



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2019 Rhif 235 (Cy. 54)

2019 No. 235 (W. 54)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Cyllid
Myfyrwyr) (Diwygiadau
Amrywiol) (Cymru) 2019**

**The Education (Student Finance)
(Miscellaneous Amendments)
(Wales) Regulations 2019**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio—

These Regulations amend—

- (a) Rheoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007 (“y Rheoliadau Ffioedd a Dyfarniadau”);
- (b) Rheoliadau Addysg (Athrofa Brifysgol Ewropeaidd) (Cymru) 2014 (“Rheoliadau'r Athrofa Brifysgol Ewropeaidd”);
- (c) Rheoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) 2015 (“y Rheoliadau Cyrsiau a Phersonau Cymhwysol”);
- (d) Rheoliadau Addysg (Cymorth i Fyfirwyr) (Cymru) 2017 (“Rheoliadau 2017”);
- (e) Rheoliadau Addysg (Cymorth i Fyfirwyr) (Cymru) 2018 (“Rheoliadau 2018”); ac
- (f) Rheoliadau Addysg (Benthyciadau at Radd Ddoethurol Ôl-raddedig) (Cymru) 2018 (“y Rheoliadau Graddau Doethurol”).

- (a) the Education (Fees and Awards) (Wales) Regulations 2007 (“the Fees and Awards Regulations”);
- (b) the Education (European University Institute) (Wales) Regulations 2014 (“the European University Institute Regulations”);
- (c) the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015 (“the Qualifying Courses and Persons Regulations”);
- (d) the Education (Student Support) (Wales) Regulations 2017 (“the 2017 Regulations”);
- (e) the Education (Student Support) (Wales) Regulations 2018 (“the 2018 Regulations”); and
- (f) the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018 (“the Doctoral Regulations”).

Mae'r Rheoliadau Ffioedd a Dyfarniadau yn darparu, o dan yr amgylchiadau a ddisgrifir yn y Rheoliadau, ei bod yn gyfreithlon i sefydliadau wahaniaethu rhwng rhai neu bob un o'r personau hynny a grybwyllir yn yr Atodlen ac unrhyw berson arall drwy godi ffioedd uwch ar bersonau nas crybwyllir yn yr Atodlen, na'r ffioedd a godir ar bersonau a grybwyllir felly. Mae rheoliadau 3, 4 a 6(b) o'r Rheoliadau hyn yn gwneud diwygiadau technegol i'r Rheoliadau Ffioedd a Dyfarniadau er mwyn diweddarau a chywiro'r iaith a ddefnyddir. Mae

The Fees and Awards Regulations provide that, in the circumstances described in the Regulations, it is lawful for institutions to discriminate between some or all of those persons mentioned in the Schedule and any other person by charging higher fees to persons not mentioned in the Schedule, than the fees which are charged to persons so mentioned. Regulations 3, 4 and 6(b) of these Regulations make technical amendments to the Fees and Awards Regulations to update and correct language used. Regulations 5 and 6(a) and (c) of these Regulations amend regulation 5 of and the

rheoliadau 5 a 6(a) a (c) o'r Rheoliadau hyn yn diwygio rheoliad 5 o'r Rheoliadau Ffioedd a Dyfarniadau a'r Atodlen iddynt i greu categori newydd o bersonau: personau sydd â chaniatâd i aros o dan adran 67.

Mae Rheoliadau'r Athrofa Brifysgol Ewropeaidd yn darparu ar gyfer cymorth i un myfyriwr cymwys sy'n dilyn cwrs addysg uwch dynodedig yn yr Athrofa Brifysgol Ewropeaidd. Mae rheoliadau 8 i 10 o'r Rheoliadau hyn yn gwneud diwygiadau i Reoliadau'r Athrofa Brifysgol Ewropeaidd i fewnosod diffiniadau ac i greu categori newydd o fyfyrwr cymwys: personau sydd â chaniatâd i aros o dan adran 67.

Mae'r Rheoliadau Cyrsiau a Phersonau Cymhwysol yn rhagnodi'r cyrsiau cymhwysol a'r personau cymhwysol at ddibenion adran 5 o Ddeddf Addysg Uwch (Cymru) 2015, sy'n nodi bod rhaid i gynlluniau ffioedd a mynediad bennu terfynau ffioedd (neu ddarparu ar gyfer penderfynu ar derfynau ffioedd) mewn perthynas â chysiau cymhwysol a phersonau cymhwysol bob blwyddyn academiaidd. Mae rheoliadau 12 a 13(b) o'r Rheoliadau hyn yn gwneud diwygiadau technegol i'r Rheoliadau Cyrsiau a Phersonau Cymhwysol er mwyn diweddarau a chywiro'r iaith a ddefnyddir. Mae rheoliad 13(a) ac (c) o'r Rheoliadau hyn yn gwneud diwygiadau i'r Rheoliadau Cyrsiau a Phersonau Cymhwysol i ychwanegu categori newydd at y rhestr o bersonau y caniateir iddynt fod yn bersonau cymhwysol: personau sydd â chaniatâd i aros o dan adran 67.

Mae Rheoliadau 2017 yn darparu ar gyfer cymorth ariannol i fyfyrwr cymwys sy'n dilyn cyrsiau addysg uwch dynodedig sy'n dechrau cyn 1 Medi 2018. Mae Rheoliadau 2018 yn darparu ar gyfer cymorth ariannol i fyfyrwr cymwys sy'n dilyn cyrsiau addysg uwch dynodedig sy'n dechrau ar neu ar ôl 1 Medi 2018.

Mae rheoliad 15 yn diwygio rheoliad 2(1) o Reoliadau 2017. Mae'n gwneud diwygiadau i'r diffiniadau presennol ac yn mewnosod diffiniad o "person sydd â chaniatâd i aros o dan adran 67". Mae rheoliad 38 yn gwneud diwygiadau i Atodlen 1 i Reoliadau 2017 er mwyn creu categori newydd o fyfyrwr cymwys: personau sydd â chaniatâd i aros o dan adran 67.

Mae rheoliadau 16, 18, 22, 26, 28, 29, 30(a) a (b), 31, 34, 35 a 39 yn gwneud diwygiadau i Reoliadau 2017 sy'n ganlyniadol i'r diwygiadau a wneir gan reoliadau 15 a 38.

Mae rheoliadau 21 a 34(a) yn cywiro gwallau yn Rheoliadau 2017.

Mae rheoliad 17 yn diwygio rheoliad 5 o Reoliadau 2017. Mae'n darparu sail newydd ar gyfer dynodi cyrsiau llawnamser gan Reoliadau 2017.

Schedule to the Fees and Awards Regulations to create a new category of persons: persons with section 67 leave to remain.

The European University Institute Regulations provide for support for one eligible student taking a designated higher education course at the European University Institute. Regulations 8 to 10 of these Regulations make amendments to the European University Institute Regulations to insert definitions and to create a new category of eligible student: persons with section 67 leave to remain.

The Qualifying Courses and Persons Regulations prescribe the qualifying courses and persons for the purposes of section 5 of the Higher Education (Wales) Act 2015, which sets out that fee and access plans must specify (or provide for the determination of) fee limits in relation to qualifying courses and qualifying persons each academic year. Regulations 12 and 13(b) make technical amendments to the Qualifying Courses and Persons Regulations to update and correct language used. Regulation 13(a) and (c) of these Regulations makes amendments to the Qualifying Courses and Persons Regulations to add a new category to the list of persons who may be qualifying persons: persons with section 67 leave to remain.

The 2017 Regulations provide for financial support for eligible students taking designated higher education courses which begin before 1 September 2018. The 2018 Regulations provide for financial support for eligible students taking designated higher education courses which begin on or after 1 September 2018.

Regulation 15 amends regulation 2(1) of the 2017 Regulations. It makes amendments to existing definitions and inserts a definition of "person with section 67 leave to remain". Regulation 38 makes amendments to Schedule 1 to the 2017 Regulations to create a new category of eligible student: persons with section 67 leave to remain.

Regulations 16, 18, 22, 26, 28, 29, 30(a) and (b), 31, 34, 35 and 39 make amendments to the 2017 Regulations which are consequential on the amendments made by regulations 15 and 38.

Regulations 21 and 34(a) correct errors in the 2017 Regulations.

Regulation 17 amends regulation 5 of the 2017 Regulations. It provides a new basis for the designation of full-time courses by the 2017 Regulations.

Mae rheoliadau 19, 20, 23, 24, 25, 27, 33 ac 37 yn amnewid ffigurau yn rheoliadau 16, 19, 24, 43, 45, 50, 88 a 117 o Reoliadau 2017, ynghylch grantiau a benthyciadau at ffioedd dysgu a chostau byw ar gyfer myfyrwyr llawnamser, grantiau ar gyfer costau byw myfyrwyr rhan-amser anabl a chymorth ar gyfer myfyrwyr ôl-raddedig sydd ag anableddau.

Mae rheoliad 30(c) yn diwygio paragraffau (28) a (29) o reoliad 81 o Reoliadau 2017. Mae'r diwygiad hwn yn rhoi cyfeiriadau at y Dosbarthiad Pynciau Addysg Uwch a gynhelir gan Wasanaeth Derbyn y Prifysgolion a'r Colegau ("UCAS") a chan yr Asiantaeth Ystadegau Addysg Uwch yn lle cyfeiriadau at y System Cyd-godio Pynciau Academaidd fel y'i cynhelir gan UCAS.

Mae rheoliad 32 yn diwygio rheoliad 83 o Reoliadau 2017. Mae'n darparu sail newydd ar gyfer dynodi cyrsiau rhan-amser gan Reoliadau 2017.

Mae rheoliad 36 yn diwygio rheoliad 112 o Reoliadau 2017. Mae'n darparu sail newydd ar gyfer dynodi cyrsiau ôl-radd gan Reoliadau 2017.

Mae rheoliad 40 yn cyflwyno Atodlen 1, sy'n darparu ar gyfer Atodlen newydd 7 i Reoliadau 2017. Mae hyn yn ymwneud â'r diwygiadau a wneir gan reoliad 30(c).

Mae rheoliad 42 yn diwygio rheoliad 6 o Reoliadau 2018. Mae'n darparu sail newydd ar gyfer dynodi cyrsiau llawnamser a rhan-amser gan Reoliadau 2018.

Mae rheoliad 45 yn cywiro gwall yn Rheoliadau 2018.

Mae rheoliad 56 yn diwygio Atodlen 2 i Reoliadau 2018 er mwyn creu categori newydd o fyfyrwr cymwys: personau sydd â chaniatâd i aros o dan adran 67.

Mae rheoliadau 43, 52, 53, 57(d) a 58 yn gwneud diwygiadau i Reoliadau 2018 sy'n ganlyniadol i'r diwygiadau a wneir gan reoliad 56.

Mae rheoliad 44 yn diwygio rheoliad 25 o Reoliadau 2018. Mae'r diwygiad hwn yn rhoi cyfeiriadau at y Dosbarthiad Pynciau Addysg Uwch yn lle cyfeiriadau at y System Cyd-godio Pynciau Academaidd.

Mae rheoliadau 46, 47, 48, 49, 50 a 51 yn amnewid ffigurau yn rheoliadau 55, 56, 57, 58, 58A a 63 o Reoliadau 2018 yn y drefn honno, sy'n ymwneud â benthyciadau cynhaliath ar gyfer myfyrwyr llawnamser a rhan-amser a'r grant myfyriwr anabl.

Regulations 19, 20, 23, 24, 25, 27, 33 and 37 substitute figures in regulations 16, 19, 24, 43, 45, 50, 88 and 117 of the 2017 Regulations, concerning grants and loans for tuition fees and living costs for full-time students, grants for disabled part-time students' living costs and support for postgraduate students with disabilities.

Regulation 30(c) amends paragraphs (28) and (29) of regulation 81 of the 2017 Regulations. This amendment replaces references to the Joint Academic Coding System as maintained by the Universities and Colleges Admission Service ("UCAS") with references to the Higher Education Classification of Subjects maintained by UCAS and the Higher Education Statistics Agency.

Regulation 32 amends regulation 83 of the 2017 Regulations. It provides a new basis for the designation of part-time courses by the 2017 Regulations.

Regulation 36 amends regulation 112 of the 2017 Regulations. It provides a new basis for the designation of postgraduate courses by the 2017 Regulations.

Regulation 40 introduces Schedule 1, which provides for a new Schedule 7 to the 2017 Regulations. This relates to the amendments made by regulation 30(c).

Regulation 42 amends regulation 6 of the 2018 Regulations. It provides a new basis for the designation of full-time and part-time courses by the 2018 Regulations.

Regulation 45 corrects an error in the 2018 Regulations.

Regulation 56 amends Schedule 2 to the 2018 Regulations to create a new category of eligible student: persons with section 67 leave to remain.

Regulations 43, 52, 53, 57(d) and 58 make amendments to the 2018 Regulations which are consequential on the amendments made by regulation 56.

Regulation 44 amends regulation 25 of the 2018 Regulations. This amendment replaces references to the Joint Academic Coding System with references to the Higher Education Classification of Subjects.

Regulations 46, 47, 48, 49, 50 and 51 substitute figures in regulations 55, 56, 57, 58, 58A and 63 of the 2018 Regulations respectively, which concerns maintenance loans for full-time and part-time students and disabled student's grant.

Mae rheoliadau 54 a 55 yn diwygio paragraff 2 o Atodlen 1 i Reoliadau 2018. Mae'r diwygiadau yn cyflwyno diffiniadau newydd o sefydliadau addysgol.

Mae rheoliad 57(a), (b) ac (c) yn diwygio paragraff 2 o Atodlen 4 i Reoliadau 2018. Mae'n darparu sail newydd ar gyfer dynodi cyrsiau at ddibenion y grant myfyriwr ôl-raddedig anabl gan Reoliadau 2018.

Mae rheoliad 59 yn cyflwyno Atodlen 2, sy'n darparu ar gyfer Atodlen newydd 5A i Reoliadau 2018. Mae hyn yn ymwneud â'r diwygiadau a wneir gan reoliad 44.

Mae rheoliad 60 yn diwygio'r mynegai o ymadroddion wedi eu diffinio yn Atodlen 7 i Reoliadau 2018.

Mae'r Rheoliadau Graddau Doethurol yn darparu ar gyfer cymorth ariannol i fyfyrwyr cymwys sy'n ymgymryd â chysiau gradd ddoethurol ôl-raddedig dynodedig.

Mae rheoliad 62 yn diwygio rheoliad 2 o'r Rheoliadau Graddau Doethurol. Mae'n darparu ar gyfer diffiniadau newydd a diffiniadau diwygiedig sy'n ymwneud â diwygiadau eraill a wneir gan y Rheoliadau hyn.

Mae rheoliad 63 yn diwygio rheoliad 4 o'r Rheoliadau Graddau Doethurol. Mae'n darparu sail newydd ar gyfer dynodi cyrsiau gradd ddoethurol ôl-raddedig gan y Rheoliadau Graddau Doethurol.

Mae rheoliad 65 yn amnewid ffigurau yn rheoliad 13 o'r Rheoliadau Graddau Doethurol, ynghylch swm y benthychiad at radd ddoethurol ôl-raddedig.

Mae rheoliad 66 yn diwygio Atodlen 1 i'r Rheoliadau Graddau Doethurol er mwyn creu categori newydd o fyfyrwr cymwys: personau sydd â chaniatâd i aros o dan adran 67. Mae rheoliad 64 yn gwneud diwygiad i reoliad 8 o'r Rheoliadau Graddau Doethurol sy'n ganlyniadol i'r diwygiadau a wneir gan reoliad 66.

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, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Regulations 54 and 55 amend paragraph 2 of Schedule 1 to the 2018 Regulations. The amendments introduce new definitions of educational institutions.

Regulation 57(a), (b) and (c) amends paragraph 2 of Schedule 4 to the 2018 Regulations. It provides a new basis for the designation of courses for the purposes of the disabled postgraduate student's grant by the 2018 Regulations.

Regulation 59 introduces Schedule 2, which provides for a new Schedule 5A to the 2018 Regulations. This relates to the amendments made by regulation 44.

Regulation 60 amends the index of defined expressions in Schedule 7 to the 2018 Regulations.

The Doctoral Regulations provide for financial support for eligible students undertaking designated postgraduate doctoral degree courses.

Regulation 62 amends regulation 2 of the Doctoral Regulations. It provides for new and amended definitions related to other amendments made by these Regulations.

Regulation 63 amends regulation 4 of the Doctoral Regulations. It provides a new basis for the designation of postgraduate doctoral degree courses by the Doctoral Regulations.

Regulation 65 substitutes figures in regulation 13 of the Doctoral Regulations, concerning the amount of postgraduate doctoral degree loan.

Regulation 66 amends Schedule 1 to the Doctoral Regulations to create a new category of eligible student: persons with section 67 leave to remain. Regulation 64 makes an amendment to regulation 8 of the Doctoral Regulations which is consequential on the amendments made by regulation 66.

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, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

2019 Rhif 235 (Cy. 54)

2019 No. 235 (W. 54)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Cyllid
Myfyrwyr) (Diwygiadau
Amrywiol) (Cymru) 2019**

**The Education (Student Finance)
(Miscellaneous Amendments)
(Wales) Regulations 2019**

Gwnaed 12 Chwefror 2019

Made 12 February 2019

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 13 Chwefror 2019

Laid before the National Assembly for Wales
13 February 2019

Yn dod i rym 8 Mawrth 2019

Coming into force 8 March 2019

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol gan adrannau 1 a 2 o Ddeddf Addysg (Ffioedd a Dyfarniadau) 1983(1) ac adrannau 22 a 42(6) o Ddeddf Addysgu ac Addysg Uwch 1998(2) sydd bellach yn arferadwy ganddynt

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 1 and 2 of the Education (Fees and Awards) Act 1983(1) and sections 22 and 42(6) of the Teaching and Higher Education Act 1998(2) now exercisable by

(1) 1983 p. 40; diwygiwyd adran 1 gan Ddeddf Diwygio Addysg 1988 (p. 40), Atodlen 12, paragraff 91; Deddf Addysg Bellach ac Uwch 1992 (p. 13), Atodlen 8, paragraff 19; Deddf Addysg 1994 (p. 30), Atodlen 2, paragraff 7; Deddf Addysg 1996 (p. 56), Atodlen 37, paragraff 57; Deddf Dysgu a Sgiliau 2000 (p. 21), Atodlen 9, paragraffau 1 ac 11; Deddf Addysg 2002 (p. 32), Atodlen 21, paragraff 5 ac Atodlen 22; Deddf Addysg 2005 (p. 18), Atodlen 14, paragraff 9; O.S. 2005/3238, Atodlen 1, paragraff 9; O.S. 2010/1158, Atodlen 2, paragraff 1; Deddf Addysg 2011 (p. 21), Atodlen 5, paragraff 5 ac Atodlen 16, paragraff 5; a Deddf Dadreoleiddio 2015 (p. 20), Atodlen 14, paragraff 33. Diwygiwyd adran 2 gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 44 ac Atodlen 4.

(2) 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; Deddf Addysg 2011 (p. 21), adran 76; O.S. 2013/1181 a Deddf Addysg Uwch ac Ymchwil 2017 (p. 29), adran 88. *Gweler* adran 43(1) o Ddeddf Addysgu ac Addysg Uwch 1998 am y diffiniad o "prescribed" a "regulations".

(1) 1983 c. 40; section 1 was amended by the Education Reform Act 1988 (c. 40), Schedule 12, paragraph 91; the Further and Higher Education Act 1992 (c. 13), Schedule 8, paragraph 19; the Education Act 1994 (c. 30), Schedule 2, paragraph 7; the Education Act 1996 (c. 56), Schedule 37, paragraph 57; the Learning and Skills Act 2000 (c. 21), Schedule 9, paragraphs 1 and 11; the Education Act 2002 (c. 32), Schedule 21, paragraph 5 and Schedule 22; the Education Act 2005 (c. 18), Schedule 14, paragraph 9; S.I. 2005/3238, Schedule 1, paragraph 9; S.I. 2010/1158, Schedule 2, paragraph 1; the Education Act 2011 (c. 21), Schedule 5, paragraph 5 and Schedule 16, paragraph 5; and the Deregulation Act 2015 (c. 20), Schedule 14, paragraph 33. Section 2 was amended by the Teaching and Higher Education Act 1998 (c. 30), section 44 and Schedule 4.

(2) 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; the Education Act 2011 (c. 21), section 76; S.I. 2013/1181 and the Higher Education and Research Act 2017 (c. 29), section 88. *See* section 43(1) of the Teaching and Higher Education Act 1998 for the definition of "prescribed" and "regulations".

hwy(1) a phwerau a roddir iddynt o dan adrannau 5(5)(b) o Ddeddf Addysg Uwch (Cymru) 2015(2) yn gwneud y Rheoliadau a ganlyn:

RHAN 1

ENWI, CYCHWYN A CHYMHWYSO

Enwi, cychwyn a chymhwys

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Cyllid Myfyrwyr) (Diwygiadau Amrywiol) (Cymru) 2019.

(2) Mae'r rheoliad hwn a rheoliadau 3, 4, 6(b), 8(b), 12, 13(b), 21, 34(a) a 45 yn dod i rym ar 8 Mawrth 2019.

(3) Mae pob rheoliad arall a'r Atodlenni—

- (a) yn dod i rym ar 8 Mawrth 2019; a
- (b) yn gymwys i ddarparu cymorth i fyfyrwyr mewn perthynas â blwyddyn academiaidd sy'n dechrau ar neu ar ôl 1 Awst 2019, pa un a wneir unrhyw beth a wneir o dan y Rheoliadau hyn cyn, ar neu ar ôl y dyddiad hwnnw.

them(1) and powers conferred on them under sections 5(5)(b) of the Higher Education (Wales) Act 2015(2) make the following Regulations:

PART 1

TITLE, COMMENCEMENT AND APPLICATION

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2019.

(2) This regulation and regulations 3, 4, 6(b), 8(a), 12, 13(b), 21, 34(a) and 45 come into force on 8 March 2019.

(3) All other regulations and the Schedules—

- (a) come into force on 8 March 2019; and
- (b) apply to the provision of support to students in relation to an academic year which begins on or after 1 August 2019, whether anything done under these Regulations is done before, on or after that date.

(1) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn adran 1 o Ddeddf 1983 i Gynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy o ran Cymru gan O.S. 2006/1458 gydag effaith o 8 Mehefin 2006. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn adran 2 o Ddeddf 1983 i Gynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy o ran Cymru gan O.S. 1999/672. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn adran 22(2)(a) i (i) a (k) o Ddeddf 1998 i Gynulliad Cenedlaethol Cymru i'r graddau y maent yn ymwneud â gwneud darpariaeth o ran Cymru gan adran 44 o Ddeddf Addysg Uwch 2004 (p. 8), ac mae is-adrannau (a), (c) a (k) yn arferadwy ar y cyd â'r Ysgrifennydd Gwladol. Trosglwyddwyd swyddogaeth yr Ysgrifennydd Gwladol yn adran 42, i'r graddau y mae'n arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672. Trosglwyddwyd holl swyddogaethau Cynulliad Cenedlaethol Cymru uchod i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

(2) 2015 dccc 1.

(1) The functions of the Secretary of State in section 1 of the 1983 Act were transferred to the National Assembly for Wales so far as exercisable in relation to Wales by S.I. 2006/1458 with effect from 8 June 2006. The functions of the Secretary of State in section 2 of the 1983 Act were transferred to the National Assembly for Wales so far as exercisable in relation to Wales by S.I. 1999/672. The Secretary of State's functions in section 22(2)(a) to (i) and (k) of the 1998 Act were transferred to the National Assembly for Wales so far as they relate to making provision in relation to Wales by section 44 of the Higher Education Act 2004 (c. 8), with subsections (a), (c) and (k) exercisable concurrently with the Secretary of State. The Secretary of State's function in section 42 was transferred, in so far as exercisable in relation to Wales, to the National Assembly for Wales by S.I. 1999/672. All the above functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

(2) 2015 anaw 1.

RHAN 2

DIWYGIADAU I REOLIADAU ADDYSG (FFIOEDD A DYFARNIADAU) (CYMRU) 2007

Diwygiadau i Reoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007

2. Mae Rheoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007(1) wedi eu diwygio yn unol â rheoliadau 3 i 6.

3. Yn y testun Saesneg, yn lle “United Kingdom and Islands” ym mhob lle y mae’n digwydd, rhodder “United Kingdom and the Islands”.

Diwygiad i reoliad 4

4. Yn rheoliad 4 (codi ffioedd) ym mharagraff (4), yn lle “amod a osodir o dan adran 28 o Ddeddf Addysg Uwch 2004” rhodder “adran 10 o Ddeddf Addysg Uwch (Cymru) 2015”.

Diwygiadau i reoliad 5

5. Yn rheoliad 5 (dyfarniadau gan awdurdodau lleol), ym mharagraff (1)—

- (a) yn is-baragraff (b), yn lle “o fewn paragraffau 4A a 5” rhodder “o fewn paragraffau 4A, 5 a 5A”;
- (b) yn is-baragraff (c), yn lle “o fewn paragraffau 4A, 5 a 9” rhodder “o fewn paragraffau 4A, 5, 5A a 9”.

Diwygiadau i'r Atodlen

6. Yn yr Atodlen—

- (a) ym mharagraff 1, yn y lle priodol mewnosoder—
“ystyr “person sydd â chaniatâd i aros o dan adran 67” (“*person with section 67 leave to remain*”) yw person—
 - (a) y mae ganddo ganiatâd cyfredol i aros yn y Deyrnas Unedig o dan adran 67 o Ddeddf Mewnfudo 2016(2) ac yn unol â'r rheolau mewnfudo(3); a

PART 2

AMENDMENTS TO THE EDUCATION (FEES AND AWARDS) (WALES) REGULATIONS 2007

Amendments to the Education (Fees and Awards) (Wales) Regulations 2007

2. The Education (Fees and Awards) (Wales) Regulations 2007(1) are amended in accordance with regulations 3 to 6.

3. For “United Kingdom and Islands” in each place in which it occurs, substitute “United Kingdom and the Islands”.

Amendment to regulation 4

4. In regulation 4 (fee charging) in paragraph (4), for “a condition imposed under section 28 of the Higher Education Act 2004” substitute “section 10 of the Higher Education (Wales) Act 2015”.

Amendments to regulation 5

5. In regulation 5 (awards by local authorities), in paragraph (1)—

- (a) in sub-paragraph (b), for “within paragraphs 4A and 5” substitute “within paragraphs 4A, 5 and 5A”;
- (b) in sub-paragraph (c), for “within paragraphs 4A, 5 and 9” substitute “within paragraphs 4A, 5, 5A and 9”.

Amendments to the Schedule

6. In the Schedule—

- (a) in paragraph 1, in the appropriate place insert—
““person with section 67 leave to remain” (“*person sydd â chaniatâd i aros o dan adran 67*”) means a person who—
 - (a) has extant leave to remain in the United Kingdom under section 67 of the Immigration Act 2016(2) and in accordance with the immigration rules(3); and

(1) O.S. 2007/2310 (Cy. 181) fel y'i diwygiwyd gan O.S. 2010/1142 (Cy. 101), O.S. 2011/1978 (Cy. 218) ac O.S. 2018/814 (Cy. 165); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(2) 2016 p. 19.

(3) *Gweler* paragraffau 352ZG i 352ZS.

(1) S.I. 2007/2310 (W.181) as amended by S.I. 2010/1142 (W. 101), S.I. 2011/1978 (W. 218) and S.I. 2018/814 (W. 165); there are other amending instruments but none is relevant.

(2) 2016 c. 19.

(3) *See* paragraphs 352ZG to 352ZS.

- (b) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod ers i'r caniatâd hwnnw gael ei roi i'r person;";
- (b) ym mharagraff 4A, yn lle "yng Nghymru" ym mhob lle y mae'n digwydd, rhodder "yn y Deyrnas Unedig";
- (c) ar ôl paragraff 5 (personau â chaniatâd i ddod i mewn neu aros ac aelodau o'u teulu), mewnosoder—

"Personau sydd â chaniatâd i aros o dan adran 67

5A.—(1) Person—

- (a) sydd â chaniatâd i aros o dan adran 67;
 - (b) sy'n preswyllo fel arfer yn y Deyrnas Unedig ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac
 - (c) sydd wedi bod yn preswyllo fel arfer 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 blentyn i berson sydd â chaniatâd i aros o dan adran 67;
 - (b) a oedd, ar ddyddiad y cais i gael caniatâd i aros, o dan 18 oed ac yn blentyn i'r person sydd â chaniatâd i aros o dan adran 67;
 - (c) sy'n preswyllo fel arfer yn y Deyrnas Unedig ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac
 - (ch) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(3) Yn y paragraff hwn—

ystyr "dyddiad y cais i gael caniatâd i aros" yw'r dyddiad y gwnaeth y person sydd â chaniatâd i aros o dan adran 67 y cais a arweiniodd at y person hwnnw yn cael caniatâd i aros yn y Deyrnas Unedig."

- (b) has been ordinarily resident in the United Kingdom and the Islands throughout the period since the person was granted such leave;";
- (b) in paragraph 4A for "Wales" in each place in which it occurs, substitute "the United Kingdom";
- (c) after paragraph 5 (persons with leave to enter or remain and their family members), insert—

"Persons with section 67 leave to remain

5A.—(1) A person who—

- (a) is a person with section 67 leave to remain;
 - (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
 - (c) has been ordinarily resident in the United Kingdom and the Islands throughout the three-year period preceding the first day of the first academic year of the course.
- (2) A person who—
- (a) is the child of a person with section 67 leave to remain;
 - (b) on the leave application date was under 18 years old and was the child of the person with section 67 leave to remain;
 - (c) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
 - (d) has been ordinarily resident in the United Kingdom and the Islands throughout the three-year period preceding the first day of the first academic year of the course.

(3) In this paragraph—

"leave application date" means the date on which the person with section 67 leave to remain made the application that led to that person being granted leave to remain in the United Kingdom."

RHAN 3

DIWYGIADAU I REOLIADAU ADDYSG (ATHROFA BRIFYSGOL EWROPEAIDD) (CYMRU) 2014

Diwygiadau i Reoliadau Addysg (Athrofa Brifysgol Ewropeaidd) (Cymru) 2014

7. Mae Rheoliadau Addysg (Athrofa Brifysgol Ewropeaidd) (Cymru) 2014(1) wedi eu diwygio yn unol â rheoliadau 8 i 10.

Diwygiadau i reoliad 3

8. Yn rheoliad 3, yn y lleoedd priodol mewnosoder—

- (a) “ystyr “person sydd â chaniatâd i aros o dan adran 67” (“*person with section 67 leave to remain*”) yw person—
 - (a) y mae ganddo ganiatâd cyfredol i aros yn y Deyrnas Unedig o dan adran 67 o Ddeddf Mewnfudo 2016 ac yn unol â'r rheolau mewnfudo; a
 - (b) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod ers i'r caniatâd hwnnw gael ei roi i'r person;”;
- (b) “ystyr “Ynysoedd” (“*Islands*”) yw Ynysoedd y Sianel ac Ynys Manaw;”.

Diwygiadau i reoliad 6

9. Yn rheoliad 6 (myfyrrwyr cymwys)—

- (a) ar ôl paragraff (10) mewnosoder—

“(10A) Pan fo—

 - (a) Gweinidogion Cymru wedi penderfynu bod person (“A” yn y paragraff hwn), yn rhinwedd y ffaith ei fod yn berson sydd â chaniatâd i aros o dan adran 67, neu'n blentyn i berson o'r fath, yn fyfyrwr cymwys mewn cysylltiad â chais am gymorth ar gyfer un o flynyddoedd cynharach y cwrs cyfredol neu mewn cysylltiad â chais am gymorth ar gyfer cwrs dynodedig yn yr Athrofa y trosglwyddwyd statws A fel myfyriwr cymwys ohono i'r cwrs cyfredol; a

PART 3

AMENDMENTS TO THE EDUCATION (EUROPEAN UNIVERSITY INSTITUTE) (WALES) REGULATIONS 2014

Amendments to the Education (European University Institute) (Wales) Regulations 2014

7. The Education (European University Institute) (Wales) Regulations 2014(1) are amended in accordance with regulations 8 to 10.

Amendments to regulation 3

8. In regulation 3, in the appropriate places insert—

- (a) ““Islands” (“*Ynysoedd*”) means the Channel Islands and the Isle of Man;”
- (b) ““person with section 67 leave to remain” (“*person sydd â chaniatâd i aros o dan adran 67*”) means a person who—
 - (a) has extant leave to remain in the United Kingdom under section 67 of the Immigration Act 2016 and in accordance with the immigration rules; and
 - (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.

Amendments to regulation 6

9. In regulation 6 (eligible students)—

- (a) after paragraph (10) insert—

“(10A) Where—

 - (a) the Welsh Ministers determined that, by virtue of being a person with section 67 leave to remain or the child of such a person, a person (“A” in this paragraph) was an eligible student in connection with an application for support for an earlier year of the current course or in connection with an application for support for a designated course at the Institute from which A's status as an eligible student has been transferred to the current course; and

(1) O.S. 2014/3037 (Cy. 303), fel y'i diwygiwyd gan O.S. 2016/211 (Cy. 84) ac O.S. 2018/814 (Cy. 165).

(1) S.I. 2014/3037 (W. 303), as amended by S.I. 2016/211 (W. 84) and S.I. 2018/814 (W. 165).

(b) y cyfnod y caniateir i berson sydd â chaniatâd i aros o dan adran 67 aros yn y Deyrnas Unedig i fod i ddod i ben cyn diwrnod cyntaf y flwyddyn academiaidd y mae A yn gwneud cais am gymorth mewn cysylltiad â hi ac nad oes, ar y diwrnod cyn bod y flwyddyn academiaidd honno'n dechrau, unrhyw ganiatâd pellach i aros wedi ei roi ac nad oes unrhyw apêl yn yr arfaeth (o fewn ystyr adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002),

mae statws A fel myfyriwr cymwys yn terfynu ar y diwrnod cyn diwrnod cyntaf y flwyddyn academiaidd y mae A yn gwneud cais am gymorth mewn cysylltiad â hi.”;

(b) ym mharagraff (11), yn lle “paragraffau (9) a (10)” rhodder “paragraffau (9), (9A), (10) a (10A)”.

(b) the period for which a person with section 67 leave to remain is allowed to stay in the United Kingdom is due to expire before the first day of the academic year in respect of which A is applying for support and, as at the day before that academic year begins, 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 student terminates on the day before the first day of the academic year in respect of which A is applying for support.”;

(b) in paragraph (11), for “Paragraphs (9) and (10)” substitute “Paragraphs (9), (9A), (10) and (10A)”.

Diwygiad i Atodlen 1

10. Yn Atodlen 1, ar ôl paragraff 5 mewnosoder—
“**Personau sydd â chaniatâd i aros o dan adran 67**

5A.—(1) Person—

- (a) sydd â chaniatâd i aros o dan adran 67;
- (b) sy’n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs; ac
- (c) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a’r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs.

(2) Person—

- (a) sy’n blentyn i berson sydd â chaniatâd i aros o dan adran 67;
- (b) a oedd, ar ddyddiad y cais i gael caniatâd i aros, o dan 18 oed ac yn blentyn i’r person sydd â chaniatâd i aros o dan adran 67;
- (c) sy’n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs; a
- (d) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a’r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs.

Amendment to Schedule 1

10. In Schedule 1, after paragraph 5 insert—
“**Persons with section 67 leave to remain**

5A.—(1) A person who—

- (a) is a person with section 67 leave to remain;
- (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 United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

(2) A person who—

- (a) is the child of a person with section 67 leave to remain;
- (b) on the leave application date was under 18 years old and was the child of the person with section 67 leave to remain;
- (c) is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (d) 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) Yn y paragraff hwn—

ystyr “dyddiad y cais i gael caniatâd i aros” yw’r dyddiad y gwnaeth y person sydd â chaniatâd i aros o dan adran 67 y cais a arweiniodd at y person hwnnw yn cael caniatâd i aros yn y Deyrnas Unedig.”

RHAN 4

DIWYGIADAU I REOLIADAU ADDYSG UWCH (CYRSIAU CYMHWYSOL, PERSONAU CYMHWYSOL A DARPARIAETH ATODOL) (CYMRU) 2015

Diwygiadau i Reoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) 2015

11. Mae Rheoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) 2015(1) wedi eu diwygio yn unol â rheoliadau 12 a 13.

12. Yn y testun Saesneg, yn lle “United Kingdom and Islands” ym mhob lle y mae’n digwydd, rhodder “United Kingdom and the Islands”.

Diwygiadau i’r Atodlen

13. Yn yr Atodlen—

(a) ym mharagraff 1(1), yn y lle priodol mewnosoder—

“ystyr “person sydd â chaniatâd i aros o dan adran 67” (“*person with section 67 leave to remain*”) yw person—

(a) y mae ganddo ganiatâd cyfredol i aros yn y Deyrnas Unedig o dan adran 67 o Ddeddf Mewnfudo 2016 ac yn unol â’r rheolau mewnfudo; a

(b) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a’r Ynysoedd drwy gydol y cyfnod ers i’r caniatâd hwnnw gael ei roi i’r person;”;

(b) ym mharagraff 4A, yn lle “yng Nghymru” ym mhob lle y mae’n digwydd, rhodder “yn y Deyrnas Unedig”;

(c) ar ôl paragraff 5 (personau â chaniatâd i ddod i mewn neu i aros ac aelodau o’u teulu) mewnosoder—

(3) In this paragraph—

“leave application date” means the date on which the person with section 67 leave to remain made the application that led to that person being granted leave to remain in the United Kingdom.”

PART 4

AMENDMENTS TO THE HIGHER EDUCATION (QUALIFYING COURSES, QUALIFYING PERSONS AND SUPPLEMENTARY PROVISION) (WALES) REGULATIONS 2015

Amendments to the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015

11. The Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015(1) are amended in accordance with regulation 12 and 13.

12. For “United Kingdom and Islands” in each place in which it occurs, substitute “United Kingdom and the Islands”.

Amendments to the Schedule

13. In the Schedule—

(a) in paragraph 1(1), in the appropriate place insert—

““person with section 67 leave to remain” (“*person sydd â chaniatâd i aros o dan adran 67*”) means a person who—

(a) has extant leave to remain in the United Kingdom under section 67 of the Immigration Act 2016 and in accordance with the immigration rules; and

(b) has been ordinarily resident in the United Kingdom and the Islands throughout the period since the person was granted such leave;”;

(b) in paragraph 4A for “Wales” in each place in which it occurs, substitute “the United Kingdom”;

(c) after paragraph 5 (persons with leave to enter or remain and their family members) insert—

(1) O.S. 2015/1484 (Cy. 163), fel y’i diwygiwyd gan O.S. 2016/276 (Cy. 100) ac O.S. 2018/814 (Cy. 165).

(1) S.I. 2015/1484 (W.163), as amended by S.I. 2016/276 (W.100) and S.I. 2018/814 (W.165).

“Personau sydd â chaniatâd i aros o dan adran 67

5A.—(1) Person—

- (a) sydd â chaniatâd i aros o dan adran 67;
- (b) sy'n preswyllo fel arfer yn y Deyrnas Unedig ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac
- (c) sydd wedi bod yn preswyllo fel arfer 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 blentyn i berson sydd â chaniatâd i aros o dan adran 67;
- (b) a oedd, ar ddyddiad y cais i gael caniatâd i aros, o dan 18 oed ac yn blentyn i'r person sydd â chaniatâd i aros o dan adran 67;
- (c) sy'n preswyllo fel arfer yn y Deyrnas Unedig ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; a
- (d) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(3) Yn y paragraff hwn—

ystyr “dyddiad y cais i gael caniatâd i aros” yw'r dyddiad y gwnaeth y person sydd â chaniatâd i aros o dan adran 67 y cais a arweiniodd at y person hwnnw yn cael caniatâd i aros yn y Deyrnas Unedig.”

RHAN 5

**DIWYGIADAU I REOLIADAU ADDYSG
(CYMORTH I FYFYRWYR) (CYMRU) 2017**

Diwygiadau i Reoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2017

14. Mae Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2017(1) wedi eu diwygio yn unol â rheoliadau 15 i 40.

“Persons with section 67 leave to remain

5A.—(1) A person who—

- (a) is a person with section 67 leave to remain;
- (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the United Kingdom and the Islands throughout the three-year period preceding the first day of the first academic year of the course.

(2) A person who—

- (a) is the child of a person with section 67 leave to remain;
- (b) on the leave application date was under 18 years old and was the child of the person with section 67 leave to remain;
- (c) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
- (d) has been ordinarily resident in the United Kingdom and the Islands throughout the three-year period preceding the first day of the first academic year of the course.

(3) In this paragraph—

“leave application date” means the date on which the person with section 67 leave to remain made the application that led to that person being granted leave to remain in the United Kingdom.”

PART 5

**AMENDMENTS TO THE EDUCATION
(STUDENT SUPPORT) (WALES)
REGULATIONS 2017**

Amendments to the Education (Student Support) (Wales) Regulations 2017

14. The Education (Student Support) (Wales) Regulations 2017(1) are amended in accordance with regulations 15 to 40.

(1) O.S. 2017/47 (Cy. 21) fel y'i diwygiwyd gan O.S. 2018/191 (Cy. 42) ac O.S. 2018/814 (Cy. 165).

(1) S.I. 2017/47 (W. 21) as amended by S.I. 2018/191 (W. 42) and S.I. 2018/814 (W. 165).

Diwygiadau i reoliad 2

15. Yn rheoliad 2 (dehongli), paragraff (1)—

- (a) hepgorer y diffiniad o “sefydliad rheoleiddiedig Seisnig”;
- (b) yn y lle priodol mewnosoder—
 - (i) “ystyr “person sydd â chaniatâd i aros o dan adran 67” (“*person with section 67 leave to remain*”) yw person—
 - (a) y mae ganddo ganiatâd cyfredol i aros yn y Deyrnas Unedig o dan adran 67 o Ddeddf Mewnfudo 2016 ac yn unol â’r rheolau mewnfudo; a
 - (b) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a’r Ynysoedd drwy gydol y cyfnod ers i’r caniatâd hwnnw gael ei roi i’r person;”;
 - (ii) “ystyr “darparwr Seisnig gwarchoddedig” (“*protected English provider*”) yw sefydliad a oedd, ar neu ar ôl 1 Awst 2018 ond cyn 1 Awst 2019, yn cael ei gynnal neu ei gynorthwyo gan grantiau rheolaidd yn unol ag adran 65 o Ddeddf Addysg Bellach ac Uwch 1992 ac eithrio sefydliad a gynhelir neu a gynorthwyir gan grantiau rheolaidd a wneir gan Gyngor Cyllido Addysg Uwch Cymru;”(1)

- (c) yn lle’r diffiniad o “sefydliad addysgol cydnabyddedig” rhodder—

“ystyr “sefydliad addysgol cydnabyddedig” (“*recognised educational institution*”) yw—

- (a) sefydliad rheoleiddiedig Cymreig;
- (b) darparwr Seisnig gwarchoddedig; neu
- (c) sefydliad sy’n cael ei gynnal neu ei gynorthwyo gan grantiau rheolaidd o gronfeydd cyhoeddus ac sydd yn gyfan gwbl neu’n bennaf yn yr Alban neu yng Ngogledd Iwerddon;”.

(1) 1992 p. 13 fel y’i diwygiwyd gan adran 27 o Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), O.S. 2010/1158 ac adran 122 o Ddeddf Addysg Uwch ac Ymchwil 2017 (p. 29) ac Atodlen 11 iddi. Er gwaethaf y diwygiad a wnaed gan Ddeddf Addysg Uwch ac Ymchwil 2017, mae O.S. 2018/245 yn darparu, ar gyfer y cyfnod sy’n dechrau 1 Ebrill 2018 ac yn gorffen 31 Gorffennaf 2019, fod adran 65(1) i (4) o Ddeddf Addysg Bellach ac Uwch 1992 yn parhau i fod yn gymwys fel pe na bai paragraff 15 o Atodlen 11 i Ddeddf Addysg Uwch ac Ymchwil 2017 wedi cael ei gychwyn ond fel pe bai’r cyfeiriad at “matters within the responsibility of the Higher Education Funding Council for England” yn adran 62(6)(a) o’r Ddeddf 1992 honno yn gyfeiriad at “matters within the responsibility of the Office for Students and, where applicable, United Kingdom Research and Innovation”. Mae’r Swyddfa Fyfyryr yn gorff corfforaethol a sefydlwyd gan adran 1 o Ddeddf Addysg Uwch ac Ymchwil 2017.

Amendments to regulation 2

15. In regulation 2 (interpretation), paragraph (1)—

- (a) omit the definition of “English regulated institution”;
- (b) in the appropriate place insert—
 - (i) ““person with section 67 leave to remain” (“*person sydd â chaniatâd i aros o dan adran 67*”) means a person who—
 - (a) has extant leave to remain in the United Kingdom under section 67 of the Immigration Act 2016 and in accordance with the immigration rules; and
 - (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”;
 - (ii) “protected English provider” (“*darparwr Seisnig gwarchoddedig*”) means an institution which on or after 1 August 2018 but before 1 August 2019 was maintained or assisted by recurrent grants pursuant to section 65 of the Further and Higher Education Act 1992 other than an institution maintained or assisted by recurrent grants made by the Higher Education Funding Council for Wales;”(1)

- (c) for the definition of “recognised educational institution” substitute—

““recognised educational institution” (“*sefydliad addysgol cydnabyddedig*”) means—

- (a) a Welsh regulated institution;
- (b) a protected English provider; or
- (c) an institution maintained or assisted by recurrent grants out of public funds that is wholly or mainly situated in Scotland or Northern Ireland;”.

(1) 1992 c. 13 as amended by section 27 of the Teaching and Higher Education Act 1998 (c. 30), S.I. 2010/1158 and section 122 and Schedule 11 to the Higher Education and Research Act 2017 (c. 29). Despite the amendment made by the Higher Education and Research Act 2017, S.I. 2018/245 provides that, for the period which begins 1 April 2018 and ends 31 July 2019, section 65(1) to (4) of the Further and Higher Education Act 1992 continues to apply as if paragraph 15 of Schedule 11 to the Higher Education and Research Act 2017 had not been commenced but as if the reference to “matters within the responsibility of the Higher Education Funding Council for England” in section 62(6)(a) of that 1992 Act were a reference to “matters within the responsibility of the Office for Students and, where applicable, United Kingdom Research and Innovation”. The Office for Students is a body corporate established by section 1 of the Higher Education and Research Act 2017.

Diwygiadau i reoliad 4

16. Yn rheoliad 4 (myfyriwyr cymwys)—

(a) ar ôl paragraff (10) mewnosoder—

“(10A) Os bydd—

(a) Gweinidogion Cymru wedi penderfynu bod person (“A” yn y paragraff hwn), yn rhinwedd bod yn berson sydd â chaniatâd i aros o dan adran 67 neu yn rhinwedd bod yn blentyn i’r cyfryw berson—

(i) yn fyfyrwr 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 gwrw penben mewn perthynas ag ef, neu’n gais am gymorth mewn cysylltiad â chwrs rhan-amser dynodedig, cwrs dysgu o bell dynodedig neu gwrw dynodedig arall y mae statws A fel myfyriwr rhan-amser cymwys, myfyriwr dysgu o bell cymwys neu fyfyrwr cymwys wedi ei drosglwyddo o’r cwrs hwnnw i’r cwrs presennol; neu

(ii) yn fyfyrwr cymhwysol mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynt o’r cwrs cymhwysol neu o gwrw cymhwysol arall y mae statws A fel myfyriwr cymhwysol wedi ei 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 academiaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, y cyfnod y caniateir i berson sydd â chaniatâd i aros o dan adran 67 aros yn y Deyrnas Unedig wedi terfynu ac nad oes unrhyw hawl bellach i aros wedi ei 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 fyfyrwr cymhwysol yn terfynu yn union cyn diwrnod cyntaf y flwyddyn academiaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi.”;

Amendments to regulation 4

16. In regulation 4 (eligible students)—

(a) after paragraph (10) insert—

“(10A) Where—

(a) the Welsh Ministers have determined that by virtue of being a person with section 67 leave to remain or the 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) 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 a person granted section 67 leave to 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.”;

- (b) ym mharagraff (11), yn lle “paragraffau (9), (9A) a (10)” rhodder “paragraffau (9), (9A), (10) a (10A)”.

- (b) in paragraph (11), for “Paragraphs (9), (9A) and (10)” substitute “Paragraphs (9), (9A), (10) and (10A)”.

Diwygiadau i reoliad 5

17. Yn rheoliad 5 (cyrsiâu dynodedig)—

- (a) yn lle paragraff (1)(e) rhodder—

“(e) ar gyfer cwrs sy’n dechrau cyn 1 Medi 2017, os yw’n cael ei ddarparu gan sefydliad a oedd, cyn y dyddiad hwnnw, yn sefydliad a ariennir yn gyhoeddus (pa un ai ar ei ben ei hun neu ar y cyd â sefydliad sydd y tu allan i’r Deyrnas Unedig);”;

- (b) ar ôl paragraff (1)(e) mewnosoder—

“(ea) ar gyfer cwrs sy’n dechrau ar neu ar ôl 1 Medi 2017, os yw’n cael ei ddarparu gan—

- (i) sefydliad addysgol cydnabyddedig (pa un ai ar ei ben ei hun neu ar y cyd â sefydliad sydd y tu allan i’r Deyrnas Unedig);
- (ii) elusen o fewn yr ystyr a roddir i “charity” gan adran 1 o Ddeddf Elusennau 2011 ar ran sefydliad rheoleiddiedig Cymreig;
- (iii) sefydliad a ariannwyd yn gyhoeddus cyn 1 Awst 2019 ar ran darparwr Seisnig gwarchoddedig.”;

- (c) yn lle paragraff (5)(c) rhodder—

“(c) ni fernir bod sefydliad wedi cael ei ariannu’n gyhoeddus cyn 1 Awst 2019 dim ond am ei fod wedi cael arian o gronfeydd cyhoeddus cyn y dyddiad hwnnw gan gorff llywodraethu sefydliad addysg uwch yn unol ag adran 65(3A) o Ddeddf Addysg Bellach ac Uwch 1992;”(1).

Amendments to regulation 5

17. In regulation 5 (designated courses)—

- (a) for paragraph (1)(e) substitute—

“(e) for a course beginning before 1 September 2017, provided by an institution that was before that date a publicly funded institution (whether alone or in conjunction with an institution situated outside the United Kingdom);”;

- (b) after paragraph (1)(e) insert—

“(ea) for a course beginning on or after 1 September 2017, provided by—

- (i) a recognised educational institution (whether alone or in conjunction with an institution situated outside the United Kingdom);
- (ii) a charity within the meaning given by section 1 of the Charities Act 2011 on behalf of a Welsh regulated institution;
- (iii) an institution that was publicly funded before 1 August 2019 on behalf of a protected English provider.”;

- (c) for paragraph (5)(c) substitute—

“(c) an institution is not to be regarded as having been publicly funded before 1 August 2019 by reason only that it received public funds before that date from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992;”(1).

(1) 1992 p. 13; mewnosodwyd adran 65(3A) gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 27 ac fe’i diwygiwyd gan Ddeddf Addysg Uwch ac Ymchwil 2017 (p. 29), adran 122(1) ac Atodlen 11, paragraff 15(1) a (6). Er gwaethaf y diwygiad hwnnw, mae O.S. 2018/245 yn darparu, ar gyfer y cyfnod sy’n dechrau 1 Ebrill 2018 ac yn gorffen 31 Gorffennaf 2019, fod adran 65(1) i (4) o Ddeddf Addysg Bellach ac Uwch 1992 yn parhau i fod yn gymwys fel pe na bai paragraff 15 o Atodlen 11 i Ddeddf Addysg Uwch ac Ymchwil 2017 wedi cael ei gychwyn ond fel pe bai’r cyfeiriad at “matters within the responsibility of the Higher Education Funding Council for England” yn adran 62(6)(a) o’r Ddeddf 1992 honno yn gyfeiriad at “matters within the responsibility of the Office for Students and, where applicable, United Kingdom Research and Innovation”. Mae’r Swyddfa Fyfyryr yn gorff corfforaethol a sefydlwyd gan adran 1 o Ddeddf Addysg Uwch ac Ymchwil 2017.

(1) 1992 c. 13; section 65(3A) was inserted by the Teaching and Higher Education Act 1998 (c. 30), section 27 and amended by the Higher Education and Research Act 2017 (c. 29), section 122(1) and Schedule 11, paragraph 15(1) and (6). Despite that amendment, S.I. 2018/245 provides that, for the period which begins 1 April 2018 and ends 31 July 2019, section 65(1) to (4) of the Further and Higher Education Act 1992 continues to apply as if paragraph 15 of Schedule 11 to the Higher Education and Research Act 2017 had not been commenced but as if the reference to “matters within the responsibility of the Higher Education Funding Council for England” in section 62(6)(a) of that 1992 Act were a reference to “matters within the responsibility of the Office for Students and, where applicable, United Kingdom Research and Innovation”. The Office for Students is a body corporate established by section 1 of the Higher Education and Research Act 2017.

Diwygiad i reoliad 15

18. Yn rheoliad 15 (digwyddiadau), ar ôl paragraff (b) mewnosoder—

“(ba) bod y myfyriwr neu riant y myfyriwr yn dod yn berson sydd â chaniatâd i aros o dan adran 67;”.

Diwygiadau i reoliad 16

19. Yn rheoliad 16 (grant newydd at ffioedd)—

- (a) ym mharagraff (3)—
 - (i) yn is-baragraff (a), yn lle “£4,800” rhodder “£4,665”;
 - (ii) yn is-baragraff (b), yn lle “£4,200” rhodder “£4,335”;
- (b) ym mharagraff (4)—
 - (i) yn is-baragraff (a), yn lle “£2,480” rhodder “£2,410”;
 - (ii) yn is-baragraff (b), yn lle “£2,020” rhodder “£2,090”.

Diwygiadau i reoliad 19

20. Yn rheoliad 19 (benthyciad newydd at ffioedd mewn perthynas â chyrsgiau sy’n dechrau ar neu ar ôl 1 Medi 2012)—

- (a) ym mharagraff (3)(a), yn lle “£4,200” rhodder £4,335”;
- (b) ym mharagraff (4)(a), yn lle “£2,020” rhodder £2,090”.

Diwygiadau i reoliad 20

21. Yn rheoliad 20 (benthyciad ychwanegol at ffioedd mewn perthynas â chyrsgiau sy’n dechrau ar neu ar ôl 1 Medi 2012)—

- (a) ym mharagraff (5)(b), yn lle “£900” rhodder “£1,800”;
- (b) ym mharagraff (6)(b), yn lle “£675” rhodder “£1,350”.

Diwygiad i reoliad 23

22. Yn rheoliad 23 (amodau cyffredinol yr hawl i gael grantiau at gostau byw), ar ôl paragraff (12)(b) mewnosoder—

“(ba) bod y myfyriwr neu riant y myfyriwr yn dod yn berson sydd â chaniatâd i aros o dan adran 67;”.

Amendment to regulation 15

18. In regulation 15 (events), after paragraph (b) insert—

“(ba) the student or the student’s parent becomes a person with section 67 leave to remain;”.

Amendments to regulation 16

19. In regulation 16 (new fee grant)—

- (a) in paragraph (3)—
 - (i) in sub-paragraph (a) for “£4,800” substitute “£4,665”;
 - (ii) in sub-paragraph (b) for “£4,200” substitute “£4,335”;
- (b) in paragraph (4)—
 - (i) in sub-paragraph (a) for “£2,480” substitute “£2,410”;
 - (ii) in sub-paragraph (b) for “£2,020” substitute “£2,090”.

Amendments to regulation 19

20. In regulation 19 (new fee loan in respect of courses beginning on or after 1 September 2012)—

- (a) in paragraph (3)(a) for “£4,200” substitute “£4,335”;
- (b) in paragraph (4)(a) for “£2,020” substitute “£2,090”.

Amendments to regulation 20

21. In regulation 20 (additional fee loan in respect of courses beginning on or after 1 September 2012)—

- (a) in paragraph (5)(b), for “£900” substitute “£1,800”;
- (b) in paragraph (6)(b), for “£675” substitute “£1,350”.

Amendment to regulation 23

22. In regulation 23 (general qualifying conditions for grants for living costs), after paragraph (12)(b) insert—

“(ba) the student or the student’s parent becomes a person with section 67 leave to remain;”.

Diwygiadau i reoliad 24

23. Yn rheoliad 24 (grantiau at gostau byw myfyrwyr anabl), paragraff (3)—

- (a) yn is-baragraff (a), yn lle “£21,181” rhodder “£22,472”;
- (b) yn is-baragraff (b), yn lle “£5,332” rhodder “£5,657”;
- (c) yn is-baragraff (d), yn lle “£1,785” rhodder “£1,894”.

Diwygiadau i reoliad 43

24. Yn rheoliad 43 (uchafswm benthyciadau i fyfyrwyr cymwys penodol)—

- (a) ym mharagraff (2)—
 - (i) yn is-baragraff (i), yn lle “£5,529” rhodder “£5,684”;
 - (ii) yn is-baragraff (ii), yn lle “£10,007” rhodder “£10,288”;
 - (iii) yn is-baragraff (iii), yn lle “£8,517” rhodder “£8,756”;
 - (iv) yn is-baragraff (iv), yn lle “£8,517” rhodder “£8,756”;
 - (v) yn is-baragraff (v), yn lle “£7,143” rhodder “£7,344”;
- (b) ym mharagraff (3)—
 - (i) yn is-baragraff (i), yn lle “£5,006” rhodder “£5,147”;
 - (ii) yn is-baragraff (ii), yn lle “£9,112” rhodder “£9,368”;
 - (iii) yn is-baragraff (iii), yn lle “£7,408” rhodder “£7,616”;
 - (iv) yn is-baragraff (iv), yn lle “£7,408” rhodder “£7,616”;
 - (v) yn is-baragraff (v), yn lle “£6,617” rhodder “£6,803”.

Diwygiadau i reoliad 45

25. Yn rheoliad 45 (myfyrwyr sydd â hawlogaeth ostyngol)—

- (a) ym mharagraff (1)(a)—
 - (i) ym mharagraff (i), yn lle “£2,625” rhodder “£2,699”;
 - (ii) ym mharagraff (ii), yn lle “£4,920” rhodder “£5,058”;
 - (iii) ym mharagraff (iii), yn lle “£3,500” rhodder “£3,598”;

Amendments to regulation 24

23. In regulation 24 (grants for disabled students' living costs), paragraph (3)—

- (a) in sub-paragraph (a) for “£21,181” substitute “£22,472”;
- (b) in sub-paragraph (b) for “£5,332” substitute “£5,657”;
- (c) in sub-paragraph (d) for “£1,785” substitute “£1,894”.

Amendments to regulation 43

24. In regulation 43 (maximum amount of loans for certain eligible students)—

- (a) in paragraph (2)—
 - (i) in sub-paragraph (i) for “£5,529” substitute “£5,684”;
 - (ii) in sub-paragraph (ii) for “£10,007” substitute “£10,288”;
 - (iii) in sub-paragraph (iii) for “£8,517” substitute “£8,756”;
 - (iv) in sub-paragraph (iv) for “£8,517” substitute “£8,756”;
 - (v) in sub-paragraph (v) for “£7,143” substitute “£7,344”;
- (b) in paragraph (3)—
 - (i) in sub-paragraph (i) for “£5,006” substitute “£5,147”;
 - (ii) in sub-paragraph (ii) for “£9,112” substitute “£9,368”;
 - (iii) in sub-paragraph (iii) for “£7,408” substitute “£7,616”;
 - (iv) in sub-paragraph (iv) for “£7,408” substitute “£7,616”;
 - (v) in sub-paragraph (v) for “£6,617” substitute “£6,803”.

Amendments to regulation 45

25. In regulation 45 (students with reduced entitlement)—

- (a) in paragraph (1)(a)—
 - (i) in paragraph (i) for “£2,625” substitute “£2,699”;
 - (ii) in paragraph (ii) for “£4,920” substitute “£5,058”;
 - (iii) in paragraph (iii) for “£3,500” substitute “£3,598”;

- (iv) ym mharagraff (iv), yn lle “£3,500” rhodder “£3,598”;
 - (v) ym mharagraff (v), yn lle “£3,500” rhodder “£3,598”;
- (b) ym mharagraff (1)(b)—
- (i) ym mharagraff (i), yn lle “£2,625” rhodder “£2,699”;
 - (ii) ym mharagraff (ii), yn lle “£4,920” rhodder “£5,058”;
 - (iii) ym mharagraff (iii), yn lle “£4,186” rhodder “£4,304”;
 - (iv) ym mharagraff (iv), yn lle “£4,186” rhodder “£4,304”;
 - (v) ym mharagraff (v), yn lle “£3,500” rhodder “£3,598”;
- (c) ym mharagraff (1)(c)—
- (i) ym mharagraff (i), yn lle “£4,147” rhodder “£4,263”;
 - (ii) ym mharagraff (ii), yn lle “£7,505” rhodder “£7,716”;
 - (iii) ym mharagraff (iii), yn lle “£6,388” rhodder “£6,567”;
 - (iv) ym mharagraff (iv), yn lle “£6,388” rhodder “£6,567”;
 - (v) ym mharagraff (v), yn lle “£5,357” rhodder “£5,508”;
- (d) ym mharagraff (2)(a)—
- (i) ym mharagraff (i), yn lle “£1,996” rhodder “£2,052”;
 - (ii) ym mharagraff (ii), yn lle “£3,763” rhodder “£3,869”;
 - (iii) ym mharagraff (iii), yn lle “£2,727” rhodder “£2,804”;
 - (iv) ym mharagraff (iv), yn lle “£2,727” rhodder “£2,804”;
 - (v) ym mharagraff (v), yn lle “£2,727” rhodder “£2,804”;
- (e) ym mharagraff (2)(b)—
- (i) ym mharagraff (i), yn lle “£1,996” rhodder “£2,052”;
 - (ii) ym mharagraff (ii), yn lle “£3,763” rhodder “£3,869”;
 - (iii) ym mharagraff (iii), yn lle “£3,060” rhodder “£3,146”;
 - (iv) ym mharagraff (iv), yn lle “£3,060” rhodder “£3,146”;
 - (v) ym mharagraff (v), yn lle “£2,727” rhodder “£2,804”;
- (iv) in paragraph (iv) for “£3,500” substitute “£3,598”;
 - (v) in paragraph (v) for “£3,500” substitute “£3,598”;
- (b) in paragraph (1)(b)—
- (i) in paragraph (i) for “£2,625” substitute “£2,699”;
 - (ii) in paragraph (ii) for “£4,920” substitute “£5,058”;
 - (iii) in paragraph (iii) for “£4,186” substitute “£4,304”;
 - (iv) in paragraph (iv) for “£4,186” substitute “£4,304”;
 - (v) in paragraph (v) for “£3,500” substitute “£3,598”;
- (c) in paragraph (1)(c)—
- (i) in paragraph (i) for “£4,147” substitute “£4,263”;
 - (ii) in paragraph (ii) for “£7,505” substitute “£7,716”;
 - (iii) in paragraph (iii) for “£6,388” substitute “£6,567”;
 - (iv) in paragraph (iv) for “£6,388” substitute “£6,567”;
 - (v) in paragraph (v) for “£5,357” substitute “£5,508”;
- (d) in paragraph (2)(a)—
- (i) in paragraph (i) for “£1,996” substitute “£2,052”;
 - (ii) in paragraph (ii) for “£3,763” substitute “£3,869”;
 - (iii) in paragraph (iii) for “£2,727” substitute “£2,804”;
 - (iv) in paragraph (iv) for “£2,727” substitute “£2,804”;
 - (v) in paragraph (v) for “£2,727” substitute “£2,804”;
- (e) in paragraph (2)(b)—
- (i) in paragraph (i) for “£1,996” substitute “£2,052”;
 - (ii) in paragraph (ii) for “£3,763” substitute “£3,869”;
 - (iii) in paragraph (iii) for “£3,060” substitute “£3,146”;
 - (iv) in paragraph (iv) for “£3,060” substitute “£3,146”;
 - (v) in paragraph (v) for “£2,727” substitute “£2,804”;

- (f) ym mharagraff (2)(c)—
 - (i) ym mharagraff (i), yn lle “£3,755” rhodder “£3,860”;
 - (ii) ym mharagraff (ii), yn lle “£6,834” rhodder “£7,026”;
 - (iii) ym mharagraff (iii), yn lle “£5,556” rhodder “£5,712”;
 - (iv) ym mharagraff (iv), yn lle “£5,556” rhodder “£5,712”;
 - (v) ym mharagraff (v), yn lle “£4,963” rhodder “£5,102”.

- (f) in paragraph (2)(c)—
 - (i) in paragraph (i) for “£3,755” substitute “£3,860”;
 - (ii) in paragraph (ii) for “£6,834” substitute “£7,026”;
 - (iii) in paragraph (iii) for “£5,556” substitute “£5,712”;
 - (iv) in paragraph (iv) for “£5,556” substitute “£5,712”;
 - (v) in paragraph (v) for “£4,963” substitute “£5,102”.

Diwygiad i reoliad 49

26. Yn rheoliad 49 (myfyrwyr sy’n dod yn gymwys yn ystod blwyddyn academiaidd), ar ôl paragraff (2)(b) mewnosoder—

“(ba) bod y myfyriwr neu riant y myfyriwr yn dod yn berson sydd â chaniatâd i aros o dan adran 67;”.

Amendment to regulation 49

26. In regulation 49 (students becoming eligible during the course of an academic year), after paragraph (2)(b) insert—

“(ba) the student or the student’s parent becomes a person with section 67 leave to remain;”.

Diwygiadau i reoliad 50

27. Yn rheoliad 50 (codiadau yn yr uchafswm), paragraff (1)—

- (a) yn is-baragraff (a), yn lle “£80” rhodder “£84”;
- (b) yn is-baragraff (b), yn lle “£153” rhodder “£162”;
- (c) yn is-baragraff (c), yn lle “£166” rhodder “£177”;
- (d) yn is-baragraff (d), yn lle “£166” rhodder “£177”;
- (e) yn is-baragraff (e), yn lle “£120” rhodder “£127”.

Amendments to regulation 50

27. In regulation 50 (increases in maximum amount), paragraph (1)—

- (a) in sub-paragraph (a) for “£80” substitute “£84”;
- (b) in sub-paragraph (b) for “£153” substitute “£162”;
- (c) in sub-paragraph (c) for “£166” substitute “£177”;
- (d) in sub-paragraph (d) for “£166” substitute “£177”;
- (e) in sub-paragraph (e) for “£120” substitute “£127”.

Diwygiadau i reoliad 64

28. Yn rheoliad 64 (myfyrwyr dysgu o bell cymwys)—

(a) ar ôl paragraff (11) mewnosoder—

“(11A) Pan fo—

- (a) Gweinidogion Cymru wedi penderfynu bod person (“A” yn y paragraff hwn), yn rhinwedd bod yn berson sydd â chaniatâd i aros o dan adran 67 neu fod yn blentyn 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

Amendments to regulation 64

28. In regulation 64 (eligible distance learning students)—

(a) after paragraph (11) insert—

“(11A) Where—

- (a) the Welsh Ministers determined that, by virtue of being a person with section 67 leave to remain or the 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

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 ei drosglwyddo oddi wrtho 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, y cyfnod y caniateir i berson sydd â chaniatâd i aros o dan adran 67 aros yn y Deyrnas Unedig wedi dod i ben ac nad oes hawl bellach i aros wedi ei 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 yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi.”;

- (b) ym mharagraff (12), yn lle “paragraffau (10), (10A) ac (11)” rhodder “paragraffau (10), (10A), (11) ac (11A)”.

Diwygiadau i reoliad 65

29. Yn rheoliad 65 (myfyrwyr sy'n dod yn gymwys yn ystod y flwyddyn academaidd)—

- (a) ym mharagraff (2), yn lle “(b), (e)”, rhodder “(b), (ba), (e)”;
- (b) ym mharagraff (3), yn lle “(b), (e)” rhodder “(b), (ba), (e)”;
- (c) ym mharagraff (4), ar ôl is-baragraff (b) mewnosoder—

“(ba) bod y myfyriwr neu riant y myfyriwr yn dod yn berson sydd â chaniatâd i aros o dan adran 67;”.

Diwygiadau i reoliad 81

30. Yn rheoliad 81 (myfyrwyr rhan-amser cymwys)—

- (a) ar ôl paragraff (10) mewnosoder—
“(10A) Os bydd—

- (a) Gweinidogion Cymru wedi penderfynu bod person (“A” yn y paragraff hwn), yn rhinwedd bod yn berson sydd â chaniatâd i aros o dan adran 67, neu fod yn blentyn 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

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 a person with section 67 leave to 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.”;

- (b) in paragraph (12), for “Paragraphs (10), (10A) and (11)” substitute “Paragraphs (10), (10A), (11) and (11A)”.

Amendments to regulation 65

29. In regulation 65 (students becoming eligible during the course of the academic year)—

- (a) in paragraph (2), for “(b), (e)”, substitute “(b), (ba), (e)”;
- (b) in paragraph (3), for “(b), (e)” substitute “(b), (ba), (e)”;
- (c) in paragraph (4), after sub-paragraph (b) insert—

“(ba) the student or the student's parent becomes a person with section 67 leave to remain;”.

Amendments to regulation 81

30. In regulation 81 (eligible part-time students)—

- (a) after paragraph (10) insert—
“(10A) Where—

- (a) the Welsh Ministers determined that, by virtue of being a person with section 67 leave to remain or the 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

chais am gymorth mewn cysylltiad â chwrs dynodedig, cwrs dysgu o bell dynodedig neu gwrs rhan-amser dynodedig arall y mae statws A fel myfyriwr rhan-amser cymwys, myfyriwr cymwys neu fyfyrwr dysgu o bell cymwys wedi ei drosglwyddo oddi wrtho i'r cwrs rhan-amser presennol; a

- (b) ar y diwrnod cyn diwrnod dechrau'r flwyddyn academiaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, y cyfnod y caniateir i berson sydd â chaniatâd i aros o dan adran 67 aros yn y Deyrnas Unedig wedi dod i ben ac nad oes hawl bellach i aros wedi ei 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 rhan-amser cymwys yn terfynu yn union cyn diwrnod cyntaf y flwyddyn academiaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi.”;

- (b) ym mharagraff (11), yn lle “paragraffau (9), (9A) a (10)” rhodder “paragraffau (9), (9A), (10) a (10A)”;
- (c) yn lle paragraffau (28) a (29) rhodder—
- “(28) Mae cwrs wedi ei bennu at ddiben paragraff (27)—
- (a) os yw'n ymwneud ag astudio hanes a gramadeg y Gymraeg a'r defnydd ohoni;
- (b) os yw'r cwrs wedi ei restru yn y Dosbarthiad Pynciau Addysg Uwch yn un o'r meysydd pwnc a ganlyn—
- (i) pynciau perthynol i feddygaeth (CAH02);
- (ii) y gwyddorau biolegol a'r gwyddorau chwaraeon (CAH03);
- (iii) seicoleg (CAH04);
- (iv) milfeddygaeth (CAH05);
- (v) amaethyddiaeth, bwyd ac astudiaethau cysylltiedig (CAH06);
- (vi) y gwyddorau ffisegol (CAH07);
- (vii) y gwyddorau mathemategol (CAH09);
- (viii) peirianeg a thechnoleg (CAH10);
- (ix) cyfrifiadura (CAH11); neu

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 period for which a person with section 67 leave to 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.”;

- (b) in paragraph (11), for “Paragraphs (9), (9A) and (10)” substitute “Paragraphs (9), (9A), (10) and (10A)”;
- (c) for paragraphs (28) and (29) substitute—
- “(28) A course is specified for the purpose of paragraph (27) if—
- (a) it is concerned with the study of the history, grammar and use of Welsh;
- (b) the course is listed in the Higher Education Classification of Subjects in one of the following subject areas—
- (i) subjects allied to medicine (CAH02);
- (ii) biological and sport sciences (CAH03);
- (iii) psychology (CAH04);
- (iv) veterinary sciences (CAH05);
- (v) agriculture, food and related studies (CAH06);
- (vi) physical sciences (CAH07);
- (vii) mathematical sciences (CAH09);
- (viii) engineering and technology (CAH10);
- (ix) computing (CAH11); or

- (c) os yw'n gwrs y mae ei god a'i label o dan y Dosbarthiad Pynciau Addysg Uwch wedi eu rhestru yn Atodlen 7.

(29) Yn y rheoliad hwn ac yn Atodlen 7, ystyr “y Dosbarthiad Pynciau Addysg Uwch” yw'r Dosbarthiad Pynciau Addysg Uwch a gynhelir gan Wasanaeth Derbyn y Prifysgolion a'r Colegau ac Asiantaeth Ystadegau Addysg Uwch(1).”

Diwygiadau i reoliad 82

31. Yn rheoliad 82 (myfyrwyr sy'n dod yn gymwys yn ystod y flwyddyn academaidd)—

- (a) ym mharagraff (2), yn lle “(b), (e)” rhodder “(b), (ba), (e)”;
- (b) ym mharagraff (3), yn lle “(b), (e)” rhodder “(b), (ba), (e)”;
- (c) ym mharagraff (4), ar ôl is-baragraff (b) mewnosoder—

“(ba) bod y myfyriwr neu riant y myfyriwr yn dod yn berson sydd â chaniatâd i aros o dan adran 67;”.

Diwygiadau i reoliad 83

32. Yn rheoliad 83 (cyrsiau rhan-amser dynodedig)—

- (a) yn lle paragraff (1)(d) rhodder—
- “(d) os yw'n cael ei ddarparu yn gyfan gwbl gan sefydliad yn y Deyrnas Unedig a oedd cyn 1 Awst 2019 yn sefydliad ariennid yn gyhoeddus neu'n cael ei ddarparu gan sefydliad o'r fath ar y cyd â sefydliad y tu allan i'r Deyrnas Unedig;”;
- (b) yn lle paragraff (4)(c) rhodder—
- “(c) ni fernir bod sefydliad wedi cael ei ariannu'n gyhoeddus cyn 1 Awst 2019 dim ond am ei fod wedi cael arian o gronfeydd cyhoeddus cyn y dyddiad hwnnw gan gorff llywodraethu sefydliad addysg uwch yn unol ag adran 65(3A) o Ddeddf Addysg Bellach ac Uwch 1992;”.

- (c) it is a course whose code and label under the Higher Education Classification of Subjects is listed in Schedule 7.

(29) In this regulation and in Schedule 7 “the Higher Education Classification of Subjects” means the Higher Education Classification of Subjects maintained by the Universities and Colleges Admissions Service and the Higher Education Statistics Agency(1).”

Amendments to regulation 82

31. In regulation 82 (students becoming eligible during the course of the academic year)—

- (a) in paragraph (2), for “(b), (e)” substitute “(b), (ba), (e)”;
- (b) in paragraph (3), for “(b), (e)” substitute “(b), (ba), (e)”;
- (c) in paragraph (4), after paragraph (b) insert—

“(ba) the student or the student's parent becomes a person with section 67 leave to remain;”.

Amendments to regulation 83

32. In regulation 83 (designated part-time courses)—

- (a) for paragraph (1)(d) substitute—
- “(d) it is wholly provided by an institution in the United Kingdom that was before 1 August 2019 a publicly funded institution or is provided by such an institution in conjunction with an institution outside the United Kingdom;”;
- (b) for paragraph (4)(c) substitute—
- “(c) an institution is not to be regarded as having been publicly funded before 1 August 2019 by reason only that it received public funds before that date from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992;”.

(1) *Gweler* <https://www.hesa.ac.uk/innovation/hecos>.

(1) *See* <https://www.hesa.ac.uk/innovation/hecos>.

Diwygiadau i reoliad 88

33. Yn rheoliad 88 (grantiau at gostau byw myfyrwyr rhan-amser anabl), paragraff (3)—

- (a) yn is-baragraff (a), yn lle “£15,885” rhodder “£16,853”;
- (b) yn is-baragraff (b), yn lle “£5,332” rhodder “£5,657”;
- (c) yn is-baragraff (d), yn lle “£1,338” rhodder “£1,420”.

Diwygiadau i reoliad 110

34. Yn rheoliad 110 (myfyrwyr ôl-raddedig cymwys)—

- (a) ym mharagraff (11A)(b), yn lle “person sydd â'r hawl i ddod i mewn neu i aros” rhodder “person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth”;

(b) ar ôl paragraff (12) mewnosoder—

“(12A) Os bydd—

- (a) Gweinidogion Cymru wedi penderfynu bod person (“A” yn y paragraff hwn), yn rhinwedd bod yn berson sydd â chaniatâd i aros o dan adran 67, neu fod yn blentyn i'r cyfryw berson, yn fyfyrwr 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 ei drosglwyddo oddi wrtho i'r cwrs ôl-radd presennol; a

- (b) ar y diwrnod cyn dechrau'r flwyddyn academiaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, y cyfnod y caniateir i'r person sydd â chaniatâd i aros o dan adran 67 aros yn y Deyrnas Unedig wedi dod i ben ac nad oes unrhyw hawl bellach i aros wedi ei rhoi ac nad oes unrhyw 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 terfynu yn union cyn diwrnod cyntaf y flwyddyn academiaidd gyntaf y mae A yn gwneud cais am gymorth mewn perthynas â hi.”;

Amendments to regulation 88

33. In regulation 88 (grants for disabled part-time student's living costs), paragraph (3)—

- (a) in sub-paragraph (a) for “£15,885” substitute “£16,853”;
- (b) in sub-paragraph (b) for “£5,332” substitute “£5,657”;
- (c) in sub-paragraph (d) for “£1,338” substitute “£1,420”.

Amendments to regulation 110

34. In regulation 110 (eligible postgraduate students)—

- (a) in paragraph (11A)(b), for “person with leave to enter or remain” substitute “person granted stateless leave”;

(b) after paragraph (12) insert—

“(12A) Where—

- (a) the Welsh Ministers have determined that, by virtue of being a person with section 67 leave to remain or the child of such a person, 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 period for which the person with section 67 leave to 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 first academic year in respect of which A is applying for support.”;

- (c) ym mharagraff (13), yn lle “paragraffau (11) a (12)” rhodder “paragraffau (11), (11A), (12) a (12A)”.

Diwygiad i reoliad 111

35. Yn rheoliad 111 (myfyrwyr sy’n dod yn gymwys yn ystod y flwyddyn academaidd), ar ôl paragraff (2)(b) mewnosoder—

“(ba) y myfyriwr neu riant y myfyriwr yn dod yn berson sydd â chaniatâd i aros o dan adran 67;”.

Diwygiadau i reoliad 112

36. Yn rheoliad 112 (cyrsgiau ôl-radd dynodedig)—

- (a) yn lle paragraff (1)(c) rhodder—

“(c) os yw’n cael ei ddarparu yn gyfan gwbl gan sefydliad yn y Deyrnas Unedig a oedd cyn 1 Awst 2019 yn sefydliad a ariennid yn gyhoeddus neu’n cael ei ddarparu gan sefydliad o’r fath ar y cyd â sefydliad y tu allan i’r Deyrnas Unedig;”;

- (b) yn lle paragraff (2)(c) rhodder—

“(c) ni fernir bod sefydliad wedi cael ei ariannu’n gyhoeddus cyn 1 Awst 2019 dim ond am ei fod wedi cael arian o gronfeydd cyhoeddus cyn y dyddiad hwnnw gan gorff llywodraethu sefydliad addysg uwch yn unol ag adran 65(3A) o Ddeddf Addysg Bellach ac Uwch 1992;”.

Diwygiad i reoliad 117

37. Yn rheoliad 117 (swm y grant), yn lle “£10,590” rhodder “£20,000”.

Diwygiadau i’r Atodlenni

38. Yn Atodlen 1, ar ôl paragraff 5 (personau sydd â chaniatâd i ddod i mewn neu i aros ac aelodau o’u teuluoedd) mewnosoder—

“Personau sydd â chaniatâd i aros o dan adran 67

5A.—(1) Person—

- (a) sydd â chaniatâd i aros o dan adran 67;
- (b) sy’n preswyllo’n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac

- (c) in paragraph (13), for “Paragraphs (11) and (12)” substitute “Paragraphs (11), (11A), (12) and (12A)”.

Amendment to regulation 111

35. In regulation 111 (students becoming eligible during the course of the academic year), after paragraph (2)(b) insert—

“(ba) the student or the student’s parent becomes a person with section 67 leave to remain;”.

Amendments to regulation 112

36. In regulation 112 (designated postgraduate courses)—

- (a) for paragraph (1)(c) substitute—

“(c) it is wholly provided by an institution in the United Kingdom that was before 1 August 2019 a publicly funded institution or is provided by such an institution in conjunction with an institution outside the United Kingdom;”;

- (b) for paragraph (2)(c) substitute—

“(c) an institution is not to be regarded as having been publicly funded before 1 August 2019 by reason only that it received public funds before that date from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992;”.

Amendment to regulation 117

37. In regulation 117 (amount of grant), for “£10,590” substitute “£20,000”.

Amendments to the Schedules

38. In Schedule 1, after paragraph 5 (persons with leave to enter or remain and their family members) insert—

“Persons with section 67 leave to remain

5A.—(1) A person who—

- (a) is a person with section 67 leave to remain;
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course; and

(c) sydd wedi bod yn preswyllo'n arferol yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs.

(2) Person—

(a) sy'n blentyn i berson sydd â chaniatâd i aros o dan adran 67;

(b) a oedd, ar ddyddiad y cais i gael caniatâd i aros, o dan 18 oed ac yn blentyn i'r person sydd â chaniatâd i aros o dan adran 67;

(c) sy'n preswyllo'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs; a

(d) sydd wedi bod yn preswyllo'n arferol yn y Deyrnas Unedig a'r Ynysoedd am y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs.

(3) Yn y paragraff hwn, ystyr "dyddiad y cais i gael caniatâd i aros" yw'r dyddiad y gwnaeth y person sydd â chaniatâd i aros o dan adran 67 y cais a arweiniodd at y person hwnnw yn cael caniatâd i aros yn y Deyrnas Unedig."

39. Yn Atodlen 4, ym mharagraff 6, ar ôl is-baragraff (a) mewnosoder—

"(aa) bod y myfyriwr neu riant y myfyriwr yn dod yn berson sydd â chaniatâd i aros o dan adran 67;"

40. Ar ôl Atodlen 6, mewnosoder yr atodlen newydd a nodir yn Atodlen 1 i'r Rheoliadau hyn.

RHAN 6

DIWYGIADAU I REOLIADAU ADDYSG (CYMORTH I FYFYRWYR) (CYMRU) 2018

Diwygiadau i Reoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2018

41. Mae Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2018(1) wedi eu diwygio yn unol â rheoliadau 42 i 60.

(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.

(2) A person who—

(a) is the child of a person with section 67 leave to remain;

(b) on the leave application date was under 18 years old and was the child of the person with section 67 leave to remain;

(c) is ordinarily resident in Wales on the first day of the first academic year of the course; and

(d) has been ordinarily resident in the United Kingdom and Islands for the three-year period preceding the first day of the first academic year of the course.

(3) In this paragraph, "leave application date" means the date on which the person with section 67 leave to remain made the application that led to that person being granted leave to remain in the United Kingdom."

39. In Schedule 4, in paragraph 6 after sub-paragraph (a) insert—

"(aa) the student or the student's parent becomes a person with section 67 leave to remain;"

40. After Schedule 6, insert the new schedule set out in Schedule 1 to these Regulations.

PART 6

AMENDMENTS TO THE EDUCATION (STUDENT SUPPORT) (WALES) REGULATIONS 2018

Amendments to the Education (Student Support) (Wales) Regulations 2018

41. The Education (Student Support) (Wales) Regulations 2018(1) are amended in accordance with regulations 42 to 60.

(1) O.S. 2018/191 (Cy. 42), fel y'i diwygiwyd gan O.S. 2018/813 (Cy. 164) ac O.S. 2018/814 (Cy. 165).

(1) S.I. 2018/191 (W. 42), as amended by S.I. 2018/813 (W. 164) and S.I. 2018/814 (W. 165).

Diwygiadau i reoliad 6

42. Yn rheoliad 6 (cyrsiâu dynodedig – amodau)—

(a) yn lle amod 4 rhodder—

“Amod 4

- (a) Pan fo’r cwrs yn gwrs llawnamser sy’n dechrau cyn 1 Awst 2019, mae’n cael ei ddarparu—
 - (i) gan sefydliad rheoleiddiedig Cymreig, darparwr Seisnig gwarchoddedig, sefydliad a gyllidir gan yr Alban neu sefydliad a gyllidir gan Ogledd Iwerddon (pa un ai ar ei ben ei hun neu ar y cyd â sefydliad sydd y tu allan i’r Deyrnas Unedig),
 - (ii) gan elusen o fewn yr ystyr a roddir i “charity” gan adran 1 o Ddeddf Elusennau 2011 ar ran sefydliad rheoleiddiedig Cymreig, neu
 - (iii) ar ran darparwr Seisnig gwarchoddedig gan sefydliad a oedd cyn 1 Awst 2019 yn sefydliad a gyllidir yn gyhoeddus.
- (b) Pan fo’r cwrs yn gwrs rhan-amser sy’n dechrau cyn 1 Awst 2019, mae’n cael ei ddarparu gan sefydliad a oedd cyn 1 Awst 2019 yn sefydliad a gyllidir yn gyhoeddus (pa un ai ar ei ben ei hun neu ar y cyd â sefydliad sydd y tu allan i’r Deyrnas Unedig).
- (c) Pan fo’r cwrs yn gwrs llawnamser sy’n dechrau ar neu ar ôl 1 Awst 2019, mae’n cael ei ddarparu gan—
 - (i) sefydliad rheoleiddiedig Cymreig, sefydliad rheoleiddiedig Seisnig, sefydliad a gyllidir gan yr Alban neu sefydliad a gyllidir gan Ogledd Iwerddon (pa un ai ar ei ben ei hun neu ar y cyd â sefydliad sydd y tu allan i’r Deyrnas Unedig),
 - (ii) elusen o fewn yr ystyr a roddir i “charity” gan adran 1 o Ddeddf Elusennau 2011 ar ran sefydliad rheoleiddiedig Cymreig, neu
 - (iii) sefydliad Seisnig cofrestredig ar ran darparwr cynllun Seisnig.
- (d) Pan fo’r cwrs yn gwrs rhan-amser sy’n dechrau ar neu ar ôl 1 Awst 2019, mae’n cael ei ddarparu gan—

Amendments to regulation 6

42. In regulation 6 (designated courses – conditions)—

(a) for condition 4 substitute—

“Condition 4

- (a) Where the course is a full-time course that begins before 1 August 2019, it is provided—
 - (i) by a Welsh regulated institution, a protected English provider, a Scottish funded institution or a Northern Irish funded institution (whether alone or in conjunction with an institution outside the United Kingdom),
 - (ii) by a charity within the meaning given by section 1 of the Charities Act 2011 on behalf of a Welsh regulated institution, or
 - (iii) on behalf of a protected English provider by an institution that was before 1 August 2019 a publicly funded institution.
- (b) Where the course is a part-time course that begins before 1 August 2019, it is provided by an institution that before 1 August 2019 was a publicly funded institution (whether alone or in conjunction with an institution situated outside the United Kingdom).
- (c) Where the course is a full-time course that begins on or after 1 August 2019 it is provided by—
 - (i) a Welsh regulated institution, an English regulated institution, a Scottish funded institution or a Northern Irish funded institution (whether alone or in conjunction with an institution situated outside the United Kingdom),
 - (ii) a charity within the meaning given by section 1 of the Charities Act 2011 on behalf of a Welsh regulated institution, or
 - (iii) a registered English institution on behalf of an English plan provider.
- (d) Where the course is a part-time course that begins on or after 1 August 2019 it is provided by—

- (i) sefydliad a gyllidir gan Gymru, sefydliad a gyllidir gan yr Alban, sefydliad a gyllidir gan Ogledd Iwerddon neu sefydliad rheoleiddiedig Seisnig (pa un ai ar ei ben ei hun neu ar y cyd â sefydliad sydd y tu allan i'r Deyrnas Unedig), neu
- (ii) sefydliad Seisnig cofrestredig ar ran darparwr cynllun Seisnig.”;

(b) yn lle paragraff (2)(c) rhodder—

“(c) ni fernir bod sefydliad yn sefydliad a gyllidir gan Gymru neu sefydliad a gyllidir yn gyhoeddus dim ond oherwydd—

- (i) pan fo'r cwrs yn dechrau cyn 1 Awst 2019, ei fod yn sefydliad cysylltiedig a gafodd daliad perthnasol cyn y dyddiad hwnnw, neu
- (ii) pan fo'r cwrs yn dechrau ar neu ar ôl 1 Awst 2019, ei fod yn sefydliad cysylltiedig sy'n cael taliad perthnasol.”;

(c) ar ôl paragraff (2) mewnosoder—

“(2A) At ddiben paragraff (2)—

- (a) ystyr “sefydliad cysylltiedig” yw sefydliad cysylltiedig o fewn ystyr “connected institution” yn adran 65(3B) o Ddeddf Addysg Bellach ac Uwch 1992, a
- (b) ystyr “taliad perthnasol” yw talu'r cyfan neu ran o unrhyw grant, benthyciad neu daliad arall gan gorff llywodraethu sefydliad a ddarperir i'r sefydliad cysylltiedig yn unol ag adran 65(3A) o Ddeddf Addysg Bellach ac Uwch 1992.”

Diwygiad i reoliad 23

43. Ar ôl rheoliad 23 (personau eraill y mae eu caniatâd i ddo i mewn neu i aros wedi dod i ben) mewnosoder—

“Personau y mae eu caniatâd i aros o dan adran 67 wedi dod i ben

23A.—(1) Mae'r rheoliad hwn yn gymwys—

- (a) pan oedd person (“P”) yn fyfyrwr cymwys Categori 3A (gweler Atodlen 2) mewn cysylltiad â chais am gymorth—

- (i) a Welsh funded institution, a Scottish funded institution, a Northern Irish funded institution or an English regulated institution (whether alone or in conjunction with an institution situated outside the United Kingdom), or

- (ii) a registered English institution on behalf of an English plan provider.”;

(b) for paragraph (2)(c) substitute—

“(c) an institution is not regarded as a Welsh funded institution or a publicly funded institution by reason only that—

- (i) where the course begins before 1 August 2019, it was a connected institution which received a relevant payment before that date, or
- (ii) where the course begins on or after 1 August 2019, it is a connected institution which receives a relevant payment.”;

(c) after paragraph (2) insert—

“(2A) For the purpose of paragraph (2)—

- (a) “a connected institution” means a connected institution within the meaning of section 65(3B) of the Further and Higher Education Act 1992, and
- (b) “a relevant payment” means the payment of the whole or part of any grant, loan or other payment from the governing body of an institution which is provided to the connected institution in accordance with section 65(3A) of the Further and Higher Education Act 1992.”

Amendment to regulation 23

43. After regulation 23 (other persons who cease to have leave to enter or remain) insert—

“Persons who cease to have section 67 leave to remain

23A.—(1) This regulation applies where—

- (a) a person (“P”) was a Category 3A eligible student (see Schedule 2) in connection with an application for support—

- (i) ar gyfer blwyddyn gynharach o'r cwrs presennol,
 - (ii) ar gyfer cwrs llawnamser y mae'r cwrs presennol yn gwrs penben llawnamser mewn perthynas ag ef, neu
 - (iii) ar gyfer cwrs y mae statws P fel myfyriwr cymwys wedi cael ei drosglwyddo ohono i'r cwrs presennol o dan reoliad 28 neu baragraff 7 o Atodlen 5, a
- (b) pan, ar ddiwedd y diwrnod cyn diwrnod cyntaf y flwyddyn academiaidd y mae P yn gwneud cais am gymorth mewn cysylltiad â hi, fo'r cyfnod y caiff—
- (i) P, neu
 - (ii) y person, oherwydd bod ganddo ganiatâd i aros o dan adran 67, a oedd yn peri i P fod yn fyfyrwr cymwys Categori 3A,

aros yn y Deyrnas Unedig wedi dod i ben ac nad yw caniatâd pellach i aros wedi cael ei roi ac nad oes apêl yn yr arfaeth (o fewn ystyr adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002).

(2) Pan fo'r rheoliad hwn yn gymwys, mae statws P fel myfyriwr cymwys yn terfynu yn union cyn diwrnod cyntaf y flwyddyn academiaidd y mae P yn gwneud cais am gymorth mewn cysylltiad â hi."

- (i) for an earlier year of the present course,
 - (ii) for a full-time course in relation to which the present course is a full-time end-on course, or
 - (iii) for a course from which P's status as an eligible student has been transferred to the present course under regulation 28 or paragraph 7 of Schedule 5, and
- (b) as at the end of the day before the first day of the academic year in respect of which P is applying for support, the period for which—
- (i) P, or
 - (ii) the person who, as a result of having section 67 leave to remain, caused P to be a Category 3A eligible student,

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).

(2) Where this regulation applies, P's status as an eligible student terminates immediately before the first day of the academic year in respect of which P is applying for support."

Diwygiadau i reoliad 25

44. Yn rheoliad 25 (myfyrwyr rhan-amser – cyfyngiadau ar gymorth i raddedigion)—

- (a) ym mharagraff (2), yn lle Achos 3 rhodder—
“*Achos 3*

Mae'r cwrs presennol yn arwain at radd anrhydedd ac—

- (a) yn ymwneud ag astudio hanes a gramadeg y Gymraeg a'r defnydd ohoni,
- (b) wedi ei restru yn y Dosbarthiad Pynciau Addysg Uwch yn un o'r meysydd pwnc a ganlyn—
 - (i) pynciau perthynol i feddygaeth (CAH02);
 - (ii) y gwyddorau biolegol a'r gwyddorau chwaraeon (CAH03);
 - (iii) seicoleg (CAH04);
 - (iv) milfeddygaeth (CAH05);

Amendments to regulation 25

44. In regulation 25 (part-time students – restrictions on support for graduates)—

- (a) in paragraph (2), for Case 3 substitute—
“*Case 3*

The present course leads to an honours degree and is—

- (a) concerned with the study of the history, grammar and use of Welsh,
- (b) listed in the Higher Education Classification of Subjects in one of the following subject areas—
 - (i) subjects allied to medicine (CAH02);
 - (ii) biological and sport sciences (CAH03);
 - (iii) psychology (CAH04);
 - (iv) veterinary sciences (CAH05);

- | | |
|---|--|
| <ul style="list-style-type: none"> (v) amaethyddiaeth, bwyd ac astudiaethau cysylltiedig (CAH06); (vi) y gwyddorau ffisegol (CAH07); (vii) y gwyddorau mathemategol (CAH09); (viii) peirianeg a thechnoleg (CAH10); (ix) cyfrifiadura (CAH11), neu | <ul style="list-style-type: none"> (v) agriculture, food and related studies (CAH06); (vi) physical sciences (CAH07); (vii) mathematical sciences (CAH09); (viii) engineering and technology (CAH10); (ix) computing (CAH11), or |
| <ul style="list-style-type: none"> (c) yn gwrs y mae ei god a'i label o dan y Dosbarthiad Pynciau Addysg Uwch wedi eu rhestru yn Atodlen 5A.”; | <ul style="list-style-type: none"> (c) a course whose code and label under the Higher Education Classification of Subjects is listed in Schedule 5A.”; |
| <ul style="list-style-type: none"> (b) yn lle paragraff (3), rhodder—
“Yn Achos 3 ac yn Atodlen 5A, ystyr “y Dosbarthiad Pynciau Addysg Uwch” yw'r Dosbarthiad Pynciau Addysg Uwch a gynhelir gan Wasanaeth Derbyn y Prifysgolion a'r Colegau a'r Asiantaeth Ystadegau Addysg Uwch.” | <ul style="list-style-type: none"> (b) for paragraph (3), substitute—
“In Case 3 and in Schedule 5A “the Higher Education Classification of Subjects” means the Higher Education Classification of Subjects maintained by the Universities and Colleges Admissions Service and the Higher Education Statistics Agency.” |

Diwygiad i reoliad 40

45. Yn rheoliad 40(3) (swm benthyciad at ffioedd dysgu), Tabl 2, yn lle “£5,535” rhodder “£5,785”.

Diwygiadau i reoliad 55

46. Yn rheoliad 55 (swm y benthyciad cynhaliath: myfyrwyr llawnamser), Tabl 7, yn lle—

- (a) “£6,650” rhodder “£6,840”;
- (b) “£10,250” rhodder “£10,530”;
- (c) “£8,000” rhodder “£8,225”;
- (d) “£3,325” rhodder “£3,420”;
- (e) “£5,125” rhodder “£5,265”;
- (f) “£4,000” rhodder “£4,110”.

Diwygiadau i reoliad 56

47. Yn rheoliad 56 (swm y benthyciad cynhaliath sy'n daladwy: myfyrwyr llawnamser y mae taliad cymorth arbennig yn daladwy iddynt)—

- (a) yn Nhabl 8, yn lle—
 - (i) “£7,650” rhodder “£7,840”;
 - (ii) “£11,250” rhodder “£11,530”;
 - (iii) “£9,000” rhodder “£9,225”;
- (b) yn Nhabl 8A, yn lle—
 - (i) “£3,325” rhodder “£3,420”;
 - (ii) “£5,125” rhodder “£5,265”;
 - (iii) “£4,000” rhodder “£4,110”.

Amendment to regulation 40

45. In regulation 40(3) (amount of tuition fee loan), Table 2, for “£5,535” substitute “£5,785”.

Amendments to regulation 55

46. In regulation 55 (amount of maintenance loan: full-time students), Table 7 for —

- (a) “£6,650” substitute “£6,840”;
- (b) “£10,250” substitute “£10,530”;
- (c) “£8,000” substitute “£8,225”;
- (d) “£3,325” substitute “£3,420”;
- (e) “£5,125” substitute “£5,265”;
- (f) “£4,000” substitute “£4,110”.

Amendments to regulation 56

47. In regulation 56 (amount of maintenance loan payable: full-time students to whom special support payment payable)—

- (a) in Table 8 for—
 - (i) “£7,650” substitute “£7,840”;
 - (ii) “£11,250” substitute “£11,530”;
 - (iii) “£9,000” substitute “£9,225”;
- (b) in Table 8A for—
 - (i) “£3,325” substitute “£3,420”;
 - (ii) “£5,125” substitute “£5,265”;
 - (iii) “£4,000” substitute “£4,110”.

Diwygiadau i reoliad 57

48. Yn rheoliad 57 (benthyciad cynhaliath wedi ei gynyddu ar gyfer myfyrwyr llawnamser yn ystod blynyddoedd estynedig), Tabl 9, yn lle—

- (a) “£80” rhodder “£84”;
- (b) “£153” rhodder “£162”;
- (c) “£120” rhodder “£127”.

Diwygiad i reoliad 58

49. Yn rheoliad 58 (swm y benthyciad cynhaliath: myfyrwyr rhan-amser), Tabl 10, yn lle “£5,650” rhodder “£5,815”.

Diwygiad i reoliad 58A

50. Yn rheoliad 58A (swm y benthyciad cynhaliath: myfyrwyr rhan-amser sy'n cymhwyso i gael taliad cymorth arbennig), Tabl 10A, yn lle “£6,650” rhodder “£6,815”.

Diwygiadau i reoliad 63

51. Yn rheoliad 63 (swm y grant myfyriwr anabl), paragraff (2), yn lle—

- (a) “£21,181” rhodder “£22,472”;
- (b) “£15,885” rhodder “£16,853”;
- (c) “£5,332” rhodder “£5,657”;
- (d) “£1,785” rhodder “£1,894”;
- (e) “£1,338” rhodder “£1,420”.

Diwygiadau i reoliad 80

52. Yn rheoliad 80 (cymhwyso i gael benthyciad at ffioedd dysgu yn ystod y flwyddyn academaidd)—

- (a) ym mharagraff (2) ar ôl is-baragraff (b)(i) mewnosoder—

“(ia) bod y myfyriwr neu riant y myfyriwr yn dod yn berson sydd â chaniatâd i aros o dan adran 67;”;

- (b) ym mharagraff (3), yn y lle priodol mewnosoder—

““person sydd â chaniatâd i aros o dan adran 67” (“*person with section 67 leave to remain*”);”.

Diwygiad i reoliad 81

53. Yn rheoliad 81 (cymhwyso i gael benthyciad cynhaliath neu grantiau yn ystod y flwyddyn academaidd), ar ôl paragraff (3)(b)(i) mewnosoder—

“(ia) bod y myfyriwr neu riant y myfyriwr yn dod yn berson sydd â chaniatâd i aros o dan adran 67;”.

Amendments to regulation 57

48. In regulation 57 (increased maintenance loan for full-time students in extended years), Table 9 for—

- (a) “£80” substitute “£84”;
- (b) “£153” substitute “£162”;
- (c) “£120” substitute “£127”.

Amendment to regulation 58

49. In regulation 58 (amount of maintenance loan: part-time students), Table 10 for “£5,650” substitute “£5,815”.

Amendment to regulation 58A

50. In regulation 58A (amount of maintenance loan: part-time students who qualify for special support payment), Table 10A for “£6,650” substitute “£6,815”.

Amendments to regulation 63

51. In regulation 63 (amount of disabled student’s grant), paragraph (2) for—

- (a) “£21,181” substitute “£22,472”;
- (b) “£15,885” substitute “£16,853”;
- (c) “£5,332” substitute “£5,657”;
- (d) “£1,785” substitute “£1,894”;
- (e) “£1,338” substitute “£1,420”.

Amendments to regulation 80

52. In regulation 80 (qualifying for a tuition fee loan during the academic year)—

- (a) in paragraph (2), after sub-paragraph (b)(i) insert—

“(ia) the student or the student’s parent becomes a person with section 67 leave to remain;”;

- (b) in paragraph (3), in the appropriate place insert—

““person with section 67 leave to remain” (“*person sydd â chaniatâd i aros o dan adran 67*”);”.

Amendment to regulation 81

53. In regulation 81 (qualifying for grants or maintenance loan during the academic year), after paragraph (3)(b)(i) insert—

“(ia) the student or the student’s parent becomes a person with section 67 leave to remain;”.

Diwygiadau i'r Atodlenni

54. Yn Atodlen 1, yn lle paragraff 2 rhodder—

“Sefydliadau addysgol

2. Yn y Rheoliadau hyn, ystyr “sefydliad addysgol cydnabyddedig” yw—

- (a) mewn perthynas â chwrs llawnamser sy'n dechrau cyn 1 Awst 2019—
 - (i) sefydliad rheoleiddiedig Cymreig;
 - (ii) darparwr Seisnig gwarchoddedig;
 - (iii) sefydliad a gyllidir gan yr Alban; neu
 - (iv) sefydliad a gyllidir gan Ogledd Iwerddon;
- (b) mewn perthynas â chwrs rhan-amser sy'n dechrau cyn 1 Awst 2019, sefydliad a gyllidir yn gyhoeddus;
- (c) mewn perthynas â chwrs llawnamser sy'n dechrau ar neu ar ôl 1 Awst 2019—
 - (i) sefydliad rheoleiddiedig Cymreig;
 - (ii) sefydliad rheoleiddiedig Seisnig;
 - (iii) sefydliad a gyllidir gan yr Alban;
 - (iv) sefydliad a gyllidir gan Ogledd Iwerddon;
- (d) mewn perthynas â chwrs rhan-amser sy'n dechrau ar neu ar ôl 1 Awst 2019—
 - (i) sefydliad a gyllidir gan Gymru;
 - (ii) sefydliad rheoleiddiedig Seisnig;
 - (iii) sefydliad a gyllidir gan yr Alban;
 - (iv) sefydliad a gyllidir gan Ogledd Iwerddon.

55. Yn Atodlen 1, ar ôl paragraff 2 mewnosoder—

“2A.—(1) Yn y Rheoliadau hyn—

- (a) ystyr “sefydliad a gyllidir gan Gymru” yw sefydliad a gynhelir neu a gynorthwyir gan grantiau rheolaidd o gronfeydd a ddarperir gan Weinidogion Cymru;

Amendments to the Schedules

54. In Schedule 1, for paragraph 2 substitute—

“Educational institutions

2. In these regulations “recognised educational institution” means—

- (a) in relation to a full-time course that begins before 1 August 2019—
 - (i) a Welsh regulated institution;
 - (ii) a protected English provider;
 - (iii) a Scottish funded institution; or
 - (iv) a Northern Irish funded institution;
- (b) in relation to a part-time course that begins before 1 August 2019 a publicly funded institution;
- (c) in relation to a full-time course that begins on or after 1 August 2019—
 - (i) a Welsh regulated institution;
 - (ii) an English regulated institution;
 - (iii) a Scottish funded institution;
 - (iv) a Northern Irish funded institution;
- (d) in relation to a part-time course that begins on or after 1 August 2019—
 - (i) a Welsh funded institution;
 - (ii) an English regulated institution;
 - (iii) a Scottish funded institution;
 - (iv) a Northern Irish funded institution.

55. In Schedule 1, after paragraph 2 insert—

“2A.—(1) In these regulations—

- (a) “Welsh funded institution” means an institution maintained or assisted by recurrent grants out of funds provided by the Welsh Ministers;

- (b) ystyr “sefydliad rheoleiddiedig Cymreig” yw sefydliad sydd â chynllun ffioedd a mynediad a gymeradwywyd gan Gyngor Cyllido Addysg Uwch Cymru o dan adran 7 o Ddeddf Addysg Uwch (Cymru) 2015 tra bo’r cynllun hwnnw yn parhau mewn grym;
- (c) ystyr “darparwr Seisnig gwarchoddedig” yw sefydliad a oedd, ar neu ar ôl 1 Awst 2018 ond cyn 1 Awst 2019, yn cael ei gynnal neu ei gynorthwyo gan grantiau rheolaidd yn unol ag adran 65 o Ddeddf Addysg Bellach ac Uwch 1992 ac eithrio sefydliad a gynhelir neu a gynorthwyir gan grantiau rheolaidd a wneir gan Gyngor Cyllido Addysg Uwch Cymru;
- (d) ystyr “sefydliad Seisnig cofrestredig” yw sefydliad sydd wedi ei gofrestru gan y Swyddfa Fyfyrrwyr yn y gofrestr;
- (e) ystyr “sefydliad rheoleiddiedig Seisnig” yw sefydliad Seisnig cofrestredig sy’n ddarostyngedig i amod terfyn ffioedd o dan adran 10 o Ddeddf Addysg Uwch ac Ymchwil 2017(1);
- (f) ystyr “darparwr cynllun Seisnig” yw sefydliad Seisnig cofrestredig sydd â chynllun mynediad a chyfranogiad a gymeradwywyd gan y Swyddfa Fyfyrrwyr(2) o dan adran 29 o Ddeddf Addysg Uwch ac Ymchwil 2017 ac sy’n parhau mewn grym;
- (g) ystyr “sefydliad a gyllidir gan yr Alban” yw sefydliad a gynhelir neu a gynorthwyir gan grantiau rheolaidd o gronfeydd a ddarperir gan Weinidogion yr Alban;
- (h) ystyr “sefydliad a gyllidir gan Ogledd Iwerddon” yw sefydliad a gynhelir neu a gynorthwyir gan grantiau rheolaidd o gronfeydd a ddarperir gan Weithrediaeth Gogledd Iwerddon.
- (b) “Welsh regulated institution” means an institution which has a fee and access plan approved by the Higher Education Funding Council for Wales under section 7 of the Higher Education (Wales) Act 2015 whilst that plan remains in force;
- (c) “protected English provider” means an institution which on or after 1 August 2018 but before 1 August 2019 was maintained or assisted by recurrent grants pursuant to section 65 of the Further and Higher Education Act 1992 other than an institution maintained or assisted by recurrent grants made by the Higher Education Funding Council for Wales;
- (d) “registered English institution” means an institution registered by the Office for Students in the register;
- (e) “English regulated institution” means a registered English institution subject to a fee limit condition under section 10 of the Higher Education and Research Act 2017(1);
- (f) “English plan provider” means a registered English institution which has an access and participation plan approved by the Office for Students(2) under section 29 of the Higher Education and Research Act 2017 and which remains in force;
- (g) “Scottish funded institution” means an institution maintained or assisted by recurrent grants out of funds provided by the Scottish Ministers;
- (h) “Northern Irish funded institution” means an institution maintained or assisted by recurrent grants out of funds provided by the Northern Ireland Executive.

(2) Yn is-baragraff (1) mae cyfeiriad at y gofrestr yn cyfeirio at y gofrestr a sefydlwyd ac a gynhelir gan y Swyddfa Fyfyrrwyr o dan adran 3 o Ddeddf Addysg Uwch ac Ymchwil 2017.”

(2) In sub-paragraph (1) reference to the register is to the register established and maintained by the Office for Students under section 3 of the Higher Education and Research Act 2017.”

(1) 2017 p. 29.

(2) Mae’r Swyddfa Fyfyrrwyr yn gorff corfforaethol a sefydlwyd o dan adran 1 o Ddeddf Addysg Uwch ac Ymchwil 2017.

(1) 2017 c. 29.

(2) The Office for Students is a body corporate established under section 1 of the Higher Education and Research Act 2017.

56. Yn Atodlen 2, ar ôl paragraff 3 (categori 3 – personau sydd â chaniatâd i ddod i mewn neu i aros ac aelodau o’u teuluoedd) mewnosoder—

“Categori 3A – Personau sydd â chaniatâd i aros o dan adran 67

3A.—(1) Person—

- (a) sydd â chaniatâd i aros o dan adran 67,
- (b) sy’n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs, ac
- (c) sydd wedi bod yn preswyllo fel arfer 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 blentyn i berson sydd â chaniatâd i aros o dan adran 67,
- (b) a oedd, ar ddyddiad y cais i gael caniatâd i aros, o dan 18 oed ac yn blentyn i’r person sydd â chaniatâd i aros o dan adran 67,
- (c) sy’n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs, a
- (d) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a’r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(3) Yn y paragraff hwn—

ystyr “dyddiad y cais i gael caniatâd i aros” (“*leave application date*”) yw’r dyddiad y gwnaeth y person sydd â chaniatâd i aros o dan adran 67 y cais a arweiniodd at y person hwnnw yn cael caniatâd i aros yn y Deyrnas Unedig.

ystyr “person sydd â chaniatâd i aros o dan adran 67” (“*person with section 67 leave to remain*”) yw person—

- (a) y mae ganddo ganiatâd cyfredol i aros yn y Deyrnas Unedig o dan adran 67 o Ddeddf Mewnfudo 2016 ac yn unol â’r rheolau mewnfudo, a
- (b) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a’r Ynysoedd drwy gydol y cyfnod ers i’r caniatâd hwnnw gael ei roi i’r person.”

56. In Schedule 2, after paragraph 3 (category 3 – persons with leave to enter or remain and their family members) insert—

“Category 3A – Persons with section 67 leave to remain

3A.—(1) A person who—

- (a) is a person with section 67 leave to remain,
- (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 United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

(2) A person who—

- (a) is the child of a person with section 67 leave to remain,
- (b) on the leave application date was under 18 years old and was the child of the person with section 67 leave to remain,
- (c) is ordinarily resident in Wales on the first day of the first academic year of the course, and
- (d) 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) In this paragraph—

“leave application date” (“*dyddiad y cais i gael caniatâd i aros*”) means the date on which the person with section 67 leave to remain made the application that led to that person being granted leave to remain in the United Kingdom.

“person with section 67 leave to remain” (“*person sydd â chaniatâd i aros o dan adran 67*”) means a person who—

- (a) has extant leave to remain in the United Kingdom under section 67 of the Immigration Act 2016 and in accordance with the immigration rules, and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave.”

57. Yn Atodlen 4—

(a) ym mharagraff 2(1), yn lle amod 4 rhodder—

“*Amod 4*

- (a) pan fo’r cwrs yn dechrau cyn 1 Awst 2019, mae’n cael ei ddarparu gan sefydliad a oedd cyn 1 Awst 2019 yn sefydliad a gyllidir yn gyhoeddus;
- (b) pan fo’r cwrs yn dechrau ar neu ar ôl 1 Awst 2019, mae’n cael ei ddarparu gan sefydliad a gyllidir gan Gymru, sefydliad a gyllidir gan yr Alban, sefydliad a gyllidir gan Ogledd Iwerddon neu sefydliad rheoleiddiedig Seisnig.”;

(b) yn lle paragraff (2)(2)(c) rhodder—

“(c) ni fernir bod sefydliad yn sefydliad a gyllidir yn gyhoeddus neu’n sefydliad a gyllidir gan Gymru dim ond oherwydd—

- (i) pan fo’r cwrs yn dechrau cyn 1 Awst 2019, ei fod yn sefydliad cysylltiedig a gafodd daliad perthnasol cyn y dyddiad hwnnw, neu
- (ii) pan fo’r cwrs yn dechrau ar neu ar ôl 1 Awst 2019, ei fod yn sefydliad cysylltiedig sy’n cael taliad perthnasol.”;

(c) ar ôl paragraff 2(2) mewnosoder—

“(3) At ddibenion is-baragraff (2)—

- (a) ystyr “sefydliad cysylltiedig” yw sefydliad cysylltiedig o fewn ystyr “connected institution” yn adran 65(3B) o Ddeddf Addysg Bellach ac Uwch 1992; a
- (b) ystyr “taliad perthnasol” yw talu’r cyfan neu ran o unrhyw grant, benthyciad neu daliad arall gan gorff llywodraethu sefydliad a ddarperir i’r sefydliad cysylltiedig yn unol ag adran 65(3A) o Ddeddf Addysg Bellach ac Uwch 1992.”;

57. In Schedule 4—

(a) in paragraph 2(1) for condition 4 substitute—

“*Condition 4*

- (a) where the course begins before 1 August 2019, it is provided by an institution that before 1 August 2019 was a publicly funded institution;
- (b) where the course begins on or after 1 August 2019, it is provided by a Welsh funded institution, a Scottish funded institution, a Northern Irish funded institution or an English regulated institution.”;

(b) for paragraph 2(2)(c) substitute—

“(c) an institution is not regarded as publicly funded institution or a Welsh funded institution by reason only that—

- (i) where the course begins before 1 August 2019, it was a connected institution which received a relevant payment before that date, or
- (ii) where the course begins on or after 1 August 2019, it is a connected institution which receives a relevant payment.”;

(c) after paragraph 2(2) insert—

“(3) For the purposes of sub-paragraph (2)—

- (a) “a connected institution” means a connected institution within the meaning of section 65(3B) of the Further and Higher Education Act 1992; and
- (b) “a relevant payment” means the payment of the whole or part of any grant, loan or other payment from the governing body of an institution which is provided to the connected institution in accordance with section 65(3A) of the Further and Higher Education Act 1992.”;

(d) ar ôl paragraff 13 mewnosoder—

“Personau y mae eu caniatâd i aros o dan adran 67 wedi dod i ben

13A.—(1) Mae’r paragraff hwn yn gymwys—

- (a) pan oedd person (“P”) yn fyfyrwr ôl-raddedig cymwys categori 3A (gweler Atodlen 2) mewn cysylltiad â chais am grant myfyriwr ôl-raddedig anabl—
 - (i) ar gyfer blwyddyn gynharach o’r cwrs ôl-radd presennol, neu
 - (ii) mewn cysylltiad â chwrs y mae statws P fel myfyriwr ôl-raddedig cymwys wedi cael ei drosglwyddo ohono i’r cwrs ôl-radd presennol o dan baragraff 15, a
- (b) pan, ar ddiwedd y diwrnod cyn diwrnod cyntaf y flwyddyn academaidd y mae P yn gwneud cais am grant myfyriwr ôl-raddedig anabl mewn cysylltiad â hi, fo’r cyfnod y caiff—
 - (i) P, neu
 - (ii) y person, oherwydd ei fod yn berson sydd â chaniatâd i aros o dan adran 67, a oedd yn peri i P fod yn fyfyrwr ôl-raddedig cymwys categori 3A,

aros yn y Deyrnas Unedig wedi dod i ben ac nad yw caniatâd pellach i aros wedi cael ei roi ac nad oes apêl yn yr arfaeth (o fewn ystyr adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002).

(2) Pan fo’r paragraff hwn yn gymwys, mae statws P fel myfyriwr ôl-raddedig cymwys yn terfynu yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae P yn gwneud cais am grant myfyriwr ôl-raddedig anabl mewn cysylltiad â hi.”;

(e) ym mharagraff 14, ar ôl is-baragraff (3)(b)(i) mewnosoder—

“(ia) bod y myfyriwr neu riant y myfyriwr yn dod yn berson sydd â chaniatâd i aros o dan adran 67;”;

(f) ym mharagraff 14, is-baragraff (4), yn y lle priodol mewnosoder—

““person sydd â chaniatâd i aros o dan adran 67” (“*person with section 67 leave to remain*”);”;

(g) ym mharagraff (20), yn lle “£10,590” rhodder “£20,000”.

(d) after paragraph 13 insert—

“Persons who cease to have section 67 leave to remain

13A.—(1) This paragraph applies where—

- (a) a person (“P”) was a category 3A eligible postgraduate student (see Schedule 2) in connection with an application for a disabled postgraduate student’s grant—
 - (i) for an earlier year of the present postgraduate course, or
 - (ii) in connection with a course from which P’s status as an eligible postgraduate student has been transferred to the present postgraduate course under paragraph 15, and
- (b) as at the end of the day before the first day of the academic year in respect of which P is applying for a disabled postgraduate student’s grant, the period for which—
 - (i) P, or
 - (ii) the person who, as a result of being a person with section 67 leave to remain, caused P to be a category 3A eligible postgraduate student,

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).

(2) Where this paragraph applies, P’s status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which P is applying for a disabled postgraduate student’s grant.”;

(e) in paragraph 14, after sub-paragraph (3)(b)(i) insert—

“(ia) the student or the student’s parent becomes a person with section 67 leave to remain;”;

(f) in paragraph 14, sub-paragraph (4), in the appropriate place insert—

““person with section 67 leave to remain” (“*person sydd â chaniatâd i aros o dan adran 67*”);”;

(g) in paragraph 20 for “£10,590” substitute “£20,000”.

58. Yn Atodlen 5, paragraff 4—

(a) ar ôl is-baragraff (2)(a) mewnosoder—

“(aa) bod y myfyriwr neu riant y myfyriwr yn dod yn berson sydd â chaniatâd i aros o dan adran 67;”;

(b) yn is-baragraff (3), yn y lle priodol mewnosoder—

““person sydd â chaniatâd i aros o dan adran 67” (“person with section 67 leave to remain”);”.

59. Ar ôl Atodlen 5, mewnosoder yr atodlen newydd a nodir yn Atodlen 2 i'r Rheoliadau hyn.

60. Yn Atodlen 7 (mynegai o dermau wedi eu diffinio), Tabl 16, mewnosoder y cofnodion a ganlyn yn y lleoedd priodol—

“darparwr cynllun Seisnig”	Atodlen 1, paragraff 2(1)
“darparwr Seisnig gwarchoddedig”	Atodlen 1, paragraff 2(1)
“person sydd â chaniatâd i aros o dan adran 67”	Atodlen 2, paragraff 3A(3)
“sefydliad a gyllidir gan yr Alban”	Atodlen 1, paragraff 2(1)
“sefydliad a gyllidir gan Gymru”	Atodlen 1, paragraff 2(1)
“sefydliad a gyllidir gan Ogledd Iwerddon”	Atodlen 1, paragraff 2(1)
“sefydliad rheoleiddiedig Cymreig”	Atodlen 1, paragraff 2(1)
“sefydliad rheoleiddiedig Seisnig”	Atodlen 1, paragraff 2(1)
“sefydliad Seisnig cofrestredig”	Atodlen 1, paragraff 2(1)

58. In Schedule 5, paragraph 4—

(a) after sub-paragraph (2)(a) insert—

“(aa) the student or the student’s parent becomes a person with section 67 leave to remain;”;

(b) in sub-paragraph (3), in the appropriate place insert—

““person with section 67 leave to remain” (“person sydd â chaniatâd i aros o dan adran 67”);”.

59. After Schedule 5, insert the new schedule set out in Schedule 2 to these Regulations.

60. In Schedule 7 (index of defined terms), Table 16, insert the following entries into the appropriate places—

“English plan provider”	Schedule 1, paragraph 2(1)
“English regulated institution”	Schedule 1, paragraph 2(1)
“Northern Irish funded institution”	Schedule 1, paragraph 2(1)
“person with section 67 leave to remain”	Schedule 2, paragraph 3A(3)
“protected English provider”	Schedule 1, paragraph 2(1)
“registered English institution”	Schedule 1, paragraph 2(1)
“Scottish funded institution”	Schedule 1, paragraph 2(1)
“Welsh funded institution”	Schedule 1, paragraph 2(1)
“Welsh regulated institution”	Schedule 1, paragraph 2(1)

RHAN 7

DIWYGIADAU I REOLIADAU ADDYSG (BENTHYCIADAU AT RADD DDOETHUROL ÔL-RADDEDIG) (CYMRU) 2018

Diwygiadau i Reoliadau Addysg (Benthyciadau at Radd Ddoethurol Ôl-raddedig) (Cymru) 2018

61. Mae Rheoliadau Addysg (Benthyciadau at Radd Ddoethurol Ôl-raddedig) (Cymru) 2018(1) wedi eu diwygio yn unol â rheoliadau 62 i 66.

PART 7

AMENDMENTS TO THE EDUCATION (POSTGRADUATE DOCTORAL DEGREE LOANS) (WALES) REGULATIONS 2018

Amendments to the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018

61. The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018(1) are amended in accordance with regulations 62 to 66.

(1) O.S. 2018/656 (Cy. 124), fel y'i diwygiwyd gan O.S. 2018/814 (Cy. 165).

(1) S.I. 2018/656 (W. 124), as amended by S.I. 2018/814 (W. 165).

Diwygiadau i reoliad 2

62. Yn rheoliad 2 (dehongli), ym mharagraff (1) yn y lleoedd priodol mewnosoder—

“ystyr “darparwr cynllun Seisnig” (“*English plan provider*”) yw sefydliad Seisnig cofrestredig sydd â chynllun mynediad a chyfranogiad a gymeradwywyd gan y Swyddfa Fyfyrrwyr o dan adran 29 o Ddeddf Addysg Uwch ac Ymchwil 2017 ac sy’n parhau mewn grym;”;

“ystyr “person sydd â chaniatâd i aros o dan adran 67” (“*person with section 67 leave to remain*”) yw person—

- (a) y mae ganddo ganiatâd cyfredol i aros yn y Deyrnas Unedig o dan adran 67 o Ddeddf Mewnffudo 2016 ac yn unol â’r rheolau mewnffudo; a
- (b) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a’r Ynysoedd drwy gydol y cyfnod ers i’r caniatâd hwnnw gael ei roi i’r person;”;

“ystyr “sefydliad a gyllidir gan yr Alban” (“*Scottish funded institution*”) yw sefydliad a gynhelir neu a gynorthwyir gan grantiau rheolaidd o gronfeydd a ddarperir gan Weinidogion yr Alban;”;

“ystyr “sefydliad a gyllidir gan Gymru” (“*Welsh funded institution*”) yw sefydliad a gynhelir neu a gynorthwyir gan grantiau rheolaidd o gronfeydd a ddarperir gan Weinidogion Cymru;”;

“ystyr “sefydliad a gyllidir gan Ogledd Iwerddon” (“*Northern Irish funded institution*”) yw sefydliad a gynhelir neu a gynorthwyir gan grantiau rheolaidd o gronfeydd a ddarperir gan Weithrediaeth Gogledd Iwerddon;”;

“ystyr “sefydliad rheoleiddiedig Seisnig” (“*English regulated institution*”) yw sefydliad Seisnig cofrestredig sy’n ddarostyngedig i amod terfyn ffioedd o dan adran 10 o Ddeddf Addysg Uwch ac Ymchwil 2017;”;

“ystyr “sefydliad Seisnig cofrestredig” (“*registered English institution*”) yw sefydliad sydd wedi ei gofrestru gan y Swyddfa Fyfyrrwyr yn y gofrestr;”.

Diwygiadau i reoliad 4

63. Yn rheoliad 4 (cyrtsiau dynodedig)—

- (a) yn lle paragraff (1)(b) rhodder—
“(b) os yw’n un o’r canlynol—

Amendments to regulation 2

62. In regulation 2 (interpretation), in paragraph (1) in the appropriate places insert—

““English plan provider” (“*darparwr cynllun Seisnig*”) means a registered English institution which has an access and participation plan approved by the Office for Students under section 29 of the Higher Education and Research Act 2017 and which remains in force;”;

““English regulated institution” (“*sefydliad rheoleiddiedig Seisnig*”) means a registered English institution subject to a fee limit condition under section 10 of the Higher Education and Research Act 2017;”;

““Northern Irish funded institution” (“*sefydliad a gyllidir gan Ogledd Iwerddon*”) means an institution maintained or assisted by recurrent grants out of funds provided by the Northern Ireland Executive;”;

““person with section 67 leave to remain” (“*person sydd â chaniatâd i aros o dan adran 67*”) means a person who—

- (a) has extant leave to remain in the United Kingdom under section 67 of the Immigration Act 2016 and in accordance with the immigration rules; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”

““registered English institution” (“*sefydliad Seisnig cofrestredig*”) means an institution registered by the Office for Students in the register;”;

““Scottish funded institution” (“*sefydliad a gyllidir gan yr Alban*”) means an institution maintained or assisted by recurrent grants out of funds provided by the Scottish Ministers;”;

““Welsh funded institution” (“*sefydliad a gyllidir gan Gymru*”) means an institution maintained or assisted by recurrent grants out of funds provided by the Welsh Ministers;”.

Amendments to regulation 4

63. In regulation 4 (designated courses)—

- (a) for paragraph (1)(b) substitute—
“(b) it is one of the following—

- (i) pan fo'r cwrs yn dechrau cyn 1 Awst 2019, mae'n cael ei ddarparu gan sefydliad a oedd cyn 1 Awst 2019 yn sefydliad a gyllidir yn gyhoeddus (pa un ai ar ei ben ei hun neu ar y cyd â sefydliad arall o'r fath a gyllidir yn gyhoeddus neu â sefydliad sydd y tu allan i'r Deyrnas Unedig);
- (ii) pan fo'r cwrs yn dechrau ar neu ar ôl 1 Awst 2019, mae'n cael ei ddarparu gan—
- (aa) sefydliad a gyllidir gan Gymru, sefydliad a gyllidir gan yr Alban, sefydliad a gyllidir gan Ogledd Iwerddon neu sefydliad rheoleiddiedig Seisnig (pa un ai ar ei ben ei hun neu ar y cyd â sefydliad sydd o fewn neu y tu allan i'r Deyrnas Unedig); neu
- (ab) sefydliad Seisnig cofrestredig ar ran darparwr cynllun Seisnig;”.
- (b) yn lle paragraff (2)(d) rhodder—
- “(d) ni fernir bod sefydliad yn sefydliad a gyllidir yn gyhoeddus neu'n sefydliad a gyllidir gan Gymru dim ond oherwydd—
- (i) pan fo'r cwrs yn dechrau cyn 1 Awst 2019, ei fod yn sefydliad cysylltiedig a gafodd daliad perthnasol cyn y dyddiad hwnnw; neu
- (ii) pan fo'r cwrs yn dechrau ar neu ar ôl 1 Awst 2019, ei fod yn sefydliad cysylltiedig sy'n cael taliad perthnasol;”
- (c) ar ôl paragraff (2) mewnosoder—
- “(2A) At ddiben paragraff (2)—
- (a) ystyr “sefydliad cysylltiedig” yw sefydliad cysylltiedig o fewn ystyr “connected institution” yn adran 65(3B) o Ddeddf Addysg Bellach ac Uwch 1992; a
- (b) ystyr “taliad perthnasol” yw talu'r cyfan neu ran o unrhyw grant, benthyciad neu daliad arall gan gorff llywodraethu sefydliad a ddarperir i'r sefydliad cysylltiedig yn unol ag adran 65(3A) o Ddeddf Addysg Bellach ac Uwch 1992.”
- (i) where the course begins before 1 August 2019, it is provided by an institution that before 1 August 2019 was a publicly funded institution (whether alone or in conjunction with another such publicly funded institution or with an institution situated outside the United Kingdom);
- (ii) where the course begins on or after 1 August 2019, it is provided by—
- (aa) a Welsh funded institution, a Scottish funded institution, a Northern Irish funded institution or an English regulated institution (whether alone or in conjunction with an institution within or outside the United Kingdom); or
- (ab) a registered English institution on behalf of an English plan provider;”.
- (b) for paragraph (2)(d) substitute—
- “(d) an institution is not regarded as a publicly funded institution or a Welsh funded institution by reason only that—
- (i) where the course begins before 1 August 2019, it was a connected institution which received a relevant payment before that date; or
- (ii) where the course begins on or after 1 August 2019, it is a connected institution which receives a relevant payment;”
- (c) after paragraph (2) insert—
- “(2A) For the purpose of paragraph (2)—
- (a) “a connected institution” means a connected institution within the meaning of section 65(3B) of the Further and Higher Education Act 1992; and
- (b) “a relevant payment” means the payment of the whole or part of any grant, loan or other payment from the governing body of an institution which is provided to the connected institution in accordance with section 65(3A) of the Further and Higher Education Act 1992.”

Diwygiad i reoliad 8

64. Yn rheoliad 8 (digwyddiadau), ar ôl paragraff (b) mewnosoder—

“(ba) bod y myfyriwr neu riant y myfyriwr yn dod yn berson sydd â chaniatâd i aros o dan adran 67;”.

Diwygiadau i reoliad 13

65. Yn rheoliad 13 (swm benthyciad at radd ddoethurol ôl-raddedig)—

- (a) ym mharagraff (1), yn lle “£25,000” rhodder “£25,700”;
- (b) ym mharagraff (2)(b), yn lle “£25,000” rhodder “25,700”.

Diwygiad i Atodlen 1

66. Yn Atodlen 1, ar ôl paragraff 6 (personau sydd â chaniatâd i ddod i mewn neu i aros ac aelodau o’u teuluoedd) mewnosoder—

“Personau sydd â chaniatâd i aros o dan adran 67

6A.—(1) Person—

- (a) sydd â chaniatâd i aros o dan adran 67;
 - (b) sy’n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac
 - (c) sydd wedi bod yn preswyllo fel arfer 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 blentyn i berson sydd â chaniatâd i aros o dan adran 67;
 - (b) a oedd, ar ddyddiad y cais i gael caniatâd i aros, o dan 18 oed ac yn blentyn i’r person sydd â chaniatâd i aros o dan adran 67;
 - (c) sy’n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; a
 - (d) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a’r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

Amendment to regulation 8

64. In regulation 8 (events), after paragraph (b) insert—

“(ba) the student or the student’s parent becomes a person with section 67 leave to remain;”.

Amendments to regulation 13

65. In regulation 13 (amount of postgraduate doctoral degree loan)—

- (a) in paragraph (1) for “£25,000” substitute “£25,700”;
- (b) in paragraph (2)(b) for “£25,000” substitute “£25,700”.

Amendment to Schedule 1

66. In Schedule 1, after paragraph 6 (persons with leave to enter or remain and their family members) insert—

“Persons with section 67 leave to remain

6A.—(1) A person who—

- (a) is a person with section 67 leave to remain;
 - (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 United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.
- (2) A person who—
- (a) is the child of a person with section 67 leave to remain;
 - (b) on the leave application date was under 18 years old and was the child of the person with section 67 leave to remain;
 - (c) is ordinarily resident in Wales on the first day of the first academic year of the course; and
 - (d) 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) Yn y paragraff hwn—

ystyr “dyddiad y cais i gael caniatâd i aros” yw’r dyddiad y gwnaeth y person sydd â chaniatâd i aros o dan adran 67 y cais a arweiniodd at y person hwnnw yn cael caniatâd i aros yn y Deyrnas Unedig.”

(3) In this paragraph—

“leave application date” means the date on which the person with section 67 leave to remain made the application that led to that person being granted leave to remain in the United Kingdom.”

Kirsty Williams

Y Gweinidog Addysg, un o Weinidogion Cymru
12 Chwefror 2019

Minister for Education, one of the Welsh Ministers
12 February 2019

YR ATODLENNI

SCHEDULES

ATODLEN 1 Rheoliad 40

SCHEDULE 1 Regulation 40

“Atodlen 7 Codau a Labeli Cwrs y Dosbarthiad Pynciau Addysg Uwch

(Rheoliad 81(28))

Mae Tabl 1 yn nodi codau a labeli cwrs y Dosbarthiad Pynciau Addysg Uwch (DPAU) at ddibenion paragraff (28)(c) o reoliad 81.

Tabl 1

<i>Cod DPAU</i>	<i>Label DPAU</i>
100706	Gwallt a cholur
101374	Gwasanaethau trin gwallt
100131	Radioleg
100456	Astudiaethau plentyndod
100302	Hanes
100337	Athroniaeth
100621	Astudiaethau rhywedd
101233	Astudiaethau diwylliannol
100986	Rheoli adnoddau dŵr
100807	Rheoli treftadaeth
101091	Astudiaethau cwaternaidd
101078	Y gwyddorau amgylcheddol cymhwysol
101079	Hydroleg
101072	Rheoli llygredd
100381	Y gwyddorau amgylcheddol
101070	Newid hinsawdd
101067	Priddeg
101394	Rhewlifeg a systemau cryosfferig
100408	Daearyddiaeth amgylcheddol
101352	Bioddaearyddiaeth
101065	Daearyddiaeth arforol
101064	Geomorffoleg
100410	Daearyddiaeth ffisegol
101058	Y gwyddorau mapio
101056	Synhwyro o bell
100369	Systemau gwybodaeth ddaearyddol
100052	Ergonomeg

“Schedule 7 Higher Education Classification of Subjects Course Codes and Labels

(Regulation 81(28))

Table 1 sets out the Higher Education Classification of Subjects (HECoS) course codes and labels for the purposes of paragraph (28)(c) of regulation 81.

Table 1

<i>HECoS code</i>	<i>HECoS label</i>
100706	Hair and make-up
101374	Hair services
100131	Radiology
100456	Childhood studies
100302	History
100337	Philosophy
100621	Gender studies
101233	Cultural studies
100986	Water resource management
100807	Heritage management
101091	Quaternary studies
101078	Applied environmental sciences
101079	Hydrology
101072	Pollution control
100381	Environmental sciences
101070	Climate change
101067	Soil science
101394	Glaciology and cryospheric systems
100408	Environmental geography
101352	Biogeography
101065	Maritime geography
101064	Geomorphology
100410	Physical geography
101058	Mapping science
101056	Remote sensing
100369	Geographical information systems
100052	Ergonomics

“Atodlen 5A Codau a Labeli Cwrs y Dosbarthiad Pynciau Addysg Uwch

“Schedule 5A Higher Education Classification of Subjects Course Codes and Labels

(Rheoliad 25(2))

(Regulation 25(2))

Mae Tabl 15 yn nodi codau a labeli cwrs y Dosbarthiad Pynciau Addysg Uwch (DPAU) at ddibenion is-baragraff (c) o Achos 3 yn rheoliad 25(2).

Table 15A sets out the Higher Education Classification of Subjects (HECoS) course codes and labels for the purposes of sub-paragraph (c) of Case 3 in regulation 25(2).

Tabl 15A

Table 15A

<i>Cod DPAU</i>	<i>Label DPAU</i>
100706	Gwallt a cholur
101374	Gwasanaethau trin gwallt
100131	Radioleg
100456	Astudiaethau plentyndod
100302	Hanes
100337	Athroniaeth
100621	Astudiaethau rhywedd
101233	Astudiaethau diwylliannol
100986	Rheoli adnoddau dŵr
100807	Rheoli treftadaeth
101091	Astudiaethau cwaternaidd
101078	Y gwyddorau amgylcheddol cymhwysol
101079	Hydroleg
101072	Rheoli llygredd
100381	Y gwyddorau amgylcheddol
101070	Newid hinsawdd
101067	Priddeg
101394	Rhewlifeg a systemau cryosfferig
100408	Daearyddiaeth amgylcheddol
101352	Bioddaearyddiaeth
101065	Daearyddiaeth arforol
101064	Geomorffoleg
100410	Daearyddiaeth ffisegol
101058	Y gwyddorau mapio
101056	Synhwyro o bell
100369	Systemau gwybodaeth ddaearyddol
100052	Ergonomeg

<i>HECoS code</i>	<i>HECoS label</i>
100706	Hair and make-up
101374	Hair services
100131	Radiology
100456	Childhood studies
100302	History
100337	Philosophy
100621	Gender studies
101233	Cultural studies
100986	Water resource management
100807	Heritage management
101091	Quaternary studies
101078	Applied environmental sciences
101079	Hydrology
101072	Pollution control
100381	Environmental sciences
101070	Climate change
101067	Soil science
101394	Glaciology and cryospheric systems
100408	Environmental geography
101352	Biogeography
101065	Maritime geography
101064	Geomorphology
100410	Physical geography
101058	Mapping science
101056	Remote sensing
100369	Geographical information systems
100052	Ergonomics

”

”

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