OFFERYNNAU STATUDOL CYMRU

2011 Rhif 148 (Cy.32)

ADDYSG, CYMRU

Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2011

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn darparu ar gyfer cymorth ariannol i fyfyrwyr sy'n preswylio fel arfer yng Nghymru ac sy'n dilyn cyrsiau addysg uwch dynodedig mewn perthynas â blynyddoedd academaidd sy'n dechrau ar neu ar ôl 1 Medi 2011. Maent yn cydgrynhoi, gyda rhai newidiadau, Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2009,("Rheoliadau 2009").

Mae'r Rheoliadau hyn yn dirymu Rheoliadau 2009. Nodir graddau'r dirymu yn rheoliad 3. Amlygir isod y newidiadau o ran sylwedd a wneir yn y Rheoliadau hyn (ac eithrio newidiadau yng nghyfraddau'r grantiau a'r benthyciadau).

I fod yn gymwys am gymorth ariannol, rhaid i fyfyriwr fod yn "fyfyriwr cymwys". Yn fras, mae person yn fyfyriwr amser-llawn cymwys os yw'r person hwnnw'n dod o fewn un o'r categorïau a restrir yn Rhan 2 o Atodlen 1 a hefyd yn bodloni'r darpariaethau cymhwystra yn Rhan 2 o'r Rheoliadau (mae darpariaethau cymhwystra ar wahân yn gymwys i fyfyrwyr sy'n ymgymryd â chyrsiau dysgu o bell, rhan-amser ac ôl-radd, a chyfeirir atynt yn Rhannau 11 i 13 o'r Rheoliadau).

Mae'r Rheoliadau yn gymwys i fyfyrwyr sy'n preswylio fel arfer yng Nghymru, ble bynnag y bônt yn astudio ar gwrs dynodedig yn y Deyrnas Unedig. At ddibenion y Rheoliadau hyn, bernir bod person sy'n preswylio fel arfer yng Nghymru, Lloegr, yr Alban, Gogledd Iwerddon, Ynysoedd y Sianel neu Ynys Manaw, o ganlyniad i symud o unrhyw un o'r ardaloedd hyn er mwyn ymgymryd â chwrs dynodedig, yn preswylio fel arfer yn y lle y symudodd ohono

WELSH STATUTORY INSTRUMENTS

2011 No. 148 (W.32)

EDUCATION, WALES

The Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for financial support for students who are ordinarily resident in Wales taking designated higher education courses in respect of academic years beginning on or after 1 September 2011. They consolidate, with some changes, the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2009 ("the 2009 Regulations").

These Regulations revoke the 2009 Regulations. Regulation 3 sets out the extent of the revocation. Changes of substance made in these Regulations (other than changes to rates of grants and loans) are highlighted below.

To qualify for financial support a student must be an "eligible student". Broadly, a person is an eligible full-time student if that person falls within one of the categories listed in Part 2 of Schedule 1 and also satisfies the eligibility provisions in Part 2 of the Regulations (separate eligibility provisions apply to students undertaking distance learning, part-time and postgraduate courses and Parts 11 to 13 of the Regulations refer).

The Regulations apply to students ordinarily resident in Wales wherever they study on a designated course in the United Kingdom. For the purposes of these Regulations a person who is ordinarily resident in Wales, England, Scotland, Northern Ireland, the Channel Islands or the Isle of Man as a result of having moved from one of those areas for the purpose of undertaking a designated course is considered ordinarily resident in the place from which that person

(Atodlen 1, paragraff 1(3)). Rhaid i fyfyriwr cymwys fodloni hefyd unrhyw ofynion a bennir mewn mannau eraill yn y Rheoliadau; yn enwedig y gofynion penodol sy'n gymwys i bob math o gymorth ariannol.

Ar gyfer cyrsiau "dynodedig" o fewn ystyr rheoliadau 5, 73, 90, 116 ac Atodlen 2, yn unig, y mae cymorth ar gael o dan y Rheoliadau.

Mae'r gwahaniaeth (a gyflwynwyd gan Reoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2006) rhwng myfyrwyr cymwys o dan yr hen drefn a myfyrwyr cymwys o dan y drefn newydd o ran cymorth ariannol i fyfyrwyr ar gyfer cyrsiau amser-llawn wedi ei gadw yn y Rheoliadau hyn (rheoliad 2(1)).

Myfyrwyr cymwys o dan yr hen drefn yw myfyrwyr cymwys sy'n dilyn cyrsiau a ddechreuodd cyn 1 Medi 2006, myfyrwyr a gymerodd flwyddyn i ffwrdd ac sy'n dechrau ar gyrsiau cyn 1 Medi 2007 a chategorïau penodol eraill o fyfyrwyr. Mae'r grantiau a'r benthyciadau canlynol ar gael i fyfyrwyr cymwys o dan yr hen drefn, yn ddarostyngedig i'r amodau a ragnodir yn y rheoliadau perthnasol–

- Grant at ffioedd (rheoliadau 16 i 18);
- Benthyciad cyfrannu at ffioedd (rheoliad 21);
- Grant at gostau byw myfyrwyr anabl (rheoliad 25);
- Grantiau ar gyfer dibynyddion (rheoliadau 26 i 31);
- Grant at deithio (rheoliadau 32 i 35);
- Grant addysg uwch (rheoliad 36); a
- Benthyciadau at gostau byw (Rhan 6).

Mae myfyriwr cymwys o dan y drefn newydd yn fyfyriwr cymwys a ddechreuodd ei gwrs ar neu ar ôl 1 Medi 2006 ac yn parhau ar y cwrs hwnnw ar ôl 31 Awst 2011, neu sy'n dechrau ei gwrs presennol ar neu ar ôl 1 Medi 2011, ac nad yw'n fyfyriwr cymwys o dan yr hen drefn. Mae'r grantiau a'r benthyciadau canlynol ar gael i fyfyrwyr cymwys o dan y drefn newydd, yn ddarostyngedig i'r amodau a ragnodir yn y rheoliadau perthnasol–

- Grant newydd at ffioedd (rheoliad 19);
- Benthyciad at ffioedd (rheoliadau 22 a 23);
- Grant at gostau byw myfyrwyr anabl (rheoliad 25);
- Grantiau ar gyfer dibynyddion (rheoliadau 26 i 31);
- Grant at deithio (rheoliadau 32 i 35);
- Grant cynhaliaeth neu grant cymorth arbennig (rheoliadau 37 i 44);
- Benthyciadau at gostau byw (Rhan 6); a

moved (Schedule 1, paragraph 1(3)). An eligible student must also satisfy any requirements elsewhere in the Regulations; in particular the specific requirements applicable to each type of financial support.

Support is only available under the Regulations in respect of "designated" courses within the meaning of regulations 5, 73, 90, 116 and Schedule 2.

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

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

- Grant for fees (regulations 16 to 18);
- Fee contribution loan (regulation 21);
- Grant for disabled students' living costs (regulation 25);
- Grants for dependants (regulations 26 to 31);
- Grant for travel (regulations 32 to 35);
- Higher education grant (regulation 36); and
- Loans for living costs (Part 6).

A new system eligible student is an eligible student who started their course on or after 1 September 2006 and is continuing on that course after 31 August 2011, or starts their present course on or after 1 September 2011, and is not an old system eligible student. The following grants and loans are available to new system eligible students subject to the conditions prescribed in the relevant regulations–

- New fee grant (regulation 19);
- Fee loan (regulations 22 and 23);
- Grant for disabled students' living costs (regulation 25);
- Grants for dependants (regulations 26 to 31);
- Grant for travel (regulations 32 to 35);
- Maintenance grant or special support grant (regulations 37 to 44);
- Loans for living costs (Part 6); and

- Benthycidadau at ffioedd coleg (Atodlen 4).

Yr oedd Rheoliadau 2009 yn cyflwyno dau is-gategori newydd o fyfyriwr cymwys o dan y drefn newydd, sef "myfyriwr carfan 2010" a "myfyriwr blwyddyn i ffwrdd 2010". Mae'r Rheoliadau hyn yn cyflwyno dau is-gategori ychwanegol newydd o fyfyriwr cymwys o dan y drefn newydd, sef "myfyriwr carfan 2011" a "myfyriwr blwyddyn i ffwrdd 2011". Myfyriwr carfan 2011 yw myfyriwr cymwys sy'n cychwyn y cwrs presennol ar neu ar ôl 1 Medi 2011. Mae'r diffiniad o fyfyriwr carfan 2011 yn rheoliad 2(1) yn darparu nad yw myfyrwyr blwyddyn i ffwrdd 2011, nac ychwaith rhai myfyrwyr eraill, yn cael eu dosbarthu fel myfyrwyr carfan 2011. Yn rheoliad 2(1) hefyd, cyflwynir y term newydd "myfyriwr carfan newydd ("*new cohort student*") sy'n disgrifio'r myfyrwyr carfan 2010 a'r myfyrwyr carfan 2011.

Yn ychwanegol, mae'r diffiniad o "blwyddyn bwrsari" ("*bursary year*") yn rheoliad 2(1) wedi ei ddiwygio er mwyn gwneud yn eglur bod myfyrwyr amser llawn sy'n gymwys i wneud cais am fwrsari gofal iechyd sy'n dibynnu ar brawf modd, neu lwfans gofal iechyd yr Alban sy'n dibynnu ar brawf modd, yn gymwys i gael cyfradd ostyngol o fenthyciad at gostau byw, pa un a ydynt yn cael bwrsari neu lwfans o'r fath ai peidio (cyfeirir at hyn hefyd yn rheoliadau 24(3)(a) a 59(g)).

Mae'r diffiniad o "blwyddyn Erasmus" ("*Erasmus year*") wedi ei ddiwygio i gynnwys myfyrwyr ar gyfnod o leoliad gwaith mewn gweithle y tu allan i'r Deyrnas Unedig. Gwnaed diwygiad cysylltiedig yn y diffiniad o "cwrs rhyngosod" ("*sandwich course*") yn rheoliad 2(6) er mwyn allgáu blwyddyn academaidd o gwrs dynodedig sy'n flwyddyn Erasmus o'r diffiniad hwnnw.

Mae Rhan 2 o'r Rheoliadau hyn yn ymwneud â chymhwystra. Diwygiwyd rheoliad 5(1)(b)(iii). Mae cyrsiau rhan-amser ar gyfer hyfforddiant cychwynnol athrawon a ddechreuodd cyn 1 Medi 2010 a chyrsiau a ddechreuodd ar neu ar ôl 1 Medi 2010 pan fo'r myfyriwr yn trosglwyddo o gwrs ar gyfer hyfforddiant cychwynnol athrawon a ddechreuodd cyn 1 Medi 2010 (ymhlith eraill) yn gyrsiau dynodedig at ddibenion rheoliad 5.

Mae rheoliad 7 hefyd wedi ei ddiwygio. Yn gyffredinol, nid oes hawl gan fyfyriwr cymwys i gael benthyciad at gostau byw os yw wedi ennill gradd anrhydedd o sefydliad yn y Deyrnas Unedig. Mae rheoliad 7(5) bellach yn darparu ar gyfer yr eithriad canlynol: Gall myfyriwr cymwys sy'n ymgymryd â chwrs sy'n arwain at gymhwyster fel gweithiwr cymdeithasol, meddyg, deintydd, milfeddyg neu bensaer fod â hawl i gael benthyciad at gostau byw hyd yn oed os yw'r myfyriwr hwnnw eisoes wedi ennill gradd anrhydedd o sefydliad yn y Deyrnas Unedig.

- College fee loans (Schedule 4).

The 2009 Regulations introduced two new sub-categories of new system eligible student, namely a "2010 cohort student" and a "2010 gap year student". These Regulations introduce a further two new sub-categories of new system eligible student, namely a "2011 cohort student" and a "2011 gap year student". A 2011 cohort student is an eligible student who begins the present course on or after 1 September 2011. The definition of 2011 cohort student in regulation 2(1) provides that 2011 gap year students, together with certain other students, are not classed as 2011 cohort students. A new term "new cohort student" ("*myfyriwr carfan newydd*") is also introduced in regulation 2(1) which describes both 2010 cohort students and 2011 cohort students.

In addition, the definition of "bursary year" ("*blwyddyn bwrsari*") in regulation 2(1) has been amended so as to clarify that full-time students who are eligible to apply for a means tested healthcare bursary or a means tested Scottish healthcare allowance qualify for a reduced rate of loan for living costs whether or not they receive such a bursary or allowance payment (and regulations 24(3)(a) and 59(j) also refer).

The definition of "Erasmus year" ("*blwyddyn Erasmus*") has been amended to include students on a period of work placement in a workplace outside the United Kingdom. A related amendment is made to the definition of "sandwich course" ("*cwrs rhyngosod*") in regulation 2(6) so as to exclude an academic year of a designated course that is an Erasmus year from that definition.

Part 2 of these Regulations concerns eligibility. Regulation 5(1)(b)(iii) has been amended. Part-time courses for the initial training of teachers which began before 1 September 2010 and courses which began on or after 1 September 2010 where the student transfers from a course for the initial training of teachers beginning before 1 September 2010 (amongst others) are designated courses for the purposes of regulation 5.

Regulation 7 has also been amended. Generally, an eligible student does not qualify for a loan for living costs if that student has attained an honours degree from an institution in the United Kingdom. Regulation 7(5) now provides for the following exception: An eligible student who undertakes a course which leads to qualification as a social worker, medical doctor, dentist, veterinary surgeon or architect may qualify for a loan for living costs even if that student has already attained an honours degree from an institution in the United Kingdom.

Mae'r diffiniad o "aelod o deulu" ("*family member*") ym mharagraff 1(1) o Ran 1 o Atodlen 1 i'r Rheoliadau wedi ei ddiwygio. Mae'r diwygiad hwn yn amnewid is-baragraff (a)(ii) gan ddisodli'r cyfeiriad at "plentyn" gyda chyfeiriad at ddisgynyddion uniongyrchol y person neu ddisgynyddion uniongyrchol priod neu bartner sifil y person, sydd o dan 21 oed neu'n ddibynnol ar y person neu briod neu bartner sifil y person.

The definition of "family member" ("*aelod o deulu*") in paragraph 1(1) of Part 1 of Schedule 1 to the Regulations has been amended. This amendment replaces sub-paragraph (a)(ii) such that the reference to "child" is replaced with a reference to direct descendants of the person or of the person's spouse or civil partner who are under the age of 21 or dependant on the person or person's spouse or civil partner.

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

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

Mae Rhan 4 o'r Rheoliadau hyn yn darparu ar gyfer cymorth at ffioedd, ar ffurf grantiau at ffioedd a benthyciadau at ffioedd. Darperir yn y Rheoliadau hyn nad oes hawl gan fyfyriwr carfan 2010 na myfyriwr carfan 2011 i gael grant newydd at ffioedd (rheoliad 19(6)). Mae rheoliad 22 yn darparu ar gyfer talu benthyciadau at ffioedd i fyfyrwyr cymwys o dan y drefn newydd nad oes hawl ganddynt i gael grant newydd at ffioedd. Mae myfyrwyr carfan 2010 a myfyrwyr carfan 2011 yn dod o fewn y categori hwnnw. Mae rheoliad 23 yn darparu ar gyfer benthyciadau at ffioedd i fyfyrwyr sydd â hawl i gael grant newydd at ffioedd.

Part 4 of these Regulations provides for fee support, in the form of grants for fees and fee loans. These Regulations provide that neither a 2010 cohort student nor a 2011 cohort student qualifies for a new fee grant (regulation 19(6)). Regulation 22 provides for the payment of fee loans to new system eligible students who do not qualify for new fee grant. 2010 cohort students and 2011 cohort students fall within that category. Regulation 23 provides for the payment of fee loans to students who qualify for new fee grant.

Mae Rhan 5 o'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer grantiau at gostau byw, sy'n cynnwys grantiau at deithio, i gategorïau penodol o fyfyrwyr cymwys. Diwygiwyd rheoliad 24(15) fel bod y categorïau o fyfyriwr cymwys a drinnir bellach fel pe baent yn bresennol ar gwrs dynodedig at ddibenion bod â hawl ar gyfer rhai grantiau at gostau byw yn cynnwys myfyriwr ar gyfnod astudio neu gyfnod ar leoliad gwaith mewn blwyddyn Erasmus. Yn yr un modd, mae rheoliadau 32, 33(2) a 34(3) wedi eu diwygio i wneud yn eglur bod y grant at deithio ar gael i fyfyriwr cymwys mewn perthynas â lleoliad gwaith dramor mewn blwyddyn Erasmus.

Part 5 of these Regulations makes provision for grants for living costs which includes grants for travel for certain categories of eligible student. Regulation 24(15) has been amended such that the categories of eligible student who are treated as being in attendance on a designated course for the purpose of qualifying for certain grants for living costs now include a student on a period of study or a period of work placement in an Erasmus year. Similarly, regulations 32, 33(2) and 34(3) are amended in order to clarify that the grant for travel is available to an eligible student in respect of an overseas work placement in an Erasmus year.

Mae'r Rheoliadau hyn yn darparu bod swm y grant cynhaliaeth neu'r grant cymorth arbennig sy'n daladwy i fyfyriwr cymwys o dan y drefn newydd yn amrywio yn ôl pa un a yw'r myfyriwr yn fyfyriwr cymwys o dan y drefn newydd nad yw'n fyfyriwr carfan 2010 nac yn fyfyriwr carfan 2011 (rheoliadau 38 a 42); yn fyfyriwr carfan 2010 (rheoliadau 39 a 43); neu'n fyfyriwr carfan 2011 (rheoliadau 40 a 44). Uchafswm y grant cynhaliaeth neu'r grant cymorth arbennig sy'n daladwy i fyfyriwr cymwys o dan y drefn newydd sy'n fyfyriwr carfan 2011, mewn perthynas â blwyddyn academaidd, yw £5,600 (gweler rheoliadau 40(1) a 44(1)).

These Regulations provide that the amount of maintenance grant or special support grant payable to a new system eligible student differs according to whether the student is a new system eligible student who is neither a 2010 cohort student nor a 2011 cohort student (regulations 38 and 42); a 2010 cohort student (regulations 39 and 43); or a 2011 cohort student (regulations 40 and 44).The maximum amount of maintenance grant or special support grant payable to a new system eligible student who is a 2011 cohort student, in respect of an academic year, is £5,600 (regulations 40(1) and 44(1) refer).

Mae Rhan 6 yn darparu ar gyfer benthyciadau at gostau byw. Mae benthyciadau o'r fath yn daladwy i fyfyrwyr cymwys o dan yr hen drefn ac i fyfyrwyr cymwys o dan y drefn newydd.

Part 6 makes provision for loans for living costs. Such loans are payable to both old system eligible students and new system eligible students.

Diwygiwyd rheoliad 45(8) fel bod y categorïau o fyfyriwr cymwys a drinnir fel pe baent yn bresennol ar gwrs dynodedig at ddibenion bod â hawl ar gyfer

Regulation 45(8) has been amended such that the categories of eligible student who are treated as being in attendance on a designated course for the purposes

benthyciad at gostau byw bellach yn cynnwys myfyriwr ar gyfnod astudio neu gyfnod ar leoliad gwaith mewn blwyddyn Erasmus. Yn yr un modd, mae rheoliad 59(c) bellach yn darparu bod myfyriwr yng nghategori 3 at ddibenion benthyciad at gostau byw os nad yw'r myfyriwr yng nghategori 1 ac os yw'r myfyriwr ar leoliad gwaith tramor mewn blwyddyn Erasmus.

of qualifying for a loan for living costs now include a student on a period of study or a period of work placement in an Erasmus year. Similarly, regulation 59(c) now provides that a student is in category 3 for the purposes of a loan for living costs if the student is not in category 1 and the student attends an overseas work placement in an Erasmus year.

Gall swm y benthyciad sy'n daladwy i fyfyriwr cymwys o dan y drefn newydd amrywio yn ôl pa un a yw'r myfyriwr yn fyfyriwr cymwys o dan y drefn newydd nad yw'n fyfyriwr carfan 2010 nac yn fyfyriwr carfan 2011 (rheoliad 48); yn fyfyriwr carfan 2010 (rheoliad 50); neu'n fyfyriwr carfan 2011 (rheoliad 51).

The amount of loan payable to a new system eligible student may differ according to whether the student is a new system eligible student who is neither a 2010 cohort student nor a 2011 cohort student (regulation 48); a 2010 cohort student (regulation 50); or a 2011 cohort student (regulation 51).

Mae Rhan 7 yn nodi darpariaethau cyffredinol ynglŷn â benthyciadau a wneir o dan y Rheoliadau.

Part 7 sets out general provisions relating to loans made under the Regulations.

Mae Rhan 8 ac Atodlen 4 yn gwneud darpariaeth ar gyfer "benthyciadau at ffioedd coleg". Benthyciadau yw'r rhain mewn perthynas â'r ffioedd coleg sy'n daladwy gan fyfyriwr cymhwysol i goleg neu neuadd breifat barhaol ym Mhrifysgol Rhydychen neu i un o golegau Prifysgol Caergrawnt mewn perthynas â phresenoldeb myfyriwr cymhwysol ar gwrs cymhwysol.

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

Mae Rhan 9 ac Atodlen 5 yn parhau i ddarparu ar gyfer prawf modd i fyfyrwyr sy'n dilyn cyrsiau amser-llawn dynodedig. Cyfrifir y cyfraniad a fynnir gan y myfyriwr ar sail incwm yr aelwyd. Mae'r cyfraniad i'w gymhwyso at grantiau a benthyciadau penodedig hyd nes dihysbyddir yn erbyn swm y grantiau a'r benthyciadau penodol y mae hawl gan y myfyriwr i'w cael. Mae paragraffau 5(3), (4) a (5) o Atodlen 5 wedi eu diwygio. Er mwyn penderfynu pa un a gyfrifir yr ail asesiad neu asesiad dilynol o incwm gweddilliol rhiant myfyriwr drwy gyfeirio at y flwyddyn ariannol gyfredol ai peidio, rhaid cymharu incwm gweddilliol y rhiant yn y flwyddyn ariannol honno ag incwm gweddilliol y rhiant hwnnw yn y flwyddyn ariannol flaenorol. Gwnaed newid arall hefyd yn Atodlen 5, yn y dull o gyfrifo'r cyfraniad sydd i'w wneud gan fyfyriwr cymwys o dan y drefn newydd, sy'n amrywio yn ôl pa un a yw'r myfyriwr yn fyfyriwr cymwys o dan y drefn newydd nad yw'n fyfyriwr carfan 2010 nac yn fyfyriwr carfan 2011; yn fyfyriwr carfan 2010; neu'n fyfyriwr carfan 2011 (gweler paragraff 9 o Atodlen 5).

Part 9 and Schedule 5 continue to make provision for the means-testing of students taking designated full-time courses. A contribution from the student is calculated on the basis of household income. The contribution is to be applied to specified grants and loans until it is extinguished against the amount of the particular grants and loans for which the student qualifies. Paragraphs 5(3), (4) and (5) of Schedule 5 have been amended. In order to determine whether a second or subsequent assessment of a student's parent's residual income is calculated by reference to the current financial year, the parent's residual income in that financial year is compared with that parent's residual income in the previous financial year. A change has also been made to Schedule 5 in that the method of calculating the contribution to be made from a new system eligible student differs according to whether the student is a new system eligible student who is neither a 2010 cohort student nor a 2011 cohort student; a 2010 cohort student; or a 2011 cohort student (paragraph 9 of Schedule 5 refers).

Mae Rhan 10 yn darparu ar gyfer talu grantiau a benthyciadau.

Part 10 makes provision for payment of grants and loans.

Mae Rhan 11 yn gwneud darpariaeth ar gyfer cymorth i fyfyrwyr sy'n ymgymryd â chyrsiau dysgu o bell dynodedig.

Part 11 makes provision for support to students who are undertaking designated distance learning courses.

Mae Rhan 12 ac Atodlen 6 yn gwneud darpariaeth ynglŷn â chymorth ar gyfer cyrsiau rhan-amser.

Part 12 and Schedule 6 make provision for support for part-time courses.

Mae Rhan 13 yn gwneud darpariaeth ar gyfer myfyrwyr ôl-raddedig sydd ag anableddau.

Part 13 makes provision for postgraduate students with disabilities.

Mae Rhan 14 yn gwneud diwygiadau i Reoliadau 2009.

Part 14 makes amendments to the 2009 Regulations.

OFFERYNNAU STATUDOL CYMRU

2011 Rhif 148 (Cy.32)

ADDYSG, CYMRU

Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2011

Gwnaed	*25 Ionawr 2011*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*27 Ionawr 2011*
Yn dod i rym	*21 Chwefror 2011*

TREFN Y RHEOLIADAU

RHAN 1

CYFFREDINOL

1. Enwi, cychwyn a chymhwyso
2. Dehongli
3. Dirymu, arbedion a darpariaethau trosiannol

RHAN 2

CYMHWYSTRA

4. Myfyrwyr cymwys
5. Cyrsiau dynodedig
6. Cyfnod cymhwystra
7. Astudio blaenorol
8. Trosglwyddo statws

RHAN 3

GWNEUD CAIS AM GYMORTH A RHOI GWYBODAETH

9. Ceisiadau am gymorth
10. Terfynau amser
11. Gwybodaeth
12. Gofyniad i ymrwymo i gontract ar gyfer benthyciad

WELSH STATUTORY INSTRUMENTS

2011 No. 148 (W.32)

EDUCATION, WALES

The Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2011

Made	*25 January 2011*
Laid before the National Assembly for Wales	*27 January 2011*
Coming into force	*21 February 2011*

ARRANGEMENT OF REGULATIONS

PART 1

GENERAL

1. Title, commencement and application
2. Interpretation
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ATODLEN 6 ASESIAD ARIANNOL –

GRANTIAU RHAN-AMSER AR GYFER DIBYNYDDION

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SCHEDULE 6 FINANCIAL ASSESSMENT

PART-TIME GRANTS FOR DEPENDANTS

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 hwy(**2**), yn gwneud y Rheoliadau canlynol:

RHAN 1

CYFFREDINOL

Enwi, cychwyn a chymhwyso

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2011.

(2) Daw'r Rheoliadau hyn i rym ar 21 Chwefror 2011 ac maent yn gymwys o ran Cymru.

Dehongli

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

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

mae i "athro cymwysedig neu athrawes gymwysedig" ac "athro cymwysedig neu'n athrawes gymwysedig" yr ystyr a roddir i "*qualified teacher*" yn adran 132(1) o Ddeddf Addysg 2002(**3**);

(**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, Deddf Addysg Uwch 2004 (p.8), adrannau 42 a 43 ac Atodlen 7 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 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 a Darpariaeth Drosiannol) (Cymru) (Diwygio) 2006 (O.S. 2006/1660 (Cy.159) (C.56)). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd paragraffau 30(1) a 30(2)(c) o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(**3**) 2002 p.32.

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:

PART 1

GENERAL

Title, commencement and application

1.–(1) The title of these Regulations is the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2011.

(2) These Regulations come into force on 21 February 2011 and apply in relation to Wales.

Interpretation

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

"the 1962 Act" ("*Deddf 1962*") means the Education Act 1962(**3**);

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

"the 1998 Regulations" ("*Rheoliadau 1998*") means the Education (Student Support) Regulations 1998(**4**);

(**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)). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraphs 30(1) and 30(2)(c) of Schedule 11 to the Government of Wales Act 2006 (c.32).

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

(**4**) S.I. 1998/2003, revoked with savings by S.I. 1999/496.

ystyr "yr Athrofa" ("*Institute*") yw Sefydliad Prifysgol Llundain ym Mharis(**1**);

ystyr "awdurdod academaidd" ("*academic authority*"), mewn perthynas â sefydliad, yw'r corff llywodraethu neu'r corff arall sydd â swyddogaethau corff llywodraethu ac mae'n cynnwys person sy'n gweithredu gydag awdurdod y corff hwnnw;

ystyr "benthyciad" ("*loan*"), ac eithrio lle nodir fel arall, yw benthyciad yn unol ag unrhyw reoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998, gan gynnwys y llog sy'n crynhoi ar y benthyciad ac unrhyw gosbau neu daliadau sy'n codi mewn cysylltiad ag ef;

ystyr "benthyciad at ffioedd" ("*fee loan*") yw benthyciad at ffioedd sy'n daladwy i fyfyriwr cymwys o dan y drefn newydd yn unol â Rhan 4;

ystyr "benthyciad at ffioedd coleg" ("*college fee loan*") yw benthyciad at ffioedd coleg sy'n daladwy i fyfyriwr cymhwysol yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998;

ystyr "benthyciad at gostau byw" ("*loan for living costs*") yw benthyciad at gostau byw yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998;

(**1**) Gynt yr enw ar Sefydliad Prifysgol Llundain ym Mharis oedd y Sefydliad Prydeinig ym Mharis. Newidiodd y Sefydliad Prydeinig ym Mharis ei enw'n ffurfiol ar 1 Ionawr 2005.

"the 1999 Regulations" ("*Rheoliadau 1999*") means the Education (Student Support) Regulations 1999(**1**);

"the 2000 Regulations" ("*Rheoliadau 2000*") means the Education (Student Support) Regulations 2000(**2**);

"the 2001 Regulations" ("*Rheoliadau 2001*") means the Education (Student Support) Regulations 2001(**3**);

"the 2002 Regulations" ("*Rheoliadau 2002*") means the Education (Student Support) Regulations 2002(**4**);

"the 2003 Regulations" ("*Rheoliadau 2003*") means the Education (Student Support) (No. 2) Regulations 2002 as amended(**5**);

"the 2004 Regulations" ("*Rheoliadau 2004*") means the 2003 Regulations as further amended(**6**);

"the 2005 Regulations" ("*Rheoliadau 2005*") means the Education (Student Support) Regulations 2005(**7**);

"the 2006 Regulations" ("*Rheoliadau 2006*") means the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006(**8**);

(**1**) S.I. 1999/496, amended by S.I. 1999/2266 and S.I. 2000/1120. These instruments were revoked by S.I. 2000/1121, except in relation to the provision of support to students in respect of an academic year which begins before 1 September 2000.

(**2**) S.I. 2000/1121, amended by S.I. 2000/1490, S.I. 2000/2142 and S.I. 2000/2912. These instruments were revoked by S.I. 2001/951 except in relation to the provision of support to students in respect of an academic year which begins before 1 September 2001.

(**3**) S.I. 2001/951, amended by S.I. 2001/1730, S.I. 2001/2355 and S.I. 2002/174. These instruments were revoked by S.I. 2002/195 except in relation to the provision of support to students in respect of an academic year which begins before 1 September 2002.

(**4**) S.I. 2002/195, amended by S.I. 2002/1318, S.I. 2002/2088 and S.I. 2002/3059. S.I. 2002/195, S.I. 2002/1318 and S.I. 2002/2088 were revoked by S.I. 2002/3200 except in relation to the provision of support to students in respect of an academic year which begins before 1 September 2003. S.I. 2002/3059 was revoked by S.I. 2003/1065.

(**5**) S.I. 2002/3200, amended by S.I. 2003/1065 and S.I. 2003/3280. S.I. 2002/3200 and S.I. 2003/1065 were revoked by S.I. 2005/52 with savings.

(**6**) S.I. 2002/3200, amended by S.I. 2003/1065, S.I. 2003/3280, S.I. 2004/161, S.I. 2004/1602, S.I. 2004/2041, S.I. 2004/2598, S.I. 2005/1341 and S.I. 2005/2084. There are other amendments which are not relevant to these Regulations. Except for S.I. 2005/1341 and S.I. 2005/2084, these instruments were revoked with savings by S.I. 2005/52. S.I. 2005/1341 and S.I. 2005/2084 were revoked, with savings, in relation to Wales by S.I. 2006/126 (W.19).

(**7**) S.I. 2005/52, amended by S.I. 2005/1341, S.I. 2005/2084, S.I. 2005/3482 and S.I. 2006/955. Except for S.I. 2005/3482 and S.I. 2006/955, these instruments were revoked in relation to Wales, with savings, by S.I. 2006/126 (W.19).

(**8**) S.I. 2006/126 (W.19), amended by S.I. 2006/1863 (W.196). These instruments were revoked by S.I. 2007/1045 (W.104) with savings in relation to the provision of support to students in respect of an academic year which begins on or after 1 September 2006 but before 1 September 2007.

ystyr "benthyciad cyfrannu at ffioedd" ("*fee contribution loan*") yw benthyciad at ffioedd sy'n daladwy i fyfyriwr cymwys o dan yr hen drefn yn unol â Rhan 4;

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

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

ystyr "blwyddyn bwrsari" ("*bursary year*") yw blwyddyn academaidd cwrs, y mae'r myfyriwr yn gymwys i wneud cais am fwrsari gofal iechyd neu lwfans gofal iechyd yr Alban mewn perthynas â hi, a chaiff swm y bwrsari neu lwfans ei gyfrifo drwy gyfeirio at incwm y myfyriwr, boed swm y cyfrifiad yn ddim ai peidio.

ystyr "blwyddyn Erasmus" ("*Erasmus year*") yw blwyddyn academaidd cwrs pryd y bydd myfyriwr yn cymryd rhan yng nghynllun gweithredu'r Undeb Ewropeaidd ar gyfer symudedd myfyrwyr prifysgol a elwir ERASMUS(**1**) a phan fo cwrs y myfyriwr yn gwrs y cyfeirir ato yn rheoliad 5(1)(d) ac ymgymerir â phob–

(a) cyfnod astudio yn ystod y flwyddyn academaidd mewn sefydliad y tu allan i'r Deyrnas Unedig; neu

(b) cyfnod lleoliad gwaith yn ystod y flwyddyn academaidd mewn gweithle y tu allan i'r Deyrnas Unedig;

(**1**) Mae ERASMUS yn rhan o raglen gweithredu'r Undeb Ewropeaidd, SOCRATES; OJ Rhif L28, 3.2.2000, t.1.

"the 2007 Regulations" ("*Rheoliadau 2007*") means the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2007(**1**);

"the 2008 Regulations" ("*Rheoliadau 2008*") means the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2008(**2**);

"the 2008 (No. 2) Regulations" ("*Rheoliadau (Rhif 2) 2008*") means the Assembly Learning Grants and Loans (Higher Education) (Wales) (No. 2) Regulations 2008(**3**);

"the 2009 Regulations" ("*Rheoliadau 2009*") means the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2009(**4**);

"2006 gap year student" ("*myfyriwr blwyddyn i ffwrdd 2006* ") has the meaning given in paragraph (2);

"2010 cohort student" ("*myfyriwr carfan 2010*") means an eligible student who begins the present course on or after 1 September 2010 and before 1 September 2011, other than–

(a) a 2010 gap year student;

(b) an eligible student who started the present course on or after 1 September 2010 and before 1 September 2011 where that course is an end-on course following on from a course that the student started before–

(i) 1 September 2010; or

(ii) 1 September 2011 and in relation to which the student is a 2010 gap year student; or

(c) an eligible student who started the present course on or after 1 September 2010 and before 1 September 2011 whose status as an eligible student transferred to that course as a result of one or more transfers of that status by the Welsh Ministers pursuant to regulations made under section 22 of the 1998 Act from a designated course which the student began before–

(**1**) S.I. 2007/1045 (W.104), amended by S.I. 2007/2312 (W.183), S.I. 2007/2851 (W.248) and S.I. 2007/3230 (W.282). S.I. 2007/1045 (W.104) was revoked, with savings, by S.I. 2008/1273 (W.130).

(**2**) S.I. 2008/1273 (W.130), amended by S.I. 2008/2140 (W.189). These instruments were revoked, with savings, by S.I. 2008/3170 (W.283).

(**3**) S.I. 2008/3170 (W.283), amended by S.I. 2009/2156 (W.180). S.I. 2008/3170 (W.283) was revoked, with savings, by S.I. 2009/2737 (W.235).

(**4**) S.I. 2009/2737 (W.235).

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

ystyr "ceisydd" ("*applicant*"), mewn perthynas â pherson sy'n gwneud cais am gymorth taladwy o dan y Rheoliadau hyn i–

(a) myfyriwr cymwys, yw person sy'n gwneud cais o dan reoliad 9;

(b) myfyriwr dysgu o bell cymwys, yw person sy'n gwneud cais o dan reoliad 79;

(c) myfyriwr rhan-amser cymwys, yw person sy'n gwneud cais o dan reoliad 104; ac

(d) myfyriwr ôl-raddedig cymwys, yw person sy'n gwneud cais o dan reoliad 119;

ystyr "costau rhagnodedig ar gyfer gofal plant" ("*prescribed childcare charges*") yw costau gofal plant o ddisgrifiad a ragnodir at ddibenion adran 12 o Ddeddf Credydau Treth 2002(**3**);

ystyr "cronfeydd cyhoeddus" ("*public funds*") yw arian a ddarperir gan Senedd y Deyrnas Unedig gan gynnwys arian o gronfeydd a ddarperir gan Weinidogion Cymru;

(i) 1 September 2010; or

(ii) 1 September 2011 and in relation to which the student is a 2010 gap year student;

"2010 gap year student" ("*myfyriwr blwyddyn i ffwrdd 2010* ") has the meaning given in paragraph (12);

"2011 cohort student" ("*myfyriwr carfan 2011*") means an eligible student who begins the present course on or after 1 September 2011, other than–

(a) a 2011 gap year student;

(b) an eligible student who started the present course on or after 1 September 2011 where that course is an end-on course following on from a course that–

(i) the student started before 1 September 2011; or

(ii) the student started before 1 September 2012 and in relation to which the student is a 2011 gap year student; or

(c) an eligible student who started the present course on or after 1 September 2011 and whose status as an eligible student transferred to that course as a result of one or more transfers of that status by the Welsh Ministers pursuant to regulations made under section 22 of the 1998 Act from a designated course which the student began–

(**1**) 1968 p.46; diwygiwyd adran 63 gan Ddeddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1972 (p.58), Atodlen 7, Deddf Ad-drefnu'r Gwasanaeth Iechyd Gwladol 1973 (p.32), Atodlenni 4 a 5, Deddf y Gwasanaeth Iechyd Gwladol 1977 (p.49), Atodlenni 15 ac 16, Deddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978 (p.29), Atodlenni 16 a 17, Deddf Llywodraeth Leol 1985 (p.51), Atodlen 17, Deddf Iechyd a Meddyginiaethau 1988 (p.49), adran 20, adran 25(2) ac Atodlen 3, Deddf Llywodraeth Leol etc. (Yr Alban) 1994 (p.39), Atodlen 13, Deddf Awdurdodau Iechyd 1995 (p.17), Atodlen 1, Gorchymyn Ad-drefnu Llywodraeth Leol (Cymru) (Diwygiadau Canlyniadol Rhif 2) 1996 (O.S. 1996/1008), Deddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 (p.46), Atodlen 2, Deddf Iechyd 1999 (p.8), Atodlen 4, Deddf Iechyd a Gofal Cymdeithasol 2001 (p.15), Atodlen 5, Deddf Diwygio'r Gwasanaeth Iechyd Gwladol a'r Proffesiynau Gofal Iechyd 2002 (p.17), Atodlenni 2, 5 a 9, O.S. 2002/2202, erthygl 4(a) a (b), Rheoliadau Deddf Diwygio'r Gwasanaeth Iechyd Gwladol a'r Proffesiynau Gofal Iechyd 2002 (Darpariaethau Atodol, Canlyniadol etc) 2002 (O.S. 2002/2469), Atodlen 1, Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p.43), Atodlenni 4, 11 a 14, Gorchymyn Cychwyn (Rhif 2) Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 2004 (O.S. 2004/288), erthygl 7, Gorchymyn Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (Cychwyn Rhif 1) (Cymru) 2004 (O.S. 2004/480); Deddf Plant 2004 (p.31), adran 55; O.S. 2004/957, yr Atodlen; Deddf y Gwasanaeth Iechyd Gwladol (Darpariaethau Canlyniadol) 2006 (p.43), Atodlen 1; O.S. 2007/961, yr Atodlen a Deddf Iechyd 2009, Atodlen 1.

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

(**3**) Mae rheoliad 14 o Reoliadau Credyd Treth Gwaith (Hawlogaeth a'r Gyfradd Uchaf) 2002 (O.S. 2002/2005) fel y'i diwygiwyd gan O.S. 2003/701, O.S. 2003/2815, O.S. 2004/762, O.S. 2004/1276, O.S. 2004/2663, O.S. 2005/769, O.S. 2005/2919, O.S. 2006/766, O.S. 2007/824, O.S. 2007/2479, O.S. 2008/604, O.S. 2008/2169, O.S. 2009/697, O.S. 2009/2887 ac O.S. 2010/751 yn pennu'r costau rhagnodedig, ac felly'r costau gofal plant perthnasol at ddibenion adran 12 o Ddeddf Credydau Treth 2002.

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

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

ystyr "cwrs carlam" ("*accelerated course*") yw cwrs sy'n parhau am ddwy flynedd, a'r sefydliad sy'n ei ddarparu yn ei gwneud yn ofynnol fel rheol bod y personau sy'n cymryd y cwrs yn bresennol (boed ym mangre'r sefydliad ynteu mewn man arall) am gyfnod o 40 wythnos o leiaf yn y flwyddyn derfynol;

ystyr "cwrs cymhwysol" ("*qualifying course*") yw cwrs dynodedig amser-llawn a ddarperir gan Brifysgol Rhydychen neu Brifysgol Caergrawnt a hwnnw'n gwrs–

(a) sy'n arwain at gymhwyster gweithiwr cymdeithasol, meddyg, deintydd, milfeddyg neu bensaer;

(b) sy'n arwain, os yw wedi dechrau cyn 1 Medi 2009, at gymhwyster fel pensaer tirwedd, dylunydd tirwedd, rheolwr tirwedd, cynllunydd tref neu gynllunydd gwlad a thref; neu

(c) sy'n cynnwys o leiaf un flwyddyn academaidd sy'n flwyddyn bwrsari;

ystyr "cwrs dwys" ("*intensive course*") yw cwrs carlam neu gwrs gradd cywasgedig;

ystyr "cwrs dynodedig" ("*designated course*") yw cwrs a ddynodwyd gan reoliad 5 neu gan Weinidogion Cymru o dan reoliad 5;

mae i "cwrs dynodedig a bennir" ("*specified designated course*") yr ystyr a roddir ym mharagraff (7);

ystyr "cwrs dysgu o bell dynodedig" ("*designated distance learning course*") yw cwrs a ddynodwyd gan Weinidogion Cymru o dan reoliad 73;

ystyr "cwrs dysgu o bell presennol" ("*present distance learning course*") yw'r cwrs dysgu o bell dynodedig y mae person yn gwneud cais am gymorth mewn perthynas ag ef o dan reoliad 79;

ystyr "cwrs gradd cywasgedig" ("*compressed degree course*") yw cwrs y dyfernir gan yr Ysgrifennydd Gwladol ei fod yn gwrs gradd cywasgedig;

ystyr "cwrs HCA hyblyg i ôl-raddedigion" ("*flexible postgraduate ITT course*") yw cwrs ôl-radd o hyfforddiant cychwynnol athrawon, y mae ei hyd a'i batrwm yn cael eu pennu drwy gyfeirio at

(i) before 1 September 2011; or

(ii) before 1 September 2012 and in relation to which the student is a 2011 gap year student;

"2011 gap year student" ("*myfyriwr blwyddyn i ffwrdd 2011*") has the meaning given in paragraph (16);

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

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

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

"adult dependants' grant" ("*grant dibynyddion mewn oed*") means the grant payable under regulation 27;

"applicant" ("*ceisydd*") means, in relation to a person who applies for support payable under these Regulations to an eligible–

(a) student, a person who makes an application under regulation 9;

(b) distance learning student, a person who makes an application under regulation 79;

(c) part-time student, a person who makes an application under regulation 104; and

(d) postgraduate student, a person who makes an application under regulation 119;

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

"bursary year" ("*blwyddyn bwrsari*") means an academic year of a course in relation to which the student is eligible to apply for a healthcare bursary or a Scottish healthcare allowance, the amount of which is calculated by reference to that student's income whether or not the calculation results in a nil amount;

"childcare grant" ("*grant gofal plant*") means the grant payable under regulation 28;

brofiad ac anghenion hyfforddi'r myfyriwr cymwys a hwnnw'n gwrs sydd wedi'i gymeradwyo gan yr Asiantaeth Hyfforddi a Datblygu ar gyfer Ysgolion(**1**) neu Gyngor Cyllido Addysg Uwch Cymru(**2**), a'r cwrs naill ai–

(a) wedi dechrau cyn 1 Medi 2010;

(b) yn dechrau ar neu ar ôl 1 Medi 2010, a'r myfyriwr yn trosglwyddo i'r cwrs presennol yn unol â rheoliad 8 o gwrs ar gyfer hyfforddiant cychwynnol athrawon a ddechreuodd cyn 1 Medi 2010; neu

(c) yn dechrau ar neu ar ôl 1 Medi 2010 ond cyn 1 Medi 2011 a'r myfyriwr yn fyfyriwr blwyddyn i ffwrdd 2010 mewn perthynas â'r cwrs;

ystyr "cwrs ôl-radd dynodedig" ("*designated postgraduate course*") yw cwrs sydd wedi'i ddynodi gan reoliad 116 neu gan Weinidogion Cymru o dan reoliad 116;

ystyr "cwrs ôl-radd presennol" ("*present postgraduate course*") yw'r cwrs ôl-radd dynodedig y mae person yn gwneud cais am gymorth mewn cysylltiad ag ef o dan reoliad 119;

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

(a) cwrs gradd gyntaf amser-llawn (ac eithrio cwrs gradd gyntaf ar gyfer hyfforddiant cychwynnol athrawon) a hwnnw'n gwrs y mae myfyriwr yn dechrau bod yn bresennol arno, gan anwybyddu unrhyw wyliau yn y cyfamser, yn union ar ôl rhoi'r gorau i fod yn bresennol ar gwrs amser-llawn a restrir ym mharagraff 2 neu 3 o Atodlen 2 ac y mae'r myfyriwr wedi cael dyfarniad trosiannol, benthyciad o dan Reoliadau 1998 neu gymorth o dan Reoliadau 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2008 (Rhif 2) neu 2009 ar ei gyfer, neu yr oedd gan y myfyriwr hawlogaeth i gael un o'r rhain ar ei gyfer;

(b) cwrs gradd anrhydedd amser-llawn sy'n dechrau ar neu ar ôl 1 Medi 2006 a hwnnw'n gwrs y mae myfyriwr yn dechrau bod yn bresennol arno, gan anwybyddu unrhyw wyliau yn y cyfamser, yn union ar ôl rhoi'r gorau i fod yn bresennol ar gwrs gradd sylfaenol amser-llawn ac y mae'r myfyriwr wedi cael dyfarniad trosiannol, benthyciad o dan Reoliadau 1998 neu gymorth o dan Reoliadau 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2008 (Rhif 2) neu 2009 ar ei gyfer, neu yr oedd gan y myfyriwr hawlogaeth i gael un o'r rhain ar ei gyfer;

"college fees" ("*ffioedd coleg*") means the fees payable by a qualifying student to a college or permanent private hall of the University of Oxford or to a college of the University of Cambridge in connection with the qualifying student's attendance on a qualifying course;

"college fee loan" ("*benthyciad at ffioedd coleg*") means a loan for college fees payable to a qualifying student pursuant to regulations made by the Welsh Ministers under section 22 of the 1998 Act;

"compressed degree course" ("*cwrs gradd cywasgedig*") means a course determined by the Secretary of State to be a compressed degree course;

"compressed degree student" ("*myfyriwr cwrs gradd cywasgedig*") means an eligible student who–

(a) is undertaking a compressed degree course in the United Kingdom (the "course");

(b) either–

(i) began the course on or after 1 September 2006 and is continuing on that course after 31 August 2011; or

(ii) begins the course on or after 1 September 2011; and

(c) either–

(i) is required to be in attendance on the course for part of the academic year for which the eligible student is applying for support under these Regulations; or

(ii) is a disabled eligible student who is not required to be in attendance on the course as that student is unable to attend because of a reason which relates to that student's disability;

"contribution" ("*cyfraniad*") means in relation to–

(a) an eligible student, the student's contribution calculated pursuant to regulation 62 and Schedule 5;

(b) an eligible part-time student, the student's contribution calculated pursuant to regulation 101 and Schedule 6;

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

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

(**2**) Gweler adrannau 85-90 o Ddeddf Addysg 2005 i weld swyddogaeth CCAUC ynghylch hyfforddi athrawon.

(c) cwrs ar gyfer hyfforddiant cychwynnol athrawon sy'n dechrau cyn 1 Medi 2006 nad yw'n parhau am fwy na dwy flynedd (gan fynegi hyd cwrs rhan-amser mewn modd sy'n gyfartal i hyd y cwrs amser-llawn sy'n cyfateb iddo) a hwnnw'n gwrs y mae myfyriwr yn dechrau bod yn bresennol arno, gan anwybyddu unrhyw wyliau yn y cyfamser, yn union ar ôl rhoi'r gorau i fod yn bresennol ar gwrs gradd gyntaf ac y mae'r myfyriwr wedi cael dyfarniad trosiannol, benthyciad o dan Reoliadau 1998 neu gymorth o dan Reoliadau 1999, 2000, 2001, 2002, 2003, 2004, 2005 2006, 2007 neu 2008 ar ei gyfer, neu yr oedd gan y myfyriwr hawlogaeth i gael un o'r rhain ar ei gyfer;

ystyr "cwrs presennol" ("*present course*") yw'r cwrs dynodedig y mae person yn gwneud cais am gymorth mewn perthynas ag ef o dan reoliad 9;

ystyr "cwrs rhagarweiniol" ("*preliminary course*") yw cwrs a restrir ym mharagraff 2 neu 3 o Atodlen 2 ac yr ymgymerir ag ef cyn ymgymryd â chwrs gradd amser-llawn (ac eithrio cwrs gradd gyntaf ar gyfer hyfforddiant cychwynnol athrawon) neu gwrs gradd sylfaenol yr ymgymerir ag ef cyn ymgymryd â chwrs gradd anrhydedd amser-llawn, yn ôl fel y digwydd;

ystyr "cwrs rhan-amser dynodedig" ("*designated part-time course"*) yw cwrs sydd wedi'i ddynodi gan reoliad 90 neu gan Weinidogion Cymru o dan reoliad 90;

ystyr "cwrs rhan-amser presennol" ("*present part-time course*") yw'r cwrs rhan-amser dynodedig y mae person yn gwneud cais am gymorth mewn cysylltiad ag ef o dan reoliad 104;

mae i "cwrs rhyngosod" ("*sandwich course*") yr ystyr a roddir ym mharagraff (6);

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

ystyr "cyfnod arferol" ("*ordinary duration*"), o ran cwrs dynodedig, yw nifer y blynyddoedd academaidd y byddai myfyriwr safonol yn eu cymryd i gwblhau'r cwrs dynodedig;

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

(a) cyfnodau o brofiad diwydiannol, proffesiynol neu fasnachol sy'n gysylltiedig ag astudiaethau

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

"designated course" ("*cwrs dynodedig*") means a course designated by regulation 5 or by the Welsh Ministers under regulation 5;

"designated distance learning course" ("*cwrs dysgu o bell dynodedig*") means a course designated by the Welsh Ministers under regulation 73;

"designated part-time course" ("*cwrs rhan-amser dynodedig*") means a course designated by regulation 90 or by the Welsh Ministers under regulation 90;

"designated postgraduate course" ("*cwrs ôl-radd dynodedig*") means a course designated by regulation 116 or by the Welsh Ministers under regulation 116;

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

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

(a) is incorporated into or otherwise logically associated with any electronic communication or electronic data; and

(b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication or data, the integrity of the communication or data, or both;

"eligible distance learning student" ("*myfyriwr dysgu o bell cymwys*") has the meaning given in regulation 71;

"eligible part-time student" ("*myfyriwr rhan-amser cymwys*") has the meaning given in regulation 88;

"eligible postgraduate student" ("*myfyriwr ôl-raddedig cymwys*") has the meaning given in regulation 114;

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

"employment-based teacher training scheme" ("*cynllun hyfforddi athrawon ar sail cyflogaeth*") means–

(a) a scheme established by the Welsh Ministers for the purpose of regulation 8 of the Education (School Teachers' Qualifications) (Wales) Regulations 2004(**2**) whereby a person may undertake initial teacher training in order to obtain qualified teacher status while being employed to teach at a maintained school, an

(**1**) OJ No L158, 30.04.2004, p.77-123.

(**2**) S.I. 2004/1729 (W.173), as amended by S.I. 2007/2811 (W.238), S.I. 2008/215 (W.26) and S.I. 2010/1142 (W.101).

amser-llawn mewn sefydliad ond mewn man y tu allan i'r sefydliad hwnnw;

(b) cyfnodau pryd y caiff myfyriwr ei gyflogi ac y bydd yn preswylio mewn gwlad y mae ei hiaith yn un y mae'r myfyriwr yn ei hastudio ar gyfer cwrs y myfyriwr (ar yr amod bod y cyfnod o breswylio yn y wlad honno yn un o ofynion cwrs y myfyriwr a bod astudio un neu fwy o ieithoedd modern yn cyfrif am nid llai na hanner cyfanswm yr amser a dreulir yn astudio ar y cwrs);

ystyr "cyfraniad" ("*contribution*"), o ran–

(a) myfyriwr cymwys, yw cyfraniad y myfyriwr wedi'i gyfrifo yn unol â rheoliad 62 ac Atodlen 5;

(b) myfyriwr rhan-amser cymwys, yw cyfraniad y myfyriwr wedi'i gyfrifo yn unol â rheoliad 101 ac Atodlen 6;

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

(a) Cyngor Ymchwil y Celfyddydau a'r Dyniaethau,

(b) Cyngor Ymchwil Biodechnoleg a'r Gwyddorau Biolegol,

(c) Y Cyngor Ymchwil Economaidd a Chymdeithasol,

(ch) Cyngor Ymchwil Peirianneg a'r Gwyddorau Ffisegol,

(d) Y Cyngor Ymchwil Feddygol,

(dd) Cyngor Ymchwil yr Amgylchedd Naturiol,

(e) Cyngor Cyfleusterau Gwyddoniaeth a Thechnoleg;

ystyr "cymorth" ("*support*"), ac eithrio pan ddynodir yn wahanol, yw cymorth ariannol ar ffurf grant neu fenthyciad a roddir gan Weinidogion Cymru yn unol â rheoliadau a wnaed ganddynt o dan adran 22 o Ddeddf 1998;

ystyr "cymorth at ffioedd" ("*fee support*") yw grantiau mewn perthynas â ffioedd yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998 ac mae'n cynnwys benthyciadau cyfrannu at ffioedd a benthyciadau at ffioedd mewn perthynas â ffioedd o dan Ran 4;

ystyr "cyn Ardal yr Heddlu Metropolitanaidd" ("*former Metropolitan Police District*") yw–

(a) Llundain Fwyaf, heb gynnwys dinas Llundain, y Deml Fewnol a'r Deml Ganol;

(b) yn swydd Essex, yn nosbarth Epping Forest–

ardal cyn ddosbarth trefol Chigwell,

plwyf Waltham Abbey;

(c) yn swydd Hertford–

independent school or other institution except a pupil referral unit; or

(b) a scheme established by the Secretary of State whereby a person may undertake initial teacher training in order to obtain qualified teacher training status while being employed to teach at a school, city college, Academy, independent school or other institution except a pupil referral unit;

"end-on course" ("*cwrs penben*") means–

(a) a full-time first degree course (other than a first degree course for the initial training of teachers) which, disregarding any intervening vacation, a student begins to attend immediately after ceasing to attend a full-time course listed in paragraph 2 or 3 of Schedule 2 for which the student received or was entitled to receive a transitional award, a loan under the 1998 Regulations or support under the 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2008 (No. 2) or 2009 Regulations;

(b) a full-time honours degree course beginning on or after 1 September 2006 which, disregarding any intervening vacation, a student starts to attend immediately after ceasing to attend a full-time foundation degree course for which the student received or was entitled to receive a transitional award, a loan under the 1998 Regulations or support under the 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2008 (No. 2) or 2009 Regulations;

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

"Erasmus year" ("*blwyddyn Erasmus*") means an academic year of a course during which a student is participating in the action scheme of the European Union for the mobility of university students known as ERASMUS(**1**) and where the student's course is a course referred to in regulation 5(1)(e) and all the periods of–

(a) study during the academic year are attended at an institution outside the United Kingdom; or

(b) work placement during the academic year are

(**1**) ERASMUS is part of the European Community action programme SOCRATES; OJ No L28, 3.2.2000, p.1.

ym mwrdeistref Broxbourne, ardal cyn ddosbarth trefol Cheshunt,

dosbarth Hertsmere,

yn nosbarth Welwyn Hatfield, plwyf Northaw; ac

(ch) yn swydd Surrey–

ym mwrdeistref Elmbridge, ardal cyn ddosbarth trefol Esher,

bwrdeistrefi Epsom ac Ewell a Spelthorne,

yn nosbarth Reigate a Banstead, ardal cyn ddosbarth trefol Banstead;

ystyr "cynllun hyfforddi athrawon ar sail cyflogaeth" ("*employment-based teacher training scheme*") yw–

(a) cynllun a sefydlwyd gan Weinidogion Cymru at ddibenion rheoliad 8 o Reoliadau Addysg (Cymwysterau Athrawon Ysgol) (Cymru) 2004(**1**) sy'n caniatáu i berson ymgymryd â hyfforddiant cychwynnol athrawon er mwyn ennill statws athro cymwysedig neu athrawes gymwysedig tra bo'n cael ei gyflogi i addysgu mewn ysgol a gynhelir, ysgol annibynnol neu sefydliad arall ac eithrio uned cyfeirio disgyblion; neu

(b) cynllun a sefydlwyd gan yr Ysgrifennydd Gwladol sy'n caniatáu i berson ymgymryd â hyfforddiant cychwynnol athrawon er mwyn ennill statws athro cymwysedig neu athrawes gymwysedig tra bo'n cael ei gyflogi i addysgu mewn ysgol, coleg dinas, Academi, ysgol annibynnol neu sefydliad arall ac eithrio uned cyfeirio disgyblion;

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

(a) sy'n dechrau ar 1 Ionawr ac sy'n diweddu ar 31 Mawrth;

(b) sy'n dechrau ar 1 Ebrill ac sy'n diweddu ar 30 Mehefin;

(c) sy'n dechrau ar 1 Gorffennaf ac sy'n diweddu ar 31 Awst; neu

(ch) sy'n dechrau ar 1 Medi ac sy'n diweddu ar 31 Rhagfyr;

(**1**) O.S. 2004/1729 (Cy.173), fel y'i diwygiwyd gan O.S. 2007/2811 (Cy.238), O.S. 2008/215 (Cy.26) ac O.S. 2010/1142 (Cy.101).

attended at a workplace outside the United Kingdom;

"EU national" ("*gwladolyn o'r UE*") means a national of a Member State of the European Union;

"European Union" ("*yr Undeb Ewropeaidd*") means the territory comprised by the Member States of the European Union as constituted from time to time;

"fees" ("*ffioedd*") has the meaning given in section 28(1) of the 1998 Act except in references to college fees;

"fee contribution loan" ("*benthyciad cyfrannu at ffioedd*") means a loan for fees payable to an old system eligible student pursuant to Part 4;

"fee loan" ("*benthyciad at ffioedd*") means a loan for fees payable to a new system eligible student pursuant to Part 4;

"fee support" ("*cymorth at ffioedd*") means grants in relation to fees pursuant to regulations made by the Welsh Ministers under section 22 of the 1998 Act and includes fee contribution loans and fee loans in relation to fees under Part 4;

"flexible postgraduate ITT course" ("*cwrs HCA hyblyg i ôl-raddedigion*") means a postgraduate course of initial teacher training, the length and pattern of which is determined by reference to the eligible student's experience and training requirements and which has been approved by the Training and Development Agency for Schools (**1**) or the Higher Education Funding Council for Wales(**2**) where the course–

(a) began before 1 September 2010;

(b) begins on or after 1 September 2010 where the student transfers to the present course pursuant to regulation 8 from a course for the initial training of teachers which began before 1 September 2010; or

(c) begins on or after 1 September 2010 but before 1 September 2011 and in relation to which the student is a 2010 gap year student;

"former Metropolitan Police District" ("c*yn Ardal yr Heddlu Metropolitanaidd*") means–

(a) Greater London, excluding the city of London, the Inner Temple and the Middle Temple;

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

(**2**) *See* sections 85 - 90 of the Education Act 2005 for HEFCW's function in relation to teacher training.

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

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

ystyr "dyfarniad statudol" ("*statutory award*") unrhyw ddyfarniad a roddir, unrhyw grant a delir neu unrhyw gymorth arall a ddarperir yn rhinwedd Deddf 1998 neu Ddeddf 1962, neu unrhyw ddyfarniad, grant neu gymorth arall cyffelyb mewn perthynas ag ymgymryd â chwrs sy'n cael ei dalu o'r cronfeydd cyhoeddus;

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

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

mae i "ffioedd" yr ystyr a roddir i "*fees*" yn adran 28(1) o Ddeddf 1998 ac eithrio mewn cyfeiriadau at ffioedd coleg;

ystyr "ffioedd coleg" ("*college fees*") yw'r ffioedd sy'n daladwy gan fyfyriwr cymhwysol i goleg neu neuadd breifat barhaol ym Mhrifysgol Rhydychen neu i un o golegau Prifysgol Caergrawnt mewn perthynas â phresenoldeb y myfyriwr cymhwysol ar gwrs cymhwysol;

(b) in the county of Essex, in the district of Epping Forest–

the area of the former urban district of Chigwell,

the parish of Waltham Abbey;

(c) in the county of Hertfordshire–

in the borough of Broxbourne, the area of the former urban district of Cheshunt,

the district of Hertsmere,

in the district of Welwyn Hatfield, the parish of Northaw; and

(d) in the county of Surrey–

in the borough of Elmbridge, the area of the former urban district of Esher,

the boroughs of Epsom and Ewell and Spelthorne,

in the district of Reigate and Banstead, the area of the former urban district of Banstead;

"grant for disabled distance learning students' living costs" ("*grant at gostau byw myfyrwyr dysgu o bell anabl*") means the grant payable under regulation 78;

"grant for disabled part-time students' living costs" ("*grant at gostau byw myfyrwyr rhan-amser anabl*") means the grant payable under regulation 93;

"grant for disabled students' living costs" ("*grant at gostau byw myfyrwyr anabl*") means the grant payable under regulation 25;

"grant for living costs" ("*grant at gostau byw*") (without more) means a grant under any of the provisions of Part 5 of these Regulations;

"grants for dependants" ("*grantiau ar gyfer dibynyddion*") means the grants and allowance listed in regulation 26(1);

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

(**2**) O.S. 1998/1166, a ddiwygiwyd gan O.S. 1998/1972 ac a ddirymwyd gydag arbedion gan O.S. 1999/1494.

(**3**) 1990 p.6; a ddiddymwyd gan Ddeddf Addysgu ac Addysg Uwch 1998 (p.30), Atodlen 4, gydag arbedion *gweler* Gorchymyn Deddf Addysgu ac Addysg Uwch 1998 (Cychwyn Rhif 2 a Darpariaethau Trosiannol) 1998 (O.S. 1998/2004) (C.46).

(**4**) O.S. 1990/1506 (G.I.11), a ddiwygiwyd gan O.S. 1996/1274 (G.I. 1), Erthygl 43 ac Atodlen 5 Rhan II, O.S. 1996/1918 (G.I. 15), Erthygl 3 a'r Atodlen ac O.S. 1998/258 (G.I. 1), Erthyglau 3 i 6 ac a ddi-rymwyd, gydag arbedion, gan Rh. St. (GI) 1998 Rhif 306.

(**5**) O.S. 1998/1760 (G.I.14) y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

ystyr "ffoadur" ("*refugee*") yw person a gydnabuwyd gan lywodraeth Ei Mawrhydi fel ffoadur o fewn ystyr Confensiwn y Cenhedloedd Unedig sy'n ymwneud â Statws Ffoaduriaid a wnaed yng Ngenefa ar 28 Gorffennaf 1951(**1**) fel y'i hestynnwyd gan y Protocol iddo a ddaeth i rym ar 4 Hydref 1967(**2**);

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

ystyr "grant at gostau byw myfyrwyr anabl" ("*grant for disabled students' living costs*") yw'r grant sy'n daladwy o dan reoliad 25;

ystyr "grant at gostau byw myfyrwyr dysgu o bell anabl" ("*grant for disabled distance learning students' living costs*") yw'r grant sy'n daladwy o dan reoliad 78;

ystyr "grant at gostau byw myfyrwyr rhan-amser anabl" ("*grant for disabled part-time students' living costs*") yw'r grant sy'n daladwy o dan reoliad 93;

ystyr "grant dibynyddion mewn oed" ("*adult dependants' grant*") yw'r grant sy'n daladwy o dan reoliad 27;

ystyr "grant gofal plant" ("*childcare grant*") yw'r grant sy'n daladwy o dan reoliad 28;

ystyr "grant newydd at ffioedd" ("*new fee grant*") yw grant a wnaed gan Weinidogion Cymru o dan reoliad 19;

(**1**) Gorch. 9171.

(**2**) Gorch. 3906 (allan o brint; mae llungopïau ar gael, yn ddi-dâl, oddi wrth yr Adran Cymorth i Fyfyrwyr, Yr Adran Busnes, Arloesi a Sgiliau, Mowden Hall, Staindrop Road, Darlington DL3 9BG).

"healthcare bursary" ("*bwrsari gofal iechyd*") means a bursary or award of similar description under section 63 of the Health Services and Public Health Act 1968(**1**) or Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972(**2**);

"higher education course" ("*cwrs addysg uwch*") means a course referred to in Schedule 2 or a postgraduate or other course the standard of which is higher than the standard of a first degree course;

"household income" ("*incwm yr aelwyd*", "*incwm aelwyd*", "*incwm sydd gan yr aelwyd*") in relation to–

(a) an eligible student, has the meaning given in Schedule 5;

(b) an eligible part-time student, has the meaning given in Schedule 6;

"information" ("*gwybodaeth*") includes documents;

"Institute" ("*yr Athrofa*") means the University of London Institute in Paris(**3**);

"intensive course" ("*cwrs dwys*") means an accelerated course or a compressed degree course;

"Islands" ("*Ynysoedd*") means the Channel Islands and the Isle of Man;

"loan" ("*benthyciad*"), except where otherwise indicated, means a loan pursuant to any regulations made by the Welsh Ministers under section 22 of the 1998 Act, including the interest accrued on the loan and any penalties or charges incurred in connection with it;

(**1**) 1968 c.46; section 63 was amended by the National Health Service (Scotland) Act 1972 (c.58), Schedule 7, the National Health Service Reorganisation Act 1973 (c.32), Schedules 4 and 5, the National Health Service Act 1977 (c.49), Schedules 15 and 16, the National Health Service (Scotland) Act 1978 (c.29), Schedules 16 and 17, the Local Government Act 1985 (c.51), Schedule 17, the Health and Medicines Act 1988 (c.49), section 20, section 25(2) and Schedule 3, the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, the Health Authorities Act 1995 (c.17), Schedule 1, the Local Government Reorganisation (Wales) (Consequential Amendments No. 2) Order 1996 (S.I. 1996/1008), the National Health Service (Primary Care) Act 1997 (c.46), Schedule 2, the Health Act 1999 (c.8), Schedule 4, the Health and Social Care Act 2001 (c.15), Schedule 5, the National Health Service Reform and Health Care Professions Act 2002 (c.17), Schedules 2, 5 and 9, S.I. 2002/2202, article 4(a) and (b), the National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc Provisions) Regulations 2002 (S.I. 2002/2469), Schedule 1, the Health and Social Care (Community Health and Standards) Act 2003 (c.43), Schedules 4, 11 and 14, the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 2) Order 2004 (S.I. 2004/288), article 7, the Health and Social Care (Community Health and Standards) Act 2003 (Commencement No. 1) (Wales) Order 2004 (S.I. 2004/480); the Children Act 2004 (c.31), section 55; S.I. 2004/957, the Schedule; the National Health Service (Consequential Provisions) Act 2006 (c.43), Schedule 1, S.I. 2007/961, the Schedule and the Health Act 2009, Schedule 1

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

(**3**) The University of London Institute in Paris was formerly known as the British Institute in Paris. The British Institute in Paris formally changed its name on 1 January 2005.

ystyr "grant rhan-amser ar gyfer dibynyddion mewn oed" ("*part-time adult dependants' grant*") yw'r grant sy'n daladwy o dan reoliad 96;

ystyr "grant rhan-amser ar gyfer gofal plant" ("*part-time childcare grant*") yw'r grant sy'n daladwy o dan reoliad 97;

ystyr "grantiau ar gyfer dibynyddion" ("*grants for dependants*") yw'r grantiau a'r lwfans a restrir yn rheoliad 26(1);

ystyr "grantiau rhan-amser ar gyfer dibynyddion" ("*part-time grants for dependants*") yw'r grantiau a'r lwfans a restrir yn rheoliad 95(1);

ystyr "gweithiwr Twrcaidd" ("*Turkish worker*") yw gwladolyn Twrcaidd–

(a) sydd fel arfer yn preswylio yn y Deyrnas Unedig a'r Ynysoedd; a

(b) sydd, neu sydd wedi bod, mewn cyflogaeth gyfreithlon yn y Deyrnas Unedig;

ystyr "gwladolyn o'r UE" ("*EU national*") yw un o wladolion un o Aelod-wladwriaethau'r Undeb Ewropeaidd;

mae "gwybodaeth" ("*information*") yn cynnwys dogfennau;

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

mae "hen ddyfarniad" ("*old award*") yn ddyfarniad o fewn ystyr "*award*" yn Rheoliadau Addysg (Dyfarniadau Gorfodol) 2003(**1**);

ystyr "hen gwrs ôl-radd hyblyg ar gyfer hyfforddiant cychwynnol i athrawon" ("*old flexible postgraduate course for the initial training of teachers*") yw cwrs HCA ôl-radd hyblyg y dechreuodd myfyriwr fod yn bresennol arno cyn 1 Medi 2008;

mae i'r ymadroddion "incwm yr aelwyd", "incwm aelwyd" ac "incwm sydd gan yr aelwyd" ("*household income*")–

(a) o ran myfyriwr cymwys, yr ystyr a roddir iddynt yn Atodlen 5;

(b) o ran myfyriwr rhan-amser cymwys, yr ystyr a roddir iddynt yn Atodlen 6;

ystyr "lwfans dysgu ar gyfer rhieni" ("*parents' learning allowance*") yw'r lwfans sy'n daladwy o dan reoliad 29;

ystyr "lwfans dysgu rhan-amser ar gyfer rhieni"

(**1**) O.S. 2003/1994, a ddiwygiwyd gan O.S. 2004/1038, O.S. 2004/1792, O.S. 2005/2083, O.S. 2005/3137, O.S. 2005/3482, O.S. 2006/930, O.S. 2007/1629, O.S. 2008/1477 a Deddf Addysg 2005, adran 74.

"loan for living costs" ("*benthyciad at gostau byw*") means a loan for living costs pursuant to regulations made by the Welsh Ministers under section 22 of the 1998 Act;

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

"new cohort student" ("*myfyriwr carfan newydd*") means a 2010 cohort student and a 2011 cohort student;

"new fee grant" ("*grant newydd at ffioedd*") means a grant made by the Welsh Ministers under regulation 19;

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

(a) is not an old system eligible student; and

(b) either–

(i) started the present course on or after 1 September 2006 and is continuing on that course after 31 August 2011; or

(ii) starts the present course on or after 1 September 2011;

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

"old flexible postgraduate course for the initial training of teachers" ("*hen gwrs ôl-radd hyblyg ar gyfer hyfforddiant cychwynnol i athrawon*") means a flexible postgraduate ITT course which a student started to attend before 1 September 2008;

"old system eligible student" ("*myfyriwr cymwys o dan yr hen drefn*") means an eligible student who–

(a) started the present course before 1 September 2006 and who is continuing on that course after 31 August 2011;

(b) is a 2006 gap year student in relation to the present course;

(c) started the present course on or after 1 September 2006 where that course is an end-on course (other than one of the kind referred to in paragraph (c) of the definition of "end-on course" in this regulation) following on from a course that–

(i) the eligible student started before 1 September 2006; or

(ii) the eligible student started before 1 September 2007 and in relation to which

(**1**) S.I. 2003/1994, amended by S.I. 2004/1038, S.I. 2004/1792, S.I. 2005/2083, S.I. 2005/3137, S.I. 2005/3482, S.I. 2006/930, S.I. 2007/1629, S.I. 2008/1477 and the Education Act 2005, section 74.

("*part-time parents' learning allowance*") yw'r lwfans sy'n daladwy o dan reoliad 98;

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

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

(a) wedi'i ymgorffori mewn unrhyw gyfathrebiad electronig neu ddata electronig neu sydd fel arall wedi'i gysylltu yn rhesymegol â hwy; a

(b) yn honni ei fod wedi'i ymgorffori neu wedi'i gysylltu felly er mwyn cael ei ddefnyddio i gadarnhau bod y cyfathrebiad neu'r data yn ddilys, bod y cyfathrebiad neu'r data yn gyflawn, neu'r ddau;

mae i "myfyriwr blwyddyn i ffwrdd 2006" ("*2006 gap year student*") yr ystyr a roddir ym mharagraff (2);

mae i "myfyriwr blwyddyn i ffwrdd 2010" ("*2010 gap year student*") yr ystyr a roddir ym mharagraff (12);

mae i "myfyriwr blwyddyn i ffwrdd 2011" ("*2011 gap year student*") yr ystyr a roddir ym mharagraff (16);

ystyr "myfyriwr carfan 2010" ("*2010 cohort student*") yw myfyriwr cymwys sy'n dechrau ar y cwrs presennol ar neu ar ôl 1 Medi 2010 a chyn 1 Medi 2011, ac eithrio–

(a) myfyriwr blwyddyn i ffwrdd 2010;

(b) myfyriwr cymwys a ddechreuodd ar y cwrs presennol ar neu ar ôl 1 Medi 2010 a chyn 1 Medi 2011 pan fo'r cwrs hwnnw'n gwrs penben, sy'n dilyn ymlaen o gwrs y dechreuodd y myfyriwr arno–

(i) cyn 1 Medi 2010; neu

(ii) cyn 1 Medi 2011, a'r myfyriwr yn fyfyriwr blwyddyn i ffwrdd 2010 mewn perthynas â'r cwrs hwnnw; neu

(c) myfyriwr cymwys a ddechreuodd ar y cwrs presennol ar neu ar ôl 1 Medi 2010 a chyn 1 Medi 2011 ac y trosglwyddwyd ei statws fel

the eligible student was a 2006 gap year student; or

(d) started the present course on or after 1 September 2006 and whose status as an eligible student transferred to that course as a result of one or more transfers of that status by the Welsh Ministers pursuant to regulations made under section 22 of the 1998 Act from a designated course which the eligible student began–

(i) before 1 September 2006; or

(ii) before 1 September 2007 and in relation to which the eligible student was a 2006 gap year student;

"ordinary duration" ("*cyfnod arferol*") means, in relation to a designated course, the number of academic years that a standard student would take to complete the designated course;

"parents' learning allowance" ("*lwfans dysgu ar gyfer rhieni*") means the allowance payable under regulation 29;

"part-time adult dependants' grant" ("*grant rhan-amser ar gyfer dibynyddion mewn oed*") means the grant payable under regulation 96;

"part-time childcare grant" ("*grant rhan-amser ar gyfer gofal plant*") means the grant payable under regulation 97;

"part-time grants for dependants" ("*grantiau rhan-amser ar gyfer dibynyddion*") means the grants and allowance listed in regulation 95(1);

"part-time parents' learning allowance" ("*lwfans dysgu rhan-amser ar gyfer rhieni*") means the allowance payable under regulation 98;

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

(a) periods of industrial, professional or commercial experience associated with full-time study at an institution but at a place outside that institution;

(b) periods during which a student is employed and residing in a country whose language is one that the student is studying for the student's course (provided that the period of residence in that country is a requirement of the student's course and the study of one or more modern languages accounts for not less

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

myfyriwr cymwys i'r cwrs hwnnw o ganlyniad i un neu ragor o drosglwyddiadau o'r statws hwnnw gan Weinidogion Cymru yn unol â rheoliadau a wnaed o dan adran 22 o Ddeddf 1998, o gwrs dynodedig y dechreuodd y myfyriwr arno–

(i) cyn 1 Medi 2010; neu

(ii) cyn 1 Medi 2011, a'r myfyriwr yn fyfyriwr blwyddyn i ffwrdd 2010 mewn perthynas â'r cwrs hwnnw;

ystyr "myfyriwr carfan 2011" ("*2011 cohort student*") yw myfyriwr cymwys sy'n dechrau ar y cwrs presennol ar neu ar ôl 1 Medi 2011, ac eithrio–

(a) myfyriwr blwyddyn i ffwrdd 2011;

(b) myfyriwr cymwys a ddechreuodd ar y cwrs presennol ar neu ar ôl 1 Medi 2011 pan fo'r cwrs hwnnw'n gwrs penben, sy'n dilyn ymlaen o gwrs–

(i) y cychwynnodd y myfyriwr arno cyn 1 Medi 2011; neu

(ii) y cychwynnodd y myfyriwr arno cyn 1 Medi 2012, a'r myfyriwr yn fyfyriwr blwyddyn i ffwrdd 2011 mewn perthynas â'r cwrs hwnnw; neu

(c) myfyriwr cymwys a ddechreuodd ar y cwrs presennol ar neu ar ôl 1 Medi 2011 ac y trosglwyddwyd ei statws fel myfyriwr cymwys i'r cwrs hwnnw o ganlyniad i un neu ragor o drosglwyddiadau o'r statws hwnnw gan Weinidogion Cymru yn unol â rheoliadau a wnaed o dan adran 22 o Ddeddf 1998, o gwrs dynodedig y dechreuodd y myfyriwr arno–

(i) cyn 1 Medi 2011; neu

(ii) cyn 1 Medi 2012, a'r myfyriwr yn fyfyriwr blwyddyn i ffwrdd 2011 mewn perthynas â'r cwrs hwnnw;

ystyr "myfyriwr carfan newydd" ("*new cohort student*") yw myfyriwr carfan 2010 a myfyriwr carfan 2011;

ystyr "myfyriwr cwrs gradd cywasgedig" ("*compressed degree student*") yw myfyriwr cymwys–

(a) sy'n ymgymryd â chwrs gradd cywasgedig yn y Deyrnas Unedig (y "cwrs");

than one half of the total time spent studying on the course);

"person with leave to enter or remain" ("*person sydd â chaniatâd i ddod i mewn neu i aros*") means a person ("A" in this definition)–

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

(b) who has been granted leave to enter or to remain accordingly;

(c) whose period of leave to enter or remain has not expired or has been renewed and the period for which it was renewed has not expired or in respect of whose leave to enter or remain an appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(**1**); and

(d) who has been ordinarily resident in the United Kingdom and Islands throughout the period since A was granted leave to enter or remain;

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

"prescribed childcare charges" ("*costau rhagnodedig ar gyfer gofal plant*") means childcare charges of a description prescribed for the purposes of section 12 of the Tax Credits Act 2002(**2**);

"present course" ("*cwrs presennol*") means the designated course in respect of which a person is applying for support under regulation 9;

"present distance learning course" ("*cwrs dysgu o bell presennol*") means the designated distance learning course in respect of which a person is applying for support under regulation 79;

"present part-time course" ("*cwrs rhan-amser presennol*") means the designated part-time course in respect of which a person is applying for support under regulation 104;

(**1**) 2002 c.41. Section 104 was amended by the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c.19), Schedules 2 and 4, the Immigration, Asylum and Nationality Act 2006 (c.13), section 9 and S.I. 2010/21.

(**2**) Regulation 14 of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (S.I. 2002/2005) as amended by S.I. 2003/701, S.I. 2003/2815, S.I. 2004/762, S.I. 2004/1276, S.I. 2004/2663, S.I. 2005/769, S.I. 2005/2919, S.I. 2006/766, S.I. 2007/824, S.I. 2007/2479, S.I. 2008/604, S.I. 2008/2169, S.I. 2009/697, S.I. 2009/2887 and S.I. 2010/751 sets out the charges that are prescribed, and thus relevant childcare charges, for the purposes of section 12 of the Tax Credits Act 2002.

(b) naill ai sydd–

(i) wedi dechrau ar y cwrs ar neu ar ôl i Medi 2006 ac sy'n parhau ar y cwrs hwnnw ar ôl 31 Awst 2011; neu

(ii) yn dechrau ar y cwrs ar neu ar ôl 1 Medi 2011; ac

(c) y mae naill ai–

(i) yn ofynnol iddo fod yn bresennol ar y cwrs am ran o'r flwyddyn academaidd y mae'r myfyriwr cymwys yn gwneud cais am gymorth ar ei chyfer o dan y Rheoliadau hyn; neu

(ii) yn fyfyriwr cymwys anabl nad yw'n ofynnol iddo fod yn bresennol ar y cwrs, gan na all y myfyriwr hwnnw fod yn bresennol am reswm sy'n ymwneud ag anabledd y myfyriwr hwnnw;

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

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

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

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

(b) sydd naill ai–

(i) wedi dechrau ar y cwrs presennol ar neu ar ôl 1 Medi 2006 ac yn parhau i fynychu'r cwrs ar ôl 31 Awst 2011; neu

(ii) yn dechrau ar y cwrs presennol ar neu ar ôl 1 Medi 2011;

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

(a) wedi dechrau ar y cwrs presennol cyn 1 Medi 2006 ac sy'n parhau ar y cwrs hwnnw ar ôl 31 Awst 2011;

(b) yn fyfyriwr blwyddyn i ffwrdd 2006 mewn perthynas â'r cwrs presennol;

(c) wedi dechrau ar y cwrs presennol ar neu ar ôl 1 Medi 2006 os yw'r cwrs hwnnw yn gwrs penben (ac eithrio cwrs o'r math y cyfeirir ato ym mharagraff (c) o'r diffiniad o'r ymadrodd "cwrs penben" yn y rheoliad hwn) sy'n dilyn ar ôl cwrs–

(i) y dechreuodd y myfyriwr cymwys arno cyn 1 Medi 2006; neu

"present postgraduate course" ("*cwrs ôl-radd presennol*") means the designated postgraduate course in respect of which a person is applying for support under regulation 119;

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

"public funds" ("*cronfeydd cyhoeddus*") means moneys provided by Parliament including funds provided by the Welsh Ministers;

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

"qualified teacher" ("*athro cymwysedig neu athrawes gymwysedig*", "*athro cymwysedig neu'n athrawes gymwysedig*") has the meaning given in section 132(1) of the Education Act 2002(**1**);

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

(a) leads to qualification as a social worker, medical doctor, dentist, veterinary surgeon or architect;

(b) where it began before 1 September 2009, leads to qualification as a landscape architect, landscape designer, landscape manager, town planner or town and country planner; or

(c) consists of at least one academic year which is a bursary year;

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

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

(a) beginning on 1 January and ending on 31 March;

(b) beginning on 1 April and ending on 30 June;

(c) beginning on 1 July and ending on 31 August; or

(d) beginning on 1 September and ending on 31 December;

"refugee" ("*ffoadur*") means a person who is recognised by Her Majesty's government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28 July 1951(**2**) as extended by the

(**1**) 2002 c.32.

(**2**) Cmnd. 9171.

(ii) y dechreuodd y myfyriwr cymwys arno cyn 1 Medi 2007 a'r myfyriwr cymwys, mewn perthynas â'r cwrs hwnnw, yn fyfyriwr blwyddyn i ffwrdd 2006; neu

(ch) wedi dechrau ar y cwrs presennol ar neu ar ôl 1 Medi 2006 a bod ei statws fel myfyriwr cymwys wedi cael ei drosglwyddo i'r cwrs hwnnw o ganlyniad i un, neu fwy nag un, trosglwyddiad o'r statws hwnnw gan Weinidogion Cymru, yn unol â rheoliadau a wnaed o dan adran 22 o Ddeddf 1998, oddi ar gwrs dynodedig y dechreuodd y myfyriwr cymwys arno–

(i) cyn 1 Medi 2006; neu,

(ii) cyn 1 Medi 2007 a'r myfyriwr cymwys, mewn perthynas â'r cwrs hwnnw, yn fyfyriwr blwyddyn i ffwrdd 2006;

mae i "myfyriwr dysgu o bell cymwys" ("*eligible distance learning student*") yr ystyr a roddir yn rheoliad 71;

ystyr "myfyriwr math 1 ar gwrs hyfforddi athrawon" ("*type 1 teacher training student*") yw myfyriwr cymwys o dan y drefn newydd sydd ar gwrs ar gyfer hyfforddiant cychwynnol athrawon (ac eithrio cwrs gradd gyntaf) y mae cyfanswm ei gyfnodau o bresenoldeb amser-llawn (gan gynnwys presenoldeb er mwyn ymarfer dysgu) yn y flwyddyn academaidd y mae'r myfyriwr yn gwneud cais am gymorth mewn perthynas â hi o dan y Rheoliadau hyn yn 6 wythnos o leiaf ond yn llai na 10 wythnos, pan fo'r cwrs naill ai–

(a) wedi dechrau cyn 1 Medi 2010;

(b) yn dechrau ar neu ar ôl 1 Medi 2010, a'r myfyriwr yn trosglwyddo i'r cwrs presennol yn unol â rheoliad 8 o gwrs ar gyfer hyfforddiant cychwynnol athrawon a ddechreuodd cyn 1 Medi 2010; neu

(c) yn dechrau ar neu ar ôl 1 Medi 2010 ond cyn 1 Medi 2011 a'r myfyriwr yn fyfyriwr blwyddyn i ffwrdd 2010 mewn perthynas â'r cwrs;

ystyr "myfyriwr math 2 ar gwrs hyfforddi athrawon" ("*type 2 teacher training student*") yw myfyriwr cymwys o dan y drefn newydd sydd ar gwrs ar gyfer hyfforddiant cychwynnol athrawon

Protocol thereto which entered into force on 4 October 1967(**1**);

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

(a) Arts and Humanities Research Council,

(b) Biotechnology and Biological Sciences Research Council,

(c) Economic and Social Research Council,

(d) Engineering and Physical Sciences Research Council,

(e) Medical Research Council,

(f) Natural Environment Research Council,

(g) Science and Technology Facilities Council;

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

"sandwich course" ("*cwrs rhyngosod*") has the meaning given in paragraph (6);

"Scottish healthcare allowance" ("*lwfans gofal iechyd yr Alban*") means any allowance under sections 73(f) and 74(1) of the Education (Scotland) Act 1980(**2**) granted in respect of a person attending a course leading to a qualification in a healthcare profession other than as a medical doctor or dentist;

"specified designated course" ("*cwrs dynodedig a bennir*") has the meaning given in paragraph (7);

"standard student" ("*myfyriwr safonol*") is a student who is to be taken–

(a) to have begun the designated course on the same date as the eligible student in question;

(b) not to be excused any part of the course;

(c) not to repeat any part of the course; and

(d) not to be absent from the course other than during vacations;

"statutory award" ("*dyfarniad statudol*") means any award bestowed, grant paid or other support provided by virtue of the 1998 Act or the 1962 Act, or any comparable award, grant or other support in

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

(**2**) 1980 c.44; section 73(f) was amended by the Teaching and Higher Education Act 1998 (c.30), section 29(1) and the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp 6), section 3(2) and section 74 was amended by the Self Governing Schools etc. (Scotland) Act 1989 (c.39), Schedule 10, paragraph 8(17). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(ac eithrio cwrs gradd gyntaf) y mae cyfanswm ei gyfnodau o bresenoldeb amser-llawn (gan gynnwys presenoldeb er mwyn ymarfer dysgu) yn y flwyddyn academaidd y mae'r myfyriwr yn gwneud cais am gymorth mewn perthynas â hi o dan y Rheoliadau hyn yn 10 wythnos neu fwy, pan fo'r cwrs naill ai–

(a) wedi dechrau cyn 1 Medi 2010;

(b) yn dechrau ar neu ar ôl 1 Medi 2010, a'r myfyriwr yn trosglwyddo i'r cwrs presennol yn unol â rheoliad 8 o gwrs ar gyfer hyfforddiant cychwynnol athrawon a ddechreuodd cyn 1 Medi 2010; neu

(c) yn dechrau ar neu ar ôl 1 Medi 2010 ond cyn 1 Medi 2011 a'r myfyriwr yn fyfyriwr blwyddyn i ffwrdd 2010 mewn perthynas â'r cwrs;

ystyr "myfyriwr math 3 ar gwrs hyfforddi athrawon" ("*type 3 teacher training student*") yw myfyriwr cymwys o dan y drefn newydd sydd ar gwrs gradd gyntaf ar gyfer hyfforddiant cychwynnol athrawon y mae cyfanswm ei gyfnodau o bresenoldeb amser-llawn (gan gynnwys presenoldeb er mwyn ymarfer dysgu) yn y flwyddyn academaidd y mae'r myfyriwr yn gwneud cais am gymorth mewn perthynas â hi o dan y Rheoliadau hyn yn 6 wythnos o leiaf ond yn llai na 10 wythnos, pan fo'r cwrs naill ai–

(a) wedi dechrau cyn 1 Medi 2010;

(b) yn dechrau ar neu ar ôl 1 Medi 2010, a'r myfyriwr yn trosglwyddo i'r cwrs presennol yn unol â rheoliad 8 o gwrs ar gyfer hyfforddiant cychwynnol athrawon a ddechreuodd cyn 1 Medi 2010; neu

(c) yn dechrau ar neu ar ôl 1 Medi 2010 ond cyn 1 Medi 2011 a'r myfyriwr yn fyfyriwr blwyddyn i ffwrdd 2010 mewn perthynas â'r cwrs;

mae i "myfyriwr ôl-raddedig cymwys" ("*eligible postgraduate student*") yr ystyr a roddir yn rheoliad 114;

mae i "myfyriwr rhan-amser cymwys" ("*eligible part-time student*") yr ystyr a roddir yn rheoliad 88;

mae "myfyriwr safonol" ("*standard student*") yn fyfyriwr sydd i'w ystyried–

(a) yn un sydd wedi dechrau ar y cwrs dynodedig ar yr un dyddiad â'r myfyriwr cymwys o dan sylw;

respect of undertaking a course which is paid out of public funds;

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

"support" ("*cymorth*"), except where otherwise indicated, means financial support by way of grant or loan made by the Welsh Ministers pursuant to regulations made by them under section 22 of the 1998 Act;

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

"Turkish worker" ("*gweithiwr Twrcaidd*") means a Turkish national who–

(a) is ordinarily resident in the United Kingdom and Islands; and

(b) is, or has been, lawfully employed in the United Kingdom;

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

(a) began before 1 September 2010;

(b) begins on or after 1 September 2010 where the student transfers to the present course pursuant to regulation 8 from a course for the initial training of teachers which began before 1 September 2010; or

(c) begins on or after 1 September 2010 but before 1 September 2011 and in relation to which the student is a 2010 gap year student;

(**1**) 1990 c.6; repealed by the Teaching and Higher Education Act 1998 (c.30), Schedule 4, with savings *see* the Teaching and Higher Education Act 1998 (Commencement No.2 and Transitional Provisions) Order 1998 (S.I. 1998/2004) (C.46).

(**2**) S.I. 1990/1506 (N.I. 11), amended by S.I. 1996/1274 (N.I. 1), Article 43 and Schedule 5 Part II, S.I. 1996/1918 (N.I. 15), Article 3 and the Schedule and S.I. 1998/258 (N.I. 1), Articles 3 to 6 and revoked, with savings, by SR (NI) 1998 No 306.

(**3**) S.I.1998/1760 (N.I. 14) to which there have been amendments not relevant to these Regulations.

(**4**) S.I. 1998/1166, amended by S.I.1998/1972 and revoked with savings by S.I. 1999/1494.

(b) yn un nad esgusodir unrhyw ran o'r cwrs iddo;

(c) yn un na chaiff ailadrodd unrhyw ran o'r cwrs; ac

(ch) yn un na chaiff fod yn absennol o'r cwrs ac eithrio yn ystod gwyliau;

ystyr "person sydd â chaniatâd i ddod i mewn neu i aros" ("*person with leave to enter or remain*") yw person ("A" yn y diffiniad hwn)–

(a) a hysbyswyd gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref y tybir ei bod yn iawn caniatáu i A ddod i mewn i'r Deyrnas Unedig neu i aros ynddi, er yr ystyrir nad yw A yn gymwys i gael ei gydnabod fel ffoadur;

(b) y rhoddwyd caniatâd iddo i ddod i mewn neu i aros yn unol â hynny;

(c) y mae cyfnod ei ganiatâd i ddod i mewn neu i aros heb ddod i ben nac wedi cael ei adnewyddu ac nad yw'r cyfnod y cafodd ei adnewyddu ar ei gyfer wedi dod i ben neu fod apêl yn yr arfaeth (o fewn ystyr adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002(**1**) mewn perthynas â'i hawl i ddod i mewn neu i aros; ac

(ch) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod er pan roddwyd caniatâd i A ddod i mewn neu i aros;

ystyr "Rheoliadau 1998" ("*the 1998 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrwyr) 1998(**2**);

ystyr "Rheoliadau 1999" ("*the 1999 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrwyr) 1999(**3**);

ystyr "Rheoliadau 2000" ("*the 2000 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrwyr) 2000(**4**);

ystyr "Rheoliadau 2001" ("*the 2001 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrwyr) 2001(**5**);

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

(a) began before 1 September 2010;

(b) begins on or after 1 September 2010 where the student transfers to the present course pursuant to regulation 8 from a course for the initial training of teachers which began before 1 September 2010; or

(c) begins on or after 1 September 2010 but before 1 September 2011 and in relation to which the student is a 2010 gap year student;

"type 3 teacher training student" ("*myfyriwr math 3 ar gwrs hyfforddi athrawon*") means a new system eligible student on a course for a first degree for the initial training of teachers whose periods of full-time attendance (including attendance for the purpose of teaching practice) in the academic year in respect of which the student is applying for support under these Regulations are in aggregate at least 6 weeks but less than 10 weeks where the course–

(a) began before 1 September 2010;

(b) begins on or after 1 September 2010 where the student transfers to the present course pursuant to regulation 8 from a course for the initial training of teachers which began before 1 September 2010; or

(c) begins on or after 1 September 2010 but before 1 September 2011 and in relation to which the student is a 2010 gap year student.

(**1**) 2002 p.41. Diwygiwyd adran 104 gan Ddeddf Lloches a Mewnfudo (Trin Ceiswyr, etc) 2004 (p.19), Atodlenni 2 a 4, Deddf Mewnfudo, Lloches a Chenedligrwydd 2006 (p.13), adran 9 ac O.S. 2010/21.

(**2**) O.S. 1998/2003, dirymwyd gydag arbedion gan O.S. 1999/496.

(**3**) O.S. 1999/496, a ddiwygiwyd gan O.S. 1999/2266 ac O.S. 2000/1120. Dirymwyd yr offerynnau hyn gan O.S. 2000/1121 ac eithrio mewn perthynas â darparu cymorth i fyfyrwyr mewn cysylltiad â blwyddyn academaidd sy'n cychwyn cyn 1 Medi 2000.

(**4**) O.S. 2000/1121, a ddiwygiwyd gan O.S. 2000/1490, O.S. 2000/2142 ac O.S. 2000/2912. Dirymwyd yr offerynnau hyn gan O.S. 2001/951 ac eithrio mewn perthynas â darparu cymorth i fyfyrwyr mewn cysylltiad â blwyddyn academaidd sy'n cychwyn cyn 1 Medi 2001.

(**5**) O.S. 2001/951, a ddiwygiwyd gan O.S. 2001/1730, O.S. 2001/2355 ac O.S. 2002/174. Dirymwyd yr offerynnau hyn gan O.S. 2002/195 ac eithrio mewn perthynas â darparu cymorth i fyfyrwyr mewn cysylltiad â blwyddyn academaidd sy'n cychwyn cyn 1 Medi 2002.

ystyr "Rheoliadau 2002" ("*the 2002 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrwyr) 2002(**1**);

ystyr "Rheoliadau 2003" ("*the 2003 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Rhif 2) 2002(**2**) fel y'u diwygiwyd;

ystyr "Rheoliadau 2004" ("*the 2004 Regulations*") yw Rheoliadau 2003 fel y'u diwygiwyd ymhellach(**3**);

ystyr "Rheoliadau 2005" ("*the 2005 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrwyr) 2005(**4**);

ystyr "Rheoliadau 2006" ("*the 2006 Regulations*") yw Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2006(**5**);

ystyr "Rheoliadau 2007" ("*the 2007 Regulations*") yw Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2007(**6**);

ystyr "Rheoliadau 2008" ("*the 2008 Regulations*") yw Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2008(**7**);

ystyr "Rheoliadau (Rhif 2) 2008" ("*the 2008 (No. 2) Regulations*") yw Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) (Rhif 2) 2008(**8**);

(**1**) O.S. 2002/195, a ddiwygiwyd gan O.S. 2002/1318, O.S. 2002/2088 ac O.S. 2002/3059. Dirymwyd O.S. 2002/195, O.S. 2002/1318 ac O.S. 2002/2088 gan O.S. 2002/3200 ac eithrio mewn perthynas â darparu cymorth i fyfyrwyr mewn cysylltiad â blwyddyn academaidd sy'n cychwyn cyn 1 Medi 2003. Dirymwyd O.S. 2002/3059 gan O.S. 2003/1065.

(**2**) O.S. 2002/3200, a ddiwygiwyd gan O.S. 2003/1065 ac O.S. 2003/3280. Dirymwyd O.S. 2002/3200 ac O.S. 2003/1065 gan O.S. 2005/52 gydag arbedion.

(**3**) O.S. 2002/3200, a ddiwygiwyd gan O.S. 2003/1065, O.S. 2003/3280, O.S. 2004/161, O.S. 2004/1602, O.S. 2004/2041, O.S. 2004/2598, O.S. 2005/1341 ac O.S. 2005/2084. Mae diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn. Ac eithrio O.S. 2005/1341 ac O.S. 2005/2084, dirymwyd yr offerynnau hyn gydag arbedion gan O.S. 2005/52. Dirymwyd O.S. 2005/1341 ac O.S. 2005/2084 o ran Cymru, gydag arbedion, gan O.S. 2006/126 (Cy.19).

(**4**) O.S. 2005/52, a ddiwygiwyd gan O.S. 2005/1341, O.S. 2005/2084, O.S. 2005/3482 ac O.S. 2006/955. Ac eithrio O.S. 2005/3482 ac O.S. 2006/955, dirymwyd yr offerynnau hyn o ran Cymru, gydag arbedion, gan O.S. 2006/126 (Cy.19).

(**5**) O.S. 2006/126 (Cy.19), a ddiwygiwyd gan O.S. 2006/1863 (Cy.196). Dirymwyd yr offerynnau hyn gan O.S. 2007/1045 (Cy.104) gydag arbedion mewn perthynas â darparu cymorth i fyfyrwyr mewn cysylltiad â blwyddyn academaidd sy'n cychwyn ar neu ar ôl 1 Medi 2006 ond cyn 1 Medi 2007.

(**6**) O.S. 2007/1045 (Cy.104), a ddiwygiwyd gan O.S. 2007/2312 (Cy.183), O.S. 2007/2851 (Cy.248) ac O.S. 2007/3230 (Cy.282). Dirymwyd O.S. 2007/1045 (Cy.104), gydag arbedion, gan O.S. 2008/1273 (Cy.130).

(**7**) O.S. 2008/1273 (Cy.130), a ddiwygiwyd gan O.S. 2008/2140 (Cy.189). Dirymwyd yr offerynnau hyn, gydag arbedion, gan O.S. 2008/3170 (Cy.283).

(**8**) O.S. 2008/3170 (Cy.283) a ddiwygiwyd gan O.S. 2009/2156 (Cy. 180). Dirymwyd O.S. 2008/3170 (Cy.283), gydag arbedion, gan O.S. 2009/2737 (Cy.235).

ystyr "Rheoliadau 2009" ("*the 2009 Regulations*") yw Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2009(**1**);

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

ystyr "yr Undeb Ewropeaidd" ("*European Union*") yw tiriogaeth Aelod-wladwriaethau'r Undeb Ewropeaidd fel y'i cyfansoddir o bryd i'w gilydd;

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

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

(2) Yn y Rheoliadau hyn mae person yn "fyfyriwr blwyddyn i ffwrdd 2006" ("*2006 gap-year student*") mewn perthynas â chwrs a ddarparwyd gan neu ar ran sefydliad a ariannwyd yn gyhoeddus ar 1 Awst 2005 os yw'r person yn bodloni'r amodau ym mharagraffau (3) neu (5).

(3) Yr amodau y cyfeirir atynt ym mharagraff (2) yw–

(a) bod y person, ar neu cyn 1 Awst 2005 wedi cael cynnig o le, pa un ai'n amodol ar ennill cymwysterau penodedig ai peidio, ar y cwrs presennol neu gwrs tebyg; a

(b) bod blwyddyn academaidd gyntaf y cwrs presennol wedi dechrau ar neu ar ôl 1 Medi 2006 ond cyn 1 Medi 2007.

(4) Ym mharagraff (3) mae cwrs ("y cwrs gwreiddiol") yn debyg i'r cwrs presennol–

(a) os yw'n ymddangos i awdurdod academaidd y sefydliad sy'n darparu'r cwrs presennol fod cynnwys y cwrs, yn gyfan gwbl neu'n rhannol, yr un fath â chynnwys y cwrs gwreiddiol, a

(b) ac eithrio pan nad yw'r cwrs gwreiddiol yn cael ei ddarparu mwyach, os yw'r cwrs presennol yn cael ei ddarparu gan y sefydliad a fyddai wedi darparu'r cwrs gwreiddiol.

(5) Yr amodau y cyfeirir atynt ym mharagraff (2) yw–

(a) bod y person wedi cael cynnig lle ar gwrs dynodedig (pa un ai yn yr un sefydliad â'r cwrs presennol ai peidio) y mae blwyddyn academaidd gyntaf y cwrs hwnnw wedi dechrau cyn 1 Medi 2006;

(b) na allai'r person dderbyn y cynnig oherwydd na ddyfarnwyd i'r person gymhwyster penodedig neu safon benodedig;

(2) In these Regulations a person is a "2006 gap year student" ("*myfyriwr blwyddyn i ffwrdd 2006*") in relation to a course provided by or on behalf of an institution that was publicly funded as at 1 August 2005 if the person meets the conditions in paragraphs (3) or (5).

(3) The conditions referred to in paragraph (2) are–

(a) the person had on or before 1 August 2005 received an offer, whether conditional on obtaining specified qualifications or not, of a place on the present course or a similar course; and

(b) the first academic year of the present course started on or after 1 September 2006 but before 1 September 2007.

(4) In paragraph (3), a course ("the original course") is similar to the present course if–

(a) it appears to the academic authority of the institution providing the present course that the subject-matter of the course is in whole or in part the same as the subject-matter of the original course; and

(b) except where the original course is no longer being provided, the present course is provided by the institution which was to have provided the original course.

(5) The conditions referred to in paragraph (2) are–

(a) the person had received an offer of a place on a designated course (whether or not at the same institution as the present course) the first academic year of which began before 1 September 2006;

(b) the person was unable to take up the offer because a specified qualification or grade was not awarded to the person;

(**1**) O.S. 2009/2737 (Cy.235).

(c) bod y person wedi apelio yn erbyn y penderfyniad i beidio â dyfarnu'r cymhwyster neu'r safon i'r person;

(ch) bod yr apêl wedi'i chaniatáu ar ôl y dyddiad diwethaf y gallai'r person fod wedi derbyn y cynnig;

(d) o ganlyniad, bod y person wedi cael cynnig lle ar y cwrs presennol; ac

(dd) bod blwyddyn academaidd gyntaf y cwrs presennol wedi dechrau ar neu ar ôl 1 Medi 2006 ond cyn 1 Medi 2007.

(6) Yn y Rheoliadau hyn–

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

(i) os nad yw'n gwrs ar gyfer hyfforddiant cychwynnol athrawon, nac yn flwyddyn academaidd o gwrs dynodedig sy'n flwyddyn Erasmus;

(ii) os yw'n cynnwys cyfnodau o astudio amser-llawn mewn sefydliad am yn ail â chyfnodau o brofiad gwaith; a

(iii) gan gymryd y cwrs yn ei gyfanrwydd, os yw'r myfyriwr yn bresennol ar y cyfnodau o astudio amser-llawn am nid llai na 18 wythnos ym mhob blwyddyn ar gyfartaledd;

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

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

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

(8) Os yw statws y myfyriwr fel myfyriwr cymwys wedi'i drosglwyddo i'r cwrs presennol o ganlyniad i un neu fwy nag un trosglwyddiad o'r statws hwnnw gan Weinidogion Cymru oddi ar gwrs (y "cwrs cychwynnol") y penderfynodd Gweinidogion Cymru mewn cysylltiad ag ef fod y myfyriwr yn fyfyriwr cymwys yn unol â rheoliadau a wnaed ganddynt o dan adran 22 o Ddeddf 1998, y cwrs cychwynnol yw'r cwrs dynodedig a bennir.

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

(c) the person appealed against the decision not to award the person the qualification or grade;

(d) the appeal was allowed after the last date on which the person could have taken up the offer;

(e) as a result, the person was offered a place on the present course; and

(f) the first academic year of the present course began on or after 1 September 2006 but before 1 September 2007.

(6) In these Regulations–

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

(i) it is not a course for the initial training of teachers or an academic year of a designated course that is an Erasmus year;

(ii) it consists of alternate periods of full-time study in an institution and periods of work experience; and

(iii) taking the course as a whole, the student attends the periods of full-time study for an average of not less than 18 weeks in each year;

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

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

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

(8) Where the student's status as an eligible student has been transferred to the present course as a result of one or more transfers of that status by the Welsh Ministers from a course (the "initial course") in connection with which the Welsh Ministers determined the student to be an eligible student pursuant to regulations made by them under section 22 of the 1998 Act, the specified designated course is the initial course.

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

cwrs blaenorol ei hun yn gwrs penben mewn perthynas ag ef.

(10) Yn y Rheoliadau hyn, mae'r ymadrodd "myfyriwr sydd â hawl i gael grant newydd at ffioedd" ("*student who qualifies for a new fee grant*") mewn perthynas â chwrs dynodedig ac mae unrhyw gyfeiriad at fyfyriwr nad oes ganddo hawl i gael grant newydd at ffioedd, i'w dehongli yn unol â rheoliad 19.

(11) Yn y Rheoliadau hyn, mae i'r ymadrodd "cwrs dynodedig cymhwysol" ("*qualifying designated course*"), mewn perthynas â myfyriwr sydd â hawl i gael grant newydd at ffioedd, yr ystyr a roddir iddo gan reoliad 19.

(12) Yn y Rheoliadau hyn, mae person yn "fyfyriwr blwyddyn i ffwrdd 2010" ("*2010 gap year student*") mewn perthynas â chwrs a ddarperir gan neu ar ran sefydliad a ariennid yn gyhoeddus ar 1 Awst 2009 os yw'r person hwnnw'n bodloni'r amodau ym mharagraffau (13) neu (15).

(13) Yr amodau y cyfeirir atynt ym mharagraff (12) yw–

(a) bod y person wedi cael cynnig lle, pa un ai'n amodol ai peidio, ar 1 Awst 2009 neu cyn hynny, ar y cwrs presennol neu gwrs tebyg; a

(b) bod blwyddyn academaidd gyntaf y cwrs presennol yn dechrau ar neu ar ôl 1 Medi 2010 ond cyn 1 Medi 2011.

(14) Ym mharagraff (13), mae cwrs ("y cwrs gwreiddiol") yn debyg i'r cwrs presennol–

(a) pan yw'n ymddangos i awdurdod academaidd y sefydliad sy'n darparu'r cwrs presennol mai yr un, yn gyfan gwbl neu'n rhannol, yw cynnwys y cwrs a chynnwys y cwrs gwreiddiol; a

(b) ac eithrio pan na ddarperir y cwrs gwreiddiol mwyach, pan yw'r cwrs presennol yn cael ei ddarparu gan y sefydliad a fyddai wedi darparu'r cwrs gwreiddiol.

(15) Yr amodau y cyfeirir atynt ym mharagraff (12) yw–

(a) bod y person wedi cael cynnig lle ar gwrs dynodedig (pa un ai yn yr un sefydliad â'r cwrs presennol ai peidio) a bod blwyddyn academaidd gyntaf y cwrs hwnnw wedi dechrau cyn 1 Medi 2010;

(b) na allai'r person dderbyn y cynnig oherwydd na ddyfarnwyd i'r person gymhwyster penodedig neu safon benodedig;

(c) bod y person wedi apelio yn erbyn y penderfyniad i beidio â dyfarnu'r cymhwyster neu'r safon i'r person;

(ch) bod yr apêl wedi'i chaniatáu ar ôl y dyddiad diwethaf y gallai'r person fod wedi derbyn y cynnig;

is the course in relation to which the preceding course is an end-on course.

(10) In these Regulations, the expression "student who qualifies for a new fee grant" ("*myfyriwr sydd â hawl i gael grant newydd at ffioedd*"), in relation to a qualifying designated course, and any reference to a student who does not qualify for a new fee grant are to be construed in accordance with regulation 19.

(11) In these Regulations, the expression "qualifying designated course" ("*cwrs dynodedig cymhwysol*"), in relation to a student who qualifies for a new fee grant, has the meaning given to it by regulation 19.

(12) In these Regulations, a person is a "2010 gap year student" ("*myfyriwr blwyddyn i ffwrdd 2010*") in relation to a course provided by or on behalf of an institution that was publicly funded as at 1 August 2009 if the person meets the conditions in paragraphs (13) or (15).

(13) The conditions referred to in paragraph (12) are–

(a) the person had on or before 1 August 2009 received an offer, whether conditional or not, of a place on the present course or a similar course; and

(b) the first academic year of the present course started on or after 1 September 2010 but before 1 September 2011.

(14) In paragraph (13), a course ("the original course") is similar to the present course if–

(a) it appears to the academic authority of the institution providing the present course that the subject-matter of the course is in whole or in part the same as the subject-matter of the original course; and

(b) except where the original course is no longer being provided, the present course is provided by the institution which was to have provided the original course.

(15) The conditions referred to in paragraph (12) are–

(a) the person had received an offer of a place on a designated course (whether or not at the same institution as the present course) the first academic year of which began before 1 September 2010;

(b) the person was unable to take up the offer because a specified qualification or grade was not awarded to the person;

(c) the person appealed against the decision not to award the person the qualification or grade;

(d) the appeal was allowed after the last date on which the person could have taken up the offer;

(d) o ganlyniad, bod y person wedi cael cynnig lle ar y cwrs presennol; ac

(dd) bod blwyddyn academaidd gyntaf y cwrs presennol wedi dechrau ar neu ar ôl 1 Medi 2010 ond cyn 1 Medi 2011.

(16) Yn y Rheoliadau hyn, mae person yn "fyfyriwr blwyddyn i ffwrdd 2011" ("*2011 gap year student*") mewn perthynas â chwrs a ddarparwyd gan neu ar ran sefydliad a ariannwyd yn gyhoeddus ar 1 Awst 2010 os yw'r person hwnnw'n bodloni'r amodau ym mharagraffau (17) neu (19).

(17) Yr amodau y cyfeirir atynt ym mharagraff (16) yw–

(a) bod y person wedi cael cynnig lle, pa un ai'n amodol ai peidio, ar 1 Awst 2010 neu cyn hynny, ar y cwrs presennol neu gwrs tebyg; a

(b) bod blwyddyn academaidd gyntaf y cwrs presennol yn dechrau ar neu ar ôl 1 Medi 2011 ond cyn 1 Medi 2012.

(18) Ym mharagraff (17), mae cwrs ("y cwrs gwreiddiol") yn debyg i'r cwrs presennol–

(a) pan yw'n ymddangos i awdurdod academaidd y sefydliad sy'n darparu'r cwrs presennol mai yr un, yn gyfan gwbl neu'n rhannol, yw cynnwys y cwrs a chynnwys y cwrs gwreiddiol; a

(b) ac eithrio pan na ddarperir y cwrs gwreiddiol mwyach, pan yw'r cwrs presennol yn cael ei ddarparu gan y sefydliad a fyddai wedi darparu'r cwrs gwreiddiol.

(19) Yr amodau y cyfeirir atynt ym mharagraff (16) yw–

(a) bod y person wedi cael cynnig lle ar gwrs dynodedig (pa un ai yn yr un sefydliad â'r cwrs presennol ai peidio) a bod blwyddyn academaidd gyntaf y cwrs hwnnw wedi dechrau cyn 1 Medi 2011;

(b) na allai'r person dderbyn y cynnig oherwydd na ddyfarnwyd i'r person gymhwyster penodedig neu safon benodedig;

(c) bod y person wedi apelio yn erbyn y penderfyniad i beidio â dyfarnu'r cymhwyster neu'r safon i'r person;

(ch) bod yr apêl wedi'i chaniatáu ar ôl y dyddiad diwethaf y gallai'r person fod wedi derbyn y cynnig;

(d) o ganlyniad, bod y person wedi cael cynnig lle ar y cwrs presennol; ac

(dd) bod blwyddyn academaidd gyntaf y cwrs presennol wedi dechrau ar neu ar ôl 1 Medi 2011 ond cyn 1 Medi 2012.

(20) At ddibenion y Rheoliadau hyn–

(a) rhaid trin myfyriwr blwyddyn i ffwrdd 2011 fel

(e) as a result, the person was offered a place on the present course; and

(f) the first academic year of the present course began on or after 1 September 2010 but before 1 September 2011.

(16) In these Regulations, a person is a "2011 gap year student" ("*myfyriwr blwyddyn i ffwrdd 2011*") in relation to a course provided by or on behalf of an institution that was publicly funded as at 1 August 2010 if that person meets the conditions in paragraphs (17) or (19).

(17) The conditions referred to in paragraph (16) are–

(a) the person had on or before 1 August 2010 received an offer, whether conditional or not, of a place on the present course or a similar course; and

(b) the first academic year of the present course started on or after 1 September 2011 but before 1 September 2012.

(18) In paragraph (17), a course ("the original course") is similar to the present course if–

(a) it appears to the academic authority of the institution providing the present course that the subject-matter of the course is in whole or in part the same as the subject-matter of the original course; and

(b) except where the original course is no longer being provided, the present course is provided by the institution which was to have provided the original course.

(19) The conditions referred to in paragraph (16) are–

(a) the person had received an offer of a place on a designated course (whether or not at the same institution as the present course) the first academic year of which began before 1 September 2011;

(b) the person was unable to take up the offer because a specified qualification or grade was not awarded to the person;

(c) the person appealed against the decision not to award the person the qualification or grade;

(d) the appeal was allowed after the last date on which the person could have taken up the offer;

(e) as a result, the person was offered a place on the present course; and

(f) the first academic year of the present course began on or after 1 September 2011 but before 1 September 2012.

(20) For the purposes of these Regulations–

(a) a 2011 gap year student is to be treated as a

myfyriwr carfan 2010;

(b) yn ddarostyngedig i baragraff (21), pan fo myfyriwr cymwys yn cychwyn ar y cwrs presennol ar neu ar ôl 1 Medi 2011 a'r cwrs hwnnw'n gwrs penben sy'n dilyn ar ôl cwrs dynodedig ("y cwrs blaenorol") y cychwynnodd y myfyriwr arno ar neu ar ôl 1 Medi 2010 a chyn 1 Medi 2011, rhaid trin y myfyriwr fel myfyriwr carfan 2010; ac

(c) yn ddarostyngedig i baragraff (21), pan fo myfyriwr cymwys yn cychwyn ar y cwrs presennol ar neu ar ôl 1 Medi 2011 ac y trosglwyddwyd ei statws fel myfyriwr cymwys i'r cwrs hwnnw o ganlyniad i un neu ragor o drosglwyddiadau o'r statws hwnnw gan Weinidogion Cymru yn unol â rheoliadau a wnaed o dan adran 22 o Ddeddf 1998, o gwrs dynodedig ("y cwrs blaenorol") y cychwynnodd y myfyriwr arno ar neu ar ôl 1 Medi 2010 a chyn 1 Medi 2011, rhaid trin y myfyriwr fel myfyriwr carfan 2010.

(21) Rhaid peidio â thrin y myfyriwr cymwys y cyfeirir ato yn is-baragraffau (a) a (b) o baragraff (20) fel myfyriwr carfan 2010 os yw'r myfyriwr, mewn perthynas â'r cwrs blaenorol, yn fyfyriwr blwyddyn i ffwrdd 2010.

Dirymu, arbedion a darpariaethau trosiannol

3.–(1) Yn ddarostyngedig i baragraff (9), dirymir Rheoliadau 2009 mewn perthynas â Chymru ar 1 Medi 2011.

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

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

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

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

(6) Mae Rheoliadau 2007 yn parhau'n gymwys i ddarparu cymorth i fyfyrwyr mewn perthynas â blwyddyn academaidd a ddechreuodd ar neu ar ôl 1 Medi 2007 ond cyn 1 Medi 2008.

(7) Mae Rheoliadau 2008 yn parhau'n gymwys i ddarparu cymorth i fyfyrwyr mewn perthynas â blwyddyn academaidd a ddechreuodd ar neu ar ôl 1 Medi 2008 ond cyn 1 Medi 2009.

2010 cohort student;

(b) subject to paragraph (21), where an eligible student starts the present course on or after 1 September 2011 and that course is an end-on course following on from a designated course ("the earlier course") which the student started on or after 1 September 2010 and before 1 September 2011, the student is to be treated as a 2010 cohort student; and

(c) subject to paragraph (21), where an eligible student starts the present course on or after 1 September 2011 and whose status as an eligible student transferred to that course as a result of one or more transfers of that status by the Welsh Ministers pursuant to regulations made under section 22 of the 1998 Act from a designated course ("the earlier course") which the student started on or after 1 September 2010 and before 1 September 2011, the student is to be treated as a 2010 cohort student.

(21) The eligible student referred to in sub-paragraphs (a) and (b) of paragraph (20) is not to be treated as a 2010 cohort student if, in relation to the earlier course, the student is a 2010 gap year student.

Revocation, savings and transitional provisions

3.–(1) Subject to paragraph (9), the 2009 Regulations are revoked in relation to Wales on 1 September 2011.

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

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

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

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

(6) The 2007 Regulations continue to apply to the provision of support to students in relation to an academic year which began on or after 1 September 2007 but before 1 September 2008.

(7) The 2008 Regulations continue to apply to the provision of support to students in relation to an academic year which began on or after 1 September 2008 but before 1 September 2009.

(8) Mae Rheoliadau (Rhif 2) 2008 yn parhau'n gymwys i ddarparu cymorth i fyfyrwyr mewn perthynas â blwyddyn academaidd a ddechreuodd ar neu ar ôl 1 Medi 2009 ond cyn 1 Medi 2010.

(9) Mae Rheoliadau 2009 yn parhau'n gymwys i ddarparu cymorth i fyfyrwyr mewn perthynas â blwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Medi 2010 ond cyn 1 Medi 2011.

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

(a) Gweinidogion Cymru, yn achos swyddogaeth y cyfeirir ati yn adran 44(1) o Ddeddf Addysg Uwch 2004(**1**); neu

(b) Gweinidogion Cymru neu'r Ysgrifennydd Gwladol, yn achos swyddogaeth y cyfeirir ati yn adran 44(2) o Ddeddf Addysg Uwch 2004.

(11) Mae'r Rheoliadau hyn, ac eithrio Rhan 14, yn gymwys mewn perthynas â darparu cymorth i fyfyrwyr mewn perthynas â blwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Medi 2011 pa un a wneir unrhyw beth a wneir o dan y Rheoliadau hyn cyn, ar neu ar ôl 1 Medi 2011.

(12) Pan fo person–

(a) yn bresennol ar gwrs y rhoddwyd dyfarniad trosiannol iddo mewn perthynas ag ef; neu

(b) heb gael dyfarniad o dan Ddeddf 1962 mewn perthynas â phresenoldeb y person hwnnw ar gwrs, ond y byddai dyfarniad trosiannol wedi'i roi pe bai'r person wedi gwneud cais am ddyfarniad o dan Ddeddf 1962 a phe na bai adnoddau'r person wedi bod yn fwy na'i anghenion,

rhaid trin y person hwnnw fel myfyriwr cymwys o dan yr hen drefn at ddibenion Rhannau 4 a 5 o'r Rheoliadau hyn, mewn cysylltiad â'r cwrs hwnnw neu mewn cysylltiad ag unrhyw gwrs dilynol y byddai'r dyfarniad (a roddwyd neu y byddid wedi ei roi) wedi'i drosglwyddo iddo pe bai dyfarniadau trosiannol yn darparu ar gyfer taliadau ar ôl blwyddyn gyntaf y cwrs, er gwaethaf unrhyw ddarpariaeth arall yn y Rheoliadau hyn.

(13) Oni bai bod paragraff (14) yn gymwys i'r person y cyfeirir ato ym mharagraff (12), bydd hawl gan y person hwnnw i gael cymorth ar ffurf benthyciad at gostau byw o dan Ran 6 o'r Rheoliadau hyn os yw'r person hwnnw–

(a) yn fyfyriwr cymwys o dan y Rheoliadau hyn; a

(b) yn bodloni amodau'r hawl i gael cymorth o dan y Rhan honno.

(**1**) 2004 p.8.

(8) The 2008 (No. 2) Regulations continue to apply to the provision of support to students in relation to an academic year which began on or after 1 September 2009 but before 1 September 2010.

(9) The 2009 Regulations continue to apply to the provision of support to students in relation to an academic year which begins on or after 1 September 2010 but before 1 September 2011.

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

(a) the Welsh Ministers, in the case of a function referred to in section 44(1) of the Higher Education Act 2004(**1**); or

(b) the Welsh Ministers or the Secretary of State, in the case of a function referred to in section 44(2) of the Higher Education Act 2004.

(11) These Regulations, except Part 14, apply in relation to the provision of support to students in respect of an academic year which begins on or after 1 September 2011 whether anything done under these Regulations is done before, on or after 1 September 2011.

(12) Where a person–

(a) attends a course in respect of which a transitional award was made; or

(b) received no award under the 1962 Act in respect of that person's attendance on a course but a transitional award would have been made had the person applied for an award under the 1962 Act and the person's resources had not exceeded the person's requirements,

that person is to be treated as an old system eligible student for the purposes of Parts 4 and 5 of these Regulations in connection with that course or in connection with any subsequent course to which the award (either made or which would have been made) would have transferred if transitional awards provided for payments after the first year of the course, despite any other provision in these Regulations.

(13) Unless paragraph (14) applies to the person referred to in paragraph (12), that person qualifies for support by way of loan for living costs under Part 6 of these Regulations if that person–

(a) is an eligible student under these Regulations; and

(b) satisfies the qualifying conditions for support under that Part.

(**1**) 2004 c.8.

(14) Os cafodd person fenthyciad, neu os oedd person yn gymwys i gael benthyciad o ran blwyddyn academaidd cwrs o dan Reoliadau 1998 rhaid trin y person hwnnw fel myfyriwr cymwys o dan yr hen drefn at ddibenion Rhan 6 o'r Rheoliadau hyn mewn cysylltiad ag–

(a) y cwrs hwnnw; neu

(b) unrhyw gwrs dynodedig dilynol (gan anwybyddu unrhyw wyliau yn y cyfamser) y mae'r person yn cychwyn arno, yn union ar ôl terfynu'r cwrs hwnnw,

er gwaethaf unrhyw ddarpariaethau eraill yn y Rheoliadau hyn.

(15) Oni bai bod paragraff (12) yn gymwys i'r person y cyfeirir ato ym mharagraff (14), bydd hawl gan y person hwnnw i gael cymorth o dan Rannau 4 a 5 o'r Rheoliadau hyn os yw'r person hwnnw–

(a) yn fyfyriwr cymwys o dan y Rheoliadau hyn; a

(b) yn bodloni'r amodau hawl perthnasol i gael cymorth o dan y Rhannau hynny.

(14) Where a person received or was eligible to receive a loan in relation to an academic year of a course under the 1998 Regulations, that person is to be treated as an old system eligible student for the purposes of Part 6 of these Regulations in connection with–

(a) that course; or

(b) any subsequent designated course which (disregarding any intervening vacation) the person begins immediately after ceasing that course,

despite any other provisions in these Regulations.

(15) Unless paragraph (12) applies to the person referred to in paragraph (14), that person qualifies for support under Parts 4 and 5 of these Regulations if that person–

(a) is an eligible student under these Regulations; and

(b) satisfies the relevant qualifying conditions under those Parts.

RHAN 2

CYMHWYSTRA

Myfyrwyr cymwys

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

(2) Yn ddarostyngedig i baragraff (7), mae person yn fyfyriwr cymwys mewn cysylltiad â chwrs dynodedig–

(a) os yw Gweinidogion Cymru, wrth asesu cais y person am gymorth o dan reoliad 9, yn penderfynu ei fod yn dod o fewn un o'r categorïau a nodir yn Rhan 2 o Atodlen 1; a

(b) os nad yw'r person wedi'i hepgor gan baragraff (3).

(3) Yn ddarostyngedig i baragraff (7), ni fydd person ("A" yn y paragraff hwn) yn fyfyriwr cymwys–

(a) os oes hen ddyfarniad wedi'i roi i A mewn perthynas â phresenoldeb A ar y cwrs;

(b) os yw A yn gymwys i gael benthyciad mewn perthynas â blwyddyn academaidd ar y cwrs o dan Ddeddf Addysg (Benthyciadau i Fyfyrwyr) 1990 neu Orchymyn Addysg (Benthyciadau i Fyfyrwyr) (Gogledd Iwerddon) 1990;

(c) os rhoddwyd i A, neu os talwyd i A, mewn perthynas â'i bresenoldeb ar y cwrs–

PART 2

ELIGIBILITY

Eligible students

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

(2) Subject to paragraph (7), a person is an eligible student in connection with a designated course if–

(a) in assessing the person's application for support under regulation 9 the Welsh Ministers determine that the person falls within one of the categories set out in Part 2 of Schedule 1; and

(b) the person is not excluded by paragraph (3).

(3) Subject to paragraph (7), a person ("A" in this paragraph) is not an eligible student if–

(a) an old award has been bestowed on A in respect of A's attendance on the course;

(b) A is eligible for a loan in relation to an academic year of the course under the Education (Student Loans) Act 1990 or the Education (Student Loans) (Northern Ireland) Order 1990;

(c) there has been bestowed on, or paid to, A in relation to A's attendance on the course–

(i) bwrsari gofal iechyd nas cyfrifir ei swm drwy gyfeirio at incwm A; neu

(ii) unrhyw lwfans o dan Reoliadau Lwfansau Myfyrwyr Nyrsio a Bydwreigiaeth (Yr Alban) 2007(**1**);

(ch) os yw A wedi torri unrhyw rwymedigaeth i ad-dalu unrhyw fenthyciad;

(d) os yw A wedi cyrraedd ei 18 oed ac nad yw wedi dilysu unrhyw gytundeb ynglŷn â benthyciad a wnaed ag A pan oedd A o dan 18 oed; neu

(dd) os yw A, ym marn Gweinidogion Cymru, wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth o dan y Rheoliadau hyn.

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

(5) Mewn achos pan fo'r cytundeb ynglŷn â benthyciad yn ddarostyngedig i gyfraith yr Alban, ni fydd paragraff 3(d) yn gymwys ac eithrio pan fo'r cytundeb wedi ei wneud–

(a) cyn 25 Medi 1991, a

(b) gyda chydsyniad curadur y benthyciwr neu ar adeg pan nad oedd gan y benthyciwr guradur.

(6) Nid oes gan fyfyriwr cymwys, y mae blwyddyn academaidd gyntaf y cwrs dynodedig a bennwyd mewn perthynas ag ef yn dechrau ar neu ar ôl 1 Medi 2000 hawl, ar unrhyw un adeg, i gael cymorth o dan y Rheoliadau hyn–

(a) at fwy nag un cwrs dynodedig;

(b) at gwrs dynodedig a chwrs rhan-amser dynodedig;

(c) at gwrs dynodedig a chwrs ôl-radd dynodedig;

(ch) at gwrs dynodedig a chwrs dysgu o bell dynodedig.

(7) Yn ddarostyngedig i baragraffau (9) i (11), os yw person yn bodloni'r amodau ym mharagraff (8)(a), (b) neu (c)–

(a) nid yw paragraffau (2) a (3) yn gymwys i'r person; a

(b) mae'r person yn fyfyriwr cymwys at ddibenion y Rheoliadau hyn.

(8) Yr amodau y cyfeirir atynt ym mharagraff (7) yw–

(a) bod–

(i) y person wedi ymgymhwyso fel myfyriwr cymwys mewn cysylltiad â blwyddyn academaidd gynharach o'r cwrs presennol

(**1**) O.S.A. 2007/151 fel y'i diwygiwyd gan O.S.A. 2007/503, O.S.A 2008/206, O.S.A. 2009/188 ac O.S.A. 2009/309.

(i) a healthcare bursary the amount of which is not calculated by reference to A's income; or

(ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007(**1**);

(d) A is in breach of any obligation to repay any loan;

(e) A has reached the age of 18 and has not ratified any agreement for a loan made with A when A was under the age of 18; or

(f) A has, in the opinion of the Welsh Ministers, shown by A's conduct that A is unfitted to receive support under these Regulations.

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

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

(a) before 25 September 1991, and

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

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

(a) more than one designated course;

(b) a designated course and a designated part-time course;

(c) a designated course and a designated postgraduate course;

(d) a designated course and a designated distance learning course.

(7) Subject to paragraphs (9) to (11), if a person satisfies the conditions in paragraph (8)(a),(b) or (c)–

(a) paragraphs (2) and (3) do not apply to the person; and

(b) the person is an eligible student for the purposes of these Regulations.

(8) The conditions referred to in paragraph (7) are–

(a) the–

(i) person qualified as an eligible student in connection with an earlier academic year of the present course pursuant to

(**1**) S.S.I. 2007/151, as amended by S.S.I. 2007/503, S.S.I. 2008/206, S.S.I 2009/188 and S.S.I. 2009/309.

yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998;

(ii) y person yn preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs presennol; a

(iii) statws y person heb ei derfynu.

(b) bod–

(i) y cwrs presennol yn gwrs penben (ac eithrio un o'r math y cyfeirir ato ym mharagraff (c) o'r diffiniad o "gwrs penben" yn rheoliad 2) y mae'r person yn cychwyn arno ar neu ar ôl 1 Medi 2006;

(ii) y person wedi ymgymhwyso fel myfyriwr cymwys mewn cysylltiad â'r cwrs y mae'r cwrs presennol yn gwrs penben mewn perthynas ag ef;

(iii) y cyfnod cymhwystra mewn perthynas â'r cwrs yn is-baragraff (b)(ii) wedi dod i ben oherwydd, yn unig, bod y myfyriwr wedi cwblhau'r cwrs; a

(iv) y person yn preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs yn is-baragraff (b)(ii);

(c) bod–

(i) Gweinidogion Cymru wedi penderfynu o'r blaen bod y person–

(aa) yn fyfyriwr rhan-amser cymwys mewn cysylltiad â chwrs rhan-amser dynodedig;

(bb) yn fyfyriwr cymwys mewn cysylltiad â chwrs dynodedig ac eithrio'r cwrs presennol; neu

(cc) yn fyfyriwr dysgu o bell cymwys mewn cysylltiad â chwrs dysgu o bell dynodedig;

(ii) statws y person fel myfyriwr rhan-amser cymwys, myfyriwr dysgu o bell cymwys neu fel myfyriwr cymwys mewn cysylltiad â'r cwrs yn is-baragraff (c)(i) 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 Ddeddf 1998;

(iii) y person yn preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs y cyfeirir ato yn is-baragraff (c)(i); a

(iv) statws y person fel myfyriwr cymwys heb ei derfynu.

(9) Os bydd–

(a) Gweinidogion Cymru wedi penderfynu bod

regulations made by the Welsh Ministers under section 22 of the 1998 Act;

(ii) person was ordinarily resident in Wales on the first day of the first academic year of the present course; and

(iii) person's status has not terminated.

(b) the–

(i) present course is an end-on course (other than one of the kind referred to in paragraph (c) of the definition of "end-on course" in regulation 2) which the person is starting on or after 1 September 2006;

(ii) person qualified as an eligible student in connection with the course in relation to which the present course is an end-on course;

(iii) period of eligibility in respect of the course in sub-paragraph (b)(ii) only ceased on the grounds that the student had completed the course; and

(iv) person was ordinarily resident in Wales on the first day of the first academic year of the course in sub-paragraph (b)(ii);

(c) the–

(i) Welsh Ministers have previously determined that the person is an eligible–

(aa) part-time student in connection with a designated part-time course;

(bb) student in connection with a designated course other than the present course; or

(cc) distance learning student in connection with a designated distance learning course;

(ii) person's status as an eligible part-time student, an eligible distance learning student or as an eligible student in connection with the course in sub-paragraph (c)(i) has been converted or transferred from that course to the present course as a result of one or more conversions or transfers in accordance with regulations made by the Welsh Ministers under section 22 of the 1998 Act;

(iii) person was ordinarily resident in Wales on the first day of the first academic year of the course referred to in sub-paragraph (c)(i); and

(iv) person's status as an eligible student has not terminated.

(9) Where–

(a) the Welsh Ministers have determined that, by

person ("A" yn y paragraff hwn), yn rhinwedd bod yn ffoadur neu fod yn briod, yn bartner sifil, yn blentyn neu'n llysblentyn i ffoadur–

(i) yn fyfyriwr cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynt 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'n gais am gymorth mewn cysylltiad â chwrs rhan-amser dynodedig, cwrs dysgu o bell dynodedig neu gwrs dynodedig arall y mae statws A fel myfyriwr rhan-amser cymwys, neu fyfyriwr dysgu o bell cymwys neu fyfyriwr cymwys wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs presennol; neu

(ii) yn fyfyriwr cymhwysol mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o'r cwrs cymhwysol neu o gwrs cymhwysol arall y mae statws A fel myfyriwr cymhwysol wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs cymhwysol y mae'r myfyriwr yn gwneud cais am gymorth mewn perthynas ag ef; a

(b) ar y diwrnod cyn diwrnod dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, statws ffoadur A neu ei briod, ei bartner sifil, ei riant (fel y'i diffinnir yn Rhan 1 o Atodlen 1) neu ei lys-riant, yn ôl fel y digwydd, wedi dod i ben ac nad oes unrhyw hawl bellach i aros wedi'i rhoi ac nad oes unrhyw apêl yn yr arfaeth (o fewn ystyr adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002),

bydd statws A fel myfyriwr cymwys neu fyfyriwr cymhwysol yn terfynu yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi.

(10) Os bydd–

(a) Gweinidogion Cymru wedi penderfynu bod person ("A" yn y paragraff hwn), yn rhinwedd bod yn berson sydd â chaniatâd i ddod i mewn neu i aros neu yn rhinwedd bod yn briod, yn bartner sifil, yn blentyn neu'n llysblentyn i'r cyfryw berson–

(i) yn fyfyriwr cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynt 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'n gais am gymorth mewn cysylltiad â chwrs rhan-amser dynodedig, cwrs dysgu o bell dynodedig neu gwrs dynodedig arall y mae statws A fel myfyriwr rhan-amser cymwys, neu fyfyriwr dysgu o bell cymwys neu fyfyriwr cymwys wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs presennol; neu

virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person ("A" in this paragraph) 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, a designated distance learning course or other designated course from which A's status as an eligible part-time student, an eligible distance learning student or an 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 A's status as a qualifying student has been transferred to the qualifying course in respect of which the student is applying for support; and

(b) as at the day before the academic year in respect of which A is applying for support starts, the refugee status of A or of A's spouse, civil partner, parent (as defined in Part 1 of Schedule 1) 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 A is applying for support.

(10) Where–

(a) the Welsh Ministers have 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" in this paragraph) 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 A's status as an eligible part-time student, eligible distance learning student or eligible student has been transferred to the present course; or

(ii) yn fyfyriwr cymhwysol mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynt o'r cwrs cymhwysol neu o gwrs cymhwysol arall y mae statws A fel myfyriwr cymhwysol wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs cymhwysol y mae'r myfyriwr yn gwneud cais am gymorth mewn perthynas ag ef; a

(b) ar y diwrnod cyn dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, y cyfnod a ganiateir i'r person sydd â chaniatâd i ddod i mewn neu i aros yn y Deyrnas Unedig wedi terfynu ac nad oes unrhyw hawl bellach i aros wedi'i rhoi ac nad oes unrhyw apêl yn yr arfaeth (o fewn ystyr adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002),

bydd statws A fel myfyriwr cymwys neu fyfyriwr cymhwysol yn terfynu yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi.

(11) Nid yw paragraffau (9) a (10) yn gymwys pan fo'r myfyriwr wedi cychwyn ar y cwrs y penderfynodd Gweinidogion Cymru, mewn cysylltiad â'r cwrs hwnnw, bod A yn fyfyriwr rhan-amser cymwys, yn fyfyriwr cymwys neu'n fyfyriwr cymhwysol, yn ôl fel y digwydd, cyn 1 Medi 2007.

Cyrsiau dynodedig

5.–(1) Yn ddarostyngedig i baragraff (2), (3) a (4) mae cwrs yn gwrs dynodedig at ddibenion adran 22(1) o Ddeddf 1998 a rheoliad 4–

(a) os yw wedi ei restru yn Atodlen 2;

(b) os yw'n un o'r canlynol–

(i) cwrs amser-llawn;

(ii) cwrs rhyngosod; neu

(iii) cwrs ar gyfer hyfforddiant cychwynnol athrawon–

(aa) a ddechreuodd cyn 1 Medi 2010;

(bb) sy'n dechrau ar neu ar ôl 1 Medi 2010 a'r myfyriwr yn trosglwyddo i'r cwrs presennol yn unol â rheoliad 8 o gwrs ar gyfer hyfforddiant cychwynnol athrawon a ddechreuodd cyn 1 Medi 2010; neu

(cc) sy'n dechrau ar neu ar ôl 1 Medi 2010 ond cyn 1 Medi 2011 a'r myfyriwr yn fyfyriwr blwyddyn i ffwrdd 2010 mewn perthynas â'r cwrs;

(c) os nad yw'n gwrs dysgu o bell dynodedig;

(ch) os yw o leiaf–

(i) yn parhau am un flwyddyn academaidd; neu

(ii) yn parhau am chwe wythnos yn achos cwrs HCA ôl-radd hyblyg; a

(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 A's status as a qualifying student has been transferred to the qualifying course in respect of which the student is applying for support; and

(b) as at the day before the academic year in respect of which A is applying for support starts, the 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 A is applying for support.

(11) Paragraphs (9) and (10) do not apply where the student began the course in connection with which the Welsh Ministers determined that A was an eligible part-time student, an eligible student or a qualifying student, as the case may be, before 1 September 2007.

Designated courses

5.–(1) Subject to paragraphs (2), (3) and (4), a course is a designated course for the purposes of section 22(1) of the 1998 Act and regulation 4 if it is–

(a) listed in Schedule 2;

(b) one of the following–

(i) a full-time course;

(ii) a sandwich course; or

(iii) a course for the initial training of teachers which–

(aa) began before 1 September 2010;

(bb) begins on or after 1 September 2010 where the student transfers to the present course pursuant to regulation 8 from a course for the initial training of teachers which began before 1 September 2010; or

(cc) begins on or after 1 September 2010 but before 1 September 2011 and in relation to which the student is a 2010 gap year student;

(c) not a designated distance learning course;

(d) of at least–

(i) one academic year's duration; or

(ii) six weeks' duration in the case of a flexible postgraduate ITT course; and

(d) os yw'n cael ei ddarparu'n gyfan gwbl gan sefydliad addysgol yn y Deyrnas Unedig a ariennir yn gyhoeddus neu'n cael ei ddarparu gan sefydliad o'r fath ar y cyd â sefydliad y tu allan i'r Deyrnas Unedig.

(2) Nid yw cwrs, sy'n dod o fewn paragraff 7 neu 8 o Atodlen 2, yn gwrs dynodedig os yw corff llywodraethu ysgol a gynhelir wedi trefnu i ddarparu'r cwrs hwnnw i un o ddisgyblion yr ysgol.

(3) Nid yw cwrs a gymerir fel rhan o gynllun hyfforddi athrawon sydd wedi'i seilio ar gyflogaeth yn gwrs dynodedig.

(4) Nid yw paragraff 1(c) yn gymwys os bydd y person sy'n gwneud cais am gymorth o dan reoliad 9 mewn cysylltiad â'r cwrs–

(a) yn fyfyriwr cymwys anabl; a

(b) yn ymgymryd â'r cwrs hwnnw yn y Deyrnas Unedig ond heb fod yn bresennol arno oherwydd bod y person yn analluog i fod yn bresennol am reswm sy'n ymwneud ag anabledd y person hwnnw.

(5) At ddibenion paragraff (1)–

(a) mae cwrs yn cael ei ddarparu gan sefydliad os yw'r sefydliad yn darparu'r addysgu a'r goruchwylio sy'n ffurfio'r cwrs, pa un a yw'r sefydliad wedi gwneud cytundeb gyda'r myfyriwr i ddarparu'r cwrs neu beidio;

(b) bernir bod prifysgol ac unrhyw goleg neu sefydliad cyfansoddol sydd o natur coleg prifysgol yn cael eu hariannu'n gyhoeddus os yw naill ai'r brifysgol neu'r coleg neu sefydliad cyfansoddol yn cael eu hariannu'n gyhoeddus; ac

(c) ni fernir bod sefydliad yn cael ei ariannu'n gyhoeddus ddim ond am ei fod yn cael arian o gronfeydd cyhoeddus gan gorff llywodraethu sefydliad addysg uwch yn unol ag adran 65(3A) o Ddeddf Addysg Bellach ac Uwch 1992(**1**).

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

(a) os yw'r cwrs yn arwain at ddyfarnu gradd neu gymhwyster arall cyn y radd neu'r cymhwyster cyfatebol; a

(b) os yw rhan o'r cwrs yn ddewisol.

(7) Mae paragraff (6) yn gymwys i gwrs nad yw ei safon yn uwch na gradd gyntaf ac sy'n arwain at gymhwyster fel meddyg, deintydd, milfeddyg, pensaer, pensaer tirwedd, dylunydd tirwedd, rheolwr tirwedd, cynllunydd tref neu gynllunydd gwlad a thref.

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

(e) wholly provided by a publicly funded educational institution in the United Kingdom or provided by such an institution in conjunction with an institution outside the United Kingdom.

(2) A course falling within paragraph 7 or 8 of Schedule 2 is not a designated course where the governing body of a maintained school has arranged for the provision of such a course to a pupil of the school.

(3) A course that is taken as part of an employment-based teacher training scheme is not a designated course.

(4) Paragraph 1(c) does not apply where the person applying for support under regulation 9 in connection with the course is–

(a) a disabled eligible student; and

(b) undertaking that course in the United Kingdom but not in attendance because the person is unable to attend for a reason which relates to the person's disability.

(5) For the purposes of paragraph (1)–

(a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not the institution has entered into an agreement with the student to provide the course;

(b) a university and any constituent college or institution in the nature of a college of a university is regarded as publicly funded if either the university or the constituent college or institution is publicly funded; and

(c) an institution is not regarded as publicly funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992(**1**).

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

(a) the course leads to another degree or qualification being conferred before the degree or equivalent qualification; and

(b) part of the course is optional.

(7) Paragraph (6) applies to a course the standard of which is not higher than a first degree which leads to a qualification as a medical doctor, dentist, veterinary surgeon, architect, landscape architect, landscape designer, landscape manager, town planner or town and country planner.

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

(8) At ddibenion adran 22 o Ddeddf 1998 a rheoliad 4(1), caiff Gweinidogion Cymru ddynodi cyrsiau addysg uwch nad ydynt wedi'u dynodi o dan baragraff (1).

Cyfnod cymhwystra

6.–(1) Bydd myfyriwr yn cadw ei statws fel myfyriwr cymwys mewn cysylltiad â chwrs dynodedig hyd nes bo'r statws hwnnw'n terfynu yn unol â'r rheoliad hwn neu reoliad 4.

(2) Y "cyfnod cymhwystra" ("*period of eligibilty*") yw'r cyfnod y bydd myfyriwr cymwys yn cadw'r statws y cyfeirir ato ym mharagraff (1).

(3) Yn ddarostyngedig i'r paragraffau canlynol a rheoliad 4, mae'r "cyfnod cymhwystra" yn dod i ben ar ddiwedd y flwyddyn academaidd y bydd y myfyriwr yn cwblhau'r cwrs dynodedig ynddi.

(4) Mae'r cyfnod cymhwystra yn dod i ben pan fydd y myfyriwr cymwys–

(a) yn tynnu'n ôl o gwrs dynodedig y myfyriwr cymwys o dan amgylchiadau pan nad yw Gweinidogion Cymru wedi trosglwyddo na throsi, neu pan na fyddant yn trosglwyddo nac yn trosi, statws y myfyriwr cymwys fel myfyriwr cymwys o dan reoliad 8, rheoliad 83 neu reoliad 108; neu

(b) yn cefnu ar gwrs dynodedig y myfyriwr cymwys neu'n cael ei ddiarddel oddi arno.

(5) Caiff Gweinidogion Cymru derfynu'r cyfnod cymhwystra os yw'r myfyriwr cymwys wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth.

(6) Os yw Gweinidogion Cymru wedi'u bodloni bod myfyriwr cymwys wedi methu â chydymffurfio ag unrhyw ofyniad i roi gwybodaeth o dan y Rheoliadau hyn neu ei fod wedi rhoi gwybodaeth sy'n anghywir o ran manylyn perthnasol, caiff Gweinidogion Cymru gymryd unrhyw rai o'r camau canlynol y maent yn credu eu bod yn briodol o dan yr amgylchiadau–

(a) terfynu'r cyfnod cymhwystra;

(b) penderfynu nad oes gan y myfyriwr hawl mwyach i gael unrhyw gymorth penodol neu unrhyw swm penodol o gymorth o dan y Rheoliadau hyn;

(c) trin unrhyw gymorth a dalwyd i'r myfyriwr o dan y Rheoliadau hyn fel gordaliad y caniateir ei adennill o dan reoliadau 69, 87, 113 a 123 a pharagraff 15 o Atodlen 4.

(7) Os bydd y cyfnod cymhwystra'n dod i ben cyn diwedd y flwyddyn academaidd y mae'r myfyriwr yn cwblhau'r cwrs dynodedig ynddi, caiff Gweinidogion Cymru, ar unrhyw adeg, adnewyddu'r cyfnod cymhwystra am unrhyw gyfnod y byddant yn penderfynu arno.

(8) For the purposes of section 22 of the 1998 Act and regulation 4(1) the Welsh Ministers may designate courses of higher education which are not designated under paragraph (1).

Period of eligibility

6.–(1) A student's status as an eligible student is retained in connection with a designated course until that status terminates in accordance with this regulation or regulation 4.

(2) The period for which an eligible student retains the status referred to in paragraph (1) is the "period of eligibility" ("*cyfnod cymhwystra").*

(3) Subject to the following paragraphs and regulation 4, the "period of eligibility" terminates at the end of the academic year in which the student completes the designated course.

(4) The period of eligibility terminates when the eligible student–

(a) withdraws from the eligible student's designated course in circumstances where the Welsh Ministers have not transferred or converted or will not transfer or convert the eligible student's status as an eligible student under regulation 8, regulation 83 or regulation 108; or

(b) abandons or is expelled from the eligible student's designated course.

(5) The Welsh Ministers may terminate the period of eligibility where the eligible student has shown by the eligible student's conduct that the eligible student is unfitted to receive support.

(6) If the Welsh Ministers are satisfied that an eligible student has failed to comply with any requirement to provide information under these Regulations or has provided information which is inaccurate in a material particular, the 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 under these Regulations;

(c) treat any support paid to the student under these Regulations as an overpayment which may be recovered under regulations 69, 87, 113, 123 and paragraph 15 of Schedule 4.

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

(8) Er gwaethaf paragraff (1), ni fydd myfyriwr cymwys o dan y drefn newydd, neu fyfyriwr blwyddyn i ffwrdd 2006, na fu'n bresennol ar gwrs blaenorol, yn gymwys am ddim ond grant at ffioedd, grant newydd at ffioedd, benthyciad cyfrannu at ffioedd, benthyciad at ffioedd, neu grant at gostau byw mewn perthynas â'r cwrs presennol am y nifer o flynyddoedd academaidd sy'n hafal i **OD+R+1**.

(9) Er gwaethaf paragraff (1) ac yn ddarostyngedig i baragraff (11), ni fydd myfyriwr cymwys o dan y drefn newydd, neu fyfyriwr blwyddyn i ffwrdd 2006, sydd wedi bod yn bresennol ar gwrs blaenorol, yn gymwys am ddim ond grant at ffioedd, grant newydd at ffioedd, benthyciad cyfrannu at ffioedd, benthyciad at ffioedd, neu grant at gostau byw mewn perthynas â'r cwrs presennol am y nifer o flynyddoedd academaidd sy'n hafal i (**OD+R+1)-PC**, ac eithrio–

(a) nad yw'r didyniad sy'n cyfateb i **PC** yn gymwys yn achos myfyriwr ar gwrs hyfforddi athrawon; a

(b) yr ychwanegir un flwyddyn yn achos myfyriwr cymwys na chwblhaodd yn llwyddiannus y cwrs blaenorol diweddaraf am rhesymau personol anorfod.

(10) Mae paragraff (11) yn gymwys–

(a) i fyfyriwr cymwys o dan y drefn newydd sydd ar gwrs penben o'r math a ddisgrifir ym mharagraff (a) neu (b) o'r diffiniad o "cwrs penben" yn rheoliad 2;

(b) i fyfyriwr cymwys o dan y drefn newydd–

(i) sydd wedi cwblhau cwrs amser-llawn a restrir ym mharagraff 2 neu 3 o Atodlen 2;

(ii) sydd ar gwrs gradd gyntaf amser-llawn (ac eithrio gradd gyntaf ar gyfer hyfforddiant cychwynnol athrawon) nad oedd y myfyriwr wedi dechrau arno yn union ar ôl y cwrs y cyfeirir ato ym mharagraff (i); a

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

(c) i fyfyriwr cymwys o dan y drefn newydd–

(i) sydd wedi cwblhau gradd sylfaenol amser-llawn;

(ii) sydd ar gwrs gradd anrhydedd amser-llawn nad oedd y myfyriwr wedi dechrau arno yn union ar ôl y cwrs y cyfeirir ato ym mharagraff (i) a chyn y cwrs presennol; a

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

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

(11) Er gwaethaf paragraff (1), ni fydd myfyriwr

(8) Despite paragraph (1), a new system eligible student or 2006 gap year student who has not attended a previous course is only eligible for a grant for fees, new fee grant, fee contribution loan, fee loan or a grant for living costs in respect of the present course for the number of academic years equal to **OD+R+1**.

(9) Despite paragraph (1) and subject to paragraph (11), a new system eligible student or 2006 gap year student who has attended a previous course is only eligible for a grant for fees, new fee grant, fee contribution loan, fee loan or a grant for living costs in respect of the present course for the number of academic years equal to **(OD+R+1) - PC**, except that–

(a) no deduction equivalent to **PC** applies in the case of a teacher training student; and

(b) one additional year is added in the case of an eligible student who did not complete successfully the latest previous course because of compelling personal reasons.

(10) Paragraph (11) applies to–

(a) a new system eligible student who is on an end-on course of the kind described in paragraph (a) or (b) of the definition of "end-on course" in regulation 2;

(b) a new system eligible student who–

(i) has completed a full-time course listed in paragraph 2 or 3 of Schedule 2;

(ii) is on a full-time first degree course (other than a first degree course for the initial training of teachers) that the student did not begin immediately after the course referred to in paragraph (i); and

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

(c) a new system eligible student who–

(i) has completed a full-time foundation degree course;

(ii) is on a full-time honours degree course that the student did not begin immediately after the course referred to in paragraph (i) and before the present course; and

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

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

(11) Despite paragraph (1), an eligible student to

cymwys y mae'r paragraff hwn yn gymwys iddo yn gymwys am ddim ond grant at ffioedd, grant newydd at ffioedd, benthyciad cyfrannu at ffioedd, benthyciad at ffioedd, neu grant at gostau byw mewn perthynas â'r cwrs presennol am y nifer o flynyddoedd academaidd sy'n hafal i **(D + X) - PrC**.

(12) Er gwaethaf paragraff (1), ni fydd myfyriwr sy'n parhau yn gymwys am ddim ond grant at ffioedd, benthyciad cyfrannu at ffioedd, neu grant at gostau byw mewn perthynas â'r cwrs presennol am y nifer o flynyddoedd academaidd sy'n hafal i **(A+R+1)-Y**.

(13) Er gwaethaf paragraff (1) ac yn ddarostyngedig i baragraff (14), ni fydd myfyriwr sy'n trosglwyddo yn gymwys am ddim ond grant at ffioedd, grant newydd at ffioedd, benthyciad cyfrannu at ffioedd, benthyciad at ffioedd, neu grant at gostau byw mewn perthynas â'r cwrs presennol am y nifer o flynyddoedd academaidd sy'n hafal i **(A+R+1)-Y**.

(14) Ni fydd myfyriwr sy'n trosglwyddo, ac sy'n dechrau ar flwyddyn academaidd lawn gyntaf cwrs pellach y mae'r myfyriwr yn trosglwyddo iddo o dan reoliad 8 ar neu ar ôl 1 Medi 2011 yn gymwys am ddim ond grant at ffioedd, grant newydd at ffioedd, benthyciad cyfrannu at ffioedd, benthyciad at ffioedd, neu grant at gostau byw, mewn perthynas â'r cwrs pellach, am y nifer o flynyddoedd academaidd sy'n hafal i **(A+R+1)-Y-Z**.

(15) Mewn unrhyw achos pan fo nifer y blynyddoedd academaidd y mae grant at ffioedd, grant newydd at ffioedd, benthyciad cyfrannu at ffioedd, benthyciad at ffioedd neu grant at gostau byw ar gael ar eu cyfer yn unol â'r rheoliad hwn, yn llai na nifer y blynyddoedd academaidd sy'n ffurfio'r cyfnod y bydd ei angen fel arfer i gwblhau'r cwrs presennol, y blynyddoedd academaidd y bydd y myfyriwr yn gymwys ar gyfer y cyfryw grant neu fenthyciad at ffioedd, neu grant at gostau byw, fydd blynyddoedd diweddaraf y cwrs presennol.

(16) Yn y rheoliad hwn–

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

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

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

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

(d) **X** yw 1 pan oedd cyfnod arferol y cwrs rhagarweiniol yn llai na thair blynedd a 2 pan oedd cyfnod arferol y cwrs rhagarweiniol yn dair blynedd;

whom this paragraph applies is only eligible for a grant for fees, new fee grant, fee contribution loan, fee loan or a grant for living costs in respect of the present course for the number of academic years equal to **(D + X) - PrC**.

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

(13) Despite paragraph (1) and subject to paragraph (14), a transferring student is only eligible for a grant for fees, new fee grant, fee contribution loan, fee loan or a grant for living costs in respect of the present course for the number of academic years equal to **(A+R+1) - Y**.

(14) A transferring student starting the first full academic year of a further course to which the student transfers under regulation 8 on or after 1 September 2011 is only eligible for a grant for fees, new fee grant, fee contribution loan, fee loan or a grant for living costs in respect of the further course for the number of years equal to **(A+R+1) - Y - Z**.

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

(16) In this regulation–

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

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

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

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

(e) **X** is 1 where the ordinary duration of the preliminary course was less than three years and 2 where the ordinary duration of the preliminary course was three years;

(dd) **R** yw nifer y blynyddoedd academaidd sy'n cael eu hailadrodd ar y cwrs presennol gan ddechrau ar neu ar ôl 1 Medi 2006 a'r rheini'n gyfnodau o ailadrodd y blynyddoedd academaidd blaenorol nad oedd y myfyriwr cymwys yn gallu eu cwblhau'n llwyddiannus oherwydd rhesymau personol anorchfygol;

(e) **PrC** yw'r nifer o flynyddoedd academaidd a dreuliodd y myfyriwr ar y cwrs rhagarweiniol ac eithrio unrhyw flynyddoedd yn ailadrodd astudiaethau am resymau personol anorchfygol;

(f) **Y** yw nifer blynyddoedd y cwrs presennol, neu'r cwrs blaenorol yn achos myfyriwr sy'n trosglwyddo, y mae wedi'i benderfynu mewn perthynas â'r nifer hwnnw cyn 1 Medi 2006 o dan reoliadau a wnaed o dan adran 22 o Ddeddf 1998 nad oedd cymorth ar gael;

(ff) **Z** yw nifer y blynyddoedd academaidd a dreuliwyd ar gwrs blaenorol gan ddechrau ar neu ar ôl 1 Medi 2006;

(g) ystyr "myfyriwr sy'n parhau" ("*continuing student*") yw myfyriwr cymwys o dan yr hen drefn a ddechreuodd ar y cwrs presennol cyn 1 Medi 2006 ac yn parhau ar y cwrs hwnnw ar ôl 31 Awst 2011;

(ng) ystyr "myfyriwr ar gwrs hyfforddi athrawon" ("*teacher training student*") yw myfyriwr nad yw'n athro cymwysedig nac yn athrawes gymwysedig, sy'n bresennol ar gwrs ar gyfer hyfforddiant cychwynnol athrawon, pan nad yw hyd y cwrs yn hwy na 2 flynedd a phan fo'r cwrs–

(i) yn gwrs amser-llawn; neu

(ii) yn gwrs rhan-amser (ac y mynegir ei hyd fel y cyfwerth amser-llawn) a phan fo'r cwrs naill ai–

(aa) wedi dechrau cyn 1 Medi 2010;

(bb) yn dechrau ar neu ar ôl 1 Medi 2010, a'r myfyriwr yn trosglwyddo i'r cwrs yn unol â rheoliad 8 o gwrs ar gyfer hyfforddiant cychwynnol athrawon sy'n dechrau cyn 1 Medi 2010; neu

(cc) yn dechrau ar neu ar ôl 1 Medi 2010 ond cyn 1 Medi 2011 a'r myfyriwr yn fyfyriwr blwyddyn i ffwrdd 2010 mewn perthynas â'r cwrs;

(h) ystyr "myfyriwr sy'n trosglwyddo" ("*transferring student*") yw myfyriwr cymwys o dan yr hen drefn–

(i) a ddechreuodd ar gwrs dynodedig ar neu ar ôl 1 Medi 2006 ac sy'n parhau ar y cwrs hwnnw ar ôl 31 Awst 2011; neu

(ii) sy'n cychwyn ar gwrs dynodedig ar neu ar ôl 1 Medi 2011, ac y trosglwyddwyd ei statws fel myfyriwr cymwys i'r cwrs hwnnw o ganlyniad i un neu ragor o

(f) **R** is the number of repeated academic years on the present course starting on or after 1 September 2006 that are repeats of preceding academic years that the eligible student was unable to complete successfully because of compelling personal reasons;

(g) **PrC** is the number of academic years that the student spent on the preliminary course excluding any years of repeat study for compelling personal reasons;

(h) **Y** is the number of years of the present course, or the previous course in the case of a transferring student, in respect of which it has been determined before 1 September 2006 under regulations made under section 22 of the 1998 Act that support was not available;

(i) **Z** is the number of academic years spent on a previous course beginning on or after 1 September 2006;

(j) "continuing student" ("*myfyriwr sy'n parhau*") is an old system eligible student who started the present course before 1 September 2006 and is continuing on that course after 31 August 2011;

(k) "teacher training student" ("*myfyriwr ar gwrs hyfforddi athrawon*") means a student who is not a qualified teacher attending a course for the initial training of teachers where the duration of the course does not exceed 2 years and where the course is–

(i) a full-time course; or

(ii) a part-time course (the duration of which being expressed as its full-time equivalent) and either the course–

(aa) began before 1 September 2010;

(bb) begins on or after 1 September 2010 where the student transfers to the course pursuant to regulation 8 from a course for the initial training of teachers beginning before 1 September 2010; or

(cc) begins on or after 1 September 2010 but before 1 September 2011 and in relation to which the student is a 2010 gap year student;

(l) "transferring student" ("*myfyriwr sy'n trosglwyddo*") means an old system eligible student who–

(i) began a designated course on or after 1 September 2006 and is continuing on that course after 31 August 2011; or

(ii) begins a designated course on or after 1 September 2011 and whose status as an eligible student transferred to the course as a result of one or more transfers of that

drosglwyddiadau o'r statws hwnnw gan Weinidogion Cymru yn unol â rheoliadau a wnaed o dan adran 22 o Ddeddf 1998 oddi ar gwrs dynodedig y dechreuodd y myfyriwr cymwys hwnnw arno cyn 1 Medi 2006.

(17) Wrth gyfrifo nifer y blynyddoedd at ddibenion y rheoliad hwn, bydd presenoldeb am ran o flwyddyn academaidd yn cael ei drin fel presenoldeb am flwyddyn academaidd gyfan.

(18) Caiff Gweinidogion Cymru, ar unrhyw adeg, adnewyddu neu estyn y cyfnod cymhwystra am unrhyw gyfnod ychwanegol y byddant yn penderfynu arno.

(19) Caiff Gweinidogion Cymru roi cymhwystra i gael grant at ffioedd, grant newydd at ffioedd, benthyciad cyfrannu at ffioedd, benthyciad at ffioedd, neu grant at gostau byw, rywfodd arall heblaw'n unol â pharagraffau (8) i (16).

(20) At ddibenion y rheoliad hwn ac yn ddarostyngedig i'r eithriadau ym mharagraffau (22), (23) a (24) "cwrs blaenorol" yw unrhyw gwrs addysg uwch amser-llawn neu unrhyw gwrs rhan-amser ar gyfer hyfforddiant cychwynnol athrawon y dechreuodd y myfyriwr ei fynychu neu, yn achos cwrs gradd cywasgedig neu gwrs dysgu o bell dynodedig, y dechreuodd ymgymryd ag ef cyn y cwrs presennol ac sy'n bodloni un neu fwy o'r amodau ym mharagraff (21).

(21) Yr amodau y cyfeirir atynt ym mharagraff (20) yw–

(a) bod y cwrs yn cael ei ddarparu gan sefydliad yn y Deyrnas Unedig a ariannwyd yn gyhoeddus am rywfaint o'r blynyddoedd academaidd neu'r cyfan ohonynt pan oedd y myfyriwr yn dilyn y cwrs; neu

(b) bod unrhyw ysgoloriaeth, arddangostal, bwrsari, grant, lwfans neu ddyfarndal o unrhyw ddisgrifiad a dalwyd i'r myfyriwr fod yn bresennol ar y cwrs neu, yn achos cwrs gradd cywasgedig neu gwrs dysgu o bell dynodedig, iddo ymgymryd â'r cwrs, i dalu ffioedd wedi'i dalu o gronfeydd cyhoeddus neu o gronfeydd a oedd i'w priodoli i gronfeydd cyhoeddus.

(22) Nid ymdrinnir â chwrs a fyddai fel arall yn gwrs blaenorol fel y cyfryw–

(a) os yw'r cwrs presennol yn gwrs ar gyfer hyfforddiant cychwynnol athrawon;

(b) os nad yw hyd y cwrs presennol yn hwy na 2 flynedd a'r cwrs presennol–

(i) yn gwrs amser-llawn; neu

(ii) yn gwrs rhan-amser (ac y mynegir ei hyd fel y cyfwerth amser-llawn) a phan fo'r cwrs presennol naill ai–

status by the Welsh Ministers pursuant to regulations made under section 22 of the 1998 Act from a designated course that the eligible student began before 1 September 2006.

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

(18) The Welsh Ministers may, at any time, renew or extend the period of eligibility for such further period as they determine.

(19) The Welsh Ministers may confer eligibility to a grant for fees, new fee grant, fee contribution loan, fee loan or a grant for living costs otherwise than in accordance with paragraphs (8) to (16).

(20) For the purposes of this regulation and subject to the exceptions in paragraphs (22), (23) and (24) a "previous course" is any full-time higher education course or any part-time course for the initial training of teachers which the student began to attend or, in the case of a compressed degree course or a designated distance learning course, undertake before the present course and which meets one or both of the conditions in paragraph (21).

(21) The conditions referred to in paragraph (20) are–

(a) the course is provided by an institution in the United Kingdom which was publicly funded for some or all of the academic years during which the student took the course; or

(b) any scholarship, exhibition, bursary, grant, allowance or award of any description which was paid in respect of the student's attending or, in the case of a compressed degree course or a designated distance learning course, undertaking the course to defray fees was from public funds or funds attributable to public funds.

(22) A course which would otherwise be a previous course will not be treated as such if–

(a) the present course is a course for the initial training of teachers;

(b) the duration of the present course does not exceed two years where the present course is–

(i) a full-time course; or

(ii) a part-time course (the duration of which being expressed as its full-time equivalent) and either the present course–

(aa) wedi dechrau cyn 1 Medi 2010;

(bb) yn dechrau ar neu ar ôl 1 Medi 2010, a'r myfyriwr yn trosglwyddo i'r cwrs yn unol â rheoliad 8 o gwrs ar gyfer hyfforddiant cychwynnol athrawon sy'n dechrau cyn 1 Medi 2010; neu

(cc) yn dechrau ar neu ar ôl 1 Medi 2010 ond cyn 1 Medi 2011 a'r myfyriwr yn fyfyriwr blwyddyn i ffwrdd 2010 mewn perthynas â'r cwrs; ac

(c) nad yw'r myfyriwr yn athro cymwysedig neu'n athrawes gymwysedig.

(23) Nid ymdrinnir â chwrs ar gyfer Tystysgrif mewn Addysg a fyddai fel arall yn gwrs blaenorol fel y cyfryw–

(a) os yw'r cwrs presennol yn gwrs ar gyfer gradd (gan gynnwys gradd anrhydedd) Baglor mewn Addysg;

(b) os trosglwyddodd y myfyriwr i'r cwrs presennol o gwrs ar gyfer Tystysgrif mewn Addysg cyn cwblhau'r cwrs hwnnw neu os dechreuodd ar y cwrs presennol ar ôl cwblhau'r cwrs ar gyfer Tystysgrif mewn Addysg.

(24) Nid ymdrinnir â chwrs ar gyfer gradd (ac eithrio gradd anrhydedd) Baglor mewn Addysg fel cwrs blaenorol–

(a) os yw'r cwrs presennol yn gwrs ar gyfer gradd anrhydedd Baglor mewn Addysg;

(b) os trosglwyddodd y myfyriwr i'r cwrs presennol o gwrs ar gyfer gradd (ac eithrio gradd anrhydedd) Baglor mewn Addysg cyn cwblhau'r cwrs hwnnw neu os dechreuodd ar y cwrs presennol ar ôl cwblhau'r cwrs ar gyfer gradd (ac eithrio gradd anrhydedd) Baglor mewn Addysg.

Astudio blaenorol

7.–(1) Yn ddarostyngedig i baragraffau (3) a (4), nid oes gan fyfyriwr cymwys sydd wedi ennill gradd anrhydedd o sefydliad yn y Deyrnas Unedig hawl i gael grant at ffioedd, grant newydd at ffioedd, benthyciad cyfrannu at ffioedd na benthyciad at ffioedd.

(2) Yn ddarostyngedig i baragraffau (4) a (5), nid oes gan fyfyriwr cymwys ("A" yn y paragraff hwn) sy'n dechrau ar ei gwrs dynodedig ar neu ar ôl 1 Medi 2006 hawl i gael benthyciad at gostau byw os yw A wedi ennill gradd anrhydedd o sefydliad yn y Deyrnas Unedig.

(3) Nid yw paragraff (1) yn gymwys i fyfyriwr cymwys sy'n bresennol ar gwrs dynodedig–

(a) pan fo'r cwrs yn gwrs ar gyfer hyfforddiant cychwynnol athrawon;

(b) pan nad yw hyd y cwrs yn hwy na 2 flynedd a'r cwrs–

(aa) began before 1 September 2010;

(bb) begins on or after 1 September 2010 where the student transfers to the present course pursuant to regulation 8 from a course for the initial training of teachers beginning before 1 September 2010; or

(cc) begins on or after 1 September 2010 but before 1 September 2011 and in relation to which the student is a 2010 gap year student; and

(c) the student is not a qualified teacher.

(23) A course for the Certificate in Education which would otherwise be a previous course will not be treated as such if–

(a) the present course is a course for the degree (including an honours degree) of Bachelor of Education;

(b) the student transferred to the present course from the course for the Certificate in Education before the completion of that course or began the present course on completion of the course for the Certificate in Education.

(24) A course for the degree (other than an honours degree) of Bachelor of Education will not be treated as a previous course if–

(a) the present course is a course for the honours degree of Bachelor of Education;

(b) the student transferred to the present course from the course for the degree (other than an honours degree) of Bachelor of Education before the completion of that course or began the present course on completion of the course for the degree (other than an honours degree) of Bachelor of Education.

Previous study

7.–(1) Subject to paragraphs (3) and (4), an eligible student who has attained an honours degree from an institution in the United Kingdom does not qualify for a grant for fees, new fee grant, fee contribution loan or a fee loan.

(2) Subject to paragraphs (4) and (5), an eligible student ("A" in this paragraph) who starts A's designated course on or after 1 September 2006 does not qualify for a loan for living costs if A has attained an honours degree from an institution in the United Kingdom.

(3) Paragraph (1) does not apply to an eligible student attending a designated course where–

(a) the course is a course for the initial training of teachers;

(b) the duration of the course does not exceed two years where the course is–

(i) yn gwrs amser-llawn; neu

(ii) yn gwrs rhan-amser (ac y mynegir ei hyd fel y cyfwerth amser-llawn) a phan fo'r cwrs naill ai–

(aa) wedi dechrau cyn 1 Medi 2010;

(bb) yn dechrau ar neu ar ôl 1 Medi 2010, a'r myfyriwr yn trosglwyddo i'r cwrs yn unol â rheoliad 8 o gwrs ar gyfer hyfforddiant cychwynnol athrawon sy'n dechrau cyn 1 Medi 2010; neu

(cc) yn dechrau ar neu ar ôl 1 Medi 2010 ond cyn 1 Medi 2011 a'r myfyriwr yn fyfyriwr blwyddyn i ffwrdd 2010 mewn perthynas â'r cwrs; ac

(c) nad yw'r myfyriwr cymwys yn athro cymwysedig neu'n athrawes gymwysedig.

(4) Os bernir bod y cwrs presennol yn gwrs sengl oherwydd rheoliadau 5(6) a 5(7) a'i fod yn arwain at ddyfarnu gradd anrhydedd gan sefydliad yn y Deyrnas Unedig i'r myfyriwr cymwys cyn y radd derfynol neu'r cymwysterau cyfatebol, ni rwystrir y myfyriwr cymwys rhag bod â hawl i gael cymorth o dan y Rheoliadau hyn yn rhinwedd paragraff (1) neu (2) mewn perthynas ag unrhyw ran o'r cwrs sengl yn rhinwedd y ffaith bod ganddo'r radd anrhydedd honno.

(5) Nid yw paragraff (2) yn gymwys–

(a) os yw'r cwrs presennol yn arwain at gymhwyster fel gweithiwr cymdeithasol, meddyg, deintydd, milfeddyg neu bensaer;

(b) os yw'r myfyriwr cymwys i gael unrhyw daliad–

(i) o dan fwrsari gofal iechyd y cyfrifwyd ei swm drwy gyfeirio at incwm y myfyriwr; neu

(ii) o dan lwfans gofal iechyd yr Alban y cyfrifwyd ei swm drwy gyfeirio at incwm y myfyriwr mewn perthynas ag unrhyw flwyddyn academaidd o'r cwrs presennol; neu

(c) os yw'r cwrs presennol yn gwrs ar gyfer hyfforddiant cychwynnol athrawon, sydd–

(i) yn gwrs amser-llawn; neu

(ii) yn gwrs rhan-amser sydd naill ai–

(aa) wedi dechrau cyn 1 Medi 2010;

(bb) yn dechrau ar neu ar ôl 1 Medi 2010, a'r myfyriwr yn trosglwyddo i'r cwrs presennol yn unol â rheoliad 8 o gwrs ar gyfer hyfforddiant cychwynnol athrawon sy'n dechrau cyn 1 Medi 2010; neu

(cc) yn dechrau ar neu ar ôl 1 Medi 2010 ond cyn 1 Medi 2011 a'r myfyriwr yn fyfyriwr blwyddyn i ffwrdd 2010 mewn perthynas â'r cwrs.

(i) a full-time course; or

(ii) a part-time course (the duration of which being expressed as its full-time equivalent) and either the course–

(aa) began before 1 September 2010;

(bb) begins on or after 1 September 2010 where the student transfers to the course pursuant to regulation 8 from a course for the initial training of teachers beginning before 1 September 2010; or

(cc) begins on or after 1 September 2010 but before 1 September 2011 and in relation to which the student is a 2010 gap year student; and

(c) the eligible student is not a qualified teacher.

(4) Where the present course is considered to be a single course because of regulations 5(6) and 5(7) and it leads to an honours degree from an institution in the United Kingdom being conferred on the eligible student before the final degree or equivalent qualifications, the eligible student is not prevented from qualifying for support under these Regulations by virtue of paragraph (1) or (2) in respect of any part of the single course by virtue of having that honours degree.

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

(a) the present course leads to qualification as a social worker, medical doctor, dentist, veterinary surgeon or architect;

(b) the eligible student is to receive any payment–

(i) under a healthcare bursary the amount of which is calculated by reference to the student's income; or

(ii) under a Scottish healthcare allowance the amount of which is calculated by reference to the student's income in respect of any academic year of the present course; or

(c) the present course is a course for the initial training of teachers which is–

(i) a full-time course; or

(ii) a part-time course which–

(aa) began before 1 September 2010;

(bb) begins on or after 1 September 2010 where the student transfers to the present course pursuant to regulation 8 from a course for the initial training of teachers beginning before 1 September 2010; or

(cc) begins on or after 1 September 2010 but before 1 September 2011 and in relation to which the student is a 2010 gap year student.

Trosglwyddo statws

8.–(1) Os yw myfyriwr cymwys yn trosglwyddo o gwrs dynodedig i gwrs dynodedig arall, rhaid i Weinidogion Cymru drosglwyddo statws y myfyriwr fel myfyriwr cymwys i'r cwrs arall hwnnw–

(a) os cânt gais oddi wrth y myfyriwr cymwys am wneud hynny;

(b) os ydynt wedi'u bodloni bod un neu fwy o'r seiliau trosglwyddo ym mharagraff (2) yn gymwys; ac

(c) os nad yw'r cyfnod cymhwystra wedi'i derfynu.

(2) Y seiliau trosglwyddo yw–

(a) bod y myfyriwr cymwys, ar argymhelliad yr awdurdod academaidd, yn rhoi'r gorau i un cwrs dynodedig ac yn dechrau–

(i) bod yn bresennol ar gwrs dynodedig arall yn yr un sefydliad;

(ii) yn ymgymryd â chwrs gradd cywasgedig arall yn yr un sefydliad; neu

(iii) yn ymgymryd â chwrs gradd cywasgedig yn yr un sefydliad;

(b) bod y myfyriwr cymwys yn dechrau–

(i) bod yn bresennol ar gwrs dynodedig mewn sefydliad arall; neu

(ii) ymgymryd â chwrs gradd cywasgedig mewn sefydliad arall;

(c) ar ôl iddo ddechrau cwrs ar gyfer y Dystysgrif mewn Addysg, bod y myfyriwr cymwys, wrth gwblhau'r cwrs hwnnw neu cyn hynny, yn cael ei dderbyn ar gwrs dynodedig ar gyfer gradd (gan gynnwys gradd anrhydedd) Baglor mewn Addysg naill ai yn yr un sefydliad neu mewn sefydliad arall;

(ch) ar ôl iddo ddechrau cwrs ar gyfer gradd (ac eithrio gradd anrhydedd) Baglor mewn Addysg, bod y myfyriwr cymwys, wrth gwblhau'r cwrs hwnnw neu cyn hynny, yn cael ei dderbyn ar gwrs dynodedig ar gyfer gradd anrhydedd Baglor mewn Addysg naill ai yn yr un sefydliad neu mewn sefydliad arall; neu

(d) ar ôl iddo ddechrau cwrs ar gyfer gradd gyntaf (ac eithrio gradd anrhydedd), bod y myfyriwr cymwys, cyn cwblhau'r cwrs hwnnw, yn cael ei dderbyn ar gwrs dynodedig ar gyfer gradd anrhydedd yn yr un pwnc yn y sefydliad.

(3) Yn ddarostyngedig i baragraff (4), mae gan fyfyriwr cymwys sy'n trosglwyddo o dan baragraff (1) hawl i gael, mewn cysylltiad â blwyddyn academaidd y cwrs y bydd y myfyriwr yn trosglwyddo iddo, weddill y cymorth a asesir gan Weinidogion Cymru o dan y Rheoliadau hyn mewn perthynas â'r flwyddyn academaidd o'r cwrs y bydd y myfyriwr yn trosglwyddo ohono.

Transfer of status

8.–(1) Where an eligible student transfers from a designated course to another designated course, the Welsh Ministers must transfer the student's status as an eligible student to that other course where–

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

(b) they are satisfied that one or more of the grounds of transfer in paragraph (2) applies; and

(c) the period of eligibility has not terminated.

(2) The grounds of transfer are–

(a) on the recommendation of the academic authority the eligible student ceases one designated course and starts to–

(i) attend another designated course at the same institution;

(ii) undertake another compressed degree course at the same institution; or

(iii) undertake a compressed degree course at the same institution;

(b) the eligible student starts to–

(i) attend a designated course at another institution; or

(ii) undertake a compressed degree course at another institution;

(c) after commencing a course for the Certificate in Education, the eligible student is, on or before the completion of that course, admitted to a designated course for the degree (including an honours degree) of Bachelor of Education either at the same institution or at another institution;

(d) after commencing a course for the degree (other than an honours degree) of Bachelor of Education, the eligible student is, on or before completion of that course, admitted to a designated course for the honours degree of Bachelor of Education either at the same institution or at another institution; or

(e) after commencing a course for a first degree (other than an honours degree) the eligible student is, before the completion of that course, admitted to a designated course for an honours degree in the same subject at the institution.

(3) Subject to paragraph (4), an eligible student who transfers under paragraph (1) is entitled to receive in connection with the academic year of the course to which the student transfers the remainder of the support assessed by the Welsh Ministers under these Regulations in respect of the academic year of the course from which the student transfers.

(4) Caiff Gweinidogion Cymru ailasesu swm y cymorth sy'n daladwy o dan y Rheoliadau hyn ar ôl y trosglwyddiad.

(5) Ni chaiff myfyriwr cymwys sy'n trosglwyddo o dan baragraff (1) ar ôl i Weinidogion Cymru asesu'r cymorth a gaiff y myfyriwr cymwys mewn cysylltiad â blwyddyn academaidd y cwrs y mae'n trosglwyddo ohono ond cyn iddo gwblhau'r flwyddyn honno, wneud cais, mewn cysylltiad â blwyddyn academaidd y cwrs y mae'r myfyriwr cymwys yn trosglwyddo iddo, am grant neu fenthyciad arall o'r math y mae'r myfyriwr cymwys eisoes wedi gwneud cais amdano o dan y Rheoliadau hyn mewn cysylltiad â blwyddyn academaidd y cwrs y mae'r myfyriwr cymwys yn trosglwyddo ohono oni ddarperir ar gyfer hynny fel arall.

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

(5) An eligible student who transfers under paragraph (1) after the Welsh Ministers have assessed the eligible student's support in connection with the academic year of the course from which the eligible student is transferring but before the eligible student completes that year may not, in connection with the academic year of the course to which the eligible student transfers, apply for another grant or loan of a kind that the eligible student has already applied for under these Regulations in connection with the academic year of the course from which the eligible student is transferring unless otherwise provided.

RHAN 3

GWNEUD CAIS AM GYMORTH A RHOI GWYBODAETH

Ceisiadau am gymorth

9.–(1) Rhaid i berson wneud cais am gymorth mewn cysylltiad â phob blwyddyn academaidd ar gwrs dynodedig drwy lenwi a chyflwyno i Weinidogion Cymru gais ar unrhyw ffurf a chan ddarparu unrhyw ddogfennau y bydd Gweinidogion Cymru yn gofyn amdanynt.

(2) Caiff Gweinidogion Cymru gymryd unrhyw gamau a gwneud unrhyw ymholiadau y maent yn credu eu bod yn angenrheidiol er mwyn penderfynu a yw'r ceisydd yn fyfyriwr cymwys, a oes gan y ceisydd hawl i gael cymorth o dan y Rheoliadau hyn, a swm y cymorth sy'n daladwy, os oes cymorth yn daladwy o gwbl.

(3) Rhaid i Weinidogion Cymru hysbysu'r ceisydd a oes gan y ceisydd hawl i gael cymorth o dan y Rheoliadau hyn ai peidio ac, os oes gan y ceisydd hawl, ei hysbysu o swm y cymorth sy'n daladwy mewn perthynas â'r flwyddyn academaidd, os oes cymorth yn daladwy o gwbl.

Terfynau amser

10.–(1) Yn ddarostyngedig i baragraff (2), rhaid i'r cais gyrraedd Gweinidogion Cymru heb fod yn hwyrach na diwedd y nawfed mis o'r flwyddyn academaidd y mae'n cael ei gyflwyno mewn perthynas â hi.

(2) Nid yw paragraff (1) yn gymwys–

(a) os bydd un o'r digwyddiadau a restrir yn rheoliad 15 yn digwydd ar ôl diwrnod cyntaf y flwyddyn academaidd y mae'r ceisydd yn gwneud cais am gymorth mewn perthynas â hi

PART 3

APPLYING FOR SUPPORT AND PROVISION OF INFORMATION

Applications for support

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

(2) The Welsh Ministers may take such steps and make such inquiries as they consider necessary to determine whether the applicant is an eligible student, whether the applicant qualifies for support under these Regulations and the amount of support payable, if any.

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

Time limits

10.–(1) Subject to paragraph (2), the application must reach the Welsh Ministers no later than the end of the ninth month of the academic year in respect of which it is submitted.

(2) Paragraph (1) does not apply where –

(a) one of the events listed in regulation 15 occurs after the first day of the academic year in respect of which the applicant is applying for support under these Regulations, in which case

o dan y Rheoliadau hyn, ac os felly rhaid i'r cais gyrraedd Gweinidogion Cymru o fewn cyfnod o naw mis sy'n dechrau gyda'r diwrnod y mae'r digwyddiad perthnasol yn digwydd;

(b) os yw'r ceisydd yn gwneud cais ar wahân am fenthyciad at ffioedd o dan reoliad 22 neu reoliad 23 neu fenthyciad cyfrannu at ffioedd o dan reoliad 21 neu fenthyciad at gostau byw o dan reoliad 45 neu fenthyciad at ffioedd coleg o dan Atodlen 4 neu os yw'n ceisio am swm ychwanegol o fenthyciad at ffioedd o dan reoliad 22(3) neu 22(7), swm ychwanegol o fenthyciad cyfrannu at ffioedd o dan reoliad 21(6), neu swm ychwanegol o fenthyciad at ffioedd o dan reoliad 23(3), neu swm ychwanegol o fenthyciad at gostau byw o dan reoliad 60(3) neu swm ychwanegol o fenthyciad at ffioedd coleg o dan baragraff 10(2) o Atodlen 4 ac os felly rhaid i'r cais gyrraedd Gweinidogion Cymru heb fod yn hwyrach nag un mis cyn diwedd y flwyddyn academaidd y mae'r cais yn ymwneud â hi;

(c) os yw'r ceisydd yn gwneud cais am fenthyg swm ychwanegol o fenthyciad cyfrannu at ffioedd o dan reoliad 21(4) neu swm ychwanegol o fenthyciad at gostau byw o dan reoliad 60(1), ac os felly rhaid i'r cais gyrraedd Gweinidogion Cymru heb fod yn hwyrach nag un mis cyn diwedd y flwyddyn academaidd y mae'r cais yn cyfeirio ati neu o fewn cyfnod o un mis sy'n dechrau ar y diwrnod y caiff y ceisydd hysbysiad ynglŷn â'r uchafswm wedi'i gynyddu, pa un bynnag yw'r olaf;

(ch) os yw'r ceisydd yn gwneud cais am grant o dan reoliad 25, ac os felly rhaid i'r cais gyrraedd Gweinidogion Cymru cyn gynted ag y bo'n rhesymol ymarferol;

(d) os yw 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 mewn ysgrifen.

Gwybodaeth

11. Mae Atodlen 3 yn gymwys mewn perthynas â darparu gwybodaeth gan geisydd a chan fyfyriwr cymwys.

Gofyniad i ymrwymo i gontract ar gyfer benthyciad

12. Er mwyn cael benthyciad o dan y Rheoliadau hyn, rhaid i fyfyriwr cymwys ymrwymo i gontract gyda Gweinidogion Cymru ar delerau sydd i'w penderfynu gan Weinidogion Cymru.

the application must reach the Welsh Ministers within a period of nine months beginning with the day on which the relevant event occurs;

(b) the applicant is making a separate application for a fee loan under regulation 22 or regulation 23 or a fee contribution loan under regulation 21 or a loan for living costs under regulation 45 or a college fee loan under Schedule 4 or is applying for an additional amount of fee loan under regulation 22(3) or 22(7), an additional amount of fee contribution loan under regulation 21(6) or an additional amount of fee loan under regulation 23(3) or an additional amount of loan for living costs under regulation 60(3) or an additional amount of college fee loan under paragraph 10(2) of Schedule 4 in which case the application must reach the Welsh Ministers not later than one month before the end of the academic year to which the application relates;

(c) the applicant is applying to borrow an additional amount of fee contribution loan under regulation 21(4) or an additional amount of loan for living costs under regulation 60(1), in which case the application must reach the Welsh Ministers not later than one month before the end of the academic year to which the application relates or within a period of one month beginning with the day on which the applicant receives notice of the increased maximum amount, whichever is the later;

(d) the applicant is applying for a grant under regulation 25, in which case the application must reach the Welsh Ministers as soon as is reasonably practicable;

(e) 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 in writing.

Information

11. Schedule 3 applies in respect of the provision of information by an applicant and an eligible student.

Requirement to enter into a contract for a loan

12. To receive a loan under these Regulations an eligible student must enter into a contract with the Welsh Ministers on terms to be decided by the Welsh Ministers.

RHAN 4

GRANTIAU A BENTHYCIADAU AT FFIOEDD

PENNOD 1

DARPARIAETH GYFFREDINOL

Cymorth at ffioedd yn gyffredinol

13.–(1) Ni chaiff cymorth at ffioedd o dan y Rhan hon mewn perthynas â blwyddyn academaidd fod yn fwy na'r ffioedd sy'n daladwy gan y myfyriwr cymwys mewn perthynas â'r flwyddyn academaidd honno.

(2) At ddibenion cyfrifo swm y cymorth at ffioedd o dan y Rhan hon, rhaid peidio ag ystyried sefydliad sy'n darparu cyrsiau a ddynodir gan reoliad 4 o Reoliadau Addysg (Cymorth i Fyfyrwyr) (Dawnsio a Drama) 1999(**1**) yn sefydliad a ariennir yn gyhoeddus am yr unig reswm ei fod yn cael arian o gronfeydd cyhoeddus gan gorff llywodraethu sefydliad addysg uwch yn unol ag adran 65(3A) o Ddeddf Addysg Bellach ac Addysg Uwch 1992(**2**).

(3) Rhaid ymdrin â myfyriwr cymwys y mae paragraff (4) yn gymwys iddo fel pe bai'r myfyriwr cymwys yn bresennol ar y cwrs dynodedig at ddibenion cymhwyso ar gyfer cymorth at ffioedd.

(4) Mae'r paragraff hwn yn gymwys i'r canlynol–

(a) myfyriwr cwrs gradd cywasgedig;

(b) myfyriwr cymwys anabl–

(i) nad yw'n fyfyriwr cwrs gradd cywasgedig; a

(ii) sy'n ymgymryd â chwrs dynodedig yn y Deyrnas Unedig ond nad yw'n bresennol oherwydd na all fod yn bresennol am reswm sy'n ymwneud ag anabledd y myfyriwr cymwys.

Myfyrwyr sy'n dod yn gymwys yn ystod blwyddyn academaidd

14. Os bydd unrhyw un o'r digwyddiadau a restrir yn rheoliad 15 yn digwydd yn ystod blwyddyn academaidd–

(a) gall myfyriwr fod â hawl i gael grantiau a benthyciadau o dan y Rhan hon mewn perthynas â'r flwyddyn academaidd honno ar yr amod bod y digwyddiad perthnasol wedi digwydd yn ystod tri mis cyntaf y flwyddyn academaidd; a

(b) nid yw'r grantiau a'r benthyciadau hyn ar gael i'r myfyriwr mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y

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

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

PART 4

GRANTS AND LOANS FOR FEES

CHAPTER 1

GENERAL PROVISION

Fee Support Generally

13.–(1) Fee support under this Part in respect of an academic year may not exceed the fees payable by the eligible student in respect of that academic year.

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

(3) An eligible student to whom paragraph (4) applies is treated as if the eligible student were in attendance on the designated course for the purpose of qualifying for fee support.

(4) This paragraph applies to–

(a) a compressed degree student;

(b) a disabled eligible 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 the eligible student is unable to attend for a reason which relates to the eligible student's disability.

Students becoming eligible during the course of an academic year

14. Where any of the events listed in regulation 15 occurs in the course of an academic year–

(a) a student may qualify for grants and loans under this Part in respect of that academic year provided that the relevant event occurred within the first three months of the academic year; and

(b) such grants and loans are not available to the student in respect of any academic year beginning before the academic year in which

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

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

flwyddyn academaidd y digwyddodd y digwyddiad perthnasol ynddi.

the relevant event occurred.

Digwyddiadau

15. Y digwyddiadau yw–

(a) bod cwrs y myfyriwr yn dod yn gwrs dynodedig;

(b) bod y myfyriwr, neu briod neu bartner sifil y myfyriwr, neu riant (fel y'i diffinnir yn Rhan 1 o Atodlen 1) y myfyriwr yn cael ei gydnabod fel ffoadur neu'n dod yn berson sydd â chaniatâd i ddod i mewn neu i aros;

(c) bod gwladwriaeth yn ymaelodi â'r Undeb Ewropeaidd, a'r myfyriwr yn wladolyn o'r wladwriaeth honno neu'n aelod o deulu (fel y'i diffinnir yn Rhan 1 o Atodlen 1) gwladolyn o'r wladwriaeth honno;

(ch) bod y myfyriwr yn dod yn aelod o deulu (fel y'i diffinnir yn Rhan 1 o Atodlen 1) gwladolyn o'r UE;

(d) bod y myfyriwr yn ennill yr hawl i breswylio'n barhaol;

(dd) bod y myfyriwr yn dod yn blentyn i weithiwr Twrcaidd;

(e) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 6(1)(a) o Atodlen 1; neu

(f) bod y myfyriwr yn dod yn blentyn i wladolyn Swisaidd.

Events

15. The events are–

(a) the student's course becomes a designated course;

(b) the student or the student's spouse, civil partner or parent (as defined in Part 1 of Schedule 1) is recognised as a refugee or becomes a person with leave to enter or remain;

(c) a state accedes to the European Union where the student is a national of that state or a family member (as defined in Part 1 of Schedule 1) of a national of that state;

(d) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EU national;

(e) the student acquires the right of permanent residence;

(f) the student becomes the child of a Turkish worker;

(g) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or

(h) the student becomes the child of a Swiss national.

PENNOD 2

GRANTIAU AT FFIOEDD

CHAPTER 2

GRANTS FOR FEES

Grantiau at ffioedd: amodau'r hawl i'w cael ar gyfer myfyrwyr cymwys o dan yr hen drefn

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

(2) Pennir swm y grant at ffioedd mewn perthynas â blwyddyn academaidd yn unol â rheoliad 17 neu 18.

(3) Nid oes gan fyfyriwr cymwys o dan yr hen drefn hawl i gael grant at ffioedd mewn perthynas â blwyddyn academaidd o gwrs dynodedig–

(a) os yw'r flwyddyn honno yn flwyddyn bwrsari neu'n flwyddyn Erasmus; neu

(b) os yw'r cwrs dynodedig yn gwrs HCA ôl-radd hyblyg.

Grants for fees: qualifying conditions for old system eligible students

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

(2) The amount of the grant for fees in respect of an academic year is determined in accordance with regulation 17 or 18.

(3) An old system eligible student does not qualify for a grant for fees in respect of an academic year of a designated course if–

(a) that year is a bursary year or an Erasmus year; or

(b) the designated course is a flexible postgraduate ITT course.

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

17.–(1) Oni fydd un o'r achosion a nodir ym mharagraff (4) yn gymwys, swm sylfaenol y grant at ffioedd ar gyfer myfyriwr cymwys o dan yr hen drefn mewn perthynas â blwyddyn academaidd cwrs dynodedig mewn sefydliad a ariennir yn gyhoeddus yw'r swm lleiaf o'r canlynol–

(a) £1,345; a

(b) y ffioedd sy'n daladwy gan y myfyriwr cymwys o dan yr hen drefn mewn cysylltiad â'r flwyddyn honno.

(2) Swm sylfaenol y grant at ffioedd ar gyfer myfyriwr cymwys o dan yr hen drefn mewn perthynas â blwyddyn academaidd yn yr achosion ym mharagraff (4) yw'r lleiaf o'r canlynol–

(a) £665; a

(b) y ffioedd sy'n daladwy gan y myfyriwr cymwys o dan yr hen drefn mewn cysylltiad â'r flwyddyn honno.

(3) Os cyfrifir cyfraniad sy'n fwy na dim o dan Atodlen 5, gwneir didyniad o'r grant at ffioedd a benderfynir o dan baragraff (1) neu (2) yn unol â rheoliad 63.

(4) Y canlynol yw'r achosion–

(a) blwyddyn academaidd derfynol y cwrs dynodedig os yw fel rheol yn ofynnol i'r flwyddyn honno gael ei chwblhau ar ôl llai na 15 wythnos o bresenoldeb;

(b) mewn perthynas â chwrs rhyngosod, blwyddyn academaidd–

(i) pryd y mae cyfanswm unrhyw gyfnodau o astudio amser-llawn yn llai na 10 wythnos; neu

(ii) mewn perthynas â'r flwyddyn academaidd honno ac unrhyw flynyddoedd academaidd blaenorol ar y cwrs, os yw cyfanswm unrhyw un neu fwy o gyfnodau o bresenoldeb nad ydynt yn gyfnodau o astudio amser-llawn yn y sefydliad (gan anwybyddu gwyliau yn y cyfamser) yn fwy na 30 wythnos;

(c) mewn perthynas â chwrs ar gyfer hyfforddiant cychwynnol athrawon (gan gynnwys cwrs sy'n arwain at radd gyntaf)–

(i) a ddechreuodd cyn 1 Medi 2010;

(ii) yn dechrau ar neu ar ôl 1 Medi 2010, a'r myfyriwr yn trosglwyddo i'r cwrs presennol yn unol â rheoliad 8 o gwrs ar gyfer hyfforddiant cychwynnol athrawon a ddechreuodd cyn 1 Medi 2010; neu

(iii) yn dechrau ar neu ar ôl 1 Medi 2010 ond cyn 1 Medi 2011 a'r myfyriwr yn fyfyriwr

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

17.–(1) Unless one of the cases set out in paragraph (4) applies, the basic amount of the grant for fees for an old system eligible student in respect of an academic year of a designated course at a publicly funded institution is the lesser of–

(a) £1,345; and

(b) the fees payable by the old system eligible student in connection with that year.

(2) The basic amount of the grant for fees for an old system eligible student in respect of an academic year in the cases in paragraph (4) is the lesser of–

(a) £665; and

(b) the fees payable by the old system eligible student in connection with that year.

(3) Where a contribution exceeding nil is calculated under Schedule 5, a deduction will be made from the grant for fees determined under paragraph (1) or (2) in accordance with regulation 63.

(4) The cases are–

(a) the final academic year of the designated course where that year is ordinarily required to be completed after less than 15 weeks' attendance;

(b) in respect of a sandwich course, an academic year–

(i) during which any periods of full-time study are in aggregate less than 10 weeks; or

(ii) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution (disregarding intervening vacations) exceeds 30 weeks;

(c) in respect of a course for the initial training of teachers (including a course leading to a first degree) which–

(i) began before 1 September 2010;

(ii) begins on or after 1 September 2010 where the student transfers to the present course pursuant to regulation 8 from a course for the initial training of teachers beginning before 1 September 2010; or

(iii) begins on or after 1 September 2010 but before 1 September 2011 and in relation to

blwyddyn i ffwrdd 2010 mewn perthynas â'r cwrs,

blwyddyn academaidd pryd y mae cyfanswm unrhyw gyfnodau o astudio amser-llawn yn llai na 10 wythnos;

(ch) mewn perthynas â chwrs a ddarperir ar y cyd â sefydliad dros y môr, blwyddyn academaidd–

(i) pryd y mae cyfanswm y cyfnodau o astudio amser-llawn yn y sefydliad yn y Deyrnas Unedig yn llai na 10 wythnos; neu

(ii) os bydd, mewn perthynas â'r flwyddyn academaidd honno ac unrhyw flynyddoedd academaidd blaenorol ar y cwrs, cyfanswm unrhyw un neu fwy o gyfnodau o bresenoldeb nad ydynt yn gyfnodau o astudio amser-llawn yn y sefydliad yn y Deyrnas Unedig (gan anwybyddu gwyliau yn y cyfamser) yn fwy na 30 wythnos.

(5) Yn achos cwrs dynodedig yng Ngholeg Heythrop, swm y grant at ffioedd mewn perthynas â blwyddyn academaidd yw £2,405.

(6) Yn achos cwrs dynodedig yn Ysgol Cerdd a Drama Guildhall, swm y grant at ffioedd mewn perthynas â blwyddyn academaidd yw £4,900.

(7) Swm sylfaenol y grant at ffioedd mewn cysylltiad â blwyddyn academaidd mewn sefydliad preifat sy'n darparu cwrs dynodedig ar ran sefydliad a ariennir yn gyhoeddus yw'r lleiaf o £1,255 a'r ffioedd sy'n daladwy gan y myfyriwr mewn cysylltiad â'r flwyddyn honno–

(a) os dechreuodd y cwrs dynodedig ar neu ar ôl 1 Medi 2001;

(b) os darperir y cwrs dynodedig ar ran sefydliad a ariennir yn gyhoeddus; ac

(c) os nad yw unrhyw un o'r amgylchiadau yn rheoliad 17(4) yn gymwys.

(8) Swm sylfaenol y grant at ffioedd mewn cysylltiad â blwyddyn academaidd mewn sefydliad preifat sy'n darparu cwrs dynodedig ar ran sefydliad a ariennir yn gyhoeddus yw'r lleiaf o'r symiau canlynol, sef £665 a'r ffioedd sy'n daladwy gan y myfyriwr cymwys o dan yr hen drefn mewn cysylltiad â'r flwyddyn honno–

(a) os dechreuodd y cwrs dynodedig ar neu ar ôl 1 Medi 2001;

(b) os darperir y cwrs dynodedig ar ran sefydliad a ariennir yn gyhoeddus; ac

(c) os yw un neu fwy o'r amgylchiadau yn rheoliad 17(4) yn gymwys.

(9) Pan gyfrifir cyfraniad sy'n fwy na dim o dan Atodlen 5, gwneir didyniad o swm y grant at ffioedd a benderfynir o dan baragraff (7) neu (8) yn unol â rheoliad 63.

which the student is a 2010 gap year student,

an academic year during which any periods of full-time study are in aggregate less than 10 weeks;

(d) in respect of a course provided in conjunction with an overseas institution, an academic year–

(i) during which the periods of full-time study at the institution in the United Kingdom are in aggregate less than 10 weeks; or

(ii) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution in the United Kingdom (disregarding intervening vacations) exceeds 30 weeks.

(5) In the case of a designated course at Heythrop College, the amount of the grant for fees in respect of an academic year is £2,405.

(6) In the case of a designated course at Guildhall School of Music and Drama, the amount of the grant for fees in respect of an academic year is £4,900.

(7) The basic amount of the grant for fees in respect of an academic year at a private institution providing a designated course on behalf of a publicly funded institution is the lesser of £1,255 and the fees payable by the student in connection with that year if–

(a) the designated course began on or after 1 September 2001;

(b) the designated course is provided on behalf of a publicly funded institution; and

(c) none of the circumstances in regulation 17(4) apply.

(8) The basic amount of the grant for fees in respect of an academic year at a private institution providing a designated course on behalf of a publicly funded institution is the lesser of £665 and the fees payable by the old system eligible student in connection with that year if–

(a) the designated course began on or after 1 September 2001;

(b) the designated course is provided on behalf of a publicly funded institution; and

(c) one or more of the circumstances in regulation 17(4) applies.

(9) Where a contribution exceeding nil is calculated under Schedule 5, a deduction will be made from the amount of the grant for fees determined under paragraph (7) or (8) in accordance with regulation 63.

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

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

(a) £1,255; a

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

(2) Yn achos cwrs dynodedig ym Mhrifysgol Buckingham, swm y grant at ffioedd mewn cysylltiad â blwyddyn academaidd yw £3,190.

Grant newydd at ffioedd

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

(2) Nid oes grant newydd at ffioedd ar gael mewn perthynas â blwyddyn academaidd–

(a) os yw'r flwyddyn honno yn flwyddyn bwrsari neu'n flwyddyn Erasmus; neu

(b) os yw'r cwrs dynodedig yn hen gwrs ôl-radd hyblyg ar gyfer hyfforddiant cychwynnol i athrawon.

(3) Uchafswm y grant sydd ar gael o dan y rheoliad hwn i geisydd mewn perthynas â blwyddyn academaidd ar gwrs dynodedig cymhwysol os nad yw'r un o'r amgylchiadau yn rheoliad 17(4) yn gymwys yw £2,030 neu y gwahaniaeth rhwng £1,345 a'r ffioedd sy'n daladwy gan y ceisydd, pa un bynnag yw'r lleiaf.

(4) Uchafswm y grant sydd ar gael mewn perthynas â blwyddyn academaidd o'r fath o dan y rheoliad hwn i geisydd os yw un o'r amgylchiadau yn rheoliad 17(4) yn gymwys yw £1,015 neu'r gwahaniaeth rhwng £665 a'r ffioedd sy'n daladwy gan y ceisydd, pa un bynnag yw'r lleiaf.

(5) Yn y Rheoliadau hyn ac yn ddarostyngedig i baragraff (6), ystyr "myfyriwr cymwys sydd â hawl i gael grant newydd at ffioedd" ("*eligible student who qualifies for a new fee grant*"), mewn perthynas â chwrs dynodedig cymhwysol, yw myfyriwr cymwys o dan y drefn newydd sy'n berson y mae Gweinidogion Cymru wedi penderfynu mewn cysylltiad â'r cwrs dynodedig ei fod yn dod o fewn un o'r categorïau a nodir yn Rhan 2 o Atodlen 1.

(6) Nid yw myfyriwr carfan newydd yn fyfyriwr cymwys sydd â hawl i gael grant newydd at ffioedd.

(7) Yn y Rheoliadau hyn, ystyr "cwrs dynodedig

Amount of the grant for fees at a private institution (not on behalf of a publicly funded institution): old system eligible students

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

(a) £1,255; and

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

(2) In the case of a designated course at the University of Buckingham, the amount of the grant for fees in respect of an academic year is £3,190.

New fee grant

19.–(1) Subject to paragraph (2), an eligible student who qualifies for a new fee grant may apply for a new fee grant of an amount not exceeding the maximum available (in accordance with paragraph (3) or (4), as the case may be) in respect of, or otherwise in connection with, the eligible student's attendance on a qualifying designated course.

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

(a) that year is a bursary year or an Erasmus year; or

(b) the designated course is an old flexible postgraduate course for the initial training of teachers.

(3) The maximum amount of grant available under this regulation to an applicant in respect of an academic year of a qualifying designated course where none of the circumstances in regulation 17(4) apply is £2,030 or the amount by which the fees payable by the applicant exceed £1,345, whichever is the lesser.

(4) The maximum amount of grant available in respect of such an academic year under this regulation to an applicant where one of the circumstances in regulation 17(4) applies is £1,015 or the amount by which the fees payable by the applicant exceed £665, whichever is the lesser.

(5) In these Regulations and subject to paragraph (6), "eligible student who qualifies for a new fee grant" ("*myfyriwr cymwys sydd â hawl i gael grant newydd at ffioedd*"), in relation to a qualifying designated course, means a new system eligible student who is a person whom the Welsh Ministers have determined in connection with the designated course falls within one of the categories set out in Part 2 of Schedule 1.

(6) A new cohort student is not an eligible student who qualifies for a new fee grant.

(7) In these Regulations, "qualifying designated

cymhwysol" ("*qualifying designated course*"), mewn perthynas â myfyriwr sydd â hawl i gael grant newydd at ffioedd, yw cwrs dynodedig sy'n cael ei ddarparu gan sefydliad a ariennir yn gyhoeddus yng Nghymru.

PENNOD 3

BENTHYCIADAU CYFRANNU AT FFIOEDD A BENTHYCIADAU AT FFIOEDD

Amodau cyffredinol yr hawl i gael benthyciadau cyfrannu at ffioedd a benthyciadau at ffioedd

20.–(1) Mae gan fyfyriwr cymwys hawl i gael benthyciad cyfrannu at ffioedd neu fenthyciad at ffioedd mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig yn unol â'r Rhan hon ar yr amod nad yw'r myfyriwr wedi'i hepgor o fod â hawl gan y paragraff canlynol, rheoliad 6 neu reoliad 7.

(2) Nid oes gan fyfyriwr cymwys hawl i gael benthyciad cyfrannu at ffioedd neu fenthyciad at ffioedd mewn perthynas â blwyddyn academaidd–

(a) os yw'r flwyddyn honno'n flwyddyn bwrsari neu'n flwyddyn Erasmus; neu

(b) os yw'r cwrs dynodedig yn hen gwrs ôl-radd hyblyg ar gyfer hyfforddiant cychwynnol i athrawon.

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

21.–(1) Mae gan fyfyriwr cymwys o dan yr hen drefn hawl i gael benthyciad cyfrannu at ffioedd mewn perthynas â blwyddyn academaidd cwrs dynodedig–

(a) os oes ganddo hawl i gael grant at ffioedd mewn cysylltiad â'r flwyddyn honno neu os byddai wedi bod yn gymwys pe byddai wedi gwneud cais am y grant (hyd yn oed pe byddai swm y grant wedi bod yn ddim); a

(b) os darperir y cwrs dynodedig gan neu ar ran sefydliad a oedd yn cael ei ariannu'n gyhoeddus ar 1 Awst 2005.

(2) Os yw myfyriwr cymwys o dan yr hen drefn yn gwneud cais am grant at ffioedd ac am fenthyciad cyfrannu at ffioedd, swm y benthyciad cyfrannu at ffioedd mewn perthynas â blwyddyn academaidd ar y cwrs dynodedig yw'r swm y mae'r myfyriwr cymwys o dan yr hen drefn yn gwneud cais amdano, a hwnnw'n swm nad yw'n fwy na'r swm a ddidynnwyd o'i grant at ffioedd yn unol â rheoliad 63.

(3) Os benthyciad cyfrannu at ffioedd yw'r unig gymorth at ffioedd y mae myfyriwr cymwys o dan yr hen drefn yn gwneud cais amdano, swm y benthyciad hwnnw mewn perthynas â blwyddyn academaidd y cwrs dynodedig yw'r swm y mae'r myfyriwr cymwys o dan yr hen drefn yn gwneud cais amdano, a hwnnw'n swm nad yw'n fwy na £1,345 neu, os oes unrhyw rai o'r amgylchiadau yn rheoliad 17(4) yn gymwys, £665.

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

CHAPTER 3

FEE CONTRIBUTION LOANS AND FEE LOANS

General qualifying conditions for fee contribution loans and fee loans

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

(2) An eligible student does not qualify for a fee contribution loan or a fee loan in respect of an academic year if–

(a) that year is a bursary year or an Erasmus year; or

(b) the designated course is an old flexible postgraduate course for the initial training of teachers.

Fee contribution loans (for old system eligible students)

21.–(1) An old system eligible student qualifies for a fee contribution loan in respect of an academic year of a designated course if–

(a) the old system eligible student qualifies for a grant for fees in respect of that year or would have qualified if the old system eligible student had applied for the grant (even if the amount would have been nil); and

(b) the designated course is provided by or on behalf of an institution that was publicly funded as at 1 August 2005.

(2) Where an old system eligible student applies for a grant for fees and a fee contribution loan, the amount of the fee contribution loan in respect of an academic year of the designated course is the amount for which the old system eligible student applies not exceeding the amount deducted from the old system eligible student's grant for fees in accordance with regulation 63.

(3) Where the only fee support for which an old system eligible student applies is a fee contribution loan, the amount of that loan in respect of an academic year of the designated course is the amount for which the old system eligible student applies not exceeding £1,345 or, if any of the circumstances in regulation 17(4) apply, £665.

(4) Caiff myfyriwr cymwys o dan yr hen drefn wneud cais am fenthyg swm ychwanegol o fenthyciad cyfrannu at ffioedd–

(a) os yw Gweinidogion Cymru yn penderfynu y dylid cynyddu uchafswm y benthyciad cyfrannu at ffioedd (gan gynnwys rhoi swm pan na roddwyd dim ynghynt) sydd wedi'i hysbysu i'r myfyriwr cymwys o dan yr hen drefn mewn perthynas â blwyddyn academaidd o ganlyniad i ailasesu cyfraniad y myfyriwr cymwys o dan yr hen drefn neu fel arall; a

(b) os yw Gweinidogion Cymru o'r farn nad yw'r cynnydd yn yr uchafswm yn digwydd oherwydd bod y myfyriwr cymwys o dan yr hen drefn–

(i) wedi methu â rhoi yn brydlon wybodaeth a allai effeithio ar ei allu i fod â hawl i gael benthyciad cyfrannu at ffioedd y mae ganddo hawl i'w gael; neu

(ii) rhoi gwybodaeth sy'n anghywir o ran unrhyw fanylyn perthnasol.

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

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

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

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

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

(a) £3,375 neu, os oes un o'r amgylchiadau ym mharagraff 17(4) yn gymwys, £1,680; a

(b) y ffioedd sy'n daladwy gan y myfyriwr mewn perthynas â'r flwyddyn honno, neu mewn cysylltiad â hi mewn modd arall.

(3) Os caiff statws myfyriwr cymwys o dan y drefn newydd fel myfyriwr cymwys o dan y drefn newydd ei drosglwyddo o un cwrs dynodedig i un arall o dan y Rheoliadau hyn a bod un o'r amgylchiadau ym

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

(a) the Welsh Ministers determine that the maximum amount of fee contribution loan which has been notified to the old system eligible student in relation to an academic year should be increased (including an increase from nil) as a result of a reassessment of the old system eligible student's contribution or otherwise; and

(b) the Welsh Ministers consider that the increase in the maximum amount does not result from the old system eligible student –

(i) failing to provide information promptly which might affect the old system eligible student's ability to qualify for a fee contribution loan for which the old system eligible student qualifies; or

(ii) providing information which is inaccurate in any material particular.

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

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

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

22.–(1) A new system eligible student qualifies in accordance with this regulation for a loan in respect of the fees payable by the new system eligible student in respect of, or otherwise in connection with the new system eligible student's attendance on a designated course.

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

(a) £3,375 or, where one of the circumstances in paragraph 17(4) applies, £1,680; and

(b) the fees payable by the student in respect of, or otherwise in connection with, that year.

(3) If the new system eligible student's status as a new system eligible student is transferred from one designated course to another under these Regulations and one of the circumstances in paragraph (4) applies,

mharagraff (4) yn gymwys, caiff y myfyriwr cymwys o dan y drefn newydd fenthyg swm ychwanegol ar ffurf benthyciad at ffioedd mewn perthynas â blwyddyn academaidd y cwrs y mae'n trosglwyddo iddo.

(4) Yr amgylchiadau yw–

(a) bod y ffioedd sy'n daladwy mewn perthynas â blwyddyn academaidd y cwrs y mae'r myfyriwr cymwys o dan y drefn newydd yn trosglwyddo iddo yn fwy na'r ffioedd sy'n daladwy mewn perthynas â blwyddyn academaidd y cwrs y mae'r myfyriwr hwnnw wedi trosglwyddo ohono; a

(b) nad yw blwyddyn academaidd y cwrs y mae'r myfyriwr cymwys o dan y drefn newydd yn trosglwyddo iddo yn dechrau ar ddyddiad diweddarach na blwyddyn academaidd y cwrs y mae'r myfyriwr hwnnw wedi trosglwyddo oddi arno.

(5) Os yw paragraff (4)(a) yn gymwys, rhaid i'r swm ychwanegol y caiff y myfyriwr cymwys o dan y drefn newydd ei fenthyg mewn perthynas â'r flwyddyn academaidd y mae'r myfyriwr hwnnw'n trosglwyddo iddi beidio â bod yn fwy na swm sy'n hafal i'r ffioedd sy'n daladwy gan y myfyriwr hwnnw mewn perthynas â'r flwyddyn academaidd honno, llai swm unrhyw fenthyciad at ffioedd y mae'r myfyriwr hwnnw wedi'i godi mewn perthynas â'r flwyddyn academaidd y mae wedi trosglwyddo oddi arni.

(6) Os yw paragraff 4(b) yn gymwys, rhaid i'r swm ychwanegol y caiff y myfyriwr cymwys o dan y drefn newydd ei fenthyg mewn perthynas â'r flwyddyn academaidd y mae'n trosglwyddo iddi beidio â bod yn fwy na'r lleiaf o'r canlynol–

(a) £3,375 neu, os oes un o'r amgylchiadau yn rheoliad 17(4) yn gymwys, £1,680; a

(b) y ffioedd sy'n daladwy gan y myfyriwr mewn perthynas â'r flwyddyn honno, neu mewn cysylltiad â hi mewn modd arall.

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

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

Benthyciadau at ffioedd: myfyrwyr cymwys o dan y drefn newydd sydd â hawl i gael grant newydd at ffioedd

23.–(1) Caiff myfyriwr cymwys o dan y drefn newydd sydd â hawl i gael grant newydd at ffioedd

the new system eligible student may borrow an additional amount by way of fee loan in respect of the academic year of the course to which the new system eligible student transfers.

(4) The circumstances are–

(a) the fees payable in respect of the academic year of the course to which the new system eligible student transfers exceed the fees payable in respect of the academic year of the course from which the new system eligible student has transferred; and

(b) the academic year of the course to which the new system eligible student transfers does not begin on a later date than the academic year of the course from which the new system eligible student has transferred.

(5) Where paragraph (4)(a) applies, the additional amount that the new system eligible student may borrow in respect of the academic year to which the new system eligible student transfers must not exceed an amount equal to the fees payable by the new system eligible student in respect of that academic year less the amount of any fee loan the new system eligible student has taken out in respect of the academic year from which the new system eligible student has transferred.

(6) Where paragraph (4)(b) applies, the additional amount that the new system eligible student may borrow in respect of the academic year to which the new system eligible student transfers must not exceed the lesser of–

(a) £3,375 or, where one of the circumstances in regulation 17(4) applies, £1,680; and

(b) the fees payable by the student in respect of, or otherwise in connection with, that year.

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

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

Fee loans: new system eligible students qualifying for new fee grant

23.–(1) A new system eligible student who qualifies for a new fee grant may apply under this regulation for

wneud cais o dan y rheoliad hwn am fenthyciad at ffioedd mewn perthynas â'i bresenoldeb ar y cwrs dynodedig cymhwysol.

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

(a) £1,345 neu, pan fydd unrhyw un neu rai o'r amgylchiadau yn rheoliad 17(4) yn gymwys, £665; a

(b) gweddill y ffioedd sy'n daladwy gan y myfyriwr cymwys o dan y drefn newydd a swm sy'n hafal i'r grant newydd at ffioedd mewn perthynas â'r flwyddyn honno neu mewn cysylltiad â hi fel arall wedi ei ddidynnu oddi wrtho.

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

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

(5) Yr amgylchiadau y cyfeirir atynt ym mharagraff (4) yw–

(a) bod y ffioedd sy'n daladwy mewn perthynas â blwyddyn academaidd y cwrs y mae'r myfyriwr cymwys o dan y drefn newydd yn trosglwyddo iddo yn fwy na'r ffioedd sy'n daladwy mewn perthynas â blwyddyn academaidd y cwrs y mae'r myfyriwr wedi trosglwyddo ohono; a

(b) nad yw blwyddyn academaidd y cwrs y mae'r myfyriwr cymwys o dan y drefn newydd yn trosglwyddo iddo yn dechrau ar ddyddiad diweddarach na blwyddyn academaidd y cwrs y mae'r myfyriwr cymwys o dan y drefn newydd wedi trosglwyddo ohono.

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

(7) Pan fo paragraff (5)(b) yn gymwys, rhaid i'r swm

a fee loan in respect of the new system eligible student's attendance on the qualifying designated course.

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

(a) £1,345 or, where any of the circumstances in regulation 17(4) apply, £665; and

(b) the remainder of the fees payable by the new system eligible student less an amount equal to the new fee grant in respect of or otherwise in connection with that year.

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

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

(5) The circumstances referred to in paragraph (4) are–

(a) the fees payable in respect of the academic year of the course to which the new system eligible student transfers exceed the fees payable in respect of the academic year of the course from which the student has transferred; and

(b) the academic year of the course to which the new system eligible student transfers does not begin on a later date than the academic year of the course from which the new system eligible student has transferred.

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

(7) Where paragraph (5)(b) applies, the additional

ychwanegol y caiff y myfyriwr cymwys o dan y drefn newydd ei fenthyg mewn cysylltiad â'r flwyddyn academaidd y mae'n trosglwyddo iddi beidio â bod yn fwy na'r lleiaf o'r canlynol–

(a) £3,375 neu, pan fo un o'r amgylchiadau yn rheoliad 17(4) yn gymwys, £1,680; a

(b) gweddill y ffioedd sy'n daladwy gan y myfyriwr cymwys o dan y drefn newydd llai swm hafal i'r grant newydd at ffioedd mewn perthynas â'r flwyddyn honno, neu mewn cysylltiad â hi fel arall.

amount that the new system eligible student may borrow in respect of the academic year to which the new system eligible student transfers must not exceed the lesser of–

(a) £3,375 or, where one of the circumstances in regulation 17(4) applies, £1,680; and

(b) the remainder of fees payable by the new system eligible student less an amount equal to the new fee grant in respect of, or otherwise in connection with, that year.

RHAN 5

GRANTIAU AT GOSTAU BYW

Amodau cyffredinol yr hawl i gael grantiau at gostau byw

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

(a) nad yw'r myfyriwr cymwys wedi'i hepgor o fod â'r hawl gan unrhyw un o'r paragraffau canlynol, rheoliad 6 neu reoliad 7; a

(b) bod y myfyriwr cymwys yn bodloni amodau'r hawl i gael y grant penodol y mae'n gwneud cais amdano.

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

(3) Nid oes gan fyfyriwr cymwys hawl i gael grant o dan y Rhan hon o ran–

(a) blwyddyn academaidd sy'n flwyddyn bwrsari;

(b) blwyddyn academaidd cwrs ar gyfer hyfforddiant cychwynnol athrawon–

(i) a ddechreuodd cyn 1 Medi 2010;

(ii) sy'n dechrau ar neu ar ôl 1 Medi 2010, a'r myfyriwr cymwys yn trosglwyddo i'r cwrs presennol yn unol â rheoliad 8 o gwrs ar gyfer hyfforddiant cychwynnol athrawon a ddechreuodd cyn 1 Medi 2010; neu

(iii) yn dechrau ar neu ar ôl 1 Medi 2010 ond cyn 1 Medi 2011 a'r myfyriwr yn fyfyriwr blwyddyn i ffwrdd 2010 mewn perthynas â'r cwrs,

pan fo cyfanswm y cyfnodau o bresenoldeb amser-llawn, gan gynnwys presenoldeb at y diben o ymarfer addysgu, yn llai na 6 wythnos;

(c) cwrs HCA hyblyg i ôl-raddedigion sydd yn parhau am lai nag un flwyddyn academaidd.

(4) Nid yw paragraff (3)(b) yn gymwys at ddibenion rheoliad 25.

PART 5

GRANTS FOR LIVING COSTS

General qualifying conditions for grants for living costs

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

(a) the eligible student is not excluded from qualification by any of the following paragraphs, regulation 6 or regulation 7; and

(b) the eligible student satisfies the qualifying conditions for the particular grant for which the eligible student is applying.

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

(3) An eligible student does not qualify for a grant under this Part in respect of–

(a) an academic year which is a bursary year;

(b) an academic year of a course for the initial training of teachers which–

(i) began before 1 September 2010;

(ii) begins on or after 1 September 2010 where the eligible student transfers to the present course pursuant to regulation 8 from a course for the initial training of teachers beginning before 1 September 2010; or

(iii) begins on or after 1 September 2010 but before 1 September 2011 and in relation to which the student is a 2010 gap year student,

during which the periods of full-time attendance, including attendance for the purpose of teaching practice, are in aggregate less than 6 weeks;

(c) a flexible postgraduate ITT course which is of less than one academic year's duration.

(4) Paragraph (3)(b) does not apply for the purposes of regulation 25.

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

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

(a) gwasanaeth di-dâl mewn ysbyty neu mewn labordy gwasanaeth iechyd cyhoeddus neu gydag ymddiriedolaeth gofal sylfaenol yn y Deyrnas Unedig;

(b) gwasanaeth di-dâl gydag awdurdod lleol yn y Deyrnas Unedig sy'n gweithredu i arfer eu swyddogaethau sy'n ymwneud â gofal plant a phobl ifanc, iechyd neu les neu gyda chorff gwirfoddol sy'n darparu cyfleusterau neu sy'n cynnal gweithgareddau o natur debyg yn y Deyrnas Unedig;

(c) gwasanaeth di-dâl yn y gwasanaeth carchardai neu'r gwasanaeth prawf ac ôl-ofal yn y Deyrnas Unedig;

(ch) ymchwil ddi-dâl mewn sefydliad yn y Deyrnas Unedig neu, yn achos myfyriwr cymwys sy'n bresennol mewn sefydliad tramor fel rhan o'i gwrs, mewn sefydliad tramor; neu

(d) gwasanaeth di-dâl gydag unrhyw un o'r canlynol–

(i) yr Awdurdod Iechyd Strategol a sefydlwyd yn unol ag adran 13 o Ddeddf y Gwasanaeth Iechyd Gwladol 2006 neu Awdurdod Iechyd Arbennig a sefydlwyd yn unol ag adran 28 o'r Ddeddf honno(**1**);

(ii) Bwrdd Iechyd Lleol a sefydlwyd yn unol ag adran 11 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 neu Awdurdod Iechyd Arbennig a sefydlwyd yn unol ag adran 22 o'r Ddeddf honno(**2**);

(iii) Bwrdd Iechyd neu Fwrdd Iechyd Arbennig a gyfansoddwyd o dan adran 2 o Ddeddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978(**3**); neu

(iv) Bwrdd Iechyd a Gofal Cymdeithasol Rhanbarthol neu'r Asiantaeth Ranbarthol ar gyfer Iechyd y Cyhoedd a Llesiant Cymdeithasol a sefydlwyd o dan adrannau 7 a 12 o Ddeddf (Diwygio) Iechyd a Gofal Cymdeithasol (Gogledd Iwerddon) 2009(**4**).

(**1**) 2006 p.41.

(**2**) 2006 p.42.

(**3**) 1978 p.29, y mae diwygiadau iddi nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**4**) 2009 p.1 (G.I.).

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

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

(a) unpaid service in a hospital or in a public health service laboratory or with a primary care trust in the United Kingdom;

(b) unpaid service with a local authority in the United Kingdom acting in the exercise of their functions relating to the care of children and young persons, health or welfare or with a voluntary organisation providing facilities or carrying out activities of a like nature in the United Kingdom;

(c) unpaid service in the prison or probation and aftercare service in the United Kingdom;

(d) unpaid research in an institution in the United Kingdom or, in the case of an eligible student attending an overseas institution as part of the eligible student's course, in an overseas institution; or

(e) unpaid service with–

(i) a Strategic Health Authority established pursuant to section 13 of the National Health Service Act 2006 or a Special Health Authority established pursuant to section 28 of that Act(**1**);

(ii) a Local Health Board established pursuant to section 11 of the National Health Service (Wales) Act 2006 or a Special Health Authority established pursuant to section 22 of that Act(**2**);

(iii) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(**3**); or

(iv) the Regional Health and Social Care Board or the Regional Agency for Public Health and Social Well-being established under sections 7 and 12 of the Health and Social Care (Reform) Act (Northern Ireland) 2009(**4**).

(**1**) 2006 c.41.

(**2**) 2006 c.42.

(**3**) 1978 c.29 to which there have been amendments not relevant to these Regulations.

(**4**) 2009 c.1 (N.I.).

(7) Yn ddarostyngedig i baragraff (8), nid oes gan fyfyriwr cymwys hawl i gael grant o dan reoliadau 36 i 44 mewn perthynas â blwyddyn academaidd ar y cwrs dynodedig os nad oes gan y myfyriwr hawl i gael cymorth perthnasol mewn perthynas â'r flwyddyn academaidd honno.

(8) Nid yw paragraff (7) yn gymwys os y rheswm nad oes gan y myfyriwr hawl i gael cymorth perthnasol o ran blwyddyn academaidd cwrs dynodedig yw–

(a) bod y flwyddyn yn flwyddyn Erasmus; neu

(b) bod y cwrs dynodedig yn hen gwrs ôl-radd hyblyg ar gyfer hyfforddiant cychwynnol i athrawon.

(9) Ym mharagraff (7) ystyr "cymorth perthnasol" ("*relevant support*"), yn achos grant o dan reoliad 36, yw grant at ffioedd, neu, yn achos grant o dan reoliadau 37 i 44, benthyciad at ffioedd.

(10) Os bydd un o'r digwyddiadau a restrir ym mharagraff (11) yn digwydd yn ystod blwyddyn academaidd, caiff y myfyriwr gymhwyso i gael grant penodol yn unol â'r Rhan hon mewn perthynas â'r flwyddyn academaidd honno yn gyfan neu ran ohoni ond nid oes gan y myfyriwr hwnnw hawl i gael grant mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol ynddi.

(11) Y digwyddiadau yw–

(a) bod cwrs y myfyriwr yn dod yn gwrs dynodedig;

(b) bod y myfyriwr, priod y myfyriwr, partner sifil y myfyriwr neu riant (fel y'i diffinnir yn Rhan 1 o Atodlen 1) y myfyriwr yn cael ei gydnabod fel ffoadur neu'n dod yn berson sydd â chaniatâd i ddod i mewn neu i aros;

(c) bod y wladwriaeth y mae'r myfyriwr yn wladolyn iddi yn ymaelodi â'r Undeb Ewropeaidd os yw'r myfyriwr wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd yn union cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;

(ch) bod y myfyriwr yn ennill yr hawl i breswylio'n barhaol;

(d) bod y myfyriwr yn dod yn blentyn i weithiwr Twrcaidd;

(dd) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 6(1)(a) o Atodlen 1; neu

(e) bod y myfyriwr yn dod yn blentyn i wladolyn Swisaidd.

(12) Yn ddarostyngedig i baragraff (13), nid oes gan fyfyriwr cymwys hawl i gael grant o dan y Rhan hon os yw'n garcharor.

(13) Nid yw paragraff (12) yn gymwys o ran grant at gostau byw myfyrwyr anabl.

(7) Subject to paragraph (8), an eligible student does not qualify for a grant under regulations 36 to 44 in respect of an academic year of the designated course if the student does not qualify for relevant support in respect of that academic year.

(8) Paragraph (7) does not apply if the reason that the student does not qualify for relevant support in respect of an academic year of a designated course is because–

(a) that academic year is an Erasmus year; or

(b) the designated course is an old flexible postgraduate course for the initial training of teachers.

(9) In paragraph (7) "relevant support" ("*cymorth perthnasol*") means, in the case of a grant under regulation 36, a grant for fees, or, in the case of a grant under regulations 37 to 44, a fee loan.

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

(11) The events are–

(a) the student's course becomes a designated course;

(b) the student, the student's spouse, civil partner or parent (as defined in Part 1 of Schedule 1) is recognised as a refugee or becomes a person with leave to enter or remain;

(c) the state of which the student is a national accedes to the European Union where the student has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course;

(d) the student acquires the right of permanent residence;

(e) the student becomes the child of a Turkish worker;

(f) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or

(g) the student becomes the child of a Swiss national.

(12) Subject to paragraph (13), an eligible student does not qualify for a grant under this Part if the eligible student is a prisoner.

(13) Paragraph (12) does not apply in respect of a grant for disabled students' living costs.

(14) Rhaid trin myfyriwr y mae'r paragraff hwn yn gymwys iddo fel pe bai'n bresennol ar y cwrs dynodedig at ddibenion bod â hawl i gael y grantiau canlynol–

(a) grantiau ar gyfer dibynyddion;

(b) grant at gostau byw myfyrwyr anabl;

(c) grant cynhaliaeth neu grant cymorth arbennig;

(ch) grant addysg uwch.

(15) Mae paragraff (14) yn gymwys i'r canlynol–

(a) myfyriwr cwrs gradd cywasgedig;

(b) myfyriwr cymwys anabl–

(i) nad yw'n fyfyriwr 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; ac

(c) myfyriwr cymwys ar gyfnod astudio neu ar gyfnod lleoliad gwaith yn ystod blwyddyn Erasmus.

Grantiau at gostau byw myfyrwyr anabl

25.–(1) Mae gan fyfyriwr cymwys hawl yn unol â'r rheoliad hwn i gael grant at gostau byw myfyrwyr anabl i helpu i dalu am y gwariant ychwanegol y mae Gweinidogion Cymru wedi'u bodloni ei bod yn ofynnol i'r myfyriwr cymwys ei ysgwyddo mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig oherwydd anabledd sydd ganddo.

(2) Yn ddarostyngedig i'r paragraffau canlynol, swm y grant at gostau byw myfyrwyr anabl o dan y rheoliad hwn yw'r swm y mae Gweinidogion Cymru yn ystyried sy'n briodol yn unol ag amgylchiadau'r myfyriwr cymwys.

(3) Ac eithrio pan fo paragraff (5) yn gymwys, rhaid i swm y grant at gostau byw myfyrwyr anabl beidio â bod yn fwy na'r canlynol–

(a) £20,520 mewn perthynas â blwyddyn academaidd at wariant ar gynorthwyydd personol anfeddygol;

(b) £5,166 mewn perthynas â phob blwyddyn academaidd yn ystod y cyfnod cymhwystra at wariant ar eitemau mawr o offer arbenigol;

(c) y gwariant ychwanegol sy'n cael ei ysgwyddo–

(i) yn y Deyrnas Unedig er mwyn bod yn bresennol yn y sefydliad,

(ii) yn y Deyrnas Unedig neu y tu allan iddi er mwyn bod yn bresennol, fel rhan o gwrs y myfyriwr cymwys, ar unrhyw gyfnod astudio mewn sefydliad tramor neu er mwyn bod yn bresennol yn yr Athrofa;

(ch) £1,729 mewn perthynas â blwyddyn

(14) A student to whom this paragraph applies is treated as being in attendance on the designated course for the purpose of qualifying for the following grants–

(a) grants for dependants;

(b) grant for disabled students' living costs;

(c) maintenance grant or special support grant;

(d) higher education grant.

(15) Paragraph (14) applies to–

(a) a compressed degree student;

(b) a disabled eligible 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 the eligible student is unable to attend for a reason which relates to the eligible student's disability; and

(c) an eligible student on a period of study or a period of work placement in an Erasmus year.

Grants for disabled students' living costs

25.–(1) An eligible student qualifies in accordance with this regulation for a grant for disabled students' living costs to assist with the additional expenditure which the Welsh Ministers are satisfied the eligible student is obliged to incur in connection with the eligible student's attendance on a designated course by reason of a disability to which the student is subject.

(2) Subject to the following paragraphs, the amount of grant for disabled students' living costs under this regulation is the amount that the Welsh Ministers consider appropriate in accordance with the eligible student's circumstances.

(3) Except where paragraph (5) applies, the amount of the grant for disabled students' living costs must not exceed–

(a) £20,520 in respect of an academic year for expenditure on a non-medical personal helper;

(b) £5,166 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 the eligible student's course, any period of study at an overseas institution or for the purpose of attending the Institute;

(d) £1,729 in respect of an academic year for any

academaidd at unrhyw wariant arall gan gynnwys gwariant sy'n cael ei ysgwyddo at y dibenion y cyfeirir atynt yn is-baragraff (a) neu (b) sy'n fwy na'r uchafsymiau penodedig a bennir yn y paragraffau hynny.

(4) Os yw'r myfyriwr cymwys wedi cael taliadau i helpu i dalu am wariant ar eitemau mawr o offer arbenigol mewn cysylltiad â'r cwrs yn rhinwedd y ffaith bod ganddo ddyfarniad trosiannol, mae uchafswm y grant o dan baragraff (3)(b) yn cael ei ostwng yn ôl swm y taliadau hynny.

(5) Uchafswm y grant o dan baragraffau (3)(a) a (3)(ch) yw £15,390 a £1,293, yn y drefn honno–

(a) os yw myfyriwr cymwys yn bresennol ar gwrs ar gyfer hyfforddiant cychwynnol athrawon–

(i) a ddechreuodd cyn 1 Medi 2010;

(ii) sy'n dechrau ar neu ar ôl 1 Medi 2010, a'r myfyriwr yn trosglwyddo i'r cwrs presennol yn unol â rheoliad 8 o gwrs ar gyfer hyfforddiant cychwynnol athrawon a ddechreuodd cyn 1 Medi 2010; neu

(iii) yn dechrau ar neu ar ôl 1 Medi 2010 ond cyn 1 Medi 2011 a'r myfyriwr yn fyfyriwr blwyddyn i ffwrdd 2010 mewn perthynas â'r cwrs; a

(b) os, mewn unrhyw flwyddyn academaidd ar y cwrs hwnnw, yw cyfanswm y cyfnodau o astudio amser-llawn ac ymarfer dysgu amser-llawn gyda'i gilydd yn llai na 6 wythnos.

Grantiau ar gyfer dibynyddion – cyffredinol

26.–(1) Mae'r grant ar gyfer dibynyddion yn cynnwys yr elfennau canlynol–

(a) grant ar gyfer dibynyddion mewn oed;

(b) grant gofal plant;

(c) lwfans dysgu ar gyfer rhieni.

(2) Nodir amodau'r hawl i gael pob elfen a'r symiau sy'n daladwy yn rheoliadau 27 i 30.

(3) Caniateir didynnu swm o unrhyw un o elfennau'r grant ar gyfer dibynyddion yn unol â rheoliad 63.

Grantiau ar gyfer dibynyddion – grant ar gyfer dibynyddion mewn oed

27.–(1) Mae gan fyfyriwr cymwys hawl i gael grant ar gyfer dibynyddion mewn oed mewn cysylltiad â phresenoldeb y myfyriwr cymwys ar gwrs dynodedig yn unol â'r rheoliad hwn.

(2) Mae'r grant ar gyfer dibynyddion mewn oed ar gael mewn perthynas ag un dibynnydd i fyfyriwr cymwys sydd naill ai–

(a) yn bartner i'r myfyriwr cymwys; neu

other expenditure including expenditure incurred for the purposes referred to in sub-paragraph (a) or (b) which exceeds the maxima specified in those paragraphs.

(4) Where the eligible student has received payments to assist with expenditure on major items of specialist equipment in connection with the course by virtue of holding a transitional award, the maximum amount of grant under paragraph (3)(b) is reduced by the amount of those payments.

(5) The maximum amount of grant under paragraphs (3)(a) and (3)(d) is £15,390 and £1,293, respectively where–

(a) an eligible student attends a course for the initial training of teachers which–

(i) began before 1 September 2010;

(ii) begins on or after 1 September 2010 where the student transfers to the present course pursuant to regulation 8 from a course for the initial training of teachers beginning before 1 September 2010; or

(iii) begins on or after 1 September 2010 but before 1 September 2011 and in relation to which the student is a 2010 gap year student; and

(b) in any academic year of that course, the periods of full-time study and full-time teaching practice are in aggregate less than 6 weeks.

Grants for dependants – general

26.–(1) The grants for dependants consist of the following elements–

(a) adult dependants' grant;

(b) childcare grant;

(c) parents' learning allowance.

(2) The qualifying conditions for each element and the amounts payable are set out in regulations 27 to 30.

(3) A deduction may be made from any element of the grants for dependants in accordance with regulation 63.

Grants for dependants – adult dependants' grant

27.–(1) An eligible student qualifies for an adult dependants' grant in connection with the eligible student's attendance on a designated course in accordance with this regulation.

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

(a) the eligible student's partner; or

(b) yn ddibynnydd mewn oed i'r myfyriwr cymwys nad yw ei incwm net yn fwy na £3,801.

(3) Mae swm y grant ar gyfer dibynyddion mewn oed sy'n daladwy mewn perthynas â blwyddyn academaidd yn cael ei gyfrifo yn unol â rheoliad 30, a'r swm sylfaenol yw–

(a) £2,647; neu

(b) os yw'r person y mae'r myfyriwr cymwys yn gwneud cais mewn perthynas ag ef am grant ar gyfer dibynyddion mewn oed yn preswylio fel arfer y tu allan i'r Deyrnas Unedig, unrhyw swm nad yw'n fwy na £2,647 ac sydd ym marn Gweinidogion Cymru yn rhesymol o dan yr amgylchiadau.

Grantiau ar gyfer dibynyddion – grant gofal plant

28.–(1) Mae gan fyfyriwr cymwys, mewn cysylltiad â phresenoldeb y myfyriwr cymwys ar gwrs dynodedig, hawl i gael grant gofal plant yn unol â'r rheoliad hwn.

(2) Yn ddarostyngedig i baragraffau (3) a (4), mae'r grant gofal plant ar gael mewn perthynas â blwyddyn academaidd y mae'r myfyriwr cymwys yn tynnu costau rhagnodedig ar gyfer gofal plant ynddi a hynny ar gyfer–

(a) plentyn dibynnol sydd o dan 15 oed yn union cyn dechrau'r flwyddyn academaidd; neu

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

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

(4) Nid oes gan fyfyriwr cymwys hawl i gael grant o dan y rheoliad hwn os yw'r costau rhagnodedig ar gyfer gofal plant y mae'n eu tynnu'n cael eu talu, neu os ydynt i'w talu, gan y myfyriwr i bartner y myfyriwr cymwys.

(**1**) 1996 p.56; diwygiwyd adran 312 gan Ddeddf Addysg 1997 (p.44), Atodlen 7, paragraff 23 ac Atodlen 8, Deddf Safonau a Fframwaith Ysgolion 1998 (p.31), adran 140, Atodlen 30, paragraff 71 ac Atodlen 31, Deddf Dysgu a Medrau 2000 (p.21), Atodlen 9, paragraff 56, Deddf Addysg ac Arolygiadau 2006 (p.40), Atodlen 1, paragraff 3, Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p.22), adran 59 ac Atodlen 2 ac O.S. 2010/1158.

(**2**) 2002 p.21 y mae diwygiadau iddi nad ydynt yn berthnasol i'r Rheoliadau hyn.

(b) an adult dependant of the eligible student whose net income does not exceed £3,801.

(3) The amount of adult dependants' grant payable in respect of an academic year is calculated in accordance with regulation 30, the basic amount being–

(a) £2,647; or

(b) where the person in respect of whom the eligible student is applying for adult dependants' grant is ordinarily resident outside the United Kingdom, such amount not exceeding £2,647 as the Welsh Ministers consider reasonable in the circumstances.

Grants for dependants – childcare grant

28.–(1) An eligible student qualifies, in connection with the eligible student's attendance on a designated course, for a childcare grant in accordance with this regulation.

(2) Subject to paragraphs (3) and (4), the childcare grant is available in respect of an academic year in which the eligible student incurs prescribed childcare charges for–

(a) a dependent child who is under the age of 15 immediately before the beginning of the academic year; or

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

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

(4) An eligible student does not qualify for a grant under this regulation if the prescribed childcare charges that the eligible student incurs are paid or to be paid by the student to the eligible student's partner.

(**1**) 1996 c.56; section 312 was amended by the Education Act 1997 (c.44), Schedule 7, paragraph 23 and Schedule 8, the Schools Standards and Framework Act 1998 (c.31), section 140, Schedule 30, paragraph 71 and Schedule 31, the Learning and Skills Act 2000 (c.21), Schedule 9, paragraph 56, the Education and Inspections Act 2006 (c. 40), Schedule 1, paragraph 3, the Apprenticeships, Skills, Children and Learning Act 2009 (c.22), section 59 and Schedule 2 and S.I. 2010/1158.

(**2**) 2002 c.21 to which there are amendments not relevant to these Regulations.

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

(a) ar gyfer un plentyn dibynnol, 85 y cant o gostau rhagnodedig ar gyfer gofal plant, hyd at uchafswm o £161.50 yr wythnos; neu

(b) ar gyfer dau neu fwy o blant dibynnol, 85 y cant o gostau rhagnodedig ar gyfer gofal plant, hyd at uchafswm o £274.55 yr wythnos,

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

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

(a) mae wythnos yn rhedeg o ddydd Llun i ddydd Sul; a

(b) os yw wythnos y tynnir costau rhagnodedig ar gyfer gofal plant mewn perthynas â hi yn dod yn rhannol o fewn y flwyddyn academaidd y mae grant gofal plant yn daladwy mewn perthynas â hi o dan y rheoliad hwn ac yn rhannol y tu allan i'r flwyddyn academaidd honno, cyfrifir uchafswm wythnosol y grant drwy luosi'r uchafswm wythnosol perthnasol ym mharagraff (5) â nifer y dyddiau yn yr wythnos honno sy'n dod o fewn y flwyddyn academaidd a rhannu'r canlyniad â saith.

Grantiau ar gyfer dibynyddion – lwfans dysgu ar gyfer rhieni

29.–(1) Mae gan fyfyriwr cymwys hawl mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig i gael y lwfans dysgu ar gyfer rhieni os oes ganddo un neu fwy o ddibynyddion sy'n blant dibynnol.

(2) Mae swm y lwfans dysgu ar gyfer rhieni sy'n daladwy mewn perthynas â blwyddyn academaidd yn cael ei gyfrifo yn unol â rheoliad 30, a'r swm sylfaenol yw £1,508.

Grantiau ar gyfer dibynyddion – eu cyfrifo

30.–(1) Yn ddarostyngedig i'r paragraffau canlynol, y swm sy'n daladwy mewn perthynas ag elfen benodol o'r grant ar gyfer dibynyddion y mae gan y myfyriwr cymwys hawl i'w gael o dan reoliadau 27 i 29 yw'r swm hwnnw o'r elfen honno sy'n weddill ar ôl cymhwyso, hyd nes iddo gael ei ddihysbyddu, swm sy'n hafal i (**A - B**) fel a ganlyn ac yn y drefn ganlynol–

(a) i ostwng swm sylfaenol y grant ar gyfer dibynyddion mewn oed os oes gan y myfyriwr cymwys hawl i gael yr elfen honno o dan reoliad 27;

(b) i ostwng swm sylfaenol y grant gofal plant am y flwyddyn academaidd os oes gan y myfyriwr

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

(a) for one dependent child, 85 per cent of the prescribed childcare charges, subject to a maximum amount of £161.50 per week; or

(b) for two or more dependent children, 85 per cent of the prescribed childcare charges, subject to a maximum amount of £ 274.55 per week,

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

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

(a) a week runs from Monday to Sunday; and

(b) where a week in respect of which prescribed childcare charges are incurred falls partly within and partly outside the academic year in respect of which childcare grant is payable under this regulation, the maximum weekly amount of grant is calculated by multiplying the relevant maximum weekly amount in paragraph (5) by the number of days of that week falling within the academic year and dividing the product by seven.

Grants for dependants – parents' learning allowance

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

(2) The amount of parents' learning allowance payable in respect of an academic year is calculated in accordance with regulation 30, the basic amount being £1,508.

Grants for dependants – calculations

30.–(1) Subject to the following paragraphs, the amount payable in respect of a particular element of the grants for dependants for which the eligible student qualifies under regulations 27 to 29 is the amount of that element remaining after applying, until it is extinguished, an amount equal to (**A - B**) as follows and in the following order–

(a) to reduce the basic amount of the adult dependants' grant where the eligible student qualifies for that element under regulation 27;

(b) to reduce the basic amount of the childcare grant for the academic year where the eligible

cymwys hawl i gael yr elfen honno o dan reoliad 28; ac

(c) i ostwng swm sylfaenol y lwfans dysgu ar gyfer rhieni os oes gan y myfyriwr cymwys hawl i gael yr elfen honno o dan reoliad 29.

(2) Yn y rheoliad hwn ac yn ddarostyngedig i baragraff (8)–

A yw swm cyfanredol incwm net pob un o ddibynyddion y myfyriwr cymwys; a

B yw–

(a) £1,159 os nad oes gan y myfyriwr cymwys blentyn dibynnol;

(b) £3,473 os nad yw'r myfyriwr cymwys yn rhiant unigol a bod ganddo un plentyn dibynnol;

(c) £4,632–

(i) os nad yw'r myfyriwr cymwys yn rhiant unigol a bod ganddo fwy nag un plentyn dibynnol; neu

(ii) os yw'r myfyriwr cymwys yn rhiant unigol a bod ganddo un plentyn;

(ch) £5,797 os yw'r myfyriwr cymwys yn rhiant unigol a bod ganddo fwy nag un plentyn dibynnol.

(3) Yn ddarostyngedig i baragraffau (5), (6) a (13), os yw **B** yn fwy na neu'n hafal i **A**, mae swm sylfaenol pob elfen o'r grant ar gyfer dibynyddion y mae gan y myfyriwr cymwys hawl i'w chael yn daladwy.

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

(5) Gostyngir swm y grant ar gyfer dibynyddion mewn oed a gyfrifir o dan baragraff (1) o ran dibynnydd mewn oed gan hanner y swm–

(a) os yw partner y myfyriwr cymwys–

(i) yn fyfyriwr cymwys; neu

(ii) yn dal dyfarniad statudol; a

(b) os cymerir i ystyriaeth ddibynyddion y partner hwnnw wrth gyfrifo swm y cymorth y mae gan y partner hwnnw hawl i'w gael neu'r taliad y mae ganddo hawlogaeth iddo o dan y dyfarniad statudol.

(6) Gostyngir swm y grant gofal plant a gyfrifir o dan baragraff (1) gan hanner y swm–

(a) os yw partner y myfyriwr cymwys–

(i) yn fyfyriwr cymwys; neu

(ii) yn dal dyfarniad statudol; a

(b) os cymerir i ystyriaeth ddibynyddion y partner hwnnw wrth gyfrifo swm y cymorth y mae gan

student qualifies for that element under regulation 28; and

(c) to reduce the basic amount of the parents' learning allowance where the eligible student qualifies for that element under regulation 29.

(2) In this regulation and subject to paragraph (8)–

A is the aggregate of the net income of each of the eligible student's dependants; and

B is–

(a) £1,159 where the eligible student has no dependent child;

(b) £3,473 where the eligible student is not a lone parent and has one dependent child;

(c) £4,632 where the eligible student–

(i) is not a lone parent and has more than one dependent child; or

(ii) is a lone parent and has one dependent child;

(d) £5,797 where the eligible student is a lone parent and has more than one dependent child.

(3) Subject to paragraphs (5), (6) and (13), where **B** is greater than or equal to **A**, the basic amount of each element of the grants for dependants for which the eligible student qualifies is payable.

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

(5) The amount of the adult dependants' grant calculated under paragraph (1) in respect of an adult dependant is reduced by one half where–

(a) the eligible student's partner–

(i) is an eligible student; or

(ii) holds a statutory award; and

(b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which that partner is entitled under the statutory award.

(6) The amount of the childcare grant calculated under paragraph (1) is reduced by one half where–

(a) the eligible student's partner–

(i) is an eligible student; or

(ii) holds a statutory award; and

(b) account is taken of that partner's dependants in calculating the amount of support for which

y partner hwnnw hawl i'w gael neu'r taliad y mae ganddo hawlogaeth iddo o dan y dyfarniad statudol.

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

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

(a) bod nifer dibynyddion y myfyriwr cymwys yn newid;

(b) bod person yn dod yn ddibynnydd i'r myfyriwr cymwys neu'n peidio â bod yn ddibynnydd iddo;

(c) bod y myfyriwr cymwys yn dod yn rhiant unigol neu'n peidio â bod yn rhiant unigol;

(ch) bod myfyriwr yn dod yn fyfyriwr cymwys o ganlyniad i ddigwyddiad y cyfeirir ato yn rheoliad 24(11).

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

(a) faint o ddibynyddion y mae'r myfyriwr cymwys i gael ei drin fel pe baent ganddo;

(b) pwy yw'r dibynyddion hynny;

(c) a yw'r myfyriwr i gael ei drin fel rhiant unigol.

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

(11) Mae swm y grant ar gyfer dibynyddion mewn oed a'r lwfans dysgu ar gyfer rhieni mewn perthynas â chwarter perthnasol yn draean o swm y grant neu'r lwfans am y flwyddyn academaidd pe bai amgylchiadau'r myfyriwr yn y chwarter perthnasol fel y'u pennir o dan baragraff (9) yn gymwys drwy gydol y flwyddyn academaidd.

(12) Yn y rheoliad hwn, ystyr "chwarter perthnasol" ("*relevant quarter*") yw–

(a) yn achos myfyriwr cymwys y cyfeirir ato ym mharagraff (8)(ch), chwarter sy'n dechrau ar ôl i'r digwyddiad perthnasol ddigwydd ac eithrio chwarter pryd y mae'r un hwyaf o unrhyw wyliau yn digwydd, ym marn Gweinidogion Cymru;

(b) fel arall, chwarter ac eithrio'r chwarter pryd y

that partner qualifies or the payment to which that partner is entitled under the statutory award.

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

(8) Paragraphs (9) to (12) apply where, in the course of the academic year, any of the following occurs–

(a) there is a change in the number of the eligible student's dependants;

(b) a person becomes or ceases to be a dependant of the eligible student;

(c) the eligible student becomes or ceases to be a lone parent;

(d) a student becomes an eligible student as a result of an event referred to in regulation 24(11).

(9) For the purposes of determining the respective values of **A** and **B** and whether adult dependants' grant or parents' learning allowance is payable, the Welsh Ministers must determine the following in relation to each relevant quarter by reference to the eligible student's circumstances in the relevant quarter–

(a) how many dependants the eligible student is to be treated as having;

(b) who those dependants are;

(c) whether the student is to be treated as a lone parent.

(10) The amount of grants for dependants for the academic year is the aggregate of the amounts of adult dependants' grant and parents' learning allowance calculated in respect of each relevant quarter under paragraph (11) and the amount of any childcare grant for the academic year.

(11) The amount of adult dependants' grant and parents' learning allowance in respect of a relevant quarter is one third of what that grant or allowance would be for the academic year if the student's circumstances in the relevant quarter as determined under paragraph (9) applied for the duration of the academic year.

(12) In this regulation, a "relevant quarter" ("*chwarter perthnasol*") means–

(a) in the case of an eligible student referred to in paragraph (8)(d), a quarter which begins after the relevant event occurs other than a quarter during which, in the opinion of the Welsh Ministers, the longest of any vacation occurs;

(b) otherwise, a quarter other than the one quarter

mae'r un hwyaf o unrhyw wyliau yn digwydd, ym marn Gweinidogion Cymru.

(13) Caniateir gwneud didyniad yn unol â Rhan 9 o'r swm sy'n daladwy o ran elfen benodol o'r grant ar gyfer dibynyddion a gyfrifir o dan y Rhan hon.

Grantiau ar gyfer dibynyddion – dehongli

31.–(1) Yn rheoliadau 27 i 30–

(a) yn ddarostyngedig i baragraff (4), ystyr "dibynnydd mewn oed" ("*adult dependant*"), mewn perthynas â myfyriwr cymwys, yw person mewn oed sy'n dibynnu ar y myfyriwr cymwys, ac eithrio plentyn y myfyriwr cymwys, partner y myfyriwr cymwys (gan gynnwys priod neu bartner sifil y mae Gweinidogion Cymru o'r farn bod y myfyriwr cymwys wedi gwahanu oddi wrtho) neu gyn bartner y myfyriwr cymwys;

(b) mae "plentyn" ("*child*") mewn perthynas â myfyriwr cymwys yn cynnwys unrhyw blentyn i bartner y myfyriwr cymwys sy'n ddibynnol arno ac unrhyw blentyn y mae gan y myfyriwr cymwys gyfrifoldeb rhiant drosto a hwnnw'n blentyn sy'n ddibynnol arno;

(c) ystyr "dibynnydd" ("*dependant*"), mewn perthynas â myfyriwr cymwys, yw partner y myfyriwr cymwys, plentyn dibynnol y myfyriwr cymwys neu ddibynnydd mewn oed, nad yw ym mhob achos yn fyfyriwr cymwys ac nad oes ganddo ddyfarniad statudol;

(ch) ystyr "dibynnol" ("*dependent*") yw ariannol ddibynnol yn gyfan gwbl neu'n bennaf;

(d) ystyr "plentyn dibynnol" ("*dependent child*"), mewn perthynas â myfyriwr cymwys yw plentyn sy'n ddibynnol ar y myfyriwr cymwys;

(dd) ystyr "rhiant unigol" ("*lone parent*") yw myfyriwr cymwys nad oes ganddo bartner ac y mae ganddo blentyn dibynnol;

(e) mae i "incwm net" ("*net income*") yr ystyr a roddir ym mharagraff (6);

(f) yn ddarostyngedig i is-baragraffau (ff), (g), (ng) a pharagraffau (2) a (3) ystyr "partner" ("*partner*") yw unrhyw un o'r canlynol–

(i) priod myfyriwr cymwys;

(ii) partner sifil myfyriwr cymwys;

(iii) person sydd fel arfer yn byw gyda myfyriwr cymwys fel pe bai'r person yn briod i'r myfyriwr cymwys, pan fo'r myfyriwr cymwys yn dod o fewn paragraff 2(1)(a) o Atodlen 5 ac wedi dechrau ar y cwrs dynodedig ar neu ar ôl 1 Medi 2000;

(iv) person sydd fel arfer yn byw gyda myfyriwr cymwys fel pe bai'r person yn bartner sifil i'r myfyriwr cymwys, pan fo'r myfyriwr cymwys yn dod o fewn paragraff

during which, in the opinion of the Welsh Ministers, the longest of any vacation occurs.

(13) A deduction may be made in accordance with Part 9 from the amount payable in respect of a particular element of the grants for dependants calculated under this Part.

Grants for dependants – interpretation

31.–(1) In regulations 27 to 30–

(a) subject to paragraph (4), "adult dependant" ("*dibynnydd mewn oed*") means, in relation to an eligible student, an adult person dependent on the eligible student other than the eligible student's child, the eligible student's partner (including a spouse or civil partner from whom the Welsh Ministers consider the eligible student is separated) or the eligible student's former partner;

(b) "child" ("*plentyn*") in relation to an eligible student includes any child of the eligible student's partner who is dependent on the eligible student and any child for whom the eligible student has parental responsibility who is dependent on the eligible student;

(c) "dependant" ("*dibynnydd*") means, in relation to an eligible student, the eligible student's partner, the eligible student's dependent child or an adult dependant, who in each case is not an eligible student and does not hold a statutory award;

(d) "dependent" ("*dibynnol*") means wholly or mainly financially dependent;

(e) "dependent child" ("*plentyn dibynnol*") means, in relation to an eligible student, a child dependent on the eligible student;

(f) "lone parent" ("*rhiant unigol*") means an eligible student who does not have a partner and who has a dependent child;

(g) "net income" ("*incwm net*") has the meaning given in paragraph (6);

(h) subject to sub-paragraphs (i), (j), (k) and paragraphs (2) and (3), "partner" ("*partner*") means any of the following–

(i) the spouse of an eligible student;

(ii) the civil partner of an eligible student;

(iii) a person ordinarily living with an eligible student as if the person were the eligible student's spouse where an eligible student falls within paragraph 2(1)(a) of Schedule 5 and began the designated course on or after 1 September 2000;

(iv) a person ordinarily living with an eligible student as if the person were the eligible student's civil partner where an eligible student falls within paragraph 2(1)(a) of

2(1)(a) o Atodlen 5 ac wedi dechrau ar y cwrs dynodedig ar neu ar ôl 1 Medi 2005;

(ff) oni nodir fel arall, nid yw person a fyddai fel arall yn bartner o dan is-baragraff (f) yn cael ei drin fel partner–

(i) os yw'r person hwnnw a'r myfyriwr cymwys, ym marn Gweinidogion Cymru, wedi gwahanu; neu

(ii) os yw'r person fel arfer yn byw y tu allan i'r Deyrnas Unedig ac nad yw'n cael ei gynnal gan y myfyriwr cymwys;

(g) at ddibenion y diffiniad o "dibynnydd mewn oed" ("*adult dependant*"), rhaid trin person fel partner os byddai'r person yn bartner o dan is-baragraff (f) oni bai am y ffaith nad yw'r myfyriwr cymwys y mae'r person fel arfer yn byw gydag ef yn dod o fewn paragraff 2(1)(a) o Atodlen 5;

(ng) at ddibenion y diffiniadau o "plentyn" ("*child*") a "rhiant unigol" ("*lone parent*"), rhaid trin person fel partner os byddai'r person yn bartner o dan is-baragraff (f) oni bai am y dyddiad y dechreuodd y myfyriwr cymwys ar y cwrs dynodedig a bennir neu'r ffaith nad yw'r myfyriwr cymwys y mae'r person fel arfer yn byw gydag ef yn dod o fewn paragraff 2(1)(a) o Atodlen 5.

(2) At ddibenion rheoliad 28–

(a) nid yw paragraff (1)(ff) yn gymwys; a

(b) rhaid trin person fel partner os byddai'r person yn bartner o dan baragraff (1)(f) oni bai am y ffaith nad yw'r myfyriwr cymwys y mae'r person fel arfer yn byw gydag ef yn dod o fewn paragraff 2(1)(a) o Atodlen 5.

(3) At ddibenion penderfynu a yw rhywun yn gynbartner i bartner i fyfyriwr cymwys, ystyr "partner" ("*partner*") o ran partner i fyfyriwr cymwys yw–

(a) priod i bartner myfyriwr cymwys;

(b) partner sifil i bartner myfyriwr cymwys;

(c) pan fo'r myfyriwr cymwys wedi dechrau ar y cwrs dynodedig a bennir ar neu ar ôl 1 Medi 2000, person ("A") sydd fel arfer yn byw gyda phartner ("B") myfyriwr cymwys fel petai A yn briod i B;

(ch) pan fo'r myfyriwr cymwys wedi dechrau ar y cwrs dynodedig a bennir ar neu ar ôl 1 Medi 2005, person ("A") sydd fel arfer yn byw gyda phartner ("B") myfyriwr cymwys fel petai A yn bartner sifil i B.

(4) Yn ddarostyngedig i baragraff (5), at ddibenion y diffiniadau o "dibynnydd mewn oed" ("*adult dependant*") a "plentyn dibynnol" ("*dependent child*") caiff Gweinidogion Cymru ymdrin â pherson mewn oed neu blentyn fel un sy'n ddibynnol ar fyfyriwr cymwys os ydynt yn fodlon nad yw'r oedolyn neu'r plentyn–

Schedule 5 and began the designated course on or after 1 September 2005;

(i) unless otherwise indicated, a person who would otherwise be a partner under sub-paragraph (h) is not treated as a partner if–

(i) in the opinion of the Welsh Ministers, that person and the eligible student are separated; or

(ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible student;

(j) for the purposes of the definition of "adult dependant" ("*dibynnydd mewn oed*"), a person is to be treated as a partner if the person would be a partner under sub-paragraph (h) but for the fact that the eligible student with whom the person is ordinarily living does not fall within paragraph 2(1)(a) of Schedule 5;

(k) for the purposes of the definitions of "child" ("*plentyn*") and "lone parent" ("*rhiant unigol*"), a person is to be treated as a partner if the person would be a partner under sub-paragraph (h) but for the date on which the eligible student began the specified designated course or the fact that the eligible student with whom the person is ordinarily living does not fall within paragraph 2(1)(a) of Schedule 5.

(2) For the purposes of regulation 28–

(a) paragraph (1)(i) does not apply; and

(b) a person is to be treated as a partner if the person would be a partner under paragraph (1)(h) but for the fact that the eligible student with whom the person is ordinarily living does not fall within paragraph 2(1)(a) of Schedule 5.

(3) 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–

(a) the spouse of an eligible student's partner;

(b) the civil partner of an eligible student's partner:

(c) where the eligible student began the specified designated course on or after 1 September 2000, a person ("A") ordinarily living with an eligible student's partner ("B") as if A were B's spouse;

(d) where the eligible student began the specified designated course on or after 1 September 2005, a person ("A") ordinarily living with an eligible student's partner ("B") as if A were B's civil partner.

(4) Subject to paragraph (5), for the purposes of the definitions of "adult dependant" ("*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–

(a) yn ddibynnol ar–

(i) y myfyriwr cymwys yn unig; neu

(ii) partner y myfyriwr cymwys yn unig; ond

(b) yn hytrach yn ddibynnol ar y myfyriwr cymwys a'i bartner gyda'i gilydd.

(5) Rhaid i Weinidogion Cymru beidio ag ymdrin ag oedolyn ("A") fel un sy'n ddibynnol ar fyfyriwr cymwys yn unol â pharagraff (4), os yw A–

(a) 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

(b) yn gynbartner partner y myfyriwr cymwys.

(6) Yn ddarostyngedig i baragraff (7), incwm net dibynnydd yw incwm y dibynnydd o bob ffynhonnell am y flwyddyn academaidd o dan sylw wedi'i ostwng yn ôl swm y dreth incwm a'r cyfraniadau nawdd cymdeithasol sy'n daladwy mewn perthynas â hi ond gan anwybyddu–

(a) unrhyw bensiwn, lwfans neu fudd-dal arall a delir oherwydd anabledd neu analluedd sydd gan y dibynnydd;

(b) budd-dal plant sy'n daladwy o dan Ran IX o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(**1**);

(c) unrhyw gymorth ariannol sy'n daladwy i'r dibynnydd gan awdurdod lleol yn unol â rheoliadau a wnaed o dan adrannau 2, 3 a 4 o Ddeddf Mabwysiadu a Phlant 2002(**2**);

(ch) unrhyw lwfans gwarcheidwad y mae gan y dibynnydd hawlogaeth i'w gael o dan adran 77 o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992;

(d) yn achos dibynnydd y mae plentyn sy'n derbyn gofal awdurdod lleol wedi'i fyrddio gydag ef, unrhyw daliad a wneir i'r dibynnydd hwnnw yn unol ag adran 23 o Ddeddf Plant 1989(**3**);

(dd) unrhyw daliad a wneir i'r dibynnydd o dan adran 23C(5A) o Ddeddf Plant 1989(**4**);

(e) unrhyw daliadau a wneir i'r dibynnydd o dan adran 15 o Ddeddf Plant 1989 ac Atodlen 1

(**1**) 1992 p.4, y mae diwygiadau iddi nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**2**) 2002 p.38.

(**3**) 1989 p.41. Diwygiwyd adran 23 gan Ddeddf y Llysoedd a Gwasanaethau Cyfreithiol 1990 (p.41), Atodlen 16, paragraff 12, Deddf Safonau Gofal 2000 (p.14), Atodlen 4, paragraff 14, Deddf Plant 2004 (p.31), adran 49(3) a Deddf Plant a Phobl Ifanc 2008 (p.23), adran 39 ac Atodlen 3, paragraffau 1 a 7.

(**4**) Mewnosodwyd is-adrannau (5A) i (5C) o adran 23C o Ddeddf Plant 1989, o ran Lloegr, gan adran 21 o Ddeddf Plant a Phobl Ifanc 2008 ac mae O.S. 2009/268 ac O.S. 2009/2273 yn cyfeirio at hyn. Mewnosodwyd is-adran (5B) yn adran 23C mewn perthynas â Chymru, ac mae O.S. 2010/1329 (Cy.112) (C.81) yn cyfeirio at hyn.

(a) is not dependent on only–

(i) the eligible student; or

(ii) the eligible student's partner; but

(b) is dependent on the eligible student and the eligible student's partner together.

(5) The Welsh Ministers must not treat an adult person ("A") as dependent on an eligible student in accordance with paragraph (4), if A is–

(a) 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

(b) the former partner of the eligible student's partner.

(6) Subject to paragraph (7), a dependant's net income is the dependant's income from all sources for the academic year in question reduced by the amount of income tax and social security contributions payable in respect of it but disregarding–

(a) any pension, allowance or other benefit paid by reason of a disability or incapacity to which the dependant is subject;

(b) child benefit payable under Part IX of the Social Security Contributions and Benefits Act 1992(**1**);

(c) any financial support payable to the dependant by a local authority in accordance with regulations made under sections 2, 3 and 4 of the Adoption and Children Act 2002(**2**);

(d) any guardian's allowance to which the dependant is entitled under section 77 of the Social Security Contributions and Benefits Act 1992;

(e) in the case of a dependant with whom a child being looked after by a local authority is boarded out, any payment made to that dependant in pursuance of section 23 of the Children Act 1989(**3**);

(f) any payment made to the dependant under section 23C(5A) of the Children Act 1989(**4**);

(g) any payments made to the dependant under section 15 of and Schedule 1 to the Children

(**1**) 1992 c.4 to which there are amendments not relevant to these Regulations.

(**2**) 2002 c.38.

(**3**) 1989 c.41. Section 23 was amended by the Courts and Legal Services Act 1990 (c.41), Schedule 16, paragraph 12, the Care Standards Act 2000 (c.14), Schedule 4, paragraph 14, the Children Act 2004 (c.31), section 49(3) and the Children and Young Persons Act 2008 (c.23), section 39 and Schedule 3, paragraphs 1 and 7.

(**4**) Subsections (5A) to (5C) of section 23C of the Children Act 1989 were inserted, in relation to England, by section 21 of the Children and Young Persons Act 2008 and S.I. 2009/268 and S.I. 2009/ 2273 refer. Subsection (5B) has been inserted into section 23C in relation to Wales and S.I. 2010/1329 (W.112) (C.81) refers.

iddi mewn perthynas â pherson nad yw'n blentyn i'r dibynnydd neu unrhyw gymorth a roddir gan awdurdod lleol yn unol ag adran 24 o'r Ddeddf honno(**1**); ac

(f) unrhyw gredyd treth plant y mae gan y dibynnydd hawlogaeth i'w gael o dan Ran I o Ddeddf Credydau Treth 2002(**2**).

(7) Os yw myfyriwr cymwys neu bartner y myfyriwr cymwys yn gwneud unrhyw daliadau ailgylchol a oedd gynt yn cael eu gwneud gan y myfyriwr cymwys yn unol â rhwymedigaeth a ysgwyddwyd cyn blwyddyn academaidd gyntaf cwrs y myfyriwr cymwys, incwm net partner y myfyriwr cymwys yw'r incwm net a gyfrifir yn unol â pharagraff (6) wedi'i ostwng–

(a) o swm sy'n hafal i'r taliadau o dan sylw am y flwyddyn academaidd, os cafodd y rhwymedigaeth, ym marn Gweinidogion Cymru, ei hysgwyddo'n rhesymol; neu

(b) o unrhyw swm llai, os bydd unrhyw swm o gwbl, sy'n briodol ym marn Gweinidogion Cymru, os gellid yn rhesymol, yn eu barn hwy, bod wedi ysgwyddo rhwymedigaeth lai.

(8) At ddibenion paragraff (6), os yw'r dibynnydd yn blentyn dibynnol a bod taliadau'n cael eu gwneud i'r myfyriwr cymwys tuag at gynhaliaeth y plentyn dibynnol, rhaid trin y taliadau hynny fel incwm y plentyn dibynnol.

Dehongli rheoliadau 33 i 35

32. At ddibenion rheoliadau 33 i 35–

(a) mae unrhyw gyfeiriad at wariant a dynnir at y diben o fod yn bresennol mewn sefydliad neu gyfnod astudio neu gyfnod ar leoliad gwaith dramor yn ystod blwyddyn Erasmus–

(i) yn cynnwys gwariant cyn ac ar ôl bod yn bresennol felly; a

(ii) nid yw'n cynnwys unrhyw wariant y mae grant yn daladwy mewn perthynas ag ef o dan reoliad 25,

(b) ystyr "chwarter cymhwysol" ("*qualifying quarter*") yw chwarter pan fo'r myfyriwr cymwys yn bresennol, fel rhan o gwrs y myfyriwr cymwys, mewn sefydliad tramor, yr Athrofa, neu leoliad gwaith tramor yn ystod blwyddyn Erasmus, am o leiaf hanner cyfnod y chwarter hwnnw.

Amodau'r hawl i gael y grant at deithio

33.–(1) Mae grant ar gael i fyfyriwr cymwys sy'n mynychu cwrs mewn meddygaeth neu ddeintyddiaeth (y mae rhan hanfodol ohono'n gyfnod o astudio ar ffurf hyfforddiant clinigol) mewn perthynas â'r gwariant

(**1**) Mae diwygiadau i adrannau 15 a 24 ac Atodlen 1 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**2**) 2002 p.21 y mae diwygiadau iddi nad ydynt yn berthnasol i'r Rheoliadau hyn.

Act 1989 in respect of a person who is not the dependant's child or any assistance given by a local authority pursuant to section 24 of that Act(**1**); and

(h) any child tax credit to which the dependant is entitled under Part I of the Tax Credits Act 2002(**2**).

(7) Where an eligible student or the eligible student's partner makes any recurrent payments which were previously made by the eligible student in pursuance of an obligation incurred before the first academic year of the eligible student's course, the eligible student's partner's net income is the net income calculated in accordance with paragraph (6) reduced by–

(a) an amount equal to the payments in question for the academic year, if in the opinion of the Welsh Ministers, the obligation had been reasonably incurred; or

(b) such lesser amount, if any, as the Welsh Ministers consider appropriate if, in their opinion, a lesser obligation could reasonably have been incurred.

(8) For the purposes of paragraph (6), where the dependant is a dependent child and payments are made to the eligible student towards the dependent child's maintenance, those payments are to be treated as the dependent child's income.

Interpretation of regulations 33 to 35

32. For the purposes of regulations 33 to 35–

(a) any reference to expenditure incurred for the purpose of attending an institution or period of study or period of overseas work placement in an Erasmus year–

(i) includes expenditure both before and after so attending; and

(ii) does not include any expenditure in respect of which a grant is payable under regulation 25,

(b) "qualifying quarter" ("*chwarter cymhwysol*") means a quarter during which the eligible student attends as part of the eligible student's course an overseas institution, the Institute or overseas work placement in an Erasmus year for at least half the period covered by that quarter.

Qualifying conditions for the grant for travel

33.–(1) A grant is available to an eligible student attending a course in medicine or dentistry (a necessary part of which is a period of study by way of clinical training) in respect of the reasonable expenditure

(**1**) There are amendments to sections 15 and 24 and Schedule 1 which are not relevant to these Regulations.

(**2**) 2002 c.21 to which there are amendments not relevant to these Regulations.

rhesymol y mae'n orfodol i'r myfyriwr cymwys ei dynnu mewn blwyddyn academaidd at ddiben mynychu, mewn cysylltiad â chwrs y myfyriwr cymwys, unrhyw ysbyty neu fangre arall yn y Deyrnas Unedig (nad yw'n rhan o'r sefydliad) lle y darperir cyfleusterau ar gyfer hyfforddiant clinigol ac eithrio gwariant a dynnir at ddiben cyfnod o astudio preswyl heb fod yn y sefydliad.

(2) Mae grant ar gael i fyfyriwr cymwys ynglŷn â'r gwariant rhesymol y mae'n orfodol iddo'i dynnu ym mhob chwarter cymhwysol naill ai yn y Deyrnas Unedig neu'r tu allan iddi er mwyn bod yn bresennol, fel rhan o'i gwrs, mewn sefydliad tramor, yr Athrofa neu leoliad gwaith dramor yn ystod blwyddyn Erasmus.

Swm y grant at deithio

34.–(1) Mae swm y grant sy'n daladwy o dan reoliad 33(1) mewn perthynas â blwyddyn academaidd yn hafal i'r gwariant rhesymol y mae Gweinidogion Cymru yn penderfynu bod yn orfodol i'r myfyriwr cymwys ei dynnu at y dibenion a nodir yn y rheoliad hwnnw llai £303.

(2) Cyfrifir swm y grant sy'n daladwy o dan reoliad 33(2) mewn perthynas â blwyddyn academaidd fel a ganlyn–

(X - £303) + Y lle mae–

X yn cynrychioli swm cyfanredol y costau teithio rhesymol y mae'n orfodol i'r myfyriwr cymwys eu tynnu ym mhob chwarter cymhwysol at y dibenion a nodir yn rheoliad 33; ac

Y yn cynrychioli swm cyfanredol y gwariant a dynnwyd ym mhob chwarter cymhwysol ac a bennir ym mharagraff (3).

(3) Y gwariant a bennir, y cyfeirir ato ym mharagraff (2) yw–

(a) gwariant y mae'r myfyriwr cymwys yn rhesymol yn ei dynnu wrth yswirio rhag atebolrwydd am gost triniaeth feddygol a ddarperir y tu allan i'r Deyrnas Unedig am unrhyw salwch neu anaf corfforol a ddioddefir gan y myfyriwr cymwys yn ystod y cyfnod y mae'n bresennol yn y sefydliad tramor, yr Athrofa, neu leoliad gwaith dramor yn ystod blwyddyn Erasmus ("y lleoliad" yn y paragraff hwn);

(b) cost fisa neu fisâu y mae'n orfodol i'r myfyriwr cymwys eu cael er mwyn bod yn bresennol yn y sefydliad tramor, yr Athrofa neu'r lleoliad; ac

(c) costau meddygol y mae'n rhesymol i'r myfyriwr cymwys eu tynnu er mwyn cyflawni amod gorfodol i fynd i'r diriogaeth, y wlad neu'r wladwriaeth lle y mae'r sefydliad tramor, yr Athrofa neu'r lleoliad.

which the eligible student is obliged to incur in an academic year for the purpose of attending in connection with the eligible student's course any hospital or other premises in the United Kingdom (not comprised in the institution) at which facilities for clinical training are provided other than expenditure incurred for the purpose of residential study away from the institution.

(2) A grant is available to an eligible student in respect of the reasonable expenditure which the eligible student is obliged to incur in each qualifying quarter within or outside the United Kingdom for the purpose of attending as part of the eligible student's course an overseas institution, the Institute or overseas work placement in an Erasmus year.

Amount of the grant for travel

34.–(1) The amount of grant payable under regulation 33(1) in respect of an academic year is equal to the reasonable expenditure that the Welsh Ministers determine the eligible student is obliged to incur for the purposes set out in that regulation less £303.

(2) The amount of grant payable under regulation 33 (2) in respect of an academic year is calculated as follows–

(X - £303) + Y where–

X is the aggregate of the reasonable travel costs that the eligible student is obliged to incur in each qualifying quarter for the purposes set out in regulation 33; and

Y is the aggregate of the expenditure incurred in each qualifying quarter specified in paragraph (3).

(3) The expenditure specified in paragraph (2) is–

(a) expenditure that the eligible student reasonably incurs in insuring against liability for the cost of medical treatment provided outside the United Kingdom for any illness or personal injury contracted or suffered during the period the eligible student is attending the overseas institution, the Institute or overseas work placement in an Erasmus year ("the placement" in this paragraph);

(b) the cost of a visa or visas that the eligible student is obliged to obtain in order to attend the overseas institution, the Institute or placement; and

(c) medical costs that the eligible student reasonably incurs in order to fulfil a mandatory condition of entry into the territory, country or state in which the overseas institution, the Institute or placement is situated.

Didyniadau o'r grant at deithio

35. Caniateir gwneud didyniad o grant o dan reoliadau 33 a 34 yn unol â Rhan 9.

Grantiau addysg uwch

36.–(1) Mae gan fyfyriwr cymwys o dan yr hen drefn hawl yn unol â'r rheoliad hwn i gael grant addysg uwch mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig i dalu costau llyfrau, offer, teithio neu ofal plant sy'n cael eu hysgwyddo er mwyn bod yn bresennol ar y cwrs hwnnw.

(2) Nid oes gan fyfyriwr cymwys o dan yr hen drefn hawl i gael grant addysg uwch oni bai ei fod wedi dechrau ar y cwrs dynodedig a bennir ar neu ar ôl 1 Medi 2004.

(3) Uchafswm y grant addysg uwch sydd ar gael mewn perthynas â blwyddyn academaidd yw £1,000.

(4) Mae gan fyfyriwr cymwys o dan yr hen drefn sydd â hawl i gael grant addysg uwch hawlogaeth i gael swm fel a ganlyn–

(a) mewn unrhyw achos lle mae incwm yr aelwyd yn £16,765 neu lai, mae ganddo hawlogaeth i gael uchafswm y grant sydd ar gael;

(b) mewn unrhyw achos lle mae incwm yr aelwyd yn fwy na £16,765 ac nad yw'n fwy na £22,750, mae'r myfyriwr cymwys o dan yr hen drefn yn cael swm sy'n hafal i **M-A**, pan fo **M** yn £1,000 ac A yn £1 am bob £6.30 o incwm sydd gan yr aelwyd uwchlaw £16,765; ac

(c) mewn unrhyw achos lle mae incwm yr aelwyd yn fwy nag £22,750, nid oes grant yn daladwy o dan y rheoliad hwn.

Grant cynhaliaeth

37.–(1) Mae hawl gan fyfyriwr cymwys o dan y drefn newydd, nad yw'n fyfyriwr carfan newydd, i gael grant cynhaliaeth yn unol â rheoliad 38 at gostau byw mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig.

(2) Mae hawl gan fyfyriwr cymwys o dan y drefn newydd sy'n fyfyriwr carfan 2010, i gael grant cynhaliaeth yn unol â rheoliad 39 at gostau byw mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig.

(3) Mae hawl gan fyfyriwr cymwys o dan y drefn newydd sy'n fyfyriwr carfan 2011, i gael grant cynhaliaeth yn unol â rheoliad 40 at gostau byw mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig.

(4) Nid oes hawl gan fyfyriwr cymwys o dan y drefn newydd i gael grant cynhaliaeth os oes hawl gan y myfyriwr cymwys hwnnw i gael grant cymorth arbennig.

Deductions from the grant for travel

35. A deduction may be made from a grant under regulations 33 and 34 in accordance with Part 9.

Higher education grants

36.–(1) An old system eligible student qualifies in accordance with this regulation for a higher education grant in connection with the old system eligible student's attendance on a designated course to defray the cost of books, equipment, travel or childcare incurred for the purpose of attending that course.

(2) An old system eligible student does not qualify for a higher education grant unless the old system eligible student began the specified designated course on or after 1 September 2004.

(3) The maximum amount of higher education grant available in respect of an academic year is £1,000.

(4) An old system eligible student who qualifies for a higher education grant is entitled to receive an amount as follows–

(a) in any case where the household income is £16,765 or less, the old system eligible student is entitled to receive the maximum amount of grant available;

(b) in any case where the household income exceeds £16,765 and does not exceed £22,750, the old system eligible student receives an amount equal to **M - A**, where **M** is £1,000 and A is £1 for every £6.30 by which the household income exceeds £ 16,765; and

(c) in any case where the household income exceeds £22,750, no grant is payable under this regulation.

Maintenance grant

37.–(1) A new system eligible student who is not a new cohort student qualifies in accordance with regulation 38 for a maintenance grant for living costs in connection with that eligible student's attendance on a designated course.

(2) A new system eligible student who is a 2010 cohort student qualifies in accordance with regulation 39 for a maintenance grant for living costs in connection with that eligible student's attendance on a designated course.

(3) A new system eligible student who is a 2011 cohort student qualifies in accordance with regulation 40 for a maintenance grant for living costs in connection with that eligible student's attendance on a designated course.

(4) A new system eligible student does not qualify for a maintenance grant if that eligible student qualifies for a special support grant.

Grant cynhaliaeth – myfyrwyr cymwys o dan y drefn newydd nad ydynt yn fyfyrwyr carfan newydd

38.–(1) Uchafswm y grant cynhaliaeth sydd ar gael i fyfyriwr cymwys o dan y drefn newydd nad yw'n fyfyriwr carfan 2010 mewn perthynas â blwyddyn academaidd yw–

(a) yn achos myfyriwr math 1 ar gwrs hyfforddi athrawon, £1,453;

(b) yn achos myfyriwr math 2 ar gwrs hyfforddi athrawon, £2,906;

(c) yn achos myfyriwr math 3 ar gwrs hyfforddi athrawon, £1,453; ac

(ch) yn achos myfyriwr cymwys o dan y drefn newydd ac eithrio myfyriwr math 1, math 2 neu fath 3 ar gwrs hyfforddi athrawon, £2,906.

(2) Mae myfyriwr math 1 ar gwrs hyfforddi athrawon sydd â hawl i gael grant cynhaliaeth mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno–

(a) os yw incwm yr aelwyd yn £18,370 neu lai, mae'r myfyriwr cymwys yn cael £1,453;

(b) os yw incwm yr aelwyd yn fwy na £18,370 ond heb fod yn fwy na £27,852, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **M-(A/2)** pan fo **M** yn £1,453 ac **A** yn £1 am bob £5.86 o incwm sydd gan yr aelwyd uwchlaw £18,370; ac

(c) os yw incwm yr aelwyd yn fwy na £27,852, neu os yw'r myfyriwr cymwys, wrth wneud cais am y grant, yn dewis peidio â darparu'r wybodaeth sydd ei hangen i gyfrifo incwm yr aelwyd, mae'r myfyriwr cymwys yn cael £644.

(3) Mae myfyriwr math 2 ar gwrs hyfforddi athrawon sydd â hawl i gael grant cynhaliaeth mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno–

(a) os yw incwm yr aelwyd yn £18,370 neu lai, mae'r myfyriwr cymwys yn cael £2,906;

(b) os yw incwm yr aelwyd yn fwy na £18,370 ond heb fod yn fwy na £27,852, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **M-A** pan fo **M** yn £2,906 ac A yn £1 am bob £5.86 o incwm sydd gan yr aelwyd uwchlaw £18,370; ac

(c) os yw incwm yr aelwyd yn fwy na £27,852, neu os yw'r myfyriwr cymwys, wrth wneud cais am y grant, yn dewis peidio â darparu'r wybodaeth sydd ei hangen i gyfrifo incwm yr aelwyd, mae'r myfyriwr cymwys yn cael £1,288.

(4) Mae myfyriwr math 3 ar gwrs hyfforddi athrawon sydd â hawl i gael grant cynhaliaeth mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno–

Maintenance grant – new system eligible students who are not new cohort students

38.–(1) The maximum amount of maintenance grant available to a new system eligible student who is not a 2010 cohort student in respect of an academic year is–

(a) in the case of a type 1 teacher training student, £1,453;

(b) in the case of a type 2 teacher training student, £2,906;

(c) in the case of a type 3 teacher training student, £1,453; and

(d) in the case of a new system eligible student other than a type 1, type 2 or type 3 teacher training student, £2,906.

(2) A type 1 teacher training student who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year–

(a) where the household income is £18,370 or less, the eligible student receives £1,453;

(b) where household income exceeds £18,370 but does not exceed £27,852, the eligible student receives an amount equal to **M - (A/2)** where **M** is £1,453 and **A** is £1 for every £5.86 by which the household income exceeds £18,370; and

(c) where the household income exceeds £27, 852, or the eligible student opts when applying for the grant not to provide the information needed to calculate the household income, the eligible student receives £644.

(3) A type 2 teacher training student who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year–

(a) where the household income is £18,370 or less, the eligible student receives £2,906;

(b) where the household income exceeds £18,370 but does not exceed £27,852, the eligible student receives an amount equal to **M - A** where **M** is £2,906 and A is £1 for every £5.86 by which the household income exceeds £18,370; and

(c) where the household income exceeds £27,852, or the eligible student opts when applying for grant not to provide the information needed to calculate the household income, the eligible student receives £1,288.

(4) A type 3 teacher training student who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year–

(a) os yw incwm yr aelwyd yn £18,370 neu lai, mae'r myfyriwr cymwys yn cael £1,453;

(b) os yw incwm yr aelwyd yn fwy na £18,370 ond heb fod yn fwy na £27,852, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **M-(A/2**) pan fo **M** yn £1,453 ac **A** yn £1 am bob £5.86 o incwm sydd gan yr aelwyd uwchlaw £18,370;

(c) os yw incwm yr aelwyd yn fwy na £27,852 ond heb fod yn fwy na £39,329, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **RM-(A/2**) pan fo **RM** yn £644 ac **A** yn £1 am bob £9.27 o incwm sydd uwchlaw £27,852;

(ch) os yw incwm yr aelwyd yn fwy na £39,329, nid oes unrhyw grant cynhaliaeth yn daladwy.

(5) Mae myfyriwr cymwys o dan y drefn newydd ac eithrio myfyriwr math 1, math 2 neu fath 3 ar gwrs hyfforddi athrawon sydd â hawl i gael grant cynhaliaeth mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno–

(a) os yw incwm yr aelwyd yn £18,370 neu lai, mae'r myfyriwr cymwys yn cael £2,906;

(b) os yw incwm yr aelwyd yn fwy na £18,370 ond heb fod yn fwy na £27,852, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **M-A** pan fo **M** yn £2,906 ac **A** yn £1 am bob £5.86 o incwm sydd gan yr aelwyd uwchlaw £18,370;

(c) os yw incwm yr aelwyd yn fwy na £27,852 ond heb fod yn fwy na £39,329, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **RM-A** pan fo **RM** yn £1,288 ac **A** yn £1 am bob £9.27 o incwm sydd gan yr aelwyd uwchlaw £27,852;

(ch) os yw incwm yr aelwyd yn fwy na £39,329, nid oes unrhyw grant cynhaliaeth yn daladwy.

Grant cynhaliaeth – myfyrwyr cymwys o dan y drefn newydd sy'n fyfyrwyr carfan 2010

39.–(1) Uchafswm y grant cynhaliaeth sydd ar gael i fyfyriwr cymwys o dan y drefn newydd sy'n fyfyriwr carfan 2010 mewn perthynas â blwyddyn academaidd yw £5,000.

(2) Mae myfyriwr cymwys o dan y drefn newydd sy'n fyfyriwr carfan 2010 ac sydd â hawl i gael grant cynhaliaeth mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno–

(a) os yw incwm yr aelwyd yn £18,370 neu lai, mae'r myfyriwr cymwys yn cael £5,000;

(b) os yw incwm yr aelwyd yn fwy na £18,370 ond heb fod yn fwy na £26,500, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **M-A**, pan fo **M** yn £5,000 ac **A** yn £1 am bob £3.77 o incwm sydd gan yr aelwyd uwchlaw £18,370;

(a) where the household income is £18,370 or less, the eligible student receives £1,453;

(b) where the household income exceeds £18,370 but does not exceed £27,852, the eligible student receives an amount equal to **M - (A/2)**, where **M** is £1,453 and **A** is £1 for every £5.86 by which the household income exceeds £18,370;

(c) where the household income exceeds £27,852 but does not exceed £39,329 the eligible student receives an amount equal to **RM - (A/2)**, where **RM** is £644 and **A** is £1 for every £9.27 of income above £27,852;

(d) where the household income exceeds £39,329, no maintenance grant is payable.

(5) A new system eligible student other than a type 1, type 2 or type 3 teacher training student who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year–

(a) where the household income is £18,370 or less, the eligible student receives £2,906;

(b) where the household income exceeds £18,370 but does not exceed £27,852, the eligible student receives an amount equal to **M - A** where **M** is £2,906 and **A** is £1 for every £5.86 by which the household income exceeds £18,370;

(c) where the household income exceeds £27,852 but does not exceed £39,329, the eligible student receives an amount equal to **RM - A**, where **RM** is £1,288 and **A** is £1 for every £9.27 by which the household income exceeds £27,852;

(d) where the household income exceeds £39,329, no maintenance grant is payable.

Maintenance grant – new system eligible students who are 2010 cohort students

39.–(1) The maximum amount of maintenance grant available to a new system eligible student who is a 2010 cohort student in respect of an academic year is £5,000.

(2) A new system eligible student who is a 2010 cohort student and who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year–

(a) where the household income is £18,370 or less, the eligible student receives £5,000;

(b) where the household income exceeds £18,370 but does not exceed £26,500, the eligible student receives an amount equal to **M - A**, where **M** is £5,000 and **A** is £1 for every £3.77 by which the household income exceeds £18,370;

(c) os yw incwm yr aelwyd yn fwy na £26,500 ond heb fod yn fwy na £34,000, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **RM-A** pan fo **RM** yn £2,844 ac **A** yn £1 am bob £4.315 o incwm sydd gan yr aelwyd uwchlaw £26,500;

(ch) os yw incwm yr aelwyd yn fwy na £34,000 ond heb fod yn fwy na £50,020, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **SM-A** pan fo **SM** yn £1,106 ac **A** yn £1 am bob £15.17 o incwm sydd gan yr aelwyd uwchlaw £34,000;

(d) os yw incwm yr aelwyd yn £50,020, mae'r myfyriwr cymwys yn cael £50; ac

(dd) os yw incwm yr aelwyd yn fwy na £50,020, nid oes unrhyw grant cynhaliaeth yn daladwy.

Grant cynhaliaeth – myfyrwyr cymwys o dan y drefn newydd sy'n fyfyrwyr carfan 2011

40.–(1) Uchafswm y grant cynhaliaeth sydd ar gael i fyfyriwr cymwys o dan y drefn newydd sy'n fyfyriwr carfan 2011 mewn perthynas â blwyddyn academaidd yw £5,600.

(2) Mae myfyriwr cymwys o dan y drefn newydd sy'n fyfyriwr carfan 2011 ac sydd â hawl i gael grant cynhaliaeth mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno–

(a) os yw incwm yr aelwyd yn £18,370 neu lai, mae'r myfyriwr cymwys yn cael £5,600;

(b) os yw incwm yr aelwyd yn fwy na £18,370 ond heb fod yn fwy na £26,500, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **M-A**, pan fo **M** yn £5,600 ac **A** yn £1 am bob £3.77 o incwm sydd gan yr aelwyd uwchlaw £18,370;

(c) os yw incwm yr aelwyd yn fwy na £26,500 ond heb fod yn fwy na £34,000, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **RM-A** pan fo **RM** yn £3,444 ac **A** yn £1 am bob £4.315 o incwm sydd gan yr aelwyd uwchlaw £26,500;

(ch) os yw incwm yr aelwyd yn fwy na £34,000 ond heb fod yn fwy na £50,020, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **SM-A** pan fo **SM** yn £1,706 ac **A** yn £1 am bob £9.67 o incwm sydd gan yr aelwyd uwchlaw £34,000;

(d) os yw incwm yr aelwyd yn £50,020, mae'r myfyriwr cymwys yn cael £50;

(dd) os yw incwm yr aelwyd yn fwy na £50,020, nid oes unrhyw grant cynhaliaeth yn daladwy.

Grant cymorth arbennig

41.–(1) Mae hawl gan fyfyriwr cymwys o dan y drefn newydd, nad yw'n fyfyriwr carfan newydd, i gael

(c) where the household income exceeds £26,500 but does not exceed £34,000, the eligible student receives an amount equal to **RM - A**, where **RM** is £2,844 and **A** is £1 for every £4.315 by which the household income exceeds £26,500;

(d) where the household income exceeds £34,000 but does not exceed £50,020, the eligible student receives an amount equal to **SM - A**, where **SM** is £1,106 and **A** is £1 for every £15.17 by which the household income exceeds £34,000;

(e) where the household income is £50,020, the eligible student receives £50; and

(f) where the household income exceeds £50,020, no maintenance grant is payable.

Maintenance grant – new system eligible students who are 2011 cohort students

40.–(1) The maximum amount of maintenance grant available to a new system eligible student who is a 2011 cohort student in respect of an academic year is £5,600.

(2) A new system eligible student who is a 2011 cohort student and who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year–

(a) where the household income is £18,370 or less, the eligible student receives £5,600;

(b) where the household income exceeds £18,370 but does not exceed £26,500, the eligible student receives an amount equal to **M - A**, where **M** is £5,600 and **A** is £1 for every £3.77 by which the household income exceeds £18,370;

(c) where the household income exceeds £26,500 but does not exceed £34,000, the eligible student receives an amount equal to **RM - A**, where **RM** is £3,444 and **A** is £1 for every £4.315 by which the household income exceeds £26,500;

(d) where the household income exceeds £34,000 but does not exceed £50,020, the eligible student receives an amount equal to **SM - A**, where **SM** is £1,706 and **A** is £1 for every £9.67 by which the household income exceeds £34,000;

(e) where the household income is £50,020, the eligible student receives £50;

(f) where the household income exceeds £50,020, no maintenance grant is payable.

Special support grant

41.–(1) A new system eligible student who is not a new cohort student qualifies in accordance with

grant cymorth arbennig yn unol â rheoliad 42 mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig, i dalu costau llyfrau, offer, teithio neu ofal plant a achosir iddo at y diben o fod yn bresennol ar y cwrs hwnnw.

(2) Mae hawl gan fyfyriwr cymwys o dan y drefn newydd, sy'n fyfyriwr carfan 2010, i gael grant cymorth arbennig yn unol â rheoliad 43 mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig, i dalu costau llyfrau, offer, teithio neu ofal plant a achosir iddo at y diben o fod yn bresennol ar y cwrs hwnnw.

(3) Mae hawl gan fyfyriwr cymwys o dan y drefn newydd, sy'n fyfyriwr carfan 2011, i gael grant cymorth arbennig yn unol â rheoliad 44 mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig, i dalu costau llyfrau, offer, teithio neu ofal plant a achosir iddo at y diben o fod yn bresennol ar y cwrs hwnnw.

(4) Mae gan fyfyriwr cymwys o dan y drefn newydd hawl i gael grant cymorth arbennig os yw'r myfyriwr cymwys hwnnw'n dod o fewn categori rhagnodedig o bersonau at ddibenion adran 124(1)(e) o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(**1**), neu os trinnir ef fel rhywun sy'n atebol i wneud taliadau mewn perthynas ag annedd, a ragnodir gan reoliadau a wnaed o dan adran 130(2) o'r Ddeddf honno(**2**).

Grant cymorth arbennig – myfyrwyr cymwys o dan y drefn newydd nad ydynt yn fyfyrwyr carfan newydd

42.–(1) Uchafswm y grant cymorth arbennig sydd ar gael i fyfyriwr cymwys o dan y drefn newydd nad yw'n fyfyriwr carfan newydd, mewn perthynas â blwyddyn academaidd yw–

(a) yn achos myfyriwr math 1 ar gwrs hyfforddi athrawon, £1,453;

(b) yn achos myfyriwr math 2 ar gwrs hyfforddi athrawon, £2,906;

(c) yn achos myfyriwr math 3 ar gwrs hyfforddi athrawon, £1,453; ac

(ch) yn achos myfyriwr cymwys o dan y drefn newydd ac eithrio myfyriwr math 1, math 2 neu fath 3 ar gwrs hyfforddi athrawon, £2,906.

(2) Mae myfyriwr math 1 ar gwrs hyfforddi athrawon sydd â hawl i gael grant cymorth arbennig

(**1**) 1992 p.4. Gwnaed newidiadau i adran 124 nad ydynt yn berthnasol i'r Rheoliadau hyn. Mae'r categorïau o dan adran 124(1)(e) wedi eu rhagnodi mewn rheoliadau. Y rheoliad perthnasol yw rheoliad 4ZA o Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987 (O.S. 1987/1967). Mewnosodwyd rheoliad 4ZA gan O.S. 1996/206, a ddiwygiwyd gan O. S. 1997/2197, O.S. 2000/636, O.S. 2000/1981, O.S. 2001/3070, O.S. 2006/2144, O.S. 2008/1826, O.S. 2009/583, O.S. 2009/2655 ac O.S. 2009/3152.

(**2**) Mae diwygiadau i adran 130 nad ydynt yn berthnasol i'r Rheoliadau hyn. Y rheoliad perthnasol yw rheoliad 56 o Reoliadau Cymhorthdal Tai 2006 (O.S. 2006/213 fel y'i diwygiwyd gan O.S. 2006/718, O.S. 2008/1042, O.S. 2008/1082, O.S. 2009/583 ac O.S. 2010/641).

regulation 42 for a special support grant in connection with that eligible student's attendance on a designated course to defray the cost of books, equipment, travel or childcare incurred for the purpose of attending that course.

(2) A new system eligible student who is a 2010 cohort student qualifies in accordance with regulation 43 for a special support grant in connection with that eligible student's attendance on a designated course to defray the cost of books, equipment, travel or childcare incurred for the purpose of attending that course.

(3) A new system eligible student who is a 2011 cohort student qualifies in accordance with regulation 44 for a special support grant in connection with that student's attendance on a designated course to defray the cost of books, equipment, travel or childcare incurred for the purpose of attending that course.

(4) A new system eligible student qualifies for a special support grant if that eligible student falls within a prescribed category of person for the purposes of section 124(1)(e) of the Social Security Contributions and Benefits Act 1992(**1**), or if that eligible student is treated as being liable to make payments in respect of a dwelling prescribed by regulations made under section 130(2) of that Act(**2**).

Special support grant – new system eligible students who are not new cohort students

42.–(1) The maximum amount of special support grant available to a new system eligible student who is not a new cohort student in respect of an academic year is–

(a) in the case of a type 1 teacher training student, £1,453;

(b) in the case of a type 2 teacher training student, £2,906;

(c) in the case of a type 3 teacher training student, £1,453; and

(d) in the case of a new system eligible student other than a type 1, type 2 or type 3 teacher training student, £2,906.

(2) A type 1 teacher training student who qualifies for special support grant in respect of an academic year

(**1**) 1992 c.4. There are amendments to section 124 which are not relevant to these Regulations. Categories under section 124(1)(e) are prescribed by regulations. The relevant regulation is regulation 4ZA of the Income Support (General) Regulations 1987 (S.I. 1987/1967). Regulation 4ZA was inserted by S.I. 1996/206, amended by S.I. 1997/2197, S.I. 2000/636, S.I. 2000/1981, S.I. 2001/3070, S.I. 2006/2144, S.I. 2008/1826, S.I. 2009/583, S.I. 2009/2655. and S.I. 2009/3152.

(**2**) There are amendments to section 130 which are not relevant to these Regulations. The relevant regulation is regulation 56 of the Housing Benefit Regulations 2006 (S.I. 2006/213 as amended by S.I. 2006/718, S.I. 2008/1042, S.I. 2008/1082, S.I. 2009/583, and S.I. 2010/641).

mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno–

(a) os yw incwm yr aelwyd yn £18,370 neu lai, mae'r myfyriwr cymwys yn cael £1,453;

(b) os yw incwm yr aelwyd yn fwy na £18,370 ond heb fod yn fwy na £27,852, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **M-(A/2)** pan fo **M** yn £1,453 ac **A** yn £1 am bob £5.86 o incwm sydd gan yr aelwyd uwchlaw £18,370; ac

(c) os yw incwm yr aelwyd yn fwy na £27,852, neu os yw'r myfyriwr, wrth wneud cais am y grant, yn dewis peidio â darparu'r wybodaeth sydd ei hangen i gyfrifo incwm yr aelwyd, mae'r myfyriwr cymwys yn cael £644.

(3) Mae myfyriwr math 2 ar gwrs hyfforddi athrawon sydd â hawl i gael grant cymorth arbennig mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno–

(a) os yw incwm yr aelwyd yn £18,370 neu lai, mae'r myfyriwr cymwys yn cael £2,906;

(b) os yw incwm yr aelwyd yn fwy na £18,370 ond heb fod yn fwy na £27,852, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **M-A** pan fo **M** yn £2,906 ac **A** yn £1 am bob £5.86 o incwm sydd gan yr aelwyd uwchlaw £18,370; ac

(c) os yw incwm yr aelwyd yn fwy na £27,852, neu os yw'r myfyriwr wrth wneud cais am y grant yn dewis peidio â rhoi'r wybodaeth y mae ei hangen i gyfrifo incwm yr aelwyd, mae'r myfyriwr cymwys yn cael £1,288.

(4) Mae myfyriwr math 3 ar gwrs hyfforddi athrawon sydd â hawl i gael grant cymorth arbennig mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno–

(a) os yw incwm yr aelwyd yn £18,370 neu lai, mae'r myfyriwr cymwys yn cael £1,453;

(b) os yw incwm yr aelwyd yn fwy na £18,370 ond heb fod yn fwy na £27,852, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **M-(A/2)** pan fo **M** yn £1,453 ac **A** yn £1 am bob £5.86 o incwm sydd gan yr aelwyd uwchlaw £18,370;

(c) os yw incwm yr aelwyd yn fwy na £27,852 ond heb fod yn fwy na £39,329, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **RM-(A/2)**, pan fo **RM** yn £644 ac **A** yn £1 am bob £9.27 o incwm sydd gan yr aelwyd uwchlaw £27,852; ac

(ch) os yw incwm yr aelwyd yn fwy na £39,329, nid oes unrhyw grant cymorth arbennig yn daladwy.

(5) Mae myfyriwr cymwys o dan y drefn newydd ac eithrio myfyriwr math 1, math 2 neu fath 3 ar gwrs hyfforddi athrawon sydd â hawl i gael grant cymorth

receives an amount as follows in respect of that year–

(a) where the household income is £18,370 or less, the eligible student receives £1,453;

(b) where the household income exceeds £18,370 but does not exceed £27,852, the eligible student receives an amount equal to **M - (A/2)** where **M** is £1,453 and **A** is £1 for every £5.86 by which the household income exceeds £18,370; and

(c) where the household income exceeds £27,852, or the student opts when applying for grant not to provide the information needed to calculate the household income, the eligible student receives £644.

(3) A type 2 teacher training student who qualifies for special support grant in respect of an academic year receives an amount as follows in respect of that year–

(a) where the household income is £18,370 or less, the eligible student receives £2,906;

(b) where the household income exceeds £18,370 but does not exceed £27,852, the eligible student receives an amount equal to **M - A** where **M** is £2,906 and **A** is £1 for every £5.86 by which the household income exceeds £18,370; and

(c) where the household income exceeds £27,852, or the student opts when applying for the grant not to provide the information needed to calculate the household income the eligible student receives £1,288.

(4) A type 3 teacher training student who qualifies for special support grant in respect of an academic year receives an amount as follows in respect of that year–

(a) where the household income is £18,370 or less, the eligible student receives £1,453;

(b) where the household income exceeds £18,370 but does not exceed £27,852, the eligible student receives an amount equal to **M - (A/2)** where **M** is £1,453 and **A** is £1 for every £5.86 by which the household income exceeds £18,370;

(c) where the household income exceeds £27,852 but does not exceed £39,329, the eligible student receives an amount equal to **RM - (A/2)**, where **RM** is £644 and **A** is £1 for every £9.27 by which the household income exceeds £27,852; and

(d) where the household income exceeds £39,329, no special support grant is payable.

(5) A new system eligible student other than a type 1, type 2 or type 3 teacher training student who qualifies for a special support grant in respect of an academic

arbennig mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno–

(a) os yw incwm yr aelwyd yn £18,370 neu lai, mae'r myfyriwr cymwys yn cael £2,906;

(b) os yw incwm yr aelwyd yn fwy na £18,370 ond heb fod yn fwy na £27,852, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **M-A** pan fo **M** yn £2,906 ac **A** yn £1 am bob £5.86 o incwm sydd gan yr aelwyd uwchlaw £18,370;

(c) os yw incwm yr aelwyd yn fwy na £27,852 ond heb fod yn fwy na £39,329, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **RM-A** pan fo **RM** yn £1,288 ac **A** yn £1 am bob £9.27 cyflawn o incwm sydd gan yr aelwyd uwchlaw £27,852;

(ch) os yw incwm yr aelwyd yn fwy na £39,329, nid oes unrhyw grant cymorth arbennig yn daladwy.

year receives an amount as follows in respect of that year–

(a) where the household income is £18,370 or less, the eligible student receives £2,906;

(b) where the household income exceeds £18,370 but does not exceed £27,852, the eligible student receives an amount equal to **M - A** where **M** is £2,906 and **A** is £1 for every £5.86 by which the household income exceeds £18,370;

(c) where the household income exceeds £27,852 but does not exceed £39,329, the eligible student receives an amount equal to **RM - A**, where **RM** is £1,288 and **A** is £1 for every £9.27 by which the household income exceeds £27,852;

(d) where the household income exceeds £39,329, no special support grant is payable.

Grant cymorth arbennig – myfyrwyr cymwys o dan y drefn newydd sy'n fyfyrwyr carfan 2010

43.–(1) Uchafswm y grant cymorth arbennig sydd ar gael i fyfyriwr cymwys o dan y drefn newydd sy'n fyfyriwr carfan 2010 mewn perthynas â blwyddyn academaidd yw £5,000.

(2) Mae myfyriwr cymwys o dan y drefn newydd sy'n fyfyriwr carfan 2010 ac sydd â hawl i gael grant cymorth arbennig mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno–

(a) os yw incwm yr aelwyd yn £18,370 neu lai, mae'r myfyriwr cymwys yn cael £5,000;

(b) os yw incwm yr aelwyd yn fwy na £18,370 ond heb fod yn fwy na £26,500, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **M-A**, pan fo **M** yn £5,000 ac **A** yn £1 am bob £3.77 o incwm sydd gan yr aelwyd uwchlaw £18,370;

(c) os yw incwm yr aelwyd yn fwy na £26,500 ond heb fod yn fwy na £34,000, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **RM-A** pan fo **RM** yn £2,844 ac **A** yn £1 am bob £4.315 o incwm sydd gan yr aelwyd uwchlaw £26,500;

(ch) os yw incwm yr aelwyd yn fwy na £34,000 ond heb fod yn fwy na £50,020, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **SM-A** pan fo **SM** yn £1,106 ac **A** yn £1 am bob £15.17 o incwm sydd gan yr aelwyd uwchlaw £34,000;

(d) os yw incwm yr aelwyd yn £50,020, mae'r myfyriwr cymwys yn cael £50; ac

(dd) os yw incwm yr aelwyd yn fwy na £50,020, nid oes unrhyw grant cymorth arbennig yn daladwy.

Special support grant – new system eligible students who are 2010 cohort students

43.–(1) The maximum amount of special support grant available to a new system eligible student who is a 2010 cohort student in respect of an academic year is £5,000.

(2) A new system eligible student who is a 2010 cohort student who qualifies for a special support grant in respect of an academic year receives an amount as follows in respect of that year–

(a) where the household income is £18,370 or less, the eligible student receives £5,000;

(b) where the household income exceeds £18,370 but does not exceed £26,500, the eligible student receives an amount equal to **M - A**, where **M** is £5,000 and **A** is £1 for every £3.77 by which the household income exceeds £18,370;

(c) where the household income exceeds £26,500 but does not exceed £34,000, the eligible student receives an amount equal to **RM - A**, where **RM** is £2,844 and **A** is £1 for every £4.315 by which the household income exceeds £26,500;

(d) where the household income exceeds £34,000 but does not exceed £50,020, the eligible student receives an amount equal to **SM - A**, where **SM** is £1,106 and **A** is £1 for every £15.17 by which the household income exceeds £34,000;

(e) where the household income is £50,020, the eligible student receives £50; and

(f) where the household income exceeds £50,020, no special support grant is payable.

Grant cymorth arbennig – myfyrwyr cymwys o dan y drefn newydd sy'n fyfyrwyr carfan 2011

44.–(1) Uchafswm y grant cymorth arbennig sydd ar gael i fyfyriwr cymwys o dan y drefn newydd sy'n fyfyriwr carfan 2011 mewn perthynas â blwyddyn academaidd yw £5,600.

(2) Mae myfyriwr cymwys o dan y drefn newydd sy'n fyfyriwr carfan 2011 ac sydd â hawl i gael grant cymorth arbennig mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno–

(a) os yw incwm yr aelwyd yn £18,370 neu lai, mae'r myfyriwr cymwys yn cael £5,600;

(b) os yw incwm yr aelwyd yn fwy na £18,370 ond heb fod yn fwy na £26,500, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **M-A**, pan fo **M** yn £5,600 ac **A** yn £1 am bob £3.77 o incwm sydd gan yr aelwyd uwchlaw £18,370;

(c) os yw incwm yr aelwyd yn fwy na £26,500 ond heb fod yn fwy na £34,000, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **RM-A** pan fo **RM** yn £3,444 ac **A** yn £1 am bob £4.315 o incwm sydd gan yr aelwyd uwchlaw £26,500;

(ch) os yw incwm yr aelwyd yn fwy na £34,000 ond heb fod yn fwy na £50,020, mae'r myfyriwr cymwys yn cael swm sy'n hafal i **SM-A** pan fo **SM** yn £1,706 ac **A** yn £1 am bob £9.67 o incwm sydd gan yr aelwyd uwchlaw £34,000;

(d) os yw incwm yr aelwyd yn £50,020, mae'r myfyriwr cymwys yn cael £50; ac

(dd) os yw incwm yr aelwyd yn fwy na £50,020, nid oes unrhyw grant cymorth arbennig yn daladwy.

Special support grant – new system eligible students who are 2011 cohort students

44.–(1) The maximum amount of special support grant available to a new system eligible student who is a 2011 cohort student in respect of an academic year is £5,600.

(2) A new system eligible student who is a 2011 cohort student who qualifies for a special support grant in respect of an academic year receives an amount as follows in respect of that year–

(a) where the household income is £18,370 or less, the eligible student receives £5,600;

(b) where the household income exceeds £18,370 but does not exceed £26,500, the eligible student receives an amount equal to **M - A**, where **M** is £5,600 and **A** is £1 for every £3.77 by which the household income exceeds £18,370;

(c) where the household income exceeds £26,500 but does not exceed £34,000, the eligible student receives an amount equal to **RM - A**, where RM is £3,444 and A is £1 for every £4.315 by which the household income exceeds £26,500;

(d) where the household income exceeds £34,000 but does not exceed £50,020, the eligible student receives an amount equal to **SM - A**, where **SM** is £1,706 and **A** is £1 for every £9,67 by which the household income exceeds £34,000;

(e) where the household income is £50,020, the eligible student receives £50; and

(f) where the household income exceeds £50,020, no special support grant is payable.

RHAN 6

BENTHYCIADAU AT GOSTAU BYW

Amodau'r hawl i gael benthyciadau at gostau byw

45.–(1) Yn ddarostyngedig i baragraff (7), mae gan fyfyriwr cymwys hawl i gael benthyciad at gostau byw mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig os yw'r myfyriwr cymwys yn bodloni'r amod ym mharagraff (2) ac nad yw'n cael ei hepgor gan baragraff (3) neu reoliad 7.

(2) Yr amod yw bod y myfyriwr cymwys o dan 60 oed ar y dyddiad perthnasol.

(3) Nid oes gan fyfyriwr cymwys hawl i gael benthyciad at gostau byw os paragraff 9 yw'r unig baragraff yn Rhan 2 o Atodlen 1 y mae'r myfyriwr yn dod odano.

PART 6

LOANS FOR LIVING COSTS

Qualifying conditions for loans for living costs

45.–(1) Subject to paragraph (7), an eligible student qualifies for a loan for living costs in connection with the eligible student's attendance on a designated course if the eligible student satisfies the condition in paragraph (2) and is not excluded by paragraph (3) or regulation 7.

(2) The condition is that the eligible student is under the age of 60 on the relevant date.

(3) An eligible student does not qualify for a loan for living costs if the only paragraph in Part 2 of Schedule 1 into which the student falls is paragraph 9.

(4) Nid oes gan fyfyriwr cymwys hawl i gael benthyciad at gostau byw mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig os yw'r cwrs hwnnw'n gwrs HCA hyblyg i ôl-raddedigion sy'n parhau am lai nag un flwyddyn academaidd.

(5) Nid oes gan fyfyriwr cymwys hawl i gael benthyciad at gostau byw mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig os yw'r cwrs hwnnw–

(a) sy'n dechrau ar neu ar ôl 1 Medi 2009; a

(b) sy'n arwain at gymhwyster fel pensaer tirwedd, dylunydd tirwedd, rheolwr tirwedd, cynllunydd tref neu gynllunydd gwlad a thref.

(6) Mae gan fyfyriwr cymwys o dan yr hen drefn sy'n dod o fewn paragraff (a) neu (ch)(i) o'r diffiniad o "myfyriwr cymwys o dan yr hen drefn" yn rheoliad 2 hawl i gael benthyciad at gostau byw mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig os yw'n bodloni'r amod ym mharagraff (2) ac nad yw wedi'i wahardd gan baragraff (3).

(7) Rhaid trin myfyriwr cymwys y mae'r paragraff hwn yn gymwys iddo fel pe bai'n bresennol ar y cwrs dynodedig at ddibenion bod â hawl i gael benthyciad at gostau byw.

(8) Mae paragraff (7) yn gymwys i'r canlynol–

(a) myfyriwr cwrs gradd cywasgedig;

(b) myfyriwr cymwys anabl–

(i) nad yw'n fyfyriwr 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; ac

(c) myfyriwr cymwys ar gyfnod astudio neu ar gyfnod lleoliad gwaith yn ystod blwyddyn Erasmus.

(9) Nid oes gan fyfyriwr cymwys hawl i gael benthyciad at gostau byw o dan y Rhan hon os yw'r myfyriwr cymwys yn garcharor.

Cyffredinol

46. Cyfrifir uchafswm y benthyciad at gostau byw mewn perthynas â blwyddyn academaidd fel a ganlyn–

(a) pan fo'r myfyriwr cymwys yn fyfyriwr cymwys o dan yr hen drefn sydd â hawlogaeth lawn, yn unol â rheoliad 47;

(b) pan fo'r myfyriwr cymwys yn fyfyriwr cymwys o dan y drefn newydd sydd â hawlogaeth lawn ac nad yw'n fyfyriwr carfan newydd, yn unol â rheoliadau 48 a 49;

(c) pan fo'r myfyriwr cymwys yn fyfyriwr cymwys o dan y drefn newydd sydd â hawlogaeth lawn ac yn fyfyriwr carfan 2010, yn unol â rheoliad 50;

(4) An eligible student does not qualify for a loan for living costs in connection with the eligible student's attendance on a designated course if that course is a flexible postgraduate ITT course which is of less than one academic year's duration.

(5) An eligible student does not qualify for a loan for living costs in connection with the eligible student's attendance on a designated course if that course–

(a) begins on or after 1 September 2009; and

(b) leads to qualification as a landscape architect, landscape designer, landscape manager, town planner or town and country planner.

(6) An old system eligible student who falls within paragraph (a) or (d)(i) of the definition of "old system eligible student" in regulation 2 qualifies for a loan for living costs in connection with the old system eligible student's attendance on a designated course if the old system eligible student satisfies the condition in paragraph (2) and is not excluded by paragraph (3).

(7) An eligible student to whom this regulation applies is treated as being in attendance on the designated course for the purpose of qualifying for the loan for living costs.

(8) Paragraph (7) applies to–

(a) a compressed degree student;

(b) a disabled eligible 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 the eligible student is unable to attend for a reason which relates to the eligible student's disability; and

(c) an eligible student on a period of study or a period of work placement in an Erasmus year.

(9) An eligible student does not qualify for a loan for living costs under this Part if the eligible student is a prisoner.

General

46. The maximum amount of loan for living costs in respect of an academic year is calculated as follows–

(a) where the eligible student is an old system eligible student with full entitlement, in accordance with regulation 47;

(b) where the eligible student is a new system eligible student with full entitlement who is not a new cohort student, in accordance with regulations 48 and 49;

(c) where the eligible student is a new system eligible student with full entitlement who is a 2010 cohort student, in accordance with regulation 50;

(ch) pan fo'r myfyriwr cymwys yn fyfyriwr cymwys o dan y drefn newydd sydd â hawlogaeth lawn ac yn fyfyriwr carfan 2011, yn unol â rheoliad 51;

(d) pan fo'r myfyriwr cymwys yn fyfyriwr sydd â hawlogaeth ostyngol, yn unol â rheoliad 52.

Uchafswm benthyciadau i fyfyrwyr cymwys o dan yr hen drefn sydd â hawlogaeth lawn

47.–(1) Yn ddarostyngedig i reoliadau 53 i 58, uchafswm y benthyciad at gostau byw y mae gan fyfyriwr cymwys o dan yr hen drefn, sydd â hawlogaeth lawn, hawl i'w gael mewn perthynas â blwyddyn academaidd (ac eithrio blwyddyn derfynol cwrs nad yw'n gwrs dwys) yw, i fyfyriwr o'r fath–

(a) yng nghategori 1, £3,673;

(b) yng nghategori 2, £6,648;

(c) yng nghategori 3, £5,658;

(ch) yng nghategori 4, £5,658;

(d) yng nghategori 5, £4,745.

(2) Yn ddarostyngedig i reoliadau 53 i 58, uchafswm y benthyciad at gostau byw y mae gan fyfyriwr cymwys o dan yr hen drefn, sydd â hawlogaeth lawn, hawl i'w gael mewn perthynas â blwyddyn academaidd sy'n flwyddyn derfynol cwrs nad yw'n gwrs dwys yw, i fyfyriwr o'r fath–

(a) yng nghategori 1, £3,324;

(b) yng nghategori 2, £6,053;

(c) yng nghategori 3, £4,920;

(ch) yng nghategori 4, £4,920;

(d) yng nghategori 5, £4,396.

Uchafswm benthyciadau i fyfyrwyr cymwys o dan y drefn newydd sydd â hawlogaeth lawn ac nad ydynt yn fyfyrwyr carfan newydd

48.–(1) Mae'r rheoliad hwn yn gymwys i fyfyriwr cymwys o dan y drefn newydd sydd â hawlogaeth lawn ac nad yw'n fyfyriwr carfan newydd (ac eithrio myfyriwr math 1 neu fath 2 ar gwrs hyfforddi athrawon, y mae ei gyfraniad yn uwch na dim).

(2) Yn ddarostyngedig i reoliadau 53 i 58, mae uchafswm y benthyciad at gostau byw y mae gan fyfyriwr y mae'r rheoliad hwn yn gymwys iddo hawl i'w gael mewn perthynas â blwyddyn academaidd (ac eithrio blwyddyn derfynol cwrs nad yw'n gwrs dwys) yn hafal i (**X-Y**) pan fo–

X i fyfyriwr o'r fath–

(i) yng nghategori 1, yn £3,673;

(ii) yng nghategori 2, yn £6,648;

(iii) yng nghategori 3, yn £5,658;

(iv) yng nghategori 4, yn £5,658;

(d) where the eligible student is a new system eligible student with full entitlement who is a 2011 cohort student, in accordance with regulation 51;

(e) where the eligible student is a student with reduced entitlement, in accordance with regulation 52.

Maximum amount of loans for old system eligible students with full entitlement

47.–(1) Subject to regulations 53 to 58, the maximum amount of loan for living costs for which an old system eligible student with full entitlement qualifies in respect of an academic year other than the final year of a course that is not an intensive course is, for such a student in–

(a) category 1, £3,673;

(b) category 2, £6,648;

(c) category 3, £5,658;

(d) category 4, £5,658;

(e) category 5, £4,745.

(2) Subject to regulations 53 to 58, the maximum amount of loan for living costs for which an old system eligible student with full entitlement qualifies in respect of an academic year which is the final year of a course that is not an intensive course is, for such a student in–

(a) category 1, £3,324;

(b) category 2, £6,053;

(c) category 3, £4,920;

(d) category 4, £4,920;

(e) category 5, £4,396.

Maximum amount of loans for new system eligible students with full entitlement who are not new cohort students

48.–(1) This regulation applies to a new system eligible student with full entitlement who is not a new cohort student (other than a type 1 or type 2 teacher training student whose contribution exceeds nil).

(2) Subject to regulations 53 to 58, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year other than a final year of a course that is not an intensive course is equal to (**X-Y**) where–

X is, for such a student in–

(i) category 1, £3,673;

(ii) category 2, £6,648;

(iii) category 3, £5,658;

(iv) category 4, £5,658;

(v) yng nghategori 5, yn £4,745;

Y yn swm y grant cynhaliaeth.

(3) Yn ddarostyngedig i reoliadau 53 i 58, mae uchafswm y benthyciad at gostau byw y mae gan fyfyriwr y mae'r rheoliad hwn yn gymwys iddo hawl i'w gael mewn perthynas â blwyddyn academaidd sy'n flwyddyn derfynol cwrs nad yw'n gwrs dwys yn hafal i (**X-Y**) pan fo–

X i fyfyriwr o'r fath –

(i) yng nghategori 1, yn £3,324;

(ii) yng nghategori 2, yn £6,053;

(iii) yng nghategori 3, yn £4,920;

(iv) yng nghategori 4, yn £4,920;

(v) yng nghategori 5, yn £4,396;

Y yn swm y grant cynhaliaeth.

(4) Yn y rheoliad hwn, "swm y grant cynhaliaeth" ("*the maintenance grant amount*") yw–

(a) os oes gan y myfyriwr cymwys o dan y drefn newydd, y cyfeirir ato ym mharagraff (1), hawl o dan reoliad 38 i gael swm o grant cynhaliaeth nad yw'n fwy na £1,288, swm y grant cynhaliaeth sy'n daladwy;

(b) os oes gan y myfyriwr cymwys o dan y drefn newydd, y cyfeirir ato ym mharagraff (1), hawl o dan reoliad 38 i gael swm o grant cynhaliaeth sy'n fwy na £1,288; ac

(c) os nad oes grant cynhaliaeth yn daladwy, dim.

49.–(1) Mae'r rheoliad hwn yn gymwys i fyfyriwr math 1 neu i fyfyriwr math 2 ar gwrs hyfforddi athrawon y mae ei gyfraniad yn uwch na dim.

(2) Yn ddarostyngedig i reoliadau 53 i 58, uchafswm y benthyciad at gostau byw, y mae gan fyfyriwr y mae'r rheoliad hwn yn gymwys iddo hawl i'w gael mewn perthynas â blwyddyn academaidd ac eithrio blwyddyn derfynol cwrs nad yw'n gwrs carlam yw, i fyfyriwr o'r fath–

(a) yng nghategori 1, £3,673;

(b) yng nghategori 2, £6,648;

(c) yng nghategori 3, £5,658;

(ch) yng nghategori 4, £5,658;

(d) yng nghategori 5, £4,745.

(3) Yn ddarostyngedig i reoliadau 53 i 58, uchafswm y benthyciad at gostau byw, y mae gan fyfyriwr y mae'r rheoliad hwn yn gymwys iddo hawl i'w gael mewn perthynas â blwyddyn academaidd cwrs sy'n flwyddyn derfynol cwrs nad yw'n gwrs carlam yw, i fyfyriwr o'r fath–

(a) yng nghategori 1, £3,324;

(b) yng nghategori 2, £6,053;

(c) yng nghategori 3, £4,920;

(v) category 5, £4,745;

Y is the maintenance grant amount.

(3) Subject to regulations 53 to 58, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year that is the final year of a course that is not an intensive course is equal to (**X-Y**) where–

X is, for such a student in–

(i) category 1, £3,324;

(ii) category 2, £6,053;

(iii) category 3, £4,920;

(iv) category 4, £4,920;

(v) category 5, £4,396;

Y is the maintenance grant amount.

(4) In this regulation, "the maintenance grant amount" ("*swm y grant cynhaliaeth*") is–

(a) where the new system eligible student referred to in paragraph (1) qualifies under regulation 38 for an amount of maintenance grant not exceeding £1,288, the amount of maintenance grant payable;

(b) where the new system eligible student referred to in paragraph (1) qualifies under regulation 38 for an amount of maintenance grant exceeding £1,288; and

(c) where no maintenance grant is payable, nil.

49.–(1) This regulation applies to a type 1 or type 2 teacher training student whose contribution exceeds nil.

(2) Subject to regulations 53 to 58, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year other than the final year of a course that is not an accelerated course is, for such student in–

(a) category 1, £3,673;

(b) category 2, £6,648;

(c) category 3, £5,658;

(d) category 4, £5,658;

(e) category 5, £4,745.

(3) Subject to regulations 53 to 58, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year of a course that is the final year of a course that is not an accelerated course is, for such a student in–

(a) category 1, £3,324;

(b) category 2, £6,053;

(c) category 3, £4,920;

(ch) yng nghategori 4, £4,920;

(d) yng nghategori 5, £4,396.

Uchafswm benthyciadau i fyfyrwyr cymwys o dan y drefn newydd sydd â hawlogaeth lawn ac yn fyfyrwyr carfan 2010

50.–(1) Mae'r rheoliad hwn yn gymwys i fyfyriwr cymwys o dan y drefn newydd sydd â hawlogaeth lawn ac yn fyfyriwr carfan 2010.

(2) Yn ddarostyngedig i reoliadau 53 i 58, mae uchafswm y benthyciad at gostau byw y mae gan fyfyriwr y mae'r rheoliad hwn yn gymwys iddo hawl i'w gael mewn perthynas â blwyddyn academaidd (ac eithrio blwyddyn derfynol cwrs nad yw'n gwrs dwys) yn hafal i (**X-Y**) pan fo–

X i fyfyriwr o'r fath–

(i) yng nghategori 1, yn £3,673;

(ii) yng nghategori 2, yn £6,648;

(iii) yng nghategori 3, yn £5,658;

(iv) yng nghategori 4, yn £5,658;

(v) yng nghategori 5, yn £4,745;

Y yn swm y grant cynhaliaeth.

(3) Yn ddarostyngedig i reoliadau 53 i 58, mae uchafswm y benthyciad at gostau byw y mae gan fyfyriwr y mae'r rheoliad hwn yn gymwys iddo hawl i'w gael mewn perthynas â blwyddyn academaidd sy'n flwyddyn derfynol cwrs nad yw'n gwrs dwys yn hafal i (**X-Y**) pan fo–

X i fyfyriwr o'r fath–

(i) yng nghategori 1, yn £3,324;

(ii) yng nghategori 2, yn £6,053;

(iii) yng nghategori 3, yn £4,920;

(iv) yng nghategori 4, yn £4,920;

(v) yng nghategori 5, yn £4,396;

Y yn swm y grant cynhaliaeth.

(4) Yn y rheoliad hwn, "swm y grant cynhaliaeth" ("*the maintenance grant amount*") yw'r canlynol–

(a) os oes gan y myfyriwr cymwys o dan y drefn newydd, y cyfeirir ato ym mharagraff (1), hawl o dan reoliad 39 i gael swm o grant cynhaliaeth, y swm sy'n hafal i £0.60 am bob £1 o grant cynhaliaeth y mae hawl gan y myfyriwr i'w gael, hyd at uchafswm gwerth **Y** o £2,844;

(b) os nad oes grant cynhaliaeth yn daladwy o dan reoliad 39, dim.

(d) category 4, £4,920;

(e) category 5, £4,396.

Maximum amount of loans for new system eligible students with full entitlement who are 2010 cohort students

50.–(1) This regulation applies to a new system eligible student with full entitlement who is a 2010 cohort student.

(2) Subject to regulations 53 to 58, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year other than a final year of a course that is not an intensive course is equal to (**X-Y**) where–

X is, for such a student in–

(i) category 1, £3,673;

(ii) category 2, £6,648;

(iii) category 3, £5,658;

(iv) category 4, £5,658;

(v) category 5, £4,745;

Y is the maintenance grant amount.

(3) Subject to regulations 53 to 58, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year that is the final year of a course that is not an intensive course is equal to (**X-Y**) where–

X is, for such a student in–

(i) category 1, £3,324;

(ii) category 2, £6,053;

(iii) category 3, £4,920;

(iv) category 4, £4,920;

(v) category 5, £4,396;

Y is the maintenance grant amount.

(4) In this regulation, "the maintenance grant amount" ("*swm y grant cynhaliaeth*") is–

(a) where the new system eligible student referred to in paragraph (1) qualifies under regulation 39 for an amount of maintenance grant, the amount that is equal to £0.60 for every £1 of maintenance grant for which that student qualifies, up to a maximum value for **Y** of £2,844;

(b) where no maintenance grant is payable under regulation 39, nil.

Uchafswm benthyciadau i fyfyrwyr cymwys o dan y drefn newydd sydd â hawlogaeth lawn ac yn fyfyrwyr carfan 2011

51.–(1) Mae'r rheoliad hwn yn gymwys i fyfyriwr cymwys o dan y drefn newydd sydd â hawlogaeth lawn ac yn fyfyriwr carfan 2011.

(2) Yn ddarostyngedig i reoliadau 53 i 58, mae uchafswm y benthyciad at gostau byw y mae gan fyfyriwr y mae'r rheoliad hwn yn gymwys iddo hawl i'w gael mewn perthynas â blwyddyn academaidd (ac eithrio blwyddyn derfynol cwrs nad yw'n gwrs dwys) yn hafal i (**X-Y**) pan fo–

X i fyfyriwr o'r fath–

(i) yng nghategori 1, yn £3,673;

(ii) yng nghategori 2, yn £6,648;

(iii) yng nghategori 3, yn £5,658;

(iv) yng nghategori 4, yn £5,658;

(v) yng nghategori 5, yn £4,745;

Y yn swm y grant cynhaliaeth.

(3) Yn ddarostyngedig i reoliadau 53 i 58, mae uchafswm y benthyciad at gostau byw y mae gan fyfyriwr y mae'r rheoliad hwn yn gymwys iddo hawl i'w gael mewn perthynas â blwyddyn academaidd sy'n flwyddyn derfynol cwrs nad yw'n gwrs dwys yn hafal i (**X-Y**) pan fo–

X i fyfyriwr o'r fath–

(i) yng nghategori 1, yn £3,324;

(ii) yng nghategori 2, yn £6,053;

(iii) yng nghategori 3, yn £4,920;

(iv) yng nghategori 4, yn £4,920;

(v) yng nghategori 5, yn £4,396;

Y yn swm y grant cynhaliaeth.

(4) Yn y rheoliad hwn, "swm y grant cynhaliaeth" ("*the maintenance grant amount*") yw'r canlynol–

(a) os oes gan y myfyriwr cymwys o dan y drefn newydd, y cyfeirir ato ym mharagraff (1), hawl o dan reoliad 40 i gael swm o grant cynhaliaeth, y swm sy'n hafal i £0.60 am bob £1 o grant cynhaliaeth y mae hawl gan y myfyriwr i'w gael, hyd at uchafswm gwerth **Y** o £2,844;

(b) os nad oes grant cynhaliaeth yn daladwy o dan reoliad 40, dim.

Myfyrwyr sydd â hawlogaeth ostyngol

52.–(1) Yn ddarostyngedig i reoliadau 53 i 58, mae uchafswm y benthyciad at gostau byw, y mae gan fyfyriwr sydd â hawlogaeth ostyngol hawl i'w gael mewn perthynas â blwyddyn academaidd cwrs ac eithrio blwyddyn derfynol cwrs nad yw'n gwrs dwys, fel a ganlyn–

Maximum amount of loans for new system eligible students with full entitlement who are 2011 cohort students

51.–(1) This regulation applies to a new system eligible student with full entitlement who is a 2011 cohort student.

(2) Subject to regulations 53 to 58, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year other than a final year of a course that is not an intensive course is equal to (**X-Y**) where–

X is, for such a student in–

(i) category 1, £3,673;

(ii) category 2, £6,648;

(iii) category 3, £5,658;

(iv) category 4, £5,658;

(v) category 5, £4,745;

Y is the maintenance grant amount.

(3) Subject to regulations 53 to 58, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year that is the final year of a course that is not an intensive course is equal to (**X-Y**) where–

X is, for such a student in–

(i) category 1, £3,324;

(ii) category 2, £6,053;

(iii) category 3, £4,920;

(iv) category 4, £4,920;

(v) category 5, £4,396;

Y is the maintenance grant amount.

(4) In this regulation, "the maintenance grant amount" ("*swm y grant cynhaliaeth*") is–

(a) where the new system eligible student referred to in paragraph (1) qualifies under regulation 40 for an amount of maintenance grant, the amount this is equal to £0.60 for every £1 of maintenance grant for which that student qualifies, up to a maximum value for **Y** of £2,844;

(b) where no maintenance grant is payable under regulation 40, nil.

Students with reduced entitlement

52.–(1) Subject to regulations 53 to 58, the maximum amount of loan for living costs for which a student with reduced entitlement qualifies in respect of an academic year of a course other than the final year of a course than is not an intensive course is–

(a) os yw'r myfyriwr yn dod o fewn rheoliad 24(3)(a), ar gyfer myfyriwr o'r fath–

(i) yng nghategori 1, yn £1,744;

(ii) yng nghategori 2, yn £3,268;

(iii) yng nghategori 3, yn £2,324;

(iv) yng nghategori 4, yn £2,324;

(v) yng nghategori 5, yn £2,324.

(b) os yw'r myfyriwr yn dod o fewn rheoliad 24(3)(b) neu 24(5), ar gyfer myfyriwr o'r fath–

(i) yng nghategori 1, yn £1,744;

(ii) yng nghategori 2, yn £3,268;

(iii) yng nghategori 3, yn £2,780;

(iv) yng nghategori 4, yn £2,780;

(v) yng nghategori 5, yn £2,324.

(b) os yw'r myfyriwr yn gwneud cais am fenthyciad at gostau byw ac yn dewis peidio â rhoi'r wybodaeth y mae ei hangen i gyfrifo incwm ei aelwyd, swm hafal i (**X-Y**) pan fo–

X i fyfyriwr o'r fath–

(i) yng nghategori 1, yn £2,755;

(ii) yng nghategori 2, yn £4,986;

(iii) yng nghategori 3, yn £4,244;

(iv) yng nghategori 4, yn £4,244;

(v) yng nghategori 5, yn £3,559;

Y yw'r swm penodedig ym mharagraff (ch).

(ch) y swm penodedig yw–

(i) £644, os myfyriwr math 1 ar gwrs hyfforddi athrawon yw'r myfyriwr, sy'n dewis peidio â darparu'r wybodaeth y mae ei hangen ar gyfer cyfrifo incwm yr aelwyd pan fo'n gwneud cais am grant cynhaliaeth a bod ganddo hawl i gael grant cynhaliaeth o £644;

(ii) £1,288, os myfyriwr math 2 ar gwrs hyfforddi athrawon yw'r myfyriwr, sy'n dewis peidio â darparu'r wybodaeth y mae ei hangen ar gyfer cyfrifo incwm yr aelwyd pan fo'n gwneud cais am grant cynhaliaeth a bod ganddo hawl i gael grant cynhaliaeth o £1,288;

(iii) dim, pan nad yw'r myfyriwr yn fyfyriwr math 1 ar gwrs hyfforddi athrawon nac yn fyfyriwr math 2 ar gwrs hyfforddi athrawon.

(2) Yn ddarostyngedig i reoliadau 53 i 58, mae uchafswm y benthyciad at gostau byw y mae gan fyfyriwr sydd â hawlogaeth ostyngol hawl i'w gael mewn perthynas â blwyddyn academaidd cwrs sy'n flwyddyn derfynol cwrs nad yw'n gwrs dwys, fel a ganlyn–

(a) os yw'r myfyriwr yn dod o fewn rheoliad 24(3)(a), ar gyfer myfyriwr o'r fath–

(a) where the student falls within regulation 24(3)(a), for such a student in–

(i) category 1, £1,744;

(ii) category 2, £3,268;

(iii) category 3, £2,324;

(iv) category 4, £2,324;

(v) category 5, £2,324.

(b) where the student falls within regulation 24(3)(b) or 24(5), for such a student in–

(i) category 1, £1,744;

(ii) category 2, £3,268;

(iii) category 3, £2,780;

(iv) category 4, £2,780;

(v) category 5, £2,324.

(c) where the student applies for a loan for living costs and opts not to provide the information needed to calculate the household income an amount equal to (**X-Y**) where–

X is, for such a student in–

(i) category 1, £2,755;

(ii) category 2, £4,986;

(iii) category 3, £4,244;

(iv) category 4, £4,244;

(v) category 5, £3,559;

Y is the amount specified in paragraph (d).

(d) the specified amount is–

(i) £644 where the student is a type 1 teacher training student who opts not to provide the information needed to calculate the household income when applying for a maintenance grant and who qualifies for a maintenance grant of £644;

(ii) £1,288 where the student is a type 2 teacher training student who opts not to provide the information needed to calculate the household income when applying for a maintenance grant and who qualifies for a maintenance grant of £1,288;

(iii) nil where the student is not a type 1 or type 2 teacher training student.

(2) Subject to regulations 53 to 58, the maximum amount of loan for living costs for which a student with reduced entitlement qualifies in respect of an academic year that is the final year of a course that is not an intensive course is–

(a) where the student falls within regulation 24(3)(a), for such a student in–

(i) yng nghategori 1, yn £1,324;

(ii) yng nghategori 2, yn £2,498;

(iii) yng nghategori 3, yn £1,811;

(iv) yng nghategori 4, yn £1,811;

(v) yng nghategori 5, yn £1,811.

(b) os yw'r myfyriwr yn dod o fewn rheoliad 24(3)(b) neu 24(5), ar gyfer myfyriwr o'r fath–

(i) yng nghategori 1, yn £1,324;

(ii) yng nghategori 2, yn £2,498;

(iii) yng nghategori 3, yn £2,031;

(iv) yng nghategori 4, yn £2,031;

(v) yng nghategori 5, yn £1,811.

(c) os yw'r myfyriwr yn gwneud cais am fenthyciad at gostau byw ac yn dewis peidio â rhoi'r wybodaeth y mae ei hangen i gyfrifo incwm ei aelwyd, swm hafal i (**X-Y**) pan fo–

X i fyfyriwr o'r fath–

(i) yng nghategori 1, yn £2,493;

(ii) yng nghategori 2, yn £4,540;

(iii) yng nghategori 3, yn £3,690;

(iv) yng nghategori 4, yn £3,690;

(v) yng nghategori 5, yn £3,297;

Y yw'r swm penodedig ym mharagraff (ch).

(ch) y swm penodedig yw–

(i) £644 os myfyriwr math 1 ar gwrs hyfforddi athrawon yw'r myfyriwr, sy'n dewis peidio â darparu'r wybodaeth y mae ei hangen ar gyfer cyfrifo incwm yr aelwyd pan fo'n gwneud cais am grant cynhaliaeth a bod ganddo hawl i gael grant cynhaliaeth o £644;

(ii) £1,288 os myfyriwr math 2 ar gwrs hyfforddi athrawon yw'r myfyriwr, sy'n dewis peidio â darparu'r wybodaeth y mae ei hangen ar gyfer cyfrifo incwm yr aelwyd pan fo'n gwneud cais am grant cynhaliaeth a bod ganddo hawl i gael grant cynhaliaeth o £1,288;

(iii) dim, pan nad fo'r myfyriwr yn fyfyriwr math 1 ar gwrs hyfforddi athrawon nac yn fyfyriwr math 2 ar gwrs hyfforddi athrawon.

Myfyrwyr sy'n preswylio gyda'u rhieni

53.–(1) Yn ddarostyngedig i baragraff (2), pan fo myfyriwr cymwys ("A" yn y rheoliad hwn) yn preswylio yng nghartref ei rieni a Gweinidogion Cymru wedi'u bodloni nad yw'n rhesymol disgwyl, o dan yr holl amgylchiadau, i rieni A ei gynnal oherwydd oedran, analluedd neu reswm arall ac y byddai'n briodol i swm y benthyciad sy'n daladwy i fyfyriwr mewn categori ac eithrio categori 1 fod yn gymwys yn

(i) category 1, £1,324;

(ii) category 2, £2,498;

(iii) category 3, £1,811;

(iv) category 4, £1,811;

(v) category 5, £1,811.

(b) where the student falls within regulation 24(3)(b) or 24(5), for such a student in–

(i) category 1, £1,324;

(ii) category 2, £2,498;

(iii) category 3, £2,031;

(iv) category 4, £2,031;

(v) category 5, £1,811.

(c) where the student applies for a loan for living costs and opts not to provide the information needed to calculate the household income an amount equal to (**X-Y**) where–

X is, for such a student in–

(i) category 1, £2,493;

(ii) category 2, £4,540;

(iii) category 3, £3,690;

(iv) category 4, £3,690;

(v) category 5, £3,297;

Y is the amount specified in paragraph (d).

(d) the specified amount is–

(i) £644 where the student is a type 1 teacher training student who opts not to provide the information needed to calculate the household income when applying for a maintenance grant and who qualifies for a maintenance grant of £644;

(ii) £1,288 where the student is a type 2 teacher training student who opts not to provide the information needed to calculate the household income when applying for a maintenance grant and who qualifies for a maintenance grant of £1,288;

(iii) nil where the student is not a type 1 or type 2 teacher training student.

Students residing with parents

53.–(1) Subject to paragraph (2), where an eligible student ("A" in this regulation) resides at A's parents' home and the Welsh Ministers are satisfied that in all the circumstances A's parents by reason of age, incapacity or otherwise cannot reasonably be expected to support A and that it would be appropriate for the amount of loan payable to a student in a category other than category 1 to apply in A's case, A must be treated

achos A, rhaid trin A fel pe na bai'n preswylio yng nghartref ei rieni.

(2) Nid yw paragraff (1) yn gymwys i fyfyriwr cymwys sy'n dechrau ar gwrs ar neu ar ôl 1 Medi 2004.

Benthyciadau at gostau byw sy'n daladwy ar gyfer tri chwarter o'r flwyddyn academaidd

54.–(1) Yn ddarostyngedig i reoliad 56, mae benthyciad at gostau byw yn daladwy mewn perthynas â thri chwarter o'r flwyddyn academaidd.

(2) Nid yw benthyciad at gostau byw yn daladwy–

(a) yn achos myfyriwr cwrs gradd cywasgedig, mewn perthynas â'r chwarter a enwir gan Weinidogion Cymru;

(b) mewn unrhyw achos arall, mewn perthynas â'r chwarter y mae'r hwyaf o unrhyw wyliau yn digwydd ynddo ym marn Gweinidogion Cymru.

Myfyrwyr sy'n dod o fewn mwy nag un categori

55.–(1) Os yw myfyriwr cymwys yn dod o fewn mwy nag un o'r categorïau yn rheoliad 59 yn ystod y flwyddyn academaidd–

(a) uchafswm y benthyciad at gostau byw am y flwyddyn academaidd yw cyfanswm uchafsymiau'r benthyciad at gostau byw am bob chwarter y mae'r benthyciad yn daladwy mewn perthynas ag ef;

(b) uchafswm y benthyciad at gostau byw am bob chwarter o'r fath yw traean o uchafswm y benthyciad at gostau byw a fyddai'n gymwys am y flwyddyn academaidd pe bai'r myfyriwr cymwys yn dod o fewn y categori sy'n gymwys i'r chwarter perthnasol drwy gydol y flwyddyn academaidd; ac

(c) y categori sy'n gymwys i chwarter yw–

(i) y categori y mae'r myfyriwr cymwys yn dod o fewn am y cyfnod hwy neu hwyaf yn y chwarter hwnnw; neu

(ii) os yw'r myfyriwr cymwys yn dod o fewn mwy nag un categori am gyfnod cyfartal yn y cyfnod hwnnw, y categori sydd â'r gyfradd uchaf o fenthyciad at gostau byw am y flwyddyn academaidd.

Myfyrwyr sy'n dod yn gymwys yn ystod blwyddyn academaidd

56.–(1) Os yw myfyriwr yn dod yn fyfyriwr cymwys yn ystod blwyddyn academaidd o ganlyniad i un o'r digwyddiadau a restrir ym mharagraff (2), gall fod gan y myfyriwr hawl i gael benthyciad at gostau byw, mewn perthynas â'r chwarteri hynny o'r flwyddyn academaidd honno y mae benthyciad at gostau byw yn daladwy mewn perthynas â hwy ac sy'n dechrau ar ôl

as if A were not residing at A's parents' home.

(2) Paragraph (1) does not apply to an eligible student who begins a course on or after 1 September 2004.

Loans for living costs payable in respect of three quarters of the academic year

54.–(1) Subject to regulation 56, the loan for living costs is payable in respect of three quarters of the academic year.

(2) The loan for living costs is not payable–

(a) in the case of a compressed degree student, in respect of the quarter nominated by the Welsh Ministers;

(b) in any other case, in respect of the quarter in which, in the opinion of the Welsh Ministers, the longest of any vacation occurs.

Students falling into more than one category

55.–(1) Where an eligible student falls into more than one of the categories in regulation 59 in the course of the academic year–

(a) the maximum amount of loan for living costs for the academic year is the aggregate of the maximum amount of loan for living costs for each quarter in respect of which the loan is payable;

(b) the maximum amount of loan for living costs for each such quarter is one third of the maximum amount of loan for living costs which would apply for the academic year if the eligible student fell into the category which applies to the relevant quarter for the duration of the academic year; and

(c) the category which applies to a quarter is–

(i) the category into which the eligible student falls for the longer or longest period in that quarter; or

(ii) if the eligible student falls into more than one category for an equal period in that quarter, the category with the higher or highest rate of loan for living costs for the academic year.

Students becoming eligible during the course of an academic year

56.–(1) Where a student becomes an eligible student during the course of an academic year as a result of one of the events listed in paragraph (2), the student may qualify for a loan for living costs in respect of such quarters of that academic year in respect of which a loan for living costs is payable as begin after the relevant event in paragraph (2) occurs.

i'r digwyddiad perthnasol ym mharagraff (2) ddigwydd.

(2) Y digwyddiadau yw–

(a) bod cwrs y myfyriwr yn dod yn gwrs dynodedig;

(b) bod y myfyriwr, priod y myfyriwr, partner sifil y myfyriwr neu riant (fel y'i diffinnir yn Rhan 1 o Atodlen 1) y myfyriwr yn cael ei gydnabod fel ffoadur neu'n dod yn berson sydd â chaniatâd i ddod i mewn neu i aros;

(c) bod y wladwriaeth y mae'r myfyriwr yn wladolyn iddi yn ymaelodi â'r Undeb Ewropeaidd os yw'r myfyriwr wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd yn union cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;

(ch) bod y myfyriwr yn ennill yr hawl i breswylio'n barhaol;

(d) bod y myfyriwr yn dod yn blentyn i weithiwr Twrcaidd;

(dd) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 6(1)(a) o Atodlen 1; neu

(e) bod y myfyriwr yn dod yn blentyn i wladolyn Swisaidd.

(3) Nid oes gan fyfyriwr cymwys y mae paragraff (1) yn gymwys iddo hawl i gael benthyciad at gostau byw mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y mae'r digwyddiad perthnasol yn digwydd ynddi.

(4) Uchafswm y benthyciad at gostau byw sy'n daladwy yw cyfanswm uchafsymiau'r benthyciad am bob chwarter y mae gan y myfyriwr hawl i gael cymorth mewn perthynas ag ef o dan y rheoliad hwn.

(5) Uchafswm y benthyciad at gostau byw am bob chwarter o'r fath yw traean o uchafswm y benthyciad at gostau byw a fyddai'n gymwys am y flwyddyn academaidd pe bai'r myfyriwr yn dod o fewn y categori sy'n gymwys i'r chwarter perthnasol drwy gydol y flwyddyn academaidd.

Codiadau yn yr uchafswm

57.–(1) Os yw'n ofynnol i fyfyriwr cymwys fod yn bresennol ar ei gwrs am gyfnod sy'n hwy na 30 wythnos a 3 diwrnod mewn blwyddyn academaidd, rhaid codi uchafswm y benthyciad at gostau byw a bennir yn rheoliadau 47 i 50 am bob wythnos neu bob rhan o wythnos o bresenoldeb yn y flwyddyn academaidd honno y tu hwnt i 30 wythnos a 3 diwrnod fel a ganlyn, i fyfyriwr o'r fath–

(a) yng nghategori 1, codiad o £55;

(b) yng nghategori 2, codiad o £106;

(c) yng nghategori 3, codiad o £115;

(ch) yng nghategori 4, codiad o £115;

(2) The events are–

(a) the student's course becomes a designated course;

(b) the student, the student's spouse, civil partner or parent (as defined in Part 1 of Schedule 1) is recognised as a refugee or becomes a person with leave to enter or remain;

(c) the state of which the student is a national accedes to the European Union where the student has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course;

(d) the student acquires the right of permanent residence;

(e) the student becomes the child of a Turkish worker;

(f) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or

(g) the student becomes the child of a Swiss national.

(3) An eligible student to whom paragraph (1) applies does not qualify for a loan for living costs in respect of any academic year beginning before the academic year in which the relevant event occurred.

(4) The maximum amount of loan for living costs payable is the aggregate of the maximum amount of loan for each quarter in respect of which the student qualifies for support under this regulation.

(5) The maximum amount of loan for living costs for each such quarter is one third of the maximum amount of loan for living costs which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year.

Increases in maximum amount

57.–(1) Where an eligible student is required to attend the eligible student's course for a period exceeding 30 weeks and 3 days in an academic year, the maximum amount of loan for living costs specified in regulations 47 to 50 must be increased for each week or part week of attendance in that academic year beyond 30 weeks and 3 days by, for such a student in–

(a) category 1, £55;

(b) category 2, £106;

(c) category 3, £115;

(d) category 4, £115;

(d) yng nghategori 5, codiad o £83.

(2) Os yw myfyriwr cymwys yn bresennol ar ei gwrs am gyfnod nad yw'n llai na 45 wythnos mewn unrhyw gyfnod di-dor o 52 wythnos, codir swm y benthyciad at gostau byw a bennir yn rheoliadau 47 i 50 am bob wythnos yn ystod y cyfnod o 52 wythnos pan nad oedd y myfyriwr cymwys yn bresennol yn ôl y symiau y cyfeirir atynt ym mharagraff (1).

(3) Nid yw'r rheoliad hwn yn gymwys yn achos myfyriwr sydd â hawlogaeth ostyngol.

Didynnu o fenthyciadau at gostau byw

58.–(1) Caniateir didynnu o swm y benthyciad at gostau byw a gyfrifir o dan y Rhan hon mewn perthynas â myfyriwr cymwys o dan yr hen drefn sydd â hawlogaeth lawn neu fyfyriwr cymwys o dan y drefn newydd sydd â hawlogaeth lawn o'r benthyciad at gostau byw yn unol â rheoliad 63.

(2) Ni chaniateir didynnu o swm y benthyciad at gostau byw a gyfrifir o dan y Rhan hon mewn perthynas â myfyriwr sydd â hawlogaeth ostyngol o dan reoliad 63.

Dehongli Rhan 6

59.–(1) Yn y Rhan hon–

(a) mae myfyriwr yng nghategori 1–

(i) yn ddarostyngedig i reoliad 53, os yw'r myfyriwr yn preswylio yng nghartref ei rieni tra bydd yn bresennol ar y cwrs; neu

(ii) os dechreuodd y myfyriwr ar y cwrs presennol cyn 1 Medi 2009 a'r myfyriwr yn aelod o urdd grefyddol ac yn byw yn un o dai'r urdd honno;

(b) mae myfyriwr yng nghategori 2 os nad yw yng nghategori 1 a'r myfyriwr yn bresennol ar un neu ragor o'r canlynol–

(i) cwrs ym Mhrifysgol Llundain;

(ii) cwrs mewn sefydliad sy'n ei gwneud yn ofynnol iddo fod yn bresennol am hanner o leiaf o gyfanswm yr amser mewn unrhyw chwarter o'r cwrs yn y flwyddyn academaidd ar safle sydd yn gyfan gwbl neu yn rhannol yn ardal Dinas Llundain a chyn Ardal yr Heddlu Metropolitanaidd; neu

(iii) cwrs rhyngosod mewn sefydliad sy'n ei gwneud yn ofynnol i'r myfyriwr ymgymryd â phrofiad gwaith neu gyfuniad o brofiad gwaith ac astudio ar yr amod bod y myfyriwr yn ymgymryd â'r profiad gwaith hwnnw neu'r cyfuniad hwnnw o brofiad gwaith ac astudio am hanner o leiaf o gyfanswm yr amser mewn unrhyw chwarter o'r cwrs yn y flwyddyn academaidd ar safle neu safleoedd sydd yn

(e) category 5, £83.

(2) Where an eligible student attends the eligible student's course for a period of not less than 45 weeks in any continuous period of 52 weeks the amount of loan for living costs specified in regulations 47 to 50 is increased for each week in the 52 week period during which the eligible student did not attend by the amounts referred to in paragraph (1).

(3) This regulation does not apply in the case of a student with reduced entitlement.

Deductions from loans for living costs

58.–(1) A deduction from the amount of loan for living costs calculated under this Part in respect of an old system eligible student with full entitlement or a new system eligible student with full entitlement may be made in accordance with regulation 63.

(2) A deduction from the amount of loan for living costs calculated under this Part in respect of a student with reduced entitlement may not be made under regulation 63.

Interpretation of Part 6

59.–(1) In this Part–

(a) a student is in category 1 if–

(i) subject to regulation 53, the student resides at the student's parents' home while attending the course; or

(ii) the student began the present course before 1 September 2009 and is a member of a religious order who resides in a house of that order;

(b) a student is in category 2 if the student is not in category 1 and the student attends one or more of the following–

(i) a course at the University of London;

(ii) a course at an institution which requires attendance for at least half the time in aggregate of any quarter of the course in the academic year at a site wholly or partly within the area comprising the City of London and the former Metropolitan Police District; or

(iii) a sandwich course at an institution which requires the student to undertake work experience or a combination of work experience and study provided that the student undertakes such work experience or combination of work experience and study for at least half the time in aggregate of any quarter of the course in the academic year at a site or sites wholly or partly within the area comprising the City

gyfan gwbl neu'n rhannol yn ardal Dinas Llundain a chyn Ardal yr Heddlu Metropolitanaidd;

(c) mae myfyriwr yng nghategori 3 os nad yw'r myfyriwr yng nghategori 1 ac os yw'r myfyriwr, fel rhan o'i gwrs, yn bresennol mewn sefydliad tramor, neu leoliad gwaith dramor yn ystod blwyddyn Erasmus;

(ch) mae myfyriwr yng nghategori 4 os nad yw'r myfyriwr yng nghategori 1 a'i fod yn mynychu'r Athrofa;

(d) mae myfyriwr yng nghategori 5 os nad yw yng nghategorïau 1 i 4;

(dd) "myfyriwr cymwys o dan y drefn newydd sydd â hawlogaeth lawn" ("*new system eligible student with full entitlement*") yw myfyriwr cymwys o dan y drefn newydd ac eithrio myfyriwr sydd â hawlogaeth ostyngol;

(e) "myfyriwr cymwys o dan yr hen drefn sydd â hawlogaeth lawn" ("*old system eligible student with full entitlement*") yw myfyriwr cymwys o dan yr hen drefn ac eithrio myfyriwr sydd â hawlogaeth ostyngol;

(f) rhaid dehongli "rhiant" ("*parent*"), ac eithrio pan ddynodir yn wahanol, yn unol â pharagraff 1(1)(dd) o Atodlen 5;

(ff) ystyr "dyddiad perthnasol" ("*relevant date*") yw diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs dynodedig a bennir;

(g) "myfyriwr sydd â hawlogaeth ostyngol" ("*student with reduced entitlement*") yw myfyriwr cymwys–

(i) nad yw'n gymwys i gael grant at gostau byw neu gostau eraill mewn cysylltiad â'r flwyddyn academaidd yn rhinwedd rheoliad 24(3)(a) neu (b) neu reoliad 24(5); neu

(ii) sydd, wrth wneud cais am fenthyciad at gostau byw, yn dewis peidio â rhoi'r wybodaeth y mae ei hangen i gyfrifo incwm ei aelwyd;

(ng) os un flwyddyn academaidd yn unig yw hyd cwrs i raddedigion neu ar lefel ôl-radd ar gyfer hyfforddiant cychwynnol athrawon, nid yw'r flwyddyn honno i gael ei thrin fel y flwyddyn derfynol.

of London and the former Metropolitan Police District;

(c) a student is in category 3 if the student is not in category 1 and the student attends an overseas institution as part of the student's course or attends an overseas work placement in an Erasmus year;

(d) a student is in category 4 if the student is not in category 1 and attends the Institute;

(e) a student is in category 5 if the student is not in categories 1 to 4;

(f) a "new system eligible student with full entitlement" ("*myfyriwr cymwys o dan y drefn newydd sydd â hawlogaeth lawn*") is a new system eligible student other than a student with reduced entitlement;

(g) an "old system eligible student with full entitlement" ("*myfyriwr cymwys o dan yr hen drefn sydd â hawlogaeth lawn*") is an old system eligible student other than a student with reduced entitlement;

(h) "parent" ("*rhiant*"), except where otherwise indicated, is to be construed in accordance with paragraph 1(1)(f) of Schedule 5;

(i) the "relevant date" ("*dyddiad perthnasol*") means the first day of the first academic year of the specified designated course;

(j) a "student with reduced entitlement" ("*myfyriwr sydd â hawlogaeth ostyngol*") is an eligible student who–

(i) is not eligible for a grant for living costs in respect of the academic year by virtue of regulation 24(3)(a) or (b) or regulation 24(5); or

(ii) opts when applying for a loan for living costs not to provide the information needed to calculate the household income;

(k) where the duration of a graduate-entry or postgraduate-level course for the initial training of teachers is only one academic year, that year is not to be treated as the final year.

RHAN 7

DARPARIAETHAU CYFFREDINOL YNGLŶN Â BENTHYCIADAU

Symiau ychwanegol o fenthyciadau

60.–(1) Caiff myfyriwr cymwys wneud cais am

PART 7

GENERAL LOAN PROVISIONS

Additional amount of loans

60.–(1) An eligible student may apply to borrow an

fenthyg swm ychwanegol o fenthyciad at gostau byw–

(a) os yw Gweinidogion Cymru yn penderfynu y dylid cynyddu uchafswm y benthyciad at gostau byw sydd wedi'i hysbysu i'r myfyriwr cymwys mewn perthynas â blwyddyn academaidd (gan gynnwys cynnydd i fyny o ddim byd) o ganlyniad i ailasesu cyfraniad y myfyriwr cymwys neu fel arall; a

(b) os yw Gweinidogion Cymru o'r farn nad yw'r cynnydd yn yr uchafswm yn digwydd oherwydd i'r myfyriwr cymwys–

(i) methu â rhoi yn brydlon wybodaeth a allai effeithio ar allu'r myfyriwr cymwys i fod â hawl i gael benthyciad neu effeithio ar swm y benthyciad y mae ganddo hawl i'w gael; neu

(ii) rhoi gwybodaeth sy'n anghywir o ran unrhyw fanylyn perthnasol.

(2) Nid yw'r swm ychwanegol ym mharagraff (1), o'i adio at y swm y gwnaed cais amdano eisoes, yn fwy na'r uchafswm wedi'i gynyddu.

(3) Os yw myfyriwr cymwys wedi gwneud cais am fenthyciad sy'n llai na'r uchafswm y mae ganddo hawlogaeth i'w gael mewn perthynas â'r flwyddyn academaidd, caiff wneud cais am fenthyg swm ychwanegol nad yw, o'i adio at y swm y gwnaed cais amdano eisoes, yn fwy na'r uchafswm perthnasol sy'n gymwys yn ei achos ef.

additional amount of loan for living costs where–

(a) the Welsh Ministers determine that the maximum amount of loan for living costs which has been notified to the eligible student in relation to an academic year should be increased (including an increase from nil) as a result of a reassessment of the eligible student's contribution or otherwise; and

(b) the Welsh Ministers consider that the increase in the maximum amount does not result from the eligible student–

(i) failing to provide information promptly which might affect the eligible student's ability to qualify for a loan or the amount of loan for which the eligible student qualifies; or

(ii) providing information which is inaccurate in any material particular.

(2) The additional amount under paragraph (1) is an amount which when added to the amount already applied for does not exceed the increased maximum.

(3) Where an eligible student has applied for a loan of less than the maximum amount to which the eligible student is entitled in relation to the academic year, the eligible student may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed the relevant maximum applicable in the eligible student's case.

RHAN 8

BENTHYCIADAU AT FFIOEDD COLEG

Benthyciadau at ffioedd coleg

61. Mae benthyciad at ffioedd coleg ar gael i fyfyriwr cymwys yn unol ag Atodlen 4.

PART 8

COLLEGE FEE LOANS

College Fee Loans

61. A college fee loan is available to an eligible student in accordance with Schedule 4.

RHAN 9

ASESIAD ARIANNOL

Cyfrifo'r cyfraniad

62.–(1) Cyfraniad myfyriwr cymwys mewn perthynas â blwyddyn academaidd yw'r swm a gyfrifir o dan Atodlen 5, os oes unrhyw swm o gwbl.

(2) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i fyfyriwr cymwys roi o bryd i'w gilydd unrhyw wybodaeth y mae Gweinidogion Cymru yn credu ei bod yn angenrheidiol am incwm unrhyw berson y mae ei foddion yn berthnasol ar gyfer asesu cyfraniad y myfyriwr cymwys.

PART 9

FINANCIAL ASSESSMENT

Calculation of contribution

62.–(1) An eligible student's contribution in respect of an academic year is the amount, if any, calculated under Schedule 5.

(2) The Welsh Ministers may require an eligible student to provide from time to time such information as they consider necessary as to the income of any person whose means are relevant to the assessment of the eligible student's contribution.

Cymhwyso'r cyfraniad

63.–(1) Yn ddarostyngedig i baragraffau (2) i (7), mae swm sy'n hafal i'r cyfraniad neu i weddill y cyfraniad, yn ôl fel y digwydd, a gyfrifir o dan Atodlen 5 i'w gymhwyso hyd nes dihysbyddir yn erbyn swm y grantiau a'r benthyciadau penodol y mae gan y myfyriwr cymwys hawl i'w cael fel a ganlyn–

(a) yn gyntaf, i ostwng **GFF**;

(b) yn ail, i ostwng **ADG**;

(c) yn drydydd, i ostwng **CCG**;

(ch) yn bedwerydd, i ostwng **PLA**;

(d) yn bumed, i ostwng **LLC** i ddim llai na'r lefel isaf am y flwyddyn academaidd;

(dd) yn chweched, i ostwng **GFT**.

(2) Yn achos myfyriwr cymwys o dan yr hen drefn, yn ddarostyngedig i baragraff (4), pan fo swm sylfaenol y grant at ffioedd wedi ei gyfrifo yn unol â rheoliad 17(1) neu 17(7), er mwyn penderfynu swm gwirioneddol y grant at ffioedd sy'n daladwy, rhaid i Weinidogion Cymru gymhwyso'r cyfraniad yn unol â pharagraff (1).

(3) Yn achos myfyriwr cymwys o dan yr hen drefn, pan fo swm sylfaenol y grant at ffioedd wedi'i gyfrifo yn unol â rheoliad 17(2) neu 17(8) a phan fo un o'r achosion a nodir yn rheoliad 17(4)(b) neu (ch) yn gymwys, er mwyn penderfynu swm gwirioneddol y grant at ffioedd sy'n daladwy, rhaid i Weinidogion Cymru–

(a) yn gyntaf, cymhwyso'r cyfraniad i ostwng swm sylfaenol y grant at ffioedd;

(b) yn ail, os nad yw'r cyfraniad wedi'i ddihysbyddu, didynnu swm sy'n hafal i swm sylfaenol y grant at ffioedd o'r hyn sy'n weddill o'r cyfraniad gan ostwng gweddill y cyfraniad i ddim llai na dim; ac

(c) yn drydydd, os nad yw'r cyfraniad eto wedi'i ddihysbyddu, cymhwyso'r gweddill yn gyntaf i ostwng **ADG**, ac addesir paragraff (1) yn unol â hynny.

(4) Os yw'r cwrs yn gwrs ar gyfer hyfforddiant cychwynnol athrawon (ac eithrio cwrs ar gyfer gradd gyntaf), nid oes unrhyw gyfraniad i'w gymhwyso yn erbyn swm sylfaenol y grant at ffioedd, a chymhwysir y cyfraniad yn gyntaf i ostwng **ADG**, ac addesir paragraff (1) yn unol â hynny.

(5) Yn achos blwyddyn Erasmus, rhaid i Weinidogion Cymru gymhwyso swm y rhan o'r cyfraniad sydd dros ben £1,310 i ostwng **ADG** yn gyntaf, ac addesir paragraff (1) yn unol â hynny.

(6) Os nad oes hawl gan y myfyriwr i gael grant at ffioedd am unrhyw reswm arall, mae **GFF** yn ddim, a rhaid cymhwyso'r cyfraniad yn gyntaf i ostwng **ADG**, ac addesir paragraff (1) yn unol â hynny.

(7) Yn achos myfyriwr cymwys o dan y drefn

Application of contribution

63.–(1) Subject to paragraphs (2) to (7), an amount equal to the contribution or the remainder of the contribution, as the case may be, calculated under Schedule 5, is to be applied until it is extinguished against the amount of the particular grants and loans for which the eligible student qualifies as follows–

(a) first, to reduce **GFF**;

(b) second, to reduce **ADG**;

(c) third, to reduce **CCG**;

(d) fourth, to reduce **PLA**;

(e) fifth, to reduce **LLC** to no less than the minimum level for the academic year;

(f) sixth, to reduce **GFT**.

(2) In the case of an old system eligible student, subject to paragraph (4), where the basic amount of the grant for fees has been calculated in accordance with regulation 17(1) or 17(7), to determine the actual amount of grant for fees that is payable, the Welsh Ministers must apply the contribution in accordance with paragraph (1).

(3) In the case of an old system eligible student where the basic amount of the grant for fees has been calculated in accordance with regulation 17(2) or 17(8) and one of the cases set out in regulation 17(4)(b) or (d) applies, to determine the actual amount of grant for fees payable the Welsh Ministers must–

(a) first, apply the contribution to reduce the basic amount of the grant for fees;

(b) second, if the contribution is not extinguished, deduct an amount equal to the basic amount of the grant for fees from what is left of the contribution reducing the remainder of the contribution to no less than nil; and

(c) third, if the contribution is still not extinguished, apply the remainder first to reduce **ADG** and paragraph (1) is modified accordingly.

(4) Where the course is a course for the initial training of teachers (other than a course for a first degree), there is no contribution applied against the basic amount of the grant for fees and the contribution is first applied to reduce **ADG** and paragraph (1) is modified accordingly.

(5) In the case of an Erasmus year, the Welsh Ministers must apply the amount by which the contribution exceeds £1,310 first to reduce **ADG** and paragraph (1) is modified accordingly.

(6) Where the student does not qualify for a grant for fees for any other reason, **GFF** is nil and the contribution is applied first to reduce **ADG** and paragraph (1) is modified accordingly.

(7) In the case of a new system eligible student, **GFF**

newydd, rhaid trin **GFF** fel pe bai'n ddim a chymhwyso'r cyfraniad yn gyntaf i ostwng **ADG**, ac addesir paragraff (1) yn unol â hynny.

(8) Yn y rheoliad hwn–

(a) **ADG** yw swm y grant ar gyfer dibynyddion mewn oed, os oes unrhyw swm o gwbl, a gyfrifir yn unol â rheoliad 30;

(b) **CCG** yw swm y grant gofal plant, os oes unrhyw swm o gwbl, a gyfrifir yn unol â rheoliad 30;

(c) **GFF** yw swm y grant at ffioedd, os oes unrhyw swm o gwbl, y mae gan y myfyriwr cymwys hawl i'w gael o dan Ran 4;

(ch) **GFT** yw swm y grant at deithio y mae gan y myfyriwr cymwys hawl i'w gael o dan reoliad 33, os oes unrhyw swm o gwbl;

(d) **LLC** yw swm y benthyciad at gostau byw, os oes unrhyw swm o gwbl, y mae gan y myfyriwr cymwys (ac eithrio myfyriwr sydd â hawlogaeth ostyngol) hawl i'w gael o dan Ran 6 i ddim llai na'r lefel isaf am y flwyddyn academaidd a bennir ym mharagraff (9);

(dd) **PLA** yw swm, os oes unrhyw swm o gwbl, lwfans dysgu'r rhieni a gyfrifir o dan reoliad 30 (ac eithrio £50 cyntaf y lwfans).

(9) Yn ddarostyngedig i baragraffau (10) ac (11), y "lefel isaf am y flwyddyn academaidd" ("*minimum level for the academic year*") yn rheoliad 63(1)(d) yw, yn achos myfyriwr–

(a) yng nghategori 1, £2,755;

(b) yng nghategori 2, £4,986;

(c) yng nghategori 3, £4,244;

(ch) yng nghategori 4, £4,244;

(d) yng nghategori 5, £3,559.

(10) Yn ddarostyngedig i baragraff (11), os y flwyddyn academaidd o dan sylw yw blwyddyn derfynol cwrs ac eithrio cwrs dwys, y "lefel isaf am y flwyddyn academaidd" ("*minimum level for the academic year*") yw, yn achos myfyriwr–

(a) yng nghategori 1, £2,493;

(b) yng nghategori 2, £4,540;

(c) yng nghategori 3, £3,690;

(ch) yng nghategori 4, £3,690;

(d) yng nghategori 5, £3,297.

(11) Pan fo categorïau gwahanol yn gymwys i fyfyriwr cymwys ar gyfer gwahanol chwarteri o'r flwyddyn academaidd, y lefelau isaf ym mharagraffau (9) a (10) yw swm cyfanredol y symiau a benderfynir o dan baragraff (12) ar gyfer pob un o'r tri chwarter y mae benthyciad yn daladwy mewn perthynas â hwy.

(12) Y swm a bennir ar gyfer pob chwarter yw traean o'r swm ym mharagraff (9) neu (10) sy'n cyfateb i'r gyfradd sy'n gymwys ar gyfer y chwarter.

is to be treated as nil and the contribution is applied first to reduce **ADG** and paragraph (1) is modified accordingly.

(8) In this regulation–

(a) **ADG** is the amount, if any, of the adult dependants' grant calculated in accordance with regulation 30;

(b) **CCG** is the amount, if any, of the childcare grant calculated in accordance with regulation 30;

(c) **GFF** is the amount, if any, of grant for fees for which the eligible student qualifies under Part 4;

(d) **GFT** is the amount of the grant for travel for which the eligible student qualifies under regulation 33, if any;

(e) **LLC** is the amount of loan for living costs, if any, for which the eligible student (other than a student with reduced entitlement) qualifies under Part 6 to no less than the minimum level for the academic year specified in paragraph (9);

(f) **PLA** is the amount, if any, of the parents' learning allowance calculated under regulation 30 (except the first £50 of the allowance).

(9) Subject to paragraphs (10) and (11), the "minimum level for the academic year" ("*lefel isaf am y flwyddyn academaidd*") in regulation 63(1)(e) is, in the case of a student in–

(a) category 1, £2,755;

(b) category 2, £4,986;

(c) category 3, £4,244;

(d) category 4, £4,244;

(e) category 5, £3,559.

(10) Subject to paragraph (11), where the academic year in question is the final year of a course other than an intensive course, the "minimum level for the academic year" ("*lefel isaf am y flwyddyn academaidd*") is, in the case of a student in–

(a) category 1, £2,493;

(b) category 2, £4,540;

(c) category 3, £3,690;

(d) category 4, £3,690;

(e) category 5, £3,297.

(11) Where different categories apply to an eligible student for different quarters of the academic year, the minimum levels in paragraphs (9) and (10) are the aggregate of the amounts determined under paragraph (12) for each of the three quarters in respect of which a loan is payable.

(12) The amount determined for each quarter is one third of the amount in paragraph (9) or (10) which corresponds to the rate applicable for the quarter.

(13) Mae'r paragraff hwn yn gymwys i fyfyrwyr math 1 a math 2 ar gwrs hyfforddi athrawon y mae ganddynt hawl i gael grant cynhaliaeth ac y mae eu cyfraniad yn fwy na dim.

(14) Mae'r benthyciad at gostau byw sy'n daladwy o ran blwyddyn academaidd i fyfyriwr y mae paragraff (13) yn gymwys iddo yn cael ei gyfrifo fel a ganlyn–

A - B

pan fo–

A yn swm y benthyciad at gostau byw sy'n weddill ar ôl cymhwyso'r cyfraniad yn unol â'r Rhan hon; a

B yw swm y grant cynhaliaeth sy'n daladwy i'r myfyriwr cymwys.

(15) Mae i'r categorïau 1 i 5 yr ystyr a roddir yn rheoliad 59.

RHAN 10

TALIADAU

Talu grantiau neu fenthyciadau at ffioedd

64.–(1) Rhaid i Weinidogion Cymru beidio â thalu'r grant at ffioedd, grant newydd at ffioedd, benthyciad cyfrannu at ffioedd neu'r benthyciad at ffioedd y mae gan fyfyriwr cymwys hawl i'w gael oni fyddant wedi cael cais am daliad oddi wrth yr awdurdod academaidd perthnasol ac yn achos benthyciad cyfrannu at ffioedd neu fenthyciad at ffioedd, rhaid i Weinidogion Cymru beidio â thalu'r benthyciad cyn bod cyfnod o dri mis sy'n dechrau ar ddiwrnod cyntaf y flwyddyn academaidd wedi dod i ben.

(2) Rhaid i Weinidogion Cymru dalu'r benthyciad cyfrannu at ffioedd neu'r benthyciad at ffioedd y mae gan fyfyriwr cymwys hawl i'w gael i awdurdod academaidd y mae'r myfyriwr cymwys yn atebol i dalu iddo.

(3) Rhaid i Weinidogion Cymru dalu'r grant at ffioedd neu'r grant newydd at ffioedd i'r awdurdod academaidd–

(a) nid cyn diwedd cyfnod o dri mis sy'n dechrau ar ddiwrnod cyntaf y flwyddyn academaidd; a

(b) ddim hwyrach na 10 wythnos ar ôl diwedd y cyfnod yn is-baragraff (a), neu yn ddi-oed ar ôl i gais am daliad ddod i law, a ystyrir gan Weinidogion Cymru yn gais dilys, os yw hynny'n digwydd yn hwyrach.

(4) Os yw asesu cyfraniad y myfyriwr cymwys neu faterion eraill wedi gohirio cyfrifiad terfynol swm y grant y mae gan y myfyriwr cymwys hawl i'w gael,

(13) This paragraph applies to type 1 and type 2 teacher training students who qualify for a maintenance grant and whose contribution exceeds nil.

(14) The loan for living costs payable in respect of an academic year to a student to whom paragraph (13) applies is calculated as follows–

A - B

where–

A is the amount of loan for living costs left after applying the contribution in accordance with this Part; and

B is the amount of maintenance grant payable to the eligible student.

(15) Categories 1 to 5 have the meaning given in regulation 59.

PART 10

PAYMENTS

Payment of grants or loans for fees

64.–(1) The Welsh Ministers must not pay the grant for fees, new fee grant, fee contribution loan or fee loan for which an eligible student qualifies unless they have received a request for payment from the relevant academic authority and in the case of a fee contribution loan or fee loan, the Welsh Ministers must not pay the loan before a period of three months beginning with the first day of the academic year has expired.

(2) The Welsh Ministers must pay the fee contribution loan or fee loan for which an eligible student qualifies to an academic authority to which the eligible student is liable to make payment.

(3) The Welsh Ministers must pay the grant for fees or new fee grant to the academic authority–

(a) not before the expiry of a period of three months beginning with the first day of the academic year; and

(b) not later than 10 weeks after the expiry of the period in sub-paragraph (a), or promptly after a request for payment has been received which the Welsh Ministers consider to be a valid request, if that is later.

(4) Where assessment of the eligible student's contribution or other matters has delayed the final calculation of the amount of grant for which the

caiff Gweinidogion Cymru wneud asesiad a thaliad dros dro.

(5) Yn ddarostyngedig i baragraff (1), caiff Gweinidogion Cymru dalu'r benthyciad cyfrannu at ffioedd neu'r benthyciad at ffioedd yn y cyfryw randaliadau (os bydd rhandaliadau) ac ar y cyfryw adegau a ystyriant yn briodol.

(6) Os yw asesu cyfraniad myfyriwr cymwys o dan yr hen drefn neu faterion eraill wedi gohirio cyfrifiad terfynol swm y benthyciad cyfrannu at ffioedd y mae gan y myfyriwr cymwys o dan yr hen drefn hawl i'w gael o dan reoliad 21, caiff Gweinidogion Cymru wneud asesiad a thaliad dros dro.

(7) Ni cheir gwneud taliad o'r grant at ffioedd, grant newydd at ffioedd, benthyciad cyfrannu at ffioedd neu'r benthyciad at ffioedd mewn cysylltiad â chwrs dynodedig–

(a) os bydd y myfyriwr cymwys yn rhoi'r gorau i fod yn bresennol ar y cwrs cyn diwedd cyfnod o dri mis sy'n dechrau ar ddiwrnod cyntaf y flwyddyn academaidd neu, yn achos myfyriwr yr ymdrinnir ag ef fel pe bai'n bresennol o dan reoliad 13(3) ac 13(4), yn rhoi'r gorau i ymgymryd â'r cwrs; a

(b) os yw'r awdurdod academaidd wedi penderfynu neu wedi cytuno na fydd y myfyriwr yn dechrau bod yn bresennol neu yn ôl fel y digwydd, ymgymryd â'r cwrs yn y Deyrnas Unedig eto yn ystod y flwyddyn academaidd y mae'r ffioedd yn daladwy mewn perthynas â hi neu o gwbl.

Talu grantiau at gostau byw

65.–(1) Yn ddarostyngedig i'r paragraffau canlynol, caiff Gweinidogion Cymru dalu cymorth o dan Ran 5 yn y cyfryw randaliadau (os bydd rhandaliadau) ac ar y cyfryw adegau ag y mae o'r farn eu bod yn briodol.

(2) Mae'n ofynnol i awdurdod academaidd anfon cadarnhad o bresenoldeb at Weinidogion Cymru.

(3) Rhaid i Weinidogion Cymru beidio â thalu'r rhandaliad cyntaf neu, os penderfynwyd peidio â thalu cymorth o dan Ran 5 mewn rhandaliadau, rhaid iddynt beidio â gwneud unrhyw daliad cymorth o dan y Rhan honno, i fyfyriwr cymwys cyn i'r cadarnhad o bresenoldeb ddod i law onid oes eithriad yn gymwys, y cyfeirir ato ym mharagraff (4).

(4) Mae eithriad yn gymwys at ddibenion paragraff (3)–

(a) pan fo grant at gostau byw myfyrwyr anabl yn daladwy, ac yn yr achos hwnnw caniateir talu'r grant arbennig hwnnw cyn i gadarnhad o bresenoldeb ddod i law Gweinidogion Cymru; neu

(b) pan fo Gweinidogion Cymru wedi penderfynu y byddai'n briodol oherwydd amgylchiadau

eligible student qualifies, the Welsh Ministers may make a provisional assessment and payment.

(5) Subject to paragraph (1), the Welsh Ministers may pay the fee contribution loan or fee loan in such instalments (if any) and at such times as they consider appropriate.

(6) Where assessment of an old system eligible student's contribution or other matters have delayed the final calculation of the amount of fee contribution loan for which the old system eligible student qualifies under regulation 21, the Welsh Ministers may make a provisional assessment and payment.

(7) No payment of the grant for fees, new fee grant, fee contribution loan or fee loan may be made in respect of a designated course if–

(a) before the expiry of a period of three months beginning with the first day of the academic year the eligible student ceases to attend or, in the case of a student who is treated as in attendance under regulation 13(3) and 13(4), undertake the course; and

(b) the academic authority has determined or agreed that the student will not commence attending or as the case may be, undertaking in the United Kingdom, the course again during the academic year in respect of which the fees are payable or at all.

Payment of grants for living costs

65.–(1) Subject to the following paragraphs, the Welsh Ministers may pay support under Part 5 in such instalments (if any) and at such times as they consider appropriate.

(2) An academic authority is required to send an attendance confirmation to the Welsh Ministers.

(3) The Welsh Ministers must not pay the first instalment or, where it has been determined not to pay support under Part 5 by instalments, make any payment of support under that Part to an eligible student before they have received an attendance confirmation unless an exception referred to in paragraph (4) applies.

(4) For the purposes of paragraph (3), an exception applies if–

(a) a grant for disabled students' living costs is payable in which case that particular grant may be paid before the Welsh Ministers have received an attendance confirmation; or

(b) the Welsh Ministers have determined that owing to exceptional circumstances it would

eithriadol i wneud taliad a chadarnhad o bresenoldeb heb eto ddod i law.

(5) Pan na ellir gwneud asesiad terfynol ar sail yr wybodaeth a ddarperir gan y myfyriwr cymwys, caiff Gweinidogion Cymru wneud asesiad a thaliad cymorth dros dro o dan Ran 5.

(6) Mae taliadau cymorth o dan Ran 5 i'w gwneud yn y cyfryw ddull ag y mae Gweinidogion Cymru o'r farn ei fod yn briodol a chânt ei gwneud yn un o amodau hawlogaeth i gael taliad fod yn rhaid i'r myfyriwr cymwys ddarparu ar eu cyfer fanylion cyfrif banc neu gymdeithas adeiladu yn y Deyrnas Unedig y caniateir gwneud taliadau iddo drwy eu trosglwyddo'n electronig.

(7) Yn ddarostyngedig i baragraff (8), nid oes unrhyw gymorth o dan Ran 5 yn daladwy mewn perthynas ag unrhyw ddiwrnod mewn blwyddyn academaidd y mae'r myfyriwr cymwys yn garcharor arno, oni fyddai'n briodol o dan yr holl amgylchiadau ym marn Gweinidogion Cymru i'r cymorth gael ei dalu mewn perthynas â'r diwrnod hwnnw.

(8) Nid yw paragraff (7) yn gymwys mewn perthynas â grantiau at gostau byw myfyrwyr anabl.

(9) Wrth benderfynu a oes cymorth yn daladwy o dan baragraff (7), mae'r amgylchiadau y mae'n rhaid i Weinidogion Cymru roi sylw iddynt yn cynnwys y caledi ariannol y byddai peidio â thalu'r cymorth yn ei achosi ac a fyddai peidio â thalu'r cymorth yn effeithio ar allu'r myfyriwr cymwys i barhau â'r cwrs.

(10) Nid oes cymorth yn daladwy o dan Ran 5 mewn perthynas ag unrhyw gyfnod talu sy'n dechrau ar ôl i gyfnod cymhwystra myfyriwr cymwys ddod i ben.

(11) Pan fydd cyfnod cymhwystra myfyriwr cymwys yn dod i ben ar neu ar ôl y dyddiad perthnasol, rhaid i Weinidogion Cymru benderfynu–

(a) swm pob grant at gostau byw y mae'r myfyriwr hwnnw'n gymwys i'w gael ac a fyddai'n daladwy mewn perthynas â'r cyfnod talu perthnasol pe na byddai cyfnod cymhwystra'r myfyriwr hwnnw wedi dod i ben (y "swm llawn"); a

(b) faint o'r swm llawn sy'n daladwy mewn perthynas â'r cyfnod sy'n ymestyn o ddiwrnod cyntaf y cyfnod talu perthnasol hyd at a chan gynnwys y diwrnod y daeth cyfnod cymhwystra'r myfyriwr cymwys i ben (y "swm rhannol").

(12) Yn y rheoliad hwn, y "dyddiad perthnasol" ("*relevant date*") yw'r dyddiad y mae tymor cyntaf y flwyddyn academaidd o dan sylw yn dechrau mewn gwirionedd.

(13) Os yw Gweinidogion Cymru wedi talu grant at gostau byw mewn perthynas â'r cyfnod talu perthnasol cyn y pwynt yn y cyfnod hwnnw pryd y daeth cyfnod cymhwystra'r myfyriwr cymwys i ben a bod taliad yn

be appropriate to make a payment without receiving an attendance confirmation.

(5) Where a final assessment cannot be made on the basis of the information provided by the eligible student, the Welsh Ministers may make a provisional assessment and payment of support under Part 5.

(6) Payments of support under Part 5 are to be made in such manner as the Welsh Ministers consider appropriate and they may make it a condition of entitlement to payment that the eligible 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.

(7) Subject to paragraph (8), no support under Part 5 is payable in respect of any day of an academic year on which the eligible student is a prisoner, unless in the opinion of the Welsh Ministers it would be appropriate in all the circumstances for support to be paid in respect of that day.

(8) Paragraph (7) does not apply in respect of grants for disabled students' living costs.

(9) In deciding whether support is payable under paragraph (7) the circumstances to which the Welsh Ministers must have regard include the financial hardship not paying the support would cause and whether not paying the support would affect the eligible student's ability to continue the course.

(10) No support under Part 5 is payable in respect of any payment period beginning after an eligible student's period of eligibility terminates.

(11) Where an eligible student's period of eligibility terminates on or after the relevant date, the Welsh Ministers must determine–

(a) the amount of each grant for living costs for which that student qualifies that would be payable in respect of the relevant payment period if that student's period of eligibility had not terminated (the "full amount"); and

(b) how much of the full amount is payable in respect of the period which runs from the first day of the relevant payment period up to and including the day on which the eligible student's period of eligibility terminated (the "partial amount").

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

(13) If the Welsh Ministers have made a payment of grant for living costs in respect of the relevant payment period before the point in that period at which the eligible student's period of eligibility terminated and

fwy na swm rhannol y grant hwnnw–

(a) cânt drin y tâl dros ben fel gordaliad o'r grant hwnnw; neu

(b) os ydynt o'r farn ei bod yn briodol iddynt wneud hynny cânt estyn cyfnod cymhwystra'r myfyriwr hwnnw mewn perthynas â'r grant hwnnw hyd ddiwedd y cyfnod talu perthnasol a chânt benderfynu bod swm llawn y grant yn daladwy mewn perthynas â'r cyfnod talu hwnnw.

(14) Yn ddarostyngedig i baragraff (15), os yw taliad grant at gostau byw mewn perthynas â'r cyfnod talu perthnasol i'w dalu ar ôl i gyfnod cymhwystra'r myfyriwr cymwys ddod i ben neu os dyna pryd y'i telir, swm y grant hwnnw sy'n daladwy yw'r swm rhannol onid yw Gweinidogion Cymru o'r farn ei bod yn briodol i estyn y cyfnod cymhwystra mewn perthynas â'r grant hwnnw hyd ddiwedd y cyfnod talu perthnasol ac yn briodol i benderfynu bod swm llawn y grant hwnnw'n daladwy mewn perthynas â'r cyfnod talu hwnnw.

(15) Nid yw paragraff (14) yn gymwys i daliad grant at gostau byw i fyfyrwyr anabl o ran offer arbenigol.

(16) Nid oes unrhyw gymorth o dan Ran 5 yn daladwy mewn perthynas â chyfnod talu y mae myfyriwr cymwys yn absennol o'i gwrs yn ystod unrhyw ran ohono, oni fyddai'n briodol ym marn Gweinidogion Cymru yn yr amgylchiadau i gyd i'r cymorth gael ei dalu mewn perthynas â'r cyfnod o absenoldeb.

(17) Wrth benderfynu pa un a fyddai'n briodol i gymorth fod yn daladwy o dan baragraff (16) mae'r amgylchiadau y mae'n rhaid i Weinidogion Cymru roi sylw iddynt yn cynnwys y rheswm dros absenoldeb y myfyriwr, hyd y cyfnod o absenoldeb a'r caledi ariannol a achosid pe na bai'r cymorth yn cael ei dalu.

(18) Ni ddylid ystyried bod myfyriwr cymwys yn absennol o'i gwrs os yw'r myfyriwr cymwys yn methu â bod yn bresennol oherwydd salwch ac na fu'n absennol am fwy na 60 diwrnod.

(19) Os yw Gweinidogion Cymru, ar ôl iddynt wneud unrhyw daliad o gymorth o dan Ran 5 neu Ran 6, yn penderfynu swm y grant at gostau byw a chostau eraill y mae hawl gan y myfyriwr cymwys i'w gael, naill ai am y tro cyntaf neu ar ffurf adolygiad o benderfyniad dros dro neu benderfyniad arall ynghylch y swm hwnnw–

(a) os penderfyniad i gynyddu swm y grant hwnnw y mae hawl gan y myfyriwr cymwys i'w gael yw'r penderfyniad, rhaid i Weinidogion Cymru dalu'r swm ychwanegol, a chânt wneud hynny yn y cyfryw randaliadau (os bydd rhandaliadau) ac ar y cyfryw adegau a ystyriant yn briodol;

(b) os penderfyniad i ostwng swm y grant hwnnw

that payment exceeds the partial amount of that grant–

(a) they may treat the excess as an overpayment of that grant; or

(b) if they consider that it is appropriate to do so they may extend that student's period of eligibility in respect of that grant until the end of the relevant payment period and determine that the full amount of the grant is payable in respect of that payment period.

(14) Subject to paragraph (15), if a payment of a grant for living costs in respect of the relevant payment period is due to be made or is made after the eligible student's period of eligibility has terminated, the amount of that grant payable is the partial amount unless the Welsh Ministers consider it appropriate to extend the period of eligibility in respect of that grant until the end of the relevant payment period and to determine that the full amount of that grant is payable in respect of that payment period.

(15) Paragraph (14) does not apply to a payment of grant for disabled students' living costs in respect of specialist equipment.

(16) No support under Part 5 is payable in respect of a payment period during any part of which an eligible student is absent from the eligible student's course, unless in the opinion of the Welsh Ministers it would be appropriate in all the circumstances for support to be paid in respect of the period of absence.

(17) In deciding whether it would be appropriate for support to be payable under paragraph (16) the circumstances to which the Welsh Ministers must have regard include the reason for the student's absence, the length of the absence and the financial hardship which not paying the support would cause.

(18) An eligible student is not to be considered absent from the eligible student's course if the eligible student is unable to attend due to illness and the eligible student's absence has not exceeded 60 days.

(19) Where, after the Welsh Ministers have made any payment of support under Part 5 or Part 6, they make a determination of the amount of a grant for living costs for which the eligible student qualifies either for the first time or by way of revision of a provisional or other determination of that amount–

(a) if the determination increases the amount of that grant for which the eligible student qualifies they must pay the additional amount and may do so in such instalments (if any) and at such times as they consider appropriate;

(b) if the determination decreases the amount of

y mae hawl gan y myfyriwr cymwys i'w gael yw'r penderfyniad, rhaid i Weinidogion Cymru ddidynnu swm y gostyngiad o weddill y grant hwnnw sydd eto i'w dalu;

(c) os yw swm y gostyngiad yn fwy na gweddill y grant hwnnw sydd eto i'w dalu, rhaid gostwng y gweddill hwnnw i ddim, a didynnu'r balans o unrhyw grant arall at gostau byw y mae hawl gan y myfyriwr yn i'w gael mewn perthynas â'r flwyddyn academaidd;

(ch) gellir adennill unrhyw ordaliad sy'n weddill yn unol â rheoliad 69.

that grant for which the eligible student qualifies they must subtract the amount of the decrease from the amount of that grant which remains to be paid;

(c) if the amount of the decrease is greater than the amount of that grant remaining to be paid the latter amount is reduced to nil and the balance subtracted from any other grant for living costs for which the student qualifies in respect of the academic year;

(d) any remaining overpayment is recoverable in accordance with regulation 69.

Darparu rhif yswiriant gwladol y Deyrnas Unedig

66.–(1) Caiff Gweinidogion Cymru ei gwneud yn un o amodau hawlogaeth i gael taliad o ran unrhyw fenthyciad fod yn rhaid i'r myfyriwr cymwys ddarparu ar eu cyfer ei rif yswiriant gwladol yn y Deyrnas Unedig.

(2) Pan fo Gweinidogion Cymru wedi gosod amod o dan baragraff (1), rhaid iddynt beidio â gwneud unrhyw daliad o ran y benthyciad i'r myfyriwr cymwys cyn iddynt gael eu bodloni bod y myfyriwr cymwys wedi cydymffurfio â'r amod hwnnw.

(3) Er gwaethaf paragraff (2), caiff Gweinidogion Cymru, os ydynt wedi'u bodloni y byddai'n briodol iddynt wneud taliad o'r fath oherwydd amgylchiadau eithriadol, wneud taliad o fenthyciad i fyfyriwr cymwys pan nad yw'r myfyriwr cymwys wedi cydymffurfio â'r amod a osodwyd o dan baragraff (1).

Provision of United Kingdom national insurance number

66.–(1) The Welsh Ministers may make it a condition of entitlement to payment of any loan that an eligible student must provide them with the eligible student's United Kingdom national insurance number.

(2) Where the Welsh Ministers have imposed a condition under paragraph (1), they must not make any payment of the loan to the eligible student before they are satisfied that the eligible student has complied with that condition.

(3) Despite paragraph (2), the Welsh Ministers may make a payment of loan to an eligible student if they are satisfied that owing to exceptional circumstances it would be appropriate to make such a payment without the eligible student having complied with the condition imposed under paragraph (1).

Gofynion o ran gwybodaeth

67.–(1) Caiff Gweinidogion Cymru ar unrhyw adeg ofyn i geisydd neu fyfyriwr cymwys am wybodaeth y maent o'r farn ei bod yn ofynnol ar gyfer adennill benthyciad.

(2) Caiff Gweinidogion Cymru ar unrhyw adeg ofyn i geisydd neu fyfyriwr cymwys am gael gweld ei gerdyn adnabod dilys, ei basbort dilys a ddyroddwyd gan y wladwriaeth y mae'n ddinesydd ynddi, neu ei dystysgrif geni.

(3) Pan fo Gweinidogion Cymru wedi gofyn am wybodaeth o dan y rheoliad hwn, cânt gadw'n ôl unrhyw daliad benthyciad hyd nes bo'r ceisydd neu'r myfyriwr cymwys yn darparu'r hyn y gofynnwyd amdano neu'n darparu eglurhad boddhaol am beidio â chydymffurfio â'r cais.

(4) Caiff Gweinidogion Cymru ar unrhyw adeg ei gwneud yn ofynnol bod ceisydd neu fyfyriwr cymwys yn ymrwymo i gytundeb i ad-dalu benthyciad drwy ddull penodol.

(5) Pan fo Gweinidogion Cymru wedi gofyn am gytundeb ynglŷn â'r dull o ad-dalu o dan y rheoliad hwn, cânt gadw'n ôl unrhyw daliad benthyciad hyd nes

Information requirements

67.–(1) The Welsh Ministers may at any time request from an applicant or an eligible student information that they consider is required to recover a loan.

(2) The Welsh Ministers may at any time request from an applicant or an eligible student sight of their valid national identity card, valid passport issued by the state of which they are a national or their birth certificate.

(3) Where the Welsh Ministers have requested information under this regulation, they may withhold any payment of a loan until the applicant or eligible student provides what has been requested or provides a satisfactory explanation for not complying with the request.

(4) The Welsh Ministers may at any time require an applicant or an eligible student to enter into an agreement to repay a loan by a particular method.

(5) Where the Welsh Ministers have requested an agreement as to the method of repayment under this regulation, the Welsh Ministers may withhold any

bo'r ceisydd neu'r myfyriwr cymwys yn darparu'r hyn y gofynnwyd amdano.

payment of a loan until the applicant or eligible student provides what has been requested.

Talu benthyciadau at gostau byw

68.–(1) Caiff Gweinidogion Cymru dalu cymorth o dan Ran 6 mewn rhandaliadau neu mewn un cyfandaliad.

(2) Yn ddarostyngedig i baragraff (3), caiff Gweinidogion Cymru dalu cymorth o dan Ran 6 ar y cyfryw adegau ag y maent o'r farn eu bod yn briodol.

(3) Mae'n ofynnol i awdurdod academaidd anfon cadarnhad o bresenoldeb at Weinidogion Cymru.

(4) Rhaid i Weinidogion Cymru beidio â thalu'r rhandaliad cyntaf, neu pan fyddant wedi penderfynu peidio â thalu cymorth o dan Ran 6 drwy randaliadau, wneud unrhyw daliad cymorth o dan Ran 6 i'r myfyriwr cymwys hyd oni fydd cadarnhad o bresenoldeb wedi dod i law oddi wrth yr awdurdod academaidd perthnasol onid yw'r eithriad y cyfeirir ato ym mharagraff (5) yn gymwys.

(5) At ddibenion paragraff (4), mae'r eithriad yn gymwys os yw Gweinidogion Cymru wedi penderfynu y byddai'n briodol, oherwydd amgylchiadau eithriadol, iddynt wneud taliad heb i gadarnhad o bresenoldeb ddod i law.

(6) Pan na ellir gwneud asesiad terfynol ar sail yr wybodaeth a ddarparwyd gan y myfyriwr cymwys, caiff Gweinidogion Cymru wneud asesiad a thaliad cymorth dros dro o dan Ran 6.

(7) Mae taliadau cymorth o dan Ran 6 i'w gwneud yn y cyfryw fodd ag y mae Gweinidogion Cymru o'r farn ei fod yn briodol a chânt ei gwneud yn un o amodau hawlogaeth i gael taliad fod y rhaid i'r myfyriwr cymwys ddarparu ar eu cyfer fanylion cyfrif banc neu gymdeithas adeiladu yn y Deyrnas Unedig y gall taliadau gael eu talu iddo drwy eu trosglwyddo'n electronig.

(8) Pan fo Gweinidogion Cymru wedi gwneud unrhyw daliad cymorth o dan Ran 5 neu o dan Ran 6 a bod myfyriwr cymwys sydd â hawl i gael benthyciad at gostau byw o dan Ran 6 yn gwneud cais am fenthyciad o'r fath neu'n gwneud cais am swm ychwanegol o fenthyciad at gostau byw mewn perthynas â blwyddyn academaidd, caiff Gweinidogion Cymru dalu'r benthyciad hwnnw neu'r swm ychwanegol hwnnw o fenthyciad yn y cyfryw randaliadau (os bydd rhandaliadau) ac ar y cyfryw adegau ag y maent o'r farn eu bod yn briodol cyn gynted ag y bo'n rhesymol ymarferol ar ôl i gais boddhaol ddod i law.

(9) Yn ddarostyngedig i baragraff (10), nid oes unrhyw gymorth o dan Ran 6 yn daladwy mewn perthynas ag unrhyw ddiwrnod mewn blwyddyn academaidd y mae'r myfyriwr cymwys yn garcharor arno, oni fyddai'n briodol o dan yr holl amgylchiadau ym marn Gweinidogion Cymru i'r cymorth gael ei dalu mewn perthynas â'r diwrnod hwnnw.

Payment of loans for living costs

68.–(1) The Welsh Ministers may pay support under Part 6 in instalments or in a single lump sum.

(2) Subject to paragraph (3), the Welsh Ministers may pay support under Part 6 at such times as they consider appropriate.

(3) An academic authority is required to send an attendance confirmation to the Welsh Ministers.

(4) The Welsh Ministers must not pay the first instalment, or where they have determined not to pay support under Part 6 by instalments, make any payment of support under Part 6 to the eligible student before they have received an attendance confirmation from the relevant academic authority unless the exception referred to in paragraph (5) applies.

(5) For the purposes of paragraph (4) the exception applies if the Welsh Ministers have determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving an attendance confirmation.

(6) Where a final assessment cannot be made on the basis of the information provided by the eligible student, the Welsh Ministers may make a provisional assessment and payment of support under Part 6.

(7) Payments of support under Part 6 are to be made in such manner as the Welsh Ministers consider appropriate and they may make it a condition of entitlement to payment that the eligible 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.

(8) Where the Welsh Ministers have made any payment of support under Part 5 or Part 6 and an eligible student who qualifies for a loan for living costs under Part 6 applies for such a loan or applies for an additional amount of loan for living costs in respect of an academic year, the Welsh Ministers may pay that loan or that additional amount of loan in such instalments (if any) and at such times as they consider appropriate as soon as is reasonably practicable after a satisfactory application has been received.

(9) Subject to paragraph (10), no support under Part 6 is payable in respect of any day of an academic year on which the eligible student is a prisoner, unless in the opinion of the Welsh Ministers it would be appropriate in all the circumstances for support to be paid in respect of that day.

(10) Wrth benderfynu a oes cymorth yn daladwy o dan baragraff (9), mae'r amgylchiadau y mae'n rhaid i Weinidogion Cymru roi sylw iddynt yn cynnwys y caledi ariannol y byddai peidio â thalu'r cymorth yn ei achosi ac a fyddai peidio â thalu'r cymorth yn effeithio ar allu'r myfyriwr cymwys i barhau â'r cwrs.

(11) Nid oes unrhyw gymorth o dan Ran 6 yn daladwy mewn perthynas ag unrhyw gyfnod talu sy'n dechrau ar ôl i gyfnod cymhwystra myfyriwr cymwys ddod i ben.

(12) Nid oes unrhyw gymorth o dan Ran 6 yn daladwy mewn perthynas â chyfnod talu y mae myfyriwr cymwys yn absennol o'i gwrs yn ystod rhan ohono, oni fyddai'n briodol, ym marn Gweinidogion Cymru, yn yr holl amgylchiadau, i gymorth gael ei dalu mewn perthynas â'r cyfnod o absenoldeb.

(13) Wrth benderfynu pa un a oes cymorth yn daladwy o dan baragraff (12) mae'r amgylchiadau y mae'n rhaid i Weinidogion Cymru roi sylw iddynt yn cynnwys y rhesymau am absenoldeb y myfyriwr cymwys, hyd y cyfnod o absenoldeb a'r caledi ariannol y byddai peidio â thalu i'r myfyriwr cymwys yn ei achosi.

(14) Ni ddylid ystyried bod myfyriwr cymwys yn absennol o'i gwrs os yw'r myfyriwr cymwys yn analluog i fod yn bresennol oherwydd salwch ac nad yw wedi bod yn absennol am fwy na 60 diwrnod.

(15) Os yw Gweinidogion Cymru, ar ôl iddynt wneud unrhyw daliad benthyciad at gostau byw y mae hawl gan y myfyriwr cymwys i'w gael mewn perthynas â blwyddyn academaidd o dan Ran 6, yn gwneud penderfyniad bod y swm o fenthyciad at gostau byw y mae hawl gan y myfyriwr cymwys i'w gael yn llai na'r swm a benderfynwyd yn flaenorol naill ai drwy adolygiad o asesiad dros dro neu fel arall–

(a) rhaid iddynt ddidynnu o unrhyw swm o fenthyciad at gostau byw sydd ar ôl i'w dalu y cyfryw swm sydd ei angen er mwyn sicrhau nad yw'r myfyriwr cymwys yn benthyg swm mwy at gostau byw na'r swm y mae hawl gan y myfyriwr cymwys i'w gael;

(b) os yw'r swm sydd i'w dynnu i ffwrdd yn fwy na'r swm o fenthyciad at gostau byw sydd ar ôl i'w dalu, gostyngir y swm diwethaf hwn i ddim;

(c) gellir adennill unrhyw ordaliad yn unol â rheoliad 69.

Gordaliadau

69.–(1) Caiff Gweinidogion Cymru adennill unrhyw ordaliad o grant at ffioedd, grant newydd at ffioedd, benthyciad cyfrannu at ffioedd neu fenthyciad at ffioedd oddi wrth yr awdurdod academaidd.

(2) Rhaid i fyfyriwr cymwys, os bydd Gweinidogion Cymru yn gofyn iddo wneud hynny, ad-dalu unrhyw

(10) In deciding whether support is payable under paragraph (9) the circumstances to which the Welsh Ministers must have regard include the financial hardship which not paying the support would cause and whether not paying the support would affect the eligible student's ability to continue the course.

(11) No support under Part 6 is payable in respect of any payment period beginning after an eligible student's period of eligibility terminates.

(12) No support under Part 6 is payable in respect of a payment period during part of which an eligible student is absent from the eligible student's course, unless in the opinion of the Welsh Ministers it would be appropriate in all the circumstances for support to be paid in respect of the period of absence.

(13) In deciding whether support is payable under paragraph (12) the circumstances to which the Welsh Ministers must have regard include the reasons for the eligible student's absence, the length of absence and the financial hardship which not paying the eligible student would cause.

(14) An eligible student is not to be considered absent from the eligible student's course if the eligible student is unable to attend due to illness and the eligible student's absence has not exceeded 60 days.

(15) Where, after the Welsh Ministers have made any payment of loan for living costs for which an eligible student qualifies in respect of an academic year under Part 6, they make a determination that the amount of loan for living costs for which the eligible student qualifies is less than the amount previously determined either by way of a revision of a provisional assessment or otherwise–

(a) they must subtract such amount as is necessary to ensure that the eligible student does not borrow an amount of loan for living costs which is greater than that for which the eligible student qualifies from any amount of loan for living costs which remains to be paid;

(b) if the amount to be subtracted is greater than the amount of loan for living costs remaining to be paid, the latter is reduced to nil;

(c) any remaining overpayment is recoverable in accordance with regulation 69.

Overpayments

69.–(1) Any overpayment of a grant for fees, new fee grant, fee contribution loan or fee loan is recoverable by the Welsh Ministers from the academic authority.

(2) An eligible student must, if so required by the Welsh Ministers, repay any amount paid to the eligible

swm a delir i'r myfyriwr cymwys o dan Ran 5 neu 6 ac sydd am ba reswm bynnag yn fwy na'r swm o gymorth y mae gan y myfyriwr hawlogaeth arno o dan Ran 5 neu 6.

(3) Rhaid i Weinidogion Cymru adennill gordaliad o unrhyw grant at gostau byw a chostau eraill onid ydynt o'r farn nad yw'n briodol iddynt wneud hynny.

(4) Mae taliad o unrhyw grant at gostau byw a wnaed cyn y dyddiad perthnasol yn ordaliad os yw'r myfyriwr cymwys yn rhoi'r gorau i'r cwrs cyn y dyddiad perthnasol oni fydd Gweinidogion Cymru yn penderfynu fel arall.

(5) Yn yr amgylchiadau ym mharagraff (6) neu (7), mae gordaliad o'r grant at gostau byw myfyrwyr anabl oni fydd Gweinidogion Cymru yn penderfynu fel arall.

(6) Yr amgylchiadau y cyfeirir atynt ym mharagraff (5) yw–

(a) mae Gweinidogion Cymru yn defnyddio'r cyfan neu ran o'r grant at gostau byw myfyrwyr anabl i brynu offer arbenigol ar ran y myfyriwr cymwys;

(b) mae cyfnod cymhwystra'r myfyriwr cymwys yn dod i ben ar ôl y dyddiad perthnasol; ac

(c) nid yw'r offer wedi'i ddanfon at y myfyriwr cyn i'w gyfnod cymhwystra ddod i ben.

(7) Yr amgylchiadau y cyfeirir atynt ym mharagraff (5) yw–

(a) mae cyfnod cymhwystra'r myfyriwr cymwys yn dod i ben ar ôl y dyddiad perthnasol; a

(b) gwneir taliad o'r grant at gostau byw myfyrwyr anabl mewn perthynas ag offer arbenigol i'r myfyriwr ar ôl i gyfnod cymhwystra'r myfyriwr cymwys ddod i ben.

(8) Os oes gordaliad o grant at gostau byw myfyrwyr anabl, caiff Gweinidogion Cymru dderbyn yn ôl offer arbenigol a brynwyd â'r grant yn fodd i adennill y cyfan neu ran o'r gordaliad os ydynt o'r farn ei bod yn briodol iddynt wneud hynny.

(9) Caniateir adennill unrhyw ordaliad o unrhyw grant o dan Ran 5 ym mha un bynnag neu ym mha rai bynnag o'r ffyrdd canlynol y mae Gweinidogion Cymru o'r farn ei bod neu eu bod yn briodol yn yr holl amgylchiadau–

(a) drwy dynnu i ffwrdd y gordaliad o unrhyw fath o grant sy'n daladwy i'r myfyriwr cymwys o bryd i'w gilydd yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998;

(b) drwy gymryd y cyfryw gamau eraill i adennill gordaliad ag sydd ar gael iddynt.

(10) Caniateir adennill unrhyw ordaliad o fenthyciad

student under Part 5 or 6 which for whatever reason exceeds the amount of support to which the student is entitled under Part 5 or 6.

(3) The Welsh Ministers must recover an overpayment of any grant for living costs unless they consider it is not appropriate to do so.

(4) A payment of any grant for living costs made before the relevant date is an overpayment if the eligible student withdraws from the course before the relevant date unless the Welsh Ministers decide otherwise.

(5) In the circumstances in paragraph (6) or (7), there is an overpayment of the grant for disabled students' living costs unless the Welsh Ministers decide otherwise.

(6) The circumstances referred to in paragraph (5) are–

(a) the Welsh Ministers apply all or part of the grant for disabled students' living costs to the purchase of specialist equipment on behalf of the eligible student;

(b) the eligible student's period of eligibility terminates after the relevant date; and

(c) the equipment has not been delivered to the student before the student's period of eligibility terminates.

(7) The circumstances referred to in paragraph (5) are–

(a) the eligible student's period of eligibility terminates after the relevant date; and

(b) a payment of the grant for disabled students' living costs in respect of specialist equipment is made to the student after the eligible student's period of eligibility terminated.

(8) Where there is an overpayment of the grant for disabled students' living costs, 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.

(9) Any overpayment of any grant under Part 5 may be recovered in whichever one or more of the following ways the Welsh Ministers consider appropriate in all the circumstances–

(a) by subtracting the overpayment from any kind of grant payable to the eligible student from time to time pursuant to regulations made by the Welsh Ministers under section 22 of the 1998 Act;

(b) by taking such other action for the recovery of an overpayment as is available to them.

(10) Any overpayment of a loan for living costs in

at gostau byw mewn perthynas ag unrhyw flwyddyn academaidd os yw, ym marn Gweinidogion Cymru–

(a) y gordaliad wedi digwydd o ganlyniad i fethiant ar ran y myfyriwr i ddarparu'n brydlon wybodaeth a allai effeithio ar ba un a oes hawl gan y myfyriwr ai peidio i gael benthyciad neu ar swm y benthyciad y mae hawl ganddo i'w gael;

(b) unrhyw wybodaeth y mae'r myfyriwr wedi'i darparu yn anghywir mewn manylyn perthnasol; neu

(c) y myfyriwr wedi methu â darparu gwybodaeth y mae Gweinidogion Cymru o'r farn ei bod yn berthnasol yng nghyd-destun adennill y benthyciad.

(11) Pan fo modd adennill gordaliad o fenthyciad at gostau byw yn unol â pharagraff (10), caniateir ei adennill ym mha un bynnag neu ym mha rai bynnag o'r ffyrdd canlynol y mae Gweinidogion Cymru o'r farn ei bod neu eu bod yn briodol yn yr holl amgylchiadau–

(a) drwy dynnu i ffwrdd y gordaliad o swm unrhyw fenthyciad sy'n daladwy i'r myfyriwr o bryd i'w gilydd yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998;

(b) drwy gymryd y cyfryw gamau eraill i adennill gordaliad ag sydd ar gael iddynt.

(12) Os oes gordaliad wedi bod o fenthyciad at gostau byw nad oes modd ei adennill o dan baragraff (10), caiff Gweinidogion Cymru dynnu i ffwrdd y gordaliad o swm unrhyw fenthyciad sy'n daladwy i'r myfyriwr o bryd i'w gilydd yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998.

(13) Yn y rheoliad hwn "y dyddiad perthnasol" ("*the relevant date*") yw'r dyddiad y mae tymor cyntaf y flwyddyn academaidd o dan sylw yn dechrau mewn gwirionedd.

Taliadau – dehongli

70.–(1) Yn y Rhan hon–

(a) ystyr "cadarnhad o bresenoldeb" ("*attendance confirmation*") yw cadarnhad mewn ysgrifen gan yr awdurdod academaidd–

(i) bod y myfyriwr cymwys wedi ymrestru ar gyfer y flwyddyn academaidd–

(aa) pan fo'r myfyriwr cymwys yn gwneud cais am gymorth o dan y Rheoliadau hyn mewn cysylltiad â chwrs dynodedig am y tro cyntaf;

(bb) pan fo gan y myfyriwr cymwys anabledd; ac

(cc) pan fo'r myfyriwr cymwys yn ymgymryd â'r cwrs ond nad yw'n bresennol ar y cwrs (pa un a yw'r rheswm am beidio â bod yn

respect of any academic year may be recovered if in the opinion of the Welsh Ministers–

(a) the overpayment is a result of a failure of the student to provide promptly information which might affect whether the student qualifies for a loan or the amount of loan for which the student qualifies;

(b) any information which the student has provided is inaccurate in a material particular; or

(c) the student has failed to provide information which the Welsh Ministers consider to be material in the context of the recovery of the loan.

(11) Where an overpayment of a loan for living costs is recoverable in accordance with paragraph (10), it may be recovered in whichever one or more of the following ways the Welsh Ministers consider appropriate in all the circumstances–

(a) by subtracting the overpayment from the amount of any loan payable to the student from time to time pursuant to regulations made by the Welsh Ministers under section 22 of the 1998 Act;

(b) by taking such other action for the recovery of an overpayment as is available to them.

(12) Where there has been an overpayment of a loan for living costs which is not recoverable under paragraph (10), the Welsh Ministers may subtract the overpayment from the amount of any loan payable to the student from time to time pursuant to regulations made by the Welsh Ministers under section 22 of the 1998 Act.

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

Payments – interpretation

70.–(1) In this Part–

(a) "attendance confirmation" ("*cadarnhad o bresenoldeb*") means confirmation in writing from the academic authority–

(i) that the eligible student has enrolled for the academic year where the eligible student–

(aa) is applying for support under these Regulations in connection with a designated course for the first time;

(bb) has a disability; and

(cc) is undertaking the course but not attending (regardless of whether the reason for not attending relates to the

bresennol yn ymwneud â'i anabledd ai peidio);

(ii) bod y myfyriwr cymwys wedi bod yn bresennol yn y sefydliad ac wedi dechrau mynychu'r cwrs–

(aa) pan fo'r myfyriwr yn gwneud cais am gymorth o dan y Rheoliadau hyn mewn cysylltiad â chwrs dynodedig am y tro cyntaf;

(bb) pan nad yw statws y myfyriwr fel myfyriwr cymwys wedi'i drosglwyddo i'r cwrs o gwrs dynodedig arall yn yr un sefydliad; ac

(cc) nad yw is-baragraff (i)(cc) yn gymwys;

(iii) bod y myfyriwr cymwys wedi ymrestru ar gyfer y flwyddyn academaidd pan fo'r myfyriwr cymwys yn gwneud cais am gymorth mewn cysylltiad â chwrs dynodedig–

(aa) a hynny am dro heblaw'r tro cyntaf; neu

(bb) am y tro cyntaf wedi i statws y myfyriwr fel myfyriwr cymwys gael ei drosglwyddo i'r cwrs hwnnw o gwrs arall yn yr un sefydliad;

(b) ystyr "cyfnod talu" ("*payment period*") yw cyfnod y mae Gweinidogion Cymru yn talu mewn perthynas ag ef y cymorth perthnasol o dan Ran 5 neu Ran 6 neu y byddent wedi talu'r cyfryw gymorth pe na bai cyfnod cymhwystra'r myfyriwr cymwys wedi dod i ben.

eligible student's disability);

(ii) that the eligible student has been present at the institution and begun to attend the course where–

(aa) the student is applying for support under these Regulations in connection with a designated course for the first time;

(bb) the student's status as an eligible student has not been transferred to the course from another designated course at the same institution; and

(cc) sub-paragraph (i)(cc) does not apply;

(iii) that the eligible student has enrolled for the academic year where the eligible student is applying for support in connection with a designated course–

(aa) other than for the first time; or

(bb) for the first time after the student's status as an eligible student has been transferred to that course from another course at the same institution;

(b) "payment period" ("*cyfnod talu*") means a period in respect of which the Welsh Ministers pay the relevant support under Part 5 or Part 6 or would have paid such support if the eligible student's period of eligibility had not terminated.

RHAN 11

CYMORTH AT GYRSIAU DYSGU O BELL AMSER-LLAWN

Myfyrwyr dysgu o bell cymwys

71.–(1) Mae gan fyfyriwr dysgu o bell cymwys hawl i gael cymorth mewn cysylltiad ag ymgymryd ohono â chwrs dysgu o bell dynodedig, yn ddarostyngedig i'r Rhan hon ac yn unol â hi.

(2) Yn ddarostyngedig i baragraffau (3) ac (8), mae person yn fyfyriwr dysgu o bell cymwys mewn cysylltiad â chwrs dysgu o bell dynodedig os yw Gweinidogion Cymru, wrth asesu ei gais am gymorth o dan reoliad 79, yn penderfynu bod y person hwnnw yn dod o fewn un o'r categorïau a nodir yn Rhan 2 o Atodlen 1.

(3) Yn ddarostyngedig i baragraff (8) nid yw person ("A" yn y paragraff hwn) yn fyfyriwr dysgu o bell cymwys–

(a) os, yn ddarostyngedig i baragraff (4),

PART 11

SUPPORT FOR FULL-TIME DISTANCE LEARNING COURSES

Eligible distance learning students

71.–(1) An eligible distance learning student qualifies for support in connection with the eligible distance learning student undertaking a designated distance learning course subject to and in accordance with this Part.

(2) Subject to paragraphs (3) and (8), a person is an eligible distance learning student in connection with a designated distance learning course if in assessing the person's application for support under regulation 79 the Welsh Ministers determine that the person falls within one of the categories set out in Part 2 of Schedule 1.

(3) Subject to paragraph (8), a person ("A" in this paragraph) is not an eligible distance learning student if–

(a) subject to paragraph (4), there has been

rhoddwyd i A neu os talwyd i A, mewn perthynas â'r cwrs dysgu o bell–

(i) bwrsari gofal iechyd pa un a gyfrifir swm y bwrsari hwnnw drwy gyfeirio at incwm A ai peidio;

(ii) unrhyw lwfans o dan Reoliadau Lwfansau Myfyrwyr Nyrsio a Bydwreigiaeth (Yr Alban) 2007(**1**); neu

(iii) lwfans gofal iechyd yr Alban a gyfrifir swm y lwfans hwnnw drwy gyfeirio at incwm A ai peidio;

(b) os yw A wedi torri unrhyw rwymedigaeth i ad-dalu unrhyw fenthyciad;

(c) os yw A wedi cyrraedd ei 18 oed ac nad yw wedi dilysu unrhyw gytundeb ynghylch benthyciad a wnaed gydag A pan oedd A o dan 18 oed;

(ch) os yw A, ym marn Gweinidogion Cymru, wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth o dan y Rhan hon; neu

(d) yn ddarostyngedig i baragraff (5), os yw A yn garcharor.

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

(a) os yw'r person sy'n gwneud cais am gymorth o dan y Rhan hon yn fyfyriwr anabl; a

(b) os rhoddwyd neu os talwyd i'r person mewn perthynas â'r cwrs dysgu o bell–

(i) bwrsari gofal iechyd y mae ei swm yn cael ei gyfrifo drwy gyfeirio at incwm y person; neu

(ii) lwfans gofal iechyd yr Alban pa un a gyfrifir swm y lwfans hwnnw drwy gyfeirio at incwm y person ai peidio.

(5) Nid yw paragraff (3)(d) yn gymwys mewn perthynas â blwyddyn academaidd pryd y mae'r myfyriwr dysgu o bell cymwys 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 ynglŷn 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 chydsyniad curadur y benthyciwr neu ar adeg pan nad oedd ganddo guradur.

(**1**) O.S.A. 2007/151, a ddiwygiwyd gan O.S.A. 2007/503, O.S.A. 2008/206, O.S.A. 2009/188 ac O.S.A. 2009/309.

bestowed on A or paid to A in connection with the distance learning course–

(i) a healthcare bursary whether or not the amount of such bursary is calculated by reference to A's income;

(ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007(**1**); or

(iii) a Scottish healthcare allowance whether or not the amount of such allowance is calculated by reference to A's income;

(b) A is in breach of any obligation to repay any loan;

(c) A has reached the age of 18 and has not ratified any agreement for a loan made with A when A was under the age of 18;

(d) A has, in the opinion of the Welsh Ministers, shown by A's conduct that A is unfitted to receive support under this Part; or

(e) subject to paragraph (5), A is a prisoner.

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

(a) the person applying for support under this Part is a disabled student; and

(b) there has been bestowed on or paid to the person in connection with the distance learning course–

(i) a healthcare bursary the amount of which is calculated by reference to the person's income; or

(ii) a Scottish Healthcare Allowance whether or not the amount of such allowance is calculated by reference to the person's income.

(5) Paragraph (3)(e) does not apply in respect of an academic year during which the eligible distance learning 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 the borrower had no curator.

(**1**) S.S.I. 2007/151, amended by S.S.I. 2007/503, S.S.I. 2008/206, S.S.I. 2009/188 and S.S.I. 2009/309.

(8) Yn ddarostyngedig i baragraffau (10) i (12), mae person yn fyfyriwr dysgu o bell cymwys at ddibenion y Rhan hon os yw'n bodloni'r amodau ym mharagraff (9)(a) neu (b).

(9) Yr amodau y cyfeirir atynt ym mharagraff (8) yw–

(a) bod–

(i) y person wedi ymgymhwyso fel myfyriwr dysgu o bell cymwys mewn cysylltiad â blwyddyn academaidd gynharach ar y cwrs dysgu o bell presennol yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998;

(ii) y person yn preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf y cwrs dysgu o bell presennol; a

(iii) statws y person fel myfyriwr dysgu o bell cymwys heb ei derfynu;

(b) bod–

(i) Gweinidogion Cymru eisoes wedi penderfynu bod y person–

(aa) yn fyfyriwr cymwys mewn perthynas â chwrs dynodedig;

(bb) yn fyfyriwr dysgu o bell cymwys mewn cysylltiad â chwrs dysgu o bell dynodedig ac eithrio'r cwrs dysgu o bell presennol; neu

(cc) yn fyfyriwr rhan-amser cymwys mewn cysylltiad â chwrs rhan-amser dynodedig;

(ii) 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 (b)(i) wedi'i drosi neu wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs dysgu o bell presennol o ganlyniad i drosi neu drosglwyddo unwaith neu fwy yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998;

(iii) y person yn preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs y cyfeirir ato yn is-baragraff (b)(i); a

(iv) statws y person fel myfyriwr dysgu o bell cymwys heb ei derfynu.

(10) Pan fo–

(a) Gweinidogion Cymru wedi penderfynu bod person ("A" yn y paragraff hwn), yn rhinwedd bod yn ffoadur neu fod yn briod, yn bartner sifil, yn blentyn neu'n llysblentyn i ffoadur, yn fyfyriwr 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

(8) Subject to paragraphs (10) to (12), a person is an eligible distance learning student for the purposes of this Part if the person satisfies the conditions in paragraph (9)(a) or (b).

(9) The conditions referred to in paragraph (8) are–

(a) the–

(i) person qualified as an eligible distance learning student in connection with an earlier academic year of the present distance learning course pursuant to regulations made by the Welsh Ministers under section 22 of the 1998 Act;

(ii) person was ordinarily resident in Wales on the first day of the present distance learning course; and

(iii) person's status as an eligible distance learning student has not terminated;

(b) the–

(i) Welsh Ministers have previously determined that the person is an eligible–

(aa) student in connection with a designated course;

(bb) distance learning student in connection with a designated distance learning course other than the present distance learning course; or

(cc) part-time student in connection with a designated part-time course;

(ii) 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 (b)(i) has been converted or transferred from that course to the present 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 1998 Act;

(iii) person was ordinarily resident in Wales on the first day of the first academic year of the course referred to in sub-paragraph (b)(i); and

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

(10) 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" in this paragraph) 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

perthynas â chwrs dynodedig, cwrs rhan amser dynodedig, neu gwrs dysgu o bell dynodedig arall y mae statws A fel myfyriwr cymwys, myfyriwr rhan-amser cymwys neu fyfyriwr dysgu o bell cymwys wedi'i drosglwyddo i'r cwrs dysgu o bell presennol; a

(b) ar y diwrnod cyn dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, os bydd statws ffoadur A neu briod, partner sifil, rhiant (fel y'i diffinnir yn Rhan 1 o Atodlen 1) neu lys-riant A, yn ôl fel 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(1)),

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

(11) Pan fo–

(a) Gweinidogion Cymru wedi penderfynu bod person ("A" yn y paragraff hwn), yn rhinwedd bod yn berson sydd â chaniatâd i ddod i mewn neu i aros neu fod yn briod, yn bartner sifil, yn blentyn neu'n llysblentyn i'r cyfryw berson, yn fyfyriwr 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 statws A fel myfyriwr cymwys, myfyriwr rhan-amser cymwys neu fyfyriwr dysgu o bell cymwys wedi'i drosglwyddo i'r cwrs dysgu o bell presennol; a

(b) ar y diwrnod cyn diwrnod dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, os bydd y cyfnod a ganiateir i'r person sydd â chaniatâd 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 dysgu o bell cymwys yn terfynu'n syth cyn diwrnod cyntaf y flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi.

(12) Nid yw paragraffau (10) ac (11) yn gymwys pan fo'r myfyriwr wedi dechrau ar y cwrs y penderfynodd Gweinidogion Cymru mewn cysylltiad ag ef fod y myfyriwr yn fyfyriwr cymwys neu'n fyfyriwr rhan-amser cymwys, yn ôl fel y digwydd, cyn 1 Medi 2007.

(1) 2002 p.41. Diwygiwyd adran 104 gan Ddeddf Lloches a Mewnfudo (Trin Ceiswyr etc) 2004 (p. 19), Atodlenni 2 a 4, Deddf Mewnfudo, Lloches a Chenedligrwydd 2006 (p.13), adran 9 ac O.S. 2010/21.

designated course, designated part-time course or other designated distance learning course from which A's 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 A's spouse, civil partner, parent (as defined in Part 1 of Schedule 1) or step-parent, as the case may be, has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(1)),

A's status as an eligible distance learning student terminates immediately before the first day of the academic year in respect of which A is applying for support.

(11) 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" in this paragraph) 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 A's 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 A is applying for support.

(12) Paragraphs (10) and (11) do not apply where the student began the course in connection with which the Welsh Ministers determined that the student was an eligible student or eligible part-time student, as the case may be, before 1 September 2007.

(1) 2002 c.41. Section 104 was amended by the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c.19), Schedules 2 and 4, the Immigration, Asylum and Nationality Act 2006 (c.13), section 9 and S.I. 2010/21.

(13) Nid oes gan fyfyriwr dysgu o bell cymwys hawl, ar unrhyw adeg, i gael cymorth o dan y Rheoliadau hyn–

(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.

(13) An eligible distance learning student may not, at any one time, qualify for support under these Regulations 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.

Myfyrwyr sy'n dod yn gymwys yn ystod y flwyddyn academaidd

72.–(1) Pan fo un o'r digwyddiadau a restrir ym mharagraff (4) yn digwydd yn ystod blwyddyn academaidd–

(a) caiff myfyriwr yr hawl i grant o ran ffioedd mewn perthynas â'r flwyddyn academaidd honno yn unol â'r Rhan hon cyn belled â bod y digwyddiad perthnasol wedi digwydd o fewn tri mis cyntaf y flwyddyn academaidd; a

(b) nid oes grant mewn perthynas â ffioedd ar gael mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol.

(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 grant at gostau byw myfyrwyr dysgu o bell anabl mewn perthynas â'r flwyddyn academaidd honno yn unol â'r Rhan hon; ac

(b) nid yw grant at gostau byw 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

Students becoming eligible during the course of the academic year

72.–(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 beginning before the academic year in which the relevant event occurred.

(2) Where one of the events listed in sub-paragraphs (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 sub-paragraphs (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 disabled distance learning students' living costs in respect of that academic year in accordance with this Part; and

(b) a grant for disabled distance learning students' living costs 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

bell dynodedig;

(b) bod y myfyriwr, ei briod, ei bartner sifil neu ei riant (fel y'i diffinnir yn Rhan 1 o Atodlen 1) 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 Undeb 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 UE;

(d) bod y wladwriaeth y mae'r myfyriwr yn wladolyn iddi yn ymaelodi â'r Undeb Ewropeaidd pan fo'r myfyriwr wedi bod yn preswylio 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 breswylio'n barhaol;

(e) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 6(1)(a) o Atodlen 1;

(f) bod y myfyriwr yn dod yn blentyn i wladolyn Swisaidd; neu

(ff) bod y myfyriwr yn dod yn blentyn i weithiwr Twrcaidd.

distance learning course;

(b) the student, the student's spouse, civil partner or parent (as defined in Part 1 of Schedule 1) is recognised as a refugee or becomes a person with leave to enter or remain;

(c) a state accedes to the European Union 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 EU national;

(e) the state of which the student is a national accedes to the European Union 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;

(h) the student becomes the child of a Swiss national; or

(i) the student becomes the child of a Turkish worker.

Cyrsiau dysgu o bell dynodedig

73.–(1) Mae cwrs yn ddynodedig at ddibenion adran 22(1) o Ddeddf 1998 a rheoliad 71 os dynodir ef 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 restru yn Atodlen 2 ac eithrio cwrs ar gyfer hyfforddiant cychwynnol athrawon;

(b) bod y cwrs yn gwrs amser-llawn;

(c) bod y cwrs yn parhau am o leiaf un flwyddyn academaidd; ac

(ch) nad yw'n ofynnol gan y sefydliad sy'n darparu'r cwrs bod myfyrwyr sy'n ymgymryd â'r cwrs yn y Deyrnas Unedig yn bresennol ar y cwrs.

(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 sy'n darparu'r cwrs i fod yn bresennol mewn unrhyw sefydliad at ddibenion–

(i) cofrestru neu ymrestru;

Designated distance learning courses

73.–(1) A course is designated for the purposes of section 22(1) of the 1998 Act and regulation 71 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 listed 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 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 providing the course to attend any institution for the purposes of–

(i) registration or enrolment;

(ii) arholiad;

(b) unrhyw ofyniad a osodir gan y sefydliad 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 sy'n darparu'r cwrs y caiff y myfyriwr ei gyflawni ond nad yw'n orfodol iddo wneud hynny gan y sefydliad hwnnw.

(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

74.–(1) Cedwir statws myfyriwr fel myfyriwr dysgu o bell cymwys mewn cysylltiad â chwrs dysgu o bell dynodedig hyd nes bo'r statws hwnnw'n terfynu yn unol â'r rheoliad hwn neu reoliad 71.

(2) Y cyfnod y mae myfyriwr dysgu o bell cymwys yn cadw'r statws y cyfeirir ato ym mharagraff (1) yw'r "cyfnod cymhwystra" ("*period of eligibility*").

(3) Yn ddarostyngedig i'r paragraffau canlynol a rheoliad 71, mae'r cyfnod cymhwystra 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 cymhwystra yn terfynu pan fydd y myfyriwr dysgu o bell cymwys ("A" yn y paragraff hwn ac ym mharagraff (5))–

(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 statws A dan reoliad 82, 83, 84 neu 108; neu

(b) yn cefnu ar ei gwrs dysgu o bell dynodedig neu'n cael ei ddiarddel oddi arno.

(5) Caiff Gweinidogion Cymru derfynu'r cyfnod cymhwystra os yw A, ym marn Gweinidogion Cymru, wedi dangos drwy ei ymddygiad nad yw'n addas i dderbyn cymorth o dan y Rheoliadau hyn.

(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–

(ii) an examination;

(b) any requirement imposed by the institution providing the course to attend any institution on a weekend or during any vacation;

(c) any period of attendance at the institution providing the course which a student may but is not required to complete by that institution.

(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

74.–(1) A student's status as an eligible distance learning student is retained in connection with a designated distance learning course until that status terminates in accordance with this regulation or regulation 71.

(2) The period for which an eligible distance learning student retains the status referred to in paragraph (1) is the "period of eligibility" ("*cyfnod cymhwystra*").

(3) Subject to the following paragraphs and regulation 71, 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" in this paragraph and in paragraph (5))–

(a) withdraws from A's designated distance learning course in circumstances where the Welsh Ministers have not transferred or converted or will not transfer or convert A's status under regulation 82, 83, 84, or 108; or

(b) abandons or is expelled from A's designated distance learning course.

(5) The Welsh Ministers may terminate the period of eligibility where in their opinion A has shown by A's conduct that A is unfitted to receive support under these Regulations.

(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) terfynu'r cyfnod cymhwystra;

(b) penderfynu nad oes gan y myfyriwr hawl mwyach i gael unrhyw gymorth penodol neu unrhyw swm penodol o gymorth o dan y Rheoliadau hyn;

(c) trin unrhyw gymorth a dalwyd i'r myfyriwr o dan y Rheoliadau hyn fel gordaliad y caniateir ei adennill o dan reoliad 87.

(7) Pan fo'r cyfnod cymhwystra'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 cymhwystra am y cyfryw gyfnod ag y maent yn penderfynu arno.

Cymorth at gyrsiau dysgu o bell

75.–(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) £1,000; a

(ii) y "ffioedd gwirioneddol", sef swm y ffioedd a godir ar y myfyriwr dysgu o bell cymwys mewn perthynas â blwyddyn academaidd ar y cwrs dysgu o bell dynodedig; a

(b) grant nad yw'n fwy na £1,095 at lyfrau, teithio a gwariant arall mewn cysylltiad â'r cwrs dysgu o bell dynodedig.

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

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

(a) os yw'n fyfyriwr anabl; a

(b) os rhoddwyd neu os talwyd iddo mewn cysylltiad â'r cwrs dysgu o bell dynodedig–

(i) bwrsari gofal iechyd y cyfrifir ei swm drwy gyfeirio at incwm y myfyriwr dysgu o bell cymwys; neu

(ii) lwfans gofal iechyd yr Alban pa un a gyfrifir swm y lwfans hwnnw drwy gyfeirio at incwm y myfyriwr dysgu o bell cymwys ai peidio.

(4) Nid oes gan fyfyriwr 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 fyfyriwr dysgu o bell cymwys yr

(a) terminate the period of eligibility;

(b) determine that the student no longer qualifies for any particular support or particular amount of support under these Regulations;

(c) treat any support paid to the student under these Regulations as an overpayment which may be recovered under regulation 87.

(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

75.–(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) £1,000; and

(ii) the "actual fees", being the amount of fees charged to the eligible distance learning student in respect of an academic year of the designated distance learning course; and

(b) a grant not exceeding £1,095 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 the eligible distance learning student falls is paragraph 9.

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

(a) the eligible distance learning student is a disabled student; and

(b) there has been bestowed on or paid to the eligible distance learning student in connection with the designated distance learning course–

(i) a healthcare bursary the amount of which is calculated by reference to the eligible distance learning student's income; or

(ii) a Scottish healthcare allowance whether or not the amount of such allowance is calculated by reference to the eligible distance learning student's income.

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

(5) An eligible distance learning student does not

hawl i dderbyn cymorth dan y rheoliad hwn os yw'r myfyriwr dysgu o bell cymwys wedi ymgymryd ag un neu ragor o gyrsiau dysgu o bell dros gyfnod cyfanredol o wyth o flynyddoedd academaidd ac wedi cael benthyciad neu grant o'r math a ddisgrifir ym mharagraff (6) mewn perthynas â phob un o'r blynyddoedd academaidd hynny.

(6) Y benthyciadau a'r grantiau yw–

(a) benthyciad, grant mewn perthynas â ffioedd neu grant at lyfrau, teithio neu wariant arall a wnaed mewn perthynas â blwyddyn academaidd o gwrs dysgu o bell yn unol â'r rheoliadau a wnaed dan adran 22 o Ddeddf 1998;

(b) benthyciad, grant mewn perthynas â ffioedd neu grant at lyfrau, teithio neu wariant arall a wnaed mewn perthynas â blwyddyn academaidd 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 Fyfyrwyr) (Gogledd Iwerddon) 1998(**1**); neu

(c) benthyciad mewn perthynas â blwyddyn academaidd 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(**2**).

(7) Nid oes gan fyfyriwr dysgu o bell cymwys yr hawl i dderbyn cymorth dan y rheoliad hwn os yw'r myfyriwr dysgu o bell cymwys yn ddeiliad gradd gyntaf gan sefydliad addysgol yn y Deyrnas Unedig.

(8) At ddibenion paragraff (7), rhaid peidio â thrin gradd fel gradd gyntaf–

(a) os yw'n radd (ac eithrio gradd anrhydedd) a ddyfarnwyd i'r myfyriwr dysgu o bell cymwys sydd wedi cwblhau'r modiwlau, arholiadau neu'r dulliau asesu gofynnol eraill ar gyfer cwrs gradd gyntaf y myfyriwr dysgu o bell cymwys; a

(b) y myfyriwr hwnnw'n ymgymryd â'r cwrs dysgu o bell presennol er mwyn cael gradd anrhydedd ar ôl cwblhau'r modiwlau, arholiadau neu'r dulliau asesu gofynnol eraill

(**1**) O.S. 1998/1760 (G.I. 14), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**2**) 1980 p.44; diwygiwyd adran 73(f) gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 29(1) a Deddf Addysg (Gwaddoliad Graddedigion a Chymorth i Fyfyrwyr) (Yr Alban) 2001 (dsa 6), adran 3(2). Mewnosodwyd adran 73B gan adran 29(2) o Ddeddf Addysgu ac Addysg Uwch 1998 ac fe'i diwygiwyd gan Ddeddf Addysg (Gwaddol Graddedigion a Chymorth Myfyrwyr) (Yr Alban) 2001, Atodlen 6 i Ddeddf Treth Incwm (Enillion a Phensiynau) 2003 (p.1) ac adran 34(1) o Ddeddf Methdaliad a Diwydrwydd etc. (Yr Alban) 2007 (dsa 3). Diwygiwyd adran 74 gan adran 82 o Ddeddf Ysgolion Hunanlywodraethol etc. (Yr Alban) 1989 (p.39) ac Atodlen 10 iddi. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Weinidogion yr Alban yn rhinwedd adran 53 o Ddeddf yr Alban 1998 (p. 46).

qualify for support under this regulation if the eligible distance learning student has undertaken one or more distance learning courses for eight academic years in aggregate and the eligible distance learning student 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 1998 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(**1**); 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(**2**).

(7) An eligible distance learning student does not qualify for support under this regulation if the eligible distance learning student 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 the eligible distance learning student who has completed the required modules, examinations or other forms of assessment for the eligible distance learning student's first degree course; and

(b) that student is undertaking the present distance learning course so as to obtain an honours degree on completion of the required modules, examinations or other forms of assessment

(**1**) S.I. 1998/1760 (N.I. 14), to which there are amendments not relevant to these Regulations.

(**2**) 1980 c.44; section 73(f) was amended by the Teaching and Higher Education Act 1998 (c.30), section 29(1) and the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp 6), section 3(2). Section 73B was inserted by section 29(2) of the Teaching and Higher Education Act 1998 and was amended by the Education (Graduate Endowment and Student Support) (Scotland) Act 2001, Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c.1) and section 34(1) of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3). Section 74 was amended by section 82 of and Schedule 10 to the Self-Governing Schools etc. (Scotland) Act 1989 (c.39). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(pa un a yw'r myfyriwr hwnnw yn parhau'r cwrs yn yr un sefydliad addysgol ai peidio, ar ôl dyfarnu'r radd y cyfeirir ati yn is-baragraff (a)).

(9) Nid oes cymorth yn daladwy o dan y Rheoliadau hyn i fyfyriwr dysgu o bell cymwys mewn perthynas â'r myfyriwr hwnnw'n ymgymryd â chwrs dysgu o bell nad yw'n gwrs dysgu o bell dynodedig.

Swm y cymorth

76.–(1) Yn ddarostyngedig i baragraff (2) a rheoliad 82(6), mae swm y cymorth sy'n daladwy o dan reoliad 75 ar gyfer blwyddyn academaidd fel a ganlyn–

(a) os oes gan y myfyriwr dysgu o bell cymwys neu ei bartner, ar ddyddiad ei gais, hawlogaeth–

(i) o dan Ran V11 o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(**1**) i gael cymhorthdal incwm, budd-dal tai neu fudd-dal treth cyngor;

(ii) o dan Ran 1 o Ddeddf Ceiswyr Gwaith 1995(**2**) i lwfans ceisiwr gwaith seiliedig ar incwm neu o dan adran 2 o Ddeddf Cyflogi a Hyfforddiant 1973(**3**) i lwfans o dan y trefniadau a adnabyddir fel Y Fargen Newydd; neu

(iii) o dan Ran 1 o Ddeddf Diwygio Lles 2007(**4**) i lwfans cyflogaeth a chymorth sy'n gysylltiedig ag incwm,

mae uchafswm y cymorth sydd ar gael o dan reoliad 75(1) yn daladwy;

(**1**) 1992 p.4; Diwygiwyd Rhan VII gan Ddeddf Cyllid Llywodraeth Leol 1992 (p.14), Atodlen 9 ac Atodlen 14; Deddf Nawdd Cymdeithasol (Analluu i Weithio) 1994, Atodlenni 1 a 2; Deddf Ceiswyr Gwaith 1995 (p.18), Atodlen 2 ac Atodlen 3; Deddf Tai 1996 (p.52), Atodlen 19 Rhan 6; Deddf Diwygio Lles a Phensiynau 1999 (p.30), Atodlen 8; Deddf Iechyd a Gofal Cymdeithasol 2001 (p.15), Atodlen 6, Rhan 3; Deddf Credyd Pensiwn y Wladwriaeth 2002 (p.16), Atodlen 2 ac Atodlen 3, Deddf Credydau Treth 2002 (p.21), Atodlen 6; O.S. 2002/1937; Deddf Treth Incwm (Enillion a Phensiynau) 2003 (p.1), Atodlen 6, paragraffau 169 a 179, Deddf Partneriaeth Sifil 2004 (p.33), Atodlen 24 ac Atodlen 30; Deddf Diwygio Lles 2007 (p.5), adrannau 30(2) a 31(1), Atodlen 3, Atodlen 5 ac Atodlen 8; O.S. 2008/632, O.S. 2008/787, O.S. 2009/497 ac O.S. 2010/793.

(**2**) 1995 p.18; diwygiwyd Rhan I gan Ddeddf Hawliau Cyflogaeth 1996 (p.18), Atodlen 1; Deddf Nawdd Cymdeithasol 1998 (p.14), Atodlenni 7 ac 8; Deddf Diwygio Lles a Phensiynau 1999 (p.30), Atodlenni 1, 7, 8 ac 13; Deddf Credyd Pensiwn y Wladwriaeth 2002 (p.16), Atodlen 2; Deddf Cyfraniadau Yswiriant Gwladol 2002 (p.19), Atodlen 1; Deddf Treth Incwm (Enillion a Phensiynau) 2003 (p.18), Atodlen 6; Deddf Partneriaeth Sifil 2004 (p.33), Atodlen 24 ac O.S. 2006/343; Deddf Diwygio Lles 2007 (p.5), Atodlen 3 a Deddf Diwygio Lles 2009 (p.24), adran 33.

(**3**) 1973 p.50; diwygiwyd adran 2 fel y'i hamnewidiwyd gan Ddeddf Cyflogaeth 1988 (p.19) gan Ddeddf Cyflogaeth 1989 (p.38), Atodlen 7. Mewnosodwyd is-adrannau (3A) a (3B) gan Ddeddf Diwygio Undebau Llafur a Hawliau Cyflogaeth 1993 (p.19), adran 47 mewn perthynas â'r Alban yn unig.

(**4**) 2007 p.5, a ddiwygiwyd gan Ddeddf Diwygio Lles 2009 (p.24), adrannau 10, 11, 28 ac Atodlen 3.

(whether or not that student continues the course at the same educational institution after the award of the degree referred to in sub-paragraph (a)).

(9) No support is payable to an eligible distance learning student under these Regulations in connection with that student undertaking a distance learning course that is not a designated distance learning course.

Amount of support

76.–(1) Subject to paragraph (2) and regulation 82(6), the amount of support payable under regulation 75 in respect of an academic year is as follows–

(a) if at the date of the eligible distance learner student's application the eligible distance learning student or the eligible distance learning student's partner is entitled–

(i) under Part VII of the Social Security Contributions and Benefits Act 1992(**1**) to income support, housing benefit or council tax benefit;

(ii) under Part 1 of the Jobseekers Act 1995(**2**) to income-based jobseeker's allowance or under section 2 of the Employment and Training Act 1973(**3**) to an allowance under the arrangements known as the New Deal; or

(iii) under Part 1 of the Welfare Reform Act 2007(**4**) to an income-related employment and support allowance,

the maximum amount of support available under regulation 75(1) is payable;

(**1**) 1992 c.4; Part VII was amended by the Local Government Finance Act 1992 (c.14), Schedule 9 and Schedule 14; the Social Security (Incapacity for Work) Act 1994, Schedules 1 and 2; the Jobseekers Act 1995 (c.18), Schedule 2 and Schedule 3; the Housing Act 1996 (c.52), Schedule 19 Part 6; the Welfare Reform and Pensions Act 1999 (c.30), Schedule 8; the Health and Social Care Act 2001 (c. 15), Schedule 6 Part 3; the State Pension Credit Act 2002 (c.16), Schedule 2 and Schedule 3, the Tax Credits Act 2002 (c.21), Schedule 6; S.I. 2002/1397; the Income Tax (Earnings and Pensions) Act 2003 (c.1), Schedule 6, paragraphs 169 and 179, the Civil Partnership Act 2004 (c.33), Schedule 24 and Schedule 30; the Welfare Reform Act 2007 (c.5), sections 30(2) and 31(1), Schedule 3, Schedule 5 and Schedule 8; S.I. 2008/632, S.I. 2008/787; S.I. 2009/497 and S.I. 2010/793.

(**2**) 1995 c. 18; Part I was amended by the Employment Rights Act 1996 (c.18), Schedule 1; the Social Security Act 1998 (c.14), Schedules 7 and 8; the Welfare Reform and Pensions Act 1999 (c. 0), Schedules 1, 7, 8 and 13; the State Pension Credit Act 2002 (c.16), Schedule 2; the National Insurance Contributions Act 2002 (c.19), Schedule 1; the Income Tax (Earnings and Pensions) Act 2003 (c.18), Schedule 6; the Civil Partnership Act 2004 (c.33), Schedule 24 and S.I. 2006/343; the Welfare Reform Act 2007 (c.5), Schedule 3 and the Welfare Reform Act 2009 (c.24), section 33.

(**3**) 1973 c. 50; section 2 as substituted by the Employment Act 1988 (c.19) was amended by the Employment Act 1989 (c.38), Schedule 7. Subsections (3A) and (3B) were inserted by the Trade Union Reform and Employment Rights Act 1993 (c.19), section 47 in relation to Scotland only.

(**4**) 2007 c.5, amended by the Welfare Reform Act 2009 (c.24), sections 10, 11, 28 and Schedule 3.

(b) pan fo'r incwm perthnasol yn llai na £16,865, mae'r uchafswm cymorth sydd ar gael o dan reoliad 75(1) yn daladwy;

(c) pan fo'r incwm perthnasol yn £16,865, mae'r uchafswm cymorth sydd ar gael o dan reoliad 75(1)(b) yn daladwy ynghyd â £50 yn llai na'r uchafswm cymorth sydd ar gael o dan reoliad 75(1)(a);

(ch) pan fo'r incwm perthnasol yn uwch na £16,865, ond yn llai na £25,435, mae'r uchafswm cymorth sydd ar gael o dan reoliad 75(1)(b) yn daladwy a swm y cymorth taladwy o dan reoliad 75(1)(a) yw'r swm a benderfynir arno yn unol â pharagraff (2);

(d) pan fo'r incwm perthnasol yn £25,435, mae'r uchafswm cymorth sydd ar gael o dan reoliad 75(1)(b) yn daladwy a swm y cymorth taladwy o dan reoliad 75(1)(a) yw £50;

(dd) pan fo'r incwm perthnasol yn uwch na £25,435 ond yn llai na £26,095, mae'r uchafswm cymorth sydd ar gael o dan reoliad 75(1)(b) yn daladwy ac nid oes unrhyw gymorth yn daladwy o dan reoliad 75(1)(a);

(e) pan fo'r incwm perthnasol yn £26,095 neu ragor ond yn llai na £28,180, nid oes unrhyw gymorth ar gael o dan reoliad 75(1)(a) a swm y cymorth taladwy o dan reoliad 75(1)(b) yw'r swm a adewir yn dilyn didynnu o'r uchafswm cymorth sydd ar gael o dan reoliad 75(1)(b) £1 am bob £1,995 o incwm perthnasol uwchlaw £26,095;

(f) pan fo'r incwm perthnasol yn £28,180, nid oes unrhyw gymorth yn daladwy o dan reoliad 75(1)(a) ac mae swm y cymorth taladwy o dan reoliad 75(1)(b) yn £50;

(ff) pan fo'r incwm perthnasol yn uwch na £28,180, nid oes unrhyw gymorth yn daladwy o dan reoliad 75(1).

(2) Pan fo paragraff (1)(ch) yn berthnasol, penderfynir faint o gymorth sy'n daladwy o dan reoliad 75(1)(a) drwy ddidynnu o'r uchafswm cymorth sydd ar gael o dan reoliad 75(1)(a) un o'r symiau canlynol–

(a) £50 a £1 ychwanegol am bob £9.79 cyflawn o incwm perthnasol uwchlaw £16,865; neu

(b) pan fo'r ffioedd gwirioneddol yn llai na £975, cyfanswm sy'n hafal i'r hyn a adewir wedi didynnu o'r swm a gyfrifwyd o dan is-baragraff (a) y gwahaniaeth rhwng £975 a'r ffioedd gwirioneddol (oni bai bod y swm yn rhif negatif ac yn yr achos hwnnw telir yr uchafswm cymorth sydd ar gael o dan reoliad 75(1)(a)).

Dehongli rheoliad 76

77.–(1) At ddibenion rheoliad 76 a'r rheoliad hwn–

(b) where the relevant income is less than £16,865, the maximum amount of support available under regulation 75(1) is payable;

(c) where the relevant income is £16,865, the maximum amount of support available under regulation 75(1)(b) is payable together with £50 less than the maximum amount of support available under regulation 75(1)(a);

(d) where the relevant income exceeds £16,865 but is less than £25,435, the maximum amount of support available under regulation 75(1)(b) is payable and the amount of support payable under regulation 75(1)(a) is the amount determined in accordance with paragraph (2);

(e) where the relevant income is £25,435, the maximum amount of support available under regulation 75(1)(b) is payable and the amount of support payable under regulation 75(1)(a) is £50;

(f) where the relevant income exceeds £25,435 but is less than £26,095, the maximum amount of support available under regulation 75(1)(b) is payable and no support is payable under regulation 75(1)(a);

(g) where the relevant income is £26,095 or more but less than £28,180 no support is available under regulation 75(1)(a) and the amount of support payable under regulation 75(1)(b) is the amount left after deducting from the maximum amount of support available under regulation 75(1)(b) £1 for every £1,995 by which the relevant income exceeds £26,095;

(h) where the relevant income is £28,180, no support is payable under regulation 75(1)(a) and the amount of support payable under regulation 75(1)(b) is £50;

(i) where the relevant income exceeds £28,180 no support is payable under regulation 75(1).

(2) Where paragraph (1)(d) applies, the amount of support payable under regulation 75(1)(a) is determined by deducting from the maximum amount of support available under regulation 75(1)(a) one of the following amounts–

(a) £50 plus a further £1 for each complete £9.79 by which the relevant income exceeds £16,865; or

(b) where the actual fees are less than £975, an amount equal to that left after deducting from the amount calculated under sub-paragraph (a) the difference between £975 and the actual fees (unless the amount is a negative number in which case the maximum amount of support available under regulation 75(1)(a) is payable).

Interpretation of regulation 76

77.–(1) For the purposes of regulation 76 and this regulation–

(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 pe bai'n briod i'r myfyriwr dysgu o bell cymwys, pan fo'r myfyriwr dysgu o bell cymwys yn 25 oed neu'n hŷn ar y diwrnod cyntaf o'r flwyddyn academaidd y caiff ei asesu ar gyfer cymorth mewn perthynas â hi, a phan fo'r myfyriwr dysgu o bell cymwys wedi dechrau ar 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 pe bai'n briod neu'n bartner sifil i'r myfyriwr dysgu o bell cymwys, pan fo'r myfyriwr dysgu o bell cymwys wedi dechrau ar y 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) mae i "incwm perthnasol" (*"relevant income*") yr ystyr a roddir 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–

(a) £2,000 mewn perthynas â'i bartner;

(b) £2,000 mewn perthynas â'r unig blentyn neu'r plentyn hynaf sy'n ddibynnol ar y myfyriwr dysgu o bell cymwys neu ar ei bartner; a

(c) £1,000 mewn perthynas â phob plentyn arall sy'n ddibynnol ar y myfyriwr dysgu o bell cymwys neu ar 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, rhaid iddynt asesu ffynonellau

(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 the person were the eligible distance learning student's spouse where an eligible distance learning student is aged 25 or over on the first day of the academic year in respect of which the eligible distance learning student is being assessed for support and where the eligible distance learning student began the specified designated distance learning course before 1 September 2005;

(iv) a person ordinarily living with an eligible distance learning student as if the person were the eligible distance learning student's spouse or civil partner where an eligible distance learning student began 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 the eligible distance learning student's financial resources in the preceding financial year less–

(a) £2,000 in respect of the eligible distance learning student's partner;

(b) £2,000 in respect of the only or eldest child who is dependent on the eligible distance learning student or the eligible distance learning student's partner; and

(c) £1,000 in respect of each other child who is dependent on the eligible distance learning student or the eligible distance learning student's 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 the eligible distance learning student's financial resources in the current financial year and that the difference between the two amounts is £1,000 or more, they must

ariannol y myfyriwr hwnnw drwy gyfeirio at y ffynonellau hynny yn y flwyddyn ariannol gyfredol.

(4) Yn y rheoliad hwn ystyr ffynonellau ariannol myfyriwr dysgu o bell cymwys mewn blwyddyn ariannol yw swm cyfanredol ei incwm am y flwyddyn honno ynghyd â swm cyfanredol incwm am y flwyddyn honno unrhyw berson sy'n bartner i'r myfyriwr dysgu o bell cymwys, ar y dyddiad y gwneir y cais am gymorth o dan y Rhan hon.

(5) Yn y rheoliad hwn–

(a) mae "plentyn" ("*child*") mewn perthynas â myfyriwr dysgu o bell cymwys yn cynnwys unrhyw blentyn i bartner y myfyriwr ac unrhyw blentyn y mae gan y myfyriwr gyfrifoldeb rhiant drosto;

(b) ystyr "blwyddyn ariannol gyfredol" ("*current financial year*") yw'r flwyddyn ariannol sy'n cynnwys diwrnod cyntaf y flwyddyn academaidd y mae person yn cael ei asesu ar gyfer cymorth o dan y Rhan hon 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 gyfrifiannu 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–

(i) unrhyw daliad a wneir o dan adran 23C(5A) o Ddeddf Plant 1989; a

(ii) unrhyw gredydau treth a ddyfarnwyd yn unol ag unrhyw hawliadau o dan adran 3 o Ddeddf Credydau Treth 2002(**1**);

(dd) ystyr "blwyddyn ariannol flaenorol" ("*preceding financial year*") yw'r flwyddyn ariannol yn union cyn y flwyddyn ariannol gyfredol;

(e) ystyr "cwrs dysgu o bell dynodedig a bennir" ("*specified designated distance learning course*") yw'r cwrs y mae'r person yn gwneud cais am gymorth o dan y Rhan hon mewn perthynas ag ef, neu, pan fo statws y myfyriwr fel myfyriwr dysgu o bell cymwys wedi'i drosglwyddo i'r cwrs dysgu o bell presennol o ganlyniad i un trosglwyddiad neu fwy o'r statws hwnnw gan Weinidogion Cymru o gwrs dysgu o bell (y "cwrs cychwynnol") ("*initial course*") y penderfynodd Gweinidogion Cymru mewn cysylltiad ag ef fod y myfyriwr yn fyfyriwr dysgu o bell cymwys yn unol â rheoliadau a wnaed o dan adran 22 o Ddeddf 1998, y cwrs dysgu o bell dynodedig a bennir

(**1**) 2002 p.21, diwygiwyd adran 3 gan Ddeddf Partneriaeth Sifil 2004 (p.33), adran 254 ac Atodlen 24.

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 the eligible distance learning student's 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 under this Part is the eligible distance learning student's partner.

(5) In this regulation–

(a) "child" ("*plentyn*") in relation to an eligible distance learning student includes any child of the student's partner and any child for whom the student 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 under this Part;

(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–

(i) any payment made under section 23C(5A) of the Children Act 1989; and

(ii) any tax credits awarded pursuant to any claims under section 3 of the Tax Credits Act 2002(**1**);

(f) "preceding financial year" ("*blwyddyn ariannol flaenorol*") means the financial year immediately preceding the current financial year;

(g) "specified designated distance learning course" ("*cwrs dysgu o bell dynodedig a bennir*") means the course in respect of which the person is applying for support under this Part or, where the student's status as an eligible distance learning student has been transferred to the present 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") ("*cwrs 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 1998 Act, the specified designated distance

(**1**) 2002 c.21, section 3 was amended by the Civil Partnership Act 2004 (c. 33), section 254 and Schedule 24.

yw'r cwrs cychwynnol.

Grant at gostau byw myfyrwyr dysgu o bell anabl

78.–(1) Mae gan fyfyriwr 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 i'r myfyriwr dysgu o bell cymwys ei ysgwyddo oherwydd anabledd sydd ganddo mewn perthynas ag ymgymryd â chwrs dysgu o bell dynodedig.

(2) Nid oes gan fyfyriwr dysgu o bell cymwys hawl i gael y grant o dan y rheoliad hwn os yr unig baragraff yn Rhan 2 o Atodlen 1 y daw'r myfyriwr dysgu o bell cymwys odano yw paragraff 9.

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

(4) Nid oes gan fyfyriwr dysgu o bell cymwys hawl i gael y grant o dan y rheoliad hwn oni bai 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 o dan y rheoliad hwn fod yn fwy na'r canlynol–

(a) £20,520 mewn perthynas â blwyddyn academaidd at wariant ar gynorthwyydd personol anfeddygol;

(b) £5,166 mewn perthynas â phob blwyddyn academaidd yn ystod y cyfnod cymhwystra 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 gwrs y myfyriwr dysgu o bell cymwys, ar unrhyw gyfnod astudio mewn sefydliad tramor neu at ddiben bod yn bresennol yn yr Athrofa;

(ch) £1,729 mewn perthynas â blwyddyn academaidd 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

79.–(1) Rhaid i berson wneud cais am gymorth mewn cysylltiad â phob blwyddyn academaidd o gwrs

learning course is the initial course.

Grant for disabled distance learning students' living costs

78.–(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 the eligible distance learning student is obliged to incur by reason of a disability to which the eligible distance learning student is subject in respect of the eligible distance learning student 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 the eligible distance learning student 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 the eligible distance learning student 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) £20,520 in respect of an academic year for expenditure on a non-medical personal helper;

(b) £5,166 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 the eligible distance learning student's course, any period of study at an overseas institution or for the purpose of attending the Institute;

(d) £1,729 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

79.–(1) A person must apply for support in connection with each academic year of a designated

dysgu o bell dynodedig drwy gwblhau ffurflen gais ar y cyfryw ffurf ag y byddo Gweinidogion Cymru yn gofyn amdani a'i chyflwyno i Weinidogion Cymru.

(2) Rhaid anfon gyda'r cais–

(a) datganiad a gwblhawyd gan yr awdurdod academaidd; a

(b) unrhyw ddogfennaeth ychwanegol a fydd yn ofynnol gan Weinidogion Cymru.

(3) Caiff Gweinidogion Cymru gymryd unrhyw gamau a gwneud unrhyw ymholiadau yr ystyriant yn angenrheidiol er mwyn penderfynu a yw'r ceisydd yn fyfyriwr dysgu o bell cymwys, a oes gan y ceisydd hawl i gael cymorth o dan y Rhan hon, a swm y 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 o dan y Rhan hon, 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) Yn ddarostyngedig i baragraff (6) rhaid i'r cais gyrraedd Gweinidogion Cymru o fewn cyfnod o chwe mis sy'n dechrau gyda diwrnod cyntaf blwyddyn academaidd y cwrs dysgu o bell dynodedig y cyflwynir y cais mewn perthynas ag ef.

(6) Nid yw paragraff (5) yn gymwys–

(a) pan fo un o'r digwyddiadau a restrir ym mharagraff (4) o reoliad 72 yn digwydd ar ôl diwrnod cyntaf y flwyddyn academaidd y mae'r ceisydd yn gwneud cais am gymorth o dan y Rhan hon 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 grant at gostau byw 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

80.–(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 gymorth o dan reoliad 79.

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

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 the applicant qualifies for support under this Part and the amount of support payable, if any.

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

(5) Subject to paragraph (6), the application must reach the Welsh Ministers within a period of six months beginning with the first day of the academic year of the designated distance learning course in respect of which it is submitted.

(6) Paragraph (5) does not apply where–

(a) one of the events listed in paragraph (4) of regulation 72 occurs after the first day of the academic year in respect of which the applicant is applying for support under this Part, 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 grant for disabled distance learning students' living costs, 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

80.–(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 under regulation 79.

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

sy'n ofynnol gan is-baragraff (3)(a)(ii) neu (3)(b)(ii).

(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 ymrestru i ymgymryd â blwyddyn academaidd y cwrs dysgu o bell dynodedig y mae'r ceisydd yn 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 o dan y Rhan hon 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 fyfyriwr anabl, ardystiad gan yr awdurdod academaidd ei fod o'r farn bod y ceisydd wedi dewis ymgymryd â'r cwrs dysgu o bell dynodedig am reswm heblaw'r ffaith na all y ceisydd fod yn bresennol ar gwrs dynodedig oherwydd rhesymau sy'n ymwneud ag anabledd y ceisydd.

Gwybodaeth

81. Mae Atodlen 3 yn gymwys mewn perthynas â darparu gwybodaeth gan geisydd neu gan fyfyriwr dysgu o bell cymwys.

Trosglwyddo statws

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

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

(b) pan ydynt wedi'u bodloni bod un neu fwy o'r seiliau trosglwyddo ym mharagraff (2) yn

confirmation required by sub-paragraph 3(a)(ii) or 3(b)(ii).

(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 enrolled to undertake the academic year of the designated distance learning course in respect of which the applicant 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 under this Part;

(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 that the applicant is unable to attend a designated course for a reason which relates to the applicant's disability.

Information

81. Schedule 3 applies in respect of the provision of information by an applicant or an eligible distance learning student.

Transfer of status

82.–(1) Where an eligible distance learning student transfers from a designated distance learning course to another designated distance learning course, the Welsh Ministers must transfer the student's status as an eligible distance learning student to that other 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;

gymwys; ac

(c) pan 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 yr un 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 (ac eithrio 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 yr un 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 â blwyddyn academaidd y cwrs y mae'r myfyriwr dysgu o bell cymwys yn trosglwyddo iddo, weddill y cymorth o dan y Rhan hon y penderfynodd Gweinidogion Cymru fod gan y myfyriwr dysgu o bell cymwys hawl iddo mewn perthynas â blwyddyn academaidd y cwrs y mae'n trosglwyddo oddi arno.

(4) Caiff Gweinidogion Cymru ailasesu swm y cymorth sydd yn daladwy ar ôl y trosglwyddo yn unol â'r Rhan hon.

(5) Ni chaiff myfyriwr cymwys sy'n trosglwyddo o dan baragraff (1) ar ôl i Weinidogion Cymru benderfynu ar gymorth o dan y Rhan hon y myfyriwr dysgu o bell cymwys mewn cysylltiad â blwyddyn academaidd y cwrs y mae'r myfyriwr dysgu o bell cymwys yn trosglwyddo oddi arno ond cyn iddo gwblhau'r flwyddyn honno, wneud cais am grant arall o dan reoliad 75(1)(b) neu reoliad 78 mewn cysylltiad â blwyddyn academaidd y cwrs y mae'r myfyriwr dysgu o bell cymwys yn trosglwyddo iddo.

(6) Pan fo myfyriwr yn trosglwyddo o dan baragraff (1), uchafswm y cymorth o dan reoliad 75(1)(a) mewn perthynas â'r blynyddoedd academaidd y mae'r myfyriwr dysgu o bell cymwys yn 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 75.

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

83.–(1) Pan fo myfyriwr cymwys yn rhoi'r gorau i ymgymryd â chwrs dynodedig ac yn trosglwyddo i gwrs dysgu o bell dynodedig yn yr un sefydliad neu mewn sefydliad arall, rhaid i Weinidogion Cymru drosi

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 same 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 at the same 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 of the course to which the eligible distance learning student transfers the remainder of the support under this Part for which the Welsh Ministers have determined the eligible distance learning student qualifies in respect of the academic year of the course from which the eligible distance learning student transfers.

(4) The Welsh Ministers may re-assess the amount of support payable after the transfer in accordance with this Part.

(5) An eligible student who transfers under paragraph (1) after the Welsh Ministers have determined the eligible distance learning student's support under this Part in connection with the academic year of the course from which the eligible distance learning student is transferring but before the eligible distance learning student completes that year, may not apply for another grant under regulation 75(1)(b) or regulation 78 in connection with the academic year of the course to which the eligible distance learning student transfers.

(6) Where a student transfers under paragraph (1), the maximum amount of support under regulation 75(1)(a) in respect of the academic years to and from which the eligible distance learning student transfers is the amount of support available in connection with the course with the highest actual fees as defined in regulation 75.

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

83.–(1) 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

statws y myfyriwr fel myfyriwr cymwys i statws myfyriwr dysgu o bell cymwys mewn cysylltiad â'r cwrs y mae'r myfyriwr cymwys yn 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) Mae'r canlynol yn gymwys i fyfyriwr cymwys sy'n trosglwyddo o dan baragraff (1)–

(a) pan fo Gweinidogion Cymru wedi penderfynu talu swm o grant at gostau byw myfyriwr anabl o dan Ran 5 i'r myfyriwr hwnnw 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 daw'r myfyriwr hwnnw yn fyfyriwr dysgu o bell cymwys;

(b) mae uchafswm y grant at gostau byw myfyrwyr dysgu o bell anabl, y byddai gan y myfyriwr hwnnw hawl iddo, ar wahân i'r rheoliad hwn, mewn cysylltiad â'r myfyriwr hwnnw yn ymgymryd â chwrs dysgu o bell dynodedig mewn perthynas â'r flwyddyn academaidd honno yn cael ei ostwng o un traean os daw'r myfyriwr hwnnw yn fyfyriwr dysgu o bell cymwys yn ystod ail chwarter y flwyddyn academaidd, ac o ddau draean os daw'r myfyriwr hwnnw'n fyfyriwr dysgu o bell cymwys yn ystod chwarter diweddarach o'r flwyddyn honno;

(c) pan fo swm o grant at gostau byw myfyrwyr anabl at unrhyw ddiben wedi ei dalu i'r myfyriwr o dan Ran 5 mewn un rhandaliad, mae uchafswm y grant at gostau byw 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 y myfyriwr hwnnw 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 (3) gostyngir uchafswm y benthyciad hwnnw neu uchafswm cynnydd y cyfryw fenthyciad am y flwyddyn academaidd yn unol â'r paragraff hwnnw.

(3) Pan fo'r cais o dan baragraff (1) yn cael ei wneud yn ystod chwarter cyntaf y flwyddyn academaidd y mae'r benthyciad at gostau byw yn daladwy ar ei

the student's status as an eligible student to that of an eligible distance learning student in connection with the course to which the eligible student is transferring where–

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

(b) the period of eligibility has not terminated.

(2) The following applies to an eligible student who transfers under paragraph (1)–

(a) where the Welsh Ministers have determined to pay an amount of grant for disabled students' living costs to that student under Part 5 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 that student becomes an eligible distance learning student;

(b) the maximum amount of grant for disabled distance learning students' living costs to which that student would, apart from this regulation, be entitled in connection with that student undertaking a designated distance learning course in respect of that academic year is reduced by one third where that student became an eligible distance learning student in the second quarter of the academic year and by two thirds where that student became an eligible distance learning student in a later quarter of that year;

(c) where an amount of grant for disabled students' living costs for any purpose has been paid to the student under Part 5 in a single instalment, the maximum amount of grant for disabled distance learning students' living costs payable to that student for that purpose is reduced (or where sub-paragraph (b) applies, further reduced) by the amount of grant paid to that student for that purpose pursuant to Part 5, and where the resulting amount is nil or a negative amount that amount is nil; and

(d) where immediately before that student became an eligible distance learning student that student was eligible to apply, but had not applied for a loan for living costs in respect of that year, or had not applied for the maximum amount or increased maximum to which that student was entitled, that student may apply for such a loan or such additional amount as if that student had continued to be an eligible student and in the circumstances mentioned in paragraph (3) the maximum amount or increased maximum amount of such loan for the academic year is reduced in accordance with that paragraph.

(3) Where the request under paragraph (1) is made during the first quarter of the academic year in respect of which the loan for living costs is payable the

chyfer, gostyngir uchafswm y benthyciad neu'r uchafswm a gynyddwyd o'r cyfryw fenthyciad (yn ôl fel 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.

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

84.–(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'r myfyriwr dysgu o bell cymwys yn trosglwyddo iddo–

(a) pan dderbyniant gais oddi wrth y myfyriwr cymwys i wneud hynny; a

(b) pan nad yw'r cyfnod cymhwystra wedi terfynu.

(2) Mae'r canlynol yn gymwys i fyfyriwr dysgu o bell cymwys sy'n trosglwyddo o dan baragraff (1)–

(a) pan fo Gweinidogion Cymru wedi penderfynu talu swm o grant at gostau byw myfyrwyr dysgu o bell anabl i'r myfyriwr hwnnw 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 daw'r myfyriwr hwnnw yn fyfyriwr cymwys;

(b) bydd unrhyw gymorth y mae gan y myfyriwr hwnnw hawl iddo o dan y Rhan hon mewn perthynas â'r flwyddyn academaidd y trosglwydda'r myfyriwr hwnnw ynddi yn cael ei anwybyddu wrth benderfynu swm y cymorth 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 hwnnw 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 hwnnw yn fyfyriwr cymwys yn ystod ail chwarter y flwyddyn academaidd honno, ac o ddau draean os daeth y myfyriwr hwnnw yn fyfyriwr cymwys mewn chwarter diweddarach o'r flwyddyn honno; a

(ch) pan fo swm grant at gostau byw myfyrwyr dysgu o bell anabl at unrhyw ddiben wedi ei dalu i'r myfyriwr hwnnw mewn un rhandaliad, mae uchafswm y grant at gostau byw myfyrwyr anabl sy'n daladwy iddo o dan Ran 5 at y diben hwnnw yn cael ei ostwng (neu, os yw is-baragraff (c) yn gymwys, ei ostwng ymhellach) yn ôl swm y grant at gostau byw myfyrwyr dysgu o bell anabl a dalwyd iddo at y diben hwnnw, a phan fo'r swm sy'n deillio o hyn yn ddim neu'n swm negyddol bydd y swm

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.

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

84.–(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 the student's status as an eligible distance learning student to that of an eligible student in connection with the course to which the eligible distance learning student 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 an eligible distance learning student who transfers under paragraph (1)–

(a) where the Welsh Ministers have determined to pay an amount of grant for disabled distance learning students' living costs to that 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 that student becomes an eligible student;

(b) any support to which that student is entitled under this Part in respect of the academic year in which that student transfers is ignored in determining the amount of support to which that student 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 that student would, apart from this regulation, be entitled in connection with a designated course in respect of the academic year is reduced by one third where that student became an eligible student during the second quarter of that academic year and by two thirds where that student became an eligible student in a later quarter of that year; and

(d) where an amount of grant for disabled distance learning students' living costs for any purpose has been paid to that student in a single instalment, the maximum amount of grant for disabled students' living costs payable to that student under Part 5 for that purpose is reduced (or, where sub-paragraph (c) applies, further reduced) by the amount of grant for disabled distance learning students' living costs paid to that student for that purpose and where the resulting amount is nil or a negative

hwnnw yn ddim.

Talu grantiau at ffioedd

85.–(1) Yn ddarostyngedig i baragraffau (2) a (3), rhaid i Weinidogion Cymru dalu'r grant mewn perthynas â ffioedd y mae hawl gan y myfyriwr dysgu o bell cymwys i'w gael i'r awdurdod academaidd priodol wedi i gais am daliad ddod i law, a ystyrir gan Weinidogion Cymru yn gais dilys.

(2) Caiff Gweinidogion Cymru wneud taliadau o dan baragraff (1) ar unrhyw adegau ac mewn unrhyw randaliadau (os bydd rhandaliadau) 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 at lyfrau, teithio a gwariant arall a grantiau at gostau byw myfyrwyr dysgu o bell anabl

86.–(1) Caiff taliadau'r grant ar gyfer llyfrau, teithio a gwariant arall a'r grant at gostau byw 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 drwy drosglwyddiad electronig.

(2) Pan fetha Gweinidogion Cymru â gwneud asesiad terfynol ar sail yr wybodaeth a roddwyd gan y myfyriwr dysgu o bell cymwys, cânt wneud asesiad dros dro a gwneud taliad o'r grant ar gyfer llyfrau, teithio a gwariant arall ac o'r grant at gostau byw myfyrwyr dysgu o bell anabl.

(3) Caiff Gweinidogion Cymru dalu'r grant ar gyfer llyfrau, teithio a gwariant arall a'r grant at gostau byw myfyrwyr dysgu o bell anabl mewn rhandaliadau neu mewn un cyfandaliad.

(4) Yn ddarostyngedig i baragraff (5), caiff Gweinidogion Cymru dalu'r grant ar gyfer llyfrau, teithio a gwariant arall a'r grant at gostau byw 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 grant at gostau byw myfyrwyr dysgu o bell anabl cyn iddynt dderbyn datganiad o dan reoliad 80 oni bai bod eithriad y cyfeirir ato ym mharagraff (6) yn gymwys.

(6) Mae eithriad at ddibenion paragraff (5) yn gymwys–

amount that amount is nil.

Payment of grants for fees

85.–(1) Subject to paragraphs (2) and (3), the Welsh Ministers must pay the grant in respect of fees for which the eligible distance learning student qualifies to the appropriate academic authority after a request for payment has been received which the Welsh Ministers consider to be a valid request.

(2) The Welsh Ministers may make payments under paragraph (1) at such times and in such instalments (if any) 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 grants for disabled distance learning students' living costs

86.–(1) Payments of the grant for books, travel and other expenditure and the grant for disabled distance learning students' living costs 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 eligible distance learning student, they may make a provisional assessment and payment of the grant for books, travel and other expenditure and the grant for disabled distance learning students' living costs.

(3) The Welsh Ministers may pay the grant for books, travel and other expenditure and the grant for disabled distance learning students' living costs in instalments or in a single lump sum.

(4) Subject to paragraph (5), the Welsh Ministers may pay the grant for books, travel and other expenditure and the grant for disabled distance learning students' living costs 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 grant for disabled distance learning students' living costs before they have received a declaration under regulation 80 unless an exception referred to in paragraph (6) applies.

(6) For the purposes of paragraph (5) an exception applies if–

(a) os oes grant at gostau byw 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.

Gordaliadau

87.–(1) Caiff Gweinidogion Cymru adennill unrhyw ordaliad grant mewn perthynas â ffioedd oddi ar yr awdurdod academaidd.

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

(3) Rhaid i Weinidogion Cymru adennill gordaliad grant ar gyfer llyfrau, teithio a gwariant arall a grant at gostau byw 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 myfyriwr dysgu o bell cymwys o bryd i'w gilydd yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998;

(b) cymryd unrhyw gamau eraill sydd ar gael i Weinidogion Cymru er mwyn adennill gordaliad.

(5) Mae taliad o grant at gostau byw myfyrwyr dysgu o bell anabl a wnaed cyn y dyddiad perthnasol yn ordaliad os yw'r myfyriwr dysgu o bell cymwys 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 academaidd dan sylw.

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

(8) Yr amgylchiadau y cyfeirir atynt ym mharagraff (7) yw–

(a) bod Gweinidogion Cymru yn cymhwyso'r cyfan neu ran o'r grant at gostau byw myfyrwyr dysgu o bell anabl ar gyfer prynu offer arbenigol ar ran y myfyriwr dysgu o bell cymwys;

(b) bod cyfnod cymhwystra'r myfyriwr dysgu o bell cymwys yn terfynu ar ôl y dyddiad

(a) a grant for disabled distance learning students' living costs 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.

Overpayments

87.–(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 the eligible distance learning student under this Part which for whatever reason exceeds the amount of grant to which the eligible distance learning student is entitled under this Part.

(3) The Welsh Ministers must recover an overpayment of grant for books, travel and other expenditure and grant for disabled distance learning students' living costs 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 eligible distance learning student from time to time pursuant to regulations made by the Welsh Ministers under section 22 of the 1998 Act;

(b) taking such other action for the recovery of an overpayment as is available to the Welsh Ministers.

(5) A payment of the grant for disabled distance learning students' living costs made before the relevant date is an overpayment if the eligible distance learning 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 grant for disabled distance learning students' living costs unless the Welsh Ministers decide otherwise.

(8) The circumstances referred to in paragraph (7) are–

(a) the Welsh Ministers apply all or part of the grant for disabled distance learning students' living costs to the purchase of specialist equipment on behalf of the eligible distance learning student;

(b) the eligible distance learning student's period of eligibility terminates after the relevant date;

perthnasol; ac

(c) nad yw'r offer wedi'i ddanfon at y myfyriwr dysgu o bell cymwys cyn diwedd cyfnod cymhwystra'r myfyriwr.

(9) Yr amgylchiadau y cyfeirir atynt ym mharagraff (7) yw–

(a) bod cyfnod cymhwystra'r myfyriwr dysgu o bell cymwys yn terfynu ar ôl y dyddiad perthnasol; a

(b) bod taliad grant at gostau byw myfyrwyr rhan-amser anabl yn cael ei wneud ar gyfer offer arbenigol i'r myfyriwr ar derfyn y cyfnod cymhwystra.

(10) Pan fo gordaliad o'r grant at gostau byw 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.

RHAN 12

CYMORTH AT GYRSIAU RHAN-AMSER

Myfyrwyr rhan-amser cymwys

88.–(1) Mae gan fyfyriwr rhan-amser cymwys hawl i gael cymorth mewn cysylltiad ag ymgymryd o'r myfyriwr â chwrs rhan-amser dynodedig, yn ddarostyngedig i'r Rhan hon ac yn unol â hi.

(2) Mae person yn fyfyriwr rhan-amser cymwys mewn cysylltiad â chwrs rhan-amser dynodedig–

(a) os yw Gweinidogion Cymru, wrth iddynt asesu cais y person hwnnw am gymorth o dan reoliad 104, yn penderfynu bod y person yn dod o fewn un o'r categorïau a nodir yn Rhan 2 o Atodlen 1; a

(b) os nad yw'r person wedi'i hepgor gan baragraff (3).

(3) Yn ddarostyngedig i baragraff (7), nid yw person ("A" yn y paragraff hwn) yn fyfyriwr rhan-amser cymwys–

(a) os rhoddwyd neu os talwyd i A mewn perthynas ag ymgymryd ohono â'r cwrs rhan-amser dynodedig–

(i) bwrsari gofal iechyd, pa un a gyfrifir swm y bwrsari hwnnw drwy gyfeirio at incwm A ai peidio;

(ii) unrhyw lwfans o dan Reoliadau Lwfansau Myfyrwyr Nyrsio a Bydwreigiaeth (Yr Alban) 2007; neu

(iii) lwfans gofal iechyd yr Alban pa un a gyfrifir swm y lwfans hwnnw drwy

and

(c) the equipment has not been delivered to the eligible distance learning student before the period of eligibility terminates.

(9) The circumstances referred to in paragraph (7) are–

(a) the eligible distance learning student's period of eligibility terminates after the relevant date; and

(b) a payment of the grant for disabled part-time students' living costs in respect of specialist equipment is made to the student after the period of eligibility terminated.

(10) Where there is an overpayment of the grant for disabled distance learning students' living costs, 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.

PART 12

SUPPORT FOR PART-TIME COURSES

Eligible part-time students

88.–(1) An eligible part-time student qualifies for support in connection with the student undertaking a designated part-time course subject to and in accordance with this Part.

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

(a) in assessing the person's application for support under regulation 104 the Welsh Ministers determine that the person falls within one of the categories set out in Part 2 of Schedule 1; and

(b) the person is not excluded by paragraph (3).

(3) Subject to paragraph (7), a person ("A" in this paragraph) is not an eligible part-time student if–

(a) there has been bestowed on or paid to A in relation to A undertaking the designated part-time course–

(i) a healthcare bursary whether or not the amount of such bursary is calculated by reference to A's income;

(ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007; or

(iii) a Scottish healthcare allowance whether or not the amount of such allowance is

gyfeirio at incwm A ai peidio;

(b) os yw A wedi torri unrhyw rwymedigaeth i ad-dalu unrhyw fenthyciad;

(c) os yw A wedi cyrraedd 18 oed a heb ddilysu unrhyw gytundeb ynglŷn â benthyciad a wnaed gydag A pan oedd A o dan 18 oed;

(ch) os yw A, ym marn Gweinidogion Cymru, wedi dangos drwy'i ymddygiad nad yw A yn addas i gael cymorth o dan y Rhan hon; neu

(d) yn ddarostyngedig i baragraff (4), os yw A yn garcharor.

(4) Nid yw paragraff (3)(d) yn gymwys mewn perthynas â blwyddyn academaidd pryd y mae'r myfyriwr yn mynd i'r carchar neu'n cael ei ryddhau o'r carchar.

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

(6) Mewn achos lle mae'r cytundeb ynglŷn â benthyciad yn ddarostyngedig i gyfraith yr Alban, oni fydd y cytundeb ei wneud–

(a) cyn 25 Medi 1991; a

(b) gyda chydsyniad curadur y benthyciwr neu ar adeg pan nad oedd gan y benthyciwr guradur, ni fydd paragraff 3(c) yn gymwys.

(7) Yn ddarostyngedig i baragraffau (9) i (11), mae person yn fyfyriwr rhan-amser cymwys at ddibenion y Rhan hon os yw'n bodloni'r amodau ym mharagraffau (8)(a) neu (b).

(8) Yr amodau y cyfeirir atynt ym mharagraff (7) yw–

(a) bod–

(i) y person wedi ymgymhwyso fel myfyriwr rhan-amser cymwys mewn cysylltiad â blwyddyn academaidd gynharach ar y cwrs rhan-amser presennol yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998;

(ii) y person yn preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf y cwrs rhan-amser presennol; a

(iii) statws y person fel myfyriwr rhan-amser cymwys heb ei derfynu;

(b) bod–

(i) Gweinidogion Cymru wedi penderfynu o'r blaen fod y person–

(aa) yn fyfyriwr cymwys mewn cysylltiad â chwrs dynodedig;

(bb) yn fyfyriwr rhan-amser cymwys mewn cysylltiad â chwrs rhan-amser dynodedig ac eithrio'r cwrs rhan-amser presennol; neu

(cc) yn fyfyriwr dysgu o bell cymwys mewn

calculated by reference to A's income;

(b) A is in breach of any obligation to repay any loan;

(c) A has reached the age of 18 and has not ratified any agreement for a loan made with A when A was under the age of 18;

(d) A has, in the opinion of the Welsh Ministers, shown by A's conduct that A is unfitted to receive support under this Part; or

(e) subject to paragraph (4), A is a prisoner.

(4) Paragraph (3)(e) does not apply in respect of an academic year during which the student enters prison or is released from prison.

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

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

(a) before 25 September 1991; and

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

(7) Subject to paragraphs (9) to (11), a person is an eligible part-time student for the purposes of this Part if the person satisfies the conditions in paragraphs (8)(a) or (b).

(8) The conditions referred to in paragraph (7) are–

(a) the–

(i) person qualified as an eligible part-time student in connection with an earlier academic year of the present part-time course pursuant to regulations made by the Welsh Ministers under section 22 of the 1998 Act;

(ii) person was ordinarily resident in Wales on the first day of the present part-time course; and

(iii) person's status as an eligible part-time student has not terminated;

(b) the–

(i) Welsh Ministers have previously determined that the person is an eligible–

(aa) student in connection with a designated course;

(bb) part-time student in connection with a designated part-time course other than the present part-time course; or

(cc) distance learning student in connection

cysylltiad â chwrs dysgu o bell dynodedig;

(ii) statws y person fel myfyriwr cymwys, myfyriwr dysgu o bell cymwys neu fel myfyriwr rhan-amser cymwys mewn cysylltiad â'r cwrs y cyfeirir ato yn is-baragraff (b)(i) wedi'i drosi neu wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs rhan-amser presennol o ganlyniad i drosi neu drosglwyddo unwaith neu fwy yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998;

(iii) y person yn preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs y cyfeirir ato yn is-baragraff (b)(i); a

(iv) statws y person fel myfyriwr rhan-amser cymwys heb ei derfynu.

(9) Os bydd–

(a) Gweinidogion Cymru wedi penderfynu bod person ("A" yn y paragraff hwn), yn rhinwedd bod yn ffoadur, neu fod yn briod, partner sifil, plentyn neu'n llysblentyn i ffoadur, yn fyfyriwr rhan-amser cymwys mewn cysylltiad â chais am gymorth am flwyddyn gynharach o'r cwrs rhan-amser presennol neu mewn cysylltiad â chais am gymorth mewn cysylltiad â chwrs dynodedig, cwrs dynodedig dysgu o bell neu gwrs rhan-amser dynodedig arall y mae statws A fel myfyriwr rhan-amser cymwys, myfyriwr cymwys neu fyfyriwr dysgu o bell cymwys wedi'i drosglwyddo oddi wrtho i'r cwrs rhan-amser presennol; a

(b) ar y diwrnod cyn diwrnod dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, statws ffoadur A neu ei briod, ei bartner sifil, ei riant (fel y'i diffinnir yn Rhan 1 o Atodlen 1) neu ei lys-riant, yn ôl fel y digwydd, wedi dod i ben ac na roddwyd caniatâd pellach iddo aros ac nad oes apêl yn yr arfaeth (o fewn yr ystyr yn adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002),

bydd statws A fel myfyriwr rhan-amser cymwys yn dod i ben yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi.

(10) Os bydd–

(a) Gweinidogion Cymru wedi penderfynu bod person ("A" yn y paragraff hwn), yn rhinwedd bod yn berson â chaniatâd i ddod i mewn neu i aros, neu fod yn briod, partner sifil, plentyn neu'n llysblentyn i berson o'r fath, yn fyfyriwr rhan-amser cymwys mewn cysylltiad â chais am gymorth am flwyddyn gynharach o'r cwrs rhan-amser presennol neu mewn cysylltiad â chais am gymorth mewn cysylltiad â chwrs

with a designated distance learning course;

(ii) person's status as an eligible student, an eligible distance learning student or as an eligible part-time student in connection with the course referred to in sub-paragraph (b)(i) has been converted or transferred from that course to the present part-time 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 1998 Act;

(iii) person was ordinarily resident in Wales on the first day of the first academic year of the course referred to in sub-paragraph (b)(i); and

(iv) person's status as an eligible part-time student has not terminated.

(9) 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" in this paragraph) 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 A's 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 A's spouse, civil partner, parent (as defined in Part 1 of Schedule 1) 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 A is applying for support.

(10) 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" in this paragraph) 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

dynodedig, cwrs dynodedig dysgu o bell neu gwrs rhan-amser dynodedig arall y mae statws A fel myfyriwr rhan-amser cymwys, myfyriwr cymwys neu fyfyriwr dysgu o bell cymwys wedi'i drosglwyddo oddi wrtho i'r cwrs rhan-amser presennol; a

(b) y cyfnod y caniateir i'r person sydd â chaniatâd i ddod i mewn neu i aros yn y Deyrnas Unedig i fod i ddod i ben cyn diwrnod cyntaf y flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi ac, ar y diwrnod cyn diwrnod dechrau'r flwyddyn academaidd honno, os na roddwyd hawl bellach i aros ac nad oes apêl yn yr arfaeth (o fewn yr ystyr yn adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002),

bydd statws A fel myfyriwr rhan-amser cymwys yn dod i ben yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi.

(11) Nid yw paragraffau (9) a (10) yn gymwys pan fo'r myfyriwr wedi dechrau ar y cwrs y penderfynodd Gweinidogion Cymru mewn cysylltiad ag ef fod y myfyriwr yn fyfyriwr rhan-amser cymwys neu'n fyfyriwr cymwys, yn ôl fel y digwydd, cyn 1 Medi 2007.

(12) Nid oes gan fyfyriwr rhan-amser cymwys hawl i gael cymorth o dan reoliad 92(1)(b), rheoliad 93 neu reoliadau 94 i 103 os paragraff 9 yw'r unig baragraff yn Rhan 2 o Atodlen 1 y mae'r myfyriwr rhan-amser cymwys yn dod odano.

(13) Mae gan fyfyriwr rhan-amser cymwys hawl i gael cymorth–

(a) o dan reoliad 92(1)(a) os yw Gweinidogion Cymru o'r farn bod y myfyriwr rhan–amser cymwys yn ymgymryd â'r cwrs rhan-amser dynodedig yng Nghymru; neu

(b) o dan reoliadau 92(1)(b), 93 neu 94 i 103 os yw Gweinidogion Cymru o'r farn bod y myfyriwr rhan-amser cymwys yn ymgymryd â'r cwrs rhan-amser dynodedig yn y Deyrnas Unedig.

(14) Nid oes gan fyfyriwr rhan-amser cymwys hawl i gael cymorth o dan reoliad 92 neu reoliadau 94 i 103 os yw wedi ymgymryd ag un neu fwy o gyrsiau rhan-amser am gyfanswm o wyth mlynedd academaidd a'i fod wedi cael mewn perthynas â phob un o'r blynyddoedd academaidd hynny fenthyciad neu grant o'r math a ddisgrifir ym mharagraff (15).

(15) Y benthyciadau a'r grantiau y cyfeirir atynt ym mharagraff (14) yw–

(a) benthyciad, grant mewn perthynas â ffioedd neu grant at lyfrau, teithio a gwariant arall bob un wedi'i roi mewn perthynas â blwyddyn academaidd cwrs rhan–amser yn unol â rheoliadau a wnaed o dan adran 22 o Ddeddf 1998;

learning course or other designated part-time course from which A's 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 A is applying for support.

(11) Paragraphs (9) and (10) do not apply where the student started the course in connection with which the Welsh Ministers determined that the student was an eligible part-time student or eligible student, as the case may be, before 1 September 2007.

(12) An eligible part-time student does not qualify for support under regulation 92(1)(b), regulation 93 or regulations 94 to 103 if the only paragraph in Part 2 of Schedule 1 into which the eligible part-time student falls is paragraph 9.

(13) An eligible part-time student qualifies for support–

(a) under regulation 92(1)(a) if the Welsh Ministers consider that the eligible part-time student is undertaking the designated part-time course in Wales; or

(b) under regulations 92(1)(b), 93 or 94 to 103 if the Welsh Ministers consider that the eligible part-time student is undertaking the designated part-time course in the United Kingdom.

(14) An eligible part-time student does not qualify for support under regulation 92 or regulations 94 to 103 if the eligible part-time student has undertaken one or more part-time courses for eight academic years in aggregate and the eligible part-time student has received in respect of each of those academic years a loan or a grant of the kind described in paragraph (15).

(15) The loans and grants referred to in paragraph (14) are–

(a) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a part-time course pursuant to regulations made under section 22 of the 1998 Act;

(b) benthyciad, grant mewn perthynas â ffioedd neu grant at lyfrau, teithio a gwariant arall bob un wedi'i roi mewn perthynas â blwyddyn academaidd cwrs rhan-amser gan yr Adran Cyflogi a Dysgu (Gogledd Iwerddon) yn unol â rheoliadau a wnaed o dan Erthyglau 3 ac 8(4) o Orchymyn Addysg (Cymorth i Fyfyrwyr) (Gogledd Iwerddon) 1998; neu

(c) benthyciad mewn perthynas â blwyddyn academaidd cwrs rhan-amser a roddwyd yn unol â rheoliadau a wnaed o dan adrannau 73(f), 73B a 74(1) o Ddeddf Addysg (Yr Alban) 1980.

(16) Yn ddarostyngedig i baragraffau (17) ac (18), nid oes gan fyfyriwr rhan-amser cymwys hawl i gael cymorth o dan reoliad 92 neu reoliadau 94 i 103 os oes gan y myfyriwr radd gyntaf oddi wrth sefydliad addysgol yn y Deyrnas Unedig.

(17) At ddibenion paragraff (16), rhaid peidio â thrin gradd fel gradd gyntaf–

(a) os yw'n radd (ac eithrio gradd anrhydedd) a ddyfarnwyd i'r myfyriwr rhan-amser cymwys sydd wedi cwblhau'r modiwlau, arholiadau neu'r dulliau asesu gofynnol eraill ar gyfer ei gwrs gradd gyntaf; a

(b) os yw'r myfyriwr hwnnw'n ymgymryd â'r cwrs rhan-amser presennol er mwyn cael gradd anrhydedd ar ôl cwblhau'r modiwlau, arholiadau neu'r dulliau asesu gofynnol eraill (pa un a yw'r myfyriwr hwnnw yn parhau'r cwrs yn yr un sefydliad addysgol ai peidio, ar ôl dyfarnu'r radd y cyfeirir ati yn is-baragraff (a)).

(18) Nid yw paragraff (16) yn rhwystro myfyriwr rhan-amser cymwys rhag bod â hawl i gael cymorth o dan reoliad 92 neu reoliadau 94 i 103–

(a) os yw'r cwrs rhan-amser presennol yn gwrs ar gyfer hyfforddiant cychwynnol athrawon a ddechreuodd ar neu ar ôl 1 Medi 2010;

(b) os yw'r cwrs yn parhau am ddim mwy na phedair blynedd; ac

(c) os nad yw'r myfyriwr rhan-amser cymwys yn athro cymwysedig neu'n athrawes gymwysedig.

(19) Ni chaiff fyfyriwr rhan-amser cymwys yr hawl, ar unrhyw adeg, i gael cymorth–

(a) ar gyfer mwy nag un cwrs rhan-amser dynodedig;

(b) ar gyfer cwrs rhan-amser dynodedig a chwrs dynodedig;

(c) ar gyfer cwrs rhan-amser dynodedig a chwrs dysgu o bell dynodedig;

(ch) ar gyfer cwrs rhan-amser dynodedig a chwrs ôl-radd dynodedig.

(b) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a part-time course by the Department for Employment and Learning (Northern Ireland) pursuant to regulations made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998; or

(c) a loan in respect of an academic year of a part-time course made pursuant to regulations made under sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980.

(16) Subject to paragraphs (17) and (18), an eligible part-time student does not qualify for support under regulation 92 or regulations 94 to 103 if the student holds a first degree from an educational institution in the United Kingdom.

(17) For the purposes of paragraph (16), 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 the eligible part-time student who has completed the required modules, examinations or other forms of assessment for the eligible part-time student's first degree course; and

(b) that student is undertaking the present part-time course so as to obtain an honours degree on completion of the required modules, examinations or other forms of assessment (whether or not that student continues the course at the same institution after the award of the degree referred to in sub-paragraph (a)).

(18) Paragraph (16) does not prevent an eligible part-time student from qualifying for support under regulation 92 or regulations 94 to 103 if–

(a) the present part-time course is a course for the initial training of teachers which started on or after 1 September 2010;

(b) the duration of that course does not exceed four years; and

(c) the eligible part-time student is not a qualified teacher.

(19) An eligible part-time student may not, at any one time, qualify for support for–

(a) more than one designated part-time course;

(b) a designated part-time course and a designated course;

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

(d) a designated part-time course and a designated postgraduate course.

Myfyrwyr sy'n dod yn gymwys yn ystod y flwyddyn academaidd

89.–(1) Os bydd un o'r digwyddiadau a restrir ym mharagraff (4) yn digwydd yn ystod blwyddyn academaidd–

(a) caiff myfyriwr fod â hawl i gael grant mewn perthynas â ffioedd mewn perthynas â'r flwyddyn academaidd honno yn unol â'r Rhan hon ar yr amod bod y digwyddiad perthnasol wedi digwydd yn ystod tri mis cyntaf y flwyddyn academaidd; a

(b) nid oes grant mewn perthynas â ffioedd ar gael mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol ynddi.

(2) Os bydd 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, gall myfyriwr fod â hawl i gael grantiau rhan-amser ar gyfer dibynyddion mewn perthynas â'r cyfan neu ran o'r flwyddyn academaidd honno ond nid oes gan y myfyriwr hawl i gael grant mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y dechreuodd y digwyddiad perthnasol ynddi.

(3) Os bydd 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) gall myfyriwr fod â hawl i gael grant at lyfrau, teithio a gwariant arall neu grant at gostau byw myfyrwyr rhan-amser anabl (neu'r ddau) mewn perthynas â'r flwyddyn academaidd honno yn unol â'r Rhan hon; a

(b) nid oes grant at lyfrau, teithio a gwariant arall, nac ychwaith grant at gostau byw myfyrwyr rhan-amser anabl, ar gael mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol ynddi.

(4) Y digwyddiadau yw–

(a) bod cwrs y myfyriwr yn dod yn gwrs rhan-amser dynodedig;

(b) bod y myfyriwr, neu ei briod, ei bartner sifil neu ei riant (fel y'i diffinnir yn Rhan 1 o Atodlen 1) yn cael ei gydnabod fel ffoadur neu'n dod yn berson sydd â chaniatâd i ddod i mewn neu i aros;

(c) bod gwladwriaeth yn ymaelodi â'r Undeb Ewropeaidd os yw'r myfyriwr yn wladolyn o'r wladwriaeth honno neu'n aelod o deulu (fel y'i diffinnir yn Rhan 1 o Atodlen 1) gwladolyn o'r wladwriaeth honno;

(ch) bod y myfyriwr yn dod yn aelod o deulu (fel y'i diffinnir yn Rhan 1 o Atodlen 1) gwladolyn o'r UE;

Students becoming eligible during the course of the academic year

89.–(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 beginning before the academic year in which the relevant event occurred.

(2) Where one of the events listed in sub-paragraphs (a), (b), (e), (f), (g), (h) or (i) of paragraph (4) occurs in the course of an academic year, a student may qualify for part-time grants for dependants in accordance with this Part in respect of all or part of that academic year but the student does not qualify for a grant 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 sub-paragraphs (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 or for a grant for disabled part-time students' living costs (or both) in respect of that academic year in accordance with this Part; and

(b) neither a grant for books, travel and other expenditure nor a grant for disabled part-time students' living costs is 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 part-time course;

(b) the student or the student's spouse, civil partner or parent (as defined in Part 1 of Schedule 1) is recognised as a refugee or becomes a person with leave to enter or remain;

(c) a state accedes to the European Union where the student is a national of that state or a family member (as defined in Part 1 of Schedule 1) of a national of that state;

(d) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EU national;

(d) bod y wladwriaeth y mae'r myfyriwr yn wladolyn iddi yn ymaelodi â'r Undeb Ewropeaidd os yw'r myfyriwr wedi bod yn preswylio 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 breswylio'n barhaol;

(e) bod y myfyriwr yn dod yn blentyn i weithiwr Twrcaidd;

(f) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 6(1)(a) o Atodlen 1; neu

(ff) bod y myfyriwr yn dod yn blentyn i wladolyn Swisaidd.

Cyrsiau rhan-amser dynodedig

90.–(1) Yn ddarostyngedig i baragraffau (2) a (3), mae cwrs rhan-amser yn gwrs dynodedig at ddibenion adran 22(1) o Ddeddf 1998 a rheoliad 88–

(a) os yw'n gwrs a restrir yn Atodlen 2 ac eithrio cwrs ar gyfer hyfforddiant cychwynnol athrawon–

(i) a ddechreuodd cyn 1 Medi 2010;

(ii) sy'n dechrau ar neu ar ôl 1 Medi 2010, a'r myfyriwr yn trosglwyddo i'r cwrs presennol yn unol â rheoliad 8 o gwrs ar gyfer hyfforddiant cychwynnol athrawon a ddechreuodd cyn 1 Medi 2010; neu

(iii) yn dechrau ar neu ar ôl 1 Medi 2010 ond cyn 1 Medi 2011 a'r myfyriwr yn fyfyriwr blwyddyn i ffwrdd 2010 mewn perthynas â'r cwrs;

(b) os yw'n parhau am o leiaf un flwyddyn academaidd;

(c) os yw fel arfer yn bosibl gorffen y cwrs mewn dim mwy na dwywaith y cyfnod y mae ei angen fel arfer i gwblhau cwrs amser-llawn cyfatebol;

(ch) os yw'n cael ei ddarparu'n gyfan gwbl gan sefydliad addysgol yn y Deyrnas Unedig a ariennir yn gyhoeddus neu'n cael ei ddarparu gan sefydliad o'r fath ar y cyd â sefydliad y tu allan i'r Deyrnas Unedig;

(d) nad yw wedi'i ddynodi gan neu o dan reoliad 5; ac

(dd) nad yw wedi'i ddynodi gan neu o dan reoliad 73.

(2) Nid yw cwrs sy'n dod o fewn paragraff 7 neu 8 o Atodlen 2 yn gwrs rhan-amser dynodedig os yw corff llywodraethu ysgol a gynhelir wedi trefnu darparu'r cwrs hwnnw i un o ddisgyblion yr ysgol.

(3) Nid yw cwrs yr ymgymerir ag ef fel rhan o gynllun hyfforddi athrawon ar sail cyflogaeth yn gwrs rhan-amser dynodedig.

(e) the state of which the student is a national accedes to the European Union 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 the child of a Turkish worker;

(h) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or

(i) the student becomes the child of a Swiss national.

Designated part-time courses

90.–(1) Subject to paragraphs (2) and (3), a part-time course is designated for the purposes of section 22(1) of the 1998 Act and regulation 88 if–

(a) it is a course listed in Schedule 2 other than a course for the initial training of teachers which–

(i) began before 1 September 2010;

(ii) begins on or after 1 September 2010 where the student transfers to the present course pursuant to regulation 8 from a course for the initial training of teachers which began before 1 September 2010; or

(iii) begins on or after 1 September 2010 but before 1 September 2011 and in relation to which the student is a 2010 gap year student;

(b) it is of at least one academic year's duration;

(c) it is ordinarily possible to complete the course in not more than twice the period ordinarily required to complete the full-time equivalent;

(d) it is wholly provided by a publicly funded educational institution in the United Kingdom or is provided by such institution in conjunction with an institution outside the United Kingdom;

(e) it is not designated by or under regulation 5; and

(f) it is not designated by or under regulation 73.

(2) A course falling within paragraph 7 or 8 of Schedule 2 is not a designated part-time course where the governing body of a maintained school has arranged for the provision of such a course to a pupil of the school.

(3) A course that is taken as part of an employment - based teacher training scheme is not a designated part-time course.

(4) At ddibenion paragraff (1)–

(a) mae cwrs yn cael ei ddarparu gan sefydliad os yw'r sefydliad yn darparu'r addysgu a'r goruchwylio sy'n ffurfio'r cwrs, pa un a yw'r sefydliad wedi gwneud cytundeb gyda'r myfyriwr i ddarparu'r cwrs neu beidio;

(b) bernir bod prifysgol ac unrhyw goleg neu sefydliad cyfansoddol sydd o natur coleg prifysgol yn cael eu hariannu'n gyhoeddus os yw naill ai'r brifysgol neu'r coleg neu sefydliad cyfansoddol yn cael eu hariannu'n gyhoeddus; ac

(c) ni fernir bod sefydliad yn cael ei ariannu'n gyhoeddus dim ond am ei fod yn cael arian o gronfeydd cyhoeddus gan gorff llywodraethu sefydliad addysg uwch yn unol ag adran 65(3A) o Ddeddf Addysg Bellach ac Uwch 1992(**1**).

(5) At ddibenion paragraff (1)(c)–

(a) ystyr "cwrs amser-llawn cyfatebol" ("*full-time equivalent*") yw cwrs amser-llawn sy'n arwain at yr un cymhwyster â'r cwrs rhan-amser dan sylw;

(b) ystyr "cyfnod y mae ei angen fel arfer i gwblhau'r cwrs amser-llawn cyfatebol" ("*period ordinarily required to complete the full-time equivalent*") yw–

(i) os darperir y cwrs gan neu ar ran y Brifysgol Agored, y cyfnod y byddai ei angen ar fyfyriwr amser-llawn safonol i gwblhau'r cwrs amser-llawn cyfatebol pe rhoddid iddo 120 o bwyntiau credyd ym mhob blwyddyn academaidd;

(ii) os darperir y cwrs gan neu ar ran unrhyw sefydliad arall, y cyfnod y byddai myfyriwr amser-llawn safonol yn ei gymryd i gwblhau'r cwrs amser-llawn cyfatebol;

(c) "myfyriwr amser-llawn safonol" ("*standard full-time student*") yw myfyriwr y cymerir–

(i) ei fod wedi dechrau cwrs amser-llawn cyfatebol ar yr un dyddiad ag y dechreuodd y myfyriwr rhan-amser cymwys ar y cwrs rhan-amser o dan sylw;

(ii) nad yw wedi'i esgusodi rhag dilyn unrhyw ran o'r cwrs amser-llawn cyfatebol;

(iii) nad yw wedi ailadrodd unrhyw ran o'r cwrs amser-llawn cyfatebol; a

(iv) nad yw wedi bod yn absennol o'r cwrs amser-llawn cyfatebol ac eithrio yn ystod gwyliau.

(6) At ddibenion adran 22 o Ddeddf 1998 a rheoliad 88(1), caiff Gweinidogion Cymru ddynodi cyrsiau addysg uwch nad ydynt wedi'u dynodi o dan baragraff

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

(4) For the purposes of paragraph (1)–

(a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not the institution has entered into an agreement with the student to provide the course;

(b) a university and any constituent college or institution in the nature of a college of a university is regarded as publicly funded if either the university or the constituent college or institution is publicly funded; and

(c) an institution is not regarded as publicly funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992(**1**).

(5) For the purposes of paragraph (1)(c)–

(a) "full-time equivalent" ("*cwrs amser-llawn cyfatebol*") means a full-time course leading to the same qualification as the part-time course in question;

(b) the "period ordinarily required to complete the full-time equivalent" ("*cyfnod y mae ei angen fel arfer i gwblhau'r cwrs amser-llawn cyfatebol*") means–

(i) where the course is provided by or on behalf of the Open University, the period that a standard full-time student would require to complete the full-time equivalent if that student were awarded 120 credit points in each academic year;

(ii) where the course is provided by or on behalf of any other institution, the period in which a standard full-time student would complete the full-time equivalent;

(c) "standard full-time student" ("*myfyriwr amser-llawn safonol*") is a student who is to be taken–

(i) to have started the full-time equivalent on the same date as the eligible part-time student started the part-time course in question;

(ii) not to have been excused any part of the full-time equivalent;

(iii) not to have repeated any part of the full-time equivalent; and

(iv) not to have been absent from the full-time equivalent other than during vacations.

(6) For the purposes of section 22 of the 1998 Act and regulation 88(1) the Welsh Ministers may designate courses of higher education which are not

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

(1).

Cyfnod cymhwystra

91.–(1) Cedwir statws myfyriwr fel myfyriwr rhan-amser cymwys mewn cysylltiad â chwrs rhan-amser dynodedig oni ddaw'r statws hwnnw i ben yn unol â'r rheoliad hwn neu reoliad 88.

(2) Y cyfnod y mae myfyriwr rhan-amser cymwys yn cadw'r statws y cyfeirir ato ym mharagraff (1) yw'r "cyfnod cymhwystra" ("*period of eligibility*").

(3) Yn ddarostyngedig i'r paragraffau canlynol a rheoliad 88, mae'r cyfnod cymhwystra yn dod i ben ar ddiwedd y flwyddyn academaidd y bydd y myfyriwr rhan-amser cymwys yn cwblhau ei gwrs rhan-amser dynodedig ynddi.

(4) Mae'r cyfnod cymhwystra yn terfynu os yw'r myfyriwr rhan-amser cymwys ("A" yn y paragraff hwn)–

(a) yn tynnu'n ôl o gwrs rhan-amser dynodedig A o dan amgylchiadau pan nad yw Gweinidogion Cymru wedi trosglwyddo neu drosi, neu ni fyddant yn trosglwyddo nac yn trosi, statws A o dan reoliad 107 neu 108; neu

(b) yn cefnu ar ei gwrs rhan-amser dynodedig neu'n cael ei ddiarddel oddi arno.

(5) Mae'r cyfnod cymhwystra'n dod i ben ar ddiwedd y flwyddyn academaidd y mae'n dod yn amhosibl i'r myfyriwr rhan-amser cymwys yn ystod y flwyddyn neu ar ei diwedd gwblhau'r cwrs rhan-amser dynodedig o fewn y cyfnod a bennir yn rheoliad 90(1)(c) hyd yn oed pe bai'r myfyriwr rhan-amser cymwys yn dwysáu ei astudio.

(6) Caiff Gweinidogion Cymru derfynu'r cyfnod cymhwystra os yw'r myfyriwr rhan-amser cymwys ("A" yn y paragraff hwn), ym marn Gweinidogion Cymru, wedi dangos drwy'i ymddygiad nad yw A yn addas i gael cymorth o dan y Rhan hon.

(7) Os yw Gweinidogion Cymru wedi'u bodloni bod myfyriwr rhan-amser cymwys wedi methu â chydymffurfio ag unrhyw ofyniad i roi gwybodaeth o dan y Rhan hon neu ei fod wedi rhoi gwybodaeth sy'n anghywir o ran manylyn perthnasol, caiff Gweinidogion Cymru gymryd unrhyw rai o'r camau canlynol y maent yn credu eu bod yn briodol o dan yr amgylchiadau–

(a) terfynu'r cyfnod cymhwystra;

(b) penderfynu nad oes gan y myfyriwr hawl mwyach i gael unrhyw gymorth penodol neu unrhyw swm penodol o gymorth o dan y Rhan hon;

(c) trin unrhyw gymorth a dalwyd i'r myfyriwr fel gordaliad y caniateir ei adennill o dan reoliad 113.

(8) Pan fo'r cyfnod cymhwystra'n dod i ben–

designated under paragraph (1).

Period of eligibility

91.–(1) A student's status as an eligible part-time student is retained in connection with a designated part-time course until that status terminates in accordance with this regulation or regulation 88.

(2) The period for which an eligible part-time student retains the status referred to in paragraph (1) is the "period of eligibility" ("*cyfnod cymhwystra*").

(3) Subject to the following paragraphs and regulation 88, the period of eligibility terminates at the end of the academic year in which the eligible part-time student completes the eligible part-time student's designated part-time course.

(4) The period of eligibility terminates when the eligible part-time student ("A" in this paragraph)–

(a) withdraws from A's designated part-time course in circumstances where the Welsh Ministers have not transferred or converted or will not transfer or convert A's status under regulation 107 or 108; or

(b) abandons or is expelled from A's designated part-time course.

(5) The period of eligibility terminates at the end of the academic year during or at the end of which it becomes impossible for the eligible part-time student to complete the designated part-time course within the period specified in regulation 90(1)(c) even if the eligible part-time student increases the eligible part-time student's intensity of study.

(6) The Welsh Ministers may terminate the period of eligibility where the eligible part-time student ("A" in this paragraph) has in the opinion of the Welsh Ministers shown by A's conduct that A is unfitted to receive support under this Part.

(7) If the Welsh Ministers are satisfied that an eligible part-time student has failed to comply with any requirement to provide information under this Part or has provided information which is inaccurate in a material particular, the 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 under this Part;

(c) treat any support paid to the student as an overpayment which may be recovered under regulation 113.

(8) Where the period of eligibility terminates–

(a) cyn diwedd y flwyddyn academaidd y mae'r myfyriwr rhan-amser cymwys yn cwblhau'r cwrs rhan-amser dynodedig ynddi; a

(b) ac eithrio o dan baragraff (5),

caiff Gweinidogion Cymru, ar unrhyw adeg, adnewyddu, neu estyn y cyfnod cymhwystra am y cyfryw gyfnod ag y maent yn penderfynu arno.

Cymorth at gyrsiau rhan-amser (grant at ffioedd, a grant at lyfrau, teithio a gwariant arall)

92.–(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) swm y grant ffioedd sylfaenol (a gyfrifir yn unol â'r paragraffau canlynol); a

(ii) y "ffioedd gwirioneddol" ("*actual fees*"), sef swm y ffioedd a godir mewn perthynas â blwyddyn academaidd ar y cwrs rhan-amser dynodedig; a

(b) grant nad yw'n fwy na £1,095 at lyfrau, teithio a gwariant arall mewn cysylltiad â'r cwrs rhan-amser dynodedig.

(2) Mae'r grant ffioedd sylfaenol yn amrywio yn ôl dwysedd yr astudio.

Cyfrifir y dwysedd astudio, a mynegir ef fel canran, fel a ganlyn:

$$\frac{PT}{FT} x\ 100$$

ac y mae–

PT yn dynodi nifer y modiwlau, credydau, pwyntiau credyd, pwyntiau neu unedau eraill sydd i'w dyfarnu i'r myfyriwr rhan-amser cymwys gan yr awdurdod academaidd os bydd yn cwblhau'n llwyddiannus y flwyddyn academaidd y mae'n gwneud cais am gymorth mewn cysylltiad â hi o dan reoliad 104; ac

FT yn dynodi–

(a) os darperir y cwrs gan neu ar ran y Brifysgol Agored, 120;

(b) os darperir y cwrs gan neu ar ran unrhyw sefydliad arall, nifer y modiwlau, credydau, pwyntiau credyd, pwyntiau neu unedau eraill y byddai'n ofynnol i fyfyriwr amser-llawn safonol eu hennill ym mhob blwyddyn academaidd er mwyn iddo gwblhau'r cwrs amser-llawn cyfatebol o fewn y cyfnod y mae ei angen fel arfer i gwblhau'r cwrs hwnnw.

(3) At ddibenion paragraff (2)–

(a) mae "cwrs amser-llawn cyfatebol" ("*full-time equivalent*") a "myfyriwr amser-llawn safonol" ("*standard full-time student*") i'w dehongli'n

(a) before the end of the academic year in which the eligible part-time student completes the designated part-time course; and

(b) otherwise than under paragraph (5),

the Welsh Ministers may, at any time, renew, or extend the period of eligibility for such period as they determine.

Support for part-time courses (fee grant and grant for books, travel and other expenditure)

92.–(1) For the purposes of this regulation, the support available is–

(a) a grant in respect of fees not exceeding the lesser of the following amounts–

(i) the amount of basic fee grant (calculated in accordance with the following paragraphs); and

(ii) the "actual fees" ("*ffioedd gwirioneddol*"), being the amount of fees charged in respect of an academic year of the designated part-time course; and

(b) a grant not exceeding £1,095 for books, travel and other expenditure in connection with the designated part-time course.

(2) The basic fee grant varies according to the intensity of study.

The intensity of study is calculated as follows and expressed as a percentage:

$$\frac{PT}{FT} x\ 100$$

where–

PT is the number of modules, credits, credit points, points or other unit to be awarded to the eligible part-time student by the academic authority if the eligible part-time student successfully completes the academic year in connection with which the eligible part-time student is applying for support under regulation 104; and

FT is–

(a) where the course is provided by or on behalf of the Open University, 120;

(b) where the course is provided by or on behalf of any other institution, the number of modules, credits, credit points, points or other unit that a standard full–time student would be required to obtain in each academic year in order to complete the full-time equivalent within the period ordinarily required to complete that course.

(3) For the purposes of paragraph (2)–

(a) "full–time equivalent" ("*cwrs amser-llawn cyfatebol*") and "standard full-time student" ("*myfyriwr amser-llawn safonol*") are to be

unol â rheoliad 90; a

(b) mae "y cyfnod y mae ei angen fel arfer i gwblhau'r cwrs amser-llawn cyfatebol" ("*the period ordinarily required to complete the full-time equivalent*") i'w gyfrifo'n unol â rheoliad 90.

(4) Y "grant ffioedd sylfaenol" ("*basic fee grant*") yw–

(a) £670, os yw'r dwysedd astudio yn llai na 60 y cant ("lefel 1");

(b) £800, os yw'r dwysedd astudio yn 60 y cant neu fwy ond yn llai na 75 y cant ("lefel 2");

(c) £1,000, os yw'r dwysedd astudio yn 75 y cant neu'n fwy ("lefel 3").

(5) Yn ddarostyngedig i baragraff (6) a rheoliad 107(6), mae swm y cymorth sy'n daladwy o dan reoliad 92 mewn perthynas â blwyddyn academaidd fel a ganlyn–

(a) os oes gan y myfyriwr rhan-amser cymwys neu bartner y myfyriwr rhan-amser cymwys hawlogaeth ar ddyddiad ei gais–

(i) o dan Ran VII o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992 i gael cymhorthdal incwm, budd-dal tai neu fudd-dal y dreth gyngor;

(ii) o dan Ran 1 o Ddeddf Ceiswyr Gwaith 1995 i gael lwfans ceisio gwaith ar sail incwm neu o dan adran 2 o Ddeddf Cyflogaeth a Hyfforddiant 1973 i gael lwfans o dan drefniant a elwir y Fargen Newydd; neu

(iii) o dan Ran I o Ddeddf Diwygio Lles 2007 i gael lwfans cyflogaeth a chymorth sy'n gysylltiedig ag incwm;

mae uchafswm y cymorth sydd ar gael o dan reoliad 92(1) yn daladwy;

(b) os yw'r incwm perthnasol yn llai na £16,865, mae uchafswm y cymorth sydd ar gael o dan reoliad 92(1) yn daladwy;

(c) os yw'r incwm perthnasol yn £16,865, mae uchafswm y cymorth sydd ar gael o dan reoliad 92(1)(b) yn daladwy ynghyd â £50 yn llai nag uchafswm y cymorth sydd ar gael o dan reoliad 92(1)(a);

(ch) os yw'r incwm perthnasol yn fwy na £16,865 ond yn llai na £25,435, mae uchafswm y cymorth sydd ar gael o dan reoliad 92(1)(b) yn daladwy, a swm y cymorth sy'n daladwy o dan reoliad 92(1)(a) yw'r swm a bennir yn unol â pharagraff (6);

(d) os yw'r incwm perthnasol yn £25,435, mae uchafswm y cymorth sydd ar gael o dan reoliad 92(1)(b) yn daladwy a swm y cymorth sy'n daladwy o dan reoliad 92(1)(a) yw £50;

interpreted in accordance with regulation 90; and

(b) "the period ordinarily required to complete the full-time equivalent" ("*cyfnod y mae ei angen fel arfer i gwblhau'r cwrs amser-llawn cyfatebol*") is to be calculated in accordance with regulation 90.

(4) The "basic fee grant" ("*grant ffioedd sylfaenol*") is–

(a) £670 where the intensity of study is less than 60 per cent ("level 1");

(b) £800 where the intensity of study is 60 per cent or more but less than 75 per cent ("level 2");

(c) £1,000 where the intensity of study is 75 per cent or more ("level 3").

(5) Subject to paragraph (6) and regulation 107(6), the amount of support payable under regulation 92 in respect of an academic year is as follows–

(a) if at the date of the application the eligible part–time student or the eligible part-time student's 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;

(ii) under Part 1 of the Jobseekers Act 1995 to income–based jobseekers allowance or under section 2 of the Employment and Training Act 1973 to an allowance under the arrangements known as the New Deal; or

(iii) under Part 1 of the Welfare Reform Act 2007 to an income-related employment and support allowance;

the maximum amount of support available under regulation 92(1) is payable;

(b) where the relevant income is less than £16,865, the maximum amount of support available under regulation 92(1) is payable;

(c) where the relevant income is £16,865, the maximum amount of support available under regulation 92(1)(b) is payable together with £50 less than the maximum amount of support available under regulation 92(1)(a);

(d) where the relevant income exceeds £16,865 but is less than £25,435, the maximum amount of support available under regulation 92(1)(b) is payable and the amount of support payable under regulation 92(1)(a) is the amount determined in accordance with paragraph (6);

(e) where the relevant income is £25,435, the maximum amount of support available under regulation 92(1)(b) is payable and the amount of support payable under regulation 92(1)(a) is £50;

(dd) os yw'r incwm perthnasol yn fwy na £25,435 ond yn llai na £26,095, mae uchafswm y cymorth sydd ar gael o dan reoliad 92(1)(b) yn daladwy ac nid oes cymorth yn daladwy o dan reoliad 92(1)(a);

(e) os yw'r incwm perthnasol yn £26,095 neu'n fwy ond yn llai na £28,180, nid oes cymorth ar gael o dan reoliad 92(1)(a) a swm y cymorth sy'n daladwy o dan reoliad 92(1)(b) yw'r swm sy'n weddill ar ôl didynnu o uchafswm y cymorth sydd ar gael o dan reoliad 92(1)(b) £1 am bob £1.995 o incwm perthnasol uwchlaw £26,095;

(f) os yw'r incwm perthnasol yn £28,180, nid oes cymorth yn daladwy o dan reoliad 92(1)(a) a swm y cymorth sy'n daladwy o dan reoliad 92(1)(b) yw £50;

(ff) os yw'r incwm perthnasol yn fwy na £28,180, nid oes cymorth yn daladwy o dan reoliad 92(1).

(6) Os yw paragraff (5)(ch) yn gymwys, pennir swm y cymorth sy'n daladwy o dan reoliad 92(1)(a) drwy ddidynnu o uchafswm y cymorth sydd ar gael o dan reoliad 92(1)(a) un o'r symiau canlynol–

(a) £50 plws £1 arall am bob £15.58, £12.60 neu £9.79 cyflawn o incwm perthnasol uwchlaw £16,865 yn ôl a yw dwysedd yr astudio ar lefel 1, 2 neu 3, yn y drefn honno; neu

(b) os yw'r grant ffioedd sylfaenol yn fwy na'r ffioedd gwirioneddol, swm sy'n hafal i'r hyn sy'n weddill ar ôl didynnu o'r swm a gyfrifwyd o dan is-baragraff (a) y gwahaniaeth rhwng y grant ffioedd sylfaenol a'r ffioedd gwirioneddol (oni bai bod y swm yn rhif negyddol ac os felly mae uchafswm y cymorth sydd ar gael o dan reoliad 92(1)(a) yn daladwy).

(7) At ddibenion y rheoliad hwn–

(a) mae "plentyn" ("*child*") mewn perthynas â myfyriwr rhan-amser cymwys yn cynnwys unrhyw blentyn i'w bartner ac unrhyw blentyn y mae ganddo gyfrifoldeb rhiant drosto;

(b) ystyr "y flwyddyn ariannol gyfredol" ("*current financial year*") yw'r flwyddyn ariannol sy'n cynnwys diwrnod cyntaf y flwyddyn academaidd y mae person yn cael ei asesu ar gyfer cymorth o dan y Rhan hon 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 rhan-amser cymwys yn cael ei gyfrifiannu mewn perthynas â hi at ddibenion

(f) where the relevant income exceeds £25,435 but is less than £26,095 the maximum amount of support available under regulation 92(1)(b) is payable and no support is payable under regulation 92(1)(a);

(g) where the relevant income is £26,095 or more but less than £28,180 no support is available under regulation 92(1)(a) and the amount of support payable under regulation 92(1)(b) is the amount left after deducting from the maximum amount of support available under regulation 92(1)(b) £1 for every £1.995 by which the relevant income exceeds £26,095;

(h) where the relevant income is £28,180 no support is payable under regulation 92(1)(a) and the amount of support payable under regulation 92(1)(b) is £50;

(i) where the relevant income exceeds £28,180 no support is payable under regulation 92(1).

(6) Where paragraph (5)(d) applies, the amount of support payable under regulation 92(1)(a) is determined by deducting from the maximum amount of support available under regulation 92(1)(a) one of the following amounts–

(a) £50 plus a further £1 for each complete £15.58, £12.60 and £9.79 by which the relevant income exceeds £16,865 according to whether the intensity of study is level 1, 2 or 3, respectively; or

(b) where the basic fee grant is greater than the actual fees, an amount equal to that left after deducting from the amount calculated under sub-paragraph (a) the difference between the basic fee grant and the actual fees (unless the amount is a negative number in which case the maximum amount of support available under regulation 92(1)(a) is payable).

(7) For the purposes of this regulation–

(a) "child" ("*plentyn*") in relation to an eligible part-time student includes any child of the eligible part-time student's partner and any child for whom the eligible part-time student has parental responsibility;

(b) "current financial year" ("*y flwyddyn ariannol gyfredol*") means the financial year which includes the first day of the academic year in respect of which a person is being assessed for support under this Part;

(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 part-time student is computed for the purposes of the income tax

y ddeddfwriaeth ar dreth incwm sy'n gymwys iddo;

(d) ystyr "incwm" ("*income*") yw incwm gros o bob ffynhonnell heb gynnwys–

(i) unrhyw daliad a wneir o dan adran 23C(5A) o Ddeddf Plant 1989; a

(ii) unrhyw gredydau treth a ddyfarnwyd yn unol ag unrhyw hawliadau o dan adran 3 o Ddeddf Credydau Treth 2002;

(dd) yn ddarostyngedig i is-baragraff (e), ystyr "partner" ("*partner*") yw unrhyw un o'r canlynol–

(i) priod myfyriwr rhan-amser cymwys;

(ii) partner sifil myfyriwr rhan-amser cymwys;

(iii) person sydd fel rheol yn byw gyda myfyriwr rhan-amser cymwys fel pe bai'n briod i'r myfyriwr rhan-amser cymwys, pan fo'r myfyriwr rhan-amser cymwys yn 25 oed neu'n hŷn ar y diwrnod cyntaf o'r flwyddyn academaidd y caiff ei asesu ar gyfer cymorth o dan y Rhan hon mewn perthynas â hi, a phan fo'r myfyriwr rhan-amser cymwys wedi dechrau ar y cwrs rhan-amser dynodedig a bennir cyn 1 Medi 2005;

(iv) person sydd fel arfer yn byw gyda myfyriwr rhan-amser cymwys fel pe bai'n briod neu'n bartner sifil iddo pan fo'r myfyriwr rhan-amser cymwys yn dechrau ar y cwrs rhan-amser dynodedig a bennir ar neu ar ôl 1 Medi 2005;

(e) nid yw person a fyddai fel arall yn bartner o dan is-baragraff (dd) yn cael ei drin fel partner–

(i) os yw'r person hwnnw a'r myfyriwr rhan-amser cymwys, ym marn Gweinidogion Cymru, wedi gwahanu; neu

(ii) os yw'r person fel arfer yn byw y tu allan i'r Deyrnas Unedig ac nad yw'n cael ei gynnal gan y myfyriwr rhan-amser;

(f) ystyr "blwyddyn ariannol flaenorol" ("*preceding financial year*") yw'r flwyddyn ariannol yn union cyn y flwyddyn ariannol gyfredol;

(ff) mae i "incwm perthnasol" ("*relevant income*") yr ystyr a roddir ym mharagraff (8).

(8) Yn ddarostyngedig i baragraff (9), mae incwm perthnasol myfyriwr rhan-amser cymwys yn hafal i'w adnoddau ariannol yn y flwyddyn ariannol flaenorol, llai–

(i) £2,000 mewn perthynas â phartner y myfyriwr rhan-amser cymwys;

(ii) £2,000 mewn perthynas â'r unig blentyn neu'r plentyn hynaf sy'n ddibynnol ar y myfyriwr rhan-amser cymwys neu ar ei

legislation which applies to it;

(e) "income" ("*incwm*") means gross income from all sources excluding–

(i) any payment made under section 23C(5A) of the Children Act 1989; and

(ii) any tax credits awarded pursuant to any claims under section 3 of the Tax Credits Act 2002;

(f) subject to sub-paragraph (g), "partner" ("*partner*") means any of the following–

(i) the spouse of an eligible part-time student;

(ii) the civil partner of an eligible part-time student;

(iii) a person ordinarily living with an eligible part-time student as if the person were the eligible part-time student's spouse where an eligible part-time student is aged 25 or over on the first day of the academic year in respect of which the eligible part-time student is being assessed for support under this Part and where the eligible part-time student began the specified designated part-time course before 1 September 2005;

(iv) a person ordinarily living with an eligible part-time student as if the person were the eligible part-time student's spouse or civil partner where an eligible part-time student begins the specified designated part-time course on or after 1 September 2005;

(g) a person who would otherwise be a partner under sub-paragraph (f) is not treated as a partner if–

(i) in the opinion of the Welsh Ministers, that person and the eligible part-time student are separated; or

(ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible part-time student;

(h) "preceding financial year" ("*blwyddyn ariannol flaenorol*") means the financial year immediately preceding the current financial year;

(i) "relevant income" ("*incwm perthnasol*") has the meaning given in paragraph (8).

(8) Subject to paragraph (9), an eligible part-time student's relevant income is equal to the eligible part-time student's financial resources in the preceding financial year less–

(i) £2,000 in respect of the eligible part-time student's partner;

(ii) £2,000 in respect of the only or eldest child who is dependent on the eligible part-time student or the eligible part-time student's

bartner; a

(iii) £1,000 mewn perthynas â phob un plentyn arall sy'n ddibynnol ar y myfyriwr rhan-amser cymwys neu ar ei bartner.

(9) Os yw Gweinidogion Cymru wedi'u bodloni bod adnoddau ariannol myfyriwr rhan-amser cymwys yn y flwyddyn ariannol flaenorol yn fwy nag adnoddau ariannol y myfyriwr rhan-amser cymwys yn y flwyddyn ariannol gyfredol a bod y gwahaniaeth rhwng y ddau swm yn £1,000 neu fwy, rhaid iddynt asesu adnoddau ariannol y myfyriwr hwnnw drwy gyfeirio at yr adnoddau hynny yn y flwyddyn ariannol gyfredol.

(10) Yn y rheoliad hwn ystyr ffynonellau ariannol myfyriwr rhan-amser cymwys mewn blwyddyn ariannol yw swm cyfanredol ei incwm am y flwyddyn honno ynghyd â swm cyfanredol incwm am y flwyddyn honno unrhyw berson sy'n bartner i'r myfyriwr rhan-amser cymwys, ar y dyddiad gwneir y cais am gymorth o dan y Rhan hon.

(11) Yn y rheoliad hwn ystyr "cwrs rhan-amser dynodedig a bennir" ("specified designated part-time course") yw'r cwrs y mae'r person yn gwneud cais am gymorth o dan y Rhan hon mewn perthynas ag ef, pan fo statws y myfyriwr fel myfyriwr rhan-amser cymwys wedi'i drosglwyddo i'r cwrs rhan-amser presennol o ganlyniad i un trosglwyddiad o'r statws hwnnw neu fwy gan Weinidogion Cymru o gwrs rhan-amser (y "cwrs cychwynnol") y penderfynodd Gweinidogion Cymru mewn cysylltiad ag ef fod y myfyriwr yn fyfyriwr rhan-amser cymwys yn unol â rheoliadau a wnaed o dan adran 22 o Ddeddf 1998, y cwrs rhan-amser dynodedig a bennir yw'r cwrs cychwynnol.

Grantiau at gostau byw myfyrwyr rhan-amser anabl

93.–(1) Mae gan fyfyriwr rhan-amser cymwys hawl yn unol â'r rheoliad hwn i gael grant at gostau byw myfyrwyr rhan-amser anabl, i helpu gyda'r gwariant ychwanegol y mae Gweinidogion Cymru wedi'u bodloni ei bod yn ofynnol i'r myfyriwr ei ysgwyddo, mewn cysylltiad ag ymgymryd ohono â chwrs rhan-amser dynodedig, oherwydd anabledd sydd gan y myfyriwr rhan-amser cymwys.

(2) Yn ddarostyngedig i baragraff (3), swm y grant y mae hawl gan fyfyriwr rhan-amser cymwys i'w gael o dan y rheoliad hwn yw'r swm sy'n briodol ym marn Gweinidogion Cymru.

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

(a) £15,390 mewn perthynas â blwyddyn academaidd at wariant ar gynorthwyydd personol anfeddygol;

(b) £5,166 mewn perthynas â phob blwyddyn academaidd yn ystod y cyfnod cymhwystra at wariant ar eitemau mawr o offer arbenigol;

(c) y gwariant ychwanegol sy'n cael ei dynnu–

partner; and

(iii) £1,000 in respect of each other child who is dependent on the eligible part-time student or the eligible part-time student's partner.

(9) Where the Welsh Ministers are satisfied that an eligible part-time student's financial resources in the preceding financial year are greater than the eligible part-time student's financial resources in the current financial year and that the difference between the two amounts is £1,000 or more, they must assess that student's financial resources by reference to those resources in the current financial year.

(10) In this regulation, an eligible part-time student's financial resources in a financial year means the aggregate of the eligible part-time student's 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 under this Part is the eligible part-time student's partner.

(11) In this regulation "specified designated part-time course" ("*cwrs rhan-amser dynodedig a bennir*") means the course in respect of which the person is applying for support under this Part or, where the student's status as an eligible part-time student has been transferred to the present part-time course as a result of one or more transfers of that status by the Welsh Ministers from a part-time course (the "initial course") in connection with which the Welsh Ministers determined the student to be an eligible part-time student pursuant to regulations made under section 22 of the 1998 Act, the specified designated part-time course is the initial course.

Grants for disabled part-time students' living costs

93.–(1) An eligible part-time student qualifies in accordance with this regulation for a grant for disabled part-time students' living costs to assist with the additional expenditure which the Welsh Ministers are satisfied the student is obliged to incur in connection with the eligible part-time student undertaking a designated part-time course by reason of a disability to which the eligible part-time student is subject.

(2) Subject to paragraph (3), the amount of grant for which an eligible part-time student qualifies under this regulation is the amount that the Welsh Ministers consider appropriate.

(3) The amount of the grant must not exceed–

(a) £15,390 in respect of an academic year for expenditure on a non-medical personal helper;

(b) £5,166 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) yn y Deyrnas Unedig er mwyn bod yn bresennol yn y sefydliad;

(ii) yn y Deyrnas Unedig neu y tu allan iddi er mwyn bod yn bresennol, fel rhan o gwrs y myfyriwr rhan-amser cymwys, ar unrhyw gyfnod astudio mewn sefydliad tramor neu er mwyn bod yn bresennol yn yr Athrofa;

(ch) £1,293 mewn perthynas â blwyddyn academaidd at unrhyw wariant arall gan gynnwys gwariant sy'n cael ei dynnu at y dibenion y cyfeirir atynt yn is-baragraff (a) neu (b) sy'n fwy na'r uchafsymiau penodedig.

Grantiau rhan-amser ar gyfer dibynyddion – cyffredinol

94.–(1) Mae gan fyfyriwr rhan-amser cymwys hawl i gael grantiau rhan-amser ar gyfer dibynyddion ar yr amod–

(a) nad yw wedi ei hepgor o fod â hawl gan unrhyw un o'r paragraffau canlynol, rheoliad 88 neu reoliad 91; a

(b) bod y myfyriwr rhan-amser yn bodloni amodau'r hawl i gael y grant penodol y mae'r myfyriwr yn gwneud cais amdano.

(2) Nid oes gan fyfyriwr rhan-amser cymwys hawl i gael grantiau rhan-amser ar gyfer dibynyddion os yw'r myfyriwr rhan-amser cymwys yn garcharor.

95.–(1) Mae'r grantiau rhan-amser ar gyfer dibynyddion wedi'u ffurfio o'r elfennau canlynol–

(a) grant rhan-amser ar gyfer dibynyddion mewn oed;

(b) grant rhan-amser ar gyfer gofal plant;

(c) lwfans dysgu rhan-amser ar gyfer rhieni.

(2) Nodir amodau'r hawl i gael pob elfen yn rheoliadau 96 i 103 a phenderfynir ar y symiau sy'n daladwy mewn perthynas â phob elfen yn unol â'r rheoliadau hynny.

(3) Caniateir didynnu swm o unrhyw un o elfennau'r grantiau rhan-amser ar gyfer dibynyddion yn unol â rheoliadau 101 a 102.

Grant rhan-amser ar gyfer dibynyddion mewn oed

96.–(1) Mae gan fyfyriwr rhan-amser cymwys hawl i gael grant rhan-amser ar gyfer dibynyddion mewn oed mewn cysylltiad â phresenoldeb y myfyriwr rhan-amser cymwys ar gwrs rhan-amser dynodedig yn unol â'r rheoliad hwn.

(2) Mae'r grant rhan-amser ar gyfer dibynyddion mewn oed ar gael mewn perthynas ag un dibynnydd i fyfyriwr rhan-amser cymwys sydd naill ai–

(a) yn bartner i'r myfyriwr rhan-amser cymwys; neu

(b) yn ddibynnydd mewn oed i'r myfyriwr rhan-

(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 the eligible part-time student's course, any period of study at an overseas institution or for the purpose of attending the Institute;

(d) £1,293 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.

Part-time grants for dependants – general

94.–(1) An eligible part-time student qualifies for part-time grants for dependants provided that–

(a) the part-time student is not excluded from qualification by any of the following paragraphs, regulation 88 or regulation 91; and

(b) the part-time student satisfies the qualifying conditions for the particular grant for which the student is applying.

(2) An eligible part-time student does not qualify for part-time grants for dependants if the eligible part-time student is a prisoner.

95.–(1) The part-time grants for dependants consist of the following elements–

(a) part-time adult dependants' grant;

(b) part-time childcare grant;

(c) part-time parents' learning allowance.

(2) The qualifying conditions for each element are set out in regulations 96 to 103 and the amounts payable in respect of each element are determined in accordance with those regulations.

(3) A deduction may be made from any element of the part-time grants for dependants in accordance with regulations 101 and 102.

Part-time adult dependants' grant

96.–(1) An eligible part-time student qualifies for a part-time adult dependants' grant in connection with the eligible part-time student's attendance on a designated part-time course in accordance with this regulation.

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

(a) the eligible part-time student's partner; or

(b) an adult dependant of the eligible part-time

amser cymwys a hwnnw'n ddibynnydd nad yw ei incwm net yn fwy na £3,801.

(3) Bydd swm y grant ar gyfer dibynyddion mewn oed sy'n daladwy mewn perthynas â blwyddyn academaidd yn cael ei gyfrifo yn unol â rheoliadau 99 a 101 i 103, a'r swm sylfaenol yw–

(a) £2,647; neu

(b) os yw'r person y mae'r myfyriwr rhan-amser cymwys yn gwneud cais mewn perthynas ag ef am grant rhan-amser ar gyfer dibynyddion mewn oed yn preswylio fel arfer y tu allan i'r Deyrnas Unedig, unrhyw swm nad yw'n fwy na £2,647 sydd ym marn Gweinidogion Cymru yn rhesymol o dan yr amgylchiadau.

Grant rhan-amser ar gyfer gofal plant

97.–(1) Mae gan fyfyriwr rhan-amser cymwys, mewn cysylltiad â'i bresenoldeb ar gwrs rhan-amser dynodedig, hawl i gael grant rhan-amser ar gyfer gofal plant yn unol â'r rheoliad hwn.

(2) Yn ddarostyngedig i baragraffau (3) a (4), mae'r grant rhan-amser ar gyfer gofal plant ar gael mewn perthynas â blwyddyn academaidd y mae'r myfyriwr rhan-amser cymwys yn tynnu costau rhagnodedig ar gyfer gofal plant ynddi, a hynny ar gyfer–

(a) plentyn dibynnol sydd o dan 15 oed yn union cyn dechrau'r flwyddyn academaidd; neu

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

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

(4) Nid oes gan fyfyriwr rhan-amser cymwys hawl i gael grant o dan y rheoliad hwn os yw'r costau rhagnodedig ar gyfer gofal plant y mae'n eu tynnu'n cael eu talu neu os ydynt i'w talu gan y myfyriwr rhan-amser cymwys i'w bartner.

(5) Yn ddarostyngedig i baragraff (6), rheoliad 99 a rheoliadau 101 i 103, swm sylfaenol y grant gofal plant am bob wythnos yw–

(a) ar gyfer un plentyn dibynnol, 85 y cant o'r

(**1**) 1996 p.56; diwygiwyd adran 312 gan Ddeddf Addysg 1997 (p.44), Atodlen 7, paragraff 23, Deddf Safonau a Fframwaith Ysgolion 1998 (p.31), adran 140, paragraff 71 o Atodlen 30 ac Atodlen 31, Deddf Dysgu a Sgiliau 2000 (p.21), Atodlen 9, paragraff 56, Deddf Addysg ac Arolygiadau 2006 (p.40), Atodlen 1, paragraff 3, Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p.22), adran 59 ac Atodlen 2 ac O.S. 2010/1158.

(**2**) 2002 p.21, y mae diwygiadau iddi nad ydynt yn berthnasol i'r Rheoliadau hyn.

student whose net income does not exceed £3,801.

(3) The amount of part-time adult dependants' grant payable in respect of an academic year is calculated in accordance with regulations 99 and 101 to 103, the basic amount being–

(a) £2,647; or

(b) where the person in respect of whom the eligible part-time student is applying for part-time adult dependants' grant is ordinarily resident outside the United Kingdom, such amount not exceeding £2,647 as the Welsh Ministers consider reasonable in the circumstances.

Part-time childcare grant

97.–(1) An eligible part-time student qualifies, in connection with the eligible part-time student's attendance on a designated part-time course, for a part-time childcare grant in accordance with this regulation.

(2) Subject to paragraphs (3) and (4), the part-time childcare grant is available in respect of an academic year in which the eligible part-time student incurs prescribed childcare charges for–

(a) a dependent child who is under the age of 15 immediately before the beginning of the academic year; or

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

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

(4) An eligible part-time student does not qualify for a grant under this regulation if the prescribed childcare charges that the eligible part-time student incurs are paid or to be paid by the student to the eligible part-time student's partner.

(5) Subject to paragraph (6), regulation 99 and regulations 101 to 103, the basic amount of childcare grant for each week is–

(a) for one dependent child, 85 per cent of the

(**1**) 1996 c.56; section 312 was amended by the Education Act 1997 (c. 44), Schedule 7, paragraph 23, the School Standards and Framework Act 1998 (c.31), section 140, paragraph 71 of Schedule 30 and Schedule 31, the Learning and Skills Act 2000 (c.21), Schedule 9, paragraph 56 and the Education and Inspections Act 2006 (c.40), Schedule 1, paragraph 3, the Apprenticeships, Skills, Children and Learning Act 2009 (c.22), section 59 and Schedule 2 and S.I. 2010/1158.

(**2**) 2002 c.21 to which there are amendments not relevant to these Regulations.

costau rhagnodedig ar gyfer gofal plant, hyd at uchafswm o £161.50 yr wythnos; neu

(b) ar gyfer dau neu fwy o blant dibynnol, 85 y cant o'r costau rhagnodedig ar gyfer gofal plant, hyd at uchafswm o £274.55 yr wythnos,

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

(6) Er mwyn cyfrifo swm sylfaenol y grant rhan-amser ar gyfer gofal plant–

(a) mae wythnos yn rhedeg o ddydd Llun i ddydd Sul; a

(b) os yw wythnos y tynnir costau rhagnodedig ar gyfer gofal plant mewn perthynas â hi yn dod yn rhannol o fewn y flwyddyn academaidd y mae grant rhan-amser ar gyfer gofal plant yn daladwy mewn perthynas â hi o dan y rheoliad hwn ac yn rhannol y tu allan i'r flwyddyn academaidd honno, cyfrifir uchafswm wythnosol y grant drwy luosi'r uchafswm wythnosol perthnasol ym mharagraff (5) â nifer y dyddiau yn yr wythnos honno sy'n dod o fewn y flwyddyn academaidd a rhannu'r canlyniad â saith.

Lwfans dysgu rhan-amser ar gyfer rhieni

98.–(1) Mae gan fyfyriwr rhan-amser cymwys hawl mewn cysylltiad â'i bresenoldeb ar gwrs rhan-amser dynodedig i gael y lwfans dysgu rhan-amser ar gyfer rhieni os oes gan y myfyriwr un neu fwy o ddibynyddion sy'n blant dibynnol.

(2) Mae swm y lwfans dysgu rhan-amser ar gyfer rhieni sy'n daladwy mewn perthynas â blwyddyn academaidd yn cael ei gyfrifo yn unol â rheoliadau 99 a 101 i 103, a'r swm sylfaenol yw £1,508.

Grantiau rhan-amser ar gyfer dibynyddion – y cyfrifiadau cychwynnol

99.–(1) Yn ddarostyngedig i'r paragraffau canlynol a rheoliadau 101 i 103, y swm sy'n daladwy mewn perthynas ag elfen benodol o'r grantiau rhan-amser ar gyfer dibynyddion y mae gan y myfyriwr rhan-amser cymwys hawl i'w gael yw'r swm hwnnw o'r elfen honno sy'n weddill ar ôl cymhwyso, hyd nes iddo gael ei ddihysbyddu, swm sy'n hafal i (**A - B**) fel a ganlyn ac yn y drefn ganlynol–

(a) i ostwng swm sylfaenol y grant rhan-amser ar gyfer dibynyddion mewn oed os oes gan y myfyriwr rhan-amser cymwys hawl i gael yr elfen honno o dan reoliad 96;

(b) i ostwng swm sylfaenol y grant rhan-amser ar gyfer gofal plant am y flwyddyn academaidd os oes gan y myfyriwr rhan-amser cymwys

prescribed childcare charges, subject to a maximum amount of £161.50 per week; or

(b) for two or more dependent children, 85 per cent of the prescribed childcare charges, subject to a maximum amount of £ 274.55 per week,

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

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

(a) a week runs from Monday to Sunday; and

(b) where a week in respect of which prescribed childcare charges are incurred falls partly within and partly outside the academic year in respect of which part-time childcare grant is payable under this regulation, the maximum weekly amount of grant is calculated by multiplying the relevant maximum weekly amount in paragraph (5) by the number of days of that week falling within the academic year and dividing the product by seven.

Part-time parents' learning allowance

98.–(1) An eligible part-time student qualifies in connection with the student's attendance on a designated part-time course for the part-time parents' learning allowance if the student has one or more dependants who are dependent children.

(2) The amount of part-time parents' learning allowance payable in respect of an academic year is calculated in accordance with regulations 99 and 101 to 103, the basic amount being £1,508.

Part-time grants for dependants – initial calculations

99.–(1) Subject to the following paragraphs and regulations 101 to 103, the amount payable in respect of a particular element of the part-time grants for dependants for which the eligible part-time student qualifies is the amount of that element remaining after applying, until it is extinguished, an amount equal to (**A - B**) as follows and in the following order–

(a) to reduce the basic amount of the part-time adult dependants' grant where the eligible part-time student qualifies for that element under regulation 96;

(b) to reduce the basic amount of the part-time childcare grant for the academic year where the eligible part-time student qualifies for that

hawl i gael yr elfen honno o dan reoliad 97; ac

(c) i ostwng swm sylfaenol y lwfans dysgu rhan-amser ar gyfer rhieni os oes gan y myfyriwr rhan-amser cymwys hawl i gael yr elfen honno o dan reoliad 98.

(2) Yn y rheoliad hwn ac yn ddarostyngedig i baragraff (8)–

A yw cyfanswm incwm net pob un o ddibynyddion y myfyriwr rhan-amser cymwys; a

B yw–

(a) £1,159 pan nad oes gan y myfyriwr rhan-amser cymwys blentyn dibynnol;

(b) £3,473 pan nad yw'r myfyriwr rhan-amser cymwys yn rhiant unigol, a phan fo ganddo un plentyn dibynnol;

(c) £4,632–

(i) pan nad yw'r myfyriwr rhan-amser cymwys yn rhiant unigol, a phan fo ganddo fwy nag un plentyn dibynnol; neu

(ii) pan fo'r myfyriwr rhan-amser cymwys yn rhiant unigol, a phan fo ganddo un plentyn dibynnol;

(ch) £5,797 pan fo'r myfyriwr rhan-amser cymwys yn rhiant unigol, a phan fo ganddo fwy nag un plentyn dibynnol.

(3) Yn ddarostyngedig i baragraffau (5), (6) a (13), os yw **B** yn fwy nag **A** neu'n hafal iddi, mae swm sylfaenol pob elfen o'r grantiau rhan-amser ar gyfer dibynyddion y mae gan y myfyriwr rhan-amser cymwys hawl i'w chael yn daladwy.

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

(5) Gostyngir swm y grant rhan-amser ar gyfer dibynyddion mewn oed a gyfrifir o dan baragraff (1) o ran dibynnydd mewn oed gan hanner y swm–

(a) os yw partner y myfyriwr rhan-amser cymwys–

(i) yn fyfyriwr rhan-amser cymwys; neu

(ii) yn dal dyfarniad statudol; a

(b) os cymerir i ystyriaeth ddibynyddion y partner hwnnw wrth gyfrifo swm y cymorth y mae gan y partner hwnnw hawl i'w gael neu'r taliad y mae gan y partner hwnnw hawlogaeth iddo o dan y dyfarniad statudol.

(6) Gostyngir swm y grant rhan-amser ar gyfer gofal plant a gyfrifir o dan baragraff (1) gan hanner y swm–

(a) os yw partner y myfyriwr rhan-amser cymwys–

element under regulation 97; and

(c) to reduce the basic amount of the part-time parents' learning allowance where the eligible part-time student qualifies for that element under regulation 98.

(2) In this regulation and subject to paragraph (8)–

A is the aggregate of the net income of each of the eligible part-time student's dependants; and

B is–

(a) £1,159 where the eligible part-time student has no dependent child;

(b) £3,473 where the eligible part-time student is not a lone parent and has one dependent child;

(c) £4,632 where the eligible part-time student–

(i) is not a lone parent and has more than one dependent child; or

(ii) is a lone parent and has one dependent child;

(d) £5,797 where the eligible part-time student is a lone parent and has more than one dependent child.

(3) Subject to paragraphs (5), (6) and (13), where **B** is greater than or equal to **A**, the basic amount of each element of the part-time grants for dependants for which the eligible part-time student qualifies is payable.

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

(5) The amount of the part-time adult dependants' grant calculated under paragraph (1) in respect of an adult dependant is reduced by one half where–

(a) the eligible part-time student's partner–

(i) is an eligible part-time student; or

(ii) holds a statutory award; and

(b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which that partner is entitled under the statutory award.

(6) The amount of the part-time childcare grant calculated under paragraph (1) is reduced by one half where–

(a) the eligible part-time student's partner–

(i) yn fyfyriwr rhan-amser cymwys; neu

(ii) yn dal dyfarniad statudol; a

(b) os cymerir i ystyriaeth ddibynyddion y partner hwnnw wrth gyfrifo swm y cymorth y mae gan y partner hwnnw hawl i'w gael neu'r taliad y mae gan y partner hwnnw hawlogaeth iddo o dan y dyfarniad statudol.

(7) Os yw swm y lwfans dysgu rhan-amser ar gyfer rhieni a gyfrifir o dan baragraff (1) yn £0.01 neu'n fwy na hynny ond yn llai na £50, swm y lwfans dysgu rhan-amser ar gyfer rhieni sy'n daladwy yw £50.

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

(a) bod nifer dibynyddion y myfyriwr rhan-amser cymwys yn newid;

(b) bod person yn dod yn ddibynnydd i'r myfyriwr rhan-amser cymwys neu'n peidio â bod yn ddibynnydd iddo;

(c) bod y myfyriwr rhan-amser cymwys yn dod yn rhiant unigol neu'n peidio â bod yn rhiant unigol;

(ch) bod myfyriwr yn dod yn fyfyriwr rhan-amser cymwys o ganlyniad i ddigwyddiad y cyfeirir ato yn rheoliad 89(4)(a), (b), (d), (dd), (e), (f) neu (ff).

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

(a) faint o ddibynyddion y mae'r myfyriwr rhan-amser cymwys i gael ei drin fel pe baent ganddo;

(b) pwy yw'r dibynyddion hynny;

(c) a yw'r myfyriwr rhan-amser cymwys i gael ei drin fel rhiant unigol.

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

(11) Mae swm y grant rhan-amser ar gyfer dibynyddion mewn oed a'r lwfans dysgu rhan-amser ar gyfer rhieni mewn perthynas â chwarter perthnasol yn draean o swm y grant neu'r lwfans hwnnw am y flwyddyn academaidd pe bai amgylchiadau'r myfyriwr rhan-amser cymwys yn y chwarter perthnasol fel y'u pennir o dan baragraff (9) yn gymwys drwy gydol y flwyddyn academaidd.

(i) is an eligible part-time student; or

(ii) holds a statutory award; and

(b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which that partner is entitled under the statutory award.

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

(8) Paragraphs (9) to (12) apply where, in the course of the academic year, any of the following occurs–

(a) there is a change in the number of the eligible part-time student's dependants;

(b) a person becomes or ceases to be a dependant of the eligible part-time student;

(c) the eligible part-time student becomes or ceases to be a lone parent;

(d) a student becomes an eligible part-time student as a result of an event referred to in regulation 89(4)(a), (b), (e), (f), (g), (h) or (i).

(9) For the purposes of determining the respective values of **A** and **B** and whether part-time adult dependants' grant or part-time parents' learning allowance is payable, the Welsh Ministers must determine the following in relation to each relevant quarter by reference to the eligible part-time student's circumstances in the relevant quarter–

(a) how many dependants the eligible part-time student is to be treated as having;

(b) who those dependants are;

(c) whether the eligible part-time student is to be treated as a lone parent.

(10) The amount of part-time grants for dependants for the academic year is the aggregate of the amounts of part-time adult dependants' grant and part-time parents' learning allowance calculated in respect of each relevant quarter under paragraph (11) and the amount of any part-time childcare grant for the academic year.

(11) The amount of part-time adult dependants' grant and part-time parents' learning allowance in respect of a relevant quarter is one third of what that grant or allowance would be for the academic year if the eligible part-time student's circumstances in the relevant quarter as determined under paragraph (9) applied for the duration of the academic year.

(12) Yn y rheoliad hwn, ystyr "chwarter perthnasol" ("*relevant quarter*") yw –

(a) yn achos person y cyfeirir ato ym mharagraff (8)(ch), chwarter sy'n dechrau ar ôl i'r digwyddiad perthnasol ddigwydd ac eithrio chwarter pryd y mae'r un hwyaf o unrhyw wyliau yn digwydd, ym marn Gweinidogion Cymru;

(b) fel arall, chwarter ac eithrio'r chwarter pryd y mae'r un hwyaf o unrhyw wyliau yn digwydd, ym marn Gweinidogion Cymru.

(13) Caniateir gwneud didyniad yn unol â rheoliadau 101 a 102 o'r swm sy'n daladwy o ran elfen benodol o'r grant rhan-amser ar gyfer dibynyddion a gyfrifir o dan y Rhan hon.

Grantiau rhan-amser ar gyfer dibynyddion – dehongli

100.–(1) Yn rheoliadau 92 i 95–

(a) yn ddarostyngedig i baragraff (4), ystyr "dibynnydd mewn oed" ("*adult dependant*"), mewn perthynas â myfyriwr rhan-amser cymwys, yw person mewn oed sy'n dibynnu ar y myfyriwr rhan-amser cymwys ac eithrio plentyn y myfyriwr rhan-amser cymwys, partner y myfyriwr rhan-amser cymwys (gan gynnwys priod neu bartner sifil y mae Gweinidogion Cymru o'r farn bod y myfyriwr rhan-amser cymwys wedi gwahanu oddi wrtho) neu gynbartner y myfyriwr rhan-amser cymwys;

(b) mae "plentyn" ("*child*") mewn perthynas â myfyriwr rhan-amser cymwys yn cynnwys unrhyw blentyn i bartner y myfyriwr rhan-amser cymwys sy'n ddibynnol arno ac unrhyw blentyn y mae gan y myfyriwr rhan-amser cymwys gyfrifoldeb rhiant drosto sy'n ddibynnol arno;

(c) ystyr "dibynnydd" ("*dependant*"), mewn perthynas â myfyriwr rhan-amser cymwys, yw partner y myfyriwr rhan-amser cymwys, plentyn dibynnol y myfyriwr rhan-amser cymwys neu ddibynnydd mewn oed, nad yw, ym mhob achos, yn fyfyriwr cymwys ac nad oes ganddo ddyfarniad statudol;

(ch) ystyr "dibynnol" ("*dependent*") yw ariannol ddibynnol yn gyfan gwbl neu'n bennaf;

(d) ystyr "plentyn dibynnol" ("*dependent child*"), mewn perthynas â myfyriwr rhan-amser cymwys yw plentyn sy'n ddibynnol ar y myfyriwr rhan-amser cymwys;

(dd) ystyr "rhiant unigol" ("*lone parent*") yw myfyriwr rhan-amser cymwys nad oes ganddo bartner ac sydd â phlentyn dibynnol;

(e) mae i "incwm net" ("*net income*") yr ystyr a roddir ym mharagraff (6);

(12) In this regulation, a "relevant quarter" ("*chwarter perthnasol*") means–

(a) in the case of a person referred to in paragraph (8)(d), a quarter which begins after the relevant event occurs other than a quarter during which, in the opinion of the Welsh Ministers, the longest of any vacation occurs;

(b) otherwise, a quarter other than the one quarter during which, in the opinion of the Welsh Ministers, the longest of any vacation occurs.

(13) A deduction may be made in accordance with regulations 101 and 102 from the amount payable in respect of a particular element of the part-time grants for dependants calculated under this Part.

Part-time grants for dependants – interpretation

100.–(1) In regulations 92 to 95–

(a) subject to paragraph (4), "adult dependant" ("*dibynnydd mewn oed*") means, in relation to an eligible part-time student, an adult person dependent on the eligible part-time student other than the eligible part-time student's child, the eligible part-time student's partner (including a spouse or civil partner from whom the Welsh Ministers consider the eligible part-time student is separated) or the eligible part-time student's former partner;

(b) "child" ("*plentyn*") in relation to an eligible part-time student includes any child of the eligible part-time student's partner who is dependent on the eligible part-time student and any child for whom the eligible part-time student has parental responsibility who is dependent on the eligible part-time student;

(c) "dependant" ("*dibynnydd*") means, in relation to an eligible part-time student, the eligible part-time student's partner, the eligible part-time student's dependent child or an adult dependant, who in each case is not an eligible student and does not hold a statutory award;

(d) "dependent" ("*dibynnol*") means wholly or mainly financially dependent;

(e) "dependent child" ("*plentyn dibynnol*") means, in relation to an eligible part-time student, a child dependent on the eligible part-time student;

(f) "lone parent" ("*rhiant unigol*") means an eligible part-time student who does not have a partner and who has a dependent child;

(g) "net income" ("*incwm net*") has the meaning given in paragraph (6);

(f) yn ddarostyngedig i is-baragraffau (ff), (g), (ng) a pharagraffau (2) a (3) ystyr "partner" ("*partner*") yw unrhyw un o'r canlynol–

(i) priod myfyriwr rhan-amser cymwys;

(ii) partner sifil myfyriwr rhan-amser cymwys;

(iii) person sydd fel arfer yn byw gyda myfyriwr rhan-amser cymwys fel pe bai'r person yn briod i'r myfyriwr rhan-amser cymwys hwnnw, pan fo'r myfyriwr rhan-amser cymwys yn 25 oed neu'n hŷn ar ddiwrnod cyntaf y flwyddyn academaidd y mae incwm yr aelwyd i'w asesu ynddi at ddibenion Atodlen 6 a phan fo'r myfyriwr rhan-amser cymwys wedi dechrau ar y cwrs rhan-amser dynodedig ar neu ar ôl 1 Medi 2000;

(iv) person sydd fel arfer yn byw gyda myfyriwr rhan-amser cymwys fel pe bai'r person yn bartner sifil i'r myfyriwr rhan-amser cymwys hwnnw, pan fo'r myfyriwr rhan-amser cymwys yn 25 oed neu'n hŷn ar ddiwrnod cyntaf y flwyddyn academaidd y mae incwm yr aelwyd i'w asesu ynddi at ddibenion Atodlen 6 a phan fo'r myfyriwr rhan-amser cymwys wedi dechrau ar y cwrs rhan-amser dynodedig ar neu ar ôl 1 Medi 2005;

(ff) oni nodir fel arall, nid yw person a fyddai fel arall yn bartner o dan is-baragraff (f) yn cael ei drin fel partner–

(i) os yw'r person hwnnw a'r myfyriwr rhan-amser cymwys, ym marn Gweinidogion Cymru, wedi gwahanu; neu

(ii) os yw'r person fel arfer yn byw y tu allan i'r Deyrnas Unedig ac nad yw'n cael ei gynnal gan y myfyriwr rhan-amser cymwys;

(g) at ddibenion y diffiniad o "dibynnydd mewn oed" ("*adult dependant*"), mae person i'w drin fel partner pe bai'r person yn bartner o dan is-baragraff (f) oni bai am y ffaith nad yw'r myfyriwr rhan-amser cymwys y mae'r person fel arfer yn byw gydag ef yn 25 oed neu drosodd ar ddiwrnod cyntaf y flwyddyn academaidd y mae incwm yr aelwyd i'w asesu ynddi at ddibenion Atodlen 6;

(ng) at ddibenion y diffiniadau o "plentyn" ("*child*") a "rhiant unigol" ("*lone parent*"), mae person i'w drin fel partner pe bai'r person yn bartner o dan is-baragraff (f) oni bai am y dyddiad y dechreuodd y myfyriwr rhan-amser cymwys ar ei gwrs dynodedig a bennir neu'r ffaith nad yw'r myfyriwr rhan-amser cymwys y mae'r person fel arfer yn byw gydag ef yn 25 oed neu drosodd ar ddiwrnod cyntaf y flwyddyn academaidd y mae incwm yr aelwyd i'w asesu ynddi at ddibenion Atodlen 6.

(h) subject to sub-paragraphs (i), (j), (k) and paragraphs (2) and (3) "partner" ("*partner*") means any of the following–

(i) the spouse of an eligible part-time student;

(ii) the civil partner of an eligible part-time student;

(iii) a person ordinarily living with an eligible part-time student as if the person were the eligible part-time student's spouse where an eligible part-time student is aged 25 or over on the first day of the academic year in respect of which household income falls to be assessed for the purposes of Schedule 6 and began the designated part-time course on or after 1 September 2000;

(iv) a person ordinarily living with an eligible part-time student as if the person were the eligible part-time student's civil partner where an eligible part-time student is aged 25 or over on the first day of the academic year in respect of which household income falls to be assessed for the purposes of Schedule 6 and began the designated part-time course on or after 1 September 2005;

(i) unless otherwise indicated, a person who would otherwise be a partner under sub-paragraph (h) is not treated as a partner if–

(i) in the opinion of the Welsh Ministers, that person and the eligible part-time student are separated; or

(ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible part-time student;

(j) for the purposes of the definition of "adult dependant" ("*dibynnydd mewn oed*"), a person is to be treated as a partner if the person would be a partner under sub-paragraph (h) but for the fact that the eligible part-time student with whom the person is ordinarily living is not aged 25 or over on the first day of the academic year in respect of which household income falls to be assessed for the purposes of Schedule 6;

(k) for the purposes of the definitions of "child" ("*plentyn*") and "lone parent" ("*rhiant unigol*"), a person is to be treated as a partner if the person would be a partner under sub-paragraph (h) but for the date on which the eligible part-time student began the specified designated part-time course or the fact that the eligible part-time student with whom the person is ordinarily living is not aged 25 or over on the first day of the academic year in respect of which household income falls to be assessed for the purposes of Schedule 6.

(2) At ddibenion rheoliad 97–

(a) nid yw paragraff (1)(ff) yn gymwys; a

(b) mae person i'w drin fel partner pe byddai'r person yn bartner o dan baragraff (1)(f) oni bai am y ffaith nad yw'r myfyriwr rhan-amser cymwys y mae'r person yn byw gydag ef yn arferol yn 25 oed neu drosodd ar ddiwrnod cyntaf y flwyddyn academaidd y mae incwm yr aelwyd i'w asesu ynddi at ddibenion Atodlen 6.

(3) At ddibenion penderfynu a yw person yn gynbartner i bartner i fyfyriwr rhan-amser cymwys, ystyr "partner" ("*partner*"), o ran partner i fyfyriwr rhan-amser cymwys, yw–

(a) priod i bartner myfyriwr rhan-amser cymwys;

(b) partner sifil i bartner myfyriwr rhan-amser cymwys;

(c) pan fo'r myfyriwr rhan-amser cymwys wedi dechrau ar y cwrs dynodedig a bennir ar neu ar ôl 1 Medi 2000, person ("A") sydd fel arfer yn byw gyda phartner ("B") myfyriwr rhan-amser cymwys fel pe bai A yn briod i B;

(ch) pan fo'r myfyriwr rhan-amser cymwys wedi dechrau ar y cwrs rhan-amser dynodedig a bennir ar neu ar ôl 1 Medi 2005, person ("A") sydd fel arfer yn byw gyda phartner ("B") myfyriwr rhan-amser cymwys fel pe bai A yn bartner sifil i B.

(4) Yn ddarostyngedig i baragraff (5), at ddibenion 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–

(a) yn ddibynnol–

(i) ar y myfyriwr rhan-amser cymwys yn unig; neu

(ii) ar bartner y myfyriwr rhan-amser cymwys yn unig; ond

(b) yn ddibynnol ar y myfyriwr rhan-amser cymwys a'i bartner gyda'i gilydd.

(5) Rhaid i Weinidogion Cymru beidio ag ymdrin ag oedolyn ("A") fel un sy'n ddibynnol ar fyfyriwr rhan-amser cymwys yn unol â pharagraff (4), os yw A–

(a) yn briod neu'n bartner sifil i bartner y myfyriwr rhan-amser cymwys (yn cynnwys priod neu bartner sifil y mae Gweinidogion Cymru yn credu bod partner y myfyriwr rhan-amser cymwys wedi gwahanu oddi wrtho); neu

(b) yn gynbartner i bartner y myfyriwr rhan-amser cymwys.

(2) For the purposes of regulation 97–

(a) paragraph (1)(i) does not apply; and

(b) a person is to be treated as a partner if the person would be a partner under paragraph (1)(h) but for the fact that the eligible part-time student with whom the person is ordinarily living is not aged 25 or over on the first day of the academic year in respect of which household income falls to be assessed for the purposes of Schedule 6.

(3) For the purposes of determining whether a person is the former partner of an eligible part-time student's partner, "partner" ("*partner*") in relation to an eligible part-time student's partner means–

(a) the spouse of an eligible part-time student's partner;

(b) the civil partner of an eligible part-time student's partner;

(c) where the eligible part-time student began the specified designated part-time course on or after 1 September 2000, a person ("A") ordinarily living with an eligible part-time student's partner ("B") as if A were B's spouse;

(d) where the eligible part-time student began the specified designated part-time course on or after 1 September 2005, a person ("A") ordinarily living with an eligible part-time student's partner ("B") as if A were B's civil partner.

(4) Subject to paragraph (5), for the purposes of the definitions of "adult dependant" ("*dibynnydd mewn oed*") and "dependent child" ("*plentyn dibynnol*"), the Welsh Ministers may treat an adult person or child as dependent on an eligible part-time student if they are satisfied that the adult person or child–

(a) is not dependent on only–

(i) the eligible part-time student; or

(ii) the eligible part-time student's partner; but

(b) is dependent on the eligible part-time student and the eligible part-time student's partner together.

(5) The Welsh Ministers must not treat an adult person ("A") as dependent on an eligible part-time student in accordance with paragraph (4), if A is–

(a) the spouse or civil partner of the eligible part-time student's partner (including a spouse or civil partner from whom the Welsh Ministers consider the eligible part-time student's partner is separated); or

(b) the former partner of the eligible part-time student's partner.

(6) Yn ddarostyngedig i baragraff (7), incwm net dibynnydd yw incwm y dibynnydd o bob ffynhonnell am y flwyddyn academaidd o dan sylw wedi'i ostwng yn ôl swm y dreth incwm a'r cyfraniadau nawdd cymdeithasol sy'n daladwy mewn perthynas â hi ond gan anwybyddu–

(a) unrhyw bensiwn, lwfans neu fudd-dal arall a delir oherwydd anabledd neu analluedd sydd gan y dibynnydd;

(b) budd-dal plant sy'n daladwy o dan Ran IX o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(**1**);

(c) unrhyw gymorth ariannol sy'n daladwy i'r dibynnydd gan awdurdod lleol yn unol â rheoliadau a wnaed o dan adrannau 2, 3 a 4 o Ddeddf Mabwysiadu a Phlant 2002(**2**);

(ch) unrhyw lwfans gwarcheidwad y mae gan y dibynnydd hawlogaeth i'w gael o dan adran 77 o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992;

(d) yn achos dibynnydd y mae plentyn sy'n derbyn gofal awdurdod lleol wedi'i fyrddio gydag ef, unrhyw daliad a wneir i'r dibynnydd hwnnw yn unol ag adran 23 o Ddeddf Plant 1989(**3**);

(dd) unrhyw daliad i'r dibynnydd o dan adran 23C(5A) o Ddeddf Plant 1989;

(e) unrhyw daliadau a wneir i'r dibynnydd o dan adran 15 o Ddeddf Plant 1989 ac Atodlen 1 iddi mewn perthynas â pherson nad yw'n blentyn i'r dibynnydd neu unrhyw gymorth a roddir gan awdurdod lleol yn unol ag adran 24 o'r Ddeddf honno(**4**); ac

(f) unrhyw gredyd treth plant y mae gan y dibynnydd hawlogaeth i'w gael o dan Ran I o Ddeddf Credydau Treth 2002(**5**).

(7) Os yw myfyriwr rhan-amser cymwys neu bartner y myfyriwr rhan-amser cymwys yn gwneud unrhyw daliadau ailgylchol a oedd yn cael eu gwneud o'r blaen gan y myfyriwr rhan-amser cymwys yn unol â rhwymedigaeth a ysgwyddwyd cyn blwyddyn academaidd gyntaf cwrs y myfyriwr rhan-amser cymwys, incwm net partner y myfyriwr rhan-amser cymwys yw'r incwm net sydd wedi'i gyfrifo yn unol â pharagraff (2) a'i ostwng yn ôl–

(**1**) 1992 p.4 y mae diwygiadau iddi nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**2**) 2002 p.38.

(**3**) 1989 p.41. Diwygiwyd adran 23 gan Ddeddf y Llysoedd a Gwasanaethau Cyfreithiol 1990 (p.41), Atodlen 16, paragraff 12, Deddf Safonau Gofal 2000 (p.14), Atodlen 4, paragraff 14, Deddf Plant 2004 (p.31), adran 49 (3) a Deddf Plant a Phobl Ifanc 2008 (p.23), adran 39 ac Atodlen 3, paragraffau 1 a 7.

(**4**) Mae diwygiadau i adrannau 15 a 24 ac Atodlen 1 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**5**) 2002 p.21 y mae diwygiadau iddi nad ydynt yn berthnasol i'r Rheoliadau hyn.

(6) Subject to paragraph (7), a dependant's net income is the dependant's income from all sources for the academic year in question reduced by the amount of income tax and social security contributions payable in respect of it but disregarding–

(a) any pension, allowance or other benefit paid by reason of a disability or incapacity to which the dependant is subject;

(b) child benefit payable under Part IX of the Social Security Contributions and Benefits Act 1992(**1**);

(c) any financial support payable to the dependant by a local authority in accordance with regulations made under sections 2, 3 and 4 of the Adoption and Children Act 2002(**2**);

(d) any guardian's allowance to which the dependant is entitled under section 77 of the Social Security Contributions and Benefits Act 1992;

(e) in the case of a dependant with whom a child being looked after by a local authority is boarded out, any payment made to that dependant in pursuance of section 23 of the Children Act 1989(**3**);

(f) any payment made to the dependant under section 23C(5A) of the Children Act 1989;

(g) any payments made to the dependant under section 15 of and Schedule 1 to the Children Act 1989 in respect of a person who is not the dependant's child or any assistance given by a local authority pursuant to section 24 of that Act(**4**); and

(h) any child tax credit to which the dependant is entitled under Part I of the Tax Credits Act 2002(**5**).

(7) Where an eligible part-time student or the eligible part-time student's partner makes any recurrent payments which were previously made by the eligible part-time student in pursuance of an obligation incurred before the first academic year of the eligible part-time student's course, the eligible part-time student's partner's net income is the net income calculated in accordance with paragraph (2) reduced by–

(**1**) 1992 c.4 to which there are amendments not relevant to these Regulations.

(**2**) 2002 c.38.

(**3**) 1989 c.41. Section 23 was amended by the Courts and Legal Services Act 1990 (c.41), Schedule 16, paragraph 12, the Care Standards Act 2000 (c.14), Schedule 4, paragraph 14, the Children Act 2004 (c.31), section 49(3) and the Children and Young Persons Act 2008 (c.23), section 39 and Schedule 3, paragraphs 1 and 7.

(**4**) There are amendments to sections 15 and 24 and Schedule 1 which are not relevant to these Regulations.

(**5**) 2002 c.21 to which there are amendments not relevant to these Regulations.

(a) swm sy'n hafal i'r taliadau o dan sylw am y flwyddyn academaidd, os cafodd y rhwymedigaeth, ym marn Gweinidogion Cymru, ei hysgwyddo'n rhesymol; neu

(b) unrhyw swm llai, os bydd unrhyw swm o gwbl, y mae Gweinidogion Cymru yn credu ei fod yn briodol, pe gallai rhwymedigaeth lai fod wedi'i hysgwyddo'n rhesymol yn eu barn hwy.

(8) At ddibenion paragraff (6), os yw'r dibynnydd yn blentyn dibynnol a bod taliadau'n cael eu gwneud i'r myfyriwr rhan-amser cymwys tuag at gynhaliaeth y plentyn dibynnol, mae'r taliadau hynny i gael eu trin fel incwm y plentyn dibynnol.

Grantiau rhan-amser ar gyfer dibynyddion – cyfrifo'r cyfraniad

101.–(1) Cyfraniad myfyriwr rhan-amser cymwys mewn perthynas â blwyddyn academaidd a'r grantiau rhan-amser ar gyfer dibynyddion mewn perthynas â'r flwyddyn honno yw'r swm a gyfrifir o dan Atodlen 6, os oes unrhyw swm o gwbl.

(2) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i fyfyriwr rhan-amser cymwys roi o bryd i'w gilydd unrhyw wybodaeth y mae Gweinidogion Cymru yn credu ei bod yn angenrheidiol am incwm unrhyw berson y mae ei foddion yn berthnasol ar gyfer asesu cyfraniad y myfyriwr.

Grantiau rhan-amser ar gyfer dibynyddion –cymhwyso'r cyfraniad

102.–(1) Mae swm sy'n hafal i'r cyfraniad neu i weddill y cyfraniad, yn ôl fel y digwydd, a gyfrifir o dan Atodlen 6 i'w gymhwyso hyd nes iddo gael ei ddihysbyddu yn erbyn swm yr elfen benodol o'r grantiau rhan-amser ar gyfer dibynyddion y mae gan y myfyriwr rhan-amser cymwys hawl i'w cael fel a ganlyn–

(a) yn gyntaf, i ostwng **PTADG**;

(b) yn ail, i ostwng **PTCCG**;

(c) yn drydydd, i ostwng **PTPLA**.

(2) Yn y rheoliad hwn–

(a) **PTADG** yw swm y grant rhan-amser ar gyfer dibynyddion mewn oed, os oes unrhyw swm o gwbl, a gyfrifir yn unol â rheoliad 99;

(b) **PTCCG** yw swm y grant rhan-amser ar gyfer gofal plant, os oes unrhyw swm o gwbl, a gyfrifir yn unol â rheoliad 99;

(c) **PTPLA** yw swm y lwfans dysgu rhan-amser ar gyfer rhieni, os oes unrhyw swm o gwbl, a gyfrifir yn unol â rheoliad 99 (ac eithrio £50 cyntaf y lwfans).

(a) an amount equal to the payments in question for the academic year, if in the opinion of the Welsh Ministers, the obligation had been reasonably incurred; or

(b) such lesser amount, if any, as the Welsh Ministers consider appropriate if, in their opinion, a lesser obligation could reasonably have been incurred.

(8) For the purposes of paragraph (6), where the dependant is a dependent child and payments are made to the eligible part-time student towards the dependent child's maintenance, those payments are to be treated as the dependent child's income.

Part-time grants for dependants – calculation of contribution

101.–(1) An eligible part-time student's contribution in respect of an academic year and part-time dependants' grants payable in respect of that year is the amount, if any, calculated under Schedule 6.

(2) The Welsh Ministers may require an eligible part-time student to provide from time to time such information as they consider necessary as to the income of any person whose means are relevant to the assessment of the student's contribution.

Part-time grants for dependants – application of contribution

102.–(1) An amount equal to the contribution or the remainder of the contribution, as the case may be, calculated under Schedule 6, is to be applied until it is extinguished against the amount of the particular element of part-time grants for dependants for which the eligible part-time student qualifies as follows–

(a) first, to reduce **PTADG**;

(b) second, to reduce **PTCCG**;

(c) third, to reduce **PTPLA**.

(2) In this regulation–

(a) **PTADG** is the amount, if any, of the part-time adult dependants' grant calculated in accordance with regulation 99;

(b) **PTCCG** is the amount, if any, of the part-time childcare grant calculated in accordance with regulation 99;

(c) **PTPLA** is the amount, if any, of the part-time parents' learning allowance calculated in accordance with regulation 99 (except the first £50 of the allowance).

Grantiau rhan-amser ar gyfer dibynyddion – y cyfrifiad terfynol

103.–(1) Penderfynir y swm sy'n daladwy mewn perthynas ag elfen benodol o'r grantiau rhan-amser ar gyfer dibynyddion yn unol â'r rheoliad hwn.

(2) Mae'r swm sy'n daladwy yn amrywio yn ôl pa mor ddwys yw'r astudio.

Cyfrifir y dwysedd astudio, a mynegir ef fel canran, fel a ganlyn:

$$\frac{PT}{FT} x \ \ 100$$

ac y mae i PT ac FT yr ystyron a roddir iddynt gan reoliad 92(2) a (3).

(3) Yn achos grant rhan-amser ar gyfer dibynyddion mewn oed, os yw'r dwysedd astudio–

(a) yn 50 y cant neu fwy ond yn llai na 60 y cant, mae'r swm sy'n daladwy yn hafal i 50 y cant o'r swm sy'n deillio o hyn;

(b) yn 60 y cant neu fwy ond yn llai na 75 y cant, mae'r swm sy'n daladwy yn hafal i 60 y cant o'r swm sy'n deillio o hyn;

(c) yn 75 y cant neu fwy, mae'r swm sy'n daladwy yn hafal i 75 y cant o'r swm sy'n deillio i hynny.

(4) At ddibenion paragraff (3), ystyr "y swm sy'n deillio o hyn" ("*the resulting amount*") yw swm y grant rhan-amser ar gyfer dibynyddion mewn oed a benderfynir yn unol â rheoliad 99 a'r didyniadau (os oes rhai o gwbl) wedi'u cymhwyso'n unol â rheoliad 102.

(5) Yn achos grant rhan-amser ar gyfer gofal plant, os yw'r dwysedd astudio–

(a) yn 50 y cant neu fwy ond yn llai na 60 y cant, mae'r swm sy'n daladwy yn hafal i 50 y cant o'r swm sy'n deillio o hyn;

(b) yn 60 y cant neu fwy ond yn llai na 75 y cant, mae'r swm sy'n daladwy yn hafal i 60 y cant o'r swm sy'n deillio o hyn;

(c) yn 75 y cant neu fwy, mae'r swm sy'n daladwy yn hafal i 75 y cant o'r swm sy'n deillio i hynny.

(6) At ddibenion paragraff (5), ystyr "y swm sy'n deillio o hyn" ("*the resulting amount*") yw swm y grant rhan-amser ar gyfer gofal plant a benderfynir yn unol â rheoliad 99 a'r didyniadau (os oes rhai o gwbl) wedi'u cymhwyso'n unol â rheoliad 102.

(7) Yn achos lwfans dysgu rhan-amser ar gyfer rhieni, os yw'r dwysedd astudio–

(a) yn 50 y cant neu fwy ond yn llai na 60 y cant, mae'r swm sy'n daladwy yn hafal i 50 y cant o'r swm sy'n deillio o hyn;

(b) yn 60 y cant neu fwy ond yn llai na 75 y cant,

Part-time grants for dependants – final calculation

103.–(1) The amount payable in respect of a particular element of the part-time grants for dependants is determined in accordance with this regulation.

(2) The amount payable varies according to the intensity of study.

The intensity of study is calculated as follows and expressed as a percentage:

$$\frac{PT}{FT} x \ \ 100$$

where PT and FT have the meanings given by regulation 92(2) and (3).

(3) In the case of part-time adult dependants' grant, where the intensity of study is–

(a) 50 per cent or more but less than 60 per cent, the amount payable is equal to 50 per cent of the resulting amount;

(b) 60 per cent or more but less than 75 per cent, the amount payable is equal to 60 per cent of the resulting amount;

(c) 75 per cent or more, the amount payable is equal to 75 per cent of the resulting amount.

(4) For the purposes of paragraph (3), "the resulting amount" ("*y swm sy'n deillio o hyn*") means the amount of part-time adult dependants' grant determined in accordance with regulation 99 with deductions (if any) having been applied in accordance with regulation 102.

(5) In the case of part-time childcare grant, where the intensity of study is–

(a) 50 per cent or more but less than 60 per cent, the amount payable is equal to 50 per cent of the resulting amount;

(b) 60 per cent or more but less than 75 per cent, the amount payable is equal to 60 per cent of the resulting amount;

(c) 75 per cent or more, the amount payable is equal to 75 per cent of the resulting amount.

(6) For the purposes of paragraph (5), "the resulting amount" ("*y swm sy'n deillio o hyn*") means the amount of part-time childcare grant determined in accordance with regulation 99 with deductions (if any) having been applied in accordance with regulation 102.

(7) In the case of part-time parents' learning allowance, where the intensity of study is–

(a) 50 per cent or more, but less than 60 per cent, the amount payable is equal to 50 per cent of the resulting amount;

(b) 60 per cent or more but less than 75 per cent,

mae'r swm sy'n daladwy yn hafal i 60 y cant o'r swm sy'n deillio o hyn;

(c) yn 75 y cant neu fwy, mae'r swm sy'n daladwy yn hafal i 75 y cant o'r swm sy'n deillio i hynny.

(8) At ddibenion paragraff (7), ystyr "y swm sy'n deillio o hyn" ("*the resulting amount*") yw swm y lwfans dysgu rhan-amser ar gyfer rhieni a benderfynir yn unol â rheoliad 99 a'r didyniadau (os oes rhai o gwbl) wedi'u cymhwyso'n unol â rheoliad 102.

(9) Nid oes unrhyw elfen o'r grant rhan-amser ar gyfer dibynyddion yn daladwy pan fo'r dwysedd astudio yn llai na 50 y cant.

Ceisiadau am gymorth

104.–(1) Rhaid i berson wneud cais am gymorth mewn cysylltiad â phob blwyddyn academaidd ar gwrs rhan-amser dynodedig drwy lenwi a chyflwyno i Weinidogion Cymru gais ar unrhyw ffurf y bydd Gweinidogion Cymru yn ei gwneud yn ofynnol.

(2) Rhaid i'r canlynol fynd gyda'r cais–

(a) datganiad o dan reoliad 106(2) i (6) wedi ei lenwi gan yr awdurdod academaidd; a

(b) y dogfennau ychwanegol hynny y gall Gweinidogion Cymru eu gwneud yn ofynnol.

(3) Yn ddarostyngedig i baragraff (4), rhaid i'r cais gyrraedd Gweinidogion Cymru o fewn cyfnod o chwe mis sy'n dechrau gyda diwrnod cyntaf blwyddyn academaidd y cwrs y mae'n cael ei gyflwyno mewn perthynas ag ef.

(4) Nid yw paragraff (3) yn gymwys–

(a) os yw un o'r digwyddiadau a restrir yn rheoliad 89(4) yn digwydd ar ôl diwrnod cyntaf y flwyddyn academaidd y mae'r ceisydd yn gwneud cais am gymorth o dan y Rhan hon ynglŷn â hi, ac yn yr achos hwn rhaid i'r cais gyrraedd Gweinidogion Cymru o fewn cyfnod o chwe mis sy'n dechrau ar y dyddiad pan fo'r digwyddiad yn digwydd;

(b) os yw'r ceisydd yn gwneud cais am grant at gostau byw myfyrwyr rhan-amser anabl, ac os felly rhaid i'r cais gyrraedd Gweinidogion Cymru cyn gynted ag y bo'n rhesymol ymarferol; neu

(c) os yw 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.

(5) Caiff Gweinidogion Cymru gymryd unrhyw gamau a gwneud unrhyw ymholiadau y maent yn credu eu bod yn angenrheidiol er mwyn penderfynu a yw'r ceisydd yn fyfyriwr rhan-amser cymwys, a oes ganddo

the amount payable is equal to 60 per cent of the resulting amount;

(c) 75 per cent or more, the amount payable is equal to 75 per cent of the resulting amount.

(8) For the purposes of paragraph (7), "the resulting amount" ("*y swm sy'n deillio o hyn*") means the amount of part-time parents' learning allowance determined in accordance with regulation 99 with deductions (if any) having been applied in accordance with regulation 102.

(9) No element of part-time grants for dependants is payable where the intensity of study is less than 50 per cent.

Applications for support

104.–(1) A person must apply for support in connection with each academic year of a designated part-time 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 under regulation 106(2) to (6) completed by the academic authority; and

(b) such additional documentation as the Welsh Ministers may require.

(3) Subject to paragraph (4), 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.

(4) Paragraph (3) does not apply where–

(a) one of the events listed in regulation 89(4) occurs after the first day of the academic year in respect of which the applicant is applying for support under this Part, in which case the application must reach the Welsh Ministers within a period of six months beginning with the day on which the event occurred;

(b) the applicant is applying for a grant for disabled part-time students' living costs, 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.

(5) The Welsh Ministers may take such steps and make such inquiries as they consider necessary to determine whether the applicant is an eligible part-time student, whether the applicant qualifies for support

hawl i gael cymorth o dan y Rhan hon, a swm y cymorth sy'n daladwy, os oes swm yn daladwy o gwbl.

(6) Rhaid i Weinidogion Cymru hysbysu'r ceisydd mewn ysgrifen a oes ganddo hawl i gael cymorth o dan y Rhan hon ai peidio ac, os oes gan y ceisydd hawl, swm y cymorth sy'n daladwy mewn perthynas â'r flwyddyn academaidd, os oes swm yn daladwy o gwbl.

Cymorth at ffioedd o ran presenoldeb ar gwrs yn Lloegr, Gogledd Iwerddon neu'r Alban

105.–(1) Caiff Gweinidogion Cymru dalu cymorth o dan y Rhan hon i gynorthwyo at ffioedd i fyfyriwr rhan-amser cymwys mewn cysylltiad â phresenoldeb y myfyriwr rhan-amser cymwys ar gwrs rhan-amser dynodedig yn Lloegr, Gogledd Iwerddon neu'r Alban.

(2) Rhaid i'r cymorth a delir o dan baragraff (1) beidio â bod yn fwy na'r lleiaf o–

(a) mwyafswm y cymorth a fyddai wedi bod yn daladwy i fyfyriwr rhan-amser cymwys o dan reoliad 92(1)(a) pe bai'r myfyriwr rhan-amser cymwys wedi bod yn ymgymryd â'r cwrs yng Nghymru; a

(b) mwyafswm y cymorth i gynorthwyo at ffioedd a fyddai wedi bod yn daladwy i'r myfyriwr rhan-amser cymwys, ym marn Gweinidogion Cymru yn ôl pa un a yw'n bresennol ar gwrs rhan-amser dynodedig yn Lloegr, Gogledd Iwerddon neu'r Alban–

(i) yn unol â rheoliadau a wnaed gan yr Ysgrifennydd Gwladol o dan adran 22 o Ddeddf 1998 pe bai'r myfyriwr rhan-amser cymwys wedi bod yn preswylio fel arfer yn Lloegr ac yn ymgymryd â'r cwrs rhan-amser yn Lloegr;

(ii) yn unol â rheoliadau a wnaed o dan Erthyglau 3 a 8(4) o Orchymyn Addysg (Cymorth Myfyrwyr) (Gogledd Iwerddon) 1998 pe bai'r myfyriwr rhan-amser cymwys wedi bod yn preswylio fel arfer yng Ngogledd Iwerddon ac yn ymgymryd â'r cwrs rhan-amser yng Ngogledd Iwerddon; neu

(iii) o gyllid gan Gyngor Cyllido Addysg Bellach ac Addysg Uwch yr Alban(**1**) pe bai'r myfyriwr rhan-amser cymwys fel arfer yn preswylio yn yr Alban ac yn ymgymryd â'r cwrs rhan-amser yn yr Alban.

Gwybodaeth a materion eraill

106.–(1) Mae Atodlen 3 yn gymwys o ran rhoi gwybodaeth, gan geisydd a chan fyfyriwr rhan-amser cymwys.

(**1**) Sefydlwyd y corff hwn o dan adran 1 o Ddeddf Addysg Bellach ac Addysg Uwch (yr Alban) 2005 (dsa 6).

under this Part and the amount of support payable, if any.

(6) The Welsh Ministers must notify the applicant in writing of whether or not the applicant qualifies for support under this Part and, if the applicant does qualify, the amount of support payable in respect of the academic year, if any.

Assistance with fees in respect of attendance on a course in England, Northern Ireland or Scotland

105.–(1) The Welsh Ministers may pay support under this Part to assist with fees to an eligible part-time student in connection with the eligible part-time student's attendance on a designated part-time course in England, Northern Ireland or Scotland.

(2) The support paid under paragraph (1) must not exceed the lesser of–

(a) the maximum amount of support that would have been payable to the eligible part-time student under regulation 92(1)(a) had the eligible part-time student been undertaking the course in Wales; and

(b) the maximum amount of support to assist with fees that in the opinion of the Welsh Ministers would have been payable to the eligible part-time student according to whether the eligible part-time student attends the designated part-time course in England, Northern Ireland or Scotland–

(i) pursuant to regulations made by the Secretary of State under section 22 of the 1998 Act had the eligible part-time student been ordinarily resident in England and undertaking the part-time course in England;

(ii) pursuant to regulations made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998 had the eligible part-time student been ordinarily resident in Northern Ireland and undertaking the part-time course in Northern Ireland; or

(iii) from funds of the Scottish Further and Higher Education Funding Council(**1**) had the eligible part-time student been ordinarily resident in Scotland and undertaking the part-time course in Scotland.

Information and other matters

106.–(1) Schedule 3 applies in respect of the provision of information by an applicant and an eligible part-time student.

(**1**) This body was established under section 1 of the Further and Higher Education (Scotland) Act 2005 (asp 6).

(2) Yn ddarostyngedig i baragraff (3), rhaid i'r awdurdod academaidd priodol, ar gais y ceisydd, lenwi datganiad yn y ffurf honno y caiff Gweinidogion Cymru ei gwneud yn ofynnol i fynd gyda'r cais am gymorth o dan reoliad 104.

(3) Nid yw'n ofynnol bod awdurdod academaidd yn llenwi datganiad os na all roi'r cadarnhad sydd yn ofynnol gan is-baragraff 4(a)(ii) neu 4(b)(ii).

(4) Yn y Rhan hon, ystyr "datganiad" ("*declaration*") yw–

(a) pan fo'r ceisydd yn gwneud cais am gymorth mewn cysylltiad â'r cwrs rhan-amser dynodedig am y tro cyntaf, datganiad–

(i) sy'n darparu gwybodaeth am y cwrs; a

(ii) sy'n cadarnhau bod y ceisydd wedi ymgymryd ag o leiaf bythefnos o'r cwrs rhan-amser dynodedig;

(b) mewn unrhyw achos arall, datganiad–

(i) sy'n darparu gwybodaeth am y cwrs; a

(ii) sy'n cadarnhau bod y ceisydd wedi ymrestru i ymgymryd â blwyddyn academaidd y cwrs rhan-amser dynodedig y mae'r ceisydd yn gwneud cais am gymorth mewn perthynas â hi o dan y Rhan hon.

(5) Yn y rheoliad hwn, ystyr "gwybodaeth am y cwrs" ("*course information*") yw–

(a) swm y ffioedd a godir mewn perthynas â'r flwyddyn academaidd y mae'r ceisydd yn gwneud cais am gymorth mewn perthynas â hi o dan y Rhan hon;

(b) dwyster yr astudio;

(c) nodyn ardystio gan yr awdurdod academaidd ei fod o'r farn–

(i) mai cwrs rhan-amser dynodedig yw'r cwrs;

(ii) y bydd yn bosibl i'r ceisydd gwblhau'r cwrs o fewn y cyfnod a bennir yn rheoliad 90(1)(c).

(6) At ddibenion paragraff (5)(c)(ii) rhaid i'r awdurdod academaidd roi sylw i–

(a) unrhyw gynnydd ym mha mor ddwys y byddai angen astudio er mwyn i'r ceisydd gwblhau'r cwrs o fewn y cyfnod a bennir yn rheoliad 90(1)(c);

(b) unrhyw rannau o'r cwrs y mae wedi bod yn ofynnol i'r ceisydd eu hailadrodd.

Trosglwyddo statws

107.–(1) Os yw myfyriwr rhan-amser cymwys yn trosglwyddo o gwrs rhan-amser dynodedig i gwrs rhan-amser dynodedig arall, rhaid i Weinidogion

(2) Subject to paragraph (3), the appropriate 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 under regulation 104.

(3) An academic authority is not required to complete a declaration if it is unable to give the confirmation required by sub-paragraph (4)(a)(ii) or 4(b)(ii).

(4) In this Part, "declaration" ("*datganiad*") means–

(a) where the applicant is applying for support in connection with the designated part-time course for the first time, a statement that–

(i) provides the course information; and

(ii) confirms that the applicant has undertaken at least two weeks of the designated part-time course;

(b) in any other case, a statement that–

(i) provides the course information; and

(ii) confirms that the applicant has enrolled to undertake the academic year of the designated part-time course in respect of which the applicant is applying for support under this Part.

(5) 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 under this Part;

(b) the intensity of study;

(c) certification by the academic authority that it considers–

(i) the course to be a designated part-time course;

(ii) that it will be possible for the applicant to complete the course within the period specified in regulation 90(1)(c).

(6) For the purposes of paragraph (5)(c)(ii) the academic authority must have regard to–

(a) any increase in intensity of study that would be required for the applicant to complete the course within the period specified in regulation 90(1)(c);

(b) any parts of the course which the applicant has been required to repeat.

Transfer of status

107.–(1) Where an eligible part-time student transfers from a designated part-time course to another designated part-time course, the Welsh Ministers must

Cymru drosglwyddo statws y myfyriwr fel myfyriwr rhan-amser cymwys i'r cwrs arall hwnnw–

(a) os cânt gais oddi wrth y myfyriwr rhan-amser cymwys am wneud hynny;

(b) os ydynt wedi'u bodloni bod un neu fwy o'r seiliau dros drosglwyddo ym mharagraff (2) yn gymwys; ac

(c) os nad yw'r cyfnod cymhwystra wedi'i derfynu.

(2) Y seiliau dros drosglwyddo yw–

(a) bod y myfyriwr rhan-amser cymwys yn dechrau ymgymryd â chwrs rhan-amser dynodedig arall yn yr un sefydliad;

(b) bod y myfyriwr rhan-amser cymwys yn dechrau ymgymryd â chwrs rhan-amser dynodedig mewn sefydliad arall; neu

(c) ar ôl cychwyn cwrs rhan-amser dynodedig ar gyfer gradd gyntaf (ac eithrio gradd anrhydedd) bod y myfyriwr rhan-amser cymwys, cyn cwblhau'r cwrs hwnnw, yn cael ei dderbyn ar gwrs rhan-amser dynodedig ar gyfer gradd anrhydedd yn yr un pwnc yn yr un sefydliad.

(3) Yn ddarostyngedig i baragraff (4), mae hawl gan fyfyriwr rhan-amser cymwys sy'n trosglwyddo o dan baragraff (1) barhau, am weddill y flwyddyn academaidd y mae'n trosglwyddo ynddi, i gael mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo y cymorth o dan y Rhan hon y mae Gweinidogion Cymru wedi penderfynu bod ganddo hawl i'w gael mewn perthynas â'r cwrs y mae'n trosglwyddo oddi wrtho.

(4) Caiff Gweinidogion Cymru ailasesu swm y cymorth sy'n daladwy ar ôl y trosglwyddo yn unol â'r Rhan hon.

(5) Ni chaiff myfyriwr rhan-amser cymwys sy'n trosglwyddo o dan baragraff (1) ar ôl i Weinidogion Cymru benderfynu ar ei gymorth o dan y Rhan hon mewn cysylltiad â blwyddyn academaidd y cwrs y mae'n trosglwyddo oddi wrtho, ond cyn i'r myfyriwr rhan-amser cymwys gwblhau'r flwyddyn honno, wneud cais am grant arall o dan reoliad 92(1)(b), rheoliad 93 neu reoliadau 94 i 103 mewn cysylltiad â blwyddyn academaidd y cwrs y mae'n trosglwyddo iddo.

(6) Os yw myfyriwr rhan-amser cymwys yn trosglwyddo o dan baragraff (1), uchafswm y cymorth o dan reoliad 92(1)(a) mewn perthynas â'r blynyddoedd academaidd y mae'n trosglwyddo iddynt neu oddi wrthynt yw swm y cymorth at ffioedd sydd ar gael mewn cysylltiad â'r cwrs sydd â'r dwysedd astudio uchaf fel y'i diffinnir yn rheoliad 92.

transfer the student's status as an eligible part-time student to that other course where–

(a) they receive a request from the eligible part-time 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 part-time student starts to undertake another designated part-time course at the same institution;

(b) the eligible part-time student starts to undertake a designated part-time course at another institution; or

(c) after commencing a designated part-time course for a first degree (other than an honours degree) the eligible part-time student is, before the completion of that course, admitted to a designated part-time course for an honours degree in the same subject at the same institution.

(3) Subject to paragraph (4), an eligible part-time student who transfers under paragraph (1) is entitled, for the remainder of the academic year in which the eligible part-time student transfers, to continue to receive in connection with the course to which the eligible part-time student transfers the support under this Part for which the Welsh Ministers have determined the eligible part-time student qualifies in respect of the course from which the eligible part-time student transfers.

(4) The Welsh Ministers may re-assess the amount of support payable after the transfer in accordance with this Part.

(5) An eligible part-time student who transfers under paragraph (1) after the Welsh Ministers have determined the eligible part-time student's support under this Part in connection with the academic year of the course from which the eligible part-time student is transferring but before the eligible part-time student completes that year may not apply for another grant under regulation 92(1)(b), regulation 93 or regulations 94 to 103 in connection with the academic year of the course to which the eligible part-time student transfers.

(6) Where an eligible part-time student transfers under paragraph (1), the maximum amount of support under regulation 92(1)(a) in respect of the academic years to and from which the eligible part-time student transfers is the amount of support with fees available in connection with the course which has the highest intensity of study as defined in regulation 92.

Trosi statws

108.–(1) Os yw myfyriwr cymwys yn rhoi'r gorau i ymgymryd â chwrs dynodedig a'i fod yn trosglwyddo i gwrs rhan-amser dynodedig yn yr un sefydliad neu mewn sefydliad arall, rhaid i Weinidogion Cymru drosi statws y myfyriwr fel myfyriwr cymwys i statws myfyriwr rhan-amser cymwys mewn cysylltiad â'r cwrs y mae'r myfyriwr cymwys yn trosglwyddo iddo–

(a) os cânt gais oddi wrth y myfyriwr cymwys am wneud hynny; a

(b) os nad yw'r cyfnod cymhwystra wedi'i derfynu.

(2) Os yw'r myfyriwr cymwys, cyn cwblhau'r cwrs dynodedig, yn trosglwyddo i gwrs rhan-amser yn yr un pwnc sy'n arwain at yr un cymhwyster yn yr un sefydliad, trinnir y cwrs rhan-amser fel pe bai'n bodloni rheoliad 90(1)(b) ac (c) os yw cyfnod yr astudio rhan-amser yr ymgymerir ag ef gan y myfyriwr hwnnw yn parhau am flwyddyn academaidd o leiaf ac nad yw'n fwy na dwywaith y cyfnod y mae ei angen fel rheol i gwblhau gweddill y cwrs dynodedig y mae'r myfyriwr hwnnw yn trosglwyddo oddi wrtho.

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

(a) os yw Gweinidogion Cymru wedi penderfynu talu swm o grant i'r myfyriwr hwnnw o dan reoliad 25 mewn rhandaliadau cyfnodol, 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 hwnnw yn fyfyriwr rhan-amser cymwys;

(b) uchafswm y grant y byddai gan y myfyriwr hwnnw hawlogaeth i'w gael, heblaw am y rheoliad hwn, yn unol â rheoliad 93 mewn cysylltiad ag ymgymryd ohono â chwrs rhan-amser dynodedig mewn perthynas â'r flwyddyn academaidd honno yn cael ei ostwng o un traean os daeth y myfyriwr hwnnw'n fyfyriwr rhan-amser cymwys yn ystod ail chwarter y flwyddyn academaidd ac o ddau draean os daeth yn fyfyriwr rhan-amser cymwys mewn chwarter diweddarach yn y flwyddyn honno;

(c) os oes swm o grant at unrhyw ddiben wedi'i dalu i'r myfyriwr o dan reoliad 25 mewn un rhandaliad, mae uchafswm y grant sy'n daladwy i'r myfyriwr hwnnw yn unol â rheoliad 93 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 i'r myfyriwr hwnnw at y diben hwnnw yn unol â rheoliad 25, ac os yw'r swm sy'n deillio o hyn yn ddim neu'n swm negyddol, bydd y swm hwnnw yn ddim;

(ch) os oedd y myfyriwr hwnnw yn union cyn dod yn fyfyriwr rhan-amser cymwys, yn gymwys i

Conversion of status

108.–(1) Where an eligible student ceases to undertake a designated course and transfers to a designated part-time course at the same or at another institution, the Welsh Ministers must convert the student's status as an eligible student to that of an eligible part-time student in connection with the course to which the eligible student is transferring where–

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

(b) the period of eligibility has not terminated.

(2) Where, before completing the designated course, the eligible student transfers to a part-time course in the same subject leading to the same qualification at the same institution, the part-time course is treated as satisfying regulation 90(1)(b) and (c) if the period of part-time study to be undertaken by that student is of at least one academic year's duration and does not exceed twice the period normally required to complete the remainder of the designated course from which that student transfers.

(3) The following applies to an eligible student who transfers under paragraph (1)–

(a) where the Welsh Ministers have determined to pay an amount of grant to that student under regulation 25 in periodic instalments, no payment in respect of that amount of grant may be made in respect of any instalment period beginning after the date on which that student became an eligible part-time student;

(b) the maximum amount of grant to which that student would, apart from this regulation, be entitled pursuant to regulation 93 in connection with that student undertaking a designated part-time course in respect of that academic year is reduced by one third where that student became an eligible part-time student during the second quarter of the academic year and by two thirds where that student became an eligible part-time student in a later quarter of that year;

(c) where an amount of grant for any purpose has been paid to the student under regulation 25 in a single instalment, the maximum amount of grant payable to that student pursuant to regulation 93 for that purpose is reduced (or, where sub-paragraph (b) applies, further reduced) by the amount of grant paid to that student for that purpose pursuant to regulation 25, and where the resulting amount is nil or a negative amount that amount is nil;

(d) where immediately before that student became an eligible part-time student that student was

wneud cais, ond ei fod heb wneud cais, am fenthyciad at gostau byw mewn perthynas â'r flwyddyn honno, neu heb wneud cais am yr uchafswm neu'r uchafswm wedi'i gynyddu yr oedd ganddo hawlogaeth i'w gael, caiff wneud cais am y benthyciad hwnnw neu unrhyw swm ychwanegol o fenthyciad fel pe bai wedi parhau yn fyfyriwr cymwys; ac o dan yr amgylchiadau a grybwyllir ym mharagraff (4) mae uchafswm y benthyciad hwnnw neu uchafswm wedi'i gynyddu y benthyciad hwnnw am y flwyddyn academaidd yn cael ei ostwng yn unol â'r paragraff hwnnw;

(d) os yw Gweinidogion Cymru wedi penderfynu talu swm o grant neu lwfans i'r myfyriwr hwnnw o dan reoliadau 27 i 30 mewn rhandaliadau cyfnodol, 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 hwnnw yn fyfyriwr rhan-amser cymwys;

(dd) mae uchafswm y grantiau rhan-amser ar gyfer dibynyddion y byddai gan y myfyriwr hwnnw, heblaw am y rheoliad hwn, hawlogaeth i'w gael yn unol â rheoliadau 94 i 103 mewn cysylltiad ag ymgymryd â chwrs rhan-amser dynodedig mewn perthynas â'r flwyddyn academaidd honno yn cael ei ostwng o un traean os daeth y myfyriwr hwnnw yn fyfyriwr rhan-amser cymwys yn ystod ail chwarter y flwyddyn academaidd ac o ddau draean os daeth yn fyfyriwr rhan-amser cymwys mewn chwarter arall yn ddiweddarach yn y flwyddyn honno; ac

(e) os oes swm o grant neu lwfans wedi'i dalu i'r myfyriwr hwnnw o dan reoliadau 27 i 30 mewn un rhandaliad, mae uchafswm y grant neu'r lwfans sy'n daladwy iddo yn unol â rheoliadau 94 i 103 yn cael ei ostwng (neu, os yw is-baragraff (dd) yn gymwys, ei ostwng ymhellach) yn ôl swm y grant neu'r lwfans cyfatebol a dalwyd iddo yn unol â rheoliadau 27 i 30, ac os yw'r swm sy'n deillio o hyn yn ddim neu'n swm negyddol, bydd y swm hwnnw yn ddim.

(4) Os yw'r cais o dan baragraff (1) yn cael ei wneud yn ystod chwarter cyntaf y flwyddyn academaidd y mae'r benthyciad yn daladwy mewn perthynas â hi, mae uchafswm y benthyciad neu uchafswm wedi'i gynyddu y benthyciad (yn ôl fel y digwydd) yn cael ei ostwng o ddau draean, ac os yw'r cais yn cael ei wneud yn ail chwarter y flwyddyn honno mae'r swm hwnnw'n cael ei ostwng o un traean.

(5) Os yw myfyriwr dysgu o bell cymwys yn rhoi'r gorau i ymgymryd â chwrs dysgu o bell dynodedig a'i fod 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-

eligible to apply, but had not applied, for a loan for living costs in respect of that year, or had not applied for the maximum amount or increased maximum for which that student was entitled, that student may apply for such a loan or such additional amount of loan as if that student had continued to be an eligible student and in the circumstances mentioned in paragraph (4) the maximum or increased maximum amount of such loan for the academic year is reduced in accordance with that paragraph;

(e) where the Welsh Ministers have determined to pay an amount of grant or allowance to that student under regulations 27 to 30 in periodic instalments, no payment in respect of that amount may be made in respect of any instalment period beginning after the date on which that student becomes an eligible part-time student;

(f) the maximum amount of part-time grants for dependants to which that student would, apart from this regulation, be entitled pursuant to regulations 94 to 103 in connection with that student undertaking a designated part-time course in respect of that academic year is reduced by one third where that student became an eligible part-time student during the second quarter of the academic year and by two thirds where that student became an eligible part-time student in a later quarter of that year; and

(g) where an amount of grant or allowance has been paid to that student under regulations 27 to 30 in a single instalment, the maximum amount of grant or allowance payable to that student pursuant to regulations 94 to 103 is reduced (or where sub-paragraph (f) applies, further reduced) by the amount of analogous grant or allowance paid to that student pursuant to regulations 27 to 30, and where the resulting amount is nil or a negative amount that amount is nil.

(4) Where the request under paragraph (1) is made during the first quarter of the academic year in respect of which the loan is payable the maximum amount or increased maximum amount of loan (as the case may be) is reduced by two thirds and where the request is made during the second quarter of that year that amount is reduced by one third.

(5) Where an eligible 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 that student's status as an eligible distance learning student to that of an eligible part-time student

amser cymwys mewn cysylltiad â'r cwrs y mae'r myfyriwr dysgu o bell cymwys yn trosglwyddo iddo–

(a) os cânt gais oddi wrth y myfyriwr dysgu o bell cymwys am wneud hynny; a

(b) os nad yw'r cyfnod cymhwystra wedi'i derfynu.

(6) Os yw'r myfyriwr dysgu o bell cymwys, cyn cwblhau'r cwrs dysgu o bell dynodedig, yn trosglwyddo i gwrs rhan-amser yn yr un pwnc sy'n arwain at yr un cymhwyster yn yr un sefydliad, trinnir y cwrs rhan-amser fel pe bai'n bodloni rheoliad 90(1)(b) ac (c) os yw cyfnod yr astudio rhan-amser yr ymgymerir ag ef gan y myfyriwr hwnnw yn parhau am flwyddyn academaidd o leiaf ac nad yw'n fwy na dwywaith y cyfnod y mae ei angen fel rheol i gwblhau gweddill y cwrs dysgu o bell dynodedig y mae'r myfyriwr hwnnw yn trosglwyddo oddi wrtho.

(7) Yn ddarostyngedig i baragraff (8), mae hawl gan fyfyriwr dysgu o bell cymwys sy'n trosglwyddo o dan baragraff (5) mewn cysylltiad â'r flwyddyn academaidd y mae'n trosglwyddo ynddi, i gael mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo weddill y cymorth y mae Gweinidogion Cymru wedi penderfynu bod ganddo hawl i'w gael o dan Ran 11 mewn perthynas â blwyddyn academaidd y cwrs dysgu o bell dynodedig y mae'n trosglwyddo oddi wrtho.

(8) Caiff Gweinidogion Cymru ailasesu swm y cymorth sy'n daladwy ar ôl y trosglwyddiad yn unol â'r Rhan hon.

(9) O ran myfyriwr sy'n trosglwyddo o dan baragraff (5) ar ôl i Weinidogion Cymru benderfynu ar y cymorth i'r myfyriwr hwnnw o dan Ran 11 mewn cysylltiad â blwyddyn academaidd y cwrs dysgu o bell y mae'n trosglwyddo oddi wrtho ond cyn iddo gwblhau'r flwyddyn honno–

(a) ni chaiff y myfyriwr hwnnw wneud cais am grant o dan reoliad 92(1)(b) os yw eisoes wedi gwneud cais am grant o dan reoliad 75(1)(b);

(b) ni chaiff y myfyriwr hwnnw wneud cais am grant o dan reoliad 93 os yw eisoes wedi gwneud cais am grant o dan reoliad 78.

(10) Os bydd myfyriwr yn trosglwyddo o dan baragraff (5), rhaid i gyfanswm y cymorth a delir i'r myfyriwr o dan reoliad 75(1)(a) a 92(1)(a) o ran–

(a) y flwyddyn academaidd y mae'n trosglwyddo oddi wrthi; a

(b) y flwyddyn academaidd y mae'n trosglwyddo iddi;

beidio â bod yn uwch na swm y cymorth a benderfynir sy'n daladwy i'r myfyriwr hwnnw o dan reoliad 75(1)(a).

(11) Os yw myfyriwr yn trosglwyddo o dan baragraff (5), uchafswm y grantiau rhan-amser ar gyfer dibynyddion y byddai gan y myfyriwr hwnnw hawlogaeth i'w gael, heblaw am y rheoliad hwn, yn

in connection with the course to which the eligible distance learning student 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.

(6) Where, before completing the designated distance learning course the eligible distance learning student transfers to a part-time course in the same subject leading to the same qualification at the same institution, the part-time course is to be treated as satisfying regulation 90(1)(b) and (c) if the period of part-time study to be undertaken by that 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 that student transfers.

(7) Subject to paragraph (8), an eligible distance learning student who transfers under paragraph (5) is entitled to receive in connection with the academic year of the course to which that student transfers the remainder of the support for which the Welsh Ministers have determined that student qualifies under Part 11 in respect of the academic year of the designated distance learning course from which that student transfers.

(8) The Welsh Ministers may re-assess the amount of support payable after the transfer in accordance with this Part.

(9) A student who transfers under paragraph (5) after the Welsh Ministers have determined that student's support under Part 11 in connection with the academic year of the distance learning course from which that student is transferring but before that student completes that year–

(a) may not apply for a grant under regulation 92(1)(b) if that student has already applied for a grant under regulation 75(1)(b);

(b) may not apply for a grant under regulation 93 if that student has already applied for a grant under regulation 78.

(10) Where a student transfers under paragraph (5), the total amount of support paid to that student under regulation 75(1)(a) and 92(1)(a) in respect of–

(a) the academic year from which that student transfers; and

(b) the academic year to which that student transfers;

must not exceed the amount of support determined to be payable to that student under regulation 75(1) (a).

(11) Where a student transfers under paragraph (5), the maximum amount of part-time grants for dependants to which that student would, apart from this regulation, be entitled pursuant to regulations 94 to 103

unol â rheoliadau 94 i 103 mewn cysylltiad ag ymgymryd â chwrs rhan-amser dynodedig mewn perthynas â'r flwyddyn academaidd honno yn cael ei ostwng o un traean os daeth y myfyriwr hwnnw yn fyfyriwr rhan-amser cymwys yn ystod ail chwarter y flwyddyn academaidd ac o ddau draean os daeth yn fyfyriwr rhan-amser cymwys mewn chwarter diweddarach yn y flwyddyn honno.

(12) Os yw myfyriwr rhan-amser cymwys yn rhoi'r gorau i ymgymryd â chwrs rhan-amser dynodedig a'i fod yn trosglwyddo i gwrs dynodedig yn yr un sefydliad neu mewn sefydliad arall, rhaid i Weinidogion Cymru drosi statws y myfyriwr hwnnw fel myfyriwr rhan-amser cymwys i statws myfyriwr cymwys mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo–

(a) os cânt gais oddi wrth y myfyriwr rhan-amser cymwys am wneud hynny; a

(b) os nad yw'r cyfnod cymhwystra wedi'i derfynu.

(13) Mae'r canlynol yn gymwys i fyfyriwr sy'n trosglwyddo o dan baragraff (12)–

(a) os yw Gweinidogion Cymru wedi penderfynu talu swm o grant i'r myfyriwr hwnnw yn unol â rheoliad 93 mewn rhandaliadau cyfnodol, ni chaniateir talu taliad perthynas â'r swm hwnnw o grant mewn perthynas â chyfnod unrhyw randaliad sy'n dechrau ar ôl y dyddiad y daeth y myfyriwr hwnnw'n fyfyriwr cymwys;

(b) yn ddarostyngedig i is-baragraffau (c) ac (dd), anwybyddir unrhyw gymorth y mae gan y myfyriwr hwnnw hawlogaeth i'w gael o dan y Rhan hon mewn perthynas â'r flwyddyn academaidd y mae'r myfyriwr hwnnw yn trosglwyddo ynddi wrth bennu swm y cymorth y gall fod ganddo hawlogaeth i'w gael mewn perthynas â'r flwyddyn honno o dan Rannau 4 i 6;

(c) os yw Gweinidogion Cymru wedi penderfynu talu swm o unrhyw grant neu lwfans i'r myfyriwr yn unol â rheoliadau 94 i 103 mewn rhandaliadau cyfnodol, ni chaniateir talu taliad mewn perthynas â'r swm hwnnw o ran cyfnod unrhyw randaliad sy'n dechrau ar ôl y dyddiad y daeth y myfyriwr hwnnw'n fyfyriwr cymwys;

(ch) mae uchafswm unrhyw gymorth o dan Rannau 5 neu 6 y byddai gan y myfyriwr hwnnw hawlogaeth i'w gael, heblaw am y rheoliad hwn, mewn cysylltiad â chwrs dynodedig mewn perthynas â'r flwyddyn academaidd honno yn cael ei ostwng o un traean os daeth y myfyriwr hwnnw'n fyfyriwr cymwys yn ystod ail chwarter y flwyddyn academaidd honno ac o ddau draean os daeth yn fyfyriwr cymwys mewn chwarter arall yn nes ymlaen yn y flwyddyn honno;

(d) os oes swm o grant at unrhyw ddiben wedi'i

in connection with that student undertaking a designated part-time course in respect of that academic year is reduced by one third where that student became an eligible part-time student during the second quarter of the academic year and by two thirds where that student became an eligible part-time student in a later quarter of that year.

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

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

(b) the period of eligibility has not terminated.

(13) The following applies to a student who transfers under paragraph (12)–

(a) where the Welsh Ministers have determined to pay an amount of grant to that student pursuant to regulation 93 in periodic instalments no payment in respect of that amount of grant may be made in respect of any instalment period beginning after the date on which that student became an eligible student;

(b) subject to sub-paragraphs (c) and (f), any support to which that student is entitled under this Part in respect of the academic year in which that student transfers is ignored in determining the amount of support to which that student may be entitled in respect of that year under Parts 4 to 6;

(c) where the Welsh Ministers have determined to pay an amount of any grant or allowance to that student pursuant to regulations 94 to 103 in periodic instalments, no payment in respect of that amount may be made in respect of any instalment period beginning after the date on which that student becomes an eligible student;

(d) the maximum amount of any support under Parts 5 or 6 to which that 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 that student became an eligible student during the second quarter of that academic year and by two thirds where that student became an eligible student in a later quarter of that year;

(e) where an amount of grant for any purpose has

dalu i'r myfyriwr hwnnw yn unol â rheoliad 93 mewn un rhandaliad, mae uchafswm y grant sy'n daladwy iddo o dan reoliad 25 at y diben hwnnw yn cael ei ostwng (neu, os yw is-baragraff (ch) yn gymwys, ei ostwng ymhellach) yn ôl swm y grant a dalwyd iddo at y diben hwnnw yn unol â rheoliad 93 ac os yw'r swm sy'n deillio o hyn yn ddim neu'n swm negyddol, bydd y swm hwnnw yn ddim; ac

(dd) os oes swm o grant neu lwfans wedi'i dalu i'r myfyriwr hwnnw yn unol â rheoliadau 94 i 103 mewn un rhandaliad, mae uchafswm y grant neu'r lwfans cyfatebol sy'n daladwy iddo yn unol â rheoliadau 27 i 30 yn cael ei ostwng (neu, os yw is-baragraff (dd) yn gymwys, ei ostwng ymhellach) yn ôl swm y grant neu'r lwfans a dalwyd iddo yn unol â rheoliadau 94 i 103, ac os yw'r swm sy'n deillio o hyn yn ddim neu'n swm negyddol, bydd y swm hwnnw yn ddim.

(14) Os yw 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–

(a) os cânt gais oddi wrth y myfyriwr rhan-amser cymwys am wneud hynny; a

(b) os nad yw'r cyfnod cymhwystra wedi'i derfynu.

(15) Yn ddarostyngedig i baragraff (16), mae gan fyfyriwr sy'n trosglwyddo o dan baragraff (14) hawl i gael mewn cysylltiad â blwyddyn academaidd y cwrs y mae'n trosglwyddo gweddill y cymorth y mae Gweinidogion Cymru wedi penderfynu bod ganddo hawl i'w gael o dan y Rhan hon o ran blwyddyn academaidd y cwrs rhan-amser dynodedig y mae'n trosglwyddo oddi wrtho.

(16) Caiff Gweinidogion Cymru ailasesu swm y cymorth sy'n daladwy ar ôl y trosglwyddiad yn unol â Rhan 11.

(17) O ran myfyriwr cymwys sy'n trosglwyddo o dan baragraff (14) ar ôl i Weinidogion Cymru benderfynu ar y cymorth i'r myfyriwr hwnnw mewn cysylltiad â blwyddyn academaidd cwrs dysgu o bell y mae'n trosglwyddo oddi wrtho ond cyn iddo gwblhau'r flwyddyn honno–

(a) ni chaiff y myfyriwr hwnnw wneud cais am grant o dan reoliad 75(1)(b) os yw eisoes wedi gwneud cais am grant o dan reoliad 92(1)(b);

(b) ni chaiff y myfyriwr hwnnw wneud cais am grant o dan reoliad 78 os yw eisoes wedi gwneud cais am grant o dan reoliad 93.

been paid to that student pursuant to regulation 93 in a single instalment, the maximum amount of grant payable to that student under regulation 25 for that purpose is reduced (or, where sub-paragraph (d) applies, further reduced) by the amount of grant paid to that student for that purpose pursuant to regulation 93 and where the resulting amount is nil or a negative amount that amount is nil; and

(f) where an amount of grant or allowance has been paid to that student pursuant to regulations 94 to 103 in a single instalment the maximum amount of the analogous grant or allowance payable to that student pursuant to regulations 27 to 30 is reduced (or where sub-paragraph (d) applies, further reduced) by the amount of grant or allowance paid to that student pursuant to regulations 94 to 103 and where the resulting amount is nil or a negative amount that amount is nil.

(14) 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 the eligible part-time student is transferring where–

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

(b) the period of eligibility has not terminated.

(15) Subject to paragraph (16), a student who transfers under paragraph (14) is entitled to receive in connection with the academic year of the course to which the student transfers the remainder of the support for which the Welsh Ministers have determined the student qualifies under this Part in respect of the academic year of the designated part-time course from which the student transfers.

(16) The Welsh Ministers may re-assess the amount of support payable after the transfer in accordance with Part 11.

(17) An eligible student who transfers under paragraph (14) after the Welsh Ministers have determined that student's support in connection with the academic year of the distance learning course from which that student is transferring but before that student completes that year–

(a) may not apply for a grant under regulation 75(1)(b) if that student has already applied for a grant under regulation 92(1)(b);

(b) may not apply for a grant under regulation 78 if that student has already applied for a grant under regulation 93.

(18) Os bydd myfyriwr yn trosglwyddo o dan baragraff (14), rhaid i gyfanswm y cymorth a delir i'r myfyriwr hwnnw o dan reoliadau 75(1)(a) a 92(1)(a) o ran–

(a) y flwyddyn academaidd y mae'n trosglwyddo oddi wrthi; a

(b) y flwyddyn academaidd y mae'n trosglwyddo iddi;

beidio â bod yn uwch na swm uchaf y cymorth a benderfynir sy'n daladwy i'r myfyriwr hwnnw o dan reoliad 75(1)(a).

(18) Where a student transfers under paragraph (14), the total amount of support paid to that student under regulations 75(1)(a) and 92(1)(a) in respect of–

(a) the academic year from which that student transfers; and

(b) the academic year to which that student transfers;

must not exceed the maximum amount of support determined to be payable to that student under regulation 75(1)(a).

Talu cymorth i fyfyrwyr rhan-amser cymwys

109.–(1) Caniateir i daliadau o'r grant at lyfrau, teithio a gwariant arall a'r grant at gostau byw myfyrwyr rhan-amser anabl gael eu gwneud mewn unrhyw fodd sy'n briodol ym marn Gweinidogion Cymru a chânt ei gwneud yn un o amodau'r hawlogaeth i gael taliad fod rhaid i'r myfyriwr rhan-amser cymwys roi iddynt fanylion cyfrif banc neu gyfrif cymdeithas adeiladu yn y Deyrnas Unedig y gall taliadau gael eu talu iddo drwy eu trosglwyddo'n electronig.

(2) Os na bydd Gweinidogion Cymru yn gallu gwneud asesiad terfynol ar sail yr wybodaeth a roddwyd gan y myfyriwr, cânt wneud asesiad dros dro a thalu grant at lyfrau, teithio a gwariant arall a'r grant at gostau byw myfyrwyr rhan-amser anabl.

(3) Caiff Gweinidogion Cymru dalu'r grant at lyfrau, teithio a gwariant arall a'r grant at gostau byw myfyrwyr rhan-amser anabl mewn rhandaliadau neu mewn un cyfandaliad.

(4) Yn ddarostyngedig i baragraff (5), caiff Gweinidogion Cymru dalu'r grant at lyfrau, teithio a gwariant arall a'r grant at gostau byw myfyrwyr rhan-amser anabl ar yr adegau hynny y maent yn ystyried eu bod yn briodol.

(5) Rhaid i Weinidogion Cymru beidio â thalu'r rhandaliad cyntaf neu, os penderfynwyd peidio â thalu cymorth mewn rhandaliadau, wneud unrhyw daliad o'r grant at lyfrau, teithio neu wariant arall na'r grant at gostau byw myfyrwyr rhan-amser anabl o dan reoliad 93 cyn iddynt gael y datganiad o dan reoliad 106(2) i (6) oni bai bod eithriad yn unol â pharagraff (6) yn gymwys.

(6) At ddibenion paragraff (5), mae eithriad yn gymwys–

(a) os yw grant at gostau byw myfyrwyr rhan-amser anabl o dan reoliad 93 yn daladwy, ac os felly, caniateir i'r grant penodol hwnnw gael ei dalu cyn i'r datganiad ddod i law Gweinidogion Cymru;

(b) os yw Gweinidogion Cymru wedi penderfynu y byddai'n briodol o achos amgylchiadau

Payment of support to eligible part-time students

109.–(1) Payments of the grant for books, travel and other expenditure and the grant for disabled part-time students' living costs 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 part-time 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 grant for disabled part-time students' living costs.

(3) The Welsh Ministers may pay the grant for books, travel and other expenditure and the grant for disabled part-time students' living costs in instalments or in a single lump sum.

(4) Subject to paragraph (5), the Welsh Ministers may pay the grant for books, travel and other expenditure and the grant for disabled part-time students' living costs 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 grant for disabled part-time students' living costs under regulation 93 before they have received the declaration under regulation 106(2) to (6) unless an exception referred to in paragraph (6) applies.

(6) For the purposes of paragraph (5), an exception applies if–

(a) a grant for disabled part-time students' living costs under regulation 93 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

eithriadol iddynt wneud taliad heb i ddatganiad ddod i law.

110.–(1) Yn ddarostyngedig i'r paragraffau canlynol, caiff Gweinidogion Cymru dalu grantiau rhan-amser ar gyfer dibynyddion yn y cyfryw randaliadau (os bydd rhandaliadau) ac ar y cyfryw adegau ag y tybiant yn briodol.

(2) Mae'n ofynnol i awdurdod academaidd anfon cadarnhad o bresenoldeb at Weinidogion Cymru.

(3) Rhaid i Weinidogion Cymru beidio â thalu'r rhandaliad cyntaf neu, os penderfynwyd peidio â thalu grant rhan-amser ar gyfer dibynyddion mewn rhandaliadau, rhaid iddynt beidio â gwneud unrhyw daliad o'r cyfryw grant i fyfyriwr rhan-amser cymwys cyn iddynt gael cadarnhad o bresenoldeb onid yw'r eithriad ym mharagraff (4) yn gymwys.

(4) Mae'r eithriad y cyfeirir ato ym mharagraff (3) yn gymwys pan fo Gweinidogion Cymru wedi penderfynu y byddai'n briodol, oherwydd amgylchiadau eithriadol, gwneud taliad er eu bod heb gael cadarnhad o bresenoldeb.

(5) Pan na ellir gwneud asesiad terfynol ar sail yr wybodaeth a ddarperir gan y myfyriwr rhan-amser cymwys, caiff Gweinidogion Cymru wneud asesiad dros dro a thaliad dros dro o grant rhan-amser ar gyfer dibynyddion.

(6) Mae taliadau grant dros dro ar gyfer dibynyddion i'w gwneud yn y cyfryw ddull ag y mae Gweinidogion Cymru o'r farn ei fod yn briodol a chânt ei gwneud yn un o amodau hawlogaeth i gael taliad fod yn rhaid i'r myfyriwr rhan-amser cymwys ddarparu ar eu cyfer fanylion cyfrif banc neu gymdeithas adeiladu yn y Deyrnas Unedig y caniateir gwneud taliadau iddo drwy eu trosglwyddo'n electronig.

(7) Nid oes unrhyw gymorth ar ffurf grantiau rhan-amser ar gyfer dibynyddion yn daladwy mewn perthynas ag unrhyw gyfnod talu sy'n dechrau ar ôl i gyfnod cymhwystra myfyriwr rhan-amser cymwys ddod i ben.

(8) Pan fydd cyfnod cymhwystra myfyriwr rhan-amser cymwys yn dod i ben ar neu ar ôl y dyddiad perthnasol, rhaid i Weinidogion Cymru benderfynu–

(a) swm pob grant rhan-amser ar gyfer dibynyddion y mae'r myfyriwr hwnnw yn gymwys i'w gael ac a fyddai'n daladwy mewn perthynas â'r cyfnod talu perthnasol pe na bai cyfnod cymhwystra'r myfyriwr rhan-amser cymwys wedi dod i ben (y "cyfanswm"); a

(b) faint o'r cyfanswm sy'n daladwy mewn perthynas â'r cyfnod sy'n ymestyn o ddiwrnod cyntaf y cyfnod talu perthnasol hyd at a chan gynnwys y diwrnod y daeth cyfnod cymhwystra'r myfyriwr rhan-amser cymwys i ben (y "swm rhannol").

(9) Yn y rheoliad hwn, y "dyddiad perthnasol"

be appropriate to make a payment without receiving a declaration.

110.–(1) Subject to the following paragraphs, the Welsh Ministers may pay part-time grants for dependants in such instalments (if any) and at such times as they consider appropriate.

(2) An academic authority is required to send an attendance confirmation to the Welsh Ministers.

(3) The Welsh Ministers must not pay the first instalment or, where it has been determined not to pay a part-time grant for dependants by instalments, make any payment of such a grant to an eligible part-time student before they have received an attendance confirmation unless the exception in paragraph (4) applies.

(4) The exception referred to in paragraph (3) applies if the Welsh Ministers have determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving an attendance confirmation.

(5) Where a final assessment cannot be made on the basis of the information provided by the eligible part-time student, the Welsh Ministers may make a provisional assessment and payment of part-time grants for dependants.

(6) Payments of a part-time grant for dependants are to 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 part-time 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.

(7) No support by way of part-time grants for dependants is payable in respect of any payment period beginning after an eligible part-time student's period of eligibility terminates.

(8) Where an eligible part-time student's period of eligibility terminates on or after the relevant date, the Welsh Ministers must determine–

(a) the amount of each part-time grant for dependants for which that student qualifies that would be payable in respect of the relevant payment period if the eligible part-time student's period of eligibility had not terminated (the "full amount"); and

(b) how much of the full amount is payable in respect of the period which runs from the first day of the relevant payment period up to and including the day on which the eligible part-time student's period of eligibility terminated (the "partial amount").

(9) In this regulation, the "relevant date" ("*y dyddiad*

("*relevant date*") yw'r dyddiad y mae tymor cyntaf y flwyddyn academaidd o dan sylw yn dechrau mewn gwirionedd.

(10) Os yw Gweinidogion Cymru wedi gwneud taliad grant rhan-amser ar gyfer dibynyddion mewn perthynas â'r cyfnod talu perthnasol cyn y pwynt yn y cyfnod hwnnw pryd y daeth cyfnod cymhwystra'r myfyriwr rhan-amser cymwys i ben a bod y taliad hwnnw'n fwy na swm rhannol y grant hwnnw–

(a) cânt drin y tâl dros ben fel gordaliad o'r grant hwnnw; neu

(b) os ydynt o'r farn ei bod yn briodol iddynt wneud hynny cânt estyn cyfnod cymhwystra'r myfyriwr hwnnw mewn perthynas â'r grant rhan-amser hwnnw hyd ddiwedd y cyfnod talu perthnasol a chânt benderfynu bod cyfanswm y grant yn daladwy mewn perthynas â'r cyfnod talu hwnnw.

(11) Os oes taliad grant rhan-amser ar gyfer dibynyddion mewn perthynas â'r cyfnod talu perthnasol i'w dalu ar ôl i gyfnod cymhwystra'r myfyriwr rhan-amser cymwys ddod i ben neu os dyna pryd y'i telir, swm y grant rhan-amser hwnnw ar gyfer dibynyddion sy'n daladwy yw'r swm rhannol onid yw Gweinidogion Cymru yn credu ei bod yn briodol estyn y cyfnod cymhwystra mewn perthynas â'r grant hwnnw hyd ddiwedd y cyfnod talu perthnasol neu'n briodol penderfynu bod cyfanswm y grant hwnnw'n daladwy mewn perthynas â'r cyfnod talu perthnasol hwnnw.

(12) Nid oes unrhyw gymorth ar ffurf grantiau rhan-amser ar gyfer dibynyddion yn daladwy mewn perthynas â chyfnod talu y mae myfyriwr rhan-amser cymwys yn absennol o'i gwrs yn ystod unrhyw ran ohono, oni fyddai'n briodol ym marn Gweinidogion Cymru yn yr holl amgylchiadau i'r cymorth gael ei dalu mewn perthynas â'r cyfnod absenoldeb.

(13) Wrth benderfynu a oes cymorth yn daladwy o dan baragraff (12) mae'r amgylchiadau y mae'n rhaid i Weinidogion Cymru roi sylw iddynt yn cynnwys y rheswm dros absenoldeb y myfyriwr, hyd y cyfnod absenoldeb a'r caledi ariannol a fyddai'n cael ei achosi pe na bai'r cymorth yn cael ei dalu.

(14) Ni ddylid ystyried bod myfyriwr rhan-amser cymwys yn absennol o'i gwrs os yw'n methu â bod yn bresennol oherwydd salwch ac os nad yw'r myfyriwr rhan-amser cymwys wedi bod yn absennol am fwy na 60 o ddiwrnodau.

(15) Os bydd Gweinidogion Cymru, ar ôl iddynt wneud unrhyw daliad cymorth ar ffurf grant rhan-amser ar gyfer dibynyddion, yn penderfynu swm y grant hwnnw y mae gan y myfyriwr rhan-amser cymwys hawl i'w gael, naill ai am y tro cyntaf neu ar ffurf adolygiad o benderfyniad dros dro neu benderfyniad arall ynghylch y swm hwnnw–

(a) os penderfyniad i gynyddu swm y grant hwnnw y mae gan y myfyriwr rhan-amser

perthnasol") is the date on which the first term of the academic year in question actually begins.

(10) If the Welsh Ministers have made a payment of a part-time grant for dependants in respect of the relevant payment period before the point in that period at which the eligible part-time student's period of eligibility terminated and that payment exceeds the partial amount of that grant–

(a) they may treat the excess as an overpayment of that grant; or

(b) if they consider that it is appropriate to do so they may extend that student's period of eligibility in respect of that part-time grant for dependants until the end of the relevant payment period and determine that the full amount of the grant is payable in respect of that payment period.

(11) If a payment of a part-time grant for dependants in respect of the relevant payment period is due to be made or is made after the eligible part-time student's period of eligibility has terminated, the amount of that part-time grant for dependants payable is the partial amount unless the Welsh Ministers consider it appropriate to extend the period of eligibility in respect of that grant until the end of the relevant payment period and to determine that the full amount of that grant is payable in respect of that relevant payment period.

(12) No support by way of part-time grants for dependants is payable in respect of a payment period during any part of which an eligible part-time student is absent from that student's course, unless in the opinion of the Welsh Ministers it would be appropriate in all the circumstances for support to be paid in respect of the period of absence.

(13) In deciding whether support is payable under paragraph (12) the circumstances to which the Welsh Ministers must have regard include the reason for the student's absence, the length of the absence and the financial hardship which not paying the support would cause.

(14) An eligible part-time student is not to be considered absent from the eligible part-time student's course if the eligible part-time student is unable to attend due to illness and the eligible part-time student's absence has not exceeded 60 days.

(15) Where, after the Welsh Ministers have made any payment of support by way of a part-time grant for dependants, they make a determination of the amount of such a grant for which the eligible part-time student qualifies either for the first time or by way of a revision of a provisional or other determination of that amount–

(a) if the determination increases the amount of that grant for which the eligible part-time

cymwys hawl i'w gael yw'r penderfyniad, rhaid i Weinidogion Cymru dalu'r swm ychwanegol, a chânt wneud hynny yn y cyfryw randaliadau (os bydd rhandaliadau) ac ar yr adegau yr ystyriant yn briodol;

(b) os penderfyniad i ostwng swm y grant hwnnw y mae gan y myfyriwr rhan-amser cymwys hawl i'w gael yw'r penderfyniad, rhaid i Weinidogion Cymru ddidynnu swm y gostyngiad o swm y grant hwnnw sydd ar ôl i'w dalu;

(c) os yw swm y gostyngiad yn fwy na swm y grant hwnnw sydd ar ôl i'w dalu, gostyngir y swm diwethaf hwn i ddim a chaiff y balans ei ddidynnu o unrhyw elfen arall o grantiau rhan-amser ar gyfer dibynyddion y mae gan y myfyriwr rhan-amser cymwys hawl i'w gael mewn perthynas â'r flwyddyn academaidd;

(ch) ceir adennill unrhyw ordaliad sy'n weddill yn unol â rheoliad 113.

Dehongli rheoliad 110

111. Yn rheoliad 110–

(a) ystyr "cadarnhad o bresenoldeb" ("*attendance confirmation*") yw cadarnhad mewn ysgrifen gan yr awdurdod academaidd–

(i) bod y myfyriwr rhan-amser cymwys wedi ymrestru ar gyfer y flwyddyn academaidd–

(aa) pan fo'r myfyriwr rhan-amser cymwys yn gwneud cais am un neu ragor o elfennau'r grantiau rhan-amser ar gyfer dibynyddion ("cymorth rhan-amser" yn y rheoliad hwn) mewn cysylltiad â chwrs rhan-amser dynodedig am y tro cyntaf;

(bb) pan fo gan y myfyriwr rhan-amser cymwys anabledd; ac

(cc) pan fo'r myfyriwr rhan-amser cymwys yn ymgymryd â'r cwrs ond nad yw'n bresennol ar y cwrs (pa un a yw'r rheswm am beidio â bod yn bresennol yn ymwneud â'i anabledd ai peidio);

(ii) bod y myfyriwr rhan-amser cymwys wedi bod yn bresennol yn y sefydliad ac wedi dechrau mynychu'r cwrs–

(aa) pan fo'r myfyriwr yn gwneud cais am gymorth rhan-amser mewn cysylltiad â chwrs rhan-amser dynodedig am y tro cyntaf;

(bb) pan nad yw statws y myfyriwr fel myfyriwr rhan-amser cymwys wedi'i drosglwyddo i'r cwrs rhan-amser dynodedig o gwrs arall yn yr un sefydliad; ac

(cc) nad yw is-baragraff (i)(cc) yn gymwys;

(iii) bod y myfyriwr rhan-amser cymwys wedi

student qualifies they must pay the additional amount and may do so in such instalments (if any) and at such times as they consider appropriate;

(b) if the determination decreases the amount of that grant for which the eligible part-time student qualifies they must subtract the amount of the decrease from the amount of that grant which remains to be paid;

(c) if the amount of the decrease is greater than the amount of that grant remaining to be paid the latter amount is reduced to nil and the balance subtracted from any other element of part-time grants for dependants for which the eligible part-time student qualifies in respect of the academic year;

(d) any remaining overpayment is recoverable in accordance with regulation 113.

Interpretation of regulation 110

111. In regulation 110–

(a) "attendance confirmation" ("*cadarnhad o bresenoldeb*") means confirmation in writing from the academic authority–

(i) that the eligible part-time student has enrolled for the academic year where the eligible part-time student–

(aa) is applying for one or more elements of the part-time grants for dependants ("part-time support" in this regulation) in connection with a designated part-time course for the first time;

(bb) has a disability; and

(cc) is undertaking the course but not attending (regardless of whether the reason for not attending relates to the student's disability);

(ii) that the eligible part-time student has been present at the institution and begun to attend the course where–

(aa) the student is applying for part-time support in connection with a designated part-time course for the first time;

(bb) the student's status as an eligible part-time student has not been transferred to the designated part-time course from another course at the same institution; and

(cc) sub-paragraph (i)(cc) does not apply;

(iii) that the eligible part-time student has

ymrestru ar gyfer y flwyddyn academaidd pan fo'r myfyriwr rhan-amser cymwys yn gwneud cais am gymorth rhan-amser mewn cysylltiad â chwrs rhan-amser dynodedig–

(aa) a hynny am dro heblaw'r tro cyntaf; neu

(bb) am y tro cyntaf wedi i statws y myfyriwr fel myfyriwr rhan-amser cymwys gael ei drosglwyddo i'r cwrs hwnnw o gwrs arall yn yr un sefydliad;

(b) ystyr "cyfnod talu" ("*payment period*") yw cyfnod y mae Gweinidogion Cymru yn talu cymorth mewn perthynas ag ef o dan reoliadau 94 i 103 neu y byddent wedi talu'r cyfryw gymorth pe na bai cyfnod cymhwystra'r myfyriwr rhan-amser cymwys wedi dod i ben.

Talu grantiau at ffioedd

112.–(1)Yn ddarostyngedig i baragraffau (2) a (3), rhaid i Weinidogion Cymru dalu'r grant mewn perthynas â ffioedd y mae gan y myfyriwr rhan-amser cymwys hawl i'w gael i'r awdurdod academaidd priodol ar ôl i gais mewn ysgrifen am daliad ddod i law, a ystyrir yn gais dilys gan Weinidogion Cymru.

(2) Caiff Gweinidogion Cymru wneud taliadau o dan baragraff (1) ar unrhyw adegau ac mewn unrhyw randaliadau (os bydd rhandaliadau) yr ystyriant yn briodol.

(3) Caiff Gweinidogion Cymru wneud taliadau dros dro o dan baragraff (1) mewn unrhyw achosion yr ystyriant yn briodol.

Gordaliadau

113.–(1) Caiff Gweinidogion Cymru adennill unrhyw ordaliad grant mewn perthynas â ffioedd oddi wrth yr awdurdod academaidd.

(2) Os bydd Gweinidogion Cymru yn gofyn iddo, rhaid i fyfyriwr rhan-amser cymwys ad-dalu unrhyw swm a dalwyd i'r myfyriwr rhan-amser cymwys o dan y Rhan hon ac sydd am ba reswm bynnag yn fwy na swm y grant y mae gan y myfyriwr rhan-amser cymwys hawlogaeth i'w gael o dan y Rhan hon.

(3) Rhaid i Weinidogion Cymru adennill unrhyw ordaliad grant at lyfrau, teithio a gwariant arall a'r grant at gostau byw myfyrwyr rhan-amser anabl a grant rhan-amser ar gyfer dibynyddion onid ydynt o'r farn nad yw'n briodol gwneud hynny.

(4) Dyma'r dulliau adennill–

(a) tynnu'r gordaliad o unrhyw fath o grant sy'n daladwy i'r myfyriwr rhan-amser cymwys o dro i dro yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998;

(b) cymryd unrhyw gamau eraill i adennill

enrolled for the academic year where the eligible part-time student is applying for part-time support in connection with a designated part-time course–

(aa) other than for the first time; or

(bb) for the first time after the student's status as an eligible part-time student has been transferred to that course from another course at the same institution;

(b) "payment period" ("*cyfnod talu*") means a period in respect of which the Welsh Ministers pay the support under regulations 94 to 103 or would have paid such support if the eligible part-time student's period of eligibility had not terminated.

Payment of grants for fees

112.–(1) Subject to paragraphs (2) and (3), the Welsh Ministers must pay the grant in respect of fees for which the eligible part-time student qualifies to the appropriate academic authority after a written request for payment has been received which the Welsh Ministers consider to be a valid request.

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

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

Overpayments

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

(2) An eligible part-time student must, if so required by the Welsh Ministers, repay any amount paid to the eligible part-time student under this Part which for whatever reason exceeds the amount of grant to which the eligible part-time student is entitled under this Part.

(3) The Welsh Ministers must recover an overpayment of grant for books, travel and other expenditure, the grant for disabled part-time students' living costs and a part-time grant for dependants 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 eligible part-time student from time to time pursuant to regulations made by the Welsh Ministers under section 22 of the 1998 Act;

(b) taking such other action for the recovery of an

gordaliad sydd ar gael iddynt.

(5) Mae taliad o grant at gostau byw myfyrwyr rhan-amser anabl neu grant rhan-amser ar gyfer dibynyddion a wnaed cyn y dyddiad perthnasol yn ordaliad os yw'r myfyriwr rhan-amser cymwys yn tynnu allan o'r cwrs cyn y dyddiad perthnasol oni bai bod Gweinidogion Cymru yn penderfynu fel arall.

(6) Yn y rheoliad hwn, y "dyddiad perthnasol" ("*relevant date*") yw'r dyddiad y mae tymor cyntaf y flwyddyn academaidd dan sylw yn dechrau mewn gwirionedd.

(7) Yn yr amgylchiadau ym mharagraff (8) neu (9), ceir gordaliad o grant at gostau byw myfyrwyr rhan-amser anabl oni bai bod Gweinidogion Cymru yn penderfynu fel arall.

(8) Yr amgylchiadau y cyfeirir atynt ym mharagraff (7) yw–

(a) bod Gweinidogion Cymru yn cymhwyso'r cyfan neu ran o'r grant at gostau byw myfyriwr rhan-amser anabl i brynu offer arbenigol ar ran y myfyriwr rhan-amser cymwys;

(b) bod cyfnod cymhwystra'r myfyriwr yn dod i ben ar ôl y dyddiad perthnasol; ac

(c) nad yw'r offer wedi'i ddanfon at y myfyriwr cyn i gyfnod cymhwystra'r myfyriwr ddod i ben.

(9) Yr amgylchiadau y cyfeirir atynt ym mharagraff (7) yw–

(a) bod cyfnod cymhwystra'r myfyriwr rhan-amser cymwys yn dod i ben ar ôl y dyddiad perthnasol; a

(b) bod taliad o grant at gostau byw myfyrwyr rhan-amser anabl mewn perthynas ag offer arbenigol i'r myfyriwr yn cael ei wneud ar ôl i gyfnod cymhwystra'r myfyriwr rhan-amser cymwys ddod i ben.

(10) Pan fo gordaliad o grant at gostau byw myfyrwyr rhan-amser anabl, caiff Gweinidogion Cymru dderbyn yn ôl offer arbenigol a brynwyd â'r grant yn fodd i adennill y cyfan neu ran o'r gordaliad os ydynt o'r farn ei bod yn briodol iddynt wneud hynny.

RHAN 13

CYMORTH I FYFYRWYR ÔL-RADDEDIG SYDD AG ANABLEDDAU

Myfyrwyr ôl-raddedig cymwys

114.–(1) Mae gan fyfyriwr ôl-raddedig cymwys hawl, yn ddarostyngedig i'r Rhan hon ac yn unol â hi, i gael grant i helpu gyda'r gwariant ychwanegol y mae

overpayment as is available to them.

(5) A payment of the grant for disabled part-time students' living costs or a part-time grant for dependants made before the relevant date is an overpayment if the eligible part-time 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 in paragraph (8) or (9), there is an overpayment of the grant for disabled part-time students' living costs unless the Welsh Ministers decide otherwise.

(8) The circumstances referred to in paragraph (7) are–

(a) the Welsh Ministers apply all or part of the grant for disabled part-time students' living costs to the purchase of specialist equipment on behalf of the eligible part-time student;

(b) the student's period of eligibility terminates after the relevant date; and

(c) the equipment has not been delivered to the student before the student's period of eligibility terminates.

(9) The circumstances referred to in paragraph (7) are–

(a) the eligible part-time student's period of eligibility terminates after the relevant date; and

(b) a payment of the grant for disabled part-time students' living costs in respect of specialist equipment is made to the student after the eligible part-time student's period of eligibility terminates.

(10) Where there is an overpayment of the grant for disabled part-time students' living costs, 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.

PART 13

SUPPORT FOR POSTGRADUATE STUDENTS WITH DISABILITIES

Eligible postgraduate students

114.–(1) An eligible postgraduate student qualifies, subject to and in accordance with this Part, for a grant to assist with the additional expenditure which the

Gweinidogion Cymru wedi'u bodloni ei bod yn ofynnol i fyfyriwr ôl-raddedig cymwys ei ysgwyddo oherwydd anabledd sydd ganddo, mewn perthynas ag ymgymryd ohono â chwrs ôl-radd dynodedig.

(2) Mae person yn fyfyriwr ôl-raddedig cymwys mewn cysylltiad â chwrs ôl-radd dynodedig os yw'r person hwnnw'n bodloni'r amodau ym mharagraff (3) ac nad yw wedi'i hepgor gan baragraff (4).

(3) Yr amodau y cyfeirir atynt ym mharagraff (2) yw–

(a) bod Gweinidogion Cymru, wrth asesu cais person am gymorth o dan reoliad 119, wedi penderfynu mewn cysylltiad â'r cwrs ôl-radd dynodedig fod y person yn dod o fewn un o'r categorïau a nodir yn Rhan 2 o Atodlen 1; a

(b) bod Gweinidogion Cymru wedi'u bodloni ei bod yn ofynnol i'r person ysgwyddo gwariant ychwanegol mewn perthynas ag ymgymryd â'r cwrs oherwydd anabledd sydd ganddo.

(4) Yn ddarostyngedig i baragraff (9), nid yw person ("A" yn y paragraff hwn) yn fyfyriwr ôl-raddedig cymwys–

(a) os rhoddwyd i A neu os talwyd iddo mewn perthynas ag A yn ymgymryd â'r cwrs–

(i) bwrsari gofal iechyd;

(ii) unrhyw lwfans o dan Reoliadau Lwfansau Myfyrwyr Nyrsio a Bydwreigiaeth (Yr Alban) 2007;

(iii) unrhyw lwfans, bwrsari neu ddyfarniad o ddisgrifiad tebyg a wnaed gan Gyngor Ymchwil;

(iv) unrhyw lwfans, bwrsari neu ddyfarniad o ddisgrifiad tebyg a wnaed gan sefydliad A sy'n cynnwys unrhyw daliad er mwyn talu am wariant ychwanegol a dynnwyd gan A oherwydd ei anabledd; neu

(v) unrhyw lwfans, bwrsari neu ddyfarniad o ddisgrifiad tebyg a wnaed o dan adran 67(4)(a) o Ddeddf Safonau Gofal 2000(**1**) sy'n cynnwys taliad er mwyn talu am wariant ychwanegol a dynnwyd gan A oherwydd ei anabledd; neu

(b) os yw A wedi torri rhwymedigaeth i ad-dalu unrhyw fenthyciad;

(c) os yw A wedi cyrraedd ei 18 oed a heb ddilysu unrhyw gytundeb ynglŷn â benthyciad a wnaed gydag A pan oedd A o dan 18 oed;

(ch) os yw A, ym marn Gweinidogion Cymru, wedi dangos drwy ei ymddygiad nad yw A yn addas i gael cymorth o dan y Rhan hon.

(5) At ddibenion paragraffau (4)(b) a (4)(c) ystyr "benthyciad" ("*loan*") yw benthyciad a wnaed o dan y

(**1**) 2000 p.14.

Welsh Ministers are satisfied the eligible postgraduate student is obliged to incur by reason of a disability to which the eligible postgraduate student is subject in respect of the eligible postgraduate student undertaking a designated postgraduate course.

(2) A person is an eligible postgraduate student in connection with a designated postgraduate course if that person satisfies the conditions in paragraph (3) and is not excluded by paragraph (4).

(3) The conditions referred to in paragraph (2) are–

(a) the Welsh Ministers, in assessing a person's application for support under regulation 119, have determined in connection with the designated postgraduate course that the person falls within one of the categories set out in Part 2 of Schedule 1; and

(b) the Welsh Ministers are satisfied that, by reason of a disability to which the person is subject, the person will be obliged to incur additional expenditure in respect of undertaking the course.

(4) Subject to paragraph (9), a person ("A" in this paragraph) is not an eligible postgraduate student if–

(a) there has been bestowed on or paid to A in relation to A undertaking the course–

(i) a healthcare bursary;

(ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007;

(iii) any allowance, bursary or award of similar description made by a Research Council;

(iv) any allowance, bursary or award of similar description made by A's institution which includes any payment for the purpose of meeting additional expenditure incurred by A by reason of A's disability; or

(v) any allowance, bursary or award of similar description made under section 67(4)(a) of the Care Standards Act 2000(**1**) which includes payment for meeting additional expenditure incurred by A by reason of A's disability; or

(b) A is in breach of an obligation to repay any loan;

(c) A has reached the age of 18 and has not ratified any agreement for a loan made with A when A was under the age of 18;

(d) A has, in the opinion of the Welsh Ministers, shown by A's conduct that A is unfitted to receive support under this Part.

(5) For the purposes of paragraphs (4)(b) and (4)(c), "loan" ("*benthyciad*") means a loan made under the

(**1**) 2000 c.14.

ddeddfwriaeth ar fenthyciadau myfyrwyr.

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

(a) cyn 25 Medi 1991; a

(b) gyda chydsyniad curadur y benthyciwr neu ar adeg pan nad oedd gan y benthyciwr guradur, y bydd paragraff (4)(c) yn gymwys.

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

(8) Ac eithrio pan fo'r amgylchiadau a ddisgrifir yn rheoliad 121(3)(c)(ii) yn gymwys, fel bod myfyriwr ôl-raddedig cymwys yn ymgymryd â rhan o'i gwrs dramor, nid oes gan fyfyriwr ôl-raddedig cymwys hawl i gael grant o dan y Rhan hon oni bai ei fod yn ymgymryd â'r cwrs yn y Deyrnas Unedig.

(9) Yn ddarostyngedig i baragraffau (11) i (13) ac er gwaethaf paragraffau (3)(a) a (4) mae person yn fyfyriwr ôl-raddedig cymwys at ddibenion y Rhan hon os yw'n bodloni'r amodau ym mharagraff (3)(b) a pharagraff (10)(a) neu (b).

(10) Yr amodau y cyfeirir atynt ym mharagraff (9) yw–

(a) bod–

(i) y person wedi ymgymhwyso fel myfyriwr ôl-raddedig cymwys mewn cysylltiad â blwyddyn academaidd gynharach o'r cwrs ôl-radd presennol yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998;

(ii) y person yn preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs ôl-radd presennol; a

(iii) statws y person fel myfyriwr ôl-raddedig cymwys heb ei derfynu.

(b) bod–

(i) Gweinidogion Cymru wedi penderfynu o'r blaen bod y person yn fyfyriwr ôl-raddedig cymwys mewn cysylltiad â chwrs ôl-radd dynodedig ac eithrio'r cwrs ôl-radd presennol;

(ii) statws y myfyriwr fel myfyriwr ôl-raddedig cymwys mewn cysylltiad â'r cwrs yn is-baragraff (b)(i) wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs presennol o ganlyniad i drosglwyddo unwaith neu fwy yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998;

(iii) y person yn preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn

student loans legislation.

(6) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (4)(c) only applies if the agreement was made–

(a) before the 25 September 1991; and

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

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

(8) Save where the circumstances described in regulation 121(3)(c)(ii) apply such that an eligible postgraduate student undertakes part of that student's course overseas, an eligible postgraduate student does not qualify for a grant under this Part unless the eligible postgraduate student is undertaking the course in the United Kingdom.

(9) Subject to paragraphs (11) to (13) and despite paragraphs (3)(a) and (4), a person is an eligible postgraduate student for the purposes of this Part if the person satisfies the conditions in paragraph (3)(b) and paragraph (10)(a) or (b).

(10) The conditions referred to in paragraph (9) are–

(a) the–

(i) person qualified as an eligible postgraduate student in connection with an earlier academic year of the present postgraduate course pursuant to regulations made by the Welsh Ministers under section 22 of the 1998 Act;

(ii) person was ordinarily resident in Wales on the first day of the first academic year of the present postgraduate course; and

(iii) person's status as an eligible postgraduate student has not terminated;

(b) the–

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

(ii) person's status as an eligible postgraduate student in connection with the course in sub-paragraph (b)(i) has been transferred from that course to the present course as a result of one or more transfers in accordance with regulations made by the Welsh Ministers under section 22 of the 1998 Act;

(iii) person was ordinarily resident in Wales on the first day of the first academic year of

academaidd gyntaf y cwrs y cyfeirir ato yn is-baragraff (b)(i); a

(iv) statws y person fel myfyriwr ôl-raddedig cymwys heb ei derfynu.

(11) Os bydd–

(a) Gweinidogion Cymru wedi penderfynu bod person ("A" yn y paragraff hwn), yn rhinwedd bod yn ffoadur, neu fod yn briod, partner sifil, plentyn neu'n llysblentyn i ffoadur, yn fyfyriwr ôl-raddedig cymwys mewn cysylltiad â chais am gymorth am flwyddyn gynharach o'r cwrs ôl-radd presennol neu mewn cysylltiad â chais mewn cysylltiad â chwrs ôl-radd dynodedig arall y mae statws A fel myfyriwr ôl-raddedig cymwys wedi'i drosglwyddo oddi wrtho i'r cwrs ôl-radd presennol; a

(b) ar y diwrnod cyn dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, statws ffoadur A neu statws ffoadur ei briod, ei bartner sifil, ei riant (fel y'i diffinnir yn Rhan 1 o Atodlen 1) neu ei lys-riant wedi dod i ben ac na roddwyd caniatâd pellach iddo aros ac nad oes apêl yn yr arfaeth (o fewn yr ystyr yn adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002),

bydd statws A fel myfyriwr ôl-raddedig cymwys yn dod i ben yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi.

(12) Os bydd–

(a) Gweinidogion Cymru wedi penderfynu bod person ("A" yn y paragraff hwn), yn rhinwedd bod yn ffoadur, neu fod yn briod, partner sifil, plentyn neu'n llysblentyn i ffoadur, yn fyfyriwr ôl-raddedig cymwys mewn cysylltiad â chais am gymorth am flwyddyn gynharach o'r cwrs ôl-radd presennol neu mewn cysylltiad â chais mewn cysylltiad â chwrs ôl-radd dynodedig arall y mae statws A fel myfyriwr ôl-raddedig cymwys wedi'i drosglwyddo oddi wrtho i'r cwrs ôl-radd presennol; a

(b) ar y diwrnod cyn dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, y cyfnod y caniateir i'r person sydd â chaniatâd i ddod i mewn neu i aros yn y Deyrnas Unedig wedi dod i ben, ac na roddwyd hawl bellach i aros ac nad oes apêl yn yr arfaeth (o fewn yr ystyr yn adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002),

bydd statws A fel myfyriwr ôl-raddedig cymwys yn dod i ben yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi.

the course referred to in sub-paragraph (b)(i); and

(iv) person's status as an eligible postgraduate student has not terminated.

(11) Where–

(a) the Welsh Ministers have determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person ("A" in this paragraph) was an eligible postgraduate student in connection with an application for support for an earlier year of the present postgraduate course or an application in connection with another designated postgraduate course from which A's status as an eligible postgraduate student has been transferred to the present postgraduate course; and

(b) as at the day before the academic year in respect of which A is applying for support starts, the refugee status of A or of A's spouse, civil partner, parent (as defined in Part 1 of Schedule 1) or step-parent has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

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

(12) Where–

(a) the Welsh Ministers have determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person ("A" in this paragraph) was an eligible postgraduate student in connection with an application for support for an earlier year of the present postgraduate course or an application in connection with another designated postgraduate course from which A's status as an eligible postgraduate student has been transferred to the present postgraduate course; and

(b) as at the day before the academic year in respect of which A is applying for support, the period for which the person with leave to enter or remain is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

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

(13) Nid yw paragraffau (11) a (12) yn gymwys pan fo'r myfyriwr wedi dechrau ar y cwrs y penderfynodd Gweinidogion Cymru mewn cysylltiad ag ef bod y myfyriwr yn fyfyriwr ôl-raddedig cymwys cyn 1 Medi 2007.

(14) Nid oes gan fyfyriwr ôl-raddedig cymwys, ar unrhyw un adeg, hawl i gael cymorth at y canlynol–

(a) mwy nag un cwrs ôl-radd dynodedig;

(b) cwrs ôl-radd dynodedig a chwrs dysgu o bell dynodedig;

(c) cwrs ôl-radd dynodedig a chwrs dynodedig;

(ch) cwrs ôl-radd dynodedig a chwrs rhan-amser dynodedig.

Myfyrwyr sy'n dod yn gymwys yn ystod y flwyddyn academaidd

115.–(1) Os digwydd un o'r digwyddiadau a restrir ym mharagraff (2) yn ystod blwyddyn academaidd–

(a) caiff myfyriwr fod yn gymwys i gael grant o dan y Rhan hon mewn perthynas â'r flwyddyn academaidd honno yn unol â'r Rhan hon; a

(b) nid oes grant o'r math sydd ar gael o dan y Rhan hon ar gael mewn perthynas ag unrhyw flwyddyn academaidd yn dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol ynddi.

(2) Y digwyddiadau yw–

(a) cwrs y myfyriwr yn dod yn gwrs ôl-radd dynodedig;

(b) y myfyriwr, neu ei briod, ei bartner sifil neu ei riant (fel y'i diffinnir yn Rhan 1 o Atodlen 1) yn cael ei gydnabod yn ffoadur neu'n dod yn berson â chaniatâd i ddod i mewn neu i aros;

(c) y wladwriaeth y mae'r myfyriwr yn un o'i dinasyddion yn ymaelodi â'r Undeb Ewropeaidd pan fo'r myfyriwr wedi bod yn preswylio'n arferol yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd yn union cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;

(ch) y myfyriwr yn caffael yr hawl i breswylio'n barhaol;

(d) y myfyriwr yn dod yn blentyn i weithiwr Twrcaidd;

(dd) y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 6(1)(a) o Ran 2 o Atodlen 1; neu

(e) y myfyriwr yn dod yn blentyn i wladolyn Swisaidd.

Cyrsiau ôl-radd dynodedig

116.–(1) Mae cwrs ôl-radd yn ddynodedig at

(13) Paragraphs (11) and (12) do not apply where the student began the course in connection with which the Welsh Ministers determined that the student was an eligible postgraduate student before 1 September 2007.

(14) An eligible postgraduate student does not, at any one time, qualify for support for–

(a) more than one designated postgraduate course;

(b) a designated postgraduate course and a designated distance learning course;

(c) a designated postgraduate course and a designated course;

(d) a designated postgraduate course and a designated part-time course.

Students becoming eligible during the course of the academic year

115.–(1) Where one of the events listed in paragraph (2) occurs in the course of an academic year–

(a) a student may qualify for a grant under this Part in respect of that academic year in accordance with this Part; and

(b) a grant of the kind available under this Part is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

(2) The events are–

(a) the student's course becomes a designated postgraduate course;

(b) the student, or the student's spouse, civil partner or parent (as defined in Part 1 of Schedule 1) is recognised as a refugee or becomes a person with leave to enter or remain;

(c) the state of which the student is a national accedes to the European Union where the student has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course;

(d) the student acquires the right of permanent residence;

(e) the student becomes a child of a Turkish worker;

(f) the student becomes a person described in paragraph 6(1)(a) of Part 2 of Schedule 1; or

(g) the student becomes the child of a Swiss national.

Designated postgraduate courses

116.–(1) A postgraduate course is designated for the

ddibenion adran 22(1) o Ddeddf 1998 a rheoliad 114–

(a) os yw'n gwrs y mae angen gradd gyntaf (neu gymhwyster cyfatebol) neu'n uwch i gael mynediad iddo fel rheol;

(b) os yw'n gwrs–

(i) sy'n parhau am o leiaf un flwyddyn academaidd; a

(ii) yn achos cwrs rhan-amser, y mae fel arfer yn bosibl cwblhau'r cwrs mewn nid mwy na dwywaith y cyfnod y mae ei angen fel arfer i gwblhau'r cwrs amser-llawn cyfatebol;

(c) os yw'n cael ei ddarparu yn gyfan gwbl gan sefydliad addysgol yn y Deyrnas Unedig a ariennir yn gyhoeddus neu'n cael ei ddarparu gan sefydliad o'r fath ar y cyd â sefydliad y tu allan i'r Deyrnas Unedig; ac

(ch) nad yw'n gwrs ar gyfer hyfforddiant cychwynnol athrawon neu'n gwrs yr ymgymerir ag ef fel rhan o gynllun hyfforddi athrawon ar sail cyflogaeth.

(2) At ddibenion paragraff (1)–

(a) mae cwrs yn cael ei ddarparu gan sefydliad os yw'r sefydliad yn darparu'r addysgu a'r goruchwylio sy'n ffurfio'r cwrs, pa un a yw'r sefydliad wedi gwneud cytundeb gyda'r myfyriwr i ddarparu'r cwrs neu beidio;

(b) bernir bod prifysgol ac unrhyw goleg neu sefydliad cyfansoddol sydd o natur coleg prifysgol yn cael eu hariannu'n gyhoeddus os yw naill ai'r brifysgol neu'r coleg neu sefydliad cyfansoddol yn cael eu hariannu'n gyhoeddus; ac

(c) ni fernir bod sefydliad yn cael ei ariannu'n gyhoeddus dim ond am ei fod yn cael arian o gronfeydd cyhoeddus gan gorff llywodraethu sefydliad addysg uwch yn unol ag adran 65(3A) o Ddeddf Addysg Bellach ac Uwch 1992(**1**).

(3) At ddibenion paragraff (1)(b)(ii)–

(a) ystyr "cwrs amser-llawn cyfatebol" ("*full-time equivalent*") yw cwrs amser-llawn sy'n arwain at yr un cymhwyster â'r cwrs rhan-amser dan sylw;

(b) ystyr "cyfnod y mae ei angen fel arfer i gwblhau'r cwrs amser-llawn cyfatebol" ("*period ordinarily required to complete the full-time equivalent*") yw'r cyfnod y byddai myfyriwr amser-llawn safonol yn cwblhau'r cwrs amser-llawn cyfatebol;

(c) ystyr "myfyriwr amser-llawn safonol" ("*standard full-time student*") yw myfyriwr sydd i'w ystyried yn un–

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

purposes of section 22(1) of the 1998 Act and regulation 114 if–

(a) it is a course entry for which a first degree (or equivalent qualification) or higher is normally required;

(b) it is a course–

(i) of at least one academic year's duration; and

(ii) in the case of a part-time course, it is ordinarily possible to complete the course in not more than twice the period ordinarily required to complete the full time equivalent;

(c) it is wholly provided by a publicly funded educational institution in the United Kingdom or is provided by such an institution conjunction with an institution outside the United Kingdom; and

(d) it is not a course for the initial training of teachers or a course taken as part of an employment based teacher training scheme.

(2) For the purposes of paragraph (1)–

(a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not it has entered an agreement with the student to provide the course;

(b) a university and any constituent college or institution in the nature of a college of a university is regarded as publicly funded if either the university or the constituent college or institution is publicly funded; and

(c) an institution is not regarded as publicly funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992(**1**).

(3) For the purposes of paragraph (1)(b)(ii)–

(a) "full-time equivalent" ("*cwrs amser-llawn cyfatebol*") means a full-time course leading to the same qualification as the part-time course in question;

(b) "period ordinarily required to complete the full-time equivalent" ("*cyfnod y mae ei angen fel arfer i gwblhau'r cwrs amser-llawn cyfatebol*") means the period in which a standard full-time student would complete the full-time equivalent;

(c) "standard full-time student" ("*myfyriwr amser-llawn safonol*") means a student who is to be taken–

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

(i) sydd wedi dechrau ar y cwrs amser-llawn cyfatebol ar yr un dyddiad ag y dechreuodd myfyriwr rhan-amser cymwys ar y cwrs rhan-amser o dan sylw;

(ii) nad yw wedi'i esgusodi o unrhyw ran o'r cwrs amser-llawn gyfatebol;

(iii) nad yw wedi ailadrodd unrhyw ran o'r cwrs amser-llawn cyfatebol; a

(iv) nad yw wedi bod yn absennol o'r cwrs amser-llawn cyfatebol ac eithrio yn ystod gwyliau.

(4) At ddibenion adran 22 o Ddeddf 1998 a rheoliad 114, caiff Gweinidogion Cymru ddynodi cyrsiau addysg uwch nad ydynt wedi'u dynodi o dan baragraff (1).

Cyfnod cymhwystra

117.–(1) Cedwir statws myfyriwr fel myfyriwr ôl-raddedig cymwys mewn perthynas â chwrs ôl-radd dynodedig hyd nes terfynir y statws hwnnw yn unol â'r rheoliad hwn neu reoliad 114.

(2) Y cyfnod y bydd myfyriwr ôl-raddedig cymwys yn cadw'r statws y cyfeirir ato ym mharagraff (1) yw'r "cyfnod cymhwystra" ("*period of eligibility*").

(3) Yn ddarostyngedig i'r paragraffau canlynol a rheoliad 114, mae'r cyfnod cymhwystra'n dod i ben ar ddiwedd y cyfnod y mae ei angen fel arfer i gwblhau'r cwrs ôl-radd dynodedig.

(4) Mae'r cyfnod cymhwystra yn terfynu pan fydd y myfyriwr ôl-raddedig cymwys ("A" yn y paragraff hwn a pharagraff (5))–

(a) yn tynnu'n ôl o'i gwrs ôl-radd dynodedig o dan amgylchiadau pan nad yw Gweinidogion Cymru wedi trosglwyddo neu na fyddant yn trosglwyddo statws A fel myfyriwr ôl-raddedig cymwys i gwrs arall o dan reoliad 118; neu

(b) yn cefnu ar ei gwrs ôl-radd dynodedig neu'n cael ei ddiarddel oddi arno.

(5) Caiff Gweinidogion Cymru derfynu'r cyfnod cymhwystra os yw A wedi dangos drwy ei ymddygiad nad yw A yn addas i gael cymorth o dan y Rhan hon.

(6) Pan fo'r myfyriwr ôl-raddedig cymwys yn ymgymryd â chwrs ôl-radd dynodedig sy'n gwrs rhan-amser, mae'r cyfnod cymhwystra'n terfynu ar ddiwedd y flwyddyn academaidd pan â'n amhosibl, yn ystod y flwyddyn honno neu ar ei diwedd, i'r myfyriwr ôl-raddedig cymwys gwblhau'r cwrs o fewn y cyfnod a bennir yn rheoliad 116(1)(b)(ii).

(7) Os yw Gweinidogion Cymru wedi'u bodloni bod myfyriwr ôl-raddedig cymwys wedi methu â chydymffurfio ag unrhyw ofyniad i roi gwybodaeth o dan y Rhan hon neu ei fod wedi rhoi gwybodaeth sy'n

(i) to have started the full-time equivalent on the same date as the eligible part-time student started the part-time course in question;

(ii) not to have been excused any part of the full-time equivalent;

(iii) not to have repeated any part of the full-time equivalent; and

(iv) not to have been absent from the full-time equivalent other than during vacations.

(4) For the purposes of section 22 of the 1998 Act and regulation 114, the Welsh Ministers may designate courses of higher education which are not designated under paragraph (1).

Period of eligibility

117.–(1) A student's status as an eligible postgraduate student is retained in connection with a designated postgraduate course until that status is terminated in accordance with this regulation or regulation 114.

(2) The period for which an eligible postgraduate student retains the status referred to in paragraph (1) is the "period of eligibility" ("*cyfnod cymhwystra*").

(3) Subject to the following paragraphs and regulation 114, the period of eligibility terminates at the end of the period ordinarily required for completion of the designated postgraduate course.

(4) The period of eligibility terminates when the eligible postgraduate student ("A" in this paragraph and paragraph (5))–

(a) withdraws from A's designated postgraduate course in circumstances where the Welsh Ministers have not transferred or will not transfer A's status as an eligible postgraduate student to another course under regulation 118; or

(b) abandons or is expelled from A's designated postgraduate course.

(5) The Welsh Ministers may terminate the period of eligibility where A has shown by A's conduct that A is unfitted to receive support under this Part.

(6) Where the eligible postgraduate student is undertaking a designated postgraduate course that is a part-time course, the period of eligibility terminates at the end of the academic year during or at the end of which it becomes impossible for the eligible postgraduate student to complete the course within the period specified in regulation 116(1)(b)(ii).

(7) If the Welsh Ministers are satisfied that an eligible postgraduate student has failed to comply with any requirement to provide information under this Part or has provided information which is inaccurate in a

anghywir o ran manylyn perthnasol, caiff Gweinidogion Cymru gymryd unrhyw rai o'r camau canlynol y maent yn credu eu bod yn briodol o dan yr amgylchiadau–

(a) terfynu'r cyfnod cymhwystra;

(b) penderfynu nad oes gan y myfyriwr hawl mwyach i gael grant neu unrhyw swm penodol o grant o dan y Rhan hon;

(c) trin unrhyw gymorth a dalwyd i'r myfyriwr fel gordaliad y caniateir ei adennill o dan reoliad 123.

(8) Pan fo'r cyfnod cymhwystra'n dod i ben ar y dyddiad y daw'r cyfnod y mae ei angen fel arfer i gwblhau'r cwrs ôl-radd dynodedig i ben neu cyn y dyddiad hwnnw, caiff Gweinidogion Cymru, ar unrhyw adeg, adnewyddu'r cyfnod cymhwystra am y cyfryw gyfnodau ag y byddant yn penderfynu arnynt.

Trosglwyddo statws

118.–(1) Os yw myfyriwr ôl-raddedig cymwys yn trosglwyddo o gwrs ôl-radd dynodedig i gwrs ôl-radd dynodedig arall, rhaid i Weinidogion Cymru drosglwyddo statws y myfyriwr fel myfyriwr ôl-raddedig cymwys i'r cwrs arall hwnnw–

(a) os cânt gais oddi wrth y myfyriwr ôl-raddedig cymwys am wneud hynny;

(b) os ydynt wedi'u bodloni bod un neu fwy o'r seiliau trosglwyddo ym mharagraff (2) yn gymwys; ac

(c) os nad yw'r cyfnod cymhwystra wedi'i derfynu.

(2) Y seiliau trosglwyddo yw–

(a) bod y myfyriwr ôl-raddedig cymwys, ar argymhelliad yr awdurdod academaidd, yn dechrau ymgymryd â chwrs ôl-radd dynodedig arall yn yr un sefydliad; neu

(b) bod y myfyriwr ôl-raddedig cymwys yn dechrau ymgymryd â chwrs ôl-radd dynodedig mewn sefydliad arall.

(3) Yn ddarostyngedig i baragraff (4), mae gan fyfyriwr ôl-raddedig cymwys sy'n trosglwyddo o dan baragraff (1) hawlogaeth i gael, mewn cysylltiad â blwyddyn academaidd y cwrs y mae'n trosglwyddo iddo, gweddill y cymorth o dan y Rhan hon, y penderfynodd Gweinidogion Cymru fod ganddo hawl i'w gael mewn perthynas â blwyddyn academaidd y cwrs y mae'r myfyriwr ôl-raddedig cymwys yn trosglwyddo ohono.

(4) Caiff Gweinidogion Cymru ailasesu swm y cymorth ar ôl y trosglwyddo, yn unol â'r Rhan hon.

(5) Ni chaiff myfyriwr ôl-raddedig cymwys sy'n trosglwyddo o dan baragraff (1), ar ôl i Weinidogion Cymru benderfynu ar ei gymorth o dan y Rhan hon

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 a grant or any particular amount of grant under this Part;

(c) treat any support paid to the student as an overpayment which may be recovered under regulation 123.

(8) Where the period of eligibility terminates on or before the expiry of the period ordinarily required for the completion of the designated postgraduate course, the Welsh Ministers may, at any time, renew the period of eligibility for such periods as they determine.

Transfer of status

118.–(1) Where an eligible postgraduate student transfers from a designated postgraduate course to another designated postgraduate course, the Welsh Ministers must transfer the student's status as an eligible postgraduate student to that other course where–

(a) they receive a request from the eligible postgraduate 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) on the recommendation of the academic authority the eligible postgraduate student starts to undertake another designated postgraduate course at the same institution; or

(b) the eligible postgraduate student starts to undertake a designated postgraduate course at another institution.

(3) Subject to paragraph (4), an eligible postgraduate student who transfers under paragraph (1) is entitled to receive in connection with the academic year of the course to which the eligible postgraduate student transfers the remainder of the support under this Part for which the Welsh Ministers have determined the eligible postgraduate student qualifies in respect of the academic year of the course from which the eligible postgraduate student transfers.

(4) The Welsh Ministers may re-assess the support after the transfer in accordance with this Part.

(5) An eligible postgraduate student who transfers under paragraph (1) after the Welsh Ministers have determined the eligible postgraduate student's support

mewn cysylltiad â blwyddyn academaidd y cwrs y mae'n trosglwyddo oddi wrtho ond cyn iddo gwblhau'r flwyddyn honno, wneud cais am grant arall o dan y Rhan hon mewn cysylltiad â blwyddyn academaidd y cwrs y mae'n trosglwyddo iddo.

under this Part in connection with the academic year of the course from which the eligible postgraduate student is transferring but before the eligible postgraduate student completes that year may not apply for another grant under this Part in connection with the academic year of the course to which the eligible postgraduate student transfers.

Ceisiadau am gymorth

119.–(1) Rhaid i berson wneud cais am grant o dan y Rhan hon mewn cysylltiad â phob blwyddyn academaidd ar gwrs ôl-radd dynodedig drwy lenwi a chyflwyno i Weinidogion Cymru gais ar unrhyw ffurf a chan ddarparu unrhyw ddogfennau y bydd Gweinidogion Cymru yn gofyn amdanynt.

(2) Rhaid i'r cais gyrraedd Gweinidogion Cymru cyn gynted ag y bo'n rhesymol ymarferol.

(3) Caiff Gweinidogion Cymru gymryd unrhyw gamau a gwneud unrhyw ymholiadau y maent yn credu eu bod yn angenrheidiol er mwyn penderfynu a yw'r ceisydd yn fyfyriwr ôl-raddedig cymwys, a oes gan y ceisydd hawl i gael grant a swm y grant sy'n daladwy, os oes grant yn daladwy o gwbl.

(4) Rhaid i Weinidogion Cymru hysbysu'r ceisydd–

(a) pa un a oes gan y ceisydd hawl i gael grant neu beidio;

(b) os oes gan y ceisydd hawl, y swm sy'n daladwy mewn perthynas â'r flwyddyn academaidd, os oes swm yn daladwy o gwbl; ac

(c) sut y dyrennir y swm hwnnw rhwng y mathau o wariant cymwys.

Applications for support

119.–(1) A person must apply for a grant under this Part in connection with each academic year of a designated postgraduate course by completing and submitting to the Welsh Ministers an application in such form and accompanied by such documentation as the Welsh Ministers may require.

(2) The application must reach the Welsh Ministers as soon as is reasonably practicable.

(3) The Welsh Ministers may take such steps and make such inquiries as they consider necessary to determine whether the applicant is an eligible postgraduate student, whether the applicant qualifies for a grant and the amount of grant payable, if any.

(4) The Welsh Ministers must notify the applicant–

(a) whether the applicant qualifies for a grant;

(b) if the applicant does qualify, the amount payable in respect of the academic year, if any; and

(c) how that amount is allocated between the types of eligible expenditure.

Gwybodaeth

120. Mae Atodlen 3 yn gymwys mewn perthynas â rhoi gwybodaeth gan geisydd a chan fyfyriwr ôl-raddedig cymwys.

Information

120. Schedule 3 applies in respect of the provision of information by an applicant and an eligible postgraduate student.

Swm y grant

121.–(1) Yn ddarostyngedig i baragraff (2), y grant sy'n daladwy i fyfyriwr ôl-raddedig cymwys o dan y Rhan hon yw'r cyfryw swm sy'n briodol ym marn Gweinidogion Cymru, i gynorthwyo gydag un neu ragor o fathau o wariant cymwys.

(2) Rhaid i'r grant beidio â bod yn fwy na £10,260 mewn perthynas â blwyddyn academaidd.

(3) At ddibenion y Rhan hon, y canlynol yw'r "mathau o wariant cymwys"–

(a) gwariant ar gynorthwyydd nad yw'n gynorthwyydd meddygol;

(b) gwariant ar eitemau mawr o offer arbenigol; a

(c) gwariant ychwanegol a dynnir–

Amount of grant

121.–(1) Subject to paragraph (2), the grant payable to an eligible postgraduate student under this Part is such amount as the Welsh Ministers consider appropriate to assist with one or more types of eligible expenditure.

(2) The grant must not exceed £10,260 in respect of an academic year.

(3) For the purposes of this Part, the "types of eligible expenditure" are–

(a) expenditure on a non-medical helper;

(b) expenditure on major items of specialist equipment; and

(c) additional expenditure incurred–

(i) o fewn y Deyrnas Unedig at ddiben mynychu sefydliad;

(ii) o fewn y Deyrnas Unedig neu'r tu allan iddi at ddiben mynychu, fel rhan o'r cwrs, unrhyw gyfnod o astudio mewn sefydliad tramor neu at ddibenion mynychu'r Athrofa.

(i) within the United Kingdom for the purpose of attending the institution;

(ii) within or outside the United Kingdom for the purpose of attending, as part of the course, any period of study at an overseas institution or for the purposes of attending the Institute.

Talu'r grant

122.–(1) Caiff Gweinidogion Cymru dalu grant y mae gan fyfyriwr ôl-raddedig cymwys hawl i'w gael o dan y Rhan hon a hynny mewn unrhyw randaliadau (os oes rhandaliadau) ac ar unrhyw adegau y maent yn credu eu bod yn briodol ac wrth arfer eu swyddogaethau o dan y Rhan hon fe gânt wneud taliadau dros dro hyd nes y ceir cyfrifiad terfynol swm y grant y mae gan y myfyriwr hawl i'w gael.

(2) Caniateir i daliadau gael eu gwneud mewn unrhyw fodd sy'n briodol ym marn Gweinidogion Cymru a chânt ei gwneud yn un o amodau'r hawlogaeth i gael taliad fod rhaid i'r myfyriwr ôl-raddedig cymwys roi iddynt fanylion cyfrif banc neu gyfrif cymdeithas adeiladu yn y Deyrnas Unedig y gall taliadau gael eu talu iddo drwy eu trosglwyddo'n electronig.

Payment of grant

122.–(1) The Welsh Ministers may pay a grant for which an eligible postgraduate student qualifies under this Part in such instalments (if any) and at such times as they consider appropriate and in the exercise of their functions under this Part they may make provisional payments pending the final calculation of the amount of grant for which the student qualifies.

(2) Payments may be made in such manner as the Welsh Ministers consider appropriate and they may make it a condition of entitlement to payment that the eligible postgraduate 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.

Gordaliadau

123.–(1) Os bydd Gweinidogion Cymru yn gofyn iddo, rhaid i fyfyriwr ôl-raddedig cymwys ad-dalu unrhyw swm a dalwyd iddo o dan y Rhan hon sydd am ba reswm bynnag yn fwy na swm y grant y mae ganddo hawlogaeth i'w gael o dan y Rhan hon.

(2) Rhaid i Weinidogion Cymru adennill gordaliad o grant o dan y Rhan hon onid ydynt o'r farn nad yw'n briodol i wneud hynny.

(3) Dyma'r dulliau ar gyfer adennill–

(a) tynnu'r gordaliad o unrhyw fath o grant sy'n daladwy i'r myfyriwr ôl-raddedig cymwys o bryd i'w gilydd yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998;

(b) cymryd unrhyw gamau eraill i adennill gordaliad sydd ar gael iddynt.

(4) Mae taliad grant o dan y Rhan hon a wnaed cyn y dyddiad perthnasol yn ordaliad os yw'r myfyriwr ôl-raddedig cymwys yn rhoi'r gorau i'r cwrs cyn y dyddiad perthnasol onid yw Gweinidogion Cymru yn penderfynu fel arall.

(5) Yn y rheoliad hwn, y "dyddiad perthnasol" ("*relevant date*") yw'r dyddiad y mae tymor cyntaf y flwyddyn academaidd dan sylw yn dechrau mewn gwirionedd.

(6) Yn yr amgylchiadau ym mharagraffau (7) a (8),

Overpayments

123.–(1) An eligible postgraduate student must, if so required by the Welsh Ministers, repay any amount paid to the eligible postgraduate student under this Part which for whatever reason exceeds the amount of grant to which the eligible postgraduate student is entitled under this Part.

(2) The Welsh Ministers must recover an overpayment of grant under this Part unless they consider it is not appropriate to do so.

(3) The methods of recovery are–

(a) subtracting the overpayment from any kind of grant payable to the eligible postgraduate student from time to time pursuant to regulations made by the Welsh Ministers under section 22 of the 1998 Act;

(b) taking such other action for the recovery of an overpayment as is available to them.

(4) A payment of grant under this Part made before the relevant date is an overpayment if the eligible postgraduate student withdraws from the course before the relevant date unless the Welsh Ministers decide otherwise.

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

(6) In the circumstances in paragraphs (7) and (8),

mae gordaliad o grant o dan y Rhan hon onid yw Gweinidogion Cymru yn penderfynu fel arall.

(7) Yr amgylchiadau y cyfeirir atynt ym mharagraff (6) yw–

(a) pan fo Gweinidogion Cymru yn cymhwyso'r cyfan neu ran o'r grant o dan y Rhan hon i brynu offer arbenigol ar ran y myfyriwr ôl-raddedig cymwys;

(b) pan fo cyfnod cymhwystra'r myfyriwr yn dod i ben ar ôl y dyddiad perthnasol; ac

(c) pan nad yw'r offer wedi'i ddanfon at y myfyriwr cyn i gyfnod cymhwystra'r myfyriwr ddod i ben.

(8) Yr amgylchiadau y cyfeirir atynt ym mharagraff (6) yw–

(a) pan fo cyfnod cymhwystra'r myfyriwr ôl-raddedig cymwys yn dod i ben; a

(b) pan wneir taliad grant o dan y Rhan hon mewn perthynas ag offer arbenigol i'r myfyriwr ar ôl i gyfnod cymhwystra'r myfyriwr ddod i ben.

(9) Pan fo gordaliad o grant o dan y Rhan hon, caiff Gweinidogion Cymru dderbyn yn ôl offer arbenigol a brynwyd â'r grant yn fodd i adennill y cyfan neu ran o'r gordaliad os ydynt o'r farn ei bod yn briodol iddynt wneud hynny.

RHAN 14

DIWYGIO RHEOLIADAU 2009

Diwygio Rheoliadau 2009

124. Mewn perthynas â blwyddyn academaidd sy'n cychwyn ar 1 Ebrill 2011 neu 1 Gorffennaf 2011, diwygir Rheoliadau 2009 yn unol â'r rheoliadau canlynol.

125. Yn rheoliad 2(1)–

(a) yn lle'r diffiniad o "blwyddyn bwrsari" ("*bursary year*"), rhodder–

"ystyr "blwyddyn bwrsari" ("*bursary year*") yw blwyddyn academaidd cwrs y mae'r myfyriwr yn gymwys i wneud cais am fwrsari gofal iechyd neu lwfans gofal iechyd yr Alban mewn perthynas â hi, ac y cyfrifir swm y bwrsari neu lwfans drwy gyfeirio at incwm y myfyriwr, pa un a fydd canlyniad y cyfrifiad yn swm o ddim, ai peidio;";

(b) yn y diffiniad o "Erasmus year" ("*blwyddyn Erasmus*"), yn lle "a bod pob cyfnod astudio'r myfyriwr yn ystod y flwyddyn academaidd mewn sefydliad y tu allan i'r Deyrnas Unedig", rhodder–

"ac–

there is an overpayment of grant under this Part unless the Welsh Ministers decide otherwise.

(7) The circumstances referred to in paragraph (6) are–

(a) the Welsh Ministers apply all or part of the grant under this Part to the purchase of specialist equipment on behalf of the eligible postgraduate student;

(b) the student's period of eligibility terminates after the relevant date; and

(c) the equipment has not been delivered to the student before the student's period of eligibility terminates.

(8) The circumstances referred to in paragraph (6) are–

(a) the eligible postgraduate student's period of eligibility terminates; and

(b) a payment of grant under this Part in respect of specialist equipment is made to the student after the student's period of eligibility terminated.

(9) Where there is an overpayment of the grant under this Part, 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.

PART 14

AMENDMENT OF THE 2009 REGULATIONS

Amendment of the 2009 Regulations

124. In relation to an academic year beginning on 1 April 2011 or 1 July 2011, the 2009 Regulations are amended in accordance with the following regulations.

125. In regulation 2(1)–

(a) for the definition of "bursary year" ("*blwyddyn bwrsar*i"), substitute–

""bursary year" ("*blwyddyn bwrsari*") means an academic year of a course in relation to which the student is eligible to apply for a healthcare bursary or a Scottish healthcare allowance, the amount of which is calculated by reference to that student's income whether or not the calculation results in a nil amount;";

(b) in the definition of "Erasmus year" ("*blwyddyn Erasmus*"), for "and all the periods of study during the academic year are at an institution outside the United Kingdom", substitute–

"and–

(a) ymgymerir â phob cyfnod astudio yn ystod y flwyddyn academaidd mewn sefydliad y tu allan i'r Deyrnas Unedig; neu

(b) ymgymerir â phob cyfnod ar leoliad gwaith yn ystod y flwyddyn academaidd mewn gweithle y tu allan i'r Deyrnas Unedig;";

(c) yn y diffiniad o "cyfnod arferol" ("*ordinary duration*"), hepgorer "ac eithrio unrhyw flynyddoedd academaidd o'r cwrs sy'n flynyddoedd bwrsari neu'n flynyddoedd Erasmus"; ac

(ch) hepgorer y diffiniad o "blwyddyn academaidd safonol" ("*standard academic year*").

126. Yn rheoliad 2(7)(a)(i), ar ôl "athrawon" mewnosoder "neu'n flwyddyn academaidd cwrs dynodedig sy'n flwyddyn Erasmus".

127. Yn lle rheoliad 5(1)(b)(iii), rhodder–

"(iii) cwrs ar gyfer hyfforddiant cychwynnol athrawon–

(aa) a ddechreuodd cyn 1 Medi 2010;

(bb) sy'n dechrau ar neu ar ôl 1 Medi 2010, pan fo'r myfyriwr yn trosglwyddo i'r cwrs presennol yn unol â rheoliad 8 o gwrs ar gyfer hyfforddiant cychwynnol athrawon a ddechreuodd cyn 1 Medi 2010; neu

(cc) sy'n dechrau ar neu ar ôl 1 Medi 2010 ond cyn 1 Medi 2011, a'r myfyriwr yn fyfyriwr blwyddyn i ffwrdd 2010 mewn perthynas â'r cwrs hwnnw;".

128. Yn rheoliad 7(5)(a), ar ôl "gweithiwr cymdeithasol" mewnosoder ", meddyg, deintydd, milfeddyg neu bensaer".

129. Hepgorer rheoliad 7(6).

130.–(1) Yn lle rheoliad 24(6)(d)(iv), rhodder–

"(iv) Bwrdd Iechyd a Gofal Cymdeithasol Rhanbarthol neu'r Asiantaeth Ranbarthol ar gyfer Iechyd y Cyhoedd a Llesiant Cymdeithasol a sefydlwyd o dan adrannau 7 a 12 o Ddeddf (Diwygio) Iechyd a Gofal Cymdeithasol (Gogledd Iwerddon) 2009 (**1**)".

(2) Ar ddiwedd rheoliad 24(15)(b), hepgorer yr atalnod llawn a mewnosoder–

";

(c) myfyriwr ar gyfnod astudio neu gyfnod o leoliad gwaith yn ystod blwyddyn Erasmus.".

131.–(1) Yn rheoliad 32(2), yn lle "neu'r Athrofa" rhodder ", yr Athrofa neu leoliad gwaith dramor yn ystod blwyddyn Erasmus".

(2) Yn rheoliad 33(3)(a) yn lle "neu yn yr Athrofa"

(**1**) 2009 p.1 (G.I.).

(a) all the periods of study during the academic year are attended at an institution outside the United Kingdom; or

(b) all the periods of work placement during the academic year are attended at a workplace outside the United Kingdom;";

(c) in the definition of "ordinary duration" ("*cyfnod arferol*"), omit "excluding any academic years of the course that are bursary years or Erasmus years"; and

(d) omit the definition of "standard academic year" ("*blwyddyn academaidd safonol*").

126. In regulation 2(7)(a)(i), after "teachers" insert "or an academic year of a designated course that is an Erasmus year".

127. For regulation 5(1)(b)(iii), substitute–

"(iii) a course for the initial training of teachers which–

(aa) began before 1 September 2010;

(bb) begins on or after 1 September 2010 where the student transfers to the present course pursuant to regulation 8 from a course for the initial training of teachers which began before 1 September 2010; or

(cc) begins on or after 1 September 2010 but before 1 September 2011 and in relation to which the student is a 2010 gap year student;".

128. In regulation 7(5)(a), after "social worker" insert ", medical doctor, dentist, veterinary surgeon or architect".

129. Omit regulation 7(6).

130.–(1) For regulation 24(6)(e)(iv), substitute–

"(iv) a Regional Health and Social Care Board or the Regional Agency for Public Health and Social Well-being established under sections 7 and 12 of the Health and Social Care (Reform) Act (Northern Ireland) 2009(**1**)".

(2) At the end of regulation 24(15)(b), omit the full stop and insert–

";

(c) a student on a period of study or a period of work placement in an Erasmus year.".

131.–(1) In regulation 32(2), for "or the Institute" substitute ", the Institute or an overseas work placement in an Erasmus year".

(2) In regulation 33(3)(a) for "or the Institute"

(**1**) 2009 c.1 (N.I.).

rhodder ", yr Athrofa neu leoliad gwaith dramor yn ystod blwyddyn Erasmus ("y lleoliad " yn y paragraff hwn)".

(3) Yn rheoliad 33(3)(b), yn lle "neu'r Athrofa" rhodder ", yr Athrofa neu leoliad".

(4) Yn rheoliad 33(3)(c), yn lle "neu'r Athrofa" rhodder ", yr Athrofa neu leoliad".

(5) Yn rheoliad 35(a), yn lle "neu gyfnod o astudio" rhodder ", cyfnod astudio neu gyfnod ar leoliad gwaith dramor yn ystod blwyddyn Erasmus".

(6) Yn rheoliad 35(b), yn lle "neu'r Athrofa" rhodder ", yr Athrofa neu leoliad gwaith dramor yn ystod blwyddyn Erasmus".

132.–(1) Yn rheoliad 43(8)(a), hepgorer "a".

(1) Ar ddiwedd rheoliad 43(8)(b), hepgorer yr atalnod llawn a mewnosoder–

"; ac

(c) myfyriwr ar gyfnod astudio neu gyfnod o leoliad gwaith yn ystod blwyddyn Erasmus.".

133. Yn rheoliad 56(1)(c), ar ôl "tramor" mewnosoder "neu ar leoliad gwaith dramor yn ystod blwyddyn Erasmus".

134. Hepgorer–

(a) rheoliad 60(2); a

(b) rheoliad 60(13).

135. Yn rheoliad 109(4)(a)(v), hepgorer "gan y Cyngor Gofal Cymdeithasol Cyffredinol".

136. Ym mharagraff 1(1) yn Atodlen 1, yn y diffiniad o "aelod o deulu", yn lle is-baragraff (a)(ii) rhodder–

"(ii) disgynyddion uniongyrchol y person neu ddisgynyddion priod neu bartner sifil y person sydd–

(aa) o dan 21 oed; neu

(bb) yn ddibynyddion y person neu'n ddibynyddion priod neu bartner sifil y person; neu".

137.–(1) Yn is-baragraff (3) o baragraff 5 o Atodlen 5–

(a) yn union cyn "Os yw Gweinidogion Cymru" mewnosoder "Yn ddarostyngedig i is-baragraff (3A)"; a

(b) ar ôl "y flwyddyn ariannol gyfredol" mewnosoder "yn y paragraff hwn".

(2) Ar ôl is-baragraff (3) o baragraff 5 o Atodlen 5, mewnosoder–

"(3A) Os digwydd bod is-baragraff (3) neu'r is-baragraff hwn wedi ei gymhwyso mewn perthynas

substitute ", the Institute or overseas work placement in an Erasmus year ("the placement" in this paragraph)".

(3) In regulation 33(3)(b), for "or the Institute" substitute ", the Institute or placement".

(4) In regulation 33(3)(c), for "or the Institute" substitute ", the Institute or placement".

(5) In regulation 35(a), for "or period of study" substitute ", period of study or period of overseas work placement in an Erasmus year".

(6) In regulation 35(b), for "or the Institute" substitute ", the Institute or an overseas work placement in an Erasmus year".

132.–(1) In regulation 43(8)(a), omit "and".

(2) At the end of regulation 43(8)(b), omit the full stop and insert–

"; and

(c) a student on a period of study or a period of work placement in an Erasmus year.".

133. In regulation 56(1)(c), after "institution" insert "or attending an overseas work placement in an Erasmus year".

134. Omit–

(a) regulation 60(2); and

(b) regulation 60(13).

135. In regulation 109(4)(a)(v), omit "by the General Social Care Council".

136. In paragraph 1(1) in Schedule 1, in the definition of "family member", for sub-paragraph (a)(ii) substitute–

"(ii) direct descendants of the person or of the person's spouse or civil partner who are–

(aa) under the age of 21; or

(bb) dependants of the person or the person's spouse or civil partner; or".

137.–(1) In sub-paragraph (3) of paragraph 5 of Schedule 5–

(a) immediately before "Where the Welsh Ministers" insert "Subject to sub-paragraph (3A)"; and

(b) after "the current financial year" insert "in this paragraph".

(2) After sub-paragraph (3) of paragraph 5 of Schedule 5, insert–

"(3A) In the event that sub-paragraph (3) or this sub-paragraph was applied in respect of the

â blwyddyn academaidd flaenorol y cwrs presennol, a bod Gweinidogion Cymru wedi eu bodloni bod incwm gweddilliol y rhiant yn y flwyddyn ariannol gyfredol yn debygol o fod yn ddim mwy nag 85 y cant o werth sterling incwm gweddilliol y rhiant yn y flwyddyn ariannol flaenorol, rhaid i Weinidogion Cymru, at y diben o alluogi'r myfyrwyr cymwys i fod yn bresennol ar y cwrs heb galedi, asesu incwm gweddilliol y rhiant am y flwyddyn ariannol gyfredol.".

(3) Yn lle is-baragraff (4) o baragraff 5 o Atodlen 5, rhodder–

"(4) Mewn blwyddyn academaidd yn union ar ôl un y mae Gweinidogion Cymru wedi canfod ynddi incwm gweddilliol y rhiant o dan is-baragraff (3), neu, pan fo'n gymwys, o dan is-baragraff (3A), a bod Gweinidogion Cymru wedi eu bodloni bod incwm gweddilliol y rhiant yn y flwyddyn ariannol gyfredol yn debygol o fod yn fwy nag 85 y cant o werth sterling incwm gweddilliol y rhiant yn y flwyddyn ariannol flaenorol, rhaid i Weinidogion Cymru ganfod incwm gweddilliol y rhiant yn y flwyddyn ariannol flaenorol.".

previous academic year of the present course and the Welsh Ministers are satisfied that the residual income of the parent in the current financial year is likely to be not more than 85 per cent of the sterling value of the parent's residual income in the preceding financial year the Welsh Ministers must, for the purpose of enabling the eligible student to attend the course without hardship, assess the parent's residual income for the current financial year.".

(3) For sub-paragraph (4) of paragraph 5 of Schedule 5, substitute–

"(4) In an academic year immediately following one in which the Welsh Ministers have ascertained the residual income of the parent under sub-paragraph (3) or, where applicable, under sub-paragraph (3A) and the Welsh Ministers are satisfied that the residual income of the parent in the current financial year is likely to be more than 85 per cent of the sterling value of the parent's residual income in the preceding financial year, the Welsh Ministers must ascertain the parent's residual income for the preceding financial year.".

Leighton Andrews

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

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

25 Ionawr 2011

25 January 2011

ATODLEN 1

Rheoliadau 4, 71, 88 a 114

Myfyrwyr Cymwys

RHAN 1

Dehongli

1.–(1) At ddibenion yr Atodlen hon–

ystyr "aelod o deulu" ("*family member*") (oni nodir fel arall) yw–

(a) o ran gweithiwr ffin yr AEE, gweithiwr mudol o'r AEE, person hunangyflogedig ffin yr AEE neu berson hunangyflogedig o'r AEE–

(i) priod y person neu ei bartner sifil;

(ii) disgynyddion uniongyrchol y person neu ddisgynyddion priod neu bartner sifil y person sydd–

(aa) o dan 21 oed; neu

(bb) yn ddibynyddion y person neu'n ddibynyddion priod neu bartner sifil y person; neu

(iii) perthnasau uniongyrchol dibynnol yn llinach esgynnol y person neu yn llinach esgynnol priod neu bartner sifil y person;

(b) o ran person cyflogedig Swisaidd, person cyflogedig ffin y Swistir, person hunangyflogedig ffin y Swistir neu berson hunangyflogedig Swisaidd–

(i) priod y person neu ei bartner sifil; neu

(ii) plentyn y person neu blentyn priod neu bartner sifil y person;

(c) o ran gwladolyn o'r UE sy'n dod o fewn Erthygl 7(1)(c) o Gyfarwyddeb 2004/38–

(i) priod neu bartner sifil y gwladolyn; neu

(ii) disgynyddion uniongyrchol y gwladolyn neu ddisgynyddion uniongyrchol priod neu bartner sifil y gwladolyn sydd–

(aa) o dan 21 oed; neu

(bb) yn ddibynyddion y gwladolyn neu'n ddibynyddion priod neu bartner sifil y gwladolyn;

(ch) o ran gwladolyn o'r UE sy'n dod o fewn Erthygl 7(1)(b) o Gyfarwyddeb 2004/38–

(i) priod neu bartner sifil y gwladolyn;

(ii) disgynyddion uniongyrchol y gwladolyn neu ddisgynyddion uniongyrchol priod neu bartner sifil y gwladolyn sydd–

(aa) o dan 21 oed; neu

SCHEDULE 1

Regulations 4, 71, 88 and 114

Eligible Students

PART 1

Interpretation

1.–(1) For the purposes of this Schedule–

"EEA frontier self-employed person" ("*person hunangyflogedig ffin yr AEE*") means an EEA national who –

(a) is a self-employed person in Wales; and

(b) resides in Switzerland or the territory of an EEA State other than the United Kingdom and returns to the national's residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

"EEA frontier worker" ("*gweithiwr ffin yr AEE*") means an EEA national who–

(a) is a worker in Wales; and

(b) resides in Switzerland or the territory of an EEA State other than the United Kingdom and returns to the national's residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

"EEA migrant worker" ("*gweithiwr mudol o'r AEE*") means an EEA national who is a worker, other than an EEA frontier worker, in the United Kingdom;

"EEA national" ("*gwladolyn o'r AEE*") means a national of an EEA State other than the United Kingdom;

"EEA self-employed person" ("*person hunangyflogedig o'r AEE*") means an EEA national who is a self-employed person, other than an EEA frontier self-employed person, in the United Kingdom;

"EEA State" ("*gwladwriaeth AEE*") means a Member State of the European Economic Area;

"employed person" ("*person cyflogedig*") means an employed person within the meaning of Annex 1 to the Swiss Agreement;

"European Economic Area" ("*Ardal Economaidd Ewropeaidd*") means the area comprised by the EEA States;

"family member" ("*aelod o deulu*") means (unless otherwise indicated)–

(bb) yn ddibynyddion y gwladolyn neu'n ddibynyddion priod neu bartner sifil y gwladolyn; neu

(iii) perthnasau uniongyrchol dibynnol yn llinach esgynnol y gwladolyn neu yn llinach esgynnol priod neu bartner sifil y gwladolyn;

(d) o ran gwladolyn o'r Deyrnas Unedig, at ddibenion paragraff 9–

(i) priod neu bartner sifil y gwladolyn; neu

(ii) disgynyddion uniongyrchol y gwladolyn neu ddisgynyddion uniongyrchol priod neu bartner sifil y gwladolyn sydd–

(aa) o dan 21 oed; neu

(bb) yn ddibynyddion y gwladolyn neu'n ddibynyddion priod neu bartner sifil y gwladolyn;

ystyr "Ardal Economaidd Ewropeaidd" ("*European Economic Area*") yw'r ardal a ffurfir gan y Gwladwriaethau AEE;

ystyr "Cytundeb y Swistir" ("*Swiss Agreement*") yw'r Cytundeb rhwng y Gymuned Ewropeaidd a'i Haelod-wladwriaethau, o'r naill ran, a Chydffederasiwn y Swistir, o'r rhan arall, ar Symud Rhydd Personau a lofnodwyd yn Lwcsembwrg ar 21 Mehefin 1999(**1**) ac a ddaeth i rym ar 1 Mehefin 2002;

ystyr "gweithiwr" yw "*worker*" o fewn ystyr Erthygl 7 o Gyfarwyddeb 2004/38 neu Gytundeb yr AEE, yn ôl fel y digwydd;

ystyr "gweithiwr mudol o'r AEE" ("*EEA migrant worker*") yw gwladolyn o'r AEE sy'n weithiwr, ac eithrio gweithiwr ffin yr AEE, yn y Deyrnas Unedig;

ystyr "gweithiwr ffin yr AEE" ("*EEA frontier worker*") yw gwladolyn o'r AEE–

(a) sy'n weithiwr yng Nghymru; a

(b) sy'n preswylio yn y Swistir neu yn nhiriogaeth Gwladwriaeth AEE ac eithrio'r Deyrnas Unedig ac sy'n dychwelyd i'w breswylfa yn y Swistir neu'r Wladwriaeth AEE honno, yn ôl fel y digwydd, yn ddyddiol neu o leiaf unwaith yr wythnos;

ystyr "gwladolyn o'r AEE" ("*EEA national*") yw gwladolyn o Wladwriaeth yn yr AEE ac eithrio'r Deyrnas Unedig;

ystyr "Gwladwriaeth AEE" ("*EEA State*") yw Aelod-wladwriaeth o'r Ardal Economaidd Ewropeaidd;

ystyr "person cyflogedig" ("*employed person*") yw person cyflogedig o fewn ystyr Atodiad 1 i Gytundeb y Swistir;

(a) in relation to an EEA frontier worker, an EEA migrant worker, an EEA frontier self-employed person or an EEA self-employed person–

(i) the person's spouse or civil partner;

(ii) direct descendants of the person or of the person's spouse or civil partner who are–

(aa) under the age of 21; or

(bb) dependants of the person or the person's spouse or civil partner; or

(iii) dependent direct relatives in the ascending line of the person or that of the person's spouse or civil partner;

(b) in relation to a Swiss employed person, a Swiss frontier employed person, a Swiss frontier self-employed person or a Swiss self-employed person–

(i) the person's spouse or civil partner; or

(ii) the person's child or the child of the person's spouse or civil partner;

(c) in relation to an EU national who falls within Article 7(1)(c) of Directive 2004/38–

(i) the national's spouse or civil partner; or

(ii) direct descendants of the national or of the national's spouse or civil partner who are–

(aa) under the age of 21; or

(bb) dependants of the national or of the national's spouse or civil partner;

(d) in relation to an EU national who falls within Article 7(1)(b) of Directive 2004/38–

(i) the national's spouse or civil partner;

(ii) direct descendants of the national or of the national's spouse or civil partner who are–

(aa) under the age of 21; or

(bb) dependants of the national or of the national's spouse or civil partner; or

(iii) dependent direct relatives in the national's ascending line or that of the national's spouse or civil partner;

(e) in relation to a United Kingdom national, for the purposes of paragraph 9–

(i) the national's spouse or civil partner; or

(ii) direct descendants of the national or of the national's spouse or civil partner who are–

(aa) under the age of 21; or

(bb) dependants of the national or of the national's spouse or civil partner;

"self-employed person" ("*person hunangyflogedig*") means–

(a) in relation to an EEA national, a person who is self-employed within the meaning of Article 7 of Directive 2004/38 or the EEA Agreement,

(**1**) Gorch. 4904 ac OJ Rhif L114, 30.04.02, t.6.

ystyr "person cyflogedig Swisaidd" ("*Swiss employed person*") yw gwladolyn Swisaidd sy'n berson cyflogedig, ac eithrio person cyflogedig ffin y Swistir, yn y Deyrnas Unedig;

ystyr "person cyflogedig ffin y Swistir" ("*Swiss frontier employed person*") yw gwladolyn Swisaidd sydd–

(a) yn berson cyflogedig yng Nghymru; a

(b) yn preswylio yn y Swistir neu yn nhiriogaeth Gwladwriaeth AEE ac eithrio'r Deyrnas Unedig ac sy'n dychwelyd i'w breswylfa yn y Swistir neu'r Wladwriaeth AEE honno, yn ôl fel y digwydd, yn ddyddiol neu o leiaf unwaith yr wythnos;

ystyr "person hunangyflogedig" ("*self-employed person*") yw–

(a) o ran gwladolyn o'r AEE, person sy'n hunangyflogedig o fewn ystyr Erthygl 7 o Gyfarwyddeb 2004/38 neu Gytundeb yr AEE, yn ôl fel y digwydd; neu

(b) o ran gwladolyn Swisaidd, person sy'n berson hunangyflogedig o fewn ystyr Atodiad 1 i Gytundeb y Swistir;

ystyr "person hunangyflogedig o'r AEE" ("*EEA self-employed person*") yw gwladolyn o'r AEE sy'n berson hunangyflogedig, ac eithrio person hunangyflogedig ffin yr AEE, yn y Deyrnas Unedig;

ystyr "person hunangyflogedig ffin yr AEE" ("*EEA frontier self-employed person*") yw gwladolyn o'r AEE sydd–

(a) yn berson hunangyflogedig yng Nghymru; a

(b) yn preswylio yn y Swistir neu yn nhiriogaeth Gwladwriaeth AEE ac eithrio'r Deyrnas Unedig ac sy'n dychwelyd i'w breswylfa yn y Swistir neu'r Wladwriaeth AEE honno, yn ôl fel y digwydd, yn ddyddiol neu o leiaf unwaith yr wythnos;

ystyr "person hunangyflogedig Swisaidd" ("*Swiss self-employed person*") yw gwladolyn Swisaidd sy'n berson hunangyflogedig, ac eithrio person hunangyflogedig ffin y Swistir, yn y Deyrnas Unedig;

ystyr "person hunangyflogedig ffin y Swistir" ("*Swiss frontier self-employed person*") yw gwladolyn Swisaidd sydd–

(a) yn berson hunangyflogedig yng Nghymru; a

(b) yn preswylio yn y Swistir neu yn nhiriogaeth Gwladwriaeth EEA ac eithrio'r Deyrnas Unedig ac sy'n dychwelyd i'w breswylfa yn y Swistir neu'r Wladwriaeth EEA honno, yn ôl fel y digwydd, yn ddyddiol neu o leiaf unwaith

as the case may be; or

(b) in relation to a Swiss national, a person who is a self-employed person within the meaning of Annex 1 to the Swiss Agreement;

"settled" ("*wedi setlo*") has the meaning given by section 33(2A) of the Immigration Act 1971(**1**);

"Swiss Agreement" ("*Cytundeb y Swistir*") means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation of the other, on the Free Movement of Persons signed at Luxembourg on 21 June 1999(**2**) and which came into force on 1 June 2002;

"Swiss employed person" ("*person cyflogedig Swisaidd*") means a Swiss national who is an employed person, other than a Swiss frontier employed person, in the United Kingdom;

"Swiss frontier employed person" ("*person cyflogedig ffin y Swistir*") means a Swiss national who–

(a) is an employed person in Wales; and

(b) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to the national's residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

"Swiss frontier self-employed person" ("*person hunangyflogedig ffin y Swistir*") means a Swiss national who–

(a) is a self-employed person in Wales; and

(b) resides in Switzerland or in the territory of an EEA State, other than the United Kingdom, and returns to the national's residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

"Swiss self-employed person" ("*person hunangyflogedig Swisaidd*") means a Swiss national who is a self-employed person, other than a Swiss frontier self-employed person, in the United Kingdom;

"worker" ("*gweithiwr*") means a worker within the meaning of Article 7 of Directive 2004/38 or the EEA Agreement, as the case may be;

(**1**) 1971 c. 77; section 33(2A) was inserted by paragraph 7 of Schedule 4 to the British Nationality Act 1981 (c. 61).

(**2**) Cm. 4904 and OJ No L114, 30.04.02, p.6 .

yr wythnos;

mae i "wedi setlo" yr ystyr a roddir i "*settled*" gan adran 33(2A) o Ddeddf Mewnfudo 1971(**1**).

(2) At ddibenion yr Atodlen hon, mae "rhiant" ("*parent*") yn cynnwys gwarcheidwad, unrhyw berson arall sydd â chyfrifoldeb rhiant dros blentyn ac unrhyw berson sydd â gofal am blentyn ac mae "plentyn" ("*child*") i'w ddehongli yn unol â hynny.

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

(a) y cwrs presennol, y cwrs dysgu o bell presennol, y cwrs rhan-amser presennol neu'r cwrs ôl-radd presennol; neu

(b) gan ddiystyru unrhyw wyliau yn y cyfamser, cwrs yr ymgymerodd y myfyriwr ag ef yn syth cyn ymgymryd â'r cwrs y cyfeirir ato yn is-baragraff (a),

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

(4) At ddibenion yr Atodlen hon, mae person ("A" yn yr is-baragraff hwn) i gael ei drin fel rhywun sy'n preswylio fel arfer yng Nghymru, y Deyrnas Unedig a'r Ynysoedd neu yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd, y Swistir a Thwrci pe byddai A wedi bod yn preswylio felly oni bai am y ffaith bod–

(a) A;

(b) priod neu bartner sifil A;

(c) rhiant A; neu

(ch) yn achos perthynas uniongyrchol dibynnol yn y llinach esgynnol, plentyn A neu briod neu bartner sifil plentyn A,

yn gyflogedig dros dro neu wedi bod yn gyflogedig dros dro y tu allan i Gymru, y Deyrnas Unedig a'r Ynysoedd neu'r diriogaeth a ffurfir gan Ardal Economaidd Ewropeaidd, y Swistir a Thwrci.

(5) At ddibenion is-baragraff (4), mae cyflogaeth dros dro y tu allan i Gymru, y Deyrnas Unedig a'r Ynysoedd neu'r diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd y Swistir a Thwrci yn cynnwys–

(a) yn achos aelodau o luoedd rheolaidd y llynges, y fyddin neu'r llu awyr y Goron, unrhyw gyfnod pan fyddant yn gwasanaethu y tu allan i'r Deyrnas Unedig fel aelodau o'r cyfryw luoedd; a

(b) yn achos aelodau o luoedd arfog rheolaidd Gwladwriaeth EEA neu'r Swistir, unrhyw gyfnod pan fyddant yn gwasanaethu y tu allan i'r diriogaeth sy'n ffurfio'r Ardal Economaidd

(2) For the purposes of this Schedule, "parent" ("*rhiant*") includes a guardian, any other person having parental responsibility for a child and any person having care of a child and "child" ("*plentyn*") is to be construed accordingly.

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

(a) the present course, the present distance learning course, the present part-time course or the present postgraduate course; or

(b) a course which, disregarding any intervening vacation, the student undertook immediately before undertaking the course referred to in sub-paragraph (a),

is to be considered to be ordinarily resident in the place from which the person moved.

(4) For the purposes of this Schedule, a person ("A" in this sub-paragraph) is to be treated as ordinarily resident in Wales, the United Kingdom and Islands or in the territory comprising the European Economic Area, Switzerland and Turkey if A would have been so resident but for the fact that–

(a) A;

(b) A's spouse or civil partner;

(c) A's parent; or

(d) in the case of a dependent direct relative in the ascending line, A's child or child's spouse or civil partner,

is or was temporarily employed outside Wales, the United Kingdom and Islands or the territory comprising the European Economic Area, Switzerland and Turkey.

(5) For the purposes of sub-paragraph (4), temporary employment outside Wales, the United Kingdom and Islands or the territory comprising the European Economic Area, Switzerland and Turkey includes–

(a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces; and

(b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising the European Economic Area and

(**1**) 1971 p. 77; mewnosodwyd adran 33(2A) gan baragraff 7 o Atodlen 4 i Ddeddf Cenedligrwydd Prydeinig 1981 (p. 61).

Ewropeaidd a'r Swistir fel aelodau o'r cyfryw luoedd.

(c) yn achos aelodau o luoedd arfog rheolaidd Twrci, unrhyw gyfnod pan fyddant yn gwasanaethu y tu allan i'r diriogaeth sydd yn ffurfio'r Ardal Economaidd Ewropeaidd, y Swistir a Thwrci fel aelodau o'r cyfryw luoedd.

(6) At ddibenion yr Atodlen hon mae ardal–

(a) nad oedd gynt yn rhan o'r Undeb Ewropeaidd neu'r Ardal Economaidd Ewropeaidd; ond

(b) sydd ar unrhyw adeg cyn neu ar ôl i'r Rheoliadau hyn ddod i rym wedi dod yn rhan o'r naill neu'r llall, neu o'r ddwy, o'r ardaloedd hyn,

i'w hystyried fel pe bai wastad wedi bod yn rhan o'r Ardal Economaidd Ewropeaidd.

RHAN 2

Categorïau

Personau sydd wedi setlo yn y Deyrnas Unedig

2.–(1) Person sydd ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs–

(a) wedi setlo yn y Deyrnas Unedig heblaw am y rheswm ei fod wedi ennill yr hawl i breswylio'n barhaol;

(b) yn preswylio fel arfer yng Nghymru;

(c) wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac

(ch) yn ddarostyngedig i is-baragraff (2), na fu'n preswylio yn y Deyrnas Unedig a'r Ynysoedd yn ystod unrhyw ran o'r cyfnod y cyfeirir ato ym mharagraff (c) yn gyfan gwbl neu'n bennaf er mwyn derbyn addysg amser-llawn.

(2) Nid yw paragraff (ch) o is-baragraff (1) yn gymwys i berson yr ymdrinnir ag ef fel rhywun sy'n preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd yn unol â pharagraff 1(4).

3. Person–

(a) sydd wedi setlo yn y Deyrnas Unedig yn rhinwedd y ffaith ei fod wedi ennill yr hawl i breswylio'n barhaol;

(b) sy'n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;

(c) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac

Switzerland as members of such forces; and

(c) in the case of members of the regular armed forces of Turkey, any period which they serve outside of the territory comprising the European Economic Area, Switzerland and Turkey as members of such forces.

(6) For the purposes of this Schedule an area which–

(a) was previously not part of the European Union or the European Economic Area; but

(b) at any time before or after these Regulations come into force has become part of one or other or both of these areas,

is to be considered to have always been a part of the European Economic Area.

PART 2

Categories

Persons who are settled in the United Kingdom

2.–(1) A person who on the first day of the first academic year of the course–

(a) is settled in the United Kingdom other than by reason of having acquired the right of permanent residence;

(b) is ordinarily resident in Wales;

(c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course; and

(d) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(4).

3. A person who–

(a) is settled in the United Kingdom by virtue of having acquired the right of permanent residence;

(b) is ordinarily resident in Wales on the first day of the first academic year of the course;

(c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course; and

(ch) mewn achos lle'r oedd ei breswylio arferol y cyfeirir ato ym mharagraff (c) yn gyfan gwbl neu'n bennaf er mwyn derbyn addysg amser-llawn, a oedd yn preswylio fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir yn union cyn y cyfnod preswylio arferol y cyfeirir ato ym mharagraff (c).

Ffoaduriaid ac aelodau o'u teuluoedd

4.–(1) Person–

(a) sy'n ffoadur;

(b) sy'n preswylio'n arferol yn y Deyrnas Unedig a'r Ynysoedd ac nad yw wedi peidio â phreswylio felly ers i'r person gael ei gydnabod yn ffoadur; ac

(c) sy'n preswylio'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(2) Person–

(a) sy'n briod neu'n bartner sifil i'r ffoadur;

(b) oedd yn briod neu'n bartner sifil i'r ffoadur ar y dyddiad y gwnaeth y ffoadur y cais am loches;

(c) sy'n preswylio'n arferol yn y Deyrnas Unedig a'r Ynysoedd ac nad yw wedi peidio â bod yn preswylio felly er pan gafodd ganiatâd i aros yn y Deyrnas Unedig; ac

(ch) sy'n preswylio'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(3) Person–

(a) sy'n blentyn i ffoadur neu'n blentyn i briod neu i bartner sifil ffoadur;

(b) ar y dyddiad y gwnaeth y ffoadur y cais am loches, oedd yn blentyn i'r ffoadur neu'n blentyn i berson a oedd yn briod neu'n bartner sifil i'r ffoadur ar y dyddiad hwnnw;

(c) oedd o dan 18 oed ar y dyddiad y gwnaeth y ffoadur y cais am loches;

(ch) sy'n preswylio'n arferol yn y Deyrnas Unedig a'r Ynysoedd ac nad yw wedi peidio â phreswylio felly er pan gafodd ganiatâd i aros yn y Deyrnas Unedig; a

(d) sy'n preswylio'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

Personau sydd â chaniatâd i ddod i mewn neu i aros ac aelodau o'u teuluoedd

5.–(1) Person–

(a) sydd â chaniatâd i ddod i mewn neu i aros–

(d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

Refugees and their family members

4.–(1) A person who–

(a) is a refugee;

(b) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since the person was recognised as a refugee; and

(c) is ordinarily resident in Wales on the first day of the first academic year of the course.

(2) A person who–

(a) is the spouse or civil partner of a refugee;

(b) was the spouse or civil partner of the refugee on the date on which the refugee made the application for asylum;

(c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to remain in the United Kingdom; and

(d) is ordinarily resident in Wales on the first day of the first academic year of the course.

(3) A person who–

(a) is the child of a refugee or the child of the spouse or civil partner of a refugee;

(b) on the date on which the refugee made the application for asylum, was the child of the refugee or the child of a person who was the spouse or civil partner of the refugee on that date;

(c) was under 18 on the date on which the refugee made the application for asylum;

(d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to remain in the United Kingdom; and

(e) is ordinarily resident in Wales on the first day of the first academic year of the course.

Persons with leave to enter or remain and their family members

5.–(1) A person–

(a) with leave to enter or remain;

(b) sy'n preswylio'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; a

(c) sydd wedi bod yn preswylio'n arferol yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(2) Person–

(a) sy'n briod neu'n bartner sifil i berson â chaniatâd i ddod i mewn neu i aros;

(b) a oedd yn briod neu'n bartner sifil i'r person â chaniatâd i ddod i mewn neu i aros ar y dyddiad y gwnaeth y person hwnnw y cais am loches;

(c) sy'n preswylio'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac

(ch) sydd wedi bod yn preswylio'n arferol yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(3) Person–

(a) sy'n blentyn i berson â chaniatâd i ddod i mewn neu i aros neu sy'n blentyn i briod neu i bartner sifil person â chaniatâd i ddod i mewn neu i aros;

(b) a oedd, ar y dyddiad y gwnaeth y person â chaniatâd i ddod i mewn neu i aros y cais am loches, yn blentyn i'r person hwnnw neu'n blentyn i berson oedd yn briod neu'n bartner sifil i'r person â chaniatâd i ddod i mewn neu i aros ar y dyddiad hwnnw;

(c) a oedd o dan 18 oed ar y dyddiad y gwnaeth y person â chaniatâd i ddod i mewn neu i aros y cais am loches;

(ch) sy'n preswylio'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; a

(d) sydd wedi bod yn preswylio'n arferol yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

Gweithwyr, personau cyflogedig, personau hunangyflogedig ac aelodau o'u teuluoedd

6.–(1) Person–

(a) sydd–

(i) yn weithiwr mudol o'r EEA neu yn berson hunangyflogedig o'r EEA;

(ii) yn berson cyflogedig Swisaidd neu'n berson hunangyflogedig Swisaidd;

(iii) yn aelod o deulu person a grybwyllir ym mharagraff (i) neu (ii);

(iv) yn weithiwr ffin yr EEA neu yn berson

(b) who is ordinarily resident in Wales on the first day of the first academic year of the course; and

(c) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

(2) A person–

(a) who is the spouse or civil partner of a person with leave to enter or remain;

(b) who was the spouse or civil partner of the person with leave to enter or remain on the date on which that person made the application for asylum;

(c) who is ordinarily resident in Wales on the first day of the first academic year of the course; and

(d) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

(3) A person–

(a) who is the child of a person with leave to enter or remain or the child of the spouse or civil partner of a person with leave to enter or remain;

(b) who, on the date on which the person with leave to enter or remain made the application for asylum, was the child of that person or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on that date;

(c) who was under 18 on the date on which the person with leave to enter or remain made the application for asylum;

(d) who is ordinarily resident in Wales on the first day of the first academic year of the course; and

(e) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

Workers, employed persons, self-employed persons and their family members

6.–(1) A person who–

(a) is–

(i) an EEA migrant worker or an EEA self-employed person;

(ii) a Swiss employed person or a Swiss self-employed person;

(iii) a family member of a person mentioned in paragraph (i) or (ii);

(iv) an EEA frontier worker or an EEA frontier

hunangyflogedig ffin yr EEA;

(v) yn berson cyflogedig ffin y Swistir neu'n berson hunangyflogedig ffin y Swistir; neu

(vi) yn aelod o deulu person a grybwyllir ym mharagraff (iv) neu (v);

(b) yn ddarostyngedig i is-baragraff (2), sy'n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac

(c) sydd wedi bod yn preswylio fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(2) Nid yw paragraff (b) o is-baragraff (1) yn gymwys os yw'r person sy'n gwneud cais am gymorth o dan y Rheoliadau hyn yn dod o fewn paragraff (a)(iv), (v) neu (vi) o is-baragraff (1).

7. Person sydd–

(a) yn preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;

(b) wedi bod yn preswylio fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac

(c) â hawlogaeth i gael cymorth yn rhinwedd Erthygl 12 o Reoliad y Cyngor (EEC) Rhif 1612/68 ar ryddid gweithwyr i symud(**1**), fel y'i hestynnwyd gan Gytundeb yr AEE.

Personau sydd wedi setlo yn y Deyrnas Unedig ac sydd wedi arfer hawl i breswylio yn rhywle arall

8.–(1) Person–

(a) sydd wedi setlo yn y Deyrnas Unedig;

(b) a oedd yn preswylio fel arfer yng Nghymru ac wedi setlo yn y Deyrnas Unedig yn union cyn gadael y Deyrnas Unedig ac sydd wedi arfer hawl i breswylio;

(c) sy'n preswylio fel arfer yn y Deyrnas Unedig ar y diwrnod y mae tymor cyntaf y flwyddyn academaidd gyntaf mewn gwirionedd yn dechrau;

(ch) sydd wedi bod yn preswylio fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; a

(d) mewn achos lle'r oedd ei breswylio arferol y cyfeirir ato ym mharagraff (ch) yn gyfan gwbl neu'n bennaf er mwyn derbyn addysg amser-llawn, a oedd yn preswylio fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir yn union cyn y cyfnod preswylio arferol y cyfeirir ato ym mharagraff

(**1**) OJ Rhif L257, 19.10.1968, t.2 (OJ/SE 1968 (II) t.475).

self-employed person;

(v) a Swiss frontier employed person or a Swiss frontier self-employed person; or

(vi) a family member of a person mentioned in paragraph (iv) or (v);

(b) subject to sub-paragraph (2), is ordinarily resident in Wales on the first day of the first academic year of the course; and

(c) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course.

(2) Paragraph (b) of sub-paragraph (1) does not apply where the person applying for support under these Regulations falls within paragraph (a)(iv), (v) or (vi) of sub-paragraph (1).

7. A person who–

(a) is ordinarily resident in Wales on the first day of the first academic year of the course;

(b) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and

(c) is entitled to support by virtue of Article 12 of Council Regulation (EEC) No. 1612/68 on the freedom of movement of workers(**1**), as extended by the EEA Agreement

Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere

8.–(1) A person who–

(a) is settled in the United Kingdom;

(b) was ordinarily resident in Wales and settled in the United Kingdom immediately before leaving the United Kingdom and who has exercised a right of residence;

(c) is ordinarily resident in the United Kingdom on the day on which the first term of the first academic year actually begins;

(d) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and

(e) in a case where the person's ordinary residence referred to in paragraph (d) was wholly or mainly for the purposes of receiving full time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in

(**1**) OJ No L257, 19.10.1968, p.2 (OJ/SE 1968 (II) p.475).

(ch).

(2) At ddibenion y paragraff hwn, mae person wedi arfer hawl i breswylio os yw'n wladolyn o'r Deyrnas Unedig, yn aelod o deulu gwladolyn o'r Deyrnas Unedig at ddibenion Erthygl 7 o Gyfarwyddeb 2004/38 (neu ddibenion cyfatebol o dan Gytundeb yr AEE neu Gytundeb y Swistir) neu'n berson sydd â hawl i breswylio'n barhaol sydd yn y ddau achos wedi arfer hawl o dan Erthygl 7 o Gyfarwyddeb 2004/38 neu unrhyw hawl gyfatebol o dan Gytundeb yr AEE neu Gytundeb y Swistir mewn gwladwriaeth heblaw'r Deyrnas Unedig neu, yn achos person sydd wedi setlo yn y Deyrnas Unedig ac sydd â hawl i breswylio'n barhaol, os yw'n mynd i'r wladwriaeth o fewn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir y mae'n wladolyn iddi neu y mae'r person y mae'n aelod o deulu gwladolyn iddi mewn perthynas ag ef yn wladolyn iddi.

Gwladolion o'r UE

9.–(1) Person–

(a) sydd naill ai–

(i) yn wladolyn o'r UE ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs, ac eithrio person sydd yn wladolyn o'r Deyrnas Unedig nad yw wedi arfer hawl i breswylio; neu

(ii) yn aelod o deulu person o'r fath;

(b) sydd–

(i) yn mynychu cwrs dynodedig yng Nghymru; neu

(ii) yn ymgymryd â chwrs dysgu o bell dynodedig, cwrs rhan-amser dynodedig neu gwrs ôl-radd dynodedig yng Nghymru;

(c) wedi bod yn preswylio fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac

(ch) yn ddarostyngedig i is-baragraff (2), na fu'n preswylio fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir yn ystod unrhyw ran o'r cyfnod y cyfeirir ato ym mharagraff (c) yn gyfan gwbl neu'n bennaf er mwyn derbyn addysg amser-llawn.

(2) Nid yw paragraff (ch) o is-baragraff (1) yn gymwys i berson yr ymdrinnir ag ef fel rhywun sy'n preswylio fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir yn unol â pharagraff 1(4).

(3) Os yw gwladwriaeth yn ymaelodi â'r Undeb Ewropeaidd ar ôl diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs a bod person yn wladolyn o'r wladwriaeth honno neu'n aelod o deulu gwladolyn o'r wladwriaeth honno, trinnir y gofyniad ym mharagraff (a) o is-baragraff (1) bod rhywun yn

paragraph (d).

(2) For the purposes of this paragraph, a person has exercised a right of residence if that person is a United Kingdom national, a family member of a United Kingdom national for the purposes of Article 7 of Directive 2004/38 (or corresponding purposes under the EEA Agreement or Swiss Agreement) or a person who has a right of permanent residence who in each case has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom or, in the case of a person who is settled in the United Kingdom and has a right of permanent residence, if that person goes to the state within the territory comprising the European Economic Area and Switzerland of which that person is a national or of which the person in relation to whom that person is a family member is a national.

EU nationals

9.–(1) A person who–

(a) is either–

(i) an EU national on the first day of the first academic year of the course, other than a person who is a United Kingdom national who has not exercised a right of residence; or

(ii) a family member of such a person;

(b) is–

(i) attending a designated course in Wales; or

(ii) undertaking a designated distance learning course, a designated part-time course or designated postgraduate course in Wales;

(c) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and

(d) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the European Economic Area and Switzerland has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the European Economic Area and Switzerland in accordance with paragraph 1(4).

(3) Where a state accedes to the European Union after the first day of the first academic year of the course and a person is a national of that state or the family member of a national of that state, the requirement in paragraph (a) of sub-paragraph (1) to be an EU national on the first day of the first academic

wladolyn o'r UE ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs fel gofyniad sydd wedi'i fodloni.

(4) At ddibenion y paragraff hwn, mae gwladolyn o'r Deyrnas Unedig wedi arfer hawl i breswylio os yw'r person hwnnw wedi arfer hawl o dan Erthygl 7 o Gyfarwyddeb 2004/38 neu unrhyw hawl gyfatebol o dan Gytundeb yr AEE neu Gytundeb y Swistir mewn gwladwriaeth heblaw'r Deyrnas Unedig.

10.–(1) Person–

(a) sy'n wladolyn o'r UE ac eithrio gwladolyn o'r Deyrnas Unedig ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;

(b) sy'n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;

(c) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd yn union cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac

(ch) mewn achos lle'r oedd ei breswylio arferol y cyfeirir ato ym mharagraff (c) yn gyfan gwbl neu'n bennaf er mwyn derbyn addysg amser-llawn, a oedd yn preswylio fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir yn union cyn y cyfnod preswylio arferol y cyfeirir ato ym mharagraff (c).

(2) Os yw gwladwriaeth yn ymaelodi â'r Undeb Ewropeaidd ar ôl diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs a bod person yn wladolyn o'r wladwriaeth honno, trinnir y gofyniad ym mharagraff (a) o is-baragraff (1) bod rhywun yn wladolyn o'r UE heblaw gwladolyn o'r Deyrnas Unedig ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs fel gofyniad sydd wedi'i fodloni.

Plant gwladolion Swisaidd

11. Person–

(a) sy'n blentyn i wladolyn Swisaidd y mae ganddo hawl i gael cymorth yn y Deyrnas Unedig yn rhinwedd Erthygl 3(6) o Atodiad 1 i Gytundeb y Swistir;

(b) sy'n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;

(c) sydd wedi bod yn preswylio fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac

(ch) mewn achos lle'r oedd ei breswylio arferol y cyfeirir ato ym mharagraff (c) yn gyfan gwbl neu'n bennaf er mwyn derbyn addysg amser-llawn, a oedd yn preswylio fel arfer yn y

year of the course is treated as being satisfied.

(4) For the purposes of this paragraph, a United Kingdom national has exercised a right of residence if that person has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom.

10.–(1) A person who–

(a) is an EU national other than a United Kingdom national on the first day of the first academic year of the course;

(b) is ordinarily resident in Wales on the first day of the first academic year of the course;

(c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course; and

(d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

(2) Where a state accedes to the European Union after the first day of the first academic year of the course and a person is a national of that state, the requirement in paragraph (a) of sub-paragraph (1) to be an EU national other than a United Kingdom national on the first day of the first academic year of the course is treated as being satisfied.

Children of Swiss nationals

11. A person who–

(a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of Article 3(6) of Annex 1 to the Swiss Agreement;

(b) is ordinarily resident in Wales on the first day of the first academic year of the course;

(c) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and

(d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the

diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir yn union cyn y cyfnod preswylio arferol y cyfeirir ato ym mharagraff (c).

Plant gweithwyr Twrcaidd

12. Person–

(a) sydd yn blentyn i weithiwr Twrcaidd;

(b) sydd fel arfer yn preswylio yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac

(c) sydd wedi preswylio fel arfer yn y diriogaeth sydd yn ffurfio'r Ardal Economaidd Ewropeaidd, y Swistir a Thwrci drwy'r cyfnod o dair blynedd yn union o flaen diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

ATODLEN 2

Rheoliadau 5, 73 a 90

CYRSIAU DYNODEDIG

1. Cwrs gradd gyntaf.

2. Cwrs ar gyfer y Ddiploma Addysg Uwch.

3. Cwrs ar gyfer Diploma Genedlaethol Uwch neu Dystysgrif Genedlaethol Uwch y canlynol–

(a) Cyngor Addysg Busnes a Thechnegwyr; neu

(b) Awdurdod Cymwysterau'r Alban.

4. Cwrs ar gyfer tystysgrif Addysg Uwch.

5. Cwrs ar gyfer hyfforddiant cychwynnol athrawon.

6. Cwrs o hyfforddiant pellach i weithwyr ieuenctid a chymuned.

7. Cwrs i baratoi at arholiad proffesiynol o safon sy'n uwch na'r canlynol–

(a) yr arholiad safon uwch ar gyfer y Dystysgrif Addysg Gyffredinol neu'r arholiad lefel uwch ar gyfer Tystysgrif Addysg yr Alban; neu

(b) yr arholiad ar gyfer Tystysgrif Genedlaethol neu Ddiploma Genedlaethol y naill neu'r llall o'r cyrff a grybwyllwyd ym mharagraff 3,

nad yw'n gwrs y mae angen gradd gyntaf (neu gymhwyster cyfatebol) i gael mynediad iddo fel rheol.

8. Cwrs–

(a) sy'n darparu addysg (boed i baratoi at arholiad neu beidio) y mae ei safon yn uwch na safon cyrsiau sy'n darparu addysg i baratoi at unrhyw un o'r arholiadau a grybwyllwyd ym mharagraff 7(a) neu (b) ond heb fod yn uwch na chwrs gradd gyntaf; a

territory comprising the European Economic Area and Switzerland immediately prior to the period of ordinary residence referred to in paragraph (c).

Children of Turkish workers

12. A person who–

(a) is the child of a Turkish worker;

(b) is ordinarily resident in Wales on the first day of the first academic year of the course; and

(c) has been ordinarily resident in the territory comprising the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.

SCHEDULE 2

Regulations 5, 73 and 90

DESIGNATED COURSES

1. A first degree course.

2. A course for the Diploma of Higher Education.

3. A course for the Higher National Diploma or Higher National Certificate of–

(a) the Business & Technician Education Council; or

(b) the Scottish Qualification Authority.

4. A course for the certificate of Higher Education.

5. A course for the initial training of teachers.

6. A course for the further training of youth and community workers.

7. A course in preparation for a professional examination of a standard higher than that of–

(a) examination at advanced level for the General Certificate of Education or the examination at higher level for the Scottish Certificate of Education; or

(b) the examination for the National Certificate or the National Diploma of either of the bodies mentioned in paragraph 3,

not being a course for entry to which a first degree (or equivalent qualification) is normally required.

8. A course–

(a) providing education (whether or not in preparation for an examination) the standard of which is higher than that of courses providing education in preparation for any of the examinations mentioned in paragraph 7(a) or (b) but not higher than that of a first degree course; and

(b) nad oes angen gradd gyntaf (neu gymhwyster cyfatebol) i gael mynediad iddo fel rheol.

ATODLEN 3

Rheoliadau 11, 81, 106 a 120

GWYBODAETH

1. Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael cais am wneud hynny, rhaid i bob ceisydd, pob myfyriwr cymwys, pob myfyriwr dysgu o bell cymwys, pob myfyriwr rhan-amser cymwys a phob myfyriwr ôl-raddedig cymwys roi i Weinidogion Cymru unrhyw wybodaeth y mae Gweinidogion Cymru yn credu bod arnynt ei hangen at ddibenion y Rheoliadau hyn.

2. Rhaid i bob ceisydd, pob myfyriwr cymwys, pob myfyriwr dysgu o bell cymwys, pob myfyriwr rhan-amser cymwys a phob myfyriwr ôl-raddedig cymwys roi gwybod ar unwaith i Weinidogion Cymru a rhoi'r manylion iddynt os bydd unrhyw rai o'r canlynol yn digwydd–

(a) y ceisydd neu fyfyriwr yn tynnu'n ôl o'i gwrs, yn cefnu arno neu'n cael ei ddiarddel oddi arno;

(b) y ceisydd neu fyfyriwr yn trosglwyddo i unrhyw gwrs arall yn yr un sefydliad neu mewn sefydliad gwahanol;

(c) y ceisydd neu fyfyriwr yn rhoi'r gorau i ymgymryd â'i gwrs ac nad yw'n bwriadu parhau ag ef am weddill y flwyddyn academaidd neu nad yw'n cael caniatâd i barhau ag ef am weddill y flwyddyn academaidd;

(ch) y ceisydd neu fyfyriwr yn absennol o'i gwrs am fwy na 60 diwrnod oherwydd salwch neu am unrhyw gyfnod am unrhyw reswm arall;

(d) bod y mis ar gyfer dechrau ar y cwrs neu ei gwblhau yn newid;

(dd) bod cyfeiriad neu rif ffôn gartref neu yn ystod y tymor, y ceisydd neu fyfyriwr, yn newid.

3. Rhaid i'r wybodaeth a roddir i Weinidogion Cymru o dan y Rheoliadau hyn fod yn y ffurf y gofynnir amdani gan Weinidogion Cymru ac, os ydynt yn gofyn bod yr wybodaeth yn cael ei llofnodi gan y person sy'n ei rhoi, caniateir i lofnod electronig ar unrhyw ffurf a bennir gan Weinidogion Cymru fodloni'r gofyniad hwnnw.

(b) for entry to which a first degree (or equivalent qualification) is not normally required.

SCHEDULE 3

Regulations 11, 81, 106 and 120

INFORMATION

1. Every applicant, eligible student, eligible distance learning student, eligible part-time student and eligible postgraduate student must, as soon as reasonably practicable after being requested to do so, provide the Welsh Ministers with such information as the Welsh Ministers consider they require for the purposes of these Regulations.

2. Every applicant, eligible student, eligible distance learning student, eligible part-time student and eligible postgraduate student must forthwith inform the Welsh Ministers and provide them with particulars if any of the following occurs–

(a) the applicant or student withdraws from, abandons or is expelled from their course;

(b) the applicant or student transfers to any other course at the same or at a different institution;

(c) the applicant or student ceases to undertake their course and does not intend to or is not permitted to continue it for the remainder of the academic year;

(d) the applicant or student is absent from their course for more than 60 days due to illness or for any period for any other reason;

(e) the month for the start or completion of the course changes;

(f) the applicant's or student's home or term-time address or telephone number changes.

3. Information provided to the Welsh Ministers under these Regulations must be in the format that the Welsh Ministers require and, if they require the information to be signed by the person providing it, an electronic signature in such form as the Welsh Ministers may specify satisfies such a requirement.

ATODLEN 4

Rheoliad 61

BENTHYCIADAU AT FFIOEDD COLEG

Y benthyciadau at ffioedd coleg sydd ar gael

1. Mae gan berson hawl i gael benthyciad at ffioedd coleg mewn cysylltiad â'i bresenoldeb ar gwrs cymhwysol yn unol â'r Atodlen hon.

2. Mae gan berson hawl i gael benthyciad at ffioedd coleg os yw'r person yn bodloni'r amodau canlynol–

(a) bod y person yn fyfyriwr cymwys na chafodd ei wahardd rhag bod â hawl gan baragraff 3;

(b) bod gan y person radd anrhydedd o sefydliad yn y Deyrnas Unedig;

(c) bod y person yn cymryd cwrs cymhwysol a bod y person–

(i) yn cychwyn ar neu ar ôl 1 Medi 2006 ac y bydd y person yn parhau i ddilyn y cwrs ar ôl 31 Awst 2011; neu

(ii) yn cychwyn ar neu ar ôl 1 Medi 2011;

(ch) bod y person yn aelod o goleg neu neuadd breifat barhaol ym Mhrifysgol Rhydychen neu'n aelod o goleg ym Mhrifysgol Caergrawnt;

(d) bod y person o dan 60 oed ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs cymhwysol; ac

(dd) nad oes yr un o'r amgylchiadau yn rheoliad 4(3) yn gymwys i'r person.

3. Nid oes gan fyfyriwr cymwys sy'n dod o fewn paragraff 9 o Ran 2 o Atodlen 1 hawl i gael benthyciad at ffioedd coleg o dan y Rheoliadau hyn os yw'n preswylio fel arfer yn Lloegr, yr Alban neu Ogledd Iwerddon.

Myfyrwyr anabl

4. Rhaid trin myfyriwr cymwys anabl sy'n ymgymryd â chwrs cymhwysol yn y Deyrnas Unedig, ond heb fod yn bresennol arno oherwydd na all fod yn bresennol am reswm sy'n ymwneud â'i anabledd, fel pe bai'n bresennol ar y cwrs cymhwysol at y diben o gymhwyso ar gyfer benthyciad at ffioedd coleg.

Myfyrwyr sy'n dod yn gymwys yn ystod blwyddyn academaidd

5. Os bydd un o'r digwyddiadau a restrir ym mharagraff 6 yn digwydd yn ystod blwyddyn academaidd–

(a) gall myfyriwr gael yr hawl i gael benthyciad at

SCHEDULE 4

Regulation 61

COLLEGE FEE LOANS

Availability of college fee loans

1. A person qualifies for a college fee loan in connection with the person's attendance on a qualifying course in accordance with this Schedule.

2. A person qualifies for a college fee loan if the person meets the following conditions–

(a) the person is an eligible student who is not excluded from qualifying by paragraph 3;

(b) the person has an honours degree from an institution in the United Kingdom;

(c) the person is taking a qualifying course which the person–

(i) starts on or after 1 September 2006 and on which the person is continuing after 31 August 2011; or

(ii) starts on or after 1 September 2011;

(d) the person is a member of a college or a permanent private hall of the University of Oxford or a member of a college of the University of Cambridge;

(e) the person is under the age of 60 on the first day of the first academic year of the qualifying course; and

(f) none of the circumstances in regulation 4(3) apply to the person.

3. An eligible student who falls within paragraph 9 of Part 2 of Schedule 1 does not qualify for a college fee loan under these Regulations if the eligible student is ordinarily resident in England, Scotland or Northern Ireland.

Disabled students

4. A disabled eligible student who is undertaking a qualifying course in the United Kingdom but who is not in attendance because the disabled eligible student is not able to attend for a reason which relates to the disabled eligible student's disability is treated as if the disabled eligible student were in attendance on the qualifying course for the purpose of qualifying for the college fee loan.

Students becoming eligible during the course of an academic year

5. Where one of the events listed in paragraph 6 occurs in the course of an academic year–

(a) a student may qualify for a college fee loan in

ffioedd coleg yn unol â'r Atodlen hon mewn perthynas â'r flwyddyn academaidd honno ar yr amod bod y digwyddiad perthnasol wedi digwydd yn ystod tri mis cyntaf y flwyddyn academaidd; a

(b) nid oes benthyciad at ffioedd coleg ar gael mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol ynddi.

6. Y digwyddiadau yw–

(a) bod y myfyriwr, neu briod, partner sifil neu riant (fel y'i diffinnir ym mharagraff 1 o Atodlen 1) y myfyriwr, yn cael ei gydnabod fel ffoadur neu'n dod yn berson sydd â chaniatâd i ddod i mewn neu i aros;

(b) bod gwladwriaeth yn ymaelodi â'r Undeb Ewropeaidd pan fo'r myfyriwr yn wladolyn o'r wladwriaeth honno neu'n aelod o deulu (fel y'i diffinnir yn Rhan 1 o Atodlen 1) gwladolyn o'r wladwriaeth honno;

(c) bod y myfyriwr yn dod yn aelod o deulu (fel y'i diffinnir yn Rhan 1 o Atodlen 1) gwladolyn o'r UE;

(ch) bod y myfyriwr yn ennill yr hawl i breswylio'n barhaol;

(d) bod y myfyriwr yn dod yn blentyn i weithiwr Twrcaidd;

(dd) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 6(1)(a) o Atodlen 1;

(e) bod y myfyriwr yn dod yn blentyn i wladolyn Swisaidd.

7. Mae benthyciad at ffioedd coleg ar gael mewn perthynas â phob blwyddyn academaidd safonol ar y cwrs cymhwysol ac mewn perthynas ag un flwyddyn academaidd ar y cwrs cymhwysol nad yw'n flwyddyn academaidd safonol.

8. Os caniateir i fyfyriwr cymhwysol astudio cynnwys un flwyddyn academaidd safonol o'r cwrs cymhwysol dros ddwy flwyddyn academaidd neu fwy, er mwyn penderfynu a oes gan y myfyriwr hawl i gael benthyciad at ffioedd coleg ar gyfer y blynyddoedd hynny, ymdrinnir â'r gyntaf o'r cyfryw flynyddoedd o astudio fel blwyddyn academaidd safonol ac ymdrinnir â'r blynyddoedd canlynol o'r fath fel blynyddoedd academaidd nad ydynt yn flynyddoedd academaidd safonol.

9. Yn yr Atodlen hon ystyr "blwyddyn academaidd safonol" ("*standard academic year*") yw blwyddyn academaidd o'r cwrs cymhwysol y byddai person nad yw'n ailadrodd unrhyw ran o'r cwrs ac a fyddai'n dechrau ar y cwrs ar yr un pwynt â'r myfyriwr cymwys yn ymgymryd â hi.

accordance with this Schedule in respect of that academic year provided that the relevant event occurred within the first three months of the academic year; and

(b) a college fee loan is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

6. The events are–

(a) the student, the student's spouse, civil partner or parent (as defined in paragraph 1 of Schedule 1) is recognised as a refugee or becomes a person with leave to enter or remain;

(b) a state accedes to the European Union where the student is a national of that state or is the family member (as defined in Part 1 of Schedule 1) of a national of that state;

(c) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EU national;

(d) the student acquires a right of permanent residence;

(e) the student becomes the child of a Turkish worker;

(f) the student becomes a person described in paragraph 6(1)(a) of Schedule 1;

(g) the student becomes the child of a Swiss national.

7. A college fee loan is available in respect of each standard academic year of the qualifying course and in respect of one academic year of the qualifying course that is not a standard academic year.

8. Where a qualifying student is allowed to study the content of one standard academic year of the qualifying course over two or more academic years, for the purpose of determining whether the student qualifies for a college fee loan for those years, the first of such years of study is to be treated as a standard academic year and the following years of that kind are to be treated as academic years that are not standard academic years.

9. In this Schedule "standard academic year" ("*blwyddyn academaidd safonol*") means an academic year of the qualifying course that would be taken by a person who does not repeat any part of the course and who enters the course at the same point as the qualifying student.

Swm y benthyciad at ffioedd coleg

10.–(1) Rhaid i swm y benthyciad at ffioedd coleg mewn perthynas â blwyddyn academaidd ar gwrs cymhwysol beidio â bod yn fwy na swm sy'n hafal i'r ffioedd coleg sy'n daladwy gan y myfyriwr cymhwysol i'w goleg neu i'w neuadd breifat barhaol mewn cysylltiad â'r flwyddyn honno.

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

Trosglwyddo

11. Er gwaethaf rheoliad 8, os bydd myfyriwr cymhwysol yn trosglwyddo o un cwrs cymhwysol i gwrs cymhwysol arall–

(a) rhaid i Weinidogion Cymru drosglwyddo statws y myfyriwr fel myfyriwr cymhwysol i'r cwrs arall ar gais y myfyriwr cymhwysol oni bai bod y cyfnod cymhwystra wedi dod i ben;

(b) yn ddarostyngedig i baragraff (c) os yw'r myfyriwr cymhwysol yn trosglwyddo cyn diwedd y flwyddyn academaidd ar ôl gwneud cais am fenthyciad at ffioedd coleg, telir y swm y gwnaed cais amdano i'r coleg neu'r neuadd breifat barhaol berthnasol mewn perthynas â'r cwrs cymhwysol y mae'r myfyriwr cymhwysol yn trosglwyddo iddo, os bodlonir yr amodau ym mharagraff 12 ac os na fydd gan y myfyriwr cymhwysol hawl i gael benthyciad arall at ffioedd coleg mewn perthynas â'r flwyddyn academaidd honno;

(c) os yw'r myfyriwr cymhwysol yn trosglwyddo ar ôl i'r benthyciad at ffioedd coleg gael ei dalu a chyn diwedd y flwyddyn academaidd, ni chaiff wneud cais am fenthyciad arall at ffioedd coleg mewn cysylltiad â blwyddyn academaidd y cwrs cymhwysol y mae'n trosglwyddo iddo.

Talu

12.–(1) Rhaid i Weinidogion Cymru dalu'r benthyciad at ffioedd coleg y mae gan fyfyriwr cymhwysol hawl i'w gael i'r coleg neu'r neuadd breifat barhaol y mae'r myfyriwr yn atebol i wneud y taliad iddo neu iddi.

(2) Rhaid i Weinidogion Cymru dalu'r benthyciad at ffioedd coleg mewn un cyfandaliad.

(3) Rhaid i Weinidogion Cymru beidio â thalu'r benthyciad at ffioedd coleg–

(a) cyn eu bod wedi cael cais am daliad mewn ysgrifen, a ystyrir yn gais dilys gan

Amount of the college fee loan

10.–(1) The amount of the college fee loan in respect of an academic year of a qualifying course must not exceed the amount equal to the college fees payable by the qualifying student to the qualifying student's college or permanent private hall in connection with that year.

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

Transfers

11. Despite regulation 8, where a qualifying student transfers from one qualifying course to another qualifying course–

(a) the Welsh Ministers must transfer the student's status as a qualifying student to the other course on the request of the qualifying student unless the period of eligibility has terminated;

(b) subject to paragraph (c) if the qualifying student transfers before the end of the academic year after applying for a college fee loan, the amount applied for is paid to the relevant college or permanent private hall in respect of the qualifying course to which the qualifying student transfers provided that the conditions in paragraph 12 are met and the qualifying student cannot qualify for another college fee loan in respect of that academic year;

(c) if the qualifying student transfers after the college fee loan is paid and before the end of the academic year, the qualifying student cannot apply for another college fee loan in connection with the academic year of the qualifying course to which the qualifying student transfers.

Payment

12.–(1) The Welsh Ministers must pay the college fee loan for which a qualifying student qualifies to the college or permanent private hall to which the student is liable to make payment.

(2) The Welsh Ministers must pay the college fee loan in a single lump sum.

(3) The Welsh Ministers must not pay the college fee loan before–

(a) they have received a request for payment in writing from the college or permanent private

Weinidogion Cymru, oddi wrth y coleg neu'r neuadd breifat barhaol; a

(b) cyn bod cyfnod o dri mis sy'n dechrau ar ddiwrnod cyntaf y flwyddyn academaidd wedi dod i ben.

(4) Mae'n ofynnol i goleg neu neuadd breifat barhaol anfon cadarnhad o bresenoldeb at Weinidogion Cymru ym mha bynnag ffurf fydd yn ofynnol gan Weinidogion Cymru.

(5) Rhaid i Weinidogion Cymru beidio â thalu'r benthyciad at ffioedd coleg mewn perthynas â'r flwyddyn academaidd nes eu bod wedi cael cadarnhad o bresenoldeb gan y coleg neu'r neuadd breifat berthnasol, oni fyddant yn penderfynu, oherwydd amgylchiadau eithriadol, y byddai'n briodol gwneud taliad heb gael cadarnhad o bresenoldeb.

(6) Yn y paragraff hwn mae i "cadarnhad o bresenoldeb" yr un ystyr ag yn rheoliad 70.

(7) Rhaid i Weinidogion Cymru beidio â thalu benthyciad at ffioedd coleg mewn perthynas â chwrs cymhwysol–

(a) os bydd y myfyriwr cymhwysol cyn i'r cyfnod o dri mis sy'n dechrau ar ddiwrnod cyntaf y flwyddyn academaidd ddod i ben yn rhoi'r gorau i fynychu'r cwrs neu yn achos myfyriwr y bernir ei fod yn bresennol o dan baragraff 4, yn rhoi'r gorau i ymgymryd â'r cwrs; a

(b) os bydd y coleg neu'r neuadd breifat barhaol wedi penderfynu neu wedi cytuno na fydd y myfyriwr yn dechrau mynychu neu, yn ôl fel y digwydd, yn ymgymryd â'r cwrs yn y Deyrnas Unedig eto yn ystod y flwyddyn academaidd y mae'r ffioedd coleg yn daladwy ar ei chyfer neu o gwbl.

Amodau hawlogaeth i gael taliad o fenthyciad at ffioedd coleg

13.–(1) Caiff Gweinidogion Cymru ei gwneud yn amod hawlogaeth i gael taliad o fenthyciad at ffioedd coleg bod yn rhaid i'r myfyriwr cymhwysol roi iddynt rif ei yswiriant gwladol yn y Deyrnas Unedig.

(2) Os yw Gweinidogion Cymru wedi gosod amod o dan is-baragraff (1), rhaid iddynt beidio â gwneud unrhyw daliad o'r benthyciad i'r myfyriwr cymhwysol cyn eu bod wedi'u bodloni bod y myfyriwr cymhwysol wedi cydymffurfio â'r amod hwnnw.

(3) Er gwaethaf is–baragraff (2), caiff Gweinidogion Cymru wneud taliad o fenthyciad i fyfyriwr cymhwysol os ydynt wedi'u bodloni oherwydd amgylchiadau eithriadol y byddai'n briodol gwneud taliad o'r fath heb fod y myfyriwr cymhwysol wedi cydymffurfio â'r amod a osodwyd o dan is-baragraff (1).

hall which the Welsh Ministers consider to be a valid request; and

(b) a period of three months beginning with the first day of the academic year has expired.

(4) A college or permanent private hall is required to send an attendance confirmation to the Welsh Ministers in such form as the Welsh Ministers may require.

(5) The Welsh Ministers must not pay the college fee loan in respect of the academic year until they have received an attendance confirmation from the relevant college or private hall unless they determine that owing to exceptional circumstances it would be appropriate to make a payment without receiving that confirmation.

(6) In this paragraph "attendance confirmation" has the same meaning as in regulation 70.

(7) The Welsh Ministers must not make a payment of college fee loan in respect of a qualifying course if–

(a) before the expiry of a period of three months beginning with the first day of the academic year the qualifying student ceases to attend or in the case of a student who is treated as in attendance under paragraph 4, undertake the course; and

(b) the college or permanent private hall has determined or agreed that the student will not commence attending or, as the case may be, undertaking the course in the United Kingdom again during the academic year in respect of which the college fees are payable or at all.

Conditions of entitlement to payment of college fee loan

13.–(1) The Welsh Ministers may make it a condition of entitlement to payment of a college fee loan that a qualifying student must provide them with that qualifying student's United Kingdom national insurance number.

(2) Where the Welsh Ministers have imposed a condition under sub-paragraph (1), they must not make any payment of the loan to the qualifying student before they are satisfied that the qualifying student has complied with that condition.

(3) Despite sub-paragraph (2), the Welsh Ministers may make a payment of loan to a qualifying student if they are satisfied that owing to exceptional circumstances it would be appropriate to make such a payment without the qualifying student having complied with the condition imposed under sub-paragraph (1).

Gofynion gwybodaeth

14.–(1) Caiff Gweinidogion Cymru ar unrhyw adeg ofyn i fyfyriwr cymhwysol am wybodaeth y maent o'r farn bod ei hangen i adennill benthyciad.

(2) Caiff Gweinidogion Cymru ar unrhyw adeg ei gwneud yn ofynnol i fyfyriwr cymhwysol ymrwymo i gytundeb i ad-dalu benthyciad drwy ddull penodol.

(3) Caiff Gweinidogion Cymru ar unrhyw adeg ofyn i fyfyriwr cymhwysol am gael gweld ei gerdyn adnabod cenedlaethol dilys, ei basbort dilys a ddyroddwyd gan y wladwriaeth y mae'n wladolyn ohoni neu ei dystysgrif geni.

(4) Os bydd Gweinidogion Cymru wedi gofyn am wybodaeth o dan y rheoliad hwn, cânt ddal yn ôl unrhyw daliad o fenthyciad nes i'r person ddarparu'r hyn y gofynnwyd amdano neu roi esboniad boddhaol am beidio â chydymffurfio â'r cais.

(5) Os bydd Gweinidogion Cymru wedi gofyn am gytundeb ynghylch y dull o dalu o dan y paragraff hwn, cânt ddal yn ôl unrhyw daliad o fenthyciad at ffioedd coleg nes i'r person ddarparu yr hyn y gofynnwyd amdano.

Gordaliadau

15. Caiff Gweinidogion Cymru adennill unrhyw ordaliad benthyciad at ffioedd coleg oddi wrth y coleg neu'r neuadd breifat barhaol.

ATODLEN 5

Rheoliad 62

ASESIAD ARIANNOL

Diffiniadau

1.–(1) Yn yr Atodlen hon–

(a) ystyr "blwyddyn ariannol" ("*financial year*") yw'r cyfnod o ddeuddeng mis y mae incwm person y mae ei incwm gweddilliol yn cael ei gyfrifo o dan ddarpariaethau'r Atodlen hon yn cael ei gyfrifiannu mewn perthynas â hi at ddibenion y ddeddfwriaeth ar dreth incwm sy'n gymwys iddo;

(b) mae i "incwm aelwyd", "incwm yr aelwyd" ac "incwm sydd gan yr aelwyd", ("*household income*") yr ystyr a roddir ym mharagraff 3;

(c) mae i "myfyriwr cymwys annibynnol" ("*independent eligible student*") yr ystyr a roddir ym mharagraff 2;

(ch) ystyr "Aelod-wladwriaeth" ("*Member State*") yw un o Aelod-wladwriaethau'r Undeb Ewropeaidd;

Information requirements

14.–(1) The Welsh Ministers may at any time request from a qualifying student information that they consider is required to recover a loan.

(2) The Welsh Ministers may at any time require a qualifying student to enter into an agreement to repay a loan by a particular method.

(3) The Welsh Ministers may at any time request from a qualifying student sight of that qualifying student's valid national identity card, that qualifying student's valid passport issued by the state of which that qualifying student is a national or that qualifying student's birth certificate.

(4) Where the Welsh Ministers have requested information under this regulation, they may withhold any payment of a loan until the person provides what has been requested or provides a satisfactory explanation for not complying with the request.

(5) Where the Welsh Ministers have requested an agreement as to the method of repayment under this paragraph, they may withhold any payment of a college fee loan until the person provides what has been requested.

Overpayment

15. Any overpayment of college fee loan is recoverable by the Welsh Ministers from the college or permanent private hall.

SCHEDULE 5

Regulation 62

FINANCIAL ASSESSMENT

Definitions

1.–(1) In this Schedule–

(a) "financial year" ("*blwyddyn ariannol*") means the period of twelve months in respect of which the income of a person, whose residual income is calculated under the provisions of this Schedule, is computed for the purposes of the income tax legislation which applies to it;

(b) "household income" ("*incwm aelwyd*","*incwm yr aelwyd", "incwm sydd gan yr aelwyd*") has the meaning given in paragraph 3;

(c) "independent eligible student" ("*myfyriwr cymwys annibynnol*") has the meaning given in paragraph 2;

(d) "Member State" ("*Aelod-wladwriaeth*") means a Member State of the European Union;

(d) ystyr "myfyriwr cymwys newydd" ("*new eligible student*") yw myfyriwr cymwys sy'n dechrau ar gwrs dynodedig ar neu ar ôl 1 Medi 2004;

(dd) ystyr "rhiant" ("*parent*") yw rhiant naturiol neu fabwysiadol a dehonglir "plentyn" ("*child*") yn unol â hynny;

(e) ystyr "myfyriwr sy'n rhiant" ("*parent student*") yw myfyriwr cymwys sy'n rhiant i fyfyriwr cymwys;

(f) ystyr "partner" ("*partner*") mewn perthynas â myfyriwr cymwys yw unrhyw un o'r canlynol–

(i) priod myfyriwr cymwys;

(ii) partner sifil myfyriwr cymwys;

(iii) person sydd fel arfer yn byw gyda myfyriwr cymwys fel pe bai'n briod iddo os yw'r myfyriwr cymwys yn dod o fewn paragraff 2(1)(a) a'i fod yn dechrau ar y cwrs dynodedig ar neu ar ôl 1 Medi 2000;

(iv) person sydd fel arfer yn byw gyda myfyriwr cymwys fel pe bai'n bartner sifil iddo os yw'r myfyriwr cymwys yn dod o fewn paragraff 2(1)(a) a'i fod yn dechrau ar y cwrs dynodedig ar neu ar ôl 1 Medi 2005;

(ff) ystyr "partner" ("*partner*") mewn perthynas â rhiant myfyriwr cymwys yw unrhyw un o'r canlynol ac eithrio rhiant arall i'r myfyriwr cymwys–

(i) priod rhiant myfyriwr cymwys;

(ii) partner sifil rhiant myfyriwr cymwys;

(iii) person sydd fel arfer yn byw gyda rhiant myfyriwr cymwys fel pe bai'n briod â'r rhiant;

(iv) person sydd fel arfer yn byw gyda rhiant myfyriwr cymwys fel pe bai'n bartner sifil i'r rhiant;

(g) ystyr "blwyddyn ariannol flaenorol" ("*preceding financial year*") yw'r flwyddyn ariannol yn union cyn y flwyddyn berthnasol;

(ng) ystyr "blwyddyn ariannol gynharach" ("*prior financial year*") yw'r flwyddyn ariannol yn union cyn y flwyddyn ariannol flaenorol;

(h) ystyr "blwyddyn berthnasol" ("*relevant year*") yw'r flwyddyn academaidd y mae incwm yr aelwyd i'w asesu mewn perthynas â hi;

(i) ystyr "incwm gweddilliol" ("*residual income*") yw incwm trethadwy ar ôl cymhwyso paragraff 4 (yn achos myfyriwr cymwys), paragraff 5 (yn achos rhiant myfyriwr cymwys), paragraff 6 (yn achos partner myfyriwr cymwys) neu baragraff 7 (yn achos partner rhiant myfyriwr cymwys newydd) ac

(e) "new eligible student" ("*myfyriwr cymwys newydd*") means an eligible student who begins a designated course on or after 1 September 2004;

(f) "parent" ("*rhiant*") means a natural or adoptive parent and "child" ("*plentyn*") is construed accordingly;

(g) "parent student" ("*myfyriwr sy'n rhiant*") means an eligible student who is the parent of an eligible student;

(h) "partner" ("*partner*") in relation to an eligible student means any of the following–

(i) the spouse of an eligible student;

(ii) the civil partner of an eligible student;

(iii) a person ordinarily living with an eligible student as if the person were the eligible student's spouse where an eligible student falls within paragraph 2(1)(a) and the eligible student begins the designated course on or after 1 September 2000;

(iv) a person ordinarily living with an eligible student as if the person were the eligible student's civil partner where an eligible student falls within paragraph 2(1)(a) and the eligible student begins the designated course on or after 1 September 2005;

(i) "partner" ("*partner*") in relation to the parent of an eligible student means any of the following other than another parent of the eligible student–

(i) the spouse of an eligible student's parent;

(ii) the civil partner of an eligible student's parent;

(iii) a person ordinarily living with the parent of an eligible student as if the person were the parent's spouse;

(iv) a person ordinarily living with the parent of an eligible student as if the person were the parent's civil partner;

(j) "preceding financial year" ("*blwyddyn ariannol flaenorol*") means the financial year immediately preceding the relevant year;

(k) "prior financial year" ("*blwyddyn ariannol gynharach*") means the financial year immediately preceding the preceding financial year;

(l) "relevant year" ("*blwyddyn berthnasol*") means the academic year in respect of which the household income falls to be assessed;

(m) "residual income" ("*incwm gweddilliol*") means taxable income after the application of paragraph 4 (in the case of an eligible student), paragraph 5 (in the case of an eligible student's parent), paragraph 6 (in the case of an eligible student's partner) or paragraph 7 (in the case of the partner of a new eligible student's parent)

incwm y cyfeirir ato yn is-baragraff (2), sef incwm sy'n weddill ar ôl didynnu treth incwm; ac

(l) ystyr "incwm trethadwy" ("*taxable income*"), o ran paragraff 4, mewn perthynas â'r flwyddyn academaidd y mae cais wedi'i wneud ar ei chyfer o dan reoliad 9 ac, o ran paragraff 5, mewn perthynas (yn ddarostyngedig i is-baragraffau (3) i (6) o baragraff 5) â'r flwyddyn ariannol gynharach, yw incwm trethadwy person o bob ffynhonnell wedi'i gyfrifiannu at ddibenion–

(v) y Deddfau Treth Incwm;

(vi) deddfwriaeth treth incwm Aelod-wladwriaeth arall sy'n gymwys i incwm y person; neu

(vii) os yw deddfwriaeth mwy nag un Aelod-wladwriaeth yn gymwys i'r cyfnod, y ddeddfwriaeth y mae Gweinidogion Cymru yn credu y bydd y person yn talu'r swm mwyaf o dreth odani yn y cyfnod hwnnw (ac eithrio fel y darperir fel arall ym mharagraff 5),

ac eithrio bod incwm, y cyfeirir ato yn is-baragraff (2) ac a dalwyd i barti arall, yn cael ei ddiystyru.

(2) Yr incwm y cyfeirir ato yn yr is-baragraff hwn yw unrhyw fudd-daliadau o dan drefniant pensiwn yn unol â gorchymyn a wnaed o dan adran 23 o Ddeddf Achosion Priodasol 1973(**1**) sy'n cynnwys darpariaeth a wnaed yn rhinwedd adrannau 25B(4) a 25E(3) o'r Ddeddf honno(**2**) neu fudd-daliadau pensiwn o dan Ran 1 o Atodlen 5 i Ddeddf Partneriaeth Sifil 2004(**3**) sy'n cynnwys darpariaeth a wnaed yn rhinwedd Rhannau 6 a 7 o'r Atodlen honno.

Myfyriwr cymwys annibynnol

2.–(1) Mae myfyriwr cymwys yn fyfyriwr cymwys annibynnol ym mhob achos–

(a) pan fo'r myfyriwr cymwys yn 25 oed neu'n hŷn ar ddiwrnod cyntaf y flwyddyn berthnasol;

(b) pan fo'r myfyriwr cymwys yn briod neu mewn partneriaeth sifil cyn dechrau'r flwyddyn berthnasol, pa un a yw'r briodas neu'r bartneriaeth sifil yn dal yn bod neu beidio;

(c) pan nad oes gan y myfyriwr cymwys riant yn fyw;

(ch) pan fo Gweinidogion Cymru wedi'u bodloni na ellir dod o hyd i'r naill neu'r llall o rieni'r myfyriwr cymwys neu nad yw'n rhesymol

(**1**) 1973 p.18; diwygiwyd adran 23 gan Ddeddf Gweinyddu Cyfiawnder 1982 (p.53), adran 16.

(**2**) Mewnosodwyd adran 25B gan Ddeddf Pensiynau 1995 (p.26), adran 166(1) ac fe'i diwygiwyd gan Ddeddf Diwygio Lles a Phensiynau 1999 (p.30), Atodlen 4. Mewnosodwyd adran 25E gan Ddeddf Pensiynau 2004 (p.35), adran 319(1), Atodlen 12, paragraff 3.

(**3**) 2004 p.33; addaswyd paragraff 25 o Atodlen 5 gan O.S. 2006/1934.

and income referred to in sub-paragraph (2) received net of income tax; and

(n) "taxable income" ("*incwm trethadwy*") means, in relation to paragraph 4, in respect of the academic year for which an application has been made under regulation 9 and, in relation to paragraph 5, in respect (subject to sub-paragraphs (3) to (6) of paragraph 5) of the prior financial year, a person's taxable income from all sources computed as for the purposes of–

(i) the Income Tax Acts;

(ii) the income tax legislation of another Member State which applies to the person's income; or

(iii) where the legislation of more than one Member State applies to the period, the legislation under which the Welsh Ministers consider the person will pay the largest amount of tax in that period (except as otherwise provided in paragraph 5),

except that no account is taken of income referred to in sub-paragraph (2) paid to another party.

(2) The income referred in this sub-paragraph is any benefits under a pension arrangement pursuant to an order made under section 23 of the Matrimonial Causes Act 1973(**1**) which includes provision made by virtue of sections 25B(4) and 25E(3) of that Act(**2**) or pension benefits under Part 1 of Schedule 5 to the Civil Partnership Act 2004(**3**) which includes provision made by virtue of Parts 6 and 7 of that Schedule.

Independent eligible student

2.–(1) An eligible student is an independent eligible student in every case where–

(a) the eligible student is aged 25 or over on the first day of the relevant year;

(b) the eligible student is married or is in a civil partnership before the beginning of the relevant year, whether or not the marriage or civil partnership is still subsisting;

(c) the eligible student has no parent living;

(d) the Welsh Ministers are satisfied that neither of the eligible student's parents can be found or that it is not reasonably practicable to get in

(**1**) 1973 c.18; section 23 was amended by the Administration of Justice Act 1982 (c.53), section 16.

(**2**) Section 25B was inserted by the Pensions Act 1995 (c.26), section 166(1) and was amended by the Welfare Reform and Pensions Act 1999 (c.30), Schedule 4. Section 25E was inserted by the Pensions Act 2004 (c.35), section 319(1), Schedule 12, paragraph 3.

(**3**) 2004 c.33; paragraph 25 of Schedule 5 was modified by S.I. 2006/1934.

ymarferol cysylltu â'r naill na'r llall ohonynt;

(d) pan nad yw'r myfyriwr cymwys wedi cyfathrebu â'r naill na'r llall o'i rieni am gyfnod o flwyddyn cyn dechrau'r flwyddyn berthnasol neu lle y gall, ym marn Gweinidogion Cymru, ddangos ar seiliau eraill ei fod wedi ymddieithrio oddi wrth ei rieni mewn ffordd lle nad oes modd cymodi;

(dd) os bu'r myfyriwr cymwys dan ofal awdurdod lleol o fewn ystyr adran 22 o Ddeddf Plant 1989(**1**) a hynny drwy gydol unrhyw gyfnod o dri mis yn gorffen ar neu ar ôl y dyddiad y cyrhaeddodd 16 oed a chyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs ("y cyfnod perthnasol") ar yr amod nad yw wedi bod mewn gwirionedd ar unrhyw adeg yn ystod y cyfnod perthnasol o dan ofal neu reolaeth ei rieni;

(e) os yw rhieni'r myfyriwr cymwys yn preswylio y tu allan i'r Undeb Ewropeaidd a bod Gweinidogion Cymru wedi'u bodloni naill ai–

(i) y byddai asesu incwm yr aelwyd drwy gyfeirio at eu hincwm gweddilliol yn gosod y rhieni hynny mewn perygl; neu

(ii) na fyddai'n rhesymol ymarferol i'r rhieni hynny anfon unrhyw arian perthnasol i'r Deyrnas Unedig o ganlyniad i gyfrifo unrhyw gyfraniad o dan baragraff 8 neu 9;

(f) pan fo paragraff 5(10) yn gymwys a lle mae'r rhiant y barnodd Gweinidogion Cymru mai'r rhiant hwnnw oedd y mwyaf priodol at ddibenion y paragraff hwnnw wedi marw (ni waeth a oedd gan y rhiant o dan sylw bartner neu beidio);

(ff) pan ddechreuodd y myfyriwr cymwys ar y cwrs presennol cyn 1 Medi 2009 ac yntau'n aelod o urdd grefyddol sy'n preswylio yn un o dai'r urdd honno;

(g) pan fo'r myfyriwr cymwys yn gofalu am berson o dan 18 oed ar ddiwrnod cyntaf y flwyddyn berthnasol; neu

(ng) pan fo'r myfyriwr cymwys ("A" yn yr is-baragraff hwn) wedi cynnal ei hun o'i enillion am unrhyw gyfnod neu gyfnodau sy'n diweddu cyn blwyddyn academaidd gyntaf y cwrs a bod cyfanswm y cyfnodau hynny gyda'i gilydd heb fod yn llai na thair blynedd, ac at ddibenion yr is-baragraff rhaid trin A fel pe bai'n cynnal ei hun o'i enillion yn ystod unrhyw gyfnod–

(**1**) 1989 p.41; diwygiwyd adran 22 gan Ddeddf Plant (Ymadael â Gofal) 2000 (p.35), adran 2, Deddf Llywodraeth Leol 2000 (p.22), Atodlen 5, paragraff 19, Deddf Mabwysiadu a Phlant 2002 (p.38), adran 116(2), Deddf Plant 2004 (p.31), adran 52 a Deddf Plant a Phobl Ifanc 2008 (p.23), adran 39 ac Atodlen 3.

touch with either of them;

(e) the eligible student has communicated with neither of the eligible student's parents for the period of one year before the beginning of the relevant year or, in the opinion of the Welsh Ministers, the eligible student can demonstrate on other grounds that the eligible student is irreconcilably estranged from the eligible student's parents;

(f) the eligible student was looked after by a local authority within the meaning of section 22 of the Children Act 1989(**1**) throughout any three-month period ending on or after the date on which the eligible student attained the age of 16 and before the first day of the first academic year of the course ("the relevant period") provided that the eligible student has not in fact at any time during the relevant period been under the charge or control of the eligible student's parents;

(g) the eligible student's parents are residing outside the European Union and the Welsh Ministers are satisfied that either–

(i) the assessment of the household income by reference to their residual income would place those parents in jeopardy; or

(ii) it would not be reasonably practicable for those parents as a result of the calculation of any contribution under paragraph 8 or 9 to send any relevant funds to the United Kingdom;

(h) paragraph 5(10) applies and the parent whom the Welsh Ministers considered the more appropriate for the purposes of that paragraph has died (irrespective of whether the parent in question had a partner);

(i) the eligible student began the present course before 1 September 2009 and is a member of a religious order who resides in a house of that order;

(j) the eligible student has the care of a person under the age of 18 as at the first day of the relevant year; or

(k) the eligible student ("A" in this sub-paragraph) has supported A out of A's earnings for any period or periods ending before the first academic year of the course which periods together aggregate not less than three years, and for the purposes of this sub-paragraph A is to be treated as supporting A out of A's earnings during any period in which–

(**1**) 1989 c.41; section 22 has been amended by the Children (Leaving Care) Act 2000 (c.35), section 2, Local Government Act 2000 (c.22), Schedule 5, paragraph 19, the Adoption and Children Act 2002 (c.38), section 116(2), the Children Act 2004 (c.31), section 52 and the Children and Young Persons Act 2008 (c.23), section 39 and Schedule 3.

(i) pan oedd A yn cymryd rhan mewn trefniadau ar gyfer hyfforddi'r di-waith o dan unrhyw gynllun a oedd yn cael ei weithredu, ei noddi neu ei ariannu gan unrhyw un o awdurdodau neu asiantaethau'r wladwriaeth, boed cenedlaethol, rhanbarthol neu leol ("awdurdod perthnasol");

(ii) pan oedd A yn cael budd-dal sy'n daladwy gan unrhyw awdurdod perthnasol mewn perthynas â pherson sydd ar gael i'w gyflogi ond sy'n ddi-waith;

(iii) pan oedd A ar gael i'w gyflogi a'i fod wedi cydymffurfio ag unrhyw ofyniad ynglŷn â chofrestru a osodwyd gan awdurdod perthnasol fel un o amodau'r hawlogaeth i gymryd rhan mewn trefniadau ar gyfer hyfforddi neu ar gyfer derbyn y budd-dal hwnnw;

(iv) pan oedd gan A efrydiaeth y wladwriaeth(**1**) neu ddyfarniad tebyg; neu

(v) pan oedd A yn cael unrhyw bensiwn, lwfans neu fudd-dal arall a oedd yn cael ei dalu gan unrhyw berson oherwydd anabledd sydd ganddo, neu oherwydd cyfyngder, anaf neu salwch.

(2) Mae myfyriwr cymwys sy'n gymwys i fod yn fyfyriwr cymwys annibynnol o dan baragraff 2(1)(ff) mewn perthynas â blwyddyn academaidd cwrs dynodedig yn cadw'r statws hwnnw tra pery'r cyfnod cymhwystra.

Incwm yr aelwyd

3.–(1) Mae swm cyfraniad myfyriwr cymwys yn dibynnu ar incwm yr aelwyd.

(2) Incwm yr aelwyd yw'r canlynol–

(a) yn achos myfyriwr cymwys nad yw'n fyfyriwr cymwys annibynnol, incwm gweddilliol y myfyriwr cymwys wedi'i agregu gydag incwm gweddilliol rhieni'r myfyriwr cymwys (yn ddarostyngedig i baragraff 5(10)) ac–

(i) yn achos myfyriwr cymwys newydd a ddechreuodd ar y cwrs dynodedig a bennir cyn 1 Medi 2005, incwm gweddilliol partner (ac eithrio partner o fewn ystyr paragraff 1(ff)(iv)) rhiant y myfyriwr cymwys newydd (ar yr amod bod Gweinidogion Cymru wedi dewis y rhiant hwnnw o dan baragraff 5(10)); neu

(ii) yn achos myfyriwr cymwys newydd a ddechreuodd ar y cwrs dynodedig a bennir ar neu ar ôl 1 Medi 2005, incwm gweddilliol partner rhiant y myfyriwr cymwys newydd (ar yr amod bod Gweinidogion Cymru wedi dewis y rhiant

(**1**) Darperir cyllid gan y Cynghorau Ymchwil o ran astudio ôl-radd amser-llawn.

(i) A was participating in arrangements for training for the unemployed under any scheme operated by, sponsored or funded by any state authority or agency, whether national, regional or local ("a relevant authority");

(ii) A was in receipt of benefit payable by any relevant authority in respect of a person who is available for employment but who is unemployed;

(iii) A was available for employment and had complied with any requirement of registration imposed by a relevant authority as a condition of entitlement for participation in arrangements for training or receipt of benefit;

(iv) A held a state studentship(**1**) or comparable award; or

(v) A received any pension, allowance or other benefit paid by any person by reason of a disability to which A is subject, or by reason of confinement, injury or sickness.

(2) An eligible student who qualifies as an independent eligible student under paragraph 2(1)(j) in respect of an academic year of a designated course retains that status for the duration of the period of eligibility.

Household income

3.–(1) The amount of an eligible student's contribution depends on the household income.

(2) The household income is–

(a) in the case of an eligible student who is not an independent eligible student, the residual income of the eligible student aggregated with the residual income of the eligible student's parents (subject to paragraph 5(10)) and–

(i) in the case of a new eligible student who began the specified designated course before 1 September 2005, the residual income of the partner (other than a partner within the meaning of paragraph 1(i)(iv)) of the new eligible student's parent (provided that the Welsh Ministers have selected that parent under paragraph 5(10)); or

(ii) in the case of a new eligible student who began the specified designated course on or after 1 September 2005, the residual income of the partner of the new eligible student's parent (provided that the Welsh Ministers have selected that parent under

(**1**) Funding provided by the Research Councils in respect of full time post graduate study.

hwnnw o dan baragraff 5(10));

(b) yn achos myfyriwr cymwys annibynnol y mae ganddo bartner, incwm gweddilliol y myfyriwr cymwys annibynnol wedi'i gyfuno gydag incwm gweddilliol partner y myfyriwr cymwys annibynnol (yn ddarostyngedig i is-baragraff (4)); neu

(c) yn achos myfyriwr cymwys annibynnol nad oes ganddo bartner, incwm gweddilliol y myfyriwr cymwys annibynnol.

(3) Wrth bennu incwm yr aelwyd o dan is-baragraff (2), mae'r swm o £1,130 yn cael ei ddidynnu–

(a) am bob plentyn sy'n ariannol ddibynnol yn gyfan gwbl neu'n bennaf ar y myfyriwr cymwys neu bartner y myfyriwr cymwys; neu

(b) am bob plentyn ac eithrio'r myfyriwr cymwys sy'n ariannol ddibynnol yn gyfan gwbl neu'n bennaf ar riant y myfyriwr cymwys neu bartner rhiant y myfyriwr cymwys y mae ei incwm gweddilliol yn cael ei gymryd i ystyriaeth.

(4) Er mwyn cyfrifo'r cyfraniad sy'n daladwy mewn perthynas â myfyriwr sy'n rhiant, rhaid i incwm gweddilliol partner y myfyriwr sy'n rhiant beidio â chael ei agregu o dan baragraff (b) o is-baragraff (2) yn achos myfyriwr sy'n rhiant y mae gan ei blentyn ef neu y mae gan blentyn ei bartner ddyfarniad y mae incwm yr aelwyd yn cael ei gyfrifo mewn perthynas ag ef gan gyfeirio at incwm gweddilliol y myfyriwr sy'n rhiant neu bartner y myfyriwr sy'n rhiant neu'r ddau.

Cyfrifo incwm gweddilliol y myfyriwr cymwys

4.–(1) Er mwyn pennu incwm gweddilliol myfyriwr cymwys, didynnir o'i incwm trethadwy (oni bai ei fod wedi'i ddidynnu eisoes wrth bennu'r incwm trethadwy) gyfanswm unrhyw symiau sy'n dod o fewn unrhyw un o'r is-baragraffau canlynol–

(a) unrhyw dâl am waith a wnaed yn ystod unrhyw flwyddyn academaidd ar gwrs y myfyriwr cymwys, ar yr amod nad yw'r tâl hwnnw'n cynnwys unrhyw symiau a dalwyd mewn perthynas ag unrhyw gyfnod pan oedd ganddo ganiatâd i fod yn absennol neu pan oedd wedi'i ryddhau o'i ddyletswyddau arferol er mwyn bod yn bresennol ar y cwrs hwnnw;

(b) swm gros unrhyw bremiwm neu swm arall a dalwyd gan y myfyriwr cymwys mewn perthynas â phensiwn (nad yw'n bensiwn sy'n daladwy o dan bolisi yswiriant bywyd) y mae rhyddhad yn cael ei roi mewn perthynas ag ef o dan adran 188 o Ddeddf Cyllid 2004(**1**), neu os yw incwm y myfyriwr cymwys yn cael ei gyfrifiannu at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, swm gros

(**1**) 2004 p.12; diwygiwyd adran 188 gan Ddeddf Cyllid 2007 (p.11), adrannau 68, 69 a 114 ac Atodlenni 18, 19 a 27.

paragraph 5(10));

(b) in the case of an independent eligible student who has a partner, the residual income of the independent eligible student aggregated with the residual income of the independent eligible student's partner (subject to sub-paragraph (4)); or

(c) in the case of an independent eligible student who does not have a partner, the residual income of the independent eligible student.

(3) In determining the household income under sub-paragraph (2), the sum of £1,130 is deducted–

(a) for each child wholly or mainly financially dependent on the eligible student or the eligible student's partner; or

(b) for each child other than the eligible student wholly or mainly financially dependent on the eligible student's parent or the eligible student's parent's partner whose residual income is being taken into account.

(4) For the purpose of calculating the contribution payable in respect of a parent student, the residual income of the parent student's partner must not be aggregated under paragraph (b) of sub-paragraph (2) in the case of a parent student whose child or whose partner's child holds an award in respect of which the household income is calculated with reference to the residual income of the parent student or of the parent student's partner or of both.

Calculation of eligible student's residual income

4.–(1) For the purpose of determining the residual income of an eligible student, there is deducted from the eligible student's taxable income (unless already deducted in determining taxable income) the aggregate of any amounts falling within any of the following sub-paragraphs–

(a) any remuneration for work done during any academic year of the eligible student's course, provided that such remuneration does not include any sums paid in respect of any period for which the eligible student has leave of absence or is relieved of the eligible student's normal duties for the purpose of attending that course;

(b) the gross amount of any premium or other sum paid by the eligible student in relation to a pension (not being a pension payable under a policy of life insurance) in respect of which relief is given under section 188 of the Finance Act 2004(**1**), or where the eligible student's income is computed for the purposes of the income tax legislation of another Member State, the gross amount of any such premium

(**1**) 2004 c.12; section 188 was amended by the Finance Act 2007 (c.11), sections 68, 69 and 114 and Schedules 18, 19 and 27.

unrhyw bremiwm neu swm o'r fath y byddai rhyddhad yn cael ei roi mewn perthynas ag ef os byddai'r ddeddfwriaeth honno'n gwneud darpariaeth sy'n gyfatebol i'r Deddfau Treth Incwm.

(2) Os paragraff 9 yw'r unig baragraff o Ran 2 o Atodlen 1 y mae myfyriwr cymwys yn dod odano ac os yw ei incwm yn codi o ffynonellau neu o dan ddeddfwriaeth sy'n wahanol i'r ffynonellau neu'r ddeddfwriaeth sydd fel rheol yn berthnasol i berson y cyfeirir ato ym mharagraff 9 o Ran 2 o Atodlen 1, nid yw incwm y myfyriwr cymwys yn cael ei anwybyddu yn unol ag is-baragraff (1) ond yn hytrach mae'n cael ei anwybyddu i'r graddau sy'n angenrheidiol er mwyn sicrhau nad yw'r myfyriwr cymwys yn cael ei drin yn llai ffafriol nag y câi person y cyfeirir ato yn unrhyw un o baragraffau Rhan 2 o Atodlen 1 ei drin o dan amgylchiadau tebyg pe bai ganddo incwm tebyg.

(3) Os yw'r myfyriwr cymwys yn cael incwm mewn arian cyfredol heblaw sterling, gwerth yr incwm hwnnw at ddibenion y paragraff hwn yw–

(a) os yw'r myfyriwr cymwys yn prynu sterling â'r incwm, swm y sterling a gaiff y myfyriwr cymwys felly;

(b) fel arall, gwerth y sterling y byddai'r incwm yn ei brynu gan ddefnyddio'r gyfradd a gyhoeddwyd gan y Swyddfa Ystadegau Gwladol(**1**) ar gyfer y mis y ceir yr incwm ynddo.

Cyfrifo incwm gweddilliol y rhiant

5.–(1) Er mwyn pennu incwm trethadwy rhiant ("A" yn y paragraff hwn) myfyriwr cymwys, rhaid i ddidyniadau y disgwylir eu gwneud neu esemptiadau a ganiateir–

(a) ar ffurf y rhyddhad personol y darperir ar ei gyfer ym Mhennod 1 o Ran VII o Ddeddf Treth Incwm a Threth Gorfforaeth 1988(**2**) neu, os yw'r incwm yn cael ei gyfrifiannu at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, unrhyw ryddhad personol tebyg;

(b) yn unol ag unrhyw ddeddfiad neu reol gyfreithiol nad yw taliadau a fyddai fel arall yn cael eu trin o dan gyfraith y Deyrnas Unedig fel rhan o incwm y person yn cael eu trin felly yn unol â hwy; neu

(c) o dan is-baragraff (2),

beidio â chael eu gwneud neu eu caniatáu.

(2) Er mwyn pennu incwm gweddilliol A, didynnir o'r incwm trethadwy a bennir o dan is-baragraff (1) gyfanswm unrhyw symiau sy'n dod o dan unrhyw rai

(**1**) "Financial Statistics" (ISSN 0015-203X).

(**2**) 1988 p.1, y gwnaed diwygiadau iddi, nad ydynt yn berthnasol i'r Rheoliadau hyn.

or sum in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts.

(2) Where the only paragraph in Part 2 of Schedule 1 into which an eligible student falls is paragraph 9 and the eligible student's income arises from sources or under legislation different from sources or legislation normally relevant to a person referred to in paragraph 9 of Part 2 of Schedule 1, the eligible student's income is not disregarded in accordance with sub-paragraph (1) but is instead disregarded to the extent necessary to ensure that the eligible student is treated no less favourably than a person who is referred to in any paragraph of Part 2 of Schedule 1 would be treated if in similar circumstances and in receipt of similar income.

(3) Where the eligible student receives income in a currency other than sterling, the value of that income for the purpose of this paragraph is–

(a) if the eligible student purchases sterling with the income, the amount of sterling the eligible student so receives;

(b) otherwise, the value of the sterling which the income would purchase using the rate for the month in which it is received published by the Office for National Statistics(**1**).

Calculation of parent's residual income

5.–(1) For the purposes of determining the taxable income of an eligible student's parent ("A" in this paragraph), any deductions which fall to be made or exemptions which are permitted–

(a) by way of personal reliefs provided for in Chapter 1 of Part VII of the Income and Corporation Taxes Act 1988(**2**) or, where the income is computed for the purposes of the income tax legislation of another Member State, any comparable personal reliefs;

(b) pursuant to any enactment or rule of law under which payments which would otherwise under United Kingdom law form part of a person's income are not treated as such; or

(c) under sub-paragraph (2),

must not be made or permitted.

(2) For the purposes of determining the residual income of A, there is deducted from the taxable income determined under sub-paragraph (1) the aggregate of

(**1**) "Financial Statistics" (ISSN 0015-203X).

(**2**) 1988 c.1 to which there are amendments not relevant to these Regulations.

o'r is-baragraffau canlynol–

(a) swm gros unrhyw bremiwm neu swm sy'n ymwneud â phensiwn (nad yw'n bremiwm sy'n daladwy o dan bolisi yswiriant bywyd) y mae rhyddhad yn cael ei roi mewn perthynas ag ef o dan adran 188 o Ddeddf Cyllid 2004, neu os yw'r incwm yn cael ei gyfrifiannu at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, swm gros unrhyw bremiwm o'r fath y byddai rhyddhad yn cael ei roi mewn perthynas ag ef os byddai'r ddeddfwriaeth honno'n gwneud darpariaeth sy'n gyfatebol i'r Deddfau Treth Incwm;

(b) mewn unrhyw achos lle mae incwm yn cael ei gyfrifiannu at ddibenion y Deddfau Treth Incwm yn rhinwedd is-baragraff (7) unrhyw symiau sy'n cyfateb i'r didyniad a grybwyllwyd yn is-baragraff (a) o'r is-baragraff hwn, ar yr amod nad yw unrhyw symiau a ddidynnir fel hyn yn fwy na'r didyniadau a fyddai'n cael eu gwneud pe bai'r cyfan o incwm A mewn gwirionedd yn incwm at ddibenion y Deddfau Treth Incwm;

(c) pan fo A yn fyfyriwr sy'n rhiant neu pan fo gan A ddyfarniad statudol, £1,130.

(3) Yn ddarostyngedig i is-baragraff (4), os yw Gweinidogion Cymru wedi'u bodloni bod incwm gweddilliol A yn y flwyddyn ariannol sy'n dechrau yn union cyn y flwyddyn berthnasol ("y flwyddyn ariannol gyfredol" yn y paragraff hwn), yn debyg o beidio â bod yn fwy na 85 y cant o werth sterling incwm gweddilliol A yn y flwyddyn ariannol gynharach, rhaid i Weinidogion Cymru, er mwyn galluogi'r myfyriwr cymwys i fod yn bresennol ar y cwrs heb galedi, ddarganfod incwm gweddilliol A am y flwyddyn ariannol gyfredol.

(4) Os digwydd bod is-baragraff (3) neu'r is-baragraff hwn wedi ei gymhwyso mewn perthynas â blwyddyn academaidd flaenorol y cwrs presennol, a bod Gweinidogion Cymru wedi eu bodloni bod incwm gweddilliol A yn y flwyddyn ariannol gyfredol yn debygol o fod yn ddim mwy nag 85 y cant o werth sterling incwm gweddilliol A yn y flwyddyn ariannol flaenorol, rhaid i Weinidogion Cymru, at y diben o alluogi'r myfyriwr cymwys i fod yn bresennol ar y cwrs heb galedi, asesu incwm gweddilliol A am y flwyddyn ariannol gyfredol.

(5) Mewn blwyddyn academaidd yn union ar ôl un y mae Gweinidogion Cymru wedi canfod ynddi incwm gweddilliol A o dan is-baragraff (3), neu, pan fo'n gymwys, o dan is-baragraff (4), pan fo Gweinidogion Cymru wedi eu bodloni bod incwm gweddilliol A yn y flwyddyn ariannol gyfredol yn debygol o fod yn fwy nag 85 y cant o werth sterling incwm gweddilliol A yn y flwyddyn ariannol flaenorol, rhaid i Weinidogion Cymru ganfod incwm gweddilliol A yn y flwyddyn ariannol flaenorol.

(6) Os yw A'n bodloni Gweinidogion Cymru fod

any amounts falling within any of the following sub-paragraphs–

(a) the gross amount of any premium or sum relating to a pension (not being a premium payable under a policy of life assurance) in respect of which relief is given under section 188 of the Finance Act 2004, or where the income is computed for the purposes of the income tax legislation of another Member State, the gross amount of any such premium in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;

(b) in any case where income is computed for the purposes of the Income Tax Acts by virtue of sub-paragraph (7) any sums equivalent to the deduction mentioned in sub-paragraph (a) of this sub-paragraph, provided that any sums so deducted do not exceed the deductions which would be made if the whole of A's income were in fact income for the purposes of the Income Tax Acts;

(c) where A is a parent student or A holds a statutory award, £1,130.

(3) Subject to sub-paragraph (4) where the Welsh Ministers are satisfied that the residual income of A in the financial year beginning immediately before the relevant year ("the current financial year" in this paragraph) is likely to be not more than 85 per cent of the sterling value of A's residual income in the prior financial year they must, for the purpose of enabling the eligible student to attend the course without hardship, ascertain A's residual income for the current financial year.

(4) In the event that sub-paragraph (3) or this sub-paragraph is applied in respect of the previous academic year of the present course and the Welsh Ministers are satisfied that the residual income of A in the current financial year is likely to be not more than 85 per cent of the sterling value of A's residual income in the preceding financial year the Welsh Ministers must, for the purpose of enabling the eligible student to attend the course without hardship, assess A's residual income for the current financial year.

(5) In an academic year immediately following one in which the Welsh Ministers have ascertained the residual income of A under sub-paragraph (3) or where applicable under sub-paragraph (4) and the Welsh Ministers are satisfied that the residual income of A in the current financial year is likely to be more than 85 per cent of the sterling value of A's residual income in the preceding financial year, the Welsh Ministers must ascertain A's residual income for the preceding financial year.

(6) Where A satisfies the Welsh Ministers that A's

incwm A yn deillio'n gyfan gwbl neu'n bennaf o elw busnes neu broffesiwn a gynhelir gan A, yna mae unrhyw gyfeiriad yn yr Atodlen hon at flwyddyn ariannol gynharach yn gyfeiriad at y cyfnod cynharaf o ddeuddeng mis sy'n diweddu ar ôl dechrau'r flwyddyn ariannol gynharach ac y cedwir cyfrifon mewn perthynas ag ef ynglŷn â'r busnes neu'r proffesiwn hwnnw.

(7) Os yw A'n derbyn unrhyw incwm nad yw'n ffurfio rhan o incwm A at ddibenion y Deddfau Treth Incwm neu ddeddfwriaeth treth incwm Aelod-wladwriaeth arall, am yr unig reswm–

(a) nad yw A'n preswylio, yn preswylio fel arfer neu wedi ymgartrefu yn y Deyrnas Unedig, neu, os cyfrifiennir incwm A fel pe bai at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, nad yw'n preswylio, yn preswylio fel arfer neu wedi ymgartrefu felly yn yr Aelod-wladwriaeth honno;

(b) nad yw'r incwm yn codi yn y Deyrnas Unedig, neu, os cyfrifiennir incwm A fel pe bai at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, nad yw'n codi yn yr Aelod-wladwriaeth honno; neu

(c) bod yr incwm yn codi o swydd, gwasanaeth neu gyflogaeth y mae'r incwm ohoni neu ohono yn esempt rhag treth yn unol ag unrhyw ddeddfwriaeth,

mae incwm trethadwy A at ddibenion yr Atodlen hon yn cael ei gyfrifiannu fel pe bai'r incwm o dan yr is-baragraff hwn yn rhan o incwm A at ddibenion y Deddfau Treth Incwm neu ddeddfwriaeth treth incwm Aelod-wladwriaeth arall, yn ôl fel y digwydd.

(8) Os cyfrifiennir incwm A fel pe bai at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, rhaid ei gyfrifiannu o dan ddarpariaethau'r Atodlen hon yn arian cyfredol yr Aelod-wladwriaeth honno, ac incwm A at ddibenion yr Atodlen hon fydd gwerth sterling yr incwm hwnnw wedi'i bennu yn unol â'r gyfradd ar gyfer y mis y mae diwrnod olaf y flwyddyn ariannol o dan sylw yn digwydd ynddo, fel y'i cyhoeddwyd gan y Swyddfa Ystadegau Gwladol.

(9) Os bydd farw un o rieni'r myfyriwr cymwys naill ai cyn neu yn ystod y flwyddyn berthnasol a bod incwm y rhiant hwnnw wedi'i gymryd i ystyriaeth er mwyn pennu incwm yr aelwyd neu y byddai wedi'i gymryd i ystyriaeth felly, mae incwm yr aelwyd–

(a) os yw'r rhiant yn marw cyn y flwyddyn berthnasol, yn cael ei bennu drwy gyfeirio at incwm y rhiant sydd wedi goroesi; neu

(b) os yw'r rhiant yn marw yn ystod y flwyddyn berthnasol, yn gyfanswm y canlynol–

(i) y gyfran briodol o incwm yr aelwyd a bennir drwy gyfeirio at incwm y ddau riant, sef y gyfran mewn perthynas â'r rhan honno o'r flwyddyn berthnasol pan oedd y

income is wholly or mainly derived from the profits of a business or profession carried on by A, then any reference in this Schedule to a prior financial year means the earliest period of twelve months which ends after the start of the prior financial year and in respect of which accounts are kept relating to that business or profession.

(7) Where A is in receipt of any income which does not form part of A's income for the purposes of the Income Tax Acts or the income tax legislation of another Member State by reason only that–

(a) A is not resident, ordinarily resident or domiciled in the United Kingdom, or where A's income is computed as for the purposes of the income tax legislation of another Member State, not so resident, ordinarily resident or domiciled in that Member State;

(b) the income does not arise in the United Kingdom, or where A's income is computed as for the purposes of the income tax legislation of another Member State, does not arise in that Member State; or

(c) the income arises from an office, service or employment, income from which is exempt from tax in pursuance of any legislation,

A's taxable income for the purposes of this Schedule is computed as though the income under this sub-paragraph were part of A's income for the purposes of the Income Tax Acts or the income tax legislation of another Member State, as the case may be.

(8) Where A's income is computed as for the purposes of the income tax legislation of another Member State, it is computed under the provisions of this Schedule in the currency of that Member State and A's income for the purposes of this Schedule is the sterling value of that income determined in accordance with the rate for the month in which the last day of the financial year in question falls, as published by the Office for National Statistics.

(9) Where one of the eligible student's parents dies either before or during the relevant year and that parent's income has been or would be taken into account for the purpose of determining the household income, the household income is–

(a) where the parent dies before the relevant year, determined by reference to the income of the surviving parent; or

(b) where the parent dies during the relevant year, the aggregate of–

(i) the appropriate proportion of the household income determined by reference to the income of both parents, being the proportion in respect of that part of the

ddau riant yn fyw; a

(ii) y gyfran briodol o incwm yr aelwyd a bennir dryw gyfeirio at incwm y rhiant sydd wedi goroesi, sef y gyfran mewn perthynas â'r rhan honno o'r flwyddyn berthnasol sy'n weddill ar ôl i'r rhiant arall farw.

(10) Os yw Gweinidogion Cymru yn penderfynu bod y rhieni wedi gwahanu drwy gydol y flwyddyn berthnasol, mae incwm yr aelwyd yn cael ei bennu drwy gyfeirio at incwm pa un bynnag o'r rhieni y mae Gweinidogion Cymru yn credu mai ef yw'r mwyaf priodol o dan yr amgylchiadau.

(11) Os yw Gweinidogion Cymru yn penderfynu bod y rhieni'n gwahanu yn ystod y flwyddyn berthnasol, mae incwm yr aelwyd yn cael ei bennu drwy gyfeirio at gyfanswm y canlynol–

(a) y gyfran briodol o incwm yr aelwyd a bennir yn unol ag is-baragraff (10), sef y gyfran mewn perthynas â'r rhan honno o'r flwyddyn berthnasol pan fydd y rhieni ar wahân; a

(b) y gyfran briodol o incwm yr aelwyd a bennir fel arall mewn perthynas â gweddill y flwyddyn berthnasol.

Cyfrifo incwm gweddilliol partner y myfyriwr cymwys

6.–(1) Yn ddarostyngedig i is-baragraffau (2), (3) a (4) o'r paragraff hwn, mae incwm partner myfyriwr cymwys yn cael ei bennu yn unol â pharagraff 5 (a chan eithrio is-baragraffau (9), (10) ac (11) o baragraff 5), gan ddehongli cyfeiriadau at y rhiant fel pe baent yn gyfeiriadau at bartner y myfyriwr cymwys.

(2) Os yw Gweinidogion Cymru yn penderfynu bod y myfyriwr cymwys a'i bartner wedi gwahanu drwy gydol y flwyddyn berthnasol, nid yw incwm y partner yn cael ei gymryd i ystyriaeth wrth bennu incwm yr aelwyd.

(3) Os yw Gweinidogion Cymru yn penderfynu bod y myfyriwr cymwys a phartner y myfyriwr cymwys wedi gwahanu yn ystod y flwyddyn berthnasol, pennir incwm y partner drwy gyfeirio at ei incwm o dan is-baragraff (1) wedi ei rannu â hanner cant a dau a'i luosi â'r nifer o wythnosau cyflawn yn y flwyddyn berthnasol y mae Gweinidogion Cymru yn penderfynu bod y myfyriwr cymwys a'i bartner heb wahanu.

(4) Os oes gan fyfyriwr cymwys fwy nag un partner mewn unrhyw un flwyddyn academaidd, mae darpariaethau'r paragraff hwn yn gymwys mewn perthynas â phob un.

relevant year during which both parents were alive; and

(ii) the appropriate proportion of the household income determined by reference to the income of the surviving parent, being the proportion in respect of that part of the relevant year remaining after the death of the other parent.

(10) Where the Welsh Ministers determine that the parents are separated for the duration of the relevant year, the household income is determined by reference to the income of whichever parent the Welsh Ministers consider the more appropriate under the circumstances.

(11) Where the Welsh Ministers determine that the parents have separated in the course of the relevant year, the household income is determined by reference to the aggregate of–

(a) the appropriate proportion of the household income determined in accordance with sub-paragraph (10), being the proportion in respect of that part of the relevant year during which the parents are separated; and

(b) the appropriate proportion of the household income determined otherwise in respect of the remainder of the relevant year.

Calculation of eligible student's partner's residual income

6.–(1) Subject to sub-paragraphs (2), (3) and (4) of this paragraph, an eligible student's partner's income is determined in accordance with paragraph 5 (other than sub-paragraphs (9), (10) and (11) of paragraph 5), references to the parent being construed as references to the eligible student's partner.

(2) Where the Welsh Ministers determine that the eligible student and the eligible student's partner are separated for the duration of the relevant year, the partner's income is not taken into account in determining the household income.

(3) Where the Welsh Ministers determine that the eligible student and the eligible student's partner have separated in the course of the relevant year, the partner's income is determined by reference to the partner's income under sub-paragraph (1) divided by fifty-two and multiplied by the number of complete weeks in the relevant year for which the Welsh Ministers determine that the eligible student and the eligible student's partner are not separated.

(4) Where an eligible student has more than one partner in any one academic year, the provisions of this paragraph apply in relation to each.

Cyfrifo incwm gweddilliol partner rhiant

7. Mae incwm partner rhiant myfyriwr cymwys newydd y mae ei incwm yn rhan o incwm yr aelwyd yn rhinwedd paragraff 3(2)(a) yn cael ei bennu yn unol â pharagraff 6, gan ddehongli cyfeiriadau at bartner y myfyriwr cymwys fel pe baent yn gyfeiriadau at bartner rhiant y myfyriwr cymwys newydd, a chan ddehongli cyfeiriadau at y myfyriwr cymwys fel pe baent yn gyfeiriadau at riant y myfyriwr cymwys newydd.

Cyfrifo cyfraniad – myfyrwyr cymwys o dan yr hen drefn

8.–(1) Mae'r cyfraniad sy'n daladwy mewn perthynas â myfyriwr cymwys o dan yr hen drefn nad yw'n fyfyriwr cymwys annibynnol, neu fyfyriwr cymwys o dan yr hen drefn sy'n fyfyriwr cymwys annibynnol ac iddo bartner, fel a ganlyn–

(a) mewn unrhyw achos pan fo incwm yr aelwyd yn £23,680 neu fwy, £45 gyda £1 yn cael ei hychwanegu am bob £9.27 o incwm sydd gan yr aelwyd uwchlaw £23,680; a

(b) mewn unrhyw achos pan fo incwm yr aelwyd yn llai na £23,680, dim.

(2) Mae'r cyfraniad sy'n daladwy mewn perthynas â myfyriwr cymwys o dan yr hen drefn sy'n fyfyriwr cymwys annibynnol heb bartner fel a ganlyn–

(a) mewn unrhyw achos pan fo incwm yr aelwyd yn £11,025 neu fwy, £45 gyda £1 yn cael ei hychwanegu am bob £9.27 o incwm sydd gan yr aelwyd uwchlaw £11,025; a

(b) mewn unrhyw achos pan fo incwm yr aelwyd yn llai na £11,025, dim.

(3) Rhaid i swm y cyfraniad sy'n daladwy o dan is-baragraff (1) neu (2) beidio â bod yn fwy na £7,992 mewn unrhyw achos.

(4) Caniateir addasu'r cyfraniad yn unol â pharagraff 10.

(5) Pan fo is-baragraff (6) yn gymwys, rhaid i gyfanswm y cyfraniadau beidio â bod yn fwy na £7,992.

(6) Mae'r is-baragraff hwn yn gymwys–

(a) os bydd cyfraniad yn daladwy mewn perthynas â dau neu fwy o fyfyrwyr cymwys (ac eithrio myfyrwyr cymwys o dan y drefn newydd) mewn perthynas â'r un incwm o dan baragraff 5 neu, pan fo incwm gweddilliol partner y rhiant perthnasol yn cael ei ystyried, o dan baragraffau 5 a 7; neu

(b) os incwm gweddilliol myfyriwr cymwys annibynnol a'i bartner yw incwm yr aelwyd a bod gan y ddau ddyfarniad statudol.

Calculation of parent's partner's residual income

7. The income of a new eligible student's parent's partner whose income is part of the household income by virtue of paragraph 3(2)(a) is determined in accordance with paragraph 6, references to the eligible student's partner being construed as references to the new eligible student's parent's partner, and references to the eligible student being construed as references to the new eligible student's parent.

Calculation of contribution – old system eligible students

8.–(1) The contribution payable in relation to an old system eligible student who is not an independent eligible student or an old system eligible student who is an independent eligible student with a partner is–

(a) in any case where the household income is £23,680 or more, £45 with the addition of £1 for every £9.27 by which the household income exceeds £23,680; and

(b) in any case where the household income is less than £23,680, nil.

(2) The contribution payable in relation to an old system eligible student who is an independent eligible student without a partner is–

(a) in any case where the household income is £11,025 or more, £45 with the addition of £1 for every £9.27 by which the household income exceeds £11,025; and

(b) in any case where the household income is less than £11,025, nil.

(3) The amount of the contribution payable under sub-paragraph (1) or (2) must in no case exceed £7,992.

(4) The contribution may be adjusted in accordance with paragraph 10.

(5) Where sub-paragraph (6) applies, the aggregate contributions must not exceed £7,992.

(6) This sub-paragraph applies where–

(a) a contribution is payable in relation to two or more eligible students (other than new system eligible students) in respect of the same income under paragraph 5 or, where the relevant parent's partner's residual income is taken into account, under paragraphs 5 and 7; or

(b) the household income consists of the residual income of an independent eligible student and the independent eligible student's partner where both hold a statutory award.

Cyfrifo cyfraniad – myfyrwyr cymwys o dan y drefn newydd

9.–(1) Pan fo'r myfyriwr cymwys yn fyfyriwr cymwys o dan y drefn newydd a phan nad yw'n fyfyriwr carfan newydd, y cyfraniad sy'n daladwy yw–

(a) mewn unrhyw achos lle mae incwm yr aelwyd dros £39,793, £1 am bob £9.27 o incwm yr aelwyd sydd uwchlaw £39,793; a

(b) mewn unrhyw achos lle mae incwm yr aelwyd yn £39,793 neu lai, dim.

(2) Pan fo'r myfyriwr cymwys yn fyfyriwr cymwys o dan y drefn newydd ac yn fyfyriwr carfan 2010, y cyfraniad sy'n daladwy yw–

(a) mewn unrhyw achos lle mae incwm yr aelwyd dros £50,778, £1 am bob £5 o incwm yr aelwyd sydd uwchlaw £50,778; a

(b) mewn unrhyw achos lle mae incwm yr aelwyd yn £50,778 neu lai, dim.

(3) Pan fo'r myfyriwr cymwys yn fyfyriwr cymwys o dan y drefn newydd ac yn fyfyriwr carfan 2011, y cyfraniad sy'n daladwy yw–

(a) mewn unrhyw achos lle mae incwm yr aelwyd dros £50,503, £1 am bob £5 o incwm yr aelwyd sydd uwchlaw £50,503; a

(b) mewn unrhyw achos lle mae incwm yr aelwyd yn £50,503 neu lai, dim.

(4) Rhaid i'r cyfraniad mewn unrhyw achos beidio â bod yn fwy na £6,208.

(5) Caniateir addasu'r cyfraniad yn unol â pharagraff 10.

(6) Pan fo is-baragraff (7) yn gymwys, rhaid i swm cyfanredol y cyfraniadau beidio â bod yn fwy na £6,208.

(7) Mae'r is-baragraff hwn yn gymwys–

(a) os bydd cyfraniad yn daladwy mewn perthynas â dau neu fwy o fyfyrwyr cymwys (ac eithrio myfyrwyr cymwys o dan yr hen drefn) mewn perthynas â'r un incwm o dan baragraff 5 neu, pan fo incwm gweddilliol partner y rhiant perthnasol yn cael ei ystyried, o dan baragraffau 5 a 7; neu

(b) os incwm gweddilliol myfyriwr cymwys annibynnol a'i bartner yw incwm yr aelwyd a bod gan y ddau ddyfarniad statudol.

Cyfraniadau hollt

10. Pan fo'r un incwm aelwyd yn cael ei ddefnyddio i asesu swm y dyfarniad statudol y mae gan ddau neu fwy o bersonau hawl i'w gael, rhennir y cyfraniad sy'n daladwy mewn perthynas â'r myfyriwr cymwys â nifer y personau hynny.

Calculation of contribution – new system eligible students

9.–(1) Where the eligible student is a new system eligible student who is not a new cohort student, the contribution payable is–

(a) in any case where the household income exceeds £39,793, £1 for every £9.27 by which the household income exceeds £39,793; and

(b) in any case where the household income is £39,793 or less, nil.

(2) Where the eligible student is a new system eligible student who is a 2010 cohort student, the contribution payable is–

(a) in any case where the household income exceeds £50,778, £1 for every £5 by which the household income exceeds £50,778; and

(b) in any case where the household income is £50,778 or less, nil.

(3) Where the eligible student is a new system eligible student who is a 2011 cohort student, the contribution payable is–

(a) in any case where the household income exceeds £50,503, £1 for every £5 by which the household income exceeds £50,503; and

(b) in any case where the household income is £50,503 or less, nil.

(4) The contribution must not in any case exceed £6,208.

(5) The contribution may be adjusted in accordance with paragraph 10.

(6) Where sub-paragraph (7) applies, the aggregate contributions must not exceed £6,208.

(7) This sub-paragraph applies where–

(a) a contribution is payable in relation to two or more eligible students (other than old system eligible students) in respect of the same income under paragraph 5 or, where the relevant parent's partner's residual income is taken into account, under paragraphs 5 and 7; or

(b) the household income consists of the residual income of an independent eligible student and the independent eligible student's partner where both hold a statutory award.

Split contributions

10. Where the same household income is used to assess the amount of a statutory award for which two or more persons qualify, the contribution payable in respect of the eligible student is divided by the number of such persons.

ATODLEN 6

Rheoliad 101

ASESIAD ARIANNOL – GRANTIAU RHAN-AMSER AR GYFER DIBYNYDDION

Diffiniadau

1.–(1) Yn yr Atodlen hon–

(a) ystyr "blwyddyn ariannol" ("*financial year*") yw'r cyfnod o ddeuddeng mis y mae incwm person, y mae ei incwm gweddilliol yn cael ei gyfrifo o dan ddarpariaethau'r Atodlen hon, yn cael ei gyfrifiannu mewn perthynas â hi at ddibenion y ddeddfwriaeth ar dreth incwm sy'n gymwys iddo;

(b) mae i "incwm aelwyd", "incwm yr aelwyd" ac "incwm sydd gan yr aelwyd" ("*household income*") yr ystyr a roddir ym mharagraff 2;

(c) ystyr "Aelod-wladwriaeth" ("*Member State*") yw un o Aelod-wladwriaethau'r Undeb Ewropeaidd;

(ch) "ystyr "rhiant" ("*parent*") yw rhiant naturiol neu fabwysiadol a dehonglir "plentyn" ("*child*") yn unol â hynny;

(d) ystyr "myfyriwr sy'n rhiant" ("*parent student*") yw myfyriwr rhan-amser cymwys sy'n rhiant i fyfyriwr cymwys;

(dd) ystyr "partner" ("*partner*") mewn perthynas â myfyriwr rhan-amser cymwys yw unrhyw un o'r canlynol–

(i) priod myfyriwr rhan-amser cymwys;

(ii) partner sifil myfyriwr rhan-amser cymwys;

(iii) person sydd fel arfer yn byw gyda myfyriwr rhan-amser cymwys fel pe bai'r person yn briod i'r myfyriwr rhan-amser cymwys, pan fo'r myfyriwr rhan-amser cymwys yn 25 oed neu'n hŷn ar ddiwrnod cyntaf y flwyddyn berthnasol ac yn dechrau ar y cwrs rhan-amser dynodedig ar neu ar ôl 1 Medi 2000;

(iv) person sydd fel arfer yn byw gyda myfyriwr rhan-amser cymwys fel pe bai'r person yn bartner sifil i'r myfyriwr rhan-amser cymwys, pan fo'r myfyriwr rhan-amser cymwys yn 25 oed neu'n hŷn ar ddiwrnod cyntaf y flwyddyn berthnasol ac yn dechrau ar y cwrs rhan-amser dynodedig ar neu ar ôl 1 Medi 2005;

(e) ystyr "blwyddyn ariannol flaenorol" ("*preceding financial year*") yw'r flwyddyn ariannol yn union cyn y flwyddyn berthnasol;

(f) ystyr "blwyddyn berthnasol" ("*relevant year*") yw'r flwyddyn academaidd y mae incwm yr aelwyd i'w asesu mewn perthynas â hi;

SCHEDULE 6

Regulation 101

FINANCIAL ASSESSMENT – PART-TIME GRANTS FOR DEPENDANTS

Definitions

1.–(1) In this Schedule–

(a) "financial year" ("*blwyddyn ariannol*") means the period of twelve months in respect of which the income of a person, whose residual income is calculated under the provisions of this Schedule, is computed for the purposes of the income tax legislation which applies to it;

(b) "household income" ("*incwm aelwyd, incwm yr aelwyd, incwm sydd gan yr aelwyd*") has the meaning given in paragraph 2;

(c) "Member State" ("*Aelod-wladwriaeth*") means a Member State of the European Union;

(d) "parent" ("*rhiant*") means a natural or adoptive parent and "child" ("*plentyn*") is construed accordingly;

(e) "parent student" ("*myfyriwr sy'n rhiant*") means an eligible part-time student who is the parent of an eligible student;

(f) "partner" ("*partner*") in relation to an eligible part-time student means any of the following–

(i) the spouse of an eligible part-time student;

(ii) the civil partner of an eligible part-time student;

(iii) a person ordinarily living with an eligible part-time student as if the person were the eligible part-time student's spouse where an eligible part-time student is aged 25 or over on the first day of the relevant year and the eligible part-time student begins the designated part-time course on or after 1 September 2000;

(iv) a person ordinarily living with an eligible part-time student as if the person were the eligible part-time student's civil partner where an eligible part-time student is aged 25 or over on the first day of the relevant year and the eligible part-time student begins the designated part-time course on or after 1 September 2005;

(g) "preceding financial year" ("*blwyddyn ariannol flaenorol*") means the financial year immediately preceding the relevant year;

(h) "relevant year" ("*blwyddyn berthnasol*") means the academic year in respect of which the household income falls to be assessed;

(ff) ystyr "incwm gweddilliol" ("*residual income*") yw incwm trethadwy ar ôl cymhwyso paragraff 3 (yn achos myfyriwr rhan-amser cymwys) neu baragraff 4 (yn achos partner myfyriwr rhan-amser cymwys) a'r incwm y cyfeirir ato yn is-baragraff (2) a hwnnw'n incwm a gafwyd ar ôl didynnu treth incwm; ac

(g) ystyr "incwm trethadwy" ("*taxable income*"), o ran paragraff 3, mewn perthynas â'r flwyddyn academaidd y mae cais wedi'i wneud ar ei chyfer o dan reoliad 104 ac, o ran paragraff 4, mewn perthynas (yn ddarostyngedig i is-baragraffau (3), (4) a (5) o baragraff 4) â'r flwyddyn ariannol flaenorol, yw incwm trethadwy person o bob ffynhonnell fel petai wedi'i gyfrifiannu at ddibenion–

(i) y Deddfau Treth Incwm;

(ii) deddfwriaeth treth incwm Aelod-wladwriaeth arall sy'n gymwys i incwm y person; neu

(iii) os yw deddfwriaeth mwy nag un Aelod-wladwriaeth yn gymwys i'r cyfnod, y ddeddfwriaeth y mae Gweinidogion Cymru o'r farn y bydd y person yn talu'r swm mwyaf o dreth oddi tani yn y cyfnod hwnnw (ac eithrio fel y darperir fel arall ym mharagraff 4),

ac eithrio bod incwm y cyfeirir ato yn is-baragraff (2) ac a dalwyd i barti arall yn cael ei ddiystyru.

(2) Yr incwm y cyfeirir ato yn yr is-baragraff hwn yw unrhyw fudd-daliadau o dan drefniant pensiwn yn unol â gorchymyn a wnaed o dan adran 23 o Ddeddf Achosion Priodasol 1973 sy'n cynnwys darpariaeth a wnaed yn rhinwedd adrannau 25B(4) a 25E(3) o'r Ddeddf honno neu fudd-daliadau pensiwn o dan Ran 1 o Atodlen 5 i Ddeddf Partneriaeth Sifil 2004 sy'n cynnwys darpariaeth a wnaed yn rhinwedd Rhannau 6 a 7 o'r Atodlen honno.

Incwm yr aelwyd

2.–(1) Mae swm cyfraniad myfyriwr rhan-amser cymwys yn dibynnu ar incwm yr aelwyd.

(2) Incwm yr aelwyd–

(a) yn achos myfyriwr rhan-amser cymwys a chanddo bartner, yw incwm gweddilliol y myfyriwr rhan-amser cymwys wedi'i gyfuno gydag incwm gweddilliol partner y myfyriwr rhan-amser cymwys (yn ddarostyngedig i is-baragraff (4)); neu

(b) yn achos myfyriwr rhan-amser cymwys nad oes ganddo bartner, incwm gweddilliol y myfyriwr rhan-amser cymwys.

(3) Wrth bennu incwm yr aelwyd o dan is-baragraff (2), mae'r swm o £1,130 yn cael ei ddidynnu am bob plentyn sy'n ariannol ddibynnol yn gyfan gwbl neu'n bennaf ar y myfyriwr rhan-amser cymwys neu bartner

(i) "residual income" ("*incwm gweddilliol*") means taxable income after the application of paragraph 3 (in the case of an eligible part-time student) or paragraph 4 (in the case of an eligible part-time student's partner) and income referred to in sub-paragraph (2) received net of income tax; and

(j) "taxable income" ("*incwm trethadwy*") means, in relation to paragraph 3, in respect of the academic year for which an application has been made under regulation 104 and, in relation to paragraph 4, in respect (subject to sub-paragraphs (3), (4) and (5) of paragraph 4) of the preceding financial year, a person's taxable income from all sources computed as for the purposes of–

(i) the Income Tax Acts;

(ii) the income tax legislation of another Member State which applies to the person's income; or

(iii) where the legislation of more than one Member State applies to the period, the legislation under which the Welsh Ministers consider the person will pay the largest amount of tax in that period (except as otherwise provided in paragraph 4),

except that no account is taken of income referred to in sub-paragraph (2) paid to another party.

(2) The income referred to in this sub-paragraph is any benefits under a pension arrangement pursuant to an order made under section 23 of the Matrimonial Causes Act 1973 which includes provision made by virtue of sections 25B(4) and 25E(3) of that Act or pension benefits under Part 1 of Schedule 5 to the Civil Partnership Act 2004 which includes provision made by virtue of Parts 6 and 7 of that Schedule.

Household income

2.–(1) The amount of an eligible part-time student's contribution depends on the household income.

(2) The household income is–

(a) in the case of an eligible part-time student who has a partner, the residual income of the eligible part-time student aggregated with the residual income of the eligible part-time student's partner (subject to sub-paragraph (4)); or

(b) in the case of an eligible part-time student who does not have a partner, the residual income of the eligible part-time student.

(3) In determining the household income under sub-paragraph (2), the sum of £1,130 is deducted for each child wholly or mainly financially dependent on the eligible part-time student or that student's partner.

y myfyriwr hwnnw.

(4) Er mwyn cyfrifo'r cyfraniad sy'n daladwy mewn perthynas â myfyriwr sy'n rhiant, rhaid i incwm gweddilliol partner y myfyriwr sy'n rhiant beidio â chael ei agregu o dan baragraff (a) o is-baragraff (2) yn achos myfyriwr sy'n rhiant ac y mae gan ei blentyn ef neu blentyn ei bartner sy'n fyfyriwr cymwys ddyfarniad y mae incwm yr aelwyd yn cael ei gyfrifo mewn perthynas ag ef gan gyfeirio at incwm gweddilliol y myfyriwr sy'n rhiant neu bartner y myfyriwr sy'n rhiant neu'r ddau.

Cyfrifo incwm gweddilliol y myfyriwr rhan-amser cymwys

3.–(1) Er mwyn pennu incwm gweddilliol myfyriwr rhan-amser cymwys, didynnir o'i incwm trethadwy (oni bai ei fod wedi'i ddidynnu eisoes wrth bennu'r incwm trethadwy) swm gros unrhyw bremiwm neu swm arall sy'n daladwy o dan bolisi a dalwyd gan y myfyriwr rhan-amser cymwys mewn perthynas â phensiwn (nad yw'n bensiwn sy'n daladwy o dan bolisi yswiriant bywyd) y mae rhyddhad yn cael ei roi mewn perthynas ag ef o dan adran 188 o Ddeddf Cyllid 2004(**1**), neu pan gyfrifiennir incwm y myfyriwr rhan-amser cymwys at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, cyfanswm gros unrhyw bremiwm neu swm o'r fath y byddai rhyddhad drosto yn cael ei roi petai'r ddeddfwriaeth honno yn gwneud darpariaeth gyfatebol i ddarpariaeth y Deddfau Treth Incwm.

(2) Os paragraff 9 yw'r unig baragraff yn Rhan 2 o Atodlen 1 y mae myfyriwr rhan-amser cymwys yn dod odano ac os yw ei incwm yn codi o ffynonellau neu o dan ddeddfwriaeth sy'n wahanol i'r ffynonellau neu'r ddeddfwriaeth sydd fel rheol yn berthnasol i berson y cyfeirir ato ym mharagraff 9 o Ran 2 o Atodlen 1, ni ddiystyrir incwm y myfyriwr rhan-amser cymwys yn unol ag is-baragraff (1) ond yn hytrach diystyrir ei incwm i'r graddau sy'n angenrheidiol er mwyn sicrhau nad yw'n cael ei drin yn llai ffafriol nag y câi person y cyfeirir ato yn unrhyw un o baragraffau Rhan 2 o Atodlen 1 ei drin o dan amgylchiadau tebyg pe bai ganddo incwm tebyg.

(3) Pan fo'r myfyriwr rhan-amser cymwys yn cael incwm mewn arian cyfredol heblaw sterling, gwerth yr incwm hwnnw at ddibenion y paragraff hwn yw–

(a) os yw'r myfyriwr rhan-amser cymwys yn prynu sterling â'r incwm, swm y sterling a gaiff y myfyriwr rhan-amser cymwys fel hyn;

(**1**) 2004 p.12; diwygiwyd adran 188 gan Ddeddf Cyllid 2007 (p.11), adrannau 68, 69 a 114 ac Atodlenni 18, 19 a 27.

(4) For the purpose of calculating the contribution payable in respect of a parent student, the residual income of the parent student's partner must not be aggregated under paragraph (a) of sub-paragraph (2) in the case of a parent student whose child or whose partner's child who is an eligible student holds an award in respect of which the household income is calculated with reference to the residual income of the parent student or of the parent student's partner or of both.

Calculation of eligible part-time student's residual income

3.–(1) For the purpose of determining the residual income of an eligible part-time student, there is deducted from the eligible part-time student's taxable income (unless already deducted in determining taxable income) the gross amount of any premium or other sum paid by the eligible part-time student in relation to a pension (not being a pension payable under a policy of life insurance) in respect of which relief is given under section 188 of the Finance Act 2004(**1**), or where the eligible part-time student's income is computed for the purposes of the income tax legislation of another Member State, the gross amount of any such premium or sum in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts.

(2) Where the only paragraph in Part 2 of Schedule 1 into which an eligible part-time student falls is paragraph 9 and the eligible part-time student's income arises from sources or under legislation different from sources or legislation normally relevant to a person referred to in paragraph 9 of Part 2 of Schedule 1, the eligible part-time student's income is not disregarded in accordance with sub-paragraph (1) but is instead disregarded to the extent necessary to ensure that the eligible part-time student is treated no less favourably than a person who is referred to in any paragraph of Part 2 of Schedule 1 would be treated if in similar circumstances and in receipt of similar income.

(3) Where the eligible part-time student receives income in a currency other than sterling, the value of that income for the purpose of this paragraph is–

(a) if the eligible part-time student purchases sterling with the income, the amount of sterling the eligible part-time student so receives;

(**1**) 2004 c.12; section 188 was amended by the Finance Act 2007 (c.11), sections 68, 69 and 114 and Schedules 18, 19 and 27.

(b) fel arall, gwerth y sterling y byddai'r incwm yn ei brynu gan ddefnyddio'r gyfradd ar gyfer y mis y daeth i law, sef cyfradd a gyhoeddir gan y Swyddfa Ystadegau Gwladol(**1**).

Cyfrifo incwm gweddilliol partner myfyriwr rhan-amser cymwys

4.–(1) Er mwyn pennu incwm trethadwy partner ("A" yn y paragraff hwn) myfyriwr rhan-amser cymwys, rhaid i unrhyw ddidyniadau sydd i'w gwneud neu unrhyw esemptiadau a ganiateir–

(a) ar ffurf y rhyddhad personol y darperir ar ei gyfer ym Mhennod 1 o Ran VII o Ddeddf Treth Incwm a Threth Gorfforaeth 1988 neu, os yw'r incwm yn cael ei gyfrifiannu at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, unrhyw ryddhad personol cyffelyb;

(b) yn unol ag unrhyw ddeddfiad neu reol gyfreithiol nad yw taliadau a fyddai fel arall yn cael eu trin o dan gyfraith y Deyrnas Unedig fel rhan o incwm y person yn cael eu trin felly odano neu odani; neu

(c) o dan is-baragraff (2),

beidio â chael eu gwneud na'u caniatáu.

(2) Er mwyn pennu incwm gweddilliol A, didynnir o'r incwm trethadwy a bennir o dan is-baragraff (1) swm cyfanredol unrhyw symiau sy'n dod o dan unrhyw rai o'r is-baragraffau canlynol–

(a) swm gros unrhyw bremiwm neu swm sy'n ymwneud â phensiwn (nad yw'n bremiwm sy'n daladwy o dan bolisi yswiriant bywyd) y mae rhyddhad yn cael ei roi mewn perthynas ag ef o dan adran 188 o Ddeddf Cyllid 2004, neu os yw'r incwm yn cael ei gyfrifiannu at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, swm gros unrhyw bremiwm o'r fath y byddai rhyddhad yn cael ei roi mewn perthynas ag ef os oedd y ddeddfwriaeth honno'n gwneud darpariaeth sy'n gyfatebol i'r Deddfau Treth Incwm;

(b) mewn unrhyw achos lle mae incwm yn cael ei gyfrifiannu at ddibenion y Deddfau Treth Incwm yn rhinwedd is-baragraff (6) unrhyw symiau sy'n cyfateb i'r didyniad a grybwyllwyd yn is-baragraff (a) o'r is-baragraff hwn, ar yr amod nad yw unrhyw symiau a ddidynnir fel hyn yn fwy na'r didyniadau a fyddai'n cael eu gwneud pe bai'r cyfan o incwm A mewn gwirionedd yn incwm at ddibenion y Deddfau Treth Incwm.

(3) Os yw Gweinidogion Cymru wedi'u bodloni bod incwm gweddilliol A yn y flwyddyn ariannol sy'n

(**1**) "Financial Statistics" (ISSN 0015-203X).

(b) otherwise, the value of the sterling which the income would purchase using the rate for the month in which it is received published by the Office for National Statistics(**1**).

Calculation of eligible part-time student's partner's residual income

4.–(1) For the purposes of determining the taxable income of an eligible part-time student's partner ("A" in this paragraph), any deductions which fall to be made or exemptions which are permitted–

(a) by way of personal reliefs provided for in Chapter 1 of Part VII of the Income and Corporation Taxes Act 1988 or, where the income is computed for the purposes of the income tax legislation of another Member State, any comparable personal reliefs;

(b) pursuant to any enactment or rule of law under which payments which would otherwise under United Kingdom law form part of a person's income are not treated as such; or

(c) under sub-paragraph (2),

must not be made or permitted.

(2) For the purposes of determining the residual income of A, there is deducted from the taxable income determined under sub-paragraph (1) the aggregate of any amounts falling within any of the following sub-paragraphs–

(a) the gross amount of any premium or sum relating to a pension (not being a premium payable under a policy of life assurance) in respect of which relief is given under section 188 of the Finance Act 2004, or where the income is computed for the purposes of the income tax legislation of another Member State, the gross amount of any such premium in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;

(b) in any case where income is computed for the purposes of the Income Tax Acts by virtue of sub-paragraph (6) any sums equivalent to the deduction mentioned in sub-paragraph (a) of this sub-paragraph, provided that any sums so deducted do not exceed the deductions which would be made if the whole of A's income were in fact income for the purposes of the Income Tax Acts.

(3) Where the Welsh Ministers are satisfied that the residual income of A in the financial year beginning

(**1**) "Financial Statistics" (ISSN 0015-203X).

dechrau yn union cyn y flwyddyn berthnasol ("y flwyddyn ariannol gyfredol") yn debyg o beidio â bod yn fwy na 85 y cant o werth sterling incwm A yn y flwyddyn ariannol flaenorol, rhaid i Weinidogion Cymru, er mwyn galluogi'r myfyriwr rhan-amser cymwys i fod yn bresennol ar y cwrs heb galedi, ganfod incwm gweddilliol A am y flwyddyn ariannol gyfredol.

(4) Os yw Gweinidogion Cymru wedi'u bodloni bod incwm gweddilliol A mewn unrhyw flwyddyn ariannol, o ganlyniad i unrhyw ddigwyddiad, yn debyg o beidio â bod, ac o barhau ar ôl y flwyddyn honno i beidio â bod, yn fwy na 85 y cant o werth sterling incwm gweddilliol A yn y flwyddyn ariannol flaenorol, rhaid i Weinidogion Cymru, er mwyn galluogi'r myfyriwr rhan-amser cymwys i fod yn bresennol ar y cwrs heb galedi, ganfod incwm yr aelwyd am y flwyddyn academaidd o'i gwrs y digwyddodd y digwyddiad hwnnw ynddi, drwy gymryd mai incwm gweddilliol A yw cyfartaledd incwm gweddilliol A am bob un o'r blynyddoedd ariannol y mae'r flwyddyn academaidd honno'n digwydd ynddynt.

(5) Os yw A yn bodloni Gweinidogion Cymru bod ei incwm yn deillio'n gyfan gwbl neu'n bennaf o elw busnes neu broffesiwn a gynhelir gan A, yna mae unrhyw gyfeiriad yn yr Atodlen hon at flwyddyn ariannol gynharach yn gyfeiriad at y cyfnod cynharaf o ddeuddeng mis sy'n diweddu ar ôl dechrau'r flwyddyn ariannol gynharach ac y cedwir cyfrifon mewn perthynas ag ef ynglŷn â'r busnes neu'r proffesiwn hwnnw.

(6) Os yw A'n derbyn unrhyw incwm nad yw'n ffurfio rhan o incwm A at ddibenion y Deddfau Treth Incwm neu ddeddfwriaeth treth incwm Aelod-wladwriaeth arall, am yr unig reswm–

(a) nad yw A'n preswylio, yn preswylio fel arfer neu wedi ymgartrefu yn y Deyrnas Unedig, neu, os cyfrifiennir incwm A fel pe bai at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, nad yw'n preswylio, yn preswylio fel arfer neu wedi ymgartrefu felly yn yr Aelod-wladwriaeth honno;

(b) nad yw'r incwm yn codi yn y Deyrnas Unedig, neu, os cyfrifiennir incwm A fel pe bai at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, nad yw'n codi yn yr Aelod-wladwriaeth honno; neu

(c) bod yr incwm yn codi o swydd, gwasanaeth neu gyflogaeth y mae'r incwm ohoni neu ohono yn esempt rhag treth yn unol ag unrhyw ddeddfwriaeth,

mae incwm trethadwy A at ddibenion yr Atodlen hon yn cael ei gyfrifiannu fel pe bai'r incwm o dan yr is-baragraff hwn yn rhan o incwm A at ddibenion y Deddfau Treth Incwm neu ddeddfwriaeth treth incwm Aelod-wladwriaeth arall, yn ôl fel y digwydd.

immediately before the relevant year ("the current financial year") is likely to be not more than 85 per cent of the sterling value of A's residual income in the preceding financial year they must, for the purpose of enabling the eligible part-time student to attend the course without hardship, ascertain A's residual income for the current financial year.

(4) Where the Welsh Ministers are satisfied that the residual income of A in any financial year is, as a result of any event, likely to be and to continue after that year to be not more than 85 per cent of the sterling value of A's residual income in the previous financial year they must, for the purpose of enabling the eligible part-time student to attend the course without hardship, ascertain the household income for the academic year of the eligible part-time student's course in which that event occurred by taking as the residual income of A the average of A's residual income for each of the financial years in which that academic year falls.

(5) Where A satisfies the Welsh Ministers that A's income is wholly or mainly derived from the profits of a business or profession carried on by A, then any reference in this Schedule to a preceding financial year means the earliest period of twelve months which ends after the start of the preceding financial year and in respect of which accounts are kept relating to that business or profession.

(6) Where A is in receipt of any income which does not form part of A's income for the purposes of the Income Tax Acts or the income tax legislation of another Member State by reason only that–

(a) A is not resident, ordinarily resident or domiciled in the United Kingdom, or where A's income is computed as for the purposes of the income tax legislation of another Member State, not so resident, ordinarily resident or domiciled in that Member State;

(b) the income does not arise in the United Kingdom, or where A's income is computed as for the purposes of the income tax legislation of another Member State, does not arise in that Member State; or

(c) the income arises from an office, service or employment, income from which is exempt from tax in pursuance of any legislation,

A's taxable income for the purposes of this Schedule is computed as though the income under this sub-paragraph were part of A's income for the purposes of the Income Tax Acts or the income tax legislation of another Member State, as the case may be.

(7) Os cyfrifiennir incwm A fel pe bai at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, rhaid ei gyfrifiannu o dan ddarpariaethau'r Atodlen hon mewn arian cyfredol yr Aelod-wladwriaeth honno, ac incwm A at ddibenion yr Atodlen hon fydd gwerth sterling yr incwm hwnnw wedi'i bennu yn unol â'r gyfradd ar gyfer y mis y mae diwrnod olaf y flwyddyn ariannol o dan sylw yn digwydd ynddo, fel y'i cyhoeddwyd gan y Swyddfa Ystadegau Gwladol.

(8) Os yw Gweinidogion Cymru yn penderfynu bod y myfyriwr rhan-amser cymwys a phartner y myfyriwr rhan-amser cymwys wedi gwahanu drwy gydol y flwyddyn berthnasol, ni chymerir incwm y partner i ystyriaeth wrth bennu incwm yr aelwyd.

(9) Os yw Gweinidogion Cymru yn penderfynu bod y myfyriwr rhan-amser cymwys a phartner y myfyriwr rhan-amser cymwys wedi gwahanu yn ystod y flwyddyn berthnasol, pennir incwm y partner drwy gyfeirio at incwm y partner o dan is-baragraff (1), ei rannu â hanner cant a dau a'i luosi â nifer yr wythnosau cyflawn yn y flwyddyn berthnasol pan nad oedd y myfyriwr rhan-amser cymwys a'i bartner. yn ôl penderfyniad Gweinidogion Cymru, wedi gwahanu.

(10) Os oes gan fyfyriwr rhan-amser cymwys fwy nag un partner mewn unrhyw un flwyddyn academaidd, mae darpariaethau'r paragraff hwn yn gymwys mewn perthynas â phob un.

Cyfrifo'r cyfraniad

5.–(1) Mae'r cyfraniad sy'n daladwy mewn perthynas â myfyriwr cymwys fel a ganlyn–

(a) mewn unrhyw achos lle mae incwm yr aelwyd dros £39,793, £1 am bob £9.27 o incwm sydd gan yr aelwyd uwchlaw £39,793; a

(b) mewn unrhyw achos lle mae incwm yr aelwyd yn £39,793 neu lai, dim.

(2) Rhaid i'r cyfraniad mewn unrhyw achos beidio â bod yn fwy na £6,208.

(3) Caniateir i'r cyfraniad gael ei addasu'n unol â pharagraff 6.

(4) Pan fo is-baragraff (5) yn gymwys, rhaid i gyfanswm y cyfraniadau beidio â bod yn fwy na £6,208.

(5) Mae'r is-baragraff hwn yn gymwys os cyfansoddir incwm yr aelwyd o incwm gweddilliol myfyriwr rhan-amser cymwys ac incwm gweddilliol partner y myfyriwr rhan-amser cymwys, a bod gan y ddau ddyfarniad statudol.

Cyfraniadau hollt

6. Os defnyddir yr un incwm aelwyd i asesu swm dyfarniad statudol y mae gan ddau neu ragor o bersonau hawl i'w gael, rhennir y cyfraniad sy'n

(7) Where A's income is computed as for the purposes of the income tax legislation of another Member State, it is computed under the provisions of this Schedule in the currency of that Member State and A's income for the purposes of this Schedule is the sterling value of that income determined in accordance with the rate for the month in which the last day of the financial year in question falls, as published by the Office for National Statistics.

(8) Where the Welsh Ministers determine that the eligible part-time student and the eligible part-time student's partner are separated for the duration of the relevant year, the partner's income is not taken into account in determining the household income.

(9) Where the Welsh Ministers determine that the eligible part-time student and the eligible part-time student's partner have separated in the course of the relevant year, the partner's income is determined by reference to the partner's income under sub-paragraph (1) divided by fifty-two and multiplied by the number of complete weeks in the relevant year for which the Welsh Ministers determine that the eligible part-time student and the eligible part-time student's partner are not separated.

(10) Where an eligible part-time student has more than one partner in any one academic year, the provisions of this paragraph apply in relation to each.

Calculation of contribution

5.–(1) The contribution payable in relation to an eligible part-time student is–

(a) in any case where the household income exceeds £39,793, £1 for every £9.27 by which the household income exceeds £39,793; and

(b) in any case where the household income is £39,793 or less, nil.

(2) The contribution must not in any case exceed £6,208.

(3) The contribution may be adjusted in accordance with paragraph 6.

(4) Where sub-paragraph (5) applies, the aggregate contributions must not exceed £6,208.

(5) This sub-paragraph applies where the household income consists of the residual income of an eligible part-time student and the eligible part-time student's partner where both hold a statutory award.

Split contributions

6. Where the same household income is used to assess the amount of a statutory award for which two or more persons qualify the contribution payable in

daladwy mewn perthynas â'r myfyriwr rhan-amser cymwys â'r nifer hwnnw o bersonau.

respect of the eligible part-time student is divided by the number of such persons.

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