CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

# 2005 Rhif 1860 (Cy.152)

# ADDYSG, CYMRU

## Rheoliadau Ffioedd mewn Sefydliadau Addysg Uwch (Cymru) 2005

### NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn rhagnodi symiau'r ffi y gellir eu codi am gyrsiau mewn sefydliadau addysg uwch pan fydd Cyngor Cyllido Addysg Uwch Cymru yn gosod amod ar gyllido sefydliadau o'r fath yn unol ag adran 26(4) o Ddeddf Addysgu ac Addysg Uwch 1998. Maent hefyd yn rhagnodi'r dosbarth o bersonau a'r disgrifiad o'r cyrsiau y mae amod o dan adran 26(4) o Ddeddf 1998 yn gymwys iddynt.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

# 2005 No. 1860 (W.152)

# EDUCATION, WALES

## The Fees in Higher Education Institutions (Wales) Regulations 2005

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prescribe the fee amounts that may be charged for courses at higher education institutions where the Higher Education Funding Council for Wales imposes a condition on the funding of such institutions in accordance with section 26(4) of the Teaching and Higher Education Act 1998. They also prescribe the class of persons and the description of courses in respect of which a condition under section 26(4) of the 1998 Act applies.

OFFERYNNAU STATUDOL

# 2005 Rhif 1860 (Cy.152)

# ADDYSG, CYMRU

## Rheoliadau Ffioedd mewn Sefydliadau Addysg Uwch (Cymru) 2005

| | |
|---|---|
| *Wedi'u gwneud* | *7 Gorffennaf 2005* |
| *Yn dod i rym* | *8 Gorffennaf 2005* |

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau yn adran 26(4) o Ddeddf Addysgu ac Addysg Uwch 1998(**1**), yn gwneud y Rheoliadau a ganlyn:

**Enwi, cymhwyso a chychwyn**

**1**.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Ffioedd mewn Sefydliadau Addysg Uwch (Cymru) 2005 a deuant i rym ar 8 Gorffennaf 2005.

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

**Dehongli**

**2**. Yn y Rheoliadau hyn -

mae i "cwrs rhyngosod" yr ystyr a roddir i "*sandwich course*" yn y Rheoliadau Cymorth i Fyfyrwyr;

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

ystyr "y Rheoliadau Cymorth i Fyfyrwyr" ("*the Student Support Regulations*") yw Rheoliadau Addysg (Cymorth i Fyfyrwyr) 2005(**2**) fel y'u diwygir o dro i dro, ac unrhyw reoliadau o dan adran 22 o'r Ddeddf sy'n disodli'r rheoliadau hynny gydag addasiadau neu hebddynt.

(**1**) p. 30. Trosglwyddwyd pwerau'r Ysgrifennydd Gwladol yn adran 26(4) i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Dirymwyd adran 26(5) o'r Ddeddf sy'n diffinio'r "prescribed amount" fel swm hafal i fwyafswm y grant a ragnodwyd o dan adran 22(2)(b) o'r Ddeddf gydag effaith o 7 Gorffennaf 2005 yn rhinwedd Gorchymyn Deddf Addysg Uwch 2004 (Cychwyn Rhif 2 a Darpariaeth Drosiannol) (Cymru) 2005.

(**2**) O.S. 2005/52.

STATUTORY INSTRUMENTS

# 2005 No. 1860 (W.152)

# EDUCATION, WALES

## The Fees in Higher Education Institutions (Wales) Regulations 2005

| | |
|---|---|
| *Made* | *7 July 2005* |
| *Coming into force* | *8 July 2005* |

The National Assembly for Wales, in exercise of the powers in section 26(4) of the Teaching and Higher Education Act 1998(**1**), makes the following Regulations:

**Title, application and commencement**

**1**.-(1) The title of these Regulations is the Fees in Higher Education Institutions (Wales) Regulations 2005 and they come into force on 8 July 2005.

(2) These Regulations apply in relation to Wales.

**Interpretation**

**2**. In these Regulations -

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

"the Student Support Regulations" ("*y Rheoliadau Cymorth i Fyfyrwyr*") means the Education (Student Support) Regulations 2005(**2**) as amended from time to time, and any regulations under section 22 of the Act which replace with or without modification those regulations;

"sandwich course" ("*cwrs rhyngosod*") has the meaning given for that term in the Student Support Regulations.

(**1**) c. 30. The powers of the Secretary of State in section 26(4) were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Section 26(5) of the Act which defines the "prescribed amount" as an amount equal to the maximum amount of grant prescribed under section 22(2)(b) of the Act was repealed with effect from 7 July 2005 by virtue of the Higher Education Act 2004 (Commencement No.2 and Transitional Provision)(Wales) Order 2005.

(**2**) S.I. 2005/52.

**Dosbarth rhagnodedig o bersonau**

**3**. Y dosbarth o bersonau a ragnodir at ddibenion adran 26(4) o'r Ddeddf yw'r dosbarth o'r personau hynny a bennir yn Atodlen 2 i'r Rheoliadau Cymorth i Fyfyrwyr onid ydynt -

(a) yn bersonau nad ydynt yn gymwys ar gyfer cymorth o dan y Rheoliadau Cymorth i Fyfyrwyr oherwydd rheoliad 4(3) o'r rheoliadau hynny;

(b) yn bersonau nad ydynt yn gymwys ar gyfer grant ar gyfer ffioedd o dan y Rheoliadau Cymorth i Fyfyrwyr oherwydd rheoliad 11(3) o'r rheoliadau hynny; ac

(c) yn bersonau nad ydynt, cyn neu yn ystod y flwyddyn academaidd o dan sylw, yn gwneud cais am gymorth yn unol â rheoliadau 8 a 9 o'r Rheoliadau Cymorth i Fyfyrwyr mewn cysylltiad â mynychu cwrs sy'n cynnwys y flwyddyn academaidd honno.

**Disgrifiad rhagnodedig o gyrsiau**

**4**.-(1) Y disgrifiad o gyrsiau a ragnodir at ddibenion adran 26(4) o Ddeddf 1998 yw cyrsiau sy'n gyrsiau dynodedig o fewn ystyr y Rheoliadau Cymorth i Fyfyrwyr ac a ddarperir gan sefydliad yng Nghymru.

(2) At ddibenion paragraff (1) dehonglir cyfeiriad at sefydliad yng Nghymru yn unol ag adran 62(7) o Ddeddf Addysg Bellach ac Uwch 1992(**1**).

**Swm rhagnodedig**

**5**.-(1) O ran blwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Medi 2006, y swm rhagnodedig at ddibenion adran 26(4) yw

(a) yn achos cwrs neu flwyddyn academaidd nad ymdrinnir â hwy gan unrhyw is-baragraff arall o'r paragraff hwn, £1200;

(b) am flwyddyn olaf cwrs y gofynnir ei gwblhau fel arfer ar ôl ei fynychu am lai na 15 wythnos, £600;

(c) am flwyddyn academaidd cwrs rhyngosod pan fydd cyfanswm unrhyw gyfnodau o astudio llawnamser yn llai na 10 wythnos, £600;

(ch) am flwyddyn academaidd cwrs hyfforddiant cychwynnol i athrawon, gan gynnwys cwrs o'r fath sy'n arwain at radd gyntaf, pan fydd cyfanswm unrhyw gyfnodau o astudio llawnamser yn llai na 10 wythnos, £600;

(d) am flwyddyn academaidd cwrs a ddarperir ar y cyd â sefydliad tramor pan fydd cyfanswm unrhyw gyfnodau o astudio llawnamser mewn sefydliad yng Ngymru yn llai na 10 wythnos, £600; ac

(**1**) p. 13

**Prescribed class of persons**

**3**.The class of persons prescribed for the purpose of section 26(4) of the Act is the class comprising those persons who are specified in Schedule 2 to the Student Support Regulations other than -

(a) persons who are not eligible for support under the Student Support Regulations by reason of regulation 4(3) of those regulations;

(b) persons who are not eligible for a grant for fees under the Student Support Regulations by reason of regulation 11(3) of those regulations; and

(c) persons who do not, before or during the academic year in question, make an application for support in accordance with regulations 8 and 9 of the Student Support Regulations in connection with attendance on a course which comprises that academic year.

**Prescribed description of courses**

**4**.-(1) The description of courses which are prescribed for the purposes of section 26(4) of the 1998 Act are courses which are designated courses within the meaning of the Student Support Regulations and provided by an institution in Wales.

(2) For the purposes of paragraph (1) the reference to an institution in Wales is construed in accordance with section 62(7) of the Further and Higher Education Act 1992(**1**).

**Prescribed amount**

**5**.-(1) In relation to an academic year that begins on or after 1 September 2006, the prescribed amount for the purposes of section 26(4) is,

(a) in the case of a course or academic year not covered by any other sub-paragraph of this paragraph, £1200;

(b) for the final year of a course that is ordinarily required to be completed after less than 15 weeks' attendance, £600;

(c) for the academic year of a sandwich course during which any periods of full-time study are in aggregate less than 10 weeks, £600;

(d) for the academic year of a course for the initial training of teachers, including such a course leading to a first degree, during which any periods of full-time study are in aggregate less than 10 weeks, £600;

(e) for the academic year of a course provided in conjunction with an overseas institution during which the periods of full-time study at the institution in Wales are in aggregate less than 10 weeks, £600; and

(**1**) c. 13

(dd) yn achos cwrs rhyngosod neu gwrs a ddarperir ar y cyd â sefydliad tramor pan fydd cyfnodau astudio llawnamser mewn sefydliad yng Nghymru yn 10 wythnos neu fwy ond, o ran y flwyddyn academaidd ac unrhyw flynyddoedd academaidd blaenorol o'r fath, pan fydd cyfanswm unrhyw un cyfnod o bresenoldeb neu ddau nad ydynt yn gyfnodau o astudio llawnamser yn y sefydliad (gan ddiystyru gwyliau yn y cyfamser) yn fwy na 30 wythnos, £600.

**Dirymu**

**6**. Dirymir Rheoliadau Addysg (Ffioedd Sefydliadau Addysg Uwch) 1999(**1**) o ran Cymru.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**2**)

7 Gorffennaf 2005

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

(**1**) O.S. 1999/603.

(**2**) p.38.

(f) in the case of a sandwich course or a course provided in conjunction with an overseas institution where the periods of full-time study at the institution in Wales are 10 weeks or more, but in respect of the academic year and any previous such academic years the aggregate of any one or two periods of attendance which are not periods of full-time study at the institution (disregarding intervening vacations) exceeds 30 weeks, £600.

**Revocation**

**6**. The Education (Fees at Higher Education Institutions) Regulations 1999(**1**) are revoked in relation to Wales.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**2**)

7 July 2005

*D. Elis-Thomas*

The Presiding Officer of the National Assembly

(**1**) S.I. 1999/603.

(**2**) c.38.

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