



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 223 (Cy. 87)

2016 No. 223 (W. 87)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg Uwch
(Cynlluniau Ffioedd a Mynediad)
(Hysbysiadau, Gweithdrefn a
Chyhoeddi) (Cymru) 2016**

**The Higher Education (Fee and
Access Plans) (Notices, Procedure
and Publication) (Wales)
Regulations 2016**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn gwneud darpariaeth mewn cysylltiad â hysbysiadau o dan adrannau 37, 38 a 39 o Ddeddf Addysg Uwch (Cymru) 2015 ("Deddf 2015") a sut a phryd y mae Cyngor Cyllido Addysg Uwch Cymru ("CCAUC") i gydymffurfio â'i ddyletswyddau o dan adran 40(1) o Ddeddf 2015.

These Regulations make provision in respect of notices under sections 37, 38 and 39 of the Higher Education (Wales) Act 2015 ("the 2015 Act") and how and when the Higher Education Funding Council for Wales ("HEFCW") are to comply with their duties under section 40(1) of the 2015 Act.

Mae rheoliad 2 yn darparu mai'r cyfnod hwyaf y caniateir iddo gael ei bennu mewn hysbysiad o dan adran 37 o Ddeddf 2015 (hysbysiad ynghylch gwrthod cymeradwyo cynllun ffioedd a mynediad newydd) yw blwyddyn.

Regulation 2 provides that the maximum period that may be specified in notice under section 37 of the 2015 Act (notice of refusal to approve a new fee and access plan) is one year.

Mae rheoliadau 3 a 4 yn darparu ar gyfer y weithdrefn sydd i'w dilyn gan CCAUC mewn cysylltiad â thynnu'n ôl hysbysiad o dan adran 37 o Ddeddf 2015. Pan fo CCAUC yn tynnu hysbysiad o'r fath yn ôl, rhaid iddo roi copi o'r hysbysiad tynnu'n ôl i Weinidogion Cymru ar unwaith.

Regulations 3 and 4 provide for the procedure to be followed by HEFCW in connection with the withdrawal of notice under section 37 of the 2015 Act. Where HEFCW withdraw such a notice, they must immediately give a copy of the notice of withdrawal to the Welsh Ministers.

Mae rheoliadau 5 a 6 yn darparu ar gyfer y weithdrefn sydd i'w dilyn mewn cysylltiad â rhoi hysbysiad o dan adran 38 o Ddeddf 2015 (dyletswydd CCAUC i dynnu cymeradwyaeth yn ôl). Effaith rheoliad 5(a) yw bod adrannau 42 i 44 o Ddeddf 2015, sy'n ymwneud â'r weithdrefn rhybuddio ac adolygu ar gyfer hysbysiadau a chyfarwyddydau penodol o dan y Ddeddf honno, yn gymwys mewn cysylltiad â rhoi hysbysiad gan CCAUC o dan adran 38. Effaith rheoliadau 5(b) a 6 yw bod rheoliadau 2 i 10 o Rheoliadau Addysg Uwch (Cynlluniau Ffioedd a Mynediad) (Hysbysiadau a Chyfarwyddydau) (Cymru) 2015 hefyd yn gymwys, gydag addasiadau, i roi hysbysiadau o'r fath.

Regulations 5 and 6 provide for the procedure to be followed in connection with giving notice under section 38 of the 2015 Act (HEFCW's duty to withdraw approval). The effect of regulation 5(a) is that sections 42 to 44 of the 2015 Act, which concern the warning and review procedure for certain notices and directions under that Act, apply in connection with HEFCW giving notice under section 38. The effect of regulations 5(b) and 6 is that regulations 2 to 10 of the Higher Education (Fee and Access Plans) (Notices and Directions) (Wales) Regulations 2015 also apply, with modifications, to the giving of such notices.

Mae rheoliadau 7 i 10 yn gwneud darpariaeth ynghylch sut a phryd y mae CCAUC i gydymffurfio â'i ddyletswyddau o dan adran 40(1) o Ddeddf 2015. Mae'r adran honno yn ei gwneud yn ofynnol i CCAUC, pan fydd yn rhoi hysbysiad o dan adran 37, 38 neu 39 o Ddeddf 2015, roi copi o'r hysbysiad i Weinidogion Cymru a chyhoeddi'r hysbysiad. Pan fo CCAUC yn rhoi hysbysiad o dan unrhyw un neu ragor o'r adrannau hynny, mae rheoliad 7 yn ei gwneud yn ofynnol iddo roi copi o'r hysbysiad i Weinidogion Cymru ar unwaith a chyhoeddi copi o'r hysbysiad ar ei wefan o fewn saith niwrnod i'r diwrnod y rhoddir yr hysbysiad.

Mae rheoliad 8 yn darparu ar gyfer pryd y mae hysbysiad o'r fath i gael ei drin fel pe bai wedi ei roi gan CCAUC at ddibenion rheoliad 7 ac mae rheoliadau 9 a 10 yn nodi am ba hyd y dylid cyhoeddi hysbysiadau o'r fath ar wefan CCAUC.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Is-adran Addysg Uwch, Parc Cathays, Caerdydd, CF10 3NQ.

Regulations 7 to 10 make provision about how and when HEFCW are to comply with their duties under section 40(1) of the 2015 Act. That section requires HEFCW, when they give a notice under section 37, 38 or 39 of the 2015 Act, to give a copy of the notice to the Welsh Ministers and to publish the notice. Where HEFCW give notice under any of those sections, regulation 7 requires them to immediately give a copy of the notice to the Welsh Ministers and publish a copy of the notice on their website within seven days of the day on which the notice is given.

Regulation 8 provides for when such a notice is to be treated as given by HEFCW for the purposes of regulation 7 and regulations 9 and 10 set out the length of time that such notices should be published on HEFCW's website.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Higher Education Division, Cathays Park, Cardiff, CF10 3NQ.

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**The Higher Education (Fee and
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Regulations 2016**

Gwnaed 23 Chwefror 2016

Made 23 February 2016

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 25 Chwefror 2016

Laid before the National Assembly for Wales
25 February 2016

Yn dod i rym 28 Mawrth 2016

Coming into force 28 March 2016

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adrannau 37(7)(a), 37(7)(c), 38(2)(b), 38(3) a 40(2) o Ddeddf Addysg Uwch (Cymru) 2015(1), yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred on them by sections 37(7)(a), 37(7)(c), 38(2)(b), 38(3) and 40(2) of the Higher Education (Wales) Act 2015(1), make the following Regulations:

Enwi, cychwyn, dehongli a chymhwyso

Title, commencement, interpretation and application

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg Uwch (Cynlluniau Ffioedd a Mynediad) (Hysbysiadau, Gweithdrefn a Chyhoeddi) (Cymru) 2016 a deuant i rym ar 28 Mawrth 2016.

1.—(1) The title of these Regulations is the Higher Education (Fee and Access Plans) (Notices, Procedure and Publication) (Wales) Regulations 2016 and they come into force on 28 March 2016.

(2) Yn y Rheoliadau hyn—

(2) In these Regulations—

(a) ystyr “Deddf 2015” (“*the 2015 Act*”) yw Deddf Addysg Uwch (Cymru) 2015 ac mae cyfeiriadau at adrannau yn gyfeiriadau at adrannau o'r Ddeddf honno; a

(a) “the 2015 Act” (“*Deddf 2015*”) means the Higher Education (Wales) Act 2015 and references to sections are references to sections of that Act; and

(b) ystyr “Rheoliadau 2015” (“*the 2015 Regulations*”) yw Rheoliadau Addysg Uwch (Cynlluniau Ffioedd a Mynediad) (Hysbysiadau a Chyfarwyddydau) (Cymru) 2015(2).

(b) “the 2015 Regulations” (“*Rheoliadau 2015*”) means the Higher Education (Fee and Access Plans) (Notices and Directions) (Wales) Regulations 2015(2).

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

(3) These Regulations apply in relation to Wales.

(1) 2015 decc 1.
(2) O.S. 2015/1485 (Cy. 164).

(1) 2015 anaw 1.
(2) S.I. 2015/1485 (W. 164).

Y cyfnod hwyaf y caniateir iddo gael ei bennu mewn hysbysiad o dan adran 37 o Ddeddf 2015

2. Y cyfnod hwyaf y caniateir iddo gael ei bennu mewn hysbysiad o dan adran 37 yw blwyddyn.

Y weithdrefn sydd i'w dilyn mewn cysylltiad â thynnu'n ôl hysbysiad o dan adran 37 o Ddeddf 2015

3.—(1) Caiff CCAUC dynnu'n ôl hysbysiad a roddir o dan adran 37 drwy roi hysbysiad tynnu'n ôl i gorff llywodraethu'r sefydliad.

(2) Rhaid i hysbysiad tynnu'n ôl o dan baragraff (1)—

- (a) bod yn ysgrifenedig;
- (b) bod wedi ei ddyddio; ac
- (c) hysbysu corff llywodraethu'r sefydliad am y rhesymau dros dynnu'n ôl yr hysbysiad o dan adran 37.

(3) Y dyddiad y caiff hysbysiad o dan adran 37 ei dynnu'n ôl yw dyddiad yr hysbysiad tynnu'n ôl.

4. Os yw CCAUC wedi rhoi hysbysiad tynnu'n ôl o dan reoliad 3, rhaid iddo roi copi o'r hysbysiad tynnu'n ôl i Weinidogion Cymru ar unwaith.

Y weithdrefn sydd i'w dilyn mewn cysylltiad â rhoi hysbysiad o dan adran 38 o Ddeddf 2015

5. Yn ddarostyngedig i reoliad 6, mae'r darpariaethau a ganlyn yn gymwys mewn cysylltiad â rhoi hysbysiad o dan adran 38—

- (a) adrannau 42 i 44; a
- (b) rheoliadau 2 i 10 o Reoliadau 2015.

6. Mae rheoliad 4 o Reoliadau 2015 i gael ei ddarllen fel pe bai—

- (a) "hysbysiad o dan adran 38 o Ddeddf 2015" wedi ei roi yn lle "hysbysiad neu gyfarwyddyd a bennir yn adran 41(1) o Ddeddf 2015"; a
- (b) y geiriau "neu'r cyfarwyddyd" ym mharagraffau (a) i (c) wedi eu hepgor.

Cydymffurfedd gan CCAUC ag adran 40(1) o Ddeddf 2015

7. Os yw CCAUC yn rhoi hysbysiad o dan adran 37, 38 neu 39, rhaid iddo—

- (a) rhoi copi o'r hysbysiad i Weinidogion Cymru ar unwaith; a

Maximum period that may be specified in notice under section 37 of the 2015 Act

2. The maximum period that may be specified in notice under section 37 is one year.

Procedure to be followed in connection with the withdrawal of notice under section 37 of the 2015 Act

3.—(1) HEFCW may withdraw notice given under section 37 by notice of withdrawal to the governing body of the institution.

(2) Notice of withdrawal under paragraph (1) must—

- (a) be in writing;
- (b) be dated; and
- (c) inform the governing body of the institution of the reasons for the withdrawal of notice under section 37.

(3) The date on which notice under section 37 is withdrawn is the date of notice of withdrawal.

4. If HEFCW have given notice of withdrawal under regulation 3, they must immediately give a copy of the notice of withdrawal to the Welsh Ministers.

Procedure to be followed in connection with giving notice under section 38 of the 2015 Act

5. Subject to regulation 6, the following provisions apply in connection with giving notice under section 38—

- (a) sections 42 to 44; and
- (b) regulations 2 to 10 of the 2015 Regulations.

6. Regulation 4 of the 2015 Regulations is to be read as if—

- (a) for "notice or direction specified in section 41(1) of the 2015 Act", there were substituted "notice under section 38 of the 2015 Act"; and
- (b) the words "or direction" in paragraphs (a) to (c) were omitted.

Compliance by HEFCW with section 40(1) of the 2015 Act

7. If HEFCW give notice under section 37, 38 or 39, they must—

- (a) immediately give a copy of the notice to the Welsh Ministers; and

- (b) cyhoeddi copi o'r hysbysiad ar ei wefan o fewn y cyfnod o saith niwrnod sy'n dechrau â'r diwrnod y rhoddir yr hysbysiad i gorff llywodraethu'r sefydliad.

8. At ddibenion rheoliad 7—

- (a) mae hysbysiad o dan adran 37 neu 39 i gael ei drin fel pe bai wedi ei roi gan CCAUC yn unol â rheoliad 4 o Reoliadau 2015; a
- (b) mae hysbysiad o dan adran 38 i gael ei drin fel pe bai wedi ei roi gan CCAUC yn unol â rheoliad 4 o Reoliadau 2015 fel y'i cymhwysir, gydag addasiadau, gan reoliadau 5(b) a 6 o'r Rheoliadau hyn.

9. Mae copi o hysbysiad o dan adran 37 a gyhoeddir ar wefan CCAUC o dan reoliad 7(b) i aros ar y wefan honno tan y cynharaf o—

- (a) diwedd y cyfnod a bennir yn yr hysbysiad o dan adran 37(2); neu
- (b) dyddiad yr hysbysiad tynnu'n ôl a roddir gan CCAUC o dan reoliad 3 i gorff llywodraethu'r sefydliad mewn cysylltiad â'r hysbysiad hwnnw.

10. Mae copi o hysbysiad o dan adran 38 neu 39 a gyhoeddir ar wefan CCAUC o dan reoliad 7(b) i aros ar y wefan honno tan y dyddiad y byddai'r cyfnod yr oedd y cynllun ffioedd a mynediad perthnasol yn ymwneud ag ef wedi dod i ben oni bai am yr hysbysiad.

- (b) publish a copy of the notice on their website within the period of seven days beginning with the day on which the notice is given to the governing body of the institution.

8. For the purposes of regulation 7—

- (a) notice under section 37 or 39 is to be treated as given by HEFCW in accordance with regulation 4 of the 2015 Regulations; and
- (b) notice under section 38 is to be treated as given by HEFCW in accordance with regulation 4 of the 2015 Regulations as applied, with modifications, by regulations 5(b) and 6 of these Regulations.

9. A copy of a notice under section 37 which is published on HEFCW's website under regulation 7(b) is to remain on that website until the earlier of—

- (a) the end of the period specified in the notice under section 37(2); or
- (b) the date of notice of withdrawal given by HEFCW under regulation 3 to the governing body of the institution in connection with that notice.

10. A copy of a notice under section 38 or 39 which is published on HEFCW's website under regulation 7(b) is to remain on that website until the date on which the period to which the relevant fee and access plan related would have, but for the notice, expired.

Huw Lewis

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru

23 Chwefror 2016

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Minister for Education and Skills, one of the Welsh Ministers

23 February 2016

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