



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2013 Rhif 1965 (Cy. 190)

2013 No. 1965 (W. 190)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Cymorth i
Fyfyrwyr a Sefydliadau
Ewropeaidd) (Cymru) 2013**

**The Education (Student Support
and European Institutions) (Wales)
Regulations 2013**

NODYN ESBONIADOL

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio:

These Regulations amend:

- (a) Rheoliadau Grantiau a Benthyciadau Dysgu'r Cynulliad (Addysg Uwch) (Cymru) (Rhif 2) 2011 (O.S. 2011/886 (Cy.130)) ("Rheoliadau 2011");
- (b) Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2012 (O.S. 2012/3097 (Cy.313)) ("Rheoliadau 2012"); ac
- (c) Rheoliadau Addysg (Sefydliadau Ewropeaidd) a Chymorth i Fyfyrwyr (Cymru) 2013 (O.S. 2013/765 (Cy.91)) ("Rheoliadau 2013").

- (a) the Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011 (S.I. 2011/886 (W.130)) ("the 2011 Regulations");
- (b) the Education (Student Support) (Wales) Regulations 2012 (S.I. 2012/3097 (W.313)) ("the 2012 Regulations"); and
- (c) the Education (European Institutions) and Student Support (Wales) Regulations 2013 (S.I. 2013/765 (W.91)) ("the 2013 Regulations").

Mae Rheoliadau 2011 a Rheoliadau 2012 yn darparu ar gyfer cymorth ariannol i fyfyrwyr sy'n preswyl fel arfer yng Nghymru ac sy'n dilyn cyrsiau addysg uwch dynodedig yn y blynyddoedd academaidd sy'n dechrau ar neu ar ôl 1 Medi 2012 neu 1 Medi 2013 yn y drefn honno. Mae Rheoliadau 2013 yn darparu ar gyfer cymorth ariannol i fyfyrwyr sy'n preswyl fel arfer yng Nghymru ac sy'n dilyn cyrsiau ôl-raddedig yn yr ysgol i raddedigion mewn cysylltiadau rhyngwladol a sefydlwyd gan Brifysgol Johns Hopkins yn Bologna (a elwir yn Ganolfan Bologna) ac yng Ngholeg Ewrop.

The 2011 Regulations and the 2012 Regulations provide for financial support for students who are ordinarily resident in Wales and undertaking designated higher education courses in academic years beginning on or after 1 September 2012 or 1 September 2013 respectively. The 2013 Regulations provide for financial support for students who are ordinarily resident in Wales and undertaking postgraduate courses at the graduate school for international relations established by Johns Hopkins University of Bologna (known as the Bologna Center) and at the College of Europe.

Mae rheoliadau 2 i 10 yn gwneud amryw ddiwygiadau i Rheoliadau 2011 sy'n ymwneud â newidiadau i'r system budd-daliadau lles a gyflwynwyd gan Ddeddf Diwygio Lles 2012. Mae'r newidiadau hyn yn cynnwys cyflwyno budd-dal newydd a elwir 'credyd cynhwysol' a fydd, dros gyfnod o amser, yn disodli ystod o fudd-daliadau presennol. Mae cymhwysterau ar gyfer mathau a lefelau penodol o gymorth ariannol a ddarperir o dan Rheoliadau 2011 yn ddibynnol ar hawlogoeth myfyriwr i gael budd-daliadau lles presennol. Mae'r Rheoliadau

Regulations 2 to 10 make a variety of amendments to the 2011 Regulations which relate to changes to the welfare benefits system introduced by the Welfare Reform Act 2012. These changes include the introduction of a new benefit known as 'universal credit' which will over time replace a range of existing benefits. Eligibility for certain types and levels of financial support provided under the 2011 Regulations is dependent on a student's entitlement to existing welfare benefits. These Regulations amend the 2011

hyn yn diwygio Rheoliadau 2011 er mwyn cyfeirio at greyd cynhwysol (a chynlluniau gostyngiadau'r dreth gyngor newydd) ochr yn ochr â chyfeiriadau at fudd-daliadau presennol.

Mae rheoliadau 12 i 16 a 19 i 22 yn gwneud diwygiadau cyfatebol i Reoliadau 2012 ac mae rheoliad 26 yn gwneud diwygiadau tebyg, ond llai niferus i Reoliadau 2013.

Mae rheoliad 13 hefyd yn diwygio'r diffiniad o "person sydd â chaniatâd i ddod i mewn neu i aros" yn rheoliad 2(1) o Reoliadau 2012. Mae hyn yn estyn cymhwysra ar gyfer cymorth ariannol i'r personau hynny y rhoddwyd caniatâd yn ôl disgresiwn iddynt (a'u priod, eu partneriaid sifil a'u plant), p'un a yw'r personau hynny wedi bod yn ddarostyngedig i gais aflwyddiannus am loches o'r blaen ai peidio. Mae rheoliad 23 hefyd yn gwneud diwygiadau i Atodlen 1 i Reoliadau 2012 sy'n ganlyniadol ar y diwygiad hwn.

Mae rheoliadau 11, 24 a 27 yn dileu'r term 'preswyllo fel arfer' o'r Atodlenni i Reoliadau 2011, Rheoliadau 2012 a Rheoliadau 2013 sy'n ymdrin ag asesiadau ariannol o fyfyrwyr.

Mae rheoliadau 17 a 18 yn diweddarau croesyfeiriadau penodol yn Rheoliadau 2012.

Regulations so as to refer to universal credit (and the new council tax reduction schemes) alongside references to existing benefits.

Regulations 12 to 16 and 19 to 22 make corresponding amendments to the 2012 Regulations and regulation 26 makes similar, but less extensive amendments to the 2013 Regulations.

Regulation 13 also amends the definition of "person with leave to enter or remain" in regulation 2(1) of the 2012 Regulations. This extends eligibility for financial support to those persons who have been granted discretionary leave (and their spouses, civil partners and children), whether or not those persons have previously been the subject of a failed asylum application. Regulation 23 also makes amendments to Schedule 1 to the 2012 Regulations which are consequential upon this amendment.

Regulations 11, 24 and 27 remove the term 'ordinarily resident' from the Schedules to the 2011 Regulations, the 2012 Regulations and the 2013 Regulations which deal with the financial assessment of students.

Regulations 17 and 18 update certain cross references in the 2012 Regulations.

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ADDYSG, CYMRU

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**Rheoliadau Addysg (Cymorth i
Fyfyrwyr a Sefydliadau
Ewropeaidd) (Cymru) 2013**

**The Education (Student Support
and European Institutions) (Wales)
Regulations 2013**

Gwnaed 1 Awst 2013
*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 7 Awst 2013
Yn dod i rym 30 Awst 2013

Made 1 August 2013
Laid before the National Assembly for Wales
7 August 2013
Coming into force 30 August 2013

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

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

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Cymorth i Fyfyrwyr a Sefydliadau Ewropeaidd) (Cymru) 2013.

(2) Daw'r Rheoliadau hyn i rym ar 30 Awst 2013 ac maent yn gwmwys o ran Cymru.

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Student Support and European Institutions) (Wales) Regulations 2013.

(2) These Regulations come into force on 30 August 2013 and apply in relation to Wales.

(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; Deddf Addysg Uwch 2004 (p.8), adrannau 42 a 43 ac Atodlen 7 a Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p.22), adran 257. *Gweler* adran 43(1) o Ddeddf Addysgu ac Addysg Uwch 1998 am y diffiniad o "prescribed" a "regulations".

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 22 o Ddeddf Addysgu ac Addysg Uwch 1998 (ac eithrio i'r graddau y maent yn ymwneud â gwneud unrhyw ddarpariaeth a awdurdodir gan is-adran (2)(a), (c) (j) neu (k), (3)(e) neu (f) neu (5) o adran 22) i Gynulliad Cenedlaethol Cymru gan adran 44 o Ddeddf Addysg Uwch 2004 a 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 Weiniogion Cymru yn rhinwedd paragraffau 30(1) a 30(2)(c) 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; the Higher Education Act 2004 (c.8), sections 42 and 43 and Schedule 7 and the Apprenticeships, Skills, Children and Learning Act 2009 (c.22), section 257. *See* section 43(1) of the Teaching and Higher Education Act 1998 for the definition of "prescribed" and "regulations".

(2) The functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 (except so far as they relate to the making of any provision authorised by sub-section (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)(c) of Schedule 11 to the Government of Wales Act 2006 (c.32).

Diwygio Rheoliadau Grantiau a Benthyciadau Dysgu'r Cynulliad (Addysg Uwch) (Cymru) (Rhif 2) 2011

2. Mae Rheoliadau Grantiau a Benthyciadau Dysgu'r Cynulliad (Addysg Uwch) (Cymru) (Rhif 2) 2011(1) wedi eu diwygio yn unol â rheoliadau 3 i 11.

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

“ystyr “credyd cynhwysol” (“*universal credit*”) yw credyd cynhwysol o dan Ran 1 o Ddeddf Diwygio Lles 2012(2);

ystyr “cynllun gostyniadau'r dreth gyngor” (“*council tax reduction scheme*”) yw cynllun a wneir gan awdurdod bilio yn unol â Rheoliadau Cynlluniau Gostyniadau'r Dreth Gyngor a Gofynion Rhagnodedig (Cymru) 2012(3) neu sy'n gymwys yn ddiodyf yn unol â pharagraff 6(1)(e) o Atodlen 1B i Ddeddf Cyllid Llywodraeth Leol 1992(4);”.

4. Yn rheoliad 29(3), ar ôl “2002” mewnosoder—

“neu fod ganddo hawlogaeth i gael dyfarniad credyd cynhwysol sy'n cynnwys swm o dan reoliad 31 o Reoliadau Credyd Cynhwysol 2013(5) (yr elfen costau gofal plant)”.

5. Yn rheoliad 32(6)—

(a) ar ddiwedd is-baragraff (e) hepgorer “ac”;

(b) ar ddiwedd is-baragraff (f) yn lle “.” rhodder “; ac”; ac

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

“(ff) yn achos dibynnydd sydd â hawlogaeth i gael dyfarniad credyd cynhwysol—

(i) unrhyw swm sydd wedi ei gynnwys wrth gyfrifo'r dyfarniad o dan reoliad 27(1) o Reoliadau Credyd Cynhwysol 2013, mewn cysylltiad â'r ffaith bod gan y dibynnydd alluogrwydd cyfyngedig i weithio neu alluogrwydd cyfyngedig i weithio ac i wneud gweithgarwch sy'n gysylltiedig â gwaith; a

Amendment of the Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011

2. The Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011(1) are amended in accordance with regulations 3 to 11.

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

““council tax reduction scheme” (“*cynllun gostyniadau'r dreth gyngor*”) means a scheme made by a billing authority in accordance with the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012(2) or which applies in default in accordance with paragraph 6(1)(e) of Schedule 1B to the Local Government Finance Act 1992(3);

“universal credit” (“*credyd cynhwysol*”) means universal credit under Part 1 of the Welfare Reform Act 2012(4);”.

4. In regulation 29(3), after “2002” insert —

“or is entitled to an award of universal credit which includes an amount under regulation 31 of the Universal Credit Regulations 2013(5) (childcare costs element)”.

5. In regulation 32(6)—

(a) at the end of sub-paragraph (g) omit “and”;

(b) at the end of sub-paragraph (h) for “.” substitute “; and”; and

(c) after sub-paragraph (h) insert—

“(i) in the case of a dependant who is entitled to an award of universal credit—

(i) any amount that is included in the calculation of the award under regulation 27(1) of the Universal Credit Regulations 2013, in respect of the fact that the dependant has limited capability for work or limited capability for work and work-related activity; and

(1) O.S. 2011/886 (Cy.130) fel y'i diwygiwyd gan O.S. 2011/1978 (Cy.218), O.S. 2012/14 (Cy.5) ac O.S. 2012/1156 (Cy.139).

(2) 2012 p.5.

(3) O.S. 2012/3144 (Cy.316).

(4) 1992 p.14; mewnosodwyd Atodlen 1B gan Ddeddf Cyllid Llywodraeth Leol 2012, adran 10 ac Atodlen 4.

(5) O.S. 2013/376.

(1) S.I. 2011/886 (W.130) as amended by S.I. 2011/1978 (W.218), S.I. 2012/14 (W.5) and S.I. 2012/1156 (W.139).

(2) S.I. 2012/3144 (W.316)

(3) 1992 c.14; Schedule 1B was inserted by the Local Government Finance Act 2012, section 10 and Schedule 4.

(4) 2012 c.5.

(5) S.I. 2013/376.

- (ii) unrhyw swm neu swm ychwanegol sydd wedi ei gynnwys wrth gyfrifo'r dyfarniad o dan reoliad 24 o'r Rheoliadau hynny (elfen y plentyn)."

6. Yn rheoliad 42, yn lle is-baragraff (4) rhodder—

“(4) Mae gan fyfyrwr cymwys o dan y drefn newydd hawl i gael grant cymorth arbennig os yw'r myfyrwr cymwys hwnnw—

- (a) yn dod o fewn categori rhagnodedig o bersonau at ddibenion adran 124(1)(e) o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(1);
- (b) os trinnir ef fel rhywun sy'n atebol i wneud taliadau mewn cysylltiad ag annedd a ragnodir gan reoliadau a wneir o dan adran 130(2) o'r Ddeddf honno(2); neu
- (c) os yw'n atebol, neu os trinnir ef fel rhywun sy'n atebol i wneud taliadau mewn cysylltiad â'r llety y mae'n ei feddiannu fel ei gartref o dan reoliad 25(3) o Reoliadau Credyd Cynhwysol 2013.”

7. Yn rheoliad 77(1)—

- (a) ar ddiwedd is-baragraff (a)(ii) hepgorer “neu”;
- (b) ar ddiwedd is-baragraff (a)(iii) yn lle “,” rhodder “;”;
- (c) ar ôl is-baragraff (a)(iii) mewnosoder—
 - “(iv) i gredyd cynhwysol; neu
 - (v) i ostyngiad o dan gynllun gostyngiadau'r dreth gyngor.”

8. Yn rheoliad 93(5)—

- (a) ar ddiwedd is-baragraff (a)(ii) hepgorer “neu”;
- (b) ar ôl is-baragraff (a)(iii) mewnosoder—
 - “(iv) i gredyd cynhwysol; neu

- (ii) any amount or additional amount that is included in the calculation of the award under regulation 24 of those Regulations (the child element)."

6. In regulation 42, for sub-paragraph (4) substitute—

“(4) A new system eligible student qualifies for a special support grant if that eligible student—

- (a) 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);
- (b) 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); or
- (c) is liable, or treated as being liable to make payments in respect of the accommodation they occupy as their home under regulation 25(3) of the Universal Credit Regulations 2013.”

7. In regulation 77(1)—

- (a) at the end of sub-paragraph (a)(ii) omit “or”;
- (b) at the end of sub-paragraph (a)(iii) for “,” substitute “;”;
- (c) after sub-paragraph (a)(iii) insert—
 - “(iv) to universal credit; or
 - (v) to a reduction under a council tax reduction scheme.”

8. In regulation 93(5)—

- (a) at the end of sub-paragraph (a)(ii) omit “or”;
- (b) after sub-paragraph (a)(iii) insert—
 - “(iv) to universal credit; or

(1) 1992 p.4. Mae diwygiadau i adran 124 nad ydynt yn berthnasol i'r Rheoliadau hyn. Mae'r categorïau o dan adran 124(1)(e) wedi eu rhagnodi gan reoliadau. Y rheoliad perthnasol yw rheoliad 4ZA o Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987 (O.S. 1987/1967). Mewnosodwyd rheoliad 4ZA gan O.S. 1996/206, fel y'i diwygiwyd gan O.S. 1997/2197, O.S. 2000/636, O.S. 2000/1981, O.S. 2001/3070, O.S. 2006/2144, O.S. 2008/1826, O.S. 2009/583, O.S. 2009/2655 ac O.S. 2009/3152.

(2) Mae diwygiadau i adran 130 nad ydynt yn berthnasol i'r Rheoliadau hyn. Y rheoliad perthnasol yw rheoliad 56 o Reoliadau Budd-dal Tai 2006 (O.S. 2006/213 fel y'i diwygiwyd gan O.S. 2006/718, O.S. 2008/1042, O.S. 2008/1082, O.S. 2009/583 ac O.S. 2010/641).

(1) 1992 c.4. There are amendments to section 124 which are not relevant to these Regulations. Categories under section 124(1)(e) are prescribed by regulations. 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. 1997/2197, S.I. 2000/636, S.I. 2000/1981, S.I. 2001/3070, S.I. 2006/2144, S.I. 2008/1826, S.I. 2009/583, S.I. 2009/2655, and S.I. 2009/3152.

(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, S.I. 2008/1042, S.I. 2008/1082, S.I. 2009/583, and S.I. 2010/641).

(v) i ostyngiad o dan gynllun gostyngiadau'r dreth gyngor;”.

9. Yn rheoliad 98(3), ar ôl “2002” mewnosoder—

“neu fod ganddo hawlogaeth i gael dyfarniad credyd cynhwysol sy'n cynnwys swm o dan reoliad 31 o Reoliadau Credyd Cynhwysol 2013 (yr elfen costau gofal plant)”.

10. Yn rheoliad 101(6)—

- (a) ar ddiwedd is-baragraff (e) hepgorer “ac”;
- (b) ar ddiwedd is-baragraff (f) yn lle “.” rhodder “; ac”;

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

“(ff) yn achos dibynnydd sydd â hawlogaeth i gael dyfarniad credyd cynhwysol—

- (i) unrhyw swm sydd wedi ei gynnwys wrth gyfrifo'r dyfarniad o dan reoliad 27(1) o Reoliadau Credyd Cynhwysol 2013, mewn cysylltiad â'r ffaith bod gan y dibynnydd alluogrwydd cyfyngedig i weithio neu alluogrwydd cyfyngedig i weithio ac i wneud gweithgarwch sy'n gysylltiedig â gwaith; a
- (ii) unrhyw swm neu swm ychwanegol sydd wedi ei gynnwys wrth gyfrifo'r dyfarniad o dan reoliad 24 o'r Rheoliadau hynny (elfen y plentyn).”.

11. Ym mharagraff 5(7)(a) o Atodlen 5 hepgorer y geiriau “, yn preswyllo fel arfer” bob tro y maent yn digwydd.

Diwygio Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2012

12. Mae Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2012(1) wedi eu diwygio yn unol â rheoliadau 13 i 24.

13. Yn rheoliad 2(1)—

- (a) yn y man priodol, mewnosoder—
“ystyr “credyd cynhwysol” (“*universal credit*”) yw credyd cynhwysol o dan Ran 1 o Ddeddf Diwygio Lles 2012;

(v) to a reduction under a council tax reduction scheme;”.

9. In regulation 98(3), after “2002” insert—

“or is entitled to an award of universal credit which includes an amount under regulation 31 of the Universal Credit Regulations 2013 (childcare costs element)”.

10. In regulation 101(6)—

- (a) at the end of sub-paragraph (g) omit “and”;
- (b) at the end of sub-paragraph (h) for “.” substitute “; and”;

(c) after sub-paragraph (h) insert—

“(i) in the case of a dependant who is entitled to an award of universal credit—

- (i) any amount that is included in the calculation of the award under regulation 27(1) of the Universal Credit Regulations 2013, in respect of the fact that the dependant has limited capability for work or limited capability for work and work-related activity; and
- (ii) any amount or additional amount that is included in the calculation of the award under regulation 24 of those Regulations (the child element).”.

11. In paragraph 5(7)(a) of Schedule 5 omit the words “, ordinarily resident” wherever they appear.

Amendment of the Education (Student Support) (Wales) Regulations 2012

12. The Education (Student Support) (Wales) Regulations 2012(1) are amended in accordance with regulations 13 to 24.

13. In regulation 2(1)—

- (a) in the appropriate place, insert—
““council tax reduction scheme” (“*cynllun gostyngiadau'r dreth gyngor*”) means a scheme made by a billing authority in accordance with the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012 or which applies

(1) O.S. 2012/3097 (Cy.313).

(1) S.I. 2012/3097 (W.313).

ystyr “cynllun gostyngiadau'r dreth gyngor” (“*council tax reduction scheme*”) yw cynllun a wneir gan awdurdod bilio yn unol â Rheoliadau Cynlluniau Gostyngiadau'r Dreth Gyngor a Gofynion Rhagnodedig (Cymru) 2012 neu sy'n gymwys yn ddiodyn yn unol â pharagraff 6(1)(e) o Atodlen 1B i Ddeddf Cyllid Llywodraeth Leol 1992;” a

- (b) yn y diffiniad o “person sydd â chaniatâd i ddod i mewn neu i aros” (“*person with leave to enter or remain*”), yn lle is-baragraff (a) rhodder—

“(a) sydd—

- (i) wedi gwneud cais am statws ffoadur ond sydd, o ganlyniad i'r cais hwnnw, wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref y tybir ei bod yn iawn caniatáu i A ddod i mewn i'r Deyrnas Unedig neu aros ynddi ar sail diogelwch dyngarol neu ganiatâd yn ôl disgrisiwn, er yr ystyrir nad yw A yn gymwys i gael ei gydnabod fel ffoadur; neu
- (ii) heb wneud cais am statws ffoadur, ond sydd wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref y tybir ei bod yn iawn caniatáu i A ddod i mewn i'r Deyrnas Unedig neu aros ynddi ar sail caniatâd yn ôl disgrisiwn;”.

14. Yn rheoliad 32(3), ar ôl “2002” mewnosoder—

“neu fod ganddo hawlogaeth i gael dyfarniad credyd cynhwysol sy'n cynnwys swm o dan reoliad 31 o Reoliadau Credyd Cynhwysol 2013 (yr elfen costau gofal plant)”.

15. Yn rheoliad 35(6) —

- (a) ar ddiwedd is-baragraff (g) hepgorer “ac”;
- (b) ar ddiwedd is-baragraff (h) yn lle “.” rhodder “; ac”; ac
- (c) ar ôl is-baragraff (h) mewnosoder—

“(i) yn achos dibynnydd sydd â hawlogaeth i gael dyfarniad credyd cynhwysol—

in default in accordance with paragraph 6(1)(e) of Schedule 1B to the Local Government Finance Act 1992;

“universal credit” (“*credyd cynhwysol*”) means universal credit under Part 1 of the Welfare Reform Act 2012;” and

- (b) in the definition of “person with leave to enter or remain” (“*person sydd â chaniatâd i ddod i mewn neu i aros*”), for sub-paragraph (a) substitute—

“(a) who has—

- (i) applied for refugee status but has as a result of that application been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although A is considered not to qualify for recognition as a refugee it is thought right to allow A to enter or remain in the United Kingdom on the grounds of humanitarian protection or discretionary leave; or
- (ii) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow A to enter or remain in the United Kingdom on the grounds of discretionary leave;”.

14. In regulation 32(3), after “2002” insert —

“or is entitled to an award of universal credit which includes an amount under regulation 31 of the Universal Credit Regulations 2013 (childcare costs element)”.

15. In regulation 35(6)—

- (a) at the end of sub-paragraph (g) omit “and”;
- (b) at the end of sub-paragraph (h) for “.” substitute “; and”; and
- (c) after sub-paragraph (h) insert—

“(i) in the case of a dependant who is entitled to an award of universal credit—

- (i) unrhyw swm sydd wedi ei gynnwys wrth gyfrifo'r dyfarniad o dan reoliad 27(1) o Reoliadau Credyd Cynhwysol 2013, mewn cysylltiad â'r ffaith bod gan y dibynnydd alluogrwydd cyfyngedig i weithio neu alluogrwydd cyfyngedig i weithio ac i wneud gweithgarwch sy'n gysylltiedig â gwaith; a
- (ii) unrhyw swm neu swm ychwanegol sydd wedi ei gynnwys wrth gyfrifo'r dyfarniad o dan reoliad 24 o'r Rheoliadau hynny (elfen y plentyn)."

- (i) any amount that is included in the calculation of the award under regulation 27(1) of the Universal Credit Regulations 2013, in respect of the fact that the dependant has limited capability for work or limited capability for work and work-related activity; and
- (ii) any amount or additional amount that is included in the calculation of the award under regulation 24 of those Regulations (the child element)."

16. Yn rheoliad 45, yn lle is-baragraff (4) rhodder—

“(4) Mae gan fyfyrwr cymwys o dan y drefn newydd hawl i gael grant cymorth arbennig os yw'r myfyrwr cymwys hwnnw—

- (a) yn dod o fewn categori rhagnodedig o bersonau at ddibenion adran 124(1)(e) o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992;
- (b) os trinnir ef fel rhywun sy'n atebol i wneud taliadau mewn cysylltiad ag annedd a ragnodir gan reoliadau a wneir o dan adran 130(2) o'r Ddeddf honno; neu
- (c) os yw'n atebol, neu os trinnir ef fel rhywun sy'n atebol i wneud taliadau mewn cysylltiad â'r llety y mae'n ei feddiannu fel ei gartref o dan reoliad 25(3) o Reoliadau Credyd Cynhwysol 2013.”.

17. Yn rheoliad 56—

- (a) yn is-baragraff (1)(b) yn lle “28(5)” rhodder “28(7)”; a
- (b) yn is-baragraff (2)(b), yn lle “28(5)” rhodder “28(7)”.

18. Yn rheoliad 63(j)(i) yn lle “28(5)” rhodder “28(7)”.

19. Yn rheoliad 81(1)—

- (a) ar ddiwedd is-baragraff (a)(ii) hepgorer “neu”;
- (b) ar ddiwedd is-baragraff (a)(iii) yn lle “,” mewnosoder “,”;
- (c) ar ôl is-baragraff (a)(iii) mewnosoder—
“(iv) i gredyd cynhwysol; neu

16. In regulation 45, for sub-paragraph (4) substitute—

“(4) A new system eligible student qualifies for a special support grant if that eligible student—

- (a) falls within a prescribed category of person for the purposes of section 124(1)(e) of the Social Security Contributions and Benefits Act 1992;
- (b) is treated as being liable to make payments in respect of a dwelling prescribed by regulations made under section 130(2) of that Act; or
- (c) is liable, or treated as being liable to make payments in respect of the accommodation they occupy as their home under regulation 25(3) of the Universal Credit Regulations 2013.”.

17. In regulation 56—

- (a) in sub-paragraph (1)(b) for “28(5)” substitute “28(7)”; and
- (b) in sub-paragraph (2)(b) for “28(5)” substitute “28(7)”.

18. In regulation 63(j)(i) for “28(5)” substitute “28(7)”.

19. In regulation 81(1)—

- (a) at the end of sub-paragraph (a)(ii) omit “or”;
- (b) at the end of sub-paragraph (a)(iii) for “,” substitute “,”;
- (c) after sub-paragraph (a)(iii) insert—
“(iv) to universal credit; or

(v) i ostyngiad o dan gynllun gostyngiadau'r dreth gyngor;”.

20. Yn rheoliad 97(5)—

- (a) ar ddiwedd is-baragraff (a)(ii) hepgorer “neu”;
- (b) ar ôl is-baragraff (a)(iii) mewnosoder—
 - “(iv) i gredyd cynhwysol; neu
 - (v) i ostyngiad o dan gynllun gostyngiadau'r dreth gyngor;”.

21. Yn rheoliad 102(3), ar ôl “2002” mewnosoder—

“neu fod ganddo hawlogaeth i gael dyfarniad credyd cynhwysol sy'n cynnwys swm o dan reoliad 31 o Reoliadau Credyd Cynhwysol 2013 (yr elfen costau gofal plant)”.

22. Yn rheoliad 105(6)—

- (a) ar ddiwedd is-baragraff (g) hepgorer “ac”;
- (b) ar ddiwedd is-baragraff (h) yn lle “.” rhodder “; ac”;
- (c) ar ôl is-baragraff (h) mewnosoder—
 - “(i) yn achos dibynnydd sydd â hawlogaeth i gael dyfarniad credyd cynhwysol—
 - (i) unrhyw swm sydd wedi ei gynnwys wrth gyfrifo'r dyfarniad o dan reoliad 27(1) o Reoliadau Credyd Cynhwysol 2013, mewn cysylltiad â'r ffaith bod gan y dibynnydd alluogrwydd cyfyngedig i weithio neu alluogrwydd cyfyngedig i weithio ac i wneud gweithgarwch sy'n gysylltiedig â gwaith; a
 - (ii) unrhyw swm neu swm ychwanegol sydd wedi ei gynnwys wrth gyfrifo'r dyfarniad o dan reoliad 24 o'r Rheoliadau hynny (elfen y plentyn).”.

23. Yn Rhan 2 o Atodlen 1—

- (a) yn lle paragraff 5(2)(b) rhodder—
 - “(b) a oedd yn briod neu'n bartner sifil i'r person â chaniatâd i ddod i mewn neu i aros ar y dyddiad y gwnaeth y person hwnnw—
 - (i) y cais am loches; neu
 - (ii) y cais am ganiatâd yn ôl disgrisiwn, pan na fo cais am loches wedi ei wneud;”;

(v) to a reduction under a council tax reduction scheme;”.

20. In regulation 97(5)—

- (a) at the end of sub-paragraph (a)(ii) omit “or”;
- (b) after sub-paragraph (a)(iii) insert—
 - “(iv) to universal credit; or
 - (v) to a reduction under a council tax reduction scheme;”.

21. In regulation 102(3), after “2002” insert—

“or is entitled to an award of universal credit which includes an amount under regulation 31 of the Universal Credit Regulations 2013 (childcare costs element)”.

22. In regulation 105(6)—

- (a) at the end of sub-paragraph (g) omit “and”;
- (b) at the end of sub-paragraph (h) for “.” substitute “; and”;
- (c) after sub-paragraph (h) insert—
 - “(i) in the case of a dependant who is entitled to an award of universal credit—
 - (i) any amount that is included in the calculation of the award under regulation 27(1) of the Universal Credit Regulations 2013, in respect of the fact that the dependant has limited capability for work or limited capability for work and work-related activity; and
 - (ii) any amount or additional amount that is included in the calculation of the award under regulation 24 of those Regulations (the child element).”.

23. In Part 2 of Schedule 1—

- (a) for paragraph 5(2)(b) substitute—
 - “(b) who was the spouse or civil partner of the person with leave to enter or remain on the date on which that person made—
 - (i) the application for asylum; or
 - (ii) the application for discretionary leave, where no application for asylum was made;”;

- (b) yn lle paragraff 5(3)(b) rhodder—
- “(b) a oedd, ar y dyddiad y gwnaeth y person â chaniatâd i ddod i mewn neu i aros—
- (i) y cais am loches; neu
 - (ii) y cais am ganiatâd yn ôl disgresiwn, pan na fo cais am loches wedi ei wneud;
- yn blentyn i’r person hwnnw neu’n blentyn i berson a oedd yn briod neu’n bartner sifil i’r person â chaniatâd i ddod i mewn neu i aros ar y dyddiad hwnnw;”; ac

- (c) yn lle paragraff (5)(3)(c) rhodder—
- “(c) a oedd o dan 18 oed ar y dyddiad y gwnaeth y person â chaniatâd i ddod i mewn neu i aros—
- (i) y cais am loches; neu
 - (ii) y cais am ganiatâd yn ôl disgresiwn, pan na fo cais am loches wedi ei wneud;”.

24. Ym mharagraff 5(7)(a) o Atodlen 5 hepgorer y geiriau “, yn preswyllo fel arfer” bob tro y maent yn digwydd.

Diwygio Rheoliadau Addysg (Sefydliadau Ewropeaidd) a Chymorth i Fyfirwyr (Cymru) 2013

25. Mae Rheoliadau Addysg (Sefydliadau Ewropeaidd) a Chymorth i Fyfirwyr (Cymru) 2013(1) wedi eu diwygio yn unol â rheoliadau 26 i 27.

- 26.** Yn rheoliad 28(2)—
- (a) ar ddiwedd is-baragraff (g) hepgorer “ac”;
 - (b) ar ddiwedd is-baragraff (h) yn lle “.” rhodder “; ac”;
 - (c) ar ôl is-baragraff (h) mewnosoder—
 - “(i) yn achos dibynnydd sydd â hawlogaeth i gael dyfarniad credyd cynhwysol—

- (b) for paragraph 5(3)(b) substitute—
- “(b) who, on the date on which the person with leave to enter or remain made—
- (i) the application for asylum; or
 - (ii) the application for discretionary leave, where no application for asylum was made,
- 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;”; and

- (c) for paragraph 5(3)(c) substitute—
- “(c) who was under 18 on the date on which the person with leave to enter or remain made—
- (i) the application for asylum; or
 - (ii) the application for discretionary leave, where no application for asylum was made;”.

24. In paragraph 5(7)(a) of Schedule 5 omit the words “, ordinarily resident” wherever they appear.

Amendment of the Education (European Institutions) and Student Support (Wales) Regulations 2013

25. The Education (European Institutions) and Student Support (Wales) Regulations 2013(1) are amended in accordance with regulations 26 to 27.

- 26.** In regulation 28(2)—
- (a) at the end of sub-paragraph (g) omit “and”;
 - (b) at the end of sub-paragraph (h) for “.” Substitute “; and”;
 - (c) after sub-paragraph (h) insert—
 - “(i) in the case of a dependant who is entitled to an award of universal credit—

(1) O.S. 2013/765 (Cy.91).

(1) S.I. 2013/765 (W.91).

- (i) unrhyw swm sydd wedi ei gynnwys wrth gyfrifo'r dyfarniad o dan reoliad 27(1) o Reoliadau Credyd Cynhwysol 2013, mewn cysylltiad â'r ffaith bod gan y dibynnydd alluogrwydd cyfyngedig i weithio neu alluogrwydd cyfyngedig i weithio ac i wneud gweithgarwch sy'n gysylltiedig â gwaith; a
- (ii) unrhyw swm neu swm ychwanegol sydd wedi ei gynnwys wrth gyfrifo'r dyfarniad o dan reoliad 24 o'r Rheoliadau hynny (elfen y plentyn)."

- (i) any amount that is included in the calculation of the award under regulation 27(1) of the Universal Credit Regulations 2013, in respect of the fact that the dependant has limited capability for work or limited capability for work and work-related activity; and
- (ii) any amount or additional amount that is included in the calculation of the award under regulation 24 of those Regulations (the child element)."

27. Ym mharagraff 4(6)(a) o Atodlen 2 hepgorer y geiriau “, yn preswyllo fel arfer” bob tro y maent yn digwydd.

27. In paragraph 4(6)(a) of Schedule 2 omit the words “, ordinarily resident” wherever they appear.

Huw Lewis

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru.

Minister for Education and Skills, one of the Welsh Ministers

1 Awst 2013

1 August 2013

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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.

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2013 Rhif 1965 (Cy. 190)

2013 No. 1965 (W. 190)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Addysg (Cymorth i
Fyfyrwyr a Sefydliadau
Ewropeaidd) (Cymru) 2013

The Education (Student Support
and European Institutions) (Wales)
Regulations 2013

£5.75

W1677/08/13

ON

ISBN 978-0-348-10790-6



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