



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2019 Rhif 424 (Cy. 98)

2019 No. 424 (W. 98)

**YMADAEL Â'R UNDEB
EWROPEAIDD, CYMRU**

**EXITING THE EUROPEAN
UNION, WALES**

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Addysg (Cyllid
Myfyrwyr) (Diwygiadau
Amrywiol) (Cymru) (Ymadael â'r
UE) 2019

The Education (Student Finance)
(Miscellaneous Amendments)
(Wales) (EU Exit) Regulations 2019

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 Addysg (Ffioedd a Dyfarniadau)
(Cymru) 2007;

(a) the Education (Fees and Awards) (Wales)
Regulations 2007;

(b) Rheoliadau Addysg (Athrofa Brifysgol
Ewropeaidd) (Cymru) 2014;

(b) the Education (European University Institute)
(Wales) Regulations 2014;

(c) Rheoliadau Addysg Uwch (Cyrsiau Cymhwysol,
Personau Cymhwysol a Darpariaeth Atodol) (Cymru)
2015;

(c) the Higher Education (Qualifying Courses,
Qualifying Persons and Supplementary Provision)
(Wales) Regulations 2015;

(d) Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru)
2017;

(d) the Education (Student Support) (Wales)
Regulations 2017;

(e) Rheoliadau Addysg (Benthyciadau at Radd Feistr
Ôl-raddedig) (Cymru) 2017;

(e) the Education (Postgraduate Master's Degree
Loans) (Wales) Regulations 2017;

(f) Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru)
2018 ("y Rheoliadau Cymorth i Fyfyrwyr"); ac

(f) the Education (Student Support) (Wales)
Regulations 2018 ("the Student Support Regulations");
and

(g) Rheoliadau Addysg (Benthyciadau at Radd
Ddoethurol Ôl-raddedig) (Cymru) 2018.

(g) the Education (Postgraduate Doctoral Degree
Loans) (Wales) Regulations 2018.

Y prif ddiwygiadau y mae'r Rheoliadau hyn yn eu gwneud i'r Rheoliadau Cymorth i Fyfyrrwyr yw fel a ganlyn.

Mae rheoliad 25 yn diwygio'r diffiniad o "blwyddyn Erasmus" ym mharagraff 4(1) o Atodlen 1 i'r Rheoliadau Cymorth i Fyfyrrwyr fel bod y diffiniad hwn yn gymwys mewn perthynas â blynyddoedd academaidd sy'n dechrau cyn neu ar ôl y diwrnod ymadael.

Mae rheoliad 26(5)(a) ac (c) yn diwygio paragraff 6 o Atodlen 2 er mwyn sicrhau y bydd person a fyddai wedi bod yn gymwys i gael cymorth o dan y paragraff hwn cyn y diwrnod ymadael yn parhau i fod yn gymwys ar ac ar ôl y diwrnod ymadael. Mae rheoliad 26(6) yn gwneud darpariaeth gyfatebol mewn perthynas ag unrhyw berson a fyddai wedi bod yn gymwys o dan baragraff 7 o Atodlen 2 yn union cyn y diwrnod ymadael.

Mae rheoliadau 24 ac 28 yn ganlyniadol i reoliad 26(5)(c) ac yn diwygio rheoliad 80 o'r Rheoliadau Cymorth i Fyfyrrwyr a paragraff 4(2)(c) o Atodlen 5 iddynt yn y drefn honno.

Mae gweddill rheoliad 26 a rheoliad 27 yn diwygio cyfeiriadau at "Aelod-wladwriaeth" ac "y diriogaeth sy'n ffurfio'r AEE" i adlewyrchu ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd.

Mae rheoliadau 2 i 4 yn gwneud diwygiadau cyfatebol i Reoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007.

Mae rheoliadau 5 i 7 yn gwneud diwygiadau cyfatebol i Reoliadau Addysg (Athrofa Brifysgol Ewropeaidd) (Cymru) 2014.

Mae rheoliad 8 yn gwneud diwygiadau cyfatebol i Reoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) 2015.

Mae rheoliadau 9 i 19 yn gwneud diwygiadau cyfatebol i Reoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2017.

Mae rheoliadau 20 i 22 yn gwneud diwygiadau cyfatebol i Reoliadau Addysg (Benthyciadau at Radd Feistr Ôl-raddedig) (Cymru) 2017.

The principal amendments which these Regulations make to the Student Support Regulations are as follows.

Regulation 25 amends the definition of "Erasmus year" in paragraph 4(1) of Schedule 1 to the Student Support Regulations so that this definition applies in relation to academic years beginning before or after exit day.

Regulation 26(5)(a) and (c) amends paragraph 6 of Schedule 2 to ensure that a person who would have been eligible for support under this paragraph before exit day will continue to be eligible on and after exit day. Regulation 26(6) makes equivalent provision in relation to any person who would have been eligible under paragraph 7 of Schedule 2 immediately before exit day.

Regulations 24 and 28 are consequential on regulation 26(5)(c) and amend regulation 80 of and paragraph 4(2)(c) of Schedule 5 to the Student Support Regulations respectively.

The remainder of regulation 26 and regulation 27 amend references to "Member State" and "the territory comprising the EEA" to reflect the withdrawal of the United Kingdom from the European Union.

Regulations 2 to 4 make equivalent amendments to the Education (Fees and Awards) (Wales) Regulations 2007.

Regulations 5 to 7 make equivalent amendments to the Education (European University Institute) (Wales) Regulations 2014.

Regulation 8 makes equivalent amendments to the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015.

Regulations 9 to 19 make equivalent amendments to the Education (Student Support) (Wales) Regulations 2017.

Regulations 20 to 22 make equivalent amendments to the Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017.

Mae rheoliadau 29 i 31 yn gwneud diwygiadau cyfatebol i Reoliadau Addysg (Benthyciadau at Radd Ddoethurol Ôl-raddedig) (Cymru) 2018.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

Regulations 29 to 31 make equivalent amendments to the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018.

The Welsh Ministers Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

2019 Rhif 424 (Cy. 98)

**YMADAEL Â'R UNDEB
EWROPEAIDD, CYMRU**

ADDYSG, CYMRU

**Rheoliadau Addysg (Cyllid
Myfyrwyr) (Diwygiadau
Amrywiol) (Cymru) (Ymadael â'r
UE) 2019**

Gwnaed 4 Mawrth 2019

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 5 Mawrth 2019

Yn dod i rym yn unol â rheoliad 1(2)

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol o dan adrannau 1 a 2 o Ddeddf Addysg (Ffioedd a Dyfarniadau) 1983(1) ac adrannau 22 a 42(6) o Ddeddf Addysgu ac Addysg Uwch 1998(2)

2019 No. 424 (W. 98)

**EXITING THE EUROPEAN
UNION, WALES**

EDUCATION, WALES

**The Education (Student Finance)
(Miscellaneous Amendments)
(Wales) (EU Exit) Regulations 2019**

Made 4 March 2019

Laid before the National Assembly for Wales
5 March 2019

*Coming into force in accordance with
Regulation 1 (2)*

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State under sections 1 and 2 of the Education (Fees and Awards) Act 1983(1) and sections 22 and 42(6) of the Teaching and Higher Education Act 1998(2)

(1) 1983 p. 40; diwygiwyd adran 1 gan Ddeddf Diwygio Addysg 1988 (p. 40), Atodlen 12, paragraff 91; Deddf Addysg Bellach ac Uwch 1992 (p. 13), Atodlen 8, paragraff 19; Deddf Addysg 1994 (p. 30), Atodlen 2, paragraff 7; Deddf Addysg 1996 (p. 56), Atodlen 37, paragraff 57; Deddf Dysgu a Sgiliau 2000 (p. 21), Atodlen 9, paragraffau 1 ac 11; Deddf Addysg 2002 (p. 32), Atodlen 21, paragraff 5 ac Atodlen 22; Deddf Addysg 2005 (p. 18), Atodlen 14, paragraff 9; O.S. 2005/3238, Atodlen 1, paragraff 9; O.S. 2010/1158, Atodlen 2, paragraff 1; Deddf Addysg 2011 (p. 21), Atodlen 5, paragraff 5 ac Atodlen 16, paragraff 5; a Deddf Dadreoleiddio 2015 (p. 20), Atodlen 14, paragraff 33. Diwygiwyd adran 2 gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 44 ac Atodlen 4.

(2) 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; Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p. 22), adran 257; Deddf Addysg 2011 (p. 21), adran 76; O.S. 2013/1181 a Deddf Addysg Uwch ac Ymchwil 2017 (p. 29), adran 88. *Gweler* adran 43(1) o Ddeddf Addysgu ac Addysg Uwch 1998 am y diffiniad o "prescribed" a "regulations".

(1) 1983 c. 40; section 1 was amended by the Education Reform Act 1988 (c. 40), Schedule 12, paragraph 91; the Further and Higher Education Act 1992 (c. 13), Schedule 8, paragraph 19; the Education Act 1994 (c. 30), Schedule 2, paragraph 7; the Education Act 1996 (c. 56), Schedule 37, paragraph 57; the Learning and Skills Act 2000 (c. 21), Schedule 9, paragraphs 1 and 11; the Education Act 2002 (c. 32), Schedule 21, paragraph 5 and Schedule 22; the Education Act 2005 (c. 18), Schedule 14, paragraph 9; S.I. 2005/3238, Schedule 1, paragraph 9; S.I. 2010/1158, Schedule 2, paragraph 1; the Education Act 2011 (c. 21), Schedule 5, paragraph 5 and Schedule 16, paragraph 5; and the Deregulation Act 2015 (c. 20), Schedule 14, paragraph 33. Section 2 was amended by the Teaching and Higher Education Act 1998 (c. 30), section 44 and Schedule 4.

(2) 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; the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 257; the Education Act 2011 (c. 21), section 76; S.I. 2013/1181 and the Higher Education and Research Act 2017 (c. 29), section 88. *See* section 43(1) of the Teaching and Higher Education Act 1998 for the definition of "prescribed" and "regulations".

sydd bellach yn arferadwy ganddynt hwy(1) a'r pwerau a roddir iddynt o dan adrannau 5(5)(b) a 55(2) o Ddeddf Addysg Uwch (Cymru) 2015(2) yn gwneud y Rheoliadau a ganlyn.

RHAN 1

ENWI, CYCHWYN A CHYMHWYSO

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Cyllid Myfyrwyr) (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019.

(2) Daw'r Rheoliadau hyn i rym ar y diwrnod ymadael ac maent yn gymwys o ran Cymru.

RHAN 2

DIWYGIADAU I REOLIADAU

Diwygiadau i Reoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007

2. Mae Rheoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007(3) wedi eu diwygio fel a ganlyn.

Diwygiad i reoliad 2

3. Yn rheoliad 2 (dehongli)—

- (a) ym mharagraff (1), yn y diffiniad o "tiriogaethau tramor", ar ôl "Tiriogaethau Deheuol ac Antarcig Ffrainc" mewnosoder "Gibraltar";

(1) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn adran 1 o Ddeddf 1983 i Gynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy o ran Cymru gan O.S. 2006/1458 gydag effaith o 8 Mehefin 2006. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn adran 2 o Ddeddf 1983 i Gynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy o ran Cymru gan O.S. 1999/672. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn adran 22(2)(a) i (i) a (k) o Ddeddf 1998 i Gynulliad Cenedlaethol Cymru i'r graddau y maent yn ymwneud â gwneud darpariaeth o ran Cymru gan adran 44 o Ddeddf Addysg Uwch 2004 (p. 8), ac mae swyddogaethau o dan is-adrannau (a), (c) a (k) yn arferadwy ar y cyd â'r Ysgrifennydd Gwladol. Trosglwyddwyd swyddogaeth yr Ysgrifennydd Gwladol yn adran 42, i'r graddau y mae'n arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672. Trosglwyddwyd holl swyddogaethau Cynulliad Cenedlaethol Cymru uchod i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(2) 2015 dccc 1.

(3) O.S. 2007/2310 (Cy. 181) fel y'i diwygiwyd gan O.S. 2010/1142 (Cy. 101), O.S. 2011/1978 (Cy. 218) ac O.S. 2018/814 (Cy. 165); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

now exercisable by them(1) and powers conferred on them under sections 5(5)(b) and 55(2) of the Higher Education (Wales) Act 2015(2) make the following Regulations.

PART 1

TITLE, COMMENCEMENT AND APPLICATION

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019.

(2) These Regulations come into force on exit day and apply in relation to Wales.

PART 2

AMENDMENTS TO REGULATIONS

Amendments to the Education (Fees and Awards) (Wales) Regulations 2007

2. The Education (Fees and Awards) (Wales) Regulations 2007(3) are amended as follows.

Amendment to regulation 2

3. In regulation 2 (interpretation)—

- (a) in paragraph (1), in the definition of "overseas territories", after "French Southern and Antarctic Territories" insert "Gibraltar";

(1) The functions of the Secretary of State in section 1 of the 1983 Act were transferred to the National Assembly for Wales so far as exercisable in relation to Wales by S.I. 2006/1458 with effect from 8 June 2006. The functions of the Secretary of State in section 2 of the 1983 Act were transferred to the National Assembly for Wales so far as exercisable in relation to Wales by S.I. 1999/672. The Secretary of State's functions in section 22(2)(a) to (i) and (k) of the 1998 Act were transferred to the National Assembly for Wales so far as they relate to making provision in relation to Wales by section 44 of the Higher Education Act 2004 (c. 8), with functions under subsections (a), (c) and (k) exercisable concurrently with the Secretary of State. The Secretary of State's function in section 42 was transferred, in so far as exercisable in relation to Wales, to the National Assembly for Wales by S.I. 1999/672. All the above functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) 2015 anaw 1.

(3) S.I. 2007/2310 (W. 181) as amended by S.I. 2010/1142 (W. 101), S.I. 2011/1978 (W. 218) and S.I. 2018/814 (W. 165); there are other amending instruments but none is relevant.

- (b) ym mharagraff (4)—
- (i) yn lle “y diriogaeth a ffurfir gan yr Ardal Economaidd Ewropeaidd a’r Swistir” rhodder “y diriogaeth a ffurfir gan y Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a’r Swistir”;
 - (ii) yn lle “y diriogaeth a ffurfir gan yr Ardal Economaidd Ewropeaidd, y Swistir a’r tiriogaethau tramor” rhodder “y diriogaeth a ffurfir gan y Deyrnas Unedig, yr Ardal Economaidd Ewropeaidd, y Swistir a’r tiriogaethau tramor”;
 - (iii) yn lle “y diriogaeth a ffurfir gan yr Ardal Economaidd Ewropeaidd, y Swistir, Twrci a’r tiriogaethau tramor” rhodder “y diriogaeth a ffurfir gan y Deyrnas Unedig, yr Ardal Economaidd Ewropeaidd, y Swistir, Twrci a’r tiriogaethau tramor”;
- (c) ym mharagraff (5)(b) ac (c), ar ôl “y tu allan i’r diriogaeth a ffurfir gan” mewnosoder “y Deyrnas Unedig, Gibraltar,”;
- (d) ym mharagraff (6)—
- (i) yn lle “y diriogaeth a ffurfir gan yr Ardal Economaidd Ewropeaidd a’r Swistir” rhodder “y diriogaeth a ffurfir gan y Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a’r Swistir”;
 - (ii) yn lle “y diriogaeth a ffurfir gan yr Ardal Economaidd Ewropeaidd, y Swistir a’r tiriogaethau tramor” rhodder “y diriogaeth a ffurfir gan y Deyrnas Unedig, yr Ardal Economaidd Ewropeaidd, y Swistir a’r tiriogaethau tramor”;
 - (iii) yn lle “y diriogaeth a ffurfir gan yr Ardal Economaidd Ewropeaidd, y Swistir a Thwrci” rhodder “y diriogaeth a ffurfir gan y Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd, y Swistir a Thwrci”;
- (e) ym mharagraff (7), ar ôl “mae ardal” mewnosoder “ac eithrio’r Deyrnas Unedig neu Gibraltar”.
- (b) in paragraph (4)—
- (i) for “the territory comprising the European Economic Area and Switzerland” substitute “the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland”;
 - (ii) for “the territory comprising the European Economic Area, Switzerland and the overseas territories” substitute “the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories”;
 - (iii) for “the territory comprising the European Economic Area, Switzerland, Turkey and the overseas territories” substitute “the territory comprising the United Kingdom, the European Economic Area, Switzerland, Turkey and the overseas territories”;
- (c) in paragraph (5)(b) and (c), after “the territory comprising” insert “the United Kingdom, Gibraltar,”;
- (d) in paragraph (6)—
- (i) for “the territory comprising the European Economic Area and Switzerland” substitute “the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland”;
 - (ii) for “the territory comprising the European Economic Area, Switzerland and the overseas territories” substitute “the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories”;
 - (iii) for “the territory comprising the European Economic Area, Switzerland and Turkey” substitute “the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and Turkey”;
- (e) in paragraph (7), after “an area” insert “other than the United Kingdom or Gibraltar”.

Diwygiadau i’r Atodlen

- 4.—(1) Mae’r Atodlen wedi ei diwygio fel a ganlyn.
- (2) Ym mharagraff 1—
- (a) hepgorer y diffiniad o “gwladolyn o’r GE”;

Amendments to the Schedule

- 4.—(1) The Schedule is amended as follows.
- (2) In paragraph 1—
- (a) omit the definition of “EC national”;

- (b) hepgorer “ac eithrio’r Deyrnas Unedig” ym mhob lle y mae’n digwydd;
- (c) ar ôl y diffiniad o “gwladolyn o’r AEE”, mewnosoder—
- “ystyr “gwladolyn o’r UE” (“*EU national*”) yw gwladolyn o Aelod-wladwriaeth o’r Undeb Ewropeaidd;”;
- (d) yn y diffiniad o “aelod o’r teulu”, yn lle “gwladolyn o’r GE” rhodder “gwladolyn o’r UE” ym mhob lle y mae’n digwydd.
- (3) Yn y paragraffau a ganlyn—
- (a) ym mharagraff 3(ch) (personau sydd wedi setlo yn y Deyrnas Unedig), ar ôl “y diriogaeth a ffurfir gan” mewnosoder “y Deyrnas Unedig,”;
- (b) ym mharagraff 6(1)(c) (gweithwyr, personau cyflogedig, personau hunan-gyflogedig ac aelodau o’u teulu), ar ôl “y diriogaeth a ffurfir gan” mewnosoder “y Deyrnas Unedig,”;
- (c) ym mharagraff 7(b) (gweithwyr, personau cyflogedig, personau hunan-gyflogedig ac aelodau o’u teulu), yn lle “y diriogaeth sy’n ffurfio’r Ardal Economaidd Ewropeaidd” rhodder “y diriogaeth a ffurfir gan y Deyrnas Unedig, yr Ardal Economaidd Ewropeaidd”.
- (4) Ym mharagraff 8 (personau sydd wedi setlo yn y Deyrnas Unedig ac sydd wedi arfer hawl i breswyllo mewn man arall)—
- (a) yn is-baragraff (1)(ch), ar ôl “y diriogaeth a ffurfir gan” mewnosoder “y Deyrnas Unedig,”;
- (b) yn is-baragraff (1)(d), ar ôl “y diriogaeth a ffurfir gan” mewnosoder “y Deyrnas Unedig, Gibraltar,”.
- (5) Ym mharagraff 9 (gwladolion o’r GE)—
- (a) yn y pennawd, yn lle “Gwladolion o’r GE” rhodder “Gwladolion o’r UE”;
- (b) yn is-baragraff (1)—
- (i) ym mharagraff (a)(i), yn lle “yn wladolyn o’r GE” rhodder “yn wladolyn o’r UE”;
- (ii) ym mharagraff (c), ar ôl “y diriogaeth a ffurfir gan” mewnosoder “y Deyrnas Unedig,”;
- (b) omit “other than the United Kingdom” each time it occurs;
- (c) after the definition of “employed person”, insert—
- ““EU national” (“*gwladolyn o’r UE*”) means a national of a Member State of the European Union;”;
- (d) in the definition of “family member”, for “EC national” substitute “EU national” each time it occurs.
- (3) In the following paragraphs, after “the territory comprising” insert “the United Kingdom,”—
- (a) paragraph 3(d) (persons who are settled in the United Kingdom);
- (b) paragraph 6(1)(c) (workers, employed persons, self-employed persons and their family members);
- (c) paragraph 7(b) (workers, employed persons, self-employed persons and their family members).
- (4) In paragraph 8 (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere)—
- (a) in sub-paragraph (1)(d), after “the territory comprising” insert “the United Kingdom,”;
- (b) in sub-paragraph (1)(e), after “the territory comprising” insert “the United Kingdom, Gibraltar,”.
- (5) In paragraph 9 (EC nationals)—
- (a) in the heading, for “EC nationals” substitute “EU nationals”;
- (b) in sub-paragraph (1)—
- (i) in paragraph (a)(i), for “EC national” substitute “EU national”;
- (ii) in paragraph (c), after “the territory comprising” insert “the United Kingdom,”;

(c) yn lle is-baragraff (1A), rhodder—
“(1A) Nid yw paragraff (c) o is-baragraff (1) yn gymwys i aelod o deulu person—

(a) sydd—

(i) yn wladolyn o’r Deyrnas Unedig sydd wedi arfer hawl i breswyllo yn nhiriogaeth Aelod-wladwriaeth o dan Erthygl 7 o Gyfarwyddeb 2004/38; neu

(ii) yn wladolyn o’r UE; a

(b) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth a ffurfir gan y Deyrnas Unedig, yr Ardal Economaidd Ewropeaidd, y Swistir a’r tiriogaethau tramor drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs.”

(d) ar ôl is-baragraff (2), mewnosoder—

“(3) Mae unrhyw ddisgrifiad o berson a fyddai wedi dod o fewn y paragraff hwn yn union cyn y diwrnod ymadael i’w drin fel pe bai’n dod o fewn y paragraff hwn ar ac ar ôl y diwrnod ymadael.”

(6) Ym mharagraff 10 (gwladolion o’r GE)—

(a) yn is-baragraff (1)(a), yn lle “sy’n wladolyn o’r GE ac eithrio gwladolyn o’r Deyrnas Unedig” rhodder “sy’n wladolyn o’r UE”;

(b) yn is-baragraff (1)(ch), ar ôl “y diriogaeth a ffurfir gan” mewnosoder “y Deyrnas Unedig,”;

(c) yn is-baragraff (2), yn lle “yn wladolyn o’r GE ac eithrio gwladolyn o’r Deyrnas Unedig”, rhodder “yn wladolyn o’r UE”.

(7) Yn lle paragraff 11 (plant gwladolion o’r Swistir), rhodder—

“11.

(1) Person—

(a) sy’n blentyn i wladolyn o’r Swistir y mae ganddo hawl i gael cymorth yn y Deyrnas Unedig yn rhinwedd Erthygl 3(6) o Atodiad 1 i Gytundeb y Swistir;

(b) sy’n preswyllo fel arfer yn y Deyrnas Unedig ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs;

(c) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth a ffurfir gan y Deyrnas Unedig, yr Ardal Economaidd Ewropeaidd, y Swistir a’r tiriogaethau tramor drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs; ac

(c) for sub-paragraph (1A), substitute—

“(1A) Paragraph (c) of sub-paragraph (1) does not apply to a family member of a person who—

(a) is—

(i) a United Kingdom national who has exercised a right to reside in the territory of a Member State under article 7 of Directive 2004/38; or

(ii) an EU national; and

(b) has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course.”

(d) after sub-paragraph (2), insert—

“(3) Any description of person who would have fallen within this paragraph immediately before exit day is to be treated as falling within this paragraph on and after exit day.”

(6) In paragraph 10 (EC nationals)—

(a) in sub-paragraph (1)(a), for “an EC national other than a United Kingdom national” substitute “an EU national”;

(b) in sub-paragraph (1)(d), after “the territory comprising” insert “the United Kingdom,”;

(c) in sub-paragraph (2), for “an EC national other than a United Kingdom national”, substitute “an EU national”.

(7) For paragraph 11 (children of Swiss nationals), substitute—

“11.

(1) A person who—

(a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of Article 3(6) of Annex 1 to the Swiss Agreement;

(b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;

(c) has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; and

(ch) mewn achos pan oedd preswyliaid arferol y person y cyfeirir ato ym mharagraff (c) yn gyfan gwbl neu'n bennaf er mwyn cael addysg lawnamser, a oedd yn preswyltio fel arfer yn y diriogaeth a ffurfir gan y Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir yn union cyn y cyfnod o breswyliaid arferol y cyfeirir ato ym mharagraff (c).

(2) Mae unrhyw ddisgrifiad o berson a fyddai wedi dod o fewn y paragraff hwn yn union cyn y diwrnod ymadael i'w drin fel pe bai'n dod o fewn y paragraff hwn ar ac ar ôl y diwrnod ymadael."

(8) Ym mharagraff 12(c) (plant gweithwyr o Dwrci), ar ôl "y diriogaeth a ffurfir gan" mewnosoder "y Deyrnas Unedig,".

Diwygiadau i Reoliadau Addysg (Athrofa Brifysgol Ewropeaidd) (Cymru) 2014

5. Mae Rheoliadau Addysg (Athrofa Brifysgol Ewropeaidd) (Cymru) 2014(1) wedi eu diwygio fel a ganlyn.

Diwygiadau i Atodlen 1

6.—(1) Mae Atodlen 1 (myfyrwyr cymwys) wedi ei diwygio fel a ganlyn.

(2) Yn Rhan 1 (dehongli), paragraff 1—

- (a) hepgorer "ac eithrio'r Deyrnas Unedig", ym mhob lle y mae'n digwydd;
- (b) yn is-baragraffau (7) ac (8), ar ôl "diriogaeth y mae'r" mewnosoder "Deyrnas Unedig, Gibraltar, yr" ym mhob lle y mae'n digwydd.

(3) Yn Rhan 2 (categoriâu)—

- (a) yn y paragraffau a ganlyn, ar ôl "y diriogaeth y mae'r" mewnosoder "Deyrnas Unedig, Gibraltar, yr"—
 - (i) paragraff 3(d) (personau sydd wedi setlo yn y Deyrnas Unedig);
 - (ii) paragraff 6(1)(c) (gweithwyr, personau cyflogedig, personau hunangyflogedig ac aelodau o'u teuluoedd);
 - (iii) paragraff 7(b) (gweithwyr, personau cyflogedig, personau hunangyflogedig ac aelodau o'u teuluoedd);

(d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

(2) Any description of person who would have fallen within this paragraph immediately before exit day is to be treated as falling within this paragraph on and after exit day."

(8) In paragraph 12(c) (children of Turkish workers), after "the territory comprising" insert "the United Kingdom,".

Amendments to the Education (European University Institute) (Wales) Regulations 2014

5. The Education (European University Institute) (Wales) Regulations 2014(1) are amended as follows.

Amendments to Schedule 1

6.—(1) Schedule 1 (eligible students) is amended as follows.

(2) In Part 1 (interpretation), paragraph 1—

- (a) omit "other than the United Kingdom", each time it occurs;
- (b) in sub-paragraphs (7) and (8), after "the territory comprising" insert "the United Kingdom, Gibraltar," each time it occurs.

(3) In Part 2 (categories)—

- (a) in the following paragraphs, after "the territory comprising" insert "the United Kingdom, Gibraltar,"—
 - (i) paragraph 3(d) (persons who are settled in the United Kingdom);
 - (ii) paragraph 6(1)(c) (workers, employed persons, self-employed persons and their family members);
 - (iii) paragraph 7(b) (workers, employed persons, self-employed persons and their family members);

(1) O.S. 2014/3037 (Cy. 303) fel y'i diwygiwyd gan O.S. 2016/211 (Cy. 84) ac O.S. 2018/814 (Cy. 165).

(1) S.I. 2014/3037 (W. 303) as amended by S.I. 2016/211 (W. 84) and S.I. 2018/814 (W. 165).

- (iv) paragraff 8(1)(d) ac (e) (personau sydd wedi setlo yn y Deyrnas Unedig ac sydd wedi arfer hawl i breswyllo mewn man arall);
- (b) ym mharagraff 9 (gwladolion o'r UE)—
- (i) yn lle is-baragraff (1)(a), rhodder—
- “(a) sydd, ar y dyddiad perthnasol—
- (i) yn wladolyn o'r UE;
- (ii) yn wladolyn o'r Deyrnas Unedig sydd wedi arfer hawl i breswyllo; neu
- (iii) yn aelod o deulu person yn is-baragraff (i) neu (ii);”;
- (ii) yn is-baragraffau (1)(c) a (d) a (2), ar ôl “y diriogaeth y mae'r” mewnosoder “Deyrnas Unedig, Gibraltar, yr”;
- (iii) yn is-baragraff (4), yn lle “os yw'r person hwnnw” rhodder “os oedd y person hwnnw yn preswyllo yn Gibraltar neu os yw'r person hwnnw”;
- (iv) ar ôl is-baragraff (4), mewnosoder—
- “(5) Mae unrhyw ddisgrifiad o berson a fyddai wedi bod yn gymwys o dan y paragraff hwn yn union cyn y diwrnod ymadael i fod yn gymwys ar ac ar ôl y diwrnod ymadael.”;
- (c) ym mharagraff 10 (gwladolion o'r UE)—
- (i) yn is-baragraff (a), hepgorer “ac eithrio gwladolyn o'r Deyrnas Unedig”;
- (ii) yn is-baragraff (d), ar ôl “yn y diriogaeth y mae'r” mewnosoder “Deyrnas Unedig, Gibraltar, yr”;
- (d) yn lle paragraff 11 (plant gwladolion Swisaidd), rhodder—
- “11.**
- (1) Person—
- (a) sydd, ar y dyddiad perthnasol, yn blentyn i wladolyn Swisaidd â hawlogaeth i gael cymorth gan yr Ysgrifennydd Gwladol yn rhinwedd Erthygl 3(6) o Atodiad 1 i Gytundeb y Swistir;
- (b) sy'n preswyllo fel arfer yng Nghymru ar y dyddiad perthnasol;
- (c) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth y mae'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir yn ei ffurfio drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs; a
- (iv) paragraph 8(1)(d) and (e) (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere);
- (b) in paragraph 9 (EU nationals)—
- (i) for sub-paragraph (1)(a), substitute—
- “(a) on the relevant date is—
- (i) an EU national;
- (ii) a United Kingdom national who has exercised a right of residence; or
- (iii) the family member of a person in sub-paragraph (i) or (ii);”;
- (ii) in sub-paragraphs (1)(c) and (d) and (2), after “the territory comprising” insert “the United Kingdom, Gibraltar,”;
- (iii) in sub-paragraph (4), after “that person” insert “resided in Gibraltar or”;
- (iv) after sub-paragraph (4), insert—
- “(5) Any description of person who would have been eligible under this paragraph immediately before exit day is to be eligible on and after exit day.”;
- (c) in paragraph 10 (EU nationals)—
- (i) in sub-paragraph (a), omit “other than a United Kingdom national”;
- (ii) in sub-paragraph (d), after “the territory comprising” insert “the United Kingdom, Gibraltar”;
- (d) for paragraph 11 (children of Swiss nationals), substitute—
- “11.**
- (1) A person who—
- (a) on the relevant date, is the child of a Swiss national who is entitled to support from the Secretary of State by virtue of Article 3(6) of Annex 1 to the Swiss Agreement;
- (b) is ordinarily resident in Wales on the relevant date;
- (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and

(d) mewn achos pan oedd preswyllo arferol y person y cyfeirir ato ym mharagraff (c) yn gyfan gwbl neu'n bennaf at y diben o dderbyn addysg lawnamser, a oedd yn preswyllo fel arfer yn y diriogaeth y mae'r Deyrnas Unedig, Gibraltar, yr AEE a'r Swistir yn ei ffurfio yn union cyn y cyfnod o breswyllo arferol y cyfeirir ato ym mharagraff (c).

(2) Mae unrhyw ddisgrifiad o berson a fyddai wedi bod yn gymwys o dan y paragraff hwn yn union cyn y diwrnod ymadael i fod yn gymwys ar ac ar ôl y diwrnod ymadael.”;

(e) ym mharagraff 12(c) (plant gweithwyr Twrcaidd), ar ôl “y diriogaeth y mae'r” mewnosoder “Deyrnas Unedig, Gibraltar, yr”.

Diwygiadau i Atodlen 2

7.—(1) Mae Atodlen 2 (cyfraniad y myfyriwr) wedi ei diwygio fel a ganlyn.

(2) Yn Rhan 1 (dehongli), paragraff 1(1), yn y diffiniad o “incwm trethadwy”—

(a) ym mharagraff (b), yn lle “un o Aelod-wladwriaethau eraill yr AEE” rhodder “un o Wladwriaethau'r AEE”;

(b) yn lle paragraff (c), rhodder—

“(c) pan fo deddfwriaeth—

(i) y Deyrnas Unedig ac un neu ragor o Wladwriaethau'r AEE neu'r Swistir;

(ii) mwy nag un o Wladwriaethau'r AEE; neu

(iii) un o Wladwriaethau'r AEE a'r Swistir

yn gymwys i'r cyfnod, y ddeddfwriaeth y mae Gweinidogion Cymru o'r farn y bydd y person yn talu'r swm mwyaf o dreth oddi tani yn y cyfnod hwnnw (ac eithrio fel y darperir fel arall ym mharagraff 4).”.

(3) Yn Rhan 2 (cyfrifo cyfraniad)—

(a) ym mharagraff 3(1)(b) (cyfrifo incwm gweddilliol y myfyriwr), yn lle “Aelod-wladwriaeth arall” rhodder “Aelod-wladwriaeth”;

(b) ym mharagraff 4 (cyfrifo incwm gweddilliol partner y myfyriwr cymwys), yn lle “un o Wladwriaethau eraill yr AEE” rhodder “un o Wladwriaethau'r AEE”, ym mhob lle y mae'n digwydd.

(d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

(2) Any description of person who would have been eligible under this paragraph immediately before exit day is to be eligible on and after exit day.”;

(e) in paragraph 12(c) (children of Turkish workers), after “the territory comprising” insert “the United Kingdom, Gibraltar.”.

Amendments to Schedule 2

7.—(1) Schedule 2 (student's contribution) is amended as follows.

(2) In Part 1 (interpretation), paragraph 1(1), in the definition of “taxable income”—

(a) in paragraph (b), for “another EEA State” substitute “an EEA State”;

(b) for paragraph (c), substitute—

“(c) where the legislation of—

(i) the United Kingdom and one or more EEA State or Switzerland;

(ii) more than one EEA State; or

(iii) an EEA State and Switzerland

applies to the period, the legislation under which the Welsh Ministers consider the person will pay the largest amount of tax in that period (except as otherwise provided in paragraph 4).”.

(3) In Part 2 (calculation of contribution)—

(a) in paragraph 3(1)(b) (calculation of the student's residual income), for “another Member State” substitute “a Member State”;

(b) in paragraph 4 (calculation of eligible student's partner's residual income), for “another EEA State” substitute “an EEA State”, each time it occurs.

Diwygiadau i Reoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) 2015

8.—(1) Mae'r Atodlen i Reoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) 2015(1) wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 1—

(a) yn is-baragraff (1)—

(i) hepgorer “ac eithrio'r Deyrnas Unedig” ym mhob lle y mae'n digwydd;

(ii) yn y diffiniad o “tiriogaethau tramor”, ar ôl “Tiriogaethau Deheuol ac Antarcstig Ffrainc” mewnosoder “Gibraltar”;

(b) yn is-baragraff (3)—

(i) yn lle “y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd a'r Swistir” rhodder “y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir”;

(ii) yn lle “y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd, y Swistir a'r tiriogaethau tramor” rhodder “y diriogaeth sy'n ffurfio'r Deyrnas Unedig, yr Ardal Economaidd Ewropeaidd, y Swistir a'r tiriogaethau tramor”;

(iii) yn lle “y diriogaeth sy'n ffurfio'r Ardal Economaidd Ewropeaidd, y Swistir, Twrci a'r tiriogaethau tramor” rhodder “y diriogaeth sy'n ffurfio'r Deyrnas Unedig, yr Ardal Economaidd Ewropeaidd, y Swistir, Twrci a'r tiriogaethau tramor”;

(c) yn is-baragraff (4)(b) ac (c), ar ôl “i'r diriogaeth sy'n ffurfio'r” mewnosoder “Deyrnas Unedig, Gibraltar, yr”;

(d) yn is-baragraff (5), ar ôl “ardal” mewnosoder “ac eithrio'r Deyrnas Unedig neu Gibraltar”.

(3) Yn y paragraffau a ganlyn, ar ôl “y diriogaeth sy'n ffurfio'r” mewnosoder “Deyrnas Unedig, yr”—

(a) paragraff 3(d) (personau sydd wedi setlo yn y Deyrnas Unedig);

(b) paragraff 6(1)(c) (gweithwyr, personau cyflogedig, personau hunangyflogedig ac aelodau o'u teulu);

(c) paragraff 7(b) (gweithwyr, personau cyflogedig, personau hunangyflogedig ac aelodau o'u teulu).

Amendments to the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015

8.—(1) The Schedule to the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015(1) is amended as follows.

(2) In paragraph 1—

(a) in sub-paragraph (1)—

(i) omit “other than the United Kingdom” each time it occurs;

(ii) in the definition of “overseas territory”, after “French Southern and Antarctic Territories” insert “Gibraltar”;

(b) in sub-paragraph (3)—

(i) for “the territory comprising the European Economic Area and Switzerland” substitute “the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland”;

(ii) for “the territory comprising the European Economic Area, Switzerland and the overseas territories” substitute “the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories”;

(iii) for “the territory comprising the European Economic Area, Switzerland, Turkey and the overseas territories” substitute “the territory comprising the United Kingdom, the European Economic Area, Switzerland, Turkey and the overseas territories”;

(c) in sub-paragraph (4)(b) and (c), after “the territory comprising” insert “the United Kingdom, Gibraltar,”;

(d) in sub-paragraph (5), after “an area” insert “other than the United Kingdom or Gibraltar”.

(3) In the following paragraphs, after “the territory comprising” insert “the United Kingdom,”—

(a) paragraph 3(d) (persons who are settled in the United Kingdom);

(b) paragraph 6(1)(c) (workers, employed persons, self-employed persons and their families);

(c) paragraph 7(b) (workers, employed persons, self-employed persons and their families).

(1) O.S. 2015/1484 (Cy. 163) fel y'i diwygiwyd gan O.S. 2016/276 (Cy. 100) ac O.S. 2018/814 (Cy. 165).

(1) S.I. 2015/1484 (W. 163) as amended by S.I. 2016/276 (W. 100) and S.I. 2018/814 (W. 165).

(4) Ym mharagraff 8 (personau sydd wedi setlo yn y Deyrnas Unedig ac sydd wedi arfer hawl i breswyllo mewn man arall)—

- (a) yn is-baragraff (1)(d), ar ôl “y diriogaeth sy’n ffurfio’r” mewnosoder “Deyrnas Unedig, yr”;
- (b) yn is-baragraff (1)(e), ar ôl “y diriogaeth sy’n ffurfio’r” mewnosoder “Deyrnas Unedig, Gibraltar, yr”.

(5) Ym mharagraff 9 (gwladolion o’r UE)—

- (a) yn is-baragraff (1)(c), ar ôl “y diriogaeth sy’n ffurfio’r” mewnosoder “Deyrnas Unedig, yr”;
- (b) yn lle is-baragraff (2), rhodder—
“(2) Nid yw paragraff (c) o is-baragraff (1) yn gymwys i aelod o deulu person—

(a) sydd—

- (i) yn wladolyn o’r Deyrnas Unedig sydd wedi arfer hawl i breswyllo yn nhiriogaeth Aelod-wladwriaeth o dan Erthygl 7(1) o Gyfarwyddeb 2004/38; neu
- (ii) yn wladolyn o’r UE; a

(b) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy’n ffurfio’r Deyrnas Unedig, yr Ardal Economaidd Ewropeaidd, y Swistir a’r tiriogaethau tramor drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.”;

(i) ar ôl is-baragraff (3), mewnosoder—

“(4) Mae unrhyw ddisgrifiad o berson a fyddai wedi dod o fewn y paragraff hwn yn union cyn y diwrnod ymadael i’w drin fel pe bai’n dod o fewn y paragraff hwn ar ac ar ôl y diwrnod ymadael.”

(6) Ym mharagraff 10 (gwladolion o’r UE)—

- (a) yn is-baragraff (1)(a), hepgorer “ac eithrio gwladolyn o’r Deyrnas Unedig”;
- (b) yn is-baragraff (1)(d), ar ôl “y diriogaeth sy’n ffurfio’r” mewnosoder “Deyrnas Unedig, yr”;
- (c) yn is-baragraff (2), hepgorer “ac eithrio gwladolyn o’r Deyrnas Unedig”.

(7) Yn lle paragraff 11 (plant gwladolion Swisaidd), rhodder—

“11.

(1) Person—

- (a) sy’n blentyn i wladolyn Swisaidd ac sydd â hawlogaeth i gael cymorth yn y Deyrnas Unedig yn rhinwedd Erthygl 3(6) o Atodiad 1 i Gytundeb y Swistir;

(4) In paragraph 8 (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere)—

- (a) in sub-paragraph (1)(d), after “the territory comprising” insert “the United Kingdom,”;
- (b) in sub-paragraph (1)(e), after “the territory comprising” insert “the United Kingdom, Gibraltar,”.

(5) In paragraph 9 (EU nationals)—

- (a) in sub-paragraph (1)(c), after “territory comprising” insert “the United Kingdom,”;
- (b) for sub-paragraph (2), substitute—
“(2) Paragraph (c) of sub-paragraph (1) does not apply to a family member of a person who is—

(a) is—

- (i) a United Kingdom national who has exercised a right to reside in the territory of a Member State under Article 7(1) of Directive 2004/38; or
- (ii) an EU national, and

(b) has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course.”;

(i) after sub-paragraph (3), insert—

“(4) Any description of person who would have fallen within this paragraph immediately before exit day is to be treated as falling within this paragraph on and after exit day.”

(6) In paragraph 10 (EU nationals)—

- (a) in sub-paragraph (1)(a), omit “other than a United Kingdom national”;
- (b) in sub-paragraph (1)(d), after “the territory comprising” insert “the United Kingdom,”;
- (c) in sub-paragraph (2), omit “other than a United Kingdom national”.

(7) For paragraph 11 (children of Swiss nationals), substitute—

“11.

(1) A person who—

- (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of Article 3(6) of Annex 1 to the Swiss Agreement;

- (b) sy'n preswyllo fel arfer yn y Deyrnas Unedig ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;
- (c) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, yr Ardal Economaidd Ewropeaidd, y Swistir a'r tiriogaethau tramor drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; a
- (d) mewn achos pan oedd y preswyliaid arferol y cyfeirir ato ym mharagraff (c) yn gyfan gwbl neu'n bennaf at ddiben cael addysg lawnamser, a oedd yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir yn union cyn y cyfnod o breswyllo fel arfer y cyfeirir ato ym mharagraff (c).

(2) Mae unrhyw ddisgrifiad o berson a fyddai wedi dod o fewn y paragraff hwn yn union cyn y diwrnod ymadael i'w drin fel pe bai'n dod o fewn y paragraff hwn ar ac ar ôl y diwrnod ymadael."

(8) Ym mharagraff 12(c) (plant gweithwyr Twrcaidd), ar ôl "y diriogaeth sy'n ffurfio'r" mewnosoder "Deyrnas Unedig, yr".

Diwygiadau i Reoliadau Addysg (Cymorth i Fyfywrwr) (Cymru) 2017

9. Mae Rheoliadau Addysg (Cymorth i Fyfywrwr) (Cymru) 2017(1) wedi eu diwygio fel a ganlyn.

Diwygiad i reoliad 2

10. Yn rheoliad 2(1) (dehongli), yn y diffiniad o "blwyddyn Erasmus" ("*Erasmus year*")—

- (a) ar ôl "blwyddyn academaidd cwrs" mewnosoder " , pa un a ddechreuodd y flwyddyn academaidd honno cyn y diwrnod ymadael ai peidio,";
- (b) ar ôl "pryd y bydd myfyriwr", mewnosoder " , neu yr oedd myfyriwr, yn union cyn y diwrnod ymadael,";
- (c) yn is-baragraff (c)—
 - (i) ym mharagraff (ii)(aa), o flaen "mewn perthynas â'r" mewnosoder "yn ddarostyngedig i baragraff (iii)";

- (b) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) in a case where the ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

(2) Any description of person who would have fallen within this paragraph immediately before exit day is to be treated as falling within this paragraph on and after exit day."

(8) In paragraph 12(c) (children of Turkish workers), after "the territory comprising" insert "the United Kingdom,".

Amendments to the Education (Student Support) (Wales) Regulations 2017

9. The Education (Student Support) (Wales) Regulations 2017(1) are amended as follows.

Amendment to regulation 2

10. In regulation 2(1) (interpretation), in the definition of "Erasmus year" ("*blwyddyn Erasmus*")—

- (a) after "year of a course" insert " , whether or not that academic year began before exit day,";
- (b) after "during which a student is", insert "or was, immediately before exit day,";
- (c) in sub-paragraph (c)—
 - (i) in paragraph (ii)(aa), before "in respect of" insert "subject to paragraph (iii);

(1) O.S. 2017/47 (Cy. 21) fel y'i diwygiwyd gan O.S. 2018/191 (Cy. 42) ac O.S. 2018/814 (Cy. 165).

(1) S.I. 2017/47 (W. 21) as amended by S.I. 2018/191 (W. 42) and S.I. 2018/814 (W. 165).

(ii) ar ôl paragraff (ii), mewnosoder—

“(iii) mewn perthynas â blwyddyn academaidd sy’n dechrau cyn 1 Awst 2019, ni fydd unrhyw un neu ragor o gyfnodau o astudio llawnamser yn y sefydliad yn y Deyrnas Unedig ar ôl y diwrnod ymadael yn cael eu cyfrif at ddibenion paragraff (ii)(aa);”.

Diwygiad i reoliad 15

11. Yn rheoliad 15(d) (digwyddiadau), ar ôl “gwladolyn o’r UE” mewnosoder “neu berson sy’n gymwys ac eithrio fel aelod o’r teulu o dan baragraff 9 o Atodlen 1 yn rhinwedd paragraff 9(5) o’r Atodlen honno”.

Diwygiadau i reoliad 30

12. Yn rheoliad 30(1) (grantiau ar gyfer dibynyddion – dehongli), yn is-baragraff (o)—

(a) ym mharagraff (ii), yn lle “Aelod-wladwriaeth arall” rhodder “Aelod-wladwriaeth”;

(b) yn lle paragraff (iii), rhodder—

“(iii) pan fo deddfwriaeth—

(aa) y Deyrnas Unedig ac un neu ragor o Aelod-wladwriaethau; neu

(bb) mwy nag un Aelod-wladwriaeth

yn gymwys i’r cyfnod, cyfanswm incwm person o bob ffynhonnell fel y’i pennir at ddibenion y ddeddfwriaeth treth incwm y mae Gweinidogion Cymru yn ystyried bod cyfanswm incwm person yn y cyfnod hwnnw ar ei fwyaf odani;”.

Diwygiad i reoliad 65

13. Yn rheoliad 65(4)(d) (myfyrwyr sy’n dod yn gymwys yn ystod y flwyddyn academaidd), ar ôl “gwladolyn o’r UE” mewnosoder “neu berson sy’n gymwys ac eithrio fel aelod o’r teulu o dan baragraff 9 o Atodlen 1 yn rhinwedd paragraff 9(5) o’r Atodlen honno”.

Diwygiad i reoliad 82

14. Yn rheoliad 82(4)(d) (myfyrwyr sy’n dod yn gymwys yn ystod y flwyddyn academaidd), ar ôl “gwladolyn o’r UE” mewnosoder “neu berson sy’n gymwys ac eithrio fel aelod o’r teulu o dan baragraff 9 o Atodlen 1 yn rhinwedd paragraff 9(5) o’r Atodlen honno”.

(ii) after paragraph (ii), insert—

“(iii) in respect of an academic year beginning before 1 August 2019, any one or more periods of full-time study at the institution in the United Kingdom after exit day will not be counted for the purposes of paragraph (ii)(aa);”.

Amendment to regulation 15

11. In regulation 15(d) (events), after “EU national” insert “or of a person who is eligible other than as a family member under paragraph 9 of Schedule 1 by virtue of paragraph 9(5) of that Schedule”.

Amendments to regulation 30

12. In regulation 30(1) (grants for dependants – interpretation), in sub-paragraph (o)—

(a) in paragraph (ii), for “another Member State” substitute “a Member State”;

(b) for paragraph (iii), substitute—

“(iii) where the legislation of—

(aa) the United Kingdom and one or more Member State; or

(bb) more than one Member State

applies to the period, a person’s total income from all sources as determined for the purposes of the income tax legislation under which the Welsh Ministers consider that a person’s total income in that period is greatest;”.

Amendment to regulation 65

13. In regulation 65(4)(d) (students becoming eligible during the course of the academic year), after “EU national” insert “or of a person who is eligible other than as a family member under paragraph 9 of Schedule 1 by virtue of paragraph 9(5) of that Schedule”.

Amendment to regulation 82

14. In regulation 82(4)(d) (students becoming eligible during the course of the academic year), after “EU national” insert “or of a person who is eligible other than as a family member under paragraph 9 of Schedule 1 by virtue of paragraph 9(5) of that Schedule”.

Diwygiadau i reoliad 95

15. Yn rheoliad 95(1) (grantiau rhan-amser ar gyfer dibynyddion – dehongli), yn is-baragraff (o)—

- (a) ym mharagraff (ii), yn lle “Aelod-wladwriaeth arall” rhodder “Aelod-wladwriaeth”;
- (b) yn lle paragraff (iii), rhodder—
 - “(iii) pan fo deddfwriaeth—
 - (aa) y Deyrnas Unedig ac un neu ragor o Aelod-wladwriaethau; neu
 - (bb) mwy nag un Aelod-wladwriaeth

yn gymwys i’r cyfnod, cyfanswm incwm person o bob ffynhonnell fel y’i pennir at ddibenion y ddeddfwriaeth treth incwm y mae Gweinidogion Cymru yn ystyried bod cyfanswm incwm person yn y cyfnod hwnnw ar ei fwyaf odani.”.

Diwygiadau i Atodlen 1

16.—(1) Mae Atodlen 1 (myfyrwyr cymwys) wedi ei diwygio fel a ganlyn.

- (2) Yn Rhan 1 (dehongli), paragraff 1—
 - (a) yn is-baragraff (1), hepgorer “ac eithrio’r Deyrnas Unedig” ym mhob lle y mae’n digwydd;
 - (b) yn is-baragraffau (4) a (5), ar ôl “diriogaeth sy’n ffurfio’r” neu “diriogaeth sydd yn ffurfio’r” mewnosoder “Deyrnas Unedig, Gibraltar, yr” ym mhob lle y maent yn digwydd, ac ar ôl “diriogaeth a ffurfir gan” mewnosoder “y Deyrnas Unedig, Gibraltar, yr”;
 - (c) yn is-baragraff (6), ar ôl “ardal” mewnosoder “ac eithrio’r Deyrnas Unedig neu Gibraltar”.
- (3) Yn Rhan 2 (categoriâu)—
 - (a) yn y paragraffau a ganlyn, ar ôl “y diriogaeth sy’n ffurfio’r” mewnosoder “Deyrnas Unedig, Gibraltar, yr”—
 - (i) paragraff 3(d) (personau sydd wedi setlo yn y Deyrnas Unedig);
 - (ii) paragraff 6(1)(c) (gweithwyr, personau cyflogedig, personau hunangyflogedig ac aelodau o’u teuluoedd);

Amendments to regulation 95

15. In regulation 95(1) (part-time grants for dependants – interpretation), in sub-paragraph (o)—

- (a) in paragraph (ii) for “another Member State” substitute “a Member State”;
- (b) for paragraph (iii), substitute—
 - “(iii) where the legislation of—
 - (aa) the United Kingdom and one or more Member State; or
 - (bb) more than one Member State

applies to the period, a person’s total income from all sources as determined for the purposes of the income tax legislation under which the Welsh Ministers consider that a person’s total income in that period is the greatest.”.

Amendments to Schedule 1

16.—(1) Schedule 1 (eligible students) is amended as follows.

- (2) In Part 1 (interpretation), paragraph 1—
 - (a) in sub-paragraph (1), omit “other than the United Kingdom” each time it occurs;
 - (b) in sub-paragraphs (4) and (5), after “the territory comprising” insert “the United Kingdom, Gibraltar” each time it occurs;
 - (c) in sub-paragraph (6), after “an area” insert “other than the United Kingdom or Gibraltar”.
- (3) In Part 2 (categories)—
 - (a) in the following paragraphs, after “the territory comprising” insert “the United Kingdom, Gibraltar,”—
 - (i) paragraph 3(d) (persons who are settled in the United Kingdom);
 - (ii) paragraph 6(1)(c) (workers, employed persons, self-employed persons and their family members);

- (iii) paragraff 7(b) (gweithwyr, personau cyflogedig, personau hunangyflogedig ac aelodau o'u teuluoedd);
- (iv) paragraff 8(1)(d) ac (e) (personau sydd wedi setlo yn y Deyrnas Unedig ac sydd wedi arfer hawl i breswyllo yn rhywle arall);
- (b) ym mharagraff 9 (gwladolion o'r UE)—
- (i) yn lle is-baragraff (1)(a), rhodder—
- “(a) sydd ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs—
- (i) yn wladolyn o'r UE;
- (ii) yn wladolyn o'r Deyrnas Unedig sydd wedi arfer hawl i breswyllo; neu
- (iii) yn aelod o deulu person yn is-baragraff (i) neu (ii);”;
- (ii) yn is-baragraffau (1)(c) a (d) a (2), ar ôl “y diriogaeth sy'n ffurfio'r” mewnosoder “Deyrnas Unedig, Gibraltar, yr”;
- (iii) yn is-baragraff (4), ar ôl “os yw'r person hwnnw” mewnosoder “wedi preswyllo yn Gibraltar neu”;
- (iv) ar ôl is-baragraff (4), mewnosoder—
- “(5) Mae unrhyw ddisgrifiad o berson a fyddai wedi bod yn gymwys o dan y paragraff hwn yn union cyn y diwrnod ymadael i fod yn gymwys ar ac ar ôl y diwrnod ymadael.”;
- (c) ym mharagraff 10 (gwladolion o'r UE)—
- (i) yn is-baragraff (1)(a), hepgorer “ac eithrio gwladolyn o'r Deyrnas Unedig”;
- (ii) yn is-baragraff (1)(d), ar ôl “y diriogaeth sy'n ffurfio'r” mewnosoder “Deyrnas Unedig, Gibraltar, yr”;
- (iii) yn is-baragraff (2), hepgorer “ac eithrio gwladolyn o'r Deyrnas Unedig”;
- (d) yn lle paragraff 11 (plant gwladolion Swisaidd), rhodder—
- “11.**
- (1) Person—
- (a) sy'n blentyn i wladolyn Swisaidd y mae ganddo hawlogaeth i gael cymorth yn y Deyrnas Unedig yn rhinwedd Erthygl 3(6) o Atodiad 1 i Gytundeb y Swistir;
- (b) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;
- (iii) paragraph 7(b) (workers, employed persons, self-employed persons and their family members);
- (iv) paragraph 8(1)(d) and (e) (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere);
- (b) in paragraph 9 (EU nationals)—
- (i) for sub-paragraph (1)(a), substitute—
- “(a) on the first day of the first academic year of the course is—
- (i) an EU national;
- (ii) a United Kingdom national who has exercised a right of residence; or
- (iii) the family member of a person in sub-paragraph (i) or (ii);”;
- (ii) in sub-paragraphs (1)(c) and (d) and (2), after “the territory comprising” insert “the United Kingdom, Gibraltar,”;
- (iii) in sub-paragraph (4), after “that person” insert “has resided in Gibraltar or”;
- (iv) after sub-paragraph (4), insert—
- “(5) Any description of person who would have been eligible under this paragraph immediately before exit day is to be eligible on and after exit day.”;
- (c) in paragraph 10 (EU nationals)—
- (i) in sub-paragraph (1)(a), omit “other than a United Kingdom national”;
- (ii) in sub-paragraph (1)(d), after “the territory comprising” insert “the United Kingdom, Gibraltar,”;
- (iii) in sub-paragraph (2), omit “other than a United Kingdom national”;
- (d) for paragraph 11 (children of Swiss nationals), substitute—
- “11.**
- (1) A person who—
- (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of Article 3(6) of Annex 1 to the Swiss Agreement;
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course;

- (c) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; a
- (d) mewn achos lle'r oedd ei breswyllo arferol y cyfeirir ato ym mharagraff (c) yn gyfan gwbl neu'n bennaf at ddiben derbyn addysg lawnamser, a oedd yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir yn union cyn y cyfnod preswyllo arferol y cyfeirir ato ym mharagraff (c).

(2) Mae unrhyw ddisgrifiad o berson a fyddai wedi bod yn gymwys o dan y paragraff hwn yn union cyn y diwrnod ymadael i fod yn gymwys ar ac ar ôl y diwrnod ymadael.”;

- (e) ym mharagraff 12(c) (plant gweithwyr Twrcaidd), ar ôl “y diriogaeth sydd yn ffurfio'r” mewnosoder “Deyrnas Unedig, Gibraltar, yr”.

Diwygiad i Atodlen 4

17. Yn Atodlen 4 (benthyciadau at ffioedd coleg), paragraff 6(c) ar ôl “gwladolyn o'r UE” mewnosoder “neu berson sy'n gymwys ac eithrio fel aelod o'r teulu o dan baragraff 9 o Atodlen 1 yn rhinwedd paragraff 9(5) o'r Atodlen honno”.

Diwygiadau i Atodlen 5

18.—(1) Mae Atodlen 5 (asesiad ariannol) wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 1(1) (diffiniadau), paragraff (n)—

- (a) yn is-baragraff (ii), yn lle “Aelod-wladwriaeth arall” rhodder “Aelod-wladwriaeth”;
- (b) yn lle is-baragraff (iii), rhodder—
 - “(iii) pan fo deddfwriaeth—
 - (aa) y Deyrnas Unedig ac un neu ragor o Aelod-wladwriaethau; neu
 - (bb) mwy nag un Aelod-wladwriaeth

yn gymwys i'r cyfnod, cyfanswm incwm person o bob ffynhonnell fel y'i pennir at ddibenion y ddeddfwriaeth treth incwm y mae Gweinidogion Cymru yn ystyried bod cyfanswm

- (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

(2) Any description of person who would have been eligible under this paragraph immediately before exit day is to be eligible on and after exit day.”;

- (e) in paragraph 12(c) (children of Turkish workers), after “the territory comprising” insert “the United Kingdom, Gibraltar.”.

Amendment to Schedule 4

17. In Schedule 4 (college fee loans), paragraph 6(c) after “EU national” insert “or of a person who is eligible other than as a family member under paragraph 9 of Schedule 1 by virtue of paragraph 9(5) of that Schedule”.

Amendments to Schedule 5

18.—(1) Schedule 5 (financial assessment) is amended as follows.

(2) In paragraph 1(1) (definitions), paragraph (n)—

- (a) in sub-paragraph (ii), for “another Member State” substitute “a Member State”;
- (b) for sub-paragraph (iii), substitute—
 - “(iii) where the legislation of—
 - (aa) the United Kingdom and one or more Member State; or
 - (bb) more than one Member State

applies to the period, a person's total income from all sources as determined for the purposes of the income tax legislation under which the Welsh Ministers consider that a person's total

incwm person yn y cyfnod hwnnw ar ei fwyaf odani (ac eithrio fel y darperir fel arall ym mharagraff 5),”;

(3) Ym mharagraff 2(1)(g) (myfyriwr cymwys annibynnol), o flaen “Undeb Ewropeaidd” mewnosoder “Deyrnas Unedig, Gibraltar a’r”.

(4) Yn y paragraffau a ganlyn, yn lle “Aelod-wladwriaeth arall” rhodder “Aelod-wladwriaeth”—

- (a) paragraff 4(1)(b) (cyfrifo incwm gweddilliol y myfyriwr cymwys);
- (b) paragraff 5 (cyfrifo incwm gweddilliol y rhiant)—
 - (i) is-baragraff (1)(a);
 - (ii) is-baragraff (6) ym mhob lle y mae’n digwydd;
 - (iii) is-baragraff (7).

Diwygiadau i Atodlen 6

19.—(1) Mae Atodlen 6 (asesiad ariannol – grantiau rhan-amser ar gyfer dibynyddion) wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 1(1) (diffiniadau), is-baragraff (j)—

- (a) ym mharagraff (ii), yn lle “Aelod-wladwriaeth arall” rhodder “Aelod-wladwriaeth”;
- (b) yn lle paragraff (iii), rhodder—
 - “(iii) pan fo deddfwriaeth—
 - (aa) y Deyrnas Unedig ac un neu ragor o Aelod-wladwriaethau; neu
 - (bb) mwy nag un Aelod-wladwriaeth

yn gymwys i’r cyfnod, cyfanswm incwm person o bob ffynhonnell fel y’i pennir at ddibenion y ddeddfwriaeth treth incwm y mae Gweinidogion Cymru yn ystyried bod cyfanswm incwm person yn y cyfnod hwnnw ar ei fwyaf odani (ac eithrio fel y darperir fel arall ym mharagraff 4),”.

(3) Yn y paragraffau a ganlyn, yn lle “Aelod-wladwriaeth arall” rhodder “Aelod-wladwriaeth”—

- (a) paragraff 3(1) (cyfrifo incwm gweddilliol y myfyriwr rhan-amser cymwys);
- (b) paragraff 4 (cyfrifo incwm gweddilliol partner myfyriwr rhan-amser cymwys)—
 - (i) is-baragraff (1)(a);
 - (ii) is-baragraff (6) ym mhob lle y mae’n digwydd;
 - (iii) is-baragraff (7).

income in that period is greatest (except as otherwise provided in paragraph 5),”;

(3) In paragraph 2(1)(g) (independent eligible student), before “the European Union” insert “the United Kingdom, Gibraltar and”.

(4) In the following paragraphs, for “another Member State” substitute “a Member State”—

- (a) paragraph 4(1)(b) (calculation of eligible student’s residual income);
- (b) paragraph 5 (calculation of parent’s residual income)—
 - (i) sub-paragraph (1)(a);
 - (ii) sub-paragraph (6) each time it appears;
 - (iii) sub-paragraph (7).

Amendments to Schedule 6

19.—(1) Schedule 6 (financial assessment – part-time grants for dependants) is amended as follows.

(2) In paragraph 1(1) (definitions), sub-paragraph (j)—

- (a) in paragraph (ii), for “another Member State” substitute “a Member State”;
- (b) for paragraph (iii), substitute—
 - “(iii) where the legislation of—
 - (aa) the United Kingdom and one or more Member State; or
 - (bb) more than one Member State

applies to the period, a person’s total income from all sources as determined for the purposes of the income tax legislation under which the Welsh Ministers consider that a person’s total income in that period is greatest (except as otherwise provided in paragraph 4),”.

(3) In the following paragraphs, for “another Member State” substitute “a Member State”—

- (a) paragraph 3(1) (calculation of eligible part-time student’s residual income);
- (b) paragraph 4 (calculation of eligible part-time student’s partner’s residual income)—
 - (i) sub-paragraph (1)(a);
 - (ii) sub-paragraph (6) each time it occurs;
 - (iii) sub-paragraph (7).

Diwygiadau i Reoliadau Addysg (Benthyciadau at Radd Feistr Ôl-raddedig) (Cymru) 2017

20. Mae Rheoliadau Addysg (Benthyciadau at Radd Feistr Ôl-raddedig) (Cymru) 2017(1) wedi eu diwygio fel a ganlyn.

Diwygiad i reoliad 8

21. Yn rheoliad 8(d) (digwyddiadau), ar ôl “gwladolyn UE” mewnosoder “neu berson sy’n gymwys ac eithrio fel aelod o’r teulu o dan baragraff 9 o Atodlen 1 yn rhinwedd paragraff 9(5) o’r Atodlen honno”.

Diwygiadau i Atodlen 1

22.—(1) Mae Atodlen 1 (myfyrwyr cymwys) wedi ei diwygio fel a ganlyn.

(2) Yn Rhan 1 (dehongli), paragraff 1—

- (a) yn is-baragraff (1), hepgorer “ac eithrio’r Deyrnas Unedig” ym mhob lle y mae’n digwydd;
- (b) yn is-baragraffau (4) a (5), ar ôl “diriogaeth sy’n ffurfio’r” mewnosoder “Deyrnas Unedig, Gibraltar, yr” ym mhob lle y mae’n digwydd;
- (c) yn is-baragraff (6), ar ôl “ardal” mewnosoder “ac eithrio’r Deyrnas Unedig neu Gibraltar”.

(3) Yn Rhan 2 (categoriâu)—

- (a) yn y paragraffau a ganlyn, ar ôl “y diriogaeth sy’n ffurfio’r” mewnosoder “Deyrnas Unedig, Gibraltar, yr”—
 - (i) paragraff 3(d) (personau sydd wedi setlo yn y Deyrnas Unedig);
 - (ii) paragraff 6(1)(c) (gweithwyr, personau cyflogedig, personau hunangyflogedig ac aelodau o’u teuluoedd);
 - (iii) paragraff 7(b) (gweithwyr, personau cyflogedig, personau hunangyflogedig ac aelodau o’u teuluoedd);
 - (iv) paragraff 8(1)(d) ac (e) (personau sydd wedi setlo yn y Deyrnas Unedig ac sydd wedi arfer hawl i breswyllo yn rhywle arall);
- (b) ym mharagraff 9 (gwladolion UE)—
 - (i) yn lle is-baragraff (1)(a), rhodder—
“(a) sydd, ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs—
 - (i) yn wladolyn UE;

Amendments to the Education (Postgraduate Master’s Degree Loans) (Wales) Regulations 2017

20. The Education (Postgraduate Master’s Degree Loans) (Wales) Regulations 2017(1) are amended as follows.

Amendment to regulation 8

21. In regulation 8(d) (events), after “EU national” insert “or of a person who is eligible other than as a family member under paragraph 9 of Schedule 1 by virtue of paragraph 9(5) of that Schedule”.

Amendments to Schedule 1

22.—(1) Schedule 1 (eligible students) is amended as follows.

(2) In Part 1 (interpretation), paragraph 1—

- (a) in sub-paragraph (1), omit “other than the United Kingdom” each time it occurs;
- (b) in sub-paragraphs (4) and (5), after “the territory comprising” insert “the United Kingdom, Gibraltar,” each time it occurs;
- (c) in sub-paragraph (6), after “an area” insert “other than the United Kingdom or Gibraltar”.

(3) In Part 2 (categories)—

- (a) in the following paragraphs, after “the territory comprising” insert “the United Kingdom, Gibraltar,”—
 - (i) paragraph 3(d) (persons who are settled in the United Kingdom);
 - (ii) paragraph 6(1)(c) (workers, employed persons, self-employed persons and their family members);
 - (iii) paragraph 7(b) (workers, employed persons, self-employed persons and their family members);
 - (iv) paragraph 8(1)(d) and (e) (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere);
- (b) in paragraph 9 (EU nationals)—
 - (i) for sub-paragraph (1)(a), substitute—
“(a) who, on the first day of the first academic year of the course, is—
 - (i) an EU national;

(1) O.S. 2017/523 (Cy. 109) fel y’i diwygiwyd gan O.S. 2017/712 (Cy. 169), O.S. 2018/277 (Cy. 53) ac O.S. 2018/814 (Cy. 165).

(1) S.I. 2017/523 (W. 109) as amended by S.I. 2017/712 (W. 169), S.I. 2018/277 (W. 53) and S.I. 2018/814 (W. 165).

- (ii) yn wladolyn o'r Deyrnas Unedig sydd wedi arfer hawl i breswyllo; neu
- (iii) yn aelod o deulu person yn is-baragraff (i) neu (ii);";
- (ii) yn is-baragraffau (1)(c) a (d) a (2), ar ôl "y diriogaeth sy'n ffurfio'r" mewnosoder "Deyrnas Unedig, Gibraltar, yr";
- (iii) yn is-baragraff (4), ar ôl "os yw'r person hwnnw" mewnosoder "wedi preswyllo yn Gibraltar neu";
- (iv) ar ôl is-baragraff (4), mewnosoder—
 "(5) Mae unrhyw ddisgrifiad o berson a fyddai wedi bod yn gymwys o dan y paragraff hwn yn union cyn y diwrnod ymadael i fod yn gymwys ar ac ar ôl y diwrnod ymadael.";
- (c) ym mharagraff 10 (gwladolion UE)—
 - (i) yn is-baragraff (1)(a), hepgorer "ac eithrio gwladolyn o'r Deyrnas Unedig";
 - (ii) yn is-baragraff (1)(d), ar ôl "y diriogaeth sy'n ffurfio'r" mewnosoder "Deyrnas Unedig, Gibraltar, yr,";
 - (iii) yn is-baragraff (2), hepgorer "ac eithrio gwladolyn o'r Deyrnas Unedig";
- (d) yn lle paragraff 11 (plant gwladolion Swisaidd), rhodder—
"11.
 (1) Person—
 - (a) sy'n blentyn i wladolyn Swisaidd y mae ganddo hawlogaeth i gael cymorth yn y Deyrnas Unedig yn rhinwedd Erthygl 3(6) o Atodiad 1 i Gytundeb y Swistir;
 - (b) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;
 - (c) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; a
 - (d) mewn achos pan oedd ei breswyllo fel arfer, y cyfeirir ato ym mharagraff (c), yn gyfan gwbl neu'n bennaf at ddiben cael addysg lawnamser, a oedd yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir yn union cyn y cyfnod o breswyllo fel arfer y cyfeirir ato ym mharagraff (c).
- (ii) a United Kingdom national who has exercised a right of residence; or
- (iii) the family member of a person in sub-paragraph (i) or (ii);";
- (ii) in sub-paragraphs (1)(c) and (d) and (2), after "the territory comprising" insert "the United Kingdom, Gibraltar,";
- (iii) in sub-paragraph (4), after "that person" insert "has resided in Gibraltar or";
- (iv) after sub-paragraph (4), insert—
 "(5) Any description of person who would have been eligible under this paragraph immediately before exit day is to be eligible on and after exit day.";
- (c) in paragraph 10 (EU nationals)—
 - (i) in sub-paragraph (1)(a), omit "other than a United Kingdom national";
 - (ii) in sub-paragraph (1)(d), after "the territory comprising" insert "the United Kingdom, Gibraltar,";
 - (iii) in sub-paragraph (2), omit "other than a United Kingdom national";
- (d) for paragraph 11 (children of Swiss nationals), substitute—
"11.
 (1) A person who—
 - (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of Article 3(6) of Annex 1 to the Swiss Agreement;
 - (b) is ordinarily resident in Wales on the first day of the first academic year of the course;
 - (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
 - (d) in a case where the person's ordinary resident referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

(2) Mae unrhyw ddisgrifiad o berson a fyddai wedi bod yn gymwys o dan y paragraff hwn yn union cyn y diwrnod ymadael i fod yn gymwys ar ac ar ôl y diwrnod ymadael.”;

- (e) ym mharagraff 12(c) (plant gweithwyr Twrcaidd), ar ôl “y diriogaeth sy’n ffurfio’r” mewnosoder “Deyrnas Unedig, Gibraltar, yr”.

Diwygiadau i Reoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2018

23. Mae Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2018(1) wedi eu diwygio fel a ganlyn.

Diwygiad i reoliad 80

24. Yn rheoliad 80(2)(b)(iii) (cymhwyso i gael benthyciad at ffioedd dysgu yn ystod y flwyddyn academaidd), ar ôl “gwladolyn o’r UE” mewnosoder “neu berson sy’n gymwys ac eithrio fel aelod o’r teulu o dan baragraff 6(1) o Atodlen 2 yn rhinwedd paragraff 6(1A) o’r Atodlen honno”.

Diwygiad i Atodlen 1

25. Ym mharagraff 4 (ystyr blwyddyn Erasmus)—

- (a) yn is-baragraff (1), ar ôl “yn flwyddyn academaidd” mewnosoder “; pa un a ddechreuodd y flwyddyn academaidd honno cyn y diwrnod ymadael ai peidio,”;
- (b) yn is-baragraff (2), Amod B—
- (i) ym mharagraff (c)—
- (aa) o flaen “yn ystod y flwyddyn academaidd honno” mewnosoder “yn ddarostyngedig i baragraff (d)”;
- (bb) ar y diwedd, yn lle “.” rhodder “;”;
- (ii) ar ôl paragraff (c), mewnosoder—
- “(d) mewn cysylltiad â blwyddyn academaidd sy’n dechrau cyn 1 Awst 2019, ni fydd unrhyw un neu ragor o gyfnodau o astudio llawnamser yn y sefydliad yng Nghymru, Lloegr neu’r Alban ar ôl y diwrnod ymadael yn cael eu cyfrif at ddibenion paragraff (c).”

(2) Any description of person who would have been eligible under this paragraph immediately before exit day is to be eligible on and after exit day.”;

- (e) in paragraph 12(c) (children of Turkish workers), after “the territory comprising” insert “the United Kingdom, Gibraltar,”.

Amendments to the Education (Student Support) (Wales) Regulations 2018

23. The Education (Student Support) (Wales) Regulations 2018(1) are amended as follows.

Amendment to regulation 80

24. In regulation 80(2)(b)(iii) (qualifying for a tuition fee loan during the academic year), after “EU national” insert “or of a person who is eligible other than as a family member under paragraph 6(1) of Schedule 2 by virtue of paragraph 6(1A) of that Schedule”.

Amendment to Schedule 1

25. In paragraph 4 (meaning of Erasmus year)—

- (a) in sub-paragraph (1), after “academic year” insert “; whether or not that academic year began before exit day,”;
- (b) in sub-paragraph (2), Condition B—
- (i) in paragraph (c)—
- (aa) before “during that academic year” insert “subject to paragraph (d)”;
- (bb) at the end, for “.” substitute “;”;
- (ii) after paragraph (c), insert—
- “(d) in respect of an academic year beginning before 1 August 2019, any one or more periods of full-time study at the institution in England, Scotland or Wales after exit day will not be counted for the purposes of paragraph (c).”

(1) O.S. 2018/191 (Cy. 42) fel y’i diwygiwyd gan O.S. 2018/813 (Cy. 164) ac O.S. 2018/814 (Cy. 165).

(1) S.I. 2018/191 (W. 42) as amended by S.I. 2018/813 (W.164) and S.I. 2018/814 (W. 165).

Diwygiadau i Atodlen 2

26.—(1) Mae Atodlen 2 (categoriâu o fyfyrwyr cymwys) wedi ei diwygio fel a ganlyn.

(2) Yn is-baragraff 1(2)(d) (categori 1 – personau sydd wedi setlo yn y Deyrnas Unedig), ar ôl “y diriogaeth sy’n ffurfio’r” mewnosoder “Deyrnas Unedig, Gibraltar, yr”.

(3) Ym mharagraff 4 (categori 4 – gweithwyr, personau cyflogedig, personau hunangyflogedig ac aelodau o’u teuluoedd)—

(a) yn is-baragraffau (1)(b) a (2)(b), ar ôl “y diriogaeth sy’n ffurfio’r” mewnosoder “Deyrnas Unedig, Gibraltar, yr”;

(b) yn is-baragraffau (3) ac (4), hepgorer “ac eithrio’r Deyrnas Unedig” ym mhob lle y mae’n digwydd.

(4) Ym mharagraff 5(1)(d) ac (e) (categori 5 – personau sydd wedi setlo yn y Deyrnas Unedig ac sydd wedi arfer hawl i breswyllo yn rhywle arall), ar ôl “y diriogaeth sy’n ffurfio’r” mewnosoder “Deyrnas Unedig, Gibraltar, yr”.

(5) Ym mharagraff 6 (categori 6 – gwladolion UE)—

(a) yn lle is-baragraff (1)(a), rhodder—

“(a) sydd, ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs—

(i) yn wladolyn UE,

(ii) yn wladolyn o’r Deyrnas Unedig sydd wedi arfer hawl i breswyllo, neu

(iii) yn aelod o deulu person yn is-baragraff (i) neu (ii),”;

(b) yn is-baragraffau (1)(c) a (d), ar ôl “y diriogaeth sy’n ffurfio’r” mewnosoder “Deyrnas Unedig, Gibraltar, yr”;

(c) ar ôl is-baragraff (1), mewnosoder—

“(1A) Mae unrhyw ddisgrifiad o berson a fyddai wedi bod yn gymwys o dan is-baragraff (1) yn union cyn y diwrnod ymadael i fod yn gymwys ar ac ar ôl y diwrnod ymadael.”;

(d) yn is-baragraff (2)(a), hepgorer “ac eithrio gwladolyn o’r Deyrnas Unedig”;

(e) yn is-baragraff (2)(d), ar ôl “y diriogaeth sy’n ffurfio’r” mewnosoder “Deyrnas Unedig, Gibraltar, yr”;

(f) yn lle is-baragraff (4), rhodder—

“(4) At ddibenion is-baragraff (1)(a), mae gwladolyn o’r Deyrnas Unedig wedi arfer hawl i breswyllo os yw’r person hwnnw wedi preswyllo yn Gibraltar neu wedi arfer hawl o dan Erthygl 7 o Gyfarwyddeb 2004/38 neu

Amendments to Schedule 2

26.—(1) Schedule 2 (categories of eligible student) is amended as follows.

(2) In paragraph 1(2)(d) (category 1 – persons settled in the United Kingdom), after “territory comprising” insert “the United Kingdom, Gibraltar,”.

(3) In paragraph 4 (category 4 – workers, employed persons, self-employed persons and their family members)—

(a) in sub-paragraphs (1)(b) and (2)(b), after “the territory comprising” insert “the United Kingdom, Gibraltar,”;

(b) in sub-paragraphs (3) and (4), omit “other than the United Kingdom” each time it occurs.

(4) In paragraph 5(1)(d) and (e) (category 5 – persons who are settled in the United Kingdom and have exercised a right of residence elsewhere), after “the territory comprising” insert “the United Kingdom, Gibraltar,”.

(5) In paragraph 6 (category 6 - EU nationals)—

(a) for sub-paragraph (1)(a), substitute—

“(a) who, on the first day of the first academic year of the course, is—

(i) an EU national,

(ii) a United Kingdom national who has exercised a right of residence, or

(iii) the family member of a person in sub-paragraph (i) or (ii),”;

(b) in sub-paragraphs (1)(c) and (d), after “the territory comprising” insert “the United Kingdom, Gibraltar,”;

(c) after sub-paragraph (1), insert—

“(1A) Any description of person who would have been eligible under sub-paragraph (1) immediately before exit day is to be eligible on and after exit day.”;

(d) in sub-paragraph (2)(a), omit “other than a United Kingdom national”;

(e) in sub-paragraph (2)(d), after “the territory comprising” insert “the United Kingdom, Gibraltar,”;

(f) for sub-paragraph (4), substitute—

“(4) For the purpose of sub-paragraph (1)(a), a United Kingdom national has exercised a right of residence if that person has resided in Gibraltar or has exercised a right under Article 7 of Directive 2004/38 or any equivalent right

unrhyw hawl gyfatebol o dan Gytundeb yr AEE neu Gytundeb y Swistir mewn gwladwriaeth ac eithrio'r Deyrnas Unedig.”

(6) Yn lle paragraff 7 (categori 7 – plant gwladolion Swisaidd), rhodder—

“7. Categori 7 – Plant gwladolion Swisaidd

(1) Person—

- (a) sy'n blentyn i wladolyn Swisaidd y mae ganddo hawlogaeth i gael cymorth yn y Deyrnas Unedig yn rhinwedd Erthygl 3(6) o Atodiad 1 i Gytundeb y Swistir;
- (b) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;
- (c) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; a
- (d) mewn achos pan oedd ei breswyllo fel arfer, y cyfeirir ato ym mharagraff (c), yn gyfan gwbl neu'n bennaf at ddiben cael addysg lawnamser, a oedd yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir yn union cyn y cyfnod o breswyllo fel arfer y cyfeirir ato ym mharagraff (c).

(2) Mae unrhyw ddisgrifiad o berson a fyddai wedi bod yn gymwys o dan y paragraff hwn yn union cyn y diwrnod ymadael i fod yn gymwys ar ac ar ôl y diwrnod ymadael.”

(7) Ym mharagraff 8(1)(c) (categori 8 – plant gweithwyr Twrcaidd), ar ôl “y diriogaeth sy'n ffurfio'r” mewnosoder “Deyrnas Unedig, Gibraltar, yr”.

(8) Ym mharagraff 9 (preswyllo fel arfer – darpariaeth ychwanegol)—

- (a) ar ôl “diriogaeth sy'n ffurfio'r” mewnosoder “Deyrnas Unedig, Gibraltar, yr” ym mhob lle y mae'n digwydd;
- (b) yn is-baragraff (5), ar ôl “ardal” mewnosoder “ac eithrio'r Deyrnas Unedig neu Gibraltar”.

under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom.”

(6) For paragraph 7 (category 7 - children of Swiss nationals), substitute—

“7. Category 7 – Children of Swiss nationals

(1) A person who—

- (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of Article 3(6) of Annex 1 to the Swiss Agreement;
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

(2) Any description of person who would have been eligible under this paragraph immediately before exit day is to be eligible on and after exit day.”

(7) In paragraph 8(1)(c) (category 8 – children of Turkish workers), after “the territory comprising” insert “the United Kingdom, Gibraltar,”.

(8) In paragraph 9 (ordinary residence – additional provision)—

- (a) after “the territory comprising” insert “the United Kingdom, Gibraltar,” each time it occurs;
- (b) in sub-paragraph (5), after “an area” insert “other than the United Kingdom or Gibraltar”.

Diwygiadau i Atodlen 3

27.—(1) Mae Atodlen 3 (cyfrifo incwm) wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 4(1) (myfyrwyr cymwys annibynnol), yn Achos 6, o flaen “Undeb Ewropeaidd” mewnosoder “Deyrnas Unedig, Gibraltar a’r”.

(3) Ym mharagraff 9 (incwm trethadwy)—

(a) yn is-baragraff (1)(b), yn lle “Aelod-wladwriaeth arall” rhodder “Aelod-wladwriaeth”;

(b) yn lle is-baragraff (2), rhodder—

“(2) At ddibenion is-baragraff (1)(b), pan fo deddfwriaeth treth incwm—

(a) y Deyrnas Unedig ac un neu ragor o Aelod-wladwriaethau, neu

(b) mwy nag un Aelod-wladwriaeth

yn gymwys i’r person mewn cysylltiad â’r flwyddyn sydd o dan ystyriaeth, cyfanswm incwm y person o bob ffynhonnell yw’r swm sy’n deillio o’r penderfyniad sy’n arwain at swm mwyaf cyfanswm yr incwm, gan gynnwys unrhyw incwm y mae’n ofynnol ei ystyried o dan baragraff 18.”

(4) Yn y paragraffau a ganlyn, yn lle “Aelod-wladwriaeth arall” rhodder “Aelod-wladwriaeth”—

(a) paragraff 11 (didyniadau at ddiben cyfrifo incwm gweddilliol myfyriwr cymwys), Didyniad B;

(b) paragraff 15 (didyniadau at ddiben cyfrifo incwm gweddilliol personau ac eithrio myfyriwr cymwys), Didyniad A;

(c) paragraff 18 (trin incwm nas trinnir fel incwm at ddibenion treth incwm), ym mhob lle y mae’n digwydd;

(d) paragraff 19(1) (incwm P mewn arian cyfred ac eithrio sterling).

Diwygiad i Atodlen 5

28.—(1) Mae Atodlen 5 (benthyciadau at ffioedd colegau Oxbridge) wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 4(2)(c) (myfyrwyr sy’n dod yn gymwys yn ystod blwyddyn academiaidd), ar ôl “gwladolyn UE” mewnosoder “neu berson sy’n gymwys ac eithrio fel aelod o’r teulu o dan baragraff 6(1) o Atodlen 2 yn rhinwedd paragraff 6(1A) o’r Atodlen honno”.

Amendments to Schedule 3

27.—(1) Schedule 3 (calculation of income) is amended as follows.

(2) In paragraph 4(1) (independent eligible students), in Case 6, before “the European Union” insert “the United Kingdom, Gibraltar and”.

(3) In paragraph 9 (taxable income)—

(a) in sub-paragraph (1)(b) for “another member State” substitute “a member State”;

(b) for sub-paragraph (2), substitute—

“(2) For the purposes of sub-paragraph (1)(b), where the income tax legislation of—

(a) the United Kingdom and one or more member State, or

(b) more than one member State

applies to the person in respect of the year under consideration, the person’s total income from all sources is the amount derived from the determination resulting in the greatest amount of total income, including any income which is required to be taken into account under paragraph 18.”

(4) In the following paragraphs, for “another member State” substitute “a member State”—

(a) paragraph 11 (deductions for the purpose of calculating residual income of an eligible student), Deduction B;

(b) paragraph 15 (deductions for the purpose of calculating residual income of persons other than eligible student), Deduction A;

(c) paragraph 18 (treatment of income not treated as income for income tax purposes), each time it occurs;

(d) paragraph 19(1) (P’s income in currency other than sterling).

Amendment to Schedule 5

28.—(1) Schedule 5 (Oxbridge college fee loans) is amended as follows.

(2) In paragraph 4(2)(c) (students becoming eligible during the course of an academic year), after “EU national” insert “or of a person who is eligible other than as a family member under paragraph 6(1) of Schedule 2 by virtue of paragraph 6(1A) of that Schedule”.

Diwygiadau i Reoliadau Addysg (Benthyciadau at Radd Ddoethurol Ôl-raddedig) (Cymru) 2018

29. Mae Rheoliadau Addysg (Benthyciadau at Radd Ddoethurol Ôl-raddedig) (Cymru) 2018(1) wedi eu diwygio fel a ganlyn.

Diwygiad i reoliad 8

30. Yn rheoliad 8(d) (digwyddiadau), ar ôl “gwladolyn UE” mewnosoder “neu berson sy’n gymwys ac eithrio fel aelod o’r teulu o dan baragraff 10 o Atodlen 1 yn rhinwedd paragraff 10(5) o’r Atodlen honno”.

Diwygiadau i Atodlen 1

31.—(1) Mae Atodlen 1 (myfyrwyr cymwys) wedi ei diwygio fel a ganlyn.

(2) Yn Rhan 1, paragraff 1 (dehongli)—

- (a) yn is-baragraff (1), hepgorer “ac eithrio’r Deyrnas Unedig” ym mhob lle y mae’n digwydd;
- (b) yn is-baragraffau (4) a (5), ar ôl “diriogaeth sy’n ffurfio’r” mewnosoder “Deyrnas Unedig, Gibraltar, yr” ym mhob lle y mae’n digwydd;
- (c) yn is-baragraff (6), ar ôl “ardal” mewnosoder “ac eithrio’r Deyrnas Unedig neu Gibraltar”.

(3) Yn Rhan 2 (categoriâu)—

- (a) yn y paragraffau a ganlyn, ar ôl “y diriogaeth sy’n ffurfio’r” mewnosoder “Deyrnas Unedig, Gibraltar, yr”—
 - (i) paragraff 3(d) (personau sydd wedi setlo yn y Deyrnas Unedig);
 - (ii) paragraff 7(1)(c) (gweithwyr, personau cyflogedig, personau hunangyflogedig ac aelodau o’u teuluoedd);
 - (iii) paragraff 8(b) (gweithwyr, personau cyflogedig, personau hunangyflogedig ac aelodau o’u teuluoedd);
 - (iv) paragraff 9(1)(d) ac (e) (personau sydd wedi setlo yn y Deyrnas Unedig ac sydd wedi arfer hawl i breswyllo yn rhywle arall);
- (b) ym mharagraff 10 (gwladolion UE)—
 - (i) yn lle is-baragraff (1)(a), rhodder—

“(a) sydd, ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs—

 - (i) yn wladolyn UE;

Amendments to the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018

29. The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018(1) are amended as follows.

Amendment to regulation 8

30. In regulation 8(d) (events), after “EU national” insert “or of a person who is eligible other than as a family member under paragraph 10 of Schedule 1 by virtue of paragraph 10(5) of that Schedule”.

Amendments to Schedule 1

31.—(1) Schedule 1 (eligible students) is amended as follows.

(2) In Part 1, paragraph 1 (interpretation)—

- (a) in sub-paragraph (1), omit “other than the United Kingdom” each time it occurs;
- (b) in sub-paragraphs (4) and (5), after “the territory comprising” insert “the United Kingdom, Gibraltar,” each time it occurs;
- (c) in sub-paragraph (6), after “an area” insert “other than the United Kingdom or Gibraltar”.

(3) In Part 2 (categories)—

- (a) in the following paragraphs, after “the territory comprising” insert “the United Kingdom, Gibraltar,”—
 - (i) paragraph 3(d) (persons who are settled in the United Kingdom);
 - (ii) paragraph 7(1)(c) (workers, employed persons, self-employed persons and their family members);
 - (iii) paragraph 8(b) (workers, employed persons, self-employed persons and their family members);
 - (iv) paragraph 9(1)(d) and (e) (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere);
- (b) in paragraph 10 (EU nationals)—
 - (i) for sub-paragraph (1)(a), substitute—

“(a) who, on the first day of the first academic year of the course, is—

 - (i) an EU national;

(1) O.S. 2018/656 (Cy. 124) fel y’i diwygiwyd gan O.S. 2018/814 (Cy. 165).

(1) S.I. 2018/656 (W. 124), as amended by S.I. 2018/814 (W. 165).

- (ii) yn wladolyn o'r Deyrnas Unedig sydd wedi arfer hawl i breswyllo; neu
- (iii) yn aelod o deulu person yn is-baragraff (i) neu (ii);";
- (ii) yn is-baragraffau (1)(c) a (d) a (2), ar ôl "y diriogaeth sy'n ffurfio'r" mewnosoder "Deyrnas Unedig, Gibraltar, yr";
- (iii) yn is-baragraff (4), ar ôl "os yw'r person hwnnw" mewnosoder "wedi preswyllo yn Gibraltar neu";
- (iv) ar ôl is-baragraff (4), mewnosoder—
 "(5) Mae unrhyw ddisgrifiad o berson a fyddai wedi bod yn gymwys o dan y paragraff hwn yn union cyn y diwrnod ymadael i fod yn gymwys ar ac ar ôl y diwrnod ymadael.";
- (c) ym mharagraff 11 (gwladolion UE)—
- (i) yn is-baragraff (1)(a), hepgorer "ac eithrio gwladolyn o'r Deyrnas Unedig";
- (ii) yn is-baragraff (1)(d), ar ôl "y diriogaeth sy'n ffurfio'r" mewnosoder "Deyrnas Unedig, Gibraltar, yr,";
- (iii) yn is-baragraff (2), hepgorer "ac eithrio gwladolyn o'r Deyrnas Unedig";
- (d) yn lle paragraff 12 (plant gwladolion Swisaidd), rhodder—
"12.
 (1) Person—
- (a) sy'n blentyn i wladolyn Swisaidd y mae ganddo hawlogaeth i gael cymorth yn y Deyrnas Unedig yn rhinwedd Erthygl 3(6) o Atodiad 1 i Gytundeb y Swistir;
- (b) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;
- (c) sydd wedi bod yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs;
- (d) mewn achos pan oedd ei breswyllo fel arfer, y cyfeirir ato ym mharagraff (c), yn gyfan gwbl neu'n bennaf at ddiben cael addysg lawnamser, a oedd yn preswyllo fel arfer yn y diriogaeth sy'n ffurfio'r Deyrnas Unedig, Gibraltar, yr Ardal Economaidd Ewropeaidd a'r Swistir yn union cyn y cyfnod o breswyllo fel arfer y cyfeirir ato ym mharagraff (c).
- (ii) a United Kingdom national who has exercised a right of residence; or
- (iii) the family member of a person in sub-paragraph (i) or (ii);";
- (ii) in sub-paragraphs (1)(c) and (d) and (2), after "the territory comprising" insert "the United Kingdom, Gibraltar,";
- (iii) in sub-paragraph (4), after "that person" insert "has resided in Gibraltar or";
- (iv) after sub-paragraph (4), insert—
 "(5) Any description of person who would have been eligible under this paragraph immediately before exit day is to be eligible on and after exit day.";
- (c) in paragraph 11 (EU nationals)—
- (i) in sub-paragraph (1)(a), omit "other than a United Kingdom national";
- (ii) in sub-paragraph (1)(d), after "the territory comprising" insert "the United Kingdom, Gibraltar,";
- (iii) in sub-paragraph (2), omit "other than a United Kingdom national";
- (d) for paragraph 12 (children of Swiss nationals), substitute—
"12.
 (1) A person who—
- (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of Article 3(6) of Annex 1 to the Swiss Agreement;
- (b) is ordinarily resident in Wales on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course;
- (d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily residence in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

(2) Mae unrhyw ddisgrifiad o berson a fyddai wedi bod yn gymwys o dan y paragraff hwn yn union cyn y diwrnod ymadael i fod yn gymwys ar ac ar ôl y diwrnod ymadael.”;

(e) ym mharagraff 13(c) (plant gweithwyr Twrcaidd), ar ôl “y diriogaeth sy’n ffurfio’r” mewnosoder “Deyrnas Unedig, Gibraltar, yr”.

(2) Any description of person who would have been eligible under this paragraph immediately before exit day is to be eligible on and after exit day.”;

(e) in paragraph 13(c) (children of Turkish workers), after “the territory comprising” insert “the United Kingdom, Gibraltar,”.

Kirsty Williams

Y Gweinidog Addysg, un o Weinidogion Cymru
4 Mawrth 2019

Minister for Education, one of the Welsh Ministers
4 March 2019

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