



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2023 Rhif 633 (Cy. 97)

2023 No. 633 (W. 97)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Cyllid
Myfyrwyr) (Diwygiadau
Amrywiol) (Rhif 2) (Cymru) 2023**

**The Education (Student Finance)
(Miscellaneous Amendments) (No.
2) (Wales) Regulations 2023**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio amryw Reoliadau sy'n gwneud darpariaeth ynghylch cyllid myfyrwyr, ac mewn cysylltiad ag ef.

Gwneir diwygiadau—

- i'r enwau yr adwaenir tiriogaethau tramor Prydeinig penodol wrthynt bellach, er mwyn bod yn gyson â Deddf Cenedligrwydd Prydeinig 1981, a
- sy'n ymwneud â statws mewnfudo dinasyddion penodol o Affganistan o ganlyniad i newidiadau a wnaed i'r rheolau mewnfudo.

Gwneir diwygiadau hefyd i Reoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2017 a Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2018 er mwyn datgymhwyso terfynu cymhwystra yn gynnar ar gyfer categorïau penodol o fyfyrwyr cymwys o dan amgylchiadau pan fo person wedi dod yn ddinesydd Prydeinig neu'n ddinesydd Gwyddelig.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd aseiad 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, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend various Regulations which make provision about, and in connection with, student finance.

Amendments are made—

- to the name that certain British overseas territories are now known by to be consistent with the British Nationality Act 1981, and
- that relate to the immigration status of certain Afghan citizens as a result of changes made to the immigration rules.

Amendments are also made to the Education (Student Support) (Wales) Regulations 2017 and the Education (Student Support) (Wales) Regulations 2018 to disapply early termination of eligibility for certain categories of eligible students in circumstances where a person has become a British or Irish citizen.

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, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Cyllid
Myfyrwyr) (Diwygiadau
Amrywiol) (Rhif 2) (Cymru) 2023**

**The Education (Student Finance)
(Miscellaneous Amendments) (No.
2) (Wales) Regulations 2023**

Gwnaed 12 Mehefin 2023
Gosodwyd gerbron *Senedd*
Cymru 14 Mehefin 2023
Yn dod i rym 6 Gorffennaf 2023

Made 12 June 2023
Laid before Senedd Cymru 14 June 2023
Coming into force 6 July 2023

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 1 a 2 o Ddeddf Addysg (Ffioedd a Dyfarnaliadau) 1983(1) ac adrannau 22(1)(a), 22(2)(a) a 42(6) o Ddeddf Addysgu

The Welsh Ministers make the following Regulations in exercise of the powers conferred upon the Secretary of State by sections 1 and 2 of the Education (Fees and Awards) Act 1983(1) and sections 22(1)(a), 22(2)(a) and 42(6) of the Teaching and Higher Education Act

(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 (Cy. 243), Atodlen 1, paragraff 9; O.S. 2010/1080, Atodlen 1, paragraff 12; 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.

(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 (W. 243), Schedule 1, paragraph 9; S.I. 2010/1080, Schedule 1, paragraph 12; 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.

ac Addysg Uwch 1998(1), ac sydd bellach yn arferadwy ganddynt hwy(2), a phwerau a roddir iddynt o dan adrannau 5(5)(b) a 55(2) o Ddeddf Addysg Uwch (Cymru) 2015(3).

RHAN 1

Enwi a dod i rym

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Cyllid Myfyrwyr) (Diwygiadau Amrywiol) (Rhif 2) (Cymru) 2023.

(2) Daw'r Rheoliadau hyn i rym ar 6 Gorffennaf 2023.

1998(1), and now exercisable by them(2) and powers conferred on them under sections 5(5)(b) and 55(2) of the Higher Education (Wales) Act 2015(3).

PART 1

Title and coming into force

Title and coming into force

1.—(1) The title of these Regulations is the Education (Student Finance) (Miscellaneous Amendments) (No. 2) (Wales) Regulations 2023.

(2) These Regulations come into force on 6 July 2023.

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- (1) 1998 p. 30; diwygiwyd adran 22(1) gan Ddeddf Dysgu a Sgiliau 2000 (p. 21), adran 146. Gweler adran 43(1) o Ddeddf Addysgu ac Addysg Uwch 1998 am y diffiniadau o "prescribed" a "regulations".
- (2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn adran 1 o Ddeddf Addysg (Ffioedd a Dyfardaliadau) 1983 i Gynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy o ran Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2006, erthygl 2(a) (O.S. 2006/1458) gydag effaith o 8 Mehefin 2006. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn adran 2 o'r Ddeddf honno i Gynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy o ran Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, erthygl 2 ac Atodlen 1 (O.S. 1999/672) gydag effaith o 1 Gorffennaf 1999. Trosglwyddwyd swyddogaeth yr Ysgrifennydd Gwladol yn adran 22(1) o Ddeddf Addysgu ac Addysg Uwch 1998 i Gynulliad Cenedlaethol Cymru, i'r graddau y mae'n ymwneud â gwneud darpariaeth o ran Cymru, gan adran 44 o Ddeddf Addysg Uwch 2004. Darparodd adran 44(2)(a) o Ddeddf Addysg Uwch 2004 hefyd fod y swyddogaethau yn adran 22(2)(a) o Ddeddf Addysgu ac Addysg Uwch 1998 i fod i gael eu harfer gan Gynulliad Cenedlaethol Cymru yn gydredol â'r Ysgrifennydd Gwladol, i'r graddau y maent yn ymwneud â gwneud darpariaeth o ran Cymru. Trosglwyddwyd swyddogaeth yr Ysgrifennydd Gwladol yn adran 42(6) o Ddeddf Addysgu ac Addysg Uwch 1998, i'r graddau y mae'n arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.
- (3) 2015 decc 1. Gweler adran 57(1) am y diffiniadau o "rhagnodedig" a "rheoliadau".

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- (1) 1998 c. 30; section 22(1) was amended by the Learning and Skills Act 2000 (c. 21), section 146. See section 43(1) of the Teaching and Higher Education Act 1998 for the definitions of "prescribed" and "regulations".
- (2) The functions of the Secretary of State in section 1 of the Education (Fees and Awards) Act 1983 were transferred to the National Assembly for Wales so far as exercisable in relation to Wales by the National Assembly for Wales (Transfer of Functions) Order 2006, article 2(a) (S.I. 2006/1458) with effect from 8 June 2006. The functions of the Secretary of State in section 2 of that Act were transferred to the National Assembly for Wales so far as exercisable in relation to Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, article 2 and Schedule 1 (S.I. 1999/672) with effect from 1 July 1999. The function of the Secretary of State in section 22(1) of the Teaching and Higher Education Act 1998 was transferred to the National Assembly for Wales, so far as it relates to making provision in relation to Wales, by section 44 of the Higher Education Act 2004. Section 44(2)(a) of the Higher Education Act 2004 also provided that the functions in section 22(2)(a) of the Teaching and Higher Education Act 1998 were to be exercised by the National Assembly for Wales concurrently with the Secretary of State, so far as they relate to making provision in relation to Wales. The Secretary of State's function in section 42(6) of the Teaching and Higher Education Act 1998, in so far as being exercisable in relation to Wales, was transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, article 2 and Schedule 1 (S.I. 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
- (3) 2015 anaw 1. See section 57(1) for the definitions of "prescribed" and "regulations".

RHAN 2

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

PENNOD 1

Cyflwyniad

2. Mae Rheoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007(1) wedi eu diwygio yn unol â'r Rhan hon.

PENNOD 2

Diwygiadau i'r diffiniadau o "tiriogaethau tramor" a "tiriogaethau tramor Prydeinig penodedig"

3. Yn rheoliad 2(1)—

- (a) yn y diffiniad o "tiriogaethau tramor"—
 - (i) hepgorer "Ynysoedd Prydeinig y Wryf";
 - (ii) yn lle "St Helena a Thiriogaethau Dibynnol (Ynysoedd Ascension a Tristan de Cunha)" rhodder "St Helena, Ascension a Tristan da Cunha";
 - (iii) ar ôl "Ynysoedd Turks a Caicos" mewnosoder "; Ynysoedd y Wryf";
- (b) yn y diffiniad o "tiriogaethau tramor Prydeinig penodedig"—
 - (i) hepgorer "Ynysoedd Prydeinig y Wryf";
 - (ii) yn lle "St Helena a Thiriogaethau Dibynnol (Ynys Ascension a Tristan da Cunha)" rhodder "St Helena, Ascension a Tristan da Cunha";
 - (iii) yn lle "ac Ynysoedd Turks a Caicos" rhodder "Ynysoedd Turks a Caicos; ac Ynysoedd y Wryf".

PENNOD 3

Diwygiadau i'r diffiniad o "person y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir"

4. Yn yr Atodlen, ym mharagraff 1, yn y diffiniad o "person y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir"—

- (a) yn lle paragraff (d) rhodder—

“(d) caniatâd amhenodol i ddod i mewn i'r Deyrnas Unedig o dan baragraff 276BA2 o'r rheolau mewnfudo neu

(1) O.S. 2007/2310 (Cy. 181), y diwygiadau perthnasol yw O.S. 2013/1792 (Cy. 179), O.S. 2020/1302 (Cy. 287), O.S. 2021/481 (Cy. 148) ac O.S. 2022/79 (Cy. 28). Mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

PART 2

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

CHAPTER 1

Introduction

2. The Education (Fees and Awards) (Wales) Regulations 2007(1) are amended in accordance with this Part.

CHAPTER 2

Amendments to the definitions of "overseas territories" and "specified British overseas territories"

3. In regulation 2(1)—

- (a) in the definition of "overseas territories"—
 - (i) omit "British Virgin Islands";
 - (ii) for "St Helena and Dependencies (Ascension Island and Tristan de Cunha)" substitute "St Helena, Ascension and Tristan da Cunha";
 - (iii) after "Turks and Caicos Islands" insert "Virgin Islands";
- (b) in the definition of "specified British overseas territories"—
 - (i) omit "British Virgin Islands";
 - (ii) for "St Helena and Dependencies (Ascension Island and Tristan da Cunha)" substitute "St Helena, Ascension and Tristan da Cunha";
 - (iii) for "and Turks and Caicos Islands" substitute "Turks and Caicos Islands; and Virgin Islands".

CHAPTER 3

Amendments to the definition of "person granted leave to enter or remain as a protected person"

4. In the Schedule, in paragraph 1, in the definition of "person granted leave to enter or remain as a protected person"—

- (a) for paragraph (e) substitute—

“(e) indefinite leave to enter the United Kingdom under paragraph 276BA2 of the immigration rules or indefinite

(1) S.I. 2007/2310 (W. 181), relevant amendments are S.I. 2013/1792 (W. 179), S.I. 2020/1302 (W. 287), S.I. 2021/481 (W. 148) and S.I. 2022/79 (W. 28). There are other amending instruments but none are relevant.

ganiatâd amhenodol i aros yn y Deyrnas Unedig o dan baragraff 276BS2 o'r rheolau mewnfudo;”;

(b) ar ôl paragraff (d) mewnosoder—

“(da) caniatâd i ddod i mewn neu ganiatâd amhenodol i ddod i mewn i'r Deyrnas Unedig o dan baragraff 276BJ2 neu 276BO2 o'r rheolau mewnfudo neu baragraff ARAP 16.1 o Atodiad Polisi Adleoli a Chymorth i Affganiaid i'r rheolau mewnfudo;

(db) caniatâd amhenodol i ddod i mewn i'r Deyrnas Unedig o dan baragraff ARAP 6.1 o Atodiad Polisi Adleoli a Chymorth i Affganiaid i'r rheolau mewnfudo neu ganiatâd amhenodol i aros yn y Deyrnas Unedig o dan baragraff ARAP 6.2 o'r Atodiad hwnnw i'r rheolau mewnfudo;”.

RHAN 3

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

PENNOD 1

Cyflwyniad

5. Mae Rheoliadau Addysg Uwch (Cyrsgiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) 2015⁽¹⁾ wedi eu diwygio yn unol â'r Rhan hon.

PENNOD 2

Diwygiadau i'r diffiniadau o “tiriogaethau tramor” a “tiriogaethau tramor Prydeinig penodedig”

6. Yn yr Atodlen, ym mharagraff 1(1)—

(a) yn y diffiniad o “tiriogaethau tramor”—

(i) hepgorer “Ynysoedd Prydeinig y Wryf;”;

(ii) yn lle “St Helena a Thiriogaethau Dibynnol (Ynys y Dyrchafael a Tristan de Cunha)” rhodder “St Helena, Ascension a Tristan da Cunha”;

(iii) ar ôl “Ynysoedd Turks a Caicos” mewnosoder “; Ynysoedd y Wryf;”;

leave to remain in the United Kingdom under paragraph 276BS2 of the immigration rules;”;

(b) after paragraph (e) insert—

“(ea) leave to enter or indefinite leave to enter the United Kingdom under paragraph 276BJ2 or 276BO2 of the immigration rules or paragraph ARAP 16.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules;

(eb) indefinite leave to enter the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix of the immigration rules;”.

PART 3

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

CHAPTER 1

Introduction

5. The Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015⁽¹⁾ are amended in accordance with this Part.

CHAPTER 2

Amendments to the definitions of “overseas territories” and “specified British overseas territories”

6. In the Schedule, in paragraph 1(1)—

(a) in the definition of “overseas territories”—

(i) omit “British Virgin Islands;”;

(ii) for “St Helena and Dependencies (Ascension Island and Tristan de Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”;

(iii) after “Turks and Caicos Islands” insert “; Virgin Islands;”;

⁽¹⁾ O.S. 2015/1484 (Cy. 163), y diwygiadau perthnasol yw O.S. 2020/1302 (Cy. 287), O.S. 2021/481 (Cy. 148) ac O.S. 2022/79 (Cy. 28). Mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

⁽¹⁾ S.I. 2015/1484 (W. 163), relevant amendments are S.I. 2020/1302 (W. 287), S.I. 2021/481 (W. 148) and S.I. 2022/79 (W. 28). There are other amending instruments but none are relevant.

- (b) yn y diffiniad o “tiriogaethau tramor Prydeinig penodedig”—
 - (i) hepgorer “Ynysoedd Prydeinig y Wryf;”;
 - (ii) yn lle “St Helena a Thiriogaethau Dibynnol (Ynys y Dyrchafael a Tristan da Cunha)” rhodder “St Helena, Ascension a Tristan da Cunha”;
 - (iii) yn lle “ac Ynysoedd Turks a Caicos” rhodder “Ynysoedd Turks a Caicos; ac Ynysoedd y Wryf”.

PENNOD 3

Diwygiadau i’r diffiniad o “person y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir”

7. Yn yr Atodlen, ym mharagraff 1(1), yn y diffiniad o “person y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir”—

- (a) yn lle paragraff (e) rhodder—
 - “(e) caniatâd amhenodol i ddod i mewn i’r Deyrnas Unedig o dan baragraff 276BA2 o’r rheolau mewnfudo neu ganiatâd amhenodol i aros yn y Deyrnas Unedig o dan baragraff 276BS2 o’r rheolau mewnfudo;”;
- (b) ar ôl paragraff (e) mewnosoder—
 - “(ea) caniatâd i ddod i mewn neu ganiatâd amhenodol i ddod i mewn i’r Deyrnas Unedig o dan baragraff 276BJ2 neu 276BO2 o’r rheolau mewnfudo neu baragraff ARAP 16.1 o Atodiad Polisi Adleoli a Chymorth i Affganiaid i’r rheolau mewnfudo;
 - (eb) caniatâd amhenodol i ddod i mewn i’r Deyrnas Unedig o dan baragraff ARAP 6.1 o Atodiad Polisi Adleoli a Chymorth i Affganiaid i’r rheolau mewnfudo neu ganiatâd amhenodol i aros yn y Deyrnas Unedig o dan baragraff ARAP 6.2 o’r Atodiad hwnnw i’r rheolau mewnfudo;”.

- (b) in the definition of “specified British overseas territories”—
 - (i) omit “British Virgin Islands;”;
 - (ii) for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”;
 - (iii) for “and Turks and Caicos Islands” substitute “Turks and Caicos Islands; and Virgin Islands”.

CHAPTER 3

Amendments to the definition of “person granted leave to enter or remain as a protected person”

7. In the Schedule, in paragraph 1(1), in the definition of “person granted leave to enter or remain as a protected person”—

- (a) for paragraph (e) substitute—
 - “(e) indefinite leave to enter the United Kingdom under paragraph 276BA2 of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph 276BS2 of the immigration rules;”;
- (b) after paragraph (e) insert—
 - “(ea) leave to enter or indefinite leave to enter the United Kingdom under paragraph 276BJ2 or 276BO2 of the immigration rules or paragraph ARAP 16.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules;
 - (eb) indefinite leave to enter the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix of the immigration rules;”.

RHAN 4

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

PENNOD 1

Cyflwyniad

8. Mae Rheoliadau Addysg (Cymorth i Fyfywrwr) (Cymru) 2017(1) wedi eu diwygio yn unol â'r Rhan hon.

PENNOD 2

Diwygiadau i ddarpariaethau terfynu cymhwysra yn gynnar

9. Yn rheoliad 4, ar ôl paragraff (11) mewnosoder—

“(11A) Nid yw paragraffau (9), (9A), (9B), (10), (10A), (10B), (10C), (10D), (10E) na (10F) yn gymwys pan, ar y diwrnod cyn dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi—

- (a) bo A; neu
- (b) bo'r person a achosodd, o ganlyniad i'w statws mewnfudo, i A fod yn fyfyrwr cymwys neu'n fyfyrwr cymhwysol,

yn ddinesydd Prydeinig neu'n ddinesydd Gwyddelig.”

10. Yn rheoliad 81, ar ôl paragraff (10F) mewnosoder—

“(10G) Nid yw paragraffau (9), (9A), (9B), (10), (10A), (10B), (10C), (10D), (10E) na (10F) yn gymwys pan, ar y diwrnod cyn dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi—

- (a) bo A; neu
- (b) bo'r person a achosodd, o ganlyniad i'w statws mewnfudo, i A fod yn fyfyrwr rhan-amser cymwys,

yn ddinesydd Prydeinig neu'n ddinesydd Gwyddelig.”

PART 4

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

CHAPTER 1

Introduction

8. The Education (Student Support) (Wales) Regulations 2017(1) are amended in accordance with this Part.

CHAPTER 2

Amendments to early termination of eligibility provisions

9. In regulation 4, after paragraph (11) insert—

“(11A) Paragraphs (9), (9A), (9B), (10), (10A), (10B), (10C), (10D), (10E) or (10F) do not apply where, as at the day before the academic year in respect of which A is applying for support starts—

- (a) A; or
- (b) the person who, as a result of their immigration status, caused A to be an eligible student or a qualifying student,

is a British or Irish citizen.”

10. In regulation 81, after paragraph (10F) insert—

“(10G) Paragraphs (9), (9A), (9B), (10), (10A), (10B), (10C), (10D), (10E) or (10F) do not apply where, as at the day before the academic year in respect of which A is applying for support begins—

- (a) A; or
- (b) the person who, as a result of their immigration status, caused A to be an eligible part-time student,

is a British or Irish citizen.”

(1) O.S. 2017/47 (Cy. 21), y diwygiadau perthnasol yw O.S. 2018/814 (Cy. 165), O.S. 2019/235 (Cy. 54), O.S. 2021/9 (Cy. 4), O.S. 2021/481 (Cy. 148), O.S. 2021/1365 (Cy. 360), O.S. 2022/79 (Cy. 28) ac O.S. 2022/764 (Cy. 166). Mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(1) S.I. 2017/47 (W. 21), relevant amendments are S.I. 2018/814 (W. 165), S.I. 2019/235 (W. 54), S.I. 2021/9 (W. 4), S.I. 2021/481 (W. 148), S.I. 2021/1365 (W. 360), S.I. 2022/79 (W. 28) and S.I. 2022/764 (W. 166). There are other amending instruments but none is relevant.

11. Yn rheoliad 110, ar ôl paragraff 12(F) mewnosoder—

“(12G) Nid yw paragraffau (11), (11A), (11B), (12), (12A), (12B), (12C), (12D), (12E) na (12F) yn gymwys pan, ar y diwrnod cyn dechrau'r flwyddyn academiaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi—

- (a) bo A; neu
- (b) bo'r person a achosodd, o ganlyniad i'w statws mewnfudo, i A fod yn fyfyrwr ôl-raddedig cymwys, yn ddinesydd Prydeinig neu'n ddinesydd Gwyddelig.”

RHAN 5

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

PENNOD 1

Cyflwyniad

12. Mae Rheoliadau Addysg (Cymorth i Fyfyryr) (Cymru) 2018(1) wedi eu diwygio yn unol â'r Rhan hon.

PENNOD 2

Diwygiadau i'r diffiniadau o “tiriogaethau tramor” a “tiriogaethau tramor Prydeinig penodedig”

13. Yn Atodlen 2, ym mharagraff 11(1)—

- (a) yn y diffiniad o “tiriogaethau tramor”—
 - (i) hepgorer “Ynysoedd Prydeinig y Wryf,”;
 - (ii) yn lle “St Helena a Thiriogaethau Dibynnol (Tristan da Cunha ac Ynys Ascension)” rhodder “St Helena, Ascension a Tristan da Cunha”;
 - (iii) yn lle “ac Ynysoedd Turks a Caicos” rhodder “Ynysoedd Turks a Caicos, ac Ynysoedd y Wryf”;
- (b) yn y diffiniad o “tiriogaethau tramor Prydeinig penodedig”—
 - (i) hepgorer “Ynysoedd Prydeinig y Wryf,”;

11. In regulation 110, after paragraph (12F) insert—

“(12G) Paragraphs (11), (11A), (11B), (12), (12A), (12B), (12C), (12D), (12E) or (12F) do not apply where, as at the day before the academic year in respect of which A is applying for support begins—

- (a) A; or
- (b) the person who, as a result of their immigration status, caused A to be an eligible postgraduate student, is a British or Irish citizen.”

PART 5

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

CHAPTER 1

Introduction

12. The Education (Student Support) (Wales) Regulations 2018(1) are amended in accordance with this Part.

CHAPTER 2

Amendments to the definitions of “overseas territories” and “specified British overseas territories”

13. In Schedule 2, in paragraph 11(1)—

- (a) in the definition of “overseas territories”—
 - (i) omit “British Virgin Islands,”;
 - (ii) for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”;
 - (iii) after “Turks and Caicos Islands,” insert “Virgin Islands,”;
- (b) in the definition of “specified British overseas territories”—
 - (i) omit “British Virgin Islands,”;

(1) O.S. 2018/191 (Cy. 42), y diwygiadau perthnasol yw O.S. 2018/814 (Cy. 165), O.S. 2019/235 (Cy. 54), O.S. 2021/9 (Cy. 4), O.S. 2021/481 (Cy. 148), O.S. 2021/1365 (Cy. 360), O.S. 2022/79 (Cy. 28), O.S. 2022/473 (Cy. 117), O.S. 2022/764 (Cy. 166) ac O.S. 2023/87 (Cy. 17). Mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(1) S.I. 2018/191 (W. 42), relevant amendments are S.I. 2018/814 (W. 165), S.I. 2019/235 (W. 54), S.I. 2021/9 (W. 4), S.I. 2021/481 (W. 148), S.I. 2021/1365 (W. 360), S.I. 2022/79 (W. 28), S.I. 2022/473 (W. 117), S.I. 2022/764 (W. 166) and S.I. 2023/87 (W. 17). There are other amending instruments but none are relevant.

- (ii) yn lle “St Helena a Thiriogaethau Dibynnol (Tristan da Cunha ac Ynys Ascension)” rhodder “St Helena, Ascension a Tristan da Cunha”;
- (iii) yn lle “ac Ynysoedd Turks a Caicos” rhodder “Ynysoedd Turks a Caicos, ac Ynysoedd y Wryrf”.

PENNOD 3

Diwygiadau i'r diffiniad o “person sydd â chaniatâd i ddod i mewn neu i aros fel dinesydd perthnasol o Affganistan”

14. Yn Atodlen 2, ym mharagraff 2ZA(4), ym mharagraff (ea)—

(a) yn lle is-baragraff (i) rhodder—

“(i) y rhoddwyd caniatâd amhenodol iddo i ddod i mewn i'r Deyrnas Unedig o dan baragraff 276BA2 o'r rheolau mewnfudo neu ganiatâd amhenodol i aros yn y Deyrnas Unedig o dan baragraff 276BS2 o'r rheolau mewnfudo,”;

(b) ar ôl is-baragraff (i) mewnosoder—

“(ia) y rhoddwyd caniatâd iddo i ddod i mewn neu ganiatâd amhenodol i ddod i mewn i'r Deyrnas Unedig o dan baragraff 276BJ2 neu 276BO2 o'r rheolau mewnfudo neu baragraff ARAP 16.1 o Atodiad Polisi Adleoli a Chymorth i Affganiaid i'r rheolau mewnfudo,

(ib) y rhoddwyd caniatâd amhenodol iddo i ddod i mewn i'r Deyrnas Unedig o dan baragraff ARAP 6.1 o Atodiad Polisi Adleoli a Chymorth i Affganiaid i'r rheolau mewnfudo neu ganiatâd amhenodol i aros yn y Deyrnas Unedig o dan baragraff ARAP 6.2 o'r Atodiad hwnnw i'r rheolau mewnfudo,”.

PENNOD 4

Diwygiadau i ddarpariaethau terfynu cymhwysra yn gynnar

15. Ar ôl rheoliad 23G mewnosoder—

“**23H.** Nid yw rheoliadau 22, 22A, 23, 23A, 23B, 23C, 23D, 23E, 23F na 23G yn gymwys pan, ar ddiwedd y diwrnod cyn diwrnod cyntaf y flwyddyn academaidd y mae P yn gwneud cais am gymorth mewn cysylltiad â hi—

(a) bo P; neu

- (ii) for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”;
- (iii) for “and Turks and Caicos Islands” substitute “Turks and Caicos Islands, and Virgin Islands”.

CHAPTER 3

Amendments to the definition of “person with leave to enter or remain as a relevant Afghan citizen”

14. In Schedule 2, in paragraph 2ZA(4), in paragraph (ea)—

(a) for sub-paragraph (i) substitute—

“(i) indefinite leave to enter the United Kingdom under paragraph 276BA2 of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph 276BS2 of the immigration rules,” ;

(b) after sub-paragraph (i) insert—

“(ia) leave to enter or indefinite leave to enter the United Kingdom under paragraph 276BJ2 or 276BO2 of the immigration rules or paragraph ARAP 16.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules,

(ib) indefinite leave to enter the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix of the immigration rules,”.

CHAPTER 4

Amendments to early termination of eligibility provisions

15. After regulation 23G insert—

“**23H.** Regulations 22, 22A, 23, 23A, 23B, 23C, 23D, 23E, 23F or 23G do not apply where as at the end of the day before the first day of the academic year in respect of which P is applying for support—

(a) P, or

- (b) bo'r person a achosodd, o ganlyniad i'w statws mewnfudo, i P fod yn fyfyrwr cymwys,

yn ddinesydd Prydeinig neu'n ddinesydd Gwyddelig.”.

16. Yn Atodlen 4, ar ôl paragraff 13G mewnosoder—

“**13H.** Nid yw paragraffau 12, 12A, 13, 13A, 13B, 13C, 13D, 13E, 13F na 13G yn gymwys pan, ar ddiwedd y diwrnod cyn diwrnod cyntaf y flwyddyn academaidd y mae P yn gwneud cais am gymorth mewn cysylltiad â hi—

- (a) bo P; neu
(b) bo'r person a achosodd, o ganlyniad i'w statws mewnfudo, i P fod yn fyfyrwr ôl-raddedig cymwys,

yn ddinesydd Prydeinig neu'n ddinesydd Gwyddelig.”.

RHAN 6

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

PENNOD 1

Cyflwyniad

17. Mae Rheoliadau Addysg (Benthyciadau at Radd Ddoethurol Ôl-raddedig) (Cymru) 2018(1) wedi eu diwygio yn unol â'r Rhan hon.

PENNOD 2

Diwygiadau i'r diffiniadau o “tiriogaethau tramor” a “tiriogaethau tramor Prydeinig penodedig”

18. Yn Atodlen 1, ym mharagraff 1(1)—

- (a) yn y diffiniad o “tiriogaethau tramor”—
- (i) hepgorer “Ynysoedd Prydeinig y Wryf;”;
- (ii) yn lle “St Helena a Thiriogaethau Dibynnol (Tristan da Cunha ac Ynys Ascension)” rhodder “St Helena, Ascension a Tristan da Cunha”;
- (iii) yn lle “ac Ynysoedd Turks a Caicos” rhodder “Ynysoedd Turks a Caicos; ac Ynysoedd y Wryf”;

- (b) the person who, as a result of their immigration status, caused P to be an eligible student,

is a British or Irish citizen.”.

16. In Schedule 4, after paragraph 13G insert—

“**13H.** Paragraphs 12, 12A, 13, 13A, 13B, 13C, 13D, 13E, 13F or 13G do not apply where, as at the end of the day before the first day of the academic year in respect of which P is applying for support—

- (a) P, or
(b) the person who, as a result of their immigration status, caused P to be an eligible postgraduate student,

is a British or Irish citizen.”.

PART 6

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

CHAPTER 1

Introduction

17. The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018(1) are amended in accordance with this Part.

CHAPTER 2

Amendments to the definitions of “overseas territories” and “specified British overseas territories”

18. In Schedule 1, in paragraph 1(1)—

- (a) in the definition of “overseas territories”—
- (i) omit “British Virgin Islands;”;
- (ii) for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”;
- (iii) after “Turks and Caicos Islands;” insert “Virgin Islands;”;

(1) O.S. 2018/656 (Cy. 124), y diwygiadau perthnasol yw O.S. 2022/403 (Cy. 100) ac O.S. 2023/87 (Cy. 17). Mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(1) S.I. 2018/656 (W. 124), relevant amendments are S.I. 2022/403 (W. 100) and S.I. 2023/87 (W. 17). There are other amending instruments but none are relevant.

- (b) yn y diffiniad o “tiriogaethau tramor Prydeinig penodedig”—
 - (i) hepgorer “Ynysoedd Prydeinig y Wryf;”;
 - (ii) yn lle “St Helena a Thiriogaethau Dibynnol (Tristan da Cunha ac Ynys Ascension)” rhodder “St Helena, Ascension a Tristan da Cunha”;
 - (iii) yn lle “ac Ynysoedd Turks a Caicos” rhodder “Ynysoedd Turks a Caicos; ac Ynysoedd y Wryf”.

PENNOD 3

Diwygiadau i'r diffiniad o “person sydd â chaniatâd i ddod i mewn neu i aros fel dinesydd perthnasol o Affganistan”

19. Yn rheoliad 2(1), yn y diffiniad o “person sydd â chaniatâd i ddod i mewn neu i aros fel dinesydd perthnasol o Affganistan”—

- (a) yn lle paragraff (a) rhodder—
 - “(a) y rhoddwyd caniatâd amhenodol iddo i ddod i mewn i'r Deyrnas Unedig o dan baragraff 276BA2 o'r rheolau mewnfudo neu ganiatâd amhenodol i aros yn y Deyrnas Unedig o dan baragraff 276BS2 o'r rheolau mewnfudo;”;
- (b) ar ôl paragraff (a) mewnosoder—
 - “(aa) y rhoddwyd caniatâd iddo i ddod i mewn neu ganiatâd amhenodol i ddod i mewn i'r Deyrnas Unedig o dan baragraff 276BJ2 neu 276BO2 o'r rheolau mewnfudo neu baragraff ARAP 16.1 o Atodiad Polisi Adleoli a Chymorth i Affganiaid i'r rheolau mewnfudo;
 - (ab) y rhoddwyd caniatâd amhenodol iddo i ddod i mewn i'r Deyrnas Unedig o dan baragraff ARAP 6.1 o Atodiad Polisi Adleoli a Chymorth i Affganiaid i'r rheolau mewnfudo neu ganiatâd amhenodol i aros yn y Deyrnas Unedig o dan baragraff ARAP 6.2 o'r Atodiad hwnnw i'r rheolau mewnfudo;”.

- (b) in the definition of “specified British overseas territories”—
 - (i) omit “British Virgin Islands;”;
 - (ii) for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”;
 - (iii) for “and Turks and Caicos Islands” substitute “Turks and Caicos Islands; and Virgin Islands”.

CHAPTER 3

Amendments to the definition of “person with leave to enter or remain as a relevant Afghan citizen”

19. In regulation 2(1), in the definition of “person with leave to enter or remain as a relevant Afghan citizen”—

- (a) for paragraph (a) substitute—
 - “(a) indefinite leave to enter the United Kingdom under paragraph 276BA2 of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph 276BS2 of the immigration rules;”;
- (b) after paragraph (a) insert—
 - “(aa) leave to enter or indefinite leave to enter the United Kingdom under paragraph 276BJ2 or 276BO2 of the immigration rules or paragraph ARAP 16.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules;
 - (ab) indefinite leave to enter the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix of the immigration rules;”.

RHAN 7

Diwygiadau i Reoliadau Addysg (Cymorth i Fyfyrrwyr) (Graddau Meistr Ôl-raddedig) (Cymru) 2019

PENNOD 1

Cyflwyniad

20. Mae Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Graddau Meistr Ôl-raddedig) (Cymru) 2019(1) wedi eu diwygio yn unol â'r Rhan hon.

PENNOD 2

Diwygiadau i'r diffiniadau o "tiriogaethau tramor" a "tiriogaethau tramor Prydeinig penodedig"

21. Yn Atodlen 2, ym mharagraff 13(1)—

- (a) yn y diffiniad o "tiriogaethau tramor"—
 - (i) hepgorer "Ynysoedd Prydeinig y Wryf,";
 - (ii) yn lle "St Helena a Thiriogaethau Dibynnol (Tristan da Cunha ac Ynys Ascension)" rhodder "St Helena, Ascension a Tristan da Cunha";
 - (iii) yn lle "ac Ynysoedd Turks a Caicos" rhodder "Ynysoedd Turks a Caicos, ac Ynysoedd y Wryf";
- (b) yn y diffiniad o "tiriogaethau tramor Prydeinig penodedig"—
 - (i) hepgorer "Ynysoedd Prydeinig y Wryf,";
 - (ii) yn lle "St Helena a Thiriogaethau Dibynnol (Tristan da Cunha ac Ynys Ascension)" rhodder "St Helena, Ascension a Tristan da Cunha";
 - (iii) yn lle "ac Ynysoedd Turks a Caicos" rhodder "Ynysoedd Turks a Caicos, ac Ynysoedd y Wryf".

PENNOD 3

Diwygiadau i'r diffiniad o "person sydd â chaniatâd i ddod i mewn neu i aros fel dinesydd perthnasol o Affganistan"

22. Yn Atodlen 2, ym mharagraff 2A(4)(da)—

- (a) yn lle is-baragraff (i) rhodder—
 - "(i) y rhoddwyd caniatâd amhenodol iddo i ddod i mewn i'r Deyrnas Unedig o dan baragraff 276BA2

PART 7

Amendments to the Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019

CHAPTER 1

Introduction

20. The Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019(1) are amended in accordance with this Part.

CHAPTER 2

Amendments to the definitions of "overseas territories" and "specified British overseas territories"

21. In Schedule 2, in paragraph 13(1)—

- (a) in the definition of "overseas territories"—
 - (i) omit "British Virgin Islands,";
 - (ii) for "St Helena and Dependencies (Ascension Island and Tristan da Cunha)" substitute "St Helena, Ascension and Tristan da Cunha";
 - (iii) after "Turks and Caicos Islands," insert "Virgin Islands,";
- (b) in the definition of "specified British overseas territories"—
 - (i) omit "British Virgin Islands,";
 - (ii) for "St Helena and Dependencies (Ascension Island and Tristan da Cunha)" substitute "St Helena, Ascension and Tristan da Cunha";
 - (iii) for "and Turks and Caicos Islands" substitute "Turks and Caicos Islands, and Virgin Islands".

CHAPTER 3

Amendments to the definition of "person with leave to enter or remain as a relevant Afghan citizen"

22. In Schedule 2, in paragraph 2A(4)(da)—

- (a) for sub-paragraph (i) substitute—
 - "(i) indefinite leave to enter the United Kingdom under paragraph 276BA2 of the immigration rules

(1) O.S. 2019/895 (Cy. 161), y diwygiadau perthnasol yw O.S. 2022/403 (Cy. 100) ac O.S. 2023/87 (Cy. 17). Mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(1) S.I. 2019/895 (W. 161), relevant amendments are S.I. 2022/403 (W. 100) and S.I. 2023/87 (W. 17). There are other amending instruments but none are relevant.

o'r rheolau mewnfudo neu ganiatâd amhenodol i aros yn y Deyrnas Unedig o dan baragraff 276BS2 o'r rheolau mewnfudo,";

(b) ar ôl is-baragraff (ii) mewnosoder—

“(ia) y rhoddwyd caniatâd iddo i ddod i mewn neu ganiatâd amhenodol i ddod i mewn i'r Deyrnas Unedig o dan baragraff 276BJ2 neu 276BO2 o'r rheolau mewnfudo neu baragraff ARAP 16.1 o Atodiad Polisi Adleoli a Chymorth i Affganiaid i'r rheolau mewnfudo,

(ib) y rhoddwyd caniatâd amhenodol iddo i ddod i mewn i'r Deyrnas Unedig o dan baragraff ARAP 6.1 o Atodiad Polisi Adleoli a Chymorth i Affganiaid i'r rheolau mewnfudo neu ganiatâd amhenodol i aros yn y Deyrnas Unedig o dan baragraff ARAP 6.2 o'r Atodiad hwnnw i'r rheolau mewnfudo,”.

or indefinite leave to remain in the United Kingdom under paragraph 276BS2 of the immigration rules,” ;

(b) after sub-paragraph (ii) insert—

“(ia) leave to enter or indefinite leave to enter the United Kingdom under paragraph 276BJ2 or 276BO2 of the immigration rules or paragraph ARAP 16.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules,

(ib) indefinite leave to enter the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix of the immigration rules,”.

Jeremy Miles

Gweinidog y Gymraeg ac Addysg, un o Weinidogion
Cymru
12 Mehefin 2023

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

Minister for Education and Welsh language, one of the
Welsh Ministers
12 June 2023

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£6.90

<http://www.legislation.gov.uk/id/wsi/2023/633>

ISBN 978-0-348-39451-1



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