

EXPLANATORY MEMORANDUM TO THE EDUCATION (EUROPEAN UNIVERSITY INSTITUTE) (WALES) REGULATIONS 2014

The Explanatory Memorandum has been prepared by the Department for Education and Skills and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Education (European University Institute) (Wales) Regulations 2014.

Huw Lewis
Minister for Education and Skills

November 2014

DESCRIPTION

1. These Regulations provide the statutory basis for the financial support arrangements for students undertaking an eligible course at the European University Institute from academic year 15/16. The Regulations revoke the Assembly Learning Grants (European University Institute) (Wales) Regulations 2009 (S.I. 2009/3359 (W. 295)) and the Assembly Learning Grants (European University Institute) (Wales) (Amendment) Regulations 2010 (S.I. 2010/1797 (W. 173)).

MATTERS OF SPECIAL INTEREST TO THE CONSTITUTIONAL AND LEGISLATIVE AFFAIRS COMMITTEE

2. None.

LEGISLATIVE BACKGROUND

3. Sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998 provide the Welsh Ministers with the power to make regulations to make grants/loans to eligible students in respect of higher education courses.
4. Section 44 of the Higher Education Act 2004 provided for the transfer to the National Assembly for Wales of the functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 (except so far as they relate to the making of any provision authorised by subsections (2)(a), (c), (j) or (k), (3)(e) or (f) or (5) of section 22). Section 44 of the Higher Education Act 2004 also provided for the functions of the Secretary of State in section 22(2)(a), (c) and (k) to be exercisable concurrently with the National Assembly for Wales.
5. The functions of the Secretary of State under sections 42(6) and 43(1) of the Teaching and Higher Education Act 1998 were transferred, so far as exercisable in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).
6. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32).
7. This Instrument follows the Negative Resolution procedure of the National Assembly for Wales.

PURPOSE AND INTENDED EFFECT OF THE LEGISLATION

8. These Regulations are intended to govern the new financial support arrangements and enable the Welsh Ministers to make awards of grants to eligible students undertaking eligible courses at the European University Institute from academic year 2015/16. The Regulations allow for one student per academic year to be awarded financial support for a maximum of 3 years of study at the Institute. This is a significant increase from previous Regulations, where only one student per 3 year cycle would be entitled to the grant.
9. The Regulations provide for an eligible student to be given a grant for living costs of up to €18,099 each year, plus any supplementary grants and additional student support (if eligible). The level of entitlement for these grants will depend on household income.
10. These Regulations will ensure there is support available to one successful applicant for each academic year of study at the European University Institute. An eligible student who has been offered a place at the University will not be disadvantaged because funding was awarded to another student in the previous academic year. Should a place be taken up each academic year (AY), the financial commitment of the Welsh Government would increase over a 3 year period, one student in AY15/16 at a cost of €18,099, two students in AY16/17 at a cost of €36,198 and three students in AY 17/18 and beyond at a cost of approximately €54,297, depending on the students' personal circumstances.

IMPLEMENTATION

11. By putting this legislation in place now, it will enable the support to be advertised in time for the affected students to be aware of the support available and paid following any successful application in academic year 2015/16. Information on this support will also be publicised on both the European University Institute and Student Finance Wales websites and through social media. Advice or guidance on the eligibility criteria would also be available to any student wishing to apply for the grant.

CONSULTATION

12. There is no statutory requirement to consult on these Regulations. As this policy affect a very small number of prospective students, with only one funded place per academic year. No consultation has been undertaken.

REGULATORY IMPACT ASSESSMENT

13. This legislation has no direct impact on the public or private sectors, charities, the voluntary sector or the business sector and so a regulatory impact assessment has not been prepared.

SUMMARY

14. The Regulations provide the statutory basis for the financial support arrangements for students undertaking an eligible course at the European University Institute from academic year 15/16.