

Explanatory Memorandum to the Assembly Learning Grants (European University Institute) (Wales) (Amendment) Regulations 2010

This Explanatory Memorandum has been prepared by the Engagement and Student Finance Division of the Department for Children, Education, Lifelong Learning and Skills and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 24.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Assembly Learning Grants (European University Institute) (Wales) (Amendment) Regulations 2010. I am satisfied that the benefits outweigh the costs.

Leighton Andrews

Minister for Children, Education and Lifelong Learning

10 July 2010.

Description

1. These Regulations are required to amend the existing Assembly Learning Grants (European University Institute) (Wales) Regulations 2009 (SI 2009 / 3359 (W.295)) (“the 2009 Regulations”) which came into force on 21 January 2010. The 2009 Regulations revoke and replace the Assembly Learning Grants (European Institutions) (Wales) Regulations 2008 SI No 2008/18 (W.7) as amended. The 2009 Regulations provide funding for living costs for one Welsh student (a student who is ordinarily resident in Wales) undertaking a designated postgraduate course at the European University Institute in Florence, Italy.

An amendment is required to correct a typographical error in the Welsh text of the 2009 Regulations.

Matter of special interest to the Constitutional Affairs Committee

2. The then Subordinate Legislation Committee meeting of 28 January 2010 reported a defect in the Welsh text of the 2009 Regulations. The English text of regulation 28 in the 2009 Regulations makes reference to regulations 27 and 29 whilst the Welsh text of that regulation 28 erroneously refers to regulations 33 and 27. The making of these Amendment Regulations rectifies the flaw and provides for consistency between the English and Welsh texts of the 2009 Regulations.

Legislative Background

3. The powers enabling this Instrument to be made are contained in sections 22, 42(6) and 43(1) of the Teaching and Higher Education Act 1998. The functions of the Secretary of State in those sections transferred to the National Assembly for Wales under the Education Act 2004. These powers have been transferred to Welsh Ministers under paragraphs 30(1) and 30 (2) (c) of the Government of Wales Act 2006. These Regulations will follow the negative resolution procedure.

Purpose and intended effect of the legislation

4. These Regulations amend the 2009 Regulations to correct a typographical error in the Welsh text of those Regulations. The 2009 Regulations set out the correct level of living cost support given to a student attending the European University Institute in respect of an academic year beginning on or after 1 September 2010. The 2009 Regulations set out the eligibility criteria for the grants, the application procedure and the method for calculating the amount of grant payable. The Regulations also set out the arrangements for payment of the grants and recovery of any overpayments.

Implementation

5. It is intended that this Instrument will come into force on 31 August 2010. The Regulations need to be in force by the start of the 2010/11 academic year as this will enable the appropriate levels of support to be available to a student studying in the 2010/11 academic year.

6. These Regulations are needed to ensure consistency between the Welsh and English texts of the 2009 Regulations.

Consultation

7. There is no statutory requirement to consult on these Regulations. The amendments made by these Regulations are technical in nature in that they correct a typographical error in the 2009 Regulations. The regulations affect one student per academic year and historically there has been no consultation in previous years.

Regulatory Impact Assessment

8. Details of the proposed changes are set out in the *purpose and intended effect of the legislation* section. This legislation has no impact upon the statutory duties (sections 77-79 of the Government of Wales Act 2006) or statutory partners (sections 72-75 of the Government of Wales Act 2006).

Options

9. **Do nothing** - By not making these amendment regulations the typographical error in the 2009 Regulations would remain on the Statute book. This would give rise to confusion in respect of the amount of student support available under those Regulations.

Make the Legislation – The technical correction will ensure consistency between the meaning of the Welsh and English texts and ensure that there is no confusion in respect of the amount of student support available under the 2009 Regulations.

Benefits

10. The typographical error in the 2009 Regulations will be corrected. Delivery partners and customers (students) of the Welsh Assembly Government will directly benefit from having a complete, correct, set of Regulations governing student support from the start of the 2010/11 academic year.

Costs

11. There are no additional costs associated with the making of these amendment regulations, the purpose of which is to correct of typographical error in the 2009 Regulations.

Competition Assessment

12. The making of these Regulations has no impact on business, charities and/or the voluntary sector.

Post implementation review

13. There is an ongoing process of continual review of the Regulations that govern the support provided to Welsh students studying at the European University Institute. These Regulations may require further amendment for the 2010/11 academic year to ensure that the amount of support available, either using revised figures from the Institution or up rating in line with inflation.

Summary

14. These proposed Regulations are required to amend and clarify the Assembly Learning Grants (European University Institute) (Wales) Regulations 2009 No. 3359 (W.295) which came into force on 21 January 2009 and to make provision for support for academic year 2010/11.