



Deddf Addysg Uwch (Cymru) 2015

2015 dccc 1

Higher Education (Wales) Act 2015

2015 anaw 1

Lluniwyd Nodiadau Esboniadol yn gymorth i ddeall y Deddf hon ac maent ar gael ar wahân.

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately.

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Higher Education (Wales) Act 2015

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Deddf Addysg Uwch (Cymru) 2015

Deddf Cynulliad Cenedlaethol Cymru i wneud darpariaeth ynghylch ffioedd myfyrwyr sy'n daladwy i sefydliadau penodol sy'n darparu addysg uwch; i wneud darpariaeth ynghylch ansawdd yr addysg a ddarperir gan ac ar ran y sefydliadau hynny ac ynghylch eu rheoli'n ariannol; ac at ddibenion cysylltiedig. [12 Mawrth 2015]

Gan ei fod wedi ei basio gan Gynulliad Cenedlaethol Cymru ac wedi derbyn cydsyniad Ei Mawrhydi, deddfir fel a ganlyn:

RHAN 1

CYFLWYNIAD

1 Trosolwg o'r Ddeddf hon

- (1) Mae wyth Rhan i'r Ddeddf hon.
- (2) Mae'r Rhan hon yn cynnwys trosolwg o'r Ddeddf.
- (3) Mae Rhan 2 yn gwneud darpariaeth ynghylch cynlluniau ffioedd a mynediad. Mae'n ymdrin â—
 - (a) cynnwys cynllun ffioedd a mynediad, gan gynnwys terfyn ffioedd;
 - (b) methiant i gydymffurfio â therfyn ffioedd neu â gofyniad arall sydd wedi ei gynnwys mewn cynllun ffioedd a mynediad;
 - (c) dilysrwydd contractau penodol;
 - (d) monitro cynlluniau ffioedd a mynediad.
- (4) Mae Rhan 3 yn gwneud darpariaeth ynghylch asesu ansawdd yr addysg a ddarperir gan neu ar ran sefydliadau sydd â chynllun ffioedd a mynediad, gan gynnwys darpariaeth ynghylch—
 - (a) y pwerau sydd ar gael at ddibenion asesu;
 - (b) y camau y caiff CCAUC eu cymryd mewn cysylltiad ag addysg o ansawdd annigonol.



Higher Education (Wales) Act 2015

An Act of the National Assembly for Wales to make provision about student fees payable to certain institutions providing higher education; to make provision about the quality of education provided by and on behalf of those institutions and about their financial management; and for connected purposes. [12 March 2015]

Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:

PART 1

INTRODUCTION

1 Overview of this Act

- (1) This Act has eight Parts.
- (2) This Part contains an overview of the Act.
- (3) Part 2 makes provision about fee and access plans. It deals with—
 - (a) the contents of a fee and access plan, including a fee limit;
 - (b) failure to comply with a fee limit or other requirement included in a fee and access plan;
 - (c) the validity of certain contracts;
 - (d) the monitoring of fee and access plans.
- (4) Part 3 makes provision about the assessment of the quality of education provided by or on behalf of institutions that have a fee and access plan, including provision about—
 - (a) powers available for the purposes of assessment;
 - (b) steps that may be taken by HEFCW in respect of education of inadequate quality.

- (5) Mae Rhan 4 yn gwneud darpariaeth ynghylch llunio a chyhoeddi cod sy'n ymwneud â threfnu a rheoli materion ariannol sefydliadau sydd â chynllun ffioedd a mynediad, gan gynnwys darpariaeth ynghylch –
- (a) cydymffurfedd â'r cod;
 - (b) y pwerau sydd ar gael at ddibenion monitro cydymffurfedd â'r cod, ac mewn achos o fethu â chydymffurfio â'r cod.
- (6) Mae Rhan 5 yn gwneud darpariaeth ar gyfer amgylchiadau –
- (a) pan gaiff CCAUC wrthod cymeradwyo cynllun ffioedd a mynediad newydd ar gyfer sefydliad;
 - (b) pan fo rhaid i CCAUC, neu pan gaiff CCAUC, dynnu'n ôl ei gymeradwyaeth i gynllun ffioedd a mynediad sefydliad.
- (7) Mae Rhan 6 yn gwneud darpariaeth weithdrefnol ynghylch hysbysiadau a chyfarwyddydau a roddir gan CCAUC (gan gynnwys darpariaeth ynghylch adolygu hysbysiadau a chyfarwyddydau penodol).
- (8) Mae Rhan 7 yn gwneud darpariaeth atodol ynghylch swyddogaethau CCAUC, gan gynnwys darpariaeth sy'n ymwneud â chanllawiau, adroddiadau, gwybodaeth a chyngor.
- (9) Mae Rhan 8 yn cynnwys darpariaethau cyffredinol, gan gynnwys darpariaeth ynghylch –
- (a) arfer pwerau i wneud rheoliadau;
 - (b) dehongli'r termau a ddefnyddir yn y Ddeddf.
- (10) Mae'r Rhan honno hefyd yn cyflwyno Atodlen sy'n cynnwys diwygiadau i ddeddfiadau presennol a darpariaeth drosiannol.

RHAN 2

CYNLLUNIAU FFIOEDD A MYNEDIAD

Cais am gymeradwyaeth i gynllun ffioedd a mynediad

- 2 Cais gan sefydliad am gymeradwyaeth CCAUC i gynllun ffioedd a mynediad**
- (1) Caiff corff llywodraethu sefydliad o fewn is-adran (3) wneud cais i CCAUC am gymeradwyaeth CCAUC i gynllun ffioedd a mynediad arfaethedig sy'n ymwneud â'r sefydliad.
 - (2) Mae cynllun ffioedd a mynediad yn gynllun sy'n cydymffurfio ag adrannau 4 i 6.
 - (3) Mae sefydliad o fewn yr is-adran hon yn sefydliad yng Nghymru –
 - (a) sy'n darparu addysg uwch, a
 - (b) sy'n elusen.
 - (4) Caiff rheoliadau wneud darpariaeth ynghylch gwneud cais am gymeradwyaeth i gynllun ffioedd a mynediad.

- (5) Part 4 makes provision about the preparation and publication of a code relating to the organisation and management of the financial affairs of institutions that have a fee and access plan, including provision about –
 - (a) compliance with the code;
 - (b) powers available for the purposes of monitoring compliance with the code, and in the case of failure to comply with the code.
- (6) Part 5 makes provision for circumstances in which –
 - (a) HEFCW may refuse to approve a new fee and access plan for an institution;
 - (b) HEFCW must, or may, withdraw their approval of an institution’s fee and access plan.
- (7) Part 6 makes procedural provision about notices and directions given by HEFCW (including provision about the review of certain notices and directions).
- (8) Part 7 makes supplementary provision about functions of HEFCW, including provision relating to guidance, reports, information and advice.
- (9) Part 8 contains general provisions, including provision about –
 - (a) the exercise of powers to make regulations;
 - (b) the interpretation of terms used in the Act.
- (10) That Part also introduces a Schedule containing amendments to existing enactments and transitional provision.

PART 2

FEE AND ACCESS PLANS

Application for approval of fee and access plan

2 Application by institution for HEFCW’s approval of fee and access plan

- (1) The governing body of an institution within subsection (3) may apply to HEFCW for HEFCW’s approval of a proposed fee and access plan relating to the institution.
- (2) A fee and access plan is a plan that complies with sections 4 to 6.
- (3) An institution within this subsection is an institution in Wales that –
 - (a) provides higher education, and
 - (b) is a charity.
- (4) Regulations may make provision about the making of applications for approval of a fee and access plan.

3 Dynodi darparwyr addysg uwch eraill

- (1) Caiff Gweinidogion Cymru, yn dilyn cais gan ddarparwr addysg uwch o fewn is-adran (2), ddynodi'r darparwr at ddibenion yr adran hon.
- (2) Mae darparwr addysg uwch o fewn yr is-adran hon yn ddarparwr –
 - (a) sy'n darparu addysg uwch yng Nghymru ac sy'n elusen, ond
 - (b) na fyddai (oni bai am y dynodiad) yn cael ei ystyried yn sefydliad at ddibenion y Ddeddf hon.
- (3) Yn ddarostyngedig i unrhyw ddarpariaeth a wneir o dan is-adran (4)(d), mae darparwr addysg uwch a ddynodir o dan yr adran hon, oni bai bod y dynodiad wedi ei dynnu'n ôl, i'w drin, at ddibenion unrhyw ddarpariaeth a wneir gan neu o dan y Ddeddf hon, fel pe bai'n sefydliad.
- (4) Caiff rheoliadau wneud darpariaeth ynghylch –
 - (a) gwneud cais am ddynodiad;
 - (b) gwneud dynodiadau o dan yr adran hon (gan gynnwys darpariaeth ynghylch y materion sydd i'w hystyried wrth benderfynu pa un ai i wneud dynodiad);
 - (c) tynnu dynodiad yn ôl (gan gynnwys darpariaeth ynghylch y materion sydd i'w hystyried wrth benderfynu pa un ai i dynnu dynodiad yn ôl);
 - (d) effaith tynnu dynodiad yn ôl (gan gynnwys darpariaeth i ddarparwr y mae ei ddynodiad wedi ei dynnu'n ôl barhau i gael ei drin fel sefydliad at ddibenion rhagnodedig).

*Cynnwys cynllun ffioedd a mynediad***4 Y cyfnod y mae cynllun yn ymwneud ag ef**

- (1) Rhaid i gynllun ffioedd a mynediad sy'n ymwneud â sefydliad bennu cyfnod y mae i gael effaith mewn cysylltiad ag ef.
- (2) Ni chaniateir i'r cyfnod a bennir fod yn hwy na dwy flynedd.
- (3) Caiff rheoliadau ddiwygio is-adran (2) i roi cyfnod gwahanol yn lle'r cyfnod a grybwyllir am y tro yn yr is-adran honno.
- (4) Cyn gwneud rheoliadau o dan is-adran (3), rhaid i Weinidogion Cymru ymgynghori â'r canlynol –
 - (a) CCAUC,
 - (b) corff llywodraethu pob sefydliad rheoleiddiedig, ac
 - (c) unrhyw bersonau eraill sy'n briodol yn eu barn hwy.
- (5) Mae cyfeiriadau yn y Ddeddf hon at y cyfnod y mae cynllun yn ymwneud ag ef yn gyfeiriadau at y cyfnod a bennir ynddo o dan yr adran hon.

5 Terfyn ffioedd

- (1) Rhaid i gynllun ffioedd a mynediad sy'n ymwneud â sefydliad –
 - (a) pennu terfyn ffioedd, neu
 - (b) darparu ar gyfer penderfynu ar derfyn ffioedd,

3 Designation of other providers of higher education

- (1) The Welsh Ministers may, on the application of a provider of higher education within subsection (2), designate the provider for the purposes of this section.
- (2) A provider of higher education within this subsection is one that –
 - (a) provides higher education in Wales and is a charity, but
 - (b) would not (but for the designation) be regarded as an institution for the purposes of this Act.
- (3) Subject to any provision made under subsection (4)(d), a provider of higher education designated under this section is, unless the designation is withdrawn, to be treated for the purposes of any provision made by or under this Act as being an institution.
- (4) Regulations may make provision about –
 - (a) the making of applications for designation;
 - (b) the making of designations under this section (including provision about matters to be taken into account in determining whether to make a designation);
 - (c) the withdrawal of a designation (including provision about matters to be taken into account in determining whether to withdraw a designation);
 - (d) the effect of a withdrawal of a designation (including provision for a provider whose designation is withdrawn to continue to be treated as an institution for prescribed purposes).

Contents of fee and access plan

4 Period to which plan relates

- (1) A fee and access plan relating to an institution must specify a period in respect of which it is to have effect.
- (2) The period specified must not exceed two years.
- (3) Regulations may amend subsection (2) to substitute a different period for the period for the time being mentioned in that subsection.
- (4) Before making regulations under subsection (3), the Welsh Ministers must consult –
 - (a) HEFCW,
 - (b) the governing body of each regulated institution, and
 - (c) any other persons they think appropriate.
- (5) References in this Act to the period to which a plan relates are to the period specified in it under this section.

5 Fee limit

- (1) A fee and access plan relating to an institution must –
 - (a) specify, or
 - (b) provide for the determination of,

mewn perthynas â phob cwrs cymhwysol ac mewn cysylltiad â phob blwyddyn academaidd berthnasol (ac at y diben hwn caiff bennu terfynau ffioedd gwahanol neu ddarparu ar gyfer penderfynu ar derfynau ffioedd gwahanol mewn perthynas â chyrsgiau gwahanol ac mewn cysylltiad â blynyddoedd academaidd perthnasol gwahanol).

- (2) At y diben hwn –
 - (a) mae terfyn ffioedd, mewn perthynas â chwrs, yn derfyn na chaniateir i'r ffioedd sy'n daladwy i'r sefydliad gan berson cymhwysol, mewn cysylltiad â'r person yn ymgymryd â'r cwrs, fynd uwch ei law;
 - (b) mae cwrs cymhwysol yn gwrs, o unrhyw ddisgrifiad rhagnodedig, a ddarperir yn gyfan gwbl neu'n bennaf yng Nghymru;
 - (c) mae blwyddyn academaidd berthnasol, mewn perthynas â chwrs, yn flwyddyn academaidd sy'n gymwys i'r cwrs, ac y mae ffioedd yn daladwy i'r sefydliad mewn cysylltiad â hi, ac sy'n dechrau o fewn y cyfnod y mae'r cynllun ffioedd a mynediad yn ymwneud ag ef.
- (3) Pan fo cynllun ffioedd a mynediad yn pennu terfyn ffioedd mewn perthynas â blwyddyn a chwrs, ni chaniateir i'r terfyn ffioedd a bennir fynd uwchlaw pa swm bynnag a ragnodir at ddibenion yr adran hon ("yr uchafswm").
- (4) Pan fo cynllun ffioedd a mynediad yn darparu ar gyfer penderfynu ar derfyn ffioedd mewn perthynas â blwyddyn a chwrs, rhaid i'r cynllun bennu nad yw'r terfyn ffioedd y penderfynir arno yn unol â'r cynllun i fynd uwchlaw'r uchafswm.
- (5) Mae person cymhwysol, at ddibenion is-adran (2)(a), yn berson –
 - (a) nad yw'n fyfyrwr rhyngwladol, a
 - (b) sy'n dod o fewn unrhyw ddsbarth o bersonau a ragnodir at ddibenion yr adran hon.
- (6) Ni chaniateir i'r pŵer i ragnodi disgrifiad o gwrs o dan yr adran hon gael ei arfer er mwyn rhagnodi cwrs ôl-radd, oni bai ei fod yn gwrs hyfforddiant cychwynnol athrawon.
- (7) Yn ogystal, ni chaniateir i'r pŵer i ragnodi disgrifiad o gwrs o dan yr adran hon gael ei arfer er mwyn gwahaniaethu –
 - (a) mewn perthynas â chyrsgiau hyfforddiant cychwynnol athrawon, rhwng cyrsiau gwahanol ar sail y pynciau y rhoddir yr hyfforddiant hwnnw arnynt;
 - (b) mewn perthynas â chyrsgiau eraill, rhwng cyrsiau gwahanol ar yr un lefel neu ar lefel gyffelyb ar sail y meysydd astudio neu ymchwil y maent yn ymwneud â hwy.
- (8) Mae myfyrwr rhyngwladol yn berson nad yw'n dod o fewn unrhyw ddsbarth o bersonau a ragnodir o dan adran 1 o Ddeddf Addysg (Ffioedd a Dyfarniadau) 1983 (codi ffioedd uwch yn achos myfyrwyr nad oes ganddynt gysylltiad rhagnodedig â'r Deyrnas Unedig) at ddibenion is-adran (1) neu (2) o'r adran honno.
- (9) Caiff rheoliadau wneud darpariaeth ar gyfer amgylchiadau pan fo ffioedd sy'n daladwy i berson, mewn cysylltiad â pherson cymhwysol yn ymgymryd â chwrs, neu â rhan o gwrs, a ddarperir ar ran sefydliad, i'w trin at ddibenion is-adran (2)(a) fel pe baent yn daladwy i'r sefydliad hwnnw mewn cysylltiad â'r person cymhwysol yn ymgymryd â'r cwrs.

a fee limit, in relation to each qualifying course and in respect of each relevant academic year (and for this purpose may specify, or provide for the determination of, different fee limits in relation to different courses and in respect of different relevant academic years).

- (2) For this purpose –
 - (a) a fee limit, in relation to a course, is a limit that the fees payable to the institution by a qualifying person, in connection with the person’s undertaking the course, may not exceed;
 - (b) a qualifying course is a course, of any prescribed description, that is wholly or principally provided in Wales;
 - (c) a relevant academic year, in relation to a course, is an academic year that is applicable to the course, and in respect of which fees are payable to the institution, and which begins within the period to which the fee and access plan relates.
- (3) Where a fee and access plan specifies a fee limit in relation to a year and course, the fee limit specified must not exceed whatever amount is prescribed for the purposes of this section (“the maximum amount”).
- (4) Where a fee and access plan provides for the determination of a fee limit in relation to a year and course, the plan must specify that the fee limit determined in accordance with the plan is not to exceed the maximum amount.
- (5) A qualifying person, for the purposes of subsection (2)(a), is a person who –
 - (a) is not an international student, and
 - (b) falls within any class of persons prescribed for the purposes of this section.
- (6) The power to prescribe a description of course under this section may not be exercised so as to prescribe a postgraduate course, unless it is a course of initial teacher training.
- (7) Nor may the power to prescribe a description of course under this section be exercised so as to discriminate –
 - (a) in relation to courses of initial teacher training, between different courses on the basis of the subjects in which such training is given;
 - (b) in relation to other courses, between different courses at the same or a comparable level on the basis of the areas of study or research to which they relate.
- (8) An international student is a person who does not fall within any class of persons prescribed under section 1 of the Education (Fees and Awards) Act 1983 (charging of higher fees in case of students not having prescribed connection with the United Kingdom) for the purposes of subsection (1) or (2) of that section.
- (9) Regulations may make provision for circumstances in which fees payable to a person, in connection with a qualifying person’s undertaking a course, or part of a course, provided on behalf of an institution, are to be treated for the purposes of subsection (2)(a) as being payable to that institution in connection with the qualifying person’s undertaking the course.

6 Hybu cyfle cyfartal ac addysg uwch

- (1) Rhaid i gynllun ffioedd a mynediad sy'n ymwneud â sefydliad gynnwys unrhyw ddarpariaethau a ragnodir sy'n ymwneud â hybu cyfle cyfartal neu hybu addysg uwch.
- (2) Caiff cynllun ffioedd a mynediad hefyd gynnwys darpariaethau pellach sy'n ymwneud â hybu cyfle cyfartal neu hybu addysg uwch.
- (3) Mae'r darpariaethau y caniateir eu rhagnodi o dan is-adran (1) i'w cynnwys mewn cynllun yn cynnwys darpariaethau sy'n ei gwneud yn ofynnol i'r corff llywodraethu –
 - (a) cymryd camau i ddenu ceisiadau gan ddarpar fyfyrwyr sy'n aelodau o grwpiau sydd heb gynrychiolaeth ddigonol (neu sicrhau bod camau o'r fath yn cael eu cymryd);
 - (b) cymryd camau i gadw myfyrwyr sy'n aelodau o grwpiau sydd heb gynrychiolaeth ddigonol (neu sicrhau bod camau o'r fath yn cael eu cymryd);
 - (c) darparu cymorth ariannol i fyfyrwyr (neu sicrhau bod cymorth o'r fath yn cael ei ddarparu);
 - (d) rhoi gwybodaeth ar gael i fyfyrwyr neu ddarpar fyfyrwyr ynghylch y cymorth ariannol sydd ar gael i fyfyrwyr o unrhyw ffynhonnell (neu sicrhau bod gwybodaeth o'r fath yn cael ei rhoi ar gael).
- (4) Mae'r darpariaethau y caniateir eu rhagnodi i'w cynnwys mewn cynllun hefyd yn cynnwys darpariaethau –
 - (a) sy'n nodi amcanion sy'n ymwneud â hybu cyfle cyfartal a hybu addysg uwch;
 - (b) sy'n nodi gwybodaeth am wariant mewn cysylltiad â'r amcanion hynny;
 - (c) sy'n ymwneud â'r monitro gan y corff llywodraethu o –
 - (i) cydymffurfedd â darpariaethau'r cynllun;
 - (ii) y cynnydd sydd wedi ei wneud i gyflawni unrhyw amcanion a nodir yn y cynllun yn rhinwedd paragraff (a).
- (5) Ond ni chaniateir i'r pŵer i ragnodi darpariaethau i'w cynnwys mewn cynllun ffioedd a mynediad gael ei arfer er mwyn ei gwneud yn ofynnol i gynllun sy'n ymwneud â sefydliad gynnwys darpariaeth –
 - (a) sy'n cyfeirio at gyrsiau penodol neu at y dull o addysgu, goruchwyllo neu asesu cyrsiau,
 - (b) sy'n ymwneud â'r meini prawf ar gyfer derbyn myfyrwyr, neu
 - (c) sy'n ei gwneud yn ofynnol i'r sefydliad fynd i wariant, mewn unrhyw flwyddyn academaidd, o swm sy'n mynd uwchlaw swm incwm ffioedd cymhwysol y sefydliad y gellir ei briodoli i'r flwyddyn academaidd honno.

6 Promotion of equality of opportunity and higher education

- (1) A fee and access plan relating to an institution must include such provisions relating to the promotion of equality of opportunity or the promotion of higher education as may be prescribed.
- (2) A fee and access plan may also include further provisions relating to the promotion of equality of opportunity or the promotion of higher education.
- (3) The provisions that may be prescribed under subsection (1) for inclusion in a plan include provisions requiring the governing body –
 - (a) to take measures to attract applications from prospective students who are members of under-represented groups (or to secure the taking of such measures);
 - (b) to take measures to retain students who are members of under-represented groups (or to secure the taking of such measures);
 - (c) to provide financial assistance to students (or to secure the provision of such assistance);
 - (d) to make available to students or prospective students information about financial assistance available to students from any source (or to secure that such information is made available).
- (4) The provisions that may be prescribed for inclusion in a plan also include provisions –
 - (a) setting out objectives relating to the promotion of equality of opportunity and the promotion of higher education;
 - (b) setting out information about expenditure in respect of those objectives;
 - (c) relating to the monitoring by the governing body of –
 - (i) compliance with the provisions of the plan;
 - (ii) progress in achieving any objectives set out in the plan by virtue of paragraph (a).
- (5) But the power to prescribe provisions for inclusion in a fee and access plan may not be exercised so as to require a plan relating to an institution to include provision –
 - (a) referring to particular courses or to the manner in which courses are taught, supervised or assessed,
 - (b) relating to the criteria for the admission of students, or
 - (c) requiring the institution to incur expenditure, in any academic year, of an amount exceeding the amount of the qualifying fee income of the institution that is attributable to that academic year.

- (6) At ddibenion yr adran hon –
- (a) swm incwm ffioedd cymhwysol sefydliad y gellir ei briodoli i flwyddyn academiaidd yw cyfanswm y ffioedd hynny sy'n daladwy i'r sefydliad, mewn cysylltiad â'r flwyddyn academiaidd honno, y mae terfyn ffioedd a bennir yn y cynllun ffioedd a mynediad sy'n ymwneud â'r sefydliad yn gymwys mewn perthynas ag ef, neu y mae'r cynllun ffioedd a mynediad sy'n ymwneud â'r sefydliad yn darparu ar gyfer penderfynu arno;
 - (b) "grwpiau sydd heb gynrychiolaeth ddigonol", mewn perthynas â chynllun ffioedd a mynediad, yw grwpiau nad oes ganddynt, ar ddyddiad cymeradwyo'r cynllun o dan adran 7, gynrychiolaeth ddigonol mewn addysg uwch.
- (7) Mae cyfeiriadau yn y Ddeddf hon at ofynion cyffredinol cynllun ffioedd a mynediad yn gyfeiriadau at ddarpariaethau sydd wedi eu cynnwys yn y cynllun yn rhinwedd yr adran hon sy'n ei gwneud yn ofynnol i gorff llywodraethu sefydliad wneud (neu beidio â gwneud) pethau penodedig.

Cymeradwyo etc cynllun ffioedd a mynediad

7 Cymeradwyo cynllun ffioedd a mynediad

- (1) Os gwneir cais i CCAUC i gymeradwyo cynllun ffioedd a mynediad o dan adran 2, rhaid i CCAUC drwy roi hysbysiad i'r corff llywodraethu o dan sylw naill ai –
 - (a) cymeradwyo'r cynllun, neu
 - (b) gwrthod y cynllun.
- (2) Ond ni chaiff CCAUC gymeradwyo cynllun oni bai ei fod wedi ei fodloni bod y sefydliad y mae'r cynllun yn ymwneud ag ef o fewn adran 2(3).
- (3) Caiff rheoliadau wneud darpariaeth ynghylch y materion sydd i'w hystyried gan CCAUC wrth wneud unrhyw benderfyniad mewn cysylltiad â chymeradwyo neu wrthod cynllun o dan yr adran hon.
- (4) At ddibenion y Ddeddf hon, y cyfnod pan fo cynllun ffioedd a mynediad sy'n ymwneud â sefydliad ac sydd wedi ei gymeradwyo o dan yr adran hon mewn grym yw'r cyfnod sy'n dechrau ar y diwrnod y'i cymeradwyir o dan yr adran hon, ac sy'n dod i ben ar ba un bynnag o'r canlynol sydd gynharaf –
 - (a) y diwrnod y daw'r cyfnod y mae'r cynllun yn ymwneud ag ef i ben;
 - (b) os caiff cymeradwyaeth CCAUC i'r cynllun ei dynnu'n ôl drwy hysbysiad a roddir o dan adran 38 neu 39, dyddiad yr hysbysiad.
- (5) Yn y Ddeddf hon –
 - (a) mae cyfeiriadau at gynllun a gymeradwywyd yn gyfeiriadau at gynllun ffioedd a mynediad sy'n ymwneud â sefydliad sydd wedi ei gymeradwyo o dan yr adran hon ac sydd mewn grym ar hyn o bryd;
 - (b) mae cyfeiriadau at sefydliad rheoleiddiedig yn gyfeiriadau at sefydliad y mae cynllun a gymeradwywyd yn ymwneud ag ef (ond gweler adrannau 26 a 27(8)).
- (6) Mae'r adran hon yn ddarostyngedig i adran 37(5) (peidio â chymeradwyo cynllun ffioedd a mynediad newydd).

- (6) For the purposes of this section—
- (a) the amount of the qualifying fee income of an institution that is attributable to an academic year is the aggregate amount of those fees payable to the institution, in respect of that academic year, in relation to which a fee limit applies that is specified in the fee and access plan relating to the institution, or for the determination of which the fee and access plan relating to the institution provides;
 - (b) “under-represented groups”, in relation to a fee and access plan, are groups that, as at the date of the plan’s approval under section 7, are under-represented in higher education.
- (7) References in this Act to the general requirements of a fee and access plan are to provisions included in the plan by virtue of this section which require the governing body of the institution to do (or not to do) specified things.

Approval etc of fee and access plan

7 Approval of fee and access plan

- (1) If an application for approval of a fee and access plan is made to HEFCW under section 2, HEFCW must by notice to the governing body concerned either—
- (a) approve the plan, or
 - (b) reject the plan.
- (2) But HEFCW may not approve a plan unless satisfied that the institution to which it relates is within section 2(3).
- (3) Regulations may make provision about matters to be taken into account by HEFCW in making any determination in respect of approval or rejection of a plan under this section.
- (4) For the purposes of this Act, the period within which a fee and access plan relating to an institution and approved under this section is in force is the period beginning with the day of its approval under this section, and ending with the earlier of the following—
- (a) the day on which the period to which it relates expires;
 - (b) if HEFCW’s approval of it is withdrawn by notice given under section 38 or 39, the date of the notice.
- (5) In this Act—
- (a) references to an approved plan are to a fee and access plan relating to an institution that has been approved under this section and is currently in force;
 - (b) references to a regulated institution are to an institution to which an approved plan relates (but see sections 26 and 27(8)).
- (6) This section is subject to section 37(5) (no approval of new fee and access plan).

- (7) Am y ddarpariaeth weithdrefnol ynghylch hysbysiad o dan is-adran (1)(b), gweler adrannau 41 i 44.

8 Cyhoeddi cynllun a gymeradwywyd

- (1) Caiff rheoliadau ei gwneud yn ofynnol i gorff llywodraethu sefydliad rheoleiddiedig gyhoeddi cynllun y sefydliad a gymeradwywyd.
- (2) Mae'r ddarpariaeth y caniateir ei gwneud drwy reoliadau o dan yr adran hon yn cynnwys darpariaeth ynghylch sut a phryd y mae cynllun i'w gyhoeddi.

9 Amrywio cynllun a gymeradwywyd

- (1) Caiff rheoliadau wneud darpariaeth sy'n caniatáu i gorff llywodraethu sefydliad rheoleiddiedig amrywio cynllun y sefydliad a gymeradwywyd.
- (2) Rhaid i'r rheoliadau ddarparu mai dim ond os caiff amrywiad ei gymeradwyo gan CCAUC y mae i gymryd effaith.
- (3) Caiff y rheoliadau wneud darpariaeth ynghylch gwneud ceisiadau am gymeradwyaeth i amrywiad a phenderfynu ar y ceisiadau hynny.

Cydymffurfio â'r terfyn ffioedd

10 Terfynau ar ffioedd myfyrwyr

- (1) Rhaid i gorff llywodraethu sefydliad o fewn is-adran (2) sicrhau nad yw ffioedd cwrs rheoleiddiedig yn mynd uwchlaw'r terfyn ffioedd cymwys.
- (2) Mae sefydliad yn dod o fewn yr is-adran hon os yw cynllun ffioedd a mynediad sy'n ymwneud ag ef wedi ei gymeradwyo o dan adran 7 (pa un a yw'r cynllun hwinnw mewn grym o hyd ai peidio).
- (3) "Ffioedd cwrs rheoleiddiedig" yw'r ffioedd sy'n daladwy i'r sefydliad gan berson cymhwysol—
- mewn cysylltiad â'r person yn ymgymryd â chwrs cymhwysol, a
 - mewn cysylltiad â blwyddyn academaidd sy'n gymwys i'r cwrs hwinnw, pan fo'r flwyddyn honno yn dechrau ar adeg o fewn y cyfnod a bennir o dan adran 4 yng nghynllun ffioedd a mynediad diweddaraf y sefydliad (pa un a yw'r cynllun hwinnw mewn grym o hyd ai peidio).
- (4) Cynllun ffioedd a mynediad diweddaraf y sefydliad yw'r cynllun ffioedd a mynediad a gymeradwywyd yn fwyaf diweddar o dan adran 7 mewn perthynas â'r sefydliad.
- (5) Y terfyn ffioedd cymwys yw—
- mewn achos pan fo cynllun ffioedd a mynediad diweddaraf y sefydliad yn pennu terfyn ffioedd ar gyfer y cwrs a'r flwyddyn o dan sylw, y terfyn hwinnw;
 - mewn achos pan fo cynllun ffioedd a mynediad diweddaraf y sefydliad yn darparu ar gyfer penderfynu ar derfyn ffioedd ar gyfer y cwrs a'r flwyddyn o dan sylw, y terfyn hwinnw fel y penderfynir arno yn unol â'r cynllun.

- (7) For procedural provision about notice under subsection (1)(b), see sections 41 to 44.

8 Publication of approved plan

- (1) Regulations may require the governing body of a regulated institution to publish the institution's approved plan.
- (2) The provision that may be made by regulations under this section includes provision about how and when a plan is to be published.

9 Variation of approved plan

- (1) Regulations may make provision permitting the governing body of a regulated institution to vary the institution's approved plan.
- (2) The regulations must provide for a variation to take effect only if approved by HEFCW.
- (3) The regulations may make provision about the making and determination of applications for approval of a variation.

Compliance with fee limit

10 Limits on student fees

- (1) The governing body of an institution within subsection (2) must ensure that regulated course fees do not exceed the applicable fee limit.
- (2) An institution is within this subsection if a fee and access plan relating to it has been approved under section 7 (whether or not that plan is still in force).
- (3) "Regulated course fees" are fees payable to the institution by a qualifying person –
- (a) in connection with the person's undertaking a qualifying course, and
 - (b) in respect of an academic year applicable to that course, where that year begins at a time within the period specified under section 4 in the institution's most recent fee and access plan (whether or not the plan is still in force).
- (4) The institution's most recent fee and access plan is the fee and access plan most recently approved under section 7 in relation to the institution.
- (5) The applicable fee limit is –
- (a) in a case where the institution's most recent fee and access plan specifies a fee limit for the course and year in question, that limit;
 - (b) in a case where the institution's most recent fee and access plan provides for the determination of a fee limit for the course and year in question, that limit as determined in accordance with the plan.

11 Cyfarwyddydau cydymffurfio ac ad-dalu

- (1) Mae'r adran hon yn gymwys pan fo CCAUC wedi ei fodloni bod corff llywodraethu sefydliad wedi methu â chydymffurfio ag adran 10(1).
- (2) Caiff CCAUC gyfarwyddo'r corff llywodraethu i wneud naill ai un o'r canlynol neu'r ddau –
 - (a) cydymffurfio ag adran 10(1);
 - (b) ad-dalu'r ffioedd uwchlaw'r terfyn a dalwyd i'r sefydliad.
- (3) Caiff cyfarwyddyd o dan yr adran hon ("cyfarwyddyd cydymffurfio ac ad-dalu") bennu –
 - (a) y camau sydd i'w cymryd (neu nad ydynt i'w cymryd) gan y corff llywodraethu at y diben o gydymffurfio ag adran 10(1);
 - (b) y modd y mae ad-dalu'r ffioedd uwchlaw'r terfyn i fod i gael ei roi ar waith, neu y gall gael ei roi ar waith.
- (4) Os yw CCAUC yn rhoi cyfarwyddyd o dan yr adran hon, rhaid iddo –
 - (a) rhoi copi o'r cyfarwyddyd i Weinidogion Cymru;
 - (b) cyhoeddi'r cyfarwyddyd.
- (5) Caiff rheoliadau wneud darpariaeth ynghylch sut a phryd y mae CCAUC i gydymffurfio ag is-adran (4).
- (6) Mae "ffioedd uwchlaw'r terfyn" yn ffioedd cwrs rheoleiddiedig, i'r graddau y mae'r ffioedd hynny yn mynd uwchlaw'r terfyn ffioedd cymwys (fel y'i meintiolir at ddibenion y ddyletswydd o dan adran 10(1) y mae'r corff llywodraethu wedi methu â chydymffurfio â hi).

12 Darpariaeth atodol ynghylch cyfarwyddydau cydymffurfio ac ad-dalu

- (1) Caiff CCAUC ddyroddi canllawiau ynghylch y camau sydd i'w cymryd at y diben o gydymffurfio â chyfarwyddyd cydymffurfio ac ad-dalu.
- (2) Cyn dyroddi canllawiau o dan yr adran hon, rhaid i CCAUC ymgynghori â chorff llywodraethu pob sefydliad rheoleiddiedig; a chaiff ymgynghori â chorff llywodraethu unrhyw sefydliad arall o fewn adran 2(3) sy'n briodol yn ei farn ef.
- (3) Rhaid i gorff llywodraethu y mae cyfarwyddyd cydymffurfio ac ad-dalu wedi ei roi iddo, wrth gydymffurfio â'r cyfarwyddyd, ystyried unrhyw ganllawiau a ddyroddir o dan yr adran hon.
- (4) Am y ddarpariaeth weithdrefnol ynghylch cyfarwyddydau cydymffurfio ac ad-dalu, gweler adrannau 41 i 44.

Cydymffurfio â gofynion cyffredinol cynllun a gymeradwywyd

13 Cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â gofynion cyffredinol cynllun a gymeradwywyd

- (1) Os yw'r amod yn is-adran (2) neu (3) wedi ei ddiwallu, caiff CCAUC roi cyfarwyddyd o fewn is-adran (4) i gorff llywodraethu sefydliad.
- (2) Yr amod yw bod CCAUC wedi ei fodloni –

11 Compliance and reimbursement directions

- (1) This section applies where HEFCW are satisfied that the governing body of an institution has failed to comply with section 10(1).
- (2) HEFCW may direct the governing body to do either or both of the following –
 - (a) to comply with section 10(1);
 - (b) to reimburse excess fees paid to the institution.
- (3) A direction under this section (a “compliance and reimbursement direction”) may specify –
 - (a) steps that are (or are not) to be taken by the governing body for the purpose of compliance with section 10(1);
 - (b) the manner in which reimbursement of excess fees is to be, or may be, effected.
- (4) If HEFCW give a direction under this section, they must –
 - (a) give a copy of the direction to the Welsh Ministers;
 - (b) publish the direction.
- (5) Regulations may make provision about how and when HEFCW are to comply with subsection (4).
- (6) “Excess fees” are regulated course fees, to the extent that those fees exceed the applicable fee limit (as quantified for the purposes of the duty under section 10(1) with which the governing body has failed to comply).

12 Supplementary provision about compliance and reimbursement directions

- (1) HEFCW may issue guidance about steps to be taken for the purpose of complying with a compliance and reimbursement direction.
- (2) Before issuing guidance under this section HEFCW must consult the governing body of each regulated institution; and may consult the governing body of any other institution within section 2(3) as they think appropriate.
- (3) A governing body to which a compliance and reimbursement direction has been given must, in complying with the direction, take into account any guidance issued under this section.
- (4) For procedural provision about compliance and reimbursement directions, see sections 41 to 44.

*Compliance with general requirements of approved plan***13 Directions in respect of failure to comply with general requirements of approved plan**

- (1) If the condition in subsection (2) or (3) is met, HEFCW may give the governing body of an institution a direction within subsection (4).
- (2) The condition is that HEFCW are satisfied that –

- (a) bod methiant wedi bod gan y corff llywodraethu i gydymffurfio â gofyniad cyffredinol mewn cynllun ffioedd a mynediad sy'n ymwneud â'r sefydliad, a
 - (b) ar adeg y methiant, fod y cynllun ffioedd a mynediad wedi ei gymeradwyo o dan adran 7.
- (3) Yr amod yw bod CCAUC wedi ei fodloni bod y corff llywodraethu yn debygol o fethu â chydymffurfio â gofyniad cyffredinol yng nghynllun y sefydliad a gymeradwywyd.
- (4) Mae cyfarwyddyd o fewn yr is-adran hon yn gyfarwyddyd sy'n ei gwneud yn ofynnol i'r corff llywodraethu gymryd (neu beidio â chymryd) camau penodedig at y diben o ymdrin â'r methiant i gydymffurfio neu atal methiant o'r fath.
- (5) Ond ni chaiff CCAUC roi cyfarwyddyd o dan yr adran hon os yw wedi ei fodloni bod y corff llywodraethu wedi cymryd pob cam rhesymol i gydymffurfio â'r gofyniad o dan sylw.
- (6) Am y ddarpariaeth weithdrefnol ynghylch cyfarwyddydau o dan yr adran hon, gweler adrannau 41 i 44.

Contractau

14 Dilysrwydd contractau

- (1) Mae'r adran hon yn gymwys i gontract sy'n darparu ar gyfer talu ffioedd cwrs rheoleiddiedig i sefydliad, gan berson cymhwysol ac mewn cysylltiad â'r person yn ymgymryd â chwrs cymhwysol, sydd uwchlaw'r terfyn ffioedd cymwys.
- (2) At ddibenion unrhyw hawliau a rhwymedigaethau sy'n codi o dan y contract, ac unrhyw drafodion mewn cysylltiad â'r hawliau a'r rhwymedigaethau hynny, mae'r contract i'w drin fel pe bai'n darparu ar gyfer talu ffioedd mewn swm sy'n gyfatebol i'r terfyn ffioedd cymwys.
- (3) Ac eithrio fel y darperir yn is-adran (2), nid yw'r contract yn ddi-rym nac yn anorfodadwy o ganlyniad i ddarparu ar gyfer talu ffioedd sydd uwchlaw'r terfyn ffioedd cymwys.

Cynlluniau a gymeradwywyd: cydymffurfedd ac effeithiolrwydd

15 Dyletswydd CCAUC i fonitro a gwerthuso cydymffurfedd ac effeithiolrwydd

- (1) Rhaid i CCAUC –
 - (a) monitro cydymffurfedd ag adran 10(1);
 - (b) monitro cydymffurfedd â gofynion cyffredinol cynlluniau a gymeradwywyd;
 - (c) gwerthuso effeithiolrwydd pob cynllun a gymeradwywyd;
 - (d) gwerthuso effeithiolrwydd cynlluniau a gymeradwywyd yn gyffredinol.
- (2) At ddibenion yr adran hon, effeithiolrwydd cynllun a gymeradwywyd yw ei effeithiolrwydd o ran hybu –
 - (a) cyfle cyfartal, a
 - (b) addysg uwch.

- (a) there has been a failure by the governing body to comply with a general requirement of a fee and access plan relating to the institution, and
 - (b) at the time of the failure, the fee and access plan was approved under section 7.
- (3) The condition is that HEFCW are satisfied that the governing body is likely to fail to comply with a general requirement of the institution's approved plan.
 - (4) A direction within this subsection is a direction requiring the governing body to take (or not to take) specified steps for the purpose of dealing with or preventing the failure to comply.
 - (5) But HEFCW may not give a direction under this section if they are satisfied that the governing body has taken all reasonable steps to comply with the requirement in question.
 - (6) For procedural provision about directions under this section, see sections 41 to 44.

Contracts

14 Validity of contracts

- (1) This section applies to a contract that provides for the payment of regulated course fees to an institution, by a qualifying person and in connection with the person's undertaking a qualifying course, that exceed the applicable fee limit.
- (2) For the purposes of any rights and liabilities arising under the contract, and any proceedings in respect of those rights and liabilities, the contract is to be treated as providing for the payment of fees in an amount equivalent to the applicable fee limit.
- (3) Except as provided in subsection (2), the contract is not void or unenforceable in consequence of providing for the payment of fees exceeding the applicable fee limit.

Approved plans: compliance and effectiveness

15 HEFCW's duty to monitor and evaluate compliance and effectiveness

- (1) HEFCW must –
 - (a) monitor compliance with section 10(1);
 - (b) monitor compliance with the general requirements of approved plans;
 - (c) evaluate the effectiveness of each approved plan;
 - (d) evaluate the effectiveness of approved plans generally.
- (2) For the purposes of this section, the effectiveness of an approved plan is its effectiveness in promoting –
 - (a) equality of opportunity, and
 - (b) higher education.

- 16 Monitro a gwerthuso cydymffurfedd ac effeithiolrwydd: dyletswydd i gydweithredu**
- (1) Rhaid i gorff llywodraethu sefydliad rheoleiddiedig sicrhau y darperir i CCAUC unrhyw wybodaeth, cymorth a mynediad i gyfleusterau'r sefydliad sy'n ofynnol yn rhesymol gan CCAUC at ddiben ei swyddogaethau o dan adran 15.
 - (2) Os yw CCAUC wedi ei fodloni bod corff llywodraethu wedi methu â chydymffurfio ag is-adran (1), caiff ei gyfarwyddo i gymryd (neu i beidio â chymryd) camau penodedig at y diben o sicrhau'r ddarpariaeth o wybodaeth, cymorth neu fynediad fel y'i disgrifir yn ys is-adran honno.

RHAN 3

ANSAWDD YR ADDYSG

Asesu ansawdd yr addysg

- 17 Asesu ansawdd yr addysg**
- (1) Rhaid i CCAUC asesu, neu wneud trefniadau ar gyfer asesu, ansawdd yr addysg a ddarperir yng Nghymru –
 - (a) gan bob sefydliad rheoleiddiedig;
 - (b) ar ran pob sefydliad rheoleiddiedig (pa un ai gan sefydliad rheoleiddiedig arall neu gan ddarparwr allanol).
 - (2) At ddibenion is-adran (1), mae addysg a ddarperir y tu allan i Gymru i'w thrin fel pe bai wedi ei darparu yng Nghymru os y'i darperir fel rhan o gwrs a ddarperir yn bennaf yng Nghymru.
 - (3) Yn y Ddeddf hon, mae cyfeiriadau at ddarparwr allanol yn gyfeiriadau at berson –
 - (a) nad yw'n sefydliad rheoleiddiedig, ond
 - (b) sy'n gyfrifol am ddarparu cwrs addysg cyfan, neu ran ohono, ar ran sefydliad rheoleiddiedig.
 - (4) At ddibenion is-adran (3)(b) –
 - (a) caiff rheoliadau wneud darpariaeth ynghylch yr amgylchiadau pan fo person i'w drin (neu nad yw i'w drin) fel person sy'n gyfrifol am ddarparu cwrs (neu ran ohono);
 - (b) nid yw cwrs (neu ran ohono) i'w drin fel cwrs a ddarperir ar ran sefydliad rheoleiddiedig os y'i darperir o dan drefniadau gyda'r sefydliad hwnnw a wnaed cyn i'r adran hon ddod i rym.

Pwerau mewn cysylltiad ag addysg o ansawdd annigonol

- 18 Addysg o ansawdd annigonol: cyffredinol**
- (1) Mae adrannau 19 ac 20 yn gymwys os, o ganlyniad i arfer ei swyddogaethau o dan adran 17, mae CCAUC wedi ei fodloni –
 - (a) bod ansawdd yr addysg a ddarperir gan neu ar ran sefydliad rheoleiddiedig, neu

16 Monitoring and evaluating compliance and effectiveness: duty to co-operate

- (1) The governing body of a regulated institution must ensure the provision to HEFCW of such information, assistance and access to the institution's facilities as HEFCW reasonably require for the purpose of their functions under section 15.
- (2) If HEFCW are satisfied that a governing body has failed to comply with subsection (1), they may direct it to take (or not to take) specified steps for the purpose of securing the provision of information, assistance or access as described in that subsection.

PART 3**QUALITY OF EDUCATION***Assessment of quality of education***17 Assessment of quality of education**

- (1) HEFCW must assess, or make arrangements for the assessment of, the quality of education provided in Wales –
 - (a) by each regulated institution;
 - (b) on behalf of each regulated institution (whether by another regulated institution or by an external provider).
- (2) For the purposes of subsection (1), education provided outside Wales is to be treated as provided in Wales if it is provided as part of a course that is provided principally in Wales.
- (3) In this Act, references to an external provider are references to a person who –
 - (a) is not a regulated institution, but
 - (b) is responsible for providing all or part of a course of education on behalf of a regulated institution.
- (4) For the purposes of subsection (3)(b) –
 - (a) regulations may make provision about the circumstances in which a person is (or is not) to be treated as responsible for providing a course (or part of it);
 - (b) a course (or part of it) is not to be treated as provided on behalf of a regulated institution if it is provided under arrangements with that institution that were made before the coming into force of this section.

*Powers in respect of education of inadequate quality***18 Education of inadequate quality: general**

- (1) Sections 19 and 20 apply if, as a result of exercising their functions under section 17, HEFCW are satisfied that –
 - (a) the quality of education provided by or on behalf of a regulated institution, or

(b) bod ansawdd cwrs addysg penodol a ddarperir felly, yn annigonol neu'n debygol o ddod yn annigonol.

- (2) At ddibenion y Ddeddf hon, mae ansawdd yr addysg neu gwrs addysg yn annigonol os nad yw'n ddigonol i ddiwallu anghenion rhesymol y rhai hynny sy'n cael yr addysg neu sy'n ymgymryd â'r cwrs.

19 Cyfarwyddydau mewn cysylltiad ag ansawdd annigonol

- (1) Caiff CCAUC roi cyfarwyddyd i gorff llywodraethu'r sefydliad sy'n ei gwneud yn ofynnol iddo gymryd (neu beidio â chymryd) camau penodedig at y diben o—
- (a) gwella ansawdd yr addysg neu'r cwrs, neu
 - (b) atal ansawdd yr addysg neu'r cwrs rhag dod yn annigonol.
- (2) Am y ddarpariaeth weithdrefnol ynghylch cyfarwyddydau o dan yr adran hon, gweler adrannau 41 i 44.

20 Mesurau eraill mewn cysylltiad ag ansawdd annigonol

- (1) Caiff CCAUC roi cyngor neu gymorth i gorff llywodraethu'r sefydliad gyda golwg ar—
- (a) gwella ansawdd yr addysg neu'r cwrs, neu
 - (b) atal ansawdd yr addysg neu'r cwrs rhag dod yn annigonol.
- (2) Caiff CCAUC gynnal, neu drefnu i berson arall gynnal, adolygiad o unrhyw faterion y mae o'r farn eu bod yn berthnasol i ansawdd yr addysg a ddarperir gan neu ar ran y sefydliad.
- (3) Rhaid i gorff llywodraeth ystyried unrhyw gyngor a roddir iddo o dan is-adran (1).

Cydweithredu o ran asesu ansawdd etc

21 Asesu ansawdd etc: dyletswydd i gydweithredu

- (1) Rhaid i gorff llywodraethu sefydliad rheoleiddiedig sicrhau y darperir i berson sy'n arfer swyddogaeth yn rhinwedd adran 17 neu 20 unrhyw wybodaeth, cymorth a mynediad i gyfleusterau'r sefydliad sy'n ofynnol yn rhesymol gan y person at y diben o arfer y swyddogaeth (gan gynnwys y diben o arfer unrhyw bŵer o dan adran 22).
- (2) Rhaid i gorff llywodraethu darparwr allanol sicrhau y darperir i berson sy'n arfer swyddogaeth yn rhinwedd adran 17 neu 20(2) unrhyw wybodaeth, cymorth a mynediad i gyfleusterau'r darparwr allanol ag sy'n ofynnol yn rhesymol gan y person at y diben o arfer y swyddogaeth (gan gynnwys y diben o arfer unrhyw bŵer o dan adran 22).
- (3) Os yw CCAUC wedi ei fodloni bod corff llywodraethu wedi methu â chydymffurfio ag is-adran (1) neu (2), caiff ei gyfarwyddo i gymryd (neu i beidio â chymryd) camau penodedig at y diben o sicrhau'r ddarpariaeth o wybodaeth, cymorth neu fynediad fel y'i disgrifir yn is-adran (1) neu (2) (fel y bo'n briodol).

(b) the quality of a particular course of education so provided, is inadequate or likely to become inadequate.

- (2) For the purposes of this Act, the quality of education or of a course of education is inadequate if it is not adequate to meet the reasonable needs of those receiving the education or undertaking the course.

19 Directions in respect of inadequate quality

- (1) HEFCW may give a direction to the governing body of the institution requiring it to take (or not to take) specified steps for the purpose of—
- (a) improving the quality of the education or course, or
 - (b) preventing the quality of the education or course from becoming inadequate.
- (2) For procedural provision about directions under this section, see sections 41 to 44.

20 Other measures in respect of inadequate quality

- (1) HEFCW may give advice or assistance to the governing body of the institution with a view to—
- (a) improving the quality of the education or course, or
 - (b) preventing the quality of the education or course from becoming inadequate.
- (2) HEFCW may carry out, or arrange for another person to carry out, a review of any matters that they think are relevant to the quality of education provided by or on behalf of the institution.
- (3) A governing body must take into account any advice given to it under subsection (1).

Co-operation with quality assessment etc

21 Quality assessment etc: duty to co-operate

- (1) The governing body of a regulated institution must ensure that a person exercising a function by virtue of section 17 or 20 is provided with such information, assistance and access to the institution's facilities as the person reasonably requires for the purpose of exercising the function (including for the purpose of exercising any power under section 22).
- (2) The governing body of an external provider must ensure that a person exercising a function by virtue of section 17 or 20(2) is provided with such information, assistance and access to the external provider's facilities as the person reasonably requires for the purpose of exercising the function (including for the purpose of exercising any power under section 22).
- (3) If HEFCW are satisfied that a governing body has failed to comply with subsection (1) or (2), they may direct it to take (or not to take) specified steps for the purpose of securing the provision of information, assistance or access as described in subsection (1) or (2) (as appropriate).

*Pwerau atodol at y diben o asesu ansawdd etc***22 Asesu ansawdd etc: pwerau mynd i mewn ac arolygu**

- (1) At y diben o arfer swyddogaeth yn rhinwedd adran 17 neu 20(2), caiff person awdurdodedig—
 - (a) mynd i mewn i fangre sefydliad rheoleiddiedig neu ddarparwr allanol;
 - (b) edrych ar ddogfennau y daw o hyd iddynt yn y fangre, eu copïo neu eu cymryd.
- (2) Yn is-adran (1)(b), mae cyfeiriadau at—
 - (a) dogfennau yn cynnwys gwybodaeth wedi ei chofnodi ar unrhyw ffurf;
 - (b) dogfennau y daw o hyd iddynt yn y fangre yn cynnwys—
 - (i) dogfennau sydd wedi eu storio ar gyfrifiaduron neu ar ddyfeisiau storio electronig yn y fangre, a
 - (ii) dogfennau sydd wedi eu storio mewn man arall ond gellir cael mynediad iddynt drwy gyfrifiaduron yn y fangre.
- (3) Mae'r pŵer a roddir gan is-adran (1)(b) yn cynnwys pŵer—
 - (a) i'w gwneud yn ofynnol i berson ddarparu dogfennau;
 - (b) i osod gofynion o ran sut y darperir dogfennau (a gaiff gynnwys gofynion i ddarparu copïau darllenadwy o ddogfennau sydd wedi eu storio'n electronig);
 - (c) i edrych ar gyfrifiadur y mae dogfennau wedi eu creu neu eu storio arno neu ar ddyfais storio electronig y mae dogfennau wedi eu creu neu eu storio arni.
- (4) Ni chaniateir i bŵer a roddir gan yr adran hon ond gael ei arfer ar ôl rhoi hysbysiad rhesymol—
 - (a) i gorff llywodraethu'r sefydliad rheoleiddiedig neu ddarparwr allanol y mae'r person awdurdodedig yn bwriadu arfer y pŵer mewn perthynas â'i fangre, a
 - (b) corff llywodraethu unrhyw sefydliad rheoleiddiedig y mae'r sefydliad hwnnw neu'r darparwr allanol hwnnw yn darparu ar ei ran yr addysg y mae arfer y swyddogaeth o dan adran 17 neu 20(2) yn ymwneud â hi.
- (5) Nid yw is-adran (4) yn gymwys i arfer pŵer os yw'r person awdurdodedig wedi ei fodloni—
 - (a) bod yr achos yn achos brys, neu
 - (b) y byddai cydymffurfio â'r is-adran honno yn tansilio'r diben o arfer y pŵer.
- (6) Yn yr adran hon, ystyr "person awdurdodedig" yw person sydd wedi ei awdurdodi'n ysgrifenedig gan CCAUC (pa un ai yn gyffredinol neu'n benodol) i arfer y pwerau a roddir gan yr adran hon.
- (7) Cyn arfer pŵer o dan yr adran hon, rhaid i berson awdurdodedig, os yw'n ofynnol iddo wneud hynny, ddangos copi o awdurdodiad y person o dan is-adran (6).
- (8) O ran y pwerau a roddir gan yr adran hon—
 - (a) caniateir iddynt gael eu harfer ar adegau rhesymol yn unig;
 - (b) ni chaniateir iddynt gael eu harfer i'w gwneud yn ofynnol i berson wneud unrhyw beth ac eithrio ar adeg sy'n rhesymol.

*Supplementary powers for purpose of quality assessment etc***22 Quality assessment etc: powers of entry and inspection**

- (1) For the purpose of the exercise of a function by virtue of section 17 or 20(2), an authorised person may –
 - (a) enter the premises of a regulated institution or external provider;
 - (b) inspect, copy or take away documents found on the premises.
- (2) In subsection (1)(b), references to –
 - (a) documents include information recorded in any form;
 - (b) documents found on the premises include –
 - (i) documents stored on computers or electronic storage devices on the premises, and
 - (ii) documents stored elsewhere which can be accessed by computers on the premises.
- (3) The power conferred by subsection (1)(b) includes power –
 - (a) to require a person to provide documents;
 - (b) to impose requirements as to how documents are provided (which may include requirements to provide legible copies of documents stored electronically);
 - (c) to inspect a computer or electronic storage device on which documents have been created or stored.
- (4) A power conferred by this section may be exercised only after giving reasonable notice to –
 - (a) the governing body of the regulated institution or external provider in relation to whose premises the authorised person intends to exercise the power, and
 - (b) the governing body of any regulated institution on whose behalf that institution or external provider provides the education to which the exercise of the function under section 17 or 20(2) relates.
- (5) Subsection (4) does not apply to the exercise of a power if the authorised person is satisfied that –
 - (a) the case is one of urgency, or
 - (b) complying with that subsection would defeat the object of exercising the power.
- (6) In this section, “authorised person” means a person authorised in writing by HEFCW (whether generally or specifically) to exercise the powers conferred by this section.
- (7) Before exercising a power under this section, an authorised person must, if required to do so, produce a copy of the person’s authorisation under subsection (6).
- (8) The powers conferred by this section –
 - (a) may be exercised at reasonable times only;
 - (b) may not be exercised to require a person to do anything otherwise than at a reasonable time.

- (9) Nid yw'r pwerau a roddir gan yr adran hon yn cynnwys pŵer i fynd i mewn i annedd heb gytundeb y meddiannydd.

Canllawiau sy'n ymwneud ag ansawdd yr addysg

23 Canllawiau ynghylch materion sy'n berthnasol i ansawdd

- (1) Caiff CCAUC ddyroddi neu gymeradwyo canllawiau ynghylch unrhyw fater sy'n berthnasol yn ei farn ef i wella neu gynnal ansawdd yr addysg a ddarperir gan neu ar ran sefydliadau rheoleiddiedig.
- (2) Cyn dyroddi neu gymeradwyo canllawiau o dan yr adran hon (neu unrhyw ganllawiau diwygiedig), rhaid i CCAUC ymgynghori â'r canlynol –
 - (a) corff llywodraethu pob sefydliad rheoleiddiedig, a
 - (b) unrhyw bersonau eraill sy'n briodol yn ei farn ef.
- (3) Rhaid i gorff llywodraethu sefydliad rheoleiddiedig ystyried unrhyw ganllawiau a ddyroddir neu a gymeradwyir o dan yr adran hon.

24 Canllawiau ynghylch meini prawf ar gyfer asesu ansawdd

- (1) Caiff CCAUC ddyroddi neu gymeradwyo canllawiau ynghylch –
 - (a) y meini prawf sydd i'w cymhwyso gan berson sy'n arfer swyddogaeth yn rhinwedd adran 17 wrth asesu ansawdd yr addysg;
 - (b) y materion y bydd CCAUC yn eu hystyried wrth benderfynu a yw ansawdd yr addysg, neu gwrs addysg, yn annigonol neu'n debygol o ddod yn annigonol.
- (2) Cyn dyroddi neu gymeradwyo canllawiau o dan yr adran hon (neu unrhyw ganllawiau diwygiedig), rhaid i CCAUC ymgynghori â'r canlynol –
 - (a) corff llywodraethu pob sefydliad rheoleiddiedig, a
 - (b) unrhyw bersonau eraill sy'n briodol yn ei farn ef.

Cyngor i CCAUC ynghylch swyddogaethau asesu ansawdd

25 Pwyllgor i gynghori CCAUC ynghylch arfer swyddogaethau asesu ansawdd

- (1) Rhaid i CCAUC sefydlu pwyllgor i'w gynghori ar arfer ei swyddogaethau o dan y Rhan hon.
- (2) Caiff CCAUC roi i'r pwyllgor unrhyw swyddogaethau eraill sy'n briodol yn ei farn ef.
- (3) Rhaid i un aelod o'r pwyllgor fod yn berson yr ymddengys i CCAUC ei fod yn cynrychioli buddiannau personau y darperir addysg uwch yng Nghymru iddynt.
- (4) O ran aelodau eraill y pwyllgor –
 - (a) rhaid i fwyafrif fod yn bersonau nad ydynt yn aelodau o CCAUC;
 - (b) rhaid i fwyafrif fod yn bersonau yr ymddengys i CCAUC fod ganddynt brofiad o ddarparu addysg uwch neu eu bod wedi dangos galluedd o ran darparu addysg uwch.

- (9) The powers conferred by this section do not include power to enter a dwelling without the agreement of the occupier.

Guidance relating to quality of education

23 Guidance about matters relevant to quality

- (1) HEFCW may issue or approve guidance about any matter they think relevant to improving or maintaining the quality of education provided by or on behalf of regulated institutions.
- (2) Before issuing or approving guidance under this section (or any revised guidance), HEFCW must consult—
- (a) the governing body of each regulated institution, and
 - (b) any other persons they think appropriate.
- (3) The governing body of a regulated institution must take into account any guidance issued or approved under this section.

24 Guidance about criteria for assessing quality

- (1) HEFCW may issue or approve guidance about—
- (a) criteria to be applied by a person exercising a function by virtue of section 17 in assessing the quality of education;
 - (b) matters HEFCW will take into account in determining whether the quality of education, or of a course of education, is inadequate or likely to become inadequate.
- (2) Before issuing or approving guidance under this section (or any revised guidance), HEFCW must consult—
- (a) the governing body of each regulated institution, and
 - (b) any other persons they think appropriate.

Advice to HEFCW about quality assessment functions

25 Committee to advise HEFCW about exercise of quality assessment functions

- (1) HEFCW must establish a committee to advise them on the exercise of their functions under this Part.
- (2) HEFCW may confer on the committee any other functions that they think appropriate.
- (3) One member of the committee must be a person who appears to HEFCW to represent the interests of persons being provided with higher education in Wales.
- (4) Of the other members of the committee—
- (a) a majority must be persons who are not members of HEFCW;
 - (b) a majority must be persons who appear to HEFCW to have experience of, or to have shown capacity in, the provision of higher education.

- (5) Wrth benodi personau o fewn is-adran (4)(b) i'r pwyllgor, rhaid i CCAUC ystyried dymunoldeb penodi personau sydd ar hyn o bryd yn ymwneud â darparu addysg uwch neu ag ymgymryd â chyfrifoldeb am ei darparu.
- (6) Mae Atodlen 1 i Ddeddf Addysg Bellach ac Uwch 1992 yn gymwys o ran y pwyllgor fel y mae'n gymwys o ran pwyllgor a sefydlir gan CCAUC o dan baragraff 8 o'r Atodlen honno.

*Atodol***26 Cymhwyso'r Rhan hon pan fo sefydliad yn peidio â chael cynllun a gymeradwywyd**

- (1) Mae'r adran hon yn gymwys—
 - (a) pan fo cynllun ffioedd a mynediad sy'n ymwneud â sefydliad yn peidio â bod mewn grym, a
 - (b) pan na fo cynllun ffioedd a mynediad newydd mewn grym mewn perthynas â'r sefydliad.
- (2) Mae'r Rhan hon yn parhau i fod yn gymwys mewn perthynas ag addysg a ddarperir gan neu ar ran y sefydliad drwy gwrs dynodedig.
- (3) At ddibenion cymhwyso'r Rhan hon yn rhinwedd is-adran (2), mae'r sefydliad i'w drin fel sefydliad rheoleiddiedig.
- (4) Mae cwrs dynodedig yn gwrs sydd wedi ei ddynodi at ddibenion adran 22 o Ddeddf Addysgu ac Addysg Uwch 1998 drwy reoliadau a wneir gan Weinidogion Cymru o dan yr adran honno.

RHAN 4**MATERION ARIANNOL SEFYDLIADAU RHEOLEIDDIEDIG***Cod rheolaeth ariannol***27 Dyletswydd CCAUC i lunio a chyhoeddi Cod**

- (1) Rhaid i CCAUC lunio a chyhoeddi cod sy'n ymwneud â threfnu a rheoli materion ariannol sefydliadau rheoleiddiedig (y cyfeirir ato yn y Ddeddf hon fel "y Cod").
- (2) Caiff y Cod wneud darpariaeth ynghylch y materion a ganlyn (ymhlith materion eraill)—
 - (a) yr amgylchiadau pan fo sefydliad rheoleiddiedig i ymrwymo i drafodiad o ddsbarth a bennir yn y Cod gyda chydysniad CCAUC yn unig;
 - (b) trefniadau cyfrifyddu ac archwilio sefydliadau rheoleiddiedig;
 - (c) darparu gwybodaeth i CCAUC.
- (3) Caiff darpariaeth yn y Cod fod ar ffurf gofyniad neu ganllawiau.
- (4) Rhaid i gorff llywodraethu sefydliad rheoleiddiedig—
 - (a) cydymffurfio ag unrhyw ofyniad a osodir gan y Cod;
 - (b) ystyried unrhyw ganllawiau sydd yn y Cod.
- (5) Caiff CCAUC gyhoeddi'r Cod ym mha ffordd bynnag sy'n briodol yn ei farn ef.

- (5) In appointing persons within subsection (4)(b) to the committee, HEFCW must take into account the desirability of appointing persons who are currently engaged in the provision of higher education or in carrying responsibility for its provision.
- (6) Schedule 1 to the Further and Higher Education Act 1992 applies in relation to the committee as it applies in relation to a committee established by HEFCW under paragraph 8 of that Schedule.

Supplementary

26 Application of this Part where institution ceases to have approved plan

- (1) This section applies where—
 - (a) a fee and access plan relating to an institution has ceased to be in force, and
 - (b) no new fee and access plan is in force in relation to the institution.
- (2) This Part continues to apply in relation to education provided by or on behalf of the institution by means of a designated course.
- (3) For the purposes of the application of this Part by virtue of subsection (2), the institution is to be treated as a regulated institution.
- (4) A designated course is one that is designated for the purposes of section 22 of the Teaching and Higher Education Act 1998 by regulations made by the Welsh Ministers under that section.

PART 4

FINANCIAL AFFAIRS OF REGULATED INSTITUTIONS

Financial management code

27 HEFCW's duty to prepare and publish Code

- (1) HEFCW must prepare and publish a code relating to the organisation and management of the financial affairs of regulated institutions (referred to in this Act as "the Code").
- (2) The Code may make provision about the following matters (among others)—
 - (a) circumstances in which a regulated institution is to enter into a transaction of a class specified in the Code only with the consent of HEFCW;
 - (b) accounting and audit arrangements of regulated institutions;
 - (c) the provision of information to HEFCW.
- (3) A provision of the Code may take the form of a requirement or guidance.
- (4) The governing body of a regulated institution must—
 - (a) comply with any requirement imposed by the Code;
 - (b) take into account any guidance contained in the Code.
- (5) HEFCW may publish the Code in whatever way they think appropriate.

- (6) Rhaid i CCAUC –
 - (a) adolygu'r Cod yn gyson, a
 - (b) llunio a chyhoeddi Cod diwygiedig, os yw hynny'n briodol yn ei farn ef.
- (7) Caiff y Cod wneud darpariaeth wahanol at ddibenion gwahanol (gan gynnwys ar gyfer sefydliadau gwahanol a disgrifiadau gwahanol o sefydliad).
- (8) At ddibenion y Rhan hon, nid yw'r Brifysgol Agored i'w thrin fel sefydliad rheoleiddiedig.
- (9) Yn adrannau 28, 29 a 30, ystyr "y Cod cyntaf" yw'r Cod cyntaf i'w gyhoeddi o dan yr adran hon.

28 Y weithdrefn ar gyfer cymeradwyo Cod gan Weinidogion Cymru

- (1) Cyn cyhoeddi'r Cod cyntaf neu God diwygiedig, rhaid i CCAUC –
 - (a) llunio drafft o'r Cod cyntaf neu'r Cod diwygiedig, a
 - (b) cyflwyno'r drafft i Weinidogion Cymru i'w gymeradwyo.
- (2) Wrth lunio drafft o'r Cod cyntaf neu o God diwygiedig, rhaid i CCAUC ymgynghori â'r canlynol –
 - (a) corff llywodraethu pob sefydliad rheoleiddiedig, a
 - (b) unrhyw bersonau eraill sy'n briodol yn ei farn ef.
- (3) Rhaid i ddrafft a gyflwynir i Weinidogion Cymru o dan yr adran hon gynnwys gydag ef adroddiad –
 - (a) sy'n nodi'r rhesymau dros delerau'r drafft, a
 - (b) sy'n rhoi manylion yr ymgynghoriad a gynhaliwyd o dan is-adran (2) ac yn crynhoi'r sylwadau a gafodd CCAUC yn ystod yr ymgynghoriad.
- (4) Caiff Gweinidogion Cymru gyfarwyddo CCAUC i gyflwyno drafft o'r Cod cyntaf neu o God diwygiedig iddynt o dan yr adran hon cyn diwedd cyfnod a bennir yn y cyfarwyddyd.
- (5) Rhaid i CCAUC gydymffurfio â chyfarwyddyd a roddir o dan is-adran (4).

29 Y weithdrefn os na chymeradwyir Cod drafft gan Weinidogion Cymru

- (1) Mae'r adran hon yn gymwys os yw Gweinidogion Cymru yn penderfynu peidio â chymeradwyo drafft o'r Cod cyntaf, neu o God diwygiedig, a gyflwynir iddynt o dan adran 28.
- (2) Rhaid i Weinidogion Cymru roi hysbysiad i CCAUC ynghylch y penderfyniad a'r rhesymau dros y penderfyniad hwnnw.
- (3) Os yw Gweinidogion Cymru yn rhoi hysbysiad i CCAUC o dan is-adran (2) eu bod wedi penderfynu peidio â chymeradwyo drafft o'r Cod cyntaf, rhaid i CCAUC gyflwyno drafft pellach o'r Cod cyntaf i Weinidogion Cymru.
- (4) Os yw Gweinidogion Cymru yn rhoi hysbysiad i CCAUC o dan is-adran (2) eu bod wedi penderfynu peidio â chymeradwyo drafft o God diwygiedig, rhaid i CCAUC naill ai –
 - (a) cyflwyno drafft pellach o'r Cod diwygiedig i Weinidogion Cymru, neu

- (6) HEFCW must –
 - (a) keep the Code under review, and
 - (b) if they think it appropriate, prepare and publish a revised Code.
- (7) The Code may make different provision for different purposes (including for different institutions and different descriptions of institution).
- (8) For the purposes of this Part, the Open University is not to be treated as a regulated institution.
- (9) In sections 28, 29 and 30, “the first Code” means the first Code to be published under this section.

28 Procedure for approval of Code by Welsh Ministers

- (1) Before publishing the first Code or a revised Code, HEFCW must –
 - (a) prepare a draft of the first Code or revised Code, and
 - (b) submit the draft to the Welsh Ministers for their approval.
- (2) In preparing a draft of the first Code or of a revised Code, HEFCW must consult –
 - (a) the governing body of each regulated institution, and
 - (b) any other persons they think appropriate.
- (3) A draft submitted to the Welsh Ministers under this section must be accompanied by a report –
 - (a) setting out the reasons for the terms of the draft, and
 - (b) giving details of the consultation carried out under subsection (2) and summarising the representations received by HEFCW during the consultation.
- (4) The Welsh Ministers may direct HEFCW to submit a draft of the first Code or of a revised Code to them under this section before the end of a period specified in the direction.
- (5) HEFCW must comply with a direction given under subsection (4).

29 Procedure if draft Code not approved by Welsh Ministers

- (1) This section applies if the Welsh Ministers decide not to approve a draft of the first Code, or of a revised Code, submitted to them under section 28.
- (2) The Welsh Ministers must give HEFCW notice of the decision and the reasons for it.
- (3) If the Welsh Ministers give HEFCW notice under subsection (2) that they have decided not to approve a draft of the first Code, HEFCW must submit a further draft of the first Code to the Welsh Ministers.
- (4) If the Welsh Ministers give HEFCW notice under subsection (2) that they have decided not to approve a draft of a revised Code, HEFCW must either –
 - (a) submit a further draft of the revised Code to the Welsh Ministers, or

- (b) rhoi hysbysiad i Weinidogion Cymru –
 - (i) yn datgan bod CCAUC wedi penderfynu peidio â pharhau â'r gwaith o ddiwygio'r Cod, a
 - (ii) yn nodi'r rhesymau dros y penderfyniad hwnnw.
- (5) Caiff hysbysiad o dan is-adran (2) bennu cyfnod y mae rhaid, cyn diwedd y cyfnod hwnnw, i CCAUC gydymffurfio ag is-adran (3) neu (4) (fel y bo'n briodol).
- (6) Cyn cyflwyno drafft pellach o'r Cod cyntaf neu o God diwygiedig i Weinidogion Cymru, rhaid i CCAUC gynnal unrhyw ymgynghoriad pellach sy'n briodol yn ei farn ef.
- (7) Rhaid i ddrafft pellach a gyflwynir i Weinidogion Cymru o dan yr adran hon gynnwys gydag ef adroddiad –
 - (a) sy'n esbonio sut y mae CCAUC, wrth lunio'r drafft, wedi ystyried y rhesymau a nodwyd yn yr hysbysiad a roddwyd gan Weinidogion Cymru o dan is-adran (2),
 - (b) sy'n nodi rhesymau CCAUC dros delerau'r drafft, ac
 - (c) sy'n rhoi manylion unrhyw ymgynghoriad a gynhaliwyd o dan is-adran (6) mewn perthynas â'r drafft ac yn crynhoi'r sylwadau a gafodd CCAUC yn ystod yr ymgynghoriad.
- (8) Mae is-adrannau (2) i (7) yn gymwys pan fo Gweinidogion Cymru yn penderfynu peidio â chymeradwyo drafft a gyflwynir iddynt o dan yr adran hon fel y maent yn gymwys pan fo Gweinidogion Cymru yn penderfynu peidio â chymeradwyo drafft a gyflwynir iddynt o dan adran 28.

30 Y weithdrefn os cymeradwyr Cod drafft gan Weinidogion Cymru

- (1) Os yw Gweinidogion Cymru yn cymeradwyo drafft o'r Cod cyntaf neu o God diwygiedig a gyflwynir iddynt o dan adran 28 neu 29, rhaid iddynt osod y drafft a gymeradwywyd gerbron Cynulliad Cenedlaethol Cymru.
- (2) Os yw Cynulliad Cenedlaethol Cymru yn penderfynu peidio â chymeradwyo'r drafft o fewn y cyfnod o 40 niwrnod –
 - (a) ni chaiff CCAUC gyhoeddi'r drafft;
 - (b) os drafft o'r Cod cyntaf yw'r drafft, rhaid i CCAUC gyflwyno drafft pellach o'r Cod cyntaf i Weinidogion Cymru;
 - (c) os drafft o God diwygiedig yw'r drafft, caiff CCAUC gyflwyno drafft pellach o God diwygiedig i Weinidogion Cymru.
- (3) Cyn cyflwyno drafft pellach o'r Cod cyntaf neu o God diwygiedig i Weinidogion Cymru o dan yr adran hon, rhaid i CCAUC gynnal unrhyw ymgynghoriad pellach sy'n briodol yn ei farn ef.
- (4) Rhaid i ddrafft pellach a gyflwynir i Weinidogion Cymru o dan yr adran hon gynnwys gydag ef adroddiad –
 - (a) sy'n nodi rhesymau CCAUC dros delerau'r drafft, a
 - (b) sy'n rhoi manylion unrhyw ymgynghoriad a gynhaliwyd o dan is-adran (3) mewn perthynas â'r drafft ac yn crynhoi'r sylwadau a gafodd CCAUC yn ystod yr ymgynghoriad.

- (b) give the Welsh Ministers notice –
 - (i) stating that HEFCW have decided not to proceed with the revision of the Code, and
 - (ii) setting out the reasons for that decision.
- (5) Notice under subsection (2) may specify a period before the end of which HEFCW must comply with subsection (3) or (4) (as appropriate).
- (6) Before submitting a further draft of the first Code or revised Code to the Welsh Ministers, HEFCW must carry out any further consultation that they think appropriate.
- (7) A further draft submitted to the Welsh Ministers under this section must be accompanied by a report –
 - (a) explaining how, in preparing the draft, HEFCW have taken into account the reasons set out in the notice given by the Welsh Ministers under subsection (2),
 - (b) setting out HEFCW's reasons for the terms of the draft, and
 - (c) giving details of any consultation carried out under subsection (6) in relation to the draft and summarising the representations received by HEFCW during the consultation.
- (8) Subsections (2) to (7) apply where the Welsh Ministers decide not to approve a draft submitted to them under this section as they apply where the Welsh Ministers decide not to approve a draft submitted to them under section 28.

30 Procedure if draft Code approved by Welsh Ministers

- (1) If the Welsh Ministers approve a draft of the first Code or of a revised Code submitted to them under section 28 or 29, they must lay the approved draft before the National Assembly for Wales.
- (2) If the National Assembly for Wales resolves not to approve the draft within the 40 day period –
 - (a) HEFCW may not publish the draft;
 - (b) if the draft is of the first Code, HEFCW must submit a further draft of the first Code to the Welsh Ministers;
 - (c) if the draft is of a revised Code, HEFCW may submit a further draft of a revised Code to the Welsh Ministers.
- (3) Before submitting a further draft of the first Code or of a revised Code to the Welsh Ministers under this section, HEFCW must carry out any further consultation they think appropriate.
- (4) A further draft submitted to the Welsh Ministers under this section must be accompanied by a report –
 - (a) setting out HEFCW's reasons for the terms of the draft, and
 - (b) giving details of any consultation carried out under subsection (3) in relation to the draft and summarising the representations received by HEFCW during the consultation.

- (5) Y “cyfnod o 40 niwrnod” yw’r cyfnod o 40 niwrnod sy’n dechrau ar y diwrnod y gosodir y drafft gerbron Cynulliad Cenedlaethol Cymru.
- (6) Wrth gyfrifo’r cyfnod o 40 niwrnod, nid yw unrhyw gyfnod pan fo Cynulliad Cenedlaethol Cymru wedi ei ddiddymu neu pan fo ar doriad am fwy na phedwar diwrnod i’w ystyried.
- (7) Os na chaiff penderfyniad ei basio gan Gynulliad Cenedlaethol Cymru o fewn y cyfnod o 40 niwrnod fel a grybwyllir yn is-adran (2), rhaid i CCAUC gyhoeddi’r Cod yn nhelerau’r drafft a gymeradwywyd.
- (8) Os cyflwynir drafft pellach i Weinidogion Cymru o dan yr adran hon—
 - (a) mae is-adrannau (1) i (7) yn gymwys os yw Gweinidogion Cymru yn cymeradwyo’r drafft fel y maent yn gymwys os ydynt yn cymeradwyo drafft a gyflwynir iddynt o dan adran 28 neu 29;
 - (b) mae adran 29 yn gymwys os yw Gweinidogion Cymru yn penderfynu peidio â chymeradwyo’r drafft fel y mae’n gymwys os yw Gweinidogion Cymru yn penderfynu peidio â chymeradwyo drafft a gyflwynir iddynt o dan adran 28.

Monitro cydymffurfedd â’r Cod

31 Monitro cydymffurfedd â’r Cod

Rhaid i CCAUC fonitro, neu wneud trefniadau ar gyfer monitro, cydymffurfedd gan bob sefydliad rheoleiddiedig â’r gofynion a osodir gan y Cod.

Pwerau mewn cysylltiad â methiant i gydymffurfio â’r Cod

32 Methiant i gydymffurfio â’r Cod: cyffredinol

Mae adrannau 33 a 34 yn gymwys os yw CCAUC wedi ei fodloni bod corff llywodraethu sefydliad rheoleiddiedig wedi methu, neu’n debygol o fethu, â chydymffurfio â gofyniad a osodir gan y Cod.

33 Cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â’r Cod

- (1) Caiff CCAUC roi cyfarwyddyd i’r corff llywodraethu sy’n ei gwneud yn ofynnol iddo gymryd (neu beidio â chymryd) camau penodedig at y diben o ymdrin â’r methiant i gydymffurfio neu atal methiant o’r fath.
- (2) Am y ddarpariaeth weithdrefnol ynghylch cyfarwyddydau o dan yr adran hon, gweler adrannau 41 i 44.

34 Mesurau eraill mewn cysylltiad â methiant i gydymffurfio â’r Cod

- (1) Caiff CCAUC roi cyngor neu gymorth i’r corff llywodraethu gyda golwg ar wella trefniadaeth neu reolaeth materion ariannol y sefydliad.
- (2) Caiff CCAUC gynnal, neu drefnu i berson arall gynnal, adolygiad o unrhyw faterion y mae o’r farn eu bod yn berthnasol i gydymffurfedd y sefydliad â’r Cod.
- (3) Rhaid i gorff llywodraethu ystyried unrhyw gyngor a roddir iddo o dan is-adran (1).

- (5) The “40 day period” means the period of 40 days beginning with the day on which the draft is laid before the National Assembly for Wales.
- (6) In calculating the 40 day period, no account is to be taken of any period during which the National Assembly for Wales is dissolved or during which it is in recess for more than four days.
- (7) If no resolution is passed by the National Assembly for Wales within the 40 day period as mentioned in subsection (2), HEFCW must publish the Code in the terms of the approved draft.
- (8) If a further draft is submitted to the Welsh Ministers under this section –
 - (a) subsections (1) to (7) apply if the Welsh Ministers approve the draft as they apply if they approve a draft submitted to them under section 28 or 29;
 - (b) section 29 applies if the Welsh Ministers decide not to approve the draft as it applies if the Welsh Ministers decide not to approve a draft submitted to them under section 28.

Monitoring compliance with Code

31 Monitoring compliance with Code

HEFCW must monitor, or make arrangements for the monitoring of, compliance by each regulated institution with requirements imposed by the Code.

Powers in respect of failure to comply with Code

32 Failure to comply with Code: general

Sections 33 and 34 apply if HEFCW are satisfied that the governing body of a regulated institution has failed, or is likely to fail, to comply with a requirement imposed by the Code.

33 Directions in respect of failure to comply with Code

- (1) HEFCW may give a direction to the governing body requiring it to take (or not to take) specified steps for the purpose of dealing with or preventing the failure to comply.
- (2) For procedural provision about directions under this section, see sections 41 to 44.

34 Other measures in respect of failure to comply with Code

- (1) HEFCW may give advice or assistance to the governing body with a view to improving the organisation or management of the financial affairs of the institution.
- (2) HEFCW may carry out, or arrange for another person to carry out, a review of any matters that they think are relevant to the institution’s compliance with the Code.
- (3) A governing body must take into account any advice given to it under subsection (1).

*Cydweithredu o ran monitro etc***35 Rheolaeth ariannol: dyletswydd i gydweithredu**

- (1) Rhaid i gorff llywodraethu sefydliad rheoleiddiedig sicrhau y darperir i berson sy'n arfer swyddogaeth yn rhinwedd adran 31 neu 34 unrhyw wybodaeth, cymorth a mynediad i gyfleusterau'r sefydliad sy'n ofynnol yn rhesymol gan y person at y diben o arfer y swyddogaeth (gan gynnwys y diben o arfer unrhyw bŵer o dan adran 36).
- (2) Os yw CCAUC wedi ei fodloni bod corff llywodraethu wedi methu â chydymffurfio ag is-adran (1), caiff ei gyfarwyddo i gymryd (neu i beidio â chymryd) camau penodedig at y diben o sicrhau'r ddarpariaeth o wybodaeth, cymorth neu fynediad fel y'i disgrifir yn yr is-adran honno.

*Pwerau atodol at y diben o fonitro etc***36 Rheolaeth ariannol: pwerau mynd i mewn ac arolygu**

- (1) At y diben o arfer swyddogaeth yn rhinwedd adran 31 neu 34(2), caiff person awdurdodedig—
 - (a) mynd i mewn i fangre sefydliad rheoleiddiedig;
 - (b) edrych ar ddogfennau y daw o hyd iddynt yn y fangre, eu copïo neu eu cymryd.
- (2) Yn is-adran (1)(b), mae cyfeiriadau at—
 - (a) dogfennau yn cynnwys gwybodaeth wedi ei chofnodi ar unrhyw ffurf;
 - (b) dogfennau y daw o hyd iddynt yn y fangre yn cynnwys—
 - (i) dogfennau sydd wedi eu storio ar gyfrifiaduron neu ar ddyfeisiau storio electronig yn y fangre, a
 - (ii) dogfennau sydd wedi eu storio mewn man arall ond gellir cael mynediad iddynt drwy gyfrifiaduron yn y fangre.
- (3) Mae'r pŵer a roddir gan is-adran (1)(b) yn cynnwys pŵer—
 - (a) i'w gwneud yn ofynnol i berson ddarparu dogfennau;
 - (b) i osod gofynion o ran sut y darperir dogfennau (a gaiff gynnwys gofynion i ddarparu copiâu darllenadwy o ddogfennau sydd wedi eu storio'n electronig);
 - (c) i edrych ar gyfrifiadur y mae dogfennau wedi eu creu neu eu storio arno neu ar ddyfais storio electronig y mae dogfennau wedi eu creu neu eu storio arni.
- (4) Ni chaniateir i bŵer a roddir gan yr adran hon ond gael ei arfer ar ôl rhoi hysbysiad rhesymol i gorff llywodraethu'r sefydliad rheoleiddiedig.
- (5) Nid yw is-adran (4) yn gymwys i arfer pŵer os yw'r person awdurdodedig wedi ei fodloni—
 - (a) bod yr achos yn achos brys, neu
 - (b) y byddai cydymffurfio â'r is-adran honno yn tansilio'r diben o arfer y pŵer.
- (6) Yn yr adran hon, ystyr "person awdurdodedig" yw person sydd wedi ei awdurdodi'n ysgrifenedig gan CCAUC (pa un ai yn gyffredinol neu'n benodol) i arfer y pwerau a roddir gan yr adran hon.

*Co-operation with monitoring etc***35 Financial management: duty to co-operate**

- (1) The governing body of a regulated institution must ensure that a person exercising a function by virtue of section 31 or 34 is provided with such information, assistance and access to the institution's facilities as the person reasonably requires for the purpose of exercising the function (including for the purpose of exercising any power under section 36).
- (2) If HEFCW are satisfied that a governing body has failed to comply with subsection (1), they may direct it to take (or not to take) specified steps for the purpose of securing the provision of information, assistance or access as described in that subsection.

*Supplementary powers for purpose of monitoring etc***36 Financial management: powers of entry and inspection**

- (1) For the purpose of the exercise of a function by virtue of section 31 or 34(2), an authorised person may –
 - (a) enter the premises of a regulated institution;
 - (b) inspect, copy or take away documents found on the premises.
- (2) In subsection (1)(b), references to –
 - (a) documents include information recorded in any form;
 - (b) documents found on the premises include –
 - (i) documents stored on computers or electronic storage devices on the premises, and
 - (ii) documents stored elsewhere which can be accessed by computers on the premises.
- (3) The power conferred by subsection (1)(b) includes power –
 - (a) to require a person to provide documents;
 - (b) to impose requirements as to how documents are provided (which may include requirements to provide legible copies of documents stored electronically);
 - (c) to inspect a computer or electronic storage device on which documents have been created or stored.
- (4) A power conferred by this section may be exercised only after giving reasonable notice to the governing body of the regulated institution.
- (5) Subsection (4) does not apply to the exercise of a power if the authorised person is satisfied that –
 - (a) the case is one of urgency, or
 - (b) complying with that subsection would defeat the object of exercising the power.
- (6) In this section, “authorised person” means a person authorised in writing by HEFCW (whether generally or specifically) to exercise the powers conferred by this section.

- (7) Cyn arfer pŵer o dan yr adran hon, rhaid i berson awdurdodedig, os yw'n ofynnol iddo wneud hynny, ddangos copi o awdurdodiad y person o dan is-adran (6).
- (8) O ran y pwerau a roddir gan yr adran hon –
 - (a) caniateir iddynt gael eu harfer ar adegau rhesymol yn unig;
 - (b) ni chaniateir iddynt gael eu harfer i'w gwneud yn ofynnol i berson wneud unrhyw beth ac eithrio ar adeg sy'n rhesymol.
- (9) Nid yw'r pwerau a roddir gan yr adran hon yn cynnwys pŵer i fynd i mewn i annedd heb gytundeb y meddiannydd.

RHAN 5

CYNLLUNIAU FFIOEDD A MYNEDIAD: TYNNU CYMERADWYAETH YN ÔL ETC

Gwrthod cymeradwyo cynllun ffioedd a mynediad newydd

37 Hysbysiad ynghylch gwrthod cymeradwyo cynllun ffioedd a mynediad newydd

- (1) Os yw CCAUC wedi ei fodloni bod amod yn is-adran (3) wedi ei ddiwallu mewn cysylltiad â sefydliad rheoleiddiedig, caiff roi hysbysiad o dan yr adran hon i gorff llywodraethu'r sefydliad.
- (2) Mae hysbysiad o dan yr adran hon yn hysbysiad na fydd CCAUC yn cymeradwyo cynllun ffioedd a mynediad newydd sy'n ymwneud â'r sefydliad cyn diwedd cyfnod a bennir yn yr hysbysiad.
- (3) Yr amodau yw bod corff llywodraethu'r sefydliad wedi methu â chydymffurfio –
 - (a) ag adran 10(1) (dyletswydd i sicrhau nad yw ffioedd cwrs rheoleiddiedig yn mynd uwchlaw'r terfyn ffioedd cymwys),
 - (b) â gofyniad cyffredinol yng nghynllun y sefydliad a gymeradwywyd,
 - (c) cyfarwyddyd o dan adran 13 (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â gofynion cyffredinol cynllun a gymeradwywyd),
 - (d) â chyfarwyddyd o dan adran 19 (cyfarwyddydau mewn cysylltiad ag ansawdd annigonol), neu
 - (e) â chyfarwyddyd o dan adran 33 (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â'r Cod).
- (4) Nid yw corff llywodraethu i'w drin at ddibenion is-adran (3)(b) fel pe bai wedi methu â chydymffurfio â gofyniad cyffredinol mewn cynllun a gymeradwywyd os yw CCAUC wedi ei fodloni bod y corff llywodraethu wedi cymryd pob cam rhesymol i gydymffurfio â'r gofyniad.
- (5) Os yw CCAUC yn rhoi hysbysiad o dan yr adran hon i gorff llywodraethu sefydliad, ni chaiff CCAUC gymeradwyo cynllun ffioedd a mynediad arfaethedig sy'n ymwneud â'r sefydliad cyn diwedd y cyfnod a bennir yn yr hysbysiad.
- (6) Pan fo CCAUC wedi rhoi hysbysiad o dan yr adran hon –
 - (a) caiff dynnu'r hysbysiad yn ôl, a
 - (b) os gwna hynny, mae'r cyfyngiad yn is-adran (5) yn peidio â bod yn gymwys.

- (7) Before exercising a power under this section, an authorised person must, if required to do so, produce a copy of the person's authorisation under subsection (6).
- (8) The powers conferred by this section –
 - (a) may be exercised at reasonable times only;
 - (b) may not be exercised to require a person to do anything otherwise than at a reasonable time.
- (9) The powers conferred by this section do not include power to enter a dwelling without the agreement of the occupier.

PART 5

FEE AND ACCESS PLANS: WITHDRAWAL OF APPROVAL ETC

Refusal to approve new fee and access plan

37 Notice of refusal to approve new fee and access plan

- (1) If HEFCW are satisfied that a condition in subsection (3) is met in respect of a regulated institution, they may give notice under this section to the institution's governing body.
- (2) Notice under this section is notice that HEFCW will not approve a new fee and access plan relating to the institution before the end of a period specified in the notice.
- (3) The conditions are that the governing body of the institution has failed to comply with –
 - (a) section 10(1) (duty to ensure that regulated course fees do not exceed applicable fee limit),
 - (b) a general requirement of the institution's approved plan,
 - (c) a direction under section 13 (directions in respect of failure to comply with general requirements of approved plan),
 - (d) a direction under section 19 (directions in respect of inadequate quality), or
 - (e) a direction under section 33 (directions in respect of failure to comply with the Code).
- (4) A governing body is not to be treated for the purposes of subsection (3)(b) as having failed to comply with a general requirement of an approved plan if HEFCW are satisfied that the governing body has taken all reasonable steps to comply with the requirement.
- (5) If HEFCW give notice under this section to the governing body of an institution, HEFCW must not approve a proposed fee and access plan relating to the institution before the end of the period specified in the notice.
- (6) Where HEFCW have given notice under this section –
 - (a) they may withdraw the notice, and
 - (b) if they do so, the restriction in subsection (5) ceases to apply.

- (7) Caiff rheoliadau wneud darpariaeth ynghylch—
- (a) y cyfnod y caniateir ei bennu mewn hysbysiad o dan yr adran hon;
 - (b) y materion sydd i'w hystyried gan CCAUC wrth benderfynu pa un ai i roi hysbysiad o dan yr adran hon neu ei dynnu'n ôl;
 - (c) y weithdrefn sydd i'w dilyn mewn cysylltiad â thynnu hysbysiad yn ôl.
- (8) Os yw corff llywodraethu sefydliad nad yw'n sefydliad rheoleiddiedig yn methu â chydymffurfio â chyfarwyddyd o dan adran 13, mae'r adran hon yn gymwys mewn perthynas â'r sefydliad hwnnw fel y mae'n gymwys mewn perthynas â sefydliad rheoleiddiedig.
- (9) Am y ddarpariaeth weithdrefnol ynghylch hysbysiad o dan yr adran hon, gweler adrannau 41 i 44.

Tynnu cymeradwyaeth i gynllun ffioedd a mynediad presennol yn ôl

38 Dyletswydd i dynnu cymeradwyaeth yn ôl

- (1) Os yw CCAUC wedi ei fodloni nad yw sefydliad rheoleiddiedig bellach o fewn adran 2(3), rhaid iddo dynnu'n ôl ei gymeradwyaeth i'r cynllun ffioedd a mynediad sy'n ymwneud â'r sefydliad drwy roi hysbysiad o dan yr adran hon i gorff llywodraethu'r sefydliad.
- (2) Caiff rheoliadau wneud darpariaeth ynghylch—
- (a) y materion sydd i'w hystyried gan CCAUC wrth wneud penderfyniad at ddibenion yr adran hon;
 - (b) y weithdrefn sydd i'w dilyn mewn cysylltiad â rhoi hysbysiad o dan yr adran hon.
- (3) Caiff rheoliadau sy'n gwneud darpariaeth fel y'i disgrifir yn is-adran (2)(b) (ymhlith pethau eraill) ddiwygio neu gymhwyso, gydag addasiadau neu hebddynt, unrhyw ddarpariaeth a wneir gan neu o dan adrannau 41 i 44.

39 Pŵer i dynnu cymeradwyaeth yn ôl

- (1) Os yw CCAUC wedi ei fodloni bod amod yn is-adran (2) wedi ei ddiwallu mewn cysylltiad â sefydliad rheoleiddiedig, caiff dynnu'n ôl ei gymeradwyaeth i'r cynllun ffioedd a mynediad sy'n ymwneud â'r sefydliad drwy roi hysbysiad o dan yr adran hon i gorff llywodraethu'r sefydliad.
- (2) Yr amodau yw—
- (a) bod corff llywodraethu'r sefydliad wedi methu'n fynych â chydymffurfio ag adran 10(1) (dyletswydd i sicrhau nad yw ffioedd cwrs rheoleiddiedig yn mynd uwchlaw'r terfyn ffioedd cymwys) neu wedi methu â chydymffurfio â chyfarwyddyd cydymffurfio ac ad-dalu,
 - (b) bod y corff llywodraethu wedi methu'n fynych â chydymffurfio â gofynion cyffredinol cynllun y sefydliad a gymeradwywyd neu wedi methu â chydymffurfio â chyfarwyddyd o dan adran 13 (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â gofynion cyffredinol cynllun a gymeradwywyd),
 - (c) bod ansawdd yr addysg a ddarperir gan neu ar ran y sefydliad yn ddifrifol o annigonol, neu

- (7) Regulations may make provision about—
 - (a) the period that may be specified in notice under this section;
 - (b) matters to be taken into account by HEFCW in deciding whether to give or withdraw notice under this section;
 - (c) the procedure to be followed in connection with the withdrawal of notice.
- (8) If the governing body of an institution that is not a regulated institution fails to comply with a direction under section 13, this section applies in relation to that institution as it applies in relation to a regulated institution.
- (9) For procedural provision about notice under this section, see sections 41 to 44.

Withdrawal of approval of existing fee and access plan

38 Duty to withdraw approval

- (1) If HEFCW are satisfied that a regulated institution is no longer within section 2(3), they must withdraw their approval of the fee and access plan relating to the institution by giving notice under this section to the institution's governing body.
- (2) Regulations may make provision about—
 - (a) matters to be taken into account by HEFCW in making a determination for the purposes of this section;
 - (b) the procedure to be followed in connection with giving notice under this section.
- (3) Regulations making provision as described in subsection (2)(b) may (among other things) amend or apply, with or without modifications, any provision made by or under sections 41 to 44.

39 Power to withdraw approval

- (1) If HEFCW are satisfied that a condition in subsection (2) is met in respect of a regulated institution, they may withdraw their approval of the fee and access plan relating to the institution by giving notice under this section to the institution's governing body.
- (2) The conditions are that—
 - (a) the governing body of the institution has persistently failed to comply with section 10(1) (duty to ensure that regulated course fees do not exceed applicable fee limit) or has failed to comply with a compliance and reimbursement direction,
 - (b) the governing body has persistently failed to comply with the general requirements of the institution's approved plan or has failed to comply with a direction under section 13 (directions in respect of failure to comply with general requirements of approved plan),
 - (c) the quality of education provided by or on behalf of the institution is seriously inadequate, or

- (d) bod methiant difrifol wedi bod gan gorff llywodraethu'r sefydliad i gydymffurfio â'r Cod.
- (3) Nid yw corff llywodraethu i'w drin at ddibenion is-adran (2)(b) fel be bai wedi methu â chydymffurfio â gofyniad cyffredinol mewn cynllun a gymeradwywyd os yw CCAUC wedi ei fodloni bod y corff llywodraethu wedi cymryd pob cam rhesymol i gydymffurfio â'r gofyniad.
- (4) Caiff rheoliadau wneud darpariaeth ynghylch y materion sydd i'w hystyried gan CCAUC wrth benderfynu pa un ai i roi hysbysiad o dan yr adran hon.
- (5) Am y ddarpariaeth weithdrefnol ynghylch hysbysiad o dan yr adran hon, gweler adrannau 41 i 44.

Cyhoeddi etc hysbysiad o dan y Rhan hon

40 Cyhoeddi etc hysbysiad o dan y Rhan hon

- (1) Os yw CCAUC yn rhoi hysbysiad o dan adran 37, 38 neu 39, rhaid iddo—
- rhoei copi o'r hysbysiad i Weinidogion Cymru, a
 - cyhoeddi'r hysbysiad.
- (2) Caiff rheoliadau wneud darpariaeth ynghylch sut a phryd y mae CCAUC i gydymffurfio ag is-adran (1).

RHAN 6

HYSBYSIADAU A CHYFARWYDDYDAU A RODDIR GAN CCAUC

Y weithdrefn rhybuddio ac adolygu ar gyfer hysbysiadau a chyfarwyddydau penodol

41 Cymhwyso adrannau 42 i 44

- (1) Mae adrannau 42 i 44 yn gymwys i—
- hysbysiad o dan adran 7(1)(b) (gwrthod cynllun ffioedd a mynediad arfaethedig),
 - cyfarwyddyd cydymffurfio ac ad-dalu,
 - cyfarwyddyd o dan adran 13 (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â gofynion cyffredinol cynllun a gymeradwywyd),
 - cyfarwyddyd o dan adran 19 (cyfarwyddydau mewn cysylltiad ag ansawdd annigonol),
 - cyfarwyddyd o dan adran 33 (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â'r Cod),
 - hysbysiad o dan adran 37 (gwrthod cymeradwyo cynllun ffioedd a mynediad newydd), ac
 - hysbysiad o dan adran 39 (tynnu cymeradwyaeth i gynllun ffioedd a mynediad yn ôl).
- (2) Ond nid yw'r adrannau hynny yn gymwys i gyfarwyddyd nad yw'n darparu ond ar gyfer dirymu cyfarwyddyd cynharach (gweler adran 46).

- (d) there has been serious failure by the governing body of the institution to comply with the Code.
- (3) A governing body is not to be treated for the purposes of subsection (2)(b) as having failed to comply with a general requirement of an approved plan if HEFCW are satisfied that the governing body has taken all reasonable steps to comply with the requirement.
- (4) Regulations may make provision about matters to be taken into account by HEFCW in deciding whether to give notice under this section.
- (5) For procedural provision about notice under this section, see sections 41 to 44.

Publication etc of notice under this Part

40 Publication etc of notice under this Part

- (1) If HEFCW give notice under section 37, 38 or 39, they must –
 - (a) give a copy of the notice to the Welsh Ministers, and
 - (b) publish the notice.
- (2) Regulations may make provision about how and when HEFCW are to comply with subsection (1).

PART 6

NOTICES AND DIRECTIONS GIVEN BY HEFCW

Warning and review procedure for certain notices and directions

41 Application of sections 42 to 44

- (1) Sections 42 to 44 apply to –
 - (a) notice under section 7(1)(b) (rejection of proposed fee and access plan),
 - (b) a compliance and reimbursement direction,
 - (c) a direction under section 13 (directions in respect of failure to comply with general requirements of approved plan),
 - (d) a direction under section 19 (directions in respect of inadequate quality),
 - (e) a direction under section 33 (directions in respect of failure to comply with the Code),
 - (f) notice under section 37 (refusal to approve a new fee and access plan), and
 - (g) notice under section 39 (withdrawal of approval of fee and access plan).
- (2) But those sections do not apply to a direction that provides only for the revocation of an earlier direction (see section 46).

42 Hysbysiadau a chyfarwyddydau arfaethedig: gofyniad i roi hysbysiad rhybuddio

- (1) Os yw CCAUC yn bwriadu rhoi i gorff llywodraethu hysbysiad neu gyfarwyddyd y mae'r adran hon yn gymwys iddo, rhaid i CCAUC roi hysbysiad rhybuddio i'r corff llywodraethu.
- (2) Rhaid i'r hysbysiad rhybuddio –
 - (a) nodi'r hysbysiad neu'r cyfarwyddyd arfaethedig;
 - (b) datgan rhesymau CCAUC dros fwriadu ei roi;
 - (c) hysbysu'r corff llywodraethu y caiff gyflwyno sylwadau am yr hysbysiad neu'r cyfarwyddyd arfaethedig;
 - (d) pennu, yn unol ag unrhyw ddarpariaeth a wneir drwy reoliadau, y cyfnod y caniateir i sylwadau gael eu cyflwyno ynddo a'r ffordd y caniateir gwneud hynny.
- (3) Wrth benderfynu pa un ai i roi'r hysbysiad neu'r cyfarwyddyd, rhaid i CCAUC ystyried unrhyw sylwadau a gyflwynir gan y corff llywodraethu yn unol â'r hysbysiad rhybuddio.
- (4) Os yw CCAUC, ar ôl ystyried y sylwadau hynny, yn penderfynu peidio â rhoi'r hysbysiad neu'r cyfarwyddyd, rhaid iddo roi hysbysiad am y penderfyniad hwnnw i'r corff llywodraethu.

43 Gwybodaeth sydd i'w rhoi gyda hysbysiadau a chyfarwyddydau

Os yw CCAUC yn rhoi i gorff llywodraethu hysbysiad neu gyfarwyddyd y mae'r adran hon yn gymwys iddo, rhaid iddo ar yr un pryd roi i'r corff llywodraethu ddatganiad –

- (a) sy'n nodi rhesymau CCAUC dros roi'r hysbysiad neu'r cyfarwyddyd,
- (b) sy'n hysbysu'r corff llywodraethu y caiff wneud cais am adolygiad o'r hysbysiad neu'r cyfarwyddyd o dan adran 44, ac
- (c) sy'n cynnwys unrhyw wybodaeth ragnodedig arall.

44 Adolygu hysbysiadau a chyfarwyddydau

- (1) Os yw CCAUC yn rhoi i gorff llywodraethu hysbysiad neu gyfarwyddyd y mae'r adran hon yn gymwys iddo, caiff y corff llywodraethu (yn ddarostyngedig i unrhyw ddarpariaeth a wneir fel y'i disgrifir yn is-adran (4)(a)) wneud cais am adolygiad o'r hysbysiad neu'r cyfarwyddyd.
- (2) Mae adolygiad i'w gynnal gan berson, neu banel o bersonau, a benodir gan Weinidogion Cymru; a chaiff Gweinidogion Cymru dalu tâl a lwfansau i bersonau a benodir o dan yr is-adran hon.
- (3) Rhaid i Weinidogion Cymru drwy reoliadau wneud darpariaeth mewn cysylltiad ag adolygiadau o dan yr adran hon.
- (4) Caiff y rheoliadau, ymhlith pethau eraill, wneud darpariaeth –
 - (a) ynghylch y seiliau y caniateir i gais am adolygiad gael ei wneud arnynt;
 - (b) ynghylch y cyfnod y caniateir i gais gael ei wneud ynddo a'r ffordd y caniateir gwneud hynny;

42 Proposed notices and directions: requirement to give warning notice

- (1) If HEFCW propose to give a governing body a notice or direction to which this section applies, HEFCW must give the governing body a warning notice.
- (2) The warning notice must –
 - (a) set out the proposed notice or direction;
 - (b) state HEFCW's reasons for proposing to give it;
 - (c) inform the governing body that it may make representations about the proposed notice or direction;
 - (d) specify, in accordance with any provision made by regulations, the period within which, and the way in which, representations may be made.
- (3) In deciding whether to give the notice or direction, HEFCW must take into account any representations made by the governing body in accordance with the warning notice.
- (4) If, having taken those representations into account, HEFCW decide not to give the notice or direction, they must give the governing body notice of that decision.

43 Information to be given with notices and directions

If HEFCW give a governing body a notice or direction to which this section applies, they must at the same time give the governing body a statement –

- (a) setting out HEFCW's reasons for giving the notice or direction,
- (b) informing the governing body that it may apply for a review of the notice or direction under section 44, and
- (c) including any other prescribed information.

44 Review of notices and directions

- (1) If HEFCW give a governing body a notice or direction to which this section applies, the governing body may (subject to any provision made as described in subsection (4)(a)) apply for a review of the notice or direction.
- (2) A review is to be carried out by a person, or a panel of persons, appointed by the Welsh Ministers; and the Welsh Ministers may pay remuneration and allowances to persons appointed under this subsection.
- (3) The Welsh Ministers must by regulations make provision in connection with reviews under this section.
- (4) The regulations may, among other things, make provision –
 - (a) about the grounds on which an application for a review may be made;
 - (b) about the period within which, and the way in which, an application may be made;

- (c) ynghylch y weithdrefn sydd i'w dilyn gan berson neu banel sy'n cynnal adolygiad;
- (d) ynghylch y camau sydd i'w cymryd gan CCAUC yn dilyn adolygiad;
- (e) i hysbysiad neu gyfarwyddyd y mae'r adran hon yn gymwys iddo beidio â chael ei drin fel pe bai wedi ei roi hyd nes bod unrhyw gamau a bennir yn y rheoliadau wedi eu cymryd, neu hyd nes bod unrhyw gyfnod a bennir yn y rheoliadau wedi dod i ben.

Darpariaethau cyffredinol ynghylch cyfarwyddydau a roddir gan CCAUC

45 Cyfarwyddydau: cydymffurfio a gorfodi

- (1) Os yw CCAUC yn rhoi cyfarwyddyd i gorff llywodraethu o dan y Ddeddf hon, rhaid i'r corff llywodraethu gydymffurfio â'r cyfarwyddyd.
- (2) Mae'r cyfarwyddyd yn orfodadwy drwy waharddeb yn dilyn cais gan CCAUC.
- (3) Os yw'r corff llywodraethu yn gofyn iddo wneud hynny, rhaid i CCAUC roi hysbysiad i'r corff llywodraethu sy'n datgan a yw wedi ei fodloni ei fod wedi cydymffurfio â'r cyfarwyddyd (neu â gofyniad penodol yn y cyfarwyddyd).

46 Cyfarwyddydau: cyffredinol

O ran cyfarwyddyd a roddir gan CCAUC o dan y Ddeddf hon—

- (a) rhaid iddo fod yn ysgrifenedig;
- (b) caniateir iddo gael ei amrywio neu ei ddirymu drwy gyfarwyddyd diweddarach.

RHAN 7

DARPARIAETH ATODOL YNGHYLCH SWYDDOGAETHAU CCAUC

Arfer swyddogaethau gan CCAUC

47 Cydnawsedd â chyfraith elusennau a dogfennau llywodraethu sefydliadau

- (1) Nid oes dim byd yn y Ddeddf hon yn rhoi pŵer i CCAUC i'w gwneud yn ofynnol i gorff llywodraethu sefydliad wneud unrhyw beth sy'n anghydnaws—
 - (a) ag unrhyw rwymedigaeth gyfreithiol neu gyfyngiad cyfreithiol sy'n gymwys i'r corff llywodraethu yn rhinwedd bod y sefydliad yn elusen, neu
 - (b) â dogfennau llywodraethu'r sefydliad.
- (2) At ddibenion is-adran (1)(b), dogfennau llywodraethu sefydliad yw—
 - (a) yn achos sefydliad a sefydlwyd drwy siarter Frenhinol—
 - (i) siarter y sefydliad, a
 - (ii) unrhyw offeryn sy'n ymwneud â rhedeg y sefydliad, y mae'n ofynnol cael cymeradwyaeth y Cyfrin Gyngor er mwyn gwneud neu ddiwygio'r offeryn hwnnw;

- (c) about the procedure to be followed by a person or panel carrying out a review;
- (d) about steps to be taken by HEFCW following a review;
- (e) for a notice or direction to which this section applies not to be treated as having been given until any steps specified in the regulations have been taken, or until any period specified in the regulations has expired.

General provisions about directions given by HEFCW

45 Directions: compliance and enforcement

- (1) If HEFCW give a governing body a direction under this Act, the governing body must comply with the direction.
- (2) The direction is enforceable by injunction on the application of HEFCW.
- (3) If requested to do so by the governing body, HEFCW must give notice to the governing body stating whether they are satisfied that it has complied with the direction (or with a particular requirement of the direction).

46 Directions: general

A direction given by HEFCW under this Act –

- (a) must be in writing;
- (b) may be varied or revoked by a later direction.

PART 7

SUPPLEMENTARY PROVISION ABOUT FUNCTIONS OF HEFCW

Exercise of functions by HEFCW

47 Compatibility with charity law and governing documents of institutions

- (1) Nothing in this Act confers power on HEFCW to require the governing body of an institution to do anything that is incompatible with –
 - (a) any legal obligation or legal restriction that applies to the governing body by virtue of the institution being a charity, or
 - (b) the governing documents of the institution.
- (2) For the purposes of subsection (1)(b), the governing documents of an institution are –
 - (a) in the case of an institution established by Royal charter –
 - (i) the institution's charter, and
 - (ii) any instrument relating to the conduct of the institution the making or amendment of which requires the approval of the Privy Council;

- (b) yn achos sefydliad sy'n cael ei redeg gan gorfforaeth addysg uwch, offeryn llywodraethu'r gorfforaeth ac erthyglau llywodraethu'r sefydliad;
- (c) yn achos sefydliad sy'n cael ei redeg gan gorfforaeth addysg bellach, offeryn llywodraethu'r gorfforaeth a'i herthyglau llywodraethu;
- (d) yn achos sefydliad a ddynodwyd o dan adran 129 o Ddeddf Diwygio Addysg 1988 neu adran 28 o Ddeddf Addysg Bellach ac Uwch 1992, offeryn llywodraethu'r sefydliad a'i erthyglau llywodraethu;
- (e) yn achos sefydliad nad yw'n dod o fewn paragraffau (a) i (d) sy'n cael ei redeg gan gwmni, memorandwm y cwmni a'i erthyglau cymdeithasu.

48 **Dyletswydd i ystyried pwysigrwydd diogelu rhyddid academiaidd**

Wrth arfer swyddogaethau yn rhinwedd y Ddeddf hon, rhaid i CCAUC ystyried pwysigrwydd diogelu rhyddid academiaidd gan gynnwys, yn benodol, rhyddid sefydliadau –

- (a) i benderfynu ar gynnwys cyrsiau penodol a'r dull o'u haddysgu, eu goruchwylio neu eu hasesu,
- (b) i benderfynu ar y meini prawf ar gyfer derbyn myfyrwyr ac i gymhwyso'r meini prawf hynny mewn achosion penodol, ac
- (c) i benderfynu ar y meini prawf ar gyfer dethol a phenodi staff academiaidd ac i gymhwyso'r meini prawf hynny mewn achosion penodol.

49 **Dyletswydd i ystyried canllawiau Gweinidogion Cymru**

Wrth arfer swyddogaethau yn rhinwedd y Ddeddf hon, rhaid i CCAUC ystyried unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru.

Adroddiadau sydd i'w llunio gan CCAUC

50 **Adroddiadau blynyddol**

- (1) Cyn gynted â phosibl ar ôl diwedd pob cyfnod adrodd, rhaid i CCAUC gyflwyno adroddiad i Weinidogion Cymru ar sut, yn ystod y cyfnod, y mae CCAUC wedi arfer ei swyddogaethau yn rhinwedd y Ddeddf hon.
- (2) Cyn gynted â phosibl ar ôl cael adroddiad o dan is-adran (1), rhaid i Weinidogion Cymru osod copi o'r adroddiad gerbron Cynulliad Cenedlaethol Cymru.
- (3) Rhaid i'r adroddiad gydymffurfio ag unrhyw ofynion y caiff Gweinidogion Cymru eu pennu drwy gyfarwyddyd i CCAUC.
- (4) Caiff y gofynion hynny gynnwys gofynion o ran ffurf a chynnwys yr adroddiad.
- (5) At ddibenion yr adran hon y cyfnod adrodd cyntaf yw'r cyfnod –
 - (a) sy'n dechrau ar y diwrnod y daw'r adran hon i rym, a
 - (b) sy'n dod i ben ar ba ddiwrnod bynnag yw'r cynharach o flwyddyn ar ôl y diwrnod hwnnw, a diwrnod a bennir gan CCAUC mewn hysbysiad a roddir i Weinidogion Cymru.
- (6) Y cyfnodau adrodd dilynol yw pob cyfnod olynol o 12 mis.

- (b) in the case of an institution conducted by a higher education corporation, the corporation's instrument of government and the institution's articles of government;
- (c) in the case of an institution conducted by a further education corporation, the corporation's instrument of government and articles of government;
- (d) in the case of an institution designated under section 129 of the Education Reform Act 1988 or section 28 of the Further and Higher Education Act 1992, the institution's instrument of government and articles of government;
- (e) in the case of an institution not falling within paragraphs (a) to (d) that is conducted by a company, the company's memorandum and articles of association.

48 Duty to take into account importance of protecting academic freedom

In exercising functions by virtue of this Act, HEFCW must take into account the importance of protecting academic freedom including, in particular, the freedom of institutions –

- (a) to determine the contents of particular courses and the manner in which they are taught, supervised or assessed,
- (b) to determine the criteria for the admission of students and to apply those criteria in particular cases, and
- (c) to determine the criteria for the selection and appointment of academic staff and to apply those criteria in particular cases.

49 Duty to take Welsh Ministers' guidance into account

In exercising functions by virtue of this Act, HEFCW must take into account any guidance issued by the Welsh Ministers.

Reports to be made by HEFCW

50 Annual reports

- (1) As soon as possible after the end of each reporting period, HEFCW must submit a report to the Welsh Ministers on how, during the period, HEFCW have exercised their functions by virtue of this Act.
- (2) As soon as possible after receiving a report under subsection (1), the Welsh Ministers must lay a copy of the report before the National Assembly for Wales.
- (3) The report must comply with any requirements that the Welsh Ministers may by direction to HEFCW specify.
- (4) Those requirements may include requirements as to the form and content of the report.
- (5) For the purposes of this section the first reporting period is the period –
 - (a) beginning with the day on which this section comes into force, and
 - (b) ending with whichever is the earlier of the anniversary of that day, and a day specified by HEFCW in notice given to the Welsh Ministers.
- (6) The subsequent reporting periods are each successive period of 12 months.

- (7) Caiff Gweinidogion Cymru drwy gyfarwyddyd bennu gofynion y mae hysbysiad a roddir fel y'i disgrifir yn is-adran (5) i gydymffurfio â hwy (gan gynnwys o ran ffurf a chynnwys, a'r adeg y mae i'w roi); ac nid yw'r hysbysiad i'w drin fel pe bai wedi ei roi at ddibenion is-adran (5) oni bai ei fod yn cydymffurfio â'r gofynion hynny.

51 Adroddiadau arbennig

- (1) Rhaid i CCAUC, os y'i cyfarwyddir i wneud hynny gan Weinidogion Cymru, adrodd i Weinidogion Cymru ar unrhyw un neu ragor o'r canlynol –
- cydymffurfedd ag adran 10(1) gan sefydliadau o fewn adran 10(2) yn gyffredinol neu gan sefydliad penodol;
 - cydymffurfedd â gofynion cyffredinol cynlluniau a gymeradwywyd yn gyffredinol, neu â gofynion cyffredinol cynllun penodol a gymeradwywyd;
 - effeithiolrwydd cynlluniau a gymeradwywyd yn gyffredinol, neu effeithiolrwydd cynllun penodol a gymeradwywyd, wrth hybu cyfle cyfartal a hybu addysg uwch;
 - unrhyw faterion eraill a bennir yn y cyfarwyddyd sy'n ymwneud â hybu cyfle cyfartal neu hybu addysg uwch;
 - ansawdd yr addysg a ddarperir gan neu ar ran sefydliadau rheoleiddiedig yn gyffredinol, neu ansawdd yr addysg a ddarperir gan neu ar ran sefydliad rheoleiddiedig penodol;
 - cydymffurfedd gan sefydliadau rheoleiddiedig yn gyffredinol, neu gan sefydliad rheoleiddiedig penodol, â gofynion y Cod.
- (2) Caiff cyfarwyddyd o dan is-adran (1) bennu –
- ffurf a chynnwys adroddiad a wneir at ddibenion yr adran hon;
 - pryd y mae'r adroddiad i'w wneud.

Gwybodaeth arall etc sydd i'w rhoi gan CCAUC

52 Datganiad mewn cysylltiad â swyddogaethau ymyrryd

- (1) Rhaid i CCAUC lunio a chyhoeddi datganiad sy'n nodi sut y mae'n bwriadu arfer ei swyddogaethau ymyrryd.
- (2) O ran CCAUC –
- rhaid iddo adolygu'r datganiad yn gyson;
 - caiff ei ddiwygio.
- (3) Cyn cyhoeddi'r datganiad neu ddatganiad diwygiedig, rhaid i CCAUC ymgynghori â'r canlynol –
- corff llywodraethu pob sefydliad rheoleiddiedig, a
 - unrhyw bersonau eraill sy'n briodol yn ei farn ef.
- (4) Caiff rheoliadau wneud darpariaeth ynghylch –
- llunio'r datganiad (gan gynnwys o ran ei ffurf a'i gynnwys);
 - ei gyhoeddi;
 - yr ymgynghoriad sydd i'w gynnal o dan is-adran (3).

- (7) The Welsh Ministers may by direction specify requirements with which notice given as described in subsection (5) is to comply (including as to form and content, and the time at which it is to be given); and notice is not to be treated as having been given for the purposes of subsection (5) unless it complies with those requirements.

51 Special reports

- (1) HEFCW must if directed to do so by the Welsh Ministers report to the Welsh Ministers on any of the following –
- (a) compliance with section 10(1) by institutions within section 10(2) generally or by a particular institution;
 - (b) compliance with the general requirements of approved plans generally, or with the general requirements of a particular approved plan;
 - (c) the effectiveness of approved plans generally, or the effectiveness of a particular approved plan, in promoting equality of opportunity and promoting higher education;
 - (d) any other matters specified in the direction that relate to the promotion of equality of opportunity or the promotion of higher education;
 - (e) the quality of education provided by or on behalf of regulated institutions generally, or the quality of education provided by or on behalf of a particular regulated institution;
 - (f) compliance by regulated institutions generally, or by a particular regulated institution, with requirements of the Code.
- (2) A direction under subsection (1) may specify –
- (a) the form and content of a report made for the purposes of this section;
 - (b) when the report is to be made.

Other information etc to be given by HEFCW

52 Statement in respect of intervention functions

- (1) HEFCW must prepare and publish a statement setting out how they propose to exercise their intervention functions.
- (2) HEFCW –
- (a) must keep the statement under review;
 - (b) may revise it.
- (3) Before publishing the statement or a revised statement, HEFCW must consult –
- (a) the governing body of each regulated institution, and
 - (b) any other persons they think appropriate.
- (4) Regulations may make provision about –
- (a) the preparation of the statement (including as to its form and content);
 - (b) its publication;
 - (c) the consultation to be carried out under subsection (3).

- (5) Swyddogaethau ymyrryd CCAUC yw ei swyddogaethau o dan y darpariaethau a ganlyn—
- (a) adran 11 (cyfarwyddydau cydymffurfio ac ad-dalu);
 - (b) adran 13 (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â gofynion cyffredinol cynllun a gymeradwywyd);
 - (c) adran 19 (cyfarwyddydau mewn cysylltiad ag ansawdd annigonol);
 - (d) adran 20(1) a (2) (mesurau eraill mewn cysylltiad ag ansawdd annigonol);
 - (e) adran 33 (cyfarwyddydau mewn cysylltiad â methiant i gydymffurfio â'r Cod);
 - (f) adran 34(1) a (2) (mesurau eraill mewn cysylltiad â methiant i gydymffurfio â'r Cod);
 - (g) adran 37 (gwrthod cymeradwyo cynllun ffioedd a mynediad newydd);
 - (h) adrannau 38 a 39 (tynnu cymeradwyaeth i gynllun ffioedd a mynediad presennol yn ôl).

53 Gwybodaeth a chyngor sydd i'w rhoi gan CCAUC i Weinidogion Cymru

- (1) Rhaid i CCAUC, os y'i cyfarwyddir i wneud hynny gan Weinidogion Cymru, roi i Weinidogion Cymru unrhyw wybodaeth a chyngor sy'n ymwneud â hybu cyfle cyfartal a hybu addysg uwch sy'n ofynnol gan Weinidogion Cymru.
- (2) Caiff CCAUC roi i Weinidogion Cymru wybodaeth a chyngor arall sy'n ymwneud â hybu cyfle cyfartal a hybu addysg uwch.

54 Gwybodaeth a chyngor arall

- (1) Caiff CCAUC—
 - (a) adnabod arfer da sy'n ymwneud â hybu cyfle cyfartal a hybu addysg uwch, a
 - (b) rhoi gwybodaeth a chyngor ynghylch yr arfer hwnnw i gorff llywodraethu sefydliad rheoleiddiedig, neu i gyrff llywodraethu sefydliadau rheoleiddiedig yn gyffredinol.
- (2) Wrth arfer ei swyddogaethau, mae corff llywodraethu sefydliad rheoleiddiedig i ystyried unrhyw wybodaeth neu gyngor a roddir gan CCAUC iddo ef, neu i gyrff llywodraethu yn gyffredinol, o dan is-adran (1)(b).
- (3) Caiff CCAUC ddarparu unrhyw wybodaeth a chyngor arall sy'n briodol yn ei farn ef gan roi sylw i'w swyddogaethau a swyddogaethau sefydliadau rheoleiddiedig (ymhlith pethau eraill).
- (4) Caiff yr wybodaeth a'r cyngor hynny (ymhlith pethau eraill) ymwneud â'r canlynol—
 - (a) pwerau a dyletswyddau sefydliadau rheoleiddiedig;
 - (b) trefnu a rheoli materion ariannol sefydliadau rheoleiddiedig;
 - (c) effaith cymeradwyo cynllun ffioedd a mynediad.

- (5) HEFCW's intervention functions are their functions under the following provisions –
- (a) section 11 (compliance and reimbursement directions);
 - (b) section 13 (directions in respect of failure to comply with general requirements of approved plan);
 - (c) section 19 (directions in respect of inadequate quality);
 - (d) section 20(1) and (2) (other measures in respect of inadequate quality);
 - (e) section 33 (directions in respect of failure to comply with the Code);
 - (f) section 34(1) and (2) (other measures in respect of failure to comply with the Code);
 - (g) section 37 (refusal to approve new fee and access plan);
 - (h) sections 38 and 39 (withdrawal of approval of existing fee and access plan).

53 Information and advice to be given by HEFCW to Welsh Ministers

- (1) HEFCW must, if directed to do so by the Welsh Ministers, give the Welsh Ministers such information and advice relating to the promotion of equality of opportunity and the promotion of higher education as the Welsh Ministers may require.
- (2) HEFCW may give the Welsh Ministers other information and advice relating to the promotion of equality of opportunity and the promotion of higher education.

54 Other information and advice

- (1) HEFCW may –
 - (a) identify good practice relating to the promotion of equality of opportunity and the promotion of higher education, and
 - (b) give information and advice about such practice to the governing body of a regulated institution, or to the governing bodies of regulated institutions generally.
- (2) In exercising its functions, the governing body of a regulated institution is to take into account any information or advice given by HEFCW to it, or to governing bodies generally, under subsection (1)(b).
- (3) HEFCW may provide such other information and advice as they think appropriate having regard to (among other things) their functions and those of regulated institutions.
- (4) That information and advice may (among other things) relate to –
 - (a) the powers and duties of regulated institutions;
 - (b) the organisation and management of the financial affairs of regulated institutions;
 - (c) the effect of approval of a fee and access plan.

RHAN 8**CYFFREDINOL****55 Rheoliadau**

- (1) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon yn arferadwy drwy offeryn statudol.
- (2) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon yn cynnwys pŵer –
 - (a) i wneud darpariaeth wahanol at ddibenion gwahanol;
 - (b) i wneud darpariaeth gysylltiedig, atodol, ganlyniadol, drosiannol, ddarfodol neu arbed.
- (3) Ni chaniateir i offeryn statudol sy'n cynnwys (ar ei ben ei hun neu gyda darpariaeth arall) rheoliadau o fewn is-adran (4) gael ei wneud oni bai bod drafft o'r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru ac wedi ei gymeradwyo drwy benderfyniad ganddo.
- (4) Y rheoliadau o fewn yr is-adran hon yw –
 - (a) y rheoliadau cyntaf sydd i'w gwneud o dan adran 2(4);
 - (b) rheoliadau o dan adran 3(4);
 - (c) rheoliadau o dan adran 4(3);
 - (d) y rheoliadau cyntaf sydd i'w gwneud o dan adran 5(3);
 - (e) rheoliadau o dan adran 6(1);
 - (f) rheoliadau o dan adran 7(3);
 - (g) rheoliadau o dan adran 13;
 - (h) rheoliadau o dan adran 38(2) sy'n diwygio darpariaeth yn y Ddeddf hon;
 - (i) rheoliadau o dan adran 58 sy'n diwygio neu'n diddymu darpariaeth mewn –
 - (i) Deddf Seneddol, neu
 - (ii) Mesur neu Ddeddf gan Gynulliad Cenedlaethol Cymru.
- (5) Mae unrhyw offeryn statudol arall sy'n cynnwys rheoliadau a wneir o dan y Ddeddf hon yn ddarostyngedig i gael ei ddiddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.

56 Cyfarwyddydau a roddir gan Weinidogion Cymru

O ran cyfarwyddyd a roddir gan Weinidogion Cymru o dan y Ddeddf hon –

- (a) rhaid iddo fod yn ysgrifenedig;
- (b) caniateir iddo gael ei amrywio neu ei ddirymu drwy gyfarwyddyd diweddarach.

57 Dehongli

- (1) Yn y Ddeddf hon –

ystyr "addysg uwch" ("*higher education*") yw addysg a ddarperir drwy gwrs o unrhyw ddisgrifiad a grybwyllir yn Atodlen 6 i Ddeddf Diwygio Addysg 1988;

PART 8
GENERAL

55 Regulations

- (1) A power to make regulations under this Act is exercisable by statutory instrument.
- (2) A power to make regulations under this Act includes power –
 - (a) to make different provision for different purposes;
 - (b) to make incidental, supplementary, consequential, transitional, transitory or saving provision.
- (3) A statutory instrument containing (whether alone or with other provision) regulations within subsection (4) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.
- (4) The regulations within this subsection are –
 - (a) the first regulations to be made under section 2(4);
 - (b) regulations under section 3(4);
 - (c) regulations under section 4(3);
 - (d) the first regulations to be made under section 5(3);
 - (e) regulations under section 6(1);
 - (f) regulations under section 7(3);
 - (g) regulations under section 13;
 - (h) regulations under section 38(2) which amend a provision of this Act;
 - (i) regulations under section 58 which amend or repeal a provision of –
 - (i) an Act of Parliament, or
 - (ii) a Measure or Act of the National Assembly for Wales.
- (5) Any other statutory instrument containing regulations made under this Act is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

56 Directions given by Welsh Ministers

A direction given by the Welsh Ministers under this Act –

- (a) must be in writing;
- (b) may be varied or revoked by a later direction.

57 Interpretation

- (1) In this Act –

“academic year” (“*blwyddyn academaidd*”) means a period of 12 months;

mae i “annigonol” (“*inadequate*”), mewn perthynas ag ansawdd addysg neu gwrs, yr ystyr a roddir yn adran 18;

ystyr “blwyddyn academiaidd” (“*academic year*”) yw cyfnod o 12 mis;

mae i “blwyddyn academiaidd berthnasol” (“*relevant academic year*”), mewn perthynas â sefydliad y mae cynllun ffioedd a mynediad yn ymwneud ag ef, yr ystyr a roddir yn adran 5;

ystyr “CCAUC” (“*HEFCW*”) yw Cyngor Cyllido Addysg Uwch Cymru;

mae “corff llywodraethu” (“*governing body*”) i’w ddehongli fel a ganlyn—

- (a) mewn perthynas â darparwr hyfforddiant na fyddai, oni bai am yr adran hon, yn cael ei ystyried yn sefydliad, ei ystyr yw unrhyw bersonau sy’n gyfrifol am reoli’r darparwr;
- (b) mewn perthynas â darparwr a ddynodir o dan adran 3, ei ystyr yw unrhyw bersonau sy’n gyfrifol am reoli’r darparwr;
- (c) mewn perthynas ag unrhyw sefydliad arall, mae iddo’r ystyr a roddir i “governing body” gan adran 90(1) o Ddeddf Addysg Bellach ac Uwch 1992, ond yn ddarostyngedig i unrhyw ddarpariaeth a wneir yn rhinwedd adran 90(2) o’r Ddeddf honno;
- (d) mewn perthynas â darparwr allanol nad yw’n sefydliad, ei ystyr yw unrhyw bersonau sy’n gyfrifol am reoli’r darparwr;

ystyr “cwrs cymhwysol” (“*qualifying course*”) yw cwrs a ragnodir o dan adran 5;

mae i “cyfarwyddyd cydymffurfio ac ad-dalu” (“*compliance and reimbursement direction*”) yr ystyr a roddir yn adran 11;

ystyr “cyfle cyfartal” (“*equality of opportunity*”) yw cyfle cyfartal mewn cysylltiad â mynediad i addysg uwch;

mae i “cynllun a gymeradwywyd” (“*approved plan*”) yr ystyr a roddir yn adran 7;

mae i “cynllun ffioedd a mynediad” (“*fee and access plan*”) yr ystyr a roddir yn adran 2;

mae i “darparwr allanol” (“*external provider*”) yr ystyr a roddir yn adran 17;

ystyr “deddfiad” (“*enactment*”) yw darpariaeth sydd wedi ei chynnwys mewn unrhyw un neu ragor o’r canlynol—

- (a) Deddf Seneddol;
- (b) Mesur neu Ddeddf gan Gynulliad Cenedlaethol Cymru;
- (c) is-ddeddfwriaeth o fewn ystyr “subordinate legislation” yn Neddf Dehongli 1978 (gan gynnwys is-ddeddfwriaeth a wnaed o dan Ddeddf Seneddol neu o dan Fesur neu Ddeddf gan Gynulliad Cenedlaethol Cymru);

“applicable fee limit” (“*terfyn ffioedd cymwys*”) has the meaning given in section 10;
“approved plan” (“*cynllun a gymeradwywyd*”) has the meaning given in section 7;
“compliance and reimbursement direction” (“*cyfarwyddyd cydymffurfio ac ad-dalu*”) has the meaning given in section 11;

“enactment” (“*deddfiad*”) means a provision contained in any of the following –

- (a) an Act of Parliament;
- (b) a Measure or Act of the National Assembly for Wales;
- (c) subordinate legislation within the meaning of the Interpretation Act 1978 (including subordinate legislation made under an Act of Parliament or under a Measure or Act of the National Assembly for Wales);

“equality of opportunity” (“*cyfle cyfartal*”) means equality of opportunity in connection with access to higher education;

“excess fees” (“*ffioedd uwchlaw'r terfyn*”) has the meaning given in section 11;

“external provider” (“*darparwr allanol*”) has the meaning given in section 17;

“fee and access plan” (“*cynllun ffioedd a mynediad*”) has the meaning given in section 2;

“fee limit” (“*terfyn ffioedd*”) has the meaning given in section 5;

“fees” (“*ffioedd*”) means fees in respect of, or otherwise in connection with, undertaking a course, including admission, registration, tuition and graduation fees, and fees payable to an institution for awarding or accrediting any part of the course, but excluding –

- (a) fees payable for board or lodging;
- (b) fees payable for field trips (including any tuition element of such fees);
- (c) fees payable for attending any graduation or other ceremony;
- (d) any other fees prescribed for the purposes of this section;

“general requirements” (“*gofynion cyffredinol*”), in relation to an approved plan, is to be read in accordance with section 6;

“governing body” (“*corff llywodraethu*”) –

- (a) in relation to a training provider who but for this section would not be regarded as an institution, means any persons responsible for the provider’s management;
- (b) in relation to a provider designated under section 3, means any persons responsible for the provider’s management;
- (c) in relation to any other institution, has the meaning given by section 90(1) of the Further and Higher Education Act 1992, but subject to any provision made by virtue of section 90(2) of that Act;
- (d) in relation to an external provider that is not an institution, means any persons responsible for the provider’s management;

ystyr “ffioedd” (“*fees*”) yw ffioedd ar gyfer neu fel arall mewn cysylltiad ag ymgymryd â chwrs, gan gynnwys ffioedd derbyn, cofrestru, dysgu a graddio, a ffioedd sy’n daladwy i sefydliad am ddyfarnu neu achredu unrhyw ran o’r cwrs, ond ac eithrio –

- (a) ffioedd sy’n daladwy am fwyd neu lety;
- (b) ffioedd sy’n daladwy am wibdeithiau mae (gan gynnwys unrhyw elfen ddysgu o’r ffioedd hynny);
- (c) ffioedd sy’n daladwy am fod yn bresennol mewn unrhyw seremoni raddio neu seremoni arall;
- (d) unrhyw ffioedd eraill a ragnodir at ddibenion yr adran hon;

mae i “ffioedd cwrs rheoleiddiedig” (“*regulated course fees*”) yr ystyr a roddir yn adran 10;

mae i “ffioedd uwchlaw’r terfyn” (“*excess fees*”) yr ystyr a roddir yn adran 11;

mae “gofynion cyffredinol” (“*general requirements*”) mewn perthynas â chynllun a gymeradwywyd, i’w ddarllen yn unol ag adran 6;

ystyr “hysbysiad” (“*notice*”) yw hysbysiad ysgrifenedig;

mae i “person cymhwysol” (“*qualifying person*”) yr ystyr a roddir yn adran 5;

ystyr “rhagnodedig” ac “a ragnodir” (“*prescribed*”) yw rhagnodedig drwy reoliadau;

ystyr “rheoliadau” (“*regulations*”) yw rheoliadau a wneir gan Weinidogion Cymru;

mae “sefydliad” (“*institution*”) yn cynnwys unrhyw ddarparwr hyfforddiant (pa un a fyddai’r darparwr hyfforddiant fel arall yn cael ei ystyried yn sefydliad ai peidio);

mae i “sefydliad rheoleiddiedig” (“*regulated institution*”) yr ystyr a roddir yn adran 7;

mae i “terfyn ffioedd” (“*fee limit*”) yr ystyr a roddir yn adran 5;

mae i “terfyn ffioedd cymwys” (“*applicable fee limit*”) yr ystyr a roddir yn adran 10.

- (2) Yn is-adran (1), ystyr “darparwr hyfforddiant” yw person sy’n darparu hyfforddiant i aelodau o weithlu’r ysgol (o fewn yr ystyr a roddir i “member of the school workforce” gan adran 100 o Ddeddf Addysg 2005).
- (3) At ddibenion y Ddeddf hon, mae cyfeiriadau at sefydliad yng Nghymru –
 - (a) yn gyfeiriadau at sefydliad y mae ei weithgareddau yn cael eu cynnal yn gyfan gwbl neu’n bennaf yng Nghymru, a
 - (b) yn cynnwys y Brifysgol Agored.

58 Darpariaeth ganlyniadol a throsiannol etc

- (1) Am fân ddiwygiadau a diwygiadau canlyniadol, gweler Rhan 1 o’r Atodlen.
- (2) Am ddarpariaethau trosiannol, gweler Rhan 2 o’r Atodlen.

“HEFCW” (“CCAUC”) means the Higher Education Funding Council for Wales;
 “higher education” (“*addysg uwch*”) means education provided by means of a course of any description mentioned in Schedule 6 to the Education Reform Act 1988;

“inadequate” (“*annigonol*”), in relation to the quality of education or of a course, has the meaning given in section 18;

“institution” (“*sefydliad*”) includes any training provider (whether or not the training provider would otherwise be regarded as an institution);

“notice” (“*hysbysiad*”) means notice in writing;

“prescribed” (“*rhagnodedig*”, “*a ragnodir*”) means prescribed by regulations;

“qualifying course” (“*cwrs cymhwysol*”) means a course prescribed under section 5;

“qualifying person” (“*person cymhwysol*”) has the meaning given in section 5;

“regulated course fees” (“*ffioedd cwrs rheoleiddiedig*”) has the meaning given in section 10;

“regulated institution” (“*sefydliad rheoleiddiedig*”) has the meaning given in section 7;

“regulations” (“*rheoliadau*”) means regulations made by the Welsh Ministers;

“relevant academic year” (“*blwyddyn academaidd berthnasol*”), in relation to an institution to which a fee and access plan relates, has the meaning given in section 5.

- (2) In subsection (1), “training provider” means a person who provides training for members of the school workforce (within the meaning given by section 100 of the Education Act 2005).
- (3) For the purposes of this Act, references to an institution in Wales—
 - (a) are to an institution whose activities are wholly or principally carried on in Wales, and
 - (b) include the Open University.

58 Consequential and transitional provision etc

- (1) For minor and consequential amendments, see Part 1 of the Schedule.
- (2) For transitional provisions, see Part 2 of the Schedule.

- (3) Caiff Gweinidogion Cymru drwy reoliadau wneud –
 - (a) unrhyw ddarpariaeth gysylltiedig, atodol neu ganlyniadol, neu
 - (b) unrhyw ddarpariaeth drosiannol, ddarfodol neu arbed,sy'n briodol yn eu barn hwy o ganlyniad i ddarpariaeth yn y Ddeddf hon, neu er mwyn rhoi effaith lawn i ddarpariaeth yn y Ddeddf hon.
- (4) Mae'r ddarpariaeth y caniateir iddi gael ei gwneud drwy reoliadau o dan yr adran hon yn cynnwys darpariaeth sy'n diwygio, yn diddymu neu'n dirymu deddfiad.

59 Cychwyn

- (1) Daw'r darpariaethau a ganlyn i rym ar y diwrnod y mae'r Ddeddf hon yn cael y Cydsyniad Brenhinol –
 - (a) Rhan 1;
 - (b) adran 55;
 - (c) adran 56;
 - (d) adran 57;
 - (e) adran 58(3) a (4);
 - (f) yr adran hon;
 - (g) adran 60.
- (2) Daw darpariaethau eraill y Ddeddf hon i rym ar ddiwrnod y caiff Gweinidogion Cymru ei bennu drwy orchymyn a wneir drwy offeryn statudol.
- (3) Caiff gorchymyn o dan is-adran (2) –
 - (a) pennu diwrnodau gwahanol at ddibenion gwahanol; a
 - (b) gwneud darpariaeth drosiannol, ddarfodol neu arbed mewn cysylltiad â dyfodiad darpariaeth yn y Ddeddf hon i rym.

60 Enw byr etc

- (1) Enw byr y Ddeddf hon yw Deddf Addysg Uwch (Cymru) 2015.
- (2) Mae'r Ddeddf hon i'w chynnwys yn y rhestr o Ddeddfau Addysg a nodir yn adran 578 o Ddeddf Addysg 1996.

- (3) The Welsh Ministers may by regulations make such—
 - (a) incidental, supplementary or consequential provision, or
 - (b) transitional, transitory or saving provision,as they think appropriate in consequence of, or for giving full effect to, a provision of this Act.
- (4) The provision that may be made by regulations under this section includes provision amending, repealing or revoking an enactment.

59 Commencement

- (1) The following provisions come into force on the day on which this Act receives Royal Assent—
 - (a) Part 1;
 - (b) section 55;
 - (c) section 56;
 - (d) section 57;
 - (e) section 58(3) and (4);
 - (f) this section;
 - (g) section 60.
- (2) The other provisions of this Act come into force on such day as the Welsh Ministers may appoint by order made by statutory instrument.
- (3) An order under subsection (2) may—
 - (a) appoint different days for different purposes;
 - (b) make transitional, transitory or saving provision in connection with the coming into force of a provision of this Act.

60 Short title etc

- (1) The short title of this Act is the Higher Education (Wales) Act 2015.
- (2) This Act is to be included in the list of Education Acts set out in section 578 of the Education Act 1996.

ATODLEN
(a gyflwynwyd gan adran 58)

DARPARIAETH GANLYNIADOL A THROSIANNOL ETC

RHAN 1

MÂN DDIWYGIADAU A DIWYGIADAU CANLYNIADOL

Deddf Addysg Bellach ac Uwch 1992

- 1 Mae Deddf Addysg Bellach ac Uwch 1992 wedi ei diwygio fel a ganlyn.
- 2 (1) Mae adran 70 (asesu ansawdd yr addysg a ddarperir gan sefydliadau) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1), yn lle "Each council" rhodder "The Higher Education Funding Council for England".
- (3) Yn y teitl, yn lle "Assessment" rhodder "England: assessment".
- 3 Yn adran 83 (astudiaethau effeithlonrwydd), yn ail golofn y tabl yn is-adran (1B), ar ôl "An institution within the higher education sector" mewnosoder –
- "A regulated institution for the purposes of the Higher Education (Wales) Act 2015 (including a provider designated under section 3 of that Act which is treated as being a regulated institution for the purposes of that Act)."
- 4 (1) Mae adran 91 wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (5), ar ôl paragraph (a) mewnosoder –
- "(aa) universities that are regulated institutions,".
- (3) Ar ôl is-adran (5) mewnosoder –
- "(5A) For the purposes of subsection (5)(aa), a regulated institution is an institution to which an approved plan, within the meaning given in section 7 of the Higher Education (Wales) Act 2015, relates."

Deddf Addysg 1996

- 5 Yn adran 4 o Ddeddf Addysg 1996 (ysgolion: cyffredinol), yn is-adran (4), ar ddiwedd paragraff (c) mewnosoder ", or
- (d) a university to which an approved plan, within the meaning given in section 7 of the Higher Education (Wales) Act 2015, relates".

Deddf Addysg 2002

- 6 Yn adran 140 o Ddeddf Addysg 2002 (addysg bellach: cyffredinol), ar ôl is-adran (3) mewnosoder –

SCHEDULE
(introduced by section 58)

CONSEQUENTIAL AND TRANSITIONAL PROVISION ETC

PART 1

MINOR AND CONSEQUENTIAL AMENDMENTS

Further and Higher Education Act 1992

- 1 The Further and Higher Education Act 1992 is amended as follows.
- 2 (1) Section 70 (assessment of quality of education provided by institutions) is amended as follows.
 - (2) In subsection (1), for “Each council” substitute “The Higher Education Funding Council for England”.
 - (3) In the title, for “Assessment” substitute “England: assessment”.
- 3 In section 83 (efficiency studies), in the second column of the table in subsection (1B), after “An institution within the higher education sector” insert—

“A regulated institution for the purposes of the Higher Education (Wales) Act 2015 (including a provider designated under section 3 of that Act which is treated as being a regulated institution for the purposes of that Act).”
- 4 (1) Section 91 is amended as follows.
 - (2) In subsection (5), after paragraph (a) insert—

“(aa) universities that are regulated institutions,”.
 - (3) After subsection (5) insert—

“(5A) For the purposes of subsection (5)(aa), a regulated institution is an institution to which an approved plan, within the meaning given in section 7 of the Higher Education (Wales) Act 2015, relates.”

Education Act 1996

- 5 In section 4 of the Education Act 1996 (schools: general), in subsection (4), at the end of paragraph (c) insert “, or
 - (d) a university to which an approved plan, within the meaning given in section 7 of the Higher Education (Wales) Act 2015, relates”.

Education Act 2002

- 6 In section 140 of the Education Act 2002 (further education: general), after subsection (3) insert—

- “(4) For the purposes of section 138(3), a university to which an approved plan relates is to be treated (in any case where it would not be so treated but for this subsection) as being a higher education institution.
- (5) “Approved plan”, in subsection (4), has the meaning given in section 7 of the Higher Education (Wales) Act 2015.”

Deddf Addysg Uwch 2004

- 7 Mae Deddf Addysg Uwch 2004 wedi ei diwygio fel a ganlyn.
- 8 Yn adran 22 (ystyr “cynllun” etc), ym mharagraff (b), yn lle’r geiriau o “or a” i’r diwedd rhodder “is a reference to a plan approved under section 34.”
- 9 Hepgorer adrannau 27 ac 28.
- 10 (1) Mae adran 29 (darpariaeth atodol) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1), hepgorer “or 28”.
- (3) Yn is-adran (2), hepgorer “or 28(6)”.
- (4) Yn is-adran (3) –
- (a) yn y geiriau sy’n rhagflaenu paragraff (a) –
- (i) yn lle “, the Education Act 2002 or the 2005 Act” rhodder “or the Education Act 2002”;
- (ii) yn lle’r geiriau o “, the Assembly” i “for Wales” rhodder “or the Higher Education Funding Council for England”;
- (b) hepgorer paragraff (b);
- (c) ym mharagraff (c), yn lle’r geiriau o “or 28” i “Councils” rhodder “imposed by the Higher Education Funding Council for England”.
- (5) Yn y teitl, yn lle “28” rhodder “26”.
- 11 (1) Mae adran 30 (ystyr “yr awdurdod perthnasol”) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1), hepgorer paragraff (b) (a’r “and” sy’n ei ragflaenu).
- (3) Hepgorer is-adrannau (2) a (3).
- 12 Yn adran 32 (dyletswyddau cyffredinol awdurdod perthnasol), hepgorer is-adran (4).
- 13 (1) Mae adran 33 (cynnwys cynlluniau) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (2), yn lle “In relation to England, a” rhodder “A”.
- (3) Hepgorer is-adran (3).
- (4) Yn is-adran (4), hepgorer “or (3)”.
- (5) Yn is-adran (5) –
- (a) yn y geiriau sy’n rhagflaenu paragraff (a), hepgorer “or (3)”;
- (b) ym mharagraff (d), hepgorer y geiriau o “and” i ddiwedd y paragraff.
- (6) Yn is-adran (6), hepgorer “or (3)”.
- (7) Yn is-adran (7) –
- (a) yn lle’r diffiniad o “the higher amount” rhodder –

- “(4) For the purposes of section 138(3), a university to which an approved plan relates is to be treated (in any case where it would not be so treated but for this subsection) as being a higher education institution.
- (5) “Approved plan”, in subsection (4), has the meaning given in section 7 of the Higher Education (Wales) Act 2015.”

Higher Education Act 2004

7 The Higher Education Act 2004 is amended as follows.

8 In section 22 (meaning of “plan” etc), in paragraph (b), for the words from “or a” to the end substitute “is a reference to a plan approved under section 34.”

9 Omit sections 27 and 28.

10 (1) Section 29 (supplementary provision) is amended as follows.

(2) In subsection (1), omit “or 28”.

(3) In subsection (2), omit “or 28(6)”.

(4) In subsection (3) –

(a) in the words preceding paragraph (a) –

(i) for “, the Education Act 2002 or the 2005 Act” substitute “or the Education Act 2002”;

(ii) for the words from “, the Assembly” to “for Wales” substitute “or the Higher Education Funding Council for England”;

(b) omit paragraph (b);

(c) in paragraph (c), for the words from “or 28” to “Councils” substitute “imposed by the Higher Education Funding Council for England”.

(5) In the title, for “28” substitute “26”.

11 (1) Section 30 (meaning of “the relevant authority”) is amended as follows.

(2) In subsection (1), omit paragraph (b) (and the “and” preceding it).

(3) Omit subsections (2) and (3).

12 In section 32 (general duties of relevant authority), omit subsection (4).

13 (1) Section 33 (contents of plans) is amended as follows.

(2) In subsection (2), for “In relation to England, a” substitute “A”.

(3) Omit subsection (3).

(4) In subsection (4), omit “or (3)”.

(5) In subsection (5) –

(a) in the words preceding paragraph (a), omit “or (3)”;

(b) in paragraph (d), omit the words from “and” to the end of the paragraph.

(6) In subsection (6), omit “or (3)”.

(7) In subsection (7) –

(a) for the definition of “the higher amount” substitute –

“the higher amount” means the amount from time to time prescribed as the higher amount under section 24(6);”;

(b) yn lle’r diffiniad o “qualifying course” a “qualifying person” rhodder –

““qualifying course” and “qualifying person” have the same meaning as in section 24;”;

(c) yn lle’r diffiniad o “regulations” rhodder –

““regulations” means regulations made by the Secretary of State.”

14 (1) Mae adran 34 (cymeradwyo cynlluniau) wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (1)(a) –

(a) ar ôl “grants” mewnosoder “from the Higher Education Funding Council for England”;

(b) hepgorer “or section 86 of the 2005 Act”.

(3) Yn is-adran (7), yn lle’r geiriau o “made” i ddiwedd yr is-adran rhodder “made by the Secretary of State”.

15 Yn adran 35 (cyfnod para cynlluniau), yn is-adran (2) hepgorer paragraff (b) (a’r “or” sy’n ei ragflaenu).

16 (1) Mae adran 36 (amrywio cynlluniau) wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (1), hepgorer “or a Welsh approved plan”.

(3) Yn is-adran (2), hepgorer paragraff (b) (a’r “or” sy’n ei ragflaenu).

17 Yn adran 37 (gorfodi cynlluniau), yn y teitl hepgorer “: England”.

18 Hefgorer adran 38.

19 Yn adran 39 (adolygu penderfyniadau) –

(a) yn y geiriau sy’n rhagflaenu paragraff (a), yn lle “, 37(3)(b) or 38(3)(b)” rhodder “or 37(3)(b)”;

(b) ym mharagraff (b), hepgorer is-baragraff (ii) (a’r “or” sy’n ei ragflaenu);

(c) ym mharagraff (c), hepgorer “or the Assembly”.

20 Hefgorer adran 40A (darparu adroddiadau etc gan awdurdod perthnasol o ran Cymru).

21 Yn adran 41 (dehongli Rhan 3), yn is-adran (1) –

(a) yn y diffiniad o “fees”, ym mharagraff (e), hepgorer is-baragraff (ii) (a’r “or” sy’n ei ragflaenu);

(b) hepgorer y diffiniad o “Welsh approved plan”.

Deddf Addysg 2005

22 Yn Atodlen 14 i Ddeddf Addysg 2005 (diwygiadau yn ymwneud â hyfforddi gweithlu’r ysgol), hepgorer paragraffau 27 i 29.

“the higher amount” means the amount from time to time prescribed as the higher amount under section 24(6);”;

(b) for the definition of “qualifying course” and “qualifying person” substitute—

““qualifying course” and “qualifying person” have the same meaning as in section 24;”;

(c) for the definition of “regulations” substitute—

““regulations” means regulations made by the Secretary of State.”

14 (1) Section 34 (approval of plans) is amended as follows.

(2) In subsection (1)(a) —

(a) after “grants” insert “from the Higher Education Funding Council for England”;

(b) omit “or section 86 of the 2005 Act”.

(3) In subsection (7), for the words from “made” to the end of the subsection substitute “made by the Secretary of State”.

15 In section 35 (duration of plans), in subsection (2) omit paragraph (b) (and the “or” preceding it).

16 (1) Section 36 (variation of plans) is amended as follows.

(2) In subsection (1), omit “or a Welsh approved plan”.

(3) In subsection (2), omit paragraph (b) (and the “or” preceding it).

17 In section 37 (enforcement of plans), in the title omit “: England”.

18 Omit section 38.

19 In section 39 (review of decisions) —

(a) in the words preceding paragraph (a), for “, 37(3)(b) or 38(3)(b)” substitute “or 37(3)(b)”;

(b) in paragraph (b), omit sub-paragraph (ii) (and the “or” preceding it);

(c) in paragraph (c), omit “or the Assembly”.

20 Omit section 40A (provision of reports etc by relevant authority in relation to Wales).

21 In section 41 (interpretation of Part 3), in subsection (1) —

(a) in the definition of “fees”, in paragraph (e), omit sub-paragraph (ii) (and the “or” preceding it);

(b) omit the definition of “Welsh approved plan”.

Education Act 2005

22 In Schedule 14 to the Education Act 2005 (amendments relating to the training of the school workforce), omit paragraphs 27 to 29.

Deddf Llywodraeth Cymru 2006

- 23 Yn Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (darpariaethau trosiannol), ym mharagraff 35—
- (a) yn is-baragraff (3), yn Nhabl 1 hepgorer y cofnod yn ymwneud ag adran 33(3)(a) (ii) o Ddeddf Addysg Uwch 2004;
 - (b) yn is-baragraff (4), yn Nhabl 2 hepgorer y cofnodion yn ymwneud ag adrannau 30(1)(b) a 38(2) o'r Ddeddf honno.

Deddf Addysg 2011

- 24 Mae Deddf Addysg 2011 wedi ei diwygio fel a ganlyn.
- 25 (1) Mae adran 77 (terfyn ar ffioedd myfyrwyr: cyrsiau rhan-amser) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (2), ar y diwedd mewnosoder "by regulations made by the Secretary of State".
 - (3) Hepgorer is-adran (3).
- 26 (1) Mae Atodlen 5 (diddymu'r Asiantaeth Hyfforddi a Datblygu: diwygiadau canlyniadol) wedi ei diwygio fel a ganlyn.
- (2) Hepgorer paragraffau 21 a 22.
 - (3) Ym mharagraff 23, hepgorer paragraffau (a) a (b).
 - (4) Hepgorer paragraff 27.

RHAN 2

DARPARIAETH DROSIANNOL

Cynlluniau a gymeradwywyd o dan Ddeddf Addysg Uwch 2004

- 27 Mae paragraff 28 yn gymwys i'r graddau y mae cynllun o dan Ddeddf 2004 yn pennu terfyn nad yw'r ffioedd sy'n daladwy gan berson sy'n berson cymhwysol i fynd uwch ei law, neu'n darparu ar gyfer penderfynu ar y terfyn hwnnw—
- (a) mewn cysylltiad â'r person yn ymgymryd â chwrs sy'n gwrs cymhwysol, a
 - (b) mewn cysylltiad â blwyddyn academaidd sy'n gymwys i'r cwrs ac sy'n dechrau yn ystod y cyfnod trosiannol ("blwyddyn academaidd drosiannol").
- 28 Mae'r cynllun i'w drin yn ystod y cyfnod trosiannol fel pe bai'n gynllun ffioedd a mynediad sydd wedi ei gymeradwyo o dan adran 7, at ddibenion—
- (a) adran 4(4)(b);
 - (b) adrannau 10 i 12, 14, 15(1)(a) ac 16;
 - (c) adrannau 17 i 23;
 - (d) adran 24(2)(a);
 - (e) adran 28(2);
 - (f) adrannau 51(1)(e), 52(3) a 54(1);

Government of Wales Act 2006

- 23 In Schedule 11 to the Government of Wales Act 2006 (transitional provisions), in paragraph 35—
- (a) in sub-paragraph (3), in Table 1 omit the entry relating to section 33(3)(a)(ii) of the Higher Education Act 2004;
 - (b) in sub-paragraph (4), in Table 2 omit the entries relating to sections 30(1)(b) and 38(2) of that Act.

Education Act 2011

- 24 The Education Act 2011 is amended as follows.
- 25 (1) Section 77 (limit on student fees: part-time courses) is amended as follows.
- (2) In subsection (2), at the end insert “by regulations made by the Secretary of State”.
 - (3) Omit subsection (3).
- 26 (1) Schedule 5 (abolition of the TDA: consequential amendments) is amended as follows.
- (2) Omit paragraphs 21 and 22.
 - (3) In paragraph 23, omit paragraphs (a) and (b).
 - (4) Omit paragraph 27.

PART 2

TRANSITIONAL PROVISION

Plans approved under the Higher Education Act 2004

- 27 Paragraph 28 applies to the extent that a 2004 Act plan specifies, or provides for the determination of, a limit which is not to be exceeded by the fees payable by a person who is a qualifying person—
- (a) in connection with the person’s undertaking a course that is a qualifying course, and
 - (b) in respect of an academic year applicable to the course and beginning during the transitional period (a “transitional academic year”).
- 28 The plan is to be treated during the transitional period as being a fee and access plan that has been approved under section 7, for the purposes of—
- (a) section 4(4)(b);
 - (b) sections 10 to 12, 14, 15(1)(a) and 16;
 - (c) sections 17 to 23;
 - (d) section 24(2)(a);
 - (e) section 28(2);
 - (f) sections 51(1)(e), 52(3) and 54(1);

- (g) unrhyw ddeddfiad arall, pryd bynnag y'i deddfir neu y'i gwneir, a bennir mewn rheoliadau ("deddfiad cymwysedig").

Ond mae hyn yn ddarostyngedig i unrhyw ddarpariaeth a wneir o dan baragraff 30.

- 29 (1) At y diben hwn –
- (a) mae'r cynllun i'w drin fel pe bai wedi ei gymeradwyo o dan adran 7 ar y diwrnod y daw'r paragraff hwn i rym;
 - (b) mae'r cyfnod, sef y cyfnod trosiannol (gweler is-baragraff (2)), i'w drin fel y cyfnod a bennir yn y cynllun o dan adran 4;
 - (c) mae'r terfyn a ddarperir gan y cynllun ar gyfer cwrs a blwyddyn academaidd drosiannol i'w drin fel y terfyn ffioedd cymwys ar gyfer y cwrs a'r flwyddyn academaidd o dan sylw;
 - (d) mae'r sefydliad y mae'r cynllun yn ymwneud ag ef i'w drin fel pe bai'n sefydliad rheoleiddiedig.
- (2) Y cyfnod trosiannol yw'r cyfnod sy'n dechrau ar y diwrnod y daw'r paragraff hwn i rym ac sy'n dod i ben ar 31 Awst 2017.
- (3) Mae "cynllun o dan Ddeddf 2004" yn gynllun a gymeradwywyd o ran Cymru, o dan adran 34 o Ddeddf Addysg Uwch 2004, cyn i'r paragraff hwn ddod i rym.
- 30 (1) Caiff rheoliadau wneud darpariaeth ynghylch cymhwyso darpariaeth y cyfeirir ati ym mharagraff 28(a) i (f), neu ddeddfiad cymwysedig, i gynllun o dan Ddeddf 2004 yn ystod y cyfnod trosiannol.
- (2) Caiff y rheoliadau (ymhlith pethau eraill) ddarparu'r canlynol o ran darpariaeth neu ddeddfiad cymwysedig –
- (a) nid yw i fod yn gymwys i gynllun o dan Ddeddf 2004 yn ystod y cyfnod trosiannol, neu
 - (b) mae i fod yn gymwys gydag addasiadau.

Aelodau'r Pwyllgor Asesu Ansawdd

- 31 (1) Mae'r paragraff hwn yn gymwys i berson sydd, yn union cyn i adran 25 ddod i rym, yn aelod o'r Pwyllgor Asesu Ansawdd a sefydlwyd gan CCAUC o dan adran 70(1)(b) o Ddeddf Addysg Bellach ac Uwch 1992 ("yr hen bwyllgor").
- (2) Pan ddaw adran 25 i rym, daw'r person yn aelod o'r pwyllgor a sefydlir gan CCAUC o dan yr adran honno ("y pwyllgor newydd").
- (3) Mae aelodaeth y person o'r pwyllgor newydd –
- (a) ar yr un telerau â phenodiad y person i'r hen bwyllgor, a
 - (b) am gyfnod sy'n gyfatebol i gyfnod y penodiad hwnnw sy'n parhau i fod pan ddaw adran 25 i rym.

- (g) any other enactment, whenever enacted or made, specified in regulations (an “applied enactment”).

But this is subject to any provision made under paragraph 30.

- 29 (1) For this purpose –
- (a) the plan is to be treated as having been approved under section 7 on the day on which this paragraph comes into force;
 - (b) the period that is the transitional period (see sub-paragraph (2)) is to be treated as being the period specified in the plan under section 4;
 - (c) the limit provided by the plan for a course and a transitional academic year is to be treated as being the applicable fee limit for the course and academic year in question;
 - (d) the institution to which the plan relates is to be treated as being a regulated institution.
- (2) The transitional period is the period beginning with the coming into force of this paragraph and ending with 31 August 2017.
- (3) A “2004 Act plan” is a plan approved in relation to Wales, under section 34 of the Higher Education Act 2004, before the coming into force of this paragraph.
- 30 (1) Regulations may make provision about the application of a provision referred to in paragraph 28(a) to (f), or an applied enactment, to a 2004 Act plan during the transitional period.
- (2) The regulations may (among other things) provide that a provision or an applied enactment –
- (a) is not to apply to a 2004 Act plan during the transitional period, or
 - (b) is to apply with modifications.

Members of Quality Assessment Committee

- 31 (1) This paragraph applies to a person who, immediately before the coming into force of section 25, is a member of the Quality Assessment Committee established by HEFCW under section 70(1)(b) of the Further and Higher Education Act 1992 (“the old committee”).
- (2) On the coming into force of section 25, the person becomes a member of the committee established by HEFCW under that section (“the new committee”).
- (3) The person’s membership of the new committee is –
- (a) on the same terms as the person’s appointment to the old committee, and
 - (b) for a period equivalent to the period of that appointment which remains on the coming into force of section 25.

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