



OFFERYNNAU STATUDOL
CYMRU

2012 Rhif 14 (Cy.5)

ADDYSG, CYMRU

Rheoliadau Grantiau a
Benthyciadau Dysgu'r Cynulliad
(Addysg Uwch) (Cymru) (Rhif 2)
(Diwygio) 2012

NODYN ESBONIADOL

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

Mae Rheoliadau Grantiau a Benthyciadau Dysgu'r Cynulliad (Addysg Uwch) (Cymru) (Rhif 2) 2011 ("y Prif Reoliadau") yn darparu ar gyfer cymorth ariannol i fyfyrwyr sy'n preswyl fel arfer yng Nghymru ac sy'n dilyn cysiau addysg uwch dynodedig mewn perthynas â blynyddoedd academiaidd sy'n dechrau ar neu ar ôl 1 Medi 2012.

Mae'r Rheoliadau hyn yn diwygio'r Prif Reoliadau.

Mae'r Rheoliadau hyn yn mewnosod carfan newydd o fyfyrwyr a math newydd o gwrs yn y Prif Reoliadau. Myfyriwr mynediad graddedig carlam 2012 yw myfyriwr a ddechreuodd ar gwrs mynediad graddedig carlam ar neu ar ôl 1 Medi 2012. Cwrs mynediad graddedig carlam yw cwrs ar gyfer myfyriwr mynediad graddedig sy'n arwain at gymhwyster fel doctor meddygol neu ddeintydd, ac nad yw'n parhau'n hwy na 4 blynedd.

Mae rheoliad 4 yn diwygio rheoliad 4 o'r Prif Reoliadau. Mae'r diwygiad hwn yn sicrhau bod myfyriwr mynediad graddedig carlam 2012 a myfyriwr eraill y telir y bwrsari gofal iechyd cyffredinol iddynt yn fyfyrwyr cymwys at ddibenion y Prif Reoliadau. Y bwrsari gofal iechyd cyffredinol yw dyfarniad o £1,000, a delir i fyfyrwyr sy'n dechrau ar gysiau mewn cysylltiad â gofal iechyd ar ôl 1 Medi 2012.

Mae rheoliadau 5 a 6 yn diwygio rheoliadau 6 a 7 o'r Prif Reoliadau. Mae rheoliadau 6 a 7 o'r Prif Reoliadau yn ymwneud â chyfnod cymhwysra myfyriwr cymwys ac astudio blaenorol at ddibenion y Prif Reoliadau.

WELSH STATUTORY
INSTRUMENTS

2012 No. 14 (W.5)

EDUCATION, WALES

The Assembly Learning Grants and
Loans (Higher Education) (Wales)
(No.2) (Amendment) Regulations
2012

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011 ("the Principal Regulations") provide for financial support for students who are ordinarily resident in Wales and taking designated higher education courses in respect of academic years beginning on or after 1 September 2012.

These Regulations amend the Principal Regulations.

These Regulations introduce a new cohort of student and type of course into the Principal Regulations. A 2012 accelerated graduate entry student is a student who starts an accelerated graduate entry course on or after 1 September 2012. An accelerated graduate entry course is a course for graduate entry students which leads to a qualification as a medical doctor or dentist and does not exceed 4 years in duration.

Regulation 4 amends regulation 4 of the Principal Regulations. This amendment ensures that 2012 accelerated graduate entry students and other students who are paid the universal healthcare bursary are eligible students for the purposes of the Principal Regulations. The universal healthcare bursary is an award of £1,000 paid to students starting healthcare related courses after 1 September 2012.

Regulations 5 and 6 amend regulations 6 and 7 of the Principal Regulations. Regulations 6 and 7 of the Principal Regulations deal with an eligible student's period of eligibility and previous study for the

Mae'r diwygiadau hyn yn sicrhau nad yw astudio israddedig blaenorol gan fyfyrwr mynediad graddedig carlam 2012 yn cyfrif at y diben o gyfrifo'i gyfnod cymhwystra, ac nad yw'n ei rwystro rhag cael mynediad at gymorth cyfyngedig o dan y Prif Reoliadau.

Mae rheoliad 7 yn diwygio rheoliad 10 o'r Prif Reoliadau sy'n gwneud darpariaeth ynglŷn â'r terfynau amser ar gyfer cyflwyno ceisiadau am gymorth o dan y Prif Reoliadau. Mae'r diwygiad hwn yn estyn y terfyn amser mewn perthynas â myfyrwyr mynediad graddedig carlam 2012 sy'n gwneud cais am fenthyciad at ffioedd ar wahân, neu swm ychwanegol o fenthyciad at ffioedd o dan y Prif Reoliadau.

Mae rheoliadau 8 i 12 yn diwygio Rhan 4 o'r Prif Reoliadau sy'n ymwneud â darparu cymorth at ffioedd i fyfyrwyr cymwys amser-llawn. Mae rheoliadau 8 i 11 yn gwneud nifer o fân ddiwygiadau sy'n rhwystro'r myfyrwyr hynny sy'n astudio mewn sefydliadau preifat a myfyrwyr mynediad graddedig carlam 2012 rhag cael mynediad at rai mathau o gymorth at ffioedd o dan y Prif Reoliadau.

Mae rheoliad 12 yn mewnosod rheoliadau 24A a 24B newydd yn y Prif Reoliadau. Mae rheoliad 24A yn darparu ar gyfer talu benthyciad newydd at ffioedd sefydliad preifat i fyfyrwyr cymwys sy'n dechrau ar gyrsgiau mewn sefydliadau preifat ar neu ar ôl 1 Medi 2012. Mae rheoliad 24B yn darparu ar gyfer talu benthyciad at ffioedd mynediad graddedig carlam i fyfyrwyr mynediad graddedig carlam 2012.

Mae rheoliadau 13 i 15 yn diwygio Rhannau 5 a 6 o'r Prif Reoliadau sy'n ymwneud â darparu grantiau a benthyciadau at gostau byw i fyfyrwyr cymwys amser-llawn. Mae rheoliad 13 yn sicrhau bod rhai grantiau cyfyngedig at gostau byw ar gael i fyfyrwyr mynediad graddedig carlam 2012 yn ystod eu blwyddyn gyntaf o astudio. Mae rheoliadau 14 a 15 yn gwneud darpariaeth ar gyfer y benthyciadau at gostau byw ar gael i fyfyrwyr mynediad graddedig carlam 2012. Mae'r diwygiadau yn darparu hawlogaeth lawn i fenthyciad o'r fath i'r myfyrwyr hyn yn ystod eu blwyddyn gyntaf o astudio.

Mae rheoliadau 16 a 17 yn diwygio Rhan 10 o'r Prif Reoliadau ac yn gwneud darpariaeth newydd ynglŷn â thalu grantiau a benthyciadau ar gyfer ffioedd.

Mae rheoliad 18 yn diwygio rheoliad 86 o'r Prif Reoliadau sy'n ymwneud â thalu grantiau ar gyfer ffioedd mewn perthynas â myfyrwyr dysgu o bell cymwys.

Mae rheoliad 19 yn gwneud mân ddiwygiad yn nhestun Saesneg y Prif Reoliadau.

purposes of the Principal Regulations. These amendments ensure that a 2012 accelerated graduate entry student's previous undergraduate study is not counted for the purposes of calculating their period of eligibility and does not prevent them accessing limited support under the Principal Regulations.

Regulation 7 amends regulation 10 of the Principal Regulations which makes provision relating to the time limits for submitting applications for support under the Principal Regulations. This amendment extends the time limit in relation to 2012 accelerated graduate entry students who are applying for a separate or additional amount of fee loan under the Principal Regulations.

Regulations 8 to 12 amend Part 4 of the Principal Regulations which deals with the provision of fee support for full-time eligible students. Regulations 8 to 11 make a number of minor amendments which prevent those students studying at private institutions and 2012 accelerated graduate entry students from accessing certain types of fee support under the Principal Regulations.

Regulation 12 inserts new regulations 24A and 24B into the Principal Regulations. Regulation 24A provides for the payment of a new private institution fee loan to eligible students starting courses at private institutions on or after 1 September 2012. Regulation 24B provides for the payment of an accelerated graduate entry fee loan to 2012 accelerated graduate entry students.

Regulations 13 to 15 amend Parts 5 and 6 of the Principal Regulations which deal with the provision of grants and loans for living costs for full-time eligible students. Regulation 13 ensures that certain limited grants for living costs are available to 2012 accelerated graduate entry students in their first year of study. Regulations 14 and 15 make provision for the loans for living costs available to 2012 accelerated graduate entry students. The amendments provide these students with full entitlement to such a loan in their first year of study.

Regulations 16 and 17 amend Part 10 of the Principal Regulations and make new provision on the payment of grants and loans for fees.

Regulation 18 amends regulation 86 of the Principal Regulations which deals with the payment of grants for fees in respect of eligible distance learning students.

Regulation 19 makes a minor amendment to the English text of the Principal Regulations.

2012 Rhif 14 (Cy.5)

ADDYSG, CYMRU

**Rheoliadau Grantiau a
Benthyciadau Dysgu'r Cynulliad
(Addysg Uwch) (Cymru) (Rhif 2)
(Diwygio) 2012**

<i>Gwnaed</i>	<i>4 Ionawr 2012</i>
<i>Gosodwyd gerbron Cynulliad Cenedlaethol Cymru</i>	<i>6 Ionawr 2012</i>
<i>Yn dod i rym</i>	<i>1 Chwefror 2012</i>

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

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Grantiau a Benthyciadau Dysgu'r Cynulliad (Addysg Uwch) (Cymru) (Rhif 2) (Diwygio) 2012.

(2) Daw'r Rheoliadau hyn i rym ar 1 Chwefror 2012 ac maent yn gymwys o ran Cymru.

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- (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. Gweler adran 43(1) o Ddeddf Addysgu ac Addysg Uwch 1998 am y diffiniad o "prescribed" a "regulations".
- (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).

2012 No. 14 (W.5)

EDUCATION, WALES

**The Assembly Learning Grants and
Loans (Higher Education) (Wales)
(No.2) (Amendment) Regulations
2012**

<i>Made</i>	<i>4 January 2012</i>
<i>Laid before the National Assembly for Wales</i>	<i>6 January 2012</i>
<i>Coming into force</i>	<i>1 February 2012</i>

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

Title, commencement and application

1.—(1) The title of these Regulations is the Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) (Amendment) Regulations 2012.

(2) These Regulations come into force on 1 February 2012 and apply in relation to Wales.

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- (1) 1998 c.30; section 22 was amended by the Learning and Skills Act 2000 (c.21), section 146 and Schedule 11, the Income Tax (Earnings and Pensions) Act 2003 (c.1), Schedule 6, the Finance Act 2003 (c.14), section 147, the Higher Education Act 2004 (c.8), sections 42 and 43 and Schedule 7 and the Apprenticeships, Skills, Children and Learning Act 2009 (c.22), section 257. See section 43(1) of the Teaching and Higher Education Act 1998 for the definition of "prescribed" and "regulations".
- (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).

Diwygiadau

2. Diwygir Rheoliadau Grantiau a Benthyciadau Dysgu'r Cynulliad (Addysg Uwch) (Cymru) (Rhif 2) 2011(1) yn unol â'r rheoliadau canlynol.

3.—(1) Yn rheoliad 2(1), yn y man priodol, mewnosoder—

"ystyr "benthyciad at ffioedd mynediad graddedig carlam" ("*accelerated graduate entry fee loan*") yw benthyciad sy'n daladwy gan Weinidogion Cymru o dan reoliad 24B;"

"ystyr "benthyciad newydd at ffioedd sefydliad preifat" ("*new private institution fee loan*") yw benthyciad sy'n daladwy gan Weinidogion Cymru o dan reoliad 24A;"

"ystyr "bwrsari gofal iechyd cyffredinol" ("*universal healthcare bursary*") yw bwrsari gofal iechyd o £1,000—

- (a) sy'n daladwy i fyfyrwr carfan 2012 neu i fyfyrwr mynediad graddedig carlam 2012; a
- (b) mewn perthynas â myfyrwr carfan 2012, nas cyfrifir drwy gyfeirio at incwm y myfyrwr hwnnw; neu
- (c) mewn perthynas â myfyrwr mynediad graddedig carlam 2012, nas cyfrifir drwy gyfeirio at incwm y myfyrwr hwnnw;"

"ystyr "cwrs mynediad graddedig carlam" ("*accelerated graduate entry course*") yw cwrs—

- (a) nad yw ei safon yn uwch na safon gradd gyntaf ac sy'n arwain at gymhwyster fel doctor meddygol neu ddeintydd;
- (b) y byddai gradd gyntaf neu gymhwyster cyfwerth fel arfer yn ofynnol ar gyfer mynediad i'r cwrs;
- (c) sy'n dechrau ar neu ar ôl 1 Medi 2012; ac
- (ch) nad yw'n parhau'n hwy na 4 blynedd;"

"ystyr "grant ar gyfer ffioedd" ("*grant for fees*") yw grant ar gyfer ffioedd sy'n daladwy i fyfyrwr cymwys o dan yr hen drefn yn unol â Rhan 4 o'r Rheoliadau hyn;"

"ystyr "myfyrwr mynediad graddedig carlam 2012" ("*2012 accelerated graduate entry student*") yw myfyrwr cymwys sy'n dechrau ar gwrs mynediad graddedig carlam ar neu ar ôl 1 Medi 2012;"

(2) Yn rheoliad 2(1), yn y diffiniad o "myfyrwr carfan 2011" ar ôl y geiriau "myfyrwr cymwys sy'n dechrau ar y cwrs presennol ar neu ar ôl 1 Medi 2011", mewnosoder "ond cyn 1 Medi 2012".

Amendments

2. The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011(1) are amended in accordance with the following regulations.

3.—(1) In regulation 2(1), in the appropriate place, insert—

""2012 accelerated graduate entry student" ("*myfyrwr mynediad graddedig carlam 2012*") means an eligible student who begins an accelerated graduate entry course on or after 1 September 2012;"

""accelerated graduate entry course" ("*cwrs mynediad graddedig carlam*") means a course—

- (a) the standard of which is not higher than a first degree course and which leads to a qualification as a medical doctor or dentist;
- (b) where a first degree or equivalent qualification would normally be required for entry to the course;
- (c) which begins on or after 1 September 2012; and
- (d) which does not exceed 4 years in duration;"

""accelerated graduate entry fee loan" ("*benthyciad at ffioedd mynediad graddedig carlam*") means a loan payable by the Welsh Ministers under regulation 24B;"

""grant for fees" ("*grant ar gyfer ffioedd*") means a grant for fees payable to an old system eligible student pursuant to Part 4 of these Regulations;"

""new private institution fee loan" ("*benthyciad newydd at ffioedd sefydliad preifat*") means a loan payable by the Welsh Ministers under regulation 24A;"

""universal healthcare bursary" ("*bwrsari gofal iechyd cyffredinol*") means a healthcare bursary of £1,000 which is—

- (a) payable to a 2012 cohort student or a 2012 accelerated graduate entry student; and
- (b) in relation to a 2012 cohort student is not calculated by reference to that student's income; or
- (c) in relation to a 2012 accelerated graduate entry student is not calculated by reference to that student's income;"

(2) In regulation 2(1), in the definition of "2011 cohort student" after the words "an eligible student who begins the present course on or after 1 September 2011", insert "but before 1 September 2012".

(1) O.S. 2011/886 (Cy.130) fel y'i diwygiwyd gan O.S. 2011/1978 (Cy.218).

(1) S.I. 2011/886 (W.130) as amended by S.I. 2011/1978 (W.218).

(3) Yn rheoliad 2(1), yn y diffiniad o "myfyriwr carfan 2012"—

- (a) ar ôl y geiriau "1 September 2012" ar ddiwedd is-baragraff (b) yn y testun Saesneg, yn lle "." rhodder "; or";
- (b) ar ôl y geiriau "1 Medi 2012;" ar ddiwedd is-baragraff (b) yn y testun Cymraeg, mewnosoder "neu"; ac
- (c) ar ôl is-baragraff (b) mewnosoder—
"(c) myfyriwr mynediad graddedig carlam 2012."

4. Yn rheoliad 4(3)(c)(i) ar ôl y geiriau "bwrsari gofal iechyd", mewnosoder ", ac eithrio bwrsari gofal iechyd cyffredinol,".

5. Yn rheoliad 6(9), ar ôl y geiriau "myfyriwr ar gwrs hyfforddi athrawon" yn is-baragraff (a), mewnosoder "neu fyfyriwr mynediad graddedig carlam 2012".

6.—(1) Yn rheoliad 7(1) yn lle'r geiriau "baragraffau (3) a (4)" rhodder "baragraffau (3), (4) a (6)".

(2) Ar ôl rheoliad 7(5) mewnosoder—

"(6) Nid yw paragraff (1) yn gymwys i fyfyriwr cymwys sy'n bresennol ar gwrs dynodedig sy'n gwrs mynediad graddedig carlam."

7. Ar ôl rheoliad 10(2)(ch) mewnosoder—

"(ch) os yw'r ceisydd yn gwneud cais ar wahân am fenthyciad newydd at ffioedd sefydliad preifat neu fenthyciad at ffioedd mynediad graddedig carlam, neu swm ychwanegol o fenthyciad newydd at ffioedd sefydliad preifat o dan reoliad 24A(4), neu swm ychwanegol o fenthyciad at ffioedd mynediad graddedig carlam o dan reoliad 24B(4), ac mewn achos o'r fath 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."

8. Yn rheoliad 19(6) ar ôl y geiriau "myfyriwr carfan newydd" mewnosoder y geiriau "neu fyfyriwr mynediad graddedig carlam 2012".

9. Yn rheoliad 20(1) ar ôl y geiriau "gwrs dynodedig" mewnosoder "a ddarperir gan sefydliad a ariennir yn gyhoeddus".

10. Yn rheoliad 21, ar ôl paragraff (2) mewnosoder—

"(3) Nid yw paragraff (2) yn gymwys mewn perthynas â chwrs mynediad graddedig carlam."

11. Yn rheoliad 23, ar ôl paragraff (4) mewnosoder—

"(5) Nid yw'r rheoliad hwn yn gymwys i fyfyriwr cymwys o dan y drefn newydd sy'n fyfyriwr carfan 2012 os oes hawl gan y myfyriwr i gael benthyciad newydd at ffioedd sefydliad preifat.

(3) In regulation 2(1), in the definition of "2012 cohort student"—

- (a) after the words "1 September 2012" at the end of sub-paragraph (b) in the English text, for "." substitute "; or";
- (b) after the words "1 Medi 2012;" at the end of sub-paragraph (b) in the Welsh text, insert "neu"; and
- (c) after sub-paragraph (b) insert—
"(c) a 2012 accelerated graduate entry student."

4. In regulation 4(3)(c)(i) after the words "healthcare bursary", insert ", other than a universal healthcare bursary,".

5. In regulation 6(9), after the words "teacher training student" in sub-paragraph (a), insert "or a 2012 accelerated graduate entry student".

6.—(1) In regulation 7(1) for the words "paragraphs (3) and (4)" substitute "paragraphs (3), (4) and (6)".

(2) After regulation 7(5) insert—

"(6) Paragraph (1) does not apply to an eligible student attending a designated course which is an accelerated graduate entry course."

7. After regulation 10(2)(d) insert—

"(dd) the applicant is making a separate application for a new private institution fee loan or an accelerated graduate entry fee loan, or an additional amount of a new private institution fee loan under regulation 24A(4), or an additional amount of an accelerated graduate entry fee loan under regulation 24B(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."

8. In regulation 19(6) after the words "new cohort student" insert the words "or a 2012 accelerated graduate entry student".

9. In regulation 20(1) after the words "designated course" insert "provided by a publicly funded institution".

10. In regulation 21, after paragraph (2) insert—

"(3) Paragraph (2) does not apply in relation to an accelerated graduate entry course."

11. In regulation 23, after paragraph (4) insert—

"(5) This regulation does not apply to a new system eligible student who is a 2012 cohort student if the student qualifies for a new private institution fee loan.

(6) Nid yw'r rheoliad hwn yn gymwys i fyfyrwr cymwys o dan y drefn newydd sy'n fyfyrwr mynediad graddedig carlam 2012."

12. Ar ôl rheoliad 24 mewnosoder—

"Benthyciad newydd at ffioedd sefydliad preifat

24A—(1) Mae gan fyfyrwr cymwys o dan y drefn newydd sy'n fyfyrwr carfan 2012 hawl yn unol â'r rheoliad hwn i gael benthyciad newydd at ffioedd sefydliad preifat mewn perthynas â phresenoldeb y myfyrwr carfan 2012 ar gwrs dynodedig a ddarperir gan sefydliad preifat, neu mewn cysylltiad â'r presenoldeb hwnnw mewn modd arall.

(2) Nid oes benthyciad newydd at ffioedd sefydliad preifat ar gael mewn perthynas â blwyddyn academaidd os yw'r flwyddyn honno yn flwyddyn bwrsari neu'n flwyddyn Erasmus.

(3) Rhaid i swm benthyciad newydd at ffioedd sefydliad preifat mewn perthynas â blwyddyn academaidd o gwrs dynodedig a ddarperir gan sefydliad preifat beidio â bod yn fwy na'r lleiaf o'r canlynol—

(a) £6,000 neu, os oes un o'r amgylchiadau yn rheoliad 17(4) yn gymwys, £3,000; a

(b) y ffioedd sy'n daladwy gan y myfyrwr mewn perthynas â'r flwyddyn honno, neu mewn cysylltiad â hi mewn modd arall.

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

Benthyciad at ffioedd mynediad graddedig carlam

24B—(1) Mae gan fyfyrwr mynediad graddedig carlam 2012 hawl yn unol â'r rheoliad hwn i gael benthyciad at ffioedd mynediad graddedig carlam mewn perthynas â phresenoldeb y myfyrwr mynediad graddedig carlam 2012 ar gwrs dynodedig sy'n gwrs mynediad graddedig carlam, neu mewn cysylltiad â'r presenoldeb hwnnw mewn modd arall.

(2) Nid oes benthyciad at ffioedd mynediad graddedig carlam ar gael mewn perthynas â blwyddyn academaidd sy'n flwyddyn Erasmus.

(3) Rhaid i swm benthyciad at ffioedd mynediad graddedig carlam mewn perthynas â blwyddyn academaidd o gwrs dynodedig sy'n gwrs mynediad graddedig carlam beidio â bod yn fwy na'r lleiaf o'r canlynol—

(a) £5,535; neu

(6) This regulation does not apply to a new system eligible student who is a 2012 accelerated graduate entry student."

12. After regulation 24 insert—

"New private institution fee loan

24A—(1) A new system eligible student who is a 2012 cohort student qualifies in accordance with this regulation for a new private institution fee loan in respect of, or otherwise in connection with, the 2012 cohort student's attendance on a designated course provided by a private institution.

(2) A new private institution fee loan is not available in respect of an academic year if that year is a bursary year or an Erasmus year.

(3) The amount of a new private institution fee loan in respect of an academic year of a designated course provided by a private institution must not exceed the lesser of—

(a) £6,000 or, where any of the circumstances in regulation 17(4) apply, £3,000; and

(b) the fees payable by the student in respect of, or otherwise in connection with, that year.

(4) Where a new system eligible student has applied for a new private institution 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.

Accelerated graduate entry fee loan

24B—(1) A 2012 accelerated graduate entry student qualifies in accordance with this regulation for an accelerated graduate entry fee loan in respect of, or otherwise in connection with, the 2012 accelerated graduate entry student's attendance on a designated course which is an accelerated graduate entry course.

(2) An accelerated graduate entry fee loan is not available in respect of an academic year which is an Erasmus year.

(3) The amount of an accelerated graduate entry fee loan in respect of an academic year of a designated course which is an accelerated graduate entry course must not exceed the lesser of—

(a) £5,535; or

(b) y gwahaniaeth rhwng £3,465 a'r ffioedd sy'n daladwy gan y myfyriwr mynediad graddedig carlam 2012.

(4) Os yw myfyriwr mynediad graddedig carlam 2012 wedi gwneud cais am fenthyciad at ffioedd mynediad graddedig carlam sy'n llai na'r uchafswm sydd ar gael mewn perthynas â blwyddyn academaidd, caiff y myfyriwr mynediad graddedig carlam 2012 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."

13. Ar ôl rheoliad 25(4) mewnosoder—

"(4A) Yn ddarostyngedig i baragraff 4B, nid oes hawl gan fyfyriwr mynediad graddedig carlam 2012 i gael grant o dan y Rhan hon.

(4B) Nid yw paragraff 4A yn gymwys at ddibenion rheoliadau 26 i 32, i fyfyriwr mynediad graddedig carlam 2012 sy'n ymgymryd â'i flwyddyn gyntaf o astudio ar gwrs mynediad graddedig carlam."

14. Yn rheoliad 47(c) yn lle'r geiriau "neu'n fyfyriwr carfan 2012" rhodder ", yn fyfyriwr carfan 2012 neu'n fyfyriwr mynediad graddedig carlam 2012 sy'n ymgymryd â'i flwyddyn gyntaf o astudio".

15. Yn rheoliad 51—

(a) yn y pennawd, yn lle'r geiriau "neu'n fyfyrwr carfan 2012" rhodder ", yn fyfyrwr carfan 2012 neu'n fyfyrwr mynediad graddedig carlam 2012 sy'n ymgymryd â'u blwyddyn gyntaf o astudio"; a

(b) ym mharagraff (1), yn lle'r geiriau "neu'n fyfyriwr carfan 2012" rhodder ", yn fyfyriwr carfan 2012 neu'n fyfyriwr mynediad graddedig carlam 2012 sy'n ymgymryd â'i flwyddyn gyntaf o astudio".

16. Yn lle rheoliad 65 rhodder—

"Talw grantiau neu fenthyciadau ar gyfer ffioedd i fyfyrwr cymwys o dan yr hen drefn

65.—(1) Rhaid i Weinidogion Cymru dalu'r grant ar gyfer ffioedd neu'r benthyciad cyfrannu at ffioedd y mae hawl gan fyfyriwr cymwys o dan yr hen drefn i'w gael i awdurdod academaidd y mae'r myfyriwr cymwys o dan yr hen drefn yn atebol i dalu iddo.

(2) Caiff Gweinidogion Cymru dalu'r grant ar gyfer ffioedd neu'r benthyciad cyfrannu at ffioedd yn y cyfryw randaliadau (os bydd rhandaliadau) ac ar y cyfryw adegau a ystyriant yn briodol.

(3) Rhaid i Weinidogion Cymru beidio â thalu'r grant ar gyfer ffioedd neu'r benthyciad cyfrannu at ffioedd—

(a) oni fyddant wedi cael cais am daliad oddi wrth yr awdurdod academaidd perthnasol; a

(b) the amount by which the fees payable by the 2012 accelerated graduate entry student exceed £3,465.

(4) Where a 2012 accelerated graduate entry student has applied for an accelerated graduate entry fee loan of less than the maximum amount available in relation to an academic year, the 2012 accelerated graduate entry student may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed that maximum."

13. After regulation 25(4) insert—

"(4A) Subject to paragraph 4B, a 2012 accelerated graduate entry student does not qualify for a grant under this Part.

(4B) Paragraph 4A does not apply for the purposes of regulations 26 to 32, to a 2012 accelerated graduate entry student who is undertaking their first year of study on an accelerated graduate entry course."

14. In regulation 47(c) for the words "or a 2012 cohort student" substitute, ", a 2012 cohort student or a 2012 accelerated graduate entry student who is undertaking their first year of study".

15. In regulation 51—

(a) in the heading, for the words "or 2012 cohort students" substitute ", 2012 cohorts students or 2012 accelerated graduate entry students undertaking their first year of study"; and

(b) in paragraph (1), for the words "or a 2012 cohort student" substitute ", a 2012 cohort student or a 2012 accelerated graduate entry student who is undertaking their first year of study".

16. For regulation 65 substitute—

"Payments of grants or loans for fees for old system eligible students

65.—(1) The Welsh Ministers must pay the grant for fees or fee contribution loan for which an old system eligible student qualifies to an academic authority to which the old system eligible student is liable to make payment.

(2) The Welsh Ministers may pay the grant for fees or fee contribution loan in such instalments (if any) and at such times as they consider appropriate.

(3) The Welsh Ministers must not pay the grant for fees or fee contribution loan—

(a) unless they have received a request for payment from the relevant academic authority; and

(b) bod cyfnod o dri mis sy'n dechrau ar ddiwrnod cyntaf y flwyddyn academaidd wedi dod i ben.

(4) Rhaid i Weinidogion Cymru dalu'r grant ar gyfer ffioedd ddim hwyrach na 10 wythnos ar ôl diwedd y cyfnod ym mharagraff (3)(b), 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.

(5) Os yw asesu cyfraniad y myfyriwr cymwys o dan yr hen drefn neu faterion eraill wedi gohirio cyfrifiad terfynol swm y grant ar gyfer ffioedd neu'r benthyciad cyfrannu at ffioedd y mae hawl gan y myfyriwr cymwys o dan yr hen drefn i'w gael, caiff Gweinidogion Cymru wneud asesiad a thaliad dros dro.

(6) Ni cheir gwneud taliad o'r grant ar gyfer ffioedd, neu'r benthyciad cyfrannu at ffioedd mewn cysylltiad â chwrs dynodedig—

(a) os bydd y myfyriwr cymwys o dan yr hen drefn, cyn diwedd cyfnod o dri mis sy'n dechrau ar ddiwrnod cyntaf y flwyddyn academaidd, yn rhoi'r gorau i fod yn bresennol ar y cwrs 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 eto ar y cwrs neu, yn ôl fel y digwydd, ymgymryd eto â'r cwrs yn y Deyrnas Unedig yn ystod y flwyddyn academaidd y mae'r ffioedd yn daladwy mewn perthynas â hi, neu o gwbl.

(7) Os yw myfyriwr cymwys o dan yr hen drefn yn rhoi'r gorau i fod yn bresennol ar gwrs dynodedig, neu'n rhoi'r gorau i ymgymryd â chwrs dynodedig, yn ystod y flwyddyn academaidd, a'r awdurdod academaidd wedi penderfynu neu wedi cytuno na fydd y myfyriwr yn dychwelyd yn ystod y flwyddyn academaidd honno, rhaid i'r awdurdod academaidd hysbysu Gweinidogion Cymru, cyn gynted ag y bo'n ymarferol, ynghylch ymadawiad y myfyriwr cymwys o dan yr hen drefn o'r cwrs dynodedig."

17. Ar ôl rheoliad 65 mewnosoder—

"Talu grantiau neu fenthyciadau ar gyfer ffioedd i fyfyrwyr cymwys o dan y drefn newydd

65A—(1) Rhaid i Weinidogion Cymru dalu'r grant at ffioedd, y grant newydd at ffioedd neu'r benthyciad at ffioedd y mae hawl gan fyfyrwr cymwys o dan y drefn newydd i'w gael i awdurdod academaidd y mae'r myfyriwr cymwys o dan y drefn newydd yn atebol i dalu iddo.

(2) Caiff Gweinidogion Cymru dalu'r grant at ffioedd, y grant newydd at ffioedd neu'r benthyciad

(b) a period of three months beginning with the first day of the academic year has expired.

(4) The Welsh Ministers must pay the grant for fees not later than 10 weeks after the expiry of the period in paragraph (3)(b), or promptly after a request for payment has been received which the Welsh Ministers consider to be a valid request, if that is later.

(5) Where assessment of an old system eligible student's contribution or other matters have delayed the final calculation of the amount of the grant for fees or fee contribution loan for which the old system eligible student qualifies, the Welsh Ministers may make a provisional assessment and payment.

(6) No payment of the grant for fees or fee contribution 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 old system 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), ceases to 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, the course again in the United Kingdom during the academic year in respect of which the fees are payable, or at all.

(7) Where an old system eligible student ceases to attend or undertake a designated course during the academic year and the academic authority has determined or agreed that the student will not return during that academic year, the academic authority must inform the Welsh Ministers as soon as is practicable of the old system eligible student's departure from the designated course."

17. After regulation 65 insert—

"Payment of grants or loans for fees for new system eligible students

65A—(1) The Welsh Ministers must pay the fee grant, new fee grant or fee loan for which a new system eligible student qualifies to an academic authority to which the new system eligible student is liable to make payment.

(2) The Welsh Ministers may pay the fee grant, new fee grant or fee loan in such instalments (if

at ffioedd yn y cyfryw randaliadau (os bydd rhandaliadau) ac ar y cyfryw adegau a ystyriant yn briodol.

(3) Rhaid i Weinidogion Cymru beidio â thalu'r grant at ffioedd, y grant newydd at ffioedd neu'r benthyciad at ffioedd, nac unrhyw randaliad o'r grant at ffioedd, y grant newydd at ffioedd neu'r benthyciad at ffioedd, y mae hawl gan y myfyriwr cymwys o dan y drefn newydd i'w gael, oni fyddant wedi cael gan yr awdurdod academiaidd perthnasol—

- (a) cais am daliad; a
- (b) cadarnhad o bresenoldeb y myfyriwr cymwys o dan y drefn newydd ar y cwrs dynodedig.

(4) Yn y rheoliad hwn, ystyr "cadarnhad o bresenoldeb y myfyriwr cymwys o dan y drefn newydd ar y cwrs dynodedig" ("*confirmation of the new system eligible student's attendance on the designated course*") yw cadarnhad gan yr awdurdod academiaidd perthnasol fod y myfyriwr cymwys o dan y drefn newydd—

- (a) wedi ymrestru ar y cwrs dynodedig ac wedi dechrau bod yn bresennol ar y cwrs hwnnw, neu, yn achos myfyriwr yr ymdrinnir ag ef fel pe bai'n bresennol o dan reoliad 13(3) ac 13(4), wedi dechrau ymgymryd â'r cwrs dynodedig, pan fo'r cadarnhad yn ymwneud â thaliad llawn neu randaliad cyntaf o'r grant at ffioedd, y grant newydd at ffioedd neu'r benthyciad at ffioedd; neu
- (b) yn parhau wedi ymrestru ar y cwrs dynodedig ac yn parhau i fod yn bresennol ar y cwrs hwnnw ar ddyddiad y cadarnhad, neu, yn achos myfyriwr yr ymdrinnir ag ef fel pe bai'n bresennol o dan reoliad 13(3) ac 13(4), yn parhau i ymgymryd â'r cwrs dynodedig ar ddyddiad y cadarnhad, pan fo'r cadarnhad yn ymwneud â rhandaliad o'r grant at ffioedd, y grant newydd at ffioedd neu'r benthyciad at ffioedd, ac eithrio'r rhandaliad cyntaf.

(5) Os yw asesu cais myfyriwr cymwys o dan y drefn newydd neu faterion eraill wedi gohirio cyfrifiad terfynol swm y grant at ffioedd, y grant newydd at ffioedd neu'r benthyciad at ffioedd y mae hawl gan y myfyriwr cymwys o dan y drefn newydd i'w gael, caiff Gweinidogion Cymru wneud asesiad a thaliad dros dro.

(6) Os yw myfyriwr cymwys o dan y drefn newydd yn rhoi'r gorau i fod yn bresennol ar gwrsw dynodedig, neu'n rhoi'r gorau i ymgymryd â chwrs dynodedig, yn ystod y flwyddyn academiaidd, a'r awdurdod academiaidd wedi penderfynu neu wedi cytuno na fydd y myfyriwr yn dychwelyd yn ystod y flwyddyn academiaidd honno, rhaid i'r awdurdod academiaidd hysbysu Gweinidogion Cymru, cyn

any) and at such times as they consider appropriate.

(3) The Welsh Ministers must not pay the fee grant, new fee grant or fee loan, or any instalment of the fee grant, new fee grant or fee loan for which a new system eligible student qualifies unless they have received from the relevant academic authority—

- (a) a request for payment; and
- (b) confirmation of the new system eligible student's attendance on the designated course.

(4) In this regulation "confirmation of the new system eligible student's attendance on the designated course" ("*cadarnhad o bresenoldeb y myfyriwr cymwys o dan y drefn newydd ar y cwrs dynodedig*") means confirmation from the relevant academic authority that the new system eligible student—

- (a) has enrolled on and started attending the designated course, or in the case of a student who is treated as being in attendance under regulation 13(3) and 13(4), started to undertake the designated course, where the confirmation relates to full payment or a first instalment of the fee grant, new fee grant or fee loan; or
- (b) remains enrolled and continues to attend the designated course at the date of the confirmation, or in the case of a student who is treated as being in attendance under regulation 13(3) and 13(4), continues to undertake the designated course at the date of the confirmation, where the confirmation relates to an instalment of the fee grant, new fee grant or fee loan other than the first instalment.

(5) Where assessment of a new system eligible student's application or other matters have delayed the final calculation of the amount of fee grant, new fee grant or fee loan for which the new system eligible student qualifies, the Welsh Ministers may make a provisional assessment and payment.

(6) Where a new system eligible student ceases to attend or undertake a designated course during the academic year and the academic authority has determined or agreed that the student will not return during that academic year, the academic authority must inform the Welsh Ministers as soon as is practicable of the new system eligible student's departure from the designated course."

gynted ag y bo'n ymarferol, ynghylch ymadawiad y myfyriwr cymwys o dan y drefn newydd o'r cwrs dynodedig."

18.—(1) Yn rheoliad 86(1), yn lle "i'r awdurdod academiaidd priodol wedi i gais am daliad ddod i law, a ystyrir gan Weinidogion Cymru yn gais dilys." rhodder y canlynol—

"unwaith y byddant wedi cael gan yr awdurdod academiaidd perthnasol—

- (a) cais am daliad; a
- (b) cadarnhad o bresenoldeb y myfyriwr dysgu o bell cymwys ar y cwrs dysgu o bell dynodedig."

(2) Yn rheoliad 86, ar ôl paragraff (3) mewnosoder—

"(4) Yn y rheoliad hwn, ystyr "cadarnhad o bresenoldeb y myfyriwr dysgu o bell cymwys ar y cwrs dysgu o bell dynodedig" ("*confirmation of the eligible distance learning student's attendance on the designated distance learning course*") yw cadarnhad gan yr awdurdod academiaidd perthnasol fod y myfyriwr cymwys dysgu o bell—

- (a) wedi ymrestru ar y cwrs dysgu o bell dynodedig ac wedi dechrau ymgymryd â'r cwrs hwnnw, pan fo'r cadarnhad yn ymwneud â thaliad y cyfan o'r grant mewn perthynas â ffioedd neu'r rhandaliad cyntaf o'r grant mewn perthynas â ffioedd; neu
- (b) yn parhau wedi ymrestru ar y cwrs dysgu o bell dynodedig ac yn parhau i ymgymryd â'r cwrs hwnnw ar ddyddiad y cadarnhad, pan fo'r cadarnhad yn ymwneud â rhandaliad o'r grant mewn perthynas â ffioedd, ac eithrio'r rhandaliad cyntaf.

(5) Os yw myfyriwr dysgu o bell cymwys yn rhoi'r gorau i ymgymryd â chwrs dysgu o bell dynodedig, yn ystod y flwyddyn academiaidd, a'r awdurdod academiaidd wedi penderfynu neu wedi cytuno na fydd y myfyriwr yn dychwelyd yn ystod y flwyddyn academiaidd honno, rhaid i'r awdurdod academiaidd hysbysu Gweinidogion Cymru, cyn gynted ag y bo'n ymarferol, ynghylch ymadawiad y myfyriwr dysgu o bell cymwys o'r cwrs dysgu o bell dynodedig."

19. Yn y testun Saesneg, ar ôl paragraff 9(3) o Ran 2 o Atodlen 1 mewnosoder—

"(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."

18.—(1) In regulation 86(1) for "to the appropriate academic authority after a request for payment has been received which the Welsh Ministers consider to be a valid request." substitute the following—

"once they have received from the relevant academic authority—

- (a) a request for payment; and
- (b) confirmation of the eligible distance learning student's attendance on the designated distance learning course."

(2) In regulation 86 after paragraph (3) insert—

"(4) In this regulation "confirmation of the eligible distance learning student's attendance on the designated distance learning course" ("*cadarnhad o bresenoldeb y myfyriwr dysgu o bell cymwys ar y cwrs dysgu o bell dynodedig*") means confirmation from the relevant academic authority that the eligible distance learning student—

- (a) has enrolled on and started undertaking the designated distance learning course, where the confirmation relates to a payment of the entire grant in respect of fees or the first instalment of the grant in respect of fees; or
- (b) remains enrolled and continues to undertake the designated distance learning course at the date of the confirmation, where the confirmation relates to an instalment of the grant in respect of fees other than the first instalment.

(5) Where an eligible distance learning student ceases to undertake a designated distance learning course during the academic year and the academic authority has determined or agreed that the student will not return during that academic year, the academic authority must inform the Welsh Ministers as soon as is practicable of the eligible distance learning student's departure from the designated distance learning course."

19. In the English text, after paragraph 9(3) of Part 2 of Schedule 1 insert—

"(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."

Leighton Andrews

Y Gweinidog Addysg a Sgiliau, un o Weinidogion
Cymru

Minister for Education and Skills, one of the Welsh
Ministers

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WELSH STATUTORY
INSTRUMENTS

2012 No. 14 (W.5)

EDUCATION, WALES

The Assembly Learning Grants and
Loans (Higher Education) (Wales)
(No.2) (Amendment) Regulations
2012