OFFERYNNAU STATUDOL CYMRU

2008 Rhif 1273 (Cy.130)

ADDYSG, CYMRU

Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2008

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 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 2008. Maent yn cydgrynhoi, gyda rhai newidiadau, Reoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2007, fel y'u diwygiwyd.

Mae'r Rheoliadau yn dirymu'r Rheoliadau 2007 hynny. Mae rheoliad 3 yn nodi rhychwant y dirymiad. Mae'r newidiadau sylweddol a wnaed yn y Rheoliadau hyn (heblaw cyfraddau grantiau a benthyciadau) wedi'u nodi isod.

Mae'r gwahaniaeth rhwng myfyrwyr cymwys o dan yr hen drefn a myfyrwyr cymwys o dan y drefn newydd (a gyflwynwyd gan Reoliadau 2006) o ran cymorth ariannol i fyfyrwyr ar gyfer cyrsiau amser-llawn yn cael ei gadw (rheoliad 2(1)).

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

- grant at ffioedd (Rhan 4);
- benthyciad at gyfraniad at ffioedd (rheoliad 20);
- grant at gostau byw myfyrwyr anabl (rheoliad 24);

WELSH STATUTORY INSTRUMENTS

2008 No. 1273 (W.130)

EDUCATION, WALES

The Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for financial support for students who are ordinarily resident in Wales taking designated higher education courses in respect of academic years beginning on or after 1 September 2008. They consolidate, with some changes, the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2007, as amended.

The Regulations revoke those 2007 Regulations. Regulation 3 sets out the extent of the revocation. Changes of substance made in these Regulations (other than rates of grants and loans) are highlighted below.

The distinction between old system eligible students and new system eligible students (introduced by the 2006 Regulations) in relation to financial support to students for full-time courses is retained (regulation 2(1)).

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

- grant for fees (Part 4);
- fee contribution loan (regulation 20);
- grant for disabled students' living costs (regulation 24);

- grant ar gyfer dibynyddion (rheoliadau 25 i 30);
- grant at deithio (rheoliadau 31 i 33);
- grant addysg uwch (rheoliad 35); a
- benthyciadau at gostau byw (Rhan 6).

Mae myfyriwr cymwys o dan y drefn newydd yn fyfyriwr cymwys sy'n dechrau ei gwrs ar neu ar ôl 1 Medi 2008 ac nad yw'n fyfyriwr cymwys o dan yr hen drefn. Mae'r grantiau a'r benthyciadau canlynol ar gael i fyfyrwyr cymwys o dan y drefn newydd, yn ddarostyngedig i'r amodau penodedig —

- grantiau at ffioedd newydd (rheoliad 18);
- benthyciadau at ffioedd (rheoliadau 21 a 22);
- grant at gostau byw myfyrwyr anabl (rheoliad 24);
- grant ar gyfer dibynyddion (rheoliadau 25 i 30);
- grant at deithio (rheoliadau 31 i 33);
- grant cynhaliaeth (rheoliad 36);
- grant cymorth arbennig (rheoliad 37); a
- benthyciadau at gostau byw (Rhan 6).

I fod â hawl i gael cymorth ariannol, rhaid i fyfyriwr fod yn "fyfyriwr cymwys". Yn fras, mae person yn fyfyriwr cymwys os yw'n dod o fewn un o'r categorïau a restrir yn Rhan 2 o Atodlen 1 a'r darpariaethau cymhwystra yn Rhan 2 o'r Rheoliadau. Mae'r Rheoliadau yn gymwys i fyfyrwyr sy'n preswylio fel arfer yng Nghymru ble bynnag y bônt yn astudio ar gwrs dynodedig. At ddibenion y Rheoliadau hyn, bernir bod person sy'n preswylio fel arfer yng Nghymru, Lloegr, yr Alban, Gogledd Iwerddon, Ynysoedd y Sianel neu Ynys Manaw o ganlyniad i symud o unrhyw un o'r ardaloedd hyn er mwyn ymgymryd â'i gwrs yn preswylio fel arfer yn y lle y symudodd ohono (Atodlen 1, paragraff 1(3)). Rhaid i fyfyriwr cymwys fodloni hefyd unrhyw ofynion mewn mannau eraill yn y Rheoliadau; yn enwedig felly y gofynion penodol sy'n gymwys i bob math o gymorth ariannol.

Dim ond ar gyfer cyrsiau "dynodedig" o fewn ystyr rheoliadau 5, 64, 80, 93 ac Atodlen 2 y mae cymorth ar gael o dan y Rheoliadau.

Mae Rhan 3 o'r Rheoliadau yn gwneud darpariaeth ar gyfer ceisiadau am gymorth (rheoliad 9), terfynau amser ar gyfer ceisiadau (rheoliad 10) ac mae rheoliad 11 ac Atodlen 3 yn pennu'r wybodaeth y mae'n rhaid i geiswyr ei darparu.

Mae Rhan 4 o'r Rheoliadau hyn yn darparu ar gyfer cymorth ffioedd, ar ffurf grantiau ar gyfer ffioedd a benthyciadau at ffioedd. Gwnaed newidiadau er mwyn caniatáu i fyfyrwyr ar gyrsiau hyblyg i ôl-raddedigion ar gyfer hyfforddiant cychwynnol athrawon sy'n

- grant for dependants (regulations 25 to 30);
- grant for travel (regulations 31 to 33);
- higher education grant (regulation 35); and
- loans for living costs (Part 6).

A new system eligible student is an eligible student who starts their course on or after 1 September 2008 and who is not an old system eligible student. The following grants and loans are available to new system eligible students, subject to the specified conditions —

- new fee grant (regulation 18);
- fee loans (regulations 21 and 22);
- grant for disabled students' living costs (regulation 24);
- grant for dependants (regulations 25 to 30);
- grant for travel (regulations 31 to 33);
- maintenance grant (regulation 36);
- special support grant (regulation 37); and
- loans for living costs (Part 6).

To qualify for financial support a student must be an "eligible student". Broadly, a person is an eligible student if he or she falls within one of the categories listed in Part 2 of Schedule 1 and the eligibility provisions in Part 2 of the Regulations. The Regulations apply to students ordinarily resident in Wales wherever they study on a designated course. For the purposes of these Regulations a person who is ordinarily resident in Wales, England, Scotland, Northern Ireland, the Channel Islands or the Isle of Man as a result of having moved from one of those areas for the purpose of undertaking his or her course is considered ordinarily resident in the place from which that person moved (Schedule 1, paragraph 1(3)). An eligible student must also satisfy any requirements elsewhere in the Regulations; in particular the specific requirements applicable to each type of financial support.

Support is only available under the Regulations in respect of "designated" courses within the meaning of regulations 5, 64, 80, 93 and Schedule 2.

Part 3 of the Regulations makes provision for applications for support (regulation 9), time limits for applications (regulation 10) and regulation 11 and Schedule 3 specify the information that must be provided by applicants.

Part 4 of these Regulations provides for fee support, in the form of grants for fees and fee loans. Changes have been made to allow students on flexible post-graduate courses for the initial training of teachers starting on or after 1 September 2008 to qualify for fee support where the course is at least six weeks in length.

dechrau ar neu ar ôl 1 Medi 2008 i fod â hawl i gael cymorth ffioedd os yw'r cwrs hwnnw yn para am o leiaf chwe wythnos. Mae hyn yn golygu am y tro cyntaf bod cwrs dynodedig (un sy'n bodloni'r meini prawf yn Rheoliad 5) yn gallu bod yn gwrs sy'n para llai na blwyddyn academaidd, ar yr amod ei fod yn gwrs hyblyg ôl-radd ar gyfer hyfforddiant cychwynnol athrawon.

This means that for the first time a designated course (one which meets the criteria in Regulation 5) may be of less than one academic year's duration, providing that it is a flexible post-graduate course for the initial training of teachers.

Mae Rhan 5 yn gwneud darpariaeth ar gyfer grantiau at gostau byw sy'n cynnwys grantiau teithio i gategorïau penodol o fyfyrwyr cymwys. Diwygiwyd rheoliadau 31 a 32 er mwyn egluro'r mathau o gostau y mae grantiau teithio ar gyfer myfyrwyr sy'n astudio dramor yn daladwy iddynt, a'r dull y cyfrifir swm y grant hwnnw.

Part 5 makes provision for grants for living costs which includes grants for travel for certain categories of eligible students. Regulations 31 and 32 have been amended to clarify the types of expenses in respect of which the travel grant for students studying overseas is payable, and the way in which the amount of that grant is calculated.

Mae Rhan 6 yn gwneud darpariaeth ar gyfer benthyciadau at gostau byw.

Part 6 makes provision for loans for living costs.

Mae Rhan 7 yn gosod darpariaethau cyffredinol ynghylch benthyciadau a wneir o dan y Rheoliadau.

Part 7 sets out general provisions relating to loans made under the Regulations.

Mae Rhan 8 ac Atodlen 4 yn gwneud darpariaeth ar gyfer "benthyciadau at ffioedd coleg". Benthyciadau yw'r rhain mewn perthynas â'r ffioedd coleg sy'n daladwy gan fyfyriwr cymhwysol i goleg neu neuadd breifat barhaol ym Mhrifysgol Rhydychen neu i un o golegau Prifysgol Caergrawnt mewn perthynas â phresenoldeb myfyriwr cymhwysol ar gwrs cymhwysol.

Part 8 and Schedule 4 make provision for "college fee loans". These are loans in respect of the college fees payable by a qualifying 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 attendance of a qualifying student on a qualifying course.

Mae Rhan 9 ac Atodlen 5 yn parhau i wneud darpariaeth ar gyfer prawf modd i fyfyrwyr sy'n cymryd cyrsiau amser-llawn dynodedig. Cyfrifir cyfraniad gan y myfyriwr ar sail incwm yr aelwyd. Mae'r cyfraniad i'w gymhwyso at grantiau a benthyciadau penodedig hyd nes iddo gael ei ddiddymu yn erbyn swm y grantiau a'r benthyciadau penodol y mae gan y myfyriwr hawl i'w cael.

Part 9 and Schedule 5 continue to make provision for the means-testing of students taking designated full-time courses. A contribution from the student is calculated on the basis of household income. The contribution is to be applied to specified grants and loans until it is extinguished against the amount of the particular grants and loans for which the student qualifies.

Mae Rhan 10 yn gwneud darpariaeth ar gyfer talu grantiau a benthyciadau.

Part 10 makes provision for payment of grants and loans.

Mae Rhan 11 yn gwneud darpariaeth ar gyfer cymorth i fyfyrwyr sy'n ymgymryd â chyrsiau dysgu dynodedig o bell.

Part 11 makes provision for support to students who are undertaking designated distance learning courses.

Mae Rhan 12 yn gwneud darpariaeth ar gyfer cymorth i gyrsiau rhan-amser.

Part 12 makes provision for support for part-time courses.

Mae Rhan 13 yn gwneud darpariaeth ar gyfer myfyrwyr ôl-raddedig sydd ag anableddau.

Part 13 makes provision for postgraduate students with disabilities.

OFFERYNNAU STATUDOL CYMRU

2008 Rhif 1273 (Cy.130)

ADDYSG, CYMRU

Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2008

Gwnaed	*7 Mai 2008*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*9 Mai 2008*
Yn dod i rym	*30 Mai 2008*

TREFN Y RHEOLIADAU

RHAN 1

CYFFREDINOL

1. Enwi, cychwyn a chymhwyso
2. Dehongli
3. Dirymu, arbedion a darpariaethau trosiannol

RHAN 2

CYMHWYSTRA

4. Myfyrwyr cymwys
5. Cyrsiau dynodedig
6. Cyfnod cymhwystra
7. Astudio blaenorol
8. Trosglwyddo statws

RHAN 3

GWNEUD CAIS AM GYMORTH A RHOI GWYBODAETH

9. Ceisiadau am gymorth
10. Terfynau amser
11. Gwybodaeth

RHAN 4

Pennod 1 GRANTIAU A BENTHYCIADAU AT FFIOEDD

12. Cymorth at ffioedd yn gyffredinol
13. Myfyrwyr sy'n dod yn gymwys yn ystod blwyddyn academaidd

WELSH STATUTORY INSTRUMENTS

2008 No. 1273 (W.130)

EDUCATION, WALES

The Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2008

Made	*7 May 2008*
Laid before the National Assembly for Wales	*9 May 2008*
Coming into force	*30 May 2008*

ARRANGEMENT OF REGULATIONS

PART 1

GENERAL

1. Title, commencement and application
2. Interpretation
3. Revocation, savings and transitional provisions

PART 2

ELIGIBILITY

4. Eligible students
5. Designated courses
6. Period of eligibility
7. Previous study
8. Transfer of status

PART 3

APPLYING FOR SUPPORT AND PROVISION OF INFORMATION

9. Applications for support
10. Time limits
11. Information

PART 4

Chapter 1 GRANTS AND LOANS FOR FEES

12. Fee support generally
13. Students becoming eligible during the course of an academic year

14. Digwyddiadau

Pennod 2 GRANTIAU AT FFIOEDD

15. Grantiau at ffioedd - Amodau'r hawl ar gyfer myfyrwyr cymwys o dan yr hen drefn

16. Swm y grant at ffioedd mewn sefydliad a ariennir yn gyhoeddus ac mewn sefydliad preifat ar ran sefydliad a ariennir yn gyhoeddus; myfyrwyr cymwys o dan yr hen drefn

17. Swm y grant at ffioedd mewn sefydliad preifat; myfyrwyr cymwys o dan yr hen drefn

18. Grant newydd at ffioedd

Pennod 3 BENTHYCIADAU AT FFIOEDD

19. Amodau cyffredinol yr hawl i gael benthyciadau at ffioedd

20. Benthyciadau at gyfraniad at ffioedd i fyfyrwyr cymwys o dan yr hen drefn

21. Benthyciadau at ffioedd; Myfyrwyr cymwys o dan y drefn newydd nad oes ganddynt hawl i gael grant newydd at ffioedd

22. Benthyciadau at ffioedd: Myfyrwyr sydd â hawl i gael grant newydd at ffioedd

RHAN 5

GRANTIAU AT GOSTAU BYW

23. Amodau cyffredinol yr hawl i gael grantiau at gostau byw

24. Grantiau at gostau byw myfyrwyr anabl

25. Grantiau ar gyfer dibynyddion - cyffredinol

26. Grantiau ar gyfer dibynyddion - grant dibynyddion mewn oed

27. Grantiau ar gyfer dibynyddion - grant gofal plant

28. Grantiau ar gyfer dibynyddion - lwfans dysgu rhieni

29. Grantiau ar gyfer dibynyddion - eu cyfrifo

30. Grantiau ar gyfer dibynyddion - dehongli

31. Amodau'r hawl i gael grant at deithio

32. Swm y grant at deithio

33. Didyniadau o'r grant at deithio

34. Dehongli

35. Grantiau addysg uwch

36. Grantiau cynhaliaeth

37. Grant Cymorth Arbennig

14. Events

Chapter 2 GRANTS FOR FEES

15. Grants for fees - Qualifying conditions for old system eligible students

16. Amount of grants for fees at a publicly funded institution and at a private institution on behalf of a publicly-funded institution; old system eligible students

17. Amount of grants for fees at a private institution; old system eligible students

18. New fee grant

Chapter 3 LOANS FOR FEES

19. General qualifying conditions for loans for fees

20. Fee contribution loans for old system eligible students

21. Fee Loans: New system eligible students not qualifying for new fee grant

22. Fee loans: Students qualifying for new fee grant

PART 5

GRANTS FOR LIVING COSTS

23. General qualifying conditions for grants for living costs

24. Grants for disabled students' living costs

25. Grants for dependants - general

26. Grants for dependants - adult dependants' grant

27. Grants for dependants - childcare grant

28. Grants for dependants - parents' learning allowance

29. Grants for dependants - calculations

30. Grants for dependants - interpretation

31. Qualifying conditions for the grant for travel

32. Amount of the grant for travel

33. Deductions from the grant for travel

34. Interpretation

35. Higher education grants

36. Maintenance grants

37. Special support grant

RHAN 6

BENTHYCIADAU AT GOSTAU BYW

38. Amodau'r hawl i gael benthyciadau at gostau byw
39. Uchafswm benthyciadau i fyfyrwyr cymwys o dan yr hen drefn sydd â hawlogaeth lawn
40-41. Uchafswm benthyciadau i fyfyrwyr cymwys o dan y drefn newydd sydd â hawlogaeth lawn
42. Myfyrwyr sydd â hawlogaeth wedi'i gostwng
43. Myfyrwyr sy'n preswylio gyda'u rhieni
44. Benthyciadau at gostau byw sy'n daladwy ar gyfer tri chwarter y flwyddyn academaidd
45. Myfyrwyr sy'n syrthio i fwy nag un categori
46. Myfyrwyr sy'n dod yn gymwys yn ystod blwyddyn academaidd
47. Codiadau yn yr uchafswm
48. Didynnu o fenthyciadau at gostau byw
49. Dehongli Rhan 6

RHAN 7

DARPARIAETHAU CYFFREDINOL YNGLŶN Â BENTHYCIADAU

50. Symiau ychwanegol o fenthyciadau
51. Llog

RHAN 8

BENTHYCIADAU AT FFIOEDD COLEG

52. Benthyciadau at ffioedd coleg

RHAN 9

ASESIAD ARIANNOL

53. Cyfrifo'r cyfraniad
54. Cymhwyso'r cyfraniad

RHAN 10

TALIADAU

55. Talu grantiau neu fenthyciadau at ffioedd
56. Talu grantiau a benthyciadau at gostau byw
57. Darparu rhif yswiriant gwladol y DU
58. Gofynion o ran gwybodaeth
59. Talu benthyciadau at gostau byw
60. Gordaliadau
61. Dehongli

PART 6

LOANS FOR LIVING COSTS

38. Qualifying conditions for loans for living costs
39. Maximum amount of loans for old system eligible students with full entitlement
40- 41. Maximum amount of loans for new system eligible students with full entitlement
42. Students with reduced entitlement
43. Students residing with parents
44. Loans for living costs payable in respect of three quarters of the academic year
45. Students falling into more than one category
46. Students becoming eligible during the course of an academic year
47. Increases in maximum amount
48. Deductions from loans for living costs
49. Interpretation of Part 6

PART 7

GENERAL LOAN PROVISIONS

50. Additional amount of loans
51. Interest.

PART 8

COLLEGE FEE LOANS

52. College fee loans

PART 9

FINANCIAL ASSESSMENT

53. Calculation of contribution
54. Application of contribution

PART 10

PAYMENTS

55. Payment of grants or loans for fees
56. Payment of grants and loans for living costs
57. Provision of United Kingdom national insurance number
58. Information requirements
59. Payment of loans for living costs
60. Overpayments
61. Interpretation

RHAN 11

CYMORTH AT GYRSIAU DYSGU O BELL AMSER-LLAWN

62. Myfyrwyr dysgu o bell cymwys
63. Myfyrwyr sy'n dod yn gymwys yn ystod y flwyddyn academaidd
64. Cyrsiau dysgu o bell dynodedig
65. Cyfnod cymhwystra
66. Cymorth i gyrsiau dysgu o bell
67. Swm y cymorth
68. Dehongli rheoliad 67
69. Grant at gostau byw myfyrwyr anabl sy'n dysgu o bell
70. Ceisiadau am gymorth
71. Datganiad a ddarperir gan awdurdodau academaidd
72. Gwybodaeth
73. Trosglwyddo statws
74. Trosi statws - myfyrwyr cymwys yn trosglwyddo i gyrsiau dysgu o bell dynodedig
75. Trosi statws - myfyrwyr cymwys yn trosglwyddo i gyrsiau dynodedig
76. Talu grant ar gyfer ffioedd
77. Talu grantiau ar gyfer llyfrau, teithio, a gwariant arall a grant at gostau byw myfyrwyr anabl
78 Gordaliadau

PART 11

SUPPORT FOR FULL -TIME DISTANCE LEARNING COURSES

62. Eligible distance learning students
63. Students becoming eligible during the course of the academic year
64. Designated distance learning courses
65. Period of eligibility
66. Support for distance learning courses
67. Amount of support
68. Interpretation of regulation 67
69. Grant for disabled distance learning students' living costs
70. Applications for support
71. Declarations provided by academic authorities
72. Information
73. Transfer of status
74. Conversion of status-eligible students transferring to designated distance learning courses
75. Conversion of status-eligible students transferring to designated courses
76. Payment of grant for fees
77. Payment of grants for books, travel and other expenditure and grant for disabled distance learning students' living costs
78. Overpayments

RHAN 12

CYMORTH AT GYRSIAU RHAN-AMSER

79. Myfyrwyr rhan-amser cymwys
80. Cyrsiau rhan-amser dynodedig
81. Cyfnod cymhwystra
82. Cymorth at gyrsiau rhan-amser
83. Grantiau at gostau byw myfyrwyr rhan-amser anabl
84. Ceisiadau am gymorth
85. Cymorth gyda ffioedd o ran presenoldeb ar gwrs yn Lloegr, Gogledd Iwerddon neu'r Alban
86. Gwybodaeth a materion eraill
87. Trosglwyddo statws
88. Trosi statws
89. Talu cymorth i fyfyrwyr rhan-amser cymwys
90. Talu grantiau at ffioedd
91. Gordaliadau

PART 12

SUPPORT FOR PART-TIME COURSES

79. Eligible part-time students
80. Designated part-time courses
81. Period of eligibility
82. Support for part-time courses
83. Grants for disabled part-time students' living costs
84. Applications for support
85. Assistance with fees in respect of attendance on a course in England, Northern Ireland or Scotland
86. Information and other matters
87. Transfer of status
88. Conversion of status
89. Payment of support to eligible part-time students
90. Payment of grants for fees
91. Overpayments

RHAN 13

CYMORTH I FYFYRWYR ÔL-RADDEDIG SYDD AG ANABLEDDAU

92. Myfyrwyr ôl-raddedig cymwys
93. Cyrsiau ôl-radd dynodedig
94. Cyfnod cymhwystra
95. Trosglwyddo statws
96. Ceisiadau am gymorth
97. Gwybodaeth
98. Swm grantiau
99. Talu grantiau
100. Gordaliadau

ATODLEN 1 MYFYRWYR CYMWYS

RHAN 1

MYFYRWYR CYMWYS

RHAN 2

CATEGORÏAU

ATODLEN 2 CYRSIAU DYNODEDIG

ATODLEN 3 GWYBODAETH

ATODLEN 4 BENTHYCIADAU AT FFIOEDD COLEG

ATODLEN 5 ASESIAD ARIANNOL

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

PART 13

SUPPORT FOR POSTGRADUATE STUDENTS WITH DISABILITIES

92. Eligible postgraduate students
93. Designated postgraduate courses
94. Period of eligibility
95. Transfer of status
96. Applications for support
97. Information
98. Amount of grants
99. Payment of grants
100. Overpayments

SCHEDULE 1 ELIGIBLE STUDENTS

PART 1

ELIGIBLE STUDENTS

PART 2

CATEGORIES

SCHEDULE 2 DESIGNATED COURSES

SCHEDULE 3 INFORMATION

SCHEDULE 4 COLLEGE FEE LOANS

SCHEDULE 5 FINANCIAL ASSESSMENT

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

(**1**) 1998 p. 30; diwygiwyd adran 22 gan Ddeddf Dysgu a Sgiliau 2000 (p. 21), adran 146 ac Atodlen 11, Deddf Treth Incwm (Enillion a Phensiynau) 2003 (p. 1), Atodlen 6, Deddf Cyllid 2003 (p. 14), adran 147 a Deddf Addysg Uwch 2004 (p. 8), adrannau 42 a 43 ac Atodlen 7.

(**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 paragraffau 30(1) a 30(2) o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(**1**) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146 and Schedule 11, the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6, the Finance Act 2003 (c. 14), section 147 and the Higher Education Act 2004 (c. 8), sections 42 and 43 and Schedule 7.

(**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 paragraphs 30(1) and 30(2)(a) of Schedule 11 of the Government of Wales Act 2006 (c.32).

RHAN 1

CYFFREDINOL

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2008.

(2) Daw'r Rheoliadau hyn i rym ar 30 Mai 2008 ac maent yn gymwys o ran Cymru.

Dehongli

2.—(1) Yn y Rheoliadau hyn ac eithrio pan fo'r cyddestun yn mynnu fel arall—

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

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

ystyr "yr Athrofa" ("*Institute*") yw Sefydliad Prifysgol Llundain ym Mharis(**2**);

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

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

(**1**) 2002 p. 32.

(**2**) Gynt yr enw ar Sefydliad Prifysgol Llundain ym Mharis oedd y Sefydliad Prydeinig ym Mharis. Newidiodd y Sefydliad Prydeinig ym Mharis ei enw'n ffurfiol ar 1 Ionawr 2005.

PART 1

GENERAL

Title, commencement and application

1.—(1) The title of these Regulations is the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2008.

(2) These Regulations come into force on 30 May 2008 and apply in relation to Wales.

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires —

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

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

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

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

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

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

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

(**2**) S.I. 1998/2003.

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

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

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

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

ystyr "benthyciad at ffioedd coleg" ("*college fee loan*") yw benthyciad ar gyfer ffioedd coleg sy'n daladwy gan fyfyriwr cymwys yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o'r Ddeddf;

ystyr "benthyciad at gostau byw" ("*loan for living costs*") yw benthyciad at gostau byw yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o'r Ddeddf;

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

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

ystyr "blwyddyn academaidd safonol" ("*standard academic year*"), oni nodir fel arall, yw blwyddyn academaidd o gwrs dynodedig (heblaw blwyddyn academaidd sy'n flwyddyn bwrsari neu'n flwyddyn Erasmus) y byddai'n cael ei gymryd (yn gyfan gwbl neu'n rhannol) gan berson nad yw'n ailadrodd unrhyw ran o'r cwrs ar ôl 1 Medi 2006 ac sy'n dechrau ar y cwrs ar yr un pwynt â'r myfyriwr cymwys;

ystyr "blwyddyn astudio gymhwysol" ("*qualifying year of study*") yw blwyddyn academaidd o gwrs dynodedig—

(a) y cymhwysodd y myfyriwr i gael cymorth ffi ar ei chyfer (hyd yn oed os oedd y swm yn ddim);

(b) a oedd yn flwyddyn bwrsari; neu

"the 2003 Regulations" ("*Rheoliadau 2003*") means the Education (Student Support) (No. 2) Regulations 2002(**1**) as amended by the Education (Student Support) (No. 2) Regulations 2002 (Amendment) Regulations 2003(**2**) and the Education (Student Fees and Support) (Switzerland) Regulations 2003(**3**);

"the 2004 Regulations" ("*Rheoliadau 2004*") means the 2003 Regulations as amended by the Education (Student Support) (No. 2) Regulations 2002 (Amendment) Regulations 2004(**4**), the Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 2) Regulations 2004(**5**), the Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 3) Regulations 2004(**6**), the Education (Student Support) (No. 2) Regulations 2002 (Amendment) (No. 4) Regulations 2004(**7**), the Education (Student Support) (No. 2) Regulations 2002 (Amendment) Regulations 2005(**8**),the Education (Student Support) (Amendment) Regulations 2005(**9**) and the Education (Student Support) (Amendment) (No.2) Regulations 2005(**10**);

"the 2005 Regulations" ("*Rheoliadau 2005*") means the Education (Student Support) Regulations 2005(**11**);

"the 2006 Regulations" ("*Rheoliadau 2006*") means the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006(**12**) as amended by the Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) Regulations 2006(**13**);

(**1**) S.I. 2002/3200.

(**2**) S.I. 2003/1065.

(**3**) S.I. 2003/3280.

(**4**) S.I. 2004/161.

(**5**) S.I. 2004/1602.

(**6**) S.I. 2004/2041.

(**7**) S.I. 2004/2598.

(**8**) S.I. 2005/5.

(**9**) S.I. 2005/1341.

(**10**) SI 2005/2084.

(**11**) S.I. 2005/52 as amended by S.I. 2005/1341, S.I. 2005/2084, S.I.2005/3482 and S.I. 2006/955.

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

(**13**) S.I. 2006/1863 (W.196).

(c) y byddai'r y myfyriwr wedi cymhwyso i gael cymorth ffi ar ei chyfer (hyd yn oed os byddai'r swm wedi bod yn ddim) pe bai wedi bod yn fyfyriwr cymwys neu pe bai'r cwrs presennol wedi'i ddynodi ar ddechrau'r flwyddyn honno;

ystyr "blwyddyn bwrsari" ("*bursary year*") yw blwyddyn academaidd cwrs—

(a) mewn perthynas â hi y mae'r myfyriwr yn gymwys i gael unrhyw daliad o dan fwrsari gofal iechyd y cyfrifwyd ei swm drwy gyfeirio at ei incwm; neu

(b) mewn perthynas â hi y mae'r myfyriwr yn gymwys i gael unrhyw daliad o dan lwfans gofal iechyd yr Alban y cyfrifwyd ei swm drwy gyfeirio at ei incwm;

ystyr "blwyddyn Erasmus" ("*Erasmus year*") yw blwyddyn academaidd o gwrs pan fydd myfyriwr yn cymryd rhan yng nghynllun gweithredu'r Gymuned Ewropeaidd ar gyfer symudedd myfyrwyr prifysgol a elwir ERASMUS(**1**) ynddi ac mae cwrs y myfyriwr yn gwrs y cyfeirir ato yn rheoliad 5(1)(d) ac mae pob cyfnod astudio'r myfyriwr yn ystod y flwyddyn academaidd mewn sefydliad y tu allan i'r Deyrnas Unedig;

ystyr "bwrsari gofal iechyd" ("*healthcare bursary*") yw bwrsari neu ddyfarniad o ddisgrifiad tebyg o dan adran 63 o Ddeddf Gwasanaethau Iechyd ac Iechyd y Cyhoedd 1968(**2**) neu Erthygl 44 o Orchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1972(**3**);

"the 2007 Regulations" ("*Rheoliadau 2007*") means the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2007(**1**) as amended by the Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) Regulations 2007(**2**), the Assembly Learning Grants and Loans (Higher Education) (Wales)(Amendment) (No.2) Regulations 2007(**3**) and the Assembly Learning Grants and Loans (Higher Education)(Wales)(Amendment)(No.3) Regulations 2007(**4**);

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

"academic year" ("*blwyddyn 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;

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

(**1**) Mae ERASMUS yn rhan o raglen gweithredu'r Gymuned Ewropeaidd SOCRATES; OJ Rhif L28, 3.2.2000, t.1.

(**2**) 1968 p. 46; diwygiwyd adran 63 gan Ddeddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1972 (p. 58), Atodlen 7, Deddf Ad-drefnu'r Gwasanaeth Iechyd Gwladol 1973 (p. 32), Atodlenni 4 a 5, Deddf y Gwasanaeth Iechyd Gwladol 1977 (p. 49), Atodlenni 15 ac 16, Deddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978 (p. 29), Atodlenni 16 a 17, Deddf Llywodraeth Leol 1985 (p. 51), Atodlen 17, Deddf Iechyd a Meddyginiaethau 1988 (p. 49), adran 20, adran 25(2) ac Atodlen 3, Deddf Llywodraeth Leol (Yr Alban) 1994 (p. 39), Atodlen 13, Deddf Awdurdodau Iechyd 1995 (p. 17), Atodlen 1, Gorchymyn Ad-drefnu Llywodraeth Leol (Cymru) (Diwygiadau Canlyniadol Rhif 2) 1996 (O.S. 1996/1008), Deddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 (p. 46), Atodlen 2, Deddf Iechyd 1999 (p. 8), Atodlen 4, Deddf Iechyd a Gofal Cymdeithasol 2001 (p. 15), Atodlen 5, Deddf Diwygio'r Gwasanaeth Iechyd Gwladol a'r Proffesiynau Gofal Iechyd 2002 (p. 17), Atodlenni 2 5 a 9, Rheoliadau Deddf Diwygio'r Gwasanaeth Iechyd Gwladol a'r Proffesiynau Gofal Iechyd 2002 (Darpariaethau Atodol, Canlyniadol etc) 2002 (O.S. 2002/2469), Atodlen 1, Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p. 43), Atodlenni 4, 11 a 14, Gorchymyn Cychwyn (Rhif 2) Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 2004 (O.S. 2004/288), erthygl 7, Gorchymyn Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (Cychwyn Rhif 1) (Cymru) 2004 (O.S. 2004/480), O.S. 2004/288, erthygl 7; Deddf Plant 2004 (p.31), adran 55; O.S. 2004/957, yr Atodlen; Deddf y Gwasanaeth Iechyd Gwladol (Darpariaethau Canlyniadol) 2006 (p.43), Atodlen 1 ac O.S. 2007/961, yr Atodlen.

(**3**) O.S. 1972/1265 (G.I. 14) y mae iddo ddiwygiadau nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**1**) S.I. 2007/1045 (W.104).

(**2**) S.I. 2007/2312 (W.183).

(**3**) S.I. 2007/ 2851 (W.248).

(**4**) S.I.2007/3230 (W.282).

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

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

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

ystyr "cwrs carlam" ("*accelerated course*") yw cwrs y mae'r sefydliad sy'n ei ddarparu yn ei gwneud yn ofynnol fel rheol i'r personau sy'n ei gymryd fod yn bresennol (boed ar fangre'r sefydliad ynteu mewn man arall) am gyfnod o 40 wythnos o leiaf yn y flwyddyn derfynol, a hwnnw'n gwrs sy'n para am ddwy flwyddyn academaidd;

ystyr "cwrs cymhwysol" ("*qualifying course*") yw cwrs dynodedig amser-llawn a ddarperir gan Brifysgol Rhydychen neu Brifysgol Caergrawnt ac—

(i) sydd wedi'i restru yn rheoliad 5(7);

(ii) sy'n arwain at gymhwyster gweithiwr cymdeithasol; neu

(iii) unrhyw flwyddyn academaidd sy'n flwyddyn bwrsari.;

ystyr "cwrs dwys" ("*intensive course*") yw cwrs carlam neu gwrs gradd cywasgedig;

ystyr "cwrs dynodedig" ("*designated course*") yw cwrs a ddynodwyd gan reoliad 5 neu gan Weinidogion Cymru o dan reoliad 5;

mae i "y cwrs dynodedig a bennir" ("*specified designated course*") yr ystyr a roddir ym mharagraff (10);

ystyr "cwrs dysgu o bell dynodedig" ("*designated distance learning course*") yw cwrs a ddynodwyd gan Weinidogion Cymru o dan reoliad 64;

ystyr "cwrs dysgu o bell presennol" ("*present learning distance course*") yw cwrs dysgu o bell dynodedig y mae person yn gwneud cais am gymorth mewn perthynas ag ef;

ystyr "cwrs gradd cywasgedig" ("*compressed degree course*") yw cwrs a ddyfernir yn unol â pharagraff (2) ei fod gwrs gradd cywasgedig;

ystyr "cwrs HCA hyblyg i ôl-raddedigion" ("*flexible postgraduate ITT course*") yw cwrs ôl-radd o hyfforddiant cychwynnol athrawon, y mae ei hyd a'i batrwm yn cael eu pennu drwy gyfeirio at brofiad ac anghenion hyfforddi'r myfyriwr cymwys

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

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

"bursary year" ("*blwyddyn bwrsari*") means an academic year of a course—

(a) in relation to which the student is eligible to receive any payment under a healthcare bursary the amount of which is calculated by reference to his or her income; or

(b) in relation to which the student is eligible to receive a Scottish healthcare allowance the amount of which is calculated by reference to his or her income;

"college fee loan"("*benthyciad at ffioedd coleg*") means a loan for college fees payable to a qualifying student pursuant to regulations made by the Welsh Ministers under section 22 of the Act;

"compressed degree course" ("*cwrs gradd cywasgedig*") means a course determined in accordance with paragraph (2) to be a compressed degree course;

"compressed degree student" ("*myfyriwr cwrs gradd cywasgedig*") means an eligible student who—

(a) is undertaking a compressed degree course in the United Kingdom (the "course");

(b) either—

(i) began the course on or after 1 September 2006 and is continuing on that course after 31 August 2008; or

(ii) begins the course on or after 1 September 2008; and

(c) either—

(i) is required to be in attendance on the course for part of the academic year for which he or she is applying for support; or

(ii) is a disabled student who is not required to be in attendance on the course because he or she is unable to attend because of a reason which relates to his or her disability;

"contribution" ("*cyfraniad*") means an eligible student's contribution calculated pursuant to regulation 53 and Schedule 5;

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

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

ac sydd wedi'i gymeradwyo gan yr Asiantaeth Hyfforddi a Datblygu ar gyfer Ysgolion(**1**) neu Gyngor Cyllido Addysg Uwch Cymru(**2**);

ystyr "cwrs ôl-radd dynodedig" ("*designated postgraduate course*") yw cwrs sydd wedi'i ddynodi o dan reoliad 93 neu gan Weinidogion Cymru o dan reoliad 93;

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

ystyr "cwrs penben" ("*end-on course*") yw —

(a) cwrs gradd gyntaf amser-llawn (heblaw cwrs gradd gyntaf ar gyfer hyfforddiant cychwynnol athrawon) a hwnnw'n gwrs y mae myfyriwr yn dechrau bod yn bresennol arno, gan anwybyddu unrhyw wyliau yn y cyfamser, yn union ar ôl rhoi'r gorau i fod yn bresennol ar gwrs amser-llawn sydd wedi'i grybwyll ym mharagraff 2 neu 3 o Atodlen 2 ac y mae'r myfyriwr wedi cael dyfarniad trosiannol, benthyciad o dan Reoliadau 1998 neu gymorth o dan Reoliadau 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006 neu 2007 ar ei gyfer, neu yr oedd gan y myfyriwr hawlogaeth i gael un o'r rhain ar ei gyfer;

(b) cwrs gradd anrhydedd amser-llawn sy'n dechrau ar neu ar ôl 1 Medi 2006 a hwnnw'n gwrs y mae myfyriwr yn dechrau bod yn bresennol arno, gan anwybyddu unrhyw wyliau yn y cyfamser, yn union ar ôl rhoi'r gorau i fod yn bresennol ar gwrs gradd sylfaenol amser-llawn ac y mae'r myfyriwr wedi cael dyfarniad trosiannol, benthyciad o dan Reoliadau 1998 neu gymorth o dan Reoliadau 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006 neu 2007 ar ei gyfer, neu yr oedd gan y myfyriwr hawlogaeth i gael un o'r rhain ar ei gyfer;

(c) cwrs ar gyfer hyfforddiant cychwynnol athrawon sy'n dechrau cyn 1 Medi 2006 nad yw'n para am fwy na dwy flynedd (gan fynegi hyd cwrs rhan-amser mewn modd sy'n gyfartal i hyd y cwrs amser-llawn sy'n cyfateb iddo) a hwnnw'n gwrs y mae myfyriwr yn dechrau bod yn bresennol arno, gan anwybyddu unrhyw wyliau yn y cyfamser, yn union ar ôl rhoi'r gorau i fod yn bresennol ar gwrs gradd gyntaf ac y mae'r myfyriwr wedi cael dyfarniad trosiannol, benthyciad o dan Reoliadau 1998 neu gymorth o dan Reoliadau 1999, 2000,

"designated distance learning course" ("*cwrs dysgu o bell dynodedig*") means a course designated by the Welsh Ministers under regulation 64;

"designated part-time course" ("*cwrs rhan amser dynodedig*") means a course designated by regulation 80 or by the Welsh Ministers under regulation 80;

"designated postgraduate course" ("*cwrs ôl-raddedig dynodedig*") means a course designated by regulation 93 or by the Welsh Ministers under regulation 93;

"Directive 2004/38" ("*Cyfarwyddeb 2004/38*") means Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004(**1**) on the rights of citizens of the Union and their family members to move and reside freely in the territory of the Member States;

"EC national" ("*gwladolyn y GE*") means a national of a Member State of the European Community;

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

(a) is incorporated into or otherwise logically associated with any electronic communication or electronic data; and

(b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication or data, the integrity of the communication or data, or both;

"eligible distance learning student" ("*myfyriwr dysgu o bell cymwys*") has the meaning given in regulation 62;

"eligible part-time student" ("*myfyriwr rhan-amser cymwys*") has the meaning given in regulation 79;

"eligible postgraduate student" ("*myfyriwr ôl-raddedig cymwys*") has the meaning given in regulation 92;

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

"employment-based teacher training scheme" ("*cynllun hyfforddi athrawon ar sail cyflogaeth*") means—

(a) a scheme established by the Welsh Ministers for the purpose of regulation 8 of the Education (School Teachers' Qualifications) (Wales) Regulations 2004 (**2**) whereby a

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

(**2**) Gweler adrannau 85 - 90 o Ddeddf Addysg 2005 i weld syddogaeth CCAUC ynghylch hyfforddi athrawon.

(**1**) OJ L158, 30.04.2004, p77-123.

(**2**) S.I. 2004/1729 (W.173).

2001, 2002, 2003, 2004, 2005 2006 neu 2007 ar ei gyfer, neu yr oedd gan y myfyriwr hawlogaeth i gael un o'r rhain ar ei gyfer;

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

ystyr "cwrs rhagarweiniol" ("*preliminary course*") yw cwrs a grybwyllir ym mharagraff 2 neu 3 o Atodlen 2 ac yr ymgymerir ag ef cyn ymgymryd â chwrs gradd amser-llawn (ac eithrio cwrs gradd gyntaf ar gyfer hyfforddiant cychwynnol i athrawon) neu gwrs gradd sylfaenol yr ymgymerir ag ef cyn ymgymryd â chwrs gradd anrhydedd amser-llawn, yn ôl y digwydd;

ystyr "cwrs rhan-amser dynodedig" ("*designated part-time course*") yw cwrs sydd wedi'i ddynodi gan reoliad 80 neu gan Weinidogion Cymru o dan reoliad 80;

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

mae i "cwrs rhyngosod" ("*sandwich course*") yr ystyr a roddir ym mharagraff (7);

ystyr "Cyfarwyddeb 2004/38" ("*Directive 2004/38*") yw Cyfarwyddeb 2004/38/EC Senedd Ewrop a'r Cyngor dyddiedig 29 Ebrill 2004(**1**) ar hawliau dinasyddion yr Undeb ac aelodau o'u teuluoedd i symud ac i fyw'n ddilyffethair yn nhiriogaeth yr Aelod-wladwriaethau;

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

(a) cyfnodau o brofiad diwydiannol, proffesiynol neu fasnachol sy'n gysylltiedig ag astudiaethau amser-llawn mewn sefydliad ond mewn man y tu allan i'r sefydliad hwnnw;

(b) cyfnodau pryd y caiff myfyriwr ei gyflogi ac y bydd yn preswylio mewn gwlad y mae ei hiaith yn un y mae'r myfyriwr yn ei hastudio at ei gwrs (ar yr amod bod y cyfnod o breswylio yn y wlad honno yn un o ofynion ei gwrs a bod astudio un neu fwy o ieithoedd modern yn cyfrif am nid llai na hanner cyfanswm yr amser a dreulir yn astudio ar y cwrs);

ystyr "cyfraniad" ("*contribution*") yw cyfraniad myfyriwr cymwys wedi'i gyfrifo yn unol â rheoliad 53 ac Atodlen 5;

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

(a) Cyngor Ymchwil y Celfyddydau a'r Dyniaethau,

person may undertake initial teacher training in order to obtain qualified teacher status while being employed to teach at a maintained school, an independent school or other institution except a pupil referral unit; or

(b) a scheme established by the Secretary of State whereby a person may undertake initial teacher training in order to obtain qualified teacher training status while being employed to teach at a school, city college, Academy, independent school or other institution except a pupil referral unit;

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

(a) a full-time first degree course (other than a first degree course for the initial training of teachers) which, disregarding any intervening vacation, a student begins to attend immediately after ceasing to attend a full-time course mentioned in paragraph 2 or 3 of Schedule 2 for which the student received or was entitled to receive a transitional award, a loan under the 1998 Regulations or support under the 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006 or 2007 Regulations;

(b) a full-time honours degree course beginning on or after 1 September 2006 which, disregarding any intervening vacation, a student starts to attend immediately after ceasing to attend a full-time foundation degree course for which the student received or was entitled to receive a transitional award, a loan under the 1998 Regulations or support under the 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006 or 2007 Regulations;

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

"Erasmus year" ("*blwyddyn Erasmus*") means an academic year of a course during which a student is participating in the action scheme of the European Community for the mobility of university students known as ERASMUS(**1**) and where the student's course is a course referred to in regulation 5 (1)(e) and all the periods of study during the academic year are at an institution outside the United Kingdom;

(**1**) OJ L158, 30.04.2004, t.77-123.

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

(b) Cyngor Ymchwil Biodechnoleg a'r Gwyddorau Biolegol,

(c) Y Cyngor Ymchwil Economaidd a Chymdeithasol,

(ch) Cyngor Ymchwil Peirianneg a'r Gwyddorau Ffisegol,

(d) Y Cyngor Ymchwil Feddygol,

(dd) Cyngor Ymchwil yr Amgylchedd Naturiol,

(e) Cyngor Ymchwil Ffiseg Ronynnol a Seryddiaeth;

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

ystyr "cymorth ffioedd" ("*fee support*") yw grantiau mewn perthynas â ffioedd yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o'r Ddeddf ac maent yn cynnwys grantiau mewn perthynas â ffioedd o dan Ran 4;

ystyr "cyn Ardal yr Heddlu Metropolitanaidd" ("*former Metropolitan Police District*") yw —

(a) Llundain Fwyaf, heb gynnwys dinas Llundain, y Deml Fewnol a'r Deml Ganol;

(b) yn sir Essex, yn nosbarth Epping Forest —

ardal cyn ddosbarth trefol Chigwell,

plwyf Waltham Abbey;

(c) yn sir Hertfordshire —

ym mwrdeistref Broxbourne, ardal cyn ddosbarth trefol Cheshunt,

dosbarth Hertsmere,

yn nosbarth Welwyn Hatfield, plwyf Northaw; ac

(ch) yn sir Surrey —

ym mwrdeistref Elmbridge, ardal cyn ddosbarth trefol Esher,

bwrdeistrefi Epsom ac Ewell a Spelthorne,

yn nosbarth Reigate a Banstead, ardal cyn ddosbarth trefol Banstead;

ystyr "cynllun hyfforddi athrawon ar sail cyflogaeth" ("*employment-based teacher training scheme*") yw—

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

"fees" ("*ffioedd*") has the meaning given in section 28(1) of the Act except in references to college fees;

"fee support" ("*cymorth ffioedd*") means grants in relation to fees pursuant to regulations made by the Welsh Ministers under section 22 of the Act and includes grants in relation to fees under Part 4;

"flexible postgraduate ITT course" ("*cwrs HCA hyblyg i ôl-raddedigion*") means a postgraduate course of initial teacher training, the length and pattern of which is determined by reference to the eligible student's experience and training requirements and which has been approved by the Training and Development Agency for Schools (**1**) or the Higher Education Funding Council for Wales(**2**);

"former Metropolitan Police District" ("*cyn Ardal yr Heddlu Metropolitanaidd*") means —

(a) Greater London, excluding the city of London, the Inner Temple and the Middle Temple;

(b) in the county of Essex, in the district of Epping Forest —

the area of the former urban district of Chigwell,

the parish of Waltham Abbey;

(c) in the county of Hertfordshire —

in the borough of Broxbourne, the area of the former urban district of Cheshunt,

the district of Hertsmere,

in the district of Welwyn Hatfield, the parish of Northaw; and

(d) in the county of Surrey —

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

the boroughs of Epsom and Ewell and Spelthorne,

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

"gap year student" ("*myfyriwr sy'n cymryd blwyddyn i ffwrdd*") has the meaning given in paragraph (3)

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

(**2**) See sections 85 - 90 of the Education Act 2005 for HEFCW's function in relation to teacher training.

(a) cynllun a sefydlwyd gan Weinidogion Cymru at ddibenion rheoliad 8 o Reoliadau Addysg (Cymwysterau Athrawon Ysgol) (Cymru) 2004(**1**) sy'n caniatáu i berson ymgymryd â hyfforddiant cychwynnol athrawon er mwyn ennill statws athro 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; neu

(b) cynllun a sefydlwyd gan yr Ysgrifennydd Gwladol sy'n caniatáu i berson ymgymryd â hyfforddiant cychwynnol athrawon er mwyn ennill statws athro 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;

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

(a) sy'n dechrau ar 1 Ionawr ac sy'n diweddu ar 31 Mawrth;

(b) sy'n dechrau ar 1 Ebrill ac sy'n diweddu ar 30 Mehefin;

(c) sy'n dechrau ar 1 Gorffennaf ac sy'n diweddu ar 31 Awst; neu

(ch) sy'n dechrau ar 1 Medi ac sy'n diweddu ar 31 Rhagfyr;

ystyr "Deddf 1962" ("*the 1962 Act*") yw Deddf Addysg 1962(**2**);

"grant for disabled distance learning students' living costs" ("*grant myfyrwyr dysgu o bell anabl*") means the grant payable under regulation 69;

"grant for disabled part-time students' living costs " ("*grant at gostau byw myfyrwyr rhan-amser anabl*") means the grant payable under regulation 83;

"grant for disabled students' living costs" ("*grant at gostau byw myfyrwyr anabl*") means the grant payable under regulation 24;

"grant for living costs" ("*grant at gostau byw*") (without more) means a grant under any of the provisions of Part 5 of these Regulations;

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

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

"household income" ("*incwm yr aelwyd, incwm aelwyd ac incwm sydd gan yr aelwyd*") has the meaning given in Schedule 5;

"information" ("*gwybodaeth*") includes documents;

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

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

(**1**) 1968 c. 46; section 63 was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 7, the National Health Service Reorganisation Act 1973 (c. 32), Schedules 4 and 5, the National Health Service Act 1977 (c. 49), Schedules 15 and 16, the National Health Service (Scotland) Act 1978 (c. 29), Schedules 16 and 17, the Local Government Act 1985 (c. 51), Schedule 17, the Health and Medicines Act 1988 (c. 49), section 20, section 25(2) and Schedule 3, the Local Government (Scotland) Act 1994 (c. 39), Schedule 13, the Health Authorities Act 1995 (c. 17), Schedule 1, the Local Government Reorganisation (Wales) (Consequential Amendments No. 2) Order 1996 (S.I. 1996/1008), the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, the Health Act 1999 (c. 8), Schedule 4, the Health and Social Care Act 2001 (c. 15), Schedule 5, the National Health Service Reform and Health Care Professions Act 2002 (c. 17), Schedules 2, 5 and 9, the National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc Provisions) Regulations 2002 (S.I. 2002/2469), Schedule 1, the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedules 4, 11 and 14, the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 2) Order 2004 (S.I. 2004/288), article 7, the Health and Social Care (Community Health and Standards) Act 2003 (Commencement No. 1) (Wales) Order 2004 (S.I. 2004/480), S.I. 2004/288, article 7; the Children Act 2004 (c. 31), section 55; S.I. 2004/957, the Schedule; the National Health Service (Consequential Provisions) Act 2006 (c. 43), Schedule 1 and S.I. 2007/961, the Schedule.

(**2**) S.I. 1972/1265 (N.I. 14) to which there have been amendments not relevant to these Regulations.

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

ystyr "dyfarniad trosiannol" ("*transitional award*") yw dyfarniad a wnaed o dan Reoliadau Addysg (Dyfarniadau Gorfodol) 1998(**1**) heblaw hen ddyfarniad;

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

ystyr "y ddeddfwriaeth ar fenthyciadau i fyfyrwyr" ("*student loans legislation*") yw Deddf Addysg (Benthyciadau i Fyfyrwyr) 1990(**2**), Gorchymyn Addysg (Benthyciadau i Fyfyrwyr) (Gogledd Iwerddon) 1990(**3**), Deddf Addysg (Yr Alban) 1980 a rheoliadau a wnaed o dan y Deddfau hynny neu'r Gorchymyn hwnnw, Gorchymyn Addysg (Cymorth i Fyfyrwyr) (Gogledd Iwerddon) 1998(**4**) a rheoliadau a wnaed o dan y Gorchymyn hwnnw neu'r Ddeddf a rheoliadau a wnaed o dan y Ddeddf honno;

mae i "ffioedd" yr ystyr a roddir i "*fees*" yn adran 21(1) o'r Ddeddf ac eithrio mewn cyfeiriadau at ffioedd coleg;

ystyr "ffoadur" ("*refugee*") yw person a gydnabuwyd gan Lywodraeth Ei Mawrhydi fel ffoadur o fewn ystyr Confensiwn y Cenhedloedd Unedig sy'n ymwneud â Statws Ffoaduriaid a wnaed yng Ngenefa ar 28 Gorffennaf 1951(**5**) fel y'i hestynnwyd gan y Protocol iddo a ddaeth i rym ar 4 Hydref 1967(**6**);

ystyr "grant at gostau byw" ("*grant for living costs*") (heb ddim mwy) yw grant o dan unrhyw rai o ddarpariaethau Rhan 5 o'r Rheoliadau hyn;

ystyr "grant at gostau byw myfyrwyr dysgu o bell anabl" ("*grant for disabled distance learning students' living costs*") yw'r grant sy'n daladwy o dan reoliad 69;

"Institute" ("*yr Athrofa*") means the University of London Institute in Paris(**1**);

"intensive course" ("*cwrs dwys*") means an accelerated course or a compressed degree course;

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

"loan"("*benthyciad*"), except where otherwise indicated, means a loan pursuant to any regulations made by the Welsh Ministers under section 22 of the Act, including the interest accrued on the loan and any penalties or charges incurred in connection with it;

"loan for living costs" ("*benthyciad at gostau byw*") means a loan for living costs pursuant to regulations made by the Welsh Ministers under section 22 of the Act;

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

"new fee grant" ("*grant newydd at ffioedd*") means a grant made by the Welsh Ministers under regulation 18;

"new system eligible student" ("*myfyriwr cymwys o dan y drefn newydd*") means an eligible student who —

(a) is not an old system eligible student; and

(b) either—

(i) started the present course on or after 1 September 2006 and is continuing on that course after 31 August 2008; or

(ii) starts the present course on or after 1 September 2008;

"old award" ("*hen ddyfarniad*") is an award within the meaning of the Education (Mandatory Awards) Regulations 2003(**2**);

"old flexible postgraduate course for the initial training of teachers" ("*hen gwrs ôl-radd hyblyg ar*

(**1**) O.S. 1998/1166, a ddiwygiwyd gan O.S. 1998/1972 ac a ddi-rymwyd gydag arbedion gan O.S. 1999/1494.

(**2**) 1990 p. 6; a ddiddymwyd gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), Atodlen 4.

(**3**) O.S. 1990/1506 (G.I. 11), a ddiwygiwyd gan O.S. 1996/1274 (G.I. 1), Erthygl 43 ac Atodlen 5 Rhan II, O.S. 1996/1918 (G.I. 15), Erthygl 3 a'r Atodlen ac O.S. 1998/258 (G.I. 1), Erthyglau 3 i 6 ac a ddi-rymwyd, gydag arbedion, gan Rh. St. (G.I.) 1998 Rhif 306.

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

(**5**) Cmnd. 9171.

(**6**) Cmnd. 3906 (allan o brint; mae llungopïau ar gael, am ddim, oddi wrth yr Adran Cymorth i Fyfyrwyr, Yr Adran Arloesi, Prifysgolion a Sgiliau, Mowden Hall, Staindrop Road, Darlington DL3 9BG).

(**1**) The University of London Institute in Paris was formerly known as the British Institute in Paris. The British Institute in Paris formally changed its name on 1 January 2005.

(**2**) S.I. 2003/1994, amended by S.I. 2004/1038 and S.I. 2004/1792, 2005/2083, 2005/3137, 2006/930 and 2007/1629.

ystyr "grant at gostau byw myfyrwyr anabl" ("*grant for disabled students' living costs*") yw'r grant sy'n daladwy o dan reoliad 24;

ystyr "grant at gostau byw myfyrwyr rhan-amser anabl" ("*grant for disabled part-time students' living costs*") yw'r grant sy'n daladwy o dan reoliad 83;

ystyr "grant newydd at ffioedd" ("*new fee grant*") yw grant a wnaed gan Weinidogion Cymru o dan reoliad 18;

ystyr "gweithiwr Twrcaidd" ("*Turkish worker*") yw gwladolyn Twrcaidd—

(a) sydd fel arfer yn preswylio yn y Deyrnas Unedig a'r Ynysoedd; a

(b) sydd neu sydd wedi bod mewn cyflogaeth gyfreithlon yn y Deyrnas Unedig;

mae "gwybodaeth" ("*information*") yn cynnwys dogfennau;

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

ystyr "hawl i breswylio'n barhaol" ("*right of permanent residence*") yw hawl sy'n deillio o dan Gyfarwyddeb 2004/38 i breswylio yn y Deyrnas Unedig yn barhaol heb gyfyngiad;

mae "hen ddyfarniad" ("*old award*") yn ddyfarniad o fewn ystyr "award" yn Rheoliadau Addysg (Dyfarniadau Gorfodol) 2003(**1**);

ystyr "hen gwrs ôl-radd hyblyg ar gyfer hyfforddiant cychwynnol i athrawon" ("*old flexible postgraduate course for the initial training of teachers*") yw cwrs ôl-radd hyblyg y dechreuodd myfyriwr fod yn bresennol arno cyn 1 Medi 2008;

ystyr "hyd arferol" ("*ordinary duration*"), o ran cwrs dynodedig, yw nifer y blynyddoedd academaidd y byddai myfyriwr safonol yn eu cymryd i gwblhau'r cwrs dynodedig ac eithrio unrhyw flynyddoedd academaidd o'r cwrs sy'n flynyddoedd bwrsari neu'n flynyddoedd Erasmus;

mae i "incwm yr aelwyd", "incwm aelwyd" ac "incwm sydd gan yr aelwyd" ("*household income*") yr ystyr a roddir iddynt yn Atodlen 5;

gyfer hyfforddiant cychwynnol i athrawon") means a flexible postgraduate course for the initial training of teachers, which a student started to attend, before 1 September 2008;

"old system eligible student" ("*myfyrwyr cymwys o dan yr hen drefn*") means an eligible student who —

(a) started the present course before 1 September 2006 and who is continuing on that course after 31 August 2008:

(b) is a gap-year student in relation to the present course:

(c) started the present course on or after 1 September 2006 where that course is an end-on course (other than one of the kind referred to in paragraph (c) of the definition of "end-on course" in this regulation) following on from a course that—

(i) he or she started before 1 September 2006; or,

(ii) he or she started before 1 September 2007 and in relation to which he or she was a gap-year student; or,

(d) started the present course on or after 1 September 2006 having had his or her status as an eligible student transferred to that course as a result of one or more transfers of that status by the Welsh Ministers pursuant to regulations made under section 22 of the Act from a designated course which he or she began—

(i) before 1 September 2006; or,

(ii) before 1 September 2007 and in relation to which he or she was a gap year student;

"ordinary duration" ("*hyd arferol*") means, in relation to a designated course, the number of academic years that a standard student would take to complete the designated course excluding any academic years of the course that are bursary years or Erasmus years;

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

(a) periods of industrial, professional or commercial experience associated with full-time study at an institution but at a place

(**1**) O.S. 2003/1994, a ddiwygiwyd gan O.S. 2004/1038 ac O.S. 2004/1792, 2005/2083, 2005/3137, 2006/930 a 2007/1629.

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

ystyr "llofnod electronig" ("*electronic signature*") yw cymaint o unrhyw beth ar ffurf electronig ag sydd —

(a) wedi'i ymgorffori mewn unrhyw gyfathrebiad electronig neu ddata electronig neu sydd fel arall wedi'i gysylltu yn rhesymegol â hwy; a

(b) yn honni ei fod wedi'i ymgorffori neu wedi'i gysylltu felly er mwyn cael ei ddefnyddio i sefydlu bod y cyfathrebiad neu'r data yn ddilys, bod y cyfathrebiad neu'r data yn gyflawn, neu'r ddau;

ystyr "myfyriwr cwrs gradd cywasgedig" ("*compressed degree student*") yw myfyriwr cymwys—

(a) sy'n ymgymryd â chwrs gradd cywasgedig yn y Deyrnas Unedig (y "cwrs");

(b) naill ai—

(i) a ddechreuodd ar y cwrs ar neu ar ôl i Medi 2006 ac sy'n parhau ar y cwrs hwnnw ar ôl 31 Awst 2008; neu

(ii) sy'n dechrau'r cwrs ar neu ar ôl 1 Medi 2008; ac

(c) naill ai—

(i) mae'n ofynnol iddo fod yn bresennol ar y cwrs am ran o'r flwyddyn academaidd y mae'n gwneud cais am gymorth ar ei chyfer; neu

(ii) mae'n fyfyriwr anabl nad yw'n ofynnol iddo fod yn bresennol ar y cwrs am nad yw'n gallu bod yn bresennol am reswm sy'n ymwneud â'i anabledd;

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

ystyr "myfyriwr cymwys o dan y drefn newydd" ("*new system eligible student*") yw myfyriwr cymwys—

(a) nad yw'n fyfyriwr cymwys o dan yr hen drefn; a

outside that institution;

(b) periods during which a student is employed and residing in a country whose language is one that he or she is studying for his or her course (provided that the period of residence in that country is a requirement of his or her course and the study of one or more modern languages accounts for not less than one half of the total time spent studying on the course);

"person with leave to enter or remain"("*person sydd a chaniatâd i ddod mewn neu i aros*") means a person —

(a) who has been informed by a person acting under the authority of the Secretary of State for the Home Department that, although he or she is considered not to qualify for recognition as a refugee, it is thought right to allow him or her to enter or remain in the United Kingdom;

(b) who has been granted leave to enter or to remain accordingly;

(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(**1**); and

(d) who has been ordinarily resident in the United Kingdom and Islands throughout the period since he or she was granted leave to enter or remain;

"preliminary course" ("*cwrs rhagarweiniol*") means a course mentioned in paragraph 2 or 3 of Schedule 2 that is taken before a full-time degree course (other than a first degree course for the initial training of teachers) or a foundation degree course that is taken before a full-time honours degree course, as the case may be;

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

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

"present part-time course" ("*cwrs rhan-amser presennol*") means the designated part-time course in respect of which a person is applying for

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

(**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 and the Immigration, Asylum and Nationality Act 2006 (c.13), section 9.

(b) sydd naill ai—

(iii) wedi dechrau ar y cwrs presennol ar neu ar ôl 1 Medi 2006 ac yn parhau i fynychu'r cwrs ar ôl 31 Awst 2008; neu

(iv) yn dechrau ar y cwrs presennol ar neu ar ôl 1 Medi 2008.

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

(a) a ddechreuodd ar y cwrs presennol cyn 1 Medi 2006 ac sy'n parhau ar y cwrs hwnnw ar ôl 31 Awst 2008,

(b) sy'n fyfyriwr sy'n cymryd blwyddyn i ffwrdd mewn perthynas â'r cwrs presennol,

(c) a ddechreuodd ar y cwrs presennol ar neu ar ôl 1 Medi 2006 os yw'r cwrs hwnnw yn gwrs penben (ac eithrio cwrs o'r math y cyfeirir ato ym mharagraff (c) o'r diffiniad o "cwrs penben" yn y rheoliad hwn) sy'n dilyn ymlaen ar ôl cwrs

(i) y dechreuodd arno cyn 1 Medi 2006; neu

(ii) y dechreuodd arno cyn 1 Medi 2007 ac yr oedd, mewn perthynas â'r cwrs, yn fyfyriwr sy'n cymryd blwyddyn i ffwrdd, neu

(ch) a ddechreuodd ar y cwrs presennol ar neu ar ôl 1 Medi 2006 wedi i'w statws fel myfyriwr cymwys gael ei drosglwyddo i'r cwrs hwnnw o ganlyniad i un neu fwy nag un trosglwyddiad o'r statws hwnnw gan Weinidogion Cymru, yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf, oddi ar gwrs dynodedig y dechreuodd y myfyriwr arno

(i) cyn 1 Medi 2006; neu,

(ii) cyn 1 Medi 2007 ac yr oedd, mewn perthynas â'r cwrs, yn fyfyriwr sy'n cymryd blwyddyn i ffwrdd;

ystyr "myfyriwr cymhwysol" ("*qualifying student*") yw person sy'n bodloni'r meini prawf ym mharagraff 2 o Atodlen 4;

mae i "myfyriwr dysgu o bell cymwys" ("*eligible distance learning student*") yr ystyr a roddir yn rheoliad 62;

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

support;

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

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

"public funds" ("*cronfeydd cyhoeddus*") means moneys provided by Parliament including funds provided by the Welsh Ministers;

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

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

"qualifying course" ("*cwrs cymhwysol*") means a full-time designated course which is provided by the University of Oxford or the University of Cambridge and—

(i) is listed in regulation 5(7);

(ii) leads to qualification as a social worker; or

(iii) any academic year which is a bursary year;

"qualifying student" ("*myfyriwr cymhwysol*") means a person who satisfies the criteria in paragraph 2 of Schedule 4;

"qualifying year of study" ("*blwyddyn astudio gymhwysol*") means an academic year of a designated course—

(a) in respect of which the student qualified for fee support (even if the amount was nil);

(b) that was a bursary year; or

(c) in respect of which the student would have qualified for fee support (even if the amount would have been nil) if he or she had been an eligible student or the present course had been designated at the beginning of that year;

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

(a) beginning on 1 January and ending on 31 March;

(b) beginning on 1 April and ending on 30 June;

(c) beginning on 1 July and ending on 31 August; or

(d) beginning on 1 September and ending on 31 December;

"refugee" ("*ffoadur*") means a person who is recognised by Her Majesty's government as a

(**1**) 2002 c. 32.

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

y mae i "myfyriwr ôl-raddedig cymwys" ("*eligible postgraduate student*") yr ystyr a roddir yn rheoliad 92;

mae i "myfyriwr rhan-amser cymwys" ("*eligible part-time student*") yr ystyr a roddir yn rheoliad 79;

mae "myfyriwr safonol" ("*standard student*") yn fyfyriwr sydd i'w ystyried—

(a) yn un a ddechreuodd y cwrs dynodedig ar yr un dyddiad â'r myfyriwr cymwys o dan sylw;

(b) yn un nad esgusodir unrhyw ran o'r cwrs iddo;

(c) yn un na chaiff ailadrodd unrhyw ran o'r cwrs; ac

(ch) yn un na chaiff fod yn absennol o'r cwrs heblaw yn ystod gwyliau;

mae i "myfyriwr sy'n cymryd blwyddyn i ffwrdd" ("*gap year student*") yr ystyr a roddir ym mharagraff (3);

ystyr "person sydd â chaniatâd i ddod i mewn neu i aros" ("*person with leave to enter or remain*") yw person

(a) a hysbyswyd gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref y tybir ei bod yn iawn caniatáu iddo ddod i mewn neu i aros yn y Deyrnas Unedig er yr ystyrir nad yw'n gymwys i gael ei adnabod fel ffoadur;

(b) y rhoddwyd caniatâd iddo i ddod i mewn neu i aros yn unol â hynny;

(c) y mae cyfnod ei ganiatâd i ddod i mewn neu i aros heb ddod i ben neu wedi cael ei adnewyddu ac nad yw'r cyfnod ar ôl iddo gael ei adnewyddu wedi dod i ben neu o ran y caniatâd iddo i ddod i mewn neu i aros bod apêl dan ystyriaeth (o fewn ystyr adran 104 o 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 the Protocol thereto which entered into force on 4 October 1967(**2**);

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

(a) Arts and Humanities Research Council,

(b) Biotechnology and Biological Sciences Research Council,

(c) Economic and Social Research Council,

(d) Engineering and Physical Sciences Research Council,

(e) Medical Research Council,

(f) Natural Environment Research Council,

(g) Particle Physics and Astronomy Research Council;

"right of permanent residence" ("*hawl i breswylio'n barhaol*")means a right arising under Directive 2004/38 to reside in the United Kingdom permanently without restriction;

"sandwich course" ("*cwrs rhyngosod*") has the meaning given in paragraph (7);

"Scottish healthcare allowance" ("*lwfans gofal iechyd yr Alban*") means any allowance under sections 73(f) and 74(1) of the Education (Scotland) Act 1980(**3**) granted in respect of a person attending a course leading to a qualification in a healthcare profession other than as a medical doctor or dentist;

"specified designated course" ("*y cwrs dynodedig a bennir*") has the meaning given in paragraph (8);

"standard academic year" ("*blwyddyn academaidd safonol*"), unless otherwise indicated, means an academic year of a designated course (other than an academic year that is a bursary year or an Erasmus year) that would be taken (in whole or in part) by a person who does not repeat any part of the course after 1 September 2006 and who enters the course at the same point as the eligible student;

"standard student ("*myfyriwr safonol*") is a student who is to be taken—

(a) to have begun the designated course on the

(**1**) Cmnd. 9171.

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

(**3**) 1980 c. 44; section 73(f) was amended by the Teaching and Higher Education Act 1998 (c. 30), section 29(1) and the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp6), section 3(2) and section 74 was amended by the Self Governing Schools etc. (Scotland) Act 1989 (c. 39), Schedule 10, paragraph 8(17). The functions of the National Assembly were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002(**1**); ac

(ch) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod er pan roddwyd iddo ganiatâd i ddod i mewn ac i aros;

ystyr "Rheoliadau 1998" ("*the 1998 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrwyr) 1998(**2**);

ystyr "Rheoliadau 1999" ("*the 1999 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrwyr) 1999(**3**);

ystyr "Rheoliadau 2000" ("*the 2000 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrwyr) 2000(**4**);

ystyr "Rheoliadau 2001" ("*the 2001 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrwyr) 2001(**5**);

ystyr "Rheoliadau 2002" ("*the 2002 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrwyr) 2002(**6**);

ystyr "Rheoliadau 2003" ("*the 2003 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Rhif 2) 2002(**7**) fel y'u diwygiwyd dim ond gan Reoliadau Addysg (Cymorth i Fyfyrwyr) (Rhif 2) 2002 (Diwygio) 2003(**8**) a Rheoliadau Addysg (Ffioedd a Chymorth i Fyfyrwyr) (Y Swistir) 2003(**9**);

same date as the eligible student in question;

(b) not to be excused any part of the course;

(c) not to repeat any part of the course; and

(d) not to be absent from the course other than during vacations;

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

"student loans legislation" ("*ddeddfwriaeth ar fenthyciadau i fyfyrwyr*") means the Education (Student Loans) Act 1990(**1**), the Education (Student Loans) (Northern Ireland) Order 1990(**2**), the Education (Scotland) Act 1980 and regulations made under those Acts or that Order, the Education (Student Support) (Northern Ireland) Order 1998(**3**) and regulations made under that Order or the Act and regulations made under that Act;

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

"transitional award" ("*dyfarniad trosiannol*") means an award made under the Education (Mandatory Awards) Regulations 1998(**4**) other than an old award;

"Turkish worker" ("*gweithiwr Twrcaidd*") means a Turkish national who—

(a) is ordinarily resident in the United Kingdom and Islands; and

(b) is, or has been, lawfully employed in the United Kingdom;

(**1**) 2002 p.41. Diwygiwyd adran 104 gan Ddeddf Lloches a Mewnfudo (Trin Ceiswyr, etc) 2004 (p.19), Atodlenni 2 a 4 a Deddf Mewnfudo, Lloches a Chendligrwydd 2006 (p.13), adran 9.

(**2**) O.S. 1998/2003.

(**3**) O.S. 1999/496, a ddiwygiwyd gan O.S. 1999/2266 ac O.S. 2000/1120.

(**4**) O.S. 2000/1121, a ddiwygiwyd gan O.S. 2000/1490, O.S. 2000/2142 ac O.S. 2000/2912.

(**5**) O.S. 2001/951, a ddiwygiwyd gan O.S. 2001/1730, O.S. 2001/2355 ac O.S. 2002/174.

(**6**) O.S. 2002/195, a ddiwygiwyd gan O.S. 2002/1318, O.S. 2002/2088 ac O.S. 2002/3059.

(**7**) O.S. 2002/3200.

(**8**) O.S. 2003/1065.

(**9**) O.S. 2003/3280.

(**1**) 1990 c. 6; repealed by the Teaching and Higher Education Act 1998 (c. 30), Schedule 4.

(**2**) S.I. 1990/1506 (N.I. 11), amended by S.I. 1996/1274 (N.I. 1), Article 43 and Schedule 5 Part II, S.I. 1996/1918 (N.I. 15), Article 3 and the Schedule and S.I. 1998/258 (N.I. 1), Articles 3 to 6 and revoked, with savings, by SR (NI) 1998 No 306.

(**3**) S.I. 1998/1760 (N.I. 14) to which there have been amendments not relevant to these Regulations.

(**4**) S.I 1998/1166, amended by S.I. 1998/1972 and revoked with savings by S.I. 1999/1494.

ystyr "Rheoliadau 2004" ("*the 2004 Regulations*") yw Rheoliadau 2003 fel y'u diwygiwyd gan Reoliadau Addysg (Cymorth i Fyfyrwyr) (Rhif 2) 2002 (Diwygio) 2004(**1**), Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Rhif 2) 2002 (Diwygio) (Rhif 2) 2004(**2**), Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Rhif 2) 2002 (Diwygio) (Rhif 3) 2004(**3**), Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Rhif 2) 2002 (Diwygio) (Rhif 4) 2004(**4**), Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Rhif 2) 2002 (Diwygio) 2005(**5**), Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Diwygio) 2005(**6**) a Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Diwygio) (Rhif 2) 2005(**7**);

ystyr "Rheoliadau 2005" ("*the 2005 Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrwyr) 2005(**8**);

ystyr "Rheoliadau 2006" ("*the 2006 Regulations*") yw Rheoliadau Grantiau a Benthyciadau y Cynulliad (Addysg Uwch) (Cymru) 2006(**9**) fel y'u diwygiwyd gan Reoliadau Grantiau a Benthyciadau y Cynulliad (Addysg Uwch) (Cymru) (Diwygio) 2006(**10**);

ystyr "Rheoliadau 2007" ("*the 2007 Regulations*") yw Rheoliadau Grantiau a Benthyciadau y Cynulliad (Addysg Uwch) (Cymru) 2007(**11**) fel y'u diwygiwyd gan Reoliadau Grantiau a Benthyciadau y Cynulliad (Addysg Uwch) (Cymru) (Diwygio) 2007(**12**), Rheoliadau Grantiau a Benthyciadau y Cynulliad (Addysg Uwch) (Cymru) (Diwygio) (Rhif 2) 2007(**13**) a Rheoliadau Grantiau a Benthyciadau y Cynulliad (Addysg Uwch) (Cymru) (Diwygio) (Rhif 3) 2007(**14**);

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

ystyr "gwladolyn y GE" ("*EC national*") yw un o wladolion un o Aelod-wladwriaethau'r Gymuned Ewropeaidd;

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

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

(**1**) O.S. 2004/161.

(**2**) O.S. 2004/1602.

(**3**) O.S. 2004/2041.

(**4**) O.S. 2004/2598.

(**5**) O.S. 2005/5.

(**6**) O.S. 2005/1341.

(**7**) O.S. 2005/2084.

(**8**) O.S. 2005/52 fel y'i diwygiwyd gan O.S. 2005/1341, O.S. 2005/2084 ac O.S. 2006/955.

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

(**10**) O.S. 2006/1863 (Cy.196).

(**11**) O.S. 2007/1045 (Cy. 104).

(**12**) O.S. 2007/2312 (Cy. 183).

(**13**) O.S. 2007/2851 (Cy. 248).

(**14**) O.S. 2007/3230 (Cy. 282).

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

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

(2) Caiff yr Ysgrifennydd Gwladol ddyfarnu bod cwrs yn gwrs gradd cywasgedig os yw'r cwrs hwnnw, yn ei farn—

(a) yn gwrs ar gyfer gradd gyntaf (heblaw gradd sylfaen);

(b) yn gwrs amser-llawn a ddynodir o dan reoliad 5(1); ac

(c) yn para am ddwy flynedd academaidd.

(3) Yn y Rheoliadau hyn mae person yn "fyfyriwr sy'n cymryd blwyddyn i ffwrdd" ("*gap-year student*") mewn perthynas â chwrs a ddarparwyd gan neu ar ran sefydliad a oedd yn cael ei gyllido'n gyhoeddus ar 1 Awst 2005 os yw'n bodloni'r amodau ym mharagraffau (4) neu (6).

(4) Dyma'r amodau—

(a) bod y person, ar neu cyn 1 Awst 2005 wedi derbyn cynnig o le, p'un ai yn amodol ar ennill cymwysterau penodedig ai peidio, ar y cwrs presennol neu gwrs tebyg, a

(b) bod blwyddyn academaidd gyntaf y cwrs presennol wedi dechrau ar neu ar ôl 1 Medi 2006 ond cyn 1 Medi 2007.

(5) Ym mharagraff (4) mae cwrs ("y cwrs gwreiddiol") yn debyg i'r cwrs presennol —

(a) os yw'n ymddangos i gorff llywodraethu'r sefydliad sy'n darparu'r cwrs presennol fod cynnwys y cwrs, yn gyfan gwbl neu'n rhannol, yr un fath â chynnwys y cwrs gwreiddiol, a

(b) ac eithrio pan nad yw'r cwrs gwreiddiol yn cael ei ddarparu mwyach, os yw'r cwrs presennol yn cael ei ddarparu gan y sefydliad a fyddai wedi darparu'r cwrs gwreiddiol.

(6) Dyma'r amodau—

(a) bod y person wedi cael cynnig lle ar gwrs dynodedig (p'un ai yn yr un sefydliad â'r cwrs presennol ai peidio) y mae blwyddyn academaidd gyntaf y cwrs hwnnw wedi dechrau cyn 1 Medi 2006;

(b) na allai dderbyn y cynnig oherwydd na ddyfarnwyd iddo gymhwyster penodedig neu safon benodedig;

(c) ei fod wedi apelio yn erbyn y penderfyniad i beidio dyfarnu'r cymhwyster neu'r safon iddo;

(ch) bod yr apêl wedi'i chaniatáu ar ôl y dyddiad diwethaf y gallai'r myfyriwr fod wedi derbyn y cynnig,

(2) The Secretary of State may determine that a course is a compressed degree course if, in his or her opinion, that course is—

(a) a course for a first degree (other than a foundation degree);

(b) a full-time course designated under regulation 5(1); and

(c) of two academic years' duration.

(3) In these Regulations a person is a "gap-year student" ("myfyriwr sy'n cymryd blwyddyn i ffwrdd") in relation to a course provided by or on behalf of an institution that was publicly funded as at 1 August 2005 if he or she meets the conditions in paragraphs (4) or (6).

(4) The conditions are —

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

(b) the first academic year of the present course started on or after 1 September 2006 but before 1 September 2007.

(5) In paragraph (4), a course ("the original course") is similar to the present course if —

(a) it appears to the governing body of the institution providing the present course that the subject-matter of the course is in whole or in part the same as the subject-matter of the original course; and

(b) except where the original course is no longer being provided, the present course is provided by the institution which was to have provided the original course.

(6) The conditions are—

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

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

(c) he or she appealed against the decision not to award him or her the qualification or grade;

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

(d) o ganlyniad, ei fod wedi cael cynnig lle ar y cwrs presennol, ac

(dd) bod blwyddyn academaidd gyntaf y cwrs presennol wedi dechrau ar neu ar ôl 1 Medi 2006 ond cyn 1 Medi 2007.

(7) Yn y Rheoliadau hyn —

(a) mae cwrs yn "gwrs rhyngosod"("*sandwich course*") —

(i) os nad yw'n gwrs ar gyfer hyfforddiant cychwynnol athrawon;

(ii) os yw'n cynnwys cyfnodau o astudio amser-llawn mewn sefydliad am yn ail â chyfnodau o brofiad gwaith; a

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

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

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

(8) Yn y Rheoliadau hyn ystyr "y cwrs dynodedig a bennir" ("*specified designated course*") yw'r cwrs presennol yn ddarostyngedig i baragraffau (9) a (10).

(9) Os yw statws y myfyriwr fel myfyriwr cymwys wedi'i drosglwyddo i'r cwrs presennol o ganlyniad i un neu fwy nag un trosglwyddiad o'r statws hwnnw gan Weinidogion Cymru oddi ar gwrs (y "cwrs cychwynnol") y penderfynodd Gweinidogion Cymru mewn cysylltiad ag ef fod y myfyriwr yn fyfyriwr cymwys yn unol â rheoliadau a wnaed ganddynt o dan adran 22 o'r Ddeddf, y cwrs cychwynnol yw'r cwrs dynodedig a bennir.

(10) Os yw'r cwrs presennol yn gwrs penben, y cwrs dynodedig a bennir yw'r cwrs y mae'r cwrs presennol yn gwrs penben mewn perthynas ag ef ("y cwrs blaenorol"). Os yw'r cwrs blaenorol ei hun yn gwrs penben, y cwrs dynodedig a bennir yw'r cwrs y mae'r cwrs blaenorol ei hun yn gwrs penben mewn perthynas ag ef.

(11) Yn y Rheoliadau hyn, mae'r ymadrodd "myfyriwr sydd â hawl i gael grant newydd at ffioedd" ("*student who qualifies for a new fee grant*") mewn perthynas â chwrs dynodedig ac unrhyw gyfeiriad at fyfyriwr nad oes ganddo hawl i gael grant newydd at

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

(f) the first academic year of the present course began on or after 1 September 2006 but before 1 September 2007.

(7) In these Regulations —

(a) a course is a "sandwich course" ("*cwrs rhyngosod*") if —

(i) it is not a course for the initial training of teachers;

(ii) it consists of alternate periods of full-time study in an institution and periods of work experience; and

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

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

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

(8) In these Regulations, the "specified designated course" ("*y cwrs dynodedig a bennir*") means the present course subject to paragraphs (9) and (10).

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

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

(11) In these Regulations, the expression "student who qualifies for a new fee grant" (*myfyriwr sydd â hawl i gael grant newydd at ffioedd*"), in relation to a qualifying designated course, and any reference to a student who does not qualify for a new fee grant are to

ffioedd, i'w dehongli yn unol â rheoliad 18.

(12) Yn y Rheoliadau hyn, mae i'r ymadrodd "cwrs dynodedig cymhwysol" ("*qualifying designated course*"), mewn perthynas â myfyriwr sydd â hawl i gael grant newydd at ffioedd, yr ystyr a roddir iddo gan reoliad 18.

Dirymu, arbedion a darpariaethau trosiannol

3.—(1) Yn ddarostyngedig i baragraffau (6) a (7), dirymir Rheoliadau 2007 ar 1 Medi 2008.

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

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

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

(5) Mae Rheoliadau 2006 yn parhau'n gymwys i ddarparu cymorth i fyfyrwyr mewn perthynas â blwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Medi 2006 ond cyn 1 Medi 2007.

(6) Mae paragraff (5) o reoliad 3 o Reoliadau 2007 yn parhau i fod yn gymwys.

(7) Mae Rheoliadau 2007 yn parhau i fod yn gymwys yn y ddarpariaeth o gymorth i fyfyrwyr o ran blwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Medi 2007 ond cyn 1 Medi 2008.

(8) At ddibenion paragraffau (2) i (4), mae unrhyw gyfeiriad at yr Ysgrifennydd Gwladol o ran unrhyw swyddogaeth a roddwyd i'r Ysgrifennydd Gwladol gan y Rheoliadau y cyfeirir atynt yn y paragraffau hynny, i'w ddarllen o ran Cymru fel cyfeiriad at —

(a) Gweinidogion Cymru, yn achos swyddogaeth y cyfeirir ati yn adran 44(1) o'r Ddeddf; neu

(b) Gweinidogion Cymru neu'r Ysgrifennydd Gwladol, yn achos swyddogaeth y cyfeirir ati yn adran 44(2) o'r Ddeddf.

(9) Mae'r Rheoliadau hyn yn gymwys mewn perthynas â darparu cymorth i fyfyrwyr mewn perthynas â blwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Medi 2008 p'un a gaiff unrhyw beth a wneir o dan y Rheoliadau hyn ei wneud cyn, ar neu ar ôl 1 Medi 2008.

(10) Er gwaethaf unrhyw ddarpariaeth arall yn y Rheoliadau hyn —

(a) os yw person yn bresennol ar gwrs y rhoddwyd dyfarniad trosiannol iddo mewn perthynas ag ef; neu

be construed in accordance with regulation 18.

(12) In these Regulations, the expression "qualifying designated course" ("*cwrs dynodedig cymhwysol*"), in relation to a student who qualifies for a new fee grant, has the meaning given to it by regulation 18.

Revocation, savings and transitional provisions

3.—(1) Subject to paragraphs (6) and (7), the 2007 Regulations are revoked on 1 September 2008.

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

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

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

(5) The 2006 Regulations continue to apply to the provision of support to students in relation to an academic year which begins on or after 1 September 2006 but before 1 September 2007.

(6) Paragraph (5) of regulation 3 of the 2007 Regulations continues to apply.

(7) The 2007 Regulations continue to apply to the provision of support to students in relation to an academic year which begins on or after 1 September 2007 but before 1 September 2008.

(8) For the purposes of paragraphs (2) to (4), any reference to the Secretary of State in relation to any function conferred on the Secretary of State by the Regulations referred to in those paragraphs, is to be read in relation to Wales as a reference to —

(a) the Welsh Ministers, in the case of a function referred to in section 44(1) of the Act; or

(b) the Welsh Ministers or the Secretary of State, in the case of a function referred to in section 44(2) of the Act.

(9) These Regulations apply in relation to the provision of support to students in respect of an academic year which begins on or after 1 September 2008 whether anything done under these Regulations is done before, on or after 1 September 2008.

(10) Despite any other provision in these Regulations where a person—

(a) attends a course in respect of which a transitional award was bestowed on him or her; or

(b) os na roddwyd dyfarniad o dan Ddeddf 1962 mewn perthynas â'r cwrs ond y byddai dyfarniad trosiannol wedi'i roi i'r person pe bai wedi gwneud cais am ddyfarniad o dan Ddeddf 1962 a phe na bai ei adnoddau wedi bod yn fwy na'i anghenion,

mae'r person yn fyfyriwr cymwys o dan yr hen drefn at ddibenion Rhannau 4 a 5 mewn cysylltiad â'r cwrs, neu mewn cysylltiad ag unrhyw gwrs dilynol y byddai'r dyfarniad (a roddwyd neu a fyddai wedi'i roi o dan Ddeddf 1962) wedi'i drosglwyddo iddo pe bai dyfarniadau trosiannol yn darparu ar gyfer taliadau ar ôl blwyddyn gyntaf cwrs, ond oni bai bod paragraff (11) yn gymwys mae gan y person hawl i gael cymorth ar ffurf benthyciad o dan Ran 6 dim ond os yw'n fyfyriwr cymwys o dan y Rheoliadau hyn ac os yw'n bodloni amodau'r hawl i gael cymorth o dan y Rhan honno.

(11) Er gwaethaf unrhyw ddarpariaeth arall yn y Rheoliadau hyn, os cafodd unrhyw berson neu os oedd unrhyw berson yn gymwys i gael benthyciad o ran blwyddyn academaidd cwrs o dan Reoliadau 1998 mae'n fyfyriwr cymwys o dan yr hen drefn at ddibenion Rhan 6 mewn cysylltiad â'r cwrs, neu unrhyw gwrs dynodedig dilynol y mae'n ei ddechrau (gan ddiystyru unrhyw wyliau yn y cyfamser) yn union ar ôl gorffen y cwrs hwnnw, ond onid yw paragraff (10) yn gymwys bydd yn cymhwyso ar gyfer cymorth at ffioedd o dan Rhan 4 a cymorth drwy grantiau at gostau byw o dan Rhan 5 os yw'n fyfyriwr cymwys o dan y Rheoliadau hyn ac os yw'n bodloni'r amodau cymhwysol i gael cymorth o dan Rannau 4 a 5.

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

he or she is an old system eligible student for the purposes of Parts 4 and 5 in connection with the course, or in connection with any subsequent course to which the award (either bestowed or which would have been bestowed under the 1962 Act) would have been transferred if transitional awards provided for payments after the first year of a course, but unless paragraph (11) applies he or she qualifies for support by way of loan for living costs under Part 6 only if he or she is an eligible student under these Regulations and if he or she satisfies the qualifying conditions for support under that Part .

(11) Despite any other provision in these Regulations, where any person received or was eligible to receive a loan in relation to an academic year of a course under the 1998 Regulations he or she is an old system eligible student for the purposes of Part 6 in connection with the course, or any subsequent designated course which (disregarding any intervening vacation) he or she starts immediately after ceasing that course, but unless paragraph (10) applies he or she qualifies for fee support under Part 4 and support by way of grant for living costs under Part 5 if he or she is an eligible student under these Regulations and if he or she satisfies the relevant qualifying conditions for support under Parts 4 and 5.

RHAN 2

CYMHWYSTRA

Myfyrwyr cymwys

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

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

(a) os yw Gweinidogion Cymru, wrth asesu cais y person am gymorth, yn penderfynu ei fod yn dod o fewn un o'r categorïau a nodir yn Rhan 2 o Atodlen 1; a

(b) os nad yw'r person wedi'i hepgor gan baragraff (3).

(3) Ni fydd person yn fyfyriwr cymwys —

(a) os oes hen ddyfarniad wedi'i roi i'r person hwnnw mewn perthynas â phresenoldeb y person ar y cwrs;

PART 2

ELIGIBILITY

Eligible students

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

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

(a) 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; and

(b) the person is not excluded by paragraph (3).

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

(a) an old award has been bestowed on that person in respect of the person's attendance on the course;

(b) os yw'r person yn gymwys i gael benthyciad mewn perthynas â blwyddyn academaidd ar y cwrs o dan Ddeddf Addysg (Benthyciadau i Fyfyrwyr) 1990 neu Orchymyn Addysg (Benthyciadau i Fyfyrwyr) (Gogledd Iwerddon) 1990;

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

(i) bwrsari gofal iechyd nad yw ei swm yn cael ei gyfrifo drwy gyfeirio at incwm y person; neu

(ii) unrhyw lwfans o dan Reoliadau Lwfansau Myfyrwyr Nyrsio a Bydwreigiaeth (Yr Alban) 2007(**1**);

(ch) os yw'r person wedi torri unrhyw rwymedigaeth i ad-dalu unrhyw fenthyciad;

(d) os yw'r person wedi cyrraedd ei 18 oed ac nad yw wedi dilysu unrhyw gytundeb ynglŷn â benthyciad a wnaed gydag ef pan oedd o dan 18 oed; neu

(dd) os yw'r person, ym marn Gweinidogion Cymru, wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth.

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

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

(a) cyn 25 Medi 1991, a

(b) gyda chydsyniad curadur y benthyciwr neu ar adeg pan nad oedd ganddo guradur y mae paragraff 3(d) yn gymwys.

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

(a) at fwy nag un cwrs dynodedig;

(b) at gwrs dynodedig a chwrs rhan-amser dynodedig;

(c) at gwrs dynodedig a chwrs ôl-radd dynodedig.

(7) Yn ddarostyngedig i baragraffau (11) i (13) mae person yn bodloni'r amodau ym mharagraff (8), (9) neu (10)—

(a) os nad yw paragraffau (2) a (3) yn gymwys iddo; a

(b) os yw'n fyfyriwr cymwys at ddibenion y Rheoliadau hyn.

(8) Dyma'r amodau—

(a) bod y person wedi ymgymhwyso fel myfyriwr cymwys mewn cysylltiad â blwyddyn

(**1**) O.S.A. 2007/151 a ddiwygiwyd gan O.S.A. 2007/503.

(b) the person is eligible for a loan in relation to an academic year of the course under the Education (Student Loans) Act 1990 or the Education (Student Loans) (Northern Ireland) Order 1990;

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

(i) a healthcare bursary the amount of which is not calculated by reference to the person's income; or

(ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007(**1**);

(d) the person is in breach of any obligation to repay any loan;

(e) the person has reached the age of 18 and has not ratified any agreement for a loan made with him or her when he or she was under the age of 18; or

(f) the person has, in the opinion of the Welsh Ministers, shown himself or herself by his or her conduct to be unfitted to receive support.

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

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

(a) before 25 September 1991, and

(b) with the concurrence of the borrower's curator or at a time when he or she had no curator.

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

(a) more than one designated course;

(b) a designated course and a designated part-time course;

(c) a designated course and a designated postgraduate course.

(7) Subject to paragraphs (11) to (13), if a person satisfies the conditions in paragraph (8), (9) or (10) —

(a) paragraphs (2) and (3) do not apply to him or her; and

(b) he or she is an eligible student for the purposes of these Regulations.

(8) The conditions are —

(a) the person qualified as an eligible student in connection with an earlier academic year of the

(**1**) S.S.I. 2007/151, as amended by S.S.I. 2007/503.

academaidd gynharach ar y cwrs presennol yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o'r Ddeddf ;

(b) bod y person yn preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs presennol; ac

(c) nad yw statws y person wedi'i derfynu.

(9) Dyma'r amodau—

(a) bod y cwrs presennol yn gwrs penben (ac eithrio un o'r math y cyfeirir ato ym mharagraff (c) o'r diffiniad o "cwrs penben" yn rheoliad 2) y mae'r person yn ei ddechrau ar neu ar ôl 1 Medi 2006;

(b) bod y person wedi ymgymhwyso fel myfyriwr cymwys mewn cysylltiad â'r cwrs y mae'r cwrs presennol yn gwrs penben mewn perthynas ag ef;

(c) mai dim ond ar y sail bod y myfyriwr wedi cwblhau'r cwrs y daeth y cyfnod cymhwystra mewn perthynas â'r cwrs yn is-baragraff (b) i ben; ac

(ch) bod y person yn preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs yn is-baragraff (b).

(10) Dyma'r amodau—

(a) bod Gweinidogion Cymru wedi penderfynu o'r blaen fod y person —

(i) yn fyfyriwr rhan-amser cymwys mewn cysylltiad â chwrs rhan-amser dynodedig; neu

(ii) yn fyfyriwr cymwys mewn cysylltiad â chwrs dynodedig heblaw'r cwrs presennol;

(b) bod statws y person fel myfyriwr rhan-amser cymwys neu fel myfyriwr cymwys mewn cysylltiad â'r cwrs yn is-baragraff (a) wedi'i drosi neu wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs presennol o ganlyniad i drosi neu drosglwyddo unwaith neu fwy yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o'r Ddeddf;

(c) bod y person yn preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs y cyfeirir ato yn is-baragraff (a); ac

(ch) nad yw statws y person fel myfyriwr cymwys wedi'i derfynu.

(11) Os bydd—

(a) Gweinidogion Cymru wedi penderfynu bod person ("A"), yn rhinwedd bod yn ffoadur neu fod yn briod, yn bartner sifil, yn blentyn neu'n llysblentyn i ffoadur—

(i) yn fyfyriwr cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o'r cwrs presennol, mewn

present course pursuant to regulations made by the Welsh Ministers under section 22 of the Act;

(b) the person was ordinarily resident in Wales on the first day of the first academic year of the present course; and

(c) the person's status has not terminated.

(9) The conditions are —

(a) the present course is an end-on course (other than one of the kind referred to in paragraph (c) of the definition of "end-on course" in regulation 2) which the person is starting on or after 1 September 2006;

(b) the person qualified as an eligible student in connection with the course in relation to which the present course is an end-on course;

(c) the period of eligibility in respect of the course in sub-paragraph (b) only ceased on the grounds that the student had completed the course; and

(d) the person was ordinarily resident in Wales on the first day of the first academic year of the course in sub-paragraph (b).

(10) The conditions are —

(a) the Welsh Ministers have previously determined that the person is —

(i) an eligible part-time student in connection with a designated part-time course; or

(ii) an eligible student in connection with a designated course other than the present course;

(b) the person's status as an eligible part-time student or as an eligible student in connection with the course in sub-paragraph (a) has been converted or transferred from that course to the present course as a result of one or more conversions or transfers in accordance with regulations made by the Welsh Ministers under section 22 of the Act;

(c) the person was ordinarily resident in Wales on the first day of the first academic year of the course referred to in sub-paragraph (a); and

(d) the person's status as an eligible student has not terminated.

(11) Where—

(a) the Welsh Ministers have determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person ("A") was—

(i) an eligible student in connection with an application for support for an earlier year of the present course, an application for

cysylltiad â chais am gymorth ar gyfer cwrs y mae'r cwrs presennol yn gwrs penben mewn perthynas ag ef neu'n gais am gymorth mewn cysylltiad â chwrs rhan-amser dynodedig, cwrs dysgu o bell dynodedig neu gwrs dynodedig arall y mae ei statws fel myfyriwr rhan-amser cymwys, myfyriwr dysgu o bell cymwys neu fyfyriwr cymwys wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs presennol;

(ii) yn fyfyriwr cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o'r cwrs cymhwysol neu o gwrs cymhwysol arall y mae ei statws fel myfyriwr cymwys wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs cymhwysol y mae'r myfyriwr yn gwneud cais am gymorth mewn perthynas ag ef; a

(b) ar y diwrnod cyn diwrnod dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, os bydd statws ffoadur A neu ei briod, ei bartner sifil, ei riant neu ei lys-riant, yn ôl y digwydd, wedi dod i ben ac nad oes hawl bellach i aros wedi'i rhoi ac nad oes apêl yn yr arfaeth (o fewn yr ystyr yn adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002),(**1**)

bydd statws A fel myfyriwr cymwys neu fyfyriwr cymhwysol yn terfynu yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae'r myfyriwr yn gwneud cais am gymorth mewn perthynas â hi.

(12) Os bydd—

(a) Gweinidogion Cymru wedi penderfynu bod person ("A"), yn rhinwedd bod yn berson â hawl i ddod i mewn neu i aros neu yn rhinwedd bod yn briod, yn bartner sifil, yn blentyn neu'n llysblentyn i'r cyfryw berson—

(i) yn fyfyriwr cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o'r cwrs presennol, mewn cysylltiad â chais am gymorth ar gyfer cwrs y mae'r cwrs presennol yn gwrs penben mewn perthynas ag ef neu'n gais am gymorth mewn cysylltiad â chwrs rhan-amser dynodedig, cwrs dysgu o bell dynodedig neu gwrs dynodedig arall y mae ei statws fel myfyriwr rhan-amser cymwys, myfyriwr dysgu o bell cymwys neu fyfyriwr cymwys wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs presennol; neu

(ii) yn fyfyriwr cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o'r cwrs cymhwysol neu o gwrs cymhwysol arall y mae ei statws fel myfyriwr cymwys wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs cymhwysol y mae'r myfyriwr yn gwneud cais am gymorth mewn perthynas ag ef; a

support for a course in relation to which the present course is an end-on course or an application for support in connection with a designated part-time course, a designated distance learning course or other designated course from which his or her status as an eligible part-time student, an eligible distance learning student or an eligible student has been transferred to the present course;

(ii) a qualifying student in connection with an application for support for an earlier year of the qualifying course or other qualifying course from which his or her status as a qualifying student has been transferred to the qualifying course in respect of which the student is applying for support; and

(b) as at the day before the academic year in respect of which A is applying for support starts, the refugee status of A or of his or her spouse, civil partner, parent or step-parent, as the case may be, 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**)

A's status as an eligible or qualifying student terminates immediately before the first day of the academic year in respect of which he or she is applying for support.

(12) Where—

(a) the Welsh Ministers have determined that, by virtue of being a person with leave to enter or remain or the spouse, civil partner, child or step-child of such a person, a person ("A") was—

(i) an eligible student in connection with an application for support for an earlier year of the present course, an application for support for a course in relation to which the present course is an end-on course or an application for support in connection with a designated part-time course, designated distance learning course or other designated course from which his or her status as an eligible part-time student, eligible distance learning student or eligible student has been transferred to the present course; or

(ii) a qualifying student in connection with an application for support for an earlier year of the qualifying course or other qualifying course from which his or her status as a qualifying student has been transferred to the qualifying course in respect of which the student is applying for support; and

(**1**) 2002 p.41.

(**1**) 2002 c.41.

(b) ar y diwrnod cyn diwrnod dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, os bydd y cyfnod a ganiateir i'r person sydd â hawl i ddod i mewn neu i aros yn y Deyrnas Unedig wedi terfynu ac nad oes hawl bellach i aros wedi'i rhoi ac nad oes apêl yn yr arfaeth (o fewn yr ystyr yn adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002),

bydd statws A fel myfyriwr cymwys neu fyfyriwr cymhwysol yn terfynu yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae'r myfyriwr yn gwneud cais am gymorth mewn perthynas â hi.

(13) Nid yw paragraffau (11) a (12) yn gymwys pan fydd y myfyriwr wedi cychwyn ar y cwrs y penderfynodd Gweinidogion Cymru mewn cysylltiad ag ef ei fod yn fyfyriwr rhan-amser cymwys, yn fyfyriwr cymwys neu'n fyfyriwr cymhwysol, yn ôl y digwydd, cyn 1 Medi 2007.

Cyrsiau dynodedig

5.—(1) Yn ddarostyngedig i baragraffau (2), (3) a (4) mae cwrs yn gwrs dynodedig at ddibenion adran 22(1) o'r Ddeddf a rheoliad 4—

(a) os yw wedi'i grybwyll yn Atodlen 2;

(b) os yw'n un o'r canlynol —

(i) cwrs amser-llawn;

(ii) cwrs rhyngosod; neu

(iii) cwrs rhan-amser ar gyfer hyfforddiant cychwynnol athrawon;

(c) os nad yw'n gwrs dysgu o bell dynodedig;

(ch) os yw o leiaf—

(i) yn para am un flwyddyn academaidd; neu

(ii) yn para am chwe wythnos yn achos cwrs ôl-radd hyblyg ar gyfer hyfforddiant cychwynnol athrawon; a

(d) os yw'n cael ei ddarparu'n gyfan gwbl gan sefydliad neu sefydliadau addysgol yn y Deyrnas Unedig a ariennir yn gyhoeddus neu'n cael ei ddarparu gan sefydliad neu sefydliadau o'r fath ar y cyd â sefydliad neu sefydliadau y tu allan i'r Deyrnas Unedig.

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

(3) Nid yw cwrs a gymerir fel rhan o gynllun hyfforddi athrawon wedi'i seilio ar gyflogaeth yn gwrs dynodedig.

(4) Nid yw paragraff 1(c) yn gymwys os bydd y person sy'n gwneud cais am gymorth mewn cysylltiad â'r cwrs—

(b) as at the day before the academic year in respect of which A is applying for support starts, the period for which the person with leave to enter or remain 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),

A's status as an eligible or qualifying student terminates immediately before the first day of the academic year in respect of which he or she is applying for support.

(13) Paragraphs (11) and (12) do not apply where the student began the course in connection with which the Welsh Ministers determined that he or she was an eligible part-time student, an eligible student or a qualifying student, as the case may be, before 1 September 2007.

Designated courses

5.—(1) Subject to paragraphs (2), (3) and (4), a course is a designated course for the purposes of section 22(1) of the Act and regulation 4 if it is —

(a) mentioned in Schedule 2;

(b) one of the following —

(i) a full-time course;

(ii) a sandwich course; or

(iii) a part-time course for the initial training of teachers;

(c) not a designated distance learning course;

(d) of at least—

(i) one academic year's duration; or

(ii) six weeks' duration in the case of a flexible postgraduate course for the initial training of teachers; and

(e) wholly provided by a publicly-funded educational institution or institutions in the United Kingdom or provided by such an institution or institutions in conjunction with an institution or institutions outside the United Kingdom.

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

(3) A course that is taken as part of an employment-based teacher training scheme is not a designated course.

(4) Paragraph 1(c) does not apply where the person applying for support in connection with the course is—

(a) yn fyfyriwr anabl; a

(b) yn ymgymryd â'r cwrs hwnnw yn y Deyrnas Unedig ond heb fod yn bresennol arno oherwydd nad yw'n gallu bod yn bresennol am reswm sy'n ymwneud â'i anabledd.

(5) At ddibenion paragraff (1) —

(a) mae cwrs yn cael ei ddarparu gan sefydliad os yw'r sefydliad yn darparu'r addysgu a'r goruchwylio sy'n ffurfio'r cwrs, p'un a yw'r sefydliad wedi gwneud cytundeb gyda'r myfyriwr i ddarparu'r cwrs neu beidio;

(b) bernir bod prifysgol ac unrhyw goleg cyfansoddol neu sefydliad sydd o natur coleg prifysgol yn cael eu hariannu'n gyhoeddus os yw naill ai'r brifysgol neu'r coleg cyfansoddol neu sefydliad yn cael eu hariannu'n gyhoeddus; ac

(c) ni fernir bod sefydliad yn cael ei ariannu'n gyhoeddus dim ond am ei fod yn cael arian cyhoeddus oddi wrth gorff llywodraethu sefydliad addysg uwch yn unol ag adran 65(3A) o Ddeddf Addysg Bellach ac Uwch 1992(**1**).

(6) Bernir bod cwrs y mae'r paragraff hwn yn gymwys iddo yn gwrs sengl ar gyfer gradd gyntaf neu ar gyfer cymhwyster cyfatebol hyd yn oed —

(a) os yw'r cwrs yn arwain at ddyfarnu gradd neu gymhwyster arall cyn y radd neu'r cymhwyster cyfatebol; a

(b) os yw rhan o'r cwrs yn ddewisol.

(7) Mae paragraff (6) yn gymwys i gwrs nad yw ei safon yn uwch na gradd gyntaf ac sy'n arwain at gymhwyster fel meddyg, deintydd, milfeddyg, pensaer, pensaer tirluniau, dylunydd tirluniau, rheolwr tirluniau, cynllunydd tref neu gynllunydd gwlad a thref.

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

Cyfnod cymhwystra

6.—(1) Mae myfyriwr cymwys yn cadw ei statws fel myfyriwr cymwys mewn cysylltiad â chwrs dynodedig hyd oni fydd y statws yn dod i ben yn unol â'r rheoliad hwn neu reoliad 4.

(2) "Cyfnod cymhwystra" ("*period of eligibilty*") yw'r cyfnod y mae myfyriwr cymwys yn cadw'r statws ynddo.

(3) Yn ddarostyngedig i'r paragraffau canlynol a rheoliad 4, mae'r "cyfnod cymhwystra" yn dod i ben ar ddiwedd y flwyddyn academaidd y bydd y myfyriwr yn cwblhau'r cwrs dynodedig ynddi.

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

(a) a disabled student; and

(b) undertaking that course in the United Kingdom but not in attendance because he or she is unable to attend for a reason which relates to his or her disability.

(5) For the purposes of paragraph (1) —

(a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not the institution has entered into an agreement with the student to provide the course;

(b) a university and any constituent college or institution in the nature of a college of a university is regarded as publicly funded if either the university or the constituent college or institution is publicly funded; and

(c) an institution is not regarded as publicly funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992(**1**).

(6) A course to which this paragraph applies is considered to be a single course for a first degree or for an equivalent qualification even if —

(a) the course leads to another degree or qualification being conferred before the degree or equivalent qualification; and

(b) part of the course is optional.

(7) Paragraph (6) applies to a course the standard of which is not higher than a first degree which leads to a qualification as a medical doctor, dentist, veterinary surgeon, architect, landscape architect, landscape designer, landscape manager, town planner or town and country planner.

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

Period of eligibility

6.—(1) An eligible student retains his or her status as an eligible student in connection with a designated course until the status terminates in accordance with this regulation or regulation 4.

(2) The period for which an eligible student retains the status is the "period of eligibility" ("*cyfnod cymhwystra*").

(3) Subject to the following paragraphs and regulation 4, the "period of eligibility" terminates at the end of the academic year in which the student completes the designated course.

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

(4) Mae'r cyfnod cymhwystra yn terfynu pan fydd y myfyriwr cymwys —

(a) yn tynnu'n ôl o'i gwrs dynodedig o dan amgylchiadau lle nad yw Gweinidogion Cymru wedi trosglwyddo neu drosi neu lle na fyddant yn trosglwyddo neu drosi statws y myfyriwr fel myfyriwr cymwys o dan reoliad 74 neu reoliad 88; neu

(b) yn cefnu ar ei gwrs dynodedig neu'n cael ei ddiarddel oddi arno.

(5) Caiff Gweinidogion Cymru derfynu'r cyfnod cymhwystra os yw'r myfyriwr cymwys wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth.

(6) Os yw Gweinidogion Cymru wedi'u bodloni bod myfyriwr cymwys wedi methu â chydymffurfio ag unrhyw ofyniad i roi gwybodaeth o dan y Rheoliadau hyn neu ei fod wedi rhoi gwybodaeth sy'n anghywir o ran manylyn o bwys, caiff Gweinidogion Cymru gymryd unrhyw rai o'r camau canlynol y maent yn credu eu bod yn briodol o dan yr amgylchiadau —

(a) terfynu'r cyfnod cymhwystra;

(b) penderfynu nad oes gan y myfyriwr hawl mwyach i gael unrhyw gymorth penodol neu unrhyw swm penodol o gymorth; neu

(c) trin unrhyw gymorth a dalwyd i'r myfyriwr fel gordaliad y caniateir ei adennill o dan reoliadau 60, 78, 91, 100 a pharagraff 16 o Atodlen 4.

(7) Os bydd y cyfnod cymhwystra'n dod i ben cyn diwedd y flwyddyn academaidd y mae'r myfyriwr yn cwblhau'r cwrs dynodedig ynddi, caiff Gweinidogion Cymru, ar unrhyw adeg, adnewyddu'r cyfnod cymhwystra am unrhyw gyfnod y byddant yn penderfynu arno.

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

(9) Er gwaethaf paragraff (1) ac yn ddarostyngedig i baragraff (6), dim ond ar gyfer grantiau neu fenthyciadau at ffioedd a grantiau at gostau byw mewn perthynas â'r cwrs presennol am y nifer o flynyddoedd academaidd sy'n hafal i **(OD+R+1)-PC** y mae myfyriwr cymwys o dan y drefn newydd neu fyfyriwr sy'n cymryd blwyddyn i ffwrdd ac sydd wedi bod yn bresennol ar gwrs blaenorol yn gymwys, ac eithrio—

(a) nad oes unrhyw ddidyniad sy'n cyfateb i **PC** yn gymwys yn achos myfyriwr ar gwrs hyfforddi athrawon; a

(b) bod un flwyddyn ychwanegol yn cael ei hadio yn achos myfyriwr cymwys na chwblhaodd yn llwyddiannus y cwrs blaenorol diweddaraf

(4) The period of eligibility terminates when the eligible student—

(a) withdraws from his or her designated course in circumstances where the Welsh Ministers have not transferred or converted or will not transfer or convert his or her status as an eligible student under regulation 74 or regulation 88; or

(b) abandons or is expelled from his or her designated course.

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

(6) If the Welsh Ministers are satisfied that an eligible student has failed to comply with any requirement to provide information under these Regulations or has provided information which is inaccurate in a material particular, the Welsh Ministers may take such of the following actions as they consider appropriate in the circumstances—

(a) terminate the period of eligibility;

(b) determine that the student no longer qualifies for any particular support or particular amount of support;

(c) treat any support paid to the student as an overpayment which may be recovered under regulations 60,78,91,100 and paragraph 16 of Schedule 4.

(7) Where the period of eligibility terminates before the end of the academic year in which the student completes the designated course, the Welsh Ministers may, at any time, renew the period of eligibility for such period as they determine.

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

(9) Despite paragraph (1) and subject to paragraph (6), a new system eligible student or gap-year student who has attended a previous course is only eligible for grants or loans for fees and grants for living costs in respect of the present course for the number of academic years equal to **(OD+R+1)-PC**, except that—

(a) no deduction equivalent to **PC** applies in the case of a teacher training student; and

(b) one additional year is added in the case of an eligible student who did not complete successfully the latest previous course because

oherwydd rhesymau personol anorchfygol.

(10) Mae paragraff (6) yn gymwys —

(a) i fyfyriwr cymwys o dan y drefn newydd sydd ar gwrs penben o'r math a ddisgrifir ym mharagraff (a) neu (b) o'r diffiniad o "cwrs penben" yn rheoliad 2;

(b) i fyfyriwr cymwys o dan y drefn newydd —

(i) sydd wedi cwblhau cwrs amser-llawn a grybwyllir ym mharagraff 2 neu 3 o Atodlen 2;

(ii) sydd ar gwrs gradd gyntaf amser-llawn (heblaw gradd gyntaf ar gyfer hyfforddiant cychwynnol athrawon) na ddechreuodd arno yn union ar ôl y cwrs y cyfeirir ato ym mharagraff (i); a

(iii) nad yw wedi cymryd cwrs gradd gyntaf amser-llawn ar ôl y cwrs y cyfeirir ato ym mharagraff (i) a chyn y cwrs presennol;

(c) i fyfyriwr cymwys o dan y drefn newydd —

(i) sydd wedi cwblhau gradd sylfaenol amser-llawn;

(ii) sydd ar gwrs gradd anrhydedd amser-llawn na ddechreuodd arno yn union ar ôl y cwrs y cyfeirir ato ym mharagraff (i) a chyn y cwrs presennol; a

(iii) nad yw wedi cymryd cwrs gradd gyntaf amser-llawn ar ôl y cwrs y cyfeirir ato ym mharagraff (i) a chyn y cwrs presennol; ac

(ch) i fyfyriwr cymwys o dan yr hen drefn sy'n fyfyriwr ar gwrs penben o'r math a ddisgrifir ym mharagraffau (a) a (b) o'r diffiniad o "cwrs penben" yn rheoliad 2.

(11) Er gwaethaf paragraff (1), dim ond ar gyfer grantiau neu fenthyciadau at ffioedd neu grantiau at gostau byw mewn perthynas â'r cwrs presennol am y nifer o flynyddoedd academaidd sy'n hafal i **(D + X) - Pr C** y mae myfyriwr cymwys y mae'r paragraff hwn yn gymwys iddo yn gymwys.

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

(13) Er gwaethaf paragraff (1) ac yn ddarostyngedig i baragraff (9), dim ond ar gyfer grant neu fenthyciad at ffioedd neu grant at gostau byw mewn perthynas â'r cwrs presennol am y nifer o flynyddoedd academaidd sy'n hafal i **(A+R+1)-Y** y mae myfyriwr sy'n trosglwyddo yn gymwys.

(14) Dim ond ar gyfer grant neu fenthyciad at ffioedd neu grant at gostau byw mewn perthynas â'r cwrs pellach am y nifer o flynyddoedd sy'n hafal i **(A+R+1)-Y-Z** y mae myfyriwr sy'n trosglwyddo ac sy'n dechrau blwyddyn academaidd lawn gyntaf cwrs pellach y mae'n trosglwyddo iddo o dan reoliad 8 ar ôl 1 Medi 2008 yn gymwys.

of compelling personal reasons.

(10) Paragraph (6) applies to —

(a) a new system eligible student who is on an end-on course of the kind described in paragraph (a) or (b) of the definition of "end-on course" in regulation 2;

(b) a new system eligible student who —

(i) has completed a full-time course mentioned in paragraph 2 or 3 of Schedule 2;

(ii) is on a full-time first degree course (other than a first degree course for the initial training of teachers) that he or she did not begin immediately after the course referred to in paragraph (i); and

(iii) has not taken a full-time first degree course after the course referred to in paragraph (i) and before the present course;

(c) a new system eligible student who —

(i) has completed a full-time foundation degree course;

(ii) is on a full-time honours degree course that he or she did not begin immediately after the course referred to in paragraph (i) and before the present course; and

(iii) has not taken a full-time first degree course after the course referred to in paragraph (i) and before the present course; and

(d) an old system eligible student who is a student on an end-on course of the kind described in paragraphs (a) and (b) of the definition of "end-on course" in regulation 2.

(11) Despite paragraph (1), an eligible student to whom this paragraph applies is only eligible for grants or loans for fees and grants for living costs in respect of the present course for the number of academic years equal to **(D + X) - Pr C**.

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

(13) Despite paragraph (1) and subject to paragraph (9), a transferring student is only eligible for a grant or loan for fees or a grant for living costs in respect of the present course for the number of academic years equal to **(A+R+1)-Y**.

(14) A transferring student starting the first full academic year of a further course to which he or she transfers under regulation 8 after 1 September 2008 is only eligible for a grant or loan for fees or a grant for living costs in respect of the further course for the number of years equal to **(A+R+1)-Y-Z**.

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

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

(16) Yn y rheoliad hwn -

(a) **A** yw nifer y blynyddoedd academaidd o 31 Awst 2006 sy'n ffurfio'r cyfnod y mae ei angen fel arfer i gwblhau'r cwrs presennol neu, yn achos myfyriwr sy'n trosglwyddo, y cwrs blaenorol;

(b) **D** yw 3 neu nifer y blynyddoedd academaidd sy'n ffurfio cyfnod arferol y cwrs, p'un bynnag yw'r mwyaf;

(c) **OD** yw nifer y blynyddoedd academaidd sy'n ffurfio'r cyfnod y mae ei angen fel arfer i gwblhau'r cwrs presennol;

(ch) **PC** yw nifer y blynyddoedd y bu'r myfyriwr cymwys yn bresennol ar gwrs blaenorol;

(d) **X** yw 1 pan oedd cyfnod arferol y cwrs rhagarweiniol yn llai na thair blynedd a 2 pan oedd cyfnod arferol y cwrs rhagarweiniol yn dair blynedd;

(dd) **R** yw nifer y blynyddoedd academaidd sy'n cael eu hailadrodd ar y cwrs presennol gan ddechrau ar neu ar ôl 1 Medi 2006 a'r rheini'n gyfnodau o ailadrodd y blynyddoedd academaidd blaenorol nad oedd y myfyriwr cymwys yn gallu eu cwblhau'n llwyddiannus oherwydd rhesymau personol anorchfygol;

(e) **PrC** yw'r nifer o flynyddoedd academaidd a dreuliodd y myfyriwr ar y cwrs rhagarweiniol ac eithrio unrhyw flynyddoedd yn ailadrodd astudiaethau am resymau personol anorchfygol;

(f) **Y** yw nifer blynyddoedd y cwrs presennol, neu'r cwrs blaenorol yn achos myfyriwr sy'n trosglwyddo, ac y penderfynwyd mewn perthynas â'r cwrs hwnnw cyn 1 Medi 2006 o dan reoliadau a wnaed o dan adran 22 o'r Ddeddf nad oedd cymorth ar gael;

(ff) **Z** yw nifer y blynyddoedd academaidd a dreuliwyd ar gwrs blaenorol gan ddechrau ar neu ar ôl 1 Medi 2006;

(g) ystyr "myfyriwr sy'n parhau" ("*continuing student*") yw myfyriwr cymwys o dan yr hen drefn a ddechreuodd y cwrs presennol cyn 1 Medi 2006;

(ng) ystyr "myfyriwr ar gwrs hyfforddi athrawon" ("*teacher training student*") yw myfyriwr sy'n bresennol ar gwrs ar gyfer hyfforddiant cychwynnol athrawon os nad yw cyfnod y

(16) In this regulation —

(a) **A** is the number of academic years from 31 August 2006 that make up the period ordinarily required for the completion of the present course or, in the case of a transferring student, the previous course;

(b) **D** is the greater of 3 and a number of academic years that make up the ordinary duration of the course;

(c) **OD** is the number of academic years that make up the period ordinarily required for the completion of the present course;

(d) **PC** is the number of years of attendance by the eligible student on a previous course; and

(e) **X** is 1 where the ordinary duration of the preliminary course was less than three years and 2 where the ordinary duration of the preliminary course was three years;

(f) **R** is the number of repeated academic years on the present course starting on or after 1 September 2006 that are repeats of preceding academic years that the eligible student was unable to complete successfully because of compelling personal reasons;

(g) **PrC** is the number of academic years that the student spent on the preliminary course excluding any years of repeat study for compelling personal reasons;

(h) **Y** is the number of years of the present course, or the previous course in the case of a transferring student, in respect of which it has been determined before 1 September 2006 under regulations made under section 22 of the Act that support was not available;

(i) **Z** is the number of academic years spent on a previous course beginning on or after 1 September 2006;

(j) "continuing student" ("*myfyriwr syn parhau*") is an old system eligible student who started the present course before 1 September 2006;

(k) "teacher training student" ("*myfyriwr ar gwrs hyfforddi athrawon*") means a student attending a course for the initial training of teachers where the duration of the course does

cwrs yn para'n hwy na 2 flynedd (gan fynegi cyfnod cwrs rhan-amser yn ôl yr hyn sy'n cyfateb i gwrs amser-llawn) ac nad yw'r myfyriwr yn athro neu athrawes gymwysedig.

(h) ystyr "myfyriwr sy'n trosglwyddo" ("*transferring student*") yw myfyriwr cymwys sy'n dechrau'r cwrs presennol ar neu ar ôl 1 Medi 2008 wedi i'w statws fel myfyriwr cymwys gael ei drosglwyddo i'r cwrs hwnnw o ganlyniad i un neu fwy nag un trosglwyddiad o'r statws hwnnw yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf oddi ar gwrs dynodedig y dechreuodd y myfyriwr hwnnw arno cyn 1 Medi 2007.

(17) Wrth gyfrifo nifer y blynyddoedd at ddibenion y rheoliad hwn, trinnir presenoldeb am ran o flwyddyn academaidd fel blwyddyn academaidd gyfan.

(18) Caiff Gweinidogion Cymru, ar unrhyw adeg, adnewyddu neu estyn y cyfnod cymhwystra am unrhyw gyfnod ychwanegol y byddant yn penderfynu arno.

(19) Caiff Gweinidogion Cymru roi cymhwystra i gael grantiau a benthyciadau at ffioedd a grantiau at gostau byw heblaw yn unol â pharagraffau (8) i (16).

(20) At ddibenion y rheoliad hwn ac yn ddarostyngedig i'r eithriadau ym mharagraffau (22), (23) a (24) "cwrs blaenorol" yw unrhyw gwrs addysg uwch amser-llawn neu unrhyw gwrs rhan-amser ar gyfer hyfforddiant cychwynnol i athrawon y dechreuodd y myfyriwr ei fynychu neu, yn achos cwrs gradd cywasgedig, neu gwrs dysgu o bell dynodedig, y dechreuodd ymgymryd ag ef cyn y cwrs presennol ac sy'n bodloni un neu'r ddau ohonynt o'r amodau ym mharagraff (21).

(21) Dyma'r amodau—

(a) bod y cwrs yn cael ei ddarparu gan sefydliad yn y Deyrnas Unedig a gafodd gyllid cyhoeddus am rywfaint o'r blynyddoedd academaidd neu'r cyfan ohonynt pan oedd y myfyriwr yn dilyn y cwrs; neu

(b) bod unrhyw ysgoloriaeth, arddangostal, bwrsari, grant, lwfans neu ddyfarndal o unrhyw ddisgrifiad a dalwyd mewn perthynas â phresenoldeb y myfyriwr ar y cwrs neu, yn achos cwrs gradd cywasgedig, neu gwrs dysgu o bell dynodedig, ymgymryd â'r cwrs i dalu ffioedd wedi'i dalu o gronfeydd cyllid cyhoeddus neu a oedd o gronfeydd cyllid a oedd i'w priodoli i gyllid cyhoeddus.

(22) Nid ymdrinnir â chwrs a fyddai fel arall yn gwrs blaenorol fel y cyfryw—

(a) os yw'r cwrs presennol yn gwrs ar gyfer hyfforddiant cychwynnol i athrawon;

(b) os nad yw hyd y cwrs presennol yn hwy na dwy flynedd (mynegir hyd cwrs rhan-amser fel

not exceed 2 years (the duration of a part-time course being expressed as its full-time equivalent) and the student is not a qualified teacher.

(l) "transferring student" ("*myfyriwr sy'n trosglwyddo*") means an eligible student who starts the present course on or after 1 September 2008 having had his or her status as an eligible student transferred to that course as a result of one or more transfers of that status pursuant to regulations made under section 22 of the Act from a designated course which he or she began before 1 September 2007.

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

(18) The Welsh Ministers may, at any time, renew or extend the period of eligibility for such further period as they determine.

(19) The Welsh Ministers may confer eligibility to grants and loans for fees and grants for living costs otherwise than in accordance with paragraphs (8) to (16).

(20) For the purposes of this regulation and subject to the exceptions in paragraphs (22), (23) and (24) a "previous course" is any full-time higher education course or any part-time course for the initial training of teachers which the student began to attend or, in the case of a compressed degree course or a designated distance learning course, undertake before the present course and which meets one or both of the conditions in paragraph (21).

(21) The conditions are—

(a) the course is provided by an institution in the United Kingdom which was publicly funded for some or all of the academic years during which the student took the course; or

(b) any scholarship, exhibition, bursary, grant, allowance or award of any description which was paid in respect of the student's attending or, in the case of a compressed degree course or a designated distance learning course, undertaking the course to defray fees was from public funds or funds attributable to public funds.

(22) A course which would otherwise be a previous course will not be treated as such if —

(a) the present course is a course for the initial training of teachers;

(b) the duration of the present course does not exceed two years (the duration of a part-time

hyd y cwrs amser-llawn cyfatebol); ac

(c) os nad yw'r myfyriwr yn athro cymwysedig neu'n athrawes gymwysedig.

(23) Nid ymdrinnir â chwrs ar gyfer Tystysgrif mewn Addysg a fyddai fel arall yn gwrs blaenorol fel y cyfryw—

(a) os yw'r cwrs presennol yn gwrs ar gyfer gradd (gan gynnwys gradd anrhydedd) Baglor mewn Addysg;

(b) os trosglwyddodd y myfyriwr i'r cwrs presennol o gwrs ar gyfer Tystysgrif mewn Addysg cyn cwblhau'r cwrs hwnnw neu os dechreuodd ar y cwrs presennol ar ôl cwblhau'r cwrs ar gyfer Tystysgrif mewn Addysg.

(24) Nid ymdrinnir a chwrs ar gyfer gradd (heblaw gradd anrhydedd) Baglor mewn Addysg fel cwrs blaenorol—

(a) os yw'r cwrs presennol yn gwrs ar gyfer gradd anrhydedd Baglor mewn Addysg;

(b) os trosglwyddodd y myfyriwr i'r cwrs presennol o gwrs ar gyfer gradd (heblaw gradd anrhydedd) Baglor mewn Addysg cyn cwblhau'r cwrs hwnnw neu os dechreuodd ar y cwrs presennol ar ôl cwblhau'r cwrs ar gyfer gradd (heblaw gradd anrhydedd) Baglor mewn Addysg.

course being expressed as its full-time equivalent); and

(c) the student is not a qualified teacher.

(23) A course for the Certificate in Education which would otherwise be a previous course will not be treated as such if —

(a) the present course is a course for the degree (including an honours degree) of Bachelor of Education;

(b) the student transferred to the present course from the course for the Certificate in Education before the completion of that course or began the present course on completion of the course for the Certificate in Education.

(24) A course for the degree (other than an honours degree) of Bachelor of Education will not be treated as a previous course if —

(a) the present course is a course for the honours degree of Bachelor of Education;

(b) the student 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 began the present course on completion of the course for the degree (other than an honours degree) of Bachelor of Education.

Astudio blaenorol

7.—(1) Yn ddarostyngedig i baragraffau (3) a (4), nid oes gan fyfyriwr cymwys sydd wedi ennill gradd anrhydedd o sefydliad yn y Deyrnas Unedig hawl i gael grant na benthyciad at ffioedd.

(2) Yn ddarostyngedig i baragraffau (4) a (5), nid oes gan fyfyriwr cymwys sy'n dechrau ar ei gwrs ar neu ar ôl 1 Medi 2006 hawl i gael benthyciad at gostau byw os yw wedi ennill gradd anrhydedd o sefydliad yn y Deyrnas Unedig.

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

(4) Os bernir bod y cwrs presennol yn gwrs sengl oherwydd rheoliadau 5(6) a 5(7) a'i fod yn arwain at ddyfarnu gradd anrhydedd gan sefydliad yn y Deyrnas Unedig i fyfyriwr cymwys cyn y radd derfynol neu'r cymwysterau cyfatebol, nid yw'r myfyriwr cymwys yn cael ei rwystro rhag bod â hawl i gael cymorth o dan baragraff (1) neu (2) mewn perthynas ag unrhyw ran o'r cwrs sengl yn rhinwedd y ffaith iddo gael y radd anrhydedd honno.

(5) Nid yw paragraff (2) yn gymwys —

Previous study

7.—(1) Subject to paragraphs (3) and (4), an eligible student who has attained an honours degree from an institution in the United Kingdom does not qualify for a grant or loan for fees.

(2) Subject to paragraphs (4) and (5), an eligible student who starts his or her course on or after 1 September 2006 does not qualify for a loan for living costs if he or she has attained an honours degree from an institution in the United Kingdom.

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

(4) Where the present course is considered to be a single course because of regulations 5(6) and 5(7) and it leads to an honours degree from an institution in the United Kingdom being conferred on the eligible student before the final degree or equivalent qualifications, the eligible student is not prevented from qualifying for support under paragraph (1) or (2) in respect of any part of the single course by virtue of having that honours degree.

(5) Paragraph (2) does not apply where —

(a) os yw'r cwrs presennol yn arwain at gymhwyster fel gweithiwr cymdeithasol;

(b) os yw'r myfyriwr cymwys i gael unrhyw daliad—

(i) o dan fwrsari gofal iechyd y cyfrifwyd ei swm drwy gyfeirio at ei incwm: neu

(ii) o dan lwfans gofal iechyd yr Alban y cyfrifwyd ei swm drwy gyfeirio at ei incwm mewn perthynas ag unrhyw flwyddyn academaidd o'r cwrs presennol; neu

(c) os yw'r cwrs presennol yn gwrs ar gyfer hyfforddiant cychwynnol athrawon.

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

(i) sydd wedi dechrau'r cwrs dynodedig ar yr un dyddiad â'r myfyriwr cymwys o dan sylw;

(ii) nad yw wedi'i esgusodi o unrhyw ran o'r cwrs am ei fod wedi bod yn bresennol ar gwrs arall;

(iii) na fydd yn ailadrodd unrhyw ran o'r cwrs; ac

(iv) nad yw'n absennol o'r cwrs heblaw yn ystod gwyliau.

(7) Mae paragraffau (7) ac (8) o reoliad 23 yn estyn i'r grantiau at gostau byw y cyfeirir atynt yn y paragraffau hynny ddarpariaethau'r rheoliad hwn sy'n ymwneud â'r hawl i gael benthyciadau at ffioedd a grantiau at ffioedd.

Trosglwyddo statws

8.—(1) Os yw myfyriwr cymwys yn trosglwyddo i gwrs arall, rhaid i Weinidogion Cymru drosglwyddo statws y myfyriwr fel myfyriwr cymwys i'r cwrs hwnnw —

(a) os cânt gais oddi wrth y myfyriwr cymwys am wneud hynny;

(b) os ydynt wedi'u bodloni bod un neu fwy o'r seiliau trosglwyddo ym mharagraff (2) yn gymwys; ac

(c) os nad yw'r cyfnod cymhwystra wedi'i derfynu.

(2) Dyma'r seiliau trosglwyddo—

(a) bod y myfyriwr cymwys, ar argymhelliad yr awdurdod academaidd, yn rhoi'r gorau i un cwrs ac yn dechrau—

(i) bod yn bresennol ar gwrs dynodedig arall yn y sefydliad;

(a) the present course leads to qualification as a social worker;

(b) the eligible student is to receive any payment—

(i) under a healthcare bursary the amount of which is calculated by reference to his or her income; or

(ii) under a Scottish healthcare allowance the amount of which is calculated by reference to his or her income in respect of any academic year of the present course; or

(c) the present course is a course for the initial training of teachers.

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

(i) to have started the designated course on the same date as the eligible student in question;

(ii) not to be excused any part of the course on account of having attended another course;

(iii) not to repeat any part of the course; and

(iv) not to be absent from the course other than during vacations.

(7) Paragraphs (7) and (8) of regulation 23 extend the provisions of this regulation relating to qualification for fee loans and fee grants to the grants for living costs referred to in those paragraphs, subject to specified exceptions.

Transfer of status

8.—(1) Where an eligible student transfers to another course, the Welsh Ministers must transfer the student's status as an eligible student to that course where —

(a) they receive a request from the eligible student to do so;

(b) they are satisfied that one or more of the grounds of transfer in paragraph (2) applies; and

(c) the period of eligibility has not terminated.

(2) The grounds of transfer are —

(a) on the recommendation of the academic authority the eligible student ceases one course and starts to—

(i) attend another designated course at the institution;

(ii) yn ymgymryd a chwrs gradd cywasgedig arall yn y sefydliad; neu

(iii) yn ymgymryd a chwrs gradd cywasgedig yn y sefydliad;

(b) bod y myfyriwr cymwys yn dechrau—

(i) bod yn bresennol ar gwrs dynodedig mewn sefydliad arall; neu

(ii) yn ymgymryd a chwrs gradd cywasgedig mewn sefydliad arall;

(c) ar ôl iddo ddechrau cwrs ar gyfer y Dystysgrif mewn Addysg, bod y 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 naill ai yn yr un sefydliad neu mewn sefydliad arall;

(ch) ar ôl iddo ddechrau cwrs ar gyfer gradd (heblaw gradd anrhydedd) Baglor mewn Addysg, bod y myfyriwr cymwys, wrth gwblhau'r cwrs hwnnw neu cyn hynny, yn cael ei dderbyn ar gwrs dynodedig ar gyfer gradd anrhydedd Baglor mewn Addysg naill ai yn yr un sefydliad neu mewn sefydliad arall; neu

(d) ar ôl iddo ddechrau cwrs ar gyfer gradd gyntaf (heblaw gradd anrhydedd) bod y myfyriwr cymwys, cyn cwblhau'r cwrs hwnnw, yn cael ei dderbyn ar gwrs dynodedig ar gyfer gradd anrhydedd yn yr un pwnc neu bynciau yn y sefydliad.

(3) Yn ddarostyngedig i baragraff (4), mae gan fyfyriwr cymwys sy'n trosglwyddo o dan baragraff (1) yr hawl i gael, mewn cysylltiad â blwyddyn academaidd y cwrs y bydd yn trosglwyddo iddo, weddill y cymorth a asesir gan Weinidogion Cymru ynghylch y flwyddyn academaidd o'r cwrs y bydd yn trosglwyddo oddi arno.

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

(5) Ni chaiff myfyriwr cymwys sy'n trosglwyddo o dan baragraff (1) ar ôl i Weinidogion Cymru asesu'r cymorth a roddir mewn cysylltiad â blwyddyn academaidd y cwrs y mae'n trosglwyddo ohono ond yn gwneud hynny cyn iddo gwblhau'r flwyddyn honno, wneud cais, mewn cysylltiad â blwyddyn academaidd y cwrs y mae'r myfyriwr yn trosglwyddo iddo, am grant neu fenthyciad arall o'r math y mae eisoes wedi gwneud cais amdano o dan y Rheoliadau hyn mewn cysylltiad â blwyddyn academaidd y cwrs y mae'r myfyriwr yn trosglwyddo ohono oni ddarperir fel arall.

(ii) undertake another compressed degree course at the institution; or

(iii) undertake a compressed degree course at the institution;

(b) the eligible student starts to—

(i) attend a designated course at another institution; or

(ii) undertake a compressed degree course with another institution;

(c) after commencing a course for the Certificate in Education, the eligible student is, on or before the completion of that course, admitted to a designated course for the degree (including an honours degree) of Bachelor of Education either at the same institution or at another institution;

(d) after commencing a course for the degree (other than an honours degree) of Bachelor of Education, the eligible student is, on or before completion of that course, admitted to a designated course for the honours degree of Bachelor of Education either at the same institution or at another institution; or

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

(3) Subject to paragraph (4), an eligible student who transfers under paragraph (1) is entitled to receive in connection with the academic year of the course to which he or she transfers the remainder of the support assessed by the Welsh Ministers in respect of the academic year of the course from which he or she transfers.

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

(5) An eligible student who transfers under paragraph (1) after the Welsh Ministers have assessed his or her support in connection with the academic year of the course from which he or she is transferring but before he or she completes that year may not, in connection with the academic year of the course to which he or she transfers, apply for another grant or loan of a kind that he or she has already applied for under these Regulations in connection with the academic year of the course from which he or she is transferring unless otherwise provided.

RHAN 3

GWNEUD CAIS AM GYMORTH A RHOI GWYBODAETH

Ceisiadau am gymorth

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

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

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

Terfynau amser

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

(2) Nid yw'r rheol gyffredinol yn gymwys —

(a) os bydd un o'r digwyddiadau a restrir yn rheoliad 14 yn digwydd ar ôl diwrnod cyntaf y flwyddyn academaidd y mae'r ceisydd yn gwneud cais am gymorth mewn perthynas â hi, ac os felly rhaid i'r cais gyrraedd Gweinidogion Cymru o fewn cyfnod o naw mis sy'n dechrau gyda'r diwrnod y mae'r digwyddiad perthnasol yn digwydd;

(b) os yw'r ceisydd yn gwneud cais ar wahân am fenthyciad at ffioedd o dan reoliad 21 neu reoliad 22 neu fenthyciad at gyfraniad at ffioedd o dan reoliad 20 neu fenthyciad at gostau byw o dan reoliad 38 neu fenthyciad at ffioedd coleg o dan Atodlen 4 neu os yw'n ceisio am swm ychwanegol o fenthyciad at ffioedd o dan reoliad 21(3) neu 21(7), swm ychwanegol o fenthyciad at gyfraniad at ffioedd o dan reoliad 20(6), neu swm ychwanegol o fenthyciad at ffioedd o dan reoliad 22(3), neu swm ychwanegol o fenthyciad at gostau byw o dan reoliad 50(3) neu swm ychwanegol o fenthyciad at ffioedd coleg o dan Atodlen 4 paragraff 11(2) ac os felly rhaid i'r cais gyrraedd Gweinidogion Cymru heb fod yn hwyrach nag un mis cyn

PART 3

APPLYING FOR SUPPORT AND PROVISION OF INFORMATION

Applications for support

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

(2) The Welsh Ministers may take such steps and make such inquiries 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.

Time limits

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

(2) The general rule does not apply where —

(a) one of the events listed in regulation 14 occurs after the first day of the academic year in respect of which the applicant is applying for support, in which case the application must reach the Welsh Ministers within a period of nine months beginning with the day on which the relevant event occurs;

(b) the applicant is making a separate application for a fee loan under regulation 21 or regulation 22 or a fee contribution loan under regulation 20 or a loan for living costs under regulation 38 or a college fee loan under Schedule 4 or is applying for an additional amount of fee loan under regulation 21(3) or 21(7), an additional amount of fee contribution loan under regulation 20(6) or an additional amount of fee loan under regulation 22(3) or an additional amount of loan for living costs under regulation 50(3) or an additional amount of college fee loan under Schedule 4 paragraph 11(2) in which case the application must reach the Welsh Ministers not later than one month before the end of the academic year to which the application relates;

diwedd y flwyddyn academaidd y mae'r cais yn ymwneud â hi;

(c) os yw'r ceisydd yn gwneud cais am fenthyg swm ychwanegol o fenthyciad at gyfraniad at ffioedd o dan reoliad 20(4) neu swm ychwanegol o fenthyciad at gostau byw o dan reoliad 50(1), ac os felly rhaid i'r cais gyrraedd Gweinidogion Cymru heb fod yn hwyrach nag un mis cyn diwedd y flwyddyn academaidd y mae'r cais yn cyfeirio ati neu o fewn cyfnod o un mis sy'n dechrau gyda'r diwrnod y caiff y ceisydd hysbysiad ynglŷn â'r uchafswm wedi'i gynyddu, p'un bynnag yw'r olaf;

(ch) os yw'r ceisydd yn gwneud cais am grant o dan reoliad 24, ac os felly rhaid i'r cais gyrraedd Gweinidogion Cymru cyn gynted ag y bo'n rhesymol ymarferol;

(d) os yw Gweinidogion Cymru o'r farn, ar ôl rhoi sylw i amgylchiadau'r achos penodol, y dylid llacio'r terfyn amser, ac os felly rhaid i'r cais gyrraedd Gweinidogion Cymru heb fod yn hwyrach na'r dyddiad a bennir ganddynt.

Gwybodaeth

11. Mae Atodlen 3 yn gymwys i roi gwybodaeth.

RHAN 4

GRANTIAU A BENTHYCIADAU AT FFIOEDD

PENNOD 1

DARPARIAETHAU CYFFREDINOL

Cymorth at ffioedd yn gyffredinol

12.—(1) Ni chaiff cymorth o dan y Rhan hon mewn perthynas â blwyddyn academaidd fod yn fwy na'r ffioedd sy'n daladwy gan y myfyriwr mewn perthynas â'r flwyddyn academaidd honno.

(2) Er mwyn derbyn benthyciad o dan y Rheoliadau hyn rhaid i'r myfyriwr ymrwymo i gontract gyda Gweinidogion Cymru ar delerau i'w penderfynu gan Weinidogion Cymru.

(3) At ddibenion cyfrifo swm y cymorth at ffioedd o dan y Rhan hon, nid yw sefydliad sy'n darparu cyrsiau a ddynodir gan reoliad 4 o Reoliadau Addysg (Cymorth i Fyfyrwyr) (Dawnsio a Drama) 1999(**1**) i'w ystyried yn sefydliad a ariennir yn gyhoeddus am ddim rheswm ond am ei fod yn derbyn cyllid cyhoeddus gan gorff llywodraethu sefydliad addysg uwch yn unol ag adran 65(3A) o Ddeddf Addysg Bellach ac Addysg Uwch 1992(**2**).

(**1**) O.S. 1999/2263, a ddiwygiwyd gan O.S. 2001/2893.

(**2**) 1992 p. 13; mewnosodwyd adran 65(3A) gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 27.

(c) the applicant is applying to borrow an additional amount of fee contribution loan under regulation 20(4) or an additional amount of loan for living costs under regulation 50(1), in which case the application must reach the Welsh Ministers not later than one month before the end of the academic year to which the application relates or within a period of one month beginning with the day on which the applicant receives notice of the increased maximum amount, whichever is the later;

(d) the applicant is applying for a grant under regulation 24, in which case the application must reach the Welsh Ministers as soon as is reasonably practicable;

(e) the Welsh Ministers consider that having regard to the circumstances of the particular case the time limit should be relaxed, in which case the application must reach the Welsh Ministers not later than such date as they specify.

Information

11. Schedule 3 applies to the provision of information.

PART 4

GRANTS AND LOANS FOR FEES

CHAPTER 1

GENERAL PROVISION

Fee Support Generally

12.—(1) Support under this Part in respect of an academic year may not exceed the fees payable by the student in respect of that academic year.

(2) To receive a loan under these Regulations the student must enter into a contract with the Welsh Ministers on terms to be decided by the Welsh Ministers.

(3) For the purposes of calculating the amount of fee support under this Part, an institution that provides courses designated by regulation 4 of the Education (Student Support) (Dance and Drama) Regulations 1999(**1**) is not to be regarded as publicly funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992(**2**).

(**1**) S.I. 1999/2263, amended by S.I. 2001/2893.

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

(4) Ymdrinnir â myfyriwr y mae paragraff (5) yn gymwys iddo fel pe bai'n bresennol ar y cwrs dynodedig at ddibenion cymhwyso ar gyfer cymorth ffioedd.

(5) Mae'r rheoliad hwn yn gymwys i'r canlynol —

(a) myfyriwr cwrs gradd cywasgedig;

(b) myfyriwr anabl—

(i) nad yw'n fyfyriwr cwrs gradd cywasgedig; a

(ii) sy'n ymgymryd â chwrs dynodedig yn y Deyrnas Unedig ond nad yw'n bresennol am na all fod yn bresennol am reswm sy'n ymwneud â'i anabledd.

Myfyrwyr sy'n dod yn gymwys yn ystod blwyddyn academaidd

13. Os bydd unrhyw un o'r digwyddiadau a restrir yn rheoliad 14 yn digwydd yn ystod blwyddyn academaidd —

(a) caiff myfyriwr fod â hawl i gael grantiau a benthyciadau o dan y Rhan hon mewn cysylltiad â'r flwyddyn academaidd honno ar yr amod bod y digwyddiad perthnasol wedi digwydd yn ystod tri mis cyntaf y flwyddyn academaidd; a

(b) nid yw'r grantiau a'r benthyciadau hyn ar gael mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol ynddi.

Digwyddiadau

14. Y digwyddiadau yw —

(a) bod cwrs y myfyriwr yn dod yn gwrs dynodedig;

(b) bod y myfyriwr, ei briod, ei bartner sifil neu ei riant yn cael ei gydnabod fel ffoadur neu ei fod yn dod yn berson sydd â chaniatâd i ddod i mewn neu i aros;

(c) bod gwladwriaeth yn ymaelodi â'r Gymuned Ewropeaidd os yw'r myfyriwr yn wladolyn o'r wladwriaeth honno neu'n aelod o deulu (fel y'i diffinnir yn Rhan 1 o Atodlen 1) gwladolyn o'r wladwriaeth honno;

(ch) bod y myfyriwr yn dod yn aelod o delu (fel y'i diffinnir yn Rhan 1 o Atodlen 1) gwladolyn o'r GE;

(d) bod y myfyriwr yn ennill yr hawl i breswylio'n barhaol;

(dd) bod y myfyriwr yn dod yn blentyn i weithiwr Twrcaidd;

(e) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 6(1)(a) o Atodlen 1; neu

(f) bod y myfyriwr yn dod yn blentyn i wladolyn Swisaidd.

(4) A student to whom paragraph (5) applies is treated as if he or she were in attendance on the designated course for the purpose of qualifying for fee support.

(5) This paragraph applies to—

(a) a compressed degree student;

(b) a disabled student who—

(i) is not a compressed degree student; and

(ii) is undertaking a designated course in the United Kingdom but is not in attendance because he or she is unable to attend for a reason which relates to his or her disability.

Students becoming eligible during the course of an academic year

13. Where any of the events listed in regulation 14 occurs in the course of an academic year —

(a) a student may qualify for grants and loans under this Part in respect of that academic year provided that the relevant event occurred within the first three months of the academic year; and

(b) such grants and loans are not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

Events

14. The events are —

(a) the student's course becomes a designated course;

(b) the student, his or her spouse, his or her civil partner or his or her parent is recognised as a refugee or becomes a person with leave to enter or remain;

(c) a state accedes to the European Community where the student is a national of that state or a family member (as defined in Part 1 of Schedule 1) of a national of that state;

(d) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EC national;

(e) the student acquires the right of permanent residence;

(f) the student becomes the child of a Turkish worker;

(g) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or

(h) the student becomes the child of a Swiss national.

Grantiau at ffioedd: Amodau'r hawl ar gyfer myfyrwyr cymwys o dan yr hen drefn

15.—(1) Mae'r rheoliad hwn yn gymwys i fyfyriwr cymwys o dan yr hen drefn a ddechreuodd gwrs dynodedig cyn 1 Medi 2006 ac sy'n parhau ar y cwrs hwnnw ar ôl 31 Awst 2008 ("myfyriwr sy'n parhau").

(2) Yn ddarostyngedig i baragraff (5) a rheoliadau 6 a 7, mae gan fyfyriwr cymwys o dan yr hen drefn hawl yn unol â'r rheoliad hwn i gael grant mewn perthynas â'r ffioedd am flwyddyn academaidd sy'n daladwy gan y myfyriwr mewn perthynas â phresenoldeb y myfyriwr ar gwrs dynodedig, neu mewn cysylltiad â'r presenoldeb hwnnw mewn modd arall.

(3) Pennir swm y grant at ffioedd mewn perthynas â blwyddyn academaidd yn unol â rheoliad 16 neu 17.

(4) Nid oes gan fyfyriwr sy'n parhau hawl i gael cymorth mewn perthynas â blwyddyn academaidd o gwrs dynodedig—

(a) os yw'r flwyddyn honno yn flwyddyn bwrsari neu'n flwyddyn Erasmus; neu

(b) os yw'r cwrs dynodedig yn gwrs HCA ôl-radd hyblyg.

(5) Nid yw myfyriwr sy'n parhau yn cymhwyso i gael grant at ffioedd o ran unrhyw flwyddyn academaidd o'r cwrs sy'n dechrau ar neu ar ôl 1 Medi 2008 pan ddyfarnodd Gweinidogion Cymru yn ystod y cyfnod o asesu cais am gymorth o ran blwyddyn academaidd o'r cwrs dynodedig a ddechreuodd cyn 1 Medi 2006 yn unol â rheoliadau a wnaed ganddynt o dan adran 22 o'r Ddeddf nad oedd y myfyriwr yn cymhwyso i gael cymorth ffi o ran y cwrs dynodedig.

Swm y grant at ffioedd mewn sefydliad a ariennir yn gyhoeddus ac mewn sefydliad preifat ar ran sefydliad a ariennir yn gyhoeddus: myfyrwyr cymwys o dan yr hen drefn

16.—(1) Oni fydd un o'r achosion a nodir ym mharagraff (4) yn gymwys, swm y grant at ffioedd ar gyfer myfyriwr cymwys o dan yr hen drefn mewn perthynas â blwyddyn academaidd cwrs dynodedig mewn sefydliad a ariennir yn gyhoeddus yw'r swm lleiaf o'r isod—

(a) £1,255; a

(b) y ffioedd sy'n daladwy gan y myfyriwr mewn cysylltiad â'r flwyddyn honno.

(2) Swm sylfaenol y grant at ffioedd ar gyfer myfyriwr cymwys o dan yr hen drefn mewn perthynas â blwyddyn academaidd yn yr achosion ym mharagraff (4) yw'r lleiaf o'r canlynol—

Grants for fees: qualifying conditions for old system eligible students

15.—(1) This regulation applies to an old system eligible student who began a designated course before 1 September 2006 and is continuing on that course after 31 August 2008 (a "continuing student").

(2) Subject to paragraph (5) and regulations 6 and 7, an old system eligible student qualifies in accordance with this regulation for a grant in respect of the fees for an academic year payable by the student in respect of, or otherwise in connection with, the student's attendance on a designated course.

(3) The amount of the grant for fees in respect of an academic year is determined in accordance with regulation 16 or 17.

(4) A continuing student does not qualify for support in respect of an academic year of a designated course if —

(a) that year is bursary year or an Erasmus year; or

(b) the designated course is a flexible postgraduate ITT course.

(5) A continuing student does not qualify for a grant for fees in respect of any academic year of the course that begins on or after 1 September 2008 where in the course of assessing an application for support in respect of an academic year of the designated course that began before 1 September 2006 the Welsh Ministers determined in accordance with regulations made by them under section 22 of the Act that the student did not qualify for fee support in respect of the designated course.

Amount of grants for fees at a publicly funded institution and at a private institution on behalf of a publicly funded institution: old system eligible students

16.—(1) Unless one of the following cases set out in paragraph (4) applies, the amount of the grant for fees for an old system eligible student in respect of an academic year of a designated course at a publicly-funded institution is the lesser of—

(a) £1,255; and

(b) the fees payable by the student in connection with that year.

(2) The basic amount of the grant for fees for an old system eligible student in respect of an academic year in the cases in paragraph (4) is the lesser of—

(a) £625; a

(b) y swm sy'n daladwy gan y myfyriwr mewn cysylltiad â'r flwyddyn honno.

(3) Os cyfrifir cyfraniad sy'n fwy na dim o dan Atodlen 5, gwneir didyniad o'r grant at ffioedd a benderfynir o dan baragraff (1) neu (2) yn unol â rheoliad 54.

(4) Y canlynol yw'r achosion—

(a) blwyddyn derfynol y cwrs os yw fel rheol yn ofynnol i'r flwyddyn honno gael ei chwblhau ar ôl llai na 15 wythnos o bresenoldeb;

(b) mewn perthynas â chwrs rhyngosod, blwyddyn academaidd —

(i) pryd y mae cyfanswm unrhyw gyfnodau o astudio amser-llawn yn llai na 10 wythnos; neu

(ii) mewn perthynas â'r flwyddyn academaidd honno ac unrhyw flynyddoedd academaidd blaenorol ar y cwrs, os yw cyfanswm unrhyw un neu fwy o gyfnodau o bresenoldeb nad ydynt yn gyfnodau o astudio amser-llawn yn y sefydliad (gan anwybyddu gwyliau yn y cyfamser) yn fwy na 30 wythnos;

(c) mewn perthynas â chwrs ar gyfer hyfforddiant cychwynnol athrawon (gan gynnwys cwrs sy'n arwain at radd gyntaf), blwyddyn academaidd pryd y mae cyfanswm unrhyw gyfnodau o astudio amser-llawn yn llai na 10 wythnos;

(ch) mewn perthynas â chwrs a ddarperir ar y cyd â sefydliad dros y môr, blwyddyn academaidd—

(i) pryd y mae cyfanswm y cyfnodau o astudio amser-llawn yn y sefydliad yn y Deyrnas Unedig yn llai na 10 wythnos; neu

(ii) mewn perthynas â'r flwyddyn academaidd honno ac unrhyw flynyddoedd academaidd blaenorol ar y cwrs, os yw cyfanswm unrhyw un neu fwy o gyfnodau o bresenoldeb nad ydynt yn gyfnodau o astudio amser-llawn yn y sefydliad yn y Deyrnas Unedig (gan anwybyddu gwyliau yn y cyfamser) yn fwy na 30 wythnos.

(5) Yn achos cwrs dynodedig yng Ngholeg Heythrop, swm y grant at ffioedd mewn perthynas â blwyddyn academaidd yw £2,245.

(6) Yn achos cwrs dynodedig yn Ysgol Cerdd a Drama Guildhall, swm y grant at ffioedd mewn perthynas â blwyddyn academaidd yw £4,565.

(7) Swm sylfaenol y grant at ffioedd mewn cysylltiad â blwyddyn academaidd mewn sefydliad preifat sy'n darparu cwrs dynodedig ar ran sefydliad cyhoeddus yw'r lleiaf o'r symiau canlynol, sef £1,175 a'r ffioedd sy'n daladwy gan y myfyriwr mewn cysylltiad â'r flwyddyn honno—

(a) £625; and

(b) the fees payable by the student in connection with that year.

(3) Where a contribution exceeding nil is calculated under Schedule 5, a deduction will be made from the grant for fees determined under paragraph (1) or (2) in accordance with regulation 54.

(4) The cases are —

(a) the final year of the course where that year is ordinarily required to be completed after less than 15 weeks' attendance;

(b) in respect of a sandwich course, an academic year —

(i) during which any periods of full-time study are in aggregate less than 10 weeks; or

(ii) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution (disregarding intervening vacations) exceeds 30 weeks;

(c) in respect of a course for the initial training of teachers (including a course leading to a first degree), an academic year during which any periods of full-time study are in aggregate less than 10 weeks;

(d) in respect of a course provided in conjunction with an overseas institution, an academic year—

(i) during which the periods of full-time study at the institution in the United Kingdom are in aggregate less than 10 weeks; or

(ii) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the institution in the United Kingdom (disregarding intervening vacations) exceeds 30 weeks.

(5) In the case of a designated course at Heythrop College, the amount of the grant for fees in respect of an academic year is £2,245.

(6) In the case of a designated course at Guildhall School of Music and Drama, the amount of the grant for fees in respect of an academic year is £4,565.

(7) The basic amount of the grant for fees in respect of an academic year at a private institution providing a designated course on behalf of a public institution is the lesser of £1,175 and the fees payable by the student in connection with that year if—

(a) os dechreuodd y cwrs dynodedig ar neu ar ôl 1 Medi 2001;

(b) os darperir y cwrs dynodedig ar ran sefydliad a ariennir yn gyhoeddus; ac

(c) os nad yw unrhyw un o'r amgylchiadau yn rheoliad 16(4) yn gymwys.

(8) Swm y grant at ffioedd mewn cysylltiad â blwyddyn academaidd mewn sefydliad preifat sy'n darparu cwrs dynodedig ar ran sefydliad cyhoeddus yw'r lleiaf o'r symiau canlynol, sef £625 a'r ffioedd sy'n daladwy gan y myfyriwr mewn cysylltiad â'r flwyddyn honno—

(a) os dechreuodd y cwrs dynodedig ar neu ar ôl 1 Medi 2001;

(b) os darperir y cwrs dynodedig ar ran sefydliad a ariennir yn gyhoeddus; ac

(c) os bod un neu fwy o'r amgylchiadau yn rheoliad 16(4) yn gymwys.

(9) Pan gyfrifir cyfraniad sy'n fwy na dim o dan Atodlen 5, gwneir didyniad o swm y grant at ffioedd a benderfynir o dan baragraff (1) neu (2) yn unol â rheoliad 54.

Swm y grant at ffioedd ar gyfer cwrs mewn sefydliad preifat: myfyrwyr cymwys o dan yr hen drefn

17.—(1) Yn ddarostyngedig i baragraff (2), swm y grant at ffioedd mewn cysylltiad â blwyddyn academaidd cwrs dynodedig mewn sefydliad preifat yw'r lleiaf o'r canlynol—

(a) £1,175; a

(b) y ffioedd sy'n daladwy gan y myfyriwr mewn cysylltiad â'r flwyddyn honno.

(2) Yn achos cwrs dynodedig ym Mhrifysgol Buckingham, swm y grant at ffioedd mewn cysylltiad â blwyddyn academaidd yw £2,975.

Grantiau newydd at ffioedd

18.—(1) Yn ddarostyngedig i baragraff (2), caiff myfyriwr sydd â hawl i gael grant newydd at ffioedd wneud cais o dan y rheoliad hwn am grant newydd at ffioedd o swm nad yw'n fwy na'r uchafswm sydd ar gael (yn unol â pharagraff (3) neu (4), yn ôl fel y digwydd) mewn perthynas â'i bresenoldeb ar gwrs dynodedig cymhwysol, neu mewn cysylltiad â'r presenoldeb hwnnw mewn modd arall.

(2) Nid oes grant newydd at ffioedd ar gael mewn perthynas â blwyddyn academaidd —

(a) os yw'r flwyddyn honno yn flwyddyn bwrsari neu'n flwyddyn Erasmus;

(b) os yw'r cwrs dynodedig yn hen gwrs HCA ôl-radd hyblyg

(3) Uchafswm y grant sydd ar gael o dan y rheoliad hwn i geisydd mewn perthynas â blwyddyn

(a) the designated course began on or after 1 September 2001;

(b) the designated course is provided on behalf of a publicly-funded institution; and

(c) none of the circumstances in regulation 16(4) applies.

(8) The amount of the grant for fees in respect of an academic year at a private institution providing a designated course on behalf of a public institution is the lesser of £625 and the fees payable by the student in connection with that year if—

(a) the designated course began on or after 1 September 2001;

(b) the designated course is provided on behalf of a publicly-funded institution; and

(c) one or more of the circumstances in regulation 16(4) applies.

(9) Where a contribution exceeding nil is calculated under Schedule 5, a deduction will be made from the amount of the grant for fees determined under paragraph (1) or (2) in accordance with regulation 54.

Amount of the grant for fees at a private institution: old system eligible students

17.—(1) Subject to paragraph (2), the amount of the grant for fees in respect of an academic year of a designated course at a private institution is the lesser of—

(a) £1,175; and

(b) the fees payable by the student in connection with that year.

(2) In the case of a designated course at the University of Buckingham, the amount of the grant for fees in respect of an academic year is £2,975.

New fee grant

18.—(1) Subject to paragraph (2), a student who qualifies for a new fee grant may apply under this regulation for a new fee grant of an amount not exceeding the maximum available (in accordance with paragraph (3) or (4), as the case may be) in respect of, or otherwise in connection with, his or her attendance on a qualifying designated course.

(2) A new fee grant is not available in respect of an academic year if —

(a) that year is a bursary year or an Erasmus year; or

(b) the designated course is an old flexible postgraduate ITT course.

(3) The maximum amount of grant available under this regulation to an applicant in respect of an

academaidd ar gwrs dynodedig cymhwysol os nad yw'r un o'r amgylchiadau yn rheoliad 16(4) yn gymwys yw £1,890 neu y gwahaniaeth rhwng £1,255 a'r ffioedd sy'n daladwy ganddo, p'un bynnag yw'r lleiaf.

(4) Uchafswm y grant sydd ar gael mewn perthynas â blwyddyn academaidd o'r fath o dan y rheoliad hwn i geisydd os yw un o'r amgylchiadau yn rheoliad 16(4) yn gymwys yw £945 neu y gwahaniaeth rhwng £625 a'r ffioedd sy'n daladwy ganddo, p'un bynnag yw'r lleiaf.

(5) Yn y Rheoliadau hyn, ystyr "myfyriwr sydd â hawl i gael grant newydd at ffioedd" ("*student who qualifies for a new fee grant*"), mewn perthynas â chwrs dynodedig cymhwysol, yw myfyriwr cymwys o dan y drefn newydd sy'n berson y mae Gweinidogion Cymru wedi penderfynu mewn cysylltiad â'r cwrs dynodedig ei fod yn dod o fewn un o'r categorïau a nodir yn Rhan 2 o Atodlen 1.

(6) Yn y Rheoliadau hyn, nid yw myfyriwr a grybwyllir ym mharagraff (5) yn gymwys ar gyfer grant newydd at ffioedd os yr unig baragraff yn Rhan 2 o Atodlen 1 y mae'r myfyriwr yn dod oddi tano yw paragraff 9.

(7) Yn y Rheoliadau hyn, ystyr "cwrs dynodedig cymhwysol" ("*qualifying designated course*"), mewn perthynas â myfyriwr y mae ganddo hawl i gael grant newydd at ffioedd, yw cwrs dynodedig sy'n cael ei ddarparu gan sefydliad a ariannir yn gyhoeddus yng Nghymru.

PENNOD 3

BENTHYCIADAU AT FFIOEDD

Amodau cyffredinol yr hawl i gael benthyciadau at ffioedd

19.—(1) Mae gan fyfyriwr cymwys hawl i gael benthyciad at ffioedd mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig o dan y Rhan hon ar yr amod nad yw'r myfyriwr wedi'i hepgor rhag bod â hawl gan y paragraff canlynol, rheoliad 6 neu reoliad 7.

(2) Nid oes gan fyfyriwr cymwys hawl i gael benthyciad at ffioedd mewn perthynas â blwyddyn academaidd —

(a) os yw'r flwyddyn honno'n flwyddyn bwrsari neu'n flwyddyn Erasmus; neu

(b) os yw'r cwrs dynodedig yn hen gwrs HCA ôl-radd hyblyg.

Benthyciadau at gyfraniad at ffioedd (i fyfyrwyr cymwys o dan yr hen drefn)

20.—(1) Mae gan fyfyriwr cymwys o dan yr hen drefn hawl i gael benthyciad at gyfraniad at ffioedd mewn perthynas â blwyddyn academaidd cwrs dynodedig—

(a) os yw'n gymwys i gael grant at ffioedd mewn

academic year of a qualifying designated course where none of the circumstances in regulation 16(4) applies is £1,890 or the amount by which the fees payable by him or her exceed £1,255, whichever is the lesser.

(4) The maximum amount of grant available in respect of such an academic year under this regulation to an applicant where one of the circumstances in regulation 16(4) applies is £945 or the amount by which the fees payable by him or her exceed £625, whichever is the lesser.

(5) In these Regulations, "student who qualifies for a new fee grant" ("*myfyriwr sydd â hawl i gael grant newydd at ffioedd*"), in relation to a qualifying designated course, means a new system eligible student who is a person whom the Welsh Ministers have determined in connection with the designated course falls within one of the categories set out in Part 2 of Schedule 1.

(6) In these Regulations, a student mentioned in paragraph (5) does not qualify for a new fee grant if the only paragraph in Part 2 of Schedule 1 into which the student falls is paragraph 9.

(7) In these Regulations, "qualifying designated course" ("*cwrs dynodedig cymhwysol*"), in relation to a student who qualifies for a new fee grant, means a designated course provided by a publicly-funded institution in Wales.

CHAPTER 3

LOANS FOR FEES

General qualifying conditions for loans for fees

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

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

(a) that year is a bursary year or an Erasmus year; or

(b) the designated course is an old flexible postgraduate ITT course.

Fee contribution loans (for old system eligible students)

20.—(1) An old system eligible student qualifies for a fee contribution loan in respect of an academic year of a designated course if—

(a) he or she qualifies for a grant for fees in

cysylltiad â'r flwyddyn honno neu os byddai wedi bod yn gymwys pe byddai wedi gwneud cais am y grant (hyd yn oed pe byddai'r swm wedi bod yn ddim); ac

(b) os darperir y cwrs dynodedig gan neu ar ran sefydliad a oedd yn cael ei ariannu'n gyhoeddus ar 1 Awst 2005.

(2) Os yw myfyriwr cymwys o dan yr hen drefn yn gwneud cais am grant at ffioedd ac am fenthyciad at gyfraniad at ffioedd, swm y benthyciad at gyfraniad at ffioedd mewn perthynas â blwyddyn academaidd ar y cwrs dynodedig yw'r swm y mae'r myfyriwr yn gwneud cais amdano a hwnnw'n swm nad yw'n fwy na'r swm a ddidynnwyd o'i grant at ffioedd yn unol â rheoliad 54.

(3) Os benthyciad at gyfraniad at ffioedd yw'r unig gymorth at ffioedd y mae myfyriwr cymwys o dan yr hen drefn yn gwneud cais amdano, swm y benthyciad hwnnw mewn perthynas â blwyddyn academaidd y cwrs dynodedig yw'r swm y mae'r myfyriwr yn gwneud cais amdano, a hwnnw'n swm nad yw'n fwy na £1,255 neu, os oes unrhyw rai o'r amgylchiadau yn rheoliad 16(4) yn gymwys, £625.

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

(a) os yw Gweinidogion Cymru yn penderfynu y dylid cynyddu uchafswm y benthyciad at gyfraniad at ffioedd (gan gynnwys rhoi swm pan na roddwyd dim ynghynt) sydd wedi'i hysbysu i'r myfyriwr mewn perthynas â blwyddyn academaidd o ganlyniad i ailasesu cyfraniad y myfyriwr neu fel arall; a

(b) os yw Gweinidogion Cymru o'r farn nad yw'r cynnydd yn yr uchafswm yn digwydd oherwydd i'r myfyriwr cymwys o dan yr hen drefn —

(i) methu â rhoi yn brydlon wybodaeth a allai effeithio ar ei allu i fod â hawl i gael benthyciad at gyfraniad at ffioedd y mae ganddo hawl i'w gael; neu

(ii) rhoi gwybodaeth sy'n anghywir o ran unrhyw fanylyn o bwys.

(5) Nid yw'r swm ychwanegol ym mharagraff (4), o'i adio at y swm y gwnaed cais amdano eisoes, yn fwy na'r uchafswm wedi'i gynyddu.

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

respect of that year or would have qualified if he or she had applied for the grant (even if the amount would have been nil); and

(b) the designated course is provided by or on behalf of an institution that was publicly funded as at 1 August 2005.

(2) Where an old system eligible student applies for a grant for fees and a fee contribution loan, the amount of the fee contribution loan in respect of an academic year of the designated course is the amount for which the student applies not exceeding the amount deducted from his or her grant for fees in accordance with regulation 54.

(3) Where the only fee support for which an old system eligible student applies is a fee contribution loan, the amount of that loan in respect of an academic year of the designated course is the amount for which the student applies not exceeding £1,255 or, if any of the circumstances in regulation 16(4) apply, £625.

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

(a) the Welsh Ministers determine that the maximum amount of fee contribution loan which has been notified to the student in relation to an academic year should be increased (including an increase from nil) as a result of a reassessment of the student's contribution or otherwise; and

(b) the Welsh Ministers consider that the increase in the maximum amount does not result from the old system eligible student —

(i) failing to provide information promptly which might affect his or her ability to qualify for a fee contribution loan for which he or she qualifies; or

(ii) providing information which is inaccurate in any material particular.

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

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

Benthyciadau at ffioedd: myfyrwyr cymwys o dan y drefn newydd nad oes ganddynt hawl i gael grant newydd at ffioedd

21.—(1) Yn ddarostyngedig i baragraff (9), mae gan fyfyriwr cymwys o dan y drefn newydd hawl yn unol â'r rheoliad hwn i gael benthyciad mewn perthynas â'r ffioedd sy'n daladwy ganddo mewn perthynas â'i bresenoldeb ar gwrs dynodedig, neu mewn cysylltiad â'r presenoldeb hwnnw mewn modd arall.

(2) Rhaid i swm benthyciad at ffioedd mewn perthynas â blwyddyn academaidd ar gwrs dynodedig beidio â bod yn fwy na'r lleiaf o'r canlynol —

(a) £3,145 neu, os oes un o'r amgylchiadau ym mharagraff 16(4) yn gymwys, £1,570; a

(b) y ffioedd sy'n daladwy gan y myfyriwr mewn perthynas â'r flwyddyn honno, neu mewn cysylltiad â hi mewn modd arall.

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

(4) Yr amgylchiadau yw —

(a) bod y ffioedd sy'n daladwy mewn perthynas â blwyddyn academaidd y cwrs y mae'r myfyriwr cymwys o dan y drefn newydd yn trosglwyddo iddo yn fwy na'r ffioedd sy'n daladwy mewn perthynas â blwyddyn academaidd y cwrs y mae'r myfyriwr wedi trosglwyddo ohono; a

(b) nad yw blwyddyn academaidd y cwrs y mae'r myfyriwr cymwys o dan y drefn newydd yn trosglwyddo iddo yn dechrau ar ddyddiad diweddarach na blwyddyn academaidd y cwrs y mae'r myfyriwr wedi trosglwyddo oddi arno.

(5) Os yw paragraff (4)(a) yn gymwys, rhaid i'r swm ychwanegol y caiff y myfyriwr cymwys o dan y drefn newydd ei fenthyg mewn perthynas â'r flwyddyn academaidd y mae'r myfyriwr hwnnw'n trosglwyddo iddi beidio â bod yn fwy na swm sy'n hafal i'r ffioedd sy'n daladwy gan y myfyriwr hwnnw mewn perthynas â'r flwyddyn academaidd honno, llai swm unrhyw fenthyciad at ffioedd y mae'r myfyriwr hwnnw wedi'i godi mewn perthynas â'r flwyddyn academaidd y mae wedi trosglwyddo oddi arni.

(6) Os yw paragraff 4(b) yn gymwys, rhaid i'r swm ychwanegol y caiff y myfyriwr cymwys o dan y drefn newydd ei fenthyg mewn perthynas â'r flwyddyn academaidd y mae'n trosglwyddo iddi beidio â bod yn fwy na'r lleiaf o'r canlynol —

(a) £3,145 neu, os oes un o'r amgylchiadau yn rheoliad 16(4) yn gymwys, £1,570; a

(b) y ffioedd sy'n daladwy gan y myfyriwr mewn

Fee loans: new system eligible students not qualifying for new fee grant

21.—(1) Subject to paragraph (9), a new system eligible student qualifies in accordance with this regulation for a loan in respect of the fees payable by him or her in respect of, or otherwise in connection with his or her attendance on a designated course.

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

(a) £3,145 or, where one of the circumstances in paragraph 16(4) applies, £1,570; and

(b) the fees payable by the student in respect of, or otherwise in connection with, that year.

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

(4) The circumstances are —

(a) the fees payable in respect of the academic year of the course to which the new system eligible student transfers exceed the fees payable in respect of the academic year of the course from which the student has transferred; and

(b) the academic year of the course to which the new system eligible student transfers does not begin on a later date than the academic year of the course from which he or she has transferred.

(5) Where paragraph (4)(a) applies, the additional amount that the new system eligible student may borrow in respect of the academic year to which he or she transfers must not exceed an amount equal to the fees payable by him or her in respect of that academic year less the amount of any fee loan he or she has taken out in respect of the academic year from which he or she has transferred.

(6) Where paragraph (4)(b) applies, the additional amount that the new system eligible student may borrow in respect of the academic year to which he or she transfers must not exceed the lesser of —

(a) £3,145 or, where one of the circumstances in regulation 16(4) applies, £1,570; and

(b) the fees payable by the student in respect of, or

perthynas â'r flwyddyn honno, neu mewn cysylltiad â hi mewn modd arall.

(7) Os yw myfyriwr cymwys o dan y drefn newydd wedi gwneud cais am fenthyciad at ffioedd sy'n llai na'r uchafswm sydd ar gael mewn perthynas â blwyddyn academaidd, caiff wneud cais am fenthyg swm ychwanegol nad yw, o'i adio at y swm y gwnaed cais amdano eisoes, yn fwy na'r uchafswm perthnasol sy'n gymwys yn achos y myfyriwr hwnnw.

(8) Nid yw'r rheoliad hwn yn gymwys mewn perthynas â myfyriwr os oes ganddo hawl i gael grant newydd at ffioedd a bod y cwrs yn gwrs dynodedig cymhwysol.

Benthyciadau at ffioedd: Myfyrwyr sydd â hawl i gael grant newydd at ffioedd

22.—(1) Caiff myfyriwr sydd â hawl i gael grant newydd at ffioedd wneud cais o dan y rheoliad hwn am fenthyciad mewn perthynas â mynychu'r cwrs dynodedig cymhwysol.

(2) Uchafswm y benthyciad sydd ar gael o dan y rheoliad hwn yw'r lleiaf o'r canlynol —

(a) £1,255 neu, pan fydd unrhyw un neu rai o'r amgylchiadau yn rheoliad 16(4) yn gymwys, £625; a

(b) gweddill y ffioedd sy'n daladwy gan y myfyriwr a swm sy'n hafal i'r grant newydd at ffioedd mewn perthynas â'r flwyddyn honno neu mewn cysylltiad â hi fel arall wedi i ddidynnu oddi wrtho.

(3) Os yw'r myfyriwr wedi gwneud cais am fenthyciad at ffioedd sy'n llai na'r uchafswm sydd ar gael mewn perthynas â blwyddyn academaidd, caiff wneud cais am fenthyg swm ychwanegol nad yw, o'i adio at y swm y gwnaed cais amdano eisoes, yn fwy na'r uchafswm hwnnw.

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

(5) Yr amgylchiadau yw —

(a) bod y ffioedd sy'n daladwy mewn perthynas â blwyddyn academaidd y cwrs y mae'r myfyriwr cymwys yn trosglwyddo iddo yn fwy na'r ffioedd sy'n daladwy mewn perthynas â blwyddyn academaidd y cwrs y mae'r myfyriwr cymwys wedi trosglwyddo ohono; a

(b) nad yw blwyddyn academaidd y cwrs y mae'r myfyriwr cymwys yn trosglwyddo iddo yn dechrau ar ddyddiad diweddarach na blwyddyn academaidd y cwrs y mae wedi trosglwyddo ohono.

otherwise in connection with, that year.

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

(8) This regulation does not apply in relation to a student if he or she qualifies for a new fee grant and the course is a qualifying designated course.

Fee loans: Students qualifying for new fee grant

22.—(1) A student who qualifies for a new fee grant may apply under this regulation for a loan in respect of his or her attendance on the qualifying designated course.

(2) The maximum amount of loan available under this regulation is the lesser of —

(a) £1,255 or, where any of the circumstances in regulation 16(4) apply, £625; and

(b) the remainder of the fees payable by the student less an amount equal to the new fee grant in respect of or otherwise in connection with that year.

(3) Where the student has applied for a fee loan of less than the maximum amount available in relation to an academic year, he or she may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed that maximum.

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

(5) The circumstances are —

(a) the fees payable in respect of the academic year of the course to which the eligible student transfers exceed the fees payable in respect of the academic year of the course from which the student has transferred; and

(b) the academic year of the course to which the eligible student transfers does not begin on a later date than the academic year of the course from which he or she has transferred.

(6) Pan fo paragraff (5)(a) yn gymwys, rhaid i'r swm ychwanegol y caiff y myfyriwr cymwys ei fenthyg mewn cysylltiad â'r flwyddyn academaidd y mae'n trosglwyddo iddi beidio â bod yn fwy na swm hafal i'r ffioedd sy'n daladwy ganddo mewn perthynas â'r flwyddyn academaidd honno llai swm unrhyw fenthyciad at ffioedd y mae wedi'i gymryd ac/neu unrhyw grant newydd at ffioedd y mae wedi'i dderbyn mewn cysylltiad â'r flwyddyn academaidd y mae wedi trosglwyddo ohoni.

(7) Pan fo paragraff (5)(b) yn gymwys, rhaid i'r swm ychwanegol y caiff y myfyriwr cymwys ei fenthyg mewn cysylltiad â'r flwyddyn academaidd y mae'n trosglwyddo iddi beidio â bod yn fwy na'r lleiaf o'r canlynol—

(a) £3,145 neu, pan fo un o'r amgylchiadau yn rheoliad 16(4) yn gymwys, £1,570; a

(b) gweddill y ffioedd sy'n daladwy gan y myfyriwr llai swm hafal i'r grant newydd at ffioedd mewn perthynas â'r flwyddyn honno, neu mewn cysylltiad â hi fel arall.

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

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

(a) £3,145 or, where one of the circumstances in regulation 16(4) applies, £1,570; and

(b) the remainder of fees payable by the student less an amount equal to the new fee grant in respect of, or otherwise in connection with, that year.

RHAN 5

GRANTIAU AT GOSTAU BYW

Amodau cyffredinol yr hawl i gael grantiau at gostau byw

23.—(1) Mae gan fyfyriwr cymwys hawl i gael grant o dan y Rhan hon ar yr amod —

(a) nad yw'r myfyriwr wedi'i hepgor rhag bod â hawl gan unrhyw un o'r paragraffau canlynol, rheoliad 6 neu reoliad 7; a

(b) bod y myfyriwr yn bodloni amodau'r hawl i gael y grant penodol y mae'n gwneud cais amdano.

(2) Nid oes gan fyfyriwr cymwys hawl i gael grant o dan y Rhan hon os paragraff 9 yw'r unig baragraff yn Rhan 2 o Atodlen 1 y mae'r myfyriwr yn syrthio odano.

(3) Nid oes gan fyfyriwr cymwys hawl i gael grant o dan y Rhan hon o ran—

(a) blwyddyn academaidd sy'n flwyddyn bwrsari;

(b) blwyddyn academaidd cwrs ar gyfer hyfforddiant cychwynnol i athrawon pryd y mae cyfanswm y cyfnodau o bresenoldeb amser-llawn, gan gynnwys presenoldeb er mwyn ymarfer dysgu, yn llai na 6 wythnos;

(c) cwrs ôl-radd hyblyg ar gyfer hyfforddiant cychwynnol i athrawon sy'n para am lai nag un flwyddyn academaidd.

(4) Nid yw paragraff (3)(b) yn gymwys at ddibenion rheoliad 24.

PART 5

GRANTS FOR LIVING COSTS

General qualifying conditions for grants for living costs

23.—(1) An eligible student qualifies for a grant under this Part provided that —

(a) the student is not excluded from qualification by any of the following paragraphs, regulation 6 or regulation 7; and

(b) the student satisfies the qualifying conditions for the particular grant for which he or she is applying.

(2) An eligible student does not qualify for a grant under this Part if the only paragraph in Part 2 of Schedule 1 into which the student falls is paragraph 9.

(3) An eligible student does not qualify for a grant under this Part in respect of —

(a) an academic year which is a bursary year;

(b) an academic year of a course for the initial training of teachers during which the periods of full-time attendance, including attendance for the purpose of teaching practice, are in aggregate less than 6 weeks;

(c) a flexible postgraduate course for the initial training of teachers which is of less than one academic year's duration.

(4) Paragraph (3)(b) does not apply for the purposes of regulation 24.

(5) Nid oes gan fyfyriwr cymwys hawl i gael grant o dan y Rhan hon mewn perthynas ag unrhyw flwyddyn academaidd ar gwrs rhyngosod os yw cyfanswm y cyfnodau o astudio amser-llawn yn llai na 10 wythnos oni bai bod y cyfnodau o brofiad gwaith yn wasanaeth di-dâl.

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

(a) gwasanaeth di-dâl mewn ysbyty neu mewn labordy gwasanaeth iechyd cyhoeddus neu gydag ymddiriedolaeth gofal sylfaenol yn y Deyrnas Unedig;

(b) gwasanaeth di-dâl gydag awdurdod lleol yn y Deyrnas Unedig sy'n gweithredu i arfer eu swyddogaethau sy'n ymwneud â gofal plant a phersonau ifanc, iechyd neu les neu gyda chorff gwirfoddol sy'n darparu cyfleusterau neu sy'n cynnal gweithgareddau o natur debyg yn y Deyrnas Unedig;

(c) gwasanaeth di-dâl yn y gwasanaeth carchardai neu'r gwasanaeth prawf ac ôl-ofal yn y Deyrnas Unedig;

(ch) ymchwil ddi-dâl mewn sefydliad yn y Deyrnas Unedig neu, yn achos myfyriwr sy'n bresennol mewn sefydliad tramor fel rhan o'i gwrs, mewn sefydliad tramor; neu

(d) gwasanaeth di-dâl gydag —

(i) Awdurdod Iechyd Strategol a sefydlwyd yn unol ag adran 13 o Ddeddf y Gwasanaeth Iechyd Gwladol 2006 neu Awdurdod Iechyd Arbennig a sefydlwyd yn unol ag adran 28 o'r Ddeddf honno(**1**);

(ii) Bwrdd Iechyd Lleol a sefydlwyd yn unol ag adran 11 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 neu Awdurdod Iechyd Arbennig a sefydlwyd yn unol ag adran 22 o'r Ddeddf honno(**2**);

(iii) Bwrdd Iechyd neu Fwrdd Iechyd Arbennig a gyfansoddwyd o dan adran 2 o Ddeddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978(**3**); neu

(iv) Bwrdd Iechyd a Gwasanaethau Cymdeithasol a sefydlwyd o dan Erthygl 16 o Orchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1972(**4**).

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

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

(a) unpaid service in a hospital or in a public health service laboratory or with a primary care trust in the United Kingdom;

(b) unpaid service with a local authority in the United Kingdom acting in the exercise of their functions relating to the care of children and young persons, health or welfare or with a voluntary organisation providing facilities or carrying out activities of a like nature in the United Kingdom;

(c) unpaid service in the prison or probation and aftercare service in the United Kingdom;

(d) unpaid research in an institution in the United Kingdom or, in the case of a student attending an overseas institution as part of his or her course, in an overseas institution; or

(e) unpaid service with —

(i) a Strategic Health Authority established pursuant to section 13 of the National Health Service Act 2006 or a Special Health Authority established pursuant to section 28 of that Act(**1**);

(ii) a Local Health Board established pursuant to section 11 of the National Health Service (Wales) Act 2006 or a Special Health Authority established pursuant to section 22 of that Act(**2**);

(iii) a Health Board or a Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(**3**); or

(iv) a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(**4**).

(**1**) 2006 p.41.

(**2**) 2006 p.42.

(**3**) 1978 p. 29.

(**4**) O.S. 1972/1265 (G.I. 14), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**1**) 2006 c.41.

(**2**) 2006 c.42.

(**3**) 1978 c.29.

(**4**) S.I. 1972/1265 (N.I. 14), to which there have been amendments not relevant to these Regulations.

(7) Yn ddarostyngedig i baragraff (8), nid oes gan fyfyriwr cymwys hawl i gael grant o dan reoliad 35, 36 neu 37 mewn perthynas â blwyddyn academaidd ar y cwrs dynodedig os nad oes gan y myfyriwr hawl i gael cymorth perthnasol mewn perthynas â'r flwyddyn academaidd honno.

(8) Nid yw paragraff (7) yn gymwys os y rheswm nad oes gan y myfyriwr hawl i gael cymorth perthnasol o ran blwyddyn academaidd cwrs dynodedig yw —

(a) bod y flwyddyn yn flwyddyn Erasmus; neu

(b) bod y cwrs dynodedig yn hen gwrs ôl-radd HCA hyblyg.

(9) Ym mharagraff (7) ystyr "cymorth perthnasol" ("*relevant support*"), yn achos grant o dan reoliad 35, yw grant at ffioedd, neu, yn achos grant o dan reoliad 36 neu 37, benthyciad at ffioedd.

(10) Os bydd un o'r digwyddiadau a restrir ym mharagraff (11) yn digwydd yn ystod blwyddyn academaidd, caiff y myfyriwr gymhwyso i gael grant penodol yn unol â'r Rhan hon mewn perthynas â'r flwyddyn academaidd honno yn gyfan neu ran ohoni ond nid oes ganddo hawl i gael grant mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol ynddi.

(11) Y digwyddiadau yw—

(a) bod cwrs y myfyriwr yn dod yn gwrs dynodedig;

(b) bod y myfyriwr, priod y myfyriwr, partner sifil y myfyriwr neu riant y myfyriwr yn cael ei gydnabod fel ffoadur neu ei fod yn cael caniatâd i ddod i mewn neu i aros;

(c) bod y wladwriaeth y mae'r myfyriwr yn wladolyn iddi yn ymaelodi â'r Gymuned Ewropeaidd os yw'r myfyriwr wedi bod yn preswylio 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;

(ch) bod y myfyriwr yn ennill yr hawl i breswylio'n barhaol;

(d) bod y myfyriwr yn dod yn blentyn i weithiwr Twrcaidd;

(dd) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 6(1)(a) o Atodlen 1; neu

(e) bod y myfyriwr yn dod yn blentyn i wladolyn Swisaidd.

(12) Yn ddarostyngedig i baragraff (13), nid yw myfyriwr cymwys yn cymhwyso i gael grant o dan y Rhan hon o ran blwyddyn academaidd y bydd yn ystod unrhyw ran ohoni yn garcharor.

(13) Nid yw paragraff (12) yn gymwys o ran grant at gostau byw myfyrwyr anabl.

(14) Ymdrinnir â myfyriwr y mae'r paragraff hwn yn

(7) Subject to paragraph (8), an eligible student does not qualify for a grant under regulation 35, 36 or 37 in respect of an academic year of the designated course if the student does not qualify for relevant support in respect of that academic year.

(8) Paragraph (7) does not apply if the reason that the student does not qualify for relevant support in respect of an academic year of a designated course is because —

(a) that academic year is an Erasmus year; or

(b) the designated course is an old flexible postgraduate ITT course.

(9) In paragraph (7) "relevant support" ("*cymorth perthnasol*") means, in the case of a grant under regulation 35, a grant for fees, or, in the case of a grant under regulations 36 or 37, a loan for fees.

(10) Where one of the events listed in paragraph (11) occurs in the course of an academic year, a student may qualify for a particular grant in accordance with this Part in respect of all or part of that academic year but he or she does not qualify for a grant in respect of any academic year beginning before the academic year in which the relevant event occurred.

(11) The events are —

(a) the student's course becomes a designated course;

(b) the student, the student's spouse, the student's civil partner or the student's parent is recognised as a refugee or is granted leave to enter or remain;

(c) the state of which the student is a national accedes to the European Community 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;

(d) the student acquires the right of permanent residence;

(e) the student becomes the child of a Turkish worker;

(f) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or

(g) the student becomes the child of a Swiss national.

(12) Subject to paragraph (13), an eligible student does not qualify for a grant under this Part in respect of an academic year during any part of which he or she is a prisoner.

(13) Paragraph (12) does not apply in respect of a grant for disabled students' living costs.

(14) A student to whom this paragraph applies is

gymwys iddo fel pe bai'n bresennol ar y cwrs dynodedig at ddibenion cymhwyso ar gyfer y grantiau canlynol—

(a) grantiau ar gyfer dibynyddion;

(b) grant at gostau byw myfyrwyr anabl;

(c) grant cynhaliaeth neu grant cymorth arbennig;

(ch) grant addysg uwch.

(15) Mae paragraff (14) yn gymwys ar gyfer—

(a) myfyriwr cwrs gradd cywasgedig;

(b) myfyriwr anabl—

(i) nad yw'n fyfyriwr cwrs gradd cywasgedig; a

(ii) sy'n ymgymryd â chwrs dynodedig yn y Deyrnas Unedig ond nad yw'n bresennol am na all fod yn bresennol am reswm sy'n ymwneud â'i anabledd.

Grantiau at gostau byw myfyrwyr anabl

24.—(1) Mae gan fyfyriwr cymwys hawl yn unol â'r rheoliad hwn i gael grant at gostau byw myfyrwyr anabl i helpu gyda'r gwariant ychwanegol y mae Gweinidogion Cymru wedi'u bodloni ei bod yn ofynnol i'r myfyriwr ei ysgwyddo mewn cysylltiad bod yn bresennol ar gwrs dynodedig oherwydd anabledd sydd ganddo.

(2) Yn ddarostyngedig i'r paragraffau canlynol, swm y grant at gostau byw myfyrwyr anabl o dan y rheoliad hwn yw'r swm y mae Gweinidogion Cymru yn ystyried sy'n briodol yn unol ag amgylchiadau'r myfyriwr.

(3) Ac eithrio pan fydd paragraff (5) yn gymwys, rhaid i swm y grant at gostau byw myfyrwyr anabl beidio â bod yn fwy na'r canlynol—

(a) £20,000 mewn perthynas â blwyddyn academaidd at wariant ar gynorthwyydd personol anfeddygol;

(b) £5,035 mewn perthynas â phob blwyddyn academaidd yn ystod y cyfnod cymhwystra at wariant ar eitemau mawr o offer arbenigol;

(c) y gwariant ychwanegol sy'n cael ei ysgwyddo—

(i) yn y Deyrnas Unedig er mwyn bod yn bresennol yn y sefydliad,

(ii) yn y Deyrnas Unedig neu y tu allan iddi er mwyn bod yn bresennol, fel rhan o'i gwrs, ar unrhyw gyfnod astudio mewn sefydliad dros y môr neu er mwyn bod yn bresennol yn yr Athrofa;

(ch) £1,685 mewn perthynas â blwyddyn academaidd at unrhyw wariant arall gan gynnwys gwariant sy'n cael ei ysgwyddo at y dibenion y cyfeirir atynt yn is-baragraff (a) neu (b) sy'n fwy na'r uchafsymiau penodedig a bennir yn y paragraffau hynny.

treated as if he or she were in attendance on the designated course for the purpose of qualifying for the following grants-

(a) grants for dependants;

(b) grant for disabled students' living costs;

(c) maintenance grant or special support grant;

(d) higher education grant.

(15) Paragraph (14) applies to —

(a) a compressed degree student;

(b) a disabled student who—

(i) is not a compressed degree student; and

(ii) is undertaking a designated course in the United Kingdom but is not in attendance because he or she is unable to attend for a reason which relates to his or her disability.

Grants for disabled students' living costs

24.—(1) An eligible student qualifies in accordance with this regulation for a grant for disabled students' living costs to assist with the additional expenditure which the Welsh Ministers are satisfied the student is obliged to incur in connection with his or her attendance on a designated course by reason of a disability to which the student is subject.

(2) Subject to the following paragraphs, the amount of grant for disabled students' living costs under this regulation is the amount that the Welsh Ministers consider appropriate in accordance with the student's circumstances.

(3) Except where paragraph (5) applies, the amount of the grant for disabled students' living costs must not exceed —

(a) £20,000 in respect of an academic year for expenditure on a non-medical personal helper;

(b) £5,035 in respect of all the academic years during the period of eligibility for expenditure on major items of specialist equipment;

(c) the additional expenditure incurred —

(i) within the United Kingdom for the purpose of attending the institution;

(ii) within or outside the United Kingdom for the purpose of attending, as a part of his or her course, any period of study at an overseas institution or for the purpose of attending the Institute;

(d) £1,685 in respect of an academic year for any other expenditure including expenditure incurred for the purposes referred to in sub-paragraph (a) or (b) which exceeds the maxima specified in those paragraphs.

(4) Os yw'r myfyriwr cymwys wedi cael taliadau i helpu gyda gwariant ar eitemau mawr o offer arbenigol mewn cysylltiad â'r cwrs yn rhinwedd y ffaith bod ganddo ddyfarniad trosiannol, mae uchafswm y grant o dan baragraff (3)(b) yn cael ei ostwng yn ôl swm y taliadau hynny.

(5) Uchafswm y grant o dan baragraffau (3)(a) a (3)(ch) yw £15,000 a £1,260, yn y drefn honno —

(a) os yw myfyriwr cymwys yn bresennol ar gwrs ar gyfer hyfforddiant cychwynnol athrawon; a

(b) os yw cyfanswm y cyfnodau o astudio amser-llawn mewn unrhyw flwyddyn academaidd ar y cwrs hwnnw, ac ymarfer dysgu amser-llawn gyda'i gilydd yn llai na 6 wythnos.

Grantiau ar gyfer dibynyddion - cyffredinol

25.—(1) Mae'r grantiau ar gyfer dibynyddion yn cynnwys yr elfennau canlynol —

(a) grant dibynyddion mewn oed;

(b) grant gofal plant;

(c) lwfans dysgu rhieni.

(2) Nodir amodau'r hawl i gael pob elfen a'r symiau sy'n daladwy yn rheoliadau 26 i 29.

(3) Caniateir didynnu swm o unrhyw un o elfennau'r grantiau ar gyfer dibynyddion yn unol â rheoliad 54.

Grantiau ar gyfer dibynyddion - grant dibynyddion mewn oed

26.—(1) Mae gan fyfyriwr cymwys hawl i gael grant dibynyddion mewn oed mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig yn unol â'r rheoliad hwn.

(2) Mae'r grant dibynyddion mewn oed ar gael mewn perthynas â un dibynnydd i fyfyriwr cymwys sydd naill ai —

(a) yn bartner i'r myfyriwr cymwys; neu

(b) yn ddibynnydd mewn oed i'r myfyriwr cymwys nad yw ei incwm net yn fwy na £3,705.

(3) Mae swm y grant dibynyddion mewn oed sy'n daladwy mewn perthynas â blwyddyn academaidd yn cael ei gyfrifo yn unol â rheoliad 29, a'r swm sylfaenol yw —

(a) £2,580; neu

(b) os yw'r person y mae'r myfyriwr cymwys yn gwneud cais mewn perthynas ag ef am grant dibynyddion mewn oed yn preswylio fel arfer y tu allan i'r Deyrnas Unedig, unrhyw swm nad yw'n fwy na £2,580 sydd ym marn Gweinidogion Cymru yn rhesymol o dan yr amgylchiadau.

(4) Where the eligible student has received payments to assist with expenditure on major items of specialist equipment in connection with the course by virtue of holding a transitional award, the maximum amount of grant under paragraph (3)(b) is reduced by the amount of those payments.

(5) The maximum amount of grant under paragraphs (3)(a) and (3)(d) is £15,000 and £1,260, respectively where —

(a) an eligible student attends a course for the initial training of teachers; and

(b) in any academic year of that course, the periods of full-time study and full-time teaching practice are in aggregate less than 6 weeks.

Grants for dependants - general

25.—(1) The grants for dependants consist of the following elements —

(a) adult dependants' grant;

(b) childcare grant;

(c) parents' learning allowance.

(2) The qualifying conditions for each element and the amounts payable are set out in regulations 26 to 29.

(3) A deduction may be made from any element of the grants for dependants in accordance with regulation 54.

Grants for dependants - adult dependants' grant

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

(2) The adult dependants' grant is available in respect of one dependant of an eligible student who is either —

(a) the eligible student's partner; or

(b) an adult dependant of the eligible student whose net income does not exceed £3,705.

(3) The amount of adult dependants' grant payable in respect of an academic year is calculated in accordance with regulation 29, the basic amount being —

(a) £2,580; or

(b) where the person in respect of whom the eligible student is applying for adult dependants' grant is ordinarily resident outside the United Kingdom, such amount not exceeding £2,580 as the Welsh Ministers consider reasonable in the circumstances.

Grantiau ar gyfer dibynyddion - grant gofal plant

27.—(1) Mae gan fyfyriwr cymwys, mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig, hawl i gael grant gofal plant yn unol â'r rheoliad hwn.

(2) Yn ddarostyngedig i baragraffau (3) a (4), mae'r grant gofal plant ar cael mewn perthynas â blwyddyn academaidd y mae'r myfyriwr yn tynnu costau gofal plant rhagnodedig ynddi a hynny ar gyfer —

(a) plentyn dibynnol sydd o dan 15 oed yn union cyn dechrau'r flwyddyn academaidd; neu

(b) plentyn dibynnol sydd ag anghenion addysgol arbennig o fewn yr ystyr a roddir i "*special educational needs*" yn adran 312 o Ddeddf Addysg 1996(**1**) a'i fod o dan 17 oed yn union cyn dechrau'r flwyddyn academaidd.

(3) Nid oes gan fyfyriwr cymwys hawl i gael grant o dan y rheoliad hwn os yw'r myfyriwr neu bartner y myfyriwr wedi dewis cael yr elfen gofal plant o'r credyd treth gweithio o dan Ran I o Ddeddf Credydau Treth 2002(**2**).

(4) Nid yw myfyriwr cymwys yn gymwys i gael grant o dan y rheoliad hwn os yw'r costau gofal plant rhagnodedig y mae'n eu tynnu'n cael eu talu neu os ydynt i'w talu gan y myfyriwr i'w bartner.

(5) Yn ddarostyngedig i baragraff (6), swm sylfaenol y grant gofal plant am bob wythnos yw —

(a) ar gyfer un plentyn dibynnol, 85 y cant o gostau gofal plant rhagnodedig, hyd at uchafswm o £157.25 yr wythnos; neu

(b) ar gyfer dau neu fwy o blant dibynnol, 85 y cant o gostau gofal plant rhagnodedig, hyd at uchafswm o £267.75 yr wythnos;

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

(6) Er mwyn cyfrifo swm sylfaenol y grant gofal plant —

(a) mae wythnos yn rhedeg o ddydd Llun i ddydd Sul; a

Grants for dependants - childcare grant

27.—(1) An eligible student qualifies, in connection with his or her attendance on a designated course, for a childcare grant in accordance with this regulation.

(2) Subject to paragraphs (3) and (4), the childcare grant is available in respect of an academic year in which the student incurs prescribed childcare charges for—

(a) a dependent child who is under the age of 15 immediately before the beginning of the academic year; or

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

(3) An eligible student does not qualify for a grant under this regulation if the student or the student's partner has elected to receive the childcare element of the working tax credit under Part I of the Tax Credits Act 2002(**2**).

(4) An eligible student does not qualify for a grant under this regulation if the prescribed childcare charges that he or she incurs are paid or to be paid by the student to his or her partner.

(5) Subject to paragraph (6), the basic amount of childcare grant for each week is —

(a) for one dependent child, 85 per cent. of the prescribed childcare charges, subject to a maximum amount of £157.25 per week; or

(b) for two or more dependent children, 85 per cent. of the prescribed childcare charges, subject to a maximum amount of £ 267.75 per week;

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

(6) For the purposes of calculating the basic amount of childcare grant —

(a) a week runs from Monday to Sunday; and

(**1**) 1996 p. 56; diwygiwyd adran 312 gan Ddeddf Addysg 1997 (p. 44), Atodlen 7, paragraff 23, Deddf Safonau a Fframwaith Ysgolion 1998 (p. 31), adran 140, Atodlen 30, paragraff 71 ac Atodlen 31 a Deddf Dysgu a Sgiliau 2000 (p. 21), Atodlen 9, paragraff 56 a Deddf Addysg ac Arolygiadau 2006 (p.40), Atodlen 1, paragraff 3.

(**2**) 2002 (p.21) y mae diwygiadau iddi nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**1**) 1996 c. 56; section 312 was amended by the Education Act 1997 (c. 44), Schedule 7, paragraph 23, the Schools Standards and Framework Act 1998 (c. 31), section 140, Schedule 30, paragraph 71 and Schedule 31 and the Learning and Skills Act 2000 (c. 21), Schedule 9, paragraph 56 and the Education and Inspections Act 2006 (c.40), Schedule 1, paragraph 3.

(**2**) 2002 (c. 21) to which there are amendments not relevant to these Regulations.

(b) os yw wythnos y caiff costau gofal plant rhagnodedig eu tynnu mewn perthynas â hi yn syrthio'n rhannol o fewn y flwyddyn academaidd y mae grant gofal plant yn daladwy mewn perthynas â hi o dan y rheoliad hwn ac yn rhannol y tu allan iddi, mae uchafswm wythnosol y grant yn cael ei gyfrifo drwy luosi'r uchafswm wythnosol perthnasol ym mharagraff (4) â nifer o ddyddiau yn yr wythnos honno sy'n syrthio o fewn y flwyddyn academaidd a rhannu'r canlyniad â saith.

(7) Yn y rheoliad hwn, ystyr "costau gofal plant rhagnodedig" ("*prescribed childcare charges*") yw costau gofal plant o ddisgrifiad a ragnodir at ddibenion adran 12 o Ddeddf Credydau Treth 2002(**1**).

Grantiau ar gyfer dibynyddion - lwfans dysgu rhieni

28.—(1) Mae gan fyfyriwr cymwys hawl mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig i gael y lwfans dysgu rhieni os oes gan y myfyriwr un neu fwy o ddibynyddion sy'n blant dibynnol.

(2) Mae swm y lwfans dysgu rhieni sy'n daladwy mewn perthynas â blwyddyn academaidd yn cael ei gyfrifo yn unol â rheoliad 29, a'r swm sylfaenol yw £1,470.

Grantiau ar gyfer dibynyddion - eu cyfrifo

29.—(1) Yn ddarostyngedig i'r paragraffau canlynol, y swm sy'n daladwy mewn perthynas ag elfen benodol o'r grantiau ar gyfer dibynyddion y mae gan y myfyriwr cymwys hawl i'w gael o dan reoliadau 26 i 28 yw'r swm hwnnw o'r elfen honno sy'n weddill ar ôl cymhwyso, hyd nes y daw i ben, swm sy'n hafal i **(A - B)** fel a ganlyn ac yn y drefn ganlynol —

(a) i ostwng swm sylfaenol y grant dibynyddion mewn oed os oes gan y myfyriwr cymwys hawl i gael yr elfen honno o dan reoliad 26;

(b) i ostwng swm sylfaenol y grant gofal plant am y flwyddyn academaidd os oes gan y myfyriwr cymwys hawl i gael yr elfen honno o dan reoliad 27; ac

(c) i ostwng swm sylfaenol y lwfans dysgu rhieni os oes gan y myfyriwr cymwys hawl i gael yr elfen honno o dan reoliad 28.

(**1**) Mae Rheoliad 14 o Reoliadau Credyd Treth Gwaith (Hawlogaeth ac Uchafsymiau) 2002 (O.S. 2002/2005, fel y'i diwygir gan O.S.2003/701, O.S 2003/2815, O.S. 2004/762, O.S. 2004/1276, O.S 2004/2663, O.S. 2005/769, O.S 2005/2919, O.S 2006/766, O.S 2007/824 ac O.S 2007/2479) yn nodi'r costau a ragnodir, ac felly gostau gofal plant rhagnodedig, at ddibenion adran 12 o Ddeddf Credydau Treth 2002.

(b) where a week in respect of which prescribed childcare charges are incurred falls partly within and partly outside the academic year in respect of which childcare grant is payable under this regulation, the maximum weekly amount of grant is calculated by multiplying the relevant maximum weekly amount in paragraph (4) by the number of days of that week falling within the academic year and dividing the product by seven.

(7) In this regulation "prescribed childcare charges" ("*costau gofal plant rhagnodedig*") means childcare charges of a description prescribed for the purposes of section 12 of the Tax Credits Act 2002(**1**).

Grants for dependants - parents' learning allowance

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

(2) The amount of parents' learning allowance payable in respect of an academic year is calculated in accordance with regulation 29, the basic amount being £1,470.

Grants for dependants - calculations

29.—(1) Subject to the following paragraphs, the amount payable in respect of a particular element of the grants for dependants for which the eligible student qualifies under regulations 26 to 28 is the amount of that element remaining after applying, until it is extinguished, an amount equal to **(A - B)** as follows and in the following order —

(a) to reduce the basic amount of the adult dependants' grant where the eligible student qualifies for that element under regulation 26;

(b) to reduce the basic amount of the childcare grant for the academic year where the eligible student qualifies for that element under regulation 27; and

(c) to reduce the basic amount of the parents' learning allowance where the eligible student qualifies for that element under regulation 28.

(**1**) Regulation 14 of the Working Tax Credit (Entitlement and Maximum Amount) Regulations 2002 (S.I. 2002/2005) as amended by S.I. 2003/701, S.I. 2003/2815, S.I. 2004/762, S.I. 2004/1276, S.I. 2004/2663, S.I. 2005/769, S.I. 2005/2919, S.I. 2006/766, S.I 2007/824 and S.I.2007/2479) sets out the charges that are prescribed, and thus relevant childcare charges, for the purposes of section 12 of the Tax Credits Act 2002.

(2) Yn ddarostyngedig i baragraffau (4), (5) a (13), os yw **B** yn fwy na neu'n hafal i **A**, mae swm sylfaenol pob elfen o'r grantiau ar gyfer dibynyddion y mae gan y myfyriwr cymwys hawl i'w chael yn daladwy.

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

(4) Gostyngir swm grant dibynyddion mewn oed a gyfrifir o dan baragraff (1) o ran dibynnydd mewn oed gan hanner y swm—

(a) os yw partner y myfyriwr cymwys—

(i) yn fyfyriwr cymwys; neu

(ii) yn dal dyfarniad statudol; a

(b) os cymerir i ystyriaeth ddibynyddion y partner hwnnw wrth gyfrifo swm y cymorth y mae'r partner yn ymgymhwyso ar ei gyfer neu'r taliad y mae ganddo hawl iddo o dan y dyfarniad statudol.

(5) Gostyngir swm y grant gofal plant a gyfrifir o dan baragraff (1) gan hanner y swm—

(a) os yw partner y myfyriwr cymwys—

(i) yn fyfyriwr cymwys; neu

(ii) yn dal dyfarniad statudol; a

(b) os cymerir i ystyriaeth ddibynyddion y partner hwnnw wrth gyfrifo swm y cymorth y mae'r partner yn ymgymhwyso ar ei gyfer neu'r taliad y mae ganddo hawl iddo o dan y dyfarniad statudol.

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

(7) Yn y rheoliad hwn —

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

B yw—

(a) £1,130 os nad oes gan y myfyriwr cymwys blentyn dibynnol;

(b) £3,385 os nad yw'r myfyriwr cymwys yn rhiant unigol a bod ganddo un plentyn dibynnol;

(c) £4,515—

(i) os nad yw'r myfyriwr cymwys yn rhiant unigol a bod ganddo fwy nag un plentyn dibynnol; neu

(ii) os yw'r myfyriwr cymwys yn rhiant unigol a bod ganddo un plentyn;

(ch) £5,650 os yw'r myfyriwr cymwys yn rhiant unigol a bod ganddo fwy nag un plentyn dibynnol.

(2) Subject to paragraphs (4), (5) and (13), where **B** is greater than or equal to **A**, the basic amount of each element of the grants for dependants for which the eligible student qualifies is payable.

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

(4) The amount of the adult dependants' grant calculated under paragraph (1) in respect of an adult dependant is reduced by one half where—

(a) the eligible student's partner—

(i) is an eligible student; or

(ii) holds a statutory award; and

(b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which he or she is entitled under the statutory award.

(5) The amount of the childcare grant calculated under paragraph (1) is reduced by one half where—

(a) the eligible student's partner—

(i) is an eligible student; or

(ii) holds a statutory award; and

(b) account is taken of that partner's dependants in calculating the amount of support for which that partner qualifies or the payment to which he or she is entitled under the statutory award.

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

(7) In this regulation —

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

B is—

(a) £1,130 where the eligible student has no dependent child;

(b) £3,385 where the eligible student is not a lone parent and has one dependent child;

(c) £4,515 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) £5,650 where the eligible student is a lone parent and has more than one dependent child.

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

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

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

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

(ch) bod myfyriwr yn dod yn fyfyriwr cymwys o ganlyniad i ddigwyddiad y cyfeirir ato yn rheoliad 23(11).

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

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

(b) pwy yw'r dibynyddion hynny;

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

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

(11) Mae swm y grant dibynyddion mewn oed a'r lwfans dysgu rhieni mewn perthynas â chwarter perthnasol yn draean o swm y grant neu'r lwfans am y flwyddyn academaidd pe bai amgylchiadau'r myfyriwr yn y chwarter perthnasol fel y'u pennir o dan baragraff (9) yn gymwys drwy gydol y flwyddyn academaidd.

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

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

(b) fel arall, chwarter heblaw'r chwarter pryd y mae'r un hiraf o unrhyw wyliau yn digwydd, ym marn Gweinidogion Cymru.

(13) Caniateir gwneud didyniad yn unol â Rhan 9 o'r swm sy'n daladwy o ran elfen benodol o'r grantiau ar gyfer dibynyddion a gyfrifir o dan y Rhan hon.

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

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

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

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

(d) a student becomes an eligible student as a result of an event referred to in regulation 23(11).

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

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

(b) who those dependants are;

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

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

(11) The amount of adult dependants' grant and parents' learning allowance in respect of a relevant quarter is one third of what that grant or allowance would be for the academic year if the student's circumstances in the relevant quarter as determined under paragraph (9) applied for the duration of the academic year.

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

(a) in the case of a person referred to in paragraph (8)(d), a quarter which begins after the relevant event occurs other than a quarter during which, in the opinion of the Welsh Ministers, the longest of any vacation occurs;

(b) otherwise, a quarter other than the one quarter during which, in the opinion of the Welsh Ministers, the longest of any vacation occurs.

(13) A deduction may be made in accordance with Part 9 from the amount payable in respect of a particular element of the grants for dependants calculated under this Part.

Grantiau ar gyfer dibynyddion - dehongli

30.—(1) Yn rheoliadau 26 i 29 —

(a) yn ddarostyngedig i is-baragraff (j), ystyr "dibynnydd mewn oed" ("*adult dependant*"), mewn perthynas â myfyriwr cymwys, yw person mewn oed sy'n dibynnu ar y myfyriwr heblaw plentyn y myfyriwr, partner y myfyriwr (gan gynnwys priod neu bartner sifil y mae Gweinidogion Cymru o'r farn bod y myfyriwr wedi gwahanu oddi wrtho) neu gyn bartner y myfyriwr;

(b) mae "plentyn" ("*child*") mewn perthynas â myfyriwr cymwys yn cynnwys unrhyw blentyn i bartner y myfyriwr sy'n ddibynnol arno ac unrhyw blentyn y mae gan y myfyriwr gyfrifoldeb rhiant drosto sy'n ddibynnol arno;

(c) ystyr "dibynnydd" ("*dependant*"), mewn perthynas â myfyriwr cymwys, yw partner y myfyriwr, plentyn dibynnol y myfyriwr neu ddibynnydd mewn oed, nad yw ym mhob achos yn fyfyriwr cymwys ac nad oes ganddo ddyfarniad statudol;

(ch) ystyr "dibynnol" ("*dependent*") yw ariannol ddibynnol yn gyfan gwbl neu'n bennaf;

(d) ystyr "plentyn dibynnol" ("*dependent child*"), mewn perthynas â myfyriwr cymwys yw plentyn sy'n ddibynnol ar y myfyriwr;

(dd) ystyr "rhiant unigol" ("*lone parent*") yw myfyriwr cymwys nad oes ganddo bartner ac sydd â phlentyn dibynnol neu blant dibynnol;

(e) mae i "incwm net" ("*net income*") yr ystyr a roddir ym mharagraff (2);

(f) yn ddarostyngedig i is-baragraffau (f), (ff) ac (g), (ng), (h) ac (i) ystyr "partner" ("*partner*") yw unrhyw un o'r canlynol —

(i) priod myfyriwr cymwys;

(ii) partner sifil myfyriwr cymwys;

(iii) person sydd fel arfer yn byw gyda myfyriwr cymwys fel pe bai'n briod i'r myfyriwr hwnnw os yw myfyriwr cymwys yn syrthio o fewn paragraff 2(1)(a) o Atodlen 5 a'i fod wedi dechrau ar y cwrs dynodedig ar neu ar ôl 1 Medi 2000;

(iv) person sydd fel arfer yn byw gyda myfyriwr cymwys fel pe bai'n bartner sifil i'r myfyriwr cymwys os yw myfyriwr cymwys yn syrthio o fewn paragraff 2(1)(a) o Atodlen 5 a'i fod wedi dechrau ar y cwrs dynodedig ar neu ar ôl 1 Medi 2005;

(ff) oni nodir fel arall, nid yw person a fyddai fel arall yn bartner o dan is-baragraff (f) yn cael ei drin fel partner —

(i) os yw'r person hwnnw a'r myfyriwr cymwys, ym marn Gweinidogion Cymru, wedi gwahanu; neu

Grants for dependants - interpretation

30.—(1) In regulations 26 to 29 —

(a) Subject to sub-paragraph (n), "adult dependant" ("*dibynnydd mewn oed*") means, in relation to an eligible student, an adult person dependent on the student other than the student's child, the student's partner (including a spouse or civil partner from whom the Welsh Ministers consider the student is separated) or his or her former partner;

(b) "child" (*"plentyn*") in relation to an eligible student includes any child of the student's partner who is dependent on him or her and any child for whom the student has parental responsibility who is dependent on him or her;

(c) "dependant" ("*dibynnydd*") means, in relation to an eligible student, the student's partner, the student's dependent child or an adult dependant, who in each case is not an eligible student and does not hold a statutory award;

(d) "dependent" ("*dibynnol*") means wholly or mainly financially dependent;

(e) dependent child" ("*plentyn dibynnol*") means, in relation to an eligible student, a child dependent on the student;

(f) "lone parent" ("*rhiant unigol*") means an eligible student who does not have a partner and who has a dependent child or dependent children;

(g) "net income" ("*incwm net*") has the meaning given in paragraph (2);

(h) subject to sub-paragraphs (h), (i), (j), (k), (l) and (m), "partner" ("*partner*") means any of the following —

(i) the spouse of an eligible student;

(ii) the civil partner of an eligible student;

(iii) a person ordinarily living with an eligible student as if he or she were his or her spouse where an eligible student falls within paragraph 2(1)(a) of Schedule 5 and began the designated course on or after 1 September 2000;

(iv) a person ordinarily living with an eligible student as if he or she were the student's civil partner where an eligible student falls within paragraph 2(1)(a) of Schedule 5 and began the designated course on or after 1 September 2005;

(i) unless otherwise indicated, a person who would otherwise be a partner under sub-paragraph (h) is not treated as a partner if —

(i) in the opinion of the Welsh Ministers, that person and the eligible student are separated; or

(ii) os yw'r person fel arfer yn byw y tu allan i'r Deyrnas Unedig ac nad yw'n cael ei gynnal gan y myfyriwr cymwys;

(g) at ddibenion y diffiniad o "dibynnydd mewn oed", mae person i'w drin fel partner pe bai'r person yn bartner o dan is-baragraff (f) oni bai am y ffaith nad yw'r myfyriwr cymwys y mae'r person fel arfer yn byw gydag ef yn syrthio o fewn paragraff 2(1)(a) o Atodlen 5;

(ng) at ddibenion y diffiniadau o "plentyn" a "rhiant unigol", mae person i'w drin fel partner pe bai'r person yn bartner o dan is-baragraff (f) oni bai am y dyddiad y dechreuodd y myfyriwr cymwys ar ei gwrs dynodedig a bennir neu'r ffaith nad yw'r myfyriwr cymwys y mae'r person fel arfer yn byw gydag ef yn syrthio o fewn paragraff 2(1)(a) o Atodlen 5;

(h) at ddibenion rheoliad 27 —

(i) nid yw is-baragraff (ff) yn gymwys; a

(ii) mae person i'w drin fel pe bai'n bartner pe byddai'n bartner o dan is-baragraff (f) pe na bai am y ffaith nad yw'r myfyriwr cymwys y mae'n byw gydag ef yn arferol yn dod o fewn paragraff (2)(1)(a) o Atodlen 5;

(i) at ddibenion penderfynu a yw rhywun yn gynbartner i bartner i fyfyriwr cymwys, ystyr "partner" ("*partner*") o ran partner i fyfyriwr cymwys yw—

(i) priod i bartner myfyriwr cymwys;

(ii) partner sifil i bartner myfyriwr cymwys;

(iii) pan fo myfyriwr cymwys wedi dechrau'r cwrs dynodedig a bennir ar neu ar ôl 1 Medi 2000, rhywun sydd fel arfer yn byw gyda phartner myfyriwr cymwys fel petai'n briod iddo;

(iv) pan fo myfyriwr cymwys wedi dechrau'r cwrs dynodedig a bennir ar neu ar ôl 1 Medi 2005, person sydd fel arfer yn byw gyda phartner myfyriwr cymwys fel petai'n bartner sifil iddo;

(j) yn ddarostyngedig i is-baragraff (l), at ddibenion y diffiniadau o "dibynnydd mewn oed" ("*adult dependant*") a "plentyn dibynnol" ("*dependent child*") caiff Gweinidogion Cymru ymdrin ag oedolyn neu blentyn fel un sy'n ddibynnol ar fyfyriwr cymwys os ydynt yn fodlon nad yw'r oedolyn neu'r plentyn—

(i) yn ddibynnol ar—

(aa) y myfyriwr cymwys; neu

(bb) ei bartner; ond

(ii) yn ddibynnol ar y myfyriwr cymwys a'i bartner gyda'i gilydd.

(l) rhaid i Weinidogion Cymru beidio ag ymdrin ag

(ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible student;

(j) for the purposes of the definition of "adult dependant", a person is to be treated as a partner if the person would be a partner under sub-paragraph (h) but for the fact that the eligible student with whom the person is ordinarily living does not fall within paragraph 2(1)(a) of Schedule 5;

(k) for the purposes of the definitions of "child" and "lone parent", a person is to be treated as a partner if the person would be a partner under sub-paragraph (h) but for the date on which the eligible student began the specified designated course or the fact that the eligible student with whom the person is ordinarily living does not fall within paragraph 2(1)(a) of Schedule 5;

(l) for the purposes of regulation 27 —

(i) sub-paragraph (i) does not apply; and

(ii) a person is to be treated as a partner if he or she would be a partner under sub-paragraph (h) but for the fact that the eligible student with whom he or she is ordinarily living does not fall within paragraph (2) (1) (a) of Schedule 5;

(m) for the purposes of determining whether a person is the former partner of an eligible student's partner ("*partner*"), in relation to an eligible student's partner means—

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

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

(iii) where the eligible student began the specified designated course on or after 1 September 2000, a person ordinarily living with an eligible student's partner as if he or she were his or her spouse;

(iv) where the eligible student began the specified designated course on or after 1 September 2005, a person ordinarily living with an eligible student's partner as if he or she were his or her civil partner;

(n) subject to sub-paragraph (o), for the purposes of the definitions of "adult dependant" and "dependent child ", the Welsh Ministers may treat an adult person or child as dependent on an eligible student if they are satisfied that the adult person or child—

(i) is not dependent on—

(aa) the eligible student; or

(bb) his or her partner; but

(ii) is dependent on the eligible student and his or her partner together;

(o) the Welsh Ministers must not treat an adult

oedolyn ("A") fel un dibynnol ar fyfyriwr cymwys yn unol ag is-baragraff (j), os yw A—

(iii) yn briod neu'n bartner sifil i bartner y myfyriwr cymwys (yn cynnwys priod neu bartner sifil yr ystyria Gweinidogion Cymru bod partner y myfyriwr cymwys wedi gwahanu oddi wrtho); neu

(iv) yn gynbartner partner y myfyriwr cymwys.

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

(a) unrhyw bensiwn, lwfans neu fudd-dal arall a delir oherwydd anabledd neu analluedd sydd gan y dibynnydd;

(b) budd-dal plant sy'n daladwy o dan Ran IX o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(**1**);

(c) unrhyw gymorth ariannol sy'n daladwy i'r dibynnydd gan awdurdod lleol yn unol â rheoliadau a wnaed o dan adrannau 2, 3 a 4 o Ddeddf Mabwysiadu a Phlant 2002(**2**);

(ch) unrhyw lwfans gwarcheidwad y mae gan y dibynnydd hawlogaeth i'w gael o dan adran 77 o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992;

(d) yn achos dibynnydd y mae plentyn sy'n derbyn gofal awdurdod lleol wedi'i fyrddio gydag ef, unrhyw daliad a wneir i'r dibynnydd hwnnw yn unol ag adran 23 o Ddeddf Plant 1989(**3**);

(dd) unrhyw daliadau a wneir i'r dibynnydd o dan adran 15 o Ddeddf Plant 1989 ac Atodlen 1 iddi mewn perthynas â pherson nad yw'n blentyn i'r dibynnydd neu unrhyw gymorth a roddir gan awdurdod lleol yn unol ag adran 24 o'r Ddeddf honno(**4**); ac

(e) unrhyw gredyd treth plant y mae gan y dibynnydd hawlogaeth i'w gael o dan Ran I o Ddeddf Credydau Treth 2002(**5**).

person ("A") as dependent on an eligible student in accordance with sub-paragraph (n), if A is—

(i) the spouse or civil partner of the eligible student's partner (including a spouse or civil partner from whom the Welsh Ministers consider the eligible student's partner is separated); or

(ii) the former partner of the eligible student's partner.

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

(a) any pension, allowance or other benefit paid by reason of a disability or incapacity to which the dependant is subject;

(b) child benefit payable under Part IX of the Social Security Contributions and Benefits Act 1992(**1**);

(c) any financial support payable to the dependant by a local authority in accordance with regulations made under 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;

(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(**3**);

(f) any payments made to the dependant under section 15 of and Schedule 1 to the Children Act 1989 in respect of a person who is not the dependant's child or any assistance given by a local authority pursuant to section 24 of that Act(**4**); and

(g) any child tax credit to which the dependant is entitled under Part I of the Tax Credits Act 2002(**5**).

(**1**) 1992 p. 4 y mae diwygiadau iddi nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**2**) 2002 p. 38.

(**3**) 1989 p. 41. Diwygiwyd adran 23 gan Ddeddf y Llysoedd a Gwasanaethau Cyfreithiol 1990 (p.41), Atodlen 6, paragraff 12, Deddf Safonau Gofal 2000 (p.14), Atodlen 4, paragraff 14 a Deddf Plant 2004 (p.31), adran 49 (3).

(**4**) Mae diwygiadau i adrannau 15 a 24 ac Atodlen 1 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**5**) 2002 p.21 y mae diwygiadau iddi nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**1**) 1992 c. 4 to which there are amendments not relevant to these Regulations.

(**2**) 2002 c. 38.

(**3**) 1989 c. 41. Section 23 was amended by the Courts and Legal Services Act 1990(c. 41), Schedule 6, paragraph 12, the Care Standards Act 2000 (c.14), Schedule 4, paragraph 14 and the Children Act 2004 (c.31), section 49 (3).

(**4**) There are amendments to sections 15 and 24 and Schedule 1 which are not relevant to these Regulations.

(**5**) 2002 c. 21 to which there are amendments not relevant to these Regulations.

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

(a) swm sy'n hafal i'r taliadau o dan sylw am y flwyddyn academaidd, os cafodd y rhwymedigaeth, ym marn Gweinidogion Cymru, ei hysgwyddo'n rhesymol; neu

(b) unrhyw swm llai, os bydd unrhyw swm o gwbl, sy'n briodol ym marn Gweinidogion Cymru, pe gallai rhwymedigaeth lai fod wedi'i hysgwyddo'n rhesymol yn eu barn hwy.

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

Amodau cymhwysol ar gyfer y grant at deithio

31.—(1) Mae grant ar gael i fyfyriwr cymwys sy'n mynychu cwrs mewn meddygaeth neu ddeintyddiaeth (y mae rhan hanfodol ohono'n gyfnod o astudio ar ffurf hyfforddiant clinigol) mewn perthynas â'r gwariant rhesymol y mae'n orfodol iddo ei dynnu mewn blwyddyn academaidd at ddiben mynychu mewn cysylltiad â'i gwrs unrhyw ysbyty neu fangre arall yn y Deyrnas Unedig (nad yw'n rhan o'r sefydliad) lle y darperir cyfleusterau ar gyfer hyfforddiant clinigol a hynny ac eithrio gwariant a dynnir at ddiben cyfnod o astudio preswyl heb fod yn y sefydliad.

(2) Mae grant ar gael i fyfyriwr cymwys ynglŷn â'r gwariant rhesymol y mae'n orfodol iddo ei dynnu ym mhob chwarter cymhwysol naill ai yn y Deyrnas Unedig neu'r tu allan iddi er mwyn bod yn bresennol mewn sefydliad tramor neu'r Athrofa fel rhan o'i gwrs .

Swm y grant at deithio

32.—(1) Mae swm y grant sy'n daladwy o dan reoliad 31(1) mewn perthynas â blwyddyn academaidd yn hafal i'r gwariant rhesymol y mae Gweinidogion Cymru yn penderfynu bod yn rhaid i'r myfyriwr cymwys ei dynnu at y dibenion a nodir yn y rheoliad hwnnw llai £295.

(2) Cyfrifir swm y grant sy'n daladwy o dan reoliad 31(2) mewn perthynas â blwyddyn academaidd fel a ganlyn—

(*X*-£295)+*Y* lle—

X yw cyfanswm y costau teithio rhesymol y mae'n orfodol i'r myfyriwr cymwys eu tynnu ym mhob chwarter cymhwysol at y dibenion a nodir yn rheoliad 31.

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

(a) an amount equal to the payments in question for the academic year, if in the opinion of the Welsh Ministers, the obligation had been reasonably incurred; or

(b) such lesser amount, if any, as the Welsh Ministers consider appropriate if, in their opinion, a lesser obligation could reasonably have been incurred.

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

Qualifying conditions for the grant for travel

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

(2) A grant is available to an eligible student in respect of the reasonable expenditure which he or she is obliged to incur in each qualifying quarter within or outside the United Kingdom for the purpose of attending as part of his or her course an overseas institution or the Institute.

Amount of the grant for travel

32.—(1) The amount of grant payable under regulation 31 (1) in respect of an academic year is equal to the reasonable expenditure that the Welsh Ministers determine the eligible student is obliged to incur for the purposes set out in that regulation less £295.

(2) The amount of grant payable under regulation 31 (2) in respect of an academic year is calculated as follows—

(*X*-£295)+*Y* 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 set out in regulation 31.

Y yw cyfanswm y gwariant a dynnwyd ym mhob chwarter cymhwysol a bennir ym mharagraff (3).

(3) Y gwariant a bennir ym mharagraff (2) yw—

(a) gwariant y mae'r myfyriwr cymwys yn rhesymol yn ei dynnu 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 cyfnod y mae'n bresennol yn y sefydliad tramor neu yn yr Athrofa;

(b) cost fisa neu fisâu y mae'n orfodol i'r myfyriwr cymwys eu cael er mwyn bod yn bresennol yn y sefydliad tramor neu'r Athrofa; ac

(c) costau meddygol y mae'r myfyriwr cymwys yn rhesymol yn eu tynnu er mwyn cyflawni amod gorfodol i fynd i'r diriogaeth, y wlad neu'r wladwriaeth lle y mae'r sefydliad tramor neu'r Athrofa.

Didyniadau o'r grant at deithio

33. Caniateir gwneud didyniad o grant o dan reoliadau 30 i 32 yn unol â Rhan 9.

Dehongli

34. At ddibenion y Rhan hon—

(a) o ran unrhyw gyfeiriad at wariant a dynnir at ddiben mynychu sefydliad neu gyfnod o astudio—

(i) mae'n cynnwys gwariant cyn ac ar ôl mynychu felly; a

(ii) nid yw'n cynnwys unrhyw wariant y mae grant yn daladwy mewn perthynas ag ef o dan reoliad 24.

(b) ystyr "chwarter cymhwysol" ("*qualifying quarter*") yw chwarter y mae myfyriwr cymwys yn treulio o leiaf hanner cyfnod y chwarter hwnnw yn mynychu, fel rhan o'i gwrs, sefydliad tramor neu'r Athrofa.

Grantiau addysg uwch

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

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

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

Y is the aggregate of the expenditure incurred in each qualifying quarter specified in paragraph (3).

(3) The expenditure specified in paragraph (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 period he or she is attending the overseas institution or the Institute;

(b) the cost of a visa or visas that the eligible student is obliged to obtain in order to attend the overseas institution or the Institute; and

(c) medical costs that the eligible student reasonably incurs in order to fulfil a mandatory condition of entry into the territory, country or state in which the overseas institution or the Institute is situated.

Deductions from the grant for travel

33. A deduction may be made from a grant under regulations 30 to 32 in accordance with Part 9.

Interpretation

34. For the purposes of this Part—

(a) any reference to expenditure incurred for the purpose of attending an institution or period of study—

(i) includes expenditure both before and after so attending; and

(ii) does not include any expenditure in respect of which a grant is payable under regulation 24.

(b) "qualifying quarter" ("*chwarter cymhwysol*") means a quarter during which the eligible student attends as part of his or her course an overseas institution or the Institute for at least half the period covered by that quarter.

Higher education grants

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

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

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

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

(a) mewn unrhyw achos lle mae incwm yr aelwyd yn £16,765 neu lai, mae ganddo hawlogaeth i gael uchafswm y grant sydd ar gael;

(b) mewn unrhyw achos lle mae incwm yr aelwyd yn fwy na £16,765 ac nad yw'n fwy na £22,750, mae'r myfyriwr yn cael swm sy'n hafal i **M-A**, pan fo **M** yn £1,000 ac **A** yn £1 am bob £6.30 cyflawn o incwm sydd gan yr aelwyd uwchlaw £16,765; ac

(c) mewn unrhyw achos lle mae incwm yr aelwyd yn fwy nag £22,750, nid oes grant yn daladwy o dan y rheoliad hwn.

Grant cynhaliaeth

36.—(1) Mae gan fyfyriwr cymwys o dan y drefn newydd hawl yn unol â'r rheoliad hwn i gael grant cynhaliaeth mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig.

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

(3) Uchafswm y grant cynhaliaeth sydd ar gael mewn perthynas â blwyddyn academaidd yw —

(a) yn achos myfyriwr math 1 ar gwrs hyfforddi athrawon, £1,415;

(b) yn achos myfyriwr math 2 ar gwrs hyfforddi athrawon, £2,835; ac

(c) yn achos myfyriwr cymwys o dan y drefn newydd heblaw myfyriwr math 1 neu fath 2 ar gwrs hyfforddi athrawon, £2,835.

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

(a) os yw incwm yr aelwyd yn £18,370 neu lai, mae'n cael £1,415;

(b) os yw incwm yr aelwyd yn fwy na £18,370 ond heb fod yn fwy na £27,850, mae'n cael swm sy'n hafal i **M-(A/2)** pan fo **M** yn £1,415 ac **A** yn £1 am bob £6 o incwm sydd gan yr aelwyd uwchlaw £18,370; ac

(c) os yw incwm yr aelwyd yn fwy na £27,850, mae'n cael £625.

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

(a) os yw incwm yr aelwyd yn £18,370 neu lai, mae'n cael £2,835;

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

(a) in any case where the household income is £16,765 or less, he or she is entitled to receive the maximum amount of grant available;

(b) in any case where the household income exceeds £16,765 and does not exceed £22,750, he or she receives an amount equal to **M-A**, where **M** is £1,000 and **A** is £1 for every complete £6.30 by which the household income exceeds £ 16,765; and

(c) in any case where the household income exceeds £22,750, no grant is payable under this regulation.

Maintenance grant

36.—(1) A new system eligible student qualifies in accordance with this regulation for a maintenance grant for living costs in connection with his or her attendance on a designated course.

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

(3) The maximum amount of maintenance grant available in respect of an academic year is —

(a) in the case of a type 1 teacher training student, £1,415;

(b) in the case of a type 2 teacher training student, £2,835; and

(c) in the case of a new system eligible student other than a type 1 or type 2 teacher training student, £2,835.

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

(a) where the household income is £18,370 or less, he or she receives £1,415;

(b) where household income exceeds £18,370 but does not exceed £ 27,850, he or she receives an amount equal to **M-(A/2)** where **M** is £1,415 and **A** is £1 for every £6 by which the household income exceeds £18,370; and

(c) where the household income exceeds £27,850, he or she receives £625.

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

(a) where the household income is £18,370 or less, he or she receives £2,835;

(b) os yw incwm yr aelwyd yn fwy na £18,370 ond heb fod yn fwy na £27,850, mae'n cael swm sy'n hafal i **M-A** pan fo **M** yn £2,835 ac **A** yn £1 am bob £6 o incwm sydd gan yr aelwyd uwchlaw £18,370; ac

(c) os yw incwm yr aelwyd yn fwy na £27,850, mae'n cael £1,255.

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

(a) os yw incwm yr aelwyd yn £18,370 neu lai, mae'n cael £2,835;

(b) os yw incwm yr aelwyd yn fwy na £18,370 ond heb fod yn fwy na £27,850, mae'n cael swm sy'n hafal i **M-A** pan fo **M** yn £2,835 ac **A** yn £1 am bob £6 o incwm sydd gan yr aelwyd uwchlaw £18,370; ac

(c) os yw incwm yr aelwyd yn fwy na £27,850 ond heb fod yn fwy na £39,300, mae'n cael swm sy'n hafal i **RM-A**, pan fo **RM** yn £1,255 ac **A** yn £1 am bob £9.50 cyflawn o incwm sydd gan yr aelwyd uwchlaw £27,850;

(ch) os yw incwm yr aelwyd yn fwy na £39,300 nid oes grant cynhaliaeth yn daladwy.

Grant Cymorth Arbennig

37.—(1) Mae gan fyfyriwr cymwys o dan y drefn newydd hawl yn unol â'r rheoliad hwn i gael grant cymorth arbennig mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig i dalu cost llyfrau, offer, teithio neu ofal plant sy'n cael eu hysgwyddo er mwyn bod yn bresennol ar y cwrs hwnnw.

(2) Mae gan fyfyriwr cymwys o dan y drefn newydd hawl i gael grant cymorth arbennig os yw'n syrthio o fewn categori rhagnodedig o berson at ddibenion adran 124(1)(e) o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(**1**), neu os ymdrinnir ag ef fel rhywun sy'n atebol i wneud taliadau mewn perthynas ag annedd a ragnodwyd gan reoliadau a wnaed o dan adran 130(2) o'r Ddeddf honno(**2**).

(3) Uchafswm y grant cymorth arbennig sydd ar gael mewn perthynas â blwyddyn academaidd yw—

(a) yn achos myfyriwr math 1 ar gwrs hyfforddi athrawon, £1,415;

(b) where the household income exceeds £18,370 but does not exceed £27,850, he or she receives an amount equal to **M-A** where **M** is £2,835 and **A** is £1 for every £6 by which the household income exceeds £18,370; and

(c) where the household income exceeds £27,850, he or she receives £1,255.

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

(a) where the household income is £18,370 or less, he or she receives £2,835;

(b) where the household income exceeds £18,370 but does not exceed £27,850, he or she receives an amount equal to **M-A** where **M** is £2,835 and **A** is £1 for every £6 by which the household income exceeds £18,370;

(c) where the household income exceeds £27,850 but does not exceed £39,300, he or she receives an amount equal to **RM-A**, where **RM** is £1,255 and **A** is £1 for every complete £9.50 by which the household income exceeds £27,850;

(d) where the household income exceeds £39,300, no maintenance grant is payable.

Special Support Grant

37.—(1) A new system eligible student qualifies in accordance with this regulation for a special support grant in connection with his or her attendance on a designated course to defray the cost of books, equipment, travel or childcare incurred for the purpose of attending that course.

(2) A new system eligible student qualifies for a special support grant if he or she falls within a prescribed category of person for the purposes of section 124(1)(e) of the Social Security Contributions and Benefits Act 1992(**1**), or if he or she 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**).

(3) The maximum amount of special support grant available in respect of an academic year is —

(a) in the case of a type 1 teacher training student, £1,415;

(**1**) 1992 p. 4. Y rheoliad perthnasol yw rheoliad 4ZA o Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987 (O.S. 1987/1967). Mewnosodwyd rheoliad 4ZA gan O.S. 1996/206, a ddiwygiwyd gan O.S. 2000/1981 ac O.S. 2006/2144; mae yna offerynnau diwygio eraill ond nid ydynt yn berthnasol.

(**2**) Mae diwygiadau i adran 130 nad ydynt yn berthnasol i'r Rheoliadau hyn. Y rheoliad perthnasol yw rheoliad 56 o Reoliadau Cymhorthdal Tai 2006 (O.S. 2006/213 fel y'i diwygiwyd gan O.S. 2006/718).

(**1**) 1992 c 4. 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, amended by S.I. 2000/1981 and S.I. 2006/2144; there are other amending instruments but none are relevant.

(**2**) There are amendments to section 130 which are not relevant to these Regulations. The relevant regulation is regulation 56 of the Housing Benefit Regulations 2006 (S.I. 2006/213 as amended by S.I. 2006/718).

(b) yn achos myfyriwr math 2 ar gwrs hyfforddi athrawon, £2,835; ac

(c) yn achos myfyriwr cymwys o dan y drefn newydd heblaw myfyriwr math 1 neu fyfyriwr math 2 ar gwrs hyfforddi athrawon, £2,835.

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

(a) os yw incwm yr aelwyd yn £18,370 neu lai, mae'n cael £1,415;

(b) os yw incwm yr aelwyd yn fwy na £18,370 ond heb fod yn fwy na £27,850, mae'n cael swm sy'n hafal i **M-(A/2)** pan fo **M** yn £1,415 ac **A** yn £1 am bob £6 o incwm sydd gan yr aelwyd uwchlaw £18,370; ac

(c) os yw incwm yr aelwyd yn fwy na £27,850, mae'n cael £625.

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

(a) os yw incwm yr aelwyd yn £18,370 neu lai, mae'n cael £2,835;

(b) os yw incwm yr aelwyd yn fwy na £18,370 ond heb fod yn fwy na £27,850, mae'n cael swm sy'n hafal i **M-A** pan fo **M** yn £2,835 ac **A** yn £1 am bob £6 o incwm sydd gan yr aelwyd uwchlaw £18,370; ac

(c) os yw incwm yr aelwyd yn fwy na £27,850, neu os yw'r myfyriwr wrth wneud cais am y grant yn dewis peidio â rhoi'r wybodaeth y mae ei hangen i gyfrifo incwm yr aelwyd, mae'n cael £1,255.

(6) Mae myfyriwr cymwys o dan y drefn newydd heblaw myfyriwr math 1 neu fath 2 ar gwrs hyfforddi athrawon sydd â hawl i gael grant cymorth arbennig mewn perthynas â blwyddyn academaidd yn cael un o'r symiau a ganlyn mewn perthynas â'r flwyddyn honno—

(a) os yw incwm yr aelwyd yn £18,370 neu lai, mae'n cael £2,835;

(b) os yw incwm yr aelwyd yn fwy na £18,370 ond heb fod yn fwy na £27,850, mae'n cael swm sy'n hafal i **M-A** pan fo **M** yn £2,835 ac **A** yn £1 am bob £6 o incwm sydd gan yr aelwyd uwchlaw £18,370;

(c) os yw incwm yr aelwyd yn fwy na £27,850 ond heb fod yn fwy na £39,300, mae'n cael swm sy'n hafal i **RM-A**, pan fo **RM** yn £1,255 ac **A** yn £1 am bob £9.50 cyflawn o incwm sydd gan yr aelwyd uwchlaw £27,850;

(b) in the case of a type 2 teacher training student, £2,835; and

(c) in the case of a new system eligible student other than a type 1 or type 2 teacher training student, £2835.

(4) A type 1 teacher training student who qualifies for special support grant in respect of an academic year receives an amount as follows in respect of that year —

(a) where the household income is £18,370 or less, he or she receives £1,415;

(b) where the household income exceeds £18,370 but does not exceed £27,850, he or she receives an amount equal to **M-(A/2)** where **M** is £1,415 and **A** is £1 for every £6 by which the household income exceeds £18,370; and

(c) where the household income exceeds £27,850, he or she receives £625.

(5) **A** type 2 teacher training student who qualifies for special support grant in respect of an academic year receives an amount as follows in respect of that year —

(a) where the household income is £18,370 or less, he or she receives £2,835;

(b) where the household income exceeds £18,370 but does not exceed £27,850, he or she receives an amount equal to **M-A** where **M** is £2,835 and **A** is £1 for every £6 by which the household income exceeds £18,370; and

(c) where the household income exceeds £27,850, or the student opts when applying for the grant not to provide the information needed to calculate the household income he or she receives £1,255.

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

(a) where the household income is £18,370 or less, he or she receives £2,835;

(b) where the household income exceeds £18,370 but does not exceed £27,850, he or she receives an amount equal to **M-A** where **M** is £2,835 and **A** is £1 for every £6 by which the household income exceeds £18,370;

(c) where the household income exceeds £27,850 but does not exceed £39,300, he or she receives an amount equal to **RM-A**, where **RM** is £1,255 and **A** is £1 for every complete £9.50 by which the household income exceeds £27,850;

(ch) os yw incwm yr aelwyd yn fwy na £39,300, nid oes grant cymorth arbennig yn daladwy.

(d) where the household income exceeds £39,300, no special support grant is payable.

RHAN 6

BENTHYCIADAU AT GOSTAU BYW

Amodau'r hawl i gael benthyciadau at gostau byw

38.—(1) Yn ddarostyngedig i baragraff (6), mae gan fyfyriwr cymwys hawl i gael benthyciad at gostau byw mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig os yw'r myfyriwr yn bodloni'r amod ym mharagraff (2) ac nad yw'n cael ei hepgor gan baragraff (3) neu reoliad 7.

(2) Yr amod yw bod y myfyriwr cymwys o dan 60 oed ar y dyddiad perthnasol.

(3) Nid oes gan fyfyriwr cymwys hawl i gael benthyciad at gostau byw os paragraff 9 yw'r unig baragraff yn Rhan 2 o Atodlen 1 y mae'r myfyriwr yn syrthio odano.

(4) Nid oes gan fyfyriwr cymwys hawl i gael benthyciad at gostau byw mewn cysylltiad â'i bresenoldeb ar gwrs dynodedig os yw'r cwrs hwnnw'n gwrs ôl-radd hyblyg ar gyfer hyfforddiant cychwynnol athrawon sy'n para am lai nag un flwyddyn academaidd.

(5) Mae myfyriwr cymwys o dan yr hen system sy'n dod o fewn paragraff (a) neu (ch)(i) o'r diffiniad o "myfyriwr cymwys o dan yr hen system" yn rheoliad 2 yn gymwys i gael benthyciad at gostau byw mewn cysylltiad â mynychu cwrs dynodedig os yw'n bodloni'r amod ym mharagraff (2) ac nad yw wedi'i wahardd gan baragraff (3).

(6) Ymdrinnir â myfyriwr y mae'r rheoliad hwn yn gymwys iddo fel pe bai'n bresennol ar y cwrs dynodedig at ddibenion cymhwyso ar gyfer benthyciad at gostau byw.

(7) Mae paragraff (7) yn gymwys ar gyfer—

(a) myfyriwr cwrs gradd cywasgedig; a

(b) myfyriwr anabl—

(i) nad yw'n fyfyriwr cwrs gradd cywasgedig; a

(ii) sy'n ymgymryd â chwrs dynodedig yn y Deyrnas Unedig ond nad yw'n bresennol am na all fod yn bresennol am reswm sy'n ymwneud â'i anabledd.

(8) Er mwyn cael benthyciad at gostau byw, rhaid i fyfyriwr cymwys o dan yr hen drefn ymrwymo mewn contract â Gweinidogion Cymru o dan delerau sydd i'w penderfynu gan Weinidogion Cymru.

(9) Nid yw myfyriwr cymwys yn cymhwyso i gael benthyciad at gostau byw dan y Rhan hon o ran blwyddyn academaidd y bydd yn ystod unrhyw ran ohoni yn garcharor.

PART 6

LOANS FOR LIVING COSTS

Qualifying conditions for loans for living costs

38.—(1) Subject to paragraph (6), an eligible student qualifies for a loan for living costs in connection with the student's attendance on a designated course if the student satisfies the condition in paragraph (2) and is not excluded by paragraph (3) or regulation 7.

(2) The condition is that the eligible student is under the age of 60 on the relevant date.

(3) An eligible student does not qualify for a loan for living costs if the only paragraph in Part 2 of Schedule 1 into which the student falls is paragraph 9.

(4) An eligible student does not qualify for a loan for living costs in connection with his or her attendance on a designated course if that course is a flexible postgraduate course for the initial training of teachers which is of less than one academic year's duration.

(5) An old system eligible student who falls within paragraph (a) or (d)(i) of the definition of "old system eligible student" in regulation 2 qualifies for a loan for living costs in connection with his or her attendance on a designated course if he or she satisfies the condition in paragraph (2) and is not excluded by paragraph (3).

(6) A student to whom this regulation applies is treated as if he or she were in attendance on the designated course for the purpose of qualifying for the loan for living costs.

(7) Paragraph (6) applies to —

(a) a compressed degree student; and

(b) a disabled student who—

(i) is not a compressed degree student; and

(ii) is undertaking a designated course in the United Kingdom but is not in attendance because he or she is unable to attend for a reason which relates to his or her disability.

(8) To receive a loan for living costs, an old system eligible student must enter into a contract with the Welsh Ministers on terms to be decided by the Welsh Ministers.

(9) An eligible student does not qualify for a loan for living costs under this Part in respect of an academic year during any part of which he or she is a prisoner.

Uchafswm benthyciadau i fyfyrwyr cymwys o dan yr hen drefn sydd â hawlogaeth lawn

39.—(1) Yn ddarostyngedig i reoliadau 43 i 48, uchafswm y benthyciad at gostau byw y mae gan fyfyriwr cymwys o dan yr hen drefn sydd â hawlogaeth lawn hawl i'w gael mewn perthynas â blwyddyn academaidd heblaw blwyddyn derfynol cwrs nad yw'n gwrs dwys, yw—

(a) i fyfyriwr yng nghategori 1, £3,580;

(b) i fyfyriwr yng nghategori 2, £6,480;

(c) i fyfyriwr yng nghategori 3, £5,515;

(ch) i fyfyriwr yng nghategori 4, £5,515;

(d) i fyfyriwr yng nghategori 5, £4,625.

(2) Yn ddarostyngedig i reoliadau 43 i 48, uchafswm y benthyciad at gostau byw y mae gan fyfyriwr cymwys o dan yr hen drefn sydd â hawlogaeth lawn hawl i'w gael mewn perthynas â blwyddyn academaidd sy'n flwyddyn derfynol cwrs nad yw'n gwrs dwys yw—

(a) i fyfyriwr yng nghategori 1, £3,240;

(b) i fyfyriwr yng nghategori 2, £5,900;

(c) i fyfyriwr yng nghategori 3, £4,795;

(ch) i fyfyriwr yng nghategori 4, £4,795;

(d) i fyfyriwr yng nghategori 5, £4,285.

Uchafswm benthyciadau i fyfyrwyr cymwys o dan y drefn newydd sydd â hawlogaeth lawn

40.—(1) Mae'r rheoliad hwn yn gymwys i fyfyriwr cymwys o dan y drefn newydd sydd â hawlogaeth lawn (heblaw myfyriwr math 1 neu fath 2 ar gwrs hyfforddi athrawon, y mae ei gyfraniad yn uwch na dim).

(2) Yn ddarostyngedig i reoliadau 43 i 48, mae uchafswm y benthyciad at gostau byw y mae gan fyfyriwr y mae'r rheoliad hwn yn gymwys iddo hawl i'w gael mewn perthynas â blwyddyn academaidd (heblaw blwyddyn derfynol cwrs nad yw'n gwrs dwys) yn hafal i **(X-Y)** lle—

X —

(i) i fyfyriwr yng nghategori 1, yw £3,580;

(ii) i fyfyriwr yng nghategori 2, yw £6,480;

(iii) i fyfyriwr yng nghategori 3, yw £5,515;

(iv) i fyfyriwr yng nghategori 4, yw £5,515;

(v) i fyfyriwr yng nghategori 5, yw £4,625;

Y yw swm y grant cynhaliaeth.

(3) Yn ddarostyngedig i reoliadau 43 i 48, mae uchafswm y benthyciad at gostau byw y mae gan fyfyriwr y mae'r rheoliad hwn yn gymwys iddo hawl i'w gael mewn perthynas â blwyddyn academaidd sy'n flwyddyn derfynol cwrs nad yw'n gwrs dwys yn hafal i **(X-Y)** lle—

Maximum amount of loans for old system eligible students with full entitlement

39.—(1) Subject to regulations 43 to 48, the maximum amount of loan for living costs for which an old system eligible student with full entitlement qualifies in respect of an academic year other than the final year of a course that is not an intensive course is —

(a) for a student in category 1, £3,580;

(b) for a student in category 2, £6,480;

(c) for a student in category 3, £5,515;

(d) for a student in category 4, £5,515;

(e) for a student in category 5, £4,625.

(2) Subject to regulations 43 to 48, the maximum amount of loan for living costs for which an old system eligible student with full entitlement qualifies in respect of an academic year which is the final year of a course that is not an intensive course is —

(a) for a student in category 1, £3,240;

(b) for a student in category 2, £5,900;

(c) for a student in category 3, £4,795;

(d) for a student in category 4, £4,795;

(e) for a student in category 5, £4,285.

Maximum amount of loans for new system eligible students with full entitlement

40.—(1) This regulation applies to a new system eligible student with full entitlement (other than a type 1 or type 2 teacher training student, whose contribution exceeds nil).

(2) Subject to regulations 43 to 48, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year other than a final year of a course that is not an intensive course is equal to **(X-Y)** where —

X is —

(i) for a student in category 1, £3,580;

(ii) for a student in category 2, £6,480;

(iii) for a student in category 3, £5,515;

(iv) for a student in category 4, £5,515;

(v) for a student in category 5, £4,625;

Y is the maintenance grant amount.

(3) Subject to regulations 43 to 48, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year that is the final year of a course that is not an intensive course is equal to **(X-Y)** where —

X —

(i) i fyfyriwr yng nghategori 1, yw £3,240;

(ii) i fyfyriwr yng nghategori 2, yw £5,900;

(iii) i fyfyriwr yng nghategori 3, yw £4,795;

(iv) i fyfyriwr yng nghategori 4, yw £4,795;

(v) i fyfyriwr yng nghategori 5, yw £4,795;

Y yw swm y grant cynhaliaeth.

(4) Yn y rheoliad hwn, "swm y grant cynhaliaeth" ("*the maintenance grant amount*") yw'r canlynol—

(a) os oes gan y myfyriwr hawl o dan reoliad 36 i gael swm o grant cynhaliaeth nad yw'n fwy na £1,255, swm y grant cynhaliaeth sy'n daladwy;

(b) os oes gan y myfyriwr hawl o dan reoliad 36 i gael swm o grant cynhaliaeth sy'n fwy na £1,255; ac

(c) os nad oes grant cynhaliaeth yn daladwy, dim.

41.—(1) Mae'r rheoliad hwn yn gymwys i fyfyriwr math 1 neu i fyfyriwr math 2 ar gwrs hyfforddi athrawon y mae ei gyfraniad yn uwch na dim.

(2) Yn ddarostyngedig i reoliadau 43 i 48, uchafswm y benthyciad at gostau byw y mae gan fyfyriwr y mae'r rheoliad hwn yn gymwys iddo hawl i'w gael mewn perthynas â blwyddyn academaidd heblaw blwyddyn derfynol cwrs nad yw'n gwrs carlam yw —

(a) i fyfyriwr yng nghategori 1, £3,580;

(b) i fyfyriwr yng nghategori 2, £6,480;

(c) i fyfyriwr yng nghategori 3, £5,515;

(ch) i fyfyriwr yng nghategori 4, £5,515;

(d) i fyfyriwr yng nghategori 5, £4,625.

(3) Yn ddarostyngedig i reoliadau 43 i 48, uchafswm y benthyciad at gostau byw y mae gan fyfyriwr y mae'r rheoliad hwn yn gymwys iddo hawl i'w gael mewn perthynas â blwyddyn academaidd cwrs heblaw blwyddyn derfynol cwrs nad yw'n gwrs dwys yw —

(a) i fyfyriwr yng nghategori 1, £3,240;

(b) i fyfyriwr yng nghategori 2, £5,900;

(c) i fyfyriwr yng nghategori 3, £4,795;

(ch) i fyfyriwr yng nghategori 4, £4,795;

(d) i fyfyriwr yng nghategori 5, £4,285.

Myfyrwyr sydd â hawlogaeth wedi'i gostwng

42.—(1) Yn ddarostyngedig i reoliadau 43 i 48, uchafswm y benthyciad at gostau byw y mae gan fyfyriwr sydd â hawlogaeth wedi'i gostwng hawl i'w gael mewn perthynas â blwyddyn academaidd cwrs heblaw blwyddyn derfynol cwrs nad yw'n gwrs dwys yw —

(a) os yw'r myfyriwr yn syrthio o fewn rheoliad 23(3)(a) —

X is —

(i) for a student in category 1, £3,240;

(ii) for a student in category 2, £5,900;

(iii) for a student in category 3, £4,795;

(iv) for a student in category 4, £4,795;

(v) for a student in category 5, £4,795;

Y is the maintenance grant amount.

(4) In this regulation, "the maintenance grant amount" ("*swm y grant cynhaliaeth*") is —

(a) where the student qualifies under regulation 36 for an amount of maintenance grant not exceeding £1,255, the amount of maintenance grant payable;

(b) where the student qualifies under regulation 36 for an amount of maintenance grant exceeding £1,255; and

(c) where no maintenance grant is payable, nil.

41.—(1) This regulation applies to a type 1 or type 2 teacher training student whose contribution exceeds nil.

(2) Subject to regulations 43 to 48, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year other than the final year of a course that is not an accelerated course is —

(a) for a student in category 1, £3,580;

(b) for a student in category 2, £6,480;

(c) for a student in category 3, £5,515;

(d) for a student in category 4, £5,515;

(e) for a student in category 5, £4,625.

(3) Subject to regulations 43 to 48, the maximum amount of loan for living costs for which a student to whom this regulation applies qualifies in respect of an academic year of a course that is the final year of a course that is not an accelerated course is —

(a) for a student in category 1, £3,240;

(b) for a student in category 2, £5,900;

(c) for a student in category 3, £4,795;

(d) for a student in category 4, £4,795;

(e) for a student in category 5, £4,285.

Students with reduced entitlement

42.—(1) Subject to regulations 43 to 48, the maximum amount of loan for living costs for which a student with reduced entitlement qualifies in respect of an academic year of a course other than the final year of a course than is not an intensive course is —

(a) where the student falls within regulation 23(3)(a) —

(i) i fyfyriwr yng nghategori 1, £1,700;

(ii) i fyfyriwr yng nghategori 2, £3,185;

(iii) i fyfyriwr yng nghategori 3, £2,265;

(iv) i fyfyriwr yng nghategori 4, £2,265;

(v) i fyfyriwr yng nghategori 5, £2,265;

(b) os yw'r myfyriwr yn syrthio o fewn rheoliad 23(3)(c) neu 23(5) —

(i) i fyfyriwr yng nghategori 1, £1,700;

(ii) i fyfyriwr yng nghategori 2, £3,185;

(iii) i fyfyriwr yng nghategori 3, £2,710;

(iv) i fyfyriwr yng nghategori 4, £2,710;

(v) i fyfyriwr yng nghategori 5, £2,265;

(c) os yw'r myfyriwr yn gwneud cais am fenthyciad at gostau byw ac yn dewis peidio â rhoi'r wybodaeth y mae ei hangen i gyfrifo incwm ei aelwyd swm hafal i X-Y pan fo—

X—

(i) i fyfyriwr yng nghategori 1, yn £2,685;

(ii) i fyfyriwr yng nghategori 2, yn £4,860;

(iii) i fyfyriwr yng nghategori 3, yn £4,135;

(iv) i fyfyriwr yng nghategori 4, yn £4,135;

(v) i fyfyriwr yng nghategori 5, yn £3,470;

Y yw'r swm a bennir ym mharagraff (ch).

(ch) y swm penodedig yw —

(i) £625 os myfyriwr math 1 ar gwrs hyfforddi athrawon yw'r myfyriwr, sy'n dewis peidio â darparu'r wybodaeth y mae ei hangen ar gyfer cyfrifo incwm yr aelwyd pan yw'n gwneud cais am grant cynhaliaeth ac sy'n gymwys i gael grant cynhaliaeth o £625;

(ii) £1,255 os myfyriwr math 2 ar gwrs hyfforddi athrawon yw'r myfyriwr, sy'n dewis peidio â darparu'r wybodaeth y mae ei hangen ar gyfer cyfrifo incwm yr aelwyd pan yw'n gwneud cais am grant cynhaliaeth ac sy'n gymwys i gael grant cynhaliaeth o £1,255;

(iii) dim pan nad yw'r myfyriwr yn fyfyriwr math 1 ar gwrs hyffordd neu pan nad yw'n fyfyriwr math 2 ar gwrs hyfforddi athrawon.

(2) Yn ddarostyngedig i reoliadau 43 i 48, uchafswm y benthyciad at gostau byw y mae gan fyfyriwr sydd â hawlogaeth wedi'i gostwng hawl i'w gael mewn perthynas â blwyddyn academaidd cwrs sy'n flwyddyn derfynol cwrs nad yw'n gwrs dwys yw —

(a) os yw'r myfyriwr yn syrthio o fewn rheoliad 23(3)(a) —

(i) i fyfyriwr yng nghategori 1, £1,290;

(ii) i fyfyriwr yng nghategori 2, £2,435;

(iii) i fyfyriwr yng nghategori 3, £1,765;

(i) for a student in category 1, £1,700;

(ii) for a student in category 2, £3,185;

(iii) for a student in category 3, £2,265;

(iv) for a student in category 4, £2,265;

(v) for a student in category 5, £2,265.

(b) where the student falls within regulation 23(3)(c) or 23(5) —

(i) for a student in category 1, £1,700;

(ii) for a student in category 2, £3,185;

(iii) for a student in category 3, £2,710;

(iv) for a student in category 4, £2,710;

(v) for a student in category 5, £2,265.

(c) where the student applies for a loan for living costs and opts not to provide the information needed to calculate the household income an amount equal to X-Y where —

X is —

(i) for a student in category 1, £2,685;

(ii) for a student in category 2, £4,860;

(iii) for a student in category 3, £4,135;

(iv) for a student in category 4, £4,135;

(v) for a student in category 5, £3,470.

Y is the amount specified in paragraph (d).

(d) the specified amount is —

(i) £625 where the student is a type 1 teacher training student who opts not to provide the information needed to calculate the household income when applying for a maintenance grant and who qualifies for a maintenance grant of £625;

(ii) £1,255 where the student is a type 2 teacher training student who opts not to provide the information needed to calculate the household income when applying for a maintenance grant and who qualifies for a maintenance grant of £1,255;

(iii) nil where the student is not a type 1 or type 2 teacher training student.

(2) Subject to regulations 43 to 48, the maximum amount of loan for living costs for which a student with reduced entitlement qualifies in respect of an academic year that is the final year of a course that is not an intensive course is —

(a) where the student falls within regulation 23(3)(a) —

(i) for a student in category 1, £1,290;

(ii) for a student in category 2, £2,435;

(iii) for a student in category 3, £1,765;

(iv) i fyfyriwr yng nghategori 4, £1,765;

(v) i fyfyriwr yng nghategori 5, £1,765;

(b) os yw'r myfyriwr yn syrthio o fewn rheoliad 23(3)(b) neu 23(5) —

(i) i fyfyriwr yng nghategori 1, £1,290;

(ii) i fyfyriwr yng nghategori 2, £2,435;

(iii) i fyfyriwr yng nghategori 3, £1,980;

(iv) i fyfyriwr yng nghategori 3, £1,980;

(v) i fyfyriwr yng nghategori 3, £1,765;

(c) os yw'r myfyriwr yn gwneud cais am fenthyciad at gostau byw ac yn dewis peidio â rhoi'r wybodaeth y mae ei hangen i gyfrifo incwm ei aelwyd swm hafal i *X*-*Y* pan fo—

X—

(i) i fyfyriwr yng nghategori 1, yn £2,430;

(ii) i fyfyriwr yng nghategori 2, yn £4,425;

(iii) i fyfyriwr yng nghategori 3, yn £3,595;

(iv) i fyfyriwr yng nghategori 4, yn £3,595;

(v) i fyfyriwr yng nghategori 5, yn £3,215;

Y yw'r swm a bennir ym mharagraff (ch).

(ch) y swm penodedig yw—

(i) £625 os myfyriwr math 1 ar gwrs hyfforddi athrawon yw'r myfyriwr, sy'n dewis peidio â darparu'r wybodaeth y mae ei hangen ar gyfer cyfrifo incwm yr aelwyd pan yw'n gwneud cais am grant cynhaliaeth ac sy'n gymwys i gael grant cynhaliaeth o £625;

(ii) £1,255 os myfyriwr math 2 ar gwrs hyfforddi athrawon yw'r myfyriwr, sy'n dewis peidio â darparu'r wybodaeth y mae ei hangen ar gyfer cyfrifo incwm yr aelwyd pan yw'n gwneud cais am grant cynhaliaeth ac sy'n gymwys i gael grant cynhaliaeth o £1,255;

(iii) dim pan nad yw'r myfyriwr yn fyfyriwr math 1 ar gwrs hyfforddi neu pan nad yw'n fyfyriwr math 2 ar gwrs hyfforddi athrawon.

(iv) for a student in category 4, £1,765;

(v) for a student in category 5, £1,765.

(b) where the student falls within regulation 23(3)(b) or 23(5) —

(i) for a student in category 1, £1,290;

(ii) for a student in category 2, £2,435;

(iii) for a student in category 3, £1,980;

(iv) for a student in category 4, £1,980;

(v) for a student in category 5, £1,765.

(c) where the student applies for a loan for living costs and opts not to provide the information needed to calculate the household income an amount equal to *X*-*Y* where —

X is—

(i) for a student in category 1, £2,430;

(ii) for a student in category 2, £4,425;

(iii) for a student in category 3, £3,595;

(iv) for a student in category 4, £3,595;

(v) for a student in category 5, £3,215;

Y is the amount specified in paragraph (d).

(d) the specified amount is—

(i) £625 where the student is a type 1 teacher training student who opts not to provide the information needed to calculate the household income when applying for a maintenance grant and who qualifies for a maintenance grant of £ 625;

(ii) £1,255 where the student is a type 2 teacher training student who opts not to provide the information needed to calculate the household income when applying for a maintenance grant and who qualifies for a maintenance grant of £ 1,255;

(iii) nil where the student is not a type 1 or type 2 teacher training student.

Myfyrwyr sy'n preswylio gyda'u rhieni

43.—(1) Yn ddarostyngedig i baragraff (2), os yw myfyriwr cymwys yn preswylio yng nghartref ei rieni a bod Gweinidogion Cymru wedi'u bodloni nad yw'n rhesymol disgwyl, o dan yr holl amgylchiadau, i rieni'r myfyriwr gynnal y myfyriwr oherwydd oedran, analluedd neu fel arall ac y byddai'n briodol i swm y benthyciad sy'n daladwy i fyfyriwr mewn categori heblaw categori 1 fod yn gymwys yn achos y myfyriwr hwnnw, rhaid trin y myfyriwr fel pe na bai'n preswylio yng nghartref ei rieni.

(2) Nid yw paragraff (1) yn gymwys i fyfyriwr cymwys sy'n dechrau ar gwrs ar neu ar ôl 1 Medi 2004.

Students residing with parents

43.—(1) Subject to paragraph (2), where an eligible student resides at his or her parents' home and the Welsh Ministers are satisfied that in all the circumstances the student's parents by reason of age, incapacity or otherwise cannot reasonably be expected to support the student and that it would be appropriate for the amount of loan payable to a student in a category other than category 1 to apply in his or her case, the student must be treated as if the student were not residing at the student's parents' home.

(2) Paragraph (1) does not apply to an eligible student who begins a course on or after 1 September 2004.

Benthyciadau at gostau byw sy'n daladwy ar gyfer trichwarteri o'r flwyddyn academaidd

44.—(1) Yn ddarostyngedig i reoliad 46, mae'r benthyciad at gostau byw yn daladwy mewn perthynas â thri chwarter o' flwyddyn academaidd.

(2) Nid yw'r benthyciad at gostau byw yn daladwy—

(a) yn achos myfyriwr cwrs gradd cywasgedig, o ran y chwarter a enwebwyd gan Weinidogion Cymru;

(b) ym mhob achos arall, o ran y chwarter pan fydd, ym marn Gweinidogion Cymru, y gwyliau hiraf o unrhyw wyliau yn digwydd ynddo.

Myfyrwyr sy'n syrthio i fwy nag un categori

45. Os yw myfyriwr cymwys yn syrthio i fwy nag un o'r categorïau yn rheoliad 49 yn ystod y flwyddyn academaidd —

(a) uchafswm y benthyciad at gostau byw am y flwyddyn academaidd yw cyfanswm uchafsymiau'r benthyciad at gostau byw am bob chwarter y mae'r benthyciad yn daladwy mewn perthynas â hwy;

(b) uchafswm y benthyciad at gostau byw am bob chwarter o'r fath yw traean o uchafswm y benthyciad at gostau byw a fyddai'n gymwys am y flwyddyn academaidd pe bai'r myfyriwr yn syrthio i'r categori sy'n gymwys i'r chwarter perthnasol drwy gydol y flwyddyn academaidd; ac

(c) y categori sy'n gymwys i chwarter yw —

(i) y categori y mae'r myfyriwr yn syrthio iddo am y cyfnod hwyaf yn y chwarter hwnnw; neu

(ii) os yw'r myfyriwr yn syrthio i fwy nag un categori am gyfnod cyfartal yn y cyfnod hwnnw, y categori sydd â'r gyfradd uchaf o fenthyciad at gostau byw am y flwyddyn academaidd.

Myfyrwyr sy'n dod yn gymwys yn ystod blwyddyn academaidd

46.—(1) Os yw myfyriwr yn dod yn fyfyriwr cymwys yn ystod blwyddyn academaidd o ganlyniad i un o'r digwyddiadau a restrir ym mharagraff (2), gall fod gan y myfyriwr hawl i gael benthyciad at gostau byw, mewn perthynas â'r chwarteri hynny o'r flwyddyn academaidd honno y mae benthyciad at gostau byw yn daladwy mewn perthynas â hwy ac sy'n dechrau ar ôl i'r digwyddiad perthnasol ym mharagraff (2) ddigwydd.

(2) Y digwyddiadau yw —

(a) bod cwrs y myfyriwr yn dod yn gwrs dynodedig;

Loans for living costs payable in respect of three quarters of the academic year

44.—(1) Subject to regulation 46, the loan for living costs is payable in respect of three quarters of the academic year.

(2) The loan for living costs is not payable —

(a) in the case of a compressed degree student, in respect of the quarter nominated by the Welsh Ministers;

(b) in any other case, in respect of the quarter in which, in the opinion of the Welsh Ministers, the longest of any vacation occurs.

Students falling into more than one category

45. Where an eligible student falls into more than one of the categories in regulation 49 in the course of the academic year —

(a) the maximum amount of loan for living costs for the academic year is the aggregate of the maximum amount of loan for living costs for each quarter in respect of which the loan is payable;

(b) the maximum amount of loan for living costs for each such quarter is one third of the maximum amount of loan for living costs which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year; and

(c) the category which applies to a quarter is —

(i) the category into which the student falls for the longer or longest period in that quarter; or

(ii) if the student falls into more than one category for an equal period in that quarter, the category with the higher or highest rate of loan for living costs for the academic year.

Students becoming eligible during the course of an academic year

46.—(1) Where a student becomes an eligible student during the course of an academic year as a result of one of the events listed in paragraph (2), the student may qualify for a loan for living costs in respect of such quarters of that academic year in respect of which a loan for living costs is payable as begin after the relevant event in paragraph (2) occurs.

(2) The events are —

(a) the student's course becomes a designated course;

(b) bod y myfyriwr, priod y myfyriwr, partner sifil y myfyriwr neu riant y myfyriwr yn cael ei gydnabod fel ffoadur neu'n dod yn berson â chaniatâd i ddod i mewn neu i aros;

(c) bod y wladwriaeth y mae'r myfyriwr yn wladolyn iddi yn ymaelodi â'r Gymuned Ewropeaidd os yw'r myfyriwr wedi bod yn preswylio 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;

(ch) bod y myfyriwr yn ennill yr hawl i breswylio'n barhaol;

(d) bod y myfyriwr yn dod yn blentyn i weithiwr Twrcaidd;

(dd) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 6(1)(a) o Atodlen 1; neu

(e) bod y myfyriwr yn dod yn blentyn i wladolyn Swisaidd.

(3) Nid oes gan fyfyriwr cymwys y mae paragraff (1) yn gymwys iddo hawl i gael benthyciad at gostau byw mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y mae'r digwyddiad perthnasol yn digwydd ynddi.

(4) Uchafswm y benthyciad at gostau byw sy'n daladwy yw cyfanswm uchafsymiau'r benthyciad am bob chwarter y mae gan y myfyriwr hawl i gael cymorth mewn perthynas â hwy o dan y rheoliad hwn.

(5) Uchafswm y benthyciad at gostau byw am bob chwarter o'r fath yw traean o uchafswm y benthyciad at gostau byw a fyddai'n gymwys am y flwyddyn academaidd pe bai'r myfyriwr yn syrthio i'r categori sy'n gymwys i'r chwarter perthnasol drwy gydol y flwyddyn academaidd.

Codiadau yn yr uchafswm

47.—(1) Os yw'n ofynnol i fyfyriwr cymwys fod yn bresennol ar ei gwrs am gyfnod sy'n fwy na 30 wythnos a 3 diwrnod mewn blwyddyn academaidd, rhaid codi uchafswm y benthyciad at gostau byw a bennir yn rheoliadau 39 i 41 am bob wythnos neu bob rhan o wythnos o bresenoldeb yn y flwyddyn academaidd honno y tu hwnt i 30 wythnos a 3 diwrnod fel a ganlyn:

(a) i fyfyriwr yng nghategori 1, codiad o £54;

(b) i fyfyriwr yng nghategori 2, codiad o £103;

(c) i fyfyriwr yng nghategori 3, codiad o £112;

(ch) i fyfyriwr yng nghategori 4, codiad o £112;

(d) i fyfyriwr yng nghategori 5, codiad o £81.

(2) Os yw myfyriwr cymwys yn bresennol ar ei gwrs am gyfnod heb fod yn llai na 45 wythnos mewn unrhyw gyfnod di-dor o 52 wythnos, codir swm y benthyciad at gostau byw a bennir yn rheoliadau 39 i 41 am bob wythnos yn ystod y cyfnod o 52 wythnos

(b) the student, the student's spouse, the student's civil partner or the student's parent is recognised as a refugee or becomes a person with leave to enter or remain;

(c) the state of which the student is a national accedes to the European Community 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;

(d) the student acquires the right of permanent residence;

(e) the student becomes the child of a Turkish worker;

(f) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or

(g) the student becomes the child of a Swiss national.

(3) An eligible student to whom paragraph (1) applies does not qualify for a loan for living costs in respect of any academic year beginning before the academic year in which the relevant event occurred.

(4) The maximum amount of loan for living costs payable is the aggregate of the maximum amount of loan for each quarter in respect of which the student qualifies for support under this regulation.

(5) The maximum amount of loan for living costs for each such quarter is one third of the maximum amount of loan for living costs which would apply for the academic year if the student fell into the category which applies to the relevant quarter for the duration of the academic year.

Increases in maximum amount

47.—(1) Where an eligible student is required to attend his or her course for a period exceeding 30 weeks and 3 days in an academic year, the maximum amount of loan for living costs specified in regulations 39 to 41 must be increased for each week or part week of attendance in that academic year beyond 30 weeks and 3 days as follows:

(a) for a student in category 1, by £54;

(b) for a student in category 2, by £103;

(c) for a student in category 3, by £112;

(d) for a student in category 4, by £112;

(e) for a student in category 5, by £81.

(2) Where an eligible student attends his or her course for a period of not less than 45 weeks in any continuous period of 52 weeks the amount of loan for living costs specified in regulations 39 to 41 is increased for each week in the 52 week period during

pan nad oedd y myfyriwr yn bresennol yn ôl y symiau y cyfeirir atynt ym mharagraff (1).

(3) Nid yw'r rheoliad hwn yn gymwys yn achos myfyriwr sydd â hawlogaeth wedi'i gostwng

Didynnu o fenthyciadau at gostau byw

48.—(1) Caniateir didynnu o swm y benthyciad at gostau byw a gyfrifir o dan y Rhan hon mewn perthynas â myfyriwr cymwys o dan yr hen drefn sydd â hawlogaeth lawn neu fyfyriwr cymwys o dan y drefn newydd sydd â hawlogaeth lawn yn unol â rheoliad 54.

(2) Ni chaniateir didynnu o swm y benthyciad at gostau byw a gyfrifir o dan y Rhan hon mewn perthynas â myfyriwr sydd â hawlogaeth wedi'i gostwng o dan reoliad 54.

Dehongli Rhan 6

49.—(1) Yn y Rhan hon —

(a) mae myfyriwr yng nghategori 1 os yw'r myfyriwr yn preswylio yng nghartref ei rieni tra bydd yn bresennol ar y cwrs dynodedig neu os yw'n aelod o urdd grefyddol ac yn byw yn un o dai'r urdd honno;

(b) mae myfyriwr yng nghategori 2 os nad yw yng nghategori 1 a'i fod yn bresennol ar un neu fwy o'r canlynol —

(i) cwrs ym Mhrifysgol Llundain;

(ii) cwrs mewn sefydliad sy'n ei gwneud yn ofynnol iddo fod yn bresennol am hanner o leiaf o gyfanswm yr amser mewn unrhyw chwarter o'r cwrs yn y flwyddyn academaidd ar safle sydd yn gyfan gwbl neu yn rhannol yn ardal Dinas Llundain a chyn Ardal yr Heddlu Metropolitanaidd; neu

(iii) cwrs rhyngosod mewn sefydliad sy'n ei gwneud yn ofynnol i'r myfyriwr cymwys ymgymryd â phrofiad gwaith neu gyfuniad o brofiad gwaith ac astudio ar yr amod bod y myfyriwr yn ymgymryd â'r profiad gwaith hwnnw neu'r cyfuniad hwnnw o brofiad gwaith ac astudio am hanner o leiaf o gyfanswm yr amser mewn unrhyw chwarter o'r cwrs yn y flwyddyn academaidd ar safle neu safleoedd sydd yn gyfan gwbl neu'n rhannol yn ardal Dinas Llundain a chyn Ardal yr Heddlu Metropolitanaidd;

(c) mae myfyriwr yng nghategori 3 os nad yw'r myfyriwr yng nghategori 1 ac os yw'r myfyriwr yn mynychu sefydliad tramor fel rhan o'i gwrs;

(ch) mae myfyriwr yng nghategori 4 os nad yw'r myfyriwr yng nghategori 1 a'i fod yn mynychu yr Athrofa;

which the student did not attend by the amounts referred to in paragraph (1).

(3) This regulation does not apply in the case of a student with reduced entitlement.

Deductions from loans for living costs

48.—(1) A deduction from the amount of loan for living costs calculated under this Part in respect of an old system eligible student with full entitlement or a new system eligible student with full entitlement may be made in accordance with regulation 54.

(2) A deduction from the amount of loan for living costs calculated under this Part in respect of a student with reduced entitlement may not be made under regulation 54.

Interpretation of Part 6

49.—(1) In this Part —

(a) a student is in category 1 if the student resides at his or her parents' home while attending the designated course or if he or she is a member of a religious order who resides in a house of that order;

(b) a student is in category 2 if he or she is not in category 1 and attends one or more of the following —

(i) a course at the University of London;

(ii) a course at an institution which requires attendance for at least half the time in aggregate of any quarter of the course in the academic year at a site wholly or partly within the area comprising the City of London and the former Metropolitan Police District; or

(iii) a sandwich course at an institution which requires the eligible student to undertake work experience or a combination of work experience and study provided that the student undertakes such work experience or combination of work experience and study for at least half the time in aggregate of any quarter of the course in the academic year at a site or sites wholly or partly within the area comprising the City of London and the former Metropolitan Police District;

(c) a student is in category 3 if the student is not in category 1 and the student attends an overseas institution as part of his or her course;

(d) a student is in category 4 if the student is not in category 1 and attends the Institute;

(d) mae myfyriwr yng nghategori 5 os nad yw yng nghategorïau 1 i 4;

(dd) ystyr "y dyddiad perthnasol" ("*the relevant date*") yw diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs dynodedig a bennir;

(e) "myfyriwr cymwys o dan y drefn newydd sydd â hawlogaeth lawn" ("*new system eligible student with full entitlement*") yw myfyriwr cymwys o dan y drefn newydd heblaw myfyriwr sydd â hawlogaeth wedi'i gostwng;

(f) "myfyriwr cymwys o dan yr hen drefn sydd â hawlogaeth lawn" ("*old system eligible student with full entitlement*") yw myfyriwr cymwys o dan yr hen drefn heblaw myfyriwr sydd â hawlogaeth wedi'i gostwng;

(ff) "myfyriwr sydd â hawlogaeth wedi'i gostwng" ("*student with reduced entitlement*") yw myfyriwr cymwys —

(i) nad yw'n gymwys i gael grant at gostau byw mewn cysylltiad â'r flwyddyn academaidd yn rhinwedd rheoliad 23(3)(a), (b) neu (c) neu rheoliad 23(5); neu

(ii) sydd, wrth wneud cais am fenthyciad at gostau byw, yn dewis peidio â rhoi'r wybodaeth y mae ei hangen i gyfrifo incwm ei aelwyd;

(g) os un flwyddyn academaidd yn unig yw hyd cwrs i raddedigion neu ar lefel ôl-radd ar gyfer hyfforddiant cychwynnol athrawon, nid yw'r flwyddyn honno i gael ei thrin fel y flwyddyn derfynol.

(e) a student is in category 5 if the student is not in categories 1 to 4;

(f) a "new system eligible student with full entitlement" ("*myfyriwr cymwys o dan y drefn newydd sydd â hawlogaeth lawn*") is a new system eligible student other than a student with reduced entitlement;

(g) an "old system eligible student with full entitlement" ("*myfyriwr cymwys o dan yr hen drefn sydd â hawlogaeth lawn*")is an old system eligible student other than a student with reduced entitlement;

(h) the "relevant date" ("*dyddiad perthnasol*") means the first day of the first academic year of the specified designated course;

(i) a "student with reduced entitlement" ("*myfyriwr sydd â hawlogaeth wedi'i gostwng*") is an eligible student who—

(i) is not eligible for a grant for living costs in respect of the academic year by virtue of regulation 23(3)(a)(b) or (c) or regulation 23(5); or

(ii) opts when applying for a loan for living costs not to provide the information needed to calculate the household income;

(j) where the duration of a graduate-entry or postgraduate-level course for the initial training of teachers is only one academic year, that year is not to be treated as the final year.

RHAN 7

DARPARIAETHAU CYFFREDINOL

Symiau ychwanegol o fenthyciadau

50.—(1) Caiff myfyriwr cymwys wneud cais am fenthyg swm ychwanegol o fenthyciad at gostau byw—

(a) os yw Gweinidogion Cymru yn penderfynu y dylid cynyddu uchafswm y benthyciad at gostau byw sydd wedi'i hysbysu i'r myfyriwr mewn perthynas â blwyddyn academaidd (gan gynnwys cynnydd i fyny o ddim byd) o ganlyniad i ailasesu cyfraniad y myfyriwr neu fel arall; a

(b) os yw Gweinidogion Cymru o'r farn nad yw'r cynnydd yn yr uchafswm yn digwydd oherwydd i'r myfyriwr cymwys —

(i) methu â rhoi yn brydlon wybodaeth a allai effeithio ar ei allu i fod â hawl i gael benthyciad neu swm y benthyciad y mae ganddo hawl i'w gael; neu

PART 7

GENERAL LOAN PROVISIONS

Additional amount of loans

50.—(1) An eligible student may apply to borrow an additional amount of loan for living costs where —

(a) the Welsh Ministers determine that the maximum amount of loan for living costs which has been notified to the student in relation to an academic year should be increased (including an increase from nil) as a result of a reassessment of the student's contribution or otherwise; and

(b) the Welsh Ministers consider that the increase in the maximum amount does not result from the eligible student —

(i) failing to provide information promptly which might affect his or her ability to qualify for a loan or the amount of loan for which he or she qualifies; or

(ii) rhoi gwybodaeth sy'n anghywir o ran unrhyw fanylyn perthnasol.

(2) Nid yw'r swm ychwanegol ym mharagraff (1), o'i adio at y swm y gwnaed cais amdano eisoes, yn fwy na'r uchafswm wedi'i gynyddu.

(3) Os yw myfyriwr cymwys wedi gwneud cais am fenthyciad sy'n llai na'r uchafswm y mae ganddo hawlogaeth i'w gael mewn perthynas â'r flwyddyn academaidd, caiff wneud cais am fenthyg swm ychwanegol nad yw, o'i adio at y swm y gwnaed cais amdano eisoes, yn fwy na'r uchafswm perthnasol sy'n gymwys yn ei achos ef.

Llog

51.—(1) Yn ddarostyngedig i baragraff (2), mae benthyciadau'n cario llog yn ôl y gyfradd a fydd yn arwain at gyfradd ganrannol flynyddol o dâl a bennir yn unol â Rheoliadau Credyd Defnyddwyr (Cyfanswm y Tâl am Gredyd) 1980(**1**) sy'n hafal i'r cynnydd canrannol rhwng y mynegai prisiau manwerthu pob eitem a gyhoeddwyd gan y Swyddfa Ystadegau Gwladol ar gyfer Mawrth 2007 a'r mynegai a gyhoeddwyd ganddi ar gyfer Mawrth 2008.

(2) Os yw'r gyfradd y cyfeirir ati ym mharagraff (1) yn fwy na'r gyfradd sydd am y tro wedi'i phennu at ddibenion unrhyw esemptiad sydd wedi'i roi yn rhinwedd adran 16(5)(b) o Ddeddf Credyd Defnyddwyr 1974(**2**) mae benthyciadau'n cario llog yn ôl y gyfradd sydd wedi'i phennu felly.

(3) Cyfrifir llog ar y prifswm sy'n weddill bob dydd ac mae'n cael ei ychwanegu at y prifswm bob mis.

(4) Y mynegai prisiau y mae adran 22(8) o'r Ddeddf yn ei gwneud yn ofynnol i Weinidogion Cymru roi sylw iddo wrth ragnodi cyfradd llog benthyciadau yw'r mynegai prisiau manwerthu pob eitem a grybwyllir ym mharagraff (1).

RHAN 8

BENTHYCIADAU AT FFIOEDD COLEG

52. Mae benthyciad at ffioedd coleg ar gael i fyfyriwr cymwys yn unol ag Atodlen 4.

(**1**) O.S. 1980/51, a ddiwygiwyd gan O.S. 1989/596 ac O.S. 1999/3177.

(**2**) 1974 p. 39.

(ii) providing information which is inaccurate in any material particular.

(2) The additional amount under paragraph (1) is an amount which when added to the amount already applied for does not exceed the increased maximum.

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

Interest

51.—(1) Subject to paragraph (2), loans bear interest at the rate which will result in an annual percentage rate of charge determined in accordance with the Consumer Credit (Total Charge for Credit) Regulations 1980(**1**) equal to the percentage increase between the retail prices all items index published by the Office for National Statistics for March 2007 and that index so published for March 2008.

(2) If the rate referred to in paragraph (1) exceeds the rate for the time being specified for the purposes of any exemption conferred by virtue of section 16(5)(b) of the Consumer Credit Act 1974(**2**) loans bear interest at the rate so specified.

(3) Interest is calculated on the principal outstanding daily and is added to the principal monthly.

(4) The index of prices to which the Welsh Ministers are required by section 22(8) of the Act to have regard in prescribing the rate of interest which loans bear is the retail prices all items index mentioned in paragraph (1).

PART 8

COLLEGE FEE LOANS

52. A college fee loan is available to an eligible student in accordance with Schedule 4.

(**1**) S.I. 1980/51, amended by S.I. 1989/596 and S.I. 1999/3177.

(**2**) 1974 c. 39.

RHAN 9

ASESIAD ARIANNOL

Cyfrifo'r cyfraniad

53.—(1) Cyfraniad myfyriwr cymwys mewn perthynas â blwyddyn academaidd yw'r swm a gyfrifir o dan Atodlen 5, os oes unrhyw swm o gwbl.

(2) At ddibenion arfer swyddogaethau Gweinidogion Cymru o dan y Ddeddf a'r rheoliadau a wnaed odani, caiff Gweinidogion Cymru ei gwneud yn ofynnol i fyfyriwr cymwys roi o bryd i'w gilydd unrhyw wybodaeth y mae Gweinidogion Cymru yn credu ei bod yn angenrheidiol am incwm unrhyw berson y mae ei foddion yn berthnasol ar gyfer asesu cyfraniad y myfyriwr.

Cymhwyso'r cyfraniad

54.—(1) Yn ddarostyngedig i baragraff (4), mae swm sy'n hafal i'r cyfraniad neu i weddill y cyfraniad, yn ôl y digwydd, a gyfrifir o dan Atodlen 5 i'w gymhwyso nes ei ddihysbyddu yn erbyn swm y grantiau a'r benthyciadau penodol y mae gan y myfyriwr cymwys hawl i'w cael fel a ganlyn —

(a) yn gyntaf, i ostwng **GFF**;

(b) yn ail, i ostwng **ADG**;

(c) yn drydydd, i ostwng **CCG**;

(ch) yn bedwerydd, i ostwng **PLA**;

(d) yn bumed, i ostwng **LLC** i ddim llai na'r lefel isaf am y flwyddyn academaidd;

(dd) yn chweched, i ostwng **GFT**.

(2) Yn achos myfyriwr cymwys o dan yr hen drefn, yn ddarostyngedig i baragraff (4), pan fo swm sylfaenol y grant at ffioedd wedi'i gyfrifo yn unol â rheoliad 16(1) a 16(7), i benderfynu swm gwirioneddol y grant at ffioedd sy'n daladwy, rhaid i Weinidogion Cymru gymhwyso'r cyfraniad yn unol â pharagraff (1);

(3) Yn achos myfyriwr cymwys o dan yr hen drefn, pan fo swm sylfaenol y grant at ffioedd wedi'i gyfrifo yn unol â rheoliad 16(2) neu 16(8) a bod un o'r achosion a nodir yn rheoliad 16(4)(b) neu (ch) yn gymwys, i benderfynu swm gwirioneddol y ffioedd sy'n daladwy, rhaid i Weinidogion Cymru—

(a) yn gyntaf, gymhwyso'r cyfraniad i ostwng swm sylfaenol y grant at ffioedd;

(b) yn ail, os nad yw'r cyfraniad wedi'i ddihysbyddu, didynnu swm sy'n hafal i swm sylfaenol y grant at ffioedd o'r hyn sydd ar ôl o'r cyfraniad sy'n gostwng gweddill y cyfraniad i ddim llai na dim; ac

(c) yn drydydd, os nad yw'r cyfraniad wedi'i ddihysbyddu o hyd, cymhwyso'r gweddill yn gyntaf i ostwng **ADG** yn unol â pharagraff (1).

PART 9

FINANCIAL ASSESSMENT

Calculation of contribution

53.—(1) An eligible student's contribution in respect of an academic year is the amount, if any, calculated under Schedule 5.

(2) For the purposes of the exercise of the Welsh Ministers' functions under the Act and regulations made under it, the Welsh Ministers may require an eligible student to provide from time to time such information as they consider necessary as to the income of any person whose means are relevant to the assessment of the student's contribution.

Application of contribution

54.—(1) Subject to paragraph (4), an amount equal to the contribution or the remainder of the contribution, as the case may be, calculated under Schedule 5, is to be applied until it is extinguished against the amount of the particular grants and loans for which the eligible student qualifies as follows —

(a) first, to reduce **GFF**;

(b) second, to reduce **ADG**;

(c) third, to reduce **CCG**;

(d) fourth, to reduce **PLA**;

(e) fifth, to reduce **LLC** to no less than the minimum level for the academic year;

(f) sixth, to reduce **GFT**.

(2) In the case of an old system eligible student, subject to paragraph (4), where the basic amount of the grant for fees has been calculated in accordance with regulation 16(1) and 16(7), to determine the actual amount of grant for fees that is payable, the Welsh Ministers must apply the contribution in accordance with paragraph (1).

(3) In the case of an old system eligible student where the basic amount of the grant for fees has been calculated in accordance with regulation 16 (2) or 16 (8) and one of the cases set out in regulation 16(4) (b) or (d) applies, to determine the actual amount of fees payable the Welsh Ministers must —

(a) first, apply the contribution to reduce the basic amount of the grant for fees;

(b) second, if the contribution is not extinguished, deduct an amount equal to the basic amount of the grant for fees from what is left of the contribution reducing the remainder of the contribution to no less than nil; and

(c) third, if the contribution is still not extinguished, apply the remainder first to reduce **ADG** in accordance with paragraph (1).

(4) Os yw'r cwrs yn gwrs ar gyfer hyfforddiant cychwynnol athrawon (heblaw cwrs ar gyfer gradd gyntaf), nid oes unrhyw ddidyniad o'r swm sylfaenol o'r grant at ffioedd o dan y rheoliad hwn a chymhwysir y cyfraniad yn gyntaf i ostwng **ADG** yn unol â pharagraff (1).

(5) Yn achos blwyddyn Erasmus, rhaid i Weinidogion Cymru gymhwyso'r swm y mae'r cyfraniad yn fwy na £1,255, yn gyntaf i ostwng **ADG** yn unol â pharagraff (1).

(6) Os nad yw'r myfyriwr yn ymgymhwyso i gael grant at ffioedd am unrhyw reswm arall, mae **GFF** yn ddim a chymhwysir y cyfraniad yn gyntaf i ostwng **ADG**.

(7) Yn achos myfyriwr cymwys o dan y drefn newydd, mae **GFF** yn ddim a chymhwysir y cyfraniad yn gyntaf i ostwng **ADG**.

(8) Yn y rheoliad hwn—

(a) **ADG** yw swm y grant dibynyddion mewn oed, os oes unrhyw swm o gwbl, a gyfrifir yn unol â rheoliad 29;

(b) **CCG** yw swm y grant gofal plant, os oes unrhyw swm o gwbl, a gyfrifir yn unol â rheoliad 29;

(c) **GFT** yw swm y grant at deithio y mae'r myfyriwr cymwys yn ymgymhwyso ar ei gyfer o dan reoliad 31, os oes unrhyw swm o gwbl;

(ch) **LLC** yw swm y benthyciad at gostau byw, os oes unrhyw swm o gwbl, y mae'r myfyriwr cymwys (heblaw myfyriwr sydd â hawlogaeth wedi'i gostwng) yn ymgymhwyso o dan Ran 6 i ddim llai na'r lefel isaf am y flwyddyn academaidd a bennir ym mharagraff (9);

(d) **PLA** yw swm, os oes unrhyw swm o gwbl, lwfans dysgu'r rhieni a gyfrifir o dan reoliad 29 (ac eithrio £50 cyntaf y lwfans).

(9) Yn ddarostyngedig i baragraffau (10) a (11), y "lefel isaf am y flwyddyn academaidd" ("*minimum level for the academic year*") yn rheoliad 54(1)(ch) yw —

(a) £2,685, yn achos myfyriwr yng nghategori 1;

(b) £4,860, yn achos myfyriwr yng nghategori 2;

(c) £4,135, yn achos myfyriwr yng nghategori 3;

(ch) £4,135, yn achos myfyriwr yng nghategori 4;

(d) £3,470, yn achos myfyriwr yng nghategori 5.

(10) Yn ddarostyngedig i baragraff (11), os y flwyddyn academaidd o dan sylw yw blwyddyn derfynol cwrs heblaw cwrs dwys y "lefel isaf am y flwyddyn academaidd" ("*minimum level for the*

(4) Where the course is a course for the initial training of teachers (other than a course for a first degree), there is no deduction from the basic amount of the grant for fees under this regulation and the contribution is first applied to reduce **ADG** in accordance with paragraph (1).

(5) In the case of an Erasmus year, the Welsh Ministers must apply the amount by which the contribution exceeds £1,255, first to reduce **ADG** in accordance with paragraph (1).

(6) Where the student does not qualify for a grant for fees for any other reason, **GFF** is nil and the contribution is applied first to reduce **ADG**.

(7) In the case of a new system eligible student, **GFF** is nil and the contribution is applied first to reduce **ADG**.

(8) In this regulation —

(a) **ADG** is the amount, if any, of the adult dependants' grant calculated in accordance with regulation 29;

(b) **CCG** is the amount, if any, of the childcare grant calculated in accordance with regulation 29;

(c) **GFT** is the amount of the grant for travel for which the eligible student qualifies under regulation 31, if any;

(d) **LLC** is the amount of loan for living costs, if any, for which the eligible student (other than a student with reduced entitlement) qualifies under Part 6 to no less than the minimum level for the academic year specified in paragraph (9);

(e) **PLA** is the amount, if any, of the parents' learning allowance calculated under regulation 29 (except the first £50 of the allowance).

(9) Subject to paragraphs (10) and (11), the "minimum level for the academic year" ("*lefel isaf am y flwyddyn academaidd*") in regulation 54 (1) (d) is —

(a) £2,685, in the case of a student in category 1;

(b) £4,860, in the case of a student in category 2;

(c) £4,135, in the case of a student in category 3;

(d) £4,135, in the case of a student in category 4;

(e) £3,470, in the case of a student in category 5.

(10) Subject to paragraph (11), where the academic year in question is the final year of a course other than an intensive course, the "minimum level for the academic year" ("*lefel isaf am y flwyddyn*

academic year") yw —

(a) £2,430, yn achos myfyriwr yng nghategori 1;

(b) £4,425, yn achos myfyriwr yng nghategori 2;

(c) £3,595, yn achos myfyriwr yng nghategori 3;

(ch) £3,595, yn achos myfyriwr yng nghategori 4;

(d) £3,215, yn achos myfyriwr yng nghategori 5.

(11) Os oes categorïau gwahanol yn gymwys ar gyfer gwahanol chwarteri o'r flwyddyn academaidd, y lefelau isaf ym mharagraffau (9) a (10) yw cyfanswm y symiau a benderfynir o dan baragraff (12) ar gyfer pob un o'r tri chwarter y mae'r benthyciad yn daladwy mewn perthynas â hwy.

(12) Y swm a bennir ar gyfer pob chwarter yw traean o'r swm ym mharagraff (9) neu (10) sy'n cyfateb i'r gyfradd sy'n gymwys ar gyfer y chwarter.

(13) Y swm sy'n weddill ar ôl didynnu £625 o swm y benthyciad at gostau byw sy'n weddill ar ôl cymhwyso'r cyfraniad yn unol â'r rheoliad hwn yw'r benthyciad at gostau byw sy'n daladwy mewn perthynas â blwyddyn academaidd i fyfyriwr math 1 ar gwrs hyfforddi athrawon y mae ganddo incwm aelwyd sy'n fwy na £39,780.

(14) Mae'r paragraff hwn yn gymwys i fyfyrwyr math 1 a math 2 ar gwrs hyfforddi athrawon sy'n ymgymhwyso i gael grant cynhaliaeth ac mae eu cyfraniad yn fwy na dim.

(15) Mae'r benthyciad at gostau byw sy'n daladwy o ran blwyddyn academaidd i fyfyriwr y mae paragraff (14) yn gymwys iddo yn cael ei gyfrifo fel a ganlyn—

lle— *A-B*

A yw swm y benthyciad at gostau byw sydd ar ôl wedi gorffen cymhwyso'r cyfraniad yn unol â'r Rhan hon; a

B yw swm y grant cynhaliaeth sy'n daladwy i'r myfyriwr.

(16) Mae i gategorïau 1 i 5 yr ystyr a roddir yn rheoliad 49.

academaidd") is —

(a) £2,430, in the case of a student in category 1;

(b) £4,425, in the case of a student in category 2;

(c) £3,595, in the case of a student in category 3;

(d) £3,595, in the case of a student in category 4;

(e) £3,215, in the case of a student in category 5.

(11) Where different categories apply for different quarters of the academic year, the minimum levels in paragraphs (9) and (10) are the aggregate of the amounts determined under paragraph (12) for each of the three quarters in respect of which a loan is payable.

(12) The amount determined for each quarter is one third of the amount in paragraph (9) or (10) which corresponds to the rate applicable for the quarter.

(13) The loan for living costs payable in respect of an academic year to a type 1 teacher training student who has a household income exceeding £39,780 is the amount left after deducting £625 from the amount of loan for living costs left after applying the contribution in accordance with this regulation.

(14) This paragraph applies to type 1 and type 2 teacher training students who qualify for a maintenance grant and whose contribution exceeds nil.

(15) The loan for living costs payable in respect of an academic year to a student to whom paragraph (14) applies is calculated as follows—

where— *A-B*

A is the amount of loan for living costs left after applying the contribution in accordance with this Part; and

B is the amount of maintenance grant payable to the student.

(16) Categories 1 to 5 have the meaning given in regulation 49.

RHAN 10

TALIADAU

Talu grantiau neu fenthyciadau at ffioedd

55.-(1) Rhaid i Weinidogion Cymru beidio â thalu'r grant neu'r benthyciad at ffioedd y mae gan fyfyriwr hawl i'w gael onid ydynt wedi cael cais am dâl oddi wrth yr awdurdod academaidd perthnasol ac yn achos benthyciad at ffioedd, rhaid i Weinidogion Cymru

PART 10

PAYMENTS

Payment of grants or loans for fees

55.—(1) The Welsh Ministers must not pay the grant or loan for fees for which a student qualifies unless they have received a request for payment from the relevant academic authority and in the case of a loan for fees, the Welsh Ministers must not pay the loan

beidio â thalu'r benthyciad cyn bod cyfnod o dri mis sy'n dechrau ar ddiwrnod cyntaf y flwyddyn academaidd wedi dod i ben.

(2) Rhaid i Weinidogion Cymru dalu'r benthyciad at ffioedd y mae myfyriwr yn ymgymhwyso ar ei gyfer i awdurdod academaidd y mae'r myfyriwr yn atebol i dalu iddo.

(3) Rhaid i Weinidogion Cymru dalu'r grant at ffioedd i'r awdurdod academaidd —

(a) nid cyn diwedd cyfnod o dri mis sy'n dechrau ar ddiwrnod cyntaf y flwyddyn academaidd; a

(b) nid hwyrach na 10 wythnos ar ôl diwedd y cyfnod yn is-baragraff (a), neu yn ddi-oed ar ôl i gais dilys am daliad ddod i law, os yw hynny yn hwyrach.

(4) Os yw asesu cyfraniad y myfyriwr neu faterion eraill wedi gohirio cyfrifiad terfynol swm y grant y mae gan y myfyriwr hawl i'w gael, caiff Gweinidogion Cymru wneud asesiad a thaliad dros dro.

(5) Caiff Gweinidogion Cymru dalu'r benthyciad at ffioedd mewn rhandaliadau.

(6) Os yw asesu cyfraniad myfyriwr cymwys o dan yr hen drefn neu faterion eraill wedi gohirio cyfrifiad terfynol swm y benthyciad at gyfraniad at ffioedd y mae gan y myfyriwr hawl i'w gael o dan reoliad 20, caiff Gweinidogion Cymru wneud asesiad a thaliad dros dro.

(7) Ni chaniateir talu'r grant neu'r benthyciad at ffioedd mewn cysylltiad â chwrs dynodedig—

(a) os bydd y myfyriwr cymwys yn rhoi'r gorau i fod yn bresennol ar y cwrs cyn diwedd cyfnod o dri mis sy'n dechrau ar ddiwrnod cyntaf y flwyddyn academaidd neu, yn achos myfyriwr yr ymdrinnir ag ef fel pe bai'n bresennol o dan reoliad 12(4) a 12(5) yn ymgymryd â'r cwrs; a

(b) os yw'r awdurdod academaidd wedi penderfynu neu wedi cytuno na fydd y myfyriwr yn dechrau bod yn bresennol neu yn ôl y digwydd, ymgymryd â'r cwrs yn y Deyrnas Unedig eto yn ystod y flwyddyn academaidd y mae'r ffioedd yn daladwy mewn perthynas â hi neu o gwbl.

before a period of three months beginning with the first day of the academic year has expired.

(2) The Welsh Ministers must pay the loan for fees for which a student qualifies to an academic authority to which the student is liable to make payment.

(3) The Welsh Ministers must pay the grant for fees to the academic authority —

(a) not before the expiry of a period of three months beginning with the first day of the academic year; and

(b) not later than 10 weeks after the expiry of the period in sub-paragraph (a), or promptly after a valid request for payment has been received, if that is later.

(4) Where assessment of the student's contribution or other matters has delayed the final calculation of the amount of grant for which the student qualifies, the Welsh Ministers may make a provisional assessment and payment.

(5) The Welsh Ministers may pay the fee loan in instalments.

(6) Where assessment of an old system eligible student's contribution or other matters have delayed the final calculation of the amount of fee contribution loan for which the student qualifies under regulation 20, the Welsh Ministers may make a provisional assessment and payment.

(7) No payment of the grant or loan for fees may be made in respect of a designated course if —

(a) before the expiry of a period of three months beginning with the first day of the academic year the eligible student ceases to attend or, in the case of a student who is treated as in attendance under regulation 12(4) and 12(5), undertake the course; and

(b) the academic authority has determined or agreed that the student will not commence attending or as the case may be, undertaking in the United Kingdom, the course again during the academic year in respect of which the fees are payable or at all.

Talu grantiau at gostau byw

56.—(1) Yn ddarostyngedig i'r paragraffau canlynol, caiff Gweinidogion Cymru dalu cymorth o dan Ran 5 yn y cyfryw randaliadau (os bydd rhandaliadau) ac ar y cyfryw adegau ag y maent o'r farn eu bod yn briodol

(2) Mae'n ofynnol i sefydliad anfon cadarnhad o bresenoldeb at Weinidogion Cymru.

(3) Rhaid i Weinidogion Cymru beidio â thalu'r rhandaliad cyntaf neu, os penderfynwyd peidio â thalu

Payment of grants for living costs

56.—(1) Subject to the following paragraphs, the Welsh Ministers may pay support under Part 5 in such instalments (if any) and at such times as they consider appropriate.

(2) An institution is required to send an attendance confirmation to the Welsh Ministers.

(3) The Welsh Ministers must not pay the first instalment or, where it has been determined not to pay

cymorth o dan Ran 5 mewn rhandaliadau, rhaid iddynt beidio â gwneud unrhyw daliad cymorth o dan y Rhan honno i fyfyriwr cymwys cyn i'r cadarnhad o bresenoldeb ddod i law onid oes eithriad yn gymwys.

(4) Mae eithriad yn gymwys—

(a) pan fo grant at gostau byw myfyrwyr anabl yn daladwy, ac yn yr achos hwnnw caniateir talu'r grant arbennig hwnnw cyn i gadarnhad o bresenoldeb ddod i law Gweinidogion Cymru; neu

(b) pan fo Gweinidogion Cymru wedi penderfynu y byddai'n briodol oherwydd amgylchiadau eithriadol i wneud taliad a chadarnhad o bresenoldeb heb eto ddod i law.

(5) Pan na ellir gwneud asesiad terfynol ar sail yr wybodaeth a ddarperir gan y myfyriwr, caiff Gweinidogion Cymru wneud asesiad a thaliad cymorth dros dro o dan Ran 5.

(6) Mae taliadau cymorth o dan Ran 5 i'w gwneud yn y cyfryw ddull ag y mae Gweinidogion Cymru o'r farn ei fod yn briodol a chânt ei gwneud yn un o amodau hawlogaeth i gael taliad fod yn rhaid i'r myfyriwr cymwys ddarparu ar eu cyfer fanylion cyfrif banc neu gymdeithas adeiladu yn y Deyrnas Unedig y caniateir gwneud taliadau iddo drwy eu trosglwyddo'n electronig.

(7) Nid oes unrhyw gymorth o dan Ran 5 yn ddyledus mewn perthynas ag unrhyw gyfnod talu sy'n dechrau ar ôl i gyfnod cymhwystra myfyriwr cymwys ddod i ben.

(8) Pan fydd cyfnod cymhwystra myfyriwr cymwys yn dod i ben ar neu ar ôl y dyddiad perthnasol, rhaid i Weinidogion Cymru benderfynu—

(a) swm pob grant at gostau byw y mae'r myfyriwr yn gymwys i'w gael ac a fyddai'n daladwy mewn perthynas â'r cyfnod talu perthnasol pe na byddai cyfnod cymhwystra'r myfyriwr cymwys wedi dod i ben (y "cyfanswm"); a

(b) faint o'r cyfanswm sy'n ddyledus mewn perthynas â'r cyfnod sy'n ymestyn o ddiwrnod cyntaf y cyfnod talu perthnasol hyd at a chan gynnwys y diwrnod y daeth cyfnod cymhwystra'r myfyriwr cymwys i ben (y "swm rhannol").

(9) Yn y rheoliad hwn, y "dyddiad perthnasol" ("*relevant date*") yw'r dyddiad y mae tymor cyntaf y flwyddyn academaidd o dan sylw yn dechrau mewn gwirionedd.

(10) Os yw Gweinidogion Cymru wedi talu grant at gostau byw mewn perthynas â'r cyfnod talu perthnasol cyn y pwynt yn y cyfnod hwnnw pryd y daeth cyfnod cymhwystra'r myfyriwr cymwys i ben a bod taliad yn fwy na swm rhannol y grant hwnnw—

support under Part 5 by instalments, make any payment of support under that Part to an eligible student before they have received an attendance confirmation unless an exception applies.

(4) An exception applies if—

(a) a grant for disabled students' living costs is payable in which case that particular grant may be paid before the Welsh Ministers have received an attendance confirmation; or

(b) the Welsh Ministers have determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving an attendance confirmation.

(5) Where a final assessment cannot be made on the basis of the information provided by the student, the Welsh Ministers may make a provisional assessment and payment of support under Part 5.

(6) Payments of support under Part 5 are to 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.

(7) No support under Part 5 is due in respect of any payment period beginning after an eligible student's period of eligibility terminates.

(8) Where an eligible student's period of eligibility terminates on or after the relevant date, the Welsh Ministers must determine—

(a) the amount of each grant for living costs for which the student qualifies that would be payable in respect of the relevant payment period if the eligible student's period of eligibility had not terminated (the "full amount"); and

(b) how much of the full amount is due in respect of the period which runs from the first day of the relevant payment period up to and including the day on which the eligible student's period of eligibility terminated (the "partial amount").

(9) In this regulation, the "relevant date" (" *y dyddiad perthnasol*") is the date on which the first term of the academic year in question actually begins.

(10) If the Welsh Ministers have made a payment of grant for living costs in respect of the relevant payment period before the point in that period at which the eligible student's period of eligibility terminated and that payment exceeds the partial amount of that grant—

(a) cânt drin y tâl dros ben fel gordaliad o'r grant hwnnw; neu

(b) os ydynt o'r farn ei bod yn briodol iddynt wneud hynny cânt estyn cyfnod cymhwystra'r myfyriwr mewn perthynas â'r grant hwnnw hyd ddiwedd y cyfnod talu perthnasol a chânt benderfynu bod cyfanswm y grant yn ddyledus mewn perthynas â'r cyfnod talu hwnnw.

(11) Yn ddarostyngedig i baragraff (12), os yw taliad grant at gostau byw mewn perthynas â'r cyfnod talu perthnasol i'w dalu ar ôl i gyfnod cymhwystra'r myfyriwr cymwys derfynu neu os dyna pryd y'i telir, swm y grant hwnnw sy'n ddyledus yw'r swm rhannol onid yw Gweinidogion Cymru o'r farn ei bod yn briodol i estyn y cyfnod cymhwystra mewn perthynas â'r grant hwnnw hyd ddiwedd y cyfnod talu perthnasol ac i benderfynu bod cyfanswm y grant hwnnw'n ddyledus mewn perthynas â'r cyfnod talu hwnnw.

(12) Nid yw paragraff (11) yn gymwys i daliad grant at gostau byw i fyfyrwyr anabl o ran offer arbenigol.

(13) Nid oes unrhyw gymorth o dan Ran 5 yn ddyledus mewn perthynas â chyfnod talu y mae myfyriwr cymwys yn absennol o'i gwrs yn ystod unrhyw ran ohono, oni fyddai'n briodol ym marn Gweinidogion Cymru yn yr amgylchiadau i gyd i'r cymorth gael ei dalu mewn perthynas â'r cyfnod o absenoldeb.

(14) Wrth benderfynu p'un a fyddai'n briodol i gymorth fod yn ddyledus o dan baragraff (13) mae'r amgylchiadau y mae'n rhaid i Weinidogion Cymru roi sylw iddynt yn cynnwys y rheswm dros absenoldeb y myfyriwr, hyd y cyfnod o absenoldeb a'r caledi ariannol a fyddai'n cael ei achosi pe na fyddai'r cymorth yn cael ei dalu.

(15) Nid ddylid ystyried bod myfyriwr cymwys yn absennol o'i gwrs os yw'n methu mynychu oherwydd salwch ac os nad yw wedi bod yn absennol am fwy na 60 o ddiwrnodau.

(16) Os yw Gweinidogion Cymru, ar ôl iddynt wneud unrhyw daliad o gymorth o dan Ran 5 neu Ran 6, yn penderfynu swm y grant at gostau byw y mae'r myfyriwr yn gymwys i'w gael naill ai am y tro cyntaf neu ar ffurf adolygiad o benderfyniad dros dro neu benderfyniad arall ynghylch y swm hwnnw—

(a) os penderfyniad i gynyddu swm y grant hwnnw y mae'r myfyriwr yn gymwys i'w gael yw'r penderfyniad rhaid i Weinidogion Cymru dalu'r swm ychwanegol yn y cyfryw randaliadau (os bydd rhandaliadau) ac ar y cyfryw adegau ag y mae Gweinidogion Cymru o'r farn eu bod yn briodol;

(b) os penderfyniad i ostwng swm y grant hwnnw y mae'r myfyriwr yn gymwys i'w gael yw'r penderfyniad rhaid i Weinidogion Cymru dynnu i ffwrdd swm y gostyngiad o swm y grant hwnnw sydd ar ôl i'w dalu;

(a) they may treat the excess as an overpayment of that grant; or

(b) if they consider that it is appropriate to do so they may extend the student's period of eligibility in respect of that grant until the end of the relevant payment period and determine that the full amount of the grant is due in respect of that payment period.

(11) Subject to paragraph (12), if a payment of a grant for living costs in respect of the relevant payment period is due to be made or is made after the eligible student's period of eligibility has terminated, the amount of that grant due is the partial amount unless the Welsh Ministers consider it appropriate to extend the period of eligibility in respect of that grant until the end of the relevant payment period and to determine that the full amount of that grant is due in respect of that payment period.

(12) Paragraph (11) does not apply to a payment of grant for disabled students' living costs in respect of specialist equipment.

(13) No support under Part 5 is due in respect of a payment period during any part of which an eligible student is absent from his or her course, unless in the opinion of the Welsh Ministers it would be appropriate in all the circumstances for support to be paid in respect of the period of absence.

(14) In deciding whether it would be appropriate for support to be due under paragraph (13) the circumstances to which the Welsh Ministers must have regard include the reason for the student's absence, the length of the absence and the financial hardship which not paying the support would cause.

(15) An eligible student is not to be considered absent from his or her course if he or she is unable to attend due to illness and his or her absence has not exceeded 60 days.

(16) Where, after the Welsh Ministers have made any payment of support under Part 5 or Part 6, they make a determination of the amount of a grant for living costs for which the student qualifies either for the first time or by way of revision of a provisional or other determination of that amount—

(a) if the determination increases the amount of that grant for which the student qualifies they must pay the additional amount in such instalments (if any) and at such times as they consider appropriate;

(b) if the determination decreases the amount of that grant for which the student qualifies they must subtract the amount of the decrease from the amount of that grant which remains to be paid;

(c) os yw swm y gostyngiad yn fwy na swm y grant hwnnw sydd ar ôl i'w dalu gostyngir y swm diwethaf hwn i ddim a chaiff y balans ei dynnu i ffwrdd o unrhyw grant arall at gostau byw y mae'r myfyriwr yn gymwys i'w gael mewn perthynas â'r flwyddyn academaidd;

(ch) gellir adennill unrhyw ordaliad sy'n weddill yn unol â rheoliad 60 .

(c) if the amount of the decrease is greater than the amount of that grant remaining to be paid the latter amount is reduced to nil and the balance subtracted from any other grant for living costs for which the student qualifies in respect of the academic year;

(d) any remaining overpayment is recoverable in accordance with regulation 60.

Darparu rhif yswiriant gwladol y Deyrnas Unedig

57.—(1) Caiff Gweinidogion Cymru ei gwneud yn un o amodau hawlogaeth i gael taliad o ran unrhyw fenthyciad fod yn rhaid i'r myfyriwr cymwys ddarparu ar eu cyfer ei rif yswiriant gwladol yn y Deyrnas Unedig.

(2) Pan fo Gweinidogion Cymru wedi gosod amod o dan baragraff (1), rhaid iddynt beidio â gwneud unrhyw daliad o ran y benthyciad i'r myfyriwr cymwys cyn iddynt gael ei fodloni bod y myfyriwr wedi cydymffurfio â'r amod hwnnw.

(3) Er gwaethaf paragraff (2), caiff Gweinidogion Cymru, os ydynt wedi'u bodloni y byddai'n briodol iddynt wneud taliad o'r fath o achos amgylchiadau eithriadol, wneud taliad benthyciad i fyfyriwr cymwys heb fod y myfyriwr cymwys wedi cydymffurfio â'r amod a osodwyd o dan baragraff (1).

Provision of United Kingdom national insurance number

57.—(1) The Welsh Ministers may make it a condition of entitlement to payment of any loan that an eligible student must provide them with his or her United Kingdom national insurance number.

(2) Where the Welsh Ministers have imposed a condition under paragraph (1), they must not make any payment of the loan to the eligible student before they are satisfied that the student has complied with that condition.

(3) Despite paragraph (2), the Welsh Ministers may make a payment of loan to an eligible student if they are satisfied that owing to exceptional circumstances it would be appropriate to make such a payment without the eligible student having complied with the condition imposed under paragraph (1).

Gofynion o ran gwybodaeth

58.—(1) Caiff Gweinidogion Cymru ar unrhyw adeg ofyn i geisydd am wybodaeth y maent o'r farn ei bod yn ofynnol ar gyfer adennill benthyciad.

(2) Caiff Gweinidogion Cymru ar unrhyw adeg ofyn i geisydd am gael gweld ei gerdyn adnabod cenedlaethol dilys, ei basbort dilys a ddyroddwyd gan y wladwriaeth y mae'n un o'i dinasyddion neu ei dystysgrif geni.

(3) Pan fo Gweinidogion Cymru wedi gofyn am wybodaeth neu ddogfennau o dan y rheoliad hwn, cânt gadw'n ôl unrhyw daliad benthyciad hyd oni fydd y person yn darparu'r hyn y gofynnwyd amdano neu hyd onid yw'n darparu eglurhad boddhaol am beidio â chydymffurfio â'r cais.

Information requirements

58.—(1) The Welsh Ministers may at any time request from an applicant information that they consider is required to recover a loan.

(2) The Welsh Ministers may at any time request from an applicant sight of his or her valid national identity card, his or her valid passport issued by the state of which he or she is a national or his or her birth certificate.

(3) Where the Welsh Ministers have requested information or documents under this regulation, they may withhold any payment of a loan until the person provides what has been requested or provides a satisfactory explanation for not complying with the request.

Talu benthyciadau at gostau byw

59.—(1) Caiff Gweinidogion Cymru dalu cymorth o dan Ran 6 mewn rhandaliadau.

(2) Yn ddarostyngedig i baragraff (3), caiff Gweinidogion Cymru dalu cymorth o dan Ran 6 ar y cyfryw adegau ag y maent o'r farn eu bod yn briodol.

(3) Mae'n ofynnol i sefydliad anfon cadarnhad o bresenoldeb at Weinidogion Cymru.

(4) Rhaid i Weinidogion Cymru beidio â thalu'r rhandaliad cyntaf, neu pan fyddant wedi penderfynu

Payment of loans for living costs

59.—(1) The Welsh Ministers may pay support under Part 6 in instalments.

(2) Subject to paragraph (3), the Welsh Ministers may pay support under Part 6 at such times as they consider appropriate.

(3) An institution is required to send an attendance confirmation to the Welsh Ministers.

(4) The Welsh Ministers must not pay the first instalment, or where they have determined not to pay

peidio â thalu cymorth o dan Ran 6 drwy randaliadau, wneud unrhyw daliad cymorth o dan Ran 6 i'r myfyriwr cymwys hyd oni fydd cadarnhad o bresenoldeb wedi dod i law oddi wrth y sefydliad perthnasol onid oes eithriad yn gymwys.

(5) Mae eithriad yn gymwys os yw Gweinidogion Cymru wedi penderfynu y byddai'n briodol, o achos amgylchiadau eithriadol, iddynt wneud taliad heb i gadarnhad o bresenoldeb ddod i law.

(6) Pan na ellir gwneud asesiad terfynol ar sail yr wybodaeth a ddarparwyd gan y myfyriwr, caiff Gweinidogion Cymru wneud asesiad a thaliad cymorth dros dro o dan Ran 6.

(7) Mae taliadau cymorth o dan Ran 6 i'w gwneud yn y cyfryw fodd ag y mae Gweinidogion Cymru o'r farn ei fod yn briodol a chânt ei gwneud yn un o amodau hawlogaeth i gael taliad fod y rhaid i'r myfyriwr cymwys ddarparu ar eu cyfer fanylion cyfrif banc neu gymdeithas adeiladu yn y Deyrnas Unedig y gall taliadau gael eu talu iddo drwy eu trosglwyddo'n electronig.

(8) Pan fo Gweinidogion Cymru wedi gwneud unrhyw daliad cymorth o dan Ran 5 neu o dan Ran 6 a bod myfyriwr sy'n gymwys i gael benthyciad at gostau byw o dan Ran 6 yn gwneud cais am fenthyciad o'r fath neu'n gwneud cais am swm ychwanegol o fenthyciad at gostau byw mewn perthynas â blwyddyn academaidd, caiff Gweinidogion Cymru dalu'r benthyciad hwnnw neu'r swm ychwanegol hwnnw o fenthyciad yn y cyfryw randaliadau (os bydd rhandaliadau) ac ar y cyfryw adegau ag y maent o'r farn eu bod yn briodol cyn gynted ag y bo'n rhesymol ymarferol ar ôl i gais boddhaol ddod i law.

(9) Nid oes unrhyw gymorth o dan Ran 6 yn daladwy mewn perthynas ag unrhyw gyfnod talu sy'n dechrau ar ôl i gyfnod cymhwystra myfyriwr cymwys ddod i ben.

(10) Nid oes unrhyw gymorth o dan Ran 6 yn ddyledus mewn perthynas â chyfnod talu y mae myfyriwr cymwys yn absennol o'i gwrs yn ystod rhan ohono, oni fyddai'n briodol, ym marn Gweinidogion Cymru, yn yr holl amgylchiadau, i gymorth gael ei dalu mewn perthynas â'r cyfnod o absenoldeb.

(11) Wrth benderfynu p'un a fyddai'n briodol i gymorth fod yn ddyledus o dan baragraff (10) mae'r amgylchiadau y mae'n rhaid i Weinidogion Cymru roi sylw iddynt yn cynnwys y rhesymau am absenoldeb y myfyriwr, hyd y cyfnod o absenoldeb a'r caledi ariannol y byddai peidio â thalu'r myfyriwr yn ei achosi.

(12) Ni ddylid ystyried bod myfyriwr cymwys yn absennol o'i gwrs os yw'n methu mynychu oherwydd salwch ac os nad yw wedi bod yn absennol am fwy na 60 o ddiwrnodau.

(13) Os yw Gweinidogion Cymru, ar ôl iddynt wneud unrhyw daliad benthyciad at gostau byw y

support under Part 6 by instalments, make any payment of support under Part 6 to the eligible student before they have received an attendance confirmation from the relevant institution unless an exception applies.

(5) An exception applies if the Welsh Ministers have determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving an attendance confirmation.

(6) Where a final assessment cannot be made on the basis of the information provided by the student, the Welsh Ministers may make a provisional assessment and payment of support under Part 6.

(7) Payments of support under Part 6 are to 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.

(8) Where the Welsh Ministers have made any payment of support under Part 5 or Part 6 and a student who qualifies for a loan for living costs under Part 6 applies for such a loan or applies for an additional amount of loan for living costs in respect of an academic year, the Welsh Ministers may pay that loan or that additional amount of loan in such instalments (if any) and at such times as they consider appropriate as soon as is reasonably practicable after a satisfactory application has been received.

(9) No support under Part 6 is payable in respect of any payment period beginning after an eligible student's period of eligibility terminates.

(10) No support under Part 6 is due in respect of a payment period during part of which an eligible student is absent from his or her course, unless in the opinion of the Welsh Ministers it would be appropriate in all the circumstances for support to be paid in respect of the period of absence.

(11) In deciding whether it would be appropriate for support to be due under paragraph (10) the circumstances to which the Welsh Ministers must have regard include the reasons for the student's absence, the length of absence and the financial hardship which not paying the student would cause.

(12) An eligible student is not to be considered absent from his or her course if he or she is unable to attend due to illness and his or her absence has not exceeded 60 days.

(13) Where, after the Welsh Ministers have made any payment of loan for living costs for which a

mae'r myfyriwr yn gymwys i'w gael mewn perthynas â blwyddyn academaidd o dan Ran 6, yn gwneud penderfyniad bod y swm o fenthyciad at gostau byw y mae'r myfyriwr yn gymwys i'w gael yn llai na'r swm a benderfynwyd yn flaenorol naill ai drwy adolygiad o asesiad dros dro neu fel arall —

(a) rhaid iddynt dynnu i ffwrdd o unrhyw swm o fenthyciad at gostau byw sydd ar ôl i'w dalu y cyfryw swm ag y mae ei angen er mwyn sicrhau nad yw'r myfyriwr yn benthyg swm o fenthyciad at gostau byw sy'n fwy na'r swm y mae'n gymwys i'w gael;

(b) os yw'r swm sydd i'w dynnu i ffwrdd yn fwy na'r swm o fenthyciad at gostau byw sydd ar ôl i'w dalu, gostyngir y swm diwethaf hwn i ddim;

(c) gellir adennill unrhyw ordaliad yn unol â rheoliad 60.

student qualifies in respect of an academic year under Part 6, they make a determination that the amount of loan for living costs for which the student qualifies is less than the amount previously determined either by way of a revision of a provisional assessment or otherwise —

(a) they must subtract such amount as is necessary to ensure that the student does not borrow an amount of loan for living costs which is greater than that for which he or she qualifies from any amount of loan for living costs which remains to be paid;

(b) if the amount to be subtracted is greater than the amount of loan for living costs remaining to be paid, the latter is reduced to nil;

(c) any remaining overpayment is recoverable in accordance with regulation 60.

Gordaliadau

60.—(1) Caiff Gweinidogion Cymru adennill unrhyw ordaliad o grant neu fenthyciad at ffioedd oddi wrth yr awdurdod academaidd.

(2) Rhaid i fyfyriwr cymwys, os bydd Gweinidogion Cymru yn gofyn iddo wneud hynny, ad-dalu unrhyw swm a delir i'r myfyriwr o dan Ran 5 neu 6 ac sydd am ba reswm bynnag yn fwy na'r swm o gymorth y mae gan y myfyriwr hawlogaeth arno o dan Ran 5 neu 6.

(3) Rhaid i Weinidogion Cymru adennill gordaliad o unrhyw grant at gostau byw onid ydynt o'r farn nad yw'n briodol iddynt wneud hynny.

(4) Mae taliad o unrhyw grant at gostau byw a wnaed cyn y dyddiad perthnasol yn ordaliad os yw'r myfyriwr yn rhoi'r gorau i'r cwrs cyn y dyddiad perthnasol oni fydd Gweinidogion Cymru yn penderfynu fel arall.

(5) Yn yr amgylchiadau ym mharagraff (6) neu (7), mae gordaliad o'r grant at gostau byw myfyrwyr anabl oni fydd Gweinidogion Cymru yn penderfynu fel arall.

(6) Yr amgylchiadau yw—

(a) mae Gweinidogion Cymru yn cymhwyso'r cyfan neu ran o'r grant at gostau byw myfyrwyr anabl i brynu offer arbenigol ar ran y myfyriwr cymwys;

(b) mae cyfnod cymhwystra'r myfyriwr yn dod i ben ar ôl y dyddiad perthnasol; ac

(c) nid yw'r offer wedi'i ddanfon at y myfyriwr cyn i'w gyfnod cymhwystra ddod i ben.

(7) Yr amgylchiadau yw—

(a) mae cyfnod cymhwystra'r myfyriwr cymwys yn dod i ben ar ôl y dyddiad perthnasol; a

(b) gwneir taliad o'r grant at gostau byw myfyrwyr anabl mewn perthynas ag offer arbenigol i'r

Overpayments

60.—(1) Any overpayment of a grant or loan for fees may be recovered by the Welsh Ministers from the academic authority.

(2) An eligible student must, if so required by the Welsh Ministers, repay any amount paid to the student under Part 5 or 6 which for whatever reason exceeds the amount of support to which the student is entitled under Part 5 or 6.

(3) The Welsh Ministers must recover an overpayment of any grant for living costs unless they consider it is not appropriate to do so.

(4) A payment of any grant for living costs made before the relevant date is an overpayment if the student withdraws from the course before the relevant date unless the Welsh Ministers decide otherwise.

(5) In the circumstances in paragraph (6) or (7), there is an overpayment of the grant for disabled students' living costs unless the Welsh Ministers decide otherwise.

(6) The circumstances are—

(a) the Welsh Ministers apply all or part of the grant for disabled students' living costs to the purchase of specialist equipment on behalf of the eligible student;

(b) the student's period of eligibility terminates after the relevant date; and

(c) the equipment has not been delivered to the student before his or her period of eligibility terminates.

(7) The circumstances are—

(a) the eligible student's period of eligibility terminates after the relevant date; and

(b) a payment of the grant for disabled students' living costs in respect of specialist equipment

myfyriwr ar ôl i gyfnod cymhwystra'r myfyriwr ddod i ben.

(8) Os oes gordaliad o grant at gostau byw myfyrwyr anabl, caiff Gweinidogion Cymru dderbyn yn ôl offer arbenigol a brynwyd â'r grant yn fodd i adennill y cyfan neu ran o'r gordaliad os ydynt o'r farn ei bod yn briodol iddynt wneud hynny.

(9) Caniateir adennill unrhyw ordaliad o unrhyw grant o dan Ran 5 ym mha un bynnag neu ym mha rai bynnag o'r ffyrdd canlynol y mae Gweinidogion Cymru o'r farn ei bod neu eu bod yn briodol yn yr holl amgylchiadau —

(a) drwy dynnu i ffwrdd y gordaliad o unrhyw fath o grant sy'n daladwy i'r myfyriwr o bryd i'w gilydd yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o'r Ddeddf;

(b) drwy gymryd y cyfryw gamau eraill i adennill gordaliad ag sydd ar gael iddynt.

(10) Caniateir adennill unrhyw ordaliad o fenthyciad at gostau byw mewn perthynas ag unrhyw flwyddyn academaidd os ym marn Gweinidogion Cymru —

(a) bod y gordaliad wedi digwydd o ganlyniad i fethiant ar ran y myfyriwr i ddarparu'n brydlon wybodaeth a allai effeithio ar bu'n a yw'n gymwys ai peidio i gael benthyciad neu ar y swm o fenthyciad y mae'n gymwys i'w gael; neu

(b) bod unrhyw wybodaeth y mae'r myfyriwr wedi'i ddarparu yn anghywir mewn manylyn perthnasol; neu

(c) bod y myfyriwr wedi methu â darparu gwybodaeth y mae Gweinidogion Cymru o'r farn ei bod yn berthnasol yng nghyd-destun adennill y benthyciad.

(11) Pan fo modd adennill gordaliad o fenthyciad at gostau byw yn unol â pharagraff (4), caniateir ei adennill ym mha un bynnag neu ym mha rai bynnag o'r ffyrdd canlynol y mae Gweinidogion Cymru o'r farn ei bod neu eu bod yn briodol yn yr holl amgylchiadau —

(a) drwy dynnu i ffwrdd y gordaliad o swm unrhyw fenthyciad sy'n daladwy i'r myfyriwr o bryd i'w gilydd yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o'r Ddeddf;

(b) drwy gymryd y cyfryw gamau eraill i adennill gordaliad ag sydd ar gael iddynt.

(12) Os oes gordaliad wedi bod o fenthyciad at gostau byw nad oes modd ei adennill o dan baragraff (4), caiff Gweinidogion Cymru dynnu i ffwrdd y gordaliad o swm unrhyw fenthyciad sy'n daladwy i'r myfyriwr o bryd i'w gilydd yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o'r Ddeddf.

is made to the student after the student's period of eligibility terminated.

(8) Where there is an overpayment of the grant for disabled students' living costs, the Welsh Ministers may accept the return of specialist equipment purchased with the grant by way of recovery of all or part of the overpayment if they consider it is appropriate to do so.

(9) Any overpayment of any grant under Part 5 may be recovered in whichever one or more of the following ways the Welsh Ministers consider appropriate in all the circumstances —

(a) by subtracting the overpayment from any kind of grant payable to the student from time to time pursuant to regulations made by the Welsh Ministers under section 22 of the Act;

(b) by taking such other action for the recovery of an overpayment as is available to them.

(10) Any overpayment of a loan for living costs in respect of any academic year may be recovered if in the opinion of the Welsh Ministers —

(a) the overpayment is a result of a failure of the student to provide promptly information which might affect whether he or she qualifies for a loan or the amount of loan for which he or she qualifies; or

(b) any information which the student has provided is inaccurate in a material particular; or

(c) the student has failed to provide information which the Welsh Ministers consider to be material in the context of the recovery of the loan.

(11) Where an overpayment of a loan for living costs is recoverable in accordance with paragraph (4), it may be recovered in whichever one or more of the following ways the Welsh Ministers consider appropriate in all the circumstances —

(a) by subtracting the overpayment from the amount of any loan payable to the student from time to time pursuant to regulations made by the Welsh Ministers under section 22 of the Act;

(b) by taking such other action for the recovery of an overpayment as is available to them.

(12) Where there has been an overpayment of a loan for living costs which is not recoverable under paragraph (4), the Welsh Ministers may subtract the overpayment from the amount of any loan payable to the student from time to time pursuant to regulations made by the Welsh Ministers under section 22 of the Act.

(13) Yn y rheoliad hwn "y dyddiad perthnasol" ("*the relevant date*") yw'r dyddiad y mae tymor cyntaf y flwyddyn academaidd o dan sylw yn dechrau mewn gwirionedd.

(13) In this regulation "the relevant date" ("*y dyddiad perthnasol*") is the date on which the first term of the academic year in question actually begins.

Taliadau - dehongli

61.—(1) Yn y Rhan hon—

(a) ystyr "cadarnhad o bresenoldeb" ("*attendance confirmation*") yw—

(i) cadarnhad gan y sefydliad fod y myfyriwr wedi ymrestru ar gyfer y flwyddyn academaidd—

(aa) pan fo'r myfyriwr yn gwneud cais am gymorth mewn cysylltiad â chwrs dynodedig am y tro cyntaf;

(bb) pan fo gan y myfyriwr anabledd; ac

(cc) pan fo'r myfyriwr yn ymgymryd â'r cwrs ond nad yw'n mynychu'r cwrs (ni waeth a yw'r rheswm am beidio â mynychu'n ymwneud â'i anabledd ai peidio);

(ii) cadarnhad gan y sefydliad fod y myfyriwr wedi ymgyflwyno yn y sefydliad ac wedi dechrau mynychu'r cwrs—

(aa) pan fo'r myfyriwr yn gwneud cais am gymorth mewn cysylltiad â chwrs dynodedig am y tro cyntaf;

(bb) pan na fo'r myfyriwr wedi cael ei statws fel myfyriwr cymwys wedi'i drosglwyddo i'r cwrs o gwrs dynodedig arall yn yr un sefydliad; ac

(cc) pan na fo is-baragraff (i)(cc) yn gymwys;

(iii) cadarnhad gan y sefydliad fod y myfyriwr wedi ymrestru ar gyfer y flwyddyn academaidd—

(aa) pan fo'r myfyriwr yn gwneud cais am gymorth mewn cysylltiad â chwrs dynodedig a hynny heb fod am y tro cyntaf; neu

(bb) pan fo'r myfyriwr yn gwneud cais am gymorth mewn cysylltiad â chwrs dynodedig am y tro cyntaf ar ôl iddo gael ei statws fel myfyriwr cymwys wedi'i drosglwyddo i'r cwrs hwnnw o gwrs arall yn yr un sefydliad;

(b) ystyr "cyfnod talu" ("*payment period*") yw cyfnod y mae Gweinidogion Cymru yn talu mewn perthynas ag ef y cymorth perthnasol o dan Ran 5 neu Ran 6 neu y byddant wedi talu'r cyfryw gymorth pe na bai cyfnod cymhwystra'r myfyriwr cymwys wedi dod i ben.

Payments - interpretation

61.—(1) In this Part—

(a) "attendance confirmation" ("*cadarnhad o bresenoldeb*") means—

(i) confirmation from the institution that the student has enrolled for the academic year where—

(aa) the student is applying for support in connection with a designated course for the first time;

(bb) the student has a disability; and

(cc) the student is undertaking the course but not attending (regardless of whether the reason for not attending relates to his or her disability);

(ii) confirmation from the institution that the student has presented himself or herself at the institution and begun to attend the course where—

(aa) the student is applying for support in connection with a designated course for the first time;

(bb) the student has not had his or her status as an eligible student transferred to the course from another designated course at the same institution; and

(cc) sub-paragraph (i)(cc) does not apply;

(iii) confirmation from the institution that the student has enrolled for the academic year where—

(aa) the student is applying for support in connection with a designated course other than for the first time; or

(bb) the student is applying for support in connection with a designated course for the first time after having his or her status as an eligible student transferred to that course from another course at the same institution;

(b) "payment period"("*cyfnod talu*") means a period in respect of which the Welsh Ministers pay the relevant support under Part 5 or Part 6 or would have paid such support if the eligible student's period of eligibility had not terminated.

RHAN 11

CYMORTH I GYRSIAU DYSGU O BELL AMSER-LLAWN

Myfyrwyr dysgu o bell cymwys

62.—(1) Mae gan fyfyriwr dysgu o bell cymwys hawl i gael cymorth mewn cysylltiad ag ef yn ymgymryd â chwrs dysgu o bell dynodedig yn ddarostyngedig i'r Rhan hon ac yn unol â hi.

(2) Yn ddarostyngedig i baragraff (3), mae person yn fyfyriwr dysgu o bell cymwys mewn cysylltiad â chwrs dysgu o bell dynodedig os yw Gweinidogion Cymru wrth asesu ei gais am gymorth yn penderfynu bod y person hwnnw yn dod o fewn un o'r categorïau a nodir yn Rhan 2 o Atodlen 1.

(3) Nid yw person yn fyfyriwr dysgu o bell cymwys—

(a) os, yn ddarostyngedig i baragraff (4), rhoddwyd neu os talwyd iddo mewn perthynas â'r cwrs dysgu o bell—

(i) bwrsari gofal iechyd p'un a yw swm y bwrsari hwnnw yn cael ei gyfrifo drwy gyfeirio at ei incwm neu beidio;

(ii) unrhyw lwfans o dan Reoliadau Lwfansau Myfyrwyr Nyrsio a Bydwreigiaeth (Yr Alban) 2007(**1**); neu

(iii) lwfans gofal iechyd yr Alban p'un a yw swm y lwfans hwnnw yn cael ei gyfrifo drwy gyfeirio at ei incwm neu beidio;

(b) os ydyw wedi torri unrhyw rwymedigaeth i ad-dalu unrhyw fenthyciad;

(c) os ydyw wedi cyrraedd ei 18 oed ac nad yw wedi dilysu unrhyw gytundeb ynglŷn â benthyciad a wnaed gydag ef pan oedd o dan 18 oed;

(ch) os ydyw, ym marn Gweinidogion Cymru, wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth; neu

(d) yn ddarostyngedig i baragraff (5), os yw'n garcharor.

(4) Nid yw paragraff (3)(a) yn gymwys—

(a) os yw'r person sy'n gwneud cais am gymorth yn fyfyriwr anabl; a

(b) os rhoddwyd neu os talwyd iddo mewn perthynas â'r cwrs dysgu o bell —

(i) bwrsari gofal iechyd y mae ei swm yn cael ei gyfrifo drwy gyfeirio at ei incwm; neu

(**1**) O.S.A. 2007/151, a ddiwygiwyd gan O.S.S. 2007/503.

PART 11

SUPPORT FOR FULL-TIME DISTANCE LEARNING COURSES

Eligible distance learning students

62.—(1) An eligible distance learning student qualifies for support in connection with his or her undertaking a designated distance learning course subject to and in accordance with this Part.

(2) Subject to paragraph (3), a person is an eligible distance learning student in connection with a designated distance learning course if 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.

(3) A person is not an eligible distance learning student if—

(a) subject to paragraph (4), there has been bestowed on him or her or paid to him or her in connection with the distance learning course—

(i) a healthcare bursary whether or not the amount of such bursary is calculated by reference to his or her income;

(ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007(**1**); or

(iii) a Scottish healthcare allowance whether or not the amount of such allowance is calculated by reference to his or her income;

(b) he or she is in breach of any obligation to repay any loan;

(c) he or she has reached the age of 18 and has not ratified any agreement for a loan made with him or her when he or she was under the age of 18;

(d) he or she has, in the opinion of the Welsh Ministers, shown himself or herself by his or her conduct to be unfitted to receive support; or

(e) subject to paragraph (5), he or she is a prisoner.

(4) Paragraph (3) (a) does not apply if—

(a) the person applying for support is a disabled student; and

(b) there has been bestowed on him or her or paid to him or her in connection with the distance learning course—

(i) a healthcare bursary the amount of which is calculated by reference to his or her income; or

(**1**) S.S.I. 2007/151, amended by S.S.I. 2007/503.

(ii) lwfans gofal iechyd yr Alban p'un a yw swm y lwfans hwnnw yn cael ei gyfrifo drwy gyfeirio at ei incwm neu beidio.

(5) Nid yw paragraff (3)(d) yn gymwys mewn perthynas â blwyddyn academaidd pryd y mae'r myfyriwr yn mynd i'r carchar i fwrw dedfryd mewn caethiwed neu'n cael ei ryddhau o'r carchar ar ôl bwrw dedfryd o'r fath.

(6) At ddibenion paragraffau (3)(b) a (3)(c), ystyr "benthyciad" ("*loan*") yw benthyciad a wnaed o dan y ddeddfwriaeth ar fenthyciadau i fyfyrwyr.

(7) Mewn achos pan fo'r cytundeb ynglŷn â benthyciad yn ddarostyngedig i gyfraith yr Alban, bydd paragraff (3)(c) ddim ond yn gymwys os cafodd y cytundeb ei wneud—

(a) cyn 25 Medi 1991; a

(b) gyda chydsyniad curadur y benthyciwr neu ar adeg pan nad oedd ganddo guradur.

(8) Yn ddarostyngedig i baragraffau (11) i (13), mae person yn fyfyriwr dysgu o bell cymwys at ddibenion y Rhan hon os yw'n bodloni'r amodau ym mharagraff (9) neu (10).

(9) Yr amodau yn y paragraff hwn yw—

(a) bod y person wedi ymgymhwyso fel myfyriwr dysgu o bell cymwys mewn cysylltiad â blwyddyn academaidd gynharach ar y cwrs dysgu o bell dynodedig presennol yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o'r Ddeddf ;

(b) bod y person yn preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd y cwrs; ac

(c) nad yw ei statws fel myfyriwr dysgu o bell cymwys wedi'i derfynu.

(10) Yr amodau yn y paragraff hwn yw—

(a) bod Gweinidogion Cymru eisoes wedi penderfynu bod y person—

(i) yn fyfyriwr cymwys mewn perthynas â chwrs dynodedig;

(ii) yn fyfyriwr dysgu o bell cymwys mewn cysylltiad â chwrs dysgu o bell dynodedig heblaw'r cwrs dysgu o bell presennol; neu

(iii) yn fyfyriwr rhan amser cymwys mewn cysylltiad â chwrs rhan-amser dynodedig;

(b) bod statws y myfyriwr fel myfyriwr cymwys, myfyriwr dysgu o bell cymwys neu fel myfyriwr rhan-amser cymwys mewn cysylltiad â'r cwrs y cyfeiriwyd ato yn is-baragraff (a) wedi'i drosi neu wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs presennol o ganlyniad i drosi neu drosglwyddo unwaith neu fwy yn unol â rheoliadau a wnaed

(ii) a Scottish Healthcare Allowance whether or not the amount of such allowance is calculated by reference to his or her income.

(5) Paragraph (3) (e) does not apply in respect of an academic year during which the student enters prison to serve a custodial sentence or is released from prison having served such a sentence.

(6) For the purposes of paragraphs (3) (b) and (3)(c), "loan" ("*benthyciad*") means a loan made under the student loans legislation.

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

(a) before 25 September 1991; and

(b) with the concurrence of the borrower's curator or at a time when he or she had no curator.

(8) Subject to paragraphs (11) to (13), a person is an eligible distance learning student for the purposes of this Part if he or she satisfies the conditions in paragraph (9) or (10).

(9) The conditions in this paragraph are—

(a) the person qualified as an eligible distance learning student in connection with an earlier academic year of the present designated distance learning course pursuant to regulations made by the Welsh Ministers under section 22 of the Act;

(b) the person was ordinarily resident in Wales on the first day of the present designated distance learning course; and

(c) the person's status as an eligible distance learning student has not terminated.

(10) The conditions in this paragraph are—

(a) the Welsh Ministers have previously determined that the person is—

(i) an eligible student in connection with a designated course;

(ii) an eligible distance learning student in connection with a designated distance learning course other than the present distance learning course; or

(iii) an eligible part-time student in connection with a designated part-time course;

(b) the person's status as an eligible student, eligible distance learning student or as an eligible part-time student in connection with the course referred to in sub-paragraph (a) has been converted or transferred from that course to the present designated distance learning course as a result of one or more conversions or transfers in accordance with regulations

gan Weinidogion Cymru o dan adran 22 o'r Ddeddf;

(c) bod y person yn preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd y cwrs y cyfeirir ato yn is-baragraff (a); ac

(ch) nad yw statws y person fel myfyriwr dysgu o bell cymwys wedi'i derfynu.

(11) Pan fo—

(a) Gweinidogion Cymru wedi penderfynu bod person ("A"), yn rhinwedd bod yn ffoadur neu fod yn briod, yn bartner sifil, yn blentyn neu'n llysblentyn i ffoadur, yn fyfyriwr dysgu o bell cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o'r cwrs dysgu o bell presennol, neu mewn cysylltiad â chais am gymorth mewn perthynas â chwrs dynodedig, cwrs rhan amser dynodedig, neu gwrs dysgu o bell dynodedig arall y mae ei statws fel myfyriwr cymwys, myfyriwr rhan-amser cymwys neu fyfyriwr dysgu o bell cymwys wedi'i drosglwyddo i'r cwrs dysgu o bell presennol; a

(b) ar y diwrnod cyn dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, os bydd statws ffoadur A neu ei briod, ei bartner sifil, ei riant neu ei lys-riant, yn ôl y digwydd, wedi terfynu ac nad oes hawl bellach i aros wedi'i rhoi ac nad oes apêl yn yr arfaeth (o fewn yr ystyr yn adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002(**1**)),

bydd statws A fel myfyriwr dysgu o bell cymwys yn terfynu'n syth cyn diwrnod cyntaf y flwyddyn academaidd y mae'r myfyriwr yn gwneud cais am gymorth mewn perthynas â hi.

(12) Pan fo—

(a) Gweinidogion Cymru wedi penderfynu bod person ("A"), yn rhinwedd bod yn berson â hawl i ddod i mewn neu aros neu fod yn briod, yn bartner sifil, yn blentyn neu'n llysblentyn i'r cyfryw berson, yn fyfyriwr dysgu o bell cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o'r cwrs dysgu o bell presennol, neu mewn cysylltiad â chais am gymorth mewn perthynas â chwrs dynodedig, cwrs rhan-amser dynodedig, neu gwrs dysgu o bell dynodedig arall y mae ei statws fel myfyriwr cymwys, myfyriwr rhan-amser cymwys neu fyfyriwr dysgu o bell cymwys wedi'i drosglwyddo i'r cwrs dysgu o bell presennol; a

(**1**) 2002 p.41. Diwygiwyd adran 104 gan Ddeddf Lloches a Mewnfudo(Trin Ceiswyr etc) 2004 (p. 19), Atodlenni 2 a 4 a Deddf Mewnfudo, Lloches a Chenedligrwydd 2006 (p.13), adran 9.

made by the Welsh Ministers under section 22 of the Act;

(c) the person was ordinarily resident in Wales on the first day of the first academic year of the course referred to in sub-paragraph (a); and

(d) the person's status as an eligible distance learning student has not terminated.

(11) Where—

(a) the Welsh Ministers determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person ("A") was an eligible distance learning student in connection with an application for support for an earlier year of the present distance learning course or an application for support in connection with a designated course, designated part-time course or other designated distance learning course from which his or her status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the present distance learning course; and

(b) as at the day before the academic year in respect of which A is applying for support begins, the refugee status of A or of his or her spouse, civil partner, parent or step-parent, as the case may be, 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**)),

A's status as an eligible distance learning student terminates immediately before the first day of the academic year in respect of which he or she is applying for support.

(12) Where—

(a) the Welsh Ministers determined that, by virtue of being a person with leave to enter or remain or the spouse, civil partner, child or step-child of such a person, a person ("A") was an eligible distance learning student in connection with an application for support for an earlier year of the present distance learning course or an application for support in connection with a designated course, designated part-time course or other designated distance learning course from which his or her status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the present distance learning course; and

(**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 and the Immigration, Asylum and Nationality Act 2006 (c. 13), section 9.

(b) ar y diwrnod cyn diwrnod dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, os bydd y cyfnod a ganiateir i'r person sydd â hawl i ddod i mewn neu i aros yn y Deyrnas Unedig wedi terfynu ac nad oes hawl bellach i aros wedi'i rhoi ac nad oes apêl yn yr arfaeth (o fewn yr ystyr yn adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002),

bydd statws A fel myfyriwr dysgu o bell cymwys yn terfynu'n syth cyn diwrnod cyntaf y flwyddyn academaidd y mae'r myfyriwr yn gwneud cais am gymorth mewn perthynas â hi.

(13) Nid yw paragraffau (11) a (12) yn gymwys pan fo'r myfyriwr wedi dechrau ar y cwrs y penderfynodd Gweinidogion Cymru mewn cysylltiad ag ef ei fod yn fyfyriwr cymwys neu'n fyfyriwr rhan amser cymwys, yn ôl y digwydd, cyn 1 Medi 2007.

(14) Nid oes gan fyfyriwr dysgu o bell cymwys hawl, ar unrhyw adeg, i gael cymorth—

(a) at fwy nag un cwrs dysgu o bell dynodedig;

(b) at gwrs dysgu o bell dynodedig a chwrs dynodedig;

(c) at gwrs dysgu o bell dynodedig a chwrs rhan-amser dynodedig;

(ch) at gwrs dysgu o bell dynodedig a chwrs ôl radd dynodedig.

Myfyrwyr sy'n dod yn gymwys yn ystod blwyddyn academaidd

63.—(1) Pan fo un o'r digwyddiadau a restrir ym mharagraff (4) yn digwydd yn ystod blwyddyn academaidd—

(a) caiff myfyriwr yr hawl i grant o ran ffioedd mewn perthynas â'r flwyddyn academaidd honno yn unol â'r Rhan hon cyn belled â bod y digwyddiad perthnasol wedi digwydd o fewn tri mis cyntaf y flwyddyn academaidd; a

(b) nid oes grant mewn perthynas â ffioedd ar gael mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol.

(2) Pan fo un o'r digwyddiadau a restrir yn is-baragraffau (a), (b), (d), (dd), (e), (f), neu (ff) o baragraff (4) yn digwydd yn ystod blwyddyn academaidd—

(a) caiff myfyriwr yr hawl i grant tuag at lyfrau, teithio a gwariant arall mewn perthynas â'r flwyddyn academaidd honno yn unol â'r Rhan hon; a

(b) nid yw grant tuag at lyfrau, teithio a gwariant arall ar gael mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y

(b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person with leave to enter or remain 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),

A's status as an eligible distance learning student terminates immediately before the first day of the academic year in respect of which he or she is applying for support.

(13) Paragraphs (11) and (12) do not apply where the student began the course in connection with which the Welsh Ministers determined that he or she was an eligible student or eligible part-time student, as the case may be, before 1 September 2007.

(14) An eligible distance learning student may not, at any one time, qualify for support for—

(a) more than one designated distance learning course;

(b) a designated distance learning course and a designated course;

(c) a designated distance learning course and a designated part-time course;

(d) a designated distance learning course and a designated postgraduate course.

Students becoming eligible during the course of the academic year

63.—(1) Where one of the events listed in paragraph (4) occurs in the course of an academic year—

(a) a student may qualify for a grant in respect of fees in respect of that academic year in accordance with this Part provided that the relevant event occurred within the first three months of the academic year; and

(b) a grant in respect of fees is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

(2) Where one of the events listed in sub-paragraphs (a), (b), (e), (f), (g), (h) or (i) of paragraph (4) occurs in the course of an academic year—

(a) a student may qualify for a grant for books, travel and other expenditure in respect of that academic year in accordance with this Part; and

(b) a grant for books, travel and other expenditure is not available in respect of any academic year beginning before the academic year in which

flwyddyn academaidd y digwyddodd y digwyddiad perthnasol.

(3) Pan fo un o'r digwyddiadau a restrir yn is-baragraffau (a), (b), (d), (dd), (e), (f), neu (ff) o baragraff (4) yn digwydd yn ystod blwyddyn academaidd —

(a) caiff myfyriwr yr hawl i grant at gostau byw myfyrwyr dysgu o bell anabl mewn perthynas â'r flwyddyn academaidd honno yn unol â'r Rhan hon; ac

(b) nid yw grant at gostau byw myfyrwyr dysgu o bell anabl mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol ar gael.

(4) Y digwyddiadau yw—

(a) bod cwrs y myfyriwr yn dod yn gwrs dysgu o bell dynodedig;

(b) bod y myfyriwr, ei briod, ei bartner sifil neu ei riant yn cael ei gydnabod fel ffoadur neu'n dod yn berson â chaniatâd i ddod i mewn neu i aros;

(c) bod gwladwriaeth yn ymaelodi â'r Gymuned Ewropeaidd a bod y myfyriwr yn wladolyn o'r wladwriaeth honno neu'n aelod o deulu (fel y'i diffinnir yn Rhan 1 o Atodlen 1) gwladolyn o'r wladwriaeth honno;

(ch) bod y myfyriwr yn dod yn aelod o deulu (fel y'i diffinnir yn Rhan 1 o Atodlen 1) gwladolyn o'r GE;

(d) bod y wladwriaeth y mae'r myfyriwr yn wladolyn iddi yn ymaelodi â'r Gymuned Ewropeaidd pan fo'r myfyriwr wedi bod yn preswylio 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;

(dd) bod y myfyriwr yn ennill yr hawl i breswylio'n barhaol;

(e) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 6(1)(a) o Atodlen 1;

(f) bod y myfyriwr yn dod yn blentyn i wladolyn Swisaidd; neu

(ff) bod y myfyriwr yn dod yn blentyn i weithiwr Twrcaidd.

Cyrsiau dysgu o bell dynodedig

64.—(1) Mae cwrs yn ddynodedig at ddibenion adran 22(1) o'r Ddeddf a rheoliad 62 os caiff ei ddynodi gan Weinidogion Cymru dan y rheoliad hwn.

(2) Yn ddarostyngedig i baragraff (4), caiff Gweinidogion Cymru ddynodi cwrs dan y rheoliad hwn os yn eu barn hwy—

the relevant event occurred.

(3) Where one of the events listed in sub-paragraphs (a), (b), (e), (f), (g), (h) or (i) of paragraph (4) occurs in the course of an academic year—

(a) a student may qualify for a grant for disabled distance learning students' living costs in respect of that academic year in accordance with this Part; and

(b) a grant for disabled distance learning students' living costs is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

(4) The events are—

(a) the student's course becomes a designated distance learning course;

(b) the student, his or her spouse, his or her civil partner or his or her parent is recognised as a refugee or becomes a person with leave to enter or remain;

(c) a state accedes to the European Community and the student is a national of that state or a family member (as defined in Part 1 of Schedule 1) of a national of that state;

(d) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EC national;

(e) the state of which the student is a national accedes to the European Community 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;

(f) the student acquires the right of permanent residence;

(g) the student becomes a person described in paragraph 6(1)(a) of Schedule 1;

(h) the student becomes the child of a Swiss national; or

(i) the student becomes the child of a Turkish worker.

Designated distance learning courses

64.—(1) A course is designated for the purposes of section 22(1) of the Act and regulation 62 if it is designated by the Welsh Ministers under this regulation.

(2) Subject to paragraph (4), the Welsh Ministers may designate a course under this regulation if in their opinion—

(a) bod y cwrs yn cael ei grybwyll yn Atodlen 2 heblaw am gwrs ar gyfer hyfforddiant cychwynnol athrawon;

(b) bod y cwrs yn gwrs amser-llawn;

(c) bod y cwrs yn para am o leiaf un flwyddyn academaidd; ac

(ch) nad yw'n ofynnol gan y sefydliad neu'r sefydliadau sy'n darparu'r cwrs bod myfyrwyr sy'n ymgymryd â'r cwrs yn y Deyrnas Unedig yn ei fynychu.

(3) At ddibenion penderfynu a yw'r gofyniad ym mharagraff (2)(ch) yn cael ei fodloni, caiff Gweinidogion Cymru ddiystyru—

(a) unrhyw ofyniad a osodir gan y sefydliad neu'r sefydliadau sy'n darparu'r cwrs i fod yn bresennol mewn unrhyw sefydliad at ddibenion—

(i) cofrestru;

(ii) arholiad;

(b) unrhyw ofyniad a osodir gan y sefydliad neu'r sefydliadau sy'n darparu'r cwrs i fod yn bresennol mewn unrhyw sefydliad ar benwythnos neu yn ystod unrhyw wyliau;

(c) unrhyw gyfnod mynychu yn y sefydliad neu'r sefydliadau sy'n darparu'r cwrs y caiff y myfyriwr ei gyflawni ond nad yw'n orfodol iddo wneud hynny gan y sefydliad neu'r sefydliadau hynny.

(4) Ni chaiff Gweinidogion Cymru ddynodi cwrs fel cwrs dysgu o bell dynodedig—

(a) os yw'n dod o fewn paragraff 7 neu 8 o Atodlen 2; a

(b) os yw corff llywodraethol ysgol a gynhelir wedi trefnu darparu'r cwrs ar gyfer disgybl yr ysgol.

Cyfnod cymhwystra

65.—(1) Mae myfyriwr yn cadw ei statws fel myfyriwr dysgu o bell cymwys mewn cysylltiad â chwrs dysgu o bell dynodedig hyd onid yw'r statws yn terfynu yn unol â'r rheoliad hwn a rheoliad 62.

(2) Y cyfnod y mae myfyriwr dysgu o bell cymwys yn cadw ei statws yw'r "cyfnod cymhwystra".

(3) Yn ddarostyngedig i'r paragraffau canlynol a rheoliad 62, mae'r cyfnod cymhwystra yn terfynu ar ddiwedd y flwyddyn academaidd y bydd y myfyriwr dysgu o bell cymwys yn cwblhau ei gwrs dysgu o bell dynodedig ynddi.

(4) Mae'r cyfnod cymhwystra yn terfynu pan fydd y myfyriwr dysgu o bell cymwys—

(a) yn tynnu'n ôl o'i gwrs dysgu o bell dynodedig

(a) the course is mentioned in Schedule 2 other than a course for the initial training of teachers;

(b) the course is a full-time course;

(c) the course is of at least one academic year's duration; and

(d) students undertaking the course in the United Kingdom are not required to be in attendance on it by the institution or institutions providing the course.

(3) For the purposes of determining whether the requirement in paragraph (2)(d) is satisfied the Welsh Ministers may disregard—

(a) any requirement imposed by the institution or institutions providing the course to attend any institution for the purposes of—

(i) registration or enrolment;

(ii) an examination;

(b) any requirement imposed by the institution or institutions providing the course to attend any institution on a weekend or during any vacation;

(c) any period of attendance at the institution or institutions providing the course which a student may but is not required to complete by that institution or those institutions.

(4) The Welsh Ministers may not designate a course as a designated distance learning course if—

(a) it falls within paragraph 7 or 8 of Schedule 2; and

(b) the governing body of a maintained school has arranged for the provision of the course to a pupil of the school.

Period of eligibility

65.—(1) A student retains his or her status as an eligible distance learning student in connection with a designated distance learning course until the status terminates in accordance with this regulation and regulation 62.

(2) The period for which an eligible distance learning student retains his or her status is the "period of eligibility".

(3) Subject to the following paragraphs and regulation 62, the period of eligibility terminates at the end of the academic year in which the eligible distance learning student completes the designated distance learning course.

(4) The period of eligibility terminates when the eligible distance learning student—

(a) withdraws from his or her designated distance

dan amgylchiadau pan na fo Gweinidogion Cymru wedi trosglwyddo neu wedi trosi neu pan na fyddant yn trosglwyddo neu yn trosi ei statws dan reoliadau 73, 74, 75, neu 88; neu

(b) yn cefnu ar ei gwrs dysgu o bell dynodedig neu'n cael ei ddiarddel oddi arno.

(5) Caiff Gweinidogion Cymru derfynu'r cyfnod cymhwystra os yw'r myfyriwr dysgu o bell cymwys wedi dangos trwy ei ymddygiad nad yw'n addas i dderbyn cymorth.

(6) Os yw Gweinidogion Cymru wedi'u bodloni bod myfyriwr dysgu o bell cymwys wedi methu â chydymffurfio ag unrhyw ofyniad i roi gwybodaeth o dan y Rhan hon neu ei fod wedi rhoi gwybodaeth sy'n anghywir o ran manylyn perthnasol, caiff Gweinidogion Cymru gymryd unrhyw rai o'r camau canlynol y credent eu bod yn briodol o dan yr amgylchiadau—

(a) terfynu'r cyfnod cymhwystra;

(b) penderfynu nad oes gan y myfyriwr hawl mwyach i gael unrhyw gymorth penodol neu unrhyw swm penodol o gymorth;

(c) trin unrhyw gymorth a dalwyd i'r myfyriwr fel gordaliad y caniateir ei adennill o dan reoliad 78.

(7) Pan fo'r cyfnod cymhwystra'n terfynu cyn diwedd y flwyddyn academaidd y mae'r myfyriwr dysgu o bell cymwys yn cwblhau'r cwrs dysgu o bell dynodedig ynddi caiff Gweinidogion Cymru, ar unrhyw adeg, adnewyddu neu estyn y cyfnod cymhwystra am y cyfryw gyfnod ag y maent yn penderfynu arno.

Cymorth at gyrsiau dysgu o bell

66.—(1) At ddibenion y rheoliad hwn, y cymorth sydd ar gael yw—

(a) grant mewn perthynas â ffioedd nad yw'n fwy na'r lleiaf o'r symiau canlynol—

(i) £930; a

(ii) y "ffioedd gwirioneddol", sef swm y ffioedd a godir ar y myfyriwr mewn perthynas â blwyddyn academaidd ar y cwrs dysgu o bell dynodedig; a

(b) grant nad yw'n fwy na £1,050 at lyfrau, teithio a gwariant arall mewn cysylltiad â'r cwrs dysgu o bell dynodedig.

(2) Nid oes gan fyfyriwr dysgu o bell cymwys yr hawl i dderbyn cymorth dan baragraff (1)(b) os mai'r unig baragraff yn Rhan 2 o Atodlen 1 y daw oddi tano yw paragraff 9.

(3) Nid oes gan fyfyriwr dysgu o bell cymwys yr hawl i dderbyn cymorth dan y rheoliad hwn—

(a) os ydyw'n fyfyriwr anabl; a

learning course in circumstances where the Welsh Ministers have not transferred or converted or will not transfer or convert his or her status under regulation 73, 74, 75, or 88; or

(b) abandons or is expelled from his or her designated distance learning course.

(5) The Welsh Ministers may terminate the period of eligibility where the eligible distance learning student has shown himself or herself by his or her conduct to be unfitted to receive support.

(6) If the Welsh Ministers are satisfied that an eligible distance learning student has failed to comply with any requirement to provide information under this Part or has provided information which is inaccurate in a material particular, the Welsh Ministers may take such of the following actions as they consider appropriate in the circumstances—

(a) terminate the period of eligibility;

(b) determine that the student no longer qualifies for any particular support or particular amount of support;

(c) treat any support paid to the student as an overpayment which may be recovered under regulation 78.

(7) Where the period of eligibility terminates before the end of the academic year in which the eligible distance learning student completes the designated distance learning course the Welsh Ministers may, at any time, renew or extend the period of eligibility for such period as they determine.

Support for distance learning courses

66.—(1) For the purposes of this regulation, the support available is—

(a) a grant in respect of fees not exceeding the lesser of the following amounts—

(i) £930; and

(ii) the "actual fees", being the amount of fees charged to the student in respect of an academic year of the designated distance learning course; and

(b) a grant not exceeding £1,050 for books, travel and other expenditure in connection with the designated distance learning course.

(2) An eligible distance learning student does not qualify for support under paragraph (1)(b) if the only paragraph in Part 2 of Schedule 1 into which he or she falls is paragraph 9.

(3) An eligible distance learning student does not qualify for support under this regulation if—

(a) he or she is a disabled student; and

(b) os rhoddwyd neu os talwyd iddo mewn cysylltiad â'r cwrs dysgu o bell —

(i) bwrsari gofal iechyd y mae ei swm yn cael ei gyfrifo drwy gyfeirio at ei incwm; neu

(ii) lwfans gofal iechyd yr Alban p'un a yw swm y lwfans hwnnw yn cael ei gyfrifo drwy gyfeirio at ei incwm neu beidio.

(4) Nid oes gan fyfyriwr dysgu o bell cymwys yr hawl i dderbyn cymorth dan y rheoliad hwn oni bai bod Gweinidogion Cymru yn ystyried ei fod yn ymgymryd â chwrs dysgu o bell dynodedig yng Nghymru.

(5) Nid oes gan fyfyriwr dysgu o bell cymwys yr hawl i dderbyn cymorth dan y rheoliad hwn os ydyw wedi ymgymryd ag un neu ragor o gyrsiau dysgu o bell dros gyfanswm o wyth mlynedd a'i fod wedi derbyn benthyciad neu grant o'r math a ddisgrifir ym mharagraff (6) mewn perthynas â phob un o'r blynyddoedd academaidd hynny.

(6) Y benthyciadau a'r grantiau yw—

(a) benthyciad, grant mewn perthynas â ffioedd neu grant at lyfrau, teithio neu wariant arall a wnaed mewn perthynas â blwyddyn academaidd o gwrs dysgu o bell yn unol â'r rheoliadau a wnaed dan adran 22 o'r Ddeddf ;

(b) benthyciad, grant mewn perthynas â ffioedd neu grant at lyfrau, teithio neu wariant arall a wnaed mewn perthynas â blwyddyn academaidd o gwrs dysgu o bell gan Adran Gyflogaeth a Dysgu (Gogledd Iwerddon) yn unol â rheoliadau wnaed dan Erthyglau 3 ac 8(4) o Orchymyn Addysg (Cymorth i Fyfyrwyr) (Gogledd Iwerddon) 1998(**1**); neu

(c) benthyciad mewn perthynas â blwyddyn academaidd o gwrs dysgu o bell a wnaed yn unol â rheoliadau a wnaed dan adrannau 73(f), 73B a 74(1) o Ddeddf Addysg (Yr Alban) 1980(**2**).

(7) Nid oes gan fyfyriwr dysgu o bell cymwys yr hawl i dderbyn cymorth dan y rheoliad hwn os yw'n ddeiliad gradd gyntaf gan sefydliad addysgol yn y Deyrnas Unedig.

(b) there has been bestowed on him or her or paid to him or her in connection with the designated distance learning course—

(i) a healthcare bursary the amount of which is calculated by reference to his or her income; or

(ii) a Scottish healthcare allowance whether or not the amount of such allowance is calculated by reference to his or her income.

(4) An eligible distance learning student does not qualify for support under this regulation unless the Welsh Ministers consider that he or she is undertaking the designated distance learning course in Wales.

(5) An eligible distance learning student does not qualify for support under this regulation if he or she has undertaken one or more distance learning courses for eight academic years in aggregate and he or she has received in respect of each of those academic years a loan or a grant of the kind described in paragraph (6).

(6) The loans and grants are—

(a) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a distance learning course pursuant to regulations made under section 22 of the Act;

(b) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a distance learning course by the Department for Employment and Learning (Northern Ireland) pursuant to regulations made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998(**1**); or

(c) a loan in respect of an academic year of a distance learning course made pursuant to regulations made under sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980(**2**).

(7) An eligible distance learning student does not qualify for support under this regulation if he or she holds a first degree from an educational institution in the United Kingdom.

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

(**2**) 1980 p.44; diwygiwyd adran 73(f) gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 29(1) a Deddf Addysg (Gwaddoliad Graddedigion a Chymorth i Fyfyrwyr) (Yr Alban) 2001 (dsa 6), adran 3(2). Mewnosodwyd adran 73B gan adran 29(2) o Ddeddf Addysgu ac Addysg Uwch 1998 ac fe'i diwygiwyd gan adran 34(1) o Ddeddf Methdaliad a Diwydrwydd etc. (Yr Alban) 2007 (dsa 3). Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Weinidogion yr Alban yn rhinwedd adran 53 o Ddeddf yr Alban 1998 (p. 46).

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

(**2**) 1980 c.44; section 73(f) was amended by the Teaching and Higher Education Act 1998 (c. 30), section 29(1) and the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 (asp 6), section 3(2). Section 73B was inserted by section 29(2) of the Teaching and Higher Education Act 1998 and was amended by section 34(1) of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(8) At ddibenion paragraff (7), nid yw gradd i'w chael ei thrin fel gradd gyntaf—

(a) pan fo'n radd (heblaw gradd anrhydedd) a roddwyd i fyfyriwr dysgu o bell cymwys sydd wedi cwblhau'r modiwlau, arholiadau neu unrhyw ddulliau eraill o asesu angenrheidiol ar gyfer ei gwrs gradd gyntaf; a

(b) pan fo'r myfyriwr dysgu o bell cymwys wedi ei gofrestru i barhau â'r cwrs yn yr un sefydliad addysgol yn dilyn derbyn ei radd er mwyn ennill gradd anrhydedd ar ôl cwblhau'r modiwlau, arholiadau neu unrhyw ddull arall o asesu angenrheidiol.

Swm y cymorth

67.—(1) Yn ddarostyngedig i baragraff (2) a rheoliad 73(6), mae swm y cymorth a delir ar gyfer blwyddyn academaidd fel a ganlyn—

(a) os yw'r myfyriwr dysgu o bell cymwys neu ei bartner, ar ddyddiad ei gais, â hawl—

(i) o dan Ran VII o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(**1**) i gymhorthdal incwm, budd-dal tai neu fudd-dal treth cyngor; neu

(ii) o dan Ran 1 o Ddeddf Ceiswyr Gwaith 1995(**2**) i lwfans ceisiwr gwaith seiliedig ar incwm neu o dan adran 2 o Ddeddf Cyflogi a Hyfforddiant 1973(**3**) i lwfans o dan y trefniadau a adnabyddir fel Y Fargen Newydd;

mae'r uchafswm cymorth sydd ar gael o dan reoliad 66(1) yn daladwy;

(8) For the purposes of paragraph (7), a degree is not to be treated as a first degree where—

(a) it is a degree (other than an honours degree) that has been awarded to an eligible distance learning student who has completed the required modules, examinations or other forms of assessment for his or her first degree course; and

(b) the eligible distance learning student is registered to continue the course at the same educational institution after the award of his or her degree so as to obtain an honours degree on completion of the required modules, examinations or other form of assessment.

Amount of support

67.—(1) Subject to paragraph (2) and regulation 73(6), the amount of support payable in respect of an academic year is as follows—

(a) if at the date of his or her application the eligible distance learning student or his or her partner is entitled—

(i) under Part VII of the Social Security Contributions and Benefits Act 1992(**1**) to income support, housing benefit or council tax benefit; or

(ii) under Part 1 of the Jobseekers Act 1995(**2**) to income-based jobseeker's allowance or under section 2 of the Employment and Training Act 1973(**3**) to an allowance under the arrangements known as the New Deal;

the maximum amount of support available under regulation 66(1) is payable;

(**1**) 1992 p. 4; Diwygiwyd Rhan VII gan Ddeddf Tai 1991 (p. 52), Atodlen 19; Deddf Cyllid Llywodraeth Leol 1992 (p. 14), Atodlen 9 ac Atodlen 14; Deddf Ceiswyr Gwaith 1995 (p. 18), Atodlen 2 ac Atodlen 3; Deddf Tai 1996 (p. 52), Atodlen 19 Rhan 6; Deddf Diwygio Lles a Phensiynau 1999 (p. 30), Atodlen 8; Deddf Iechyd a Gofal Cymdeithasol 2001 (p. 15), Atodlen 6, Rhan 3; Deddf Credyd Pensiwn y Wladwriaeth 2002 (p. 16), Atodlen 2 ac Atodlen 3, Deddf Credydau Treth 2002 (p. 21), Atodlen 6; Deddf Treth Incwm (Enillion a Phensiynau) 2003 (p. 1), Atodlen 6, paragraffau 169 a 179, Deddf Partneriaeth Sifil 2004 (p. 33), Atodlen 24 a Deddf Diwygio Lles 2007 (p. 40), Atodlen 30(2) a 31(1), Atodlen 3, Atodlen 5 ac Atodlen 8.

(**2**) 1995 p. 18; diwygiwyd Rhan I gan Ddeddf Hawliau Cyflogaeth 1996 (p. 18), Atodlen 1; Deddf Nawdd Cymdeithasol 1998 (p. 14), Atodlenni 7 ac 8; Deddf Diwygio Lles a Phensiynau 1999 (p. 30), Atodlenni 1, 7 ac 8; Deddf Credyd Pensiwn y Wladwriaeth 2002 (p. 16), Atodlen 2; Deddf Cyfraniadau Yswiriant Gwladol 2002 (p. 19), Atodlen 1; Deddf Treth Incwm (Enillion a Phensiynau) 2003 (p. 18), Atodlen 6; Deddf Partneriaeth Sifil 2004 (p. 33), Atodlen 24 ac O.S. 2006/343.

(**3**) 1973 p. 50; diwygiwyd adran 2 fel y'i hamnewidiwyd gan Ddeddf Cyflogaeth 1988 (p.19) gan Ddeddf Cyflogaeth 1989 (p. 38), Atodlen 7. Mewnosodwyd is-adrannau (3A) a (3B) gan Ddeddf Diwygio Undebau Llafur a Hawliau Cyflogaeth 1993 (p. 19), adran 47 mewn perthynas â'r Alban yn unig.

(**1**) 1992 c. 4; Part VII was amended by the Housing Act 1991 (c. 52), Schedule 19; the Local Government Finance Act 1992 (c. 14), Schedule 9 and Schedule 14; the Jobseekers Act 1995 (c. 18), Schedule 2 and Schedule 3; the Housing Act 1996 (c. 52), Schedule 19 Part 6; the Welfare Reform and Pensions Act 1999 (c. 30), Schedule 8; the Health and Social Care Act 2001 (c. 15), Schedule 6 Part 3; the State Pension Credit Act 2002 (c. 16), Schedule 2 and Schedule 3, the Tax Credits Act 2002 (c. 21), Schedule 6; the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6, paragraphs 169 and 179, the Civil Partnership Act 2004 (c. 33), Schedule 24 and the Welfare Reform Act 2007 (c. 40), Sections 30(2) and 31(1), Schedule 3, Schedule 5 and Schedule 8.

(**2**) 1995 c. 18; Part I was amended by the Employment Rights Act 1996 (c. 18), Schedule 1; the Social Security Act 1998 (c. 14), Schedules 7 and 8; the Welfare Reform and Pensions Act 1999 (c. 30), Schedules 1, 7, and 8; the State Pension Credit Act 2002 (c. 16), Schedule 2; the National Insurance Contributions Act 2002 (c. 19), Schedule 1; the Income Tax (Earnings and Pensions) Act 2003 (c. 18), Schedule 6; the Civil Partnership Act 2004 (c. 33), Schedule 24 and S.I. 2006/343.

(**3**) 1973 c. 50; section 2 as substituted by the Employment Act 1988 (c. 19) was amended by the Employment Act 1989 (c. 38), Schedule 7. Subsections (3A) and (3B) were inserted by the Trade Union Reform and Employment Rights Act 1993 (c. 19), section 47 in relation to Scotland only.

(b) pan fo'r incwm perthnasol yn llai na £16,110, mae'r uchafswm cymorth sydd ar gael o dan reoliad 66(1) yn daladwy;

(c) pan fo'r incwm perthnasol yn £16,110, mae'r uchafswm cymorth sydd ar gael o dan reoliad 66(1)(b) yn daladwy ynghyd â £50 yn llai na'r uchafswm cymorth sydd ar gael o dan reoliad 66(1)(a);

(ch) pan fo'r incwm perthnasol yn uwch na £16,110, ond yn llai na £24,295, mae'r uchafswm cymorth sydd ar gael o dan reoliad 66(1)(b) yn daladwy a swm y cymorth taladwy o dan reoliad 66(1)(a) yw'r swm a benderfynir arno yn unol â pharagraff (2);

(d) pan fo'r incwm perthnasol yn £24,295, mae'r uchafswm cymorth sydd ar gael o dan reoliad 66(1)(b) yn daladwy a swm y cymorth taladwy o dan reoliad 66(1)(a) yw £50;

(dd) pan fo'r incwm perthnasol yn uwch na £24,295 ond yn llai na £24,925, mae'r uchafswm cymorth sydd ar gael o dan reoliad 66(1)(b) yn daladwy ac nid oes unrhyw gymorth yn daladwy o dan reoliad 66(1)(a);

(e) pan fo'r incwm perthnasol yn £24,925 neu ragor ond yn llai na £26,915, nid oes unrhyw gymorth ar gael o dan reoliad 66(1)(a) a swm y cymorth taladwy o dan reoliad 66(1)(b) yw'r swm a adewir yn dilyn didynnu o'r uchafswm cymorth sydd ar gael o dan reoliad 66(1)(b) £1 am bob £2.00 cyflawn a fyddai'n peri i'r incwm perthnasol fynd dros £24,925;

(f) pan fo'r incwm perthnasol yn £26,915, nid oes unrhyw gymorth yn daladwy o dan reoliad 66(1)(a) ac mae swm y cymorth taladwy o dan reoliad 66(1)(b) yn £50;

(ff) pan fo'r incwm perthnasol yn uwch na £26,915, nid oes unrhyw gymorth yn daladwy o dan reoliad 66(1).

(2) Pan fo paragraff (1)(ch) yn berthnasol, penderfynir faint o gymorth sy'n daladwy o dan reoliad 66(1)(a) trwy ddidynnu o'r uchafswm cymorth sydd ar gael o dan reoliad 66(1)(a) un o'r symiau canlynol—

(a) £50 a £1 ychwanegol am bob £9.86 cyflawn a fyddai'n peri i'r incwm perthnasol fynd dros £16,110; neu

(b) pan fo'r ffioedd gwirioneddol yn llai na £930, cyfanswm sy'n hafal i'r hyn a adewir wedi didynnu o'r swm a gyfrifwyd o dan is-baragraff (a) y gwahaniaeth rhwng £930 a'r ffioedd gwirioneddol (oni bai bod y swm yn rhif negatif ac yn yr achos hwnnw telir yr uchafswm cymorth sydd ar gael o dan reoliad 66(1)(a)).

(b) where the relevant income is less than £16,110, the maximum amount of support available under regulation 66(1) is payable;

(c) where the relevant income is £16,110, the maximum amount of support available under regulation 66(1)(b) is payable together with £50 less than the maximum amount of support available under regulation 66(1)(a);

(d) where the relevant income exceeds £16,110 but is less than £24,295, the maximum amount of support available under regulation 66(1)(b) is payable and the amount of support payable under regulation 66(1)(a) is the amount determined in accordance with paragraph (2);

(e) where the relevant income is £24,295, the maximum amount of support available under regulation 66(1)(b) is payable and the amount of support payable under regulation 66(1)(a) is £50;

(f) where the relevant income exceeds £24,295 but is less than £24,925, the maximum amount of support available under regulation 66(1)(b) is payable and no support is payable under regulation 66(1)(a);

(g) where the relevant income is £24,925 or more but less than £26,915, no support is available under regulation 66(1)(a) and the amount of support payable under regulation 66(1)(b) is the amount left after deducting from the maximum amount of support available under regulation 66(1)(b) £1 for every complete £2.00 by which the relevant income exceeds £24,925;

(h) where the relevant income is £26,915, no support is payable under regulation 66(1)(a) and the amount of support payable under regulation 66(1)(b) is £50;

(i) where the relevant income exceeds £26,915, no support is payable under regulation 66(1).

(2) Where paragraph (1)(d) applies, the amount of support payable under regulation 66(1)(a) is determined by deducting from the maximum amount of support available under regulation 66(1)(a) one of the following amounts—

(a) £50 plus a further £1 for each complete £9.86 by which the relevant income exceeds £16,110; or

(b) where the actual fees are less than £930, an amount equal to that left after deducting from the amount calculated under sub-paragraph (a) the difference between £930 and the actual fees (unless the amount is a negative number in which case the maximum amount of support available under regulation 66(1)(a) is payable).

Dehongliad o reoliad 67

68.—(1) At ddibenion rheoliad 67—

(a) yn ddarostyngedig i is-baragraff (b), ystyr "partner" ("*partner*") yw unrhyw un o'r canlynol—

(i) priod myfyriwr dysgu o bell cymwys;

(ii) partner sifil myfyriwr dysgu o bell cymwys;

(iii) person sydd fel rheol yn byw gyda myfyriwr dysgu o bell cymwys fel petai yn briod ag ef pan fo myfyriwr dysgu o bell cymwys yn 25 oed neu fwy ar y diwrnod cyntaf o'r flwyddyn academaidd y caiff ei asesu ar gyfer cymorth a phan ddechreuodd y cwrs dysgu o bell dynodedig a bennir cyn 1 Medi 2005;

(iv) person sydd fel rheol yn byw gyda myfyriwr dysgu o bell cymwys fel petai yn briod ag ef neu'n bartner sifil pan ddechreuodd myfyriwr dysgu o bell cymwys cwrs dysgu o bell dynodedig a bennir ar neu ar ôl 1 Medi 2005;

(b) nid yw person fyddai fel arall yn bartner o dan is-baragraff (a) i'w drin fel partner os—

(i) ym marn Gweinidogion Cymru fod y person hwnnw a'r myfyriwr dysgu o bell cymwys wedi gwahanu; neu

(ii) bod y person fel rheol yn byw y tu allan i'r Deyrnas Unedig ac nas cynhelir gan y myfyriwr dysgu o bell cymwys;

(c) ystyr "incwm perthnasol" ("*relevant income*") yw'r hyn a welir ym mharagraff (2).

(2) Yn ddarostyngedig i baragraff (3), mae incwm perthnasol myfyriwr dysgu o bell cymwys yn hafal i'w ffynonellau ariannol yn y flwyddyn ariannol flaenorol llai—

(i) £2,000 yn achos ei bartner;

(ii) £2,000 yn achos yr unig blentyn neu'r plentyn hynaf sy'n ddibynnol ar y myfyriwr neu ei bartner; a

(iii) £1,000 yn achos pob plentyn arall sy'n ddibynnol ar y myfyriwr neu ei bartner.

(3) Pan fo Gweinidogion Cymru yn fodlon bod ffynonellau ariannol y myfyriwr dysgu o bell cymwys am y flwyddyn ariannol flaenorol yn fwy na'i ffynonellau ariannol am y flwyddyn ariannol gyfredol a bod y gwahaniaeth rhwng y ddau gyfanswm yn £1,000 neu ragor, gallant asesu ffynonellau ariannol y myfyriwr hwnnw trwy gyfeirio at y ffynonellau hynny yn y flwyddyn ariannol gyfredol.

Interpretation of regulation 67

68.—(1) For the purposes of regulation 67—

(a) subject to sub-paragraph (b), "partner" ("*partner*") means any of the following—

(i) the spouse of an eligible distance learning student;

(ii) the civil partner of an eligible distance learning student;

(iii) a person ordinarily living with an eligible distance learning student as if he or she were his or her spouse where an eligible distance learning student is aged 25 or over on the first day of the academic year in respect of which he or she is being assessed for support and where he or she began the specified designated distance learning course before 1 September 2005;

(iv) a person ordinarily living with an eligible distance learning student as if he or she were his or her spouse or civil partner where an eligible distance learning student began the specified designated distance learning course on or after 1 September 2005;

(b) a person who would otherwise be a partner under sub-paragraph (a) is not to be treated as a partner if—

(i) in the opinion of the Welsh Ministers, that person and the eligible distance learning student are separated; or

(ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible distance learning student;

(c) "relevant income" ("*incwm perthnasol*") has the meaning given in paragraph (2).

(2) Subject to paragraph (3), an eligible distance learning student's relevant income is equal to his or her financial resources in the preceding financial year less—

(i) £2,000 in respect of his or her partner;

(ii) £2,000 in respect of the only or eldest child who is dependent on the student or his or her partner; and

(iii) £1,000 in respect of each other child who is dependent on the student or his or her partner.

(3) Where the Welsh Ministers are satisfied that an eligible distance learning student's financial resources in the preceding financial year are greater than his or her financial resources in the current financial year and that the difference between the two amounts is £1,000 or more, they may assess that student's financial resources by reference to those resources in the current financial year.

(4) Yn y rheoliad hwn golyga ffynonellau ariannol myfyriwr dysgu o bell cymwys mewn blwyddyn ariannol gyfanswm ei incwm am y flwyddyn honno ynghyd â chyfanswm incwm y flwyddyn honno unrhyw berson sy'n bartner i'r myfyriwr ar ddyddiad gwneud y cais.

(5) Yn y rheoliad hwn—

(a) mae "plentyn" ("*child*") mewn perthynas â myfyriwr dysgu o bell cymwys yn cynnwys unrhyw blentyn i'w bartner ac unrhyw blentyn y mae ganddo gyfrifoldeb rhiant drosto;

(b) ystyr "blwyddyn ariannol gyfredol" ("*current financial year*") yw'r flwyddyn ariannol sy'n cynnwys diwrnod cyntaf y flwyddyn academaidd y mae person yn cael ei asesu ar gyfer cymorth mewn perthynas â hi;

(c) ystyr "dibynnol" ("*dependent*") yw ariannol ddibynnol yn gyfan gwbl neu'n bennaf;

(ch) ystyr "blwyddyn ariannol" ("*financial year*") yw'r cyfnod o ddeuddeng mis y mae incwm y myfyriwr dysgu o bell cymwys yn cael ei gyfrifo mewn perthynas â hi at ddibenion y ddeddfwriaeth ar dreth incwm sy'n gymwys iddo;

(d) ystyr "incwm" ("*income*") yw incwm gros o bob ffynhonnell heb gynnwys unrhyw gredydau treth a ddyfarnwyd yn unol ag unrhyw geisiadau o dan adran 3 o Ddeddf Credydau Treth 2002;

(dd) ystyr "blwyddyn ariannol flaenorol" ("*preceding financial year*") yw'r flwyddyn ariannol yn union cyn y flwyddyn ariannol gyfredol;

(e) ystyr "cwrs dysgu o bell dynodedig a bennir" ("*specified designated distance learning course*") yw'r cwrs y mae'r person yn gwneud cais am gymorth tuag ato, neu pan fo statws y myfyriwr fel myfyriwr dysgu o bell cymwys wedi'i drosglwyddo i'r cwrs dysgu o bell dynodedig presennol o ganlyniad i un trosglwyddiad neu fwy o'r statws hwnnw gan Weinidogion Cymru o gwrs dysgu o bell (y "cwrs cychwynnol") ("*initial course*") y penderfynodd Gweinidogion Cymru mewn cysylltiad ag ef fod y myfyriwr yn fyfyriwr dysgu o bell cymwys yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf , y cwrs dysgu o bell dynodedig a bennir yw'r cwrs cychwynnol.

Grant at gostau byw myfyrwyr dysgu o bell anabl

69.—(1) Mae gan fyfyriwr dysgu o bell cymwys hawl yn unol â'r Rhan hon i gael grant i helpu gyda'r gwariant ychwanegol y mae Gweinidogion Cymru wedi'u bodloni ei bod yn ofynnol iddo'i ysgwyddo oherwydd anabledd sydd ganddo mewn perthynas ag

(4) In this regulation, an eligible distance learning student's financial resources in a financial year means the aggregate of his or her income for that year together with the aggregate of the income for that year of any person who at the date of the application for support is the student's partner.

(5) In this regulation—

(a) "child" ("*plentyn*") in relation to an eligible distance learning student includes any child of his or her partner and any child for whom he or she has parental responsibility;

(b) "current financial year" ("*blwyddyn ariannol gyfredol*") means the financial year which includes the first day of the academic year in respect of which a person is being assessed for support;

(c) "dependent" ("*dibynnol*") means wholly or mainly financially dependent;

(d) "financial year" ("*blwyddyn ariannol*") means the period of twelve months for which the income of the eligible distance learning student is computed for the purposes of the income tax legislation which applies to it;

(e) "income" ("*incwm*") means gross income from all sources excluding any tax credits awarded pursuant to any claims under section 3 of the Tax Credits Act 2002;

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

(g) "specified designated distance learning course" ("*cwrs dysgu o bell dynodedig a bennir*") means the course in respect of which the person is applying for support or, where the student's status as an eligible distance learning student has been transferred to the present designated distance learning course as a result of one or more transfers of that status by the Welsh Ministers from a distance learning course (the "initial course")in connection with which the Welsh Ministers determined the student to be an eligible distance learning student pursuant to regulations made under section 22 of the Act, the specified designated distance learning course is the initial course.

Grant for disabled distance learning students' living costs

69.—(1) An eligible distance learning student qualifies in accordance with this Part for a grant to assist with the additional expenditure which the Welsh Ministers are satisfied he or she is obliged to incur by reason of a disability to which he or she is subject in

ymgymryd â chwrs dysgu o bell dynodedig.

(2) Nid oes gan fyfyriwr dysgu o bell cymwys hawl i gael y grant o dan y rheoliad hwn os mai'r unig baragraff yn Rhan 2 o Atodlen 1 y daw oddi tano yw paragraff 9;

(3) Nid oes gan fyfyriwr dysgu o bell cymwys hawl i gael y grant o dan y rheoliad hwn mewn perthynas ag unrhyw flwyddyn academaidd sy'n flwyddyn bwrsari.

(4) Nid oes gan fyfyriwr dysgu o bell cymwys hawl i gael y grant o dan y rheoliad hwn oni bai bod Gweinidogion Cymru yn ystyried ei fod yn ymgymryd â'r cwrs dysgu o bell dynodedig yng Nghymru.

(5) Yn ddarostyngedig i'r paragraffau canlynol, swm y grant o dan y rheoliad hwn yw'r swm sy'n briodol ym marn Gweinidogion Cymru yn unol ag amgylchiadau'r myfyriwr.

(6) Ni ddylai swm y grant o dan y rheoliad hwn fod yn fwy na'r canlynol—

(a) £20,000 mewn perthynas â blwyddyn academaidd at wariant ar gynorthwyydd personol anfeddygol;

(b) £5,035 mewn perthynas â phob blwyddyn academaidd yn ystod y cyfnod cymhwystra at wariant ar eitemau mawr o offer arbenigol;

(c) y gwariant ychwanegol a dynnir—

(i) o fewn y Deyrnas Unedig er mwyn gallu bod yn bresennol yn y sefydliad;

(ii) o fewn neu o'r tu allan i'r Deyrnas Unedig at ddiben bod yn bresennol, fel rhan o'i gwrs, ar unrhyw gyfnod astudio mewn sefydliad dros y môr neu at ddiben bod yn bresennol yn yr Athrofa;

(ch) £1,685, mewn perthynas â blwyddyn academaidd at unrhyw wariant arall gan gynnwys gwariant a dynnwyd at y dibenion y cyfeirir atynt yn is-baragraff (a) neu (b) sy'n fwy na'r uchafsymiau penodedig.

Ceisiadau am gymorth

70.—(1) Rhaid i berson (y "ceisydd") wneud cais am gymorth mewn cysylltiad â phob blwyddyn academaidd o gwrs dysgu o bell dynodedig drwy gwblhau ffurflen gais ar y cyfryw ffurf ag y byddo Gweinidogion Cymru yn gofyn amdani a'i chyflwyno i Weinidogion Cymru.

(2) Rhaid anfon gyda'r cais—

(a) datganiad a gwblhawyd gan yr awdurdod academaidd; a

(b) y cyfryw ddogfennaeth ychwanegol ag y byddo Gweinidogion Cymru yn gofyn amdani.

(3) Caiff Gweinidogion Cymru gymryd unrhyw gamau a gwneud unrhyw ymholiadau yr ystyriant yn

respect of his or her undertaking a designated distance learning course.

(2) An eligible distance learning student does not qualify for the grant under this regulation if the only paragraph in Part 2 of Schedule 1 into which he or she falls is paragraph 9.

(3) An eligible distance learning student does not qualify for the grant under this regulation in respect of any academic year that is a bursary year.

(4) An eligible distance learning student does not qualify for the grant under this regulation unless the Welsh Ministers consider that he or she is undertaking the designated distance learning course in Wales.

(5) Subject to the following paragraphs, the amount of grant under this regulation is the amount that the Welsh Ministers consider appropriate in accordance with the student's circumstances.

(6) The amount of the grant under this regulation must not exceed—

(a) £20,000 in respect of an academic year for expenditure on a non-medical personal helper;

(b) £5,035 in respect of all the academic years during the period of eligibility for expenditure on major items of specialist equipment;

(c) the additional expenditure incurred—

(i) within the United Kingdom for the purpose of attending the institution;

(ii) within or outside the United Kingdom for the purpose of attending, as a part of his or her course, any period of study at an overseas institution or for the purpose of attending the Institute;

(d) £1,685 in respect of an academic year for any other expenditure including expenditure incurred for the purposes referred to in sub-paragraph (a) or (b) which exceeds the specified maxima.

Applications for support

70.—(1) A person (the "applicant") must apply for support in connection with each academic year of a designated distance learning course by completing and submitting to the Welsh Ministers an application in such form as the Welsh Ministers may require.

(2) The application must be accompanied by—

(a) a declaration completed by the academic authority; and

(b) such additional documentation as the Welsh Ministers may require.

(3) The Welsh Ministers may take such steps and make such inquiries as they consider necessary to

angenrheidiol er mwyn penderfynu a yw'r ceisydd yn fyfyriwr dysgu o bell cymwys, a oes gan y ceisydd hawl i gael cymorth a swm y cymorth sy'n daladwy, os oes cymorth yn daladwy o gwbl.

(4) Rhaid i Weinidogion Cymru hysbysu'r ceisydd a oes ganddo hawl i gael cymorth, ac os oes ganddo hawl, swm y cymorth sy'n daladwy mewn perthynas â'r flwyddyn academaidd, os oes cymorth yn daladwy o gwbl.

(5) Y rheol gyffredinol yw bod rhaid i'r cais gyrraedd Gweinidogion Cymru o fewn cyfnod o chwe mis sy'n dechrau gyda diwrnod cyntaf blwyddyn academaidd y cwrs y cyflwynir y cais mewn perthynas ag ef.

(6) Nid yw'r rheol gyffredinol yn gymwys—

(a) pan fo un o'r digwyddiadau a restrir ym mharagraff (4) o reoliad 63 yn digwydd ar ôl diwrnod cyntaf y flwyddyn academaidd y mae'r ceisydd yn gwneud cais am gymorth mewn perthynas â hi, ac os felly rhaid i'r cais gyrraedd Gweinidogion Cymru o fewn cyfnod o chwe mis sy'n dechrau gyda diwrnod y digwyddiad perthnasol;

(b) pan fo'r ceisydd yn gwneud cais am y grant at gostau byw myfyrwyr dysgu o bell anabl, ac os felly rhaid i'r cais gyrraedd Gweinidogion Cymru cyn gynted ag y bo'n rhesymol ymarferol; neu

(c) pan fo Gweinidogion Cymru o'r farn, ar ôl rhoi sylw i amgylchiadau'r achos penodol, y dylid llacio'r terfyn amser, ac os felly rhaid i'r cais gyrraedd Gweinidogion Cymru heb fod yn hwyrach na'r dyddiad a bennir ganddynt.

Datganiadau a ddarperir gan awdurdodau academaidd

71.—(1) Yn ddarostyngedig i baragraff (2), rhaid i'r awdurdod academaidd, ar gais y ceisydd, gwblhau datganiad yn y cyfryw ffurf ag y byddo Gweinidogion Cymru yn gofyn amdano fynd gyda'r cais am gefnogaeth.

(2) Nid yw'n ofynnol i awdurdod academaidd gwblhau datganiad os nad yw'n gallu rhoi'r cadarnhad gofynnol.

(3) Yn y Rhan hon, ystyr "datganiad" ("*declaration*") yw—

(a) pan fo'r ceisydd yn gwneud cais am gymorth mewn cysylltiad â'r cwrs dysgu o bell dynodedig am y tro cyntaf, datganiad—

(i) sy'n darparu gwybodaeth am y cwrs; a

(ii) sy'n cadarnhau bod y ceisydd wedi ymgymryd ag o leiaf ddwy wythnos o'r cwrs dysgu o bell dynodedig;

(b) mewn unrhyw achos arall, datganiad—

determine whether the applicant is an eligible distance learning student, whether he or she qualifies for support and the amount of support payable, if any.

(4) The Welsh Ministers must notify the applicant of whether he or she qualifies for support and, if he or she does qualify, the amount of support payable in respect of the academic year, if any.

(5) The general rule is that the application must reach the Welsh Ministers within a period of six months beginning with the first day of the academic year of the course in respect of which it is submitted.

(6) The general rule does not apply where—

(a) one of the events listed in paragraph (4) of regulation 63 occurs after the first day of the academic year in respect of which the applicant is applying for support, in which case the application must reach the Welsh Ministers within a period of six months beginning with the day on which the relevant event occurred;

(b) the applicant is applying for the grant for disabled distance learning students' living costs, in which case the application must reach the Welsh Ministers as soon as is reasonably practicable; or

(c) the Welsh Ministers consider that having regard to the circumstances of the particular case the time limit should be relaxed, in which case the application must reach the Welsh Ministers not later than such date as they specify.

Declarations provided by academic authorities

71.—(1) Subject to paragraph (2), the academic authority must, on the request of the applicant, complete a declaration in such form as may be required by the Welsh Ministers to accompany the application for support.

(2) An academic authority is not required to complete a declaration if it is unable to give the confirmation required.

(3) In this Part, "declaration" ("*datganiad*") means—

(a) where the applicant is applying for support in connection with the designated distance learning course for the first time, a statement that—

(i) provides the course information; and

(ii) confirms that the applicant has undertaken at least two weeks of the designated distance learning course;

(b) in any other case, a statement that—

(i) sy'n darparu gwybodaeth am y cwrs; a

(ii) sy'n cadarnhau bod y ceisydd wedi ymrestru i ymgymryd â blwyddyn academaidd y cwrs dysgu o bell dynodedig y mae'n gwneud cais am gymorth mewn perthynas ag ef.

(4) Yn y rheoliad hwn, ystyr "gwybodaeth am y cwrs" ("*course information*") yw—

(a) swm y ffioedd a godir mewn perthynas â'r flwyddyn academaidd y mae'r ceisydd yn gwneud cais am gymorth mewn perthynas â hi;

(b) ardystiad gan yr awdurdod academaidd ei fod o'r farn fod y ceisydd yn ymgymryd â'r cwrs dysgu o bell dynodedig yng Nghymru; ac

(c) mewn unrhyw achos pan fo'r ceisydd yn fyfyriwr anabl, ardystiad gan yr awdurdod academaidd ei fod o'r farn fod y ceisydd wedi dewis ymgymryd â'r cwrs dysgu o bell dynodedig am reswm heblaw'r ffaith na all fod yn bresennol ar gwrs dynodedig oherwydd rhesymau sy'n ymwneud â'i anabledd.

Gwybodaeth

72. Mae Atodlen 3 yn ymwneud â darparu gwybodaeth.

Trosglwyddo statws

73.—(1) Pan fo myfyriwr dysgu o bell cymwys yn trosglwyddo i gwrs dysgu o bell dynodedig arall, rhaid i Weinidogion Cymru drosglwyddo statws y myfyriwr fel myfyriwr dysgu o bell cymwys i'r cwrs hwnnw pan—

(a) derbyniant gais i wneud hynny oddi wrth y myfyriwr dysgu o bell cymwys;

(b) ydynt wedi'u bodloni bod un neu fwy o'r seiliau trosglwyddo ym mharagraff (2) yn gymwys; ac

(c) nad yw'r cyfnod cymhwystra wedi'i derfynu.

(2) Y seiliau trosglwyddo yw—

(a) bod y myfyriwr dysgu o bell cymwys yn dechrau ymgymryd â chwrs dysgu o bell dynodedig arall yn y sefydliad;

(b) bod y myfyriwr dysgu o bell cymwys yn dechrau ymgymryd â chwrs dysgu o bell dynodedig mewn sefydliad arall; neu

(c) ar ôl iddo ddechrau cwrs dysgu o bell dynodedig ar gyfer gradd gyntaf (heblaw gradd anrhydedd) bod y myfyriwr dysgu o bell cymwys, cyn cwblhau'r cwrs hwnnw, yn cael ei dderbyn ar gwrs dysgu o bell dynodedig ar gyfer gradd anrhydedd yn yr un pwnc neu bynciau yn y sefydliad.

(3) Yn ddarostyngedig i baragraff (4), bydd

(i) provides the course information; and

(ii) confirms that the applicant has enrolled to undertake the academic year of the designated distance learning course in respect of which he or she is applying for support.

(4) In this regulation, "course information" ("*gwybodaeth am y cwrs*") means—

(a) the amount of fees being charged in respect of the academic year in respect of which the applicant is applying for support;

(b) certification by the academic authority that it considers the applicant is undertaking the designated distance learning course in Wales; and

(c) in any case where the applicant is a disabled student, certification by the academic authority that it considers the applicant has chosen to undertake the designated distance learning course for a reason other than he or she is unable to attend a designated course for a reason which relates to his or her disability.

Information

72. Schedule 3 deals with the provision of information.

Transfer of status

73.—(1) Where an eligible distance learning student transfers to another designated distance learning course, the Welsh Ministers must transfer the student's status as an eligible distance learning student to that course where—

(a) they receive a request from the eligible distance learning student to do so;

(b) they are satisfied that one or more of the grounds for transfer in paragraph (2) applies; and

(c) the period of eligibility has not terminated.

(2) The grounds for transfer are—

(a) the eligible distance learning student starts to undertake another designated distance learning course at the institution;

(b) the eligible distance learning student starts to undertake a designated distance learning course at another institution; or

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

(3) Subject to paragraph (4), an eligible distance

myfyriwr dysgu o bell cymwys sy'n trosglwyddo o dan baragraff (1) yn parhau i gael, mewn cysylltiad â blwyddyn academaidd y cwrs y mae'n trosglwyddo iddo, weddill y cymorth y penderfynodd Gweinidogion Cymru bod ganddo hawl iddo mewn perthynas â blwyddyn academaidd y cwrs y mae'n trosglwyddo oddi arno.

(4) Caiff Gweinidogion Cymru ailasesu swm y cymorth sydd yn daladwy ar ôl y trosglwyddo.

(5) Ni chaiff myfyriwr cymwys sy'n trosglwyddo o dan baragraff (1) ar ôl i Weinidogion Cymru benderfynu ar ei gymorth mewn cysylltiad â blwyddyn academaidd y cwrs y mae'n trosglwyddo oddi arno ond cyn iddo gwblhau'r flwyddyn honno, wneud cais am grant arall o dan reoliad 66(1)(b) neu reoliad 69 mewn cysylltiad â blwyddyn academaidd y cwrs y mae'n trosglwyddo iddo.

(6) Pan fo myfyriwr yn trosglwyddo o dan baragraff (1), uchafswm y cymorth o dan reoliad 66(1)(a) mewn perthynas â'r blynyddoedd academaidd y mae'n trosglwyddo iddynt ac ohonynt yw swm y cymorth sydd ar gael mewn cysylltiad â'r cwrs sydd â'r ffioedd uchaf gwirioneddol fel y'u diffinnir yn rheoliad 66.

Trosi statws - myfyrwyr cymwys yn trosglwyddo i gyrsiau dysgu o bell dynodedig

74.—(1) Pan fo myfyriwr cymwys yn rhoi'r gorau i ymgymryd â chwrs dynodedig a'i fod yn trosglwyddo i gwrs dysgu o bell dynodedig yn yr un sefydliad neu mewn sefydliad arall, rhaid i Weinidogion Cymru drosi statws y myfyriwr fel myfyriwr cymwys i statws myfyriwr dysgu o bell cymwys mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo—

(a) pan dderbyniant gais oddi wrth y myfyriwr cymwys i wneud hynny; a

(b) pan nad yw'r cyfnod cymhwystra wedi terfynu.

(2) Mae'r canlynol yn gymwys i fyfyriwr sy'n trosglwyddo o dan baragraff (1)—

(a) pan fo Gweinidogion Cymru wedi penderfynu talu swm o grant at gostau byw myfyriwr anabl o dan Ran 5 mewn rhandaliadau rheolaidd, ni chaniateir talu taliad mewn perthynas â'r swm hwnnw o grant mewn perthynas â chyfnod unrhyw randaliad sy'n dechrau ar ôl y dyddiad y daeth y myfyriwr yn fyfyriwr dysgu o bell cymwys;

(b) mae uchafswm grant at gostau byw myfyrwyr dysgu o bell anabl y byddai gan y myfyriwr hawl iddo, ar wahân i'r rheoliad hwn, mewn cysylltiad ag ymgymryd â chwrs dysgu o bell dynodedig mewn perthynas â'r flwyddyn academaidd honno yn cael ei ostwng o un traean pan ddaeth y myfyriwr yn fyfyriwr dysgu o bell cymwys yn ystod ail chwarter y

learning student who transfers under paragraph (1) is to receive in connection with the academic year of the course to which he or she transfers the remainder of the support for which the Welsh Ministers have determined he or she qualifies in respect of the academic year of the course from which he or she transfers.

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

(5) An eligible student who transfers under paragraph (1) after the Welsh Ministers have determined his or her support in connection with the academic year of the course from which he or she is transferring but before he or she completes that year, may not apply for another grant under regulation 66(1)(b) or regulation 69 in connection with the academic year of the course to which he or she transfers.

(6) Where a student transfers under paragraph (1), the maximum amount of support under regulation 66(1)(a) in respect of the academic years to and from which he or she transfers is the amount of support available in connection with the course with the highest actual fees as defined in regulation 66.

Conversion of status - eligible students transferring to designated distance learning courses

74.—(1) Where an eligible student ceases to undertake a designated course and transfers to a designated distance learning course at the same or at another institution, the Welsh Ministers must convert his or her status as an eligible student to that of an eligible distance learning student in connection with the course to which he or she is transferring where—

(a) they receive a request from the eligible student to do so; and

(b) the period of eligibility has not terminated.

(2) The following applies to a student who transfers under paragraph (1)—

(a) where the Welsh Ministers have determined to pay an amount of grant for disabled students' living costs to the student under Part 5 in periodic instalments, no payment in respect of that amount of grant must be made in respect of any instalment period beginning after the date on which the student becomes an eligible distance learning student;

(b) the maximum amount of grant for disabled distance learning students' living costs to which the student would, apart from this regulation, be entitled in connection with his or her undertaking a designated distance learning course in respect of that academic year is reduced by one third where the student became an eligible distance learning student in the

flwyddyn academaidd, ac o ddau draean pan ddaeth yn gyfryw fyfyriwr yn ystod chwarter diweddarach o'r flwyddyn honno;

(c) pan fo swm o grant at gostau byw myfyrwyr anabl at unrhyw ddiben wedi ei dalu i'r myfyriwr o dan Ran 5 mewn un rhandaliad, mae uchafswm y grant at gostau byw myfyrwyr dysgu o bell anabl sy'n daladwy iddo at y diben hwnnw yn cael ei ostwng (neu, os yw is-baragraff (b) yn gymwys, ei ostwng ymhellach) yn ôl swm y grant a dalwyd iddo at y diben hwnnw yn unol â Rhan 5, ac os yw'r swm sy'n deillio o hyn yn ddim neu'n swm negyddol, bydd y swm hwnnw yn ddim; ac

(ch) pan fo'r myfyriwr, yn union cyn dod yn fyfyriwr dysgu o bell cymwys, yn gymwys i wneud cais, ond ei fod heb wneud cais am fenthyciad at gostau byw ar gyfer y flwyddyn honno, neu heb wneud cais am yr uchafswm neu'r uchafswm a gynyddwyd yr oedd â hawl iddo, caiff wneud cais am y benthyciad hwnnw neu'r swm ychwanegol hwnnw o fenthyciad fel pe bai wedi parhau yn fyfyriwr cymwys; ac o dan yr amgylchiadau a grybwyllir ym mharagraff (3) gostyngir uchafswm y benthyciad hwnnw neu uchafswm cynnydd y cyfryw fenthyciad am y flwyddyn academaidd yn unol â'r paragraff hwnnw.

(3) Pan fo'r cais o dan baragraff (1) yn cael ei wneud yn ystod chwarter cyntaf y flwyddyn academaidd y mae'r benthyciad yn daladwy ar ei chyfer, gostyngir uchafswm y benthyciad neu'r uchafswm a gynyddwyd o'r cyfryw fenthyciad (yn ôl y digwydd) o ddau draean, ac os yw'r cais yn cael ei wneud yn ystod ail chwarter y flwyddyn honno gostyngir y swm hwnnw o un traean.

Trosi statws - myfyrwyr dysgu o bell cymwys yn trosglwyddo i gyrsiau dynodedig

75.—(1) Pan fo myfyriwr dysgu o bell cymwys yn rhoi'r gorau i ymgymryd â chwrs dysgu o bell dynodedig a'i fod yn trosglwyddo i gwrs dynodedig yn yr un sefydliad neu mewn sefydliad arall, rhaid i Weinidogion Cymru drosi statws y myfyriwr fel myfyriwr dysgu o bell cymwys i statws myfyriwr cymwys mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo—

(a) pan dderbyniant gais oddi wrth y myfyriwr cymwys i wneud hynny; a

(b) pan nad yw'r cyfnod cymhwystra wedi terfynu.

(2) Mae'r canlynol yn gymwys i fyfyriwr sy'n trosglwyddo o dan baragraff (1)—

(a) pan fo Gweinidogion Cymru wedi penderfynu talu swm o grant at gostau byw myfyrwyr dysgu o bell anabl i'r myfyriwr mewn rhandaliadau rheolaidd ni chaniateir talu taliad mewn perthynas â'r swm hwnnw o grant mewn

second quarter of the academic year and by two thirds where he or she became such a student in a later quarter of that year;

(c) where an amount of grant for disabled students' living costs for any purpose has been paid to the student under Part 5 in a single instalment, the maximum amount of grant for disabled distance learning students' living costs payable to him or her for that purpose is reduced (or where sub-paragraph (b) applies, further reduced) by the amount of grant paid to him or her for that purpose pursuant to Part 5, and where the resulting amount is nil or a negative amount that amount is nil; and

(d) where immediately before he or she became an eligible distance learning student he or she was eligible to apply, but had not applied for a loan for living costs in respect of that year, or had not applied for the maximum amount or increased maximum to which he or she was entitled, he or she may apply for such a loan or such additional amount as if he or she had continued to be an eligible student and in the circumstances mentioned in paragraph (3) the maximum amount or increased maximum amount of such loan for the academic year is reduced in accordance with that paragraph.

(3) Where the request under paragraph (1) is made during the first quarter of the academic year in respect of which the loan is payable the maximum amount or increased maximum amount of loan (as the case may be) is reduced by two thirds and where the request is made during the second quarter of that year that amount is reduced by one third.

Conversion of status - eligible distance learning students transferring to designated courses

75.—(1) Where an eligible distance learning student ceases to undertake a designated distance learning course and transfers to a designated course at the same or at another institution, the Welsh Ministers must convert his or her status as an eligible distance learning student to that of an eligible student in connection with the course to which he or she is transferring where—

(a) they receive a request from the eligible distance learning student to do so; and

(b) the period of eligibility has not terminated.

(2) The following applies to a student who transfers under paragraph (1)—

(a) where the Welsh Ministers have determined to pay an amount of grant for disabled distance learning students' living costs to the student in periodic instalments no payment in respect of that amount of grant must be made in respect

perthynas â chyfnod unrhyw randaliad sy'n dechrau ar ôl y dyddiad y daeth y myfyriwr yn fyfyriwr cymwys;

(b) bydd unrhyw gymorth y mae gan y myfyriwr hawl iddo o dan y Rhan hon mewn perthynas â'r flwyddyn academaidd y trosglwydda'r myfyriwr ynddi yn cael ei anwybyddu wrth benderfynu swm y cymorth y gall bod ganddo hawl iddo am y flwyddyn honno o dan Rannau 4 i 6;

(c) mae uchafswm unrhyw gymorth o dan Ran 5 neu 6 y byddai'r myfyriwr, ar wahân i'r rheoliad hwn, â hawl iddo mewn cysylltiad â chwrs dynodedig o fewn y flwyddyn academaidd honno yn cael ei ostwng o un traean pan ddaeth y myfyriwr yn fyfyriwr cymwys yn ystod ail chwarter y flwyddyn academaidd honno, ac o ddau draean os daeth yn gyfryw fyfyriwr mewn chwarter diweddarach o'r flwyddyn honno;

(ch) pan fo swm grant at gostau byw myfyrwyr dysgu o bell anabl at unrhyw ddiben wedi ei dalu i'r myfyriwr mewn un rhandaliad, mae uchafswm y grant at gostau byw myfyrwyr anabl sy'n daladwy iddo o dan Ran 5 i'r diben hwnnw yn cael ei ostwng (neu, os yw is-baragraff (c) yn gymwys, ei ostwng ymhellach) yn ôl swm y grant at gostau byw myfyrwyr dysgu o bell anabl a dalwyd iddo i'r diben hwnnw, a phan fo'r swm sy'n deillio o hyn yn ddim neu'n swm negyddol bydd y swm hwnnw yn ddim.

of any instalment period beginning after the date on which the student became an eligible student;

(b) any support to which the student is entitled under this Part in respect of the academic year in which the student transfers is ignored in determining the amount of support to which he or she may be entitled in respect of that year under Parts 4 to 6;

(c) the maximum amount of any support under Part 5 or 6 to which the student would, apart from this regulation, be entitled in connection with a designated course in respect of the academic year is reduced by one third where the student became an eligible student during the second quarter of that academic year and by two thirds where he or she became such a student in a later quarter of that year; and

(d) where an amount of grant for disabled distance learning students' living costs for any purpose has been paid to the student in a single instalment, the maximum amount of grant for disabled students' living costs payable to him or her under Part 5 for that purpose is reduced (or, where sub-paragraph (c) applies, further reduced) by the amount of grant for disabled distance learning students' living costs paid to him or her for that purpose and where the resulting amount is nil or a negative amount that amount is nil.

Talu grantiau ar gyfer ffioedd

76.—(1) Yn ddarostyngedig i baragraffau (2) a (3), rhaid i Weinidogion Cymru dalu'r grant ar gyfer ffioedd y mae'r myfyriwr â hawl iddo i'r awdurdod academaidd priodol wedi i gais dilys am daliad ddod i law.

(2) Caiff Gweinidogion Cymru wneud taliadau o dan baragraff (1) ar unrhyw adegau ac mewn unrhyw randaliadau fel y gwelant yn dda.

(3) Caiff Gweinidogion Cymru wneud taliadau dros dro o dan baragraff (1) mewn unrhyw achosion y barnant sy'n briodol.

Payment of grants for fees

76.—(1) Subject to paragraphs (2) and (3), the Welsh Ministers must pay the grant in respect of fees for which the student qualifies to the appropriate academic authority after a valid request for payment has been received.

(2) The Welsh Ministers may make payments under paragraph (1) at such times and in such instalments as they see fit.

(3) The Welsh Ministers may make provisional payments under paragraph (1) in such cases as they deem appropriate.

Talu grantiau ar gyfer llyfrau, teithio a gwariant arall a grant at gostau byw myfyrwyr dysgu o bell anabl

77.—(1) Caiff taliadau'r grant ar gyfer llyfrau, teithio a gwariant arall a'r grant at gostau byw myfyrwyr dysgu o bell anabl eu gwneud mewn dull y barna Gweinidogion Cymru sydd briodol a chânt osod amod ar gyfer yr hawl i daliad bod y myfyriwr dysgu o bell cymwys i roi iddynt fanylion cyfrif banc neu gymdeithas adeiladu yn y Deyrnas Unedig y gellir gwneud y taliadau iddo trwy drosglwyddiad electronig.

Payment of grants for books, travel and other expenditure and grant for disabled distance learning students' living costs

77.—(1) Payments of the grant for books, travel and other expenditure and the grant for disabled distance learning students' living costs 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 distance learning 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.

(2) Pan fetha Gweinidogion Cymru â gwneud asesiad terfynol ar sail yr wybodaeth a dderbyniwyd oddi wrth y myfyriwr, gallant wneud asesiad dros dro a thaliad o'r grant ar gyfer llyfrau, teithio a gwariant arall a'r grant at gostau byw myfyrwyr dysgu o bell anabl.

(3) Caiff Gweinidogion Cymru dalu'r grant ar gyfer llyfrau, teithio a gwariant arall a'r grant at gostau byw myfyrwyr dysgu o bell anabl mewn rhandaliadau.

(4) Yn ddarostyngedig i baragraff (5), caiff Gweinidogion Cymru dalu'r grant ar gyfer llyfrau, teithio a gwariant arall a'r grant at gostau byw myfyrwyr dysgu o bell anabl ar adegau y barnant hwy yn briodol.

(5) Rhaid i Weinidogion Cymru beidio â thalu'r rhandaliad cyntaf na chwaith, pan benderfynwyd peidio â thalu cymorth mewn rhandaliadau, wneud unrhyw daliad o'r grant ar gyfer llyfrau, teithio a gwariant arall na'r grant at gostau byw myfyrwyr dysgu o bell anabl cyn iddynt dderbyn datganiad o dan reoliad 71 oni bai bod eithriad yn gymwys.

(6) Mae eithriad yn gymwys—

(a) os oes grant at gostau byw myfyrwyr dysgu o bell anabl yn daladwy, a'r pryd hynny gellir talu'r grant hwnnw cyn bo datganiad wedi dod i law Gweinidogion Cymru;

(b) os yw Gweinidogion Cymru wedi penderfynu y byddai'n briodol oherwydd yr amgylchiadau eithriadol i wneud taliad heb i ddatganiad ddod i law.

Gordaliadau

78.—(1) Caiff Gweinidogion Cymru adennill unrhyw ordaliad grant mewn perthynas â ffioedd oddi ar yr awdurdod academaidd.

(2) Os bydd yn ofynnol gan Weinidogion Cymru, bydd yn rhaid i fyfyriwr dysgu o bell cymwys ad-dalu unrhyw swm a dalwyd iddo o dan y Rhan hon ac sydd am ba reswm bynnag yn fwy na swm y grant y mae ganddo hawl iddo o dan y Rhan hon.

(3) Rhaid i Weinidogion Cymru adennill gordaliad grant ar gyfer llyfrau, teithio a gwariant arall a grant at gostau byw myfyrwyr dysgu o bell anabl oni bai eu bod yn ystyried ei bod yn amhriodol i wneud hynny.

(4) Y dulliau o adennill yw—

(a) tynnu'r gordaliad o unrhyw fath o grant sy'n daladwy i'r myfyriwr o bryd i'w gilydd yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o'r Ddeddf ;

(b) cymryd unrhyw gamau eraill sydd ar gael i Weinidogion Cymru er mwyn adennill gordaliad.

(2) Where the Welsh Ministers cannot make a final assessment on the basis of the information provided by the student, they may make a provisional assessment and payment of the grant for books, travel and other expenditure and the grant for disabled distance learning students' living costs.

(3) The Welsh Ministers may pay the grant for books, travel and other expenditure and the grant for disabled distance learning students' living costs in instalments.

(4) Subject to paragraph (5), the Welsh Ministers may pay the grant for books, travel and other expenditure and the grant for disabled distance learning students' living costs at such times as they consider appropriate.

(5) The Welsh Ministers must not pay the first instalment or, where it has been determined not to pay support in instalments, make any payment of the grant for books, travel and other expenditure or the grant for disabled distance learning students' living costs before they have received a declaration under regulation 71 unless an exception applies.

(6) An exception applies if—

(a) a grant for disabled distance learning students' living costs is payable in which case that particular grant may be paid before the Welsh Ministers have received a declaration;

(b) the Welsh Ministers have determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving a declaration.

Overpayments

78.—(1) Any overpayment of a grant in respect of fees is recoverable by the Welsh Ministers from the academic authority.

(2) An eligible distance learning student must, if so required by the Welsh Ministers, repay any amount paid to him or her under this Part which for whatever reason exceeds the amount of grant to which he or she is entitled under this Part.

(3) The Welsh Ministers must recover an overpayment of grant for books, travel and other expenditure and grant for disabled distance learning students' living costs unless they consider that it is not appropriate to do so.

(4) The methods of recovery are—

(a) subtracting the overpayment from any kind of grant payable to the student from time to time pursuant to regulations made by the Welsh Ministers under section 22 of the Act;

(b) taking such other action for the recovery of an overpayment as is available to the Welsh Ministers.

(5) Mae taliad o grant at gostau byw myfyrwyr dysgu o bell anabl a wnaed cyn y dyddiad perthnasol yn ordaliad os yw'r myfyriwr yn rhoi'r gorau i'r cwrs cyn y dyddiad perthnasol oni bai bod Gweinidogion Cymru yn penderfynu'n wahanol.

(6) Yn y rheoliad hwn, y "dyddiad perthnasol" ("*relevant date*") yw dyddiad dechrau gwirioneddol tymor cyntaf y flwyddyn academaidd dan sylw.

(7) Dan yr amgylchiadau a roddir ym mharagraff (8) neu (9), ceir gordaliad o'r grant at gostau byw myfyrwyr dysgu o bell anabl oni bai bod Gweinidogion Cymru yn penderfynu'n wahanol.

(8) Yr amgylchiadau yw—

(a) bod Gweinidogion Cymru yn cymhwyso'r cyfan neu ran o'r grant at gostau byw myfyrwyr dysgu o bell anabl ar gyfer prynu offer arbenigol ar ran y myfyriwr dysgu o bell cymwys;

(b) bod cyfnod cymhwystra'r myfyriwr yn terfynu ar ôl y dyddiad perthnasol; ac

(c) nad yw'r offer wedi'i ddanfon at y myfyriwr cyn terfyn cyfnod cymhwystra'r myfyriwr.

(9) Yr amgylchiadau yw—

(a) bod cyfnod cymhwystra'r myfyriwr dysgu o bell cymwys yn terfynu ar ôl y dyddiad perthnasol; a

(b) bod taliad grant at gostau byw myfyrwyr rhan-amser anabl yn cael ei wneud ar gyfer offer arbenigol i'r myfyriwr ar derfyn y cyfnod cymhwystra.

(10) Pan fo gordaliad o'r grant at gostau byw myfyrwyr dysgu o bell anabl, caiff Gweinidogion Cymru dderbyn dychweliad offer arbenigol a brynwyd â'r grant fel modd i adennill y cyfan neu ran o'r gordaliad os ydynt yn ystyried ei bod yn briodol i wneud hynny.

(5) A payment of the grant for disabled distance learning students' living costs made before the relevant date is an overpayment if the student withdraws from the course before the relevant date unless the Welsh Ministers decide otherwise.

(6) In this regulation, the "relevant date" ("*dyddiad perthnasol*") is the date on which the first term of the academic year in question actually begins.

(7) In the circumstances set out in paragraph (8) or (9), there is an overpayment of the grant for disabled distance learning students' living costs unless the Welsh Ministers decide otherwise.

(8) The circumstances are—

(a) the Welsh Ministers apply all or part of the grant for disabled distance learning students' living costs to the purchase of specialist equipment on behalf of the eligible distance learning student;

(b) the student's period of eligibility terminates after the relevant date; and

(c) the equipment has not been delivered to the student before the period of eligibility terminated.

(9) The circumstances are—

(a) the eligible distance learning student's period of eligibility terminates after the relevant date; and

(b) a payment of the grant for disabled part-time students' living costs in respect of specialist equipment is made to the student after the period of eligibility terminated.

(10) Where there is an overpayment of the grant for disabled distance learning students' living costs, the Welsh Ministers may accept the return of specialist equipment purchased with the grant by way of recovery of all or part of the overpayment if they consider it is appropriate to do so.

RHAN 12

CYMORTH I GYRSIAU RHAN-AMSER

Myfyrwyr rhan-amser cymwys

79.—(1) Mae gan fyfyriwr rhan-amser cymwys hawl i gael cymorth mewn cysylltiad ag ymgymryd â chwrs rhan-amser dynodedig yn ddarostyngedig i'r Rhan hon ac yn unol â hi.

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

(a) os yw Gweinidogion Cymru wrth iddynt asesu cais y myfyriwr am gymorth yn penderfynu bod y person yn dod o fewn un o'r categorïau a

PART 12

SUPPORT FOR PART-TIME COURSES

Eligible part-time students

79.—(1) An eligible part-time student qualifies for support in connection with his or her undertaking a designated part-time course subject to and in accordance with this Part.

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

(a) in assessing his or her application for support the Welsh Ministers determine that the person falls within one of the categories set out in

nodir yn Rhan 2 o Atodlen 1; a

(b) os nad yw'r person wedi'i hepgor gan baragraff (3).

(3) Nid yw person yn fyfyriwr rhan-amser cymwys—

(a) os rhoddwyd neu os talwyd i'r person hwnnw mewn perthynas ag ymgymryd â'r cwrs rhan-amser —

(i) bwrsari gofal iechyd p'un a yw swm y bwrsari hwnnw yn cael ei gyfrifo drwy gyfeirio at incwm y person neu beidio;

(ii) unrhyw lwfans o dan Reoliadau Lwfansau Myfyrwyr Nyrsio a Bydwreigiaeth (Yr Alban) 2007; neu

(iii) lwfans gofal iechyd yr Alban p'un a yw swm y lwfans hwnnw yn cael ei gyfrifo drwy gyfeirio at incwm y person hwnnw neu beidio;

(b) os yw'r person hwnnw wedi torri unrhyw rwymedigaeth i ad-dalu unrhyw fenthyciad;

(c) os yw'r person hwnnw wedi cyrraedd ei 18 oed ac nad yw wedi dilysu unrhyw gytundeb ynglyn â benthyciad a wnaed gydag ef pan oedd o dan 18 oed;

(ch) os yw'r person hwnnw, ym marn Gweinidogion Cymru, wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth; neu

(d) yn ddarostyngedig i baragraff (4), os yw'n garcharor.

(4) Nid yw paragraff (3)(d) yn gymwys mewn perthynas â blwyddyn academaidd pryd y mae'r myfyriwr yn mynd i'r carchar neu'n cael ei ryddhau o'r carchar.

(5) At ddibenion paragraffau (3)(b) a (3)(c), ystyr "benthyciad" ("*loan*") yw benthyciad a wnaed o dan y ddeddfwriaeth ar fenthyciadau i fyfyrwyr.

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

(a) cyn 25 Medi 1991, a

(b) gyda chydsyniad curadur y benthyciwr neu ar adeg pan nad oedd ganddo guradur y bydd paragraff 3(c) yn gymwys.

(7) Yn ddarostyngedig i baragraffau (10) i (12), mae person yn fyfyriwr rhan-amser cymwys at ddibenion y Rhan hon os yw'n bodloni'r amodau ym mharagraffau (8) neu (9).

(8) Yr amodau yn y paragraff hwn yw—

(a) bod y person wedi ymgymhwyso fel myfyriwr rhan-amser cymwys mewn cysylltiad â blwyddyn academaidd gynharach ar y cwrs rhan-amser dynodedig presennol yn unol â

Part 2 of Schedule 1; and

(b) the person is not excluded by paragraph (3).

(3) A person is not an eligible part-time student if —

(a) there has been bestowed on that person or paid to that person in relation to his or her undertaking the part-time course —

(i) a healthcare bursary whether or not the amount of such bursary is calculated by reference to the person's income;

(ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007; or

(iii) a Scottish healthcare allowance whether or not the amount of such allowance is calculated by reference to that person's income;

(b) that person is in breach of any obligation to repay any loan;

(c) that person has reached the age of 18 and has not ratified any agreement for a loan made with him or her when he or she was under the age of 18;

(d) that person has, in the opinion of the Welsh Ministers, shown himself or herself by his or her conduct to be unfitted to receive support; or

(e) subject to paragraph (4), he or she is a prisoner.

(4) Paragraph (3)(e) does not apply in respect of an academic year during which the student enters prison or is released from prison .

(5) For the purposes of paragraphs (3)(b) and (3)(c), "loan"("*benthyciad*") means a loan made under the student loans legislation.

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

(a) before 25 September 1991; and

(b) with the concurrence of the borrower's curator or at a time when he or she had no curator.

(7) Subject to paragraphs (10) to (12), a person is an eligible part-time student for the purposes of this Part if he or she satisfies the conditions in paragraphs (8) or (9).

(8) The conditions in this paragraph are —

(a) he or she qualified as an eligible part-time student in connection with an earlier academic year of the present designated part-time course pursuant to regulations made by the Welsh

rheoliadau a wnaed o dan adran 22 o'r Ddeddf;

(b) bod y person yn preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf y cwrs rhan-amser dynodedig presennol; ac

(c) nad yw statws y person fel myfyriwr rhan-amser cymwys wedi'i derfynu.

(9) Yr amodau yn y paragraff hwn yw—

(a) bod Gweinidogion Cymru wedi penderfynu o'r blaen fod y person —

(i) yn fyfyriwr cymwys mewn cysylltiad â chwrs dynodedig; neu

(ii) yn fyfyriwr rhan-amser cymwys mewn cysylltiad â chwrs rhan-amser dynodedig heblaw'r cwrs rhan-amser dynodedig presennol;

(b) bod statws y person fel myfyriwr cymwys neu fel myfyriwr rhan-amser cymwys mewn cysylltiad â'r cwrs hwnnw wedi'i drosi neu wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs dynodedig presennol o ganlyniad i drosi neu drosglwyddo unwaith neu fwy yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o'r Ddeddf;

(c) bod y person yn preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs yn is-baragraff (a); ac

(ch) nad yw statws y person fel myfyriwr rhan-amser cymwys wedi'i derfynu.

(10) Os bydd—

(a) Gweinidogion Cymru wedi penderfynu bod person ("A"), yn rhinwedd bod yn ffoadur, neu fod yn briod, partner sifil, plentyn neu'n llysblentyn i ffoadur, yn fyfyriwr rhan-amser cymwys mewn cysylltiad â chais am gymorth am flwyddyn gynharach o'r cwrs rhan-amser presennol neu mewn cysylltiad â chais mewn cysylltiad â chwrs dynodedig, cwrs dynodedig dysgu o bell neu gwrs rhan-amser dynodedig arall y mae ei statws fel myfyriwr rhan-amser cymwys, myfyriwr cymwys neu fyfyriwr cymwys dysgu o bell wedi'i drosglwyddo oddi wrtho i'r cwrs rhan-amser presennol; a

(b) ar y diwrnod cyn diwrnod dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, statws ffoadur A neu ei briod, ei bartner sifil, ei riant neu ei lys-riant, yn ôl y digwydd, wedi dod i ben ac na roddwyd caniatâd pellach iddo aros ac nad oes apêl yn yr arfaeth (o fewn yr ystyr yn adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002),

bydd statws A fel myfyriwr rhan-amser cymwys yn dod i ben yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae'n gwneud cais am gymorth mewn perthynas â hi.

Ministers under section 22 of the Act;

(b) the person was ordinarily resident in Wales on the first day of the present designated part-time course; and

(c) the person's status as an eligible part-time student has not terminated.

(9) The conditions in this paragraph are—

(a) the Welsh Ministers have previously determined that the person is—

(i) an eligible student in connection with a designated course; or

(ii) an eligible part-time student in connection with a designated part-time course other than the present designated part-time course;

(b) the person's status as an eligible student or as an eligible part-time student in connection with the course referred to in sub-paragraph (a) has been converted or transferred from that course to the present designated part-time course as a result of one or more conversions or transfers in accordance with regulations made by the Welsh Ministers under section 22 of the Act;

(c) the person was ordinarily resident in Wales on the first day of the first academic year of the course referred to in sub-paragraph (a); and

(d) the person's status as an eligible part-time student has not terminated.

(10) Where—

(a) the Welsh Ministers determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person ("A") was an eligible part-time student in connection with an application for support for an earlier year of the present part-time course or an application for support in connection with a designated course, designated distance learning course or other designated part-time course from which his or her status as an eligible part-time student, eligible student or eligible distance learning student has been transferred to the present part-time course; and

(b) as at the day before the academic year in respect of which A is applying for support begins, the refugee status of A or of his or her spouse, civil partner, parent or step-parent, as the case may be, 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),

A's status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which he or she is applying for support.

(11) Os bydd—

(a) Gweinidogion Cymru wedi penderfynu bod person ("A"), yn rhinwedd bod yn berson â chaniatâd i ddod i mewn neu i aros, neu fod yn briod, partner sifil, plentyn neu'n llysblentyn i berson o'r fath, yn fyfyriwr rhan-amser cymwys mewn cysylltiad â chais am gymorth am flwyddyn gynharach o'r cwrs rhan-amser presennol neu mewn cysylltiad â chais mewn cysylltiad â chwrs dynodedig, cwrs dynodedig dysgu o bell neu gwrs rhan-amser dynodedig arall y mae ei statws fel myfyriwr rhan-amser cymwys, myfyriwr cymwys neu fyfyriwr cymwys dysgu o bell wedi'i drosglwyddo oddi wrtho i'r cwrs rhan-amser presennol; a

(b) y cyfnod y caniateir i'r person â hawl i ddod i mewn neu i aros yn y Deyrnas Unedig i fod i ddod i ben cyn diwrnod cyntaf y flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi ac, ar y diwrnod cyn diwrnod dechrau'r flwyddyn academaidd honno, os na roddwyd hawl bellach i aros ac nad oes apêl yn yr arfaeth (o fewn yr ystyr yn adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002),

bydd statws A fel myfyriwr rhan-amser cymwys yn dod i ben yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae'n gwneud cais am gymorth mewn perthynas â hi.

(12) Nid yw paragraffau (10) ac (11) yn gymwys pan fo'r myfyriwr wedi dechrau ar y cwrs y penderfynodd Gweinidogion Cymru mewn cysylltiad ag ef fod y myfyriwr yn fyfyriwr rhan-amser cymwys neu'n fyfyriwr cymwys, yn ôl y digwydd, cyn 1 Medi 2007.

(13) Nid oes gan fyfyriwr rhan-amser cymwys hawl i gael cymorth o dan reoliad 82(1)(b) neu reoliad 83 os paragraff 9 yw'r unig baragraff o Ran 2 o Atodlen 1 y mae'n syrthio odano.

(14) Mae gan fyfyriwr rhan-amser cymwys hawl i gael cymorth —

(a) o dan reoliad 82(1)(a) os yw Gweinidogion Cymru o'r farn ei fod yn ymgymryd â'r cwrs rhan-amser dynodedig yng Nghymru; neu

(b) o dan reoliad 82(1)(b) neu 83 os yw Gweinidogion Cymru o'r farn ei fod yn ymgymryd â'r cwrs rhan-amser dynodedig yn y Deyrnas Unedig.

(15) Nid oes gan fyfyriwr rhan-amser cymwys hawl i gael cymorth o dan reoliad 82 os yw wedi ymgymryd ag un neu fwy o gyrsiau rhan-amser am gyfanswm o wyth mlynedd academaidd a'i fod wedi cael mewn perthynas â phob un o'r blynyddoedd academaidd hynny fenthyciad neu grant o'r math a ddisgrifir ym mharagraff (16).

(11) Where—

(a) the Welsh Ministers determined that, by virtue of being a person with leave to enter or remain or the spouse, civil partner, child or step-child of such a person, a person ("A") was an eligible part-time student in connection with an application for support for an earlier year of the present part-time course or an application for support in connection with a designated course, designated distance learning course or other designated part-time course from which his or her status as an eligible part-time student, eligible student or eligible distance learning student has been transferred to the present part-time course; and

(b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person with leave to enter or remain 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),

A's status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which he or she is applying for support.

(12) Paragraphs (10) and (11) do not apply where the student started the course in connection with which the Welsh Ministers determined that he or she was an eligible part-time student or eligible student, as the case may be, before 1 September 2007.

(13) An eligible part-time student does not qualify for support under regulation 82(1)(b) or regulation 83 if the only paragraph in Part 2 of Schedule 1 into which he or she falls is paragraph 9.

(14) An eligible part-time student qualifies for support —

(a) under regulation 82(1)(a) if the Welsh Ministers consider that he or she is undertaking the designated part-time course in Wales; or

(b) under regulation 82(1)(b) or 83 if the Welsh Ministers consider that he or she is undertaking the designated part-time course in the United Kingdom.

(15) An eligible part-time student does not qualify for support under regulation 82 if he or she has undertaken one or more part-time courses for eight academic years in aggregate and he or she has received in respect of each of those academic years a loan or a grant of the kind described in paragraph (16).

(16) Y benthyciadau a'r grantiau y cyfeirir atynt ym mharagraff (15) yw —

(a) benthyciad, grant mewn perthynas â ffioedd neu grant at lyfrau, teithio a gwariant arall bob un wedi'i roi mewn perthynas â blwyddyn academaidd cwrs rhan-amser yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf;

(b) benthyciad, grant mewn perthynas â ffioedd neu grant at lyfrau, teithio a gwariant arall bob un wedi'i roi mewn perthynas â blwyddyn academaidd cwrs rhan-amser gan yr Adran Cyflogi a Dysgu (Gogledd Iwerddon) yn unol â rheoliadau a wnaed o dan Erthyglau 3 ac 8(4) o Orchymyn Addysg (Cymorth i Fyfyrwyr) (Gogledd Iwerddon) 1998; neu

(c) benthyciad mewn perthynas â blwyddyn academaidd cwrs rhan-amser a roddwyd yn unol â rheoliadau a wnaed o dan adrannau 73(f), 73B a 74(1) o Ddeddf Addysg (Yr Alban) 1980.

(16) The loans and grants referred to in paragraph (15) are —

(a) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a part-time course pursuant to regulations made under section 22 of the Act;

(b) a loan, a grant in respect of fees or a grant for books, travel and other expenditure each made in respect of an academic year of a part-time course by the Department for Employment and Learning (Northern Ireland) pursuant to regulations made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998; or

(c) a loan in respect of an academic year of a part-time course made pursuant to regulations made under sections 73(f), 73B and 74(1) of the Education (Scotland) Act 1980.

(17) Nid oes gan fyfyriwr rhan-amser cymwys hawl i gael cymorth o dan reoliad 82 os oes ganddo radd gyntaf oddi wrth sefydliad addysgol yn y Deyrnas Unedig.

(17) An eligible part-time student does not qualify for support under regulation 82 if he or she holds a first degree from an educational institution in the United Kingdom.

(18) At ddibenion paragraff (17), nid yw gradd yn cael ei thrin fel gradd gyntaf —

(a) os yw'n radd (heblaw gradd anrhydedd) sydd wedi'i dyfarnu i fyfyriwr rhan-amser cymwys sydd wedi cwblhau'r modiwlau, yr arholiadau neu'r dulliau asesu eraill sy'n angenrheidiol at gwrs ei radd gyntaf ; a

(b) os yw'r myfyriwr rhan-amser cymwys wedi'i gofrestru i barhau â'r cwrs yn yr un sefydliad addysgol ar ôl i'w radd gael ei dyfarnu er mwyn sicrhau gradd anrhydedd pan gwblheir y modiwlau, yr arholiadau neu'r dulliau asesu eraill sy'n angenrheidiol.

(18) For the purposes of paragraph (17), a degree is not treated as a first degree where —

(a) it is a degree (other than an honours degree) that has been awarded to an eligible part-time student who has completed the required modules, examinations or other forms of assessment for his or her first degree course; and

(b) the eligible part-time student is registered to continue the course at the same educational institution after the award of his or her degree so as to obtain an honours degree on completion of the required modules, examinations or other form of assessment.

(19) Os bydd un o'r digwyddiadau a restrir ym mharagraff (21) yn digwydd yn ystod blwyddyn academaidd —

(a) gall myfyriwr fod â hawl i gael grant mewn perthynas â ffioedd mewn perthynas â'r flwyddyn academaidd honno yn unol â'r Rhan hon ar yr amod bod y digwyddiad perthnasol wedi digwydd yn ystod tri mis cyntaf y flwyddyn academaidd; a

(b) nid oes grant mewn perthynas â ffioedd ar gael mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol ynddi.

(19) Where one of the events listed in paragraph (21) occurs in the course of an academic year —

(a) a student may qualify for a grant in respect of fees in respect of that academic year in accordance with this Part provided that the relevant event occurred within the first three months of the academic year; and

(b) a grant in respect of fees is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

(20) Os bydd un o'r digwyddiadau a restrir yn is-baragraffau (a), (b), (d), (dd), (e), (f) neu (ff) o baragraff (21) yn digwydd yn ystod blwyddyn academaidd —

(20) Where one of the events listed in sub-paragraphs (a), (b), (e), (f), (g) (h) or (i) of paragraph (21) occurs in the course of an academic year —

(a) gall myfyriwr fod â hawl i gael grant at lyfrau, teithio a gwariant arall neu grant at gostau byw myfyrwyr rhan-amser anabl (neu'r ddau) mewn perthynas â'r flwyddyn academaidd honno yn unol â'r Rhan hon; a

(b) nid oes grant at lyfrau, teithio a gwariant arall neu grant at gostau byw myfyrwyr rhan-amser anabl ar gael mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol ynddi.

(21) Y digwyddiadau yw —

(a) bod cwrs y myfyriwr yn dod yn gwrs rhan-amser dynodedig;

(b) bod y myfyriwr, ei briod, ei bartner sifil neu ei riant yn cael ei gydnabod fel ffoadur neu ei fod yn dod yn berson sydd â chaniatâd i ddod i mewn neu i aros;

(c) bod gwladwriaeth yn ymaelodi â'r Gymuned Ewropeaidd os yw'r myfyriwr yn wladolyn o'r wladwriaeth honno neu'n aelod o deulu (fel y'i diffinnir yn Rhan 1 o Atodlen 1) gwladolyn o'r wladwriaeth honno;

(ch) bod y myfyriwr yn dod yn aelod o deulu (fel y'i diffinnir yn Rhan 1 o Atodlen 1) gwladolyn o'r GE;

(d) bod y wladwriaeth y mae'r myfyriwr yn wladolyn iddi yn ymaelodi â'r Gymuned Ewropeaidd os yw'r myfyriwr wedi bod yn preswylio 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;

(dd) bod y myfyriwr yn ennill yr hawl i breswylio'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 6(1)(a) o Atodlen 1; neu

(ff) bod y myfyriwr yn dod yn blentyn i wladolyn Swisaidd.

(22) Ni chaiff myfyriwr rhan-amser cymwys hawl, ar unrhyw adeg, i gael cymorth ar gyfer—

(a) mwy nag un cwrs rhan-amser dynodedig;

(b) cwrs rhan-amser dynodedig a chwrs dynodedig;

(c) cwrs rhan-amser dynodedig a chwrs dynodedig dysgu o bell;

(ch) cwrs rhan-amser dynodedig a chwrs dynodedig ôl-radd.

Cyrsiau rhan-amser dynodedig

80.—(1) Yn ddarostyngedig i baragraff (2) a (3), mae cwrs rhan-amser yn gwrs dynodedig at ddibenion

(a) a student may qualify for a grant for books, travel and other expenditure or for a grant for disabled part-time students' living costs (or both) in respect of that academic year in accordance with this Part; and

(b) neither a grant for books, travel and other expenditure is available in respect of any academic year beginning before the academic year in which the relevant event occurred.

(21) The events are —

(a) the student's course becomes a designated part-time course;

(b) the student, his or her spouse, his or her civil partner or his or her parent is recognised as a refugee or becomes a person with leave to enter or remain;

(c) a state accedes to the European Community where the student is a national of that state or a family member (as defined in Part 1 of Schedule 1) of a national of that state;

(d) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EC national;

(e) the state of which the student is a national accedes to the European Community 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;

(f) the student acquires the right of permanent residence;

(g) the student becomes the child of a Turkish worker;

(h) the student becomes a person described in paragraph 6(1)(a) of Schedule 1; or

(i) the student becomes the child of a Swiss national.

(22) An eligible part-time student may not, at any one time, qualify for support for —

(a) more than one designated part-time course;

(b) a designated part-time course and a designated course;

(c) a designated part-time course and a designated distance learning course;

(d) a designated part-time course and a designated postgraduate course.

Designated part-time courses

80.—(1) Subject to paragraphs (2) and (3), a part-time course is designated for the purposes of section

adran 22(1) o'r Ddeddf a rheoliad 79—

(a) os yw'n gwrs a grybwyllir yn Atodlen 2 ac eithrio cwrs ar gyfer hyfforddiant cychwynnol i athrawon;

(b) os yw'n para am o leiaf un flwyddyn academaidd;

(c) os yw fel arfer yn bosibl gorffen y cwrs mewn dim mwy na dwywaith y cyfnod y mae fel arfer ei angen i gwblhau cwrs amser-llawn cyfatebol;

(ch) os yw'n cael ei ddarparu'n gyfan gwbl gan sefydliad neu sefydliadau addysgol yn y Deyrnas Unedig a ariennir yn gyhoeddus neu'n cael ei ddarparu gan sefydliad neu sefydliadau o'r fath ar y cyd â sefydliad neu sefydliadau y tu allan i'r Deyrnas Unedig; ac

(d) nad yw wedi'i ddynodi gan neu o dan reoliad 5; ac

(dd) nad yw wedi'i ddynodi gan neu o dan reoliad 64.

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

(3) Nid yw cwrs yr ymgymerir ag ef fel rhan o gynllun hyfforddi athrawon ar sail cyflogaeth yn gwrs rhan-amser dynodedig.

(4) At ddibenion paragraff (1) —

(a) mae cwrs yn cael ei ddarparu gan sefydliad os yw'r sefydliad yn darparu'r addysgu a'r goruchwylio sy'n ffurfio'r cwrs, p'un a yw'r sefydliad wedi gwneud cytundeb gyda'r myfyriwr i ddarparu'r cwrs neu beidio;

(b) bernir bod prifysgol ac unrhyw goleg neu sefydliad cyfansoddol sydd o natur coleg prifysgol yn cael eu hariannu'n gyhoeddus os yw naill ai'r brifysgol neu'r coleg neu sefydliad cyfansoddol yn cael eu hariannu'n gyhoeddus; ac

(c) ni fernir bod sefydliad yn cael ei ariannu'n gyhoeddus dim ond am ei fod yn cael arian cyhoeddus oddi wrth gorff llywodraethu sefydliad addysg uwch yn unol ag adran 65(3A) o Ddeddf Addysg Bellach ac Uwch 1992(**1**).

(5) At ddibenion paragraff (1)(c)—

(a) ystyr "cwrs amser-llawn cyfatebol" ("*full-time equivalent*") yw cwrs amser-llawn sy'n arwain at yr un cymhwyster â'r cwrs rhan-amser dan sylw;

22(1) of the Act and regulation 79 if —

(a) it is a course mentioned in Schedule 2 other than a course for the initial training of teachers;

(b) it is of at least one academic year's duration;

(c) it is ordinarily possible to complete the course in not more than twice the period ordinarily required to complete the full-time equivalent;

(d) it is wholly provided by a publicly-funded educational institution or institutions in the United Kingdom or is provided by such institution or institutions in conjunction with an institution or institutions outside the United Kingdom;

(e) it is not designated by or under regulation 5; and

(f) it is not designated by or under regulation 64.

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

(3) A course that is taken as part of an employment - based teacher training scheme is not a designated part-time course.

(4) For the purposes of paragraph (1) —

(a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not the institution has entered into an agreement with the student to provide the course;

(b) a university and any constituent college or institution in the nature of a college of a university is regarded as publicly funded if either the university or the constituent college or institution is publicly funded; and

(c) an institution is not regarded as publicly funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A) of the Further and Higher Education Act 1992(**1**).

(5) For the purposes of paragraph (1)(c)—

(a) "full-time equivalent" ("*cwrs amser-llawn cyfatebol*") means a full-time course leading to the same qualification as the part-time course in question;

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

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

(b) ystyr "cyfnod sy'n ofynnol fel arfer i gwblhau'r cwrs amser-llawn cyfatebol" ("*period ordinarily required to complete the full-time equivalent*") yw—

(i) os darperir y cwrs gan neu ar ran y Brifysgol Agored, y cyfnod y byddai ei angen ar fyfyriwr amser-llawn safonol i gwblhau'r cwrs amser-llawn cyfatebol pe rhoddid iddo 120 o bwyntiau credyd ym mhob blwyddyn academaidd;

(ii) os darperir y cwrs gan neu ar ran unrhyw sefydliad arall, y cyfnod y byddai myfyriwr amser-llawn safonol yn ei gymryd i gwblhau'r cwrs amser-llawn cyfatebol;

(c) "myfyriwr amser-llawn safonol" ("*standard full-time student*") yw myfyriwr y cymerir—

(i) ei fod wedi dechrau cwrs amser-llawn cyfatebol ar yr un dyddiad ag y dechreuodd y myfyriwr rhan-amser cymwys ar y cwrs rhan-amser o dan sylw;

(ii) nad yw wedi'i esgusodi rhag dilyn unrhyw ran o'r cwrs amser-llawn cyfatebol;

(iii) nad yw wedi ailadrodd unrhyw ran o'r cwrs amser-llawn cyfatebol; a

(iv) nad yw wedi bod yn absennol o'r cwrs amser-llawn cyfatebol ac eithrio yn ystod gwyliau.

(6) At ddibenion adran 22 o'r Ddeddf a rheoliad 79(1), caiff Gweinidogion Cymru ddynodi cyrsiau addysg uwch nad ydynt wedi'u dynodi gan baragraff (1).

(b) the "period ordinarily required to complete the full-time equivalent"("*cyfnod sy'n ofynnol fel arfer i gwblhau'r cwrs amser-llawn cyfatebol*") means—

(i) where the course is provided by or on behalf of the Open University, the period that a standard full-time student would require to complete the full-time equivalent if he or she were awarded 120 credit points in each academic year;

(ii) where the course is provided by or on behalf of any other institution, the period in which a standard full-time student would complete the full-time equivalent;

(c) "standard full-time student" ("*myfyriwr amser-llawn safonol*") is a student who is to be taken—

(i) to have started the full-time equivalent on the same date as the eligible part-time student started 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.

(6) For the purposes of section 22 of the Act and regulation 79(1) the Welsh Ministers may designate courses of higher education which are not designated by paragraph (1).

Cyfnod cymhwystra

81.—(1) Mae myfyriwr yn cadw ei statws fel myfyriwr rhan-amser cymwys mewn cysylltiad â chwrs rhan-amser dynodedig hyd onid yw'r statws yn dod i ben yn unol â'r rheoliad hwn a rheoliad 79.

(2) Y cyfnod y mae myfyriwr rhan-amser cymwys yn cadw ei statws yw'r "cyfnod cymhwystra" ("*period of eligibility*").

(3) Yn ddarostyngedig i'r paragraffau canlynol a rheoliad 79, mae'r cyfnod cymhwystra yn dod i ben ar ddiwedd y flwyddyn academaidd y bydd y myfyriwr rhan-amser cymwys yn cwblhau ei gwrs rhan-amser dynodedig ynddi.

(4) Mae'r cyfnod cymhwystra yn terfynu pan fydd y myfyriwr rhan-amser cymwys —

(a) yn tynnu'n ôl o'i gwrs rhan-amser dynodedig o dan amgylchiadau lle nad yw Gweinidogion Cymru wedi trosglwyddo neu wedi trosi neu lle na fyddant yn trosglwyddo neu yn trosi ei statws o dan reoliad 87 neu 88; neu

(b) yn cefnu ar ei gwrs rhan-amser dynodedig neu'n cael ei ddiarddel oddi arno.

Period of eligibility

81.—(1) A student retains his or her status as an eligible part-time student in connection with a designated part-time course until the status terminates in accordance with this regulation and regulation 79.

(2) The period for which an eligible part-time student retains his or her status is the "period of eligibility" ("*cyfnod cymhwystra*").

(3) Subject to the following paragraphs and regulation 79, the period of eligibility terminates at the end of the academic year in which the eligible part-time student completes his or her designated part-time course.

(4) The period of eligibility terminates when the eligible part-time student —

(a) withdraws from his or her designated part-time course in circumstances where the Welsh Ministers have not transferred or converted or will not transfer or convert his or her status under regulation 87 or 88; or

(b) abandons or is expelled from his or her designated part-time course.

(5) Mae'r cyfnod cymhwystra'n dod i ben ar ddiwedd y flwyddyn academaidd berthnasol pan na all y myfyriwr rhan-amser cymwys gwblhau'r cwrs rhan-amser dynodedig o fewn y cyfnod a bennir yn rheoliad 80(1)(c).

(6) At ddibenion paragraff (5) ystyr "blwyddyn academaidd berthnasol" ("*relevant academic year*") yw'r flwyddyn academaidd y mae'n dod yn amhosibl i'r myfyriwr yn ystod y flwyddyn neu ar ei diwedd gwblhau'r cwrs o fewn y cyfnod a bennir yn rheoliad 80(1)(c) hyd yn oed os bydd yn dwysáu ei astudiaethau.

(7) Caiff Gweinidogion Cymru derfynu'r cyfnod cymhwystra os yw'r myfyriwr rhan-amser cymwys wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth.

(8) Os Gweinidogion Cymru wedi'u bodloni bod myfyriwr rhan-amser cymwys wedi methu â chydymffurfio ag unrhyw ofyniad i roi gwybodaeth o dan y Rhan hon neu ei fod wedi rhoi gwybodaeth sy'n anghywir o ran manylyn perthnasol, caiff Gweinidogion Cymru gymryd unrhyw rai o'r camau canlynol y maent yn credu eu bod yn briodol o dan yr amgylchiadau —

(a) terfynu'r cyfnod cymhwystra;

(b) penderfynu nad oes gan y myfyriwr hawl mwyach i gael unrhyw gymorth penodol neu unrhyw swm penodol o gymorth;

(c) trin unrhyw gymorth a dalwyd i'r myfyriwr fel gordaliad y caniateir ei adennill o dan reoliad 91.

(9) Pan fo'r cyfnod cymhwystra'n dod i ben—

(a) cyn diwedd y flwyddyn academaidd y mae'r myfyriwr rhan-amser cymwys yn cwblhau'r cwrs rhan-amser dynodedig ynddi; a

(b) ac eithrio o dan baragraff (5),

caiff Gweinidogion Cymru, ar unrhyw adeg, adnewyddu, neu estyn y cyfnod cymhwystra am y cyfryw gyfnod ag y maent yn penderfynu arno.

Cymorth at gyrsiau rhan-amser

82.—(1) At ddibenion y rheoliad hwn, y cymorth sydd ar gael yw —

(a) grant mewn perthynas â ffioedd nad yw'n fwy na'r lleiaf o'r symiau canlynol —

(i) y grant sylfaenol, a

(ii) y "ffioedd gwirioneddol" ("*actual fees*"), sef swm y ffioedd a godir mewn perthynas â blwyddyn academaidd ar y cwrs rhan-amser dynodedig; a

(b) grant nad yw'n fwy na £1,050 at lyfrau, teithio a gwariant arall mewn cysylltiad â'r cwrs rhan-amser dynodedig.

(5) The period of eligibility terminates at the end of the relevant academic year where the eligible part-time student cannot complete the designated part-time course within the period specified in regulation 80(1)(c).

(6) For the purposes of paragraph (5) "relevant academic year" ("*blwyddyn academaidd berthnasol*") means the academic year during or at the end of which it becomes impossible for the student to complete the course within the period specified in regulation 80(1)(c) even if he or she increases his or her intensity of study.

(7) The Welsh Ministers may terminate the period of eligibility where the eligible part-time student has shown himself or herself by his or her conduct to be unfitted to receive support.

(8) If the Welsh Ministers are satisfied that an eligible part-time student has failed to comply with any requirement to provide information under this Part or has provided information which is inaccurate in a material particular, the Welsh Ministers may take such of the following actions as they consider appropriate in the circumstances —

(a) terminate the period of eligibility;

(b) determine that the student no longer qualifies for any particular support or particular amount of support;

(c) treat any support paid to the student as an overpayment which may be recovered under regulation 91.

(9) Where the period of eligibility terminates—

(a) before the end of the academic year in which the eligible part-time student completes the designated part-time course; and

(b) otherwise than under paragraph (5),

the Welsh Ministers may, at any time, renew, or extend the period of eligibility for such period as they determine.

Support for part—time courses

82.—(1) For the purposes of this regulation, the support available is —

(a) a grant in respect of fees not exceeding the lesser of the following amounts —

(i) the basic grant, and

(ii) the "actual fees" ("*ffioedd gwirioneddol*"), being the amount of fees charged in respect of an academic year of the designated part-time course; and

(b) a grant not exceeding £1,050 for books, travel and other expenditure in connection with the designated part-time course.

(2) Mae'r grant sylfaenol yn amrywio yn ôl pa mor ddwys yw'r astudio.

Cyfrifir pa mor ddwys yw'r astudio fel a ganlyn a'i fynegi fel canran

os $\frac{PT}{FT} \times 100$

PT yw nifer y modiwlau, credydau, pwyntiau credyd, pwyntiau neu uned arall sydd i'w dyfarnu i'r myfyriwr rhan-amser cymwys gan yr awdurdod academaidd os bydd yn cwblhau'n llwyddiannus y flwyddyn academaidd y mae'n gwneud cais am gymorth mewn cysylltiad â hi;

FT yw—

(a) os darperir y cwrs gan neu ar ran y Brifysgol Agored, 120;

(b) os darperir y cwrs gan neu ar ran unrhyw sefydliad arall, nifer y modiwlau, credydau, pwyntiau credyd, pwyntiau neu uned arall y byddai'n ofynnol i fyfyriwr amser-llawn safonol eu hennill ym mhob blwyddyn academaidd er mwyn iddo gwblhau'r cwrs amser-llawn cyfatebol o fewn y cyfnod y mae ei angen fel arfer i gwblhau'r cwrs hwnnw.

(3) At ddibenion paragraff (2)—

(a) mae "cwrs amser-llawn cyfatebol" ("f*ull-time equivalent*") a "myfyriwr amser-llawn safonol" ("*standard full-time student*") i'w gyfrifo yn unol â rheoliad 80; ac

(b) mae "y cyfnod y mae ei angen fel arfer i gwblhau'r cwrs amser-llawn cyfatebol" ("*the period ordinarily required to complete the full-time equivalent*") i'w gyfrifo yn unol â rheoliad 80.

(4) Y "grant sylfaenol" ("*basic grant*") yw —

(a) £620 os yw dwysedd yr astudio yn llai na 60 y cant ("lefel 1");

(b) £745 os yw dwysedd yr astudio yn 60 y cant neu fwy ond yn llai na 75 y cant ("lefel 2");

(c) £930 os yw dwysedd yr astudio yn 75 y cant neu'n fwy ("lefel 3").

(5) Yn ddarostyngedig i baragraff (6) a rheoliad 86, mae swm y cymorth sy'n daladwy mewn perthynas â blwyddyn academaidd fel a ganlyn —

(a) os oes gan y myfyriwr rhan-amser cymwys neu ei bartner hawlogaeth ar ddyddiad ei gais—

(i) o dan Ran VII o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992 i gael cymhorthdal incwm, budd-dal tai neu fudd-dal y dreth gyngor; neu

(ii) o dan Ran 1 o Ddeddf Ceisio Gwaith 1995

(2) The basic grant varies according to the intensity of study.

The intensity of study is calculated as follows and expressed as a percentage

where $\frac{PT}{FT} \times 100$

PT is the number of modules, credits, credit points, points or other unit to be awarded to the eligible part-time student by the academic authority if he or she successfully completes the academic year in connection with which he or she is applying for support;

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 unit 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 paragraph (2)—

(a) "full-time equivalent" ("*cwrs amser-llawn cyfatebol*") and "standard full-time student" ("*myfyriwr amser-llawn safonol*") are to be interpreted in accordance with regulation 80; and

(b) "the period ordinarily required to complete the full-time equivalent" ("*cyfnod sy'n ofynnol fel arfer i gwblhau'r cwrs amser-llawn cyfatebol*") is to be calculated in accordance with regulation 80.

(4) The "basic grant" ("*grant sylfaenol*") is —

(a) £620 where the intensity of study is less than 60 per cent. ("level 1");

(b) £745 where the intensity of study is 60 per cent. or more but less than 75 per cent. ("level 2");

(c) £930 where the intensity of study is 75 per cent. or more ("level 3").

(5) Subject to paragraph (6) and regulation 86, the amount of support payable in respect of an academic year is as follows —

(a) if at the date of his or her application the eligible part-time student or his or her partner is entitled —

(i) under Part VII of the Social Security Contributions and Benefits Act 1992 to income support, housing benefit or council tax benefit; or

(ii) under Part 1 of the Jobseekers Act 1995 to

i gael lwfans ceisio gwaith ar sail incwm neu o dan adran 2 o Ddeddf Cyflogaeth a Hyfforddiant 1973 i gael lwfans o dan drefniant a elwir y Fargen Newydd;

mae uchafswm y cymorth sydd ar gael o dan reoliad 82(1) yn daladwy.

(b) os yw'r incwm perthnasol yn llai na £16,110, mae uchafswm y cymorth sydd ar gael o dan reoliad 82(1) yn daladwy;

(c) os yw'r incwm perthnasol yn £16,110, mae uchafswm y cymorth sydd ar gael o dan reoliad 82(1)(b) yn daladwy ynghyd â £50 yn llai nag uchafswm y cymorth sydd ar gael o dan reoliad 82(1)(a);

(ch) os yw'r incwm perthnasol yn fwy na £16,110 ond yn llai na £24,295, mae uchafswm y cymorth sydd ar gael o dan reoliad 82(1)(b) yn daladwy a swm y cymorth sy'n daladwy o dan reoliad 82(1)(a) yw'r swm a bennir yn unol â pharagraff (6);

(d) os yw'r incwm perthnasol yn £24,295, mae uchafswm y cymorth sydd ar gael o dan reoliad 82(1)(b) yn daladwy a swm y cymorth sy'n daladwy o dan reoliad 82(1)(a) yw £50;

(dd) os yw'r incwm perthnasol yn fwy na £24,295 ond yn llai na £24,925, mae uchafswm y cymorth sydd ar gael o dan reoliad 82(1)(b) yn daladwy ac nid oes cymorth yn daladwy o dan reoliad 82(1)(a);

(e) os yw'r incwm perthnasol yn £24,925 neu fwy ond yn llai na £26,915, nid oes cymorth ar gael o dan reoliad 82(1)(a) a swm y cymorth sy'n daladwy o dan reoliad 82(1)(b) yw'r swm sy'n weddill ar ôl didynnu o uchafswm y cymorth sydd ar gael o dan reoliad 82(1)(b) £1 am bob £2.00 gyflawn o incwm perthnasol uwchlaw £24,925;

(f) os yw'r incwm perthnasol yn £26,915, nid oes cymorth yn daladwy o dan reoliad 82(1)(a) a swm y cymorth sy'n daladwy o dan reoliad 82(1)(b) yw £50;

(ff) os yw'r incwm perthnasol yn fwy na £26,915, nid oes cymorth yn daladwy o dan reoliad 82(1).

(6) Os yw paragraff (5)(ch) yn gymwys, pennir swm y cymorth sy'n daladwy o dan reoliad 82(1)(a) drwy ddidynnu o uchafswm y cymorth sydd ar gael o dan reoliad 82(1)(a) un o'r symiau canlynol —

(a) £50 plws £1 arall am bob £15.74, £12.69 neu £9.86 cyflawn o incwm perthnasol uwchlaw £16,110 yn ôl a yw dwysedd yr astudio ar lefel 1, 2 neu 3, yn y drefn honno; neu

(b) os yw'r grant sylfaenol yn fwy na'r ffioedd

income-based jobseekers allowance or under section 2 of the Employment and Training Act 1973 to an allowance under the arrangements known as the New Deal;

the maximum amount of assistance available under regulation 82(1) is payable.

(b) where the relevant income is less than £16,110, the maximum amount of support available under regulation 82 (1) is payable;

(c) where the relevant income is £16,110, the maximum amount of support available under regulation 82(1)(b) is payable together with £50 less than the maximum amount of support available under regulation 82 (1)(a);

(d) where the relevant income exceeds £16,110 but is less than £24,295, the maximum amount of support available under regulation 82(1)(b) is payable and the amount of support payable under regulation 82 (1)(a) is the amount determined in accordance with paragraph (6);

(e) where the relevant income is £24,295, the maximum amount of support available under regulation 82(1)(b) is payable and the amount of assistance payable under regulation 82(1)(a) is £50;

(f) where the relevant income exceeds £24,295 but is less than £24,925, the maximum amount of support available under regulation 82 (1)(b) is payable and no support is payable under regulation 82 (1)(a);

(g) where the relevant income is £24,925 or more but less than £26,915, no support is available under regulation 82(1)(a) and the amount of support payable under regulation 82 (1)(b) is the amount left after deducting from the maximum amount of support available under regulation 82 (1)(b) £1 for every complete £2.00 by which the relevant income exceeds £24,925;

(h) where the relevant income is £26,915, no support is payable under regulation 82 (1)(a) and the amount of support payable under regulation 82(1)(b) is £50;

(i) where the relevant income exceeds £26,915, no support is payable under regulation 82 (1).

(6) Where paragraph (5)(d) applies, the amount of support payable under regulation 82(1)(a) is determined by deducting from the maximum amount of support available under regulation 82 (1)(a) one of the following amounts —

(a) £50 plus a further £1 for each complete £15.74, £12.69 and £9.86 by which the relevant income exceeds £16,110 according to whether the intensity of study is level 1, 2 or 3, respectively; or

(b) where the basic grant is greater than the actual

gwirioneddol, swm sy'n hafal i'r hyn sy'n weddill ar ôl didynnu o'r swm a gyfrifwyd o dan is-baragraff (a) y gwahaniaeth rhwng y grant sylfaenol a'r ffioedd gwirioneddol (oni bai bod y swm yn rhif negyddol ac os felly mae uchafswm y cymorth sydd ar gael o dan reoliad 82(1)(a) yn daladwy).

(7) At ddibenion y rheoliad hwn —

(a) mae "plentyn" ("*child*") mewn perthynas â myfyriwr rhan-amser cymwys yn cynnwys unrhyw blentyn i'w bartner ac unrhyw blentyn y mae ganddo gyfrifoldeb rhiant drosto;

(b) ystyr "y flwyddyn ariannol gyfredol" ("*current financial year*") yw'r flwyddyn ariannol sy'n cynnwys diwrnod cyntaf y flwyddyn academaidd y mae person yn cael ei asesu ar gyfer cymorth mewn perthynas â hi;

(c) ystyr "dibynnol" ("*dependent*") yw ariannol ddibynnol yn gyfan gwbl neu'n bennaf;

(ch) ystyr "blwyddyn ariannol" ("*financial year*") yw'r cyfnod o ddeuddeng mis y mae incwm y myfyriwr rhan-amser cymwys yn cael ei gyfrifo mewn perthynas â hi at ddibenion y ddeddfwriaeth ar dreth incwm sy'n gymwys iddo;

(d) ystyr "incwm" ("*income*") yw incwm gros o bob ffynhonnell heb gynnwys unrhyw gredydau treth a ddyfarnwyd yn unol ag unrhyw geisiadau o dan adran 3 o Ddeddf Credydau Treth 2002;

(dd) yn ddarostyngedig i is-baragraff (e), ystyr "partner" ("*partner*") yw unrhyw un o'r canlynol —

(i) priod myfyriwr rhan-amser cymwys;

(ii) partner sifil myfyriwr rhan-amser cymwys;

(iii) person sydd fel arfer yn byw gyda myfyriwr rhan-amser cymwys fel pe bai'n briod iddo os yw'r myfyriwr rhan-amser cymwys yn 25 oed neu drosodd ar ddiwrnod cyntaf y flwyddyn academaidd y mae'n cael ei asesu ar gyfer cymorth mewn perthynas â hi ac os dechreuodd y myfyriwr rhan-amser cymwys ar y cwrs rhan-amser dynodedig a bennir cyn 1 Medi 2005;

(iv) person sydd fel arfer yn byw gyda myfyriwr rhan-amser cymwys fel pe bai'n briod neu'n bartner sifil iddo os yw'r myfyriwr rhan-amser cymwys yn dechrau ar y cwrs rhan-amser dynodedig a bennir ar neu ar ôl 1 Medi 2005;

(e) nid yw person a fyddai fel arall yn bartner o dan is-baragraff (dd) yn cael ei drin fel partner —

(i) os yw'r person hwnnw a'r myfyriwr rhan-amser cymwys, ym marn Gweinidogion Cymru, wedi gwahanu; neu

fees, an amount equal to that left after deducting from the amount calculated under sub-paragraph (a) the difference between the basic grant and the actual fees (unless the amount is a negative number in which case the maximum amount of support available under regulation 82 (1)(a) is payable).

(7) For the purposes of this regulation —

(a) "child" ("*plentyn*") in relation to an eligible part-time student includes any child of his or her partner and any child for whom he or she has parental responsibility;

(b) "current financial year" ("*y flwyddyn ariannol gyfredol*") means the financial year which includes the first day of the academic year in respect of which a person is being assessed for support;

(c) "dependent" ("*dibynnol*") means wholly or mainly financially dependent;

(d) "financial year" ("*blwyddyn ariannol*") means the period of twelve months for which the income of the eligible part-time student is computed for the purposes of the income tax legislation which applies to it;

(e) "income" ("*incwm*") means gross income from all sources excluding any tax credits awarded pursuant to any claims under section 3 of the Tax Credits Act 2002;

(f) subject to sub-paragraph (g), "partner" ("*partner*") means any of the following —

(i) the spouse of an eligible part-time student;

(ii) the civil partner of an eligible part-time student;

(iii) a person ordinarily living with an eligible part-time student as if he or she were his or her spouse where an eligible part-time student is aged 25 or over on the first day of the academic year in respect of which he or she is being assessed for support and where he or she began the specified designated part-time course before 1 September 2005;

(iv) a person ordinarily living with an eligible part-time student as if he or she were his or her spouse or civil partner where an eligible part-time student begins the specified designated part-time course on or after 1 September 2005;

(g) a person who would otherwise be a partner under sub-paragraph (f) is not treated as a partner if —

(i) in the opinion of the Welsh Ministers, that person and the eligible part-time student are separated; or

(ii) os yw'r person fel arfer yn byw y tu allan i'r Deyrnas Unedig ac nad yw'n cael ei gynnal gan y myfyriwr rhan-amser cymwys;

(f) ystyr "blwyddyn ariannol flaenorol" ("*preceding financial year*") yw'r flwyddyn ariannol yn union cyn y flwyddyn ariannol gyfredol;

(ff) mae i "incwm perthnasol" ("*relevant income*") yr ystyr a roddir ym mharagraff (8).

(8) Yn ddarostyngedig i baragraff (9), mae incwm perthnasol myfyriwr rhan-amser cymwys yn hafal i'w adnoddau ariannol yn y flwyddyn ariannol flaenorol llai —

(i) £2,000 mewn perthynas â'i bartner;

(ii) £2,000 mewn perthynas â'r unig blentyn neu'r plentyn hynaf sy'n ddibynnol ar y myfyriwr neu ei bartner; a

(iii) £1,000 mewn perthynas â phob plentyn arall sy'n ddibynnol ar y myfyriwr neu ei bartner.

(9) Os yw Gweinidogion Cymru wedi'u bodloni bod adnoddau ariannol myfyriwr rhan-amser cymwys yn y flwyddyn ariannol flaenorol yn fwy na'i adnoddau ariannol yn y flwyddyn ariannol gyfredol a bod y gwahaniaeth rhwng y ddau swm yn £1,000 neu fwy, cânt asesu adnoddau ariannol y myfyriwr hwnnw drwy gyfeirio at yr adnoddau hynny yn y flwyddyn ariannol gyfredol.

(10) Yn y rheoliad hwn ystyr adnoddau ariannol myfyriwr rhan-amser cymwys mewn blwyddyn ariannol yw cyfanswm ei incwm am y flwyddyn honno ynghyd â chyfanswm yr incwm am y flwyddyn honno sydd gan unrhyw berson sydd ar ddyddiad y cais am gymorth yn bartner i'r myfyriwr.

(11) Yn y rheoliad hwn ystyr "cwrs rhan-amser dynodedig a bennir" ("*specified designated part-time course*") yw'r cwrs y mae'r person yn gwneud cais am gymorth mewn perthynas ag ef neu, pan fo statws y myfyriwr fel myfyriwr rhan-amser cymwys wedi'i drosglwyddo i'r cwrs rhan-amser dynodedig presennol o ganlyniad i un trosglwyddiad o'r statws hwnnw neu fwy gan Weinidogion Cymru o gwrs rhan-amser (y "cwrs cychwynnol") y penderfynodd Gweinidogion Cymru mewn cysylltiad ag ef fod y myfyriwr yn fyfyriwr rhan-amser cymwys yn unol â rheoliadau a wnaed o dan adran 22 o'r Ddeddf, y cwrs rhan-amser dynodedig a bennir yw'r cwrs cychwynnol.

Grantiau at gostau byw myfyrwyr rhan-amser anabl

83.—(1) Mae gan fyfyriwr rhan-amser cymwys hawl yn unol â'r Rhan hon i gael grant at gostau byw myfyrwyr rhan-amser anabl i helpu gyda'r gwariant ychwanegol y mae Gweinidogion Cymru wedi'u bodloni ei bod yn ofynnol i'r myfyriwr ei ysgwyddo oherwydd anabledd sydd ganddo ynghylch ei fod yn

(ii) the person is ordinarily living outside the United Kingdom and is not maintained by the eligible part-time student;

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

(i) "relevant income" ("*incwm perthnasol*") has the meaning given in paragraph (8).

(8) Subject to paragraph (9), an eligible part-time student's relevant income is equal to his or her financial resources in the preceding financial year less —

(i) £2,000 in respect of his or her partner;

(ii) £2,000 in respect of the only or eldest child who is dependent on the student or his or her partner; and

(iii) £1,000 in respect of each other child who is dependent on the student or his or her partner.

(9) Where the Welsh Ministers are satisfied that an eligible part-time student's financial resources in the preceding financial year are greater than his or her financial resources in the current financial year and that the difference between the two amounts is £1,000 or more, they may assess that student's financial resources by reference to those resources in the current financial year.

(10) In this regulation, an eligible part-time student's financial resources in a financial year means the aggregate of his or her income for that year together with the aggregate of the income for that year of any person who at the date of the application for support is the student's partner.

(11) In this regulation "specified designated part-time course" ("*cwrs rhan-amser dynodedig a bennir*") means the course in respect of which the person is applying for support or, where the student's status as an eligible part-time student has been transferred to the present designated part-time course as a result of one or more transfers of that status by the Welsh Ministers from a part-time course (the "initial course") in connection with which the Welsh Ministers determined the student to be an eligible part-time student pursuant to regulations made under section 22 of the Act, the specified designated part-time course is the initial course.

Grants for disabled part-time students' living costs

83.—(1) An eligible part-time student qualifies in accordance with this Part for a grant for disabled part-time students' living costs to assist with the additional expenditure which the Welsh Ministers are satisfied the student is obliged to incur by reason of a disability to which he or she is subject in respect of his or her

ymgymryd â chwrs rhan-amser dynodedig.

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

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

(a) £10,000 mewn perthynas â blwyddyn academaidd at wariant ar gynorthwyydd personol anfeddygol;

(b) £5,035 mewn perthynas â phob blwyddyn academaidd yn ystod y cyfnod cymhwystra at wariant ar eitemau mawr o offer arbenigol;

(c) y gwariant ychwanegol sy'n cael ei dynnu—

(i) yn y Deyrnas Unedig er mwyn bod yn bresennol yn y sefydliad;

(ii) yn y Deyrnas Unedig neu y tu allan iddi er mwyn bod yn bresennol, fel rhan o'i gwrs, ar unrhyw gyfnod astudio mewn sefydliad dros y môr neu er mwyn bod yn bresennol yn yr Athrofa;

(ch) £1,260 mewn perthynas â blwyddyn academaidd at unrhyw wariant arall gan gynnwys gwariant sy'n cael ei dynnu at y dibenion y cyfeirir atynt yn is-baragraff (a) neu (b) sy'n fwy na'r uchafsymiau penodedig.

undertaking a designated part-time course.

(2) Subject to the following paragraphs, the amount of grant under this regulation is the amount that the Welsh Ministers consider appropriate.

(3) The amount of the grant must not exceed —

(a) £10,000 in respect of an academic year for expenditure on a non-medical personal helper;

(b) £5,035 in respect of all the academic years during the period of eligibility for expenditure on major items of specialist equipment;

(c) the additional expenditure incurred —

(i) within the United Kingdom for the purpose of attending the institution;

(ii) within or outside the United Kingdom for the purpose of attending, as a part of his or her course, any period of study at an overseas institution or for the purpose of attending the Institute;

(d) £1,260 in respect of an academic year for any other expenditure including expenditure incurred for the purposes referred to in sub-paragraph (a) or (b) which exceeds the specified maxima.

Ceisiadau am gymorth

84.—(1) Rhaid i berson (y "ceisydd") wneud cais am gymorth mewn cysylltiad â phob blwyddyn academaidd ar gwrs rhan-amser dynodedig drwy lenwi a chyflwyno i Weinidogion Cymru gais ar unrhyw ffurf y bydd Gweinidogion Cymru yn ei gwneud yn ofynnol.

(2) Rhaid i'r canlynol fynd gyda'r cais—

(a) datganiad o dan reoliad 86(2) i (6) wedi ei lenwi gan yr awdurdod academaidd; a

(b) y dogfennau ychwanegol hynny y gall Gweinidogion Cymru eu gwneud yn ofynnol.

(3) Y rheol gyffredinol yw bod rhaid i'r cais gyrraedd Gweinidogion Cymru o fewn cyfnod o chwe mis sy'n dechrau gyda diwrnod cyntaf blwyddyn academaidd y cwrs y mae'n cael ei gyflwyno mewn perthynas ag ef.

(4) Nid yw'r rheol gyffredinol yn gymwys—

(a) os bydd un o'r digwyddiadau a restrir yn rheoliad (79)(3) yn digwydd ar ôl diwrnod cyntaf y flwyddyn academaidd y mae'r ceisydd yn gwneud cais am gymorth ynglŷn â hi, ac yn yr achos hwn rhaid i'r cais gyrraedd Gweinidogion Cymru o fewn cyfnod o chwe mis sy'n dechrau ar y dyddiad pan fo'r digwyddiad yn digwydd.

(b) os yw'r ceisydd yn gwneud cais am grant at gostau byw myfyrwyr rhan-amser anabl, ac os felly rhaid i'r cais gyrraedd Gweinidogion

Applications for support

84.—(1) A person (the "applicant") must apply for support in connection with each academic year of a designated part-time course by completing and submitting to the Welsh Ministers an application in such form as the Welsh Ministers may require.

(2) The application must be accompanied by—

(a) a declaration under regulation 86(2) to (6) completed by the academic authority; and

(b) such additional documentation as the Welsh Ministers may require.

(3) The general rule is that the application must reach the Welsh Ministers within a period of six months beginning with the first day of the academic year of the course in respect of which it is submitted.

(4) The general rule does not apply where —

(a) one of the events listed in regulation 79(3) occurs after the first day of the academic year in respect of which the applicant is applying for support, in which case the application must reach the Welsh Ministers within a period of six months beginning with the day on which the event occurred.

(b) the applicant is applying for a grant for disabled part-time students' living costs, in which case the application must reach the

Cymru cyn gynted ag y bo'n rhesymol ymarferol; neu

(c) os yw Gweinidogion Cymru o'r farn, ar ôl rhoi sylw i amgylchiadau'r achos penodol, y dylid llacio'r terfyn amser, ac os felly rhaid i'r cais gyrraedd Gweinidogion Cymru heb fod yn hwyrach na'r dyddiad a bennir ganddynt.

(5) Caiff Gweinidogion Cymru gymryd unrhyw gamau a gwneud unrhyw ymholiadau y maent yn credu eu bod yn angenrheidiol er mwyn penderfynu a yw'r ceisydd yn fyfyriwr rhan-amser cymwys, a oes ganddo hawl i gael cymorth a swm y cymorth sy'n daladwy, os oes swm yn daladwy o gwbl.

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

Cymorth gyda ffioedd o ran presenoldeb ar gwrs yn Lloegr, Gogledd Iwerddon neu'r Alban

85.—(1) Caiff Gweinidogion Cymru dalu cymorth i gynorthwyo at ffioedd i fyfyriwr rhan-amser cymwys mewn cysylltiad â'i bresenoldeb ar gwrs rhan-amser dynodedig yn Lloegr, Gogledd Iwerddon neu'r Alban.

(2) Rhaid i'r cymorth a delir o dan baragraff (1) beidio â bod yn fwy na'r lleiaf o—

(a) mwyafswm y cymorth a fyddai wedi bod yn daladwy i fyfyriwr rhan-amser cymwys o dan reoliad 82(1)(a) pe bai wedi bod yn ymgymryd â'r cwrs yng Nghymru; a

(b) mwyafswm y cymorth i gynorthwyo at ffioedd a fyddai wedi bod yn daladwy iddo ym marn Gweinidogion Cymru gan ddibynnu os yw'n bresennol ar gwrs rhan-amser dynodedig yn Lloegr, Gogledd Iwerddon neu'r Alban—

(i) yn unol â rheoliadau a wnaed gan yr Ysgrifennydd Gwladol o dan adran 22 o'r Ddeddf fel pe bai fel arfer yn preswylio yn Lloegr ac yn ymgymryd â'r cwrs rhan-amser yn Lloegr;

(ii) yn unol â rheoliadau a wnaed o dan Erthyglau 3 a 8(4) o Orchymyn Addysg (Cymorth Myfyrwyr) (Gogledd Iwerddon) 1998 pe bai fel arfer yn preswylio yng Ngogledd Iwerddon ac yn ymgymryd â'r cwrs rhan-amser yng Ngogledd Iwerddon; neu

Welsh Ministers as soon as is reasonably practicable; or

(c) the Welsh Ministers consider that having regard to the circumstances of the particular case the time limit should be relaxed, in which case the application must reach the Welsh Ministers not later than such date as they specify.

(5) The Welsh Ministers may take such steps and make such inquiries as they consider necessary to determine whether the applicant is an eligible part-time student, whether he or she qualifies for support and the amount of support payable, if any.

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

Assistance with fees in respect of attendance on a course in England, Northern Ireland or Scotland

85.—(1) The Welsh Ministers may pay support to assist with fees to an eligible part-time student in connection with his or her attendance on a designated part-time course in England, Northern Ireland or Scotland.

(2) The assistance paid under paragraph (1) must not exceed the lesser of—

(a) the maximum amount of assistance that would have been payable to the eligible part-time student under regulation 82(1)(a) had he or she been undertaking the course in Wales; and

(b) the maximum amount of support to assist with fees that in the opinion of the Welsh Ministers would have been payable to him or her according to whether he or she attends the designated part-time course in England, Northern Ireland or Scotland—

(i) pursuant to regulations made by the Secretary of State under section 22 of the Act had he or she been ordinarily resident in England and undertaking the part-time course in England;

(ii) pursuant to regulations made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998 had he or she been ordinarily resident in Northern Ireland and undertaking the part-time course in Northern Ireland; or

(iii) o gyllid gan Gyngor Cyllido Addysg Bellach ac Addysg Uwch yr Alban (**1**) pe bai fel arfer yn preswylio yn yr Alban ac yn ymgymryd â'r cwrs rhan-amser yn yr Alban.

Gwybodaeth a materion eraill

86.—(1) Mae Atodlen 3 yn gymwys o ran rhoi gwybodaeth.

(2) Yn ddarostyngedig i baragraff (3), rhaid i'r awdurdod academaidd priodol, ar gais y ceisydd, lenwi datganiad yn y ffurf honno y caiff Gweinidogion Cymru ei gwneud yn ofynnol i fynd gyda'r cais am gymorth.

(3) Nid yw'n ofynnol i awdurdod academaidd lenwi datganiad os na all roi'r cadarnhad sydd ei angen.

(4) Yn y Rhan hon, ystyr "datganiad" ("*declaration*") yw—

(a) pan fo'r ceisydd yn gwneud cais am gymorth mewn cysylltiad â'r cwrs rhan-amser dynodedig am y tro cyntaf, datganiad—

(i) sy'n darparu gwybodaeth am y cwrs; a

(ii) sy'n cadarnhau bod y ceisydd wedi ymgymryd ag o leiaf bythefnos o'r cwrs rhan-amser dynodedig;

(b) mewn unrhyw achos arall, datganiad—

(i) sy'n darparu gwybodaeth am y cwrs; a

(ii) sy'n cadarnhau bod y ceisydd wedi ymrestru i ymgymryd â blwyddyn academaidd y cwrs rhan-amser dynodedig y mae'n gwneud cais am gymorth mewn perthynas â hi.

(5) Yn y rheoliad hwn, ystyr "gwybodaeth am y cwrs" ("c*ourse information*")yw—

(a) swm y ffioedd a godir mewn perthynas â'r flwyddyn academaidd y mae'r ceisydd yn gwneud cais am gymorth mewn perthynas â hi;

(b) pa mor ddwys yw'r astudio; ac

(c) nodyn ardystio gan yr awdurdod academaidd ei fod o'r farn—

(i) mai cwrs rhan-amser dynodedig yw'r cwrs;

(ii) y bydd yn bosibl i'r ceisydd gwblhau'r cwrs o fewn y cyfnod a bennir yn rheoliad 80(1)(c).

(6) At ddibenion paragraff (5)(c)(ii) rhaid i'r awdurdod academaidd roi sylw i—

(a) unrhyw gynnydd ym mha mor ddwys y byddai angen astudio er mwyn i'r ceisydd gwblhau'r cwrs o fewn y cyfnod a bennir yn rheoliad 80(1)(c);

(**1**) Sefydlwyd y corff hwn o dan adran 1 o Ddeddf Addysg Bellach ac Addysg Uwch (yr Alban) 2005 (dsa 6).

(iii) from funds of the Scottish Further and Higher Education Funding Council (**1**) had he or she been ordinarily resident in Scotland and undertaking the part-time course in Scotland.

Information and other matters

86.—(1) Schedule 3 applies to the provision of information.

(2) Subject to paragraph (3), the appropriate academic authority must, on the request of the applicant, complete a declaration in such form as may be required by the Welsh Ministers to accompany the application for support.

(3) An academic authority is not required to complete a declaration if it is unable to give the confirmation required.

(4) In this Part, "declaration" ("*datganiad*") means—

(a) where the applicant is applying for support in connection with the designated part-time course for the first time, a statement that—

(i) provides the course information; and

(ii) confirms that the applicant has undertaken at least two weeks of the designated part-time course;

(b) in any other case, a statement that—

(i) provides the course information; and

(ii) confirms that the applicant has enrolled to undertake the academic year of the designated part-time course in respect of which he or she is applying for support.

(5) In this regulation, "course information" ("*gwbodaeth am y cwrs*") means—

(a) the amount of fees being charged in respect of the academic year in respect of which the applicant is applying for support;

(b) the intensity of study;

(c) certification by the academic authority that it considers—

(i) the course to be a designated part-time course;

(ii) that it will be possible for the applicant to complete the course within the period specified in regulation 80(1)(c).

(6) For the purposes of paragraph (5)(c)(ii) the academic authority must have regard for —

(a) any increase in intensity of study that would be required for the applicant to complete the course within the period specified in regulation 80(1)(c);

(**1**) This body was established under section 1 of the Further and Higher Education (Scotland) Act 2005 (asp 6).

(b) unrhyw rannau o'r cwrs y mae wedi bod yn ofynnol i'r ceisydd eu hailadrodd.

Trosglwyddo statws

87.—(1) Os yw myfyriwr rhan-amser cymwys yn trosglwyddo i gwrs rhan-amser arall, rhaid i Weinidogion Cymru drosglwyddo statws y myfyriwr fel myfyriwr rhan-amser cymwys i'r cwrs hwnnw—

(a) os cânt gais oddi wrth y myfyriwr rhan-amser cymwys am wneud hynny;

(b) os ydynt wedi'u bodloni bod un neu fwy o'r seiliau dros drosglwyddo ym mharagraff (2) yn gymwys; ac

(c) os nad yw'r cyfnod cymhwystra wedi'i derfynu.

(2) Y seiliau dros drosglwyddo yw —

(a) bod y myfyriwr rhan-amser cymwys yn dechrau ymgymryd â chwrs rhan-amser dynodedig arall yn y sefydliad;

(b) bod y myfyriwr rhan-amser cymwys yn dechrau ymgymryd â chwrs rhan-amser dynodedig mewn sefydliad arall; neu

(c) ar ôl cychwyn cwrs rhan-amser dynodedig ar gyfer gradd gyntaf (heblaw gradd anrhydedd) bod y myfyriwr rhan-amser cymwys, cyn cwblhau'r cwrs hwnnw, yn cael ei dderbyn ar gwrs rhan-amser dynodedig ar gyfer gradd anrhydedd yn yr un pwnc neu bynciau yn y sefydliad.

(3) Yn ddarostyngedig i baragraff (4), mae hawl gan fyfyriwr rhan-amser cymwys sy'n trosglwyddo o dan baragraff (1) barhau, am weddill y flwyddyn academaidd y mae'n trosglwyddo ynddi, i gael mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo y cymorth y mae Gweinidogion Cymru wedi penderfynu bod ganddo hawl i'w gael mewn perthynas â'r cwrs y mae'n trosglwyddo oddi wrtho.

(4) Caiff Gweinidogion Cymru ailasesu swm y cymorth sy'n daladwy ar ôl y trosglwyddo yn unol â'r Rhan hon.

(5) Ni chaiff myfyriwr cymwys sy'n trosglwyddo o dan baragraff (1) ar ôl i Weinidogion Cymru benderfynu ar ei gymorth mewn cysylltiad â blwyddyn academaidd y cwrs y mae'n trosglwyddo oddi wrtho ond cyn iddo gwblhau'r flwyddyn honno wneud cais am grant arall o dan reoliad 82(1)(b) neu reoliad 83 mewn cysylltiad â blwyddyn academaidd y cwrs y mae'n trosglwyddo iddo.

(6) Os yw myfyriwr yn trosglwyddo o dan baragraff (1), uchafswm y cymorth o dan reoliad 82(1)(a) mewn perthynas â'r blynyddoedd academaidd y mae'n trosglwyddo iddynt neu oddi wrthynt yw swm y cymorth at ffioedd sydd ar gael mewn cysylltiad â'r cwrs mwyaf dwys o ran ei astudio fel y diffinnir yn rheoliad 82.

(b) any parts of the course which the applicant has been required to repeat.

Transfer of status

87.—(1) Where an eligible part-time student transfers to another part-time course, the Welsh Ministers must transfer the student's status as an eligible part-time student to that course where —

(a) they receive a request from the eligible part-time student to do so;

(b) they are satisfied that one or more of the grounds for transfer in paragraph (2) applies; and

(c) the period of eligibility has not terminated.

(2) The grounds for transfer are —

(a) the eligible part-time student starts to undertake another designated part-time course at the institution;

(b) the eligible part-time student starts to undertake a designated part-time course at another institution; or

(c) after commencing a designated part-time course for a first degree (other than an honours degree) the eligible part-time student is, before the completion of that course, admitted to a designated part-time course for an honours degree in the same subject or subjects at the institution.

(3) Subject to paragraph (4), an eligible part-time student who transfers under paragraph (1) is entitled, for the remainder of the academic year in which he or she transfers, to continue to receive in connection with the course to which he or she transfers the support for which the Welsh Ministers have determined he or she qualifies in respect of the course from which he or she transfers.

(4) The Welsh Ministers may re-assess the amount of support payable after the transfer in accordance with this Part.

(5) An eligible student who transfers under paragraph (1) after the Welsh Ministers have determined his or her support in connection with the academic year of the course from which he or she is transferring but before he or she completes that year may not apply for another grant under regulation 82(1)(b) or regulation 83 in connection with the academic year of the course to which he or she transfers.

(6) Where a student transfers under paragraph (1), the maximum amount of assistance under regulation 82(1)(a) in respect of the academic years to and from which he or she transfers is the amount of assistance with fees available in connection with the course which has the highest intensity of study as defined in regulation 82.

Trosi statws

88.—(1) Os yw myfyriwr cymwys yn rhoi'r gorau i ymgymryd â chwrs dynodedig a'i fod yn trosglwyddo i gwrs rhan-amser dynodedig yn yr un sefydliad neu mewn sefydliad arall, rhaid i Weinidogion Cymru drosi statws y myfyriwr fel myfyriwr cymwys i statws myfyriwr rhan-amser cymwys mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo—

(a) os cânt gais oddi wrth y myfyriwr cymwys am wneud hynny; a

(b) os nad yw'r cyfnod cymhwystra wedi'i derfynu.

(2) Os yw'r myfyriwr, cyn cwblhau'r cwrs dynodedig, yn trosglwyddo i gwrs rhan-amser yn yr un pwnc neu bynciau sy'n arwain at yr un cymhwyster yn yr un sefydliad, trinnir y cwrs rhan-amser fel pe bai'n bodloni rheoliad 80(1)(b) ac (c) os yw cyfnod yr astudio rhan-amser yr ymgymerir ag ef gan y myfyriwr yn para am flwyddyn academaidd o leiaf ac nad yw'n fwy na dwywaith y cyfnod y mae ei angen fel rheol i gwblhau gweddill y cwrs dynodedig y mae'r myfyriwr yn trosglwyddo oddi wrtho.

(3) Mae'r canlynol yn gymwys i fyfyriwr sy'n trosglwyddo o dan baragraff (1)—

(a) os yw Gweinidogion Cymru wedi penderfynu talu swm o grant i'r myfyriwr o dan reoliad 24 mewn rhandaliadau rheolaidd, ni chaniateir talu taliad mewn perthynas â'r swm hwnnw o grant mewn perthynas â chyfnod unrhyw randaliad sy'n dechrau ar ôl y dyddiad y daeth y myfyriwr yn fyfyriwr rhan-amser cymwys;

(b) uchafswm y grant y byddai gan y myfyriwr hawlogaeth i'w gael, heblaw am y rheoliad hwn, yn unol â rheoliad 83 mewn cysylltiad ag ymgymryd â chwrs rhan-amser dynodedig mewn perthynas â'r flwyddyn academaidd honno yn cael ei ostwng o un traean os daeth y myfyriwr yn fyfyriwr rhan-amser cymwys yn ystod ail chwarter y flwyddyn academaidd ac o ddau draean os daeth yn fyfyriwr rhan-amser cymwys mewn chwarter arall yn nes ymlaen yn y flwyddyn honno;

(c) os oes swm o grant at unrhyw ddiben wedi'i dalu i'r myfyriwr o dan reoliad 24 mewn un rhandaliad, mae uchafswm y grant sy'n daladwy iddo yn unol â rheoliad 83 at y diben hwnnw yn cael ei ostwng (neu, os yw is-baragraff (b) yn gymwys, ei ostwng ymhellach) yn ôl swm y grant a dalwyd iddo at y diben hwnnw yn unol â rheoliad 24, ac os yw'r swm sy'n deillio o hyn yn ddim neu'n swm negyddol, bydd y swm hwnnw yn ddim; ac

(ch) os oedd y myfyriwr, yn union cyn dod yn fyfyriwr rhan-amser cymwys, yn gymwys i wneud cais, ond ei fod heb wneud cais, am fenthyciad at gostau byw mewn perthynas â'r

Conversion of status

88.—(1) Where an eligible student ceases to undertake a designated course and transfers to a designated part-time course at the same or at another institution, the Welsh Ministers must convert the student's status as an eligible student to that of an eligible part-time student in connection with the course to which he or she is transferring where —

(a) they receive a request from the eligible student to do so; and

(b) the period of eligibility has not terminated.

(2) Where, before completing the designated course, the student transfers to a part-time course in the same subject or subjects leading to the same qualification at the same institution, the part-time course is treated as satisfying regulation 80(1)(b) and (c) if the period of part-time study to be undertaken by the student is of at least one academic year's duration and does not exceed twice the period normally required to complete the remainder of the designated course from which the student transfers.

(3) The following applies to a student who transfers under paragraph (1) —

(a) where the Welsh Ministers have determined to pay an amount of grant to the student under regulation 24 in periodic instalments, no payment in respect of that amount of grant may be made in respect of any instalment period beginning after the date on which the student became an eligible part-time student;

(b) the maximum amount of grant to which the student would, apart from this regulation, be entitled pursuant to regulation 83 in connection with his or her undertaking a designated part-time course in respect of that academic year is reduced by one third where the student became an eligible part-time student during the second quarter of the academic year and by two thirds where he or she became such a student in a later quarter of that year;

(c) where an amount of grant for any purpose has been paid to the student under regulation 24 in a single instalment, the maximum amount of grant payable to him or her pursuant to regulation 83 for that purpose is reduced (or, where sub-paragraph (b) applies, further reduced) by the amount of grant paid to him or her for that purpose pursuant to regulation 24, and where the resulting amount is nil or a negative amount that amount is nil; and

(d) where immediately before he or she became an eligible part-time student he or she was eligible to apply, but had not applied, for a loan for living costs in respect of that year, or had not

flwyddyn honno, neu heb wneud cais am yr uchafswm neu'r uchafswm wedi'i gynyddu yr oedd ganddo hawlogaeth i'w gael, caiff wneud cais am y benthyciad hwnnw neu unrhyw swm ychwanegol o fenthyciad fel pe bai wedi parhau yn fyfyriwr cymwys; ac o dan yr amgylchiadau a grybwyllir ym mharagraff (4) mae uchafswm y benthyciad hwnnw neu uchafswm wedi'i gynyddu y benthyciad hwnnw am y flwyddyn academaidd yn cael ei ostwng yn unol â'r paragraff hwnnw.

applied for the maximum amount or increased maximum for which he or she was entitled, he or she may apply for such a loan or such additional amount of loan as if he or she had continued to be an eligible student and in the circumstances mentioned in paragraph (4) the maximum or increased maximum amount of such loan for the academic year is reduced in accordance with that paragraph.

(4) Os yw'r cais o dan baragraff (1) yn cael ei wneud yn ystod chwarter cyntaf y flwyddyn academaidd y mae'r benthyciad yn daladwy mewn perthynas â hi, mae uchafswm y benthyciad neu uchafswm wedi'i gynyddu y benthyciad (yn ôl fel y digwydd) yn cael ei ostwng o ddau draean, ac os yw'r cais yn cael ei wneud yn ail chwarter y flwyddyn honno mae'r swm hwnnw'n cael ei ostwng o un traean.

(4) Where the request under paragraph (1) is made during the first quarter of the academic year in respect of which the loan is payable the maximum amount or increased maximum amount of loan (as the case may be) is reduced by two thirds, and where the request is made during the second quarter of that year that amount is reduced by one third.

(5) Os yw myfyriwr dysgu o bell cymwys yn rhoi'r gorau i ymgymryd â chwrs dysgu o bell dynodedig a'i fod yn trosglwyddo i gwrs rhan-amser dynodedig yn yr un sefydliad neu mewn sefydliad arall, rhaid i Weinidogion Cymru drosi statws y myfyriwr fel myfyriwr dysgu o bell cymwys i statws myfyriwr rhan-amser cymwys mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo—

(a) os cânt gais oddi wrth y myfyriwr dysgu o bell cymwys am wneud hynny; a

(b) os nad yw'r cyfnod cymhwystra wedi'i derfynu.

(5) Where an eligible distance learning student ceases to undertake a designated distance learning course and transfers to a designated part-time course at the same or at another institution, the Welsh Ministers must convert that student's status as an eligible distance learning student to that of an eligible part-time student in connection with the course to which he or she is transferring where —

(a) they receive a request from the eligible distance learning student to do so; and

(b) the period of eligibility has not terminated.

(6) Os yw'r myfyriwr, cyn cwblhau'r cwrs dysgu o bell dynodedig, yn trosglwyddo i gwrs rhan-amser yn yr un pwnc neu bynciau sy'n arwain at yr un cymhwyster yn yr un sefydliad, trinnir y cwrs rhan-amser fel pe bai'n bodloni rheoliad 80(1)(b) ac (c) os yw cyfnod yr astudio rhan-amser yr ymgymerir ag ef gan y myfyriwr yn para am flwyddyn academaidd o leiaf ac nad yw'n fwy na dwywaith y cyfnod y mae ei angen fel rheol i gwblhau gweddill y cwrs dysgu o bell dynodedig y mae'r myfyriwr yn trosglwyddo oddi wrtho.

(6) Where, before completing the designated distance learning course the student transfers to a part-time course in the same subject or subjects leading to the same qualification at the same institution, the part time course is to be treated as satisfying regulation 80 (1) (b) and (c) if the period of part-time study to be undertaken by the student is of at least one academic year's duration and does not exceed twice the period ordinarily required to complete the remainder of the designated distance learning course from which the student transfers.

(7) Yn ddarostyngedig i baragraff (8), mae hawl gan fyfyriwr sy'n trosglwyddo o dan baragraff (5) mewn cysylltiad â'r flwyddyn academaidd y mae'n trosglwyddo ynddi, i gael mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo weddill y cymorth y mae Gweinidogion Cymru wedi penderfynu bod ganddo hawl i'w gael o dan Ran 11 mewn perthynas â blwyddyn academaidd y cwrs dysgu o bell dynodedig y mae'n trosglwyddo oddi wrtho.

(7) Subject to paragraph (8), a student who transfers under paragraph (5) is entitled to receive in connection with the academic year of the course to which he or she transfers the remainder of the support for which the Welsh Ministers have determined he or she qualifies under Part 11 in respect of the academic year of the designated distance learning course from which he or she transfers.

(8) Caiff Gweinidogion Cymru ailasesu swm y cymorth sy'n daladwy ar ôl y trosglwyddiad.

(8) The Welsh Ministers may re-assess the amount of support payable after the transfer.

(9) O ran myfyriwr cymwys sy'n trosglwyddo o dan baragraff (5) ar ôl i Weinidogion Cymru benderfynu ar ei gymorth mewn cysylltiad â blwyddyn academaidd y cwrs dysgu o bell y mae'n trosglwyddo oddi wrtho ond

(9) An eligible student who transfers under paragraph (5) after the Welsh Ministers have determined his or her support in connection with the academic year of the distance learning course from

cyn iddo gwblhau'r flwyddyn honno—

(a) ni chaiff wneud cais am grant o dan reoliad 82(1)(b) os yw eisoes wedi gwneud cais am grant o dan reoliad 66(1)(b);

(b) ni chaiff wneud cais am grant o dan reoliad 83 os yw eisoes wedi gwneud cais am grant o dan reoliad 24.

(10) Os bydd myfyriwr yn trosglwyddo o dan baragraff (5), rhaid i gyfanswm y cymorth a delir i'r myfyriwr o dan reoliadau 66(1)(a) ac 82(1)(a) o ran —

(a) y flwyddyn academaidd y mae'n trosglwyddo oddi wrthi; a

(b) y flwyddyn academaidd y mae'n trosglwyddo iddi;

beidio â bod yn uwch na swm y cymorth a benderfynir sy'n daladwy gan y myfyriwr o dan reoliad 66(1)(a).

(11) Os yw myfyriwr rhan-amser cymwys yn rhoi'r gorau i ymgymryd â chwrs rhan-amser dynodedig a'i fod yn trosglwyddo i gwrs dynodedig yn yr un sefydliad neu mewn sefydliad arall, rhaid i Weinidogion Cymru drosi statws y myfyriwr hwnnw fel myfyriwr rhan-amser cymwys i statws myfyriwr cymwys mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo—

(a) os cânt gais oddi wrth y myfyriwr rhan-amser cymwys am wneud hynny; a

(b) os nad yw'r cyfnod cymhwystra wedi'i derfynu.

(12) Mae'r canlynol yn gymwys i fyfyriwr sy'n trosglwyddo o dan baragraff (11)—

(a) os yw Gweinidogion Cymru wedi penderfynu talu swm o grant i'r myfyriwr yn unol â rheoliad 83 mewn rhandaliadau rheolaidd, ni chaniateir talu mewn perthynas â'r swm hwnnw o grant mewn perthynas â chyfnod unrhyw randaliad sy'n dechrau ar ôl y dyddiad y daeth y myfyriwr yn fyfyriwr cymwys;

(b) caiff unrhyw gymorth y mae gan y myfyriwr hawlogaeth i'w gael o dan y Rhan hon mewn perthynas â'r flwyddyn academaidd y mae'r myfyriwr yn trosglwyddo ei anwybyddu wrth bennu swm y cymorth y gall fod ganddo hawlogaeth i'w gael mewn perthynas â'r flwyddyn honno o dan Rannau 4 i 6;

(c) uchafswm unrhyw gymorth o dan Rannau 5 neu 6 y byddai gan y myfyriwr hawlogaeth i'w gael, heblaw am y rheoliad hwn, mewn cysylltiad â chwrs dynodedig mewn perthynas â'r flwyddyn academaidd honno yn cael ei ostwng o un traean os daeth y myfyriwr yn fyfyriwr cymwys yn ystod ail chwarter y flwyddyn academaidd honno ac o ddau draean os daeth yn fyfyriwr cymwys mewn chwarter arall yn nes ymlaen yn y flwyddyn honno; ac

which he or she is transferring but before he or she completes that year—

(a) may not apply for a grant under regulation 82 (1) (b) if he or she has already applied for a grant under regulation 66 (1) (b);

(b) may not apply for a grant under regulation 83 if he or she has already applied for a grant under regulation 24.

(10) Where a student transfers under paragraph (5), the total amount of support paid to the student under regulation 66 (1) (a) and 82 (1) (a) in respect of —

(a) the academic year from which he or she transfers; and

(b) the academic year to which he or she transfers;

must not exceed the amount of support determined to be payable to the student under regulation 66 (1) (a).

(11) Where an eligible part-time student ceases to undertake a designated part-time course and transfers to a designated course at the same or at another institution, the Welsh Ministers must convert that student's status as an eligible part-time student to that of an eligible student in connection with the course to which he or she is transferring where —

(a) they receive a request from the eligible part-time student to do so; and

(b) the period of eligibility has not terminated.

(12) The following applies to a student who transfers under paragraph (11) —

(a) where the Welsh Ministers have determined to pay an amount of grant to the student pursuant to regulation 83 in periodic instalments no payment in respect of that amount of grant may be made in respect of any instalment period beginning after the date on which the student became an eligible student;

(b) any support to which the student is entitled under this Part in respect of the academic year in which the student transfers is ignored in determining the amount of support to which he or she may be entitled in respect of that year under Parts 4 to 6;

(c) the maximum amount of any support under Parts 5 or 6 to which the student would, apart from this regulation, be entitled in connection with a designated course in respect of that academic year is reduced by one third where the student became an eligible student during the second quarter of that academic year and by two thirds where he or she became such a student in a later quarter of that year; and

(ch) os oes swm o grant at unrhyw ddiben wedi'i dalu i'r myfyriwr yn unol â rheoliad 83 mewn un rhandaliad, mae uchafswm y grant sy'n daladwy iddo o dan reoliad 24 at y diben hwnnw yn cael ei ostwng (neu, os yw is-baragraff (c) yn gymwys, ei ostwng ymhellach) yn ôl swm y grant a dalwyd iddo at y diben hwnnw yn unol â rheoliad 83 ac os yw'r swm sy'n deillio o hyn yn ddim neu'n swm negyddol, bydd y swm hwnnw yn ddim.

(13) Os yw myfyriwr rhan-amser cymwys yn rhoi'r gorau i ymgymryd â chwrs rhan-amser dynodedig a'i fod yn trosglwyddo i gwrs dysgu o bell dynodedig yn yr un sefydliad neu mewn sefydliad arall, rhaid i Weinidogion Cymru drosi statws y myfyriwr hwnnw fel myfyriwr rhan-amser cymwys i statws myfyriwr dysgu o bell cymwys mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo—

(a) os cânt gais oddi wrth y myfyriwr rhan-amser cymwys am wneud hynny; a

(b) os nad yw'r cyfnod cymhwystra wedi'i derfynu.

(14) Yn ddarostyngedig i baragraff (15), mae gan fyfyriwr sy'n trosglwyddo o dan baragraff (13) hawl i gael mewn cysylltiad â blwyddyn academaidd y cwrs y mae'n trosglwyddo gweddill y cymorth y mae Gweinidogion Cymru wedi penderfynu bod ganddo hawl i'w gael o dan y Rhan hon o ran blwyddyn academaidd y cwrs rhan-amser dynodedig y mae'n trosglwyddo oddi wrtho.

(15) Caiff Gweinidogion Cymru ailasesu swm y cymorth sy'n daladwy ar ôl y trosglwyddiad.

(16) O ran myfyriwr cymwys sy'n trosglwyddo o dan baragraff (13) ar ôl i Weinidogion Cymru benderfynu ar ei gymorth mewn cysylltiad â blwyddyn academaidd cwrs dysgu o bell y mae'n trosglwyddo oddi wrtho ond cyn iddo gwblhau'r flwyddyn honno—

(a) ni chaiff wneud cais am grant o dan reoliad 66(1)(b) os yw eisoes wedi gwneud cais am grant o dan reoliad 82(1)(b);

(b) ni chaiff wneud cais am grant o dan reoliad 83 os yw eisoes wedi gwneud cais am grant o dan reoliad 24.

(17) Os bydd myfyriwr yn trosglwyddo o dan baragraff (13), rhaid i gyfanswm y cymorth a delir i'r myfyriwr o dan reoliadau 66(1)(a) a 82(1)(a) o ran—

(a) y flwyddyn academaidd y mae'n trosglwyddo oddi wrthi; a

(b) y flwyddyn academaidd y mae'n trosglwyddo iddi;

beidio â bod yn uwch na uchafswm y cymorth a benderfynir sy'n daladwy gan y myfyriwr o dan reoliad 66(1)(a).

(d) where an amount of grant for any purpose has been paid to the student pursuant to regulation 83 in a single instalment, the maximum amount of grant payable to him or her under regulation 24 for that purpose is reduced (or, where sub-paragraph (c) applies, further reduced) by the amount of grant paid to him or her for that purpose pursuant to regulation 83 and where the resulting amount is nil or a negative amount that amount is nil.

(13) Where an eligible part-time student ceases to undertake a designated part-time course and transfers to a designated distance learning course at the same or at another institution, the Welsh Ministers must convert that student's status as an eligible part-time student to that of an eligible distance learning student in connection with the course to which he or she is transferring where—

(a) they receive a request from the eligible part-time student to do so; and

(b) the period of eligibility has not terminated.

(14) Subject to paragraph (15), a student who transfers under paragraph (13) is entitled to receive in connection with the academic year of the course to which he or she transfers the remainder of the support for which the Welsh Ministers have determined he or she qualifies under this Part in respect of the academic year of the designated part-time course from which he or she transfers.

(15) The Welsh Ministers may re-assess the amount of support payable after the transfer.

(16) An eligible student who transfers under paragraph (13) after the Welsh Ministers have determined his or her support in connection with the academic year of the distance learning course from which he or she is transferring but before he or she completes that year—

(a) may not apply for a grant under regulation 66(1)(b) if he or she has already applied for a grant under regulation 82(1)(b);

(b) may not apply for a grant under regulation 83 if he or she has already applied for a grant under regulation 24.

(17) Where a student transfers under paragraph (13), the total amount of assistance paid to the student under regulations 66(1)(a) and 82(1)(a) in respect of—

(a) the academic year from which he or she transfers; and

(b) the academic year to which he or she transfers;

must not exceed the maximum amount of support determined to be payable to the student under regulation 66(1)(a).

Talu cymorth i fyfyrwyr rhan-amser cymwys

89.—(1) Caniateir i daliadau o'r grant at lyfrau, teithio a gwariant arall a'r grant at gostau byw myfyrwyr rhan-amser anabl gael eu gwneud mewn unrhyw fodd sy'n briodol ym marn Gweinidogion Cymru a chânt ei gwneud yn un o amodau'r hawlogaeth i gael taliad fod rhaid i'r myfyriwr rhan-amser 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.

(2) Os na bydd Gweinidogion Cymru yn gallu gwneud asesiad terfynol ar sail yr wybodaeth a roddwyd gan y myfyriwr, cânt wneud asesiad dros dro a thalu grant at lyfrau, teithio a gwariant arall a'r grant at gostau byw myfyrwyr rhan-amser anabl.

(3) Caiff Gweinidogion Cymru dalu'r grant at lyfrau, teithio a gwariant arall a'r grant at gostau byw myfyrwyr rhan-amser anabl mewn rhandaliadau.

(4) Yn ddarostyngedig i baragraff (5), caiff Gweinidogion Cymru dalu'r grant at lyfrau, teithio a gwariant arall a'r grant at gostau byw myfyrwyr rhan-amser anabl ar yr adegau hynny y maent yn ystyried eu bod yn briodol.

(5) Rhaid i Weinidogion Cymru beidio â thalu'r rhandaliad cyntaf neu, os penderfynwyd peidio â thalu cymorth mewn rhandaliadau, wneud unrhyw daliad o'r grant at lyfrau, teithio neu wariant arall na'r grant at gostau byw myfyrwyr rhan-amser anabl o dan reoliad 83 cyn iddynt gael y datganiad o dan reoliad 86(2) i (6) oni bai bod eithriad yn gymwys.

(6) Mae eithriad yn gymwys—

(a) os yw grant at gostau byw myfyrwyr rhan-amser anabl at gostau byw o dan reoliad 83 yn daladwy, ac os felly, caniateir i'r grant penodol hwnnw gael ei dalu cyn i'r datganiad ddod i law Gweinidogion Cymru;

(b) os yw Gweinidogion Cymru wedi penderfynu y byddai'n briodol o achos amgylchiadau eithriadol iddynt wneud taliad heb i ddatganiad ddod i law.

Talu grantiau at ffioedd

90.—(1) Yn ddarostyngedig i baragraffau (2) a (3), rhaid i Weinidogion Cymru dalu'r grant mewn perthynas â ffioedd y mae gan y myfyriwr hawl i'w gael i'r awdurdod academaidd priodol ar ôl i gais dilys am daliad ddod i law.

(2) Caiff Gweinidogion Cymru wneud taliadau o dan baragraff (1) ar unrhyw adegau ac mewn unrhyw randaliadau y maent yn credu sy'n addas.

(3) Caiff Gweinidogion Cymru wneud taliadau dros dro o dan baragraff (1) mewn unrhyw achosion y

Payment of support to eligible part-time students

89.—(1) Payments of the grant for books, travel and other expenditure and the grant for disabled part-time students' living costs 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 part-time 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.

(2) Where the Welsh Ministers cannot make a final assessment on the basis of the information provided by the student, they may make a provisional assessment and payment of the grant for books, travel and other expenditure and the grant for disabled part-time students' living costs.

(3) The Welsh Ministers may pay the grant for books, travel and other expenditure and the grant for disabled part-time students' living costs in instalments.

(4) Subject to paragraph (5), the Welsh Ministers may pay the grant for books, travel and other expenditure and the grant for disabled part-time students' living costs at such times as they consider appropriate.

(5) The Welsh Ministers must not pay the first instalment or, where it has been determined not to pay support in instalments, make any payment of the grant for books, travel and other expenditure or the grant for disabled part-time students' living costs under regulation 83 before they have received the declaration under regulation 86(2) to (6) unless an exception applies.

(6) An exception applies if—

(a) a grant for disabled part-time students' living costs under regulation 83 is payable in which case that particular grant may be paid before the Welsh Ministers have received a declaration;

(b) the Welsh Ministers have determined that owing to exceptional circumstances it would be appropriate to make a payment without receiving a declaration.

Payment of grants for fees

90.—(1) Subject to paragraphs (2) and (3), the Welsh Ministers must pay the grant in respect of fees for which the student qualifies to the appropriate academic authority after a valid request for payment has been received.

(2) The Welsh Ministers may make payments under paragraph (1) at such times and in such instalments as they see fit.

(3) The Welsh Ministers may make provisional payments under paragraph (1) in such cases as they

maent yn credu eu bod yn briodol.

Gordaliadau

91.—(1) Caiff Gweinidogion Cymru adennill unrhyw ordaliad grant mewn perthynas â ffioedd oddi wrth yr awdurdod academaidd.

(2) Os bydd Gweinidogion Cymru yn gofyn iddo, rhaid i fyfyriwr rhan-amser cymwys ad-dalu unrhyw swm a dalwyd iddo o dan y Rhan hon sydd am ba reswm bynnag yn fwy na swm y grant y mae ganddo hawl i'w gael o dan y Rhan hon.

(3) Rhaid i Weinidogion Cymru adennill unrhyw ordaliad grant at lyfrau, teithio a gwariant arall a'r grant at gostau byw myfyrwyr rhan-amser anabl onid ydynt o'r farn nad yw'n briodol gwneud hynny.

(4) Dyma'r dulliau adennill —

(a) tynnu'r gordaliad o unrhyw fath o grant sy'n daladwy i'r myfyriwr o dro i dro yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o'r Ddeddf;

(b) cymryd unrhyw gamau eraill i adennill gordaliad sydd ar gael iddynt.

(5) Mae taliad o grant at gostau byw myfyrwyr rhan-amser anabl a wnaed cyn y dyddiad perthnasol yn ordaliad os yw'r myfyriwr yn tynnu allan o'r cwrs cyn y dyddiad perthnasol oni bai bod Gweinidogion Cymru yn penderfynu fel arall.

(6) Y "dyddiad perthnasol ("*relevant date*") yw'r dyddiad y mae tymor cyntaf y flwyddyn academaidd dan sylw yn dechrau mewn gwirionedd.

(7) Yn yr amgylchiadau ym mharagraff (8) neu (9), ceir gordaliad o grant at gostau byw myfyrwyr rhan-amser anabl oni bai bod Gweinidogion Cymru yn penderfynu fel arall.

(8) Dyma'r amgylchiadau—

(a) bod Gweinidogion Cymru yn cymhwyso'r cyfan neu ran o'r grant at gostau byw myfyriwr rhan-amser anabl i brynu offer arbenigol ar ran y myfyriwr rhan-amser cymwys;

(b) bod cyfnod cymhwystra'r myfyriwr yn dod i ben ar ôl y dyddiad perthnasol; ac

(c) nad yw'r offer wedi'i ddanfon at y myfyriwr cyn i gyfnod cymhwystra'r myfyriwr derfynu.

(9) Dyma'r amgylchiadau—

(a) bod cyfnod cymhwystra'r myfyriwr rhan-amser cymwys yn dod i ben ar ôl y dyddiad perthnasol; a

(b) bod taliad o grant at gostau byw myfyrwyr rhan-amser anabl mewn perthynas ag offer arbenigol i'r myfyriwr yn cael ei wneud ar ôl i gyfnod cymhwystra'r myfyriwr rhan-amser

deem appropriate.

Overpayments

91.—(1) Any overpayment of a grant in respect of fees is recoverable by the Welsh Ministers from the academic authority.

(2) An eligible part-time student must, if so required by the Welsh Ministers, repay any amount paid to the student under this Part which for whatever reason exceeds the amount of grant to which he or she is entitled under this Part.

(3) The Welsh Ministers must recover an overpayment of grant for books, travel and other expenditure and the grant for disabled part-time students' living costs unless they consider that it is not appropriate to do so.

(4) The methods of recovery are —

(a) subtracting the overpayment from any kind of grant payable to the student from time to time pursuant to regulations made by the Welsh Ministers under section 22 of the Act;

(b) taking such other action for the recovery of an overpayment as is available to them.

(5) A payment of the grant for disabled part-time students' living costs made before the relevant date is an overpayment if the student withdraws from the course before the relevant date unless the Welsh Ministers decide otherwise.

(6) The "relevant date" (*dyddiad perthnasol*") is the date on which the first term of the academic year in question actually begins.

(7) In the circumstances in paragraph (8) or (9), there is an overpayment of the grant for disabled part-time students' living costs unless the Welsh Ministers decide otherwise.

(8) The circumstances are—

(a) the Welsh Ministers apply all or part of the grant for disabled part-time students' living costs to the purchase of specialist equipment on behalf of the eligible part-time student;

(b) the student's period of eligibility terminates after the relevant date; and

(c) the equipment has not been delivered to the student before the student's period of eligibility terminated.

(9) The circumstances are—

(a) the eligible part-time student's period of eligibility terminates after the relevant date; and

(b) a payment of the grant for disabled part-time students' living costs in respect of specialist equipment is made to the student after the eligible part-time student's period of eligibility

cymwys ddod i ben.

(10) Pan fo gordaliad o grant at gostau byw myfyrwyr rhan-amser anabl, caiff Gweinidogion Cymru dderbyn yn ôl offer arbenigol a brynwyd â'r grant yn fodd i adennill y cyfan neu ran o'r gordaliad os ydynt o'r farn ei bod yn briodol iddynt wneud hynny.

terminates.

(10) Where there is an overpayment of the grant for disabled part-time students' living costs, the Welsh Ministers may accept the return of specialist equipment purchased with the grant by way of recovery of all or part of the overpayment if they consider it is appropriate to do so.

RHAN 13

CYMORTH I FYFYRWYR ÔL-RADDEDIG SYDD AG ANABLEDDAU

Myfyrwyr ôl-raddedig cymwys

92.—(1) Mae gan fyfyriwr ôl-raddedig cymwys hawl, yn ddarostyngedig i'r Rhan hon ac yn unol â hi, i gael grant i helpu gyda'r gwariant ychwanegol y mae Gweinidogion Cymru wedi'u bodloni ei bod yn ofynnol iddo ei ysgwyddo oherwydd anabledd sydd ganddo ynghylch ymgymryd â chwrs ôl-radd dynodedig.

(2) Mae person yn fyfyriwr ôl-raddedig cymwys mewn cysylltiad â chwrs ôl-radd dynodedig os yw'r person hwnnw'n bodloni'r amodau ym mharagraff (3) ac nad yw wedi'i hepgor gan baragraff (4).

(3) Yr amodau yw —

(a) bod Gweinidogion Cymru, wrth asesu cais person am gymorth, wedi penderfynu mewn cysylltiad â'r cwrs ôl-radd dynodedig fod y person yn dod o fewn un o'r categorïau a nodir yn Rhan 2 o Atodlen 1; a

(b) bod Gweinidogion Cymru wedi'u bodloni ei bod yn ofynnol i'r person ysgwyddo gwariant ychwanegol mewn perthynas ag ymgymryd â'r cwrs oherwydd anabledd sydd ganddo.

(4) Nid yw person yn fyfyriwr ôl-raddedig cymwys -

(a) os rhoddwyd neu os talwyd iddo mewn perthynas ag ymgymryd â'r cwrs —

(i) bwrsari gofal iechyd;

(ii) unrhyw lwfans o dan Reoliadau Lwfansau Myfyrwyr Nyrsio a Bydwreigiaeth (Yr Alban) 2007;

(iii) unrhyw lwfans, bwrsari neu ddyfarniad o ddisgrifiad tebyg a wnaed gan Gyngor Ymchwil;

(iv) unrhyw lwfans, bwrsari neu ddyfarniad o ddisgrifiad tebyg a wnaed gan ei sefydliad sy'n cynnwys unrhyw daliad er mwyn talu am wariant ychwanegol a dynnwyd gan y myfyriwr oherwydd ei anabledd; neu

PART 13

SUPPORT FOR POSTGRADUATE STUDENTS WITH DISABILITIES

Eligible postgraduate students

92.—(1) An eligible postgraduate student qualifies, subject to and in accordance with this Part, for a grant to assist with the additional expenditure which the Welsh Ministers are satisfied he or she is obliged to incur by reason of a disability to which he or she is subject in respect of his or her undertaking a designated postgraduate course.

(2) A person is an eligible postgraduate student in connection with a designated postgraduate course if that person satisfies the conditions in paragraph (3) and is not excluded by paragraph (4).

(3) The conditions are —

(a) the Welsh Ministers, in assessing a person's application for support, have determined in connection with the designated postgraduate course that the person falls within one of the categories set out in Part 2 of Schedule 1; and

(b) the Welsh Ministers are satisfied that, by reason of a disability to which the person is subject, he or she will be obliged to incur additional expenditure in respect of his or her undertaking the course.

(4) A person is not an eligible postgraduate student if —

(a) there has been bestowed on him or her or paid to him or her in relation to his or her undertaking the course —

(i) a healthcare bursary;

(ii) any allowance under the Nursing and Midwifery Student Allowances (Scotland) Regulations 2007;

(iii) any allowance, bursary or award of similar description made by a Research Council;

(iv) any allowance, bursary or award of similar description made by his or her institution which includes any payment for the purpose of meeting additional expenditure incurred by the student by reason of his or her disability; or

(v) unrhyw lwfans, bwrsari neu ddyfarniad o ddisgrifiad tebyg a wnaed gan y Cyngor Gofal Cymdeithasol Cyffredinol o dan adran 67(4)(a) o Ddeddf Safonau Gofal 2000(**1**) sy'n cynnwys taliad er mwyn talu am wariant ychwanegol a dynnwyd gan y myfyriwr oherwydd ei anabledd; neu

(b) os yw wedi torri rhwymedigaeth i ad-dalu unrhyw fenthyciad;

(c) os yw wedi cyrraedd ei 18 oed ac nad yw wedi dilysu unrhyw gytundeb ynglŷn â benthyciad a wnaed gydag ef pan oedd o dan 18 oed;

(ch) os yw'r person hwnnw, ym marn Gweinidogion Cymru, wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth.

(5) At ddibenion paragraffau (4)(b) a (4)(c) ystyr "benthyciad" ("*loan*") yw benthyciad a wnaed o dan y ddeddfwriaeth ar fenthyciadau myfyrwyr.

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

(a) cyn 25 Medi 1991; a

(b) gyda chydsyniad curadur y benthyciwr neu ar adeg pan nad oedd ganddo guradur y bydd paragraff 4(c) yn gymwys.

(7) Nid oes gan fyfyriwr ôl-raddedig cymwys hawl i gael grant o dan y Rhan hon os paragraff 9 yw'r unig baragraff o Ran 2 o Atodlen 1 y mae'n syrthio odano.

(8) Nid oes gan fyfyriwr ôl-raddedig cymwys hawl i gael grant o dan y Rhan hon oni bai ei fod yn ymgymryd â'i gwrs yn y Deyrnas Unedig.

(9) Er gwaethaf paragraffau (3)(a) a (4), mae person yn fyfyriwr ôl-raddedig cymwys at ddibenion y Rhan hon os yw'n bodloni'r amodau ym mharagraff (3)(b) a pharagraffau (10) neu (11).

(10) Yr amodau yw —

(a) bod y person wedi ymgymhwyso fel myfyriwr ôl-raddedig cymwys mewn cysylltiad â blwyddyn academaidd gynharach ar y cwrs ôl-radd dynodedig presennol yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o'r Ddeddf;

(b) bod y person yn preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs ôl-radd dynodedig presennol; ac

(c) nad yw statws y person fel myfyriwr ôl-raddedig cymwys wedi'i derfynu.

(11) Yr amodau yw —

(v) any allowance, bursary or award of similar description made by the General Social Care Council under section 67(4)(a) of the Care Standards Act 2000(**1**) which includes payment for meeting additional expenditure incurred by the student by reason of his or her disability; or

(b) he or she is in breach of an obligation to repay any loan;

(c) he or she has reached the age of 18 and has not ratified any agreement for a loan made with him or her when he or she was under the age of 18;

(d) that person has, in the opinion of the Welsh Ministers, shown himself or herself by his or her conduct to be unfitted to receive support.

(5) For the purposes of paragraphs (4)(b) and (4)(c), "loan" ("*benthyciad*") means a loan made under the student loans legislation.

(6) In a case where the agreement for a loan is subject to the law of Scotland, paragraph (4)(c) only applies if the agreement was made —

(a) before the 25 September 1991; and

(b) with the concurrence of the borrower's curator or at a time when he or she had no curator.

(7) An eligible postgraduate student does not qualify for a grant under this Part if the only paragraph in Part 2 of Schedule 1 into which he or she falls is paragraph 9.

(8) An eligible postgraduate student does not qualify for a grant under this Part unless he or she is undertaking his or her course in the United Kingdom.

(9) Despite paragraphs (3)(a) and (4), a person is an eligible postgraduate student for the purposes of this Part if he or she satisfies the conditions in paragraph (3) (b) and paragraph (10) or (11).

(10) The conditions are —

(a) the person qualified as an eligible postgraduate student in connection with an earlier academic year of the present designated postgraduate course pursuant to regulations made by the Welsh Ministers under section 22 of the Act;

(b) the person was ordinarily resident in Wales on the first day of the academic year of the present designated postgraduate course; and

(c) the person's status as an eligible postgraduate student has not terminated.

(11) The conditions are —

(**1**) 2000 p.14.

(**1**) 2000 c.14.

(a) bod Gweinidogion Cymru wedi penderfynu o'r blaen fod y person yn fyfyriwr ôl-raddedig cymwys mewn cysylltiad â chwrs ôl-radd dynodedig heblaw'r cwrs ôl-radd dynodedig presennol;

(b) bod statws y myfyriwr fel myfyriwr ôl-raddedig cymwys mewn cysylltiad â'r cwrs yn is-baragraff (a) wedi'i drosglwyddo o'r cwrs hwnnw i'r cwrs presennol o ganlyniad i drosglwyddo unwaith neu fwy yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o'r Ddeddf;

(c) bod y person yn preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd y cwrs y cyfeirir ato yn is-baragraff (a); ac

(ch) nad yw statws y person fel myfyriwr ôl—raddedig cymwys wedi'i derfynu.

(12) Os bydd—

(a) Gweinidogion Cymru wedi penderfynu bod person ("A"), yn rhinwedd bod yn ffoadur, neu fod yn briod, partner sifil, plentyn neu'n llysblentyn i ffoadur, yn fyfyriwr ôl-raddedig cymwys mewn cysylltiad â chais am gymorth am flwyddyn gynharach o'r cwrs ôl-radd presennol neu mewn cysylltiad â chais mewn cysylltiad â chwrs ôl-radd dynodedig arall y mae ei statws fel myfyriwr ôl-raddedig cymwys wedi'i drosglwyddo oddi wrtho i'r cwrs ôl-radd presennol; a

(b) ar y diwrnod cyn diwrnod dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, statws ffoadur A neu ei briod, ei bartner sifil, ei riant neu ei lys-riant wedi dod i ben ac na roddwyd caniatâd pellach i aros ac nad oes apêl yn yr arfaeth (o fewn yr ystyr yn adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002),

bydd statws A fel myfyriwr ôl-raddedig cymwys yn dod i ben yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae'n gwneud cais am gymorth mewn perthynas â hi.

(13) Os bydd—

(a) Gweinidogion Cymru wedi penderfynu bod person ("A"), yn rhinwedd bod yn ffoadur, neu fod yn briod, partner sifil, plentyn neu'n llysblentyn i ffoadur, yn fyfyriwr ôl-raddedig cymwys mewn cysylltiad â chais am gymorth am flwyddyn gynharach o'r cwrs ôl-radd presennol neu mewn cysylltiad â chais mewn cysylltiad â chwrs ôl-radd dynodedig arall y mae ei statws fel myfyriwr ôl-raddedig cymwys wedi'i drosglwyddo oddi wrtho i'r cwrs ôl-radd presennol; a

(b) y diwrnod cyn dechrau'r flwyddyn academaidd

(a) the Welsh Ministers have previously determined that the person is an eligible postgraduate student in connection with a designated postgraduate course other than the present designated postgraduate course;

(b) the student's status as an eligible postgraduate student in connection with the course in sub-paragraph (a) has been transferred from that course to the present course as a result of one or more transfers in accordance with regulations made by the Welsh Ministers under section 22 of the Act;

(c) the person was ordinarily resident in Wales on the first day of the academic year of the course referred to in sub-paragraph (a); and

(d) the person's status as an eligible postgraduate student has not terminated.

(12) Where—

(a) the Welsh Ministers have determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person ("A") was an eligible postgraduate student in connection with an application for support for an earlier year of the present postgraduate course or an application in connection with another designated postgraduate course from which his or her status as an eligible postgraduate student has been transferred to the present postgraduate course; and

(b) as at the day before the academic year in respect of which A is applying for support starts, the refugee status of A or of his or her spouse, civil partner, parent or step-parent 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),

A's status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which he or she is applying for support.

(13) Where—

(a) the Welsh Ministers have determined that, by virtue of being a refugee or the spouse, civil partner, child or step-child of a refugee, a person ("A") was an eligible postgraduate student in connection with an application for support for an earlier year of the present postgraduate course or an application in connection with another designated postgraduate course from which his or her status as an eligible postgraduate student has been transferred to the present postgraduate course; and

(b) as at the day before the academic year in

y mae A yn gwneud cais am gymorth mewn perthynas â hi, body cyfnod y caniateir i'r person â hawl i ddod i mewn neu i aros yn y Deyrnas Unedig wedi dod i ben, ac na roddwyd hawl bellach i aros ac nad oes apêl yn yr arfaeth (o fewn yr ystyr yn adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002),

bydd statws A fel myfyriwr ôl-raddedig cymwys yn dod i ben yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae'n gwneud cais am gymorth mewn perthynas â hi.

(14) Nid yw paragraffau (12) a (13) yn gymwys pan fo'r myfyriwr wedi dechrau'r cwrs y penderfynodd Gweinidogion Cymru mewn cysylltiad ag ef ei fod yn fyfyriwr ôl-raddedig cymwys cyn 1 Medi 2007.

(15) Nid oes gan fyfyriwr ôl-raddedig cymwys, ar unrhyw un adeg, hawl i gael cymorth at y canlynol —

(a) mwy nag un cwrs ôl-radd dynodedig;

(b) cwrs ôl-radd dynodedig a chwrs dysgu o bell dynodedig;

(c) cwrs ôl-radd dynodedig a chwrs dynodedig;

(ch) cwrs ôl-radd dynodedig a chwrs rhan-amser dynodedig.

(16) Os digwydd un o'r digwyddiadau a restrir ym mharagraff (17) yn ystod blwyddyn academaidd—

(a) caiff myfyriwr fod yn gymwys i gael grant o dan y Rhan hon mewn perthynas â'r flwyddyn academaidd honno yn unol â'r Rhan hon; a

(b) nid oes grant o'r math sydd ar gael o dan y Rhan hon ar gael mewn perthynas ag unrhyw flwyddyn academaidd yn dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol ynddi.

(17) Y digwyddiadau yw—

(a) mae cwrs y myfyriwr yn dod yn gwrs ôl-radd dynodedig;

(b) cydnabyddir bod y myfyriwr, ei briod, ei bartner sifil neu ei riant yn ffoadur neu mae'n dod yn berson â chaniatâd i ddod i mewn neu i aros;

(c) mae'r wladwriaeth y mae'r myfyriwr yn un o'i wladolion yn ymaelodi â'r Gymuned Ewropeaidd pan fo'r myfyriwr wedi bod yn preswylio'n arferol yn y Deyrnas Unedig a'r Ynysoedd trwy gydol y cyfnod o dair blynedd yn union cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;

(ch) mae'r myfyriwr yn ennill yr hawl i breswylio'n barhaol;

(d) daw'r myfyriwr yn blentyn i weithiwr Twrcaidd;

(dd) daw'r myfyriwr yn berson a ddisgrifir ym

respect of which A is applying for support, the period for which the person with leave to enter or remain 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),

A's status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which he or she is applying for support.

(14) Paragraphs (12) and (13) do not apply where the student began the course in connection with which the Welsh Ministers determined that he or she was an eligible postgraduate student before 1 September 2007.

(15) An eligible postgraduate student does not, at any one time, qualify for support for —

(a) more than one designated postgraduate course;

(b) a designated postgraduate course and a designated distance learning course;

(c) a designated postgraduate course and a designated course;

(d) a designated postgraduate course and a designated part-time course.

(16) Where one of the events listed in paragraph (17) occurs in the course of an academic year—

(a) a student may qualify for a grant under this Part in respect of that academic year in accordance with this Part; and

(b) a grant of the kind available under this Part is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

(17) The events are—

(a) the student's course becomes a designated postgraduate course;

(b) the student, his or her spouse, his or her civil partner or his or her parent is recognised as a refugee or becomes a person with leave to enter or remain;

(c) the state of which the student is a national accedes to the European Community 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;

(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

mharagraff 6(1)(a) o Ran 2 o Atodlen 1; neu

(e) daw'r myfyriwr yn blentyn i wladolyn Swisaidd.

Cyrsiau ôl-radd dynodedig

93.—(1) Mae cwrs ôl-radd yn gwrs dynodedig at ddibenion adran 22(1) o'r Ddeddf a rheoliad 92 —

(a) os yw'n gwrs y mae angen gradd gyntaf (neu gymhwyster cyfatebol) neu'n uwch i gael mynediad iddo fel rheol;

(b) os yw'n gwrs —

(i) sy'n para am o leiaf un flwyddyn academaidd; a

(ii) yn achos cwrs rhan-amser, y mae fel arfer yn bosibl cwblhau'r cwrs mewn nid mwy na dwywaith y cyfnod sydd fel arfer yn ofynnol ar gyfer cwblhau'r cwrs amser-llawn cyfatebol;

(c) os yw'n cael ei ddarparu yn gyfan gwbl gan sefydliad neu sefydliadau addysgol yn y Deyrnas Unedig a ariennir yn gyhoeddus neu'n cael ei ddarparu gan sefydliad neu sefydliadau o'r fath ar y cyd â sefydliad neu sefydliadau y tu allan i'r Deyrnas Unedig; ac

(ch) nad yw'n gwrs hyfforddiant cychwynnol athrawon neu gwrs yr ymgymerir ag ef fel rhan o gynllun hyfforddi athrawon ar sail cyflogaeth.

(2) At ddibenion paragraff (1) —

(a) mae cwrs yn cael ei ddarparu gan sefydliad os yw'r sefydliad yn darparu'r addysgu a'r goruchwylio sy'n ffurfio'r cwrs, p'un a yw'r sefydliad wedi gwneud cytundeb gyda'r myfyriwr i ddarparu'r cwrs neu beidio;

(b) bernir bod prifysgol ac unrhyw goleg cyfansoddol neu sefydliad sydd o natur coleg prifysgol yn cael eu hariannu'n gyhoeddus os yw naill ai'r brifysgol neu'r coleg cyfansoddol neu sefydliad yn cael eu hariannu'n gyhoeddus; ac

(c) ni fernir bod sefydliad yn cael ei ariannu'n gyhoeddus dim ond am ei fod yn cael arian cyhoeddus oddi wrth gorff llywodraethu sefydliad addysg uwch yn unol ag adran 65(3A) o Ddeddf Addysg Bellach ac Uwch 1992(**1**).

(3) At ddibenion paragraff (1)(b)(ii)—

(a) ystyr "cwrs amser-llawn cyfatebol" ("*full-time equivalent*") yw cwrs amser-llawn sy'n arwain at yr un cymhwyster â'r cwrs o dan sylw;

paragraph 6(1)(a) of Part 2 of Schedule 1; or

(g) the student becomes the child of a Swiss national.

Designated postgraduate courses

93.—(1) A postgraduate course is designated for the purposes of section 22(1) of the Act and regulation 92 if —

(a) it is a course entry for which a first degree (or equivalent qualification) or higher is normally required;

(b) it is a course —

(i) of at least one academic year's duration; and

(ii) in the case of a part-time course, it is ordinarily possible to complete the course in not more than twice the period ordinarily required to complete the full time equivalent;

(c) it is wholly provided by a publicly-funded educational institution or institutions in the United Kingdom or is provided by such an institution or institutions in conjunction with an institution or institutions outside the United Kingdom; and

(d) it is not a course for the initial training of teachers or a course taken as part of an employment based teacher training scheme.

(2) For the purposes of paragraph (1) —

(a) a course is provided by an institution if it provides the teaching and supervision which comprise the course, whether or not it has entered an agreement with the student to provide the course;

(b) a university and any constituent college or institution in the nature of a college of a university is regarded as publicly funded if either the university or the constituent college or institution is publicly funded; and

(c) an institution is not regarded as publicly funded by reason only that it receives public funds from the governing body of a higher education institution in accordance with section 65(3A)of the Further and Higher Education Act 1992(**1**).

(3) For the purposes of paragraph (1)(b)(ii)—

(a) "full-time equivalent" ("*cwrs amser-llawn cyfatebol*") means a full-time course leading to the same qualification as the course in question;

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

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

(b) ystyr "cyfnod sy'n ofynnol fel arfer i gwblhau'r cwrs amser-llawn cyfatebol" ("*period ordinarily required to complete the full-time equivalent*") yw'r cyfnod y byddai ei angen ar fyfyriwr amser-llawn safonol i gwblhau'r cwrs amser-llawn cyfatebol.

(c) ystyr "myfyriwr amser-llawn safonol" ("*standard full-time student*") yw myfyriwr sydd i'w ystyried yn un —

(i) sydd wedi dechrau'r cwrs amser-llawn cyfatebol ar yr un dyddiad ag y dechreuodd y myfyriwr rhan-amser cymwys ar y cwrs o dan sylw;

(ii) nad yw wedi'i esgusodi o unrhyw ran o'r cwrs amser-llawn gyfatebol;

(iii) nad yw wedi ailadrodd unrhyw ran o'r cwrs amser-llawn cyfatebol; ac

(iv) nad yw wedi bod yn absennol o'r cwrs amser-llawn cyfatebol heblaw yn ystod gwyliau.

(4) At ddibenion adran 22 o'r Ddeddf a rheoliad 92, caiff Gweinidogion Cymru ddynodi cyrsiau addysg uwch nad ydynt wedi'u dynodi o dan baragraff (1).

Cyfnod cymhwystra

94.—(1) Mae myfyriwr ôl-raddedig cymwys yn cadw ei statws fel myfyriwr ôl-raddedig cymwys hyd oni therfynir y statws yn unol â'r rheoliad hwn a rheoliad 92.

(2) Y cyfnod y bydd myfyriwr ôl-raddedig cymwys yn cadw'r statws yw'r "cyfnod cymhwystra" ("*period of eligibility*").

(3) Yn ddarostyngedig i'r paragraffau canlynol a rheoliad 92, mae'r cyfnod cymhwystra'n dod i ben ar ddiwedd y cyfnod y mae ei angen fel arfer i gwblhau'r cwrs ôl-radd dynodedig.

(4) Mae'r cyfnod cymhwystra yn terfynu pan fydd y myfyriwr ôl-raddedig cymwys —

(a) yn tynnu'n ôl o'i gwrs ôl-radd dynodedig o dan amgylchiadau lle nad yw Gweinidogion Cymru wedi trosglwyddo neu lle na fyddant yn trosglwyddo ei statws fel myfyriwr ôl— raddedig cymwys i gwrs arall o dan reoliad 95; neu

(b) yn cefnu ar ei gwrs ôl-radd dynodedig neu'n cael ei ddiarddel oddi arno.

(5) Caiff Gweinidogion Cymru derfynu'r cyfnod cymhwystra os yw'r myfyriwr ôl-raddedig cymwys wedi dangos drwy ei ymddygiad nad yw'n addas i gael cymorth.

(6) Os yw Gweinidogion Cymru wedi'u bodloni bod myfyriwr ôl-raddedig cymwys wedi methu â chydymffurfio ag unrhyw ofyniad i roi gwybodaeth o

(b) "period ordinarily required to complete the full-time equivalent" ("*cyfnod sy'n ofynnol fel arfer i gwblhau'r cwrs amser-llawn cyfatebol*") means the period that a standard full-time student would require to complete the full-time equivalent;

(c) "standard full-time student" ("*myfyriwr amser-llawn safonol*") means a student who is to be taken —

(i) to have begun the full-time equivalent on the same date as the eligible part-time student began the 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 be absent from the full-time equivalent other than during vacations.

(4) For the purposes of section 22 of the Act and regulation 92, the Welsh Ministers may designate courses of higher education which are not designated under paragraph (1).

Period of eligibility

94.—(1) An eligible postgraduate student retains his or her status as an eligible postgraduate student until the status is terminated in accordance with this regulation and regulation 92.

(2) The period for which an eligible postgraduate student retains the status is the "period of eligibility" ("*cyfnod cymhwystra*").

(3) Subject to the following paragraphs and regulation 92, the period of eligibility terminates at the end of the period ordinarily required for completion of the designated postgraduate course.

(4) The period of eligibility terminates when the eligible postgraduate student —

(a) withdraws from his or her designated postgraduate course in circumstances where the Welsh Ministers have not transferred or will not transfer his or her status as an eligible postgraduate student to another course under regulation 95; or

(b) abandons or is expelled from his or her designated postgraduate course.

(5) The Welsh Ministers may terminate the period of eligibility where the eligible postgraduate student has shown himself or herself by his or her conduct to be unfitted to receive support.

(6) If the Welsh Ministers are satisfied that an eligible postgraduate student has failed to comply with any requirement to provide information under this Part

dan y Rhan hon neu ei fod wedi rhoi gwybodaeth sy'n anghywir o ran manylyn perthnasol, caiff Gweinidogion Cymru gymryd unrhyw rai o'r camau canlynol y maent credu eu bod yn briodol o dan yr amgylchiadau —

(a) terfynu'r cyfnod cymhwystra;

(b) penderfynu nad oes gan y myfyriwr hawl mwyach i gael grant neu unrhyw swm penodol o grant;

(c) trin unrhyw gymorth a dalwyd i'r myfyriwr fel gordaliad y caniateir ei adennill o dan reoliad 100.

(7) Pan fo'r cyfnod cymhwystra'n terfynu ar y dyddiad y daw'r cyfnod sy'n ofynnol fel arfer i gwblhau'r cwrs ôl-radd dynodedig i ben neu cyn y dyddiad hwnnw, caiff Gweinidogion Cymru, ar unrhyw adeg, adnewyddu'r cyfnod cymhwystra am y cyfryw gyfnodau ag y byddant yn penderfynu arnynt.

or has provided information which is inaccurate in a material particular, the Welsh Ministers may take such of the following actions as they consider appropriate in the circumstances —

(a) terminate the period of eligibility;

(b) determine that the student no longer qualifies for a grant or any particular amount of grant;

(c) treat any support paid to the student as an overpayment which may be recovered under regulation 100.

(7) Where the period of eligibility terminates on or before the expiry of the period ordinarily required for the completion of the designated postgraduate course, the Welsh Ministers may, at any time, renew the period of eligibility for such periods as they determine.

Trosglwyddo statws

95.—(1) Os yw myfyriwr ôl-raddedig cymwys yn trosglwyddo i gwrs ôl-radd arall, rhaid i Weinidogion Cymru drosglwyddo statws y myfyriwr fel myfyriwr ôl-raddedig cymwys i'r cwrs hwnnw —

(a) os cânt gais oddi wrth y myfyriwr ôl-raddedig cymwys am wneud hynny;

(b) os ydynt wedi'u bodloni bod un neu fwy o'r seiliau trosglwyddo ym mharagraff (2) yn gymwys; ac

(c) os nad yw'r cyfnod cymhwystra wedi'i derfynu.

(2) Y seiliau trosglwyddo yw —

(a) bod y myfyriwr ôl-raddedig cymwys, ar argymhelliad yr awdurdod academaidd, yn dechrau ymgymryd â chwrs ôl-radd dynodedig arall yn y sefydliad; neu

(b) bod y myfyriwr ôl-raddedig cymwys yn dechrau ymgymryd â chwrs ôl-radd dynodedig mewn sefydliad arall.

(3) Yn ddarostyngedig i baragraff (4), rhaid i fyfyriwr ôl-raddedig cymwys sy'n trosglwyddo o dan baragraff (1) barhau i gael, mewn cysylltiad â'r cwrs y mae'n trosglwyddo iddo y cymorth y mae Gweinidogion Cymru wedi penderfynu bod ganddo hawl i'w gael mewn perthynas â'r cwrs y mae'n trosglwyddo oddi arno am weddill y flwyddyn academaidd y mae'n trosglwyddo ynddi.

(4) Caiff Gweinidogion Cymru ailasesu swm y cymorth sy'n daladwy ar ôl y trosglwyddo.

(5) Ni chaiff myfyriwr cymwys sy'n trosglwyddo o dan baragraff (1) ar ôl i Weinidogion Cymru benderfynu ar ei gymorth mewn cysylltiad â blwyddyn academaidd y cwrs y mae'n trosglwyddo oddi wrtho ond cyn iddo gwblhau'r flwyddyn honno wneud cais

Transfer of status

95.—(1) Where an eligible postgraduate student transfers to another postgraduate course, the Welsh Ministers must transfer the student's status as an eligible postgraduate student to that course where —

(a) they receive a request from the eligible postgraduate student to do so;

(b) they are satisfied that one or more of the grounds for transfer in paragraph (2) applies; and

(c) the period of eligibility has not terminated.

(2) The grounds for transfer are —

(a) on the recommendation of the academic authority the eligible postgraduate student starts to undertake another designated postgraduate course at the institution; or

(b) the eligible postgraduate student starts to undertake a designated postgraduate course at another institution.

(3) Subject to paragraph (4), an eligible postgraduate student who transfers under paragraph (1) shall, for the remainder of the academic year in which he or she transfers, continue to receive in connection with the course to which he or she transfers the support for which the Welsh Ministers have determined he or she qualifies in respect of the course from which he or she transfers.

(4) The Welsh Ministers may re-assess the support after the transfer.

(5) An eligible student who transfers under paragraph (1) after the Welsh Ministers have determined his or her support in connection with the academic year of the course from which he or she is transferring but before he or she completes that year

am grant arall o dan y Rhan hon mewn cysylltiad â blwyddyn academaidd y cwrs y mae'n trosglwyddo iddo.

may not apply for another grant under this Part in connection with the academic year of the course to which he or she transfers.

Ceisiadau am gymorth

96.—(1) Rhaid i berson (y "ceisydd") wneud cais am grant o dan y Rhan hon mewn cysylltiad â phob blwyddyn academaidd ar gwrs ôl-radd dynodedig drwy lenwi a chyflwyno i Weinidogion Cymru gais ar unrhyw ffurf a chan ddarparu unrhyw ddogfennau y bydd Gweinidogion Cymru yn gofyn amdanynt.

(2) Rhaid i'r cais gyrraedd Gweinidogion Cymru cyn gynted ag y bo'n rhesymol ymarferol.

(3) Caiff Gweinidogion Cymru gymryd unrhyw gamau a gwneud unrhyw ymholiadau y maent yn ystyried eu bod yn angenrheidiol er mwyn penderfynu a yw'r ceisydd yn fyfyriwr ôl-raddedig cymwys, a oes gan y ceisydd hawl i gael grant a swm y grant sy'n daladwy, os oes grant yn daladwy o gwbl.

(4) Rhaid i Weinidogion Cymru hysbysu'r ceisydd—

(a) P'un a oes gan y ceisydd hawl i gael grant neu beidio;

(b) os oes gan y ceisydd hawl, y swm sy'n daladwy mewn perthynas â'r flwyddyn academaidd, os oes swm yn daladwy o gwbl; ac

(c) sut y dyrennir y swm hwnnw rhwng y mathau o wariant cymwys.

Applications for support

96.—(1) A person (the "applicant") must apply for a grant under this Part in connection with each academic year of a designated postgraduate course by completing and submitting to the Welsh Ministers an application in such form and accompanied by such documentation as the Welsh Ministers may require.

(2) The application must reach the Welsh Ministers as soon as is reasonably practicable.

(3) The Welsh Ministers may take such steps and make such inquiries as they consider necessary to determine whether the applicant is an eligible postgraduate student, whether he or she qualifies for a grant and the amount of grant payable, if any.

(4) The Welsh Ministers must notify the applicant—

(a) whether he or she qualifies for a grant;

(b) if he or she does qualify, the amount payable in respect of the academic year, if any; and

(c) how that amount is allocated between the types of eligible expenditure.

Gwybodaeth

97. Mae Atodlen 3 yn gymwys i roi gwybodaeth.

Information

97. Schedule 3 applies to the provision of information.

Swm grantiau

98.—(1) Yn ddarostyngedig i baragraff (2), grant o dan y Rhan hon yw unrhyw swm sy'n briodol ym marn Gweinidogion Cymru, i gynorthwyo gydag un neu fwy o fathau o wariant cymwys.

(2) Rhaid i'r grant beidio â bod yn fwy na £10,000 mewn perthynas â blwyddyn academaidd.

(3) At ddibenion y Rhan hon, y canlynol yw'r "mathau o wariant cymwys" —

(a) gwariant ar gynorthwyydd nad yw'n gynorthwyydd meddygol;

(b) gwariant ar eitemau mawr o offer arbenigol; a

(c) gwariant ychwanegol a dynnir—

(i) o fewn y Deyrnas Unedig at ddiben mynychu sefydliad;

(ii) o fewn y Deyrnas Unedig neu'r tu allan iddi at ddiben mynychu, fel rhan o'r cwrs, unrhyw gyfnod o astudio mewn sefydliad tramor neu at ddibenion mynychu'r Athrofa.

Amount of grant

98.—(1) Subject to paragraph (2), the grant under this Part is such amount as the Welsh Ministers consider appropriate to assist with one or more types of eligible expenditure.

(2) The grant must not exceed £10,000 in respect of an academic year.

(3) For the purposes of this Part, the "types of eligible expenditure" are—

(a) expenditure on a non-medical helper;

(b) expenditure on major items of specialist equipment; and

(c) additional expenditure incurred—

(i) within the United Kingdom for the purpose of attending the institution;

(ii) within or outside the United Kingdom for the purpose of attending, as part of the course, any period of study at an overseas institution or for the purposes of attending the Institute.

Talu grantiau

99.—(1) Caiff Gweinidogion Cymru dalu grant y mae gan fyfyriwr hawl i'w gael o dan y Rhan hon a hynny mewn unrhyw randaliadau (os oes rhandaliadau) ac ar unrhyw adegau y maent credu eu bod yn briodol ac wrth arfer eu swyddogaethau o dan y Rhan hon fe gânt wneud taliadau dros dro hyd nes y ceir cyfrifiad terfynol swm y grant y mae gan y myfyriwr hawl i'w gael.

(2) Caniateir i daliadau gael eu gwneud mewn unrhyw fodd sy'n briodol ym marn Gweinidogion Cymru a chânt ei gwneud yn un o amodau'r hawlogaeth i gael taliad fod rhaid i'r myfyriwr ôl-raddedig 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.

Gordaliadau

100.—(1) Os bydd Gweinidogion Cymru yn gofyn iddo, rhaid i fyfyriwr ôl-raddedig cymwys ad-dalu unrhyw swm a dalwyd i'r myfyriwr o dan y Rhan hon sydd am ba reswm bynnag yn fwy na swm y grant y mae ganddo hawlogaeth i'w gael o dan y Rhan hon.

(2) Rhaid i Weinidogion Cymru adennill gordaliad o grant o dan y Rhan hon onid ydynt o'r farn nad yw'n briodol i wneud hynny.

(3) Dyma'r dulliau ar gyfer adennill—

(a) tynnu'r gordaliad o unrhyw fath o grant sy'n daladwy i'r myfyriwr o bryd i'w gilydd yn unol â rheoliadau a wnaed gan Weinidogion Cymru o dan adran 22 o'r Ddeddf;

(b) cymryd unrhyw gamau eraill i adennill gordaliad sydd ar gael iddynt.

(4) Mae taliad grant o dan y Rhan hon a wnaed cyn y dyddiad perthnasol yn ordaliad os yw'r myfyriwr yn rhoi'r gorau i'r cwrs cyn y dyddiad perthnasol onid yw Gweinidogion Cymru yn penderfynu fel arall.

(5) Yn y rheoliad hwn, y "dyddiad perthnasol" ("*relevant date*") yw'r dyddiad y mae tymor cyntaf y flwyddyn academaidd dan sylw yn dechrau mewn gwirionedd.

(6) Yn yr amgylchiadau ym mharagraffau (7) a (8), mae gordaliad o grant o dan y Rhan hon onid yw Gweinidogion Cymru yn penderfynu fel arall.

(7) Yr amgylchiadau yw—

(a) mae Gweinidogion Cymru yn cymhwyso'r cyfan neu ran o'r grant o dan y Rhan hon i brynu offer arbenigol ar ran y myfyriwr ôl-raddedig cymwys;

(b) mae cyfnod cymhwystra'r myfyriwr yn dod i ben ar ôl y dyddiad perthnasol; ac

(c) nid yw'r offer wedi'i ddanfon at y myfyriwr

Payment of grant

99.—(1) The Welsh Ministers may pay a grant for which a student qualifies under this Part in such instalments (if any) and at such times as they consider appropriate and in the exercise of their functions under this Part 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 postgraduate 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.

Overpayments

100.—(1) An eligible postgraduate student must, if so required by the Welsh Ministers, repay any amount paid to the student under this Part which for whatever reason exceeds the amount of grant to which he or she is entitled under this Part.

(2) The Welsh Ministers must recover an overpayment of grant under this Part unless they consider it is not appropriate to do so.

(3) The methods of recovery are —

(a) subtracting the overpayment from any kind of grant payable to the student from time to time pursuant to regulations made by the Welsh Ministers under section 22 of the Act;

(b) taking such other action for the recovery of an overpayment as is available to them.

(4) A payment of grant under this Part made before the relevant date is an overpayment if the student withdraws from the course before the relevant date unless the Welsh Ministers decide otherwise.

(5) In this regulation, the "relevant date" ("*dyddiad perthnasol*") is the date on which the first term of the academic year in question actually begins.

(6) In the circumstances in paragraphs (7) and (8), there is an overpayment of grant under this Part unless the Welsh Ministers decide otherwise.

(7) The circumstances are—

(a) the Welsh Ministers apply all or part of the grant under this Part to the purchase of specialist equipment on behalf of the eligible postgraduate student;

(b) the student's period of eligibility terminates after the relevant date; and

(c) the equipment has not been delivered to the

cyn i gyfnod cymhwystra'r myfyriwr ddod i ben.

(8) Yr amgylchiadau yw—

(a) mae cyfnod cymhwystra'r myfyriwr ôl-raddedig cymwys yn dod i ben; a

(b) gwneir taliad grant o dan y Rhan hon mewn perthynas ag offer arbenigol i'r myfyriwr ar ôl i gyfnod cymhwystra'r myfyriwr ddod i ben.

(9) Pan fo gordaliad o grant o dan y Rhan hon, caiff Gweinidogion Cymru dderbyn yn ôl offer arbenigol a brynwyd â'r grant yn fodd i adennill y cyfan neu ran o'r gordaliad os ydynt o'r farn ei bod yn briodol iddynt wneud hynny.

student before the student's period of eligibility terminated.

(8) The circumstances are—

(a) the eligible postgraduate student's period of eligibility terminates; and

(b) a payment of grant under this Part in respect of specialist equipment is made to the student after the student's period of eligibility terminated.

(9) Where there is an overpayment of the grant under this Part, the Welsh Ministers may accept the return of specialist equipment purchased with the grant by way of recovery of all or part of the overpayment if they consider it is appropriate to do so.

Jane 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

7 Mai 2008

7 May 2008

ATODLEN 1

Rheoliadau 4, 62, 79 a 92

Myfyrwyr Cymwys

RHAN 1

Dehongli

1.—(1) At ddibenion yr Atodlen hon —

ystyr "aelod o deulu" ("*family member*") (oni nodir fel arall) yw —

(a) o ran gweithiwr ffin yr AEE, gweithiwr mudol o'r AEE, person hunangyflogedig ffin yr AEE neu berson hunangyflogedig o'r AEE —

(i) ei briod neu ei bartner sifil;

(ii) ei blentyn neu blentyn ei briod neu ei bartner sifil; neu

(iii) perthnasau uniongyrchol dibynnol yn ei linach esgynnol ef neu yn llinach esgynnol ei briod neu ei bartner sifil;

(b) o ran person cyflogedig Swisaidd, person cyflogedig ffin y Swistir, person hunangyflogedig ffin y Swistir neu berson hunangyflogedig Swisaidd—

(i) ei briod neu ei bartner sifil; neu

(ii) ei blentyn neu blentyn ei briod neu ei bartner sifil;

(c) o ran gwladolyn o'r Gymuned Ewropeaidd sy'n dod o fewn Erthygl 7(1)(c) o Gyfarwyddeb 2004/38 —

(i) ei briod neu ei bartner sifil; neu

(ii) ei ddisgynyddion uniongyrchol ef neu ddisgynyddion uniongyrchol ei briod neu ei bartner sifil sydd —

(aa) o dan 21 oed; neu

(bb) yn ddibynyddion iddo ef neu i'w briod neu ei bartner sifil;

(ch) o ran gwladolyn o'r GE sy'n dod o fewn Erthygl 7(1)(b) o Gyfarwyddeb 2004/38 —

(i) ei briod neu ei bartner sifil; neu

(ii) ei ddisgynyddion uniongyrchol ef neu ddisgynyddion uniongyrchol ei briod neu ei bartner sifil sydd —

(aa) o dan 21 oed; neu

(bb) yn ddibynyddion iddo ef neu i'w briod neu ei bartner sifil;

(iii) perthnasau uniongyrchol dibynnol yn ei linach esgynnol ef neu yn llinach esgynnol ei briod neu ei bartner sifil;

SCHEDULE 1

Regulations 4, 62, 79 and 92

Eligible Students

PART 1

Interpretation

1.—(1) For the purposes of this Schedule —

"EEA frontier self-employed person" ("*person hunan-gyflogedig ffin yr 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 his or her residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

"EEA frontier worker" ("*gweithiwr ffin yr 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 his or her residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

"EEA migrant worker" ("*gweithiwr mudol o'r AEE*") means an EEA national who is a worker, other than an EEA frontier worker, in the United Kingdom;

"EEA national" ("*gwladolyn o'r AEE*") means a national of an EEA State other than the United Kingdom;

"EEA self-employed person" ("*person hunan gyflogedig o'rAEE*") means an EEA national who is a self-employed person, other than an EEA frontier self-employed person, in the United Kingdom;

"EEA State" ("*gwladwriaeth AEE*") means a Member State of the European Economic Area;

"employed person" ("*person cyflogedig*") means an employed person within the meaning of Annex 1 to the Swiss Agreement;

"European Economic Area" ("*Ardal Economaidd Ewropeaidd*") means the area comprised by the EEA States;

"family member" ("*aelod o deulu*") means (unless otherwise indicated) —

(a) in relation to an EEA frontier worker, an EEA

(d) o ran gwladolyn o'r Deyrnas Unedig, at ddibenion paragraff 9 —

(i) ei briod neu ei bartner sifil; neu

(ii) ei ddisgynyddion uniongyrchol ef neu ddisgynyddion uniongyrchol ei briod neu ei bartner sifil sydd —

(aa) o dan 21 oed; neu

(bb) yn ddibynyddion iddo ef neu i'w briod neu ei bartner sifil;

ystyr "Ardal Economaidd Ewropeaidd" ("*European Economic Area*") yw'r ardal sydd yn y Gwladwriaethau AEE;

ystyr "Cytundeb y Swistir" ("*Swiss Agreement*") yw'r Cytundeb rhwng y Gymuned Ewropeaidd a'i Haelod-wladwriaethau, o'r naill ran, a Chydffederasiwn y Swistir, o'r rhan arall, ar Symud Rhydd Personau a lofnodwyd yn Lwcsembwrg ar 21 Mehefin 1999(**1**) ac a ddaeth i rym ar 1 Mehefin 2002;

ystyr "gweithiwr" yw "*worker*" o fewn ystyr Erthygl 7 o Gyfarwyddeb 2004/38 neu Gytundeb yr AEE, yn ôl fel y digwydd;

ystyr "gweithiwr mudol o'r AEE " ("*EEA migrant worker*") yw gwladolyn o'r AEE sy'n weithiwr, heblaw gweithiwr ffin yr AEE, yn y Deyrnas Unedig;

ystyr "gweithiwr ffin yr AEE" ("*EEA frontier worker*") yw gwladolyn o'r AEE —

(e) sy'n weithiwr yng Nghymru; a

(f) sy'n preswylio yn y Swistir neu yn nhiriogaeth Gwladwriaeth AEE heblaw'r Deyrnas Unedig ac sy'n dychwelyd i'w breswylfa yn y Swistir neu'r Wladwriaeth AEE honno, yn ôl fel y digwydd, yn ddyddiol neu o leiaf unwaith yr wythnos;

ystyr "gwladolyn AEE" ("*EEA national*") yw gwladolyn o Wladwriaeth yn yr AEE heblaw'r Deyrnas Unedig;

ystyr "Gwladwriaeth AEE" ("*EEA State*") yw Aelod-wladwriaeth o'r Ardal Economaidd Ewropeaidd;

ystyr "person cyflogedig" ("*employed person*") yw person cyflogedig o fewn ystyr Atodiad 1 i Gytundeb y Swistir;

ystyr "person cyflogedig Swisaidd" ("*Swiss employed person*") yw gwladolyn Swisaidd sy'n berson cyflogedig, heblaw person cyflogedig ffin y Swistir, yn y Deyrnas Unedig;

ystyr "person cyflogedig ffin y Swistir" ("*Swiss frontier employed person*") yw gwladolyn Swisaidd sydd —

(a) yn berson cyflogedig yng Nghymru; a

migrant worker, an EEA frontier self-employed person or an EEA self-employed person —

(i) his or her spouse or civil partner;

(ii) his or her child or the child of his or her spouse or civil partner; or

(iii) dependent direct relatives in his or her ascending line or that of his or her spouse or civil partner;

(b) in relation to a Swiss employed person, a Swiss frontier employed person, a Swiss frontier self-employed person or a Swiss self-employed person —

(i) his or her spouse or civil partner; or

(ii) his or her child or the child of his or her spouse or civil partner;

(c) in relation to an EC national who falls within Article 7(1)(c) of Directive 2004/38 —

(i) his or her spouse or civil partner; or

(ii) direct descendants of his or her or of his or her spouse or civil partner who are—

(aa) under the age of 21; or

(bb) dependants of his or her or of his or her spouse or civil partner;

(d) in relation to an EC national who falls within Article 7(1)(b) of Directive 2004/38 —

(i) his or her spouse or civil partner; or

(ii) direct descendants of his or her or of his or her spouse or civil partner who are—

(aa) under the age of 21; or

(bb) dependants of his or her or of his or her spouse or civil partner;

(iii) dependent direct relatives in his or her ascending line or that of his or her spouse or civil partner;

(e) in relation to a United Kingdom national, for the purposes of paragraph 9 —

(i) his or her spouse or civil partner; or

(ii) direct descendants of his or her or of his or her spouse or civil partner who are—

(aa) under the age of 21; or

(bb) dependants of his or her or of his or her spouse or civil partner;

"self—employed person" ("*person hunan-gyflogedig*") 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;

(**1**) Cm. 4904.

(b) yn preswylio yn y Swistir neu yn nhiriogaeth Gwladwriaeth AEE heblaw'r Deyrnas Unedig ac sy'n dychwelyd i'w breswylfa yn y Swistir neu'r Wladwriaeth AEE honno, yn ôl fel y digwydd, yn ddyddiol neu o leiaf unwaith yr wythnos;

ystyr "person hunangyflogedig" ("*self-employed person*") yw —

(a) o ran gwladolyn o'r AEE, person sy'n hunangyflogedig o fewn ystyr erthygl 7 o Gyfarwyddeb 2004/38 neu Gytundeb yr AEE, yn ôl fel y digwydd; neu

(b) o ran gwladolyn Swisaidd, person sy'n berson hunangyflogedig o fewn ystyr Atodiad 1 i Gytundeb y Swistir;

ystyr "person hunangyflogedig o'r AEE" ("*EEA self-employed person*") yw gwladolyn o'r AEE sy'n berson hunangyflogedig, heblaw person hunangyflogedig ffin yr AEE, yn y Deyrnas Unedig;

ystyr "person hunangyflogedig ffin yr AEE" ("*EEA frontier self-employed person*") yw gwladolyn o'r AEE sydd —

(a) yn berson hunangyflogedig yng Nghymru; a

(b) yn preswylio yn y Swistir neu yn nhiriogaeth Gwladwriaeth AEE heblaw'r Deyrnas Unedig ac sy'n dychwelyd i'w breswylfa yn y Swistir neu'r Wladwriaeth AEE honno, yn ôl fel y digwydd, yn ddyddiol neu o leiaf unwaith yr wythnos;

ystyr "person hunangyflogedig Swisaidd" ("*Swiss self-employed person*") yw gwladolyn Swisaidd sy'n berson hunangyflogedig, heblaw person hunangyflogedig ffin y Swistir, yn y Deyrnas Unedig;

ystyr "person hunangyflogedig ffin y Swistir" ("*Swiss frontier self-employed person*") yw gwladolyn Swisaidd sydd —

(a) yn berson hunangyflogedig yng Nghymru; a

(b) yn preswylio yn y Swistir neu yn nhiriogaeth Gwladwriaeth EEA heblaw'r Deyrnas Unedig ac sy'n dychwelyd i'w breswylfa yn y Swistir neu'r Wladwriaeth EEA honno, yn ôl fel y digwydd, yn ddyddiol neu o leiaf unwaith yr wythnos;

mae i "wedi setlo" yr ystyr a roddir i "*settled*" gan adran 33(2A) o Ddeddf Mewnfudo 1971(**1**).

(2) At ddibenion yr Atodlen hon, mae "rhiant" ("*parent*") yn cynnwys gwarcheidwad, unrhyw berson arall sydd â chyfrifoldeb rhiant dros blentyn ac unrhyw berson sydd â gofal am blentyn ac mae "plentyn" ("*child*") i'w ddehongli yn unol â hynny.

"settled" ("*wedi setlo*") has the meaning given by section 33(2A) of the Immigration Act 1971(**1**);

"Swiss Agreement" ("*Cytundeb y Swistir*") means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation of the other, on the Free Movement of Persons signed at Luxembourg on 21st June 1999(**2**) and which came into force on 1st June 2002;

"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 hunan - gyflogedig ffin y Swistir*") 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 his or her residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

"Swiss frontier self-employed person" ("*person hunan-gyflogedig ffin y Swistir*") 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 his or her residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

"Swiss self-employed person" ("*person hunan-gyflogedig o'r Swistir*") means a Swiss national who is a self-employed person, other than a Swiss frontier self-employed person, in the United Kingdom;

"worker" ("*gweithiwr*") means a worker within the meaning of article 7 of Directive 2004/38 or the EEA Agreement, as the case may be;

(2) For the purposes of this Schedule, "parent" ("*rhiant*") includes a guardian, any other person having parental responsibility for a child and any person having care of a child and "child" ("*plentyn*") is to be construed accordingly.

(**1**) 1971 p. 77; mewnosodwyd adran 33(2A) gan baragraff 7 o Atodlen 4 i Ddeddf Cenedligrwydd Prydeinig 1981 (p. 61).

(**1**) 1971 c. 77; section 33(2A) was inserted by paragraph 7 of Schedule 4 to the British Nationality Act 1981 (c. 61).

(**2**) Cm. 4904.

(3) At ddibenion yr Atodlen hon, mae person sy'n preswylio'n arferol yng Nghymru, Lloegr, yr Alban, Gogledd Iwerddon neu yn yr Ynysoedd, o ganlyniad i fod wedi symud o un arall o'r ardaloedd hynny at ddiben ymgymryd ag—

(a) y cwrs presennol; neu

(b) a diystyru unrhyw wyliau yn y cyfamser, cwrs yr ymgymerodd y myfyriwr ag ef yn syth cyn ymgymryd â'r cwrs presennol,

i'w ystyried yn berson sy'n preswylio'n arferol yn y lle y mae wedi symud ohono.

(4) At ddibenion yr Atodlen hon, mae person i gael ei drin fel rhywun sy'n preswylio fel arfer yng Nghymru, y Deyrnas Unedig a'r Ynysoedd neu yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd y Swistir a Thwrci pe bai wedi bod yn preswylio felly oni bai am y ffaith bod —

(a) y person hwnnw;

(b) ei briod neu ei bartner sifil;

(c) ei riant; neu

(ch) yn achos perthynas uniongyrchol dibynnol yn y llinach esgynnol, ei blentyn ef neu blentyn ei briod neu ei bartner sifil,

yn gyflogedig dros dro neu wedi bod yn gyflogedig dros dro y tu allan i Gymru, y Deyrnas Unedig a'r Ynysoedd neu, yn ôl fel y digwydd, y tu allan i'r diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir.

(5) At ddibenion is-baragraff (3), mae cyflogaeth dros dro y tu allan i Gymru, y Deyrnas Unedig a'r Ynysoedd neu'r diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd y Swistir a Thwrci yn cynnwys —

(a) yn achos aelodau o luoedd rheolaidd y llynges, y fyddin neu'r llu awyr y Goron, unrhyw gyfnod pan fyddant yn gwasanaethu y tu allan i'r Deyrnas Unedig fel aelodau o'r cyfryw luoedd; a

(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 Ardal Economaidd Ewropeaidd a'r Swistir fel aelodau o'r cyfryw luoedd; ac

(c) yn achos aelodau o luoedd arfog rheolaidd Twrci, unrhyw gyfnod pan fyddant yn gwasanaethu y tu allan i'r diriogaeth sydd yn ffurfio'r Ardal Economaidd Ewropeaidd, y Swistir a Thwrci fel aelodau o'r cyfryw luoedd.

(6) At ddibenion yr Atodlen hon mae ardal —

(a) nad oedd gynt yn rhan o'r Gymuned Ewropeaidd neu'r Ardal Economaidd Ewropeaidd; ond

(b) sydd ar unrhyw adeg cyn neu ar ôl i'r

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

(a) the present course; or

(b) a course which, disregarding any intervening vacation, the student undertook immediately before undertaking the present course,

is to be considered to be ordinarily resident in the place from which he or she moved.

(4) For the purposes of this Schedule, a person is to be treated as ordinarily resident in Wales, the United Kingdom and Islands or in the territory comprising the European Economic Area Switzerland and Turkey if he or she would have been so resident but for the fact that —

(a) he or she;

(b) his or her spouse or civil partner;

(c) his or her parent; or

(d) in the case of a dependent direct relative in the ascending line, his or her child or child's spouse or civil partner,

is or was temporarily employed outside Wales, the United Kingdom and Islands or, as the case may be, outside the territory comprising the European Economic Area and Switzerland.

(5) For the purposes of sub-paragraph (3), temporary employment outside Wales, the United Kingdom and Islands or the territory comprising the European Economic Area, Switzerland and Turkey includes —

(a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces; and

(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 European Economic Area and Switzerland as members of such forces; and

(c) in the case of members of the regular armed forces of Turkey, any period which they serve outside of the territory comprising the European Economic Area, Switzerland and Turkey as members of such forces.

(6) For the purposes of this Schedule an area which —

(a) was previously not part of the European Community or the European Economic Area; but

(b) at any time before or after these Regulations

Rheoliadau hyn ddod i rym wedi dod yn rhan o'r naill neu'r llall, neu o'r ddwy, o'r ardaloedd hyn,

i'w hystyried fel pe bai wastad wedi bod yn rhan o'r Ardal Economaidd Ewropeaidd.

come into force has become part of one or other or both of these areas,

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

RHAN 2

Categorïau

Personau sydd wedi setlo yn y Deyrnas Unedig

2.—(1) Person sydd ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs —

(a) wedi setlo yn y Deyrnas Unedig heblaw am y rheswm ei fod wedi ennill yr hawl i breswylio'n barhaol;

(b) yn preswylio fel arfer yng Nghymru;

(c) wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac

(ch) yn ddarostyngedig i is-baragraff (2), na fu'n preswylio yn y Deyrnas Unedig a'r Ynysoedd yn ystod unrhyw ran o'r cyfnod y cyfeirir ato ym mharagraff (c) yn gyfan gwbl neu'n bennaf er mwyn derbyn addysg amser-llawn.

(2) Nid yw paragraff (ch) o is-baragraff (1) yn gymwys i berson yr ymdrinnir ag ef fel rhywun sy'n preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd yn unol â pharagraff 1(4).

3. Person —

(a) sydd wedi setlo yn y Deyrnas Unedig yn rhinwedd y ffaith ei fod wedi ennill yr hawl i breswylio'n barhaol;

(b) sy'n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;

(c) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac

(ch) mewn achos lle'r oedd y preswylio y cyfeirir ato ym mharagraff (c) yn gyfan gwbl neu'n bennaf er mwyn derbyn addysg amser-llawn, a oedd yn preswylio fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir yn union cyn y cyfnod preswylio arferol y cyfeirir ato ym mharagraff (c).

Ffoaduriaid ac aelodau o'u teuluoedd

4.-(1) Person —

(a) sy'n ffoadur;

PART 2

Categories

Persons who are settled in the United Kingdom

2.—(1) A person who on the first day of the first academic year of the course —

(a) is settled in the United Kingdom other than by reason of having acquired the right of permanent residence;

(b) is ordinarily resident in Wales;

(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) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands 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.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(4).

3. 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) in a case where his or her 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 European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

Refugees and their family members

4.-(1) A person who —

(a) is a refugee;

(b) sy'n preswylio'n arferol yn y Deyrnas Unedig a'r Ynysoedd ac nad yw wedi peidio â phreswylio felly ers iddo gael ei gydnabod yn ffoadur; ac

(c) sy'n preswylio'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(2) Person—

(a) sy'n briod neu'n bartner sifil i'r ffoadur;

(b) oedd yn briod neu'n bartner sifil i'r ffoadur ar y dyddiad y gwnaeth y ffoadur ei gais am loches;

(c) sy'n preswylio'n arferol yn y Deyrnas Unedig a'r Ynysoedd ac nad yw wedi peidio â bod yn preswylio felly ers iddo gael caniatâd i aros yn y Deyrnas Unedig; ac

(ch) sy'n preswylio'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd 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 ei gais am loches, 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) oedd o dan 18 oed ar y dyddiad y gwnaeth y ffoadur ei gais am loches;

(ch) sy'n preswylio'n arferol yn y Deyrnas Unedig a'r Ynysoedd ac nad yw wedi peidio â bod yn preswylio felly ers iddo gael caniatâd i aros yn y Deyrnas Unedig; a

(d) sy'n preswylio'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

Personau â chaniatâd i ddod i mewn neu i aros ac aelodau o'u teuluoedd

5.-(1) Person—

(a) â chaniatâd i ddod i mewn neu i aros;

(b) sy'n preswylio'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; a

(c) sydd wedi bod yn preswylio'n arferol yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(2) Person—

(a) sy'n briod neu'n bartner sifil i berson â chaniatâd i ddod i mewn neu i aros;

(b) oedd yn briod neu'n bartner sifil i'r person â chaniatâd i ddod i mewn neu i aros ar y

(b) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since he or she 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 his or her application for asylum;

(c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since he or she was 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 his or her 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 on the date on which the refugee made his or her application for asylum;

(d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since he or she was 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.

Persons with leave to enter or remain and their family members

5.—(1) A person—

(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

dyddiad y gwnaeth y person hwnnw ei gais am loches;

(c) sy'n preswylio'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac

(ch) sydd wedi bod yn preswylio'n arferol yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(3) Person—

(a) sy'n blentyn i berson â chaniatâd i ddod i mewn neu i aros neu sy'n blentyn i briod neu i bartner sifil person â chaniatâd i ddod i mewn neu i aros;

(b) oedd, ar y dyddiad y gwnaeth y person â chaniatâd i ddod i mewn neu i aros ei gais am loches, yn blentyn i'r person hwnnw neu'n blentyn i berson oedd yn briod neu'n bartner sifil i'r person â chaniatâd i ddod i mewn neu i aros ar y dyddiad hwnnw;

(c) oedd o dan 18 oed ar y dyddiad y gwnaeth y person â chaniatâd i ddod i mewn neu i aros ei gais am loches;

(ch) sy'n preswylio'n arferol yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; a

(d) sydd wedi bod yn preswylio'n arferol yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

Gweithwyr, personau cyflogedig, personau hunangyflogedig ac aelodau o'u teulu

6.—(1) Person —

(a) sydd —

(i) yn weithiwr mudol o'r AEE neu yn berson hunangyflogedig o'r AEE;

(ii) yn berson cyflogedig Swisaidd neu'n berson hunangyflogedig Swisaidd;

(iii) yn aelod o deulu person a grybwyllir ym mharagraff (i) neu (ii);

(iv) yn weithiwr ffin yr AEE neu yn berson hunangyflogedig ffin yr AEE;

(v) yn berson cyflogedig ffin y Swistir neu'n berson hunangyflogedig ffin y Swistir; neu

(vi) yn aelod o deulu person a grybwyllir ym mharagraff (iv) neu (v);

(b) yn ddarostyngedig i is-baragraff (2), sy'n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac

(c) sydd wedi bod yn preswylio fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn

date on which that person made his or her application for asylum;

(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 his or her application for asylum, 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 was under 18 on the date on which the person with leave to enter or remain made his or her application for asylum;

(d) who is ordinarily resident in Wales on the first day of the first academic year of the course; and

(e) 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.

Workers, employed persons, self-employed persons and their family members

6.—(1) A person who—

(a) is —

(i) an EEA migrant worker or an EEA self-employed person;

(ii) a Swiss employed person or a Swiss self-employed person;

(iii) a family member of a person mentioned in paragraph (i) or (ii);

(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; or

(vi) a family member of a person mentioned in paragraph (iv) or (v);

(b) subject to sub-paragraph (2), 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 European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic

academaidd gyntaf y cwrs.

(2) Nid yw paragraff (b) o is-baragraff (1) yn gymwys os yw'r person sy'n gwneud cais am gymorth yn syrthio o fewn paragraff (a)(iv), (v) neu (vi) o is-baragraff (1).

7. Person sydd —

(a) yn preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;

(b) wedi bod yn preswylio fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac

(c) â hawlogaeth i gael cymorth yn rhinwedd Erthygl 12 o Reoliad y Cyngor (EEC) Rhif 1612/68 ar ryddid gweithwyr i symud(**1**), fel y'i hestynnwyd gan Gytundeb yr AEE (**2**).

Personau sydd wedi setlo yn y Deyrnas Unedig ac sydd wedi arfer hawl i breswylio yn rhywle arall

8.—(1) Person —

(a) sydd wedi setlo yn y Deyrnas Unedig;

(b) sydd wedi ymadael â'r Deyrnas Unedig ac wedi arfer hawl i breswylio ar ôl iddo fod wedi setlo yn y Deyrnas Unedig;

(c) sy'n preswylio fel arfer yng Nghymru ar y diwrnod y mae tymor cyntaf y flwyddyn academaidd gyntaf mewn gwirionedd yn dechrau;

(ch) sydd wedi bod yn preswylio fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; a

(d) mewn achos lle'r oedd y preswylio arferol y cyfeirir ato ym mharagraff (ch) yn gyfan gwbl neu'n bennaf er mwyn derbyn addysg amser-llawn, a oedd yn preswylio fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir yn union cyn y cyfnod preswylio arferol y cyfeirir ato ym mharagraff (ch).

(2) At ddibenion y paragraff hwn, mae person wedi arfer hawl i breswylio os yw'n wladolyn o'r Deyrnas Unedig, 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'n berson sydd â hawl i breswylio'n barhaol sydd ym mhob achos wedi arfer

year of the course.

(2) Paragraph (b) of sub-paragraph (1) does not apply where the person applying for support falls within paragraph (a)(iv), (v) or (vi) of sub-paragraph (1).

7. 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 European Economic Area 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 12 of Council Regulation (EEC) No. 1612/68 on the freedom of movement of workers(**1**), as extended by the EEA Agreement(**2**).

Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere

8.—(1) A person who—

(a) is settled in the United Kingdom;

(b) left the United Kingdom and exercised a right of residence after having been settled in the United Kingdom;

(c) is ordinarily resident in Wales on the day on which the first term of the first academic year actually begins;

(d) has been ordinarily resident in the territory comprising the European Economic Area 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 his or her 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 European Economic Area 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 he or she is a United Kingdom national, 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 a person who has a right of permanent residence who in each

(**1**) OJ Rhif L257, 19.10.1968, t.2 (OJ/D-Dn 1968 (II) t.475).

(**2**) ystyr "Cytundeb yr AEE" ("EEA Agreement") yw'r Cytundeb ar yr Ardal Economaidd Ewropeaidd a lofnodwyd yn Oporto ar 2 Mai 1992(Cm 2073,) fel y'i haddaswyd gan y Protocol a lofnodwyd ym Mrwsel ar 17 Mawrth 1993(Cm 2183);

(**1**) OJ No L257, 19.10.1968, p2 (OJ/SE 1968 (II) p475).

(**2**) means the Agreement on the European Economic Area signed at Oporto on 2 May 1992 (Cm 2073), as adjusted by the Protocol signed at Brussels on 17 March 1993 (Cm 2183).

hawl o dan Erthygl 7 o Gyfarwyddeb 2004/38 neu unrhyw hawl gyfatebol o dan Gytundeb yr AEE neu Gytundeb y Swistir mewn gwladwriaeth heblaw'r Deyrnas Unedig neu, yn achos person sydd wedi setlo yn y Deyrnas Unedig ac sydd â hawl i breswylio'n barhaol, os yw'n mynd i'r wladwriaeth o fewn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir y mae'n wladolyn ohoni neu y mae'r person y mae'n aelod o'i deulu yn wladolyn ohoni.

case 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 or, in the case of a person who is settled in the United Kingdom and has a right of permanent residence, if he or she goes to the state within the territory comprising the European Economic Area and Switzerland of which he or she is a national or of which the person in relation to whom he or she is a family member is a national.

Gwladolion o'r GE

9.—(1) Person —

(a) sydd naill ai —

(i) yn wladolyn o'r GE ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; neu

(ii) yn aelod o deulu person o'r fath;

(b) sydd —

(i) yn mynychu cwrs dynodedig yng Nghymru; neu

(ii) yn ymgymryd â chwrs rhan-amser dynodedig neu gwrs ôl-radd dynodedig yng Nghymru;

(c) wedi bod yn preswylio fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac

(ch) yn ddarostyngedig i is-baragraff (2), na fu'n preswylio fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir yn ystod unrhyw ran o'r cyfnod y cyfeirir ato ym mharagraff (c) yn gyfan gwbl neu'n bennaf er mwyn derbyn addysg amser-llawn.

(2) Nid yw paragraff (ch) o is-baragraff (1) yn gymwys i berson yr ymdrinnir ag ef fel rhywun sy'n preswylio fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir yn unol â pharagraff 1(4).

(3) Os yw gwladwriaeth yn ymaelodi â'r Gymuned Ewropeaidd ar ôl diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs a bod person yn wladolyn o'r wladwriaeth honno neu'n aelod o deulu gwladolyn o'r wladwriaeth honno, trinnir y gofyniad ym mharagraff (a) o is-baragraff (1) bod rhywun yn wladolyn o'r GE ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs fel gofyniad sydd wedi'i fodloni.

EC nationals

9.—(1) A person who —

(a) is either —

(i) an EC national on the first day of the first academic year of the course; or

(ii) a family member of a such a person;

(b) is —

(i) attending a designated course in Wales; or

(ii) undertaking a designated part-time course or designated postgraduate course in Wales;

(c) has been ordinarily resident in the territory comprising the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and

(d) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the European Economic Area 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.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the European Economic Area and Switzerland in accordance with paragraph 1(4).

(3) Where a state accedes to the European Community after the first day of the first academic year of the course and a person is a national of that state or the family member of a national of that state, the requirement in paragraph (a) of sub-paragraph (1) to be an EC national on the first day of the first academic year of the course is treated as being satisfied.

10.—(1) Person —

(a) sy'n wladolyn o'r GE heblaw gwladolyn o'r Deyrnas Unedig ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;

(b) sy'n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;

10.—(1) A person who—

(a) is an EC 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) sydd wedi bod yn preswylio 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; ac

(ch) mewn achos lle'r oedd y preswylio arferol y cyfeirir ato ym mharagraff (c) yn gyfan gwbl neu'n bennaf er mwyn derbyn addysg amser-llawn, a oedd yn preswylio fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir yn union cyn y cyfnod preswylio arferol y cyfeirir ato ym mharagraff (c).

(2) Os yw gwladwriaeth yn ymaelodi â'r Gymuned Ewropeaidd ar ôl diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs a bod person yn wladolyn o'r wladwriaeth honno, trinnir y gofyniad ym mharagraff (a) o is-baragraff (1) bod rhywun yn wladolyn o'r GE heblaw gwladolyn o'r Deyrnas Unedig ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs fel gofyniad sydd wedi'i fodloni.

Plant gwladolion Swisaidd

11. Person —

(a) sy'n blentyn i wladolyn Swisaidd y mae ganddo hawl i gael cymorth yn y Deyrnas Unedig yn rhinwedd Erthygl 3(6) o Atodiad 1 i Gytundeb y Swistir;

(b) sy'n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;

(c) sydd wedi bod yn preswylio fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac

(ch) mewn achos lle'r oedd y preswylio arferol y cyfeirir ato ym mharagraff (c) yn gyfan gwbl neu'n bennaf er mwyn derbyn addysg amser-llawn, a oedd yn preswylio fel arfer yn y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir yn union cyn y cyfnod preswylio arferol y cyfeirir ato ym mharagraff (c).

Plant gweithwyr Twrcaidd

12. Person—

(a) sydd yn blentyn i weithiwr Twrcaidd;

(b) sydd fel arfer yn preswylio yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac

(c) sydd wedi preswylio fel arfer yn y diriogaeth sydd yn ffurfio'r Ardal Economaidd Ewropeaidd, y Swistir a Thwrci drwy'r cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(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 his or her 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 European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

(2) Where a state accedes to the European Community after the first day of the first academic year of the course and a person is a national of that state, the requirement in paragraph (a) of sub-paragraph (1) to be an EC national other than a United Kingdom national on the first day of the first academic year of the course is treated as being satisfied.

Children of Swiss nationals

11. 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 European Economic Area 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 his or her 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 European Economic Area and Switzerland immediately prior to the period of ordinary residence referred to in paragraph (c).

Children of Turkish workers

12. 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 European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.

ATODLEN 2

Rheoliadau 5, 64 ac 80

CYRSIAU DYNODEDIG

1. Cwrs gradd gyntaf.

2. Cwrs ar gyfer y Ddiploma Addysg Uwch.

3. Cwrs ar gyfer Diploma Genedlaethol Uwch neu Dystysgrif Genedlaethol Uwch y canlynol —

(a) Cyngor Addysg Busnes a Thechnegwyr; neu

(b) Awdurdod Cymwysterau'r Alban.

4. Cwrs ar gyfer tystysgrif Addysg Uwch.

5. Cwrs ar gyfer hyfforddiant cychwynnol athrawon.

6. Cwrs o hyfforddiant pellach i weithwyr ieuenctid a chymuned.

7. Cwrs i baratoi at arholiad proffesiynol o safon sy'n uwch na'r canlynol —

(a) yr arholiad safon uwch ar gyfer y Dystysgrif Addysg Gyffredinol neu'r arholiad lefel uwch ar gyfer Tystysgrif Addysg yr Alban; neu

(b) yr arholiad ar gyfer Tystysgrif Genedlaethol neu Ddiploma Genedlaethol y naill neu'r llall o'r cyrff a grybwyllwyd ym mharagraff 3,

nad yw'n gwrs y mae angen gradd gyntaf (neu gymhwyster cyfatebol) i gael mynediad iddo fel rheol.

8. Cwrs—

(a) sy'n darparu addysg (boed i baratoi at arholiad neu beidio) y mae ei safon yn uwch na safon cyrsiau sy'n darparu addysg i baratoi at unrhyw un o'r arholiadau a grybwyllwyd ym mharagraff 7(a) neu (b) ond heb fod yn uwch na chwrs gradd gyntaf; a

(b) nad oes angen gradd gyntaf (neu gymhwyster cyfatebol) i gael mynediad iddo fel rheol.

ATODLEN 3

Rheoliadau 11, 72, 86 a 97

GWYBODAETH

1. Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael cais am wneud hynny, rhaid i bob ceisydd, pob myfyriwr cymwys, pob myfyriwr rhan-amser cymwys a phob myfyriwr ôl-raddedig cymwys roi i Weinidogion Cymru unrhyw wybodaeth y mae Gweinidogion Cymru yn credu bod arnynt ei hangen at ddibenion y Rheoliadau hyn.

SCHEDULE 2

Regulations 5, 64 and 80

DESIGNATED COURSES

1. A first degree course.

2. A course for the Diploma of Higher Education.

3. A course for the Higher National Diploma or Higher National Certificate of —

(a) the Business & Technician Education Council; or

(b) the Scottish Qualification Authority.

4. A course for the certificate of Higher Education.

5. A course for the initial training of teachers.

6. A course for the further training of youth and community workers.

7. A course in preparation for a professional examination of a standard higher than that of —

(a) examination at advanced level for the General Certificate of Education or the examination at higher level for the Scottish Certificate of Education; or

(b) the examination for the National Certificate or the National Diploma of either of the bodies mentioned in paragraph 3,

not being a course for entry to which a first degree (or equivalent qualification) is normally required.

8. A course—

(a) providing education (whether or not in preparation for an examination) the standard of which is higher than that of courses providing education in preparation for any of the examinations mentioned in paragraph 7(a) or (b) but not higher than that of a first degree course; and

(b) for entry to which a first degree (or equivalent qualification) is not normally required.

SCHEDULE 3

Regulations 11, 72, 86 and 97

INFORMATION

1. Every applicant, eligible student, eligible part-time student and eligible postgraduate student must, as soon as reasonably practicable after he or she is requested to do so, provide the Welsh Ministers with such information as the Welsh Ministers consider they require for the purposes of these Regulations.

2. Rhaid i bob ceisydd, pob myfyriwr cymwys, pob myfyriwr rhan-amser cymwys a phob myfyriwr ôl-raddedig cymwys roi gwybod ar unwaith i Weinidogion Cymru a rhoi'r manylion iddynt os bydd unrhyw rai o'r canlynol yn digwydd —

(a) ei fod yn tynnu'n ôl o'i gwrs, yn cefnu arno neu'n cael ei ddiarddel oddi arno;

(b) ei fod yn trosglwyddo i unrhyw gwrs arall yn yr un sefydliad neu mewn sefydliad gwahanol;

(c) ei fod yn rhoi'r gorau i ymgymryd â'i gwrs ac nad yw'n bwriadu parhau ag ef am weddill y flwyddyn academaidd neu nad yw'n cael caniatâd i barhau ag ef am weddill y flwyddyn academaidd;

(ch) ei fod yn absennol o'i gwrs am fwy na 60 diwrnod oherwydd salwch neu am unrhyw gyfnod am unrhyw reswm arall;

(d) bod y mis ar gyfer dechrau'r cwrs neu ei gwblhau yn newid;

(dd) bod ei gyfeiriad neu ei rif ffôn gartref neu yn ystod y tymor yn newid.

3. Rhaid i'r wybodaeth a roddir i Weinidogion Cymru o dan y Rheoliadau hyn fod yn y ffurf y gofynnir amdani gan Weinidogion Cymru ac, os ydynt yn gofyn bod yr wybodaeth yn cael ei llofnodi gan y person sy'n ei rhoi, caniateir i lofnod electronig ar unrhyw ffurf a bennir gan Weinidogion Cymru fodloni'r gofyniad hwnnw.

2. Every applicant, eligible student, eligible part-time student and eligible postgraduate student must forthwith inform the Welsh Ministers and provide them with particulars if any of the following occurs —

(a) he or she withdraws from, abandons or is expelled from his or her course;

(b) he or she transfers to any other course at the same or at a different institution;

(c) he or she ceases to undertake his or her course and does not intend to or is not permitted to continue it for the remainder of the academic year;

(d) he or she is absent from his or her course for more than 60 days due to illness or for any period for any other reason;

(e) the month for the start or completion of the course changes;

(f) his or her home or term-time address or telephone number changes.

3. Information provided to the Welsh Ministers under these Regulations must be in the format that the Welsh Ministers require and, if they require the information to be signed by the person providing it, an electronic signature in such form as the Welsh Ministers may specify satisfies such a requirement.

ATODLEN 4

Rheoliad 52

BENTHYCIADAU AT FFIOEDD COLEG

Y benthyciadau at ffioedd coleg sydd ar gael

1. Mae gan berson hawl i gael benthyciad at ffioedd coleg mewn cysylltiad â'i bresenoldeb ar gwrs cymhwysol yn unol â'r Atodlen hon.

2. Mae gan berson hawl i gael benthyciad at ffioedd coleg os yw'n bodloni'r amodau canlynol—

(a) ei fod yn fyfyriwr cymwys na chafodd ei wahardd rhag bod â hawl gan baragraff 3;

(b) bod ganddo radd anrhydedd o sefydliad yn y Deyrnas Unedig;

(c) ei fod yn cymryd cwrs cymhwysol—

(i) sy'n cychwyn ar neu ar ôl 1 Medi 2006 ac y bydd y myfyriwr yn parhau i'w fynychu ar ôl 31 Awst 2008; neu

(ii) sy'n cychwyn ar neu ar ôl 1 Medi 2008;

(ch) ei fod yn aelod o goleg neu neuadd breifat barhaol ym Mhrifysgol Rhydychen neu'n aelod o goleg ym Mhrifysgol Caergrawnt;

SCHEDULE 4

Regulation 52

COLLEGE FEE LOANS

Availability of college fee loans

1. A person qualifies for a college fee loan in connection with his or her attendance on a qualifying course in accordance with this Schedule.

2. A person qualifies for a college fee loan if he or she meets the following conditions—

(a) he or she is an eligible student who is not excluded from qualifying by paragraph 3;

(b) he or she has an honours degree from an institution in the United Kingdom;

(c) he or she is taking a qualifying course which he or she—

(i) starts on or after 1 September 2006 and on which he or she is continuing after 31 August 2008; or

(ii) starts on or after 1 September 2008;

(d) he or she is a member of a college or a permanent private hall of the University of Oxford or a member of a college of the University of Cambridge;

(d) ei fod o dan 60 oed ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs cymhwysol; ac

(e) nad oes dim o'r amgylchiadau yn rheoliad 4(3) yn gymwys iddo.

3. Nid oes gan fyfyriwr cymwys sy'n dod o fewn paragraff 9 o Ran 2 Atodlen 1 hawl i gael benthyciad at ffioedd coleg o dan y Rheoliadau hyn os yw'n preswylio fel arfer yn Lloegr, yr Alban neu Ogledd Iwerddon.

Myfyrwyr anabl

4. Ymdrinnir â myfyriwr anabl sy'n ymgymryd â chwrs cymhwysol yn y Deyrnas Unedig ond heb fod yn bresennol arno oherwydd ei fod yn anabl i fod yn bresennol am reswm sy'n ymwneud â'i anabledd fel pe bai'n bresennol ar y cwrs cymhwysol at y diben o gymhwyso ar gyfer benthyciad at ffioedd coleg.

Myfyrwyr sy'n dod yn gymwys yn ystod blwyddyn academaidd

5. Os bydd un o'r digwyddiadau a restrir ym mharagraff 6 yn digwydd yn ystod blwyddyn academaidd —

(a) gall myfyriwr gael yr hawl i gael benthyciad at ffioedd coleg yn unol â'r Atodlen hon mewn perthynas â'r flwyddyn academaidd honno ar yr amod bod y digwyddiad perthnasol wedi digwydd yn ystod tri mis cyntaf y flwyddyn academaidd; a

(b) nid oes benthyciad at ffioedd coleg ar gael mewn perthynas ag unrhyw flwyddyn academaidd sy'n dechrau cyn y flwyddyn academaidd y digwyddodd y digwyddiad perthnasol ynddi.

6. Y digwyddiadau yw —

(a) bod y myfyriwr, ei briod, ei bartner sifil neu ei riant yn cael ei gydnabod fel ffoadur neu yn dod yn berson sydd â chaniatâd i ddod i mewn neu i aros;

(b) bod gwladwriaeth yn ymaelodi â'r Gymuned Ewropeaidd os yw'r myfyriwr yn wladolyn o'r wladwriaeth honno neu'n aelod o deulu (fel y'i diffinnir yn Rhan 1 o Atodlen 1) gwladolyn o'r wladwriaeth honno;

(c) bod y myfyriwr yn dod yn aelod o deulu (fel y'i diffinnir yn Rhan 1 o Atodlen 1) gwladolyn o'r GE;

(ch) bod y myfyriwr yn ennill yr hawl i breswylio'n barhaol;

(d) bod y myfyriwr yn dod yn blentyn i weithiwr Twrcaidd;

(dd) bod y myfyriwr yn dod yn berson a ddisgrifir ym mharagraff 6(1)(a) o Atodlen 1;

(e) bod y myfyriwr yn dod yn blentyn i wladolyn

(e) he or she is under the age of 60 on the first day of the first academic year of the qualifying course; and

(f) none of the circumstances in regulation 4(3) apply to him or her.

3. An eligible student who falls within paragraph 9 of Part 2 of Schedule 1 does not qualify for a college fee loan under these Regulations if he or she is ordinarily resident in England, Scotland or Northern Ireland.

Disabled students

4. A disabled student who is undertaking a qualifying course in the United Kingdom but who is not in attendance because he or she is not able to attend for a reason which relates to his or her disability is treated as if he or she were in attendance on the qualifying course for the purpose of qualifying for the college fee loan.

Students becoming eligible during the course of an academic year

5. Where one of the events listed in paragraph 6 occurs in the course of an academic year—

(a) a student may qualify for a college fee loan in accordance with this Schedule in respect of that academic year provided that the relevant event occurred within the first three months of the academic year; and

(b) a college fee loan is not available in respect of any academic year beginning before the academic year in which the relevant event occurred.

6. The events are—

(a) the student, his or her spouse, his or her civil partner or his or her parent is recognised as a refugee or becomes a person with leave to enter or remain;

(b) a state accedes to the European Community where the student is a national of that state or is the family member (as defined in Part 1 of Schedule 1) of a national of that state;

(c) the student becomes a family member (as defined in Part 1 of Schedule 1) of an EC national;

(d) the student acquires a right of permanent residence;

(e) the student becomes the child of a Turkish worker;

(f) the student becomes a person described in paragraph 6(1)(a) of Schedule 1;

(g) the student becomes the child of a Swiss

Swisaidd.

7. Mae benthyciad at ffioedd coleg ar gael mewn perthynas â phob blwyddyn academaidd safonol ar y cwrs cymhwysol ac mewn perthynas ag un flwyddyn academaidd ar y cwrs cymhwysol nad yw'n flwyddyn academaidd safonol.

8. Os caniateir i fyfyriwr cymhwysol astudio cynnwys un flwyddyn academaidd safonol o'r cwrs cymhwysol dros ddwy flwyddyn academaidd neu fwy, er mwyn penderfynu a oes gan y myfyriwr hawl i gael benthyciad at ffioedd coleg ar gyfer y blynyddoedd hynny, ymdrinnir â'r gyntaf o'r cyfryw flynyddoedd o astudio fel blwyddyn academaidd safonol ac ymdrinnir â'r blynyddoedd canlynol o'r fath fel blynyddoedd academaidd nad ydynt yn flynyddoedd academaidd safonol.

9. Yn yr Atodlen hon ystyr "blwyddyn academaidd safonol" ("*standard academic year*") yw blwyddyn academaidd o'r cwrs cymhwysol y byddai person nad yw'n ailadrodd unrhyw ran o'r cwrs ac a fyddai'n dechrau ar y cwrs ar yr un pwynt â'r myfyriwr cymwys yn ymgymryd â hi.

10. I gael benthyciad at ffioedd coleg rhaid i fyfyriwr cymwys ymrwymo mewn contract â Gweinidogion Cymru.

Swm y benthyciad at ffioedd coleg

11.—(1) Rhaid i swm y benthyciad at ffioedd coleg mewn perthynas â blwyddyn academaidd ar gwrs cymhwysol beidio â bod yn fwy na swm sy'n hafal i'r ffioedd coleg sy'n daladwy gan y myfyriwr i'w goleg neu i'w neuadd breifat barhaol mewn cysylltiad â'r flwyddyn honno.

(2) Os yw'r myfyriwr cymhwysol wedi gwneud cais am fenthyciad at ffioedd coleg sy'n llai na'r uchafswm sydd ar gael mewn perthynas â'r flwyddyn academaidd, caiff wneud cais am fenthyg swm ychwanegol nad yw, o'i adio at y swm y gwnaed cais amdano eisoes, yn fwy na'r uchafswm sydd ar gael.

Trosglwyddo

12. Er gwaethaf rheoliad 8, os bydd myfyriwr cymhwysol yn trosglwyddo o un cwrs cymhwysol i gwrs cymhwysol arall—

(a) rhaid i Weinidogion Cymru drosglwyddo statws y myfyriwr fel myfyriwr cymhwysol i'r cwrs arall ar gais y myfyriwr oni bai bod y cyfnod cymhwystra wedi terfynu;

(b) yn ddarostyngedig i baragraff (c) os yw'r myfyriwr yn trosglwyddo cyn diwedd y flwyddyn academaidd ar ôl gwneud cais am fenthyciad at ffioedd coleg, telir y swm y gwnaed cais amdano i'r coleg neu'r neuadd breifat barhaol berthnasol mewn perthynas â'r cwrs cymhwysol y mae'r myfyriwr yn

national.

7. A college fee loan is available in respect of each standard academic year of the qualifying course and in respect of one academic year of the qualifying course that is not a standard academic year.

8. Where a qualifying student is allowed to study the content of one standard academic year of the qualifying course over two or more academic years, for the purpose of determining whether the student qualifies for a 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.

9. In this Schedule "standard academic year" ("*blwyddyn academaidd safonol*") means an academic year of the qualifying course that would be taken by a person who does not repeat any part of the course and who enters the course at the same point as the qualifying student.

10. To receive a college fee loan, a qualifying student must enter into a contract with the Welsh Ministers.

Amount of the college fee loan

11.—(1) The amount of the college fee loan in respect of an academic year of a qualifying course must not exceed the amount equal to the college fees payable by the student to his or her college or permanent private hall in connection with that year.

(2) Where a qualifying student has applied for a college fee loan of less than the maximum amount available in relation to the academic year, he or she may apply to borrow an additional amount which, when added to the amount already applied for, does not exceed the maximum amount available.

Transfers

12. Despite regulation 8, where a qualifying student transfers from one qualifying course to another qualifying course—

(a) the Welsh Ministers must transfer the student's status as a qualifying student to the other course on the request of the student unless the period of eligibility has terminated;

(b) subject to paragraph (c) if the student transfers before the end of the academic year after applying for a college fee loan, the amount applied for is paid to the relevant college or permanent private hall in respect of the qualifying course to which the student transfers provided that the conditions in

trosglwyddo iddo ar yr amod bod yr amodau ym mharagraff 13 wedi'u bodloni ac nad yw'n gallu cymhwyso i gael benthyciad arall at ffioedd coleg mewn perthynas â'r flwyddyn academaidd honno;

(c) os yw'r myfyriwr yn trosglwyddo ar ôl i'r benthyciad at ffioedd coleg gael ei dalu a chyn diwedd y flwyddyn academaidd, nid yw'n gallu wneud cais am fenthyciad arall at ffioedd coleg mewn cysylltiad â blwyddyn academaidd y cwrs cymhwysol y mae'n trosglwyddo iddo.

paragraph 13 are met and he or she cannot qualify for another college fee loan in respect of that academic year;

(c) if the student transfers after the college fee loan is paid and before the end of the academic year, he or she cannot apply for another college fee loan in connection with the academic year of the qualifying course to which he or she transfers.

Talu

13.—(1) Rhaid i Weinidogion Cymru dalu'r benthyciad at ffioedd coleg y mae gan fyfyriwr cymhwysol hawl i'w gael i'r coleg neu'r neuadd breifat barhaol y mae'r myfyriwr yn atebol i wneud y taliad iddo neu iddi.

(2) Rhaid i Weinidogion Cymru dalu'r benthyciad at ffioedd coleg mewn cyfandaliad unigol.

(3) Rhaid i Weinidogion Cymru beidio â thalu'r benthyciad at ffioedd coleg—

(a) cyn eu bod wedi cael cais dilys am daliad oddi wrth y coleg neu'r neuadd breifat barhaol; a

(b) cyn bod cyfnod o dri mis sy'n dechrau ar ddiwrnod cyntaf y flwyddyn academaidd wedi dod i ben.

(4) Mae'n ofynnol i goleg neu neuadd breifat barhaol anfon cadarnhad o bresenoldeb at Weinidogion Cymru ar unrhyw ffurf y caiff Weinidogion Cymru ofyn amdani a rhaid i Weinidogion Cymru beidio â thalu'r benthyciad at ffioedd coleg mewn perthynas â'r flwyddyn academaidd nes eu bod wedi cael cadarnhad o bresenoldeb gan y coleg neu'r neuadd breifat berthnasol oni bai eu bod yn penderfynu oherwydd amgylchiadau eithriadol, y byddai'n briodol gwneud taliad heb gael cadarnhad o bresenoldeb. Yn y paragraff hwn mae i "cadarnhad o bresenoldeb" yr un ystyr ag yn rheoliad 61.

(5) Rhaid i Weinidogion Cymru beidio â thalu benthyciad at ffioedd coleg mewn perthynas â chwrs cymhwysol —

(a) os bydd y myfyriwr cymhwysol cyn i'r cyfnod o dri mis sy'n dechrau ar ddiwrnod cyntaf y flwyddyn academaidd ddod i ben yn rhoi'r gorau i fynychu'r cwrs neu yn achos myfyriwr y bernir ei fod yn bresennol o dan baragraff 4, yn rhoi'r gorau i ymgymryd â'r cwrs; a

(b) os bydd y coleg neu'r neuadd breifat barhaol wedi penderfynu neu wedi cytuno na fydd y myfyriwr yn dechrau mynychu neu, yn ôl y digwydd, yn ymgymryd â'r cwrs yn y Deyrnas Unedig eto yn ystod y flwyddyn academaidd y mae'r ffioedd coleg yn daladwy ar ei chyfer neu o gwbl.

Payment

13.—(1) The Welsh Ministers must pay the college fee loan for which a qualifying student qualifies to the college or permanent private hall to which the student is liable to make payment.

(2) The Welsh Ministers must pay the college fee loan in a single lump sum.

(3) The Welsh Ministers must not pay the college fee loan before—

(a) they have received a valid request for payment from the college or permanent private hall; and

(b) a period of three months beginning with the first day of the academic year has expired.

(4) A college or permanent private hall is required to send confirmation of attendance to the Welsh Ministers in such form as the Welsh Ministers may require and the Welsh Ministers must not pay the college fee loan in respect of the academic year until they have received an attendance confirmation from the relevant college or private hall unless they determine that owing to exceptional circumstances, it would be appropriate to make a payment without receiving an attendance confirmation. In this paragraph "attendance confirmation" has the same meaning as in regulation 61.

(5) The Welsh Ministers must not make a payment of college fee loan in respect of a qualifying course if—

(a) before the expiry of a period of three months beginning with the first day of the academic year the qualifying student ceases to attend or in the case of a student who is treated as in attendance under paragraph 4, undertake the course; and

(b) the college or permanent private hall has determined or agreed that the student will not commence attending or, as the case may be, undertaking the course in the United Kingdom again during the academic year in respect of which the college fees are payable or at all.

Amodau hawlogaeth i gael taliad o fenthyciad at ffioedd coleg

14.—(1) Caiff Gweinidogion Cymru ei gwneud yn amod hawlogaeth i gael taliad o fenthyciad at ffioedd coleg bod yn rhaid i'r myfyriwr cymhwysol roi iddynt rif ei yswiriant gwladol yn y Deyrnas Unedig.

(2) Os yw Gweinidogion Cymru wedi gosod amod o dan baragraff (1), rhaid iddynt beidio â gwneud unrhyw daliad o'r benthyciad i'r myfyriwr cymhwysol cyn eu bod wedi'u bodloni bod y myfyriwr wedi cydymffurfio â'r amod hwnnw.

(3) Er gwaethaf paragraff (2), caiff Gweinidogion Cymru wneud taliad o fenthyciad i fyfyriwr cymhwysol os ydynt wedi'u bodloni oherwydd amgylchiadau eithriadol y byddai'n briodol gwneud taliad o'r fath heb fod y myfyriwr cymhwysol wedi cydymffurfio â'r amod a osodwyd o dan baragraff (1).

Gofynion gwybodaeth

15.—(1) Caiff Gweinidogion Cymru ar unrhyw adeg ofyn i fyfyriwr cymhwysol am wybodaeth y maent o'r farn bod ei hangen i adennill benthyciad.

(2) Caiff Gweinidogion Cymru ar unrhyw adeg ei gwneud yn ofynnol i fyfyriwr cymhwysol ymrwymo i gytundeb i ad-dalu benthyciad drwy ddull penodol.

(3) Caiff Gweinidogion Cymru ar unrhyw adeg ofyn i fyfyriwr cymhwysol am gael gweld ei gerdyn adnabod cenedlaethol dilys, ei basbort dilys a ddyroddwyd gan y wladwriaeth y mae'n wladolyn ohoni neu ei dystysgrif geni.

(4) Os bydd Gweinidogion Cymru wedi gofyn am wybodaeth o dan y rheoliad hwn, cânt ddal yn ôl unrhyw daliad o fenthyciad nes i'r person ddarparu'r hyn y gofynnwyd amdano neu roi esboniad boddhaol am beidio â chydymffurfio â'r cais.

(5) Os bydd Gweinidogion Cymru wedi gofyn am gytundeb ynghylch y dull ad-dalu o dan y paragraff hwn, cânt ddal yn ôl unrhyw daliad o fenthyciad at ffioedd coleg nes i'r person ddarparu yr hyn y gofynnwyd amdano.

Gordaliadau

16. Caiff Gweinidogion Cymru adennill unrhyw ordaliad benthyciad at ffioedd coleg oddi wrth y coleg neu'r neuadd breifat barhaol.

Conditions of entitlement to payment of college fee loan

14.—(1) The Welsh Ministers may make it a condition of entitlement to payment of a college fee loan that a qualifying student must provide them with his or her United Kingdom national insurance number.

(2) Where the Welsh Ministers have imposed a condition under paragraph (1), they must not make any payment of the loan to the qualifying student before they are satisfied that the student has complied with that condition.

(3) Despite paragraph (2), the Welsh Ministers may make a payment of loan to a qualifying student if they are satisfied that owing to exceptional circumstances it would be appropriate to make such a payment without the qualifying student having complied with the condition imposed under paragraph (1).

Information requirements

15.—(1) The Welsh Ministers may at any time request from a qualifying student information that they consider is required to recover a loan.

(2) The Welsh Ministers may at any time require a qualifying student to enter into an agreement to repay a loan by a particular method.

(3) The Welsh Ministers may at any time request from a qualifying student sight of his or her valid national identity card, his or her valid passport issued by the state of which he or she is a national or his or her birth certificate.

(4) Where the Welsh Ministers have requested information under this regulation, they may withhold any payment of a loan until the person provides what has been requested or provides a satisfactory explanation for not complying with the request.

(5) Where the Welsh Ministers have requested an agreement as to the method of repayment under this paragraph, they may withhold any payment of a college fee loan until the person provides what has been requested.

Overpayment

16. Any overpayment of college fee loan is recoverable by the Welsh Ministers from the college or permanent private hall.

ATODLEN 5

Rheoliad 53

ASESIAD ARIANNOL

Diffiniadau

1. Yn yr Atodlen hon —

(a) ystyr "myfyriwr presennol" ("*existing student*") yw myfyriwr cymwys nad yw'n fyfyriwr cymwys newydd;

(b) ystyr "blwyddyn ariannol" ("*financial year*") yw'r cyfnod o ddeuddeng mis y mae incwm person y mae ei incwm gweddilliol yn cael ei gyfrifo o dan ddarpariaethau'r Atodlen hon yn cael ei gyfrifo mewn perthynas â hi at ddibenion y ddeddfwriaeth ar dreth incwm sy'n gymwys iddo;

(c) mae i "incwm aelwyd", "incwm yr aelwyd" ac "incwm sydd gan yr aelwyd", ("*household income*") yr ystyr a roddir ym mharagraff 3;

(ch) mae i "myfyriwr cymwys annibynnol" ("*independent eligible student*") yr ystyr a roddir ym mharagraff 2;

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

(dd) ystyr "myfyriwr cymwys newydd" ("*new eligible student*") yw myfyriwr cymwys sy'n dechrau ar gwrs dynodedig ar neu ar ôl 1 Medi 2004;

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

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

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

(i) priod myfyriwr cymwys;

(ii) partner sifil myfyriwr cymwys;

(iii) person sydd fel arfer yn byw gyda myfyriwr cymwys fel pe bai'n briod iddo os yw myfyriwr cymwys yn syrthio o fewn paragraff 2(1)(a) a'i fod yn dechrau ar y cwrs dynodedig ar neu ar ôl 1 Medi 2000;

(iv) person sydd fel arfer yn byw gyda myfyriwr cymwys fel pe bai'n bartner sifil iddo os yw myfyriwr cymwys yn syrthio o fewn paragraff 2(1)(a) a'i fod yn dechrau ar y cwrs dynodedig ar neu ar ôl 1 Medi 2005;

SCHEDULE 5

Regulation 53

FINANCIAL ASSESSMENT

Definitions

1. In this Schedule—

(a) "existing student" ("*myfyriwr presennol*") means an eligible student who is not a new eligible student;

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

(c) "household income" ("*incwm yr aelwyd*") has the meaning given in paragraph 3;

(d) "independent eligible student" ("*myfyriwr cymwys annibynnol*") has the meaning given in paragraph 2;

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

(f) "new eligible student" ("*myfyriwr cymwys newydd*") means an eligible student who begins a designated course on or after 1 September 2004;

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

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

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

(i) the spouse of an eligible student;

(ii) the civil partner of an eligible student;

(iii) a person ordinarily living with an eligible student as if he or she were his or her spouse where an eligible student falls within paragraph 2(1)(a) and he or she begins the designated course on or after 1 September 2000;

(iv) a person ordinarily living with an eligible student as if he or she were his or her civil partner where an eligible student falls within paragraph 2(1)(a) and he or she begins the designated course on or after 1 September 2005;

(g) ystyr "partner" ("*partner*") mewn perthynas â rhiant myfyriwr cymwys yw unrhyw un o'r canlynol heblaw rhiant arall i'r myfyriwr cymwys —

(i) priod rhiant myfyriwr cymwys;

(ii) partner sifil rhiant myfyriwr cymwys;

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

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

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

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

(i) ystyr "incwm gweddilliol" ("*residual income*") yw incwm trethadwy ar ôl cymhwyso paragraff 4 (yn achos myfyriwr cymwys), paragraff 5 (yn achos rhiant myfyriwr cymwys), paragraff 6 (yn achos partner myfyriwr cymwys) neu baragraff 7 (yn achos partner rhiant myfyriwr cymwys newydd); a

(j) ystyr "incwm trethadwy" ("*taxable income*"), mewn perthynas â pharagraff 4, mewn perthynas â'r flwyddyn academaidd y mae cais wedi'i wneud ar ei chyfer o dan reoliad 9 ac, mewn perthynas â pharagraff 5, mewn perthynas (yn ddarostyngedig i is-baragraffau (3), (4) a (5) o baragraff 5) â'r flwyddyn ariannol flaenorol, yw incwm trethadwy person o bob ffynhonnell fel petai wedi'i gyfrifo at ddibenion —

(i) y 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 yn credu y bydd y person yn talu'r swm mwyaf o dreth odani yn y cyfnod hwnnw (ac eithrio fel y darperir fel arall ym mharagraff 5).

(j) "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 the parent's spouse;

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

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

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

(m) "residual income" ("*incwm gweddilliol*") means taxable income after the application of paragraph 4 (in the case of an eligible student), paragraph 5 (in the case of an eligible student's parent), paragraph 6 (in the case of an eligible student's partner) or paragraph 7 (in the case of the partner of a new eligible student's parent); and

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

(i) the Income Tax Acts;

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

(iii) where the legislation of more than one Member State applies to the period, the legislation under which the Welsh Ministers consider the person will pay the largest amount of tax in that period (except as otherwise provided in paragraph 5).

Myfyriwr cymwys annibynnol

2.—(1) Myfyriwr cymwys annibynnol yw myfyriwr cymwys ym mhob achos —

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

(b) lle mae'n briod neu lle mae mewn partneriaeth sifil cyn dechrau'r flwyddyn berthnasol, p'un a

Independent eligible student

2.—(1) 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 is married or is in a civil partnership before the beginning of the relevant year,

yw'r briodas neu'r bartneriaeth sifil yn dal yn bod neu beidio;

(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 gyfnod 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 mewn ffordd lle nad oes modd cymodi;

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

(e) lle 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 baragraff 8 neu 9;

(f) lle mae paragraff 5(9) yn gymwys a lle mae'r rhiant y barnodd Gweinidogion Cymru mai'r rhiant hwnnw oedd y mwyaf priodol at ddibenion y paragraff hwnnw wedi marw (ni waeth a oedd gan y rhiant o dan sylw bartner neu beidio);

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

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

(ng) lle 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 cyfanswm y cyfnodau hynny gyda'i gilydd heb fod yn llai na thair blynedd, ac at ddibenion yr is-baragraff hwn mae i'w drin fel pe bai'n ei

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 paragraph 8 or 9 to send any relevant funds to the United Kingdom;

(h) paragraph 5(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 has the care of a person under the age of 18 as at the first day of the relevant year; or

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

(**1**) 1989 p.41. Diwygiwyd adran 22 gan Ddeddf Plant (Ymadael â Gofal) 2000 (p.35), adran 2, Deddf Llywodraeth Leol 2000 (p.41), Atodlen 5, paragraff 19, Deddf Mabwysiadu a Phlant 2002 (p.38), adran 116(2) a Deddf Plant 2004 (p.31), adran 52.

(**1**) 1989 c.41. Section 22 has been amended by the Children (Leaving Care) Act 2000 (c. 35), section 2, Local Government Act 2000 (c. 41), Schedule 5, paragraph 19, the Adoption and Children Act 2002 (c. 38), section 116(2) and the Children Act 2004 (c. 31), section 52.

gynnal ei hun o'i enillion yn ystod unrhyw gyfnod —

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

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

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

(iv) pan oedd ganddo Efrydiaeth y Wladwriaeth(**1**) neu ddyfarniad tebyg; neu

(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 cyfyngder, anaf neu salwch.

(2) Mae myfyriwr cymwys sy'n gymwys i fod yn fyfyriwr cymwys annibynnol o dan baragraff 2(1)(g) mewn perthynas â blwyddyn academaidd cwrs dynodedig yn cadw'r statws hwnnw tra pery'r cyfnod cymhwystra.

Incwm yr aelwyd

3.—(1) Mae swm cyfraniad myfyriwr cymwys yn dibynnu ar incwm yr aelwyd.

(2) Incwm yr aelwyd yw'r canlynol —

(a) yn achos myfyriwr cymwys nad yw'n fyfyriwr cymwys annibynnol, incwm gweddilliol y myfyriwr cymwys wedi'i agregu gydag incwm gweddilliol rhieni'r myfyriwr cymwys (yn ddarostyngedig i baragraff 5(9)) ac —

(i) yn achos myfyriwr cymwys newydd a ddechreuodd ar ei gwrs dynodedig a bennir cyn 1 Medi 2005, incwm gweddilliol partner (heblaw partner o fewn ystyr paragraff 1(g)(iv)) rhiant y myfyriwr (ar yr amod bod Gweinidogion Cymru wedi dewis y rhiant hwnnw o dan baragraff 5(9)); neu

(ii) yn achos myfyriwr cymwys newydd a ddechreuodd ar ei gwrs ar neu ar ôl 1 Medi 2005, incwm gweddilliol partner rhiant y

(**1**) Darperir cyllid gan y Cynghorau Cyllido o ran astudio ôl-radd amser-llawn.

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(**1**) or comparable award; or

(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.

(2) An eligible student who qualifies as an independent eligible student under paragraph 2(1)(j) in respect of an academic year of a designated course retains that status for the duration of the period of eligibility.

Household income

3.—(1) The amount of an eligible student's contribution depends on the household income.

(2) The household income is —

(a) in the case of an eligible student who is not an independent eligible student, the residual income of the eligible student aggregated with the residual income of the eligible student's parents (subject to paragraph 5(9)) and —

(i) in the case of a new eligible student who began his or her specified designated course before 1 September 2005, the residual income of the partner (other than a partner within the meaning of paragraph 1(j)(iv)) of the student's parent (provided that the Welsh Ministers have selected that parent under paragraph 5(9)); or

(ii) in the case of a new eligible student who began his or her course on or after 1 September 2005, the residual income of the

(**1**) Funding provided by the Research Councils in respect of full time post graduate study.

myfyriwr (ar yr amod bod Gweinidogion Cymru wedi dewis y rhiant hwnnw o dan baragraff 5(9));

(b) yn achos myfyriwr cymwys annibynnol y mae ganddo bartner, incwm gweddilliol y myfyriwr cymwys wedi'i agregu gydag incwm gweddilliol partner y myfyriwr cymwys (yn ddarostyngedig i is-baragraff (4)); neu

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

(3) Wrth bennu incwm yr aelwyd o dan is-baragraff (2), mae'r swm o £1,100 yn cael ei ddidynnu —

(a) am bob plentyn sy'n ariannol ddibynnol yn gyfan gwbl neu'n bennaf ar y myfyriwr cymwys neu bartner y myfyriwr cymwys; neu

(b) am bob plentyn heblaw'r myfyriwr cymwys sy'n ariannol ddibynnol yn gyfan gwbl neu'n bennaf ar riant y myfyriwr cymwys neu bartner rhiant y myfyriwr cymwys y mae ei incwm gweddilliol yn cael ei gymryd i ystyriaeth.

(4) Er mwyn cyfrifo'r cyfraniad sy'n daladwy mewn perthynas â myfyriwr sy'n rhiant, rhaid i incwm gweddilliol partner y myfyriwr sy'n rhiant beidio â chael ei agregu o dan baragraff (b) o is-baragraff (2) yn achos myfyriwr sy'n rhiant y mae gan ei blentyn ef neu y mae gan blentyn ei bartner ddyfarniad y mae incwm yr aelwyd yn cael ei gyfrifo mewn perthynas ag ef gan gyfeirio at incwm gweddilliol y myfyriwr sy'n rhiant neu bartner y myfyriwr sy'n rhiant neu'r ddau.

Cyfrifo incwm gweddilliol y myfyriwr cymwys

4.—(1) Er mwyn pennu incwm gweddilliol myfyriwr cymwys, didynnir o'i incwm trethadwy (oni bai ei fod wedi'i ddidynnu eisoes wrth bennu'r incwm trethadwy) gyfanswm unrhyw symiau sy'n syrthio o fewn unrhyw un o'r is-baragraffau canlynol —

(a) unrhyw dâl am waith a wnaed yn ystod unrhyw flwyddyn academaidd ar gwrs y myfyriwr cymwys, ar yr amod nad yw'r tâl hwnnw'n cynnwys unrhyw symiau a dalwyd mewn perthynas ag unrhyw gyfnod pan oedd ganddo ganiatâd i fod yn absennol neu pan oedd wedi'i ryddhau o'i ddyletswyddau arferol er mwyn bod yn bresennol ar y cwrs hwnnw;

(b) swm gros unrhyw bremiwm neu swm arall a dalwyd gan y myfyriwr cymwys mewn perthynas â phensiwn (nad yw'n bensiwn sy'n daladwy o dan bolisi yswiriant bywyd) y mae rhyddhad yn cael ei roi mewn perthynas ag ef

partner of the student's parent (provided that the Welsh Ministers have selected that parent under paragraph 5(9));

(b) in the case of an independent eligible student who has a partner, the residual income of the eligible student aggregated with the residual income of the eligible student's partner (subject to sub-paragraph (4)); or

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

(3) In determining the household income under sub-paragraph (2), the sum of £1,100 is deducted —

(a) for each child wholly or mainly financially dependent on the eligible student or the eligible student's partner; or

(b) for each child other than the eligible student wholly or mainly financially dependent on the eligible student's parent or the eligible student's parent's partner whose residual income is being taken into account.

(4) For the purpose of calculating the contribution payable in respect of a parent student, the residual income of the parent student's partner must not be aggregated under paragraph (b) of sub-paragraph (2) in the case of a parent student whose child or whose partner's child holds an award in respect of which the household income is calculated with reference to the residual income of the parent student or of the parent student's partner or of both.

Calculation of eligible student's residual income

4.—(1) For the purpose of determining the residual income of an eligible student, there is deducted from his or her taxable income (unless already deducted in determining taxable income) the aggregate of any amounts falling within any of the following sub-paragraphs —

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

(b) 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 of the Income

o dan adran 273 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 gyfrifo at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, swm gros unrhyw bremiwm neu swm o'r fath y byddai rhyddhad yn cael ei roi mewn perthynas ag ef os byddai'r ddeddfwriaeth honno'n gwneud darpariaeth sy'n gyfatebol i'r Deddfau Treth Incwm.

(2) Os paragraff 9 yw'r unig baragraff o Ran 2 o Atodlen 1 y mae myfyriwr cymwys yn syrthio odano a bod ei incwm yn codi o ffynonellau neu o dan ddeddfwriaeth sy'n wahanol i'r ffynonellau neu'r ddeddfwriaeth sydd fel rheol yn berthnasol i berson y cyfeirir ato ym mharagraff 9 o Ran 2 o Atodlen 1, nid yw ei incwm yn cael ei ddiystyru yn unol ag is-baragraff (1) ond yn hytrach mae'n cael ei ddiystyru i'r graddau sy'n angenrheidiol er mwyn sicrhau nad yw'n cael ei drin yn llai ffafriol nag y câi person y cyfeirir ato yn unrhyw un o baragraffau Rhan 2 o Atodlen 1 ei drin o dan amgylchiadau tebyg pe bai ganddo incwm tebyg.

(3) Os yw'r myfyriwr cymwys yn cael incwm mewn arian cyfredol heblaw sterling, gwerth yr incwm hwnnw at ddibenion y paragraff hwn yw —

(a) os yw'r myfyriwr yn prynu sterling â'r incwm, swm y sterling a gaiff y myfyriwr fel hyn;

(b) fel arall, gwerth y sterling y byddai'r incwm yn ei brynu gan ddefnyddio'r gyfradd a gyhoeddwyd gan y Swyddfa Ystadegau Gwladol (**3**) ar gyfer y mis y ceir yr incwm ynddo.

Cyfrifo incwm gweddilliol y rhiant

5.—(1) Er mwyn pennu incwm trethadwy rhiant myfyriwr cymwys, rhaid i ddidyniadau y disgwylir eu gwneud neu esemptiadau a ganiateir —

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

(**1**) 1988 p. 1; diwygiwyd adran 273 gan Ddeddf Cyllid 1988 (p. 39), Atodlen 3, paragraff 10 a Deddf Treth Incwm (Masnachu ac Incwm Arall) 2005, Atodlen 1, Deddf Cyllid 2004 (p.12), adran 281 ac Atodlen 35 a Deddf Treth Incwm 2007, Atodlen 1.

(**2**) 2004 p.12; diwygiwyd adran 188 gan Ddeddf Cyllid 2007, adrannau 68, 69 a 114 ac Atodlenni 18, 19 a 27.

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

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.

(2) Where the only paragraph in Part 2 of Schedule 1 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, his or her income is not disregarded in accordance with sub-paragraph (1) but is instead disregarded to the extent necessary to ensure that he or she is treated no less favourably than a person who is referred to in any paragraph of Part 2 of Schedule 1 would be treated if in similar circumstances and in receipt of similar income.

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

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

(b) otherwise, the value of the sterling which the income would purchase using the rate for the month in which it is received published by the Office for National Statistics(**3**).

Calculation of parent's residual income

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

(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;

(**1**) 1988 c. 1; section 273 was amended by the Finance Act 1988 (c. 39), Schedule 3, paragraph 10 and the Income Tax (Trading and other Income) Act 2005 (c.5), Schedule 1, the Finance Act 2004 (c. 12), section 281 and Schedule 35 and the Income Tax Act 2007, Schedule 1.

(**2**) 2004 c.12; section 188 was amended by the Finance Act 2007, sections 68,69 and 114 and Schedules 18,19 and 27.

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

(b) yn unol ag unrhyw ddeddfiad neu reol gyfreithiol nad yw taliadau a fyddai fel arall yn cael eu trin o dan gyfraith y Deyrnas Unedig fel rhan o incwm y person yn cael eu trin felly yn unol â hwy; neu

(c) o dan is-baragraff (2)

beidio â chael eu gwneud neu eu caniatáu.

(2) Er mwyn pennu incwm gweddilliol rhiant myfyriwr cymwys, didynnir o'r incwm trethadwy a bennir o dan is-baragraff (1) gyfanswm unrhyw symiau sy'n syrthio o fewn unrhyw rai o'r is-baragraffau canlynol —

(a) swm gros unrhyw bremiwm neu swm sy'n ymwneud â phensiwn (nad yw'n bremiwm sy'n daladwy o dan bolisi yswiriant bywyd) y mae rhyddhad yn cael ei roi mewn perthynas ag ef o dan adran 273 o Ddeddf Treth Incwm a Threth Gorfforaeth 1988, neu o dan adran 188 o Ddeddf Cyllid 2004, neu os yw'r incwm yn cael ei gyfrifo at ddibenion deddfwriaeth treth incwm Aelod-wladwriaeth arall, swm gros unrhyw bremiwm o'r fath y byddai rhyddhad yn cael ei roi mewn perthynas ag ef os byddai'r ddeddfwriaeth honno'n gwneud darpariaeth sy'n gyfatebol i'r Deddfau Treth Incwm;

(b) mewn unrhyw achos lle mae incwm yn cael ei gyfrifo at ddibenion y Deddfau Treth Incwm yn rhinwedd is-baragraff (6) unrhyw symiau sy'n cyfateb i'r didyniad a grybwyllwyd yn is-baragraff (a) o'r is-baragraff hwn, ar yr amod nad yw unrhyw symiau a ddidynnir fel hyn yn fwy na'r didyniadau a fyddai'n cael eu gwneud pe bai'r cyfan o incwm rhiant y myfyriwr cymwys mewn gwirionedd yn incwm at ddibenion y Deddfau Treth Incwm;

(c) yn achos myfyriwr sy'n rhiant neu riant myfyriwr cymwys y mae ganddo ddyfarniad statudol, £1,100.

(3) Os yw Gweinidogion Cymru wedi'u bodloni bod incwm gweddilliol y rhiant yn y flwyddyn ariannol sy'n dechrau yn union cyn y flwyddyn berthnasol ("y flwyddyn ariannol gyfredol"), yn debyg o beidio â bod yn fwy na 85 y cant o werth sterling ei incwm gweddilliol yn y flwyddyn ariannol flaenorol, fe gaiff Gweinidogion Cymru, er mwyn galluogi'r myfyriwr cymwys i fod yn bresennol ar y cwrs heb galedi, ddarganfod incwm gweddilliol y rhiant am y flwyddyn ariannol gyfredol.

(4) Os yw Gweinidogion Cymru wedi'u bodloni bod incwm gweddilliol y rhiant mewn unrhyw flwyddyn ariannol, o ganlyniad i unrhyw ddigwyddiad, yn debyg o beidio â bod ac o barhau ar ôl y flwyddyn honno i beidio â bod yn fwy na 85 y cant o werth sterling ei incwm gweddilliol yn y flwyddyn ariannol flaenorol, fe gaiff Gweinidogion Cymru, er mwyn galluogi'r myfyriwr cymwys i fod yn bresennol ar y cwrs heb

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

(c) under sub-paragraph (2)

must not be made or permitted.

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

(a) the gross amount of any premium or sum relating to a pension (not being a premium payable under a policy of life assurance) in respect of which relief is given under section 273, of the Income and Corporation Taxes Act 1988, or under section 188 of the Finance Act 2004, or where the income is computed for the purposes of the income tax legislation of another Member State, the gross amount of any such premium in respect of which relief would be given if that legislation made provision equivalent to the Income Tax Acts;

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

(c) in the case of a parent student or an eligible student's parent who holds a statutory award, £1,100.

(3) Where the Welsh Ministers are satisfied that the residual income of the parent in the financial year beginning immediately before the relevant year ("the current financial year") is likely to be not more than 85 per cent. of the sterling value of his or her residual income in the preceding financial year they may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain the parent's residual income for the current financial year.

(4) Where the Welsh Ministers are satisfied that the residual income of the parent in any financial year is, as a result of any event, likely to be and to continue after that year to be not more than 85 per cent. of the sterling value of his or her residual income in the previous financial year they may, for the purpose of enabling the eligible student to attend the course without hardship, ascertain the household income for

galedi, ddarganfod incwm yr aelwyd am flwyddyn academaidd cwrs y myfyriwr cymwys y digwyddodd y digwyddiad hwnnw ynddi drwy gymryd cyfartaledd incwm gweddilliol y rhiant am bob un o'r blynyddoedd ariannol y mae'r flwyddyn academaidd honno'n syrthio ynddynt fel ei incwm gweddilliol.

(5) Os yw rhiant y myfyriwr cymwys yn bodloni Gweinidogion Cymru fod ei incwm yn deillio'n gyfan gwbl neu'n bennaf o elw busnes neu broffesiwn y mae'n ei gynnal, yna mae unrhyw gyfeiriad yn yr Atodlen hon at flwyddyn ariannol flaenorol yn golygu'r cyfnod cynharaf o ddeuddeng mis sy'n diweddu ar ôl dechrau'r flwyddyn ariannol flaenorol y mae cyfrifon yn cael eu cadw mewn perthynas ag ef sy'n ymwneud â'r busnes neu'r proffesiwn hwnnw.

(6) Os yw rhiant myfyriwr cymwys yn derbyn unrhyw incwm nad yw'n ffurfio rhan o'i incwm at ddibenion y Deddfau Treth Incwm neu ddeddfwriaeth treth incwm Aelod-wladwriaeth arall dim ond am y rheswm —

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

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

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

mae ei incwm trethadwy at ddibenion yr Atodlen hon yn cael ei gyfrifo fel pe bai'r incwm o dan yr is-baragraff hwn yn rhan o'i incwm at ddibenion y Deddfau Treth Incwm neu ddeddfwriaeth treth incwm Aelod-wladwriaeth arall, yn ôl fel y digwydd.

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

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

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 Schedule to a preceding financial year means the earliest period of twelve months which ends after the start of the preceding financial year and in respect of which accounts are kept relating to that business or profession.

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

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

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

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

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

(7) Where the income of the eligible student's parent is computed as for the purposes of the income tax legislation of another Member State, it is computed under the provisions of this Schedule in the currency of that Member State and the income of the eligible student's parent for the purposes of this Schedule is the sterling value of that income determined in accordance with the rate for the month in which the last day of the 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) os yw'r rhiant yn marw cyn y flwyddyn berthnasol, yn cael ei bennu drwy gyfeirio at incwm y rhiant sydd wedi goroesi; neu

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

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

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

(9) Os yw Gweinidogion Cymru yn penderfynu bod y rhieni wedi gwahanu drwy gydol y flwyddyn berthnasol, mae incwm yr aelwyd yn cael ei bennu drwy gyfeirio at incwm p'un bynnag o'r rhieni y mae Gweinidogion Cymru yn credu mai ef yw'r mwyaf priodol o dan yr amgylchiadau.

(10) Os yw Gweinidogion Cymru yn penderfynu bod y rhieni wedi gwahanu yn ystod y flwyddyn berthnasol, mae incwm yr aelwyd yn cael ei bennu drwy gyfeirio at gyfanswm y canlynol —

(a) y gyfran briodol o incwm yr aelwyd a bennir yn unol ag is-baragraff (9), sef y gyfran mewn perthynas â'r rhan honno o'r flwyddyn berthnasol pan fydd y rhieni ar wahân; a

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

Cyfrifo incwm gweddilliol partner y myfyriwr cymwys

6.—(1) Yn ddarostyngedig i is-baragraffau (2), (3) a (4) o'r paragraff hwn, mae incwm partner myfyriwr cymwys yn cael ei bennu yn unol â pharagraff 5 (a chan eithrio is-baragraffau (8), (9) a (10) o baragraff 5), gan ddehongli cyfeiriadau at y rhiant fel pe baent yn gyfeiriadau at bartner y myfyriwr cymwys.

(2) Os yw Gweinidogion Cymru yn penderfynu bod y myfyriwr cymwys a'i bartner wedi gwahanu drwy gydol y flwyddyn berthnasol, nid yw incwm y partner yn cael ei gymryd i ystyriaeth wrth bennu incwm yr aelwyd.

(3) Os yw Gweinidogion Cymru yn penderfynu bod y myfyriwr cymwys a'i bartner yn gwahanu yn ystod y flwyddyn berthnasol, mae incwm y partner yn cael ei bennu drwy gyfeirio at ei incwm o dan is-baragraff (1) wedi'i rannu â hanner cant a dau ac wedi'u luosi â'r nifer o wythnosau cyflawn yn y flwyddyn berthnasol y mae Gweinidogion Cymru yn penderfynu bod y

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

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

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

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

(9) Where the Welsh Ministers determine that the parents are separated for the duration of 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 have separated in the course of the relevant year, the household income is determined by reference to the aggregate of —

(a) the appropriate proportion of the household income determined in accordance with sub-paragraph (9), being the proportion in respect of that part of the relevant year during which the parents are separated; and

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

Calculation of eligible student's partner's residual income

6.—(1) Subject to sub-paragraphs (2), (3) and (4) of this paragraph, an eligible student's partner's income is determined in accordance with paragraph 5 (other than sub-paragraphs (8), (9) and (10) of paragraph 5), 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 are separated for the duration of 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 have separated in the course of the relevant year, the partner's income is determined by reference to his or her income under sub-paragraph (1) divided by fifty-two and multiplied by the number of complete weeks in the relevant year for which the Welsh Ministers determine that the

myfyriwr cymwys a'i bartner heb wahanu.

(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.

Cyfrifo incwm gweddilliol partner rhiant

7. Mae incwm partner rhiant myfyriwr cymwys newydd y mae ei incwm yn rhan o incwm yr aelwyd yn rhinwedd paragraff 3(2)(a) yn cael ei bennu yn unol â pharagraff 6, gan ddehongli cyfeiriadau at bartner y myfyriwr cymwys fel pe baent yn gyfeiriadau at bartner rhiant y myfyriwr cymwys newydd, a chan ddehongli cyfeiriadau at y myfyriwr cymwys fel pe baent yn gyfeiriadau at riant y myfyriwr cymwys newydd.

Cyfrifo cyfraniad - myfyrwyr cymwys o dan yr hen drefn

8.—(1) Mae'r cyfraniad sy'n daladwy mewn perthynas â myfyriwr cymwys o dan yr hen drefn nad yw'n fyfyriwr cymwys annibynnol, neu sy'n fyfyriwr cymwys annibynnol ac iddo bartner fel a ganlyn—

(a) mewn unrhyw achos pan fo incwm yr aelwyd yn £23,680 neu fwy, £45 gyda £1 yn cael ei hychwanegu am bob swm cyflawn o £9.50 sy'n codi incwm yr aelwyd yn uwch na £23,680; a

(b) mewn unrhyw achos pan fo incwm yr aelwyd yn llai na £23,680, dim.

(2) Mae'r cyfraniad sy'n daladwy mewn perthynas â myfyriwr cymwys o dan yr hen drefn sy'n fyfyriwr cymwys annibynnol heb bartner fel a ganlyn—

(a) mewn unrhyw achos pan fo incwm yr aelwyd yn £11,025 neu fwy, £45 gyda £1 yn cael ei hychwanegu am bob swm cyflawn o £9.50 sy'n codi incwm yr aelwyd yn uwch na £11,025; a

(b) mewn unrhyw achos pan fo incwm yr aelwyd yn llai na £11,025, dim.

(3) Rhaid i swm y cyfraniad sy'n daladwy o dan is-baragraff (1) neu (2) beidio â bod yn fwy na £7,800 mewn unrhyw achos.

(4) Caniateir addasu'r cyfraniad yn unol â pharagraff 10 neu 11.

(5) Pan fo is-baragraff (6) yn gymwys, rhaid i gyfanswm y cyfraniadau beidio â bod yn fwy na £7,800.

(6) Mae'r is-baragraff hwn yn gymwys—

(a) os bydd cyfraniad yn daladwy mewn perthynas â dau neu fwy o fyfyrwyr cymwys (ac eithrio myfyrwyr cymwys o dan y drefn newydd) mewn perthynas â'r un incwm o dan baragraff 5 neu, pan fo incwm gweddilliol partner y rhiant perthnasol yn cael ei ystyried, o dan baragraffau 5 a 7; neu

eligible student and his or her partner are not separated.

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

Calculation of parent's partner's residual income

7. The income of a new eligible student's parent's partner whose income is part of the household income by virtue of paragraph 3(2)(a) is determined in accordance with paragraph 6, references to the eligible student's partner being construed as references to the new eligible student's parent's partner, and references to the eligible student being construed as references to the new eligible student's parent.

Calculation of contribution - old system eligible students

8.—(1) The contribution payable in relation to an old system eligible student who is not an independent eligible student or is an independent eligible student with a partner is—

(a) in any case where the household income is £23,680 or more, £45 with the addition of £1 for every complete £9.50 by which the household income exceeds £23,680; and

(b) in any case where the household income is less than £23,680, nil.

(2) The contribution payable in relation to an old system eligible student who is an independent eligible student without a partner is—

(a) in any case where the household income is £11,025 or more, £45 with the addition of £1 for every complete £9.50 by which the household income exceeds £11,025; and

(b) in any case where the household income is less than £11,025, nil.

(3) The amount of the contribution payable under sub-paragraph (1) or (2) must in no case exceed £7,800.

(4) The contribution may be adjusted in accordance with paragraph 10 or 11.

(5) Where sub-paragraph (6) applies, the aggregate contributions must not exceed £7,800.

(6) This sub-paragraph applies where—

(a) a contribution is payable in relation to two or more eligible students (other than new system eligible students) in respect of the same income under paragraph 5 or, where the relevant parent's partner's residual income is taken into account, under paragraphs 5 and 7; or

(b) os incwm gweddilliol myfyriwr cymwys annibynnol a'i bartner yw incwm yr aelwyd a bod gan y ddau ddyfarniad statudol.

Cyfrifo cyfraniad - myfyrwyr cymwys o dan y drefn newydd

9.—(1) Mewn perthynas â myfyriwr cymwys sy'n fyfyriwr cymwys o dan y drefn newydd, y cyfraniad sy'n daladwy yw —

(a) mewn unrhyw achos lle mae incwm yr aelwyd dros £39,780, £1 am bob swm cyflawn o £9.50 sy'n codi incwm yr aelwyd uwchlaw £39,780; a

(b) mewn unrhyw achos lle mae incwm yr aelwyd yn £39,780 neu lai, dim.

(2) Rhaid i'r cyfaniad mewn unrhyw achos beidio â bod yn fwy na £6,060.

(3) Caniateir addasu'r cyfraniad yn unol â pharagraff 10 neu 11.

(4) Pan fo is-baragraff (5) yn gymwys, rhaid i gyfanswm y cyfraniadau beidio â bod yn fwy na £6,060.

(5) Mae'r is -baragraff hwn yn gymwys—

(a) os bydd cyfraniad yn daladwy mewn perthynas â dau neu fwy o fyfyrwyr cymwys (ac eithrio myfyrwyr cymwys o dan yr hen drefn) mewn perthynas â'r un incwm o dan baragraff 5 neu, pan fo incwm gweddilliol partner y rhiant perthnasol yn cael ei ystyried, o dan baragraffau 5 a 7; neu

(b) os incwm gweddilliol myfyriwr cymwys annibynnol a'i bartner yw incwm yr aelwyd a bod gan y ddau ddyfarniad statudol.

Rhannu cyfraniadau- myfyrwyr cymwys nad ydynt yn annibynnol

10.—(1) Mae'r paragraff hwn yn gymwys pan fydd cyfraniad yn daladwy mewn perthynas â myfyriwr cymwys nad yw'n fyfyriwr cymwys annibynnol.

(2) Mae is-baragraffau (3) i (7) yn gymwys pan fo'r plant sy'n fyfyrwyr cymwys i gyd naill ai'n fyfyrwyr cymwys o dan yr hen drefn neu i gyd yn fyfyrwyr cymwys o dan y drefn newydd.

(3) Am unrhyw flwyddyn pan fo gan y canlynol ddyfarniad statudol ac eithrio dyfarniad y cyfeirir ato yn is-baragraff (4)—

(i) mwy nag un o blant rhieni'r myfyriwr cymwys;

(ii) rhiant y myfyriwr cymwys; neu

(iii) partner rhiant y myfyriwr cymwys,

(b) the household income consists of the residual income of an independent eligible student and his or her partner where both hold a statutory award.

Calculation of contribution - new system eligible students

9.—(1) In relation to an eligible student who is a new system eligible student, the contribution payable is —

(a) in any case where the household income exceeds £39,780, £1 for every complete £9.50 by which the household income exceeds £39,780; and

(b) in any case where the household income is £39,780 or less, nil.

(2) The contribution must not in any case exceed £6,060.

(3) The contribution may be adjusted in accordance with paragraph 10 or 11.

(4) Where sub-paragraph (5) applies, the aggregate contributions must not exceed £6,060.

(5) This sub-paragraph applies where—

(a) a contribution is payable in relation to two or more eligible students (other than old system eligible students) in respect of the same income under paragraph 5 or, where the relevant parent's partner's residual income is taken into account, under paragraphs 5 and 7; or

(b) the household income consists of the residual income of an independent eligible student and his or her partner where both hold a statutory award.

Split contributions - eligible students who are not independent

10.—(1) This paragraph applies where a contribution is payable in relation to an eligible student who is not an independent eligible student.

(2) Sub-paragraphs (3) to (7) apply where the children who are eligible students are either all old system eligible students or are all new system eligible students.

(3) For any year in which a statutory award other than an award referred to in sub-paragraph (4) is held by—

(i) more than one child of the eligible student's parents;

(ii) the eligible student's parent; or

(iii) the eligible student's parent's partner,

y cyfraniad sy'n daladwy mewn perthynas â'r myfyriwr cymwys yw'r cyfryw gyfran o unrhyw gyfraniad a gyfrifir o dan baragraff 8 neu 9 ag y bydd Gweinidogion Cymru ar ôl ymgynghori ag unrhyw awdurdod arall sy'n ymwneud â'r mater yn ei ystyried yn gyfiawn o gymryd i ystyriaeth gymhwyso paragraff 7 o'r Atodlen hon i fyfyrwyr cymwys newydd a myfyrwyr presennol yn y drefn honno.

(4) Yn ddarostyngedig i'r is-baragraffau canlynol, am unrhyw flwyddyn y delir ynddi ddyfarniad sy'n daladwy o dan y Rheoliadau hyn, Rheoliadau Addysg (Grantiau Gorfodol) 2003(**1**) neu adran 63 o Ddeddf Gwasanaethau Iechyd ac Iechyd y Cyhoedd 1968(**2**) (a dim dyfarniad statudol arall) gan fwy nag un o blant rhieni'r myfyriwr cymwys, y cyfraniad sy'n daladwy mewn perthynas â'r myfyriwr cymwys yw swm sy'n hafal i'r cyfraniad a gyfrifir o dan baragraff 8 neu 9 wedi'i rannu â nifer y plant sy'n dal dyfarniad statudol perthnasol.

(5) Os na fyddai'r cyfraniad, o ganlyniad i'r dosrannu o dan is-baragraff (4), yn cael ei ddileu drwy ei gymhwyso mewn perthynas â dyfarniad statudol y myfyriwr cymwys, cymhwysir gweddill y cyfraniad yn lle hynny—

(i) yn gyntaf mewn perthynas â'r dyfarniad statudol lleiaf (neu bob un dyfarniad statudol o'r fath) y caniateir i'r cyfraniad fod yn gymwys iddo; a

(ii) yna, yn nhrefn gynyddol maint, mewn perthynas â phob dyfarniad statudol sy'n weddill ac y caniateir i'r cyfraniad fod yn gymwys iddo, hyd oni ellir dosrannu balans y cyfraniad yn gyfartal heb fod

(**1**) 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. 2006/930 ac O.S. 2007/1629.

(**2**) 1968 p. 46; diwygiwyd adran 63 gan Ddeddf Y Gwasanaeth Iechyd Gwladol (Yr Alban) 1972 (p.58), Atodlen 7, Deddf Ad-drefnu'r Gwasanaeth Iechyd Gwladol 1973 (p. 32), Atodlenni 4 a 5, Deddf y Gwasanaeth Iechyd Glwadol 1977 (p. 49), Atodlenni 15 ac 16, Deddf y Gwasanaeth Iechyd Gwladol (yr Alban) 197(p. 29), Atodlenni 16 ac 17, Deddf Llywodraeth Leol 1985 (p. 51), Atodlen 17, Deddf Iechyd a Meddyginiaethau 1988 (p. 49), adran 20, adran 25(2) ac Atodlen 3, Deddf Llywodraeth Leol (yr Alban) 1994 (p. 39), Atodlen 13, Deddf Awdurdodau Iechyd 1995 (p. 17), Atodlen 1, Gorchymyn Ad-drefnu Llywodraeth Leol (Cymru) (Diwygiadau Canlyniadol Rhif 2) 1996 (O.S. 1996/1008), Deddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 (p. 46), Atodlen 2, Deddf Iechyd 1999 (p. 8), Atodlen 4, Deddf Iechyd a Gofal Cymdeithasol 2001 (p. 15), Atodlen 5, Deddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Cymdeithasol 2002 (p. 17), Atodlenni 2, 5 a 9, Rheoliadau Deddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Cymdeithasol 2002 (Darpariaethau Atodol, Canlyniadol etc) 2002 (O.S. 2002/2469), Atodlen 1, Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p. 43), Atodlenni 4, 11 a 14, Gorchymyn Cychwyn Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (Rhif 2) 2004 (O.S. 2004/288), erthygl 7, Gorchymyn Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (Cychwyn Rhif 1) (Cymru) 2004 (O.S. 2004/480), erthygl 6 a Gorchymyn Deddf Gwasanaethau Meddygol Sylfaenol (yr Alban) 2004 (Addasiadau Canlyniadol) 2004 (O.S. 2004/957), yr Atodlen. Deddf y Gwasanaeth Iechyd Gwladol (Darpariaethau Canlyniadol) 2006 (p.43), Atodlen 1 a Gorchymyn Cyfeiriadau at Awdurdodau Iechyd 2007 (O.S. 2007/961), yr Atodlen.

the contribution payable in respect of the eligible student is such proportion of any contribution calculated under paragraph 8 or 9 as the Welsh Ministers after consultation with any other authority involved consider just taking into account the application of paragraph 7 of this Schedule to new eligible students and existing students respectively.

(4) Subject to the following sub-paragraphs, for any year in which an award payable under these Regulations, the Education (Mandatory Awards) Regulations 2003(**1**) or section 63 of the Health Services and Public Health Act 1968 (**2**) (and no other statutory award) is held by more than one child of the eligible student's parents, the contribution payable in respect of the eligible student is an amount equal to the contribution calculated under paragraph 8 or 9 divided by the number of children who hold a relevant statutory award.

(5) If, as a result of the apportionment under sub-paragraph (4), the contribution would not be extinguished by applying it in respect of the eligible student's statutory award, the remainder of the contribution is instead applied—

(i) first in relation to the smallest statutory award (or each such statutory award) to which the contribution may apply; and

(ii) then, in increasing order of size, in relation to each remaining statutory award to which the contribution may apply, until the balance of the contribution can be apportioned equally without any part of it

(**1**) S.I. 2003/1994, amended by S.I. 2004/1038, S.I. 2004/1792, S.I. 2005/2083, S.I. 2005/3137, S.I. 2006/930 and S.I. 2007/1629.

(**2**) 1968 c. 46; section 63 was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 7, the National Health Service Reorganisation Act 1973 (c. 32), Schedules 4 and 5, the National Health Service Act 1977 (c. 49), Schedules 15 and 16, the National Health Service (Scotland) Act 1978 (c. 29), Schedules 16 and 17, the Local Government Act 1985 (c. 51), Schedule 17, the Health and Medicines Act 1988 (c. 49), section 20, section 25(2) and Schedule 3, the Local Government (Scotland) Act 1994 (c. 39), Schedule 13, the Health Authorities Act 1995 (c. 17), Schedule 1, the Local Government Reorganisation (Wales) (Consequential Amendments No. 2) Order 1996 (S.I. 1996/1008), the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, the Health Act 1999 (c. 8), Schedule 4, the Health and Social Care Act 2001 (c. 15), Schedule 5, the National Health Service Reform and Social Care Professions Act 2002 (c. 17), Schedules 2, 5 and 9, the National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc Provisions) Regulations 2002 (S.I. 2002/2469), Schedule 1, the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedules 4, 11 and 14, the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 2) Order 2004 (S.I. 2004/288), article 7, the Health and Social Care (Community Health and Standards) Act 2003 (Commencement No. 1) (Wales) Order 2004 (S.I. 2004/480), article 6 and the Primary Medical Services (Scotland) Act 2004 (Consequential Modifications) Order 2004 (S.I. 2004/957), the Schedule. The National Health Service (Consequential Provisions) Act 2006 (c.43), Schedule 1 and the References to Health Authorities Order 2007 (S.I. 2007/961), the Schedule.

unrhyw ran ohono'n weddill neu hyd oni na fydd yn weddill unrhyw ran o unrhyw ddyfarniad statudol na chymhwyswyd y cyfraniad iddi.

remaining or until there remains no part of any statutory award to which the contribution has not been applied.

(6) Os —

(a) oes partner gan riant y myfyriwr cymwys yr asesir ei incwm o dan yr Atodlen hon;

(b) bydd cyfraniad yn cymryd i ystyriaeth incwm gweddilliol y rhiant hwnnw'n daladwy mewn perthynas â mwy nag un myfyriwr cymwys sy'n blentyn i naill ai'r rhiant hwnnw neu i'w bartner; a

(c) na fydd y swm sy'n daladwy mewn perthynas â phob myfyriwr cymwys yr un fath yn mhob achos,

cyfrifir y cyfraniad mewn perthynas â phob myfyriwr cymwys o dan is-baragraff (7).

(6) Where—

(a) the eligible student's parent whose income is assessed under this Schedule has a partner;

(b) a contribution taking into account the residual income of that parent is payable in relation to more than one eligible student who is the child of either that parent or his or her partner; and

(c) the amount payable in relation to each eligible student is not the same in every case,

the contribution in respect of each eligible student is calculated under sub-paragraph (7).

(7) Os yw is-baragraff (6) yn gymwys, mae'r cyfraniad mewn perthynas â myfyriwr cymwys yn swm hafal i'r cyfraniad a gyfrifir o dan baragraff 8 neu 9 wedi'i rannu â nifer y myfyrwyr cymwys y cyfeirir atynt ym mharagraff (b) o is-baragraff (6) y mae cyfraniad yn daladwy mewn perthynas â hwy ac os na ddiddymir y cyfraniad drwy ei gymhwyso mewn perthynas â dyfarniad statudol y myfyriwr cymwys, cymhwysir gweddill y cyfraniad yn yr un modd ag yn is-baragraff (5) i ddyfarniad statudol perthnasol y myfyrwyr cymwys ar eu haelwyd berthnasol.

(7) Where sub-paragraph (6) applies, the contribution in respect of an eligible student is an amount equal to the contribution calculated under paragraph 8 or 9 divided by the number of eligible students referred to in paragraph (b) of sub-paragraph (6) in relation to whom a contribution is payable and where the contribution is not extinguished by applying it in respect of the eligible student's statutory award, the remainder of the contribution is applied in the same way as in sub-paragraph (5) to the relevant statutory award of the eligible students in his or her relevant household.

(8) Os—

(a) bydd cyfraniad yn cymryd i ystyriaeth incwm gweddilliol rhiant myfyriwr cymwys yn daladwy mewn perthynas â mwy nag un myfyriwr cymwys sy'n blentyn i'r rhiant hwnnw neu i bartner y rhiant hwnnw; a

(b) nad yw'r swm sy'n daladwy mewn perthynas â phob myfyriwr cymwys yr un fath ym mhob achos oherwydd bod rhai o'r myfyrwyr cymwys yn fyfyrwyr cymwys o dan yr hen drefn a rhai yn fyfyrwyr cymwys o dan y drefn newydd,

cyfrifir y cyfraniad mewn perthynas â myfyriwr cymwys o dan is-baragraff (9).

(8) Where—

(a) a contribution taking into account the residual income of the parent of an eligible student is payable in relation to more than one eligible student who is the child of that parent or of the parent's partner; and

(b) the amount payable in relation to each eligible student is not the same in every case because some of the eligible students are old system eligible students and some are new system eligible students,

the contribution in respect of an eligible student is calculated under sub-paragraph (9).

(9) Pan fo is-baragraff (8) yn gymwys, bydd y cyfraniad mewn perthynas â myfyriwr cymwys yn swm hafal i'r cyfraniad a gyfrifir o dan baragraff 8 neu 9 wedi'i rannu â nifer y myfyrwyr cymwys y cyfeirir atynt ym mharagraff (a) o is-baragraff (8) y mae cyfraniad yn daladwy mewn perthynas â hwy a phan na ddiddymir y cyfraniad drwy ei gymhwyso mewn perthynas â dyfarniad statudol y myfyriwr cymwys, cymhwysir gweddill y cyfraniad yn yr un modd ag yn is-baragraff (5) i ddyfarniadau statudol perthnasol y myfyrwyr cymwys eraill o dan yr hen drefn pan fo'r myfyriwr cymwys yn fyfyriwr cymwys o dan yr hen drefn ac i grantiau statudol perthnasol y myfyrwyr

(9) Where sub-paragraph (8) applies, the contribution in respect of an eligible student is an amount equal to the contribution calculated under paragraph 8 or 9 divided by the number of eligible students referred to in paragraph (a) of sub-paragraph (8) in relation to whom a contribution is payable and where the contribution is not extinguished by applying it in respect of the eligible student's statutory award, the remainder of the contribution is applied in the same way as in sub-paragraph (5) to the relevant statutory awards of the other old system eligible students where the eligible student is an old system eligible student and to the relevant statutory awards of the other new

cymwys eraill o dan y drefn newydd pan fo'r myfyriwr cymwys yn fyfyriwr cymwys o dan y drefn newydd.

(10) Pan fo cyfraniad sy'n cymryd i ystyriaeth incwm gweddilliol rhiant y myfyriwr cymwys yn daladwy mewn perthynas â mwy nag un o blant y rhiant hwnnw neu bartner y rhiant hwnnw, os oes partner, a bod incwm gweddilliol unrhyw fyfyriwr cymwys o'r fath yn fwy na dim, cyfrifir y cyfraniad mewn perthynas â phob myfyriwr cymwys yn unol â'r is-baragraffau canlynol—

(a) cyfrifir y cyfraniad mewn perthynas â'r myfyriwr cymwys heb gyfeirio at baragraff 4 ond fel arall yn unol â'r Atodlen hon ac fe'i dosrennir rhwng pob myfyriwr cymwys yn unol â'r paragraff hwn;

(b) yna cymhwysir yn ychwanegol mewn perthynas â'r myfyriwr cymwys gyfraniad pellach o £1 am bob swm cyflawn o £9.50 sy'n codi'r swm a gyfrifir mewn perthynas â'r myfyriwr o dan baragraff (c) o'r is-baragraff hwn yn uwch na £23,680 pan fo'r myfyriwr yn fyfyriwr cymwys o dan yr hen drefn neu'n uwch na £39,780 pan fo'r myfyriwr yn fyfyriwr cymwys o dan y drefn newydd;

(c) y swm y cyfeirir ato ym mharagraff (b) o'r is-baragraff hwn yw cyfanswm unrhyw symiau a gyfrifir o dan baragraffau 4, 5 a 7 (lle y bo'n briodol) o'r Atodlen hon gyda'r swm (os oes swm) sy'n peri bod cyfanswm y symiau a gyfrifir o dan baragraffau 5 a 7 yn uwch na £23,680 wedi'i ddidynnu pan fo'r myfyriwr yn fyfyriwr cymwys o dan yr hen drefn neu'n uwch na £39,780 pan fo myfyriwr yn fyfyriwr cymwys o dan y drefn newydd.

(11) Yn ddarostyngedig i is-baragraff (12), at ddiben cyfrifo'r cyfraniad at ei ddyfarniad statudol, ychwanegir i incwm gweddilliol myfyriwr sy'n rhiant, unrhyw swm sy'n weddill —

(a) os yw'r myfyriwr sy'n rhiant yn rhiant i un myfyriwr cymwys yn unig a bod y cyfraniad sy'n daladwy mewn perthynas â'r myfyriwr cymwys hwnnw'n fwy na'r dyfarniad statudol mewn perthynas â'r myfyriwr cymwys hwnnw, y gwahaniaeth rhwng y cyfraniad hwnnw a'r dyfarniad statudol hwnnw; neu

(b) os yw'r myfyriwr sy'n rhiant yn rhiant i fwy nag un myfyriwr cymwys, unrhyw swm sy'n weddill ar ôl dosrannu'r cyfraniad i'w blant o dan y paragraff hwn.

(12) Os oes gan fyfyriwr sy'n rhiant bartner o fewn paragraff 1(g) o'r Atodlen hon, cyfrifir y symiau a gaiff eu hadio at ei incwm gweddilliol o dan is-baragraff (11) o'r paragraff hwn fel pe bai'r cyfraniad mewn perthynas â'i blant wedi'i asesu gan gymryd i ystyriaeth incwm partner y rhiant o dan baragraff 7, p'un a chyfrifwyd y cyfraniad ar y sail honno mewn gwirionedd ai peidio.

system eligible students where the eligible student is a new system eligible student.

(10) Where a contribution taking into account the residual income of the eligible student's parent is payable in respect of more than one child of that parent or that parent's partner, if any, and the residual income of any such eligible student is greater than nil, the contribution in relation to each eligible student is calculated in accordance with the following sub-paragraphs—

(a) the contribution in respect of the eligible student is calculated without reference to paragraph 4 but otherwise in accordance with this Schedule and is apportioned between each eligible student in accordance with this paragraph;

(b) there is then applied in addition in respect of the eligible student a further contribution of £1 for every complete £9.50 by which the sum calculated in respect of the student under paragraph (c) of this sub paragraph exceeds £23,680 where the student is an old system eligible student or exceeds £39,780 where the student is a new system eligible student;

(c) the sum referred to in paragraph (b) of this sub-paragraph is the aggregate of any amounts calculated under paragraphs 4, 5 and 7 (where appropriate) of this Schedule with the deduction of the amount (if any) by which the aggregate of the amounts calculated under paragraphs 5 and 7 exceeds £23,680 where the student is an old system eligible student or exceeds £39,780 where the student is a new system eligible student.

(11) Subject to sub-paragraph (12), there is added to a parent student's residual income for the purpose of calculating the contribution to his or her statutory award any sum remaining—

(a) where the parent student is the parent of only one eligible student and the contribution payable in respect of that eligible student is greater than the statutory award in respect of that eligible student, the difference between that contribution and that statutory award; or

(b) where a parent student is the parent of more than one eligible student, any sum remaining after the apportionment of the contribution to his or her children under this paragraph.

(12) Where a parent student has a partner within paragraph 1(j) of this Schedule, the sums added to his or her residual income under sub-paragraph (11) of this paragraph are calculated as though the contribution in respect of his or her children had been assessed taking into account the income of the parent's partner under paragraph 7, whether or not the contribution was actually calculated on that basis.

(13) Yn y paragraff hwn, ystyr "aelwyd berthnasol" ("*relevant household*") yw'r holl fyfyrwyr cymwys hynny y cyfrifir cyfraniad mewn perthynas â hwy drwy gyfeirio at yr un incwm o dan baragraffau 5 a 7.

(13) In this paragraph, "relevant household" ("*aelwyd berthnasol*") means all those eligible students in respect of whom a contribution is calculated with reference to the same income under both paragraphs 5 and 7.

Rhannu cyfraniadau - myfyrwyr cymwys annibynnol

11.—(1) Os oes cyfraniad yn daladwy o dan baragraff 8 neu 9 mewn perthynas â myfyriwr cymwys annibynnol sydd â phartner, mae'r cyfraniad yn daladwy yn unol â'r is-baragraffau canlynol—

(a) am unrhyw flwyddyn y mae dyfarniad statudol heblaw dyfarniad y cyfeirir ato ym mharagraff (b) o'r is-baragraff hwn gan bartner y myfyriwr cymwys annibynnol, y cyfraniad sy'n daladwy mewn perthynas â'r myfyriwr cymwys annibynnol yw'r gyfran honno o unrhyw gyfraniad a gyfrifir o dan baragraff 8 neu 9 y mae Gweinidogion Cymru ar ôl ymgynghori ag unrhyw awdurdod arall sy'n ymwneud â'r mater o'r farn ei fod yn gyfiawn;

(b) yn ddarostyngedig i'r is-baragraffau canlynol, am unrhyw flwyddyn y delir y dyfarniad sydd yn daladwy o dan y Rheoliadau hyn, Rheoliadau Addysg (Dyfarniadau Gorfodol) 2003 neu adran 63 o Ddeddf Gwasanaethau Iechyd ac Iechyd y Cyhoedd 1968 (a dim unrhyw ddyfarniad statudol arall) gan bartner y myfyriwr cymwys annibynnol, mae'r cyfraniad sy'n daladwy mewn perthynas â'r myfyriwr cymwys annibynnol yn swm sy'n hafal i hanner y cyfraniad a gyfrifir o dan baragraff 8 neu 9;

(c) pe na bai'r cyfraniad a gyfrifir, o ganlyniad i'r dosraniad o dan baragraff (b) o'r is-baragraff hwn, yn cael ei ddileu drwy ei gymhwyso mewn perthynas â dyfarniad statudol y myfyriwr cymwys annibynnol, mae gweddill y cyfraniad yn cael ei gymhwyso yn hytrach at ddyfarniad statudol perthnasol ei bartner os ydynt ill dau yn fyfyrwyr o dan yr hen drefn neu os ydynt ill dau yn fyfyrwyr cymwys o dan y drefn newydd.

(2) Yn ddarostyngedig i is-baragraff (3), er mwyn cyfrifo'r cyfraniad at ei ddyfarniad statudol, ychwanegir at incwm gweddilliol myfyriwr sy'n rhiant unrhyw swm sy'n weddill —

(a) os yw'r myfyriwr sy'n rhiant yn rhiant i un myfyriwr cymwys yn unig a bod y cyfraniad sy'n daladwy mewn perthynas â'r myfyriwr cymwys hwnnw yn fwy na'r dyfarniad statudol mewn perthynas â'r myfyriwr cymwys hwnnw, y gwahaniaeth rhwng y cyfraniad hwnnw a'r dyfarniad statudol hwnnw; neu

(b) os yw myfyriwr sy'n rhiant yn rhiant i fwy nag un myfyriwr cymwys, unrhyw swm sy'n weddill ar ôl dosrannu'r cyfraniad i'w blant o

Split contributions - independent eligible students

11.—(1) Where a contribution is payable under paragraph 8 or 9 in relation to an independent eligible student with a partner, the contribution is payable in accordance with the following sub-paragraphs—

(a) for any year in which a statutory award other than an award referred to in paragraph (b) of this sub-paragraph is held by the independent eligible student's partner, the contribution payable in respect of the independent eligible student is such proportion of any contribution calculated under paragraph 8 or 9 as the Welsh Ministers after consultation with any other authority involved consider just;

(b) subject to the following sub-paragraphs, for any year in which an award payable under these Regulations, the Education (Mandatory Awards) Regulations 2003 or section 63 of the Health Services and Public Health Act 1968 (and no other statutory award) is held by the independent eligible student's partner, the contribution payable in respect of the independent eligible student is an amount equal to half the contribution calculated under paragraph 8 or 9;

(c) if, as a result of the apportionment under paragraph (b) of this sub-paragraph, the contribution calculated would not be extinguished by applying it in respect of the independent eligible student's statutory award, the remainder of the contribution is instead applied to the relevant statutory award of his or her partner if they are both old system students or if they are both new system eligible students.

(2) Subject to sub-paragraph (3), there is added to a parent student's residual income for the purpose of calculating the contribution to his or her statutory award any sum remaining—

(a) where the parent student is the parent of only one eligible student and the contribution payable in respect of that eligible student is greater than the statutory award in respect of that eligible student, the difference between that contribution and that statutory award; or

(b) where a parent student is the parent of more than one eligible student, any sum remaining after the apportionment of the contribution to

dan yr Atodlen hon.

(3) Os oes gan fyfyriwr sy'n rhiant bartner sydd hefyd yn fyfyriwr cymwys y cymerir ei incwm i ystyriaeth wrth asesu'r cyfraniad mewn perthynas â'r plant yn is-baragraff (2), ychwanegir hanner y swm a gyfrifir o dan is-baragraff (2) at incwm gweddilliol y myfyriwr sy'n rhiant.

his or her children under this Schedule.

(3) Where a parent student has a partner who is also an eligible student and whose income is taken into account in assessing the contribution in relation to the children in sub-paragraph (2), half of the sum calculated under sub-paragraph (2) is added to the parent student's residual income.

©℗ Hawlfraint y Goron 2008

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2008

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

W320/06/08 ON