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OFFERYNNAU STATUDOL  
CYMRU

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**2010 Rhif 1704 (Cy.164)**

**ADDYSG, CYMRU**

Rheoliadau Dileu Atebolrwydd  
dros Fenthyciadau i Fyfyrrwyr at  
Gostau Byw (Cymru) 2010

**NODYN ESBONIADOL**

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

Mae'r Rheoliadau hyn yn llywodraethu atebolrwydd dros fenthyciad myfyriwr sydd gan fyfyrwyr sy'n cael benthyciadau at gostau byw gan Weinidogion Cymru mewn cysylltiad â'r flwyddyn academiaidd 2010/2011.

Mae'r Rheoliadau hyn yn darparu ar gyfer dileu hyd at £1,500 o atebolrwydd pob benthyciwr am fenthyciad at gostau byw mewn amgylchiadau penodol, gydag effaith yn cychwyn ar y diwrnod ar ôl y dyddiad y bernir bod eu had-daliad cyntaf ar eu benthyciad wedi ei dderbyn.

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WELSH STATUTORY  
INSTRUMENTS

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**2010 No. 1704 (W.164)**

**EDUCATION, WALES**

The Cancellation of Student Loans  
for Living Costs Liability (Wales)  
Regulations 2010

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations govern the student loan liability of students who receive loans for living costs from the Welsh Ministers in respect of the academic year 2010/2011.

These Regulations provide for up to £1,500 of each borrower's living costs loan liability to be cancelled in certain circumstances, with effect from the day after the date on which their first loan repayment is considered to have been received.

**2010 Rhif 1704 (Cy.164)**

**ADDYSG, CYMRU**

**Rheoliadau Dileu Atebolrwydd  
dros Fenthyciadau i Fyfyrrwyr at  
Gostau Byw (Cymru) 2010**

<i>Gwnaed</i>	<i>26 Mehefin 2010</i>
<i>Gosodwyd gerbron Cynulliad Cenedlaethol Cymru</i>	<i>30 Mehefin 2010</i>
<i>Yn dod i rym</i>	<i>1 Awst 2010</i>

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol 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 hwy(2):

**Enwi a chychwyn**

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Dileu Atebolrwydd dros Fenthyciadau i Fyfyrrwyr at Gostau Byw (Cymru) 2010.

(2) Daw'r Rheoliadau hyn i rym ar 1 Awst 2010 ac maent yn gymwys o ran Cymru.

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- (1) 1998 p.30; diwygiwyd adran 22 gan adran 146 o Ddeddf Dysgu a Medrau 2000 (p.21) ac Atodlen 11 iddi, Atodlen 6 i Ddeddf Treth Incwm (Enillion a Phensiynau) 2003 (p.1), adran 147 o Ddeddf Cyllid 2003 (p.14), ac adrannau 42 a 43 o Ddeddf Addysg Uwch 2004 (p.8) ac Atodlen 7 iddi a Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p.22), adran 257.
- (2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 22 o Ddeddf Addysgu ac Addysg Uwch 1998 (ac eithrio i'r graddau y maent yn ymwneud â gwneud unrhyw ddarpariaeth a awdurdodir gan is-adran (2)(a), (c), (j) neu (k), (3)(e) neu (f) neu (5) o adran 22) i Gynulliad Cenedlaethol Cymru gan adran 44 o Ddeddf Addysg Uwch 2004 ac mae 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 a Darpariaeth Drosiannol) (Cymru) (Diwygio) 2006 (O.S. 2006/1660 (Cy.159) (C.56)) yn cyfeirio at hyn. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd paragraffau 30(1) a 30(2)(a) o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

**2010 No. 1704 (W.164)**

**EDUCATION, WALES**

**The Cancellation of Student Loans  
for Living Costs Liability (Wales)  
Regulations 2010**

<i>Made</i>	<i>26 June 2010</i>
<i>Laid before the National Assembly for Wales</i>	<i>30 June 2010</i>
<i>Coming into force</i>	<i>1 August 2010</i>

The Welsh Ministers make the following Regulations 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):

**Title and commencement**

1.–(1) The title of these Regulations is the Cancellation of Student Loans for Living Costs Liability (Wales) Regulations 2010.

(2) These Regulations come into force on 1 August 2010, and apply in relation to Wales.

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- (1) 1998 c.30; section 22 was amended by the Learning and Skills Act 2000 (c.21), section 146 and Schedule 11, the Income Tax (Earnings and Pensions) Act 2003 (c.1), Schedule 6, the Finance Act 2003 (c.14), section 147, the Higher Education Act 2004 (c.8), sections 42 and 43 and Schedule 7 and the Apprenticeships, Skills, Children and Learning Act 2009 (c.22), section 257.
- (2) The functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 (except so far as they relate to the making of any provision authorised by subsection (2)(a), (c), (j) or (k), (3)(e) or (f) or (5) of section 22) 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)) refers. 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 to the Government of Wales Act 2006 (c.32).

## Cymhwyso

2. Mae'r Rheoliadau hyn yn gymwys mewn perthynas â darparu cymorth i fyfyrwyr mewn cysylltiad â Blwyddyn Academaidd 2010/2011.

## Dehongli

3. Yn y Rheoliadau hyn—

mae i'r ymadrodd "yr Atebolrwydd sydd heb ei Dalu" ("*the Outstanding Liability*") yr ystyr a roddir iddo yn rheoliad 7;

ystyr "benthyciad at gostau byw" ("*loan for living costs*") yw benthyciad a geir oddi wrth Weinidogion Cymru mewn cysylltiad â'r Flwyddyn Academaidd 2010/2011 o dan Reoliadau a wneir yn unol ag adran 22 o Ddeddf 1998(1);

ystyr "y benthyciwr" ("*the borrower*") yw person sydd wedi cael benthyciad at gostau byw gan Weinidogion Cymru mewn cysylltiad â'r Flwyddyn Academaidd 2010/2011;

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

ystyr "Blwyddyn Academaidd 2010/2011" ("*Academic Year 2010/2011*") yw blwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Medi 2010 ond cyn 1 Medi 2011;

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

ystyr "Deddf 2008" ("*the 2008 Act*") yw Deddf Gwerthu Benthyciadau Myfyrwyr 2008(2);

ystyr "y Dyddiad Ad-dalu" ("*the Repayment Date*") yw'r diwrnod ar ôl y dyddiad y bernir bod ad-daliad cyntaf y benthyciwr ar ei fenthyciad wedi cael ei dderbyn naill ai gan Gyllid a Thollau Ei Mawrhydi neu gan Weinidogion Cymru, pa un bynnag y bernir iddo gael ei dderbyn gyntaf (yn unol â Rheoliadau a wnaed o dan adran 22 o Ddeddf 1998(3));

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(1) Ar adeg gwneud y Rheoliadau hyn, mae Gweinidogion Cymru'n talu benthyciadau at gostau byw mewn cysylltiad â'r Flwyddyn Academaidd 2010/2011 yn unol â Rhan 6 o Reoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2009 (O.S. 2009/2737 (Cy.235)).

(2) 2008 p.10.

(3) Ar adeg gwneud y Rheoliadau hyn, penderfynir ar y dyddiad y bernir bod ad-daliad benthyciwr wedi ei dderbyn yn unol â rheoliad 17 o Reoliadau Addysg (Benthyciadau Myfyrwyr) (Ad-dalu) 2009 (O.S. 2009/470).

## Application

2. These Regulations apply in relation to the provision of support to students in respect of the Academic Year 2010/ 2011.

## Interpretation

3. In these Regulations—

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

"the 2008 Act" ("*Deddf 2008*") means the Sale of Student Loans Act 2008(1);

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

"Academic Year 2010/2011" ("*Blwyddyn Academaidd 2010/2011*") means an academic year which begins on or after 1 September 2010 but before 1 September 2011;

"the borrower" ("*y benthyciwr*") means a person who has received a loan for living costs from the Welsh Ministers in respect of the Academic Year 2010/2011;

"loan for living costs" ("*benthyciad at gostau byw*") is a loan received from the Welsh Ministers in respect of the Academic Year 2010/2011 under Regulations made pursuant to section 22 of the 1998 Act(2);

"the Outstanding Liability" ("*yr Atebolrwydd sydd heb ei Dalu*") has the meaning given in regulation 7;

"the Repayment Date" ("*y Dyddiad Ad-dalu*") means the day after the date on which the borrower's first loan repayment is considered to have been received by either Her Majesty's Revenue and Customs or the Welsh Ministers, whichever is considered (in accordance with Regulations made under section 22 of the 1998 Act(3)) to have received it first;

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(1) 2008 c.10.

(2) At the time of making these Regulations, the Welsh Ministers disburse loans for living costs in respect of the Academic Year 2010/2011 in accordance with Part 6 of the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2009 (S.I. 2009/2737 (W.235)).

(3) At the time of making these Regulations, the date on which a borrower's repayment is considered to have been received is determined in accordance with regulation 17 of the Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470).

mae i'r ymadrodd "y Dyddiad Bodloni" ("*the Satisfaction Date*") yr ystyr a roddir iddo yn rheoliad 9;

mae "Gweinidogion Cymru" ("*Welsh Ministers*") yn cynnwys unrhyw berson y mae Gweinidogion Cymru wedi trosglwyddo neu wedi dirprwyo'u swyddogaethau o dan adran 23 o Ddeddf 1998 iddo neu unrhyw berson y maent wedi trosglwyddo eu hawliau o dan adran 9 o Ddeddf 2008 iddo; ac

mae i'r ymadrodd "y Swm Penodedig" ("*the Specified Amount*") yr ystyr a roddir iddo yn rheoliad 6.

### Y cymhwyster ar gyfer dileu

4. Mae benthyciwr yn gymwys i gael y Swm Penodedig o'r Atebolrwydd sydd heb ei Dalu wedi ei ddileu yn yr amgylchiadau a geir yn rheoliad 5 ("yr Amgylchiadau").

### Yr Amgylchiadau

5. Yr Amgylchiadau at ddibenion rheoliad 4 yw—

(1) bod y benthyciwr wedi cael benthyciad at gostau byw; a

(2) bod Gweinidogion Cymru o'r farn, o ran y benthyciwr ar y Dyddiad Ad-dalu—

(a) nad yw wedi torri unrhyw rwymedigaeth a geir mewn unrhyw gytundeb ar gyfer benthyciad myfyriwr neu mewn unrhyw Reoliadau a wnaed o dan adran 22 o Ddeddf 1998; ac

(b) nad oes ganddo gosbau, costau, treuliau neu ffioedd sydd heb eu talu mewn perthynas ag unrhyw fenthyciad o'r fath o dan unrhyw gytundeb neu Reoliadau o'r fath.

### Y Swm Penodedig

6. Y Swm Penodedig ar gyfer dileu y mae rheoliad 4 yn cyfeirio ato yw'r lleiaf o'r canlynol—

(1) £1,500;

(2) yr Atebolrwydd sydd heb ei Dalu.

### Yr Atebolrwydd sydd heb ei Dalu

7.—(1) Yn ddarostyngedig i baragraff (2), yr Atebolrwydd sydd heb ei Dalu yw'r cyfanswm y bernir ei fod yn daladwy gan y benthyciwr ar y Dyddiad Ad-dalu mewn cysylltiad ag unrhyw fenthyciad at gostau byw, ond nid yw'n cynnwys unrhyw log sydd wedi cronni ar y benthyciad hwnnw, neu gosbau, costau, treuliau neu ffioedd a dynnyd mewn cysylltiad ag unrhyw fenthyciad o'r fath.

(2) At ddibenion rheoliad 9, yr Atebolrwydd sydd heb ei Dalu yw'r cyfanswm y bernir ei fod yn daladwy

"the Satisfaction Date" ("*y Dyddiad Bodloni*") has the meaning given in regulation 9;

"the Specified Amount" ("*y Swm Penodedig*") has the meaning given in regulation 6; and

"Welsh Ministers" ("*Gweinidogion Cymru*") includes any person to whom they have transferred or delegated their functions under section 23 of the 1998 Act or to whom they have transferred their rights under section 9 of the 2008 Act.

### Qualification for cancellation

4. A borrower qualifies for cancellation of the Specified Amount of their Outstanding Liability in the circumstances set out in regulation 5 ("the Circumstances").

### Circumstances

5. The Circumstances for the purposes of regulation 4 are that—

(1) the borrower has received a loan for living costs; and

(2) the Welsh Ministers consider that, on the Repayment Date, the borrower—

(a) is not in breach of any obligation contained in any agreement for a student loan or in any Regulations made under section 22 of the 1998 Act; and

(b) does not have outstanding penalties, costs, expenses or charges in relation to such a loan pursuant to any such agreement or Regulations.

### Specified Amount

6. The Specified Amount for cancellation to which regulation 4 refers is the lesser of—

(1) £1,500;

(2) the Outstanding Liability.

### Outstanding Liability

7.—(1) Subject to paragraph (2), the Outstanding Liability is the total amount considered to be payable by the borrower on the Repayment Date in respect of any loan for living costs, but does not include any interest accrued on that loan, or penalties, costs, expenses or charges incurred in respect of any such loan.

(2) For the purposes of regulation 9, the Outstanding Liability is the total amount considered to be payable

gan y benthyciwr ar y Dyddiad Bodloni mewn cysylltiad ag unrhyw fenthyciad at gostau byw, ond nid yw'n cynnwys unrhyw log sydd wedi cronni ar y benthyciad hwnnw, neu gosbau, costau, treuliau neu ffioedd a dynnwyd mewn cysylltiad ag unrhyw fenthyciad o'r fath.

(3) At ddibenion cyfrifo'r Atebolrwydd sydd heb ei Dalu ym mharagraffau (1) a (2), cyfrifir y swm y bernir ei fod yn daladwy gan y benthyciwr yn unol â Rheoliadau a wnaed yn unol ag adran 22 o Ddeddf 1998(1).

## Dileu

8. Yn yr Amgylchiadau yn rheoliad 5, rhaid i Weinidogion Cymru ddileu'r Swm Penodedig gydag effaith o'r Dyddiad Ad-dalu.

9. Os oes unrhyw un neu ragor o'r Amgylchiadau yn rheoliad 5(2) heb ei fodloni neu eu bodloni ar y Dyddiad Ad-dalu, ond ei fod yn cael ei fodloni neu eu bod yn cael eu bodloni ar ddyddiad diweddarach, caiff Gweinidogion Cymru ddileu'r Swm Penodedig gydag effaith yn cychwyn ar y dyddiad y cafodd yr Amgylchiadau eu bodloni yn eu barn hwy ("y Dyddiad Bodloni").

by the borrower on the Satisfaction Date in respect of any loan for living costs, but does not include any interest accrued on that loan, or penalties, costs, expenses or charges incurred in respect of any such loan.

(3) For the purposes of calculating the Outstanding Liability in paragraphs (1) and (2), the amount considered to be payable by the borrower is calculated in accordance with Regulations made pursuant to section 22 of the 1998 Act(1).

## Cancellation

8. In the Circumstances in regulation 5, the Welsh Ministers must cancel the Specified Amount with effect from the Repayment Date.

9. If any of the Circumstances in regulation 5(2) are not satisfied on the Repayment Date, but they become satisfied at a later date, the Welsh Ministers may cancel the Specified Amount with effect from the date that they consider the Circumstances to have been satisfied ("the Satisfaction Date").

*Leighton Andrews*

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

26 Mehefin 2010

26 June 2010

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(1) Ar adeg gwneud y Rheoliadau hyn penderfynir ar y swm y bernir bod benthyciwr wedi ei ad-dalu ac felly'r swm y bernir ei fod yn dal yn daladwy yn unol â Rheoliadau Addysg (Benthyciadau Myfyrwyr) (Ad-dalu) 2009 (O.S. 2009/470). Gweler yn arbennig reoliadau 17, 29, 44 a 76.

(1) At the time of making these Regulations the amount which a borrower is considered to have repaid and therefore the amount that is considered to still be payable is determined in accordance with the Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470). See in particular regulations 17, 29, 44 and 76.

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