

Explanatory Memorandum to the Assembly Learning Grant (Further Education) (Amendment) Regulations 2010

This Explanatory Memorandum has been prepared by the Student Finance Division 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 Grant (Further Education) (Amendment) Regulations 2010.

Leighton Andrews

Minister for Children, Education and Lifelong Learning, one of the Welsh Ministers

7 March 2010

Description

1. These Regulations amend the existing Assembly Learning Grant (Further Education) Regulations 2008 ("the 2008 Regulations") and the Assembly Learning Grant (Further Education) Regulations 2009 ("the 2009 Regulations") to make provision for the designated courses defined in those regulations to include courses funded by the Young People's Learning Agency for England and by the Chief Executive of Skills Funding.

Matter of special interest to the Subordinate Legislation Committee

2. None.

Legislative Background

3. The Apprenticeships, Skills, Children and Learning Act 2009 ("the 2009 Act") dissolves the Learning and Skills Council for England (LSC) and makes provision for the Young People's Learning Agency for England to fund certain courses (predominantly those that are for persons over compulsory school age but under 19) and for the Chief Executive of Skills Funding to fund certain other courses (predominantly those for persons aged 19 and over).
4. The powers enabling the Regulations to be made are contained in the Teaching and Higher Education Act 1998. The functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 were transferred to the National Assembly for Wales by section 44 of the Higher Education Act 2004 and the

Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) Order 2005 (S.I. 2005/1833 (W.149)(c.79)) as amended by the Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) (Amendment) Order 2006 (S.I. 2006/1660 (W.159)(C.56)). The relevant functions of the National Assembly for Wales in the Teaching and Higher Education Act 1998 were transferred to the Welsh Ministers by virtue of paragraph 30(1) and 30(2)(a) of Schedule 11 to the Government of Wales Act 2006 (c.32). These regulations follow the negative resolution procedure.

Purpose and intended effect of the legislation

5. The making of these Amending Regulations will ensure that students attending courses that are currently funded by the LSC who would, under the 2008 Regulations or the 2009 Regulations, be eligible for a Further Education Assembly Learning Grant, will continue to be eligible to receive that grant after the LSC is dissolved on 1 April 2010.

Implementation

6. It is intended that this Instrument come into force on 1 April 2010.

Consultation

7. There is no statutory requirement to consult prior to making the Assembly Learning Grant (Further Education) (Amendment) Regulations 2010. They are being made as a result of the imminent dissolution of the LSC. Therefore references to the LSC in legislation are being amended.

Regulatory Impact Assessment

8. A Regulatory Impact Assessment has not been prepared as the Amending Regulations make routine factual amendments. These routing factual amendments are required to update the 2008 Regulations and the 2009 Regulations to take account of the dissolution of the LSC brought about by the Apprenticeships, Skills, Children and Learning Act 2009. There is no major policy impact. These Regulations have no impact on the statutory duties (sections 77-79 Government of Wales Act 2006) or impose additional burdens upon statutory partners (sections 73-75 Government of Wales Act 2006).

