



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2022 Rhif 403 (Cy. 100)

2022 No. 403 (W. 100)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Addysg (Cymorth i
Fyfywrwr Ôl-raddedig)
(Diwygiadau Amrywiol) (Cymru)
2022

The Education (Postgraduate
Student Support) (Miscellaneous
Amendments) (Wales) Regulations
2022

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio:

- (a) Rheoliadau Addysg (Benthyciadau at Radd Feistr Ôl-raddedig) (Cymru) 2017 ("Rheoliadau 2017") (gweler Rhan 2 o'r Rheoliadau),
- (b) Rheoliadau Addysg (Benthyciadau at Radd Ddoethurol Ôl-raddedig) (Cymru) 2018 ("Rheoliadau 2018") (gweler Rhan 3 o'r Rheoliadau), ac
- (c) Rheoliadau Addysg (Cymorth i Fyfywrwr) (Graddau Meistr Ôl-raddedig) (Cymru) 2019 ("Rheoliadau 2019") (gweler Rhan 4 o'r Rheoliadau).

Mae Pennod 2 o Rannau 2, 3 a 4 o'r Rheoliadau yn diwygio Rheoliadau 2017, Rheoliadau 2018 a Rheoliadau 2019 o ran cymhwysra sy'n codi o'r Cynllun Preswyllo'n Sefydlog i Ddinasyddion yr UE. Mae'r diwygiadau yn dileu cyfeiriadau at y "cyfnod gras" o ganlyniad i'r ffaith bod y cyfnod hwnnw bellach wedi mynd heibio.

Mae Pennod 3 o Rannau 3 a 4 o'r Rheoliadau yn diwygio Rheoliadau 2018 a Rheoliadau 2019. Mae'r diwygiadau yn darparu i ddinasyddion Affganistan y rhoddir caniatâd amhenodol iddynt i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi o dan y Cynllun Polisi Adleoli a Chymorth i Affganïaid neu'r Cynllun Adsefydlu Dinasyddion Affganistan fod yn gymwys i gael cymorth i fyfywrwr ar yr amod eu bod yn bodloni'r holl feini prawf eraill.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend:

- (a) The Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017 ("the 2017 Regulations") (see Part 2 of the Regulations),
- (b) The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018 ("the 2018 Regulations") (see Part 3 of the Regulations), and
- (c) The Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019 ("the 2019 Regulations") (see Part 4 of the Regulations).

Chapter 2 of Parts 2, 3 and 4 of the Regulations amend the 2017 Regulations, the 2018 Regulations and the 2019 Regulations as regards eligibility arising from the EU Settlement Scheme. The amendments remove references to the "grace period" as a result of that period now having elapsed.

Chapter 3 of Parts 3 and 4 of the Regulations amend the 2018 Regulations and 2019 Regulations. The amendments provide for Afghan citizens who are granted indefinite leave to enter or remain in the United Kingdom under the Afghan Relocations and Assistance Policy Scheme or the Afghan Citizens Resettlement Scheme to be eligible for student support provided they satisfy all other criteria.

Mae Pennod 4 o Rannau 3 a 4 o'r Rheoliadau yn gwneud diwygiadau i Rheoliadau 2018 a Rheoliadau 2019 sy'n ymwneud â'r swm o gymorth ariannol y caiff myfyriwr cymwys ei gael ar gyfer blwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Awst 2022.

Mae Pennod 5 o Ran 3 o'r Rheoliadau yn diwygio Rheoliadau 2018. Mae'r diwygiad yn darparu i berson sy'n ymgymryd â rhaglen sy'n arwain at ddoethuriaeth mewn seicoleg addysgol ym Mhrifysgol Caerdydd, sy'n dechrau ar neu ar ôl 1 Awst 2022, beidio â bod yn gymwys i gael cymorth ariannol pan fo bwrsari neu ddyfardal tebyg a gyllidir gan Weinidogion Cymru wedi ei roi neu ei dalu iddo.

Mae Pennod 5 o Ran 4 o'r Rheoliadau yn diwygio Rheoliadau 2019 er mwyn gwneud myfyrwyr sy'n ymgymryd â chwrs gwaith cymdeithasol ôl-raddedig, sy'n dechrau ar neu ar ôl 1 Awst 2022, yn gymwys i gael benthygiad cyfrannu at gostau.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau 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.

Chapter 4 of Parts 3 and 4 of the Regulations make amendments to the 2018 Regulations and the 2019 Regulations relating to the amount of financial support that an eligible student may receive for an academic year beginning on or after 1 August 2022.

Chapter 5 of Part 3 of the Regulations amends the 2018 Regulations. The amendment provides for a person undertaking a programme leading to a doctorate in educational psychology at Cardiff University, which starts on or after 1 August 2022, to be ineligible for financial support where a bursary or similar award funded by the Welsh Ministers has been bestowed on or paid to them.

Chapter 5 of Part 4 of the Regulations amends the 2019 Regulations to make students undertaking a postgraduate social work course, which starts on or after 1 August 2022, eligible to receive a contribution to costs loan.

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.

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ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Cymorth i
Fyfirwyr Ôl-raddedig)
(Diwygiadau Amrywiol) (Cymru)
2022**

**The Education (Postgraduate
Student Support) (Miscellaneous
Amendments) (Wales) Regulations
2022**

Gwnaed 29 Mawrth 2022
Gosodwyd gerbron *Senedd*
Cymru 30 Mawrth 2022
Yn dod i rym 6 Mai 2022

Made 29 March 2022
Laid before Senedd Cymru 30 March 2022
Coming into force 6 May 2022

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

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

- (1) 1998 p. 30; diwygiwyd adran 22(1) gan Ddeddf Dysgu a Sgiliau 2000 (p. 21), adran 146(2)(a). *Gweler* adran 43(1) o Ddeddf Addysgu ac Addysg Uwch 1998 am y diffiniadau o "prescribed" a "regulations".
- (2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn adran 22(1)(b) a 22(2)(b) o Ddeddf Addysgu ac Addysg Uwch 1998 i Gynulliad Cenedlaethol Cymru, i'r graddau y maent yn ymwneud â gwneud darpariaeth o ran Cymru, gan adran 44 o Ddeddf Addysg Uwch 2004 (p. 8). Darparodd adran 44 o'r Ddeddf honno hefyd fod y swyddogaethau yn adran 22(2)(a) o Ddeddf Addysgu ac Addysg Uwch 1998 i fod i gael eu harfer gan Gynulliad Cenedlaethol Cymru yn gyddredol 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) o Ddeddf Addysgu ac Addysg Uwch 1998, 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.

- (1) 1998 c. 30; section 22(1) was amended by the Learning and Skills Act 2000 (c. 21), section 146(2)(a). *See* section 43(1) of the Teaching and Higher Education Act 1998 for the definitions of "prescribed" and "regulations".
- (2) The function of the Secretary of State in section 22(1)(a) and 22(2)(b) of the Teaching and Higher Education Act 1998 were transferred to the National Assembly for Wales, so far as they relate to making provision in relation to Wales by section 44 of the Higher Education Act 2004 (c. 8). Section 44 of that Act also provided that the functions in section 22(2)(a) of the Teaching and Higher Education Act 1998 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) of the Teaching and Higher Education Act 1998, in so far as being exercisable in relation to Wales, was transferred 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 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

RHAN 1

Enwi, cychwyn a chymhwyso

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Cymorth i Fyfyrrwyr Ôl-raddedig) (Diwygiadau Amrywiol) (Cymru) 2022.

(2) Daw'r Rheoliadau hyn i rym ar 6 Mai 2022.

Cymhwyso

2. Mae'r Rheoliadau hyn yn gymwys mewn perthynas â darparu cymorth i fyfyrwr mewn perthynas â blwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Awst 2022, pa un a wneir unrhyw beth a wneir o dan y Rheoliadau hyn cyn, ar neu ar ôl y dyddiad hwnnw.

RHAN 2

Diwygiadau i Reoliadau Addysg (Benthyciadau at Radd Feistr Ôl-raddedig) (Cymru) 2017

PENNOD 1

Cyflwyniad

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

PENNOD 2

Y Cynllun Preswyllo'n Sefydlog i Ddinasyddion yr UE – hepgor y cyfnod gras

Diwygiadau i reoliad 2

4. Yn rheoliad 2(1)—
- (a) hepgorer y diffiniad o “cyfnod gras”;
 - (b) yn y diffiniad o “person sydd â hawliau gwarchoddedig”, hepgorer paragraff (1)(a)(iii).

Diwygiadau i reoliad 3

5. Yn rheoliad 3(10)(a)—
- (a) ym mharagraff (i), hepgorer “(iii),”;
 - (b) ym mharagraff (ii), hepgorer “(iii) neu”.

(1) O.S. 2017/523 (Cy. 109); y diwygiadau perthnasol yw O.S. 2018/814 (Cy. 165); O.S. 2019/895 (Cy. 161); 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. 2021/1365 (Cy. 360).

PART 1

Title, commencement and application

Title and commencement

1.—(1) The title of these Regulations is the Education (Postgraduate Student Support) (Miscellaneous Amendments) (Wales) Regulations 2022.

(2) These Regulations come into force on 6 May 2022.

Application

2. These Regulations apply in relation to the provision of support to a student in relation to an academic year which begins on or after 1 August 2022, whether or not anything done under these Regulations is done before, on or after that date.

PART 2

Amendments to the Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017

CHAPTER 1

Introduction

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

CHAPTER 2

EU Settlement Scheme – omission of grace period

Amendments to regulation 2

4. In regulation 2(1)—
- (a) omit the definition of “grace period”;
 - (b) in the definition of “person with protected rights” omit paragraph (1)(a)(iii).

Amendments to regulation 3

5. In regulation 3(10)(a)—
- (a) in paragraph (i), omit “(iii),”;
 - (b) in paragraph (ii), omit “(iii) or”.

(1) S.I. 2017/523 (W. 109); relevant amendments are S.I. 2018/814 (W. 165); S.I. 2019/895 (W. 161); 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. 2021/1365 (W. 360).

Diwygiad i Atodlen 1

6. Yn Atodlen 1, hepgorer paragraff 3(1)(a)(iii).

RHAN 3

Diwygiadau i Reoliadau Addysg (Benthyciadau at Radd Ddoethurol Ôl-raddedig) (Cymru) 2018

PENNOD 1

Cyflwyniad

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

PENNOD 2

Y Cynllun Preswyllo'n Sefydlog i Ddinasyddion yr UE – hepgor y cyfnod gras

Diwygiadau i reoliad 2

8. Yn rheoliad 2(1)—

- (a) hepgorer y diffiniad o “cyfnod gras”;
- (b) yn y diffiniad o “person sydd â hawliau gwarchoddedig”, hepgorer paragraff (1)(a)(iii).

Diwygiadau i reoliad 3

9. Yn rheoliad 3(11)(a)—

- (a) ym mharagraff (i), hepgorer “(iii),”;
- (b) ym mharagraff (ii), hepgorer “(iii) neu”.

Diwygiad i Atodlen 1

10. Yn Atodlen 1, hepgorer paragraff 3(1)(a)(iii).

PENNOD 3

Cymhwysra ar gyfer dinasyddion penodol o Affganistan

Diwygiad i reoliad 2

11. Yn rheoliad 2(1), yn y lle priodol, mewnosoder—

“ystyr “person sydd â chaniatâd i ddod i mewn neu i aros fel dinesydd perthnasol o Affganistan” (“*person with leave to enter or remain as a relevant Afghan citizen*”) yw person—

Amendment to Schedule 1

6. In Schedule 1, omit paragraph 3(1)(a)(iii).

PART 3

Amendments to the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018

CHAPTER 1

Introduction

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

CHAPTER 2

EU Settlement Scheme – omission of grace period

Amendments to regulation 2

8. In regulation 2(1)—

- (a) omit the definition of “grace period”;
- (b) in the definition of “person with protected rights”, omit paragraph (1)(a)(iii).

Amendments to regulation 3

9. In regulation 3(11)(a)—

- (a) in paragraph (i), omit “(iii),”;
- (b) in paragraph (ii), omit “(iii) or”.

Amendment to Schedule 1

10. In Schedule 1, omit paragraph 3(1)(a)(iii).

CHAPTER 3

Eligibility for certain Afghan citizens

Amendment to regulation 2

11. In regulation 2(1), at the appropriate place, insert—

““person with leave to enter or remain as a relevant Afghan citizen” (“*person sydd â chaniatâd i ddod i mewn neu i aros fel dinesydd perthnasol o Affganistan*”) means a person granted—

(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); O.S. 2021/481 (Cy. 148) ac O.S. 2021/1365 (Cy. 360).

(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); S.I. 2021/481 (W. 148) and S.I. 2021/1365 (W. 360).

- (a) y rhoddwyd caniatâd amhenodol iddo i ddod i mewn i'r Deyrnas Unedig o dan baragraff 276BA2 o'r rheolau mewnfudo, caniatâd amhenodol i aros yn y Deyrnas Unedig o dan baragraff 276BS2 o'r rheolau mewnfudo neu ganiatâd i ddod i mewn neu ganiatâd amhenodol i ddod i mewn i'r Deyrnas Unedig o dan baragraff 276BJ2 neu 276BO2 o'r rheolau mewnfudo;
- (b) y rhoddwyd caniatâd iddo i ddod i mewn neu ganiatâd amhenodol i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi y tu allan i'r rheolau mewnfudo ar sail y Cynllun Polisi Adleoli a Chymorth i Affganiaid;
- (c) y rhoddwyd caniatâd amhenodol iddo i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi y tu allan i'r rheolau mewnfudo ar sail y Cynllun Adsefydlu Dinasyddion Affganistan; neu
- (d) y rhoddwyd caniatâd amhenodol iddo i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi y tu allan i'r rheolau mewnfudo fel priod, partner sifil neu blentyn dibynnol person sy'n dod o dan baragraff (c) neu blentyn dibynnol i briod neu bartner sifil o'r fath;".

- (a) indefinite leave to enter the United Kingdom under paragraph 276BA2 of the immigration rules, indefinite leave to remain in the United Kingdom under paragraph 276BS2 of the immigration rules or leave to enter or indefinite leave to enter the United Kingdom under paragraph 276BJ2 or 276BO2 of the immigration rules;
- (b) leave to enter or indefinite leave to enter or remain in the United Kingdom outside the immigration rules on the basis of the Afghan Relocations and Assistance Policy Scheme;
- (c) indefinite leave to enter or remain in the United Kingdom outside the immigration rules on the basis of the Afghan Citizens Resettlement Scheme; or
- (d) indefinite leave to enter or remain in the United Kingdom outside the immigration rules as the spouse, civil partner or dependent child of a person falling into paragraph (c) or dependent child of such a spouse or civil partner;".

Diwygiad i reoliad 8

12. Yn rheoliad 8, ar ôl paragraff (bb), mewnosoder—

“(bc) bod y myfyriwr yn dod yn berson sydd â chaniatâd i ddod i mewn neu i aros fel dinesydd perthnasol o Affganistan;”.

Amendment to regulation 8

12. In regulation 8, after paragraph (bb), insert—

“(bc) the student becomes a person with leave to enter or remain as a relevant Afghan citizen;”.

Diwygiadau i Atodlen 1

13. Yn Atodlen 1, ym mharagraff 4A(4)(b)—

- (a) yn is-baragraff (iii), hepgorer y “neu” terfynol ac ar ddiwedd is-baragraff (iv), mewnosoder “neu”;
- (b) ar ôl is-baragraff (iv), mewnosoder—
 - “(v) person sydd â chaniatâd i ddod i mewn neu i aros fel dinesydd perthnasol o Affganistan;”.

Amendments to Schedule 1

13. In Schedule 1, in paragraph 4A(4)(b)—

- (a) in sub-paragraph (iii), omit the terminal “or” and at the end of sub-paragraph (iv), insert “or”;
- (b) after sub-paragraph (iv), insert—
 - “(v) a person with leave to enter or remain as a relevant Afghan citizen;”.

PENNOD 4

Diwygiadau sy'n ymwneud â chymorth ariannol

Diwygiadau i reoliad 13

14. Yn rheoliad 13—

- (a) ym mharagraff (1), yn lle “£27,265” rhodder “£27,880”;
- (b) ym mharagraff (2)(b), yn lle “£27,265” rhodder “£27,880”.

PENNOD 5

Diwygiadau sy'n ymwneud â rhaglenni seicoleg addysgol penodol

Diwygiad i reoliad 3

15. Yn rheoliad 3, ar ôl paragraff (3), mewnosoder—

“(3A) Nid yw person (“A”) yn fyfyrwr cymwys—

- (a) os yw A yn ymgymryd â rhaglen ym Mhrifysgol Caerdydd sy'n arwain at ddyfarnu doethuriaeth mewn seicoleg addysgol sy'n dechrau ar neu ar ôl 1 Awst 2022, a
- (b) os rhoddwyd i A neu os talwyd iddo mewn perthynas ag A yn ymgymryd â'r rhaglen honno unrhyw lwfans, bwrsari neu ddyfarndal o ddisgrifiad tebyg a gyllidir gan Weinidogion Cymru.”

RHAN 4

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

PENNOD 1

Cyflwyniad

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

CHAPTER 4

Amendments relating to financial support

Amendments to regulation 13

14. In regulation 13—

- (a) in paragraph (1), for “£27,265” substitute “£27,880”;
- (b) in paragraph (2)(b), for “£27,265” substitute “£27,880”.

CHAPTER 5

Amendments relating to certain educational psychology programmes

Amendment to regulation 3

15. In regulation 3, after paragraph (3), insert—

“(3A) A person (“A”) is not an eligible student if—

- (a) A is undertaking a programme at Cardiff University leading to the award of doctorate in educational psychology which begins on or after 1 August 2022, and
- (b) there has been bestowed on or paid to A in relation to A undertaking that programme any allowance, bursary or award of a similar description funded by the Welsh Ministers.”

PART 4

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

CHAPTER 1

Introduction

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

⁽¹⁾ O.S. 2019/895 (Cy. 161); y diwygiadau perthnasol yw O.S. 2019/1094; 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. 2021/1365 (Cy. 360).

⁽¹⁾ S.I. 2019/895 (W. 161); relevant amendments are S.I. 2019/1094; 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. 2021/1365 (W. 360).

PENNOD 2

Y Cynllun Preswyllo'n Sefydlog i Ddinasyddion yr
UE – hepgor y cyfnod gras

Diwygiadau i reoliad 12A

17. Yn rheoliad 12A(a)—

- (a) yn is-baragraff (i), hepgorer “(iii),”;
- (b) yn is-baragraff (ii), hepgorer “(iii) neu”.

Diwygiadau i Atodlen 1

18. Yn Atodlen 1, ym mharagraff 3(1)—

- (a) hepgorer y diffiniad o “cyfnod gras”;
- (b) yn y diffiniad o “person sydd â hawliau gwarchoddedig”, hepgorer paragraff (1)(a)(iii) o'r diffiniad hwnnw.

Diwygiad i Atodlen 2

19. Yn Atodlen 2, hepgorer paragraff 1(2)(a)(iii).

Diwygiad i Atodlen 4

20. Yn Atodlen 4, hepgorer y cofnod yn y tabl ar gyfer “cyfnod gras”.

PENNOD 3

Cymhwysra ar gyfer dinasyddion penodol o
Affganistan

Diwygiadau i reoliad 16

21. Yn rheoliad 16—

- (a) ym mharagraff (1)(b), ar ôl is-baragraff (i), mewnosoder—
 - “(ia) bod y myfyriwr yn dod yn berson sydd â chaniatâd i ddod i mewn neu i aros fel dinesydd perthnasol o Affganistan;”;
- (b) ym mharagraff 2, yn y lle priodol mewnosoder “person sydd â chaniatâd i ddod i mewn neu i aros fel dinesydd perthnasol o Affganistan” (“*person with leave to enter or remain as a relevant Afghan citizen*”);”.

Diwygiadau i Atodlen 2

22. Yn Atodlen 2, paragraff 2A—

- (a) yn is-baragraff (4)(b)—
 - (i) hepgorer y “neu” terfynol ar ddiwedd paragraff (iii);

CHAPTER 2

EU Settlement Scheme – omission of grace period

Amendments to regulation 12A

17. In regulation 12A(a)—

- (a) in sub-paragraph (i), omit “(iii),”;
- (b) in sub-paragraph (ii), omit “(iii) or”.

Amendments to Schedule 1

18. In Schedule 1, in paragraph 3(1)—

- (a) omit the definition of “grace period”;
- (b) in the definition of “person with protected rights”, omit paragraph (1)(a)(iii) of that definition.

Amendment to Schedule 2

19. In Schedule 2, omit paragraph 1(2)(a)(iii).

Amendment to Schedule 4

20. In Schedule 4, omit the table entry for “grace period”.

CHAPTER 3

Eligibility for certain Afghan citizens

Amendments to regulation 16

21. In regulation 16—

- (a) in paragraph (1)(b), after sub-paragraph (i), insert—
 - “(ia) the student becomes a person with leave to enter or remain as a relevant Afghan citizen;”;
- (b) in paragraph 2, at the appropriate place insert “person with leave to enter or remain as a relevant Afghan citizen” (“*person sydd â chaniatâd i ddod i mewn neu i aros fel dinesydd perthnasol o Affganistan*”);”.

Amendments to Schedule 2

22. In Schedule 2, paragraph 2A—

- (a) in sub-paragraph (4)(b)—
 - (i) omit the terminal “or” at the end of paragraph (iii);

- (ii) ar ddiwedd paragraff (iv), yn lle'r hanner colon rhodder “, neu”;
- (iii) ar ôl paragraff (iv), mewnosoder—
 - “(v) person sydd â chaniatâd i ddod i mewn neu i aros fel dinesydd perthnasol o Affganistan;”.
- (b) ar ôl is-baragraff (4)(d) mewnosoder—
 - “(da) ystyr “person sydd â chaniatâd i ddod i mewn neu i aros fel dinesydd perthnasol o Affganistan” yw person—
 - (i) y rhoddwyd caniatâd amhenodol iddo i ddod i mewn i'r Deyrnas Unedig o dan baragraff 276BA2 o'r rheolau mewnfudo, caniatâd amhenodol i aros yn y Deyrnas Unedig o dan baragraff 276BS2 o'r rheolau mewnfudo neu ganiatâd i ddod i mewn neu ganiatâd amhenodol i ddod i mewn i'r Deyrnas Unedig o dan baragraff 276BJ2 neu 276BO2 o'r rheolau mewnfudo,
 - (ii) y rhoddwyd caniatâd iddo i ddod i mewn neu ganiatâd amhenodol i ddod i mewn i'r Deyrnas Unedig neu i aros ynnddi y tu allan i'r rheolau mewnfudo ar sail y Cynllun Polisi Adleoli a Chymorth i Affganiaid,
 - (iii) y rhoddwyd caniatâd amhenodol iddo i ddod i mewn i'r Deyrnas Unedig neu i aros ynnddi y tu allan i'r rheolau mewnfudo ar sail y Cynllun Adsefydlu Dinasyddion Affganistan, neu
 - (iv) y rhoddwyd caniatâd amhenodol iddo i ddod i mewn i'r Deyrnas Unedig neu i aros ynnddi y tu allan i'r rheolau mewnfudo fel priod, partner sifil neu blentyn dibynnol person sy'n dod o dan baragraff (iii) neu blentyn dibynnol i briod neu bartner sifil o'r fath;”.

PENNOD 4

Diwygiadau sy'n ymwneud â chymorth ariannol

Diwygiadau i reoliad 31

23. Yn rheoliad 31—

- (a) ym mharagraff (2), yn lle “£17,025” rhodder “£17,430”;
- (b) ym mharagraff (3)(b), yn lle “£17,025” rhodder “£17,430”.

- (ii) at the end of paragraph (iv), for the semi-colon substitute “, or”;
- (iii) after paragraph (iv), insert—
 - “(v) a person with leave to enter or remain as a relevant Afghan citizen;”.

(b) after sub-paragraph (4)(d) insert—

“(da) “person with leave to enter or remain as a relevant Afghan citizen” means a person granted—

- (i) indefinite leave to enter the United Kingdom under paragraph 276BA2 of the immigration rules, indefinite leave to remain in the United Kingdom under paragraph 276BS2 of the immigration rules or leave to enter or indefinite leave to enter the United Kingdom under paragraph 276BJ2 or 276BO2 of the immigration rules,
- (ii) leave to enter or indefinite leave to enter or remain in the United Kingdom outside the immigration rules on the basis of the Afghan Relocations and Assistance Policy Scheme,
- (iii) indefinite leave to enter or remain in the United Kingdom outside the immigration rules on the basis of the Afghan Citizens Resettlement Scheme, or
- (iv) indefinite leave to enter or remain in the United Kingdom outside the immigration rules as the spouse, civil partner or dependent child of a person falling into paragraph (iii) or dependent child of such a spouse or civil partner;”.

CHAPTER 4

Amendments relating to financial support

Amendments to regulation 31

23. In regulation 31—

- (a) in paragraph (2), for “£17,025” substitute “£17,430”;
- (b) in paragraph (3)(b), for “£17,025” substitute “£17,430”.

Diwygiadau i reoliad 36

24. Yn rheoliad 36—

- (a) ym mharagraff (8), yn lle “£17,025” rhodder “£17,430”;
- (b) ym mharagraff (10), yn lle “£17,025” rhodder “£17,430”.

PENNOD 5

Diwygiadau sy'n ymwneud â chyrtsiau gwaith cymdeithasol ôl-raddedig penodol

Diwygiadau i reoliad 10

25. Yn rheoliad 10(1)—

- (a) yn Eithriad 9, hepgorer paragraff (d);
- (b) ar ôl Eithriad 9, mewnosoder—

“Eithriad 9A

Mewn cysylltiad â P yn ymgymryd â'r cwrs dynodedig, rhoddwyd i P neu talwyd iddo unrhyw lwfans, bwrsari neu ddyfarndal o ddisgrifiad tebyg a wneir o dan adran 116(2)(a) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ac eithrio i'r graddau y mae P yn gymwys i gael y taliad hwnnw mewn cysylltiad â threuliau teithio.

Ond nid yw'r eithriad hwn yn gymwys pan fo'r cwrs dynodedig yn dechrau ar neu ar ôl 1 Awst 2022.”

Mewnosod rheoliad newydd 24A

26. Yn Rhan 6, ar ôl y pennawd i Bennod 2 o'r Rhan honno, mewnosoder—

“Amodau cymhwyso i gael grant sylfaenol

24A. Mae myfyriwr cymwys yn cymhwyso i gael grant sylfaenol mewn perthynas â chwrs dynodedig oni bai bod y myfyriwr cymwys yn fyfyriwr gofal cymdeithasol ôl-raddedig.”

Diwygiad i reoliad 26

27. Yn rheoliad 26, ar ôl “garcharor cymwys”, mewnosoder “neu'n fyfyriwr gofal cymdeithasol ôl-raddedig”.

Diwygiad i reoliad 31

28. Yn rheoliad 31(1), ar ôl “fyfyriwr cymwys”, mewnosoder “nad yw'n fyfyriwr gofal cymdeithasol ôl-raddedig”.

Amendments to regulation 36

24. In regulation 36—

- (a) in paragraph (8), for “£17,025” substitute “£17,430”;
- (b) in paragraph (10), for “£17,025” substitute “£17,430”.

CHAPTER 5

Amendments relating to certain postgraduate social work courses

Amendments to regulation 10

25. In regulation 10(1)—

- (a) in Exception 9, omit paragraph (d);
- (b) after Exception 9, insert—

“Exception 9A

In respect of P undertaking the designated course, there has been bestowed on or paid to P any allowance, bursary or award of a similar description made under section 116(2)(a) of the Regulation and Inspection of Social Care (Wales) Act 2016 save to the extent that P is eligible for such a payment in respect of travel expenses.

But this exception does not apply where the designated course begins on or after 1 August 2022.”

Insertion of new regulation 24A

26. In Part 6, after the heading to Chapter 2 of that Part, insert—

“Qualifying conditions for base grant

24A. An eligible student qualifies for a base grant in relation to a designated course unless the eligible student is a postgraduate social care student.”

Amendment to regulation 26

27. In regulation 26, after “eligible prisoner”, insert “or a postgraduate social care student”.

Amendment to regulation 31

28. In regulation 31(1), after “eligible student”, insert “who is not a postgraduate social care student”.

Mewnosod rheoliad newydd 31A

29. Ar ôl rheoliad 31, mewnosoder—

“31A.—(1) Cyfrifir swm y benthyciad cyfrannu at gostau sy’n daladwy i fyfyrwr cymwys sy’n fyfyrwr gofal cymdeithasol ôl-raddedig (“P”) fel a ganlyn—

£18,430

Minws

Swm y bwrsari gofal cymdeithasol a roddir neu a delir i P.

(2) Caiff myfyriwr gofal cymdeithasol cymwys wneud cais i Weinidogion Cymru i ddiwygio swm y benthyciad cyfrannu at gostau y mae’r myfyriwr wedi gwneud cais amdano, ar yr amod—

- (a) nad yw cyfanred symiau’r benthyciad cyfrannu at gostau y gwneir cais amdanynt yn fwy na’r swm a gyfrifir yn unol â pharagraff (1), a
- (b) bod cais o’r fath yn cael ei wneud yn unol â rheoliad 18(2).

(3) Yn y rheoliad hwn, ystyr “bwrsari gofal cymdeithasol” yw unrhyw lwfans, bwrsari neu ddyfarndal o ddisgrifiad tebyg o dan adran 116(2)(a) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ac eithrio i’r graddau y mae mewn cysylltiad â threuliau teithio.”

Diwygiad i Atodlen 1

30. Yn Atodlen 1, paragraff 3(1), yn y lle priodol, mewnosoder—

“ystyr “myfyriwr gofal cymdeithasol ôl-raddedig” (*“postgraduate social care student”*) yw myfyriwr cymwys y rhoddyd neu y talwyd iddo unrhyw lwfans, bwrsari neu ddyfarndal o ddisgrifiad tebyg o dan adran 116(2)(a) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016;”.

Insertion of new regulation 31A

29. After regulation 31, insert—

“31A.—(1) The amount of contribution to costs loan payable to an eligible student who is a postgraduate social care student (“P”) is calculated as follows—

£18,430

Minus

Amount of social care bursary bestowed on or paid to P.

(2) An eligible social care student may apply to the Welsh Ministers to amend the amount of contribution to costs loan for which the student has applied, provided that—

- (a) in aggregate, the amounts of contribution to costs loan applied for do not exceed the amount calculated in accordance with paragraph (1), and
- (b) such application is made in accordance with regulation 18(2).

(3) In this regulation “social care bursary” means any allowance, bursary or award of a similar description under section 116(2)(a) of the Regulation and Inspection of Social Care (Wales) Act 2016 save to the extent that it is in respect of travel expenses.”

Amendment to Schedule 1

30. In Schedule 1, paragraph 3(1), at the appropriate place, insert—

““postgraduate social care student” (*“myfyriwr gofal cymdeithasol ôl-raddedig”*) means an eligible student to whom there has been bestowed on or paid any allowance, bursary or award of a similar description under section 116(2)(a) of the Regulation and Inspection of Social Care (Wales) Act 2016;”.

Jeremy Miles

Gweinidog y Gymraeg ac Addysg, un o Weinidogion Cymru
29 Mawrth 2022

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Minister for Education and Welsh Language, one of the Welsh Ministers
29 March 2022

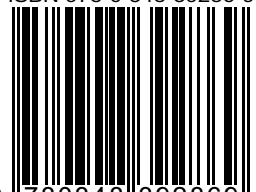
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