OFFERYNNAU STATUDOL CYMRU

2014 Rhif 1314 (Cy. 134)

ADDYSG, CYMRU

Rheoliadau Dileu Atebolrwydd dros Fenthyciadau i Fyfyrwyr at Gostau Byw (Cymru) 2014

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn llywodraethu atebolrwydd dros fenthyciad myfyrwyr sydd gan fyfyrwyr sy'n cael benthyciadau at gostau byw gan Weinidogion Cymru mewn cysylltiad â blwyddyn academaidd 2014/2015.

Mae'r Rheoliadau hyn yn darparu ar gyfer dileu hyd at £1,500 o atebolrwydd pob benthyciwr am fenthyciad at gostau byw mewn amgylchiadau penodol, gydag effaith o'r diwrnod ar ôl y dyddiad y bernir bod ei ad-daliad cyntaf ar ei fenthyciad wedi ei dderbyn.

WELSH STATUTORY INSTRUMENTS

2014 No. 1314 (W. 134)

EDUCATION, WALES

The Cancellation of Student Loans for Living Costs Liability (Wales) Regulations 2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations govern the student loan liability of students who receive loans for living costs from the Welsh Ministers in respect of the academic year 2014/2015.

These Regulations provide for up to £1,500 of each borrower's living costs loan liability to be cancelled in certain circumstances, with effect from the day after the date on which their first loan repayment is considered to have been received.

OFFERYNNAU STATUDOL CYMRU

2014 Rhif 1314 (Cy. 134)

ADDYSG, CYMRU

Rheoliadau Dileu Atebolrwydd dros Fenthyciadau i Fyfyrwyr at Gostau Byw (Cymru) 2014

Gwnaed *21 Mai 2014*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *22 Mai 2014*

Yn dod i rym *1 Awst 2014*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn, 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**):

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Dileu Atebolrwydd dros Fenthyciadau i Fyfyrwyr at Gostau Byw (Cymru) 2014.

(2) Mae'r Rheoliadau hyn yn dod i rym ar 1 Awst 2014.

(**1**) 1998 p.30; diwygiwyd adran 22 gan adran 146 o Ddeddf Dysgu a Sgiliau 2000 (p.21) ac Atodlen 11 iddi, adran 722 o Ddeddf Treth Incwm (Enillion a Phensiynau) 2003 (p.1) ac Atodlen 6 iddi, adran 147 o Ddeddf Cyllid 2003 (p.14), adrannau 42 a 43 o Ddeddf Addysg Uwch 2004 (p.8) ac Atodlen 7 iddi, adran 257 o Ddeddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p.22), adran 76 o Ddeddf Addysg 2011 (p.21), a pharagraff 6 o'r Atodlen i Orchymyn Deddf Gwasanaethau a Marchnadoedd Ariannol 2000 (Gweithgareddau a Reoleiddir) (Diwygio) (Rhif 2) 2013/1881. Mae'r diwygiadau a wnaed gan Ddeddf Addysg 2011 yn gymwys mewn perthynas â myfyriwr sy'n dechrau cwrs ar neu ar ôl 1 Medi 2012, ac eithrio mewn amgylchiadau a ragnodir.

(**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)) i Gynulliad Cenedlaethol Cymru gan adran 44 o Ddeddf Addysg Uwch 2004 (p.8) ac O.S. 2005/1833 (Cy.149) (fel y'i diwygiwyd gan O.S. 2006/1660 (Cy.159)). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraffau 30(1) a 30(2)(c) o Atodlen 11 iddi.

WELSH STATUTORY INSTRUMENTS

2014 No. 1314 (W. 134)

EDUCATION, WALES

The Cancellation of Student Loans for Living Costs Liability (Wales) Regulations 2014

Made *21 May 2014*

Laid before the National Assembly for Wales *22 May 2014*

Coming into force *1 August 2014*

The Welsh Ministers make the following Regulations 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**):

Title and commencement

1.—(1) The title of these Regulations is the Cancellation of Student Loans for Living Costs Liability (Wales) Regulations 2014.

(2) These Regulations come into force on 1 August 2014.

(**1**) 1998 c.30; section 22 was amended by section 146 of and Schedule 11 to the Learning and Skills Act 2000 (c.21), section 722 of and Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c.1), section 147 of the Finance Act 2003 (c.14), sections 42 and 43 of and Schedule 7 to the Higher Education Act 2004 (c.8), section 257 of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22), section 76 of the Education Act 2011 (c.21), and paragraph 6 of the Schedule to the Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013/1881. The amendments made by the Education Act 2011 apply in relation to a student who begins a course on or after 1 September 2012, except in such circumstances as may be prescribed.

(**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)) were transferred to the National Assembly for Wales by section 44 of the Higher Education Act 2004 (c.8) and S.I. 2005/1833 (W.149) (as amended by S.I. 2006/1660 (W.159)). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of and paragraphs 30(1) and 30(2)(c) of Schedule 11 to the Government of Wales Act 2006 (c.32).

Cymhwyso

2. Mae'r Rheoliadau hyn yn gymwys o ran Cymru ac mewn perthynas â darparu cymorth i fyfyrwyr mewn cysylltiad â Blwyddyn Academaidd 2014/2015.

Dehongli

3. Yn y Rheoliadau hyn—

mae i "yr Atebolrwydd sydd heb ei Dalu" ("*the Outstanding Liability*") yr ystyr a roddir iddo yn rheoliad 7;

ystyr "benthyciad at gostau byw" ("*loan for living costs*") yw benthyciad a geir gan Weinidogion Cymru mewn cysylltiad â Blwyddyn Academaidd 2014/2015 o dan reoliadau a wneir yn unol ag adran 22 o Ddeddf 1998(**1**);

ystyr "y benthyciwr" ("*the borrower*") yw person sydd wedi cael benthyciad at gostau byw gan Weinidogion Cymru mewn cysylltiad â Blwyddyn Academaidd 2014/2015;

ystyr "blwyddyn academaidd" ("*academic year*") yw'r cyfnod o ddeuddeng mis sy'n dechrau ar 1 Medi, 1 Ionawr, 1 Ebrill neu 1 Gorffennaf 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 Awst ond cyn 1 Ionawr, ar neu ar ôl 1 Ionawr ond cyn 1 Ebrill, ar neu ar ôl 1 Ebrill ond cyn 1 Gorffennaf, neu ar neu ar ôl 1 Gorffennaf ond cyn 1 Awst, yn y drefn honno;

ystyr "Blwyddyn Academaidd 2014/2015" ("A*cademic Year 2014/2015*") yw blwyddyn academaidd sy'n dechrau ar neu ar ôl 1 Medi 2014 ond cyn 1 Medi 2015;

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

ystyr "Deddf 2008" ("*the 2008 Act*") yw Deddf Gwerthu Benthyciadau Myfyrwyr 2008(**2**);

ystyr "y Dyddiad Ad-dalu" ("*the Repayment Date*") yw'r diwrnod ar ôl y dyddiad y bernir bod ad-daliad cyntaf y benthyciwr ar ei fenthyciad wedi cael ei dderbyn naill ai gan Gyllid a Thollau Ei Mawrhydi neu gan Weinidogion Cymru, pa un bynnag y bernir iddo ei dderbyn gyntaf (yn unol â

(**1**) Mae Gweinidogion Cymru yn talu benthyciadau at gostau byw mewn cysylltiad â Blwyddyn Academaidd 2014/2015 yn unol â Rhan 6 o Reoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2013 (O.S. 2013/3177) (Cy. 316).

(**2**) 2008 p.10.

Application

2. These Regulations apply in relation to Wales and to the provision of support to students in respect of the Academic Year 2014/2015.

Interpretation

3. In these Regulations—

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

"the 2008 Act" ("*Deddf 2008*") means the Sale of Student Loans Act 2008(**1**);

"academic year" ("*blwyddyn academaidd*") means the period of twelve months beginning on 1 September, 1 January, 1 April or 1 July 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 August but before 1 January, on or after 1 January but before 1 April, on or after 1 April but before 1 July, or on or after 1 July but before 1 August, respectively;

"Academic Year 2014/2015" ("*Blwyddyn Academaidd 2014/2015*") means an academic year which begins on or after 1 September 2014 but before 1 September 2015;

"the borrower" ("*y benthyciwr*") means a person who has received a loan for living costs from the Welsh Ministers in respect of the Academic Year 2014/2015;

"loan for living costs" ("*benthyciad at gostau byw*") is a loan received from the Welsh Ministers in respect of the Academic Year 2014/2015 under regulations made pursuant to section 22 of the 1998 Act(**2**);

"the Outstanding Liability" ("*yr Atebolrwydd sydd heb ei Dalu*") has the meaning given in regulation 7;

"the Repayment Date" ("*y Dyddiad Ad-dalu*") means the day after the date on which the borrower's first loan repayment is considered to have been received by either Her Majesty's Revenue and Customs or the Welsh Ministers, whichever is considered (in accordance with

(**1**) 2008 c.10.

(**2**) The Welsh Ministers disburse loans for living costs in respect of the Academic Year 2014/2015 in accordance with Part 6 of the Education (Student Support) (Wales) Regulations 2013 (S.I. 2013/3177) (W.316).

rheoliadau a wneir o dan adran 22 o Ddeddf 1998(**1**));

mae i "y Dyddiad Bodloni" ("*the Satisfaction Date*") yr ystyr a roddir iddo yn rheoliad 9;

mae "Gweinidogion Cymru" ("*Welsh Ministers*") yn cynnwys unrhyw berson y mae Gweinidogion Cymru wedi trosglwyddo neu wedi dirprwyo eu swyddogaethau iddo o dan adran 23 o Ddeddf 1998 neu unrhyw berson y maent wedi trosglwyddo eu hawliau iddo o dan adran 9 o Ddeddf 2008; ac

mae i "y Swm Penodedig" ("*the Specified Amount*") yr ystyr a roddir iddo yn rheoliad 6.

Y cymhwyster ar gyfer dileu

4. Mae benthyciwr yn gymwys i gael y Swm Penodedig o'i Atebolrwydd sydd heb ei Dalu wedi ei ddileu yn yr amgylchiadau a nodir yn rheoliad 5 ("yr Amgylchiadau").

Yr Amgylchiadau

5. Yr Amgylchiadau at ddibenion rheoliad 4 yw—

(a) bod y benthyciwr wedi cael benthyciad at gostau byw; a

(b) bod Gweinidogion Cymru o'r farn, o ran y benthyciwr, ar y Dyddiad Ad-dalu—

(i) nad yw wedi torri unrhyw rwymedigaeth a geir mewn unrhyw gytundeb ar gyfer benthyciad myfyriwr neu mewn unrhyw reoliadau a wnaed o dan adran 22 o Ddeddf 1998; a

(ii) nad oes ganddo gosbau, costau, treuliau neu ffioedd sydd heb eu talu mewn perthynas ag unrhyw fenthyciad o'r fath yn unol ag unrhyw gytundeb neu reoliadau o'r fath; a

(iii) nad yw wedi cael unrhyw o'i atebolrwydd i dalu mewn cysylltiad â benthyciad a gafwyd gan Weinidogion Cymru wedi ei ddileu o dan ddarpariaethau Rheoliadau Dileu Atebolrwydd dros Fenthyciadau i Fyfyrwyr at Gostau Byw (Cymru) 2010(**2**), Rheoliadau Dileu Atebolrwydd

(**1**) Ar adeg gwneud y Rheoliadau hyn, penderfynir ar y dyddiad y bernir bod ad-daliad benthyciwr wedi ei dderbyn yn unol â rheoliad 17 o Reoliadau Addysg (Benthyciadau i Fyfyrwyr) (Ad-dalu) 2009 (O.S. 2009/470) fel y'i diwygiwyd gan O.S. 2010/661, O.S. 2010/1010, O.S.2011/784, O.S. 2012/836, O.S. 2012/1309, O.S. 2013/607, O.S. 2013/388, O.S. 2013/1881, O.S. 2013/591 ac O.S. 2014/651.

(**2**) O.S. 2010/1704 (Cy.164).

regulations made under section 22 of the 1998 Act (**1**)) to have received it first;

"the Satisfaction Date" ("*y Dyddiad Bodloni*") has the meaning given in regulation 9;

"the Specified Amount" ("*y Swm Penodedig*") has the meaning given in regulation 6; and

"Welsh Ministers" (*"Gweinidogion Cymru"*) includes any person to whom they have transferred or delegated their functions under section 23 of the 1998 Act or to whom they have transferred their rights under section 9 of the 2008 Act.

Qualification for cancellation

4. A borrower qualifies for cancellation of the Specified Amount of their Outstanding Liability in the circumstances set out in regulation 5 ("the Circumstances").

Circumstances

5. The Circumstances for the purposes of regulation 4 are that—

(a) the borrower has received a loan for living costs; and

(b) the Welsh Ministers consider that, on the Repayment Date, the borrower—

(i) is not in breach of any obligation contained in any agreement for a student loan or in any regulations made under section 22 of the 1998 Act; and

(ii) does not have outstanding penalties, costs, expenses or charges in relation to such a loan pursuant to any such agreement or regulations; and

(iii) has not received a cancellation under the provisions of the Cancellation of Student Loans for Living Costs Liability (Wales) Regulations 2010(**2**), the Cancellation of Student Loans for Living Costs Liability

(**1**) At the time of making these Regulations, the date on which a borrower's repayment is considered to have been received is determined in accordance with regulation 17 of the Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470) as amended by S.I. 2010/661, S.I. 2010/1010, S.I. 2011/784, S.I. 2012/836, S.I. 2012/1309, S.I. 2013/607, S.I. 2013/388, S.I. 2013/1881, S.I. 2013/591 and S.I. 2014/651.

(**2**) S.I. 2010/1704 (W.164).

dros Fenthyciadau i Fyfyrwyr at Gostau Byw (Cymru) 2011(**1**), Rheoliadau Dileu Atebolrwydd dros Fenthyciadau i Fyfyrwyr at Gostau Byw (Cymru) 2012(**2**) neu Reoliadau Dileu Atebolrwydd dros Fenthyciadau i Fyfyrwyr at Gostau Byw (Cymru) 2013(**3**).

Y Swm Penodedig

6. Y Swm Penodedig ar gyfer dileu y mae rheoliad 4 yn cyfeirio ato yw'r swm lleiaf o'r canlynol—

(a) £1,500;

(b) yr Atebolrwydd sydd heb ei Dalu.

Yr Atebolrwydd sydd heb ei Dalu

7.—(1) Yn ddarostyngedig i baragraff (2), yr Atebolrwydd sydd heb ei Dalu yw'r cyfanswm y bernir ei fod yn daladwy gan y benthyciwr ar y Dyddiad Ad-dalu mewn cysylltiad ag unrhyw fenthyciad at gostau byw, ond nid yw'n cynnwys unrhyw log sydd wedi cronni ar y benthyciad hwnnw, nac unrhyw gosbau, costau, treuliau neu ffioedd yr aed iddynt mewn cysylltiad ag unrhyw fenthyciad o'r fath.

(2) At ddibenion rheoliad 9, yr Atebolrwydd sydd heb ei Dalu yw'r cyfanswm y bernir ei fod yn daladwy gan y benthyciwr ar y Dyddiad Bodloni mewn cysylltiad ag unrhyw fenthyciad at gostau byw, ond nid yw'n cynnwys unrhyw log sydd wedi cronni ar y benthyciad hwnnw, nac unrhyw gosbau, costau, treuliau neu ffioedd yr aed iddynt mewn cysylltiad ag unrhyw fenthyciad o'r fath.

(3) At ddibenion cyfrifo'r Atebolrwydd sydd heb ei Dalu ym mharagraffau (1) a (2), cyfrifir y swm y bernir ei fod yn daladwy gan y benthyciwr yn unol â rheoliadau a wnaed yn unol ag adran 22 o Ddeddf 1998(**4**).

Dileu

8. Yn yr Amgylchiadau yn rheoliad 5, rhaid i Weinidogion Cymru ddileu'r Swm Penodedig gydag effaith o'r Dyddiad Ad-dalu.

(**1**) O.S. 2011/1654 (Cy.189).
(**2**) O.S. 2012/1518 (Cy.201).
(**3**) O.S. 2013/1396 (Cy.135).
(**4**) Ar adeg gwneud y Rheoliadau hyn penderfynir ar y swm y bernir bod benthyciwr wedi ei ad-dalu ac felly'r swm y bernir ei fod yn dal yn daladwy yn unol â Rheoliadau Addysg (Benthyciadau i Fyfyrwyr) (Ad-dalu) 2009 (O.S. 2009/470), fel y'i diwygiwyd. Gweler yn benodol reoliadau 17, 29, 44 a 76.

(Wales) Regulations 2011(**1**), the Cancellation of Student Loans for Living Costs Liability (Wales) Regulations 2012(**2**) or the Cancellation of Student Loans for Living Costs Liability (Wales) Regulations 2013(**3**) of any of their liability for payment in respect of a loan received from the Welsh Ministers.

Specified Amount

6. The Specified Amount for cancellation to which regulation 4 refers is the lesser of—

(a) £1,500;

(b) the Outstanding Liability.

Outstanding Liability

7.—(1) Subject to paragraph (2), the Outstanding Liability is the total amount considered to be payable by the borrower on the Repayment Date in respect of any loan for living costs, but does not include any interest accrued on that loan, or penalties, costs, expenses or charges incurred in respect of any such loan.

(2) For the purposes of regulation 9, the Outstanding Liability is the total amount considered to be payable by the borrower on the Satisfaction Date in respect of any loan for living costs, but does not include any interest accrued on that loan, or penalties, costs, expenses or charges incurred in respect of any such loan.

(3) For the purposes of calculating the Outstanding Liability in paragraphs (1) and (2), the amount considered to be payable by the borrower is calculated in accordance with regulations made pursuant to section 22 of the 1998 Act(**4**).

Cancellation

8. In the Circumstances in regulation 5, the Welsh Ministers must cancel the Specified Amount with effect from the Repayment Date.

(**1**) S.I. 2011/1654 (W.189).
(**2**) S.I. 2012/1518 (W.201).
(**3**) S.I. 2013/1396 (W.135).
(**4**) At the time of making these Regulations the amount which a borrower is considered to have repaid and therefore the amount that is considered to still be payable is determined in accordance with the Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), as amended. See in particular regulations 17, 29, 44 and 76.

9. Os oes unrhyw un neu ragor o'r Amgylchiadau yn rheoliad 5(b) heb ei fodloni neu eu bodloni ar y Dyddiad Ad-dalu, ond ei fod yn cael ei fodloni neu eu bod yn cael eu bodloni ar ddyddiad diweddarach, caiff Gweinidogion Cymru ddileu'r Swm Penodedig gydag effaith o'r dyddiad y cafodd yr Amgylchiadau eu bodloni yn eu barn hwy ("y Dyddiad Bodloni").

9. If any of the Circumstances in regulation 5(b) are not satisfied on the Repayment Date, but they become satisfied at a later date, the Welsh Ministers may cancel the Specified Amount with effect from the date that they consider the Circumstances to have been satisfied ("the Satisfaction Date").

Huw Lewis

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru

21 Mai 2014

Minister for Education and Skills, one of the Welsh Ministers

21 May 2014

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2014 Rhif 1314 (Cy. 134)

ADDYSG, CYMRU

Rheoliadau Dileu Atebolrwydd dros Fenthyciadau i Fyfyrwyr at Gostau Byw (Cymru) 2014

WELSH STATUTORY INSTRUMENTS

2014 No. 1314 (W. 134)

EDUCATION, WALES

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