



**CYNULLIAD CENEDLAETHOL CYMRU**

**NATIONAL ASSEMBLY FOR WALES**

**OFFERYNNAU STATUDOL**

**STATUTORY INSTRUMENTS**

**2006 Rhif 126 (Cy.19)**

**2006 No. 126 (W.19)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

**Rheoliadau Grantiau a  
Benthyciadau Dysgu y Cynulliad  
(Addysg Uwch) (Cymru) 2006**

**The Assembly Learning Grants and  
Loans (Higher Education) (Wales)  
Regulations 2006**

**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 darparu ar gyfer cymorth ariannol i fyfyrwyr sydd fel arfer yn preswyllo yng Nghymru ac sy'n dilyn cyrsiau addysg uwch dynodedig mewn perthynas â'r flwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Medi 2006.

These Regulations provide for financial support for students who are ordinarily resident in Wales taking designated higher education courses in respect of the academic year beginning on or after 1 September 2006.

Mae'r Rheoliadau hyn yn dirymu Rheoliadau Addysg (Cymorth i Fyfyrwyr) 2005 i'r graddau y maent yn gymwys o ran Cymru. Mae rheoliad 3 yn nodi rhychwant y dirymiad. Disgrifir isod y newidiadau sylweddol heblaw graddfeydd grantiau a benthyciadau a wneir yn y Rheoliadau hyn.

These Regulations revoke the Education (Student Support) Regulations 2005 in so far as they apply in relation to Wales. Regulation 3 sets out the extent of the revocation. Changes of substance made in these Regulations other than rates of grants and loans are described below.

Mae'r Rheoliadau yn cyflwyno gwahaniaeth rhwng myfyrwyr cymwys dan yr hen drefn a myfyrwyr cymwys dan y drefn newydd (rheoliad 2(1)) o ran cymorth ariannol i fyfyrwyr ar gyfer cyrsiau amser-llawn.

The Regulations introduce a distinction between old system eligible students and new system eligible students (regulation 2(1)) in relation to financial support to students for full-time courses.

Mae myfyrwyr cymwys dan yr hen drefn yn fyfyrwyr cymwys sy'n mynychu cyrsiau a ddechreuodd cyn 1 Medi 2006 a myfyrwyr sy'n cymryd blwyddyn i ffwrdd sy'n dechrau cyrsiau cyn 1 Medi 2007, a chategoriâu penodol eraill o fyfyrwyr. Mae'r grantiau a'r benthyciadau canlynol ar gael i fyfyrwyr cymwys dan yr hen drefn yn ddarostyngedig i amodau penodedig-

Old system eligible students are eligible students attending courses that have started before 1 September 2006 and gap-year students starting courses before 1 September 2007, and certain other categories of student. The following grants and loans are available to old system eligible subject to the specified conditions-

- grant at ffioedd (Rhan 4);
- benthyciad at gyfraniad at ffioedd (rheoliad 16);
- grant at gostau byw myfyrwyr anabl (rheoliad 19);
- grant i fyfyrwyr sy'n ymadael â gofal (rheoliad 20);

- grant for fees (Part 4);
- fee contribution loan (regulation 16);
- grant for disabled students' living costs (regulation 19);
- grant for students who have left care (regulation 20);

- grant ar gyfer dibynyddion (rheoliadau 21 i 26);
- grant at deithio (rheoliad 27);
- grant addysg uwch (rheoliad 28); a
- benthyciadau at gostau byw (Rhan 7).

Mae myfyriwr cymwys dan y drefn newydd yn fyfyrwr cymwys sy'n dechrau ei gwrs ar neu ar ôl 1 Medi ac nad yw'n fyfyrwr cymwys dan yr hen drefn. Mae'r grantiau a'r benthyciadau canlynol ar gael i fyfyrwyr cymwys dan y drefn newydd, yn ddarostyngedig i amodau penodedig-

- benthyciadau at ffioedd (rheoliad 17);
- grant at gostau byw myfyrwyr anabl (rheoliad 19);
- grant i fyfyrwyr sy'n ymadael â gofal (rheoliad 20);
- grant ar gyfer dibynyddion (rheoliadau 21 i 26);
- grant at deithio (rheoliad 27);
- grant cynhaliaeth (rheoliad 29);
- grant cymorth arbennig (rheoliad 30); a
- benthyciadau at gostau byw (Rhan 7).

I fod â hawl i gael cymorth ariannol rhaid i fyfyrwr ddod o fewn un o'r categorïau a restrir yn Atodlen 1 a'r darpariaethau cymhwystra yn Rhan 2. Mae'r rheoliadau yn gymwys i fyfyrwyr sy'n preswyllo fel arfer yng Nghymru ble bynnag y bônt yn astudio ar gwrs dynodedig. At ddibenion y Rheoliadau hyn ystyrir bod person sy'n preswyllo fel arfer yng Nghymru, Lloegr, yr Alban, Gogledd Iwerddon, Ynysoedd y Sianel neu Ynys Manaw o ganlyniad i symud o unrhyw un o'r ardaloedd hyn at ddibenion ymgymryd â'i gwrs yn preswyllo fel arfer yn y lle y symudodd ohono (rheoliad 2(2)).

Nid yw cymorth ond ar gael o dan y rheoliadau o ran cyrsiau dynodedig o fewn ystyr rheoliadau 5, 51 ac Atodlen 2.

Mae'r Rheoliadau yn cyflwyno rheolau newydd ar astudio blaenorol yn rheoliadau 6 a 7. Mae myfyrwyr sy'n dechrau cyrsiau ar neu ar ôl 1 Medi 2006 yn gymwys i gael grant cymorth ffioedd a grant cynhaliaeth am hyd arferol eu cwrs ac am un flwyddyn ychwanegol. Gostyngir nifer y blynyddoedd pryd y mae cymorth ar gael ar sail nifer y blynyddoedd y rhoddwyd cymorth i addysg uwch eisoes. Ar gyfer myfyrwyr sy'n dechrau eu cwrs cyn 1 Medi 2006 bydd cymorth ar gael am hyd arferol y cwrs. Bydd Cynulliad Cenedlaethol Cymru yn gallu estyn cymhwystra pan fo rhesymau personol anorchfygol dros wneud hynny o ran y myfyriwr dan sylw. Mae benthyciadau

- grant for dependants (regulations 21 to 26);
- grant for travel (regulation 27);
- higher education grant (regulation 28); and
- loans for living costs (Part 7).

A new system eligible student is an eligible student who starts their course on or after 1 September and who is not an old system eligible student. The following grants and loans are available to new system eligible students, subject to the specified conditions-

- fee loans (regulation 17);
- grant for disabled students' living costs (regulation 19);
- grant for students who have left care (regulation 20);
- grant for dependants (regulations 21 to 26);
- grant for travel (regulation 27);
- maintenance grant (regulation 29);
- special support grant (regulation 30); and
- loans for living costs (Part 7).

To qualify for financial support a student must fall within one of the categories listed in Schedule 1 and the eligibility provisions in Part 2. The regulations apply to students ordinarily resident in Wales wherever they study on a designated course. For the purposes of these Regulations a person who is ordinarily resident in Wales, England, Scotland, Northern Ireland, the Channel Islands or the Isle of Man as a result of having moved from one of those areas for the purpose of undertaking his or her course is considered ordinarily resident in the place from which that person moved (regulation 2(2)).

Support is only available under the regulations in respect of designated courses within the meaning of regulations 5, 51 and Schedule 2.

The Regulations introduce new rules on previous study in regulations 6 and 7. Students starting courses on or after 1 September 2006 are eligible for fee support and maintenance grants for the ordinary length of their course plus one additional year. The number of years of support available is reduced by the number of years of previously supported higher education. For students who start their course before 1 September 2006 support will be available for the ordinary length of their course. The National Assembly for Wales will be able to extend eligibility where there are compelling personal reasons for doing so in respect of the student concerned. Maintenance loans are available throughout

cynhaliaeth ar gael drwy gydol cyfnod y cymhwysta, sy'n dod i ben ar ddiwedd y flwyddyn academiaidd pryd y mae'r myfyriwr yn gorffen y cwrs dynodedig. Bydd myfyrwyr sy'n mynychu cyrsiau ar gyfer hyfforddiant cychwynnol athrawon sy'n parhau llai na dwy flynedd yn esempt rhag y rheolau astudio blaenorol.

Ni fydd myfyrwyr sydd â chymhwyster gradd anrhydedd oddi wrth sefydliad addysg uwch yn y DU yn gymwys i gael cymorth o dan y rheoliadau, ond bydd myfyrwyr sy'n ymgymryd â chwrs ail radd sy'n arwain at gymhwyster proffesiynol fel gweithiwr cymdeithasol, doctor meddygol, deintydd, doctor milfeddygol, pensaer, pensaer tirwedd, dylunydd tirwedd, cynllunydd trefol neu gynllunydd gwlad a thref yn dal yn gymwys i gael benthyciad cynhaliaeth.

Mae'r diffiniad o "cwrs pen-ben" wedi ei ddiwygio (rheoliad 2(1)) fel bod myfyrwyr sy'n mynd ben-ben o radd sylfaen a ddechreuodd cyn 1 Medi 2006 (neu yn y flwyddyn academiaidd 2006/7 ar gyfer myfyrwyr sy'n cymryd blwyddyn i ffwrdd) at radd anrhydedd yn cael eu trin fel myfyrwyr cymwys o dan yr hen drefn. Bydd myfyrwyr sy'n symud o gwrs gradd at gwrs ar gyfer hyfforddiant cychwynnol athrawon (heblaw cwrs gradd gyntaf) ar neu ar ôl 1 Medi 2006 (ac eithrio myfyrwyr sy'n cymryd blwyddyn i ffwrdd) yn cael eu hystyried yn fyfyrwyr cymwys dan y drefn newydd pan ddechreuant eu cwrs hyfforddi athrawon.

Mae Rhan 3 o'r Rheoliadau yn gwneud darpariaeth ar gyfer ceisiadau am gymorth (rheoliad 9), terfynau amser ar gyfer ceisiadau (rheoliad 10) ac mae 3 ac Atodlen 3 yn pennu'r wybodaeth y mae'n rhaid i geiswyr ei darparu.

Mae Rhan 4 o'r rheoliadau yn gwneud darpariaeth ar gyfer y grant at ffioedd sydd ar gael i fyfyrwyr cymwys dan yr hen drefn.

Mae Rhan 5 yn gwneud darpariaeth newydd ar gyfer benthyciadau at ffioedd. Mae rheoliad 16 yn darparu ar gyfer benthyciad newydd at gyfraniad at ffioedd nad yw'n uwch na £1200 y flwyddyn academiaidd ar gyfer myfyrwyr cymwys dan yr hen drefn o ran mynychu cyrsiau dynodedig. £600 yw'r terfyn o dan yr amgylchiadau a bennir yn rheoliad 13(2). Mae rheoliad 17 yn darparu ar gyfer benthyciad at ffioedd hyd at fwyafswm o £3,000 y flwyddyn academiaidd ar gyfer myfyrwyr cymwys dan y drefn newydd o ran ffioedd sy'n daladwy ganddynt mewn perthynas â mynychu cyrsiau dynodedig. Y terfyn yw £1500 o dan yr amgylchiadau a bennir yn rheoliad 13(2).

Mae Rhan 6 yn gwneud darpariaeth ar gyfer grantiau at gostau byw. Mae rheoliad 29 yn gwneud darpariaeth ar gyfer grant cynhaliaeth ar sail prawf modd ar gyfer myfyrwyr cymwys dan y drefn newydd. Uchafswm y grant sydd ar gael ar gyfer rhan fwyaf y myfyrwr yw £2,700. Uchafswm y grant sydd ar gael i fyfyrwr ar gyrsiau hyfforddiant cychwynnol athrawon (heblaw am raddau cyntaf) y mae cyfanswm eu cyfnodau mynychu amser-llawn o leiaf 6 wythnos ond llai na 10 wythnos yw £1,350. Profir y grant cynhaliaeth fel a ganlyn-

the period of eligibility, which terminates at the end of the academic year in which the student completes the designated course. Students attending courses for the initial training of teachers lasting less than two years will be exempt from the previous study rules.

Students who have an honours degree qualification from a higher education institution in the UK will not be eligible for support under the regulations, but students undertaking a second degree course which leads to professional qualification as a social worker, medical doctor, dentist, veterinary doctor, architect, landscape architect, landscape designer, town planner or town and country planner will still be eligible for a maintenance loan.

The definition of "end-on course" is amended (regulation 2(1)) so that students going end-on from a foundation degree which started prior to 1 September 2006 (or in academic year 2006/7 for gap year students) to an honours degree will be treated as old system eligible students. Students moving from a degree course to a course for the initial training of teachers (other than a first degree course) on or after 1 September 2006 (with the exception of gap year students) will be considered as new system eligible students when they start their teacher training course.

Part 3 of the Regulations makes provision for applications for support (regulation 9), time limits for applications (regulation 10) and Part 3 and Schedule 3 specify the information that must be provided by applicants.

Part 4 of the regulations makes provision for the grant for fees available to old system eligible students.

Part 5 makes new provision for loans for fees. Regulation 16 provides for a new fee contribution loan not exceeding £1200 per academic year for old system eligible students in respect of their attendance on designated courses. The limit is £600 in the circumstances specified in regulations 13(2). Regulation 17 provides for a fee loan up to maximum of £3,000 per academic year for new system eligible students in respect of fees payable by them in respect of their attendance on designated courses. The limit is £1500 in the circumstances specified in regulation 13(2).

Part 6 makes provision for grants for living costs. Regulation 29 makes provision for a new means-tested maintenance grant for new system eligible students. The maximum grant available for most students is £2,700. The maximum amount of grant available for students on courses of initial teacher training (other than first degrees) whose periods of full-time attendance are in aggregate at least 6 weeks but less than 10 weeks is £1,350. The maintenance grant is means tested as follows-

- Bydd myfyrwyr sydd ag incwm aelwyd o £17,500 neu lai yn cael grant cynhaliaeth llawn o £2,700. Bydd myfyrwyr sydd ag incwm aelwyd uwchlaw £15,500 yn cael grant rhannol, gyda lleiafswm o grant o £50 yn daladwy unwaith y bydd incwm yr aelwyd yn cyrraedd £37,425.
- Bydd athrawon dan hyfforddiant yn cael elfen o'r grant cynhaliaeth nas cyfrifir ar sail prawf modd beth bynnag y bo incwm yr aelwyd. Bydd myfyrwyr ar gyrsiau ar gyfer hyfforddiant cychwynnol athrawon (heblaw am raddau cyntaf) sy'n astudio am fwy na 10 wythnos yn cael elfen nas cyfrifir ar sail prawf modd o £1,200; caiff y sawl sy'n astudio rhwng 6 a 10 wythnos £600.
- Cyfrifir yr hawl i gael grant rhannol drwy gymhwyso tapr o £1 am bob £6 i incwm aelwyd a ennillir dros ben £17,500 hyd at £26,499. Cymhwysir ail dapr o £1 am bob £9.50 i incwm aelwyd sydd rhwng £26,500 a £37,425.
- Students with household incomes of £17,500 or less will receive the full £2,700 maintenance grant. Students with household incomes above £15,500 will receive a partial grant, with a minimum grant of £50 payable once household income reaches £37,425.
- Trainee teachers will receive a non-means tested element of the maintenance grant regardless of household income. Students on courses for the initial training of teachers (other than first degrees) studying for more than 10 weeks will receive a non-means tested element of £1,200; those studying between 6 and 10 weeks will receive £600.
- Partial grant entitlement will be calculated by applying a taper of £1 for every £6 to household income earned in excess of £17,500 up to £26,499. A second taper of £1 in £9.50 will be applied to household income between £26,500 and £37,425.

Mae rheoliad 30 yn darparu ar gyfer grant cymorth arbennig ar gyfer myfyrwyr cymwys dan y drefn newydd sydd hefyd yn gymwys i gael Cymhorthdal Incwm a budd-daliadau eraill a gyfrifir ar sail prawf modd fel Budd-dal Tai. Yr un yw uchafswm y grant cymorth arbennig sydd ar gael ag uchafswm y grant cynhaliaeth sydd ar gael. Nid yw myfyrwyr sy'n gymwys i gael grant cymorth arbennig yn gymwys i gael grant cynhaliaeth. Ni roddir y grant cymorth arbennig yn lle unrhyw ran o'r benthyciad cynhaliaeth.

Mae Rhan 7 a Rhan 8 yn gwneud darpariaeth ar gyfer benthyciadau at gostau byw. Bydd myfyrwyr cymwys dan y drefn newydd sy'n gymwys i gael grant cynhaliaeth hefyd yn gymwys i gael benthyciad cynhaliaeth a thelir hyd at £1,200 o'r grant yn lle elfen o'r benthyciad myfyriwr. Gostyngir yr hawl i gael benthyciad cynhaliaeth o £1 am bob £1 o'r grant sy'n daladwy hyd at uchafswm o £1,200.

Mae Rhan 9 ac Atodlen 4 yn gwneud darpariaeth ar gyfer asesiad ariannol o fyfyrwyr ac ar gyfer cyfrifo cyfraniad y myfyriwr cymwys. Mae'r cyfraniad i'w gymhwyso i grantiau a benthyciadau penodedig hyd nes iddo gael ei ddiddymu yn erbyn swm y grantiau a'r benthyciadau penodol y mae gan y myfyriwr hawl i'w cael.

Mae Rhan 10 yn gwneud darpariaeth ar gyfer talu grantiau a benthyciadau. Mae rheoliad 48 yn cyflwyno gofyniad newydd bod sefydliadau i gadarnhau presenoldeb myfyrwyr ar gyrsiau cyn i daliad gael ei wneud. Mae eithriadau ar gyfer myfyrwyr nad ydynt yn gorfforol abl i fod yn bresennol ar y cwrs. Bydd myfyrwyr sy'n dilyn cyrsiau, ond nad ydynt yn abl i fod yn bresennol ar gwrs oherwydd anabledd yn gymwys i gael cymorth myfyriwr o dan y Rheoliadau ac eithrio'r grant at deithio (rheoliad 2(7)).

Regulation 30 makes provision for a special support grant for new system eligible students who are also eligible for Income Support and other means tested benefits such as Housing Benefit. The maximum amount of special support grant available is the same as the maximum of maintenance grant available. Students eligible for the special support grant are not eligible for the maintenance grant. The special support grant is not substituted for any part of the maintenance loan.

Part 7 and Part 8 make provision for loans for living costs. New system eligible students eligible for a maintenance grant will also be eligible for a maintenance loan and up to £1,200 of the grant is paid in substitution for an element of the student loan. Maintenance loan entitlement will be reduced by £1 for every £1 of grant payable up to a maximum of £1,200.

Part 9 and Schedule 4 makes provision for financial assessment of students for the calculation of the eligible student's contribution. The contribution is to be applied to specified grants and loans until it is extinguished against the amount of the particular grants and loans for which the student qualifies.

Part 10 makes provision for payment of grants and loans. Regulation 48 introduces a new requirement for the attendance of students to be confirmed by institutions before payment is made. There are exceptions for students who are physically unable to attend. Students undertaking courses, but who are unable to attend a course by reason of disability will be eligible for student support under the Regulations with the exception of the travel grant (regulation 2(7)).

Mae Rhan 11 yn gwneud darpariaeth ar gyfer cyrsiau rhan-amser.

Mae Rhan 12 yn gwneud darpariaeth ar gyfer myfyrwyr ôl-raddedig sydd ag anableddau.

Lluniwyd arfarniad rheoliadol o'r Rheoliadau hyn ac fe'i rhoddwyd ar wefan Cynulliad Cenedlaethol Cymru ([www.cymru.gov.uk](http://www.cymru.gov.uk)). Gellir cael copïau oddi wrth Lywodraeth Cynulliad Cymru, Yr Is-adran Cyllid Myfyrwyr, Adeiladau'r Goron, Parc Cathays, Caerdydd CF10 3NQ.

Part 11 makes provision for support for part-time courses.

Part 12 makes provision for postgraduate students with disabilities.

A regulatory appraisal of these Regulations has been prepared and placed on the National Assembly for Wales web-site ([www.wales.gov.uk](http://www.wales.gov.uk)). Copies can be obtained from the Welsh Assembly Government, Student Finance Division, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.

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Rheoliadau Grantiau a  
Benthyciadau Dysgu y Cynulliad  
(Addysg Uwch) (Cymru) 2006

The Assembly Learning Grants and  
Loans (Higher Education) (Wales)  
Regulations 2006

*Wedi'u gwneud* 24 Ionawr 2006

*Made* 24 January 2006

*Yn dod i rym* 1 Mawrth 2006

*Coming into force* 1 March 2006

TREFN Y RHEOLIADAU

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### PAYMENTS

47. Payment of grants or loans for fees
48. Payment of grants and loans for living costs
49. Overpayments

## PART 11

### SUPPORT FOR PART-TIME COURSES

50. Eligible part-time students
51. Designated part-time courses
52. Period of eligibility
53. Assistance for part-time courses
54. Grants for disabled part-time students' living costs
55. Applications for support
56. Information
57. Transfer of status
58. Conversion of status
59. Payment of support to eligible part-time students



- 60. Talu grantiau at ffioedd
- 61. Gordalu

- 60. Payment of grants for fees
- 61. Overpayments

## RHAN 12

## PART 12

### CYMORTH I FYFYRWYR ÔL-RADDEDIG SYDD AG ANABLEDDAU

### SUPPORT FOR POSTGRADUATE STUDENTS WITH DISABILITIES

- 62. Myfyrwyr ôl-raddedig cymwys
- 63. Cyrsiau ôl-raddedig dynodedig
- 64. Cyfnod cymhwysra
- 65. Trosglwyddo statws
- 66. Ceisiadau am gymorth
- 67. Gwybodaeth
- 68. Swm grantiau
- 69. Talu grantiau
- 70. Gordalu

- 62. Eligible postgraduate students
- 63. Designated postgraduate courses
- 64. Period of eligibility
- 65. Transfer of status
- 66. Applications for support
- 67. Information
- 68. Amount of grants
- 69. Payment of grants
- 70. Overpayments

ATODLEN 1 MYFYRWYR CYMWYS  
 ATODLEN 2 CYRSIAU DYNODEDIG  
 ATODLEN 3 GWYBODAETH  
 ATODLEN 4 ASESIAID ARIANNOL

SCHEDULE 1 ELIGIBLE STUDENTS  
 SCHEDULE 2 DESIGNATED COURSES  
 SCHEDULE 3 INFORMATION  
 SCHEDULE 4 FINANCIAL ASSESSMENT

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 22, 42(6) a 43(1) o Ddeddf Addysgu ac Addysg Uwch 1998(1), yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998(1), makes the following Regulations:

## RHAN 1 CYFFREDINOL

## PART 1 GENERAL

### Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2006.

(2) Daw'r Rheoliadau hyn i rym ar 1 Mawrth 2006 ac maent yn gymwys o ran Cymru.

### Title, commencement and application

1.-(1) The title of these Regulations is the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006.

(2) These Regulations come into force on 1 March 2006 and apply in relation to Wales.

(1) 1998 p. 30; diwygiwyd adran 22 gan Ddeddf Dysgu a Sgiliau 2000 (p. 21), adran 146 ac Atodlen 11, Deddf Treth Incwm (Enillion a Phensiynau) 2003 (p. 1), Atodlen 6, Deddf Cyllid 2003 (p. 14), adran 147 a Deddf Addysg Uwch 2004 (p.8), adran 42. Diwygiwyd adran 42 ac adran 43 gan Ddeddf Addysg 2002 (p.32), Atodlen 12. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan adran 44 o Ddeddf Addysg Uwch 2004. Gorchymyn Deddf Addysg Uwch 2004 (Cychwyn Rhif 2) (Darpariaeth Drosiannol) (Cymru) 2005 (O.S. 2005/1833 (Cy.149) (C.79)).

(1) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c.21), section 146 and Schedule 11, the Income Tax (Earnings and Pensions) Act 2003 (c.1), Schedule 6, the Finance Act 2003 (c. 14), section 147 and the Higher Education Act 2004 (c.8), section 42. Section 42 and section 43 were amended by the Education Act 2002 (c.32), Schedule 12. The functions of the Secretary of State were transferred to the National Assembly for Wales by section 44 of the Higher Education Act 2004 (Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) Order 2005 (S.I. 2005/1833 (W.149)(c.79)).

## Dehongli

### 2.-(1) Yn y Rheoliadau hyn-

ystyr "a ariennir yn gyhoeddus" ("*publicly-funded*") yw yn cael ei gynnal neu ei gynorthwyo gan grantiau ailadroddus o'r cronfeydd cyhoeddus ac mae ymadroddion perthynol i'w dehongli yn unol â hyn;

ystyr "Ardal Economaidd Ewropeaidd" ("*European Economic Area*") yw'r Gymuned Ewropeaidd ac ardal Gweriniaeth Gwlad yr Iâ, Teyrnas Norwy a Thywysogaeth Liechtenstein;

mae i "athro neu athrawes gymwysedig" yr ystyr a roddir i "qualified teacher" yn adran 132(1) o Ddeddf Addysg 2002(1);

ystyr "awdurdod academiaidd" ("*academic authority*"), mewn perthynas â sefydliad, yw'r corff llywodraethu neu'r corff arall sydd â swyddogaethau corff llywodraethu ac mae'n cynnwys person sy'n gweithredu gydag awdurdod y corff hwnnw;

ystyr "benthyciad" ("*loan*"), ac eithrio lle nodir fel arall, yw benthyciad tuag at gynhaliath neu ffioedd cwrs myfyriwr yn unol ag unrhyw reoliadau a wnaed o dan adran 22 o'r Ddeddf, gan gynnwys y llog sy'n crynhoi ar y benthyciad ac unrhyw gosbau neu daliadau sy'n codi mewn cysylltiad ag ef;

ystyr "benthyciwr" ("*borrower*") yw person y mae benthyciad wedi'i roi iddo;

## Interpretation

### 2.-(1) In these Regulations-

"the 1962 Act" ("*Deddf 1962*") means the Education Act 1962(1);

"the 1998 Regulations" ("*Rheoliadau 1998*") means the Education (Student Support) Regulations 1998(2);

"the 1999 Regulations" ("*Rheoliadau 1999*") means the Education (Student Support) Regulations 1999(3);

"the 2000 Regulations" ("*Rheoliadau 2000*") means the Education (Student Support) Regulations 2000(4);

"the 2001 Regulations" ("*Rheoliadau 2001*") means the Education (Student Support) Regulations 2001(5);

"the 2002 Regulations" ("*Rheoliadau 2002*") means the Education (Student Support) Regulations 2002(6);

"the 2003 Regulations" ("*Rheoliadau 2003*") means the Education (Student Support) (No. 2) Regulations 2002(7) as amended only by the Education (Student Support) (No. 2) Regulations 2002 (Amendment) Regulations 2003(8) and the Education (Student Fees and Support) (Switzerland) Regulations 2003(9);

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(1) 2002 p. 32.

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(1) 1962 c.12; sections 1 to 4 and Schedule 1 were substituted by the provisions set out in Schedule 5 to the Education Act 1980 (c.20). Section 1(3)(d) was amended by the Education (Grants and Awards) Act 1984 (c. 11), section 4. Section 4 was amended by the Education Act 1994 (c. 30), Schedule 2, paragraph 2. The entire Act was repealed by the Teaching and Higher Education Act 1998 (c. 30), section 44(2) and Schedule 4, subject to the transitional provisions and savings set out in the Teaching and Higher Education Act 1998 (Commencement No. 4 and Transitional Provisions) Order 1998 (S.I. 1998/3237), article 3.

(2) S.I. 1998/2003.

(3) S.I. 1999/496, amended by S.I. 1999/2266 and S.I. 2000/1120.

(4) S.I. 2000/1121, amended by S.I. 2000/1490, S.I. 2000/2142 and S.I. 2000/2912.

(5) S.I. 2001/951, amended by S.I. 2001/1730, S.I. 2001/2355 and S.I. 2002/174.

(6) S.I. 2002/195, amended by S.I. 2002/1318, S.I. 2002/2088 and S.I. 2002/3059.

(7) S.I. 2002/3200.

(8) S.I. 2003/1065.

(9) S.I. 2003/3280.

ystyr "blwyddyn academiaidd" ("*academic year*") yw'r cyfnod o ddeuddeng mis sy'n dechrau ar 1 Ionawr, 1 Ebrill, 1 Gorffennaf neu 1 Medi yn y flwyddyn galendr y mae blwyddyn academiaidd y cwrs o dan sylw yn dechrau ynddi, yn ôl a yw'r flwyddyn academiaidd honno yn dechrau ar neu ar ôl 1 Ionawr a chyn 1 Ebrill, ar neu ar ôl 1 Ebrill a chyn 1 Gorffennaf, ar neu ar ôl 1 Gorffennaf a chyn 1 Awst neu ar neu ar ôl 1 Awst ac ar neu cyn 31 Rhagfyr, yn y drefn honno;

ystyr "bwrsari gofal iechyd" ("*healthcare bursary*") yw bwrsari neu ddyfarniad o ddisgrifiad tebyg o dan adran 63 o Ddeddf Gwasanaethau Iechyd ac Iechyd y Cyhoedd 1968(1) neu Erthygl 44 o Orchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1972(2);

ystyr "cronfeydd cyhoeddus" ("*public funds*") yw arian sy'n cael ei ddarparu gan y Senedd gan gynnwys cronfeydd sy'n cael eu darparu gan Gynulliad Cenedlaethol Cymru;

ystyr "cwrs addysg uwch" ("*higher education course*") yw cwrs y cyfeirir ato yn Atodlen 2 neu gwrs i ôl-raddedigion neu gwrs arall y mae ei safon yn uwch na safon cwrs gradd gyntaf;

mae "cwrs ar gyfer hyfforddiant cychwynnol athrawon" ("*course for the initial training of teachers*") yn cynnwys cwrs o'r fath sy'n arwain at radd gyntaf oni nodir yn wahanol ac nid yw'n cynnwys cynllun hyfforddi athrawon ar cyflogaeth;

ystyr "cwrs carlam" ("*accelerated course*") yw cwrs y mae'r sefydliad sy'n ei ddarparu yn ei gwneud yn ofynnol fel rheol i'r personau sy'n ei gymryd fod yn bresennol (boed ar fangre'r sefydliad ynteu mewn man arall) am gyfnod o 40

"the 2004 Regulations" ("*Rheoliadau 2004*") means the 2003 Regulations as amended by the Education (Student Support) (No. 2) Regulations 2002 (Amendment) Regulations 2004(1), the Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 2) Regulations 2004(2), the Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 3) Regulations 2004(3), the Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 4) Regulations 2004(4) and the Education (Student Support) (No. 2) Regulations 2002 (Amendment) Regulations 2005(5);

"the 2005 Regulations" ("*Rheoliadau 2005*") means the Education (Student Support) Regulations 2005(6) as amended by the Education (Student Support) (Amendment) Regulations 2005 and the Education (Student Support) (Amendment) (No. 2) Regulations 2005.

"academic authority" ("*awdurdod academiaidd*") means, in relation to an institution, the governing body or other body having the functions of a governing body and includes a person acting with the authority of that body;

"academic year" ("*blwyddyn academiaidd*") means the period of twelve months beginning on 1 January, 1 April, 1 July or 1 September of the calendar year in which the academic year of the course in question begins according to whether that academic year begins on or after 1 January and before 1 April, on or after 1 April and before 1 July, on or after 1 July and before 1 August or on or after 1 August and on or before 31 December, respectively;

"accelerated course" ("*cwrs carlam*") means a

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(1) 1968 p. 46; diwygiwyd adran 63 gan Ddeddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1972 (p. 58), Atodlen 7, Deddf Ad-drefnu'r Gwasanaeth Iechyd Gwladol 1973 (p. 32), Atodlenni 4 a 5, Deddf y Gwasanaeth Iechyd Gwladol 1977 (p. 49), Atodlenni 15 ac 16, Deddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978 (p. 29), Atodlenni 16 a 17, Deddf Llywodraeth Leol 1985 (p. 51), Atodlen 17, Deddf Iechyd a Meddyginiaethau 1988 (p. 49), adran 20, adran 25(2) ac Atodlen 3, Deddf Llywodraeth Leol (Yr Alban) 1994 (p. 39), Atodlen 13, Deddf Awdurdodau Iechyd 1995 (p. 17), Atodlen 1, Gorchymyn Ad-drefnu Llywodraeth Leol (Cymru) (Diwygiadau Canlyniadol Rhif 2) 1996 (O.S. 1996/1008), Deddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 (p. 46), Atodlen 2, Deddf Iechyd 1999 (p. 8), Atodlen 4, Deddf Iechyd a Gofal Cymdeithasol 2001 (p. 15), Atodlen 5, Deddf Diwygio'r Gwasanaeth Iechyd Gwladol a'r Proffesiynau Gofal Iechyd 2002 (p. 17), Atodlenni 2, 5 a 9, Rheoliadau Deddf Diwygio'r Gwasanaeth Iechyd Gwladol a'r Proffesiynau Gofal Iechyd 2002 (Darpariaethau Atodol, Canlyniadol etc) 2002 (O.S. 2002/2469), Atodlen 1, Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p. 43), Atodlenni 4, 11 a 14, Gorchymyn Cychwyn (Rhif 2) Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 2004 (O.S. 2004/288), erthygl 7, Gorchymyn Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (Cychwyn Rhif 1) (Cymru) 2004 (O.S. 2004/480), erthygl 6 a Gorchymyn Deddf Gwasanaethau Meddygol Sylfaenol (Yr Alban) 2004 (Diwygiadau Canlyniadol) 2004 (O.S. 2004/957), yr Atodlen.

(2) O.S. 1972/1265 (G.I. 14).

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(1) S.I. 2004/161.

(2) S.I. 2004/1602.

(3) S.I. 2004/2041.

(4) S.I. 2004/2598.

(5) S.I. 2005/5.

(6) S.I. 2005/52 as amended by S.I. 2005/1341 and S.I. 2005/2084.

wythnos o leiaf yn y flwyddyn derfynol, a hwnnw'n gwrs sy'n para am ddwy flwyddyn academiaidd;

ystyr "cwrs dynodedig" ("*designated course*") yw cwrs sydd wedi'i ddynodi gan reoliad 5 neu gan y Cynulliad Cenedlaethol o dan reoliad 5;

ystyr "cwrs dynodedig rhan-amser" ("*designated part-time course*") yw cwrs sydd wedi'i ddynodi gan reoliad 51 neu gan y Cynulliad Cenedlaethol o dan reoliad 51;

ystyr "cwrs HCA hyblyg i ôl-raddedigion" ("*flexible postgraduate ITT course*") yw cwrs ôl-raddedig o hyfforddiant cychwynnol athrawon, y mae ei hyd a'i batrwm yn cael eu pennu drwy gyfeirio at brofiad ac anghenion hyfforddi'r myfyriwr cymwys ac sydd wedi'i gymeradwyo gan yr Asiantaeth Hyfforddi a Datblygu ar gyfer Ysgolion(1);

ystyr "cwrs ôl-raddedig dynodedig" ("*designated postgraduate course*") yw cwrs sydd wedi'i ddynodi o dan reoliad 63 neu gan y Cynulliad Cenedlaethol o dan reoliad 63;

ystyr "cwrs pen-ben" ("*end-on course*") yw-

- (a) cwrs gradd gyntaf amser-llawn (ac eithrio cwrs gradd gyntaf ar gyfer hyfforddiant cychwynnol athrawon) a hwnnw'n gwrs y mae myfyriwr yn dechrau bod yn bresennol arno, gan anwybyddu unrhyw wyliau yn y cyfamser, yn union ar ôl rhoi'r gorau i fod yn bresennol ar gwrs amser-llawn sydd wedi'i grybwyll ym mharagraff 2 neu 3 o Atodlen 2 ac y mae'r myfyriwr wedi derbyn dyfarniad trosiannol, benthyciad o dan Reoliadau 1998 neu gymorth o dan Reoliadau 1999, 2000, 2001, 2002, 2003, 2004 neu 2005 ar ei gyfer, neu yr oedd gan y myfyriwr hawlogaeth i dderbyn un o'r rhain ar ei gyfer;
- (b) cwrs gradd anrhydedd amser-llawn sy'n dechrau ar 1 Medi 2006 neu ar ei ôl a hwnnw'n gwrs y mae myfyriwr yn dechrau bod yn bresennol arno, gan anwybyddu unrhyw wyliau yn y cyfamser, yn union ar ôl rhoi'r gorau i fod yn bresennol ar gwrs amser-llawn gradd sylfaenol ac y mae'r myfyriwr wedi derbyn dyfarniad trosiannol, benthyciad o dan Reoliadau 1998 neu gymorth o dan Reoliadau 1999, 2000, 2001, 2002, 2003, 2004 neu 2005 ar ei gyfer;
- (c) cwrs ar gyfer hyfforddiant cychwynnol athrawon sy'n dechrau cyn 1 Medi 2006 nad

course which persons undertaking it are normally required by the institution providing it to attend (whether at premises of the institution or elsewhere) for a period of at least 40 weeks in the final year, being a course of two academic years' duration;

"the Act" ("*Y Ddeddf*") means the Teaching and Higher Education Act 1998;

"borrower" ("*benthyciwr*") means a person to whom a loan has been made;

"contribution" ("*cyfraniad*") means an eligible student's contribution calculated pursuant to regulation 45 and Schedule 4;

"course for the initial training of teachers" ("*cwrs ar gyfer hyfforddiant cychwynnol athrawon*") includes such a course leading to a first degree unless otherwise specified and excludes an employment-based teacher training scheme;

"designated course" ("*cwrs dynodedig*") means a course designated by regulation 5 or by the National Assembly under regulation 5;

"designated part-time course" ("*cwrs rhan amser dynodedig*") means a course designated by regulation 51 or by the National Assembly under regulation 51;

"designated postgraduate course" ("*cwrs ôl-raddedig dynodedig*") means a course designated by regulation 63 or by the National Assembly under regulation 63;

"EEA Agreement" ("*Cytundeb yr AEE*") means the Agreement on the European Economic Area signed at Oporto on 2 May 1992(1) as adjusted by the Protocol signed at Brussels on 17 March 1993(2);

"EEA migrant worker" ("*gweithiwr mudol yr AEE*") has the meaning given in paragraph (5);

"electronic signature" ("*llofnod electronig*") is so much of anything in electronic form as-

- (a) is incorporated into or otherwise logically associated with any electronic communication or electronic data; and
- (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication or data, the integrity of the communication or data, or both;

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(1) Sefydlwyd y corff hwn yn wreiddiol o dan adran 1 o Ddeddf Addysg 1994 (p. 30) fel yr Asiantaeth Hyfforddi Athrawon. Y mae'n parhau mewn bodolaeth yn rhinwedd adran 74 o Ddeddf Addysg 2005 (p.18) ond ei enw fydd yr Asiantaeth Hyfforddi a Datblygu ar gyfer Ysgolion.

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(1) Cm 2073.

(2) Cm 2183.

yw'n para am fwy na dwy flynedd (mynegir hyd cwrs rhan-amser mewn modd sy'n gyfartal i hyd y cwrs llawn-amser sy'n cyfateb iddo) a hwnnw'n gwrs y mae myfyriwr yn dechrau bod yn bresennol arno, gan anwybyddu unrhyw wyliau yn y cyfamser, yn union ar ôl rhoi'r gorau i fod yn bresennol ar gwrs gradd gyntaf ac y mae'r myfyriwr wedi derbyn dyfarniad trosiannol, benthyciad o dan Reoliadau 1998 neu gymorth o dan Reoliadau 1999, 2000, 2001, 2002, 2003, 2004 neu 2005 ar ei gyfer;

ystyr "cwrs presennol" ("*present course*") yw'r cwrs dynodedig y mae person yn gwneud cais am gymorth mewn cysylltiad ag ef;

mae i "cwrs rhyngosod" ("*sandwich course*") yr ystyr a roddir ym mharagraff (6);

ystyr "cyfnodau o brofiad gwaith" ("*periods of work experience*") yw-

- (a) cyfnodau o brofiad diwydiannol, proffesiynol neu fasnachol sy'n gysylltiedig ag astudiaethau amser-llawn mewn sefydliad ond mewn man y tu allan i'r sefydliad hwnnw;
- (b) cyfnodau pryd y caiff myfyriwr ei gyflogi ac y bydd yn preswyllo mewn gwlad y mae ei hiaith yn un y mae'r myfyriwr yn ei hastudio at ei gwrs (ar yr amod bod y cyfnod o breswyllo yn y wlad honno yn un o ofynion ei gwrs a bod astudio un neu fwy o ieithoedd modern yn cyfrif am nid llai na hanner cyfanswm yr amser a dreulir yn astudio ar y cwrs);

ystyr "cyfraniad" ("*contribution*") yw cyfraniad myfyriwr cymwys wedi'i gyfrifo yn unol â rheoliad 45 ac Atodlen 4;

ystyr "Cyngor Ymchwil ("*Research Council*") yw unrhyw un o'r cynghorau ymchwil canlynol-

- (a) Cyngor Ymchwil y Celfyddydau a'r Dyniaethau,
- (b) Cyngor Ymchwil Biodechnoleg a'r Gwyddorau Biolegol,
- (c) Y Cyngor Ymchwil Economaidd a Chymdeithasol,
- (ch) Cyngor Ymchwil Peirianeg a'r Gwyddorau Ffisegol,
- (d) Y Cyngor Ymchwil Meddygol,
- (dd) Cyngor Ymchwil yr Amgylchedd Naturiol,
- (e) Cyngor Ymchwil Ffiseg Ronynnol a Seryddiaeth;

ystyr "cymorth" ("*support*") yw cymorth ariannol ar ffurf grant neu fenthyciad sy'n cael eu rhoi gan y Cynulliad Cenedlaethol yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf;

"eligible part-time student" ("*myfyriwr rhan-amser cymwys*") has the meaning given in regulation 50;

"eligible postgraduate student" ("*myfyriwr ôl-raddedig cymwys*") has the meaning given in regulation 62;

"eligible student" ("*myfyriwr cymys*") has the meaning given in regulation 4;

"employment-based teacher training scheme" ("*cynllun hyfforddi athrawon ar sail cyflogaeth*") means a scheme established by the National Assembly for the purpose of regulation 8 of the Education (School Teachers' Qualifications) (Wales) Regulations 2004 (1) whereby a person may undertake initial teacher training in order to obtain qualified teacher status while being employed to teach at a maintained school, an independent school or other institution except a pupil referral unit;

"end-on course" ("*cwrs pen-ben*") means-

- (a) a full-time first degree course (other than a first degree course for the initial training of teachers) which, disregarding any intervening vacation, a student begins to attend immediately after ceasing to attend a full-time course mentioned in paragraph 2 or 3 of Schedule 2 for which the student received or was entitled to receive a transitional award, a loan under the 1998 Regulations or support under the 1999, 2000, 2001, 2002, 2003, 2004 or 2005 Regulations;
- (b) a full-time honours degree course beginning on or after 1 September 2006 which, disregarding any intervening vacation, a student starts to attend immediately after ceasing to attend a full-time foundation degree course for which the student received or was entitled to receive a transitional award, a loan under the 1998 Regulations or support under the 1999, 2000, 2001, 2002, 2003, 2004 or 2005 Regulations;
- (c) a course for the initial training of teachers beginning before 1 September 2006 the duration of which does not exceed two years (the duration of a part-time course being expressed as its full-time equivalent) which, disregarding any intervening vacation, a student begins to attend immediately after ceasing to attend a first degree course for which the student received or was entitled to receive a transitional award, a loan under the 1998 Regulations or support under the 1999, 2000, 2001, 2002, 2003, 2004 or 2005 Regulations;

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(1) S.I. 2004/1729 (W.173).

ystyr "cyn Ardal yr Heddlu Metropolitaidd" ("*former Metropolitan Police District*") yw-

- (a) Llundain Fwyaf, heb gynnwys dinas Llundain, y Deml Fewnol a'r Deml Ganol;
- (b) yn sir Essex, yn nosbarth Epping Forest-ardal cyn ddsbarth trefol Chigwell, plwyf Waltham Abbey;
- (c) yn sir Hertfordshire-ym mwrdeistref Broxbourne, ardal cyn ddsbarth trefol Cheshunt, dosbarth Hertsmere, yn nosbarth Welwyn Hatfield, plwyf Northaw; ac
- (ch) yn sir Surrey-ym mwrdeistref Elmbridge, ardal cyn ddsbarth trefol Esher, bwrdeistrefi Epsom ac Ewell a Spelthorne, yn nosbarth Reigate a Banstead, ardal cyn ddsbarth trefol Banstead;

ystyr "cynllun hyfforddi athrawon ar sail cyflogaeth" ("*employment-based teacher training scheme*") yw cynllun a sefydlwyd gan y Cynulliad Cenedlaethol at ddibenion rheoliad 8 o'r Rheoliadau Addysg (Cymwysterau Athrawon Ysgol) (Cymru) 2004(1) sy'n caniatáu i berson ymgymryd â hyfforddiant cychwynol athrawon er mwyn ennill statws athro cymwysedig tra'i fod yn cael ei gyflogi i addysgu mewn ysgol a gynhelir, mewn ysgol annibynnol neu mewn sefydliad arall ac eithrio uned cyfeirio disgyblion;

ystyr "y Cynulliad Cenedlaethol" ("*National Assembly*") yw Cynulliad Cenedlaethol Cymru";

ystyr "Cytundeb y Swistir" ("*Switzerland Agreement*") yw'r Cytundeb rhwng y Gymuned Ewropeaidd a'i Haelod-wladwriaethau ar y naill law a Chyddfederasiwn y Swistir ar y llaw arall, ynghylch Symud Rhydd i Bersonau a lofnodwyd yn Lwcsembwrg ar 21 Mehefin 1999(1) ac a ddaeth i rym ar 1 Mehefin 2002;

ystyr "Cytundeb yr AEE" ("*EEA Agreement*") yw'r Cytundeb ar yr Ardal Economaidd Ewropeaidd a

"European Community" ("*Y Gymuned Ewropeaidd*") means the territory comprised by the Member States of the European Community as constituted from time to time;

"European Economic Area" ("*Ardal Economaidd Ewropeaidd*") means the European Community and the area comprised by the Republic of Iceland, the Kingdom of Norway and the Principality of Liechtenstein;

"flexible postgraduate ITT course" ("*cwrs HCA hyblyg i ôl-raddedigion*") means a postgraduate course of initial teacher training, the length and pattern of which is determined by reference to the eligible student's experience and training requirements and which has been approved by the Training and Development Agency for Schools (1);

"former Metropolitan Police District" ("*cyn ardal yr Heddlu Metropolitaidd*") means-

- (a) Greater London, excluding the city of London, the Inner Temple and the Middle Temple;
- (b) in the county of Essex, in the district of Epping Forest-

the area of the former urban district of Chigwell,

the parish of Waltham Abbey;

- (c) in the county of Hertfordshire-  
in the borough of Broxbourne, the area of the former urban district of Cheshunt, the district of Hertsmere,  
in the district of Welwyn Hatfield, the parish of Northaw; and

- (d) in the county of Surrey-

in the borough of Elmbridge, the area of the former urban district of Esher,

the boroughs of Epsom and Ewell and Spelthorne,

in the district of Reigate and Banstead, the area of the former urban district of Banstead;

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(1) O.S. 2004/1729 (Cy.173).

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(1) This body was originally established under section 1 of the Education Act 1994 (c.30) as the Teacher Training Agency. By virtue of section 74 of the Education Act 2005 (c.18), it continues in existence but is to be known instead as the Training and Development Agency for Schools.

lofnodwyd yn Oporto ar 2 Mai 1992(2) fel y'i haddaswyd gan y Protocol a lofnodwyd ym Mrwsel ar 17 Mawrth 1993(3);

ystyr "chwarter" ("*quarter*") mewn perthynas â blwyddyn academaidd yw cyfnod yn y flwyddyn honno-

- (a) sy'n dechrau ar 1 Ionawr ac sy'n diweddau ar 31 Mawrth;
- (b) sy'n dechrau ar 1 Ebrill ac sy'n diweddau ar 30 Mehefin;
- (c) sy'n dechrau ar 1 Gorffennaf ac sy'n diweddau ar 31 Awst; neu
- (ch) sy'n dechrau ar 1 Medi ac sy'n diweddau ar 31 Rhagfyr;

ystyr "Deddf 1962" ("*the 1962 Act*") yw Deddf Addysg 1962(4);

ystyr "dyfarniad statudol" ("*statutory award*") yw unrhyw ddyfarniad a roddir, unrhyw grant a delir neu unrhyw gymorth arall a ddarperir yn rhinwedd y Ddeddf neu Ddeddf 1962, neu unrhyw ddyfarniad, grant neu gymorth arall cyffelyb mewn perthynas ag ymgymryd â chwrs sy'n cael ei dalu o'r cronfeydd cyhoeddus;

ystyr "dyfarniad trosiannol" ("*transitional award*") yw dyfarniad a wnaed o dan Reoliadau Addysg (Dyfarniadau Gorfodol) 1998(5) heblaw hen ddyfarniad;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Addysgu ac Addysg Uwch 1998;

ystyr "y ddeddfwriaeth ar fenthyciadau i fyfyrwyr" ("*student loans legislation*") yw Deddf Addysg

"healthcare bursary" ("*bwrsari gofal iechyd*") means a bursary or award of similar description under section 63 of the Health Services and Public Health Act 1968(1) or Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972(2);

"higher education course" ("*cwrs addysg uwch*") means a course referred to in Schedule 2 or a postgraduate or other course the standard of which is higher than the standard of a first degree course;

"household income" ("*incwm yr aelwyd, incwm aelwyd ac incwm sydd gan yr aelwyd*") has the meaning given in Schedule 4;

"Islands" ("*Ynysoedd*") means the Channel Islands and the Isle of Man;

"loan" ("*benthyciad*"), except where otherwise indicated, means a loan towards a student's maintenance or course fees pursuant to any regulations made under section 22 of the Act, including the interest accrued on the loan and any penalties or charges incurred in connection with it;

"maintained school" ("*ysgol a gynhelir*") means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

"National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"new system eligible student" ("*myfyriwr cymwys dan y drefn newydd*") means an eligible student who starts the current course on or after 1 September 2006 and who is not an old system eligible student;

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(1) Gorch. 4904.

(2) Cm 2073.

(3) Cm 2183.

(4) 1962 p.12; amnewidiwyd adrannau 1 i 4 ac Atodlen 1 gan y darpariaethau a nodwyd yn Atodlen 5 i Ddeddf Addysg 1980 (p. 20). Diwygiwyd adran 1(3)(d) gan Ddeddf Addysg (Grantiau a Dyfarniadau) 1984 (p. 11), adran 4. Diwygiwyd adran 4 gan Ddeddf Addysg 1994 (p.30), Atodlen 2, paragraff 2. Cafodd y Ddeddf gyfan ei diddymu gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 44(2) ac Atodlen 4, yn ddarostyngedig i'r darpariaethau trosiannol a'r arbedion a nodwyd yng Ngorchymyn Deddf Addysgu ac Addysg Uwch 1998 (Gorchymyn Rhif 4 a Darpariaethau Trosiannol) 1998 (O.S. 1998/3237), erthygl 3.

(5) O.S. 1998/1166, a ddiwygiwyd gan O.S. 1998/1972.

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(1) 1968 c. 46; section 63 was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 7, the National Health Service Reorganisation Act 1973 (c. 32), Schedules 4 and 5, the National Health Service Act 1977 (c. 49), Schedules 15 and 16, the National Health Service (Scotland) Act 1978 (c. 29), Schedules 16 and 17, the Local Government Act 1985 (c. 51), Schedule 17, the Health and Medicines Act 1988 (c. 49), section 20, section 25(2) and Schedule 3, the Local Government (Scotland) Act 1994 (c. 39), Schedule 13, the Health Authorities Act 1995 (c. 17), Schedule 1, the Local Government Reorganisation (Wales) (Consequential Amendments No. 2) Order 1996 (S.I. 1996/1008), the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, the Health Act 1999 (c. 8), Schedule 4, the Health and Social Care Act 2001 (c. 15), Schedule 5, the National Health Service Reform and Health Care Professions Act 2002 (c. 17), Schedules 2, 5 and 9, the National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc Provisions) Regulations 2002 (S.I. 2002/2469), Schedule 1, the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedules 4, 11 and 14, the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 2) Order 2004 (S.I. 2004/288), article 7, the Health and Social Care (Community Health and Standards) Act 2003 (Commencement No. 1) (Wales) Order 2004 (S.I. 2004/480), article 6 and the Primary Medical Services (Scotland) Act 2004 (Consequential Modifications) Order 2004 (S.I. 2004/957), the Schedule.

(2) S.I. 1972/1265 (N.I. 14).

(Benthyciadau i Fyfywr) 1990(1), Gorchymyn Addysg (Benthyciadau i Fyfywr) (Gogledd Iwerddon) 1990(2), Deddf Addysg (Yr Alban) 1980 a rheoliadau a wnaed odani, Gorchymyn Addysg (Cymorth i Fyfywr) (Gogledd Iwerddon) 1998(3) a rheoliadau a wnaed odano neu'r Ddeddf a rheoliadau a wnaed odani;

ystyr "ffoadur" ("*refugee*") yw person a gydnabuwyd gan Lywodraeth Ei Mawrhydi fel ffoadur o fewn ystyr Confensiwn y Cenhedloedd Unedig sy'n ymwneud â Statws Ffoaduriaid a wnaed yng Ngenefa ar 28 Gorffennaf 1951(4) fel y'i hestynnwyd gan y Protocol iddo a ddaeth i rym ar 4 Hydref 1967(5) ac mae unrhyw gyfeiriad at blentyn i ffoadur yn cynnwys cyfeiriad at lysblentyn;

mae i "gweithiwr mudol o'r AEE" ("*EEA migrant worker*") yr ystyr a roddir ym mharagraff (5);

ystyr "y Gymuned Ewropeaidd" ("*European Community*") yw tiriogaeth Aelod-wladwriaethau'r Gymuned Ewropeaidd fel y'i cyfansoddir o dro i dro;

mae "hen ddyfarniad" ("*old award*") yn ddyfarniad o fewn ystyr "award" yn Rheoliadau Addysg (Dyfarniadau Gorfodol) 2003(6);

mae i "incwm yr aelwyd", "incwm aelwyd" ac "incwm sydd gan yr aelwyd" ("*household income*") yr ystyr a roddir iddynt yn Atodlen 4;

ystyr "lwfans gofal iechyd yr Alban" ("*Scottish healthcare allowance*") yw unrhyw lwfans o dan adrannau 73(f) a 74(1) o Ddeddf Addysg (Yr Alban) 1980(7) a roddwyd mewn perthynas â pherson sy'n bresennol ar gwrs sy'n arwain at gymhwyster mewn proffesiwn gofal iechyd heblaw fel doctor meddygol neu ddeintydd;

mae "llofnod electronig" ("*electronic signature*") yn golygu cymaint o unrhyw beth ar ffurf electronig ag sydd-

"old award" ("*hen ddyfarniad*") is an award within the meaning of the Education (Mandatory Awards) Regulations 2003(1);

"old system eligible student" ("*myfywrwr cymwys dan yr hen drefn*") means an eligible student who-

- (a) started the current course before 1 September 2006,
- (b) is a gap-year student,
- (c) starts the current course on or after 1 September 2006 where that course is an end-on course in relation to a course that he or she started before 1 September 2006 or, in the case of a gap-year student, before 1 September 2007, or
- (d) starts the current course on or after 1 September 2006 having had his or her status as an eligible student transferred to that course as a result of one or more transfers of that status by the National Assembly pursuant to regulations made under section 22 of the Act from a designated course which he or she began before 1 September 2006 or, in the case of a gap-year student, before 1 September 2007 and in connection with which the National Assembly determined him or her to be an eligible student;

"periods of work experience" ("*cyfnodau o brofiad gwaith*") means-

- (a) periods of industrial, professional or commercial experience associated with full-time study at an institution but at a place outside that institution;
- (b) periods during which a student is employed and residing in a country whose language is one that he or she is studying for his or her course (provided that the period of residence in that country is a requirement of his or her course and the study of one or more modern languages accounts for not less than one half of the total time spent studying on the course);

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(1) 1990 p. 6; a ddiwygiwyd gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), Atodlen 4.

(2) O.S. 1990/1506 (G.I. 11), a ddiwygiwyd gan O.S. 1996/1274 (G.I. 1), Erthygl 43 ac Atodlen 5 Rhan II, O.S. 1996/1918 (G.I. 15), Erthygl 3 a'r Atodlen ac O.S. 1998/258 (G.I. 1), Erthyglau 3 i 6.

(3) O.S. 1998/1760 (G.I. 14).

(4) Gorch. 9171.

(5) Gorch. 3906 (allan o brint; mae llungopïau ar gael, am ddim, oddi wrth yr Adran Cymorth i Fyfywr, Yr Adran Addysg a Sgiliau, Mowden Hall, Staindrop Road, Darlington DL3 9BG).

(6) O.S. 2003/1994, a ddiwygiwyd gan O.S. 2004/1038 ac O.S. 2004/1792.

(7) 1980 p.44; diwygiwyd adran 73(f) gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 29(1) a Deddf Addysg (Gwaddoliad Graddedigion a Chymorth i Fyfywr) (Yr Alban) 2001 (dsa 6), adran 3(2) a diwygiwyd adran 74 gan Ddeddf Ysgolion Hunan-lywodraethol etc. (Yr Alban) 1989 (p. 39), Atodlen 10, paragraff 8(17). Trosglwyddwyd swyddogaethau'r Cynulliad Cenedlaethol i Weiniogion yr Alban yn rhinwedd adran 53 o Ddeddf yr Alban 1998 (p. 46).

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(1) S.I. 2003/1994, amended by S.I. 2004/1038 and S.I. 2004/1792.



- (a) wedi'i ymgorffori mewn unrhyw gyfathrebiad electronig neu ddata electronig neu sydd fel arall wedi'i gysylltu yn rhesymegol â hwy; a
- (b) yn honni ei fod wedi'i ymgorffori neu wedi'i gysylltu felly er mwyn cael ei ddefnyddio i sefydlu bod y cyfathrebiad neu'r data yn ddilys, bod y cyfathrebiad neu'r data yn gyflawn, neu'r ddau;

mae i "myfyriwr cymwys" ("*eligible student*") yr ystyr a roddir yn rheoliad 4;

ystyr "myfyriwr cymwys dan y drefn newydd" ("*new system eligible student*") yw myfyriwr cymwys sy'n cychwyn ar y cwrs cyfredol ar neu ar ôl 1 Medi 2006 ac sydd heb fod yn fyfyriwr cymwys dan yr hen drefn;

ystyr "myfyriwr cymwys dan yr hen drefn" ("*old system eligible student*") yw myfyriwr cymwys-

- (sa) sydd wedi cychwyn ar y cwrs cyfredol cyn 1 Medi 2006,
- (b) sy'n fyfyriwr sy'n cymryd blwyddyn i ffwrdd,
- (c) sy'n cychwyn ar y cwrs cyfredol ar neu ar ôl 1 Medi 2006 os yw'r cwrs hwnnw yn gwrs penben mewn cysylltiad â chwrs y cychwynnodd arno cyn 1 Medi 2006 neu, yn achos myfyriwr sy'n cymryd blwyddyn i ffwrdd, cyn 1 Medi 2007, neu
- (ch) sy'n cychwyn ar y cwrs ar neu ar ôl 1 Medi 2006 wedi i'w statws fel myfyriwr cymwys gael ei drosglwyddo i'r cwrs hwnnw o ganlyniad i un neu fwy nag un trosglwyddiad o'r statws hwnnw gan y Cynulliad Cenedlaethol, yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf, oddi ar gwrs dynodedig y cychwynnodd y myfyriwr hwnnw arno cyn 1 Medi 2006 neu, yn achos myfyriwr sy'n cymryd blwyddyn i ffwrdd, cyn 1 Medi 2007, ac y penderfynodd y Cynulliad Cenedlaethol mewn cysylltiad â'r cwrs hwnnw, ei fod yn fyfyriwr cymwys;

ystyr "myfyriwr math 1 ar gwrs hyfforddi athrawon" ("*type 1 teacher training student*") yw myfyriwr cymwys dan y drefn newydd sydd ar gwrs hyfforddiant cychwynnol athrawon (ac eithrio cwrs gradd gyntaf) y mae cyfanswm ei gyfnodau o bresenoldeb amser-llawn (gan gynnwys presenoldeb at ddibenion ymarfer dysgu) yn y flwyddyn academaidd y mae'n gwneud cais am gymorth ar ei chyfer yn 6 wythnos o leiaf ond yn llai na 10 wythnos;

"present course" ("*cwrs presennol*") means the designated course in respect of which a person is applying for support;

"private institution" ("*sefydliad preifat*") means an institution which is not publicly funded;

"public funds" ("*cronfeydd cyhoeddus*") means moneys provided by Parliament including funds provided by the National Assembly for Wales;

"publicly-funded" ("*a ariennir yn gyhoeddus*") means maintained or assisted by recurrent grants out of public funds and related expressions are to be interpreted accordingly;

"qualified teacher" ("*athro neu athrawes gymwysiedig*") has the meaning given in section 132(1) of the Education Act 2002(1);

"quarter" ("*chwarter*") in relation to an academic year means a period in that year-

- (a) beginning on 1 January and ending on 31 March;
- (b) beginning on 1 April and ending on 30 June;
- (c) beginning on 1 July and ending on 31 August; or
- (d) beginning on 1 September and ending on 31 December;

"refugee" ("*ffoadur*") means a person who is recognised by Her Majesty's government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28 July 1951(2) as extended by the Protocol thereto which entered into force on 4 October 1967(3) and any reference to the child of a refugee includes a reference to a step-child;

"Research Council" ("*Cyngor Ymchwil*") means any of the following research councils-

- (a) Arts and Humanities Research Council,
- (b) Biotechnology and Biological Sciences Research Council,
- (c) Economic and Social Research Council,
- (d) Engineering and Physical Sciences Research Council,
- (e) Medical Research Council,
- (f) Natural Environment Research Council,
- (g) Particle Physics and Astronomy Research Council;

(1) 2002 c. 32.

(2) Cmnd. 9171.

(3) Cmnd. 3906 (out of print; photocopies are available, free of charge, from the Student Support Division, Department for Education and Skills, Mowden Hall, Staindrop Road, Darlington DL3 9BG).

ystyr "myfyriwr math 2 ar gwrs hyfforddi athrawon" ("*type 2 teacher training student*") yw myfyriwr cymwys dan y drefn newydd sydd ar gwrs hyfforddiant cychwynnol athrawon (ac eithrio cwrs gradd gyntaf) y mae cyfanswm ei gyfnodau o bresenoldeb amser-llawn (gan gynnwys presenoldeb at ddibenion ymarfer dysgu) yn y flwyddyn academaidd y mae'n gwneud cais am gymorth ar ei chyfer yn 10 wythnos neu fwy;

y mae i "myfyriwr ôl-raddedig cymwys" ("*eligible postgraduate student*") yr ystyr a roddir yn rheoliad 62;

mae i "myfyriwr rhan-amser cymwys" ("*eligible part-time student*") yr ystyr a roddir yn rheoliad 50;

ystyr "Rheoliadau 1998" ("*the 1998 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfywr) 1998(1);

ystyr "Rheoliadau 1999" ("*the 1999 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfywr) 1999(2);

ystyr "Rheoliadau 2000" ("*the 2000 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfywr) 2000(3);

ystyr "Rheoliadau 2001" ("*the 2001 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfywr) 2001(4);

ystyr "Rheoliadau 2002" ("*the 2002 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfywr) 2002(5);

ystyr Rheoliadau 2003 ("*the 2003 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfywr) (Rhif 2) 2002(6) fel y'u diwygiwyd dim ond gan Rheoliadau Addysg (Cymorth i Fyfywr) (Rhif 2) 2002 (Diwygio) 2003(7) a Rheoliadau Addysg (Ffioedd a Chymorth i Fyfywr) (Y Swistir) 2003(8);

ystyr "Rheoliadau 2004" ("*the 2004 Regulations*") yw Rheoliadau 2003 fel y'u diwygiwyd gan Rheoliadau Addysg (Cymorth i Fyfywr) (Rhif 2)

"sandwich course" ("*cwrs rhyngosod*") has the meaning given in paragraph (6);

"Scottish healthcare allowance" ("*Iwfans gofal iechyd yr Alban*") means any allowance under sections 73(f) and 74(1) of the

Education (Scotland) Act 1980(1) granted in respect of a person attending a course leading to a qualification in a healthcare profession other than as a medical doctor or dentist;

"statutory award" ("*dyfarniad statudol*") means any award bestowed, grant paid or other support provided by virtue of the Act or the 1962 Act, or any comparable award, grant or other support in respect of undertaking a course which is paid out of public funds;

"student loan account number" ("*rhif cyfrif benthyciad myfyiwr*") means the account number assigned by the lender to a loan made under the student loans legislation;

"student loans legislation" ("*y ddeddfwriaeth ar fenthyciadau i fyfyrwyr*") means the Education (Student Loans) Act 1990(2), the Education (Student Loans) (Northern Ireland) Order 1990(3), the Education (Scotland) Act 1980 and regulations made thereunder, the Education (Student Support) (Northern Ireland) Order 1998(4) and regulations made thereunder or the Act and regulations made thereunder;

"support" ("*cymorth*") means financial support by way of grant or loan made by the National Assembly pursuant to regulations made under section 22 of the Act;

"Switzerland Agreement" ("*Cytundeb y Swistir*") means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons signed at Luxembourg on 21 June 1999(5) and which came into force on 1 June 2002;

"transitional award" ("*dyfarniad trosiannol*")

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- (1) O.S. 1998/2003.
  - (2) O.S. 1999/496, a ddiwygiwyd gan O.S. 1999/2266 ac O.S. 2000/1120.
  - (3) O.S. 2000/1121, a ddiwygiwyd gan O.S. 2000/1490, O.S. 2000/2142 ac O.S. 2000/2912.
  - (4) O.S. 2001/951, a ddiwygiwyd gan O.S. 2001/1730, O.S. 2001/2355 ac O.S. 2002/174.
  - (5) O.S. 2002/195, a ddiwygiwyd gan O.S. 2002/1318, O.S. 2002/2088 ac O.S. 2002/3059.
  - (6) O.S. 2002/3200.
  - (7) O.S. 2003/1065.
  - (8) O.S. 2003/3280.

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- (1) 1980 c. 44; section 73(f) was amended by the Teaching and Higher Education Act 1998 (c. 30), section 29(1) and the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp6), section 3(2) and section 74 was amended by the Self Governing Schools etc. (Scotland) Act 1989 (c. 39), Schedule 10, paragraph 8(17). The functions of the National Assembly were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
  - (2) 1990 c. 6; repealed by the Teaching and Higher Education Act 1998 (c. 30), Schedule 4.
  - (3) S.I. 1990/1506 (N.I. 11), amended by S.I. 1996/1274 (N.I. 1), Article 43 and Schedule 5 Part II, S.I. 1996/1918 (N.I. 15), Article 3 and the Schedule and S.I. 1998/258 (N.I. 1), Articles 3 to 6.
  - (4) S.I. 1998/1760 (N.I. 14).
  - (5) Cm. 4904.
  - (6) S.I. 1998/1166, amended by S.I. 1998/1972.

2002 (Diwygio) 2004(1), Rheoliadau Addysg (Cymorth i Fyfywrwr) (Rhif 2) 2002 (Diwygio) (Rhif 2) 2004(2), Rheoliadau Addysg (Cymorth i Fyfywrwr) (Rhif 2) 2002 (Diwygio) (Rhif 3) 2004(3), Rheoliadau Addysg (Cymorth i Fyfywrwr) (Rhif 2) 2002 (Diwygio) (Rhif 4) 2004(4) a Rheoliadau Addysg (Cymorth i Fyfywrwr) (Rhif 2) 2002 (Diwygio) 2005(5);

ystyr "Rheoliadau 2005" ("*the 2005 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfywrwr) 2005(6) fel y'u diwygiwyd gan Reoliadau (Cymorth i Fyfywrwr) (Diwygio) 2005 a Rheoliadau Addysg (Cymorth i Fyfywrwr) (Diwygio) (Rhif 2) 2005;

ystyr "rhif cyfrif benthyciad myfyriwr" ("*student loan account number*") yw'r rhif cyfrif a ddyrennir gan y rhoddwr benthycy ar gyfer benthyciad a wnaed o dan y ddeddfwriaeth ar fenthyciadau i fyfywrwr;

ystyr "sefydliad preifat" ("*private institution*") yw sefydliad nad yw'n cael ei ariannu'n gyhoeddus;

ystyr "Ynysoedd" ("*Islands*") yw Ynysoedd y Sianel ac Ynys Manaw; ac

ystyr "ysgol a gynhelir" ("*maintained school*") yw ysgol gymunedol, ysgol sefydledig neu ysgol wirfoddol, ysgol arbennig gymunedol neu sefydledig neu ysgol feithrin a gynhelir;

(2) At ddibenion y Rheoliadau hyn, bernir bod person sy'n preswyllo fel arfer yng Nghymru, Lloegr, yr Alban, Gogledd Iwerddon neu'r Ynysoedd o ganlyniad i symud o un arall o'r ardaloedd hynny er mwyn ymgymryd-

- (a) â'i gwrs presennol; neu
- (b) â chwrs dynodedig blaenorol yr oedd y myfyriwr, gan anwybyddu unrhyw wyliau yn y cyfamser, yn ymgymryd ag ef yn union cyn ymgymryd â'i gwrs presennol,

yn preswyllo yn gyffredinol yn y lle y symudodd y person hwnnw ohono.

(3) At ddibenion y Rheoliadau hyn, gan gynnwys er mwyn penderfynu a yw person wedi setlo yn y Deyrnas Unedig o fewn ystyr Deddf Mewnfudo 1971(7), trinnir person fel pe bai'n preswyllo fel arfer yng Nghymru, y Deyrnas Unedig a'r Ynysoedd neu yn

means an award made under the Education (Mandatory Awards) Regulations 1998(6) other than an old award;

"type 1 teacher training student" ("*myfyriwr math 1 ar gwrs hyfforddi athrawon*") means a new system eligible student on a course for the initial training of teachers (other than a course for a first degree) whose periods of full-time attendance (including attendance for the purpose of teaching practice) in the academic year in respect of which he or she is applying for support are in aggregate at least 6 weeks but less than 10 weeks; and

"type 2 teacher training student" ("*myfyriwr math 2 ar gwrs hyfforddi athrawon*") means a new system eligible student on a course for the initial training of teachers (other than a course for a first degree) whose periods of full-time attendance (including attendance for the purpose of teaching practice) in the academic year in respect of which he or she is applying for support are in aggregate 10 weeks or more.

(2) For the purposes of these Regulations, a person who is ordinarily resident in Wales, England, Scotland, Northern Ireland or the Islands as a result of having moved from another of those areas for the purpose of undertaking-

- (a) his or her present course; or
- (b) a previous designated course which, disregarding any intervening vacation, the student was undertaking immediately before undertaking his or her present course,

is considered to be ordinarily resident in the place from which that person moved.

(3) For the purposes of these Regulations, including for the purpose of determining whether a person is settled in the United Kingdom within the meaning of the Immigration Act 1971(1), a person is treated as ordinarily resident in Wales, the United Kingdom and

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(1) O.S. 2004/161.

(2) O.S. 2004/1602.

(3) O.S. 2004/2041.

(4) O.S. 2004/2598.

(5) O.S. 2005/5.

(6) O.S. 2005/52 fel y'i diwygiwyd gan O.S. 2005/1341.

(7) 1971 p. 77; a ddiwygiwyd gan Ddeddf Cenedligrwydd Prydeinig 1981 (p.61), adran 39 ac Atodlen 4.

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(1) 1971 c. 77; amended by the British Nationality Act 1981 (c.61), section 39 and Schedule 4.

yr Ardal Economaidd Ewropeaidd neu'r Swistir pe bai wedi bod yn preswyllo felly oni bai am y ffaith bod y person, priod neu bartner sifil y person neu riant neu warcheidwad y person neu unrhyw berson arall sydd â chyfrifoldeb rhiant drosto neu unrhyw berson sy'n gofalu amdano os yw'r person yn blentyn, yn cael ei gyflogi dros dro y tu allan i Gymru, y Deyrnas Unedig a'r Ynysoedd neu, yn ôl fel y digwydd, y tu allan i'r Ardal Economaidd Ewropeaidd neu'r Swistir ac nid yw paragraff 9(c) o Atodlen 1 yn gymwys yn achos person o'r fath. Heb ragfarnu'r uchod, rhaid trin aelodau o lynges, byddin neu lu awyr rheolaidd y Goron fel pe baent wedi'u cyflogi dros dro o fewn ystyr y paragraff hwn am unrhyw gyfnod y byddant yn gwasanaethu y tu allan i'r Deyrnas Unedig fel aelodau o'r lluoedd hynny.

(4) At ddibenion y Rheoliadau hyn, bernir bod ardal-

- (a) nad oedd gynt yn rhan o'r Gymuned Ewropeaidd na'r Ardal Economaidd Ewropeaidd; ond
- (b) sydd ar unrhyw adeg cyn neu ar ôl i'r Rheoliadau hyn ddod i rym wedi dod yn rhan o'r naill neu'r llall neu'r ddwy o'r ardaloedd hyn,

bob amser wedi bod yn rhan o'r Ardal Economaidd Ewropeaidd.

(5) Yn y Rheoliadau hyn, mae cyfeiriad at weithiwr mudol o'r AEE yn gyfeiriad at berson sy'n wladolyn un o Aelod-wladwriaethau'r Ardal Economaidd Ewropeaidd neu'r Swistir ac sydd wedi ymgymryd â gweithgaredd fel person cyflogedig yn y Deyrnas Unedig-

- (a) o dan Reoliad y Cyngor (EEC) Rhif 1612/68 ynghylch rhyddid symud gweithwyr yn y Gymuned(1), fel y'i hestynnwyd gan Gytundeb yr AEE neu Gytundeb y Swistir; neu
- (b) o dan amgylchiadau lle mae gan y person fel un o wladolion y Deyrnas Unedig hawl Gymunedol orfodadwy i gael ei drin heb fod yn llai ffafriol na gwladolyn Aelod-wladwriaeth arall mewn perthynas â materion sy'n destun Rheoliad y Cyngor a grybwyllwyd uchod.

(6) Yn y Rheoliadau hyn-

- (a) mae cwrs yn "gwrs rhyngosod" ("*sandwich course*")-
  - (i) os nad yw'n gwrs y cyfeirir ato ym mharagraff 4 o Atodlen 2;
  - (ii) os yw'n cynnwys cyfnodau o astudio amser-llawn mewn sefydliad am ym ail â chyfnodau o brofiad gwaith; a

Islands or in the European Economic Area or Switzerland if he or she would have been so resident but for the fact that the person, the person's spouse or civil partner or the person's parent, guardian or any other person having parental responsibility for him or her or any person having care of him or her when the person is a child is or was temporarily employed outside Wales, the United Kingdom and Islands or, as the case may be, outside the European Economic Area or Switzerland and paragraph 9(c) of Schedule 1 does not apply in the case of such person. Without prejudice to the foregoing, members of the regular naval, military or air forces of the Crown shall be treated as being temporarily employed within the meaning of this paragraph for any period during which they serve outside the United Kingdom as members of such forces.

(4) For the purposes of these Regulations, an area which-

- (a) was previously not part of the European Community or the European Economic Area; but
- (b) at any time before or after these Regulations come into force has become part of one or other or both of these areas,

is considered to have always been part of the European Economic Area.

(5) In these Regulations, a reference to an EEA migrant worker is a reference to a person who is a national of a Member State of the European Economic Area or Switzerland who has taken up an activity as an employed person in the United Kingdom-

- (a) under Council Regulation (EEC) No. 1612/68 on freedom of movement for workers within the Community(1), as extended by the EEA Agreement or the Switzerland Agreement; or
- (b) in circumstances where as a national of the United Kingdom the person has an enforceable Community right to be treated no less favourably than a national of another Member State in relation to matters which are the subject of the above-mentioned Council Regulation.

(6) In these Regulations -

- (a) a course is a "sandwich course" ("*gwrs rhyngosod*") if-
  - (i) it is not a course referred to in paragraph 4 of Schedule 2;
  - (ii) it consists of alternate periods of full-time study in an institution and periods of work experience; and

(1) OJ Rhif L257, 19.10. 1968, t 2 (OJ/SE 1968 (II) t 475).

(1) OJ No L257, 19.10. 1968, p 2 (OJ/SE 1968 (II) p 475).

(iii) gan gymryd y cwrs yn ei gyfanrwydd, os yw'r myfyriwr yn bresennol ar y cyfnodau o astudio amser-llawn am nid llai na 18 wythnos ym mhob blwyddyn ar gyfartaledd;

(b) er mwyn cyfrifo presenoldeb y myfyriwr, trinnir y cwrs fel pe bai'n dechrau gyda'r cyfnod cyntaf o astudio amser-llawn ac yn diweddu gyda'r cyfnod olaf o'r fath; ac

(c) os ceir cyfnodau o astudio amser-llawn am yn ail â phrofiad gwaith yn ystod unrhyw wythnos ar y cwrs, mae'r dyddiau o astudio amser-llawn yn cael eu hadio at ei gilydd ac at unrhyw wythnosau o astudio amser-llawn wrth bennu nifer yr wythnosau o astudio amser-llawn ym mhob blwyddyn.

(7) Ac eithrio yn achos rheoliad 27 (grant at deithio), mae cyfeiriad yn y Rheoliadau hyn at "bresenoldeb" myfyriwr cymwys ar gwrs dynodedig yn cynnwys ymgymryd â chwrs drwy ddysgu o hirbell os nad yw'r myfyriwr cymwys yn gallu bod yn bresennol yn gorfforol am ei fod yn anabl.

(8) Yn y Rheoliadau hyn ystyr "myfyriwr sy'n cymryd blwyddyn i ffwrdd" ("*gap-year student*") yw myfyriwr cymwys y mae paragraffau (9) neu (10) yn gymwys iddo ac sy'n cychwyn ar gwrs dynodedig ("y cwrs presennol") ar neu ar ôl 1 Medi 2006.

(9) Mae'r paragraff hwn yn gymwys i fyfyriwr cymwys-

(a) a oedd wedi cael cynnig lle, ar 1 Awst 2005 neu cyn hynny, pa un ai yn amodol ar ennill cymwysterau penodedig ai peidio, ar y cwrs presennol neu gwrs cyffelyb, a

(b) sy'n cychwyn ar flwyddyn academiaidd gyntaf y cwrs presennol cyn 1 Medi 2007.

(10) Mae'r paragraff hwn yn gymwys i fyfyriwr cymwys-

(a) a oedd wedi cael cynnig lle ar gwrs dynodedig (pa un ai yn yr un sefydliad â'r cwrs presennol ai peidio) y mae blwyddyn academiaidd y cwrs hwnnw yn dechrau cyn 1 Medi 2006,

(b) na allai dderbyn y cynnig oherwydd na ddyfarnwyd iddo gymhwyster neu safon dynodedig,

(c) a apeliodd yn erbyn y penderfyniad i beidio dyfarnu'r cymhwyster neu'r safon iddo,

(ch) os caniatwyd yr apêl ar ôl y dyddiad diwethaf y gallasai'r myfyriwr fod wedi derbyn y cynnig,

(d) os, o ganlyniad i ganiatáu'r apêl honno, y cafodd gynnig lle ar y cwrs presennol, a

(dd) os yw blwyddyn academiaidd gyntaf y cwrs perthnasol yn cychwyn ar ôl 31 Awst 2006 ond cyn 1 Medi 2007.

(iii) taking the course as a whole, the student attends the periods of full-time study for an average of not less than 18 weeks in each year;

(b) for the purposes of calculating the student's attendance, the course is treated as beginning with the first period of full-time study and ending with the last such period; and

(c) where periods of full-time study and work experience alternate within any week of the course, the days of full-time study are aggregated with each other and with any weeks of full-time study in determining the number of weeks of full-time study in each year.

(7) Except in the case of regulation 27 (grant for travel), a reference in these Regulations to the "attendance" of an eligible student on a designated course includes the undertaking of a course by distance learning if the eligible student is unable to physically attend by reason of his or her disability.

(8) In these Regulations a "gap-year student" ("*myfyriwr sy'n cymryd blwyddyn i ffwrdd*") means an eligible student to whom paragraphs (9) or (10) apply and who starts a designated course ("the present course") on or after 1 September 2006.

(9) This paragraph applies to an eligible student who

(a) had on or before 1 August 2005 received an offer, whether conditional on obtaining specified qualifications or not, of a place on the present course or a similar course, and

(b) starts the first academic year of the present course before 1 September 2007.

(10) This paragraph applies to an eligible student-

(a) who had received an offer of a place on a designated course (whether or not at the same institution as the present course) the first academic year of which begins before 1 September 2006,

(b) who was unable to take up the offer because a specified qualification or grade was not awarded to him or her,

(c) who appealed against the decision not to award him or her the qualification or grade,

(d) where the appeal was allowed after the last date on which he or she could have taken up the offer,

(e) where as a result he or she was offered a place on the present course, and

(f) where the first academic year of the relevant course begins after 31 August 2006 but before 1 September 2007.

(11) At ddibenion paragraff (2)(a) mae cwrs ("y cwrs gwreiddiol") yn gyffelyb i'r cwrs presennol-

- (a) os yw'n ymddangos i gorff llywodraethu'r sefydliad sy'n darparu'r cwrs presennol fod cynnwys y cwrs, yn gyfan gwbl neu'n rhannol, yr un fath â chynnwys y cwrs gwreiddiol, a
- (b) ac eithrio pan nad yw'r cwrs gwreiddiol yn cael ei ddarparu bellach, os yw'r cwrs presennol yn cael ei ddarparu gan y sefydliad a fuasai wedi darparu'r cwrs gwreiddiol.

(12) Yn y Rheoliadau hyn ystyr "y cwrs dynodedig a bennir" ("*specified designated course*") yw'r cwrs presennol yn ddarostyngedig i baragraffau (13) a (14).

(13) Os cafodd statws myfyriwr fel myfyriwr cymwys ei drosglwyddo i'r cwrs presennol o ganlyniad i drosglwyddiad, neu fwy nag un trosglwyddiad, o'r statws hwnnw gan y Cynulliad Cenedlaethol oddi ar gws (y "cwrs cychwynnol") y penderfynodd y Cynulliad Cenedlaethol mewn cysylltiad ag ef fod y myfyriwr yn fyfyrwr cymwys yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf, y cwrs cychwynnol yw'r cwrs dynodedig a bennir.

(14) Os yw'r cwrs presennol yn gws pen-ben, y cwrs dynodedig a bennir yw'r cwrs y mae'r cwrs presennol yn gws pen-ben ag ef ("y cwrs blaenorol"). Os yw'r cwrs blaenorol ei hun yn gws pen-ben, y cwrs dynodedig a bennir yw'r cwrs y mae'r cwrs blaenorol ei hun, mewn cysylltiad ag ef, yn gws pen-ben.

### **Dirymu, arbedion a darpariaethau trosiannol**

3.-(1) Yn ddarostyngedig i baragraffau (2) i (4), dirymir y Rheoliadau canlynol o ran Cymru ar 1 Medi 2006-

- (a) Rheoliadau Addysg (Cymorth i Fyfyrrwyr) 2005
- (b) Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Diwygio) 2005; ac
- (c) Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Diwygio) (Rhif 2) 2005.

(2) Mae Rheoliadau 2003 yn parhau'n gymwys i ddarparu cymorth i fyfyrwyr mewn perthynas â blwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Medi 2003 ond cyn 1 Medi 2004.

(3) Mae Rheoliadau 2004 yn parhau'n gymwys i ddarparu cymorth i fyfyrwyr mewn perthynas â blwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Medi 2004 ond cyn 1 Medi 2005.

(4) Mae Rheoliadau 2005 yn parhau'n gymwys i ddarparu cymorth i fyfyrwyr mewn perthynas â blwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Medi 2005 ond cyn 1 Medi 2006.

(11) For the purpose of paragraph (2)(a) a course ("the original course") is similar to the present course if-

- (a) it appears to the governing body of the institution providing the present course that the subject-matter of the course is in whole or in part the same as the subject-matter of the original course, and
- (b) except where the original course is no longer being provided, the present course is provided by the institution which was to have provided the original course.

(12) In these Regulations, the "specified designated course" ("*y cwrs dynodedig a bennir*") means the present course subject to paragraphs (13) and (14).

(13) Where the student's status as an eligible student has been transferred to the present course as a result of one or more transfers of that status by the National Assembly from a course (the "initial course") in connection with which the National Assembly determined the student to be an eligible student pursuant to regulations made under section 22 of the Act, the specified designated course is the initial course.

(14) Where the present course is an end-on course, the specified designated course is the course in relation to which the current course is an end-on course (the "preceding course"). Where the preceding course is itself an end-on course, the specified designated course is the course in relation to which the preceding course is an end-on course.

### **Revocation, savings and transitional provisions**

3.-(1) Subject to paragraphs (2) to (4), the following regulations are revoked in relation to Wales on 1 September 2006-

- (a) the Education (Student Support) Regulations 2005;
- (b) the Education (Student Support) (Amendment) Regulations 2005; and
- (c) the Education (Student Support) (Amendment) (No.2) Regulations 2005.

(2) The 2003 Regulations continue to apply to the provision of support to students in relation to an academic year which begins on or after 1 September 2003 but before 1 September 2004.

(3) The 2004 Regulations continue to apply to the provision of support to students in relation to an academic year which begins on or after 1 September 2004 but before 1 September 2005.

(4) The 2005 Regulations continue to apply to the provision of support to students in relation to an academic year which begins on or after 1 September 2005 but before 1 September 2006.

(5) Mae'r Rheoliadau hyn yn gymwys mewn perthynas â darparu cymorth i fyfyrwyr mewn perthynas â blwyddyn academiaidd sy'n dechrau ar neu ar ôl 1 Medi 2006 p'un a gaiff unrhyw beth a wneir o dan y Rheoliadau hyn ei wneud cyn, ar neu ar ôl 1 Medi 2006.

(6) Er gwaethaf unrhyw ddarpariaeth arall yn y Rheoliadau hyn-

- (a) os yw person yn bresennol ar gwrs y rhoddwyd dyfarniad trosiannol iddo mewn perthynas ag ef; neu
- (b) os na roddwyd dyfarniad o dan Ddeddf 1962 mewn perthynas â'r cwrs ond y byddai dyfarniad trosiannol wedi'i roi i'r person pe bai wedi gwneud cais am ddyfarniad o dan Ddeddf 1962 a phe na bai ei adnoddau wedi bod yn fwy na'i anghenion,

mae'r person yn fyfyrwr cymwys dan yr hen drefn at ddibenion Rhannau 4, 5 a 6 mewn cysylltiad â'r cwrs, neu mewn cysylltiad ag unrhyw gwrs dilynol y byddai'r dyfarniad (a roddwyd neu a fyddai wedi'i roi o dan Ddeddf 1962) wedi'i drosglwyddo iddo pe bai dyfarniadau trosiannol yn darparu ar gyfer taliadau ar ôl blwyddyn gyntaf cwrs, ond oni bai bod paragraff (7) yn gymwys mae gan y person hawl i gael cymorth ar ffurf benthyciad o dan Ran 7 dim ond os yw'n fyfyrwr cymwys o dan y Rheoliadau hyn ac os yw'n bodloni amodau'r hawl i gael cefnogaeth o dan Ran 7.

(7) Er gwaethaf unrhyw ddarpariaeth arall yn y Rheoliadau hyn, os cafodd unrhyw berson fenthyciad neu os oedd yn gymwys i gael benthyciad mewn perthynas â blwyddyn academiaidd cwrs o dan Rheoliadau 1998, mae'n fyfyrwr cymwys dan yr hen drefn at ddibenion Rhan 7 mewn cysylltiad â'r cwrs, neu ag unrhyw gwrs dynodedig dilynol y bydd yn dechrau arno (gan anwybyddu unrhyw wyliau yn y cyfamser) yn union ar ôl gorffen y cwrs hwnnw, ond oni bai bod paragraff (6) yn gymwys mae gan y person hawl i gael cymorth ar ffurf grant o dan Rannau 4, 5 a 6 dim ond os yw'n fyfyrwr cymwys o dan y Rheoliadau hyn ac os yw'n bodloni amodau perthnasol yr hawl i gael cefnogaeth o dan Rannau 4, 5 a 6.

## **RHAN 2 CYMHWYSTRA**

### **Myfyrwyr cymwys**

4.-(1) Mae gan fyfyrwr cymwys hawl i gael cymorth mewn cysylltiad â chwrs dynodedig yn ddarostyngedig i'r Rheoliadau hyn ac yn unol â hwy.

(2) Mae person yn fyfyrwr cymwys mewn cysylltiad â chwrs dynodedig-

(5) These Regulations apply in relation to the provision of support to students in relation to an academic year which begins on or after 1 September 2006 whether anything done under these Regulations is done before, on or after 1 September 2006.

(6) Notwithstanding any other provision in these Regulations where-

- (a) a person attends a course in respect of which a transitional award was bestowed on him or her; or
- (b) no award under the 1962 Act was bestowed in respect of the course but a transitional award would have been bestowed on him or her if the person had applied for an award under the 1962 Act and his or her resources had not exceeded his or her requirements,

he or she is an old system eligible student for the purposes of Parts 4, 5 and 6 in connection with the course, or in connection with any subsequent course to which the award (either bestowed or which would have been bestowed under the 1962 Act) would have been transferred if transitional awards provided for payments after the first year of a course, but unless paragraph (7) applies he or she qualifies for support by way of loan under Part 7 only if he or she is an eligible student under these regulations and if he or she satisfies the qualifying conditions for support under Part 7.

(7) Notwithstanding any other provision in these Regulations, where any person received or was eligible to receive a loan in relation to an academic year of a course under the 1998 Regulations he or she is an old system eligible student for the purposes of Part 7 in connection with the course, or any subsequent designated course which (disregarding any intervening vacation) he or she starts immediately after ceasing that course, but unless paragraph (6) applies he or she qualifies for support by way of grant under Parts 4 and 6 only if he or she is an eligible student under these Regulations and if he or she satisfies the relevant qualifying conditions for support under Parts 4, 5 and 6.

## **PART 2 ELIGIBILITY**

### **Eligible students**

4.-(1) An eligible student qualifies for support in connection with a designated course subject to and in accordance with these Regulations.

(2) A person is an eligible student in connection with a designated course if-

- (a) os yw'r Cynulliad Cenedlaethol wedi penderfynu mewn cysylltiad â'r cwrs hwnnw fod y person wedi'i grybwyll yn Atodlen 1; a
- (b) os nad yw'r person wedi'i hepgor gan baragraff (3).

(3) Ni fydd person yn fyfyrwr cymwys-

- (a) os oes hen ddyfarniad wedi'i roi i'r person hwnnw mewn perthynas â phresenoldeb y person ar y cwrs;
- (b) os yw'r person yn gymwys i gael benthyciad mewn perthynas â blwyddyn academaidd ar y cwrs o dan Ddeddf Addysg (Benthyciadau i Fyfyrrwyr) 1990 neu Orchymyn Addysg (Benthyciadau i Fyfyrrwyr) (Gogledd Iwerddon) 1990;
- (c) os rhoddwyd neu os talwyd i'r person mewn perthynas â'i bresenoldeb ar y cwrs-
  - (i) bwrsari gofal iechyd nad yw ei swm yn cael ei gyfrifo drwy gyfeirio at incwm y person; neu
  - (ii) unrhyw lwfans o dan Reoliadau Lwfansau Myfyrrwyr Nyrsio a Bydwreigiaeth (Yr Alban) 1992(1);
- (ch) os yw'r person wedi torri unrhyw rwymedigaeth i ad-dalu unrhyw fenthyciad;
- (d) os yw'r person wedi cyrraedd ei 18 oed ac nad yw wedi dilysu unrhyw gytundeb ynglŷn â benthyciad a wnaed gydag ef pan oedd o dan 18 oed; neu
- (dd) os yw'r person, ym marn y Cynulliad Cenedlaethol, wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth.

(4) At ddibenion paragraffau (3)(ch) a (3)(d), ystyr "benthyciad" ("*loan*") yw benthyciad a roddwyd o dan y ddeddfwriaeth ar fenthyciadau i fyfyrwyr.

(5) Mewn achos lle mae'r cytundeb ynglŷn â benthyciad yn ddarostyngedig i gyfraith yr Alban, dim ond os cafodd y cytundeb ei wneud-

- (a) cyn 25 Medi 1991, a
- (b) gyda chydysyniad curador y benthyciwr neu ar adeg pan nad oedd ganddo gurador y mae paragraff 3(d) yn gymwys.

(6) Rhaid i fyfyrwr cymwys y mae blwyddyn academaidd gyntaf y cwrs yn dechrau mewn perthynas ag ef ar neu ar ôl 1 Medi 2000 beidio, ar unrhyw un adeg, â bod â hawl i gael cymorth-

- (a) at fwy nag un cwrs dynodedig;
- (b) at gwrs dynodedig a chwrs rhan-amser dynodedig;
- (c) at gwrs dynodedig a chwrs ôl-raddedig dynodedig.

- (a) the National Assembly has determined in connection with that course that the person is mentioned in Schedule 1; and
- (b) the person is not excluded by paragraph (3).

(3) A person shall not be an eligible student if-

- (a) an old award has been bestowed on that person in respect of the person's attendance on the course;
- (b) the person is eligible for a loan in relation to an academic year of the course under the Education (Student Loans) Act 1990 or the Education (Student Loans) (Northern Ireland) Order 1990;
- (c) there has been bestowed on, or paid to, the person in relation to the person's attendance on the course-
  - (i) a healthcare bursary the amount of which is not calculated by reference to the person's income; or
  - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 1992(1);
- (d) the person is in breach of any obligation to repay any loan;
- (e) the person has reached the age of 18 and has not ratified any agreement for a loan made with them when they were under the age of 18; or
- (f) the person has, in the opinion of the National Assembly, shown themselves by their conduct to be unfitted to receive support.

(4) For the purposes of paragraphs (3)(d) and (3)(e), "*loan*" ("*benthyciad*") means a loan made under the student loans legislation.

(5) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (3)(e) only applies if the agreement was made-

- (a) before 25 September 1991, and
- (b) with the concurrence of the borrower's curator or at a time when he or she had no curator.

(6) An eligible student in respect of whom the first academic year of the course begins on or after 1 September 2000 must not, at any one time, qualify for support for-

- (a) more than one designated course;
- (b) a designated course and a designated part-time course;
- (c) a designated course and a designated postgraduate course.

(1) O.S. 1992/580, a ddiwygiwyd gan O.S.A. 2002/423 ac O.S.A. 2003/401.

(1) S.I. 1992/580, amended by S.S.I. 2002/423 and S.S.I. 2003/401.



(7) Er gwaethaf paragraff (2), mae person yn fyfyrwr cymwys at ddibenion y Rheoliadau hyn os yw'n bodloni'r gofynion ym mharagraff (8), (9) neu (10).

(8) Yr amodau yn y paragraff hwn yw-

- (a) bod y person wedi ymgymhwyso fel myfyriwr cymwys mewn cysylltiad â blwyddyn academaidd gynharach ar y cwrs dynodedig presennol yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf;
- (b) bod y person wedi bod yn preswyllo'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs presennol; ac
- (c) nad yw statws y person wedi dod i ben neu wedi'i derfynu.

(9) Yr amodau yn y paragraff hwn yw-

- (a) bod y cwrs presennol yn gwrs pen-ben y mae'r person yn ei ddechrau ar neu ar ôl 1 Medi 2006;
- (b) bod y person wedi ymgymhwyso fel myfyriwr cymwys mewn cysylltiad â'r cwrs y mae'r cwrs presennol yn gwrs pen-ben mewn perthynas ag ef;
- (c) mai dim ond ar y sail yr oedd y myfyriwr wedi cwblhau'r cwrs y peidiodd y cyfnod cymhwysra mewn perthynas â'r cwrs yn is-baragraff (b); ac
- (ch) bod y person wedi bod yn preswyllo'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs yn is-baragraff (b).

(10) Yr amodau yn y paragraff hwn yw-

- (a) bod y Cynulliad Cenedlaethol wedi penderfynu o'r blaen fod y person-
  - (i) yn fyfyrwr rhan-amser cymwys mewn cysylltiad â chwrs rhan-amser dynodedig; neu
  - (ii) yn fyfyrwr cymwys mewn cysylltiad â chwrs dynodedig heblaw'r cwrs presennol,
- (b) bod statws y myfyriwr fel myfyriwr rhan-amser cymwys neu fel myfyriwr cymwys mewn cysylltiad â'r cwrs yn is-baragraff (a) wedi'i drosi neu wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs presennol o ganlyniad i drosi neu drosglwyddo unwaith neu fwy yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf;
- (c) bod y person wedi bod yn preswyllo'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs yn is-baragraff (a); ac
- (ch) nad yw statws y person wedi dod i ben neu wedi'i derfynu.

(7) Notwithstanding paragraph (2), a person is an eligible student for the purposes of these Regulations if he or she satisfies the conditions in paragraph (8), (9) or (10).

(8) The conditions in this paragraph are-

- (a) the person qualified as an eligible student in connection with an earlier academic year of the present designated course pursuant to regulations made under section 22 of the Act;
- (b) the person was ordinarily resident in Wales on the first day of the first academic year of the present course; and
- (c) that status has not expired or been terminated.

(9) The conditions in this paragraph are-

- (a) the present course is an end-on course which the person is starting on or after 1 September 2006;
- (b) the person qualified as an eligible student in connection with the course in relation to which the present course is an end-on course;
- (c) the period of eligibility in respect of the course in sub-paragraph (b) only ceased on the grounds that the student had completed the course; and
- (d) the person was ordinarily resident in Wales on the first day of the first academic year of the course in sub-paragraph (b).

(10) The conditions in this paragraph are-

- (a) the National Assembly has previously determined that the person is-
  - (i) an eligible part-time student in connection with a designated part-time course; or
  - (ii) an eligible student in connection with a designated course other than the present course,
- (b) the person's status as an eligible part-time student or as an eligible student in connection with the course in sub-paragraph (a) has been converted or transferred from that course to the present course as a result of one or more conversions or transfers in accordance with regulations made under section 22 of the Act;
- (c) the person was ordinarily resident in Wales on the first day of the first academic year of the course in sub-paragraph (a); and
- (d) the person's status as an eligible student has not terminated.

## Cyrsiau dynodedig

5.-(1) Yn ddarostyngedig i baragraff (2), mae cwrs yn gwrw dynodedig at ddibenion adran 22(1) o'r Ddeddf a rheoliad 4 os yw-

- (a) wedi'i grybwyll yn Atodlen 2;
- (b) yn un o'r canlynol-
  - (i) cwrs amser-llawn;
  - (ii) cwrs rhyngosod; neu
  - (iii) cwrs rhan-amser ar gyfer hyfforddiant cychwynnol athrawon;
- (c) yn para am o leiaf un flwyddyn academiaidd; ac
- (ch) yn cael ei ddarparu'n gyfan gwbl gan sefydliad neu sefydliadau addysgol yn y Deyrnas Unedig a ariennir yn gyhoeddus neu'n cael ei ddarparu gan sefydliad neu sefydliadau o'r fath ar y cyd â sefydliad neu sefydliadau y tu allan i'r Deyrnas Unedig.

(2) Nid yw cwrs sy'n syrthio o fewn paragraff 6 neu 7 o Atodlen 2 yn gwrw dynodedig os yw corff llywodraethu ysgol a gynhelir wedi trefnu darparu'r cwrs hwnnw i un o ddisgyblion yr ysgol.

(3) At ddibenion paragraff (1)-

- (a) mae cwrs yn cael ei ddarparu gan sefydliad os yw'r sefydliad yn darparu'r addysgu a'r goruchwyllo sy'n ffurfio'r cwrs, p'un a yw'r sefydliad wedi gwneud cytundeb gyda'r myfyrwr i ddarparu'r cwrs neu beidio;
- (b) bernir bod prifysgol ac unrhyw goleg neu sefydliad cyfansoddol sydd o natur coleg prifysgol yn cael eu hariannu'n gyhoeddus os yw naill ai'r brifysgol neu'r coleg neu sefydliad cyfansoddol yn cael eu hariannu'n gyhoeddus; ac
- (c) ni fernir bod sefydliad yn cael ei ariannu'n gyhoeddus dim ond am ei fod yn cael arian cyhoeddus oddi wrth gorff llywodraethu sefydliad addysg uwch yn unol ag adran 65(3A) o Ddeddf Addysg Bellach ac Uwch 1992(1).

(4) Bernir bod cwrs y mae'r paragraff hwn yn gymwys iddo yn gwrw sengl ar gyfer gradd gyntaf neu ar gyfer cymhwyster cyfatebol-

- (a) er gwaetha'r ffaith y gall y cwrs arwain at ddyfarnu gradd neu gymhwyster arall cyn y radd neu'r cymhwyster cyfatebol; a
- (b) er gwaetha'r ffaith y gall rhan o'r cwrs fod yn ddewisol.

## Designated courses

5.-(1) Subject to paragraph (2), a course is a designated course for the purposes of section 22(1) of the Act and regulation 4 if it is-

- (a) mentioned in Schedule 2;
- (b) one of the following-
  - (i) a full-time course;
  - (ii) a sandwich course; or
  - (iii) a part-time course for the initial training of teachers;
- (c) of at least one academic year's duration; and
- (d) wholly provided by a publicly-funded educational institution or institutions in the United Kingdom or provided by such an institution or institutions in conjunction with an institution or institutions outside the United Kingdom.

(2) A course falling within paragraph 6 or 7 of Schedule 2 is not a designated course where the governing body of a maintained school has arranged for the provision of such a course to a pupil of the school.

(3) For the purposes of paragraph (1)-

- (a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not the institution has entered into an agreement with the student to provide the course;
- (b) a university and any constituent college or institution in the nature of a college of a university is regarded as publicly funded if either the university or the constituent college or institution is publicly funded; and
- (c) an institution is not regarded as publicly funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992(1).

(4) A course to which this paragraph applies is considered to be a single course for a first degree or for an equivalent qualification notwithstanding that-

- (a) the course may lead to another degree or qualification being conferred before the degree or equivalent qualification; and
- (b) part of the course may be optional.

(1) 1992 p.13; mewnosodwyd adran 65(3A) gan Ddeddf Addysgu ac Addysg Uwch 1998 (p.30), adran 27.

(1) 1992 c.13; section 65(3A) was inserted by the Teaching and Higher Education Act 1998 (c.30), section 27.

(5) Mae paragraff (4) yn gymwys i gwrs nad yw ei safon yn uwch na gradd gyntaf ac sy'n arwain at gymhwyster fel doctor meddygol, deintydd, doctor milfeddygol, pensaer, pensaer tirluniau, dylunydd tirluniau, rheolwr tirluniau, cynllunydd tref neu gynllunydd gwlad a thref.

(6) At ddibenion adran 22 o'r Ddeddf a rheoliad 4(1), caiff y Cynulliad Cenedlaethol ddynodi cyrsiau addysg uwch nad ydynt wedi'u dynodi o dan baragraff (1).

### Cyfnod cymhwystra

6.-(1) Mae myfyriwr cymwys yn cadw ei statws fel myfyriwr cymwys drwy gydol y cyfnod cymhwystra.

(2) Yn ddarostyngedig i'r paragraffau canlynol, mae'r "cyfnod cymhwystra" yn dod i ben ar ddiwedd y flwyddyn academaidd pan fo'r myfyriwr yn cwblhau'r cwrs dynodedig.

(3) Er gwaethaf paragraff (1), dim ond ar gyfer grant neu fenthyciad at ffioedd neu grant at gostau byw mewn perthynas â'r cwrs presennol am y nifer o flynyddoedd academaidd sy'n hafal i **OD+R+1** y mae myfyriwr cymwys dan y drefn newydd neu fyfyriwr sy'n cymryd blwyddyn i ffwrdd ac nad yw wedi bod yn bresennol ar gwrs blaenorol yn gymwys.

(4) Er gwaethaf paragraff (1), dim ond ar gyfer grantiau neu fenthyciadau at ffioedd a grantiau at gostau byw mewn perthynas â'r cwrs presennol am y nifer o flynyddoedd academaidd sy'n hafal i **(OD+R+1)-PC** y mae myfyriwr cymwys dan y drefn newydd neu fyfyriwr sy'n cymryd blwyddyn i ffwrdd ac sydd wedi bod yn bresennol ar gwrs blaenorol yn gymwys, ac eithrio-

- (a) nad oes unrhyw didyniad sy'n cyfateb i PC yn gymwys yn achos myfyriwr ar gwrs hyfforddi athrawon; a
- (b) bod un flwyddyn ychwanegol yn cael ei hadio yn achos myfyriwr cymwys na gwblhaodd yn llwyddiannus y cwrs blaenorol diweddaraf oherwydd rhesymau personol anorchfygol.

(5) Er gwaethaf paragraff (1), dim ond ar gyfer grant neu fenthyciad at ffioedd neu grant at gostau byw mewn perthynas â'r cwrs presennol am y nifer o flynyddoedd academaidd sy'n hafal i **(A+R+1)-Y** y mae myfyriwr sy'n parhau yn gymwys.

(6) Er gwaethaf paragraff (1) ac yn ddarostyngedig i baragraff (7), dim ond ar gyfer grant neu fenthyciad at ffioedd neu grant at gostau byw mewn perthynas â'r cwrs presennol am y nifer o flynyddoedd academaidd sy'n hafal i **(A+R+1)-Y** y mae myfyriwr sy'n trosglwyddo yn gymwys.

(5) Paragraph (4) applies to a course the standard of which is not higher than a first degree which leads to a qualification as a medical doctor, dentist, veterinary doctor, architect, landscape architect, landscape designer, landscape manager, town planner or town and country planner.

(6) For the purposes of section 22 of the Act and regulation 4(1) the National Assembly may designate courses of higher education which are not designated under paragraph (1).

### Period of eligibility

6.-(1) An eligible student retains his or her status as an eligible student for the duration of the period of eligibility.

(2) Subject to the following paragraphs, the "period of eligibility" terminates at the end of the academic year in which the student completes the designated course.

(3) Despite paragraph (1), a new system eligible student or gap-year student who has not attended a previous course is only eligible for a grant or loan for fees or a grant for living costs in respect of the present course for the number of academic years equal to **OD+R+1**.

(4) Despite paragraph (1), a new system eligible student or gap-year student who has attended a previous course is only eligible for grants or loans for fees and grants for living costs in respect of the present course for the number of academic years equal to **(OD+R+1)-PC**, except that-

- (a) no deduction equivalent to PC applies in the case of a teacher training student; and
- (b) one additional year is added in the case of an eligible student who did not complete successfully the latest previous course because of compelling personal reasons.

(5) Despite paragraph (1), a continuing student is only eligible for a grant or loan for fees or a grant for living costs in respect of the present course for the number of academic years equal to **(A+R+1)-Y**.

(6) Despite paragraph (1) and subject to paragraphs (7), a transferring student is only eligible for a grant or loan for fees or a grant for living costs in respect of the present course for the number of academic years equal to **(A+R+1)-Y**.

(7) Dim ond ar gyfer grant neu fenthyciad at ffioedd neu grant at gostau byw mewn perthynas â'r cwrs pellach am y nifer o flynyddoedd sy'n hafal i **(A+R+1)-Y-Z** y mae myfyriwr sy'n trosglwyddo ac sy'n dechrau blwyddyn academiaidd lawn gyntaf cwrs pellach y mae'n trosglwyddo iddo o dan reoliad 8 ar ôl 1 Medi 2006 yn gymwys.

(8) Mewn unrhyw achos lle mae nifer y blynyddoedd academiaidd y mae grant neu fenthyciad at ffioedd neu grant at gostau byw ar gael ar eu cyfer yn unol â'r rheoliad hwn yn llai na nifer y blynyddoedd academiaidd sy'n ffurfio'r cyfnod y mae ei angen fel arfer i gwblhau'r cwrs presennol, blynyddoedd diweddaraf y cwrs presennol yw'r blynyddoedd academiaidd y mae gan y myfyriwr hawlogaeth ynddynt i gael grant neu fenthyciad at ffioedd neu grant at gostau byw.

(9) Yn y rheoliad hwn-

- (a) **A** yw nifer y blynyddoedd academiaidd o 31 Awst 2006 sy'n ffurfio'r cyfnod y mae ei angen fel arfer i gwblhau'r cwrs presennol, neu, yn achos myfyriwr sy'n trosglwyddo, y cwrs blaenorol;
- (b) **OD** yw nifer y blynyddoedd academiaidd sy'n ffurfio'r cyfnod y mae ei angen fel arfer i gwblhau'r cwrs presennol;
- (c) **PC** yw nifer y blynyddoedd y bu'r myfyriwr cymwys yn mynychu cwrs blaenorol;
- (ch) **R** yw nifer y blynyddoedd academiaidd sy'n cael eu hailwneud ar y cwrs presennol gan ddechrau ar neu ar ôl 1 Medi 2006 a'r rheini'n gyfnodau o ailwneud y blynyddoedd academiaidd cynt nad oedd y myfyriwr yn gallu eu cwblhau'n llwyddiannus oherwydd rhesymau personol anorchfygol;
- (d) **Y** yw nifer blynyddoedd y cwrs presennol, neu'r cwrs blaenorol yn achos myfyriwr sy'n trosglwyddo, ac y penderfynwyd mewn perthynas â'r cwrs hwnnw cyn 1 Medi 2006 o dan reoliadau a wnaed o dan adran 22 o'r Ddeddf nad oedd cymorth ar gael;
- (dd) **Z** yw nifer y blynyddoedd academiaidd a dreuliwyd ar gwrs blaenorol gan ddechrau ar neu ar ôl 1 Medi 2006;
- (e) myfyriwr cymwys dan yr hen drefn a ddechreuodd y cwrs presennol cyn 1 Medi 2006 ystyr "myfyriwr sy'n parhau" ("*continuing student*") yw;
- (f) ystyr "myfyriwr ar gwrs hyfforddi athrawon" ("*teacher training student*") yw myfyriwr sy'n mynychu cwrs ar gyfer hyfforddiant cychwynnol athrawon os nad yw cyfnod arferol y cwrs yn para'n hwy na 2 flynedd (gan fynegi cyfnod cwrs rhan-amser yn ôl yr hyn sy'n cyfateb i gwrs amser-llawn) ac nad yw'r myfyriwr cymwys yn athro neu athrawes gymwysedig;

(7) A transferring student starting the first full academic year of a further course to which he or she transfers under regulation 8 after 1 September 2006 is only eligible for a grant or loan for fees or a grant for living costs in respect of the further course for the number of years equal to **(A+R+1)-Y-Z**.

(8) In any case where the number of academic years for which a grant or loan for fees or a grant for living costs is available in accordance with this regulation is less than the number of academic years that make up the period ordinarily required for the completion of the present course, the academic years in which he or she is eligible for a grant or loan for fees or a grant for living costs are the latest years of the present course.

(9) In this regulation-

- (a) **A** is the number of academic years from 31 August 2006 that make up the period ordinarily required for the completion of the present course or, in the case of a transferring student, the previous course;
- (b) **OD** is number of academic years that make up the period ordinarily required for the completion of the present course;
- (c) **PC** is the number of years of attendance by the eligible student on a previous course;
- (d) **R** is the number of repeated academic years on the present course starting on or after 1 September 2006 that are repeats of preceding academic years that the eligible student was unable to complete successfully because of compelling personal reasons;
- (e) **Y** is the number of years of the present course, or the previous course in the case of a transferring student, in respect of which it has been determined before 1 September 2006 under regulations made under section 22 of the Act that support was not available;
- (f) **Z** is the number of academic years spent on a previous course beginning on or after 1 September 2006;
- (g) "continuing student" is an old system eligible student who started the present course before 1 September 2006;
- (h) "teacher training student" ("*myfyriwr ar gwrs hyfforddi athrawon*") means a student attending a course for the initial training of teachers where the duration of the course does not exceed 2 years (the duration of a part-time course being expressed in its full-time equivalent) and the student is not a qualified teacher;

(ff) ystyr "myfyriwr sy'n trosglwyddo" ("*transferring student*") yw myfyriwr cymwys sy'n dechrau'r cwrs presennol ar neu ar ôl 1 Medi 2006 wedi i'w statws fel myfyriwr cymwys gael ei drosglwyddo i'r cwrs hwnnw o ganlyniad i un neu fwy nag un trosglwyddiad o'r statws hwnnw, yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf, oddi ar gwrs dynodedig y cychwynnodd y myfyriwr hwnnw arno cyn 1 Medi 2006.

(10) Wrth gyfrifo nifer y blynyddoedd at ddibenion y paragraff hwn, trinnir presenoldeb am ran o flwyddyn academiaidd fel blwyddyn academiaidd gyfan.

(11) Caiff y Cynulliad Cenedlaethol, ar unrhyw adeg, adnewyddu neu estyn y cyfnod cymhwysra am unrhyw gyfnod ychwanegol y bydd yn penderfynu arno.

(12) Caiff y Cynulliad Cenedlaethol roi cymhwysra i gael grantiau a benthychiadau at ffioedd a grantiau at gostau byw nad yw yn unol â pharagraffau (3) i (9).

(13) Mae'r cyfnod cymhwysra yn terfynu pan fydd y myfyriwr cymwys-

- (a) yn tynnu'n ôl o'i gwrs dynodedig o dan amgylchiadau lle nad yw'r Cynulliad Cenedlaethol wedi trosi neu lle na fydd yn trosi statws y myfyriwr fel myfyriwr cymwys o dan reoliad 58(1); neu
- (b) yn rhoi'r gorau i'w gwrs dynodedig neu'n cael ei ddiarddel oddi arno.

(14) Caiff y Cynulliad Cenedlaethol derfynu'r cyfnod cymhwysra os yw'r myfyriwr cymwys wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth.

(15) Os yw'r Cynulliad Cenedlaethol wedi'i fodloni bod myfyriwr cymwys wedi methu â chydymffurfio ag unrhyw ofyniad i roi gwybodaeth o dan y Rheoliadau hyn neu ei fod wedi rhoi gwybodaeth sy'n anghywir o ran manylyn perthnasol, caiff y Cynulliad Cenedlaethol gymryd unrhyw rai o'r camau canlynol y mae'n credu eu bod yn briodol o dan yr amgylchiadau-

- (a) terfynu'r cyfnod cymhwysra;
- (b) penderfynu nad oes gan y myfyriwr hawl mwyach i gael unrhyw gymorth penodol neu unrhyw swm penodol o gymorth;
- (c) trin unrhyw gymorth a dalwyd i'r myfyriwr fel gordaliad y caniateir ei adennill o dan reoliad 49.

(i) "transferring student" means an eligible student who starts the present course on or after 1 September 2006 having had his or her status as an eligible student transferred to that course as a result of one or more transfers of that status pursuant to regulations made under section 22 of the Act from a designated course which he or she began before 1 September 2006.

(10) In calculating the number of years for the purpose of this regulation attendance for part of an academic year is treated as a whole academic year

(11) The National Assembly may, at any time, renew or extend the period of eligibility for such further period as it determines.

(12) The National Assembly may confer eligibility to grants and loans for fees and grants for living costs otherwise than in accordance with paragraphs (3) to (9).

(13) The period of eligibility terminates when the eligible student-

- (a) withdraws from the student's designated course in circumstances where the National Assembly has not converted or will not convert the student's status as an eligible student under regulation 58(1); or
- (b) abandons, or is expelled from, the student's designated course.

(14) The National Assembly may terminate the period of eligibility where the eligible student has shown himself or herself by his or her conduct to be unfitted to receive support.

(15) If the National Assembly is satisfied that an eligible student has failed to comply with any requirement to provide information under these Regulations or has provided information which is inaccurate in a material particular, the National Assembly may take such of the following actions as it considers appropriate in the circumstances-

- (a) terminate the period of eligibility;
- (b) determine that the student no longer qualifies for any particular support or particular amount of support;
- (c) treat any support paid to the student as an overpayment which may be recovered under regulation 49.

## Astudio blaenorol

7.-(1) Yn ddarostyngedig i baragraff (3), nid oes gan fyfyrwr cymwys sydd wedi ennill gradd anrhydedd yn sgil ei bresenoldeb ar gwrs blaenorol hawl i gael grant na benthyciad at ffioedd neu grant at gostau byw.

(2) Yn ddarostyngedig i baragraffau (3) a (4), nid oes gan fyfyrwr cymwys sy'n dechrau ar ei gwrs ar neu ar ôl 1 Medi 2006 hawl i gael benthyciad at gostau byw os yw wedi ennill gradd anrhydedd yn sgil ei bresenoldeb ar gwrs blaenorol.

(3) Nid yw paragraffau (1) a (2) yn gymwys i fyfyrwr cymwys sy'n mynychu cwrs ar gyfer hyfforddiant cychwynnol athrawon os nad yw cyfnod arferol y cwrs yn para'n hwy na 2 flynedd (gan fynegi cyfnod arferol cwrs rhan-amser yn ôl yr hyn sy'n cyfateb i gwrs amser-llawn) ac nad yw'r myfyrwr cymwys yn athro neu athrawes gymwysedig.

(4) Nid yw paragraff (2) yn gymwys i fyfyrwr cymwys sy'n dilyn cwrs sy'n arwain at gymhwyster fel gweithiwr cymdeithasol, doctor meddygol, deintydd, doctor milfeddygol, pensaer, pensaer tirluniau, dylunydd tirluniau, cynllunydd tref neu gynllunydd gwlad a thref.

(5) At ddibenion y rheoliad hwn a rheoliad 6, mae cwrs blaenorol yn unrhyw gwrs y bu'r myfyrwr yn bresennol arno cyn y cwrs presennol ac sy'n bodloni'r amodau ym mharagraff (6).

(6) Yr amodau y cyfeirir atynt ym mharagraff (5) yw bod y cwrs yn gwrs addysg uwch amser-llawn a ddarparwyd gan sefydliad yn y Deyrnas Unedig ac-

- (a) bod y sefydliad hwnnw'n cael ei ariannu'n gyhoeddus pan ddarparwyd y cwrs; neu
- (b) bod unrhyw ysgoloriaeth, arddangostal, bwrsari, grant, lwfans neu ddyfarniad o unrhyw ddisgrifiad a oedd ar gael mewn perthynas â phresenoldeb y myfyrwr ar y cwrs i dalu ffioedd wedi'i dalu o'r cronfeydd cyhoeddus neu o gronfeydd a oedd i'w priodoli i'r cronfeydd cyhoeddus gan unrhyw berson neu gorff, cyhoeddus neu breifat.

(7) Yn y rheoliad hwn a rheoliad 6, ystyr "cyfnod arferol y cwrs" ("*ordinary duration of the course*") yw nifer y blynyddoedd academaidd y byddai myfyrwr safonol yn eu cymryd i gwblhau'r cwrs dynodedig ac ystyr "myfyrwr safonol" ("*standard student*") yw myfyrwr sydd i'w ystyried yn un-

- (a) sydd wedi dechrau'r cwrs dynodedig ar yr un dyddiad â'r myfyrwr cymwys o dan sylw;
- (b) nad yw wedi'i esgusodi o ran o unrhyw ran o'r cwrs am ei fod wedi bod yn bresennol ar gwrs arall;
- (c) na fydd yn ailwneud unrhyw ran o'r cwrs; ac
- (ch) nad yw'n absennol o'r cwrs ac eithrio yn ystod y gwyliau.

## Previous study

7.-(1) Subject to paragraph (3), an eligible student who has attained an honours degree following attendance on a previous course does not qualify for a grant or loan for fees or a grant for living costs.

(2) Subject to paragraphs (3) and (4), an eligible student who starts his or her course on or after 1 September 2006 does not qualify for a loan for living costs if he or she has attained an honours degree following attendance on a previous course.

(3) Paragraphs (1) and (2) do not apply to an eligible student attending a course for the initial training of teachers where the ordinary duration of the course does not exceed 2 years (the ordinary duration of a part-time course being expressed as its full-time equivalent) and the eligible student is not a qualified teacher.

(4) Paragraph (2) does not apply to an eligible student attending a course which leads to a qualification as a social worker, medical doctor, dentist, veterinary doctor, architect, landscape architect, landscape designer, town planner or town and country planner.

(5) For the purposes of this regulation and regulation 6 a previous course is any course the student attended before the present course and which meets the conditions in paragraph (6).

(6) The conditions referred to in paragraph (5) are that the course was a full-time higher education course provided by an institution in the United Kingdom and-

- (a) that institution was publicly funded at the time the course was provided; or
- (b) any scholarship, exhibition, bursary, grant, allowance or award of any description which was available in respect of the student's attendance on the course to defray fees was paid out of public funds or funds attributable to public funds by any person or body, public or private.

(7) In this regulation and regulation 6, the "ordinary duration of the course" ("*cyfnod arferol y cwrs*") means the number of academic years that a standard student would take to complete the designated course and "standard student" ("*myfyrwr safonol*") means a student who is to be taken-

- (a) to have started the designated course on the same date as the eligible student in question;
- (b) not to be excused any part of the course on account of having attended another course;
- (c) not to repeat any part of the course; and
- (d) not to be absent from the course other than during vacations.

## Trosglwyddo statws

8.-(1) Pan fo myfyriwr cymwys yn trosglwyddo i gwrs arall, rhaid i'r Cynulliad Cenedlaethol drosglwyddo statws y myfyriwr fel myfyriwr cymwys i'r cwrs hwnnw-

- (a) os daw cais oddi wrth y myfyriwr cymwys i wneud hynny;
- (b) os yw wedi ei fodloni bod un neu fwy nag un o'r seiliau trosglwyddo ym mharagraff (2) yn gymwys; ac
- (c) os nad yw cyfnod y cymhwysra wedi dod i ben neu wedi cael ei derfynu.

(2) Y seiliau trosglwyddo y cyfeirir atynt ym mharagraff (1) yw-

- (a) bod y myfyriwr cymwys, ar argymhelliad yr awdurdod academaidd, yn dechrau bod yn bresennol ar gwrs arall yn y sefydliad;
- (b) bod y myfyriwr cymwys yn dechrau bod yn bresennol ar gwrs dynodedig mewn sefydliad arall gyda chaniatâd awdurdod academaidd y sefydliad hwnnw;
- (c) ar ôl cychwyn ar gwrs ar gyfer y Dystysgrif mewn Addysg, bod y myfyriwr cymwys, ar gwblhau'r cwrs hwnnw neu cyn hynny, yn cael ei dderbyn ar gwrs dynodedig ar gyfer gradd Baglor mewn Addysg naill ai yn yr un sefydliad neu mewn sefydliad arall;
- (ch) ar ôl cychwyn ar gwrs ar gyfer gradd (ac eithrio gradd anrhydedd) Baglor mewn Addysg, bod y myfyriwr cymwys, ar gwblhau'r cwrs hwnnw neu cyn hynny, yn cael ei dderbyn ar gwrs dynodedig ar gyfer gradd anrhydedd Baglor mewn Addysg naill ai yn yr un sefydliad neu mewn sefydliad arall; neu
- (d) ar ôl cychwyn ar gwrs ar gyfer gradd gyntaf (ac eithrio gradd anrhydedd) bod y myfyriwr cymwys, cyn cwblhau'r cwrs hwnnw, yn cael ei dderbyn ar gwrs dynodedig ar gyfer gradd anrhydedd yn yr un pwnc neu yn yr un pynciau yn y sefydliad.

(3) Yn ddarostyngedig i baragraff (4), mae myfyriwr cymwys sy'n trosglwyddo o dan baragraff (1) yn parhau i dderbyn, mewn cysylltiad â'r cwrs y bydd yn trosglwyddo iddo, y cymorth y mae'r Cynulliad Cenedlaethol wedi penderfynu bod ganddo'r hawl i'w gael, mewn cysylltiad â'r cwrs y bydd yn trosglwyddo oddi arno, am weddill y flwyddyn academaidd y bydd yn trosglwyddo ynddi.

(4) Caiff y Cynulliad Cenedlaethol ailasesu swm y cymorth sy'n daladwy ar ôl y trosglwyddiad.

## Transfer of Status

8.-(1) Where an eligible student transfers to another course, the National Assembly must transfer the student's status as an eligible student to that course where-

- (a) it receives a request from the eligible student to do so;
- (b) it is satisfied that one or more of the grounds of transfer in paragraph (2) applies; and
- (c) the period of eligibility has not expired or been terminated.

(2) The grounds of transfer referred to in paragraph (1) are-

- (a) on the recommendation of the academic authority the eligible student starts to attend another course at the institution;
- (b) the eligible student starts to attend a designated course at another institution with the consent of the academic authority of that institution;
- (c) after commencing a course for the Certificate in Education, the eligible student is, on or before the completion of that course, admitted to a designated course for the degree of Bachelor of Education either at the same institution or at another institution;
- (d) after commencing a course for the degree (other than an honours degree) of Bachelor of Education, the eligible student is, on or before completion of that course, admitted to a designated course for the honours degree of Bachelor of Education either at the same institution or at another institution; or
- (e) after commencing a course for a first degree (other than an honours degree) the eligible student is, before completion of that course, admitted to a designated course for an honours degree in the same subject or subjects at the institution.

(3) Subject to paragraph (4), an eligible student who transfers under paragraph (1) continues to receive in connection with the course to which he or she transfers the support for which the National Assembly has determined he or she qualifies in respect of the course from which he or she transfers for the remainder of the academic year in which he or she transfers.

(4) The National Assembly may re-assess the amount of support payable after the transfer.

### RHAN 3

## GWNEUD CAIS AM GYMORTH A RHOI GWYBODAETH

### Ceisiadau am gymorth

9.-(1) Rhaid i berson (y "ceisydd") wneud cais am gymorth mewn cysylltiad â phob blwyddyn academaidd ar gwrs dynodedig drwy lenwi a chyflwyno i'r Cynulliad Cenedlaethol gais ar unrhyw ffurf a chan ddarparu unrhyw ddogfennau y bydd y Cynulliad Cenedlaethol yn gofyn amdanynt.

(2) Caiff y Cynulliad Cenedlaethol gymryd unrhyw gamau a gwneud unrhyw ymholiadau y mae'n credu eu bod yn angenrheidiol er mwyn penderfynu a yw'r ceisydd yn fyfyrwr cymwys, a oes gan y ceisydd hawl i gael cymorth a swm y cymorth sy'n daladwy, os oes cymorth yn daladwy o gwbl.

(3) Rhaid i'r Cynulliad Cenedlaethol hysbysu'r ceisydd a oes gan y ceisydd hawl neu beidio i gael cymorth ac, os oes gan y ceisydd hawl, swm y cymorth sy'n daladwy mewn perthynas â'r flwyddyn academaidd, os oes cymorth yn daladwy o gwbl.

### Terfynau amser

10.-(1) Y rheol gyffredinol yw bod rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol o fewn cyfnod o naw mis sy'n dechrau gyda diwrnod cyntaf y flwyddyn academaidd y mae'n cael ei gyflwyno mewn perthynas â hi.

(2) Nid yw'r rheol gyffredinol ym mharagraff (1) yn gymwys-

- (a) os daw'r cwrs yn gwrs dynodedig ar ôl diwrnod cyntaf y flwyddyn academaidd y mae'r ceisydd yn gwneud cais am gymorth mewn perthynas â hi, ac os felly rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol o fewn cyfnod o naw mis sy'n dechrau gyda'r diwrnod y cafodd y cwrs ei ddynodi;
- (b) os cydnabuwyd y ceisydd, priod y ceisydd, partner sifil y ceisydd neu riant y ceisydd fel ffoadur neu os rhoddwyd caniatâd iddynt ddod i mewn neu aros fel y'i crybwyllir ym mharagraff 3 o Atodlen 1 ar ôl diwrnod cyntaf y flwyddyn academaidd y mae'r ceisydd yn gwneud cais am gymorth mewn perthynas â hi, ac os felly rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol o fewn cyfnod o naw mis sy'n dechrau gyda'r diwrnod y rhoddwyd y gydnabyddiaeth neu'r diwrnod y rhoddwyd y caniatâd, yn y drefn honno;
- (c) os nad yw'r ceisydd yn berson a grybwyllir ym mharagraff 7 neu baragraff 8 o Atodlen 1 ar ddiwrnod cyntaf y flwyddyn academaidd y mae'r ceisydd yn gwneud cais am gymorth mewn perthynas â hi ond bod y ceisydd, o

### PART 3

## APPLYING FOR SUPPORT AND PROVISION OF INFORMATION

### Applications for support

9.-(1) A person (the "applicant") must apply for support in connection with each academic year of a designated course by completing and submitting to the National Assembly an application in such form and accompanied by such documentation as the National Assembly may require.

(2) The National Assembly may take such steps and make such inquiries as it considers necessary to determine whether the applicant is an eligible student, whether the applicant qualifies for support and the amount of support payable, if any.

(3) The National Assembly must notify the applicant of whether or not the applicant qualifies for support and, if the applicant does qualify, the amount of support payable in respect of the academic year, if any.

### Time limits

10.-(1) The general rule is that the application must reach the National Assembly within a period of nine months beginning with the first day of the academic year in respect of which it is submitted.

(2) The general rule in paragraph (1) does not apply where-

- (a) the course becomes a designated course after the first day of the academic year in respect of which the applicant is applying for support, in which case the application must reach the National Assembly within a period of nine months beginning with the day on which the course was designated;
- (b) the applicant, the applicant's spouse, the applicant's civil partner or the applicant's parent is recognised as a refugee or has been granted leave to enter or remain as mentioned in paragraph 3 of Schedule 1 after the first day of the academic year in respect of which the applicant is applying for support, in which case the application must reach the National Assembly within a period of nine months beginning with the day of recognition or the day leave was granted, respectively;
- (c) the applicant is not a person mentioned in paragraph 7 or paragraph 8 of Schedule 1 on the first day of the academic year in respect of which the applicant is applying for support but as a result of the accession of the state of which



ganlyniad i'r ffaith bod y wladwriaeth y mae'r ceisydd yn wladolyn iddi yn ymaelodi â'r Gymuned Ewropeaidd, yn dod yn berson o'r fath, ac os felly rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol o fewn cyfnod o naw mis sy'n dechrau gyda'r diwrnod y mae'r wladwriaeth yn ymaelodi;

- (ch) os yw'r ceisydd yn gwneud cais ar wahân am fenthyciad at gostau byw o dan reoliad 31 neu am swm ychwanegol o fenthyciad o dan reoliad 43(3), ac os felly rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol heb fod yn hwyrach nag un mis cyn diwedd y flwyddyn academaidd y mae'r ceisydd yn gwneud cais am gymorth mewn perthynas â hi;
- (d) os yw'r ceisydd yn gwneud cais am fenthyg swm ychwanegol o fenthyciad o dan reoliad 43(1), ac os felly rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol heb fod yn hwyrach nag un mis cyn diwedd y flwyddyn academaidd y mae'r cais yn cyfeirio ati neu o fewn cyfnod o un mis sy'n dechrau gyda'r diwrnod y caiff y ceisydd hysbysiad ynglŷn â'r uchafswm wedi'i gynyddu, p'un bynnag yw'r olaf;
- (dd) os yw'r ceisydd yn gwneud cais am grant o dan reoliad 19, ac os felly rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol cyn gynted ag y bo'n rhesymol ymarferol;
- (e) os yw'r Cynulliad Cenedlaethol o'r farn, ar ôl rhoi sylw i amgylchiadau'r achos penodol, y dylid llacio'r terfyn amser, ac os felly rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol heb fod yn hwyrach na'r dyddiad a bennir ganddo.

## Gwybodaeth

- 11. Mae Atodlen 3 yn gymwys i roi gwybodaeth.

### RHAN 4

#### GRANTIAU AT FFIOEDD

### Amodau'r hawl i gael grantiau at ffioedd

12.-(1) Yn ddarostyngedig i reoliadau 6 a 7, mae gan fyfyrwr cymwys dan yr hen drefn hawl yn unol â'r rheoliad hwn i gael grant mewn perthynas â'r ffioedd(1) am flwyddyn academaidd sy'n daladwy gan y myfyriwr mewn perthynas â phresenoldeb y myfyriwr ar gwrs dynodedig, neu mewn cysylltiad â'r presenoldeb hwnnw mewn modd arall.

(1) Diffinnir ffioedd ("fees") yn adran 28(1) o Ddeddf Addysgu ac Addysg Uwch 1998 (p.30).

the applicant is a national to the European Community the applicant becomes such a person, in which case the application must reach the National Assembly within a period of nine months beginning with the day of the accession;

- (d) the applicant is making a separate application for a loan for living costs under regulation 31 or an additional amount of loan under regulation 43(3), in which case the application must reach the National Assembly not later than one month before the end of the academic year in respect of which the applicant is applying for support;
- (e) the applicant is applying to borrow an additional amount of loan under regulation 43(1), in which case the application must reach the National Assembly not later than one month before the end of the academic year to which the application relates or within a period of one month beginning with the day on which the applicant receives notice of the increased maximum amount, whichever is the later;
- (f) the applicant is applying for a grant under regulation 19, in which case the application must reach the National Assembly as soon as is reasonably practicable;
- (g) the National Assembly considers that having regard to the circumstances of the particular case the time limit should be relaxed, in which case the application must reach the National Assembly not later than such date as it specifies.

## Information

- 11. Schedule 3 applies to the provision of information.

### PART 4

#### GRANTS FOR FEES

### Qualifying conditions for grants for fees

12.-(1) Subject to regulations 6 and 7, an old system eligible student qualifies in accordance with this regulation for a grant in respect of the fees(1) for an academic year payable by the student in respect of, or otherwise in connection with, the student's attendance on a designated course.

(1) "fees" ("*ffioedd*") is defined in section 28(1) of the Teaching and Higher Education Act 1998 (c.30).

(2) Pennir swm y grant at ffioedd mewn perthynas â blwyddyn academaidd yn unol â rheoliad 13 neu 14.

(3) Nid oes gan fyfyrwr cymwys hawl i gael cymorth mewn perthynas â blwyddyn academaidd-

- (a) os yw, mewn perthynas â'r flwyddyn honno, yn gymwys i gael unrhyw daliad o dan fwrari gofal iechyd y mae ei swm yn cael ei gyfrifo drwy gyfeirio at ei incwm;
- (b) os yw, mewn perthynas â'r flwyddyn honno, yn gymwys i gael lwfans gofal iechyd yr Alban y mae ei swm yn cael ei gyfrifo drwy gyfeirio at ei incwm;
- (c) os yw'n cymryd rhan yng nghynllun gweithredu y Gymuned Ewropeaidd ar gyfer symudedd myfyrwyr prifysgol sy'n cael ei adnabod fel ERASMUS(1) ac-
  - (i) bod ei gwrs yn gwrs y cyfeirir ato yn rheoliad 5(1)(ch); a
  - (ii) bod yr holl gyfnodau astudio yn ystod y flwyddyn academaidd yn gyfnodau astudio mewn sefydliad y tu allan i'r Deyrnas Unedig; neu
- (ch) os yw'n ymgymryd â chwrs HCA ôl-raddedig hyblyg.

#### **Swm y grant at ffioedd mewn sefydliad a ariennir yn gyhoeddus**

**13.-(1)** Yn ddarostyngedig i'r paragraffau canlynol, mae swm y grant at ffioedd mewn cysylltiad â blwyddyn academaidd cwrs dynodedig mewn sefydliad a ariennir yn gyhoeddus yn £1,200.

(2) Yn ddarostyngedig i baragraffau (3) a (4), swm y grant at ffioedd mewn cysylltiad â blwyddyn academaidd yw £600 yn yr achosion canlynol-

- (a) blwyddyn derfynol y cwrs os yw fel rheol yn ofynnol i'r flwyddyn honno gael ei chwblhau ar ôl llai na 15 wythnos o bresenoldeb;
- (b) mewn perthynas â chwrs rhyngosod, blwyddyn academaidd-
  - (i) pryd y mae cyfanswm unrhyw gyfnodau o astudio amser-llawn yn llai na 10 wythnos; neu
  - (ii) mewn perthynas â'r flwyddyn academaidd honno ac unrhyw flynyddoedd academaidd blaenorol ar y cwrs, os yw cyfanswm unrhyw gyfnod neu gyfnodau o bresenoldeb nad ydynt yn gyfnodau o astudio amser-llawn yn y sefydliad (gan anwybyddu gwyliau yn y cyfamser) yn fwy na 30 wythnos;

(2) The amount of the grant for fees in respect of an academic year is determined in accordance with regulations 13 or 14.

(3) An eligible student does not qualify for support in respect of an academic year if-

- (a) in relation to that year he or she is eligible to receive any payment under a healthcare bursary the amount of which is calculated by reference to his or her income;
- (b) in relation to that year he or she is eligible to receive a Scottish healthcare allowance the amount of which is calculated by reference to his or her income;
- (c) he or she is participating in the action scheme of the European Community for the mobility of university students known as ERASMUS(1) and-
  - (i) his or her course is a course referred to in regulation 5(1)(d); and
  - (ii) all the periods of study during the academic year are at an institution outside the United Kingdom; or
- (d) he or she is undertaking a flexible postgraduate ITT course.

#### **Amount of grants for fees at a publicly funded institution**

**13.-(1)** Subject to the following paragraphs, the amount of the grant for fees in respect of an academic year of a designated course at a publicly-funded institution is £1,200.

(2) Subject to paragraphs (3) and (4) the amount of the grant for fees in respect of an academic year is £600 in the following cases-

- (a) the final year of the course where that year is ordinarily required to be completed after less than 15 weeks' attendance;
- (b) in respect of a sandwich course, an academic year-
  - (i) during which any periods of full-time study are in aggregate less than 10 weeks; or
  - (ii) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution (disregarding intervening vacations) exceeds 30 weeks;

(1) Mae ERASMUS yn rhan o raglen weithredu SOCRATES y Gymuned Ewropeaidd; OJ Rhif L28, 3.2.2000, t1.

(1) ERASMUS is part of the European Community action programme SOCRATES; OJ No L28, 3.2.2000, p1.

- (c) mewn perthynas â chwrs ar gyfer hyfforddiant cychwynnol athrawon (yn cynnwys cwrs sy'n arwain at radd gyntaf), blwyddyn academaidd pryd y mae cyfanswm unrhyw gyfnodau o astudio amser-llawn yn llai na 10 wythnos;
- (ch) mewn perthynas â chwrs a ddarperir ar y cyd â sefydliad dros y môr, blwyddyn academaidd-
  - (i) lle mae cyfanswm y cyfnodau o astudio amser-llawn yn y sefydliad yn y Deyrnas Unedig yn llai na 10 wythnos; neu
  - (ii) mewn perthynas â'r flwyddyn academaidd honno ac unrhyw flynyddoedd academaidd blaenorol ar y cwrs, bod y cyfanswm o un neu fwy nag un o gyfnodau o bresenoldeb nad ydynt yn gyfnodau o astudio amser-llawn yn y sefydliad yn y Deyrnas Unedig (gan anwybyddu gwyliau yn y cyfamser) yn fwy na 30 wythnos; neu
- (d) mewn perthynas â chwrs a ddarperir gan y Sefydliad Prydeinig ym Mharis a gychwynnodd cyn 1 Medi 2001.

(3) Yn achos cwrs dynodedig yng Ngholeg Heythrop, swm y grant at ffioedd mewn perthynas â blwyddyn academaidd yw £2,145.

(4) Caniateir didynnu swm oddi wrth y grant at ffioedd y penderfynnir arno o dan baragraff (1) neu (2) yn unol â rheoliad 46.

#### **Swm y grant at ffioedd ar gyfer cwrs mewn sefydliad preifat**

14.-(1) Yn ddarostyngedig i'r paragraffau canlynol, swm y grant at ffioedd mewn perthynas â blwyddyn academaidd cwrs dynodedig mewn sefydliad preifat yw £1,125.

(2) Yn ddarostyngedig i baragraffau (4), (5) a (6), swm y grant at ffioedd mewn perthynas â blwyddyn academaidd cwrs dynodedig mewn sefydliad preifat yw £1,200-

- (a) os yw'r cwrs dynodedig yn dechrau ar neu ar ôl Medi 2001;
- (b) os yw'r cwrs dynodedig yn cael ei ddarparu ar ran sefydliad a ariennir yn gyhoeddus; ac
- (c) os nad oes yr un o'r amgylchiadau yn rheoliad 13(2) yn gymwys.

(3) Yn ddarostyngedig i baragraffau (4), (5) a (6), swm y grant at ffioedd mewn perthynas â blwyddyn academaidd mewn sefydliad preifat yw £600-

- (a) os yw'r cwrs dynodedig yn dechrau ar 1 Medi 2001 neu ar ôl hynny;
- (b) os yw'r cwrs dynodedig yn cael ei ddarparu ar ran sefydliad a ariennir yn gyhoeddus; ac
- (c) os oes un neu fwy nag un o'r amgylchiadau yn rheoliad 13(2) yn gymwys.

(4) Yn achos cwrs dynodedig ym Mhrifysgol Buckingham, swm y grant at ffioedd mewn perthynas

- (c) in respect of a course for the initial training of teachers (including a course leading to a first degree), an academic year during which any periods of full-time study are in aggregate less than 10 weeks;
- (d) in respect of a course provided in conjunction with an overseas institution, an academic year-
  - (i) during which the periods of full-time study at the institution in the United Kingdom are in aggregate less than 10 weeks; or
  - (ii) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution in the United Kingdom (disregarding intervening vacations) exceeds 30 weeks; or
- (e) in respect of an academic year of a course provided by the British Institute in Paris which began before 1 September 2001.

(3) In the case of a designated course at Heythrop College, the amount of grant for fees in respect of an academic year is £2,145.

(4) A deduction may be made from the grant for fees determined under paragraph (1) or (2) in accordance with regulation 46.

#### **Amount of the grant for fees for a course at a private institution**

14.-(1) Subject to the following paragraphs, the amount of the grant for fees in respect of an academic year of a designated course at a private institution is £1,125.

(2) Subject to paragraphs (4), (5) and (6), the amount of the grant for fees in respect of an academic year of a designated course at a private institution is £1,200 if-

- (a) the designated course begins on or after 1 September 2001
- (b) the designated course is provided on behalf of a publicly-funded institution; and
- (c) none of the circumstances in regulation 13(2) applies.

(3) Subject to paragraphs (4), (5) and (6), the amount of the grant for fees in respect of an academic year at a private institution is £600 if-

- (a) the designated course begins on or after 1 September 2001;
- (b) the designated course is provided on or behalf of a publicly funded institution; and
- (c) one or more of the circumstances in regulation 13(2) applies.

(4) In the case of a designated course at the University of Buckingham, the amount of grant for

â blwyddyn academiaidd yw £2,840.

(5) Yn achos cwrs dynodedig yn Ysgol Gerdd Guildhall, swm y grant at ffioedd mewn perthynas â blwyddyn academiaidd yw £4,355.

(6) Caniateir didynnu swm o'r grant at ffioedd yn unol â rheoliad 46.

## RHAN 5

### BENTHYCIADAU AT FFIOEDD

#### Amodau cyffredinol yr hawl i gael benthyciadau at ffioedd

15.-(1) Mae gan fyfyrwr cymwys hawl i gael benthyciad at ffioedd mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig o dan y Rhan hon ar yr amod nad yw'r myfyrwr wedi ei eithrio rhag bod yn gymwys gan y paragraff canlynol, gan reoliad 6 neu reoliad 7.

(2) Nid oes gan fyfyrwr cymwys hawl i gael benthyciad at ffioedd mewn perthynas â blwyddyn academiaidd-

- (a) os yw, mewn perthynas â'r flwyddyn honno, yn gymwys i gael unrhyw daliad o dan fwrari gofal iechyd y mae ei swm yn cael ei gyfrifo drwy gyfeirio at ei incwm;
- (b) os yw, mewn perthynas â'r flwyddyn honno, yn gymwys i gael lwfans gofal iechyd yr Alban y mae ei swm yn cael ei gyfrifo drwy gyfeirio at ei incwm;
- (c) os yw'n cymryd rhan yng nghynllun gweithredu y Gymuned Ewropeaidd ar gyfer symudedd myfyrwyr prifysgol sy'n cael ei adnabod fel ERASMUS(1) ac-
  - (i) bod ei gwrs yn gwrs y cyfeirir ato yn rheoliad 5(1)(ch); a
  - (ii) bod yr holl gyfnodau astudio yn ystod y flwyddyn academiaidd yn gyfnodau astudio mewn sefydliad y tu allan i'r Deyrnas Unedig; neu
- (ch) os yw'n ymgymryd â chwrs HCA ôl-raddedig hyblyg.

#### Benthyciadau at gyfraniad at ffioedd

16.-(1) Yn ddarostyngedig i baragraff (7), mae gan fyfyrwr cymwys dan yr hen drefn hawl yn unol â'r rheoliad hwn i gael benthyciad at gyfraniad at ffioedd mewn perthynas â'r ffioedd sy'n daladwy ganddo mewn perthynas â'i bresenoldeb ar gwrs dynodedig, neu mewn cysylltiad â'r presenoldeb hwnnw.

fees in respect of an academic year is £2,840.

(5) In the case of a designated course at the Guildhall School of Music, the amount of the grant for fees in respect of an academic year is £4,355.

(6) A deduction may be made from the grant for fees in accordance with regulation 46.

## PART 5

### LOANS FOR FEES

#### General qualifying conditions for loans for fees

15.-(1) An eligible student qualifies for a loan for fees in connection with the student's attendance on a designated course under this Part provided that the student is not excluded from qualification by the following paragraph, regulation 6 or regulation 7.

(2) An eligible student does not qualify for a loan for fees in respect of an academic year if-

- (a) in relation to that year he or she is eligible to receive any payment under a healthcare bursary the amount of which is calculated by reference to his or her income;
- (b) in relation to that year he or she is eligible to receive a Scottish healthcare allowance the amount of which is calculated by reference to his or her income;
- (c) he or she is participating in the action scheme of the European Community for the mobility of university students known as ERASMUS(1) and-
  - (i) his or her course is a course referred to in regulation 5(1)(d); and
  - (ii) all the periods of study during the academic year are at an institution outside the United Kingdom; or
- (d) he or she is undertaking a flexible postgraduate ITT course.

#### Fee contribution loans

16.-(1) Subject to paragraph (7), an eligible student qualifies in accordance with this regulation for a fee contribution loan in respect of the fees payable by him or her in respect of, or otherwise in connection with his or her attendance on a designated course.

(1) Mae ERASMUS yn rhan o raglen weithredu SOCRATES y Gymuned Ewropeaidd; OJ Rhif L28, 3.2.2000, t1.

(1) ERASMUS is part of the European Community action programme SOCRATES; OJ No L28, 3.2.2000, p1.

(2) Os yw myfyriwr cymwys dan yr hen drefn yn gwneud cais am grant at ffioedd ac am fenthyciad at gyfraniad at ffioedd, swm y benthyciad at gyfraniad at ffioedd mewn perthynas â blwyddyn academiaidd y cwrs dynodedig yw'r swm y mae'r myfyriwr yn gwneud cais amdano a hwnnw'n swm nad yw'n fwy na'r swm a ddidynnwyd oddi ar ei grant at ffioedd yn unol â rheoliad 46.

(3) Os benthyciad at gyfraniad at ffioedd yw'r unig gymorth at ffioedd y mae myfyriwr cymwys dan yr hen drefn yn gwneud cais amdano, swm y benthyciad hwnnw mewn perthynas â blwyddyn academiaidd y cwrs dynodedig yw'r swm y mae'r myfyriwr yn gwneud cais amdano, a hwnnw'n swm nad yw'n fwy na £1,200 neu, os oes unrhyw rai o'r amgylchiadau yn rheoliad 13(2) yn gymwys, £600.

(4) Caiff myfyriwr cymwys dan yr hen drefn wneud cais am fenthyg swm ychwanegol o fenthyciad at gyfraniad at ffioedd-

- (i) os bydd y Cynulliad Cenedlaethol yn penderfynu y dylid cynyddu uchafswm y benthyciad at gyfraniad at ffioedd (gan gynnwys rhoi swm pan na roddwyd un dim ynghynt) yr hysbyswyd y myfyriwr ohono mewn perthynas â blwyddyn academiaidd o ganlyniad i ailasesiad o gyfraniad y myfyriwr neu mewn modd arall; a
- (ii) os bydd y Cynulliad Cenedlaethol o'r farn nad yw'r cynydd yn yr uchafswm yn digwydd oherwydd i'r myfyriwr cymwys dan yr hen drefn-
  - (aa) methu â darparu yn brydlon wybodaeth a allai effeithio ar ei allu i fod â hawl i gael benthyciad at gyfraniad at ffioedd y mae ganddo hawl i'w gael; neu
  - (bb) darparu gwybodaeth y mae unrhyw fanylyn perthnasol ohoni yn anghywir.

(5) Nid yw'r swm ychwanegol ym mharagraff (4), pan ychwanegir ef at y swm y gwnaed cais amdano eisoes, yn swm sy'n fwy na'r uchafswm a gafodd ei gynyddu.

(6) Os yw myfyriwr cymwys dan yr hen drefn wedi gwneud cais am fenthyciad at gyfraniad at ffioedd sy'n llai na'r uchafswm y mae ganddo hawlogaeth iddo mewn perthynas â'r flwyddyn academiaidd, caiff wneud cais i fenthyg swm ychwanegol nad yw, pan ychwanegir ef at y swm y gwnaed cais amdano eisoes, yn fwy na'r uchafswm perthnasol sy'n gymwys yn achos y myfyriwr hwnnw.

(7) Nid yw paragraff (1) yn gymwys i fyfyriwr cymwys sy'n ymgymryd â chwrs mewn sefydliad preifat neu yng Ngholeg Heythrop.

(2) Where an old system eligible student applies for a grant for fees and a fee contribution loan, the amount of the fee contribution loan in respect of an academic year of the designated course is the amount for which the student applies not exceeding the amount deducted from his or her grant for fees in accordance with regulation 46.

(3) Where the only fee support for which an old system eligible student applies is a fee contribution loan, the amount of that loan in respect of an academic year of the designated course is the amount for which the student applies not exceeding £1,200 or, if any of the circumstances in regulation 13(2) apply, £600.

(4) An old system eligible student may apply to borrow an additional amount of fee contribution loan where-

- (i) the National Assembly determines that the maximum amount of fee contribution loan which has been notified to the student in relation to an academic year should be increased (including an increase from nil) as a result of a reassessment of the student's contribution or otherwise; and
- (ii) the National Assembly considers that the increase in the maximum amount does not result from the old system eligible student-
  - (aa) failing to provide information promptly which might affect his or her ability to qualify for a fee contribution loan for which he or she qualifies; or
  - (bb) providing information which is inaccurate in any material particular.

(5) The additional amount in paragraph (4) is an amount which when added to the amount already applied for does not exceed the increased maximum.

(6) Where an old system eligible student has applied for a fee contribution loan of less than the maximum amount to which he is entitled in relation to the academic year, he or she may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed the relevant maximum applicable in his or her case.

(7) Paragraph (1) does not apply to an eligible student undertaking a course at a private institution or at Heythrop College.

## Benthyciadau at ffioedd

17.-(1) Mae gan fyfyrwr cymwys dan y drefn newydd hawl yn unol â'r rheoliad hwn i gael benthyciad mewn perthynas â'r ffioedd sy'n daladwy ganddo mewn perthynas â'i bresenoldeb ar gwrs dynodedig, neu mewn cysylltiad â'r presenoldeb hwnnw mewn modd arall.

(2) Rhaid i swm benthyciad at ffi mewn perthynas â blwyddyn academaidd cwrs dynodedig beidio â bod yn fwy na'r lleiaf o'r isod-

- (a) £3,000 neu, pan fo un o'r amgylchiadau ym mharagraff (3) yn gymwys, £1,500; a
- (b) y ffioedd sy'n daladwy gan y myfyrwr mewn perthynas â'r flwyddyn honno, neu mewn cysylltiad â hi mewn modd arall.

(3) Yn yr achosion a bennir yn rheoliad 13(2), uchafswm y benthyciad at ffioedd mewn perthynas â blwyddyn academaidd yw £1,500.

(4) Os caiff statws myfyrwr fel myfyrwr cymwys ei drosglwyddo o un cwrs dynodedig i un arall o dan y Rheoliadau hyn a bod un o'r amgylchiadau ym mharagraff (5) yn gymwys, caiff y myfyrwr fenthyg swm ychwanegol ar ffurf benthyciad at ffi mewn perthynas â blwyddyn academaidd y cwrs y mae'r myfyrwr hwnnw yn trosglwyddo iddo.

(5) Yr amgylchiadau yw-

- (a) bod y ffioedd sy'n daladwy mewn perthynas â blwyddyn academaidd y cwrs y mae'r myfyrwr dan y drefn newydd yn trosglwyddo iddo yn fwy na'r ffioedd sy'n daladwy mewn perthynas â blwyddyn academaidd y cwrs y mae'r myfyrwr wedi trosglwyddo ohono; neu
- (b) bod blwyddyn academaidd y cwrs y mae'r myfyrwr dan y drefn newydd yn trosglwyddo iddo yn dechrau ar ddyddiad diweddarach na blwyddyn academaidd y cwrs y trosglwyddodd y myfyrwr hwnnw oddi arno.

(6) Pan fo paragraff (5)(a) yn gymwys, rhaid i'r swm ychwanegol y caiff myfyrwr cymwys dan y drefn newydd ei fenthyg mewn perthynas â'r flwyddyn academaidd y mae'r myfyrwr yn trosglwyddo iddi beidio â bod yn fwy na swm hafal i'r ffioedd sy'n daladwy gan y myfyrwr hwnnw mewn perthynas â'r flwyddyn academaidd honno, wedi didynnu oddi ar y swm hwnnw unrhyw fenthygiad at ffi y mae'r myfyrwr hwnnw wedi ei godi mewn perthynas â'r flwyddyn academaidd y trosglwyddodd oddi arni.

(7) Pan fo paragraff 5(b) yn gymwys, rhaid i'r swm ychwanegol y caiff y myfyrwr cymwys dan y drefn newydd ei fenthyg mewn perthynas â'r flwyddyn academaidd y mae'n trosglwyddo iddi beidio â bod yn fwy na'r lleiaf o'r isod-

- (a) £3,000 neu, pan fo un o'r amgylchiadau yn rheoliad 13(2) yn gymwys, £1,500; a
- (b) y ffioedd sy'n daladwy gan y myfyrwr mewn perthynas â'r flwyddyn honno, neu mewn cysylltiad â hi mewn modd arall.

## Fee loans

17.-(1) A new system eligible student qualifies in accordance with this regulation for a loan in respect of the fees payable by him or her in respect of, or otherwise in connection with his or her attendance on a designated course.

(2) The amount of a fee loan in respect of an academic year of a designated course must not exceed the lesser of-

- (a) £3,000 or, where one of the circumstances in paragraph (3) applies, £1,500; and
- (b) the fees payable by the student in respect of, or otherwise in connection with, that year.

(3) The maximum amount of the fee loan in respect of an academic year is £1,500 in the cases specified in regulation 13(2).

(4) If the student's status as an eligible student is transferred from one designated course to another under these Regulations and one of the circumstances in paragraph (5) applies, the student may borrow an additional amount by way of fee loan in respect of the academic year of the course to which he or she transfers.

(5) The circumstances are-

- (a) the fees payable in respect of the academic year of the course to which the new system student transfers exceed the fees payable in respect of the academic year of the course from which the student has transferred; or
- (b) the academic year of the course to which the new system student transfers begins on a later date than the academic year of the course from which he or she has transferred.

(6) Where paragraph (5)(a) applies, the additional amount that the new system eligible student may borrow in respect of the academic year to which he or she transfers must not exceed an amount equal to the fees payable by him or her in respect of that academic year less the amount of any fee loan he or she has taken out in respect of the academic year from which he or she has transferred.

(7) Where paragraph (5)(b) applies, the additional amount that the new system eligible student may borrow in respect of the academic year to which he or she transfers must not exceed the lesser of-

- (a) £3,000 or, where one of the circumstances in regulation 13(2) applies, £1,500; and
- (b) the fees payable by the student in respect of, or otherwise in connection with, that year.

(8) Pan fo myfyriwr cymwys dan y drefn newydd wedi gwneud cais am fenthyciad at ffi sy'n llai na'r uchafswm sydd ar gael mewn perthynas â blwyddyn academiaidd, caiff wneud cais i fenthyg swm ychwanegol nad yw, pan ychwanegir ef at y swm y gwnaed cais amdano eisoes, yn fwy na'r uchafswm perthnasol sy'n gymwys yn achos y myfyriwr hwnnw.

## RHAN 6

### GRANTIAU AT GOSTAU BYW

#### Amodau cyffredinol yr hawl i gael grantiau at gostau byw

18.-(1) Mae gan fyfyriwr cymwys hawl i gael grant at gostau byw o dan y Rhan hon ar yr amod-

- (a) nad yw'r myfyriwr wedi'i hepgor rhag bod â hawl gan unrhyw un o'r paragraffau canlynol, rheoliad 6 neu reoliad 7; a
- (b) bod y myfyriwr yn bodloni amodau'r hawl i gael y grant penodol at gostau byw y mae'n gwneud cais amdano.

(2) Nid oes gan fyfyriwr cymwys hawl i gael grant at gostau byw o dan y Rhan hon os paragraff 7 yw'r unig baragraff o baragraffau 1 i 8 o Atodlen 1 y mae'r myfyriwr yn syrthio odano.

(3) Nid oes gan fyfyriwr cymwys hawl i gael grant at gostau byw o dan y Rhan hon mewn perthynas ag unrhyw flwyddyn academiaidd-

- (a) pryd y mae'r myfyriwr yn gymwys i gael unrhyw daliad o dan fwrsari gofal iechyd y mae ei swm yn cael ei gyfrifo drwy gyfeirio at incwm y myfyriwr;
- (b) pryd y mae'r myfyriwr yn gymwys i gael lwfans gofal iechyd yr Alban y mae ei swm yn cael ei gyfrifo drwy gyfeirio at incwm y myfyriwr; neu
- (c) cwrs ar gyfer hyfforddiant cychwynnol athrawon pryd y mae cyfanswm y cyfnodau o bresenoldeb amser-llawn, gan gynnwys presenoldeb er mwyn ymarfer dysgu, yn llai na 6 wythnos.

(4) Nid yw paragraff (3)(c) yn gymwys at ddibenion rheoliad 19.

(5) Ac eithrio grant o dan reoliad 20, nid oes gan fyfyriwr cymwys hawl i gael grant at gostau byw o dan y Rhan hon mewn perthynas ag unrhyw flwyddyn academiaidd ar gwrs rhyngosod os yw cyfanswm y cyfnodau o astudio amser-llawn yn llai na 10 wythnos oni bai bod y cyfnodau o brofiad gwaith yn wasanaeth di-dâl.

(6) At ddibenion paragraff (5), ystyr "gwasanaeth di-dâl" ("*unpaid service*") yw-

(8) Where a new system eligible student has applied for a fee loan of less than the maximum amount available in relation to an academic year, he or she may apply to borrow an additional amount which when added to the amount already applied for does not exceed the relevant maximum applicable in his or her case.

## PART 6

### GRANTS FOR LIVING COSTS

#### General qualifying conditions for grants for living costs

18.-(1) An eligible student qualifies for a grant for living costs under this Part provided that-

- (a) the student is not excluded from qualification by any of the following paragraphs, regulation 6 or regulation 7; and
- (b) the student satisfies the qualifying conditions for the particular grant for living costs for which he or she is applying.

(2) An eligible student does not qualify for a grant for living costs under this Part if the only paragraph from 1 to 8 of Schedule 1 into which the student falls is paragraph 7.

(3) An eligible student does not qualify for a grant for living costs under this Part in respect of any academic year-

- (a) during which the student is eligible to receive any payment under a healthcare bursary the amount of which is calculated by reference to the student's income;
- (b) during which the student is eligible to receive a Scottish healthcare allowance the amount of which is calculated by reference to the student's income; or
- (c) of a course for the initial training of teachers during which the periods of full-time attendance, including attendance for the purpose of teaching practice, are in aggregate less than 6 weeks.

(4) Paragraph (3)(c) does not apply for the purposes of regulation 19.

(5) With the exception of a grant under regulation 20, an eligible student does not qualify for a grant for living costs under this Part in respect of any academic year of a sandwich course where the periods of full-time study are in aggregate less than 10 weeks unless the periods of work experience constitute unpaid service.

(6) For the purposes of paragraph (5), "unpaid service" ("*gwasanaeth di-dâl*") means-

- (a) gwasanaeth di-dâl mewn ysbyty neu mewn labordy gwasanaeth iechyd cyhoeddus neu gydag ymddiriedolaeth gofal sylfaenol yn y Deyrnas Unedig;
- (b) gwasanaeth di-dâl gydag awdurdod lleol yn y Deyrnas Unedig sy'n gweithredu i arfer eu swyddogaethau sy'n ymwneud â gofal plant a phersonau ifanc, iechyd neu les neu gyda chorff gwirfoddol sy'n darparu cyfleusterau neu sy'n cynnal gweithgareddau o natur debyg yn y Deyrnas Unedig;
- (c) gwasanaeth di-dâl yn y gwasanaeth carchardai neu'r gwasanaeth prafw ac ôl-ofal yn y Deyrnas Unedig;
- (ch) ymchwil ddi-dâl mewn sefydliad yn y Deyrnas Unedig neu, yn achos myfyriwr sy'n bresennol mewn sefydliad tramor fel rhan o'i gwrs, mewn sefydliad tramor; neu
- (d) gwasanaeth di-dâl gydag-
  - (i) Awdurdod Iechyd neu Awdurdod Iechyd Strategol a sefydlwyd yn unol ag adran 8 o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(1) neu Awdurdod Iechyd Arbennig a sefydlwyd yn unol ag adran 11 o'r Ddeddf honno(2) neu fwrdd iechyd lleol a sefydlwyd yn unol ag adran 16BA o'r Ddeddf honno(3);
  - (ii) Bwrdd Iechyd neu Fwrdd Iechyd Arbennig a gyfansodwyd o dan adran 2 o Ddeddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978(4); neu
  - (iii) Bwrdd Iechyd a Gwasanaethau Cymdeithasol a sefydlwyd o dan Erthygl 16 o Orchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1972(5).

(7) Os daw myfyriwr yn fyfyrwr cymwys yn ystod blwyddyn academiaidd o ganlyniad i un o'r digwyddiadau a restrir ym mharagraff (8), fe gaiff y myfyriwr fod â hawl i gael grant penodol at gostau byw yn unol â'r Rhan hon mewn perthynas â'r flwyddyn academiaidd honno ond nid oes ganddo hawl i gael grant at gostau byw mewn perthynas ag unrhyw flwyddyn academiaidd sy'n dechrau cyn y flwyddyn academiaidd y digwyddodd y digwyddiad perthnasol ynddi.

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(1) 1977 p. 49; diwygiwyd adran 8 gan Ddeddf Diwygio'r Gwasanaeth Iechyd Gwladol a'r Proffesiynau Gofal Iechyd 2002 (p.17), adran 1(2).

(2) Diwygiwyd adran 11 gan Ddeddf yr Awdurdodau Iechyd 1995 (p. 17), adran 2 ac Atodlen 1, paragraff 2 a Deddf Iechyd 1999 (p.8), Atodlen 4, paragraff 6.

(3) Mewnosodwyd adran 16BA gan adran 6(1) o Ddeddf Diwygio'r Gwasanaeth Iechyd Gwladol a'r Proffesiynau Gofal Iechyd 2002.

(4) 1978 p.29.

(5) O.S. 1972/1265 (G.I. 14).

- (a) unpaid service in a hospital or in a public health service laboratory or with a primary care trust in the United Kingdom;
- (b) unpaid service with a local authority in the United Kingdom acting in the exercise of their functions relating to the care of children and young persons, health or welfare or with a voluntary organisation providing facilities or carrying out activities of a like nature in the United Kingdom;
- (c) unpaid service in the prison or probation and aftercare service in the United Kingdom;
- (d) unpaid research in an institution in the United Kingdom or, in the case of a student attending an overseas institution as part of his or her course, in an overseas institution; or
- (e) unpaid service with-
  - (i) a Health Authority or a Strategic Health Authority established pursuant to section 8 of the National Health Service Act 1977(1) or a Special Health Authority established pursuant to section 11 of that Act(2) or a Local Health Board established pursuant to section 16BA to that Act(3);
  - (ii) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(4); or
  - (iii) a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(5).

(7) Where a student becomes an eligible student during the course of an academic year as a result of one of the events listed in paragraph (8), the student may qualify for a particular grant for living costs in accordance with this Part in respect of that academic year but does not qualify for a grant for living costs in respect of any academic year beginning before the academic year in which the relevant event occurred.

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(1) 1977 c. 49; section 8 was amended by the National Health Service Reform and Health Care Professions Act 2002 (c.17), section 1(2).

(2) Section 11 was amended by the Health Authorities Act 1995 (c. 17), section 2 and Schedule 1, paragraph 2 and the Health Act 1999 (c. 8), Schedule 4, paragraph 6.

(3) Section 16BA was inserted by the National Health Service Reform and Health Care Professions Act 2002, section 6(1).

(4) 1978 c. 29.

(5) S.I. 1972/1265 (N.I. 14).



(8) Dyma'r digwyddiadau y cyfeirir atynt ym mharagraff (7)-

- (a) bod cwrs y myfyriwr yn dod yn gwrs dynodedig; neu
- (b) bod y myfyriwr, priod y myfyriwr, partner sifil y myfyriwr neu riant y myfyriwr yn cael ei gydnabod fel ffoadur neu ei fod yn cael caniatâd i ddod i mewn neu i aros fel y'i crybwyllir ym mharagraff 3 o Atodlen 1.

### **Grantiau at gostau byw myfyrwyr anabl**

19.-(1) Mae gan fyfyrwr cymwys hawl yn unol â'r rheoliad hwn i gael grant i helpu gyda'r gwariant ychwanegol y mae'r Cynulliad Cenedlaethol wedi'i fodloni ei bod yn ofynnol i'r myfyriwr ei dynnu mewn perthynas ag ymgymryd â chwrs dynodedig oherwydd anabledd sydd ganddo.

(2) Nid oes gan fyfyrwr cymwys hawl i gael grant o dan y rheoliad hwn oni bai bod y myfyriwr yn ymgymryd â'r cwrs yn y Deyrnas Unedig.

(3) Yn ddarostyngedig i'r paragraffau canlynol, swm y grant o dan y rheoliad hwn yw'r swm sy'n briodol ym marn y Cynulliad Cenedlaethol.

(4) Rhaid i swm y grant beidio â bod yn fwy na'r canlynol-

- (a) £12,135 mewn perthynas â blwyddyn academaidd at wariant ar gynorthwydd personol anfeddygol;
- (b) £4,795 mewn perthynas â phob blwyddyn academaidd yn ystod y cyfnod cymhwystra at wariant ar eitemau mawr o offer arbenigol;
- (c) y gwariant ychwanegol sy'n cael ei dynnu-
  - (i) yn y Deyrnas Unedig er mwyn bod yn bresennol yn y sefydliad,
  - (ii) yn y Deyrnas Unedig neu'r tu allan iddi er mwyn bod yn bresennol, fel rhan o'i gwrs, ar unrhyw gyfnod astudio mewn sefydliad tramor neu er mwyn bod yn bresennol yn y Sefydliad Prydeinig ym Mharis;
- (ch) £1,605 mewn perthynas â blwyddyn academaidd at unrhyw wariant arall gan gynnwys gwariant sy'n cael ei dynnu at y dibenion y cyfeirir atynt yn is-baragraff (a) neu (b) sy'n fwy na'r uchafsymiau penodedig.

(5) Os yw'r myfyriwr cymwys wedi cael taliadau i helpu gyda gwariant ar eitemau mawr o offer arbenigol mewn cysylltiad â'r cwrs yn rhinwedd y ffaith bod ganddo ddyfarniad trosiannol, mae uchafswm y grant o dan baragraff (4)(b) yn cael ei ostwng yn ôl swm y taliadau hynny.

(6) Uchafswm y grant o dan baragraffau (4)(a) a (4)(ch) yw £9,105 a £1,200, yn y drefn honno-

(8) The events referred to in paragraph (7) are-

- (a) the student's course becomes a designated course; or
- (b) the student, the student's spouse, the student's civil partner or the student's parent is recognised as a refugee or is granted leave to enter or remain as mentioned in paragraph 3 of Schedule 1.

### **Grants for disabled students' living costs**

19.-(1) An eligible student qualifies in accordance with this regulation for a grant to assist with the additional expenditure which the National Assembly is satisfied the student is obliged to incur in respect of his or her undertaking a designated course by reason of a disability to which the student is subject.

(2) An eligible student does not qualify for a grant under this regulation unless the student undertakes the course in the United Kingdom.

(3) Subject to the following paragraphs, the amount of grant under this regulation is the amount that the National Assembly considers appropriate.

(4) The amount of the grant must not exceed-

- (a) £12,135 in respect of an academic year for expenditure on a non-medical personal helper;
- (b) £4,795 in respect of all the academic years during the period of eligibility for expenditure on major items of specialist equipment;
- (c) the additional expenditure incurred-
  - (i) within the United Kingdom for the purpose of attending the institution,
  - (ii) within or outside the United Kingdom for the purpose of attending, as a part of his or her course, any period of study at an overseas institution or for the purpose of attending the British Institute in Paris;
- (d) £1,605 in respect of an academic year for any other expenditure including expenditure incurred for the purposes referred to in subparagraph (a) or (b) which exceeds the specified maxima.

(5) Where the eligible student has received payments to assist with expenditure on major items of specialist equipment in connection with the course by virtue of holding a transitional award, the maximum amount of grant under paragraph (4)(b) is reduced by the amount of those payments.

(6) The maximum amount of grant under paragraphs (4)(a) and (4)(d) is £9,105 and £1,200, respectively where-

- (a) os yw myfyriwr cymwys yn bresennol ar gwrs ar gyfer hyfforddiant cychwynol athrawon; a
- (b) os yw cyfanswm y cyfnodau o bresenoldeb amser-llawn mewn unrhyw flwyddyn academaidd ar y cwrs hwnnw, (gan gynnwys presenoldeb er mwyn ymarfer dysgu) yn llai na 6 wythnos.

### Grantiau i fyfyrwr sydd wedi ymadael â gofal

**20.**-(1) Mae gan fyfyrwr cymwys hawl i gael grant o dan y rheoliad hwn mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig os yw'r amodau ym mharagraff (2) wedi'u bodloni.

(2) Dyma'r amodau y cyfeirir atynt ym mharagraff (1)-

- (a) bod y myfyriwr cymwys o dan 21 oed ar ddiwrnod cyntaf y cwrs;
- (b) bod y myfyriwr cymwys yn syrthio o fewn paragraff 2(dd) o Atodlen 4; ac
- (c) ym marn y Cynulliad Cenedlaethol, fod y myfyriwr cymwys o dan fwy o galedi ariannol yn rhinwedd y ffaith ei fod yn syrthio o fewn paragraff 2(dd) o Atodlen 4 nag a fuasai fel arall.

(3) Yn ddarostyngedig i baragraff (4), swm y grant yw unrhyw swm y mae'r Cynulliad Cenedlaethol yn credu ei fod yn briodol o dan yr amgylchiadau.

(4) Uchafswm y grant yw £100 am bob wythnos neu ran o wythnos mewn blwyddyn academaidd-

- (a) sy'n syrthio o fewn y gwyliau hiraf a gymerir; a
- (b) na fydd y myfyriwr yn bresennol ar ei gwrs yn ystod yr un rhan ohoni.

### Grantiau ar gyfer dibynnyddion- cyffredinol

**21.**-(1) Mae'r grant ar gyfer dibynnyddion yn cynnwys yr elfennau canlynol-

- (a) grant dibynnyddion mewn oed;
- (b) grant gofal plant;
- (c) lwfans dysgu rhieni.

(2) Nodir amodau hawlio pob elfen a'r symiau sy'n daladwy yn rheoliadau 22 i 25.

(3) Caniateir didynnu o unrhyw un o elfennau'r grant ar gyfer dibynnyddion yn unol â rheoliad 46.

### Grantiau ar gyfer dibynnyddion- grant dibynnyddion mewn oed

**22.**-(1) Mae gan fyfyrwr cymwys hawl i gael grant dibynnyddion mewn oed mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig yn unol â'r rheoliad hwn.

- (a) an eligible student attends a course for the initial training of teachers; and
- (b) in any academic year of that course, the periods of full-time attendance (including attendance for the purpose of teaching practice) are in aggregate less than 6 weeks.

### Grants for students who have left care

**20.**-(1) An eligible student qualifies for a grant under this regulation in connection with the student's attendance on a designated course if the conditions in paragraph (2) are satisfied.

(2) The conditions referred to in paragraph (1) are-

- (a) the eligible student is under the age of 21 on the first day of the course;
- (b) the eligible student falls within paragraph 2(f) of Schedule 4; and
- (c) in the opinion of the National Assembly, the eligible student is subject to greater financial hardship by virtue of falling within paragraph 2(f) of Schedule 4 than the student would otherwise have been.

(3) Subject to paragraph (4), the amount of grant is such amount as the National Assembly considers appropriate in the circumstances.

(4) The maximum amount of grant is £100 for each week or part of a week in an academic year which-

- (a) falls within the longest vacation taken; and
- (b) during no part of which week the student attends his or her course.

### Grants for dependants- general

**21.**-(1) The grant for dependants consists of the following elements-

- (a) adult dependants' grant;
- (b) childcare grant;
- (c) parents' learning allowance.

(2) The qualifying conditions for each element and the amounts payable are set out in regulations 22 to 25.

(3) A deduction may be made from any element of the grant for dependants in accordance with regulation 46.

### Grants for dependants- adult dependants' grant

**22.**-(1) An eligible student qualifies for an adult dependants' grant in connection with his or her attendance on a designated course in accordance with this regulation.

(2) Mae'r grant dibynyddion mewn oed ar gael mewn perthynas â naill ai-

- (a) partner y myfyriwr cymwys; neu
- (b) dibynnydd mewn oed i'r myfyriwr cymwys nad yw ei incwm net yn fwy na £3,350.

(3) Mae swm y grant dibynyddion mewn oed sy'n daladwy mewn perthynas â blwyddyn academiaidd yn cael ei gyfrifo yn unol â rheoliad 25, a'r swm sylfaenol yw-

- (a) £2,455; neu
- (b) pan fo'r person y mae'r myfyriwr cymwys yn gwneud cais mewn cysylltiad ag ef am grant dibynyddion mewn oed yn preswyllo fel arfer y tu allan i'r Deyrnas Unedig, unrhyw swm nad yw'n fwy na £2,455 ac sydd ym marn y Cynulliad Cenedlaethol yn rhesymol yn yr amgylchiadau.

(4) Mae swm y grant dibynyddion mewn oed a gyfrifir o dan reoliad 25 yn cael ei ostwng o hanner-

- (a) os yw partner y myfyriwr cymwys-
  - (i) yn fyfyrwr cymwys; neu
  - (ii) yn dal dyfarniad statudol; a
- (b) os cymerir dibynyddion y partner hwnnw i ystyriaeth wrth gyfrifo swm y cymorth y mae'r partner hwnnw â hawl i'w gael neu'r taliad y mae ganddo hawlogaeth iddo o dan y dyfarniad statudol.

### Grantiau ar gyfer dibynyddion- grant gofal plant

23.-(1) Mae gan fyfyrwr cymwys, mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig, hawl i gael grant mewn perthynas â chostau gofal plant ar gyfer pob plentyn dibynnol yn unol â'r rheoliad hwn.

(2) Yn ddarostyngedig i baragraff (3), mae gan fyfyrwr cymwys hawl i gael grant gofal plant mewn perthynas â blwyddyn academiaidd os yw'r gofal plant yn cael ei ddarparu gan ddarparydd gofal plant wedi'i gymeradwyo neu wedi'i gofrestru-

- (a) os yw'r plentyn o dan 15 oed yn union cyn dechrau'r flwyddyn academiaidd; neu
- (b) os oes gan y plentyn anghenion addysgol arbennig o fewn yr ystyr a briodolir i "special educational needs" yn adran 312 o Ddeddf Addysg 1996(1) a'i fod o dan 17 oed yn union cyn dechrau'r flwyddyn academiaidd.

(2) The adult dependants' grant is available in respect of either-

- (a) the eligible student's partner; or
- (b) an adult dependant of the eligible student whose net income does not exceed £3,350.

(3) The amount of adult dependants' grant payable in respect of an academic year is calculated in accordance with regulation 25, the basic amount being-

- (a) £2,455; or
- (b) where the person in respect of whom the eligible student is applying for adult dependants' grant is ordinarily resident outside the United Kingdom, such amount not exceeding £2,455 as the National Assembly considers reasonable in the circumstances.

(4) The amount of adult dependants' grant calculated under regulation 25 is reduced by one half where-

- (a) the eligible student's partner-
  - (i) is an eligible student; or
  - (ii) holds a statutory award; and
- (b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which he or she is entitled under the statutory award.

### Grants for dependants- childcare grant

23.-(1) An eligible student qualifies, in connection with his or her attendance on a designated course, for a grant in respect of childcare costs for each dependent child in accordance with this regulation.

(2) Subject to paragraph (3), an eligible student qualifies for a childcare grant in respect of an academic year where childcare is provided by an approved or registered childcare provider if-

- (a) the child is under the age of 15 immediately before the beginning of the academic year; or
- (b) the child has special educational needs within the meaning of section 312 of the Education Act 1996(1) and is under the age of 17 immediately before the beginning of the academic year.

(1) 1996 p. 56; diwygiwyd adran 312 gan Ddeddf Addysg 1997 (p.44), Atodlen 7, paragraff 23, Deddf Safonau a Fframwaith Ysgolion 1998 (p.31), adran 140, Atodlen 30, paragraff 71 ac Atodlen 31 a Deddf Dysgu a Sgiliau 2000 (p.21), Atodlen 9, paragraff 56.

(1) 1996 c. 56; section 312 was amended by the Education Act 1997 (c. 44), Schedule 7, paragraph 23, the Schools Standards and Framework Act 1998 (c.31), section 140, Schedule 30, paragraph 71 and Schedule 31 and the Learning and Skills Act 2000 (c.21), Schedule 9, paragraph 56.

(3) Nid oes gan fyfyrwr cymwys hawl i gael grant o dan y rheoliad hwn os yw'r myfyrwr neu bartner y myfyrwr wedi dewis cael yr elfen gofal plant o'r credyd treth gweithio o dan Ran I o Ddeddf Credydau Treth 2002(1).

(4) Yn ddarostyngedig i baragraff (5), swm sylfaenol y grant gofal plant am bob wythnos yw-

- (a) ar gyfer un plentyn dibynnol, 85 y cant o gostau'r gofal plant, hyd at uchafswm o £175 yr wythnos; neu
- (b) ar gyfer dau neu fwy o blant dibynnol, 85 y cant o gostau'r gofal plant, hyd at uchafswm o £300 yr wythnos,

ac eithrio nad oes gan y myfyrwr hawl i gael unrhyw grant o'r fath mewn perthynas â phob wythnos sy'n syrthio o fewn y cyfnod rhwng diwedd y cwrs a diwedd y flwyddyn academiaidd y daw'r cwrs i ben ynddi.

(5) Er mwyn cyfrifo swm sylfaenol y grant gofal plant-

- (a) mae wythnos yn rhedeg o ddydd Llun i ddydd Sul; a
- (b) os yw wythnos y caiff costau gofal plant eu tynnu mewn perthynas â hi yn syrthio'n rhannol o fewn y flwyddyn academiaidd y mae grant gofal plant yn daladwy mewn perthynas â hi o dan y rheoliad hwn ac yn rhannol y tu allan iddi, mae uchafswm wythnosol y grant yn cael ei gyfrifo drwy luosi'r uchafswm wythnosol perthnasol ym mharagraff (4) â chyfrannedd y nifer o ddyddiau yn yr wythnos honno sy'n syrthio o fewn y flwyddyn academiaidd o'i chymharu â nifer y dyddiau mewn wythnos.

(6) Mae swm y grant gofal plant a gyfrifir o dan reoliad 25 yn cael ei ostwng o hanner-

- (a) os yw partner y myfyrwr cymwys-
  - (i) yn fyfyrwr cymwys; neu
  - (ii) yn dal dyfarniad statudol; a
- (b) os cymerir dibynyddion y partner hwnnw i ystyriaeth wrth gyfrifo swm y cymorth y mae'r partner hwnnw â hawl i'w gael neu'r taliad y mae ganddo hawlogaeth iddo o dan y dyfarniad statudol.

(7) Yn y rheoliad hwn-

- (a) ystyr "darparwydd gofal plant wedi'i gymeradwyo" ("*approved childcare provider*") yw darparwydd gofal plant o fewn yr ystyr a briodolir i "*childcare provider*" yn Rheoliadau Credydau Treth (Categori Newydd o Ddarparwydd Gofal Plant) 1999(2) ac sydd wedi'i gymeradwyo yn unol â'r Rheoliadau hynny; a

(3) An eligible student does not qualify for a grant under this regulation if the student or the student's partner has elected to receive the childcare element of the working tax credit under Part I of the Tax Credits Act 2002(1).

(4) Subject to paragraph (5), the basic amount of childcare grant for each week is-

- (a) for one dependent child, 85 per cent. of the costs of the childcare, subject to a maximum amount of £175 per week; or
- (b) for two or more dependent children, 85 per cent. of the costs of the childcare, subject to a maximum amount of £300 per week,

except that the student does not qualify for any such grant in respect of each week falling within the period between the end of the course and the end of the academic year in which the course ends.

(5) For the purposes of calculating the basic amount of childcare grant-

- (a) a week runs from Monday to Sunday; and
- (b) where a week in respect of which childcare costs are incurred falls partly within and partly outside the academic year in respect of which childcare grant is payable under this regulation, the maximum weekly amount of grant is calculated by multiplying the relevant maximum weekly amount in paragraph (4) by the proportion which the number of days of that week falling within the academic year bears to the number of days in a week.

(6) The amount of childcare grant calculated under regulation 25 is reduced by one half where-

- (a) the eligible student's partner-
  - (i) is an eligible student; or
  - (ii) holds a statutory award; and
- (b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which he or she is entitled under the statutory award.

(7) In this regulation-

- (a) "approved childcare provider" ("*darparwydd gofal plant wedi'i gymeradwyo*") means a childcare provider within the meaning of the Tax Credit (New Category of Child Care Provider) Regulations 1999(2) who has been approved in accordance with those Regulations; and

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(1) 2002 p.21.

(2) S.I. 1999/3110.

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(1) 2002 c.21.

(2) O.S. 1999/3110.

- (b) ystyr "darparydd gofal plant wedi'i gofrestru" ("*registered childcare provider*") yw person sy'n gweithredu fel gofalwr plant neu sy'n darparu gofal dydd ac sydd wedi'i gofrestru o fewn ystyr adran 79F o Ddeddf Plant 1989(1) (cofrestru neu wrthod cofrestru gofalwyr plant a phersonau sy'n darparu gofal dydd i blant ifanc).

### Grantiau ar gyfer dibynyddion- lwfans dysgu rhieni

24.-(1) Mae gan fyfyrwr cymwys hawl mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig i gael y lwfans dysgu rhieni os oes gan y myfyrwr un neu fwy o blant dibynnol.

(2) Mae swm y lwfans dysgu rhieni sy'n daladwy mewn perthynas â blwyddyn academaidd yn cael ei gyfrifo yn unol â rheoliad 25, a'r swm sylfaenol yw £1,400.

### Grantiau ar gyfer dibynyddion- eu cyfrifo

25.-(1) Yn ddarostyngedig i'r paragraffau canlynol, y swm sy'n daladwy mewn perthynas ag elfen benodol o'r grant ar gyfer dibynyddion y mae gan y myfyrwr cymwys hawl i'w gael o dan reoliadau 22 i 24 yw'r swm hwnnw o'r elfen honno sy'n weddill ar ôl cymhwyso, hyd nes y daw i ben, swm sy'n hafal i (A-B) fel a ganlyn ac yn y drefn ganlynol-

- i ostwng swm sylfaenol y grant dibynyddion mewn oed os oes gan y myfyrwr cymwys hawl i gael yr elfen honno o dan reoliad 22;
- i ostwng swm sylfaenol y grant gofal plant am y flwyddyn academaidd os oes gan y myfyrwr cymwys hawl i gael yr elfen honno o dan reoliad 23; ac
- i ostwng swm sylfaenol y lwfans dysgu rhieni os oes gan y myfyrwr cymwys hawl i gael yr elfen honno o dan reoliad 24.

(2) Yn ddarostyngedig i baragraffau (4) a (5), os yw **B** yn fwy na neu'n hafal i **A**, mae swm sylfaenol pob elfen o'r grant ar gyfer dibynyddion y mae gan y myfyrwr cymwys hawl i'w chael yn daladwy.

(3) Os yw (A- B) yn hafal i neu'n fwy na chyfanswm symiau sylfaenol elfennau'r grant ar gyfer dibynyddion y mae gan y myfyrwr cymwys hawl i'w cael, y swm sy'n daladwy mewn perthynas â phob elfen yw dim.

(4) Rhaid gostwng swm y grant dibynyddion mewn oed a gyfrifir o dan y rheoliad hwn yn unol â rheoliad 22(4).

(5) Rhaid gostwng swm y grant gofal plant a gyfrifir o dan y rheoliad hwn yn unol â rheoliad 23(6).

(1) 1989 p. 41; mewnosodwyd adran 79F gan Ddeddf Safonau Gofal 2000 (p.14).

- (b) "registered childcare provider" ("*darparydd gofal plant wedi'i gofrestru*") means a person who acts as a child minder or provides day care and is registered within the meaning of section 79F of the Children Act 1989(1) (grant or refusal of registration of child minders and persons providing day care for young children).

### Grants for dependants- parents' learning allowance

24.-(1) An eligible student qualifies in connection with the student's attendance on a designated course for the parents' learning allowance if the student has one or more dependent children.

(2) The amount of parents' learning allowance payable in respect of an academic year is calculated in accordance with regulation 25, the basic amount being £1,400.

### Grants for dependants- calculations

25.-(1) Subject to the following paragraphs, the amount payable in respect of a particular element of the grant for dependants for which the eligible student qualifies under regulations 22 to 24 is the amount of that element remaining after applying, until it is extinguished, an amount equal to (A- B) as follows and in the following order-

- to reduce the basic amount of the adult dependants' grant where the eligible student qualifies for that element under regulation 22;
- to reduce the basic amount of the childcare grant for the academic year where the eligible student qualifies for that element under regulation 23; and
- to reduce the basic amount of the parents' learning allowance where the eligible student qualifies for that element under regulation 24.

(2) Subject to paragraphs (4) and (5), where **B** is greater than or equal to **A**, the basic amount of each element of the grant for dependants for which the eligible student qualifies is payable.

(3) Where (A- B) is equal to or exceeds the aggregate of the basic amounts of the elements of the grant for dependants for which the eligible student qualifies, the amount payable in respect of each element is nil.

(4) The amount of the adult dependants' grant calculated under this regulation must be reduced in accordance with regulation 22(4).

(5) The amount of the childcare grant calculated under this regulation must be reduced in accordance with regulation 23(6).

(1) 1989 c. 41; section 79F was inserted by the Care Standards Act 2000 (c.14).

(6) Os yw swm y lwfans dysgu rhieni a gyfrifir o dan baragraff (1) yn £0.01 neu fwy ond yn llai na £50, swm y lwfans dysgu rhieni sy'n daladwy yw £50.

(7) Yn y rheoliad hwn-

**A** yw cyfanswm incwm net pob un o ddibynyddion y myfyriwr cymwys; a

**B** yw £1,075 os nad oes gan y myfyriwr cymwys blentyn dibynnol;

£3,225 os nad yw'r myfyriwr cymwys yn rhiant unigol a bod ganddo un plentyn dibynnol;

£4,300 os nad yw'r myfyriwr cymwys yn rhiant unigol a bod ganddo fwy nag un plentyn dibynnol;

£4,300 os yw'r myfyriwr cymwys yn rhiant unigol a bod ganddo un plentyn dibynnol;

£5,380 os yw'r myfyriwr cymwys yn rhiant unigol a bod ganddo fwy nag un plentyn dibynnol.

(8) Mae paragraffau (9) i (12) yn gymwys os bydd unrhyw un o'r canlynol yn digwydd, yn ystod y flwyddyn academaidd-

(a) bod nifer dibynyddion y myfyriwr cymwys yn newid;

(b) bod person yn dod yn ddibynnydd i'r myfyriwr cymwys neu'n peidio â bod yn ddibynnydd iddo;

(c) bod y myfyriwr cymwys yn dod yn rhiant unigol neu'n peidio â bod yn rhiant unigol;

(ch) bod myfyriwr yn dod yn fyfyrwr cymwys o ganlyniad i ddigwyddiad y cyfeirir ato yn rheoliad 18(8).

(9) Er mwyn penderfynu priod werthoedd A a B ac a oes grant dibynyddion mewn oed neu lwfans dysgu rhieni yn daladwy, rhaid i'r Cynulliad Cenedlaethol benderfynu ar y canlynol mewn perthynas â phob chwarter perthnasol drwy gyfeirio at amgylchiadau'r myfyriwr yn y chwarter perthnasol-

(a) faint o ddibynyddion y mae'r myfyriwr cymwys i gael ei drin fel pe baent ganddo;

(b) pwy yw'r dibynyddion hynny;

(c) a yw'r myfyriwr i gael ei drin fel rhiant unigol.

(10) Swm y grant ar gyfer dibynyddion am y flwyddyn academaidd yw cyfanswm y grant dibynyddion mewn oed a'r lwfans dysgu rhieni wedi'u cyfrifo mewn perthynas â phob chwarter perthnasol o dan baragraff (11) a swm unrhyw grant gofal plant am y flwyddyn academaidd.

(11) Mae swm y grant dibynyddion mewn oed a'r lwfans dysgu rhieni mewn perthynas â chwarter perthnasol yn draean o swm y grant neu'r lwfans am y flwyddyn academaidd pe bai amgylchiadau'r myfyriwr yn y chwarter perthnasol fel y'u pennir o dan baragraff

(6) Where the amount of the parents' learning allowance calculated under paragraph (1) is £0.01 or more but less than £50, the amount of parents' learning allowance payable is £50.

(7) In this regulation-

**A** is the aggregate of the net income of each of the eligible student's dependants; and

**B** is £1,075 where the eligible student has no dependent child;

£3,225 where the eligible student is not a lone parent and has one dependent child;

£4,300 where the eligible student is not a lone parent and has more than one dependent child;

£4,300 where the eligible student is a lone parent and has one dependent child;

£5,380 where the eligible student is a lone parent and has more than one dependent child.

(8) Paragraphs (9) to (12) apply where, in the course of the academic year, any of the following occurs-

(a) there is a change in the number of the eligible student's dependants;

(b) a person becomes or ceases to be a dependant of the eligible student;

(c) the eligible student becomes or ceases to be a lone parent;

(d) a student becomes an eligible student as a result of an event referred to in regulation 18(8).

(9) For the purposes of determining the respective values of A and B and whether adult dependants' grant or parents' learning allowance is payable, the National Assembly shall determine the following in relation to each relevant quarter by reference to the student's circumstances in the relevant quarter-

(a) how many dependants the eligible student is to be treated as having;

(b) who those dependants are;

(c) whether the student is to be treated as a lone parent.

(10) The amount of grant for dependants for the academic year is the aggregate of the amounts of adult dependants' grant and parents' learning allowance calculated in respect of each relevant quarter under paragraph (11) and the amount of any childcare grant for the academic year.

(11) The amount of adult dependants' grant and parents' learning allowance in respect of a relevant quarter is one third of what that grant or allowance would be for the academic year if the student's circumstances in the relevant quarter as determined

(9) yn gymwys drwy gydol y flwyddyn academiaidd.

(12) Yn y rheoliad hwn, ystyr "chwarter perthnasol" ("*relevant quarter*") yw-

- (a) yn achos person y cyfeirir ato ym mharagraff (8)(ch), chwarter sy'n dechrau ar ôl i'r digwyddiad perthnasol ddigwydd heblaw chwarter pryd y mae'r un hiraf o unrhyw wyliau yn digwydd, ym marn y Cynulliad Cenedlaethol;
- (b) fel arall, chwarter heblaw'r chwarter pryd y mae'r un hiraf o unrhyw wyliau yn digwydd, ym marn y Cynulliad Cenedlaethol.

### Grantiau ar gyfer dibynnyddion- dehongli

26.-(1) Yn rheoliadau 21 i 25-

- (a) ystyr "dibynnod" ("*dependent*") yw ariannol ddibynnod yn gyfan gwbl neu'n bennaf;
- (b) ystyr "dibynnydd" ("*dependant*"), mewn perthynas â myfyriwr cymwys, yw partner y myfyriwr, plentyn dibynnod y myfyriwr neu ddibynnydd mewn oed, nad yw ym mhob achos yn fyfyrwr cymwys ac nad oes ganddo ddyfarniad statudol;
- (c) ystyr "dibynnydd mewn oed" ("*adult dependant*"), mewn perthynas â myfyriwr cymwys, yw person mewn oed sy'n dibynnu ar y myfyriwr heblaw plentyn y myfyriwr, partner neu gyn bartner y myfyriwr (gan gynnwys priod neu bartner sifil nad yw fel arfer yn preswyllo gyda'r myfyriwr);
- (ch) mae i "incwm net" ("*net income*") yr ystyr a roddir ym mharagraff (2);
- (d) yn ddarostyngedig i is-baragraffau (dd), (e) ac (f), ystyr "partner" ("*partner*") yw unrhyw un o'r canlynol-
  - (i) priod myfyriwr cymwys;
  - (ii) partner sifil myfyriwr cymwys;
  - (iii) person sydd fel arfer yn byw gyda myfyriwr cymwys fel pe bai'n briod i'r myfyriwr hwnnw os yw myfyriwr cymwys yn syrthio o fewn paragraff 2(a) o Atodlen 4 a'i fod yn dechrau ar y cwrs dynodedig ar neu ar ôl 1 Medi 2000;
  - (iv) person sydd fel arfer yn byw gyda myfyriwr cymwys fel pe bai'n bartner sifil i'r myfyriwr cymwys os yw myfyriwr cymwys yn syrthio o fewn paragraff 2(a) o Atodlen 4 a'i fod yn dechrau ar y cwrs dynodedig ar neu ar ôl 1 Medi 2005;
- (dd) nid yw person a fyddai fel arall yn bartner o dan is-baragraff (d) yn cael ei drin fel partner-
  - (i) os yw'r person hwnnw a'r myfyriwr cymwys, ym marn y Cynulliad Cenedlaethol, wedi rhoi'r gorau i fyw

under paragraph (9) applied for the duration of the academic year.

(12) In this regulation, a "relevant quarter" ("*chwarter perthnasol*") means-

- (a) in the case of a person referred to in paragraph (8)(d), a quarter which begins after the relevant event occurs other than a quarter during which, in the opinion of the National Assembly, the longest of any vacation occurs;
- (b) otherwise, a quarter other than the one quarter during which, in the opinion of the National Assembly, the longest of any vacation occurs.

### Grants for dependants- interpretation

26.-(1) In regulations 21 to 25-

- (a) "adult dependant" ("*dibynnydd mewn oed*") means, in relation to an eligible student, an adult person dependent on the student other than the student's child, the student's partner or former partner (including a spouse or civil partner who is not ordinarily living with the student);
- (b) "child" ("*plentyn*") in relation to an eligible student includes any child of the student's partner and any child for whom the student has parental responsibility where those children are dependent on the student;
- (c) "dependant" ("*dibynnydd*") means, in relation to an eligible student, the student's partner, the student's dependent child or an adult dependant, who in each case is not an eligible student and does not hold a statutory award;
- (d) "dependent" ("*dibynnod*") means wholly or mainly financially dependent;
- (e) "lone parent" ("*rhiant unigol*") means an eligible student who does not have a partner and who has a dependent child or dependent children;
- (f) "net income" ("*incwm net*") has the meaning given in paragraph (2);
- (g) subject to sub-paragraphs (h), (i) and (j), "partner" ("*partner*") means any of the following-
  - (i) the spouse of an eligible student;
  - (ii) the civil partner of an eligible student;
  - (iii) a person ordinarily living with an eligible student as if he or she were his or her spouse where an eligible student falls within paragraph 2(a) of Schedule 4 and begins the designated course on or after 1 September 2000;
  - (iv) a person ordinarily living with an eligible student as if they were the student's civil partner where an eligible student falls

gyda'i gilydd fel arfer; neu

- (ii) os yw'r person fel arfer yn byw y tu allan i'r Deyrnas Unedig ac nad yw'n cael ei gynnal gan y myfyriwr cymwys;
- (e) at ddibenion is-baragraff (c), mae person yn cael ei drin fel partner pe bai'r person yn bartner o dan is-baragraff (d) oni bai am y ffaith nad yw'r myfyriwr cymwys y mae'r person fel arfer yn byw gydag ef yn syrthio o fewn paragraff 2(a) o Atodlen 4;
- (f) at ddibenion is-baragraffau (ff) ac (g), mae person yn cael ei drin fel partner pe bai'r person yn bartner o dan is-baragraff (d) oni bai am y dyddiad y dechreuodd y myfyriwr cymwys ar ei gwrs neu'r ffaith nad yw'r myfyriwr cymwys y mae'r person fel arfer yn byw gydag ef yn syrthio o fewn paragraff 2(a) o Atodlen 4;
- (ff) mae "plentyn" ("*child*") mewn perthynas â myfyriwr cymwys yn cynnwys unrhyw blentyn i'w bartner ac unrhyw blentyn y mae ganddo gyfrifoldeb rhiant drosto os yw'r plant hynny'n dibynnu ar y myfyriwr; ac
- (g) ystyr "rhiant unigol" ("*lone parent*") yw myfyriwr cymwys nad oes ganddo bartner ac sydd â phlentyn dibynnol neu blant dibynnol.

(2) Yn ddarostyngedig i baragraff (3), incwm net dibynnydd yw incwm y dibynnydd o bob ffynhonnell am y flwyddyn academiaidd o dan sylw wedi'i ostwng yn ôl swm y dreth incwm a'r cyfraniadau nawdd cymdeithasol sy'n daladwy mewn perthynas â hi ond gan anwybyddu-

- (a) unrhyw bensiwn, lwfans neu fudd-dal arall a delir oherwydd anabledd neu analluedd sydd gan y dibynnydd;
- (b) budd-dal plant sy'n daladwy o dan Ran IX o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(1);
- (c) unrhyw gymorth ariannol sy'n daladwy i'r dibynnydd gan awdurdod lleol yn unol â rheoliadau a wnaed o dan baragraff 3 o Atodlen 4 i Ddeddf Mabwysiadu a Phlant 2002(2);
- (ch) unrhyw lwfans gwarcheidwad y mae gan y dibynnydd hawlogaeth i'w gael o dan adran 77 o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992;
- (d) yn achos dibynnydd y mae plentyn sy'n derbyn gofal awdurdod lleol wedi'i fyrddio gydag ef, unrhyw daliad a wneir i'r dibynnydd hwnnw yn unol ag adran 23 o Ddeddf Plant 1989(3);

within paragraph 2(a) of Schedule 4 and begins the designated course on or after 1 September 2005;

- (h) a person who would otherwise be a partner under sub-paragraph (g) is not treated as a partner if-
  - (i) in the opinion of the National Assembly, that person and the eligible student have ceased ordinarily to live together; or
  - (ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible student;
- (i) for the purposes of sub-paragraph (a), a person is treated as a partner if the person would be a partner under sub-paragraph (g) but for the fact that the eligible student with whom the person is ordinarily living does not fall within paragraph 2(a) of Schedule 4;
- (j) for the purposes of sub-paragraphs (b) and (c), a person is treated as a partner if the person would be a partner under sub-paragraph (g) but for the date on which the eligible student began the student's course or the fact that the eligible student with whom the person is ordinarily living does not fall within paragraph 2(a) of Schedule 4.

(2) Subject to paragraph (3), a dependant's net income is the dependant's income from all sources for the academic year in question reduced by the amount of income tax and social security contributions payable in respect of it but disregarding-

- (a) any pension, allowance or other benefit paid by reason of a disability or incapacity to which the dependant is subject;
- (b) child benefit payable under Part IX of the Social Security Contributions and Benefits Act 1992(1);
- (c) any financial support payable to the dependant by a local authority in accordance with regulations made under paragraph 3 of Schedule 4 to the Adoption and Children Act 2002(2);
- (d) any guardian's allowance to which the dependant is entitled under section 77 of the Social Security Contributions and Benefits Act 1992;
- (e) in the case of a dependant with whom a child in the care of a local authority is boarded out, any payment made to that dependant in pursuance of section 23 of the Children Act 1989(3);

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(1) 1992 p.4.

(2) 2002 p.38.

(3) 1989 p.41.

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(1) 1992 c.4.

(2) 2002 c.38.

(3) 1989 c.41.



- (dd) unrhyw daliadau a wneir i'r dibynnydd o dan adran 15 o Ddeddf Plant 1989 ac Atodlen 1 iddi mewn perthynas â pherson nad yw'n blentyn i'r dibynnydd neu unrhyw gymorth a roddir gan awdurdod lleol yn unol ag adran 24 o'r Ddeddf honno; ac
- (e) unrhyw gredyd treth plant y mae gan y dibynnydd hawlogoeth i'w gael o dan Ran I o Ddeddf Credydau Treth 2002.

(3) Os yw myfyriwr cymwys neu bartner y myfyriwr yn gwneud unrhyw daliadau ailgylchol a oedd gynt yn cael eu gwneud gan y myfyriwr yn unol â rhwymedigaeth a ysgwyddwyd cyn blwyddyn academaidd gyntaf cwrs y myfyriwr, incwm net y partner yw'r incwm net wedi'i gyfrifo yn unol â pharagraff (2) wedi'i ostwng yn ôl-

- (a) swm sy'n hafal i'r taliadau o dan sylw am y flwyddyn academaidd, os cafodd y rhwymedigaeth, ym marn y Cynulliad Cenedlaethol, ei hysgwyddo'n rhesymol; neu
- (b) unrhyw swm llai, os bydd unrhyw swm o gwbl, sy'n briodol ym marn y Cynulliad Cenedlaethol pe gallai rhwymedigaeth lai fod wedi'i hysgwyddo'n rhesymol, ym marn y Cynulliad Cenedlaethol.

(4) At ddibenion paragraff (2), os yw'r dibynnydd yn blentyn dibynnol a bod taliadau'n cael eu gwneud i'r myfyriwr cymwys tuag at gynhaliath y plentyn, mae'r taliadau hynny i gael eu trin fel incwm y plentyn.

### Grantiau at deithio

27.-(1) Mae grant ar gael i fyfyrwr cymwys sy'n bresennol ar gwrs mewn meddygaeth neu ddeintyddiaeth (y mae cyfnod o astudio drwy hyfforddiant clinigol yn rhan angenrheidiol ohono) mewn perthynas â'r gwariant rhesymol y mae'n ofynnol iddo ei dynnu mewn blwyddyn academaidd er mwyn bod yn bresennol mewn cysylltiad â'i gwrs mewn unrhyw ysbyty neu fangre arall yn y Deyrnas Unedig (nad yw'n rhan o'r sefydliad) lle darperir cyfleusterau ar gyfer hyfforddiant clinigol heblaw gwariant sy'n cael ei dynnu at ddibenion astudiaethau preswyl i ffwrdd o'r sefydliad.

(2) Mae grant ar gael i fyfyrwr cymwys mewn perthynas â'r gwariant rhesymol y mae'n ofynnol iddo ei dynnu mewn blwyddyn academaidd yn y Deyrnas Unedig neu y tu allan iddi er mwyn bod yn bresennol mewn sefydliad dros y môr neu'r Sefydliad Prydeinig ym Mharis am gyfnod o wyth wythnos o leiaf fel rhan o'i gwrs.

(3) Mae swm y grant sy'n daladwy mewn perthynas â blwyddyn academaidd yn hafal i'r gwariant rhesymol y mae'r Cynulliad Cenedlaethol yn penderfynu ei bod yn ofynnol i'r myfyriwr cymwys ei dynnu at y dibenion ym mharagraff (1) neu baragraff (2).

- (f) any payments made to the dependant under section 15 of and Schedule 1 to the Children Act 1989 in respect of a person who is not the dependant's child or any assistance given by a local authority pursuant to section 24 of that Act; and
- (g) any child tax credit to which the dependant is entitled under Part I of the Tax Credits Act 2002.

(3) Where an eligible student or the student's partner makes any recurrent payments which were previously made by the student in pursuance of an obligation incurred before the first academic year of the student's course, the partner's net income is the net income calculated in accordance with paragraph (2) reduced by-

- (a) an amount equal to the payments in question for the academic year, if in the opinion of the National Assembly the obligation had been reasonably incurred; or
- (b) such lesser amount, if any, as the National Assembly considers appropriate if, in its opinion, a lesser obligation could reasonably have been incurred.

(4) For the purposes of paragraph (2), where the dependent is a dependent child and payments are made to the eligible student towards the child's maintenance, those payments are to be treated as the child's income.

### Grants for travel

27.-(1) A grant is available to an eligible student attending a course in medicine or dentistry (a necessary part of which is a period of study by way of clinical training) in respect of the reasonable expenditure which he or she is obliged to incur in an academic year for the purpose of attending in connection with his or her course any hospital or other premises in the United Kingdom (not comprised in the institution) at which facilities for clinical training are provided other than expenditure incurred for the purpose of residential study away from the institution.

(2) A grant is available to an eligible student in respect of the reasonable expenditure which he or she is obliged to incur in an academic year within or outside the United Kingdom for the purpose of attending for a period of at least eight weeks as part of his or her course an overseas institution or the British Institute in Paris.

(3) The amount of grant payable in respect of an academic year is equal to the reasonable expenditure which the National Assembly determines the eligible student is obliged to incur for the purposes in paragraph (1) or paragraph (2).

(4) Wrth benderfynu ar y gwariant sy'n cael ei dynnu gan fyfyrwr cymwys mae £285 o'r gwariant hwnnw'n cael ei anwybyddu.

(5) At ddibenion y rheoliad hwn mae unrhyw gyfeiriad at wariant sy'n cael ei dynnu er mwyn bod yn bresennol mewn sefydliad neu ar gyfnod o astudio-

- (a) yn cynnwys gwariant cyn bod yn bresennol felly ac wedyn; a
- (b) yn hepgor unrhyw wariant y mae grant yn daladwy mewn perthynas ag ef o dan reoliad 19.

(6) Os bydd myfyriwr cymwys yn bresennol mewn sefydliad dros y môr neu'r Sefydliad Prydeinig ym Mharis am gyfnod o wyth wythnos o leiaf fel rhan o'i gwrs a'i fod yn rhesymol yn dynnu unrhyw wariant i yswirio yn erbyn atebolrwydd am gost triniaeth feddygol sy'n cael ei darparu y tu allan i'r Deyrnas Unedig ar gyfer unrhyw salwch neu anaf i'r corff a geir neu a ddioddefir yn ystod y cyfnod hwnnw, mae ganddo hawl i gael grant ychwanegol o dan y rheoliad hwn sy'n hafal i'r swm sy'n cael ei dynnu felly.

(7) Caniateir didynnu o'r grant o dan y rheoliad hwn yn unol â rheoliad 46.

### Grantiau addysg uwch

28.-(1) Mae gan fyfyrwr cymwys dan yr hen drefn hawl yn unol â'r rheoliad hwn i gael grant addysg uwch mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig i dalu costau llyfrau, offer, teithio neu ofal plant sy'n cael eu tynnu er mwyn bod yn bresennol ar y cwrs hwnnw.

(2) Nid oes gan fyfyrwr cymwys dan yr hen drefn hawl i gael grant addysg uwch oni bai ei fod wedi dechrau ar y cwrs dynodedig ar neu ar ôl 1 Medi 2004.

(3) Uchafswm y grant addysg uwch sydd ar gael mewn perthynas â blwyddyn academaidd yw £1,000.

(4) Mae gan fyfyrwr cymwys sydd â hawl i gael grant addysg uwch hawlogaeth i gael swm fel a ganlyn-

- (a) mewn unrhyw achos lle mae incwm yr aelwyd yn £15,970 neu lai, mae ganddo hawlogaeth i gael uchafswm y grant sydd ar gael;
- (b) mewn unrhyw achos lle mae incwm yr aelwyd yn fwy na £15,970 ac nad yw'n fwy na £21,955, mae'r myfyriwr yn derbyn swm hafal i **M- A**, pan fo **M** yn £1,000 ac **A** yn £1 am bob £6.30 cyflawn o incwm sydd gan yr aelwyd uwchlaw £15,970; ac mewn unrhyw achos lle mae incwm yr aelwyd yn fwy nag £21,955, nid oes grant yn daladwy o dan y rheoliad hwn.

### Grant cynhaliath

29.-(1) Mae gan fyfyrwr cymwys dan y drefn newydd hawl yn unol â'r rheoliad hwn i gael grant

(4) In determining the expenditure incurred by an eligible student £285 of such expenditure is disregarded.

(5) For the purposes of this regulation any reference to expenditure incurred for the purpose of attending an institution or period of study-

- (a) includes expenditure both before and after so attending; and
- (b) does not include any expenditure in respect of which a grant is payable under regulation 19.

(6) Where an eligible student attends for a period of at least eight weeks as part of his or her course an overseas institution or the British Institute in Paris and he or she reasonably incurs any expenditure in insuring against liability for the cost of medical treatment provided outside the United Kingdom for any illness or bodily injury contracted or suffered during that period he or she qualifies for additional grant under this regulation equal to the amount so incurred.

(7) A deduction may be made from a grant under this regulation in accordance with regulation 46.

### Higher education grants

28.-(1) An old system eligible student qualifies in accordance with this regulation for a higher education grant in connection with his or her attendance on a designated course to defray the cost of books, equipment, travel or childcare incurred for the purpose of attending that course.

(2) An old system eligible student does not qualify for a higher education grant unless he or she began the designated course on or after 1 September 2004.

(3) The maximum amount of higher education grant available in respect of an academic year is £1,000.

(4) An eligible student who qualifies for a higher education grant is entitled to receive an amount as follows-

- (a) in any case where the household income is £15,970 or less, he or she is entitled to receive the maximum amount of grant available;
- (b) in any case where the household income exceeds £15,970 and does not exceed £21,955, he or she receives an amount equal to **M- A**, where **M** is £1,000 and **A** is £1 for every complete £6.30 by which the household income exceeds £15,970; ; and in any case where the household income exceeds £21,955, no grant is payable under this regulation.

### Maintenance grant

29.-(1) A new system eligible student qualifies in accordance with this regulation for a maintenance

cynhaliaeth at gostau byw mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig.

(2) Nid oes gan fyfyrwr cymwys dan y drefn newydd hawl i gael grant cynhaliaeth os oes ganddo hawl i gael grant cymorth arbennig.

(3) Nid oes gan fyfyrwr cymwys hawl i gael grant cynhaliaeth oni bai ei fod yn dechrau ar y cwrs dynodedig ar neu ar ôl 1 Medi 2006.

(4) Uchafswm y grant cynhaliaeth sydd ar gael mewn perthynas â blwyddyn academaidd yw-

- (a) yn achos myfyriwr math 1 ar gwrs hyfforddi athrawon, £1,350;
- (b) yn achos myfyriwr math 2 ar gwrs hyfforddi athrawon, £2,700; ac
- (c) yn achos myfyriwr dan y drefn newydd ac eithrio myfyriwr math 1 neu fath 2 ar gwrs hyfforddi athrawon, £2,700.

(5) Mae myfyriwr math 1 ar gwrs hyfforddi athrawon sydd â hawl i gael grant cynhaliaeth mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno-

- (a) os yw incwm yr aelwyd yn £17,500 neu lai, mae'n cael £1,350;
- (b) os yw incwm yr aelwyd uwchlaw £17,500 ond heb fod uwchlaw £26,500, bydd yn cael swm hafal i  $M-(A/2)$  pan fo  $M$  yn £1,350 ac  $A$  yn £1 am bob £6 o incwm sydd gan yr aelwyd uwchlaw £17,500; ac
- (c) os yw incwm yr aelwyd uwchlaw £26,500, bydd yn cael £600.

(6) Mae myfyriwr math 2 ar gwrs hyfforddi athrawon sydd â hawl i gael grant cynhaliaeth mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno-

- (a) os yw incwm yr aelwyd yn £17,500 neu lai, bydd yn cael £2,700;
- (b) os yw incwm yr aelwyd uwchlaw £17,500 ond heb fod uwchlaw £26,500, bydd yn cael swm hafal i  $M-A$  pan fo  $M$  yn £2,700 ac  $A$  yn £1 am bob £6 o incwm sydd gan yr aelwyd uwchlaw £17,500; ac
- (c) os yw incwm yr aelwyd uwchlaw £26,500, bydd yn cael £1,200.

(7) Mae myfyriwr cymwys dan y drefn newydd ac eithrio myfyriwr math 1 neu fath 2 ar gwrs hyfforddi athrawon sydd â hawl i gael grant cynhaliaeth mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno-

- (a) os yw incwm yr aelwyd yn £17,500 neu lai, bydd yn cael £2,700;
- (b) os yw incwm yr aelwyd uwchlaw £17,500 ond heb fod uwchlaw £26,500, bydd yn cael swm hafal i  $M-A$  pan fo  $M$  yn £2,700 ac  $A$  yn £1

grant for living costs in connection with his or her attendance on a designated course.

(2) A new system student does not qualify for a maintenance grant if he or she qualifies for a special support grant.

(3) An eligible student does not qualify for a maintenance grant unless he or she begins the designated course on or after 1 September 2006.

(4) The maximum amount of maintenance grant available in respect of an academic year is-

- (a) in the case of a type 1 teacher training student, £1,350;
- (b) in the case of a type 2 teacher training student, £2,700; and
- (c) in the case of a new system student other than a type 1 or type 2 teacher training student, £2700.

(5) A type 1 teacher training student who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year-

- (a) where the household income is £17,500 or less, he or she receives £1,350;
- (b) where household income exceeds £17,500 but does not exceed £26,500, he or she receives an amount equal to  $M-(A/2)$  where  $M$  is £1,350 and  $A$  is £1 for every £6 by which household income exceeds £17,500; and
- (c) where the household income exceeds £26,500, he or she receives £600.

(6) A type 2 teacher training student who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year-

- (a) where the household income is £17,500 or less, he or she receives £2,700;
- (b) where household income exceeds £17,500 but does not exceed £26,500, he or she receives an amount equal to  $M-A$  where  $M$  is £2,700 and  $A$  is £1 for every £6 by which household income exceeds £17,500; and
- (c) where the household income exceeds £26,500, he or she receives £1,200.

(7) A new system eligible student other than a type 1 or type 2 teacher training student who qualifies for a maintenance grant in respect of an academic year receives an amount as follows in respect of that year-

- (a) where the household income is £17,500 or less, he or she receives £2,700;
- (b) where household income exceeds £17,500 but does not exceed £26,500, he or she receives an amount equal to  $M-A$  where  $M$  is £2,700 and

am bob £6 o incwm sydd gan yr aelwyd uwchlaw £17,500; ac

- (c) os yw incwm yr aelwyd uwchlaw £26,500 ond heb fod uwchlaw £37,425, bydd yn derbyn swm hafal i **RM-A**, pan fo **RM** yn £1,200 ac **A** yn £1 am bob £9.50 cyflawn o incwm sydd gan yr aelwyd uwchlaw £26,500;
- (ch) os yw incwm yr aelwyd uwchlaw £37,425 ni thelir grant cynhaliaeth.

### Grant Cymorth Arbennig

**30.**-(1) Mae gan fyfyrwr cymwys dan y drefn newydd hawl yn unol â'r rheoliad hwn i gael grant cymorth arbennig mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig i dalu cost llyfrau, offer, teithio neu ofal plant sy'n cael ei dynnu er mwyn bod yn bresennol ar y cwrs hwnnw.

(2) Mae gan fyfyrwr dan y drefn newydd hawl i gael grant cymorth arbennig os yw'n syrthio o fewn categori rhagnodedig o berson at ddibenion adran 124(1)(e) o Ddeddf Cyfraniadau Nawdd Cymdeithasol a Budd-daliadau 1992.

(3) Uchafswm y grant cymorth arbennig sydd ar gael mewn perthynas â blwyddyn academaidd yw-

- (a) yn achos myfyrwr math 1 ar gwrs hyfforddi athrawon, £1,350;
- (b) yn achos myfyrwr math 2 ar gwrs hyfforddi athrawon, £2,700; ac
- (c) yn achos myfyrwr dan y drefn newydd ac eithrio myfyrwr math 1 neu fath 2 ar gwrs hyfforddi athrawon, £2,700.

(4) Mae myfyrwr math 1 ar gwrs hyfforddi athrawon sydd â hawl i gael grant cymorth arbennig mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno-

- (a) os yw incwm yr aelwyd yn £17,500 neu lai, mae'n cael £1,350;
- (b) os yw incwm yr aelwyd uwchlaw £17,500 ond heb fod uwchlaw £26,500, mae'n cael swm hafal i **M-(A/2)** pan fo **M** yn £1,350 ac **A** yn £1 am bob £6 o incwm sydd gan yr aelwyd uwchlaw £17,500; ac
- (c) os yw incwm yr aelwyd uwchlaw £26,500, mae'n cael £600.

(5) Mae myfyrwr math 2 ar gwrs hyfforddi athrawon sydd â hawl i gael grant cymorth arbennig mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno-

- (a) os yw incwm yr aelwyd yn £17,500 neu lai, mae'n cael £2,700;
- (b) os yw incwm yr aelwyd uwchlaw £17,500 ond heb fod uwchlaw £26,500, mae'n cael swm hafal i **M-A** pan fo **M** yn £2,700 ac **A** yn £1 am bob £6 o incwm sydd gan yr aelwyd uwchlaw

**A** is £1 for every £6 by which household income exceeds £17,500;

- (c) where household income exceeds £26,500 but does not exceed £37,425, he or she receives an amount equal to **RM-A**, where **RM** is £1,200 and **A** is £1 for every complete £9.50 by which household income exceeds £26,500;
- (d) where the household income exceeds £37,425, no maintenance grant is payable.

### Special Support Grant

**30.**-(1) A new system eligible student qualifies in accordance with this regulation for a special support grant in connection with his or her attendance on a designated course to defray the cost of books, equipment, travel or childcare incurred for the purpose of attending that course.

(2) A new system student qualifies for a special support grant if he or she falls within a prescribed category of person for the purposes of section 124(1)(e) of the Social Security Contributions and Benefits Act 1992.

(3) The maximum amount of special support grant available in respect of an academic year is

- (a) in the case of a type 1 teacher training student, £1,350;
- (b) in the case of a type 2 teacher training student, £2,700; and
- (c) in the case of a new system student other than a type 1 or type 2 teacher training student, £2,700.

(4) A type 1 teacher training student who qualifies for special support grant in respect of an academic year receives an amount as follows in respect of that year-

- (a) where the household income is £17,500 or less, he or she receives £1,350;
- (b) where household income exceeds £17,500 but does not exceed £26,500, he or she receives an amount equal to **M-(A/2)** where **M** is £1,350 and **A** is £1 for every £6 by which household income exceeds £17,500; and
- (c) where the household income exceeds £26,500, he or she receives £600.

(5) A type 2 teacher training student who qualifies for special support grant in respect of an academic year receives an amount as follows in respect of that year-

- (a) where the household income is £17,500 or less, he or she receives £2,700;
- (b) where household income exceeds £17,500 but does not exceed £26,500, he or she receives an amount equal to **M-A** where **M** is £2,700 and **A** is £1 for every £6 by which household income

£17,500; ac

- (c) os yw incwm yr aelwyd uwchlaw £26,500, mae'n cael £1,200.

(6) Mae myfyriwr cymwys dan y drefn newydd ac eithrio myfyriwr math 1 neu fath 2 ar gwrs hyfforddi athrawon sydd â hawl i gael grant cymorth arbennig mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno-

- (a) os yw incwm yr aelwyd yn £17,500 neu lai, mae'n cael £2,700;
- (b) os yw incwm yr aelwyd uwchlaw £17,500 ond heb fod uwchlaw £26,500, mae'n cael swm hafal i **M-A** pan fo **M** yn £2,700 ac **A** yn £1 am bob £6 o incwm sydd gan yr aelwyd uwchlaw £17,500; ac
- (c) os yw incwm yr aelwyd uwchlaw £26,500 ond heb fod uwchlaw £37,425, bydd yn derbyn swm hafal i **RM- A**, pan fo **RM** yn £1,200 ac **A** yn £1 am bob £9.50 cyflawn o incwm yr aelwyd uwchlaw £26,500;
- (ch) os yw incwm yr aelwyd uwchlaw £37,425, ni thelir grant cynhaliaeth.

exceeds £17,500; and

- (c) where the household income exceeds £26,500, he or she receives £1,200.

(6) A new system eligible student other than a type 1 or type 2 teacher training student who qualifies for a special support grant in respect of an academic year receives an amount as follows in respect of that year-

- (a) where the household income is £17,500 or less, he or she receives £2,700;
- (b) where household income exceeds £17,500 but does not exceed £26,500, he or she receives an amount equal to **M-A** where **M** is £2,700 and **A** is £1 for every £6 by which household income exceeds £17,500;
- (c) where household income exceeds £26,500 but does not exceed £37,425, he or she receives an amount equal to **RM- A**, where **RM** is £1,200 and **A** is £1 for every complete £9.50 by which household income exceeds £26,500;
- (d) where the household income exceeds £37,425, no maintenance grant is payable.

## RHAN 7

### BENTHYCIADAU AT GOSTAU BYW

#### Amodau'r hawl i gael benthyciadau at gostau byw

31.-(1) Mae gan fyfyriwr cymwys hawl i gael benthyciad at gostau byw mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig os yw'r myfyriwr yn bodloni'r amod ym mharagraff (2) ac nad yw'n cael ei hepgor gan baragraff (3) na rheoliad 7.

(2) Yr amod y cyfeirir ato ym mharagraff (1) yw bod y myfyriwr cymwys o dan 60 oed ar y dyddiad perthnasol.

(3) Nid oes gan fyfyriwr cymwys hawl i gael benthyciad at gostau byw os paragraff 7 yw'r unig baragraff o 1 i 8 o Atodlen 1 y mae'r myfyriwr yn syrthio odano.

#### Uchafswm benthyciadau i fyfyrwyr cymwys dan yr hen drefn sydd â hawlogaeth lawn

32.-(1) Yn ddarostyngedig i reoliadau 36 i 41, uchafswm y benthyciad at gostau byw y mae gan fyfyriwr cymwys dan yr hen drefn sydd â hawlogaeth lawn hawl i'w gael mewn perthynas â blwyddyn academaidd (ac eithrio blwyddyn derfynol cwrs carlam), yw-

- (a) i fyfyriwr yng nghategori 1, £3,415;
- (b) i fyfyriwr yng nghategori 2, £6,170;
- (c) i fyfyriwr yng nghategori 3, £5,255;

## PART 7

### LOANS FOR LIVING COSTS

#### Qualifying conditions for loans for living costs

31.-(1) An eligible student qualifies for a loan for living costs in connection with the student's attendance on a designated course if the student satisfies the condition in paragraph (2) and is not excluded by paragraph (3) or regulation 7.

(2) The condition referred to in paragraph (1) is that the eligible student is under the age of 60 on the relevant date.

(3) An eligible student does not qualify for a loan for living costs if the only paragraph from 1 to 8 of Schedule 1 into which the student falls is paragraph 7.

#### Maximum amount of loans for old system eligible students with full entitlement

32.-(1) Subject to regulations 36 to 41, the maximum amount of loan for living costs for which an old system eligible student with full entitlement qualifies in respect of an academic year (other than the final year of an accelerated course) is-

- (a) for a student in category 1, £3,415;
- (b) for a student in category 2, £6,170;
- (c) for a student in category 3, £5,255;

(ch) i fyfyrwr yng nghategori 4, £5,255;

(d) i fyfyrwr yng nghategori 5, £4,405.

(2) Yn ddarostyngedig i reoliadau 36 i 41, uchafswm y benthyciad at gostau byw y mae gan fyfyrwr cymwys dan yr hen drefn sydd â hawlogaeth lawn hawl i'w gael mewn perthynas â blwyddyn academiaidd sy'n flwyddyn derfynol cwrs heblaw cwrs carlam yw-

(a) i fyfyrwr yng nghategori 1, £3,085;

(b) i fyfyrwr yng nghategori 2, £5,620;

(c) i fyfyrwr yng nghategori 3, £4,570;

(ch) i fyfyrwr yng nghategori 4, £4,570;

(d) i fyfyrwr yng nghategori 5, £4,080.

### **Uchafswm benthyciadau i fyfyrwr cymwys dan y drefn newydd sydd â hawlogaeth lawn**

**33.**-(1) Mae'r rheoliad hwn yn gymwys i fyfyrwr cymwys dan y drefn newydd sydd â hawlogaeth lawn, ac eithrio myfyrwr math 1 neu fath 2 ar gwrs hyfforddi athrawon, pan fo incwm yr aelwyd uwchlaw £37,900.

(2) Yn ddarostyngedig i reoliadau 36 i 41, mae uchafswm y benthyciad at gostau byw y mae gan fyfyrwr y mae'r rheoliad hwn yn gymwys iddo hawl i'w gael mewn perthynas â blwyddyn academiaidd (ac eithrio blwyddyn derfynol cwrs nad yw'n gwrs carlam) yn hafal i (X-Y)-

Os

**X**

(i) i fyfyrwr yng nghategori 1, yw £3,415;

(ii) i fyfyrwr yng nghategori 2, yw £6,170;

(iii) i fyfyrwr yng nghategori 3, yw £5,255;

(iv) i fyfyrwr yng nghategori 4, yw £5,255;

(v) i fyfyrwr yng nghategori 5, yw £4,405;

**Y** yw swm y grant cynhaliaeth.

(3) Yn ddarostyngedig i reoliadau 36 i 41, mae uchafswm y benthyciad at gostau byw y mae gan fyfyrwr y mae'r rheoliad hwn yn gymwys iddo hawl i'w gael mewn perthynas â blwyddyn academiaidd sy'n flwyddyn derfynol cwrs nad yw'n gwrs carlam yn hafal i (X-Y)-

Os

**X**

(i) i fyfyrwr yng nghategori 1, yw £3,085;

(ii) i fyfyrwr yng nghategori 2, yw £5,620;

(iii) i fyfyrwr yng nghategori 3, yw £4,570;

(iv) i fyfyrwr yng nghategori 4, yw £4,570;

(v) i fyfyrwr yng nghategori 5, yw £4,080;

**Y** yw swm y grant cynhaliaeth.

(d) for a student in category 4, £5,255;

(e) for a student in category 5, £4,405.

(2) Subject to regulations 36 to 41, the maximum amount of loan for living costs for which an old system eligible student with full entitlement qualifies in respect of an academic year which is the final year of a course other than an accelerated course is-

(a) for a student in category 1, £3,085;

(b) for a student in category 2, £5,620;

(c) for a student in category 3, £4,570;

(d) for a student in category 4, £4,570;

(e) for a student in category 5, £4,080.

### **Maximum amount of loans for new system eligible students with full entitlement**

**33.**-(1) This regulation applies to a new system eligible student with full entitlement other than a type 1 or type 2 teacher training student with a household income exceeding £37,900.

(2) Subject to regulations 36 to 41, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year (other than a final year of a course that is not an accelerated course) is equal to (X-Y)-

Where

**X** is-

(i) for a student in category 1, £3,415;

(ii) for a student in category 2, £6,170;

(iii) for a student in category 3, £5,255;

(iv) for a student in category 4, £5,255;

(v) for a student in category 5, £4,405;

**Y** is the maintenance grant amount.

(3) Subject to regulations 36 to 41, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year that is the final year of a course that is not an accelerated course is equal to (X-Y)-

Where

**X** is-

(i) for a student in category 1, £3,085;

(ii) for a student in category 2, £5,620;

(iii) for a student in category 3, £4,570;

(iv) for a student in category 4, £4,570;

(v) for a student in category 5, £4,080;

**Y** is the maintenance grant amount.

(4) Yn y rheoliad hwn, "swm y grant cynhaliath" ("*the maintenance grant amount*")-

- (a) os oes gan y myfyriwr hawl o dan reoliad 29 i gael swm o grant cynhaliath heb fod uwchlaw £1,200, yw swm y grant cynhaliath sy'n daladwy;
- (b) os oes gan y myfyriwr hawl o dan reoliad 29 i gael swm o grant cynhaliath uwchlaw £1,200, yw £1,200; ac
- (c) os nad oes grant cynhaliath yn daladwy, yw dim.

**34.**-(1) Mae'r rheoliad hwn yn gymwys i fyfyrwr math 1 a myfyriwr math 2 ar gwrs hyfforddi athrawon pan fo incwm yr aelwyd uwchlaw £37,900.

(2) Yn ddarostyngedig i reoliadau 36 i 41, uchafswm y benthychiad at gostau byw y mae gan fyfyrwr y mae'r rheoliad hwn yn gymwys iddo hawl i'w gael mewn perthynas â blwyddyn academaidd (ac eithrio blwyddyn derfynol cwrs nad yw'n gwrs carlam) yw-

- (a) £3,415, i fyfyrwr yng nghategori 1;
- (b) £6,170, i fyfyrwr yng nghategori 2;
- (c) £5,255, i fyfyrwr yng nghategori 3;
- (ch) £5,255, i fyfyrwr yng nghategori 4;
- (d) £4,405, i fyfyrwr yng nghategori 5.

(3) Yn ddarostyngedig i reoliadau 36 i 41, uchafswm y benthychiad at gostau byw y mae gan fyfyrwr y mae'r rheoliad hwn yn gymwys iddo hawl i'w gael mewn perthynas â blwyddyn academaidd cwrs (ac eithrio blwyddyn derfynol cwrs nad yw'n gwrs carlam) yw-

- (a) £3,085, i fyfyrwr yng nghategori 1;
- (b) £5,620, i fyfyrwr yng nghategori 2;
- (c) £4,570, i fyfyrwr yng nghategori 3;
- (ch) £4,570, i fyfyrwr yng nghategori 4;
- (d) £4,080, i fyfyrwr yng nghategori 5.

### **Myfyrwyr sydd â hawlogaeth wedi ei gostwng**

**35.**-(1) Yn ddarostyngedig i reoliadau 36 i 41, mae uchafswm y benthychiad at gostau byw y mae gan fyfyrwr, sydd â hawlogaeth wedi ei gostwng, hawl i'w gael mewn perthynas â blwyddyn academaidd cwrs (ac eithrio blwyddyn derfynol cwrs nad yw'n gwrs carlam) fel a ganlyn-

- (a) os yw'r myfyriwr yn syrthio o dan reoliad 18(3)(a) neu 18(3)(b)-
  - (i) £1,620, i fyfyrwr yng nghategori 1;
  - (ii) £3,030, i fyfyrwr yng nghategori 2;
  - (iii) £2,160, i fyfyrwr yng nghategori 3;
  - (iv) £2,160, i fyfyrwr yng nghategori 4;
  - (v) £2,160, i fyfyrwr yng nghategori 5;

(4) In this regulation, "the maintenance grant amount" ("*swm y grant cynhaliath*") is-

- (a) where the student qualifies under regulation 29 for an amount of maintenance grant not exceeding £1,200, the amount of maintenance grant payable;
- (b) where the student qualifies under regulation 29 for an amount of maintenance grant exceeding £1,200, £1,200; and
- (c) where no maintenance grant is payable, nil.

**34.**-(1) This regulation applies to a type 1 and type 2 teacher training student with a household income exceeding £37,900.

(2) Subject to regulations 36 to 41, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year (other than the final year of a course that is not an accelerated course) is-

- (a) for a student in category 1, £3,415;
- (b) for a student in category 2, £6,170;
- (c) for a student in category 3, £5,255;
- (d) for a student in category 4, £5,255;
- (e) for a student in category 5, £4,405.

(3) Subject to regulations 36 to 41, the maximum loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year of a course (other than the final year of a course that is not an accelerated course) is-

- (a) for a student in category 1, £3,085;
- (b) for a student in category 2, £5,620;
- (c) for a student in category 3, £4,570;
- (d) for a student in category 4, £4,570;
- (e) for a student in category 5, £4,080.

### **Students with reduced entitlement**

**35.**-(1) Subject to regulations 36 to 41, the maximum amount of loan for living costs for which a student with reduced entitlement qualifies in respect of an academic year of a course (other than the final year of a course than is not an accelerated course) is-

- (a) where the student falls within regulation 18(3)(a) or 18(3)(b)-
  - (i) for a student in category 1, £1,620;
  - (ii) for a student in category 2, £3,030;
  - (iii) for a student in category 3, £2,160;
  - (iv) for a student in category 4, £2,160;
  - (v) for a student in category 5, £2,160;

- (b) os yw'r myfyriwr yn syrthio o dan reoliad 18(3)(c) neu 18(5)-
- (i) £1,620, i fyfyriwr yng nghategori 1;
  - (ii) £3,030, i fyfyriwr yng nghategori 2;
  - (iii) £2,585, i fyfyriwr yng nghategori 3;
  - (iv) £2,585, i fyfyriwr yng nghategori 4;
  - (v) £2,160, i fyfyriwr yng nghategori 5;
- (c) os yw'r myfyriwr yn gwneud cais am fenthyciad at gostau byw ac yn dewis peidio â rhoi manylion am incwm ei aelwyd-
- (i) £2,560, i fyfyriwr yng nghategori 1;
  - (ii) £4,630, i fyfyriwr yng nghategori 2;
  - (iii) £3,940, i fyfyriwr yng nghategori 3;
  - (iv) £3,940, i fyfyriwr yng nghategori 4;
  - (v) £3,905, i fyfyriwr yng nghategori 5.

(2) Yn ddarostyngedig i reoliadau 36 i 41, mae uchafswm y benthyciad at gostau byw y mae gan fyfyriwr, sydd â hawlogaeth wedi ei gostwng, hawl i'w gael mewn perthynas â blwyddyn academaidd cwrs sy'n flwyddyn derfynol cwrs nad yw'n gwrs carlam fel a ganlyn-

- (a) os yw'r myfyriwr yn syrthio o dan reoliad 18(3)(a) neu 18(3)(b)-
- (i) £1,230, i fyfyriwr yng nghategori 1;
  - (ii) £2,320, i fyfyriwr yng nghategori 2;
  - (iii) £1,680, i fyfyriwr yng nghategori 3;
  - (iv) £1,680, i fyfyriwr yng nghategori 4;
  - (v) £1,680, i fyfyriwr yng nghategori 5;
- (b) os yw'r myfyriwr yn syrthio o dan reoliad 18(3)(c) neu 18(5)-
- (i) £1,320, i fyfyriwr yng nghategori 1;
  - (ii) £2,320, i fyfyriwr yng nghategori 2;
  - (iii) £1,885, i fyfyriwr yng nghategori 3;
  - (iv) £1,855, i fyfyriwr yng nghategori 4;
  - (v) £1,680, i fyfyriwr yng nghategori 5;
- (c) os yw'r myfyriwr yn ceisio am fenthyciad at gostau byw ac yn dewis peidio â rhoi manylion am incwm ei aelwyd-
- (i) £2,315, i fyfyriwr yng nghategori 1;
  - (ii) £4,215, i fyfyriwr yng nghategori 2;
  - (iii) £3,430, i fyfyriwr yng nghategori 3;
  - (iv) £3,430, i fyfyriwr yng nghategori 4;
  - (v) £3,060, i fyfyriwr yng nghategori 5;

### Myfyrwyr sy'n preswyllo gyda'u rhieni

**36.**-(1) Yn ddarostyngedig i baragraff (2), os yw myfyriwr cymwys yn preswyllo yng nghartref ei rieni a bod y Cynulliad Cenedlaethol wedi'i fodloni nad yw'n rhesymol, o dan yr holl amgylchiadau, i rieni'r myfyriwr gynnal y myfyriwr oherwydd oedran,

- (b) where the student falls within regulation 18(3)(c) or 18(5)-
- (i) for a student in category 1, £1,620;
  - (ii) for a student in category 2, £3,030;
  - (iii) for a student in category 3, £2,585;
  - (iv) for a student in category 4, £2,585;
  - (v) for a student in category 5, £2,160;
- (c) where the student applies for a loan for living costs and opts not to provide details of the income of his or her household-
- (i) for a student in category 1, £2,560;
  - (ii) for a student in category 2, £4,630;
  - (iii) for a student in category 3, £3,940;
  - (iv) for a student in category 4, £3,940;
  - (v) for a student in category 5, £3,905.

(2) Subject to regulations 36 to 41, the maximum amount of loan for living costs for which a student with reduced entitlement qualifies in respect of an academic year that is the final year of a course that is not an accelerated course is-

- (a) where the student falls within regulation 18(3)(a) or 18(3)(b)-
- (i) for a student in category 1, £1,230;
  - (ii) for a student in category 2, £2,320;
  - (iii) for a student in category 3, £1,680;
  - (iv) for a student in category 4, £1,680;
  - (v) for a student in category 5, £1,680;
- (b) where the student falls within regulation 18(3)(c) or 18(5)-
- (i) for a student in category 1, £1,320;
  - (ii) for a student in category 2, £2,320;
  - (iii) for a student in category 3, £1,885;
  - (iv) for a student in category 4, £1,855;
  - (v) for a student in category 5, £1,680;
- (c) where the student applies for a loan for living costs and opts not to provide details of the income of his or her household-
- (i) for a student in category 1, £2,315;
  - (ii) for a student in category 2, £4,215;
  - (iii) for a student in category 3, £3,430;
  - (iv) for a student in category 4, £3,430;
  - (v) for a student in category 5, £3,060.

### Students residing with parents

**36.**-(1) Subject to paragraph (2), where an eligible student resides at his or her parents' home and the National Assembly is satisfied that in all the circumstances the student's parents by reason of age, incapacity or otherwise cannot reasonably be expected



analluedd neu fel arall ac y byddai'n briodol i swm y benthyciad sy'n daladwy i fyfyrwr mewn categori heblaw categori 1 fod yn gymwys yn achos y myfyriwr hwnnw, rhaid trin y myfyriwr fe pe na bai'n preswyllo yng nghartref ei rieni.

(2) Nid yw paragraff (1) yn gymwys i fyfyrwr cymwys sy'n dechrau ar gwrs ar neu ar ôl 1 Medi 2004.

(3) Os yw myfyriwr cymwys yn aelod o urdd grefyddol sy'n preswyllo yn un o dai ei urdd, trinnir y myfyriwr fel pe bai'n preswyllo yng nghartref ei rieni.

### **Benthyciadau at gostau byw sy'n daladwy ar gyfer tri chwarter y flwyddyn academaidd**

37. Mae benthyciad yn daladwy mewn perthynas â thri chwarter o'r flwyddyn academaidd ac nid yw'n daladwy mewn perthynas â'r chwarter y mae'r hiraf o unrhyw wyliau yn digwydd ynddo ym marn y Cynulliad Cenedlaethol.

### **Myfyrwyr sy'n syrthio i fwy nag un categori**

38.-(1) Os yw myfyriwr yn syrthio i fwy nag un o'r categorïau yn rheoliad 35 yn ystod y flwyddyn academaidd-

- (a) uchafswm y benthyciad am y flwyddyn academaidd yw cyfanswm uchafsymiau'r benthyciad am bob chwarter y mae'r benthyciad yn daladwy mewn perthynas ag ef;
- (b) uchafswm y benthyciad am bob chwarter o'r fath yw traean o uchafswm y benthyciad a fyddai'n gymwys am y flwyddyn academaidd pe bai'r myfyriwr yn syrthio i'r categori sy'n gymwys i'r chwarter perthnasol drwy gydol y flwyddyn academaidd; ac
- (c) yn ddarostyngedig i baragraff (2), y categori sy'n gymwys i chwarter yw'r canlynol-
  - (i) y categori y mae'r myfyriwr yn syrthio iddo am y cyfnod hwyaf yn y chwarter hwnnw; neu
  - (ii) os yw'r myfyriwr yn syrthio i fwy nag un categori am gyfnod cyfartal yn y cyfnod hwnnw, y categori sydd â'r gyfradd uchaf o fenthyciad am y flwyddyn academaidd.

(2) Ni ellir cymhwysu categori 3 at chwarter oni bai bod y myfyriwr yn bresennol mewn sefydliad dros y môr am hanner o leiaf o gyfnod y chwarter hwnnw.

### **Myfyrwyr sy'n dod yn gymwys yn ystod blwyddyn academaidd**

39.-(1) Os yw myfyriwr yn dod yn fyfyrwr cymwys yn ystod blwyddyn academaidd o ganlyniad i un o'r digwyddiadau a restrir ym mharagraff (2), gall fod gan y myfyriwr hwnnw hawl i gael benthyciad at gostau

to support the student and that it would be appropriate for the amount of loan payable to a student in a category other than category 1 to apply in his or her case, the student must be treated as if the student were not residing at the student's parents' home.

(2) Paragraph (1) does not apply to an eligible student who begins a course on or after 1 September 2004.

(3) Where an eligible student is a member of a religious order who resides in a house of his or her order the student is treated as if the student were residing at the student's parents' home.

### **Loans for living costs payable in respect of three quarters of the academic year**

37. A loan is payable in respect of three quarters of the academic year and is not payable in respect of the quarter in which, in the opinion of the National Assembly, the longest of any vacations occurs.

### **Students falling into more than one category**

38.-(1) Where a student falls into more than one of the categories in regulation 35 in the course of the academic year-

- (a) the maximum amount of loan for the academic year is the aggregate of the maximum amount of loan for each quarter in respect of which the loan is payable;
- (b) the maximum amount of loan for each such quarter is one third of the maximum amount of loan which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year; and
- (c) subject to paragraph (2), the category which applies to a quarter is-
  - (i) the category into which the student falls for the longer or longest period in that quarter; or
  - (ii) if the student falls into more than one category for an equal period in that quarter, the category with the higher or highest rate of loan for the academic year.

(2) Category 3 cannot be the category applicable to a quarter unless the student is attending an overseas institution for at least half of the period covered by that quarter.

### **Students becoming eligible during the course of an academic year**

39.-(1) Where a student becomes an eligible student during the course of an academic year as a result of one of the events listed in paragraph (2), the student may qualify for a loan for living costs in respect of such

byw, mewn perthynas â'r chwarteri hynny o'r flwyddyn academaidd honno y mae benthyciad at gostau byw yn daladwy ynddynt sy'n dechrau ar ôl i'r digwyddiad perthnasol ym mharagraff (2) ddigwydd.

(2) Y digwyddiadau y cyfeirir atynt ym mharagraff (1) yw-

- (a) bod cwrs y myfyriwr yn dod yn gwrs dynodedig; neu
- (b) bod y myfyriwr, priod y myfyriwr, partner sifil y myfyriwr neu riant y myfyriwr yn cael ei gydnabod fel ffoadur neu'n cael caniatâd i ddod i mewn i'r Deyrnas Unedig neu i aros yno fel y crybwyllir ym mharagraff 3 o Atodlen 1.

(3) Nid oes gan fyfyrwr cymwys y mae paragraff (1) yn gymwys iddo hawl i gael benthyciad at gostau byw mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y mae'r digwyddiad perthnasol yn digwydd.

(4) Uchafswm y benthyciad at gostau byw sy'n daladwy yw cyfanswm uchafsymiau'r benthyciad am bob chwarter y mae gan y myfyriwr hawl i gael cymorth o dan y rheoliad hwn.

(5) Uchafswm y benthyciad am bob chwarter o'r fath yw traean o uchafswm y benthyciad a fyddai'n gymwys am y flwyddyn academaidd pe bai'r myfyriwr yn syrthio i'r categori sy'n gymwys i'r chwarter perthnasol drwy gydol y flwyddyn academaidd.

### Codiadau yn yr uchafswm

40.-(1) Os yw'n ofynnol i fyfyrwr cymwys fod yn bresennol ar ei gwrs am gyfnod sy'n fwy na 30 wythnos a 3 diwrnod mewn blwyddyn academaidd, rhaid codi uchafswm y benthyciad at gostau byw a bennir yn rheoliadau 32 i 35 ar gyfer pob wythnos neu bob rhan o wythnos o bresenoldeb yn y flwyddyn academaidd honno y tu hwnt i 30 wythnos a 3 diwrnod fel a ganlyn:

- (a) i fyfyrwr yng nghategori 1, codiad o £51;
- (b) i fyfyrwr yng nghategori 2, codiad o £98;
- (c) i fyfyrwr yng nghategori 3, codiad o £107;
- (ch) i fyfyrwr yng nghategori 4, codiad o £107;
- (d) i fyfyrwr yng nghategori 5, codiad o £77.

(2) Os yw myfyriwr cymwys yn bresennol ar ei gwrs am gyfnod heb fod yn llai na 45 wythnos mewn unrhyw gyfnod di-dor o 52 wythnos, rhaid codi swm y benthyciad at gostau byw a bennir yn rheoliadau 32 i 35 ar gyfer pob wythnos yn ystod y cyfnod o 52 wythnos pan nad oedd y myfyriwr yn bresennol yn ôl y symiau y cyfeirir atynt ym mharagraff (1).

(3) Nid yw'r rheoliadau hyn yn gymwys yn achos myfyriwr sydd â hawlogaeth wedi ei gostwng

quarters of that academic year in respect of which a loan for living costs is payable as begin after the relevant event in paragraph (2) occurs.

(2) The events referred to in paragraph (1) are-

- (a) the student's course becomes a designated course; or
- (b) the student, the student's spouse, the student's civil partner or the student's parent is recognised as a refugee or is granted leave to enter or remain as mentioned in paragraph 3 of Schedule 1.

(3) An eligible student to whom paragraph (1) applies does not qualify for a loan for living costs in respect of any academic year beginning before the academic year in which the relevant event occurred.

(4) The maximum amount of loan for living costs payable is the aggregate of the maximum amount of loan for each quarter in respect of which the student qualifies for support under this regulation.

(5) The maximum amount of loan for each such quarter is one third of the maximum amount of loan which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year.

### Increases in maximum amount

40.-(1) Where an eligible student is required to attend his or her course for a period exceeding 30 weeks and 3 days in an academic year, the maximum amount of loan for living costs specified in regulations 32 to 35 must be increased for each week or part week of attendance in that academic year beyond 30 weeks and 3 days as follows:

- (a) for a student in category 1, by £51;
- (b) for a student in category 2, by £98;
- (c) for a student in category 3, by £107;
- (d) for a student in category 4, by £107;
- (e) for a student in category 5, by £77.

(2) Where an eligible student attends his or her course for a period of not less than 45 weeks in any continuous period of 52 weeks the amount of loan for living costs specified in regulations 32 to 35 must be increased for each week during the 52 week period during which the student did not attend by the amounts referred to in paragraph (1).

(3) This regulations does not apply in the case of a student with reduced entitlement.

## Didynnu o fenthyciadau at gostau byw

41.-(1) Yn unol â rheoliad 46, caniateir didynnu o'r benthyciad at gostau byw a gyfrifir o dan y Rhan hon mewn perthynas â myfyriwr cymwys dan yr hen drefn sydd â hawlogaeth lawn neu fyfyriwr dan y drefn newydd sydd â hawlogaeth lawn.

(2) O dan reoliad 46, ni chaniateir didynnu o'r benthyciad at gostau byw a gyfrifir o dan y Rhan hon mewn perthynas â myfyriwr sydd â hawlogaeth wedi ei gostwng.

## Dehongli Rhan 7

42.-(1) Yn y rheoliad hwn-

- (a) mae myfyriwr yng nghategori 1 os yw'n preswyllo yng nghartref ei rieni tra bydd yn bresennol ar y cwrs dynodedig;
- (b) mae myfyriwr yng nghategori 2 os nad yw yng nghategori 1 a'i fod yn bresennol ar un neu fwy o'r canlynol-
  - (i) cwrs ym Mhrifysgol Llundain;
  - (ii) cwrs mewn sefydliad sy'n ei gwneud yn ofynnol iddo fod yn bresennol am hanner o leiaf o gyfanswm yr amser mewn unrhyw chwarter o'r cwrs yn y flwyddyn academaidd ar safle sydd yn gyfan gwbl neu yn rhannol yn ardal Dinas Llundain a chyn Ardal yr Heddlu Metropolitaidd; neu
  - (iii) cwrs rhyngosod mewn sefydliad sy'n ei gwneud yn ofynnol i'r myfyriwr cymwys ymgymryd â phrofiad gwaith neu gyfuniad o brofiad gwaith ac astudio ar yr amod bod y myfyriwr yn ymgymryd â'r profiad gwaith hwnnw neu'r cyfuniad hwnnw o brofiad gwaith ac astudio am hanner o leiaf o gyfanswm yr amser mewn unrhyw chwarter o'r cwrs yn y flwyddyn academaidd ar safle neu safleoedd sydd yn gyfan gwbl neu'n rhannol yn ardal Dinas Llundain a chyn Ardal yr Heddlu Metropolitaidd;
- (c) mae myfyriwr yng nghategori 3 os nad yw yng nghategori 1 a'i fod yn bresennol mewn sefydliad dros y môr fel rhan o'i gwrs am o leiaf wyth wythnos yn olynol yn y flwyddyn academaidd;
- (ch) mae myfyriwr yng nghategori 4 os nad yw yng nghategori 1 a'i fod yn bresennol yn y Sefydliad Prydeinig ym Mharis;
- (d) mae myfyriwr yng nghategori 5 os nad yw yng nghategoriâu 1 i 4.
- (dd) ystyr "y dyddiad perthnasol" ("*the relevant date*") yw diwrnod cyntaf blwyddyn gyntaf y cwrs dynodedig a bennir;

## Deductions from loans for living costs

41.-(1) A deduction from the amount of loan for living costs calculated under this Part in respect of an old system eligible student with full entitlement or a new system eligible student with full entitlement may be made from the loan for living costs in accordance with regulation 46.

(2) A deduction from the amount of loan for living costs calculated under this Part in respect of a student with reduced entitlement may not be made under regulation 46.

## Interpretation of Part 7

42.-(1) In this regulation-

- (a) a student is in category 1 if the student resides at his or her parents' home while attending the designated course;
- (b) a student is in category 2 if he or she is not in category 1 and attends one or more of the following-
  - (i) a course at the University of London;
  - (ii) a course at an institution which requires attendance for at least half the time in aggregate of any quarter of the course in the academic year at a site wholly or partly within the area comprising the City of London and the former Metropolitan Police District; or
  - (iii) a sandwich course at an institution which requires the eligible student to undertake work experience or a combination of work experience and study provided that the student undertakes such work experience or combination of work experience and study for at least half the time in aggregate of any quarter of the course in the academic year at a site or sites wholly or partly within the area comprising the City of London and the former Metropolitan Police District;
- (c) a student is in category 3 if the student is not in category 1 and attends an overseas institution as part of his or her course for at least eight consecutive weeks in the academic year;
- (d) a student is in category 4 if the student is not in category 1 and attends the British Institute in Paris;
- (e) a student is in category 5 if the student is not in categories 1 to 4.
- (f) a "new system eligible student with full entitlement" ("*myfyriwr cymwys dan y drefn newydd sydd â hawlogaeth lawn*") is a new system eligible student other than a student with reduced entitlement;

- (e) "myfyriwr cymwys dan y drefn newydd sydd â hawlogaeth lawn" ("*new system eligible student with full entitlement*") yw myfyriwr cymwys dan y drefn newydd ac eithrio myfyriwr sydd â hawlogaeth wedi ei gostwng;
- (f) "myfyriwr cymwys dan yr hen drefn sydd â hawlogaeth lawn" ("*old system eligible student with full entitlement*") yw myfyriwr cymwys ac eithrio myfyriwr sydd â hawlogaeth wedi ei gostwng;
- (ff) "myfyriwr sydd â hawlogaeth wedi ei gostwng" ("*student with reduced entitlement*") yw myfyriwr cymwys
  - (i) nad yw'n gymwys am grant at gostau byw neu gostau eraill yn rhinwedd rheoliad 18(3)(a) neu 18(3)(b);
  - (ii) nad yw'n gymwys am grant at gostau byw yn rhinwedd rheoliad 18(3)(c) nac 18(5); neu
  - (iii) sydd, pan yn ymgeisio am fenthyciad at gostau byw, yn dewis peidio rhoi manylion am incwm ei aelwyd;
  - (iv) os mai hyd cwrs ar gyfer hyfforddiant cychwynnol athrawon yw un flwyddyn academaidd yn unig, nid yw'r flwyddyn honno i gael ei thrin fel y flwyddyn derfynol.
- (g) an "old system eligible student with full entitlement" ("*myfyriwr cymwys dan yr hen drefn sydd â hawlogaeth lawn*") is an old system eligible student other than a student with reduced entitlement;
- (h) the "relevant date" ("*y dyddiad perthnasol*") means the first day of the first year of the specified designated course;
- (i) a "student with reduced entitlement" ("*myfyriwr sydd â hawlogaeth wedi ei gostwng*") is an eligible student who
  - (i) is not eligible for a grant for living or other costs by virtue of regulation 18(3)(a) or 18(3)(b);
  - (ii) is not eligible for a grant for living costs by virtue of regulation 18(3)(c) or 18(5); or
  - (iii) opts when applying for a loan for living costs not to provide details of the income of his or her household;
  - (iv) where the duration of a course for the initial training of teachers is only one academic year, that year is not to be treated as the final year.

## RHAN 8

### DARPARIAETHAU CYFFREDINOL YNGLŶN Â BENTHYCIADAU

#### Symiau ychwanegol o fenthyciadau

43.-(1) Caiff myfyriwr cymwys wneud cais am gymryd benthg swm ychwanegol o fenthyciad-

- (a) os yw'r Cynulliad Cenedlaethol yn penderfynu y dylai uchafswm y benthyciad sydd wedi'i hysbysu i'r myfyriwr mewn perthynas â blwyddyn academaidd gael ei gynyddu (gan gynnwys cynnydd i fyny o ddim byd) o ganlyniad i ailasesu cyfraniad y myfyriwr neu fel arall; a
- (b) os yw'r Cynulliad Cenedlaethol o'r farn nad yw'r cynnydd yn yr uchafswm yn deillio o'r ffaith bod y myfyriwr cymwys-
  - (i) wedi methu â rhoi gwybodaeth yn ddi-oed a allai effeithio ar ei allu i fod â hawl i gael benthyciad neu swm y benthyciad y mae ganddo hawl i'w gael; neu
  - (ii) wedi rhoi gwybodaeth sy'n anghywir o ran unrhyw fanylyn perthnasol.

(2) Mae'r swm ychwanegol o dan baragraff (1) yn swm na fydd, o'i adio at y swm y gwnaed cais amdano eisoes, yn fwy na'r uchafswm wedi'i gynyddu.

## PART 8

### GENERAL LOAN PROVISIONS

#### Additional amount of loans

43.-(1) An eligible student may apply to borrow an additional amount of loan where-

- (a) the National Assembly determines that the maximum amount of loan which has been notified to the student in relation to an academic year should be increased (including an increase from nil) as a result of a reassessment of the student's contribution or otherwise; and
- (b) the National Assembly considers that the increase in the maximum amount does not result from the eligible student-
  - (i) failing to provide information promptly which might affect his or her ability to qualify for a loan or the amount of loan for which he or she qualifies; or
  - (ii) providing information which is inaccurate in any material particular.

(2) The additional amount under paragraph (1) is an amount which when added to the amount already applied for does not exceed the increased maximum.

(3) Os yw myfyriwr cymwys wedi gwneud cais am fenthyciad o lai na'r uchafswm y mae ganddo hawlogaeth i'w gael mewn perthynas â'r flwyddyn academaidd, caiff wneud cais am gymryd benthyc swm ychwanegol na fydd, o'i adio at y swm y gwnaed cais amdano eisoes, yn fwy na'r uchafswm perthnasol sy'n gymwys yn ei achos ef.

## Llog

44.-(1) Yn ddarostyngedig i baragraff (2), bydd benthyciadau'n cario llog yn ôl y gyfradd a fydd yn arwain at gyfradd ganrannol flynyddol o dâl a bennir yn unol â Rheoliadau Credyd Defnyddwyr (Cyfanswm y Tâl am Gredyd) 1980(1) sy'n hafal i'r cynnydd canrannol rhwng y mynegai prisiau manwerthu pob eitem a gyhoeddwyd gan y Swyddfa Ystadegau Gwladol ar gyfer Mawrth 2004 a'r mynegai a gyhoeddwyd ganddi ar gyfer Mawrth 2005.

(2) Os yw'r gyfradd y cyfeirir ati ym mharagraff (1) yn fwy na'r gyfradd sydd am y tro wedi'i phennu at ddibenion unrhyw esemptiad sydd wedi'i roi yn rhinwedd adran 16(5)(b) o Ddeddf Credyd Defnyddwyr 1974(2) bydd benthyciadau'n cario llog yn ôl y gyfradd sydd wedi'i phennu felly.

(3) Cyfrifir llog ar y prifswm sy'n weddill bob dydd ac mae'n cael ei ychwanegu at y prifswm bob mis.

(4) Y mynegai prisiau y mae adran 22(8) o'r Ddeddf yn ei gwneud yn ofynnol i'r Cynulliad Cenedlaethol roi sylw iddo wrth ragnodi cyfradd llog benthyciadau yw'r mynegai prisiau manwerthu pob eitem a grybwyllir ym mharagraff (1).

## RHAN 9

### ASESIAD ARIANNOL

#### Cyfrifo'r cyfraniad

45.-(1) Cyfraniad myfyriwr cymwys mewn perthynas â blwyddyn academaidd yw'r swm a gyfrifir o dan Atodlen 4, os oes unrhyw swm o gwbl.

(2) At ddibenion arfer swyddogaethau'r Cynulliad Cenedlaethol o dan y Ddeddf a'r rheoliadau a wnaed odani, caiff y Cynulliad Cenedlaethol ei gwneud yn ofynnol i fyfyrwr cymwys roi o dro i dro unrhyw wybodaeth y mae'r Cynulliad Cenedlaethol yn credu ei bod yn angenrheidiol am incwm unrhyw berson y mae ei foddion yn berthnasol ar gyfer asesu cyfraniad y myfyriwr.

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(1) O.S. 1980/51, a ddiwygiwyd gan O.S. 1989/596 ac O.S. 1999/3177.

(2) 1974 p. 39.

(3) Where an eligible student has applied for a loan of less than the maximum amount to which he or she is entitled in relation to the academic year, he or she may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed the relevant maximum applicable in his or her case.

## Interest

44.-(1) Subject to paragraph (2), loans bear interest at the rate which will result in an annual percentage rate of charge determined in accordance with the Consumer Credit (Total Charge for Credit) Regulations 1980(1) equal to the percentage increase between the retail prices all items index published by the Office for National Statistics for March 2004 and that index so published for March 2005.

(2) If the rate referred to in paragraph (1) exceeds the rate for the time being specified for the purposes of any exemption conferred by virtue of section 16(5)(b) of the Consumer Credit Act 1974(2) loans bear interest at the rate so specified.

(3) Interest is calculated on the principal outstanding daily and is added to the principal monthly.

(4) The index of prices to which the National Assembly is required by section 22(8) of the Act to have regard in prescribing the rate of interest which loans bear is the retail prices all items index mentioned in paragraph (1).

## PART 9

### FINANCIAL ASSESSMENT

#### Calculation of contribution

45.-(1) An eligible student's contribution in respect of an academic year is the amount, if any, calculated under Schedule 4.

(2) For the purposes of the exercise of the National Assembly's functions under the Act and regulations made under it, the National Assembly may require an eligible student to provide from time to time such information as it considers necessary as to the income of any person whose means are relevant to the assessment of the student's contribution.

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(1) S.I. 1980/51, amended by S.I. 1989/596 and S.I. 1999/3177.

(2) 1974 c. 39.

## Cymhwyso'r cyfraniad

46.-(1) Yn ddarostyngedig i baragraffau (2) a (3), rhaid i swm sy'n hafal i'r cyfraniad a gyfrifir o dan Atodlen 4 gael ei gymhwyso nes ei ddihysbyddu yn erbyn swm y grantiau a'r benthyciadau penodol y mae gan y myfyriwr cymwys hawl i'w cael fel a ganlyn-

- (a) yn gyntaf, i ostwng **GFF**;
- (b) yn ail, i ostwng **ADG**;
- (c) yn drydydd, i ostwng **CCG**;
- (ch) yn bedwerydd, i ostwng **PLA**;
- (d) yn bumed, i ostwng **LLC** i ddim llai na'r lefel isaf am y flwyddyn academaidd;
- (dd) yn chweched, i ostwng **GFT**.

(2) Yn achos myfyriwr cymwys dan yr hen drefn-

- (a) pan fo'r grant at ffioedd yn cael ei gyfrifo'n unol â rheoliad 13(1) a 14(1),
  - (i) mae **GFF** yn £1,200; a
  - (ii) y swm sy'n weddill ar ôl didynnu'r cyfraniad o **GFF** yw swm y grant at ffioedd sy'n daladwy;
- (b) pan fo rheoliad 13(2)(a) neu (c) yn gymwys neu fod yr amgylchiadau cyfatebol o dan reoliad 14(3) yn gymwys-
  - (i) mae **GFF** yn £600; a
  - (ii) y swm sy'n weddill ar ôl didynnu'r cyfraniad o **GFF** yw swm y grant at ffioedd sy'n daladwy;
- (c) pan fo rheoliad 13(2)(b), (ch) neu (d) yn gymwys neu fod yr amgylchiadau cyfatebol o dan reoliad 14(3) yn gymwys-
  - (i) mae **GFF** yn £600; a
  - (ii) gostyngir £600 ar y cyfraniad cyn iddo gael ei gymhwyso yn erbyn **GFF**;
- (ch) pan fo'r grant at ffioedd yn cael ei gyfrifo'n unol â rheoliad 14(1), 14(4), 14(5) neu 14(6);
  - (i) mae **GFF** yn ddim;
  - (ii) nid oes unrhyw ostyngiad ar swm y grant at ffioedd a gyfrifir o dan reoliad 14; a
  - (iii) mae'r cyfraniad yn cael ei gymhwyso'n gyntaf i ostwng **ADG**;
- (d) pan fo'r cwrs dynodedig yn gwrs ar gyfer hyfforddiant cychwynnol athrawon (ac eithrio cwrs ar gyfer gradd gyntaf)-
  - (i) mae **GFF** yn ddim;
  - (ii) nid oes unrhyw ostyngiad ar swm y grant at ffioedd a gyfrifir o dan reoliadau 13 a 14; a
  - (iii) mae'r cyfraniad yn cael ei gymhwyso'n gyntaf i ostwng **ADG**;
- (dd) Pan nad oes gan y myfyriwr yr hawl i gael

## Application of contribution

46.-(1) Subject to paragraphs (2) and (3), an amount equal to the contribution calculated under Schedule 4 must be applied until it is extinguished against the amount of the particular grants and loans for which the eligible student qualifies as follows-

- (a) first, to reduce **GFF**;
- (b) second, to reduce **ADG**;
- (c) third, to reduce **CCG**;
- (d) fourth, to reduce **PLA**;
- (e) fifth, to reduce **LLC** to no less than the minimum level for the academic year;
- (f) sixth, to reduce **GFT**.

(2) In the case of an old system eligible student-

- (a) where the grant for fees is calculated in accordance with regulation 13(1) and 14(1),
  - (i) **GFF** is £1,200; and
  - (ii) The amount of grant for fees payable is the amount left after deducting the contribution from **GFF**;
- (b) where regulation 13(2)(a) or (c) applies or the corresponding circumstances under regulation 14(3) apply-
  - (i) **GFF** is £600; and
  - (ii) the amount of grant for fees payable is the amount left after deducting the contribution from **GFF**;
- (c) where regulation 13(2)(b), (d) or (e) applies or the corresponding circumstances under regulation 14(3) apply-
  - (i) **GFF** is £600; and
  - (ii) the contribution is reduced by £600 before it is applied against **GFF**;
- (d) where the grant for fees is calculated in accordance with regulation 14(1), 14(4), 14(5) or 14(6);
  - (i) **GFF** is nil;
  - (ii) there is no reduction in the amount of grant for fees calculated under regulation 14; and
  - (iii) the contribution is applied first to reduce **ADG**;
- (e) where the designated course is a course for the initial training of teachers (other than a course for a first degree)-
  - (i) **GFF** is nil;
  - (ii) There is no reduction in the amount of grant for fees calculated under regulations 13 and 14; and
  - (iii) The contribution is first applied to reduce **ADG**;
- (f) Where the student does not qualify for a grant

grant at ffioedd ar gyfer y flwyddyn academaidd yn rhinwedd y ffaith ei fod yn cymryd rhan yn y rhaglen ERASMUS-

- (i) mae **GFF** yn ddim;
  - (ii) gostyngir £1,200 ar y cyfraniad; a
  - (iii) mae'r cyfraniad yn cael ei gymhwyso'n gyntaf i ostwng **ADG**;
- (e) pan nad oes gan y myfyriwr yr hawl i gael grant at ffioedd am unrhyw reswm arall, mae **GFF** yn ddim ac mae'r cyfraniad yn cael ei gymhwyso'n gyntaf i ostwng **ADG**.

(3) Yn achos myfyriwr cymwys dan y drefn newydd, mae **GFF** yn ddim ac mae'r cyfraniad yn cael ei gymhwyso'n gyntaf i ostwng **ADG**.

(4) Yn y rheoliad hwn-

- (a) **ADG** yw swm y grant dibynyddion mewn oed, os oes unrhyw swm o gwbl, a gyfrifir yn unol â rheoliad 22;
- (b) **CCG** yw swm y grant gofal plant, os oes unrhyw swm o gwbl, a gyfrifir yn unol â rheoliad 23;
- (c) **PLA** yw swm y lwfans dysgu rhieni, os oes unrhyw swm o gwbl, a gyfrifir o dan reoliad 24 (ac eithrio £50 cyntaf y lwfans);
- (ch) **LLC** yw swm y benthychiad at gostau byw, os oes un, y mae'r myfyriwr cymwys, ac eithrio myfyriwr sydd â hawlogaeth wedi ei gostwng, â'r hawl i'w gael o dan Ran 7;
- (d) **GFT** yw swm y grant at deithio y mae gan y myfyriwr cymwys hawl i'w gael o dan reoliad 27, os oes un;

(5) Yn ddarostyngedig i baragraffau (6) a (7), y "lefel isaf am y flwyddyn academaidd" ("*minimum level for the academic year*") yw-

- (a) £2,560, yn achos myfyriwr yng nghategori 1;
- (b) £4,630, yn achos myfyriwr yng nghategori 2;
- (c) £3,940, yn achos myfyriwr yng nghategori 3;
- (ch) £3,940, yn achos myfyriwr yng nghategori 4;
- (d) £3,305, yn achos myfyriwr yng nghategori 5;

(6) Yn ddarostyngedig i baragraff (7), os yw'r flwyddyn academaidd o dan sylw yn flwyddyn derfynol cwrs heblaw cwrs carlam, "lefel isaf am y flwyddyn academaidd" yw-

- (a) £2,315, yn achos myfyriwr yng nghategori 1;
- (b) £4,215, yn achos myfyriwr yng nghategori 2;
- (c) £3,430, yn achos myfyriwr yng nghategori 3;
- (ch) £3,430, yn achos myfyriwr yng nghategori 4;
- (d) £3,060, yn achos myfyriwr yng nghategori 5.

(7) Os oes categorïau gwahanol yn gymwys o dan reoliad 38 ar gyfer gwahanol chwarteri o'r flwyddyn academaidd, y lefelau isaf ym mharagraffau (5) a (6) yw cyfanswm y symiau a bennir o dan baragraff (8) ar

for fees in respect of the academic year by virtue of participating in the ERASMUS programme-

- (i) **GFF** is nil;
  - (ii) the contribution is reduced by £1,200; and
  - (iii) the contribution is applied first to reduce **ADG**;
- (g) where the student does not qualify for a grant for fees for any other reason, **GFF** is nil and the contribution is applied first to reduce **ADG**.

(3) In the case of a new system eligible student, **GFF** is nil and the contribution is applied first to reduce **ADG**.

(4) In this regulation-

- (a) **ADG** is the amount, if any, of the adult dependants' grant calculated in accordance with regulation 22;
- (b) **CCG** is the amount, if any, of the childcare grant calculated in accordance with regulation 23;
- (c) **PLA** is the amount, if any, of the parents' learning allowance calculated under regulation 24 (except the first £50 of the allowance);
- (d) **LLC** is the amount of loan for living costs, if any, for which the eligible student other than a student with reduced entitlement qualifies under Part 7;
- (e) **GFT** is the amount of the grant for travel for which the eligible student qualifies under regulation 27, if any;

(5) Subject to paragraphs (6) and (7), the "minimum level for the academic year" ("*lefel isaf am y flwyddyn academaidd*") is-

- (a) £2,560, in the case of a student in category 1;
- (b) £4,630, in the case of a student in category 2;
- (c) £3,940, in the case of a student in category 3;
- (d) £3,940, in the case of a student in category 4;
- (e) £3,305, in the case of a student in category 5;

(6) Subject to paragraph (7), where the academic year in question is the final year of a course other than an accelerated course, the "minimum level for the academic year" is-

- (a) £2,315, in the case of a student in category 1;
- (b) £4,215, in the case of a student in category 2;
- (c) £3,430, in the case of a student in category 3;
- (d) £3,430, in the case of a student in category 4;
- (e) £3,060, in the case of a student in category 5.

(7) Where under regulation 38 different categories apply for different quarters of the academic year, the minimum levels in paragraphs (5) and (6) are the aggregate of the amounts determined under paragraph

gyfer pob un o'r tri chwarter y mae benthyciad yn daladwy mewn perthynas â hwy.

(8) Y swm a bennir ar gyfer pob chwarter o dan y paragraff hwn yw traean o'r swm ym mharagraff (5) neu (6) sy'n cyfateb i'r gyfradd sy'n gymwys ar gyfer y chwarter.

(9) Y swm sy'n weddill ar ôl didynnu £600 o swm y benthyciad ar gyfer costau byw sy'n weddill ar ôl cymhwyso'r cyfraniad yn unol â'r rheoliad hwn yw'r benthyciad at gostau byw sy'n daladwy mewn perthynas â blwyddyn academaidd i fyfyrwr math 1 ar gwsr hyfforddi athrawon y mae ganddo incwm aelwyd sy'n fwy na £37,900.

(10) Y swm sy'n weddill ar ôl didynnu £1,200 o swm y benthyciad at gostau byw sy'n weddill ar ôl cymhwyso'r cyfraniad yn unol â'r rheoliad hwn yw'r benthyciad at gostau byw sy'n daladwy mewn perthynas â blwyddyn academaidd i fyfyrwr math 2 ar gwsr hyfforddi athrawon y mae ganddo incwm aelwyd sy'n fwy na £37,900.

(11) Mae i gategoriâu 1 i 5 yr ystyr a roddir yn rheoliad 42.

## **RHAN 10**

### **TALIADAU**

#### **Talu grantiau neu fenthyciadau at ffioedd**

47.-(1) Rhaid i'r Cynulliad Cenedlaethol dalu'r grant neu'r benthyciad at ffioedd y mae gan fyfyrwr hawl i'w gael i'r sefydliad y mae'r myfyriwr yn atebol i'w dalu pan fo'r Cynulliad Cenedlaethol yn cael cais dilys am daliad oddi wrth yr awdurdod academaidd perthnasol.

(2) Rhaid i'r Cynulliad Cenedlaethol dalu'r grant neu'r benthyciad at ffioedd i'r awdurdod academaidd-

- (a) nid cyn diwedd cyfnod o dri mis sy'n dechrau ar ddiwrnod cyntaf y flwyddyn academaidd; ac, yn achos grant yn unig,
- (b) nid hwyrach na 10 wythnos ar ôl diwedd y cyfnod yn is-baragraff (a), neu yn ddi-oed ar ôl i gais dilys am daliad ddod i law, os yw hynny yn hwyrach.

(3) Os yw asesu cyfraniad y myfyriwr neu faterion eraill wedi gohirio cyfrifiad terfynol swm y grant y mae gan y myfyriwr hawl i'w gael, caiff y Cynulliad Cenedlaethol wneud asesiad dros dro.

(4) Caiff y Cynulliad Cenedlaethol dalu'r rhandaliadau o'r benthyciad at ffioedd.

(5) Os yw asesu cyfraniad myfyriwr dan yr hen drefn neu faterion eraill wedi gohirio cyfrifiad terfynol swm y benthyciad at gyfraniad at ffioedd y mae gan y

(8) for each of the three quarters in respect of which a loan is payable.

(8) The amount determined for each quarter under this paragraph is one third of the amount in paragraph (5) or (6) which corresponds to the rate applicable for the quarter.

(9) The loan for living costs payable in respect of an academic year to a type 1 teacher training student who has a household income exceeding £37,900 is the amount left after deducting £600 from the amount of loan for living costs left after applying the contribution in accordance with this regulation.

(10) The loan for living costs payable in respect of an academic year to a type 2 teacher training student who has a household income exceeding £37,900 is the amount left after deducting £1,200 from the amount of loan for living costs left after applying the contribution in accordance with this regulation.

(11) Categories 1 to 5 have the meaning given in regulation 42.

## **PART 10**

### **PAYMENTS**

#### **Payment of grants or loans for fees**

47.-(1) The National Assembly must pay the grant or loan for fees for which a student qualifies to the institution to which the student is liable to make payment where it receives a valid request for payment from the relevant academic authority.

(2) The National Assembly must pay the grant or loan for fees to the academic authority-

- (a) not before the expiry of a period of three months beginning with the first day of the academic year; and in the case of a grant only;
- (b) not later than 10 weeks after the expiry of the period in sub-paragraph (a), or promptly after a valid request for payment has been received, if that is later.

(3) Where assessment of the student's contribution or other matters have delayed the final calculation of the amount of grant for which the student qualifies, the National Assembly may make a provisional assessment.

(4) The National Assembly may pay the fee loan in instalments.

(5) Where assessment of an old system student's contribution or other matters have delayed the final calculation of the amount of fee contribution loan for



myfyriwr hawl i'w gael, caiff y Cynulliad Cenedlaethol wneud asesiad a thaliad dros dro.

(6) Ni chaniateir talu'r grant neu'r benthyciad at ffioedd-

- (a) os bydd y myfyriwr cymwys yn rhoi'r gorau i fod yn bresennol ar y cwrs cyn diwedd cyfnod o dri mis sy'n dechrau ar ddiwrnod cyntaf y flwyddyn academiaidd; ac
- (b) os yw'r awdurdod academiaidd wedi penderfynu neu wedi cytuno na fydd y myfyriwr yn dechrau bod yn bresennol eto yn ystod y flwyddyn academiaidd y mae'r ffioedd yn daladwy mewn perthynas â hi neu o gwbl.

### **Talu grantiau a benthyciadau at gostau byw**

48.-(1) Yn ddarostyngedig i'r paragraffau canlynol, caiff y Cynulliad Cenedlaethol dalu cymorth o dan Ran 6 neu Ran 7 mewn unrhyw randaliadau (os oes rhandaliadau) ac ar unrhyw adegau y mae'n credu eu bod yn briodol ac wrth arfer ei swyddogaethau o dan y paragraff hwn fe gaiff, os nad oes modd gwneud asesiad terfynol ar sail yr wybodaeth a roddwyd gan y myfyriwr, wneud asesiad dros dro o'r cymorth sy'n daladwy.

(2) Caniateir i daliadau cymorth o dan Ran 6 neu Ran 7 gael eu gwneud mewn unrhyw fodd sy'n briodol ym marn y Cynulliad Cenedlaethol a chaiff y Cynulliad Cenedlaethol ei gwneud yn un o amodau'r hawlogaeth i gael taliad fod y myfyriwr cymwys yn rhoi i'r Cynulliad Cenedlaethol fanylion cyfrif banc neu gyfrif cymdeithas adeiladu yn y Deyrnas Unedig y gall taliadau gael eu talu iddo drwy eu trosglwyddo'n electronig.

(3) Os oes myfyriwr cymwys wedi gwneud cais am fenthyciad o dan Ran 7, caiff y Cynulliad Cenedlaethol ei gwneud yn un o amodau'r hawlogaeth i gael talu unrhyw randaliad fod y myfyriwr cymwys yn rhoi rhif yswiriant gwladol y Deyrnas Unedig i'r Cynulliad Cenedlaethol.

(4) Yn ddarostyngedig i reoliad 8, nid oes cymorth o dan Ran 6 neu Ran 7 yn daladwy mewn perthynas â chyfnod talu sy'n dechrau ar ôl i fyfyriwr cymwys dynnu'n ôl o'i gwrs, rhoi'r gorau iddo neu gael ei ddiarddel oddi arno; a swm y cymorth am y flwyddyn academiaidd yw cyfanswm y cymorth, os oes unrhyw gymorth o gwbl, sy'n daladwy mewn perthynas â phob cyfnod talu.

(5) Pan fo myfyriwr cymwys yn tynnu'n ôl o'i gwrs, yn rhoi'r gorau iddo neu'n cael ei ddiarddel oddi arno ar neu ar ôl y dyddiad perthnasol, rhaid i'r Cynulliad Cenedlaethol benderfynu-

- (a) swm pob grant at gostau byw a chostau eraill y mae gan y myfyriwr hawl i'w gael ac a fyddai'n daladwy mewn perthynas â'r cyfnod talu perthnasol os nad oedd y myfyriwr wedi tynnu'n ôl o'r cwrs, wedi rhoi'r gorau iddo neu

which the student qualifies, the National Assembly may make a provisional assessment and payment.

(6) No payment of the grant or loan for fees may be made if-

- (a) before the expiry of a period of three months beginning with the first day of the academic year the eligible student ceases to attend the course; and
- (b) the academic authority has determined or agreed that the student will not commence attending again during the academic year in respect of which the fees are payable or at all.

### **Payment of grants and loans for living costs**

48.-(1) Subject to the following paragraphs, the National Assembly may pay support under Part 6 or Part 7 in such instalments (if any) and at such times as it considers appropriate and in the exercise of its functions under this paragraph it may, where a final assessment cannot be made on the basis of the information provided by the student, make a provisional assessment of the support payable.

(2) Payments of support under Part 6 or Part 7 may be made in such manner as the National Assembly considers appropriate and it may make it a condition of entitlement to payment that the eligible student provides it with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

(3) Where an eligible student has applied for a loan under Part 7, the National Assembly may make it a condition of entitlement to payment of any instalment that the eligible student provides it with the student's United Kingdom national insurance number.

(4) Subject to regulation 8, no support under Part 6 or Part 7 is due in respect of a payment period beginning after an eligible student has withdrawn from, abandoned or been expelled from his or her course; and the amount of support for the academic year is the aggregate of the support, if any, which is payable in respect of each payment period.

(5) Where an eligible student withdraws from, abandons or is expelled from his or her course on or after the relevant date, the National Assembly must determine-

- (a) the amount of each grant for living and other costs for which the student qualifies that would be payable in respect of the relevant payment period if the student had not withdrawn from, abandoned or been expelled from the course

wedi'i ddiarddel oddi arno (y "swm llawn"); a

- (b) faint yw'r swm llawn mewn perthynas â'r cyfnod sy'n rhedeg o ddiwrnod cyntaf y cyfnod talu perthnasol hyd at a chan gynnwys y diwrnod y mae'r myfyriwr yn tynnu'n ôl o'r cwrs, yn rhoi'r gorau iddo neu'n cael ei ddiarddel oddi arno ("y swm rhannol").

(6) Os yw'r Cynulliad Cenedlaethol wedi gwneud taliadau o ran grantiau at gostau byw a chostau eraill mewn perthynas â'r cyfnod talu perthnasol cyn y pwynt yn y cyfnod hwnnw pryd y mae'r myfyriwr yn tynnu'n ôl o'r cwrs, yn rhoi'r gorau iddo neu'n cael ei ddiarddel oddi arno a bod y taliad hwnnw'n fwy na'r swm rhannol-

- (a) caiff y Cynulliad Cenedlaethol drin y gormodedd fel gordaliad; neu
- (b) os yw'n credu ei bod yn briodol gwneud hynny, caiff estyn cyfnod hawlogaeth y myfyriwr tan ddiwedd y cyfnod talu perthnasol a phenderfynu bod y swm llawn yn ddyledus mewn perthynas â'r cyfnod talu hwnnw.

(7) Os oes taliad o grantiau at gostau byw a chostau eraill mewn perthynas â'r cyfnod talu perthnasol i fod i gael ei wneud neu os yw'n cael ei wneud ar ôl i'r myfyriwr dynnu'n ôl o'r cwrs, rhoi'r gorau iddo neu gael ei ddiarddel oddi arno, y swm sy'n ddyledus yw'r swm rhannol oni fydd y Cynulliad Cenedlaethol yn credu ei bod yn briodol estyn y cyfnod hawlogaeth tan ddiwedd y cyfnod talu perthnasol a phenderfynu bod y swm llawn yn ddyledus mewn perthynas â'r cyfnod talu hwnnw.

(8) Nid oes cymorth o dan Ran 6 neu Ran 7 yn daladwy mewn perthynas â chyfnod talu y mae myfyriwr cymwys yn absennol o'i gwrs yn ystod unrhyw ran ohono, oni bai y byddai, ym marn y Cynulliad Cenedlaethol, yn briodol o dan yr holl amgylchiadau i dalu'r cyfan neu ran o'r cymorth; a swm y cymorth am y flwyddyn academiaidd yw cyfanswm y cymorth, os oes unrhyw gymorth o gwbl, sy'n daladwy mewn perthynas â phob cyfnod talu.

(9) Yn y rheoliad hwn ystyr "cyfnod talu" ("*payment period*") yw cyfnod y mae'r Cynulliad Cenedlaethol yn talu rhandaliad mewn perthynas ag ef neu y byddai wedi talu rhandaliad mewn perthynas ag ef pe na bai'r myfyriwr cymwys wedi tynnu'n ôl o'i gwrs, wedi rhoi'r gorau iddo, wedi'i ddiarddel oddi arno neu wedi bod yn absennol ohono.

(10) Wrth benderfynu a fyddai'n briodol talu'r cyfan neu ran o'r cymorth o dan baragraff (5) mae'r amgylchiadau y mae'n rhaid i'r Cynulliad Cenedlaethol roi sylw iddynt yn cynnwys y rhesymau dros absenoldeb y myfyriwr, hyd yr absenoldeb a'r caledi ariannol a gâi ei achosi pe na bai'r cyfan neu ran o'r cymorth yn cael ei dalu.

(11) Ni fernir bod myfyriwr cymwys yn absennol o'i gwrs os yw'n methu â bod yn bresennol oherwydd salwch ac nad yw ei absenoldeb wedi bod yn hirach na

(the "full amount"); and

- (b) how much the full amount is in respect of the period which runs from the first day of the relevant payment period up to and including the day on which the student withdraws, abandons or is expelled from the course (the "partial amount").

(6) If the National Assembly has made payments of grants for living and other costs in respect of the relevant payment period before the point in that period at which the student withdraws from, abandons or is expelled from the course and that payment exceeds the partial amount-

- (a) it may treat the excess as an overpayment; or
- (b) if it considers that it is appropriate to do so it may extend the student's period of eligibility until the end of the relevant payment period and determine that the full amount is due in respect of that payment period.

(7) If a payment of grants for living and other costs in respect of the relevant payment period is due to be made or is made after the student withdraws from, abandons or is expelled from the course, the amount due is the partial amount unless the National Assembly considers that it is appropriate to extend the period of eligibility until the end of the relevant payment period and to determine that the full amount is due in respect of that payment period.

(8) No support under Part 6 or Part 7 is payable in respect of a payment period during any part of which an eligible student is absent from his or her course, unless in the opinion of the National Assembly it would be appropriate in all the circumstances to pay all or part of the support; and the amount of support for the academic year is the aggregate of the support, if any, which is payable in respect of each payment period.

(9) In this regulation "payment period" ("*cyfnod talu*") means a period in respect of which the National Assembly pays an instalment or would have paid an instalment if the eligible student had not withdrawn from, abandoned, been expelled from or been absent from his or her course.

(10) In deciding whether it would be appropriate to pay all or part of the support under paragraph (5) the circumstances to which the National Assembly must have regard include the reasons for the student's absence, the length of the absence and the financial hardship which not paying all or part of the support would cause.

(11) An eligible student is not considered to be absent from his or her course if he or she is unable to attend due to illness and his or her absence has not

60 diwrnod.

(12) Ar ôl i'r Cynulliad Cenedlaethol wneud unrhyw daliad cymorth o dan Ran 6 neu Ran 7, os yw'n penderfynu ar swm grant at gostau byw y mae gan y myfyriwr hawl i'w gael mewn perthynas â blwyddyn academaidd naill ai am y tro cyntaf neu drwy ddiwygio penderfyniad dros dro neu benderfyniad arall ar y swm hwnnw-

- (a) os yw'r penderfyniad yn cynyddu swm y grant hwnnw y mae gan y myfyriwr hawl i'w gael mae'n rhaid i'r Cynulliad Cenedlaethol dalu'r swm ychwanegol a hynny mewn unrhyw randaliadau (os oes rhandaliadau) ac ar unrhyw adegau y mae'n credu eu bod yn briodol;
- (b) os yw'r penderfyniad yn gostwng swm y grant hwnnw y mae gan y myfyriwr hawl i'w gael mae'n rhaid i'r Cynulliad Cenedlaethol dynnu swm y gostyngiad o swm y grant sydd ar ôl i'w dalu;
- (c) os yw swm y gostyngiad yn fwy na swm y grant sydd ar ôl i'w dalu mae'r swm olaf yn cael ei ostwng i ddim ac mae'r gweddill yn cael ei dynnu o unrhyw grant arall at gostau byw y mae gan y myfyriwr hawl i'w gael mewn perthynas â'r flwyddyn academaidd;
- (ch) rhaid i unrhyw ordaliad sy'n weddill gael ei adennill yn unol â rheoliad 49.

(13) Os yw'r Cynulliad Cenedlaethol wedi gwneud unrhyw daliad cymorth o dan Ran 6 neu Ran 7 a bod myfyriwr sydd â hawl i gael benthyciad o dan Ran 7 yn gwneud cais am fenthyciad o'r fath neu'n gwneud cais am swm ychwanegol o fenthyciad mewn perthynas â blwyddyn academaidd, rhaid i'r Cynulliad Cenedlaethol dalu'r benthyciad neu'r swm ychwanegol o fenthyciad a hynny mewn unrhyw randaliadau (os oes rhandaliadau) ac ar unrhyw adegau y mae'n credu eu bod yn briodol cyn gynted ag y bo'n rhesymol ymarferol ar ôl i gais boddhaol ddod i law.

(14) Ar ôl i'r Cynulliad Cenedlaethol wneud unrhyw daliad benthyciad y mae gan fyfyrwr hawl i'w gael mewn perthynas â blwyddyn academaidd o dan Ran 7, os yw'n penderfynu bod swm y benthyciad y mae gan y myfyriwr hawl i'w gael yn llai na'r swm y penderfynwyd arno o'r blaen naill ai drwy ddiwygio penderfyniad dros dro neu fel arall-

- (a) rhaid i'r Cynulliad Cenedlaethol dynnu unrhyw swm sy'n angenrheidiol er mwyn sicrhau nad yw'r myfyriwr yn cymryd benthyc swm o fenthyciad sy'n fwy na'r hyn y mae gan y myfyriwr hawl i'w gael o swm unrhyw fenthyciad sydd ar ôl i'w dalu;
- (b) os yw'r swm sydd i'w dynnu yn fwy na swm y benthyciad sydd ar ôl i'w dalu, mae'r swm olaf yn cael ei ostwng i ddim;
- (c) rhaid i unrhyw ordaliad sy'n weddill gael ei adennill yn unol â rheoliad 49.

exceeded 60 days.

(12) Where, after the National Assembly has made any payment of support under Part 6 or Part 7, it makes a determination of the amount of a grant for living costs for which the student qualifies in respect of an academic year either for the first time or by way of revision of a provisional or other determination of that amount-

- (a) if the determination increases the amount of that grant for which the student qualifies it must pay the additional amount and in such instalments (if any) and at such times as it considers appropriate;
- (b) if the determination decreases the amount of that grant for which the student qualifies it must subtract the amount of the decrease from the amount of that grant which remains to be paid;
- (c) if the amount of the decrease is greater than the amount of that grant remaining to be paid the latter amount is reduced to nil and the balance subtracted from any other grant for living costs for which the student qualifies in respect of the academic year;
- (d) any remaining overpayment must be recovered in accordance with regulation 49.

(13) Where the National Assembly has made any payment of support under Part 6 or Part 7 and a student who qualifies for a loan under Part 7 applies for such a loan or applies for an additional amount of loan in respect of an academic year, the National Assembly must pay the loan or the additional amount of loan and in such instalments (if any) and at such times as it considers appropriate as soon as is reasonably practicable after a satisfactory application has been received.

(14) Where, after the National Assembly has made any payment of loan for which a student qualifies in respect of an academic year under Part 7, it makes a determination that the amount of loan for which the student qualifies is less than the amount previously determined either by way of revision of a provisional determination or otherwise-

- (a) it must subtract such amount as is necessary to ensure that the student does not borrow an amount of loan which is greater than that for which he or she qualifies from any amount of loan which remains to be paid;
- (b) if the amount to be subtracted is greater than the amount of loan remaining to be paid, the latter amount is reduced to nil;
- (c) any remaining overpayment must be recovered in accordance with regulation 49.

(15) Mewn unrhyw achos lle bo angen cadarnhad o bresenoldeb, rhaid i'r Cynulliad Cenedlaethol beidio â gwneud unrhyw daliad cymorth i'r myfyriwr cymwys o dan Ran 6 neu Ran 7 cyn i'r Cynulliad Cenedlaethol gael y cadarnhad hwnnw.

(16) Mae angen cadarnhad o bresenoldeb oddi wrth sefydliad mewn perthynas â blwyddyn academiaidd gyntaf y cwrs presennol os yw'r flwyddyn honno yn dechrau ar neu ar ôl 1 Medi 2006 onid yw eithriad ym mharagraff (17) yn gymwys.

(17) Mae eithriad yn gymwys-

- (a) os yw grant at gostau byw myfyriwyr anabl yn daladwy, ac os ydyw, caniateir i'r grant penodol hwnnw gael ei dalu cyn bod y Cynulliad Cenedlaethol wedi cael cadarnhad o bresenoldeb; neu
- (b) os yw'r Cynulliad Cenedlaethol wedi penderfynu y byddai'n briodol, oherwydd amgylchiadau eithriadol, i wneud taliad heb gael cadarnhad o bresenoldeb.

(18) Rhaid i sefydliad anfon y cadarnhad o bresenoldeb i'r Cynulliad Cenedlaethol cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwrnod cyntaf y flwyddyn academiaidd gyntaf y mae'r cadarnhad mewn perthynas â hi i fod i ddod i law.

(19) Yn y rheoliad hwn, ystyr "cadarnhad o bresenoldeb" ("*attendance confirmation*")-

- (a) pan fo myfyriwr ag anabledd yn ymgymryd â chwrs yn y Deyrnas Unedig drwy ddysgu o hirbell am nad yw'n gallu mynychu'r cwrs am reswm sy'n ymwneud â'i anabledd, yw cadarnhad bod y myfyriwr wedi dechrau ymgymryd â'r cwrs; a
- (b) mewn unrhyw achos arall, yw cadarnhad oddi wrth y sefydliad bod y myfyriwr cymwys wedi ymgylwyno yn y sefydliad hwnnw a'i fod wedi dechrau mynychu'r cwrs presennol.

## Gordalu

**49.**-(1) Caiff y Cynulliad Cenedlaethol adennill unrhyw ordaliad grant neu fenthyciad at ffioedd oddi wrth yr awdurdod academiaidd.

(2) Os bydd y Cynulliad Cenedlaethol yn gofyn iddo, rhaid i fyfyrwr cymwys ad-dalu unrhyw swm a dalwyd iddo o dan Ran 6 neu 7 sydd am ba reswm bynnag yn fwy na swm y cymorth y mae gan y myfyriwr hawlogaeth i'w gael o dan Ran 6 neu 7.

(3) Caniateir i unrhyw ordaliad ar gyfer unrhyw grant o dan Ran 6 gael ei adennill ym mha un neu fwy bynnag o'r ffyrdd canlynol y mae'r Cynulliad Cenedlaethol yn credu eu bod yn briodol o dan yr holl amgylchiadau-

(15) In any case where an attendance confirmation is required, the National Assembly must not make any payment of support to the eligible student under Part 6 or Part 7 before it has received that confirmation.

(16) An attendance confirmation is required from an institution in respect of the first academic year of the present course where that year begins on or after 1 September 2006 unless an exception in paragraph (17) applies.

(17) An exception applies if-

- (a) a grant for disabled students' living costs is payable in which case that particular grant may be paid before the National Assembly has received an attendance confirmation; or
- (b) the National Assembly has determined that owing to exceptional circumstances it would be appropriate to make payment without receiving an attendance confirmation.

(18) An institution must send the attendance confirmation to the National Assembly as soon as reasonably practicable after the first day of the first academic year in respect of which the confirmation is due.

(19) In this regulation, "attendance confirmation" ("*cadarnhad o bresenoldeb*") means-

- (a) where a student with a disability is undertaking a course in the United Kingdom by distance learning because he or she is unable to attend the course for a reason that relates to his or her disability, confirmation that the student has started to undertake the course; and
- (b) in any other case, confirmation from the institution that the eligible student has presented himself or herself at that institution and has started to attend the present course.

## Overpayments

**49.**-(1) Any overpayment of a grant or loan for fees may be recovered by the National Assembly from the academic authority.

(2) An eligible student must, if so required by the National Assembly, repay any amount paid to the student under Part 6 or 7 which for whatever reason exceeds the amount of support to which the student is entitled under Part 6 or 7.

(3) Any overpayment of any grant under Part 6 may be recovered in whichever one or more of the following ways the National Assembly considers appropriate in all the circumstances-

- (a) drwy dynnu'r gordaliad o unrhyw fath o grant sy'n daladwy i'r myfyriwr o dro i dro yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf;
- (b) drwy gymryd unrhyw gamau eraill i adennill gordaliad sydd ar gael i'r Cynulliad Cenedlaethol.

(4) Caniateir i unrhyw ordaliad benthyciad at gostau byw mewn perthynas ag unrhyw flwyddyn academaidd gael ei adennill os yw'r Cynulliad Cenedlaethol o'r farn-

- (a) bod y gordaliad yn deillio o fethiant gan y myfyriwr i roi yn ddi-oed wybodaeth a allai effeithio ar a oes ganddo hawl i gael benthyciad neu beidio neu ar swm y benthyciad y mae ganddo hawl i'w gael; neu
- (b) bod unrhyw wybodaeth y mae'r myfyriwr wedi'i rhoi yn anghywir o ran manylyn perthnasol; neu
- (c) bod y myfyriwr wedi methu â rhoi gwybodaeth y mae'r Cynulliad Cenedlaethol yn credu ei bod yn berthnasol yng nghyd-destun adennill y benthyciad.

(5) Os oes gordaliad benthyciad at gostau byw yn adenilladwy yn unol â pharagraff (4), caniateir ei adennill ym mha un neu fwy bynnag o'r ffyrdd canlynol y mae'r Cynulliad Cenedlaethol yn credu eu bod yn briodol o dan yr holl amgylchiadau-

- (a) drwy dynnu'r gordaliad o swm unrhyw fenthyciad sy'n daladwy i'r myfyriwr o dro i dro yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf;
- (b) drwy gymryd unrhyw gamau eraill i adennill gordaliad sydd ar gael i'r Cynulliad Cenedlaethol.

(6) Os cafwyd gordaliad benthyciad at gostau byw nad yw'n adenilladwy o dan baragraff (4), caiff y Cynulliad Cenedlaethol dynnu'r gordaliad o swm unrhyw fenthyciad sy'n daladwy i'r myfyriwr o dro i dro yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf.

- (a) by subtracting the overpayment from any kind of grant payable to the student from time to time pursuant to regulations made under section 22 of the Act;
- (b) by taking such other action for the recovery of an overpayment as is available to it.

(4) Any overpayment of a loan for living costs in respect of any academic year may be recovered if in the opinion of the National Assembly-

- (a) the overpayment is a result of a failure of the student to provide promptly information which might affect whether he or she qualifies for a loan or the amount of loan for which he or she qualifies; or
- (b) any information which the student has provided is inaccurate in a material particular; or
- (c) the student has failed to provide information which the National Assembly considers to be material in the context of the recovery of the loan.

(5) Where an overpayment of a loan for living costs is recoverable in accordance with paragraph (4), it may be recovered in whichever one or more of the following ways the National Assembly considers appropriate in all the circumstances-

- (a) by subtracting the overpayment from the amount of any loan payable to the student from time to time pursuant to regulations made under section 22 of the Act;
- (b) by taking such other action for the recovery of an overpayment as is available to it.

(6) Where there has been an overpayment of a loan for living costs which is not recoverable under paragraph (4), the National Assembly may subtract the overpayment from the amount of any loan payable to the student from time to time pursuant to regulations made under section 22 of the Act.

## RHAN 11

### CYMORTH AT GYRSIAU RHAN-AMSER

#### Myfyrwyr rhan-amser cymwys

50.-(1) Mae gan fyfyrwr rhan-amser cymwys hawl i gael cymorth mewn cysylltiad ag ymgymryd â chwrs rhan-amser dynodedig yn ddarostyngedig i'r Rhan hon ac yn unol â hi.

(2) Mae person yn fyfyrwr rhan-amser cymwys mewn cysylltiad â chwrs rhan-amser dynodedig-

## PART 11

### SUPPORT FOR PART-TIME COURSES

#### Eligible part-time students

50.-(1) An eligible part-time student qualifies for support in connection with his or her undertaking a designated part-time course subject to and in accordance with this Part.

(2) A person is an eligible part-time student in connection with a designated part-time course if-

- (a) os yw'r Cynulliad Cenedlaethol wedi penderfynu mewn cysylltiad â'r cwrs hwnnw fod y person wedi'i grybwyll yn Atodlen 1; a
  - (b) os nad yw'r person wedi'i hepgor gan baragraff (3).
- (3) Nid yw person yn fyfyrwr rhan-amser cymwys-
- (a) os rhoddwyd neu os talwyd i'r person hwnnw mewn perthynas ag ymgymryd â'r cwrs rhan-amser-
    - (i) bwrsari gofal iechyd p'un a yw swm y bwrsari hwnnw yn cael ei gyfrifo drwy gyfeirio at incwm y person neu beidio;
    - (ii) unrhyw lwfans o dan Reoliadau Lwfansau Myfyrwyr Nyrsio a Bydwreigiaeth (Yr Alban) 1992(1); neu
    - (iii) lwfans gofal iechyd yr Alban p'un a yw swm y lwfans hwnnw yn cael ei gyfrifo drwy gyfeirio at incwm y person neu beidio;
  - (b) os yw'r person hwnnw wedi torri unrhyw rwymedigaeth i ad-dalu unrhyw fenthyciad;
  - (c) os yw'r person hwnnw wedi cyrraedd ei 18 oed ac nad yw wedi dilysu unrhyw gytundeb ynglŷn â benthyciad a wnaed gydag ef pan oedd o dan 18 oed;
  - (ch) os yw'r person hwnnw, ym marn y Cynulliad Cenedlaethol, wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth; neu
  - (d) yn ddarostyngedig i baragraff (4), os yw'n garcharor sy'n bwrw dedfryd o gaethiwed.

(4) Nid yw paragraff (3)(d) yn gymwys mewn perthynas â blwyddyn academiaidd pryd y mae'r myfyrwr yn mynd i'r carchar i fwrw dedfryd mewn caethiwed neu'n cael ei ryddhau o'r carchar ar ôl bwrw dedfryd o'r fath.

(5) At ddibenion paragraffau (3)(b) a (3)(c), ystyr "benthyciad" ("*loan*") yw benthyciad a wnaed o dan y ddeddfwriaeth ar fenthyciadau i fyfyrwyr.

(6) Mewn achos lle mae'r cytundeb ynglŷn â benthyciad yn ddarostyngedig i gyfraith yr Alban, dim ond os cafodd y cytundeb ei wneud-

- (a) cyn 25 Medi 1991, a
- (b) gyda chydysniad curador y benthyciwr neu ar adeg pan nad oedd ganddo gurador y bydd paragraff 3(c) yn gymwys.

(7) Nid oes gan fyfyrwr rhan-amser cymwys hawl i gael cymorth o dan reoliad 53(1)(b) neu reoliad 54 os paragraff 7 yw'r unig baragraff o 1 i 8 o Atodlen 1 y mae'n syrthio odano.

(8) Nid oes gan fyfyrwr rhan-amser cymwys hawl i gael cymorth-

- (a) the National Assembly has determined in connection with that course that the person is mentioned in Schedule 1; and
- (b) the person is not excluded by paragraph (3).

- (3) A person is not an eligible part-time student if-
- (a) there has been bestowed on that person or paid to that person in relation to his or her undertaking the part-time course-
    - (i) a healthcare bursary whether or not the amount of such bursary is calculated by reference to the person's income;
    - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 1992(1); or
    - (iii) a Scottish healthcare allowance whether or not the amount of such allowance is calculated by reference to that person's income;
  - (b) that person is in breach of any obligation to repay any loan;
  - (c) that person has reached the age of 18 and has not ratified any agreement for a loan made with him or her when he or she was under the age of 18;
  - (d) that person has, in the opinion of the National Assembly, shown himself by his or her conduct to be unfitted to receive support; or
  - (e) subject to paragraph (4), he or she is a prisoner serving a custodial sentence.

(4) Paragraph (3)(e) does not apply in respect of an academic year during which the student enters prison to serve a custodial sentence or is released from prison having served such a sentence.

(5) For the purposes of paragraphs (3)(b) and (3)(c), "loan" ("*benthyciad*") means a loan made under the student loans legislation.

(6) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (3)(c) shall only apply if the agreement was made-

- (a) before 25 September 1991; and
- (b) with the concurrence of the borrower's curator or at a time when he or she had no curator.

(7) An eligible part-time student does not qualify for support under regulation 53(1)(b) or regulation 54 if the only paragraph from 1 to 8 of Schedule 1 into which he falls is paragraph 7.

(8) An eligible part-time student does not qualify for support-

(1) O.S. 1992/580, a ddiwygiwyd gan O.S.A. 2002/423 ac O.S.A. 2003/401.

(1) S.I. 1992/580, amended by S.S.I. 2002/423 and S.S.I. 2003/401.

- (a) o dan reoliad 53(1)(a) oni bai ei fod yn ymgymryd â'r cwrs rhan-amser dynodedig yng Nghymru neu Loegr; neu
- (b) o dan reoliad 53(1)(b) neu 54 oni bai ei fod yn ymgymryd â'r cwrs rhan-amser dynodedig yn y Deyrnas Unedig.

(9) Nid oes gan fyfyrwr rhan-amser cymwys hawl i gael cymorth o dan reoliad 53 os yw wedi ymgymryd ag un neu fwy o gyrsiau rhan-amser am gyfanswm o wyth blynedd academiaidd a'i fod wedi cael mewn perthynas â phob un o'r blynyddoedd academiaidd hynny fenthyciad neu grant o'r math a ddisgrifir ym mharagraff (10).

(10) Dyma'r benthyciadau a'r grantiau y cyfeirir atynt ym mharagraff (9)-

- (a) benthyciad, grant mewn perthynas â ffioedd neu grant at lyfrau, teithio a gwariant arall bob un wedi'i roi mewn perthynas â blwyddyn academiaidd cwrs rhan-amser yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf;
- (b) benthyciad, grant mewn perthynas â ffioedd neu grant at lyfrau, teithio a gwariant arall bob un wedi'i roi mewn perthynas â blwyddyn academiaidd cwrs rhan-amser gan yr Adran Cyflogi a Dysgu (Gogledd Iwerddon) yn unol â rheoliadau a wnaed o dan Erthyglau 3 ac 8(4) o Orchymyn Addysg (Cymorth i Fyfirwyr) (Gogledd Iwerddon) 1998(1); neu
- (c) benthyciad mewn perthynas â blwyddyn academiaidd cwrs rhan-amser a roddwyd yn unol â rheoliadau a wnaed o dan adrannau 73(f), 73B a 74(1) o Ddeddf Addysg (Yr Alban) 1980(2).

(11) Nid oes gan fyfyrwr rhan-amser cymwys hawl i gael cymorth o dan reoliad 53 os oes ganddo radd gyntaf oddi wrth sefydliad addysgol yn y Deyrnas Unedig.

(12) At ddibenion paragraff (11), nid yw gradd yn cael ei thrin fel gradd gyntaf-

- (a) os yw'n radd (heblaw gradd anrhydedd) sydd wedi'i dyfarnu i fyfyrwr rhan-amser cymwys sydd wedi cwblhau'r modiwlau, yr arholiadau neu'r dulliau asesu eraill sy'n angenrheidiol at gwrs ei radd gyntaf;
- (b) os ymgwymerwyd â'r cwrs mewn sefydliad addysgol yn y Deyrnas Unedig; ac

- (a) under regulation 53(1)(a) unless he or she undertakes the designated part-time course in Wales or England; or
- (b) under regulation 53(1)(b) or 54 unless he or she undertakes the designated part-time course in the United Kingdom.

(9) An eligible part-time student does not qualify for support under regulation 53 if he or she has undertaken one or more part-time courses for eight academic years in aggregate and he or she has received in respect of each of those academic years a loan or a grant of the kind described in paragraph (10).

(10) The loans and grants referred to in paragraph (9) are-

- (a) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a part-time course pursuant to regulations made under section 22 of the Act;
- (b) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a part-time course by the Department for Employment and Learning (Northern Ireland) pursuant to regulations made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998(1); or
- (c) a loan in respect of an academic year of a part-time course made pursuant to regulations made under sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980(2).

(11) An eligible part-time student does not qualify for support under regulation 53 if he or she holds a first degree from an educational institution in the United Kingdom.

(12) For the purposes of paragraph (11), a degree is not treated as a first degree where-

- (a) it is a degree (other than an honours degree) that has been awarded to an eligible part-time student who has completed the required modules, examinations or other forms of assessment for his or her first degree course;
- (b) the course was undertaken at an educational institution in the United Kingdom; and

(1) O.S. 1998/1760 (G.I. 14).

(2) 1980 p.44; diwygiwyd adran 73(f) gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 29(1) a Deddf Addysg (Gwaddoliad Graddedigion a Chymorth i Fyfirwyr (Yr Alban) 2001 (dsa6), adran 3(2) a diwygiwyd adran 74 gan Ddeddf Ysgolion Hunanlywodraethol etc. (Yr Alban) 1989 (p. 39), Atodlen 10, paragraff 8(17). Trosglwyddwyd swyddogaethau'r Cynulliad Cenedlaethol i Weinidogion yr Alban yn rhinwedd adran 53 o Ddeddf yr Alban 1998 (p. 46).

(1) S.I. 1998/1760 (N.I. 14).

(2) 1980 c.44; section 73(f) was amended by the Teaching and Higher Education Act 1998 (c. 30), section 29(1) and the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp6), section 3(2) and section 74 was amended by the Self Governing Schools etc. (Scotland) Act 1989 (c. 39), Schedule 10, paragraph 8(17). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

- (c) os yw'r myfyriwr rhan-amser cymwys wedi'i gofrestru i barhau â'r cwrs yn yr un sefydliad addysgol ar ôl i'w radd gael ei dyfarnu er mwyn sicrhau gradd anrhydedd pan gwblheir y modiwlau, yr arholiadau neu'r dulliau asesu eraill sy'n angenrheidiol.

(13) Os daw myfyriwr yn fyfyriwr rhan-amser cymwys yn ystod blwyddyn academaidd o ganlyniad i un o'r digwyddiadau a restrir ym mharagraff (14), caiff fod â hawl i gael cymorth yn unol â'r Rhan hon mewn perthynas â'r flwyddyn academaidd honno ond nid oes ganddo hawl i gael cymorth o dan y Rhan hon mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol ynddi.

(14) Dyma'r digwyddiadau y cyfeirir atynt ym mharagraff (13)-

- (a) bod cwrs y myfyriwr yn dod yn gwrw rhan-amser dynodedig; neu
- (b) bod y myfyriwr, priod y myfyriwr, partner sifil y myfyriwr neu riant y myfyriwr yn cael ei gydnabod fel ffoadur neu'n cael caniatâd i ddod i mewn i'r Deyrnas Unedig neu i aros yno fel y'i crybwyllir ym mharagraff 3 o Atodlen 1.

(15) Er gwaethaf paragraff (2), mae person yn fyfyriwr rhan-amser cymwys at ddibenion y Rhan hon os yw'n bodloni'r amodau ym mharagraffau (16) neu (17).

(16) Yr amodau yn y paragraff hwn yw-

- (a) bod y person wedi ymgymhwyso fel myfyriwr rhan-amser cymwys mewn cysylltiad â blwyddyn academaidd gynharach ar y cwrs rhan-amser dynodedig presennol yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf;
- (b) bod y person wedi bod yn preswyllo'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac
- (c) nad yw statws y person wedi dod i ben neu wedi'i derfynu.

(17) Yr amodau yn y paragraff hwn yw-

- (a) bod y Cynulliad Cenedlaethol wedi penderfynu o'r blaen fod y person-
  - (i) yn fyfyriwr cymwys mewn cysylltiad â chwrs dynodedig; neu
  - (ii) yn fyfyriwr rhan-amser cymwys mewn cysylltiad â chwrs rhan-amser dynodedig heblaw'r cwrs presennol;
- (b) bod statws y myfyriwr fel myfyriwr cymwys neu fel myfyriwr rhan-amser cymwys mewn cysylltiad â'r cwrs hwnnw wedi'i drosi neu wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs presennol o ganlyniad i drosi neu drosglwyddo unwaith neu fwy yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf;
- (c) bod y person wedi bod yn preswyllo'n arferol

- (c) the eligible part-time student is registered to continue the course at the same educational institution after the award of his or her degree so as to obtain an honours degree on completion of the required modules, examinations or other form of assessment.

(13) Where a student becomes an eligible part-time student during the course of an academic year as a result of one of the events listed in paragraph (14), he or she may qualify for support in accordance with this Part in respect of that academic year but he or she does not qualify for support under this Part in respect of any academic year beginning before the academic year in which the relevant event occurred.

(14) The events referred to in paragraph (13) are-

- (a) the student's course becomes a designated part-time course; or
- (b) the student, his or her spouse, his or her civil partner or his or her parent is recognised as a refugee or is granted leave to enter or remain as mentioned in paragraph 3 of Schedule 1.

(15) Notwithstanding paragraph (2), a person is an eligible part-time student for the purposes of this Part if he or she satisfies the conditions in paragraphs (16) or (17).

(16) The conditions in this paragraph are-

- (a) he or she qualified as an eligible part-time student in connection with an earlier academic year of the present designated part-time course pursuant to regulations made under section 22 of the Act;
- (b) the person was ordinarily resident in Wales on the first day of the first academic year of the course; and
- (c) the person's status has not expired or been terminated.

(17) The conditions in this paragraph are-

- (a) the National Assembly has previously determined that the person is-
  - (i) an eligible student in connection with a designated course; or
  - (ii) an eligible part-time student in connection with a designated part-time course other than the present course;
- (b) the student's status as an eligible student or as an eligible part-time student in connection with that course has been converted or transferred from that course to the present course as a result of one or more conversions or transfers in accordance with regulations made under section 22 of the Act;
- (c) the person was ordinarily resident in Wales on



yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs yn is-baragraff (a); ac

(ch) nad yw statws y person fel myfyriwr cymwys wedi'i derfynu.

(18) Nid oes gan fyfyrwr rhan-amser cymwys, ar unrhyw un adeg, hawl i gael cymorth-

- (a) at fwy nag un cwrs rhan-amser dynodedig;
- (b) at gwrs rhan-amser dynodedig a chwrs dynodedig;
- (c) at gwrs rhan-amser dynodedig a chwrs ôl-raddedig dynodedig.

### Cyrsiau rhan-amser dynodedig

51.-(1) Yn ddarostyngedig i baragraff (2), mae cwrs rhan-amser yn gwrs dynodedig at ddibenion adran 22(1) o'r Ddeddf a rheoliad 50-

- (a) os yw wedi'i grybwyll yn Atodlen 2, heblaw ym mharagraff 4 o'r Atodlen honno;
  - (b) os yw'n para o leiaf un flwyddyn academaidd ac nad yw'n para fwy na dwywaith y cyfnod y mae ei angen fel rheol i gwblhau cwrs amserllawn sy'n arwain at yr un cymhwyster;
  - (c) os yw'n cael ei ddarparu'n gyfan gwbl gan sefydliad neu sefydliadau addysgol yn y Deyrnas Unedig a ariennir yn gyhoeddus neu'n cael ei ddarparu gan sefydliad neu sefydliadau o'r fath ar y cyd â sefydliad neu sefydliadau y tu allan i'r Deyrnas Unedig; ac
- (ch) nad yw wedi'i ddynodi gan neu o dan reoliad 5.

(2) Nid yw cwrs sy'n syrthio o fewn paragraff 6 neu 7 o Atodlen 2 yn gwrs rhan-amser dynodedig os yw corff llywodraethu ysgol a gynhelir wedi trefnu darparu'r cwrs hwnnw i un o ddisgyblion yr ysgol.

(3) At ddibenion paragraff (1)-

- (a) mae cwrs yn cael ei ddarparu gan sefydliad os yw'r sefydliad yn darparu'r addysgu a'r goruchwylio sy'n ffurfio'r cwrs, p'un a yw'r sefydliad wedi gwneud cytundeb gyda'r myfyriwr i ddarparu'r cwrs neu beidio;
- (b) bernir bod prifysgol ac unrhyw goleg neu sefydliad cyfansoddol sydd o natur coleg prifysgol yn cael eu hariannu'n gyhoeddus os yw naill ai'r brifysgol neu'r coleg neu sefydliad cyfansoddol yn cael eu hariannu'n gyhoeddus; ac
- (c) ni fernir bod sefydliad yn cael ei ariannu'n gyhoeddus dim ond am ei fod yn cael arian cyhoeddus oddi wrth gorff llywodraethu sefydliad addysg uwch yn unol ag adran 65(3A) o Ddeddf Addysg Bellach ac Uwch 1992(1).

the first day of the first academic year of the course in sub-paragraph (a); and

(d) the person's status as an eligible student has not terminated.

(18) An eligible part-time student does not, at any one time, qualify for support for-

- (a) more than one designated part-time course;
- (b) a designated part-time course and a designated course;
- (c) a designated part-time course and a designated postgraduate course.

### Designated part-time courses

51.-(1) Subject to paragraph (2), a part-time course is designated for the purposes of section 22(1) of the Act and regulation 50 if-

- (a) it is mentioned in Schedule 2, otherwise than in paragraph 4 of that Schedule;
  - (b) it is of at least one academic year's duration and does not exceed twice the period normally required to complete a full-time course leading to the same qualification;
  - (c) it is wholly provided by a publicly-funded educational institution or institutions in the United Kingdom or is provided by such institution or institutions in conjunction with an institution or institutions outside the United Kingdom; and
- (d) it is not designated by or under regulation 5.

(2) A course falling within paragraph 6 or 7 of Schedule 2 is not a designated part-time course where the governing body of a maintained school has arranged for the provision of such a course to a pupil of the school.

(3) For the purposes of paragraph (1)-

- (a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not the institution has entered into an agreement with the student to provide the course;
- (b) a university and any constituent college or institution in the nature of a college of a university is regarded as publicly funded if either the university or the constituent college or institution is publicly funded; and
- (c) an institution is not regarded as publicly funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992(1).

(1) 1992 p. 13; mewnosodwyd adran 65(3A) gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 27.

(1) 1992 c. 13; section 65(3A) was inserted by the Teaching and Higher Education Act 1998 (c. 30), section 27.

(4) At ddibenion adran 22 o'r Ddeddf a rheoliad 50(1) caiff y Cynulliad Cenedlaethol ddynodi cyrsiau addysg uwch nad ydynt wedi'u dynodi gan baragraff (1).

### Cyfnod cymhwystra

52.-(1) Mae myfyriwr rhan-amser cymwys yn cadw ei statws fel myfyriwr rhan-amser cymwys drwy gydol y cyfnod cymhwystra.

(2) Yn ddarostyngedig i'r paragraffau canlynol, mae'r "cyfnod cymhwystra" ("*period of eligibility*") ym mharagraff (1) yn rhedeg tan ddiwedd y flwyddyn academaidd y bydd y myfyriwr rhan-amser cymwys yn cwblhau ei gwrs rhan-amser dynodedig ynddi.

(3) Caiff y Cynulliad Cenedlaethol, ar unrhyw adeg, adnewyddu neu estyn y cyfnod cymhwystra am unrhyw gyfnod ychwanegol y bydd yn penderfynu arno.

(4) Mae'r cyfnod cymhwystra yn terfynu pan fydd y myfyriwr rhan-amser cymwys-

- (a) yn tynnu'n ôl o'i gwrs rhan-amser dynodedig o dan amgylchiadau lle nad yw'r Cynulliad Cenedlaethol wedi trosglwyddo neu wedi trosi neu lle na fydd yn trosglwyddo neu yn trosi ei statws o dan reoliad 57 neu 58; neu
- (b) yn rhoi'r gorau i'w gwrs rhan-amser dynodedig neu'n cael ei ddiarddel oddi arno.

(5) Caiff y Cynulliad Cenedlaethol derfynu'r cyfnod cymhwystra os yw'r myfyriwr rhan-amser cymwys wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth.

(6) Os yw'r Cynulliad Cenedlaethol wedi'i fodloni bod myfyriwr rhan-amser cymwys wedi methu â chydymffurfio ag unrhyw ofyniad i roi gwybodaeth o dan y Rhan hon neu ei fod wedi rhoi gwybodaeth sy'n anghywir o ran manylyn perthnasol, caiff y Cynulliad Cenedlaethol gymryd unrhyw rai o'r camau canlynol y mae'n credu eu bod yn briodol o dan yr amgylchiadau-

- (a) terfynu'r cyfnod cymhwystra;
- (b) penderfynu nad oes gan y myfyriwr hawl mwyach i gael unrhyw gymorth penodol neu unrhyw swm penodol o gymorth;
- (c) trin unrhyw gymorth a dalwyd i'r myfyriwr fel gordaliad y caniateir ei adennill o dan reoliad 61.

### Cymorth at gyrsiau rhan-amser

53.-(1) At ddibenion y rheoliad hwn, dyma'r cymorth sydd ar gael-

- (a) grant mewn perthynas â ffioedd nad yw'n fwy na'r lleiaf o'r symiau canlynol-
  - (i) y grant sylfaenol, a

(4) For the purposes of section 22 of the Act and regulation 50(1) the National Assembly may designate courses of higher education which are not designated by paragraph (1).

### Period of eligibility

52.-(1) An eligible part-time student retains his or her status as an eligible part-time student for the duration of the period of eligibility.

(2) Subject to the following paragraphs, the "period of eligibility" ("*cyfnod cymhwystra*") in paragraph (1) runs until the end of the academic year in which the eligible part-time student completes his or her designated part-time course.

(3) The National Assembly may, at any time, renew or extend the period of eligibility for such further period as it determines.

(4) The period of eligibility terminates when the eligible part-time student-

- (a) withdraws from his or her designated part-time course in circumstances where the National Assembly has not transferred or converted or will not transfer or convert his or her status under regulation 57 or 58; or
- (b) abandons or is expelled from his or her designated part-time course.

(5) The National Assembly may terminate the period of eligibility where the eligible part-time student has shown himself or herself by his or her conduct to be unfitted to receive support.

(6) If the National Assembly is satisfied that an eligible part-time student has failed to comply with any requirement to provide information under this Part or has provided information which is inaccurate in a material particular, the National Assembly may take such of the following actions as it considers appropriate in the circumstances-

- (a) terminate the period of eligibility;
- (b) determine that the student no longer qualifies for any particular support or particular amount of support;
- (c) treat any support paid to the student as an overpayment which may be recovered under regulation 61.

### Support for part-time courses

53.-(1) For the purposes of this regulation, the support available is-

- (a) a grant in respect of fees not exceeding the lesser of the following amounts-
  - (i) the basic grant, and

(ii) y "ffioedd gwirioneddol" ("*actual fees*"), sef swm y ffioedd a godir mewn perthynas â blwyddyn academiaidd ar y cwrs rhan-amser dynodedig; a

(b) grant nad yw'n fwy na £1,000 at lyfrau, teithio a gwariant arall mewn cysylltiad â'r cwrs rhan-amser dynodedig.

(2) Mae'r grant sylfaenol yn amrywio yn ôl pa mor ddwys yw'r astudio.

(3) Cyfrifir pa mor ddwys yw'r astudio fel a ganlyn a'i fynegi fel canran **FT/PT** x 100

lle

**FT** yw nifer y blynyddoedd academiaidd y mae ei angen fel arfer i gwblhau cwrs sy'n cyfateb mewn amser-llawn i'r cwrs rhan-amser dynodedig

**PT** yw nifer y blynyddoedd academiaidd y mae ei angen fel arfer i gwblhau'r cwrs rhan-amser dynodedig.

(4) Y "grant sylfaenol" ("*basic grant*") yw-

(a) £590 os yw dwysedd yr astudio yn llai na 60 y cant ("lefel 1");

(b) £710 os yw dwysedd yr astudio yn 60 y cant neu fwy ond yn llai na 75 y cant ("lefel 2");

(c) £885 os yw dwysedd yr astudio yn 75 y cant neu'n fwy ("lefel 3").

(5) Yn ddarostyngedig i baragraffau (6) a (7), mae swm y cymorth sy'n daladwy mewn perthynas â blwyddyn academiaidd fel a ganlyn-

(a) mae uchafswm y cymorth sydd ar gael o dan baragraff (1) yn daladwy os oes gan y myfyriwr rhan-amser cymwys neu ei bartner hawlogaeth ar ddyddiad ei gais-

(i) o dan Ran VII o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(1) i gael cymhorthdal incwm, budd-dal tai neu fudd-dal y dreth gyngor; neu

(ii) o dan Ran 1 o Ddeddf Ceisio Gwaith 1995(2) i gael lwfans ceisio gwaith ar sail incwm;

(ii) the "actual fees" ("*ffioedd gwirioneddol*"), being the amount of fees charged in respect of an academic year of the designated part-time course; and

(b) a grant not exceeding £1,000 for books, travel and other expenditure in connection with the designated part-time course.

(2) The basic grant varies according to the intensity of study.

(3) The intensity of study is calculated as follows and expressed as a percentage **FT/PT** x 100

where

**FT** is the number of academic years ordinarily required to complete a course which is the full-time equivalent of the designated part-time course

**PT** is the number of academic years ordinarily required to complete the designated part-time course.

(4) The "basic grant" ("*grant sylfaenol*") is-

(a) £590 where the intensity of study is less than 60 per cent. ("level 1");

(b) £710 where the intensity of study is 60 per cent. or more but less than 75 per cent. ("level 2");

(c) £885 where the intensity of study is 75 per cent. or more ("level 3").

(5) Subject to paragraphs (6) and (7), the amount of support payable in respect of an academic year is as follows-

(a) the maximum amount of assistance available under paragraph (1) is payable if at the date of his or her application the eligible part-time student or his or her partner is entitled-

(i) under Part VII of the Social Security Contributions and Benefits Act 1992(1) to income support, housing benefit or council tax benefit; or

(ii) under Part 1 of the Jobseekers Act 1995(2) to income-based jobseekers allowance;

(1) 1992 p. 4; diwygiwyd Rhan VII gan Ddeddf Tai 1991 (p. 52), Atodlen 19, Deddf Cyllid Llywodraeth Leol 1992 (p. 14), Atodlen 9 ac Atodlen 14, Deddf Ceisio Gwaith 1995 (p. 18), Atodlen 2 ac Atodlen 3, Deddf Diwygio Lles a Phensiynau 1999 (p. 30), Atodlen 8 a Deddf Credyd Pensiwn y Wladwriaeth 2002 (p. 16), Atodlen 2 ac Atodlen 3.

(2) 1995 p. 18; diwygiwyd Rhan I gan Ddeddf Hawliau Cyflogaeth 1996 (p. 18), Atodlen 1, Deddf Nawdd Cymdeithasol 1998 (p. 14) Atodlenni 7 ac 8, Deddf Diwygio Lles a Phensiynau 1999 (p. 30), Atodlenni 7, 8 a 13, Deddf Credyd Pensiwn y Wladwriaeth 2002 (p. 16), Atodlen 2, Deddf Cyfraniadau Yswiriant Gwladol 2002 (p. 19), Atodlen 1 a Deddf Treth Incwm (Enillion a Phensiynau) 2003 (p. 18), Atodlen 6.

(1) 1992 c. 4; Part VII was amended by the Housing Act 1991 (c. 52), Schedule 19, the Local Government Finance Act 1992 (c. 14), Schedule 9 and Schedule 14, the Jobseekers Act 1995 (c. 18), Schedule 2 and Schedule 3, the Welfare Reform and Pensions Act 1999 (c. 30), Schedule 8 and the State Pension Credit Act 2002 (c. 16), Schedule 2 and Schedule 3.

(2) 1995 c. 18; Part I was amended by the Employment Rights Act 1996 (c. 18), Schedule 1, the Social Security Act 1998 (c. 14), Schedules 7 and 8, the Welfare Reform and Pensions Act 1999 (c. 30), Schedules 7, 8 and 13, the State Pension Credit Act 2002 (c. 16), Schedule 2, the National Insurance Contributions Act 2002 (c. 19), Schedule 1 and the Income Tax (Earnings and Pensions) Act 2003 (c. 18), Schedule 6.

- (iii) neu o dan adran 2 o Ddeddf Cyflogaeth a Hyfforddiant 1973(1) i gael lwfans y fargen newydd;
- (b) os yw'r incwm perthnasol yn llai na £15,345, mae uchafswm y cymorth sydd ar gael o dan baragraff (1) yn daladwy;
- (c) os yw'r incwm perthnasol yn £15,345, mae uchafswm y cymorth sydd ar gael o dan baragraff (1)(b) yn daladwy ynghyd â £50 yn llai nag uchafswm y cymorth sydd ar gael o dan baragraff (1)(a);
- (ch) os yw'r incwm perthnasol yn fwy na £15,345 ond yn llai na £23,145, mae uchafswm y cymorth sydd ar gael o dan baragraff (1)(b) yn daladwy a swm y cymorth sy'n daladwy o dan baragraff (1)(a) yw'r swm a bennir yn unol â pharagraff (6);
- (d) os yw'r incwm perthnasol yn £23,145, mae uchafswm y cymorth sydd ar gael o dan baragraff (1)(b) yn daladwy a swm y cymorth sy'n daladwy o dan baragraff (1)(a) yw £50;
- (dd) os yw'r incwm perthnasol yn fwy na £23,145 ond yn llai nag £23,745, mae uchafswm y cymorth sydd ar gael o dan baragraff (1)(b) yn daladwy ac nid oes cymorth yn daladwy o dan baragraff (1)(a);
- (e) os yw'r incwm perthnasol yn £23,745 neu fwy ond yn llai na £25,645, nid oes cymorth ar gael o dan baragraff (1)(a) a swm y cymorth sy'n daladwy o dan baragraff (1)(b) yw'r swm sy'n weddill ar ôl didynnu o uchafswm y cymorth sydd ar gael o dan baragraff (1)(b) £1 am bob £9.50 cyflawn y mae'r incwm perthnasol yn fwy nag £23,745;
- (f) os yw'r incwm perthnasol yn £25,645, nid oes cymorth yn daladwy o dan baragraff (1)(a) a swm y cymorth sy'n daladwy o dan baragraff (1)(b) yw £50;
- (ff) os yw'r incwm perthnasol yn fwy na £25,645, nid oes cymorth yn daladwy o dan baragraff (1).

(6) Os yw paragraff (5)(ch) yn gymwys, pennir swm y cymorth sy'n daladwy o dan baragraff (1)(a) drwy dynnu o uchafswm y cymorth sydd ar gael o dan baragraff (1)(a) un o'r symiau canlynol-

- (a) £50 plws £1 arall am bob £9.50, £7.63 neu £5.93 cyflawn y mae'r incwm perthnasol yn fwy na £15,345 yn ôl a yw dwysedd yr astudio ar lefel 1, 2 neu 3, yn y drefn honno; neu

- (iii) or under section 2 of the Employment and Training Act 1973(1) to new deal allowance;
- (b) where the relevant income is less than £15,345, the maximum amount of support available under paragraph (1) is payable;
- (c) where the relevant income is £15,345, the maximum amount of support available under paragraph (1)(b) is payable together with £50 less than the maximum amount of support available under paragraph (1)(a);
- (d) where the relevant income exceeds £15,345 but is less than £23,145, the maximum amount of support available under paragraph (1)(b) is payable and the amount of support payable under paragraph (1)(a) is the amount determined in accordance with paragraph (6);
- (e) where the relevant income is £23,145, the maximum amount of support available under paragraph (1)(b) is payable and the amount of assistance payable under paragraph (1)(a) is £50;
- (f) where the relevant income exceeds £23,145 but is less than £23,745, the maximum amount of support available under paragraph (1)(b) is payable and no support is payable under paragraph (1)(a);
- (g) where the relevant income is £23,745 or more but less than £25,645, no support is available under paragraph (1)(a) and the amount of support payable under paragraph (1)(b) is the amount left after deducting from the maximum amount of support available under paragraph (1)(b) £1 for every complete £9.50 by which the relevant income exceeds £23,745;
- (h) where the relevant income is £25,645, no support is payable under paragraph (1)(a) and the amount of support payable under paragraph (1)(b) is £50;
- (i) where the relevant income exceeds £25,645, no support is payable under paragraph (1).

(6) Where paragraph (5)(d) applies, the amount of support payable under paragraph (1)(a) is determined by deducting from the maximum amount of support available under paragraph (1)(a) one of the following amounts-

- (a) £50 plus a further £1 for each complete £9.50, £7.63 or £5.93 by which the relevant income exceeds £15,345 according to whether the intensity of study is level 1, 2 or 3, respectively; or

(1) 1973 c. 50; section 2 as substituted by the Employment Act 1988 (c. 19) was amended by the Employment Act 1989 (c. 38), Schedule 7. Subsections (3A) and (3B) were inserted by the Trade Union Reform and Employment Rights Act 1993 (c. 19), section 47 in relation to Scotland only.

(1) 1973 p. 50; diwygiwyd adran 2 fel y'u hamnewidiwyd gan Ddeddf Cyflogaeth 1988 (p. 19) gan Ddeddf Cyflogaeth 1989 (p. 38), Atodlen 7. Mewnosodwyd is-adrannau (3A) a (3B) gan Ddeddf Diwygio Undebau Llafur a Hawliau Cyflogaeth 1993 (p. 19), adran 47 mewn perthynas â'r Alban yn unig.

(b) os yw'r grant sylfaenol yn fwy na'r ffioedd gwirioneddol, swm sy'n hafal i'r hyn sy'n weddill ar ôl didynnu o'r swm a gyfrifwyd o dan is-baragraff (a) y gwahaniaeth rhwng y grant sylfaenol a'r ffioedd gwirioneddol (oni bai bod y swm yn rhif negyddol ac os felly mae uchafswm y cymorth sydd ar gael o dan baragraff (1)(a) yn daladwy).

(7) Os caiff myfyriwr gymorth o dan reoliad 57 perthynas â mwy nag un cwrs rhan-amser dynodedig mewn blwyddyn academiaidd, uchafswm y cymorth o dan baragraff (1)(a) am y flwyddyn honno yw swm y grant sylfaenol am y cwrs sydd â'r dwysedd astudio uchaf y mae'r myfyriwr yn ymgymryd ag ef yn y flwyddyn academiaidd honno.

(8) At ddibenion y rheoliad hwn-

- (a) ystyr "blwyddyn ariannol" ("*financial year*") yw'r cyfnod o ddeuddeng mis y mae incwm y myfyriwr rhan-amser cymwys yn cael ei gyfrifo mewn perthynas â hi at ddibenion y ddeddfwriaeth ar dreth incwm sy'n gymwys iddo;
- (b) ystyr "blwyddyn ariannol flaenorol" ("*preceding financial year*") yw'r flwyddyn ariannol yn union cyn y flwyddyn ariannol gyfredol;
- (c) ystyr "dibynnol" ("*dependent*") yw ariannol ddibynnol yn gyfan gwbl neu'n bennaf;
- (ch) ystyr "y flwyddyn ariannol gyfredol" ("*current financial year*") yw'r flwyddyn ariannol sy'n cynnwys diwrnod cyntaf y flwyddyn academiaidd y mae person yn cael ei asesu ar gyfer cymorth mewn perthynas â hi;
- (d) ystyr "incwm" ("*income*") yw incwm gros o bob ffynhonnell heb gynnwys unrhyw greydau treth a ddyfarnwyd yn unol ag unrhyw geisiadau o dan adran 3 o Ddeddf Credydau Treth 2002;
- (dd) mae i "incwm perthnasol" ("*relevant income*") yr ystyr a roddir ym mharagraff (9);
- (e) yn ddarostyngedig i is-baragraff (e), ystyr "partner" ("*partner*") yw unrhyw un o'r canlynol-
  - (i) priod myfyriwr rhan-amser cymwys;
  - (ii) partner sifil myfyriwr rhan-amser cymwys;
  - (iii) person sydd fel arfer yn byw gyda myfyriwr rhan-amser cymwys fel pe bai'n briod neu'u barther sifil iddo os yw'r myfyriwr rhan-amser cymwys yn 25 oed neu drosodd ar ddiwrnod cyntaf y flwyddyn academiaidd y mae'n cael ei asesu ar gyfer cymorth mewn perthynas â hi ac os dechreuodd y myfyriwr rhan-amser cymwys ar y cwrs rhan-amser dynodedig cyn 1 Medi 2006;

(b) where the basic grant is greater than the actual fees, an amount equal to that left after deducting from the amount calculated under sub-paragraph (a) the difference between the basic grant and the actual fees (unless the amount is a negative number in which case the maximum amount of support available under paragraph (1)(a) is payable).

(7) Where under regulation 57 a student receives support in relation to more than one designated part-time course in an academic year, the maximum amount of support under paragraph (1)(a) for that year is the amount of the basic grant for the course with the highest intensity of study that the student undertakes in that academic year.

(8) For the purposes of this regulation-

- (a) "child" ("*plentyn*") in relation to an eligible part-time student includes any child of his or her partner and any child for whom he or she has parental responsibility;
- (b) "current financial year" ("*y flwyddyn ariannol gyfredol*") means the financial year which includes the first day of the academic year in respect of which a person is being assessed for assistance;
- (c) "dependent" ("*dibynnol*") means wholly or mainly financially dependent;
- (d) "financial year" ("*blwyddyn ariannol*") means the period of twelve months for which the income of the eligible part-time student is computed for the purposes of the income tax legislation which applies to it;
- (e) "income" ("*incwm*") means gross income from all sources excluding any tax credits awarded pursuant to any claims under section 3 of the Tax Credits Act 2002;
- (f) subject to sub-paragraph (g), "partner" ("*partner*") means any of the following-
  - (i) the spouse of an eligible part-time student;
  - (ii) the civil partner of an eligible part-time student;
  - (iii) a person ordinarily living with an eligible part-time student as if he or she were his or her spouse or civil partner where an eligible part-time student is aged 25 or over on the first day of the academic year in respect of which he or she is being assessed for assistance and where he or she began the designated part-time course before 1 September 2006;

- (iv) person sydd fel arfer yn byw gyda myfyriwr rhan-amser cymwys fel pe bai'n briod neu'n bartner sifil iddo os yw'r myfyriwr rhan-amser cymwys yn dechrau ar y cwrs rhan-amser dynodedig ar neu ar ôl 1 Medi 2006;
- (f) nid yw person a fyddai fel arall yn bartner o dan is-baragraff (e) yn cael ei drin fel partner-
  - (i) os yw'r person hwnnw a'r myfyriwr rhan-amser cymwys, ym marn y Cynulliad Cenedlaethol, wedi rhoi'r gorau i fyw gyda'i gilydd fel arfer; neu
  - (ii) os yw'r person fel arfer yn byw y tu allan i'r Deyrnas Unedig ac nad yw'n cael ei gynnal gan y myfyriwr rhan-amser;
- (ff) mae "plentyn" ("*child*") mewn perthynas â myfyriwr rhan-amser cymwys yn cynnwys unrhyw blentyn i'w bartner ac unrhyw blentyn y mae ganddo gyfrifoldeb rhiant drosto;
- (g) os yw'r rheoliad hwn yn cyfeirio at ddyddiad a bod myfyriwr rhan-amser cymwys wedi dechrau ar y cwrs rhan-amser dynodedig cyn, ar neu ar ôl y dyddiad hwnnw a bod statws y myfyriwr fel myfyriwr rhan-amser cymwys wedi'i drosglwyddo i'r cwrs rhan-amser dynodedig o ganlyniad i drosglwyddo'r statws hwnnw unwaith neu fwy gan y Cynulliad Cenedlaethol o gwrs rhan-amser (y "cwrs cychwynnol") y penderfynodd y Cynulliad Cenedlaethol fod y myfyriwr yn fyfyriwr rhan-amser cymwys mewn perthynas ag ef yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf, trinnir y myfyriwr rhan-amser cymwys fel pe bai wedi dechrau ar y cwrs rhan-amser dynodedig ar y dyddiad y dechreuodd ar y cwrs cychwynnol.

(9) At ddibenion y rheoliad hwn-

- (a) yn ddarostyngedig i is-baragraff (b), mae incwm perthnasol myfyriwr rhan-amser cymwys yn hafal i'w adnoddau ariannol yn y flwyddyn ariannol flaenorol llai-
  - (i) £2,000 mewn perthynas â'i bartner;
  - (ii) £2,000 mewn perthynas â'r unig blentyn neu'r plentyn hynaf sy'n ddibynnol ar y myfyriwr neu ei bartner; a
  - (iii) £1,000 mewn perthynas â phob plentyn arall sy'n ddibynnol ar y myfyriwr neu ei bartner;
- (b) os yw'r Cynulliad Cenedlaethol wedi'i fodloni bod adnoddau ariannol myfyriwr rhan-amser cymwys yn y flwyddyn ariannol flaenorol yn fwy na'i adnoddau ariannol yn y flwyddyn ariannol gyfredol a bod y gwahaniaeth rhwng y ddau swm yn £1,000 neu fwy, caiff asesu adnoddau ariannol y myfyriwr hwnnw o dan

- (iv) a person ordinarily living with an eligible part-time student as if he or she were his or her spouse or civil partner where an eligible part-time student begins the designated part-time course on or after 1 September 2006;
- (g) a person who would otherwise be a partner under sub-paragraph (f) is not treated as a partner if-
  - (i) in the opinion of the National Assembly, that person and the eligible part-time student have ceased ordinarily to live together; or
  - (ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible part-time student;
- (h) "preceding financial year" ("*blwyddyn ariannol flaenorol*") means the financial year immediately preceding the current financial year;
- (i) "relevant income" ("*incwm perthnasol*") has the meaning given in paragraph (9); and
- (j) where this regulation refers to a date before, on or after which an eligible part-time student began the designated part-time course and the student's status as an eligible part-time student has been transferred to the designated part-time course as a result of one or more transfers of that status by the National Assembly from a part-time course (the "initial course") in connection with which the National Assembly determined the student to be an eligible part-time student pursuant to regulations made under section 22 of the Act, the eligible student is treated as if he or she began the present designated part-time course on the date on which he or she began the initial course.

(9) For the purposes of this regulation-

- (a) subject to sub-paragraph (b), an eligible part-time student's relevant income is equal to his or her financial resources in the preceding financial year less-
  - (i) £2,000 in respect of his or her partner;
  - (ii) £2,000 in respect of the only or eldest child who is dependent on the student or his or her partner; and
  - (iii) £1,000 in respect of each other child who is dependent on the student or his or her partner;
- (b) where the National Assembly is satisfied that an eligible part-time student's financial resources in the preceding financial year are greater than his or her financial resources in the current financial year and that the difference between the two amounts is £1,000 or more, it may assess that student's financial

is-baragraff (a) drwy gyfeirio at yr adnoddau hynny yn y flwyddyn ariannol gyfredol;

- (c) ystyr adnoddau ariannol myfyriwr rhan-amser cymwys mewn blwyddyn ariannol yw cyfanswm ei incwm am y flwyddyn honno ynghyd â chyfanswm yr incwm am y flwyddyn honno sydd gan unrhyw berson sydd ar ddyddiad y cais yn bartner i'r myfyriwr.

### **Grantiau at gostau byw myfyriwr rhan-amser anabl**

54.-(1) Mae gan fyfyriwr rhan-amser cymwys hawl yn unol â'r Rhan hon i gael grant i helpu gyda'r gwariant ychwanegol y mae'r Cynulliad Cenedlaethol wedi'i fodloni ei bod yn ofynnol i'r myfyriwr rhan-amser cymwys ei dynnu mewn perthynas ag ymgymryd â chwrs rhan-amser dynodedig oherwydd anabledd sydd ganddo.

(2) Yn ddarostyngedig i'r paragraffau canlynol, swm y grant o dan y rheoliad hwn yw'r swm sy'n briodol ym marn y Cynulliad Cenedlaethol.

(3) Rhaid i swm y grant beidio â bod yn fwy na'r canlynol-

- (a) £9,105 mewn perthynas â blwyddyn academaidd at wariant ar gynorthwydd personol anfeddygol;
- (b) £4,795 mewn perthynas â phob blwyddyn academaidd yn ystod y cyfnod cymhwystra at wariant ar eitemau mawr o offer arbenigol;
- (c) y gwariant ychwanegol sy'n cael ei dynnu-
- (i) yn y Deyrnas Unedig er mwyn bod yn bresennol yn y sefydliad;
- (ii) yn y Deyrnas Unedig neu y tu allan iddi er mwyn bod yn bresennol, fel rhan o'i gwrs, ar unrhyw gyfnod astudio mewn sefydliad dros y môr neu er mwyn bod yn bresennol yn y Sefydliad Prydeinig ym Mharis;
- (ch) £1,200 mewn perthynas â blwyddyn academaidd at unrhyw wariant arall gan gynnwys gwariant sy'n cael ei dynnu at y dibenion y cyfeirir atynt yn is-baragraff (a) neu (b) sy'n fwy na'r uchafsymiau penodedig.

### **Ceisiadau am gymorth**

55.-(1) Rhaid i berson (y "ceisydd") wneud cais am gymorth mewn cysylltiad â phob blwyddyn academaidd ar gwrs rhan-amser dynodedig drwy lenwi a chyflwyno i'r Cynulliad Cenedlaethol gais ar unrhyw ffurf a chan ddarparu unrhyw ddogfennau y bydd y Cynulliad Cenedlaethol yn gofyn amdanynt.

(2) Y rheol gyffredinol yw bod rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol o fewn cyfnod o chwe mis sy'n dechrau gyda diwrnod cyntaf blwyddyn academaidd y cwrs y mae'n cael ei gyflwyno mewn perthynas ag ef.

resources under sub-paragraph (a) by reference to those resources in the current financial year;

- (c) an eligible part-time student's financial resources in a financial year means the aggregate of his or her income for that year together with the aggregate of the income for that year of any person who at the date of the application for support is the student's partner.

### **Grants for disabled part-time students' living costs**

54.-(1) An eligible part-time student qualifies in accordance with this Part for a grant to assist with the additional expenditure which the National Assembly is satisfied he or she is obliged to incur in respect of the student undertaking a designated part-time course by reason of a disability to which he or she is subject.

(2) Subject to the following paragraphs, the amount of grant under this regulation is the amount that the National Assembly considers appropriate.

(3) The amount of the grant must not exceed-

- (a) £9,105 in respect of an academic year for expenditure on a non-medical personal helper;
- (b) £4,795 in respect of all the academic years during the period of eligibility for expenditure on major items of specialist equipment;
- (c) the additional expenditure incurred-
- (i) within the United Kingdom for the purpose of attending the institution;
- (ii) within or outside the United Kingdom for the purpose of attending, as a part of his or her course, any period of study at an overseas institution or for the purpose of attending the British Institute in Paris;
- (d) £1,200 in respect of an academic year for any other expenditure including expenditure incurred for the purposes referred to in sub-paragraph (a) or (b) which exceeds the specified maxima.

### **Applications for support**

55.-(1) A person (the "applicant") must apply for support in connection with each academic year of a designated part-time course by completing and submitting to the National Assembly an application in such form and accompanied by such documentation as the National Assembly may require.

(2) The general rule is that the application must reach the National Assembly within a period of six months beginning with the first day of the academic year of the course in respect of which it is submitted.

(3) Nid yw'r rheol gyffredinol ym mharagraff (2) yn gymwys-

- (a) os daw'r cwrs yn gwrs rhan-amser dynodedig ar ôl diwrnod cyntaf y flwyddyn academiaidd y mae'r ceisydd yn gwneud cais am gymorth mewn perthynas â hi, ac os felly rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol o fewn cyfnod o chwe mis sy'n dechrau gyda'r diwrnod y cafodd y cwrs ei ddynodi;
- (b) os cydnabuwyd y ceisydd, priod y ceisydd, partner sifil y ceisydd neu riant y ceisydd fel ffoadur neu os rhoddwyd caniatâd iddynt ddod i mewn neu aros fel y'i crybwyllir ym mharagraff 3 o Atodlen 1 ar ôl diwrnod cyntaf y flwyddyn academiaidd y mae'r ceisydd yn gwneud cais am gymorth mewn perthynas â hi, ac os felly rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol o fewn cyfnod o chwe mis sy'n dechrau gyda'r diwrnod y rhoddwyd y gydnabyddiaeth neu'r caniatâd, yn y drefn honno; neu
- (c) os yw'r ceisydd yn gwneud cais am gymorth o dan reoliad 54, ac os felly rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol cyn gynted ag y bo'n rhesymol ymarferol;
- (ch) os yw'r Cynulliad Cenedlaethol o'r farn, ar ôl rhoi sylw i amgylchiadau'r achos penodol, y dylid llacio'r terfyn amser, ac os felly rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol heb fod yn hwyrach na'r dyddiad a bennir ganddo.

(4) Caiff y Cynulliad Cenedlaethol gymryd unrhyw gamau a gwneud unrhyw ymholiadau y mae'n credu eu bod yn angenrheidiol er mwyn penderfynu a yw'r ceisydd yn fyfyrwr rhan-amser cymwys, a oes ganddo hawl i gael cymorth a swm y cymorth sy'n daladwy, os oes swm yn daladwy o gwbl.

(5) Rhaid i'r Cynulliad Cenedlaethol hysbysu'r ceisydd a oes ganddo hawl i gael cymorth neu beidio ac, os oes gan y ceisydd hawl, swm y cymorth sy'n daladwy mewn perthynas â'r flwyddyn academiaidd, os oes swm yn daladwy o gwbl.

## Gwybodaeth

56. Mae Atodlen 3 yn gymwys i roi gwybodaeth.

## Trosglwyddo statws

57.-(1) Os yw myfyriwr rhan-amser cymwys yn trosglwyddo i gwrs rhan-amser arall, rhaid i'r Cynulliad Cenedlaethol drosglwyddo statws y myfyriwr fel myfyriwr rhan-amser cymwys i'r cwrs hwnnw-

- (a) os caiff gais oddi wrth y myfyriwr rhan-amser cymwys am wneud hynny;
- (b) os yw wedi'i fodloni bod un neu fwy o'r seiliau dros drosglwyddo ym mharagraff (2) yn gymwys; ac

(3) The general rule in paragraph (2) does not apply where-

- (a) the course becomes a designated part-time course after the first day of the academic year in respect of which the applicant is applying for support, in which case the application must reach the National Assembly within a period of six months beginning with the day on which the course was designated;
- (b) the applicant, his or her spouse, his or her civil partner or his or her parent is recognised as a refugee or has been granted leave to enter or remain as mentioned in paragraph 3 of Schedule 1 after the first day of the academic year in respect of which the applicant is applying for support, in which case the application must reach the National Assembly within a period of six months beginning with the day of recognition or the day the leave was granted, respectively; or
- (c) the applicant is applying for support under regulation 54, in which case the application must reach the National Assembly as soon as is reasonably practicable;
- (d) the National Assembly considers that having regard to the circumstances of the particular case the time limit should be relaxed, in which case the application must reach the National Assembly not later than such date as it specifies.

(4) The National Assembly may take such steps and make such inquiries as it considers necessary to determine whether the applicant is an eligible part-time student, whether he or she qualifies for support and the amount of support payable, if any.

(5) The National Assembly must notify the applicant of whether or not he or she qualifies for support and, if the applicant does qualify, the amount of support payable in respect of the academic year, if any.

## Information

56. Schedule 3 applies to the provision of information.

## Transfer of status

57.-(1) Where an eligible part-time student transfers to another part-time course, the National Assembly must transfer the student's status as an eligible part-time student to that course where-

- (a) it receives a request from the eligible part-time student to do so;
- (b) it is satisfied that one or more of the grounds for transfer in paragraph (2) applies; and



(c) os nad yw'r cyfnod cymhwystra wedi dod i ben neu wedi'i derfynu.

(2) Dyma'r seiliau dros drosglwyddo y cyfeirir atynt ym mharagraff (1)-

- (a) bod y myfyriwr rhan-amser cymwys yn dechrau ymgymryd â chwrs rhan-amser dynodedig arall yn y sefydliad;
- (b) bod y myfyriwr rhan-amser cymwys yn dechrau ymgymryd â chwrs rhan-amser dynodedig mewn sefydliad arall; neu
- (c) ar ôl cychwyn cwrs rhan-amser dynodedig ar gyfer gradd gyntaf (heblaw gradd anrhydedd) bod y myfyriwr rhan-amser cymwys, cyn cwblhau'r cwrs hwnnw, yn cael ei dderbyn ar gwrs rhan-amser dynodedig ar gyfer gradd anrhydedd yn yr un pwnc neu bynciau yn y sefydliad.

(3) Yn ddarostyngedig i baragraff (4), rhaid i fyfyrwr rhan-amser cymwys sy'n trosglwyddo o dan baragraff (1) barhau, am weddill y flwyddyn academaidd y mae'n trosglwyddo ynddi, i gael mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo y cymorth y mae'r Cynulliad Cenedlaethol wedi penderfynu bod ganddo hawl i'w gael mewn perthynas â'r cwrs y mae'n trosglwyddo oddi wrtho.

(4) Caiff y Cynulliad Cenedlaethol ailasesu swm y cymorth sy'n daladwy ar ôl y trosglwyddo yn unol â'r Rhan hon.

### Trosi statws

**58.**-(1) Os yw myfyriwr cymwys yn rhoi'r gorau i ymgymryd â chwrs dynodedig a'i fod yn trosglwyddo i gwrs rhan-amser dynodedig yn yr un sefydliad neu mewn sefydliad arall, rhaid i'r Cynulliad Cenedlaethol drosi statws y myfyriwr fel myfyriwr cymwys i statws myfyriwr rhan-amser cymwys mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo-

- (a) os caiff gais oddi wrth y myfyriwr cymwys am wneud hynny; a
- (b) os nad yw'r cyfnod cymhwystra wedi dod i ben neu wedi'i derfynu.

(2) Os yw'r myfyriwr, cyn cwblhau'r cwrs dynodedig, yn trosglwyddo i gwrs rhan-amser yn yr un pwnc neu bynciau sy'n arwain at yr un cymhwyster yn yr un sefydliad, trinnir y cwrs rhan-amser fel pe bai'n bodloni rheoliad 51(1)(b) os yw cyfnod yr astudio rhan-amser yr ymgymerir ag ef gan y myfyriwr yn para am flwyddyn academaidd o leiaf ac nad yw'n fwy na dwywaith y cyfnod y mae ei angen fel rheol i gwblhau gweddill y cwrs dynodedig y mae'r myfyriwr yn trosglwyddo oddi wrtho.

(3) Mae'r canlynol yn gymwys i fyfyrwr sy'n trosglwyddo o dan baragraff (1)-

- (a) os yw'r Cynulliad Cenedlaethol wedi penderfynu talu swm o grant i'r myfyriwr o

(c) the period of eligibility has not expired or been terminated.

(2) The grounds for transfer referred to in paragraph (1) are-

- (a) the eligible part-time student starts to undertake another designated part-time course at the institution;
- (b) the eligible part-time student starts to undertake a designated part-time course at another institution; or
- (c) after commencing a designated part-time course for a first degree (other than an honours degree) the eligible part-time student is, before the completion of that course, admitted to a designated part-time course for an honours degree in the same subject or subjects at the institution.

(3) Subject to paragraph (4), an eligible part-time student who transfers under paragraph (1) shall, for the remainder of the academic year in which he or she transfers, continue to receive in connection with the course to which he or she transfers the support for which the National Assembly has determined he or she qualifies in respect of the course from which he or she transfers.

(4) The National Assembly may re-assess the amount of support payable after the transfer in accordance with this Part.

### Conversion of status

**58.**-(1) Where an eligible student ceases to undertake a designated course and transfers to a designated part-time course at the same or at another institution, the National Assembly must convert the student's status as an eligible student to that of an eligible part-time student in connection with the course to which he or she is transferring where-

- (a) it receives a request from the eligible student to do so; and
- (b) the period of eligibility has not expired or been terminated.

(2) Where, before completing the designated course, the student transfers to a part-time course in the same subject or subjects leading to the same qualification at the same institution, the part-time course is treated as satisfying regulation 51(1)(b) if the period of part-time study to be undertaken by the student is of at least one academic year's duration and does not exceed twice the period normally required to complete the remainder of the designated course from which the student transfers.

(3) The following applies to a student who transfers under paragraph (1)-

- (a) where the National Assembly has determined to pay an amount of grant to the student under

dan reoliad 19 mewn rhandaliadau o dro i dro, ni chaniateir talu taliad mewn perthynas â'r swm hwnnw o grant mewn perthynas â chyfnod unrhyw rhandaliad sy'n dechrau ar ôl y dyddiad y daeth y myfyriwr yn fyfyrwr rhan-amser cymwys;

- (b) mae uchafswm y grant y byddai gan y myfyriwr hawlogaeth i'w gael, heblaw am y rheoliad hwn, yn unol â rheoliad 54 mewn cysylltiad ag ymgymryd â chwrs rhan-amser dynodedig mewn perthynas â'r flwyddyn academaidd honno yn cael ei ostwng o un traean os daeth y myfyriwr yn fyfyrwr rhan-amser cymwys yn ystod ail chwarter y flwyddyn academaidd ac o ddau draean os daeth yn fyfyrwr rhan-amser cymwys mewn chwarter arall yn nes ymlaen yn y flwyddyn honno;
- (c) os oes swm o grant at unrhyw ddiben wedi'i dalu i'r myfyriwr o dan reoliad 19 mewn un rhandaliad, mae uchafswm y grant sy'n daladwy iddo yn unol â rheoliad 54 at y diben hwnnw yn cael ei ostwng (neu, os yw is-baragraff (b) yn gymwys, ei ostwng ymhellach) yn ôl swm y grant a dalwyd iddo at y diben hwnnw yn unol â rheoliad 19, ac os yw'r swm sy'n deillio o hyn yn ddim neu'n swm negyddol, bydd y swm hwnnw yn ddim; ac
- (ch) os oedd y myfyriwr, yn union cyn dod yn fyfyrwr rhan-amser cymwys, yn gymwys i wneud cais, ond ei fod heb wneud cais, am fenthyciad at gostau byw mewn perthynas â'r flwyddyn honno, neu heb wneud cais am yr uchafswm neu'r uchafswm wedi'i gynyddu yr oedd ganddo hawlogaeth i'w gael, caiff wneud cais am y benthyciad hwnnw neu unrhyw swm ychwanegol o fenthyciad fel pe bai wedi parhau yn fyfyrwr cymwys; ac o dan yr holl amgylchiadau a grybwyllir ym mharagraff (4) mae uchafswm y benthyciad hwnnw neu uchafswm wedi'i gynyddu y benthyciad hwnnw yn cael ei ostwng yn unol â'r paragraff hwnnw.

(4) Os yw'r cais o dan baragraff (1) yn cael ei wneud yn ystod chwarter cyntaf y flwyddyn academaidd y mae'r benthyciad yn daladwy mewn perthynas â hi, mae uchafswm y benthyciad neu uchafswm wedi'i gynyddu y benthyciad (yn ôl fel y digwydd) yn cael ei ostwng o ddau draean, ac os yw'r cais yn cael ei wneud yn ail chwarter y flwyddyn honno mae'r swm hwnnw'n cael ei ostwng o un traean.

(5) Os yw myfyriwr rhan-amser cymwys yn rhoi'r gorau i ymgymryd â chwrs rhan-amser dynodedig a'i fod yn trosglwyddo i gwrs dynodedig yn yr un sefydliad neu mewn sefydliad arall, rhaid i'r Cynulliad Cenedlaethol drosi statws y myfyriwr hwnnw fel myfyriwr rhan-amser cymwys i statws myfyriwr cymwys mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo-

regulation 19 in periodic instalments, no payment in respect of that amount of grant may be made in respect of any instalment period beginning after the date on which the student became an eligible part-time student;

- (b) the maximum amount of grant to which the student would, apart from this regulation, be entitled pursuant to regulation 54 in connection with his or her undertaking a designated part-time course in respect of that academic year is reduced by one third where the student became an eligible part-time student during the second quarter of the academic year and by two thirds where he or she became such a student in a later quarter of that year;
- (c) where an amount of grant for any purpose has been paid to the student under regulation 19 in a single instalment, the maximum amount of grant payable to him or her pursuant to regulation 54 for that purpose is reduced (or, where sub-paragraph (b) applies, further reduced) by the amount of grant paid to him or her for that purpose pursuant to regulation 19, and where the resulting amount is nil or a negative amount that amount is nil; and
- (d) where immediately before he or she became an eligible part-time student he or she was eligible to apply, but had not applied, for a loan for living costs in respect of that year, or had not applied for the maximum amount or increased maximum for which he or she was entitled, he or she may apply for such a loan or such additional amount of loan as if he or she had continued to be an eligible student; and in the circumstances mentioned in paragraph (4) the maximum or increased maximum amount of such loan for the academic year is reduced in accordance with that paragraph.

(4) Where the request under paragraph (1) is made during the first quarter of the academic year in respect of which the loan is payable the maximum amount or increased maximum amount of loan (as the case may be) is reduced by two thirds, and where the request is made during the second quarter of that year that amount is reduced by one third.

(5) Where an eligible part-time student ceases to undertake a designated part-time course and transfers to a designated course at the same or at another institution, the National Assembly must convert that student's status as an eligible part-time student to that of an eligible student in connection with the course to which he or she is transferring where-

- (a) os caiff gais oddi wrth y myfyriwr rhan-amser cymwys am wneud hynny; a
- (b) os nad yw'r cyfnod cymhwysra wedi dod i ben neu wedi'i derfynu.

(6) Mae'r canlynol yn gymwys i fyfyriwr sy'n trosglwyddo o dan baragraff (5)-

- (a) os yw'r Cynulliad Cenedlaethol wedi penderfynu talu swm o grant i'r myfyriwr yn unol â rheoliad 54 mewn rhandaliadau o dro i dro, ni chaniateir talu taliad perthynas â'r swm hwnnw o grant mewn perthynas â chyfnod unrhyw randaliad sy'n dechrau ar ôl y dyddiad y daeth y myfyriwr yn fyfyriwr cymwys;
- (b) rhaid i unrhyw gymorth y mae gan y myfyriwr hawlogaeth i'w gael o dan y Rhan hon mewn perthynas â'r flwyddyn academaidd y mae'r myfyriwr yn trosglwyddo ynddi gael ei anwybyddu wrth bennu swm y gymorth y gall fod ganddo hawlogaeth i'w gael mewn perthynas â'r flwyddyn honno o dan Rannau 4 i 7;
- (c) mae uchafswm unrhyw gymorth o dan Ran 6 neu 7 y byddai gan y myfyriwr hawlogaeth i'w gael, heblaw am y rheoliad hwn, mewn cysylltiad â chwrs dynodedig mewn perthynas â'r flwyddyn academaidd honno yn cael ei ostwng o un traean os daeth y myfyriwr yn fyfyriwr cymwys yn ystod ail chwarter y flwyddyn academaidd honno ac o ddau draean os daeth yn fyfyriwr cymwys mewn chwarter arall yn nes ymlaen yn y flwyddyn honno; ac
- (ch) os oes swm o grant at unrhyw ddiben wedi'i dalu i'r myfyriwr yn unol â rheoliad 54 mewn un rhandaliad, mae uchafswm y grant sy'n daladwy iddo o dan reoliad 19 at y diben hwnnw yn cael ei ostwng (neu, os yw is-baragraff (c) yn gymwys, ei ostwng ymhellach) yn ôl swm y grant a dalwyd iddo at y diben hwnnw yn unol â rheoliad 54 ac os yw'r swm sy'n deillio o hyn yn ddim neu'n swm negyddol, bydd y swm hwnnw yn ddim.

### Talu cymorth i fyfyrwyr rhan-amser cymwys

59.-(1) Rhaid i'r Cynulliad Cenedlaethol dalu cymorth o dan reoliad 54 ac o dan reoliad 53(1)(b) a hynny mewn unrhyw randaliadau (os oes rhandaliadau) ac ar unrhyw adegau y mae'n credu eu bod yn briodol ac wrth arfer ei swyddogaethau o dan y paragraff hwn fe gaiff, os nad oes modd gwneud asesiad terfynol ar sail yr wybodaeth a roddwyd gan y myfyriwr, wneud asesiad dros dro o'r cymorth sy'n daladwy.

(2) Caniateir i daliadau gael eu gwneud mewn unrhyw fodd sy'n briodol ym marn y Cynulliad Cenedlaethol a chaiff y Cynulliad Cenedlaethol ei gwneud yn un o amodau'r hawlogaeth i gael taliad fod rhaid i'r myfyriwr rhan-amser cymwys roi i'r Cynulliad

- (a) it receives a request from the eligible part-time student to do so; and
- (b) the period of eligibility has not expired or been terminated.

(6) The following applies to a student who transfers under paragraph (5)-

- (a) where the National Assembly has determined to pay an amount of grant to the student pursuant to regulation 54 in periodic instalments no payment in respect of that amount of grant may be made in respect of any instalment period beginning after the date on which the student became an eligible student;
- (b) any support to which the student is entitled under this Part in respect of the academic year in which the student transfers must be ignored in determining the amount of support to which he or she may be entitled in respect of that year under Parts 4 to 7;
- (c) the maximum amount of any support under Part 6 or 7 to which the student would, apart from this regulation, be entitled in connection with a designated course in respect of that academic year is reduced by one third where the student became an eligible student during the second quarter of that academic year and by two thirds where he or she became such a student in a later quarter of that year; and
- (d) where an amount of grant for any purpose has been paid to the student pursuant to regulation 54 in a single instalment, the maximum amount of grant payable to him or her under regulation 19 for that purpose is reduced (or, where sub-paragraph (c) applies, further reduced) by the amount of grant paid to him for that purpose pursuant to regulation 54 and where the resulting amount is nil or a negative amount that amount is nil.

### Payment of support to eligible part-time students

59.-(1) The National Assembly must pay support under regulation 54 and under regulation 53(1)(b) and in such instalments (if any) and at such times as it considers appropriate and in the exercise of its functions under this paragraph it may, where a final assessment cannot be made on the basis of the information provided by the student, make a provisional assessment of the support payable.

(2) Payments may be made in such manner as the National Assembly considers appropriate and it may make it a condition of entitlement to payment that the eligible part-time student must provide it with particulars of a bank or building society account in the

Cenedlaethol fanylion cyfrif banc neu gyfrif cymdeithas adeiladu yn y Deyrnas Unedig y gall taliadau gael eu talu iddo drwy eu trosglwyddo'n electronig.

### **Talu grantiau at ffioedd**

**60.**-(1) Yn ddarostyngedig i baragraffau (2), (3) a (4), rhaid i'r Cynulliad Cenedlaethol dalu'r grant mewn perthynas â ffioedd y mae gan y myfyriwr hawl i'w gael o dan reoliad 53(1)(a) i'r awdurdod academaidd priodol ar ôl i gais dilys am daliad ddod i law.

(2) Caiff y Cynulliad Cenedlaethol wneud taliadau o dan baragraff (1) ar unrhyw adegau ac mewn unrhyw randaliadau y mae'n credu eu bod yn addas.

(3) Caiff y Cynulliad Cenedlaethol wneud taliadau dros dro o dan baragraff (1) mewn unrhyw achosion y mae'n credu eu bod yn briodol.

(4) Ni chaniateir gwneud taliad oni bai bod y Cynulliad Cenedlaethol wedi'i fodloni bod y myfyriwr wedi bod yn ymgymryd â'r cwrs ers pythefnos.

### **Gordalu**

**61.**-(1) Caiff y Cynulliad Cenedlaethol adennill unrhyw ordaliad grant mewn perthynas â ffioedd o dan reoliad 53(1)(a) oddi wrth yr awdurdod academaidd.

(2) Os bydd y Cynulliad Cenedlaethol yn gofyn iddo, rhaid i fyfyrwr rhan-amser cymwys ad-dalu unrhyw swm a dalwyd iddo o dan y Rhan hon sydd am ba reswm bynnag yn fwy na swm y grant y mae ganddo hawl i'w gael o dan y Rhan hon.

(3) Caniateir i unrhyw ordaliad grant o dan y Rhan hon gael ei adennill ym mha un neu fwy bynnag o'r ffyrdd canlynol y mae'r Cynulliad Cenedlaethol yn credu eu bod yn briodol o dan yr holl amgylchiadau-

- (a) drwy dynnu'r gordaliad o unrhyw fath o grant sy'n daladwy i'r myfyriwr o dro i dro yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf;
- (b) drwy gymryd unrhyw gamau eraill i adennill gordaliad sydd ar gael i'r Cynulliad Cenedlaethol.

## **RHAN 12**

### **CYMORTH I FYFYRWYR ÔL-RADDEDIG SYDD AG ANABLEDDAU**

#### **Myfyrwyr ôl-raddedig cymwys**

**62.**-(1) Mae gan fyfyrwr ôl-raddedig cymwys hawl, yn ddarostyngedig i'r Rhan hon ac yn unol â hi, i gael grant i helpu gyda'r gwariant ychwanegol y mae'n

United Kingdom into which payments may be made by electronic transfer.

### **Payment of grants for fees**

**60.**-(1) Subject to paragraphs (2), (3) and (4), the National Assembly must pay the grant in respect of fees for which the student qualifies under regulation 53(1)(a) to the appropriate academic authority after a valid request for payment has been received.

(2) The National Assembly may make payments under paragraph (1) at such times and in such instalments as it sees fit.

(3) The National Assembly may make provisional payments under paragraph (1) in such cases as it deems appropriate.

(4) No payment may be made unless the National Assembly is satisfied that the student has been undertaking the course for 2 weeks.

### **Overpayments**

**61.**-(1) Any overpayment of a grant in respect of fees under regulation 53(1)(a) may be recovered by the National Assembly from the academic authority.

(2) An eligible part-time student must, if so required by the National Assembly, repay any amount paid to the student under this Part which for whatever reason exceeds the amount of grant to which he or she qualifies under this Part.

(3) Any overpayment of grant under this Part may be recovered in whichever one or more of the following ways the National Assembly considers appropriate in all the circumstances-

- (a) by subtracting the overpayment from any kind of grant payable to the student from time to time pursuant to regulations made under section 22 of the Act;
- (b) by taking such other action for the recovery of an overpayment as is available to it.

## **PART 12**

### **SUPPORT FOR POSTGRADUATE STUDENTS WITH DISABILITIES**

#### **Eligible postgraduate students**

**62.**-(1) An eligible postgraduate student qualifies, subject to and in accordance with this Part, for a grant to assist with the additional expenditure he or she is

ofynnol iddo ei dynnu mewn cysylltiad ag ymgymryd â chwrs ôl-raddedig dynodedig oherwydd anabledd sydd ganddo.

(2) Mae person yn fyfyrwr ôl-raddedig cymwys mewn cysylltiad â chwrs ôl-raddedig dynodedig os yw'r person hwnnw'n bodloni'r amodau ym mharagraff (3) ac nad yw wedi'i hepgor gan baragraff (4).

(3) Dyma'r amodau y cyfeirir atynt ym mharagraff (2)-

- (a) bod y Cynulliad Cenedlaethol wedi penderfynu mewn cysylltiad â'r cwrs ôl-raddedig dynodedig fod y person wedi'i grybwyll yn Atodlen 1; a
- (b) bod y Cynulliad Cenedlaethol wedi'i fodloni ei bod yn ofynnol i'r person dynnu gwariant ychwanegol mewn perthynas ag ymgymryd â'r cwrs oherwydd anabledd sydd ganddo.

(4) Nid yw person yn fyfyrwr ôl-raddedig cymwys-

- (a) os rhoddwyd neu os talwyd iddo mewn perthynas ag ymgymryd â'r cwrs-
  - (i) bwrsari gofal iechyd;
  - (ii) unrhyw lwfans o dan Reoliadau Lwfansau Myfyrwyr Nyrsio a Bydwreigiaeth (Yr Alban) 1992(1);
  - (iii) unrhyw lwfans, bwrsari neu ddyfarniad o ddisgrifiad tebyg a wnaed gan Gyngor Ymchwil;
  - (iv) unrhyw lwfans, bwrsari neu ddyfarniad o ddisgrifiad tebyg a wnaed gan ei sefydliad sy'n cynnwys unrhyw daliad er mwyn talu am wariant ychwanegol a ysgwyddwyd gan y myfyrwr oherwydd ei anabledd; neu
  - (v) unrhyw lwfans, bwrsari neu ddyfarniad o ddisgrifiad tebyg a wnaed gan y Cyngor Gofal Cymdeithasol Cyffredinol o dan adran 67(4)(a) o Ddeddf Safonau Gofal 2000(2) sy'n cynnwys taliad er mwyn talu am wariant ychwanegol a yswyddwyd gan y myfyrwr oherwydd ei anabledd; neu
- (b) os yw wedi torri rhwymedigaeth o ad-dalu unrhyw fenthyciad;
- (c) os yw wedi cyrraedd 18 oed ac nad yw wedi cadarnhau unrhyw gytundeb ar gyfer benthyciad a wnaed gydag ef pan oedd o dan 18 oed;
- (ch) os yw'r person hwnnw, ym marn y Cynulliad Cenedlaethol, wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth.

obliged to incur in connection with his or her undertaking a designated postgraduate course by reason of a disability to which he or she is subject.

(2) A person is an eligible postgraduate student in connection with a designated postgraduate course if that person satisfies the conditions in paragraph (3) and is not excluded by paragraph (4).

(3) The conditions referred to in paragraph (2) are-

- (a) the National Assembly has determined in connection with the designated postgraduate course that the person is mentioned in Schedule 1; and
- (b) the National Assembly is satisfied that, by reason of a disability to which the person is subject, he or she will be obliged to incur additional expenditure in respect of his or her undertaking the course.

(4) A person is not an eligible postgraduate student if-

- (a) there has been bestowed on him or her or paid to him or her in relation to his or her undertaking the course-
  - (i) a healthcare bursary;
  - (ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 1992(1);
  - (iii) any allowance, bursary or award of similar description made by a Research Council;
  - (iv) any allowance, bursary or award of similar description made by his or her institution which includes any payment for the purpose of meeting additional expenditure incurred by the student by reason of his or her disability; or
  - (v) any allowance, bursary or award of similar description made by the General Social Care Council under section 67(4)(a) of the Care Standards Act 2000(2) which includes payment for meeting additional expenditure incurred by the student by reason of his or her disability; or
- (b) he or she is in breach of an obligation to repay any loan;
- (c) he or she has reached the age of 18 and has not ratified any agreement for a loan made with him or her when he or she was under the age of 18;
- (d) that person has, in the opinion of the National Assembly, shown himself or herself by his or her conduct to be unfitted to receive support.

(1) O.S. 1992/580, a ddiwygiwyd gan O.S.A. 2002/423 ac O.S.A. 2003/401.

(2) 2000 p.14.

(1) S.I. 1992/580, amended by S.S.I 2002/423 and S.S.I 2003/401.

(2) 2000 c.14.

(5) At ddibenion paragraffau (4)(b) a (4)(c) ystyr "benthyciad" ("*loan*") yw benthyciad a wneir o dan ddeddfwriaeth benthyciadau myfyrwyr.

(6) Pan fo cytundeb ar gyfer benthyciad yn ddarostyngedig i gyfraith yr Alban, nid yw paragraff (4)(c) ond yn gymwys os gwnaed y cytundeb-

- (a) cyn 25 Medi 1991; a
- (b) gyda chydysyniad curadur y benthyciwr neu ar adeg pan na fu ganddo guradur.

(7) Nid oes gan fyfyrwr ôl-raddedig cymwys hawl i gael grant o dan y Rhan hon os paragraff 7 yw'r unig baragraff o 1 i 8 o Atodlen 1 y mae'n syrthio odano.

(8) Nid oes gan fyfyrwr ôl-raddedig cymwys hawl i gael grant o dan y Rhan hon oni bai ei fod yn ymgymryd â'i gwrs yn y Deyrnas Unedig.

(9) Er gwaethaf paragraff (2), mae person yn fyfyrwr ôl-raddedig cymwys at ddibenion y Rhan hon os yw'n bodloni'r amodau ym mharagraffau (10) neu (11).

(10) Yr amodau yn y paragraff hwn yw-

- (a) bod y person wedi ymgymhwyso fel myfyrwr ôl-raddedig cymwys mewn cysylltiad â blwyddyn academaidd gynharach ar y cwrs ôl-raddedig dynodedig presennol yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf ac nad yw'r statws hwnnw wedi dod i ben neu wedi'i derfynu;
- (b) bod y person wedi bod yn preswylion arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd y cwrs ôl-raddedig dynodedig presennol; ac
- (c) nad yw statws y person fel myfyrwr ôl-raddedig cymwys wedi'i derfynu.

(11) Yr amodau yw-

- (a) bod y Cynulliad Cenedlaethol wedi penderfynu o'r blaen fod y person yn fyfyrwr ôl-raddedig cymwys mewn cysylltiad â chwrs ôl-raddedig dynodedig heblaw'r cwrs ôl-raddedig dynodedig presennol; a
- (b) bod statws y myfyrwr fel myfyrwr ôl-raddedig cymwys mewn cysylltiad â'r cwrs yn is-baragraff (a) wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs presennol o ganlyniad i drosglwyddo unwaith neu fwy yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf;
- (c) bod y person wedi bod yn preswylion arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd y cwrs yn is-baragraff (a); ac
- (ch) nad yw statws y person fel myfyrwr ôl-raddedig cymwys wedi'i derfynu.

(12) Nid oes gan fyfyrwr ôl-raddedig cymwys, ar unrhyw un adeg, hawl i gael cymorth at y canlynol-

(5) For the purposes of paragraphs (4)(b) and (4)(c), "loan" ("*benthyciad*") means a loan made under the student loans legislation.

(6) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (4)(c) only applies if the agreement was made-

- (a) before the 25 September 1991; and
- (b) with the concurrence of the borrower's curator or at a time when he or she had no curator.

(7) An eligible postgraduate student does not qualify for a grant under this Part if the only paragraph from 1 to 8 of Schedule 1 into which he or she falls is paragraph 7.

(8) An eligible postgraduate student does not qualify for a grant under this Part unless he or she is undertaking his or her course in the United Kingdom.

(9) Notwithstanding paragraph (2), a person is an eligible postgraduate student for the purposes of this Part if he or she satisfies the conditions in paragraphs (10) or (11).

(10) The conditions in this paragraph are-

- (a) the person qualified as an eligible postgraduate student in connection with an earlier academic year of the present designated postgraduate course pursuant to regulations made under section 22 of the Act and that status has not expired or been terminated;
- (b) the person was ordinarily resident in Wales on the first day of the academic year of the present designated postgraduate course; and
- (c) the person's status as an eligible postgraduate student has not terminated.

(11) The conditions are-

- (a) the National Assembly has previously determined that the person is an eligible postgraduate student in connection with a designated postgraduate course other than the present designated postgraduate course;
- (b) the student's status as an eligible postgraduate student in connection with the course in sub-paragraph (a) has been transferred from that course to the present course as a result of one or more transfers in accordance with regulations made under section 22 of the Act;
- (c) the person was ordinarily resident in Wales on the first day of the academic year of the course in sub-paragraph (a); and
- (d) the person's status as an eligible postgraduate student has not terminated.

(12) An eligible postgraduate student does not, at any one time, qualify for support for-

- (a) mwy nag un cwrs ôl-raddedig dynodedig;
- (b) cwrs ôl-raddedig dynodedig a chwrs dynodedig;
- (c) cwrs ôl-raddedig dynodedig a chwrs rhan-amser dynodedig.

### Cyrsiau ôl-raddedig dynodedig

63. Mae cwrs ôl-raddedig yn gwrs dynodedig at ddibenion adran 22(1) o'r Ddeddf a rheoliad 62-

- (a) os yw'n gwrs y mae angen gradd gyntaf (neu gymhwyster cyfatebol) neu'n radd uwch i gael mynediad iddo fel rheol;
- (b) os yw'n gwrs-
  - (i) sy'n para o leiaf un flwyddyn academaidd; a
  - (ii) yn achos cwrs rhan-amser, nad yw'n para fwy na dwywaith y cyfnod y mae ei angen fel rheol i gwblhau cwrs amser-llawn sy'n arwain at yr un cymhwyster;
- (c) os yw'n cael ei ddarparu yn gyfan gwbl gan sefydliad neu sefydliadau addysgol yn y Deyrnas Unedig a ariennir yn gyhoeddus neu'n cael ei ddarparu gan sefydliad neu sefydliadau o'r fath ar y cyd â sefydliad neu sefydliadau y tu allan i'r Deyrnas Unedig; ac
- (ch) nad yw'n gwrs hyfforddiant cychwynnol athrawon.

(2) At ddibenion paragraff (1)-

- (a) mae cwrs yn cael ei ddarparu gan sefydliad os yw'r sefydliad yn darparu'r addysgu a'r goruchwylio sy'n ffurfio'r cwrs, p'un a yw'r sefydliad wedi gwneud cytundeb gyda'r myfyriwr i ddarparu'r cwrs neu beidio;
- (b) bernir bod prifysgol ac unrhyw goleg neu sefydliad cyfansoddol sydd o natur coleg prifysgol yn cael eu hariannu'n gyhoeddus os yw naill ai'r brifysgol neu'r coleg neu sefydliad cyfansoddol yn cael eu hariannu'n gyhoeddus; ac
- (c) ni fernir bod sefydliad yn cael ei ariannu'n gyhoeddus dim ond am ei fod yn cael arian cyhoeddus oddi wrth gorff llywodraethu sefydliad addysg uwch yn unol ag adran 65(3A) o Ddeddf Addysg Bellach ac Uwch 1992(1).

(3) At ddibenion adran 22 o'r Ddeddf a rheoliad 62, caiff y Cynulliad Cenedlaethol ddynodi cyrsiau addysg uwch nad ydynt wedi'u dynodi o dan baragraff (1).

(1) 1992 p. 13; mewnosodwyd adran 65(3A) gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 27.

- (a) more than one designated postgraduate course;
- (b) a designated postgraduate course and a designated course;
- (c) a designated postgraduate course and a designated part-time course.

### Designated postgraduate courses

63. A postgraduate course is designated for the purposes of section 22(1) of the Act and regulation 62 if-

- (a) it is a course entry for which a first degree (or equivalent qualification) or higher is normally required;
- (b) it is a course-
  - (i) of at least one academic year's duration; and
  - (ii) in the case of a part-time course, the duration of which does not exceed twice the period normally required to complete a full-time course leading to the same qualification;
- (c) it is wholly provided by a publicly-funded educational institution or institutions in the United Kingdom or is provided by such an institution or institutions in conjunction with an institution or institutions outside the United Kingdom; and
- (d) it is not a course for the initial training of teachers.

(2) For the purposes of paragraph (1)-

- (a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not it has entered an agreement with the student to provide the course;
- (b) a university and any constituent college or institution in the nature of a college of a university is regarded as publicly funded if either the university or the constituent college or institution is publicly funded; and
- (c) an institution is not regarded as publicly funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992(1).

(3) For the purposes of section 22 of the Act and regulation 62, the National Assembly may designate courses of higher education which are not designated under paragraph (1).

(1) 1992 c.13; section 65(3A) was inserted by the Teaching and Higher Education Act 1998 (c.30), section 27.

## Cyfnod cymhwys

64.-(1) Mae myfyriwr ôl-raddedig cymwys yn cadw ei statws fel myfyriwr ôl-raddedig cymwys drwy gydol y cyfnod cymhwys.

(2) Yn ddarostyngedig i'r paragraffau canlynol, mae "cyfnod cymhwys" ("*period of eligibility*") ym mharagraff (1) yn hafal i'r cyfnod y mae ei angen fel arfer i gwblhau'r cwrs ôl-raddedig dynodedig.

(3) Caiff y Cynulliad Cenedlaethol, ar unrhyw adeg, adnewyddu neu estyn y cyfnod cymhwys am unrhyw gyfnod ychwanegol y bydd yn penderfynu arno.

(4) Mae'r cyfnod cymhwys yn terfynu pan fydd y myfyriwr ôl-raddedig cymwys-

- (a) yn tynnu'n ôl o'i gwrs ôl-raddedig dynodedig o dan amgylchiadau lle nad yw'r Cynulliad Cenedlaethol wedi trosglwyddo neu lle na fydd yn trosglwyddo statws y myfyriwr fel myfyriwr ôl-raddedig cymwys i gwrs arall o dan reoliad 65; neu
- (b) yn rhoi'r gorau i'w gwrs ôl-raddedig dynodedig neu'n cael ei ddiarddel oddi arno.

(5) Caiff y Cynulliad Cenedlaethol derfynu'r cyfnod cymhwys os yw'r myfyriwr ôl-raddedig cymwys wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth.

(6) Os yw'r Cynulliad Cenedlaethol wedi'i fodloni bod myfyriwr ôl-raddedig cymwys wedi methu â chydymffurfio ag unrhyw ofyniad i roi gwybodaeth o dan y Rhan hon neu ei fod wedi rhoi gwybodaeth sy'n anghywir o ran manylyn perthnasol, caiff y Cynulliad Cenedlaethol gymryd unrhyw rai o'r camau canlynol y mae'n credu eu bod yn briodol o dan yr amgylchiadau-

- (a) derfynu'r cyfnod cymhwys;
- (b) penderfynu nad oes gan y myfyriwr hawl mwyach i gael grant neu unrhyw swm penodol o grant;
- (c) trin unrhyw gymorth a dalwyd i'r myfyriwr fel gordaliad y caniateir ei adennill o dan reoliad 70.

## Trosglwyddo statws

65.-(1) Os yw myfyriwr ôl-raddedig cymwys yn trosglwyddo i gwrs ôl-raddedig arall, rhaid i'r Cynulliad Cenedlaethol drosglwyddo statws y myfyriwr fel myfyriwr ôl-raddedig cymwys i'r cwrs hwnnw-

- (a) os caiff gais oddi wrth y myfyriwr ôl-raddedig cymwys am wneud hynny;
- (b) os yw wedi'i fodloni bod un neu fwy o'r seiliau dros drosglwyddo ym mharagraff (2) yn gymwys; ac

## Period of eligibility

64.-(1) An eligible postgraduate student retains his or her status as an eligible postgraduate student for the duration of the period of eligibility.

(2) Subject to the following paragraphs, the "period of eligibility" ("*cyfnod cymhwys*") in paragraph (1) is equal to the period ordinarily required for the completion of the designated postgraduate course.

(3) The National Assembly may, at any time, renew or extend the period of eligibility for such further period as it determines.

(4) The period of eligibility terminates when the eligible postgraduate student-

- (a) withdraws from his or her designated postgraduate course in circumstances where the National Assembly has not transferred or will not transfer his or her status as an eligible postgraduate student to another course under regulation 65; or
- (b) abandons or is expelled from his or her designated postgraduate course.

(5) The National Assembly may terminate the period of eligibility where the eligible postgraduate student has shown himself or herself by his or her conduct to be unfitted to receive support.

(6) If the National Assembly is satisfied that an eligible postgraduate student has failed to comply with any requirement to provide information under this Part or has provided information which is inaccurate in a material particular, the National Assembly may take such of the following actions as it considers appropriate in the circumstances-

- (a) terminate the period of eligibility;
- (b) determine that the student no longer qualifies for a grant or any particular amount of grant;
- (c) treat any support paid to the student as an overpayment which may be recovered under regulation 70.

## Transfer of status

65.-(1) Where an eligible postgraduate student transfers to another postgraduate course, the National Assembly must transfer the student's status as an eligible postgraduate student to that course where-

- (a) it receives a request from the eligible postgraduate student to do so;
- (b) it is satisfied that one or more of the grounds for transfer in paragraph (2) applies; and



(c) os nad yw'r cyfnod cymhwysra wedi dod i ben neu wedi'i derfynu.

(2) Dyma'r seiliau dros drosglwyddo y cyfeirir atynt ym mharagraff (1)-

(a) bod y myfyriwr ôl-raddedig cymwys, ar argymhelliad yr awdurdod academiaidd, yn dechrau ymgymryd â chwrs ôl-raddedig dynodedig arall yn y sefydliad; neu

(b) bod y myfyriwr ôl-raddedig cymwys yn dechrau ymgymryd â chwrs ôl-raddedig dynodedig mewn sefydliad arall gyda chydysyniad awdurdod academiaidd y sefydliad hwnnw.

(3) Yn ddarostyngedig i baragraff (4), rhaid i fyfyrwr ôl-raddedig cymwys sy'n trosglwyddo o dan baragraff (1) barhau, am weddill y flwyddyn academiaidd y mae'n trosglwyddo ynddi, i gael mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo y cymorth y mae'r Cynulliad Cenedlaethol wedi penderfynu bod ganddo hawl i'w gael mewn perthynas â'r cwrs y mae'n trosglwyddo oddi wrtho.

(4) Caiff y Cynulliad Cenedlaethol ailasesu swm y cymorth sy'n daladwy ar ôl y trosglwyddo yn unol â'r Rhan hon.

### **Ceisiadau am gymorth**

66.-(1) Rhaid i berson (y "ceisydd") wneud cais am grant o dan y Rhan hon mewn cysylltiad â phob blwyddyn academiaidd ar gwrs ôl-raddedig dynodedig drwy lenwi a chyflwyno i'r Cynulliad Cenedlaethol gais ar unrhyw ffurf a chan ddarparu unrhyw ddogfennau y bydd y Cynulliad Cenedlaethol yn gofyn amdanynt.

(2) Rhaid i'r cais gyrraedd y Cynulliad Cenedlaethol cyn gynted ag y bo'n rhesymol ymarferol.

(3) Caiff y Cynulliad Cenedlaethol gymryd unrhyw gamau a gwneud unrhyw ymholiadau y mae'n credu eu bod yn angenrheidiol er mwyn penderfynu a yw'r ceisydd yn fyfyrwr ôl-raddedig cymwys, a oes ganddo hawl i gael grant a swm y grant sy'n daladwy, os oes swm yn daladwy o gwbl.

(4) Rhaid i'r Cynulliad Cenedlaethol hysbysu'r ceisydd a oes gan y ceisydd hawl i gael grant neu beidio ac, os oes gan y ceisydd hawl, y swm sy'n daladwy mewn perthynas â'r flwyddyn academiaidd, os oes swm yn daladwy o gwbl.

### **Gwybodaeth**

67. Mae Atodlen 3 yn gymwys i roi gwybodaeth.

(c) the period of eligibility has not expired or been terminated.

(2) The grounds for transfer referred to in paragraph (1) are-

(a) on the recommendation of the academic authority the eligible postgraduate student starts to undertake another designated postgraduate course at the institution; or

(b) the eligible postgraduate student starts to undertake a designated postgraduate course at another institution with the consent of the academic authority of that institution.

(3) Subject to paragraph (4), an eligible postgraduate student who transfers under paragraph (1) shall, for the remainder of the academic year in which he or she transfers, continue to receive in connection with the course to which he or she transfers the support for which the National Assembly has determined he or she qualifies in respect of the course from which he or she transfers.

(4) The National Assembly may re-assess the support after the transfer in accordance with this Part.

### **Applications for support**

66.-(1) A person (the "applicant") must apply for a grant under this Part in connection with each academic year of a designated postgraduate course by completing and submitting to the National Assembly an application in such form and accompanied by such documentation as the National Assembly may require.

(2) The application must reach the National Assembly as soon as is reasonably practicable.

(3) The National Assembly may take such steps and make such inquiries as it considers necessary to determine whether the applicant is an eligible postgraduate student, whether he or she qualifies for a grant and the amount of grant payable, if any.

(4) The National Assembly must notify the applicant of whether or not he or she qualifies for a grant and, if he or she does qualify, the amount payable in respect of the academic year, if any.

### **Information**

67. Schedule 3 applies to the provision of information.

## Swm grantiau

68. Y grant o dan y Rhan hon yw unrhyw swm sy'n briodol ym marn y Cynulliad Cenedlaethol, heb fod yn fwy na £5,780 mewn perthynas â blwyddyn academaidd.

## Talu grantiau

69.-(1) Rhaid i'r Cynulliad Cenedlaethol dalu'r grant y mae gan fyfyrwr hawl i'w gael o dan y Rhan hon a hynny mewn unrhyw randaliadau (os oes rhandaliadau) ac ar unrhyw adegau y mae'n credu eu bod yn briodol ac wrth arfer ei swyddogaethau o dan y paragraff hwn fe gaiff wneud taliadau dros dro hyd nes y ceir cyfrifiad terfynol swm y grant y mae gan y myfyrwr hawl i'w gael.

(2) Caniateir i daliadau gael eu gwneud mewn unrhyw fodd sy'n briodol ym marn y Cynulliad Cenedlaethol a chaiff y Cynulliad Cenedlaethol ei gwneud yn un o amodau'r hawl i gael taliad fod rhaid i'r myfyrwr ôl-raddedig cymwys roi i'r Cynulliad Cenedlaethol fanylion cyfrif banc neu gyfrif cymdeithas adeiladu yn y Deyrnas Unedig y gall taliadau gael eu talu iddo drwy eu trosglwyddo'n electronig.

## Gordalu

70.-(1) Os bydd y Cynulliad Cenedlaethol yn gofyn iddo, rhaid i fyfyrwr ôl-raddedig cymwys ad-dalu unrhyw swm a dalwyd iddo o dan y Rhan hon sydd am ba reswm bynnag yn fwy na swm y grant y mae ganddo hawlogaeth i'w gael o dan y Rhan hon.

(2) Caniateir i unrhyw ordaliad grant o dan y Rhan hon gael ei adennill ym mha un neu fwy bynnag o'r ffyrdd canlynol y mae'r Cynulliad Cenedlaethol yn credu eu bod yn briodol o dan yr holl amgylchiadau-

- (a) drwy dynnu'r gordaliad o unrhyw fath o grant sy'n daladwy i'r myfyrwr o dro i dro yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf;
- (b) drwy gymryd unrhyw gamau eraill i adennill gordaliad sydd ar gael i'r Cynulliad Cenedlaethol.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(1)

24 Ionawr 2006

Llywydd y Cynulliad Cenedlaethol

(1) 1998 p.38.

## Amount of grants

68. The grant under this Part is such amount as the National Assembly considers appropriate, not exceeding £5,780 in respect of an academic year.

## Payment of grants

69.-(1) The National Assembly must pay the grant for which a student qualifies under this Part and in such instalments (if any) and at such times as it considers appropriate and in the exercise of its functions under this paragraph it may make provisional payments pending the final calculation of the amount of grant for which the student qualifies.

(2) Payments may be made in such manner as the National Assembly considers appropriate and it may make it a condition of entitlement to payment that the eligible postgraduate student must provide it with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

## Overpayments

70.-(1) An eligible postgraduate student must, if so required by the National Assembly, repay any amount paid to the student under this Part which for whatever reason exceeds the amount of grant to which he or she is entitled under this Part.

(2) Any overpayment of grant under this Part may be recovered in whichever one or more of the following ways the National Assembly considers appropriate in all the circumstances-

- (a) by subtracting the overpayment from any kind of grant payable to the student from time to time pursuant to regulations made under section 22 of the Act;
- (b) by taking such other action for the recovery of an overpayment as is available to it.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(1)

24 January 2006

The Presiding Officer of the National Assembly

(1) 1998 c.38.

## ATODLEN 1

Rheoliadau 4, 10, 18, 38, 39 a 50(2), 50(7), 50(14), 55(3)(b), 62(3), 62(5)

### MYFYRWYR CYMWYS

1. Person sydd ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs-

- (a) wedi setlo yn y Deyrnas Unedig o fewn ystyr Deddf Ymfudo 1971(1); a
- (b) yn bodloni'r amodau preswyllo y cyfeirir atynt ym mharagraff 9.

2. Person sy'n ffoadur, sydd fel arfer yn preswyllo yn y Deyrnas Unedig a'r Ynysoedd, sydd heb roi'r gorau i breswyllo felly ers cael ei gydnabod fel ffoadur, neu sy'n briod, yn bartner sifil neu'n blentyn i ffoadur o'r fath, ac ym mhob achos yn bodloni'r amod preswyllo ym mharagraff 9(a).

3. Person sydd-

- (a) wedi cael gwybod gan berson sy'n gweithredu o dan awdurdod yr Ysgrifennydd Gwladol dros yr Adran Gartref y credir ei bod yn gywir caniatáu iddo ddod i mewn i'r Deyrnas Unedig neu aros yno, er na fernir bod y person yn gymwys i'w gydnabod fel ffoadur;
- (b) wedi cael caniatâd i ddod i mewn neu i aros yn unol â hyn; ac
- (c) wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod ers cael caniatâd i ddod i mewn neu aros,

neu sy'n briod, yn bartner sifil, yn blentyn neu'n llysblentyn i berson o'r fath, os yw'r person neu, yn ôl fel y digwydd, y priod, y partner sifil, y plentyn neu'r llysblentyn, yn bodloni'r amodau preswyllo y cyfeirir atynt ym mharagraff 9.

4. Person sy'n weithiwr mudol o'r AEE ac sydd-

- (a) â hawlogaeth i gael cymorth yn rhinwedd Erthygl 7(2) neu (3) o Reoliad y Cyngor (EEC) Rhif 1612/68 ynghylch rhyddid symud i weithwyr yn y Gymuned(2), fel y'i hestynnwyd gan Gytundeb yr AEE neu Erthygl 9(3) o Atodiad I i Gytundeb y Swistir neu, os yw'r person yn un o wladolion y Deyrnas Unedig, yn rhinwedd hawl Gymunedol orfodadwy i gael ei drin heb fod yn llai ffafriol na gwladolyn i Aelod-wladwriaeth arall mewn perthynas â materion sy'n destun y naill neu'r llall o'r Erthyglau hyn; a
- (b) yn bodloni'r amodau preswyllo y cyfeirir atynt ym mharagraff 9.

## SCHEDULE 1

Regulations 4, 10, 18, 38, 39 and 50(2), 50(7), 50(14), 55(3)(b), 62(3), 62(5)

### ELIGIBLE STUDENTS

1. A person who on the first day of the first academic year of the course-

- (a) is settled in the United Kingdom within the meaning of the Immigration Act 1971(1); and
- (b) meets the residence conditions referred to in paragraph 9.

2. A person who is a refugee, ordinarily resident in the United Kingdom and Islands, who has not ceased to be so resident since he or she was recognised as a refugee, or who is the spouse, civil partner or child of such a refugee, in each case who meets the residence condition in paragraph 9(a).

3. A person who-

- (a) has been informed by a person acting under the authority of the Secretary of State for the Home Department that, although the person is considered not to qualify for recognition as a refugee, it is thought right to allow the person to enter or remain in the United Kingdom;
- (b) has been granted leave to enter or to remain accordingly; and
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the period since he or she was granted leave to enter or remain,

or who is the spouse, civil partner, child or step-child of such a person, where the person or, as the case may be the spouse, civil partner, child or step-child meets the residence conditions referred to in paragraph 9.

4. A person who is an EEA migrant worker and who-

- (a) is entitled to support by virtue of Article 7(2) or (3) of Council Regulation (EEC) No. 1612/68 on freedom of movement for workers within the Community(2), as extended by the EEA Agreement or Article 9(3) of Annex I to the Switzerland Agreement or, where the person is a national of the United Kingdom, by virtue of an enforceable Community right to be treated no less favourably than a national of another Member State in relation to matters which are the subject of either of those Articles; and
- (b) meets the residence conditions referred to in paragraph 9.

(1) 1971 p. 77; a ddiwygiwyd gan Ddeddf Cenedligrwydd Prydeinig 1981 (p. 61), adran 39 ac Atodlen 4.

(2) OJ Rhif L257, 19.10.1968, t 2 (OJ/SE 1968 (II) t 475).

(1) 1971 c. 77; amended by the British Nationality Act 1981 (c. 61), section 39 and Schedule 4.

(2) OJ No. L257, 19.10.1968, p 2 (OJ/SE 1968 (II) p 475).

5. Person sy'n briod neu'n bartner sifil i weithiwr mudol o'r AEE ac sydd-

- (a) wedi'i leoli yn y Deyrnas Unedig gyda'i briod neu ei bartner sifil; a
- (b) yn bodloni'r amodau preswyllo y cyfeirir atynt ym mharagraff 9.

6. Person sy'n blentyn i weithiwr mudol o'r AEE ac sydd-

- (a) â hawlogoaeth i gael cymorth yn rhinwedd Erthygl 12 o Reoliad y Cyngor a grybwyllwyd uchod neu Erthygl 3(6) o Atodiad I i Gytundeb y Swistir, neu, os yw rhiant y person sy'n weithiwr mudol yn un o wladolion y Deyrnas Unedig, yn rhinwedd hawl Gymunedol orfodadwy i gael ei drin heb fod yn llai ffafriol na phlentyn i wladolyn Aelod-wladwriaeth arall mewn perthynas â materion sy'n destun y naill neu'r llall o'r Erthyglau hyn; a
- (b) yn bodloni'r amodau preswyllo y cyfeirir atynt ym mharagraff 9.

At ddibenion y paragraff hwn, mae "rhiant" ("*parent*") yn cynnwys gwarcheidwad, unrhyw berson arall sydd â chyfrifoldeb rhiant dros blentyn ac unrhyw berson sy'n gofalu am blentyn ac mae "plentyn" yn cael ei ddehongli yn unol â hyn.

7. Person sydd ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs yn wladolyn i un o Aelod-wladwriaethau'r Gymuned Ewropeaidd neu'n blentyn y wladolyn o'r fath-

- (a) y mae ei gwrs yn cael ei ddarparu gan sefydliad neu sefydliadau yng Nghymru neu gan sefydliad neu sefydliadau yng Nghymru ar y cyd â sefydliad neu sefydliadau y tu allan i'r Deyrnas Unedig; a
- (b) sy'n bodloni'r amodau preswyllo y cyfeirir atynt ym mharagraffau 9(b) ac (c); ac
- (c) nad yw'n syrthio o fewn paragraff 8.

8. Person sydd, ar ddiwrnod cyntaf blwyddyn academaidd y cwrs, yn wladolyn o Aelod-wladwriaeth y Gymuned Ewropeaidd-

- (a) sydd fel arfer yn preswyllo yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;
- (b) a fu'n preswyllo fel arfer drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs yn y Deyrnas Unedig a'r Ynysoedd;
- (c) sydd, os yw'n wladolyn o'r Deyrnas Unedig, â hawl i gael ei drin nid yn llai ffafriol na gwladolyn o Aelod-wladwriaeth arall yn rhinwedd ei fod wedi arfer hawl Gymunedol i rydd-symudiad; ac
- (ch) oedd, mewn achos lle yr oedd ei breswyllo arferol y cyfeirir ato yn is-baragraff (b) yn

5. A person who is the spouse or civil partner of an EEA migrant worker and who-

- (a) is installed in the United Kingdom with his or her spouse or civil partner; and
- (b) meets the residence conditions referred to in paragraph 9.

6. A person who is the child of an EEA migrant worker and who-

- (a) is entitled to support by virtue of Article 12 of the above mentioned Council Regulation or Article 3(6) of Annex I to the Switzerland Agreement, or, where the person's migrant worker parent is a national of the United Kingdom, by virtue of an enforceable Community right to be treated no less favourably than the child of a national of another Member State in relation to matters which are the subject of either of those Articles; and
- (b) meets the residence conditions referred to in paragraph 9.

For the purposes of this paragraph, "parent" ("*rhiant*") includes a guardian, any other person having parental responsibility for a child and any person having care of a child and "child" is construed accordingly.

7. A person who on the first day of the first academic year of the course is a national of a Member State of the European Community or the child of such a national-

- (a) whose course is provided by an institution or institutions in Wales or by an institution or institutions in Wales in conjunction with an institution or institutions outside the United Kingdom; and
- (b) who meets the residence conditions referred to in paragraphs 9(b) and (c); and
- (c) who does not fall within paragraph 8.

8. A person who on the first day of the academic year of the course is a national of a Member State of the European Community-

- (a) who is ordinarily resident in Wales on the first day of the first academic year of the course;
- (b) who has been ordinarily resident throughout the three-year period preceding the first day of the of the first academic year of the course in the United Kingdom and Islands;
- (c) who, where he or she is a national of the United Kingdom, has a right to be treated no less favourably than a national of another Member State by virtue of having exercised a Community right of free movement; and
- (d) who, in a case where his or her ordinary residence referred to in sub-paragraph (b) was

gyfan gwbl neu'n bennaf at ddibenion cael addysg amser-llawn, yn preswyllo fel arfer yn yr Ardal Economaidd Ewropeaidd yn union cyn cyfnod o breswyliaid arferol y cyfeirir ato is-baragraff (b).

**9. Dyma'r amodau preswyllo y cyfeirir atynt uchod-**

- (a) bod y person fel arfer yn preswyllo yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs;
- (b) bod y person wedi bod yn preswyllo fel arfer drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs, yn achos person a grybwyllir ym mharagraffau 1 neu 3, yn y Deyrnas Unedig a'r Ynysoedd neu, yn achos person a grybwyllir ym mharagraffau 4, 5, 6 neu 7, yn yr Ardal Economaidd Ewropeaidd neu'r Swistir; ac
- (c) nad yw preswyliaid y person yn y Deyrnas Unedig a'r Ynysoedd neu yn yr Ardal Economaidd Ewropeaidd neu'r Swistir, yn ôl fel y digwydd, yn ystod unrhyw ran o'r cyfnod y cyfeirir ato yn is-baragraff (b) wedi bod yn gyfan gwbl neu'n bennaf er mwyn cael addysg amser-llawn.

wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the European Economic Area immediately prior to the period of ordinary residence referred to in sub-paragraph (b).

**9. The residence conditions referred to above are that-**

- (a) the person is ordinarily resident in Wales on the first day of the first academic year of the course;
- (b) the person has been ordinarily resident throughout the three-year period preceding the first day of the first academic year of the course, in the case of a person mentioned in paragraphs 1 or 3, in the United Kingdom and Islands or, in the case of a person mentioned in paragraphs 4, 5, 6 or 7, in the European Economic Area or Switzerland; and
- (c) the person's residence in the United Kingdom and Islands or in the European Economic Area or Switzerland, as the case may be, has not during any part of the period referred to in sub-paragraph (b) been wholly or mainly for the purpose of receiving full-time education.

## CYRSIAU DYNODEDIG

1. Cwrs gradd gyntaf heblaw cwrs y cyfeirir ato ym mharagraff 4.
2. Cwrs ar gyfer y Ddiploma Addysg Uwch.
3. Cwrs ar gyfer Diploma Genedlaethol Uwch neu Dystysgrif Genedlaethol Uwch y canlynol-
  - (a) Cyngor Addysg Busnes a Thechnegwyr; neu
  - (b) Awdurdod Cymwysterau'r Alban.
4. Cwrs o hyfforddiant cychwynnol i athrawon, gan gynnwys cwrs o'r fath sy'n arwain at radd gyntaf.
5. Cwrs o hyfforddiant pellach i athrawon neu weithwyr ieuenctid a chymuned.
6. Cwrs i baratoi at arholiad proffesiynol o safon sy'n uwch na'r canlynol-
  - (a) yr arholiad safon uwch ar gyfer y Dystysgrif Addysg Gyffredinol neu'r arholiad lefel uwch ar gyfer Tystysgrif Addysg yr Alban; neu
  - (b) yr arholiad ar gyfer Tystysgrif Genedlaethol neu Ddiploma Genedlaethol y naill neu'r llall o'r cyrff a grybwyllwyd ym mharagraff 3,

nad yw'n gwrs y mae angen gradd gyntaf (neu gymhwyster cyfatebol) i gael mynediad iddo fel rheol.

7. Cwrs sy'n darparu addysg (boed i baratoi at arholiad neu beidio) y mae ei safon-
  - (a) yn uwch na safon cyrsiau sy'n darparu addysg i baratoi at unrhyw un o'r arholiadau a grybwyllwyd ym mharagraff 6(a) neu (b) uchod; ond
  - (b) nad yw'n uwch na safon cwrs gradd gyntaf,

ac nad oes angen gradd gyntaf (neu gymhwyster cyfatebol) i gael mynediad iddo fel rheol.

## DESIGNATED COURSES

1. A first degree course other than a course referred to in paragraph 4.
2. A course for the Diploma of Higher Education.
3. A course for the Higher National Diploma or Higher National Certificate of-
  - (a) the Business & Technician Education Council; or
  - (b) the Scottish Qualification Authority.
4. A course for the initial training of teachers, including such a course leading to a first degree.
5. A course for the further training of teachers or youth and community workers.
6. A course in preparation for a professional examination of a standard higher than that of-
  - (a) examination at advanced level for the General Certificate of Education or the examination at higher level for the Scottish Certificate of Education; or
  - (b) the examination for the National Certificate or the National Diploma of either of the bodies mentioned in paragraph 3,

not being a course for entry to which a first degree (or equivalent qualification) is normally required.

7. A course providing education (whether or not in preparation for an examination) the standard of which is-
  - (a) higher than that of courses providing education in preparation for any of the examinations mentioned in paragraph 6(a) or (b) above; but
  - (b) not higher than that of a first degree course,

and for entry to which a first degree (or equivalent qualification) is not normally required.

## GWYBODAETH

## INFORMATION

1. Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael cais am wneud hynny, rhaid i bob ceisydd, pob myfyriwr cymwys, pob myfyriwr rhan-amser cymwys a phob myfyriwr ôl-raddedig cymwys roi i'r Cynulliad Cenedlaethol unrhyw wybodaeth y mae'r Cynulliad Cenedlaethol yn credu bod arno ei hangen at ddibenion y Rheoliadau hyn.

2. Rhaid i bob ceisydd, pob myfyriwr cymwys, pob myfyriwr rhan-amser cymwys a phob myfyriwr ôl-raddedig cymwys roi gwybod ar unwaith i'r Cynulliad Cenedlaethol a rhoi'r manylion iddo os bydd unrhyw rai o'r canlynol yn digwydd-

- (a) ei fod yn tynnu'n ôl o'i gwrs, yn rhoi'r gorau iddo neu'n cael ei ddiarddel oddi arno;
- (b) ei fod yn trosglwyddo i unrhyw gwrs arall yn yr un sefydliad neu mewn sefydliad gwahanol;
- (c) ei fod yn rhoi'r gorau i ymgymryd â'i gwrs ac nad yw'n bwriadu parhau ag ef am weddill y flwyddyn academaidd neu nad yw'n cael caniatâd i barhau ag ef am weddill y flwyddyn academaidd;
- (ch) ei fod yn absennol o'i gwrs am fwy na 60 diwrnod oherwydd salwch neu am unrhyw gyfnod am unrhyw reswm arall;
- (d) bod y mis ar gyfer dechrau'r cwrs neu ei gwblhau yn newid;
- (dd) bod ei gyfeiriad neu ei rif ffôn gartref neu yn ystod y tymor yn newid.

3. Rhaid i'r wybodaeth a roddir i'r Cynulliad Cenedlaethol o dan y Rheoliadau hyn fod yn y ffurf y gofynnir amdani gan y Cynulliad Cenedlaethol ac, os yw'r Cynulliad Cenedlaethol yn gofyn bod yr wybodaeth yn cael ei llofnodi gan y person sy'n ei rhoi, caniateir i lofnod electronig ar unrhyw ffurf a bennir gan y Cynulliad Cenedlaethol fodloni'r gofyniad hwnnw.

1. Every applicant, eligible student, eligible part-time student and eligible postgraduate student must, as soon as reasonably practicable after he or she is requested to do so, provide the National Assembly with such information as the National Assembly considers it requires for the purposes of these Regulations.

2. Every applicant, eligible student, eligible part-time student and eligible postgraduate student must forthwith inform the National Assembly and provide it with particulars if any of the following occurs-

- (a) he or she withdraws from, abandons or is expelled from his or her course;
- (b) he or she transfers to any other course at the same or at a different institution;
- (c) he or she ceases to undertake his or her course and does not intend to or is not permitted to continue it for the remainder of the academic year;
- (d) he or she is absent from his or her course for more than 60 days due to illness or for any period for any other reason;
- (e) the month for the start or completion of the course changes;
- (f) his or her home or term-time address or telephone number changes.

3. Information provided to the National Assembly under these Regulations must be in the format that the National Assembly requires and, if it requires the information to be signed by the person providing it, an electronic signature in such form as the National Assembly may specify satisfies such a requirement.

Rheoliadau 2(1), 20, 26, 45(1) a 46(1)

Regulations 2(1), 20, 26, 45(1) and 46(1)

## ASESIAD ARIANNOL

## FINANCIAL ASSESSMENT

## Diffiniadau

## 1. Yn yr Atodlen hon:-

- (a) ystyr "Aelod-wladwriaeth" ("*Member State*") yw un o Aelod-wladwriaethau'r Undeb Ewropeaidd;
- (b) ystyr "blwyddyn ariannol" ("*financial year*") yw'r cyfnod o ddeuddeng mis y mae incwm person y mae ei incwm gweddilliol yn cael ei gyfrifo o dan ddarpariaethau'r Atodlen hon yn cael ei gyfrifo at ddibenion y ddeddfwriaeth ar dreth incwm sy'n gymwys iddo mewn perthynas â hi;
- (c) ystyr "blwyddyn ariannol flaenorol" ("*preceding financial year*") yw'r flwyddyn ariannol yn union cyn y flwyddyn berthnasol;
- (ch) ystyr "blwyddyn berthnasol" ("*relevant year*") yw'r flwyddyn academiaidd y mae incwm yr aelwyd i'w asesu mewn perthynas â hi;
- (d) mae i "incwm aelwyd", "incwm yr aelwyd" ac "incwm sydd gan yr aelwyd", ("*household income*") yr ystyr a roddir ym mharagraff 3;
- (dd) ystyr "incwm gweddilliol" ("*residual income*") yw incwm trethadwy ar ôl cymhwyso paragraff 4 (yn achos myfyriwr cymwys), paragraff 5 (yn achos rhiant myfyriwr cymwys), paragraff 6 (yn achos partner myfyriwr cymwys) neu baragraff 7 (yn achos partner rhiant myfyriwr cymwys newydd);
- (e) ystyr "incwm trethadwy" ("*taxable income*"), mewn perthynas â pharagraff 4, mewn perthynas â'r flwyddyn academiaidd y mae cais wedi'i wneud ar ei gyfer o dan reoliad 9 ac, mewn perthynas â pharagraff 5, mewn perthynas (yn ddarostyngedig i is-baragraffau (3), (4) a (5) o baragraff 5) â'r flwyddyn ariannol flaenorol, yw incwm trethadwy person o bob ffynhonnell fel petai wedi'i gyfrifo at ddibenion-
  - (i) y Ddeddfau Treth Incwm;
  - (ii) deddfwriaeth treth incwm Aelod-wladwriaeth arall sy'n gymwys i incwm y person; neu
  - (iii) os yw deddfwriaeth mwy nag un Aelod-wladwriaeth yn gymwys i'r cyfnod, y ddeddfwriaeth y mae'r Cynulliad Cenedlaethol yn credu y bydd y person yn talu'r swm mwyaf o dreth odani yn y cyfnod hwnnw (ac eithrio fel y darperir fel arall ym mharagraff 5).

## Definitions

## 1. In this Schedule:-

- (a) "existing student" ("*myfyriwr presennol*") means an eligible student who is not a new eligible student;
- (b) "financial year" ("*blwyddyn ariannol*") means the period of twelve months in respect of which the income of a person whose residual income is calculated under the provisions of this Schedule is computed for the purposes of the income tax legislation which applies to it;
- (c) "household income" ("*incwm yr aelwyd*", "*incwm aelwyd*", "incwm sydd gan yr aelwyd") has the meaning given in paragraph 3;
- (d) "independent eligible student" ("*myfyriwr annibynnol cymwys*") has the meaning given in paragraph 2;
- (e) "independent old system student" ("*myfyriwr cymwys dan yr hen drefn*") means an eligible student-
  - (i) who is an old system eligible student; and
  - (ii) who does not have a partner;
- (f) "Member State" ("*Aelod-wladwriaeth*") means a Member State of the European Union;
- (g) "new eligible student" ("*myfyriwr cymwys newydd*") means an eligible student who begins a designated course on or after 1 September 2004;
- (h) "parent" ("*rhiant*") means a natural or adoptive parent and "child" ("*plentyn*"), "mother" ("*mam*") and "father" ("*tad*") is construed accordingly;
- (i) "parent student" ("*myfyriwr sy'n rhiant*") means an eligible student who is the parent of an eligible student;
- (j) "partner" ("*partner*") in relation to an eligible student means any of the following-
  - (i) the spouse of an eligible student;
  - (ii) the civil partner of an eligible student;
  - (iii) a person ordinarily living with an eligible student as if he or she were his or her spouse where an eligible student falls within paragraph 2(a) and he begins the designated course on or after 1 September 2000;



- (f) mae i "myfyriwr annibynnol cymwys" ("*independent eligible student*") yr ystyr a roddir ym mharagraff 2;
- (ff) ystyr "myfyriwr annibynnol dan yr hen drefn" ("*independent old system student*") yw myfyriwr cymwys-
- (i) sy'n fyfyriwr cymwys dan yr hen drefn; a
  - (ii) nad oes ganddo bartner;
- (g) ystyr "myfyriwr cymwys newydd" ("*new eligible student*") yw myfyriwr cymwys sy'n dechrau ar gwrs dynodedig ar neu ar ôl 1 Medi 2004;
- (ng) ystyr "myfyriwr presennol" ("*existing student*") yw myfyriwr cymwys nad yw'n fyfyriwr cymwys newydd;
- (h) ystyr "myfyriwr sy'n rhiant" ("*parent student*") yw myfyriwr cymwys sy'n rhiant i fyfyriwr cymwys;
- (i) ystyr "partner" ("*partner*") mewn perthynas â myfyriwr cymwys yw unrhyw un o'r canlynol-
    - (i) priod myfyriwr cymwys;
    - (ii) partner sifil myfyriwr cymwys;
    - (iii) person sydd fel arfer yn byw gyda myfyriwr cymwys fel pe bai'n briod iddo os yw myfyriwr cymwys yn syrthio o fewn paragraff 2(a) a'i fod yn dechrau ar y cwrs dynodedig ar neu ar ôl 1 Medi 2000;
    - (iv) person sydd fel arfer yn byw gyda myfyriwr cymwys fel pe bai'n bartner sifil iddo os yw myfyriwr cymwys yn syrthio o fewn paragraff 2(a) a'i fod yn dechrau ar y cwrs dynodedig ar neu ar ôl 1 Medi 2005;
  - (j) ystyr "partner" ("*partner*") mewn perthynas â rhiant myfyriwr cymwys yw unrhyw un o'r canlynol heblaw rhiant arall i'r myfyriwr cymwys-
    - (i) priod rhiant myfyriwr cymwys;
    - (ii) partner sifil rhiant myfyriwr cymwys;
    - (iii) person sydd fel arfer yn byw gyda rhiant myfyriwr cymwys fel pe bai'n briod iddo;
    - (iv) person sydd fel arfer yn byw gyda rhiant myfyriwr cymwys fel pe bai'n bartner sifil i'r rhiant;
  - (l) ystyr "rhiant" ("*parent*") yw rhiant naturiol neu fabwysiadol a dehonglir "plentyn" ("*child*"), "mam" ("*mother*") a "tad" ("*father*") yn unol â hynny;
- (iv) a person ordinarily living with an eligible student as if he or she were his or her civil partner where an eligible student falls within paragraph 2(a) and he or she begins the designated course on or after 1st September 2005;
- (k) "partner" ("*partner*") in relation to the parent of an eligible student means any of the following other than another parent of the eligible student-
- (i) the spouse of an eligible student's parent;
  - (ii) the civil partner of an eligible student's parent;
  - (iii) a person ordinarily living with the parent of an eligible student as if he or she were his or her spouse;
  - (iv) a person ordinarily living with the parent of an eligible student as if he or she were the parent's civil partner;
- (l) "preceding financial year" ("*blwyddyn ariannol flaenorol*") means the financial year immediately preceding the relevant year;
- (m) "relevant year" ("*blwyddyn berthnasol*") means the academic year in respect of which the household income falls to be assessed;
- (n) "residual income" ("*incwm gweddilliol*") means taxable income after the application of paragraph 4 (in the case of an eligible student), paragraph 5 (in the case of an eligible student's parent), paragraph 6 (in the case of an eligible student's partner) or paragraph 7 (in the case of the partner of a new eligible student's parent);
- (o) "taxable income" ("*incwm trethadwy*") means, in relation to paragraph 4, in respect of the academic year for which an application has been made under regulation 9 and, in relation to paragraph 5, in respect (subject to subparagraphs (3), (4) and (5) of paragraph 5) of the preceding financial year, a person's taxable income from all sources computed as for the purposes of-
- (i) the Income Tax Acts;
  - (ii) the income tax legislation of another Member State which applies to the person's income; or
  - (iii) where the legislation of more than one Member State applies to the period, the legislation under which the National Assembly considers the person will pay the largest amount of tax in that period (except as otherwise provided in paragraph 5).

## Myfyriwr cymwys annibynnol

2. Myfyriwr cymwys annibynnol yw myfyriwr cymwys ym mhob achos-

- (a) lle mae'n 25 oed neu drosodd ar ddiwrnod cyntaf y flwyddyn berthnasol;
- (b) lle mae wedi bod yn briod neu mewn partneriaeth sifil cyn dechrau'r flwyddyn berthnasol, p'un a yw'r briodas neu'r bartneriaeth sifil yn dal yn bod neu beidio;
- (c) lle nad oes ganddo riant yn fyw;
- (ch) lle mae'r Cynulliad Cenedlaethol wedi'i fodloni na ellir dod o hyd i'r naill neu'r llall o'i rieni neu nad yw'n rhesymol ymarferol cysylltu â'r naill na'r llall ohonynt;
- (d) lle nad yw wedi cyfathrebu â'r naill na'r llall o'i rieni am gyfnod o flwyddyn cyn dechrau'r flwyddyn berthnasol neu lle y gall, ym marn y Cynulliad Cenedlaethol, ddangos ar seiliau eraill ei fod wedi ymddieithrio oddi wrth ei rieni mewn ffordd lle nad oes modd cymodi;
- (dd) lle mae, yn unol â gorchymyn gan lys cymwys, wedi bod o dan warchodaeth neu ofal unrhyw berson cyfreithiol nad yw'n rhiant i'r myfyriwr neu wedi cael llety gan berson o'r fath drwy gydol unrhyw gyfnod o dri mis sy'n diweddu ar neu ar ôl y dyddiad y daw'n 16 oed a chyn diwrnod cyntaf ei gwrs ("y cyfnod perthnasol") (ar yr amod nad yw wedi bod o dan awdurdod neu reolaeth ei rieni mewn gwirionedd ar unrhyw adeg yn ystod y cyfnod perthnasol);
- (e) lle mae ei rieni'n preswyllo y tu allan i'r Gymuned Ewropeaidd a bod y Cynulliad Cenedlaethol wedi'i fodloni naill ai-
  - (i) y byddai asesu incwm yr aelwyd drwy gyfeirio at eu hincwm gweddilliol yn gosod y rhieni hynny mewn perygl; neu
  - (ii) na fyddai'n rhesymol ymarferol i'r rhieni hynny anfon unrhyw arian perthnasol i'r Deyrnas Unedig o ganlyniad i gyfrifo unrhyw gyfraniad o dan baragraff 8;
- (f) lle mae paragraff 5(9) yn gymwys a lle mae'r rhiant y barnodd y Cynulliad Cenedlaethol mai'r rhiant hwnnw oedd y mwyaf priodol at ddibenion y paragraff hwnnw, wedi marw (ni waeth a oedd gan y rhiant o dan sylw bartner neu beidio);
- (ff) lle mae'n aelod o urdd grefyddol sy'n preswyllo yn un o dai'r urdd honno;
- (g) lle mae-
  - (i) yn gofalu am berson o dan 18 oed ar ddiwrnod cyntaf y flwyddyn berthnasol; neu

## Independent eligible student

2. An independent eligible student is an eligible student in every case where-

- (a) he or she is aged 25 or over on the first day of the relevant year;
- (b) he or she has been married or is in a civil partnership before the beginning of the relevant year, whether or not the marriage or civil partnership is still subsisting;
- (c) he or she has no parent living;
- (d) the National Assembly is satisfied that neither of his or her parents can be found or that it is not reasonably practicable to get in touch with either of them;
- (e) he or she has communicated with neither of his or her parents for the period of one year before the beginning of the relevant year or, in the opinion of the National Assembly, he or she can demonstrate on other grounds that he or she is irreconcilably estranged from his or her parents;
- (f) he or she has pursuant to an order of a competent court been in the custody or care of, or has been provided with accommodation by, any legal person who is not the student's parent throughout any three-month period ending on or after the date on which he or she attains the age of 16 and before the first day of his or her course ("the relevant period") (provided that he or she has not in fact at any time during the relevant period been under the charge or control of his or her parents);
- (g) his or her parents are residing outside the European Community and the National Assembly is satisfied that either-
  - (i) the assessment of the household income by reference to their residual income would place those parents in jeopardy; or
  - (ii) it would not be reasonably practicable for those parents as a result of the calculation of any contribution under paragraph 8 to send any relevant funds to the United Kingdom;
- (h) paragraph 5(9) applies and the parent whom the National Assembly considered the more appropriate for the purposes of that paragraph has died (irrespective of whether the parent in question had a partner);
- (i) he or she is a member of a religious order who resides in a house of that order;
- (j) he or she-
  - (i) has care of a person under 18 years of age on the first day of the relevant year; or

- (ii) wedi gofalu am berson o dan 18 oed ar unrhyw adeg yn ystod y cwrs presennol cyn diwrnod cyntaf y flwyddyn berthnasol;
- (ng) lle mae wedi'i gynnal ei hun o'i enillion am unrhyw gyfnod neu gyfnodau sy'n diweddu cyn blwyddyn academiaidd gyntaf y cwrs a bod cyfanswm y cyfnodau hynny gyda'i gilydd heb fod yn llai na thair blynedd, ac at ddibenion yr is-baragraff hwn mae'n cael ei drin fel pe bai'n ei gynnal ei hun o'i enillion yn ystod unrhyw gyfnod-
  - (iii) pan oedd yn cymryd rhan mewn trefniadau ar gyfer hyfforddi'r di-waith o dan unrhyw gynllun a oedd yn cael ei weithredu, ei noddi neu ei ariannu gan unrhyw un o awdurdodau neu asiantaethau'r wladwriaeth, boed cenedlaethol, rhanbarthol neu leol ("awdurdod perthnasol");
  - (iv) pan oedd yn cael budd-dal sy'n daladwy gan unrhyw awdurdod perthnasol mewn perthynas â pherson sydd ar gael i'w gyflogi ond sy'n ddi-waith;
  - (v) pan oedd ar gael i'w gyflogi a'i fod wedi cydymffurfio ag unrhyw ofyniad ynglŷn â chofrestru a osodwyd gan awdurdod perthnasol fel un o amodau'r hawlogaeth i gymryd rhan mewn trefniadau ar gyfer hyfforddi neu ar gyfer derbyn y budd-dal hwnnw;
  - (vi) pan oedd ganddo Efrydiaeth y Wladwriaeth neu ddyfarniad tebyg;
  - (vii) pan oedd yn cael unrhyw bensiwn, lwfans neu fudd-dal arall a oedd yn cael ei dalu gan unrhyw berson oherwydd anabledd sydd ganddo, neu oherwydd cyfyngder, anaf neu salwch.

### **Incwm yr aelwyd**

3.-(1) Mae swm cyfraniad myfyriwr cymwys yn dibynnu ar incwm yr aelwyd.

(2) Incwm yr aelwyd yw'r canlynol-

- (a) yn achos myfyriwr cymwys nad yw'n fyfyrwr cymwys annibynnol, incwm gweddilliol y myfyriwr cymwys wedi'i agregu gydag incwm gweddilliol rhieni'r myfyriwr cymwys (yn ddarostyngedig i baragraff 5(9)) ac-
  - (i) yn achos myfyriwr cymwys newydd a ddechreuodd ar ei gwrs cyn 1 Medi 2005, incwm gweddilliol partner (heblaw partner o fewn ystyr paragraff 1(j)(iv)) rhiant y myfyriwr (ar yr amod bod y Cynulliad Cenedlaethol wedi dewis y rhiant hwnnw o dan baragraff 5(9)); neu

- (ii) has had care of a person under 18 years of age at any time during the present course prior to the first day of the relevant year;
- (k) he or she has supported himself or herself out of his or her earnings for any period or periods ending before the first academic year of the course which periods together aggregate not less than three years, and for the purposes of this sub-paragraph he or she is treated as supporting himself or herself out of his or her earnings during any period which-
  - (i) he or she was participating in arrangements for training for the unemployed under any scheme operated by, sponsored or funded by any state authority or agency, whether national, regional or local ("a relevant authority");
  - (ii) he or she was in receipt of benefit payable by any relevant authority in respect of a person who is available for employment but who is unemployed;
  - (iii) he or she was available for employment and had complied with any requirement of registration imposed by a relevant authority as a condition of entitlement for participation in arrangements for training or receipt of benefit;
  - (iv) he or she held a State Studentship or comparable award;
  - (v) he or she received any pension, allowance or other benefit paid by any person by reason of a disability to which he or she is subject, or by reason of confinement, injury or sickness.

### **Household income**

3.-(1) The amount of an eligible student's contribution depends on the household income.

(2) The household income is-

- (a) in the case of an eligible student who is not an independent eligible student, the residual income of the eligible student aggregated with the residual income of the eligible student's parents (subject to paragraph 5(9)) and-
  - (i) in the case of a new eligible student who began his or her course before 1 September 2005, the residual income of the partner (other than a partner within the meaning of paragraph 1(k)(iv)) of the student's parent (provided that the National Assembly has selected that parent under paragraph 5(9)); or

(ii) yn achos myfyriwr cymwys newydd a ddechreuodd ar ei gwrs ar neu ar ôl 1 Medi 2005, incwm gweddilliol partner rhiant y myfyriwr (ar yr amod bod y Cynulliad Cenedlaethol wedi dewis y rhiant hwnnw o dan baragraff 5(9));

(b) yn achos myfyriwr cymwys annibynnol y mae ganddo bartner, incwm gweddilliol y myfyriwr cymwys wedi'i agregu gydag incwm gweddilliol partner y myfyriwr cymwys (yn ddarostyngedig i is-baragraff (4)); neu

(c) yn achos myfyriwr cymwys annibynnol nad oes ganddo bartner, incwm gweddilliol y myfyriwr cymwys.

(3) Wrth bennu incwm yr aelwyd o dan is-baragraff (2), mae'r swm o £1,050 yn cael ei ddiynnu-

(a) am bob plentyn sy'n ariannol ddibynnol yn gyfan gwbl neu'n bennaf ar y myfyriwr cymwys neu bartner y myfyriwr cymwys; neu

(b) am bob plentyn heblaw'r myfyriwr cymwys sy'n ariannol ddibynnol yn gyfan gwbl neu'n bennaf ar riant y myfyriwr cymwys neu bartner rhiant y myfyriwr cymwys y mae ei incwm gweddilliol yn cael ei gymryd i ystyriaeth.

(4) Er mwyn cyfrifo'r cyfraniad sy'n daladwy mewn perthynas â myfyriwr sy'n rhiant, mae incwm gweddilliol partner y myfyriwr sy'n rhiant i gael ei agregu o dan is-baragraff (2)(b) yn achos myfyriwr sy'n rhiant y mae gan ei blentyn ddyfarniad neu y mae gan blentyn ei bartner ddyfarniad-

(a) y mae incwm yr aelwyd yn cael ei gyfrifo mewn perthynas ag ef gan gyfeirio at incwm gweddilliol y myfyriwr sy'n rhiant neu bartner y myfyriwr sy'n rhiant neu'r ddau; neu

(b) y mae cyfraniad rhieni yn gymwys mewn perthynas ag ef fel arall gan gyfeirio at y myfyriwr sy'n rhiant neu ei bartner.

### Cyfrifo incwm gweddilliol y myfyriwr cymwys

4.-(1) Er mwyn pennu incwm gweddilliol myfyriwr cymwys, didynnir o'i incwm trehadwy (oni bai ei fod wedi'i ddiynnu eisoes wrth bennu'r incwm trehadwy) gyfanswm unrhyw symiau sy'n syrthio o fewn unrhyw un o'r is-baragraffau canlynol-

(a) unrhyw dâl am waith a wnaed yn ystod unrhyw flwyddyn academiaidd ar gwrs y myfyriwr cymwys, ar yr amod nad yw'r tâl hwnnw'n cynnwys unrhyw symiau a dalwyd mewn perthynas ag unrhyw gyfnod pan oedd ganddo ganiatâd i fod yn absennol neu pan oedd wedi'i ryddhau o'i ddyletswyddau arferol er mwyn bod yn bresennol ar y cwrs hwnnw;

(ii) in the case of a new eligible student who began his or her course on or after 1 September 2005, the residual income of the partner of the student's parent (provided that the National Assembly has selected that parent under paragraph 5(9));

(b) in the case of an independent eligible student who has a partner, the residual income of the eligible student aggregated with the residual income of the eligible student's partner (subject to sub-paragraph (4)); or

(c) in the case of an independent eligible student who does not have a partner, the residual income of the eligible student.

(3) In determining the household income under sub-paragraph (2), the sum of £1,050 is deducted-

(a) for each child wholly or mainly financially dependent on the eligible student or the eligible student's partner; or

(b) for each child other than the eligible student wholly or mainly financially dependent on the eligible student's parent or the eligible student's parent's partner whose residual income is being taken into account.

(4) For the purpose of calculating the contribution payable in respect of a parent student, the residual income of the parent student's partner is to be aggregated under sub-paragraph (2)(b) in the case of a parent student whose child or whose partner's child holds an award-

(a) in respect of which the household income is calculated with reference to the residual income of the parent student or of the parent student's partner or of both; or

(b) in respect of which a parental contribution is otherwise applicable with reference to the parent student or his or her partner.

### Calculation of eligible student's residual income

4.-(1) For the purpose of determining the residual income of an eligible student, there is deducted from his or her taxable income (unless already deducted in determining taxable income) the aggregate of any amounts falling within any of the following sub-paragraphs-

(a) any remuneration for work done during any academic year of the eligible student's course, provided that such remuneration does not include any sums paid in respect of any period for which he or she has leave of absence or is relieved of his or her normal duties for the purpose of attending that course;

- (b) swm gros unrhyw bremiwm neu swm arall a dalwyd gan y myfyriwr cymwys mewn perthynas â phensiwn (nad yw'n bensiwn sy'n daladwy o dan bolisi yswiriant bywyd) y mae rhyddhad yn cael ei roi mewn perthynas ag ef o dan adran 273, 619 neu 639 o Ddeddf Treth Incwm a Threth Gorfforaeth 1988(1), neu os yw incwm y myfyriwr cymwys yn cael ei gyfrifo at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, swm gros unrhyw bremiwm neu swm o'r fath y byddai rhyddhad yn cael ei roi mewn perthynas ag ef os oedd y ddeddfwriaeth honno'n gwneud darpariaeth sy'n gyfatebol i'r Deddfau Treth Incwm.

(2) Os paragraff 7 yw'r unig baragraff o 1 i 8 o Atodlen 1 y mae myfyriwr cymwys yn syrthio odano a bod ei incwm yn codi o ffynonellau neu o dan ddeddfwriaeth sy'n wahanol i'r ffynonellau neu'r ddeddfwriaeth sydd fel rheol yn berthnasol i berson y cyfeirir ato ym mharagraff 1 o Atodlen 1, nid yw ei incwm yn cael ei anwybyddu yn unol ag is-baragraff (1) ond yn hytrach mae'n cael ei anwybyddu i'r graddau sy'n angenrheidiol er mwyn sicrhau nad yw'n cael ei drin yn llai ffafriol nag y câi person y cyfeirir ato yn unrhyw un o baragraffau Atodlen 1 ei drin o dan amgylchiadau tebyg pe bai ganddo incwm tebyg.

(3) Os yw'r myfyriwr cymwys yn cael incwm mewn arian cyfredol heblaw sterling, gwerth yr incwm hwn at ddibenion y paragraff hwn yw-

- (a) os yw'r myfyriwr yn prynu sterling â'r incwm, swm y sterling a gaiff y myfyriwr fel hyn;
- (b) fel arall, gwerth y sterling y byddai'r incwm yn ei brynu gan ddefnyddio'r gyfradd a gyhoeddwyd gan y Swyddfa Ystadegau Gwladol (2) ar gyfer y mis y ceir yr incwm ynddo.

### Cyfrifo incwm gweddilliol y rhiant

5.-(1) Er mwyn pennu incwm trehadwy rhiant myfyriwr cymwys, ni wneir unrhyw ddidyniadau y disgwylid eu gwneud neu ni chaniateir unrhyw esemptiadau a ganiateid-

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(1) 1988 p. 1; diwygiwyd adran 273 gan Ddeddf Cyllid 1988 (p. 39), Atodlen 3, paragraff 10. Nid yw diwygiadau a wnaed i adran 273 gan Ddeddf Cyllid 2004 (p. 12), adran 281 ac Atodlen 35 yn dod i rym tan 6 Ebrill 2006. Diwygiwyd adran 619 gan Ddeddf Cyllid 1989 (p. 26), adran 170 a Deddf Cyllid 1996 (p. 8), adran 135 ac Atodlen 21. Diwygiwyd adran 639 gan Ddeddf Cyllid 2000 (p. 17), Atodlen 13. Dirymwyd adrannau 619 a 639 gan Ddeddf Cyllid 2004, adran 326 ac Atodlen 42 o 6 Ebrill 2006 ymlaen yn ddarostyngedig i'r darpariaethau trosiannol a'r arbedion yn Atodlen 36 i Ddeddf Cyllid 2004.

(2) "Financial Statistics" (ISSN 0015-203X).

- (b) the gross amount of any premium or other sum paid by the eligible student in relation to a pension (not being a pension payable under a policy of life insurance) in respect of which relief is given under section 273, 619 or 639 of the Income and Corporation Taxes Act 1988(1), or where the eligible student's income is computed for the purposes of the income tax legislation of another Member State, the gross amount of any such premium or sum in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts.

(2) Where the only paragraph from 1 to 8 of Schedule 1 into which an eligible student falls is paragraph 7 and his or her income arises from sources or under legislation different from sources or legislation normally relevant to a person referred to in paragraph 1 of Schedule 1, his or her income is not disregarded in accordance with sub-paragraph (1) but is instead disregarded to the extent necessary to ensure that he or she is treated no less favourably than a person who is referred to in any paragraph of Schedule 1 would be treated if in similar circumstances and in receipt of similar income.

(3) Where the eligible student receives income in a currency other than sterling, the value of that income for the purpose of this paragraph is -

- (a) if the student purchases sterling with the income, the amount of sterling the student so receives;
- (b) otherwise, the value of the sterling which the income would purchase using the rate for the month in which it is received published by the Office for National Statistics(2).

### Calculation of parent's residual income

5.-(1) For the purposes of determining the taxable income of an eligible student's parent, any deductions which fall to be made or exemptions which are permitted-

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(1) 1988 c. 1; section 273 was amended by the Finance Act 1988 (c. 39), Schedule 3, paragraph 10. Amendments to section 273 made by the Finance Act 2004 (c. 12), section 281 and Schedule 35 do not come into force until 6th April 2006. Section 619 was amended by the Finance Act 1989 (c. 26), section 170 and the Finance Act 1996 (c. 8), section 135 and Schedule 21. Section 639 was amended by the Finance Act 2000 (c. 17), Schedule 13. Sections 619 and 639 are repealed by the Finance Act 2004, section 326 and Schedule 42 with effect from 6th April 2006 subject to the transitional provisions and savings in Schedule 36 to the Finance Act 2004.

(2) "Financial Statistics" (ISSN 0015-203X).

- (a) ar ffurf y rhyddhad personol y darperir ar ei gyfer ym Mhennod 1 o Ran VII o Ddeddf Treth Incwm a Threth Gorfforaeth 1988 neu, os yw'r incwm yn cael ei gyfrifo at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, unrhyw ryddhad personol tebyg;
- (b) yn unol ag unrhyw ddeddfiad neu reol gyfreithiol nad yw taliadau a fyddai fel arall yn cael eu trin o dan gyfraith y Deyrnas Unedig fel rhan o incwm y person yn cael eu trin felly yn unol â hwy; neu
- (c) o dan is-baragraff (2).

(2) Er mwyn pennu incwm gweddilliol rhiant myfyriwr cymwys, didynnir o'r incwm trethadwy a bennir o dan is-baragraff (1) gyfanswm unrhyw symiau sy'n syrthio o fewn unrhyw rai o'r is-baragraffau canlynol-

- (a) swm gros unrhyw bremiwm neu swm sy'n ymwneud â phensiwn (nad yw'n bremiwm sy'n daladwy o dan bolisi yswiriant bywyd) y mae rhyddhad yn cael ei roi mewn perthynas ag ef o dan adran 273, 619 neu 639 o Ddeddf Treth Incwm a Threth Gorfforaeth 1988, neu os yw'r incwm yn cael ei gyfrifo at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, swm gros unrhyw bremiwm o'r fath y byddai rhyddhad yn cael ei roi mewn perthynas ag ef os oedd y deddfwriaeth honno'n gwneud darpariaeth sy'n gyfatebol i'r Deddfau Treth Incwm.
- (b) mewn unrhyw achos lle mae incwm yn cael ei gyfrifo at ddibenion y Deddfau Treth Incwm yn rhinwedd is-baragraff (6) unrhyw symiau sy'n cyfateb i'r didyniad a grybwyllwyd yn is-baragraff (a), ar yr amod nad yw unrhyw symiau a didynnir fel hyn yn fwy na'r didyniadau a fyddai'n cael eu gwneud pe bai'r cyfan o incwm rhiant y myfyriwr cymwys mewn gwirionedd yn incwm at ddibenion y Deddfau Treth Incwm;
- (c) yn achos myfyriwr sy'n rhiant neu riant myfyriwr cymwys y mae ganddo ddyfarniad statudol, £1,050.

(3) Os yw'r Cynulliad Cenedlaethol wedi'i fodloni bod incwm y rhiant yn y flwyddyn ariannol sy'n dechrau yn union cyn y flwyddyn berthnasol ("y flwyddyn ariannol gyfredol"), o ganlyniad i ryw ddigwyddiad y tu hwnt i reolaeth y rhiant, yn debyg o beidio â bod yn fwy na 85 y cant o werth sterling ei incwm yn y flwyddyn ariannol flaenorol, fe gaiff y Cynulliad Cenedlaethol, er mwyn galluogi'r myfyriwr cymwys i fod yn bresennol ar y cwrs heb galedi, ddarganfod incwm yr aelwyd am y flwyddyn ariannol gyfredol.

- (a) by way of personal reliefs provided for in Chapter 1 of Part VII of the Income and Corporation Taxes Act 1988 or, where the income is computed for the purposes of the income tax legislation of another Member State, any comparable personal reliefs;
- (b) pursuant to any enactment or rule of law under which payments which would otherwise under United Kingdom law form part of a person's income are not treated as such; or
- (c) under sub-paragraph (2).

are not made or permitted.

(2) For the purposes of determining the residual income of an eligible student's parent, there shall be deducted from the taxable income determined under sub-paragraph (1) the aggregate of any amounts falling within any of the following sub-paragraphs-

- (a) the gross amount of any premium or sum relating to a pension (not being a premium payable under a policy of life assurance) in respect of which relief is given under section 273, 619 or 639 of the Income and Corporation Taxes Act 1988, or where the income is computed for the purposes of the income tax legislation of another Member State, the gross amount of any such premium in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;
- (b) in any case where income is computed for the purposes of the Income Tax Acts by virtue of sub-paragraph (6) any sums equivalent to the deduction mentioned in sub-paragraph (a), provided that any sums so deducted do not exceed the deductions which would be made if the whole of the eligible student's parent's income were in fact income for the purposes of the Income Tax Acts;
- (c) in the case of a parent student or an eligible student's parent who holds a statutory award, £1,050.

(3) Where the National Assembly is satisfied that the income of the parent in the financial year beginning immediately before the relevant year ("the current financial year") is, as a result of some event beyond his or her control, likely to be not more than 85 per cent. of the sterling value of his or her income in the preceding financial year it may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain the household income for the current financial year.

(4) Os yw'r Cynulliad Cenedlaethol wedi'i fodloni bod incwm y rhiant mewn unrhyw flwyddyn ariannol, o ganlyniad i ryw ddigwyddiad y tu hwnt i reolaeth y rhiant, yn debyg o beidio â bod ac o barhau ar ôl y flwyddyn honno i beidio â bod yn fwy na 85 y cant o werth sterling ei incwm yn y flwyddyn ariannol flaenorol, fe gaiff y Cynulliad Cenedlaethol, er mwyn galluogi'r myfyriwr cymwys i fod yn bresennol ar y cwrs heb galedi, ddarganfod incwm yr aelwyd am flwyddyn academaidd cwrs y myfyriwr cymwys y digwyddodd y digwyddiad hwnnw ynddi drwy gymryd cyfartaledd incwm gweddilliol y rhiant am bob un o'r blynyddoedd ariannol y mae'r flwyddyn academaidd honno'n syrthio ynddynt fel ei incwm gweddilliol.

(5) Os yw rhiant y myfyriwr cymwys yn bodloni'r Cynulliad Cenedlaethol fod ei incwm yn deillio'n gyfan gwbl neu'n bennaf o elw busnes neu broffesiwn y mae'n ei gynnal, yna mae unrhyw gyfeiriad yn yr Atodlen hon at flwyddyn ariannol flaenorol yn golygu'r cyfnod cynharaf o ddeuddeg mis sy'n diweddu ar ôl dechrau'r flwyddyn ariannol flaenorol y mae cyfrifon yn cael eu cadw mewn perthynas ag ef sy'n ymwneud â'r busnes neu'r proffesiwn hwnnw.

(6) Os yw rhiant myfyriwr cymwys yn derbyn unrhyw incwm nad yw'n ffurfio rhan o'i incwm at ddibenion y Deddfau Treth Incwm neu ddeddfwriaeth reth incwm Aelod-wladwriaeth arall dim ond am y rheswm-

- (a) nad yw'n preswyllo, yn preswyllo fel arfer neu wedi ymgartrefu yn y Deyrnas Unedig, neu, os yw ei incwm yn cael ei gyfrifo fel petai at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, os nad yw'n preswyllo, yn preswyllo fel arfer neu wedi ymgartrefu felly yn yr Aelod-wladwriaeth honno;
- (b) nad yw'r incwm yn codi yn y Deyrnas Unedig, neu, os yw incwm y rhiant yn cael ei gyfrifo at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, nad yw'n codi yn yr Aelod-wladwriaeth honno; neu
- (c) bod yr incwm yn codi o swydd, gwasanaeth neu gyflogaeth y mae'r incwm ohonynt yn esempt rhag treth yn unol ag unrhyw ddeddfwriaeth,

mae ei incwm at ddibenion yr Atodlen hon yn cael ei gyfrifo fel pe bai'r incwm o dan yr is-baragraff hwn yn rhan o'i incwm at ddibenion y Deddfau Treth Incwm neu ddeddfwriaeth treth incwm Aelod-wladwriaeth arall, yn ôl fel y digwydd.

(7) Os yw incwm rhiant y myfyriwr cymwys yn cael ei gyfrifo fel petai at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, mae'n cael ei gyfrifo o dan ddarpariaethau'r Atodlen hon yn arian cyfredol yr Aelod-wladwriaeth honno, ac incwm rhiant y myfyriwr cymwys at ddibenion yr Atodlen hon yw gwerth sterling yr incwm hwnnw wedi'i bennu yn unol â'r gyfradd ar gyfer y mis y mae diwrnod olaf y

(4) Where the National Assembly is satisfied that the income of the parent in any financial year is, as a result of some event beyond his or her control, likely to be and to continue after that year to be not more than 85 per cent. of the sterling value of his or her income in the previous financial year it may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain the household income for the academic year of the eligible student's course in which that event occurred by taking as the residual income of the parent the average of his or her residual income for each of the financial years in which that academic year falls.

(5) Where the eligible student's parent satisfies the National Assembly that his or her income is wholly or mainly derived from the profits of a business or profession carried on by him or her, then any reference in this Schedule to a preceding financial year means the earliest period of twelve months which ends after the start of the preceding financial year and in respect of which accounts are kept relating to that business or profession.

(6) Where an eligible student's parent is in receipt of any income which does not form part of his or her income for the purposes of the Income Tax Acts or the income tax legislation of another Member State by reason only that-

- (a) he or she is not resident, ordinarily resident or domiciled in the United Kingdom, or where his or her income is computed as for the purposes of the income tax legislation of another Member State, not so resident, ordinarily resident or domiciled in that Member State;
- (b) the income does not arise in the United Kingdom, or where the parent's income is computed as for the purposes of the income tax legislation of another Member State, does not arise in that Member State; or
- (c) the income arises from an office, service or employment, income from which is exempt from tax in pursuance of any legislation,

his or her taxable income for the purposes of this Schedule is computed as though the income under this sub-paragraph were part of his or her income for the purposes of the Income Tax Acts or the income tax legislation of another Member State, as the case may be.

(7) Where the income of the eligible student's parent is computed as for the purposes of the income tax legislation of another Member State, it is computed under the provisions of this Schedule in the currency of that Member State and the income of the eligible student's parent for the purposes of this Schedule is the sterling value of that income determined in accordance with the rate for the month in which the last day of the

flwyddyn ariannol o dan sylw yn syrthio ynddo, fel y'i cyhoeddwyd gan y Swyddfa Ystadegau Gwladol.

(8) Os yw un o rieni'r myfyriwr cymwys yn marw naill ai cyn neu yn ystod y flwyddyn berthnasol a bod incwm y rhiant hwnnw wedi'i gymryd i ystyriaeth er mwyn pennu incwm yr aelwyd neu y byddai wedi'i gymryd i ystyriaeth felly, mae incwm yr aelwyd-

- (a) os yw'r rhiant yn marw cyn y flwyddyn berthnasol, yn cael ei bennu drwy gyfeirio at incwm y rhiant sydd wedi goroesi; neu
- (b) os yw'r rhiant yn marw yn ystod y flwyddyn berthnasol, yn gyfanswm y canlynol-
  - (i) y gyfran briodol o incwm yr aelwyd a bennir drwy gyfeirio at incwm y ddau riant, sef y gyfran mewn perthynas â'r rhan honno o'r flwyddyn berthnasol pan oedd y ddau riant yn fyw; a
  - (ii) y gyfran briodol o incwm yr aelwyd a bennir drwy gyfeirio at incwm y rhiant sydd wedi goroesi, sef y gyfran mewn perthynas â'r rhan honno o'r flwyddyn berthnasol sy'n weddill ar ôl i'r rhiant arall farw.

(9) Os yw'r Cynulliad Cenedlaethol yn penderfynu nad yw'r rhieni fel arfer yn byw gyda'i gilydd drwy gydol y flwyddyn berthnasol, mae incwm yr aelwyd yn cael ei bennu drwy gyfeirio at incwm p'un bynnag o'r rhieni y mae'r Cynulliad Cenedlaethol yn credu mai ef yw'r mwyaf priodol o dan yr amgylchiadau.

(10) Os yw'r Cynulliad Cenedlaethol yn penderfynu nad yw'r rhieni fel arfer yn byw gyda'i gilydd am ran yn unig o'r flwyddyn berthnasol, mae incwm yr aelwyd yn cael ei bennu drwy gyfeirio at gyfanswm y canlynol-

- (a) y gyfran briodol o incwm yr aelwyd a bennir yn unol ag is-baragraff (9), sef y gyfran mewn perthynas â'r rhan honno o'r flwyddyn berthnasol pan nad yw'r rhieni yn byw gyda'i gilydd fel hyn; a
- (b) y gyfran briodol o incwm yr aelwyd a bennir fel arall mewn perthynas â gweddill y flwyddyn berthnasol.

### **Cyfrifo incwm gweddilliol partner y myfyriwr cymwys**

6.-(1) Yn ddarostyngedig i is-baragraffau (2), (3) a (4) o'r paragraff hwn a chan eithrio is-baragraffau (8), (9) a (10) o baragraff 5, mae incwm partner myfyriwr cymwys yn cael ei bennu yn unol â pharagraff 5, gan ddehongli cyfeiriadau at y rhiant fel pe baent yn gyfeiriadau at bartner y myfyriwr cymwys.

(2) Os yw'r Cynulliad Cenedlaethol yn penderfynu nad yw'r myfyriwr cymwys a'i bartner fel arfer yn byw gyda'i gilydd drwy gydol y flwyddyn berthnasol, nid yw incwm y partner yn cael ei gymryd i ystyriaeth wrth bennu incwm yr aelwyd.

financial year in question falls, as published by the Office for National Statistics.

(8) Where one of the eligible student's parents dies either before or during the relevant year and that parent's income has been or would be taken into account for the purpose of determining the household income, the household income is -

- (a) where the parent dies before the relevant year, determined by reference to the income of the surviving parent; or
- (b) where the parent dies during the relevant year, the aggregate of-
  - (i) the appropriate proportion of the household income determined by reference to the income of both parents, being the proportion in respect of that part of the relevant year during which both parents were alive; and
  - (ii) the appropriate proportion of the household income determined by reference to the income of the surviving parent, being the proportion in respect of that part of the relevant year remaining after the death of the other parent.

(9) Where the National Assembly determines that the parents do not ordinarily live together throughout the relevant year, the household income is determined by reference to the income of whichever parent the National Assembly considers the more appropriate under the circumstances.

(10) Where the National Assembly determines that the parents do not ordinarily live together for part only of the relevant year, the household income is determined by reference to the aggregate of-

- (a) the appropriate proportion of the household income determined in accordance with sub-paragraph (9), being the proportion in respect of that part of the relevant year for which the parents do not so live together; and
- (b) the appropriate proportion of the household income determined otherwise in respect of the remainder of the relevant year.

### **Calculation of eligible student's partner's residual income**

6.-(1) Subject to sub-paragraphs (2), (3) and (4) of this paragraph and with the exception of sub-paragraphs (8), (9) and (10) of paragraph 5, an eligible student's partner's income is determined in accordance with paragraph 5, references to the parent being construed as references to the eligible student's partner.

(2) Where the National Assembly determines that the eligible student and his or her partner do not ordinarily live together throughout the relevant year, the partner's income is not taken into account in determining the household income.



(3) Os yw'r Cynulliad Cenedlaethol yn penderfynu nad yw'r myfyriwr cymwys a'i bartner fel arfer yn byw gyda'i gilydd am ran yn unig o'r flwyddyn berthnasol, mae incwm y partner yn cael ei bennu drwy gyfeirio at ei incwm o dan is-baragraff (1) wedi'i rannu â hanner cant a dau ac wedi'u luosi â'r nifer o wythnosau cyflawn yn y flwyddyn berthnasol y mae'r Cynulliad Cenedlaethol yn penderfynu bod y myfyriwr cymwys a'i bartner yn byw gyda'i gilydd fel arfer.

(4) Os os gan fyfyriwr cymwys fwy nag un partner mewn unrhyw un flwyddyn academiaidd, mae darpariaethau'r paragraff hwn yn gymwys mewn perthynas â phob un.

### **Cyfrifo incwm gweddilliol partner rhiant**

7. Mae incwm partner rhiant myfyriwr cymwys newydd y mae ei incwm yn rhan o incwm yr aelwyd yn rhinwedd paragraff 3(2)(a) yn cael ei bennu yn unol â pharagraff 6, gan ddehongli cyfeiriadau at bartner y myfyriwr cymwys fel pe baent yn gyfeiriadau at bartner rhiant y myfyriwr cymwys newydd, a chan ddehongli cyfeiriadau at y myfyriwr cymwys fel pe baent yn gyfeiriadau at riant y myfyriwr cymwys newydd.

### **Cyfrifo cyfraniad- myfyriwr cymwys dan yr hen drefn**

8.-(1) Cyfrifir y cyfraniad sy'n daladwy mewn perthynas â myfyriwr cymwys sy'n fyfyriwr cymwys dan yr hen drefn-

- (a) mewn unrhyw achos lle mae'r myfyriwr cymwys yn fyfyriwr cymwys annibynnol dan yr hen drefn, yn unol ag is-baragraff (2); a
- (b) mewn unrhyw achos lle nad yw'r myfyriwr cymwys yn fyfyriwr cymwys annibynnol dan yr hen drefn, yn unol ag is-baragraff (3).

(2) Y cyfraniad sy'n daladwy mewn perthynas â myfyriwr cymwys annibynnol dan yr hen drefn yw-

- (a) mewn unrhyw achos lle mae incwm yr aelwyd yn £10,505 neu fwy, £45 gan ychwanegu £1 am bob £9.50 cyflawn o incwm sydd gan yr aelwyd uwchlaw £10,505; a
- (b) mewn unrhyw achos lle mae incwm yr aelwyd yn llai na £10,505, dim.

(3) Y cyfraniad sy'n daladwy mewn perthynas â myfyriwr cymwys dan yr hen drefn nad yw'n annibynnol, yw-

- (a) mewn unrhyw achos lle mae incwm yr aelwyd yn £22,560 neu fwy, £45 gan ychwanegu £1 am bob £9.50 cyflawn o incwm sydd gan yr aelwyd uwchlaw £22,560; a
- (b) mewn unrhyw achos lle mae incwm yr aelwyd yn llai na £22,560, dim.

(4) Rhaid i swm y cyfraniad sy'n daladwy o dan is-baragraff (2) neu (3) beidio â bod yn fwy na £7,430

(3) Where the National Assembly determines that the eligible student and his or her partner do not ordinarily live together for part only of the relevant year, the partner's income is determined by reference to his or her income under sub-paragraph (1) divided by fifty-two and multiplied by the number of complete weeks in the relevant year for which the National Assembly determines that the eligible student and his or her partner ordinarily live together.

(4) Where an eligible student has more than one partner in any one academic year, the provisions of this paragraph apply in relation to each.

### **Calculation of parent's partner's residual income**

7. The income of a new eligible student's parent's partner whose income is part of the household income by virtue of paragraph 3(2)(a) is determined in accordance with paragraph 6, references to the eligible student's partner being construed as references to the new eligible student's parent's partner, and references to the eligible student being construed as references to the new eligible student's parent.

### **Calculation of contribution- old system eligible students**

8.-(1) The contribution payable in relation to an eligible student who is an old system eligible student is calculated-

- (a) in any case where the eligible student is an independent old system eligible student, in accordance with sub-paragraph (2); and
- (b) in any case where the eligible student is not an independent old system eligible student, in accordance with sub-paragraph (3).

(2) The contribution payable in relation to an independent old system eligible student is,-

- (a) in any case where the household income is £10,505 or more, £45 with the addition of £1 for every complete £9.50 by which the household income exceeds £10,505; and
- (b) in any case where the household income is less than £10,505, nil.

(3) The contribution payable in relation to an old system eligible student who is not independent is-

- (a) in any case where the household income is £22,560 or more, £45 with the addition of £1 for every complete £9.50 by which the household income exceeds £22,560; and
- (b) in any case where the household income is less than £22,560, nil.

(4) The amount of the contribution payable under sub-paragraph (2) or (3) must in no case exceed

mewn unrhyw achos.

(5) Os yw is-baragraff (6) yn gymwys, rhaid i gyfanswm y cyfraniadau beidio â bod yn fwy na'r canlynol-

- (a) £7,430; neu
- (b) y cyfraniad a fuasai'n daladwy pe bai dyfarniad gan un myfyriwr cymwys yn unig.

(6) Mae'r is-baragraff hwn yn gymwys os oes cyfraniad yn daladwy mewn perthynas â'r canlynol-

- (a) dau neu fwy o fyfyrwyr cymwys mewn perthynas â'r un incwm o dan baragraff 5 neu, os yw incwm gweddilliol partner y rhiant perthnasol yn cael ei gymryd i ystyriaeth, o dan baragraffau 5 a 7; neu
- (b) dau neu fwy o fyfyrwyr cymwys annibynnol y mae gan bob un ohonynt bartner mewn perthynas ag incwm yr un aelwyd.

#### **Cyfrifo cyfraniad- myfyrwyr dan y drefn newydd**

9.-(1) Mewn perthynas â myfyriwr cymwys sy'n fyfyrwr cymwys dan y drefn newydd, y cyfraniad sy'n daladwy yw-

- (a) mewn unrhyw achos lle mae incwm yr aelwyd dros £37,900, £1 am bob £9.50 cyflawn cyflawn o incwm sydd gan yr aelwyd uwchlaw £37,900; a
- (b) mewn unrhyw achos lle mae incwm yr aelwyd yn £37,900 neu lai, dim.

(2) Rhaid i'r cyfraniad mewn unrhyw achos beidio â bod yn fwy na £7,430.

(3) Pan fydd is-baragraff (4) yn gymwys, rhaid i gyfanswm y cyfraniadau beidio â bod yn fwy nag-

- (a) £7,430; neu
- (b) y cyfraniad a fuasai'n daladwy petai dim ond un myfyriwr yn dal dyfarniad.

(4) Mae'r is-baragraff hwn yn gymwys lle mae cyfraniad yn daladwy o ran-

- (a) dau neu ragor o fyfyrwyr cymwys dan yr hen drefn mewn perthynas â'r un incwm o dan baragraff 5 neu, lle ystyrir incwm partner y rhiant perthnasol, o dan baragraffau 5 a 7; neu
- (b) dau neu ragor o fyfyrwyr cymwys annibynnol y mae gan ddau ohonynt bartner o ran yr un incwm aelwyd.

#### **Rhannu cyfraniadau**

10.-(1) Os oes cyfraniad yn daladwy o dan baragraff 8 neu 9 heblaw mewn perthynas â myfyriwr cymwys annibynnol dan yr hen drefn nad oes ganddo bartner,

£7,430.

(5) Where sub-paragraph (6) applies, the aggregate contributions must not exceed-

- (a) £7,430; or
- (b) the contribution which would have been payable if only one eligible student held an award.

(6) This sub-paragraph applies where a contribution is payable in relation to-

- (a) two or more eligible students in respect of the same income under paragraph 5 or, where the relevant parent's partner's residual income is taken into account, under paragraphs 5 and 7; or
- (b) two or more independent eligible students each with a partner in respect of the same household income.

#### **Calculation of contribution- new system students**

9.-(1) In relation to an eligible student who is a new system eligible student, the contribution payable is-

- (a) in any case where the household income exceeds £37,900, £1 for every complete £9.50 by which the household income exceeds £37,900; and
- (b) in any case where the household income is £37,900 or less, nil.

(2) The contribution must not in any case exceed £7,430.

(3) Where sub-paragraph (4) applies, the aggregate contributions must not exceed-

- (a) £7,430; or
- (b) the contribution which would have been payable if only one eligible student held an award.

(4) This sub-paragraph applies where a contribution is payable in relation to-

- (a) two or more old system eligible students in respect of the same income under paragraph 5 or, where the relevant parent's partner's residual income is taken into account, under paragraph 5 and 7; or
- (b) two or more independent eligible students who are each with a partner in respect of the same household income.

#### **Split contributions**

10.-(1) Where a contribution is payable under paragraph 8 or 9 other than in relation to an independent old system eligible student, the

mae'r cyfraniad yn daladwy yn unol â'r is-baragraffau canlynol-

- (a) am unrhyw flwyddyn pryd y mae dyfarniad statudol heblaw dyfarniad y cyfeirir ato yn is-baragraff (b) gan y canlynol-
  - (i) mwy nag un plentyn i rieni'r myfyriwr cymwys;
  - (ii) rhiant y myfyriwr cymwys; neu
  - (iii) partner rhiant y myfyriwr cymwys,

y cyfraniad sy'n daladwy mewn perthynas â'r myfyriwr cymwys yw unrhyw gyfran o unrhyw gyfraniad a gyfrifir o dan baragraff 8 neu 9 y mae'r Cynulliad Cenedlaethol yn credu ei bod yn gyfiawn ar ôl ymgynghori ag unrhyw awdurdod arall sydd o dan sylw gan gymryd i ystyriaeth sut mae paragraff 7 o'r Atodlen hon yn cael ei gymhwyso at fyfyrwr cymwys newydd a myfyrwr presennol ill dau;

- (b) yn ddarostyngedig i'r is-baragraffau canlynol, am unrhyw flwyddyn pryd y mae dyfarniad sy'n daladwy o dan y Rheoliadau hyn, Rheoliadau Addysg (Dyfarniadau Gorfodol) 2003(1) neu adran 63 o Ddeddf Gwasanaethau Iechyd ac Iechyd y Cyhoedd 1968 (2) (a dim dyfarniad statudol arall) gan fwy nag un plentyn i rieni'r myfyriwr cymwys, mae'r cyfraniad sy'n daladwy mewn perthynas â'r myfyriwr cymwys yn swm sy'n hafal i'r cyfraniad a gyfrifir o dan baragraff 8 neu 9 wedi'i rannu â nifer y plant i'w rieni y mae ganddynt ddyfarniad statudol perthnasol;
- (c) pe na bai unrhyw ran o'r cyfraniad a gyfrifir o dan baragraff 8 neu 9 yn cael ei chymhwyso mewn perthynas â dyfarniad statudol y myfyriwr cymwys, o ganlyniad i'r dyraniad o dan is-baragraff (b), mae gweddill y cyfraniad yn cael ei gymhwyso yn hytrach-

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(1) O.S. 2003/1994, a ddiwygiwyd gan O.S. 2004/1038 ac O.S. 2004/1792.

(2) 1968 p. 46; diwygiwyd adran 63 gan Ddeddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1972 (p. 58), Atodlen 7, Deddf Ad-drefnu'r Gwasanaeth Iechyd Gwladol 1973 (p. 32), Atodlenni 4 a 5, Deddf y Gwasanaeth Iechyd Gwladol 1977 (p. 49), Atodlenni 15 ac 16, Deddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978 (p. 29), Atodlenni 16 a 17, Deddf Llywodraeth Leol 1985 (p. 51), Atodlen 17, Deddf Iechyd a Meddyginiaethau 1988 (p. 49), adran 20, adran 25(2) ac Atodlen 3, Deddf Llywodraeth Leol (Yr Alban) 1994 (p. 39), Atodlen 13, Deddf Awdurdodau Iechyd 1995 (p. 17), Atodlen 1, Gorchymyn Ad-drefnu Llywodraeth Leol (Cymru) (Diwygiadau Canlyniadol Rhif 2) 1996 (O.S. 1996/1008), Deddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 (p. 46), Atodlen 2, Deddf Iechyd 1999 (p. 8), Atodlen 4, Deddf Iechyd a Gofal Cymdeithasol 2001 (p. 15), Atodlen 5, Deddf Diwygio'r Gwasanaeth Iechyd a Phroffesiynau Gofal Cymdeithasol 2002 (p. 17), Atodlenni 2, 5 a 9, Rheoliadau Deddf Diwygio'r Gwasanaeth Iechyd a Phroffesiynau Gofal Cymdeithasol 2002 (Darpariaethau Atodol, Canlyniadol etc) 2002 (O.S. 2002/2469), Atodlen 1, Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p. 43), Atodlenni 4, 11 a 14, Gorchymyn Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 Cychwyn (Rhif 2) 2004 (O.S. 2004/288), erthygl 7, Gorchymyn Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 Cychwyn (Rhif 1) (Cymru) 2004 (O.S. 2004/480), erthygl 6 a Gorchymyn Deddf Gwasanaethau Meddygol Sylfaenol (Yr Alban) 2004 (Addasiadau Canlyniadol) 2004 (O.S. 2004/957), yr Atodlen.

contribution is payable in accordance with the following sub-paragraphs-

- (a) for any year in which a statutory award other than an award referred to in sub-paragraph (b) is held by-
  - (i) more than one child of the eligible student's parents;
  - (ii) the eligible student's parent; or
  - (iii) the eligible student's parent's partner,

the contribution payable in respect of the eligible student is such proportion of any contribution calculated under paragraph 8 or 9 as the National Assembly after consultation with any other authority involved considers just taking into account the application of paragraph 7 of this Schedule to new eligible students and existing students respectively;

- (b) subject to the following sub-paragraphs, for any year in which an award payable under these Regulations, the Education (Mandatory Awards) Regulations 2003(1) or section 63 of the Health Services and Public Health Act 1968 (2) (and no other statutory award) is held by more than one child of the eligible student's parents, the contribution payable in respect of the eligible student is an amount equal to the contribution calculated under paragraph 8 or 9 divided by the number of children of his or her parents who hold a relevant statutory award;
- (c) if, as a result of the apportionment under sub-paragraph (b), any part of the contribution calculated under paragraph 8 or 9 would not be applied in respect of the eligible student's statutory award, the remainder of the contribution is instead applied-

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(1) S.I 2003/1994, amended by S.I. 2004/1038 and S.I. 2004/1792.

(2) 1968 c. 46; section 63 was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 7, the National Health Service Reorganisation Act 1973 (c. 32), Schedules 4 and 5, the National Health Service Act 1977 (c. 49), Schedules 15 and 16, the National Health Service (Scotland) Act 1978 (c. 29), Schedules 16 and 17, the Local Government Act 1985 (c. 51), Schedule 17, the Health and Medicines Act 1988 (c. 49), section 20, section 25(2) and Schedule 3, the Local Government (Scotland) Act 1994 (c. 39), Schedule 13, the Health Authorities Act 1995 (c. 17), Schedule 1, the Local Government Reorganisation (Wales) (Consequential Amendments No. 2) Order 1996 (S.I. 1996/1008), the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, the Health Act 1999 (c. 8), Schedule 4, the Health and Social Care Act 2001 (c. 15), Schedule 5, the National Health Service Reform and Social Care Professions Act 2002 (c. 17), Schedules 2, 5 and 9, the National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc Provisions) Regulations 2002 (S.I. 2002/2469), Schedule 1, the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedules 4, 11 and 14, the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 2) Order 2004 (S.I. 2004/288), article 7, the Health and Social Care (Community Health and Standards) Act 2003 (Commencement No. 1) (Wales) Order 2004 (S.I. 2004/480), article 6 and the Primary Medical Services (Scotland) Act 2004 (Consequential Modifications) Order 2004 (S.I. 2004/957), the Schedule.

- (i) yn gyntaf mewn perthynas â'r dyfarniad statudol lleiaf (neu bob dyfarniad statudol o'r fath) y caniateir i'r cyfraniad gael ei gymhwyso ato; a
- (ii) wedyn, yn nhrefn gynyddol eu maint, mewn perthynas â phob dyfarniad statudol sy'n weddill y caniateir i'r cyfraniad gael ei gymhwyso ato, nes bod modd dyrannu balans y cyfraniad yn gyfartal heb fod yr un rhan ohono ar ôl neu nes nad oes yr un rhan o unrhyw ddyfarniad statudol ar ôl nad yw'r cyfraniad wedi'i gymhwyso ati.

(2) Mewn unrhyw achos-

- (a) lle mae gan riant y myfyriwr cymwys y mae ei incwm yn cael ei asesu o dan yr Atodlen hon bartner;
- (b) lle mae cyfraniad sy'n cymryd i ystyriaeth incwm gweddilliol y rhiant hwnnw yn daladwy mewn perthynas â mwy nag un myfyriwr cymwys sy'n blentyn naill ai i'r rhiant hwnnw neu i'w bartner; ac
- (c) lle nad yw'r swm sy'n daladwy mewn perthynas â phob myfyriwr cymwys yn hafal i'r swm sy'n daladwy mewn perthynas â phob myfyriwr cymwys arall,

mae'r cyfraniad mewn perthynas â phob myfyriwr cymwys yn cael ei gyfrifo o dan is-baragraff (3).

(3) Os yw is-baragraff (2) yn gymwys, mae'r cyfraniad sy'n daladwy mewn perthynas â phob aelwyd berthnasol yn cael ei gyfrifo ac mae'r dyraniad yn cael ei wneud yn unol ag is-baragraff (1) o'r paragraff hwn gan gadw'n ôl dim ond y rhan honno o'r cyfraniad a ddyrannwyd i bob myfyriwr cymwys nad yw'n rhan o'r aelwyd berthnasol.

(4) Mewn achos lle mae cyfraniad sy'n cymryd i ystyriaeth incwm gweddilliol rhiant y myfyriwr cymwys yn daladwy mewn perthynas â mwy nag un plentyn i'r rhiant hwnnw neu i bartner y rhiant hwnnw, os oes un, a bod incwm gweddilliol unrhyw fyfyrwr cymwys o'r fath yn fwy na dim, mae'r cyfraniad mewn perthynas â phob myfyriwr cymwys yn cael ei gyfrifo yn unol â'r is-baragraffau canlynol-

- (a) mae'r cyfraniad mewn perthynas â phob myfyriwr cymwys yn cael ei gyfrifo heb gyfeirio at baragraff 4 ond fel arall yn unol â'r Atodlen hon ac yn cael ei ddyrannu rhwng pob myfyriwr cymwys yn unol â'r paragraff hwn;
- (b) wedyn cymhwysir hefyd mewn perthynas â phob myfyriwr cymwys gyfraniad arall o £1 am bob £9.50 cyflawn y mae'r swm a gyfrifir o dan is-baragraff (c) yn fwy na £22,560;

- (i) first in relation to the smallest statutory award (or each such statutory award) to which the contribution may apply; and
- (ii) then, in increasing order of size, in relation to each remaining statutory award to which the contribution may apply, until the balance of the contribution can be apportioned equally without any part of it remaining or until there remains no part of any statutory award to which the contribution has not been applied.

(2) In any case where-

- (a) the eligible student's parent whose income is assessed under this Schedule has a partner;
- (b) a contribution taking into account the residual income of that parent is payable in relation to more than one eligible student who is the child of either that parent or his or her partner; and
- (c) the amount payable in relation to each eligible student is not equal to the amount payable in respect of every other eligible student,

the contribution in respect of each eligible student is calculated under sub-paragraph (3).

(3) Where sub-paragraph (2) applies, the contribution payable in respect of each relevant household is calculated and the apportionment carried out in accordance with sub-paragraph (1) of this paragraph withholding only that part of the contribution apportioned to each eligible student who is not part of the relevant household.

(4) In a case where a contribution taking into account the residual income of the eligible student's parent is payable in respect of more than one child of that parent or that parent's partner, if any, and the residual income of any such eligible student is greater than nil, the contribution in relation to each eligible student is calculated in accordance with the following sub-paragraphs-

- (a) the contribution in respect of each eligible student is calculated without reference to paragraph 4 but otherwise in accordance with this Schedule and is apportioned between each eligible student in accordance with this paragraph;
- (b) there is then applied in addition in respect of each eligible student a further contribution of £1 for every complete £9.50 by which the sum calculated under sub-paragraph (c) exceeds £22,560;

(c) y swm y cyfeirir ato yn is-baragraff (b) yw cyfanswm unrhyw symiau a gyfrifir o dan baragraffau 4, 5 a 7 (os yw'n briodol) o'r Atodlen hon gan ddiidynnu'r swm (os oes swm) sy'n cyfateb i faint yn fwy na £22,560 yw cyfanswm y symiau a gyfrifir o dan baragraffau 5 a 7.

(5) Yn ddarostyngedig i is-baragraff (6), er mwyn cyfrifo'r cyfraniad at ei ddyfarniad statudol, ychwanegir at incwm gweddilliol myfyriwr sy'n rhiant unrhyw swm sy'n weddill-

(a) os yw'r myfyriwr sy'n rhiant yn rhiant i un myfyriwr cymwys yn unig a bod y cyfraniad sy'n daladwy mewn perthynas â'r myfyriwr cymwys hwnnw yn fwy na'r dyfarniad statudol mewn perthynas â'r myfyriwr cymwys hwnnw, y gwahaniaeth rhwng y cyfraniad hwnnw a'r dyfarniad statudol hwnnw; neu

(b) os yw myfyriwr sy'n rhiant yn rhiant i fwy nag un myfyriwr cymwys, unrhyw swm sy'n weddill ar ôl dyrannu'r cyfraniad at ei blant o dan y paragraff hwn.

(6) Os oes gan fyfyrwr sy'n rhiant bartner o fewn paragraff 1(j) o'r Atodlen hon, mae'r symiau a ychwanegir at ei incwm gweddilliol o dan is-baragraff (5) o'r paragraff hwn yn cael eu cyfrifo fel pe bai'r cyfraniad mewn perthynas â'i blant wedi'i asesu gan gymryd i ystyriaeth incwm partner y rhiant o dan baragraff 7, p'un a gafodd y cyfrifiad hwnnw ei gyfrifo ar y sail honno mewn gwirionedd neu beidio.

(7) Yn y paragraff hwn, ystyr "aelwyd berthnasol" ("*relevant household*") yw'r holl fyfyrwyr cymwys hynny y cyfrifir cyfraniad mewn perthynas â hwy gan gyfeirio ar yr un incwm o dan baragraffau 5 a 7 ill dau.

(c) the sum referred to in sub-paragraph (b) is the aggregate of any amounts calculated under paragraphs 4, 5 and 7 (where appropriate) of this Schedule with the deduction of the amount (if any) by which the aggregate of the amounts calculated under paragraphs 5 and 7 exceeds £22,560.

(5) Subject to sub-paragraph (6), there is added to a parent student's residual income for the purpose of calculating the contribution to his or her statutory award any sum remaining-

(a) where the parent student is the parent of only one eligible student and the contribution payable in respect of that eligible student is greater than the statutory award in respect of that eligible student, the difference between that contribution and that statutory award; or

(b) where a parent student is the parent of more than one eligible student, any sum remaining after the apportionment of the contribution to his or her children under this paragraph.

(6) Where a parent student has a partner within paragraph 1(k) of this Schedule, the sums added to his or her residual income under sub-paragraph (5) of this paragraph are calculated as though the contribution in respect of his or her children had been assessed taking into account the income of the parent's partner under paragraph 7, whether or not the contribution was actually calculated on that basis.

(7) In this paragraph, "relevant household" ("*aelwyd berthnasol*") means all those eligible students in respect of whom a contribution is calculated with reference to the same income under both paragraphs 5 and 7.

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