

SL(5)508 – The Education (Student Finance) (Miscellaneous Amendments) (Wales) (No.2) Regulations 2020

Background and Purpose

These Regulations amend the Regulations listed below to make provision for the annual uprating of student support:-

- The Education (Student Support) (Wales) Regulations 2017
- The Education (Student Support) (Wales) Regulations 2018
- The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018
- The Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019

Procedure

Negative.

Technical Scrutiny

The following points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Standing Order 21.2 (vi) – that its drafting appears to be defective or fails to fulfil statutory requirements.

1. The Regulations do not contain a coming into force date. This creates doubt as to when the instrument comes into force. Paragraph 1.3.5 of *Statutory Instrument Practice* provides that when no coming into force date is specified, the default assumption is that an SI comes into force at the moment of making.

Standing Order 21.2 (vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts.

2. Regulation 24 (b) – the Welsh text reads “in paragraph (2)” when it should read “in column 2”
3. Regulation 25 (b) - the Welsh text reads “in paragraph (2)” when it should read “in column 2”

Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 in respect of this instrument.

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

4. We note the breach of the 21-day rule (i.e. the rule that 21 days should pass between the date subordinate legislation is laid before the Assembly and the date the subordinate legislation comes into force), and the explanation for the breach provided by the Minister for Finance and Trefnydd in a letter dated 14 February 2020 to the Llywydd which refers to three related statutory instruments. The letter explains that the breach in the case of these Regulations has arisen due to an administrative error when making and laying them, resulting in no clear coming into force provision.



Implications arising from exiting the European Union

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

Government Response

No government response is required as these Regulations have been revoked by the Education (Student Finance) (Miscellaneous Amendments) (Wales) (No.2) (Revocation) Regulations. The Education (Student Finance) (Amounts) (Miscellaneous Amendments) (Wales) Regulations 2020 make identical provision.

Legal Advisers

Legislation, Justice and Constitution Committee

27 February 2020



Cynulliad Cenedlaethol Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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National Assembly for Wales

Legislation, Justice and Constitution Committee