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WELSH STATUTORY
INSTRUMENTS

2020 Rhif 142 (Cy. 25)

2020 No. 142 (W. 25)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Cymorth i
Fyfyrwyr) (Diwygiadau Amrywiol)
(Cymru) 2020**

**The Education (Student Support)
(Miscellaneous Amendments)
(Wales) Regulations 2020**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio—

These Regulations amend—

- (a) Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2017 (“Rheoliadau 2017”),
- (b) Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2018 (“Rheoliadau 2018”), ac
- (c) Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Graddau Meistr Ôl-raddedig) (Cymru) 2019 (“y Rheoliadau Graddau Meistr”).

- (a) the Education (Student Support) (Wales) Regulations 2017 (“the 2017 Regulations”),
- (b) the Education (Student Support) (Wales) Regulations 2018 (“the 2018 Regulations”), and
- (c) the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019 (“the Master’s Regulations”).

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

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

Mae rheoliad 3 yn diwygio'r diffiniad o “cwrw penben” yn rheoliad 2(1) o Reoliadau 2017. Mae'n mewnosod “neu o dan y Rheoliadau hyn” ym mharagraffau (a), (b), (c), (d), (e) ac (f) fel bod y diffiniad yn cyfeirio at Reoliadau 2017 yn ogystal ag at Reoliadau blaenorol, gyda'r effaith y bydd myfyriwr sy'n cwblhau cwrw sy'n denu cymorth o dan Reoliadau 2017 ac yna, gan ddiystyru unrhyw wyliau yn y cyfamser, yn dechrau ar unwaith ar un o nifer o gyrsiau eraill a restrir yn y diffiniad o “cwrw penben” yn parhau i fod yn gymwys i gael cymorth ar gyfer y cwrw diweddarach o dan Reoliadau 2017.

Regulation 3 amends the definition of “end-on course” in regulation 2(1) of the 2017 Regulations. It inserts “or under these Regulations” at paragraphs (a), (b), (c), (d), (e) and (f) so that the definition refers to the 2017 Regulations as well as to previous Regulations, with the effect that a student who completes a course attracting support under the 2017 Regulations and then, disregarding any intervening vacation, immediately starts one of a number of other courses listed in the definition of “end-on course” will continue to be eligible for support for the later course under the 2017 Regulations.

Mae rheoliad 4(a) yn diwygio paragraff 5 o Atodlen 5 i Reoliadau 2017. Mae'n cyflwyno paragraff newydd 5(4A) ac yn gwneud diwygiad i baragraff 5(2) sy'n ganlyniadol i gyflwyno paragraff 5(4A). Mae paragraff 5(4A) yn darparu bod is-baragraffau (2), (3) a (4) o baragraff 5 i'w darllen fel bod cyfanred incymau

Regulation 4(a) amends paragraph 5 of Schedule 5 to the 2017 Regulations. It introduces a new paragraph 5(4A) and makes an amendment to paragraph 5(2) which is consequential on the introduction of paragraph 5(4A). Paragraph 5(4A) provides that subparagraphs (2), (3) and (4) of paragraph 5 are to be

gweddilliol y ddau riant, os oes dau riant ar aelwyd myfyriwr cymwys, yn cael ei ddefnyddio wrth benderfynu pa flwyddyn ariannol i'w defnyddio wrth gyfrifo incymau gweddilliol y rhieni hynny.

Mae rheoliad 4(b) yn gwneud diwygiad sy'n ganlyniadol i gyflwyno paragraff 5(4A) o Atodlen 5 i Reoliadau 2017.

Mae rheoliad 4(c) yn diwygio paragraff 7 o Atodlen 5 i Reoliadau 2017. Mae'n cyflwyno paragraff newydd 7(2) ac yn gwneud newid i destun presennol paragraff 7 sy'n ganlyniadol i gyflwyno paragraff 7(2). Mae paragraff 7(2) yn darparu, pan gymhwysir is-baragraffau (2), (3) a (4) o baragraff 5 i'r penderfyniad ar incwm partner rhiant myfyriwr cymwys newydd, fod yr is-baragraffau hynny i'w darllen fel bod cyfanred incwm gweddilliol rhiant y myfyriwr ac incwm gweddilliol partner rhiant y myfyriwr yn cael ei ddefnyddio wrth benderfynu pa flwyddyn ariannol i'w defnyddio wrth gyfrifo incymau gweddilliol y rhiant a phartner y rhiant.

Mae Rheoliadau 2018 yn darparu ar gyfer cymorth ariannol i fyfyrwyr sy'n dilyn cyrsiau addysg uwch dynodedig sy'n dechrau ar neu ar ôl 1 Awst 2018. Maent hefyd yn darparu cymorth ar gyfer cyrsiau sy'n dechrau cyn y dyddiad hwnnw ac sy'n cael eu troi wedi hynny o gyrsiau llawnamser i gyrsiau rhan-amser neu o gyrsiau rhan-amser i gyrsiau llawnamser ar neu ar ôl 1 Awst 2018.

Mae rheoliad 6 yn diwygio paragraff 16 o Atodlen 3 i Reoliadau 2018 fel bod cyfanred incymau gweddilliol y ddau riant, neu'r rhiant a phartner y rhiant, os yw'r personau hynny ar aelwyd myfyriwr cymwys, yn cael ei ddefnyddio wrth benderfynu pa flwyddyn ariannol i'w defnyddio wrth gyfrifo eu hincymau gweddilliol.

Mae'r Rheoliadau Graddau Meistr yn darparu ar gyfer gwneud grantiau a benthyciadau i fyfyrwyr ar gyfer cyrsiau gradd meistr ôl-raddedig sy'n dechrau ar neu ar ôl 1 Awst 2019.

Mae rheoliad 8 yn diwygio paragraff 16 o Atodlen 3 i'r Rheoliadau Graddau Meistr fel bod cyfanred incymau gweddilliol y ddau riant, neu'r rhiant a phartner y rhiant, os yw'r personau hynny ar aelwyd myfyriwr cymwys, yn cael ei ddefnyddio wrth benderfynu pa flwyddyn ariannol i'w defnyddio wrth gyfrifo eu hincymau gweddilliol.

read so that, if there are two parents in an eligible student's household, the aggregate of both parents' residual incomes is used when determining which financial year to use when calculating the residual incomes of those parents.

Regulation 4(b) makes an amendment which is consequential on the introduction of paragraph 5(4A) of Schedule 5 to the 2017 Regulations.

Regulation 4(c) amends paragraph 7 of Schedule 5 to the 2017 Regulations. It introduces a new paragraph 7(2) and makes a change to the existing text of paragraph 7 which is consequential on the introduction of paragraph 7(2). Paragraph 7(2) provides that, when sub-paragraphs (2), (3) and (4) of paragraph 5 are applied to the determination of a new eligible student's parent's partner's income, those sub-paragraphs are to be read so that the aggregate of the student's parent's residual income and the student's parent's partner's residual income is used when determining which financial year to use when calculating the residual incomes of the parent and the parent's partner.

The 2018 Regulations provide for financial support for students taking designated higher education courses which begin on or after 1 August 2018. They also provide support for courses which begin before that date and are subsequently converted from full-time to part-time or part-time to full-time on or after 1 August 2018.

Regulation 6 amends paragraph 16 of Schedule 3 to the 2018 Regulations so that, if there are two parents, or a parent and a parent's partner, in an eligible student's household, the aggregate of both those persons' residual incomes is used when determining which financial year to use when calculating their residual incomes.

The Master's Regulations provide for the making of grants and loans to students for postgraduate master's degree courses which begin on or after 1 August 2019.

Regulation 8 amends paragraph 16 of Schedule 3 to the Master's Regulations so that, if there are two parents, or a parent and a parent's partner, in an eligible student's household, the aggregate of both those persons' residual incomes is used when determining which financial year to use when calculating their residual incomes.

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ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Cymorth i
Fyfyrwyr) (Diwygiadau Amrywiol)
(Cymru) 2020**

**The Education (Student Support)
(Miscellaneous Amendments)
(Wales) Regulations 2020**

Gwnaed 11 Chwefror 2020

Made 11 February 2020

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 13 Chwefror 2020

Laid before the National Assembly for Wales
13 February 2020

Yn dod i rym 2 Mawrth 2020

Coming into force 2 March 2020

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 powers conferred on 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:

(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 adran 22(2)(a), (c) a (k) yn arferadwy yn gyddredol 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).

(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 section 22(2)(a), (c) and (k) exercisable concurrently with the Secretary of State. The Secretary of State's function in section 42 was transferred, in so far as exercisable in relation to Wales, to the National Assembly for Wales by S.I. 1999/672. 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
ENWI A CHYCHWYN

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Diwygiadau Amrywiol) (Cymru) 2020.

(2) Daw'r Rheoliadau hyn i rym ar 2 Mawrth 2020.

RHAN 2

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

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

2. Mae Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2017(1) wedi eu diwygio yn unol â rheoliadau 3 a 4.

3. Yn rheoliad 2(1) (dehongli), yn y diffiniad o "cwrs penben", ar ôl "neu 2015", ym mhob lle y mae'n digwydd, mewnosoder "neu o dan y Rheoliadau hyn".

4. Yn Atodlen 5 (asesiad ariannol)—

(a) ym mharagraff 5—

(i) yn is-baragraff (2), ar ôl "is-baragraff (3)" mewnosoder "ac is-baragraff (4A)";

(ii) ar ôl is-baragraff (4) mewnosoder—

"(4A) Os pennir incwm aelwyd myfyriwr cymwys drwy gyfeirio at incwm gweddilliol dau riant o dan baragraff 3(2)(a), rhaid dehongli'r cyfeiriadau yn is-baragraffau (2), (3) a (4) at incwm gweddilliol A fel pe baent yn gyfeiriadau at swm cyfanredol incymau gweddilliol y ddau riant.";

(b) ym mharagraff 6(1), ar ôl "(a chan eithrio is-baragraffau" mewnosoder "(4A)";

(c) ym mharagraff 7—

(i) daw'r testun presennol yn is-baragraff (1);

(ii) ar ôl yr is-baragraff hwnnw mewnosoder—

(1) O.S. 2017/47 (Cy. 21), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

PART 1
TITLE AND COMMENCEMENT

Title and commencement

1.—(1) The title of these Regulations is the Education (Student Support) (Miscellaneous Amendments) (Wales) Regulations 2020.

(2) These Regulations come into force on 2 March 2020.

PART 2

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

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

2. The Education (Student Support) (Wales) Regulations 2017(1) are amended in accordance with regulations 3 and 4.

3. In regulation 2(1) (interpretation), in the definition of "end-on course", after "2015 Regulations", in each place it occurs, insert "or under these Regulations".

4. In Schedule 5 (financial assessment)—

(a) in paragraph 5—

(i) in sub-paragraph (2), after "sub-paragraph (3)" insert "and sub-paragraph (4A)";

(ii) after sub-paragraph (4) insert—

"(4A) If an eligible student's household income is determined by reference to the residual income of two parents under paragraph 3(2)(a), the references in sub-paragraphs (2), (3) and (4) to the residual income of A are to be construed as if they were references to the aggregate of the residual incomes of both parents.";

(b) in paragraph 6(1), after "(other than sub-paragraphs" insert "(4A)";

(c) in paragraph 7—

(i) the existing text becomes sub-paragraph (1);

(ii) after that sub-paragraph insert—

(1) S.I. 2017/47 (W. 21), to which there are amendments not relevant to these Regulations.

“(2) Ond wrth gymhwyso is-baragraffau (2), (3) a (4) o baragraff 5 wrth bennu incwm gweddilliol partner rhiant myfyriwr cymwys newydd, rhaid dehongli’r cyfeiriadau at incwm gweddilliol A yn yr is-baragraffau hynny fel pe baent yn gyfeiriadau at swm cyfanredol incymau gweddilliol rhiant y myfyriwr cymwys newydd a phartner rhiant y myfyriwr cymwys newydd.”

RHAN 3

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

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

5. Mae Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2018(1) wedi eu diwygio yn unol â rheoliad 6.

6. Ym mharagraff 16 o Atodlen 3 (cyfrifo incwm)—

(a) yn lle is-baragraff (3) rhodder—

“(3) Y flwyddyn ariannol gymwys yw BG os yw Gweinidogion Cymru wedi eu bodloni—

(a) pan fo P yn un o ddau berson y cyfrifir cyfanred eu hincymau gweddilliol o dan baragraff (b)(i) neu (ii) o Restr A ym mharagraff 3(1), fod cyfanred incymau gweddilliol P a’r person arall ar gyfer BG yn debygol o fod o leiaf 15% yn llai na chyfanred incymau gweddilliol P a’r person arall ar gyfer BF-1, neu

(b) mewn unrhyw achos arall, fod incwm gweddilliol P ar gyfer BG yn debygol o fod o leiaf 15% yn llai nag incwm gweddilliol P ar gyfer BF-1.”;

(b) yn lle is-baragraff (5) rhodder—

“(5) Pan fo’r is-baragraff hwn yn gymwys—

(a) y flwyddyn ariannol gymwys yw BG os yw Gweinidogion Cymru wedi eu bodloni—

“(2) But in the application of sub-paragraphs (2), (3) and (4) of paragraph 5 to the determination of a new eligible student’s parent’s partner’s residual income, references to A’s residual income in those sub-paragraphs are to be construed as if they were references to the aggregate of the residual incomes of the new eligible student’s parent and the new eligible student’s parent’s partner.”

PART 3

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

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

5. The Education (Student Support) (Wales) Regulations 2018(1) are amended in accordance with regulation 6.

6. In paragraph 16 of Schedule 3 (calculation of income)—

(a) for sub-paragraph (3) substitute—

“(3) The applicable financial year is CY if the Welsh Ministers are satisfied that—

(a) where P is one of two persons whose residual incomes are aggregated under paragraph (b)(i) or (ii) of List A in paragraph 3(1), the aggregate of the residual incomes of P and the other person for CY is likely to be at least 15% lower than the aggregate of the residual incomes of P and the other person for PY-1, or

(b) in any other case, P’s residual income for CY is likely to be at least 15% lower than P’s residual income for PY-1.”;

(b) for sub-paragraph (5) substitute—

“(5) Where this sub-paragraph applies—

(a) the applicable financial year is CY if the Welsh Ministers are satisfied that—

(1) O.S. 2018/191 (Cy. 42), y mae diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

(1) S.I. 2018/191 (W. 42), to which there are amendments not relevant to these Regulations.

- (i) pan fo P yn un o ddau berson y cyfrifir cyfanred eu hincymau gweddilliol o dan baragraff (b)(i) neu (ii) o Restr A ym mharagraff 3(1), fod cyfanred incymau gweddilliol P a'r person arall ar gyfer BG yn debygol o fod o leiaf 15% yn llai na chyfanred incymau gweddilliol P a'r person arall ar gyfer BF, neu
 - (ii) mewn unrhyw achos arall, fod incwm gweddilliol P ar gyfer BG yn debygol o fod o leiaf 15% yn llai nag incwm gweddilliol P ar gyfer BF;
- (b) fel arall, y flwyddyn ariannol gymwys yw BF.”

RHAN 4

DIWYGIADAU I REOLIADAU ADDYSG (CYMORTH I FYFYRWYR) (GRADDAU MEISTR ÔL-RADDEDIG) (CYMRU) 2019

Diwygiadau i Reoliadau Addysg (Cymorth i Fyfyrrwyr) (Graddau Meistr Ôl-raddedig) (Cymru) 2019

7. Mae Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Graddau Meistr Ôl-raddedig) (Cymru) 2019(1) wedi eu diwygio yn unol â rheoliad 8.

8. Ym mharagraff 16 o Atodlen 3 (cyfrifo incwm), yn lle is-baragraff (3) rhodder—

“(3) Y flwyddyn ariannol gymwys yw BG os yw Gweinidogion Cymru wedi eu bodloni—

- (a) pan fo P yn un o ddau berson y cyfrifir cyfanred eu hincwm gweddilliol o dan baragraff (b)(i) neu (ii) o Restr A ym mharagraff 3(1), fod cyfanred incymau gweddilliol P a'r person arall ar gyfer BG yn debygol o fod o leiaf 15% yn llai na chyfanred incymau gweddilliol P a'r person arall ar gyfer BF-1, neu
- (b) mewn unrhyw achos arall, fod incwm gweddilliol P ar gyfer BG yn debygol o fod o leiaf 15% yn llai nag incwm gweddilliol P ar gyfer BF-1.”

(1) O.S. 2019/895 (Cy. 161), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

- (i) where P is one of two persons whose residual incomes are aggregated under paragraph (b)(i) or (ii) of List A in paragraph 3(1), the aggregate of the residual incomes of P and the other person for CY is likely to be at least 15% lower than the aggregate of the residual incomes of P and the other person for PY, or
 - (ii) in any other case, P's residual income for CY is likely to be at least 15% lower than P's residual income for PY;
- (b) otherwise, the applicable financial year is PY.”

PART 4

AMENDMENTS TO THE EDUCATION (STUDENT SUPPORT) (POSTGRADUATE MASTER'S DEGREES) (WALES) REGULATIONS 2019

Amendments to the Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019

7. The Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019(1) are amended in accordance with regulation 8.

8. In paragraph 16 of Schedule 3 (calculation of income), for sub-paragraph (3) substitute—

“(3) The applicable financial year is CY if the Welsh Ministers are satisfied that—

- (a) where P is one of two persons whose residual incomes are aggregated under paragraph (b)(i) or (ii) of List A in paragraph 3(1), the aggregate of the residual incomes of P and the other person for CY is likely to be at least 15% lower than the aggregate of the residual incomes of P and the other person for PY-1, or
- (b) in any other case, P's residual income for CY is likely to be at least 15% lower than P's residual income for PY-1.”

(1) S.I. 2019/895 (W. 161), to which there are amendments not relevant to these Regulations.

Kirsty Williams

Y Gweinidog Addysg, un o Weinidogion Cymru
11 Chwefror 2020

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Minister for Education, one of the Welsh Ministers
11 February 2020

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