



OFFERYNNAU STATUDOL CYMRU

2021 Rhif 1365 (Cy. 360)

ADDYSG, CYMRU

**Rheoliadau Addysg (Ffioedd Myfyrwyr, Dyfarndaliadau a
Chymorth) (Diwygio) (Cymru) 2021**

Gwnaed

1 Rhagfyr 2021

Gosodwyd gerbron Senedd Cymru

3 Rhagfyr 2021

Yn dod i rym

31 Rhagfyr 2021

WELSH STATUTORY INSTRUMENTS

2021 No. 1365 (W. 360)

EDUCATION, WALES

**The Education (Student Fees, Awards and Support)
(Amendment) (Wales) Regulations 2021**

Made

1 December 2021

Laid before Senedd Cymru

3 December 2021

Coming into force

31 December 2021



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2021 Rhif 1365 (Cy. 360)

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ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Ffioedd
Myfyrwyr, Dyfarndaliadau a
Chymorth) (Diwygio) (Cymru)
2021**

**The Education (Student Fees,
Awards and Support) (Amendment)
(Wales) Regulations 2021**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2017 ("Rheoliadau 2017") a Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2018 ("Rheoliadau 2018").

Mae'r diwygiadau a wneir gan y Rheoliadau hyn yn sicrhau bod effaith lawn yn cael ei rhoi i'r cytundeb ymadael â'r UE fel y mae'n ymwneud â hawliau'r rheini sy'n gwneud ceisiadau hwyr i'r Cynllun Preswyllo'n Sefydlog i Ddinasyddion yr UE ac i aelodau o'r teulu a fydd yn ymuno â hwy yn y dyfodol ond nad ydynt eto wedi gwneud cais ac sy'n dal i fod o fewn y terfyn amser ar gyfer gwneud hynny.

Mae'r darpariaethau presennol sy'n ymwneud â chymhwysra myfyrwyr i gael cymorth i fyfyrwyr Cymreig wedi eu diwygio fel nad yw personau (ac eithrio dinasyddion Gwyddelig penodol) sy'n dod i Gymru o Ynys Manaw ac Ynysoedd y Sianel at ddibenion astudio yn gymwys i gael cymorth at ffioedd dysgu.

Mae diwygiadau wedi eu gwneud hefyd i Reoliadau 2017 a Rheoliadau 2018 i wneud dinasyddion Gwyddelig sy'n byw yn yr AEE neu'r Swistir ar ddiwedd y cyfnod pontio yn gymwys i gael cymorth i fyfyrwyr os ydynt yn dechrau cyrsiau yng Nghymru ar neu cyn 31 Rhagfyr 2027.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Support) (Wales) Regulations 2017 ("the 2017 Regulations") and the Education (Student Support) (Wales) Regulations 2018 ("the 2018 Regulations").

Amendments made by these Regulations ensure that full effect is given to the EU withdrawal agreement as it relates to the rights of those making late applications to the EU Settlement Scheme (EUSS) and to future joining family members who have yet to apply to the EUSS and are still within the deadline for doing so.

Existing provisions relating to eligibility of students to receive Welsh student support are amended so that persons (other than certain Irish citizens) who come to Wales from the Isle of Man and the Channel Islands for the purpose of study are not eligible for tuition fee support.

Amendments are also made to the 2017 Regulations and the 2018 Regulations to make Irish citizens living in the EEA or Switzerland at the end of the transition period eligible for student support if starting courses in Wales on or before 31 December 2027.

Mae'r Rheoliadau hyn hefyd yn gwneud diwygiadau cyfatebol i'r Rheoliadau a ganlyn—

Rheoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007;

Rheoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) 2015;

Rheoliadau Addysg (Benthyciadau at Radd Feistr Ôl-raddedig) (Cymru) 2017;

Rheoliadau Addysg (Benthyciadau at Radd Ddoethurol Ôl-raddedig) (Cymru) 2018;

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

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Is-adran Addysg Uwch, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

These Regulations also make corresponding amendments to—

The Education (Fees and Awards) (Wales) Regulations 2007;

The Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015;

The Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017;

The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018;

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

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Higher Education Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

2021 Rhif 1365 (Cy. 360)

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ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Ffioedd
Myfyrwyr, Dyfardaliadau a
Chymorth) (Diwygio) (Cymru)
2021**

**The Education (Student Fees,
Awards and Support) (Amendment)
(Wales) Regulations 2021**

Gwnaed *1 Rhagfyr 2021*

Made *1 December 2021*

Gosodwyd *gerbron* *Senedd*
Cymru *3 Rhagfyr 2021*

Laid before Senedd Cymru *3 December 2021*

Yn dod i rym *31 Rhagfyr 2021*

Coming into force *31 December 2021*

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

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

(1) 1983 p. 40; diwygiwyd adran 1 gan Ddeddf Diwygio Addysg 1988 (p. 40), Atodlen 12, paragraff 91; Deddf Addysg Bellach ac Uwch 1992 (p. 13), Atodlen 8, paragraff 19; Deddf Addysg 1994 (p. 30), Atodlen 2, paragraff 7; Deddf Addysg 1996 (p. 56), Atodlen 37, paragraff 57; Deddf Dysgu a Sgiliau 2000 (p. 21), Atodlen 9, paragraffau 1 ac 11; Deddf Addysg 2002 (p. 32), Atodlen 21, paragraff 5 ac Atodlen 22; Deddf Addysg 2005 (p. 18), Atodlen 14, paragraff 9; O.S. 2010/1080, Atodlen 1, paragraff 12; O.S. 2010/1158, Atodlen 2, paragraff 1; Deddf Addysg 2011 (p. 21), Atodlen 5, paragraff 5 ac Atodlen 16, paragraff 5; a Deddf Dadreoleiddio 2015 (p. 20), Atodlen 14, paragraff 33. Diwygiwyd adran 2 gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 44 ac Atodlen 4.

(2) 1998 p. 30; diwygiwyd adran 22(2)(a) gan Ddeddf Addysg Uwch ac Ymchwil 2017 (p. 29), adran 86(3)(a). *Gweler* adran 43(1) o Ddeddf Addysgu ac Addysg Uwch 1998 am y diffiniadau o "prescribed" a "regulations".

(1) 1983 c. 40; section 1 was amended by the Education Reform Act 1988 (c. 40), Schedule 12, paragraph 91; the Further and Higher Education Act 1992 (c. 13), Schedule 8, paragraph 19; the Education Act 1994 (c. 30), Schedule 2, paragraph 7; the Education Act 1996 (c. 56), Schedule 37, paragraph 57; the Learning and Skills Act 2000 (c. 21), Schedule 9, paragraphs 1 and 11; the Education Act 2002 (c. 32), Schedule 21, paragraph 5 and Schedule 22; the Education Act 2005 (c. 18), Schedule 14, paragraph 9; S.I. 2010/1080, Schedule 1, paragraph 12; S.I. 2010/1158, Schedule 2, paragraph 1; the Education Act 2011 (c. 21), Schedule 5, paragraph 5 and Schedule 16, paragraph 5; and the Deregulation Act 2015 (c. 20), Schedule 14, paragraph 33. Section 2 was amended by the Teaching and Higher Education Act 1998 (c. 30), section 44 and Schedule 4.

(2) 1998 c. 30; section 22(2)(a) was amended by the Higher Education and Research Act 2017 (c. 29), section 86(3)(a). *See* section 43(1) of the Teaching and Higher Education Act 1998 for the definitions of "prescribed" and "regulations".

ganddynt hwy(1) a phwerau a roddir iddynt o dan adrannau 5(5)(b) a 55(2) o Ddeddf Addysg Uwch (Cymru) 2015(2), yn gwneud y Rheoliadau a ganlyn:

RHAN 1

ENWI A CYCHWYN

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Ffioedd Myfyrwyr, Dyfarnaliadau a Chymorth) (Diwygio) (Cymru) 2021.

(2) Daw'r Rheoliadau hyn i rym ar 31 Rhagfyr 2021.

RHAN 2

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

PENNOD 1

Cyflwyniad

2. Mae Rheoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007(3) wedi eu diwygio yn unol â'r Rhan hon.

them(1) and powers conferred on them under sections 5(5)(b) and 55(2) of the Higher Education (Wales) Act 2015(2), make the following Regulations:

PART 1

TITLE AND COMMENCEMENT

Title and commencement

1.—(1) The title of these Regulations is the Education (Student Fees, Awards and Support) (Amendment) (Wales) Regulations 2021.

(2) These Regulations come into force on 31 December 2021.

PART 2

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

CHAPTER 1

Introduction

2. The Education (Fees and Awards) (Wales) Regulations 2007(3) are amended in accordance with this Part.

(1) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn adran 1 o Ddeddf Addysg (Ffioedd a Dyfarnaliadau) 1983 i Gynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy o ran Cymru gan O.S. 2006/1458 gydag effaith o 8 Mehefin 2006. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn adran 2 o'r Ddeddf honno i Gynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy o ran Cymru gan O.S. 1999/672. Darparodd adran 44 o Ddeddf Addysg Uwch 2004 fod y swyddogaethau yn adran 22(2)(a) o Ddeddf Addysgu ac Addysg Uwch 2004 i'w harfer gan Gynulliad Cenedlaethol Cymru yn gydredol â'r Ysgrifennydd Gwladol, i'r graddau y maent yn ymwneud â gwneud darpariaeth o ran Cymru. Trosglwyddwyd swyddogaeth yr Ysgrifennydd Gwladol yn adran 42(6), i'r graddau y mae'n arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

(2) 2015 decc 1. *Gweler* adran 57(1) am y diffiniadau o "prescribed" a "regulations".

(3) O.S. 2007/2310 (Cy. 181), a ddiwygiwyd gan O.S. 2008/1259 (Cy. 126); O.S. 2010/1142 (Cy. 101); O.S. 2011/1043; O.S. 2011/1978 (Cy. 218); O.S. 2013/1792 (Cy. 179); O.S. 2018/814 (Cy. 165); O.S. 2019/235 (Cy. 54); O.S. 2019/1192 (Cy. 209); O.S. 2020/1302 (Cy. 287); O.S. 2021/9 (Cy. 4); O.S. 2021/481 (Cy. 148) ac O.S. 2021/813 (Cy. 192).

(1) The functions of the Secretary of State in section 1 of the Education (Fees and Awards) Act 1983 were transferred to the National Assembly for Wales so far as exercisable in relation to Wales by S.I. 2006/1458 with effect from 8 June 2006. The functions of the Secretary of State in section 2 of that Act were transferred to the National Assembly for Wales so far as exercisable in relation to Wales by S.I. 1999/672. Section 44 of the Higher Education Act 2004 provided that the functions in section 22(2)(a) of the Teaching and Higher Education Act 2004 was to be exercised by the National Assembly for Wales concurrently with the Secretary of State, so far as they relate to making provision in relation to Wales. The Secretary of State's function in section 42(6) was transferred, in 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, article 2 and Schedule 1 (S.I. 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) 2015 anaw 1. *See* section 57(1) for the definitions of "prescribed" and "regulations".

(3) S.I. 2007/2310 (W. 181), amended by S.I. 2008/1259 (W. 126); S.I. 2010/1142 (W. 101); S.I. 2011/1043; S.I. 2011/1978 (W. 218); S.I. 2013/1792 (W. 179); S.I. 2018/814 (W. 165); S.I. 2019/235 (W. 54); S.I. 2019/1192 (W. 209); S.I. 2020/1302 (W. 287), S.I. 2021/9 (W. 4); S.I. 2021/481 (W. 148) and S.I. 2021/813 (W. 192).

Diwygiadau i Atodlen 1

3. Yn Atodlen 1—

- (a) ym mharagraff 1, yn y diffiniad o “person sydd â hawliau gwarchodedig”—
 - (i) mae’r testun presennol ar ôl “yw—” wedi ei rifo’n baragraff (1) o’r diffiniad hwnnw;
 - (ii) yn y paragraff hwnnw fel y’i rhifwyd felly, hepgorer y “neu” terfynol ar ddiwedd is-baragraff (a)(iii) ac ar ôl is-baragraff (a)(iv) mewnosoder—

“(v) sydd fel arall â hawliau y bernir eu bod yn gymwys yn rhinwedd unrhyw ddarpariaethau tybio hawliau dinasyddion; neu”
 - (iii) ar ôl y paragraff hwnnw fel y’i rhifwyd felly, mewnosoder—

“(2) Ym mharagraff (1)(a)(v) ystyr “darpariaethau tybio hawliau dinasyddion” yw—

 - (a) Erthygl 18(2) a (3) (dyroddi dogfennau preswyllo) o’r cytundeb ymadael â’r UE;
 - (b) Erthygl 17(2) a (3) (dyroddi dogfennau preswyllo) o gytundeb gwahanu EFTA yr AEE (fel y diffinnir “EEA EFTA separation agreement” yn adran 39(1) o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020(1)); neu
 - (c) Erthygl 16(2) a (3) (dyroddi dogfennau preswyllo) o’r cytundeb ar hawliau dinasyddion Swisaidd.”
- (b) ym mharagraff 2A(1)(a) a (b), yn lle “ar diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs” ym mhob achos rhodder “ar y diwrnod y mae tymor cyntaf y flwyddyn academiaidd gyntaf yn dechrau mewn gwirionedd”;
- (c) ym mharagraff 3(1)(a)(iv)—
 - (i) ym mharagraff (bb), ar ôl “2020” mewnosoder “neu fel arall mae ganddo hawliau y bernir eu bod yn gymwys yn rhinwedd unrhyw un neu ragor o’r darpariaethau hawliau dinasyddion a bennir ym mharagraff (3)”;

Amendments to Schedule 1

3. In Schedule 1—

- (a) in paragraph 1, in the definition of “person with protected rights”—
 - (i) the existing text after “means—” is numbered as paragraph (1) of that definition;
 - (ii) in that paragraph as so numbered, omit the terminal “or” at the end of sub-paragraph (a)(iii) and after sub-paragraph (a)(iv) insert—

“(v) otherwise has rights deemed to apply by virtue of any citizens’ rights deeming provisions; or”
 - (iii) after that paragraph as so numbered, insert—

“(2) In paragraph (1)(a)(v) “citizens’ rights deeming provisions” means—

 - (a) Article 18(2) and (3) (issuance of residence documents) of the EU withdrawal agreement;
 - (b) Article 17(2) and (3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020(1)); or
 - (c) Article 16(2) and (3) (issuance of residence documents) of the Swiss citizens’ rights agreement.”
- (b) in paragraph 2A(1)(a) and (b), for “on the first day of the first academic year of the course” in each case substitute “on the day on which the first term of the first academic year actually begins”;
- (c) in paragraph 3(1)(a)(iv)—
 - (i) in paragraph (bb), after “Regulations” insert “or otherwise has rights deemed to apply by virtue of any of the citizens’ rights provisions specified in paragraph (3)”;

- (ii) ym mharagraff (cc), ar ôl “cyfnod perthnasol” mewnosoder “neu fel arall mae ganddo hawl dybiedig i breswyllo’n barhaol yn rhinwedd unrhyw un neu ragor o’r darpariaethau hawliau dinasyddion a bennir yn is-baragraff (3)”;

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

“(3) At ddibenion is-baragraff (1)(a)(iv), y darpariaethau hawliau dinasyddion y cyfeirir atynt yw—

- (a) Erthygl 18(3) (dyroddi dogfennau preswyllo) o’r cytundeb ymadael â’r UE;
- (b) Erthygl 17(3) (dyroddi dogfennau preswyllo) o gytundeb gwahanu EFTA yr AEE (fel y diffinnir “EEA EFTA separation agreement” yn adran 39(1) o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020); neu
- (c) Erthygl 16(3) (dyroddi dogfennau preswyllo) o’r cytundeb ar hawliau dinasyddion Swisaidd.”

PENNOD 3

Cymhwysra dinasyddion Gwyddelig yn yr AEE a’r Swistir

Diwygiadau i reoliadau 4 i 8

4. Yn rheoliad 4—

- (a) ym mharagraff (1)(a), ar ôl “9B,” mewnosoder “9BA,”;
- (b) ym mharagraff (1B), yn lle “paragraffau 8A a 9B” rhodder “paragraffau 8A, 9B a 9BA”.

5. Yn rheoliad 5—

- (a) ym mharagraffau (1)(b)(i) ac (c)(i), ym mhob achos ar ôl “9B,” mewnosoder “9BA,”;
- (b) ym mharagraff (4), yn lle “paragraffau 8A a 9B” rhodder “paragraffau 8A, 9B a 9BA”.

6. Yn rheoliad 6 —

- (a) ym mharagraffau (2)(a) a (3)(a), ym mhob achos ar ôl “9B,” mewnosoder “9BA,”;
- (b) ym mharagraff (5), yn lle “paragraffau 8A a 9B” rhodder “paragraffau 8A, 9B a 9BA”.

7. Yn rheoliad 7—

- (a) ym mharagraffau (2)(a) a (3)(a), ym mhob achos ar ôl “9B,” mewnosoder “9BA,”;
- (b) ym mharagraff (5), yn lle “paragraffau 8A a 9B” rhodder “paragraffau 8A, 9B a 9BA”.

- (ii) in paragraph (cc), after “relevant period” insert “or otherwise has a deemed right of permanent residence by virtue of any of the citizens’ rights provisions specified in sub-paragraph (3)”;

(iii) after sub-paragraph (2) insert—

“(3) For the purposes of sub-paragraph (1)(a)(iv), the citizens’ rights provisions referred to are—

- (a) Article 18(3) (issuance of residence documents) of the EU withdrawal agreement;
- (b) Article 17(3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (c) Article 16(3) (issuance of residence documents) of the Swiss citizens’ rights agreement.”

CHAPTER 3

Eligibility of Irish citizens in the EEA and Switzerland

Amendments to regulations 4 to 8

4. In regulation 4—

- (a) in paragraph (1)(a), after “9B,” insert “9BA,”;
- (b) in paragraph (1B), for “paragraphs 8A and 9B” substitute “paragraphs 8A, 9B and 9BA”.

5. In regulation 5—

- (a) in paragraphs (1)(b)(i) and (c)(i), in each case after “9B,” insert “9BA,”;
- (b) in paragraph (4), for “paragraphs 8A and 9B” substitute “paragraphs 8A, 9B and 9BA”.

6. In regulation 6—

- (a) in paragraphs (2)(a) and (3)(a), in each case after “9B,” insert “9BA,”;
- (b) in paragraph (5), for “paragraphs 8A and 9B” substitute “paragraphs 8A, 9B and 9BA”.

7. In regulation 7—

- (a) in paragraphs (2)(a) and (3)(a), in each case after “9B,” insert “9BA,”;
- (b) in paragraph (5), for “paragraphs 8A and 9B” substitute “paragraphs 8A, 9B and 9BA”.

8. Yn rheoliad 8—

- (a) ym mharagraffau (1)(a) a (2)(a), ym mhob achos ar ôl “9B,” mewnosoder “9BA,”;
- (b) ym mharagraff (4), yn lle “paragraffau 8A a 9B” rhodder “paragraffau 8A, 9B a 9BA”.

Diwygiadau i Atodlen 1

9. Yn Atodlen 1, ar ôl paragraff 9B mewnosoder—

“Dinasyddion Gwyddelig yn yr AEE a’r Swistir

9BA.—(1) Person—

- (a) sy’n ddinesydd Gwyddelig ar ddiwrnod cyntaf blwyddyn academiaidd y cwrs;
- (b) a oedd yn preswyllo fel arfer yn union cyn diwrnod cwblhau’r cyfnod gweithredu—
 - (i) yn y diriogaeth a ffurfir gan yr Ardal Economaidd Ewropeaidd, y Swistir a thiriogaethau tramor yr UE; neu
 - (ii) yn y Deyrnas Unedig, pan ddechreuodd y preswyliaid arferol hwnnw ar ôl 31 Rhagfyr 2017 yn union ar ôl cyfnod o breswyliaid arferol yn y diriogaeth a ffurfir gan yr Ardal Economaidd Ewropeaidd, y Swistir a thiriogaethau tramor yr UE,ac sydd wedi parhau i breswyllo fel arfer yn y diriogaeth a ffurfir gan y Deyrnas Unedig, yr Ardal Economaidd Ewropeaidd, y Swistir a thiriogaethau tramor yr UE drwy gydol y cyfnod sy’n dechrau ar ddiwrnod cwblhau’r cyfnod gweithredu ac yn dod i ben yn union cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs;
- (c) sy’n dilyn y cwrs yn y Deyrnas Unedig;
- (ch) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth a ffurfir gan y Deyrnas Unedig, yr Ardal Economaidd Ewropeaidd, y Swistir a’r thiriogaethau tramor drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs; a
- (d) yn ddarostyngedig i is-baragraff (2), nad yw ei breswyliaid arferol yn y diriogaeth a ffurfir gan y Deyrnas Unedig, yr Ardal Economaidd

8. In regulation 8—

- (a) in paragraphs (1)(a) and (2)(a), in each case after “9B,” insert “9BA,”;
- (b) in paragraph (4), for “paragraph 8A and 9B” substitute “paragraphs 8A, 9B and 9BA”.

Amendments to Schedule 1

9. In Schedule 1, after paragraph 9B insert—

“Irish citizens in the EEA and Switzerland

9BA.—(1) A person—

- (a) who is an Irish citizen on the first day of an academic year of the course;
- (b) who was ordinarily resident immediately before IP completion day—
 - (i) in the territory comprising the European Economic Area, Switzerland and the EU overseas territories; or
 - (ii) in the United Kingdom, where that ordinary residence began after 31 December 2017 immediately following a period of ordinary residence in the territory comprising the European Economic Area, Switzerland and the EU overseas territories,and has remained ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the EU overseas territories throughout the period beginning on IP completion day and ending immediately before the first day of the first academic year of the course;
- (c) who is undertaking the course in the United Kingdom;
- (d) who has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; and
- (e) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, the European Economic Area, Switzerland

Ewropeaidd, y Swistir a'r tiriogaethau tramor yn ystod unrhyw ran o'r cyfnod y cyfeirir ato ym mharagraff (ch) wedi bod yn llwyr neu'n bennaf at ddiben cael addysg lawnamser.

(2) Nid yw paragraff (d) o is-baragraff (1) yn gymwys i berson sy'n cael ei drin fel pe bai'n preswyl fel arfer yn y diriogaeth a ffurfir gan y Deyrnas Unedig, yr Ardal Economaidd Ewropeaidd, y Swistir a'r tiriogaethau tramor yn unol â rheoliad 2(4).

(3) Yn y paragraff hwn, ystyr "tiriogaethau tramor yr UE" yw Aruba; Ynysoedd Ffarøe; Polynesia Ffrengig; Tiriogaethau Deheuol ac Antartig Ffrainc; Mayotte; Kalaallit Nunaat (Greenland); Antilles yr Iseldiroedd (Bonaire, Curaçao, Saba, Sint Eustatius, Sint Maarten); St Barthélemy; St Pierre et Miquelon; Tiriogaeth Caledonia Newydd a Thiriogaethau Dibynnol; a Wallis a Futuna."

and the overseas territories has not during any part of the period referred to in paragraph (d) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (e) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories in accordance with regulation 2(4).

(3) In this paragraph "EU overseas territories" means Aruba; Faroe Islands; French Polynesia; French Southern and Antarctic Territories; Mayotte; Greenland; Netherlands Antilles (Bonaire, Curaçao, Saba, Sint Eustatius, Sint Maarten); St Barthélemy; St Pierre et Miquelon; the Territory of New Caledonia and Dependencies; and Wallis and Futuna."

RHAN 3

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

PENNOD 1

Cyflwyniad

10. Mae Rheoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) 2015(1) wedi eu diwygio yn unol â'r Rhan hon.

PENNOD 2

Hawliau dinasyddion a meini prawf preswyl

Diwygiadau i'r Atodlen

11. Yn yr Atodlen—

- (a) ym mharagraff 1(1), yn y diffiniad o "person sydd â hawliau gwarchodedig"—
 - (i) mae'r testun presennol ar ôl "yw—" wedi ei rifo'n baragraff (1) o'r diffiniad hwnnw;

PART 3

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

CHAPTER 1

Introduction

10. The Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015(1) are amended in accordance with this Part.

CHAPTER 2

Citizens' rights and residency criteria

Amendments to the Schedule

11. In the Schedule—

- (a) in paragraph 1(1), in the definition of "person with protected rights"—
 - (i) the existing text after "means—" is numbered as paragraph (1) of that definition;

(1) O.S. 2015/1484 (Cy. 163), a ddiwygiwyd gan O.S. 2016/276 (Cy. 100); O.S. 2018/814 (Cy. 165); O.S. 2019/235 (Cy. 54); O.S. 2019/1192 (Cy. 209); O.S. 2020/1302 (Cy. 287); O.S. 2021/9 (Cy. 4) ac O.S. 2021/481 (Cy. 148).

(1) S.I. 2015/1484 (W. 163), amended by S.I. 2016/276 (W. 100); S.I. 2018/814 (W. 165); S.I. 2019/235 (W. 54); S.I. 2019/1192 (W. 209); S.I. 2020/1302 (W. 287); S.I. 2021/9 (W. 4) and S.I. 2021/481 (W. 148).

- (ii) yn y paragraff hwnnw fel y'i rhifwyd felly, hepgorer y “neu” terfynol ar ddiwedd is-baragraff (a)(ii), ac ar ôl is-baragraff (a)(iii) mewnosoder—
- “(iv) sydd fel arall â hawliau y bernir eu bod yn gymwys yn rhinwedd unrhyw ddarpariaethau tybio hawliau dinasyddion; neu”;
- (iii) ar ôl y paragraff hwnnw fel y'i rhifwyd felly, mewnosoder—
- “(2) Ym mharagraff (1)(iv) ystyr “darpariaethau tybio hawliau dinasyddion” yw—
- (a) Erthygl 18(2) a (3) (dyroddi dogfennau preswyllo) o'r cytundeb ymadael â'r UE;
- (b) Erthygl 17(2) a (3) (dyroddi dogfennau preswyllo) o gytundeb gwahanu EFTA yr AEE (fel y diffinnir “EEA EFTA separation agreement” yn adran 39(1) o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020); neu
- (c) Erthygl 16(2) a (3) (dyroddi dogfennau preswyllo) o'r cytundeb ar hawliau dinasyddion Swisaidd.”
- (b) ym mharagraff 2A(1)(a) a (b), yn lle “ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs” ym mhob achos rhodder “ar y diwrnod y mae tymor cyntaf y flwyddyn academiaidd gyntaf yn dechrau mewn gwirionedd”;
- (c) ym mharagraff 3—
- (i) yn is-baragraff (1)(a)(iii)(bb), ar ôl “2020” mewnosoder “neu fel arall mae ganddo hawliau y bernir eu bod yn gymwys yn rhinwedd unrhyw un neu ragor o'r darpariaethau hawliau dinasyddion a bennir yn is-baragraff (3)”;
- (ii) yn is-baragraff (1)(a)(iii)(cc), ar ôl “cyfnod perthnasol” mewnosoder “neu fel arall mae ganddo hawl dybiedig i breswyllo'n barhaol yn rhinwedd unrhyw un neu ragor o'r darpariaethau hawliau dinasyddion a bennir yn is-baragraff (3)”;
- (iii) ar ôl is-baragraff (2) mewnosoder—
- “(3) At ddibenion is-baragraff (1)(a)(iii), y darpariaethau hawliau dinasyddion y cyfeirir atynt yw—
- (a) Erthygl 18(3) (dyroddi dogfennau preswyllo) o'r cytundeb ymadael â'r UE;
- (ii) in that paragraph as so numbered, omit the terminal “or” at the end of sub-paragraph (a)(ii), and after sub-paragraph (a)(iii) insert—
- “(iv) otherwise has rights deemed to apply by virtue of any citizens' rights deeming provisions; or”;
- (iii) after that paragraph as so numbered, insert—
- “(2) In paragraph (1)(iv) “citizens' rights deeming provisions” means—
- (a) Article 18(2) and (3) (issuance of residence documents) of the EU withdrawal agreement;
- (b) Article 17(2) and (3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (c) Article 16(2) and (3) (issuance of residence documents) of the Swiss citizens' rights agreement.”
- (b) in paragraph 2A(1)(a) and (b), for “on the first day of the first academic year of the course” in each case substitute “on the day on which the first term of the first academic year actually begins”;
- (c) in paragraph 3—
- (i) in sub-paragraph (1)(a)(iii)(bb), after “Regulations” insert “or otherwise has rights deemed to apply by virtue of any of the citizens' rights provisions specified in sub-paragraph (3)”;
- (ii) in sub-paragraph (1)(a)(iii)(cc), after “relevant period” insert “or otherwise has a deemed right of permanent residence by virtue of any of the citizens' rights provisions specified in sub-paragraph (3)”;
- (iii) after sub-paragraph (2) insert—
- “(3) For the purposes of sub-paragraph (1)(a)(iii), the citizens' rights provisions referred to are—
- (a) Article 18(3) (issuance of residence documents) of the EU withdrawal agreement;

(b) Erthygl 17(3) (dyroddi dogfennau preswyllo) o gytundeb gwahanu EFTA yr AEE (fel y diffinnir “EEA EFTA separation agreement” yn adran 39(1) o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020); neu

(c) Erthygl 16(3) (dyroddi dogfennau preswyllo) o’r cytundeb ar hawliau dinasyddion Swisaidd.”

PENNOD 3

Cymhwystro dinasyddion Gwyddelig yn yr AEE a’r Swistir

Diwygiad i reoliad 4

12. Yn rheoliad 4—

- (a) ym mharagraff (3A), yn lle “paragraff 8A neu 9B” rhodder “paragraff 8A, 9B neu 9BA”;
- (b) ym mharagraff (9)(a), ar ôl “9B,” mewnosoder “9BA,”.

Diwygiad i’r Atodlen

13. Yn yr Atodlen, ar ôl paragraff 9B mewnosoder—

“Dinasyddion Gwyddelig yn yr AEE a’r Swistir

9BA.—(1) Person—

- (a) sy’n ddinesydd Gwyddelig ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs;
- (b) a oedd yn preswyllo fel arfer yn union cyn diwrnod cwblhau’r cyfnod gweithredu—
 - (i) yn y diriogaeth sy’n ffurfio’r Ardal Economaidd Ewropeaidd, y Swistir a thiriogaethau tramor yr UE, neu
 - (ii) yn y Deyrnas Unedig, pan ddechreuodd y preswyliaid arferol hwnnw ar ôl 31 Rhagfyr 2017 yn union ar ôl cyfnod o breswyliaid arferol yn y diriogaeth sy’n ffurfio’r Ardal Economaidd Ewropeaidd, y Swistir a thiriogaethau tramor yr UE;

ac sydd wedi parhau i breswyllo fel arfer yn y diriogaeth sy’n ffurfio’r Deyrnas Unedig, yr Ardal Economaidd Ewropeaidd, y Swistir a thiriogaethau tramor yr UE drwy gydol y cyfnod sy’n dechrau ar ddiwrnod cwblhau’r cyfnod gweithredu ac yn dod i ben yn union

(b) Article 17(3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or

(c) Article 16(3) (issuance of residence documents) of the Swiss citizens’ rights agreement.”

CHAPTER 3

Eligibility of Irish citizens in the EEA and Switzerland

Amendment to regulation 4

12. In regulation 4—

- (a) in paragraph (3A), for “paragraph 8A or 9B” substitute “paragraph 8A, 9B or 9BA”;
- (b) in paragraph (9)(a), after “9B,” insert “9BA,”.

Amendment to the Schedule

13. In the Schedule, after paragraph 9B insert—

“Irish citizens in the EEA and Switzerland

9BA.—(1) A person—

- (a) who is an Irish citizen on the first day of the first academic year of the course;
- (b) who was ordinarily resident immediately before IP completion day—
 - (i) in the territory comprising the European Economic Area, Switzerland and the EU overseas territories, or
 - (ii) in the United Kingdom, where that ordinary residence began after 31 December 2017 immediately following a period of ordinary residence in the territory comprising the European Economic Area, Switzerland and the EU overseas territories;

and has remained ordinary resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the EU overseas territories throughout the period beginning on IP completion day and

cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs;

- (c) sy'n ymgymryd â'r cwrs yn y Deyrnas Unedig;
- (d) sydd wedi bod yn preswyl fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, yr Ardal Economaidd Ewropeaidd, y Swistir a'r tiriogaethau tramor drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs; ac
- (e) yn ddarostyngedig i is-baragraff (2), nad yw ei breswylad arferol yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, yr Ardal Economaidd Ewropeaidd, y Swistir a'r tiriogaethau tramor yn ystod unrhyw ran o'r cyfnod y cyfeirir ato ym mharagraff (d) wedi bod yn gyfan gwbl neu'n bennaf at ddiben cael addysg lawnamser.

(2) Nid yw paragraff (e) o is-baragraff (1) yn gymwys i berson a gaiff ei drin fel pe bai'n preswyl fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, yr Ardal Economaidd Ewropeaidd, y Swistir a'r tiriogaethau tramor yn unol â pharagraff 1(3).

(3) Yn y paragraff hwn, ystyr "tiriogaethau tramor yr UE" yw Aruba; Ynysoedd Ffarøe; Polynesia Ffrengig; Tiriogaethau Deheuol ac Antartig Ffrainc; Mayotte; Kalaallit Nunaat (Greenland); Antilles yr Iseldiroedd (Bonaire, Curaçao, Saba, Sint Eustatius, Sint Maarten); St Barthélemy; St Pierre et Miquelon; Tiriogaeth Caledonia Newydd a Thiriogaethau Dibynnol; a Wallis a Futuna."

RHAN 4

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

PENNOD 1

Cyflwyniad

14. Mae Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2017(1) wedi eu diwygio yn unol â'r Rhan hon.

ending immediately before the first day of the first academic year of the course;

- (c) who is undertaking the course in the United Kingdom;
- (d) who has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; and
- (e) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories has not during any part of the period referred to in paragraph (d) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (e) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories in accordance with paragraph 1(3).

(3) In this paragraph, "EU overseas territories" means Aruba; Faroe Islands; French Polynesia; French Southern and Antarctic Territories; Mayotte; Greenland; Netherlands Antilles (Bonaire, Curaçao, Saba, Sint Eustatius, Sint Maarten); St Barthélemy; St Pierre et Miquelon; the Territory of New Caledonia and Dependencies; and Wallis and Futuna."

PART 4

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

CHAPTER 1

Introduction

14. The Education (Student Support) (Wales) Regulations 2017(1) are amended in accordance with this Part.

(1) O.S. 2017/47 (Cy. 21), a ddiwygiwyd gan O.S. 2018/191 (Cy. 42); O.S. 2018/814 (Cy. 165); O.S. 2019/235 (Cy. 54); O.S. 2019/1094; O.S. 2019/1192 (Cy. 209); O.S. 2020/142 (Cy. 25); O.S. 2020/153 (Cy. 27); O.S. 2020/708 (Cy. 159); O.S. 2020/1302 (Cy. 287); O.S. 2021/9 (Cy. 4); O.S. 2021/73 (Cy. 19); O.S. 2021/481 (Cy. 148) ac O.S. 2021/813 (Cy. 192).

(1) S.I. 2017/47 (W. 21), amended by S.I. 2018/191 (W. 42); S.I. 2018/814 (W. 165); S.I. 2019/235 (W. 54); S.I. 2019/1094; S.I. 2019/1192 (W. 209); S.I. 2020/142 (W. 25); S.I. 2020/153 (W. 27); S.I. 2020/708 (W. 159); S.I. 2020/1302 (W. 287); S.I. 2021/9 (W. 4); S.I. 2021/73 (W. 19); S.I. 2021/481 (W. 148) and S.I. 2021/813 (W. 192).

Diwygiadau i reoliadau 2, 4, 81 a 110

15. Yn rheoliad 2(1)—

- (a) yn y diffiniad o “person sydd â hawliau gwarchodedig”—
 - (i) mae’r testun presennol ar ôl “yw—” wedi ei rifo’n baragraff (1) o’r diffiniad;
 - (ii) yn y paragraff hwnnw fel y’i rhifwyd felly, hepgorer y “neu” terfynol ar ddiwedd is-baragraff (a)(iii), ac ar ôl is-baragraff (a)(iv) mewnosoder—
 - “(v) sydd fel arall â hawliau y bernir eu bod yn gymwys yn rhinwedd unrhyw ddarpariaethau tybio hawliau dinasyddion; neu”;
- (b) ar ôl y paragraff hwnnw fel y’i rhifwyd felly, mewnosoder—
 - “(2) Ym mharagraff (1)(a)(v) ystyr “darpariaethau tybio hawliau dinasyddion” yw—
 - (a) Erthygl 18(2) a (3) (dyroddi dogfennau preswyllo) o’r cytundeb ymadael â’r UE;
 - (b) Erthygl 17(2) a (3) (dyroddi dogfennau preswyllo) o gytundeb gwahanu EFTA yr AEE (fel y diffinnir “EEA EFTA separation agreement” yn adran 39(1) o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020); neu
 - (c) Erthygl 16(2) a (3) (dyroddi dogfennau preswyllo) o’r cytundeb ar hawliau dinasyddion Swisaidd.”

16. Yn rheoliad 4(10E)(a)(i), yn lle “paragraff (a)(iii) neu (iv)” rhodder “paragraff (1)(a)(iii), (iv) neu (v)”.

17. Yn rheoliad 81(10E)(a)(i), yn lle “paragraff (a)(iii) neu (iv)” rhodder “paragraff (1)(a)(iii), (iv) neu (v)”.

18. Yn rheoliad 110(12E)(a)(i), yn lle “paragraff (a)(iii) neu (iv)” rhodder “paragraff (1)(a)(iii), (iv) neu (v)”.

Diwygiad i Atodlen 1

19. Yn Atodlen 1—

- (a) ym mharagraff 2A—

Amendments to regulations 2, 4, 81 and 110

15. In regulation 2(1)—

- (a) in the definition of “person with protected rights”—
 - (i) the existing text after “means—” is numbered as paragraph (1) of the definition;
 - (ii) in that paragraph as so numbered, omit the terminal “or” at the end of subparagraph (a)(iii), and after subparagraph (a)(iv) insert—
 - “(v) otherwise has rights deemed to apply by virtue of any citizens’ rights deeming provisions; or”;
- (b) after that paragraph as so numbered, insert—
 - “(2) In paragraph (1)(a)(v) “citizens’ rights deeming provisions” means—
 - (a) Article 18(2) and (3) (issuance of residence documents) of the EU withdrawal agreement;
 - (b) Article 17(2) and (3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
 - (c) Article 16(2) and (3) (issuance of residence documents) of the Swiss citizens’ rights agreement.”

16. In regulation 4(10E)(a)(i), for “paragraph (a)(iii) or (iv)” substitute “paragraph (1)(a)(iii), (iv) or (v)”.

17. In regulation 81(10E)(a)(i), for “paragraph (a)(iii) or (iv)” substitute “paragraph (1)(a)(iii), (iv) or (v)”.

18. In regulation 110(12E)(a)(i), for “paragraph (a)(iii) or (iv)” substitute “paragraph (1)(a)(iii), (iv) or (v)”.

Amendment to Schedule 1

19. In Schedule 1—

- (a) in paragraph 2A—

- (i) yn is-baragraff (1)(a), yn lle “ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs” rhodder “ar y diwrnod y mae tymor cyntaf y flwyddyn academiaidd gyntaf yn dechrau mewn gwirionedd”;
 - (ii) yn is-baragraff (1)(c), ar ôl “cwrs” mewnosoder “ac sydd wedi bod yn preswyllo fel arfer yng Ngweriniaeth Iwerddon am o leiaf ran o’r cyfnod hwnnw”, hepgorer yr “a” terfynol ar ddiwedd yr is-baragraff hwnnw a mewnosoder “ac” ar ddiwedd is-baragraff (1)(d);
 - (iii) ar ôl is-baragraff (1)(d) mewnosoder—
 - “(e) na symudodd i Gymru o’r Ynysoedd at ddiben ymgymryd â’r cwrs presennol, neu gwrs yr ymgwymerodd y person ag ef, gan ddiystyru unrhyw wyliau yn y cyfamser, yn union cyn y cwrs presennol.”
- (b) ym mharagraff 3—
- (i) yn is-baragraff (1)(a)(iv)(bb) ar ôl “2020” mewnosoder “neu fel arall mae ganddo hawliau y bernir eu bod yn gymwys yn rhinwedd unrhyw un neu ragor o’r darpariaethau hawliau dinasyddion a bennir ym mharagraff (3)”;
 - (ii) yn is-baragraff (1)(a)(iv)(cc) ar ôl “cyfnod perthnasol” mewnosoder “neu fel arall mae ganddo hawl dybiedig i breswyllo’n barhaol yn rhinwedd unrhyw un neu ragor o’r darpariaethau hawliau dinasyddion a bennir ym mharagraff (3)”;
 - (iii) ar ôl is-baragraff (2) mewnosoder—
 - “(3) At ddibenion is-baragraff (1)(a)(iv), y darpariaethau hawliau dinasyddion y cyfeirir atynt yw—
 - (a) Erthygl 18(3) (dyroddi dogfennau preswyllo) o’r cytundeb ymadael â’r UE;
 - (b) Erthygl 17(3) (dyroddi dogfennau preswyllo) o gytundeb gwahanu EFTA yr AEE (fel y diffinnir “EEA EFTA separation agreement” yn adran 39(1) o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020); neu
 - (c) Erthygl 16(3) (dyroddi dogfennau preswyllo) o’r cytundeb ar hawliau dinasyddion Swisaidd.”
- (i) in sub-paragraph (1)(a), for “on the first day of the first academic year of the course” substitute “on the day on which the first term of the first academic year actually begins”;
 - (ii) in sub-paragraph (1)(c), after “course” insert “and who has been ordinarily resident in the Republic of Ireland for at least part of that period”, and move the terminal “and” to the end of sub-paragraph (1)(d);
 - (iii) after sub-paragraph (1)(d) insert—
 - “(e) who did not move to Wales from the Islands for the purpose of undertaking the current course, or a course which, disregarding any intervening vacation, the person undertook immediately before the current course.”
- (b) in paragraph 3—
- (i) in sub-paragraph (1)(a)(iv)(bb) after “Regulations” insert “or otherwise has rights deemed to apply by virtue of any of the citizens’ rights provisions specified in paragraph (3)”;
 - (ii) in sub-paragraph (1)(a)(iv)(cc) after “relevant period” insert “or otherwise has a deemed right of permanent residence by virtue of any of the citizens’ rights provisions specified in paragraph (3)”;
 - (iii) after sub-paragraph (2) insert—
 - “(3) For the purposes of sub-paragraph (1)(a)(iv), the citizens’ rights provisions referred to are—
 - (a) Article 18(3) (issuance of residence documents) of the EU withdrawal agreement;
 - (b) Article 17(3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
 - (c) Article 16(3) (issuance of residence documents) of the Swiss citizens’ rights agreement.”

- (c) ym mharagraff 9C(1), hepgorer yr “a” terfynol ar ddiwedd is-baragraff (c), mewnosoder “ac” ar ddiwedd is-baragraff (d), ac ar ôl yr is-baragraff hwnnw mewnosoder—

“(e) na symudodd i Gymru o’r Ynysoedd at ddiben ymgymryd â’r cwrs presennol, neu gwrs yr ymgwymerodd y person ag ef, gan ddiystyru unrhyw wyliau yn y cyfamser, yn union cyn ymgymryd â’r cwrs presennol.”

PENNOD 3

Cymhwystira dinasyddion Gwyddelig yn yr AEE a’r Swistir

Diwygiadau i reoliadau 4, 23, 41, 81 a 110

20. Yn rheoliad 4(2)(a), ar ôl “9B,” mewnosoder “9BA,”.

21. Yn rheoliad 23(2), ar ôl “9A,” mewnosoder “9BA,”.

22. Yn rheoliad 41(3), ar ôl “9A,” mewnosoder “9BA,”.

23. Yn rheoliad 81(2)(a), ar ôl “9B,” mewnosoder “9BA,”.

24. Yn rheoliad 110(3)(a)(i), ar ôl “9B,” mewnosoder “9BA,”.

Diwygiadau i Atodlen 1

25. Yn Atodlen 1, ar ôl paragraff 9B mewnosoder—

“Dinasyddion Gwyddelig yn yr AEE a’r Swistir

9BA.—(1) Person—

- (a) sy’n ddinasydd Gwyddelig ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs;
- (b) a oedd yn preswyllo fel arfer yn union cyn diwrnod cwblhau’r cyfnod gweithredu—
 - (i) yn y diriogaeth sy’n ffurfio’r Ardal Economaidd Ewropeaidd a’r Swistir; neu
 - (ii) yn y Deyrnas Unedig, pan ddechreuodd y preswyllo arferol hwnnw ar ôl 31 Rhagfyr 2017 yn union ar ôl cyfnod o breswyllo arferol yn y diriogaeth sy’n ffurfio’r Ardal Economaidd Ewropeaidd a’r Swistir,

- (c) in paragraph 9C(1), move the terminal “and” at the end of sub-paragraph (c) to the end of sub-paragraph (d), and after that sub-paragraph insert—

“(e) who did not move to Wales from the Islands for the purpose of undertaking the current course or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the current course.”

CHAPTER 3

Eligibility of Irish citizens in the EEA and Switzerland

Amendments to regulations 4, 23, 41, 81 and 110

20. In regulation 4(2)(a), after “9B,” insert “9BA,”.

21. In regulation 23(2), after “9A,” insert “9BA,”.

22. In regulation 41(3), after “9A,” insert “9BA,”.

23. In regulation 81(2)(a), after “9B,” insert “9BA,”.

24. In regulation 110(3)(a)(i), after “9B,” insert “9BA,”.

Amendments to Schedule 1

25. In Schedule 1, after paragraph 9B insert—

“Irish citizens in the EEA and Switzerland

9BA.—(1) A person—

- (a) who is an Irish citizen on the first day of the first academic year of the course;
- (b) who was ordinarily resident immediately before IP completion day—
 - (i) in the territory comprising the European Economic Area and Switzerland; or
 - (ii) in the United Kingdom, where that ordinary residence began after 31 December 2017 immediately following a period of ordinary residence in the territory comprising the European Economic Area and Switzerland,

ac sydd wedi parhau i breswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod sy'n dechrau ar ddiwrnod cwblhau'r cyfnod gweithredu ac yn dod i ben yn union cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs;

(c) sydd—

(i) yn ymgymryd â chwrs dynodedig yng Nghymru; neu

(ii) yn ymgymryd â chwrs rhan-amser dynodedig neu gwrs ôl-radd dynodedig yng Nghymru;

(d) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs; ac

(e) yn ddarostyngedig i is-baragraff (2), na fu'n preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir yn ystod unrhyw ran o'r cyfnod y cyfeirir ato ym mharagraff (d) yn gyfan gwbl neu'n bennaf at ddiben derbyn addysg lawnamser.

(2) Nid yw paragraff (e) o is-baragraff (1) yn gymwys i berson sy'n cael ei drin fel rhywun sy'n preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir yn unol â pharagraff 1(4)."

Diwygiad i Atodlen 4

26. Yn Atodlen 4 paragraff (3), ar ôl "9B," mewnosoder "9BA,".

and has remained ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the period beginning on IP completion day and ending immediately before the first day of the first academic year of the course;

(c) who is—

(i) undertaking a designated course in Wales; or

(ii) undertaking a designated part-time course or a designated postgraduate course in Wales;

(d) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and

(e) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland has not during any part of the period referred to in paragraph (d) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (e) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland in accordance with paragraph 1(4)."

Amendment to Schedule 4

26. In Schedule 4 paragraph (3), after "9B," insert "9BA,".

RHAN 5

DIWYGIADAU I REOLIADAU ADDYSG (BENTHYCIADAU AT RADD FEISTR ÔL- RADDEDIG) (CYMRU) 2017

PENNOD 1

Cyflwyniad

27. Mae Rheoliadau Addysg (Benthyciadau at Radd Feistr Ôl-raddedig) (Cymru) 2017(1) wedi eu diwygio yn unol â'r Rhan hon.

PENNOD 2

Hawliau dinasyddion a meini prawf preswyliaid

Diwygiadau i reoliadau 2 a 3

28. Yn rheoliad 2(1), yn y diffiniad o “person sydd â hawliau gwarchodedig”—

- (a) mae'r testun presennol ar ôl “yw—” wedi ei rifo'n baragraff (1) o'r diffiniad hwnnw;
- (b) yn y paragraff hwnnw fel y'i rhifwyd felly, hepgorer y “neu” terfynol ar ddiwedd is-baragraff (a)(iii), ac ar ôl is-baragraff (a)(iv) mewnosoder—

“(v) sydd fel arall â hawliau y bernir eu bod yn gymwys yn rhinwedd unrhyw ddarpariaethau tybio hawliau dinasyddion; neu”

- (c) ar ôl y paragraff hwnnw fel y'i rhifwyd felly, mewnosoder—

“(2) Ym mharagraff (1)(a)(v) ystyr “darpariaethau tybio hawliau dinasyddion” yw—

- (a) Erthygl 18(2) a (3) (dyroddi dogfennau preswyllo) o'r cytundeb ymadael â'r UE;
- (b) Erthygl 17(2) a (3) (dyroddi dogfennau preswyllo) o gytundeb gwahanu EFTA yr AEE (fel y diffinnir “EEA EFTA separation agreement” yn adran 39(1) o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020); neu
- (c) Erthygl 16(2) a (3) (dyroddi dogfennau preswyllo) o'r cytundeb ar hawliau dinasyddion Swisaidd.”

29. Yn rheoliad 3(10)(a)(i), yn lle “paragraff (a)(iii) neu (iv)” rhodder “paragraff (1)(a)(iii), (iv) neu (v)”.

PART 5

AMENDMENTS TO THE EDUCATION (POSTGRADUATE MASTER'S DEGREE LOANS) (WALES) REGULATIONS 2017

CHAPTER 1

Introduction

27. The Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017(1) are amended in accordance with this Part.

CHAPTER 2

Citizens' rights and residency criteria

Amendments to regulations 2 and 3

28. In regulation 2(1), in the definition of “person with protected rights”—

- (a) the existing text after “means—” is numbered as paragraph (1) of that definition;
- (b) in that paragraph as so numbered, omit the terminal “or” at the end of sub-paragraph (a)(iii), and after sub-paragraph (a)(iv) insert—

“(v) otherwise has rights deemed to apply by virtue of any citizens' rights deeming provisions; or”

- (c) after that paragraph as so numbered, insert—

“(2) In paragraph (1)(a)(v) “citizens' rights deeming provisions” means—

- (a) Article 18(2) and (3) (issuance of residence documents) of the EU withdrawal agreement;
- (b) Article 17(2) and (3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (c) Article 16(2) and (3) (issuance of residence documents) of the Swiss citizens' rights agreement.”

29. In regulation 3(10)(a)(i), for “paragraff (a)(iii) or (iv)” substitute “paragraff (1)(a)(iii), (iv) or (v)”.

(1) O.S. 2017/523 (Cy. 109), a ddiwygiwyd gan O.S. 2017/712 (Cy. 169); O.S. 2018/277 (Cy. 53); O.S. 2018/814 (Cy. 165); O.S. 2019/895 (Cy. 161); O.S. 2019/1094; O.S. 2020/1302 (Cy. 287); O.S. 2021/9 (Cy. 4) ac O.S. 2021/481 (Cy. 148).

(1) S.I. 2017/523 (W. 109), amended by S.I. 2017/712 (W. 169); S.I. 2018/277 (W. 53); S.I. 2018/814 (W. 165); S.I. 2019/895 (W. 161); S.I. 2019/1094; S.I. 2020/1302 (W. 287); S.I. 2021/9 (W. 4) and S.I. 2021/481 (W. 148).

Diwygiadau i Atodlen 1

30. Yn Atodlen 1—

(a) ym mharagraff 2A—

- (i) yn is-baragraff (1)(a), yn lle “ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs” rhodder “ar y diwrnod y mae tymor cyntaf y flwyddyn academiaidd gyntaf yn dechrau mewn gwirionedd”;
- (ii) yn is-baragraff (1)(c), ar ôl “cwrs” mewnosoder “ac sydd wedi bod yn preswyllo fel arfer yng Ngweriniaeth Iwerddon am o leiaf ran o'r cyfnod hwnnw”, hepgorer yr “a” terfynol ar ddiwedd yr is-baragraff hwnnw a mewnosoder “ac” ar ddiwedd is-baragraff (1)(d);

(iii) ar ôl is-baragraff (1)(d) mewnosoder—

“(e) na symudodd i Gymru o'r Ynysoedd at ddiben ymgymryd â'r cwrs dynodedig, neu gwrs yr ymgwymerodd y person ag ef, gan ddiystyru unrhyw wyliau yn y cyfamser, yn union cyn ymgymryd â'r cwrs dynodedig.”

(b) ym mharagraff 3(1)(a)(iv)—

- (i) ym mharagraff (bb), ar ôl “2020” mewnosoder “neu fel arall mae ganddo hawliau y bernir eu bod yn gymwys yn rhinwedd unrhyw un neu ragor o'r darpariaethau hawliau dinasyddion a bennir ym mharagraff (3)”;
- (ii) ym mharagraff (cc), ar ôl “cyfnod perthnasol” mewnosoder “neu fel arall mae ganddo hawl dybiedig i breswyllo'n barhaol yn rhinwedd unrhyw un neu ragor o'r darpariaethau hawliau dinasyddion a bennir ym mharagraff (3)”;

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

“(3) At ddibenion is-baragraff (1)(a)(iv), y darpariaethau hawliau dinasyddion y cyfeirir atynt yw—

- (a) Erthygl 18(3) (dyroddi dogfennau preswyllo) o'r cytundeb ymadael â'r UE;
- (b) Erthygl 17(3) (dyroddi dogfennau preswyllo) o gytundeb gwahanu EFTA yr AEE (fel y diffinnir “EEA EFTA separation agreement” yn adran 39(1) o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020); neu

Amendments to Schedule 1

30. In Schedule 1—

(a) in paragraph 2A—

- (i) in sub-paragraph (1)(a), for “on the first day of the first academic year of the course” substitute “on the day on which the first term of the first academic year actually begins”;
- (ii) in sub-paragraph (1)(c), after “course” insert “and who has been ordinarily resident in the Republic of Ireland for at least part of that period”, and move the terminal “and” to the end of sub-paragraph (1)(d);

(iii) after sub-paragraph (1)(d) insert—

“(e) who did not move to Wales from the Islands for the purpose of undertaking the designated course, or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the designated course.”

(b) in paragraph 3(1)(a)(iv)—

- (i) in paragraph (bb), after “Regulations” insert “or otherwise has rights deemed to apply by virtue of any of the citizens' rights provisions specified in paragraph (3)”;
- (ii) in paragraph (cc), after “relevant period” insert “or otherwise has a deemed right of permanent residence by virtue of any of the citizens' rights provisions specified in paragraph (3)”;

(iii) after sub-paragraph (2) insert—

“(3) For the purposes of sub-paragraph (1)(a)(iv), the citizens' rights provisions referred to are—

- (a) Article 18(3) (issuance of residence documents) of the EU withdrawal agreement;
- (b) Article 17(3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or

- (c) Erthygl 16(3) (dyroddi dogfennau preswyllo) o'r cytundeb ar hawliau dinasyddion Swisaidd.”;
- (c) ym mharagraff 9C(1), hepgorer yr “a” terfynol ar ddiwedd is-baragraff (c), mewnosoder “ac” ar ddiwedd is-baragraff (d), ac ar ôl yr is-baragraff hwnnw mewnosoder—
 - “(e) na symudodd i Gymru o'r Ynysoedd at ddiben ymgymryd â'r cwrs dynodedig, neu gwrs yr ymgymrodd y person ag ef, gan ddiystyru unrhyw wyliau yn y cyfamser, yn union cyn ymgymryd â'r cwrs dynodedig.”

PENNOD 3

Cymhwysra dinasyddion Gwyddelig yn yr AEE a'r Swistir

Diwygiad i reoliad 3

31. Yn rheoliad 3(2)(a), ar ôl “9B,” mewnosoder “9BA,”.

Diwygiad i Atodlen 1

32. Yn Atodlen 1, ar ôl paragraff 9B, mewnosoder—

“Dinasyddion Gwyddelig yn yr AEE a'r Swistir

9BA. Person—

- (a) sy'n ddinesydd Gwyddelig ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs;
- (b) a oedd yn preswyllo fel arfer yn union cyn diwrnod cwblhau'r cyfnod gweithredu—
 - (i) yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir; neu
 - (ii) yn y Deyrnas Unedig, pan ddechreuodd y preswyllo fel arfer hwnnw ar ôl 31 Rhagfyr 2017 yn union ar ôl cyfnod o breswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir,

ac sydd wedi parhau i breswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod sy'n dechrau ar ddiwrnod cwblhau'r cyfnod gweithredu ac yn dod i ben yn union cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs;

- (c) Article 16(3) (issuance of residence documents) of the Swiss citizens' rights agreement.”;

- (c) in paragraph 9C(1), move the terminal “and” at the end of sub-paragraph (c) to the end of sub-paragraph (d), and after that sub-paragraph insert—

“(e) who did not move to Wales from the Islands for the purpose of undertaking the designated course, or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the designated course.”

CHAPTER 3

Eligibility of Irish citizens in the EEA and Switzerland

Amendment to regulation 3

31. In regulation 3(2)(a), after “9B,” insert “9BA,”.

Amendment to Schedule 1

32. In Schedule 1, after paragraph 9B, insert—

“Irish citizens in the EEA and Switzerland

9BA. A person—

- (a) who is an Irish citizen on the first day of the first academic year of the course;
- (b) who was ordinarily resident immediately before IP completion day—
 - (i) in the territory comprising the European Economic Area and Switzerland; or
 - (ii) in the United Kingdom, where that ordinary residence began after 31 December 2017 immediately following a period of ordinary residence in the territory comprising the European Economic Area and Switzerland,

and has remained ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the period beginning on IP completion day and ending immediately before the first day of the first academic year of the course;

- (c) sy'n ymgymryd â chwrs dynodedig yng Nghymru;
- (d) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs; ac
- (e) yn ddarostyngedig i is-baragraff (2), na fu'n preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir yn ystod unrhyw ran o'r cyfnod y cyfeirir ato ym mharagraff (d) yn gyfan gwbl neu'n bennaf at ddiben cael addysg lawnamser.

(2) Nid yw paragraff (e) o is-baragraff (1) yn gymwys i berson sy'n cael ei drin fel pe bai'n preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir yn unol â pharagraff 1(4)."

- (c) who is undertaking a designated course in Wales;
- (d) who has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (e) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland has not during any part of the period referred to in paragraph (d) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (e) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland in accordance with paragraph 1(4)."

RHAN 6

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

PENNOD 1

Cyflwyniad

33. Mae Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2018(1) wedi eu diwygio yn unol â'r Rhan hon.

PENNOD 2

Hawliau dinasyddion a meini prawf preswyliaid

Diwygiad i reoliad 23

34. Yn rheoliad 23E(a)(i), yn lle "paragraff (a)(iii) neu (iv)" rhodder "paragraff (1)(a)(iii), (iv) neu (v)".

PART 6

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

CHAPTER 1

Introduction

33. The Education (Student Support) (Wales) Regulations 2018(1) are amended in accordance with this Part.

CHAPTER 2

Citizens' rights and residency criteria

Amendment to regulation 23

34. In regulation 23E(a)(i), for "paragraph (a)(iii) or (iv)" substitute "paragraph (1)(a)(iii), (iv) or (v)".

(1) O.S. 2018/191 (Cy. 42), a ddiwygiwyd gan O.S. 2018/813 (Cy. 164); O.S. 2018/814 (Cy. 165); O.S. 2019/235 (Cy. 54); O.S. 2019/1094; O.S. 2019/1192 (Cy. 209); O.S. 2020/142 (Cy. 25); O.S. 2020/153 (Cy. 27); O.S. 2020/708 (Cy. 159); O.S. 2020/1302 (Cy. 287); O.S. 2021/9 (Cy. 4); O.S. 2021/73 (Cy. 19); O.S. 2021/481 (Cy. 148) ac O.S. 2021/813 (Cy. 192).

(1) S.I. 2018/191 (W. 42), amended by S.I. 2018/813 (W. 164); S.I. 2018/814 (W. 165); S.I. 2019/235 (W. 54); S.I. 2019/1094; S.I. 2019/1192 (W. 209); S.I. 2020/142 (W. 25); S.I. 2020/153 (W. 27); S.I. 2020/708 (W. 159); S.I. 2020/1302 (W. 287); S.I. 2021/9 (W. 4); S.I. 2021/73 (W. 19); S.I. 2021/481 (W. 148) and S.I. 2021/813 (W.192).

Diwygiadau i Atodlen 1

35. Yn Atodlen 1 paragraff 6(1), yn y diffiniad o “person sydd â hawliau gwarchodedig”—

- (a) mae'r testun presennol ar ôl “yw—” wedi ei rifo'n baragraff (1);
- (b) yn y paragraff hwnnw fel y'i rhifwyd felly, hepgorer y “neu” terfynol ar ddiwedd is-baragraff (a)(iii), ac ar ôl is-baragraff (a)(iv) mewnosoder—

“(v) sydd fel arall â hawliau y bernir eu bod yn gymwys yn rhinwedd unrhyw ddarpariaethau tybio hawliau dinasyddion; neu”;

- (c) ar ôl y paragraff hwnnw fel y'i rhifwyd felly, mewnosoder—

“(2) Ym mharagraff (1)(a)(v) ystyr “darpariaethau tybio hawliau dinasyddion” yw—

- (a) Erthygl 18(2) a (3) (dyroddi dogfennau preswyllo) o'r cytundeb ymadael â'r UE;
- (b) Erthygl 17(2) a (3) (dyroddi dogfennau preswyllo yn ystod y cyfnod pontio) o gytundeb gwahanu EFTA yr AEE (fel y diffinnir “EEA EFTA separation agreement” yn adran 39(1) o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020); neu
- (c) Erthygl 16(2) a (3) (dyroddi dogfennau preswyllo) o'r cytundeb ar hawliau dinasyddion Swisaidd.”

Diwygiadau i Atodlen 2

36. Yn Atodlen 2, ym mharagraff 1—

- (a) yn is-baragraff (2)(a)(iv)—
 - (i) ym mharagraff (bb), ar ôl “2020” mewnosoder “neu fel arall mae ganddo hawliau y bernir eu bod yn gymwys yn rhinwedd unrhyw un neu ragor o'r darpariaethau hawliau dinasyddion a bennir ym mharagraff (5)”;
 - (ii) yn is-baragraff (cc), ar ôl “cyfnod perthnasol” mewnosoder “neu fel arall mae ganddo hawl dybiedig i breswyllo'n barhaol yn rhinwedd unrhyw un neu ragor o'r darpariaethau hawliau dinasyddion a bennir ym mharagraff (5)”;
- (b) yn is-baragraff (3)—
 - (i) ym mharagraff (a), yn lle “ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y

Amendments to Schedule 1

35. In Schedule 1 paragraph 6(1), in the definition of “person with protected rights”—

- (a) the existing text after “means—” is numbered as paragraph (1);
- (b) in that paragraph as so numbered, omit the terminal “or” at the end of sub-paragraph (a)(iii), and after sub-paragraph (a)(iv) insert—

“(v) otherwise has rights deemed to apply by virtue of any citizens' rights deeming provisions; or”;

- (c) after that paragraph as so numbered, insert—

(2) In paragraph (1)(a)(v) “citizens' rights deeming provisions” means—

- (a) Article 18(2) and (3) (issuance of residence documents) of the EU withdrawal agreement;
- (b) Article 17(2) and (3) (issuance of residence documents during the transition period) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (c) Article 16(2) and (3) (issuance of residence documents) of the Swiss citizens' rights agreement.”

Amendments to Schedule 2

36. In Schedule 2, in paragraph 1—

- (a) in sub-paragraph (2)(a)(iv)—
 - (i) in paragraph (bb), after “Regulations” insert “or otherwise has rights deemed to apply by virtue of any of the citizens' rights provisions specified in paragraph (5)”;
 - (ii) in paragraph (cc) after “relevant period” insert “or otherwise has a deemed right of permanent residence by virtue of any of the citizens' rights provisions specified in paragraph (5)”;
- (b) in sub-paragraph (3)—
 - (i) in paragraph (a), for “on the first day of the first academic year of the course”

cwrs” rhodder “ar y diwrnod y mae tymor cyntaf y flwyddyn academaidd gyntaf yn dechrau mewn gwirionedd”;

- (ii) ym mharagraff (c), ar ôl “cwrs” mewnosoder “ac sydd wedi bod yn preswyl fel arfer yng Ngweriniaeth Iwerddon am o leiaf ran o’r cyfnod hwnnw”, hepgorer yr “a” terfynol ar ddiwedd y paragraff hwnnw a mewnosoder “ac” ar ddiwedd paragraff (d);

- (iii) ar ôl paragraff (d) mewnosoder—

“(e) na symudodd i Gymru o’r Ynysoedd at ddiben ymgymryd â’r cwrs presennol, neu gwrs yr ymgwyrodd y person ag ef, gan ddiystyru unrhyw wyliau yn y cyfamser, yn union cyn y cwrs presennol”.

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

“(5) At ddibenion is-baragraff (2)(a)(iv), y darpariaethau hawliau dinasyddion y cyfeirir atynt yw—

- (a) Erthygl 18(3) (dyroddi dogfennau preswyl) o’r cytundeb ymadael â’r UE,
- (b) Erthygl 17(3) (dyroddi dogfennau preswyl) o gytundeb gwahanu EFTA yr AEE (fel y diffinnir “EEA EFTA separation agreement” yn adran 39(1) o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020), neu
- (c) Erthygl 16(3) (dyroddi dogfennau preswyl) o’r cytundeb ar hawliau dinasyddion Swisaidd.”

37. Yn Atodlen 2, ym mharagraff 6C hepgorer yr “a” terfynol ar ddiwedd is-baragraff (c), mewnosoder “ac” ar ddiwedd is-baragraff (d), ac ar ôl yr is-baragraff hwnnw mewnosoder—

“(e) na symudodd i Gymru o’r Ynysoedd at ddiben ymgymryd â’r cwrs dynodedig, neu gwrs yr ymgwyrodd y person ag ef, gan ddiystyru unrhyw wyliau yn y cyfamser, yn union cyn ymgymryd â’r cwrs dynodedig.”

Diwygiad i Atodlen 4

38. Yn Atodlen 4, ym mharagraff 13E(a)(i) yn lle “paragraff (a)(iii) neu (iv)” rhodder “paragraff (1)(a)(iii), (iv) neu (v)”.

substitute “on the day on which the first term of the first academic year actually begins”;

- (ii) in paragraph (c), after “course” insert “and who has been ordinarily resident in the Republic of Ireland for at least part of that period”, and move the terminal “and” to the end of paragraph (d);

- (iii) after paragraph (d) insert—

“(e) who did not move to Wales from the Islands for the purpose of undertaking the current course, or a course which, disregarding any intervening vacation, the person undertook immediately before the current course”.

- (c) after sub-paragraph (4) insert—

“(5) For the purposes of sub-paragraph (2)(a)(iv), the citizens’ rights provisions referred to are—

- (a) Article 18(3) (issuance of residence documents) of the EU withdrawal agreement,
- (b) Article 17(3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020), or
- (c) Article 16(3) (issuance of residence documents) of the Swiss citizens’ rights agreement.”

37. In Schedule 2, in paragraph 6C move the terminal “and” at the end of sub-paragraph (c) to the end of sub-paragraph (d), and after that sub-paragraph insert—

“(e) who did not move to Wales from the Islands for the purpose of undertaking the designated course, or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the designated course.”

Amendment to Schedule 4

38. In Schedule 4, in paragraph 13E(a)(i) for “paragraph (a)(iii) or (iv)” substitute “paragraph (1)(a)(iii), (iv) or (v)”.

PENNOD 3

Cymhwysra dinasyddion Gwyddelig yn yr AEE a'r Swistir

Diwygiadau i reoliadau 9 a 10

39. Yn rheoliad 9(1)(a)(i), ar ôl “6B,” mewnosoder “6BA,”.

40. Yn rheoliad 10(1), yn eithriad 8 ar ôl “6B” mewnosoder “, 6BA”.

Diwygiadau i Atodlen 2

41. Yn Atodlen 2, ar ôl paragraff 6B mewnosoder—

Dinasyddion Gwyddelig yn yr AEE a'r Swistir

6BA.—(1) Person—

(a) sy'n ddinesydd Gwyddelig ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs,

(b) a oedd yn preswyllo fel arfer yn union cyn diwrnod cwblhau'r cyfnod gweithredu—

(i) yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir, neu

(ii) yn y Deyrnas Unedig, pan ddechreuodd y preswyllo fel arfer hwnnw ar ôl 31 Rhagfyr 2017 yn union ar ôl cyfnod o breswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir,

ac sydd wedi parhau i breswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod sy'n dechrau ar ddiwrnod cwblhau'r cyfnod gweithredu ac yn dod i ben yn union cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs,

(c) sydd—

(i) yn ymgymryd â chwrs dynodedig yng Nghymru, neu

(ii) yn ymgymryd â chwrs ôl-radd dynodedig yng Nghymru,

CHAPTER 3

Eligibility of Irish citizens in the EEA and Switzerland

Amendments to regulations 9 and 10

39. In regulation 9(1)(a)(i), after “6B” insert “6BA,”.

40. In regulation 10(1), in exception 8 after “6B” insert “, 6BA”.

Amendments to Schedule 2

41. In Schedule 2, after paragraph 6B insert—

Irish citizens in the EEA and Switzerland

6BA.—(1) A person—

(a) who is an Irish citizen on the first day of the first academic year of the course,

(b) who was ordinarily resident immediately before IP completion day—

(i) in the territory comprising the European Economic Area and Switzerland, or

(ii) in the United Kingdom, where that ordinary residence began after 31 December 2017 immediately following a period of ordinary residence in the territory comprising the European Economic Area and Switzerland,

and has remained ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the period beginning on IP completion day and ending immediately before the first day of the first academic year of the course,

(c) who is—

(i) undertaking a designated course in Wales, or

(ii) undertaking a designated postgraduate course in Wales,

(d) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs, ac

(e) yn ddarostyngedig i is-baragraff (2), na fu'n preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir yn ystod unrhyw ran o'r cyfnod y cyfeirir ato ym mharagraff (d) yn gyfan gwbl neu'n bennaf at ddiben cael addysg lawnamser.

(2) Nid yw paragraff (e) o is-baragraff (1) yn gymwys i berson sy'n cael ei drin fel pe bai'n preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir yn unol â pharagraff 9(2)."

(d) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course, and

(e) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland has not during any part of the period referred to in paragraph (d) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (e) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland in accordance with paragraph 9(2)."

Diwygiadau i Atodlen 4

42. Yn Atodlen 4—

- (a) ym mharagraff 4(1)(a)(i), ar ôl "6B," mewnosoder "6BA,";
- (b) ym mharagraff 5(1), yn eithriad 7 yn lle "5A neu 6B" rhodder "5A, 6B neu 6BA".

Amendments to Schedule 4

42. In Schedule 4—

- (a) in paragraph 4(1)(a)(i), after "6B," insert "6BA,";
- (b) in paragraph 5(1), in exception 7 for "5A or 6B" substitute "5A, 6B or 6BA".

RHAN 7

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

PENNOD 1

Cyflwyniad

43. Mae Rheoliadau Addysg (Benthyciadau at Radd Ddoethurol Ôl-raddedig) (Cymru) 2018(1) wedi eu diwygio yn unol â'r Rhan hon.

PART 7

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

CHAPTER 1

Introduction

43. The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018(1) are amended in accordance with this Part.

(1) O.S. 2018/656 (Cy. 124), a ddiwygiwyd gan O.S. 2018/814 (Cy. 165); O.S. 2019/235 (Cy. 54); O.S. 2019/1192 (Cy. 209); O.S. 2019/1094; O.S. 2020/153 (Cy. 27); O.S. 2020/1302 (Cy. 287); O.S. 2021/9 (Cy. 4); O.S. 2021/73 (Cy. 19) ac O.S. 2021/481 (Cy. 148).

(1) S.I. 2018/656 (W. 124), amended by S.I. 2018/814 (W. 165); S.I. 2019/235 (W. 54); S.I. 2019/1192 (W. 209); S.I. 2019/1094; S.I. 2020/153 (W. 27); S.I. 2020/1302 (W. 287); S.I. 2021/9 (W. 4); S.I. 2021/73 (W. 19) and S.I. 2021/481 (W. 148).

PENNOD 2

Hawliau dinasyddion a meini prawf preswyliaid

Diwygiadau i reoliadau 2 a 3

44. Yn rheoliad 2(1), yn y diffiniad o “person sydd â hawliau gwarchodedig”—

- (a) mae’r testun presennol ar ôl “yw—” wedi ei rifo’n baragraff (1) o’r diffiniad;
- (b) yn y paragraff hwnnw fel y’i rhifwyd felly, hepgorer y “neu” terfynol ar ddiwedd is-baragraff (a)(iii), ac ar ôl is-baragraff (a)(iv) mewnosoder—

“(v) sydd fel arall â hawliau y bernir eu bod yn gymwys yn rhinwedd unrhyw ddarpariaethau tybio hawliau dinasyddion; neu”

- (c) ar ôl y paragraff hwnnw fel y’i rhifwyd felly, mewnosoder—

“(2) Ym mharagraff (1)(a)(v) ystyr “darpariaethau tybio hawliau dinasyddion” yw—

- (a) Erthygl 18(2) a (3) (dyroddi dogfennau preswyllo) o’r cytundeb ymadael â’r UE;
- (b) Erthygl 17(2) a (3) (dyroddi dogfennau preswyllo) o gytundeb gwahanu EFTA yr AEE (fel y diffinnir “EEA EFTA separation agreement” yn adran 39(1) o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020); neu
- (c) Erthygl 16(2) a (3) (dyroddi dogfennau preswyllo) o’r cytundeb ar hawliau dinasyddion Swisaidd.”

45. Yn rheoliad 3(11)(a)(i), yn lle “paragraff (a)(iii) neu (iv)” rhodder “paragraff (1)(a)(iii), (iv) neu (v)”.

Diwygiadau i Atodlen 1

46. Yn Atodlen 1—

- (a) ym mharagraff 2A—

- (i) yn is-baragraff (1)(a), yn lle “ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs” rhodder “ar y diwrnod y mae tymor cyntaf y flwyddyn academiaidd gyntaf yn dechrau mewn gwirionedd”;
- (ii) yn is-baragraff (1)(c), ar ôl “cwrs” mewnosoder “ac sydd wedi bod yn preswyllo fel arfer yng Ngweriniaeth Iwerddon am o leiaf ran o’r cyfnod hwnnw”, hepgorer yr “a” terfynol ar

CHAPTER 2

Citizens’ rights and residency criteria

Amendments to regulations 2 and 3

44. In regulation 2(1), in the definition of “person with protected rights”—

- (a) the existing text after “means—” is numbered as paragraph (1) of the definition;
- (b) in that paragraph as so numbered, omit the terminal “or” at the end of sub-paragraph (a)(iii), and after sub-paragraph (a)(iv) insert—

“(v) otherwise has rights deemed to apply by virtue of any citizens’ rights deeming provisions; or”

- (c) after that paragraph as so numbered, insert—

“(2) In paragraph (1)(a)(v) “citizens’ rights deeming provisions” means—

- (a) Article 18(2) and (3) (issuance of residence documents) of the EU withdrawal agreement;
- (b) Article 17(2) and (3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (c) Article 16(2) and (3) (issuance of residence documents) of the Swiss citizens’ rights agreement.”

45. In regulation 3(11)(a)(i), for “paragraph (a)(iii) or (iv)” substitute “paragraph (1)(a)(iii), (iv) or (v)”.

Amendments to Schedule 1

46. In Schedule 1—

- (a) in paragraph 2A—

- (i) in sub-paragraph (1)(a), for “on the first day of the first academic year of the course” substitute “on the day on which the first term of the first academic year actually begins”;
- (ii) in sub-paragraph (1)(c), after “course” insert “and who has been ordinarily resident in the Republic of Ireland for at

ddiwedd yr is-baragraff hwnnw a mewnosoder “ac” ar ddiwedd is-baragraff (1)(d);

(iii) ar ôl is-baragraff (1)(d) mewnosoder—

“(e) na symudodd i Gymru o’r Ynysoedd at ddiben ymgymryd â’r cwrs dynodedig, neu gwrs yr ymgwymerodd y person ag ef, gan ddiystyru unrhyw wyliau yn y cyfamser, yn union cyn ymgymryd â’r cwrs dynodedig.”

(b) ym mharagraff 3(1)(a)(iv)—

(i) ym mharagraff (bb), ar ôl “2020” mewnosoder “neu fel arall mae ganddo hawliau y bernir eu bod yn gymwys yn rhinwedd unrhyw un neu ragor o’r darpariaethau hawliau dinasyddion a bennir yn is-baragraff (3)”;

(ii) ym mharagraff (cc), ar ôl “cyfnod perthnasol” mewnosoder “neu fel arall mae ganddo hawl dybiedig i breswyllo’n barhaol yn rhinwedd unrhyw un neu ragor o’r darpariaethau hawliau dinasyddion a bennir yn is-baragraff (3)”;

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

“(3) At ddibenion is-baragraff (1)(a)(iv), y darpariaethau hawliau dinasyddion y cyfeirir atynt yw—

(a) Erthygl 18(3) (dyroddi dogfennau preswyllo) o’r cytundeb ymadael â’r UE;

(b) Erthygl 17(3) (dyroddi dogfennau preswyllo) o gytundeb gwahanu EFTA yr AEE (fel y diffinnir “EEA EFTA separation agreement” yn adran 39(1) o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020); neu

(c) Erthygl 16(3) (dyroddi dogfennau preswyllo) o’r cytundeb ar hawliau dinasyddion Swisaidd.”;

(c) ym mharagraff 10C(1), hepgorer yr “a” terfynol ar ddiwedd paragraff (c), mewnosoder “ac” ar ddiwedd paragraff (d), ac ar ôl y paragraff hwnnw mewnosoder—

“(e) na symudodd i Gymru o’r Ynysoedd at ddiben ymgymryd â’r cwrs dynodedig, neu gwrs yr ymgwymerodd y person ag ef, gan ddiystyru unrhyw wyliau yn y cyfamser, yn union cyn ymgymryd â’r cwrs dynodedig.”

least part of that period”, and move the terminal “and” to the end of sub-paragraph (1)(d);

(iii) after sub-paragraph (1)(d) insert—

“(e) who did not move to Wales from the Islands for the purpose of undertaking the designated course, or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the designated course.”

(b) in paragraph 3(1)(a)(iv)—

(i) in paragraph (bb), after “Regulations” insert “or otherwise has rights deemed to apply by virtue of any of the citizens’ rights provisions specified in sub-paragraph (3)”;

(ii) in paragraph (cc), after “relevant period” insert “or otherwise has a deemed right of permanent residence by virtue of any of the citizens’ rights provisions specified in sub-paragraph (3)”;

(iii) after sub-paragraph (2) insert—

“(3) For the purposes of sub-paragraph (1)(a)(iv), the citizens’ rights provisions referred to are—

(a) Article 18(3) (issuance of residence documents) of the EU withdrawal agreement;

(b) Article 17(3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or

(c) Article 16(3) (issuance of residence documents) of the Swiss citizens’ rights agreement.”;

(c) in paragraph 10C(1), move the terminal “and” at the end of paragraph (c) to the end of paragraph (d), and after that paragraph insert—

“(e) who did not move to Wales from the Islands for the purpose of undertaking the designated course, or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the designated course.”

PENNOD 3

Cymhwysra dinasyddion Gwyddelig yn yr AEE a'r Swistir

Diwygiadau i reoliad 3

47. Yn rheoliad 3—

- (a) ym mharagraff (2)(a), ar ôl “10B,” mewnosoder “10BA,”;
- (b) ym mharagraff (2B), yn lle “9A, 10B neu 10D” rhodder “9A, 10B, 10BA neu 10D”.

Diwygiadau i Atodlen 1

48. Yn Atodlen 1, ar ôl paragraff 10B, mewnosoder—

“Dinasyddion Gwyddelig yn yr AEE a'r Swistir

10BA.—(1) Person—

- (a) sy'n ddinesydd Gwyddelig ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs;
- (b) a oedd yn preswyllo fel arfer yn union cyn diwrnod cwblhau'r cyfnod gweithredu—
 - (i) yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir; neu
 - (ii) yn y Deyrnas Unedig, pan ddechreuodd y preswyllo fel arfer hwnnw ar ôl 31 Rhagfyr 2017 yn union ar ôl cyfnod o breswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir,

ac sydd wedi parhau i breswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod sy'n dechrau ar ddiwrnod cwblhau'r cyfnod gweithredu ac yn dod i ben yn union cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs;

- (c) sy'n ymgymryd â chwrs dynodedig yng Nghymru;
- (d) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs; ac

CHAPTER 3

Eligibility of Irish citizens in the EEA and Switzerland

Amendments to regulation 3

47. In regulation 3—

- (a) in paragraph (2)(a), after “10B,” insert “10BA,”;
- (b) in paragraph (2B), for “9A, 10B or 10D” substitute “9A, 10B, 10BA or 10D”.

Amendments to Schedule 1

48. In Schedule 1, after paragraph 10B, insert—

“Irish citizens in the EEA and Switzerland

10BA.—(1) A person—

- (a) who is an Irish citizen on the first day of the first academic year;
- (b) who was ordinarily resident immediately before IP completion day—
 - (i) in the territory comprising the European Economic Area and Switzerland; or
 - (ii) in the United Kingdom, where that ordinary residence began after 31 December 2017 immediately following a period of ordinary residence in the territory comprising the European Economic Area and Switzerland,

and has remained ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the period beginning on IP completion day and ending immediately before the first day of the first academic year of the course;

- (c) who is undertaking a designated course in Wales;
- (d) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and

- (e) yn ddarostyngedig i is-baragraff (2), na fu'n preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir yn ystod unrhyw ran o'r cyfnod y cyfeirir ato ym mharagraff (d) yn gyfan gwbl neu'n bennaf at ddiben cael addysg lawnamser.

(2) Nid yw paragraff (e) o is-baragraff (1) yn gymwys i berson sy'n cael ei drin fel pe bai'n preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir yn unol â pharagraff 1(4)."

- (e) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland has not during any part of the period referred to in paragraph (d) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (e) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland in accordance with paragraph 1(4)."

RHAN 8

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

PENNOD 1

Cyflwyniad

49. Mae Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Graddau Meistr Ôl-raddedig) (Cymru) 2019(1) wedi eu diwygio yn unol â'r Rhan hon.

PENNOD 2

Hawliau dinasyddion a meini prawf preswyliaid

Diwygiad i reoliad 12

50. Yn rheoliad 12A(a)(i), yn lle "paragraff (a)(iii) neu (iv)" rhodder "paragraff (1)(a)(iii), (iv) neu (v)".

Diwygiadau i Atodlen 1

51. Yn Atodlen 1, paragraff 3(1), yn y diffiniad o "person sydd â hawliau gwarchodedig"—

- (a) mae'r testun presennol ar ôl "yw—" wedi ei rifo'n baragraff (1) o'r diffiniad hwnnw;
- (b) yn y paragraff hwnnw fel y'i rhifwyd felly, hepgorer y "neu" terfynol ar ddiwedd paragraff (a)(iii), ac ar ôl paragraff (a)(iv), mewnosoder—

PART 8

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

CHAPTER 1

Introduction

49. The Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019(1) are amended in accordance with this Part.

CHAPTER 2

Citizens' rights and residency criteria

Amendment to regulation 12

50. In regulation 12A(a)(i), for "paragraph (a)(iii) or (iv)" substitute "paragraph (1)(a)(iii), (iv) or (v)".

Amendments to Schedule 1

51. In Schedule 1, paragraph 3(1), in the definition of "person with protected rights"—

- (a) the existing text after "means—" is numbered as paragraph (1) of that definition;
- (b) in that paragraph as so numbered, omit the terminal "or" at the end of paragraph (a)(iii), and after paragraph (a)(iv), insert—

(1) O.S. 2019/895 (Cy. 161), a ddiwygiwyd gan O.S. 2019/1039 (Cy. 182); O.S. 2019/1192 (Cy. 209); O.S. 2020/142 (Cy. 25); O.S. 2020/153 (Cy. 27); O.S. 2020/918 (Cy. 206); O.S. 2020/1302 (Cy. 287); O.S. 2021/9 (Cy. 4); O.S. 2021/73 (Cy. 19); O.S. 2021/481 (Cy. 148) ac O.S. 2021/813 (Cy. 192).

(1) S.I. 2019/895 (W. 161), amended by S.I. 2019/1039 (W. 182); S.I. 2019/1192 (W. 209); S.I. 2020/142 (W. 25); S.I. 2020/153 (W. 27); S.I. 2020/918 (W. 206); S.I. 2020/1302 (W. 287); S.I. 2021/9 (W. 4); S.I. 2021/73 (W. 19); S.I. 2021/481 (W. 148) and S.I. 2021/813 (W. 192).

“(v) sydd fel arall â hawliau y bernir eu bod yn gymwys yn rhinwedd unrhyw ddarpariaethau tybio hawliau dinasyddion, neu”;

(c) ar ôl y paragraff hwnnw fel y’i rhifwyd felly, mewnosoder—

“(2) Yn is-baragraff (1)(a)(v) ystyr “darpariaethau tybio hawliau dinasyddion” yw—

- (a) Erthygl 18(2) a (3) (dyroddi dogfennau preswyllo) o’r cytundeb ymadael â’r UE,
- (b) Erthygl 17(2) a (3) (dyroddi dogfennau preswyllo) o gytundeb gwahanu EFTA yr AEE (fel y diffinnir “EEA EFTA separation agreement” yn adran 39(1) o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020), neu
- (c) Erthygl 16(2) a (3) (dyroddi dogfennau preswyllo) o’r cytundeb ar hawliau dinasyddion Swisaidd.”

Diwygiadau i Atodlen 2

52. Yn Atodlen 2—

(a) ym mharagraff 1—

(i) yn is-baragraff (2)(a)(iv)—

- (aa) ym mharagraff (bb), ar ôl “2020” mewnosoder “neu fel arall mae ganddo hawliau y bernir eu bod yn gymwys yn rhinwedd unrhyw un neu ragor o’r darpariaethau hawliau dinasyddion a bennir ym mharagraff (5)”;
- (bb) yn is-baragraff (cc), ar ôl “cyfnod perthnasol” mewnosoder “neu fel arall mae ganddo hawl dybiedig i breswyllo’n barhaol yn rhinwedd unrhyw un neu ragor o’r darpariaethau hawliau dinasyddion a bennir yn is-baragraff (5)”;

(ii) yn is-baragraff (3)—

- (aa) ym mharagraff (a), yn lle “ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs” rhodder “ar y diwrnod y mae tymor cyntaf y flwyddyn academiaidd gyntaf yn dechrau mewn gwirionedd”;
- (bb) ym mharagraff (c), ar ôl “cwrs” mewnosoder “ac sydd wedi bod yn preswyllo fel arfer yng Ngweriniaeth Iwerddon am o leiaf

“(v) otherwise has rights deemed to apply by virtue of any citizens’ rights deeming provisions, or”;

(c) after that paragraph as so numbered, insert—

“(2) In sub-paragraph (1)(a)(v) “citizens’ rights deeming provisions” means—

- (a) Article 18(2) and (3) (issuance of residence documents) of the EU withdrawal agreement,
- (b) Article 17(2) and (3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020), or
- (c) Article 16(2) and (3) (issuance of residence documents) of the Swiss citizens’ rights agreement.”

Amendments to Schedule 2

52. In Schedule 2—

(a) in paragraph 1—

(i) in sub-paragraph (2)(a)(iv)—

- (aa) in paragraph (bb), after “Regulations” insert “or otherwise has rights deemed to apply by virtue of any of the citizens’ rights provisions specified in paragraph (5)”;
- (bb) in paragraph (cc) after “relevant period” insert “or otherwise has a deemed right of permanent residence by virtue of any of the citizens’ rights provisions specified in sub-paragraph (5)”;

(ii) in sub-paragraph (3)—

- (aa) in paragraph (a), for “on the first day of the first academic year of the course” substitute “on the day on which the first term of the first academic year actually begins”;
- (bb) in paragraph (c), after “course” insert “and who has been ordinarily resident in the Republic of Ireland for at least part of that

ran o'r cyfnod hwnnw", hepgorer yr "a" terfynol ar ddiwedd y paragraff hwnnw a mewnosoder "ac" ar ddiwedd is-baragraff (1)(d);

(cc) ar ôl paragraff (d) mewnosoder—

“(e) na symudodd i Gymru o'r Ynysoedd at ddiben ymgymryd â'r cwrs dynodedig, neu gwrs yr ymgwymerodd y person ag ef, gan ddiystyru unrhyw wyliau yn y cyfamser, yn union cyn ymgymryd â'r cwrs dynodedig.”

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

“(5) At ddibenion is-baragraff (2)(a)(iv), y darpariaethau hawliau dinasyddion y cyfeirir atynt yw—

- (a) Erthygl 18(3) (dyroddi dogfennau preswyllo) o'r cytundeb ymadael â'r UE,
- (b) Erthygl 17(3) (dyroddi dogfennau preswyllo) o gytundeb gwahanu EFTA yr AEE (fel y diffinnir “EEA EFTA separation agreement” yn adran 39(1) o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020), neu
- (c) Erthygl 16(3) (dyroddi dogfennau preswyllo) o'r cytundeb ar hawliau dinasyddion Swisaidd.”

53. Ym mharagraff 8C, hepgorer yr “a” terfynol ar ddiwedd is-baragraff (c), mewnosoder “ac” ar ddiwedd is-baragraff (d), ac ar ôl yr is-baragraff hwnnw mewnosoder—

“(e) na symudodd i Gymru o'r Ynysoedd at ddiben ymgymryd â'r cwrs dynodedig, neu gwrs yr ymgwymerodd y person ag ef, gan ddiystyru unrhyw wyliau yn y cyfamser, yn union cyn ymgymryd â'r cwrs dynodedig.”

PENNOD 3

Cymhwysra dinasyddion Gwyddelig yn yr AEE a'r Swistir

Diwygiadau i reoliadau 9 a 10

54. Yn rheoliad 9(1)(a)(i), ar ôl “8B,” mewnosoder “8BA,”.

55. Yn rheoliad 10(1), yn eithriad 12 ar ôl “8B” mewnosoder “, 8BA”.

period”, and move the terminal “and” to the end of sub-paragraph (1)(d);

(cc) after paragraph (d) insert—

“(e) who did not move to Wales from the Islands for the purpose of undertaking the designated course, or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the designated course.”

(iii) after sub-paragraph (4) insert—

“(5) For the purposes of sub-paragraph (2)(a)(iv), the citizens' rights provisions referred to are—

- (a) Article 18(3) (issuance of residence documents) of the EU withdrawal agreement,
- (b) Article 17(3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020), or
- (c) Article 16(3) (issuance of residence documents) of the Swiss citizens' rights agreement.”

53. In paragraph 8C, move the terminal “and” at the end of sub-paragraph (c) to the end of sub-paragraph (d), and after that sub-paragraph insert—

“(e) who did not move to Wales from the Islands for the purpose of undertaking the designated course, or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the designated course.”

CHAPTER 3

Eligibility of Irish citizens in the EEA and Switzerland

Amendments to regulations 9 and 10

54. In regulation 9(1)(a)(i), after “8B,” insert “8BA,”.

55. In regulation 10(1), in exception 12 after “8B” insert “, 8BA”.

Diwygiadau i Atodlen 2

56. Yn Atodlen 2, ar ôl paragraff 8B mewnosoder—

“Dinasyddion Gwyddelig yn yr AEE a’r Swistir

8BA.—(1) Person—

- (a) sy’n ddinesydd Gwyddelig ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs,
- (b) a oedd yn preswyllo fel arfer yn union cyn diwrnod cwblhau’r cyfnod gweithredu—
 - (i) yn y diriogaeth sy’n ffurfio’r AEE a’r Swistir, neu
 - (ii) yn y Deyrnas Unedig, pan ddechreuodd y preswyllo fel arfer hwnnw ar ôl 31 Rhagfyr 2017 yn union ar ôl cyfnod o breswyllo fel arfer yn y diriogaeth sy’n ffurfio’r AEE a’r Swistir,

ac sydd wedi parhau i breswyllo fel arfer yn y diriogaeth sy’n ffurfio’r Deyrnas Unedig, Gibraltar, yr AEE a’r Swistir drwy gydol y cyfnod sy’n dechrau ar ddiwrnod cwblhau’r cyfnod gweithredu ac yn dod i ben yn union cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs,

- (c) sy’n ymgymryd â chwrs dynodedig yng Nghymru,
- (d) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy’n ffurfio’r Deyrnas Unedig, Gibraltar, yr AEE a’r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs, ac
- (e) yn ddarostyngedig i is-baragraff (2), na fu’n preswyllo fel arfer yn y diriogaeth sy’n ffurfio’r Deyrnas Unedig, Gibraltar, yr AEE a’r Swistir yn ystod unrhyw ran o’r cyfnod y cyfeirir ato ym mharagraff (d) yn gyfan gwbl neu’n bennaf at ddiben cael addysg lawnamser.

(2) Nid yw paragraff (e) o is-baragraff (1) yn gymwys i berson sy’n cael ei drin fel pe bai’n preswyllo fel arfer yn y diriogaeth sy’n ffurfio’r Deyrnas Unedig, Gibraltar, yr AEE a’r Swistir yn unol â pharagraff 1(5).”

Amendments to Schedule 2

56. In Schedule 2, after paragraph 8B insert—

“Irish citizens in the EEA and Switzerland

8BA.—(1) A person—

- (a) who is an Irish citizen on the first day of the first academic year of the course,
- (b) who was ordinarily resident immediately before IP completion day—
 - (i) in the territory comprising the EEA and Switzerland, or
 - (ii) in the United Kingdom, where that ordinary residence began after 31 December 2017 immediately following a period of ordinary residence in the territory comprising the EEA and Switzerland,

and has remained ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the EEA and Switzerland throughout the period beginning on IP completion day and ending immediately before the first day of the first academic year of the course,

- (c) who is undertaking a designated course in Wales,
- (d) who has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course, and
- (e) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, the EEA and Switzerland has not during any part of the period referred to in paragraph (d) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (e) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the EEA and Switzerland in accordance with paragraph 1(5).”

Jeremy Miles

Gweinidog y Gymraeg ac Addysg, un o Weinidogion
Cymru
1 Rhagfyr 2021

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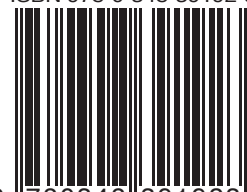
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