



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2018 Rhif 191 (Cy. 42)

2018 No. 191 (W. 42)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Cymorth i
Fyfyrwyr) (Cymru) 2018**

**The Education (Student Support)
(Wales) Regulations 2018**

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 sy'n dilyn cyrsiau addysg uwch dynodedig sy'n dechrau ar neu ar ôl 1 Awst 2018. Maent hefyd yn darparu cymorth ar gyfer cyrsiau sy'n dechrau cyn y dyddiad hwnnw ac sy'n cael eu troi wedi hynny o gyrsiau llawnamser i gyrsiau rhan-amser neu o gyrsiau rhan-amser i gyrsiau llawnamser ar neu ar ôl 1 Awst 2018.

These Regulations provide for financial support for students taking designated higher education courses which begin on or after 1 August 2018. They also provide support for courses which begin before that date and are subsequently converted from full-time to part-time or part-time to full-time on or after 1 August 2018.

Mae Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2017 ("Rheoliadau 2017") yn parhau mewn grym fel y'u diwygir gan reoliad 100 o'r Rheoliadau hyn ac Atodlen 6 iddynt. Mae Rheoliadau 2017 yn gymwys i'r ddarpariaeth o gymorth i fyfyrwyr sy'n parhau ar gyrsiau a ddechreuwyd ganddynt ar neu ar ôl 1 Medi 2017 a chyn 1 Awst 2018. Mae Rheoliadau 2017 hefyd yn gymwys i gyrsiau penben (o fewn yr ystyr yn y Rheoliadau hynny) ac mewn perthynas â chysiau pan fo statws myfyriwr wedi trosglwyddo o dan reoliad 8, 75, 102 a 114 o Reoliadau 2017 neu baragraff 11 o Atodlen 4 iddynt, pa un a yw'r trosglwyddiad hwnnw yn digwydd cyn, ar neu ar ôl 1 Awst 2018.

The Education (Student Support) (Wales) Regulations 2017 ("2017 Regulations") remain in force as amended by regulation 100 of, and Schedule 6 to, these Regulations. The 2017 Regulations apply to the provision of support to students who continue on courses they started on or after 1 September 2017 and before 1 August 2018. The 2017 Regulations also apply to end-on courses (within the meaning of those Regulations) and in relation to courses where a student's status has transferred under regulation 8, 75, 102, 114 of, or paragraph 11 of Schedule 4 to, the 2017 Regulations, whether that transfer occurs before, on or after 1 August 2018.

Er mwyn cymhwyso i gael cymorth o dan y Rheoliadau hyn, rhaid i fyfyriwr fod yn "myfyriwr cymwys". I fod yn fyfyriwr cymwys, rhaid i berson fodloni'r darpariaethau cymhwystra yn Rhan 4 (Pennod 2, Adran 1) ac unrhyw ofynion cymhwystra eraill a nodir mewn manau eraill yn y Rheoliadau. Rhaid i fyfyriwr cymwys fodloni hefyd y gofynion penodol sy'n gymwys i bob math o gymorth ariannol.

To qualify for support under these Regulations a student must be an "eligible student". To be an eligible student, a person must satisfy the eligibility provisions in Part 4 (Chapter 2, Section 1) and any other eligibility requirements elsewhere in the Regulations. An eligible student must also satisfy the specific requirements applicable to each type of financial support.

I fod yn fyfyriwr cymwys, rhaid i berson ddod o fewn un o'r categorïau a nodir yn Atodlen 2. Mae'r rhan fwyaf o categorïau yn Atodlen 2 yn ei gwneud yn ofynnol i'r myfyriwr breswyllo fel arfer yng Nghymru (ac eithrio categorïau 4(1)(a)(iv) – (vi) a chategori 6(1)). At ddibenion y Rheoliadau hyn, ystyrir bod person sy'n preswyllo fel arfer yng Nghymru, Lloegr,

To be an eligible student, a person must fall within one of the categories set out in Schedule 2. The majority of categories in Schedule 2 require the student to be ordinarily resident in Wales (other than categories 4(1)(a)(iv) – (vi) and category 6(1)). For the purposes of these Regulations a person who is ordinarily resident in England, Wales, Scotland,

yr Alban, Gogledd Iwerddon, Ynysoedd y Sianel neu Ynys Manaw, o ganlyniad i symud o un o'r ardaloedd hynny at ddiben ymgymryd â chwrs dynodedig, yn preswyllo fel arfer yn y lle y symudodd y person hwnnw ohono (Atodlen 2, paragraff 9(1)).

Penderfynir ar y cyfnod y mae myfyriwr yn gymwys i gael cymorth ar ei gyfer o dan y Rheoliadau hyn yn unol â rheoliadau 12 i 23. Mae rheoliadau 24 i 27 yn cyfyngu ar argaeledd cymorth pan fo myfyriwr wedi ymgymryd ag astudio blaenorol penodol. O dan amgylchiadau penodol, caiff myfyriwr cymwys drosglwyddo o un cwrs dynodedig i gwr dynodedig arall, gan gynnwys o gwr llawnamser i gwr rhan-amser ac i'r gwrthwyneb (rheoliadau 28 i 31).

Nid yw cymorth ond ar gael o dan y Rheoliadau hyn mewn cysylltiad â chyrсияu "dynodedig" o fewn ystyr rheoliadau 5 ac 8. Darperir cymorth i fyfyrwyr cymwys sy'n ymgymryd â chwrs dynodedig ble bynnag y bônt yn astudio yn y Deyrnas Unedig.

Mae'r Rheoliadau hyn yn darparu set graidd o reolau ar gyfer y ddarpariaeth o gymorth i fyfyrwyr cymwys pa un a dynt yn astudio'n llawnamser, yn rhan-amser, ar gyrsiau rhyngosod neu ar gyrsiau dysgu o bell. Mae unrhyw wahaniaethau yn y ffordd y mae'r cyrsiau hynny yn cael eu trin wedi eu rhagnodi yn y rheoliadau perthnasol. Ni fydd fyfyrwyr cymwys sy'n ymgymryd â chyrсияu rhan-amser yn gymwys i gael cymorth o dan y Rheoliadau hyn mewn cysylltiad â blwyddyn academiaidd pan fo dwysedd astudio'r myfyriwr ar gyfer y flwyddyn honno yn llai na 25% (rheoliad 13). Mae Atodlen 1 i'r Rheoliadau hyn yn gwneud darpariaeth ynghylch dehongli termau allweddol penodol ac mae paragraff 5 o Atodlen 1 yn nodi sut y mae "dwysedd astudio" i gael ei gyfrifo.

Mae Rhan 5 o'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer ceisiadau am gymorth (rheoliad 32), terfynau amser ar gyfer ceisiadau (rheoliad 33) ac mae rheoliad 34 yn caniatáu i Weinidogion Cymru wneud unrhyw ymholiadau y maent yn meddwl eu bod yn angenrheidiol er mwyn gwneud penderfyniad ar gais ac er mwyn hysbysu ceisydd am benderfyniad. Mae'r Rhan hon yn gosod rhwymedigaethau ar fyfyrwyr cymwys i ddarparu gwybodaeth i Weinidogion Cymru (rheoliad 35), i ymrwymo i gcontract ar gyfer benthyciad (rheoliad 36) a rhwymedigaeth ar awdurdodau academiaidd i hysbysu Gweinidogion Cymru pan fo myfyriwr wedi peidio ag ymgymryd â chwrs (rheoliad 37).

Mae cymorth o dan y Rheoliadau hyn ar gael ar ffurf grantiau a'r benthyciadau a ganlyn-

- a. benthyciad at ffioedd dysgu (Rhan 6);
- b. grant sylfaenol a grant cynhaliaeth (Rhan 7);

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 a designated course is considered ordinarily resident in the place from which that person moved (Schedule 2, paragraph 9(1)).

The period for which a student is eligible to receive support under these Regulations is determined in accordance with regulations 12 to 23. Regulations 24 to 27 restrict the availability of support where a student has undertaken certain previous study. In certain circumstances an eligible student may transfer from one designated course to another, including from a full-time course to a part-time course and vice-versa (regulations 28 to 31).

Support is only available under these Regulations in respect of "designated" courses within the meaning of regulations 5 and 8. Support is provided to eligible students undertaking a designated course wherever they study in the United Kingdom.

These Regulations provide a core set of rules for the provision of support to eligible students whether they study full-time, part-time, sandwich courses or distance learning courses. Any differences in treatment between those courses are prescribed in the relevant regulations. Eligible students undertaking part-time courses will not be eligible for support under these Regulations in respect of an academic year where their intensity of study for that year is less than 25% (regulation 13). Schedule 1 of these Regulations makes provision about the interpretation of certain key terms and paragraph 5 of Schedule 1 sets out how "intensity of study" is to be calculated.

Part 5 of these Regulations makes provision for applications for support (regulation 32), time limits for applications (regulation 33) and regulation 34 permits the Welsh Ministers to make such inquiries as they think necessary to make a decision on an application and to notify an applicant of a decision. This Part imposes obligations on eligible students to provide the Welsh Ministers with information (regulation 35), to enter into a contract for a loan (regulation 36) and an obligation on academic authorities to inform the Welsh Ministers when a student has ceased to undertake a course (regulation 37).

Support under these Regulations is available in the form of the following grants and loans-

- a. tuition fee loan (Part 6);
- b. base grant and maintenance grant (Part 7);

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| <ul style="list-style-type: none"> c. benthyciad cynhaliaeth (Rhan 8); d. grant myfyriwr anabl (Rhan 9); e. grantiau at deithio (Rhan 10); f. grantiau ar gyfer dibynyddion (Rhan 11); g. grant myfyriwr ôl-raddedig anabl (Rhan 15); h. benthyciadau at ffioedd colegau Oxbridge (Rhan 16). | <ul style="list-style-type: none"> c. maintenance loan (Part 8); d. disabled student's grant (Part 9); e. grants for travel (Part 10); f. grants for dependants (Part 11); g. disabled postgraduate student's grant (Part 15); h. Oxbridge college fee loans (Part 16). |
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Er mwyn cymhwyso i gael benthyciad at ffioedd dysgu, grant sylfaenol, grant cynhaliaeth, benthyciad cynhaliaeth, grant myfyriwr anabl, grant at deithio, neu grantiau ar gyfer dibynyddion, rhaid i fyfyrwr cymwys fodloni'r amodau cymhwyso ar gyfer y mathau hynny o gymorth. Er mwyn bod yn gymwys i gael cymorth, rhaid i fyfyrwr cymwys sy'n dymuno ymgymryd â chwrs dysgu o bell, yn ychwanegol at fodloni'r amodau cymhwyso, fod yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs. Nid yw'r gofyniad hwn yn gymwys i fyfyrwr nad ydynt yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs oherwydd eu bod hwy, neu eu perthynas agos, yn gwasanaethu fel aelod o lynges, byddin neu lu awyr rheolaidd y Goron y tu allan i Gymru. Nid yw myfyrwr cymwys sy'n ymgymryd â chyrсияu dysgu o bell yn gymwys i gael grantiau at deithio, grantiau ar gyfer dibynyddion, na benthyciadau at ffioedd colegau Oxbridge (yn ddarostyngedig i'r eithriad ym mharagraff 3(4) o Atodlen 5).

Nid yw grantiau at ffioedd a oedd yn daladwy o dan Reoliadau 2017 ar gael o dan y Rheoliadau hyn ac maent wedi eu disodli gan fenthyciadau at ffioedd dysgu sy'n daladwy yn unol â Rhan 6. Mae Rhan 7 yn darparu ar gyfer talu grant sylfaenol newydd a grant cynhaliaeth. Mae'r grant sylfaenol yn daliad o £1,000 ar gyfer myfyrwr cymwys sy'n ymgymryd â chyrсияu llawnamser ac ar gyfer myfyrwr cymwys sy'n ymgymryd â chyrсияu rhan-amser mae'n £1,000 wedi ei luosi â dwysedd eu hastudio.

Penderfynir ar swm y grant cynhaliaeth sy'n daladwy i fyfyrwr llawnamser drwy gyfeirio at drefniadau byw'r myfyriwr, incwm ei aelwyd a pha un a yw'n berson sy'n ymadael â gofal (rheoliad 46). Penderfynir ar swm y grant cynhaliaeth sy'n daladwy i fyfyrwr rhan-amser drwy gyfeirio at incwm aelwyd y myfyriwr, pa un a yw'n berson sy'n ymadael â gofal a dwysedd ei astudio (rheoliad 47). Cyfrifir incwm aelwyd myfyriwr cymwys yn unol â Rhan 2 o Atodlen 3. Mae "person sy'n ymadael â gofal" at y dibenion hyn wedi ei ddiffinio yn rheoliad 49.

Mae Pennod 4 o Ran 7 o'r Rheoliadau hyn yn darparu i daliad cymorth arbennig gael ei wneud i fyfyrwr cymwys sy'n bodloni un o'r amodau cymhwyso yn

In order to qualify for a tuition fee loan, base grant, maintenance grant, maintenance loan, disabled student's grant, grant for travel, or grants for dependants, an eligible student must meet the qualifying conditions for those types of support. In order to be eligible for support eligible students who wish to undertake a distance learning course must, in addition to satisfying the qualifying conditions, be in Wales on the first day of the first academic year of the course. This requirement does not apply to students who are not in Wales on the first day of the first academic year of the course because they, or their close relative, is serving as a member of the regular navy, military or air forces of the Crown outside Wales. Eligible students undertaking distance learning courses are not eligible for grants for travel, grants for dependants or Oxbridge college fee loans (subject to the exception in paragraph 3(4) of Schedule 5).

Fee grants payable under the 2017 Regulations are not available under these Regulations and are replaced with tuition fee loans which are payable in accordance with Part 6. Part 7 provides for the payment of a new base grant and a maintenance grant. The base grant is a payment of £1,000 for eligible students undertaking full-time courses and for eligible students undertaking part-time courses it is £1,000 multiplied by the intensity of their study.

The amount of maintenance grant payable to full-time students is determined by reference to the student's living arrangements, their household income and whether they are a care leaver (regulation 46). The amount of maintenance grant payable to part-time students is determined by reference to the student's household income, whether they are a care leaver and the intensity of their study (regulation 47). An eligible student's household income is calculated in accordance with Part 2 of Schedule 3. "Care leaver" for these purposes is defined in regulation 49.

Chapter 4 of Part 7 of these Regulations provides for a special support payment to be made to an eligible student who meets one of the qualifying conditions in

rheoliad 51 ac sy'n cymhwyso i gael grant sylfaenol neu grant cynhaliath. Bwriedir i'r taliad cymorth arbennig dalu am gostau llyfrau ac offer, treuliau teithio a chostau gofal plant yr eir iddynt gan fyfyrwr cymwys sy'n ymgymryd â chwrs dynodedig.

Mae benthyciadau cynhaliath yn daladwy i fyfyrwr cymwys yn unol â Rhan 8 o'r Rheoliadau hyn. Bydd myfyrwr cymwys yn cymhwyso i gael benthyciad cynhaliath oni bai bod un o'r eithriadau yn rheoliad 54 yn gymwys i'r myfyrwr. Cyfrifir swm y benthyciad cynhaliath sydd ar gael yn unol â rheoliadau 55 i 57 ar gyfer myfyrwyr llawnamser a rheoliad 58 ar gyfer myfyrwyr rhan-amser.

Mae Rhan 9 o'r Rheoliadau hyn yn gwneud darpariaeth mewn cysylltiad â grantiau myfyrwyr anabl. Mae'r amodau cymhwyso ar gyfer grantiau o'r fath wedi eu nodi yn rheoliad 62. Swm y grant sydd ar gael i fyfyrwr anabl yw'r swm y mae Gweinidogion Cymru yn meddwl ei fod yn briodol ac nad yw'n fwy na swm cyfanredol y terfynau sy'n gymwys mewn cysylltiad â'r Achosion a restrir yn rheoliad 63(2).

Mae Rhan 10 o'r Rheoliadau hyn yn gwneud darpariaeth mewn cysylltiad â grantiau at deithio; gan gynnwys grantiau at deithio ar gyfer myfyrwyr meddygol (rheoliad 65) ac ar gyfer astudio neu waith dramor (rheoliad 66).

Mae Rhan 11 yn gwneud darpariaeth ar gyfer grantiau i fyfyrwr cymwys mewn cysylltiad â'r costau sy'n gysylltiedig â dibynyddion penodol. Mae tri grant ar gael; grant oedolion dibynnol (Pennod 2), grant dysgu ar gyfer rhieni (Pennod 3) a grant gofal plant (Pennod 4). Er mwyn cymhwyso i gael grant, rhaid i fyfyrwr cymwys fodloni'r amodau cymhwyso penodol ar gyfer y grant hwnnw a'r amodau cymhwyso yn rheoliad 69.

Mae Rhan 12 yn gwneud darpariaeth ar gyfer myfyrwyr sy'n cymhwyso i gael mathau penodol o gymorth ran o'r ffordd drwy flwyddyn academiaidd. Pan fo myfyrwr yn cymhwyso i gael benthyciad cynhaliath neu grant yn ystod blwyddyn academiaidd, ni thelir y cymorth hwnnw ond mewn cysylltiad â'r chwarteri academiaidd yn dilyn y digwyddiad sy'n sbarduno eu cymhwystra. Ni fydd benthyciad cynhaliath ond yn daladwy os yw'n chwarter y byddai'r benthyciad fel arall yn daladwy mewn cysylltiad ag ef o dan rheoliad 85(6) a (7).

Mae Rhan 13 o'r Rheoliadau hyn yn gwneud darpariaeth mewn cysylltiad â thaliadau, gordaliadau ac adennill taliadau.

Mae rheoliadau 93 i 95 yn gwneud darpariaeth i gymorth sy'n daladwy o dan y Rheoliadau hyn gael ei ostwng o dan amgylchiadau penodol; gan gynnwys pan fo myfyrwr cymwys yn dod yn garcharor, yn

regulation 51 and who qualifies for a base grant or maintenance grant. A special support payment is intended to meet the cost of books and equipment, travel expenses and childcare costs incurred by an eligible student in undertaking a designated course.

Maintenance loans are payable to eligible students in accordance with Part 8 of these Regulations. An eligible student will qualify for a maintenance loan unless one of the exceptions in regulation 54 applies to the student. The amount of maintenance loan available is calculated in accordance with regulations 55 to 57 for full-time students and regulation 58 for part-time students.

Part 9 of these Regulations makes provision in respect of grants for disabled students. The qualifying conditions for such grants are set out in regulation 62. The amount of grant available to disabled students is the amount that the Welsh Ministers think appropriate not exceeding the aggregate amount of the limits applicable in respect of the Cases listed in regulation 63(2).

Part 10 of these Regulations makes provision in respect of grants for travel; including grants for travel for medical students (regulation 65) and for study or work overseas (regulation 66).

Part 11 makes provision for grants to eligible students in respect of the costs associated with certain dependants. Three grants are available; an adult dependants grant (Chapter 2), a parents' learning grant (Chapter 3) and childcare grant (Chapter 4). In order to qualify for a grant an eligible student must meet the specified qualifying conditions for that grant and the qualifying conditions in regulation 69.

Part 12 makes provision for students who qualify for certain types of support part way through an academic year. Where a student qualifies for a grant or maintenance loan during the course of an academic year, such support is payable only in respect of the academic quarters following the event which triggers their eligibility. A maintenance loan will only be payable if it is a quarter in respect of which the loan would otherwise be payable under regulation 85(6) and (7).

Part 13 of these Regulations makes provision in respect of payments, overpayments and recovery of payments.

Regulations 93 to 95 make provision for support payable under these Regulations to be reduced in certain circumstances; including where an eligible student becomes a prisoner, stops undertaking the

rhoi'r gorau i ymgymryd â'r cwrs presennol am unrhyw gyfnod, neu pan fo ei gymhwystra wedi dod i ben neu wedi cael ei derfynu, yn ystod blwyddyn academaidd.

Mae Atodlen 3 yn ymwneud â chyfrifo incwm. Mae Rhan 2 o Atodlen 3 yn darparu ar gyfer y ffordd y bydd incwm aelwyd myfyriwr cymwys yn cael ei gyfrifo at ddibenion penderfynu ar swm y grant cynhaliath, y grant at deithio a'r grantiau ar gyfer dibynnyddion a all fod yn daladwy i'r myfyriwr cymwys. Er mwyn cyfrifo incwm aelwyd mae angen cyfrifo incwm trethadwy ac incwm gweddilliol pob person sydd ar yr aelwyd. Mae Rhan 3 o Atodlen 3 yn nodi ystyr incwm trethadwy at y dibenion hyn. Mae Rhan 4 o Atodlen 3 yn gwneud darpariaeth ynghylch cyfrifo incwm gweddilliol person. Mae Rhan 5 o Atodlen 3 yn gwneud darpariaeth ynghylch cyfrifo incwm net at ddibenion penderfynu a yw myfyriwr cymwys yn cymhwyso i gael grant oedolion dibynnol, ac at ddibenion cyfrifo swm y grant ar gyfer dibynnyddion sy'n daladwy i'r myfyriwr.

Mae Rhan 15 ac Atodlen 4 yn gwneud darpariaeth ar gyfer cymorth i fyfyrwyr ôl-raddedig sydd ag anableddau.

Mae Rhan 16 ac Atodlen 5 yn gwneud darpariaeth ar gyfer "benthyciadau at ffioedd colegau Oxbridge". Benthyciadau yw'r rhain mewn cysylltiad â'r ffioedd coleg sy'n daladwy gan fyfyrwr Oxbridge cymwys (fel y'u diffinnir ym mharagraff 3 o Atodlen 5) i goleg neu neuadd breifat barhaol ym Mhrifysgol Rhydychen, neu i un o golegau Prifysgol Caergrawnt, mewn cysylltiad â phresenoldeb y myfyriwr ar gwrs Oxbridge dynodedig (fel y'i diffinnir ym mharagraff 2 o Atodlen 5).

Mae Rhan 17 ac Atodlen 6 yn cynnwys diwygiadau i Reoliadau 2017.

Atodlen 7 yw'r atodlen olaf i'r Rheoliadau hyn ac mae'n cynnwys y mynegai o dermau wedi eu diffinio.

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

present course for any period, or where their eligibility has ended or has been terminated, during an academic year.

Schedule 3 concerns the calculation of income. Part 2 of Schedule 3 provides for the way in which an eligible student's household income will be calculated for the purposes of determining the amount of maintenance grant, grant for travel and grants for dependants which may be payable to the eligible student. In order to calculate household income it is necessary to calculate the taxable income and residual income of each person in the household. Part 3 of Schedule 3 sets out the meaning of taxable income for these purposes. Part 4 of Schedule 3 makes provision about the calculation of a person's residual income. Part 5 of Schedule 3 makes provision about the calculation of net income for the purposes of determining whether an eligible student qualifies for an adult dependants grant and for the purposes of calculating the amount of grant for dependants payable to the student.

Part 15 and Schedule 4 make provision for support for postgraduate students with disabilities.

Part 16 and Schedule 5 make provision for "Oxbridge college fee loans". These are loans in respect of the college fees payable by eligible Oxbridge students (as defined in paragraph 3 of Schedule 5) to a college or permanent private hall of the University of Oxford, or a college of the University of Cambridge, in connection with their attendance on a designated Oxbridge course (as defined in paragraph 2 of Schedule 5).

Part 17 and Schedule 6 contains amendments to the 2017 Regulations.

Schedule 7 is the final schedule to these Regulations and contains the index of defined terms.

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

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EDUCATION, WALES

**Rheoliadau Addysg (Cymorth i
Fyfyrwyr) (Cymru) 2018**

**The Education (Student Support)
(Wales) Regulations 2018**

Gwnaed 14 Chwefror 2018

Made 14 February 2018

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 16 Chwefror 2018

Laid before the National Assembly for Wales
16 February 2018

Yn dod i rym 12 Mawrth 2018

Coming into force 12 March 2018

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

RHAN 1

ENWI, CYCHWYN A CHYMHWYSO

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2018.

(2) Daw'r Rheoliadau hyn i rym ar 12 Mawrth 2018.

Cymhwyso

2.—(1) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) Mae'r Rheoliadau hyn yn gymwys i'r ddarpariaeth o gymorth i fyfyrwyr mewn perthynas â chwrs sy'n dechrau ar neu ar ôl 1 Awst 2018 pa un a gaiff unrhyw beth a wneir o dan y Rheoliadau hyn ei wneud cyn, ar neu ar ôl 1 Awst 2018.

(3) Ond nid yw'r Rheoliadau hyn yn gymwys i'r ddarpariaeth o gymorth i fyfyrwyr mewn perthynas â chwrs o'r fath—

- (a) os yw'r cwrs yn un y mae statws y myfyriwr wedi trosglwyddo mewn perthynas ag ef o dan reoliad 8, 75, 102 neu 114 o Reoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2017 ("Rheoliadau 2017")(3) neu baragraff 11 o Atodlen 4 iddynt, neu

(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, Deddf Addysg Uwch 2004 (p. 8), adrannau 42 a 43 ac Atodlen 7, Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p. 22), adran 257, Deddf Addysg 2011 (p. 21), adran 76 ac O.S. 2013/1881. *Gweler* adran 43(1) o Ddeddf Addysgu ac Addysg Uwch 1998 i gael y diffiniad o "prescribed" a "regulations".

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn adran 22(2)(a) i (i) a (k) i Gynulliad Cenedlaethol Cymru i'r graddau y maent yn ymwneud â gwneud darpariaeth o ran Cymru gan adran 44 o Ddeddf Addysg Uwch 2004 (p. 8), ac mae is-adrannau (a), (c) a (k) yn arferadwy ar y cyd â'r Ysgrifennydd Gwladol. Trosglwyddwyd swyddogaeth yr Ysgrifennydd Gwladol yn adran 42, i'r graddau yr oedd yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Atodlen 1 i Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru o dan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(3) O.S. 2017/47 (Cy. 21).

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

PART 1

TITLE, COMMENCEMENT AND APPLICATION

Title and commencement

1.—(1) The title of these Regulations is the Education (Student Support) (Wales) Regulations 2018.

(2) These Regulations come into force on 12 March 2018.

Application

2.—(1) These Regulations apply in relation to Wales.

(2) These Regulations apply to the provision of support to students in relation to a course which begins on or after 1 August 2018 regardless of whether anything done under these Regulations is done before, on or after 1 August 2018.

(3) But these Regulations do not apply to the provision of support to students in relation to such a course if—

- (a) the course is one in relation to which the student's status has transferred under regulation 8, 75, 102 or 114 of, or paragraph 11 of Schedule 4 to, the Education (Student Support) (Wales) Regulations 2017 ("the 2017 Regulations")(3), or

(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, the Higher Education Act 2004 (c. 8), sections 42 and 43 and Schedule 7, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 257, the Education Act 2011 (c. 21), section 76 and S.I. 2013/1881. *See* section 43(1) of the Teaching and Higher Education Act 1998 for the definition of "prescribed" and "regulations".

(2) The Secretary of State's functions in section 22(2)(a) to (i) and (k) were transferred to the National Assembly for Wales so far as they relate to making provision in relation to Wales by section 44 of the Higher Education Act 2004 (c. 8), with subsections (a),(c) and (k) being exercisable concurrently with the Secretary of State. The Secretary of State's function in section 42 was transferred, in so far as exercisable in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, article 2 Schedule 1 (SI 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers under paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(3) S.I. 2017/47 (W.21).

- (b) os yw'r cwrs yn gwrs penben o fewn ystyr Rheoliadau 2017.

(4) Am ddarpariaeth ynghylch cymorth a ddarperir i fyfyrwyr mewn perthynas â chwrs—

- (a) y mae paragraff (3) yn gymwys iddo, neu
- (b) sy'n dechrau cyn 1 Awst 2018,

gweler Rheoliadau 2017 fel y'u diwygir gan Atodlen 6 i'r Rheoliadau hyn.

- (b) the course is an end-on course within the meaning of the 2017 Regulations.

(4) For provision about support provided to students in relation to a course—

- (a) to which paragraph (3) applies, or
- (b) which begins before 1 August 2018,

see the 2017 Regulations as amended by Schedule 6 to these Regulations.

RHAN 2 TROSOLWG

Trosolwg

3.—(1) Mae'r Rhannau sy'n weddill o'r Rheoliadau hyn wedi eu trefnu fel a ganlyn.

(2) Mae Rhan 3 yn cyflwyno 2 Atodlen—

- (a) Atodlen 1, sy'n cynnwys darpariaethau ynghylch dehongli termau allweddol penodol, a
- (b) Atodlen 7, sy'n cynnwys mynegai o'r termau wedi eu diffinio yn y Rheoliadau hyn.

(3) Mae 2 Bennod i Ran 4, sy'n cynnwys darpariaeth ynghylch y cysyniadau allweddol sy'n penderfynu cymhwystra i gael cymorth o dan y Rheoliadau hyn—

- (a) mae Pennod 1 yn gwneud darpariaeth ynghylch penderfynu a yw cwrs yn gwrs dynodedig at ddibenion y Rheoliadau hyn ac felly yn gwrs y caiff myfyriwr fod yn gymwys i gael cymorth mewn cysylltiad ag ef;
- (b) mae 5 Adran i Bennod 2, sy'n gwneud darpariaeth ynghylch sut y caiff myfyriwr sy'n ymgymryd â chwrs dynodedig fod yn gymwys i gael cymorth o dan y Rheoliadau hyn—
 - (i) mae Adran 1 yn nodi'r meini prawf er mwyn penderfynu a yw myfyriwr yn gymwys i gael cymorth (gweler yn benodol Atodlen 2 sy'n nodi'r categorïau o fyfyriwr cymwys) ac yn cynnwys darpariaeth ynghylch yr eithriadau a all olygu nad yw myfyriwr yn gymwys;
 - (ii) mae Adran 2 yn gwneud darpariaeth ynghylch y cyfnod y caiff myfyriwr barhau i fod yn gymwys i gael cymorth ar ei gyfer, gan gynnwys mewn achosion pan fo myfyriwr yn ymgymryd â mwy nag un cwrs;
 - (iii) mae Adran 3 yn nodi'r rheolau ar gyfer terfynu cymhwystra myfyriwr cymwys yn gynnar, er enghraifft o ganlyniad i gamymddygiad y myfyriwr;

PART 2 OVERVIEW

Overview

3.—(1) The remaining Parts of these Regulations are arranged as follows.

(2) Part 3 introduces 2 Schedules—

- (a) Schedule 1, which contains provisions about the interpretation of certain key terms, and
- (b) Schedule 7, which contains an index of the terms defined in these Regulations.

(3) Part 4 comprises 2 Chapters containing provision about the key concepts which determine eligibility for support under these Regulations—

- (a) Chapter 1 makes provision about determining whether a course is designated for the purposes of these Regulations and is therefore a course in respect of which a student may be eligible for support;
- (b) Chapter 2 comprises 5 Sections making provision about how a student undertaking a designated course may be eligible for support under these Regulations—
 - (i) Section 1 sets out the criteria for determining whether a student is eligible for support (see in particular Schedule 2 which sets out the categories of eligible student) and includes provision about the exceptions which may mean that a student is not eligible;
 - (ii) Section 2 makes provision about the period for which a student may remain eligible for support, including in cases where a student undertakes more than one course;
 - (iii) Section 3 sets out the rules for the early termination of a student's eligibility, for example as a result of the student's misconduct;

- (iv) mae Adran 4 yn nodi'r cyfyngiadau ar gymorth sydd ar gael o dan y Rheoliadau hyn mewn achosion pan fo myfyriwr wedi ymgymryd ag astudio blaenorol, megis gradd flaenorol;
- (v) mae Adran 5 yn ymdrin ag achosion pan fo myfyriwr yn trosglwyddo o un cwrs dynodedig i un arall, gan gynnwys darpariaeth ynghylch ailasesu'r swm sy'n daladwy i fyfyriwr o dan amgylchiadau o'r fath a darpariaeth sy'n ymdrin ag achosion pan fo myfyriwr yn trosglwyddo o astudio llawnamser i astudio rhan-amser ac i'r gwrthwyneb.

(4) Mae Rhan 5 yn gwneud darpariaeth weinyddol ynghylch—

- (a) ceisiadau am gymorth o dan y Rheoliadau hyn;
- (b) gofynion a osodir ar geiswyr a myfyrwyr cymwys i ddarparu gwybodaeth;
- (c) contractau ar gyfer benthyciadau y gwneir cais amdanynt o dan y Rheoliadau hyn.

(5) Mae Rhan 6 yn gwneud darpariaeth ynghylch benthyciadau at ffioedd dysgu gan gynnwys darpariaeth ynghylch—

- (a) yr amodau cymhwyso y mae rhaid i fyfyriwr eu bodloni er mwyn cymhwyso i gael benthyciad at ffioedd dysgu, a
- (b) symiau'r benthyciad sydd ar gael i gategoriâu amrywiol o fyfyriwr cymwys.

(6) Mae 4 Pennod i Ran 7, sy'n cynnwys darpariaeth ynghylch y prif gymorth grant sydd ar gael i fyfyrwyr cymwys mewn cysylltiad â chostau byw ac astudio, yn benodol—

- (a) mae Pennod 1 yn nodi'r amodau cymhwyso y mae rhaid iddynt gael eu bodloni er mwyn i fyfyriwr gymhwyso i gael grant o dan Benodau 2 neu 3;
- (b) mae Pennod 2 yn gwneud darpariaeth ynghylch y grant sylfaenol, gan bennu swm y grant sylfaenol sydd ar gael;
- (c) mae Pennod 3 yn gwneud darpariaeth ynghylch y grant cynhaliaeth, gan gynnwys darpariaeth ynghylch—
 - (i) swm y grant sydd ar gael;
 - (ii) sut y caiff swm y grant sydd ar gael ei ostwng mewn perthynas ag incwm aelwyd y myfyriwr (gweler Atodlen 3 ar gyfer darpariaeth ynghylch sut i gyfrifo incwm yr aelwyd);

(iv) Section 4 sets out the restrictions on support available under these Regulations in cases where a student has undertaken previous study, such as a previous degree;

(v) Section 5 deals with cases where a student transfers from one designated course to another, including provision about reassessing the amount payable to a student in such circumstances and provision dealing with cases where a student transfers from full-time study to part-time and *vice versa*.

(4) Part 5 makes administrative provision about—

- (a) applications for support under these Regulations;
- (b) requirements imposed on applicants and eligible students to provide information;
- (c) contracts for loans applied for under these Regulations.

(5) Part 6 make provision about tuition fee loans including provision about—

- (a) the qualifying conditions that a student must meet in order to qualify for a tuition fee loan, and
- (b) the amounts of loan available to various categories of eligible student.

(6) Part 7 comprises 4 Chapters containing provision about the main grant support available to eligible students in respect of living and study costs, in particular—

- (a) Chapter 1 sets out the qualifying conditions that must be met for a student to qualify for a grant under Chapters 2 or 3;
- (b) Chapter 2 makes provision about base grant, specifying the amount of base grant available;
- (c) Chapter 3 makes provision about maintenance grant, including provision about—
 - (i) the amount of grant available;
 - (ii) how the amount of grant available is reduced in relation to the household income of the student (see Schedule 3 for provision about how to calculate household income);

(iii) achosion pan na fo incwm aelwyd myfyriwr yn berthnasol a bod uchafswm y grant ar gael;

(d) mae Pennod 4 yn cynnwys darpariaethau sy'n penderfynu pryd y caniateir i swm grantiau sy'n daladwy o dan y Rhan hon gael ei ystyried yn gymorth arbennig oherwydd i'r myfyriwr fodloni amodau penodol mewn cysylltiad â hawlogaeth i gael budd-daliadau neu gredydau, gan gynnwys darpariaeth sy'n pennu'r swm sydd i'w ystyried felly.

(7) Mae Rhan 8 yn gwneud darpariaeth ynghylch benthyciadau cynhaliath gan gynnwys darpariaeth ynghylch—

- (a) uchafswm y benthyciad sydd ar gael;
- (b) sut y mae uchafswm y benthyciad sydd ar gael i'w ostwng mewn perthynas â swm y grant cynhaliath sy'n daladwy i fyfyriwr cymwys.

(8) Mae Rhan 9 yn gwneud darpariaeth ynghylch y grant myfyriwr anabl sef grant sydd ar gael i fyfyrwr cymwys penodol ag anabledd sy'n ymgymryd â chwrs dynodedig mewn cysylltiad â chostau ychwanegol penodol a nodir yn y Rhan ac yr eir iddynt oherwydd anabledd y myfyriwr.

(9) Mae Rhan 10 yn gwneud darpariaeth ynghylch grantiau at gostau teithio y mae myfyrwr cymwys penodol yn mynd iddynt.

(10) Mae 5 Pennod i Ran 11, ynghylch grantiau ychwanegol sydd ar gael i fyfyrwr cymwys y mae ganddynt ddibynyddion ("grantiau ar gyfer dibynyddion"), yn benodol—

- (a) mae Pennod 1 yn nodi'r 3 math o grantiau ar gyfer dibynyddion ac yn cynnwys darpariaeth ynghylch yr amodau cymhwyso a'r termau wedi eu diffinio sy'n gyffredin i bob un o'r grantiau ar gyfer dibynyddion;
- (b) mae Pennod 2 yn gwneud darpariaeth ynghylch y grant oedolion dibynnol gan gynnwys darpariaeth ynghylch y meini prawf cymhwyso ac uchafswm y grant sydd ar gael;
- (c) mae Pennod 3 yn gwneud darpariaeth debyg mewn cysylltiad â'r grant dysgu ar gyfer rhieni;
- (d) mae Pennod 4 yn gwneud darpariaeth ynghylch y grant gofal plant gan gynnwys darpariaeth ynghylch yr amodau cymhwyso, y mathau o ofal plant y mae cymorth ar gael ar eu cyfer a sut i gyfrifo uchafswm y grant gofal plant sydd ar gael;
- (e) mae Pennod 5 yn nodi sut i gyfrifo swm y grantiau ar gyfer dibynyddion sy'n daladwy i fyfyriwr gan gynnwys gostwng y swm sy'n daladwy drwy gyfeirio at incwm (gweler Atodlen 3 am ddarpariaeth ynghylch cyfrifo incwm at ddibenion y darpariaethau hyn).

(iii) cases where a student's household income is not relevant and the maximum amount of grant is available;

(d) Chapter 4 contains provisions determining when an amount of grants payable under this Part may be classified as special support as a result of the student satisfying certain conditions in connection with entitlement to benefits or credits, including provision specifying the amount to be so classified.

(7) Part 8 makes provision about maintenance loans including provision about—

- (a) the maximum amount of loan available;
- (b) how the maximum amount of loan available is to be reduced in relation to the amount of maintenance grant payable to an eligible student.

(8) Part 9 makes provision about disabled student's grant which is a grant available to certain eligible students with a disability undertaking a designated course in respect of certain additional costs set out in the Part which are incurred by reason of the student's disability.

(9) Part 10 makes provision about grants for travel costs incurred by certain eligible students.

(10) Part 11 comprises 5 Chapters about additional grants available to eligible students with dependants ("grants for dependants" or "GfDs"), in particular—

- (a) Chapter 1 sets out what the 3 GfDs are and includes provision about the qualifying conditions and defined terms common to each of the GfDs;
- (b) Chapter 2 makes provision about adult dependants grant including provision about the qualifying criteria and the maximum amount of grant available;
- (c) Chapter 3 makes similar provision in respect of parents' learning grant;
- (d) Chapter 4 makes provision about childcare grant including provision about the qualifying conditions, the types of childcare for which support is available and how to calculate the maximum amount of childcare grant available;
- (e) Chapter 5 sets out how to calculate the amount of GfDs payable to a student, including reducing the amount payable by reference to income (see Schedule 3 for provision about calculating income for the purposes of these provisions).

(11) Mae Rhan 12 yn gwneud darpariaeth ynghylch achosion pan gaiff myfyriwr ddod yn gymwys i gael cymorth o dan y Rheoliadau hyn ar ôl i'r flwyddyn academaidd ddechrau.

(12) Mae 4 Pennod i Ran 13, ynghylch taliadau, gordaliadau ac adennill gordaliadau, yn benodol—

- (a) mae Pennod 1 yn gwneud darpariaeth sy'n caniatáu i daliadau gael eu gwneud ar sail penderfyniadau dros dro;
- (b) mae Pennod 2 yn gwneud darpariaeth ynghylch talu benthyciadau at ffioedd dysgu, gan gynnwys darpariaeth ynghylch pryd y caniateir i'r benthyciad gael ei dalu a'r gofynion sydd i'w bodloni cyn y gwneir taliadau;
- (c) mae Pennod 3 yn gwneud darpariaeth debyg mewn cysylltiad â thalu benthyciadau cynhaliaeth neu grantiau;
- (d) mae Pennod 4 yn gwneud darpariaeth ynghylch gordaliadau, gan gynnwys darpariaeth sy'n pennu'r hyn sy'n ordaliad a sut y caniateir i ordaliad gael ei adennill.

(13) Mae 2 Bennod i Ran 14, ynghylch cyfyngiadau ar daliadau a symiau a all fod yn daladwy i fyfyrwr cymwys, yn benodol—

- (a) mae Pennod 1 yn nodi cyfyngiadau ar dalu benthyciadau cynhaliaeth a grantiau, gan gynnwys darpariaeth ynghylch—
 - (i) ei gwneud yn ofynnol darparu manylion cyfrif banc cyn y gwneir taliadau;
 - (ii) cyfrifo'r gostyngiad mewn swm sy'n daladwy o ganlyniad i gyfnod o absenoldeb;
 - (iii) cyfrifo'r gostyngiad mewn swm sy'n daladwy o ganlyniad i gymhwystra'n dod i ben neu'n cael ei derfynu;
- (b) mae Pennod 2 yn nodi cyfyngiadau ar dalu benthyciadau, gan gynnwys darpariaeth sy'n—
 - (i) cyfyngu ar dalu benthyciad os yw'r myfyriwr yn methu â darparu rhif Yswiriant Gwladol;
 - (ii) cadw taliad benthyciad yn ôl os yw'r myfyriwr yn methu â darparu gwybodaeth benodol y gofynnir amdani.

(14) Mae Rhan 15 yn cyflwyno Atodlen 4 sy'n gwneud darpariaeth ynghylch y grant myfyriwr ôl-raddedig anabl, sef grant sydd ar gael i fyfyrwr ôl-raddedig penodol sy'n ymgymryd â chwrs ôl-radd dynodedig mewn cysylltiad â chostau byw yr eir iddynt oherwydd anabledd y myfyriwr.

(11) Part 12 makes provision about cases where a student may become eligible for support under these Regulations after the academic year has begun.

(12) Part 13 comprises 4 Chapters about payments, overpayments and the recovery of overpayments, in particular—

- (a) Chapter 1 makes provision permitting payments to be made on the basis of provisional decisions;
- (b) Chapter 2 makes provision about the payment of tuition fee loans, including provision about when the loan may be paid and the requirements to be met before payments are made;
- (c) Chapter 3 makes similar provision in respect of the payment of grants or maintenance loans;
- (d) Chapter 4 makes provision about overpayments, including provision specifying what constitutes an overpayment and how an overpayment may be recovered.

(13) Part 14 comprises 2 Chapters about restrictions on payments and amounts that may be payable to an eligible student, in particular—

- (a) Chapter 1 sets out restrictions on the payment of grants and maintenance loans, including provision about—
 - (i) requiring bank account details prior to payments being made;
 - (ii) calculating the reduction in an amount payable as a result of a period of absence;
 - (iii) calculating the reduction in an amount payable as a result of eligibility ending or being terminated;
- (b) Chapter 2 sets out restrictions on the payment of loans, including provision—
 - (i) restricting payment of a loan if the student fails to provide a National Insurance number;
 - (ii) withholding payment of a loan if the student fails to provide certain requested information.

(14) Part 15 introduces Schedule 4 which makes provision about disabled postgraduate student's grant, which is a grant available to certain postgraduate students undertaking a designated postgraduate course in respect of living costs which are incurred by reason of the student's disability.

(15) Mae Rhan 16 yn cyflwyno Atodlen 5 sy'n gwneud darpariaeth ynghylch benthyciadau sydd ar gael ar gyfer ffioedd coleg sy'n daladwy gan fyfyrwyr penodol sy'n ymgymryd â chyrsgiau penodol ym Mhrifysgol Rhydychen neu ym Mhrifysgol Caergrawnt (benthyciadau at ffioedd colegau Oxbridge).

(16) Mae Rhan 17 yn cyflwyno Atodlen 6 sy'n cynnwys diwygiadau i Reoliadau 2017.

RHAN 3

DEHONGLI A'R MYNEGAI

Dehongli a'r mynegai

4.—(1) Mae Atodlen 1 yn gwneud darpariaeth ynghylch dehongli termau allweddol penodol at ddibenion y Rheoliadau hyn.

(2) Mae Atodlen 7, sef yr Atodlen derfynol i'r Rheoliadau hyn, yn cynnwys y mynegai o dermau wedi eu diffinio.

RHAN 4

CYSYNIADAU ALLWEDDOL

PENNOD 1

CYRSIAU DYNODEDIG

Cyrsgiau dynodedig

5. Yn y Rheoliadau hyn (ac at ddibenion adran 22 o Ddeddf Addysgu ac Addysg Uwch 1998 ("Deddf 1998")) mae cwrs yn gwrsg dynodedig—

- (a) os yw'n bodloni pob un o'r amodau yn rheoliad 6(1), a
- (b) os nad yw'n dod o fewn unrhyw un neu ragor o'r eithriadau yn rheoliad 7(1).

Cyrsgiau dynodedig – amodau

6.—(1) Yr amodau yw—

Amod 1

Mae'r cwrs yn un o'r canlynol—

- (a) cwrs gradd gyntaf;
- (b) cwrs ar gyfer y Diploma Addysg Uwch;
- (c) cwrs ar gyfer Diploma Cenedlaethol Uwch neu Dystysgrif Genedlaethol Uwch y canlynol—
 - (i) y Cyngor Addysg Busnes a Thechnoleg, neu

(15) Part 16 introduces Schedule 5 which makes provision about loans available for college fees payable by certain students undertaking certain courses at the University of Oxford or the University of Cambridge (Oxbridge college fee loans).

(16) Part 17 introduces Schedule 6 which contains amendments to the 2017 Regulations.

PART 3

INTERPRETATION AND INDEX

Interpretation and index

4.—(1) Schedule 1 makes provision about the interpretation of certain key terms for the purposes of these Regulations.

(2) Schedule 7, which is the final Schedule to these Regulations, contains the index of defined terms.

PART 4

KEY CONCEPTS

CHAPTER 1

DESIGNATED COURSES

Designated courses

5. In these Regulations (and for the purposes of section 22 of the Teaching and Higher Education Act 1998 ("the 1998 Act")), a course is a designated course if it—

- (a) satisfies each of the conditions in regulation 6(1), and
- (b) does not fall within any of the exceptions in regulation 7(1).

Designated courses – conditions

6.—(1) The conditions are—

Condition 1

The course is one of the following—

- (a) a first degree course;
- (b) a course for the Diploma of Higher Education;
- (c) a course for the Higher National Diploma or Higher National Certificate of—
 - (i) the Business and Technology Education Council, or

- (ii) Awdurdod Cymwysterau'r Alban;
- (d) cwrs ar gyfer y Dystysgrif Addysg Uwch;
- (e) cwrs ar gyfer hyfforddiant cychwynnol athrawon;
- (f) cwrs o hyfforddiant pellach i weithwyr ieuenctid a chymunedol;
- (g) cwrs i baratoi at arholiad proffesiynol o safon sy'n uwch na'r canlynol—

- (i) arholiad safon uwch ar gyfer y Dystysgrif Addysg Gyffredinol neu arholiad lefel uwch ar gyfer Tystysgrif Addysg yr Alban; neu
- (ii) arholiad ar gyfer Tystysgrif Genedlaethol neu Ddiploma Cenedlaethol y naill neu'r llall o'r cyrff a grybwyllir ym mharagraff (c),

cyhyd ag nad yw gradd gyntaf (neu gymhwyster cyfatebol) fel arfer yn ofynnol ar gyfer mynediad i'r cwrs;

- (h) cwrs—
 - (i) sy'n darparu addysg (pa un a yw i baratoi at arholiad ai peidio) y mae ei safon yn uwch na safon cwrs a grybwyllir ym mharagraff (g) ond nad yw'n uwch na safon cwrs gradd gyntaf, a
 - (ii) nad yw gradd gyntaf (neu gymhwyster cyfatebol) fel arfer yn ofynnol ar gyfer mynediad iddo.

Amod 2

Mae'r cwrs naill ai'n—

- (a) cwrs llawnamser,
- (b) cwrs rhyngosod, neu'n
- (c) cwrs rhan-amser.

Amod 3

Hyd y cwrs yw o leiaf un flwyddyn academiaidd.

Amod 4

Pan fo'r cwrs yn gwrs llawnamser, mae'n cael ei ddarparu gan—

- (a) sefydliad addysgol cydnabyddedig (pa un ai ar ei ben ei hun neu ar y cyd â sefydliad sydd y tu allan i'r Deyrnas Unedig),
- (b) elusen o fewn yr ystyr a roddir i "charity" gan adran 1 o Ddeddf Elusennau 2011(1) ar ran sefydliad rheoleiddiedig Cymreig, neu

- (ii) the Scottish Qualification Authority;

- (d) a course for the certificate of Higher Education;
- (e) a course for the initial training of teachers;
- (f) a course for the further training of youth and community workers;
- (g) a course in preparation for a professional examination of a standard higher than that of—

- (i) an examination at advanced level for the General Certificate of Education or at higher level for the Scottish Certificate of Education, or
- (ii) an examination for the National Certificate or the National Diploma of either of the bodies mentioned in paragraph (c),

so long as a first degree (or equivalent qualification) is not normally required for entry to the course;

- (h) a course—
 - (i) providing education (whether or not in preparation for an examination) the standard of which is higher than that of a course mentioned in paragraph (g) but not higher than that of a first degree course, and
 - (ii) for entry to which a first degree (or equivalent qualification) is not normally required.

Condition 2

The course is either—

- (a) a full-time course,
- (b) a sandwich course, or
- (c) a part-time course.

Condition 3

The duration of the course is at least one academic year.

Condition 4

Where the course is a full-time course, it is provided by—

- (a) a recognised educational institution (whether alone or in conjunction with an institution situated outside the United Kingdom),
- (b) a charity within the meaning given by section 1 of the Charities Act 2011(1) on behalf of a Welsh regulated institution, or

(1) 2011 p. 25.

(1) 2011 c. 25.

- (c) sefydliad a gyllidir yn gyhoeddus ar ran sefydliad rheoleiddiedig Seisnig.

Pan fo'r cwrs yn gwrs rhan-amser, mae'n cael ei ddarparu gan sefydliad a gyllidir yn gyhoeddus (pa un ai ar ei ben ei hun neu ar y cyd â sefydliad sydd y tu allan i'r Deyrnas Unedig).

Amod 5

Mae o leiaf hanner yr addysgu a'r goruchwyllo sy'n ffurfio'r cwrs yn cael ei ddarparu yn y Deyrnas Unedig.

Amod 6

Mae'r cwrs yn arwain at ddyfarndal sydd wedi ei roi neu sydd i gael ei roi gan gorff sy'n dod o fewn adran 214(2)(a) neu (b) o Ddeddf Diwygio Addysg 1988(1) oni bai bod y cwrs yn dod o fewn paragraff (c) neu (e) o Amod 1.

(2) At ddibenion Amod 4—

- (a) mae cwrs yn cael ei ddarparu gan sefydliad os yw'n darparu'r addysgu a'r goruchwyllo sy'n ffurfio'r cwrs, pa un a yw'r sefydliad wedi ymrwymo i gytundeb â'r myfyriwr i ddarparu'r cwrs ai peidio;
- (b) bernir bod prifysgol, ac unrhyw goleg cyfansoddol mewn prifysgol, neu sefydliad cyfansoddol sydd o natur coleg mewn prifysgol, yn sefydliad addysgol cydnabyddedig os yw naill ai'r brifysgol neu'r coleg neu'r sefydliad cyfansoddol yn sefydliad addysgol cydnabyddedig;
- (c) ni fernir bod sefydliad yn sefydliad addysgol cydnabyddedig dim ond oherwydd ei fod yn sefydliad cysylltiedig o fewn ystyr "connected institution" yn adran 65(3B) o Ddeddf Addysg Bellach ac Uwch 1992 sy'n cael, oddi wrth gorff llywodraethu sefydliad arall, y cyfan neu ran o unrhyw grantiau, benthyciadau neu daliadau eraill a ddarperir i'r sefydliad arall hwnnw yn unol ag adran 65(3A) o'r Ddeddf honno(2).

(3) Yn y rheoliad hwn, os yw paragraff (4) yn gymwys i gwrs, ystyrir ei fod yn gwrs sengl ar gyfer gradd gyntaf (neu gymhwyster cyfatebol) hyd yn oed os yw'r cwrs yn arwain at roi gradd neu gymhwyster arall cyn y radd (neu'r cymhwyster cyfatebol) (pa un a yw rhan o'r cwrs yn opsiynol ai peidio).

(4) Mae'r paragraff hwn yn gymwys i gwrs—

- (a) nad yw ei safon yn uwch na safon gradd gyntaf, a

- (c) a publicly funded institution on behalf of an English regulated institution.

Where the course is a part-time course, it is provided by a publicly funded institution (whether alone or in conjunction with an institution situated outside the United Kingdom).

Condition 5

At least half of the teaching and supervision which comprise the course is provided in the United Kingdom.

Condition 6

The course leads to an award granted or to be granted by a body falling within section 214(2)(a) or (b) of the Education Reform Act 1988(1) unless the course falls within paragraph (c) or (e) of Condition 1.

(2) For the purposes of Condition 4—

- (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 constituent institution in the nature of a college, of a university is regarded as a recognised educational institution if either the university or the constituent college or institution is a recognised educational institution;
- (c) an institution is not regarded as a recognised educational institution by reason only that it is a connected institution within the meaning of section 65(3B) of the Further and Higher Education Act 1992 which receives from the governing body of another institution the whole or part of any grants, loans or other payments provided to that other institution in accordance with section 65(3A) of that Act(2).

(3) In this regulation, if paragraph (4) applies to a course, it is considered to be a single course for a first degree (or equivalent qualification) even if the course leads to another degree or qualification being conferred before the degree (or equivalent qualification) (regardless of whether part of the course is optional).

(4) This paragraph applies to a course—

- (a) the standard of which is not higher than a first degree, and

(1) 1988 p. 40; diwygiwyd adran 214(2) gan Ddeddf Addysg Bellach ac Uwch 1992 (p. 13), adran 93 ac Atodlen 8.

(2) 1992 p. 13; mewnosodwyd is-adrannau (3B) a (3A) o adran 65 gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 27.

(1) 1988 c.40; section 214(2) was amended by the Further and Higher Education Act 1992 (c. 13), section 93 and Schedule 8.

(2) 1992 c. 13; subsections (3B) and (3A) of section 65 were inserted by the Teaching and Higher Education Act 1998 (c.30), section 27.

- (b) sy'n arwain at gymhwyster fel meddyg, deintydd, milfeddyg, pensaer, pensaer tirwedd, dylunydd tirwedd, rheolwr tirwedd, cynllunydd tref neu gynllunydd gwlad a thref.

- (b) which leads to a qualification as a medical doctor, dentist, veterinary surgeon, architect, landscape architect, landscape designer, landscape manager, town planner or town and country planner.

Cyrsiau dynodedig – eithriadau

7.—(1) Yr eithriadau yw—

Eithriad 1

Cwrs a ddilynir fel rhan o gynllun hyfforddi athrawon ar sail cyflogaeth.

Eithriad 2

Cwrs sy'n dod o fewn paragraff (g) neu (h) o Amod 1 o reoliad 6(1) os yw corff llywodraethu ysgol a gynhelir wedi trefnu i'r cwrs gael ei ddarparu i un o ddisgyblion yr ysgol.

(2) At ddibenion Eithriad 1, ystyr “cynllun hyfforddi athrawon ar sail cyflogaeth” yw—

- (a) cynllun a sefydlir gan Weinidogion Cymru o dan reoliad 8 o Reoliadau Addysg (Cymwysterau Athrawon Ysgol) (Cymru) 2004(1) neu o dan reoliad 8 o Reoliadau Cymwysterau Athrawon Ysgol (Cymru) 2012(2), sy'n caniatáu i berson ymgymryd â hyfforddiant cychwynnol athrawon er mwyn ennill statws athro cymwysedig neu athrawes gymwysedig tra bo'n cael ei gyflogi i addysgu mewn ysgol a gynhelir, ysgol annibynnol neu sefydliad arall ac eithrio uned cyfeirio disgyblion;
- (b) cynllun a sefydlir gan yr Ysgrifennydd Gwladol sy'n caniatáu i berson ymgymryd â hyfforddiant cychwynnol athrawon er mwyn ennill statws athro cymwysedig neu athrawes gymwysedig tra bo'n cael ei gyflogi i addysgu mewn ysgol, coleg dinas, Academi, ysgol annibynnol neu sefydliad arall ac eithrio uned cyfeirio disgyblion.

(3) At ddibenion Eithriad 2, ystyr “ysgol a gynhelir” yw—

- (a) ysgol gymunedol, ysgol sefydledig neu ysgol wirfoddol,
- (b) ysgol arbennig gymunedol neu ysgol arbennig sefydledig, neu
- (c) ysgol feithrin a gynhelir.

Designated courses – exceptions

7.—(1) The exceptions are—

Exception 1

A course taken as part of an employment-based teacher training scheme.

Exception 2

A course falling within paragraph (g) or (h) of Condition 1 of regulation 6(1) if the governing body of a maintained school has arranged for the provision of the course to a pupil of the school.

(2) For the purposes of Exception 1, “employment-based teacher training scheme” means—

- (a) a scheme established by the Welsh Ministers under Regulation 8 of the Education (School Teachers' Qualifications) (Wales) Regulations 2004(1) or under Regulation 8 of the School Teachers' Qualifications (Wales) Regulations 2012(2) whereby a person may undertake initial teacher training in order to obtain qualified teacher status while being employed to teach at a maintained school, independent school or other institution except a pupil referral unit;
- (b) a scheme established by the Secretary of State whereby a person may undertake initial teacher training in order to obtain qualified teacher status while being employed to teach at a school, city college, Academy, independent school or other institution except a pupil referral unit.

(3) For the purposes of Exception 2, “maintained school” means—

- (a) a community, foundation or voluntary school,
- (b) a community or foundation special school, or
- (c) a maintained nursery school.

(1) O.S. 2004/1729 (Cy. 173), fel y'i diwygiwyd gan O.S. 2007/2811 (Cy. 238), O.S. 2008/215 (Cy. 26) ac O.S. 2010/1142 (Cy. 101). Dirymwyd O.S. 2004/1729, gydag arbedion, gan O.S. 2012/724 (Cy. 96).

(2) O.S. 2012/724 (Cy. 96).

(1) S.I. 2004/1729 (W. 173), as amended by S.I. 2007/2811 (W. 238), S.I. 2008/215 (W. 26) and S.I. 2010/1142 (W.101). S.I. 2004/1729 was revoked, with savings, by S.I. 2012/724 (W. 96).

(2) S.I. 2012/724 (W. 96)

Dynodi cyrsiau eraill

8.—(1) Caiff Gweinidogion Cymru bennu bod cwrs i'w drin fel pe bai'n gwrs dynodedig er gwaethaf y ffaith na fyddai fel arall yn gwrs dynodedig, oni bai am y dynodiad(1).

(2) Caiff Gweinidogion Cymru atal dros dro neu ddirymu dynodiad cwrs a wneir o dan baragraff (1).

PENNOD 2
CYMHWYSTRA
ADRAN 1
Myfyrwyr cymwys

Myfyrwyr cymwys

9.—(1) Mae person yn fyfyrwr cymwys mewn cysylltiad â chwrs dynodedig y mae'r person yn ymgymryd ag ef—

- (a) os yw'r person yn dod o fewn un o'r categorïau o bersonau a nodir yn Atodlen 2 ac nad yw unrhyw un neu ragor o'r eithriadau a nodir yn rheoliad 10 yn gymwys i'r person, neu
- (b) os yw amgylchiadau'r person yn dod o fewn un o'r achosion a nodir yn rheoliad 11.

(2) Dim ond mewn cysylltiad ag un cwrs dynodedig y caiff person fod yn fyfyrwr cymwys ar unrhyw un adeg.

Myfyrwyr cymwys - Eithriadau

10.—(1) Nid yw person ("P") yn fyfyrwr cymwys os yw unrhyw un neu ragor o'r eithriadau a ganlyn yn gymwys—

Eithriad 1

Pan fo'r cwrs dynodedig yn gwrs llawnamser, mae dyfarndal o fewn ystyr Rheoliadau Addysg (Dyfarndaliadau Mandadol) 2003(2) wedi cael ei roi i P mewn cysylltiad â'r cwrs.

Eithriad 2

Pan fo'r cwrs dynodedig yn gwrs llawnamser, mae P yn gymwys i gael benthyciad mewn perthynas â blwyddyn academaidd o'r cwrs dynodedig o dan

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- (1) Gweler <http://www.cyllidmyfyrwrcymru.co.uk/ymarferwyr/gwybodaeth-polisi/cyrsiau-dynodedig.aspx> i gael rhestr o gyrsiau dynodedig sydd wedi eu pennu, wedi eu hatal dros dro neu wedi eu dirymu gan Weinidogion Cymru o dan y rheoliad hwn.
- (2) O.S. 2003/1994, a ddiwygiwyd gan O.S. 2004/1038, O.S. 2004/1792, O.S. 2005/2083, O.S. 2005/3137, O.S. 2005/3482, O.S. 2006/930, O.S. 2007/1629, O.S. 2008/1477, O.S. 2010/1142 (Cy. 101), O.S. 2010/1172, O.S. 2011/1043, O.S. 2014/107, O.S. 2016/211 a Deddf Addysg 2005 adran 74.

Designation of other courses

8.—(1) The Welsh Ministers may specify that a course is to be treated as a designated course despite the fact that, but for the specification, it would not otherwise be a designated course(1).

(2) The Welsh Ministers may suspend or revoke the specification of a course made under paragraph (1).

CHAPTER 2
ELIGIBILITY
SECTION 1
Eligible students

Eligible students

9.—(1) A person is an eligible student in connection with a designated course that the person is undertaking if—

- (a) the person falls within one of the categories of persons set out in Schedule 2 and none of the exceptions set out in regulation 10 apply to the person, or
- (b) the person's circumstances fall within one of the cases set out in regulation 11.

(2) A person may, at any given time, be an eligible student only in connection with one designated course.

Eligible students - exceptions

10.—(1) A person ("P") is not an eligible student if any of the following exceptions applies—

Exception 1

Where the designated course is a full-time course, an award within the meaning of the Education (Mandatory Awards) Regulations 2003(2) has been bestowed on P in respect of the course.

Exception 2

Where the designated course is a full-time course, P is eligible for a loan in relation to an academic year of the designated course under the

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- (1) See <http://www.studentfinancewales.co.uk/practitioners/policy-information/designated-courses.aspx> for a list of designated courses specified, suspended or revoked by the Welsh Ministers under this regulation.
- (2) S.I. 2003/1994, amended by S.I. 2004/1038, S.I. 2004/1792, S.I. 2005/2083, S.I. 2005/3137, S.I. 2005/3482, S.I. 2006/930, S.I. 2007/1629, S.I. 2008/1477, S.I. 2010/1142 (W.101), S.I. 2010/1172, S.I. 2011/1043, S.I. 2014/107, S.I. 2016/211 and the Education Act 2005 section 74.

Orchymyn Addysg (Benthyciadau i Fyfyrrwyr) (Gogledd Iwerddon) 1990(1).

Eithriad 3

Mewn cysylltiad â P yn ymgymryd â'r cwrs dynodedig, rhoddwyd i P neu talwyd iddo—

- (a) pan fo'r cwrs yn gwrs llawnamser—
 - (i) bwrsari gofal iechyd, nad yw ei swm yn cael ei gyfrifo drwy gyfeirio at incwm P (oni bai ei fod yn grant bwrsari at gostau byw), neu
 - (ii) lwfans o dan Reoliadau Lwfansau Myfyrwyr Nyrsio a Bydwreigiaeth (Yr Alban) 2007(2);
- (b) pan fo'r cwrs yn gwrs rhan-amser—
 - (i) bwrsari gofal iechyd (pa un a yw wedi ei gyfrifo drwy gyfeirio at incwm P ai peidio),
 - (ii) lwfans o dan Reoliadau Lwfansau Myfyrwyr Nyrsio a Bydwreigiaeth (Yr Alban) 2007, neu
 - (iii) lwfans gofal iechyd yr Alban (pa un a yw wedi ei gyfrifo drwy gyfeirio at incwm P ai peidio).

Eithriad 4

Mae P wedi torri rhwymedigaeth i ad-dalu benthyciad myfyriwr.

Eithriad 5

Mae P wedi cyrraedd 18 oed ac nid yw wedi dilysu cytundeb ar gyfer benthyciad myfyriwr a wnaed gyda P pan oedd P o dan 18 oed.

Eithriad 6

Mae Gweinidogion Cymru yn meddwl bod ymddygiad P o'r fath fel nad yw P yn addas i gael cymorth.

Eithriad 7

Mae P yn garcharor.

Ond caiff P fod yn fyfyrwr cymwys er ei fod yn garcharor—

- (a) os yw cais P am gymorth mewn cysylltiad â'r flwyddyn academiaidd y mae P yn mynd i'r carchar neu'n cael ei ryddhau o'r carchar ynddi,
- (b) os yw cwrs presennol P yn gwrs penben llawnamser, neu

Education (Student Loans) (Northern Ireland) Order 1990(1).

Exception 3

In respect of P undertaking the designated course, P has been bestowed or paid—

- (a) where the course is a full-time course—
 - (i) a healthcare bursary, the amount of which is not calculated by reference to P's income (unless it is a bursary grant for living costs), or
 - (ii) an allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007(2);
- (b) where the course is a part-time course—
 - (i) a healthcare bursary (whether or not calculated by reference to P's income),
 - (ii) an allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007, or
 - (iii) a Scottish healthcare allowance (whether or not calculated by reference to P's income).

Exception 4

P is in breach of an obligation to repay a student loan.

Exception 5

P has reached the age of 18 and has not ratified an agreement for a student loan made with P when P was under 18.

Exception 6

The Welsh Ministers think that P's conduct is such that P is not fit to receive support.

Exception 7

P is a prisoner.

But P may be an eligible student despite being a prisoner if—

- (a) P's application for support is in respect of the academic year during which P enters or is released from prison,
- (b) P's present course is a full-time end-on course, or

(1) O.S. 1990/1506 (G.I. 11), a ddiwygiwyd gan O.S. 1996/274 (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 ac a ddirymwyd, gydag arbedion, gan Rh.St. (G.I.) 1998 Rhif 306.

(2) O.S.A. 2007/151 fel y'i diwygiwyd gan O.S.A. 2007/503, O.S.A. 2008/206, O.S.A. 2009/188, O.S.A. 2009/309, O.S.A. 2012/72, O.S.A. 2013/80 ac O.S.A. 2017/180.

(1) S.I. 1990/1506 (N.I. 11), amended by S.I. 1996/274 (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 and revoked, with savings, by SR (NI) 1998 No 306.

(2) S.S.I. 2007/151 as amended by S.S.I. 2007/503, S.S.I. 2008/206, S.S.I. 2009/188, S.S.I. 2009/309, S.S.I. 2012/72, S.S.I. 2013/80 and S.S.I. 2017/180.

(c) os yw P wedi cael ei awdurdodi gan Lywodraethwr neu Gyfarwyddwr y carchar neu gan awdurdod priodol arall i astudio'r cwrs presennol a bod dyddiad rhyddhau cynharaf P o fewn 6 mlynedd i ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(2) Yn Eithriad 3, mae “grant bwrsari at gostau byw” yn grant at gostau byw sy'n cael ei roi ar gael o dan Gynllun Bwrsariaeth GIG Cymru.

(3) Yn Eithriadau 4 a 5, ystyr “benthyciad myfyriwr” yw benthyciad a wneir o dan—

- (a) Deddf Addysg (Benthyciadau i Fyfyrywyr) 1990(1);
- (b) Deddf Addysg (Yr Alban) 1980;
- (c) Gorchymyn Addysg (Benthyciadau i Fyfyrywyr) (Gogledd Iwerddon) 1990(2);
- (d) Gorchymyn Addysg (Cymorth i Fyfyrywyr) (Gogledd Iwerddon) 1998(3);
- (e) rheoliadau a wneir o dan unrhyw un neu ragor o'r Deddfau neu'r Gorchymynion hynny;
- (f) y Rheoliadau hyn neu unrhyw reoliadau eraill a wneir o dan Ddeddf 1998.

(4) Yn y Rheoliadau hyn—

ystyr “bwrsari gofal iechyd” (“*healthcare bursary*”) yw bwrsari neu ddyfarndal o ddisgrifiad tebyg o dan—

- (a) adran 63(6) o Ddeddf Gwasanaethau Iechyd ac Iechyd y Cyhoedd 1968(4), ond nid taliad a wneir o'r Gronfa Cymorth Dysgu;
- (b) Erthygl 44 o Orchymyn Gwasanaethau Iechyd a Chymdeithasol Personol (Gogledd Iwerddon) 1972(5);

ystyr “Cronfa Cymorth Dysgu” (“*Learning Support Fund*”) yw'r gronfa sy'n cael ei rhoi ar gael gan GIG Lloegr i fyfyrywyr penodol mewn cysylltiad â chyrtsiau gofal iechyd cymhwysol;

(c) P has been authorised by the prison Governor or Director or other appropriate authority to study the present course and P's earliest release date is within 6 years of the first day of the first academic year of the course.

(2) In Exception 3, “bursary grant for living costs” is a grant for living costs made available under the NHS Wales Bursary Scheme.

(3) In Exceptions 4 and 5, “student loan” means a loan made under—

- (a) the Education (Student Loans) Act 1990(1);
- (b) the Education (Scotland) Act 1980;
- (c) the Education (Student Loans) (Northern Ireland) Order 1990(2);
- (d) the Education (Student Support) (Northern Ireland) Order 1998(3);
- (e) regulations made under any of those Acts or Orders;
- (f) these Regulations or any other regulations made under the 1998 Act.

(4) In these Regulations—

“healthcare bursary” (“*bwrsari iechyd*”) means a bursary or award of similar description under—

- (a) section 63(6) of the Health Services and Public Health Act 1968(4), but not a payment made out of the Learning Support Fund;
- (b) Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972(5);

“Learning Support Fund” (“*Cronfa Cymorth Dysgu*”) means the fund made available by NHS England to certain students in respect of qualifying healthcare courses;

(1) 1990 p. 6; a ddiddymwyd gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), Atodlen 4, gydag arbedion *gweler* Gorchymyn Deddf Addysgu ac Addysg Uwch 1998 (Cychwyn Rhif 2 a Darpariaethau Trosiannol) 1998 (O.S. 1998/2004) (C. 46).

(2) O.S. 1990/1506 (G.I. 11) fel y'i diwygiwyd gan O.S. 1996/274 (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 ac a ddirywyd, gydag arbedion, gan Rh.St. (G.I.) 1998 Rhif 306.

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

(4) 1968 p. 46.

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

(1) 1990 c. 6; repealed by the Teaching and Higher Education Act 1998 (c. 30), Schedule 4, with savings *see* the Teaching and Higher Education Act 1998 (Commencement No. 2 and Transitional Provisions) Order 1998 (S.I. 1998/2004) (C. 46).

(2) S.I. 1990/1506 (N.I. 11) amended by S.I. 1996/274 (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 and revoked, with savings, by SR (NI) 1998 No 306.

(3) S.I. 1998/1760 (N.I. 14).

(4) 1968 c.46.

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

ystyr “lwfans gofal iechyd yr Alban” (“*Scottish healthcare allowance*”) yw lwfans o dan adrannau 73(f) a 74(1) o Ddeddf Addysg (Yr Alban) 1980(1) a roddir mewn cysylltiad â phresenoldeb P ar gwrs sy’n arwain at gymhwyster mewn proffesiwn gofal iechyd ac eithrio fel meddyg neu ddeintydd.

“Scottish healthcare allowance” (“*lwfans gofal iechyd yr Alban*”) means an allowance under sections 73(f) and 74(1) of the Education (Scotland) Act 1980(1) granted in respect of P attending a course leading to a qualification in a healthcare profession other than that of a medical doctor or dentist.

Myfyrwyr cymwys sy’n parhau ar gwrs

11.—(1) Mae paragraff (2) yn gymwys i berson (“P”) —

- (a) os yw amgylchiadau P yn dod o fewn un o’r achosion yn mharagraff (3), a
- (b) os nad yw Eithriad 3 yn rheoliad 10 yn gymwys mewn cysylltiad â’r flwyddyn y mae P yn gwneud cais am gymorth ar ei chyfer.

(2) Pan fo’r paragraff hwn yn gymwys, mae P yn fyfyrwr cymwys ac yn unol â hynny—

- (a) nid oes angen i P ddod o fewn unrhyw un o’r categorïau o fyfyrwr a nodir yn Atodlen 2, a
- (b) nid yw unrhyw un o’r eithriadau a nodir yn rheoliad 10 (ac eithrio Eithriad 3) yn rhwystro P rhag bod yn fyfyrwr cymwys.

(3) Yr achosion yw—

Achos 1

- (a) roedd P yn fyfyrwr cymwys mewn cysylltiad â blwyddyn academaidd gynharach o gwrs presennol P, ac
- (b) roedd P yn preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs hwnnw.

Achos 2

- (a) mae cwrs presennol P yn gwrs penben,
- (b) roedd P yn fyfyrwr cymwys mewn cysylltiad â’r cwrs (y “cwrs cynharach”) y mae cwrs presennol P yn gwrs penben mewn perthynas ag ef,
- (c) dim ond oherwydd bod P wedi cwblhau’r cwrs cynharach hwnnw y daeth cyfnod cymhwystro P ar gyfer y cwrs i ben, a
- (d) roedd P yn preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs cynharach.

Eligible students continuing on a course

11.—(1) Paragraph (2) applies to a person (“P”) if—

- (a) P’s circumstances fall within one of the cases in paragraph (3), and
- (b) Exception 3 in Regulation 10 does not apply in respect of the year for which P is applying for support.

(2) Where this paragraph applies, P is an eligible student and accordingly—

- (a) P need not fall within any of the categories of student set out in Schedule 2, and
- (b) none of the exceptions set out in Regulation 10 (other than Exception 3) prevent P from being an eligible student.

(3) The cases are—

Case 1

- (a) P was an eligible student in connection with an earlier academic year of P’s present course, and
- (b) P was ordinarily resident in Wales on the first day of the first academic year of that course.

Case 2

- (a) P’s present course is an end-on course,
- (b) P was an eligible student in connection with the course (the “earlier course”) in relation to which P’s present course is an end-on course,
- (c) P’s period of eligibility for the earlier course ended only because P had completed that earlier course, and
- (d) P was ordinarily resident in Wales on the first day of the first academic year of the earlier course.

(1) 1980 p. 44; diwygiwyd adran 73(f) gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 29(1) a chan Ddeddf Addysg (Gwaddol Graddedigion a Chymorth i Fyfyrwyr) (Yr Alban) 2001 (dsa 6), adran 3(2) a diwygiwyd adran 74 gan Ddeddf Ysgolion Hunanlywodraethol etc. (Yr Alban) 1989 (p. 39), adran 82 ac Atodlen 10, paragraff 8(17).

(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 (asp 6), section 3(2) and section 74 was amended by the Self Governing Schools etc. (Scotland) Act 1989 (c. 39), section 82 and Schedule 10, paragraph 8(17).

Achos 3

- (a) roedd P yn fyfyrwr cymwys mewn cysylltiad â chwrs dynodedig (y “chwrs cynharach”) ac eithrio'r cwrs presennol,
- (b) mae statws P fel myfyrwr cymwys mewn cysylltiad â'r cwrs cynharach wedi cael ei drosglwyddo i'r cwrs presennol (gweler adran 5), ac
- (c) roedd P yn preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs cynharach.

ADRAN 2

Cyfnod cymhwysra

Cyfnod cymhwysra – y rheol gyffredinol

12.—(1) Cedwir statws myfyrwr fel myfyrwr cymwys mewn cysylltiad â chwrs dynodedig tan ddiwedd cyfnod cymhwysra'r myfyrwr oni bai bod ei statws wedi ei derfynu yn unol â rheoliad 19, 20, 22 neu 23.

(2) Daw cyfnod cymhwysra myfyrwr i ben ar ddiwedd y flwyddyn academiaidd y mae'r myfyrwr yn cwblhau'r cwrs dynodedig ynddi.

(3) Ond—

- (a) os yw'r cwrs dynodedig yn gwrs llawnamser neu'n gwrs rhyngosod, a
- (b) os yw rheoliad 14, 15 neu 16 yn gymwys i'r myfyrwr,

mae cyfnod cymhwysra'r myfyrwr ar gyfer y cwrs wedi ei gyfyngu i'r cyfnod cymhwysra hwyaf a bennir yn y rheoliad cymwys ar gyfer y categori o gymorth a bennir yn y rheoliad hwnnw.

(4) Pan fo cymhwysra myfyrwr i gael cymorth wedi ei gyfyngu o dan reoliad 14, 15 neu 16 fel bod nifer y blynyddoedd academiaidd y mae'r categori o gymorth a bennir yn y rheoliad o dan sylw ar gael mewn cysylltiad â hwy yn llai na chyfnod arferol y cwrs presennol, mae'r categori o gymorth sydd wedi ei bennu felly ar gael mewn cysylltiad â blynyddoedd academiaidd diweddaraf y cwrs.

Cyrsiau rhan-amser – dim cymhwysra am flynyddoedd o astudio dwysedd isel

13. Pan fo myfyrwr cymwys yn ymgymryd â chwrs rhan-amser, nid yw'r myfyrwr yn gymwys i gael cymorth o dan y Rheoliadau hyn mewn cysylltiad â blwyddyn academiaidd pan fo'r dwysedd astudio ar gyfer y flwyddyn honno yn llai na 25% (gweler paragraff 5 o Atodlen 1 am sut i gyfrifo'r dwysedd astudio ar gyfer blwyddyn academiaidd).

Case 3

- (a) P was an eligible student in connection with a designated course (the “earlier course”) other than the present course,
- (b) P's status as an eligible student in connection with the earlier course has been transferred to the present course (see Section 5), and
- (c) P was ordinarily resident in Wales on the first day of the first academic year of the earlier course.

SECTION 2

Period of eligibility

Period of eligibility – general rule

12.—(1) A student's status as an eligible student in connection with a designated course is retained until the end of the student's period of eligibility unless terminated in accordance with regulation 19, 20, 22 or 23.

(2) A student's period of eligibility ends at the end of the academic year in which the student completes the designated course.

(3) But if—

- (a) the designated course is a full-time or sandwich course, and
- (b) regulation 14, 15 or 16 applies to the student,

the student's period of eligibility for the course is restricted to the maximum period of eligibility specified in the applicable regulation for the category of support specified in that regulation.

(4) Where a student's eligibility for support is restricted under regulation 14, 15 or 16 so that the number of academic years in respect of which the category of support specified in the regulation in question is available is less than the ordinary duration of the present course, the category of support so specified is available in respect of the latest academic years of the course.

Part-time courses – no eligibility for years of low intensity study

13. Where an eligible student is undertaking a part-time course, the student is not eligible for support under these Regulations in respect of an academic year where the intensity of study for that year is less than 25% (see paragraph 5 of Schedule 1 for how to calculate the intensity of study for an academic year).

Y cyfnod cymhwysra hwyaf – benthyciadau at ffioedd dysgu a grantiau ar gyfer myfyrwyr newydd

14.—(1) Mae'r rheoliad hwn yn gymwys i fyfyrwr cymwys—

- (a) sy'n ymgymryd â chwrs llawnamser neu gwrs rhyngosod, a
- (b) nad yw wedi ymgymryd â chwrs blaenorol.

(2) Pan fo'r rheoliad hwn yn gymwys, y cyfnod cymhwysra hwyaf ar gyfer benthyciad at ffioedd dysgu, grant sylfaenol, grant cynhaliath, grant myfyriwr anabl, grant at deithio neu grant ar gyfer dibynyddion yw'r cyfnod sydd wedi ei gyfrifo fel a ganlyn—

Cyfnod arferol y cwrs presennol.

Plws

Nifer y blynyddoedd academaidd y mae'r myfyriwr cymwys wedi eu hailadrodd am resymau personol anorchfygol.

Plws

Un flwyddyn.

Y cyfnod cymhwysra hwyaf – benthyciadau at ffioedd dysgu a grantiau penodedig i fyfyrwyr sydd wedi ymgymryd â chwrs blaenorol

15.—(1) Mae'r rheoliad hwn yn gymwys i fyfyrwr cymwys—

- (a) sy'n ymgymryd â chwrs llawnamser neu gwrs rhyngosod, a
- (b) sydd wedi ymgymryd â chwrs blaenorol.

(2) Pan fo'r rheoliad hwn yn gymwys, y cyfnod cymhwysra hwyaf ar gyfer benthyciad at ffioedd dysgu, grant sylfaenol, grant cynhaliath neu grant at deithio yw'r cyfnod sydd wedi ei gyfrifo fel a ganlyn—

Cyfnod arferol y cwrs presennol.

Plws

Nifer y blynyddoedd academaidd y mae'r myfyriwr cymwys wedi eu hailadrodd am resymau personol anorchfygol.

Plws

Un flwyddyn.

Llai

Nifer y blynyddoedd academaidd yr ymgymrodd y myfyriwr cymwys â hwy ar y cwrs neu'r cyrsiau blaenorol (os yw'r myfyriwr wedi ymgymryd â mwy nag un cwrs blaenorol).

Ond nid yw didyniad i'w wneud os yw'r myfyriwr ar gwrs hyfforddi athrawon neu os yw'n ymgymryd â chwrs mynediad graddedig carlam.

Maximum period of eligibility – tuition fee loans and grants for new students

14.—(1) This regulation applies to an eligible student who—

- (a) is undertaking a full-time or sandwich course, and
- (b) has not undertaken a previous course.

(2) Where this regulation applies, the maximum period of eligibility for a tuition fee loan, a base grant, a maintenance grant, a disabled student's grant, a grant for travel or a grant for dependants is the period calculated as follows—

Ordinary duration of the present course.

Plus

Number of academic years repeated by the eligible student for compelling personal reasons.

Plus

One year.

Maximum period of eligibility – tuition fee loans and specified grants for students who undertook a previous course

15.—(1) This regulation applies to an eligible student who—

- (a) is undertaking a full-time or sandwich course, and
- (b) has undertaken a previous course.

(2) Where this regulation applies, the maximum period of eligibility for a tuition fee loan, a base grant, a maintenance grant or a grant for travel is the period calculated as follows—

Ordinary duration of the present course.

Plus

Number of academic years repeated by the eligible student for compelling personal reasons.

Plus

One year.

Less

Number of academic years undertaken by the eligible student on the previous course or courses (if the student has undertaken more than one previous course).

But no deduction is to be made if the student is a teacher training student or is undertaking an accelerated graduate entry course.

(3) Os na chwblhaodd y myfyriwr cymwys y cwrs blaenorol diweddaraf yn llwyddiannus am resymau personol anorchfygol—

- (a) mae un flwyddyn ychwanegol i'w hadio at y cyfrifiad a wneir o dan baragraff (2), a
- (b) caniateir i flwyddyn ychwanegol arall gael ei hadio os yw Gweinidogion Cymru yn meddwl ei bod yn briodol gwneud hynny gan roi sylw i'r rhesymau hynny.

(4) Os yw Gweinidogion Cymru yn penderfynu bod rheoliad 18 yn gymwys i fyfyrwr, cânt adio un neu ragor o flwyddoedd ychwanegol at y cyfrifiad a wneir o dan baragraff (2) fel y maent yn meddwl ei bod yn briodol.

(5) Pan fo'r rheoliad hwn a rheoliad 16 yn gymwys i fyfyrwr cymwys, mae cyfnod cymhwysra hwyaf y myfyriwr i gael—

- (a) benthyciad at ffioedd dysgu,
- (b) grant sylfaenol,
- (c) grant cynhaliaeth, neu
- (d) grant at deithio

i'w gyfrifo yn unol â rheoliad 16.

(6) Ym mharagraff (2), ystyr “myfyriwr ar gwrs hyfforddi athrawon” yw myfyriwr nad yw'n athro cymwysedig neu athrawes gymwysedig sy'n ymgymryd â chwrs llawnamser ar gyfer hyfforddiant cychwynnol athrawon nad yw'n para'n hwy na 2 flynedd.

Y cyfnod cymhwysra hwyaf – benthyciadau at ffioedd dysgu a grantiau i fyfyrwyr penodol sy'n parhau â'u hastudiaethau

16.—(1) Mae'r rheoliad hwn yn gymwys i'r canlynol—

- (a) myfyriwr cymwys y mae ei gwrs presennol yn gwrs penben llawnamser (cyfeirir at y cwrs y mae'r cwrs presennol yn gwrs penben mewn perthynas ag ef ym mharagraff (2) fel y “cwrs rhagarweiniol”);
- (b) myfyriwr cymwys—
 - (i) sydd wedi cwblhau cwrs llawnamser ar gyfer y Diploma Addysg Uwch neu ar gyfer y Diploma Cenedlaethol Uwch neu'r Dystysgrif Genedlaethol Uwch a ddyfermir gan naill ai'r Cyngor Addysg Busnes a Thechnoleg neu Awdurdod Cymwysterau'r Alban (y “cwrs rhagarweiniol”),
 - (ii) y mae ei gwrs presennol yn gwrs gradd gyntaf llawnamser (ac eithrio cwrs gradd gyntaf ar gyfer hyfforddiant cychwynnol athrawon) na ddechreuodd y myfyriwr arno yn union ar ôl y cwrs rhagarweiniol; a

(3) If the eligible student did not successfully complete the latest previous course for compelling personal reasons—

- (a) one additional year is to be added to the calculation made under paragraph (2), and
- (b) a further additional year may be added if the Welsh Ministers think it appropriate to do so having regard to those reasons.

(4) If the Welsh Ministers determine that regulation 18 applies to a student, they may add one or more additional years to the calculation made under paragraph (2) as they think appropriate.

(5) Where this regulation and regulation 16 apply to an eligible student, the student's maximum period of eligibility for a—

- (a) tuition fee loan,
- (b) base grant,
- (c) maintenance grant, or
- (d) grant for travel.

is to be calculated in accordance with regulation 16.

(6) In paragraph (2), “teacher training student” means a student who is not a qualified teacher undertaking a full-time course for the initial training of teachers the duration of which is no more than 2 years.

Maximum period of eligibility – tuition fee loans and grants for certain continuing students

16.—(1) This regulation applies to—

- (a) an eligible student whose present course is a full-time end-on course (the course in relation to which the present course is an end-on course being referred to in paragraph (2) as the “preliminary course”);
- (b) an eligible student—
 - (i) who has completed a full-time course for the Diploma of Higher Education or for the Higher National Diploma or Higher National Certificate of either the Business and Technology Education Council or the Scottish Qualification Authority (the “preliminary course”),
 - (ii) whose present course is a full-time first degree course (other than a first degree course for the initial training of teachers) that the student did not begin immediately after the preliminary course, and

- (iii) nad yw wedi ymgymryd â chwrs gradd gyntaf llawnamser ar ôl y cwrs rhagarweiniol a chyn y cwrs presennol;
- (c) myfyriwr cymwys—
 - (i) sydd wedi cwblhau cwrs gradd sylfaen llawnamser (y “cwrs rhagarweiniol”),
 - (ii) y mae ei gwrs presennol yn gwrs gradd anrhydedd llawnamser na ddechreuodd y myfyriwr arno yn union ar ôl y cwrs rhagarweiniol, a
 - (iii) nad yw wedi ymgymryd â chwrs gradd gyntaf llawnamser ar ôl y cwrs rhagarweiniol a chyn y cwrs presennol.

(2) Pan fo’r rheoliad hwn yn gymwys, y cyfnod cymhwysra hwyaf ar gyfer benthyciad at ffioedd dysgu, grant sylfaenol, grant cynhaliath, grant myfyriwr anabl, grant at deithio neu grant ar gyfer dibynyddion yw’r cyfnod sydd wedi ei gyfrifo fel a ganlyn—

Tair blynedd neu gyfnod arferol y cwrs presennol, pa un bynnag yw’r hwyaf.

Plws

Un flwyddyn neu’r cyfnod arferol llai un flwyddyn o’r cwrs rhagarweiniol (neu gyfanswm y cyrsiau rhagarweiniol os cwblhaodd y myfyriwr fwy nag un cwrs sydd i’w drin yn gwrs rhagarweiniol), pa un bynnag yw’r hwyaf.

Llai

Nifer y blynyddoedd academiaidd yr ymgymerodd y myfyriwr cymwys â hwy ar y cwrs rhagarweiniol (neu’r cyrsiau rhagarweiniol) ac eithrio blynyddoedd sydd wedi eu hailadrodd gan y myfyriwr cymwys am resymau personol anorchfygol.

(3) Os yw Gweinidogion Cymru yn penderfynu bod rheoliad 18 yn gymwys i fyfyrwr, cânt adio un neu ragor o flynyddoedd ychwanegol at y cyfrifiad a wneir o dan baragraff (2) fel y maent yn meddwl ei bod yn briodol.

Y cyfnod cymhwysra hwyaf – dehongli

17.—(1) At ddibenion rheoliadau 12 a 14 i 16, ystyr “cyfnod arferol” cwrs yw nifer y blynyddoedd academiaidd sy’n ofynnol fel arfer i’w gwblhau.

(2) At ddibenion cyfrifo—

- (a) cyfnod cymhwysra hwyaf myfyriwr o dan reoliad 14(2), 15(2) neu 16(2), neu
- (b) a yw cyfnod cymhwysra myfyriwr wedi dod i ben,

mae unrhyw flwyddyn rannol yr ymgymerodd y myfyriwr â hi i’w chyfrif fel blwyddyn academiaidd gyfan.

- (iii) who has not undertaken a full-time first degree course after the preliminary course and before the present course;
- (c) an eligible student—
 - (i) who has completed a full-time foundation degree course (the “preliminary course”),
 - (ii) whose present course is a full-time honours degree course that the student did not begin immediately after the preliminary course, and
 - (iii) who has not undertaken a full-time first degree course after the preliminary course and before the present course.

(2) Where this regulation applies, the maximum period of eligibility for a tuition fee loan, a base grant, a maintenance grant, a disabled student’s grant, a grant for travel or a grant for dependants is the period calculated as follows—

The greater of three years or the ordinary duration of the present course.

Plus

The greater of one year or the ordinary duration minus one year of the preliminary course (or preliminary courses in total if the student completed more than one course which is to be treated as a preliminary course).

Less

Number of academic years undertaken by the eligible student on the preliminary course (or preliminary courses) excluding years repeated by the eligible student for compelling personal reasons.

(3) If the Welsh Ministers determine that regulation 18 applies to a student, they may add one or more additional years to the calculation made under paragraph (2) as they think appropriate.

Maximum period of eligibility – interpretation

17.—(1) For the purposes of regulations 12 and 14 to 16, the “ordinary duration” of a course is the number of academic years ordinarily required to complete it.

(2) For the purposes of calculating—

- (a) a student’s maximum period of eligibility under regulation 14(2), 15(2) or 16(2), or
- (b) whether a student’s period of eligibility has ended,

any part-year undertaken by the student is to be counted as a whole academic year.

(3) Yn rheoliadau 14 a 15, ystyr “cwrs blaenorol” yw cwrs—

- (a) sy’n—
 - (i) cwrs addysg uwch llawnamser, neu
 - (ii) cwrs rhan-amser ar gyfer hyfforddiant cychwynnol athrawon,y dechreuodd y myfyriwr ymgymryd ag ef cyn y cwrs presennol,
- (b) sy’n bodloni un o’r amodau a nodir ym mharagraff (4), ac
- (c) nad yw wedi ei eithrio rhag bod yn gwrs blaenorol yn rhinwedd paragraff (5), (6) neu (7).

(4) Yr amodau yw—

Amod 1

Mae’r cwrs yn cael ei ddarparu gan sefydliad yn y Deyrnas Unedig a oedd yn sefydliad addysgol cydnabyddedig am rai neu bob un o’r blynyddoedd academiaidd pan oedd y myfyriwr yn ymgymryd â’r cwrs.

Amod 2

Mae’r cwrs yn un—

- (a) y talwyd mewn perthynas ag ef ysgoloriaeth, arddangostal, bwrsari, grant, lwfans neu ddyfarndal o unrhyw ddisgrifiad mewn cysylltiad â’r myfyriwr yn ymgymryd â’r cwrs i dalu ffioedd, a
- (b) y darparwyd y taliad mewn perthynas ag ef gan sefydliad a gyllidir yn gyhoeddus.

(5) Nid yw cwrs sy’n dod o fewn paragraff (3)(a) a (b) er hynny yn gwrs blaenorol—

- (a) os yw’r cwrs presennol yn gwrs llawnamser ar gyfer hyfforddiant cychwynnol athrawon nad yw’n para’n hwy na dwy flynedd, a
- (b) os nad yw’r myfyriwr yn athro cymwysedig neu athrawes gymwysedig.

(6) Nid yw cwrs ar gyfer y Dystysgrif mewn Addysg sy’n dod o fewn paragraff (3)(a) a (b) er hynny yn gwrs blaenorol—

- (a) os yw’r cwrs presennol yn gwrs ar gyfer gradd (gan gynnwys gradd anrhydedd) Baglor mewn Addysg, a
- (b) os—
 - (i) trosglwyddodd y myfyriwr i’r cwrs presennol o’r cwrs ar gyfer y Dystysgrif mewn Addysg cyn cwblhau’r cwrs hwnnw, neu

(3) In regulations 14 and 15, “previous course” means a course which—

- (a) is—
 - (i) a full time higher education course, or
 - (ii) a part-time course for the initial training of teachers,that the student began to undertake before the present course,
- (b) meets one of the conditions set out in paragraph (4), and
- (c) is not excluded from being a previous course by virtue of paragraph (5), (6) or (7).

(4) The conditions are—

Condition 1

The course is provided by an institution in the United Kingdom which was a recognised educational institution for some or all of the academic years during which the student undertook the course.

Condition 2

The course is one in relation to which—

- (a) a scholarship, exhibition, bursary, grant, allowance or award of any description was paid in respect of the student undertaking the course to defray fees, and
- (b) the payment was provided by a publicly funded institution.

(5) A course which falls within paragraph (3)(a) and (b) is nevertheless not a previous course if—

- (a) the present course is a full-time course for the initial training of teachers of no more than two years duration, and
- (b) the student is not a qualified teacher.

(6) A course for the Certificate in Education which falls within paragraph (3)(a) and (b) is nevertheless not a previous course if—

- (a) the present course is a course for the degree (including an honours degree) of Bachelor of Education, and
- (b) the student—
 - (i) transferred to the present course from the course for the Certificate in Education before the completion of that course, or

- (ii) dechreuodd y myfyriwr ar y cwrs presennol ar ôl cwblhau'r cwrs ar gyfer y Dystysgrif mewn Addysg.

(7) Nid yw cwrs ar gyfer gradd (ac eithrio gradd anrhydedd) Baglor mewn Addysg yn gwrs blaenorol—

- (a) os yw'r cwrs presennol yn gwrs ar gyfer gradd anrhydedd Baglor mewn Addysg, a
- (b) os—
 - (i) trosglwyddodd y myfyriwr i'r cwrs presennol o'r cwrs ar gyfer gradd (ac eithrio gradd anrhydedd) Baglor mewn Addysg cyn cwblhau'r cwrs hwnnw, neu
 - (ii) dechreuodd y myfyriwr ar y cwrs presennol ar ôl cwblhau'r cwrs ar gyfer gradd (ac eithrio gradd anrhydedd) Baglor mewn Addysg.

Estyn y cyfnod hwyaf pan fo'r myfyriwr yn cael hysbysiad anghywir

18.—(1) Mae'r rheoliad hwn yn gymwys i fyfyrwr cymwys ("P")—

- (a) y mae ei gyfnod cymhwystra hwyaf i'w gyfrifo yn unol â rheoliad 15 neu 16,
- (b) sydd wedi darparu'r holl wybodaeth sy'n ofynnol gan Weinidogion Cymru mewn perthynas ag—
 - (i) cwrs blaenorol yr ymgwymerodd P ag ef, a
 - (ii) unrhyw gymwysterau sydd gan P, ac
- (c) sydd wedi cael hysbysiad gan Weinidogion Cymru sy'n datgan cyfnod cymhwystra hwyaf anghywir.

(2) Ond nid yw'r rheoliad hwn yn gymwys os yw'r hysbysiad yn anghywir oherwydd bod yr wybodaeth a ddarparwyd gan P yn sylweddol anghywir.

ADRAN 3

Terfynu cymhwystra

Terfynu cymhwystra yn gynnar

19.—(1) Mae cyfnod cymhwystra myfyriwr cymwys ("P") yn terfynu ar ddiwedd y diwrnod—

- (a) pan fydd P yn tynnu'n ôl o'i gwrs dynodedig ac nad yw Gweinidogion Cymru yn trosglwyddo statws P fel myfyriwr cymwys o dan reoliad 28, neu
- (b) pan fydd P yn cefnu ar ei gwrs dynodedig neu'n cael ei ddiarddel ohono.

(2) Pan—

- (a) bo cwrs dynodedig myfyriwr cymwys ("P") yn gwrs dysgu o bell, a

- (ii) began the present course on completion of the course for the Certificate in Education.

(7) A course for the degree (other than an honours degree) of Bachelor of Education is not a previous course if—

- (a) the present course is a course for the honours degree of Bachelor of Education, and
- (b) the student—
 - (i) transferred to the present course from the course for the degree (other than an honours degree) of Bachelor of Education before the completion of that course, or
 - (ii) began the present course on completion of the course for the degree (other than an honours degree) of Bachelor of Education.

Extension of maximum period where student receives incorrect notification

18.—(1) This regulation applies to an eligible student ("P")—

- (a) whose maximum period of eligibility is to be calculated in accordance with regulation 15 or 16,
- (b) who has provided all the information required by the Welsh Ministers in relation to—
 - (i) a previous course undertaken by P, and
 - (ii) any qualifications held by P, and
- (c) who has received a notification from the Welsh Ministers stating an incorrect maximum period of eligibility.

(2) But this regulation does not apply if the notification is incorrect because the information provided by P was materially inaccurate.

SECTION 3

Termination of eligibility

Early termination of eligibility

19.—(1) An eligible student's ("P's") period of eligibility terminates at the end of the day on which—

- (a) P withdraws from P's designated course and the Welsh Ministers do not transfer P's status as an eligible student under regulation 28, or
- (b) P abandons or is expelled from P's designated course.

(2) Where—

- (a) an eligible student's ("P's") designated course is a distance learning course, and

- (b) bo P yn ymgymryd â'r cwrs y tu allan i'r Deyrnas Unedig,

mae cyfnod cymhwystra P yn terfynu ar ddechrau'r diwrnod cyntaf pan fo P yn ymgymryd â'r cwrs y tu allan i'r Deyrnas Unedig.

(3) Ond nid yw paragraff (2) yn gymwys pan fo P yn ymgymryd â chwrs dysgu o bell y tu allan i'r Deyrnas Unedig oherwydd bod P neu berthynas agos i P yn gwasanaethu fel aelod o'r lluoedd arfog.

Camymddwyn a methu â darparu gwybodaeth gywir

20.—(1) Caiff Gweinidogion Cymru derfynu cyfnod cymhwystra myfyriwr cymwys os ydynt wedi eu bodloni bod ymddygiad y myfyriwr o'r fath fel nad yw'r myfyriwr yn addas mwyach i gael cymorth.

(2) Mae paragraff (3) yn gymwys os yw Gweinidogion Cymru wedi eu bodloni bod myfyriwr cymwys—

- (a) wedi methu â chydymffurfio â gofyniad i ddarparu gwybodaeth neu ddogfennaeth o dan y Rheoliadau hyn, neu
- (b) wedi darparu gwybodaeth neu ddogfennaeth a oedd yn sylweddol anghywir.

(3) Pan fo'r paragraff hwn yn gymwys, caiff Gweinidogion Cymru—

- (a) derfynu cyfnod cymhwystra'r myfyriwr;
- (b) penderfynu nad yw'r myfyriwr yn cymhwyso i gael categori penodol o gymorth neu swm y cymorth hwnnw.

Adfer cymhwystra ar ôl iddo derfynu

21.—(1) Pan fo cyfnod cymhwystra myfyriwr yn derfynu o dan reoliad 19 neu 20 yn ystod y flwyddyn academaidd y mae'r myfyriwr yn cwblhau'r cwrs presennol ynddi, caiff Gweinidogion Cymru adfer cyfnod cymhwystra'r myfyriwr am unrhyw gyfnod y maent yn meddwl ei fod yn briodol.

(2) Ond ni chaniateir i gyfnod cymhwystra sydd wedi ei adfer estyn y tu hwnt i ddiwedd y cyfnod cymhwystra hwyaf a gyfrifir yn unol ag Adran 2 o'r Bennod hon.

Ffoduriaid y mae eu caniatâd i aros wedi dod i ben

22.—(1) Mae'r rheoliad hwn yn gymwys—

- (a) pan oedd person ("P") yn fyfyrwr cymwys Categori 2 (gweler Atodlen 2) mewn cysylltiad â chais am gymorth—
- (i) ar gyfer blwyddyn gynharach o'r cwrs presennol,

- (b) P undertakes the course outside the United Kingdom,

P's period of eligibility terminates at the beginning of the first day on which P undertakes the course outside the United Kingdom.

(3) But paragraph (2) does not apply where P is undertaking a distance learning course outside the United Kingdom because P or a close relative of P is serving as a member of the armed forces.

Misconduct and failure to provide accurate information

20.—(1) The Welsh Ministers may terminate an eligible student's period of eligibility if they are satisfied that the student's conduct is such that the student is no longer fit to receive support.

(2) Paragraph (3) applies if the Welsh Ministers are satisfied that an eligible student—

- (a) has failed to comply with a requirement to provide information or documentation under these Regulations, or
- (b) has provided information or documentation which was materially inaccurate.

(3) Where this paragraph applies, the Welsh Ministers may—

- (a) terminate the student's period of eligibility;
- (b) determine that the student does not qualify for a particular category of support or amount of such support.

Reinstatement of eligibility after termination

21.—(1) Where a student's period of eligibility terminates under regulation 19 or 20 during the academic year in which the student completes the present course, the Welsh Ministers may reinstate the student's period of eligibility for such period as they think appropriate.

(2) But a reinstated period of eligibility may not extend beyond the end of the maximum period of eligibility calculated in accordance with Section 2 of this Chapter.

Refugees who cease to have leave to remain

22.—(1) This regulation applies where—

- (a) a person ("P") was a Category 2 eligible student (see Schedule 2) in connection with an application for support—
- (i) for an earlier year of the present course,

- (ii) ar gyfer cwrs llawnamser y mae'r cwrs presennol yn gwrs penben llawnamser mewn perthynas ag ef, neu
 - (iii) ar gyfer cwrs y mae statws P fel myfyriwr cymwys wedi cael ei drosglwyddo ohono i'r cwrs presennol o dan reoliad 28 neu baragraff 7 o Atodlen 5, a
- (b) pan, ar ddiwedd y diwrnod cyn diwrnod cyntaf y flwyddyn academiaidd y mae P yn gwneud cais am gymorth mewn cysylltiad â hi, fo statws ffoadur—
- (i) P, neu
 - (ii) y person yr oedd ei statws fel ffoadur yn golygu bod P yn fyfyrwr cymwys Categori 2,
- wedi dod i ben ac nad yw caniatâd pellach i aros wedi cael ei roi ac nad oes apêl yn yr arfaeth (o fewn ystyr adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002)(1).

(2) Pan fo'r rheoliad hwn yn gymwys, mae statws P fel myfyriwr cymwys yn terfynu yn union cyn diwrnod cyntaf y flwyddyn academiaidd y mae P yn gwneud cais am gymorth mewn cysylltiad â hi.

(3) Yn y rheoliad hwn, mae i "ffoadur" yr ystyr a roddir gan baragraff 11 o Atodlen 2.

Personau eraill y mae eu caniatâd i ddod i mewn neu i aros wedi dod i ben

23.—(1) Mae'r rheoliad hwn yn gymwys—

- (a) pan oedd person ("P") yn fyfyrwr cymwys Categori 3 (gweler Atodlen 2) mewn cysylltiad â chais am gymorth—
 - (i) ar gyfer blwyddyn gynharach o'r cwrs presennol,
 - (ii) ar gyfer cwrs llawnamser y mae'r cwrs presennol yn gwrs penben llawnamser mewn perthynas ag ef, neu
 - (iii) ar gyfer cwrs y mae statws P fel myfyriwr cymwys wedi cael ei drosglwyddo ohono i'r cwrs presennol o dan reoliad 28 neu baragraff 7 o Atodlen 5, a
- (b) pan, ar ddiwedd y diwrnod cyn diwrnod cyntaf y flwyddyn academiaidd y mae P yn gwneud cais am gymorth mewn cysylltiad â hi, fo'r cyfnod y caiff—
 - (i) P, neu

- (ii) for a full-time course in relation to which the present course is a full-time end-on course, or
 - (iii) for a course from which P's status as an eligible student has been transferred to the present course under regulation 28 or paragraph 7 of Schedule 5, and
- (b) as at the end of the day before the first day of the academic year in respect of which P is applying for support, the refugee status of—
- (i) P, or
 - (ii) the person whose status as a refugee meant that P was a Category 2 eligible student,
- has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002)(1).

(2) Where this regulation applies, P's status as an eligible student terminates immediately before the first day of the academic year in respect of which P is applying for support.

(3) In this regulation, "refugee" has the meaning given by paragraph 11 of Schedule 2.

Other persons who cease to have leave to enter or remain

23.—(1) This regulation applies where—

- (a) a person ("P") was a Category 3 eligible student (see Schedule 2) in connection with an application for support—
 - (i) for an earlier year of the present course,
 - (ii) for a full-time course in relation to which the present course is a full-time end-on course, or
 - (iii) for a course from which P's status as an eligible student has been transferred to the present course under regulation 28 or paragraph 7 of Schedule 5, and
- (b) as at the end of the day before the first day of the academic year in respect of which P is applying for support, the period for which—
 - (i) P, or

(1) 2002 p. 41. Diwygiwyd adran 104 gan Ddeddf Lloches a Mewnfudo (Trin Ceiswyr etc.) 2004 (p. 19), Atodlenni 2 a 4, Deddf Mewnfudo, Lloches a Chenedligrwydd 2006 (p. 13), adran 9, O.S. 2010/21, Deddf Mewnfudo 2014 (p. 22), Atodlen 9.

(1) 2002 c.41. Section 104 was amended by the Asylum and Immigration (Treatment of Claimants etc.) Act 2004 (c. 19), Schedules 2 and 4, the Immigration, Asylum and Nationality Act 2006 (c. 13), section 9, S.I. 2010/21, the Immigration Act 2014 (c. 22), Schedule 9.

- (ii) y person, oherwydd bod ganddo ganiatâd i ddod i mewn neu i aros, a oedd yn peri i P fod yn fyfyrwr cymwys Categori 3,

aros yn y Deyrnas Unedig wedi dod i ben ac nad yw caniatâd pellach i aros wedi cael ei roi ac nad oes apêl yn yr arfaeth (o fewn ystyr adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002).

(2) Pan fo'r rheoliad hwn yn gymwys, mae statws P fel myfyrwr cymwys yn terfynu yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae P yn gwneud cais am gymorth mewn cysylltiad â hi.

ADRAN 4

Astudio blaenorol

Myfyrwyr llawnamser – cyfyngiadau ar gymorth i raddedigion â gradd anrhydedd

24.—(1) Os yw myfyrwr cymwys sy'n ymgymryd â chwrs llawnamser wedi cael gradd anrhydedd o sefydliad yn y Deyrnas Unedig (“person â gradd anrhydedd”), nid yw'r myfyrwr yn cymhwyso i gael benthyciad at ffioedd dysgu, grant sylfaenol, grant cynhaliaeth neu fenthyciad cynhaliaeth o dan y Rheoliadau hyn oni bai bod y myfyrwr—

- (a) yn dod o fewn un o'r Achosion a nodir ym mharagraff (2), a
- (b) ym mhob Achos, yn bodloni'r amodau cymhwyso penodol sy'n ymwneud â'r cymorth o dan sylw.

(2) Yr Achosion yw—

Achos 1

Caiiff person â gradd anrhydedd gymhwyso i gael cymorth o dan y Rheoliadau hyn os yw'r cwrs presennol yn—

- (a) cwrs ar gyfer hyfforddiant cychwynnol athrawon nad yw'n para'n hwy na dwy flynedd, ac nid yw'r person graddedig yn athro cymwysedig neu athrawes gymwysedig, neu'n
- (b) cwrs mynediad graddedig carlam.

Achos 2

Caiiff person â gradd anrhydedd gymhwyso i gael benthyciad cynhaliaeth os yw unrhyw un neu ragor o'r canlynol yn gymwys—

- (a) mae'r cwrs presennol yn arwain at gymhwyster fel gweithiwr cymdeithasol, meddyg, deintydd, milfeddyg neu bensaer;
- (b) mae'r person graddedig i gael unrhyw daliad o dan—

- (ii) the person who, as a result of having leave to enter or remain, caused P to be a category 3 eligible student,

is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002).

(2) Where this regulation applies, P's status as an eligible student terminates immediately before the first day of the academic year in respect of which P is applying for support.

SECTION 4

Previous study

Full-time students – restrictions on support for honours graduates

24.—(1) If an eligible student undertaking a full-time course has attained an honours degree from an institution in the United Kingdom (an “honours graduate”) the student does not qualify for a tuition fee loan, base grant, maintenance grant or maintenance loan under these Regulations unless the student—

- (a) falls within one of the Cases set out in paragraph (2), and
- (b) in each Case, satisfies the particular qualifying conditions relating to the support in question.

(2) The Cases are—

Case 1

An honours graduate may qualify for support under these Regulations if the present course is—

- (a) a course for the initial training of teachers of no more than two years duration, and the graduate is not a qualified teacher, or
- (b) an accelerated graduate entry course.

Case 2

An honours graduate may qualify for a maintenance loan if any of the following applies—

- (a) the present course leads to a qualification as a social worker, medical doctor, dentist, veterinary surgeon or architect;
- (b) the graduate is to receive any payment under—

- (i) bwrsari gofal iechyd y mae ei swm yn cael ei gyfrifo drwy gyfeirio at incwm y person graddedig, neu
- (ii) lwfans gofal iechyd yr Alban y mae ei swm yn cael ei gyfrifo drwy gyfeirio at incwm y person graddedig mewn cysylltiad ag unrhyw flwyddyn academaidd o'r cwrs presennol;
- (c) mae'r cwrs presennol yn gwrs ar gyfer hyfforddiant cychwynnol athrawon.

Achos 3

Er gwaethaf paragraff (1)—

- (a) os ystyrir bod y cwrs presennol yn gwrs sengl yn rhinwedd rheoliad 6(3) a (4), a
- (b) os yw'r cwrs yn arwain at roi gradd anrhydedd o sefydliad yn y Deyrnas Unedig i'r myfyriwr cymwys cyn y radd derfynol neu'r cymhwyster cyfatebol,

nid yw rhoi'r radd anrhydedd honno yn rhwystro'r myfyriwr rhag cymhwyso i gael cymorth o dan y Rheoliadau hyn mewn cysylltiad ag unrhyw ran o'r cwrs sengl hwnnw.

Achos 4

Mae rheoliad 26 yn gymwys.

Myfyriwr rhan-amser – cyfyngiadau ar gymorth i raddedigion

25.—(1) Os yw myfyriwr cymwys sy'n ymgymryd â chwrs rhan-amser wedi cael gradd gyntaf o sefydliad yn y Deyrnas Unedig ("person graddedig"), nid yw'r myfyriwr yn cymhwyso i gael cymorth o dan y Rheoliadau hyn ac eithrio grant myfyriwr anabl oni bai bod y myfyriwr yn dod o fewn un o'r Achosion a nodir ym mharagraff (2).

(2) Yr Achosion yw—

Achos 1

O ran y radd gyntaf—

- (a) nid gradd anrhydedd ydoedd; a
- (b) fe'i dyfarnwyd i'r person graddedig ar ôl iddo gwblhau'r modiwlau, yr arholiadau neu'r mathau eraill o asesiad a oedd yn ofynnol ar gyfer y radd gyntaf honno,

ac mae'r person graddedig yn ymgymryd â'r cwrs presennol er mwyn cael gradd anrhydedd ar ôl cwblhau'r modiwlau, yr arholiadau neu'r mathau eraill o asesiad sy'n ofynnol (pa un a yw'r person graddedig yn parhau i wneud y cwrs yn yr un sefydliad a ddyfarnodd y radd gyntaf iddo ai peidio).

- (i) a healthcare bursary, the amount of which is calculated by reference to the graduate's income, or
- (ii) a Scottish healthcare allowance, the amount of which is calculated by reference to the graduate's income in respect of any academic year of the present course;
- (c) the present course is a course for the initial training of teachers.

Case 3

Despite paragraph (1), if—

- (a) the present course is considered to be a single course by virtue of regulation 6(3) and (4), and
- (b) the course leads to an honours degree from an institution in the United Kingdom being conferred on the eligible student before the final degree or equivalent qualification,

the conferring of that honours degree does not prevent the student from qualifying for support under these Regulations in respect of any part of that single course.

Case 4

Regulation 26 applies.

Part-time students – restrictions on support for graduates

25.—(1) If an eligible student undertaking a part-time course has attained a first degree from an institution in the United Kingdom (a "graduate") the student does not qualify for support under these Regulations other than a disabled student's grant unless the student falls within one of the Cases set out in paragraph (2).

(2) The Cases are—

Case 1

The first degree—

- (a) was not an honours degree, and
- (b) was awarded to the graduate on completion of the modules, examinations or other forms of assessment required for that first degree,

and the graduate is undertaking the present course so as to obtain an honours degree on completion of the required modules, examinations or other forms of assessment (whether or not the graduate continues the course at the same institution from which the first degree was awarded).

Achos 2

Mae'r cwrs presennol yn gwrs ar gyfer hyfforddiant cychwynnol athrawon nad yw'n para'n hwy na phedair blynedd ac nid yw'r person graddedig yn athro cymwysedig neu athrawes gymwysedig.

Achos 3

Mae'r cwrs presennol yn arwain at radd anrhydedd a naill ai'n—

- (a) cwrs sy'n ymwneud ag astudio hanes a gramadeg y Gymraeg a'r defnydd ohoni; neu'n
- (b) cwrs sydd wedi ei restru yn y System Cyd-godio Pynciau Academaidd yn un o'r meysydd pwnc a ganlyn—
 - (i) peirianeg;
 - (ii) technoleg;
 - (iii) cyfrifiadureg;
 - (iv) pynciau perthynol i feddygaeth;
 - (v) y gwyddorau biolegol;
 - (vi) milfeddygaeth, amaethyddiaeth a phynciau cysylltiedig;
 - (vii) y gwyddorau ffisegol;
 - (viii) y gwyddorau mathemategol.

Achos 4

Mae rheoliad 26 yn gymwys.

(3) Yn Achos 3, ystyr “y System Cyd-godio Pynciau Academaidd” yw fersiwn 3 o'r System Cyd-godio Pynciau Academaidd a gynhelir gan Wasanaeth Derbyn y Prifysgolion a'r Colegau a'r Asiantaeth Ystadegau Addysg Uwch(1).

Codi'r cyfyngiadau pan geir hysbysiad anghywir

26.—(1) Mae'r rheoliad hwn yn gymwys—

- (a) pan fo person â gradd anrhydedd o fewn ystyr rheoliad 24 neu berson graddedig o fewn ystyr rheoliad 25 (“G”) wedi darparu'r holl wybodaeth sy'n ofynnol gan Weinidogion Cymru mewn perthynas â gradd anrhydedd neu, yn ôl y digwydd, radd gyntaf, a ddyfarnwyd i'r person o'r blaen, a
- (b) pan fo G yn cael hysbysiad gan Weinidogion Cymru sy'n datgan yn anghywir fod G yn cymhwyso i gael cymorth o dan y Rheoliadau hyn.

(2) Pan fo'r rheoliad hwn yn gymwys, caiff G gymhwyso i gael y cymorth a bennir yn yr hysbysiad am y cyfnod hwnnw y mae Gweinidogion Cymru yn meddwl ei fod yn briodol.

(1) gweler <https://www.hesa.ac.uk/support/documentation/jacs>

Case 2

The present course is a course for the initial training of teachers of no more than four years duration and the graduate is not a qualified teacher.

Case 3

The present course leads to an honours degree and is either—

- (a) a course concerned with the study of the history, grammar and use of Welsh, or
- (b) a course listed in the Joint Academic Coding System in one of the following subject areas—
 - (i) engineering;
 - (ii) technology;
 - (iii) computer science;
 - (iv) subjects allied to medicine;
 - (v) biological sciences;
 - (vi) veterinary sciences, agriculture and related subjects;
 - (vii) physical sciences;
 - (viii) mathematical sciences.

Case 4

Regulation 26 applies.

(3) In Case 3 “the Joint Academic Coding System” means version 3 of the Joint Academic Coding System maintained by the Universities and Colleges Admissions Service and the Higher Education Statistics Agency(1).

Restrictions lifted where incorrect notification received

26.—(1) This regulation applies where—

- (a) an honours graduate within the meaning of regulation 24 or a graduate within the meaning of regulation 25 (“G”) has provided all the information required by the Welsh Ministers in relation to an honours degree or, as the case may be, a first degree, previously attained, and
- (b) G receives notification from the Welsh Ministers incorrectly stating that G qualifies for support under these Regulations.

(2) Where this regulation applies, G may qualify for the support specified in the notification for such period as the Welsh Ministers think appropriate.

(1) see <https://www.hesa.ac.uk/support/documentation/jacs>

(3) Ond nid yw'r rheoliad hwn yn gymwys os yw'r hysbysiad yn anghywir oherwydd bod yr wybodaeth a ddarparwyd gan G yn sylweddol anghywir.

Cyfyngiad pellach ar gymorth i fyfyrwyr rhan-amser

27.—(1) Nid yw myfyriwr cymwys sy'n ymgymryd â chwrs rhan-amser yn cymhwyso i gael cymorth o dan y Rheoliadau hyn ac eithrio grant myfyriwr anabl os yw'r myfyriwr—

- (a) wedi ymgymryd ag un neu ragor o gyrsiau rhan-amser am gyfnod cyfanredol o—
 - (i) 8 mlynedd academiaidd o leiaf (pan ddechreuodd y cwrs hwnnw neu'r cwrs cynharaf o'r cyrsiau hynny cyn 1 Medi 2014), neu
 - (ii) 16 o flynyddoedd academiaidd o leiaf (pan ddechreuodd y cwrs hwnnw neu'r cwrs cynharaf o'r cyrsiau hynny ar neu ar ôl 1 Medi 2014), a
- (b) wedi cael cymorth perthnasol mewn cysylltiad ag o leiaf 8 neu, yn ôl y digwydd, 16 o'r blynyddoedd academiaidd hynny o'r cwrs rhan-amser neu'r cyrsiau rhan-amser.

(2) Ym mharagraff (1)(b), ystyr "cymorth perthnasol" yw—

- (a) benthyciad, grant mewn cysylltiad â ffioedd neu grant at lyfrau, teithio a gwariant arall a wneir mewn cysylltiad â blwyddyn academiaidd—
 - (i) o dan y Rheoliadau hyn neu unrhyw reoliadau eraill a wneir o dan adran 22 o Ddeddf 1998, neu
 - (ii) o dan reoliadau a wneir o dan Erthyglau 3 ac 8(4) o Orchymyn Addysg (Cymorth i Fyfyrwyr) (Gogledd Iwerddon) 1998(1);
- (b) benthyciad a wneir mewn cysylltiad â blwyddyn academiaidd o dan reoliadau a wneir o dan adrannau 73(f), 73B a 74(1) o Ddeddf Addysg (Yr Alban) 1980(2).

(3) But this regulation does not apply if the notification is incorrect because the information provided by G was materially inaccurate.

Further restriction on support for part-time students

27.—(1) An eligible student undertaking a part-time course does not qualify for support under these Regulations other than a disabled student's grant if the student—

- (a) has undertaken one or more part-time courses for an aggregate of at least—
 - (i) 8 academic years (where that course or the earliest of those courses began before 1 September 2014), or
 - (ii) 16 academic years (where that course or the earliest of those courses began on or after 1 September 2014), and
- (b) has received relevant support in respect of at least 8 or, as the case may be, 16 of those academic years of the part-time course or courses.

(2) In paragraph (1)(b), "relevant support" means—

- (a) a loan, a grant in respect of fees or a grant for books, travel and other expenditure made in respect of an academic year—
 - (i) under these Regulations or any other regulations made under section 22 of the 1998 Act, or
 - (ii) under regulations made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998(1);
- (b) a loan made in respect of an academic year under regulations made under sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980(2).

(1) O.S. 1998/1760 (G.I. 14), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(2) 1980 p. 44; mewnosodwyd adran 73B gan adran 29(2) o Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30) ac fe'i diwygiwyd gan Ddeddf Addysg (Gwaddol Graddedigion a Chymorth i Fyfyrwyr) (Yr Alban) 2001 (dsa 6), Atodlen 6 i Ddeddf Treth Incwm (Enillion a Phensiynau) 2003 (p. 1), adran 34(1) o Ddeddf Methdaliad a Diwydrwydd etc. (Yr Alban) 2007 (dsa 3) ac Atodlen 8 i Ddeddf Methdaliad (Yr Alban) 2016 (dsa 21).

(1) S.I.1998/1760 (N.I. 14) to which there are amendments not relevant to these Regulations.

(2) 1980 c.44; section 73B was inserted by section 29(2) of the Teaching and Higher Education Act 1998 (c.30) and was amended by the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp 6), Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c.1), section 34(1) of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3) and Schedule 8 to the Bankruptcy (Scotland) Act 2016 (asp 21).

Trosglwyddo statws

28.—(1) Pan fo myfyriwr cymwys yn trosglwyddo o gwrs dynodedig (yn yr Adran hon, yr “hen gwrs”) i gwrs dynodedig arall (yn yr Adran hon, y “cwrs newydd”), rhaid i Weinidogion Cymru drosglwyddo statws y myfyriwr fel myfyriwr cymwys i’r cwrs newydd—

- (a) os ydynt yn cael cais oddi wrth y myfyriwr i wneud hynny,
- (b) os ydynt wedi eu bodloni bod un o’r seiliau trosglwyddo yn gymwys (gweler paragraff (2)), ac
- (c) os nad yw cyfnod cymhwysra’r myfyriwr wedi dod i ben nac wedi cael ei derfynu.

(2) Y seiliau trosglwyddo yw—

Y sail gyntaf

Mae’r myfyriwr cymwys yn peidio ag ymgymryd â’r hen gwrs ac yn ymgymryd â’r cwrs newydd yn yr un sefydliad.

Gan gynnwys—

- (a) pan na fo’r hen gwrs yn gwrs gradd cywasgedig, os yw’r myfyriwr yn ymgymryd â’r un cwrs fel cwrs gradd cywasgedig, neu
- (b) pan fo’r hen gwrs yn gwrs gradd cywasgedig, os yw’r myfyriwr yn ymgymryd â’r un cwrs ar y sail nad yw’n gywasgedig.

Yr ail sail

Mae’r myfyriwr cymwys yn ymgymryd â’r cwrs newydd mewn sefydliad arall.

Y drydedd sail

Ar ôl iddo ddechrau cwrs ar gyfer y Dystysgrif mewn Addysg, mae’r myfyriwr cymwys, wrth gwblhau’r cwrs hwnnw neu cyn hynny, yn cael ei dderbyn ar gwrs dynodedig ar gyfer gradd (gan gynnwys gradd anrhydedd) Baglor mewn Addysg.

Y bedwaredd sail

Ar ôl iddo ddechrau cwrs ar gyfer gradd (ac eithrio gradd anrhydedd) Baglor mewn Addysg, mae’r myfyriwr cymwys, wrth gwblhau’r cwrs hwnnw neu cyn hynny, yn cael ei dderbyn ar gwrs dynodedig ar gyfer gradd anrhydedd Baglor mewn Addysg.

Y bumod sail

Ar ôl iddo ddechrau cwrs ar gyfer gradd gyntaf (ac eithrio gradd anrhydedd), mae’r myfyriwr cymwys, cyn cwblhau’r cwrs hwnnw, yn cael ei dderbyn ar gwrs dynodedig ar gyfer gradd anrhydedd yn yr un pwnc yn yr un sefydliad.

Transfer of status

28.—(1) Where an eligible student transfers from a designated course (in this Section, the “old course”) to another designated course (in this Section, the “new course”), the Welsh Ministers must transfer the student’s status as an eligible student to the new course if—

- (a) they receive a request from the student to do so,
- (b) they are satisfied that one of the grounds of transfer applies (see paragraph (2)), and
- (c) the student’s period of eligibility has not ended or been terminated.

(2) The grounds of transfer are—

First ground

The eligible student ceases the old course and undertakes the new course at the same institution.

Including—

- (a) where the old course is not a compressed degree course, undertaking the same course as a compressed degree course, or
- (b) where the old course is a compressed degree course, undertaking the same course on a non-compressed basis.

Second ground

The eligible student undertakes the new course at another institution.

Third ground

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 (including an honours degree) of Bachelor of Education.

Fourth ground

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.

Fifth ground

After commencing a course for a first degree (other than an honours degree) the eligible student is, before the completion of that course, admitted to a designated course for an honours degree in the same subject at the same institution.

Effaith trosglwyddiad – benthyciadau at ffioedd dysgu

29. Pan fo Gweinidogion Cymru yn trosglwyddo statws myfyriwr cymwys o dan reoliad 28 yn ystod blwyddyn academaidd, mae swm y benthyciad at ffioedd dysgu sy'n daladwy mewn cysylltiad â'r flwyddyn academaidd honno i'w benderfynu gan Weinidogion Cymru fel a ganlyn—

Cam 1

Cyfrifo, yn unol â Rhan 6, symiau'r benthyciad at ffioedd dysgu a fyddai wedi bod yn daladwy mewn cysylltiad ag—

- (a) yr hen gwrs, a
- (b) y cwrs newydd,

ar gyfer y flwyddyn academaidd gyfan.

Cam 2

Gostwng y symiau hyn yn ôl y gyfran honno y mae Gweinidogion Cymru yn meddwl ei bod yn briodol ar ôl rhoi sylw i—

- (a) y diwrnod y mae'r trosglwyddiad yn digwydd arno, a
- (b) yr angen i sicrhau nad yw unrhyw swm yn daladwy mewn cysylltiad â'r ddau gwrs ar gyfer yr un cyfnod.

Effaith trosglwyddiad –benthyciadau cynhaliath a grantiau

30.—(1) Mae'r rheoliad hwn yn gymwys pan fo Gweinidogion Cymru yn trosglwyddo statws myfyriwr cymwys o dan reoliad 28 yn ystod blwyddyn academaidd.

(2) Os yw rheoliad 31 yn gymwys i'r trosglwyddiad, rhaid i gyfanswm unrhyw fenthyciad cynhaliath a grantiau sy'n daladwy i'r myfyriwr cymwys ar gyfer y flwyddyn academaidd gael ei ailasesu yn unol â'r rheoliad hwnnw.

(3) Os nad yw rheoliad 31 yn gymwys i'r trosglwyddiad—

- (a) caiff Gweinidogion Cymru ailasesu swm unrhyw fenthyciad cynhaliath a grantiau sy'n daladwy i'r myfyriwr cymwys ar gyfer y flwyddyn academaidd, ond
- (b) os na wneir unrhyw ailasesiad, cyfanswm unrhyw fenthyciad cynhaliath a grantiau sy'n daladwy i'r myfyriwr cymwys yw'r swm y mae Gweinidogion Cymru wedi ei asesu fel y swm sy'n daladwy i'r myfyriwr ar gyfer y flwyddyn academaidd mewn cysylltiad â'r hen gwrs.

Effect of transfer – tuition fee loans

29. Where the Welsh Ministers transfer an eligible student's status under regulation 28 during an academic year, the amount of tuition fee loan payable in respect of that academic year is to be determined by the Welsh Ministers as follows—

Step 1

Calculate, in accordance with Part 6, the amounts of tuition fee loan that would have been payable in respect of—

- (a) the old course, and
- (b) the new course,

for the whole academic year.

Step 2

Reduce those amounts by such proportion as the Welsh Ministers think appropriate having regard to—

- (a) the day on which the transfer occurs, and
- (b) the need to ensure that no amount is payable in respect of both courses for the same period.

Effect of transfer – grants and maintenance loans

30.—(1) This regulation applies where the Welsh Ministers transfer an eligible student's status under regulation 28 during an academic year.

(2) If regulation 31 applies to the transfer, the total amount of any grants and maintenance loan payable to the eligible student for the academic year must be reassessed in accordance with that regulation.

(3) If regulation 31 does not apply to the transfer—

- (a) the Welsh Ministers may re-assess the amount of any grants and maintenance loan payable to the eligible student for the academic year, but
- (b) if no re-assessment is made, the total amount of any grants and maintenance loan payable to the eligible student is the amount which the Welsh Ministers assessed as the amount payable to the student for the academic year in respect of the old course.

(4) Mae paragraff (5) yn gymwys pan fo'r trosglwyddiad yn digwydd ar ôl i Weinidogion Cymru asesu swm unrhyw fenthyciad cynhaliaeth a grantiau sy'n daladwy i'r myfyriwr cymwys ar gyfer y flwyddyn academaidd mewn cysylltiad â'r hen gwrs ond cyn i'r myfyriwr gwblhau'r flwyddyn honno.

(5) Pan fo'r paragraff hwn yn gymwys, ni chaiff y myfyriwr cymwys wneud cais mewn cysylltiad â blwyddyn academaidd y cwrs newydd am grant neu fenthyciad arall o fath y mae'r myfyriwr eisoes wedi gwneud cais amdano mewn cysylltiad â blwyddyn academaidd yr hen gwrs (oni bai bod y Rheoliadau hyn yn rhoi caniatâd penodol i wneud hynny).

(6) Pan, yn union cyn y trosglwyddiad—

- (a) oedd y myfyriwr cymwys yn gymwys i wneud cais am fenthyciad cynhaliaeth ar gyfer blwyddyn academaidd yr hen gwrs, a
- (b) nad oedd y myfyriwr cymwys wedi gwneud cais am yr uchafswm yr oedd ganddo hawlogaeth i'w gael,

nid yw paragraff (5) yn rhwystro'r myfyriwr rhag gwneud cais am swm ychwanegol o fenthyciad (pa un a yw ailasesiad yn cael ei wneud o dan y rheoliad hwn neu o dan reoliad 31 ai peidio).

(7) Pan fo myfyriwr cymwys wedi gwneud cais am grant myfyriwr anabl ar gyfer y flwyddyn academaidd y mae'r trosglwyddiad yn digwydd ynddi, nid yw paragraff (5) yn rhwystro'r myfyriwr rhag gwneud cais pellach o'r fath—

- (a) at ddiben nad yw'r myfyriwr eisoes wedi gwneud cais amdano, neu
- (b) am swm ychwanegol mewn cysylltiad â diben y mae'r myfyriwr eisoes wedi gwneud cais amdano.

Trosglwyddiadau sy'n cynnwys trosi rhwng astudio rhan-amser ac astudio llawnamser

31.—(1) Mae'r rheoliad hwn yn gymwys pan, mewn perthynas â throsglwyddiad o dan reoliad 28—

- (a) bo'r hen gwrs yn gwrs llawnamser a bod y cwrs newydd yn gwrs rhan-amser, neu
- (b) bo'r hen gwrs yn gwrs rhan-amser a bod y cwrs newydd yn gwrs llawnamser.

(2) Pan fo'r rheoliad hwn yn gymwys, mae cyfanswm unrhyw fenthyciad cynhaliaeth a grantiau sy'n daladwy i'r myfyriwr cymwys ar gyfer y flwyddyn academaidd i'w ailasesu gan Weinidogion Cymru fel a ganlyn—

(4) Paragraph (5) applies where the transfer occurs after the Welsh Ministers have assessed the amount of any grants or maintenance loan payable to the eligible student for the academic year in respect of the old course but before the student completes that year.

(5) Where this paragraph applies, the eligible student may not apply in respect of the academic year of the new course for another grant or loan of a kind for which the student has already applied in respect of the academic year of the old course (unless specifically permitted to do so by these Regulations).

(6) Where, immediately before the transfer, the eligible student—

- (a) was eligible to apply for a maintenance loan for the academic year of the old course, and
- (b) had not applied for the maximum amount for which the student was entitled,

paragraph (5) does not prevent the student from applying for an additional amount of loan (whether or not a reassessment is made under this regulation or regulation 31).

(7) Where an eligible student has applied for a disabled student's grant for the academic year in which the transfer occurs, paragraph (5) does not prevent the student from making a further such application—

- (a) for a purpose for which the student has not already applied, or
- (b) for an additional amount in respect of a purpose for the which the student has already applied.

Transfers involving conversions between part-time and full-time study

31.—(1) This regulation applies where, in relation to a transfer under regulation 28—

- (a) the old course is a full-time course and the new course is a part-time course, or
- (b) the old course is a part-time course and the new course is a full-time course.

(2) Where this regulation applies, the total amount of any grants and maintenance loan payable to the eligible student for the academic year is to be reassessed by the Welsh Ministers as follows—

Cam 1

Cyfrifo, yn unol â Rhannau 7 i 11, symiau unrhyw fenthyciad cynhaliaeth a grantiau a fyddai wedi bod yn daladwy mewn cysylltiad ag—

- (a) yr hen gwrs, a
- (b) y cwrs newydd,

ar gyfer y flwyddyn academiaidd gyfan.

Cam 2

Gostwng y symiau hynny drwy eu lluosu â'r ffracsiwn priodol.

Cyfanswm y ddau swm a geir o dan Gam 2 yw cyfanswm y benthyciad cynhaliaeth a'r grantiau sy'n daladwy i'r myfyriwr ar gyfer y flwyddyn academiaidd y mae'r trosglwyddiad yn digwydd ynddi.

(3) Yng Ngham 2 o baragraff (2), y ffracsiwn priodol mewn perthynas â'r hen gwrs yw'r ffracsiwn pan—

- (a) y rhifiadur yw nifer y diwrnodau yn y flwyddyn academiaidd hyd at a chan gynnwys y diwrnod y mae'r trosglwyddiad yn digwydd arno, a
- (b) yr enwadur yw cyfanswm nifer y diwrnodau yn y flwyddyn academiaidd.

(4) Yng Ngham 2 o baragraff (2), y ffracsiwn priodol mewn perthynas â'r cwrs newydd yw'r ffracsiwn pan—

- (a) y rhifiadur yw nifer y diwrnodau sy'n weddill yn y flwyddyn academiaidd ar ôl y diwrnod y mae'r trosglwyddiad yn digwydd arno, a
- (b) yr enwadur yw cyfanswm nifer y diwrnodau yn y flwyddyn academiaidd.

(5) Er mwyn osgoi amheuaeth, pan fo dyddiad cychwyn y flwyddyn academiaidd ar gyfer y cwrs newydd ar ôl dyddiad cychwyn y flwyddyn academiaidd ar gyfer yr hen gwrs, mae cyfeiriadau ym mharagraff (4) at y flwyddyn academiaidd yn gyfeiriadau at y flwyddyn academiaidd ar gyfer y cwrs newydd.

Step 1

Calculate, in accordance with Parts 7 to 11, the amounts of any grants and maintenance loan that would have been payable in respect of—

- (a) the old course, and
- (b) the new course,

for the whole academic year.

Step 2

Reduce those amounts by multiplying them by the appropriate fraction.

The total of the two amounts arrived at under Step 2 is the total amount of grants and maintenance loan payable to the student for the academic year during which the transfer occurs.

(3) In Step 2 of paragraph (2), the appropriate fraction in relation to the old course is the fraction where—

- (a) the numerator is the number of days in the academic year up to and including the day on which the transfer occurs, and
- (b) the denominator is the total number of days in the academic year.

(4) In Step 2 of paragraph (2), the appropriate fraction in relation to the new course is the fraction where—

- (a) the numerator is the number of days remaining in the academic year after the day on which the transfer occurs, and
- (b) the denominator is the total number of days in the academic year.

(5) For the avoidance of doubt, where the start date of the academic year of the new course is later than the start date of the academic year of the old course, references in paragraph (4) to the academic year are to the academic year of the new course.

RHAN 5

CEISIADAU, DARPARU GWYBODAETH A CHONTRACTAU BENTHYCIADAU

Gofyniad i wneud cais am gymorth

32.—(1) Nid yw person yn cymhwyso i gael cymorth fel myfyriwr cymwys mewn perthynas â blwyddyn academaidd oni bai bod y person yn gwneud cais am y cymorth hwnnw mewn perthynas â'r flwyddyn academaidd.

(2) Rhaid i gais o dan baragraff (1)—

- (a) bod ar y ffurf honno a chynnwys yr wybodaeth honno a bennir gan Weinidogion Cymru,
- (b) cynnwys unrhyw ddogfennaeth sy'n ofynnol gan Weinidogion Cymru, ac
- (c) cyrraedd Gweinidogion Cymru o fewn y terfyn amser a bennir yn rheoliad 33.

Y terfyn amser ar gyfer gwneud cais

33.—(1) Y rheol gyffredinol yw bod rhaid i gais o dan reoliad 32(1) gyrraedd Gweinidogion Cymru heb fod yn hwyrach na diwedd y nawfed mis o'r flwyddyn academaidd y mae'n ymwneud â hi.

(2) Ond os yw unrhyw un neu ragor o'r amgylchiadau a nodir yng Ngholofn 1 o Dabl 1 yn gymwys, rhaid i gais gyrraedd Gweinidogion Cymru o fewn y terfyn amser a bennir yn y cofnod cyfatebol yng Ngholofn 2.

PART 5

APPLICATIONS, PROVIDING INFORMATION AND LOAN CONTRACTS

Requirement to apply for support

32.—(1) A person does not qualify for support as an eligible student in relation to an academic year unless the person makes an application for that support in relation to the academic year.

(2) An application under paragraph (1) must—

- (a) be in such form and contain such information as the Welsh Ministers may specify,
- (b) be accompanied by such documentation as the Welsh Ministers may require, and
- (c) reach the Welsh Ministers within the time limit specified in regulation 33.

Time limit for making application

33.—(1) The general rule is that an application under regulation 32(1) must reach the Welsh Ministers no later than the end of the ninth month of the academic year to which it relates.

(2) But if any of the circumstances set out in Column 1 of Table 1 apply, an application must reach the Welsh Ministers within the time limit specified in the corresponding entry in Column 2.

Tabl 1

<i>Colofn 1 Amgylchiadau sy'n ymwneud â chais am gymorth</i>	<i>Colofn 2 Y terfyn amser ar gyfer gwneud cais</i>
Mae'r ceisydd yn cymhwyso i gael cymorth ar ôl diwrnod cyntaf y flwyddyn academaidd yn dilyn digwyddiad a restrir yn rheoliad 80(2) neu 81(3) neu baragraff 4(2) o Atodlen 5.	Heb fod yn hwyrach na diwedd y cyfnod o naw mis sy'n dechrau â'r diwrnod y mae'r digwyddiad yn digwydd.
Mae'r cais am fenthyciad at ffioedd dysgu, benthyciad cynhaliaeth neu fenthyciad at ffioedd colegau Oxbridge. Mae'r cais am swm ychwanegol o fenthyciad at ffioedd dysgu o dan reoliad 42 neu fenthyciad cynhaliaeth o dan reoliad 60 neu'n fenthyciad at ffioedd colegau Oxbridge o dan baragraff 6(2) o Atodlen 5.	Heb fod yn hwyrach nag un mis cyn diwedd y flwyddyn academaidd y mae'r cais yn ymwneud â hi.
Mae'r cais am grant myfyriwr anabl.	Rhaid i'r cais gyrraedd Gweinidogion Cymru cyn gynted ag y bo'n rhesymol ymarferol.
Mae Gweinidogion Cymru yn meddwl, ar ôl rhoi sylw i amgylchiadau achos penodol, ei bod yn briodol estyn y terfyn amser ar gyfer gwneud cais.	Heb fod yn hwyrach na'r dyddiad a bennir yn ysgrifenedig gan Weinidogion Cymru yn yr achos penodol.

Table 1

<i>Column 1 Circumstances relating to application for support</i>	<i>Column 2 Time limit for making application</i>
Applicant qualifies for support after the first day of the academic year following an event listed in regulation 80(2) or 81(3) or paragraph 4(2) of Schedule 5.	No later than the end of the period of nine months beginning with the day on which the event occurs.
Application is for a tuition fee loan, maintenance loan or Oxbridge college fee loan. Application is for an additional amount of tuition fee loan under regulation 42, maintenance loan under regulation 60 or Oxbridge college fee loan under paragraph 6(2) of Schedule 5.	No later than one month before the end of the academic year to which the application relates.
Application is for a disabled student's grant.	Application must reach the Welsh Ministers as soon as is reasonably practicable.
The Welsh Ministers think that, having regard to the circumstances of a particular case, it is appropriate to extend the time limit for making an application.	No later than the date specified in writing by the Welsh Ministers in the particular case.

Penderfyniad Gweinidogion Cymru ar gais

34.—(1) Caiff Gweinidogion Cymru gymryd unrhyw gamau a gwneud unrhyw ymholiadau y maent yn meddwl eu bod yn angenrheidiol er mwyn gwneud penderfyniad ar gais o dan reoliad 32.

(2) Caiff y camau hynny gynnwys ei gwneud yn ofynnol i'r ceisydd ddarparu gwybodaeth neu ddogfennaeth bellach.

(3) Caiff Gweinidogion Cymru wneud penderfyniad dros dro ar gais o dan reoliad 32 (gweler rheoliad 82 am ddarpariaeth ynghylch taliadau a wneir ar sail penderfyniad dros dro).

(4) Caniateir i benderfyniad ar gais a wneir gan Weinidogion Cymru ar ôl i benderfyniad dros dro gael ei wneud—

- (a) cadarnhau'r penderfyniad dros dro, neu
- (b) rhoi penderfyniad gwahanol yn ei le.

(5) Rhaid i Weinidogion Cymru hysbysu'r ceisydd am benderfyniad (gan gynnwys penderfyniad dros dro) ar gais o dan reoliad 32.

(6) Rhaid i'r hysbysiad ddatgan—

- (a) a yw Gweinidogion Cymru yn ystyried bod y ceisydd yn fyfyrwr cymwys,
- (b) os felly, a yw'r myfyriwr cymwys yn cymhwyso i gael cymorth mewn perthynas â'r flwyddyn academaidd,
- (c) os yw'r myfyriwr yn cymhwyso, categori'r cymorth y mae'r myfyriwr yn cymhwyso i'w gael a'r swm sy'n daladwy ar gyfer y flwyddyn academaidd,
- (d) os yw'r cymorth yn cynnwys grant myfyriwr anabl, ddadansoddiad o'r grant hwnnw sy'n pennu'r swm sy'n daladwy mewn cysylltiad â phob math o wariant a grybwyllir yn rheoliad 63(2), ac
- (e) yn achos penderfyniad dros dro, y ffaith bod y penderfyniad yn un dros dro a chanlyniadau'r ffaith honno.

Gofynion ar fyfyrwyr cymwys i ddarparu gwybodaeth

35.—(1) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael cais i wneud hynny, rhaid i fyfyrwr cymwys ddarparu i Weinidogion Cymru unrhyw wybodaeth neu ddogfennaeth sy'n ofynnol gan Weinidogion Cymru—

- (a) at ddibenion penderfynu—
 - (i) cymhwystra myfyriwr;
 - (ii) a yw myfyriwr yn cymhwyso i gael categori penodol o gymorth;
 - (iii) swm y cymorth sy'n daladwy i fyfyrwr;

Welsh Ministers' decision on an application

34.—(1) The Welsh Ministers may take any steps and make any inquiries as they think necessary to make a decision on an application under regulation 32.

(2) Those steps may include requiring the applicant to provide further information or documentation.

(3) The Welsh Ministers may make a provisional decision on an application under regulation 32 (see regulation 82 for provision about payments made on the basis of a provisional decision).

(4) A decision on an application made by the Welsh Ministers after a provisional decision has been made may—

- (a) confirm the provisional decision, or
- (b) substitute it with a different decision.

(5) The Welsh Ministers must notify the applicant of a decision (including a provisional decision) on an application under regulation 32.

(6) The notification must state—

- (a) whether the Welsh Ministers consider the applicant to be an eligible student,
- (b) if so, whether the eligible student qualifies for support in relation to the academic year,
- (c) if the student does qualify, the category of support for which the student qualifies and the amount payable for the academic year,
- (d) if the support includes a disabled student's grant, a breakdown of that grant specifying the amount payable in respect of each type of expenditure mentioned in regulation 63(2), and
- (e) in the case of a provisional decision, the fact that the decision is provisional and the consequences of that fact.

Requirements on eligible students to provide information

35.—(1) An eligible student must, as soon as reasonably practicable after being requested to do so, provide the Welsh Ministers with such information or documentation as the Welsh Ministers may require—

- (a) for the purposes of determining—
 - (i) the eligibility of a student;
 - (ii) whether a student qualifies for a particular category of support;
 - (iii) the amount of support payable to a student;

- (iv) a yw gordaliad wedi cael ei wneud i fyfyrwr;
- (b) at unrhyw ddiben sy'n ymwneud ag adennill gordaliad;
- (c) at unrhyw ddiben sy'n ymwneud ag ad-dalu benthyciad;
- (d) at unrhyw ddiben arall sy'n ymwneud â'r Rheoliadau hyn y mae Gweinidogion Cymru yn meddwl ei fod yn briodol.

(2) Caniateir i gais o dan baragraff (1) gynnwys gofyn i fyfyrwr cymwys am gael gweld—

- (a) ei basbort dilys a ddyroddwyd gan y wladwriaeth y mae'r myfyriwr hwnnw yn wladolyn ohoni,
- (b) ei gerdyn adnabod cenedlaethol dilys, neu
- (c) ei dystysgrif geni.

(3) Pan fo digwyddiad a grybwyllir ym mharagraff (4) yn digwydd mewn cysylltiad â myfyriwr cymwys, rhaid i'r myfyriwr hysbysu Gweinidogion Cymru cyn gynted ag y bo'n rhesymol ymarferol ar ôl y digwyddiad.

(4) Y digwyddiadau yw—

- (a) bod y myfyriwr yn tynnu'n ôl o'r cwrs presennol, yn cefnu arno neu'n cael ei ddiarddel ohono;
- (b) bod y myfyriwr yn trosglwyddo i gwrs arall (pa un ai yn yr un sefydliad neu mewn sefydliad gwahanol);
- (c) bod y myfyriwr fel arall yn peidio ag ymgymryd â'r cwrs presennol ac nad yw'n bwriadu parhau ag ef am weddill y flwyddyn academaidd neu na chaniateir iddo barhau ag ef am weddill y flwyddyn academaidd;
- (d) bod y myfyriwr yn absennol o'r cwrs presennol—
 - (i) am fwy na 60 diwrnod oherwydd salwch, neu
 - (ii) am unrhyw gyfnod am unrhyw reswm arall;
- (e) bod y mis ar gyfer dechrau ar y cwrs presennol neu ei gwblhau yn newid;
- (f) bod y manylion a ganlyn, sef—
 - (i) cyfeiriad cartref y myfyriwr neu ei gyfeiriad yn ystod y tymor,
 - (ii) rhif ffôn cartref y myfyriwr neu ei rif ffôn yn ystod y tymor, neu
 - (iii) cyfeiriad e-bost cartref y myfyriwr neu ei gyfeiriad e-bost yn ystod y tymor,
 yn newid.

(iv) whether an overpayment has been made to a student;

- (b) for any purpose relating to the recovery of an overpayment;
- (c) for any purpose relating to the repayment of a loan;
- (d) for any other purpose related to these Regulations that the Welsh Ministers think appropriate.

(2) A request under paragraph (1) may include requesting sight of an eligible student's—

- (a) valid passport issued by the state of which that student is a national,
- (b) valid national identity card, or
- (c) birth certificate.

(3) Where an event mentioned in paragraph (4) occurs in respect of an eligible student, the student must inform the Welsh Ministers as soon as is reasonably practicable after the event occurs.

(4) The events are—

- (a) the student withdraws from, abandons or is expelled from the present course;
- (b) the student transfers to another course (whether at the same or at a different institution);
- (c) the student otherwise ceases to undertake the present course and does not intend to or is not permitted to continue it for the remainder of the academic year;
- (d) the student is absent from the present course for—
 - (i) more than 60 days due to illness, or
 - (ii) for any period for any other reason;
- (e) the month for the start or completion of the present course changes;
- (f) the student's home or term-time—
 - (i) address,
 - (ii) telephone number, or
 - (iii) email address,
 changes.

(5) Rhaid darparu gwybodaeth neu ddogfennaeth y mae'n ofynnol iddi gael ei darparu i Weinidogion Cymru o dan y Rheoliadau hyn ar y ffurf honno a bennir gan Weinidogion Cymru.

(6) Caiff Gweinidogion Cymru ei gwneud yn ofynnol bod rhaid llofnodi—

- (a) cais o dan reoliad 32;
- (b) unrhyw ddogfennaeth arall a ddarperir iddynt o dan y Rheoliadau hyn,

yn y modd (gan gynnwys ar ffurf electronig) a bennir ganddynt.

(7) Mae'r cyfeiriad at fyfyrwr cymwys ym mharagraff (1) i'w drin fel pe bai'n cynnwys person sy'n gwneud cais o dan reoliad 32 hyd yn oed os penderfyniad Gweinidogion Cymru ar y cais yw nad yw'r person yn fyfyrwr cymwys.

(8) Gweler rheoliad 20 am ddarpariaeth ynghylch canlyniadau methu â chydymffurfio â gofyniad a osodir gan y rheoliad hwn.

Gofyniad i ymrwymo i gontract ar gyfer benthyciad

36.—(1) Ni chaiff myfyrwr cymwys gael benthyciad at ffioedd dysgu neu fenthyciad cynhaliath o dan y Rheoliadau hyn oni bai bod y myfyrwr yn ymrwymo i gontract ar gyfer y benthyciad â Gweinidogion Cymru.

(2) O ran y contract—

- (a) rhaid iddo fod ar y ffurf ac ar y telerau, a
- (b) gall fod yn ofynnol iddo gael ei lofnodi yn y modd (gan gynnwys ar ffurf electronig),

a bennir gan Weinidogion Cymru.

(3) Caiff y contract ei gwneud yn ofynnol i'r myfyrwr cymwys ad-dalu benthyciad drwy ddull penodol.

(4) Pan fo Gweinidogion Cymru wedi gofyn am gytundeb y myfyrwr ynghylch y dull ad-dalu, cânt gadw yn ôl unrhyw daliad o fenthyciad cynhaliath hyd nes bod y myfyrwr yn darparu'r hyn y gofynnwyd amdano.

Gofyniad ar awdurdod academiaidd i hysbysu pan fo myfyrwr yn ymadael â chwrs

37. Pan fo benthyciad at ffioedd dysgu yn daladwy i fyfyrwr cymwys—

- (a) sydd wedi peidio ag ymgymryd â'r cwrs presennol yn ystod y flwyddyn academiaidd, a
- (b) y mae'r awdurdod academiaidd wedi penderfynu neu wedi cytuno na fydd yn dychwelyd yn ystod y flwyddyn honno,

rhaid i'r awdurdod academiaidd hysbysu Gweinidogion Cymru cyn gynted ag y bo'n rhesymol ymarferol fod y myfyrwr wedi peidio ag ymgymryd â'r cwrs.

(5) Information or documentation that is required to be provided to the Welsh Ministers under these Regulations must be provided in such form as the Welsh Ministers may specify.

(6) The Welsh Ministers may require that—

- (a) an application under regulation 32;
- (b) any other documentation provided to them under these Regulations,

must be signed in such manner (including electronically) as they may specify.

(7) The reference to an eligible student in paragraph (1) is to be treated as including a person who makes an application under regulation 32 even if the Welsh Ministers' decision on the application is that the person is not an eligible student.

(8) See regulation 20 for provision about the consequences of failing to comply with a requirement imposed by this regulation.

Requirement to enter into a contract for a loan

36.—(1) An eligible student may not receive a tuition fee loan or maintenance loan under these Regulations unless the student enters into a contract for the loan with the Welsh Ministers.

(2) The contract—

- (a) must be in such form and on such terms, and
- (b) may be required to be signed in such manner (including electronically),

as the Welsh Ministers specify.

(3) The contract may require the eligible student to repay a loan by a particular method.

(4) Where the Welsh Ministers have requested the student's agreement as to the method of repayment, they may withhold any payment of a maintenance loan until the student provides what has been requested.

Requirement on academic authority to notify when student leaves course

37. Where a tuition fee loan is payable to an eligible student—

- (a) who has ceased to undertake the present course during the academic year, and
- (b) whom the academic authority has determined or agreed will not return during that year,

the academic authority must inform the Welsh Ministers as soon as reasonably practicable that the student has ceased to undertake the course.

RHAN 6

BENTHYCIADAU AT FFIOEDD DYSGU

Benthyciad at ffioedd dysgu

38. Benthyciad sy'n cael ei roi ar gael gan Weinidogion Cymru i fyfyrwr cymwys ar gyfer talu ffioedd dysgu mewn cysylltiad â blwyddyn academaidd yw benthyciad at ffioedd dysgu.

Amodau cymhwyso i gael benthyciad at ffioedd dysgu

39.—(1) Mae myfyrwr cymwys yn cymhwyso i gael benthyciad at ffioedd dysgu mewn cysylltiad â blwyddyn academaidd o'r cwrs presennol oni bai bod un o'r eithriadau a ganlyn yn gymwys—

Eithriad 1

Pan na fo'r cwrs presennol yn gwrs mynediad graddedig carlam, mae'r flwyddyn academaidd yn flwyddyn Erasmus o gwrs a ddarperir gan sefydliad yng Ngogledd Iwerddon.

Eithriad 2

Pan na fo'r cwrs presennol yn gwrs mynediad graddedig carlam, mae'r flwyddyn academaidd yn flwyddyn y mae myfyrwr yn gymwys i wneud cais mewn cysylltiad â hi am—

- (a) bwrsari gofal iechyd, neu
- (b) lwfans gofal iechyd yr Alban,

a gyfrifir drwy gyfeirio at incwm y myfyrwr (pa un a yw swm y cyfrifiad yn cyfateb i ddim ai peidio).

Eithriad 3

Pan fo'r cwrs presennol yn gwrs rhan-amser neu'n gwrs mynediad graddedig carlam, mae'r flwyddyn academaidd yn flwyddyn Erasmus o'r cwrs a ddarperir gan sefydliad yn unrhyw ran o'r Deyrnas Unedig.

Eithriad 4

Mae'r cwrs presennol yn gwrs dysgu o bell ac nid yw'r myfyrwr yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

Ond nid yw'r Eithriad hwn yn gymwys pan—

- (a) bo'r myfyrwr ("M") neu berthynas agos i M yn aelod o'r lluoedd arfog,
- (b) na fo M yng Nghymru ar ddiwrnod cyntaf y flwyddyn academaidd gyntaf, ac
- (c) na fo M yng Nghymru ar y diwrnod hwnnw oherwydd bod M neu'r berthynas agos yn gwasanaethu fel aelod o'r lluoedd arfog y tu allan i Gymru.

PART 6

TUITION FEE LOANS

Tuition fee loan

38. A tuition fee loan is a loan made available by the Welsh Ministers to an eligible student for the payment of tuition fees in respect of an academic year.

Qualifying conditions for tuition fee loan

39. An eligible student qualifies for a tuition fee loan in respect of an academic year of the present course unless one of the following exceptions applies—

Exception 1

Where the present course is not an accelerated graduate entry course, the academic year is an Erasmus year of a course provided by an institution in Northern Ireland.

Exception 2

Where the present course is not an accelerated graduate entry course, the academic year is a year in respect of which a student is eligible to apply for—

- (a) a healthcare bursary, or
- (b) a Scottish healthcare allowance,

calculated by reference to the student's income (whether or not the calculation results in a nil amount).

Exception 3

Where the present course is a part-time course or an accelerated graduate entry course, the academic year is an Erasmus year of the course provided by an institution anywhere in the United Kingdom.

Exception 4

The present course is a distance learning course and the student is not in Wales on the first day of the first academic year of the course.

But this Exception does not apply where—

- (a) the student ("S") or a close relative of S is a member of the armed forces,
- (b) S is not in Wales on the first day of the first academic year, and
- (c) S is not in Wales on that day because S or the close relative is serving as a member of the armed forces outside Wales.

Swm benthyciad at ffioedd dysgu

40.—(1) Ni chaiff swm benthyciad at ffioedd dysgu mewn cysylltiad â blwyddyn academiaidd fod yn fwy na'r lleiaf o'r canlynol—

- (a) y ffioedd dysgu sy'n daladwy gan y myfyriwr cymwys mewn cysylltiad â'r flwyddyn honno, neu
- (b) uchafswm y benthyciad.

(2) Cyfrifir uchafswm y benthyciad yn unol â Thabl 2 pan fo—

- (a) Colofn 1 yn pennu'r flwyddyn academiaidd y mae uchafsymiau'r benthyciad yng Ngholofn 5 yn daladwy mewn perthynas â hi;
- (b) Colofn 2 yn pennu'r categori o fyfyrwr y mae uchafsymiau'r benthyciad yng Ngholofn 5 yn gymwys iddo (gweler paragraff (3));
- (c) Colofn 3 yn pennu'r math o ddarparwr cwrs, pan—
 - (i) ystyr “darparwr arferol” yw darparwr sy'n dod o fewn Amod 4 o reoliad 6(1);
 - (ii) ystyr “sefydliad preifat” yw sefydliad, nad yw'n sefydliad addysgol cydnabyddedig, sy'n darparu cwrs a bennir yn gwrs dynodedig gan Weinidogion Cymru o dan reoliad 8;
- (d) Colofn 4 yn pennu lleoliad y sefydliad sy'n darparu'r cwrs;
- (e) Colofn 5 yn pennu uchafswm y benthyciad sy'n gymwys mewn cysylltiad â'r cofnodion cyfatebol yng Ngholofnau 1, 2, 3 a 4.

(3) Y categorïau o fyfyrwyr a nodir yng Ngholofn 2 yw—

Category 1

Myfyriwr cymwys sy'n ymgymryd â chwrs dynodedig nad yw'n dod o fewn Categori 2, 3, 4 neu 5.

Category 2

Myfyriwr cymwys sy'n ymgymryd â'r flwyddyn academiaidd olaf o gwrs llawnamser y mae'n ofynnol bod yn bresennol arno fel arfer am lai na 15 wythnos er mwyn ei gwblhau.

Category 3

Myfyriwr cymwys sy'n ymgymryd â blwyddyn academiaidd o gwrs rhyngosod a ddarperir gan sefydliad yn y Deyrnas Unedig pan—

- (a) bo swm cyfanredol y cyfnodau o astudio llawnamser yr ymgymrerir â hwy yn y sefydliad yn ystod y flwyddyn academiaidd honno yn llai na 10 wythnos; neu

Amount of tuition fee loan

40.—(1) An amount of tuition fee loan in respect of an academic year may not exceed the lower of—

- (a) the tuition fees payable by the eligible student in respect of that year, or
- (b) the maximum loan amount.

(2) The maximum loan amount is calculated in accordance with Table 2 where—

- (a) Column 1 specifies the academic year in relation to which the maximum loan amounts in Column 5 are payable;
- (b) Column 2 specifies the category of student to whom the maximum loan amounts in Column 5 apply (see paragraph (3));
- (c) Column 3 specifies the type of course provider, where—
 - (i) “ordinary provider” means a provider falling within Condition 4 of Regulation 6(1);
 - (ii) “private institution” means an institution, which is not a recognised educational institution, providing a course specified as a designated course by the Welsh Ministers under regulation 8;
- (d) Column 4 specifies the location of the institution providing the course;
- (e) Column 5 specifies the maximum loan amount applicable in respect of the corresponding entries in Columns 1, 2, 3 and 4.

(3) The categories of students set out in Column 2 are—

Category 1

An eligible student undertaking a designated course who does not fall within Category 2, 3, 4 or 5.

Category 2

An eligible student undertaking the final academic year of a full-time course which ordinarily requires attendance of less than 15 weeks in order to be completed.

Category 3

An eligible student undertaking an academic year of a sandwich course provided by an institution in the United Kingdom where—

- (a) the periods of full-time study undertaken at the institution during that academic year are in aggregate less than 10 weeks, or

- (b) bo swm cyfanredol y cyfnodau a dreulir yn ymgymryd â'r cwrs yn ystod y flwyddyn academaidd honno ac unrhyw flynyddoedd academaidd blaenorol (nad ydynt yn gyfnodau o astudio llawnamser yn y sefydliad), gan ddiystyru gwyliau yn y cyfamser, yn fwy na 30 wythnos.

Categori 4

Myfyriwr cymwys sy'n ymgymryd â blwyddyn academaidd o gwrs a ddarperir gan sefydliad yn y Deyrnas Unedig ar y cyd â sefydliad sydd y tu allan i'r Deyrnas Unedig pan—

- (a) bo swm cyfanredol y cyfnodau o astudio llawnamser yr ymgymerir â hwy yn y sefydliad yn y Deyrnas Unedig yn ystod y flwyddyn academaidd honno yn llai na 10 wythnos, neu
- (b) bo swm cyfanredol y cyfnodau a dreulir yn ymgymryd â'r cwrs yn ystod y flwyddyn academaidd honno ac unrhyw flynyddoedd academaidd blaenorol (nad ydynt yn gyfnodau o astudio llawnamser yn y sefydliad yn y Deyrnas Unedig), gan ddiystyru gwyliau yn y cyfamser, yn fwy na 30 wythnos,

gan gynnwys myfyriwr cymwys sy'n ymgymryd â blwyddyn Erasmus ar gwrs llawnamser a ddarperir gan sefydliad yng Nghymru, Lloegr neu'r Alban.

Categori 5

Myfyriwr cymwys sy'n ymgymryd â chwrs mynediad graddedig carlam.

- (b) the periods spent undertaking the course during that academic year and any previous academic years (which are not periods of full-time study at the institution), disregarding intervening vacations, are in aggregate more than 30 weeks.

Category 4

An eligible student undertaking an academic year of a course provided by an institution in the United Kingdom in conjunction with an institution which is outside the United Kingdom where—

- (a) the periods of full-time study undertaken at the institution in the United Kingdom during that academic year are in aggregate less than 10 weeks, or
- (b) the periods spent undertaking the course during that academic year and any previous academic years (which are not periods of full-time study at the institution in the United Kingdom), disregarding intervening vacations, are in aggregate more than 30 weeks,

including an eligible student undertaking an Erasmus year of a full-time course provided by an institution in England, Scotland or Wales.

Category 5

An eligible student undertaking an accelerated graduate entry course.

Tabl 2

<i>Colofn 1 Blwyddyn academaidd</i>	<i>Colofn 2 Categori fyfyrwr</i>	<i>Colofn 3 Math ddarparwr cwrs</i>	<i>Colofn 4 Lleoliad darparwr cwrs</i>	<i>Colofn 5 Uchafswm y benthyciad</i>
Sy'n dechrau ar neu ar ôl 1 Medi 2018	1	Darparwr arferol	Cymru	£9,000: cwrs llawnamser £2,625: cwrs rhan-amser
			Mannau eraill yn y DU	£9,250: cwrs llawnamser £6,935: cwrs rhan-amser
		Sefydliad preifat	Cymru	£6,165: cwrs llawnamser £2,625 :cwrs rhan-amser
			Mannau eraill yn y DU	£6,165: cwrs llawnamser £4,625: cwrs rhan-amser
	2	Darparwr arferol	Cymru	£4,500
			Mannau eraill yn y DU	£4,625
		Sefydliad preifat	Cymru a Mannau eraill yn y DU	£3,080
	3	Darparwr arferol	Cymru	£1,800
			Lloegr	£1,850
			Yr Alban a Gogledd Iwerddon	£4,625
		Sefydliad preifat	Cymru a Lloegr	£1,230
			Yr Alban a Gogledd Iwerddon	£3,080
	4	Darparwr arferol	Cymru	£1,350
			Lloegr a'r Alban	£1,385
			Gogledd Iwerddon	£4,625
		Sefydliad preifat	Cymru, Lloegr a'r Alban	£920
Gogledd Iwerddon			£3,080	
5	Darparwr arferol	Cymru a Mannau eraill yn y DU	£5,535	

Table 2

<i>Column 1 Academic year</i>	<i>Column 2 Category of student</i>	<i>Column 3 Course provider type</i>	<i>Column 4 Location of course provider</i>	<i>Column 5 Maximum loan amount</i>
Beginning on or after 1 September 2018	1	Ordinary provider	Wales	£9,000 for a full-time course £2,625 for a part-time course
			Elsewhere in UK	£9250 for a full-time course £6,935 for a part-time course
		Private institution	Wales	£6,165 for a full-time course £2,625 for a part-time course
			Elsewhere in UK	£6,165 for a full-time course £4,625 for a part-time course
	2	Ordinary provider	Wales	£4,500
			Elsewhere in UK	£4,625
		Private institution	Wales and Elsewhere in UK	£3,080
	3	Ordinary provider	Wales	£1,800
			England	£1,850
			Scotland and Northern Ireland	£4,625
		Private institution	Wales and England	£1,230
			Scotland and Northern Ireland	£3,080
	4	Ordinary provider	Wales	£1,350
			England and Scotland	£1,385
			Northern Ireland	£4,625
		Private institution	Wales, England and Scotland	£920
			Northern Ireland	£3,080
	5	Ordinary provider	Wales and Elsewhere in UK	£5,535

Gwneud cais am fenthyciad at ffioedd sy'n llai na'r uchafswm

41. Caiff myfyriwr cymwys wneud cais o dan reoliad 32 i fenthycy rhan o'r benthyciad at ffioedd dysgu sydd ar gael mewn cysylltiad â blwyddyn academaidd.

Cais pellach am fenthyciad at ffioedd dysgu hyd at yr uchafswm

42. Pan—

- (a) bo myfyriwr cymwys yn gwneud cais am ran o'r benthyciad at ffioedd dysgu o dan reoliad 41, neu
- (b) bo swm ychwanegol o fenthyciad at ffioedd dysgu yn cael ei roi ar gael i fyfyriwr cymwys yn dilyn trosglwyddiad ac ailasesiad a wneir o dan Adran 5 o Bennod 2 o Ran 4,

caiff y myfyriwr wneud cais pellach o dan reoliad 32 am y balans sy'n weddill o'r benthyciad at ffioedd dysgu sydd ar gael mewn cysylltiad â'r flwyddyn academaidd honno.

Applying for a fee loan for less than the maximum amount

41. An eligible student may apply under regulation 32 to borrow part of the tuition fee loan available in respect of an academic year.

Further application for tuition fee loan up to maximum amount

42. Where—

- (a) an eligible student applies for part of the tuition fee loan under regulation 41, or
- (b) an additional amount of tuition fee loan is made available to an eligible student following a transfer and reassessment made under Section 5 of Chapter 2 of Part 4,

the student may make a further application under regulation 32 for the remaining balance of the tuition fee loan available in respect of that academic year.

RHAN 7

Y GRANT SYLFAENOL A'R GRANT CYNHALIAETH

PENNOD 1

AMODAU CYMHWYSO

Y grant sylfaenol a'r grant cynhaliath

43. Grantiau sy'n cael eu rhoi ar gael gan Weinidogion Cymru i fyfyriwr cymwys mewn cysylltiad â chostau byw ac astudio'r myfyriwr yw'r grant sylfaenol a'r grant cynhaliath.

Amodau cymhwys o i gael y grant sylfaenol a'r grant cynhaliath

44.—(1) Mae myfyriwr cymwys yn cymhwys o i gael grant sylfaenol a grant cynhaliath mewn cysylltiad â blwyddyn academaidd o'r cwrs presennol oni bai bod y myfyriwr cymwys yn dod o fewn un o'r eithriadau a ganlyn—

Eithriad 1

Mae'r myfyriwr cymwys yn garcharor, oni bai—

- (a) bod y cwrs presennol yn gwrs rhan-amser, a
- (b) bod y myfyriwr cymwys yn mynd i'r carchar neu'n cael ei ryddhau o'r carchar yn y flwyddyn academaidd o dan sylw.

PART 7

BASE GRANT AND MAINTENANCE GRANT

CHAPTER 1

QUALIFYING CONDITIONS

Base grant and maintenance grant

43.—A base grant and maintenance grant are grants made available by the Welsh Ministers to an eligible student in respect of the student's living and study costs.

Qualifying conditions for base grant and maintenance grant

44.—(1) An eligible student qualifies for a base grant and a maintenance grant in respect of an academic year of the present course unless the eligible student falls within one of the following exceptions—

Exception 1

The eligible student is a prisoner, unless—

- (a) the present course is a part-time course, and
- (b) the eligible student enters or is released from prison in the academic year in question.

Eithriad 2

Mae'r myfyriwr cymwys yn fyfyrwr cymwys Categori 6 yn rhinwedd paragraff 6(1) o Atodlen 2 yn unig ac nid yw'n dod o fewn unrhyw un neu ragor o'r categorïau eraill o fyfyrwr cymwys a bennir yn yr Atodlen honno.

Eithriad 3

Mae'r flwyddyn academiaidd yn flwyddyn y mae'r myfyriwr yn gymwys i wneud cais mewn cysylltiad â hi am—

- (a) bwrsari gofal iechyd, neu
- (b) lwfans gofal iechyd yr Alban,

a gyfrifir drwy gyfeirio at incwm y myfyriwr (pa un a yw swm y cyfrifiad yn cyfateb i ddim ai peidio).

Eithriad 4

Mae'r cwrs presennol yn gwrs mynediad graddedig carlam.

Eithriad 5

Mae'r cwrs presennol yn gwrs dysgu o bell ac nid yw'r myfyriwr yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs.

Ond nid yw'r Eithriad hwn yn gymwys pan—

- (a) bo'r myfyriwr ("M") neu berthynas agos i M yn aelod o'r lluoedd arfog,
- (b) na fo M yng Nghymru ar ddiwrnod cyntaf y flwyddyn academiaidd gyntaf, ac
- (c) na fo M yng Nghymru ar y diwrnod hwnnw oherwydd bod M neu'r berthynas agos yn gwasanaethu fel aelod o'r lluoedd arfog y tu allan i Gymru.

Eithriad 6

Mae'r myfyriwr cymwys yn ymgymryd â blwyddyn academiaidd o gwrs rhyngosod pan fo swm cyfanredol y cyfnodau o astudio llawnamser yn llai na 10 wythnos (oni bai ei bod yn flwyddyn y mae paragraff (2) yn gymwys iddi).

(2) Mae'r paragraff hwn yn gymwys i flwyddyn academiaidd o gwrs rhyngosod os yw'r myfyriwr cymwys, fel rhan o'r cwrs, yn ymgymryd ag—

- (a) cyfnod o brofiad gwaith gyda chorff yn y Deyrnas Unedig a bennir ym mharagraff (3), neu
- (b) ymchwil di-dâl—
 - (i) mewn sefydliad yn y Deyrnas Unedig, neu
 - (ii) y tu allan i'r Deyrnas Unedig os yw'r myfyriwr cymwys yn bresennol mewn sefydliad y tu allan i'r Deyrnas Unedig fel rhan o'r cwrs.

Exception 2

The eligible student is a Category 6 eligible student by virtue only of paragraph 6(1) of Schedule 2 and does not fall within any of the other categories of eligible student specified in that Schedule.

Exception 3

The academic year is a year in respect of which the student is eligible to apply for—

- (a) a healthcare bursary, or
- (b) a Scottish healthcare allowance,

calculated by reference to the student's income (whether or not the calculation results in a nil amount).

Exception 4

The present course is an accelerated graduate entry course.

Exception 5

The present course is a distance learning course and the student is not in Wales on the first day of the first academic year of the course.

But this Exception does not apply where—

- (a) the student ("S") or a close relative of S is a member of the armed forces,
- (b) S is not in Wales on the first day of the first academic year, and
- (c) S is not in Wales on that day because S or the close relative is serving as a member of the armed forces outside Wales.

Exception 6

The eligible student is undertaking an academic year of a sandwich course during which the periods of full-time study are in aggregate less than 10 weeks (unless it is a year to which paragraph (2) applies).

(2) This paragraph applies to an academic year of a sandwich course if, as part of the course, the eligible student undertakes—

- (a) a period of work experience with a body in the United Kingdom specified in paragraph (3), or
- (b) unpaid research—
 - (i) in an institution in the United Kingdom, or
 - (ii) outside the United Kingdom if the eligible student is attending an institution outside the United Kingdom as part of the course.

- (3) Y cyrff y cyfeirir atynt ym mharagraff (2)(a) yw—
- (a) ysbyty;
 - (b) labordy gwasanaeth iechyd cyhoeddus;
 - (c) awdurdod lleol neu sefydliad gwirfoddol sy'n arfer swyddogaeth neu'n cyflawni gweithgareddau sy'n ymwneud â gofal plant a phobl ifanc, iechyd neu les;
 - (d) corff sy'n darparu gwasanaethau carchar neu wasanaethau prawf yn y Deyrnas Unedig;
 - (e) corff iechyd a restrir ym mharagraff (4).

(4) Y cyrff iechyd yw—

- (a) Awdurdod Iechyd Arbennig a sefydlwyd o dan adran 28 o Ddeddf y Gwasanaeth Iechyd Gwladol 2006(1) neu adran 22 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(2);
- (b) ymddiriedolaeth GIG a sefydlwyd o dan adran 25 o Ddeddf y Gwasanaeth Iechyd Gwladol 2006 neu adran 18 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;
- (c) ymddiriedolaeth sefydledig GIG;
- (d) Bwrdd Iechyd Lleol a sefydlwyd o dan adran 11 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;
- (e) Bwrdd Iechyd neu Fwrdd Iechyd Arbennig a gyfansoddwyd o dan adran 2 o Ddeddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978(3);
- (f) y Bwrdd Iechyd a Gofal Cymdeithasol Rhanbarthol a sefydlwyd o dan adran 7 o Ddeddf Iechyd a Gofal Cymdeithasol (Diwygio) (Gogledd Iwerddon) 2009(4);
- (g) yr Asiantaeth Ranbarthol ar gyfer Iechyd y Cyhoedd a Llesiant Cymdeithasol a sefydlwyd o dan adran 12 o'r Ddeddf honno;
- (h) ymddiriedolaeth iechyd a gofal cymdeithasol (a enwyd gynt yn ymddiriedolaeth iechyd a gwasanaethau cymdeithasol) a sefydlwyd o dan Orchymyn Gwasanaethau Iechyd a Chymdeithasol Personol (Gogledd Iwerddon) 1991(5);
- (i) asiantaeth iechyd a gofal cymdeithasol arbennig (a enwyd gynt yn asiantaeth iechyd a gwasanaethau cymdeithasol arbennig) a sefydlwyd o dan Orchymyn Gwasanaethau Iechyd a Chymdeithasol Personol (Asiantaethau Arbennig) (Gogledd Iwerddon) 1990(6);

(3) The bodies referred to in paragraph (2)(a) are—

- (a) a hospital;
- (b) a public health service laboratory;
- (c) a local authority or voluntary organisation exercising a function or carrying out activities relating to the care of children and young persons, health or welfare;
- (d) a body providing prison or probation services in the United Kingdom;
- (e) a health body listed in paragraph (4).

(4) The health bodies are—

- (a) a Special Health Authority established under section 28 of the National Health Service Act 2006(1) or section 22 of the National Health Service (Wales) Act 2006(2);
- (b) an NHS trust established under section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006;
- (c) an NHS foundation trust;
- (d) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;
- (e) a Health Board or Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(3);
- (f) the Regional Health and Social Care Board established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009(4);
- (g) the Regional Agency for Public Health and Social Well-being established under section 12 of that Act;
- (h) a health and social care trust (formerly called a health and social services trust) established under the Health and Personal Social Services (Northern Ireland) Order 1991(5);
- (i) a special health and social care agency (formerly called a special health and social services agency) established under the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990(6);

(1) 2006 p. 41.
 (2) 2006 p. 42.
 (3) 1978 p. 29.
 (4) 2009 p. 1 (G.I.).
 (5) 1991/194 (G.I. 1).
 (6) 1990/247 (G.I. 3).

(1) 2006 c. 41
 (2) 2006 c. 42
 (3) 1978 c. 29
 (4) 2009 c. 1 (N.I.)
 (5) 1991/194 (N.I. 1)
 (6) 1990/247 (N.I. 3)

- (j) Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol a sefydlwyd o dan adran 1H o Ddeddf y Gwasanaeth Iechyd Gwladol 2006 neu grŵp comisiynu clinigol a sefydlwyd o dan adran 11 o'r Ddeddf honno(1);
- (k) y Sefydliad Cenedlaethol dros Ragoriaeth mewn Iechyd a Gofal a sefydlwyd o dan adran 232 o Ddeddf Iechyd a Gofal Cymdeithasol 2012(2);
- (l) y Ganolfan Gwybodaeth Iechyd a Gofal Cymdeithasol a sefydlwyd o dan adran 252 o'r Ddeddf honno.

- (j) the National Health Service Commissioning Board established under section 1H of the National Health Service Act 2006 or a clinical commissioning group established under section 11 of that Act(1);
- (k) the National Institute for Health and Care Excellence established under section 232 of the Health and Social Care Act 2012(2);
- (l) the Health and Social Care Information Centre established under section 252 of that Act.

PENNOD 2
Y GRANT SYLFAENOL

CHAPTER 2
BASE GRANT

Swm y grant sylfaenol

45. Yn Nhabl 3, mae Colofn 2 yn nodi swm y grant sylfaenol sydd ar gael ar gyfer y flwyddyn academaidd a nodir yn y cofnod cyfatebol yng Ngholofn 1.

Amount of base grant

45. In Table 3, Column 2 sets out the amount of base grant available for the academic year set out in the corresponding entry in Column 1.

Tabl 3

<i>Colofn 1 Blwyddyn academaidd</i>	<i>Colofn 2 Y grant sylfaenol sydd ar gael</i>
Sy'n dechrau ar neu ar ôl 1 Medi 2018	£1,000 ar gyfer cwrs llawnamser £1,000 wedi ei luosi â'r dwysedd astudio ar gyfer cwrs rhan-amser

Table 3

<i>Column 1 Academic year</i>	<i>Column 2 Base grant available</i>
Beginning on or after 1 September 2018	£1,000 for a full-time course £1,000 multiplied by the intensity of study for a part-time course

PENNOD 3
Y GRANT CYNHALIAETH

CHAPTER 3
MAINTENANCE GRANT

Swm y grant cynhaliath: myfyrwr llawnamser

46.—(1) Mae Tabl 4 yn nodi uchafsymiau'r grant cynhaliath sydd ar gael i fyfyrwr cymwys sy'n ymgymryd â chwrs llawnamser ("myfyriwr llawnamser") pan fo—

- (a) Colofn 1 yn pennu'r flwyddyn academaidd y mae symiau'r grant cynhaliath a bennir yng Ngholofn 3 yn daladwy mewn perthynas â hi;
- (b) Colofn 2 yn pennu'r lleoliad y mae'r myfyriwr yn byw ynddo (gweler paragraff 3 o Atodlen 1);
- (c) Colofn 3 yn pennu uchafswm y grant sydd ar gael mewn cysylltiad â'r cofnodion cyfatebol yng Ngholofnau 1 a 2.

Amount of maintenance grant: full-time students

46.—(1) Table 4 sets out the maximum amounts of maintenance grant available to an eligible student undertaking a full-time course (a "full-time student") where—

- (a) Column 1 specifies the academic year in relation to which the amounts of maintenance grant specified in Column 3 are payable;
- (b) Column 2 specifies the location in which the student is living (see paragraph 3 of Schedule 1);
- (c) Column 3 specifies the maximum amount of grant available in respect of the corresponding entries in Columns 1 and 2.

(1) 2006 p. 41; mewnosodwyd adran 1H ac adran 11 gan Ddeddf Iechyd a Gofal Cymdeithasol 2012 (p. 7), adrannau 9 a 10.
(2) 2012 p. 7.

(1) 2006 c. 41; section 1H and section 11 were inserted by the Health and Social Care Act 2012 (c. 7), sections 9 and 10
(2) 2012 c. 7

(2) Pan—

- (a) na fo incwm aelwyd y myfyriwr yn fwy na £18,370, neu
- (b) bo'r myfyriwr yn berson sy'n ymadael â gofal,

swm y grant cynhaliath sy'n daladwy yw uchafswm y grant sydd ar gael mewn cysylltiad â lleoliad y myfyriwr.

(3) Pan fo incwm aelwyd y myfyriwr yn fwy na £18,370 ond yn llai na £59,200, swm y grant cynhaliath sy'n daladwy i'r myfyriwr yw uchafswm y grant cynhaliath sydd ar gael wedi ei ostwng £1 am bob—

- (a) £6.937 o incwm aelwyd sy'n fwy na £18,370 pan fo'r myfyriwr yn byw gartref;
- (b) £4.475 o incwm aelwyd sy'n fwy na £18,370 pan fo'r myfyriwr yn byw oddi cartref, ac yn astudio yn Llundain;
- (c) £5.750 o incwm aelwyd pan fo'r myfyriwr yn byw oddi cartref, ac yn astudio yn rhywle arall.

(4) Pan fo incwm aelwyd y myfyriwr llawnamser yn £59,200 neu ragor, swm y grant cynhaliath sy'n daladwy yw £0.

Tabl 4

<i>Colofn 1 Blwyddyn academaidd</i>	<i>Colofn 2 Lleoliad y myfyriwr llawnamser</i>	<i>Colofn 3 Uchafswm y grant cynhaliath sydd ar gael i fyfyriwr llawnamser</i>
Sy'n dechrau ar neu ar ôl 1 Medi 2018	Byw gartref	£5,885
	Byw oddi cartref, astudio yn Llundain	£9,124
	Byw oddi cartref, astudio yn rhywle arall	£7,100

Swm y grant cynhaliath: myfyriwr rhan-amser

47.—(1) Mae Tabl 5 yn nodi uchafsymiau'r grant cynhaliath sydd ar gael i fyfyriwr cymwys sy'n ymgymryd â chwrs rhan-amser (“myfyriwr rhan-amser”) pan fo—

(2) Where—

- (a) the student's household income does not exceed £18,370, or
- (b) the student is a care leaver,

the amount of maintenance grant payable is the maximum amount of grant available in respect of the student's location.

(3) Where the student's household income exceeds £18,370 but is less than £59,200, the amount of maintenance grant payable to the student is the maximum amount of maintenance grant available reduced by £1 for every—

- (a) £6.937 of household income exceeding £18,370 where the student is living at home;
- (b) £4.475 of household income exceeding £18,370 where the student is living away from home, studying in London;
- (c) £5.750 of household income where the student is living away from home, studying elsewhere.

(4) Where the full-time student's household income is £59,200 or more, the amount of maintenance grant payable is £0.

Table 4

<i>Column 1 Academic year</i>	<i>Column 2 Location of full-time student</i>	<i>Column 3 Maximum amount of maintenance grant available to full-time student</i>
Beginning on or after 1 September 2018	Living at home	£5,885
	Living away from home, studying in London	£9,124
	Living away from home, studying elsewhere	£7,100

Amount of maintenance grant: part-time students

47.—(1) Table 5 sets out the maximum amounts of maintenance grant available to an eligible student undertaking a part-time course (a “part-time student”) where—

- (a) Colofn 1 yn pennu'r flwyddyn academiaidd y mae symiau'r grant cynhaliaeth a bennir yng Ngholofn 2 yn daladwy mewn perthynas â hi;
- (b) Colofn 2 yn pennu uchafswm y grant sydd ar gael mewn cysylltiad â'r flwyddyn academiaidd gyfatebol yng Ngholofn 1.

(2) Os—

- (a) nad yw incwm aelwyd myfyriwr rhan-amser yn fwy na £25,000, neu
- (b) yw'r myfyriwr yn berson sy'n ymadael â gofal,

swm y grant cynhaliaeth sy'n daladwy i'r myfyriwr yw'r uchafswm sydd ar gael wedi ei luosi â dwysedd astudio'r cwrs presennol.

(3) Pan fo incwm aelwyd y myfyriwr rhan-amser yn fwy na £25,000 ond yn llai na £59,200, cyfrifir swm y grant cynhaliaeth sy'n daladwy fel a ganlyn—

Cam 1

Gostwng uchafswm y grant cynhaliaeth sydd ar gael £1 am bob £6.84 o incwm aelwyd sy'n fwy na £25,000.

Cam 2

Lluosi canlyniad Cam 1 â dwysedd astudio'r cwrs presennol.

Y canlyniad yw swm y grant cynhaliaeth sy'n daladwy.

(4) Pan fo incwm aelwyd y myfyriwr rhan-amser yn fwy na £59,200, swm y grant cynhaliaeth sy'n daladwy yw £0.

Tabl 5

<i>Colofn 1</i> <i>Blwyddyn academiaidd</i>	<i>Colofn 2</i> <i>Uchafswm y grant cynhaliaeth sydd ar gael i fyfyrwr rhan-amser</i>
Sy'n dechrau ar neu ar ôl 1 Medi 2018	£5,000

Incwm yr aelwyd

48. Gweler Rhan 2 o Atodlen 3 am ddarpariaeth ynghylch cyfrifo incwm aelwyd myfyriwr cymwys.

Ystyr person sy'n ymadael â gofal

49. Mae myfyriwr cymwys yn "person sy'n ymadael â gofal"—

- (a) os yw'r myfyriwr o dan 25 oed ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs presennol,

- (a) Column 1 specifies the academic year in relation to which the amounts of maintenance grant specified in Column 2 are payable;
- (b) Column 2 specifies the maximum amount of grant available in respect of the corresponding academic year in Column 1.

(2) If—

- (a) a part-time student's household income does not exceed £25,000, or
- (b) the student is a care leaver,

the amount of maintenance grant payable to the student is the maximum amount available multiplied by the intensity of study of the present course.

(3) Where the part-time student's household income exceeds £25,000 but is less than £59,200, the amount of maintenance grant payable is calculated as follows—

Step 1

Reduce the maximum amount of maintenance grant available by £1 for every £6.84 of household income exceeding £25,000.

Step 2

Multiply the result of Step 1 by the intensity of study of the present course.

The result is the amount of maintenance grant payable.

(4) Where the part-time student's household income exceeds £59,200, the amount of maintenance grant payable is £0.

Table 5

<i>Column 1</i> <i>Academic year</i>	<i>Column 2</i> <i>Maximum amount of maintenance grant available to part-time student</i>
Beginning on or after 1 September 2018	£5,000

Household income

48. See Part 2 of Schedule 3 for provision about calculating an eligible student's household income.

Meaning of care leaver

49. An eligible student is a "care leaver" if the student—

- (a) is under the age of 25 on the first day of the first academic year of the present course,

- (b) os yw'r myfyriwr yn gategori o berson ifanc, neu wedi bod yn gategori o berson ifanc, a ddiffinnir yn adran 104 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(1), neu yn rhinwedd yr adran honno, ac
- (c) os, rhwng pen-blwydd y myfyriwr yn 14 oed a diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs—
 - (i) oedd y myfyriwr yn derbyn gofal, wedi ei faethu neu wedi ei letya (o fewn ystyr adrannau 74 a 104 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014) am gyfnod cyfanredol o 13 wythnos neu ragor, neu
 - (ii) oedd y myfyriwr yn berson yr oedd gorchymyn gwarcheidiaeth arbennig (o fewn yr ystyr a roddir i “special guardianship order” gan adran 14A o Ddeddf Plant 1989)(2) mewn grym mewn cysylltiad ag ef am gyfnod o 13 wythnos neu ragor.

PENNOD 4

TALIAD CYMORTH ARBENNIG

Taliad cymorth arbennig

50.—(1) Pan fo myfyriwr cymwys sy'n cymhwyso i gael grant sylfaenol neu, yn ôl y digwydd, grant cynhaliaeth, yn bodloni un o'r amodau cymhwyso yn rheoliad 51—

- (a) mae'r holl grant sylfaenol sy'n daladwy i'r myfyriwr cymwys, a
- (b) mae swm o'r grant cynhaliaeth sy'n daladwy i'r myfyriwr hyd at yr uchafswm a bennir yn rheoliad 52,

i'w drin fel taliad cymorth arbennig.

(2) Mae taliad cymorth arbennig yn daliad a fwriedir er mwyn talu am—

- (a) cost llyfrau ac offer;
- (b) treuliau teithio;
- (c) costau gofal plant,

mewn cysylltiad â myfyriwr cymwys yn ymgymryd â chwrs dynodedig.

- (b) is, or has been, a category of young person defined in, or by virtue of, section 104 of the Social Services and Well-being (Wales) Act 2014(1), and
- (c) between the student's 14th birthday and the first day of the first academic year of the course, the student—
 - (i) was looked after, fostered or accommodated (within the meaning of sections 74 and 104 of the Social Services and Well-being (Wales) Act 2014) for an aggregate period of 13 weeks or more, or
 - (ii) was a person with respect to whom a special guardianship order (within the meaning given by section 14A of the Children Act 1989)(2) was in force for a period of 13 weeks or more.

CHAPTER 4

SPECIAL SUPPORT PAYMENT

Special support payment

50.—(1) Where an eligible student who qualifies for a base grant or, as the case may be, a maintenance grant, meets one of the qualifying conditions in regulation 51—

- (a) all of the base grant payable to the eligible student, and
- (b) an amount of maintenance grant payable to the student up to the maximum specified in regulation 52,

is to be treated as a special support payment.

(2) A special support payment is a payment which is intended to meet—

- (a) the cost of books and equipment;
- (b) travel expenses;
- (c) childcare costs,

in connection with an eligible student undertaking a designated course.

(1) 2014 dccc 4.

(2) 1989 p. 41; mewnosodwyd adran 14A gan Ddeddf Mabwysiadu a Phlant 2002 (p. 38) ac fe'i diwygiwyd gan Ddeddf Plant a Theuluoedd 2014 (p. 6) a Deddf Plant a Phobl Ifanc 2008 (p. 23).

(1) 2014 anaw. 4.

(2) 1989 c.41; section 14A was inserted by the Adoption and Children Act 2002 (c. 38) and amended by the Children and Families Act 2014 (c. 6) and the Children and Young Persons Act 2008 (c. 23).

Taliad cymorth arbennig: amodau cymhwys

51.—(1) Mae myfyriwr cymwys yn cymhwyso i gael taliad cymorth arbennig mewn cysylltiad â blwyddyn academaidd o'r cwrs presennol os yw'r myfyriwr cymwys yn bodloni un o'r amodau a ganlyn—

Amod A

Mae'r myfyriwr cymwys, at ddibenion asesu hawlogaeth i gael cymhorthdal incwm, yn dod o fewn categori rhagnodedig o bersonau at ddibenion adran 124(1)(e)(1) o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992.

Amod B

Caiff y myfyriwr cymwys, at ddibenion asesu hawlogaeth i gael budd-dal tai, ei drin fel pe bai'n atebol i wneud taliadau mewn cysylltiad ag annedd a ragnodir gan reoliadau a wneir o dan adran 130(2) o'r Ddeddf honno(2).

Amod C

Mae'r myfyriwr cymwys, at ddibenion asesu hawlogaeth i gael credyd cynhwysol, yn atebol neu'n cael ei drin fel pe bai'n atebol o dan reoliad 25(3) o Reoliadau Credyd Cynhwysol 2013(3) i wneud taliadau mewn cysylltiad â llety y mae'r myfyriwr yn ei feddiannu fel ei gartref.

Uchafswm y grant cynhaliath sy'n cael ei drin fel taliad cymorth arbennig

52. Yn Nhabl 6, mae Colofn 2 yn nodi uchafswm y grant cynhaliath sy'n daladwy fel taliad cymorth arbennig mewn cysylltiad â'r flwyddyn academaidd a nodir yn y cofnod cyfatebol yng Ngholofn 1.

Special support payment: qualifying conditions

51. An eligible student qualifies for a special support payment in respect of an academic year of the present course if the eligible student satisfies one of the following conditions—

Condition A

The eligible student, for the purposes of assessing entitlement to income support, falls within a prescribed category of person for the purposes of section 124(1)(e)(1) of the Social Security Contributions and Benefits Act 1992.

Condition B

The eligible student, for the purposes of assessing entitlement to housing benefit, is treated as being liable to make payments in respect of a dwelling prescribed by regulations made under section 130(2) of that Act(2).

Condition C

The eligible student, for the purposes of assessing entitlement to universal credit, is liable or is treated as being liable under regulation 25(3) of the Universal Credit Regulations 2013(3) to make payments in respect of accommodation the student occupies as his or her home.

Maximum amount of maintenance grant treated as special support payment

52. In Table 6, Column 2 sets out the maximum amount of maintenance grant payable as special support payment in respect of the academic year set out in the corresponding entry in Column 1.

(1) 1992 p. 4. Mae diwygiadau i adran 124 nad ydynt yn berthnasol i'r Rheoliadau hyn ac mae'r adran wedi ei diddymu gan Ddeddf Diwygio Lles 2012 (p. 3), adran 147 ac Atodlen 14, Rhan 1 yn ddarostyngedig i arbedion a bennir yn O.S. 2013/358 erthygl 9. Mae'r categorïau o dan adran 124(1)(e) wedi eu rhagnodi drwy reoliadau. Y rheoliad perthnasol yw rheoliad 4ZA o Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987 (O.S. 1987/1967). Mewnosodwyd rheoliad 4ZA gan O.S. 1996/206 ac fe'i diwygiwyd gan O.S. 1997/2197, O.S. 2000/1981, O.S. 2001/3070, O.S. 2008/1826, O.S. 2009/2655, O.S. 2009/3152 ac O.S. 2013/2536.

(2) Mae diwygiadau i adran 130 nad ydynt yn berthnasol i'r Rheoliadau hyn ac mae'r adran wedi ei diddymu gan Ddeddf Diwygio Lles 2012 (p. 3), adran 147 ac Atodlen 14, Rhan 1 yn ddarostyngedig i arbedion a bennir yn O.S. 2013/358 erthygl 9. Y rheoliad perthnasol yw rheoliad 56 o Reoliadau Budd-dal Tai 2006 O.S. 2006/213 fel y'i diwygiwyd gan O.S. 2008/1042, O.S. 2008/1082, O.S. 2012/757, O.S. 2013/630, O.S. 2013/2070 ac O.S. 2017/901.

(3) O.S. 2013/376.

(1) 1992 c. 4. There are amendments to section 124 which are not relevant to these Regulations and the section is repealed by the Welfare Reform Act 2012 (c. 3), section 147 and Schedule 14 Part 1 subject to savings specified in SI 2013/358 article 9. Categories under section 124(1)(e) are prescribed by regulations. The relevant regulation is regulation 4ZA of the Income Support (General) Regulations 1987 (S.I. 1987/1967). Regulation 4ZA was inserted by S.I. 1996/206 and amended by S.I. 1997/2197, S.I. 2000/1981, S.I. 2001/3070, S.I. 2008/1826, S.I. 2009/2655, S.I. 2009/3152 and S.I. 2013/2536.

(2) There are amendments to section 130 which are not relevant to these Regulations and the section is repealed by the Welfare Reform Act 2012 (c. 3), section 147 and Schedule 14 Part 1 subject to savings specified in SI 2013/358 article 9. The relevant regulation is regulation 56 of the Housing Benefit Regulations 2006 S.I. 2006/213 as amended by S.I. 2008/1042, S.I. 2008/1082, S.I. 2012/757, S.I. 2013/630, S.I. 2013/2070 and SI 2017/901.

(3) S.I. 2013/376

Tabl 6

<i>Colofn 1</i> <i>Blwyddyn academaidd</i>	<i>Colofn 2</i> <i>Uchafswm y grant cynhaliaeth sy'n daladwy fel rhan o daliad cymorth arbennig</i>
Sy'n dechrau ar neu ar ôl 1 Medi 2018	£4,161 ar gyfer cwrs llawnamser £5,000 wedi ei luosi â'r dwysedd astudio ar gyfer cwrs rhan-amser

Table 6

<i>Column 1</i> <i>Academic year</i>	<i>Column 2</i> <i>Maximum amount of maintenance grant payable as part of a special support payment</i>
Beginning on or after 1 September 2018	£4,161 for a full-time course £5,000 multiplied by the intensity of study for a part-time course

RHAN 8**BENTHYCIAD CYNHALIAETH****Benthyciad cynhaliaeth**

53. Mae benthyciad cynhaliaeth yn fenthyciad sy'n cael ei roi ar gael gan Weinidogion Cymru i fyfyrwr cymwys mewn cysylltiad â chostau byw ar gyfer blwyddyn academaidd.

Amodau cymhwyso i gael benthyciad cynhaliaeth

54. Mae myfyriwr cymwys yn cymhwyso i gael benthyciad cynhaliaeth mewn cysylltiad â blwyddyn academaidd o'r cwrs presennol oni bai bod un o'r eithriadau a ganlyn yn gymwys—

Eithriad 1

Mae'r myfyriwr cymwys yn garcharor, oni bai—

- (a) bod y cwrs presennol yn gwrs rhan-amser, a
- (b) bod y myfyriwr cymwys yn mynd i'r carchar neu'n cael ei ryddhau o'r carchar yn y flwyddyn academaidd o dan sylw.

Eithriad 2

Mae'r myfyriwr cymwys yn fyfyrwr cymwys Categori 6 yn rhinwedd paragraff 6(1) o Atodlen 2 yn unig ac nid yw'n dod o fewn unrhyw un neu ragor o'r categorïau eraill o fyfyrwr cymwys a bennir yn yr Atodlen honno.

Eithriad 3

Mae'r myfyriwr cymwys yn 60 oed neu drosodd ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs presennol.

PART 8**MAINTENANCE LOAN****Maintenance loan**

53. A maintenance loan is a loan made available by the Welsh Ministers to an eligible student in respect of living costs for an academic year.

Qualifying conditions for a maintenance loan

54. An eligible student qualifies for a maintenance loan in respect of an academic year of the present course unless one of the following exceptions applies—

Exception 1

The eligible student is a prisoner, unless—

- (a) the present course is a part-time course, and
- (b) the eligible student enters or is released from prison in the academic year in question.

Exception 2

The eligible student is a Category 6 eligible student by virtue only of paragraph 6(1) of Schedule 2 and does not fall within any of the other categories of eligible student specified in that Schedule.

Exception 3

The eligible student is aged 60 or over on the first day of the first academic year of the present course.

Eithriad 4

Mae'r cwrs presennol yn gwrs dysgu o bell ac nid yw'r myfyriwr yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

Ond nid yw'r Eithriad hwn yn gymwys pan—

- (a) bo'r myfyriwr ("M") neu berthynas agos i M yn aelod o'r lluoedd arfog,
- (b) na fo M yng Nghymru ar ddiwrnod cyntaf y flwyddyn academaidd gyntaf, ac
- (c) na fo M yng Nghymru ar y diwrnod hwnnw oherwydd bod M neu'r berthynas agos yn gwasanaethu fel aelod o'r lluoedd arfog y tu allan i Gymru.

Eithriad 5

Mae'r cwrs presennol yn arwain at gymhwyster fel—

- (a) pensaer tirwedd,
- (b) dylunydd tirwedd,
- (c) rheolwr tirwedd,
- (d) cynllunydd tref, neu
- (e) cynllunydd gwlad a thref.

Swm y benthyciad cynhaliaeth: myfyrwyr llawnamser

55.—(1) Pan fo cwrs presennol myfyriwr cymwys yn gwrs llawnamser ("myfyriwr llawnamser"), cyfrifir swm y benthyciad cynhaliaeth sy'n daladwy i'r myfyriwr fel a ganlyn—

Uchafswm y benthyciad cynhaliaeth sydd ar gael i'r myfyriwr mewn cysylltiad â blwyddyn academaidd.

Minws

Swm y grant cynhaliaeth sy'n daladwy i'r myfyriwr o dan reoliad 46.

(2) Mae Tabl 7 yn nodi uchafsymiau'r benthyciad cynhaliaeth sydd ar gael mewn cysylltiad â myfyriwr llawnamser pan—

- (a) bo Colofn 1 yn pennu'r flwyddyn academaidd y mae symiau'r benthyciad cynhaliaeth a bennir yng Ngholofn 4 yn gymwys mewn perthynas â hi;
- (b) bo Colofn 2 yn pennu'r categori o fyfyrwr y mae'r uchafsymiau yng Ngholofn 4 yn gymwys iddo;
- (c) bo Colofn 3 yn pennu'r lleoliad y mae'r myfyriwr yn byw ynddo (gweler paragraff 3 o Atodlen 1);
- (d) bo Colofn 4 yn pennu uchafswm y benthyciad sydd ar gael mewn cysylltiad â'r cofnodion cyfatebol yng Ngholofnau 1, 2 a 3.

Exception 4

The present course is a distance learning course and the student is not in Wales on the first day of the first academic year of the course.

But this Exception does not apply where—

- (a) the student ("S") or a close relative of S is a member of the armed forces,
- (b) S is not in Wales on the first day of the first academic year, and
- (c) S is not in Wales on that day because S or the close relative is serving as a member of the armed forces outside Wales.

Exception 5

The present course leads to qualification as—

- (a) a landscape architect,
- (b) a landscape designer,
- (c) a landscape manager,
- (d) a town planner, or
- (e) a town and country planner.

Amount of maintenance loan: full-time students

55.—(1) Where an eligible student's present course is a full-time course (a "full-time student"), the amount of maintenance loan payable to the student is calculated as follows—

Maximum amount of maintenance loan available to the student in respect of an academic year.

Minus

Amount of maintenance grant payable to the student under regulation 46.

(2) Table 7 sets out the maximum amounts of maintenance loan available in respect of a full-time student where—

- (a) Column 1 specifies the academic year in relation to which the amounts of maintenance loan specified in Column 4 apply;
- (b) Column 2 specifies the category of student to whom the maximum amounts in Column 4 apply;
- (c) Column 3 specifies the location in which the student is living (see paragraph 3 of Schedule 1);
- (d) Column 4 specifies the maximum amount of loan available in respect of the corresponding entries in Columns 1, 2 and 3.

(3) At ddibenion y rheoliad hwn, y categorïau o fyfyrwr yw—

Categori 1

Myfyriwr cymwys sy'n ymgymryd ag—

- (a) blwyddyn academiaidd o gwrs dynodedig, neu
- (b) blwyddyn gyntaf o gwrs mynediad graddedig carlam

nad yw'n fyfyrwr Categori 2.

Categori 2

Myfyriwr cymwys sy'n ymgymryd ag—

- (a) blwyddyn academiaidd y mae myfyriwr yn gymwys i wneud cais mewn cysylltiad â hi am—
 - (i) bwrsari gofal iechyd, neu
 - (ii) lwfans gofal iechyd yr Alban,a gyfrifir drwy gyfeirio at incwm y myfyriwr (pa un a yw swm y cyfrifiad yn cyfateb i ddim ai peidio), neu
- (b) blwyddyn academiaidd o gwrs rhyngosod pan fo swm cyfanredol y cyfnodau o astudio llawnamser y mae'r myfyriwr yn ymgymryd â hwy yn llai na 10 wythnos (oni bai ei bod yn flwyddyn y mae rheoliad 44(2) yn gymwys iddi).

(4) Mae'r rheoliad hwn yn ddarostyngedig i reoliad 56.

(3) For the purposes of this regulation the categories of student are—

Category 1

An eligible student undertaking—

- (a) an academic year of a designated course, or
- (b) the first year of an accelerated graduate entry course,

who is not a Category 2 student.

Category 2

An eligible student undertaking—

- (a) an academic year in respect of which a student is eligible to apply for—
 - (i) a healthcare bursary, or
 - (ii) a Scottish healthcare allowance, calculated by reference to the student's income (whether or not the calculation results in a nil amount), or
- (b) an academic year of a sandwich course during which the periods of full-time study undertaken by the student are in aggregate less than 10 weeks (unless it is a year to which regulation 44(2) applies).

(4) This regulation is subject to regulation 56.

Tabl 7

<i>Colofn 1 Blwyddyn academaidd</i>	<i>Colofn 2 Categori o fyfyrwr</i>	<i>Colofn 3 Lleoliad y myfyrwr</i>	<i>Colofn 4 Uchafswm y benthyciad cynhaliaeth sydd ar gael i fyfyrwr llawnamser</i>
Sy'n dechrau ar neu ar ôl 1 Medi 2018	Categori 1	Byw gartref	£6,650
		Byw oddi cartref, astudio yn Llundain	£10,250
		Byw oddi cartref, astudio yn rhywle arall	£8,000
	Categori 2	Byw gartref	£3,325
		Byw oddi cartref, astudio yn Llundain	£5,125
		Byw oddi cartref, astudio yn rhywle arall	£4,000

Table 7

<i>Column 1 Academic year</i>	<i>Column 2 Category of student</i>	<i>Column 3 Location of student</i>	<i>Column 4 Maximum amount of maintenance loan available to full-time student</i>
Beginning on or after 1 September 2018	Category 1	Living at home	£6,650
		Living away from home, studying in London	£10,250
		Living away from home, studying elsewhere	£8,000
	Category 2	Living at home	£3,325
		Living away from home, studying in London	£5,125
		Living away from home, studying elsewhere	£4,000

Swm y benthyciad cynhaliaeth sy'n daladwy: myfyrwyr llawnamser y mae taliad cymorth arbennig yn daladwy iddynt

56.—(1) — Pan fo taliad cymorth arbennig yn daladwy i fyfyrwr llawnamser o dan reoliad 50, swm y benthyciad cynhaliaeth sy'n daladwy i'r myfyrwr yw pa un bynnag yw'r mwyaf o—

- (a) y swm a gyfrifir o dan reoliad 55(1), neu
- (b) isafswm y benthyciad cynhaliaeth sy'n daladwy mewn cysylltiad â lleoliad y myfyrwr.

(2) Yn Nhabl 8—

- (a) mae Colofn 1 yn pennu'r flwyddyn academaidd y mae isafsymiau'r benthyciad yng Ngholofn 3 yn daladwy mewn perthynas â hi;
- (b) mae Colofn 2 yn pennu'r lleoliad y mae'r myfyrwr yn byw ynddo (gweler paragraff 3 o Atodlen 1);
- (c) mae Colofn 3 yn pennu isafswm y benthyciad sy'n daladwy mewn cysylltiad â'r cofnodion cyfatebol yng Ngholofnau 1 a 2.

Tabl 8

<i>Colofn 1 Blwyddyn academaidd</i>	<i>Colofn 2 Lleoliad myfyrwr</i>	<i>Colofn 3 Isafswm y benthyciad cynhaliaeth sy'n daladwy i fyfyrwr llawnamser pan fo cymorth arbennig yn daladwy</i>
Sy'n dechrau ar neu ar ôl 1 Medi 2018	Byw gartref	£3,325
	Byw oddi cartref, astudio yn Llundain	£5,125
	Byw oddi cartref, astudio yn rhywle arall	£4,000

Amount of maintenance loan payable: full-time students to whom special support payment payable

56.—(1) Where a special support payment is payable to a full-time student under regulation 50, the amount of maintenance loan payable to the student is the greater of—

- (a) the amount calculated under regulation 55(1), or
- (b) the minimum amount of maintenance loan payable in respect of the student's location.

(2) In Table 8—

- (a) Column 1 specifies the academic year in relation to which the minimum loan amounts in Column 3 are payable;
- (b) Column 2 specifies the location in which the student is living (see paragraph 3 of Schedule 1);
- (c) Column 3 specifies the minimum loan amount payable in respect of the corresponding entries in Columns 1 and 2.

Table 8

<i>Column 1 Academic year</i>	<i>Column 2 Location of student</i>	<i>Column 3 Minimum amount of maintenance loan payable to full-time student where special support payable</i>
Beginning on or after 1 September 2018	Living at home	£3,325
	Living away from home, studying in London	£5,125
	Living away from home, studying elsewhere	£4,000

Benthyciad cynhaliath wedi ei gynyddu ar gyfer myfyrwyr llawnamser yn ystod blynyddoedd estynedig

57.—(1) Mae paragraff (2) yn gymwys pan—

- (a) bo'r cwrs presennol yn gwrs llawnamser, a
- (b) bo'n ofynnol i fyfyrwr cymwys ymgymryd â'r cwrs am gyfnod sy'n hwy na 30 wythnos a 3 diwrnod mewn blwyddyn academiaidd.

(2) Pan fo'r paragraff hwn yn gymwys, mae swm y benthyciad sy'n daladwy i'r myfyrwr a gyfrifir o dan reoliad 55 neu, yn ôl y digwydd, 56 wedi ei gynyddu yn ôl y swm wythnosol a bennir yng Ngholofn 3 o Dabl 9 ar gyfer pob wythnos (neu ran o wythnos) y mae'n ofynnol i'r myfyrwr ymgymryd â'r cwrs y tu hwnt i'r cyfnod o 30 wythnos a 3 diwrnod.

(3) Mae paragraff (4) yn gymwys pan—

- (a) bo'r cwrs presennol yn gwrs llawnamser, a
- (b) bo myfyrwr cymwys yn ymgymryd â'r cwrs am gyfnod o 45 wythnos neu ragor mewn unrhyw gyfnod parhaus o 52 wythnos.

(4) Pan fo'r paragraff hwn yn gymwys, mae swm y benthyciad sy'n daladwy i'r myfyrwr a gyfrifir o dan reoliad 55 neu, yn ôl y digwydd, 56 wedi ei gynyddu yn ôl y swm wythnosol a bennir yng Ngholofn 3 o Dabl 9 ar gyfer pob wythnos gyfan yn y cyfnod o 52 wythnos pan nad oedd y myfyrwr yn ymgymryd â'r cwrs.

(5) Mae'r cynnydd yn swm y benthyciad cynhaliath sy'n daladwy y cyfeirir ato ym mharagraff (4) yn gymwys mewn perthynas â'r flwyddyn academiaidd y mae'r nifer mwyaf o wythnosau yn y cyfnod o 52 wythnos yn dod o'i mewn.

(6) Caiff uchafswm y benthyciad cynhaliath sy'n daladwy i fyfyrwr cymwys gael ei gynyddu o dan baragraffau (2) a (4) mewn perthynas â'r un flwyddyn academiaidd.

(7) Yn Nhabl 9—

- (a) mae Colofn 1 yn pennu'r flwyddyn academiaidd y mae'r benthyciad cynhaliath yn daladwy mewn perthynas â hi;
- (b) mae Colofn 2 yn pennu'r lleoliad y mae'r myfyrwr yn byw ynddo (gweler paragraff 3 o Atodlen 1);
- (c) mae Colofn 3 yn pennu'r swm wythnosol y mae swm y benthyciad sy'n daladwy i gynyddu yn ei ôl mewn cysylltiad â'r cofnodion cyfatebol yng Ngholofnau 1 a 2.

Increased maintenance loan for full-time students in extended years

57.—(1) Paragraph (2) applies where—

- (a) the present course is a full-time course, and
- (b) an eligible student is required to undertake the course for a period exceeding 30 weeks and 3 days in an academic year.

(2) Where this paragraph applies, the amount of loan payable to the student calculated under regulation 55 or, as the case may be, 56 is increased by the weekly amount specified in Column 3 of Table 9 for each week (or part of a week) that the student is required to undertake the course beyond the period of 30 weeks and 3 days.

(3) Paragraph (4) applies where—

- (a) the present course is a full-time course, and
- (b) an eligible student undertakes the course for a period of 45 weeks or more in any continuous period of 52 weeks.

(4) Where this paragraph applies, the amount of loan payable to the student calculated under regulation 55 or, as the case may be, 56 is increased by the weekly amount specified in Column 3 of Table 9 for each whole week in the 52 week period during which the student did not undertake the course.

(5) The increase in the amount of maintenance loan payable referred to in paragraph (4) applies in relation to the academic year into which the most weeks of the 52 week period fall.

(6) The maximum amount of maintenance loan payable to an eligible student may be increased under both paragraphs (2) and (4) in relation to the same academic year.

(7) In Table 9—

- (a) Column 1 specifies the academic year in relation to which the maintenance loan is payable;
- (b) Column 2 specifies the location in which the student is living (see paragraph 3 of Schedule 1);
- (c) Column 3 specifies the weekly amount by which the amount of loan payable is to increase in respect of the corresponding entries in Columns 1 and 2.

Tabl 9

<i>Colofn 1 Blwyddyn Academaidd</i>	<i>Colofn 2 Lleoliad y myfyriwr</i>	<i>Colofn 3 Cynnnydd wythnosol yn swm y benthyciad cynhaliath sy'n daladwy</i>
Sy'n dechrau ar neu ar ôl 1 Medi 2018	Byw gartref	£80
	Byw oddi cartref, astudio yn Llundain	£153
	Byw oddi cartref, astudio yn rhywle arall	£120

Table 9

<i>Column 1 Academic Year</i>	<i>Column 2 Location of student</i>	<i>Column 3 Weekly amount of increase to maintenance loan payable</i>
Beginning on or after 1 September 2018	Living at home	£80
	Living away from home, studying in London	£153
	Living away from home, studying elsewhere	£120

Swm y benthyciad cynhaliath: myfyrwr rhan-amser

58.—(1) Pan fo cwrs presennol myfyriwr cymwys yn gwrw rhan-amser (“myfyriwr rhan-amser”), cyfrifir swm y benthyciad cynhaliath sy'n daladwy i'r myfyriwr fel a ganlyn—

Uchafswm y benthyciad cynhaliath sydd ar gael i'r myfyriwr (gweler Tabl 10).

Minws

Swm y grant cynhaliath sy'n daladwy i'r myfyriwr o dan reoliad 47.

(2) Yn Nhabl 10, mae Colofn 1 yn pennu'r flwyddyn academaidd y mae uchafswm y benthyciad cynhaliath yng Ngholofn 2 ar gael mewn perthynas â hi.

Tabl 10

<i>Colofn 1 Blwyddyn academaidd</i>	<i>Colofn 2 Uchafswm y benthyciad cynhaliath sydd ar gael i f:fyriwr rhan-amser</i>
Sy'n dechrau ar neu ar ôl 1 Medi 2018	£5,650 wedi ei luosi â'r dwysedd astudio

Gwneud cais am fenthyciad cynhaliath sy'n llai na'r uchafswm

59. Caiff myfyriwr cymwys wneud cais o dan reoliad 32 i fenthyc rhan o swm y benthyciad cynhaliath sy'n daladwy i'r myfyriwr cymwys mewn cysylltiad â blwyddyn academaidd.

Amount of maintenance loan: part-time students

58.—(1) Where an eligible student's present course is a part-time course (a “part-time student”), the amount of maintenance loan payable to the student is calculated as follows—

Maximum amount of maintenance loan available to the student (see Table 10).

Minus

Amount of maintenance grant payable to the student under regulation 47.

(2) In Table 10, Column 1 specifies the academic year in relation to which the maximum amount of maintenance loan in Column 2 is available.

Table 10

<i>Column 1 Academic year</i>	<i>Column 2 Maximum amount of maintenance loan available to part-time student</i>
Beginning on or after 1 September 2018	£5,650 multiplied by the intensity of study

Applying for maintenance loan for less than the maximum amount

59. An eligible student may apply under regulation 32 to borrow part of the amount of maintenance loan payable to the eligible student in respect of an academic year.

Cais pellach am fenthyciad cynhaliaeth hyd at yr uchafswm

60. Pan—

- (a) bo myfyriwr cymwys yn gwneud cais am ran o'r benthyciad cynhaliaeth o dan reoliad 59, neu
- (b) bo swm ychwanegol o fenthyciad cynhaliaeth yn cael ei roi ar gael i fyfyriwr cymwys yn dilyn trosglwyddiad ac ailasesiad a wneir o dan Adran 5 o Bennod 2 o Ran 4,

caiff y myfyriwr wneud cais pellach o dan reoliad 32 am y balans sy'n weddill o'r benthyciad cynhaliaeth sy'n daladwy mewn cysylltiad â'r flwyddyn academaidd honno.

Further application for maintenance loan up to maximum amount

60. Where—

- (a) an eligible student applies for part of the maintenance loan under regulation 59, or
- (b) an additional amount of maintenance loan is made available to an eligible student following a transfer and reassessment made under Section 5 of Chapter 2 of Part 4,

the student may make a further application under regulation 32 for the remaining balance of the maintenance loan payable in respect of that academic year.

RHAN 9

GRANT MYFYRIWR ANABL

Grant myfyriwr anabl

61.—(1) Mae grant myfyriwr anabl yn grant sy'n cael ei roi ar gael gan Weinidogion Cymru i fyfyriwr cymwys ag anabledd i gynorthwyo gyda gwariant ychwanegol mewn cysylltiad â chostau byw y mae'n ofynnol i'r myfyriwr fynd iddynt mewn cysylltiad â'r cwrs presennol oherwydd anabledd y myfyriwr.

(2) Yn y Rheoliadau hyn, mae "anabledd" i'w ddehongli yn unol â'r ystyr a roddir i "disability" yn adran 6 o Ddeddf Cydraddoldeb 2010.

Amodau cymhwyso i gael grant myfyriwr anabl

62.—(1) Mae myfyriwr cymwys yn cymhwyso i gael grant myfyriwr anabl mewn cysylltiad â blwyddyn academaidd o'r cwrs presennol—

- (a) os oes gan y myfyriwr anabledd, a
- (b) os nad yw'r myfyriwr yn dod o fewn unrhyw un neu ragor o'r eithriadau ym mharagraff (2).

(2) Yr eithriadau yw—

Eithriad 1

Mae'r myfyriwr cymwys yn garcharor, oni bai—

- (a) bod y cwrs presennol yn gwrs rhan-amser, a
- (b) bod y myfyriwr cymwys yn mynd i'r carchar neu'n cael ei ryddhau o'r carchar yn y flwyddyn academaidd o dan sylw.

Eithriad 2

Mae'r myfyriwr cymwys yn fyfyriwr cymwys Categori 6 yn rhinwedd paragraff 6(1) o Atodlen 2 yn unig ac nid yw'n dod o fewn unrhyw un neu ragor o'r categorïau eraill o fyfyriwr cymwys a bennir yn yr Atodlen honno.

PART 9

DISABLED STUDENT'S GRANT

Disabled student's grant

61.—(1) A disabled student's grant is a grant made available by the Welsh Ministers to an eligible student with a disability to assist with additional expenditure in respect of living costs which the student is obliged to incur in connection with the present course by reason of the student's disability.

(2) In these Regulations, "disability" is to be construed in accordance with section 6 of the Equality Act 2010.

Qualifying conditions for disabled student's grant

62.—(1) An eligible student qualifies for a disabled student's grant in respect of an academic year of the present course if—

- (a) the student has a disability, and
- (b) the student does not fall within any of the exceptions in paragraph (2).

(2) The exceptions are—

Exception 1

The eligible student is a prisoner, unless—

- (a) the present course is a part-time course, and
- (b) the eligible student enters or is released from prison in the academic year in question.

Exception 2

The eligible student is a Category 6 eligible student by virtue only of paragraph 6(1) of Schedule 2 and does not fall within any of the other categories of eligible student specified in that Schedule.

Eithriad 3

Mae'r cwrs presennol yn gwrs llawnamser ac mae'r flwyddyn academaidd yn flwyddyn y mae'r myfyriwr yn gymwys i wneud cais mewn cysylltiad â hi am—

- (a) bwrsari gofal iechyd, neu
- (b) lwfans gofal iechyd yr Alban,

a gyfrifir drwy gyfeirio at incwm y myfyriwr (pa un a yw swm y cyfrifiad yn cyfateb i ddim ai peidio).

Eithriad 4

Mae'r myfyriwr cymwys yn ymgymryd â blwyddyn academaidd o gwrs mynediad graddedig carlam, ac eithrio blwyddyn gyntaf y cwrs.

Eithriad 5

Mae'r cwrs presennol yn gwrs dysgu o bell ac nid yw'r myfyriwr yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

Ond nid yw'r Eithriad hwn yn gymwys pan—

- (a) bo'r myfyriwr ("M") neu berthynas agos i M yn aelod o'r lluoedd arfog,
- (b) na fo M yng Nghymru ar ddiwrnod cyntaf y flwyddyn academaidd gyntaf, ac
- (c) na fo M yng Nghymru ar y diwrnod hwnnw oherwydd bod M neu'r berthynas agos yn gwasanaethu fel aelod o'r lluoedd arfog y tu allan i Gymru.

Eithriad 6

Mae'r myfyriwr cymwys yn ymgymryd â blwyddyn academaidd o gwrs rhyngosod pan fo swm cyfanredol y cyfnodau o astudio llawnamser yn llai na 10 wythnos (oni bai ei bod yn flwyddyn y mae rheoliad 44(2) yn gymwys iddi).

Swm y grant myfyriwr anabl

63.—(1) Swm y grant myfyriwr anabl y mae myfyriwr yn cymhwyso i'w gael mewn cysylltiad â blwyddyn academaidd yw'r swm—

- (a) y mae Gweinidogion Cymru yn meddwl ei fod yn briodol, ond
- (b) nad yw'n fwy na swm cyfanredol y terfynau sy'n gymwys mewn cysylltiad â'r Achosion a restrir ym mharagraff (2).

(2) Yr Achosion a'r terfynau yw—

Achos 1

Gwariant sy'n ofynnol ar gynorthwydd personol anfeddygol.

Terfyn o £21,181 mewn cysylltiad â blwyddyn academaidd o gwrs llawnamser.

Exception 3

The present course is a full-time course and the academic year is a year in respect of which the student is eligible to apply for—

- (a) a healthcare bursary, or
- (b) a Scottish healthcare allowance, calculated by reference to the student's income (whether or not the calculation results in a nil amount).

Exception 4

The eligible student is undertaking an academic year of an accelerated graduate entry course, other than the first year of the course.

Exception 5

The present course is a distance learning course and the student is not in Wales on the first day of the first academic year of the course.

But this Exception does not apply where—

- (a) the student ("S") or a close relative of S is a member of the armed forces,
- (b) S is not in Wales on the first day of the first academic year, and
- (c) S is not in Wales on that day because S or the close relative is serving as a member of the armed forces outside Wales.

Exception 6

The eligible student is undertaking an academic year of a sandwich course during which the periods of full-time study are in aggregate less than 10 weeks (unless it is a year to which regulation 44(2) applies).

Amount of disabled student's grant

63.—(1) The amount of disabled student's grant for which a student qualifies in respect of an academic year is the amount—

- (a) which the Welsh Ministers think appropriate, but
- (b) which does not exceed the aggregate amount of the limits applicable in respect of the Cases listed in paragraph (2).

(2) The Cases and limits are—

Case 1

Expenditure required on a non-medical personal helper.

Limit of £21,181 in respect of an academic year of a full-time course.

Terfyn o £15,885 mewn cysylltiad â blwyddyn academaidd o gwrs rhan-amser.

Achos 2

Gwariant sy'n ofynnol ar eitemau mawr o offer arbenigol.

Terfyn o £5,332 llai y symiau a dalwyd fel grant myfyriwr anabl i'r myfyriwr at yr un diben mewn unrhyw flwyddyn academaidd flaenorol o'r cwrs.

Achos 3

Gwariant ychwanegol yr eir iddo—

- (a) o fewn y Deyrnas Unedig at ddiben bod yn bresennol yn y sefydliad, a
- (b) o fewn y Deyrnas Unedig neu'r tu allan iddi at ddiben bod yn bresennol, fel rhan o'r cwrs presennol, am unrhyw gyfnod o astudio mewn sefydliad tramor (gan gynnwys Sefydliad Prifysgol Llundain ym Mharis).

Wedi ei gyfyngu i'r gwariant gwirioneddol yr eir iddo at y diben hwn.

Achos 4

Unrhyw wariant arall gan gynnwys gwariant at ddiben a bennir yn Achos 1 neu 2 pan fo'r terfyn sy'n gymwys i'r Achos hwnnw wedi ei gyrraedd mewn cysylltiad â'r grant myfyriwr anabl ar gyfer y flwyddyn academaidd o dan sylw.

Terfyn o £1,785 mewn cysylltiad â blwyddyn academaidd o gwrs llawnamser.

Terfyn o £1,338 mewn cysylltiad â blwyddyn academaidd o gwrs rhan-amser.

Limit of £15,885 in respect of an academic year of a part-time course.

Case 2

Expenditure required on major items of specialist equipment.

Limit of £5,332 less the amounts paid as disabled student's grant to the student for the same purpose in any previous academic year of the course.

Case 3

Additional expenditure incurred—

- (a) within the United Kingdom for the purpose of attending an institution, and
- (b) within or outside the United Kingdom for the purpose of attending, as part of the present course, any period of study at an overseas institution (including the University of London Institute in Paris).

Limited to the actual expenditure incurred for this purpose.

Case 4

Any other expenditure including expenditure for a purpose specified in Case 1 or 2 where the limit applicable to that Case has been reached in respect of the disabled student's grant for the academic year in question.

Limit of £1,785 in respect of an academic year of a full-time course.

Limit of £1,338 in respect of an academic year of a part-time course.

RHAN 10

GRANTIAU AT DEITHIO

Grant at deithio

64. Mae grant at deithio yn grant sy'n cael ei roi ar gael gan Weinidogion Cymru i fyfyrwr cymwys o dan yr amgylchiadau a nodir yn rheoliad 65(1) neu 66(1).

Grant at deithio ar gyfer myfyrwr meddygol

65.—(1) Mae grant at deithio ar gael i fyfyrwr cymwys os yw'r amodau a ganlyn wedi eu bodloni—

Amod 1

Mae'r cwrs presennol yn gwrs llawnamser mewn—

- (a) meddygaeth, neu
- (b) deintyddiaeth,

y mae rhan angenrheidiol ohono yn gyfnod o astudio ar ffurf hyfforddiant clinigol.

PART 10

GRANTS FOR TRAVEL

Grant for travel

64. A grant for travel is a grant made available by the Welsh Ministers to an eligible student in the circumstances set out in regulation 65(1) or 66(1).

Grant for travel for medical students

65.—(1) A grant for travel is available to an eligible student if the following conditions are satisfied—

Condition 1

The present course is a full-time course in—

- (a) medicine, or
- (b) dentistry,

a necessary part of which is a period of study by way of clinical training.

Amod 2

Yn y flwyddyn academiaidd o dan sylw, mae'n ofynnol i'r myfyriwr cymwys fynd i wariant at ddiben bod yn bresennol mewn—

- (a) ysbyty, neu
- (b) mangre arall,

yn y Deyrnas Unedig (nad yw'n rhan o'r sefydliad sy'n darparu'r cwrs presennol) er mwyn ymgymryd â hyfforddiant clinigol fel rhan o'r cwrs.

Amod 3

Nid yw'r flwyddyn academiaidd yn flwyddyn y mae'r myfyriwr yn gymwys i wneud cais mewn cysylltiad â hi am—

- (a) bwrsari gofal iechyd, neu
- (b) lwfans gofal iechyd yr Alban,

a gyfrifir drwy gyfeirio at incwm y myfyriwr (pa un a yw swm y cyfrifiad yn cyfateb i ddim ai peidio).

(2) Ond nid yw grant at deithio ar gael pan fo'r myfyriwr cymwys yn fyfyrwr cymwys Categori 6 yn rhinwedd paragraff 6(1) o Atodlen 2 yn unig ac nid yw'n dod o fewn unrhyw un neu ragor o'r categorïau eraill o fyfyrwr cymwys a bennir yn yr Atodlen honno.

(3) Swm y grant at deithio sy'n daladwy o dan y rheoliad hwn mewn cysylltiad â blwyddyn academiaidd yw'r swm y penderfynir arno gan Weinidogion Cymru fel a ganlyn—

Cam 1

Penderfynu ar swm y gwariant rhesymol y mae'r myfyriwr cymwys yn mynd iddo yn y flwyddyn academiaidd o dan sylw at y diben a grybwyllir yn Amod 2 o baragraff (1) (gan gynnwys gwariant yr eir iddo at y diben hwnnw cyn neu ar ôl bod yn bresennol yn yr ysbyty neu yn y fangre arall).

Cam 2

Os yw incwm aelwyd y myfyriwr cymwys (gweler Atodlen 3) yn £59,200 neu lai mewn cysylltiad â'r flwyddyn honno, didynnu £303 o'r swm a geir yng Ngham 1.

Os yw incwm aelwyd y myfyriwr cymwys yn fwy na £59,200 mewn cysylltiad â'r flwyddyn honno, didynnu £1,000 o'r swm a geir yng Ngham 1.

Y canlyniad yw swm y grant at deithio sy'n daladwy.

(4) Nid yw gwariant yr eir iddo at ddiben cyfnod o astudio preswyl i ffwrdd o'r sefydliad sy'n darparu'r cwrs presennol yn wariant yr eir iddo at y diben a grybwyllir yn Amod 2 o baragraff (1).

Condition 2

In the academic year in question, the eligible student is obliged to incur expenditure for the purpose of attending—

- (a) a hospital, or
- (b) other premises,

in the United Kingdom (not comprised in the institution providing the present course) so as to undertake clinical training as part of the course.

Condition 3

The academic year is not a year in respect of which the student is eligible to apply for—

- (a) a healthcare bursary, or
- (b) a Scottish healthcare allowance,

calculated by reference to the student's income (whether or not the calculation results in a nil amount).

(2) But a grant for travel is not available where the eligible student is a Category 6 eligible student by virtue only of paragraph 6(1) of Schedule 2 and does not fall within any of the other categories of eligible student specified in that Schedule.

(3) The amount of grant for travel payable under this regulation in respect of an academic year is the amount determined by the Welsh Ministers as follows—

Step 1

Determine the amount of reasonable expenditure incurred by the eligible student in the academic year in question for the purpose mentioned in Condition 2 of paragraph (1) (including expenditure incurred for that purpose before or after attending the hospital or other premises).

Step 2

If the eligible student's household income (see Schedule 3) is £59,200 or less in respect of that year, deduct £303 from the amount arrived at in Step 1.

If the eligible student's household income is more than £59,200 in respect of that year, deduct £1,000 from the amount arrived at in Step 1.

The result is the amount of grant for travel payable.

(4) Expenditure incurred for the purpose of residential study away from the institution providing the present course is not expenditure incurred for the purpose mentioned in Condition 2 of paragraph (1).

Grant at deithio ar gyfer astudio neu weithio dramor

66.—(1) Mae grant at deithio ar gael i fyfyrwr cymwys os yw'r amodau a ganlyn wedi eu bodloni—

Amod 1

Mae'r cwrs presennol yn gwrs llawnamser.

Amod 2

Am o leiaf hanner unrhyw chwarter o'r flwyddyn academiaidd o dan sylw, mae'r myfyriwr cymwys yn bresennol, fel rhan o'r cwrs, mewn—

- (a) sefydliad tramor (gan gynnwys Sefydliad Prifysgol Llundain ym Mharis), neu
- (b) lleoliad gwaith tramor yn ystod blwyddyn Erasmus,

(cyfeirir at bresenoldeb o'r fath yn y rheoliad hwn fel "y lleoliad" ac at chwarter o'r fath fel "chwarter cymhwysol").

Amod 3

Mae'r myfyriwr yn mynd i—

- (a) costau teithio, neu
- (b) unrhyw wariant a grybwyllir ym mharagraff (3),

at ddiben y lleoliad.

(2) Swm y grant at deithio sy'n daladwy o dan y rheoliad hwn mewn cysylltiad â blwyddyn academiaidd yw'r swm y penderfynir arno gan Weinidogion Cymru yn unol â'r fformiwla a ganlyn—

$$(X - Y) + Z$$

Pan—

X yw swm cyfanredol y costau teithio rhesymol y mae'n ofynnol i'r myfyriwr cymwys fynd iddynt ym mhob chwarter cymhwysol at ddibenion y lleoliad;

Y yw—

- (a) £303 os yw incwm aelwyd y myfyriwr cymwys (gweler Atodlen 3) yn £59,200 neu lai mewn cysylltiad â'r flwyddyn academiaidd o dan sylw, neu
- (b) £1,000 os yw incwm aelwyd y myfyriwr cymwys yn fwy na £59,200 mewn cysylltiad â'r flwyddyn honno;

Z yw swm cyfanredol unrhyw wariant yr eir iddo ym mhob chwarter cymhwysol a bennir ym mharagraff (3).

Y canlyniad yw swm y grant at deithio sy'n daladwy (ac os yw'r canlyniad yn cyfateb i ddim neu i swm negyddol, nid yw grant at deithio yn daladwy).

Grant for travel for study or work overseas

66.—(1) A grant for travel is available to an eligible student if the following conditions are satisfied—

Condition 1

The present course is a full-time course.

Condition 2

For at least of half of any quarter of the academic year in question, the eligible student attends, as part of the course—

- (a) an overseas institution (including the University of London Institute in Paris), or
- (b) an overseas work placement in an Erasmus year,

(such attendance being referred to in this regulation as "the placement" and such a quarter being referred to as a "qualifying quarter").

Condition 3

The student incurs—

- (a) travel costs, or
- (b) any expenditure mentioned in paragraph (3),

for the purpose of the placement.

(2) The amount of grant for travel payable under this regulation in respect of an academic year is the amount determined by the Welsh Ministers in accordance with the following formula—

$$(X - Y) + Z$$

Where—

X is the aggregate of the reasonable travel costs that the eligible student is obliged to incur in each qualifying quarter for the purposes of the placement;

Y is—

- (a) £303 if the eligible student's household income (see Schedule 3) is £59,200 or less in respect of the academic year in question, or
- (b) £1,000 if the eligible student's household income is more than £59,200 in respect of that year;

Z is the aggregate of any expenditure incurred in each qualifying quarter specified in paragraph (3).

The result is the amount of grant for travel payable (and if the result is nil or a negative amount, no grant for travel is payable).

(3) Y gwariant a grybwyllir ym mharagraffau (1) a (2) yw—

- (a) gwariant y mae'n rhesymol i'r myfyriwr cymwys fynd iddo wrth yswirio rhag atebolrwydd am gost triniaeth feddygol a ddarperir y tu allan i'r Deyrnas Unedig am unrhyw salwch neu anaf personol y mae'n ei ddal neu'n ei ddioddef yn ystod y lleoliad;
- (b) cost unrhyw fisa y mae'n ofynnol i'r myfyriwr ei chael er mwyn bod yn bresennol yn y lleoliad;
- (c) costau meddygol y mae'n rhesymol i'r myfyriwr fynd iddynt er mwyn cyflawni amod mandadol i fynd i'r diriogaeth, y wlad neu'r wladwriaeth lle y mae'r lleoliad.

Grant at deithio nad yw'n daladwy ar gyfer gwariant a gwmpesir gan y grant myfyriwr anabl

67. Pan fo grant myfyriwr anabl yn daladwy i gynorthwyo myfyriwr cymwys gyda gwariant y mae'n ofynnol i'r myfyriwr fynd iddo mewn cysylltiad â'r cwrs presennol oherwydd anabledd y myfyriwr, nid yw grant at deithio yn daladwy o dan reoliad 65 neu 66 mewn cysylltiad â'r un gwariant.

(3) The expenditure mentioned in paragraphs (1) and (2) is—

- (a) expenditure that the eligible student reasonably incurs in insuring against liability for the cost of medical treatment provided outside the United Kingdom for any illness or personal injury contracted or suffered during the placement;
- (b) the cost of any visa the student is obliged to obtain in order to attend the placement;
- (c) medical costs that the student reasonably incurs in order to fulfil a mandatory condition of entry into the territory, country or state in which the placement is situated.

Grant for travel not payable for expenditure covered by disabled student's grant

67. Where a disabled student's grant is payable to assist an eligible student with expenditure that the student is obliged to incur in connection with the present course by reason of the student's disability, no grant for travel is payable under regulation 65 or 66 in respect of the same expenditure.

RHAN 11

GRANTIAU AR GYFER DIBYNYDDION

PENNOD 1

CYFLWYNIAD

Grantiau ar gyfer dibynyddion

68.—(1) Mae'r canlynol yn grantiau sy'n cael eu rhoi ar gael gan Weinidogion Cymru i fyfyrwr cymwys mewn cysylltiad â chostau sy'n gysylltiedig â dibynyddion penodol y myfyriwr ar gyfer blwyddyn academaidd—

- (a) grant oedolion dibynnol (gweler Pennod 2);
- (b) grant dysgu ar gyfer rhieni (gweler Pennod 3);
- (c) grant gofal plant (gweler Pennod 4).

(2) Yn y Rheoliadau hyn, cyfeirir at y grantiau hynny gyda'i gilydd fel "grantiau ar gyfer dibynyddion".

Amodau cymhwyso i gael grantiau ar gyfer dibynyddion

69.—(1) Mae myfyriwr cymwys yn cymhwyso i gael unrhyw grant penodol ar gyfer dibynyddion mewn cysylltiad â blwyddyn academaidd o'r cwrs presennol—

PART 11

GRANTS FOR DEPENDANTS

CHAPTER 1

INTRODUCTION

Grants for dependants

68.—(1) The following are grants made available by the Welsh Ministers to an eligible student in respect of costs associated with certain dependants of the student for an academic year—

- (a) an adult dependants grant (see Chapter 2);
- (b) a parents' learning grant (see Chapter 3);
- (c) a childcare grant (see Chapter 4).

(2) In these Regulations, those grants are collectively referred to as "grants for dependants" ("GfDs").

Qualifying conditions for grants for dependants

69.—(1) An eligible student qualifies for any particular GfD in respect of an academic year of the present course if the student—

- (a) os yw'r myfyriwr yn bodloni'r amodau cymhwyso ar gyfer y grant hwnnw,
- (b) os nad yw'r myfyriwr yn dod o fewn unrhyw un neu ragor o'r eithriadau ym mharagraff (2), ac
- (c) os yw cwrs presennol y myfyriwr yn gwrs rhan-amser, os yw'r dwysedd astudio ar gyfer y flwyddyn academaidd yn 50% o leiaf.

(2) Yr eithriadau yw—

Eithriad 1

Mae'r myfyriwr cymwys yn garcharor, oni bai—

- (a) bod y cwrs presennol yn gwrs rhan-amser, a
- (b) bod y myfyriwr yn mynd i'r carchar neu'n cael ei ryddhau o'r carchar yn y flwyddyn academaidd o dan sylw.

Eithriad 2

Mae'r myfyriwr cymwys yn fyfyrwr cymwys Categori 6 yn rhinwedd paragraff 6(1) o Atodlen 2 yn unig ac nid yw'n dod o fewn unrhyw un neu ragor o'r categorïau eraill o fyfyrwr cymwys a bennir yn yr Atodlen honno.

Eithriad 3

Mae'r flwyddyn academaidd yn flwyddyn y mae'r myfyriwr yn gymwys i wneud cais mewn cysylltiad â hi am—

- (a) bwrsari gofal iechyd, neu
- (b) lwfans gofal iechyd yr Alban,

a gyfrifir drwy gyfeirio at incwm y myfyriwr (pa un a yw swm y cyfrifiad yn cyfateb i ddim ai peidio).

Eithriad 4

Mae'r myfyriwr cymwys yn ymgymryd â blwyddyn academaidd o gwrs mynediad graddedig carlam, ac eithrio blwyddyn gyntaf y cwrs.

Eithriad 5

Mae'r cwrs presennol yn gwrs dysgu o bell.

Eithriad 6

Mae'r myfyriwr cymwys yn ymgymryd â blwyddyn academaidd o gwrs rhyngosod pan fo swm cyfanredol y cyfnodau o astudio llawnamser yn llai na 10 wythnos (oni bai ei bod yn flwyddyn y mae rheoliad 44(2) yn gymwys iddi).

Eithriad 7

Mae'r person y mae'r myfyriwr cymwys yn gwneud cais mewn cysylltiad ag ef—

- (a) yn fyfyrwr cymwys, a
- (b) yn cael dyfarndal statudol.

- (a) satisfies the qualifying conditions for that grant,
- (b) does not fall within any of the exceptions in paragraph (2), and
- (c) if the student's present course is a part-time course, the intensity of study of the academic year is at least 50%.

(2) The exceptions are—

Exception 1

The eligible student is a prisoner, unless—

- (a) the present course is a part-time course, and
- (b) the student enters or is released from prison in the academic year in question.

Exception 2

The eligible student is a Category 6 eligible student by virtue only of paragraph 6(1) of Schedule 2 and does not fall within any of the other categories of eligible student specified in that Schedule.

Exception 3

The academic year is a year in respect of which the student is eligible to apply for—

- (a) a healthcare bursary, or
- (b) a Scottish healthcare allowance,

calculated by reference to the student's income (whether or not the calculation results in a nil amount).

Exception 4

The eligible student is undertaking an academic year of an accelerated graduate entry course, other than the first year of the course.

Exception 5

The present course is a distance learning course.

Exception 6

The eligible student is undertaking an academic year of a sandwich course during which the periods of full-time study are in aggregate less than 10 weeks (unless it is a year to which Regulation 44(2) applies).

Exception 7

The person in respect of whom the eligible student is applying—

- (a) is an eligible student, and
- (b) is in receipt of a statutory award.

Dehongli Rhan 11

70.—(1) Yn y Rhan hon—

ystyr “blwyddyn academaidd gyfredol” (“*current academic year*”) yw blwyddyn academaidd y cwrs presennol y mae’r myfyriwr cymwys yn gwneud cais am grant ar gyfer dibynyddion mewn cysylltiad â hi;

ystyr “oedolyn dibynnol” (“*adult dependant*”) yw oedolyn—

- (a) sy’n ariannol ddibynnol yn gyfan gwbl neu’n bennaf ar y myfyriwr cymwys, neu
- (b) sy’n ariannol ddibynnol yn gyfan gwbl neu’n bennaf ar y myfyriwr cymwys ac ar bartner y myfyriwr cymwys gyda’i gilydd,

ond nid plentyn y myfyriwr cymwys, partner y myfyriwr cymwys (gan gynnwys partner y mae’r myfyriwr cymwys wedi gwahanu oddi wrtho) neu gyn-bartner y myfyriwr cymwys;

ystyr “plentyn dibynnol” (“*dependent child*”) yw plentyn—

- (a) sy’n ariannol ddibynnol yn gyfan gwbl neu’n bennaf ar y myfyriwr cymwys, neu
- (b) sy’n ariannol ddibynnol yn gyfan gwbl neu’n bennaf ar y myfyriwr cymwys ac ar bartner y myfyriwr cymwys gyda’i gilydd,

gan gynnwys plentyn i bartner y myfyriwr cymwys a phlentyn y mae gan y myfyriwr cymwys gyfrifoldeb rhiant drosto;

ystyr “rhiant unigol” (“*lone parent*”) yw person—

- (a) sy’n rhiant plentyn dibynnol, a
- (b) nad oes ganddo bartner.

(2) Yn y Rhan hon, ystyr unrhyw gyfeiriad at bartner person (“A”) yw—

- (a) priod neu bartner sifil A, neu
- (b) person sy’n byw fel arfer gydag A fel pe bai’r person yn briod neu’n bartner sifil A.

(3) Mae unrhyw gyfeiriad yn y Rhan hon at incwm person neu bersonau yn gyfeiriad at yr incwm hwnnw fel y’i cyfrifir yn unol â’r darpariaethau priodol yn Atodlen 3.

PENNOD 2

GRANT OEDOLION DIBYNNOL

Grant oedolion dibynnol

71.—(1) Dim ond mewn cysylltiad ag un o’r personau a ganlyn—

- (a) partner y myfyriwr,

Interpretation of this Part

70.—(1) In this Part—

“adult dependant” (“*oedolyn dibynnol*”) means an adult person—

- (a) who is wholly or mainly financially dependent on the eligible student, or
- (b) who is wholly or mainly financially dependent on both the eligible student and the eligible student’s partner together,

but not the eligible student’s child, the eligible student’s partner (including a partner from whom the eligible student is separated) or the eligible student’s former partner;

“current academic year” (“*blwyddyn academiadd gyfredol*”) means the academic year of the present course in respect of which the eligible student is applying for a GfD;

“dependent child” (“*plentyn dibynnol*”) means a child—

- (a) who is wholly or mainly financially dependent on the eligible student, or
- (b) who is wholly or mainly financially dependent on both the eligible student and the eligible student’s partner together,

including a child of the eligible student’s partner and a child for whom the eligible student has parental responsibility;

“lone parent” (“*rhiant unigol*”) means a person who—

- (a) is a parent of a dependent child, and
- (b) does not have a partner.

(2) In this Part, any reference to a person’s (“A’s”) partner means—

- (a) A’s spouse or civil partner, or
- (b) a person ordinarily living with A as if the person were A’s spouse or civil partner.

(3) Any reference in this Part to a person’s or persons’ income is a reference to that income as calculated in accordance with the appropriate provisions of Schedule 3.

CHAPTER 2

ADULT DEPENDANTS GRANT

Adult dependants grant

71.—(1) An eligible student qualifies for an adult dependants grant in respect of only one of the following persons—

- (a) the student’s partner;

- (b) oedolyn dibynnol y myfyriwr,

y mae myfyriwr cymwys yn cymhwyso i gael grant oedolion dibynnol.

(2) Ond nid yw myfyriwr cymwys yn cymhwyso i gael grant oedolion dibynnol os yw un o'r eithriadau a ganlyn yn gymwys—

Eithriad 1

Pan fo'r myfyriwr cymwys yn gwneud cais mewn cysylltiad ag oedolyn dibynnol ("O")—

- (a) mae incwm net O ar gyfer y flwyddyn academaidd gyfredol yn fwy na £3,923, neu
- (b) mae O yn—
 - (i) priod neu bartner sifil i bartner y myfyriwr cymwys (gan gynnwys priod neu bartner sifil y mae partner y myfyriwr wedi gwahanu oddi wrtho), neu
 - (ii) cyn-bartner i bartner y myfyriwr cymwys.

Eithriad 2

Pan fo'r myfyriwr cymwys yn gwneud cais mewn cysylltiad â phartner y myfyriwr ("P")—

- (a) mae'r myfyriwr cymwys, ym marn Gweinidogion Cymru, wedi gwahanu oddi wrth P, neu
- (b) mae P yn byw fel arfer y tu allan i'r Deyrnas Unedig ac nid yw'n cael ei gynnal gan y myfyriwr cymwys.

Uchafswm y grant oedolion dibynnol

72.—(1) Yn Nhabl 11, mae Colofn 2 yn nodi uchafswm y grant oedolion dibynnol sy'n daladwy mewn cysylltiad â blwyddyn academaidd yn y cofnod cyfatebol yng Ngholofn 1.

(2) Ond pan fo'r person y mae'r myfyriwr cymwys yn gwneud cais mewn cysylltiad ag ef yn preswyllo fel arfer y tu allan i'r Deyrnas Unedig, mae swm y grant oedolion dibynnol sy'n daladwy yn swm, nad yw'n fwy na'r uchafswm, y mae Gweinidogion Cymru yn ystyried ei fod yn rhesymol o dan yr amgylchiadau.

Tabl 11

<i>Colofn 1</i> <i>Blwyddyn academaidd</i>	<i>Colofn 2</i> <i>Uchafswm</i> <i>y grant oedolion dibynnol</i>
Sy'n dechrau ar neu ar ôl 1 Medi 2018	£2,732

- (b) an adult dependant of the student.

(2) But an eligible student does not qualify for an adult dependants grant if one of the following exceptions applies—

Exception 1

Where the eligible student is applying in respect of an adult dependant ("A")—

- (a) A's net income for the current academic year exceeds £3,923, or
- (b) A is—
 - (i) the spouse or civil partner of the eligible student's partner (including a spouse or civil partner from whom the student's partner is separated), or
 - (ii) the former partner of the eligible student's partner.

Exception 2

Where the eligible student is applying in respect of the student's partner ("P")—

- (a) the eligible student is, in the opinion of the Welsh Ministers, separated from P, or
- (b) P is ordinarily living outside the United Kingdom and is not maintained by the eligible student.

Maximum amount of adult dependants grant

72.—(1) In Table 11, Column 2 sets out the maximum amount of adult dependants grant payable in respect of an academic year in the corresponding entry in Column 1.

(2) But where the person in respect of whom the eligible student is applying is ordinarily resident outside the United Kingdom, the amount of adult dependants grant payable is an amount, not exceeding the maximum amount, which the Welsh Ministers consider reasonable in the circumstances.

Table 11

<i>Column 1</i> <i>Academic year</i>	<i>Column 2</i> <i>Maximum</i> <i>amount of adult</i> <i>dependants grant</i>
Beginning on or after 1 September 2018	£2,732

Grant dysgu ar gyfer rhieni

73. Mae myfyriwr cymwys yn cymhwyso i gael grant dysgu ar gyfer rhieni os oes gan y myfyriwr cymwys un neu ragor o blant dibynnol.

Uchafswm y grant dysgu ar gyfer rhieni

74. Yn Nhabl 12, mae Colofn 2 yn nodi uchafswm y grant dysgu ar gyfer rhieni sy'n daladwy mewn cysylltiad â blwyddyn academiaidd yn y cofnod cyfatebol yng Ngholofn 1.

Tabl 12

<i>Colofn 1</i> <i>Blwyddyn academiaidd</i>	<i>Colofn 2</i> <i>Uchafswm y grant dysgu ar gyfer rhieni</i>
Sy'n dechrau ar neu ar ôl 1 Medi 2018	£1,557

Grant gofal plant

75.—(1) Mae myfyriwr cymwys yn cymhwyso i gael grant gofal plant mewn cysylltiad â ffioedd gofal plant rhagnodedig yr eir iddynt ar gyfer plentyn dibynnol yn ystod y flwyddyn academiaidd gyfredol os yw un o'r amodau a ganlyn wedi ei fodloni—

Amod 1

Mae'r plentyn dibynnol o dan 15 oed yn union cyn dechrau'r flwyddyn academiaidd.

Amod 2

Mae gan y plentyn dibynnol anghenion addysgol arbennig o fewn ystyr "special educational needs" yn adran 312 o Ddeddf Addysg 1996(1) ac mae o dan 17 oed yn union cyn dechrau diwrnod cyntaf y flwyddyn academiaidd.

(2) Ond nid yw'r myfyriwr cymwys yn cymhwyso i gael grant gofal plant yn unrhyw un o'r achosion a ganlyn—

(1) 1996 p. 56; diwygiwyd adran 312 gan Ddeddf Addysg 1997 (p. 44), Atodlen 7, paragraff 23 ac Atodlen 8, Deddf Safonau a Fframwaith Ysgolion 1998 (p. 31), adran 140, Atodlen 30, paragraff 71 ac Atodlen 31, Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p. 22), adran 59 ac Atodlen 2, Deddf Plant a Theuluoedd 2014 (p. 6), Atodlen 3 ac O.S. 2010/1158.

Parents' learning grant

73. An eligible student qualifies for a parents' learning grant if the eligible student has one or more dependent children.

Maximum amount of parents' learning grant

74. In Table 12, Column 2 sets out the maximum amount of parents' learning grant payable in respect of an academic year in the corresponding entry in Column 1.

Table 12

<i>Column 1</i> <i>Academic year</i>	<i>Column 2</i> <i>Maximum amount of parents' learning grant</i>
Beginning on or after 1 September 2018	£1,557

Childcare grant

75.—(1) An eligible student qualifies for a childcare grant in respect of prescribed childcare charges for a dependent child incurred during the current academic year if one of the following conditions are satisfied—

Condition 1

The dependent child is under the age of 15 immediately before the beginning of the academic year.

Condition 2

The dependent 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 first day of the academic year.

(2) But the eligible student does not qualify for a childcare grant in any of the following cases—

(1) 1996 c. 56; section 312 was amended by the Education Act 1997 (c. 44), Schedule 7, paragraph 23 and Schedule 8, the Schools Standards and Framework Act 1998 (c. 31), section 140, Schedule 30, paragraph 71 and Schedule 31, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 59 and Schedule 2, the Children and Families Act 2014 (c. 6), Schedule 3 and S.I. 2010/1158.

Achos 1

Mae'r myfyriwr cymwys neu bartner y myfyriwr cymwys wedi dewis cael yr elfen gofal plant o'r credyd treth gwaith o dan Ran 1 o Ddeddf Credydau Treth 2002(1).

Achos 2

Mae gan y myfyriwr cymwys neu bartner y myfyriwr cymwys hawlogaeth i gael dyfarndal o gredyd cynhwysol sy'n cynnwys swm mewn cysylltiad â chostau gofal plant o dan reoliad 31 o Reoliadau Credyd Cynhwysol 2013 (elfen costau gofal plant)(2).

Achos 3

Mae partner y myfyriwr cymwys wedi dewis cael cymorth ariannol at ofal plant o dan fwsari gofal iechyd.

Achos 4

Mae'r ffioedd gofal plant rhagnodedig ar gyfer cyfnod y mae'r myfyriwr cymwys neu bartner y myfyriwr cymwys wedi gwneud datganiad cymhwysra dilys mewn cysylltiad ag ef o fewn yr ystyr a roddir gan adran 4 o Ddeddf Taliadau Gofal Plant 2014(3).

Achos 5

Mae'r ffioedd gofal plant rhagnodedig wedi eu talu neu i'w talu gan y myfyriwr cymwys i bartner y myfyriwr.

Achos 6

Mae'r ffioedd gofal plant rhagnodedig mewn cysylltiad ag unrhyw gyfnod rhwng diwedd y cwrs a diwedd y flwyddyn academaidd y daw'r cwrs i ben ynddi.

(3) Yn y rheoliad hwn ac yn rheoliad 76—

ystyr "ffioedd gofal plant rhagnodedig" ("*prescribed childcare charges*") yw ffioedd gofal plant o ddisgrifiad a ragnodir at ddibenion adran 12 o Ddeddf Credydau Treth 2002(4);

mae "plentyn dibynnol" ("*dependent child*") yn cynnwys plentyn dibynnol a enir ar ôl dechrau'r flwyddyn academaidd.

Uchafswm y grant gofal plant

76.—(1) Swm y grant gofal plant sy'n daladwy yw 85% o ffioedd gofal plant rhagnodedig wythnosol y myfyriwr cymwys, hyd at yr uchafswm wythnosol—

(a) a bennir yn Nhabl 13, neu

(1) 2002 p. 21.

(2) O.S. 2013/376.

(3) 2014 p. 28.

(4) Mae rheoliad 14 o Reoliadau Credyd Treth Gwaith (Hawlogaeth a'r Gyfradd Uchaf) 2002 (O.S. 2002/2005) fel y'i diwygiwyd yn rhagnodi'r ffioedd gofal plant.

Case 1

The eligible student or the eligible student's partner has elected to receive the childcare element of the working tax credit under Part 1 of the Tax Credits Act 2002(1).

Case 2

The eligible student or the eligible student's partner is entitled to an award of universal credit which includes an amount in respect of childcare costs under regulation 31 of the Universal Credit Regulations 2013 (child care costs element)(2).

Case 3

The eligible student's partner has elected to receive financial support for childcare under a healthcare bursary.

Case 4

The prescribed childcare charges are for a period in respect of which the eligible student or the eligible student's partner has made a valid declaration of eligibility within the meaning given by section 4 of the Childcare Payments Act 2014(3).

Case 5

The prescribed childcare charges are paid or to be paid by the eligible student to the student's partner.

Case 6

The prescribed childcare charges are in respect of any period between the end of the course and the end of the academic year in which the course ends.

(3) In this regulation and regulation 76—

"dependent child" ("*plentyn dibynnol*") includes a dependent child born after the beginning of the academic year;

"prescribed childcare charges" ("*ffioedd gofal plant rhagnodedig*") means childcare charges of a description prescribed for the purposes of section 12 of the Tax Credits Act 2002(4).

Maximum amount of childcare grant

76.—(1) The amount of childcare grant payable is 85% of the eligible student's weekly prescribed childcare charges, up to the maximum weekly amount—

(a) specified in Table 13, or

(1) 2002 c. 21

(2) S.I. 2013/376

(3) 2014 c. 28.

(4) Regulation 14 of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (S.I. 2002/2005) as amended prescribes the childcare charges.

(b) pan fo paragraff (4) yn gymwys, a bennir yn y paragraff hwnnw.

(2) Yn Nhabl 13—

- (a) mae Colofn 1 yn pennu'r flwyddyn academiaidd y mae uchafswm wythnosol y grant gofal plant yng Ngholofn 3 yn daladwy mewn perthynas â hi;
- (b) mae Colofn 2 yn pennu nifer y plant dibynnol y mae'r symiau a bennir yng Ngholofn 3 yn ymwneud â hwy;
- (c) mae Colofn 3 yn pennu uchafswm wythnosol y grant gofal plant sy'n daladwy mewn cysylltiad â'r cofnodion cyfatebol yng Ngholofnau 1 a 2, pan fo'r cais am grant gofal plant yn nodi darparwr gofal plant.

Tabl 13

<i>Colofn 1 Blwyddyn academaidd</i>	<i>Colofn 2 Nifer y plant dibynnol</i>	<i>Colofn 3 Uchafswm wythnosol</i>
Sy'n dechrau ar neu ar ôl 1 Medi 2018	Un plentyn dibynnol	£161.50
	Mwy nag un plentyn dibynnol	£274.55

(3) Pan fo gan y myfyriwr cymwys fwy nag un plentyn dibynnol, y swm a bennir yn y cofnod priodol yng Ngholofn 3 yw'r uchafswm wythnosol sy'n daladwy, ni waeth faint o blant sy'n cael gofal plant.

(4) Pan na fo cais y myfyriwr cymwys am grant gofal plant yn nodi'r darparwr gofal plant, caiff Gweinidogion Cymru gyfyngu—

- (a) ar swm y grant gofal plant a delir i'r myfyriwr i 85% o'r ffioedd gofal plant rhagnodedig hyd at uchafswm wythnosol o £115;
- (b) ar y taliad o'r grant gofal plant i un chwarter o'r flwyddyn academiaidd.

(5) At ddibenion cyfrifo swm grant gofal plant, mae wythnos yn rhedeg o ddydd Llun i ddydd Sul.

(6) Os eir i ffioedd gofal plant rhagnodedig mewn cysylltiad ag wythnos sy'n dod yn rhannol o fewn y flwyddyn academiaidd y mae grant gofal plant yn daladwy mewn cysylltiad â hi ac yn rhannol y tu allan i'r flwyddyn academiaidd honno, cyfrifir yr uchafswm wythnosol drwy gymhwyso'r fformiwla a ganlyn—

$$\frac{A \times B}{7}$$

(b) where paragraph (4) applies, specified in that paragraph.

(2) In Table 13—

- (a) Column 1 specifies the academic year in relation to which the maximum weekly amount of childcare grant in Column 3 is payable;
- (b) Column 2 specifies the number of dependent children to which the amounts specified in Column 3 relate;
- (c) Column 3 specifies the maximum weekly amount of childcare grant payable in respect of the corresponding entries in Columns 1 and 2, where the application for a childcare grant identifies a childcare provider.

Table 13

<i>Column 1 Academic year</i>	<i>Column 2 Number of child dependants</i>	<i>Column 3 Maximum weekly amount</i>
Beginning on or after 1 September 2018	One dependent child	£161.50
	More than one dependent child	£274.55

(3) Where the eligible student has more than one dependent child, the amount specified in the appropriate entry in Column 3 is the maximum weekly amount payable, irrespective of the number of children receiving childcare.

(4) Where the eligible student's application for childcare grant does not identify the childcare provider, the Welsh Ministers may limit—

- (a) the amount of childcare grant paid to the student to 85% of the prescribed childcare charges up to a maximum weekly amount of £115;
- (b) the payment of the childcare grant to one quarter of the academic year.

(5) For the purposes of calculating an amount of childcare grant, a week runs from Monday to Sunday.

(6) Where prescribed childcare charges are incurred in respect of a week that falls partly within and partly outside the academic year in respect of which childcare grant is payable, the maximum weekly amount is calculated by applying the following formula—

$$\frac{A \times B}{7}$$

Pan—

A yw'r uchafswm wythnosol sy'n gymwys, a

B yw nifer y diwrnodau yn yr wythnos honno sy'n dod o fewn y flwyddyn academiaidd.

PENNOD 5

SWM Y GRANT AR GYFER DIBYNYDDION SY'N DALADWY

Grantiau ar gyfer dibynnyddion: cyfrifo'r swm sy'n daladwy

77.—(1) Cyfrifir swm y grant ar gyfer dibynnyddion sy'n daladwy i fyfyrwr cymwys mewn cysylltiad â blwyddyn academiaidd drwy gymhwyso'r camau a ganlyn—

Cam 1

Cyfrifo swm cyfanredol—

- (a) incwm aelwyd y myfyriwr cymwys a gyfrifir o dan Ran 2 o Atodlen 3,
- (b) os nad yw eisoes wedi cael ei ystyried fel rhan o incwm aelwyd y myfyriwr cymwys, incwm gweddilliol oedolyn dibynnol y myfyriwr cymwys ar gyfer y flwyddyn ariannol gymwys a gyfrifir o dan Bennod 2 o Ran 4 o Atodlen 3, ac
- (c) incwm net plant dibynnol y myfyriwr cymwys ar gyfer y flwyddyn ariannol gymwys a gyfrifir o dan Ran 5 o Atodlen 3.

Cam 2

Didynnu'r symiau a ganlyn o'r cyfanswm cyfanredol a gyfrifir o dan Gam 1—

- (a) £6,159, pan na fo gan y myfyriwr cymwys blant dibynnol;
- (b) £8,473, pan na fo'r myfyriwr cymwys yn rhiant unigol a bod ganddo un plentyn dibynnol;
- (c) £9,632, pan—
 - (i) na fo'r myfyriwr cymwys yn rhiant unigol, a bod ganddo fwy nag un plentyn dibynnol, neu
 - (ii) bo'r myfyriwr cymwys yn rhiant unigol a bod ganddo un plentyn dibynnol;
- (d) £10,797, pan fo'r myfyriwr cymwys yn rhiant unigol a bod ganddo fwy nag un plentyn dibynnol.

Y canlyniad yw'r cyfanswm net.

Cam 3

Adio at ei gilydd uchafswm pob grant ar gyfer dibynnyddion y mae'r myfyriwr cymwys yn cymhwyso i'w gael.

Y canlyniad yw'r uchafsymiau cyfanredol.

Where—

A is the applicable maximum weekly amount, and

B is the number of days of the week falling within the academic year.

CHAPTER 5

AMOUNT OF GRANT FOR DEPENDANTS PAYABLE

Grants for dependants: calculating the amount payable

77.—(1) The amount of GfD payable to an eligible student in respect of an academic year is calculated by applying the following steps—

Step 1

Aggregate—

- (a) the eligible student's household income calculated under Part 2 of Schedule 3,
- (b) if not already taken into account as part of the eligible student's household income, the residual income of the eligible student's adult dependant for the applicable financial year calculated under Chapter 2 of Part 4 of Schedule 3, and
- (c) the net income of the eligible student's dependent children for the applicable financial year calculated under Part 5 of Schedule 3.

Step 2

Deduct the following amounts from the aggregated total calculated under Step 1—

- (a) £6,159, where the eligible student has no dependent children;
- (b) £8,473, where the eligible student is not a lone parent and has one dependent child;
- (c) £9,632, where the eligible student—
 - (i) is not a lone parent and has more than one dependent child, or
 - (ii) is a lone parent and has one dependent child;
- (d) £10,797, where the eligible student is a lone parent and has more than one dependent child.

The result is the net total.

Step 3

Add up the maximum amounts of each GfD for which the eligible student qualifies.

The result is the aggregated maximums.

Cam 4

- (a) Os yw'r cyfanswm net o dan Gam 2 yn cyfateb i ddim neu i swm negyddol, y swm sy'n daladwy yw—
- (i) pan fo'r cwrs presennol yn gwrs llawnamser, yr uchafsymiau cyfanredol a geir o dan Gam 3;
 - (ii) pan fo'r cwrs presennol yn gwrs rhan-amser, yr uchafsymiau cyfanredol a geir o dan Gam 3 wedi eu gostwng yn unol â pharagraff (2).
- (b) Os yw'r cyfanswm net o dan Gam 2 yn hafal i'r uchafsymiau cyfanredol a geir o dan Gam 3 neu'n fwy na hwy, y swm sy'n daladwy yw dim.
- (c) Os yw'r cyfanswm net o dan Gam 2 yn swm positif sy'n llai na'r uchafsymiau cyfanredol a geir o dan Gam 3, didynnu'r cyfanswm net o'r uchafsymiau cyfanredol er mwyn gostwng swm y grant ar gyfer dibynyddion sy'n daladwy yn y drefn a ganlyn hyd nes bod y cyfanswm net wedi ei ddihsbyddu—
- (i) yn gyntaf, didynnu uchafswm y grant oedolion dibynnol y mae'r myfyriwr cymwys yn cymhwyso i'w gael;
 - (ii) wedyn, didynnu uchafswm y grant gofal plant y mae'r myfyriwr yn cymhwyso i'w gael;
 - (iii) yn olaf, didynnu uchafswm y grant dysgu ar gyfer rhieni y mae'r myfyriwr yn cymhwyso i'w gael.
- (d) Pan fo is-baragraff (c) o'r Cam hwn yn gymwys, y swm sy'n weddill ar ôl y gostyngiad hwnnw yw—
- (i) y swm sy'n daladwy pan fo'r cwrs presennol yn gwrs llawnamser;
 - (ii) y swm sydd i gael ei ostwng yn unol â pharagraff (2) pan fo'r cwrs presennol yn gwrs rhan-amser.

(2) Os yw cwrs presennol y myfyriwr cymwys yn gwrs rhan-amser, swm y grant ar gyfer dibynyddion sy'n daladwy yw'r swm y cyfeirir ato ym mharagraff (a)(ii) neu (d)(ii) o Gam 4 o baragraff (1) wedi ei luosi ag—

- (a) 50%, pan fo'r dwysedd astudio ar gyfer y flwyddyn academaidd gyfredol yn 50% o leiaf ond yn llai na 60%;
- (b) 60%, pan fo'r dwysedd astudio ar gyfer y flwyddyn academaidd gyfredol yn 60% o leiaf ond yn llai na 75%;

Step 4

- (a) If the net total under Step 2 is nil or a negative amount, the amount payable is—
- (i) where the present course is a full-time course, the aggregated maximums arrived at under Step 3;
 - (ii) where the present course is a part-time course, the aggregated maximums arrived at under Step 3 reduced in accordance with paragraph (2).
- (b) If the net total under Step 2 is equal to or exceeds the aggregated maximums arrived at under Step 3, the amount payable is nil.
- (c) If the net total under Step 2 is a positive amount which is less than the aggregated maximums arrived at under Step 3, deduct the net total from the aggregated maximums so as to reduce the amount of GfDs payable in the following order until the net total is extinguished—
- (i) first deduct the maximum amount of adult dependants grant for which the eligible student qualifies;
 - (ii) then deduct the maximum amount of childcare grant for which the student qualifies;
 - (iii) finally deduct the maximum amount of parents' learning grant for which the student qualifies.
- (d) Where sub-paragraph (c) of this Step applies, the amount remaining after that reduction is—
- (i) the amount payable where the present course is a full-time course;
 - (ii) the amount to be reduced in accordance with paragraph (2) where the present course is a part-time course.

(2) If the eligible student's present course is a part-time course, the amount of GfD payable is the amount referred to in paragraph (a)(ii) or (d)(ii) of Step 4 of paragraph (1) multiplied by—

- (a) 50%, where the intensity of study for the current academic year is at least 50% but less than 60%;
- (b) 60%, where the intensity of study for the current academic year is at least 60% but less than 75%;

- (c) 75%, pan fo'r dwysedd astudio ar gyfer y flwyddyn academaidd gyfredol yn 75% neu'n fwy.

(3) Pan fo swm y grant ar gyfer dibynnyddion sy'n daladwy o ganlyniad i Gam 4 o baragraff (1) neu, yn ôl y digwydd, baragraff (2), yn swm y grant dysgu ar gyfer rhieni sy'n fwy na £0.01 ond yn llai na £50, y swm sy'n daladwy yw £50.

(4) Mae'r rheoliad hwn yn ddarostyngedig i reoliadau 78 a 79.

Swm y grant oedolion dibynnol a'r grant gofal plant: pan fo partner y myfyriwr cymwys yn fyfyrwr cymwys

78. Pan, o ganlyniad i Gam 4 o baragraff (1) o reoliad 77 neu, yn ôl y digwydd, baragraff (2) o'r rheoliad hwnnw, fo swm grant oedolion dibynnol a grant gofal plant yn daladwy i fyfyrwr cymwys, mae'r swm hwnnw wedi ei ostwng un hanner pan fo—

- (a) partner y myfyriwr cymwys—
 - (i) yn fyfyrwr cymwys, neu
 - (ii) wedi cael dyfarndal statudol, a
- (b) swm y cymorth sy'n daladwy i'r partner—
 - (i) yn rhinwedd bod y partner yn fyfyrwr cymwys, neu
 - (ii) o dan y dyfarndal statudol yn ystyried dibynnyddion y partner.

Newidiadau mewn amgylchiadau

79.—(1) Mae'r rheoliad hwn yn gymwys pan fo unrhyw un neu ragor o'r canlynol yn digwydd yn ystod y flwyddyn academaidd—

- (a) mae nifer dibynnyddion y myfyriwr cymwys yn newid;
- (b) mae'r myfyriwr yn dod yn rhiant unigol neu'n peidio â bod yn rhiant unigol;
- (c) mae'r myfyriwr yn dod yn fyfyrwr cymwys o ganlyniad i ddigwyddiad y cyfeirir ato yn rheoliad 81(3).

(2) At ddibenion penderfynu a yw grant oedolion dibynnol neu grant dysgu ar gyfer rhieni yn daladwy a'r swm sy'n daladwy, rhaid i Weinidogion Cymru benderfynu ar y canlynol mewn perthynas â phob chwarter perthnasol—

- (a) faint o ddibynnyddion y mae'r myfyriwr cymwys i'w drin fel pe baent ganddo;
- (b) a yw'r myfyriwr i'w drin fel rhiant unigol.

(3) Cyfanswm y grant ar gyfer dibynnyddion sy'n daladwy ar gyfer y flwyddyn academaidd yw—

- (c) 75%, where the intensity of study for the current academic year is 75% or more.

(3) Where the amount of GfD payable as a result of Step 4 of paragraph (1) or, as the case may be, paragraph (2), is an amount of parents' learning grant which is more than £0.01 but less than £50, the amount payable is £50.

(4) This regulation is subject to regulations 78 and 79.

Amount of adult dependants grant and childcare grant: eligible student's partner is an eligible student

78. Where, as a result of Step 4 of paragraph (1) of regulation 77 or, as the case may be, paragraph (2) of that regulation, an amount of adult dependants grant and childcare grant is payable to an eligible student, that amount is reduced by one half where—

- (a) the eligible student's partner—
 - (i) is an eligible student, or
 - (ii) is in receipt of a statutory award, and
- (b) the amount of support payable to the partner—
 - (i) by virtue of the partner being an eligible student, or
 - (ii) under the statutory awardtakes account of the partner's dependants.

Changes in circumstances

79.—(1) This regulation applies 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) the student becomes or ceases to be a lone parent;
- (c) the student becomes an eligible student as a result of an event referred to in regulation 81(3).

(2) For the purposes of determining whether an adult dependants grant or parents' learning grant is payable and the amount payable, the Welsh Ministers must determine the following in relation to each relevant quarter—

- (a) how many dependants the eligible student is to be treated as having;
- (b) whether the student is to be treated as a lone parent.

(3) The total amount of GfD payable for the academic year is—

(a) swm cyfanredol y grant oedolion dibynnol a'r grant dysgu ar gyfer rhieni a gyfrifir mewn cysylltiad â phob chwarter perthnasol o dan y rheoliad hwn, plws

(b) swm unrhyw grant gofal plant sy'n daladwy ar gyfer y flwyddyn academaidd.

(4) Mae swm y grant oedolion dibynnol a'r grant dysgu ar gyfer rhieni sy'n daladwy mewn cysylltiad â chwarter perthnasol yn draean o swm y grant hwnnw a fyddai'n daladwy ar gyfer y flwyddyn academaidd fel y'i penderfynir o dan reoliad 77 pe bai amgylchiadau'r myfyriwr yn y chwarter perthnasol wedi aros yr un peth drwy gydol y flwyddyn academaidd gyfan.

(5) Yn y rheoliad hwn, ystyr "chwarter perthnasol" yw—

(a) yn achos myfyriwr cymwys y cyfeirir ato ym mharagraff (1)(c), chwarter sy'n dechrau yn union ar ôl i'r digwyddiad perthnasol ddigwydd ac eithrio chwarter pryd y mae'r hwyaf o unrhyw wyliau yn digwydd;

(b) fel arall, chwarter ac eithrio'r chwarter pryd y mae'r hwyaf o unrhyw wyliau yn digwydd.

(a) the aggregate of the amounts of adult dependants grant and parents' learning grant calculated in respect of each relevant quarter under this regulation, plus

(b) the amount of any childcare grant payable for the academic year.

(4) The amount of adult dependants grant and parents' learning grant payable in respect of a relevant quarter is one third of the amount of that grant which would be payable for the academic year as determined under regulation 77 if the student's circumstances in the relevant quarter had been the same throughout the whole of the academic year.

(5) In this regulation a "relevant quarter" means—

(a) in the case of an eligible student referred to in paragraph (1)(c), a quarter which begins immediately after the relevant event occurs other than a quarter during which the longest of any vacation occurs;

(b) otherwise, a quarter other than the quarter during which the longest of any vacation occurs.

RHAN 12

CYMHWYSO I GAEL CYMORTH YN YSTOD Y FLWYDDYN ACADEMAIDD

Cymhwyso i gael benthyciad at ffioedd dysgu yn ystod y flwyddyn academaidd

80.—(1) Pan fo un o'r digwyddiadau [a restrir] ym mharagraff (2) yn digwydd o fewn 3 mis i ddiwrnod cyntaf y flwyddyn academaidd, caiff y myfyriwr gymhwyso i gael benthyciad at ffioedd dysgu mewn cysylltiad â'r flwyddyn academaidd honno.

(2) Y digwyddiadau yw—

(a) bod y cwrs presennol yn dod yn gwrs dynodedig;

(b) bod y myfyriwr yn dod yn fyfyrwr cymwys ar y sail—

(i) bod y myfyriwr, neu ei briod, ei bartner sifil neu ei riant yn cael ei gydnabod yn ffoadur neu'n dod yn berson sydd â chaniatâd i ddod i mewn neu i aros;

(ii) bod gwladwriaeth yn ymaelodi â'r Undeb Ewropeaidd pan fo'r myfyriwr yn wladolyn o'r wladwriaeth honno neu'n aelod o deulu gwladolyn o'r wladwriaeth honno;

(iii) bod y myfyriwr yn dod yn aelod o deulu gwladolyn o'r UE;

PART 12

QUALIFYING FOR SUPPORT DURING THE ACADEMIC YEAR

Qualifying for a tuition fee loan during the academic year

80.—(1) Where one of the events listed in paragraph (2) occurs within 3 months of the first day of the academic year, the student may qualify for a tuition fee loan in respect of that academic year.

(2) The events are—

(a) the present course becomes a designated course;

(b) the student becomes an eligible student on the grounds that—

(i) the student or the student's spouse, civil partner or parent is recognised as a refugee or becomes a person with leave to enter or remain;

(ii) a state accedes to the European Union where the student is a national of that state or a family member of a national of that state;

(iii) the student becomes a family member of an EU national;

- (iv) bod y myfyriwr yn caffael yr hawl i breswyllo'n barhaol;
- (v) bod y myfyriwr yn dod yn blentyn i weithiwr Twrcaidd;
- (vi) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 4(1)(a) o Atodlen 2;
- (vii) bod y myfyriwr yn dod yn blentyn i wladolyn Swisaidd.

(3) Yn y rheoliad hwn ac yn rheoliad 81, mae i'r termau a ganlyn yr un ystyr ag yn Atodlen 2—

- “aelod o deulu” (“*family member*”) (o fewn yr ystyr a roddir gan baragraff 6(5) o Atodlen 2);
- “ffoadur” (“*refugee*”);
- “gweithiwr Twrcaidd” (“*Turkish worker*”);
- “hawl i breswyllo'n barhaol” (“*right of permanent residence*”);
- “person sydd â chaniatâd i ddod i mewn neu i aros” (“*person with leave to enter or remain*”);
- “plentyn” (“*child*”);
- “rhiant” (“*parent*”).

Cymhwyso i gael benthyciad cynhaliaeth neu grantiau yn ystod y flwyddyn academiaidd

81.—(1) Pan fo un o'r digwyddiadau ym mharagraff (3) yn digwydd, caiff y myfyriwr cymwys gymhwyso i gael benthyciad cynhaliaeth neu grant.

(2) Ond ni fydd swm y benthyciad neu'r grant sy'n daladwy i'r myfyriwr cymwys ond—

- (a) mewn cysylltiad â'r chwarter neu'r chwarteri o'r flwyddyn academiaidd sy'n dechrau ar ôl i'r digwyddiad perthnasol ddigwydd, a
- (b) yn daladwy, mewn perthynas â benthyciad cynhaliaeth, os yw'n chwarter y byddai'r benthyciad fel arall yn daladwy o dan reoliad 85(6) a (7) mewn cysylltiad ag ef.

(3) Y digwyddiadau yw—

- (a) bod cwrs y myfyriwr yn dod yn gwrn dynodedig;
- (b) bod y myfyriwr yn dod yn fyfyrwr cymwys ar y sail—
 - (i) bod y myfyriwr neu ei briod, ei bartner sifil neu ei riant yn cael ei gydnabod yn ffoadur neu'n dod yn berson sydd â chaniatâd i ddod i mewn neu i aros;
 - (ii) bod y myfyriwr yn wladolyn o wladwriaeth sy'n ymaelodi â'r Undeb Ewropeaidd pan fo'r myfyriwr wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y

- (iv) the student acquires the right of permanent residence;
- (v) the student becomes a child of a Turkish worker;
- (vi) the student becomes a person described in paragraph 4(1)(a) of Schedule 2;
- (vii) the student becomes the child of a Swiss national.

(3) In this regulation and regulation 81, the following terms have the same meaning as in Schedule 2—

- “child” (“*plentyn*”);
- “family member” (“*aelod o deulu*”) (within the meaning given by paragraph 6(5) of Schedule 2);
- “parent” (“*rhiant*”);
- “person with leave to enter or remain” (“*person sydd â chaniatâd i ddod i mewn neu i aros*”);
- “refugee” (“*ffoadur*”);
- “right of permanent residence” (“*hawl i breswyllo'n barhaol*”);
- “Turkish worker” (“*gweithiwr Twrcaidd*”).

Qualifying for grants or maintenance loan during the academic year

81.—(1) Where one of the events in paragraph (3) occurs, the eligible student may qualify for a grant or maintenance loan.

(2) But the amount of grant or loan payable to the eligible student—

- (a) will only be in respect of the quarter or quarters of the academic year beginning after the relevant event occurs, and
- (b) in relation to a maintenance loan, will only be payable if it is a quarter in respect of which the loan would otherwise be payable under regulation 85(6) and (7).

(3) The events are—

- (a) the student's course becomes a designated course;
- (b) the student becomes an eligible student on the grounds that—
 - (i) the student or the student's spouse, civil partner or parent is recognised as a refugee or becomes a person with leave to enter or remain;
 - (ii) a state of which the student is a national accedes to the European Union where the student has been ordinarily resident in the United Kingdom and Islands throughout the three year period immediately

cyfnod o dair blynedd yn union cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs;

- (iii) bod y myfyriwr yn caffael yr hawl i breswyllo'n barhaol;
- (iv) bod y myfyriwr yn dod yn blentyn i weithiwr Twrcaidd;
- (v) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 4(1)(a) o Atodlen 2;
- (vi) bod y myfyriwr yn dod yn blentyn i wladolyn Swisaidd.

preceding the first day of the first academic year of the course;

- (iii) the student acquires the right of permanent residence;
- (iv) the student becomes a child of a Turkish worker;
- (v) the student becomes a person described in paragraph 4(1)(a) of Schedule 2;
- (vi) the student becomes the child of a Swiss national.

RHAN 13

TALIADAU, GORDALIADAU AC ADENNILL

PENNOD 1

TALIAD YN DILYN PENDERFYNIAD DROS DRO

Taliad ar sail asesiad dros dro

82. Pan fo Gweinidogion Cymru yn gwneud penderfyniad dros dro ar gais o dan reoliad 32, caiff Gweinidogion Cymru wneud taliad sy'n seiliedig ar y penderfyniad hwnnw.

PENNOD 2

TALU BENTHYCIAD AT FFIODED DYSGU

Talu benthyciad at ffioedd dysgu

83.—(1) Pan fo benthyciad at ffioedd dysgu yn daladwy i fyfyrwr cymwys, rhaid i Weinidogion Cymru dalu'r swm hwnnw i'r awdurdod academiaidd y mae'r myfyriwr yn atebol i wneud taliad iddo.

(2) Caiff Gweinidogion Cymru dalu'r swm hwnnw mewn rhandaliadau neu mewn un cyfandaliad.

Gofynion ar gyfer talu'r benthyciad at ffioedd dysgu

84.—(1) Ni chaiff Gweinidogion Cymru wneud unrhyw daliad o dan reoliad 83 oni bai eu bod wedi cael gan yr awdurdod academiaidd—

- (a) cais am daliad mewn cysylltiad â'r myfyriwr cymwys, a
- (b) cadarnhad ysgrifenedig bod y myfyriwr yn ymgymryd â'r cwrs dynodedig.

(2) Rhaid i'r cadarnhad y cyfeirir ato ym mharagraff (1)(b)—

PART 13

PAYMENTS, OVERPAYMENTS AND RECOVERY

CHAPTER 1

PAYMENT FOLLOWING A PROVISIONAL DECISION

Payment based on provisional assessment

82. Where the Welsh Ministers make a provisional decision on an application under regulation 32, the Welsh Ministers may make a payment based on that decision.

CHAPTER 2

PAYMENT OF TUITION FEE LOAN

Payment of tuition fee loan

83.—(1) Where a tuition fee loan is payable to an eligible student, the Welsh Ministers must pay that amount to the academic authority to which the student is liable to make payment.

(2) The Welsh Ministers may pay that amount in instalments or in a single lump sum.

Requirements for payment of tuition fee loan

84.—(1) The Welsh Ministers may not make any payment under regulation 83 unless they have received from the academic authority—

- (a) a request for payment in respect of the eligible student, and
- (b) confirmation in writing that the student is undertaking the designated course.

(2) The confirmation referred to in paragraph (1)(b) must—

- (a) mewn perthynas â'r taliad cyntaf (neu'r unig daliad) mewn cysylltiad â'r cwrs, gadarnhau bod y myfyriwr wedi ymrestru ar y cwrs presennol ac wedi dechrau ymgymryd ag ef;
- (b) mewn perthynas ag unrhyw daliadau dilynol mewn cysylltiad â'r cwrs, gadarnhau bod y myfyriwr yn parhau i fod wedi ymrestru ar y cwrs ac yn parhau i ymgymryd â'r cwrs.

PENNOD 3

TALU BETHYCIADAU CYNHALIAETH A GRANTIAU

Talu benthyciadau cynhaliath a grantiau

85.—(1) Rhaid i Weinidogion Cymru dalu swm y benthyciad cynhaliath neu'r grant i fyfyriwr cymwys pan fo'n daladwy i'r myfyriwr.

(2) Caiff Gweinidogion Cymru dalu'r swm hwnnw mewn rhandaliadau neu mewn un cyfandaliad.

(3) Yn ddarostyngedig i baragraffau (4) a (5), mae grant yn daladwy mewn cysylltiad â phedwar chwarter y flwyddyn academaidd.

(4) Caiff swm y grant myfyriwr anabl sy'n daladwy mewn cysylltiad â gwariant ar eitemau mawr o offer arbenigol fod yn daladwy fel un taliad ar gyfer y flwyddyn academaidd gyfan os yw Gweinidogion Cymru yn meddwl ei bod yn briodol.

(5) Mae grant at deithio sy'n daladwy o dan reoliad 66 yn daladwy mewn cysylltiad â phob un o'r chwarteri cymhwysol (o fewn ystyr y rheoliad hwnnw).

(6) Mae benthyciad cynhaliath yn daladwy mewn cysylltiad â thri chwarter y flwyddyn academaidd.

(7) Nid yw unrhyw fenthyciad cynhaliath yn daladwy—

- (a) yn achos cwrs gradd cywasgedig, mewn cysylltiad â'r chwarter a enwir gan Weinidogion Cymru;
- (b) mewn unrhyw achos arall, mewn cysylltiad â'r chwarter y mae'r hwyaf o unrhyw wyliau yn digwydd ynddo.

Myfyrwyr sy'n byw mewn mwy nag un lleoliad

86.—(1) Rhaid i Weinidogion Cymru benderfynu ar y lleoliad y mae myfyriwr cymwys yn byw ynddo yn ystod pob chwarter y mae grant cynhaliath neu fenthyciad cynhaliath yn daladwy i'r myfyriwr mewn cysylltiad ag ef (gweler paragraff 3 o Atodlen 1).

(2) Pan fo myfyriwr cymwys yn byw mewn mwy nag un categori o leoliad yn ystod chwarter, mae'r myfyriwr cymwys yn cael ei drin fel pe bai'n byw yn y lleoliad y mae'n byw ynddo am y cyfnod hwyaf.

- (a) in relation to the first (or only) payment in respect of the course, be confirmation that the student has enrolled on and started to undertake the present course;
- (b) in relation to any subsequent payments in respect of the course, be confirmation that the student remains enrolled on and continues to undertake the course.

CHAPTER 3

PAYMENT OF GRANTS AND MAINTENANCE LOANS

Payment of grants and maintenance loans

85.—(1) The Welsh Ministers must pay an amount of grant or maintenance loan to an eligible student where it is payable to the student.

(2) The Welsh Ministers may pay that amount in instalments or in a single lump sum.

(3) Subject to paragraphs (4) and (5), a grant is payable in respect of the four quarters of the academic year.

(4) An amount of disabled student's grant payable in respect of expenditure on major items of specialist equipment may be payable as a single amount for the whole academic year if the Welsh Ministers think it appropriate.

(5) A grant for travel payable under regulation 66 is payable in respect of each of the qualifying quarters (within the meaning of that regulation).

(6) A maintenance loan is payable in respect of three quarters of the academic year.

(7) No maintenance loan is payable—

- (a) in the case of a compressed degree course, in respect of the quarter nominated by the Welsh Ministers;
- (b) in any other case, in respect of the quarter in which the longest of any vacation occurs.

Students living in more than one location

86.—(1) The Welsh Ministers must determine the location in which an eligible student is living during each quarter in respect of which a maintenance grant or maintenance loan is payable to the student (see paragraph 3 of Schedule 1).

(2) Where an eligible student is living in more than one category of location during a quarter, the eligible student is treated as living in the location in which the student lives the longest.

(3) Pan fo myfyriwr cymwys yn byw mewn mwy nag un categori o leoliad am gyfnod cyfartal yn ystod chwarter, mae'r myfyriwr cymwys yn cael ei drin fel pe bai'n byw yn y lleoliad y mae'r gyfradd uchaf o fenthyciad cynhaliath neu grant cynhaliath yn daladwy mewn perthynas ag ef.

Cadarnhad o bresenoldeb

87.—(1) Ni chaiff Gweinidogion Cymru wneud unrhyw daliad o dan reoliad 85 oni bai eu bod wedi cael cadarnhad ysgrifenedig gan yr awdurdod academaidd bod y myfyriwr yn ymgymryd â'r cwrs dynodedig ar gyfer y flwyddyn academaidd.

(2) Rhaid i'r cadarnhad y cyfeirir ato ym mharagraff (1) fod yn gadarnhad—

- (a) bod y myfyriwr cymwys wedi ymrestru ar y cwrs ar gyfer y flwyddyn academaidd, mewn achos pan fo'r myfyriwr yn gwneud cais am gymorth mewn cysylltiad â'r cwrs—
 - (i) ac eithrio am y tro cyntaf,
 - (ii) am y tro cyntaf os yw statws y myfyriwr fel myfyriwr cymwys wedi cael ei drosglwyddo i'r cwrs o gwrs dynodedig arall yn yr un sefydliad, neu
 - (iii) am y tro cyntaf os oes gan y myfyriwr anabledd, neu
- (b) bod y myfyriwr cymwys wedi ymrestru ar gyfer y flwyddyn academaidd ac wedi dechrau ymgymryd â'r cwrs, mewn achos—
 - (i) pan fo'r myfyriwr yn gwneud cais am gymorth mewn cysylltiad â'r cwrs am y tro cyntaf, a
 - (ii) pan na fo'r myfyriwr wedi trosglwyddo i'r cwrs o gwrs dynodedig arall yn yr un sefydliad.

(3) Ond caniateir gwneud taliad cyn i Weinidogion Cymru gael y cadarnhad y cyfeirir ato ym mharagraff (1)—

- (a) os yw'r taliad yn swm o grant myfyriwr anabl, neu
- (b) os yw Gweinidogion Cymru yn meddwl ei bod yn briodol gwneud hynny oherwydd amgylchiadau eithriadol.

Penderfynu ar y swm sy'n daladwy ar ôl i daliad gael ei wneud

88.—(1) Mae'r rheoliad hwn yn gymwys pan fo Gweinidogion Cymru yn gwneud penderfyniad ar swm unrhyw fenthyciad cynhaliath neu grant sy'n daladwy i fyfyriwr cymwys (boed hynny o ganlyniad i ddiwygio penderfyniad dros dro neu fel arall) ar ôl i daliad o unrhyw swm o'r benthyciad cynhaliath neu'r grant gael ei wneud.

(3) Where an eligible student is living in more than one category of location for an equal period during a quarter, the eligible student is treated as living in the location in relation to which the highest rate of maintenance loan or maintenance grant is payable.

Confirmation of attendance

87.—(1) The Welsh Ministers may not make any payment under regulation 85 unless they have received from the academic authority confirmation in writing that the student is undertaking the designated course for the academic year.

(2) The confirmation referred to in paragraph (1) must be confirmation—

- (a) that the eligible student has enrolled on the course for the academic year, in a case where the student is applying for support in connection with the course—
 - (i) other than for the first time,
 - (ii) for the first time if the student's status as an eligible student has transferred to the course from another designated course at the same institution, or
 - (iii) for the first time if the student has a disability, or
- (b) that the eligible student has enrolled for the academic year and has started to undertake the course, in a case where—
 - (i) the student is applying for support in connection with the course for the first time, and
 - (ii) the student has not transferred to the course from another designated course at the same institution.

(3) But a payment may be made before the Welsh Ministers receive the confirmation referred to in paragraph (1) if—

- (a) the payment is an amount of disabled student's grant, or
- (b) the Welsh Ministers think that owing to exceptional circumstances it is appropriate to do so.

Determination of amount payable made after payment made

88.—(1) This regulation applies where the Welsh Ministers make a determination of the amount any grant or maintenance loan payable to an eligible student (whether as a result of revising a provisional decision or otherwise) after a payment of any amount of the grant or maintenance loan has been made.

(2) Os yw'r penderfyniad yn cynyddu swm y benthyciad neu'r grant sy'n daladwy, rhaid i Weinidogion Cymru dalu'r swm ychwanegol yn y rhandaliadau hynny, neu mewn un cyfandaliad, y maent yn meddwl ei bod yn briodol.

(3) Os yw'r penderfyniad yn gostwng swm unrhyw grant sy'n daladwy—

- (a) didynnir swm y gostyngiad o weddill y grant sydd eto i gael ei dalu;
- (b) os yw'r gostyngiad yn fwy na gweddill y grant hwnnw sydd eto i gael ei dalu—
 - (i) gostyngir gweddill y swm hwnnw sydd eto i gael ei dalu i ddim,
 - (ii) mae gweddill y gostyngiad, os oes un, i'w ddiynnu o weddill unrhyw grant arall sydd eto i gael ei dalu, a
 - (iii) os oes unrhyw swm o'r gostyngiad sy'n weddill o hyd, mae i'w drin fel gordaliad.

(4) Os yw'r penderfyniad yn gostwng swm unrhyw fenthyciad cynhaliaeth sy'n daladwy ("y cyfanswm newydd sy'n daladwy")—

- (a) pan fo'r cyfanswm newydd sy'n daladwy yn fwy na swm y benthyciad cynhaliaeth y mae'r myfyriwr wedi gwneud cais amdano, mae unrhyw swm ychwanegol y caiff y myfyriwr wneud cais amdano wedi ei ostwng yn unol â hynny;
- (b) pan fo'r cyfanswm newydd sy'n daladwy yn llai na'r swm y mae'r myfyriwr wedi gwneud cais amdano, ni chaiff y myfyriwr wneud cais am unrhyw swm ychwanegol o fenthyciad cynhaliaeth;
- (c) pan fo'r cyfanswm newydd sy'n daladwy yn llai na gweddill y benthyciad cynhaliaeth sydd eto i gael ei dalu—
 - (i) gostyngir gweddill y swm sydd eto i gael ei dalu i ddim, a
 - (ii) mae'r rhan honno o'r swm sydd eisoes wedi cael ei dalu sy'n fwy na'r cyfanswm newydd sy'n daladwy, os oes un, i'w thrin fel gordaliad.

PENNOD 4

GORDALIADAU AC ADENNILL

Gordaliadau – cyffredinol

89.—(1) Caiff Gweinidogion Cymru adennill unrhyw ordaliad o fenthyciad at ffioedd dysgu oddi wrth yr awdurdod academaidd.

(2) If the determination increases the amount of grant or loan payable, the Welsh Ministers must pay the additional amount in such instalments, or in a single lump sum, as they think appropriate.

(3) If the determination decreases the amount of any grant payable—

- (a) the amount of the decrease is subtracted from the grant which remains to be paid;
- (b) if the decrease is greater than the amount of that grant remaining to be paid—
 - (i) that amount remaining to be paid is reduced to nil,
 - (ii) the remainder of the decrease, if any, is deducted from the amount of any other grant remaining to be paid, and
 - (iii) if any amount of the decrease still remains it is treated as an overpayment.

(4) If the determination decreases the amount of any maintenance loan payable ("the new total payable")—

- (a) where the new total payable is greater than the amount of maintenance loan for which the student has applied, any additional amount for which the student may apply is reduced accordingly;
- (b) where the new total payable is less than the amount for which the student has applied, the student may not apply for any additional amount of maintenance loan;
- (c) where the new total payable is less than the amount of maintenance loan remaining to be paid—
 - (i) the amount remaining to be paid is reduced to nil, and
 - (ii) such of the amount already paid as exceeds the new total payable, if any, is to be treated as an overpayment.

CHAPTER 4

OVERPAYMENTS AND RECOVERY

Overpayments – general

89.—(1) Any overpayment of a tuition fee loan is recoverable by the Welsh Ministers from the academic authority.

(2) Pan fo myfyriwr cymwys wedi cael swm unrhyw fenthyciad cynhaliaeth neu grant sy'n fwy na'r swm y mae gan y myfyriwr hawlogaeth i'w gael o dan y Rheoliadau hyn, rhaid i'r myfyriwr ad-dalu'r swm dros ben os yw Gweinidogion Cymru yn ei gwneud yn ofynnol iddo wneud hynny.

(3) Yn y Bennod hon, mae cyfeiriadau at fyfyriwr cymwys i'w trin fel pe baent yn cynnwys person sydd wedi cael cymorth ond nad yw'n fyfyriwr cymwys neu nad yw'n fyfyriwr cymwys mwyach.

Adennill grantiau sydd wedi cael eu gordalu

90.—(1) Rhaid i Weinidogion Cymru adennill unrhyw ordaliad o grant oni bai eu bod yn meddwl nad yw'n briodol gwneud hynny.

(2) Mae taliad o grant sydd wedi ei wneud cyn y diwrnod y mae'r cwrs yn dechrau arno mewn cysylltiad â'r flwyddyn academaidd o dan sylw yn ordaliad os yw'r myfyriwr cymwys yn tynnu'n ôl o'r cwrs cyn y diwrnod hwnnw.

(3) Mae taliad o grant myfyriwr anabl yn ordaliad os yw'r naill neu'r llall o'r achosion a ganlyn yn gymwys—

Achos 1

Mae swm o'r grant wedi cael ei dalu at ddiben cynorthwyo gyda gwariant ar eitemau mawr o offer arbenigol ond nid yw'r offer wedi eu danfon at y myfyriwr cymwys cyn i gyfnod cymhwystra'r myfyriwr ddod i ben neu gael ei derfynu.

Achos 2

Mae swm o'r grant at ddiben cynorthwyo gyda gwariant ar eitemau mawr o offer arbenigol yn cael ei dalu ar ôl i gyfnod cymhwystra'r myfyriwr cymwys ddod i ben neu gael ei derfynu.

(4) Caniateir adennill gordaliad o grant drwy ddidynnu'r gordaliad o unrhyw grant sy'n daladwy i'r myfyriwr cymwys o bryd i'w gilydd o dan y Rheoliadau hyn neu unrhyw reoliadau eraill a wneir gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998.

(5) Pan—

(a) bo gordaliad o grant myfyriwr anabl, a

(b) bo unrhyw swm o'r grant wedi ei dalu at ddiben cynorthwyo gyda gwariant ar eitemau mawr o offer arbenigol,

caiff Gweinidogion Cymru dderbyn offer arbenigol yn ôl fel modd i adennill y cyfan neu ran o'r gordaliad.

(6) Nid yw paragraffau (4) a (5) yn rhwystro Gweinidogion Cymru rhag adennill gordaliad drwy unrhyw ddull arall sydd ar gael iddynt.

(2) Where an eligible student has been paid an amount of any grant or maintenance loan which exceeds the amount to which the student is entitled under these Regulations, the student must repay the excess amount if required to do so by the Welsh Ministers.

(3) In this Chapter, references to an eligible student are to be treated as including a person who has received support but is not, or is no longer, an eligible student.

Recovery of overpayments of grants

90.—(1) The Welsh Ministers must recover any overpayment of a grant unless they think it is not appropriate to do so.

(2) A payment of a grant made before the day on which the course begins in respect of the academic year in question is an overpayment if the eligible student withdraws from the course before that day.

(3) A payment of disabled student's grant is an overpayment if either of the following cases apply—

Case 1

An amount of the grant has been paid for the purpose of assisting with expenditure on major items of specialist equipment but the equipment has not been delivered to the eligible student before the student's period of eligibility ends or is terminated.

Case 2

Payment of an amount of the grant for the purpose of assisting with expenditure on major items of specialist equipment is made after the eligible student's period of eligibility ends or is terminated.

(4) Overpayment of a grant may be recovered by subtracting the overpayment from any grant payable to the eligible student from time to time under these Regulations or any other regulations made by the Welsh Ministers under section 22 of the 1998 Act.

(5) Where—

(a) there is an overpayment of a disabled student's grant, and

(b) any amount of the grant was paid for the purpose of assisting with expenditure on major items of specialist equipment,

the Welsh Ministers may accept the return of specialist equipment by way of recovery of all or part of the overpayment.

(6) Paragraphs (4) and (5) do not prevent the Welsh Ministers from recovering an overpayment by any other method available to them.

Adennill benthyciadau cynhaliaeth sydd wedi cael eu gordalu

91.—(1) Pan fo benthyciad cynhaliaeth wedi cael ei ordalu am unrhyw un neu ragor o'r rhesymau a grybwyllir ym mharagraff (2), caiff Gweinidogion Cymru adennill y gordaliad—

- (a) drwy ddidynnu'r gordaliad o unrhyw fenthyciad cynhaliaeth sy'n daladwy i'r myfyriwr cymwys o bryd i'w gilydd o dan y Rheoliadau hyn neu unrhyw reoliadau eraill a wneir gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998, neu
- (b) drwy unrhyw ddull arall sydd ar gael iddynt.

(2) Y rhesymau yw—

- (a) methodd y myfyriwr â darparu gwybodaeth yn brydlon a all fod wedi effeithio ar ba un a oedd y myfyriwr yn cymhwyso i gael y benthyciad neu swm y benthyciad sy'n daladwy;
- (b) darparodd y myfyriwr yr wybodaeth ond roedd yr wybodaeth yn sylweddol anghywir;
- (c) methodd y myfyriwr â darparu gwybodaeth y mae Gweinidogion Cymru yn meddwl ei bod yn berthnasol yng nghyd-destun adennill y benthyciad.

(3) Pan fo benthyciad cynhaliaeth wedi cael ei ordalu am unrhyw reswm arall, ni chaiff Gweinidogion Cymru adennill y gordaliad ond drwy ddidynnu'r gordaliad o unrhyw fenthyciad cynhaliaeth sy'n daladwy i'r myfyriwr cymwys o bryd i'w gilydd o dan y Rheoliadau hyn neu unrhyw reoliadau eraill a wneir gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998.

RHAN 14

CYFYNGIADAU AR DALIADAU A'R SYMIAU SY'N DALADWY

PENNOD 1

CYFYNGIADAU SY'N YMWNEUD Â BENTHYCIADAU CYNHALIEATH A GRANTIAU

Gofyniad i'r taliad gael ei wneud i gyfrif banc neu gymdeithas adeiladu

92.—(1) Os yw Gweinidogion Cymru yn meddwl ei bod yn briodol gwneud taliadau o fenthyciad cynhaliaeth neu grant drwy drosglwyddo'r taliadau i gyfrif banc neu gymdeithas adeiladu, cânt ei gwneud yn ofynnol i fyfyriwr cymwys ddarparu manylion unrhyw gyfrif o'r fath yn y Deyrnas Unedig y caniateir i daliadau gael eu gwneud iddo.

Recovery of overpayments of maintenance loans

91.—(1) Where a maintenance loan has been overpaid for any of the reasons mentioned in paragraph (2), the Welsh Ministers may recover the overpayment—

- (a) by subtracting it from any maintenance loan payable to the eligible student from time to time under these Regulations or any other regulations made by the Welsh Ministers under section 22 of the 1998 Act, or
- (b) by any other method available to them.

(2) The reasons are—

- (a) the student failed to promptly provide information which may have affected whether the student qualified for the loan or the amount of loan payable;
- (b) the student provided the information but it was materially inaccurate;
- (c) the student failed to provide information which the Welsh Ministers think is material in the context of recovering the loan.

(3) Where a maintenance loan has been overpaid for any other reason, the Welsh Ministers may recover the overpayment only by subtracting it from any maintenance loan payable to the eligible student from time to time under these Regulations or any other regulations made by the Welsh Ministers under section 22 of the 1998 Act.

PART 14

RESTRICTIONS ON PAYMENTS AND AMOUNTS PAYABLE

CHAPTER 1

RESTRICTIONS RELATING TO GRANTS AND MAINTENANCE LOANS

Requirement for payment to be made into bank or building society account

92.—(1) If the Welsh Ministers think it appropriate to make payments of a grant or maintenance loan by transfer into a bank or building society account, they may require an eligible student to provide details of such an account in the United Kingdom into which payments may be made.

(2) Os yw'r amod hwnnw wedi ei osod, ni chaiff Gweinidogion Cymru wneud unrhyw daliad o'r benthyciad neu'r grant hyd nes bod y myfyriwr cymwys wedi cydymffurfio.

Cymorth wedi ei ostwng am gyfnodau a dreulir yn y carchar

93.—(1) Mae'r rheoliad hwn yn gymwys i fyfyriwr cymwys—

- (a) y mae grant (ac eithrio grant myfyriwr anabl) neu fenthyciad cynhaliaeth yn daladwy iddo mewn cysylltiad â blwyddyn academaidd, a
- (b) sy'n dod yn garcharor yn ystod y flwyddyn academaidd.

(2) Pan fo'r rheoliad hwn yn gymwys, mae swm y benthyciad cynhaliaeth neu'r grant sy'n daladwy wedi ei ostwng yn unol â'r fformiwla a ganlyn—

$$S \times \frac{(dB - dC)}{dB}$$

Pan—

S yw swm y benthyciad cynhaliaeth neu'r grant sy'n daladwy;

dB yw nifer y diwrnodau yn y flwyddyn academaidd o dan sylw;

dC yw nifer y diwrnodau yn ystod y flwyddyn pan yw'r myfyriwr cymwys yn garcharor.

(3) Ond caiff Gweinidogion Cymru benderfynu nad yw'r gostyngiad i'w wneud os ydynt yn meddwl ei bod yn briodol o dan yr amgylchiadau, gan roi sylw penodol i—

- (a) y caledi ariannol a all gael ei achosi i'r myfyriwr drwy ostwng swm y benthyciad neu'r grant sy'n daladwy;
- (b) pa un a fyddai'r gostyngiad yn effeithio ar allu'r myfyriwr i barhau â'r cwrs presennol.

Cymorth wedi ei ostwng am gyfnodau eraill o absenoldeb

94.—(1) Mae'r rheoliad hwn yn gymwys i fyfyriwr cymwys—

- (a) y mae grant (ac eithrio grant myfyriwr anabl) neu fenthyciad cynhaliaeth yn daladwy iddo mewn cysylltiad â blwyddyn academaidd, a
- (b) sy'n peidio ag ymgymryd â'r cwrs presennol am unrhyw gyfnod yn ystod y flwyddyn academaidd (y cyfeirir ato yn y rheoliad hwn fel bod yn absennol).

(2) Pan fo'r rheoliad hwn yn gymwys, mae swm y benthyciad cynhaliaeth neu'r grant sy'n daladwy wedi ei ostwng yn unol â'r fformiwla a ganlyn—

(2) If that requirement is imposed, the Welsh Ministers may not make any payment of the grant or loan until the eligible student has complied.

Support reduced for periods spent in prison

93.—(1) This regulation applies to an eligible student—

- (a) to whom a grant (other than disabled student's grant) or maintenance loan is payable in respect of an academic year, and
- (b) who becomes a prisoner during the academic year.

(2) Where this regulation applies, the amount of the grant or maintenance loan payable is reduced in accordance with the following formula—

$$A \times \frac{(dY - dP)}{dY}$$

Where—

A is the amount of grant or maintenance loan payable;

dY is the number of days in the academic year in question;

dP is the number of days during the year that the eligible student is a prisoner.

(3) But the Welsh Ministers may determine that the reduction is not to be made if they think it appropriate in the circumstances, having regard in particular to—

- (a) the financial hardship that may be caused to the student by reducing the amount of grant or loan payable;
- (b) whether the reduction would affect the student's ability to continue the present course.

Support reduced for other periods of absence

94.—(1) This regulation applies to an eligible student—

- (a) to whom a grant (other than disabled student's grant) or maintenance loan is payable in respect of an academic year, and
- (b) who stops undertaking the present course for any period during the academic year (referred to in this regulation as being absent).

(2) Where this regulation applies, the amount of the grant or maintenance loan payable is reduced in accordance with the following formula—

$$S \times \frac{(dB - dAbs)}{dB}$$

Pan—

S yw swm y benthyciad cynhaliaeth neu'r grant sy'n daladwy;

dB yw nifer y diwrnodau yn y flwyddyn academaidd o dan sylw;

dAbs yw nifer y diwrnodau yn ystod y flwyddyn pan yw'r myfyriwr cymwys yn absennol o'r cwrs presennol.

(3) Ond caiff Gweinidogion Cymru benderfynu nad yw'r gostyngiad i'w wneud os ydynt yn meddwl ei bod yn briodol o dan yr amgylchiadau, gan roi sylw penodol i—

- (a) y rhesymau dros absenoldeb y myfyriwr cymwys,
- (b) hyd yr absenoldeb, ac
- (c) unrhyw galedi ariannol a all gael ei achosi drwy ostwng swm y benthyciad neu'r grant sy'n daladwy.

(4) Nid yw myfyriwr cymwys i'w drin fel pe bai'n absennol at ddibenion y rheoliad hwn o dan yr amgylchiadau a ganlyn—

- (a) pan fo'r absenoldeb oherwydd salwch ac am gyfnod nad yw'n hwy na 60 diwrnod;
- (b) pan fo'r cwrs presennol yn gwrs gradd cywasgedig, unrhyw ran o'r flwyddyn academaidd pan nad yw'n ofynnol i'r myfyriwr fod yn bresennol yn y sefydliad;
- (c) pan fo gan y myfyriwr anabledd ond na fo'n gallu bod yn bresennol yn y sefydliad am reswm sy'n ymwneud â'r anabledd hwnnw;
- (d) pan fo'r myfyriwr ar gyfnod astudio neu ar gyfnod lleoliad gwaith yn ystod blwyddyn Erasmus;
- (e) pan fo'r absenoldeb am fod y myfyriwr cymwys yn dod yn garcharor (gweler rheoliad 93).

Taliadau pan fo'r cyfnod cymhwysra yn dod i ben neu'n cael ei derfynu

95.—(1) Pan fo cyfnod cymhwysra myfyriwr cymwys wedi dod i ben neu wedi cael ei derfynu, mae unrhyw swm o'r benthyciad cynhaliaeth neu'r grant sy'n daladwy mewn cysylltiad â blwyddyn academaidd wedi ei ostwng yn unol â'r fformiwla a ganlyn—

$$S \times \frac{(ctB - ctT)}{ctB}$$

$$A \times \frac{(dY - dAbs)}{dY}$$

Where—

A is the amount of grant or maintenance loan payable;

dY is the number of days in the academic year in question;

dAbs is the number of days during the year that the eligible student is absent from the present course.

(3) But the Welsh Ministers may determine that the reduction is not to be made if they think it appropriate in the circumstances, having regard in particular to—

- (a) the reasons for the eligible student's absence,
- (b) the length of absence, and
- (c) any financial hardship that may be caused by reducing the amount of grant or loan payable.

(4) An eligible student is not to be treated as absent for the purposes of this regulation in the following circumstances—

- (a) the absence is due to illness and is for a period not exceeding 60 days;
- (b) where the present course is a compressed degree course, any part of the academic year during which the student is not required to attend the institution;
- (c) where the student has a disability but is unable to attend the institution for a reason relating to that disability;
- (d) where the student is on a period of study or work placement in an Erasmus year;
- (e) the absence is because the eligible student becomes a prisoner (see regulation 93).

Payments when period of eligibility ends or is terminated

95.—(1) Where an eligible student's period of eligibility has ended or has been terminated, any amount of grant or maintenance loan payable in respect of an academic year is reduced in accordance with the following formula—

$$A \times \frac{(ppY - ppT)}{ppY}$$

Pan—

S yw swm y benthyciad cynhaliaeth neu'r grant sy'n daladwy;

ctB yw nifer y cyfnodau talu yn y flwyddyn academiaidd o dan sylw;

ctT yw nifer y cyfnodau talu yn y flwyddyn sy'n dechrau ar ôl i gyfnod cymhwysra'r myfyriwr cymwys ddod i ben neu gael ei derfynu.

(2) Ni chaiff Gweinidogion Cymru wneud unrhyw daliad o swm y benthyciad cynhaliaeth neu'r grant mewn cysylltiad ag unrhyw gyfnod talu sy'n dechrau ar ôl i gyfnod cymhwysra myfyriwr cymwys ddod i ben neu gael ei derfynu.

(3) Mae paragraffau (4) i (8) yn gymwys pan fo—

- (a) swm o grant yn daladwy i fyfyriwr cymwys ("P") mewn cysylltiad â blwyddyn academiaidd, a
- (b) cyfnod cymhwysra P yn dod i ben neu'n cael ei derfynu ar neu ar ôl y diwrnod y mae'r cwrs yn dechrau arno mewn cysylltiad â'r flwyddyn honno.

(4) Rhaid i Weinidogion Cymru benderfynu—

- (a) swm y grant a fyddai, pe na bai cymhwysra P wedi dod i ben nac wedi cael ei derfynu, yn daladwy i P mewn cysylltiad â'r cyfnod talu pan ddaeth cyfnod cymhwysra P i ben neu pan gafodd ei derfynu (y "swm llawn"), a
- (b) cyfran y swm llawn a fyddai'n daladwy i P mewn cysylltiad â'r cyfnod sy'n dechrau ar ddechrau'r cyfnod talu hwnnw ac sy'n gorffen pan ddaeth cymhwysra P i ben neu pan gafodd ei derfynu (y "swm rhannol").

(5) Rhaid i Weinidogion Cymru gymryd y camau a grybwyllir ym mharagraff (6)—

- (a) pan fônt wedi gwneud taliad i P o swm o grant mewn cysylltiad â'r cyfnod talu pan ddaeth cyfnod cymhwysra P i ben neu pan gafodd ei derfynu,
- (b) pan fo'r taliad wedi ei wneud cyn i gyfnod cymhwysra P ddod i ben neu gael ei derfynu, ac
- (c) pan fo'r swm a delir yn fwy na'r swm rhannol.

(6) Nod y camau y cyfeirir atynt ym mharagraff (5) yw naill ai—

- (a) gostwng swm y grant sy'n daladwy i P yn ôl y swm dros ben y cyfeirir ato ym mharagraff (5)(c) (ac yn unol â hynny, trin y swm dros ben fel gordaliad), neu

Where—

A is the amount of grant or maintenance loan payable;

ppY is the number of payment periods in the academic year in question;

ppT is the number of payment periods in the year beginning after the eligible student's period of eligibility has ended or has been terminated.

(2) The Welsh Ministers may not make any payment of an amount of grant or maintenance loan in respect of any payment period beginning after an eligible student's period of eligibility has ended or has been terminated.

(3) Paragraphs (4) to (8) apply where—

- (a) an amount of grant is payable to an eligible student ("P") in respect of an academic year, and
- (b) P's period of eligibility ends or is terminated on or after the day on which the course begins in respect of that year.

(4) The Welsh Ministers must determine—

- (a) the amount of grant that, had P's eligibility not ended or been terminated, would be payable to P in respect of the payment period during which P's period of eligibility ended or was terminated (the "full amount"), and
- (b) the proportion of the full amount that would be payable to P in respect of the period beginning at the start of that payment period and ending when P's eligibility ended or was terminated (the "partial amount").

(5) The Welsh Ministers must take the action mentioned in paragraph (6) where—

- (a) they have made a payment to P of an amount of grant in respect of the payment period during which P's period of eligibility ended or was terminated,
- (b) the payment is made before P's period of eligibility ended or was terminated, and
- (c) the amount paid exceeds the partial amount.

(6) The action referred to in paragraph (5) is to either—

- (a) reduce the amount of grant payable to P by the excess referred to in paragraph (5)(c) (and accordingly treat the excess as an overpayment), or

- (b) os yw Gweinidogion Cymru yn meddwl ei bod yn briodol, estyn cyfnod cymhwysra P mewn cysylltiad â'r grant hyd ddiwedd y cyfnod talu (ac yn unol â hynny, mae'r swm llawn yn daladwy).

(7) Pan—

- (a) bo Gweinidogion Cymru wedi gwneud taliad i P, neu y maent i fod i wneud taliad iddo, o swm o grant mewn cysylltiad â'r cyfnod talu pan ddaeth cyfnod cymhwysra P i ben neu pan gafodd ei derfynu, a
- (b) bo'r taliad—
- (i) wedi ei wneud neu i fod i gael ei wneud ar ôl i gyfnod cymhwysra P ddod i ben neu gael ei derfynu, neu
- (ii) wedi ei wneud cyn hynny ac nad yw'n fwy na'r swm rhannol,

swm y grant sy'n daladwy yw'r swm rhannol oni bai bod paragraff (8) yn gymwys.

(8) O dan yr amgylchiadau y cyfeirir atynt ym mharagraff (7), o ran Gweinidogion Cymru—

- (a) cânt benderfynu bod cyfnod cymhwysra P yn cael ei estyn i ddiwedd y cyfnod talu o dan sylw (ac yn unol â hynny, mae swm llawn y grant yn daladwy) os ydynt yn meddwl ei bod yn briodol gwneud hynny, a
- (b) rhaid iddynt benderfynu felly os yw swm y grant o dan sylw yn swm grant myfyriwr anabl a delir mewn cysylltiad â gwariant ar eitemau mawr o offer arbenigol.

(9) Yn y rheoliad hwn, ystyr "cyfnod talu" yw cyfnod (pa un a yw'n flwyddyn academaidd gyfan neu chwarter o flwyddyn academaidd) y mae fenthyciad cynhaliaeth neu grant yn daladwy, neu y byddai'n daladwy, mewn cysylltiad ag ef oni bai am y ffaith bod cyfnod cymhwysra'r myfyriwr cymwys wedi dod i ben neu wedi cael ei derfynu.

PENNOD 2

CYFYNGIADAU SY'N YMWNEUD Â BETHYCIADAU

Gofyniad i ddarparu rhif yswiriant gwladol

96.—(1) Caiff Gweinidogion Cymru ei gwneud yn un o amodau hawlogaeth i gael taliad o fenthyciad at ffioedd dysgu neu fenthyciad cynhaliaeth fod yn rhaid i fyfyriwr cymwys ddarparu iddynt ei rif yswiriant gwladol yn y Deyrnas Unedig.

(2) Os yw'r amod hwnnw wedi ei osod, ni chaiff Gweinidogion Cymru wneud unrhyw daliad o'r benthyciad hyd nes bod y myfyriwr cymwys wedi cydymffurfio ag ef, oni bai bod Gweinidogion Cymru wedi eu bodloni, oherwydd amgylchiadau eithriadol, y byddai'n briodol gwneud taliad er na chydymffurfwyd â'r amod.

- (b) if the Welsh Ministers think it appropriate, extend P's period of eligibility in respect of the grant until the end of the payment period (and accordingly the full amount is payable).

(7) Where—

- (a) the Welsh Ministers have made, or are due to make, a payment to P of an amount of grant in respect of the payment period during which P's period of eligibility ended or was terminated, and
- (b) the payment—
- (i) is made or is due after P's period of eligibility ended or was terminated, or
- (ii) is made before then and is no more than the partial amount,

the amount of grant payable is the partial amount unless paragraph (8) applies.

(8) In the circumstances referred to in paragraph (7) the Welsh Ministers—

- (a) may determine that P's period of eligibility is extended to the end of payment period in question (and accordingly the full amount of grant is payable) if they think it appropriate to do so, and
- (b) must so determine if the amount of grant in question is an amount of disabled student's grant paid in respect of expenditure on major items of specialist equipment.

(9) In this regulation, "payment period" means a period (whether a whole academic year or a quarter of an academic year) in respect of which a grant or maintenance loan is payable or would be payable were it not for the fact that the eligible student's period of eligibility had ended or was terminated.

CHAPTER 2

RESTRICTIONS RELATING TO LOANS

Requirement to provide national insurance number

96.—(1) The Welsh Ministers may make it a condition of entitlement to payment of a tuition fee loan or maintenance loan that an eligible student must provide them with the student's United Kingdom national insurance number.

(2) If that condition is imposed, the Welsh Ministers may not make any payment of the loan until the eligible student has complied, unless the Welsh Ministers are satisfied that, owing to exceptional circumstances, it would be appropriate to make a payment despite the condition not being complied with.

Gofynion gwybodaeth sy'n ymwneud â benthyciadau

97.—(1) Pan fo Gweinidogion Cymru wedi ei gwneud yn ofynnol darparu gwybodaeth neu ddogfennaeth o dan reoliad 35(1) at unrhyw un neu ragor o'r dibenion a grybwyllir ym mharagraff (2) o'r rheoliad hwn, cânt gadw yn ôl unrhyw daliad o fenthyciad at ffioedd dysgu neu fenthyciad cynhaliath hyd nes bod y myfyriwr yn cydymffurfio â'r gofyniad neu'n darparu esboniad boddhaol dros beidio â gwneud hynny.

(2) Y dibenion yw—

- (a) penderfynu a yw'r myfyriwr yn fyfyriwr cymwys sy'n cymhwyso i gael benthyciad;
- (b) penderfynu ar swm y benthyciad sy'n daladwy i'r myfyriwr;
- (c) unrhyw fater sy'n ymwneud ag ad-dalu benthyciad gan y myfyriwr.

RHAN 15

GRANT MYFYRIWR ÔL-RADDEDIG ANABL

98. Mae Atodlen 4 yn gwneud darpariaeth ynghylch grant myfyriwr ôl-raddedig anabl.

RHAN 16

BENTHYCIADAU AT FFIOEDD COLEGAU OXBRIDGE

99. Mae Atodlen 5 yn gwneud darpariaeth ynghylch benthyciadau at ffioedd colegau Oxbridge.

RHAN 17

DIWYGIO RHEOLIADAU ADDYSG (CYMORTH I FYFYRWYR) (CYMRU) 2017

100. Mae Atodlen 6 yn cynnwys diwygiadau i Reoliadau 2017.

Information requirements relating to loans

97.—(1) Where the Welsh Ministers have required information or documentation under regulation 35(1) for any of the purposes mentioned in paragraph (2) of this regulation, they may withhold any payment of a tuition fee loan or maintenance loan until the student complies with the requirement or provides a satisfactory explanation for not doing so.

(2) The purposes are—

- (a) determining whether student is an eligible student who qualifies for a loan;
- (b) determining the amount of loan payable to the student;
- (c) any matter relating to the repayment of a loan by the student.

PART 15

DISABLED POSTGRADUATE STUDENT'S GRANT

98. Schedule 4 makes provision about disabled postgraduate student's grant.

PART 16

OXBRIDGE COLLEGE FEE LOANS

99. Schedule 5 makes provision about Oxbridge college fee loans.

PART 17

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

100. Schedule 6 contains amendments to the 2017 Regulations.

Kirsty Williams

Ysgrifennydd y Cabinet dros Addysg, un o Weinidogion Cymru
14 Chwefror 2018

Cabinet Secretary for Education, one of the Welsh Ministers
14 February 2018

YR ATODLENNI

ATODLEN 1 Rheoliad 4(1) Dehongli

Ystyr blwyddyn academaidd

1.—(1) Penderfynir ar “blwyddyn academaidd”, mewn cysylltiad â chwrs, fel a ganlyn—

- (a) nodi'r cyfnod yng Ngholofn 2 o Dabl 14 y mae'r flwyddyn academaidd yn dechrau ynddo mewn gwirionedd;
- (b) y flwyddyn academaidd yw'r cyfnod o 12 mis sy'n dechrau ar y dyddiad a bennir yn y cofnod yng Ngholofn 1 o'r Tabl sy'n cyfateb i'r cyfnod a nodir yng Ngholofn 2.

(2) Ond os yw'r cwrs yn gwrs blwyddyn gyntaf gywasgedig, ystyr “blwyddyn academaidd”, mewn cysylltiad â blwyddyn gyntaf y cwrs, yw'r cyfnod o 8 mis sy'n dechrau ar y dyddiad a bennir felly.

(3) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at “blwyddyn academaidd” yn gyfeiriad at flwyddyn y penderfynir arni yn unol ag is-baragraffau (1) a (2).

Tabl 14

<i>Colofn 1 Dyddiad dechrau'r flwyddyn academaidd at ddibenion y Rheoliadau hyn</i>	<i>Colofn 2 Y cyfnod y mae blwyddyn academaidd yn dechrau ynddo</i>
1 Medi	Ar neu ar ôl 1 Awst ond cyn 1 Ionawr
1 Ionawr	Ar neu ar ôl 1 Ionawr ond cyn 1 Ebrill
1 Ebrill	Ar neu ar ôl 1 Ebrill ond cyn 1 Gorffennaf
1 Gorffennaf	Ar neu ar ôl 1 Gorffennaf ond cyn 1 Awst

Sefydliadau addysgol

2. Yn y Rheoliadau hyn—

- (a) ystyr “sefydliad addysgol cydnabyddedig” yw—

SCHEDULES

SCHEDULE 1 Regulation 4(1) Interpretation

Meaning of academic year

1.—(1) An “academic year”, in respect of a course, is determined as follows—

- (a) identify the period in Column 2 of Table 14 within which the academic year actually begins;
- (b) the academic year is the period of 12 months beginning on the date specified in the entry in Column 1 of the Table corresponding to the period set out in Column 2.

(2) But if the course is a compressed first year course, “academic year”, in respect of the first year of the course, means the period of 8 months beginning on the date so specified.

(3) Any reference in these Regulations to an “academic year” is a reference to a year determined in accordance with sub-paragraphs (1) and (2).

Table 14

<i>Column 1 Start date of academic year for the purposes of these regulations</i>	<i>Column 2 Period within which academic year begins</i>
1 September	On or after 1 August but before 1 January
1 January	On or after 1 January but before 1 April
1 April	On or after 1 April but before 1 July
1 July	On or after 1 July but before 1 August

Educational institutions

2. In these Regulations—

- (a) “recognised educational institution” means—

- (i) sefydliad rheoleiddiedig Cymreig,
 - (ii) sefydliad rheoleiddiedig Seisnig,
 - (iii) sefydliad a gynhelir neu a gynorthwyir gan grantiau rheolaidd o gronfeydd a ddarperir gan Weinidogion yr Alban, neu
 - (iv) sefydliad a gynhelir neu a gynorthwyir gan grantiau rheolaidd o gronfeydd a ddarperir gan Weithrediaeth Gogledd Iwerddon;
- (b) ystyr “sefydliad rheoleiddiedig Cymreig” yw sefydliad sydd â chynllun ffioedd a mynediad a gymeradwywyd gan Gyngor Cyllido Addysg Uwch Cymru o dan adran 7 o Ddeddf Addysg Uwch (Cymru) 2015(1) ac sy’n parhau mewn grym;
 - (c) ystyr “sefydliad rheoleiddiedig Seisnig” yw sefydliad a gynhelir neu a gynorthwyir gan grantiau rheolaidd gan Gyngor Cyllido Addysg Uwch Lloegr.
- (i) a Welsh regulated institution,
 - (ii) an English regulated institution,
 - (iii) an institution maintained or assisted by recurrent grants out of funds provided by the Scottish Ministers, or
 - (iv) an institution maintained or assisted by recurrent grants out of funds provided by the Northern Ireland Executive;
- (b) “Welsh regulated institution” means an institution which has a fee and access plan approved by the Higher Education Funding Council for Wales under section 7 of the Higher Education (Wales) Act 2015(1) and which remains in force;
 - (c) “English regulated institution” means an institution maintained or assisted by recurrent grants from the Higher Education Funding Council for England.

Lleoliad myfyriwr cymwys

3.—(1) Yn y Rheoliadau hyn, mewn perthynas â myfyriwr cymwys—

- (a) ystyr “byw gartref” yw bod y myfyriwr yn byw yng nghartref rhiant y myfyriwr wrth iddo ymgymryd â’r cwrs presennol;
- (b) ystyr “byw oddi cartref, astudio yn Llundain” yw bod y myfyriwr yn byw i ffwrdd o gartref rhiant y myfyriwr tra bo’n—
 - (i) ymgymryd â chwrs ym Mhrifysgol Llundain,
 - (ii) ymgymryd â chwrs mewn sefydliad sy’n ei gwneud yn ofynnol iddo fod yn bresennol yn y flwyddyn academaidd ar safle sy’n gyfan gwbl neu’n rhannol yn Llundain pan fo o leiaf hanner o unrhyw chwarter o’r cwrs wedi ei ddarparu ar safle o’r fath, neu
 - (iii) ymgymryd â chwrs rhyngosod yn y flwyddyn academaidd mewn sefydliad sy’n ei gwneud yn ofynnol i’r myfyriwr wneud profiad gwaith, neu gyfuniad o brofiad gwaith ac astudio, yn Llundain pan fo’r profiad gwaith hwnnw, neu’r cyfuniad hwnnw o brofiad gwaith ac astudio, am o leiaf hanner o unrhyw chwarter;

Location of an eligible student

3.—(1) In these Regulations, in relation to an eligible student—

- (a) “living at home” means that the student is living at the student’s parent’s home while undertaking the present course;
- (b) “living away from home, studying in London” means that the student is living away from the student’s parent’s home while—
 - (i) undertaking a course at the University of London,
 - (ii) undertaking a course at an institution requiring attendance in the academic year at a site that is wholly or partly in London where at least half of any quarter of the course is provided at such a site, or
 - (iii) undertaking a sandwich course in the academic year at an institution that requires the student to undertake work experience, or a combination of work experience and study, in London where that work experience, or combination of work experience and study, is undertaken for at least half of any quarter;

(1) 2015 dccc 1.

(1) 2015 anaw 1.

- (c) ystyr “byw oddi cartref, astudio yn rhywle arall” yw bod y myfyriwr cymwys yn byw i ffwrdd o gartref rhiant y myfyriwr ond nid yw’n astudio yn Llundain, gan gynnwys bod yn bresennol mewn sefydliad y tu allan i’r Deyrnas Unedig fel rhan o gwrs y myfyriwr neu ar leoliad gwaith tramor yn ystod blwyddyn Erasmus.

(2) At ddibenion is-baragraff (1), ystyr “Llundain” yw ardal Dinas Llundain a chyn-Ddosbarth yr Heddlu Metropolitaidd.

(3) Yn is-baragraff (2), ystyr “cyn-Ddosbarth yr Heddlu Metropolitaidd” yw—

- (a) Llundain Fwyaf, ac eithrio dinas Llundain, y Deml Fewnol a’r Deml Ganol,
- (b) yn swydd Essex, yn nosbarth Epping Forest—
 - (i) ardal cyn-ddosbarth trefol Chigwell, a
 - (ii) plwyf Waltham Abbey,
- (c) yn swydd Hertford—
 - (i) ym mwrdeistref Broxbourne, ardal cyn-ddosbarth trefol Cheshunt,
 - (ii) dosbarth Hertsmere, a
 - (iii) yn nosbarth Welwyn Hatfield, plwyf Northaw, ac
- (d) yn swydd Surrey—
 - (i) ym mwrdeistref Elmbridge, ardal cyn-ddosbarth trefol Esher,
 - (ii) bwrdeistrefi Epsom ac Ewell a Spelthorne, a
 - (iii) yn nosbarth Reigate a Banstead, ardal cyn-ddosbarth trefol Banstead.

Ystyr blwyddyn Erasmus

4.—(1) Yn y Rheoliadau hyn, mae “blwyddyn Erasmus” yn flwyddyn academiaidd pan fydd myfyriwr—

- (a) yn cymryd rhan yn y cynllun ERASMUS fel rhan o gwrs a ddarperir yn gyfan gwbl gan sefydliad addysgol cydnabyddedig, a
- (b) yn bodloni amod A, B neu C yn is-baragraff (2).

(2) Yr amodau yw—

Amod A

- (a) Darperir y cwrs gan sefydliad yng Ngogledd Iwerddon; a
- (b) mae’r myfyriwr yn cwblhau pob cyfnod astudio neu leoliad gwaith o dan y cynllun y tu allan i’r Deyrnas Unedig.

- (c) “living away from home, studying elsewhere” means that the eligible student is living away from the student’s parent’s home but not studying in London, including attending an institution outside the United Kingdom as part of the student’s course or undertaking an overseas work placement in an Erasmus year.

(2) For the purposes of sub-paragraph (1), “London” means the area comprising the City of London and the former Metropolitan Police District.

(3) In sub-paragraph (2), “former Metropolitan Police District” 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—
 - (i) the area of the former urban district of Chigwell, and
 - (ii) the parish of Waltham Abbey,
- (c) in the county of Hertfordshire—
 - (i) in the borough of Broxbourne, the area of the former urban district of Cheshunt,
 - (ii) the district of Hertsmere, and
 - (iii) in the district of Welwyn Hatfield, the parish of Northaw, and
- (d) in the county of Surrey—
 - (i) in the borough of Elmbridge, the area of the former urban district of Esher,
 - (ii) the boroughs of Epsom and Ewell and Spelthorne, and
 - (iii) in the district of Reigate and Banstead, the area of the former urban district of Banstead.

Meaning of Erasmus year

4.—(1) In these Regulations, an “Erasmus year” is an academic year in which a student—

- (a) participates in the ERASMUS scheme as part of a course provided wholly by a recognised educational institution, and
- (b) satisfies condition A, B, or C in sub-paragraph (2).

(2) The conditions are—

Condition A

- (a) The course is provided by an institution in Northern Ireland, and
- (b) the student completes all periods of study or work placement under the scheme outside the United Kingdom.

Amod B

- (a) Darperir y cwrs gan sefydliad yng Nghymru, Lloegr neu'r Alban,
- (b) mae o leiaf un cyfnod astudio neu leoliad gwaith o dan y cynllun wedi ei gwblhau mewn sefydliad neu weithle y tu allan i'r Deyrnas Unedig yn ystod y flwyddyn academiaidd, ac
- (c) yn ystod y flwyddyn academiaidd honno, mae cyfnod cyfanredol unrhyw un neu ragor o gyfnodau astudio llawnamser yn y sefydliad yng Nghymru, Lloegr neu'r Alban yn llai na 10 wythnos.

Amod C

- (a) Darperir y cwrs gan sefydliad yng Nghymru, Lloegr neu'r Alban,
- (b) mae o leiaf un cyfnod astudio neu leoliad gwaith o dan y cynllun wedi ei gwblhau mewn sefydliad neu weithle y tu allan i'r Deyrnas Unedig yn ystod y flwyddyn academiaidd, ac
- (c) yn ystod y flwyddyn academiaidd honno ac unrhyw flynyddoedd academiaidd blaenorol o'r cwrs, mae cyfnod cyfanredol unrhyw un neu ragor o gyfnodau a dreulir yn ei gwblhau (nad ydynt yn gyfnodau astudio llawnamser yn y sefydliad yng Nghymru, Lloegr neu'r Alban), gan ddiystyru unrhyw wyliau yn y cyfamser, yn fwy na 30 wythnos.

(3) Yn is-baragraff (1), ystyr "cynllun ERASMUS" yw cynllun gweithredu'r Undeb Ewropeaidd ar gyfer symudedd myfyrwyr prifysgol(1).

Myfyrwyr rhan-amser – cyfrifo'r dwysedd astudio

5.—(1) Yn y Rheoliadau hyn, mae cyfeiriad at y dwysedd astudio mewn perthynas â chwrs rhan-amser yn gyfeiriad at ba un bynnag yw'r lleiaf o—

- (a) y ganran a gyfrifir yn unol ag is-baragraff (2), neu
- (b) 75%.

(2) Caiff y ganran ei chyfrifo fel a ganlyn—

$$\frac{RhA}{LLA} \times 100$$

Pan fo—

RhA yn dynodi nifer y modiwlau, credydau, pwyntiau credyd, pwyntiau neu unedau eraill sydd i'w dyfarnu i'r myfyriwr sy'n ymgymryd â chwrs rhan-amser gan yr awdurdod academiaidd os yw'r myfyriwr yn cwblhau'n llwyddiannus y

(1) Mae ERASMUS yn rhan o SOCRATES, rhaglen weithredu'r Undeb Ewropeaidd; OJ Rhif L28, 3.2.2000, t.1.

Condition B

- (a) The course is provided by an institution in England, Scotland or Wales,
- (b) at least one period of study or work placement under the scheme is attended at an institution or workplace outside the United Kingdom during the academic year, and
- (c) during that academic year, the aggregate of any one or more periods of full-time study at the institution in England, Scotland or Wales is less than 10 weeks.

Condition C

- (a) The course is provided by an institution in England, Scotland or Wales,
- (b) at least one period of study or work placement under the scheme is attended at an institution or workplace outside the United Kingdom during the academic year, and
- (c) during 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 England, Scotland or Wales), disregarding any intervening vacations, exceeds 30 weeks.

(3) In sub-paragraph (1), "ERASMUS scheme" means the European Union's action scheme for the mobility of university students(1).

Part-time students – calculation of intensity of study

5.—(1) In these Regulations, a reference to the intensity of study in relation to a part-time course is a reference to the lower of—

- (a) the percentage calculated in accordance with sub-paragraph (2), or
- (b) 75%.

(2) The percentage is calculated as follows—

$$\frac{PT}{FT} \times 100$$

Where—

PT is the number of modules, credits, credit points, points or other units to be awarded to the student undertaking the part-time course by the academic authority if the student successfully completes the academic year in

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

flwyddyn academiaidd y mae'n gwneud cais am gymorth mewn cysylltiad â hi, a

LLA yn dynodi—

- (a) pan fo'r cwrs wedi ei ddarparu gan neu ar ran y Brifysgol Agored, 120;
- (b) pan fo'r cwrs wedi ei ddarparu gan neu ar ran unrhyw sefydliad arall, nifer y modiwlau, credydau, pwyntiau credyd, pwyntiau neu unedau eraill y byddai'n ofynnol i fyfyrwr llawnamser safonol eu hennill ym mhob blwyddyn academiaidd er mwyn iddo gwblhau'r cwrs llawnamser cyfatebol o fewn y cyfnod sy'n ofynnol fel arfer i gwblhau'r cwrs hwnnw.

(3) At ddibenion is-baragraff (2)—

- (a) ystyr “cwrs llawnamser cyfatebol” yw cwrs llawnamser sy'n arwain at yr un cymhwyster â'r cwrs rhan-amser o dan sylw;
- (b) ystyr y “cyfnod sy'n ofynnol fel arfer i gwblhau'r cwrs llawnamser cyfatebol” yw'r cyfnod y byddai myfyriwr llawnamser safonol yn cwblhau'r cwrs llawnamser cyfatebol ynddo;
- (c) ystyr “myfyriwr llawnamser safonol” yw myfyriwr sy'n cael ei ystyried yn un—
 - (i) sydd wedi dechrau ar y cwrs llawnamser cyfatebol ar yr un dyddiad â'r myfyriwr sy'n ymgymryd â'r cwrs rhan-amser o dan sylw,
 - (ii) nad yw wedi cael ei esgusodi rhag dilyn unrhyw ran o'r cwrs llawnamser cyfatebol,
 - (iii) nad yw wedi ailadrodd unrhyw ran o'r cwrs llawnamser cyfatebol; a
 - (iv) nad yw wedi bod yn absennol o'r cwrs llawnamser cyfatebol ac eithrio yn ystod gwyliau.

Dehongli termau allweddol eraill

6.—(1) Yn y Rheoliadau hyn—

ystyr “aelod o'r lluoedd arfog” (“*member of the armed forces*”) yw aelod o lynges, byddin neu lu awyr rheolaidd y Goron;

ystyr “athro cymwysedig neu athrawes gymwysedig” (“*qualified teacher*”) yw person sy'n bodloni gofynion a bennir mewn rheoliadau o dan adran 132 o Ddeddf Addysg 2002(1);

(1) 2002 p. 32; y rheoliadau yw Rheoliadau Addysg (Cymwysterau a Safonau Iechyd Athrawon) (Cymru) 1999, O.S. 1999/2817, Rheoliadau Addysg (Cymwysterau Athrawon Ysgol) (Lloegr) 2003, O.S. 2003/1662, Rheoliadau Cymwysterau Athrawon Ysgol (Cymru) 2012, O.S. 2012/724 a Rheoliadau Cyngor y Gweithlu Addysg (Achredu Hyfforddiant Cychwynnol Athrawon) (Cymru) 2017, O.S. 2017/165.

connection with which the student is applying for support, and

FT is—

- (a) where the course is provided by or on behalf of the Open University, 120;
- (b) where the course is provided by or on behalf of any other institution, the number of modules, credits, credit points, points or other units that a standard full-time student would be required to obtain in each academic year in order to complete the full-time equivalent within the period ordinarily required to complete that course.

(3) For the purposes of sub-paragraph (2)—

- (a) “full-time equivalent” means a full-time course leading to the same qualification as the part-time course in question;
- (b) the “period ordinarily required to complete the full-time equivalent” means the period in which a standard full-time student would complete the full-time equivalent;
- (c) “standard full-time student” means a student who is taken—
 - (i) to have started the full-time equivalent on the same date as the student undertaking the part-time course in question,
 - (ii) not to have been excused any part of the full-time equivalent,
 - (iii) not to have repeated any part of the full-time equivalent, and
 - (iv) not to have been absent from the full-time equivalent other than during vacations.

Interpretation of other key terms

6.—(1) In these Regulations—

“academic authority” (“*awdurdod academiadd*”) 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;

“accelerated graduate entry course” (“*cwrs mynediad graddedig carlam*”) means a full-time course—

- (a) which leads to a qualification as a medical doctor or dentist,

ystyr “awdurdod academaidd” (“*academic authority*”), mewn perthynas â sefydliad, yw’r corff llywodraethu neu gorff arall a chanddo swyddogaethau corff llywodraethu ac mae’n cynnwys person sy’n gweithredu gydag awdurdod y corff hwnnw;

ystyr “carcharor” (“*prisoner*”) yw person sy’n bwrw dedfryd mewn carchar yn y Deyrnas Unedig gan gynnwys person sy’n cael ei gadw’n gaeth mewn sefydliad troseddwr ifanc (ac mae “carchar” i’w ddehongli yn unol â hynny);

mae “cwrs ar gyfer hyfforddiant cychwynnol athrawon” (“*course for the initial training of teachers*”) yn cynnwys cwrs hyfforddiant athrawon sy’n arwain at radd gyntaf ond nid yw’n cynnwys cynllun hyfforddi athrawon ar sail cyflogaeth (o fewn yr ystyr a roddir gan reoliad 7(2));

ystyr “cwrs blwyddyn gyntaf gywasgedig” (“*compressed first year course*”) yw cwrs—

- (a) pan fo’r flwyddyn gyntaf i’w chwblhau mewn cyfnod o ddim mwy na saith mis, a
- (b) pan nad ymgymerir ag unrhyw flynyddoedd eraill y cwrs ar sail gywasgedig o’r fath;

ystyr “cwrs dysgu o bell” (“*distance learning course*”) yw cwrs nad yw’r sefydliad sy’n darparu’r cwrs yn ei gwneud yn ofynnol i fyfyrwr sy’n ymgymryd â’r cwrs fod yn bresennol mewn perthynas ag ef, ac eithrio i fodloni unrhyw ofyniad a osodir gan y sefydliad i fod yn bresennol mewn unrhyw sefydliad—

- (a) at ddibenion cofrestru, ymrestru neu arholiadau; neu
- (b) ar benwythnos neu yn ystod gwyliau;

ystyr “cwrs gradd cywasgedig” (“*compressed degree course*”) yw cwrs a benderfynir felly gan—

- (a) Gweinidogion Cymru yn unol ag is-baragraff (2), neu
- (b) yr Ysgrifennydd Gwladol yn unol â rheoliad 2(2) o Reoliadau Addysg (Cymorth i Fyfyryr) 2011(1);

ystyr “cwrs mynediad graddedig carlam” (“*accelerated graduate entry course*”) yw cwrs llawnamser—

- (a) sy’n arwain at gymhwyso’n feddyg neu’n ddeintydd,

- (b) the standard of which is not higher than a first degree course,

- (c) where the normal entry requirement is a first degree or equivalent qualification, and

- (d) which does not exceed 4 years duration;

“close relative” (“*perthynas agos*”) (in relation to a person (“P”)) means—

- (a) P’s spouse or civil partner;

- (b) a person ordinarily living with P as if the person were P’s spouse or civil partner;

- (c) P’s parent, where P is under the age of 25;

“compressed degree course” (“*cwrs gradd cywasgedig*”) means a course determined as such by—

- (a) the Welsh Ministers in accordance with subparagraph (2), or

- (b) the Secretary of State in accordance with regulation 2(2) of the Education (Student Support) Regulations 2011(1);

“compressed first year course” (“*cwrs blwyddyn gyntaf gywasgedig*”) means a course where—

- (a) the first year is to be completed in a period of not more than seven months, and

- (b) no other years of the course are undertaken on such a compressed basis;

“course for the initial training of teachers” (“*cwrs ar gyfer hyfforddiant cychwynnol athrawon*”) includes a teacher training course leading to a first degree but excludes an employment-based teacher training scheme (within the meaning given by regulation 7(2));

“distance learning course” (“*cwrs dysgu o bell*”) means a course in relation to which a student undertaking the course is not required to be in attendance by the institution providing the course, other than to satisfy any requirement imposed by the institution to attend any institution—

- (a) for the purposes of registration, enrolment or examination, or

- (b) on a weekend or during a vacation;

“end-on course” (“*cwrs penben*”) 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 undertakes immediately after ceasing to undertake a full-time relevant education course,

(1) O.S. 2011/1986, a ddiwygiwyd gan O.S. 2012/1653, O.S. 2013/235, O.S. 2013/630, O.S. 2013/1728, O.S. 2013/3106, O.S. 2014/1766, O.S. 2014/2103, O.S. 2014/2765, O.S. 2015/1951, O.S. 2016/211, O.S. 2016/270, O.S. 2016/584, O.S. 2017/52, O.S. 2017/114 ac O.S. 2017/204.

(1) S.I. 2011/1986, amended by S.I. 2012/1653, S.I. 2013/235, S.I. 2013/630, S.I. 2013/1728, S.I. 2013/3106, S.I. 2014/1766, S.I. 2014/2103, S.I. 2014/2765, S.I. 2015/1951, S.I. 2016/211, S.I. 2016/270, S.I. 2016/584, S.I. 2017/52, S.I. 2017/114 and S.I. 2017/204.

- (b) nad yw ei safon yn uwch na safon cwrs gradd gyntaf,
 - (c) pan gradd gyntaf neu gymhwyster cyfatebol yw'r gofyniad mynediad arferol, a
 - (d) nad yw'n para'n hwy na 4 blynedd;
- ystyr “cwrs penben” (“*end on course*”) yw—
- (e) cwrs gradd gyntaf llawnamser (ac eithrio cwrs gradd gyntaf ar gyfer hyfforddiant cychwynnol athrawon) sydd, gan ddiystyru unrhyw wyliau yn y cyfamser, yn gwrs y mae myfyriwr yn ymgymryd ag ef yn union ar ôl peidio ag ymgymryd â chwrs addysg llawnamser perthnasol,
 - (f) cwrs gradd anrhydedd llawnamser sydd, gan ddiystyru unrhyw wyliau yn y cyfamser, yn gwrs y mae myfyriwr yn ymgymryd ag ef yn union ar ôl peidio ag ymgymryd â chwrs gradd llawnamser perthnasol,
 - (g) cwrs gradd gyntaf rhan-amser (ac eithrio cwrs gradd gyntaf ar gyfer hyfforddiant cychwynnol athrawon) sydd, gan ddiystyru unrhyw wyliau yn y cyfamser, yn gwrs y mae myfyriwr yn ymgymryd ag ef yn union ar ôl peidio ag ymgymryd â chwrs addysg rhan-amser perthnasol, neu
 - (h) cwrs gradd anrhydedd rhan-amser sydd, gan ddiystyru unrhyw wyliau yn y cyfamser, yn gwrs y mae myfyriwr yn ymgymryd ag ef yn union ar ôl peidio ag ymgymryd â chwrs gradd rhan-amser perthnasol;

ac yn y diffiniad hwn—

ystyr “cwrs addysg perthnasol” (“*relevant education course*”) yw—

- (a) cwrs ar gyfer y diploma addysg uwch,
- (b) cwrs ar gyfer Diploma Cenedlaethol Uwch neu Dystysgrif Genedlaethol Uwch y canlynol—
 - (i) y Cyngor Addysg Busnes a Thechnoleg, neu
 - (ii) Awdurdod Cymwysterau'r Alban, neu
- (c) cwrs ar gyfer y Dystysgrif Addysg Uwch,

y cafodd y myfyriwr gymorth ar ei gyfer neu yr oedd gan y myfyriwr hawlogaeth i gael cymorth ar ei gyfer o dan y Rheoliadau hyn;

ystyr “cwrs gradd perthnasol” (“*relevant degree course*”) yw—

- (a) cwrs gradd sylfaen, neu
- (b) cwrs gradd arferol,

- (b) a full-time honours degree course which, disregarding any intervening vacation, a student undertakes immediately after ceasing to undertake a full-time relevant degree course,
- (c) a part-time first degree course (other than a first degree course for the initial training of teachers) which, disregarding any intervening vacation, a student undertakes immediately after ceasing to undertake a part-time relevant education course, or
- (d) a part-time honours degree course which, disregarding any intervening vacation, a student undertakes immediately after ceasing to undertake a part-time relevant degree course;

and in this definition—

“relevant degree course” (“*cwrs gradd perthnasol*”) means—

- (a) a foundation degree course, or
- (b) an ordinary degree course,

for which the student received or was entitled to receive support under these Regulations;

“relevant education course” (“*cwrs addysg perthnasol*”) means—

- (a) a course for the diploma of higher education,
- (b) a course for the Higher National Diploma or Higher National Certificate of—
 - (i) the Business and Technology Education Council, or
 - (ii) the Scottish Qualification Authority, or
- (c) a course for the certificate of Higher Education,

for which the student received or was entitled to receive support under these Regulations;

“fees” (“*ffioedd*”) has the meaning given in section 57(1) of the Higher Education (Wales) Act 2015(1) but this definition does not apply to Oxbridge college fees (see Schedule 5);

“member of the armed forces” (“*aelod o'r lluoedd arfog*”) means a member of the regular naval, military or air forces of the Crown;

(1) 2015 anaw 1.

y cafodd y myfyriwr gymorth ar ei gyfer neu yr oedd gan y myfyriwr hawlogaeth i gael cymorth ar ei gyfer o dan y Rheoliadau hyn;

ystyr “cwrs presennol” (“*present course*”) yw’r cwrs dynodedig y mae person yn gwneud cais am gymorth mewn cysylltiad ag ef o dan reoliad 32;

ystyr “cwrs rhyngosod” (“*sandwich course*”) yw cwrs—

- (i) sydd â chyfnodau o astudio llawnamser mewn sefydliad am yn ail â chyfnodau o brofiad gwaith; a
- (j) pan fo’r myfyriwr, gan gymryd y cwrs yn ei gyfanrwydd, yn bresennol ar y cyfnodau o astudio llawnamser yn y sefydliad am ddim llai na 18 wythnos ym mhob blwyddyn ar gyfartaledd (a phan fo diwrnodau astudio llawnamser am yn ail â diwrnodau profiad gwaith mewn unrhyw wythnos, caniateir cyfrifo swm gyfanredol y diwrnodau astudio hynny gyda’i gilydd a chydag unrhyw wythnosau llawn o astudio llawnamser wrth benderfynu ar nifer yr wythnosau o astudio llawnamser mewn blwyddyn);□

at ddibenion paragraff (b), mae’r cwrs i’w drin fel pe bai’n dechrau â’r cyfnod cyntaf o astudio llawnamser ac yn dod i ben â’r cyfnod olaf o’r fath;

ond nid yw cwrs ar gyfer hyfforddiant cychwynnol athrawon yn gwrs rhyngosod;

yn yr un modd, nid yw blwyddyn academiaidd o gwrs dynodedig sy’n flwyddyn Erasmus i’w thrin fel cwrs rhyngosod;

ystyr “cyfnod o brofiad gwaith” (“*period of work experience*”) yw—

- (a) cyfnod o brofiad diwydiannol, proffesiynol neu fasnachol sy’n gysylltiedig ag astudio llawnamser mewn sefydliad ond mewn man y tu allan i’r sefydliad hwnnw;
- (b) cyfnod y mae myfyriwr wedi ei gyflogi ynddo ac yn preswyllo mewn gwlad y mae’r myfyriwr yn astudio ei hiaith ar gyfer ei gwrs presennol (ar yr amod bod y cyfnod preswyllo yn y wlad honno yn un o ofynion cwrs y myfyriwr a bod astudio un neu ragor o ieithoedd modern yn cyfrif am ddim llai nag un hanner o gyfanswm yr amser a dreulir yn astudio’r cwrs);

ystyr “Cyngor Ymchwil” (“*Research Council*”) yw unrhyw un o’r cynghorau ymchwil a ganlyn—

- (a) Cyngor Ymchwil y Celfyddydau a’r Dyniaethau;
- (b) Cyngor Ymchwil Biotechnoleg a’r Gwyddorau Biolegol;

“period of work experience” (“*cyfnod o brofiad gwaith*”) means—

- (a) a period of industrial, professional or commercial experience associated with full-time study at an institution but at a place outside that institution;
- (b) a period during which a student is employed and residing in a country whose language is one that the student is studying for the student’s present course (provided that the period of residence in that country is a requirement of the student’s 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);

“present course” (“*cwrs presennol*”) means the designated course in respect of which a person applies for support under regulation 32;

“prisoner” (“*carcharor*”) means a person who is serving a sentence of imprisonment in the United Kingdom including a person detained in a young offender institution (and “prison” is to be construed accordingly);

“publicly funded institution” (“*sefydliad a gyllidir yn gyhoeddus*”) means an institution in the United Kingdom maintained or assisted by recurrent grants out of funds provided by –

- (a) Parliament;
 - (b) the Welsh Ministers;
 - (c) the Scottish Ministers;
 - (d) the Northern Ireland Executive,
- or from funds attributable to such funds;

“qualified teacher” (“*athro cymwysiedig neu athrawes gymwysiedig*”) means a person who satisfies requirements specified in regulations under section 132 of the Education Act 2002(1);

“quarter” (“*chwarter*”) means a period of the academic year—

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

(1) 2002 c.32; the regulations are the Education (Teachers’ Qualifications and Health Standards) (Wales) Regulations 1999, S.I. 1999/2817, the Education (School Teachers’ Qualifications) (England) Regulations 2003, S.I. 2003/1662, the School Teachers’ Qualifications (Wales) Regulations 2012, S.I. 2012/724 and the Education Workforce Council (Accreditation of Initial Teacher Training) (Wales) Regulations 2017, S.I. 2017/165.

- (c) Y Cyngor Ymchwil Economaidd a Chymdeithasol;
- (d) Cyngor Ymchwil Peirianeg a'r Gwyddorau Ffisegol;
- (e) Y Cyngor Ymchwil Feddygol;
- (f) Cyngor Ymchwil yr Amgylchedd Naturiol;
- (g) Y Cyngor Cyfleusterau Gwyddoniaeth a Thechnoleg;

ystyr “cymorth” (“*support*”), ac eithrio pan nodir fel arall, yw cymorth ariannol ar ffurf grant neu fenthyciad a wneir gan Weinidogion Cymru o dan—

- (a) y Rheoliadau hyn, neu
- (b) unrhyw reoliadau eraill a wneir o dan adran 22 o Ddeddf 1998;

ystyr “chwarter” (“*quarter*”) yw cyfnod o'r flwyddyn academaidd—

- (a) sy'n dechrau ar 1 Medi ac sy'n dod i ben ar 31 Rhagfyr;
- (b) sy'n dechrau ar 1 Ionawr ac sy'n dod i ben ar 31 Mawrth;
- (c) sy'n dechrau ar 1 Ebrill ac sy'n dod i ben ar 30 Mehefin;
- (d) sy'n dechrau ar 1 Gorffennaf ac sy'n dod i ben ar 31 Awst;

ystyr “dyfarndal statudol” (“*statutory award*”) yw unrhyw ddyfarndal a roddir, unrhyw grant a delir, neu unrhyw gymorth arall a ddarperir, yn rhinwedd Deddf 1998 neu Ddeddf Addysg 1962, neu unrhyw ddyfarndal, grant, neu gymorth arall cyffelyb, mewn cysylltiad ag ymgymryd â chwrs sy'n cael ei dalu o gronfeydd a ddarperir gan sefydliad a gyllidir yn gyhoeddus;

mae i “ffioedd” (“*fees*”) yr ystyr a roddir yn adran 57(1) o Ddeddf Addysg Uwch (Cymru) 2015(1) ond nid yw'r diffiniad hwn yn gymwys i ffioedd colegau Oxbridge (gweler Atodlen 5).

ystyr “perthynas agos” (“*close relative*”) (mewn perthynas â pherson (“P”)) yw—

- (a) priod neu bartner sifil P;
- (b) person sy'n byw fel arfer gyda P fel pe bai'r person yn briod neu'n bartner sifil i P;
- (c) rhiant P, pan fo P o dan 25 oed;

ystyr “sefydliad a gyllidir yn gyhoeddus” (“*publicly funded institution*”) yw sefydliad yn y Deyrnas Unedig a gynhelir neu a gynorthwyir gan grantiau rheolaidd o gronfeydd a ddarperir gan—

- (a) Senedd y Deyrnas Unedig;

“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) Science and Technology Facilities Council;

“sandwich course” (“*cwrs rhyngosod*”) means a course—

- (a) which consists of alternate periods of full-time study in an institution and periods of work experience, and
- (b) where, taking the course as a whole, the student attends the periods of full-time study at the institution for an average of not less than 18 weeks in each year (and where days of full-time study alternate with days of work experience in any week, those days of study may be aggregated with each other and with any full weeks of full-time study in determining the number of weeks of full-time study in a year);

for the purposes of paragraph (b) the course is to be treated as beginning with the first period of full-time study and ending with the last such period;

but a course for the initial training of teachers is not a sandwich course;

nor is an academic year of a designated course which is an Erasmus year to be treated as a sandwich course;

“statutory award” (“*dyfarndal statudol*”) means any award bestowed, grant paid, or other support provided, by virtue of the 1998 Act or the Education Act 1962, or any comparable award, grant, or other support, in respect of undertaking a course which is paid out of funds provided by a publicly funded institution;

“support” (“*cymorth*”), except where otherwise indicated, means financial support by way of grant or loan made by the Welsh Ministers under—

- (a) these Regulations, or
- (b) any other regulations made under section 22 of the 1998 Act.

- (b) Gweinidogion Cymru;
 - (c) Gweinidogion yr Alban;
 - (d) Gweithrediaeth Gogledd Iwerddon;
- neu o gronfeydd y gellir eu priodoli i gronfeydd o'r fath.

(2) Caiff Gweinidogion Cymru benderfynu bod cwrs yn gwrw gradd cywasgedig os yw'r cwrs—

- (a) yn gwrw dynodedig llawnamser ar gyfer gradd gyntaf (ac eithrio gradd sylfaen), a
- (b) yn para am ddwy flynedd academiaidd.

(2) The Welsh Ministers may determine that a course is a compressed degree course if the course—

- (a) is a full-time designated course for a first degree (other than a foundation degree), and
- (b) is of two academic years' duration.

ATODLEN 2 Rheoliad 9(1)(a)

Categoriâu o fyfyrwyr cymwys

Categori 1 – Personau sydd wedi setlo yn y Deyrnas Unedig

1.—(1) Person—

- (a) sydd ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs—
 - (i) wedi setlo yn y Deyrnas Unedig ac eithrio am y rheswm ei fod wedi ennill yr hawl i breswyllo'n barhaol, a
 - (ii) yn preswyllo fel arfer yng Nghymru,
- (b) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs, a
- (c) na fu'n preswyllo yn y Deyrnas Unedig a'r Ynysoedd, yn ystod unrhyw ran o'r cyfnod y cyfeirir ato ym mharagraff (b), yn gyfan gwbl neu'n bennaf at ddiben cael addysg llawnamser (oni bai bod y person yn cael ei drin fel pe bai'n preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd yn unol â pharagraff 9(2)).

(2) Person—

- (a) sydd wedi setlo yn y Deyrnas Unedig yn rhinwedd ennill yr hawl i breswyllo'n barhaol,
- (b) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs,
- (c) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs, a

SCHEDULE 2 Regulation 9(1)(a)

Categories of eligible student

Category 1 – Persons settled in the United Kingdom

1.—(1) A person—

- (a) who on the first day of the first academic year of the course—
 - (i) is settled in the United Kingdom other than by reason of having acquired the right of permanent residence, and
 - (ii) is ordinarily resident in Wales,
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course, and
- (c) whose residence in the United Kingdom and Islands has not, during any part of the period referred to in paragraph (b), been wholly or mainly for the purpose of receiving full-time education (unless the person is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 9(2)).

(2) A person who—

- (a) is settled in the United Kingdom by virtue of having acquired the right of permanent residence,
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course,
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course, and

- (d) mewn achos pan oedd ei breswyllo fel arfer, y cyfeirir ato yn is-baragraff (c), yn gyfan gwbl neu'n bennaf at ddiben cael addysg lawnamser, a oedd yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir yn union cyn y cyfnod o breswyllo fel arfer y cyfeirir ato yn is-baragraff (c).

- (d) in a case where the person's ordinary residence referred to in sub-paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the EEA and Switzerland immediately before the period of ordinary residence referred to in sub-paragraph (c).

Categori 2 – Ffoaduriaid ac aelodau o'u teuluoedd

2.—(1) Person—

- (a) sy'n ffoadur,
 (b) sy'n preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd ac nad yw wedi peidio â phreswyllo felly ers i'r person gael ei gydnabod yn ffoadur, ac
 (c) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs.

(2) Person—

- (a) sy'n briod neu'n bartner sifil i ffoadur,
 (b) a oedd yn briod neu'n bartner sifil i'r ffoadur ar y dyddiad y gwnaeth y ffoadur y cais am loches,
 (c) sy'n preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd ac nad yw wedi peidio â phreswyllo felly er pan gafodd ganiatâd i aros yn y Deyrnas Unedig, a
 (d) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs.

(3) Person—

- (a) sy'n blentyn i ffoadur neu'n blentyn i briod neu i bartner sifil ffoadur,
 (b) ar y dyddiad y gwnaeth y ffoadur y cais am loches, a oedd yn blentyn i'r ffoadur neu'n blentyn i berson a oedd yn briod neu'n bartner sifil i'r ffoadur ar y dyddiad hwnnw,
 (c) a oedd o dan 18 oed ar y dyddiad y gwnaeth y ffoadur y cais am loches,
 (d) sy'n preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd ac nad yw wedi peidio â phreswyllo felly er pan gafodd ganiatâd i aros yn y Deyrnas Unedig, ac
 (e) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs.

Categori 3 – Personau sydd â chaniatâd i ddod i mewn neu i aros ac aelodau o'u teuluoedd

3.—(1) Person—

Category 2 – Refugees and their family members

2.—(1) A person who—

- (a) is a refugee,
 (b) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since the person was recognised as a refugee, and
 (c) is ordinarily resident in Wales on the first day of the first academic year of the course.

(2) A person who—

- (a) is the spouse or civil partner of a refugee,
 (b) was the spouse or civil partner of the refugee on the date on which the refugee made the application for asylum,
 (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to remain in the United Kingdom, and
 (d) is ordinarily resident in Wales on the first day of the first academic year of the course.

(3) A person who—

- (a) is the child of a refugee or the child of the spouse or civil partner of a refugee,
 (b) on the date on which the refugee made the application for asylum, was the child of the refugee or the child of a person who was the spouse or civil partner of the refugee on that date,
 (c) was under 18 years old on the date on which the refugee made the application for asylum,
 (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to remain in the United Kingdom, and
 (e) is ordinarily resident in Wales on the first day of the first academic year of the course.

Category 3 – Persons with leave to enter or remain and their family members

3.—(1) A person—

- (a) sydd â chaniatâd i ddod i mewn neu i aros,
- (b) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs, ac
- (c) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs.

(2) Person—

- (a) sy'n briod neu'n bartner sifil i berson sydd â chaniatâd i ddod i mewn neu i aros,
- (b) a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar y dyddiad y gwnaeth y person hwnnw—
 - (i) y cais am loches, neu
 - (ii) y cais am ganiatâd yn ôl disgrisiwn, pan na wnaed cais am loches,
- (c) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs, a
- (d) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs.

(3) Person—

- (a) sy'n blentyn i berson sydd â chaniatâd i ddod i mewn neu i aros neu sy'n blentyn i briod neu i bartner sifil person sydd â chaniatâd i ddod i mewn neu i aros,
- (b) a oedd, ar y dyddiad y gwnaeth y person sydd â chaniatâd i ddod i mewn neu i aros—
 - (i) y cais am loches, neu
 - (ii) y cais am ganiatâd yn ôl disgrisiwn, pan na wnaed cais am loches,

o dan 18 oed ac yn blentyn i'r person hwnnw neu'n blentyn i berson a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar y dyddiad hwnnw,

- (c) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs, a
- (d) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs.

(4) Yn y paragraff hwn, ystyr "person sydd â chaniatâd i ddod i mewn neu i aros" yw person ("P")—

- (a) sydd—

- (a) with leave to enter or remain,
- (b) who is ordinarily resident in Wales on the first day of the first academic year of the course, and
- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

(2) A person—

- (a) who is the spouse or civil partner of a person with leave to enter or remain,
- (b) who was the spouse or civil partner of the person with leave to enter or remain on the date on which that person made—
 - (i) the application for asylum, or
 - (ii) the application for discretionary leave, where no application for asylum was made,
- (c) who is ordinarily resident in Wales on the first day of the first academic year of the course, and
- (d) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

(3) A person—

- (a) who is the child of a person with leave to enter or remain or the child of the spouse or civil partner of a person with leave to enter or remain,
- (b) who, on the date on which the person with leave to enter or remain made—
 - (i) the application for asylum, or
 - (ii) the application for discretionary leave, where no application for asylum was made,

was under 18 years old and was the child of that person or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on that date,

- (c) who is ordinarily resident in Wales on the first day of the first academic year of the course, and
- (d) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

(4) In this paragraph, a "person with leave to enter or remain" means a person ("P")—

- (a) who has—

- | | |
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| <p>(i) wedi gwneud cais am statws ffoadur ond sydd, o ganlyniad i'r cais hwnnw, wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, er yr ystyrir nad yw P yn gymwys i gael ei gydnabod yn ffoadur, y credir ei bod yn iawn caniatáu iddo ddod i mewn i'r Deyrnas Unedig neu aros ynddi ar sail diogelwch dyngarol neu ganiatâd yn ôl disgresiwn, neu</p> <p>(ii) heb wneud cais am statws ffoadur ond sydd wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref y credir ei bod yn iawn caniatáu i P ddod i mewn i'r Deyrnas Unedig neu aros ynddi ar sail caniatâd yn ôl disgresiwn,</p> <p>(b) y mae caniatâd wedi ei roi iddo i ddod i mewn neu i aros yn unol â hynny,</p> <p>(c) nad yw cyfnod ei ganiatâd i ddod i mewn neu i aros wedi dod i ben, neu y mae'r cyfnod hwnnw wedi ei adnewyddu ac nad yw'r cyfnod y cafodd ei adnewyddu ar ei gyfer wedi dod i ben, neu y mae apêl yn yr arfaeth (o fewn ystyr adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002) mewn cysylltiad â'i ganiatâd i ddod i mewn neu i aros, a</p> <p>(d) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod ers i P gael caniatâd i ddod i mewn neu i aros.</p> | <p>(i) applied for refugee status but has, as a result of that application, been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although P is considered not to qualify for recognition as a refugee it is thought right to allow P to enter or remain in the United Kingdom on the grounds of humanitarian protection or discretionary leave, or</p> <p>(ii) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow P to enter or remain in the United Kingdom on the grounds of discretionary leave,</p> <p>(b) who has been granted leave to enter or to remain accordingly,</p> <p>(c) whose period of leave to enter or remain has not expired or has been renewed and the period for which it was renewed has not expired or in respect of whose leave to enter or remain an appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002), and</p> <p>(d) who has been ordinarily resident in the United Kingdom and Islands throughout the period since P was granted leave to enter or remain.</p> |
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Categori 4 – Gweithwyr, personau cyflogedig, personau hunangyflogedig ac aelodau o'u teuluoedd

4.—(1) Person—

- (a) sy'n un o'r canlynol—
- (i) gweithiwr mudol AEE neu berson hunangyflogedig AEE, sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;
 - (ii) gweithiwr cyflogedig Swisaidd neu berson hunangyflogedig Swisaidd, sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;
 - (iii) aelod o deulu person a grybwyllir yn is-baragraff (i) neu (ii), sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;

Category 4 – Workers, employed persons, self-employed persons and their family members

4.—(1) A person who—

- (a) is one of the following—
- (i) an EEA migrant worker or an EEA self-employed person, who is ordinarily resident in Wales on the first day of the first academic year of the course;
 - (ii) a Swiss employed person or a Swiss self-employed person, who is ordinarily resident in Wales on the first day of the first academic year of the course;
 - (iii) a family member of a person mentioned in sub-paragraph (i) or (ii), who is ordinarily resident in Wales on the first day of the first academic year of the course;

- (iv) gweithiwr trawsffiniol AEE neu berson hunangyflogedig trawsffiniol AEE;
 - (v) person cyflogedig trawsffiniol Swisaidd neu berson hunangyflogedig trawsffiniol Swisaidd;
 - (vi) aelod o deulu person a grybwyllir yn is-baragraff (iv) neu (v), a
- (b) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(2) Person—

- (a) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs,
- (b) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs, ac
- (c) sydd â hawlogaeth i gael cymorth yn rhinwedd Erthygl 10 o Reoliad (EU) Rhif 492/2011 Senedd Ewrop a'r Cyngor ar symudiad rhydd ar gyfer gweithwyr yn yr Undeb, fel y'i hestynnir gan Gytundeb yr AEE(1).

(3) Yn is-baragraff (1)—

ystyr "aelod o deulu" ("*family member*") yw—

- (a) mewn perthynas â gweithiwr trawsffiniol AEE, gweithiwr mudol AEE, person hunangyflogedig trawsffiniol AEE neu berson hunangyflogedig AEE—
 - (i) priod y person neu ei bartner sifil,
 - (ii) disgynyddion uniongyrchol y person neu ddisgynyddion uniongyrchol priod neu bartner sifil y person sydd o dan 21 oed neu sy'n 21 oed neu drosodd ac sy'n ddibynyddion y person neu'n ddibynyddion priod neu bartner sifil y person, neu
 - (iii) perthnasau uniongyrchol dibynnol yn llinach esgynnol y person neu yn llinach esgynnol priod neu bartner sifil y person;
- (b) mewn perthynas â pherson cyflogedig Swisaidd, person cyflogedig trawsffiniol Swisaidd, person hunangyflogedig trawsffiniol Swisaidd

- (iv) an EEA frontier worker or an EEA frontier self-employed person;
- (v) a Swiss frontier employed person or a Swiss frontier self-employed person;
- (vi) a family member of a person mentioned in sub-paragraph (iv) or (v), and

- (b) has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course.

(2) A person who—

- (a) is ordinarily resident in Wales on the first day of the first academic year of the course,
- (b) has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course, and
- (c) is entitled to support by virtue of Article 10 of Regulation (EU) No. 492/2011 of the European Parliament and of the Council on freedom of movement for workers within the Union, as extended by the EEA Agreement(1).

(3) In sub-paragraph (1)—

"EEA frontier self-employed person" ("*person hunangyflogedig trawsffiniol AEE*") means an EEA national who—

- (a) is a self-employed person in Wales, and
- (b) resides in Switzerland or the territory of an EEA State other than the United Kingdom and returns to the national's residence in Switzerland or that EEA State, as the case may be, at least once a week;

"EEA frontier worker" ("*gweithiwr trawsffiniol AEE*") means an EEA national who—

- (a) is a worker in Wales, and
- (b) resides in Switzerland or the territory of an EEA State other than the United Kingdom and returns to the national's residence in Switzerland or that EEA State, as the case may be, at least once a week;

"EEA migrant worker" ("*gweithiwr mudol AEE*") means an EEA national who is a worker, other than an EEA frontier worker, in the United Kingdom;

(1) OJ Rhif L141, 27.05.2011, t. 1.

(1) OJ No L141, 27.05.2011, p. 1.

neu berson hunangyflogedig Swisaidd—

- (i) priod y person neu ei bartner sifil, neu
- (ii) plentyn y person neu blentyn priod neu bartner sifil y person;

ystyr “gweithiwr mudol AEE” (“*EEA migrant worker*”) yw gwladolyn AEE sy’n weithiwr, ac eithrio gweithiwr trawsffiniol AEE, yn y Deyrnas Unedig;

ystyr “gweithiwr trawsffiniol AEE” (“*EEA frontier worker*”) yw gwladolyn AEE sydd—

- (a) yn weithiwr yng Nghymru, a
- (b) yn preswyllo yn y Swistir neu yn nhirioaeth Gwladwriaeth AEE ac eithrio’r Deyrnas Unedig ac sy’n dychwelyd i’w breswylfa yn y Swistir neu’r Wladwriaeth AEE honno, yn ôl y digwydd, o leiaf unwaith yr wythnos;

ystyr “person cyflogedig Swisaidd” (“*Swiss employed person*”) yw gwladolyn Swisaidd sy’n berson cyflogedig, ac eithrio person cyflogedig trawsffiniol Swisaidd, yn y Deyrnas Unedig;

ystyr “person cyflogedig trawsffiniol Swisaidd” (“*Swiss frontier employed person*”) yw gwladolyn Swisaidd sydd—

- (a) yn berson cyflogedig yng Nghymru, a
- (b) yn preswyllo yn y Swistir neu yn nhirioaeth Gwladwriaeth AEE ac eithrio’r Deyrnas Unedig ac sy’n dychwelyd i’w breswylfa yn y Swistir neu’r Wladwriaeth AEE honno, yn ôl y digwydd, o leiaf unwaith yr wythnos;

ystyr “person hunangyflogedig AEE” (“*EEA self-employed person*”) yw gwladolyn AEE sy’n berson hunangyflogedig, ac eithrio person hunangyflogedig trawsffiniol AEE, yn y Deyrnas Unedig;

ystyr “person hunangyflogedig Swisaidd” (“*Swiss self-employed person*”) yw gwladolyn Swisaidd sy’n berson hunangyflogedig, ac eithrio person hunangyflogedig trawsffiniol Swisaidd, yn y Deyrnas Unedig;

ystyr “person hunangyflogedig trawsffiniol AEE” (“*EEA frontier self-employed person*”) yw gwladolyn AEE sydd—

- (a) yn berson hunangyflogedig yng Nghymru, a
- (b) yn preswyllo yn y Swistir neu yn nhirioaeth Gwladwriaeth AEE ac eithrio’r Deyrnas Unedig ac sy’n

“EEA self-employed person” (“*person hunangyflogedig AEE*”) means an EEA national who is a self-employed person, other than an EEA frontier self-employed person, in the United Kingdom;

“family member” (“*aelod o deulu*”) means—

- (a) in relation to an EEA frontier worker, an EEA migrant worker, an EEA frontier self-employed person or an EEA self-employed person—
 - (i) the person’s spouse or civil partner,
 - (ii) direct descendants of the person or of the person’s spouse or civil partner who are under the age of 21 or who are 21 or over and are dependants of the person or the person’s spouse or civil partner, or
 - (iii) dependent direct relatives in the ascending line of the person or that of the person’s spouse or civil partner;
- (b) in relation to a Swiss frontier employed person, a Swiss employed person, a Swiss frontier self-employed person or a Swiss self-employed person—
 - (i) the person’s spouse or civil partner, or
 - (ii) the person’s child or the child of the person’s spouse or civil partner;

“Swiss employed person” (“*person cyflogedig Swisaidd*”) means a Swiss national who is an employed person, other than a Swiss frontier employed person, in the United Kingdom;

“Swiss frontier employed person” (“*person cyflogedig trawsffiniol Swisaidd*”) means a Swiss national who—

- (a) is an employed person in Wales, and
- (b) resides in Switzerland or in the territory of an EEA State other than the United Kingdom and returns to the national’s residence in Switzerland or that EEA State, as the case may be, at least once a week;

“Swiss frontier self-employed person” (“*person hunangyflogedig trawsffiniol Swisaidd*”) means a Swiss national who—

- (a) is a self-employed person in Wales, and
- (b) resides in Switzerland or in the territory of an EEA State, other than the United Kingdom, and returns to the national’s

dychwelyd i'w breswylfa yn y Swistir neu'r Wladwriaeth AEE honno, yn ôl y digwydd, o leiaf unwaith yr wythnos;

ystyr "person hunangyflogedig trawsffiniol Swisaidd" ("*Swiss frontier self-employed person*") yw gwladolyn Swisaidd sydd—

- (a) yn berson hunangyflogedig yng Nghymru, a
- (b) yn preswyllo yn y Swistir neu yn nhiriogaeth Gwladwriaeth AEE, ac eithrio'r Deyrnas Unedig, ac sy'n dychwelyd i'w breswylfa yn y Swistir neu'r Wladwriaeth AEE honno, yn ôl y digwydd, o leiaf unwaith yr wythnos.

(4) At ddibenion is-baragraff (3)—

ystyr "gweithiwr" yw "worker" o fewn ystyr Erthygl 7 o Gyfarwyddeb 2004/38 neu Gytundeb yr AEE, yn ôl y digwydd;

ystyr "gwladolyn AEE" ("*EEA national*") yw gwladolyn o Wladwriaeth AEE ac eithrio'r Deyrnas Unedig;

ystyr "person cyflogedig" ("*employed person*") yw person cyflogedig o fewn ystyr Atodiad 1 i Gytundeb y Swistir;

ystyr "person hunangyflogedig" ("*self-employed person*") yw—

- (a) mewn perthynas â gwladolyn AEE, person sy'n hunangyflogedig o fewn ystyr Erthygl 7 o Gyfarwyddeb 2004/38 neu Gytundeb yr AEE, yn ôl y digwydd, neu
- (b) mewn perthynas â gwladolyn Swisaidd, person sy'n berson hunangyflogedig o fewn ystyr Atodiad 1 i Gytundeb y Swistir.

Categori 5 – Personau sydd wedi setlo yn y Deyrnas Unedig ac sydd wedi arfer hawl i breswyllo yn rhywle arall

5.—(1) Person—

- (a) sydd wedi setlo yn y Deyrnas Unedig,
- (b) a oedd yn preswyllo fel arfer yng Nghymru ac wedi setlo yn y Deyrnas Unedig yn union cyn ymadael â'r Deyrnas Unedig ac sydd wedi arfer hawl i breswyllo,
- (c) sy'n preswyllo fel arfer yn y Deyrnas Unedig ar y diwrnod y mae'r cwrs yn dechrau,

residence in Switzerland or that EEA State, as the case may be, at least once a week;

"Swiss self-employed person" ("*person hunangyflogedig Swisaidd*") means a Swiss national who is a self-employed person, other than a Swiss frontier self-employed person, in the United Kingdom.

(4) For the purposes of sub-paragraph (3)—

"EEA national" ("*gwladolyn AEE*") means a national of an EEA State other than the United Kingdom;

"employed person" ("*person cyflogedig*") means an employed person within the meaning of Annex 1 to the Swiss Agreement;

"self-employed person" ("*person hunangyflogedig*") means—

- (a) in relation to an EEA national, a person who is self-employed within the meaning of Article 7 of Directive 2004/38 or the EEA Agreement, as the case may be, or
- (b) in relation to a Swiss national, a person who is a self-employed person within the meaning of Annex 1 to the Swiss Agreement;

"worker" ("*gweithiwr*") means a worker within the meaning of Article 7 of Directive 2004/38 or the EEA Agreement, as the case may be.

Category 5 – Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere

5.—(1) A person who—

- (a) is settled in the United Kingdom,
- (b) was ordinarily resident in Wales and settled in the United Kingdom immediately before leaving the United Kingdom and who has exercised a right of residence,
- (c) is ordinarily resident in the United Kingdom on the day on which the course begins,

- (d) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs, ac
- (e) mewn achos pan oedd ei breswyllo fel arfer, y cyfeirir ato ym mharagraff (d), yn gyfan gwbl neu'n bennaf at ddibenion cael addysg lawnamser, a oedd yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir yn union cyn y cyfnod o breswyllo fel arfer y cyfeirir ato ym mharagraff (d).

(2) At ddibenion y paragraff hwn, mae person wedi arfer hawl i breswyllo os yw is-baragraff (3) neu (4) yn gymwys i'r person.

- (3) Mae'r is-baragraff hwn yn gymwys i berson sydd—
 - (a) yn wladolyn o'r Deyrnas Unedig,
 - (b) yn aelod o deulu gwladolyn o'r Deyrnas Unedig at ddibenion Erthygl 7 o Gyfarwyddeb 2004/38 (neu ddibenion cyfatebol o dan Gytundeb yr AEE neu Gytundeb y Swistir), neu
 - (c) yn berson sydd â hawl i breswyllo'n barhaol,

sydd wedi arfer hawl o dan Erthygl 7 o Gyfarwyddeb 2004/38 neu unrhyw hawl gyfatebol o dan Gytundeb yr AEE neu Gytundeb y Swistir mewn gwladwriaeth ac eithrio'r Deyrnas Unedig.

- (4) Mae'r paragraff hwn yn gymwys i berson ("P")—
 - (a) sydd wedi setlo yn y Deyrnas Unedig a chanddo hawl i breswyllo'n barhaol, a
 - (b) sy'n mynd i'r wladwriaeth o fewn y diriogaeth sy'n ffurfio'r AEE a'r Swistir y mae P yn wladolyn ohoni neu y mae'r person y mae P yn aelod o deulu mewn perthynas ag ef yn wladolyn ohoni.

(5) At ddibenion is-baragraff (4), mae P yn aelod o deulu person arall ("Q") os yw P—

- (a) yn briod neu'n bartner sifil i Q,
- (b) yn ddisgynydd uniongyrchol Q neu'n ddisgynydd uniongyrchol priod neu bartner sifil Q a bod P—
 - (i) o dan 21 oed, neu
 - (ii) yn 21 oed neu drosodd ac yn ddibynnydd Q neu'n ddibynnydd priod neu bartner sifil Q, neu
- (c) pan fo Q yn wladolyn UE sy'n dod o fewn Erthygl 7(1)(b) o Gyfarwyddeb 2004/38, yn berthynas uniongyrchol dibynnol yn llinach esgynnol Q neu yn llinach esgynnol priod neu bartner sifil Q.

- (d) has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course, and
- (e) in a case where the person's ordinary residence referred to in paragraph (d) was wholly or mainly for the purposes of receiving full time education, was ordinarily resident in the territory comprising the EEA and Switzerland immediately before the period of ordinary residence referred to in paragraph (d).

(2) For the purposes of this paragraph, a person has exercised a right of residence if sub-paragraph (3) or (4) applies to the person.

- (3) This sub-paragraph applies to a person who is—
 - (a) a United Kingdom national,
 - (b) a family member of a United Kingdom national for the purposes of Article 7 of Directive 2004/38 (or corresponding purposes under the EEA Agreement or Swiss Agreement), or
 - (c) a person who has a right of permanent residence,

who has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom.

- (4) This paragraph applies to a person ("P")—
 - (a) who is settled in the United Kingdom and has a right of permanent residence, and
 - (b) who goes to the state within the territory comprising the EEA and Switzerland of which P is a national or of which the person in relation to whom P is a family member is a national.

(5) For the purposes of sub-paragraph (4), P is a family member of another person ("Q") if P—

- (a) is Q's spouse or civil partner,
- (b) is a direct descendant of Q or of Q's spouse or civil partner and P—
 - (i) is under the age of 21, or
 - (ii) is 21 or over and a dependant of Q or of Q's spouse or civil partner, or
- (c) where Q is an EU national who falls within Article 7(1)(b) of Directive 2004/38, is a dependent direct relative in Q's ascending line or that of Q's spouse or civil partner.

Categori 6 – Gwladolion UE

6.—(1) Person—

- (a) sydd naill ai—
 - (i) yn wladolyn UE ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs, ac eithrio person sy'n wladolyn o'r Deyrnas Unedig nad yw wedi arfer hawl i breswyllo, neu
 - (ii) yn aelod o deulu person o'r fath,
- (b) sy'n ymgymryd â chwrs dynodedig yng Nghymru,
- (c) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs, a
- (d) na fu'n preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir yn ystod unrhyw ran o'r cyfnod y cyfeirir ato ym mharagraff (c) yn gyfan gwbl neu'n bennaf at ddiben cael addysg lawnamser (oni bai bod y person yn cael ei drin fel pe bai'n preswyllo fel arfer yn y diriogaeth honno yn unol â pharagraff 9(2)).

(2) Person—

- (a) sy'n wladolyn UE ac eithrio gwladolyn o'r Deyrnas Unedig ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs,
- (b) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs,
- (c) sydd wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd yn union cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs, a
- (d) mewn achos pan oedd ei breswyllo fel arfer, y cyfeirir ato ym mharagraff (c), yn gyfan gwbl neu'n bennaf at ddiben cael addysg lawnamser, a oedd yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r AEE a'r Swistir yn union cyn y cyfnod o breswyllo fel arfer y cyfeirir ato ym mharagraff (c).

(3) Pan fo gwladwriaeth yn ymaelodi â'r Undeb Ewropeaidd ar ôl diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs a bod person yn wladolyn o'r gwladwriaeth honno, trinnir y gofyniad yn is-baragraff (1)(a) neu (2)(a) fel gofyniad sydd wedi ei fodloni.

(4) At ddibenion is-baragraff (1)(a), nid yw gwladolyn o'r Deyrnas Unedig wedi arfer hawl i breswyllo os nad yw'r person hwnnw wedi arfer hawl o dan Erthygl 7 o Gyfarwyddeb 2004/38 neu unrhyw hawl gyfatebol o dan Gytundeb yr AEE neu Gytundeb y Swistir mewn gwladwriaeth ac eithrio'r Deyrnas Unedig.

Category 6 – EU nationals

6.—(1) A person—

- (a) who is either—
 - (i) an EU national on the first day of the first academic year of the course, other than a person who is a United Kingdom national who has not exercised a right of residence, or
 - (ii) a family member of such a person,
- (b) who is undertaking a designated course in Wales,
- (c) who has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course, and
- (d) whose ordinary residence in the territory comprising the EEA and Switzerland has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education (unless the person is treated as being ordinarily resident in that territory in accordance with paragraph 9(2)).

(2) A person who—

- (a) is an EU national other than a United Kingdom national on the first day of the first academic year of the course,
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course,
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course, and
- (d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the EEA and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

(3) Where a state accedes to the European Union after the first day of the first academic year of the course and a person is a national of that state, the requirement in sub-paragraph (1)(a) or (2)(a) is treated as being satisfied.

(4) For the purposes of sub-paragraph (1)(a), a United Kingdom national has not exercised a right of residence if that person has not exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom.

(5) At ddibenion is-baragraff (1)(a), mae person (“P”) yn aelod o deulu person arall (“Q”) os yw—

- (a) P yn briod neu’n bartner sifil i Q,
- (b) P yn ddisgynnydd uniongyrchol Q neu’n ddisgynnydd uniongyrchol priod neu bartner sifil Q a bod P—
 - (i) o dan 21 oed, neu
 - (ii) yn 21 oed neu drosodd ac yn ddibynnydd Q neu’n ddibynnydd priod neu bartner sifil Q, neu
- (c) mewn achos pan fo Q yn wladolyn UE sy’n dod o fewn Erthygl 7(1)(b) o Gyfarwyddeb 2004/38, P yn berthynas uniongyrchol dibynnol yn llinach esgynnol Q neu yn llinell esgynnol priod neu bartner sifil Q.

Categori 7 – Plant gwladolion Swisaidd

7.—(1) Person—

- (a) sy’n blentyn i wladolyn Swisaidd y mae ganddo hawlogaeth i gael cymorth yn y Deyrnas Unedig yn rhinwedd Erthygl 3(6) o Atodiad 1 i Gytundeb y Swistir,
- (b) sy’n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs,
- (c) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy’n ffurfio’r AEE a’r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs, a
- (d) mewn achos pan oedd ei breswyllo fel arfer, y cyfeirir ato yn is-baragraff (c), yn gyfan gwbl neu’n bennaf at ddiben cael addysg lawnamser, a oedd yn preswyllo fel arfer yn y diriogaeth sy’n ffurfio’r AEE a’r Swistir yn union cyn y cyfnod o breswyllo fel arfer y cyfeirir ato yn is-baragraff (c).

Categori 8 – Plant gweithwyr Twrcaidd

8.—(1) Person—

- (a) sy’n blentyn i weithiwr Twrcaidd,
- (b) sy’n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs, ac
- (c) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy’n ffurfio’r AEE, y Swistir a Thwrci drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(2) Yn y paragraff hwn, ystyr “gweithiwr Twrcaidd” yw gwladolyn Twrcaidd—

(5) For the purposes of sub-paragraph (1)(a), a person (“P”) is a family member of another person (“Q”) if—

- (a) P is Q’s spouse or civil partner,
- (b) P is a direct descendant of Q or of Q’s spouse or civil partner and P—
 - (i) is under the age of 21, or
 - (ii) is 21 or over and a dependant of Q or of Q’s spouse or civil partner, or
- (c) in a case where Q is an EU national who falls within Article 7(1)(b) of Directive 2004/38, P is a dependent direct relative in Q’s ascending line or that of Q’s spouse or civil partner.

Category 7 – Children of Swiss nationals

7.—(1) A person who—

- (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of Article 3(6) of Annex 1 to the Swiss Agreement,
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course,
- (c) has been ordinarily resident in the territory comprising the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course, and
- (d) in a case where the person’s ordinary residence referred to in sub-paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the EEA and Switzerland immediately prior to the period of ordinary residence referred to in sub-paragraph (c).

Category 8 – Children of Turkish workers

8.—(1) A person who—

- (a) is the child of a Turkish worker,
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course, and
- (c) has been ordinarily resident in the territory comprising the EEA, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.

(2) In this paragraph, “Turkish worker” means a Turkish national who—

- (a) sy'n preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd, a
- (b) sy'n cael, neu sydd wedi cael, ei gyflogi'n gyfreithlon yn y Deyrnas Unedig.

- (a) is ordinarily resident in the United Kingdom and Islands, and
- (b) is, or has been, lawfully employed in the United Kingdom.

Preswyllo fel arfer – darpariaeth ychwanegol

9.—(1) At ddibenion yr Atodlen hon, mae person sy'n preswyllo fel arfer yng Nghymru, Lloegr, yr Alban, Gogledd Iwerddon neu'r Ynysoedd, o ganlyniad i fod wedi symud o un arall o'r ardaloedd hynny at ddiben ymgymryd—

- (a) â'r cwrs presennol, neu
- (b) gan ddiystyru unrhyw wyliau yn y cyfamser, â chwrs yr ymgymrodd y person ag ef yn union cyn ymgymryd â'r cwrs presennol,

i'w ystyried yn berson sy'n preswyllo fel arfer yn y lle y mae'r person wedi symud ohono.

(2) At ddibenion yr Atodlen hon, mae person ("P") i'w drin fel rhywun sy'n preswyllo fel arfer yng Nghymru, y Deyrnas Unedig a'r Ynysoedd neu yn y diriogaeth sy'n ffurfio'r AEE, y Swistir a Thwrci pe bai P wedi bod yn preswyllo felly oni bai am y ffaith bod—

- (a) P,
- (b) priod neu bartner sifil P,
- (c) rhiant P, neu
- (d) yn achos perthynas uniongyrchol dibynnol yn y llinach esgynnol, plentyn P neu briod neu bartner sifil plentyn P,

yn gyflogedig dros dro neu wedi bod yn gyflogedig dros dro y tu allan i Gymru, y Deyrnas Unedig a'r Ynysoedd neu'r diriogaeth sy'n ffurfio'r AEE, y Swistir a Thwrci.

(3) At ddibenion is-baragraff (2), mae cyflogaeth dros dro y tu allan i Gymru, y Deyrnas Unedig a'r Ynysoedd neu'r diriogaeth sy'n ffurfio'r AEE, y Swistir a Thwrci yn cynnwys—

- (a) yn achos aelodau o'r lluoedd arfog, unrhyw gyfnod pan fyddant yn gwasanaethu y tu allan i'r Deyrnas Unedig fel aelodau o luoedd o'r fath;
- (b) yn achos aelodau o luoedd arfog rheolaidd Gwladwriaeth AEE neu'r Swistir, unrhyw gyfnod pan fyddant yn gwasanaethu y tu allan i'r diriogaeth sy'n ffurfio'r AEE a'r Swistir fel aelodau o luoedd o'r fath;
- (c) yn achos aelodau o luoedd arfog rheolaidd Twrci, unrhyw gyfnod pan fyddant yn gwasanaethu y tu allan i'r diriogaeth sy'n ffurfio'r AEE, y Swistir a Thwrci fel aelodau o luoedd o'r fath.

Ordinary residence – additional provision

9.—(1) For the purposes of this Schedule, a person who is ordinarily resident in England, Wales, Scotland, Northern Ireland or the Islands, as a result of having moved from another of those areas for the purpose of undertaking—

- (a) the present course, or
- (b) a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the present course,

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

(2) For the purposes of this Schedule, a person ("P") is to be treated as ordinarily resident in Wales, the United Kingdom and Islands or in the territory comprising the EEA, Switzerland and Turkey if P would have been so resident but for the fact that—

- (a) P,
- (b) P's spouse or civil partner,
- (c) P's parent, or
- (d) in the case of a dependent direct relative in the ascending line, P's child or child's spouse or civil partner,

is or was temporarily employed outside Wales, the United Kingdom and Islands or the territory comprising the EEA, Switzerland and Turkey.

(3) For the purposes of sub-paragraph (2), temporary employment outside Wales, the United Kingdom and Islands or the territory comprising the EEA, Switzerland and Turkey includes—

- (a) in the case of members of the armed forces, any period which they serve outside the United Kingdom as members of such forces;
- (b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising the EEA and Switzerland as members of such forces;
- (c) in the case of members of the regular armed forces of Turkey, any period which they serve outside of the territory comprising the EEA, Switzerland and Turkey as members of such forces.

(4) At ddibenion yr Atodlen hon, mae myfyriwr cymwys sy'n garcharor i'w ystyried fel pe bai'n preswyllo fel arfer yn y rhan o'r Deyrnas Unedig lle yr oedd y carcharor yn preswyllo cyn cael ei ddeddfrydu.

(5) At ddibenion yr Atodlen hon, mae ardal—

- (a) nad oedd gynt yn rhan o'r UE neu'r AEE, ond
- (b) sydd ar unrhyw adeg cyn neu ar ôl i'r Rheoliadau hyn ddod i rym yn dod yn rhan o'r naill neu'r llall, neu o'r ddwy, o'r tiriogaethau hyn,

i'w hystyried fel pe bai bob amser wedi bod yn rhan o'r AEE.

Darpariaeth bellach ar breswyllo fel arfer: personau sy'n ymadael â gofal

10.—(1) Caiff person sy'n ymadael â gofal ei drin fel pe bai'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs presennol hyd yn oed os yw'r person sy'n ymadael â gofal, ar y diwrnod hwnnw—

- (a) yn derbyn gofal y tu allan i Gymru (mewn achos pan fo rheoliad 49(c)(i) yn gymwys i'r myfyriwr), neu
- (b) yn preswyllo y tu allan i Gymru o dan orchymyn gwarcheidiaeth arbennig (mewn achos pan fo rheoliad 49(c)(ii) yn gymwys i'r myfyriwr),

o dan drefniadau a wneir gan awdurdod lleol Cymreig.

(2) Ym mharagraff (1)—

ystyr “awdurdod lleol Cymreig” (“*Welsh local authority*”) yw awdurdod lleol o fewn yr ystyr a roddir gan adran 197(1) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014;

mae i “derbyn gofal” (“*looked after*”) yr ystyr a roddir yn adran 74 o'r Ddeddf honno;

mae i “person sy'n ymadael â gofal” (“*care leaver*”) yr ystyr a roddir yn rheoliad 49 o'r Ddeddf honno.

Dehongli

11. Yn yr Atodlen hon—

ystyr “AEE” (“*EEA*”) yw'r Ardal Economaidd Ewropeaidd, sef y diriogaeth a ffurfir gan Wladwriaethau'r AEE;

ystyr “Cyfarwyddeb 2004/38” (“*Directive 2004/38*”) yw Cyfarwyddeb 2004/38/EC Senedd Ewrop a'r Cyngor ddyddiedig 29 Ebrill 2004 ar hawliau dinasyddion yr Undeb ac aelodau o'u teuluoedd i symud a

(4) For the purposes of this Schedule, an eligible student who is a prisoner is to be considered to be ordinarily resident in the part of the United Kingdom where the prisoner resided prior to sentencing.

(5) For the purposes of this Schedule, an area which—

- (a) was previously not part of the EU or the EEA, but
- (b) at any time before or after these Regulations come into force becomes part of one or other or both of these territories,

is to be considered to have always been a part of the EEA.

Further provision on ordinary residence: care leavers

10.—(1) A care leaver is treated as being ordinarily resident in Wales on the first day of the first academic year of the present course even if, on that day, the care leaver—

- (a) is looked after outside Wales (in a case where regulation 49(c)(i) applies to the student), or
- (b) is residing outside Wales under a special guardianship order (in a case where regulation 49(c)(ii) applies to the student),

under arrangements made by a Welsh local authority.

(2) In paragraph (1)—

“care leaver” (“*person sy'n ymadael â gofal*”) has the meaning given in regulation 49;

“looked after” (“*derbyn gofal*”) has the meaning given in section 74 of the Social Services and Well-being (Wales) Act 2014;

“Welsh local authority” (“*awdurdod lleol Cymreig*”) means a local authority within the meaning given by section 197(1) of that Act.

Interpretation

11. In this Schedule—

“Directive 2004/38” (“*Cyfarwyddeb 2004/38*”) means Directive 2004/38/EC of the European Parliament and of the Council of 29th April 2004 on the rights of citizens of the Union and their family members to move and reside freely in the territory of the member States⁽¹⁾;

(1) OJ No L158, 30.04.2004, p.77-123.

phreswyllo'n rhydd yn nhiriogaeth yr Aelod-wladwriaethau(1);

ystyr "Cytundeb y Swistir" ("*Swiss Agreement*") yw'r Cytundeb rhwng yr UE a'i Aelod-wladwriaethau, o'r naill ran, a Chyddfederasiwn y Swistir, o'r rhan arall, ar Symudiad Rhydd Personau a lofnodwyd yn Lwcsembwrg ar 21 Mehefin 1999(2) ac a ddaeth i rym ar 1 Mehefin 2002;

ystyr "ffoadur" ("*refugee*") yw person a gydnabyddir gan lywodraeth Ei Mawrhydi yn ffoadur o fewn ystyr Confensiwn y Cenhedloedd Unedig sy'n ymwneud â Statws Ffoaduriaid a wnaed yn Ngenefa ar 28 Gorffennaf 1951(3) fel y'i hestynnwyd gan ei Brotocol 1967(4);

ystyr "hawl i breswyllo'n barhaol" ("*right of permanent residence*") yw hawl sy'n codi o dan Gyfarwyddeb 2004/38 i breswyllo yn y Deyrnas Unedig yn barhaol heb gyfyngiad;

mae "rhiant" ("*parent*") yn cynnwys gwarcheidwad, unrhyw berson arall a chanddo gyfrifoldeb rhiant dros blentyn ac unrhyw berson a chanddo ofal am blentyn ac mae "plentyn" ("*child*") i'w ddehongli yn unol â hynny;

mae i "wedi setlo" yr ystyr a roddir i "settled" gan adran 33(2A) o Ddeddf Mewnfudo 1971(5);

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

"EEA" ("*AEE*") means the European Economic Area, that is to say the territory comprised by the EEA States;

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

"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 to be construed accordingly;

"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(1) as extended by its 1967 Protocol(2);

"right of permanent residence" ("*hawl i breswyllo'n barhaol*") means a right arising under Directive 2004/38 to reside in the United Kingdom permanently without restriction;

"settled" ("*wedi setlo*") has the meaning given by section 33(2A) of the Immigration Act 1971(3);

"Swiss Agreement" ("*Cytundeb y Swistir*") means the Agreement between the EU 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(4) and which came into force on 1 June 2002.

ATODLEN 3 Rheoliadau 48,
65(3),
66(2)(a) a 70(3)

Cyfrifo incwm

RHAN 1

Cyflwyniad

Trosolwg o'r Atodlen

1.—(1) Mae'r Atodlen hon wedi ei threfnu fel a ganlyn.

SCHEDULE 3 Regulations 48,
65(3),
66(2)(a) and 70(3)

Calculation of income

PART 1

Introduction

Overview of Schedule

1.—(1) This Schedule is arranged as follows.

(1) OJ Rhif L158, 30.04.2004, tt.77-123.
(2) Gorch. 4904 ac OJ Rhif L1 14, 30.04.02, t. 6.
(3) Gorchmn. 9171.
(4) Gorchmn. 3906, daeth y Protocol i rym ar 4 Hydref 1967.
(5) 1971 p. 77; mewnosodwyd adran 33(2A) gan baragraff 7 o Atodlen 4 i Ddeddf Cenedligrwydd Prydeinig 1981 (p. 61).

(1) Cmnd. 9171.
(2) Cmnd. 3906, the Protocol entered into force on 4 October 1967.
(3) 1971 c.77; section 33(2A) was inserted by paragraph 7 of Schedule 4 to the British Nationality Act 1981 (c. 61).
(4) Cm. 4904 and OJ No L1 14, 30.04.02, p6.

(2) Mae Rhan 2 yn gwneud darpariaeth ynghylch cyfrifo incwm aelwyd myfyriwr cymwys at ddibenion penderfynu ar swm—

- (a) grant cynhaliaeth (gweler rheoliadau 46 a 47),
- (b) grant at deithio (gweler rheoliadau 65 a 66), neu
- (c) grantiau ar gyfer dibynyddion (gweler Rhan 11),

sy'n daladwy i'r myfyriwr.

(3) Mae Rhan 3 yn nodi ystyr “incwm trethadwy”, sy'n ofynnol er mwyn cyfrifo incwm gweddilliol person.

(4) Mae Rhan 4 yn gwneud darpariaeth ynghylch cyfrifo incwm gweddilliol pan fo—

- (a) Pennod 1 yn nodi sut i gyfrifo incwm gweddilliol myfyriwr cymwys at ddibenion cyfrifo incwm aelwyd y myfyriwr, a
- (b) Pennod 2 yn nodi sut i gyfrifo incwm gweddilliol y personau eraill a ganlyn—
 - (i) rhiant myfyriwr cymwys, partner myfyriwr cymwys neu bartner rhiant myfyriwr cymwys at ddibenion cyfrifo incwm aelwyd y myfyriwr;
 - (ii) oedolyn dibynnol myfyriwr cymwys at ddibenion cyfrifo swm y grant ar gyfer dibynyddion sy'n daladwy i'r myfyriwr (gweler rheoliad 77).

(5) Mae Rhan 5 yn gwneud darpariaeth ynghylch cyfrifo incwm net—

- (a) oedolyn dibynnol myfyriwr cymwys, at ddibenion penderfynu a yw myfyriwr cymwys yn cymhwyso i gael grant oedolion dibynnol (gweler rheoliad 71);
- (b) plant dibynnol myfyriwr cymwys, at ddibenion cyfrifo swm y grant ar gyfer dibynyddion sy'n daladwy i'r myfyriwr (gweler rheoliad 77).

(6) Mae Rhan 6 yn diffinio termau penodol a ddefnyddir yn yr Atodlen hon.

RHAN 2

Incwm yr aelwyd

Incwm aelwyd myfyriwr cymwys

2. Mae'r Rhan hon yn gwneud darpariaeth ynghylch cyfrifo incwm aelwyd myfyriwr cymwys.

(2) Part 2 makes provision about the calculation of an eligible student's household income for the purposes of determining the amount of—

- (a) maintenance grant (see regulations 46 and 47),
- (b) grant for travel (see regulations 65 and 66), or
- (c) grants for dependants (see Part 11),

payable to the student.

(3) Part 3 sets out the meaning of “taxable income”, which is required in order to calculate a person's residual income.

(4) Part 4 makes provision about the calculation of residual income where—

- (a) Chapter 1 sets out how to calculate the residual income of an eligible student for the purposes of calculating the student's household income, and
- (b) Chapter 2 sets out how to calculate the residual income of the following other persons—
 - (i) an eligible student's parent, eligible student's partner or eligible student's parent's partner for the purposes of calculating the student's household income;
 - (ii) an eligible student's dependent adult for the purposes of calculating the amount of grant for dependants payable to the student (see regulation 77).

(5) Part 5 makes provision about the calculation of the net income of—

- (a) an eligible student's adult dependant, for the purposes of determining whether an eligible student qualifies for an adult dependants grant (see regulation 71);
- (b) an eligible student's dependent children, for the purposes of calculating the amount of grant for dependants payable to the student (see regulation 77).

(6) Part 6 defines certain terms used in this Schedule.

PART 2

Household income

Household income of eligible student

2. This Part makes provision about the calculation of an eligible student's household income.

Cyfrifo incwm yr aelwyd

3.—(1) Mae incwm aelwyd myfyriwr cymwys yn cael ei gyfrifo drwy gymhwyso'r camau a ganlyn—

Cam 1

Os nad yw'r myfyriwr yn fyfyrwr cymwys annibynnol (gweler paragraff 4), cyfrifo cyfanred incwm gweddilliol y personau a restrir yn Rhestr A.

Os yw'r myfyriwr yn fyfyrwr cymwys annibynnol, cyfrifo cyfanred incwm gweddilliol y personau a restrir yn Rhestr B.

Rhestr A

Y personau yw—

- (a) y myfyriwr cymwys, plws
- (b) naill ai—
 - (i) pob un o rieni'r myfyriwr cymwys (yn ddarostyngedig i baragraff 5), neu
 - (ii) pan fo rhieni'r myfyriwr wedi gwahanu, y rhiant a ddewisir o dan baragraff 6(3) a phartner y rhiant hwnnw (os oes un gan y rhiant hwnnw), (yn ddarostyngedig i baragraff 7).

Rhestr B

Y personau yw—

- (a) y myfyriwr cymwys annibynnol, plws
- (b) partner y myfyriwr (os oes un gan y myfyriwr), (yn ddarostyngedig i baragraffau 7 ac 8).

Cam 2

Cyfrifo swm cymwys didyniad plentyn dibynnol (gweler is-baragraffau (2) i (4)) a didynnu hynny o'r cyfanswm cyfanredol a gyfrifir o dan Gam 1.

Y canlyniad yw incwm aelwyd y myfyriwr cymwys.

(2) Mae didyniad plentyn dibynnol yn ddidyniad a wneir mewn cysylltiad â phob plentyn sy'n ariannol ddibynnol yn gyfan gwbl neu'n bennaf ar—

- (a) y myfyriwr cymwys,
- (b) partner y myfyriwr cymwys,
- (c) rhiant y myfyriwr cymwys, neu
- (d) partner rhiant y myfyriwr cymwys,

pan fo incwm y person hwnnw yn cael ei ystyried at ddibenion cyfrifo incwm yr aelwyd.

(3) Ond nid oes didyniad i'w wneud mewn cysylltiad â phlentyn—

- (a) rhiant y myfyriwr cymwys, neu

Calculation of household income

3.—(1) An eligible student's household income is calculated by applying the following steps—

Step 1

If the student is not an independent eligible student (see paragraph 4), aggregate the total residual income of the persons listed in List A.

If the student is an independent eligible student, aggregate the total residual income of the persons listed in List B.

List A

The persons are—

- (a) the eligible student, plus
- (b) either—
 - (i) each of the eligible student's parents (subject to paragraph 5), or
 - (ii) where the student's parents have separated, the parent selected under paragraph 6(3) and that parent's partner (if that parent has one), (subject to paragraph 7).

List B

The persons are—

- (a) the independent eligible student, plus
- (b) the student's partner (if the student has one), (subject to paragraphs 7 and 8).

Step 2

Calculate the applicable amount of dependent child deduction (see sub-paragraphs (2) to (4)) and deduct that from the aggregated total calculated under Step 1.

The result is the eligible student's household income.

(2) A dependent child deduction is a deduction made in respect of each child wholly or mainly financially dependent on—

- (a) the eligible student,
- (b) the eligible student's partner,
- (c) the eligible student's parent, or
- (d) the partner of the eligible student's parent,

where the income of that person is taken into account for the purposes of calculating household income.

(3) But no deduction is to be made in respect of a child of—

- (a) the eligible student's parent, or

(b) partner rhiant y myfyriwr cymwys, os y myfyriwr cymwys yw'r plentyn.

(4) Yn Nhabl 15, mae Colofn 2 yn nodi swm y didyniad plentyn dibynnol mewn cysylltiad â'r flwyddyn academiaidd a nodir yn y cofnod cyfatebol yng Ngholofn 1.

Tabl 15

<i>Colofn 1 Blwyddyn academiaidd</i>	<i>Colofn 2 Swm y didyniad plentyn dibynnol</i>
Sy'n dechrau ar neu ar ôl 1 Medi 2018	£1,130

Myfyrwyr cymwys annibynnol

4.—(1) Mae myfyriwr cymwys yn fyfyriwr cymwys annibynnol os yw un o'r achosion a ganlyn yn gymwys—

Achos 1

Mae'r myfyriwr yn 25 oed neu drosodd ar ddiwrnod cyntaf y flwyddyn academiaidd gyfredol.

Achos 2

Mae'r myfyriwr yn briod neu mewn partneriaeth sifil cyn dechrau diwrnod cyntaf y flwyddyn academiaidd gyfredol, pa un a yw'r briodas neu'r bartneriaeth sifil yn parhau i fod ar ôl y dyddiad hwnnw ai peidio.

Achos 3

Nid oes gan y myfyriwr riant sy'n fyw.

Achos 4

Mae Gweinidogion Cymru wedi eu bodloni—

- (a) na ellir dod o hyd i'r naill na'r llall o rieni'r myfyriwr, neu
- (b) nad yw'n rhesymol ymarferol cysylltu â'r naill na'r llall o rieni'r myfyriwr.

Achos 5

Naill ai—

- (a) nid yw'r myfyriwr wedi cyfathrebu â'r naill na'r llall o'i rieni am gyfnod o flwyddyn neu fwy sy'n dod i ben ar y diwrnod cyn diwrnod cyntaf y flwyddyn academiaidd gyfredol, neu
- (b) ym marn Gweinidogion Cymru, mae'r myfyriwr wedi ymddieithrio oddi wrth ei rieni ar seiliau eraill mewn ffordd lle nad oes modd cymodi.

Achos 6

Mae rhieni'r myfyriwr yn preswyllo y tu allan i'r Undeb Ewropeaidd ac mae Gweinidogion Cymru wedi eu bodloni—

(b) the partner of the eligible student's parent, if the child is the eligible student.

(4) In Table 15, Column 2 sets out the amount of dependent child deduction in respect of the academic year set out in the corresponding entry in Column 1.

Table 15

<i>Column 1 Academic year</i>	<i>Column 2 Amount of dependent child deduction</i>
Beginning on or after 1 September 2018	£1,130

Independent eligible students

4.—(1) An eligible student is an independent eligible student if one of the following cases applies—

Case 1

The student is aged 25 or over on the first day of the current academic year.

Case 2

The student is married or is in a civil partnership before the beginning of the first day of the current academic year, whether or not the marriage or civil partnership continues to subsist after that date.

Case 3

The student has no parent living.

Case 4

The Welsh Ministers are satisfied that—

- (a) neither of the student's parents can be found, or
- (b) it is not reasonably practicable to get in touch with either of the student's parents.

Case 5

Either—

- (a) the student has not communicated with either of the student's parents for a period of one year or more ending on the day before the first day of the current academic year, or
- (b) in the opinion of the Welsh Ministers, the student is irreconcilably estranged from the student's parents on other grounds.

Case 6

The student's parents reside outside the European Union and the Welsh Ministers are satisfied that—

- (c) y byddai asesu incwm yr aelwyd drwy gyfeirio at incwm y rhieni yn gosod y rhieni hynny mewn perygl, neu
- (d) na fyddai'n rhesymol ymarferol i'r rhieni anfon arian i'r Deyrnas Unedig at ddibenion rhoi cymorth i'r myfyriwr.

Achos 7

Pan fo paragraff 6 (rhieni sy'n gwahanu) yn gymwys, mae'r rhiant a ddewisir gan Weinidogion Cymru o dan is-baragraff (3) o'r paragraff hwnnw wedi marw, ni waeth a oedd gan y rhiant hwnnw bartner ai peidio.

Achos 8

Ar ddiwrnod cyntaf y flwyddyn academiaidd gyfredol, mae gan y myfyriwr ofal dros berson sydd o dan 18 oed.

Achos 9

Mae'r myfyriwr wedi cael ei gefnogi gan enillion y myfyriwr am unrhyw gyfnod o dair blynedd (neu gyfnodau sydd, gyda'i gilydd, yn dod i gyfanred o dair blynedd o leiaf) sy'n dod i ben cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs presennol.

Achos 10

Pan fo myfyriwr yn fyfyrwr cymwys annibynnol yn rhinwedd Achos 9 mewn cysylltiad ag un flwyddyn academiaidd, mae'r myfyriwr yn parhau i fod yn fyfyrwr cymwys annibynnol ar gyfer unrhyw flwyddyn academiaidd ddilynol o'r cwrs dynodedig.

Achos 11

Mae'r myfyriwr yn berson sy'n ymadael â gofal o fewn yr ystyr a roddir gan reoliad 49.

(2) At ddibenion Achos 9, mae myfyriwr cymwys yn cael ei drin fel pe bai'n cael ei gefnogi gan enillion y myfyriwr os, yn ystod y cyfnod neu'r cyfnodau y cyfeirir ato neu atynt yn Achos 9, yw un o'r seiliau a ganlyn yn gymwys—

Sail 1

Roedd y myfyriwr cymwys yn cymryd rhan mewn trefniadau ar gyfer hyfforddi personau di-waith o dan gynllun a weithredir, a noddir neu a gyllidir gan gorff cyhoeddus.

Sail 2

Roedd y myfyriwr cymwys yn cael budd-dal sy'n daladwy gan gorff cyhoeddus mewn cysylltiad â pherson sydd ar gael ar gyfer cyflogaeth ond sy'n ddi-waith.

Sail 3

Roedd y myfyriwr cymwys ar gael ar gyfer cyflogaeth ac wedi cydymffurfio ag unrhyw ofyniad cofrestru corff cyhoeddus fel amod o hawlogaeth i gymryd rhan mewn trefniadau ar gyfer hyfforddiant neu i gael budd-daliadau.

- (a) the assessment of the household income by reference to the parents' income would place those parents in jeopardy, or
- (b) it would not be reasonably practicable for the parents to send funds to the United Kingdom for the purposes of supporting the student.

Case 7

Where paragraph 6 (separation of parents) applies, the parent selected by the Welsh Ministers under subparagraph (3) of that paragraph has died, irrespective of whether that parent had a partner.

Case 8

On the first day of the current academic year, the student has the care of a person under the age of 18.

Case 9

The student has been supported by the student's earnings for any period of three years (or periods which together aggregate at least three years) ending before the first day of the first academic year of the present course.

Case 10

Where a student is an independent eligible student by virtue of Case 9 in respect of one academic year, the student continues to be an independent eligible student for any subsequent academic year of the designated course.

Case 11

The student is a care leaver within the meaning given by regulation 49.

(2) For the purposes of Case 9, an eligible student is treated as being supported by the student's earnings if during the period or periods referred to in Case 9 one of the following grounds applies—

Ground 1

The eligible student was participating in arrangements for training unemployed persons under a scheme operated, sponsored or funded by a public body.

Ground 2

The eligible student received a benefit payable by a public body in respect of a person who is available for employment but is unemployed.

Ground 3

The eligible student was available for employment and had complied with any registration requirement of a public body as a condition of entitlement for participation in arrangements for training or the receipt of benefits.

Sail 4

Roedd gan y myfyriwr cymwys efrydiaeth wladol neu ddyfarndal tebyg.

Sail 5

Roedd y myfyriwr cymwys yn cael pensiwn, lwfans neu fudd-dal arall a delir oherwydd anabledd, anaf neu salwch y myfyriwr neu am reswm sy'n gysylltiedig â geni plentyn.

Rhiant myfyriwr cymwys yn marw gan adael rhiant sydd wedi goroesi

5.—(1) Pan fo—

- (a) rhiant myfyriwr cymwys yn marw cyn y flwyddyn academaidd gyfredol, a
- (b) incwm y rhiant hwnnw wedi, neu y byddai incwm y rhiant hwnnw wedi, cael ei ystyried at ddiben penderfynu ar incwm yr aelwyd,

dim ond incwm gweddilliol y rhiant sydd wedi goroesi a gyfrifir yn gyfanred at ddibenion Cam 1 ym mharagraff 3(1).

(2) Pan fo'r rhiant yn marw yn ystod y flwyddyn academaidd gyfredol, incwm gweddilliol rhieni'r myfyriwr cymwys, at ddibenion Cam 1 ym mharagraff 3(1), yw cyfanred—

- (a) incwm gweddilliol y ddau riant ar gyfer y flwyddyn ariannol gymwys wedi ei luosi â $X/52$, a
- (b) incwm gweddilliol y rhiant sydd wedi goroesi ar gyfer y flwyddyn ariannol gymwys wedi ei luosi â $Y/52$,

Pan—

X yw nifer yr wythnosau yn y flwyddyn academaidd gyfredol pan oedd y ddau riant yn fyw, ac

Y yw nifer yr wythnosau sy'n weddill yn y flwyddyn academaidd gyfredol.

Rhieni myfyriwr cymwys yn gwahanu

6.—(1) Pan fo rhieni'r myfyriwr cymwys wedi gwahanu drwy gydol y flwyddyn academaidd gyfredol, dim ond incwm gweddilliol y rhiant a ddewisir o dan is-baragraff (3) sy'n cael ei gyfrifo'n gyfanred at ddibenion Cam 1 ym mharagraff 3(1).

(2) Pan fo rhieni'r myfyriwr wedi gwahanu yn ystod y flwyddyn academaidd gyfredol, incwm gweddilliol rhieni'r myfyriwr cymwys, at ddibenion Cam 1 ym mharagraff 3(1), yw cyfanred—

- (a) incwm gweddilliol y ddau riant ar gyfer y flwyddyn ariannol gymwys wedi ei luosi â $X/52$; a

Ground 4

The eligible student held a state studentship or comparable award.

Ground 5

The eligible student received a pension, allowance or other benefit paid by reason of the student's disability, injury or sickness or for a reason associated with childbirth.

Eligible student's parent dies leaving a surviving parent

5.—(1) Where—

- (a) the parent of an eligible student dies before the current academic year, and
- (b) that parent's income has been or would have been taken into account for the purpose of determining household income,

only the residual income of the surviving parent is aggregated for the purposes of Step 1 in paragraph 3(1).

(2) Where the parent dies during the current academic year, the residual income of the eligible student's parents, for the purposes of Step 1 in paragraph 3(1), is the aggregate of—

- (a) the residual income of both parents for the applicable financial year multiplied by $X/52$, and
- (b) the residual income of the surviving parent for the applicable financial year multiplied by $Y/52$,

where—

X is the number of weeks in the current academic year during which both parents were alive, and

Y is the remaining number of weeks in the current academic year.

Separation of eligible student's parents

6.—(1) Where the eligible student's parents are separated for the duration of the current academic year, only the residual income of the parent selected under sub-paragraph (3) is aggregated for the purposes of Step 1 in paragraph 3(1).

(2) Where the student's parents have separated during the current academic year the residual income of the eligible student's parents, for the purposes of Step 1 in paragraph 3(1), is the aggregate of—

- (a) the residual income of both parents for the applicable financial year multiplied by $X/52$, and

- (b) incwm gweddilliol y rhiant a ddewisir o dan is-baragraff (3) ar gyfer y flwyddyn ariannol gymwys wedi ei luosi â Y/52,

pan—

X yw nifer yr wythnosau yn y flwyddyn academaidd gyfredol pan nad oedd y rhieni wedi gwahanu, ac

Y yw nifer yr wythnosau yn y flwyddyn academaidd gyfredol pan oedd y rhieni wedi gwahanu.

(3) Pan fo is-baragraff (1) neu (2) yn gymwys, rhaid i Weinidogion Cymru ddewis y rhiant a chanddo'r incwm gweddilliol sydd fwyaf priodol ei ystyried o dan yr amgylchiadau.

Rhiant myfyriwr cymwys neu fyfyriwr cymwys annibynnol yn gwahanu o'i bartner

7.—(1) Pan fo—

- (a) rhiant myfyriwr cymwys, neu
(b) myfyriwr cymwys annibynnol

wedi gwahanu o'i bartner drwy gydol y flwyddyn academaidd gyfredol, nid yw incwm y partner yn cael ei gyfrifo'n gyfanred o dan Gam 1 ym mharagraff 3(1).

(2) Pan fo—

- (a) rhiant y myfyriwr cymwys, neu
(b) myfyriwr cymwys annibynnol

wedi gwahanu o'i bartner yn ystod y flwyddyn academaidd gyfredol, cyfrifir swm incwm gweddilliol y partner sydd i'w gyfrifo'n gyfanred o dan Gam 1 drwy gymhwyso'r fformiwla yn is-baragraff (3).

(3) Y fformiwla sydd i'w chymhwyso yw—

$$X \times C/52$$

Pan—

X yw incwm gweddilliol—

- (a) partner rhiant y myfyriwr cymwys, pan fo Rhestr A o Gam 1 yn gymwys, neu
(b) partner y myfyriwr cymwys annibynnol, pan fo Rhestr B o Gam 1 yn gymwys,

ar gyfer y flwyddyn academaidd gymwys;

C yw nifer wythnosau cyflawn y flwyddyn academaidd gyfredol pan nad oedd—

- (a) rhiant y myfyriwr cymwys a'i bartner, neu
(b) y myfyriwr cymwys annibynnol a phartner y myfyriwr, wedi gwahanu.

- (b) the residual income of the parent selected under sub-paragraph (3) for the applicable financial year multiplied by Y/52,

where—

X is the number of weeks in the current academic year during which the parents were not separated, and

Y is the number of weeks in the current academic year during which the parents were separated.

(3) Where sub-paragraph (1) or (2) applies, the Welsh Ministers must select the parent whose residual income it is the most appropriate to take into account in the circumstances.

Separation of eligible student's parent or independent eligible student from partner

7.—(1) Where—

- (a) the parent of an eligible student, or
(b) an independent eligible student,

is separated from his or her partner for the duration of the current academic year, the income of the partner is not aggregated under Step 1 in paragraph 3(1).

(2) Where—

- (a) the parent of the eligible student, or
(b) an independent eligible student,

has separated from his or her partner during the current academic year, the amount of the partner's residual income to be aggregated under Step 1 is calculated by applying the formula in sub-paragraph (3).

(3) The formula to be applied is—

$$X \times C/52$$

Where—

X is the residual income of—

- (a) the eligible student's parent's partner, where List A of Step 1 applies, or
(b) the independent eligible student's partner where List B of Step 1 applies,

for the applicable financial year;

C is the number of complete weeks of the current academic year during which—

- (a) the eligible student's parent and his or her partner, or
(b) the independent eligible student and the student's partner, were not separated.

(4) Pan fo gan fyfyrwr cymwys fwy nag un partner mewn unrhyw flwyddyn academiaidd, mae'r paragraff hwn a Cham 1 o baragraff 3(1) yn gymwys mewn perthynas â phob partner.

Myfyriwr cymwys annibynnol neu bartner yn rhiant i fyfyrwr cymwys

8. Pan fo—

- (a) myfyriwr cymwys annibynnol (A) neu bartner y myfyriwr cymwys annibynnol (PA) yn rhiant i fyfyrwr cymwys (M), a
- (b) dyfardal statudol sy'n daladwy i M wedi ei gyfrifo drwy gyfeirio at incwm gweddilliol A neu PA, neu'r ddau,

nid yw incwm gweddilliol PA yn cael ei gyfrifo'n gyfanred o dan Restr B o Gam 1 ym mharagraff 3(1) at ddibenion cyfrifo incwm aelwyd A.

RHAN 3

Incwm trethadwy

Incwm trethadwy

9.—(1) Yn yr Atodlen hon, ystyr incwm trethadwy person yw—

- (a) cyfanred—
 - (i) cyfanswm yr incwm y codir treth incwm ar y person amdano o dan Gam 1 o adran 23 o Ddeddf Treth Incwm 2007(1), a
 - (ii) os nad ydynt eisoes yn elfen o gyfanswm yr incwm o dan is-baragraff (i), daliadau a budd-daliadau eraill a bennir yn adran 401(1) o Ddeddf Treth Incwm (Enillion a Phensiynau) 2003(2) a geir gan y person neu sy'n cael eu trin fel pe baent wedi eu cael gan y person (ond diystyrir adran 401(2) o'r Ddeddf honno at ddibenion yr is-baragraff hwn), neu
- (b) pan fo deddfwriaeth treth incwm Aelod-wladwriaeth arall yn gymwys i incwm y person, gyfanswm incwm y person o bob ffynhonnell fel y'u penderfynir at ddibenion deddfwriaeth treth incwm yr Aelod-wladwriaeth honno.

(1) 2007 p. 3; diwygiwyd adran 23 gan Ddeddf Cyllid 2009 (p. 10), Atodlen 1, paragraff 6(o)(i), Deddf Cyllid 2013 (p. 29), Atodlen 3, paragraff 2(2) a Deddf Cyllid 2014 (p. 26), Atodlen 17, paragraff 19.
(2) 2003 p. 1; diwygiwyd adran 401 gan O.S. 2005/3229, O.S. 2011/1037 ac O.S. 2014/211.

(4) Where an eligible student has more than one partner in any one academic year, this paragraph and Step 1 of paragraph 3(1) apply in relation to each partner.

Independent eligible student or partner is a parent of an eligible student

8. Where—

- (a) an independent eligible student (I) or the partner of the independent eligible student (PI) is a parent of an eligible student (S), and
- (b) a statutory award payable to S is calculated by reference to the residual income of I or PI, or both,

the residual income of PI is not aggregated under List B of Step 1 in paragraph 3(1) for the purposes of calculating the household income of I.

PART 3

Taxable income

Taxable income

9.—(1) In this Schedule, a person's taxable income means—

- (a) the aggregate of—
 - (i) the total income on which the person is charged to income tax under Step 1 of section 23 of the Income Tax Act 2007(1), and
 - (ii) if not already a component of total income under sub-paragraph (i), payments and other benefits specified in section 401(1) of the Income Tax (Earnings and Pensions) Act 2003(2) received by the person or treated as received by the person (but disregard section 401(2) of that Act for the purposes of this sub-paragraph), or
- (b) where the income tax legislation of another member State applies to the person's income, the person's total income from all sources as determined for the purposes of the income tax legislation of that member State.

(1) 2007 c. 3; section 23 was amended by the Finance Act 2009 (c. 10), Schedule 1, paragraph 6(o)(i), the Finance Act 2013 (c. 29), Schedule 3, paragraph 2(2) and the Finance Act 2014 (c. 26), Schedule 17, paragraph 19.
(2) 2003 c.1; section 401 was amended by S.I. 2005/3229, S.I. 2011/1037 and S.I. 2014/211.

(2) At ddibenion is-baragraff (1)(b), pan fo deddfwriaeth treth incwm mwy nag un Aelod-wladwriaeth yn gymwys i'r person mewn cysylltiad â'r flwyddyn sydd o dan ystyriaeth, cyfanswm incwm y person o bob ffynhonnell yw'r swm sy'n deillio o'r penderfyniad sy'n arwain at swm mwyaf cyfanswm yr incwm, gan gynnwys unrhyw incwm y mae'n ofynnol ei ystyried o dan baragraff 18.

(3) Ond nid yw incwm trethadwy person yn cynnwys incwm a delir i berson arall o dan orchymyn trefniadau pensiwn.

RHAN 4

Incwm gweddilliol

PENNOD 1

Incwm gweddilliol myfyriwr cymwys

Cyfrifo incwm gweddilliol myfyriwr cymwys

10. At ddibenion cyfrifo incwm aelwyd myfyriwr cymwys o dan Ran 2, cyfrifir incwm gweddilliol y myfyriwr fel a ganlyn—

Incwm trethadwy'r myfyriwr cymwys mewn cysylltiad â'r flwyddyn academiaidd gyfredol

Plws

Incwm sy'n daladwy i'r myfyriwr cymwys o dan orchymyn trefniadau pensiwn yn ystod y flwyddyn academiaidd gyfredol, ar ôl didynnu treth incwm.

Minws

Cyfanred y didyniadau a nodir ym mharagraff 11 (oni bai eu bod eisoes wedi eu didynnu at ddibenion penderfynu ar incwm trethadwy'r myfyriwr).

Didyniadau at ddiben cyfrifo incwm gweddilliol myfyriwr cymwys

11. At ddibenion cyfrifo incwm gweddilliol myfyriwr cymwys, y didyniadau yw—

Didyniad A

Tâl a roddir i'r myfyriwr cymwys yn y flwyddyn academiaidd gyfredol am waith a wneir yn ystod unrhyw flwyddyn academiaidd o'r cwrs, ond nid tâl mewn cysylltiad ag—

- (a) unrhyw gyfnod o absenoldeb a gymerir gan y myfyriwr, neu
- (b) cyfnod arall pan fydd y myfyriwr wedi ei ryddhau o ddyletswydd i fod yn bresennol yn y gwaith,

fel y caiff y myfyriwr ymgymryd â'r cwrs.

(2) For the purposes of sub-paragraph (1)(b), where the income tax legislation of more than one member State applies to the person in respect of the year under consideration, the person's total income from all sources is the amount derived from the determination resulting in the greatest amount of total income, including any income which is required to be taken into account under paragraph 18.

(3) But a person's taxable income does not include income paid to another person under a pension arrangements order.

PART 4

Residual income

CHAPTER 1

Residual income of an eligible student

Calculation of eligible student's residual income

10. For the purposes of calculating an eligible student's household income under Part 2, the student's residual income is calculated as follows—

The eligible student's taxable income in respect of the current academic year.

Plus

Income payable to the eligible student under a pension arrangements order during the current academic year, net of income tax.

Minus

The aggregate of the deductions set out in paragraph 11 (unless already deducted for the purposes of determining the student's taxable income).

Deductions for the purpose of calculating residual income of an eligible student

11. For the purposes of calculating an eligible student's residual income, the deductions are—

Deduction A

Remuneration paid to the eligible student in the current academic year for work done during any academic year of the course, but not remuneration in respect of any—

- (a) period of leave taken by the student, or
- (b) other period during which the student is relieved of a duty to attend work,

so that the student may undertake the course.

Didyniad B

Swm gros unrhyw bremiwm neu swm a delir gan y myfyriwr cymwys yn ystod y flwyddyn academaidd gyfredol mewn perthynas â phensiwn—

- (a) y rhoddir rhyddhad mewn cysylltiad ag ef o dan adran 188 o Ddeddf Cyllid 2004(1); neu
- (b) pan fo incwm y myfyriwr cymwys yn cael ei gyfrifiannu at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, y byddai rhyddhad yn cael ei roi mewn cysylltiad ag ef pe bai'r ddeddfwriaeth honno yn gwneud darpariaeth sy'n cyfateb i'r ddarpariaeth yn y Deddfau Treth Incwm.

ond nid yw'n cynnwys unrhyw swm a delir fel premiwm o dan bolisi aswariant bywyd.

Incwm myfyriwr cymwys a geir mewn arian cyfred ac eithrio sterling

12.—(1) Pan fo'r myfyriwr cymwys yn cael incwm mewn arian cyfred ac eithrio sterling, gwerth yr incwm yw—

- (a) swm y sterling y mae'r myfyriwr cymwys yn ei gael ar gyfer yr incwm, neu
- (b) pan na fo'r myfyriwr yn troi'r incwm yn sterling, gwerth y sterling y byddai'r incwm yn ei brynu gan ddefnyddio cyfradd gyfnewid CThEM.

(2) Cyfradd gyfnewid CThEM(2) yw'r gyfradd a gyhoeddir gan Gyllid a Thollau Ei Mawrhydi ar gyfer y mis sy'n cyfateb i'r mis y ceir yr incwm ynddo.

PENNOD 2

Incwm gweddilliol personau ac eithrio myfyriwr cymwys

Personau y mae'r bennod hon yn gymwys iddynt

13. Mae'r Bennod hon yn gwneud darpariaeth ar gyfer cyfrifo incwm gweddilliol person ("P") pan fo P yn golygu'r canlynol—

- (a) pan fo incwm P yn cael ei gyfrifo'n gyfanred o dan Gam 1 ym mharagraff 3(1) at ddiben cyfrifo incwm aelwyd myfyriwr cymwys—
 - (i) rhiant y myfyriwr cymwys,
 - (ii) partner y myfyriwr cymwys, neu
 - (iii) partner rhiant y myfyriwr cymwys,

(1) 2004 p. 12; diwygiwyd adran 188 gan Ddeddf Cyllid 2007 (p. 11), adrannau 68 a 114 ac Atodlenni 18, 19 a 27, Deddf Cyllid 2013 (p. 29), adran 52 a Deddf Cyllid 2014 (p. 26), Atodlen 7.

(2) Gweler <https://www.gov.uk/government/collections/exchange-rates-for-customs-and-vat>.

Deduction B

The gross amount of any premium or sum paid by the eligible student during the current academic year in relation to a pension in respect of which—

- (a) relief is given under section 188 of the Finance Act 2004(1), or
- (b) where the student's income is computed for the purposes of the income tax legislation of another member State, relief would be given if that legislation made provision equivalent to the Income Tax Acts,

but not including any sum paid as a premium under a policy of life assurance.

Income of eligible student received in currency other than sterling

12.—(1) Where the eligible student receives income in a currency other than sterling, the value of the income is—

- (a) the amount of sterling the eligible student receives for the income, or
- (b) where the student does not convert the income into sterling, the value of the sterling which the income would purchase using the HMRC exchange rate.

(2) The HMRC exchange rate(2) is the rate published by HM Revenue and Customs for the month corresponding to the month in which the income is received.

CHAPTER 2

Residual income of persons other than an eligible student

Persons to whom this chapter applies

13. This Chapter makes provision for the calculation of a person's ("P's") residual income where P means the following—

- (a) where P's income is aggregated under Step 1 in paragraph 3(1) for the purpose of calculating an eligible student's household income—
 - (i) the parent of the eligible student,
 - (ii) the eligible student's partner, or
 - (iii) the eligible student's parent's partner,

(1) 2004 c.12; section 188 was amended by the Finance Act 2007 (c. 11), sections 68 and 114 and Schedules 18, 19 and 27, the Finance Act 2013 (c. 29), section 52 and the Finance Act 2014 (c. 26), Schedule 7.

(2) See <https://www.gov.uk/government/collections/exchange-rates-for-customs-and-vat>.

yn ôl y digwydd;

- (b) oedolyn dibynnol myfyriwr cymwys at ddibenion cyfrifo swm y grant ar gyfer dibynyddion sy'n daladwy i'r myfyriwr (gweler rheoliad 77).

Cyfrifo incwm gweddilliol personau ac eithrio myfyriwr cymwys

14. Cyfrifir incwm gweddilliol P fel a ganlyn—

Incwm trethadwy P ar gyfer y flwyddyn ariannol gymwys.

Plws

Incwm sy'n daladwy i P o dan orchymyn trefniadau pensiwn yn ystod y flwyddyn ariannol gymwys ar ôl didynnu treth incwm.

Minws

Cyfanred y didyniadau a nodir ym mharagraff 15 (oni bai eu bod eisoes wedi eu didynnu at ddibenion penderfynu ar incwm trethadwy P).

Didyniadau at ddiben cyfrifo incwm gweddilliol personau ac eithrio myfyriwr cymwys

15.—(1) At ddibenion cyfrifo incwm gweddilliol P, y didyniadau yw—

Didyniad A

Swm gros unrhyw bremiwm neu swm a delir gan P mewn cysylltiad â phensiwn yn ystod y flwyddyn ariannol gymwys—

- (a) y rhoddor rhyddhad mewn perthynas ag ef o dan adran 188 o Ddeddf Cyllid 2004, neu
- (b) pan fo incwm P yn cael ei gyfrifiannu at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, y byddai rhyddhad yn cael ei roi mewn perthynas ag ef pe bai'r deddfwriaeth honno yn gwneud darpariaeth sy'n cyfateb i'r ddarpariaeth yn y Deddfau Treth Incwm,

ond nid yw'n cynnwys unrhyw swm a delir fel premiwm o dan bolisi aswiriant bywyd.

Didyniad B

Pan fo paragraff 18 yn gymwys, swm sy'n cyfateb i Ddidyniad A ar yr amod nad yw'r swm hwn yn fwy na'r didyniadau a fyddai'n cael eu gwneud pe bai holl incwm P yn incwm at ddibenion Deddfau Treth Incwm mewn gwirionedd.

Didyniad C

£1,130, pan fo P—

- (a) yn fyfyriwr cymwys mewn cysylltiad â'r flwyddyn academaidd gyfredol ond hefyd yn rhiant myfyriwr cymwys, neu

as the case may be;

- (b) the adult dependant of an eligible student for the purposes of calculating the amount of grant for dependants payable to the student (see regulation 77).

Calculation of residual income of persons other than eligible student

14. P's residual income is calculated as follows—

P's taxable income for the applicable financial year.

Plus

Income payable to P under a pension arrangements order during the applicable financial year, net of income tax.

Minus

The aggregate of the deductions set out in paragraph 15 (unless already deducted for the purposes of determining P's taxable income).

Deductions for the purpose of calculating residual income of persons other than eligible student

15.—(1) For the purposes of calculating P's residual income, the deductions are—

Deduction A

The gross amount of any premium or sum paid by P in respect of a pension during the applicable financial year, in relation to which—

- (a) relief is given under section 188 of the Finance Act 2004, or
- (b) where P's income is computed for the purposes of the income tax legislation of another member State, relief would be given if that legislation made provision equivalent to the Income Tax Acts,

but not including any sum paid as a premium under a policy of life assurance.

Deduction B

Where paragraph 18 applies, a sum equivalent to Deduction A provided that this sum does not exceed the deductions which would be made if the whole of P's income were in fact income for the purposes of the Income Tax Acts.

Deduction C

£1,130, where P—

- (a) is an eligible student in respect of the current academic year but is also the parent of an eligible student, or

- (b) wedi cael dyfarndal statudol mewn cysylltiad â'r un cyfnod.

- (b) holds a statutory award in respect of the same period.

Blynyddoedd ariannol cymwys: cyfrifo incwm gweddilliol personau ac eithrio myfyriwr cymwys

16.—(1) Mae'r paragraff hwn yn pennu'r flwyddyn ariannol gymwys at ddibenion cyfrifo incwm gweddilliol P.

(2) Oni bai bod is-baragraffau (3) neu (5) yn gymwys, y flwyddyn ariannol gymwys yw BF-1.

(3) Pan fo Gweinidogion Cymru wedi eu bodloni bod incwm gweddilliol P ar gyfer BG yn debygol o fod o leiaf 15% yn llai nag incwm gweddilliol P ar gyfer BF-1, y flwyddyn ariannol gymwys yw BG.

(4) Mae is-baragraff (5) yn gymwys os y flwyddyn ariannol a oedd yn dechrau yn union cyn diwrnod cyntaf y flwyddyn academaidd flaenorol oedd y flwyddyn ariannol gymwys ar gyfer y flwyddyn academaidd flaenorol.

(5) Pan fo'r paragraff hwn yn gymwys, mae'r flwyddyn ariannol gymwys i'w phenderfynu fel a ganlyn—

- (a) os yw Gweinidogion Cymru wedi eu bodloni bod incwm gweddilliol P ar gyfer BG yn debygol o fod o leiaf 15% yn llai nag incwm gweddilliol P ar gyfer BF, y flwyddyn ariannol gymwys yw BG;
- (b) fel arall, y flwyddyn ariannol gymwys yw BF.

Incwm o fusnes neu broffesiwn

17.—(1) Mae is-baragraff (2) yn gymwys pan—

- (a) y flwyddyn ariannol gymwys at ddibenion cyfrifo incwm gweddilliol P yw BF-1, a
- (b) bo Gweinidogion Cymru wedi eu bodloni bod incwm P yn deillio'n gyfan gwbl neu'n bennaf o elw busnes neu broffesiwn a gynhelir gan P.

(2) Pan fo'r paragraff hwn yn gymwys, incwm gweddilliol P yw ei incwm ar gyfer y cyfnod cynharaf o ddeuddeng mis sy'n dod i ben yn BF-1 y cedwir cyfrifon mewn cysylltiad ag ef sy'n ymwneud â busnes neu broffesiwn P.

Trin incwm nas trinnir fel incwm at ddibenion treth incwm

18.—(1) Mae is-baragraff (3) yn gymwys pan fo P yn cael unrhyw incwm nad yw, am unrhyw un neu ragor o'r rhesymau a nodir yn is-baragraff (2), yn ffurfio rhan o incwm P at ddibenion y Deddfau Treth Incwm neu ddeddfwriaeth treth incwm Aelod-wladwriaeth arall.

Applicable financial years: calculating residual income of persons other than eligible student

16.—(1) This paragraph specifies the applicable financial year for the purposes of calculating P's residual income.

(2) Unless sub-paragraph (3) or (5) applies, the applicable financial year is PY-1.

(3) Where the Welsh Ministers are satisfied that P's residual income for CY is likely to be at least 15% lower than P's residual income for PY-1, the applicable financial year is CY.

(4) Sub-paragraph (5) applies where the applicable financial year for the previous academic year was the financial year beginning immediately before the first day of the previous academic year.

(5) Where this paragraph applies, the applicable financial year is to be determined as follows—

- (a) if the Welsh Ministers are satisfied that P's residual income for CY is likely to be at least 15% lower than P's residual income for PY, the applicable financial year is CY;
- (b) otherwise, the applicable financial year is PY.

Income from business or profession

17.—(1) Sub-paragraph (2) applies where—

- (a) the applicable financial year for the purposes of calculating P's residual income is PY-1, and
- (b) the Welsh Ministers are satisfied that P's income is wholly or mainly derived from the profits of a business or profession carried on by P.

(2) Where this paragraph applies, P's residual income is P's income for the earliest period of twelve months ending in PY-1 in respect of which accounts are kept relating to P's business or profession.

Treatment of income not treated as income for income tax purposes

18.—(1) Sub-paragraph (3) applies where P is in receipt of any income which, for any of the reasons set out in sub-paragraph (2), does not form part of P's income for the purposes of the Income Tax Acts or the income tax legislation of another member State.

(2) Y rhesymau yw—

Rheswm 1

- (a) nid yw P yn preswyllo nac wedi ymgartrefu yn y Deyrnas Unedig, neu
- (b) cyfrifiennir incwm P at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall ac nid yw P yn preswyllo nac wedi ymgartrefu yn yr Aelod-wladwriaeth honno.

Rheswm 2

- (a) nid yw incwm P yn codi yn y Deyrnas Unedig, neu
- (b) nid yw incwm P yn codi yn yr Aelod-wladwriaeth y cyfrifiennir incwm P ynddi at ddibenion deddfwriaeth treth incwm y Wladwriaeth honno.

Rheswm 3

Mae'r incwm yn codi o swydd, gwasanaeth neu gyflogaeth y mae'r incwm ohoni neu ohono yn esempt rhag treth.

(3) Mae incwm trethadwy P i'w gymryd i gynnwys yr incwm a ddisgrifir yn is-baragraff (1) fel pe bai'n rhan o incwm P at ddibenion y Deddfau Treth Incwm neu ddeddfwriaeth treth incwm Aelod-wladwriaeth arall, yn ôl y digwydd.

Incwm P mewn arian cyfred ac eithrio sterling

19.—(1) Pan fo incwm P wedi ei gyfrifiannu at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, mae incwm gweddilliol P i'w gyfrifo yn unol a'r Rhan hon yn arian cyfred yr Aelod-wladwriaeth honno ac i'w gymryd fel gwerth sterling yr incwm hwnnw a benderfynir yn unol â chyfradd berthnasol CThEM.

(2) Cyfradd berthnasol CThEM yw'r gyfradd gyfnewid ar gyfartaledd a ddyroddir gan Gyllid a Thollau Ei Mawrhydi ar gyfer y flwyddyn galendr sy'n dod i ben yn union cyn diwedd BF-1.

RHAN 5

Incwm net dibynyddion

Incwm net dibynyddion

20. Mae'r Rhan hon yn gwneud darpariaeth ynghylch cyfrifo incwm net y dibynyddion a ganlyn—

- (a) oedolyn dibynnol myfyriwr cymwys, at ddibenion penderfynu a yw myfyriwr cymwys yn cymhwyso i gael grant oedolion dibynnol (gweler rheoliad 71);

(2) The reasons are—

Reason 1

- (a) P is not resident or domiciled in the United Kingdom, or
- (b) P's income is computed for the purposes of the income tax legislation of another member State and P is not resident or domiciled in that member State.

Reason 2

- (a) P's income does not arise in the United Kingdom, or
- (b) P's income does not arise in the member State in which P's income is computed for the purposes of that State's income tax legislation.

Reason 3

The income arises from an office, service or employment, income from which is exempt from tax.

(3) P's taxable income is to be taken to include the income described in sub-paragraph (1) as if it were part of P's income for the purposes of the Income Tax Acts or the income tax legislation of another member State, as the case may be.

P's income in currency other than sterling

19.—(1) Where P's income is computed for the purposes of the income tax legislation of another member State, P's residual income is to be calculated in accordance with this Part in the currency of that member State and is to be taken to be the sterling value of that income determined in accordance with the relevant HMRC rate.

(2) The relevant HMRC rate is the exchange average rate issued by HM Revenue and Customs for the calendar year ending immediately before the end of PY-1.

PART 5

Net income of dependants

Net income of dependants

20. This Part makes provision about the calculation of the net income of the following dependants—

- (a) an eligible student's adult dependant, for the purposes of determining whether an eligible student qualifies for adult dependants grant (see regulation 71);

- (b) plant dibynnol myfyriwr cymwys, at ddibenion cyfrifo swm y grant ar gyfer dibynnyddion sy'n daladwy i'r myfyriwr (gweler rheoliad 77).

- (b) an eligible student's dependent children, for the purposes of calculating the amount of grant for dependants payable to the student (see regulation 77).

Incw m net

21.—(1) Incwm net dibynnydd yw incwm y dibynnydd o bob ffynhonnell ar gyfer y flwyddyn berthnasol wedi ei ostwng yn ôl swm y dreth incwm a'r cyfraniadau nawdd cymdeithasol sy'n daladwy mewn cysylltiad â'r flwyddyn honno ond gan ddiystyru—

- (a) unrhyw bensiwn, lwfans neu fudd-dal arall a delir oherwydd anabledd neu analluedd dibynnydd;
- (b) budd-dal plant sy'n daladwy o dan Ran 9 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 wneir o dan adrannau 2, 3 a 4 o Ddeddf Mabwysiadu a Phlant 2002(2);
- (d) 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(3);
- (e) yn achos dibynnydd y mae plentyn sy'n derbyn gofal gan awdurdod lleol wedi ei fyrddio gydag ef, unrhyw daliad a wneir i'r dibynnydd hwnnw yn unol ag adran 23 o Ddeddf Plant 1989(4) neu adran 81 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(5);
- (f) unrhyw daliad a wneir i'r dibynnydd o dan adran 110(6) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 neu adran 23C(5A) o Ddeddf Plant 1989(6);

Net income

21.—(1) The net income of a dependant is the dependant's income from all sources for the relevant year reduced by the amount of income tax and social security contributions payable in respect of that year but disregarding—

- (a) any pension, allowance or other benefit paid by reason of a dependant's disability or incapacity;
- (b) child benefit payable under Part 9 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 sections 2, 3 and 4 of 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(3);
- (e) in the case of a dependant with whom a child being looked after by a local authority is boarded out, any payment made to that dependant in pursuance of section 23 of the Children Act 1989(4) or section 81 of the Social Services and Well-being (Wales) Act 2014(5);
- (f) any payment made to the dependant under section 110(6) of the Social Services and Well-being (Wales) Act 2014 or section 23C(5A) of the Children Act 1989(6);

(1) 1992 p. 4.
 (2) 2002 p. 38. Diwygiwyd adran 2 gan O.S. 2016/413 (Cy. 131). Diwygiwyd adran 4 gan O.S. 2010/1158; Deddf Iechyd a Gofal Cymdeithasol 2012 (p. 7), Atodlen 5, paragraffau 104 a 105; a chan S.I. 2013/160.
 (3) Diwygiwyd adran 77 gan Ddeddf Budd-dal Plant 2005, adran 1(3), Atodlen 1, Rhan 1, paragraffau 1 a 4, Deddf Credydau Treth 2002, Atodlen 6, Deddf Partneriaeth Sifil 2004, adran 254(1), Atodlen 24, Rhan 3, paragraff 34.
 (4) 1989 p. 41. Diwygiwyd adran 23 gan Ddeddf Llysoedd a Gwasanaethau Cyfreithiol 1990 (p. 41), Atodlen 16, paragraff 12, Deddf Safonau Gofal 2000 (p. 14), Atodlen 4, paragraff 14, Deddf Plant 2004 (p. 31), adran 49(3), Deddf Plant a Phobl Ifanc 2008 (p. 23), adrannau 8 a 39 ac Atodlen 3, paragraffau 1 a 7 a Deddf Plant a Theuluoedd 2014 (p. 6), Atodlen 2, paragraff 30.
 (5) 2014 decc 4.
 (6) Mewnosodwyd is-adrannau (5A) i (5C) o adran 23C o Ddeddf Plant 1989, o ran Lloegr, gan adran 21 o Ddeddf Plant a Phobl Ifanc 2008 ac mae O.S. 2009/268 ac O.S. 2009/2273 yn cyfeirio at hyn. Mewnosodwyd is-adrannau (5A) i (5C) yn adran 23C o ran Cymru ac mae O.S. 2010/1329 (Cy. 112) (C. 81) ac O.S. 2011/824 (Cy. 123) (C. 32) yn cyfeirio at hyn.

(1) 1992 c.4.
 (2) 2002 c. 38. Section 2 was amended by S.I. 2016/413 (W. 131). Section 4 was amended by S.I. 2010/1158; the Health and Social Care Act 2012 (c. 7), Schedule 5, paragraphs 104 and 105; and by S.I. 2013/160.
 (3) Section 77 was amended by the Child Benefit Act 2005, section 1(3), Schedule 1, Part 1, paragraphs 1 and 4, the Tax Credits Act 2002, Schedule 6, the Civil Partnership Act 2004, section 254(1), Schedule 24, Part 3, paragraph 34.
 (4) 1989 c.41. Section 23 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 16, paragraph 12, the Care Standards Act 2000 (c. 14), Schedule 4, paragraph 14, the Children Act 2004 (c. 31), section 49(3), the Children and Young Persons Act 2008 (c. 23), sections 8 and 39 and Schedule 3, paragraphs 1 and 7 and the Children and Families Act 2014 (c. 6), Schedule 2 paragraph 30.
 (5) 2014 anaw 4.
 (6) Subsections (5A) to (5C) of section 23C of the Children Act 1989 were inserted, in relation to England, by section 21 of the Children and Young Persons Act 2008 and S.I. 2009/268 and S.I. 2009/2273 refer. Subsections (5A) to (5C) were inserted into section 23C in relation to Wales and S.I. 2010/1329 (W. 112) (C.81) and S.I. 2011/824 (W. 123) (C. 32) refer.

- (g) unrhyw daliadau a wneir i'r dibynnydd o dan adran 15 o Ddeddf Plant 1989 ac Atodlen 1 iddi mewn cysylltiad â pherson nad yw'n blentyn i'r dibynnydd neu unrhyw gymorth a roddir gan awdurdod lleol yn unol â—
- (i) adran 24 o'r Ddeddf honno(1), neu
 - (ii) adran 104 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 i'r graddau y mae'r adran honno yn gymwys i bersonau ifanc categori 5 a 6 o fewn ystyr y Ddeddf honno;
- (h) unrhyw greddyd treth plant y mae gan y dibynnydd hawlogaeth i'w gael o dan Ran 1 o Ddeddf Credydau Treth 2002(2);
- (i) yn achos dibynnydd sydd â hawlogaeth i gael dyfarndal o greddyd cynhwysol o dan Ran 1 o Ddeddf Diwygio Lles 2012(3)—
- (i) unrhyw swm a gynhwysir wrth gyfrifo'r dyfarndal o dan reoliad 27(1) o Reoliadau Credyd Cynhwysol 2013(4), mewn cysylltiad â'r ffaith bod gan y dibynnydd allu cyfyngedig i weithio ac i wneud gweithgarwch cysylltiedig â gwaith,
 - (ii) unrhyw swm neu swm ychwanegol a gynhwysir wrth gyfrifo'r dyfarndal o dan reoliad 24 o'r Rheoliadau hynny (5) (elfen y plentyn).

(2) At ddibenion y paragraff hwn, trinnir taliadau a wneir i'r myfyriwr cymwys tuag at gynhaliath plentyn dibynnol fel incwm y plentyn dibynnol.

(3) Yn y paragraff hwn, ystyr "blwyddyn berthnasol" yw—

- (a) mewn cysylltiad ag oedolyn dibynnol myfyriwr cymwys, y flwyddyn academiaidd gyfredol;
- (b) mewn cysylltiad â phlentyn dibynnol myfyriwr cymwys, y flwyddyn ariannol gymwys a benderfynir o dan baragraff 22.

- (g) 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—
- (i) section 24 of that Act(1), or
 - (ii) section 104 of the Social Services and Well-being (Wales) Act 2014 in so far as that section applies to category 5 and 6 young persons within the meaning of that Act;
- (h) any child tax credit to which the dependant is entitled under Part 1 of the Tax Credits Act 2002(2);
- (i) in the case of a dependant who is entitled to an award of universal credit under Part 1 of the Welfare Reform Act 2012(3)—
- (i) any amount that is included in the calculation of the award under regulation 27(1) of the Universal Credit Regulations 2013(4), in respect of the fact that the dependant has limited capability for work and work-related activity;
 - (ii) any amount or additional amount that is included in the calculation of the award under regulation 24 of those Regulations(5) (the child element).

(2) For the purposes of this paragraph, payments made to the eligible student towards a dependent child's maintenance are treated as the dependent child's income.

(3) In this paragraph, "relevant year" means—

- (a) in respect of an eligible student's adult dependant, the current academic year;
- (b) in respect of an eligible student's dependent child, the applicable financial year determined under paragraph 22.

(1) Diwygiwyd adran 24 gan Ddeddf Plant (Ymadael â Gofal) 2000 (p. 35), adran 4(1), Deddf Mabwysiadu a Phlant 2002 (p. 38), adran 139 ac Atodlen 3, paragraff 60, O.S. 2007/961 (Cy. 85), paragraff 20(2)(b), O.S. 2010/1158, Atodlen 2, paragraff 2, Deddf Iechyd a Gofal Cymdeithasol 2012 (p. 7), adran 55 ac Atodlen 5, paragraff 49 ac O.S. 2016/413 (Cy. 131), rheoliad 81.

(2) 2002 p. 21.

(3) 2012 p. 5.

(4) O.S. 2013/376. Diwygiwyd rheoliad 27 gan O.S. 2017/204, rheoliad 4.

(5) Mae rheoliad 24 o O.S. 2013/376, fel y'i diwygiwyd gan O.S. 2014/2088 a Deddf Diwygio Lles a Gwaith 2016 (p. 7), adran 14, yn gwneud darpariaeth bellach ynghylch elfen y plentyn o ddyfarndal.

(1) Section 24 was amended by the Children (Leaving Care) Act 2000 (c. 35), section 4(1), the Adoption and Children Act 2002 (c. 38), section 139 and Schedule 3, paragraph 60, S.I. 2007/961 (W.85), paragraph 20(2)(b), S.I. 2010/1158, Schedule 2, paragraph 2, the Health and Social Care Act 2012 (c. 7), section 55 and Schedule 5, paragraph 49 and S.I. 2016/413 (W.131), regulation 81.

(2) 2002 c. 21.

(3) 2012 c.5.

(4) S.I. 2013/376. Regulation 27 was amended by S.I. 2017/204, regulation 4.

(5) Regulation 24 of S.I. 2013/376, as amended by S.I. 2014/2088 and the Welfare Reform and Work Act 2016 (c.7), section 14, makes further provision about the child element of an award.

Blynyddoedd ariannol cymwys: cyfrifo incwm net plant dibynnol myfyriwr cymwys

22.—(1) Mae'r paragraff hwn yn pennu'r flwyddyn ariannol gymwys at ddibenion cyfrifo incwm net plentyn dibynnol myfyriwr cymwys ("PI").

(2) Oni bai bod paragraffau (3) neu (5) yn gymwys, y flwyddyn ariannol gymwys yw BF-1.

(3) Pan fo Gweinidogion Cymru wedi eu bodloni bod incwm net PI ar gyfer BG yn debygol o fod o leiaf 15% yn llai nag incwm net PI ar gyfer BF-1, y flwyddyn ariannol gymwys yw BG.

(4) Mae is-paragraff (5) yn gymwys os y flwyddyn ariannol a oedd yn dechrau yn union cyn diwrnod cyntaf y flwyddyn academaidd flaenorol oedd y flwyddyn ariannol gymwys ar gyfer y flwyddyn academaidd flaenorol.

(5) Pan fo'r paragraff hwn yn gymwys, mae'r flwyddyn ariannol gymwys i'w phenderfynu fel a ganlyn—

- (a) os yw Gweinidogion Cymru wedi eu bodloni bod incwm net PI ar gyfer BG yn debygol o fod o leiaf 15% yn llai nag incwm net PI ar gyfer BF, y flwyddyn ariannol gymwys yw BG;
- (b) fel arall, y flwyddyn ariannol gymwys yw BF.

RHAN 6

Dehongli

Dehongli

23.—(1) Yn yr Atodlen hon, ystyr unrhyw gyfeiriad at bartner person ("A") yw—

- (a) priod neu bartner sifil A; neu
- (b) person sy'n byw fel arfer gydag A fel pe bai'r person yn briod neu'n bartner sifil A.

(2) Yn yr Atodlen hon—

ystyr "BF" ("PY") yw'r flwyddyn ariannol yn union cyn BG;

ystyr "BF-1" ("PY-1") yw'r flwyddyn ariannol yn union cyn BF;

ystyr "BG" ("CY") yw'r flwyddyn ariannol sy'n dechrau yn union cyn diwrnod cyntaf y flwyddyn academaidd gyfredol;

ystyr "blwyddyn academaidd gyfredol" ("current academic year") yw blwyddyn academaidd y cwrs presennol y mae'r myfyriwr cymwys yn gwneud cais am gymorth mewn cysylltiad â hi;

ystyr "blwyddyn ariannol" ("financial year") yw'r cyfnod o ddeuddeng mis y cyfrifiennir incwm person mewn cysylltiad ag ef at ddibenion y ddeddfwriaeth treth incwm sy'n gymwys iddo;

Applicable financial years: calculating net income of an eligible student's dependent children

22.—(1) This paragraph specifies the applicable financial year for the purposes of calculating the net income of an eligible student's dependent child ("C").

(2) Unless paragraph (3) or (5) applies, the applicable financial year is PY-1.

(3) Where the Welsh Ministers are satisfied that C's net income for CY is likely to be at least 15% lower than C's net income for PY-1, the applicable financial year is CY.

(4) Sub-paragraph (5) applies where the applicable financial year for the previous academic year was the financial year beginning immediately before the first day of the previous academic year.

(5) Where this paragraph applies, the applicable financial year is to be determined as follows—

- (a) if the Welsh Ministers are satisfied that C's net income for CY is likely to be at least 15% lower than C's net income for PY, the applicable financial year is CY;
- (b) otherwise, the applicable financial year is PY.

PART 6

Interpretation

Interpretation

23.—(1) In this Schedule, any reference to a person's ("A's") partner means—

- (a) A's spouse or civil partner; or
- (b) a person ordinarily living with A as if the person were A's spouse or civil partner.

(2) In this Schedule—

"applicable financial year" ("blwyddyn academaidd gymwys") means the financial year determined in accordance with paragraph 16 or 22;

"current academic year" ("blwyddyn academaidd gyfredol") means the academic year of the present course in respect of which the eligible student is applying for support;

"CY" ("BG") means the financial year beginning immediately before the first day of the current academic year;

"financial year" ("blwyddyn ariannol") means the period of twelve months in respect of which the income of a person is computed for the purposes of the income tax legislation which applies to it;

"PY" ("BF") means the financial year immediately preceding CY;

ystyr “blwyddyn ariannol gymwys” (“*applicable financial year*”) yw’r flwyddyn ariannol y penderfynir arni yn unol â pharagraff 16 neu 22;

ystyr “corff cyhoeddus” (“*public body*”) yw awdurdod neu asiantaeth i’r wladwriaeth, boed yn genedlaethol, yn rhanbarthol neu’n lleol;

ystyr “gorchymyn trefniadau pensiwn” (“*pension arrangements order*”) yw gorchymyn y mae person yn talu odano fudd-daliadau o dan drefniant pensiwn i berson arall o dan—

- (a) adran 23 o Ddeddf Achosion Priodasol 1973(1) sy’n cynnwys darpariaeth a wneir yn rhinwedd adran 25B(4) (a chan gynnwys gorchymyn o’r fath fel y gall gael effaith yn rhinwedd adran 25E(3) o’r Ddeddf honno)(2), neu
- (b) Rhan 1 o Atodlen 5 i Ddeddf Partneriaeth Sifil 2004(3) sy’n cynnwys darpariaeth a wneir yn rhinwedd Rhan 6 o’r Atodlen honno (a chan gynnwys gorchymyn o’r fath fel y gall gael effaith yn rhinwedd Rhan 7 o’r Atodlen honno).

ATODLEN 4 Rheoliad 98

Grant myfyriwr ôl-raddedig anabl

Grant myfyriwr ôl-raddedig anabl

1.—(1) Mae grant myfyriwr ôl-raddedig anabl yn grant sy’n cael ei roi ar gael gan Weinidogion Cymru i fyfyrwr ôl-raddedig cymwys sydd ag anabledd er mwyn ei gynorthwyo gyda gwariant ychwanegol mewn cysylltiad â chostau byw y mae’n ofynnol i’r myfyriwr fynd iddynt mewn cysylltiad ag ymgymryd â chwrs ôl-radd dynodedig oherwydd anabledd y myfyriwr.

(2) Yn yr Atodlen hon, ystyr “cwrs ôl-radd presennol” yw’r cwrs y mae person yn gwneud cais am grant myfyriwr ôl-raddedig anabl mewn cysylltiad ag ef o dan baragraff 17.

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- (1) 1973 p. 18, diwygiwyd adran 23 gan Ddeddf Gweinyddu Cyfiawnder 1982 (p. 53), adran 16.
 - (2) Mewnosodwyd adran 25B gan Ddeddf Pensiynau 1995 (p. 26), adran 166(1) ac fe’i diwygiwyd gan Ddeddf Diwygio Lles a Phensiynau 1999 (p. 30), Atodlen 4. Mewnosodwyd adran 25E gan Ddeddf Pensiynau 2004 (p. 35), adran 319(1), Atodlen 12, paragraff 3 ac fe’i diwygiwyd gan Ddeddf Pensiynau 2008 (p. 30), Atodlen 6, paragraffau 1 a 6 ac Atodlen 11, Rhan 4.
 - (3) 2004 p. 33; addaswyd paragraff 25 o Atodlen 5 gan O.S. 2006/1934 a diwygiwyd paragraff 30 o Atodlen 5 gan Ddeddf Pensiynau 2008 (p. 30), Atodlen 6 ac 11.

“PY-1” (“*BF-1*”) means the financial year immediately preceding PY;

“pension arrangements order” (“*gorchymyn trefniadau pensiwn*”) means an order under which a person pays benefits under a pension arrangement to another person under—

- (a) section 23 of the Matrimonial Causes Act 1973(1) which includes provision made by virtue of section 25B(4) (and including such an order as it may have effect by virtue of section 25E(3) of that Act)(2), or
- (b) Part 1 of Schedule 5 to the Civil Partnership Act 2004(3) which includes provision made by virtue of Part 6 of that Schedule (and including such an order as it may have effect by virtue of Part 7 of that Schedule);

“public body” (“*corff cyhoeddus*”) means a state authority or agency whether national, regional or local.

SCHEDULE 4 Regulation 98

Disabled postgraduate student’s grant

Disabled postgraduate student’s grant

1.—(1) A disabled postgraduate student’s grant is a grant made available by the Welsh Ministers to an eligible postgraduate student with a disability to assist with additional expenditure in respect of living costs which the student is obliged to incur in connection with undertaking a designated postgraduate course by reason of the student’s disability.

(2) In this Schedule, “present postgraduate course” means the course in respect of which a person applies for a disabled postgraduate student’s grant under paragraph 17.

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- (1) 1973 c.18, section 23 was amended by the Administration of Justice Act 1982 (c. 53), section 16.
 - (2) Section 25B was inserted by the Pensions Act 1995 (c. 26), section 166(1) and was amended by the Welfare Reform and Pensions Act 1999 (c. 30), Schedule 4. Section 25E was inserted by the Pensions Act 2004 (c. 35), section 319(1), Schedule 12, paragraph 3 and amended by the Pensions Act 2008 (c. 30), Schedule 6, paragraphs 1 and 6 and Schedule 11, Part 4.
 - (3) 2004 c.33; paragraph 25 of Schedule 5 was modified by S.I. 2006/1934 and paragraph 30 of Schedule 5 was amended by the Pensions Act 2008 (c.30), Schedules 6 and 11.

Cyrsiau ôl-radd dynodedig

2.—(1) Yn yr Atodlen hon (ac at ddibenion adran 22 o Ddeddf 1998), mae cwrs yn gwrs ôl-radd dynodedig os yw'n bodloni pob un o'r amodau a ganlyn—

Amod 1

Fel arfer mae gradd gyntaf (neu gymhwyster cyfatebol) neu uwch yn ofynnol ar gyfer cael mynediad i'r cwrs.

Amod 2

Nid yw'r cwrs yn gwrs rhyngosod.

Amod 3

Hyd y cwrs yw o leiaf un flwyddyn academiaidd.

Amod 4

Mae'r cwrs wedi ei ddarparu gan sefydliad a gyllidir yn gyhoeddus.

Amod 5

Mae o leiaf hanner yr addysgu a'r goruchwylio sy'n ffurfio'r cwrs wedi ei ddarparu yn y Deyrnas Unedig.

Amod 6

Nid yw'r cwrs yn gwrs ar gyfer hyfforddiant cychwynnol athrawon neu'n gwrs a ddilynir fel rhan o gynllun hyfforddi athrawon ar sail cyflogaeth (o fewn yr ystyr a roddir gan reoliad 7(2)).

(2) At ddibenion Amod 4—

- (a) mae cwrs wedi ei ddarparu gan sefydliad os yw'n darparu'r addysgu a'r goruchwylio sy'n ffurfio'r cwrs, pa un a yw'r sefydliad wedi ymrwymo i gytundeb â'r myfyriwr i ddarparu'r cwrs ai peidio;
- (b) bernir bod prifysgol ac unrhyw goleg cyfansoddol neu sefydliad cyfansoddol sydd o natur coleg prifysgol yn sefydliad addysgol cydnabyddedig os yw naill ai'r brifysgol neu'r coleg neu sefydliad cyfansoddol yn sefydliad addysgol cydnabyddedig;
- (c) ni fernir bod sefydliad yn sefydliad addysgol cydnabyddedig dim ond oherwydd ei fod yn sefydliad cysylltiedig o fewn ystyr "connected institution" yn adran 65(3B) o Ddeddf Addysg Bellach ac Uwch 1992 sy'n cael, oddi wrth gorff llywodraethu sefydliad arall, y cyfan neu ran o unrhyw grantiau, benthyciadau neu daliadau eraill a ddarperir gan Gyngor Cyllido Addysg Uwch Cymru i'r sefydliad arall hwnnw yn unol ag adran 65(3A)(1) o'r Ddeddf honno.

(1) 1992 p. 13; mewnosodwyd is-adrannau (3A) a (3B) o adran 65 gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 27.

Designated postgraduate courses

2.—(1) In this Schedule (and for the purposes of section 22 of the 1998 Act), a course is a designated postgraduate course if it satisfies each of the following conditions—

Condition 1

A first degree (or equivalent qualification) or higher is normally required for entry onto the course.

Condition 2

The course is not a sandwich course.

Condition 3

The duration of the course is at least one academic year.

Condition 4

The course is provided by a publicly funded institution.

Condition 5

At least half of the teaching and supervision which comprise the course is provided in the United Kingdom.

Condition 6

The course is not a course for the initial training of teachers or a course taken as part of an employment based teacher training scheme (within the meaning given by regulation 7(2)).

(2) For the purposes of Condition 4—

- (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 constituent institution in the nature of a college, of a university is regarded as a recognised educational institution if either the university or the constituent college or institution is a recognised educational institution;
- (c) an institution is not regarded as a recognised educational institution by reason only that it is a connected institution within the meaning of section 65(3B) of the Further and Higher Education Act 1992 which receives from the governing body of another institution the whole or part of any grants, loans or other payments provided to that other institution in accordance with section 65(3A)(1) of that Act.

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

Dynodi cyrsiau ôl-radd eraill

3.—(1) Caiff Gweinidogion Cymru bennu bod cwrs ôl-radd i'w drin yn gwrs ôl-radd dynodedig er gwaethaf y ffaith na fyddai fel arall yn gwrs ôl-radd dynodedig, oni bai am y pennu.

(2) Caiff Gweinidogion Cymru atal dros dro neu ddirymu pennu cwrs ôl-radd o dan is-baragraff (1).

Myfyrwyr ôl-raddedig cymwys

4.—(1) Mae person yn fyfyrwr ôl-raddedig cymwys mewn cysylltiad â chwrs ôl-radd dynodedig y mae'r person yn ymgymryd ag ef—

- (a) os oes gan y person anabled; a
- (b) naill ai—
 - (i) os yw'r person yn dod o fewn un o'r categorïau o bersonau a nodir yn Atodlen 2 ac nad yw unrhyw un neu ragor o'r eithriadau a nodir ym mharagraff 5 o'r Atodlen hon yn gymwys i'r person, neu
 - (ii) os yw amgylchiadau'r person yn dod o fewn un o'r achosion a nodir ym mharagraff 6.

(2) Dim ond mewn cysylltiad ag un cwrs ôl-radd dynodedig y caiff person fod yn fyfyrwr ôl-raddedig cymwys ar unrhyw un adeg.

5.—(1) Nid yw person ("P") yn fyfyrwr ôl-raddedig cymwys os yw unrhyw un neu ragor o'r eithriadau a ganlyn yn gymwys—

Eithriad 1

Ar unrhyw un adeg, mae P hefyd yn cymhwyso i gael cymorth mewn cysylltiad â chwrs dynodedig yn rhinwedd y Rheoliadau hyn neu unrhyw reoliadau eraill a wneir o dan adran 22 o Ddeddf 1998 oni bai bod y cwrs yn un y mae gradd gyntaf (neu gymhwyster cyfatebol) neu gymhwyster uwch yn ofyniad mynediad arferol ar ei gyfer.

Eithriad 2

Mewn cysylltiad â P yn ymgymryd â'r cwrs ôl-radd dynodedig, rhoddwyd i P neu talwyd iddo—

- (a) bwrsari gofal iechyd,
- (b) lwfans o dan Reoliadau Lwfansau Myfyrwyr Nyrsio a Bydwreigiaeth (Yr Alban) 2007,
- (c) lwfans, bwrsari neu ddyfarndal o ddisgrifiad tebyg a wnaed gan y Cyngor Ymchwil, neu
- (d) lwfans, bwrsari neu ddyfarndal o ddisgrifiad tebyg a wnaed—
 - (i) gan y sefydliad sy'n darparu'r cwrs,

Designation of other postgraduate courses

3.—(1) The Welsh Ministers may specify that a postgraduate course is to be treated as a designated postgraduate course despite the fact that, but for the specification, it would not otherwise be a designated postgraduate course.

(2) The Welsh Ministers may suspend or revoke the specification of a postgraduate course made under subparagraph (1).

Eligible postgraduate students

4.—(1) A person is an eligible postgraduate student in connection with a designated postgraduate course that the person is undertaking if—

- (a) the person has a disability, and
- (b) either—
 - (i) the person falls within one of the categories of persons set out in Schedule 2 and none of the exceptions set out in paragraph 5 of this Schedule applies to the person, or
 - (ii) the person's circumstances fall within one of the cases set out in paragraph 6.

(2) A person may, at any given time, be an eligible postgraduate student only in connection with one designated postgraduate course.

5.—(1) A person ("P") is not an eligible postgraduate student if any of the following exceptions applies—

Exception 1

At any one time, P also qualifies for support in connection with a designated course by virtue of these Regulations or any other regulations made under section 22 of the 1998 Act unless the course is one for which a first degree (or equivalent qualification) or higher is a normal entry requirement.

Exception 2

In respect of P undertaking the designated postgraduate course, P has been bestowed or paid—

- (a) a healthcare bursary,
- (b) an allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007,
- (c) an allowance, bursary or award of similar description made by the Research Council, or
- (d) an allowance, bursary or award of similar description made—
 - (i) by the institution providing the course,

- (ii) o dan adran 67(4)(a) o Ddeddf Safonau Gofal 2000(1), neu
- (iii) o dan adran 116(2)(a) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(2),

sy'n cynnwys unrhyw daliad at ddiben talu am wariant ychwanegol yr aeth P iddo oherwydd ei anabledd.

Eithriad 3

Mae P wedi torri rhwymedigaeth i ad-dalu benthyciad myfyriwr.

Eithriad 4

Mae P wedi cyrraedd 18 oed ac nid yw wedi dilysu cytundeb am fenthyciad myfyriwr a wnaed gyda P pan oedd P o dan 18 oed.

Eithriad 5

Mae Gweinidogion Cymru yn meddwl bod ymddygiad P o'r fath fel nad yw P yn addas i gael grant myfyriwr ôl-raddedig anabl.

Eithriad 6

Mae P yn garcharor.

Ond caiff P fod yn fyfyrwr ôl-raddedig cymwys er ei fod yn garcharor—

- (a) os yw cais P am grant myfyriwr ôl-raddedig anabl mewn cysylltiad â'r flwyddyn academaidd y mae P yn mynd i'r carchar neu'n cael ei ryddhau o'r carchar ynddi, neu
- (b) os yw P wedi cael ei awdurdodi gan Lywodraethwr neu Gyfarwyddwr y carchar neu gan awdurdod priodol arall i astudio'r cwrs ôl-radd dynodedig a bod dyddiad rhyddhau cynharaf P o fewn 6 mlynedd i ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

Eithriad 7

Mae P yn fyfyrwr Categori 6 yn rhinwedd paragraff 6(1) o Atodlen 2 yn unig ac nid yw'n dod o fewn unrhyw un neu ragor o'r categorïau eraill o fyfyrwr cymwys a bennir yn yr Atodlen honno.

(2) Yn Eithriadau 3 a 4, ystyr "benthyciad myfyriwr" yw benthyciad a wneir o dan—

- (a) Deddf Addysg (Benthyciadau i Fyfyryr) 1990;
- (b) Deddf Addysg (Yr Alban) 1980;
- (c) Gorchymyn Addysg (Benthyciadau i Fyfyryr) (Gogledd Iwerddon) 1990;

- (ii) under section 67(4)(a) of the Care Standards Act 2000(1), or
- (iii) under section 116(2)(a) of the Regulation and Inspection of Social Care (Wales) Act 2016(2),

which includes any payment for the purpose of meeting additional expenditure incurred by P by reason of P's disability.

Exception 3

P is in breach of an obligation to repay a student loan.

Exception 4

P has reached the age of 18 and has not ratified an agreement for a student loan made with P when P was under 18.

Exception 5

The Welsh Ministers think that P's conduct is such that P is not fit to receive a disabled postgraduate student's grant.

Exception 6

P is a prisoner.

But P may be an eligible postgraduate student despite being a prisoner if—

- (a) P's application for a disabled postgraduate student's grant is in respect of the academic year during which P enters or is released from prison, or
- (b) P has been authorised by the prison Governor or Director or other appropriate authority to study the designated postgraduate course and P's earliest release date is within 6 years of the first day of the first academic year of the course.

Exception 7

P is a Category 6 student by virtue only of paragraph 6(1) of Schedule 2 and does not fall within any other categories of student specified in that Schedule.

(2) In Exceptions 3 and 4, "student loan" means a loan made under—

- (a) the Education (Student Loans) Act 1990;
- (b) the Education (Scotland) Act 1980;
- (c) the Education (Student Loans) (Northern Ireland) Order 1990;

(1) 2000 p. 14. Diwygiwyd adran 67(4) gan Ddeddf Rheoleiddio ac Arolygu Gofal (Cymru) 2016 (dccc 2), Atodlen 3, Rhan 2, paragraffau 40 a 43.

(2) 2016 dccc 2.

(1) 2000 c.14. Section 67(4) was amended by the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), Schedule 3, Part 2, paragraphs 40 and 43.

(2) 2016 anaw 2.

- (d) Gorchymyn Addysg (Cymorth i Fyfyriwyr) (Gogledd Iwerddon) 1998;
- (e) rheoliadau a wneir o dan unrhyw un neu ragor o'r Deddfau neu'r Gorchmynion hynny;
- (f) rheoliadau a wneir o dan Ddeddf 1998.

- (d) the Education (Student Support) (Northern Ireland) Order 1998;
- (e) regulations made under any of those Acts or Orders;
- (f) regulations made under the 1998 Act.

Myfyriwyr ôl-raddedig cymwys sy'n parhau ar gwrs

6.—(1) Mae person (“P”)—

- (a) sydd ag anabledd, a
- (b) y mae ei amgylchiadau yn dod o fewn un o'r achosion a ganlyn,

yn fyfyriwr ôl-raddedig cymwys (yn unol â hynny, nid oes angen i P ddod o fewn unrhyw un o'r categorïau o fyfyriwyr cymwys a nodir yn Atodlen 2 ac nid yw'r eithriadau a nodir ym mharagraff 5 yn gymwys i P).

(2) Yr achosion yw—

Achos 1

- (a) roedd P yn cymhwyso fel myfyriwr ôl-raddedig cymwys mewn cysylltiad â blwyddyn academiaidd gynharach o'r cwrs ôl-radd presennol, a
- (b) roedd P yn preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs ôl-radd presennol.

Achos 2

- (a) roedd P yn fyfyriwr ôl-raddedig cymwys mewn cysylltiad â chwrs ôl-radd dynodedig (y “cwrs cynharach”) ac eithrio'r cwrs ôl-radd presennol,
- (b) mae statws P fel myfyriwr ôl-raddedig cymwys mewn cysylltiad â'r cwrs cynharach wedi cael ei drosglwyddo i'r cwrs ôl-radd presennol (gweler paragraff 15), ac
- (c) roedd P yn preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs cynharach.

Cyfnod cymhwystra

7.—(1) Cedwir statws myfyriwr fel myfyriwr ôl-raddedig cymwys mewn cysylltiad â chwrs ôl-radd dynodedig tan ddiwedd cyfnod cymhwystra'r myfyriwr oni bai bod ei statws wedi ei derfynu yn unol â pharagraff 9, 10, 12 neu 13.

(2) Daw cyfnod cymhwystra myfyriwr i ben ar ddiwedd y flwyddyn academiaidd y mae'r myfyriwr yn cwblhau'r cwrs ôl-radd dynodedig ynddi.

Eligible postgraduate students continuing on a course

6.—(1) A person (“P”)—

- (a) who has a disability, and
- (b) whose circumstances fall within one of the following cases,

is an eligible postgraduate student (accordingly P need not fall within any of the categories of eligible student set out in Schedule 2 and the exceptions set out in paragraph 5 do not apply to P).

(2) The cases are—

Case 1

- (a) P qualified as an eligible postgraduate student in connection with an earlier academic year of the present postgraduate course, and
- (b) P was ordinarily resident in Wales on the first day of the first academic year of the present postgraduate course.

Case 2

- (a) P was an eligible postgraduate student in connection with a designated postgraduate course (the “earlier course”) other than the present postgraduate course,
- (b) P's status as an eligible postgraduate student in connection with the earlier course has been transferred to the present postgraduate course (see paragraph 15), and
- (c) P was ordinarily resident in Wales on the first day of the first academic year of the earlier course.

Period of eligibility

7.—(1) A student's status as an eligible postgraduate student in connection with a designated postgraduate course is retained until the end of the student's period of eligibility unless terminated in accordance with paragraph 9, 10, 12 or 13.

(2) A student's period of eligibility ends at the end of the academic year in which the student completes the designated postgraduate course.

Cyrsiau rhan-amser – dim cymhwysra am flynyddoedd o astudio dwysedd isel

8. Pan fo'r cwrs ôl-radd presennol yn gwrs rhan-amser, nid yw'r myfyriwr ôl-radd cymwys yn gymwys i gael grant myfyriwr ôl-raddedig anabl mewn cysylltiad â blwyddyn academiaidd pan fo'r dwysedd astudio ar gyfer y flwyddyn honno yn llai na 25% (gweler paragraff 5 o Atodlen 1 o ran sut i gyfrifo'r dwysedd astudio ar gyfer blwyddyn academiaidd).

Terfynu cymhwysra yn gynnar

9. Mae cyfnod cymhwysra myfyriwr ôl-raddedig cymwys ("P") yn terfynu ar ddiwedd y diwrnod—

- (a) pan fydd P yn tynnu'n ôl o'i gwrs ôl-radd dynodedig ac nad yw Gweinidogion Cymru yn trosglwyddo statws P fel myfyriwr ôl-raddedig cymwys o dan baragraff 15,
- (b) pan fydd P yn cefnu ar ei gwrs ôl-radd dynodedig neu'n cael ei ddiarddel ohono, neu
- (c) pan fydd P yn dod yn fyfyriwr cymwys mewn cysylltiad â chwrs dynodedig yn rhinwedd y Rheoliadau hyn neu unrhyw reoliadau eraill a wneir o dan adran 22 o Ddeddf 1998 oni bai bod y cwrs yn un y mae gradd gyntaf (neu gymhwyster cyfatebol) neu gymhwyster uwch yn ofniad mynediad arferol ar ei gyfer.

Terfynu o ganlyniad i gamymddygiad neu fethu â darparu gwybodaeth gywir

10.—(1) Caiff Gweinidogion Cymru derfynu cyfnod cymhwysra myfyriwr ôl-raddedig cymwys os ydynt wedi eu bodloni bod ymddygiad y myfyriwr o'r fath fel nad yw'r myfyriwr yn addas mwyach i gael grant myfyriwr ôl-raddedig anabl.

(2) Mae is-baragraff (3) yn gymwys os yw Gweinidogion Cymru wedi eu bodloni bod myfyriwr cymwys—

- (a) wedi methu â chydymffurfio â gofyniad a osodir gan yr Atodlen hon i ddarparu gwybodaeth neu ddogfennaeth, neu
- (b) wedi darparu gwybodaeth neu ddogfennaeth a oedd yn sylweddol anghywir.

(3) Pan fo'r is-baragraff hwn yn gymwys, caiff Gweinidogion Cymru—

- (a) terfynu cyfnod cymhwysra'r myfyriwr;
- (b) penderfynu nad yw'r myfyriwr yn cymhwyso i gael grant myfyriwr ôl-raddedig anabl neu swm o grant o'r fath y maent yn meddwl ei fod yn briodol.

Part-time courses – no eligibility for years of low intensity study

8. Where the present postgraduate course is a part-time course, the eligible postgraduate student is not eligible for a disabled postgraduate student's grant in respect of an academic year where the intensity of study for that year is less than 25% (see paragraph 5 of Schedule 1 for how to calculate the intensity of study for an academic year).

Early termination of eligibility

9. An eligible postgraduate student's ("P's") period of eligibility terminates at the end of the day on which—

- (a) P withdraws from P's designated postgraduate course and the Welsh Ministers do not transfer P's status as an eligible postgraduate student under paragraph 15,
- (b) P abandons or is expelled from P's designated postgraduate course, or
- (c) P also qualifies for support in connection with a designated course by virtue of these Regulations or any other regulations made under section 22 of the 1998 Act unless the course is one for which a first degree (or equivalent qualification) or higher is a normal entry requirement.

Termination due to misconduct or failure to provide accurate information

10.—(1) The Welsh Ministers may terminate an eligible postgraduate student's period of eligibility if they are satisfied that the student's conduct is such that the student is no longer fit to receive a disabled postgraduate student's grant.

(2) Sub-paragraph (3) applies if the Welsh Ministers are satisfied that an eligible student—

- (a) has failed to comply with a requirement to provide information or documentation imposed by this Schedule, or
- (b) has provided information or documentation which was materially inaccurate.

(3) Where this sub-paragraph applies, the Welsh Ministers may—

- (a) terminate the student's period of eligibility;
- (b) determine that the student does not qualify for a disabled postgraduate student's grant or an amount of such grant as they think appropriate.

Adfer cymhwysra ar ôl iddo gael ei derfynu

11.—(1) Pan fo cyfnod cymhwysra myfyriwr yn terfynu o dan baragraff 9 neu 10 yn ystod y flwyddyn academaidd y mae'r myfyriwr yn cwblhau'r cwrs ôl-radd presennol ynddi, caiff Gweinidogion Cymru adfer cyfnod cymhwysra'r myfyriwr am unrhyw gyfnod y maent yn meddwl ei fod yn briodol.

(2) Ond ni chaniateir i gyfnod cymhwysra sydd wedi ei adfer estyn y tu hwnt i ddiwedd y flwyddyn academaidd y mae'r myfyriwr yn cwblhau'r cwrs ôl-radd dynodedig ynddi.

Ffoaduriaid y mae eu caniatâd i aros wedi dod i ben

12.—(1) Mae'r paragraff hwn yn gymwys—

- (a) pan oedd person ("P") yn fyfyrwr ôl-raddedig cymwys categori 2 (gweler Atodlen 2) mewn cysylltiad â chais am grant myfyriwr ôl-raddedig anabl—
 - (i) ar gyfer blwyddyn gynharach o'r cwrs ôl-radd presennol, neu
 - (ii) mewn cysylltiad â chwrs y mae statws P fel myfyriwr ôl-raddedig cymwys wedi cael ei drosglwyddo ohono i'r cwrs presennol o dan baragraff 15, a
- (b) pan, ar ddiwedd y diwrnod cyn diwrnod cyntaf y flwyddyn academaidd y mae P yn gwneud cais am grant myfyriwr ôl-raddedig anabl mewn cysylltiad â hi, fo statws ffoadur—
 - (i) P, neu
 - (ii) y person yr oedd ei statws fel ffoadur yn golygu bod P yn fyfyrwr ôl-raddedig cymwys categori 2,

wedi dod i ben ac nad yw caniatâd pellach i aros wedi cael ei roi ac nad oes apêl yn yr arfaeth (o fewn ystyr adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002).

(2) Pan fo'r paragraff hwn yn gymwys, mae statws P fel myfyriwr ôl-raddedig cymwys yn terfynu yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae P yn gwneud cais am grant myfyriwr ôl-raddedig anabl mewn cysylltiad â hi.

(3) Yn y paragraff hwn, mae i "ffoadur" yr ystyr a roddir gan baragraff 11 o Atodlen 2.

Personau eraill y mae eu caniatâd i ddod i mewn neu i aros wedi dod i ben

13.—(1) Mae'r paragraff hwn yn gymwys—

- (a) pan oedd person ("P") yn fyfyrwr ôl-raddedig cymwys categori 3 (gweler Atodlen 2) mewn cysylltiad â chais am grant myfyriwr ôl-raddedig anabl—

Reinstatement of eligibility after termination

11.—(1) Where a student's period of eligibility terminates under paragraph 9 or 10 during the academic year in which the student completes the present postgraduate course, the Welsh Ministers may reinstate the student's period of eligibility for such period as they think appropriate.

(2) But a reinstated period of eligibility may not extend beyond the end of the academic year in which the student completes the designated postgraduate course.

Refugees who cease to have leave to remain

12.—(1) This paragraph applies where—

- (a) a person ("P") was a category 2 eligible postgraduate student (see Schedule 2) in connection with an application for a disabled postgraduate student's grant—
 - (i) for an earlier year of the present postgraduate course, or
 - (ii) in connection with a course from which P's status as an eligible postgraduate student has been transferred to the present course under paragraph 15, and
- (b) as at the end of the day before the first day of the academic year in respect of which P is applying for a disabled postgraduate student's grant, the refugee status of—
 - (i) P, or
 - (ii) the person whose status as a refugee meant that P was a category 2 eligible postgraduate student,

has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002).

(2) Where this paragraph applies, P's status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which P is applying for a disabled postgraduate student's grant.

(3) In this paragraph, "refugee" has the meaning given by paragraph 11 of Schedule 2.

Other persons who cease to have leave to enter or remain

13.—(1) This paragraph applies where—

- (a) a person ("P") was a category 3 eligible postgraduate student (see Schedule 2) in connection with an application for a disabled postgraduate student's grant—

- (i) ar gyfer blwyddyn gynharach o'r cwrs ôl-radd presennol, neu
 - (ii) mewn cysylltiad â chwrs y mae statws P fel myfyriwr ôl-raddedig cymwys wedi cael ei drosglwyddo ohono i'r cwrs ôl-radd presennol o dan baragraff 15, a
- (b) pan, ar ddiwedd y diwrnod cyn diwrnod cyntaf y flwyddyn academiaidd y mae P yn gwneud cais am grant myfyriwr ôl-raddedig anabl mewn cysylltiad â hi, fo'r cyfnod y caiff—
- (i) P, neu
 - (ii) y person, oherwydd bod ganddo ganiatâd i ddod i mewn neu i aros, a oedd yn peri i P fod yn fyfyrwr ôl-raddedig cymwys categori 3,

aros yn y Deyrnas Unedig wedi dod i ben ac nad yw caniatâd pellach i aros wedi cael ei roi ac nad oes apêl yn yr arfaeth (o fewn ystyr adran 104 o Ddeddf Cenedligrwydd, Mewnfuldo a Lloches 2002).

(2) Pan fo'r paragraff hwn yn gymwys, mae statws P fel myfyriwr ôl-raddedig cymwys yn terfynu yn union cyn diwrnod cyntaf y flwyddyn academiaidd y mae P yn gwneud cais am grant myfyriwr ôl-raddedig anabl mewn cysylltiad â hi.

Dod yn gymwys yn ystod blwyddyn academiaidd

14.—(1) Pan fo un o'r digwyddiadau ym mharagraff (3) yn digwydd, caiff y myfyriwr ddod yn gymwys i gael grant myfyriwr ôl-raddedig anabl.

(2) Ond ni fydd swm y grant sy'n daladwy i'r myfyriwr ôl-raddedig cymwys ond mewn cysylltiad â'r chwarter neu'r chwarteri o'r flwyddyn academiaidd sy'n dechrau ar ôl i'r digwyddiad perthnasol ddigwydd.

(3) Y digwyddiadau yw—

- (a) bod cwrs y myfyriwr yn dod yn gwrs ôl-radd dynodedig;
- (b) bod y myfyriwr yn dod yn fyfyrwr ôl-raddedig cymwys ar y sail—
 - (i) bod y myfyriwr neu ei briod, ei bartner sifil neu ei riant yn cael ei gydnabod yn ffoadur neu'n dod yn berson sydd â chaniatâd i ddod i mewn neu i aros;
 - (ii) bod y myfyriwr yn wladolyn o wladwriaeth sy'n ymaelodi â'r Undeb Ewropeaidd pan fo'r myfyriwr wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd yn union cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs;

- (i) for an earlier year of the present postgraduate course, or
 - (ii) in connection with a course from which P's status as an eligible postgraduate student has been transferred to the present postgraduate course under paragraph 15, and
- (b) as at the end of the day before the first day of the academic year in respect of which P is applying for a disabled postgraduate student's grant, the period for which—
- (i) P, or
 - (ii) the person who, as a result of having leave to enter or remain, caused P to be a category 3 eligible postgraduate student,

is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002).

(2) Where this paragraph applies, P's status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which P is applying for a disabled postgraduate student's grant.

Becoming eligible during an academic year

14.—(1) Where one of the events in paragraph (3) occurs, the student may become eligible for a disabled postgraduate student's grant.

(2) But the amount of grant payable to the eligible postgraduate student will only be in respect of the quarter or quarters of the academic year beginning after the relevant event occurs.

(3) The events are—

- (a) the student's course becomes a designated postgraduate course;
- (b) the student becomes an eligible postgraduate student on the grounds that—
 - (i) the student or the student's spouse, civil partner or parent is recognised as a refugee or becomes a person with leave to enter or remain;
 - (ii) a state of which the student is a national accedes to the European Union where the student has been ordinarily resident in the United Kingdom and Islands throughout the three year period immediately preceding the first day of the first academic year of the course;

- (iii) bod y myfyriwr yn caffael yr hawl i breswyllo'n barhaol;
- (iv) bod y myfyriwr yn dod yn blentyn i weithiwr Twrcaidd;
- (v) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 4(1)(a) o Atodlen 2;
- (vi) bod y myfyriwr yn dod yn blentyn i wladolyn Swisaidd.

(4) Yn is-baragraff (3) mae i'r termau a ganlyn yr un ystyr ag yn Atodlen 2—

- “ffoadur” (“*refugee*”);
- “gweithiwr Twrcaidd” (“*Turkish worker*”);
- “hawl i breswyllo'n barhaol” (“*right of permanent residence*”);
- “person sydd â chaniatâd i ddod i mewn neu i aros” (“*person with leave to enter or remain*”);
- “plentyn” (“*child*”);
- “rhiant” (“*parent*”).

Trosglwyddo rhwng cyrsiau ôl-radd

15.—(1) Pan fo myfyriwr ôl-raddedig cymwys yn trosglwyddo o gwrs ôl-radd dynodedig i gwrs ôl-radd dynodedig arall, rhaid i Weinidogion Cymru drosglwyddo statws y myfyriwr fel myfyriwr ôl-raddedig cymwys i'r cwrs arall—

- (a) os cânt gais oddi wrth y myfyriwr i wneud hynny,
- (b) os ydynt wedi eu bodloni bod un o'r seiliau trosglwyddo yn gymwys (gweler is-baragraff (2)), ac
- (c) os nad yw cyfnod cymhwysra'r myfyriwr wedi dod i ben nac wedi cael ei derfynu.

(2) Y seiliau trosglwyddo yw—

Y sail gyntaf

Mae'r myfyriwr ôl-raddedig cymwys yn peidio ag ymgymryd ag un cwrs ôl-radd dynodedig ac yn ymgymryd â chwrs ôl-radd dynodedig arall yn yr un sefydliad.

Yr ail sail

Mae'r myfyriwr ôl-raddedig cymwys yn ymgymryd â chwrs ôl-radd dynodedig mewn sefydliad arall.

Effaith y trosglwyddo

16.—(1) Pan fo Gweinidogion Cymru yn trosglwyddo statws myfyriwr ôl-raddedig cymwys (“P”) o dan baragraff 15—

- (iii) the student acquires the right of permanent residence;
- (iv) the student becomes a child of a Turkish worker;
- (v) the student becomes a person described in paragraph 4(1)(a) of Schedule 2;
- (vi) the student becomes the child of a Swiss national.

(4) In sub-paragraph (3), the following terms have the same meaning as in Schedule 2—

- “child” (“*plentyn*”);
- “parent” (“*rhiant*”);
- “person with leave to enter or remain” (“*person sydd â chaniatâd i ddod i mewn neu i aros*”);
- “refugee” (“*ffoadur*”);
- “right of permanent residence” (“*hawl i breswyllo'n barhaol*”);
- “Turkish worker” (“*gweithiwr Twrcaidd*”).

Transferring between postgraduate courses

15.—(1) Where an eligible postgraduate student transfers from a designated postgraduate course to another designated postgraduate course, the Welsh Ministers must transfer the student's status as an eligible postgraduate student to the other course if—

- (a) they receive a request from the student to do so,
- (b) they are satisfied that one of the grounds of transfer applies (see sub-paragraph (2)), and
- (c) the student's period of eligibility has not ended or been terminated.

(2) The grounds of transfer are—

First ground

The eligible postgraduate student ceases one designated postgraduate course and undertakes another designated postgraduate course at the same institution.

Second ground

The eligible postgraduate student undertakes a designated postgraduate course at another institution.

Effect of transfer

16.—(1) Where the Welsh Ministers transfer an eligible postgraduate student's (“P's”) status under paragraph 15—

- (a) cânt ailasesu swm y grant myfyriwr ôl-raddedig anabl sy'n daladwy i P ar ôl y trosglwyddo;
- (b) ond os na wneir ailasesiad, mae gan P hawlogaeth, mewn cysylltiad â blwyddyn academaidd y cwrs y mae P yn trosglwyddo iddo, i gael gweddill y grant myfyriwr ôl-raddedig anabl yr asesodd Gweinidogion Cymru fod gan P hawlogaeth i'w gael mewn cysylltiad â blwyddyn academaidd y cwrs y trosglwyddodd P ohono.

(2) Pan fo myfyriwr ôl-raddedig cymwys ("P") yn trosglwyddo—

- (a) ar ôl i Weinidogion Cymru asesu hawlogaeth P i gael grant myfyriwr ôl-raddedig anabl mewn cysylltiad â blwyddyn academaidd y cwrs y trosglwyddodd P ohono, ond
- (b) cyn i P gwblhau'r flwyddyn honno,

ni chaiff P wneud cais am grant myfyriwr ôl-raddedig anabl mewn cysylltiad â'r flwyddyn academaidd honno mewn cysylltiad â'r cwrs y mae P wedi trosglwyddo iddo.

Ceisiadau a phenderfyniadau

17.—(1) Nid yw person yn cymhwyso i gael grant myfyriwr ôl-raddedig anabl mewn perthynas â blwyddyn academaidd oni bai bod y person yn gwneud cais am y grant mewn perthynas â'r flwyddyn academaidd honno.

(2) Rhaid i gais o dan is-baragraff (1)—

- (a) bod ar y ffurf honno a chynnwys yr wybodaeth honno a bennir gan Weinidogion Cymru,
- (b) cynnwys unrhyw ddogfennaeth sy'n ofynnol gan Weinidogion Cymru, ac
- (c) cyrraedd Gweinidogion Cymru cyn gynted ag y bo'n rhesymol ymarferol.

18.—(1) Caiff Gweinidogion Cymru gymryd unrhyw gamau a gwneud unrhyw ymholiadau y maent yn meddwl eu bod yn angenrheidiol er mwyn gwneud penderfyniad ar gais.

(2) Caiff y camau hynny gynnwys ei gwneud yn ofynnol i'r ceisydd ddarparu gwybodaeth neu ddogfennaeth bellach.

(3) Caiff Gweinidogion Cymru wneud penderfyniad dros dro ar gais (gweler paragraff 21 ar gyfer darpariaeth ynghylch taliadau a wneir ar sail penderfyniad dros dro).

(4) Caniateir i benderfyniad a wneir gan Weinidogion Cymru ar ôl i benderfyniad dros dro gael ei wneud—

- (a) cadarnhau'r penderfyniad dros dro, neu

- (a) they may re-assess the amount of disabled postgraduate student's grant payable to P after the transfer;
- (b) but if no re-assessment is made, P is entitled, in respect of the academic year of the course to which P transfers, to receive the remainder of the disabled postgraduate student's grant which the Welsh Ministers assessed P was entitled to receive in respect of the academic year of the course from which P transferred.

(2) Where an eligible postgraduate student ("P") transfers—

- (a) after the Welsh Ministers have assessed P's entitlement to disabled postgraduate student's grant in respect of the academic year of the course from which P transferred, but
- (b) before P completes that year,

P may not apply for a disabled postgraduate student's grant in respect of that academic year in connection with the course to which P has transferred.

Applications and decisions

17.—(1) A person does not qualify for a disabled postgraduate student's grant in relation to an academic year unless the person makes an application for the grant in relation to that year.

(2) An application under sub-paragraph (1) must—

- (a) be in such form and contain such information as the Welsh Ministers may specify,
- (b) be accompanied by such documentation as the Welsh Ministers may require, and
- (c) reach the Welsh Ministers as soon as is reasonably practicable.

18.—(1) The Welsh Ministers may take such steps and make such inquiries as they think necessary to make a decision on an application.

(2) Those steps may include requiring the applicant to provide further information or documentation.

(3) The Welsh Ministers may make a provisional decision on an application (see paragraph 21 for provision about payments made on the basis of a provisional decision).

(4) A decision made by the Welsh Ministers after a provisional decision has been made may—

- (a) confirm the provisional decision, or

(b) rhoi penderfyniad gwahanol yn ei le.

(5) Rhaid i Weinidogion Cymru hysbysu'r ceisydd am benderfyniad (gan gynnwys penderfyniad dros dro) ar gais.

(6) Rhaid i'r hysbysiad ddatgan—

- (a) a yw Gweinidogion Cymru yn ystyried bod y ceisydd yn fyfyrwr ôl-raddedig cymwys,
- (b) os felly, a yw'r myfyrwr ôl-raddedig cymwys yn cymhwyso i gael grant myfyrwr ôl-raddedig anabl mewn perthynas â'r flwyddyn academaidd,
- (c) os yw'r myfyrwr yn cymhwyso i'w gael, y swm sy'n daladwy mewn perthynas â'r flwyddyn academaidd,
- (d) dadansoddiad sy'n pennu symiau'r grant sy'n daladwy mewn cysylltiad â phob un o'r dibenion a grybwyllir ym mharagraff 20(2), ac
- (e) yn achos penderfyniad dros dro, y ffaith bod y penderfyniad yn un dros dro a chanlyniadau'r ffaith honno.

Gofynion ar fyfyrwyr ôl-radd cymwys i ddarparu gwybodaeth

19.—(1) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael cais i wneud hynny, rhaid i fyfyrwr ôl-raddedig cymwys ddarparu i Weinidogion Cymru unrhyw wybodaeth neu ddogfennaeth sy'n ofynnol gan Weinidogion Cymru iddynt ei chael at ddibenion yr Atodlen hon.

(2) Pan fo digwyddiad a grybwyllir ym mharagraff (3) yn digwydd mewn cysylltiad â myfyrwr ôl-raddedig cymwys, rhaid i'r myfyrwr hysbysu Gweinidogion Cymru cyn gynted ag y bo'n rhesymol ymarferol ar ôl y digwyddiad.

(3) Y digwyddiadau yw—

- (a) bod y myfyrwr yn tynnu'n ôl o'r cwrs ôl-radd presennol, yn cefnu arno neu'n cael ei ddiarddel ohono;
- (b) bod y myfyrwr yn trosglwyddo i gwrs ôl-radd arall (pa un ai yn yr un sefydliad neu mewn sefydliad gwahanol);
- (c) bod y myfyrwr fel arall yn peidio ag ymgymryd â'r cwrs ôl-radd presennol ac nad yw'n bwriadu parhau ag ef am weddill y flwyddyn academaidd neu na chaniateir iddo barhau ag ef am weddill y flwyddyn academaidd;
- (d) bod y myfyrwr yn absennol o'r cwrs ôl-radd presennol—
 - (i) am fwy na 60 diwrnod oherwydd salwch, neu

(b) substitute it with a different decision.

(5) The Welsh Ministers must notify the applicant of a decision (including a provisional decision) on an application.

(6) The notification must state—

- (a) whether the Welsh Ministers consider the applicant to be an eligible postgraduate student,
- (b) if so, whether the eligible postgraduate student qualifies for a disabled postgraduate student's grant in relation to the academic year,
- (c) if the student does qualify, the amount payable in relation to the academic year,
- (d) a breakdown specifying the amounts of grant payable in respect of each of the purposes mentioned in paragraph 20(2), and
- (e) in the case of a provisional decision, the fact that the decision is provisional and the consequences of that fact.

Requirements on eligible postgraduate students to provide information

19.—(1) An eligible postgraduate student must, as soon as reasonably practicable after being requested to do so, provide the Welsh Ministers with such information or documentation as the Welsh Ministers may require for the purposes of this Schedule.

(2) Where an event mentioned in paragraph (3) occurs in respect of an eligible postgraduate student, the student must inform the Welsh Ministers as soon as is reasonably practicable after the event occurs.

(3) The events are—

- (a) the student withdraws from, abandons or is expelled from the present postgraduate course;
- (b) the student transfers to another postgraduate course (whether at the same or at a different institution);
- (c) the student otherwise ceases to undertake the present postgraduate course and does not intend to or is not permitted to continue it for the remainder of the academic year;
- (d) the student is absent from the present postgraduate course—
 - (i) for more than 60 days due to illness, or

- (ii) am unrhyw gyfnod am unrhyw reswm arall;
- (e) bod y mis ar gyfer dechrau ar y cwrs ôl-radd presennol neu ei gwblhau yn newid;
- (f) bod y manylion a ganlyn, sef—
 - (i) cyfeiriad cartref y myfyriwr neu ei gyfeiriad yn ystod y tymor,
 - (ii) rhif ffôn cartref y myfyriwr neu ei rif ffôn yn ystod y tymor, neu
 - (iii) cyfeiriad e-bost cartref y myfyriwr neu ei gyfeiriad e-bost yn ystod y tymor, yn newid.

(4) Rhaid darparu gwybodaeth neu ddogfennaeth y mae'n ofynnol iddi gael ei darparu i Weinidogion Cymru o dan yr Atodlen hon ar y ffurf honno a bennir gan Weinidogion Cymru.

(5) Caiff Gweinidogion Cymru ei gwneud yn ofynnol bod rhaid llofnodi—

- (a) cais o dan baragraff 17;
- (b) unrhyw ddogfennaeth arall a ddarperir iddynt o dan yr Atodlen hon,

yn y modd (gan gynnwys ar ffurf electronig) a bennir ganddynt.

(6) Mae'r cyfeiriad at fyfyriwr ôl-raddedig cymwys yn is-baragraff (1) i'w drin fel pe bai'n cynnwys person sy'n gwneud cais o dan baragraff 17 hyd yn oed os penderfyniad Gweinidogion Cymru ar y cais yw nad yw'r person yn fyfyriwr ôl-raddedig cymwys.

(7) Gweler paragraff 10 am ddarpariaeth ynghylch canlyniadau methu â chydymffurfio â gofyniad a osodir gan y paragraff hwn.

Swm grant myfyriwr ôl-raddedig anabl

20.—(1) Swm y grant myfyriwr ôl-raddedig anabl sy'n daladwy i fyfyriwr ôl-raddedig cymwys mewn cysylltiad â blwyddyn academaidd yw'r lleiaf o'r canlynol—

- (a) £10,590, neu
- (b) swm y gwariant cymwys y mae Gweinidogion Cymru yn meddwl ei fod yn ofynnol i'r myfyriwr fynd iddo mewn cysylltiad â'r cwrs ôl-radd presennol oherwydd anabledd y myfyriwr.

(2) At ddibenion is-baragraff (1)(b), ystyr "gwariant cymwys" yw gwariant at unrhyw un neu ragor o'r dibenion canlynol—

- (a) gwariant ar gynorthwydd personol anfeddygol;
- (b) gwariant ar eitemau mawr o offer arbenigol;
- (c) gwariant yr eir iddo—

(ii) for any period for any other reason;

- (e) the month for the start or completion of the present postgraduate course changes;
- (f) the student's home or term-time—
 - (i) address,
 - (ii) telephone number, or
 - (iii) email address,

changes.

(4) Information or documentation that is required to be provided to the Welsh Ministers under this Schedule must be provided in such form as the Welsh Ministers may specify.

(5) The Welsh Ministers may require that—

- (a) an application under paragraph 17;
- (b) any other documentation provided to them under this Schedule,

must be signed in such manner (including electronically) as they may specify.

(6) The reference to an eligible postgraduate student in sub-paragraph (1) is to be treated as including a person who makes an application under paragraph 17 even if the Welsh Ministers' decision on the application is that the person is not an eligible postgraduate student.

(7) See paragraph 10 for provision about the consequences of failing to comply with a requirement imposed by this paragraph.

Amount of disabled postgraduate student's grant

20.—(1) The amount of disabled postgraduate student's grant payable to an eligible postgraduate student in respect of an academic year is the lesser of—

- (a) £10,590, or
- (b) the amount of eligible expenditure which the Welsh Ministers think that the student is obliged to incur in connection with the present postgraduate course by reason of the student's disability.

(2) For the purposes of sub-paragraph (1)(b), "eligible expenditure" is expenditure for any of the following purposes—

- (a) expenditure on a non-medical personal helper;
- (b) expenditure on major items of specialist equipment;
- (c) expenditure incurred—

- (i) o fewn y Deyrnas Unedig at ddiben bod yn bresennol yn y sefydliad, a
- (ii) o fewn y Deyrnas Unedig neu'r tu allan iddi at ddiben bod yn bresennol, fel rhan o'r cwrs ôl-radd presennol, am unrhyw gyfnod o astudio mewn sefydliad tramor (gan gynnwys Sefydliad Prifysgol Llundain ym Mharis).

- (i) within the United Kingdom for the purpose of attending the institution, and
- (ii) within or outside the United Kingdom for the purpose of attending, as part of the present postgraduate course, any period of study at an overseas institution (including the University of London Institute in Paris).

Talu

21.—(1) Mae grant myfyriwr ôl-raddedig anabl yn daladwy mewn cysylltiad â phedwar chwarter y flwyddyn academaidd.

(2) Caiff Gweinidogion Cymru dalu grant myfyriwr ôl-raddedig anabl mewn unrhyw randaliadau (os bydd rhandaliadau) ac ar unrhyw adegau y maent yn meddwl eu bod yn briodol.

(3) Caiff Gweinidogion Cymru, os ydynt yn meddwl bod hynny'n briodol, dalu unrhyw swm o'r grant myfyriwr ôl-raddedig anabl sy'n daladwy at ddiben cynorthwyo gyda gwariant ar eitemau mawr o offer arbenigol mewn un taliad mewn cysylltiad â'r flwyddyn academaidd gyfan.

(4) Pan fo Gweinidogion Cymru yn gwneud penderfyniad dros dro ar gais am grant myfyriwr ôl-raddedig anabl, caiff Gweinidogion Cymru wneud taliad sy'n seiliedig ar y penderfyniad hwnnw.

(5) Os yw Gweinidogion Cymru yn meddwl ei bod yn briodol gwneud taliadau drwy drosglwyddo'r taliadau i gyfrif banc neu gymdeithas adeiladu, cânt ei gwneud yn ofynnol i fyfyriwr ôl-raddedig cymwys ddarparu manylion unrhyw gyfrif o'r fath yn y Deyrnas Unedig y caniateir i daliadau gael eu gwneud iddo.

(6) Os yw'r gofyniad hwnnw wedi ei osod, ni chaiff Gweinidogion Cymru wneud unrhyw daliad o'r grant myfyriwr ôl-raddedig anabl hyd nes bod y myfyriwr ôl-raddedig cymwys wedi cydymffurfio..

Gordaliadau

22.—(1) Pan fo myfyriwr ôl-raddedig cymwys wedi cael taliad o'r grant myfyriwr ôl-raddedig anabl sy'n fwy na'r swm y mae hawlogaeth ganddo i'w gael, rhaid i'r myfyriwr ad-dalu'r swm dros ben os yw Gweinidogion Cymru yn ei gwneud yn ofynnol iddo wneud hynny.

(2) Yn y paragraff hwn, mae cyfeiriadau at fyfyriwr ôl-raddedig cymwys i'w trin fel pe baent yn cynnwys person sydd wedi cael swm o'r grant myfyriwr ôl-raddedig anabl ond nad yw, neu nad yw mwyach, yn fyfyriwr ôl-raddedig cymwys.

Payment

21.—(1) A disabled postgraduate student's grant is payable in respect of the four quarters of the academic year.

(2) The Welsh Ministers may pay a disabled postgraduate student's grant in such instalments (if any) and at such times as they think appropriate.

(3) The Welsh Ministers may, if they think it appropriate, pay any amount of disabled postgraduate student's grant payable for the purpose of assisting with expenditure on major items of specialist equipment as a single amount in respect of the whole academic year.

(4) Where the Welsh Ministers make a provisional decision on an application for disabled postgraduate student's grant, the Welsh Ministers may make a payment based on that decision.

(5) If the Welsh Ministers think it appropriate to make payments by transfer into a bank or building society account they may require an eligible postgraduate student to provide details of such an account in the United Kingdom into which payments may be made.

(6) If that requirement is imposed, the Welsh Ministers may not make any payment of the disabled postgraduate student's grant until the eligible postgraduate student has complied.

Overpayments

22.—(1) Where an eligible postgraduate student has been paid an amount of disabled postgraduate student's grant which exceeds the amount to which the student is entitled, the student must repay the excess amount if required to do so by the Welsh Ministers.

(2) In this paragraph, references to an eligible postgraduate student are to be treated as including a person who has received an amount of disabled postgraduate student's grant but is not, or is no longer, an eligible postgraduate student.

(3) Rhaid i Weinidogion Cymru adennill unrhyw ordaliad o grant myfyriwr ôl-raddedig anabl oni bai eu bod yn meddwl nad yw'n briodol gwneud hynny.

(4) Mae taliad o grant myfyriwr ôl-raddedig anabl sydd wedi ei wneud cyn y diwrnod y mae'r cwrs yn dechrau arno yn ordaliad os yw'r myfyriwr ôl-raddedig cymwys yn tynnu'n ôl o'r cwrs cyn y diwrnod hwnnw.

(5) Mae taliad o grant myfyriwr ôl-raddedig anabl yn ordaliad os yw'r naill neu'r llall o'r achosion a ganlyn yn gymwys—

Achos 1

Mae swm o'r grant wedi ei dalu at ddiben cynorthwyo gyda gwariant ar eitemau mawr o offer arbenigol, ond nid yw'r offer wedi eu danfon at y myfyriwr ôl-raddedig cymwys cyn i gyfnod cymhwystra'r myfyriwr ddod i ben neu gael ei derfynu.

Achos 2

Mae swm o'r grant at ddiben cynorthwyo gyda gwariant ar eitemau mawr o offer arbenigol yn cael ei dalu ar ôl i gyfnod cymhwystra'r myfyriwr ôl-raddedig cymwys ddod i ben neu gael ei derfynu.

(6) Caniateir adennill gordaliad o grant myfyriwr ôl-raddedig anabl drwy ddiynnu'r gordaliad o unrhyw grant sy'n daladwy i'r myfyriwr ôl-raddedig cymwys o bryd i'w gilydd o dan y Rheoliadau hyn neu unrhyw reoliadau eraill a wneir gan Weinidogion Cymru o dan adran 22 o Ddeddf 1998.

(7) Pan—

- (a) bo gordaliad o grant myfyriwr ôl-raddedig anabl, a
- (b) bo unrhyw swm o'r grant wedi ei dalu at ddiben cynorthwyo gyda gwariant ar eitemau mawr o offer arbenigol,

caiff Gweinidogion Cymru dderbyn offer arbenigol yn ôl fel modd i adennill y cyfan neu ran o'r gordaliad.

(8) Nid yw is-baragraffau (6) a (7) yn rhwystro Gweinidogion Cymru rhag adennill gordaliad drwy unrhyw ddull arall sydd ar gael iddynt.

(3) The Welsh Ministers must recover any overpayment of a disabled postgraduate student's grant unless they think it is not appropriate to do so.

(4) A payment of a disabled postgraduate student's grant made before the day on which the course begins is an overpayment if the eligible postgraduate student withdraws from the course before that day.

(5) A payment of disabled postgraduate student's grant is an overpayment if either of the following cases apply—

Case 1

An amount of the grant has been paid for the purpose of assisting with expenditure on major items of specialist equipment but the equipment has not been delivered to the eligible postgraduate student before the student's period of eligibility ends or is terminated.

Case 2

Payment of an amount of the grant for the purpose of assisting with expenditure on major items of specialist equipment is made after the eligible postgraduate student's period of eligibility ends or is terminated.

(6) Overpayment of a disabled postgraduate student's grant may be recovered by subtracting the overpayment from any grant payable to the eligible postgraduate student from time to time under these Regulations or any other regulations made by the Welsh Ministers under section 22 of the 1998 Act.

(7) Where—

- (a) there is an overpayment of a disabled postgraduate student's grant, and
- (b) any amount of the grant was paid for the purpose of assisting with expenditure on major items of specialist equipment,

the Welsh Ministers may accept the return of specialist equipment by way of recovery of all or part of the overpayment.

(8) Sub-paragraphs (6) and (7) do not prevent the Welsh Ministers from recovering an overpayment by any other method available to them.

ATODLEN 5 Rheoliad 99

Benthyciadau at ffioedd colegau Oxbridge

Benthyciadau at ffioedd colegau Oxbridge

1.—(1) Mae benthyciad at ffioedd colegau Oxbridge yn fenthyciad sy'n cael ei roi ar gael gan Weinidogion Cymru i fyfyrwr Oxbridge cymwys ar gyfer talu ffioedd coleg mewn cysylltiad â blwyddyn academaidd o gwrs Oxbridge dynodedig.

SCHEDULE 5 Regulation 99

Oxbridge college fee loans

Oxbridge college fee loans

1.—(1) An Oxbridge college fee loan is a loan made available by the Welsh Ministers to an eligible Oxbridge student for the payment of college fees in respect of an academic year of a designated Oxbridge course.

(2) Ystyr “ffioedd coleg” yw’r ffioedd sy’n daladwy gan fyfyrwr Oxbridge cymwys i un o golegau neu neuaddau preifat parhaol Prifysgol Rhydychen, neu i un o golegau Prifysgol Caergrawnt, mewn cysylltiad â myfyriwr yn ymgymryd â chwrs Oxbridge dynodedig.

Cyrsiau Oxbridge dynodedig

2. Mae cwrs yn gwrs Oxbridge dynodedig os yw’n bodloni pob un o’r amodau a ganlyn—

Amod 1

Mae’r cwrs yn gwrs dynodedig (gweler Pennod 1 o Ran 4).

Amod 2

Mae’n gwrs llawnamser.

Amod 3

Mae wedi ei ddarparu gan Brifysgol Rhydychen neu Brifysgol Caergrawnt.

Amod 4

Mae’r cwrs naill ai—

- (a) yn arwain at gymhwyso yn—
 - (i) gweithiwr cymdeithasol,
 - (ii) meddyg,
 - (iii) deintydd,
 - (iv) milfeddyg, neu
 - (v) pensaer, neu
- (b) yn gwrs pan fo o leiaf un flwyddyn academiaidd yn un y mae’r myfyriwr Oxbridge cymwys yn gymwys mewn perthynas â hi i wneud cais am—
 - (i) bwrsari neu ddyfarndal o ddisgrifiad tebyg o dan adran 63 o Ddeddf Gwasanaethau Iechyd ac Iechyd y Cyhoedd 1968 neu Erthygl 44 o Orchymyn Gwasanaethau Iechyd a Chymdeithasol Personol (Gogledd Iwerddon) 1972, neu
 - (ii) lwfans gofal iechyd yr Alban, ar yr amod bod y bwrsari neu’r dyfarndal tebyg neu’r lwfans wedi ei gyfrifo drwy gyfeirio at incwm y myfyriwr (pa un a yw swm y cyfrifiad yn cyfateb i ddim ai peidio).

Amod 5

Nid yw’r cwrs yn gwrs dysgu o bell (ond gweler paragraff 3(4)).

Myfyrrwyr Oxbridge cymwys

3.—(1) Mae person (“P”) yn fyfyrwr Oxbridge cymwys—

(2) “College fees” means the fees payable by an eligible Oxbridge student to a college or permanent private hall of the University of Oxford, or to a college of the University of Cambridge, in connection with the student’s undertaking of a designated Oxbridge course.

Designated Oxbridge courses

2. A course is a designated Oxbridge course if it meets each of the following conditions—

Condition 1

The course is a designated course (see Chapter 1 of Part 4).

Condition 2

It is a full-time course.

Condition 3

It is provided by the University of Oxford or the University of Cambridge.

Condition 4

The course either—

- (a) leads to a qualification as a—
 - (i) social worker,
 - (ii) medical doctor,
 - (iii) dentist,
 - (iv) veterinary surgeon, or
 - (v) architect, or
- (b) is a course where at least one academic year is one in relation to which the eligible Oxbridge student is eligible to apply for—
 - (i) a bursary or award of similar description under section 63 of the Health Services and Public Health Act 1968 or Article 44 of the Health and Personal Social Services (Northern Ireland) Order 1972, or
 - (ii) a Scottish healthcare allowance, provided that the bursary or similar award or allowance is calculated by reference to the student’s income (whether or not the calculation results in a nil amount).

Condition 5

The course is not a distance learning course (but see paragraff 3(4)).

Eligible Oxbridge students

3.—(1) A person (“P”) is an eligible Oxbridge student if P—

- (a) os yw'n bodloni pob un o'r amodau yn is-baragraff (2), a
- (b) os nad yw'n dod o fewn yr eithriad yn is-baragraff (3).

(2) Yr amodau yw—

Amod 1

Mae P yn fyfyrwr cymwys (gweler Adran 1 o Bennod 2 o Ran 4).

Amod 2

Mae gan P radd anrhydedd o sefydliad yn y Deyrnas Unedig.

Amod 3

Mae P yn ymgymryd â chwrs Oxbridge dynodedig.

Amod 4

Mae P yn aelod—

- (a) o un o golegau neu neuaddau preifat parhaol Prifysgol Rhydychen, neu
- (b) o un o golegau Prifysgol Caergrawnt.

Amod 5

Mae P o dan 60 oed ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs Oxbridge dynodedig.

(3) Yr eithriad yw bod P yn preswyllo fel arfer yn Lloegr, yr Alban neu Ogledd Iwerddon.

(4) Er gwaethaf Amod 5 o baragraff 2, mae P yn fyfyrwr Oxbridge cymwys—

- (a) os oes ganddo anabledd,
- (b) os yw'n ymgymryd â chwrs Oxbridge dynodedig yn y Deyrnas Unedig,
- (c) os nad yw'n bresennol ar y cwrs oherwydd ei anabledd, a
- (d) os yw fel arall yn bodloni'r meini prawf a nodir yn is-baragraff (1).

Myfyrwyr sy'n dod yn gymwys yn ystod blwyddyn academaidd

4.—(1) Pan fo myfyrwr yn dod yn fyfyrwr cymwys am fod un o'r digwyddiadau a restrir yn is-baragraff (2) yn digwydd yn ystod blwyddyn academaidd, caiff y myfyrwr gymhwyso i gael benthyciad at ffioedd colegau Oxbridge yn unol â'r Atodlen hon mewn cysylltiad â'r flwyddyn academaidd honno ar yr amod i'r digwyddiad ddigwydd o fewn tri mis cyntaf y flwyddyn academaidd.

(2) Y digwyddiadau yw—

- (a) bod y myfyrwr neu ei briod, ei bartner sifil neu ei riant yn cael ei gydnabod yn ffoadur neu'n dod yn berson sydd â chaniatâd i ddod i mewn neu i aros;

- (a) satisfies each of the conditions in sub-paragraph (2), and
- (b) does not fall within the exception in sub-paragraph (3).

(2) The conditions are—

Condition 1

P is an eligible student (see Section 1 of Chapter 2 of Part 4).

Condition 2

P has an honours degree from an institution in the United Kingdom.

Condition 3

P is undertaking a designated Oxbridge course.

Condition 4

P is a member of—

- (a) a college or permanent private hall of the University of Oxford, or
- (b) a college of the University of Cambridge.

Condition 5

P is under the age of 60 on the first day of the first academic year of the designated Oxbridge course.

(3) The exception is that P is ordinarily resident in England, Scotland or Northern Ireland.

(4) Despite Condition 5 of paragraph 2, P is an eligible Oxbridge student if P—

- (a) has a disability,
- (b) is undertaking a designated Oxbridge course in the United Kingdom,
- (c) is not attending the course by reason of P's disability, and
- (d) otherwise satisfies the criteria stated in sub-paragraph (1).

Students becoming eligible during the course of an academic year

4.—(1) Where a student becomes an eligible student because one of the events listed in sub-paragraph (2) occurs in the course of an academic year, the student may qualify for an Oxbridge college fee loan in accordance with this Schedule in respect of that academic year provided that the event occurred within the first three months of the academic year.

(2) The events are—

- (a) the student or the student's spouse, civil partner or parent is recognised as a refugee or becomes a person with leave to enter or remain;

- (b) bod gwladwriaeth yn ymaelodi â'r Undeb Ewropeaidd pan fo'r myfyriwr yn wladolyn o'r wladwriaeth honno neu'n aelod o deulu gwladolyn o'r wladwriaeth honno;
- (c) bod y myfyriwr yn dod yn aelod o deulu gwladolyn UE;
- (d) bod y myfyriwr yn caffael yr hawl i breswyllo'n barhaol;
- (e) bod y myfyriwr yn dod yn blentyn i weithiwr Twrcaidd;
- (f) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 4(1)(a) o Atodlen 2;
- (g) bod y myfyriwr yn dod yn blentyn i wladolyn Swisaidd.

(3) Yn is-baragraff (2) mae i'r termau a ganlyn yr un ystyr ag yn Atodlen 2—

- “aelod o deulu” (“*family member*”) (o fewn yr ystyr a roddir gan baragraff 6(5) o Atodlen 2) (within the meaning given by paragraph 6(5) of Schedule 2);
- “ffoadur” (“*refugee*”);
- “gweithiwr Twrcaidd” (“*Turkish worker*”);
- “hawl i breswyllo'n barhaol” (“*right of permanent worker*”);
- “person sydd â chaniatâd i ddod i mewn neu i aros” (“*person with leave to enter or remain*”);
- “plentyn” (“*child*”);
- “rhiant” (“*parent*”).

Cyfnod cymhwysra

5.—(1) Mae benthyciad at ffioedd colegau Oxbridge ar gael mewn cysylltiad â phob blwyddyn academiaidd safonol o'r cwrs Oxbridge dynodedig ac mewn cysylltiad ag un flwyddyn academiaidd o'r cwrs nad yw'n flwyddyn academiaidd safonol.

(2) Pan ganiateir i fyfyrwr Oxbridge cymwys astudio cynnwys un flwyddyn academiaidd safonol o'r cwrs Oxbridge dynodedig dros ddwy flwyddyn academiaidd neu ragor, at ddiben penderfynu a yw'r myfyriwr yn cymhwyso i gael benthyciad at ffioedd colegau Oxbridge ar gyfer y blynyddoedd hynny, mae'r gyntaf o'r blynyddoedd hynny o astudio i'w thrin yn flwyddyn academiaidd safonol ac mae'r blynyddoedd canlynol o'r math hwnnw i'w trin yn flynyddoedd academiaidd nad ydynt yn flynyddoedd academiaidd safonol.

(3) Yn y paragraff hwn, ystyr “blwyddyn academiaidd safonol” yw blwyddyn academiaidd o'r cwrs Oxbridge dynodedig y byddai person nad yw'n ailadrodd unrhyw ran o'r cwrs ac sy'n dechrau ar y cwrs ar yr un pwynt ag y mae'r myfyriwr Oxbridge cymwys yn ymgymryd â hi.

- (b) a state accedes to the European Union where the student is a national of that state or a family member of a national of that state;
- (c) the student becomes a family member of an EU national;
- (d) the student acquires the right of permanent residence;
- (e) the student becomes a child of a Turkish worker;
- (f) the student becomes a person described in paragraph 4(1)(a) of Schedule 2;
- (g) the student becomes the child of a Swiss national.

(3) In sub-paragraph (2), the following terms have the same meaning as in Schedule 2—

- “child” (“*plentyn*”);
- “family member” (“*aelod o deulu*”) (within the meaning given by paragraph 6(5) of Schedule 2);
- “parent” (“*rhiant*”);
- “person with leave to enter or remain” (“*person sydd â chaniatâd i ddod i mewn neu i aros*”);
- “refugee” (“*ffoadur*”);
- “right of permanent residence” (“*hawl i breswyllo'n barhaol*”);
- “Turkish worker” (“*gweithiwr Twrcaidd*”).

Period of eligibility

5.—(1) An Oxbridge college fee loan is available in respect of each standard academic year of the designated Oxbridge course and in respect of one academic year of the course that is not a standard academic year.

(2) Where an eligible Oxbridge student is allowed to study the content of one standard academic year of the designated Oxbridge course over two or more academic years, for the purpose of determining whether the student qualifies for an Oxbridge college fee loan for those years, the first of such years of study is to be treated as a standard academic year and the following years of that kind are to be treated as academic years that are not standard academic years.

(3) In this paragraph, “standard academic year” means an academic year of the designated Oxbridge course that would be undertaken by a person who does not repeat any part of the course and who enters the course at the same point as the eligible Oxbridge student.

Swm y benthyciad at ffioedd colegau

6.—(1) Ni chaniateir i swm benthyciad at ffioedd colegau Oxbridge mewn cysylltiad â blwyddyn academaidd o gwrs Oxbridge dynodedig fod yn fwy na'r swm sy'n hafal i'r ffioedd coleg sy'n daladwy gan y myfyriwr Oxbridge cymwys i'w goleg neu i'w neuadd breifat barhaol mewn cysylltiad â'r flwyddyn honno.

(2) Pan fo myfyriwr Oxbridge cymwys wedi gwneud cais am fenthyciad at ffioedd colegau Oxbridge sy'n llai na'r uchafswm sydd ar gael mewn perthynas â'r flwyddyn academaidd, caiff y myfyriwr wneud cais i fenthyciad swm ychwanegol nad yw, o'i adio at y swm y gwnaed cais amdano eisoes, yn fwy na'r uchafswm sydd ar gael.

Trosglwyddo

7.—(1) Pan fo myfyriwr Oxbridge cymwys yn trosglwyddo o un cwrs Oxbridge dynodedig i un arall, rhaid i Weinidogion Cymru drosglwyddo statws y myfyriwr fel myfyriwr Oxbridge cymwys i'r cwrs arall—

- (a) os ydynt yn cael cais oddi wrth y myfyriwr i wneud hynny; a
- (b) os nad yw cyfnod cymhwysra'r myfyriwr wedi dod i ben nac wedi cael ei derfynu.

(2) Os yw'r myfyriwr Oxbridge cymwys yn trosglwyddo cyn diwedd y flwyddyn academaidd ond ar ôl gwneud cais am fenthyciad at ffioedd colegau Oxbridge, mae'r swm y gwneir cais amdano i'w dalu i'r coleg perthnasol neu'r neuadd breifat barhaol berthnasol mewn cysylltiad â'r cwrs Oxbridge dynodedig y mae'r myfyriwr yn trosglwyddo iddo (oni bai bod is-baragraff (4) yn gymwys).

(3) Pan fo is-baragraff (2) yn gymwys, ni chaiff y myfyriwr Oxbridge cymwys wneud cais i gael benthyciad arall at ffioedd colegau Oxbridge mewn cysylltiad â'r flwyddyn academaidd honno.

(4) Os yw myfyriwr Oxbridge cymwys yn trosglwyddo ar ôl i'r benthyciad at ffioedd colegau Oxbridge gael ei dalu a chyn diwedd y flwyddyn academaidd, ni chaiff y myfyriwr wneud cais am fenthyciad arall at ffioedd colegau Oxbridge mewn cysylltiad â blwyddyn academaidd y cwrs Oxbridge dynodedig y mae'r myfyriwr yn trosglwyddo iddo.

Talu

8.—(1) Rhaid i Weinidogion Cymru dalu benthyciad at ffioedd colegau Oxbridge y mae myfyriwr Oxbridge cymwys yn cymhwyso i'w gael i'r coleg neu'r neuadd breifat barhaol y mae'r myfyriwr yn atebol i wneud taliad iddo neu iddi.

(2) Rhaid talu'r benthyciad mewn un cyfandaliad.

Amount of the college fee loan

6.—(1) The amount of an Oxbridge college fee loan in respect of an academic year of a designated Oxbridge course must not exceed the amount equal to the college fees payable by the eligible Oxbridge student to the student's college or permanent private hall in connection with that year.

(2) Where an eligible Oxbridge student has applied for an Oxbridge college fee loan of less than the maximum amount available in relation to the academic year, the student may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed the maximum amount available.

Transfers

7.—(1) Where an eligible Oxbridge student transfers from one designated Oxbridge course to another, the Welsh Ministers must transfer the student's status as an eligible Oxbridge student to the other course if—

- (a) they receive a request from the student to do so, and
- (b) the student's period of eligibility has not ended or been terminated.

(2) If the eligible Oxbridge student transfers before the end of the academic year but after applying for an Oxbridge college fee loan, the amount applied for is to be paid to the relevant college or permanent private hall in respect of the designated Oxbridge course to which the student transfers (unless sub-paragraph (4) applies).

(3) Where sub-paragraph (2) applies, the eligible Oxbridge student may not apply for another Oxbridge college fee loan in respect of that academic year.

(4) If an eligible Oxbridge student transfers after the Oxbridge college fee loan is paid and before the end of the academic year, the student cannot apply for another Oxbridge college fee loan in connection with the academic year of the designated Oxbridge course to which the student transfers.

Payment

8.—(1) The Welsh Ministers must pay an Oxbridge college fee loan for which an eligible Oxbridge student qualifies to the college or permanent private hall to which the student is liable to make payment.

(2) The loan must be paid in a single lump sum.

(3) Ni chaiff Gweinidogion Cymru dalu'r benthyciad—

- (a) cyn iddynt gael oddi wrth y coleg neu'r neuadd breifat barhaol—
 - (i) cais ysgrifenedig am daliad, a
 - (ii) cadarnhad o bresenoldeb ar y ffurf a bennir gan Weinidogion Cymru, a
- (b) cyn bod y cyfnod o dri mis sy'n dechrau â diwrnod cyntaf y flwyddyn academaidd y mae'r benthyciad yn ymwneud â hi wedi dod i ben.

(4) Caiff Gweinidogion Cymru dalu benthyciad at ffioedd colegau Oxbridge heb gael cadarnhad o bresenoldeb os ydynt yn meddwl y byddai'n briodol gwneud hynny oherwydd amgylchiadau eithriadol.

(5) Yn y paragraff hwn, ystyr "cadarnhad o bresenoldeb" yw cadarnhad fel y cyfeirir ato yn rheoliad 87(1).

(6) Ni chaniateir i Weinidogion Cymru wneud taliad o fenthyciad at ffioedd colegau Oxbridge mewn cysylltiad â blwyddyn academaidd o gwrs Oxbridge dynodedig—

- (a) os yw'r myfyriwr Oxbridge cymwys yn peidio ag ymgymryd â'r cwrs cyn i'r cyfnod o dri mis sy'n dechrau â diwrnod cyntaf y flwyddyn academaidd ddod i ben, a
- (b) os yw'r coleg neu'r neuadd breifat barhaol wedi penderfynu neu wedi cytuno na fydd y myfyriwr yn dechrau ymgymryd â'r cwrs yn y Deyrnas Unedig eto yn ystod y flwyddyn academaidd.

(7) Mae paragraffau 9 a 10 yn nodi amgylchiadau eraill pan na chaniateir i daliad o fenthyciad at ffioedd colegau Oxbridge gael ei wneud neu pan ganiateir iddo gael ei gadw'n ôl.

Gofyniad i ddarparu rhif yswiriant gwladol

9.—(1) Caiff Gweinidogion Cymru ei gwneud yn un o amodau hawlogaeth i gael taliad o fenthyciad at ffioedd colegau Oxbridge fod yn rhaid i fyfyriwr Oxbridge cymwys ddarparu iddynt ei rif yswiriant gwladol yn y Deyrnas Unedig.

(2) Os yw'r amod hwnnw wedi ei osod, ni chaiff Gweinidogion Cymru wneud unrhyw daliad o'r benthyciad hyd nes bod y myfyriwr Oxbridge cymwys wedi cydymffurfio ag ef, oni bai bod Gweinidogion Cymru wedi eu bodloni, oherwydd amgylchiadau eithriadol, y byddai'n briodol gwneud taliad er na chydymffurfiwyd â'r amod.

(3) The Welsh Ministers may not pay the loan before—

- (a) they have received from the college or permanent private hall—
 - (i) a request for payment in writing, and
 - (ii) an attendance confirmation in such form as the Welsh Ministers may specify, and
- (b) the period of three months beginning with the first day of the academic year to which the loan relates has expired.

(4) The Welsh Ministers may pay an Oxbridge college fee loan without receiving an attendance confirmation if they think that owing to exceptional circumstances it would be appropriate to do so.

(5) In this paragraph, "attendance confirmation" means a confirmation such as is referred to in regulation 87(1).

(6) The Welsh Ministers must not make a payment of an Oxbridge college fee loan in respect of an academic year of a designated Oxbridge course if—

- (a) the eligible Oxbridge student ceases to undertake the course before the expiry of the period of three months beginning with the first day of the academic year, and
- (b) the college or permanent private hall has determined or agreed that the student will not commence undertaking the course in the United Kingdom again during the academic year.

(7) Paragraphs 9 and 10 set out other circumstances in which payment of an Oxbridge college fee loan may not be made or may be withheld.

Requirement to provide national insurance number

9.—(1) The Welsh Ministers may make it a condition of entitlement to payment of an Oxbridge college fee loan that an eligible Oxbridge student must provide them with the student's United Kingdom national insurance number.

(2) If that condition is imposed, the Welsh Ministers may not make any payment of the loan until the eligible Oxbridge student has complied with it, unless the Welsh Ministers are satisfied that, owing to exceptional circumstances, it would be appropriate to make a payment despite the condition not being complied with.

Gofynion gwybodaeth a chytundebau ar gyfer ad-dalu

10.—(1) Caiff Gweinidogion Cymru ar unrhyw adeg ofyn i fyfyrwr Oxbridge cymwys am unrhyw wybodaeth neu ddogfennaeth sy'n ofynnol ganddynt at ddibenion—

- (a) penderfynu ar gymhwystra i gael benthyciad at ffioedd colegau Oxbridge, neu
- (b) adennill benthyciad.

(2) Caniateir i gais o dan is-baragraff (1) gynnwys gofyn i fyfyrwr Oxbridge cymwys am gael gweld—

- (a) ei basbort dilys a ddyroddwyd gan y wladwriaeth y mae'r myfyrwr hwnnw yn wladolyn ohoni,
- (b) ei gerdyn adnabod cenedlaethol dilys, neu
- (c) ei dystysgrif geni.

(3) Pan fo Gweinidogion Cymru wedi gofyn am wybodaeth neu ddogfennaeth o dan is-baragraff (1), cânt gadw yn ôl unrhyw daliad o fenthyciad at ffioedd colegau Oxbridge hyd nes bod y myfyrwr yn darparu'r hyn y gofynnwyd amdano neu'n rhoi esboniad boddhaol am beidio â chydymffurfio â'r cais.

(4) Caiff Gweinidogion Cymru ei gwneud yn ofynnol ar unrhyw adeg i fyfyrwr Oxbridge cymwys ymrwymo i gytundeb i ad-dalu benthyciad at ffioedd colegau Oxbridge drwy ddull penodol.

(5) Pan fo Gweinidogion Cymru wedi gofyn am gytundeb ynghylch y dull o ad-dalu, cânt gadw yn ôl unrhyw daliad o fenthyciad at ffioedd colegau Oxbridge hyd nes bod y myfyrwr yn darparu'r hyn y gofynnwyd amdano.

Gordalu

11. Caiff Gweinidogion Cymru adennill unrhyw ordaliad o fenthyciad at ffioedd colegau Oxbridge oddi wrth y coleg neu'r neuadd breifat barhaol.

ATODLEN 6 Rheoliad 100

Diwygio Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2017

1. Mae Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2017 wedi eu diwygio fel a ganlyn.

2. Yn rheoliad 1 (enwi, cychwyn a chymhwyso), ar ôl paragraff (2) mewnosoder—

“(3) Nid yw'r Rheoliadau hyn yn gymwys i ddarparu cymorth i fyfyrrwyr mewn perthynas â chwrs sy'n dechrau ar neu ar ôl 1 Awst 2018 oni bai bod rheoliad 2(3) o Rheoliadau Addysg

Information requirements and agreements for repayment

10.—(1) The Welsh Ministers may at any time request from an eligible Oxbridge student such information or documentation as they may require for the purposes of—

- (a) determining eligibility for an Oxbridge college fee loan, or
- (b) recovering a loan.

(2) A request under sub-paragraph (1) may include requesting sight of an eligible Oxbridge student's—

- (a) valid passport issued by the state of which that student is a national,
- (b) valid national identity card, or
- (c) birth certificate.

(3) Where the Welsh Ministers have requested information or documentation under sub-paragraph (1), they may withhold any payment of an Oxbridge college fee loan until the student provides what has been requested or provides a satisfactory explanation for not complying with the request.

(4) The Welsh Ministers may at any time require an eligible Oxbridge student to enter into an agreement to repay an Oxbridge college fee loan by a particular method.

(5) Where the Welsh Ministers have requested an agreement as to the method of repayment, they may withhold any payment of an Oxbridge college fee loan until the student provides what has been requested.

Overpayment

11. Any overpayment of an Oxbridge college fee loan is recoverable by the Welsh Ministers from the college or permanent private hall.

SCHEDULE 6 Regulation 100

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

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

2. In regulation 1 (title, commencement and application), after paragraph (2) insert—

“(3) These Regulations do not apply to the provision of support to students in relation to a course which begins on or after 1 August 2018 unless Regulation 2(3) of the Education (Student

(Cymorth i Fyfyriwyr) (Cymru) 2018 yn gymwys i'r cwrs.”

3. Yn rheoliad 2(1) (dehongli)—

- (a) yn y diffiniad o “myfyriwr mynediad graddedig carlam 2012”, ar y diwedd mewnosoder “a chyn 1 Awst 2018”;
- (b) yn y diffiniad o “myfyriwr carfan 2012”, ar ôl “1 Medi 2012” yn y lle cyntaf y mae’n digwydd mewnosoder “a chyn 1 Awst 2018 (ond gan gynnwys cwrs sy’n dechrau ar neu ar ôl 1 Awst 2018 os yw’r cwrs yn un y mae statws y myfyriwr wedi trosglwyddo mewn perthynas ag ef o dan reoliad 8, 75 neu 102 neu os yw’n gwrw penben)”;
- (c) yn y diffiniad o “cwrs mynediad graddedig carlam”, yn is-baragraff (c), ar ôl “1 Medi 2012” mewnosoder “a chyn 1 Awst 2018”;
- (d) yn y diffiniad o “myfyriwr cwrs gradd cywasgedig”, yn is-baragraff (b)(ii), ar ôl “1 Medi 2013” mewnosoder “a chyn 1 Awst 2018”;
- (e) yn y diffiniad o “cwrs blwyddyn gyntaf gywasgedig”, yn is-baragraff (a), ar ôl “1 Medi 2013” mewnosoder “a chyn 1 Awst 2018”;
- (f) yn y diffiniad o “cwrs dysgu o bell”, ar ôl “1 Medi 2012” mewnosoder “a chyn 1 Awst 2018”;
- (g) yn y diffiniad o “carcharor rhan-amser cymwys”, yn is-baragraff (a), ar ôl “1 Medi 2014” mewnosoder “a chyn 1 Awst 2018”;
- (h) yn y diffiniad o “carcharor cymwys”, yn is-baragraff (a), ar ôl “1 Medi 2012” mewnosoder “a chyn 1 Awst 2018”;
- (i) yn y diffiniad o “blwyddyn Erasmus”, yn is-baragraffau (b) ac (c), ar ôl “1 Medi 2012” mewnosoder “a chyn 1 Awst 2018”;
- (j) yn y diffiniad o “bwrsari gofal iechyd”, ar ôl “1968” mewnosoder “ond nid taliad a wneir o’r Gronfa Cymorth Dysgu”;
- (k) yn y diffiniad o “myfyriwr rhan-amser cymwys newydd”, ar ôl “1 Medi 2014” yn y lle cyntaf y mae’n digwydd mewnosoder “a chyn 1 Awst 2018 (ond gan gynnwys cwrs sy’n dechrau ar neu ar ôl 1 Awst 2018 os yw’r cwrs yn un y mae statws y myfyriwr wedi trosglwyddo mewn perthynas ag ef o dan reoliad 8, 75 neu 102 neu os yw’n gwrw penben)”;
- (l) yn y diffiniad o “cwrs cymhwysol”, ar ôl “cwrs dynodedig llawnamser” mewnosoder “sy’n dechrau cyn 1 Awst 2018 ac”;

Support) (Wales) Regulations 2018 applies to the course.”

3. In regulation 2(1) (interpretation)—

- (a) in the definition of “2012 accelerated graduate entry student”, at the end insert “and before 1 August 2018”;
- (b) in the definition of “2012 cohort student”, after “1 September 2012” where it first occurs insert “and before 1 August 2018 (but including a course starting on or after 1 August 2018 if the course is one in relation to which the student’s status has transferred under regulation 8, 75 or 102 or is an end-on course)”;
- (c) in the definition of “accelerated graduate entry course”, in sub-paragraph (c), after “1 September 2012” insert “and before 1 August 2018”;
- (d) in the definition of “compressed degree student”, in sub-paragraph (b)(ii), after “1 September 2013” insert “and before 1 August 2018”;
- (e) in the definition of “compressed first year course”, in sub-paragraph (a), after “1 September 2013” insert “and before 1 August 2018”;
- (f) in the definition of “distance learning course”, after “1 September 2012” insert “and before 1 August 2018”;
- (g) in the definition of “eligible part-time prisoner”, in sub-paragraph (a), after “1 September 2014” insert “and before 1 August 2018”;
- (h) in the definition of “eligible prisoner”, in sub-paragraph (a), after “1 September 2012” insert “and before 1 August 2018”;
- (i) in the definition of “Erasmus year”, in both sub-paragraphs (b) and (c), after “1 September 2012” insert “and before 1 August 2018”;
- (j) in the definition of “healthcare bursary”, after “1968” insert “but not a payment made out of the Learning Support Fund”;
- (k) in the definition of “new eligible part-time student”, after “1 September 2014” where it first occurs insert “and before 1 August 2018 (but including a course starting on or after 1 August 2018 if the course is one in relation to which the student’s status has transferred under regulation 8, 75 or 102 or is an end-on course)”;
- (l) in the definition of “qualifying course”, after “full-time designated course” insert “beginning before 1 August 2018”;

- (m) yn y diffiniad o “sefydliad addysgol cydnabyddedig”, yn is-baragraff (b), ar ôl “1 Medi 2017” mewnosoder “a chyn 1 Awst 2018”;
- (n) yn y lle priodol mewnosoder “ystyr “Cronfa Cymorth Dysgu” (“*Learning Support Fund*”) yw’r gronfa sydd wedi ei rhoi ar gael gan GIG Lloegr i fyfyrwyr penodol mewn cysylltiad â chyrtsiau gofal iechyd cymhwysol;”.

4. Yn rheoliad 3(16) (cymhwyso)—

- (a) ar y dechrau mewnosoder “Yn ddarostyngedig i reoliad 1(3)”;
- (b) ar ôl “1 Medi 2017” yn y lle cyntaf y mae’n digwydd, mewnosoder “a chyn 1 Awst 2018”.

5. Yn lle paragraff (7) o reoliad 4 (myfyrwyr cymwys), rhodder—

“(7) Yn ddarostyngedig i baragraffau (9) i (11), os yw person yn bodloni’r amodau ym mharagraff (8)(a), (b) neu (c) ac nid yw’n bodloni paragraff (3)(c) mae’r person yn fyfyrwr cymwys at ddiben y Rheoliadau hyn ac yn unol â hynny, nid yw paragraffau (2) a (3)(a), (b), (d), (e) ac (f) yn gymwys i’r person.”

6. Yn rheoliad 16 (grant newydd at ffioedd)—

- (a) ym mharagraff (3)—
 - (i) yn is-baragraff (a), yn lle “£4,954” rhodder “£4,800”;
 - (ii) yn is-baragraff (b), yn lle “£4,046” rhodder “£4,200”;
- (b) ym mharagraff (4)—
 - (i) yn is-baragraff (a), yn lle “£2,560” rhodder “£2,480”;
 - (ii) yn is-baragraff (b), yn lle “£1,940” rhodder “£2,020”.

7. Yn rheoliad 19 (benthyciad newydd at ffioedd mewn perthynas â chyrtsiau sy’n dechrau ar neu ar ôl 1 Medi 2012)—

- (a) ym mharagraff (3)(a), yn lle “£4,046” rhodder “£4,200”;
- (b) ym mharagraff (4)(a), yn lle “£1,940” rhodder “£2,020”.

8. Yn rheoliad 30 (grantiau ar gyfer dibynyddion – dehongli)—

- (a) ym mharagraff (1)(o), yn y geiriau cloi sy’n dilyn paragraffau (i) i (iii), yn lle “arall—” rhodder “arall;”
- (b) cywirer y rhifo ar ôl paragraff (1)(o) a rhoi—
 - (i) “(p)” yn lle “(a)”;
 - (ii) “(q)” yn lle “(b)”;

- (m) in the definition of “recognised educational institution”, in sub-paragraph (b), after “1 September 2017” insert “and before 1 August 2018”;

- (n) in the appropriate place insert ““Learning Support Fund” means the fund made available by NHS England to certain students in respect of qualifying healthcare courses;”.

4. In regulation 3(16) (application)—

- (a) at the beginning insert “Subject to regulation 1(3)”;
- (b) after “1 September 2017” where it first occurs, insert “and before 1 August 2018”.

5. For paragraph (7) of regulation 4 (eligible students), substitute—

“(7) Subject to paragraphs (9) to (11), if a person satisfies the conditions in paragraph (8)(a),(b) or (c) and does not satisfy paragraph (3)(c) the person is an eligible student for the purpose of these Regulations and accordingly, paragraphs (2) and (3)(a), (b), (d), (e) and (f) do not apply to the person.”

6. In regulation 16 (new fee grant)—

- (a) in paragraph (3)—
 - (i) in sub-paragraph (a), for “£4,954” substitute “£4,800”;
 - (ii) in sub-paragraph (b), for “£4,046” substitute “£4,200”;
- (b) in paragraph (4)—
 - (i) in sub-paragraph (a), for “£2,560” substitute “£2,480”;
 - (ii) in sub-paragraph (b), for “£1,940” substitute “£2,020”.

7. In regulation 19 (new fee loan in respect of courses beginning on or after 1 September 2012)—

- (a) in paragraph (3)(a), for “£4,046” substitute “£4,200”;
- (b) in paragraph (4)(a), for “£1,940” substitute “£2,020”.

8. In regulation 30 (grants for dependants – interpretation)—

- (a) in paragraph (1)(o), in the full-out words following paragraphs (i) to (iii), for “party—” substitute “party;”
- (b) correct the numbering after paragraph (1)(o) so that—
 - (i) “(p)” is substituted for “(a)”;
 - (ii) “(q)” is substituted for “(b)”;

(iii) “(r)” yn lle “(c)”;

(c) ym mharagraff (3), yn lle “rheoliad 28” rhodder “rheoliad 27”.

9. Yn rheoliad 43 (uchafswm benthyciadau i fyfyrwyr penodol)—

(a) ym mharagraff (2)—

(i) yn is-baragraff (i), ar ôl “£5,358” mewnosoder “ar gyfer myfyriwr carfan 2010, fel arall yn £5,529”;

(ii) yn is-baragraff (ii), ar ôl “£9,697” mewnosoder “ar gyfer myfyriwr carfan 2010, fel arall yn £10,007”;

(iii) yn is-baragraff (iii), ar ôl “£8,253” mewnosoder “ar gyfer myfyriwr carfan 2010, fel arall yn £8,517”;

(iv) yn is-baragraff (iv), ar ôl “£8,253” mewnosoder “ar gyfer myfyriwr carfan 2010, fel arall yn £8,517”;

(v) yn is-baragraff (v), ar ôl “£6,922” mewnosoder “ar gyfer myfyriwr carfan 2010, fel arall yn £7,143”;

(b) ym mharagraff (3)—

(i) yn is-baragraff (i), ar ôl “£4,851” mewnosoder “ar gyfer myfyriwr carfan 2010, fel arall yn £5,006”;

(ii) yn is-baragraff (ii), ar ôl “£8,830” mewnosoder “ar gyfer myfyriwr carfan 2010, fel arall yn £9,112”;

(iii) yn is-baragraff (iii), ar ôl “£7,179” mewnosoder “ar gyfer myfyriwr carfan 2010, fel arall yn £7,408”;

(iv) yn is-baragraff (iv), ar ôl “£7,179” mewnosoder “ar gyfer myfyriwr carfan 2010, fel arall yn £7,408”;

(v) yn is-baragraff (v), ar ôl “£6,412” mewnosoder “ar gyfer myfyriwr carfan 2010, fel arall yn £6,617”.

10. Yn rheoliad 45 (myfyrwyr sydd â hawlogaeth ostyngol)—

(a) ym mharagraff (1)(a)—

(i) ym mharagraff (i), yn lle “£2,544” rhodder “£2,625”;

(ii) ym mharagraff (ii), yn lle “£4,768” rhodder “£4,920”;

(iii) ym mharagraff (iii), yn lle “£3,392” rhodder “£3,500”;

(iv) ym mharagraff (iv), yn lle “£3,392” rhodder “£3,500”;

(v) ym mharagraff (v), yn lle “£3,392” rhodder “£3,500”;

(iii) “(r)” is substituted for “(c)”;

(c) in paragraph (3), for “regulation 28” substitute “regulation 27”.

9. In regulation 43 (maximum amount loans for certain students)—

(a) in paragraph (2)—

(i) in sub-paragraph (i), after “£5,358” insert “for a 2010 cohort student, otherwise £5,529”;

(ii) in sub-paragraph (ii), after “£9,697” insert “for a 2010 cohort student, otherwise £10,007”;

(iii) in sub-paragraph (iii), after “£8,253” insert “for a 2010 cohort student, otherwise £8,517”;

(iv) in sub-paragraph (iv), after “£8,253” insert “for a 2010 cohort student, otherwise £8,517”;

(v) in sub-paragraph (v), after “£6,922” insert “for a 2010 cohort student, otherwise £7,143”;

(b) in paragraph (3)—

(i) in sub-paragraph (i), after “£4,851” insert “for a 2010 cohort student, otherwise £5,006”;

(ii) in sub-paragraph (ii), after “£8,830” insert “for a 2010 cohort student, otherwise £9,112”;

(iii) in sub-paragraph (iii), after “£7,179” insert “for a 2010 cohort student, otherwise £7,408”;

(iv) in sub-paragraph (iv), after “£7,179” insert “for a 2010 cohort student, otherwise £7,408”;

(v) in sub-paragraph (v), after “£6,412” insert “for a 2010 cohort student, otherwise £6,617”.

10. In regulation 45 (students with reduced entitlement)—

(a) in paragraph (1)(a)—

(i) in paragraph (i), for “£2,544” substitute “£2,625”;

(ii) in paragraph (ii), for “£4,768” substitute “£4,920”;

(iii) in paragraph (iii), for “£3,392” substitute “£3,500”;

(iv) in paragraph (iv), for “£3,392” substitute “£3,500”;

(v) in paragraph (v), for “£3,392” substitute “£3,500”;

- (b) ym mharagraff (1)(b)—
- (i) ym mharagraff (i), yn lle “£2,544” rhodder “£2,625”;
 - (ii) ym mharagraff (ii), yn lle “£4,768” rhodder “£4,920”;
 - (iii) ym mharagraff (iii), yn lle “£4,056” rhodder “£4,186”;
 - (iv) ym mharagraff (iv), yn lle “£4,056” rhodder “£4,186”;
 - (v) ym mharagraff (v), yn lle “£3,392” rhodder “£3,500”;
- (c) ym mharagraff (1)(c)—
- (i) ym mharagraff (i), yn lle “£4,019” rhodder “£4,147”;
 - (ii) ym mharagraff (ii), yn lle “£7,273” rhodder “£7,505”;
 - (iii) ym mharagraff (iii), yn lle “£6,190” rhodder “£6,388”;
 - (iv) ym mharagraff (iv), yn lle “£6,190” rhodder “£6,388”;
 - (v) ym mharagraff (v), yn lle “£5,191” rhodder “£5,357”;
- (d) ym mharagraff (2)(a)—
- (i) ym mharagraff (i), yn lle “£1,934” rhodder “£1,996”;
 - (ii) ym mharagraff (ii), yn lle “£3,646” rhodder “£3,763”;
 - (iii) ym mharagraff (iii), yn lle “£2,643” rhodder “£2,727”;
 - (iv) ym mharagraff (iv), yn lle “£2,643” rhodder “£2,727”;
 - (v) ym mharagraff (v), yn lle “£2,643” rhodder “£2,727”;
- (e) ym mharagraff (2)(b)—
- (i) ym mharagraff (i), yn lle “£1,934” rhodder “£1,996”;
 - (ii) ym mharagraff (ii), yn lle “£3,644” rhodder “£3,763”;
 - (iii) ym mharagraff (iii), yn lle “£2,965” rhodder “£3,060”;
 - (iv) ym mharagraff (iv), yn lle “£2,965” rhodder “£3,060”;
 - (v) ym mharagraff (v), yn lle “£2,643” rhodder “£2,727”;
- (f) ym mharagraff (2)(c)—
- (i) ym mharagraff (i), yn lle “£3,638” rhodder “£3,755”;
 - (ii) ym mharagraff (ii), yn lle “£6,623” rhodder “£6,834”;
- (b) in paragraph (1)(b)—
- (i) in paragraph (i), for “£2,544” substitute “£2,625”;
 - (ii) in paragraph (ii), for “£4,768” substitute “£4,920”;
 - (iii) in paragraph (iii), for “£4,056” substitute “£4,186”;
 - (iv) in paragraph (iv), for “£4,056” substitute “£4,186”;
 - (v) in paragraph (v), for “£3,392” substitute “£3,500”;
- (c) in paragraph (1)(c)—
- (i) in paragraph (i), for “£4,019” substitute “£4,147”;
 - (ii) in paragraph (ii), for “£7,273” substitute “£7,505”;
 - (iii) in paragraph (iii), for “£6,190” substitute “£6,388”;
 - (iv) in paragraph (iv), for “£6,190” substitute “£6,388”;
 - (v) in paragraph (v), for “£5,191” substitute “£5,357”;
- (d) in paragraph (2)(a)—
- (i) in paragraph (i), for “£1,934” substitute “£1,996”;
 - (ii) in paragraph (ii), for “£3,646” substitute “£3,763”;
 - (iii) in paragraph (iii), for “£2,643” substitute “£2,727”;
 - (iv) in paragraph (iv), for “£2,643” substitute “£2,727”;
 - (v) in paragraph (v), for “£2,643” substitute “£2,727”;
- (e) in paragraph (2)(b)—
- (i) in paragraph (i), for “£1,934” substitute “£1,996”;
 - (ii) in paragraph (ii), for “£3,644” substitute “£3,763”;
 - (iii) in paragraph (iii), for “£2,965” substitute “£3,060”;
 - (iv) in paragraph (iv), for “£2,965” substitute “£3,060”;
 - (v) in paragraph (v), for “£2,643” substitute “£2,727”;
- (f) in paragraph (2)(c)—
- (i) in paragraph (i), for “£3,638” substitute “£3,755”;
 - (ii) in paragraph (ii), for “£6,623” substitute “£6,834”;

- (iii) ym mharagraff (iii), yn lle “£5,384” rhodder “£5,556”;
- (iv) ym mharagraff (iv), yn lle “£5,384” rhodder “£5,556”;
- (v) mharagraff (v), yn lle “£4,809” rhodder “£4,963”.

11. Yn rheoliad 50 (codiadau yn yr uchafswm)—

- (a) ym mharagraff (1), yn lle “rheoliad 44” rhodder “rheoliad 43 neu, yn ôl y digwydd, 44”;
- (b) ym mharagraff (2), yn lle “rheoliad 44” rhodder “rheoliad 43 neu, yn ôl y digwydd, 44”.

12. Yn rheoliad 56 (cymhwyso’r cyfraniad)

- (a) ym mharagraff (3)—
 - (i) yn is-baragraff (a), yn lle “£4,019” rhodder “£4,147”;
 - (ii) yn is-baragraff (b), yn lle “£7,273” rhodder “£7,505”;
 - (iii) yn is-baragraff (c), yn lle “£6,190” rhodder “£6,388”;
 - (iv) yn is-baragraff (d), yn lle “£6,190” rhodder “£6,388”;
 - (v) yn is-baragraff (e), yn lle “£5,191” rhodder “£5,357”;
- (b) ym mharagraff (4)—
 - (i) yn is-baragraff (a), yn lle “£3,638” rhodder “£3,755”;
 - (ii) yn is-baragraff (b), yn lle “£6,623” rhodder “£6,834”;
 - (iii) yn is-baragraff (c), yn lle “£5,384” rhodder “£5,556”;
 - (iv) yn is-baragraff (d), yn lle “£5,384” rhodder “£5,556”;
 - (v) yn is-baragraff (e), yn lle “£4,809” rhodder “£4,963”.

13. Yn rheoliad 92(3)(b) (grant rhan-amser ar gyfer gofal plant), yn lle “ganddo” rhodder “gan y myfyriwr rhan-amser cymwys neu bartner y myfyriwr rhan-amser cymwys”.

14. Yn rheoliad 95(1)(i) (grantiau rhan-amser ar gyfer ddibynyddion - dehongli), yn lle “(6)” rhodder “(7)”.

15. Yn Atodlen 2, paragraff 3(a), yn lle “Thechnegwyr” rhodder “Thechnoleg”.

- (iii) in paragraph (iii), for “£5,384” substitute “£5,556”;
- (iv) in paragraph (iv), for “£5,384” substitute “£5,556”;
- (v) in paragraph (v), for “£4,809” substitute “£4,963”.

11. In regulation 50 (increases in maximum amount)—

- (a) in paragraph (1), for “regulation 44” substitute “regulation 43 or, as the case may be, 44”;
- (b) in paragraph (2), for “regulation 44” substitute “regulation 43 or, as the case may be, 44”.

12. In regulation 56 (application of contribution)—

- (a) in paragraph (3)—
 - (i) in sub-paragraph (a), for “£4,019” substitute “£4,147”;
 - (ii) in sub-paragraph (b), for “£7,273” substitute “£7,505”;
 - (iii) in sub-paragraph (c), for “£6,190” substitute “£6,388”;
 - (iv) in sub-paragraph (d), for “£6,190” substitute “£6,388”;
 - (v) in sub-paragraph (e), for “£5,191” substitute “£5,357”;
- (b) in paragraph (4)—
 - (i) in sub-paragraph (a), for “£3,638” substitute “£3,755”;
 - (ii) in sub-paragraph (b), for “£6,623” substitute “£6,834”;
 - (iii) in sub-paragraph (c), for “£5,384” substitute “£5,556”;
 - (iv) in sub-paragraph (d), for “£5,384” substitute “£5,556”;
 - (v) in sub-paragraph (e), for “£4,809” substitute “£4,963”.

13. In regulation 92(3)(b) (part-time childcare grant), at the beginning insert “the eligible part-time student or the eligible part-time student’s partner”.

14. In regulation 95(1)(i) (part-time grants for dependants – interpretation), for “(6)” substitute “(7)”.

15. In Schedule 2, paragraph 3(a), for “Technician” substitute “Technology”.

ATODLEN 7 Rheoliad 4(2)

Mynegai o dermau wedi eu diffinio

1. Mae Tabl 16 yn rhestru ymadroddion sydd wedi eu diffinio neu sydd wedi eu hesbonio fel arall yn y Rheoliadau hyn.

Tabl 16

<i>Ymadrodd</i>	<i>Wedi ei ddiffinio, neu y cyfeirir ato, yn...</i>
“AEE”	Atodlen 2, paragraff 11
“aelod o deulu” (at ddibenion penderfynu ar gategori person o dan Atodlen 2)	Atodlen 2, paragraffau 4(3), 5(5) a 6(5)
“aelod o’r lluoedd arfog”	Atodlen 1, paragraff 6(1)
“anabledd”	Rheoliad 61(2)
“athro cymwysedig neu athrawes gymwysedig”	Atodlen 1, paragraff 6(1)
“awdurdod academiaidd”	Atodlen 1, paragraff 6(1)
“awdurdod lleol Cymreig”	Atodlen 2, paragraff 10(2)
“benthyciad at ffioedd colegau Oxbridge”	Atodlen 5, paragraff 1(1)
“benthyciad at ffioedd dysgu”	Rheoliad 38
“benthyciad cynhaliath”	Rheoliad 53
“benthyciad myfyriwr” (at ddibenion penderfynu a yw myfyriwr yn fyfyrwr cymwys)	Rheoliad 10(3)
“benthyciad myfyriwr” (at ddibenion penderfynu a yw myfyriwr yn fyfyrwr ôl-raddedig cymwys)	Atodlen 4, paragraff 5(2)
“BF”	Atodlen 3, paragraff 23(2)
“BF-1”	Atodlen 3, paragraff 23(2)
“BG”	Atodlen 3, paragraff 23(2)
“blwyddyn academiaidd”	Atodlen 1, paragraff 1
“blwyddyn academiaidd gyfredol” (at ddibenion cyfrifo incwm o dan Atodlen 3)	Atodlen 3, paragraff 23(2)
“blwyddyn academiaidd gyfredol” (at ddibenion penderfynu ar hawlogaeth myfyriwr i grant ar gyfer dibynyddion)	Rheoliad 70(1)
“blwyddyn academiaidd safonol” (mewn perthynas â chwrs Oxbridge dynodedig)	Atodlen 5, paragraff 5(3)

SCHEDULE 7 Regulation 4(2)

Index of defined terms

1. Table 16 lists expressions defined or otherwise explained in these Regulations.

Table 16

<i>Expression</i>	<i>Defined or referred to in...</i>
“the 1998 Act”	Regulation 5
“the 2017 Regulations”	Regulation 2(3)(a)
“academic authority”	Schedule 1, paragraph 6(1)
“academic year”	Schedule 1, paragraph 1
“accelerated graduate entry course”	Schedule 1, paragraph 6(1)
“adult dependants grant”	Regulation 68(1)
“adult dependant”	Regulation 70(1)
“applicable financial year”	Schedule 3, paragraph 23(2)
“base grant”	Regulation 43
“bursary grant for living costs”	Regulation 10(2)
“care leaver”	Regulation 49
“childcare grant”	Regulation 68(1)
“close relative”	Schedule 1, paragraph 6(1)
“college fees”	Schedule 5, paragraph 1(2)
“compressed degree course”	Schedule 1, paragraph 6(1)
“compressed first year course”	Schedule 1, paragraph 6(1)
“course for the initial training of teachers”	Schedule 1, paragraph 6(1)
“current academic year” (for the purposes of calculating income under Schedule 3)	Schedule 3, paragraph 23(2)
“current academic year” (for the purposes of determining a student’s entitlement to GfDs)	Regulation 70(1)
“CY”	Schedule 3, paragraph 23(2)
“dependent child”	Regulation 70(1) (but see also Regulation 75(3) in relation to childcare grant)
“designated course”	Chapter 1 of Part 4

“blwyddyn ariannol”	Atodlen 3, paragraff 23(2)
“blwyddyn ariannol gymwys”	Atodlen 3, paragraff 23(2)
“blwyddyn berthnasol” (at ddibenion cyfrifo incwm net)	Atodlen 3, paragraff 21(3)
“blwyddyn Erasmus”	Atodlen 1, paragraff 4(1)
“bwrsari gofal iechyd”	Rheoliad 10(4)
“byw gartref”	Atodlen 1, paragraff 3(1)(a)
“byw oddi cartref, astudio yn Llundain”	Atodlen 1, paragraff 3(1)(b)
“byw oddi cartref, astudio yn rhywle arall”	Atodlen 1, paragraff 3(1)(c)
“carcharor”	Atodlen 1, paragraff 6(1)
“corff cyhoeddus”	Atodlen 3, paragraff 23(2)
“Cronfa Cymorth Dysgu”	Rheoliad 10(4)
“cwrs addysg perthnasol” (at ddibenion diffinio “cwrs penben”)	Atodlen 1, paragraff 6(1)
“cwrs ar gyfer hyfforddiant cychwynnol athrawon”	Atodlen 1, paragraff 6(1)
“cwrs blaenorol”	Rheoliad 17(3)
“cwrs blwyddyn gyntaf gywasgedig”	Atodlen 1, paragraff 6(1)
“cwrs cynharach”	Rheoliad 11(3)
“cwrs dynodedig”	Pennod 1 o Ran 4
“cwrs dysgu o bell”	Atodlen 1, paragraff 6(1)
“cwrs gradd cywasgedig”	Atodlen 1, paragraff 6(1)
“cwrs gradd perthnasol” (at ddibenion diffinio “cwrs penben”)	Atodlen 1, paragraff 6(1)
“cwrs mynediad graddedig carlam”	Atodlen 1, paragraff 6(1)
“cwrs newydd”	Rheoliad 28(1)
“cwrs llawnamser cyfatebol” (at ddibenion cyfrifo’r dwysedd astudio)	Atodlen 1, paragraff 5(3)
“cwrs ôl-radd dynodedig”	Atodlen 4, paragraffau 2 a 3
“cwrs ôl-radd presennol”	Atodlen 4, paragraff 1(2)
“cwrs Oxbridge dynodedig”	Atodlen 5, paragraff 2
“cwrs penben”	Atodlen 1, paragraff 6(1)
“cwrs presennol”	Atodlen 1, paragraff 6(1)
“cwrs rhagarweiniol”	Rheoliad 16(1)
“cwrs rhyngosod”	Atodlen 1, paragraff 6(1)
“cyfanswm newydd sy’n daladwy”	Rheoliad 88(4)
“Cyfarwyddeb 2004/38”	Atodlen 2, paragraff 11
“cyfnod arferol”	Rheoliad 17(1)

“designated Oxbridge course”	Schedule 5, paragraph 2
“designated postgraduate course”	Schedule 4, paragraphs 2 and 3
“Directive 2004/38”	Schedule 2, paragraph 11
“disability”	Regulation 61(2)
“disabled postgraduate student’s grant”	Schedule 4, paragraph 1(1)
“disabled student’s grant”	Regulation 61(1)
“distance learning course”	Schedule 1, paragraph 6(1)
“earlier course”	Regulation 11(3)
“EEA”	Schedule 2, paragraph 11
“EEA frontier self-employed person”	Schedule 2, paragraph 4(3)
“EEA frontier worker”	Schedule 2, paragraph 4(3)
“EEA migrant worker”	Schedule 2, paragraph 4(3)
“EEA national”	Schedule 2, paragraph 4(4)
“EEA self-employed person”	Schedule 2, paragraph 4(3)
“eligible expenditure” (in relation to disabled postgraduate student’s grant)	Schedule 4, paragraph 20(2)
“eligible Oxbridge student”	Schedule 5, paragraph 3
“eligible postgraduate student”	Schedule 4, paragraphs 4, 5 and 6
“eligible student”	Regulation 9(1)
“employed person”	Schedule 2, paragraph 4(4)
“employment based teacher training scheme”	Regulation 7(2)
“end-on course”	Schedule 1, paragraph 6(1)
“English regulated institution”	Schedule 1, paragraph 2(c)
“ERASMUS scheme”	Schedule 1, paragraph 4(3)
“Erasmus year”	Schedule 1, paragraph 4(1)
“family member” (for the purposes of determining the category of a person under Schedule 2)	Schedule 2, paragraphs 4(3), 5(5) and 6(5)
“fees”	Schedule 1, paragraph 6(1)
“financial year”	Schedule 3, paragraph 23(2)
“former Metropolitan Police District”	Schedule 1, paragraph 3(3)

“cyfnod cymhwystra” (mewn perthynas â chwrs dynodedig)	Adran 2 o Bennod 2 o Ran 4	“full amount”	Regulation 95(4)
“cyfnod cymhwystra” (mewn perthynas â chwrs ôl-radd dynodedig)	Atodlen 4, paragraff 7	“full-time equivalent” (for the purposes of calculating intensity of study)	Schedule 1, paragraph 5(3)
“cyfnod cymhwystra” (mewn perthynas â chwrs Oxbridge dynodedig)	Atodlen 5, paragraff 5	“full-time student” (for the purposes of determining a student’s entitlement to a particular category of support)	Regulation 46(1), 55(1)
“cyfnod o brofiad gwaith”	Atodlen 1, paragraff 6(1)	“graduate”	Regulation 25(1)
“cyfnod sy’n ofynnol fel arfer i gwblhau’r cwrs llawnamser cyfatebol” (at ddibenion cyfrifo’r dwysedd astudio)	Atodlen 1, paragraff 5(3)	“grant for travel”	Regulation 64
“cyfnod talu”	Rheoliad 95(9)	“grants for dependants” (“GfDs”)	Regulation 68
“Cyngor Ymchwil”	Atodlen 1, paragraff 6(1)	“healthcare bursary”	Regulation 10(4)
“cymorth”	Atodlen 1, paragraff 6(1)	“honours graduate”	Regulation 24(1)
“cymorth perthnasol”	Rheoliad 27(2)	“household income”	Schedule 3, Part 2
“cyn-Ddosbarth yr Heddlu Metropolitaidd”	Atodlen 1, paragraff 3(3)	“independent eligible student”	Schedule 3, paragraph 4
“cynllun ERASMUS”	Atodlen 1, paragraff 4(3)	“intensity of study” (in relation to a part-time course)	Schedule 1, paragraph 5
“cynllun hyfforddi athrawon ar sail cyflogaeth”	Rheoliad 7(2)	“Islands”	Schedule 2, paragraph 11
“Cytundeb y Swistir”	Atodlen 2, paragraff 11	“the Joint Academic Coding System”	Regulation 25(3)
“chwarter”	Atodlen 1, paragraff 6(1)	“Learning Support Fund”	Regulation 10(4)
“chwarter cymhwysol”	Rheoliad 66(1)	“living at home”	Schedule 1, paragraph 3(1)(a)
“darparwr arferol”	Rheoliad 40(2)(c)(i)	“living away from home, studying elsewhere”	Schedule 1, paragraph 3(1)(c)
“Deddf 1998”	Rheoliad 5	“living away from home, studying in London”	Schedule 1, paragraph 3(1)(b)
“derbyn gofal”	Atodlen 2, paragraff 10(2)	“London”	Schedule 1, paragraph 3(2)
“dwysedd astudio” (mewn perthynas â chwrs rhan-amser)	Atodlen 1, paragraff 5	“lone parent”	Regulation 70(1)
“dyfarndal statudol”	Atodlen 1, paragraff 6(1)	“looked after”	Schedule 2, paragraph 10(2)
“ffioedd”	Atodlen 1, paragraff 6(1)	“maintained school”	Regulation 7(3)
“ffioedd coleg”	Atodlen 5, paragraff 1(2)	“maintenance grant”	Regulation 43
“ffioedd rhagnodedig” (mewn perthynas â’r grant gofal plant)	Rheoliad 75(3)	“maintenance loan”	Regulation 53
“ffoadur”	Atodlen 2, paragraff 11		
“gorchymyn trefniadau pensiwn”	Atodlen 3, paragraff 23(2)	“member of the armed forces”	Schedule 1, paragraph 6(1)
“grant at deithio”	Rheoliad 64	“net income” (of dependants)	Schedule 3, Part 5
“grant bwrsari at gostau byw”	Rheoliad 10(2)	“new course”	Regulation 28(1)
“grant cynhaliath”	Rheoliad 43	“new total payable”	Regulation 88(4)
“grant dysgu ar gyfer rhieni”	Rheoliad 68(1)	“old course”	Regulation 28(1)
“grant gofal plant”	Rheoliad 68(1)	“ordinary duration”	Regulation 17(1)
“grant myfyriwr anabl”	Rheoliad 61(1)	“ordinary provider”	Regulation 40(2)(c)(i)
“grant myfyriwr ôl-raddedig anabl”	Atodlen 4, paragraff 1(1)	“Oxbridge college fee loan”	Schedule 5, paragraph 1(1)
		“parents’ learning grant”	Regulation 68(1)

“grant oedolion dibynnol”	Rheoliad 68(1)
“grant sylfaenol”	Rheoliad 43
“grantiau ar gyfer dibynyddion”	Rheoliad 68
“gwariant cymwys” (mewn perthynas â grant myfyriwr ôl-raddedig anabl)	Atodlen 4, paragraff 20(2)
“gweithiwr”	Atodlen 2, paragraff 4(4)
“gweithiwr mudol AEE”	Atodlen 2, paragraff 4(3)
“gweithiwr trawsffiniol AEE”	Atodlen 2, paragraff 4(3)
“gweithiwr Twrcaidd”	Atodlen 2, paragraff 8(2)
“gwladolyn AEE”	Atodlen 2, paragraff 4(4)
“hawl i breswyllo’n barhaol”	Atodlen 2, paragraff 11
“hen gwrs”	Rheoliad 28(1)
“incwm aelwyd”	Atodlen 3 Rhan 2
“incwm gweddilliol”	Atodlen 3, Rhan 4
“incwm net” (dibynyddion)	Atodlen 3, Rhan 5
“incwm trehadwy”	Atodlen 3, paragraff 9
“lwfans gofal iechyd yr Alban”	Rheoliad 10(4)
“y lleoliad”	Rheoliad 66(1)
“Llundain”	Atodlen 1, paragraff 3(2)
“myfyriwr ar gwrs hyfforddi athrawon”	Rheoliad 15(6)
“myfyriwr cymwys”	Rheoliad 9(1)
“myfyriwr cymwys annibynnol”	Atodlen 3, paragraff 4
“myfyriwr llawnamser” (at ddibenion penderfynu ar hawlogaeth myfyriwr i gael categori penodol o gymorth)	Rheoliad 46(1), 55(1)
“myfyriwr llawnamser safonol” (at ddibenion cyfrifo’r dwysedd astudio)	Atodlen 1, paragraff 5(3)
“myfyriwr ôl-raddedig cymwys”	Atodlen 4, paragraffau 4, 5 a 6
“myfyriwr Oxbridge cymwys”	Atodlen 5, paragraff 3
“myfyriwr rhan-amser” (at ddibenion penderfynu ar hawlogaeth myfyriwr i gael categori penodol o gymorth)	Rheoliad 47(1), 58(1)
“oedolyn dibynnol”	Rheoliad 70(1)
“partner” (at ddibenion cyfrifo incwm o dan Atodlen 3)	Atodlen 3, paragraff 23(1)

“parent” and “child” (for the purposes of determining the category of a person under Schedule 2)	Schedule 2, paragraph 11
“partial amount”	Regulation 95(4)
“partner” (for the purposes of calculating income under Schedule 3)	Schedule 3, paragraph 23(1)
“partner” (for the purposes of determining a student’s entitlement to GfDs)	Regulation 70(2)
“part-time student” (for the purposes of determining a student’s entitlement to a particular category of support)	Regulation 47(1), 58(1)
“payment period”	Regulation 95(9)
“pension arrangements order”	Schedule 3, paragraph 23(2)
“period of eligibility” (in relation to a designated course)	Section 2 of Chapter 2 of Part 4
“period of eligibility” (in relation to a designated Oxbridge course)	Schedule 5, paragraph 5
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“period of work experience”	Schedule 1, paragraph 6(1)
“period ordinarily required to complete the full-time equivalent” (for the purposes of calculating intensity of study)	Schedule 1, paragraph 5(3)
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“the placement”	Regulation 66(1)
“preliminary course”	Regulation 16(1)
“prescribed charges” (in relation to childcare grant)	Regulation 75(3)
“present course”	Schedule 1, paragraph 6(1)
“present postgraduate course”	Schedule 4, paragraph 1(2)
“previous course”	Regulation 17(3)
“prisoner”	Schedule 1, paragraph 6(1)
“private institution”	Regulation 40(2)(c)(ii)
“public body”	Schedule 3, paragraph 23(2)

“partner” (at ddibenion penderfynu ar hawlogaeth myfyriwr i gael grantiau ar gyfer dibynyddion)	Rheoliad 70(2)
“person â gradd anrhydedd”	Rheoliad 24(1)
“person cyflogedig”	Atodlen 2, paragraff 4(4)
“person cyflogedig Swisaidd”	Atodlen 2, paragraff 4(3)
“person cyflogedig trawsffiniol Swisaidd”	Atodlen 2, paragraff 4(3)
“person graddedig”	Rheoliad 25(1)
“person hunangyflogedig”	Atodlen 2, paragraff 4(4)
“person hunangyflogedig AEE”	Atodlen 2, paragraff 4(3)
“person hunangyflogedig Swisaidd”	Atodlen 2, paragraff 4(3)
“person hunangyflogedig trawsffiniol AEE”	Atodlen 2, paragraff 4(3)
“person hunangyflogedig trawsffiniol Swisaidd”	Atodlen 2, paragraff 4(3)
“person sydd â chaniatâd i ddo i mewn neu i aros”	Atodlen 2, paragraff 3(4)
“person sy’n ymadael â gofal”	Rheoliad 49
“perthynas agos”	Atodlen 1, paragraff 6(1)
“plentyn dibynnol”	Rheoliad 70(1) (ond gweler hefyd reoliad 75(3) mewn perthynas â grant gofal plant)
“Rheoliadau 2017”	Rheoliad 2(3)(a)
“rhiant” a “plentyn” (at ddibenion penderfynu ar gategori person o dan Atodlen 2)	Atodlen 2, paragraff 11
“rhiant unigol”	Rheoliad 70(1)
“sefydliad a gyllidir yn gyhoeddus”	Atodlen 1, paragraff 6(1)
“sefydliad addysgol cydnabyddedig”	Atodlen 1, paragraff 2(a)
“sefydliad preifat”	Rheoliad 40(2)(c)(ii)
“sefydliad rheoleiddiedig Cymreig”	Atodlen 1, paragraff 2(b)
“sefydliad rheoleiddiedig Seisnig”	Atodlen 1, paragraff 2(c)
“swm llawn”	Rheoliad 95(4)
“swm rhannol”	Rheoliad 95(4)
“y System Cyd-godio Pynciau Academaidd”	Rheoliad 25(3)
“taliad cymorth arbennig”	Rheoliad 50
“wedi setlo”	Atodlen 2, paragraff 11
“Ynysoedd”	Atodlen 2, paragraff 11
“ysgol a gynhelir”	Rheoliad 7(3)

“publicly funded institution”	Schedule 1, paragraph 6(1)
“PY”	Schedule 3, paragraph 23(2)
“PY-1”	Schedule 3, paragraph 23(2)
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“qualifying quarter”	Regulation 66(1)
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“relevant education course” (for the purposes of defining “end on course”)	Schedule 1, paragraph 6(1)
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“settled”	Schedule 2, paragraph 11
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“student loan” (for the purposes of determining whether a student is an eligible postgraduate student)	Schedule 4, paragraph 5(2)
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“Swiss self-employed person”	Schedule 2, paragraph 4(3)
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“teacher training student”	Regulation 15(6)
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“Welsh regulated institution”	Schedule 1, paragraph 2(b)
“worker”	Schedule 2, paragraph 4(4)

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