



OFFERYNNAU STATUDOL
CYMRU

2011 Rhif 965 (Cy.139)

ADDYSG, CYMRU

Gorchymyn Cyngor Cyllido
Addysg Uwch Cymru
(Swyddogaethau Atodol) 2011

NODYN ESBONIADOL

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

Mae adran 69(5) o Ddeddf Addysg Bellach ac Uwch 1992 yn darparu y caiff Gweinidogion Cymru, drwy orchymyn, roi unrhyw swyddogaethau atodol yn ymwneud â darparu addysg sydd yn eu barn hwy yn briodol i Gyngor Cyllido Addysg Uwch Cymru neu osod y swyddogaethau atodol hynny arno.

Mae'r Gorchymyn hwn yn rhoi swyddogaethau atodol i Gyngor Cyllido Addysg Uwch Cymru.

Mae'r swyddogaethau a roddir gan y Gorchymyn hwn yn swyddogaethau y caiff Gweinidogion Cymru eu harfer mewn rheoliadau a wneir o dan adran 22 o Ddeddf Addysgu ac Addysg Uwch 1998 sy'n ymwneud â thalu grant ffioedd dysgu i sefydliadau addysg uwch (ac adennill y grant hwnnw) mewn perthynas â myfyrwyr sy'n dechrau cyrsiau addysg uwch dynodedig ar 1 Medi 2012 neu ar ôl hynny.

WELSH STATUTORY
INSTRUMENTS

2011 No. 965 (W.139)

EDUCATION, WALES

The Higher Education Funding
Council for Wales (Supplementary
Functions) Order 2011

EXPLANATORY NOTE

(This note is not part of the Order)

Section 69(5) of the Further and Higher Education Act 1992 provides that the Welsh Ministers may, by order, confer or impose on the Higher Education Funding Council for Wales such supplementary functions relating to the provision of education as they think fit.

This Order confers supplementary functions on the Higher Education Funding Council for Wales.

The functions conferred by this Order are functions exercisable by the Welsh Ministers in regulations made under section 22 of the Teaching and Higher Education Act 1998 which relate to the payment of tuition fee grant to higher education institutions (and the recovery of such grant) in respect of students starting designated higher education courses on or after 1 September 2012.

2011 Rhif 965 (Cy.139)

ADDYSG, CYMRU

**Gorchymyn Cyngor Cyllido
Addysg Uwch Cymru
(Swyddogaethau Atodol) 2011**

<i>Gwnaed</i>	<i>28 Mawrth 2011</i>
<i>Gosodwyd gerbron Cynulliad Cenedlaethol Cymru</i>	<i>29 Mawrth 2011</i>
<i>Yn dod i rym</i>	<i>19 Ebrill 2011</i>

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 69(5) ac 89(4) o Ddeddf Addysg Bellach ac Uwch 1992(1), ac sydd bellach yn arferadwy ganddynt hwy(2) yn gwneud y Gorchymyn a ganlyn:

Enwi, cychwyn, cymhwyso a dehongli

1.–(1) Enw'r Gorchymyn hwn yw Gorchymyn Cyngor Cyllido Addysg Uwch Cymru (Swyddogaethau Atodol) 2011 a daw i rym ar 19 Ebrill 2011.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(3) Yn y Gorchymyn hwn—

- (a) ystyr "Rheoliadau 2011" ("*the 2011 Regulations*") yw Rheoliadau Grantiau a Benthyciadau y Cynulliad (Addysg Uwch) (Cymru) (Rhif 2) 2011(3); a
- (b) mae i "grant ffioedd newydd" ("*new fee grant*") yr ystyr a roddir iddo gan reoliad 2(1) o Reoliadau 2011.

(1) 1992 p.13; diwygiwyd adran 89(4) gan Ddeddf Addysg Bellach a Hyfforddi 2007 (p.25), adran 26 ac Atodlen 1, paragraff 11.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 69(5), i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) - gweler y cyfeiriad at Ddeddf Addysg Bellach ac Uwch 1992 yn Atodlen 1 i'r Gorchymyn hwnnw. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32), a pharagraff 30 o Atodlen 11 iddi, mae'r swyddogaethau hynny'n arferadwy gan Weinidogion Cymru.

(3) O.S. 2011/886 (Cy.130).

2011 No. 965 (W.139)

EDUCATION, WALES

**The Higher Education Funding
Council for Wales (Supplementary
Functions) Order 2011**

<i>Made</i>	<i>28 March 2011</i>
<i>Laid before the National Assembly for Wales</i>	<i>29 March 2011</i>
<i>Coming into force</i>	<i>19 April 2011</i>

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by section 69(5) and 89(4) of the Further and Higher Education Act 1992(1), and now exercisable by them(2) make the following Order:

Title, commencement, application and interpretation

1.–(1) The title of this Order is the Higher Education Funding Council for Wales (Supplementary Functions) Order 2011 and it comes into force on 19 April 2011.

(2) This Order applies in relation to Wales.

(3) In this Order—

- (a) "the 2011 Regulations" ("*Rheoliadau 2011*") means the Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011(3); and
- (b) "new fee grant" ("*grant ffioedd newydd*") has the meaning given by regulation 2(1) of the 2011 Regulations.

(1) 1992 c.13; section 89(4) was amended by the Further Education and Training Act 2007 (c.25), section 26 and Schedule 1, paragraph 11.

(2) The functions of the Secretary of State under section 69(5) were transferred, so far as exercisable in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) - see the reference to the Further and Higher Education Act 1992 in Schedule 1 to that order. By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32) those functions are exercisable by the Welsh Ministers.

(3) S.I. 2011/886 (W.130).

Swyddogaethau Atodol

2. Mae'r swyddogaethau a ganlyn, sef swyddogaethau Gweinidogion Cymru o dan Reoliadau 2011⁽¹⁾, wedi eu rhoi i Gyngor Cyllido Addysg Uwch Cymru⁽²⁾—

- (a) swyddogaethau yn ymwneud â thalu grant ffioedd newydd o dan reoliad 65 o Reoliadau 2011;
- (b) swyddogaethau yn ymwneud ag adennill gordalu'r grant ffioedd newydd o dan reoliad 70 o Reoliadau 2011; ac
- (c) swyddogaethau yn ymwneud â gwneud cais am wybodaeth o dan Atodlen 3 i Reoliadau 2011 a chael yr wybodaeth honno, i'r graddau y mae'r swyddogaethau hynny yn ymwneud â thalu neu adennill grant ffioedd newydd.

3. Nid oes dim yn y Gorchymyn hwn yn atal Gweinidogion Cymru rhag arfer y swyddogaethau a ddisgrifir yn erthygl 2.

Supplementary Functions

2. The following functions, being functions of the Welsh Ministers under the 2011 Regulations⁽¹⁾, are conferred on the Higher Education Funding Council for Wales⁽²⁾—

- (a) functions relating to the payment of new fee grant under regulation 65 of the 2011 Regulations;
- (b) functions relating to the recovery of an overpayment of new fee grant under regulation 70 of the 2011 Regulations; and
- (c) functions relating to a request for and receipt of information under Schedule 3 to the 2011 Regulations, in so far as those functions relate to the payment or recovery of a new fee grant.

3. Nothing in this Order prevents the Welsh Ministers from exercising the functions described in article 2.

Leighton Andrews

Y Gweinidog dros Blant, Addysg, a Dysgu Gydol Oes,
un o Weinidogion Cymru

Minister for Children, Education and Lifelong
Learning, one of the Welsh Ministers

28 Mawrth 2011

28 March 2011

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(1) Mae adran 69(6) o Ddeddf Addysg Bellach ac Uwch 1992 yn disgrifio'r amgylchiadau pan fo swyddogaeth yn swyddogaeth atodol o ran y Cyngor Cyllido.

(2) A sefydlwyd gan adran 62 o Ddeddf Addysg Bellach ac Uwch 1992.

(1) Section 69(6) of the Further and Higher Education Act 1992 describes the circumstances in which a function is a supplementary function in relation to the Funding Council.

(2) Established by section 62 of the Further and Higher Education Act 1992.

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