

# SL(5)439 – Education (Student Finance) (Amendments to Student Eligibility) (Wales) Regulations 2019

## Background and Purpose

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The Education (Student Finance) (Amendments to Student Eligibility) (Wales) Regulations 2019 amend the following:

- the Education (Fees and Awards) (Wales) Regulations 2007;
- the Education (European University Institute) (Wales) Regulations 2014;
- the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015;
- the Education (Student Support) (Wales) Regulations 2017;
- the Education (Postgraduate Master’s Degree Loans) (Wales) Regulations 2017;
- the Education (Student Support) (Wales) Regulations 2018;
- the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018; and
- the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019.

These Regulations provide for a person with leave to enter or remain to be one of the categories of eligible persons and is one of the criteria that a person must meet if they are to be eligible for the relevant student support.

The amendments insert into the definition of “leave to enter or remain”, in each of the Regulations above, persons granted leave to remain on the grounds of family life. They already make provision for a person granted leave to enter or remain on the grounds of private life.

## Procedure

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Negative.

## Technical Scrutiny

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No technical points are identified for reporting under Standing Order 21.2 in respect of this instrument.

## Merits Scrutiny

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Two points have been identified for reporting under Standing Order 21.3(ii) in respect of this instrument.

### **Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly.**

1. Section 22 of the Teaching and Higher Education Act 1998 is cited as one of the enabling powers for making these Regulations. Section 22 contains a wide range of powers and it would assist the reader if the Regulations were more specific in stating which power is being used. In this case, the power is contained in section 22(2)(a).



2. The Regulatory Impact Assessment states the following, in relation to the costs and benefits of making the Regulations:

*"The changes outlined relating to persons with leave to remain on the grounds of family life are expected to have no or negligible financial implications for the Welsh Government. It is not possible to determine how many such persons may take up support for study, but the number will be very small."*

These Regulations extend the potential number of students that may qualify for student support, yet the RIA states that there will be no or negligible financial implications for Welsh Government. This appears to be contradictory, as it also states that it is not possible to determine how many such persons may take up the support.

## Implications arising from exiting the European Union

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No implications are identified for reporting under Standing Order 21.3 in respect of this instrument.

## Government Response

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1. The Government accepts that referring to section 22(2)(a) of the Teaching and Higher Education Act 1998 would have assisted the reader in identifying one of the powers being relied on.
2. The number of persons likely to be eligible for student support or home fee status as a result of these amendments is expected to be small. In any given year, there may be none. It is not possible to provide a statistically reliable estimate of the number of students. The RIA could have explained this in clearer terms.

## Committee Consideration

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The Committee considered the instrument and Government response at its meeting on 16 September 2019 and reports to the Assembly in line with the reporting points above.

