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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2019 Rhif 895 (Cy. 161)**

**2019 No. 895 (W. 161)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

**Rheoliadau Addysg (Cymorth i  
Fyfywrwr) (Graddau Meistr Ôl-  
raddedig) (Cymru) 2019**

**The Education (Student Support)  
(Postgraduate Master's Degrees)  
(Wales) Regulations 2019**

**NODYN ESBONIADOL**

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

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Mae'r Rheoliadau hyn yn darparu ar gyfer gwneud grantiau a benthyciadau i fyfyrwrwr sy'n preswyllo fel arfer yng Nghymru ar gyfer cyrsiau gradd feistr ôl-raddedig sy'n dechrau ar neu ar ôl 1 Awst 2019.

These Regulations provide for the making of grants and loans to students who are ordinarily resident in Wales for postgraduate master's degree courses which begin on or after 1 August 2019.

Er mwyn cymhwyso i gael cymorth o dan y Rheoliadau hyn, rhaid i fyfyrwrwr fod yn "myfyrwrwr cymwys". I fod yn fyfyrwrwr cymwys, rhaid i berson fodloni'r darpariaethau cymhwysra ym Mhennod 2 o Ran 4 ac unrhyw ofynion cymhwysra eraill mewn manau eraill yn y Rheoliadau. Rhaid i fyfyrwrwr cymwys fodloni hefyd y gofynion penodol sy'n gymwys i bob math o gymorth ariannol.

To qualify for support under these Regulations a student must be an "eligible student". To be an eligible student, a person must satisfy the eligibility provisions in Chapter 2 of Part 4 and any other eligibility requirements elsewhere in the Regulations. An eligible student must also satisfy the specific requirements applicable to each type of financial support.

I fod yn fyfyrwrwr cymwys, rhaid i berson ddod o fewn un o'r categorïau a nodir yn Atodlen 2. Mae'r rhan fwyaf o'r categorïau hynny yn ei gwneud yn ofynnol i'r person breswyllo fel arfer yng Nghymru. At ddibenion y Rheoliadau hyn, ystyrir bod person sy'n preswyllo fel arfer yng Nghymru, Lloegr, yr Alban, Gogledd Iwerddon, Ynysoedd y Sianel neu Ynys Manaw, o ganlyniad i symud o un o'r ardaloedd hynny at ddiben ymgymryd â chwrs dynodedig, yn preswyllo fel arfer yn y lle y symudodd y person hwnnw ohono (Atodlen 2, paragraff 11(1)). Nid yw person yn fyfyrwrwr cymwys os, ymhlith pethau eraill, yw'r person hwnnw eisoes wedi ennill cymhwyster sy'n cyfateb i radd feistr neu'n uwch na gradd feistr.

To be an eligible student, a person must fall within one of the categories set out in Schedule 2. The majority of those categories require the person to be ordinarily resident in Wales. For the purposes of these Regulations, a person who is ordinarily resident in England, Wales, Scotland, Northern Ireland, the Channel Islands or the Isle of Man as a result of having moved from one of those areas for the purpose of undertaking a designated course is considered ordinarily resident in the place from which that person has moved (Schedule 2, paragraph 11(1)). A person is not an eligible student if, amongst other things, that person has already obtained a qualification equivalent to or higher than a master's degree.

Penderfynir ar y cyfnod y mae myfyrwrwr yn gymwys i gael cymorth ar ei gyfer o dan y Rheoliadau hyn yn unol â rheoliadau 11 i 14. O dan amgylchiadau penodol, caiff myfyrwrwr cymwys drosglwyddo o un cwrs dynodedig i gwrws dynodedig arall.

The period for which a student is eligible to receive support under these Regulations is determined in accordance with regulations 11 to 14. In certain circumstances an eligible student may transfer from one designated course to another.

Nid yw cymorth ond ar gael o dan y Rheoliadau hyn mewn cysylltiad â chyrtsiau “dynodedig” o fewn ystyr rheoliadau 5 ac 8. Darperir cymorth i fyfyrwyr cymwys sy'n ymgymryd â chwrs dynodedig ble bynnag y bônt yn astudio yn y Deyrnas Unedig. Mae rheoliadau 15 ac 16 yn nodi'r amgylchiadau y caiff myfyriwr gymhwyso i gael cymorth odanynt o dan y Rheoliadau hyn ar ôl i'r cwrs dynodedig ddechrau.

Mae Rhan 5 o'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer ceisiadau am gymorth (rheoliad 18), terfynau amser ar gyfer ceisiadau (rheoliad 19) ac mae rheoliad 20 yn caniatáu i Weinidogion Cymru wneud unrhyw ymholiadau y maent yn meddwl eu bod yn angenrheidiol er mwyn gwneud penderfyniad ar gais ac er mwyn hysbysu ceisydd am benderfyniad. Mae'r Rhan hon hefyd yn gosod rhwymedigaethau ar fyfyrwyr cymwys i ddarparu gwybodaeth i Weinidogion Cymru (rheoliad 22) ac i ymrwymo i gcontract ar gyfer benthyciad (rheoliad 23).

Mae cymorth o dan y Rheoliadau hyn ar gael ar ffurf y grantiau a'r benthyciadau a ganlyn—

- (a) grant sylfaenol a grant cyfrannu at gostau (Rhan 6);
- (b) benthyciad cyfrannu at gostau (Rhan 7).

Swm y grant sylfaenol sy'n daladwy i fyfyrwr cymwys yw £1,000 (rheoliad 25). Penderfynir ar swm y grant cyfrannu at gostau sy'n daladwy i fyfyrwr drwy gyfeirio at incwm aelwyd y myfyriwr a pha un a yw'n berson sy'n ymadael â gofal (rheoliad 27). Cyfrifir incwm aelwyd myfyriwr cymwys yn unol â Rhan 2 o Atodlen 3. Diffinnir “person sy'n ymadael â gofal” yn rheoliad 29.

Mae benthyciadau cyfrannu ar gostau yn daladwy i fyfyrwyr cymwys yn unol â Rhan 7 o'r Rheoliadau hyn. Cyfrifir swm y benthyciad cyfrannu at gostau yn unol â rheoliad 31.

Mae Rhan 8 o'r Rheoliadau hyn yn gwneud darpariaeth mewn cysylltiad â thaliadau, gordaliadau ac adennill taliadau. Mae rheoliad 33 yn rhoi'r pŵer i Weinidogion Cymru i dalu cymorth mewn rhandaliadau.

Mae rheoliad 34 yn darparu na chaiff Gweinidogion Cymru wneud unrhyw daliad cymorth hyd nes eu bod wedi cael cadarnhad gan yr awdurdod academiaidd perthnasol o bresenoldeb y myfyriwr ar y cwrs dynodedig. Mae rheoliad 35 yn galluogi Gweinidogion Cymru i beidio â thalu rhagor o daliadau cymorth os ydynt yn cael hysbysiad ynghylch diffyg presenoldeb myfyriwr ar y cwrs, ac eithrio pan fônt yn ystyried ei bod yn briodol gwneud y taliadau hynny yn ystod absenoldeb y myfyriwr.

Support is only available under these Regulations in respect of “designated” courses within the meaning of regulations 5 and 8. Support is provided to eligible students undertaking a designated course wherever they study in the United Kingdom. Regulations 15 and 16 set out the circumstances in which a student may qualify for support under these Regulations after the designated course has started.

Part 5 of these Regulations makes provision for applications for support (regulation 18), time limits for applications (regulation 19) and regulation 20 permits the Welsh Ministers to make such enquiries as they think necessary to make a decision on an application and to notify an applicant of a decision. This Part also imposes obligations on eligible students to provide the Welsh Ministers with information (regulation 22) and to enter into a contract for a loan (regulation 23).

Support under these Regulations is available in the form of the following grants and loans—

- (a) base grant and contribution to costs grant (Part 6);
- (b) contribution to costs loan (Part 7).

The amount of base grant payable to an eligible student is £1,000 (regulation 25). The amount of contribution to costs grant payable to a student is determined by reference to the student's household income and whether they are a care leaver (regulation 27). An eligible student's household income is calculated in accordance with Part 2 of Schedule 3. “Care leaver” is defined in regulation 29.

Contribution to costs loans are payable to eligible students in accordance with Part 7 of these Regulations. The amount of contribution to costs loan is calculated in accordance with regulation 31.

Part 8 of these Regulations makes provision in respect of payments, overpayments and recovery of payments. Regulation 33 gives the Welsh Ministers the power to pay support in instalments.

Regulation 34 provides that the Welsh Ministers must not make any payment of support until they have received confirmation from the relevant academic authority of the student's attendance on the designated course. Regulation 35 enables the Welsh Ministers to cease further payments of support if they receive notice of a student's lack of attendance on the course, other than where they consider it appropriate to make such payments during the student's absence.

Mae rheoliad 36 yn nodi sut y mae hawlogaeth i gael cymorth yn newid pan fydd myfyriwr cymwys yn dod yn garcharor cymwys neu'n peidio â bod yn garcharor cymwys.

Mae Pennod 3 o Ran 8 yn nodi sut y gall Gweinidogion Cymru adennill unrhyw ordaliad o gymorth o dan y Rheoliadau hyn.

Mae Rhan 9 yn nodi'r gofynion gwybodaeth mewn perthynas â benthyciadau cyfrannu at gostau.

Mae Rhan 10 yn cynnwys diwygiadau i Reoliadau Addysg (Benthyciadau at Radd Feistr Ôl-raddedig) (Cymru) 2017.

Atodlen 4 yw'r atodlen olaf i'r Rheoliadau hyn ac mae'n cynnwys y mynegai o dermau wedi eu diffinio.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau 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.

Regulation 36 sets out how entitlement to support changes when an eligible student becomes or ceases to be an eligible prisoner.

Chapter 3 of Part 8 sets out how the Welsh Ministers can recover any overpayment of support under these Regulations.

Part 9 sets out information requirements in relation to contribution to costs loans.

Part 10 contains amendments to the Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017.

Schedule 4 is the final schedule to these Regulations and contains the index of defined terms.

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.

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**Rheoliadau Addysg (Cymorth i  
Fyfyrwyr) (Graddau Meistr Ôl-  
raddedig) (Cymru) 2019**

**The Education (Student Support)  
(Postgraduate Master's Degrees)  
(Wales) Regulations 2019**

*Gwnaed* 29 Ebrill 2019

*Made* 29 April 2019

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 30 Ebrill 2019

*Laid before the National Assembly for Wales*  
30 April 2019

*Yn dod i rym* 27 Mai 2019

*Coming into force* 27 May 2019

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

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

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(1) 1998 p. 30; diwygiwyd adran 22 gan Ddeddf Dysgu a Sgiliau 2000 (p. 21), adran 146 ac Atodlen 11; Deddf Treth Incwm (Enillion a Phensiynau) 2003 (p. 1), Atodlen 6; Deddf Cyllid 2003 (p. 14), adran 147; Deddf Addysg Uwch 2004 (p. 8), adrannau 42 a 43 ac Atodlen 7; Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p. 22), adran 257; 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".

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn adran 22(2)(a) i (i) a (k) 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 swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

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(1) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146 and Schedule 11; the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6; the Finance Act 2003 (c. 14), section 147; the Higher Education Act 2004 (c. 8), sections 42 and 43 and Schedule 7; 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".

(2) The Secretary of State's functions in section 22(2)(a) to (i) and (k) 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, so far as exercisable in relation to Wales, to the National Assembly for Wales by S.I. 1999/672. The 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 (c. 32).

## RHAN 1

### Cyffredinol

#### Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Cymorth i Fyfirwyr) (Graddau Meistr Ôl-raddedig) (Cymru) 2019.

(2) Daw'r Rheoliadau hyn i rym ar 27 Mai 2019.

#### Cymhwyso

2.—(1) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) Mae'r Rheoliadau hyn yn gymwys i ddarparu cymorth i fyfirwyr mewn perthynas â chwrs sy'n dechrau ar neu ar ôl 1 Awst 2019 pa un a gaiff unrhyw beth a wneir o dan y Rheoliadau hyn ei wneud cyn, ar neu ar ôl 1 Awst 2019.

(3) Ond nid yw'r Rheoliadau hyn yn gymwys i ddarparu cymorth i fyfirwyr mewn perthynas â chwrs o'r fath os yw'r cwrs yn un y mae statws y myfyriwr wedi trosglwyddo mewn perthynas ag ef o dan reoliad 6 o Reoliadau Addysg (Benthyciadau at Radd Feistr Ôl-raddedig) (Cymru) 2017(1) ("Rheoliadau Benthyciadau at Radd Feistr 2017").

(4) Am ddarpariaeth ynghylch cymorth a ddarperir i fyfirwyr mewn perthynas â chwrs—

- (a) y mae paragraff (3) yn gymwys iddo, neu
- (b) sy'n dechrau cyn 1 Awst 2019,

gweler Rheoliadau Benthyciadau at Radd Feistr 2017.

## RHAN 2

### Trosolwg

#### Trosolwg

3.—(1) Mae'r Rhannau sy'n weddill o'r Rheoliadau hyn wedi eu trefnu fel a ganlyn.

(2) Mae Rhan 3 yn cyflwyno 2 Atodlen—

- (a) Atodlen 1, sy'n cynnwys darpariaethau ynghylch dehongli termau allweddol penodol;
- (b) Atodlen 4, sy'n cynnwys mynegai o'r termau sydd wedi eu diffinio yn y Rheoliadau hyn.

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(1) O.S. 2017/523 (Cy. 109), a ddiwygiwyd gan O.S. 2017/712 (Cy. 169), O.S. 2018/277 (Cy. 53) ac O.S. 2018/814 (Cy. 165).

## PART 1

### General

#### Title and commencement

1.—(1) The title of these Regulations is the Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019.

(2) These Regulations come into force on 27 May 2019.

#### Application

2.—(1) These Regulations apply in relation to Wales.

(2) These Regulations apply to the provision of support to students in relation to a course which begins on or after 1 August 2019 whether anything done under these Regulations is done before, on or after 1 August 2019.

(3) But these Regulations do not apply to the provision of support to students in relation to such a course if the course is one in relation to which the student's status has transferred under regulation 6 of the Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017(1) ("the 2017 Master's Degree Loans Regulations").

(4) For provision about support provided to students in relation to a course—

- (a) to which paragraph (3) applies, or
- (b) which begins before 1 August 2019,

see the 2017 Master's Degree Loans Regulations.

## PART 2

### Overview

#### Overview

3.—(1) The remaining Parts of these Regulations are arranged as follows.

(2) Part 3 introduces 2 Schedules—

- (a) Schedule 1, which contains provisions about the interpretation of certain key terms;
- (b) Schedule 4, which contains an index of the terms defined in these Regulations.

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(1) S.I. 2017/523 (W. 109), amended by S.I. 2017/712 (W. 169), S.I. 2018/277 (W. 53) and S.I. 2018/814 (W. 165).

(3) Mae 2 Bennod i Ran 4, sy'n cynnwys darpariaeth ynghylch y cysyniadau allweddol sy'n penderfynu ar gymhwysra i gael cymorth o dan y Rheoliadau hyn—

- (a) mae Pennod 1 yn gwneud darpariaeth ynghylch penderfynu a yw cwrs yn gwrs dynodedig at ddibenion y Rheoliadau hyn ac felly yn gwrs y caiff myfyriwr fod yn gymwys i gael cymorth mewn cysylltiad ag ef;
- (b) mae Pennod 2 yn gwneud darpariaeth ynghylch sut y caiff myfyriwr sy'n ymgymryd â chwrs dynodedig fod yn gymwys i gael cymorth o dan y Rheoliadau hyn.

(4) Mae Rhan 5 yn gwneud darpariaeth weinyddol ynghylch—

- (a) ceisiadau am gymorth o dan y Rheoliadau hyn;
- (b) gofynion a osodir ar geiswyr a myfyrwyr cymwys i ddarparu gwybodaeth;
- (c) contractau ar gyfer benthyciadau y gwneir cais amdanynt o dan y Rheoliadau hyn.

(5) Mae Rhan 6 yn gwneud darpariaeth ynghylch y cymorth grant sydd ar gael i fyfyrwyr cymwys gan gynnwys darpariaeth ynghylch—

- (a) yr amodau cymhwyso y mae rhaid i fyfyrwr eu bodloni er mwyn cymhwyso i gael grant;
- (b) swm y grant sydd ar gael.

(6) Mae Rhan 7 yn gwneud darpariaeth ynghylch y cymorth benthyciad sydd ar gael i fyfyrwyr cymwys gan gynnwys darpariaeth ynghylch—

- (a) yr amodau cymhwyso y mae rhaid i fyfyrwr eu bodloni er mwyn cymhwyso i gael benthyciad;
- (b) swm y benthyciad sydd ar gael.

(7) Mae 3 Pennod i Ran 8 ynghylch taliadau, gordaliadau ac adennill gordaliadau, yn benodol—

- (a) mae Pennod 1 yn gwneud darpariaeth sy'n caniatáu i daliadau gael eu gwneud ar sail penderfyniadau dros dro;
- (b) mae Pennod 2 yn gwneud darpariaeth ynghylch talu grantiau a benthyciadau, gan gynnwys darpariaeth ynghylch pryd y caniateir i daliadau gael eu gwneud a'r gofynion sydd i'w bodloni cyn y gwneir taliadau;

(3) Part 4 comprises 2 Chapters containing provision about the key concepts which determine eligibility for support under these Regulations—

- (a) Chapter 1 makes provision about determining whether a course is designated for the purposes of these Regulations and is therefore a course in respect of which a student may be eligible for support;
- (b) Chapter 2 makes provision about how a student undertaking a designated course may be eligible for support under these Regulations.

(4) Part 5 makes administrative provision about—

- (a) applications for support under these Regulations;
- (b) requirements imposed on applicants and eligible students to provide information;
- (c) contracts for loans applied for under these Regulations.

(5) Part 6 makes provision about the grant support available to eligible students including provision about—

- (a) the qualifying conditions that a student must meet in order to qualify for a grant;
- (b) the amount of grant available.

(6) Part 7 makes provision about the loan support available to eligible students including provision about—

- (a) the qualifying conditions that a student must meet in order to qualify for a loan;
- (b) the amount of loan available.

(7) Part 8 comprises 3 Chapters about payments, overpayments and the recovery of overpayments, in particular—

- (a) Chapter 1 makes provision permitting payments to be made on the basis of provisional decisions;
- (b) Chapter 2 makes provision about the payment of grants and loans, including provision about when payments may be made and the requirements to be met before payments are made;

- (c) mae Pennod 3 yn gwneud darpariaeth ynghylch gordaliadau, gan gynnwys darpariaeth sy'n pennu'r hyn sy'n ordaliad a sut y caniateir i ordaliad gael ei adennill.

(8) Mae Rhan 9 yn nodi cyfyngiadau ar dalu benthyciadau, gan gynnwys darpariaeth sy'n—

- (a) cyfyngu ar dalu benthyciad os yw'r myfyriwr yn methu â darparu rhif Yswiriant Gwladol;
- (b) cadw taliad benthyciad yn ôl os yw'r myfyriwr yn methu â darparu gwybodaeth benodol y gofynnir amdani.

(9) Mae Rhan 10 yn cynnwys diwygiadau i Reoliadau Benthyciadau at Radd Feistr 2017.

## RHAN 3

### Dehongli a'r mynegai

#### Dehongli a'r mynegai

4.—(1) Mae Atodlen 1 yn gwneud darpariaeth ynghylch dehongli termau allweddol penodol at ddibenion y Rheoliadau hyn.

(2) Mae Atodlen 4, sef yr Atodlen olaf i'r Rheoliadau hyn, yn cynnwys y mynegai o dermau wedi eu diffinio.

## RHAN 4

### Cysyniadau allweddol

#### PENNOD 1

#### Cyrsiau dynodedig

#### Cyrsiau dynodedig

5. Yn y Rheoliadau hyn (ac at ddibenion adran 22 o Ddeddf Addysgu ac Addysg Uwch 1998 (“Deddf 1998”)), mae cwrs yn gwrw dynodedig—

- (a) os yw'n bodloni pob un o'r amodau yn rheoliad 6, a
- (b) os nad yw'n dod o fewn unrhyw un neu ragor o'r eithriadau yn rheoliad 7.

- (c) Chapter 3 makes provision about overpayments, including provision specifying what constitutes an overpayment and how an overpayment may be recovered.

(8) Part 9 sets out restrictions on the payment of loans, including provision—

- (a) restricting payment of a loan if the student fails to provide a National Insurance number;
- (b) withholding payment of a loan if the student fails to provide certain requested information.

(9) Part 10 contains amendments to the 2017 Master's Degree Loans Regulations.

## PART 3

### Interpretation and index

#### Interpretation and index

4.—(1) Schedule 1 makes provision about the interpretation of certain key terms for the purposes of these Regulations.

(2) Schedule 4, which is the final Schedule to these Regulations, contains the index of defined terms.

## PART 4

### Key concepts

#### CHAPTER 1

#### Designated courses

#### Designated courses

5. In these Regulations (and for the purposes of section 22 of the Teaching and Higher Education Act 1998 (“the 1998 Act”)), a course is a designated course if it—

- (a) satisfies each of the conditions in regulation 6, and
- (b) does not fall within any of the exceptions in regulation 7.

## Cyrsiau dynodedig – amodau

6.—(1) Yr amodau yw—

### *Amod 1*

Mae'r cwrs yn un—

- (a) sy'n arwain at ddyfarndal sydd wedi ei roi neu sydd i'w roi gan gorff sy'n dod o fewn adran 214(2)(a) neu (b) o Ddeddf Diwygio Addysg 1988(1), a
- (b) y mae'r addysgu a'r goruchwyllo sy'n ffurfio'r cwrs wedi eu cymeradwyo gan y corff hwnnw.

### *Amod 2*

Mae'r cwrs yn un o'r canlynol—

- (a) cwrs llawnamser sy'n para un flwyddyn academaidd neu ddwy flynedd academaidd, neu
- (b) cwrs rhan-amser y mae fel arfer yn bosibl ei gwblhau ymhen pedair blynedd academaidd.

### *Amod 3*

Mae'r cwrs wedi ei ddarparu gan—

- (a) 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
- (b) sefydliad Seisnig cofrestredig ar ran darparwr cynllun Seisnig.

### *Amod 4*

Mae o leiaf hanner yr addysgu a'r goruchwyllo sy'n ffurfio'r cwrs yn cael ei ddarparu yn y Deyrnas Unedig.

(2) At ddibenion Amod 3—

- (a) mae cwrs yn cael ei ddarparu gan sefydliad os yw'n darparu'r addysgu a'r goruchwyllo sy'n ffurfio'r cwrs, pa un a yw'r sefydliad wedi ymrwymo i gytundeb â'r myfyriwr i ddarparu'r cwrs ai peidio;
- (b) bernir bod prifysgol ac unrhyw goleg neu sefydliad cyfansoddol sydd o natur coleg prifysgol yn—
  - (i) sefydliad a gyllidir gan Gymru,
  - (ii) sefydliad a gyllidir gan yr Alban,

## Designated courses – conditions

6.—(1) The conditions are—

### *Condition 1*

The course is one which—

- (a) leads to an award granted or to be granted by a body falling within section 214(2)(a) or (b) of the Education Reform Act 1988(1), and
- (b) the teaching and supervision which comprise the course have been approved by that body.

### *Condition 2*

The course is one of the following—

- (a) a full-time course of one or two academic years' duration, or
- (b) a part-time course which it is ordinarily possible to complete in up to four academic years.

### *Condition 3*

The course is provided by—

- (a) 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
- (b) a registered English institution on behalf of an English plan provider.

### *Condition 4*

At least half of the teaching and supervision which comprise the course is provided in the United Kingdom.

(2) For the purposes of Condition 3—

- (a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not the institution has entered into an agreement with the student to provide the course;
- (b) a university and any constituent college or institution in the nature of a college of a university is regarded as—
  - (i) a Welsh funded institution,
  - (ii) a Scottish funded institution,

(1) 1998 p. 40; diwygiwyd adran 214(2) gan Ddeddf Addysg Bellach ac Uwch 1992 (p. 13), adran 93 ac Atodlen 8 a chan Ddeddf Addysg Uwch ac Ymchwil 2017 (p. 29), adran 53.

(1) 1998 c. 40; section 214(2) was amended by the Further and Higher Education Act 1992 (c. 13), section 93 and Schedule 8 and by the Higher Education and Research Act 2017 (c. 29), section 53.



- (iii) sefydliad a gyllidir gan Ogledd Iwerddon,
  - (iv) sefydliad rheoleiddiedig Seisnig,
  - (v) sefydliad Seisnig cofrestredig, neu
  - (vi) darparwr cynllun Seisnig,
- os yw naill ai'r brifysgol neu'r coleg neu sefydliad cyfansoddol yn sefydliad o'r fath;

- (c) ni fernir bod sefydliad yn sefydliad a gyllidir gan Gymru dim ond am ei fod yn cael arian oddi wrth gorff llywodraethu sefydliad addysg uwch fel sefydliad cysylltiedig yn unol ag adran 65(3A) a (3B) o Ddeddf Addysg Bellach ac Uwch 1992(1).

- (iii) a Northern Irish funded institution,
- (iv) an English regulated institution,
- (v) a registered English institution, or
- (vi) an English plan provider,

if either the university or the constituent college or institution is such an institution;

- (c) an institution is not regarded as a Welsh funded institution by reason only that it receives funds from the governing body of a higher education institution as a connected institution in accordance with section 65(3A) and (3B) of the Further and Higher Education Act 1992(1).

### Cyrsiau dynodedig – eithriadau

7. Nid yw cwrs yn gwrs dynodedig os yw'n cael ei gydnabod yn gwrs dynodedig at ddibenion—

- (a) rheoliad 5 neu 83 o Reoliadau Addysg (Cymorth i Fyfirwyr) (Cymru) 2017(2) (“Rheoliadau Cymorth i Fyfirwyr 2017”);
- (b) rheoliad 5 neu 8 o Reoliadau Addysg (Cymorth i Fyfirwyr) (Cymru) 2018(3) (“Rheoliadau Cymorth i Fyfirwyr 2018”);
- (c) rheoliad 4 o Reoliadau Addysg (Benthyciadau at Radd Ddoethurol Ôl-raddedig) (Cymru) 2018(4) (“Rheoliadau Benthyciadau at Radd Ddoethurol 2018”).

### Dynodi cyrsiau eraill

8.—(1) Caiff Gweinidogion Cymru bennu bod cwrs i'w drin fel pe bai'n gwrs dynodedig er gwaethaf y ffaith na fyddai fel arall yn gwrs dynodedig, oni bai am y pennu.

(2) Caiff Gweinidogion Cymru atal dros dro neu ddirymu pennu cwrs a wneir o dan baragraff (1).

### Designated courses – exceptions

7. A course is not a designated course if it is recognised as a designated course for the purposes of—

- (a) regulation 5 or 83 of the Education (Student Support) (Wales) Regulations 2017(2) (“the 2017 Student Support Regulations”);
- (b) regulation 5 or 8 of the Education (Student Support) (Wales) Regulations 2018(3) (“the 2018 Student Support Regulations”);
- (c) regulation 4 of the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018(4) (“the 2018 Doctoral Degree Loans Regulations”).

### Designation of other courses

8.—(1) The Welsh Ministers may specify that a course is to be treated as a designated course despite the fact that, but for the specification, it would not otherwise be a designated course.

(2) The Welsh Ministers may suspend or revoke the specification of a course made under paragraph (1).

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(1) 1992 p. 13; mewnosodwyd is-adrannau (3A) a (3B) o adran 65 gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 27.  
 (2) O.S. 2017/47 (Cy. 21), a ddiwygiwyd gan O.S. 2018/191 (Cy. 42) ac O.S. 2018/814 (Cy. 165).  
 (3) O.S. 2018/191 (Cy. 42), a ddiwygiwyd gan O.S. 2018/813 (Cy. 164) ac O.S. 2018/814 (Cy. 165).  
 (4) O.S. 2018/656 (Cy. 124), a ddiwygiwyd gan O.S. 2018/814 (Cy. 165).

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(1) 1992 c. 13; subsections (3A) and (3B) of section 65 were inserted by the Teaching and Higher Education Act 1998 (c. 30), section 27.  
 (2) S.I. 2017/47 (W. 21), amended by S.I. 2018/191 (W. 42) and S.I. 2018/814 (W. 165).  
 (3) S.I. 2018/191 (W. 42), amended by S.I. 2018/813 (W. 164) and S.I. 2018/814 (W. 165).  
 (4) S.I. 2018/656 (W. 124), amended by S.I. 2018/814 (W. 165).

**Myfyrwyr cymwys**

9.—(1) Mae person yn fyfyrwr cymwys mewn cysylltiad â chwrs dynodedig y mae'r person yn ymgymryd ag ef—

- (a) os yw'r person yn dod o fewn un o'r categorïau o bersonau a nodir yn Atodlen 2, a
- (b) os nad yw unrhyw un neu ragor o'r eithriadau a nodir yn rheoliad 10 yn gymwys i'r person.

(2) Dim ond mewn cysylltiad ag un cwrs dynodedig y caiff person fod yn fyfyrwr cymwys ar unrhyw un adeg.

**Myfyrwyr cymwys – eithriadau**

10.—(1) Nid yw person (“P”) yn fyfyrwr cymwys os yw unrhyw un neu ragor o'r eithriadau a ganlyn yn gymwys—

*Eithriad 1*

Mae P wedi torri unrhyw rwymedigaeth i ad-dalu unrhyw fenthyciad.

*Eithriad 2*

Mae P wedi cyrraedd 18 oed ac nid yw wedi cadarnhau unrhyw gytundeb ar gyfer benthyciad a wnaed gyda P pan oedd P o dan 18 oed.

*Eithriad 3*

Mae Gweinidogion Cymru yn meddwl bod ymddygiad P o'r fath fel nad yw P yn addas i gael cymorth.

*Eithriad 4*

Mae P yn garcharor, oni bai bod P yn garcharor cymwys.

*Eithriad 5*

Mae P wedi ymrestru ar gwrs sy'n gwrs dynodedig o dan—

- (a) rheoliad 5, 66 neu 83 o Reoliadau Cymorth i Fyfyrwyr 2017 ac yn cael cymorth o dan y Rheoliadau hynny ar gyfer y cwrs hwnnw;
- (b) rheoliad 5 o Reoliadau Cymorth i Fyfyrwyr 2018 ac yn cael cymorth o dan y Rheoliadau hynny ar gyfer y cwrs hwnnw;
- (c) rheoliad 4 o Reoliadau Benthyciadau at Radd Feistr 2017 ac yn cael cymorth o dan y Rheoliadau hynny ar gyfer y cwrs hwnnw;

**Eligible students**

9.—(1) A person is an eligible student in connection with a designated course that the person is undertaking if—

- (a) the person falls within one of the categories of persons set out in Schedule 2, and
- (b) none of the exceptions set out in regulation 10 apply to the person.

(2) A person may, at any given time, be an eligible student only in connection with one designated course.

**Eligible students – exceptions**

10.—(1) A person (“P”) is not an eligible student if any of the following exceptions applies—

*Exception 1*

P is in breach of any obligation to repay any loan.

*Exception 2*

P has reached the age of 18 and has not ratified any agreement for a loan made with P when P was under the age of 18.

*Exception 3*

The Welsh Ministers think that P's conduct is such that P is not fit to receive support.

*Exception 4*

P is a prisoner, unless P is an eligible prisoner.

*Exception 5*

P is enrolled on a course which is a designated course under—

- (a) regulation 5, 66 or 83 of the 2017 Student Support Regulations and is receiving support under those Regulations for that course;
- (b) regulation 5 of the 2018 Student Support Regulations and is receiving support under those Regulations for that course;
- (c) regulation 4 of the 2017 Master's Degree Loans Regulations and is receiving support under those Regulations for that course;

- (d) rheoliad 4 o Reoliadau Benthyciadau at Radd Ddoethurol 2018 ac yn cael cymorth o dan y Rheoliadau hynny ar gyfer y cwrs hwnnw.

*Eithriad 6*

Mae P eisoes wedi cael cymhwyster cyfatebol neu uwch.

*Eithriad 7*

Mae P eisoes wedi ymrestru ar gwrs dynodedig ac yn cael cymorth o dan y Rheoliadau hyn ar gyfer y cwrs hwnnw.

*Eithriad 8*

Mae P wedi cael cymorth yn flaenrol mewn cysylltiad â chwrs—

- (a) o dan y Rheoliadau hyn,
- (b) o dan Reoliadau Benthyciadau at Radd Feistr 2017, neu
- (c) ar ffurf benthyciad a ddarparwyd o gronfeydd a ddarperir gan awdurdod llywodraeth o fewn y Deyrnas Unedig.

Ond caiff P fod yn fyfyrwr cymwys er gwaethaf yr eithriad hwn os yw Gweinidogion Cymru o'r farn nad oedd P wedi gallu cwblhau'r cwrs yr oedd y benthyciad blaenrol yn ymwneud ag ef o ganlyniad i resymau personol anorchfygol.

*Eithriad 9*

Mewn cysylltiad â P yn ymgymryd â'r cwrs dynodedig, rhoddwyd i P neu talwyd iddo—

- (a) bwrsari gofal iechyd;
- (b) unrhyw lwfans o dan Reoliadau Lwfansau Myfyrwyr Nyrsio a Bydwreigiaeth (Yr Alban) 2007(1);
- (c) unrhyw lwfans, bwrsari neu ddyfarndal o ddisgrifiad tebyg a wneir o dan adran 67(4)(a) o Ddeddf Safonau Gofal 2000(2) ac eithrio i'r graddau y mae A yn gymwys i gael y taliad hwnnw mewn cysylltiad â threuliau teithio;
- (d) unrhyw lwfans, bwrsari neu ddyfarndal o ddisgrifiad tebyg a wneir o dan adran 116(2)(a) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(3) ac eithrio i'r graddau y mae P yn gymwys i gael y taliad hwnnw mewn cysylltiad â threuliau teithio;

- (d) regulation 4 of the 2018 Doctoral Degree Loans Regulations and is receiving support under those Regulations for that course.

*Exception 6*

P has already obtained an equivalent or higher qualification.

*Exception 7*

P has already enrolled on a designated course and is in receipt of support under these Regulations for that course.

*Exception 8*

P has previously received support in respect of a course—

- (a) under these Regulations,
- (b) under the 2017 Master's Degree Loans Regulations, or
- (c) in the form of a loan provided out of funds provided by a government authority within the United Kingdom.

But P may be an eligible student despite this exception if the Welsh Ministers are of the view that P had not been able to complete the course to which the previous loan related due to compelling personal reasons.

*Exception 9*

In respect of P undertaking the designated course, there has been bestowed on or paid to P—

- (a) a healthcare bursary;
- (b) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007(1);
- (c) any allowance, bursary or award of similar description made under section 67(4)(a) of the Care Standards Act 2000(2) save to the extent that A is eligible for such a payment in respect of travel expenses;
- (d) any allowance, bursary or award of a similar description made under section 116(2)(a) of the Regulation and Inspection of Social Care (Wales) Act 2016(3) save to the extent that P is eligible for such a payment in respect of travel expenses;

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(1) O.S.A. 2007/151, a ddiwygiwyd gan O.S.A. 2007/503, O.S.A. 2008/206, O.S.A. 2009/188, O.S.A. 2009/309, O.S.A. 2012/72, O.S.A. 2013/80 ac O.S.A. 2017/180.  
(2) 2000 p. 14; a ddiwygiwyd gan Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2), Atodlen 3(2), paragraff 43.  
(3) 2016 dccc 2.

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(1) S.S.I 2007/151, amended by S.S.I. 2007/503, S.S.I. 2008/206, S.S.I. 2009/188, S.S.I 2009/309, S.S.I. 2012/72, S.S.I. 2013/80 and S.S.I. 2017/180.  
(2) 2000 c. 14; amended by the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), Schedule 3(2), paragraph 43.  
(3) 2016 anaw 2.

- (e) unrhyw lwfans, bwrsari neu ddyfarndal a wneir o dan Gynllun KESS 2.

#### *Eithriad 10*

Mae'r cwrs dynodedig yn gwrs dysgu o bell ac nid yw P yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

Ond nid yw'r eithriad hwn yn gymwys pan—

- (a) bo P neu berthynas agos i P yn aelod o'r lluoedd arfog,
- (b) na fo P yng Nghymru ar ddiwrnod cyntaf y flwyddyn academaidd gyntaf, ac
- (c) na fo P yng Nghymru ar y diwrnod hwnnw oherwydd bod P neu'r berthynas agos yn gwasanaethu fel aelod o'r lluoedd arfog y tu allan i Gymru.

#### *Eithriad 11*

Mae P yn 60 oed neu drosodd ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs dynodedig.

(2) Yn Eithriadau 1 a 2, ystyr "benthyciad" yw benthyciad a wneir o dan unrhyw ddarpariaeth o'r ddeddfwriaeth ar fenthyciadau i fyfyrwr.

(3) Ni chaiff Gweinidogion Cymru ond arfer eu disgrisiwn o dan Eithriad 8 unwaith mewn cysylltiad â myfyriwr penodol.

### **Cyfnod cymhwysra – y rheol gyffredinol**

**11.**—(1) Cedwir statws myfyriwr fel myfyriwr cymwys mewn cysylltiad â chwrs dynodedig tan ddiwedd cyfnod cymhwysra'r myfyriwr oni bai bod ei statws wedi ei derfynu yn unol â rheoliad 12 neu 13.

(2) Daw cyfnod cymhwysra myfyriwr i ben ar ddiwedd y flwyddyn academaidd y mae'r myfyriwr yn cwblhau'r cwrs dynodedig ynddi.

### **Terfynu cymhwysra yn gynnar**

**12.**—(1) Mae cyfnod cymhwysra myfyriwr cymwys ("P") yn terfynu ar ddiwedd y diwrnod—

- (a) pan fydd P yn tynnu'n ôl o'i gwrs dynodedig ac nad yw Gweinidogion Cymru yn trosglwyddo statws P fel myfyriwr cymwys o dan reoliad 17, neu
- (b) pan fydd P yn cefnu ar ei gwrs dynodedig neu'n cael ei ddiarddel ohono.

(2) Pan—

- (a) bo cwrs dynodedig myfyriwr cymwys ("P") yn gwrs dysgu o bell, a
- (b) bo P yn ymgymryd â'r cwrs y tu allan i'r Deyrnas Unedig,

- (e) any allowance, bursary or award made under the KESS 2 Scheme.

#### *Exception 10*

The designated course is a distance learning course and P is not in Wales on the first day of the first academic year of the course.

But this exception does not apply where—

- (a) P or a close relative of P is a member of the armed forces,
- (b) P is not in Wales on the first day of the first academic year, and
- (c) P is not in Wales on that day because P or the close relative is serving as a member of the armed forces outside Wales.

#### *Exception 11*

P is aged 60 or over on the first day of the first academic year of the designated course.

(2) In Exceptions 1 and 2, "loan" means a loan made under any provision of the student loans legislation.

(3) The Welsh Ministers may only exercise their discretion under Exception 8 once in respect of a particular student.

### **Period of eligibility – general rule**

**11.**—(1) A student's status as an eligible student in connection with a designated course is retained until the end of the student's period of eligibility unless terminated in accordance with regulation 12 or 13.

(2) A student's period of eligibility ends at the end of the academic year in which the student completes the designated course.

### **Early termination of eligibility**

**12.**—(1) An eligible student's ("P's") period of eligibility terminates at the end of the day on which—

- (a) P withdraws from P's designated course and the Welsh Ministers do not transfer P's status as an eligible student under regulation 17, or
- (b) P abandons or is expelled from P's designated course.

(2) Where—

- (a) an eligible student's ("P's") designated course is a distance learning course, and
- (b) P undertakes the course outside the United Kingdom,

mae cyfnod cymhwysra P yn terfynu ar ddechrau'r diwrnod cyntaf pan fydd P yn ymgymryd â'r cwrs y tu allan i'r Deyrnas Unedig.

(3) Nid yw paragraff (2) yn gymwys pan fo P yn ymgymryd â chwrs dysgu o bell y tu allan i'r Deyrnas Unedig oherwydd bod P neu berthynas agos i P yn gwasanaethu fel aelod o'r lluoedd arfog.

### **Camymddwyn a methu â darparu gwybodaeth gywir**

**13.**—(1) Caiff Gweinidogion Cymru derfynu cyfnod cymhwysra myfyriwr cymwys os ydynt wedi eu bodloni bod ymddygiad y myfyriwr o'r fath fel nad yw'r myfyriwr yn addas mwyach i gael cymorth.

(2) Mae paragraff (3) yn gymwys os yw Gweinidogion Cymru wedi eu bodloni bod myfyriwr cymwys—

- (a) wedi methu â chydymffurfio â gofyniad i ddarparu gwybodaeth neu ddogfennaeth o dan y Rheoliadau hyn, neu
- (b) wedi darparu gwybodaeth neu ddogfennaeth a oedd yn sylweddol anghywir.

(3) Pan fo'r paragraff hwn yn gymwys, caiff Gweinidogion Cymru—

- (a) terfynu cyfnod cymhwysra'r myfyriwr;
- (b) penderfynu nad yw'r myfyriwr yn cymhwyso i gael categori penodol o gymorth neu swm y cymorth hwnnw.

### **Adfer cymhwysra ar ôl terfynu**

**14.** Pan fo cyfnod cymhwysra myfyriwr yn terfynu o dan reoliad 12 neu 13 yn ystod y flwyddyn academaidd y mae'r myfyriwr yn cwblhau'r cwrs dynodedig ynddi, caiff Gweinidogion Cymru adfer cyfnod cymhwysra'r myfyriwr am unrhyw gyfnod y maent yn meddwl ei fod yn briodol.

### **Myfyrwyr sy'n dod yn gymwys yn ystod cwrs**

**15.** Pan fo un o'r digwyddiadau a restrir yn rheoliad 16(1) yn digwydd yn ystod cwrs myfyriwr, caiff myfyriwr gymhwyso i gael cymorth o dan y Rheoliadau hyn, ar yr amod bod y myfyriwr yn cydymffurfio â'r darpariaethau gwneud cais a nodir yn Rhan 5.

**16.**—(1) Y digwyddiadau yw—

- (a) bod cwrs y myfyriwr yn dod yn gwrn dynodedig;
- (b) bod y myfyriwr yn dod yn fyfyrwr cymwys ar y sail—

P's period of eligibility terminates at the beginning of the first day on which P undertakes the course outside the United Kingdom.

(3) Paragraph (2) does not apply where P is undertaking a distance learning course outside the United Kingdom because P or a close relative of P is serving as a member of the armed forces.

### **Misconduct and failure to provide accurate information**

**13.**—(1) The Welsh Ministers may terminate an eligible student's period of eligibility if they are satisfied that the student's conduct is such that the student is no longer fit to receive support.

(2) Paragraph (3) applies if the Welsh Ministers are satisfied that an eligible student—

- (a) has failed to comply with a requirement to provide information or documentation under these Regulations, or
- (b) has provided information or documentation which was materially inaccurate.

(3) Where this paragraph applies, the Welsh Ministers may—

- (a) terminate the student's period of eligibility;
- (b) determine that the student does not qualify for a particular category of support or amount of such support.

### **Reinstatement of eligibility after termination**

**14.** Where a student's period of eligibility terminates under regulation 12 or 13 during the academic year in which the student completes the designated course, the Welsh Ministers may reinstate the student's period of eligibility for such period as they think appropriate.

### **Students becoming eligible during a course**

**15.** Where one of the events listed in regulation 16(1) occurs during the currency of a student's course, a student may qualify for support under these Regulations, provided the student complies with the application provisions set out in Part 5.

**16.**—(1) The events are—

- (a) the student's course becomes a designated course;
- (b) the student becomes an eligible student on the grounds that—

- (i) bod y myfyriwr neu ei briod, ei bartner sifil neu ei riant yn cael ei gydnabod yn ffoadur, yn dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth neu'n dod yn berson sydd â chaniatâd i ddod i mewn neu i aros;
- (ii) bod gwladwriaeth yn ymaelodi â'r UE pan fo'r myfyriwr yn wladolyn o'r wladwriaeth honno neu'n aelod o deulu gwladolyn o'r wladwriaeth honno;
- (iii) bod y myfyriwr yn dod yn aelod o deulu gwladolyn UE;
- (iv) bod y myfyriwr yn ennill yr hawl i breswyllo'n barhaol;
- (v) bod y myfyriwr yn dod yn blentyn i weithiwr Twrcaidd;
- (vi) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 6(1)(a) o Atodlen 2;
- (vii) bod y myfyriwr yn dod yn blentyn i wladolyn Swisaidd;
- (viii) bod y myfyriwr neu riant y myfyriwr yn dod yn berson sydd â chaniatâd i aros o dan adran 67;
- (c) bod y myfyriwr yn cychwyn cwrs dynodedig ar ôl dyddiad dechrau'r cwrs dynodedig am fod yr awdurdod academaidd perthnasol wedi caniatáu i'r myfyriwr gychwyn y cwrs ar y dyddiad dechrau diweddarach hwn.

(2) Yn y rheoliad hwn, mae i'r termau a ganlyn yr un ystyr ag yn Atodlen 2—

- “aelod o deulu” (“*family member*”) (o fewn yr ystyr a roddir gan baragraff 8(5) o Atodlen 2);
- “ffoadur” (“*refugee*”);
- “gweithiwr Twrcaidd” (“*Turkish worker*”);
- “hawl i breswyllo'n barhaol” (“*right of permanent residence*”);
- “person sydd â chaniatâd i aros o dan adran 67” (“*person with section 67 leave to remain*”);
- “person sydd â chaniatâd i ddod i mewn neu i aros” (“*person with leave to enter or remain*”);
- “person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth” (“*person granted stateless leave*”);
- “plentyn” (“*child*”);
- “rhiant” (“*parent*”).

(2) In this regulation, the following terms have the same meaning as in Schedule 2—

- “child” (“*plentyn*”);
- “family member” (“*aelod o deulu*”) (within the meaning given by paragraph 8(5) of Schedule 2);
- “parent” (“*rhiant*”);
- “person granted stateless leave” (“*person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth*”);
- “person with leave to enter or remain” (“*person sydd â chaniatâd i ddod i mewn neu i aros*”);
- “person with section 67 leave to remain” (“*person sydd â chaniatâd i aros o dan adran 67*”);
- “refugee” (“*ffoadur*”);
- “right of permanent residence” (“*hawl i breswyllo'n barhaol*”);
- “Turkish worker” (“*gweithiwr Twrcaidd*”).

## Trosglwyddo statws

17.—(1) Pan fo myfyriwr cymwys (“P”) yn trosglwyddo o gwrs dynodedig i gwrs dynodedig arall (“y cwrs newydd”), rhaid i Weinidogion Cymru drosglwyddo statws y myfyriwr fel myfyriwr cymwys i’r cwrs newydd—

- (a) os ydynt yn cael cais oddi wrth y myfyriwr i wneud hynny,
- (b) os ydynt wedi eu bodloni bod un o’r seiliau trosglwyddo yn gymwys (gweler paragraff (2)), ac
- (c) os nad yw cyfnod cymhwysra’r myfyriwr wedi terfynu.

(2) Y seiliau dros drosglwyddo yw—

- (a) bod P, ar argymhelliad yr awdurdod academaidd, yn rhoi’r gorau i un cwrs dynodedig ac yn dechrau ymgymryd â chwrs dynodedig arall yn yr un sefydliad; neu
- (b) bod P yn dechrau ymgymryd â chwrs dynodedig mewn sefydliad arall.

(3) Pan fo P yn trosglwyddo o dan baragraff (1), mae hawlogaeth gan P, mewn cysylltiad â’r cwrs y mae P yn trosglwyddo iddo, i gael gweddill y cymorth, os oes unrhyw swm yn weddill, yn unol â rheoliad 33 a, phan fo’n berthnasol, reoliad 36, mewn cysylltiad â’r cwrs y mae P yn trosglwyddo ohono.

## RHAN 5

Ceisiadau, darparu gwybodaeth a chontractau benthyciadau

### Gofyniad i wneud cais am gymorth

18.—(1) Nid yw person yn cymhwyso i gael cymorth fel myfyriwr cymwys mewn perthynas â chwrs dynodedig oni bai bod y person yn gwneud cais am gymorth mewn perthynas â’r cwrs hwnnw.

(2) Rhaid i gais o dan baragraff (1)—

- (a) bod ar y ffurf honno a chynnwys yr wybodaeth honno sy’n ofynnol gan Weinidogion Cymru,
- (b) dod gydag unrhyw ddogfennaeth sy’n ofynnol gan Weinidogion Cymru,
- (c) cyrraedd Gweinidogion Cymru o fewn y terfyn amser a bennir yn rheoliad 19, a
- (d) datgan a yw’r person yn gwneud cais am—
  - (i) grant sylfaenol,
  - (ii) grant cyfrannu at gostau,

## Transfer of status

17.—(1) Where an eligible student (“P”) transfers from a designated course to another designated course (“the new course”), the Welsh Ministers must transfer the student’s status as an eligible student to the new course if—

- (a) they receive a request from the student to do so,
- (b) they are satisfied that one of the grounds for transfer applies (see paragraph (2)), and
- (c) the student’s period of eligibility has not terminated.

(2) The grounds for transfer are—

- (a) on the recommendation of the academic authority P ceases one designated course and starts to undertake another designated course at the same institution; or
- (b) P starts to undertake a designated course at another institution.

(3) Where P transfers under paragraph (1), P is entitled to receive in connection with the course to which P transfers, the remainder of the support, if any, in accordance with regulation 33 and where relevant regulation 36, in respect of the course from which P transfers.

## PART 5

Applications, providing information and loan contracts

### Requirement to apply for support

18.—(1) A person does not qualify for support as an eligible student in relation to a designated course unless the person makes an application for support in relation to that course.

(2) An application under paragraph (1) must—

- (a) be in such form and contain such information as the Welsh Ministers may require,
- (b) be accompanied by such documentation as the Welsh Ministers may require,
- (c) reach the Welsh Ministers within the time limit specified in regulation 19, and
- (d) state whether the person is applying for—
  - (i) a base grant,
  - (ii) a contribution to costs grant,

- (iii) benthyciad cyfrannu at gostau, neu
- (iv) unrhyw gyfuniad o'r uchod.

### Terfynau amser

**19.**—(1) Yn ddarostyngedig i baragraff (2), rhaid i gais o dan reoliad 18(1) neu gais i ddiwygio swm y benthyciad o dan reoliad 31(4) gyrraedd Gweinidogion Cymru heb fod yn hwyrach na diwedd y nawfed mis o flwyddyn academiaidd olaf y cwrs.

(2) Nid yw paragraff (1) yn gymwys pan fo Gweinidogion Cymru yn ystyried, ar ôl rhoi sylw i amgylchiadau'r achos penodol, na ddylai'r terfyn amser fod yn gymwys ac, yn yr achos hwnnw, rhaid i'r cais i ddiwygio'r swm gyrraedd Gweinidogion Cymru heb fod yn hwyrach nag unrhyw ddyddiad a bennir ganddynt yn ysgrifenedig.

### Penderfyniad Gweinidogion Cymru ar gais

**20.**—(1) Caiff Gweinidogion Cymru gymryd unrhyw gamau a gwneud unrhyw ymholiadau y maent yn meddwl eu bod yn angenrheidiol er mwyn gwneud penderfyniad ar gais o dan reoliad 18.

(2) Caiff y camau hynny gynnwys ei gwneud yn ofynnol i'r ceisydd ddarparu gwybodaeth neu ddogfennaeth bellach.

(3) Caiff Gweinidogion Cymru wneud penderfyniad dros dro ar gais o dan reoliad 18 (gweler rheoliad 32 am ddarpariaeth ynghylch taliadau a wneir ar sail penderfyniad dros dro).

(4) Caniateir i benderfyniad ar gais a wneir gan Weiniogion Cymru ar ôl i benderfyniad dros dro gael ei wneud—

- (a) cadarnhau'r penderfyniad dros dro, neu
- (b) rhoi penderfyniad gwahanol yn ei le.

(5) Rhaid i Weiniogion Cymru hysbysu'r ceisydd am benderfyniad (gan gynnwys penderfyniad dros dro) ar gais o dan reoliad 18.

(6) Rhaid i'r hysbysiad ddatgan—

- (a) a yw Gweinidogion Cymru yn ystyried bod y ceisydd yn fyfyrwr cymwys,
- (b) os felly, a yw'r myfyriwr cymwys yn cymhwyso i gael cymorth mewn perthynas â'r cwrs dynodedig,
- (c) os yw'r myfyriwr yn cymhwyso, categori'r cymorth y mae'r myfyriwr yn cymhwyso i'w gael a'r swm sy'n daladwy,
- (d) yn achos penderfyniad dros dro, y ffaith bod y penderfyniad yn un dros dro a chanlyniadau'r ffaith honno.

- (iii) a contribution to costs loan, or
- (iv) any combination of the above.

### Time limits

**19.**—(1) Subject to paragraph (2), an application under regulation 18(1) or an application to amend the amount of the loan under regulation 31(4) must reach the Welsh Ministers no later than the end of the ninth month of the final academic year of the course.

(2) Paragraph (1) does not apply where the Welsh Ministers consider that having regard to the circumstances of the particular case the time limit should not apply, in which case the application to amend the amount must reach the Welsh Ministers no later than such date as they specify in writing.

### Welsh Ministers' decision on an application

**20.**—(1) The Welsh Ministers may take any steps and make any inquiries as they think necessary to make a decision on an application under regulation 18.

(2) Those steps may include requiring the applicant to provide further information or documentation.

(3) The Welsh Ministers may make a provisional decision on an application under regulation 18 (see regulation 32 for provision about payments made on the basis of a provisional decision).

(4) A decision on an application made by the Welsh Ministers after a provisional decision has been made may—

- (a) confirm the provisional decision, or
- (b) substitute it with a different decision.

(5) The Welsh Ministers must notify the applicant of a decision (including a provisional decision) on an application under regulation 18.

(6) The notification must state—

- (a) whether the Welsh Ministers consider the applicant to be an eligible student,
- (b) if so, whether the eligible student qualifies for support in relation to the designated course,
- (c) if the student does qualify, the category of support for which the student qualifies and the amount payable,
- (d) in the case of a provisional decision, the fact that the decision is provisional and the consequences of that fact.



**21.—**(1) Mae paragraff (2) yn gymwys—

- (a) pan fo person (“P”) yn gwneud cais am gymorth yn unol â rheoliad 18,
- (b) pan na fo unrhyw wybodaeth neu ddogfennaeth a ddarperir gan P yn y cais, neu mewn cysylltiad ag ef, yn sylweddol anghywir, ac
- (c) pan fo P yn cael hysbysiad gan Weinidogion Cymru o dan reoliad 20(5) sy’n datgan yn anghywir fod P yn fyfyrwr cymwys.

(2) Pan fo’r paragraff hwn yn gymwys, er bod yr hysbysiad yn datgan yn anghywir fod P yn fyfyrwr cymwys, caiff Gweinidogion Cymru, at ddibenion y Rheoliadau hyn, drin P fel pe bai’n fyfyrwr cymwys.

### **Gofynion ar fyfyrwyr cymwys i ddarparu gwybodaeth**

**22.—**(1) Cyn gynted ag y bo’n rhesymol ymarferol ar ôl cael cais i wneud hynny, rhaid i fyfyrwr cymwys ddarparu i Weinidogion Cymru unrhyw wybodaeth neu ddogfennaeth sy’n ofynnol gan Weinidogion Cymru—

- (a) at ddibenion penderfynu—
  - (i) cymhwystera myfyrwr;
  - (ii) a yw myfyrwr yn cymhwyso i gael gymorth;
  - (iii) y math o gymorth a swm y gymorth sy’n daladwy i fyfyrwr;
  - (iv) a yw gordaliad wedi cael ei wneud i fyfyrwr;
- (b) at unrhyw ddiben sy’n ymwneud ag adennill gordaliad;
- (c) at unrhyw ddiben sy’n ymwneud ag addalu benthygiad;
- (d) at unrhyw ddiben arall sy’n ymwneud â’r Rheoliadau hyn y mae Gweinidogion Cymru yn meddwl ei fod yn briodol.

(2) Caniateir i gais o dan baragraff (1) gynnwys gofyn i fyfyrwr cymwys am gael gweld—

- (a) ei basbort dilys a ddyroddwyd gan y wladwriaeth y mae’r myfyrwr hwnnw yn wladolyn ohoni,
- (b) ei gerdyn adnabod cenedlaethol dilys, neu
- (c) ei dystysgrif geni.

(3) Pan fo digwyddiad a grybwyllir ym mharagraff (4) yn digwydd mewn cysylltiad â myfyrwr cymwys, rhaid i’r myfyrwr roi gwybod i Weinidogion Cymru cyn gynted ag y bo’n rhesymol ymarferol ar ôl y digwyddiad.

**21.—**(1) Paragraph (2) applies where—

- (a) a person (“P”) makes an application for support in accordance with regulation 18,
- (b) any information or documentation provided by P in, or in connection with, the application is not materially inaccurate, and
- (c) P receives notification from the Welsh Ministers under regulation 20(5) incorrectly stating that P is an eligible student.

(2) Where this paragraph applies, despite the notification incorrectly stating that P is an eligible student, the Welsh Ministers may, for the purposes of these Regulations, treat P as being an eligible student.

### **Requirements on eligible students to provide information**

**22.—**(1) An eligible student must, as soon as reasonably practicable after being requested to do so, provide the Welsh Ministers with such information or documentation as the Welsh Ministers may require—

- (a) for the purposes of determining—
  - (i) the eligibility of a student;
  - (ii) whether a student qualifies for support;
  - (iii) the type and amount of support payable to a student;
  - (iv) whether an overpayment has been made to a student;
- (b) for any purpose relating to the recovery of an overpayment;
- (c) for any purpose relating to the repayment of a loan;
- (d) for any other purpose related to these Regulations that the Welsh Ministers think appropriate.

(2) A request under paragraph (1) may include requesting sight of an eligible student’s—

- (a) valid passport issued by the state of which that student is a national,
- (b) valid national identity card, or
- (c) birth certificate.

(3) Where an event mentioned in paragraph (4) occurs in respect of an eligible student, the student must inform the Welsh Ministers as soon as is reasonably practicable after the event occurs.

(4) Y digwyddiadau yw—

- (a) bod y myfyriwr yn tynnu'n ôl o'i gwrs, yn cael ei atal dros dro ohono, yn cefnu arno neu'n cael ei ddiarddel ohono;
- (b) bod y myfyriwr yn trosglwyddo i gwrs arall (pa un ai yn yr un sefydliad neu mewn sefydliad gwahanol);
- (c) bod y myfyriwr fel arall yn peidio ag ymgymryd â'i gwrs ac nad yw'n bwriadu parhau ag ef am weddill y flwyddyn academaidd neu na chaniateir iddo barhau ag ef am weddill y flwyddyn academaidd;
- (d) bod y myfyriwr yn absennol o'r cwrs—
  - (i) am fwy na 60 niwrnod oherwydd salwch, neu
  - (ii) am unrhyw gyfnod am unrhyw reswm arall;
- (e) bod y mis ar gyfer dechrau ar y cwrs neu ei gwblhau yn newid;
- (f) bod y manylion a ganlyn, sef—
  - (i) cyfeiriad cartref y ceisydd neu ei gyfeiriad yn ystod y tymor,
  - (ii) rhif ffôn cartref y ceisydd neu ei rif ffôn yn ystod y tymor, neu
  - (iii) cyfeiriad e-bost cartref y ceisydd neu ei gyfeiriad e-bost yn ystod y tymor,yn newid;
- (g) bod y ceisydd yn dod yn garcharor neu'n peidio â bod yn garcharor.

(5) Rhaid darparu gwybodaeth neu ddogfennaeth y mae'n ofynnol iddi gael ei darparu i Weinidogion Cymru o dan y Rheoliadau hyn ar y ffurf honno a bennir gan Weinidogion Cymru.

(6) Caiff Gweinidogion Cymru ei gwneud yn ofynnol bod rhaid llofnodi—

- (a) cais o dan reoliad 18;
- (b) unrhyw ddogfennaeth arall a ddarperir iddynt o dan y Rheoliadau hyn,

yn y modd (gan gynnwys ar ffurf electronig) a bennir ganddynt.

(7) Mae'r cyfeiriad at fyfyrwr cymwys ym mharagraff (1) i'w drin fel pe bai'n cynnwys person sy'n gwneud cais o dan reoliad 18 hyd yn oed os penderfyniad Gweinidogion Cymru ar y cais yw nad yw'r person yn fyfyrwr cymwys.

(8) Gweler rheoliad 13 am ddarpariaeth ynghylch canlyniadau methu â chydymffurfio â gofyniad a osodir gan y rheoliad hwn.

(4) The events are—

- (a) the student withdraws from, is suspended from, abandons or is expelled from their course;
- (b) the student transfers to another course (whether at the same or at a different institution);
- (c) the student otherwise ceases to undertake their course and does not intend to or is not permitted to continue it for the remainder of the academic year;
- (d) the student is absent from the course for—
  - (i) more than 60 days due to illness, or
  - (ii) for any period for any other reason;
- (e) the month for the start or completion of the course changes;
- (f) the applicant's home or term-time—
  - (i) address,
  - (ii) telephone number, or
  - (iii) email address,changes;
- (g) the applicant becomes or ceases to be a prisoner.

(5) Information or documentation that is required to be provided to the Welsh Ministers under these Regulations must be provided in such form as the Welsh Ministers may specify.

(6) The Welsh Ministers may require that—

- (a) an application under regulation 18;
- (b) any other documentation provided to them under these Regulations,

must be signed in such manner (including electronically) as they may specify.

(7) The reference to an eligible student in paragraph (1) is to be treated as including a person who makes an application under regulation 18 even if the Welsh Ministers' decision on the application is that the person is not an eligible student.

(8) See regulation 13 for provision about the consequences of failing to comply with a requirement imposed by this regulation.

## **Gofyniad i ymrwymo i gontract ar gyfer benthyciad**

**23.**—(1) Ni chaiff myfyriwr cymwys gael benthyciad cyfrannu at gostau o dan y Rheoliadau hyn oni bai bod y myfyriwr yn ymrwymo i gontract ar gyfer y benthyciad â Gweinidogion Cymru.

(2) O ran y contract—

(a) rhaid iddo fod ar y ffurf ac ar y telerau, a

(b) caiff fod yn ofynnol iddo gael ei lofnodi yn y modd (gan gynnwys ar ffurf electronig),

a bennir gan Weinidogion Cymru.

## **RHAN 6**

### **Y grant sylfaenol a'r grant cyfrannu at gostau**

#### **PENNOD 1**

##### **Amodau cymhwyso**

### **Y grant sylfaenol a'r grant cyfrannu at gostau**

**24.** Grantiau sy'n cael eu rhoi ar gael gan Weinidogion Cymru i fyfyrwr cymwys mewn perthynas â chwrs dynodedig yw'r grant sylfaenol a'r grant cyfrannu at gostau.

#### **PENNOD 2**

##### **Y grant sylfaenol**

### **Swm y grant sylfaenol**

**25.** Swm y grant sylfaenol sydd ar gael i fyfyrwr cymwys yw £1,000.

#### **PENNOD 3**

##### **Grant cyfrannu at gostau**

### **Amodau cymhwyso i gael grant cyfrannu at gostau**

**26.** Mae myfyriwr cymwys yn cymhwyso i gael grant cyfrannu at gostau mewn perthynas â chwrs dynodedig oni bai bod y myfyriwr cymwys yn garcharor cymwys.

### **Swm y grant cyfrannu at gostau**

**27.**—(1) Uchafswm y grant cyfrannu at gostau sydd ar gael i fyfyrwr cymwys yw £5,885.

(2) Pan—

## **Requirement to enter into a contract for a loan**

**23.**—(1) An eligible student may not receive a contribution to costs loan under these Regulations unless the student enters into a contract for the loan with the Welsh Ministers.

(2) The contract—

(a) must be in such form and on such terms, and

(b) may be required to be signed in such matter (including electronically),

as the Welsh Ministers may specify.

## **PART 6**

### **Base grant and contribution to costs grant**

#### **CHAPTER 1**

##### **Qualifying conditions**

### **Base grant and contribution to costs grant**

**24.** A base grant and contribution to costs grant are grants made available by the Welsh Ministers to an eligible student in relation to a designated course.

#### **CHAPTER 2**

##### **Base grant**

### **Amount of base grant**

**25.** The amount of the base grant available to an eligible student is £1,000.

#### **CHAPTER 3**

##### **Contribution to costs grant**

### **Qualifying conditions for contribution to costs grant**

**26.** An eligible student qualifies for a contribution to costs grant in relation to a designated course unless the eligible student is an eligible prisoner.

### **Amount of contribution to costs grant**

**27.**—(1) The maximum amount of contribution to costs grant available to an eligible student is £5,885.

(2) Where—

- (a) na fo incwm aelwyd y myfyriwr yn fwy na £18,370, neu
- (b) bo'r myfyriwr yn berson sy'n ymadael â gofal,

swm y grant cyfrannu at gostau yw £5,885.

(3) Pan fo incwm aelwyd y myfyriwr yn fwy na £18,370 ond yn llai na £59,200, swm y grant cyfrannu at gostau sy'n daladwy i'r myfyriwr yw uchafswm y grant cyfrannu at gostau, wedi ei ostwng £1 am bob £6.937 o incwm aelwyd sy'n fwy na £18,370.

(4) Pan fo incwm aelwyd y myfyriwr cymwys yn £59,200 neu ragor, swm y grant cyfrannau at gostau sy'n daladwy yw £0.

### Incwm yr aelwyd

28. Gweler Atodlen 3 am ddarpariaeth ynghylch cyfrifo incwm aelwyd myfyriwr cymwys.

### Ystyr person sy'n ymadael â gofal

29. Mae myfyriwr cymwys yn "person sy'n ymadael â gofal"—

- (a) os yw'r myfyriwr o dan 25 oed ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs dynodedig,
- (b) os yw'r myfyriwr yn gategori o berson ifanc, neu wedi bod yn gategori o berson ifanc, a ddiffinnir yn adran 104 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(1), neu yn rhinwedd yr adran honno, ac
- (c) os, rhwng pen-blwydd y myfyriwr yn 14 oed a diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs—
  - (i) oedd y myfyriwr yn derbyn gofal, wedi ei faethu neu wedi ei letya (o fewn ystyr adrannau 74 a 104 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014) am gyfnod cyfanredol o 13 wythnos neu ragor, neu
  - (ii) oedd y myfyriwr yn berson yr oedd gorchymyn gwarcheidiaeth arbennig (o fewn yr ystyr a roddir i "special guardianship order" gan adran 14A o Ddeddf Plant 1989(2)) mewn grym mewn cysylltiad ag ef am gyfnod o 13 wythnos neu ragor.

- (a) the student's household income does not exceed £18,370, or
- (b) the student is a care leaver,

the amount of contribution to costs grant is £5,885.

(3) Where the student's household income exceeds £18,370 but is less than £59,200, the amount of contribution to costs grant payable to the student is the maximum amount of contribution to costs grant reduced by £1 for every £6.937 of household income exceeding £18,370.

(4) Where the eligible student's household income is £59,200 or more, the amount of contribution to costs grant payable is £0.

### Household income

28. See Schedule 3 for provision about calculating an eligible student's household income.

### Meaning of care leaver

29. An eligible student is a "care leaver" if the student—

- (a) is under the age of 25 on the first day of the first academic year of the designated course,
- (b) is, or has been, a category of young person defined in, or by virtue of, section 104 of the Social Services and Well-being (Wales) Act 2014(1), and
- (c) between the student's 14<sup>th</sup> birthday and the first day of the first academic year of the course, the student—
  - (i) was looked after, fostered or accommodated (within the meaning of sections 74 and 104 of the Social Services and Well-being (Wales) Act 2014) for an aggregate period of 13 weeks or more, or
  - (ii) was a person with respect to whom a special guardianship order (within the meaning given by section 14A of the Children Act 1989(2)) was in force for a period of 13 weeks or more.

(1) 2014 decc 4.

(2) 1989 p. 41; mewnosodwyd adran 14A gan Ddeddf Mabwysiadu a Phlant 2002 (p. 38) ac fe'i diwygiwyd gan Ddeddf Plant a Theuluoedd 2014 (p. 6) a Deddf Plant a Phobl Ifanc 2008 (p. 23).

(1) 2014 anaw. 4.

(2) 1989 c. 41; section 14A was inserted by the Adoption and Children Act 2002 (c. 38) and amended by the Children and Families Act 2014 (c. 6) and the Children and Young Persons Act 2008 (c. 23).

## RHAN 7

### Benthyciad cyfrannu at gostau

#### Benthyciad cyfrannu at gostau

**30.** Mae benthyciad cyfrannu at gostau yn fenthyciad sy'n cael ei roi ar gael gan Weinidogion Cymru i fyfyrwr cymwys mewn cysylltiad â chwrs dynodedig.

#### Swm y benthyciad cyfrannu at gostau

**31.—**(1) Cyfrifir swm y benthyciad cyfrannu at gostau sy'n daladwy i fyfyrwr cymwys fel a ganlyn—

Uchafswm y benthyciad cyfrannu at gostau sydd ar gael i'r myfyrwr mewn cysylltiad â chwrs dynodedig.

*Minws*

Swm y grant cyfrannu at gostau sy'n daladwy i'r myfyrwr o dan reoliad 27.

(2) Yn ddarostyngedig i baragraff (3), uchafswm y benthyciad cyfrannu at gostau yw £16,000.

(3) Pan fo carcharor cymwys yn gwneud cais am fenthyciad cyfrannu at gostau, ni chaiff swm y benthyciad fod yn fwy na'r lleiaf o'r canlynol—

(a) y ffioedd sy'n daladwy mewn cysylltiad â'r cwrs dynodedig minws swm y grant sylfaenol sy'n daladwy i'r carcharor cymwys o dan reoliad 25, a

(b) £16,000.

(4) Ac eithrio pan fo rheoliad 36(5) i (10) yn gymwys, caiff myfyrwr cymwys wneud cais i Weinidogion Cymru i ddiwygio swm y benthyciad cyfrannu at gostau y mae'r myfyrwr wedi gwneud cais amdano, ar yr amod—

(a) nad yw cyfanred symiau'r benthyciad cyfrannu at gostau y gwneir cais amdanynt yn fwy na'r symiau cymwys a nodir ym mharagraffau (2) a (3);

(b) bod cais o'r fath yn cael ei wneud yn unol â rheoliad 18(2).

## RHAN 8

### Taliadau, Gordaliadau ac Adennill

#### PENNOD 1

#### Taliad yn dilyn penderfyniad dros dro

#### Taliad ar sail asesiad dros dro

**32.** Pan fo Gweinidogion Cymru yn gwneud penderfyniad dros dro ar gais a wneir o dan reoliad 18, caiff Gweinidogion Cymru wneud taliad sy'n seiliedig ar y penderfyniad hwnnw.

## PART 7

### Contribution to costs loan

#### Contribution to costs loan

**30.** A contribution to costs loan is a loan made available by the Welsh Ministers to an eligible student in respect of a designated course.

#### Amount of contribution to costs loan

**31.—**(1) The amount of contribution to costs loan payable to an eligible student is calculated as follows—

Maximum amount of contribution to costs loan available to the student in respect of a designated course.

*Minus*

Amount of contribution to costs grant payable to the student under regulation 27.

(2) Subject to paragraph (3), the maximum amount of contribution to costs loan is £16,000.

(3) Where an eligible prisoner applies for a contribution to costs loan the amount of loan must not exceed the lesser of—

(a) the fees payable in respect of the designated course minus the amount of base grant payable to the eligible prisoner under regulation 25, and

(b) £16,000.

(4) Except where regulation 36(5) to (10) applies an eligible student may apply to the Welsh Ministers to amend the amount of contribution to costs loan for which the student has applied, provided that—

(a) in aggregate, the amounts of contribution to costs loan applied for do not exceed the applicable amounts set out in paragraphs (2) and (3);

(b) such application is made in accordance with regulation 18(2).

## PART 8

### Payments, Overpayments and Recovery

#### CHAPTER 1

#### Payment following a provisional decision

#### Payment based on provisional assessment

**32.** Where the Welsh Ministers make a provisional decision on an application made under regulation 18, the Welsh Ministers may make a payment based on that decision.

**Talu grantiau a benthyciadau**

**33.**—(1) Rhaid i Weinidogion Cymru dalu swm y grant sylfaenol, y grant cyfrannu at gostau neu'r benthyciad cyfrannu at gostau i fyfyrwr cymwys pan fo'n daladwy i'r myfyrwr.

(2) Yn ddarostyngedig i baragraff (3), caiff Gweinidogion Cymru dalu'r swm hwnnw—

- (a) naill ai fel cyfandaliad neu mewn rhandaliadau, a
- (b) ar unrhyw adegau, ac mewn unrhyw fodd, y mae Gweinidogion Cymru yn ystyried eu bod yn briodol.

(3) Caiff Gweinidogion Cymru ei gwneud yn amod o'r hawlogaeth i gael taliad bod yn rhaid i'r myfyrwr cymwys ddarparu i Weinidogion Cymru fanylion cyfrif banc neu gyfrif cymdeithas adeiladu yn y Deyrnas Unedig y gall taliadau gael eu talu iddo drwy drosglwyddiad electronig.

(4) Yn achos carcharor cymwys, rhaid i Weinidogion Cymru dalu'r grant sylfaenol a'r benthyciad cyfrannu at gostau y mae carcharor cymwys yn cymhwyso i'w cael i'r sefydliad y mae'r carcharor cymwys yn atebol i wneud taliad o'r ffioedd sy'n daladwy mewn cysylltiad â'r cwrs dynodedig iddo neu i unrhyw drydydd parti y mae Gweinidogion Cymru yn ystyried ei fod yn briodol at ddiben sicrhau y telir y ffioedd hynny i'r sefydliad perthnasol.

**Cadarnhad o bresenoldeb**

**34.**—(1) Ni chaiff Gweinidogion Cymru dalu'r grant neu'r benthyciad neu unrhyw randaliad o'r grant neu'r benthyciad y mae myfyrwr cymwys yn cymhwyso i'w gael oni bai eu bod wedi cael gan yr awdurdod academaidd perthnasol gadarnhad (ar y ffurf sy'n ofynnol gan Weinidogion Cymru) o bresenoldeb y myfyrwr ar y cwrs dynodedig.

(2) Rhaid i'r awdurdod academaidd roi gwybod i Weinidogion Cymru ar unwaith a darparu manylion i Weinidogion Cymru os yw'r myfyrwr yn tynnu'n ôl o'r cwrs dynodedig, yn cael ei atal dros dro neu ei ddiarddel ohono, neu os yw fel arall yn absennol.

(3) Nid yw myfyrwr cymwys i'w ystyried yn absennol o'i gwrs os nad yw'n gallu bod yn bresennol oherwydd salwch ac nad yw'r myfyrwr cymwys wedi bod yn absennol am fwy na 60 niwrnod.

**Payment of grants and loans**

**33.**—(1) The Welsh Ministers must pay an amount of base grant, contribution to costs grant or contribution to costs loan to an eligible student where it is payable to the student.

(2) Subject to paragraph (3), the Welsh Ministers may pay that amount—

- (a) either as a lump sum or by instalments, and
- (b) at such times, and in such manner, as the Welsh Ministers consider appropriate.

(3) The Welsh Ministers may make it a condition of entitlement to payment that the eligible student must provide the Welsh Ministers with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

(4) In the case of an eligible prisoner, the Welsh Ministers must pay the base grant and contribution to costs loan for which an eligible prisoner qualifies to the institution to which the eligible prisoner is liable to make payment for the fees payable in connection with the designated course or to such third party that the Welsh Ministers consider appropriate for the purpose of ensuring the payment of such fees to the relevant institution.

**Confirmation of attendance**

**34.**—(1) The Welsh Ministers must not pay the grant or loan or any instalment of the grant or loan for which an eligible student qualifies unless they have received from the relevant academic authority confirmation (in such form as may be required by the Welsh Ministers) of the student's attendance on the designated course.

(2) The academic authority must forthwith inform the Welsh Ministers and provide the Welsh Ministers with particulars if the student withdraws, is suspended or is expelled from the designated course or is otherwise absent.

(3) An eligible student is not to be considered absent from the eligible student's course if the eligible student is unable to attend due to illness and the eligible student's absence has not exceeded 60 days.

## Absenoldeb o'r cwrs

**35.**—(1) Yn ddarostyngedig i baragraffau (2) i (4), os yw Gweinidogion Cymru yn cael hysbysiad o dan reoliad 34(2) neu o dan reoliad 22(3) mewn perthynas â digwyddiad a restrir yn rheoliad 22(4)(a) i (d), ni chaiff Gweinidogion Cymru wneud unrhyw daliad pellach o'r grant sylfaenol, y grant cyfrannu at gostau neu'r benthyciad cyfrannu at gostau mewn cysylltiad â'r myfyriwr cymwys y mae'r hysbysiad yn ymwneud ag ef.

(2) Caniateir gwneud taliadau pellach er gwaethaf diffyg presenoldeb y myfyriwr os, ym marn Gweinidogion Cymru, byddai'r taliadau hynny yn briodol o dan yr holl amgylchiadau yn ystod absenoldeb y myfyriwr.

(3) Os yw'r myfyriwr cymwys yn ailgychwyn y cwrs dynodedig, rhaid i'r myfyriwr hysbysu Gweinidogion Cymru a rhoi manylion llawn am hyd ac achos yr absenoldeb blaenorol.

(4) Ar ôl ystyried hysbysiad y myfyriwr o dan baragraff (3), caiff Gweinidogion Cymru ailgychwyn unrhyw daliadau sy'n weddill o'r grant sylfaenol, y grant cyfrannu at gostau neu'r benthyciad cyfrannu at gostau o dan reoliad 33 os, ym marn Gweinidogion Cymru, byddai'n briodol o dan yr holl amgylchiadau i'r taliad hwnnw gael ei wneud.

## Effaith dod, neu beidio â bod, yn garcharor cymwys

**36.**—(1) Mae paragraff (2) yn gymwys pan fo myfyriwr cymwys sy'n cael grant sylfaenol, grant cyfrannu at gostau neu fenthyciad cyfrannu at gostau yn dod yn garcharor cymwys ac yn parhau i ymgymryd â chwrs dynodedig.

(2) Rhaid i Weinidogion Cymru—

- (a) peidio â gwneud unrhyw daliad yn y dyfodol o'r grant cyfrannu at gostau,
- (b) addasu taliad o'r grant sylfaenol a'r benthyciad cyfrannu at gostau yn y dyfodol neu daliadau yn y dyfodol o randaliadau'r grant sylfaenol a'r benthyciad cyfrannu at gostau, fel nad yw cyfanswm y cymorth a geir gan y myfyriwr cymwys yn fwy na'r swm y mae hawlogaeth gan y myfyriwr, fel carcharor cymwys, i'w gael o dan reoliad 31(3), ac
- (c) gwneud unrhyw daliadau yn y dyfodol o'r grant sylfaenol neu'r benthyciad cyfrannu at gostau, yn unol â rheoliad 33(4).

## Absence from the course

**35.**—(1) Subject to paragraphs (2) to (4), if the Welsh Ministers receive notice under regulation 34(2) or under regulation 22(3) in relation to an event listed in regulation 22(4)(a) to (d), the Welsh Ministers may not make any further payment of the base grant, contribution to costs grant or the contribution to costs loan in respect of the eligible student to which the notice relates.

(2) Further payments may be made despite the student's lack of attendance if, in the opinion of the Welsh Ministers, those payments would be appropriate in all the circumstances during the student's absence.

(3) If the eligible student recommences the designated course the student must notify the Welsh Ministers and give full details of the length and cause of the preceding absence.

(4) After considering the student's notification under paragraph (3), the Welsh Ministers may recommence any remaining payments of the base grant, contribution to costs grant or the contribution to costs loan under regulation 33, if, in the opinion of the Welsh Ministers, it would be appropriate in all the circumstances for such payment to be made.

## Effect of becoming, or ceasing to be, an eligible prisoner

**36.**—(1) Paragraph (2) applies where an eligible student who is in receipt of a base grant, contribution to costs grant or contribution to costs loan becomes an eligible prisoner and continues to undertake a designated course.

(2) The Welsh Ministers must—

- (a) not make any future payment of the contribution to costs grant,
- (b) adjust future payment of the base grant and contribution to costs loan or future payments of instalments of the base grant and contribution to costs loan, so that the total of the support received by the eligible student does not exceed the amount to which the student, as an eligible prisoner, is entitled to under regulation 31(3), and
- (c) make any future payments of the base grant or contribution to costs loan in accordance with regulation 33(4).

(3) Mae paragraffau (4) i (10) yn gymwys pan fo garcharor cymwys sy'n cael grant sylfaenol neu fenthyciad cyfrannu at gostau yn peidio â bod yn garcharor cymwys ac yn aros yn fyfyrwr cymwys, ac yn parhau i ymgymryd â chwrs dynodedig.

(4) Rhaid i Weinidogion Cymru wneud unrhyw daliadau o'r grant sylfaenol, y benthyciad cyfrannu at gostau a'r grant cyfrannu at gostau yn y dyfodol, os oes rhai, yn unol â rheoliad 33(2).

(5) Pan fo myfyrwr cymwys ("P") yn peidio â bod yn garcharor cymwys caiff P, yn ddarostyngedig i baragraffau (6) i (8) wneud cais am grant cyfrannu at gostau.

(6) Yn ddarostyngedig i baragraff (8), cyfrifir swm y grant cyfrannu at gostau sy'n daladwy i P drwy gyfeirio at y fformiwla a ganlyn—

$$G \times \left(\frac{R}{T}\right)$$

pan fo—

G yn gyfwerth ag uchafswm y grant cyfrannu at gostau sy'n daladwy i P yn unol â pharagraff (7);

T yn gyfwerth â chyfanswm nifer y diwrnodau y mae'r cwrs dynodedig yn para;

R yn gyfwerth â nifer y diwrnodau o'r cwrs dynodedig sy'n weddill pan fydd P yn peidio â bod yn garcharor cymwys.

(7) Uchafswm y grant cyfrannu at gostau sy'n daladwy i P yw—

- (a) £5,885 pan na fo incwm aelwyd y myfyrwr yn fwy na £18,370;
- (b) £5,885 wedi ei ostwng £1 am bob £6.937 o incwm aelwyd sy'n fwy na £18,370;
- (c) £0 pan fo incwm aelwyd y myfyrwr yn £59,200 neu ragor.

(8) Ni chaiff swm y grant cyfrannu at gostau sy'n daladwy i fyfyrwr o dan baragraff (6) fod yn fwy nag £16,000 minws A, pan A yw swm y benthyciad cyfrannu at gostau y mae'r myfyrwr eisoes wedi ei gael pan fydd yn peidio â bod yn garcharor cymwys.

(9) Pan fo P yn peidio â bod yn garcharor cymwys caiff P, yn ddarostyngedig i baragraff (10), wneud cais i swm y benthyciad cyfrannu at gostau gael ei gynyddu.

(3) Paragraphs (4) to (10) apply where an eligible prisoner who is in receipt of a base grant or a contribution to costs loan ceases to be an eligible prisoner and remains an eligible student, and continues to undertake a designated course.

(4) The Welsh Ministers must make any future payments of the base grant, contribution to costs loan and contribution to costs grant, if any, in accordance with regulation 33(2).

(5) Where an eligible student ("P") ceases to be an eligible prisoner P may, subject to paragraphs (6) to (8) apply for a contribution to costs grant.

(6) Subject to paragraph (8), the amount of the contribution to costs grant payable to P is calculated by reference to the following formula—

$$G \times \left(\frac{R}{T}\right)$$

where—

G equals the maximum amount of contribution to costs grant payable to P in accordance with paragraph (7);

T equals the total number of days of the duration of the designated course;

R equals the number of days of the designated course which remain when P ceases to be an eligible prisoner.

(7) The maximum amount of the contribution to costs grant payable to P is—

- (a) £5,885 where the student's household income does not exceed £18,370;
- (b) £5,885 reduced by £1 for every £6.937 of household income exceeding £18,370;
- (c) £0 where the student's household income is £59,200 or more.

(8) The amount of contribution to costs grant payable to a student under paragraph (6) must not exceed £16,000 minus A, where A is the amount of contribution to costs loan the student has already received when they cease to be an eligible prisoner.

(9) Where P ceases to be an eligible prisoner P may, subject to paragraph (10), apply for the amount of contribution to costs loan to be increased.



(10) Cyfrifir yr uchafswm cynnydd ym menthyciad cyfrannu at gostau P y caiff P wneud cais amdano o dan baragraff (9) drwy gyfeirio at y fformiwla a ganlyn—

$$(J - F)x\left(\frac{R}{T}\right)$$

pan fo—

J yn gyfwerth ag £16,000 minws uchafswm y grant cyfrannu at gostau sy'n daladwy i P o dan baragraff (7);

F yn gyfwerth â swm y benthyciad cyfrannu at gostau y mae P yn cymhwyso i'w gael fel carcharor cymwys;

T yn gyfwerth â chyfanswm nifer y diwrnodau y mae'r cwrs dynodedig yn para;

R yn gyfwerth â nifer y diwrnodau o'r cwrs dynodedig sy'n weddill pan fydd P yn peidio â bod yn garcharor cymwys.

### PENNOD 3

#### Gordaliadau ac adennill

##### Gordaliadau – cyffredinol

**37.**—(1) Pan fo myfyriwr cymwys wedi cael swm unrhyw grant neu unrhyw fenthyciad cyfrannu at gostau sy'n fwy na'r swm y mae gan y myfyriwr hawlogaeth i'w gael o dan y Rheoliadau hyn, rhaid i'r myfyriwr ad-dalu'r swm dros ben os yw Gweinidogion Cymru yn ei gwneud yn ofynnol iddo wneud hynny.

(2) Yn y Bennod hon, mae cyfeiriadau at fyfyriwr cymwys i'w trin fel pe baent yn cynnwys person sydd wedi cael cymorth ond nad yw'n fyfyriwr cymwys neu nad yw'n fyfyriwr cymwys mwyach.

##### Adennill grantiau sydd wedi cael eu gordalu

**38.**—(1) Rhaid i Weinidogion Cymru adennill unrhyw ordaliad o grant oni bai eu bod yn meddwl nad yw'n briodol gwneud hynny.

(2) Mae taliad o grant sydd wedi ei wneud cyn y diwrnod y mae'r cwrs yn dechrau arno yn ordaliad os yw'r myfyriwr yn tynnu'n ôl o'r cwrs cyn y diwrnod hwnnw.

(3) Caniateir adennill gordaliad o grant drwy ddidynnu'r gordaliad o unrhyw grant sy'n daladwy i'r myfyriwr cymwys o bryd i'w gilydd o dan y Rheoliadau hyn neu unrhyw reoliadau eraill a wneir gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998.

(10) The maximum amount of the increase of P's contribution to costs loan for which P may apply under paragraph (9) is calculated by reference to the following formula—

$$(J - F)x\left(\frac{R}{T}\right)$$

where—

J equals £16,000 minus the maximum amount of contribution to costs grant payable to P under paragraph (7);

F equals the amount of contribution to costs loan for which P qualifies as an eligible prisoner;

T equals the total number of days of the duration of the designated course;

R equals the number of days of the designated course which remain when P ceases to be an eligible prisoner.

### CHAPTER 3

#### Overpayments and recovery

##### Overpayments - general

**37.**—(1) Where an eligible student has been paid an amount of any grant or contribution to costs loan which exceeds the amount to which the student is entitled under these Regulations, the student must repay the excess amount if required to do so by the Welsh Ministers.

(2) In this Chapter, references to an eligible student are to be treated as including a person who has received support but is not, or is no longer, an eligible student.

##### Recovery of overpayments of grants

**38.**—(1) The Welsh Ministers must recover any overpayment of a grant unless they think it is not appropriate to do so.

(2) A payment of a grant made before the day on which the course begins is an overpayment if the student withdraws from the course before that day.

(3) Overpayment of a grant may be recovered by subtracting the overpayment from any grant payable to the eligible student from time to time under these Regulations or any other regulations made by the Welsh Ministers under section 22 of the 1998 Act.

(4) Nid yw paragraff (3) yn rhwystro Gweinidogion Cymru rhag adennill gordaliad drwy unrhyw ddull arall sydd ar gael iddynt.

### **Adennill gordaliad o'r benthyciad cyfrannu at gostau**

**39.**—(1) Caiff Gweinidogion Cymru adennill unrhyw ordaliad o fenthyciad cyfrannu at gostau oddi wrth—

- (a) y sefydliad neu'r trydydd parti a gafodd arian y benthyciad cyfrannu at gostau pan wnaed taliad i'r sefydliad hwnnw neu'r trydydd parti hwnnw, neu
- (b) y myfyriwr a gafodd y benthyciad cyfrannu at gostau.

(2) Caniateir adennill gordaliad o fenthyciad cyfrannu at gostau oddi wrth fyfyrwr o dan baragraff (1)(b) ym mha un bynnag neu ym mha rai bynnag o'r ffyrdd a ganlyn y mae Gweinidogion Cymru yn ystyried eu bod yn briodol o dan yr holl amgylchiadau—

- (a) drwy ddiwynnu'r gordaliad o unrhyw swm o'r benthyciad cyfrannu at gostau sy'n weddill i'w dalu;
- (b) drwy ddiwynnu'r gordaliad o unrhyw fath o grant neu fenthyciad sy'n daladwy i'r myfyriwr o bryd i'w gilydd yn unol â rheoliadau a wneir gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998;
- (c) drwy ei gwneud yn ofynnol i'r myfyriwr ad-dalu'r benthyciad cyfrannu at gostau yn unol â rheoliadau a wneir o dan adran 22 o Ddeddf 1998;
- (d) drwy gymryd unrhyw gamau gweithredu eraill i adennill y gordaliad sydd ar gael iddynt.

### **Ad-dalu**

**40.**—(1) Caiff Gweinidogion Cymru ar unrhyw adeg ei gwneud yn ofynnol i geisydd neu fyfyrwr cymwys ymrwymo i gytundeb i ad-dalu benthyciad cyfrannu at gostau drwy ddull penodol.

(2) Pan fo Gweinidogion Cymru wedi ei gwneud yn ofynnol cael cytundeb ynghylch y dull ad-dalu o dan y rheoliad hwn, caiff Gweinidogion Cymru gadw'n ôl unrhyw daliad o fenthyciad cyfrannu at gostau hyd nes bod y ceisydd neu'r myfyriwr cymwys yn darparu'r hyn a wnaed yn ofynnol.

(4) Paragraph (3) does not prevent the Welsh Ministers from recovering an overpayment by any other method available to them.

### **Recovery of overpayment of contribution to costs loan**

**39.**—(1) Any overpayment of a contribution to costs loan is recoverable by the Welsh Ministers from—

- (a) the institution or third party which received the monies of the contribution to costs loan where payment was made to such institution or third party, or
- (b) the student who received the contribution to costs loan.

(2) An overpayment of a contribution to costs loan may be recovered from a student under paragraph (1)(b) in whichever one or more of the following ways the Welsh Ministers consider appropriate in all the circumstances—

- (a) by subtracting the overpayment from any amount of the contribution to costs loan which remains to be paid;
- (b) by subtracting the overpayment from any kind of grant or loan payable to the student from time to time pursuant to regulations made by the Welsh Ministers under section 22 of the 1998 Act;
- (c) by requiring the student to repay the contribution to costs loan in accordance with regulations made under section 22 of the 1998 Act;
- (d) by taking such other action for the recovery of the overpayment as is available to them.

### **Repayment**

**40.**—(1) The Welsh Ministers may at any time require an applicant or eligible student to enter into an agreement to repay a contribution to costs loan by a particular method.

(2) Where the Welsh Ministers have required an agreement as to the method of repayment under this regulation, the Welsh Ministers may withhold any payment of a contribution to costs loan until the applicant or eligible student provides what has been required.

## RHAN 9

### Cyfyngiadau sy'n ymwneud â benthyciadau cyfrannu at gostau

#### Gofyniad i ddarparu rhif yswiriant gwladol

41.—(1) Caiff Gweinidogion Cymru ei gwneud yn amod o'r hawlogaeth i gael taliad o'r benthyciad cyfrannu at gostau neu unrhyw randaliad o'r benthyciad fod yn rhaid i fyfyrwr cymwys ddarparu iddynt ei rif yswiriant gwladol yn y Deyrnas Unedig.

(2) Os yw'r amod hwnnw wedi ei osod, ni chaiff Gweinidogion Cymru wneud unrhyw daliad o'r benthyciad cyfrannu at gostau hyd nes bod y myfyrwr cymwys wedi cydymffurfio ag ef, oni bai bod Gweinidogion Cymru wedi eu bodloni, oherwydd amgylchiadau eithriadol, y byddai'n briodol gwneud taliad er na chydymffurfiwyd â'r amod.

#### Gofynion gwybodaeth sy'n ymwneud â benthyciadau

42.—(1) Pan fo Gweinidogion Cymru wedi ei gwneud yn ofynnol darparu gwybodaeth neu ddogfennaeth o dan reoliad 22(1), at unrhyw un neu ragor o'r dibenion a grybwyllir ym mharagraff (2) o'r rheoliad hwn, cânt gadw yn ôl unrhyw daliad o fenthyciad cyfrannu at gostau neu grant cyfrannu at gostau hyd nes bod y myfyrwr yn cydymffurfio â'r gofyniad neu'n darparu esboniad boddhaol dros beidio â gwneud hynny.

(2) Y dibenion yw—

- (a) penderfynu a yw'r myfyrwr yn fyfyrwr cymwys sy'n cymhwyso i gael benthyciad;
- (b) penderfynu ar swm y benthyciad sy'n daladwy i'r myfyrwr;
- (c) unrhyw fater sy'n ymwneud â thalu benthyciad gan y myfyrwr.

## RHAN 10

### Diwygiadau i Reoliadau Addysg (Benthyciadau at Radd Feistr Ôl-raddedig) (Cymru) 2017

#### Diwygiadau i Reoliadau Addysg (Benthyciadau at Radd Feistr Ôl-raddedig) (Cymru) 2017

43. Mae Rheoliadau Benthyciadau at Radd Feistr 2017 wedi eu diwygio fel a ganlyn.

## PART 9

### Restrictions relating to contribution to costs loans

#### Requirement to provide national insurance number

41.—(1) The Welsh Ministers may make it a condition of entitlement to payment of the contribution to costs loan or any instalment of the loan that an eligible student must provide them with the student's United Kingdom national insurance number.

(2) If that condition is imposed, the Welsh Ministers must not make any payment of the contribution to costs loan until the eligible student has complied, unless the Welsh Ministers are satisfied that, owing to exceptional circumstances, it would be appropriate to make a payment despite the condition not being complied with.

#### Information requirements relating to loans

42.—(1) Where the Welsh Ministers have required information or documentation under regulation 22(1), for any of the purposes mentioned in paragraph (2) of this regulation, they may withhold any payment of a contribution to costs loan or contribution to costs grant until the student complies with the requirement or provides a satisfactory explanation for not doing so.

(2) The purposes are—

- (a) determining whether the student is an eligible student who qualifies for a loan;
- (b) determining the amount of loan payable to the student;
- (c) any matter relating to the payment of a loan by the student.

## PART 10

### Amendments to the Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017

#### Amendments to the Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017

43. The 2017 Master's Degree Loans Regulations are amended as follows.

44. Yn rheoliad 1 (enwi, cychwyn a chymhwyso), ar ôl paragraff (3) mewnosoder—

“(4) Nid yw’r Rheoliadau hyn yn gymwys i ddarparu benthyciadau at radd feistr ôl-raddedig i fyfyrwyr mewn perthynas â chyrtsiau sy’n dechrau ar neu ar ôl 1 Awst 2019 oni bai bod rheoliad 2(3) o Reoliadau Addysg (Cymorth i Fyfywrwr) (Graddau Meistr Ôl-raddedig) (Cymru) 2019 yn gymwys i’r cwrs.”

45. Yn rheoliad 2 (dehongli), ym mharagraff (1)—

(a) yn lle’r diffiniad o “ffioedd” rhodder—

“mae i “ffioedd” (“*fees*”) yr ystyr a roddir yn adran 57(1) o Ddeddf Addysg Uwch (Cymru) 2015(1);”;

(b) 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

(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;”.

46. Yn rheoliad 4—

(a) yn lle paragraff (1)(b) rhodder—

“(b) os yw’n cael ei ddarparu yn gyfan gwbl gan sefydliad yn y Deyrnas Unedig a oedd cyn 1 Awst 2019 yn sefydliad a oedd yn cael ei gyllido’n gyhoeddus (pa un ai ar ei ben ei hun neu ar y cyd â sefydliad arall o’r fath neu â sefydliad sydd y tu allan i’r Deyrnas Unedig);”;

(b) yn lle paragraff (3)(d) rhodder—

“(d) ni fernir bod sefydliad wedi cael ei gyllido’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; ac”.

44. In regulation 1 (title, commencement and application), after paragraph (3) insert—

“(4) These Regulations do not apply to the provision of postgraduate master’s degree loans to students in relation to courses which begin on or after 1 August 2019 unless regulation 2(3) of the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019 applies to the course.”

45. In regulation 2 (interpretation), in paragraph (1)—

(a) for the definition of “fees” substitute—

““fees” (“*ffioedd*”) has the meaning given in section 57(1) of the Higher Education (Wales) Act 2015(1);”;

(b) 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

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

46. In regulation 4—

(a) for paragraph (1)(b) substitute—

“(b) wholly provided by an institution in the United Kingdom that before 1 August 2019 was a publicly funded institution (whether alone or in conjunction with another such institution or with an institution situated outside the United Kingdom);”;

(b) for paragraph (3)(d) substitute—

“(d) 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; and”.

(1) 2015 dccc 1.

(2) 2016 p. 19.

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

(1) 2015 anaw 1.

(2) 2016 c. 19.

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

47. 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;”.

48. 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) sy’n berson 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” 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.”

47. 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;”.

48. 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) 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” 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  
29 Ebrill 2019

Minister for Education, one of the Welsh Ministers  
29 April 2019

# YR ATODLENNI

## ATODLEN 1 Rheoliad 4(1) Dehongli

### Ystyr blwyddyn academiaidd

1.—(1) Penderfynir ar “blwyddyn academiaidd”, mewn cysylltiad â chwrs, fel a ganlyn—

- (a) nodi'r cyfnod yng Ngholofn 2 o Dabl 1 y mae'r flwyddyn academiaidd yn dechrau ynddo mewn gwirionedd;
- (b) y flwyddyn academiaidd yw'r cyfnod o 12 mis sy'n dechrau ar y dyddiad a bennir yn y cofnod yng Ngholofn 1 o'r Tabl sy'n cyfateb i'r cyfnod a nodir yng Ngholofn 2.

(2) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at “blwyddyn academiaidd” yn gyfeiriad at flwyddyn y penderfynir arni yn unol ag is-baragraff (1).

**Tabl 1**

<i>Colofn 1</i> <i>Dyddiad</i>	<i>Colofn 2</i> <i>Y cyfnod y mae'r flwyddyn academiaidd yn ddibenion y Rheoliadau hyn</i>
1 Medi	Ar neu ar ôl 1 Awst ond cyn 1 Ionawr
1 Ionawr	Ar neu ar ôl 1 Ionawr ond cyn 1 Ebrill
1 Ebrill	Ar neu ar ôl 1 Ebrill ond cyn 1 Gorffennaf
1 Gorffennaf	Ar neu ar ôl 1 Gorffennaf ond cyn 1 Awst

### Sefydliadau addysgol

2.—(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;
- (b) 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;
- (c) 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;

# SCHEDULES

## SCHEDULE 1 Regulation 4(1) Interpretation

### Meaning of academic year

1.—(1) An “academic year”, in respect of a course, is determined as follows—

- (a) identify the period in Column 2 of Table 1 within which the academic year actually begins;
- (b) the academic year is the period of 12 months beginning on the date specified in the entry in Column 1 of the Table corresponding to the period set out in Column 2.

(2) Any reference in these Regulations to an “academic year” is a reference to a year determined in accordance with sub-paragraph (1).

**Table 1**

<i>Column 1</i> <i>Start date of academic year for the purposes of these Regulations</i>	<i>Column 2</i> <i>Period within which academic year begins</i>
1 September	On or after 1 August but before 1 January
1 January	On or after 1 January but before 1 April
1 April	On or after 1 April but before 1 July
1 July	On or after 1 July but before 1 August

### Educational institutions

2.—(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) “Scottish funded institution” means an institution maintained or assisted by recurrent grants out of funds provided by the Scottish Ministers;
- (c) “Northern Irish funded institution” means an institution maintained or assisted by recurrent grants out of funds provided by the Northern Ireland Executive;

- (d) 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);
- (e) ystyr “sefydliad Seisnig cofrestredig” yw sefydliad sydd wedi ei gofrestru gan y Swyddfa Fyfyrrwyr(2) yn y gofrestr;
- (f) ystyr “darparwr cynllun Seisnig” 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.

(2) Yn y paragraff hwn, mae unrhyw gyfeiriad at y gofrestr yn gyfeiriad at y gofrestr a sefydlwyd ac a gynhelir gan y Swyddfa Fyfyrrwyr o dan adran 3 o Ddeddf Addysg Uwch ac Ymchwil 2017.

### Dehongli termau allweddol eraill

3.—(1) Yn y Rheoliadau hyn—

ystyr “aelod o’r lluoedd arfog” (“*member of the armed forces*”) yw aelod o lynges, byddin neu lu awyr rheolaidd y Goron;

ystyr “awdurdod academaidd” (“*academic authority*”), mewn perthynas â sefydliad, yw’r corff llywodraethu neu gorff arall a chanddo swyddogaethau corff llywodraethu ac mae’n cynnwys person sy’n gweithredu gydag awdurdod y corff hwnnw;

ystyr “blwyddyn academaidd gyfredol” (“*current academic year*”) yw blwyddyn academaidd y cwrs dynodedig y mae’r myfyriwr yn gwneud cais am gymorth ynddi;

ystyr “bwrsari gofal iechyd” (“*healthcare bursary*”) yw bwrsari neu ddyfardal o ddisgrifiad tebyg o dan adran 63(6) o Ddeddf Gwasanaethau Iechyd ac Iechyd y Cyhoedd 1968(3) neu Erthygl 44 o Orchymyn Gwasanaethau Iechyd a Chymdeithasol Personol (Gogledd Iwerddon) 1972(4);

ystyr “carcharor” (“*prisoner*”) yw person sy’n bwrw dedfryd mewn carchar yn y Deyrnas Unedig gan gynnwys person sy’n cael ei gadw’n gaeth mewn sefydliad troseddwr ifanc (ac mae “carchar” i’w ddehongli yn unol â hynny);

- (d) “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);
- (e) “registered English institution” means an institution registered by the Office for Students(2) in the register;
- (f) “English plan provider” 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.

(2) In this paragraph, any reference to the register is a reference to the register established and maintained by the Office for Students under section 3 of the Higher Education and Research Act 2017.

### Interpretation of other key terms

3.—(1) In these Regulations—

“academic authority” (“*awdurdod academaidd*”) means, in relation to an institution, the governing body or other body having the functions of a governing body and includes a person acting with the authority of that body;

“close relative” (“*perthynas agos*”) (in relation to a person (“P”)) means—

- (a) P’s spouse or civil partner;
- (b) a person ordinarily living with P as if the person were P’s spouse or civil partner;
- (c) P’s parent, where P is under the age of 25;
- (d) P’s child, where P is dependent on that child;

“course” (“*cwrs*”) means, unless the context otherwise requires, a taught programme of study, a programme of research, or a combination of both, and which may include one or more periods of work experience, and which leads, on successful completion, to the award of a postgraduate master’s degree;

“current academic year” (“*blwyddyn academaidd gyfredol*”) means the academic year of the designated course in which the student applies for support;

(1) 2017 p. 29.

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

(3) 1968 p. 46.

(4) O.S. 1972/1265 (G.I. 14).

(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.

ystyr “carcharor cymwys” (“*eligible prisoner*”) yw carcharor—

- (a) sy’n dechrau cwrs dynodedig ar neu ar ôl 1 Awst 2019,
- (b) sydd wedi ei awdurdodi gan Lywodraethwr neu Gyfarwyddwr y carchar neu gan awdurdod priodol arall i astudio’r cwrs dynodedig, ac
- (c) y mae ei ddyddiad rhyddhau cynharaf o fewn 4 blynedd i ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs dynodedig;

ystyr “cronfeydd cyhoeddus” (“*public funds*”) yw arian a ddarperir gan Senedd y Deyrnas Unedig gan gynnwys cronfeydd a ddarperir gan Weinidogion Cymru;

ystyr “cwrs” (“*course*”), oni fydd y cyd-destun yn mynnu fel arall, yw rhaglen astudio a gaiff ei haddysgu, rhaglen ymchwil, neu gyfuniad o’r ddwy, ac a gaiff gynnwys un neu ragor o gyfnodau o brofiad gwaith, ac sy’n arwain, ar ôl eu cwblhau’n llwyddiannus, at ddyfarnu gradd feistr ôl-raddedig;

ystyr “cwrs dysgu o bell” (“*distance learning course*”) yw cwrs nad yw’r sefydliad sy’n darparu’r cwrs yn ei gwneud yn ofynnol i fyfyrwr sy’n ymgymryd â’r cwrs fod yn bresennol mewn perthynas ag ef, ac eithrio i fodloni unrhyw ofyniad a osodir gan y sefydliad i fod yn bresennol mewn unrhyw sefydliad—

- (a) at ddiben cofrestru, ymrestru neu unrhyw arholiad, neu
- (b) ar benwythnos neu yn ystod unrhyw wyliau;

ystyr “cyfnodau o brofiad gwaith” (“*periods of work experience*”) yw—

- (a) cyfnodau o brofiad diwydiannol, proffesiynol neu fasnachol sy’n gysylltiedig â’r cwrs dynodedig mewn sefydliad, ond mewn man y tu allan i’r sefydliad hwnnw;
- (b) cyfnodau pan fydd myfyriwr yn cael ei gyflogi ac yn preswyllo mewn gwlad y mae ei hiaith yn un y mae’r myfyriwr yn ei hastudio ar gyfer cwrs dynodedig y myfyriwr hwnnw (ar yr amod bod y cyfnod preswyllo yn y wlad honno yn un o ofynion cwrs y myfyriwr hwnnw a bod astudio un neu ragor o ieithoedd modern yn cyfrif am ddim llai na hanner cyfanswm yr amser a dreulir yn astudio ar y cwrs);

“distance learning course” (“*cwrs dysgu o bell*”) means a course in relation to which a student undertaking the course is not required to be in attendance by the institution providing the course, other than to satisfy any requirement imposed by the institution to attend any institution—

- (a) for the purpose of registration, enrolment or any examination, or
- (b) on a weekend or during any vacation;

“eligible prisoner” (“*carcharor cymwys*”) means a prisoner—

- (a) who begins a designated course on or after 1 August 2019,
- (b) who has been authorised by the prison Governor or Director or other appropriate authority to study the designated course, and
- (c) whose earliest release date is within 4 years of the first day of the first academic year of the designated course;

“equivalent or higher qualification” (“*cymhwyster cyfatebol neu uwch*”) means a qualification determined in accordance with paragraph (2) to be an equivalent or higher qualification;

“EU national” (“*gwladolyn UE*”) means a national of a member State of the EU;

“fees” (“*ffioedd*”) has the meaning given in section 57(1) of the Higher Education (Wales) Act 2015(1);

“healthcare bursary” (“*bwrsari gofal iechyd*”) means a bursary or award of similar description under section 63(6) of the Health Services and Public Health Act 1968(2) or Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972(3);

“information” (“*gwybodaeth*”) includes documents;

“KESS 2 Scheme” (“*Cynllun KESS 2*”) means the Knowledge Economy Skills Scholarships 2 Scheme which is funded, in part, by the European Social Fund(4);

“member of the armed forces” (“*aelod o’r lluoedd arfog*”) means a member of the regular naval, military or air forces of the Crown;

“periods of work experience” (“*cyfnodau o brofiad gwaith*”) means—

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(1) 2015 anaw 1.

(2) 1968 c. 46.

(3) S.I. 1972/1265 (N.I. 14).

(4) The European Social Fund is established under Article 162 of the Treaty on the Functioning of the European Union.



ystyr “cymhwyster cyfatebol neu uwch” (“*equivalent or higher qualification*”) yw cymhwyster y penderfynir yn unol â pharagraff (2) ei fod yn gymhwyster cyfatebol neu uwch;

ystyr “cymorth” (“*support*”), ac eithrio pan nodir fel arall, yw cymorth ariannol ar ffurf grant neu fenthyciad a wneir gan Weinidogion Cymru o dan—

- (a) y Rheoliadau hyn, neu
- (b) unrhyw reoliadau eraill a wneir o dan adran 22 o Ddeddf 1998;

ystyr “Cynllun KESS 2” (“*KESS 2 Scheme*”) yw Cynllun Ysgoloriaethau Sgiliau Economi Gwybodaeth 2 a gyllidir, yn rhannol, gan Gronfa Gymdeithasol Ewrop(1);

ystyr “dyfarndal statudol” (“*statutory award*”) yw unrhyw ddyfarndal a roddir, unrhyw grant a delir, neu unrhyw gymorth arall a ddarperir, yn rhinwedd Deddf 1998 neu Ddeddf Addysg 1962(2), neu unrhyw ddyfarndal, grant neu gymorth arall cyffelyb, mewn cysylltiad ag ymgymryd â chwrs sy’n cael ei dalu o gronfeydd cyhoeddus;

ystyr “y ddeddfwriaeth ar fenthyciadau i fyfyrwyr” (“*student loans legislation*”) yw Deddf Addysg (Benthyciadau i Fyfyrwyr) 1990(3), Gorchymyn Addysg (Benthyciadau i Fyfyrwyr) (Gogledd Iwerddon) 1990(4), Deddf Addysg (Yr Alban) 1980(5) a rheoliadau a wneir o dan y Deddfau hynny neu’r Gorchymyn hwnnw, Gorchymyn Addysg (Cymorth i Fyfyrwyr) (Gogledd Iwerddon) 1998(6) a rheoliadau a wneir o dan y Gorchymyn hwnnw neu Ddeddf 1998 a rheoliadau a wneir o dan Ddeddf 1998;

mae i “ffioedd” (“*fees*”) yr ystyr a roddir yn adran 57(1) o Ddeddf Addysg Uwch (Cymru) 2015(7);

ystyr “gwladolyn UE” (“*EU national*”) yw gwladolyn o Aelod-wladwriaeth o’r UE;

mae “gwybodaeth” (“*information*”) yn cynnwys dogfennau;

(a) periods of industrial, professional or commercial experience associated with the designated course at an institution, but at a place outside that institution;

(b) periods during which a student is employed and residing in a country whose language is one that the student is studying for that student’s designated course (provided that the period of residence in that country is a requirement of that student’s course and the study of one or more modern languages accounts for not less than one half of the total time spent studying on the course);

“prisoner” (“*carcharor*”) means a person who is serving a sentence of imprisonment in the United Kingdom including a person who is detained in a young offender institution (and “prison” is to be construed accordingly);

“public funds” (“*cronfeydd cyhoeddus*”) means moneys provided by Parliament including funds provided by the Welsh Ministers;

“statutory award” (“*dyfarndal statudol*”) means any award bestowed, grant paid, or other support provided, by virtue of the 1998 Act or the Education Act 1962(1), or any comparable award, grant, or other support, in respect of undertaking a course which is paid out of public funds;

“student loans legislation” (“*y ddeddfwriaeth ar fenthyciadau i fyfyrwyr*”) means the Education (Student Loans) Act 1990(2), the Education (Student Loans) (Northern Ireland) Order 1990(3), the Education (Scotland) Act 1980(4) and regulations made under those Acts or that Order, the Education (Student Support) (Northern Ireland) Order 1998(5) and regulations made under that Order or the 1998 Act and regulations made under the 1998 Act;

“support” (“*cymorth*”), except where otherwise indicated, means financial support by way of grant or loan made by the Welsh Ministers under—

- (a) these Regulations, or
- (b) any other regulations made under section 22 of the 1998 Act.

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(1) Mae Cronfa Gymdeithasol Ewrop wedi ei sefydlu o dan Erthygl 162 o’r Cytuniad ar Weithrediad yr Undeb Ewropeaidd.

(2) 1962 p. 12 (a ddiddymwyd bellach).

(3) Fe’i diddymwyd gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), Atodlen 4, gydag arbedion *gweler* Gorchymyn Deddf Addysgu ac Addysg Uwch 1998 (Cychwyn Rhif 2 a Darpariaethau Trosiannol) 1998 (O.S. 1998/2004) (C. 46).

(4) O.S. 1990/1506 (G.I. 11), a ddiwygiwyd gan O.S. 1996/274 (G.I. 1), Atodlen 5 Rhan 2, O.S. 1996/1918 (G.I. 15), Erthygl 3 a’r Atodlen ac O.S. 1998/258 (G.I. 1), Erthyglau 3 i 6 ac a ddirymwyd, gydag arbedion, gan Rh.St. (G.I.) 1998 Rhif 306.

(5) 1980 p. 44.

(6) O.S. 1998/1760 (G.I. 14) y mae diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

(7) 2015 dccc 1.

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(1) 1962 c. 12 (now repealed).

(2) Repealed by the Teaching and Higher Education Act 1998 (c. 30), Schedule 4, with savings *see* the Teaching and Higher Education Act 1998 (Commencement No. 2 and Transitional Provisions) Order 1998 (S.I. 1998/2004) (C. 46).

(3) S.I. 1990/1506 (N.I. 11), amended by S.I. 1996/274 (N.I. 1), Schedule 5 Part 2, S.I. 1996/1918 (N.I. 15), Article 3 and the Schedule and S.I. 1998/258 (N.I. 1), Articles 3 to 6 and revoked, with savings, by SR (N.I.) 1998 No. 306.

(4) 1980 c. 44.

(5) S.I. 1998/1760 (N.I. 14) to which there have been amendments not relevant to these Regulations.

ystyr “perthynas agos” (“*close relative*”) (mewn perthynas â pherson (“P”)) yw—

- (a) priod neu bartner sifil P;
- (b) person sy’n byw fel arfer gyda P fel pe bai’r person yn briod neu’n bartner sifil i P;
- (c) rhiant P, pan fo P o dan 25 oed;
- (d) plentyn P, pan fo P yn ddibynnol ar y plentyn hwnnw.

(2) Caiff Gweinidogion Cymru benderfynu bod cymhwyster yn gymhwyster cyfatebol neu uwch—

- (a) os oes gan fyfyrwr cymwys gymhwyster uwch o unrhyw sefydliad pa un a yw yn y Deyrnas Unedig ai peidio, a
- (b) os yw’r cymhwyster y cyfeirir ato ym mharagraff (a) yn radd feistr ôl-raddedig o sefydliad yn y Deyrnas Unedig neu os yw o lefel academiaidd sydd, ym marn Gweinidogion Cymru, yn cyfateb i gymhwyster y mae’r cwrs dynodedig yn arwain ato neu’n uwch na’r cymhwyster hwnnw.

(2) The Welsh Ministers may determine that a qualification is an equivalent or higher qualification if—

- (a) an eligible student holds a higher qualification from any institution whether or not in the United Kingdom, and
- (b) the qualification referred to in paragraph (a) is a postgraduate master’s degree from an institution in the United Kingdom or is of an academic level which, in the opinion of the Welsh Ministers, is equivalent to or higher than a qualification to which the designated course leads.

Categoriâu o fyfyrwyr cymwys

**Categori 1 – Personau sydd wedi setlo yn y Deyrnas Unedig**

1.—(1) Person—

- (a) sydd ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs—
  - (i) wedi setlo yn y Deyrnas Unedig ac eithrio am y rheswm ei fod wedi ennill yr hawl i breswyllo'n barhaol, a
  - (ii) yn preswyllo fel arfer yng Nghymru,
- (b) 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, ac
- (c) na fu'n preswyllo yn y Deyrnas Unedig a'r Ynysoedd, yn ystod unrhyw ran o'r cyfnod y cyfeirir ato ym mharagraff (b), yn gyfan gwbl neu'n bennaf at ddiben cael addysg lawnamser (oni bai bod y person yn cael ei drin fel pe bai'n preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd yn unol â pharagraff 11(2)).

(2) Person—

- (a) sydd wedi setlo yn y Deyrnas Unedig yn rhinwedd ennill yr hawl i breswyllo'n barhaol,
- (b) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs,
- (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, a
- (d) mewn achos pan oedd ei breswyllo fel arfer, y cyfeirir ato ym mharagraff (c), yn gyfan gwbl neu'n bennaf at ddiben cael addysg lawnamser, a oedd yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir yn union cyn y cyfnod o breswyllo fel arfer y cyfeirir ato ym mharagraff (c).

Categories of eligible students

**Category 1 – Persons settled in the United Kingdom**

1.—(1) A person—

- (a) who on the first day of the first academic year of the course—
  - (i) is settled in the United Kingdom other than by reason of having acquired the right of permanent residence, and
  - (ii) is ordinarily resident in Wales,
- (b) who 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, and
- (c) whose residence in the United Kingdom and Islands has not, during any part of the period referred to in paragraph (b), been wholly or mainly for the purpose of receiving full-time education (unless the person is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 11(2)).

(2) A person who—

- (a) is settled in the United Kingdom by virtue of having acquired the right of permanent residence,
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course,
- (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, and
- (d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the EEA and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

## **Categori 2 – Ffoaduriaid ac aelodau o’u teuluoedd**

### **2.—(1) Person—**

- (a) sy’n ffoadur,
- (b) sy’n preswyllo fel arfer yn y Deyrnas Unedig a’r Ynysoedd ac nad yw wedi peidio â phreswyllo felly ers i’r person gael ei gydnabod yn ffoadur, ac
- (c) sy’n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

### **(2) Person—**

- (a) sy’n briod neu’n bartner sifil i ffoadur,
- (b) a oedd yn briod neu’n bartner sifil i’r ffoadur ar y dyddiad y gwnaeth y ffoadur y cais am loches,
- (c) sy’n preswyllo fel arfer yn y Deyrnas Unedig a’r Ynysoedd ac nad yw wedi peidio â phreswyllo felly er pan gafodd ganiatâd i aros yn y Deyrnas Unedig, a
- (d) sy’n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

### **(3) Person—**

- (a) sy’n blentyn i ffoadur neu’n blentyn i briod neu i bartner sifil ffoadur,
- (b) ar y dyddiad y gwnaeth y ffoadur y cais am loches, a oedd yn blentyn i’r ffoadur neu’n blentyn i berson a oedd yn briod neu’n bartner sifil i’r ffoadur ar y dyddiad hwnnw,
- (c) a oedd o dan 18 oed ar y dyddiad y gwnaeth y ffoadur y cais am loches,
- (d) sy’n preswyllo fel arfer yn y Deyrnas Unedig a’r Ynysoedd ac nad yw wedi peidio â phreswyllo felly er pan gafodd ganiatâd i aros yn y Deyrnas Unedig, ac
- (e) sy’n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

## **Categori 3 – Personau y rhoddwyd caniatâd iddynt aros fel personau diwladwriaeth ac aelodau o’u teuluoedd**

### **3.—(1) Person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth—**

- (a) sy’n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs, a

## **Category 2 – Refugees and their family members**

### **2.—(1) A person who—**

- (a) is a refugee,
- (b) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since the person was recognised as a refugee, and
- (c) is ordinarily resident in Wales on the first day of the first academic year of the course.

### **(2) A person who—**

- (a) is the spouse or civil partner of a refugee,
- (b) was the spouse or civil partner of the refugee on the date on which the refugee made the application for asylum,
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to remain in the United Kingdom, and
- (d) is ordinarily resident in Wales on the first day of the first academic year of the course.

### **(3) A person who—**

- (a) is the child of a refugee or the child of the spouse or civil partner of a refugee,
- (b) on the date on which the refugee made the application for asylum, was the child of the refugee or the child of a person who was the spouse or civil partner of the refugee on that date,
- (c) was under 18 years old on the date on which the refugee made the application for asylum,
- (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to remain in the United Kingdom, and
- (e) is ordinarily resident in Wales on the first day of the first academic year of the course.

## **Category 3 – Persons granted stateless leave and their family members**

### **3.—(1) A person granted stateless leave who—**

- (a) is ordinarily resident in Wales on the first day of the first academic year of the course, and

- (b) 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)—(i) sy'n briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth, a
- (ii) a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth,
- (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.
- (3) Person—
- (a)—(i) sy'n blentyn i berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth neu'n blentyn i briod neu i bartner sifil person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth, a
- (ii) a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn blentyn i berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth neu'n blentyn i berson a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth,
- (b) a oedd o dan 18 oed ar ddyddiad y cais i gael caniatâd i aros,
- (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.
- (4) Yn y paragraff hwn—
- (a) ystyr "person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth" yw person—
- (i) y mae ganddo ganiatâd cyfredol i aros fel person diwladwriaeth o dan y rheolau mewnfudo, a
- (b) 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—
- (a) who—
- (i) is the spouse or civil partner of a person granted stateless leave, and
- (ii) on the leave application date, was the spouse or civil partner of a person granted stateless leave,
- (b) who is ordinarily resident in Wales on the first day of the first academic year of the course, and
- (c) who 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) A person—
- (a) who—
- (i) is the child of a person granted stateless leave or the child of the spouse or civil partner of a person granted stateless leave, and
- (ii) on the leave application date, was the child of a person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of a person granted stateless leave,
- (b) who was under 18 on the leave application date,
- (c) who is ordinarily resident in Wales on the first day of the first academic year of the course, and
- (d) who 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.
- (4) In this paragraph—
- (a) "person granted stateless leave" means a person who—
- (i) has extant leave to remain as a stateless person under the immigration rules, and

- (ii) 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 "dyddiad y cais i gael caniatâd i aros" yw'r dyddiad y gwnaeth person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth gais i aros yn y Deyrnas Unedig fel person diwladwriaeth o dan y rheolau mewnffudo.

**Categori 4 – Personau sydd â chaniatâd i ddod i mewn neu i aros ac aelodau o'u teuluoedd**

4.—(1) Person—

- (a) sydd â chaniatâd i ddod i mewn neu i aros,
- (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 briod neu'n bartner sifil i berson sydd â chaniatâd i ddod i mewn neu i aros,
- (b) a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros,
- (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) Person—

- (a) sy'n blentyn i berson sydd â chaniatâd i ddod i mewn neu i aros neu sy'n blentyn i briod neu i bartner sifil person sydd â chaniatâd i ddod i mewn neu i aros,
- (b) a oedd, ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros, o dan 18 oed ac yn blentyn i'r person sydd â chaniatâd i ddod i mewn neu i aros neu'n blentyn i berson a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar y dyddiad hwnnw,

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

- (b) "leave application date" means the date on which a person granted stateless leave made an application to remain in the United Kingdom as a stateless person under the immigration rules.

**Category 4 – Persons with leave to enter or remain and their family members**

4.—(1) A person—

- (a) with leave to enter or remain,
- (b) who is ordinarily resident in Wales on the first day of the first academic year of the course, and
- (c) who 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 spouse or civil partner of a person with leave to enter or remain,
- (b) was the spouse or civil partner of the person with leave to enter or remain on the leave application date,
- (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) A person who—

- (a) is the child of a person with leave to enter or remain or the child of the spouse or civil partner of a person with leave to enter or remain,
- (b) on the leave application date was under 18 years old and was the child of the person with leave to enter or remain or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on that date,

- (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.

(4) Yn y paragraff hwn, ystyr "person sydd â chaniatâd i ddod i mewn neu i aros" yw person ("P")—

- (a) sydd—
  - (i) wedi gwneud cais am statws ffoadur ond sydd, o ganlyniad i'r cais hwnnw, wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, er yr ystyrir nad yw P yn cymhwyso i gael ei gydnabod yn ffoadur, y credir ei bod yn iawn caniatáu iddo ddod i mewn i'r Deyrnas Unedig neu aros ynddi ar sail diogelwch dyngarol neu ganiatâd yn ôl disgrisiwn, ac y mae caniatâd wedi ei roi iddo i ddod i mewn neu i aros yn unol â hynny,
  - (ii) heb wneud cais am statws ffoadur ond sydd wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref y credir ei bod yn iawn caniatáu i P ddod i mewn i'r Deyrnas Unedig neu aros ynddi ar sail caniatâd yn ôl disgrisiwn, ac y mae caniatâd wedi ei roi iddo i ddod i mewn neu i aros yn unol â hynny,
  - (iii) wedi cael caniatâd i aros ar sail bywyd preifat o dan y rheolau mewnfudo,
  - (iv) wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, er yr ystyrir nad yw P yn cymhwyso i gael caniatâd i aros ar sail bywyd preifat o dan y rheolau mewnfudo, fod P wedi cael caniatâd i aros y tu allan i'r rheolau(1) ar sail Erthygl 8 o'r Confensiwn Ewropeaidd ar Hawliau Dynol,

- (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.

(4) In this paragraph, a "person with leave to enter or remain" means a person ("P")—

- (a) who has—
  - (i) applied for refugee status but has, as a result of that application been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although P is considered not to qualify for recognition as a refugee, it is thought right to allow P to enter or remain in the United Kingdom on the grounds of humanitarian protection or discretionary leave, and who has been granted leave to enter or remain accordingly,
  - (ii) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow P to enter or remain in the United Kingdom on the grounds of discretionary leave, and who has been granted leave to enter or remain accordingly,
  - (iii) been granted leave to remain on the grounds of private life under the immigration rules,
  - (iv) been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although P is not considered to qualify for leave to remain on the grounds of private life under the immigration rules, P has been granted leave to remain outside the rules(1) on the grounds of Article 8 of the European Convention on Human Rights,

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(1) Mae paragraff 276BE(2) o'r Rheolau Mewnfudo yn cyfeirio at hyn.

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(1) Paragraph 276BE(2) of the Immigration Rules refers.

- (b) nad yw cyfnod ei ganiatâd i ddod i mewn neu i aros wedi dod i ben, neu y mae'r cyfnod hwnnw wedi ei adnewyddu ac nad yw'r cyfnod y cafodd ei adnewyddu ar ei gyfer wedi dod i ben, neu y mae apêl yn yr arfaeth (o fewn ystyr adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002(1)) mewn cysylltiad â'i ganiatâd i ddod i mewn neu i aros, ac
- (c) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod ers i P gael caniatâd i ddod i mewn neu i aros.

(5) Yn y paragraff hwn, ystyr "dyddiad y cais i gael caniatâd i ddod i mewn neu i aros" yw'r dyddiad y gwnaeth y person sydd â chaniatâd i ddod i mewn neu i aros y cais a arweiniodd at y person hwnnw yn cael caniatâd i ddod i mewn i'r Deyrnas Unedig neu aros ynddi.

#### **Categori 5 – Personau sydd â chaniatâd i aros o dan adran 67**

##### **5.—(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 yn y Deyrnas Unedig 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.

- (b) whose period of leave to enter or remain has not expired or has been renewed and the period for which it was renewed has not expired or in respect of whose leave to enter or remain an appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(1)), and
- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the period since P was granted leave to enter or remain.

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

#### **Category 5 – Persons with section 67 leave to remain**

##### **5.—(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 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.

(1) 2002 p. 41. Diwygiwyd adran 104 gan Ddeddf Lloches a Mewnfudo (Trin Ceiswyr etc.) 2004 (p. 19), Atodlenni 2 a 4, Deddf Mewnfudo, Lloches a Chenedligrwydd 2006 (p. 13), adran 9, O.S. 2010/21, Deddf Mewnfudo 2014 (p. 22), Atodlen 9.

(1) 2002 c. 41. Section 104 was amended by the Asylum and Immigration (Treatment of Claimants etc.) Act 2004 (c. 19), Schedules 2 and 4, the Immigration, Asylum and Nationality Act 2006 (c. 13), section 9, S.I. 2010/21, the Immigration Act 2014 (c. 22), Schedule 9.



(3) Yn y paragraff hwn—

- (a) ystyr “person sydd â chaniatâd i aros o dan adran 67” yw person—
  - (i) y mae ganddo ganiatâd cyfredol i aros yn y Deyrnas Unedig o dan adran 67 o Ddeddf Mewnfudo 2016(1) ac yn unol â’r rheolau mewnfudo, a
  - (ii) 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 “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.

**Categori 6 – Gweithwyr, personau cyflogedig, personau hunangyflogedig ac aelodau o’u teuluoedd**

6.—(1) Person—

- (a) sy’n un o’r canlynol—
  - (i) gweithiwr mudol AEE neu berson hunangyflogedig AEE, sy’n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;
  - (ii) person cyflogedig Swisaidd neu berson hunangyflogedig Swisaidd, sy’n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;
  - (iii) aelod o deulu person a grybwyllir yn is-baragraff (i) neu (ii), sy’n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;
  - (iv) gweithiwr trawsffiniol AEE neu berson hunangyflogedig trawsffiniol AEE;
  - (v) person cyflogedig trawsffiniol Swisaidd neu berson hunangyflogedig trawsffiniol Swisaidd;
  - (vi) aelod o deulu person a grybwyllir yn is-baragraff (iv) neu (v), a
- (b) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy’n ffurfio’r AEE a’r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(3) In this paragraph—

- (a) “person with section 67 leave to remain” means a person who—
  - (i) has extant leave to remain in the United Kingdom under section 67 of the Immigration Act 2016(1) and in accordance with the immigration rules, and
  - (ii) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;
- (b) “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.

**Category 6 – Workers, employed persons, self-employed persons and their family members**

6.—(1) A person who—

- (a) is one of the following—
  - (i) an EEA migrant worker or an EEA self-employed person, who is ordinarily resident in Wales on the first day of the first academic year of the course;
  - (ii) a Swiss employed person or a Swiss self-employed person, who is ordinarily resident in Wales on the first day of the first academic year of the course;
  - (iii) a family member of a person mentioned in sub-paragraph (i) or (ii), who is ordinarily resident in Wales on the first day of the first academic year of the course;
  - (iv) an EEA frontier worker or an EEA frontier self-employed person;
  - (v) a Swiss frontier employed person or a Swiss frontier self-employed person;
  - (vi) a family member of a person mentioned in sub-paragraph (iv) or (v), and
- (b) has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course.

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(1) 2016 p. 19.

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(1) 2016 c. 19.

(2) Person—

- (a) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs,
- (b) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs, ac
- (c) sydd â hawlogaeth i gael cymorth yn rhinwedd Erthygl 10 o Reoliad (EU) Rhif 492/2011 Senedd Ewrop a'r Cyngor ar ryddid gweithwyr i symud o fewn yr Undeb, fel y'i hestynnwyd gan Gytundeb yr AEE(1).

(3) Yn is-baragraff (1)—

ystyr "aelod o deulu" ("*family member*") yw—

- (a) mewn perthynas â gweithiwr trawsffiniol AEE, gweithiwr mudol AEE, person hunangyflogedig trawsffiniol AEE neu berson hunangyflogedig AEE—
  - (i) priod y person neu ei bartner sifil,
  - (ii) disgynyddion uniongyrchol y person neu ddisgynyddion uniongyrchol priod neu bartner sifil y person sydd o dan 21 oed neu sy'n 21 oed a throsodd ac sy'n ddibynyddion y person neu'n ddibynyddion priod neu bartner sifil y person, neu
  - (iii) perthnasau uniongyrchol dibynnol yn llinach esgynnol y person neu yn llinach esgynnol priod neu bartner sifil y person;
- (b) mewn perthynas â pherson cyflogedig trawsffiniol Swisaidd, person cyflogedig Swisaidd, person hunangyflogedig trawsffiniol Swisaidd neu berson hunangyflogedig Swisaidd—
  - (i) priod y person neu ei bartner sifil, neu
  - (ii) plentyn y person neu blentyn priod neu bartner sifil y person;

ystyr "gweithiwr mudol AEE" ("*EEA migrant worker*") yw gwladolyn AEE sy'n weithiwr, ac eithrio gweithiwr trawsffiniol AEE, yn y Deyrnas Unedig;

ystyr "gweithiwr trawsffiniol AEE" ("*EEA frontier worker*") yw gwladolyn AEE sydd—

- (a) yn weithiwr yng Nghymru, a

(2) A person who—

- (a) is ordinarily resident in Wales on the first day of the first academic year of the course,
- (b) has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course, and
- (c) is entitled to support by virtue of Article 10 of Regulation (EU) No. 492/2011 of the European Parliament and of the Council on freedom of movement for workers within the Union, as extended by the EEA Agreement(1).

(3) In sub-paragraph (1)—

"EEA frontier self-employed person" ("*person hunangyflogedig trawsffiniol AEE*") means an EEA national who—

- (a) is a self-employed person in Wales, and
- (b) resides in Switzerland or the territory of an EEA State other than the United Kingdom and returns to the national's residence in Switzerland or that EEA State, as the case may be, at least once a week;

"EEA frontier worker" ("*gweithiwr trawsffiniol AEE*") means an EEA national who—

- (a) is a worker in Wales, and
- (b) resides in Switzerland or the territory of an EEA State other than the United Kingdom and returns to the national's residence in Switzerland or that EEA State, as the case may be, at least once a week;

"EEA migrant worker" ("*gweithiwr mudol AEE*") means an EEA national who is a worker, other than an EEA frontier worker, in the United Kingdom;

"EEA self-employed person" ("*person hunangyflogedig AEE*") means an EEA national who is a self-employed person, other than an EEA frontier self-employed person, in the United Kingdom;

"family member" ("*aelod o deulu*") means—

- (a) in relation to an EEA frontier worker, an EEA migrant worker, an EEA frontier self-employed person or an EEA self-employed person—
  - (i) the person's spouse or civil partner,

(1) OJ Rhif L141, 27.05.2011, t. 1.

(1) OJ No L141, 27.05.2011, p. 1.

- (b) yn preswyllo yn y Swistir neu yn nhiriogaeth Gwladwriaeth AEE ac eithrio'r Deyrnas Unedig ac sy'n dychwelyd i'w breswylfa yn y Swistir neu'r Wladwriaeth AEE honno, yn ôl y digwydd, o leiaf unwaith yr wythnos;

ystyr "person cyflogedig Swisaidd" ("*Swiss employed person*") yw gwladolyn Swisaidd sy'n berson cyflogedig, ac eithrio person cyflogedig trawsffiniol Swisaidd, yn y Deyrnas Unedig;

ystyr "person cyflogedig trawsffiniol Swisaidd" ("*Swiss frontier employed person*") yw gwladolyn Swisaidd sydd—

- (a) yn berson cyflogedig yng Nghymru, a
- (b) yn preswyllo yn y Swistir neu yn nhiriogaeth Gwladwriaeth AEE ac eithrio'r Deyrnas Unedig ac sy'n dychwelyd i'w breswylfa yn y Swistir neu'r Wladwriaeth AEE honno, yn ôl y digwydd, o leiaf unwaith yr wythnos;

ystyr "person hunangyflogedig AEE" ("*EEA self-employed person*") yw gwladolyn AEE sy'n berson hunangyflogedig, ac eithrio person hunangyflogedig trawsffiniol AEE, yn y Deyrnas Unedig;

ystyr "person hunangyflogedig Swisaidd" ("*Swiss self-employed person*") yw gwladolyn Swisaidd sy'n berson hunangyflogedig, ac eithrio person hunangyflogedig trawsffiniol Swisaidd, yn y Deyrnas Unedig;

ystyr "person hunangyflogedig trawsffiniol AEE" ("*EEA frontier self-employed person*") yw gwladolyn AEE sydd—

- (a) yn berson hunangyflogedig yng Nghymru, a
- (b) yn preswyllo yn y Swistir neu yn nhiriogaeth Gwladwriaeth AEE ac eithrio'r Deyrnas Unedig ac sy'n dychwelyd i'w breswylfa yn y Swistir neu'r Wladwriaeth AEE honno, yn ôl y digwydd, o leiaf unwaith yr wythnos;

ystyr "person hunangyflogedig trawsffiniol Swisaidd" ("*Swiss frontier self-employed person*") yw gwladolyn Swisaidd sydd—

- (a) yn berson hunangyflogedig yng Nghymru, a
- (b) yn preswyllo yn y Swistir neu yn nhiriogaeth Gwladwriaeth AEE ac eithrio'r Deyrnas Unedig ac sy'n dychwelyd i'w breswylfa yn y Swistir neu'r Wladwriaeth AEE honno, yn ôl y digwydd, o leiaf unwaith yr wythnos.

(4) At ddibenion is-baragraff (3)—

- (ii) direct descendants of the person or of the person's spouse or civil partner who are under the age of 21 or who are 21 and over and are dependants of the person or the person's spouse or civil partner, or

- (iii) dependent direct relatives in the ascending line of the person or that person's spouse or civil partner;

- (b) in relation to a Swiss frontier employed person, a Swiss employed person, a Swiss frontier self-employed person or a Swiss self-employed person—

- (i) the person's spouse or civil partner, or
- (ii) the person's child or the child of the person's spouse or civil partner;

"Swiss employed person" ("*person cyflogedig Swisaidd*") means a Swiss national who is an employed person, other than a Swiss frontier employed person, in the United Kingdom;

"Swiss frontier employed person" ("*person cyflogedig trawsffiniol Swisaidd*") means a Swiss national who—

- (a) is an employed person in Wales, and
- (b) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to the national's residence in Switzerland or that EEA State, as the case may be, at least once a week;

"Swiss frontier self-employed person" ("*person hunangyflogedig trawsffiniol Swisaidd*") means a Swiss national who—

- (a) is a self-employed person in Wales, and
- (b) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to the national's residence in Switzerland or that EEA State, as the case may be, at least once a week;

"Swiss self-employed person" ("*person hunangyflogedig Swisaidd*") means a Swiss national who is a self-employed person, other than a Swiss frontier self-employed person, in the United Kingdom.

(4) For the purposes of sub-paragraph (3)—

"EEA national" ("*gwladolyn AEE*") means a national of an EEA State other than the United Kingdom;

"employed person" ("*person cyflogedig*") means an employed person within the meaning of Annex 1 to the Swiss Agreement;

ystyr “gweithiwr” yw “worker” o fewn ystyr Erthygl 7 o Gyfarwyddeb 2004/38 neu Gytundeb yr AEE, yn ôl y digwydd;

ystyr “gwladolyn AEE” (“*EEA national*”) yw gwladolyn o Wladwriaeth AEE ac eithrio'r Deyrnas Unedig;

ystyr “person cyflogedig” (“*employed person*”) yw person cyflogedig o fewn ystyr Atodiad 1 i Gytundeb y Swistir;

ystyr “person hunangyflogedig” (“*self-employed person*”) yw—

- (a) mewn perthynas â gwladolyn AEE, person sy'n hunangyflogedig o fewn ystyr Erthygl 7 o Gyfarwyddeb 2004/38 neu Gytundeb yr AEE, yn ôl y digwydd, neu
- (b) mewn perthynas â gwladolyn Swisaidd, person sy'n berson hunangyflogedig o fewn ystyr Atodiad 1 i Gytundeb y Swistir.

**Categori 7 – Personau sydd wedi setlo yn y Deyrnas Unedig ac sydd wedi arfer hawl i breswyllo yn rhywle arall**

7.—(1) Person—

- (a) sydd wedi setlo yn y Deyrnas Unedig,
- (b) a oedd yn preswyllo fel arfer yng Nghymru ac wedi setlo yn y Deyrnas Unedig yn union cyn ymadael â'r Deyrnas Unedig ac sydd wedi arfer hawl i breswyllo,
- (c) sy'n preswyllo fel arfer yn y Deyrnas Unedig ar y diwrnod y mae'r cwrs yn dechrau,
- (d) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs, ac
- (e) mewn achos pan oedd ei breswyllo fel arfer, y cyfeirir ato ym mharagraff (d), yn gyfan gwbl neu'n bennaf at ddibenion cael addysg lawnamser, a oedd yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir yn union cyn y cyfnod o breswyllo fel arfer y cyfeirir ato ym mharagraff (d).

(2) At ddibenion y paragraff hwn, mae person wedi arfer hawl i breswyllo os yw is-baragraff (3) neu (4) yn gymwys i'r person.

(3) Mae'r is-baragraff hwn yn gymwys i berson sydd—

- (a) yn wladolyn o'r Deyrnas Unedig,

“self-employed person” (“*person hunangyflogedig*”) means—

- (a) in relation to an EEA national, a person who is self-employed within the meaning of Article 7 of Directive 2004/38 or the EEA Agreement, as the case may be, or
- (b) in relation to a Swiss national, a person who is a self-employed person within the meaning of Annex 1 to the Swiss Agreement;

“worker” (“*gweithiwr*”) means a worker within the meaning of Article 7 of Directive 2004/38 or the EEA Agreement, as the case may be.

**Category 7 – Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere**

7.—(1) A person who—

- (a) is settled in the United Kingdom,
- (b) was ordinarily resident in Wales and settled in the United Kingdom immediately before leaving the United Kingdom and who has exercised a right of residence,
- (c) is ordinarily resident in the United Kingdom on the day on which the course begins,
- (d) has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course, and
- (e) in a case where the person's ordinary residence referred to in paragraph (d) was wholly or mainly for the purposes of receiving full time education, was ordinarily resident in the territory comprising the EEA and Switzerland immediately before the period of ordinary residence referred to in paragraph (d).

(2) For the purposes of this paragraph, a person has exercised a right of residence if sub-paragraph (3) or (4) applies to the person.

(3) This sub-paragraph applies to a person who is—

- (a) a United Kingdom national,

- (b) yn aelod o deulu gwladolyn o'r Deyrnas Unedig at ddibenion Erthygl 7 o Gyfarwyddeb 2004/38 (neu ddibenion cyfatebol o dan Gytundeb yr AEE neu Gytundeb y Swistir), neu
- (c) yn berson sydd wedi arfer hawl i breswyllo'n barhaol,

sydd wedi arfer hawl o dan Erthygl 7 o Gyfarwyddeb 2004/38 neu unrhyw hawl gyfatebol o dan Gytundeb yr AEE neu Gytundeb y Swistir mewn gwladwriaeth ac eithrio'r Deyrnas Unedig.

(4) Mae'r paragraff hwn yn gymwys i berson ("P")—

- (a) sydd wedi setlo yn y Deyrnas Unedig a chanddo hawl i breswyllo'n barhaol, a
- (b) sy'n mynd i'r wladwriaeth o fewn y diriogaeth sy'n ffurfio'r AEE a'r Swistir y mae P yn wladolyn ohoni neu y mae'r person y mae P yn aelod o deulu mewn perthynas ag ef yn wladolyn ohoni.

(5) At ddibenion is-baragraff (4), mae P yn aelod o deulu person arall ("Q") os yw P—

- (a) yn briod neu'n bartner sifil i Q,
- (b) yn ddisgynydd uniongyrchol Q neu'n ddisgynydd uniongyrchol priod neu bartner sifil Q a bod P—
  - (i) o dan 21 oed, neu
  - (ii) yn 21 oed neu drosodd ac yn ddibynnydd Q neu'n ddibynnydd priod neu bartner sifil Q, neu
- (c) pan fo Q yn wladolyn UE sy'n dod o fewn Erthygl 7(1)(b) o Gyfarwyddeb 2004/38, yn berthynas uniongyrchol dibynnol yn llinach esgynnol Q neu yn llinach esgynnol priod neu bartner sifil Q.

### **Categori 8 – Gwladolion UE**

8.—(1) Person—

- (a) sydd naill ai—
  - (i) yn wladolyn UE ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs, ac eithrio person sy'n wladolyn o'r Deyrnas Unedig nad yw wedi arfer hawl i breswyllo, neu
  - (ii) yn aelod o deulu person o'r fath,
- (b) sy'n ymgymryd â chwrs dynodedig yng Nghymru,

- (b) a family member of a United Kingdom national for the purposes of Article 7 of Directive 2004/38 (or corresponding purposes under the EEA Agreement or Swiss Agreement), or
- (c) a person who has exercised a right of permanent residence,

who has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom.

(4) This paragraph applies to a person ("P")—

- (a) who is settled in the United Kingdom and has a right of permanent residence, and
- (b) who goes to the state within the territory comprising the EEA and Switzerland of which P is a national or of which the person in relation to whom P is a family member is a national.

(5) For the purposes of sub-paragraph (4), P is a family member of another person ("Q") if P—

- (a) is Q's spouse or civil partner,
- (b) is a direct descendant of Q or of Q's spouse or civil partner and P—
  - (i) is under the age of 21, or
  - (ii) is 21 or over and a dependant of Q or of Q's spouse or civil partner, or
- (c) where Q is an EU national who falls within Article 7(1)(b) of Directive 2004/38, is a dependant direct relative in Q's ascending line or that of Q's spouse or civil partner.

### **Category 8 – EU nationals**

8.—(1) A person—

- (a) who is either—
  - (i) an EU national on the first day of the first academic year of the course, other than a person who is a United Kingdom national who has not exercised a right of residence, or
  - (ii) a family member of such a person,
- (b) who is undertaking a designated course in Wales,

- (c) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs, a
- (d) na fu'n preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir yn ystod unrhyw ran o'r cyfnod y cyfeirir ato ym mharagraff (c) yn gyfan gwbl neu'n bennaf at ddiben cael addysg lawnamser (oni bai bod y person yn cael ei drin fel pe bai'n preswyllo fel arfer yn y diriogaeth honno yn unol â pharagraff 11(2)).

(2) Person—

- (a) sy'n wladolyn UE ac eithrio gwladolyn o'r Deyrnas Unedig ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs,
- (b) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs,
- (c) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd yn union cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs, a
- (d) mewn achos pan oedd ei breswyllo fel arfer, y cyfeirir ato ym mharagraff (c), yn gyfan gwbl neu'n bennaf at ddiben cael addysg lawnamser, a oedd yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir yn union cyn y cyfnod o breswyllo fel arfer y cyfeirir ato ym mharagraff (c).

(3) Pan fo gwladwriaeth yn ymaelodi â'r Undeb Ewropeaidd ar ôl diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs a bod person yn wladolyn o'r gwladwriaeth honno, trinnir y gofyniad yn is-baragraff (1)(a) neu (2)(a) fel gofyniad sydd wedi ei fodloni.

(4) At ddibenion is-baragraff (1)(a), nid yw gwladolyn o'r Deyrnas Unedig wedi arfer hawl i breswyllo os nad yw'r person hwnnw wedi arfer hawl o dan Erthygl 7 o Gyfarwydddeb 2004/38 neu unrhyw hawl gyfatebol o dan Gytundeb yr AEE neu Gytundeb y Swistir mewn gwladwriaeth ac eithrio'r Deyrnas Unedig.

(5) At ddibenion is-baragraff (1)(a), mae person ("P") yn aelod o deulu person arall ("Q") os yw—

- (a) P yn briod neu'n bartner sifil i Q,
- (b) P yn ddisgynnydd uniongyrchol Q neu'n ddisgynnydd uniongyrchol priod neu bartner sifil Q a bod P—
  - (i) o dan 21 oed, neu

- (c) who has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course, and
- (d) whose ordinary residence in the territory comprising the EEA and Switzerland has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education (unless the person is treated as being ordinarily resident in that territory in accordance with paragraph 11(2)).

(2) A person who—

- (a) is an EU national other than a United Kingdom national on the first day of the first academic year of the course,
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course,
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course, and
- (d) in a case where a person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the EEA and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

(3) Where a state accedes to the European Union after the first day of the first academic year of the course and a person is a national of that state, the requirement in sub-paragraph (1)(a) or (2)(a) is treated as being satisfied.

(4) For the purposes of sub-paragraph (1)(a), a United Kingdom national has not exercised a right of residence if that person has not exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom.

(5) For the purposes of sub-paragraph (1)(a), a person ("P") is a family member of another person ("Q") if—

- (a) P is Q's spouse or civil partner,
- (b) P is a direct descendant of Q or of Q's spouse or civil partner and P—
  - (i) is under the age of 21, or

- (ii) yn 21 oed neu drosodd ac yn ddibynnydd Q neu'n ddibynnydd priod neu bartner sifil Q, neu
- (c) mewn achos pan fo Q yn wladolyn UE sy'n dod o fewn Erthygl 7(1)(b) o Gyfarwyddeb 2004/38, P yn berthynas uniongyrchol dibynnol yn llinach esgynnol Q neu yn llinell esgynnol priod neu bartner sifil Q.

- (ii) is 21 or over and a dependant of Q or of Q's spouse or civil partner, or
- (c) in a case where Q is an EU national who falls within Article 7(1)(b) of Directive 2004/38, P is a dependent direct relative in Q's ascending line or that of Q's spouse or civil partner.

### **Categori 9 – Plant gwladolion Swisaidd**

#### **9. Person—**

- (a) sy'n blentyn i wladolyn Swisaidd y mae ganddo hawlogaeth i gael cymorth yn y Deyrnas Unedig yn rhinwedd Erthygl 3(6) o Atodiad 1 i Gytundeb y Swistir,
- (b) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs,
- (c) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs, a
- (d) mewn achos pan oedd ei breswyllo fel arfer, y cyfeirir ato yn is-baragraff (c), yn gyfan gwbl neu'n bennaf at ddiben cael addysg lawnamser, a oedd yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir yn union cyn y cyfnod o breswyllo fel arfer y cyfeirir ato yn is-baragraff (c).

### **Category 9 – Children of Swiss nationals**

#### **9. A person who—**

- (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of Article 3(6) of Annex 1 to the Swiss Agreement,
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course,
- (c) has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course, and
- (d) in a case where the person's ordinary residence referred to in sub-paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the EEA and Switzerland immediately prior to the period of ordinary residence referred to in sub-paragraph (c).

### **Categori 10 – Plant gweithwyr Twrcaidd**

#### **10.—(1) Person—**

- (a) sy'n blentyn i weithiwr Twrcaidd,
- (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 diriogaeth sy'n ffurfio'r AEE, y Swistir a Thwrci drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs.

(2) Yn y paragraff hwn, ystyr "gweithiwr Twrcaidd" yw gwladolyn Twrcaidd—

- (a) sy'n preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd, a
- (b) sy'n cael, neu sydd wedi cael, ei gyflogi'n gyfreithlon yn y Deyrnas Unedig.

### **Category 10 – Children of Turkish workers**

#### **10.—(1) A person who—**

- (a) is the child of a Turkish worker,
- (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 territory comprising the EEA, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.

(2) In this paragraph, "Turkish worker" means a Turkish national who—

- (a) is ordinarily resident in the United Kingdom and Islands, and
- (b) is, or has been, lawfully employed in the United Kingdom.

## Preswyllo fel arfer – darpariaeth ychwanegol

11.—(1) At ddiben yr Atodlen hon, mae person sy'n preswyllo fel arfer yng Nghymru, Lloegr, yr Alban, Gogledd Iwerddon neu'r Ynysoedd, o ganlyniad i fod wedi symud o un arall o'r ardaloedd hynny at ddiben ymgymryd—

- (a) â'r cwrs dynodedig, neu
- (b) gan ddiystyru unrhyw wyliau yn y cyfamser, â chwrs yr ymgymrodd y person ag ef yn union cyn ymgymryd â'r cwrs dynodedig,

i'w ystyried yn berson sy'n preswyllo fel arfer yn y lle y mae'r person wedi symud ohono.

(2) At ddiben yr Atodlen hon, mae person ("P") i'w drin fel rhywun sy'n preswyllo fel arfer yng Nghymru, y Deyrnas Unedig a'r Ynysoedd neu yn y diriogaeth sy'n ffurfio'r AEE, y Swistir a Thwrci pe bai P wedi bod yn preswyllo felly oni bai am y ffaith bod—

- (a) P,
- (b) priod neu bartner sifil P,
- (c) rhiant P, neu
- (d) yn achos perthynas uniongyrchol dibynnol yn y llinach esgynnol, plentyn P neu briod neu bartner sifil plentyn P,

yn gyflogedig dros dro neu wedi bod yn gyflogedig dros dro y tu allan i Gymru, y Deyrnas Unedig a'r Ynysoedd neu'r diriogaeth sy'n ffurfio'r AEE, y Swistir a Thwrci.

(3) At ddibenion is-baragraff (2), mae cyflogaeth dros dro y tu allan i Gymru, y Deyrnas Unedig a'r Ynysoedd neu'r diriogaeth sy'n ffurfio'r AEE, y Swistir a Thwrci yn cynnwys—

- (a) yn achos aelodau o'r lluoedd arfog, unrhyw gyfnod pan fyddant yn gwasanaethu y tu allan i'r Deyrnas Unedig fel aelodau o luoedd o'r fath;
- (b) yn achos aelodau o luoedd arfog rheolaidd Gwladwriaeth AEE neu'r Swistir, unrhyw gyfnod pan fyddant yn gwasanaethu y tu allan i'r diriogaeth sy'n ffurfio'r AEE a'r Swistir fel aelodau o luoedd o'r fath;
- (c) yn achos aelodau o luoedd arfog rheolaidd Twrci, unrhyw gyfnod pan fyddant yn gwasanaethu y tu allan i'r diriogaeth sy'n ffurfio'r AEE, y Swistir a Thwrci fel aelodau o luoedd o'r fath.

(4) At ddibenion yr Atodlen hon, mae myfyriwr cymwys sy'n garcharor i'w ystyried fel pe bai'n preswyllo fel arfer yn y rhan o'r Deyrnas Unedig lle yr oedd y garcharor yn preswyllo cyn cael ei ddedfrydu.

## Ordinary residence – additional provision

11.—(1) For the purpose of this Schedule, a person who is ordinarily resident in England, Wales, Scotland, Northern Ireland or the Islands, as a result of having moved from another of those areas for the purpose of undertaking—

- (a) the designated course, or
- (b) a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the designated course,

is to be considered to be ordinarily resident in the place from which the person moved.

(2) For the purpose of this Schedule, a person ("P") is to be treated as ordinarily resident in Wales, the United Kingdom and Islands or in the territory comprising the EEA, Switzerland and Turkey if P would have been so resident but for the fact that—

- (a) P,
- (b) P's spouse or civil partner,
- (c) P's parent, or
- (d) in the case of a dependent direct relative in the ascending line, P's child or child's spouse or civil partner,

is or was temporarily employed outside Wales, the United Kingdom and Islands or the territory comprising the EEA, Switzerland and Turkey.

(3) For the purposes of sub-paragraph (2), temporary employment outside Wales, the United Kingdom and Islands or the territory comprising the EEA, Switzerland and Turkey includes—

- (a) in the case of members of the armed forces, any period which they serve outside the United Kingdom as members of such forces;
- (b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising the EEA and Switzerland as members of such forces;
- (c) in the case of members of the regular armed forces of Turkey, any period which they serve outside of the territory comprising the EEA, Switzerland and Turkey as members of such forces.

(4) For the purposes of this Schedule, an eligible student who is a prisoner is to be considered to be ordinarily resident in the part of the United Kingdom where the prisoner resided prior to sentencing.



(5) At ddibenion yr Atodlen hon, mae ardal—

- (a) nad oedd gynt yn rhan o'r UE neu'r AEE, ond
- (b) sydd ar unrhyw adeg cyn neu ar ôl i'r Rheoliadau hyn ddod i rym yn dod yn rhan o'r naill neu'r llall, neu o'r ddwy, o'r tiriogaethau hyn,

i'w hystyried fel pe bai bob amser wedi bod yn rhan o'r AEE.

### **Darpariaeth bellach ar breswyllo fel arfer: personau sy'n ymadael â gofal**

**12.**—(1) Caiff person sy'n ymadael â gofal ei drin fel pe bai'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs dynodedig hyd yn oed os yw'r person sy'n ymadael â gofal, ar y diwrnod hwnnw—

- (a) yn derbyn gofal y tu allan i Gymru (mewn achos pan fo rheoliad 29(c)(i) yn gymwys i'r myfyriwr), neu
- (b) yn preswyllo y tu allan i Gymru o dan orchymyn gwarcheidiaeth arbennig (mewn achos pan fo rheoliad 29(c)(ii) yn gymwys i'r myfyriwr),

o dan drefniadau a wneir gan awdurdod lleol Cymreig.

(2) Ym mharagraff (1)—

ystyr “awdurdod lleol Cymreig” (“*Welsh local authority*”) yw awdurdod lleol o fewn yr ystyr a roddir gan adran 197(1) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014;

mae i “derbyn gofal” (“*looked after*”) yr ystyr a roddir yn adran 74 o'r Ddeddf honno;

mae i “person sy'n ymadael â gofal” (“*care leaver*”) yr ystyr a roddir yn rheoliad 29.

### **Dehongli**

**13.** Yn yr Atodlen hon—

ystyr “AEE” (“*EEA*”) yw'r Ardal Economaidd Ewropeaidd, sef y diriogaeth a ffurfir gan y Gwladwriaethau AEE;

ystyr “Cyfarwyddeb 2004/38” (“*Directive 2004/38*”) yw Cyfarwyddeb 2004/38/EC Senedd Ewrop a'r Cyngor ddyddiedig 29 Ebrill 2004 ar hawliau dinasyddion yr Undeb ac aelodau o'u teuluoedd i symud a phreswyllo'n rhydd yn nhiriogaeth yr Aelod-wladwriaethau(1);

(5) For the purposes of this Schedule, an area which—

- (a) was previously not part of the EU or the EEA, but
- (b) at any time before or after these Regulations come into force becomes part of one or other or both of these territories,

is to be considered to have always been a part of the EEA.

### **Further provision on ordinary residence: care leavers**

**12.**—(1) A care leaver is treated as being ordinarily resident in Wales on the first day of the first academic year of the designated course even if, on that day, the care leaver—

- (a) is looked after outside Wales (in a case where regulation 29(c)(i) applies to the student), or
- (b) is residing outside Wales under a special guardianship order (in a case where regulation 29(c)(ii) applies to the student),

under arrangements made by a Welsh local authority.

(2) In paragraph (1)—

“care leaver” (“*person sy'n ymadael â gofal*”) has the meaning given in regulation 29;

“looked after” (“*derbyn gofal*”) has the meaning given in section 74 of the Social Services and Well-being (Wales) Act 2014;

“Welsh local authority” (“*awdurdod lleol Cymreig*”) means a local authority within the meaning given by section 197(1) of that Act.

### **Interpretation**

**13.** In this Schedule—

“Directive 2004/38” (“*Cyfarwyddeb 2004/38*”) means Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the rights of citizens of the Union and their family members to move and reside freely in the territory of the member States(1);

“EEA” (“*AEE*”) means the European Economic Area, that is to say the territory comprised by the EEA States;

(1) OJ Rhif L158, 30.04.2004, t. 77-123.

(1) OJ No L158, 30.04.2004, p.77-123.

ystyr “Cytundeb y Swistir” (“*Swiss Agreement*”) yw’r Cytundeb rhwng yr UE a’i Aelod-wladwriaethau, o’r naill ran, a Chyddfederasiwn y Swistir, o’r rhan arall, ar Symudiad Rhydd Personau a lofnodwyd yn Lwcsembwrg ar 21 Mehefin 1999(1) ac a ddaeth i rym ar 1 Mehefin 2002;

ystyr “ffoadur” (“*refugee*”) yw person a gydnabyddir gan lywodraeth Ei Mawrhydi yn ffoadur o fewn ystyr Confensiwn y Cenedloedd Unedig sy’n ymwneud â Statws Ffoaduriaid a wnaed yng Ngenefa ar 28 Gorffennaf 1951(2) fel y’i hestynnwyd gan ei Brotocol 1967(3);

ystyr “hawl i breswyllo’n barhaol” (“*right of permanent residence*”) yw hawl sy’n codi o dan Gyfarwyddeb 2004/38 i breswyllo yn y Deyrnas Unedig yn barhaol heb gyfyngiad;

ystyr “rheolau mewnfudo” (“*immigration rules*”) yw’r rheolau a osodir gerbron Senedd y Deyrnas Unedig gan yr Ysgrifennydd Gwladol o dan adran 3(2) o Ddeddf Mewnfudo 1971(4);

mae “rhiant” (“*parent*”) yn cynnwys gwarcheidwad, unrhyw berson arall a chanddo gyfrifoldeb rhiant dros blentyn ac unrhyw berson a chanddo ofal am blentyn ac mae “plentyn” i’w ddehongli yn unol â hynny;

mae i “wedi setlo” yr ystyr a roddir i “settled” gan adran 33(2A) o Ddeddf Mewnfudo 1971(5);

ystyr “Ynysoedd” (“*Islands*”) yw Ynysoedd y Sianel ac Ynys Manaw.

“immigration rules” (“*rheolau mewnfudo*”) means the rules laid before Parliament by the Secretary of State under section 3(2) of the Immigration Act 1971(1);

“Islands” (“*Ynysoedd*”) means the Channel Islands and the Isle of Man;

“parent” (“*rhiant*”) includes a guardian, any other person having parental responsibility for a child and any person having care of a child and “child” is to be construed accordingly;

“refugee” (“*ffoadur*”) means a person who is recognised by Her Majesty’s government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28 July 1951(2) as extended by its 1967 Protocol(3);

“right of permanent residence” (“*hawl i breswyllo’n barhaol*”) means a right arising under Directive 2004/38 to reside in the United Kingdom permanently without restriction;

“settled” (“*wedi setlo*”) has the meaning given by section 33(2A) of the Immigration Act 1971(4);

“Swiss Agreement” (“*Cytundeb y Swistir*”) means the Agreement between the EU and its member States, of the one part, and the Swiss Confederation of the other, on the Free Movement of Persons signed at Luxembourg on 21 June 1999(5) and which came into force on 1 June 2002.

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(1) Gorch. 4904 ac OJ Rhif L114, 30.04.02, t. 6.

(2) Gorchmn. 9171.

(3) Gorchmn. 3906, daeth y Protocol i rym ar 4 Hydref 1967.

(4) 1971 p. 77.

(5) 1971 p. 77; mewnosodwyd adran 33(2A) gan baragraff 7 o Atodlen 4 i Ddeddf Cenedligrwydd Prydeinig 1981 (p. 61).

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(1) 1971 c. 77.

(2) Cmnd. 9171.

(3) Cmnd. 3906, the Protocol entered into force on 4 October 1967.

(4) 1971 c.77; section 33(2A) was inserted by paragraph 7 of Schedule 4 to the British Nationality Act 1981 (c. 61).

(5) Cm. 4904 and OJ No L114, 30.04.02, p. 6.

ATODLEN 3 Rheoliad 28  
Cyfrifo incwm

RHAN 1  
Cyflwyniad

**Trosolwg o'r Atodlen**

1.—(1) Mae'r Atodlen hon wedi ei threfnu fel a ganlyn.

(2) Mae Rhan 2 yn gwneud darpariaeth ynghylch cyfrifo incwm aelwyd myfyriwr cymwys at ddibenion penderfynu ar swm y grant cyfrannu at gostau sy'n daladwy i'r myfyriwr.

(3) Mae Rhan 3 yn nodi ystyr "incwm trehadwy", sy'n ofynnol er mwyn cyfrifo incwm gweddilliol person.

(4) Mae Rhan 4 yn gwneud darpariaeth ynghylch cyfrifo incwm gweddilliol pan fo—

- (a) Pennod 1 yn nodi sut i gyfrifo incwm gweddilliol myfyriwr cymwys at ddibenion cyfrifo incwm aelwyd y myfyriwr, a
- (b) Pennod 2 yn nodi sut i gyfrifo incwm gweddilliol rhiant myfyriwr cymwys, partner myfyriwr cymwys neu bartner rhiant myfyriwr cymwys at ddibenion cyfrifo incwm aelwyd y myfyriwr.

(5) Mae Rhan 5 yn diffinio termau penodol a ddefnyddir yn yr Atodlen hon.

RHAN 2  
Incwm yr aelwyd

**Incwm aelwyd myfyriwr cymwys**

2. Mae'r Rhan hon yn gwneud darpariaeth ynghylch cyfrifo incwm aelwyd myfyriwr cymwys.

**Cyfrifo incwm yr aelwyd**

3.—(1) Mae incwm aelwyd myfyriwr cymwys yn cael ei gyfrifo drwy gymhwyso'r camau a ganlyn—

*Cam 1*

Os nad yw'r myfyriwr yn fyfyriwr cymwys annibynnol (gweler paragraff 4), cyfrifo cyfanred incwm gweddilliol y personau a restrir yn Rhestr A.

SCHEDULE 3 Regulation 28  
Calculation of income

PART 1  
Introduction

**Overview of Schedule**

1.—(1) This Schedule is arranged as follows.

(2) Part 2 makes provision about the calculation of an eligible student's household income for the purposes of determining the amount of contribution to costs grant payable to the student.

(3) Part 3 sets out the meaning of "taxable income", which is required in order to calculate a person's residual income.

(4) Part 4 makes provision about the calculation of residual income where—

- (a) Chapter 1 sets out how to calculate the residual income of an eligible student for the purposes of calculating the student's household income, and
- (b) Chapter 2 sets out how to calculate the residual income of an eligible student's parent, eligible student's partner or eligible student's parent's partner for the purposes of calculating the student's household income.

(5) Part 5 defines certain terms used in this Schedule.

PART 2  
Household income

**Household income of an eligible student**

2. This Part makes provision about the calculation of an eligible student's household income.

**Calculation of household income**

3.—(1) An eligible student's household income is calculated by applying the following steps—

*Step 1*

If the student is not an independent eligible student (see paragraph 4), aggregate the total residual income of the persons listed in List A.

Os yw'r myfyriwr yn fyfyrwr cymwys annibynnol, cyfrifo cyfanred incwm y personau a restrir yn Rhestr B.

#### **Rhestr A**

Y personau yw—

- (a) y myfyriwr cymwys, plws
- (b) naill ai—
  - (i) pob un o rieni'r myfyriwr cymwys (yn ddarostyngedig i baragraff 5), neu
  - (ii) pan fo rhieni'r myfyriwr wedi gwahanu, y rhiant a ddewisir o dan baragraff 6(3) a phartner y rhiant hwnnw (os oes un gan y rhiant hwnnw), (yn ddarostyngedig i baragraff 7).

#### **Rhestr B**

Y personau yw—

- (a) y myfyriwr cymwys annibynnol, plws
- (b) partner y myfyriwr (os oes un gan y myfyriwr), (yn ddarostyngedig i baragraffau 7 ac 8).

#### *Cam 2*

Cyfrifo swm cymwys didyniad plentyn dibynnol (gweler is-baragraffau (2) i (4)) a didynnu hynny o'r cyfanswm cyfanredol a gyfrifir o dan Gam 1.

Y canlyniad yw incwm aelwyd y myfyriwr cymwys.

(2) Mae didyniad plentyn dibynnol yn ddidyniad a wneir mewn cysylltiad â phob plentyn sy'n ariannol ddibynnol yn gyfan gwbl neu'n bennaf ar—

- (a) y myfyriwr cymwys,
- (b) partner y myfyriwr cymwys,
- (c) rhiant y myfyriwr cymwys, neu
- (d) partner rhiant y myfyriwr cymwys,

pan fo incwm y person hwnnw yn cael ei ystyried at ddiben cyfrifo incwm yr aelwyd.

(3) Ond nid oes didyniad i'w wneud mewn cysylltiad â phlentyn—

- (a) rhiant y myfyriwr cymwys, neu
- (b) partner rhiant y myfyriwr cymwys,

os y myfyriwr cymwys yw'r plentyn.

(4) Yn Nhabl 2, mae Colofn 2 yn nodi swm y didyniad plentyn dibynnol mewn cysylltiad â'r flwyddyn academiaidd a nodir yn y cofnod cyfatebol yng Ngholofn 1.

If the student is an independent eligible student, aggregate the total income of the persons listed in List B.

#### **List A**

The persons are—

- (a) the eligible student, plus
- (b) either—
  - (i) each of the eligible student's parents (subject to paragraph 5), or
  - (ii) where the student's parents have separated, the parent selected under paragraph 6(3) and that parent's partner (if that parent has one), (subject to paragraph 7).

#### **List B**

The persons are—

- (a) the independent eligible student, plus
- (b) the student's partner (if the student has one), (subject to paragraphs 7 and 8).

#### *Step 2*

Calculate the applicable amount of dependent child deduction (see sub-paragraphs (2) to (4)) and deduct that from the aggregated total calculated under Step 1.

The result is the eligible student's household income.

(2) A dependent child deduction is a deduction made in respect of each child wholly or mainly financially dependent on—

- (a) the eligible student,
- (b) the eligible student's partner,
- (c) the eligible student's parent, or
- (d) the partner of the eligible student's parent,

where the income of that person is taken into account for the purpose of calculating household income.

(3) But no deduction is to be made in respect of a child of—

- (a) the eligible student's parent, or
- (b) the partner of the eligible student's parent,

if the child is the eligible student.

(4) In Table 2, Column 2 sets out the amount of dependent child deduction in respect of the academic year set out in the corresponding entry in Column 1.

**Tabl 2**

<i>Colofn 1</i>	<i>Colofn 2</i>
<i>Blwyddyn academiaidd</i>	<i>Swm y didyniad plentyn dibynnol</i>
Sy'n dechrau ar neu ar ôl 1 Medi 2019	£1,130

**Myfyrwyr cymwys annibynnol**

4.—(1) Mae myfyriwr cymwys yn fyfyriwr cymwys annibynnol os yw un o'r achosion a ganlyn yn gymwys—

*Achos 1*

Mae'r myfyriwr yn 25 oed neu drosodd ar ddiwrnod cyntaf y flwyddyn academiaidd gyfredol.

*Achos 2*

Mae'r myfyriwr yn briod neu mewn partneriaeth sifil cyn dechrau diwrnod cyntaf y flwyddyn academiaidd gyfredol, pa un a yw'r briodas neu'r bartneriaeth sifil yn parhau i fod ar ôl y dyddiad hwnnw ai peidio.

*Achos 3*

Nid oes gan y myfyriwr riant sy'n fyw.

*Achos 4*

Mae Gweinidogion Cymru wedi eu bodloni—

- (a) na ellir dod o hyd i'r naill na'r llall o rieni'r myfyriwr, neu
- (b) nad yw'n rhesymol ymarferol cysylltu â'r naill na'r llall o rieni'r myfyriwr.

*Achos 5*

Naill ai—

- (a) nid yw'r myfyriwr wedi cyfathrebu â'r naill na'r llall o'i rieni am gyfnod o flwyddyn neu fwy sy'n dod i ben ar y diwrnod cyn diwrnod cyntaf y flwyddyn academiaidd gyfredol, neu
- (b) ym marn Gweinidogion Cymru, mae'r myfyriwr wedi ymddieithrio oddi wrth ei rieni ar seiliau eraill fel nad oes modd cymodi.

*Achos 6*

Mae rhieni'r myfyriwr yn preswyllo y tu allan i'r Undeb Ewropeaidd ac mae Gweinidogion Cymru wedi eu bodloni—

- (a) y byddai asesu incwm yr aelwyd drwy gyfeirio at incwm y rhieni yn gosod y rhieni hynny mewn perygl, neu

**Table 2**

<i>Column 1</i>	<i>Column 2</i>
<i>Academic year</i>	<i>Amount of dependent child deduction</i>
Beginning on or after 1 September 2019	£1,130

**Independent eligible students**

4.—(1) An eligible student is an independent eligible student if one of the following cases applies—

*Case 1*

The student is aged 25 or over on the first day of the current academic year.

*Case 2*

The student is married or is in a civil partnership before the beginning of the first day of the current academic year, whether or not the marriage or civil partnership continues to subsist after that date.

*Case 3*

The student has no parent living.

*Case 4*

The Welsh Ministers are satisfied that—

- (a) neither of the student's parents can be found, or
- (b) it is not reasonably practicable to get in touch with either of the student's parents.

*Case 5*

Either—

- (a) the student has not communicated with either of the student's parents for a period of one year or more ending on the day before the first day of the current academic year, or
- (b) in the opinion of the Welsh Ministers, the student is irreconcilably estranged from the student's parents on other grounds.

*Case 6*

The student's parents reside outside the European Union and the Welsh Ministers are satisfied that—

- (a) the assessment of the household income by reference to the parents' income would place those parents in jeopardy, or

- (b) na fyddai'n rhesymol ymarferol i'r rhieni anfon arian i'r Deyrnas Unedig at ddibenion rhoi cymorth i'r myfyriwr.

#### *Achos 7*

Pan fo paragraff 6 (rhieni yn gwahanu) yn gymwys, mae'r rhiant a ddewisir gan Weinidogion Cymru o dan is-baragraff (3) o'r paragraff hwnnw wedi marw, ni waeth a oedd gan y rhiant hwnnw bartner ai peidio.

#### *Achos 8*

Ar ddiwrnod cyntaf y flwyddyn academiaidd gyfredol, mae gan y myfyriwr ofal dros berson sydd o dan 18 oed.

#### *Achos 9*

Mae'r myfyriwr wedi cael ei gefnogi gan enillion y myfyriwr am unrhyw gyfnod o dair blynedd (neu gyfnodau sydd, gyda'i gilydd, yn dod i gyfanred o dair blynedd o leiaf) sy'n dod i ben cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs dynodedig.

#### *Achos 10*

Mae'r myfyriwr yn berson sy'n ymadael â gofal o fewn yr ystyr a roddir gan reoliad 29.

(2) At ddibenion Achos 9, mae myfyriwr cymwys yn cael ei drin fel pe bai'n cael ei gefnogi gan enillion y myfyriwr os, yn ystod y cyfnod neu'r cyfnodau y cyfeirir ato neu atynt yn Achos 9, yw un o'r seiliau a ganlyn yn gymwys—

#### *Sail 1*

Roedd y myfyriwr cymwys yn cymryd rhan mewn trefniadau ar gyfer hyfforddi personau di-waith o dan gynllun a weithredir, a noddir neu a gyllidir gan gorff cyhoeddus.

#### *Sail 2*

Roedd y myfyriwr cymwys yn cael budd-dal sy'n daladwy gan gorff cyhoeddus mewn cysylltiad â pherson sydd ar gael ar gyfer cyflogaeth ond sy'n ddi-waith.

#### *Sail 3*

Roedd y myfyriwr cymwys ar gael ar gyfer cyflogaeth ac wedi cydymffurfio ag unrhyw ofyniad cofrestru gan gorff cyhoeddus fel amod o hawlogaeth i gymryd rhan mewn trefniadau ar gyfer hyfforddiant neu i gael budd-daliadau.

#### *Sail 4*

Roedd gan y myfyriwr cymwys efrydiaeth wladol neu ddyfarndal cyffelyb.

- (b) it would not be reasonably practicable for the parents to send funds to the United Kingdom for the purposes of supporting the student.

#### *Case 7*

Where paragraph 6 (separation of parents) applies, the parent selected by the Welsh Ministers under subparagraph (3) of that paragraph has died, irrespective of whether that parent had a partner.

#### *Case 8*

On the first day of the current academic year, the student has the care of a person under the age of 18.

#### *Case 9*

The student has been supported by the student's earnings for any period of three years (or periods which together aggregate at least three years) ending before the first day of the first academic year of the designated course.

#### *Case 10*

The student is a care leaver within the meaning given by regulation 29.

(2) For the purposes of Case 9, an eligible student is treated as being supported by the student's earnings if during the period or periods referred to in Case 9 one of the following grounds applies—

#### *Ground 1*

The eligible student was participating in arrangements for training unemployed persons under a scheme operated, sponsored or funded by a public body.

#### *Ground 2*

The eligible student received a benefit payable by a public body in respect of a person who is available for employment but is unemployed.

#### *Ground 3*

The eligible student was available for employment and had complied with any registration requirement of a public body as a condition of entitlement for participation in arrangements for training or the receipt of benefits.

#### *Ground 4*

The eligible student held a state studentship or comparable award.

### *Sail 5*

Roedd y myfyriwr cymwys yn cael pensiwn, lwfans neu fudd-dal arall a delir oherwydd anabledd, anaf neu salwch y myfyriwr neu am reswm sy'n gysylltiedig â geni plentyn.

### **Rhiant myfyriwr cymwys yn marw gan adael rhiant sydd wedi goroesi**

5.—(1) Pan fo—

- (a) rhiant myfyriwr cymwys yn marw cyn y flwyddyn academaidd gyfredol, a
- (b) incwm y rhiant wedi, neu y byddai incwm y rhiant wedi, cael ei ystyried at ddibenion penderfynu ar incwm yr aelwyd,

dim ond incwm gweddilliol y rhiant sydd wedi goroesi a gyfrifir yn gyfanred at ddibenion Cam 1 ym mharagraff 3(1).

(2) Pan fo'r rhiant yn marw yn ystod y flwyddyn academaidd gyfredol, incwm gweddilliol rhieni'r myfyriwr cymwys, at ddibenion Cam 1 ym mharagraff 3(1), yw cyfanred—

- (a) incwm gweddilliol y ddau riant ar gyfer y flwyddyn ariannol gymwys wedi ei luosi ag  $X/52$ , a
- (b) incwm gweddilliol y rhiant sydd wedi goroesi ar gyfer y flwyddyn ariannol gymwys wedi ei luosi ag  $Y/52$ ,

pan—

X yw nifer yr wythnosau yn y flwyddyn academaidd gyfredol pan oedd y ddau riant yn fyw, ac

Y yw nifer yr wythnosau sy'n weddill yn y flwyddyn academaidd gyfredol.

### **Rhieni myfyriwr cymwys yn gwahanu**

6.—(1) Pan fo rhieni'r myfyriwr cymwys wedi gwahanu drwy gydol y flwyddyn academaidd gyfredol, dim ond incwm gweddilliol y rhiant a ddewisir o dan is-baragraff (3) sy'n cael ei gyfrifo'n gyfanred at ddibenion Cam 1 ym mharagraff 3(1).

(2) Pan fo rhieni'r myfyriwr wedi gwahanu yn ystod y flwyddyn academaidd gyfredol, incwm gweddilliol rhieni'r myfyriwr cymwys, at ddibenion Cam 1 ym mharagraff 3(1), yw cyfanred—

- (a) incwm gweddilliol y ddau riant ar gyfer y flwyddyn ariannol gymwys wedi ei luosi ag  $X/52$ , a

### *Ground 5*

The eligible student received a pension, allowance, or other benefit paid by reason of the student's disability, injury or sickness or for a reason associated with childbirth.

### **Eligible student's parent dies leaving a surviving parent**

5.—(1) Where—

- (a) the parent of an eligible student dies before the current academic year, and
- (b) the parent's income has been or would have been taken into account for the purposes of determining household income,

only the residual income of the surviving parent is aggregated for the purposes of Step 1 in paragraph 3(1).

(2) Where the parent dies during the current academic year, the residual income of the eligible student's parents, for the purposes of Step 1 in paragraph 3(1), is the aggregate of—

- (a) the residual income of both parents for the applicable financial year multiplied by  $X/52$ , and
- (b) the residual income of the surviving parent for the applicable financial year multiplied by  $Y/52$ ,

where—

X is the number of weeks in the current academic year during which both parents were alive, and

Y is the remaining number of weeks in the current academic year.

### **Separation of eligible student's parents**

6.—(1) Where the eligible student's parents are separated for the duration of the current academic year, only the residual income of the parent selected under sub-paragraph (3) is aggregated for the purposes of Step 1 in paragraph 3(1).

(2) Where the student's parents have separated during the current academic year the residual income of the eligible student's parents, for the purposes of Step 1 in paragraph 3(1), is the aggregate of—

- (a) the residual income of both parents for the applicable financial year multiplied by  $X/52$ , and

- (b) incwm gweddilliol y rhiant a ddewisir o dan is-baragraff (3) ar gyfer y flwyddyn ariannol gymwys wedi ei luosi ag Y/52,

pan—

X yw nifer yr wythnosau yn y flwyddyn academaidd gyfredol pan nad oedd y rhieni wedi gwahanu, ac

Y yw nifer yr wythnosau yn y flwyddyn academaidd gyfredol pan oedd y rhieni wedi gwahanu.

(3) Pan fo is-baragraff (1) neu (2) yn gymwys, rhaid i Weinidogion Cymru ddewis y rhiant a chanddo'r incwm gweddilliol sydd fwyaf priodol ei ystyried o dan yr amgylchiadau.

### Rhiant myfyriwr cymwys neu fyfyrwr cymwys annibynnol yn gwahanu o'i bartner

7.—(1) Pan fo—

- (a) rhiant myfyriwr cymwys, neu  
(b) myfyriwr cymwys annibynnol,

wedi gwahanu o'i bartner drwy gydol y flwyddyn academaidd gyfredol, nid yw incwm y partner yn cael ei gyfrifo'n gyfanred o dan Gam 1 ym mharagraff 3(1).

(2) Pan fo—

- (a) rhiant y myfyriwr cymwys, neu  
(b) myfyriwr cymwys annibynnol,

wedi gwahanu o'i bartner yn ystod y flwyddyn academaidd gyfredol, cyfrifir swm incwm gweddilliol y partner sydd i'w gyfrifo'n gyfanred o dan Gam 1 drwy gymhwyso'r fformiwla yn is-baragraff (3).

(3) Y fformiwla sydd i'w chymhwyso yw—

$$X \times \left(\frac{C}{52}\right)$$

Pan—

X yw incwm gweddilliol—

- (a) partner rhiant y myfyriwr cymwys, pan fo Rhestr A o Gam 1 yn gymwys, neu  
(b) partner y myfyriwr cymwys annibynnol, pan fo Rhestr B o Gam 1 yn gymwys, ar gyfer y flwyddyn ariannol gymwys;  
C yw nifer wythnosau cyflawn y flwyddyn academaidd gyfredol pan nad oedd—  
(a) rhiant y myfyriwr cymwys a'i bartner, neu

- (b) the residual income of the parent selected under sub-paragraph (3) for the applicable financial year multiplied by Y/52,

where—

X is the number of weeks in the current academic year during which the parents were not separated, and

Y is the number of weeks in the current academic year during which the parents were separated.

(3) Where sub-paragraph (1) or (2) applies, the Welsh Ministers must select the parent whose residual income it is the most appropriate to take into account in the circumstances.

### Separation of eligible student's parent or independent eligible student from partner

7.—(1) Where—

- (a) the parent of an eligible student, or  
(b) an independent eligible student,

is separated from his or her partner for the duration of the current academic year, the income of the partner is not aggregated under Step 1 in paragraph 3(1).

(2) Where—

- (a) the parent of the eligible student, or  
(b) an independent eligible student,

has separated from his or her partner during the current academic year, the amount of the partner's residual income to be aggregated under Step 1 is calculated by applying the formula in sub-paragraph (3).

(3) The formula to be applied is—

$$X \times \left(\frac{C}{52}\right)$$

Where—

X is the residual income of—

- (a) the eligible student's parent's partner, where List A of Step 1 applies, or  
(b) the independent eligible student's partner where List B of Step 1 applies, for the applicable financial year;  
C is the number of complete weeks of the current academic year during which—  
(a) the eligible student's parent and his or her partner, or



- (b) y myfyriwr cymwys annibynnol a phartner y myfyriwr, wedi gwahanu.

(4) Pan fo gan fyfyriwr cymwys fwy nag un partner mewn unrhyw un flwyddyn academaidd, mae'r paragraff hwn a Cham 1 o baragraff 3(1) yn gymwys mewn perthynas â phob partner.

### **Myfyriwr cymwys annibynnol neu bartner yn rhiant i fyfyriwr cymwys**

#### **8. Pan fo—**

- (a) myfyriwr cymwys annibynnol (“A”) neu bartner y myfyriwr cymwys annibynnol (“PA”) yn rhiant i fyfyriwr cymwys (“M”), a
- (b) dyfardal statudol sy'n daladwy i M wedi ei gyfrifo drwy gyfeirio at incwm gweddilliol A neu PA, neu'r ddau,

nid yw incwm gweddilliol PA yn cael ei gyfrifo'n gyfanred o dan Restr B o Gam 1 ym mharagraff 3(1) at ddibenion cyfrifo incwm aelwyd A.

## **RHAN 3**

### **Incwm trethadwy**

#### **Incwm trethadwy**

**9.—(1)** Yn yr Atodlen hon, ystyr incwm trethadwy person yw—

- (a) cyfanred—
- (i) cyfanswm yr incwm y codir treth incwm ar y person amdano o dan Gam 1 o adran 23 o Ddeddf Treth Incwm 2007(1), a
- (ii) os nad ydynt eisoes yn elfen o gyfanswm yr incwm o dan is-baragraff (i), daliadau a budd-daliadau eraill a bennir yn adran 401(1) o Ddeddf Treth Incwm (Enillion a Phensiynau) 2003(2) a geir gan y person neu sy'n cael eu trin fel pe baent wedi eu cael gan y person (ond diystyrir adran 401(2) o'r Ddeddf honno at ddibenion yr is-baragraff hwn), neu

- (b) the independent eligible student and the student's partner, were not separated.

(4) Where an eligible student has more than one partner in any one academic year, this paragraph and Step 1 of paragraph 3(1) apply in relation to each partner.

### **Independent eligible student or partner is a parent of an eligible student**

#### **8. Where—**

- (a) an independent eligible student (“I”) or the partner of the independent eligible student (“PI”) is a parent of an eligible student (“S”), and
- (b) a statutory award payable to S is calculated by reference to the residual income of I or PI, or both,

the residual income of PI is not aggregated under List B of Step 1 in paragraph 3(1) for the purposes of calculating the household income of I.

## **PART 3**

### **Taxable income**

#### **Taxable income**

**9.—(1)** In this Schedule, a person's taxable income means—

- (a) the aggregate of—
- (i) the total income on which the person is charged to income tax under Step 1 of section 23 of the Income Tax Act 2007(1), and
- (ii) if not already a component of total income under sub-paragraph (i), payments and other benefits specified in section 401(1) of the Income Tax (Earnings and Pensions) Act 2003(2) received by the person or treated as received by the person (but disregard section 401(2) of that Act for the purposes of this sub-paragraph), or

(1) 2007 p. 3; diwygiwyd adran 23 gan Ddeddf Cyllid 2009 (p. 10), Atodlen 1, paragraff 6(o)(i), Deddf Cyllid 2013 (p. 29), Atodlen 3, paragraff 2(2) a Deddf Cyllid 2014 (p. 26), Atodlen 17, paragraff 19.

(2) 2003 p. 1; diwygiwyd adran 401 gan O.S. 2005/3229, O.S. 2011/1037 ac O.S. 2014/211.

(1) 2007 c. 3; section 23 was amended by the Finance Act 2009 (c. 10), Schedule 1, paragraph 6(o)(i), the Finance Act 2013 (c. 29), Schedule 3, paragraph 2(2) and the Finance Act 2014 (c. 26), Schedule 17, paragraph 19.

(2) 2003 c. 1; section 401 was amended by S.I. 2005/3229, S.I. 2011/1037 and S.I. 2014/211.

(b) pan fo deddfwriaeth treth incwm Aelod-wladwriaeth arall yn gymwys i incwm y person, gyfanswm incwm y person o bob ffynhonnell fel y'i penderfynir at ddibenion deddfwriaeth treth incwm yr Aelod-wladwriaeth honno.

(2) At ddibenion is-baragraff (1)(b), pan fo deddfwriaeth treth incwm mwy nag un Aelod-wladwriaeth yn gymwys i'r person mewn cysylltiad â'r flwyddyn sydd o dan ystyriaeth, cyfanswm incwm y person o bob ffynhonnell yw'r swm sy'n deillio o'r penderfyniad sy'n arwain at swm mwyaf cyfanswm yr incwm, gan gynnwys unrhyw incwm y mae'n ofynnol ei ystyried o dan baragraff 18.

(3) Ond nid yw incwm trethadwy person yn cynnwys incwm a delir i berson arall o dan orchymyn trefniadau pensiwn.

(b) where the income tax legislation of another member State applies to the person's income, the person's total income from all sources as determined for the purposes of the income tax legislation of that member State.

(2) For the purposes of sub-paragraph (1)(b), where the income tax legislation of more than one member State applies to the person in respect of the year under consideration, the person's total income from all sources is the amount derived from the determination resulting in the greatest amount of total income, including any income which is required to be taken into account under paragraph 18.

(3) But a person's taxable income does not include income paid to another person under a pension arrangements order.

## RHAN 4

### Incwm gweddilliol

#### PENNOD 1

##### Incwm gweddilliol myfyriwr cymwys

#### Cyfrifo incwm gweddilliol myfyriwr cymwys

**10.** At ddibenion cyfrifo incwm aelwyd myfyriwr cymwys o dan Ran 2, cyfrifir incwm gweddilliol y myfyriwr fel a ganlyn—

Incwm trethadwy'r myfyriwr cymwys mewn cysylltiad â'r flwyddyn academaidd gyfredol.

*Plws*

Incwm sy'n daladwy i'r myfyriwr cymwys o dan orchymyn trefniadau pensiwn yn ystod y flwyddyn academaidd gyfredol, ar ôl didynnu treth incwm.

*Minws*

Cyfanred y didyniadau a nodir ym mharagraff 11 (oni bai eu bod eisoes wedi eu didynnu at ddibenion penderfynu ar incwm trethadwy'r myfyriwr).

#### Didyniadau at ddiben cyfrifo incwm gweddilliol myfyriwr cymwys

**11.** At ddibenion cyfrifo incwm gweddilliol myfyriwr cymwys, y didyniadau yw—

##### *Didyniad A*

Tâl a roddir i'r myfyriwr cymwys yn y flwyddyn academaidd gyfredol am waith a wneir yn ystod unrhyw flwyddyn academaidd o'r cwrs, ond nid tâl mewn cysylltiad ag—

## PART 4

### Residual income

#### CHAPTER 1

##### Residual income of an eligible student

#### Calculation of eligible student's residual income

**10.** For the purposes of calculating an eligible student's household income under Part 2, the student's residual income is calculated as follows—

The eligible student's taxable income in respect of the current academic year.

*Plus*

Income payable to the eligible student under a pension arrangements order during the current academic year, net of income tax.

*Minus*

The aggregate of the deductions set out in paragraph 11 (unless already deducted for the purposes of determining the student's taxable income).

#### Deductions for the purpose of calculating residual income of an eligible student

**11.** For the purposes of calculating an eligible student's residual income, the deductions are—

##### *Deduction A*

Remuneration paid to the eligible student in the current academic year for work done during any academic year of the course, but not remuneration in respect of any—

- (a) unrhyw gyfnod o absenoldeb a gymerir gan y myfyriwr, neu
- (b) unrhyw gyfnod arall pan fydd y myfyriwr wedi ei ryddhau o ddyletswydd i fod yn bresennol yn y gwaith,

fel y caiff y myfyriwr ymgymryd â'r cwrs.

#### *Didyniad B*

Swm gros unrhyw bremiwm neu swm a delir gan y myfyriwr cymwys yn ystod y flwyddyn academaidd gyfredol mewn perthynas â phensiwn—

- (a) y rhoddir rhyddhad mewn cysylltiad ag ef o dan adran 188 o Ddeddf Cyllid 2004(1), neu
- (b) pan fo incwm y myfyriwr yn cael ei gyfrifiannu at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, y byddai rhyddhad yn cael ei roi mewn cysylltiad ag ef pe bai'r deddfwriaeth honno yn gwneud darpariaeth sy'n cyfateb i'r ddarpariaeth yn y Deddfau Treth Incwm,

ond nid yw'n cynnwys unrhyw swm a delir fel premiwm o dan bolisi aswariant bywyd.

#### **Incwm myfyriwr cymwys a geir mewn arian cyfred ac eithrio sterling**

12.—(1) Pan fo'r myfyriwr cymwys yn cael incwm mewn arian cyfred ac eithrio sterling, gwerth yr incwm yw—

- (a) swm y sterling y mae'r myfyriwr cymwys yn ei gael ar gyfer yr incwm, neu
- (b) pan na fo'r myfyriwr yn troi'r incwm yn sterling, gwerth y sterling y byddai'r incwm yn ei brynu gan ddefnyddio cyfradd gyfnewid CThEM.

(2) Cyfradd gyfnewid CThEM(2) yw'r gyfradd a gyhoeddir gan Gyllid a Thollau Ei Mawrhydi ar gyfer y mis sy'n cyfateb i'r mis y ceir yr incwm ynddo.

- (a) period of leave taken by the student, or
- (b) other period during which the student is relieved of a duty to attend work,

so that the student may undertake the course.

#### *Deduction B*

The gross amount of any premium or sum paid by the eligible student during the current academic year in relation to a pension in respect of which—

- (a) relief is given under section 188 of the Finance Act 2004(1), or
- (b) where the student's income is computed for the purposes of the income tax legislation of another member State, relief would be given if that legislation made provision equivalent to the Income Tax Acts,

but not including any sum paid as a premium under a policy of life assurance.

#### **Income of eligible student received in currency other than sterling**

12.—(1) Where the eligible student receives income in a currency other than sterling, the value of the income is—

- (a) the amount of sterling the eligible student receives for the income, or
- (b) where the student does not convert the income into sterling, the value of the sterling which the income would purchase using the HMRC exchange rate.

(2) The HMRC exchange rate(2) is the rate published by Her Majesty's Revenue and Customs for the month corresponding to the month in which the income is received.

(1) 2004 p. 12; diwygiwyd adran 188 gan Ddeddf Cyllid 2007 (p. 11), adrannau 68 a 114 ac Atodlenni 18, 19 a 27, Deddf Cyllid 2013 (p. 29), adran 52 a Deddf Cyllid 2014 (p. 26), Atodlen 7.

(2) *Gweler* <https://www.gov.uk/government/collections/exchange-rates-for-customs-and-vat>.

(1) 2004 c. 12; section 188 was amended by the Finance Act 2007 (c. 11), sections 68 and 114 and Schedules 18, 19 and 27, the Finance Act 2013 (c. 29), section 52 and the Finance Act 2014 (c. 26), Schedule 7.

(2) *See* <https://www.gov.uk/government/collections/exchange-rates-for-customs-and-vat>.

**Personau y mae'r bennod hon yn gymwys iddynt**

**13.** Mae'r Bennod hon yn gwneud darpariaeth ar gyfer cyfrifo incwm gweddilliol person ("P") pan fo P yn golygu'r canlynol—

- (a) rhiant y myfyriwr cymwys,
- (b) partner y myfyriwr cymwys, neu
- (c) partner rhiant y myfyriwr cymwys,

yn ôl y digwydd, a phan fo incwm P yn cael ei gyfrifo'n gyfanred o dan Gam 1 ym mharagraff 3(1) at ddiben cyfrifo incwm aelwyd myfyriwr cymwys.

**Cyfrifo incwm gweddilliol personau ac eithrio myfyriwr cymwys**

**14.** Cyfrifir incwm gweddilliol P fel a ganlyn—

Incwm trethadwy P ar gyfer y flwyddyn ariannol gymwys.

*Plws*

Incwm sy'n daladwy i P o dan orchymyn trefniadau pensiwn yn ystod y flwyddyn ariannol gymwys, ar ôl didynnu treth incwm.

*Minws*

Cyfanred y didyniadau a nodir ym mharagraff 15 (oni bai eu bod eisoes wedi eu didynnu at ddibenion penderfynu ar incwm trethadwy P).

**Didyniadau at ddiben cyfrifo incwm gweddilliol personau ac eithrio myfyriwr cymwys**

**15.—(1)** At ddiben cyfrifo incwm gweddilliol P, y didyniadau yw—

*Didyniad A*

Swm gros unrhyw bremiwm neu swm a delir gan P mewn cysylltiad â phensiwn yn ystod y flwyddyn ariannol gymwys—

- (a) y rhoddir rhyddhad mewn perthynas ag ef o dan adran 188 o Ddeddf Cyllid 2004, neu
- (b) pan fo incwm P yn cael ei gyfrifiannu at ddiben deddfwriaeth treth incwm Aelod-wladwriaeth arall, y byddai rhyddhad wedi cael ei roi mewn perthynas ag ef pe bai'r ddeddfwriaeth honno yn gwneud darpariaeth sy'n cyfateb i'r ddarpariaeth yn y Deddfau Treth Incwm,

**Persons to whom this chapter applies**

**13.** This Chapter makes provision for the calculation of a person's ("P's") residual income where P means the following—

- (a) the parent of the eligible student,
- (b) the eligible student's partner, or
- (c) the eligible student's parent's partner,

as the case may be, and where P's income is aggregated under Step 1 in paragraph 3(1) for the purpose of calculating an eligible student's household income.

**Calculation of residual income of persons other than eligible student**

**14.** P's residual income is calculated as follows—

P's taxable income for the applicable financial year.

*Plus*

Income payable to P under a pension arrangements order during the applicable financial year, net of income tax.

*Minus*

The aggregate of the deductions set out in paragraph 15 (unless already deducted for the purposes of determining P's taxable income).

**Deductions for the purpose of calculating residual income of persons other than eligible student**

**15.—(1)** For the purpose of calculating P's residual income, the deductions are—

*Deduction A*

The gross amount of any premium or sum paid by P in respect of a pension during the applicable financial year, in relation to which—

- (a) relief is given under section 188 of the Finance Act 2004, or
- (b) where P's income is computed for the purpose of the income tax legislation of another member State, relief would have been given if that legislation made provision equivalent to the Income Tax Acts,

ond nid yw'n cynnwys unrhyw swm a delir fel premiwm o dan bolisi aswiriant bywyd.

#### *Didyniad B*

Pan fo paragraff 18 yn gymwys, swm sy'n cyfateb i Ddidyniad A ar yr amod nad yw'r swm hwn yn fwy na'r didyniadau a fyddai'n cael eu gwneud pe bai holl incwm P yn incwm at ddibenion y Deddfau Treth Incwm mewn gwirionedd.

#### *Didyniad C*

£1,130, pan fo P—

- (a) yn fyfyrwr cymwys mewn cysylltiad â'r flwyddyn academaidd gyfredol ond hefyd yn rhiant myfyrwr cymwys, neu
- (b) wedi cael dyfardnal statudol mewn cysylltiad â'r un cyfnod.

### **Blynyddoedd ariannol cymwys: cyfrifo incwm gweddilliol personau ac eithrio myfyrwr cymwys**

**16.**—(1) Mae'r paragraff hwn yn pennu'r flwyddyn ariannol gymwys at ddibenion cyfrifo incwm gweddilliol P.

(2) Oni bai bod is-baragraff (3) yn gymwys, y flwyddyn ariannol gymwys yw BF-1.

(3) Pan fo Gweinidogion Cymru wedi eu bodloni bod incwm gweddilliol P ar gyfer BG yn debygol o fod o leiaf 15% yn llai nag incwm gweddilliol P ar gyfer BF-1, y flwyddyn ariannol gymwys yw BG.

### **Incwm o fusnes neu broffesiwn**

**17.**—(1) Mae is-baragraff (2) yn gymwys pan—

- (a) y flwyddyn ariannol gymwys at ddibenion cyfrifo incwm gweddilliol P yw BF-1, a
- (b) bo Gweinidogion Cymru wedi eu bodloni bod incwm P yn deillio'n gyfan gwbl neu'n bennaf o elw busnes neu broffesiwn a gynhelir gan P.

(2) Pan fo'r paragraff hwn yn gymwys, incwm gweddilliol P yw ei incwm ar gyfer y cyfnod cynharaf o ddeuddeng mis sy'n dod i ben yn BF-1 y cedwir cyfrifon mewn cysylltiad ag ef sy'n ymwneud â busnes neu broffesiwn P.

### **Trin incwm nas trinnir fel incwm at ddibenion treth incwm**

**18.**—(1) Mae is-baragraff (3) yn gymwys pan fo P yn cael unrhyw incwm nad yw, am unrhyw un neu ragor o'r rhesymau a nodir yn is-baragraff (2), yn ffurfio rhan o incwm P at ddiben y Deddfau Treth Incwm neu ddeddfwriaeth treth incwm Aelod-wladwriaeth arall.

but not including any sum paid as a premium under a policy of life assurance.

#### *Deduction B*

Where paragraph 18 applies, a sum equivalent to Deduction A provided that this sum does not exceed the deductions which would be made if the whole of P's income were in fact income for the purposes of the Income Tax Acts.

#### *Deduction C*

£1,130, where P—

- (a) is an eligible student in respect of the current academic year but is also the parent of an eligible student, or
- (b) holds a statutory award in respect of the same period.

### **Applicable financial years: calculating residual income of persons other than eligible student**

**16.**—(1) This paragraph specifies the applicable financial year for the purposes of calculating P's residual income.

(2) Unless sub-paragraph (3) applies, the applicable financial year is PY-1.

(3) Where the Welsh Ministers are satisfied that P's residual income for CY is likely to be at least 15% lower than P's residual income for PY-1, the applicable financial year is CY.

### **Income from business or profession**

**17.**—(1) Sub-paragraph (2) applies where—

- (a) the applicable financial year for the purposes of calculating P's residual income is PY-1, and
- (b) the Welsh Ministers are satisfied that P's income is wholly or mainly derived from the profits of a business or profession carried on by P.

(2) Where this paragraph applies, P's residual income is P's income for the earliest period of twelve months ending in PY-1 in respect of which accounts are kept relating to P's business or profession.

### **Treatment of income not treated as income for income tax purposes**

**18.**—(1) Sub-paragraph (3) applies where P is in receipt of any income which, for any of the reasons set out in sub-paragraph (2), does not form part of P's income for the purpose of the Income Tax Acts or the income tax legislation of another member State.

(2) Y rhesymau yw—

*Rheswm 1*

- (a) nid yw P yn preswyllo nac wedi ymgartrefu yn y Deyrnas Unedig, neu
- (b) cyfrifiennir incwm P at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall ac nid yw P yn preswyllo nac wedi ymgartrefu yn yr Aelod-wladwriaeth honno.

*Rheswm 2*

- (a) nid yw incwm P yn codi yn y Deyrnas Unedig, neu
- (b) nid yw incwm P yn codi yn yr Aelod-wladwriaeth y cyfrifiennir incwm P ynddi at ddibenion deddfwriaeth treth incwm y Wladwriaeth honno.

*Rheswm 3*

Mae'r incwm yn codi o swydd, gwasanaeth neu gyflogaeth y mae'r incwm ohoni neu ohono yn esempt rhag treth.

(3) Mae incwm trethadwy P i'w gymryd i gynnwys yr incwm a ddisgrifir yn is-baragraff (1) fel pe bai'n rhan o incwm P at ddibenion y Deddfau Treth Incwm neu deddfwriaeth treth incwm Aelod-wladwriaeth arall, yn ôl y digwydd.

**Incwm P mewn arian cyfred ac eithrio sterling**

19.—(1) Pan fo incwm P wedi ei gyfrifiannu at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, mae incwm gweddilliol P i'w gyfrifo yn unol â'r Rhan hon yn arian cyfred yr Aelod-wladwriaeth honno ac i'w gymryd fel gwerth sterling yr incwm hwnnw a benderfynir yn unol â chyfradd berthnasol CThEM.

(2) Cyfradd berthnasol CThEM yw'r gyfradd gyfnewid ar gyfartaledd a ddyroddir gan Gyllid a Thollau Ei Mawrhydi ar gyfer y flwyddyn galendr sy'n dod i ben yn union cyn diwedd BF-1.

**RHAN 5**

**Dehongli**

**Dehongli**

20.—(1) Yn yr Atodlen hon, ystyr unrhyw gyfeiriad at bartner person ("A") yw—

- (a) priod neu bartner sifil A, neu
- (b) person sy'n byw fel arfer gydag A fel pe bai'r person yn briod neu'n bartner sifil A.

(2) The reasons are—

*Reason 1*

- (a) P is not resident or domiciled in the United Kingdom, or
- (b) P's income is computed for the purposes of the income tax legislation of another member State and P is not resident or domiciled in that member State.

*Reason 2*

- (a) P's income does not arise in the United Kingdom, or
- (b) P's income does not arise in the member State in which P's income is computed for the purposes of that State's income tax legislation.

*Reason 3*

The income arises from an office, service or employment, income from which is exempt from tax.

(3) P's taxable income is to be taken to include the income described in sub-paragraph (1) as if it were part of P's income for the purposes of the Income Tax Acts or the income tax legislation of another member State, as the case may be.

**P's income in currency other than sterling**

19.—(1) Where P's income is computed for the purposes of the income tax legislation of another member State, P's residual income is to be calculated in accordance with this Part in the currency of that member State and is to be taken to be the sterling value of that income determined in accordance with the relevant HMRC rate.

(2) The relevant HMRC rate is the average exchange rate issued by Her Majesty's Revenue and Customs for the calendar year ending immediately before the end of PY-1.

**PART 5**

**Interpretation**

**Interpretation**

20.—(1) In this Schedule, any reference to a person's ("A's") partner means—

- (a) A's spouse or civil partner, or
- (b) a person ordinarily living with A as if the person were A's spouse or civil partner.

(2) Yn yr Atodlen hon—

ystyr “BF” (“PY”) yw’r flwyddyn ariannol yn union cyn BG;

ystyr “BF-1” (“PY-1”) yw’r flwyddyn ariannol yn union cyn BF;

ystyr “BG” (“CY”) yw’r flwyddyn ariannol sy’n dechrau yn union cyn diwrnod cyntaf y flwyddyn academaidd gyfredol;

ystyr “blwyddyn ariannol” (“*financial year*”) yw’r cyfnod o ddeuddeng mis y cyfrifiennir incwm person mewn cysylltiad ag ef at ddibenion y ddeddfwriaeth treth incwm sy’n gymwys iddo;

ystyr “blwyddyn ariannol gymwys” (“*applicable financial year*”) yw’r flwyddyn ariannol y penderfynir arni yn unol â pharagraff 16;

ystyr “corff cyhoeddus” (“*public body*”) yw awdurdod neu asiantaeth i’r wladwriaeth, boed yn genedlaethol, yn rhanbarthol neu’n lleol;

ystyr “gorchymyn trefniadau pensiwn” (“*pension arrangements order*”) yw gorchymyn y mae person yn talu odano fudd-daliadau o dan drefniant pensiwn i berson arall o dan—

- (a) adran 23 o Ddeddf Achosion Priodasol 1973(1) sy’n cynnwys darpariaeth a wneir yn rhinwedd adran 25B(4) (a chan gynnwys gorchymyn o’r fath fel y caiff effaith yn rhinwedd adran 25E(3) o’r Ddeddf honno)(2), neu
- (b) Rhan 1 o Atodlen 5 i Ddeddf Partneriaeth Sifil 2004(3) sy’n cynnwys darpariaeth a wneir yn rhinwedd Rhan 6 o’r Atodlen honno (a chan gynnwys gorchymyn o’r fath fel y caiff effaith yn rhinwedd Rhan 7 o’r Atodlen honno).

(2) In this Schedule—

“applicable financial year” (“*blwyddyn ariannol gymwys*”) means the financial year determined in accordance with paragraph 16;

“CY” (“*BG*”) means the financial year beginning immediately before the first day of the current academic year;

“financial year” (“*blwyddyn ariannol*”) means the period of twelve months in respect of which the income of a person is computed for the purposes of the income tax legislation which applies to it;

“PY” (“*BF*”) means the financial year immediately preceding CY;

“PY-1” (“*BF-1*”) means the financial year immediately preceding PY;

“pension arrangements order” (“*gorchymyn trefniadau pensiwn*”) means an order under which a person pays benefits under a pension arrangement to another person under—

- (a) section 23 of the Matrimonial Causes Act 1973(1) which includes provision made by virtue of section 25B(4) (and including such an order as it may have effect by virtue of section 25E(3) of that Act)(2), or
- (b) Part 1 of Schedule 5 to the Civil Partnership Act 2004(3) which includes provision made by virtue of Part 6 of that Schedule (and including such an order as it may have effect by virtue of Part 7 of that Schedule);

“public body” (“*corff cyhoeddus*”) means a state authority or agency whether national, regional or local.

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(1) 1973 p. 18; diwygiwyd adran 23 gan Ddeddf Gweinyddu Cyfiawnder 1982 (p. 53), adran 16.

(2) Mewnosodwyd adran 25B gan Ddeddf Pensiynau 1995 (p. 20), adran 166(1) ac fe’i diwygiwyd gan Ddeddf Diwygio Lles a Phensiynau 1999 (p. 30), Atodlen 4. Mewnosodwyd adran 25E gan Ddeddf Pensiynau 2004 (p. 35), adran 319(1), Atodlen 12, paragraff 3 ac fe’i diwygiwyd gan Ddeddf Pensiynau 2008 (p. 30), Atodlen 6, paragraffau 1 a 6 ac Atodlen 11, Rhan 4.

(3) 2004 p. 33; addaswyd paragraff 25 o Atodlen 5 gan O.S. 2006/1934 a diwygiwyd paragraff 30 o Atodlen 5 gan Ddeddf Pensiynau 2008 (p. 30), Atodlenni 6 ac 11.

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(1) 1973 c. 18; section 23 was amended by the Administration of Justice Act 1982 (c. 53), section 16.

(2) Section 25B was inserted by the Pensions Act 1995 (c. 20), section 166(1) and was amended by the Welfare Reform and Pensions Act 1999 (c. 30), Schedule 4. Section 25E was inserted by the Pensions Act 2004 (c. 35), section 319(1), Schedule 12, paragraph 3 and amended by the Pensions Act 2008 (c. 30), Schedule 6, paragraphs 1 and 6 and Schedule 11, Part 4.

(3) 2004 c. 33; paragraph 25 of Schedule 5 was modified by S.I. 2006/1934 and paragraph 30 of Schedule 5 was amended by the Pensions Act 2008 (c. 30), Schedules 6 and 11.

Mynegai o dermau wedi eu diffinio

1. Mae Tabl 3 yn rhestru ymadroddion sydd wedi eu diffinio neu sydd wedi eu hesbonio fel arall yn y Rheoliadau hyn.

**Tabl 3**

<i>Ymadrodd</i>	<i>Wedi ei ddiffinio, neu y cyfeirir ato, yn...</i>
“AEE”	Atodlen 2, paragraff 13
“aelod o deulu”	Atodlen 2, paragraff 6(3)
“aelod o’r lluoedd arfog”	Atodlen 1, paragraff 3(1)
“awdurdod academiaidd”	Atodlen 1, paragraff 3(1)
“awdurdod lleol Cymreig”	Atodlen 2, paragraff 12(2)
“benthyciad” (at ddibenion Eithriadau 1 a 2 yn rheoliad 10(1))	Rheoliad 10(2)
“benthyciad cyfrannu at gostau”	Rheoliad 30
“BF”	Atodlen 3, paragraff 20(2)
“BF-1”	Atodlen 3, paragraff 20(2)
“BG”	Atodlen 3, paragraff 20(2)
“blwyddyn academiaidd”	Atodlen 1, paragraff 1
“blwyddyn academiaidd gyfredol”	Atodlen 1, paragraff 3(1)
“blwyddyn ariannol”	Atodlen 3, paragraff 20(2)
“blwyddyn ariannol gymwys”	Atodlen 3, paragraff 20(2)
“bwrsari gofal iechyd”	Atodlen 1, paragraff 3(1)
“carcharor” a “carchar”	Atodlen 1, paragraff 3(1)
“carcharor cymwys”	Atodlen 1, paragraff 3(1)
“cofrestr”	Atodlen 1, paragraff 2(2)
“corff cyhoeddus”	Atodlen 3, paragraff 20(2)
“cronfeydd cyhoeddus”	Atodlen 1, paragraff 3(1)
“cwrs”	Atodlen 1, paragraff 3(1)
“cwrs dynodedig”	Pennod 1 o Ran 4
“cwrs dysgu o bell”	Atodlen 1, paragraff 3(1)
“cwrs newydd”	Rheoliad 17(1)
“Cyfarwyddeb 2004/38”	Atodlen 2, paragraff 13
“cyfnod cymhwystra”	Rheoliad 11
“cyfnodau o brofiad gwaith”	Atodlen 1, paragraff 3(1)
“cymhwyster cyfatebol neu uwch”	Atodlen 1, paragraff 3(1)
“cymorth”	Atodlen 1, paragraff 3(1)
“Cynllun KESS 2”	Atodlen 1, paragraff 3(1)
“Cytundeb y Swistir”	Atodlen 2, paragraff 13
“darparwr cynllun Seisnig”	Atodlen 1, paragraff 2(1)(f)
“Deddf 1998”	Rheoliad 5
“derbyn gofal”	Atodlen 2, paragraff 12(2)
“dyddiad y cais i gael caniatâd i aros” (at ddiben	Atodlen 2, paragraff 3(4)(b)

Index of defined terms

1. Table 3 lists expressions defined or otherwise explained in these Regulations.

**Table 3**

<i>Expression</i>	<i>Defined or referred to in...</i>
“the 1998 Act”	Regulation 5
“the 2017 Master’s Degree Loans Regulations”	Regulation 2(3)
“the 2017 Student Support Regulations”	Regulation 7(a)
“the 2018 Doctoral Degree Loans Regulations”	Regulation 7(c)
“the 2018 Student Support Regulations”	Regulation 7(b)
“academic authority”	Schedule 1, paragraph 3(1)
“academic year”	Schedule 1, paragraph 1
“applicable financial year”	Schedule 3, paragraph 20(2)
“base grant”	Regulation 24
“care leaver”	Regulation 29
“close relative”	Schedule 1, paragraph 3(1)
“contribution to costs grant”	Regulation 24
“contribution to costs loan”	Regulation 30
“course”	Schedule 1, paragraph 3(1)
“current academic year”	Schedule 1, paragraph 3(1)
“CY”	Schedule 3, paragraph 20(2)
“designated course”	Chapter 1 of Part 4
“Directive 2004/38”	Schedule 2, paragraph 13
“distance learning course”	Schedule 1, paragraph 3(1)
“EEA”	Schedule 2, paragraph 13
“EEA frontier self-employed person”	Schedule 2, paragraph 6(3)
“EEA frontier worker”	Schedule 2, paragraph 6(3)
“EEA migrant worker”	Schedule 2, paragraph 6(3)
“EEA national”	Schedule 2, paragraph 6(4)
“EEA self-employed person”	Schedule 2, paragraph 6(3)
“eligible prisoner”	Schedule 1, paragraph 3(1)
“eligible student”	Regulation 9(1)
“employed person”	Schedule 2, paragraph 6(4)
“English plan provider”	Schedule 1, paragraph 2(1)(f)
“English regulated institution”	Schedule 1, paragraph 2(1)(d)
“equivalent or higher qualification”	Schedule 1, paragraph 3(1)
“EU national”	Schedule 1, paragraph 3(1)



penderfynu a yw person yn aelod o deulu person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth)			
“dyddiad y cais i gael caniatâd i aros” (at ddiben penderfynu a yw person yn blentyn i berson sydd â chaniatâd i aros o dan adran 67)	Atodlen 2, paragraff 5(3)(b)		
“dyddiad y cais i gael caniatâd i ddod i mewn neu i aros” (at ddiben penderfynu a yw person yn aelod o deulu person sydd â chaniatâd i ddod i mewn neu i aros)	Atodlen 2, paragraff 4(5)		
“dyfardal statudol”	Atodlen 1, paragraff 3(1)		
“y ddeddfwriaeth ar fenthyciadau i fyfyrwyr”	Atodlen 1, paragraff 3(1)		
“ffioedd”	Atodlen 1, paragraff 3(1)		
“ffoadur”	Atodlen 2, paragraff 13		
“gorchymyn trefniadau pensiwn”	Atodlen 3, paragraff 20(2)		
“grant cyfrannu at gostau”	Rheoliad 24		
“grant sylfaenol”	Rheoliad 24		
“gweithiwr”	Atodlen 2, paragraff 6(4)		
“gweithiwr mudol AEE”	Atodlen 2, paragraff 6(3)		
“gweithiwr trawsffiniol AEE”	Atodlen 2, paragraff 6(3)		
“gweithiwr Twrcaidd”	Atodlen 2, paragraff 10(2)		
“gwladolyn AEE”	Atodlen 2, paragraff 6(4)		
“gwladolyn UE”	Atodlen 1, paragraff 3(1)		
“gybodaeth”	Atodlen 1, paragraff 3(1)		
“hawl i breswyllo’n barhaol”	Atodlen 2, paragraff 13		
“incwm aelwyd”	Atodlen 3, Rhan 2		
“incwm gweddilliol”	Atodlen 3, Rhan 4		
“incwm trethadwy”	Atodlen 3, paragraff 9		
“myfyriwr cymwys”	Rheoliad 9(1)		
“myfyriwr cymwys annibynnol”	Atodlen 3, paragraff 4		
“partner”	Atodlen 3, paragraff 20(1)		
“person cyflogedig”	Atodlen 2, paragraff 6(4)		
“person cyflogedig Swisaidd”	Atodlen 2, paragraff 6(3)		
“person cyflogedig trawsffiniol Swisaidd”	Atodlen 2, paragraff 6(3)		
“person hunangyflogedig”	Atodlen 2, paragraff 6(4)		
“person hunangyflogedig AEE”	Atodlen 2, paragraff 6(3)		
“person hunangyflogedig Swisaidd”	Atodlen 2, paragraff 6(3)		
“person hunangyflogedig trawsffiniol AEE”	Atodlen 2, paragraff 6(3)		
“person hunangyflogedig trawsffiniol Swisaidd”	Atodlen 2, paragraff 6(3)		
		“family member”	Schedule 2, paragraph 6(3)
		“fees”	Schedule 1, paragraph 3(1)
		“financial year”	Schedule 3, paragraph 20(2)
		“healthcare bursary”	Schedule 1, paragraph 3(1)
		“household income”	Schedule 3, Part 2
		“immigration rules”	Schedule 2, paragraph 13
		“independent eligible student”	Schedule 3, paragraph 4
		“information”	Schedule 1, paragraph 3(1)
		“Islands”	Schedule 2, paragraph 13
		“KESS 2 Scheme”	Schedule 1, paragraph 3(1)
		“leave application date” (for the purpose of determining if a person is the family member of a person granted stateless leave)	Schedule 2, paragraph 3(4)(b)
		“leave application date” (for the purpose of determining if a person is the family member of a person with leave to enter or remain)	Schedule 2, paragraph 4(5)
		“leave application date” (for the purpose of determining if a person is the child of a person with section 67 leave to remain)	Schedule 2, paragraph 5(3)(b)
		“loan” (for the purposes of Exceptions 1 and 2 in regulation 10(1))	Regulation 10(2)
		“looked after”	Schedule 2, paragraph 12(2)
		“member of the armed forces”	Schedule 1, paragraph 3(1)
		“new course”	Regulation 17(1)
		“Northern Irish funded institution”	Schedule 1, paragraph 2(1)(c)
		“parent” and “child” (for the purposes of determining the category of a person under Schedule 2)	Schedule 2, paragraph 13
		“partner”	Schedule 3, paragraph 20(1)
		“pension arrangements order”	Schedule 3, paragraph 20(2)
		“period of eligibility”	Regulation 11
		“periods of work experience”	Schedule 1, paragraph 3(1)
		“person granted stateless leave”	Schedule 2, paragraph 3(4)(a)
		“person with leave to enter or remain”	Schedule 2, paragraph 4(4)
		“person with section 67 leave to remain”	Schedule 2, paragraph 5(3)(a)
		“prisoner” and “prison”	Schedule 1, paragraph 3(1)

“person sydd â chaniatâd i aros o dan adran 67”	Atodlen 2, paragraff 5(3)(a)	“public body”	Schedule 3, paragraph 20(2)
“person sydd â chaniatâd i ddod i mewn neu i aros”	Atodlen 2, paragraff 4(4)	“public funds”	Schedule 1, paragraph 3(1)
“person sy’n ymadael â gofal”	Rheoliad 29	“PY”	Schedule 3, paragraph 20(2)
“person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth”	Atodlen 2, paragraff 3(4)(a)	“PY-1”	Schedule 3, paragraph 20(2)
“perthynas agos”	Atodlen 1, paragraff 3(1)	“refugee”	Schedule 2, paragraph 13
“rheolau mewnffudo”	Atodlen 2, paragraff 13	“register”	Schedule 1, paragraph 2(2)
“Rheoliadau Benthyciadau at Radd Ddoethurrol 2018”	Rheoliad 7(c)	“registered English institution”	Schedule 1, paragraph 2(1)(e)
“Rheoliadau Benthyciadau at Radd Feistr 2017”	Rheoliad 2(3)	“residual income”	Schedule 3, Part 4
“Rheoliadau Cymorth i Fyfywrwyr 2017”	Rheoliad 7(a)	“right of permanent residence”	Schedule 2, paragraph 13
“Rheoliadau Cymorth i Fyfywrwyr 2018”	Rheoliad 7(b)	“Scottish funded institution”	Schedule 1, paragraph 2(1)(b)
“rhiant” a “plentyn” (at ddibenion penderfynu ar gategori person o dan Atodlen 2)	Atodlen 2, paragraff 13	“self-employed person”	Schedule 2, paragraph 6(4)
“sefydliad a gyllidir gan yr Alban”	Atodlen 1, paragraff 2(1)(b)	“settled”	Schedule 2, paragraph 13
“sefydliad a gyllidir gan Gymru”	Atodlen 1, paragraff 2(1)(a)	“statutory award”	Schedule 1, paragraph 3(1)
“sefydliad a gyllidir gan Ogledd Iwerddon”	Atodlen 1, paragraff 2(1)(c)	“student loans legislation”	Schedule 1, paragraph 3(1)
“sefydliad rheoleiddiedig Seisnig”	Atodlen 1, paragraff 2(1)(d)	“support”	Schedule 1, paragraph 3(1)
“sefydliad Seisnig cofrestredig”	Atodlen 1, paragraff 2(1)(e)	“Swiss Agreement”	Schedule 2, paragraph 13
“wedi setlo”	Atodlen 2, paragraff 13	“Swiss employed person”	Schedule 2, paragraph 6(3)
“Ynsoedd”	Atodlen 2, paragraff 13	“Swiss frontier employed person”	Schedule 2, paragraph 6(3)
		“Swiss frontier self-employed person”	Schedule 2, paragraph 6(3)
		“Swiss self-employed person”	Schedule 2, paragraph 6(3)
		“taxable income”	Schedule 3, paragraph 9
		“Turkish worker”	Schedule 2, paragraph 10(2)
		“Welsh funded institution”	Schedule 1, paragraph 2(1)(a)
		“Welsh local authority”	Schedule 2, paragraph 12(2)
		“worker”	Schedule 2, paragraph 6(4)

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