

EXPLANATORY MEMORANDUM TO THE EDUCATION (STUDENT SUPPORT) (WALES) (AMENDMENT) REGULATIONS 2015

The Explanatory Memorandum has been prepared by the Higher Education Division of the Economy, Skills and Natural Resources Group 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 (Student Support) (Wales) (Amendment) Regulations 2015.

Huw Lewis
Minister for Education and Skills

8 July 2015

1. DESCRIPTION

These Regulations amend The Education (Student Support) (Wales) (Amendment) Regulations 2015 (S.I.2015/54) (W. 5) which underpin the higher education student support system for students (fee grants, fee loans, maintenance grants and maintenance loans) who are ordinarily resident in Wales and are taking designated higher education courses in respect of academic years beginning on or after 1 September 2015.

2. MATTERS OF SPECIAL INTEREST TO THE CONSTITUTIONAL AND LEGISLATIVE AFFAIRS COMMITTEE

None.

3. LEGISLATIVE BACKGROUND

Section 22 of the Teaching and Higher Education Act 1998 (“the 1998 Act”) provides the Welsh Ministers with the power to make regulations on the payment of financial support to students studying courses of higher or further education designated by the Welsh Ministers. In particular, this power enables the Welsh Ministers to prescribe different categories of student, financial support (grant or loan) and categories of attendance on higher education courses. This provision, together with section 42(6) of the 1998 Act provides the Welsh Ministers with the power to make these Regulations and the Education (Student Support) (Wales) Regulations 2015.

Section 44 of the Higher Education Act 2004 (“the 2004 Act”) provided for the transfer to the National Assembly for Wales of the functions of the Secretary of State under section 22 of the 1998 Act (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 2004 Act 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.

The functions of the Secretary of State under sections 42(6) and 43(1) of the 1998 Act 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). 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).

Each year, a number of functions of the Welsh Ministers in regulations made under section 22 of the 1998 Act are delegated to the Student Loans Company under section 23 of the 1998 Act.

This instrument follows the Negative Resolution procedure.

4. PURPOSE AND INTENDED EFFECT OF THE LEGISLATION

The Welsh Ministers make annual regulations governing the higher education student support system. Generally, each set of regulations relates to a particular academic year. These Regulations amend the existing legislation governing academic year 2015/16 in a number of minor respects. These Regulations will ensure that policy intent is accurately reflected by correcting some typographical errors and adding words of clarification in relation to a defined term. These amendments will ensure that students will have a clearer understanding as to their entitlements, as well as enabling our delivery partner (Student Loans Company) to properly implement the Welsh Ministers policy.

The main regulations governing the student support system are made annually and are continually subject to detailed review to ensure they are consistently reflecting Welsh Ministers policy, both by policy officials and by the delivery partners in their practical implementation of the Regulations. It was during this process that the requirement for amendments was identified.

This legislation updates the current student support system for academic year 2015/16 and will enable the Welsh Government's delivery partner (the Student Loans Company) to implement the policy intent more accurately.

5. CONSULTATION

There is no statutory requirement to consult on these Regulations and since the changes are minor and technical in nature they will be communicated to stakeholders by means of a Student Finance Wales Information Notice once the instrument is made and laid.

6. SUMMARY

The making of these Regulations is necessary to update minor aspects of the higher education student support system for students ordinarily resident in Wales and EU students studying in Wales for the 2015/16 academic year.