

Explanatory Memorandum to the Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) (No.3) Regulations 2007

This Explanatory Memorandum has been prepared by the Student Finance Division and is laid before the National Assembly for Wales.

Description

1. These Regulations are intended to amend the existing Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2007 No. 1045 (W.104), as amended by the Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) Regulations 2007 No. 2312 (W.183) and the Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) (No.2) Regulations 2007 No. 2851 (W.248) which set out the student support arrangements for students ordinarily resident in Wales for the academic year 2007/08. These amendment Regulations clarify the position on the student support package available to full-time distance learners.

Matter of special interest to the Secondary Legislation Committee

2. These amendment Regulations follow the Negative Resolution procedures and are of a routine nature. The Regulations are of no special interest to the Secondary Legislation Committee.

Legislative Background

3. The powers enabling these Regulations to be made are contained in section 22 of the Teaching and Higher Education Act 1998. These powers have been transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 of the Government of Wales Act 2006.

Purpose and intended effect of the legislation

4. These Regulations further clarify support for students undertaking designated higher education distance learning courses. The clarifications make provision for the determining of financial entitlement and the payment of support under Regulation 61 E, F & H of the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2007 No. 1045 (W.104), as amended by the Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) Regulations 2007 No. 2312 (W.183) and the Assembly Learning Grants and Loans (Higher Education) (Wales) (Amendment) (No.2) Regulations 2007 No. 2851 (W.248).

Implementation

5. It is intended that this Instrument will come into force on 4 December 2007. The Regulations need to be in force at the earliest opportunity

and will clarify the position on the student support package available to full-time distance learners.

6. Similar amendment Regulations came into force in England on the 1 September 2007. These Regulations ensure parity with England and provide us with a legal base to make payments to students.

Consultation

7. The Assembly Learning Grants & Loans (Higher Education) (Wales) Regulations 2007 No.1045 (W. 104) which came into force on 1 April 2007 were consulted upon between 25 September and 18 December 2006. There is no legal requirement to consult on the amendment to the 2007 Regulations. The change reflects the provision in the DIUS Regulations for 2007/08 that could not be incorporated into the statutory instrument No. 1045 (W. 104) due to the timing of the DIUS amendment.

Regulatory Impact Assessment

Options

8. Details of the proposed changes are set out in the *purpose and intended effect of the legislation* section. The options of making or not making the Regulations are:
9. **Do nothing** – If these Regulations were not made it would mean that the making of support payments to most full-time distance learning students in the 2007/08 academic year in Wales would not be accurate. The Regulations would be ‘out of sync’ with the policy intention.
10. **Make the legislation** –Implementing this Regulation will clarify the position on the student support package available to eligible full-time distance learning students and will provide a legal base for the making such payments.

Benefits

11. These Regulations make further clarification to the provision for the determining of financial entitlement and the payment of support to full-time distance learners in Wales. They will provide certainty to the Welsh Assembly Government’s delivery partners i.e. the Student Loans Company; Higher education Institutions, and Local Authorities. Delivery agents and customers (students) of the Welsh Assembly Government will directly benefit from having a complete set of Regulations governing student support in the 2007/08 academic year.

Costs

12. It is considered that formalising the current position on support for full-time distance learners will be negligible, given the small numbers affected. Paying the correct reduced rate to students who have previously been awarded the full-time student support package in error will generate savings that will contribute to any additional costs of this amendment. The purpose of this Regulation is to clarify the position on the student support package available to full-time distance learning students.

Competition Assessment

13. The making of these Regulations have no impact on businesses, charities and/or the voluntary sector.

Consultation

14. There is no legal requirement to consult on the amendments to the 2007 Regulations.

Post implementation review

15. There is an ongoing process of continual review of the Regulations that govern the student support system in Wales.

Summary

16. The making of this instrument is cost neutral to the Welsh Assembly Government and officials recommend that these Regulations are put in place to support the 2007/08 academic year. They will ensure that eligibility criteria align across the student support system in Wales.