



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2014 Rhif 1712 (Cy. 172)

2014 No. 1712 (W. 172)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Cymorth i
Fyfyrwyr) (Cymru) (Diwygio) 2014**

**The Education (Student Support)
(Wales) (Amendment) Regulations
2014**

NODYN ESBONIADOL

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

Mae Rheoliadau (Cymorth i Fyfyrwyr) (Cymru) 2013 ("Rheoliadau 2013") yn darparu ar gyfer cymorth ariannol i fyfyrwyr sy'n preswyl 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 2014.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau 2013.

Mae rheoliad 3 yn cyflwyno nifer o dermau newydd i'r rhestr o dermau a ddiffinnir yn Rheoliadau 2013. Mae "carcharor rhan-amser cymwys" yn garcharor sy'n bodloni gofynion cymhwysra penodol a nodir yn y diffiniad, gan gynnwys bod wedi ei awdurdodi i astudio cwrs addysg uwch rhan-amser sy'n dechrau ar neu ar ôl 1 Medi 2014. Mae'r term "carcharor" yn cyfeirio at berson sy'n bwrw dedfryd mewn carchar yn y Deyrnas Unedig gan gynnwys person sy'n cael ei gadw'n gaeth mewn sefydliad troseddwr ifanc.

Mae rheoliad 4 yn diwygio rheoliad 5 o Reoliadau 2013. Mae'r diwygiad hwn yn darparu bod rhaid i gwrs gael ei ddarparu yn y Deyrnas Unedig er mwyn cael ei ddynodi o dan Reoliadau 2013.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Education (Student Support) (Wales) Regulations 2013 ("the 2013 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 2014.

These Regulations amend the 2013 Regulations.

Regulation 3 introduces a number of new terms into the list of defined terms in the 2013 Regulations. An "eligible part-time prisoner" is a prisoner who meets certain eligibility requirements set out in the definition, including being authorised to study a part-time course of higher education which begins on or after 1 September 2014. The term "prisoner" refers to a person who is serving a sentence of imprisonment in the United Kingdom including a person detained in a young offender institution.

Regulation 4 amends regulation 5 of the 2013 Regulations. This amendment provides that in order to be designated under the 2013 Regulations a course must be provided in the United Kingdom.

Mae rheoliad 5 yn diwygio rheoliad 6 o Reoliadau 2013 mewn perthynas â chyfrifo'r cyfnod cymhwysra ar gyfer myfyrwyr cymwys sydd wedi dilyn cwrs addysg uwch blaenorol. Mae'r diwygiad hwn yn darparu na fydd cymorth penodol (y grant at gostau byw myfyrwyr anabl ac unrhyw un neu ragor o'r grantiau ar gyfer dibynyddion) yn cael ei ddal wrth gyfrifo'r cyfnod cymhwysra penodol hwn.

Mae rheoliadau 6, 8, 9 a 10 yn diwygio elfennau amrywiol o Reoliadau 2013 mewn perthynas â darparu cymorth i fyfyrwyr cymwys rhan-amser. Mae'r diwygiadau hyn yn darparu, yn ddarostyngedig i eithriadau penodol, y bydd carcharorion sy'n garcharorion rhan-amser cymwys yn gallu cael mynediad i gymorth at ffioedd dysgu o dan Reoliadau 2013 mewn perthynas â chyrtsiau addysg uwch rhan-amser sy'n dechrau ar neu ar ôl 1 Medi 2014. Mae'r diwygiadau hefyd yn darparu na fydd carcharorion, gan gynnwys carcharorion rhan-amser cymwys, yn gallu cael mynediad i unrhyw fath arall o gymorth rhan-amser o dan Reoliadau 2013.

Mae rheoliad 7 yn gwneud mân ddiwygiad i ffigur yn Rheoliadau 2013.

Regulation 5 amends regulation 6 of the 2013 Regulations in relation to the period of eligibility calculation for eligible students who have undertaken a previous course of higher education. This amendment provides that certain support (the grant for disabled students' living costs and any of the grants for dependants) will not be caught by this particular period of eligibility calculation.

Regulations 6, 8, 9 and 10 amend various elements of the 2013 Regulations relating to the provision of support to part-time eligible students. These amendments provide that, subject to certain exceptions, prisoners who are eligible part-time prisoners will be able to access tuition fee support under the 2013 Regulations in respect of part-time higher education courses beginning on or after 1 September 2014. The amendments also provide that prisoners, including eligible part-time prisoners, will be unable to access any other type of part-time support under the 2013 Regulations.

Regulation 7 makes a minor amendment to a figure in the 2013 Regulations.

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EDUCATION, WALES

Rheoliadau Addysg (Cymorth i Fyfywrwr) (Cymru) (Diwygio) 2014

The Education (Student Support) (Wales) (Amendment) Regulations 2014

Gwnaed 1 Gorffennaf 2014
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru 4 Gorffennaf 2014
Yn dod i rym 25 Gorffennaf 2014

Made 1 July 2014
Laid before the National Assembly for Wales 4 July 2014
Coming into force 25 July 2014

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 a ganlyn:

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:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Cymorth i Fyfywrwr) (Cymru) (Diwygio) 2014.

(2) Mae'r Rheoliadau hyn yn dod i rym ar 25 Gorffennaf 2014 ac maent yn gymwys o ran Cymru.

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Student Support) (Wales) (Amendment) Regulations 2014.

(2) These Regulations come into force on 25 July 2014 and apply in relation to Wales.

(1) 1998 p. 30; diwygiwyd adran 22 gan Ddeddf Dysgu a Sgiliau 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, Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p. 22), adran 257, a Deddf Addysg 2011 (p. 21), adran 76. *Gweler* adran 43(1) o Ddeddf Addysgu ac Addysg Uwch 1998 i gael 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).

(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, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 257 and the Education Act 2011 (c. 21), section 76. *See* section 43(1) of the Teaching and Higher 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).

Diwygio

2. Mae Rheoliadau Addysg (Cymorth i Fyfywrwr) (Cymru) 2013(1) wedi eu diwygio yn unol â'r rheoliadau a ganlyn.

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

“ystyr “carcharor rhan-amser cymwys” (“*eligible part-time prisoner*”) yw carcharor—

- (a) sy'n dechrau'r cwrs rhan-amser presennol ar neu ar ôl 1 Medi 2014;
- (b) sydd wedi ei awdurdodi gan Lywodraethwr neu Gyfarwyddwr y carchar neu awdurdod priodol arall i astudio'r cwrs rhan-amser presennol;
- (c) y mae ei ddyddiad rhyddhau cynharaf o fewn 6 mlynedd i ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs rhan-amser presennol; a
- (d) nad yw wedi trosglwyddo i'r cwrs rhan-amser presennol o dan reoliad 114 o gwrs sy'n dechrau cyn 1 Medi 2014;

ystyr “grant at deithio” (“*grant for travel*”) yw'r grant sy'n daladwy o dan reoliadau 37 i 39;

ystyr “grant cymorth arbennig” (“*special support grant*”) yw'r grant sy'n daladwy o dan reoliadau 45 i 48;

ystyr “grant cynhaliath” (“*maintenance grant*”) yw'r grant sy'n daladwy o dan reoliadau 41 i 44;”.

(2) Yn y testun Saesneg, yn rheoliad 2(1), yn y diffiniad o “eligible prisoner”, yn lle'r geiriau “prisoner Governor” yn is-baragraff (b) rhodder “prison Governor”.

4. Yn rheoliad 5(1)(e), ar ôl y geiriau “ddarparu'n gyfan gwbl” mewnosoder “yn y Deyrnas Unedig”.

5. Yn rheoliad 6(9), yn lle'r geiriau “neu grant at gostau byw” rhodder “grant at deithio, grant cynhaliath neu grant cymorth arbennig”.

6. Yn rheoliad 93, yn lle paragraff (4) rhodder—

“(4) Nid yw paragraff (3)(e) yn gymwys—

- (a) pan fo'r myfyriwr rhan-amser cymwys yn garcharor rhan-amser cymwys; neu
- (b) mewn perthynas â blwyddyn academaidd pryd y mae'r myfyriwr yn mynd i'r carchar neu'n cael ei ryddhau o'r carchar.”

7. Yn y testun Saesneg, yn rheoliad 97(5)(g) yn lle “£1,886” rhodder “£1.886”.

Amendments

2. The Education (Student Support) (Wales) Regulations 2013(1) are amended in accordance with the following regulations.

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

““eligible part-time prisoner” (“*carcharor rhan-amser cymwys*”) means a prisoner—

- (a) who begins the present part-time course on or after 1 September 2014;
- (b) has been authorised by the prison Governor or Director or other appropriate authority to study the present part-time course;
- (c) whose earliest release date is within 6 years of the first day of the first academic year of the present part-time course; and
- (d) who has not transferred to the present part-time course under regulation 114 from a course beginning before 1 September 2014;

“grant for travel” (“*grant at deithio*”) means the grant payable under regulations 37 to 39;

“maintenance grant” (“*grant cynhaliath*”) means the grant payable under regulations 41 to 44;

“special support grant” (“*grant cymorth arbennig*”) means the grant payable under regulations 45 to 48;”.

(2) In the English text, in regulation 2(1), in the definition of “eligible prisoner”, for the words “prisoner Governor” in sub-paragraph (b) substitute “prison Governor”.

4. In regulation 5(1)(e) after the words “wholly provided” insert “in the United Kingdom”.

5. In regulation 6(9), for the words “or a grant for living costs” substitute “, grant for travel, maintenance grant or a special support grant”.

6. In regulation 93, for paragraph (4) substitute—

“(4) Paragraph (3)(e) does not apply—

- (a) where the eligible part-time student is an eligible part-time prisoner; or
- (b) in respect of an academic year during which the student enters prison or is released from prison.”

7. In the English text, in regulation 97(5)(g) for “£1,886” substitute “£1.886”.

(1) O.S. 2013/3177 (Cy. 316).

(1) S.I. 2013/3177 (W. 316).

8. Yn rheoliad 99, ar ôl paragraff (9) mewnosoder—

“(10) Yn ddarostyngedig i baragraff (11), nid oes gan fyfyrwr rhan-amser cymwys newydd hawl i gael grant newydd at gwrs rhan-amser os yw’r myfyriwr rhan-amser cymwys newydd yn garcharor.”

(11) Nid yw paragraff (10) yn gymwys mewn perthynas â blwyddyn academaidd pryd y mae’r myfyriwr rhan-amser cymwys newydd yn mynd i’r carchar neu’n cael ei ryddhau o’r carchar.”

9. Yn rheoliad 100, ar ôl paragraff (6) mewnosoder—

“(7) Yn ddarostyngedig i baragraff (8), nid oes gan fyfyrwr rhan-amser cymwys newydd hawl i gael grant at gostau byw myfyrwr rhan-amser anabl os yw’r myfyriwr rhan-amser cymwys newydd yn garcharor.”

(8) Nid yw paragraff (7) yn gymwys mewn perthynas â blwyddyn academaidd pryd y mae’r myfyriwr rhan-amser cymwys newydd yn mynd i’r carchar neu’n cael ei ryddhau o’r carchar.”

10.—(1) Yn rheoliad 101, yn lle paragraff (2) rhodder—

“(2) Yn ddarostyngedig i baragraff (5), nid oes gan fyfyrwr rhan-amser cymwys hawl i gael grantiau rhan-amser ar gyfer dibynyddion os yw’r myfyriwr rhan-amser cymwys yn garcharor.”

(2) Yn rheoliad 101, ar ôl paragraff (4) mewnosoder—

“(5) Nid yw paragraff (2) yn gymwys mewn perthynas â blwyddyn academaidd pryd y mae’r myfyriwr rhan-amser cymwys yn mynd i’r carchar neu’n cael ei ryddhau o’r carchar.”

8. In regulation 99, after paragraph (9) insert—

“(10) Subject to paragraph (11), a new eligible part-time student does not qualify for a new part-time course grant if the new eligible part-time student is a prisoner.

(11) Paragraph (10) does not apply in respect of an academic year during which the new eligible part-time student enters prison or is released from prison.”

9. In regulation 100, after paragraph (6) insert—

“(7) Subject to paragraph (8), a new eligible part-time student does not qualify for a grant for disabled part-time students’ living costs if the new eligible part-time student is a prisoner.

(8) Paragraph (7) does not apply in respect of an academic year during which the new eligible part-time student enters prison or is released from prison.”

10.—(1) In regulation 101, for paragraph (2) substitute—

“(2) Subject to paragraph (5), an eligible part-time student does not qualify for part-time grants for dependants if the eligible part-time student is a prisoner.”

(2) In regulation 101, after paragraph (4) insert—

“(5) Paragraph (2) does not apply in respect of an academic year during which the eligible part-time student enters prison or is released from prison.”

Huw Lewis

Y Gweinidog Addysg a Sgiliau, un o Weinidogion
Cymru

1 Gorffennaf 2014

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Minister for Education and Skills, one of the Welsh
Ministers

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