OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2007 Rhif 2314 (Cy.185)

2007 No. 2314 (W.185)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Grant Dysgu'r Cynulliad (Addysg Bellach) 2007

The Assembly Learning Grant (Further Education) Regulations 2007

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn darparu ar gyfer cymorth ariannol i fyfyrwyr sy'n derbyn addysg ôl-orfodol, sy'n preswylio fel arfer yng Nghymru ac sy'n dilyn cyrsiau addysg bellach dynodedig mewn perthynas â'r flwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Medi 2007 drwy ddarparu grant ar sail prawf moddion i'w helpu i dalu costau astudio. Bydd y grant ar gael i fyfyrwyr cymwys lle bynnag y byddant yn dewis astudio, boed yng Nghymru neu rywle arall yn y DU.

Daw'r Rheoliadau i rym ar 31 Awst 2007 ac maent yn gymwys mewn perthynas â grantiau ar gyfer y flwyddyn academaidd 2007/8.

Mae Llywodraeth Cynulliad Cymru wedi paratoi canllawiau manwl ar weithredu'r Rheoliadau. Gellir cael copïau maes o law oddi wrth Lywodraeth Cynulliad Cymru, Yr Is-adran Cyllid Myfyrwyr, Adeiladau'r Goron, Parc Cathays, Caerdydd CF10 3NQ. Gellir dod o hyd i gopïau ar wefan Llywodraeth Cynulliad Cymru hefyd. www.cymru.gov.uk.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for financial support for students in post compulsory education who are ordinarily resident in Wales taking designated further education courses in respect of academic year beginning on or after 1 September 2007 by provision of a means tested grant to help meet the costs of studying. The grant will be available to eligible students wherever they choose to study, in Wales or elsewhere in the UK.

The Regulations come into force on 31 August 2007 and apply in respect of grants for the academic year 2007/8.

The Welsh Assembly Government has prepared detailed guidance on the operation of the Regulations. Copies can be obtained from the Welsh Assembly Government, Student Finance Division, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ. Copies can also be found on the Welsh Assembly Government website. www.wales.gov.uk.

OFFERYNNAU STATUDOL CYMRU

2007 Rhif 2314 (Cy.185)

ADDYSG, CYMRU

Rheoliadau Grant Dysgu'r Cynulliad (Addysg Bellach) 2007

Wedi'u gwneud	*4 Awst 2007*
Wedi'u gosod gerbron Cynulliad Cenedlaethol Cymru	*7 Awst 2007*
Yn dod i rym	*31 Awst 2007*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol ac sydd bellach wedi'u breinio(**1**) ynddynt gan adrannau 22, 42(6) a 43(1) o Ddeddf Addysgu ac Addysg Uwch 1998(**2**), yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Grant Dysgu'r Cynulliad (Addysg Bellach) 2007.

(2) Daw'r Rheoliadau hyn i rym ar 31 Awst 2007 ac maent yn gymwys o ran Cymru.

Dehongli

2. Yn y Rheoliadau hyn -

(**1**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 22 o Ddeddf Addysgu ac Addysg Uwch 1998 i Gynulliad Cenedlaethol Cymru gan adran 44 o Ddeddf Addysg Uwch 2004 a Gorchymyn Deddf Addysg Uwch 2004 (Cychwyn Rhif 2 a Darpariaethau Trosiannol) (Cymru) Gorchymyn 2005 (O.S. 2005/1833 (Cy.149)(C.79)) fel y'i diwygiwyd gan Orchymyn Deddf Addysg Uwch 2004 (Cychwyn Rhif 2 a Darpariaethau Trosiannol) (Cymru) (Diwygio) 2006 (O.S. 2006/1660 (Cy.159)(C.56)). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd paragraffau 30(1) a 30(2)(d) o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(**2**) 1998 p. 30; diwygiwyd adran 22 gan Ddeddf Dysgu a Medrau 2000 (p. 21), adran 146 ac Atodlen 11, Deddf Treth Incwm (Enillion a Phensiynau) 2003 (p. 1), Atodlen 6, Deddf Cyllid 2003 (p. 14), adran 147 a Deddf Addysg Uwch 2004 (p. 8), adran 42. Diwygiwyd adran 42 ac adran 43 gan Ddeddf Addysg 2002 (p. 32), Atodlen 12.

WELSH STATUTORY INSTRUMENTS

2007 No. 2314 (W.185)

EDUCATION, WALES

The Assembly Learning Grant (Further Education) Regulations 2007

Made	*4 August 2007*
Laid before the National Assembly for Wales	*7 August 2007*
Coming into force	*31 August 2007*

The Welsh Ministers, in exercise of the powers conferred upon the National Assembly for Wales and now vested (**1**) in them by sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998(**2**), make the following Regulations:

Title, commencement and application

1.-(1) The title of these Regulations is the Assembly Learning Grant (Further Education) Regulations 2007.

(2) These Regulations come into force on 31 August 2007 and apply in relation to Wales.

Interpretation

2. In these Regulations -

(**1**) The functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 were transferred to the National Assembly for Wales by section 44 of the Higher Education Act 2004 and the Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) Order 2005 (S.I. 2005/1833 (W.149)(C.79)) as amended by the Higher Education Act 2004 (Commencement No.2 and Transitional Provision) (Wales) (Amendment) Order 2006 (S.I. 2006/1660 (W.159)(C.56)). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraphs 30(1) and 30(2)(d) of Schedule 11 of the Government of Wales Act 2006 (c.32).

(**2**) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146 and Schedule 11, the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6, the Finance Act 2003 (c. 14), section 147 and the Higher Education Act 2004 (c. 8), section 42. Section 42 and section 43 were amended by the Education Act 2002 (c. 32), Schedule 12.

ystyr "addysg uwch" ("*higher education*") yw addysg a ddarperir drwy gyfrwng cwrs o unrhyw ddisgrifiad a welir yn Atodlen 6 o Ddeddf Diwygio Addysg 1988(**1**) ;

ystyr "Aelod-wladwriaeth" ("*Member State*") yw un o Aelod-wladwriaethau'r Gymuned Ewropeaidd;

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

ystyr "blwyddyn ariannol" ("*financial year*") yw'r cyfnod o ddeuddeng mis y mae incwm person, y mae ei incwm gweddilliol yn cael ei gyfrifo o dan ddarpariaethau rheoliadau 8 i 13, yn cael ei gyfrifiannu mewn perthynas â'r cyfnod hwnnw at ddibenion y ddeddfwriaeth ar dreth incwm sy'n gymwys i incwm y person hwnnw;

ystyr "blwyddyn ariannol flaenorol" ("*preceding financial year*") yw'r flwyddyn ariannol sydd yn union o flaen y flwyddyn berthnasol;

ystyr "blwyddyn berthnasol" ("*relevant year*") yw'r flwyddyn academaidd y mae incwm yr aelwyd i'w asesu mewn perthynas â hi;

ystyr "cwrs dynodedig" ("*designated course*") yw cwrs a ddynodwyd felly gan Weinidogion Cymru at ddibenion y Rheoliadau hyn, sy'n cynnwys addysg (ac eithrio addysg uwch) neu hyfforddiant sy'n cynnwys cwrs neu raglen astudio -

(a) ac sy'n ei gwneud yn ofynnol i fyfyriwr fynychu sefydliad addysg bellach neu fangre darparydd arall ym maes addysg neu hyfforddiant, a

(b) ac sy'n cael ei ariannu gan Gynulliad Cenedlaethol Cymru neu'r Cyngor Dysgu a Sgiliau o dan Ddeddf Dysgu a Medrau 2000, neu sy'n cael ei ariannu gan awdurdod cyhoeddus sy'n gyfrifol am ariannu addysg (ac eithrio addysg uwch) a hyfforddiant sy'n addas at ofynion personau 19 oed neu drosodd o dan gyfraith yr Alban neu Ogledd Iwerddon;

ystyr "cyfnod astudio llawnamser" ("*period of full time study*") yw cyfnod astudio ar un neu fwy o gyrsiau dynodedig sy'n gyrsiau 500 neu fwy o oriau cyswllt yn ystod y cyfnod sy'n dechrau ar 1 Medi 2007 ac sy'n dod i ben ar 31 Awst 2008;

"the 2007 Regulations" ("*Rheoliadau 2007*") means the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2007 (**1**);

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

"contact hours" ("*oriau cyswllt*") means the period of time expressed in hours in respect of which an eligible student receives teaching or supervision during periods of study or practice;

"designated course" ("*cwrs dynodedig*") means a course designated as such by the Welsh Ministers for the purposes of these Regulations such course including education (other than higher education) or training consisting of a course or programme of study -

(a) which requires attendance at a further education institution or at the premises of another provider of education or training, and

(b) which is funded by the Welsh Assembly Government or the Learning and Skills Council under the Learning and Skills Act 2000, or is funded by a public authority responsible for the funding of education (other than higher education) and training suitable to the requirements of persons aged 19 or over under the law of Scotland or Northern Ireland;

"eligible student" ("*myfyriwr cymwys*") has the meaning given in regulation 3;

"financial year" ("*blwyddyn ariannol*") means the period of twelve months in respect of which the income of a person whose residual income is calculated under the provisions of regulations 8 to 13 is computed for the purposes of the income tax legislation which applies to it;

"higher education" ("*addysg uwch*") means education provided by means of a course of any description in Schedule 6 of the Education Reform Act 1988(**2**);

"household income" ("*incwm yr aelwyd*") has the meaning given in regulation 8;

"independent eligible student" ("*myfyriwr annibynnol cymwys*") has the meaning given in regulation 13;

(**1**) 1988 p.40.

(**1**) S.I. 2006/126 (W.19).

(**2**) 1988 c.40.

ystyr "cyfnod astudio rhan-amser" ("*period of part-time study*") yw cyfnod astudio ar un neu fwy o gyrsiau dynodedig sy'n gyrsiau o ddim llai na 275 o oriau cyswllt na mwy na 499 o oriau cyswllt yn ystod y cyfnod sy'n dechrau ar 1 Medi 2007 ac sy'n dod i ben ar 31 Awst 2008;

ystyr "cymhelliant hyfforddi" ("*training incentive*") yw cymorth ariannol o gronfeydd cyhoeddus a roddir yn unswydd i annog unigolyn i ddilyn proffesiwn penodol.

mae i "incwm yr aelwyd" ("*household income*") yr ystyr a roddir ym mharagraff 8;

ystyr "incwm gweddilliol" ("*residual income*") yw incwm trethadwy ar ôl cymhwyso rheoliad 9 (yn achos myfyriwr cymwys), rheoliad 10 (yn achos rhiant myfyriwr cymwys), rheoliad 11 (yn achos partner myfyriwr cymwys) neu reoliad 12 (yn achos partner rhiant myfyriwr cymwys);

ystyr "incwm trethadwy" ("*taxable income*"), o ran rheoliad 9, ac mewn perthynas â'r flwyddyn academaidd y mae cais wedi'i wneud ar ei chyfer o dan reoliad 6 ac, o ran rheoliad 10, (a hynny'n ddarostyngedig i baragraffau (3), (4) a (5) o reoliad 10) mewn perthynas â'r flwyddyn ariannol flaenorol, yw incwm trethadwy person o bob ffynhonnell a gyfrifiannwyd at ddibenion-

(i) y Deddfau Treth Incwm;

(ii) deddfwriaeth treth incwm Aelod-wladwriaeth arall sy'n gymwys i incwm y person; neu

(iii) os yw deddfwriaeth mwy nag un Aelod-wladwriaeth yn gymwys i'r cyfnod, y ddeddfwriaeth y mae Gweinidogion Cymru o'r farn y bydd y person yn talu'r swm mwyaf o dreth oddi tani yn y cyfnod hwnnw (ac eithrio fel y darperir fel arall ym mharagraff 10);

mae i'r ymadrodd "myfyriwr cymwys" ("*eligible student*") yr ystyr a roddir iddo yn rheoliad 3;

mae i'r ymadrodd "myfyriwr cymwys annibynnol" ("*independent eligible student*") yr ystyr a roddir iddo yn rheoliad 13;

ystyr "myfyriwr sy'n rhiant" ("*parent student*") yw myfyriwr cymwys sy'n rhiant i fyfyriwr cymwys;

ystyr "oriau cyswllt" ("*contact hours*") yw'r cyfnod o amser a fynegir mewn oriau ac y mae myfyriwr cymwys yn cael ei ddysgu neu ei oruchwylio mewn perthynas ag ef yn ystod cyfnodau o addysg neu o ymarfer;

ystyr "partner" ("*partner*") mewn perthynas â myfyriwr cymwys yw unrhyw un o'r canlynol -

(i) priod myfyriwr cymwys;

(ii) partner sifil myfyriwr cymwys;

"Member State" ("*Aelod-wladwriaeth*") means a Member State of the European Community;

"parent" ("*rhiant*") means a natural or adoptive parent and "child" ("*plentyn*"), "mother" ("*mam*") and "father" ("*tad*") is construed accordingly;

"parent student" ("*myfyriwr sy'n rhiant*") means an eligible student who is the parent of an eligible student;

"partner" ("*partner*") in relation to an eligible student means any of the following -

(i) the spouse of an eligible student;

(ii) the civil partner of an eligible student;

(iii) a person ordinarily living with an eligible student as if he or she were his or her civil partner where an eligible student falls within regulation 13(a) and he or she begins the designated course on or after 1 September 2005;

"partner" ("*partner*") in relation to the parent of an eligible student means any of the following other than another parent of the eligible student-

(i) the spouse of an eligible student's parent;

(ii) the civil partner of an eligible student's parent;

(iii) a person ordinarily living with the parent of an eligible student as if he or she were his or her spouse;

(iv) a person ordinarily living with the parent of an eligible student as if he or she were the parent's civil partner;

"period of full time study" ("*cyfnod astudio llawnamser*") means a period of study on one or more designated courses comprising 500 or more contact hours during the period starting on 1 September 2007 and ending on 31 August 2008;

"period of part-time study"("*cyfnod astudio rhan-amser*") means a period of study on one or more designated courses and comprising not less than 275 contact hours nor more than 499 contact hours during the period starting on 1 September 2007 and ending on 31 August 2008;

"preceding financial year" ("*blwyddyn ariannol flaenorol*") means the financial year immediately preceding the relevant year;

"relevant year" ("*blwyddyn berthnasol*") means the academic year in respect of which the household income falls to be assessed;

"residual income" ("*incwm gweddilliol*") means taxable income after the application of regulation 9 (in the case of an eligible student), regulation 10 (in the case of an eligible student's parent), regulation 11 (in the case of an eligible student's partner) or regulation 12 (in the case of the partner of an

(iii) person sydd fel arfer yn byw gyda myfyriwr cymwys fel pe bai'n bartner sifil iddo pan fo myfyriwr cymwys yn dod o dan reoliad 13(a) a'i fod yn dechrau'r cwrs dynodedig ar neu ar ôl 1 Medi 2005;

ystyr "partner" ("*partner*") mewn perthynas â rhiant myfyriwr cymwys yw unrhyw un o'r canlynol ac eithrio rhiant arall i'r myfyriwr cymwys-

(i) priod rhiant myfyriwr cymwys;

(ii) partner sifil rhiant myfyriwr cymwys;

(iii) person sydd fel arfer yn byw gyda rhiant myfyriwr cymwys fel pe bai'n briod â'r rhiant;

(iv) person sydd fel arfer yn byw gyda rhiant myfyriwr cymwys fel pe bai'n bartner sifil i'r rhiant;

ystyr "Rheoliadau 2007" ("*the 2007 Regulations*") yw Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2007(**1**);

ystyr "rhiant" ("*parent*") yw rhiant naturiol neu fabwysiadol a dehonglir "plentyn" ("*child*"), "mam" ("*mother*") a "tad" ("*father*") yn unol â hynny;

ystyr "SLC" ("*SLC*") yw'r Student Loans Company Limited.

Cymhwystra

3.-(1) Mae myfyriwr cymwys yn gymhwysol i gael Grant Dysgu'r Cynulliad mewn cysylltiad â chyfnod o astudiaeth lawnamser neu gyfnod o astudiaeth ran-amser yn ddarostyngedig i'r Rheoliadau hyn ac yn unol â hwy.

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

(a) os yw Gweinidogion Cymru, wrth iddynt asesu ei gais am gymorth, yn penderfynu bod y person yn dod o fewn un o'r categorïau a geir yn Rhan 2 o Atodlen 1 i Reoliadau 2007;

(b) os nad yw'r person hwnnw wedi'i wahardd gan baragraff (3); ac

(c) os yw'r person wedi cyrraedd 19 oed ar ddechrau neu cyn dechrau'r flwyddyn academaidd sy'n cychwyn ar neu ar ôl 1 Medi 2007.

(3) Ni fydd person yn fyfyriwr cymwys:

(a) os paragraff 9 yw'r unig baragraff yn Rhan 2 o Atodlen 1 i Reoliadau 2007 y mae'n dod oddi tano;

eligible student's parent);

"SLC" ("*SLC*") means the Student Loans Company Limited;

"taxable income" ("*incwm trethadwy*") means, in relation to regulation 9, in respect of the academic year for which an application has been made under regulation 6 and, in relation to regulation 10, in respect (subject to paragraphs (3), (4) and (5) of regulation 10) of the preceding financial year, a person's taxable income from all sources computed as for the purposes of-

(i) the Income Tax Acts;

(ii) the income tax legislation of another Member State which applies to the person's income; or

(iii) where the legislation of more than one Member State applies to the period, the legislation under which the Welsh Ministers consider the person will pay the largest amount of tax in that period (except as otherwise provided in regulation 10);

"training incentive" ("*cymhelliant hyfforddi*") means financial support from public funds given with the sole purpose of encouraging an individual to pursue a particular profession.

Eligibility

3.-(1) An eligible student qualifies for an Assembly Learning Grant in connection with a period of full-time study or a period of part-time study subject to and in accordance with these Regulations.

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

(a) in assessing his or her application for support the Welsh Ministers determine that the person falls within one of the categories set out in Part 2 of Schedule 1 of the 2007 Regulations;

(b) the person is not excluded by paragraph (3); and

(c) the person has reached the age of 19 on or before the start of the academic year commencing on or after 1 September 2007.

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

(a) the only paragraph in Part 2 of Schedule 1 of the 2007 Regulations into which he or she falls is paragraph 9;

(**1**) O.S. 2006/126 (Cy.19).

(b) os yw'r myfyriwr, ym marn Gweinidogion Cymru, wedi dangos ei fod yn anffit oherwydd ei ymddygiad i gael Grant Dysgu'r Cynulliad;

(c) os rhoddwyd neu os talwyd i'r person mewn perthynas â'i bresenoldeb ar y cwrs -

(i) bwrsari gofal iechyd

(ii) bwrsari gan Goleg Harlech neu fwrsari cwrs-hir cyfatebol a ddarparwyd gan y Pwyllgor Colegau Preswyl neu gan Gyngor Cyllido Addysg Bellach yr Alban, neu

(iii) cyllid ar wahân gan Lywodraeth Cynulliad Cymru mewn perthynas â Rhaglen Dysgu Seiliedig ar Waith;

(iv) y cyfryw gymorth ariannol arall o gronfeydd cyhoeddus yn ôl penderfyniad Gweinidogion Cymru.

Cynnydd academaidd

4.-(1) Yn ddarostyngedig i baragraff (2) a rheoliad 5, rhaid i Weinidogion Cymru beidio â thalu Grant Dysgu'r Cynulliad i fyfyriwr mewn perthynas â blwyddyn academaidd neu ran o flwyddyn academaidd sy'n dechrau yn 2007 oni chânt eu bodloni ar sail resymol bod y cyfnod o astudio o dan sylw yn golygu cynnydd academaidd i'r myfyriwr o'i gymharu â'r astudiaethau a ddilynodd y myfyriwr mewn blynyddoedd academaidd blaenorol.

(2) Caiff Gweinidogion Cymru dalu Grant Dysgu'r Cynulliad i fyfyriwr am flwyddyn academaidd sy'n cael ei hailadrodd os yw'r flwyddyn honno yn flwyddyn ailadrodd blwyddyn academaidd flaenorol nad oedd y myfyriwr yn gallu ei chwblhau am resymau personol cadarn.

Trosglwyddo

5. Pan fo myfyriwr sydd â hawl i gael Grant Dysgu'r Cynulliad yn unol â'r Rheoliadau hyn yn trosglwyddo i gwrs dynodedig arall sy'n gyfnod o astudiaeth lawnamser neu'n gyfnod o astudiaeth ran-amser yn ystod blwyddyn academaidd sy'n dechrau yn 2007, caiff Gweinidogion Cymru dalu Grant Dysgu'r Cynulliad i'r myfyriwr hwnnw am weddill y flwyddyn academaidd, ac eithrio -

(a) os yw Gweinidogion Cymru wedi'u bodloni ar sail resymol nad yw'r cwrs newydd yn golygu cynnydd academaidd i'r myfyriwr o'i gymharu â'r cwrs y mae wedi trosglwyddo ohono; a

(b) os yw'r myfyriwr yn ymrestru ar y cwrs y mae'n trosglwyddo iddo fwy nag 20 wythnos ar ôl dechrau'r cwrs blaenorol,

ni fydd Grant Dysgu'r Cynulliad yn daladwy.

(b) the student has, in the opinion of the Welsh Ministers, shown himself or herself by his or her conduct to be unfitted to receive an Assembly Learning Grant;

(c) there has been bestowed on, or paid to the person in relation to the person's attendance on the course -

(i) a healthcare bursary

(ii) a Coleg Harlech bursary or an equivalent long course bursary provided by the Residential Colleges Committee or Scottish Further Education Funding Council, or

(iii) separate funding by the Welsh Assembly Government in respect of a Work Based Learning Programme;

(iv) such other financial support from public funds as determined by the Welsh Ministers.

Academic progression

4.-(1) Subject to paragraph (2) and regulation 5, the Welsh Ministers must not pay Assembly Learning Grant to a student in respect of an academic year or part of an academic year beginning in 2007 unless they are satisfied on reasonable grounds that the period of study concerned involves academic progression for the student in comparison with study undertaken by the student in previous academic years.

(2) The Welsh Ministers may pay Assembly Learning Grant to a student for a repeated academic year if that year is a repeat of a preceding academic year that the student was unable to complete because of compelling personal reasons.

Transfers

5. Where a student who is entitled to Assembly Learning Grant in accordance with these Regulations transfers to another designated course comprising a period of full-time study or a period of part-time study during an academic year beginning in 2007, the Welsh Ministers may pay Assembly Learning Grant to that student for the remainder of the academic year, except that if -

(a) the Welsh Ministers are satisfied on reasonable grounds that the new course does not involve academic progression for the student as compared to the course from which he or she has transferred; and

(b) the student enrols on the course to which he or she is transferring more than 20 weeks after the start the previous course,

no Assembly Learning Grant is payable.

Ceisiadau

6.-(1) Rhaid i berson wneud cais am gymorth mewn cysylltiad â'r Rheoliadau hyn drwy gwblhau a chyflwyno i Weinidogion Cymru gais ar unrhyw ffurf ac ynghyd â'r cyfryw ddogfennau ac erbyn y cyfryw amser ag y byddo Gweinidogion Cymru yn eu gwneud yn ofynnol.

(2) Caiff Gweinidogion Cymru gymryd y cyfryw gamau a gwneud y cyfryw ymholiadau ag y maent yn barnu eu bod yn angenrheidiol i benderfynu a yw'r ceisydd yn fyfyriwr cymwys, a yw'r ceisydd yn gymhwysol i gael cymorth, a faint o gymorth sy'n daladwy, os o gwbl.

(3) Rhaid i Weinidogion Cymru hysbysu'r ceisydd ynghylch a yw'r ceisydd yn gymhwysol i gael cymorth ai peidio ac os yw'n gymhwysol, swm y cymorth sy'n daladwy mewn perthynas â'r flwyddyn academaidd, os o gwbl.

Hawlogaeth grant

7.-(1) Bydd myfyriwr cymwys sy'n gymhwysol i gael cymorth mewn cysylltiad â chyfnod o astudiaeth lawnamser yn unol â'r Rheoliadau hyn yn cael swm fel a ganlyn-

(a) pan fo incwm yr aelwyd yn £5,605 neu lai, caiff £1,500;

(b) pan fo incwm yr aelwyd dros £5,605 ond heb fod yn fwy na £11,210, caiff £750; ac

(c) pan fo incwm yr aelwyd dros £11,210 ond heb fod yn fwy na £16,830, caiff £450.

(2) Bydd myfyriwr cymwys sy'n gymhwysol i gael cymorth mewn cysylltiad â chyfnod o astudiaeth ran-amser yn unol â'r Rheoliadau hyn yn cael swm fel a ganlyn -

(a) pan fo incwm yr aelwyd yn £5,605 neu lai, caiff £750;

(b) pan fo incwm yr aelwyd dros £5,605 ond heb fod yn fwy na £11,210, caiff £450; ac

(c) pan fo incwm yr aelwyd dros £11,210 ond heb fod yn fwy na £16,830, caiff £300.

Incwm yr aelwyd

8.-(1) Cyfrifir incwm yr aelwyd at ddibenion y Rheoliadau hyn yn unol â'r rheoliad hwn ac â rheoliadau 9 i 12.

(2) Incwm yr aelwyd-

(a) yn achos myfyriwr cymwys nad yw'n fyfyriwr cymwys annibynnol,

(i) yw incwm gweddilliol y myfyriwr

Applications

6.-(1) A person must apply for support in connection with these Regulations by completing and submitting to the Welsh Ministers an application in such form and accompanied by such documentation and by such time as the Welsh Ministers may require.

(2) The Welsh Ministers may take such steps and make such enquiries as they consider necessary to determine whether the applicant is an eligible student, whether the applicant qualifies for support and the amount of support payable, if any.

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

Grant entitlement

7.-(1) An eligible student who qualifies for support in connection with a period of full time study in accordance with these Regulations receives an amount as follows-

(a) where the household income is £5,605 or less, he or she receives £1,500;

(b) where the household income exceeds £5,605 but does not exceed £11,210, he or she receives £750; and

(c) where the household income exceeds £11,210 but does not exceed £16,830, he or she receives £450.

(2) An eligible student who qualifies for support in connection with a period of part-time study in accordance with these Regulations receives an amount as follows -

(a) where the household income is £5,605 or less, he or she receives £750;

(b) where the household income exceeds £5,605 but does not exceed £11,210, he or she receives £450; and

(c) where the household income exceeds £11,210 but does not exceed £16,830, he or she receives £300.

Household Income

8.-(1) Household income for the purpose of these Regulations is calculated in accordance with this regulation and regulations 9 to 12.

(2) The household income is-

(a) in the case of an eligible student who is not an independent eligible student-

(i) the residual income of the eligible student,

cymwys, neu

(i) yw incwm gweddilliol rhiant y myfyriwr cymwys (yn ddarostyngedig i reoliad 10(9)) a'r incwm hwnnw wedi'i agregu ag incwm gweddilliol partner rhiant y myfyriwr cyhyd â bod Gweinidogion Cymru wedi dethol y rhiant hwnnw o dan baragraff 10(9),

p'un bynnag o'r ddau incwm yw'r uchaf;

(b) yn achos myfyriwr cymwys annibynnol sydd â phartner, yw incwm gweddilliol y myfyriwr cymwys neu incwm gweddilliol partner y myfyriwr cymwys, p'un bynnag o'r ddau incwm yw'r uchaf; neu

(c) yn achos myfyriwr cymwys annibynnol nad oes ganddo bartner, incwm gweddilliol y myfyriwr cymwys.

Cyfrifo incwm gweddilliol myfyriwr cymwys

9.-(1) Ac eithrio pan fo'r myfyriwr yn ymgymryd â chwrs dynodedig, sy'n gyfnod o astudiaeth ran-amser, er mwyn penderfynu incwm gweddilliol myfyriwr cymwys, didynnir o'i incwm trethadwy (onid yw eisoes wedi'i ddidynnu wrth benderfynu incwm trethadwy) agregiad unrhyw symiau sy'n dod o dan unrhyw un neu rai o'r is-baragraffau canlynol -

(a) unrhyw gydnabyddiaeth ariannol am waith a wnaed yn ystod unrhyw flwyddyn academaidd o gwrs y myfyriwr cymwys, ar yr amod nad yw'r cyfryw gydnabyddiaeth ariannol yn cynnwys unrhyw symiau a dalwyd mewn perthynas ag unrhyw gyfnod pan fo ganddo ganiatâd i fod yn absennol neu pan fo wedi'i ryddhau o'i ddyletswyddau arferol er mwyn iddo fynychu'r cwrs hwnnw;

(b) cyfanswm gros unrhyw bremiwm neu swm arall a dalwyd gan y myfyriwr cymwys mewn perthynas â phensiwn (nad yw'n bensiwn sy'n daladwy o dan bolisi yswiriant bywyd) y mae rhyddhad yn cael ei roi mewn perthynas ag ef o dan adran 273, 619 neu 639 o Ddeddf Treth Incwm a Threth Gorfforaeth 1988(**1**), neu o dan adran 188 o Ddeddf Cyllid 2004(**2**), neu os yw incwm y myfyriwr cymwys yn cael ei gyfrifiannu at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, cyfanswm gros unrhyw bremiwm neu swm o'r fath y byddai rhyddhad yn cael ei roi mewn perthynas ag ef os oedd y ddeddfwriaeth honno'n gwneud darpariaeth sy'n gyfatebol i'r Deddfau Treth Incwm.

(**1**) 1988 p.1; diwygiwyd adran 273 gan Ddeddf Cyllid 1988 (p.39), Atodlen 3, paragraff 10; Deddf Treth Incwm (Incwm Masnachu ac Incwm Arall) 2005, Atodlen 1 a Deddf Cyllid 2004 (p.12), adran 281 ac Atodlen 35. Diddymwyd adrannau 619 a 639 gan Ddeddf Cyllid 2004 , adran 326 ac Atodlen 42 o 6 Ebrill 2006 ymlaen yn ddarostyngedig i'r darpariaethau trosiannol a'r arbedion yn Atodlen 36 i Ddeddf Cyllid 2004.

(**2**) 2004 p.12.

or

(ii) the residual income of the eligible student's parent (subject to regulation 10(9)) aggregated with the residual income of the partner of the student's parent provided that the Welsh Ministers have selected that parent under regulation 10(9),

whichever of the two incomes is the higher;

(b) in the case of an independent eligible student who has a partner, the residual income of the eligible student or the residual income of the eligible student's partner, whichever of the two incomes is the higher; or

(c) in the case of an independent eligible student who does not have a partner, the residual income of the eligible student.

Calculation of eligible student's residual income

9.-(1) Except where the student is undertaking a designated course comprising a period of part-time study, for the purpose of determining the residual income of an eligible student, there is deducted from his or her taxable income (unless already deducted in determining taxable income) the aggregate of any amounts falling within any of the following sub-paragraphs -

(a) any remuneration for work done during any academic year of the eligible student's course, provided that such remuneration does not include any sums paid in respect of any period for which he or she has leave of absence or is relieved of his or her normal duties for the purpose of attending that course;

(b) the gross amount of any premium or other sum paid by the eligible student in relation to a pension (not being a pension payable under a policy of life insurance) in respect of which relief is given under section 273, 619 or 639 of the Income and Corporation Taxes Act 1988(**1**), or under section 188 of the Finance Act 2004(**2**), or where the eligible student's income is computed for the purposes of the income tax legislation of another Member State, the gross amount of any such premium or sum in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts.

(**1**) 1988 c. 1; section 273 was amended by the Finance Act 1988 (c. 39), Schedule 3, paragraph 10; the Income Tax (Trading and Other Income) Act 2005, Schedule 1 and the Finance Act 2004 (c.12), section 281 and Schedule 35. Sections 619 and 639 were repealed by the Finance Act 2004, section 326 and Schedule 42 with effect from 6 April 2006 subject to the transitional provisions and savings in Schedule 36 to the Finance Act 2004.

(**2**) 2004 c.12.

(2) Os paragraff 9 yw'r unig baragraff yn Rhan 2 o Atodlen 1 o Reoliadau 2007 y mae myfyriwr cymwys yn dod oddi tano a bod ei incwm yn deillio o ffynonellau neu o dan ddeddfwriaeth sy'n wahanol i ffynonellau neu ddeddfwriaeth sy'n berthnasol fel arfer i berson y cyfeirir ato ym mharagraff 9 o Ran 2 o Atodlen 1 i Reoliadau 2007, ni ddiystyrir ei incwm yn unol â pharagraff (1) ond, yn hytrach, fe'i diystyrir i'r graddau y mae hynny'n angenrheidiol er mwyn sicrhau nad yw ef yn cael ei drin mewn modd llai ffafriol na'r modd y byddai person y cyfeirir ato yn unrhyw baragraff o Ran 2 o Atodlen 1 o Reoliadau 2007 yn cael ei drin pe byddai mewn amgylchiadau cyffelyb a bod ganddo incwm cyffelyb.

(3) Pan fo'r myfyriwr cymwys yn cael incwm mewn arian cyfred ac eithrio sterling, gwerth yr incwm hwnnw at ddibenion y paragraff hwn yw -

(a) os yw'r myfyriwr yn prynu sterling â'r incwm, y swm mewn sterling y bydd y myfyriwr yn ei gael felly;

(b) fel arall, gwerth y sterling y byddai'r incwm yn ei brynu gan ddefnyddio'r gyfradd am y mis y daw i law, sef cyfradd a gyhoeddir gan y Swyddfa Ystadegau Gwladol(**1**).

Cyfrifo incwm gweddilliol rhiant

10.-(1) At ddibenion canfod incwm trethadwy rhiant myfyriwr cymwys, nid yw unrhyw ddidyniadau sydd i'w gwneud neu unrhyw esemptiadau a ganiateir-

(a) ar ffurf rhyddhadau personol y darperir ar eu cyfer ym Mhennod 1 o Ran VII o Ddeddf Treth Incwm a Threth Gorfforaeth 1988 neu, os yw'r incwm yn cael ei gyfrifiannu at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, unrhyw ryddhadau personol tebyg;

(b) yn unol ag unrhyw ddeddfiad neu reol gyfreithiol na chaiff taliadau a fyddai fel arall yn rhan o incwm person o dan gyfraith y Deyrnas Unedig, eu trin oddi tano neu oddi tani fel taliadau o'r fath; neu

(c) o dan baragraff (2),

yn cael eu gwneud na'u caniatáu.

(2) Er mwyn canfod incwm gweddilliol rhiant myfyriwr cymwys, didynnir o'r incwm trethadwy a ganfyddir o dan baragraff (1) agregiad unrhyw symiau sy'n dod o fewn unrhyw un neu rai o'r is-baragraffau canlynol-

(a) cyfanswm gros unrhyw bremiwm neu swm sy'n ymwneud â phensiwn (nad yw'n bremiwm sy'n daladwy o dan bolisi yswiriant bywyd) y mae rhyddhad yn cael ei roi mewn cysylltiad ag ef o dan adran 273, 619 neu 639 o Ddeddf Treth Incwm a Threth Gorfforaeth 1988, neu os yw'r incwm yn cael ei gyfrifiannu at ddibenion deddfwriaeth treth incwm Aelod-

(**1**) "Financial Statistics" (ISSN 0015-203X).

(2) Where the only paragraph in Part 2 of Schedule 1 of the 2007 Regulations into which an eligible student falls is paragraph 9 and his or her income arises from sources or under legislation different from sources or legislation normally relevant to a person referred to in paragraph 9 of Part 2 of Schedule 1 of the 2007 Regulations, his or her income is not disregarded in accordance with paragraph (1) but is instead disregarded to the extent necessary to ensure that he or she is treated no less favourably than a person who is referred to in any paragraph of Part 2 of Schedule 1 of the 2007 Regulations would be treated if in similar circumstances and in receipt of similar income.

(3) Where the eligible student receives income in a currency other than sterling, the value of that income for the purpose of this paragraph is -

(a) if the student purchases sterling with the income, the amount of sterling the student so receives;

(b) otherwise, the value of the sterling which the income would purchase using the rate for the month in which it is received published by the Office for National Statistics(**1**).

Calculation of parent's residual income

10.-(1) For the purposes of determining the taxable income of an eligible student's parent, any deductions which fall to be made or exemptions which are permitted-

(a) by way of personal reliefs provided for in Chapter 1 of Part VII of the Income and Corporation Taxes Act 1988 or, where the income is computed for the purposes of the income tax legislation of another Member State, any comparable personal reliefs;

(b) pursuant to any enactment or rule of law under which payments which would otherwise under United Kingdom law form part of a person's income are not treated as such; or

(c) under paragraph (2),

are not made or permitted.

(2) For the purposes of determining the residual income of an eligible student's parent, there shall be deducted from the taxable income determined under paragraph (1) the aggregate of any amounts falling within any of the following sub-paragraphs -

(a) the gross amount of any premium or sum relating to a pension (not being a premium payable under a policy of life assurance) in respect of which relief is given under section 273, 619 or 639 of the Income and Corporation Taxes Act 1988, or where the income is computed for the purposes of the income tax legislation of another Member State, the gross

(**1**) Financial Statistics" (ISSN 0015-203X).

wladwriaeth arall, cyfanswm gros unrhyw bremiwm o'r fath y byddai rhyddhad yn cael ei roi mewn cysylltiad ag ef os oedd y ddeddfwriaeth honno'n gwneud darpariaeth a oedd yn gyfatebol i'r Deddfau Treth Incwm;

(b) mewn unrhyw achos lle y caiff incwm ei gyfrifiannu at ddibenion y Deddfau Treth Incwm yn rhinwedd paragraff (6) unrhyw symiau sy'n cyfateb i'r didyniad a grybwyllwyd ym mharagraff (6)(a), ar yr amod nad yw unrhyw symiau a ddidynnir felly yn fwy na'r didyniadau a fyddai'n cael eu gwneud pe bai'r cyfan o incwm rhiant y myfyriwr cymwys mewn gwirionedd yn incwm at ddibenion y Deddfau Treth Incwm.

(3) Os yw Gweinidogion Cymru wedi'u bodloni bod incwm y rhiant yn y flwyddyn ariannol sy'n dechrau yn union cyn y flwyddyn berthnasol ("y flwyddyn ariannol gyfredol"), o ganlyniad i ryw ddigwyddiad y tu hwnt i reolaeth y rhiant, yn debygol o fod yn llai na gwerth sterling ei incwm yn y flwyddyn ariannol flaenorol i'r fath raddau y byddai'n effeithio ar hawlogaeth y myfyriwr pe bai'r hawlogaeth yn cael ei seilio ar y flwyddyn ariannol gyfredol, caiff Gweinidogion Cymru, er mwyn galluogi'r myfyriwr cymwys i fynychu'r cwrs heb galedi, gadarnhau incwm yr aelwyd am y flwyddyn ariannol gyfredol.

(4) Os yw Gweinidogion Cymru wedi'u bodloni bod incwm y rhiant mewn unrhyw flwyddyn ariannol, o ganlyniad i ryw ddigwyddiad y tu hwnt i reolaeth y rhiant, yn debygol o fod ac o barhau ar ôl y flwyddyn honno yn llai na gwerth ei incwm mewn sterling yn y flwyddyn ariannol flaenorol i'r fath raddau y byddai'n effeithio ar hawlogaeth y myfyriwr pe bai hawlogaeth yn cael ei seilio ar y flwyddyn ariannol gyfredol, caiff Gweinidogion Cymru, er mwyn galluogi'r myfyriwr cymwys i fynychu'r cwrs heb galedi, gadarnhau incwm yr aelwyd am flwyddyn academaidd cwrs y myfyriwr cymwys y digwyddodd y digwyddiad hwnnw ynddi drwy gymryd cyfartaledd incwm gweddilliol y rhiant am bob un o'r blynyddoedd ariannol y mae'r flwyddyn academaidd honno'n digwydd ynddynt fel ei incwm gweddilliol.

(5) Os yw rhiant y myfyriwr cymwys yn bodloni Gweinidogion Cymru bod ei incwm yn deillio'n gyfan gwbl neu'n bennaf o elw busnes y mae'n ei redeg neu broffesiwn y mae'n ei ddilyn, yna mae unrhyw gyfeiriad yn y paragraff hwn at flwyddyn ariannol flaenorol yn golygu'r cyfnod cynharaf o ddeuddeng mis sy'n diweddu ar ôl dechrau'r flwyddyn ariannol flaenorol ac y mae cyfrifon ynglyn â'r busnes neu'r proffesiwn hwnnw yn cael eu cadw mewn perthynas â hi.

(6) Os yw rhiant myfyriwr cymwys yn cael unrhyw incwm nad yw'n rhan o'i incwm at ddibenion y Deddfau Treth Incwm neu ddeddfwriaeth treth incwm Aelod-wladwriaeth arall a hynny'n unig-

amount of any such premium in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;

(b) in any case where income is computed for the purposes of the Income Tax Acts by virtue of paragraph (6) any sums equivalent to the deduction mentioned in paragraph (6)(a), provided that any sums so deducted do not exceed the deductions which would be made if the whole of the eligible student's parent's income were in fact income for the purposes of the Income Tax Acts;

(3) Where the Welsh Ministers are satisfied that the income of the parent in the financial year beginning immediately before the relevant year ("the current financial year") is, as a result of some event beyond his or her control, likely to be less than the sterling value of his or her income in the preceding financial year to such an extent that it would affect the student's entitlement if entitlement were to be based on the current financial year they may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain the household income for the current financial year.

(4) Where the Welsh Ministers are satisfied that the income of the parent in any financial year is, as a result of some event beyond his or her control, likely to be and to continue after that year to be less than the sterling value of his or her income in the previous financial year to such an extent that it would affect the student's entitlement if entitlement were to be based on the current financial year they may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain the household income for the academic year of the eligible student's course in which that event occurred by taking as the residual income of the parent the average of his or her residual income for each of the financial years in which that academic year falls.

(5) Where the eligible student's parent satisfies the Welsh Ministers that his or her income is wholly or mainly derived from the profits of a business or profession carried on by him or her, then any reference in this paragraph to a preceding financial year means the earliest period of twelve months which ends after the start of the preceding financial year and in respect of which accounts are kept relating to that business or profession.

(6) Where an eligible student's parent is in receipt of any income which does not form part of his or her income for the purposes of the Income Tax Acts or the income tax legislation of another Member State by reason only that -

(a) am nad yw'n preswylio, am nad yw'n preswylio fel arfer neu am nad yw wedi ymgartrefu yn y Deyrnas Unedig, neu, os yw ei incwm yn cael ei gyfrifiannu at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, am nad yw'n preswylio, am nad yw'n preswylio fel arfer neu am nad yw wedi ymgartrefu felly yn yr Aelod-wladwriaeth honno;

(b) am nad yw'r incwm yn codi yn y Deyrnas Unedig, neu, os yw incwm y rhiant yn cael ei gyfrifiannu at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, am nad yw'n codi yn yr Aelod-wladwriaeth honno; neu

(c) am fod yr incwm yn codi o swydd, gwasanaeth neu o gyflogaeth y mae'r incwm ohoni neu ohono yn esempt rhag treth yn unol ag unrhyw ddeddfwriaeth,

mae ei incwm trethadwy at ddibenion y Rheoliadau hyn yn cael ei gyfrifiannu fel pe bai'r incwm o dan y paragraff hwn yn rhan o'i incwm at ddibenion y Deddfau Treth Incwm neu ddeddfwriaeth treth incwm Aelod-wladwriaeth arall, yn ôl y digwydd.

(7) Os yw incwm rhiant y myfyriwr cymwys yn cael ei gyfrifiannu fel petai at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, mae'n cael ei gyfrifiannu o dan ddarpariaethau'r Rheoliadau hyn yn arian cyfred yr Aelod-wladwriaeth honno, ac incwm rhiant y myfyriwr cymwys at ddibenion y Rheoliadau hyn yw gwerth sterling yr incwm hwnnw wedi'i ganfod yn unol â'r gyfradd ar gyfer y mis y mae diwrnod olaf y flwyddyn ariannol o dan sylw yn digwydd ynddo, fel y'i cyhoeddwyd gan y Swyddfa Ystadegau Gwladol.

(8) Os yw un o rieni'r myfyriwr cymwys yn marw naill ai cyn neu yn ystod y flwyddyn berthnasol a bod incwm y rhiant hwnnw wedi'i gymryd i ystyriaeth neu y byddai'n cael ei gymryd i ystyriaeth er mwyn canfod incwm yr aelwyd, mae incwm yr aelwyd-

(a) os yw'r rhiant yn marw cyn y flwyddyn berthnasol, yn cael ei ganfod drwy gyfeirio at incwm y rhiant sydd wedi goroesi; neu

(b) os yw'r rhiant yn marw yn ystod y flwyddyn berthnasol, yn agregiad y canlynol-

(i) y gyfran briodol o incwm yr aelwyd a ganfyddir drwy gyfeirio at incwm y ddau riant, sef y gyfran mewn cysylltiad â'r rhan honno o'r flwyddyn berthnasol pan oedd y ddau riant yn fyw; a

(ii) y gyfran briodol o incwm yr aelwyd a ganfyddir drwy gyfeirio at incwm y rhiant sydd wedi goroesi, sef y gyfran mewn cysylltiad â'r rhan honno o'r flwyddyn berthnasol sy'n weddill ar ôl i'r rhiant arall farw.

(a) he or she is not resident, ordinarily resident or domiciled in the United Kingdom, or where his or her income is computed as for the purposes of the income tax legislation of another Member State, not so resident, ordinarily resident or domiciled in that Member State;

(b) the income does not arise in the United Kingdom, or where the parent's income is computed as for the purposes of the income tax legislation of another Member State, does not arise in that Member State; or

(c) the income arises from an office, service or employment, income from which is exempt from tax in pursuance of any legislation,

his or her taxable income for the purposes of these Regulations is computed as though the income under this paragraph were part of his or her income for the purposes of the Income Tax Acts or the income tax legislation of another Member State, as the case may be.

(7) Where the income of the eligible student's parent is computed as for the purposes of the income tax legislation of another Member State, it is computed under the provisions of these Regulations in the currency of that Member State and the income of the eligible student's parent for the purposes of these Regulations is the sterling value of that income determined in accordance with the rate for the month in which the last day of the financial year in question falls, as published by the Office for National Statistics.

(8) Where one of the eligible student's parents dies either before or during the relevant year and that parent's income has been or would be taken into account for the purpose of determining the household income, the household income is -

(a) where the parent dies before the relevant year, determined by reference to the income of the surviving parent; or

(b) where the parent dies during the relevant year, the aggregate of-

(i) the appropriate proportion of the household income determined by reference to the income of both parents, being the proportion in respect of that part of the relevant year during which both parents were alive; and

(ii) the appropriate proportion of the household income determined by reference to the income of the surviving parent, being the proportion in respect of that part of the relevant year remaining after the death of the other parent.

(9) Os yw Gweinidogion Cymru yn canfod nad yw'r rhieni yn byw fel arfer gyda'i gilydd drwy gydol y flwyddyn berthnasol, mae incwm yr aelwyd yn cael ei ganfod drwy gyfeirio at incwm p'un bynnag o'r rhieni y mae Gweinidogion Cymru yn credu yw'r rhiant mwyaf priodol o dan yr amgylchiadau.

(10) Os yw Gweinidogion Cymru yn canfod nad yw'r rhieni fel arfer yn byw gyda'i gilydd am ran yn unig o'r flwyddyn berthnasol, mae incwm yr aelwyd yn cael ei ganfod drwy gyfeirio at agregiad y canlynol-

(a) y gyfran briodol o incwm yr aelwyd a ganfyddir yn unol ag is-baragraff (9), sef y gyfran mewn perthynas â'r rhan honno o'r flwyddyn berthnasol pan nad yw'r rhieni yn byw gyda'i gilydd fel hyn; a

(b) y gyfran briodol o incwm yr aelwyd a ganfyddir fel arall mewn perthynas â gweddill y flwyddyn berthnasol.

Cyfrifo incwm gweddilliol partner y myfyriwr cymwys

11.-(1) Yn ddarostyngedig i baragraffau (2), (3) a (4) o'r rheoliad hwn a chan eithrio paragraffau (8), (9) a (10) o reoliad 10, mae incwm partner myfyriwr cymwys yn cael ei ganfod yn unol â rheoliad 10, gan ddehongli cyfeiriadau at y rhiant fel pe baent yn gyfeiriadau at bartner y myfyriwr cymwys.

(2) Os yw Gweinidogion Cymru yn canfod nad yw'r myfyriwr cymwys a'i bartner fel arfer yn byw gyda'i gilydd drwy gydol y flwyddyn berthnasol, nid yw incwm y partner yn cael ei gymryd i ystyriaeth wrth ganfod incwm yr aelwyd.

(3) Os yw Gweinidogion Cymru yn canfod nad yw'r myfyriwr cymwys a'i bartner yn byw fel arfer gyda'i gilydd am ran yn unig o'r flwyddyn berthnasol, mae incwm y partner yn cael ei ganfod drwy gyfeirio at ei incwm o dan baragraff (1) wedi'i rannu â hanner cant a dau ac wedi'i luosi â'r nifer o wythnosau cyflawn yn y flwyddyn berthnasol y mae Gweinidogion Cymru yn canfod bod y myfyriwr cymwys a'i bartner yn byw gyda'i gilydd fel arfer.

(4) Os oes gan fyfyriwr cymwys fwy nag un partner mewn unrhyw un flwyddyn academaidd, mae darpariaethau'r paragraff hwn yn gymwys mewn perthynas â phob un ohonynt.

Cyfrifo incwm gweddilliol partner rhiant

12. Mae incwm partner rhiant myfyriwr cymwys y mae ei incwm yn rhan o incwm yr aelwyd yn rhinwedd rheoliad 8(2)(a) yn cael ei ganfod yn unol â rheoliad 11, gan ddehongli cyfeiriadau at bartner y myfyriwr cymwys fel pe baent yn gyfeiriadau at bartner rhiant y myfyriwr cymwys, a chan ddehongli cyfeiriadau at y myfyriwr cymwys fel pe baent yn gyfeiriadau at riant y myfyriwr cymwys.

(9) Where the Welsh Ministers determine that the parents do not ordinarily live together throughout the relevant year, the household income is determined by reference to the income of whichever parent the Welsh Ministers consider the more appropriate under the circumstances.

(10) Where the Welsh Ministers determine that the parents do not ordinarily live together for part only of the relevant year, the household income is determined by reference to the aggregate of -

(a) the appropriate proportion of the household income determined in accordance with paragraph (9), being the proportion in respect of that part of the relevant year for which the parents do not so live together; and

(b) the appropriate proportion of the household income determined otherwise in respect of the remainder of the relevant year.

Calculation of eligible student's partner's residual income

11.-(1) Subject to paragraphs (2), (3) and (4) of this regulation and with the exception of paragraphs (8), (9) and (10) of regulation 10, an eligible student's partner's income is determined in accordance with regulation 10, references to the parent being construed as references to the eligible student's partner.

(2) Where the Welsh Ministers determine that the eligible student and his or her partner do not ordinarily live together throughout the relevant year, the partner's income is not taken into account in determining the household income.

(3) Where the Welsh Ministers determine that the eligible student and his or her partner do not ordinarily live together for part only of the relevant year, the partner's income is determined by reference to his or her income under paragraph (1) divided by fifty-two and multiplied by the number of complete weeks in the relevant year for which the Welsh Ministers determine that the eligible student and his or her partner ordinarily live together.

(4) Where an eligible student has more than one partner in any one academic year, the provisions of this paragraph apply in relation to each.

Calculation of parent's partner's residual income

12. The income of an eligible student's parent's partner whose income is part of the household income by virtue of regulation 8(2)(a) is determined in accordance with regulation 11, references to the eligible student's partner being construed as references to the eligible student's parent's partner and references to the eligible student being construed as references to the eligible student's parent.

Myfyriwr cymwys annibynnol

13.-(1) At ddibenion y Rheoliadau hyn mae myfyriwr cymwys annibynnol yn fyfyriwr cymwys ym mhob achos-

(a) lle y mae'n 25 oed neu drosodd ar ddiwrnod cyntaf y flwyddyn berthnasol;

(b) lle y mae wedi bod yn briod neu y mae mewn partneriaeth sifil cyn dechrau'r flwyddyn berthnasol, p'un a yw'r briodas neu'r bartneriaeth sifil yn dal mewn bodolaeth ai peidio;

(c) lle nad oes ganddo riant yn fyw;

(ch) lle mae Gweinidogion Cymru wedi'u bodloni na ellir dod o hyd i'r naill neu'r llall o'i rieni neu nad yw'n rhesymol ymarferol cysylltu â'r naill na'r llall ohonynt;

(d) lle nad yw wedi cyfathrebu â'r naill na'r llall o'i rieni am y cyfnod o flwyddyn cyn dechrau'r flwyddyn berthnasol neu lle y gall, ym marn Gweinidogion Cymru, ddangos ar seiliau eraill ei fod wedi ymddieithrio oddi wrth ei rieni ac nad oes modd cymodi;

(dd) lle y mae wedi bod o dan warchodaeth awdurdod lleol o fewn ystyr adran 22 o Ddeddf Plant 1989(**1**) drwy gydol unrhyw gyfnod o dri mis sy'n diweddu ar neu ar ôl y dyddiad y daeth yn 16 oed a chyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs ("y cyfnod perthnasol") ar yr amod nad yw wedi bod mewn gwirionedd o dan ofal neu reolaeth ei rieni ar unrhyw adeg yn ystod y cyfnod perthnasol;

(e) lle y mae ei rieni'n preswylio y tu allan i'r Gymuned Ewropeaidd a bod Gweinidogion Cymru wedi'u bodloni naill ai-

(i) y byddai asesu incwm yr aelwyd drwy gyfeirio at eu hincwm gweddilliol yn gosod y rhieni hynny mewn perygl; neu

(ii) na fyddai'n rhesymol ymarferol i'r rhieni hynny anfon unrhyw arian perthnasol i'r Deyrnas Unedig o ganlyniad i gyfrifo unrhyw gyfraniad o dan reoliad 8;

(f) lle y mae rheoliad 10(9) yn gymwys a lle y mae'r rhiant mwyaf priodol at ddibenion y paragraff hwnnw ym marn Gweinidogion Cymru wedi marw (ni waeth a oedd gan y rhiant o dan sylw bartner ai peidio);

(ff) lle y mae'n aelod o urdd grefyddol sy'n preswylio yn un o dai'r urdd honno;

(g) lle y mae-

(i) yn gofalu am berson o dan 18 oed ar ddiwrnod cyntaf y flwyddyn berthnasol; neu

Independent eligible student

13.-(1) For the purpose of these Regulations an independent eligible student is an eligible student in every case where -

(a) he or she is aged 25 or over on the first day of the relevant year;

(b) he or she has been married or is in a civil partnership before the beginning of the relevant year, whether or not the marriage or civil partnership is still subsisting;

(c) he or she has no parent living;

(d) the Welsh Ministers are satisfied that neither of his or her parents can be found or that it is not reasonably practicable to get in touch with either of them;

(e) he or she has communicated with neither of his or her parents for the period of one year before the beginning of the relevant year or, in the opinion of the Welsh Ministers, he or she can demonstrate on other grounds that he or she is irreconcilably estranged from his or her parents;

(f) he or she was looked after by a local authority within the meaning of section 22 of the Children Act 1989(**1**) throughout any three-month period ending on or after the date on which he or she attained the age of 16 and before the first day of the first academic year of the course ("the relevant period") provided that he or she has not in fact at any time during the relevant period been under the charge or control of his or her parents;

(g) his or her parents are residing outside the European Community and the Welsh Ministers are satisfied that either-

(i) the assessment of the household income by reference to their residual income would place those parents in jeopardy; or

(ii) it would not be reasonably practicable for those parents as a result of the calculation of any contribution under regulation 8 to send any relevant funds to the United Kingdom;

(h) regulation 10(9) applies and the parent whom the Welsh Ministers considered the more appropriate for the purposes of that paragraph has died (irrespective of whether the parent in question had a partner);

(i) he or she is a member of a religious order who resides in a house of that order;

(j) he or she-

(i) has care of a person under 18 years of age on the first day of the relevant year; or

(**1**) 1989 p.41.

(**1**) 1989 c.41.

(ii) wedi gofalu am berson o dan 18 oed ar unrhyw adeg yn ystod y cwrs presennol cyn diwrnod cyntaf y flwyddyn berthnasol;

(ng) lle y mae wedi'i gynnal ei hun o'i enillion am unrhyw gyfnod neu gyfnodau sy'n diweddu cyn blwyddyn academaidd gyntaf y cwrs a bod agregiad y cyfnodau hynny gyda'i gilydd heb fod yn llai na thair blynedd, ac at ddibenion yr is-baragraff hwn mae'n cael ei drin fel pe bai'n ei gynnal ei hun o'i enillion yn ystod unrhyw gyfnod-

(i) pan oedd yn cymryd rhan mewn trefniadau ar gyfer hyfforddiant i'r di-waith o dan unrhyw gynllun a oedd yn cael ei weithredu, ei noddi neu ei ariannu gan unrhyw un o awdurdodau neu asiantaethau'r wladwriaeth, boed yn genedlaethol, yn rhanbarthol neu'n lleol ("awdurdod perthnasol");

(ii) pan oedd yn cael budd-dal sy'n daladwy gan unrhyw awdurdod perthnasol mewn cysylltiad â pherson sydd ar gael i'w gyflogi ond sy'n ddi-waith;

(iii) pan oedd ar gael i'w gyflogi a'i fod wedi cydymffurfio ag unrhyw ofyniad ynglyn â chofrestru a osodwyd gan awdurdod perthnasol fel un o amodau hawlogaeth i gymryd rhan mewn trefniadau ar gyfer hyfforddiant neu ar gyfer cael budd-dal;

(iv) pan oedd ganddo Efrydiaeth y Wladwriaeth neu ddyfarniad tebyg;

(v) pan oedd yn cael unrhyw bensiwn, lwfans neu fudd-dal arall a oedd yn cael ei dalu gan unrhyw berson oherwydd anabledd sydd ganddo, neu oherwydd gwelyfod, anaf neu salwch.

(ii) has had care of a person under 18 years of age at any time during the present course prior to the first day of the relevant year;

(k) he or she has supported himself or herself out of his or her earnings for any period or periods ending before the first academic year of the course which periods together aggregate not less than three years, and for the purposes of this paragraph he or she is treated as supporting himself or herself out of his or her earnings during any period in which -

(i) he or she was participating in arrangements for training for the unemployed under any scheme operated by, sponsored or funded by any state authority or agency, whether national, regional or local ("a relevant authority");

(ii) he or she was in receipt of benefit payable by any relevant authority in respect of a person who is available for employment but who is unemployed;

(iii) he or she was available for employment and had complied with any requirement of registration imposed by a relevant authority as a condition of entitlement for participation in arrangements for training or receipt of benefit;

(iv) he or she held a State Studentship or comparable award;

(v) he or she received any pension, allowance or other benefit paid by any person by reason of a disability to which he or she is subject, or by reason of confinement, injury or sickness.

Mynychu

14.-(1) Caiff Gweinidogion Cymru ailgyfrifo hawlogaeth ceisydd i gael Grant Dysgu'r Cynulliad yn unol â pharagraff (2) os bydd mynychiad y ceisydd ar y cwrs dynodedig y gwnaeth gais am Grant Dysgu'r Cynulliad ar ei gyfer yn anfoddhaol.

(2) Dyma'r fformiwla ar gyfer ailgyfrifo -

Mynychiad Gwir **x** **GDC**

Mynychiad Posibl

= Hawlogaeth a Ailgyfrifwyd

Attendance

14.-(1) The Welsh Ministers may recalculate an applicant's entitlement to Assembly Learning Grant in accordance with paragraph (2) if the applicant's attendance on the designated course in respect of which he or she has made an application for Assembly Learning Grant is unsatisfactory.

(2) The formula for re-calculation is -

Actual Attendance **x** **ALG**

Possible Attendance

= Recalculated Entitlement

(3) Yn y paragraff hwn -

ystyr "GDC" ("*ALG*") yw'r hawlogaeth i gael Grant Dysgu'r Cynulliad a gyfrifir yn unol â rheoliad 7;

ystyr "mynychiad gwir" ("*actual attendance*") yw nifer dyddiau mynychiad y ceisydd yr hysbyswyd Gweinidogion Cymru ohonynt gan y sefydliad sy'n cyflwyno'r cwrs, ac eithrio unrhyw nifer o ddyddiau heb fod yn uwch na 60 pan fu'r ceisydd yn absennol oherwydd salwch;

ystyr "mynychiad posibl" ("*possible attendance*") yw nifer y dyddiau o ddiwrnod cyntaf i ddiwrnod olaf y mynychiad gofynnol ar y cwrs.

(3) In this paragraph -

"actual attendance" ("*mynychiad gwir*") means the number of days attendance by the applicant notified to the Welsh Ministers by the institution delivering the course, excluding any number of days not exceeding 60 on which the applicant was absent due to illness;

"ALG" ("*GDC*") means the entitlement to Assembly Learning Grant calculated in accordance with regulation 7;

"possible attendance" ("*mynychiad posibl*") means the number of days from the first to last day of required attendance on the course.

Talu Grant Dysgu'r Cynulliad

15.-(1) Rhaid i Weinidogion Cymru dalu'r grant y mae myfyriwr cymwys yn gymhwysol i'w gael o dan y Rheoliadau hyn a hynny mewn unrhyw randaliadau (os oes rhandaliadau) ac ar unrhyw adegau y maent o'r farn eu bod yn briodol ac wrth arfer eu swyddogaethau o dan y rheoliad hwn cânt wneud taliadau dros dro hyd nes y ceir cyfrifiad terfynol o swm y grant y mae'r myfyriwr yn gymhwysol i'w gael.

(2) Caniateir i daliadau gael eu gwneud yn y cyfryw fodd ag sy'n briodol ym marn Gweinidogion Cymru a chânt ei gwneud yn un o amodau hawlogaeth i gael taliad bod yn rhaid i'r myfyriwr cymwys roi iddynt fanylion cyfrif banc neu gyfrif cymdeithas adeiladu yn y Deyrnas Unedig y gall taliadau gael eu talu iddo drwy eu trosglwyddo'n electronig.

Payment of Assembly Learning Grant

15.-(1) The Welsh Ministers must pay the grant for which an eligible student qualifies under these Regulations and in such instalments (if any) and at such times as they consider appropriate and in the exercise of their functions under this regulation they may make provisional payments pending the final calculation of the amount of grant for which the student qualifies.

(2) Payments may be made in such manner as the Welsh Ministers consider appropriate and they may make it a condition of entitlement to payment that the eligible student must provide them with particulars of a bank or building society account in the United Kingdom into which payments may be made by electronic transfer.

Gordaliadau

16. Os bydd Gweinidogion Cymru yn gwneud hynny'n ofynnol, rhaid i fyfyriwr cymwys ad-dalu unrhyw swm a dalwyd iddo o dan y Rheoliadau hyn sydd am ba reswm bynnag yn fwy na swm Grant Dysgu'r Cynulliad y mae ganddo hawl iddo o dan y Rheoliadau hyn.

Overpayments

16. An eligible student must, if so required by the Welsh Ministers, repay any amount paid to the student under these Regulations which for whatever reason exceeds the amount of Assembly Learning Grant to which he or she is entitled under these Regulations.

Jane E Hutt

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau, un o Weinidogion Cymru

Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers.

4 Awst 2007

4 August 2007

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WELSH STATUTORY INSTRUMENTS

2007 Rhif 2314 (Cy.185)

2007 No. 2314 (W.185)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Grant Dysgu'r Cynulliad (Addysg Bellach) 2007

The Assembly Learning Grant (Further Education) Regulations 2007

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£3.00

W118/09/07 ON