

## **Explanatory Memorandum to the Assembly Learning Grants (European Institutions) (Wales) (Amendment) Regulations 2009**

This Explanatory Memorandum has been prepared by the Student Finance Division and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

### **Description**

1. These Regulations are required to amend the existing Assembly Learning Grants (European Institutions) (Wales) Regulations 2008 (SI No. 18 (W.7)), as amended by SI No 2008/3114 (W.276), referred to as the “Primary Regulations”, which came into force on 1 February 2008. Under the Primary Regulations, financial support is provided for a small quota of up to 4 Welsh students taking designated postgraduate courses at one of three European Institutions: the Bologna Centre in Bologna, Italy; the College of Europe in either Bruges, Belgium or Natolin, Poland; and the European University Institute in Florence, Italy. Funding arrangements differ between the European Institutions. Amendments to the Primary Regulations are required to incorporate uplifts to grants for fees and living costs and an amendment is required to correct a typographical error in earlier amendment regulations.

### **Matter of special interest to the Subordinate Legislation Committee**

2. The Subordinate Legislation Committee meeting of 17 December 2008 reported a defect in the text of regulation 7 of the Assembly Learning Grants (European Institutions) (Wales) (Amendment) (No2) Regulations 2008 (SI 2008/3114). The English text provides for a grant of €18,099, whilst the Welsh text provides for a grant of €17,640. The making of these Amendment Regulations rectifies the flaw and provides for consistency between the English and Welsh texts of the earlier amendment 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 Primary Regulations to provide an increased level of support for eligible students taking designated higher education courses at the Bologna Centre or the College of Europe, and in the case of students attending the European University Institute, the correct level

of support, in respect of an academic year beginning on or after 1 September 2009. The Primary 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. There is a continuing need for the Welsh Assembly Government to ensure provision for graduate students attending any of the three European Institutions.

## Implementation

5. It is intended that two provisions of this Instrument will come into force on 31 August 2009 (namely, amendments to correct a typographical error in the Assembly Learning Grants (European Institutions) (Wales) (Amendment) (No.2) Regulations 2008) with the remainder of this Instrument coming into force on 1 September 2009. The Regulations need to be in force by the start of the 2009/10 academic year as this will enable the appropriate levels of support to be available to students studying in the 2009/10 academic year.

6. In drafting these Regulations, it was essential to ensure parity with the Department for Business, Innovation and Skills (DBIS formerly DIUS) Regulations, so that Welsh students are not at a disadvantage..

## 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 uplift the levels of certain grants and correct a typographical error in SI 2008/3114. The regulations affect a very small number of students 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.

## Options

9. **Do nothing** - If these Regulations are not made, there would be a lack of clarity for the delivery partner: i.e. the Student Loans Company (SLC) concerning the levels of support available for students attending the three European Institutions. Equally, Welsh students could be placed at a disadvantage in comparison with students from other administrations. By not making these amendment regulations the typographical error in SI 2008/3114 would remain on the Statute book. If the Regulations are not made prior to the start of the academic year, students ordinarily resident in Wales will not be able to receive the correct amount of support for study undertaken.

**Make the Legislation** – Implementing these Regulations will ensure that a clear regulatory framework is in place at the start of academic year 09/10 which does not place Welsh students at a disadvantage to students

from the other administrations. The technical correction and revision to published figures as laid out in statutory instrument No. 2008/18 (W.7) as amended, will need to be taken into account by delivery partners making payment of student support in academic year 2009/10.

### **Benefits**

10. The Regulations will provide certainty to the Welsh Assembly Government's delivery partner: i.e. the Student Loan Company and as the Regulations will provide consistency with the DBIS Regulations for the 2009/10 academic year. The typographical error in SI 2008/3114 will be corrected. Delivery partners and customers (students) of the Welsh Assembly Government will directly benefit from having a complete set of Regulations governing student support from the start of the 2009/10 academic year.

### **Costs**

11. Currently (academic year 2008/09), there is one Welsh domiciled student attending one of the three institutions. Recruitment has been completed by the institutions and we understand only one of the four available places have been filled for 2009/10. These costs will be contained within the existing Learner and Student Finance SPA baseline, BELL 4704 ALG, and therefore, there is no additional expenditure for 2009/10. In view of the demand led nature of this activity, and current take up, data will continue to be re-visited and refined as more accurate numbers become known.

### **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 any of the three EU institutions. It is expected that these Regulations will require further amendment for the 2010/11 academic year to ensure that the amount of support available, either using revised figures from the Institutions or up rating in line with inflation.

### **Summary**

14. These proposed Regulations are required to amend and clarify the Assembly Learning Grants (European Institutions) (Wales) Regulations 2008 No. 18 (W.7) as amended, which came into force on 1 February 2008 and to make provision for support for academic year 2009/10.