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WELSH STATUTORY
INSTRUMENTS

2021 Rhif 813 (Cy. 192)

2021 No. 813 (W. 192)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Addysg (Cyllid
Myfyrwyr) (Diwygiadau
Amrywiol) (Cymru) 2021

The Education (Student Finance)
(Miscellaneous Amendments)
(Wales) Regulations 2021

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007 ("Rheoliadau 2007"), Rheoliadau Addysg (Cymorth i Fyfywrwyr) (Cymru) 2017 ("Rheoliadau 2017"), Rheoliadau Addysg (Cymorth i Fyfywrwyr) (Cymru) 2018 ("Rheoliadau 2018") a Rheoliadau Addysg (Cymorth i Fyfywrwyr) (Graddau Meistr Ôl-raddedig) (Cymru) 2019 ("Rheoliadau 2019").

These Regulations amend the Education (Fees and Awards) (Wales) Regulations 2007 ("the 2007 Regulations"), the Education (Student Support) (Wales) Regulations 2017 ("the 2017 Regulations"), the Education (Student Support) (Wales) Regulations 2018 ("the 2018 Regulations") and the Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019 ("the 2019 Regulations").

Mae'r Rheoliadau hyn yn diwygio darpariaethau yn Rheoliadau 2017 a Rheoliadau 2018 sy'n ymwneud â swm y cymorth cynhaliath sy'n daladwy i fyfyrwr cymwys drwy gyfeirio at y man lle y mae'n byw yn ystod y chwarteri y mae'r cymorth hwnnw yn daladwy ynddynt. Mae'r diwygiadau yn darparu bod myfyrwr cymwys sy'n byw gyda'i rieni am reswm nad yw ond yn ymwneud â'r coronafeirws yn cael ei drin fel pe bai'n byw yn y lleoliad y byddai wedi bod yn byw ynddo oni bai am y rheswm hwnnw, oni bai bod y myfyrwr yn gofyn fel arall.

These Regulations amend provisions in the 2017 Regulations and the 2018 Regulations relating to the amount of maintenance support payable to an eligible student by reference to the place where they live during the quarters in which that support is payable. The amendments provide that an eligible student who lives with their parents for a reason only relating to coronavirus is treated as living in the location they would have been living had it not been for that reason, unless the student requests otherwise.

Mae'r Rheoliadau hyn hefyd yn cywiro gwallau teipograffyddol yn Rheoliadau 2007, Rheoliadau 2017, Rheoliadau 2018 a Rheoliadau 2019.

These Regulations also correct typographical errors in the 2007 Regulations, the 2017 Regulations, the 2018 Regulations and the 2019 Regulations.

2021 Rhif 813 (Cy. 192)

ADDYSG, CYMRU

**Rheoliadau Addysg (Cyllid
Myfyrwyr) (Diwygiadau
Amrywiol) (Cymru) 2021**

Gwnaed 7 Gorffennaf 2021
Gosodwyd gerbron *Senedd*
Cymru 9 Gorffennaf 2021
Yn dod i rym 1 Awst 2021

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer pwerau a roddir i'r Ysgrifennydd Gwladol gan adrannau 1 a 2 o Ddeddf Addysg (Ffioedd a Dyfarniadau) 1983(1) ac adrannau 22(2)(a) ac (c) a 42(6) o Ddeddf Addysgu ac Addysg Uwch 1998(2) ac sydd bellach yn arferadwy ganddynt hwy(3):

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- (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.
- (3) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn adran 1 o Ddeddf Addysg (Ffioedd a Dyfarniadau) 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'r Cynulliad 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(a) ac (c) o Ddeddf Addysgu ac Addysg Uwch 2004 i fod i gael eu harfer gan Gynulliad Cenedlaethol Cymru yn gyredol 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.

2021 No. 813 (W. 192)

EDUCATION, WALES

**The Education (Student Finance)
(Miscellaneous Amendments)
(Wales) Regulations 2021**

Made 7 July 2021
Laid before Senedd Cymru 9 July 2021
Coming into force 1 August 2021

The Welsh Ministers make the following Regulations in exercise of the powers conferred upon the Secretary of State by sections 1 and 2 of the Education (Fees and Awards) Act 1983(1) and sections 22(2)(a) and (c) and 42(6) of the Teaching and Higher Education Act 1998(2) and now exercisable by them(3):

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- (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.
- (3) 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(a) and (c) of the Teaching and Higher Education Act 2004 were 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).

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Cyllid Myfyrwyr) (Diwygiadau Amrywiol) (Cymru) 2021.

(2) Daw'r Rheoliadau hyn i rym ar 1 Awst 2021.

Diwygiad i Reoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007

2. Yn nhestun Cymraeg rheoliad 2 (dehongli) o Reoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007(1), o flaen “mae “addysg”” mewnosoder rhif paragraff “(1)”.

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

3. Mae Rheoliadau Addysg (Cymorth i Fyfrwyr) (Cymru) 2017(2) wedi eu diwygio fel a ganlyn.

4. Yn rheoliad 46 (myfyrwyr sy'n preswyllo gyda'u rhieni)—

(a) ym mharagraff (1) yn lle “(“A” yn y paragraff hwn)” rhodder “(“A” yn y rheoliad hwn)”;

(b) ar y diwedd mewnosoder—

“(3) Yn ddarostyngedig i baragraff (4), pan fo A yn preswyllo yng nghartref rhieni A am reswm nad yw ond yn ymwneud â'r coronafeirws, caiff A ei drin fel pe na bai A yn preswyllo yng nghartref rhieni A.

(4) Nid yw paragraff (3) yn gymwys pan fo A yn gofyn bod Gweinidogion Cymru yn ei drin fel pe bai'n preswyllo yng nghartref ei rieni.”

5. Yn rheoliad 52 (dehongli Rhan 6), ar ôl paragraff (f) mewnosoder—

“(fa)ystyr “coronafeirws” (“*coronavirus*”) yw coronafeirws syndrom anadlol aciwt difrifol 2 (SARS-CoV-2);”

6. Yn rheoliadau 49(2)(h) a 111(2)(e) yn lle “y person yn dod yn berson” rhodder “y myfyrwr yn dod yn berson”.

Title and commencement

1.—(1) The title of these Regulations is the Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2021.

(2) These Regulations come into force on 1 August 2021.

Amendment to the Education (Fees and Awards) (Wales) Regulations 2007

2. In the Welsh text of regulation 2 (interpretation) of the Education (Fees and Awards) (Wales) Regulations 2007(1), before “mae “addysg”” insert paragraph number “(1)”.

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

3. The Education (Student Support) (Wales) Regulations 2017(2) are amended as follows.

4. In regulation 46 (students residing with parents)—

(a) in paragraph (1) for “(“A” in this paragraph)” substitute “(“A” in this regulation)”;

(b) at the end insert—

“(3) Subject to paragraph (4), where A resides at A's parents' home for a reason only relating to coronavirus, A is treated as if A were not residing at A's parents' home.

(4) Paragraph (3) does not apply where A requests that the Welsh Ministers treat them as residing at their parents' home.”

5. In regulation 52 (interpretation of Part 6), after paragraph (f) insert—

“(fa)“coronavirus” (“*coronafeirws*”) means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);”

6. In regulations 49(2)(h) and 111(2)(e) for “the person becomes a person” substitute “the student becomes a person”.

(1) 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) ac O.S. 2021/481 (Cy. 148).

(2) 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) ac O.S. 2021/481 (Cy. 148).

(1) 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) and S.I. 2021/481 (W. 148).

(2) 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) and S.I. 2021/481 (W. 148).

7. Yn Atodlen 1—

- (a) yn nhestun Cymraeg paragraff 1(5)(b) yn lle'r atalnod llawn rhodder “; ac”;
- (b) yn nhestun Saesneg paragraff 11A(a) yn lle “agreements” rhodder “agreement”.

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

8. Mae Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2018(1) wedi eu diwygio fel a ganlyn.

9. Yn rheoliad 86 (myfyrrwyr sy'n byw mewn mwy nag un lleoliad), ar y diwedd mewnosoder—

“(4) Yn ddarostyngedig i baragraff (5), pan fo myfyriwr cymwys yn byw gartref am reswm nad yw ond yn ymwneud â'r coronafeirws, caiff y myfyriwr cymwys ei drin fel pe bai'n byw yn y categori o leoliad y mae Gweinidogion Cymru yn ystyried y byddai'r myfyriwr cymwys wedi bod yn byw ynddo oni bai am y rheswm hwnnw.

(5) Nid yw paragraff (4) yn gymwys pan fo myfyriwr cymwys wedi gofyn am gael ei drin fel pe bai'n byw gartref.”

10. Yn lle “y person yn dod yn berson” rhodder “y myfyriwr yn dod yn berson” lle y mae'n digwydd yn—

- (a) rheoliad 80(2)(b)(v);
- (b) rheoliad 81(3)(b)(iv);
- (c) Atodlen 4, paragraff 14(3)(b)(iv); a
- (d) Atodlen 5, paragraff 4(2)(e).

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

11. Yn nhestun Cymraeg Atodlen 2 i Reoliadau Addysg (Cymorth i Fyfyrrwyr) (Graddau Meistr Ôl-raddedig) (Cymru) 2019(2), ym mharagraff 7A(1)(d) yn lle “fer” rhodder “fel”.

7. In Schedule 1—

- (a) in the Welsh text of paragraph 1(5)(b) for the full stop substitute “; ac”;
- (b) in the English text of paragraph 11A(a) for “agreements” substitute “agreement”.

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

8. The Education (Student Support) (Wales) Regulations 2018(1) are amended as follows.

9. In regulation 86 (students living in more than one location), at the end insert—

“(4) Subject to paragraph (5), where an eligible student is living at home for a reason only relating to coronavirus, the eligible student is treated as living in the category of location that the Welsh Ministers consider the eligible student would have been living had it not been for that reason.

(5) Paragraph (4) does not apply where an eligible student has requested that they are treated as living at home.”

10. For “the person becomes a person” substitute “the student becomes a person” where it occurs in—

- (a) regulation 80(2)(b)(v);
- (b) regulation 81(3)(b)(iv);
- (c) Schedule 4, paragraph 14(3)(b)(iv); and
- (d) Schedule 5, paragraph 4(2)(e).

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

11. In the Welsh text of Schedule 2 to the Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019(2), in paragraph 7A(1)(d) for “fer” substitute “fel”.

(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) ac O.S. 2021/481 (Cy. 148).

(2) O.S. 2019/895 (Cy. 161), a ddiwygiwyd gan O.S. 2019/1039 (Cy. 182); 2019/1192 (Cy. 209); O.S. 2020/142 (Cy. 25); 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. 2018/191 (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) and S.I. 2021/481 (W. 148).

(2) S.I. 2019/895 (W. 161) amended by S.I. 2019/1039 (W. 182); 2019/1192 (W. 209); S.I. 2020/142 (W. 25); 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).

Jeremy Miles

Gweinidog y Gymraeg ac Addysg, un o Weinidogion
Cymru
7 Gorffennaf 2021

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Minister for Education and Welsh Language, one of
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