

# SL(5)424 – The Education (Student Support) (Postgraduate Master’s Degrees) (Wales) (Amendment) (EU Exit) Regulations 2019

## Background and Purpose

---

These amending Regulations make amendments to the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019 (“the 2019 Regulations”) to reflect the withdrawal of the United Kingdom from the European Union and to ensure that students who would have been eligible for support under the 2019 Regulations immediately before exit day will continue to be eligible for support on and after exit day.

The 2019 Regulations provide for the making of grants and loans to students who are ordinarily resident in Wales for postgraduate master’s degree courses that begin on or after 1 August 2019.

The 2019 Regulations employ various territorial and institutional descriptions in relation to the residency criteria. These include references to the EU and EEA. As the UK will no longer be a member of either, technical amendments are required to ensure the language of the legislation will continue to implement existing policy effectively. The changes will take effect when the new legislation comes into force on exit day.

## Procedure

---

Negative.

## Technical Scrutiny

---

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

## Merits Scrutiny

---

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

## Implications arising from exiting the European Union

---

These Regulations make technical amendments to the 2019 Regulations to ensure the language of the legislation continues to implement existing policy effectively when the United Kingdom leaves the European Union. Despite relating to the withdrawal of the UK from the EU, these Regulations are not being made using the powers under the European Union (Withdrawal) Act 2018 (“the Withdrawal Act”). Instead, the Regulations are made using powers under the Teaching and Higher Education Act 1998 (“the 1998 Act”).

The Welsh Government acknowledge in the Explanatory Memorandum that there is an argument that the Regulations should be made under the Withdrawal Act but consider the powers under the 1998 Act to be more appropriate. The Welsh Government submit the following in the Explanatory Memorandum:



*"No new policy is being introduced and the Regulations will not do anything to recreate or replace EU law in domestic legislation. These amendments are in line with other technical amendments routinely made to student finance legislation using the cited powers.*

*An important consideration in this decision was accessibility to the law. Student support legislation is extremely complex and often amended. Regulations made under the Withdrawal Act will not be directly connected to education legislation, making discovery of the appropriate legislation more difficult than it ought to be for the public. Equally, in terms of accessibility, the title of the Regulations includes "EU Exit", making it clear that there is a link to the departure of the UK from the EU."*

## Government Response

---

A government response is not required.

### **Legal Advisers**

**Constitutional and Legislative Affairs Committee**

**26 June 2019**

