OFFERYNNAU STATUDOL CYMRU

2012 Rhif 1156 (Cy.139)

ADDYSG, CYMRU

Rheoliadau Grantiau a Benthyciadau Dysgu'r Cynulliad (Addysg Uwch) (Cymru) (Rhif 2) (Diwygio) (Rhif 2) 2012

NODYN ESBONIADOL

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

Mae Rheoliadau Grantiau a Benthyciadau Dysgu'r Cynulliad (Addysg Uwch) (Cymru) (Rhif 2) 2011 ("y Prif Reoliadau") yn darparu ar gyfer cymorth ariannol i fyfyrwyr sy'n preswylio fel arfer yng Nghymru ac sy'n dilyn cyrsiau addysg uwch dynodedig mewn perthynas â blynyddoedd academaidd sy'n dechrau ar neu ar ôl 1 Medi 2012.

Mae'r Rheoliadau hyn yn diwygio'r Prif Reoliadau.

Mae'r Rheoliadau hyn yn ychwanegu tri therm newydd at restr y termau a ddiffinnir yn y Prif Reoliadau. Mae'r term "cwrs dysgu o bell" yn cyfeirio at gwrs dysgu o bell amser-llawn sy'n dechrau ar neu ar ôl 1 Medi 2012. Mae "carcharor cymwys" yn garcharor sy'n bodloni gofynion cymhwystra penodol a nodir yn y diffiniad, gan gynnwys cael ei awdurdodi i astudio cwrs addysg uwch sy'n dechrau ar neu ar ôl 1 Medi 2012. Mae'r term "carcharor" yn cyfeirio at berson sy'n bwrw dedfryd mewn carchar yn y Deyrnas Unedig, gan gynnwys person sy'n cael ei gadw'n gaeth mewn sefydliad troseddwyr ifanc.

Mae rheoliad 4 yn diwygio rheoliad 4 o'r Prif Reoliadau. Mae'r diwygiad hwn yn sicrhau, yn ddarostyngedig i eithriadau penodol, mai dim ond carcharorion sy'n garcharorion cymwys fydd yn gallu cael cymorth ariannol o dan y Prif Reoliadau mewn perthynas â chyrsiau addysg uwch sy'n dechrau ar neu ar ôl 1 Medi 2012.

Mae rheoliad 5 yn diwygio rheoliad 5 o'r Prif Reoliadau drwy ychwanegu at y meini prawf ar gyfer dynodi cyrsiau o dan y Prif Reoliadau. Ni fydd y diwygiad hwn yn gymwys ond i ddynodi cyrsiau sy'n dechrau ar neu ar ôl 1 Medi 2012.

WELSH STATUTORY INSTRUMENTS

2012 No. 1156 (W.139)

EDUCATION, WALES

The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) (Amendment) (No.2) Regulations 2012

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011 ("the Principal Regulations") provide for financial support for students who are ordinarily resident in Wales and taking designated higher education courses in respect of academic years beginning on or after 1 September 2012.

These Regulations amend the Principal Regulations.

These Regulations introduce three new terms into the list of defined terms in the Principal Regulations. The term "distance learning course" refers to a full time distance course beginning on or after 1 September 2012. An "eligible prisoner" is a prisoner who meets certain eligibility requirements set out in the definition including being authorised to study a course of higher education which begins on or after 1 September 2012. The term "prisoner" refers to a person who is serving a sentence of imprisonment in the United Kingdom including a person detained in a young offender institution.

Regulation 4 amends regulation 4 of the Principal Regulations. This amendment ensures that, subject to certain exceptions, only prisoners who are eligible prisoners will be able to access financial support under the Principal Regulations in respect of higher education courses beginning on or after 1 September 2012.

Regulation 5 amends regulation 5 of the Principal Regulations by adding to the criteria for the designation of courses under the Principal Regulations. This amendment will only apply to the designation of courses which begin on or after 1 September 2012.

Mae rheoliad 6 yn diwygio rheoliad 6 o'r Prif Reoliadau sy'n ymwneud â chyfnod cymhwystra myfyriwr cymwys o dan y Prif Reoliadau. Effaith y diwygiad hwn yn achos myfyriwr sydd wedi methu â chwblhau cwrs blaenorol am resymau personol anorchfygol, yw caniatáu, mewn rhai amgylchiadau, i flwyddyn ychwanegol gael ei hychwanegu at ei gyfnod cymhwystra o dan y Prif Reoliadau.

Regulation 6 amends regulation 6 of the Principal Regulations which deals with an eligible student's period of eligibility under the Principal Regulations. This amendment has the effect that a student who has failed to complete a previous course because of compelling personal reasons, may, in some circumstances, have an additional year added to their period of eligibility under the Principal Regulations.

Mae rheoliad 7 yn diwygio rheoliad 13 o'r Prif Reoliadau. Mae'r diwygiad hwn yn cadarnhau na chaniateir i fyfyrwyr sy'n ymgymryd â chyrsiau dysgu o bell amser-llawn ar neu ar ôl 1 Medi 2012 gael cymorth at ffioedd o dan y Prif Reoliadau oni bai bod Gweinidogion Cymru yn ystyried eu bod yn ymgymryd â'r cwrs yng Nghymru.

Regulation 7 amends regulation 13 of the Principal Regulations. This amendment confirms that students who undertake full time distance learning courses on or after 1 September 2012 will not be able to access fee support under the Principal Regulations unless the Welsh Ministers consider that they are undertaking the course in Wales.

Mae rheoliad 8 yn diwygio rheoliad 25 o'r Prif Reoliadau sy'n gwneud darpariaeth am y grantiau sydd ar gael at gostau byw o dan y Prif Reoliadau. Mae'r diwygiad hwn yn darparu na fydd grant at gostau byw myfyrwyr anabl ar gael ond i garcharorion a ddechreuodd gyrsiau addysg uwch cyn 1 Medi 2012. Mae hefyd yn darparu na fydd hawlogaeth gan fyfyrwyr sy'n dechrau cyrsiau dysgu o bell amser-llawn ar neu ar ôl y dyddiad hwn i gael unrhyw grant at gostau byw o dan y Prif Reoliadau ac eithrio grant at gostau byw myfyrwyr anabl.

Regulation 8 amends regulation 25 of the Principal Regulations which makes provision on the availability of grants for living costs under the Principal Regulations. This amendment provides that a grant for disabled students' living costs will only be available to prisoners who began courses of higher education prior to 1 September 2012. It also provides that students who begin full time distance learning courses on or after this date will not be entitled to any grant for living costs under the Principal Regulations other than a grant for disabled students' living costs.

Mae rheoliad 9 yn diwygio rheoliad 26 o'r Prif Reoliadau sy'n ymwneud â grantiau at gostau byw myfyrwyr anabl mewn perthynas â chyrsiau amser-llawn. Mae'r diwygiad hwn yn sicrhau bod y grantiau hyn ar gael i fyfyrwyr sy'n dechrau cyrsiau dysgu o bell amser-llawn ar neu ar ôl 1 Medi 2012.

Regulation 9 amends regulation 26 of the Principal Regulations which deals with grants for disabled students' living costs in respect of full-time courses. This amendment ensures that these grants are available to students who begin full time distance learning courses on or after 1 September 2012.

Mae rheoliad 10 yn diwygio rheoliad 46 o'r Prif Reoliadau i gadarnhau nad oes benthyciadau at gostau byw o dan y Prif Reoliadau ar gael mewn perthynas â chyrsiau dysgu o bell amser-llawn sy'n dechrau ar neu ar ôl 1 Medi 2012.

Regulation 10 amends regulation 46 of the Principal Regulations to confirm that loans for living costs under the Principal Regulations are not available in respect of full time distance learning courses beginning on or after 1 September 2012.

Mae rheoliad 11 yn diwygio rheoliad 74 o'r Prif Reoliadau i gadarnhau na chaniateir i gyrsiau dysgu o bell amser-llawn, yn ddarostyngedig i eithriadau penodol, fod yn gyrsiau dysgu o bell dynodedig o dan y Prif Reoliadau oni bai eu bod wedi dechrau cyn 1 Medi 2012.

Regulation 11 amends regulation 74 of the Principal Regulations to confirm that, subject to certain exceptions, full time distance learning courses may not be designated distance learning courses under the Principal Regulations unless they began before 1 September 2012.

Mae rheoliad 12 yn diwygio rheoliad 89 o'r Prif Reoliadau er mwyn caniatáu i fyfyrwyr rhan-amser fod â hawl i gael cymorth ariannol o dan y rheoliadau hynny mewn perthynas â chyrsiau rhan-amser sy'n dechrau ar neu ar ôl 1 Medi 2012.

Regulation 12 amends regulation 89 of the Principal Regulations to allow part-time students to qualify for financial support under those regulations in respect of part-time courses beginning on or after 1 September 2012

Mae rheoliad 13 yn diwygio rheoliad 105 o'r Prif Reoliadau drwy ymestyn y terfyn amser ar gyfer cyflwyno ceisiadau am gymorth ariannol o dan y rheoliadau hynny mewn perthynas â chyrsiau rhan-amser.

Regulation 13 amends regulation 105 of the Principal Regulations by extending the time limit for submitting applications for financial support under those regulations in respect of part-time courses.

Mae rheoliad 14 yn mewnosod darpariaeth ychwanegol yn Atodlen 1 i'r Prif Reoliadau. Mae Atodlen 1 yn nodi'r categorïau amrywiol o fyfyrwyr cymwys at ddibenion y Prif Reoliadau.

Regulation 14 inserts additional provision into Schedule 1 to the Principal Regulations. Schedule 1 sets out the various categories of eligible student for the purposes of the Principal Regulations.

OFFERYNNAU STATUDOL CYMRU

2012 Rhif 1156 (Cy.139)

ADDYSG, CYMRU

Rheoliadau Grantiau a Benthyciadau Dysgu'r Cynulliad (Addysg Uwch) (Cymru) (Rhif 2) (Diwygio) (Rhif 2) 2012

Gwnaed	*26 Ebrill 2012*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*27 Ebrill 2012*
Yn dod i rym	*18 Mai 2012*

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

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Grantiau a Benthyciadau Dysgu'r Cynulliad (Addysg Uwch) (Cymru) (Rhif 2) (Diwygio) (Rhif 2) 2012.

(2) Daw'r Rheoliadau hyn i rym ar 18 Mai 2012 ac maent yn gymwys o ran Cymru.

(**1**) 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, Deddf Addysg Uwch 2004 (p.8), adrannau 42 a 43 ac Atodlen 7, a Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p.22), adran 257. 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 o dan adran 22 o Ddeddf Addysgu ac Addysg Uwch 1998 (ac eithrio i'r graddau y maent yn ymwneud â gwneud unrhyw ddarpariaeth a awdurdodir gan is-adran (2)(a), (c), (j) neu (k), (3)(e) neu (f) neu (5) o adran 22) i Gynulliad Cenedlaethol Cymru gan adran 44 o Ddeddf Addysg Uwch 2004 a Gorchymyn Deddf Addysg Uwch 2004 (Cychwyn Rhif 2 a Darpariaeth Drosiannol) (Cymru) 2005 (O.S. 2005/1833 (Cy.149) (C.79)) fel y'i diwygiwyd gan Orchymyn Deddf Addysg Uwch 2004 (Cychwyn Rhif 2 a Darpariaeth Drosiannol) (Cymru) (Diwygio) 2006 (O.S. 2006/1660 (Cy.159) (C.56)). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd paragraff 30(1) a 30(2)(c) o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

WELSH STATUTORY INSTRUMENTS

2012 No. 1156 (W.139)

EDUCATION, WALES

The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) (Amendment) (No.2) Regulations 2012

Made	*26 April 2012*
Laid before the National Assembly for Wales	*27 April 2012*
Coming into force	*18 May 2012*

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

Title, commencement and application

1.—(1) The title of these Regulations is the Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) (Amendment) (No.2) Regulations 2012.

(2) These Regulations come into force on 18 May 2012 and apply in relation to Wales.

(**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 and the Apprenticeships, Skills, Children and Learning Act 2009 (c.22), section 257. See section 43(1) of the Teaching and Higher Education Act 1998 for the definition of "prescribed" and "regulations".

(**2**) The functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 (except so far as they relate to the making of any provision authorised by subsection (2)(a), (c), (j) or (k), (3)(e) or (f) or (5) of section 22) 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 paragraph 30(1) and 30(2)(c) of Schedule 11 to the Government of Wales Act 2006 (c.32).

Diwygio

2. Mae Rheoliadau Grantiau a Benthyciadau Dysgu'r Cynulliad (Addysg Uwch) (Cymru) (Rhif 2) 2011(**1**) wedi eu diwygio yn unol â'r rheoliadau canlynol.

3. Yn rheoliad 2(1), yn y man priodol, mewnosoder—

"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 troseddwyr ifanc;

ystyr "carcharor cymwys" ("*eligible prisoner*") yw carcharor—

(a) sy'n dechrau'r cwrs presennol ar neu ar ôl 1 Medi 2012;

(b) sydd wedi ei awdurdodi gan Lywodraethwr neu Gyfarwyddwr y carchar neu awdurdod priodol arall i astudio'r cwrs presennol;

(c) y mae ei ddyddiad rhyddhau cynharaf o fewn 6 mlynedd i ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs presennol;

(ch) nad yw wedi trosglwyddo i'r cwrs presennol o dan reoliad 8 o gwrs sy'n dechrau cyn 1 Medi 2012; a

(d) nad yw'n dechrau cwrs penben ar neu ar ôl 1 Medi 2012;

ystyr "cwrs dysgu o bell" ("*distance learning course*") yw cwrs amser-llawn sy'n dechrau ar neu ar ôl 1 Medi 2012 ac nad yw'r sefydliad sy'n darparu'r cwrs yn ei gwneud yn ofynnol i fyfyriwr sy'n ymgymryd â'r cwrs fod yn bresennol arno, ac eithrio er mwyn bodloni unrhyw ofyniad a osodir gan y sefydliad i fod yn bresennol mewn unrhyw sefydliad—

(a) at ddibenion cofrestru, ymrestru neu unrhyw arholiad; neu

(b) ar benwythnos neu yn ystod unrhyw wyliau;".

4. Ar ôl rheoliad 4(11) mewnosoder—

"(12) Yn ddarostyngedig i baragraff (13), ni fydd carcharor sy'n dechrau'r cwrs presennol ar neu ar ôl 1 Medi 2012 yn fyfyriwr cymwys oni bai—

(a) ei fod yn garcharor cymwys;

(b) ei fod yn fyfyriwr cymwys sydd wedi trosglwyddo i'r cwrs presennol ar neu ar ôl 1 Medi 2012 o dan reoliad 8 o gwrs sy'n dechrau cyn 1 Medi 2012; neu

(c) bod y cwrs presennol yn gwrs penben.

(13) Nid yw paragraff (12) yn gymwys o ran blwyddyn academaidd pryd y mae'r myfyriwr yn mynd i'r carchar neu'n cael ei ryddhau o'r carchar."

(**1**) O.S. 2011/886 (Cy.130) fel y'i diwygiwyd gan O.S. 2011/1978 (Cy.218) ac O.S. 2012/14 (Cy.5).

Amendments

2. The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011(**1**) are amended in accordance with the following regulations.

3. In regulation 2(1), in the appropriate place, insert—

""distance learning course" ("*cwrs dysgu o bell*") means a full-time course beginning on or after 1 September 2012 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 any examination; or

(b) on a weekend or during any vacation;

"eligible prisoner" ("*carcharor cymwys*") means a prisoner—

(a) who begins the present course on or after 1 September 2012;

(b) has been authorised by the prison Governor or Director or other appropriate authority to study the present course;

(c) whose earliest release date is within 6 years of the first day of the first academic year of the present course;

(d) who has not transferred to the present course under regulation 8 from a course beginning before 1 September 2012; and

(e) is not beginning an end-on course on or after 1 September 2012;

"prisoner" ("*carcharor*") means a person who is serving a sentence of imprisonment in the United Kingdom including a person who is detained in a young offender institution;".

4. After regulation 4(11) insert—

"(12) Subject to paragraph (13), a prisoner who begins the present course on or after 1 September 2012 will not be an eligible student unless—

(a) they are an eligible prisoner;

(b) they are an eligible student who has transferred to the present course on or after 1 September 2012 under regulation 8 from a course beginning before 1 September 2012; or

(c) the present course is an end-on course.

(13) Paragraph (12) does not apply in respect of an academic year during which the student enters or is released from prison."

(**1**) S.I. 2011/886 (W.130) as amended by S.I. 2011/1978 (W.218) and S.I. 2012/14 (W.5).

5. Yn rheoliad 5(1)—

(a) ar ddiwedd is-baragraff (b)(ii) hepgorer "neu";

(b) ar ddiwedd is-baragraff (b)(iii) mewnosoder "neu";

(c) ar ôl is-baragraff (b)(iii) mewnosoder—

"(iv) cwrs dysgu o bell ac eithrio cwrs y mae rheoliad 74(5) yn gymwys iddo;";

(d) ar ddiwedd is-baragraff (ch) hepgorer "a";

(e) ar ddiwedd is-baragraff (d) yn lle "." rhodder "; ac"; ac

(f) ar ôl is-baragraff (d) mewnosoder—

"(dd) ar gyfer cwrs sy'n dechrau ar neu ar ôl 1 Medi 2012 ac sy'n dod o fewn paragraffau 1, 2, 4, 6, 7 neu 8 o Atodlen 2, os yw'n gwrs sy'n arwain at ddyfarniad sydd wedi ei roi neu sydd i'w roi gan gorff sy'n dod o fewn adran 214(2)(a) neu (b) o Ddeddf Diwygio Addysg 1988(**1**)."

6. Yn rheoliad 6(9), yn lle is-baragraff (b) rhodder—

"(b)yn achos myfyriwr cymwys na chwblhaodd yn llwyddiannus y cwrs blaenorol diweddaraf am resymau personol anorchfygol—

(i) bod un flwyddyn ychwanegol yn cael ei hadio; a

(ii) caniateir i flwyddyn ychwanegol arall gael ei hadio os yw Gweinidogion Cymru yn ystyried ei bod yn briodol gwneud hynny ar ôl rhoi sylw i'r rhesymau hynny."

7. Ar ôl rheoliad 13(4) mewnosoder—

"(5) Nid oes gan fyfyriwr cymwys sy'n ymgymryd â chwrs dysgu o bell hawl i gael unrhyw gymorth at ffioedd o dan y Rhan hon oni bai bod Gweinidogion Cymru yn ystyried bod y myfyriwr yn ymgymryd â'r cwrs yng Nghymru."

8. Yn rheoliad 25—

(a) ar ôl y geiriau "myfyrwyr anabl" ym mharagraff (13) mewnosoder "sy'n daladwy mewn cysylltiad â chwrs dynodedig sy'n dechrau cyn 1 Medi 2012"; a

(b) ar ôl paragraff (15) mewnosoder—

"(16) Nid oes gan fyfyriwr cymwys sy'n ymgymryd â chwrs dysgu o bell hawl i gael unrhyw grant o dan y Rhan hon ac eithrio grant at gostau byw myfyrwyr anabl yn unol â rheoliad 26."

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

5. In regulation 5(1)—

(a) at the end of sub-paragraph (b)(ii) omit "or";

(b) at the end of sub-paragraph (b)(iii) insert "or";

(c) after sub-paragraph (b)(iii) insert—

"(iv) a distance learning course other than a course to which regulation 74(5) applies;";

(d) at the end of sub-paragraph (d) omit "and";

(e) at the end of sub-paragraph (e) for "." substitute "; and"; and

(f) after sub-paragraph (e) insert—

"(f) for a course beginning on or after 1 September 2012 which falls within paragraphs 1, 2, 4, 6, 7 or 8 of Schedule 2, a course leading 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**)."

6. In regulation 6(9), for sub-paragraph (b) substitute—

"(b)in the case of an eligible student who did not successfully complete the latest previous course because of compelling personal reasons—

(i) one additional year is added; and

(ii) a further additional year may be added if the Welsh Ministers consider it appropriate to do so having regard to those reasons."

7. After regulation 13(4) insert—

"(5) An eligible student who is undertaking a distance learning course does not qualify for any fee support under this Part unless the Welsh Ministers consider that the student is undertaking the course in Wales."

8. In regulation 25—

(a) after the words "living costs" in paragraph (13) insert "which is payable in connection with a designated course beginning before 1 September 2012"; and

(b) after paragraph (15) insert—

"(16) An eligible student who is undertaking a distance learning course does not qualify for any grant under this Part other than a grant for disabled students' living costs pursuant to regulation 26."

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

9. Yn rheoliad 26—

(a) ar ôl y geiriau "gwrs dynodedig" ym mharagraff (1) mewnosoder "neu mewn cysylltiad â chwrs dynodedig y mae'n ymgymryd ag ef"; a

(b) ar ôl paragraff (5) mewnosoder—

"(6) Nid oes gan fyfyriwr cymwys hawl i gael grant at gostau byw myfyrwyr anabl o dan y rheoliad hwn mewn perthynas â chwrs dysgu o bell oni bai bod Gweinidogion Cymru yn ystyried bod y myfyriwr yn ymgymryd â'r cwrs yng Nghymru."

10. Ar ôl rheoliad 46(9) mewnosoder—

"(10) Nid oes gan fyfyriwr cymwys hawl i gael benthyciad at gostau byw o dan y Rhan hon os yw'n ymgymryd â chwrs dysgu o bell."

11.—(1) Yn rheoliad 74(2)—

(a) ar ddiwedd is-baragraff (c) hepgorer "ac";

(b) ar ddiwedd is-baragraff (ch), yn lle "." rhodder "; a"; ac

(c) ar ôl is-baragraff (ch) mewnosoder—

"(d) yn ddarostyngedig i baragraff (5), dechreuodd y cwrs cyn 1 Medi 2012."

(2) Ar ôl paragraff (4) mewnosoder—

"(5) Mae cwrs sy'n dechrau ar neu ar ôl 1 Medi 2012 yn gwrs dysgu o bell dynodedig—

(a) os yw myfyriwr yn trosglwyddo i'r cwrs hwnnw yn unol â rheoliad 83 o gwrs dysgu o bell dynodedig blaenorol a ddechreuodd cyn 1 Medi 2012; a

(b) pe byddai'r cwrs hwnnw fel arall yn gwrs dynodedig at ddibenion rheoliad 5."

12. Yn rheoliad 89(3)—

(a) ar ddiwedd is-baragraff (ch) mewnosoder "neu";

(b) ar ddiwedd is-baragraff (d), yn lle "; neu" rhodder "."; ac

(c) hepgorer is-baragraff (dd).

13.—(1) Yn rheoliad 105(3), yn lle'r gair "chwe" rhodder "naw".

(2) Yn rheoliad 105(4)(a), yn lle'r gair "chwe" rhodder "naw".

14. Ar ôl paragraff 1(6) o Ran 1 o Atodlen 1 mewnosoder—

"(7) At ddibenion yr Atodlen hon, ystyrir bod carcharor cymwys yn preswylio fel arfer yn y rhan o'r Deyrnas Unedig lle yr oedd y carcharor yn preswylio cyn cael ei ddedfrydu."

9. In regulation 26—

(a) after the words "attendance on" in paragraph (1) insert "or undertaking of"; and

(b) after paragraph (5) insert—

"(6) An eligible student does not qualify for a grant for disabled students' living costs under this regulation in respect of a distance learning course unless the Welsh Ministers consider that the student is undertaking the course in Wales."

10. After regulation 46(9) insert—

"(10) An eligible student does not qualify for a loan for living costs under this Part if the eligible student is undertaking a distance learning course."

11.—(1) In regulation 74(2)—

(a) at the end of sub-paragraph (c) omit "and";

(b) at the end of sub-paragraph (d) for "." substitute "; and"; and

(c) after sub-paragraph (d) insert—

"(e) subject to paragraph (5), the course began before 1 September 2012."

(2) After paragraph (4) insert—

"(5) A course which begins on or after 1 September 2012 is a designated distance learning course where—

(a) a student transfers to that course pursuant to regulation 83 from a previous designated distance learning course which began before 1 September 2012; and

(b) that course would otherwise be a designated course for the purposes of regulation 5."

12. In regulation 89(3)—

(a) at the end of sub-paragraph (d) insert "or";

(b) at the end of sub-paragraph (e) for "; or" substitute "."; and

(c) omit sub-paragraph (f).

13.—(1) In regulation 105(3) for the word "six" substitute "nine".

(2) In regulation 105(4)(a) for the word "six" substitute "nine".

14. After paragraph 1(6) of Part 1 of Schedule 1 insert—

"(7) For the purposes of this Schedule an eligible prisoner is to be considered ordinarily resident in the part of the United Kingdom where the prisoner resided prior to sentencing."

Leighton Andrews

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru

26 Ebrill 2012

Minister for Education and Skills, one of the Welsh Ministers

26 April 2012

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