OFFERYNNAU STATUDOL CYMRU

2012 Rhif 1904 (Cy.231)

ADDYSG, CYMRU

Gorchymyn Cyngor Cyllido Addysg Uwch Cymru (Swyddogaethau Atodol a Dirymu) 2012

NODYN ESBONIADOL

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

Mae adran 69(5) o Ddeddf Addysg Bellach ac Uwch 1992 yn darparu y caiff Gweinidogion Cymru, drwy orchymyn, roi i Gyngor Cyllido Addysg Uwch Cymru unrhyw swyddogaethau atodol yn ymwneud â darparu addysg sydd yn eu barn hwy yn briodol neu osod y swyddogaethau atodol hynny arno.

Mae'r Gorchymyn hwn yn rhoi swyddogaethau atodol i Gyngor Cyllido Addysg Uwch Cymru. Mae'n dirymu Gorchymyn Cyngor Cyllido Addysg Uwch Cymru (Swyddogaethau Atodol) 2011 ac yn ei ailddatgan gan ystyried y diwygiadau a wnaed i Reoliadau Grantiau a Benthyciadau Dysgu'r Cynulliad (Addysg Uwch) (Cymru) (Rhif 2) 2011.

Mae'r swyddogaethau a roddir gan y Gorchymyn hwn yn swyddogaethau y caiff Gweinidogion Cymru eu harfer mewn rheoliadau a wneir o dan adran 22 o Ddeddf Addysgu ac Addysg Uwch 1998 sy'n ymwneud â thalu grant ffioedd dysgu i sefydliadau addysg uwch (ac adennill y grant hwnnw) mewn cysylltiad â myfyrwyr sy'n dechrau cyrsiau addysg uwch dynodedig ar 1 Medi 2012 neu ar ôl hynny.

WELSH STATUTORY INSTRUMENTS

2012 No. 1904 (W.231)

EDUCATION, WALES

The Higher Education Funding Council for Wales (Supplementary Functions and Revocation) Order 2012

EXPLANATORY NOTE

(This note is not part of the Order)

Section 69(5) of the Further and Higher Education Act 1992 provides that the Welsh Ministers may, by order, confer or impose on the Higher Education Funding Council for Wales such supplementary functions relating to the provision of education as they think fit.

This Order confers supplementary functions on the Higher Education Funding Council for Wales. It revokes the Higher Education Funding Council for Wales (Supplementary Functions) Order 2011 and restates it taking account of amendments made to the Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011.

The functions conferred by this Order are functions exercisable by the Welsh Ministers in regulations made under section 22 of the Teaching and Higher Education Act 1998 which relate to the payment of tuition fee grant to higher education institutions (and the recovery of such grant) in respect of students starting designated higher education courses on or after 1 September 2012.

OFFERYNNAU STATUDOL CYMRU

2012 Rhif 1904 (Cy.231)

ADDYSG, CYMRU

Gorchymyn Cyngor Cyllido Addysg Uwch Cymru (Swyddogaethau Atodol a Dirymu) 2012

Gwnaed	*18 Gorffennaf 2012*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*19 Gorffennaf 2012*
Yn dod i rym	*31 Awst 2012*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 69(5) a 89(4) o Ddeddf Addysg Bellach ac Uwch 1992(**1**), ac sydd bellach yn arferadwy ganddynt hwy(**2**) yn gwneud y Gorchymyn a ganlyn:

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cyngor Cyllido Addysg Uwch Cymru (Swyddogaethau Atodol a Dirymu) 2012 a daw i rym ar 31 Awst 2012.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(3) Yn y Gorchymyn hwn—

(a) ystyr "Rheoliadau 2011" ("*the 2011 Regulations*") yw Rheoliadau Grantiau a Benthyciadau Dysgu'r Cynulliad (Addysg Uwch) (Cymru) (Rhif 2) 2011(**3**); a

(b) mae i "grant newydd at ffioedd" ("*new fee grant*") yr ystyr a roddir iddo gan reoliad 2(1) o Reoliadau 2011.

(**1**) 1992 p.13; diwygiwyd adran 89(4) gan Ddeddf Addysg Bellach a Hyfforddi 2007 (p.25), adran 29 ac Atodlen 1, paragraff 11.

(**2**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 69(5), i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32), a pharagraff 30 o Atodlen 11 iddi, mae'r swyddogaethau hynny'n arferadwy gan Weinidogion Cymru.

(**3**) O.S. 2011/886 (Cy.130).

WELSH STATUTORY INSTRUMENTS

2012 No. 1904 (W.231)

EDUCATION, WALES

The Higher Education Funding Council for Wales (Supplementary Functions and Revocation) Order 2012

Made	*18 July 2012*
Laid before the National Assembly for Wales	*19 July 2012*
Coming into force	*31 August 2012*

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by sections 69(5) and 89(4) of the Further and Higher Education Act 1992(**1**), and now exercisable by them(**2**) make the following Order:

Title, commencement, application and interpretation

1.—(1) The title of this Order is the Higher Education Funding Council for Wales (Supplementary Functions and Revocation) Order 2012 and it comes into force on 31 August 2012.

(2) This Order applies in relation to Wales.

(3) In this Order—

(a) "the 2011 Regulations" ("*Rheoliadau 2011*") means the Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011(**3**); and

(b) "new fee grant" ("*grant newydd at ffioedd*") has the meaning given by regulation 2(1) of the 2011 Regulations.

(**1**) 1992 c.13; section 89(4) was amended by the Further Education and Training Act 2007 (c.25), section 29 and Schedule 1, paragraph 11.

(**2**) The functions of the Secretary of State under section 69(5) were transferred, so far as exercisable in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32) those functions are exercisable by the Welsh Ministers.

(**3**) S.I. 2011/886 (W.130).

Dirymu

2. Mae Gorchymyn Cyngor Cyllido Addysg Uwch Cymru (Swyddogaethau Atodol) 2011(**1**) wedi ei ddirymu ar 31 Awst 2012.

Swyddogaethau Atodol

3. Mae'r swyddogaethau a ganlyn, sef swyddogaethau Gweinidogion Cymru o dan Reoliadau 2011, wedi eu rhoi i Gyngor Cyllido Addysg Uwch Cymru(**2**)—

(a) swyddogaethau yn ymwneud â thalu grant newydd at ffioedd o dan reoliad 65A o Reoliadau 2011(**3**);

(b) swyddogaethau yn ymwneud ag adennill gordaliad o grant newydd at ffioedd o dan reoliad 70 o Reoliadau 2011; ac

(c) swyddogaethau yn ymwneud â chais am wybodaeth o dan Atodlen 3 i Reoliadau 2011 a chael yr wybodaeth honno, i'r graddau y mae'r swyddogaethau hynny yn ymwneud â thalu neu adennill grant newydd at ffioedd.

4. Nid oes dim yn y Gorchymyn hwn yn atal Gweinidogion Cymru rhag arfer y swyddogaethau a ddisgrifir yn erthygl 3.

Revocation

2. The Higher Education Funding Council for Wales (Supplementary Functions) Order 2011(**1**) is revoked on 31 August 2012.

Supplementary Functions

3. The following functions, being functions of the Welsh Ministers under the 2011 Regulations, are conferred on the Higher Education Funding Council for Wales(**2**)—

(a) functions relating to the payment of new fee grant under regulation 65A of the 2011 Regulations(**3**);

(b) functions relating to the recovery of an overpayment of new fee grant under regulation 70 of the 2011 Regulations; and

(c) functions relating to a request for and receipt of information under Schedule 3 to the 2011 Regulations, in so far as those functions relate to the payment or recovery of a new fee grant.

4. Nothing in this Order prevents the Welsh Ministers from exercising the functions described in article 3.

Leighton Andrews

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

18 Gorffennaf 2012

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

18 July 2012

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(**1**) O.S. 2011/965 (Cy.139).

(**2**) Sefydlwyd gan adran 62 o Ddeddf Addysg Bellach ac Uwch 1992.

(**3**) Mewnosodwyd yn Rheoliadau 2011 gan reoliad 17 o Reoliadau Grantiau a Benthyciadau Dysgu'r Cynulliad (Addysg Uwch) (Cymru) (Rhif 2) (Diwygio) 2012 (O.S. 2012/14 (Cy.5)).

(**1**) S.I. 2011/965 (W.139).

(**2**) Established by section 62 of the Further and Higher Education Act 1992.

(**3**) Inserted into the 2011 Regulations by regulation 17 of the Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) (Amendment) Regulations 2012 (S.I. 2012/14 (W.5)).

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2012 Rhif 1904 (Cy.231)

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ADDYSG, CYMRU

EDUCATION, WALES

Gorchymyn Cyngor Cyllido Addysg Uwch Cymru (Swyddogaethau Atodol a Dirymu) 2012

The Higher Education Funding Council for Wales (Supplementary Functions and Revocation) Order 2012

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