CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2006 Rhif 2828 (Cy.250)

ADDYSG, CYMRU

Rheoliadau Cyflenwi Gwybodaeth Ar Gyfer Cymorth I Fyfyrwyr I Gyrff Llywodraethu (Cymru) 2006

NODYN ESBONIADOL

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

Mae Adran 45 o Ddeddf Addysg Uwch 2004 yn rhoi pŵer i Gynulliad Cenedlaethol Cymru i wneud rheoliadau sy'n gwneud darpariaeth i awdurdod cymorth i fyfyrwyr gyflenwi gwybodaeth ar gyfer cymorth i fyfyrwyr pan fo'n wybodaeth o ddisgrifiad rhagnodedig sy'n cael ei rhoi i berson rhagnodedig at ddiben rhagnodedig.

At ddibenion y Rheoliadau hyn ystyr "awdurdod cymorth i fyfyrwyr" yw: Cynulliad Cenedlaethol Cymru, awdurdod lleol neu gorff llywodraethu y trosglwyddwyd swyddogaethau cymorth i fyfyrwyr iddo o dan adran 23(1) o Ddeddf Addysgu ac Addysg Uwch 1998 a pherson y cafodd swyddogaethau cymorth i fyfyrwyr eu dirprwyo iddo o dan adran 23(4) o'r Ddeddf honno.

Mae'r rheoliadau hyn yn galluogi awdurdod cymorth i fyfyrwyr i gyflenwi gwybodaeth a ddarperir mewn cysylltiad â chais am gymorth i fyfyrwyr naill ai gan y myfyriwr dan sylw neu gan ei noddwyr i gyrff llywodraethu sefydliadau sy'n darparu cyrsiau sy'n gyrsiau wedi eu dynodi at ddibenion y cynllun cymorth i fyfyrwyr. Mae'r Rheoliadau hefyd yn galluogi awdurdodau cymorth i fyfyrwyr i gyflenwi i gyrff llywodraethu wybodaeth sy'n deillio o'r cais, megis a yw'r myfyriwr yn gymwys yn ystyr y cynllun cymorth i fyfyrwyr neu swm y cymorth i fyfyrwyr sy'n daladwy i'r myfyriwr o dan y cynllun hwnnw.

Dim ond at y diben o gynorthwyo cyrff llywodraethu i benderfynu a yw myfyriwr sydd wedi gwneud cais am gymorth i fyfyrwyr yn gymwys am fwrsari (neu

NATIONAL ASSEMBLY FOR WALES

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EDUCATION, WALES

The Supply Of Student Support Information To Governing Bodies (Wales) Regulations 2006

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 45 of the Higher Education Act 2004 gives the National Assembly for Wales the power to make regulations providing for a student support authority to supply student support information of a prescribed description to a prescribed person for a prescribed purpose.

For the purposes of these Regulations a "student support authority" means: the National Assembly for Wales, a local authority or governing body to whom student support functions have been transferred under section 23(1) of the Teaching and Higher Education Act 1998 and a person to whom student support functions have been delegated under section 23(4) of that Act.

These regulations enable a student support authority to supply information provided in connection with an application for student support either by the student concerned or his or her sponsors to governing bodies of institutions providing courses which are designated for the purposes of the student support scheme. The Regulations also enable student support authorities to supply to governing bodies information which is derived from the application, such as whether the student is eligible within the meaning of the student support scheme or the amount of student support payable to the student under that scheme.

This information may only be supplied for the purpose of assisting governing bodies to determine whether a student who has applied for student support

gymorth cyllidol arall) sy'n cael ei gynnig gan y sefydliad perthnasol, ac i benderfynu swm y bwrsari sy'n daladwy i'r myfyriwr hwnnw, ac hefyd, os yw'n berthnasol, er mwyn gwneud y taliad angenrheidiol i'r myfyriwr hwnnw, y ceir cyflenwi'r wybodaeth honno.

Ni cheir cyflenwi unrhyw wybodaeth o dan y Rheoliadau hyn heb, yn achos gwybodaeth a roddir gan yr ymgeisydd neu wybodaeth sy'n deillio o'r cais, gydsyniad yr ymgeisydd neu, yn achos gwybodaeth a roddir gan y noddwr, gydsyniad y noddwr.

is eligible for a bursary (or other financial support) offered by the relevant institution and the amount of the bursary payable to that student and also, if relevant, to make the necessary payment to the student.

No information may be supplied under these Regulations without, in the case of information provided by the applicant or derived from the application, the applicant's consent or, in the case of information provided by the sponsor, the sponsor's consent.

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Rheoliadau Cyflenwi Gwybodaeth Ar Gyfer Cymorth I Fyfyrwyr I Gyrff Llywodraethu (Cymru) 2006

Wedi'u gwneud	*24 Hydref 2006*
Yn dod i rym	*27 Hydref 2006*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 45 a 47(5) o Ddeddf Addysg Uwch 2004(**1**), yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cyflenwi Gwybodaeth ar Gyfer Cymorth i Fyfyrwyr i Gyrff Llywodraethu (Cymru) 2006.

(2) Mae'r Rheoliadau hyn yn dod i rym ar 27 Hydref 2006 ac maent yn gymwys o ran Cymru.

Dehongliad

2. Yn y Rheoliadau hyn-

ystyr "awdurdod cymorth i fyfyrwyr" ("*student support authority*") yw-

(a) Cynulliad Cenedlaethol Cymru;

(b) unrhyw awdurdod sy'n cwympo o fewn adran 45(7)(e) o Ddeddf 2004; ac

(c) unrhyw berson sy'n cwympo o fewn adran 45(7)(f) o Ddeddf 2004;

ystyr "cais am gymorth i fyfyrwyr" ("*student support application*") yw cais am gymorth sy'n daladwy o dan y cynllun cymorth i fyfyrwyr am flwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Medi 2007;

ystyr "corff llywodraethu" ("*governing body*") yw person sy'n cwympo o fewn adran 45(2)(a) o Ddeddf 2004;

(**1**) 2004 p. 8.

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The Supply Of Student Support Information To Governing Bodies (Wales) Regulations 2006

Made	*24 October 2006*
Coming into force	*27 October 2006*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 45 and 47(5) of the Higher Education Act 2004(**1**), makes the following Regulations:

Title, commencement and application

1.-(1) The title of these Regulations is the Supply of Student Support Information to Governing Bodies (Wales) Regulations 2006.

(2) These Regulations come into force on 27 October 2006 and apply in relation to Wales.

Interpretation

2. In these Regulations-

"2004 Act" ("*Deddf 2004*") means the Higher Education Act 2004;

"applicant" ("*ymgeisydd*") means a person who makes a student support application;

"applicant's sponsor" ("*noddwr yr ymgeisydd*") means an applicant's parent, applicant's partner or applicant's parent's partner who is required under the student support scheme(**2**) to provide information in connection with the applicant's student support application;

"governing body" ("*corff llywodraethu*") means a person falling within section 45(2)(a) of the 2004 Act;

"student support application" ("*cais am gymorth i fyfyrwyr*") means an application for support

(**1**) 2004 c. 8.

(**2**) Student support scheme is defined in section 45(8) of the Higher Education Act 2004.

ystyr "cynllun cymorth i fyfyrwyr" ("*student support scheme*") yw darpariaethau'r rheoliadau o dan adran 22 o Deddf Addysgu ac Addysg Uwch 1998(**1**);

ystyr "Deddf 2004" ("*2004 Act*") yw Deddf Addysg Uwch 2004;

ystyr "gwybodaeth ar gyfer cymorth i fyfyrwyr" ("*student support information*"), mewn perthynas ag awdurdod cymorth i fyfyrwyr, yw unrhyw wybodaeth y mae'r awdurdod cymorth i fyfyrwyr yn ei dal mewn cysylltiad â, neu o ganlyniad i, arfer unrhyw swyddogaeth sy'n ymwneud â gweithredu'r cynllun cymorth i fyfyrwyr;

ystyr "noddwr yr ymgeisydd" ("*applicant's sponsor*") yw rhiant ymgeisydd, partner ymgeisydd neu bartner rhiant ymgeisydd y mae'n ofynnol iddo o dan y cynllun cymorth i fyfyrwyr(**2**) ddarparu gwybodaeth mewn cysylltiad â chais yr ymgeisydd am gymorth i fyfyrwyr; ac

ystyr "ymgeisydd" ("*applicant*") yw person sy'n gwneud cais am gymorth i fyfyrwyr.

Cyflenwi gwybodaeth ar gyfer cymorth i fyfyrwyr

3.-(1) Yn ddarostyngedig i reoliad 4, caiff awdurdod cymorth i fyfyrwyr gyflenwi gwybodaeth ar gyfer cymorth i fyfyrwyr o ddisgrifiad a ragnodir yn rheoliad 5 i gorff llywodraethu at y dibenion a ragnodir ym mharagraff (2).

(2) Y dibenion a ragnodir yw'r dibenion o gynorthwyo'r corff llywodraethu-

(a) i benderfynu a yw'r ymgeisydd yn gymwys ar gyfer bwrsari (neu gymorth ariannol arall) sy'n cael ei gynnig gan y corff hwnnw ac os yw, swm y bwrsari (neu'r cymorth ariannol arall) sy'n daladwy i'r ymgeisydd; a

(b) i dalu i'r ymgeisydd swm y bwrsari (neu'r cymorth ariannol arall) y mae'r corff llywodraethu wedi penderfynu sy'n daladwy iddo.

(**1**) 1998 p.30; diwygiwyd adran 22 gan adran 146 o Ddeddf Dysgu a Medrau 2000 (p.21) ac Atodlen 11 iddi, Atodlen 6 i Deddf Treth Incwm (Enillion a Phensiynau) 2003 (p.1), adran 147 o Ddeddf Cyllid 2003 (p.14), ac adran 42. Diwygiwyd adran 42 ac adran 43 gan Ddeddf Addysg 2002 (p.32), Atodlen 12. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan adran 44 o Orchymyn Deddf Addysg Uwch 2004 (Cychwyn Rhif 2 a Darpariaeth Drosiannol) (Cymru) 2005 (O.S. 2005/1833 (Cy.149) (p.79)).

(**2**) Diffinnir "Student support scheme" yn adran 45(8) o Ddeddf Addysg Uwch 2004.

payable under the student support scheme for an academic year commencing on or after 1st September 2007;

"student support authority" ("*awdurdod cymorth i fyfyrwyr*") means-

(a) the National Assembly for Wales;

(b) any authority falling within section 45(7)(e) of the 2004 Act; and

(c) any person falling within section 45(7)(f) of the 2004 Act;

"student support information" ("*gwybodaeth ar gyfer cymorth i fyfyrwyr*"), in relation to a student support authority, means any information which the student support authority holds in connection with, or in consequence of, the exercise of any function relating to the operation of the student support scheme.

"student support scheme" ("*cynllun cymorth i fyfyrwyr*") means the provisions of regulations under section 22 of the Teaching and Higher Education Act 1998(**1**); and

Supply of student support information

3.-(1) Subject to regulation 4, a student support authority may supply student support information of a description prescribed in regulation 5 to a governing body for the purposes prescribed in paragraph (2).

(2) The prescribed purposes are the purposes of assisting the governing body-

(a) to determine whether the applicant is eligible for a bursary (or other financial support) offered by that body and if so, the amount of bursary (or other financial support) payable to the applicant; and

(b) to pay to the applicant the amount of bursary (or other financial support) the governing body has determined to be payable to him or her.

(**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), section 42. Section 42 and section 43 were amended by the Education Act 2002 (c.32), Schedule 12. The functions of the Secretary of State were transferred to the National Assembly for Wales by section 44 of the Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) Order 2005 (S.I. 2005/1833 (W.149) (c.79)).

Gwybodaeth ragnodedig ar gyfer cymorth i fyfyrwyr i'w chyflenwi gyda chydsyniad yn unig

4.-(1) Ni chaiff awdurdod cymorth i fyfyrwyr gyflenwi gwybodaeth ar gyfer cymorth i fyfyrwyr o ddisgrifiad a ragnodir yn rheoliad 5(a) neu (c) heb gydsyniad yr ymgeisydd.

(2) Ni chaiff awdurdod cymorth i fyfyrwyr gyflenwi gwybodaeth ar gyfer cymorth i fyfyrwyr o ddisgrifiad a ragnodir yn rheoliad 5(b) heb gydsyniad noddwr yr ymgeisydd.

Gwybodaeth ragnodedig ar gyfer cymorth i fyfyrwyr

5. Mae gwybodaeth ar gyfer cymorth i fyfyrwyr yn wybodaeth o'r disgrifiad a ragnodir os-

(a) yw'n wybodaeth a gyflenwyd i awdurdod cymorth i fyfyrwyr gan yr ymgeisydd mewn cysylltiad â'i gais am gymorth i fyfyrwyr;

(b) yw'n wybodaeth a gyflenwir i awdurdod cymorth i fyfyrwyr gan noddwr yr ymgeisydd mewn cysylltiad â chais yr ymgeisydd am gymorth i fyfyrwyr;

(c) yw'n wybodaeth sy'n ymwneud â-

(i) statws yr ymgeisydd fel myfyriwr cymwys, fel myfyriwr cymwys rhan-amser neu fel myfyriwr cymwys ôl-raddedig at ddibenion y cynllun cymorth i fyfyrwyr;

(ii) cymhwyster yr ymgeisydd ar gyfer cymorth ariannol sy'n daladwy o dan y cynllun cymorth i fyfyrwyr;

(iii) cyfrifo swm y cymorth ariannol sy'n daladwy i'r ymgeisydd o dan y cynllun cymorth i fyfyrwyr; neu

(iv) swm y cymorth ariannol sy'n daladwy i'r ymgeisydd o dan y cynllun cymorth i fyfyrwyr.

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

24 Hydref 2006

Prescribed student support information only to be supplied with consent

4.-(1) A student support authority may supply student support information of the description prescribed in regulation 5(a) or (c) only with the consent of the applicant.

(2) A student support authority may supply student support information of the description prescribed in regulation 5(b) only with the consent of the applicant's sponsor.

Prescribed student support information

5. Student support information is of the prescribed description if it is-

(a) information supplied to a student support authority by the applicant in connection with his or her student support application;

(b) information supplied to a student support authority by the applicant's sponsor in connection with the applicant's student support application;

(c) information which relates to-

(i) the applicant's status as an eligible student, eligible part-time student or eligible postgraduate student for the purposes of the student support scheme;

(ii) the applicant's qualification for financial support payable under the student support scheme;

(iii) the calculation of the amount of financial support payable to the applicant under the student support scheme; or

(iv) the amount of financial support payable to the applicant under the student support scheme.

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

24 October 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(**1**) 1998 p.38.

(**1**) 1998 c.38.

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W401/11/06 ON