

SL(5)509 – The Education (Student Finance) (Amounts) (Miscellaneous Amendments) (Wales) 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 (vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts.

1. Regulation 23 (ii) – the Welsh text reads “in paragraph (2)” when it should read “in column 2”
2. Regulation 24 (ii) - 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.

3. 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 is necessary to ensure that the Regulations come into force to enable the student finance application process for the 2020/21 academic year to launch without delay. Identical provision was made in the Education (Student Finance) (Miscellaneous Amendments) (Wales) (No.2) Regulations 2020, however it was necessary for the Welsh Government to revoke the Regulations (through the Education (Student Finance) (Miscellaneous Amendments) (Wales) (No.2) (Revocation) Regulations 2020 due to an administrative error when making and laying, 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

The Government accepts the points identified in respect of this instrument. This will be addressed by way of a correction slip.

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