



OFFERYNNAU STATUDOL
CYMRU

WELSH
STATUTORY INSTRUMENTS

2007 Rhif 2851 (Cy.248)

2007 No. 2851 (W.248)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Grantiau a
Benthyciadau Dysgu y Cynulliad
(Addysg Uwch) (Cymru)
(Diwygio) (Rhif 2) 2007

The Assembly Learning Grants and
Loans (Higher Education) (Wales)
(Amendment) (No.2) 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 diwygio Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2006 ("Rheoliadau 2006") a Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2007 ("Rheoliadau 2007").

These Regulations amend the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006 ("the 2006 Regulations") and the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2007 ("the 2007 Regulations").

Newidir darpariaethau cyfatebol y Rheoliadau fel a ganlyn-

Changes are made to the corresponding provisions of the Regulations as follows -

Diwygiadau i Reoliadau 2006

Amendments to the 2006 Regulations

Yn Rhan 2 y Rheoliadau hyn, ymdrinnir â chamgymeriadau teipograffyddol yn rhaglith a rheoliad 2(1A) testun Saesneg Rheoliadau 2006 ynghyd â chamgymeriadau teipograffyddol yn rheoliadau 55 (3)(ba) a pharagraff 1 (4)(ch) o Atodlen 1 testun Cymraeg yr un Rheoliadau.

Typographical errors in regulation 2(1A) of the English text of the 2006 Regulations together with typographical errors in regulations 55(3)(ba) and paragraph 1(4)(ch) of Schedule 1 of the Welsh text of the same Regulations are dealt with in Part 2 of these Regulations.

Diwygiadau i Reoliadau 2007

Amendments to the 2007 Regulations

Mae Rheoliadau 2007 yn darparu ar gyfer cymorth i fyfyrwyr sy'n ymgymryd â chysiau addysg uwch dynodedig mewn perthynas â blwyddyn academiaidd sy'n dechrau ar neu ar ôl 1 Medi 2007.

The 2007 Regulations provide for support for students taking designated higher education courses in respect of an academic year beginning on or after 1 September 2007.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau 2007 i wneud darpariaeth ar gyfer rhoi cymorth ariannol i fyfyrwyr sy'n ymgymryd â chysiau dysgu o bell dynodedig. Cwrs dysgu o bell dynodedig yw cwrs a ddynodwyd dan y rheoliad 61C newydd gan Weinidogion Cymru (rheoliad 18).

These Regulations amend the 2007 Regulations to make provision for the payment of support to students who are undertaking designated distance learning courses. A designated distance learning course is a course which has been designated under the new regulation 61C by the Welsh Ministers (regulation 18).

Caiff y cymorth sy'n daladwy i fyfyrwyr dysgu o bell cymwys ei nodi yn y rheoliadau 61D (grant mewn perthynas â ffioedd a grant mewn perthynas â llyfrau, teithio a gwariant arall) a 61F newydd (lwfans myfyrwyr dysgu o bell anabl). Caiff lwfans myfyrwyr dysgu o bell anabl ei dalu i fyfyrwyr sy'n ymgymryd â chyrsgiau dysgu o bell llawnamser o dan y rheoliad 61F newydd yn hytrach na o dan reoliad 24 o Reoliadau 2007.

Caiff statws myfyrwyr sydd eisoes yn derbyn grant costau byw myfyrwyr anabl yn gysylltiedig ag ymgymryd â cwrs dynodedig ond nid yn ei fynychu ei newid o fod yn fyfyrwyr cymwys i fod yn fyfyrwyr dysgu o bell cymwys yn unol â'r rheoliad 61I newydd. Bydd y ddarpariaeth hon hefyd yn gymwys i fyfyrwyr a ddyfarnwyd eisoes eu bod yn gymwys ond nas cymhwyswyd ar gyfer cymorth yn unig am nad oeddynt yn mynychu cwrs dynodedig.

Mae'r Rheoliadau hyn yn gwneud amryw o ddiwygiadau canlyniadol ychwanegol i Reoliadau 2007 yn dilyn cyflwyno darpariaeth ar gyfer cymorth i fyfyrwyr dysgu o bell cymwys.

Mae'r Rheoliadau hyn hefyd yn diwygio rheoliad 16 o Reoliadau 2007 i'w gwneud yn glir na all myfyriwr dan yr hen drefn sy'n mynychu cwrs yn Ysgol Cerdd a Drama Guildhall neu Goleg Heythrop fod yn gymwys ar gyfer grant tuag at ffioedd sydd yn fwy na'r ffioedd gwirioneddol sy'n daladwy ganddo (rheoliad 15).

Mae'r Rheoliadau hyn hefyd yn diwygio rheoliad 30 o Reoliadau 2007 i egluro y caiff myfyriwr cymwys fod yn gymwys i gael grant ar gyfer dibynyddion pan fo'r dibynnydd perthnasol yn ddibynnol arno ef neu ef a'i bartner gyda'i gilydd (rheoliad 17).

Gwneir darpariaeth hefyd i alluogi rhai myfyrwyr rhan-amser i fod yn gymwys i dderbyn lwfans myfyrwyr rhan-amser anabl yn ystod blwyddyn academaidd (rheoliad 21).

The support payable to eligible distance learning students is set out in the new regulations 61E (grant in respect of fees and grant in respect of books, travel and other expenditure) and 61H (disabled distance learning students' allowance). Disabled distance learning students' allowance will be paid to students undertaking full-time distance learning courses under the new regulation 61H rather than under regulation 24 of the 2007 Regulations.

Students previously in receipt of a grant for disabled students' living costs in connection with undertaking but not attending a designated course will have their status as eligible students converted to that of eligible distance learning students in accordance with the new regulation 61M. This provision will also apply to students who were previously determined to be eligible students but who did not qualify for support solely because they were not in attendance on a designated course.

These Regulations make various additional consequential amendments to the 2007 Regulations in light of the introduction of the provision of support for eligible distance learning students.

These Regulations also amend regulation 16 of the 2007 Regulations to make clear that an old system student attending a course at Guildhall School of Music and Drama or Heythrop College cannot qualify for a grant for fees which exceeds the actual fees payable by him or her (regulation 15).

These Regulations also amend regulation 30 of the 2007 Regulations to clarify that an eligible student may qualify for a grant for dependants where the relevant dependant is dependent on him or her, or him or her and his or her partner together (regulation 17).

Provision is also made to enable certain part-time students qualify for disabled part-time students' allowance during the course of an academic year (regulation 21).

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ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Grantiau a
Benthyciadau Dysgu y Cynulliad
(Addysg Uwch) (Cymru)
(Diwygio) (Rhif 2) 2007

The Assembly Learning Grants and
Loans (Higher Education) (Wales)
(Amendment) (No.2) Regulations
2007

Gwnaed 28 Medi 2007

Made 28 September 2007

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 1 Hydref 2007

*Laid before the National Assembly
for Wales* 1 October 2007

Yn dod i rym 23 Hydref 2007

Coming into force 23 October 2007

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 22, 42(6) a 43(1) o Ddeddf Addysgu ac Addysg Uwch 1998 (1), ac sydd bellach yn arferadwy ganddynt(2), yn gwneud y Rheoliadau canlynol:

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998(1), and now exercisable by them(2) make the following Regulations:

RHAN 1

PART 1

CYFFREDINOL

GENERAL

Enwi, cychwyn a chymhwyso

Title, commencement and application

1. Enw'r Rheoliadau hyn yw Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) (Diwygio) (Rhif 2) 2007.

1. The title of these Regulations is the Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) (No. 2) Regulations 2007.

(1) 1998 p. 30; diwygiwyd adran 22 gan Ddeddf Dysgu a Medrau 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.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 22 o Ddeddf Addysgu ac Addysg Uwch 1998 i Gynulliad Cenedlaethol Cymru gan adran 44 o Ddeddf Addysg Uwch 2004 a Gorchymyn Deddf Addysg Uwch 2004 (Cychwyn Rhif 2 a Darpariaeth Drosiannol) (Cymru) 2005 (O.S. 2005/1833 (Cy.149)(C.79)) fel y'i diwygiwyd gan Orchymyn Deddf Addysg Uwch 2004 (Cychwyn Rhif 2 Darpariaeth Drosiannol) (Cymru) (Diwygio) 2006 (O.S. 2006/1660 (Cy.159)(C.56). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weiniogion Cymru yn rhinwedd paragraffau 30(1) a 30(2)(a) o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(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.

(2) The functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 were transferred to the National Assembly for Wales by section 44 of the Higher Education Act 2004 and the Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) Order 2005 (S.I. 2005/1833 (W.149)(C.79)) as amended by the Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) (Amendment) Order 2006 (S.I. 2006/1660 (W.159)(C.56). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraphs 30(1) and 30(2)(a) of Schedule 11 of the Government of Wales Act 2006 (c.32).

(1) (2) Daw'r Rheoliadau hyn i rym ar 23 Hydref 2007 ac maent yn gymwys o ran Cymru.

(2) These Regulations come into force on 23 October 2007 and apply in relation to Wales.

Dehongli

2. Yn y Rheoliadau hyn-

ystyr "Rheoliadau 2006" ("*the 2006 Regulations*") yw Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2006(1).

ystyr "Rheoliadau 2007 ("*the 2007 Regulations*") yw Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2007(2).

Interpretation

2. In these Regulations-

"the 2006 Regulations" ("*Rheoliadau 2006*") means the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006(1).

"the 2007 Regulations" ("*Rheoliadau 2007*") means the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2007(2).

Diwygio Rheoliadau 2006 a Rheoliadau 2007

3. Diwygir Rheoliadau 2006 yn unol â Rhan 2.

4. Diwygir Rheoliadau 2007 yn unol â Rhan 3.

Amendment to the 2006 Regulations and the 2007 Regulations

3. The 2006 Regulations are amended in accordance with Part 2.

4. The 2007 Regulations are amended in accordance with Part 3.

RHAN 2

DIWYGIADAU I REOLIADAU 2006

5. Yn y testun Saesneg o reoliad 2(1A) o Reoliadau 2006, ar ôl y gair "his", mewnsoder "or her".

6. Yn y testun Cymraeg o reoliad 55(3)(ba) o Reoliadau 2006 hepgorer y gair "nad".

7. Yn y testun Cymraeg o baragraff 1(4)(ch) o Atodlen 1 i Reoliadau 2006, yn lle "blentyn ei briod neu ei bartner sifil";, rhodder "briod neu bartner sifil ei blentyn,".

PART 2

AMENDMENTS TO THE 2006 REGULATIONS

5. In the English text of regulation 2(1A) of the 2006 Regulations, after the word, "his" insert "or her".

6. In the Welsh text of regulation 55(3)(ba) of the 2006 Regulations, omit the word, "nad".

7. In the Welsh text of paragraph 1(4)(ch) of Schedule 1 to the 2006 Regulations, for the words, "blentyn ei briod neu ei bartner sifil";, substitute the words, "briod neu bartner sifil ei blentyn;".

RHAN 3

DIWYGIADAU I REOLIADAU 2007

Diwygio rheoliad 2 o Reoliadau 2007

8. Yn rheoliad 2(1) o Reoliadau 2007, yn y man priodol yn nhrefn y wyddor, mewnosoder-

"ystyr "blwyddyn bwrsari" ("*bursary year*") yw blwyddyn academiaidd y cwrs-

PART 3

AMENDMENTS TO THE 2007 REGULATIONS

Amendment of regulation 2 of the 2007 Regulations

8. In regulation 2(1) of the 2007 Regulations, in the appropriate place in the alphabetical order, insert-

"bursary year" ("*blwyddyn bwrsari*") means an academic year of the course-

(1) O.S.2006/126 (Cy.19), a ddiwygiwyd gan O.S. 2006/1863 (Cy.196) ac O.S. 2007/2312 (Cy.183)

(2) O.S.2007/1045 (Cy.104) a ddiwygiwyd gan O.S. 2007/2312 (Cy.183)

(1) S.I. 2006/126 (W.19) as amended by S.I. 2006/1863 (W.196) and S.I. 2007/2312 (W.183)

(2) S.I. 2007/1045 (W.104) as amended by S.I. 2007/2312 (W.183).

- (a) mewn perthynas â hi y mae'r myfyriwr yn gymwys i gael unrhyw daliad o dan fwrari gofal iechyd y cyfrifwyd ei swm drwy gyfeirio at ei incwm; neu
- (b) mewn perthynas â hi y mae'r myfyriwr yn gymwys i gael unrhyw daliad o dan lwfans gofal iechyd yr Alban y cyfrifwyd ei swm drwy gyfeirio at ei incwm;

ystyr "cwrws dysgu o bell dynodedig" ("*designated distance learning course*") yw cwrws a ddynodwyd gan Weinidogion Cymru dan reoliad 61C;"

ystyr "cwrws dysgu o bell presennol" ("*present distance learning course*") yw'r cwrws dysgu o bell dynodedig y mae person yn gwneud cais am gymorth mewn perthynas ag ef;"

ystyr "lwfans myfyrwyr dysgu o bell anabl" ("*disabled distance learning students' allowance*") yw'r grant taladwy dan reoliad 61F;"

mae i "myfyriwr dysgu o bell cymwys" ("*eligible distance learning student*") yr ystyr a roddir yn rheoliad 61A;"

9. Yn y testun Saesneg o reoliad 2(1A) o Reoliadau 2007, ar ôl y gair "his", mewnsoder "or her".

Diwygio rheoliad 4 o Reoliadau 2007

10. Yn rheoliad 4 o Reoliadau 2007-

- (a) yn dilyn paragraff (6)(a), mewnosoder-
 - (aa) at gwrws dynodedig a chwrs dysgu o bell dynodedig;"
- (b) yn lle paragraff (12), rhodder-
 - (12) Os bydd-
 - (a) Gweinidogion Cymru wedi penderfynu bod person ("A"), yn rhinwedd bod yn ffoadur neu fod yn briod, yn bartner sifil, yn blentyn neu'n llysblentyn i ffoadur-
 - (i) yn fyfyrwr cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o'r cwrws presennol, mewn cysylltiad â chais am gymorth ar gyfer cwrws y mae'r cwrws presennol yn gwrws penben mewn perthynas ag ef neu mewn cysylltiad â chais am gymorth mewn perthynas â chwrs rhan-amser dynodedig, cwrws dysgu o bell dynodedig neu gwrws dynodedig arall y mae ei statws fel myfyriwr rhan-amser cymwys, myfyriwr dysgu o bell cymwys neu fyfyrwr cymwys wedi'i drosglwyddo o'r cwrws hwnnw i'r cwrws presennol; neu

- (a) in relation to which 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; or
- (b) in relation to which the student is eligible to receive any payment under a Scottish healthcare allowance the amount of which is calculated by reference to his or her income;

"designated distance learning course" ("*cwrws dysgu o bell dynodedig*") means a course designated by the Welsh Ministers under regulation 61C;"

"disabled distance learning students' allowance" ("*lwfans myfyrwyr dysgu o bell anabl*") means the grant payable under regulation 61F;"

"eligible distance learning student" ("*myfyriwr dysgu o bell cymwys*") has the meaning given in regulation 61A;"

"present distance learning course" ("*cwrws dysgu o bell presennol*") means the designated distance learning course in respect of which a person is applying for support;"

9. In the English text of regulation 2(1A) of the 2007 Regulations, after the word, "his" insert "or her".

Amendment of regulation 4 of the 2007 Regulations

10. In regulation 4 of the 2007 Regulations-

- (a) after paragraph (6)(a), insert-
 - (aa) a designated course and a designated distance learning course;"
- (b) for paragraph (12), substitute-
 - (12) Where-
 - (a) the Welsh Ministers 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 for support in connection with a designated part-time course, designated distance learning course or other designated course from which his or her status as an eligible part-time student, eligible distance learning student or eligible student has been transferred to the present course; or

(ii) yn fyfyrwr cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o'r cwrs cymhwysol neu o gwrs 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; ac

(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),

bydd statws A fel myfyrwr cymwys neu fyfyrwr cymhwysol yn terfynu'n syth cyn diwrnod cyntaf y flwyddyn academaidd y mae'r myfyrwr yn gwneud cais am gymorth mewn perthynas â hi.;

(c) yn lle paragraff (13), rhodder-

(13) Os bydd-

(a) Gweinidogion Cymru wedi penderfynu bod person ("A"), yn rhinwedd bod yn berson â hawl i ddod i mewn neu i aros neu fod yn briod, yn bartner sifil, yn blentyn neu'n llysblentyn 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 gwrs penben mewn perthynas ag ef neu mewn cysylltiad â chais am gymorth mewn perthynas â chwrs rhan-amser dynodedig, cwrs dysgu o bell dynodedig neu gwrs dynodedig arall y mae ei statws fel myfyrwr rhan- amser cymwys, myfyrwr dysgu o bell 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 gwrs 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) ar y diwrnod cyn diwrnod dechrau'r flwyddyn academaidd y mae A yn

(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 begins, 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 or qualifying student terminates immediately before the first day of the academic year in respect of which he or she is applying for support.;

(c) for paragraph (13), substitute-

(13) Where-

(a) the Welsh Ministers 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 support for a course in relation to which the present course is an end-on course or an application for support in connection with a designated part-time course, designated distance learning course or other designated course from which his or her status as an eligible part-time student, eligible distance learning 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) as at the day before the academic year in respect of which A is applying for support

gwneud cais am gymorth mewn perthynas â hi, os bydd y cyfnod a ganiateir i'r person sydd â hawl i ddod i mewn neu i aros yn y Deyrnas Unedig wedi terfynu 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),

bydd statws A fel myfyriwr cymwys neu fyfyriwr cymhwysol yn terfynu'n syth cyn diwrnod cyntaf y flwyddyn academiaidd y mae'r myfyriwr yn gwneud cais am gymorth mewn perthynas â hi."

Diwygio rheoliad 5 o Reoliadau 2007

11. Yn rheoliad 5 o Reoliadau 2007-

- (a) ym mharagraff (1)-
 - (i) yn lle "i baragraff (2)", rhodder "i baragraffau (2), (3) a (3A)";
 - (ii) yn dilyn is-baragraff (b), mewnosoder "**(bb)** heb fod yn ddynodedig dan reoliad 61C;";
- (b) ym mharagraff (2)-

yn lle "paragraff 6 neu 7", rhodder "paragraff 7 neu 8";
- (c) yn dilyn paragraff (2), mewnosoder "**(2A)** Nid yw cwrs a ymgwymerir fel rhan o Gynllun hyfforddi athrawon ar sail cyflogaeth yn gwrs dynodedig.";
- (ch) yn dilyn paragraff (3), mewnosoder "**(3A)** Nid yw paragraff (1)(bb) yn gymwys pan fo rhywun sy'n gwneud cais am gymorth mewn cysylltiad â'r cwrs-
 - (a) yn fyfyriwr anabl; a
 - (b) yn ymgymryd â chwrs yn y Deyrnas Unedig ond nid yn ei fynychu oherwydd ni all ei fynychu am reswm sy'n gysylltiedig â'i anabledd."

Diwygio rheoliad 6 o Reoliadau 2007

12. Yn rheoliad 6(15)(a) o Reoliadau 2007, yn lle "lle nad yw'r Cynulliad Cenedlaethol wedi trosi neu lle na fydd yn trosi", rhodder "lle nad yw'r Cynulliad Cenedlaethol wedi trosglwyddo neu drosi neu lle na fydd yn trosglwyddo neu drosi", ac yn lle "dan reoliad 70(1)", rhodder "dan reoliad 8, rheoliad 61I, rheoliad 61J a rheoliad 70."

13. Yn rheoliad 6 o Reoliadau 2007 -

- (a) ym mharagraff (19) yn dilyn "cwrs gradd cywasgedig", mewnosoder "neu gwrs dysgu o bell dynodedig";

begins, 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 or qualifying student terminates immediately before the first day of the academic year in respect of which he or she is applying for support."

Amendment of regulation 5 of the 2007 Regulations

11. In regulation 5 of the 2007 Regulations-

- (a) in paragraph (1)-
 - (i) for "paragraph (2)", substitute "paragraphs (2), (3) and (3A)";
 - (ii) after sub-paragraph (b), insert- "**(bb)** not designated under regulation 61C;";
- (b) in paragraph (2)-

for "paragraph 6 or 7", substitute "paragraph 7 or 8".
- (c) after paragraph (2), insert- "**(2A)** A course that is taken as part of an employment based teacher training scheme is not a designated course.";
- (d) after paragraph (3), insert- "**(3A)** Paragraph (1)(bb) does not apply where the person applying for support in connection with the course is-
 - (a) a disabled student; and
 - (b) undertaking that course in the United Kingdom but not in attendance because he or she is unable to attend for a reason which relates to his or her disability."

Amendment of regulation 6 of the 2007 Regulations

12. In regulation 6(15) (a) of the 2007 Regulations for "has not converted or will not convert", substitute "has not transferred or converted or will not transfer or convert" and for the words "under regulation 70(1)," substitute, "under regulation 8, regulation 61M, regulation 61N and regulation 70."

13. In regulation 6 of the 2007 Regulations -

- (a) in paragraph (19) after "compressed degree course", insert "or a designated distance learning course";

- (b) ym mharagraff (20)(b) yn dilyn "phresenoldeb y myfyriwr ar y cwrs", mewnosoder "neu, yn achos cwrs dysgu o bell dynodedig, ymgymryd â'r cwrs".

Diwygio rheoliad 12 o Reoliadau 2007

14. Yn rheoliad 12, hepgorer paragraffau (4) ac (5).

Diwygio rheoliad 16 o Reoliadau 2007

15. Yn rheoliad 16 o Reoliadau 2007-

- (a) yn lle paragraff (4), rhodder-

(4) Yn achos cwrs dynodedig yng Ngholeg Heythrop, swm y grant at ffioedd mewn perthynas â blwyddyn academaidd yw'r lleiaf o-

- (a) £2,195; a

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

- (b) yn lle paragraff (5), rhodder-

(5) Yn achos cwrs dynodedig yn Ysgol Cerdd a Drama Guildhall, swm y grant at ffioedd mewn perthynas â blwyddyn academaidd yw'r lleiaf o -

- (a) £4,455; a

- (b) y ffioedd sy'n daladwy gan y myfyriwr mewn cysylltiad â'r flwyddyn honno."

Diwygio rheoliad 23 o Reoliadau 2007

16. Ar ôl rheoliad 23 o Reoliadau 2007, mewnosoder-

"23A.-(1) Ymdrinnir â myfyriwr y mae'r rheoliad hwn yn gymwys iddo fel pe bai'n bresennol ar y cwrs dynodedig at ddiben cymhwyso ar gyfer y grantiau dilynol-

- (a) grant ar gyfer dibynyddion;
(b) grant costau byw myfyrwyr anabl;
(c) grant cynhaliaeth neu grant cymorth arbennig;
(ch) grant addysg uwch.

- (2) Mae'r rheoliad hwn yn gymwys i'r canlynol-

- (a) myfyriwr cwrs gradd cywasgedig;
(b) myfyriwr anabl-
(i) nad yw'n fyfyrwr cwrs gradd cywasgedig; a
(ii) sy'n ymgymryd â chwrs dynodedig yn y Deyrnas Unedig ond nad yw'n bresennol am na all fod yn bresennol am reswm sy'n ymwneud â'i anabledd.

- (b) in paragraph (20)(b) after "attendance on", insert "or, in the case of a designated distance learning course, undertaking".

Amendment of regulation 12 of the 2007 Regulations

14. In regulation 12, omit paragraphs (4) and (5).

Amendment of regulation 16 of the 2007 Regulations

15. In regulation 16 of the 2007 Regulations-

- (a) for paragraph (4), substitute-

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

- (a) £2,195; and

- (b) the fees payable by the student in connection with that year.;

- (b) for paragraph (5), substitute-

(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 the lesser of-

- (a) £4,455; and

- (b) the fees payable by the student in connection with that year."

Amendment of regulation 23 of the 2007 Regulations

16. After regulation 23 of the 2007 Regulations, insert-

"23A.-(1) A student to whom this regulation applies is treated as if he or she were in attendance on the designated course for the purpose of qualifying for the following grants-

- (a) grant for dependants;
(b) disabled students' living costs grant;
(c) maintenance grant or special support grant;
(d) higher education grant.

- (2) This regulation applies to-

- (a) a compressed degree student;
(b) a disabled student who-
(i) is not a compressed degree student; and
(ii) is undertaking a designated course in the United Kingdom but is not in attendance because he or she is unable to attend for a reason which relates to his or her disability.

Diwygio rheoliad 30 o Reoliadau 2007

17. Yn rheoliad 30(1) o Reoliadau 2007-

- (a) ar ddechrau is-baragraff (c), mewnosoder "yn ddarostyngedig i is-baragraff (i),";
- (b) yn is-baragraff (d) yn lle "ac (ng)", rhodder "(ng) ac (h)";
- (c) yn dilyn is-baragraff (dd), mewnosoder-
"(dda) ystyr "plentyn dibynnol" ("dependent child"), o ran myfyriwr cymwys, yw plentyn sy'n ddibynnol ar y myfyriwr;";
- (ch) yn dilyn is-baragraff (ng), mewnosoder-
"(h)at bwrpas penderfynu a yw rhywun yn gynbartner i bartner i fyfyriwr cymwys, ystyr "partner" ("partner") o ran partner i fyfyriwr cymwys yw-
 - (i) priod i bartner myfyriwr cymwys;
 - (ii) partner sifil i bartner myfyriwr cymwys;
 - (iii) pan fo myfyriwr cymwys wedi dechrau'r cwrs dynodedig penodedig ar neu ar ôl 1 Medi 2000, rhywun sydd fel arfer yn byw gyda phartner myfyriwr cymwys fel petai'n briod iddo;
 - (iv) pan fo myfyriwr cymwys wedi dechrau'r cwrs dynodedig penodedig ar neu ar ôl 1 Medi 2005, person sydd fel arfer yn byw gyda phartner myfyriwr cymwys fel petai'n bartner sifil iddo;
- (i) yn ddarostyngedig i is-baragraff (j), at bwrpas y diffiniadau o "dibynnydd mewn oed" ("adult dependent") a "plentyn dibynnol" ("dependent child") caiff Gweinidogion Cymru ymdrin ag oedolyn neu blentyn fel un sy'n ddibynnol ar fyfyriwr cymwys os ydynt yn fodlon nad yw'r oedolyn neu'r plentyn-
 - (i) yn ddibynnol ar-
 - (aa) y myfyriwr cymwys; neu
 - (bb) ei bartner; ond
 - (ii) yn ddibynnol ar y myfyriwr cymwys a'i bartner gyda'i gilydd.
- (j) nid yw Gweinidogion Cymru i ymdrin ag oedolyn ("A") fel un dibynnol ar fyfyriwr cymwys yn unol ag is-baragraff (i), os yw A-
 - (i) yn briod neu'n bartner sifil i bartner y myfyriwr cymwys (yn cynnwys priod neu bartner sifil yr ystyria Gweinidogion Cymru bod partner y myfyriwr cymwys wedi gwahanu oddi wrtho); neu

Amendment of regulation 30 of the 2007 Regulations

17. In regulation 30(1) of the 2007 Regulations-

- (a) at the beginning of sub-paragraph (a), insert "subject to sub-paragraph (m),";
- (b) in sub-paragraph (g) for "and (k)", substitute, "(k) and (l)";
- (c) after sub-paragraph (d), insert-
"(da) "dependent child" ("plentyn dibynnol") means, in relation to an eligible student, a child dependent on the student;";
- (d) after sub-paragraph (k), insert-
"(l) for the purposes of determining whether a person is the former partner of an eligible student's partner, "partner" ("partner") in relation to an eligible student's partner means-
 - (i) the spouse of an eligible student's partner;
 - (ii) the civil partner of an eligible student's partner;
 - (iii) where the eligible student began the specified designated course on or after 1 September 2000, a person ordinarily living with an eligible student's partner as if he or she were his or her spouse;
 - (iv) where the eligible student began the specified designated course on or after 1 September 2005, a person ordinarily living with an eligible student's partner as if he or she were his or her civil partner;
- (m) subject to sub-paragraph (n), for the purposes of the definitions of "adult dependent" ("dibynnydd mewn oed") and "dependent child" ("plentyn dibynnol"), the Welsh Ministers may treat an adult person or child as dependent on an eligible student if they are satisfied that the adult person or child-
 - (i) is not dependent on-
 - (aa) the eligible student; or
 - (bb) his or her partner; but
 - (ii) is dependent on the eligible student and his or her partner together.
- (n) the Welsh Ministers must not treat an adult person ("A") as dependent on an eligible student in accordance with sub-paragraph (m), if A is-
 - (i) the spouse or civil partner of the eligible student's partner (including a spouse or civil partner from whom the Welsh Ministers consider the eligible student's partner is separated); or

(ii) yn gynbartner partner y myfyriwr cymwys."

(ii) the former partner of the eligible student's partner."

Mewnosod Rhan newydd yn Rheoliadau 2007

18. Yn dilyn rheoliad 61 o Reoliadau 2007, mewnosoder-

Insertion of a new Part in the 2007 Regulations

18. After regulation 61 of the 2007 Regulations, insert-

"RHAN 10A

CYMORTH TUAG AT GYRSIAU DYSGU O BELL LLAWNAMSER

Myfyrrwr dysgu o bell cymwys

61A.-(1) Mae gan fyfyrwr dysgu o bell cymwys hawl i gael cymorth mewn cysylltiad ag ef yn ymgymryd â chwrs dysgu o bell dynodedig yn ddarostyngedig i'r Rhan hon ac yn unol â hi.

(2) Yn ddarostyngedig i baragraff (3), mae person yn fyfyrwr dysgu o bell cymwys mewn cysylltiad â chwrs dysgu o bell dynodedig os yw Gweinidogion Cymru wrth asesu ei gais am gymorth yn penderfynu bod y person hwnnw yn dod o fewn un o'r categorïau a nodir yn Rhan 2 o Atodlen 1.

(3) Nid yw person yn fyfyrwr dysgu o bell cymwys-

- (a) os, yn ddarostyngedig i baragraff (4), rhoddwyd neu os talwyd iddo mewn perthynas â'r cwrs dysgu o bell-
 - (i) bwrsari gofal iechyd p'un a yw swm y bwrsari hwnnw yn cael ei gyfrifo drwy gyfeirio at ei incwm neu beidio;
 - (ii) unrhyw lwfans o dan Reoliadau Lwfansau Myfyrrwr Nyrsio a Bydwreigiaeth (Yr Alban) 1992; neu
 - (iii) lwfans gofal iechyd yr Alban p'un a yw swm y lwfans hwnnw yn cael ei gyfrifo drwy gyfeirio at ei incwm neu beidio;
- (b) os ydyw wedi torri unrhyw rwymedigaeth i ad-dalu unrhyw fenthyciad;
- (c) os ydyw wedi cyrraedd ei 18 oed ac nad yw wedi dilysu unrhyw gytundeb ynglyn â benthyciad a wnaed gydag ef pan oedd o dan 18 oed;
- (ch) os ydyw, ym marn Gweinidogion Cymru, wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth; neu
- (d) yn ddarostyngedig i baragraff (5), os yw'n garcharor sy'n bwrw dedfryd o gaethiwed.

"PART 10A

SUPPORT FOR FULL-TIME DISTANCE LEARNING COURSES

Eligible distance learning students

61A.-(1) An eligible distance learning student qualifies for support in connection with his or her undertaking a designated distance learning course subject to and in accordance with this Part.

(2) Subject to paragraph (3), a person is an eligible distance learning student in connection with a designated distance learning course if in assessing his or her application for support the Welsh Ministers determine that the person falls within one of the categories set out in Part 2 of Schedule 1.

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

- (a) subject to paragraph (4), there has been bestowed on him or her or paid to him or her in connection with the distance learning course-
 - (i) a healthcare bursary whether or not the amount of such bursary is calculated by reference to his or her income;
 - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 1992; or
 - (iii) a Scottish healthcare allowance whether or not the amount of such allowance is calculated by reference to his or her income;
- (b) he or she is in breach of any 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) he or she has, in the opinion of the Welsh Ministers, shown himself or herself by his or her conduct to be unfitted to receive support; or
- (e) subject to paragraph (5), he or she is a prisoner serving a custodial sentence.

(4) Nid yw paragraff (3)(a) yn gymwys-

- (a) os yw'r person sy'n gwneud cais am gymorth yn fyfyrwr anabl; a
- (b) os rhoddwyd neu os talwyd iddo mewn perthynas â'r cwrs dysgu o bell -
 - (i) bwrsari gofal iechyd y mae ei swm yn cael ei gyfrifo drwy gyfeirio at ei incwm; neu
 - (ii) lwfans gofal iechyd yr Alban p'un a yw swm y lwfans hwnnw yn cael ei gyfrifo drwy gyfeirio at ei incwm neu beidio.

(5) 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.

(6) At ddibenion paragraffau (3)(b) a (3)(c), ystyr "benthyciad" ("loan") yw benthyciad a wnaed o dan y ddeddfwriaeth ar fenthyciadau i fyfyrwyr.

(7) Mewn achos pan fo'r cytundeb ynglyn â benthyciad yn ddarostyngedig i gyfraith yr Alban, bydd paragraff (3)(c) ddim ond yn gymwys 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.

(8) Er gwaethaf paragraffau (2) a (3) ac yn ddarostyngedig i baragraffau (11) i (13), mae person yn fyfyrwr dysgu o bell cymwys at ddibenion y Rhan hon os yw'n bodloni'r amodau ym mharagraff (9) neu (10).

(9) Yr amodau yn y paragraff hwn yw-

- (a) bod y person wedi ymgymhwyso fel myfyriwr dysgu o bell cymwys mewn cysylltiad â blwyddyn academiaidd gynharach ar y cwrs dysgu o bell dynodedig presennol yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o'r Ddeddf;
- (b) nad oedd y person yn preswyllo fel arfer yn Lloegr ar ddiwrnod cyntaf blwyddyn academiaidd y cwrs; ac
- (c) nad yw ei statws fel myfyriwr dysgu o bell cymwys wedi'i derfynu.

(10) Yr amodau yn y paragraff hwn yw-

- (a) bod Gweinidogion Cymru eisoes wedi penderfynu bod y person-
 - (i) yn fyfyrwr cymwys mewn perthynas â chwrs dynodedig;
 - (ii) yn fyfyrwr dysgu o bell cymwys mewn cysylltiad â chwrs dysgu o bell dynodedig heblaw'r cwrs dysgu o bell

(4) Paragraph (3) (a) does not apply if-

- (a) the person applying for support is a disabled student; and
- (b) there has been bestowed on him or her or paid to him or her in connection with the distance learning course-
 - (i) a healthcare bursary the amount of which is calculated by reference to his or her income; or
 - (ii) a Scottish Healthcare Allowance whether or not the amount of such allowance is calculated by reference to his or her income.

(5) 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.

(6) For the purposes of paragraphs (3) (b) and (3)(c), "loan" ("benthyciad") means a loan made under the student loans legislation.

(7) 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.

(8) Despite paragraphs (2) and (3) and subject to paragraphs (11) to (13), a person is an eligible distance learning student for the purposes of this Part if he or she satisfies the conditions in paragraph (9) or (10).

(9) The conditions in this paragraph are-

- (a) the person qualified as an eligible distance learning student in connection with an earlier academic year of the present designated distance learning course pursuant to regulations made by the Welsh Ministers under section 22 of the Act;
- (b) the person was not ordinarily resident in England on the first day of the present designated distance learning course; and
- (c) the person's status as an eligible distance learning student has not terminated.

(10) The conditions in this paragraph are-

- (a) the Welsh Ministers have previously determined that the person is-
 - (i) an eligible student in connection with a designated course;
 - (ii) an eligible distance learning student in connection with a designated distance learning course other than

presennol; neu

(iii) yn fyfyrwr rhan amser cymwys mewn cysylltiad â chwrs rhan-amser dynodedig;

(b) bod statws y myfyriwr fel myfyriwr cymwys, myfyriwr dysgu o bell cymwys neu fel myfyriwr rhan-amser cymwys mewn cysylltiad â'r cwrs y cyfeiriwyd ato 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 gan Weinidogion Cymru o dan adran 22 o'r Ddeddf;

(c) nad oedd y person yn preswyllo fel arfer yn Lloegr ar ddiwrnod cyntaf blwyddyn academiaidd y cwrs y cyfeirir ato yn is-baragraff (a); ac

(ch) nad yw statws y person fel myfyriwr dysgu o bell cymwys wedi'i derfynu.

(11) Pan fo-

(a) Gweinidogion Cymru wedi penderfynu bod person ("A"), yn rhinwedd bod yn ffoadur neu fod yn briod, yn bartner sifil, yn blentyn neu'n llysbentyn i ffoadur, yn fyfyrwr dysgu o bell cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o'r cwrs dysgu o bell presennol, neu mewn cysylltiad â chais am gymorth mewn perthynas â chwrs dynodedig, cwrs rhan amser dynodedig, neu gwrs dysgu o bell dynodedig arall y mae ei statws fel myfyriwr cymwys, myfyriwr rhan-amser cymwys neu fyfyrwr dysgu o bell cymwys wedi'i drosglwyddo i'r cwrs dysgu o bell presennol; a

(b) ar y diwrnod cyn dechrau'r flwyddyn academiaidd 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 terfynu 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),

bydd statws A fel myfyriwr dysgu o bell cymwys yn terfynu'n syth cyn diwrnod cyntaf y flwyddyn academiaidd y mae'r myfyriwr yn gwneud cais am gymorth mewn perthynas â hi.

(12) Pan fo-

(a) Gweinidogion Cymru wedi penderfynu bod person ("A"), yn rhinwedd bod yn berson â hawl i ddod i mewn neu aros neu fod yn briod, yn bartner sifil, yn blentyn

the present distance learning course; or

(iii) an eligible part-time student in connection with a designated part-time course;

(b) the person's status as an eligible student, eligible distance learning student or as an eligible part-time student in connection with the course referred to in sub-paragraph (a) has been converted or transferred from that course to the present designated distance learning course as a result of one or more conversions or transfers in accordance with regulations made by the Welsh Ministers under section 22 of the Act;

(c) the person was not ordinarily resident in England on the first day of the first academic year of the course referred to in sub-paragraph (a); and

(d) the person's status as an eligible distance learning student has not terminated.

(11) Where-

(a) the Welsh Ministers 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 distance learning student in connection with an application for support for an earlier year of the present distance learning course or an application for support in connection with a designated course, designated part-time course or other designated distance learning course from which his or her status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the present distance learning course; and

(b) as at the day before the academic year in respect of which A is applying for support begins, 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 distance learning student terminates immediately before the first day of the academic year in respect of which he or she is applying for support.

(12) Where-

(a) the Welsh Ministers 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

neu'n llysbentyn i'r cyfryw berson, yn fyfyrwr dysgu o bell cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o'r cwrs dysgu o bell presennol, neu mewn cysylltiad â chais am gymorth mewn perthynas â chwrs dynodedig, cwrs rhan-amser dynodedig, neu gwrs dysgu o bell dynodedig arall y mae ei statws fel myfyrwr cymwys, myfyrwr rhan-amser cymwys neu fyfyrwr dysgu o bell cymwys wedi'i drosglwyddo i'r cwrs dysgu o bell presennol; a

- (b) ar y diwrnod cyn diwrnod dechrau'r flwyddyn academiaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, os bydd y cyfnod a ganiateir i'r person sydd â hawl i ddod i mewn neu i aros yn y Deyrnas Unedig wedi terfynu 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),

bydd statws A fel myfyrwr dysgu o bell cymwys yn terfynu'n syth cyn diwrnod cyntaf y flwyddyn academiaidd y mae'r myfyrwr yn gwneud cais am gymorth mewn perthynas â hi.

(13) Nid yw paragraffau (11) a (12) yn gymwys pan fo'r myfyrwr wedi dechrau ar y cwrs y penderfynodd Gweinidogion Cymru mewn cysylltiad ag ef ei fod yn fyfyrwr cymwys neu'n fyfyrwr rhan amser cymwys, yn ôl y digwydd, cyn 1 Medi 2007.

(14) Nid oes gan fyfyrwr dysgu o bell cymwys hawl, ar unrhyw adeg, i gael cymorth-

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

Myfyrwyr sy'n dod yn gymwys yn ystod blwyddyn academiaidd

61B.-(1) Pan fo un o'r digwyddiadau a restrir ym mharagraff (4) yn digwydd yn ystod blwyddyn academiaidd-

- (a) caiff myfyrwr yr hawl i grant o ran ffioedd mewn perthynas â'r flwyddyn academiaidd honno yn unol â'r Rhan hon cyn belled â bod y digwyddiad perthnasol wedi digwydd o fewn tri mis cyntaf y flwyddyn academiaidd; a
- (b) nid oes grant mewn perthynas â ffioedd ar gael mewn perthynas ag unrhyw

person, a person ("A") was an eligible distance learning student in connection with an application for support for an earlier year of the present distance learning course or an application for support in connection with a designated course, designated part-time course or other designated distance learning course from which his or her status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the present distance learning course; and

- (b) as at the day before the academic year in respect of which A is applying for support begins, 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 distance learning student terminates immediately before the first day of the academic year in respect of which he or she is applying for support.

(13) Paragraphs (11) and (12) do not apply where the student began the course in connection with which the Welsh Ministers determined that he or she was an eligible student or eligible part-time student, as the case may be, before 1 September 2007.

(14) An eligible distance learning student may not, at any one time, qualify for support for-

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

Students becoming eligible during the course of the academic year

61B.-(1) Where one of the events listed in paragraph (4) 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 months of the academic year; and
- (b) a grant in respect of fees is not available in respect of any academic year

flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol.

(2) Pan fo un o'r digwyddiadau a restrir yn is-baragraffau (a), (b), (d), (dd), (e), (f), neu (ff) o baragraff (4) yn digwydd yn ystod blwyddyn academaidd-

- (a) caiff myfyriwr yr hawl i grant tuag at lyfrau, teithio a gwariant arall mewn perthynas â'r flwyddyn academaidd honno yn unol â'r Rhan hon; a
- (b) nid yw grant tuag 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.

(3) Pan fo un o'r digwyddiadau a restrir yn is-baragraffau (a), (b), (d), (dd), (e), (f), neu (ff) o baragraff (4) yn digwydd yn ystod blwyddyn academaidd -

- (a) caiff myfyriwr yr hawl i lwfans myfyrwyr dysgu o bell anabl mewn perthynas â'r flwyddyn academaidd honno yn unol â'r Rhan hon; ac
- (b) nid yw lwfans myfyrwyr dysgu o bell anabl mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol ar gael.

(4) Y digwyddiadau yw-

- (a) bod cwrs y myfyriwr yn dod yn gwrs dysgu o bell dynodedig;
- (b) bod y myfyriwr, ei briod, ei bartner sifil neu ei riant yn cael ei gydnabod fel ffoadur neu'n dod yn berson â chaniatâd i ddod i mewn neu i aros;
- (c) bod gwladwriaeth yn ymaelodi â'r Gymuned Ewropeaidd a bod y 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 pan fo'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;
- (dd) bod y myfyriwr yn ennill yr hawl i breswylion'n barhaol;
- (e) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 6(1)(a) o Atodlen 1;

beginning before the academic year in which the relevant event occurred.

(2) Where one of the events listed in subparagraphs (a), (b), (e), (f), (g), (h) or (i) of paragraph (4) 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.

(3) Where one of the events listed in subparagraphs (a), (b), (e), (f), (g), (h) or (i) of paragraph (4) occurs in the course of an academic year-

- (a) a student may qualify for disabled distance learning students' allowance in respect of that academic year in accordance with this Part; and
- (b) disabled distance learning students' allowance is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

(4) The events are-

- (a) the student's course becomes a designated distance learning 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 and 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;

- (f) bod y myfyriwr yn dod yn blentyn i wladolyn o'r Swistir; neu
- (ff) bod y myfyriwr yn dod yn blentyn i weithiwr o Dwrci.

Cyrsiau dysgu o bell dynodedig

61C.-(1) Mae cwrs yn ddynodedig at ddibenion adran 22(1) o'r Ddeddf a rheoliad 61A os caiff ei ddynodi gan Weinidogion Cymru dan y rheoliad hwn.

(2) Yn ddarostyngedig i baragraff (4), caiff Gweinidogion Cymru ddynodi cwrs dan y rheoliad hwn os yn eu barn hwy-

- (a) bod y cwrs yn cael ei grybwyll yn Atodlen 2 heblaw am gwrs ar gyfer hyfforddiant cychwynnol athrawon;
- (b) bod y cwrs yn gwrs llawnamser;
- (c) bod y cwrs yn para am o leiaf un flwyddyn academiaidd; ac
- (ch) nad yw'n ofynnol gan y sefydliad neu'r sefydliadau sy'n darparu'r cwrs bod myfyrwyr sy'n ymgymryd â'r cwrs yn y Deyrnas Unedig yn ei fynychu.

(3) At ddibenion penderfynu a yw'r gofyniad ym mharagraff (2)(ch) yn cael ei fodloni, caiff Gweinidogion Cymru ddiystyru-

- (a) unrhyw ofyniad a osodir gan y sefydliad neu'r sefydliadau sy'n darparu'r cwrs i fod yn bresennol mewn unrhyw sefydliad at ddibenion-
 - (i) cofrestru;
 - (ii) arholiad;
- (b) unrhyw ofyniad a osodir gan y sefydliad neu'r sefydliadau sy'n darparu'r cwrs i fod yn bresennol mewn unrhyw sefydliad ar benwythnos neu yn ystod unrhyw wyliau;
- (c) unrhyw gyfnod mynychu yn y sefydliad neu'r sefydliadau sy'n darparu'r cwrs y caiff y myfyriwr ei gyflawni ond nad yw'n orfodol iddo wneud hynny gan y sefydliad neu'r sefydliadau hynny.

(4) Ni chaiff Gweinidogion Cymru ddynodi cwrs fel cwrs dysgu o bell dynodedig-

- (a) os yw'n dod o fewn paragraff 7 neu 8 o Atodlen 2; a
- (b) os yw corff llywodraethol ysgol a gynhelir wedi trefnu darparu'r cwrs ar gyfer disgybl yr ysgol.

Cyfnod cymhwystra

61CH.-(1) Mae myfyriwr yn cadw ei statws fel myfyriwr dysgu o bell cymwys mewn cysylltiad â chwrs dysgu o bell dynodedig hyd onid yw'r statws yn terfynu yn unol â'r rheoliad hwn a rheoliad 61A.

- (h) the student becomes the child of a Swiss national; or
- (i) the student becomes the child of a Turkish worker.

Designated distance learning courses

61C.-(1) A course is designated for the purposes of section 22(1) of the Act and regulation 61A if it is designated by the Welsh Ministers under this regulation.

(2) Subject to paragraph (4), the Welsh Ministers may designate a course under this regulation if in their opinion-

- (a) the course is mentioned in Schedule 2 other than a course for the initial training of teachers;
- (b) the course is a full-time course;
- (c) the course is of at least one academic year's duration; and
- (d) students undertaking the course in the United Kingdom are not required to be in attendance on it by the institution or institutions providing the course.

(3) For the purposes of determining whether the requirement in paragraph (2)(d) is satisfied the Welsh Ministers may disregard-

- (a) any requirement imposed by the institution or institutions providing the course to attend any institution for the purposes of-
 - (i) registration or enrolment;
 - (ii) an examination;
- (b) any requirement imposed by the institution or institutions providing the course to attend any institution on a weekend or during any vacation;
- (c) any period of attendance at the institution or institutions providing the course which a student may but is not required to complete by that institution or those institutions.

(4) The Welsh Ministers may not designate a course as a designated distance learning course if-

- (a) it falls within paragraph 7 or 8 of Schedule 2; and
- (b) the governing body of a maintained school has arranged for the provision of the course to a pupil of the school.

Period of eligibility

61D.-(1) A student retains his or her status as an eligible distance learning student in connection with a designated distance learning course until the status terminates in accordance with this regulation and regulation 61A.

(2) Y cyfnod y mae myfyriwr dysgu o bell cymwys yn cadw ei statws yw'r "cyfnod cymhwysra".

(3) Yn ddarostyngedig i'r paragraffau canlynol a rheoliad 61A, mae'r cyfnod cymhwysra yn terfynu ar ddiwedd y flwyddyn academaidd y bydd y myfyriwr dysgu o bell cymwys yn cwblhau ei gwrs dysgu o bell dynodedig ynddi.

(4) Mae'r cyfnod cymhwysra yn terfynu pan fydd y myfyriwr dysgu o bell cymwys-

(a) yn tynnu'n ôl o'i gwrs dysgu o bell dynodedig dan amgylchiadau pan na fo Gweinidogion Cymru wedi trosglwyddo neu wedi trosi neu pan na fyddant yn trosglwyddo neu yn trosi ei statws dan reoliad 61H, rheoliad 61I, rheoliad 61J, rheoliad 61L neu reoliad 70; neu

(b) yn rhoi'r gorau i'w gwrs dysgu o bell dynodedig neu'n cael ei ddiarddel oddi arno.

(5) Caiff Gweinidogion Cymru derfynu'r cyfnod cymhwysra os yw'r myfyriwr dysgu o bell cymwys wedi dangos trwy ei ymddygiad nad yw'n addas i dderbyn cymorth.

(6) Os yw Gweinidogion Cymru wedi'u bodloni bod myfyriwr dysgu o bell 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 Gweinidogion Cymru gymryd unrhyw rai o'r camau canlynol y credent 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 61N.

(7) Pan fo'r cyfnod cymhwysra'n terfynu cyn diwedd y flwyddyn academaidd y mae'r myfyriwr dysgu o bell cymwys yn cwblhau'r cwrs dysgu o bell dynodedig ynddi caiff Gweinidogion Cymru, ar unrhyw adeg, adnewyddu neu estyn y cyfnod cymhwysra am y cyfryw gyfnod ag y maent yn penderfynu arno.

Cymorth at gyrsiau dysgu o bell

61D.-(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) £1,150; a

(ii) y "ffioedd gwirioneddol", sef swm y ffioedd a godir ar y myfyriwr mewn perthynas â blwyddyn academaidd ar

(2) The period for which an eligible distance learning student retains his or her status is the "period of eligibility".

(3) Subject to the following paragraphs and regulation 61A, the period of eligibility terminates at the end of the academic year in which the eligible distance learning student completes the designated distance learning course.

(4) The period of eligibility terminates when the eligible distance learning student-

(a) withdraws from his or her designated distance learning course in circumstances where the Welsh Ministers have not transferred or converted or will not transfer or convert his or her status under regulation 61L, regulation 61M, regulation 61N, regulation 61O or regulation 70; or

(b) abandons or is expelled from his or her designated distance learning course.

(5) The Welsh Ministers may terminate the period of eligibility where the eligible distance learning student has shown himself or herself by his or her conduct to be unfitted to receive support.

(6) If the Welsh Ministers are satisfied that an eligible distance learning 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 Welsh Ministers may take such of the following actions as they consider 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 61R.

(7) Where the period of eligibility terminates before the end of the academic year in which the eligible distance learning student completes the designated distance learning course the Welsh Ministers may, at any time, renew or extend the period of eligibility for such period as they determine.

Support for distance learning courses

61E.-(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) £1,150; and

(ii) the "actual fees", being the amount of fees charged to the student in respect of an academic year of the designated

y cwrs dysgu o bell dynodedig; a

(b) grant nad yw'n fwy na £250 at lyfrau, teithio a gwariant arall mewn cysylltiad â'r cwrs dysgu o bell dynodedig.

(2) Nid oes gan fyfyrwr dysgu o bell cymwys yr hawl i dderbyn cymorth dan baragraff (1)(b) os mai'r unig baragraff yn Rhan 2 o Atodlen 1 y daw oddi tano yw paragraff 9.

(3) Nid oes gan fyfyrwr dysgu o bell cymwys yr hawl i dderbyn cymorth dan y rheoliad hwn-

- (a) os ydyw'n fyfyrwr anabl; a
- (b) os rhoddwyd neu os talwyd iddo mewn cysylltiad â'r cwrs dysgu o bell -
 - (i) bwrsari gofal iechyd y mae ei swm yn cael ei gyfrifo drwy gyfeirio at ei incwm; neu
 - (ii) lwfans gofal iechyd yr Alban p'un a yw swm y lwfans hwnnw yn cael ei gyfrifo drwy gyfeirio at ei incwm neu beidio.

(4) Nid oes gan fyfyrwr dysgu o bell cymwys yr hawl i dderbyn cymorth dan y rheoliad hwn oni bai bod Gweinidogion Cymru yn ystyried ei fod yn ymgymryd â chwrs dysgu o bell dynodedig yng Nghymru.

(5) Nid oes gan fyfyrwr dysgu o bell cymwys yr hawl i dderbyn cymorth dan y rheoliad hwn os ydyw wedi ymgymryd ag un neu ragor o gyrсия dysgu o bell dros gyfanswm o wyth mlynedd a'i fod wedi derbyn benthyciad neu grant o'r math a ddisgrifir ym mharagraff (6) mewn perthynas â phob un o'r blynyddoedd academiaidd hynny.

(6) Y benthyciadau a'r grantiau yw-

- (a) pob benthyciad, grant mewn perthynas â ffioedd neu grant at lyfrau, teithio neu wariant arall a waned mewn perthynas â blwyddyn academiaidd o gwrs dysgu o bell yn unol â'r rheoliadau a wnaed dan adran 22 o'r Ddeddf ;
- (b) pob benthyciad, grant mewn perthynas â ffioedd neu grant at lyfrau, teithio neu wariant arall a waned mewn perthynas â blwyddyn academiaidd o gwrs dysgu o bell gan Adran Gyflogaeth a Dysgu (Gogledd Iwerddon) yn unol â rheoliadau wnaed dan Erthyglau 3 ac 8(4) o Orchymyn Addysg (Cymorth i Fyfyrrwyr) (Gogledd Iwerddon) 1998; neu
- (c) benthyciad mewn perthynas â blwyddyn academiaidd o gwrs dysgu o bell a wnaed yn unol â rheoliadau a wnaed dan adrannau 73(f), 73B a 74(1) o Ddeddf Addysg (Yr Alban) 1980.

(7) Nid oes gan fyfyrwr dysgu o bell cymwys yr hawl i dderbyn cymorth dan y rheoliad hwn os

distance learning course; and

(b) a grant not exceeding £250 for books, travel and other expenditure in connection with the designated distance learning course.

(2) An eligible distance learning student does not qualify for support under paragraph (1)(b) if the only paragraph in Part 2 of Schedule 1 into which he or she falls is paragraph 9.

(3) An eligible distance learning student does not qualify for support under this regulation if-

- (a) he or she is a disabled student; and
- (b) there has been bestowed on him or her or paid to him or her in connection with the designated distance learning course-
 - (i) a healthcare bursary the amount of which is calculated by reference to his or her income; or
 - (ii) a Scottish healthcare allowance whether or not the amount of such allowance is calculated by reference to his or her income.

(4) An eligible distance learning student does not qualify for support under this regulation unless the Welsh Ministers consider that he or she is undertaking the designated distance learning course in Wales.

(5) An eligible distance learning student does not qualify for support under this regulation if he or she has undertaken one or more distance learning 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 (6).

(6) The loans and grants 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 distance learning 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 distance learning 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; or
- (c) a loan in respect of an academic year of a distance learning course made pursuant to regulations made under sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980.

(7) An eligible distance learning student does not qualify for support under this regulation if he or

yw'n ddeiliad gradd gyntaf gan sefydliad addysgol yn y Deyrnas Unedig.

(8) At ddibenion paragraff (7), nid yw gradd i'w chael ei thrin fel gradd gyntaf-

- (a) pan fo'n radd (heblaw gradd anrhydedd) a roddwyd i fyfyrwr dysgu o bell cymwys sydd wedi cwblhau'r modiwlau, arholiadau neu unrhyw ddulliau eraill o asesu angenrheidiol ar gyfer ei gwrs gradd gyntaf; a
- (b) pan fo'r myfyrwr dysgu o bell cymwys wedi ei gofrestru i barhau â'r cwrs yn yr un sefydliad addysgol yn dilyn derbyn ei radd er mwyn ennill gradd anrhydedd ar ôl cwblhau'r modiwlau, arholiadau neu unrhyw ddull arall o asesu angenrheidiol.

Swm y cymorth

61DD.-(1) Yn ddarostyngedig i baragraff (2) a rheoliad 61H(6), mae swm y cymorth a delir ar gyfer blwyddyn academaidd fel a ganlyn-

- (a) (a) mae'r mwyafswm o'r cymorth sydd ar gael o dan reoliad 61D(1) yn daladwy os, ar ddyddiad ei gais, yw'r myfyrwr dysgu o bell cymwys neu ei bartner â hawl-
 - (i) o dan Rhan V11 o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992 i gymhorthdal incwm, budd-dal tai neu fudd-dal treth cyngor; neu
 - (ii) o dan Rhan 1 o Ddeddf Ceiswyr Gwaith 1995 i lwfans ceisiwr gwaith seiliedig ar incwm neu o dan adran 2 o Ddeddf Cyflogi a Hyfforddiant 1973 i lwfans o dan y trefniadau a adnabyddir fel Y Fargen Newydd;
- (b) pan fo'r incwm perthnasol yn llai na £15,700, mae'r uchafswm cymorth sydd ar gael o dan reoliad 61D(1) yn daladwy;
- (c) pan fo'r incwm perthnasol yn £15,700, mae'r uchafswm cymorth sydd ar gael o dan reoliad 61D(1)(b) yn daladwy ynghyd â £50 yn llai na'r uchafswm cymorth sydd ar gael o dan reoliad 61D(1)(a);
- (ch) pan fo'r incwm perthnasol yn uwch na £15,700, ond yn llai na £23,680, mae'r uchafswm cymorth sydd ar gael o dan reoliad 61D(1)(b) yn daladwy a swm y cymorth taladwy o dan reoliad 61D(1)(a) yw'r swm a benderfynir arno yn unol â paragraff (2);

she holds a first degree from an educational institution in the United Kingdom.

(8) For the purposes of paragraph (7), a degree is not to be treated as a first degree where-

- (a) it is a degree (other than an honours degree) that has been awarded to an eligible distance learning student who has completed the required modules, examinations or other forms of assessment for his or her first degree course; and
- (b) the eligible distance learning 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.

Amount of support

61F.-(1) Subject to paragraph (2) and regulation 61L(6), the amount of support payable in respect of an academic year is as follows-

- (a) the maximum amount of support available under regulation 61E(1) is payable if at the date of his or her application the eligible distance learning student or his or her partner is entitled-
 - (i) under Part VII of the Social Security Contributions and Benefits Act 1992 to income support, housing benefit or council tax benefit; or
 - (ii) under Part 1 of the Jobseekers Act 1995 to income-based jobseeker's allowance or under section 2 of the Employment and Training Act 1973 to an allowance under the arrangements known as the New Deal;
- (b) where the relevant income is less than £15,700, the maximum amount of support available under regulation 61E(1) is payable;
- (c) where the relevant income is £15,700, the maximum amount of support available under regulation 61E(1)(b) is payable together with £50 less than the maximum amount of support available under regulation 61E(1)(a);
- (d) where the relevant income exceeds £15,700 but is less than £23,680, the maximum amount of support available under regulation 61E(1)(b) is payable and the amount of support payable under regulation 61E(1)(a) is the amount determined in accordance with paragraph (2);

- (d) pan fo'r incwm perthnasol yn £23,680, mae'r uchafswm cymorth sydd ar gael o dan reoliad 61D(1)(b) yn daladwy a swm y cymorth taladwy o dan reoliad 61D(1)(a) yw £50;
- (dd) pan fo'r incwm perthnasol yn uwch na £23,680 ond yn llai na £24,280, mae'r uchafswm cymorth sydd ar gael o dan reoliad 61D(1)(b) yn daladwy ac nid oes unrhyw gymorth yn daladwy o dan reoliad 61D(1)(a);
- (e) pan fo'r incwm perthnasol yn £24,280 neu ragor ond yn llai na £26,180, nid oes unrhyw gymorth ar gael o dan reoliad 61D(1)(a) a swm y cymorth taladwy o dan reoliad 61D(1)(b) yw'r swm a adewir yn dilyn didynnu o'r uchafswm cymorth sydd ar gael o dan reoliad 61D(1)(b) £1 am bob £9.50 cyflawn a fyddai'n peri i'r incwm perthnasol fynd dros £24,280;
- (f) pan fo'r incwm perthnasol yn £26,180, nid oes unrhyw gymorth yn daladwy o dan reoliad 61D(1)(a) ac mae swm y cymorth taladwy o dan reoliad 61D(1)(b) yn £50;
- (ff) pan fo'r incwm perthnasol yn uwch na £26,180, nid oes unrhyw gymorth yn daladwy o dan reoliad 61D(1).
- (2) Pan fo paragraff (1)(ch) yn berthnasol, penderfynir faint o gymorth sy'n daladwy o dan reoliad 61D(1)(a) trwy ddiynnu o'r uchafswm cymorth sydd ar gael o dan reoliad 61D(1)(a) un o'r symiau canlynol-
- (a) £50 a £1 ychwanegol am bob £7.60 cyflawn a fyddai'n peri i'r incwm perthnasol fynd dros £15,700; neu
- (b) pan fo'r ffioedd gwirioneddol yn llai na £1,150, cyfanswm sy'n hafal i'r hyn a adewir wedi didynnu o'r swm a gyfrifwyd o dan is-baragraff (a) y gwahaniaeth rhwng £1,150 a'r ffioedd gwirioneddol (oni bai bod y swm yn rhif negative ac yn yr achos hwnnw telir yr uchafswm cymorth sydd ar gael o dan reoliad 61D(1)(a)).

Dehongliad o reoliad 61DD

61E.-(1) At ddibenion rheoliad 61DD-

- (a) yn ddarostyngedig i is-baragraff (b), ystyr "partner" ("partner") yw unrhyw un o'r canlynol-
- (i) priod myfyriwr dysgu o bell cymwys;
- (ii) partner sifil myfyriwr dysgu o bell cymwys;
- (iii) person sydd fel rheol yn byw gyda myfyriwr dysgu o bell cymwys fel

- (e) where the relevant income is £23,680, the maximum amount of support available under regulation 61E(1)(b) is payable and the amount of support payable under regulation 61E(1)(a) is £50;
- (f) where the relevant income exceeds £23,680 but is less than £24,280, the maximum amount of support available under regulation 61E(1)(b) is payable and no support is payable under regulation 61E(1)(a);
- (g) where the relevant income is £24,280 or more but less than £26,180, no support is available under regulation 61E(1)(a) and the amount of support payable under regulation 61E(1)(b) is the amount left after deducting from the maximum amount of support available under regulation 61E(1)(b) £1 for every complete £9.50 by which the relevant income exceeds £24,280;
- (h) where the relevant income is £26,180, no support is payable under regulation 61E(1)(a) and the amount of support payable under regulation 61E(1)(b) is £50;
- (i) where the relevant income exceeds £26,180, no support is payable under regulation 61E(1).

(2) Where paragraph (1)(d) applies, the amount of support payable under regulation 61E(1)(a) is determined by deducting from the maximum amount of support available under regulation 61E(1)(a) one of the following amounts-

- (a) £50 plus a further £1 for each complete £7.60 by which the relevant income exceeds £15,700; or
- (b) where the actual fees are less than £1,150, an amount equal to that left after deducting from the amount calculated under sub-paragraph (a) the difference between £1,150 and the actual fees (unless the amount is a negative number in which case the maximum amount of support available under regulation 61E(1)(a) is payable).

Interpretation of regulation 61F

61G.-(1) For the purposes of regulation 61F-

- (a) subject to sub-paragraph (b), "partner" ("partner") means any of the following-
- (i) the spouse of an eligible distance learning student;
- (ii) the civil partner of an eligible distance learning student;
- (iii) a person ordinarily living with an eligible distance learning student as if

petai yn briod ag ef pan fo myfyriwr dysgu o bell cymwys yn 25 oed neu fwy ar y diwrnod cyntaf o'r flwyddyn academaidd y caiff ei asesu ar gyfer cymorth a phan ddechreuodd y cwrs dysgu o bell dynodedig a bennir cyn 1 Medi 2005;

- (iv) person sydd fel rheol yn byw gyda myfyriwr dysgu o bell cymwys fel petai yn briod ag ef neu'n bartner sifil pan fo myfyriwr dysgu o bell cymwys yn dechrau cwrs dysgu o bell dynodedig a bennir ar neu ar ôl 1 Medi 2005;
- (b) nid yw person fyddai fel arall yn bartner o dan is-baragraff (a) i'w drin fel partner os-
 - (i) ym marn Gweinidogion Cymru fod y person hwnnw a'r myfyriwr dysgu o bell cymwys wedi gwahanu; neu
 - (ii) bod y person fel rheol yn byw y tu allan i'r Deyrnas Unedig ac nas cynhelir gan y myfyriwr dysgu o bell cymwys;
- (c) ystyr "incwm perthnasol" ("*relevant income*") yw'r hyn a welir ym mharagraff (2).

(2) Yn ddarostyngedig i baragraff (3), mae incwm perthnasol myfyriwr dysgu o bell cymwys yn hafal i'w ffynonellau ariannol yn y flwyddyn ariannol flaenorol llai-

- (i) £2,000 yn achos ei bartner;
- (ii) £2,000 yn achos yr unig blentyn neu'r plentyn hynaf sy'n ddibynnol ar y myfyriwr neu ei bartner; a
- (iii) £1,000 yn achos pob plentyn arall sy'n ddibynnol ar y myfyriwr neu ei bartner.

(3) Pan fo Gweinidogion Cymru yn fodlon bod ffynonellau ariannol y myfyriwr dysgu o bell cymwys am y flwyddyn ariannol flaenorol yn fwy na'i ffynonellau ariannol am y flwyddyn ariannol gyfredol a bod y gwahaniaeth rhwng y ddau gyfanswm yn £1,000 neu ragor, gallant asesu ffynonellau ariannol y myfyriwr hwnnw trwy gyfeirio at y ffynonellau hynny yn y flwyddyn ariannol gyfredol.

(4) Yn y rheoliad hwn golyga ffynonellau ariannol myfyriwr dysgu o bell cymwys mewn blwyddyn ariannol gyfanred ei incwm am y flwyddyn honno ynghyd â chyfanred incwm y flwyddyn honno unrhyw berson sy'n bartner i'r myfyriwr ar ddyddiad gwneud y cais.

(5) Yn y rheoliad hwn-

- (a) mae "plentyn" ("*child*") mewn perthynas â myfyriwr dysgu o bell cymwys yn

he or she were his or her spouse where an eligible distance learning 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 support and where he or she began the specified designated distance learning course before 1 September 2005;

- (iv) a person ordinarily living with an eligible distance learning student as if he or she were his or her spouse or civil partner where an eligible distance learning student begins the specified designated distance learning course on or after 1 September 2005;
- (b) a person who would otherwise be a partner under sub-paragraph (a) is not to be treated as a partner if-
 - (i) in the opinion of the Welsh Ministers, that person and the eligible distance learning student are separated; or
 - (ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible distance learning student;
- (c) "relevant income" ("*incwm perthnasol*") has the meaning given in paragraph (2).

(2) Subject to paragraph (3), an eligible distance learning 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.

(3) Where the Welsh Ministers are satisfied that an eligible distance learning 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, they may assess that student's financial resources by reference to those resources in the current financial year.

(4) In this regulation, an eligible distance learning 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.

(5) In this regulation-

- (a) "child" ("*plentyn*") in relation to an eligible distance learning student

cynnwys unrhyw blentyn i'w bartner ac unrhyw blentyn y mae ganddo gyfrifoldeb rhiant drosto;

- (b) ystyr "blwyddyn ariannol gyfredol" ("*current financial year*") yw'r flwyddyn ariannol sy'n cynnwys diwrnod cyntaf y flwyddyn academiaidd y mae person yn cael ei asesu ar gyfer cymorth mewn perthynas â hi;
- (c) ystyr "dibynnol" ("*dependent*") yw ariannol ddibynnol yn gyfan gwbl neu'n bennaf;
- (ch) ystyr "blwyddyn ariannol" ("*financial year*") yw'r cyfnod o ddeuddeng mis y mae incwm y myfyriwr dysgu o bell cymwys yn cael ei gyfrifo mewn perthynas â hi at ddibenion y ddeddfwriaeth ar dreth incwm sy'n gymwys iddo;
- (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) ystyr "blwyddyn ariannol flaenorol" ("*preceding financial year*") yw'r flwyddyn ariannol yn union cyn y flwyddyn ariannol gyfredol;
- (e) ystyr "cwrw dysgu o bell dynodedig a bennir" ("*specified designated distance learning course*") yw'r cwrw y mae'r person yn gwneud cais am gymorth tuag ato, neu pan fo statws y myfyriwr fel myfyriwr dysgu o bell cymwys wedi'i drosglwyddo i'r cwrw dysgu o bell dynodedig presennol o ganlyniad i un trosglwyddiad neu fwy o'r statws hwnnw gan Weinidogion Cymru o gwrs dysgu o bell (y "cwrw cychwynnol") ("*initial course*") y penderfynodd Gweinidogion Cymru mewn cysylltiad ag ef fod y myfyriwr yn fyfyrwr dysgu o bell cymwys yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf, y cwrw dysgu o bell dynodedig a bennir yw'r cwrw cychwynnol.

Lwfans myfyrwr dysgu o bell anabl

61F.-(1) Mae gan fyfyrwr dysgu o bell cymwys hawl yn unol â'r Rhan hon i gael grant i helpu gyda'r gwariant ychwanegol y mae Gweinidogion Cymru wedi'u bodloni ei bod yn ofynnol iddo'i ysgwyddo oherwydd anabled sydd ganddo mewn perthynas ag ymgymryd â chwrs dysgu o bell dynodedig.

(2) Nid oes gan fyfyrwr dysgu o bell cymwys hawl i gael y grant o dan y rheoliad hwn os mai'r unig baragraff yn Rhan 2 o Atodlen 1 y daw oddi

includes any child of his or her partner and any child for whom he or she has parental responsibility;

- (b) "current financial year" ("*blwyddyn 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 support;
- (c) "dependent" ("*dibynnol*") means wholly or mainly financially dependent;
- (d) "financial year" ("*blwyddyn ariannol*") means the period of twelve months for which the income of the eligible distance learning 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) "preceding financial year" ("*blwyddyn ariannol flaenorol*") means the financial year immediately preceding the current financial year;
- (g) "specified designated distance learning course" ("*cwrw dysgu o bell 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 distance learning student has been transferred to the present designated distance learning course as a result of one or more transfers of that status by the Welsh Ministers from a distance learning course (the "initial course") ("*cwrw cychwynnol*") in connection with which the Welsh Ministers determined the student to be an eligible distance learning student pursuant to regulations made under section 22 of the Act, the specified designated distance learning course is the initial course.

Disabled distance learning students' allowance

61H.-(1) An eligible distance learning student qualifies in accordance with this Part for a grant to assist with the additional expenditure which the Welsh Ministers are satisfied he or she is obliged to incur by reason of a disability to which he or she is subject in respect of his or her undertaking a designated distance learning course.

(2) An eligible distance learning student does not qualify for the grant under this regulation if the only paragraph in Part 2 of Schedule 1 into which

tano yw paragraff 9;

(3) Nid oes gan fyfyrwr dysgu o bell cymwys hawl i gael y grant o dan y rheoliad hwn mewn perthynas ag unrhyw flwyddyn academiaidd sy'n flwyddyn bwrsari.

(4) Nid oes gan fyfyrwr dysgu o bell cymwys hawl i gael y grant o dan y rheoliad hwn oni bau bod Gweinidogion Cymru yn ystyried ei fod yn ymgymryd â'r cwrs dysgu o bell dynodedig yng Nghymru.

(5) Yn ddarostyngedig i'r paragraffau canlynol, swm y grant o dan y rheoliad hwn yw'r swm sy'n briodol ym marn Gweinidogion Cymru yn unol ag amgylchiadau'r myfyriwr.

(6) Ni ddylai swm y grant fod yn fwy na'r canlynol-

- (a) £12,420 mewn perthynas â blwyddyn academiaidd at wariant ar gynorthwydd personol anfeddygol;
- (b) £4,905 mewn perthynas â phob blwyddyn academiaidd yn ystod y cyfnod cymhwysra at wariant ar eitemau mawr o offer arbenigol;
- (c) y gwariant ychwanegol a dynnir-
 - (i) o fewn y Deyrnas Unedig er mwyn gallu bod yn bresennol yn y sefydliad;
 - (ii) o fewn neu o'r tu allan i'r Deyrnas Unedig at ddiben bod yn bresennol, fel rhan o'i gwrs, ar unrhyw gyfnod astudio mewn sefydliad dros y môr neu at ddiben bod yn bresennol yn yr Athrofa;
- (ch) £1,640, mewn perthynas â blwyddyn academiaidd at unrhyw wariant arall gan gynnwys gwariant a dynnwyd at y dibenion y cyfeirir atynt yn is-baragraff (a) neu (b) sy'n fwy na'r uchafsymiau penodedig.

Ceisiadau am gymorth

61FF.-(1) Rhaid i berson (y "ceisydd") wneud cais am gymorth mewn cysylltiad â phob blwyddyn academiaidd o gwrs dysgu o bell dynodedig drwy gwblhau ffurflen gais ar y cyfryw ffurf ag y byddo Gweinidogion Cymru yn gofyn amdani a'i chyflwyno i Weiniogion Cymru.

(2) Rhaid anfon gyda'r cais-

- (a) datganiad a gwblhawyd gan yr awdurdod academiaidd; a
- (b) y cyfryw ddogfennaeth ychwanegol ag y byddo Gweinidogion Cymru yn gofyn amdani.

(3) Caiff Gweinidogion Cymru gymryd unrhyw gamau a gwneud unrhyw ymholiadau yr ystyriant yn angenrheidiol er mwyn penderfynu a yw'r ceisydd yn fyfyrwr dysgu o bell cymwys, a oes gan y ceisydd hawl i gael cymorth a swm y

he or she falls is paragraph 9.

(3) An eligible distance learning student does not qualify for the grant under this regulation in respect of any academic year that is a bursary year.

(4) An eligible distance learning student does not qualify for the grant under this regulation unless the Welsh Ministers consider that he or she is undertaking the designated distance learning course in Wales.

(5) Subject to the following paragraphs, the amount of grant under this regulation is the amount that the Welsh Ministers consider appropriate in accordance with the student's circumstances.

(6) The amount of the grant under this regulation must not exceed-

- (a) £12,420 in respect of an academic year for expenditure on a non-medical personal helper;
- (b) £4,905 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 Institute;
- (d) £1,640 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.

Applications for support

61I.-(1) A person (the "applicant") must apply for support in connection with each academic year of a designated distance learning course by completing and submitting to the Welsh Ministers an application in such form as the Welsh Ministers may require.

(2) The application must be accompanied by-

- (a) a declaration completed by the academic authority; and
- (b) such additional documentation as the Welsh Ministers may require.

(3) The Welsh Ministers may take such steps and make such inquiries as they consider necessary to determine whether the applicant is an eligible distance learning student, whether he or she qualifies for support and the amount of support

cymorth sy'n daladwy, os oes cymorth yn daladwy o gwbl.

(4) Rhaid i Weinidogion Cymru hysbysu'r ceisydd a oes ganddo hawl i gael cymorth, ac os oes ganddo hawl, swm y cymorth sy'n daladwy mewn perthynas â'r flwyddyn academaidd, os oes cymorth yn daladwy o gwbl.

(5) Y rheol gyffredinol yw bod rhaid i'r cais gyrraedd Gweinidogion Cymru o fewn cyfnod o chwe mis sy'n dechrau gyda diwrnod cyntaf blwyddyn academaidd y cwrs y cyflwynir y cais mewn perthynas ag ef.

(6) Nid yw'r rheol gyffredinol yn gymwys-

- (a) pan fo un o'r digwyddiadau a restrir ym mharagraff (4) o reoliad 61B 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 Gweinidogion Cymru o fewn cyfnod o chwe mis sy'n dechrau gyda diwrnod y digwyddiad perthnasol;
- (b) pan fo'r ceisydd yn gwneud cais am y lwfans myfyrwyr dysgu o bell anabl, ac os felly rhaid i'r cais gyrraedd Gweinidogion Cymru cyn gynted ag y bo'n rhesymol ymarferol; neu
- (c) pan fo Gweinidogion Cymru 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 Gweinidogion Cymru heb fod yn hwyrach na'r dyddiad a bennir ganddynt.

Datganiadau a ddarperir gan awdurdodau academaidd

61G.-(1) Yn ddarostyngedig i baragraff (2), rhaid i'r awdurdod academaidd, ar gais y ceisydd, gwblhau datganiad yn y cyfryw ffurf ag y byddo Gweinidogion Cymru yn gofyn amdano fynd gyda'r cais am gefnogaeth.

(2) Nid yw'n ofynnol i awdurdod academaidd gwblhau datganiad os nad yw'n gallu rhoi'r cadarnhad gofynnol.

(3) Yn y Rhan hon, ystyr "datganiad" ("*declaration*") yw-

- (a) pan fo'r ceisydd yn gwneud cais am gymorth mewn cysylltiad â'r cwrs dysgu o bell 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 wythnos o'r cwrs dysgu o bell dynodedig;
- (b) mewn unrhyw achos arall, datganiad-
 - (i) sy'n darparu gwybodaeth am y cwrs; a
 - (ii) sy'n cadarnhau bod y ceisydd wedi

payable, if any.

(4) The Welsh Ministers must notify the applicant of whether he or she qualifies for support and, if he or she does qualify, the amount of support payable in respect of the academic year, if any.

(5) The general rule is that the application must reach the Welsh Ministers 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.

(6) The general rule does not apply where-

- (a) one of the events listed in paragraph (4) of regulation 61B 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 Welsh Ministers within a period of six months beginning with the day on which the relevant event occurred;
- (b) the applicant is applying for the disabled distance learning students' allowance, in which case the application must reach the Welsh Ministers as soon as is reasonably practicable; or
- (c) the Welsh Ministers consider that having regard to the circumstances of the particular case the time limit should be relaxed, in which case the application must reach the Welsh Ministers not later than such date as they specify.

Declarations provided by academic authorities

61J.-(1) Subject to paragraph (2), the academic authority must, on the request of the applicant, complete a declaration in such form as may be required by the Welsh Ministers to accompany the application for support.

(2) An academic authority is not required to complete a declaration if it is unable to give the confirmation required.

(3) In this Part, "declaration" ("*datganiad*") means-

- (a) where the applicant is applying for support in connection with the designated distance learning 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 distance learning course;
- (b) in any other case, a statement that-
 - (i) provides the course information; and
 - (ii) confirms that the applicant has

ymrestru i ymgymryd â blwyddyn academaidd y cwrs dysgu o bell dynodedig y mae'n gwneud cais am gymorth mewn perthynas ag ef.

(4) 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) ardystiad gan yr awdurdod academaidd ei fod o'r farn fod y ceisydd yn ymgymryd â'r cwrs dysgu o bell dynodedig yng Nghymru; ac
- (c) mewn unrhyw achos pan fo'r ceisydd yn fyfyrwr anabl, ardystiad gan yr awdurdod academaidd ei fod o'r farn fod y ceisydd wedi dewis ymgymryd â'r cwrs dysgu o bell dynodedig am reswm heblaw'r ffaith na all fod yn bresennol ar gwrs dynodedig oherwydd rhesymau sy'n ymwneud â'i anabledd.

Gwybodaeth

61NG. Mae Atodlen 3 yn ymwneud â darparu gwybodaeth.

Trosglwyddo statws

61H.-(1) Pan fo myfyriwr dysgu o bell cymwys yn trosglwyddo i gwrs dysgu o bell dynodedig arall, rhaid i Weinidogion Cymru drosglwyddo statws y myfyriwr fel myfyriwr dysgu o bell cymwys i'r cwrs hwnnw pan-

- (a) derbyniant gais i wneud hynny oddi wrth y myfyriwr dysgu o bell cymwys;
- (b) ydynt wedi'u bodloni bod un neu fwy o'r seiliau trosglwyddo ym mharagraff (2) yn gymwys; ac
- (c) nad yw'r cyfnod cymhwystra wedi'i derfynu.

(2) Y seiliau trosglwyddo yw-

- (a) bod y myfyriwr dysgu o bell cymwys yn dechrau ymgymryd â chwrs dysgu o bell dynodedig arall yn y sefydliad;
- (b) bod y myfyriwr dysgu o bell cymwys yn dechrau ymgymryd â chwrs dysgu o bell dynodedig mewn sefydliad arall; neu
- (c) ar ôl iddo ddechrau cwrs dysgu o bell dynodedig ar gyfer gradd gyntaf (heblaw gradd anrhydedd) bod y myfyriwr dysgu o bell cymwys, cyn cwblhau'r cwrs hwnnw, yn cael ei dderbyn ar gwrs dysgu o bell dynodedig ar gyfer gradd anrhydedd yn yr un pwnc neu bynciau yn y sefydliad.

(3) Yn ddarostyngedig i baragraff (4), bydd myfyriwr dysgu o bell cymwys sy'n trosglwyddo o dan baragraff (1) yn parhau i gael, mewn cysylltiad

enrolled to undertake the academic year of the designated distance learning course in respect of which he or she is applying for support.

(4) In this regulation, "course information" ("*gwybodaeth 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) certification by the academic authority that it considers the applicant is undertaking the designated distance learning course in Wales; and
- (c) in any case where the applicant is a disabled student, certification by the academic authority that it considers the applicant has chosen to undertake the designated distance learning course for a reason other than he or she is unable to attend a designated course for a reason which relates to his or her disability.

Information

61K. Schedule 3 deals with the provision of information.

Transfer of status

61L.-(1) Where an eligible distance learning student transfers to another designated distance learning course, the Welsh Ministers must transfer the student's status as an eligible distance learning student to that course where-

- (a) they receive a request from the eligible distance learning student to do so;
- (b) they are satisfied that one or more of the grounds for transfer in paragraph (2) applies; and
- (c) the period of eligibility has not terminated.

(2) The grounds for transfer are-

- (a) the eligible distance learning student starts to undertake another designated distance learning course at the institution;
- (b) the eligible distance learning student starts to undertake a designated distance learning course at another institution; or
- (c) after commencing a designated distance learning course for a first degree (other than an honours degree) the eligible distance learning student is, before the completion of that course, admitted to a designated distance learning course for an honours degree in the same subject or subjects at the institution.

(3) Subject to paragraph (4), an eligible distance learning student who transfers under paragraph (1) is to receive in connection with the academic year

â blwyddyn academiaidd y cwrs y mae'n trosglwyddo iddo, weddill y cymorth y penderfynodd Gweinidogion Cymru bod ganddo hawl iddo mewn perthynas â'r cwrs y mae'n trosglwyddo oddi arno.

(4) Caiff Gweinidogion Cymru ailasesu swm y cymorth sydd yn daladwy ar ôl y trosglwyddo.

(5) Ni chaiff myfyriwr cymwys sy'n trosglwyddo o dan baragraff (1) ar ôl i Weinidogion Cymru benderfynu ar ei gymorth mewn cysylltiad â blwyddyn academiaidd y cwrs y mae'n trosglwyddo oddi arno ond cyn iddo gwblhau'r flwyddyn honno, wneud cais am grant arall o dan reoliad 61D(1)(b) neu reoliad 61F mewn cysylltiad â blwyddyn academiaidd y cwrs y mae'n trosglwyddo iddo.

(6) Pan fo myfyriwr yn trosglwyddo o dan baragraff (1), uchafswm y cymorth o dan reoliad 61D(1)(a) mewn perthynas â'r blynyddoedd academiaidd y mae'n trosglwyddo iddynt ac ohonynt yw swm y cymorth sydd ar gael mewn cysylltiad â'r cwrs sydd â'r ffioedd uchaf gwirioneddol fel y'u diffinnir yn rheoliad 61D.

Trosi statws - myfyriwr cymwys nad ydynt yn bresennol ar gwrs dynodedig

61I.-(1) Pan fo Gweinidogion Cymru yn penderfynu cyn 1 Medi 2007 bod myfyriwr-

- (a) yn fyfyriwr cymwys; ond
- (b) oherwydd ei fod yn ymgymryd â chwrs dynodedig, ond nid yn bresennol arno, neu yn cael ei gyfrif fel petai'n bresennol-
 - (i) yn gymwys am lwfans myfyriwr anabl yn unig mewn cysylltiad â'r cwrs hwnnw; neu
 - (ii) nad yw'n gymwys ar gyfer cymorth o dan Rannau 4 i 6 mewn cysylltiad â'r cwrs hwnnw,

rhaid i Weinidogion Cymru drosi ei statws i fod yn un myfyriwr dysgu o bell cymwys yn unol â'r rheoliad hwn.

(2) Rhaid i Weinidogion Cymru drosi statws myfyriwr cymwys y mae paragraff (1) yn berthnasol iddo i fod yn un myfyriwr dysgu o bell cymwys pan -

- (a) eu bod yn fodlon bod y myfyriwr yn ymgymryd â chwrs dysgu o bell dynodedig yng Nghymru; a
- (b) bod y cyfnod cymhwyster heb derfynu.

(3) Rhaid i Weinidogion Cymru benderfynu, yn unol â'r Rhan hon, beth yw swm y cymorth a delir o dan reoliad 61D ar gyfer y flwyddyn academiaidd gyfredol i fyfyriwr sydd â'i statws wedi ei drosi o dan baragraff (2).

(4) Mae'r canlynol yn gymwys i fyfyriwr sy'n dod o fewn paragraff (1)(b)(i) ac y trosir ei statws

of the course to which he or she transfers the remainder of the support for which the Welsh Ministers have determined he or she qualifies in respect of the academic year of the course from which he or she transfers.

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

(5) An eligible student who transfers under paragraph (1) after the Welsh Ministers have 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 61E(1)(b) or regulation 61H 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 support under regulation 61E(1)(a) in respect of the academic years to and from which he or she transfers is the amount of support available in connection with the course with the highest actual fees as defined in regulation 61E.

Conversion of status - eligible students not in attendance on a designated course

61M.-(1) Where the Welsh Ministers determine before 1 September 2007 that a student-

- (a) is an eligible student; but
- (b) as he or she is undertaking but not in attendance, or treated as being in attendance, on a designated course-
 - (i) qualifies only for disabled students' allowance in connection with that course; or
 - (ii) does not qualify for any support under Parts 4 to 6 in connection with that course,

the Welsh Ministers must convert his or her status to that of an eligible distance learning student in accordance with this regulation.

(2) The Welsh Ministers must convert the status of an eligible student to whom paragraph (1) applies to that of an eligible distance learning student where-

- (a) they are satisfied that the student is undertaking a designated distance learning course in Wales; and
- (b) the period of eligibility has not terminated.

(3) The Welsh Ministers must determine, in accordance with this Part, the amount of support payable under regulation 61E in respect of the current academic year to a student whose status is converted under paragraph (2).

(4) The following applies to a student who falls within paragraph (1)(b)(i) and whose status is

o dan baragraff (2)-

- (a) pan fo Gweinidogion Cymru wedi penderfynu talu swm i'r myfyriwr o dan reoliad 24 ("y swm blaenorol") ar gyfer y flwyddyn academaidd gyfredol, ni ddylid gwneud unrhyw daliad mewn perthynas â'r swm hwnnw ar nac ar ôl 1 Medi 2007;
- (b) uchafswm y lwfans myfyrwyr dysgu o bell anabl y mae'r myfyriwr yn gymwys ar ei gyfer mewn cysylltiad â'i ymgymeriad â chwrs dysgu o bell dynodedig yn y flwyddyn academaidd gyfredol yw'r mwyaf o'r symiau canlynol-
 - (i) y swm blaenorol; a
 - (ii) y "swm gwirioneddol" sef yr uchafswm o lwfans myfyrwyr dysgu o bell anabl y penderfyna Gweinidogion Cymru sy'n daladwy i'r myfyriwr; ac
- (c) pan fo swm at unrhyw ddiben wedi'i dalu i'r myfyriwr o dan reoliad 24 cyn 1 Medi 2007, mae uchafswm y lwfans myfyrwyr dysgu o bell anabl sy'n daladwy iddo i'r diben hwnnw am y flwyddyn academaidd gyfredol yn cael ei ostwng yn ôl swm y grant a dalwyd iddo i'r diben hwnnw yn unol â Rhan 5, a phan fo'r swm sy'n deillio o hyn yn ddim neu'n swm negyddol, bydd y swm hwnnw yn ddim.

(2) Yn y rheoliad hwn ystyr "blwyddyn academaidd gyfredol" ("*current academic year*") yw blwyddyn academaidd yn dechrau ar neu ar ôl 1 Medi 2007 ond cyn 1 Medi 2008.

Trosi statws - myfyrwyr cymwys yn trosglwyddo i gyrsiau dysgu o bell dynodedig

61J.-(1) Yn ddarostyngedig i baragraff (2), pan fo myfyriwr cymwys yn rhoi'r gorau i ymgymryd â chwrs dynodedig a'i fod yn trosglwyddo i gwrs dysgu o bell dynodedig yn yr un sefydliad neu mewn sefydliad arall, rhaid i Weinidogion Cymru drosi statws y myfyriwr fel myfyriwr cymwys i statws myfyriwr dysgu o bell cymwys mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo-

- (a) pan dderbyniant gais oddi wrth y myfyriwr dysgu o bell cymwys i wneud hynny; a
- (b) pan nad yw'r cyfnod cymhwystra wedi terfynu.

(2) Ni chymhwysir y rheoliad hwn ar gyfer myfyriwr sy'n gymwys o dan reoliad 61I.

(3) Mae'r canlynol yn gymwys i fyfyriwr sy'n trosglwyddo o dan baragraff (1)-

converted under paragraph (2)-

- (a) where the Welsh Ministers have determined to pay an amount to the student under regulation 24 ("the previous amount") in respect of the current academic year, no payment in respect of that amount of grant must be made on or after 1 September 2007;
- (b) the maximum amount of disabled distance learning students' allowance to which the student is entitled in connection with his or her undertaking a designated distance learning course in the current academic year is the greater of the following amounts-
 - (i) the previous amount; and
 - (ii) the "actual amount" being the maximum amount of disabled distance learning students' allowance the Welsh Ministers determine is payable to the student; and
- (c) where an amount is paid to the student for any purpose under regulation 24 before 1 September 2007, the maximum amount of disabled distance learning students' allowance payable to him or her for that purpose for the current academic year is reduced by the amount of grant paid to him or her for that purpose pursuant to Part 5, and where the resulting amount is nil or a negative amount that amount is nil.

(5) In this regulation "current academic year" ("*blwyddyn academaidd gyfredol*") means an academic year beginning on or after 1 September 2007 but before 1 September 2008.

Conversion of status - eligible students transferring to designated distance learning courses

61N.-(1) Subject to paragraph (2), where an eligible student ceases to undertake a designated course and transfers to a designated distance learning course at the same or at another institution, the Welsh Ministers must convert his or her status as an eligible student to that of an eligible distance learning student in connection with the course to which he or she is transferring where-

- (a) they receive a request from the eligible distance learning student to do so; and
- (b) the period of eligibility has not terminated.

(2) This regulation does not apply to a student to whom regulation 61M applies.

(3) The following applies to a student who transfers under paragraph (1)-

- (a) pan fo Gweinidogion Cymru wedi penderfynu talu swm i'r myfyriwr o dan reoliad 24 mewn rhandaliadau rheolaidd, 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 myfyriwr yn fyfyriwr dysgu o bell cymwys;
- (b) mae uchafswm y lwfans myfyrwyr dysgu o bell anabl y byddai gan y myfyriwr hawl iddo, ar wahân i'r rheoliad hwn, mewn cysylltiad ag ymgymryd â chwrs dysgu o bell penodedig mewn perthynas â'r flwyddyn academaidd honno yn cael ei ostwng o un traean pan ddaeth y myfyriwr yn fyfyriwr dysgu o bell cymwys yn ystod ail chwarter y flwyddyn academaidd, ac o ddau draean pan ddaeth yn gyfryw fyfyriwr yn ystod chwarter diweddarach o'r flwyddyn honno;
- (c) pan fo swm o grant at gostau byw myfyrwyr anabl at unrhyw ddben wedi ei dalu i'r myfyriwr o dan Ran 5 mewn un rhandaliad, mae uchafswm y lwfans myfyrwyr dysgu o bell anabl sy'n daladwy iddo 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 Rhan 5, ac os yw'r swm sy'n deillio o hyn yn ddim neu'n swm negyddol, bydd y swm hwnnw yn ddim; ac
- (ch) pan fo'r myfyriwr, yn union cyn dod yn fyfyriwr dysgu o bell cymwys, yn gymwys i wneud cais, ond ei fod heb wneud cais am fenthyciad at gostau byw ar gyfer y flwyddyn honno, neu heb wneud cais am yr uchafswm neu'r uchafswm a gynyddwyd yr oedd â hawl iddo, caiff wneud cais am y benthyciad hwnnw neu'r swm ychwanegol hwnnw o fenthyciad fel pe bai wedi parhau yn fyfyriwr cymwys; ac o dan yr amgylchiadau a grybwyllir ym mharagraff (4) gostyngir uchafswm y benthyciad hwnnw neu uchafswm cynnydd y cyfryw fenthyciad am y flwyddyn academaidd yn unol â'r paragraff hwnnw.

(4) Pan fo'r cais o dan baragraff (1) yn cael ei wneud yn ystod chwarter cyntaf y flwyddyn academaidd y mae'r benthyciad yn daladwy ar ei chyfer, gostyngir uchafswm y benthyciad neu'r uchafswm a gynyddwyd o'r cyfryw fenthyciad (yn ôl y digwydd) o ddau draean, ac os yw'r cais yn cael ei wneud yn ystod ail chwarter y flwyddyn honno gostyngir y swm hwnnw o un traean.

- (a) where the Welsh Ministers have determined to pay an amount to the student under regulation 24 in periodic instalments, no payment in respect of that amount of grant must be made in respect of any instalment period beginning after the date on which the student becomes an eligible distance learning student;
- (b) the maximum amount of disabled distance learning students' allowance to which the student would, apart from this regulation, be entitled in connection with his or her undertaking a designated distance learning course in respect of that academic year is reduced by one third where the student became an eligible distance learning student in 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 disabled students' living cost grant for any purpose has been paid to the student under Part 5 in a single instalment, the maximum amount of disabled distance learning students' allowance payable to him or her for that purpose is reduced (or, where subparagraph (b) applies, further reduced) by the amount of grant paid to him or her for that purpose pursuant to Part 5, and where the resulting amount is nil or negative that amount is nil; and
- (d) where immediately before he or she became an eligible distance learning 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 of increased maximum to 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 amount 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.

Trosi statws - myfyrwyr dysgu o bell cymwys yn trosglwyddo i gyrsiau dynodedig

61L.-(1) Pan fo myfyriwr dysgu o bell cymwys yn rhoi'r gorau i ymgymryd â chwrs dysgu o bell dynodedig a'i fod yn trosglwyddo i gwrs dynodedig yn yr un sefydliad neu mewn sefydliad arall, rhaid i Weinidogion Cymru drosi statws y myfyriwr fel myfyriwr dysgu o bell cymwys i statws myfyriwr cymwys mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo-

- (a) pan dderbyniant gais oddi wrth y myfyriwr cymwys i wneud hynny; a
 - (b) pan nad yw'r cyfnod cymhwysra wedi terfynu.
- (2) Mae'r canlynol yn gymwys i fyfyriwr sy'n trosglwyddo o dan baragraff (1)-
- (a) pan fo Gweinidogion Cymru wedi penderfynu talu swm o lwfans myfyrwyr dysgu o bell anabl i'r myfyriwr mewn rhandaliadau rheolaidd 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 myfyriwr yn fyfyriwr cymwys;
 - (b) bydd unrhyw gymorth y mae gan y myfyriwr hawl iddo o dan y Rhan hon mewn perthynas â'r flwyddyn academaidd y trosglwydda'r myfyriwr ynddi yn cael ei anwybyddu wrth benderfynu swm y gymorth y gall bod ganddo hawl iddo am y flwyddyn honno o dan Rannau 4 i 6;
 - (c) mae uchafswm unrhyw gymorth o dan Ran 5 neu 6 y byddai'r myfyriwr, ar wahân i'r rheoliad hwn, â hawl iddo mewn cysylltiad â chwrs dynodedig o fewn y flwyddyn academaidd honno yn cael ei ostwng o un traean pan ddaeth y myfyriwr yn fyfyriwr cymwys yn ystod ail chwarter y flwyddyn academaidd honno, ac o ddau draean os daeth yn gyfryw fyfyriwr mewn chwarter diweddarach o'r flwyddyn honno;
 - (ch) pan fo swm o lwfans myfyrwyr dysgu o bell anabl at unrhyw ddiben wedi ei dalu i'r myfyriwr mewn un rhandaliad, mae uchafswm y grant at gostau byw myfyrwyr anabl sy'n daladwy iddo o dan Ran 5 i'r diben hwnnw yn cael ei ostwng (neu, os yw is-baragraff (c) yn gymwys, ei ostwng ymhellach) yn ôl swm y lwfans myfyrwyr dysgu o bell anabl a dalwyd iddo i'r diben hwnnw, a phan fo'r swm sy'n deillio o hyn yn ddim neu'n swm negyddol bydd y swm hwnnw yn ddim.

Conversion of status - eligible distance learning students transferring to designated courses

61O.-(1) Where an eligible distance learning student ceases to undertake a designated distance learning course and transfers to a designated course at the same or at another institution, the Welsh Ministers must convert his or her status as an eligible distance learning student to that of an eligible student in connection with the course to which he or she is transferring where-

- (a) they receive a request from the eligible distance learning student to do so; and
 - (b) the period of eligibility has not terminated.
- (2) The following applies to a student who transfers under paragraph (1)-
- (a) where the Welsh Ministers have determined to pay an amount of disabled distance learning students' allowance to the student in periodic instalments no payment in respect of that amount of grant must 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 is 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 5 or 6 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 disabled distance learning students' allowance for any purpose has been paid to the student in a single instalment, the maximum amount of disabled students' living costs grant payable to him or her under Part 5 for that purpose is reduced (or, where subparagraph (c) applies, further reduced) by the amount of disabled distance learning students' allowance paid to him or her for that purpose and where the resulting amount is nil or a negative amount that amount is nil.

Talu grantiau ar gyfer ffioedd

61LL.-(1) Yn ddarostyngedig i baragraffau (2) a (3), rhaid i Weinidogion Cymru dalu'r grant ar gyfer ffioedd y mae'r myfyriwr â hawl iddo i'r awdurdod academiaidd priodol wedi gais dilys am daliad ddod i law.

(2) Caiff Gweinidogion Cymru wneud taliadau o dan baragraff (1) ar unrhyw adegau ac mewn unrhyw randaliadau fel y gwelant yn dda.

(3) Caiff Gweinidogion Cymru wneud taliadau dros dro o dan baragraff (1) mewn unrhyw achosion y barnant sy'n briodol.

Talu grantiau ar gyfer llyfrau, teithio a gwariant arall a lwfans myfyrwyr dysgu o bell anabl

61M.-(1) Caiff taliadau'r grant ar gyfer llyfrau, teithio a gwariant arall a'r lwfans myfyrwyr dysgu o bell anabl eu gwneud mewn dull y barna Gweinidogion Cymru sydd briodol a chânt osod amod ar gyfer yr hawl i daliad bod y myfyriwr dysgu o bell cymwys i roi iddynt fanylion cyfrif banc neu gymdeithas adeiladu yn y Deyrnas Unedig y gellir gwneud y taliadau iddo trwy drosglwyddiad electronig.

(2) Pan fetha Gweinidogion Cymru â gwneud asesiad terfynol ar sail yr wybodaeth a dderbyniwyd oddi wrth y myfyriwr, gallant wneud asesiad dros dro a thaliad o'r grant ar gyfer llyfrau, teithio a gwariant arall a'r lwfans myfyrwyr dysgu o bell anabl.

(3) Caiff Gweinidogion Cymru dalu'r grant ar gyfer llyfrau, teithio a gwariant arall a'r lwfans myfyrwyr dysgu o bell anabl mewn rhandaliadau.

(4) Yn ddarostyngedig i baragraff (5), caiff Gweinidogion Cymru dalu'r grant ar gyfer llyfrau, teithio a gwariant arall a'r lwfans myfyrwyr dysgu o bell anabl ar adegau y barnant hwy yn briodol.

(5) Rhaid i Weinidogion Cymru beidio â thalu'r rhandaliad cyntaf na chwaith, pan benderfynwyd peidio â thalu cymorth mewn rhandaliadau, wneud unrhyw daliad o'r grant ar gyfer llyfrau, teithio a gwariant arall na'r lwfans myfyrwyr dysgu o bell anabl cyn iddynt dderbyn datganiad o dan reoliad 61G oni bai bod eithriad yn gymwys.

(6) Mae eithriad yn gymwys-

(a) os oes lwfans myfyrwyr dysgu o bell anabl yn daladwy, a'r pryd hynny gellir talu'r grant hwnnw cyn bo datganiad wedi dod i law Gweinidogion Cymru;

(b) os yw Gweinidogion Cymru wedi penderfynu y byddai'n briodol oherwydd yr amgylchiadau eithriadol i wneud taliad heb i ddatganiad ddod i law.

Payment of grants for fees

61P.-(1) Subject to paragraphs (2) and (3), the Welsh Ministers must pay the grant in respect of fees for which the student qualifies to the appropriate academic authority after a valid request for payment has been received.

(2) The Welsh Ministers may make payments under paragraph (1) at such times and in such instalments as they see fit.

(3) The Welsh Ministers may make provisional payments under paragraph (1) in such cases as they deem appropriate.

Payment of grants for books, travel and other expenditure and disabled distance learning students' allowance

61Q.-(1) Payments of the grant for books, travel and other expenditure and the disabled distance learning students' allowance may be made in such manner as the Welsh Ministers consider appropriate and they may make it a condition of entitlement to payment that the eligible distance learning student must provide them with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

(2) Where the Welsh Ministers cannot make a final assessment on the basis of the information provided by the student, they may make a provisional assessment and payment of the grant for books, travel and other expenditure and the disabled distance learning students' allowance.

(3) The Welsh Ministers may pay the grant for books, travel and other expenditure and the disabled distance learning students' allowance in instalments.

(4) Subject to paragraph (5), the Welsh Ministers may pay the grant for books, travel and other expenditure and the disabled distance learning students' allowance at such times as they consider appropriate.

(5) The Welsh Ministers 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 distance learning students' allowance before they have received a declaration under regulation 61J unless an exception applies.

(6) An exception applies if-

(a) a disabled distance learning students' allowance is payable in which case that particular grant may be paid before the Welsh Ministers have received a declaration;

(b) the Welsh Ministers have determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving a declaration.

Gordaliadau

61N.-(1) Caiff Gweinidogion Cymru adennill unrhyw ordaliad grant mewn perthynas â ffioedd oddi ar yr awdurdod academiaidd.

(2) Os bydd yn ofynnol gan Weinidogion Cymru, bydd yn rhaid i fyfyrwr dysgu o bell cymwys addalu unrhyw swm a dalwyd iddo o dan y Rhan hon ac sydd am ba reswm bynnag yn fwy na swm y grant y mae ganddo hawl iddo o dan y Rhan hon.

(3) Rhaid i Weinidogion Cymru adennill gordaliad grant ar gyfer llyfrau, teithio a gwariant arall a lwfans myfyrwyr dysgu o bell anabl oni bai eu bod yn ystyried ei bod yn amhriodol i wneud hynny.

(4) Y dulliau o adennill yw-

- (a) tynnu'r gordaliad o unrhyw fath o grant sy'n daladwy i'r myfyrwr o bryd i'w gilydd yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o'r Ddeddf;
- (b) cymryd unrhyw gamau eraill sydd ar gael i Weinidogion Cymru er mwyn adennill gordaliad.

(5) Mae taliad o lwfans myfyrwyr dysgu o bell anabl a wnaed cyn y dyddiad perthnasol yn ordaliad os yw'r myfyrwr yn rhoi'r gorau i'r cwrs cyn y dyddiad perthnasol oni bai bod Gweinidogion Cymru yn penderfynu'n wahanol.

(6) Yn y rheoliad hwn, y "dyddiad perthnasol" ("*relevant date*") yw dyddiad dechrau gwirioneddol tymor cyntaf y flwyddyn academiaidd dan sylw.

(7) Dan yr amgylchiadau a roddir ym mharagraff (8) neu (9), ceir gordaliad o'r lwfans myfyrwyr dysgu o bell anabl oni bai bod Gweinidogion Cymru yn penderfynu'n wahanol.

(8) Yr amgylchiadau yw-

- (a) bod Gweinidogion Cymru yn cymhwyso'r cyfan neu ran o'r lwfans myfyrwyr dysgu o bell anabl ar gyfer prynu offer arbenigol ar ran y myfyrwr dysgu o bell cymwys;
- (b) bod cyfnod cymhwystra'r myfyrwr yn terfynu ar ôl y dyddiad perthnasol; ac
- (c) nad yw'r offer wedi'i ddanfon at y myfyrwr cyn diwedd cyfnod cymhwystra'r myfyrwr.

(9) Yr amgylchiadau yw-

- (a) bod cyfnod cymhwystra'r myfyrwr dysgu o bell cymwys yn terfynu ar ôl y dyddiad perthnasol; a
- (b) bod taliad lwfans myfyrwyr rhan-amser anabl yn cael ei wneud ar gyfer offer arbenigol i'r myfyrwr ar derfyn y cyfnod cymhwystra.

Overpayments

61R.-(1) Any overpayment of a grant in respect of fees is recoverable by the Welsh Ministers from the academic authority.

(2) An eligible distance learning student must, if so required by the Welsh Ministers, repay any amount paid to him or her under this Part which for whatever reason exceeds the amount of grant to which he or she entitled under this Part.

(3) The Welsh Ministers must recover an overpayment of grant for books, travel and other expenditure and disabled distance learning students' allowance unless they consider that it is not appropriate to do so.

(4) The methods of recovery are-

- (a) subtracting the overpayment from any kind of grant payable to the student from time to time pursuant to regulations made by the Welsh Ministers under section 22 of the Act;
- (b) taking such other action for the recovery of an overpayment as is available to the Welsh Ministers.

(5) A payment of the disabled distance learning students' allowance made before the relevant date is an overpayment if the student withdraws from the course before the relevant date unless the Welsh Ministers decide otherwise.

(6) In this regulation, the "relevant date" ("*dyddiad perthnasol*") is the date on which the first term of the academic year in question actually begins.

(7) In the circumstances set out in paragraph (8) or (9), there is an overpayment of the disabled distance learning students' allowance unless the Welsh Ministers decide otherwise.

(8) The circumstances are-

- (a) the Welsh Ministers apply all or part of the disabled distance learning students' allowance to the purchase of specialist equipment on behalf of the eligible distance learning 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 period of eligibility terminated.

(9) The circumstances are-

- (a) the eligible distance learning student's period of eligibility terminates after the relevant date; and
- (b) a payment of the disabled part-time students' allowance in respect of specialist equipment is made to the student after the period of eligibility terminated.

(10) Pan fo gordaliad o'r lwfans myfyrwyr dysgu o bell anabl, caiff Gweinidogion Cymru dderbyn dychweliad offer arbenigol a brynwyd â'r grant fel modd i adennill y cyfan neu ran o'r gordaliad os ydynt yn ystyried ei bod yn briodol i wneud hynny.

Diwygio rheoliad 62 o Reoliadau 2007

19. Yn rheoliad 62 o Reoliadau 2007-

(a) ar ôl paragraff (14) mewnosoder-

"(14A) Pan fydd un o'r digwyddiadau a restrir yn is-baragraffau (a), (b), (d), (dd), (dda), (e) neu (f) o baragraff (15) yn digwydd yn ystod blwyddyn academaidd -

- (a) gall myfyriwr fod yn gymwys i gael grant o dan reoliad 66 o ran y flwyddyn academaidd honno yn unol â'r Rhan hon; a
- (b) nid yw grant o dan reoliad 66 ar gael o ran unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd pan ddigwyddodd y digwyddiad perthnasol ynddi.

(b) yn lle paragraff (19) rhodder-

"(19) Pan fo-

- (a) Gweinidogion Cymru yn penderfynu bod person ("A"), yn rhinwedd bod yn ffoadur neu fod yn briod â, yn bartner sifil, yn blentyn neu yn llysbentyn ffoadur, yn fyfyrwr rhan-amser cymwys mewn cysylltiad â chais am gymorth am flwyddyn gynharach o'r cwrs rhan-amser presennol neu gais am gymorth mewn cysylltiad â chwrs dynodedig, cwrs dysgu o bell dynodedig neu gwrs rhan-amser dynodedig arall y mae ei statws fel myfyriwr rhan-amser cymwys, myfyriwr cymwys neu fyfyrwr dysgu o bell cymwys wedi'i drosglwyddo i'r cwrs rhan-amser presennol; a
- (b) ar y diwrnod cyn dechrau'r flwyddyn academaidd y gwna A gais am gymorth mewn perthynas â hi, bod statws ffoadur A neu ei briod, ei bartner sifil, ei riant neu ei lys-riant, yn ôl y digwydd, wedi terfynu ac na chaniatawyd iddo aros ymhellach ac nad oes apêl yn yr arfaeth (o fewn ystyr adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002),

bydd statws A fel myfyriwr rhan-amser cymwys yn terfynu yn syth cyn diwrnod cyntaf y flwyddyn academaidd y gwna gais am gymorth ar ei chyfer.";

(c) Yn lle paragraff (20), rhodder-

(10) Where there is an overpayment of the disabled distance learning students' allowance, the Welsh Ministers may accept the return of specialist equipment purchased with the grant by way of recovery of all or part of the overpayment if they consider it is appropriate to do so.

Amendment of regulation 62 of the 2007 Regulations

19. In regulation 62 of the 2007 Regulations-

(a) after paragraph (14), insert-

"(14A) Where one of the events listed in subparagraphs (a), (b), (e), (f), (fa), (g) or (h) of paragraph (15) occurs in the course of an academic year-

- (a) a student may qualify for a grant under regulation 66 in respect of that academic year in accordance with this Part; and
- (b) a grant under regulation 66 is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

(b) for paragraph (19), substitute-

"(19) Where-

- (a) the Welsh Ministers 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 for support in connection with a designated course, designated distance learning course or other designated part-time course from which his or her status as an eligible part-time student, eligible student or eligible distance learning 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 begins, 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 immediately before the first day of the academic year in respect of which he or she is applying for support.";

(c) for paragraph (20), substitute-

(20) Pan fo-

(a) Gweinidogion Cymru wedi penderfynu bod person ("A"), oherwydd ei fod yn berson â chaniatâd i ddod i mewn neu i aros, neu yn briod â, yn bartner sifil, yn blentyn neu'n llysbentyn i berson o'r fath, yn fyfyrwr rhan-amser cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o'r cwrs rhan-amser presennol neu gais am gymorth mewn cysylltiad â chwrs dynodedig, cwrs dysgu o bell dynodedig neu gwrs rhan-amser dynodedig arall y mae ei statws fel myfyriwr rhan-amser, myfyriwr cymwys neu fyfyrwr dysgu o bell cymwys wedi'i drosglwyddo i'r cwrs rhan-amser presennol; a

(b) ar y diwrnod cyn dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth ar ei chyfer, bod statws ffoadur A neu ei briod, partner sifil, rhiant neu 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 ystyr adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002),

bydd statws A fel myfyriwr rhan-amser cymwys yn terfynu yn syth cyn diwrnod cyntaf y flwyddyn academaidd y gwna gais am gymorth ar ei chyfer.;

(ch) yn dilyn paragraff (22)(b), mewnosoder-

(bb) cwrs rhan-amser dynodedig a chwrs dysgu o bell dynodedig;"

Diwygio rheoliad 67 o Reoliadau 2007

20. Yn y testun Cymraeg o reoliad 67(4)(aa) o Reoliadau 2007, hepgorer y gair "nad".

Diwygio rheoliad 70 o Reoliadau 2007

21. Yn rheoliad 70 o Reoliadau 2007-

(a) Yn dilyn paragraff (4), mewnosoder-

"(4A) Pan fo myfyriwr dysgu o bell cymwys yn rhoi'r gorau i ymgymryd â chwrs dysgu o bell dynodedig ac yn trosglwyddo i gwrs rhan-amser dynodedig yn yr un sefydliad neu mewn sefydliad arall, rhaid i Weinidogion Cymru drosi statws y myfyriwr fel myfyriwr dysgu o bell cymwys i statws myfyriwr rhan-amser cymwys mewn cysylltiad â'r cwrs y trosglwydda iddo pan-

(a) derbyniant gais oddi wrth y myfyriwr dysgu o bell cymwys i wneud hynny; a

(20) Where-

(a) the Welsh Ministers 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 for support in connection with a designated course, designated distance learning course or other designated part-time course from which his or her status as an eligible part-time student, eligible student or eligible distance learning 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 begins, 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 part-time student terminates immediately before the first day of the academic year in respect of which he or she is applying for support.;

(d) after paragraph (22)(b), insert-

(bb) a designated part-time course and a designated distance learning course;"

Amendment of regulation 67 of the 2007 Regulations

20. In the Welsh text of regulation 67(4)(aa) of the 2007 Regulations, omit the word, "nad".

Amendment of regulation 70 of the 2007 Regulations

21. In regulation 70 of the 2007 Regulations-

(a) after paragraph (4), insert-

"(4A) Where an eligible distance learning student ceases to undertake a designated distance learning course and transfers to a designated part-time course at the same or at another institution, the Welsh Ministers must convert the student's status as an eligible distance learning student to that of an eligible part-time student in connection with the course to which he or she is transferring where-

(a) they receive a request from the eligible distance learning student to do so; and

(b) nad yw'r cyfnod cymhwysra wedi terfynu.

(4B) Pan fo'r myfyriwr, cyn iddo gwblhau'r cwrs dysgu o bell cymwys, yn trosglwyddo i gwrs rhan-amser yn yr un pwn neu bynciau sy'n arwain at yr un cymhwyster yn yr un sefydliad, mae'r cwrs rhan-amser i'w ystyried fel petai yn bodloni rheoliad 63(1)(b) ac (c) os yw'r cyfnod o astudio rhan-amser y mae'r myfyriwr i ymgymryd ag efn para un flwyddyn academiaidd o leiaf ac nad yw'n hwy na dwywaith y cyfnod sydd ei angen yn arferol i gwblhau gweddill y cwrs dysgu o bell dynodedig y mae'r myfyriwr yn trosglwyddo ohono.

(4C) Yn ddarostyngedig i baragraff (4CH), bydd myfyriwr sy'n trosglwyddo o dan baragraff (4A) yn derbyn mewn cysylltiad â blwyddyn academiaidd y cwrs y trosglwydda iddo weddill y cymorth y penderfynodd Gweinidogion Cymru ei fod yn gymwys amdano o dan Ran 10A ar gyfer blwyddyn academiaidd y cwrs dysgu o bell dynodedig o'r hwn y trosglwydda'r myfyriwr.

(4CH) Caiff Gweinidogion Cymru ailasesu swm y cymorth fydd yn daladwy wedi'r trosglwyddiad.

(4D) O ran myfyriwr cymwys sy'n trosglwyddo o dan baragraff (4A) wedi i Weinidogion Cymru benderfynu ynglyn â'i gymorth mewn cysylltiad â blwyddyn academiaidd y cwrs dysgu o bell dynodedig y mae'n trosglwyddo ohono ond cyn iddo gwblhau'r flwyddyn honno-

(a) ni chaiff wneud cais am grant o dan reoliad 65(1)(b) os ydyw eisoes wedi gwneud cais am grant o dan reoliad 61D(1)(b);

(b) ni chaiff wneud cais am grant o dan reoliad 66 os ydyw eisoes wedi gwneud cais am grant o dan reoliad 61F.

(4DD) Pan fo myfyriwr yn trosglwyddo o dan baragraff (4A), ni chaiff cyfanswm y cymorth a delir i'r myfyriwr o dan reoliadau 61D(1)(a) a 65(1)(a) ar gyfer y blynyddoedd academiaidd y bydd ef yn trosglwyddo iddynt ac ohonynt fod yn fwy na swm y cymorth y penderfynwyd sy'n daladwy i'r myfyriwr o dan reoliad 61D(1)(a).";

(b) yn dilyn paragraff (6), mewnosoder-

"(6A) Pan fo myfyriwr rhan-amser cymwys yn rhoi'r gorau i ymgymryd â chwrs rhan-amser dynodedig a'i fod yn trosglwyddo i gwrs dysgu o bell dynodedig yn yr un sefydliad neu mewn sefydliad arall, rhaid i Weinidogion Cymru drosi statws y myfyriwr hwnnw fel myfyriwr rhan-amser cymwys i statws myfyriwr dysgu o bell cymwys mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo pan-

(a) derbyniant gais oddi wrth y myfyriwr rhan-amser cymwys i wneud hynny; a

(b) the period of eligibility has not terminated.

(4B) Where, before completing the designated distance learning 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 to be treated as satisfying regulation 63(1)(b) and (c) 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 ordinarily required to complete the remainder of the designated distance learning course from which the student transfers.

(4C) Subject to paragraph (4D), a student who transfers under paragraph (4A) will receive in connection with the academic year of the course to which he or she transfers the remainder of the support for which the Welsh Ministers have determined he or she qualifies under Part 10A in respect of the academic year of the designated distance learning course from which he or she transfers.

(4D) The Welsh Ministers may re-assess the amount of support payable after the transfer.

(4E) An eligible student who transfers under paragraph (4A) after the Welsh Ministers have determined his or her support in connection with the academic year of the designated distance learning course from which he or she is transferring but before he or she completes that year-

(a) may not apply for a grant under regulation 65(1)(b) if he or she has already applied for a grant under regulation 61E(1)(b);

(b) may not apply for a grant under regulation 66 if he or she has already applied for a grant under regulation 61H.

(4F) Where a student transfers under paragraph (4A), the total amount of assistance paid to the student under regulations 61E(1)(a) and 65(1)(a) in respect of the academic years from and to which he or she transfers must not exceed the amount of support determined to be payable to the student under regulation 61E(1)(a).";

(b) after paragraph (6), insert-

"(6A) Where an eligible part-time student ceases to undertake a designated part-time course and transfers to a designated distance learning course at the same or at another institution, the Welsh Ministers must convert that student's status as an eligible part-time student to that of an eligible distance learning student in connection with the course to which he or she is transferring where-

(a) they receive a request from the eligible part-time student to do so; and

(b) na fydd y cyfnod cymhwystra wedi terfynu.

(6B) Yn ddarostyngedig i baragraff (6C), bydd myfyriwr sy'n trosglwyddo o dan baragraff (6A) yn derbyn, mewn cysylltiad â'r flwyddyn academiaidd o'r cwrs y trosglwydda iddo, gweddill y cymorth y penderfynodd Gweinidogion Cymru ei fod yn gymwys i'w gael o dan Ran 11 ar gyfer blwyddyn academiaidd y cwrs rhan-amser dynodedig y mae'n trosglwyddo ohono.

(6C) Caiff Gweinidogion Cymru ailasesu swm y cymorth sy'n daladwy ar ôl y trosglwyddiad.

(6CH) O ran myfyriwr cymwys sy'n trosglwyddo o dan baragraff (6A) ar ôl i Weinidogion Cymru benderfynu ynglyn â'i gymorth mewn cysylltiad â blwyddyn academiaidd y cwrs dysgu o bell y mae ef yn trosglwyddo ohono ond cyn iddo gwblhau'r flwyddyn honno-

(a) ni chaiff wneud cais am grant o dan reoliad 61D(1)(b) os ydyw eisoes wedi gwneud cais am grant o dan reoliad 65(1)(b);

(b) ni chaiff gwneud cais am grant o dan reoliad 61F os ydyw eisoes wedi gwneud cais am grant o dan reoliad 66.

(6D) Pan fo myfyriwr yn trosglwyddo o dan baragraff (6A), ni chaiff cyfanswm y cymorth a delir i'r myfyriwr o dan reoliadau 61D(1)(a) a 65(1)(a) mewn perthynas â'r flwyddyn academiaidd y mae'n trosglwyddo ohoni ac iddi fod yn fwy na chyfanswm y cymorth a benderfynwyd oedd daladwy i'r myfyriwr o dan reoliad 61D(1)(a)."

Diwygio rheoliad 74 o Reoliadau 2007

22. Yn dilyn rheoliad 74(15)(b) o Reoliadau 2007, mewnosoder -

(bb) cwrs ôl-radd dynodedig a chwrs dysgu o bell dynodedig;".

Diwygio Atodlen 1 i Reoliadau 2007

23. Yn y testun Cymraeg o baragraff 1(3)(ch) o Atodlen 1 i Reoliadau 2007, yn lle "blentyn ei briod neu ei bartner sifil;"; rhodder "briod neu bartner sifil ei blentyn;".

(b) the period of eligibility has not terminated.

(6B) Subject to paragraph (6C), a student who transfers under paragraph (6A) shall receive in connection with the academic year of the course to which he or she transfers the remainder of the support for which the Welsh Ministers have determined he or she qualifies under Part 11 in respect of the academic year of the designated part-time course from which he or she transfers.

(6C) The Welsh Ministers may re-assess the amount of support payable after the transfer.

(6D) An eligible student who transfers under paragraph (6A) after the Welsh Ministers have determined his or her support in connection with the academic year of the distance learning course from which he or she is transferring but before he or she completes that year-

(a) may not apply for a grant under regulation 61E(1)(b) if he or she has already applied for a grant under regulation 65(1)(b);

(b) may not apply for a grant under regulation 61H if he or she has already applied for a grant under regulation 66.

(6E) Where a student transfers under paragraph (6A), the total amount of assistance paid to the student under regulations 61E(1)(a) and 65(1)(a) in respect of the academic years from and to which he or she transfers must not exceed the maximum amount of support determined to be payable to the student under regulation 61E(1)(a)."

Amendment of regulation 74 of the 2007 Regulations

22. After regulation 74(15)(b) of the 2007 Regulations, insert-

(bb) a designated postgraduate course and a designated distance learning course;".

Amendment of Schedule 1 to the 2007 Regulations

23. In the Welsh text of paragraph 1(3)(ch) of Schedule 1 to the 2007 Regulations, for the words, "blentyn ei briod neu ei bartner sifil;"; substitute the words, "briod neu bartner sifil ei blentyn;".

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a
Sgiliau, un o Weinidogion Cymru

Minister for Children, Education, Lifelong Learning
and Skills, one of the Welsh Ministers

Jane Hutt

28 Medi 2007

28 September 2007

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