

SL(5)240 – The Education (Student Support) (Wales) (Amendment) Regulations 2018

Background and Purpose

The Education (Student Support) (Wales) Regulations 2018 (“the 2018 Regulations”) provide for financial support for students taking designated higher education courses which begin on or after 1 August 2018. The 2018 Regulations also provide support for courses which begin before 1 August 2018 and are subsequently converted from full-time to part-time or part-time to full-time on or after 1 August 2018.

These Regulations amend the 2018 Regulations.

Regulation 3 amends regulation 46(3)(c) of the 2018 Regulations so that where a student’s household income exceeds £18,370 but is less than £59,200, the maximum amount of maintenance grant payable is reduced by £1 for every £5.750 of household income exceeding £18,370 where the student is living away from home, studying somewhere other than London.

Regulation 4 substitutes new regulation 56 for regulation 56 of the 2018 Regulations. The new regulation makes provision for the calculation of the amount of maintenance loan payable to full-time students who qualify for a special support payment under regulation 50 of the 2018 Regulations.

Regulation 5 inserts a new paragraph into regulation 58 of the 2018 Regulations as a consequence of regulation 6. Regulation 6 provides for a new regulation to be inserted into the 2018 Regulations as regulation 58A. Regulation 58A makes provision for the calculation of maintenance loan payable to part-time students who qualify for a special support payment under regulation 50 of the 2018 Regulations.

Regulations 7, 8, 9 and 10 amend, respectively, regulations 81, 93, 94 and 95 of the 2018 Regulations which deal with the calculation of maintenance loan entitlement where a student qualifies for support but at a point during the academic year is absent from the course or their period of eligibility ends or is terminated..

Procedure

Negative.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly

The 2018 Regulations originally included a simple formula for working out the amount by which a student grant or loan is reduced when, for example, a student is in prison or is otherwise absent from a higher education course.



These Regulations amend the 2018 Regulations by deleting the formula and replacing it with the words “the amount is reduced by the number of days during the academic year that the eligible student is a prisoner / absent from their course”.

Given that the 2018 Regulations only recently came into force (12 March 2018), we would welcome from the Welsh Government: (a) clarification as to why it was necessary to remove the formula from the 2018 Regulations, and (b) confirmation that the amendment does not change policy in any way.

Implications arising from exiting the European Union

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Government Response

Given that the 2018 Regulations only recently came into force (12 March 2018), we would welcome from the Welsh Government: (a) clarification as to why it was necessary to remove the formula from the 2018 Regulations, and (b) confirmation that the amendment does not change policy in any way.

The formula was unnecessary and the amendment provides for a straightforward explanation of the simple way that funding entitlement is re-calculated when a student becomes a prisoner. This approach has been taken throughout Part 9 of the Regulations.

The amendment does not change policy.

Legal Advisers

Constitutional and Legislative Affairs Committee

31 August 2018

