

Explanatory Memorandum to the Assembly Learning Grants (European Institutions) (Wales) Regulations 2008

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 required to replace the existing Assembly Learning Grants (European Institutions) (Wales) Regulations 2007 (Statutory instrument No. 2313). Under the 2007 Regulations, financial support was provided for a small quota of up to 4 Welsh students taking designated postgraduate courses at one of three European Institutions: the Bologna Center 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. There is a continuing need to amend and uprate the 2007 Regulations to make financial provision for students ordinarily resident in Wales from the 2008/09 academic year who are taking designated postgraduate courses at one of these European Institutions. The changes are required to incorporate a number of technical amendments, mainly inflationary uplifts and the fees charged by each institution.

Matter of special interest to the Subordinate Legislation Committee

2. None.

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. These powers have been transferred to Welsh Ministers under paragraphs 30(1) and 30 (2) (d) of the Government of Wales Act 2006.

Purpose and intended effect of the legislation

4. These Regulations amend the existing Assembly Learning Grants (European Institutions) (Wales) Regulations 2007 and also provide for support for eligible students taking designated higher education courses at the Bologna Centre, the College of Europe or the European University Institute in respect of an academic year beginning on or after 1 September 2008. These 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.

5. There is a need to rectify and correct some minor typographical errors to the 2007 Regulations.

Implementation

6. It is intended that this Instrument will come into force on 1 February 2008. The Regulations need to be in force by this date and before the start of the 2008/09 academic year as they will enable the revisions to be taken into account for students applying to study in the 2008/09 academic year.

7. Broadly similar Regulations are expected to come into force in England at the same time. In drafting these Regulations, it was essential to ensure parity with the Department for Innovation, Universities and Skills (DIUS) Regulations, so that full coverage can be ensured.

Consultation

8. There is no legal requirement to consult on these Regulations.

Regulatory Impact Assessment

9. Details of the proposed changes are set out in the *purpose and intended effect of the legislation* section.

Options

10. **Do nothing** - If these Regulations are not made, there would be a lack of clarity for delivery partners - Local Authorities, Institutions and the Student Loans Company (SLC) on the areas where the technical amendments, inflationary uplifts and fees charged are required, as the changes give effect to the original policy intent and to mirror arrangements on the ground. 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 support for study undertaken at one of these European Institutions.

Make the Legislation as a minimum – Implementing these Regulations will ensure that the requirement on the Welsh Ministers to incorporate the proposed changes would be met. There is a continuing need to ensure that the existing student cohort and other new applicants are not disadvantaged. The technical corrections and revisions to published figures as laid out in statutory instrument No. 2312 (W.183) will need to be taken into account by delivery agents assessing applications for 2008/09.

Benefits

11. The Regulations will provide certainty to the Welsh Assembly Government's delivery partners i.e. the Student Loan Company; Higher and Further Education Institutions, and Local Authorities as the Regulations will provide consistency with the DIUS Regulations for the 2008/09 academic year. Delivery agents 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 2008/09 academic year.

Costs

12. Currently (academic year 2007/08), there are three students participating at the three institutions, two of which will continue to do so in 2008/09. These costs are contained within the existing Learner and Student Finance SPA baseline and therefore, there is no additional expenditure for 2008/09 or 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

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

Post implementation review

14. 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 amendment for the 2009/10 academic year to ensure that the amount of support available, either using revised figures from the Institutions or uprating in line with inflation. Any revised Regulations will need to be in place by Spring 2008.

Summary

15. These proposed Regulations are required to amend and clarify the Assembly Learning Grants (European Institutions) (Wales) Regulations 2007 No. 2313 (W.184) which came into force on 31 August 2007 and to make provision for support for academic year 2008/09.