

**ADRODDIAD GAN Y
PWYLLGOR DEDDFAU****LEGISLATION COMMITTEE
REPORT****The Assembly Learning Grants and Loans (Higher Education) (Wales)
(Amendment) Regulations 2006**

These Regulations amend the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006 ("the Principal Regulations"). The amendments principally give effect to EU Directive 2004/38 on the rights of EC nationals and their families to move and reside in other Member States and also amend the Principal Regulations by introducing a new form of support, namely a loan in respect of the college fees payable by a qualifying student to a college or permanent private hall of the University of Oxford or to a college of the University of Cambridge.

Standing Order 11.7

The following points have been identified under Standing Order 11.7.

Regulation 4 inserts a new definition of "College fee loan" into the Principal Regulations. The definition is drawn in terms of "section 22 of the 1998 Act" but the Principal Regulations do not define the 1998 Act. An amendment to regulation 2(1) the Principal Regulations is required to insert a definition of "the 1998 Act". [Standing Order 11.7(v)].

Regulation 10 refers to "regulation 6(4A) (as inserted by regulation 8 above)". The correct reference

should be to insertion by regulation 9. [Standing Order 11.7(v)].

In regulation 44, in the Welsh text, the new paragraph 3(4) of Schedule 4 is numbered "(2)" [Standing Order 11.7(v)].

Schedule 1 of the Regulations substitutes a new Schedule 1 to the Principal Regulations. There is discrepancy between the Welsh and English texts of the definition of "family member". The English text of paragraphs (a)(iii), (c)(ii), (d)(ii)(bb) and (Iii) and (e)(ii)(bb) of the definition refers to the direct relatives of the EEA frontier worker, EEA migrant worker, EEA frontier self-employed person, EEA self-employed person, Swiss employed person, Swiss frontier employed person, Swiss frontier self-employed person and Swiss self-employed person, EC national who is not self sufficient, EC national who is self sufficient, and a UK national and that of the EEA frontier worker's etc spouse or civil partner; the Welsh text omits the references to the EEA worker's etc direct relatives and refer only to the direct relatives of the EEA worker's etc spouse or civil partner. [Standing Order 11.7(v)].

In the Welsh text, the heading which should read "Schedule 2" reads "Schedule 3" [Standing Order 11.7(v)]

The English text of paragraph 3(c) of new Schedule 3A refers to "1 September 2006"; the Welsh text refers to "11 September 2006". [Standing Order 11.7(v)]

Paragraphs 10(10)(d) of the English text of Part 2 of Schedule 1 and 11(1) of new Schedule 3A contain gender specific language [Standing Order 11.7(vii)].

The above mentioned drafting errors, discrepancies and instances of gender specific language may be corrected by Memorandum of Corrections.

Observations

Nil.

David Melding AM

Chair, Legislation Committee

4 July 2006