfyriwr cymwys,

y cyfraniad sy'n daladwy mewn perthynas â'r myfyriwr cymwys yw'r cyfryw gyfran o unrhyw gyfraniad a gyfrifir o dan baragraff 8 neu 9 ag y bydd y Cynulliad Cenedlaethol ar ôl ymgynghori ag unrhyw awdurdod arall cysylltiedig yn ei hystyried yn gyfiawn o gymryd i ystyriaeth gymhwyso paragraff 7 o'r Atodlen hon i fyfyrwyr cymwys newydd a myfyriwr presennol yn y drefn honno.

(4) Yn ddarostyngedig i'r is-baragraffau canlynol, am unrhyw flwyddyn y delir ynddi ddyfarniad sy'n daladwy o dan y Rheoliadau hyn, Rheoliadau Addysg (Grantiau Gorfodol) 2003(1) neu adran 63 o Ddeddf Gwasanaethau Iechyd ac Iechyd y Cyhoedd 1968(2) (a dim dyfarniad statudol arall) gan fwy nag un o blant rhieni'r myfyriwr cymwys, y cyfraniad sy'n daladwy mewn perthynas â'r myfyriwr cymwys yw swm sy'n hafal i'r cyfraniad a gyfrifir o dan baragraff 8 neu 9 wedi'i rannu â nifer y plant sy'n dal dyfarniad statudol perthnasol.

(2) Sub-paragraphs (3) to (7) apply where the children who are eligible students are either all old system eligible students or are all new system eligible students.

(3) For any year in which a statutory award other than an award referred to in sub-paragraph (4) is held by-

- (i) more than one child of the eligible student's parents;
- (ii) the eligible student's parent; or
- (iii) the eligible student's parent's partner,

the contribution payable in respect of the eligible student is such proportion of any contribution calculated under paragraph 8 or 9 as the National Assembly after consultation with any other authority involved considers just taking into account the application of paragraph 7 of this Schedule to new eligible students and existing students respectively.

(4) Subject to the following sub-paragraphs, for any year in which an award payable under these Regulations, the Education (Mandatory Awards) Regulations 2003(1) or section 63 of the Health Services and Public Health Act 1968 (2) (and no other statutory award) is held by more than one child of the eligible student's parents, the contribution payable in respect of the eligible student is an amount equal to the contribution calculated under paragraph 8 or 9 divided by the number of children who hold a relevant statutory award.

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(1) O.S. 2003/1994, a ddiwygiwyd gan O.S. 2004/1038, O.S. 2004/1792, O.S. 2005/2083 ac O.S. 2005/3137.

(2) 1968 p. 46; diwygiwyd adran 63 gan Ddeddf Y Gwasanaeth Iechyd Gwladol (Yr Alban) 1972 (p.58), Atodlen 7, Deddf Ad-drefnu'r Gwasanaeth Iechyd Gwladol 1973 (p. 32), Atodlenni 4 a 5, Deddf y Gwasanaeth Iechyd Gwladol 1977 (p. 49), Atodlenni 15 ac 16, Deddf y Gwasanaeth Iechyd Gwladol (yr Alban) 1978 (p. 29), Atodlenni 16 ac 17, Deddf Llywodraeth Leol 1985 (p. 51), Atodlen 17, Deddf Iechyd a Meddyginiaethau 1988 (p. 49), adran 20, adran 25(2) ac Atodlen 3, Deddf Llywodraeth Leol (yr Alban) 1994 (p. 39), Atodlen 13, Deddf Awdurdodau Iechyd 1995 (p. 17), Atodlen 1, Gorchymyn Ad-drefnu Llywodraeth Leol (Cymru) (Diwygiadau Canlyniadol Rhif 2) 1996 (O.S. 1996/1008), Deddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 (p. 46), Atodlen 2, Deddf Iechyd 1999 (p. 8), Atodlen 4, Deddf Iechyd a Gofal Cymdeithasol 2001 (p. 15), Atodlen 5, Deddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Cymdeithasol 2002 (p. 17), Atodlenni 2, 5 a 9, Rheoliadau Deddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Cymdeithasol 2002 (Darpariaethau Atodol, Canlyniadol etc) 2002 (O.S. 2002/2469), Atodlen 1, Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p. 43), Atodlenni 4, 11 a 14, Gorchymyn Cychwyn Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (Rhif 2) 2004 (O.S. 2004/288), erthygl 7, Gorchymyn Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (Cychwyn Rhif 1) (Cymru) 2004 (O.S. 2004/480), erthygl 6 a Gorchymyn Deddf Gwasanaethau Meddygol Sylfaenol (yr Alban) 2004 (Addasiadau Canlyniadol) 2004 (O.S. 2004/957), yr Atodlen.

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(1) S.I. 2003/1994, amended by S.I. 2004/1038, S.I. 2004/1792, S.I. 2005/2083 and S.I. 2005/3137.

(2) 1968 c. 46; section 63 was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 7, the National Health Service Reorganisation Act 1973 (c. 32), Schedules 4 and 5, the National Health Service Act 1977 (c. 49), Schedules 15 and 16, the National Health Service (Scotland) Act 1978 (c. 29), Schedules 16 and 17, the Local Government Act 1985 (c. 51), Schedule 17, the Health and Medicines Act 1988 (c. 49), section 20, section 25(2) and Schedule 3, the Local Government (Scotland) Act 1994 (c. 39), Schedule 13, the Health Authorities Act 1995 (c. 17), Schedule 1, the Local Government Reorganisation (Wales) (Consequential Amendments No. 2) Order 1996 (S.I. 1996/1008), the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, the Health Act 1999 (c. 8), Schedule 4, the Health and Social Care Act 2001 (c. 15), Schedule 5, the National Health Service Reform and Social Care Professions Act 2002 (c. 17), Schedules 2, 5 and 9, the National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc Provisions) Regulations 2002 (S.I. 2002/2469), Schedule 1, the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedules 4, 11 and 14, the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 2) Order 2004 (S.I. 2004/288), article 7, the Health and Social Care (Community Health and Standards) Act 2003 (Commencement No. 1) (Wales) Order 2004 (S.I. 2004/480), article 6 and the Primary Medical Services (Scotland) Act 2004 (Consequential Modifications) Order 2004 (S.I. 2004/957), the Schedule.

(5) Os na fyddai'r cyfraniad, o ganlyniad i'r dosrannu o dan is-baragraff (4), yn cael ei ddileu drwy ei gymhwyso mewn perthynas â dyfarniad statudol y myfyriwr cymwys, cymhwysir gweddill y cyfraniad yn lle hynny-

- (i) yn gyntaf mewn perthynas â'r dyfarniad statudol lleiaf (neu bob un dyfarniad statudol o'r fath) y caniateir i'r cyfraniad fod yn gymwys iddo; a
- (ii) yna, yn nhrefn gynyddol maint, mewn perthynas â phob dyfarniad statudol sy'n weddill ac y caniateir i'r cyfraniad fod yn gymwys iddo, hyd oni ellir dosrannu balans y cyfraniad yn gyfartal heb fod unrhyw ran ohono'n weddill neu hyd oni na fydd yn weddill unrhyw ran o unrhyw ddyfarniad statudol na chymhwyswyd y cyfraniad iddi.

(6) Os -

- (a) oes partner gan riant y myfyriwr cymwys yr asesir ei incwm o dan yr Atodlen hon;
- (b) bydd cyfraniad yn cymryd i ystyriaeth incwm gweddilliol y rhiant hwnnw'n daladwy mewn perthynas â mwy nag un myfyriwr cymwys sy'n blentyn i naill ai'r rhiant hwnnw neu i'w bartner; a
- (c) na fydd y swm sy'n daladwy mewn perthynas â phob myfyriwr cymwys yr un fath yn mhob achos,

cyfrifir y cyfraniad mewn perthynas â phob myfyriwr cymwys o dan is-baragraff (7).

(7) Os yw is-baragraff (6) yn gymwys, mae'r cyfraniad mewn perthynas â myfyriwr cymwys yn swm hafal i'r cyfraniad a gyfrifir o dan baragraff 8 neu 9 wedi'i rannu â nifer y myfyrwyr cymwys y cyfeirir atynt ym mharagraff (b) o is-baragraff (6) y mae cyfraniad yn daladwy mewn perthynas â hwy ac os na ddiddymir y cyfraniad drwy ei gymhwyso mewn perthynas â dyfarniad statudol y myfyriwr cymwys, cymhwysir gweddill y cyfraniad yn yr un modd ag yn is-baragraff (5) i ddyfarniad statudol perthnasol y myfyrwyr cymwys ar eu haelwyd berthnasol.

(8) Os-

- (a) bydd cyfraniad yn cymryd i ystyriaeth incwm gweddilliol rhiant myfyriwr cymwys yn daladwy mewn perthynas â mwy nag un myfyriwr cymwys sy'n blentyn i'r rhiant hwnnw neu i bartner y rhiant hwnnw; a
- (b) nad yw'r swm sy'n daladwy mewn perthynas â phob myfyriwr cymwys yr un fath ym mhob achos oherwydd bod rhai o'r myfyrwyr cymwys yn fyfyrwyr cymwys o dan yr hen drefn a rhai yn fyfyrwyr cymwys o dan y drefn newydd,

(5) If, as a result of the apportionment under sub-paragraph (4), the contribution would not be extinguished by applying it in respect of the eligible student's statutory award, the remainder of the contribution is instead applied-

- (i) first in relation to the smallest statutory award (or each such statutory award) to which the contribution may apply; and
- (ii) then, in increasing order of size, in relation to each remaining statutory award to which the contribution may apply, until the balance of the contribution can be apportioned equally without any part of it remaining or until there remains no part of any statutory award to which the contribution has not been applied.

(6) Where-

- (a) the eligible student's parent whose income is assessed under this Schedule has a partner;
- (b) a contribution taking into account the residual income of that parent is payable in relation to more than one eligible student who is the child of either that parent or his or her partner; and
- (c) the amount payable in relation to each eligible student is not the same in every case,

the contribution in respect of each eligible student is calculated under sub-paragraph (7).

(7) Where sub-paragraph (6) applies, the contribution in respect of an eligible student is an amount equal to the contribution calculated under paragraph 8 or 9 divided by the number of eligible students referred to in paragraph (b) of sub-paragraph (6) in relation to whom a contribution is payable and where the contribution is not extinguished by applying it in respect of the eligible student's statutory award, the remainder of the contribution is applied in the same way as in sub-paragraph (5) to the relevant statutory award of the eligible students in his or her relevant household.

(8) Where-

- (a) a contribution taking into account the residual income of the parent of an eligible student is payable in relation to more than one eligible student who is the child of that parent or of the parent's partner; and
- (b) the amount payable in relation to each eligible student is not the same in every case because some of the eligible students are old system eligible students and some are new system eligible students,

cyfrifir y cyfraniad mewn perthynas â myfyriwr cymwys o dan is-baragraff (9).

(9) Pan fo is -baragraff (8) yn gymwys, bydd y cyfraniad mewn perthynas â myfyriwr cymwys yn swm hafal i'r cyfraniad a gyfrifir o dan baragraff (8) neu (9) wedi'i rannu â nifer y myfyriwyr cymwys y cyfeirir atynt ym mharagraff (a) o is-baragraff (8) y mae cyfraniad yn daladwy mewn perthynas â hwy a phan na ddiddymir y cyfraniad drwy ei gymhwyso mewn perthynas â dyfarniad statudol y myfyriwr cymwys, cymhwysir gweddill y cyfraniad yn yr un modd ag yn is-baragraff (5) i ddyfarniadau statudol perthnasol y myfyriwyr cymwys eraill o dan yr hen drefn pan fo'r myfyriwr cymwys yn fyfyriwr cymwys o dan yr hen drefn ac i grantiau statudol perthnasol y myfyriwyr cymwys eraill o dan y drefn newydd pan fo'r myfyriwr cymwys yn fyfyriwr cymwys o dan y drefn newydd.

(10) Pan fo cyfraniad sy'n cymryd i ystriaeth incwm gweddilliol rhiant y myfyriwr cymwys yn daladwy mewn perthynas â mwy nag un o blant y rhiant hwnnw neu bartner y rhiant hwnnw, os oes partner, a bod incwm gweddilliol unrhyw fyfyriwr cymwys o'r fath yn fwy na dim, cyfrifir y cyfraniad mewn perthynas â phob myfyriwr cymwys yn unol â'r is-baragraffau canlynol-

- (a) cyfrifir y cyfraniad mewn perthynas â'r myfyriwr cymwys heb gyfeirio at baragraff 4 ond fel arall yn unol â'r Atodlen hon ac fe'i dosrennir rhwng pob myfyriwr cymwys yn unol â'r paragraff hwn;
- (b) yna cymhwysir yn ychwanegol mewn perthynas â'r myfyriwr cymwys gyfraniad pellach o £1 am bob swm cyflawn o £9.50 sy'n codi'r swm a gyfrifir mewn perthynas â'r myfyriwr o dan baragraff (c) o'r is-baragraff hwn yn uwch na £23,100 pan fo'r myfyriwr yn fyfyriwr cymwys o dan yr hen system neu'n uwch na £38,810 pan fo'r myfyriwr yn fyfyriwr cymwys o dan y drefn newydd;
- (c) y swm y cyfeirir ato ym mharagraff (b) o'r is-baragraff hwn yw cyfanswm unrhyw symiau a gyfrifir o dan baragraffau 4, 5 a 7 (lle y bo'n briodol) o'r Atodlen hon gyda'r swm (os oes swm) sy'n peri bod cyfanswm y symiau a gyfrifir o dan baragraffau 5 a 7 yn uwch na £23,100 wedi'i ddiidynnu pan fo'r myfyriwr yn fyfyriwr cymwys o dan yr hen system neu'n uwch na £38,810 pan fo myfyriwr yn fyfyriwr cymwys o dan y drefn newydd.

(11) Yn ddarostyngedig i is-baragraff (12), at ddiben cyfrifo'r cyfraniad at ei ddyfarniad statudol, ychwanegir i incwm gweddilliol myfyriwr sy'n rhiant, unrhyw swm sy'n weddill -

- (a) os yw'r myfyriwr sy'n rhiant yn rhiant i un myfyriwr cymwys yn unig a bod y cyfraniad sy'n daladwy mewn perthynas â'r myfyriwr

the contribution in respect of an eligible student is calculated under sub-paragraph (9).

(9) Where sub-paragraph (8) applies, the contribution in respect of an eligible student is an amount equal to the contribution calculated under paragraph (8) or (9) divided by the number of eligible students referred to in paragraph (a) of sub-paragraph (8) in relation to whom a contribution is payable and where the contribution is not extinguished by applying it in respect of the eligible student's statutory award, the remainder of the contribution is applied in the same way as in sub-paragraph (5) to the relevant statutory awards of the other old system eligible students where the eligible student is an old system eligible student and to the relevant statutory awards of the other new system eligible students where the eligible student is a new system eligible student.

(10) Where a contribution taking into account the residual income of the eligible student's parent is payable in respect of more than one child of that parent or that parent's partner, if any, and the residual income of any such eligible student is greater than nil, the contribution in relation to each eligible student is calculated in accordance with the following sub-paragraphs-

- (a) the contribution in respect of the eligible student is calculated without reference to paragraph 4 but otherwise in accordance with this Schedule and is apportioned between each eligible student in accordance with this paragraph;
- (b) there is then applied in addition in respect of the eligible student a further contribution of £1 for every complete £9.50 by which the sum calculated in respect of the student under paragraph (c) of this sub-paragraph exceeds £23,100 where the student is an old system eligible student or exceeds £38,810 where the student is a new system eligible student;
- (c) the sum referred to in paragraph (b) of this sub-paragraph is the aggregate of any amounts calculated under paragraphs 4, 5 and 7 (where appropriate) of this Schedule with the deduction of the amount (if any) by which the aggregate of the amounts calculated under paragraphs 5 and 7 exceeds £23,100 where the student is an old system eligible student or exceeds £38,810 where the student is a new system eligible student.

(11) Subject to sub-paragraph (12), there is added to a parent student's residual income for the purpose of calculating the contribution to his or her statutory award any sum remaining-

- (a) where the parent student is the parent of only one eligible student and the contribution payable in respect of that eligible student is

cymwys hwnnw'n fwy na'r dyfarniad statudol mewn perthynas â'r myfyriwr cymwys hwnnw, y gwahaniaeth rhwng y cyfraniad hwnnw a'r dyfarniad statudol hwnnw; neu

- (b) os yw'r myfyriwr sy'n rhiant yn rhiant i fwy nag un myfyriwr cymwys, unrhyw swm sy'n weddill ar ôl dosrannu'r cyfraniad i'w blant o dan y paragraff hwn.

(12) Os oes gan fyfyrwr sy'n rhiant bartner o fewn paragraff 1(i) o'r Atodlen hon, cyfrifir y symiau a gaiff eu hadio at ei incwm gweddilliol o dan is-baragraff (11) o'r paragraff hwn fel pe bai'r cyfraniad mewn perthynas â'i blant wedi'i asesu gan gymryd i ystyriaeth incwm partner y rhiant o dan baragraff 7, p'un a chyfrifwyd y cyfraniad ar y sail honno mewn gwirionedd ai peidio.

(13) Yn y paragraff hwn, ystyr "aelwyd berthnasol" ("*relevant household*") yw'r holl fyfyrwyr cymwys hynny y cyfrifir cyfraniad mewn perthynas â hwy drwy gyfeirio at yr un incwm o dan baragraffau 5 a 7.

#### Rhannu cyfraniadau - myfyrwyr cymwys annibynnol

11.-(1) Os oes cyfraniad yn daladwy o dan baragraff 8 neu 9 mewn perthynas â myfyriwr cymwys annibynnol sydd â phartner, mae'r cyfraniad yn daladwy yn unol â'r is-baragraffau canlynol-

- (a) am unrhyw flwyddyn y mae dyfarniad statudol heblaw dyfarniad y cyfeirir ato ym mharagraff (b) o'r is-baragraff hwn gan bartner y myfyriwr cymwys annibynnol, y cyfraniad sy'n daladwy mewn perthynas â'r myfyriwr cymwys annibynnol yw'r gyfran honno o unrhyw gyfraniad a gyfrifir o dan baragraff 8 neu 9 y mae'r Cynulliad Cenedlaethol ar ôl ymgynghori ag unrhyw awdurdod arall sy'n ymwneud â'r mater o'r farn ei fod yn gyfiawn;
- (b) yn ddarostyngedig i'r is-baragraffau canlynol, am unrhyw flwyddyn y delir ynddi mae ddyfarniad sy'n daladwy o dan y Rheoliadau hyn, Rheoliadau Addysg (Dyfarniadau Gorfodol) 2003(1) neu adran 63 o Ddeddf Gwasanaethau Iechyd ac Iechyd y Cyhoedd 1968(2) (a dim unrhyw ddyfarniad statudol arall) gan bartner y myfyriwr cymwys annibynnol, mae'r cyfraniad sy'n daladwy mewn perthynas â'r myfyriwr cymwys annibynnol yn swm sy'n hafal i hanner y cyfraniad a gyfrifir o dan baragraff 8 neu 9;
- (c) pe na bai'r cyfraniad a gyfrifir, o ganlyniad i'r dyraniad o dan baragraff (b) o'r is-baragraff hwn, yn cael ei ddileu drwy ei gymhwyso mewn perthynas â dyfarniad statudol y myfyriwr cymwys annibynnol, mae gweddill y cyfraniad yn cael ei gymhwyso yn hytrach at

greater than the statutory award in respect of that eligible student, the difference between that contribution and that statutory award; or

- (b) where a parent student is the parent of more than one eligible student, any sum remaining after the apportionment of the contribution to his or her children under this paragraph.

(12) Where a parent student has a partner within paragraph 1(j) of this Schedule, the sums added to his or her residual income under sub-paragraph (11) of this paragraph are calculated as though the contribution in respect of his or her children had been assessed taking into account the income of the parent's partner under paragraph 7, whether or not the contribution was actually calculated on that basis.

(13) In this paragraph, "relevant household" ("*aelwyd berthnasol*") means all those eligible students in respect of whom a contribution is calculated with reference to the same income under both paragraphs 5 and 7.

#### Split contributions - independent eligible students

11.-(1) Where a contribution is payable under paragraph 8 or 9 in relation to an independent eligible student with a partner, the contribution is payable in accordance with the following sub-paragraphs-

- (a) for any year in which a statutory award other than an award referred to in paragraph (b) of this sub-paragraph is held by the independent eligible student's partner, the contribution payable in respect of the independent eligible student is such proportion of any contribution calculated under paragraph 8 or 9 as the National Assembly after consultation with any other authority involved considers just;
- (b) subject to the following sub-paragraphs, for any year in which an award payable under these Regulations, the Education (Mandatory Awards) Regulations 2003 (1) or section 63 of the Health Services and Public Health Act 1968(2) (and no other statutory award) is held by the independent eligible student's partner, the contribution payable in respect of the independent eligible student is an amount equal to half the contribution calculated under paragraph 8 or 9;
- (c) if, as a result of the apportionment under paragraph (b) of this sub-paragraph, the contribution calculated would not be extinguished by applying it in respect of the independent eligible student's statutory award, the remainder of the contribution is instead

(1) 2003/1994

(2) 1968 p.46

(1) 2003/1994

(2) 1968 c.46.

ddyfarniad statudol perthnasol ei bartner os ydynt ill dau yn fyfyrwyr o dan yr hen drefn neu os ydynt ill dau yn fyfyrwyr o dan y drefn newydd.

(2) Yn ddarostyngedig i is-baragraff (3), er mwyn cyfrifo'r cyfraniad at ei ddyfarniad statudol, ychwanegir at incwm gweddilliol myfyriwr sy'n rhiant unrhyw swm sy'n weddill -

- (a) os yw'r myfyriwr sy'n rhiant yn rhiant i un myfyriwr cymwys yn unig a bod y cyfraniad sy'n daladwy mewn perthynas â'r myfyriwr cymwys hwnnw yn fwy na'r dyfarniad statudol mewn perthynas â'r myfyriwr cymwys hwnnw, y gwahaniaeth rhwng y cyfraniad hwnnw a'r dyfarniad statudol hwnnw; neu
- (b) os yw myfyriwr sy'n rhiant yn rhiant i fwy nag un myfyriwr cymwys, unrhyw swm sy'n weddill ar ôl dosrannu'r cyfraniad i'w blant o dan yr Atodlen hon.

(3) Os oes gan fyfyriwr sy'n rhiant bartner sydd hefyd yn fyfyriwr cymwys y cymerir ei incwm i ystyriaeth wrth asesu'r cyfraniad mewn perthynas â'r plant yn is-baragraff (2), ychwanegir hanner y swm a gyfrifir o dan is-baragraff (2) at incwm gweddilliol y myfyriwr sy'n rhiant.

applied to the relevant statutory award of his or her partner if they are both old system students or if they are both new system students.

(2) Subject to sub-paragraph (3), there is added to a parent student's residual income for the purpose of calculating the contribution to his or her statutory award any sum remaining-

- (a) where the parent student is the parent of only one eligible student and the contribution payable in respect of that eligible student is greater than the statutory award in respect of that eligible student, the difference between that contribution and that statutory award; or
- (b) where a parent student is the parent of more than one eligible student, any sum remaining after the apportionment of the contribution to his or her children under this Schedule.

(3) Where a parent student has a partner who is also an eligible student and whose income is taken into account in assessing the contribution in relation to the children in sub-paragraph (2), half of the sum calculated under sub-paragraph (2) is added to the parent student's residual income.

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