OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2016 Rhif 276 (Cy. 100)

2016 No. 276 (W. 100)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) (Diwygio) 2016

The Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) (Amendment) Regulations 2016

NODYN ESBONIADOL

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

Mae Rheoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) 2015 ("Rheoliadau 2015") yn rhagnodi'r cyrsiau cymhwysol a'r personau cymhwysol at ddibenion Deddf Addysg Uwch (Cymru) 2015 ("Deddf 2015"), y mae adran 5 ohoni yn nodi bod rhaid i gynlluniau ffioedd a mynediad bennu terfynau ffioedd (neu ddarparu ar gyfer penderfynu ar derfynau ffioedd) mewn perthynas â chyrsiau cymhwysol bob blwyddyn academaidd.

Mae rheoliad 3 o'r Rheoliadau hyn yn diwygio darpariaethau dehongli Rheoliadau 2015 drwy fewnosod dau ddiffiniad newydd.

Mae rheoliad 4 o'r Rheoliadau hyn yn rhoi rheoliad 3 newydd a rheoliadau newydd 3A a 3B yn lle rheoliad 3 o Reoliadau 2015.

Mae'r rheoliad 3 newydd yn rhagnodi'r disgrifiad o gwrs cymhwysol mewn perthynas â chynllun o dan Ddeddf 2004 (cynllun a gymeradwywyd o ran Cymru o dan adran 34 o Ddeddf Addysg Uwch 2004 cyn 1 Awst 2015) at ddibenion y cyfnod trosiannol o dan Ddeddf 2015.

Mae rheoliad newydd 3A yn rhagnodi'r disgrifiad o gwrs cymhwysol mewn perthynas â chynllun ffioedd a mynediad o dan Ddeddf 2015 nad yw'n gynllun o dan Ddeddf 2004.

Mae rheoliad newydd 3B yn darparu, at ddibenion rheoliad 3 newydd a rheoliad newydd 3A, ar gyfer pa bryd nad yw cwrs yn gwrs cymhwysol.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015 ("the 2015 Regulations") prescribe the qualifying courses and qualifying persons for the purposes of the Higher Education (Wales) Act 2015 ("the 2015 Act"), section 5 of which sets out that fee and access plans must specify (or provide for the determination of) fee limits in relation to qualifying courses each academic year.

Regulation 3 of these Regulations amends the interpretation provisions of the 2015 Regulations by inserting two new definitions.

Regulation 4 of these Regulations substitutes new regulations 3, 3A and 3B for regulation 3 of the 2015 Regulations.

New regulation 3 prescribes the description of a qualifying course in relation to a 2004 Act plan (a plan approved in relation to Wales under section 34 of the Higher Education Act 2004 before 1 August 2015) for the purposes of the transitional period under the 2015 Act.

New regulation 3A prescribes the description of a qualifying course in relation to a fee and access plan under the 2015 Act which is not a 2004 Act plan.

New regulation 3B provides, for the purposes of new regulations 3 and 3A, for when a course is not a qualifying course.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Is-adran Addysg Uwch, Parc Cathays, Caerdydd, CF10 3NQ.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Higher Education Division, Cathays Park, Cardiff, CF10 3NQ.

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ADDYSG, CYMRU

Rheoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) (Diwygio) 2016

Gwnaed	*2 Mawrth 2016*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*4 Mawrth 2016*
Yn dod i rym	*26 Mawrth 2016*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adrannau 5(2)(b), 55(2) a 57(1) o Ddeddf Addysg Uwch (Cymru) 2015(**1**), yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn, dehongli a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) (Diwygio) 2016 a deuant i rym ar 26 Mawrth 2016.

(2) Yn y Rheoliadau hyn, ystyr "Rheoliadau 2015" ("*the 2015 Regulations*") yw Rheoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) 2015(**2**).

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Diwygio Rheoliadau 2015

2. Mae Rheoliadau 2015 wedi eu diwygio fel a ganlyn.

3. Yn rheoliad 2(1), yn y lle priodol yn nhrefn yr wyddor, mewnosoder—

(**1**) 2015 dccc 1.
(**2**) O.S. 2015/1484 (Cy. 163).

2016 No. 276 (W. 100)

EDUCATION, WALES

The Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) (Amendment) Regulations 2016

Made	*2 March 2016*
Laid before the National Assembly for Wales	*4 March 2016*
Coming into force	*26 March 2016*

The Welsh Ministers, in exercise of the powers conferred on them by sections 5(2)(b), 55(2) and 57(1) of the Higher Education (Wales) Act 2015(**1**), make the following Regulations:

Title, commencement, interpretation and application

1.—(1) The title of these Regulations is the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) (Amendment) Regulations 2016 and they come into force on 26 March 2016.

(2) In these Regulations, "the 2015 Regulations" ("*Rheoliadau 2015*") means the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015(**2**).

(3) These Regulations apply in relation to Wales.

Amendment to the 2015 Regulations

2. The 2015 Regulations are amended as follows.

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

(**1**) 2015 anaw 1.
(**2**) S.I. 2015/1484 (W. 163).

“ystyr “yn cael ei gyllido’n gyhoeddus” (“*publicly-funded*”) yw yn cael ei gynnal neu ei gynorthwyo gan grantiau rheolaidd o gronfeydd cyhoeddus;”; ac

“ystyr “Deddf 1998” (“*the 1998 Act*”) yw Deddf Addysgu ac Addysg Uwch 1998(**1**);”.

4. Yn lle rheoliad 3 rhodder—

“Disgrifiad rhagnodedig o gwrs cymhwysol

3.—(1) Yn ddarostyngedig i baragraff (2), mae cwrs cymhwysol mewn perthynas â chynllun o dan Ddeddf 2004 at ddibenion y cyfnod trosiannol:

(a) yn gwrs addysg uwch;

(b) wedi ei ddynodi at ddibenion adran 22 o Ddeddf 1998 ar ddiwrnod cyntaf blwyddyn academaidd sy’n dechrau ar neu ar ôl 1 Medi 2012; ac

(c) yn cael ei ddarparu gan sefydliad yng Nghymru.

(2) Nid yw cwrs yn gwrs cymhwysol os nad oedd y sefydliad a oedd yn darparu’r cwrs, ar yr adeg y cafodd y person cymhwysol gynnig lle ar y cwrs hwnnw, yn cael ei gyllido’n gyhoeddus.

3A.—(1) Yn ddarostyngedig i baragraff (2), cwrs cymhwysol at ddiben cynllun ffioedd a mynediad nad yw’n gynllun o dan Ddeddf 2004 yw cwrs addysg uwch sy’n gallu cael ei ddynodi drwy reoliadau a wnaed o dan adran 22 o Ddeddf 1998 (ni waeth pa un a yw’r sefydliad sy’n darparu’r cwrs yn cael ei gyllido’n gyhoeddus).

(2) Pan fo cwrs yn cael ei ddarparu gan berson ar ran sefydliad, nid yw’r cwrs hwnnw yn gwrs cymhwysol os nad yw’r person hwnnw yn elusen.

3B. At ddibenion rheoliadau 3 a 3A, nid yw cwrs yn gwrs cymhwysol:

(a) os dechreuodd blwyddyn academaidd gyntaf y cwrs cyn 1 Medi 2012;

(b) os yw’n gwrs penben ac os nad oedd y cwrs blaenorol yn gwrs cymhwysol oherwydd paragraff (a); neu

(c) os yw’n gwrs rhan-amser.”

(**1**) 1998 p. 30.

““the 1998 Act” (“*Deddf 1998*”) means the Teaching and Higher Education Act 1998(**1**);”; and

““publicly-funded” (“*yn cael ei gyllido’n gyhoeddus”*) means maintained or assisted by recurrent grants out of public funds;”.

4. For regulation 3 substitute—

“Prescribed description of a qualifying course

3.—(1) Subject to paragraph (2), a qualifying course in relation to a 2004 Act plan for the purposes of the transitional period is:

(a) a course of higher education;

(b) designated for the purposes of section 22 of the 1998 Act on the first day of an academic year which begins on or after 1 September 2012; and

(c) provided by an institution in Wales.

(2) A course is not a qualifying course if at the time the qualifying person received an offer of a place on that course the institution providing it was not publicly-funded.

3A.—(1) Subject to paragraph (2), a qualifying course for the purpose of a fee and access plan which is not a 2004 Act plan is a course of higher education capable of being designated by regulations made under section 22 of the 1998 Act (regardless of whether the institution providing the course is publicly-funded).

(2) Where a course is provided by a person on behalf of an institution, that course is not a qualifying course if that person is not a charity.

3B. For the purposes of regulations 3 and 3A, a course is not a qualifying course if:

(a) the first academic year of the course began before 1 September 2012;

(b) it is an end-on course and the preceding course was not a qualifying course by reason of paragraph (a); or

(c) it is a part-time course.”

(**1**) 1998 c. 30.

Huw Lewis

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru

2 Mawrth 2016

Minister for Education and Skills, one of the Welsh Ministers

2 March 2016

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EDUCATION, WALES

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