

# SL(5)604 – The Education (Student Support) (Postgraduate Master’s Degrees) (Wales) (Amendment) (Coronavirus) Regulations 2020

## Background and Purpose

These Regulations amend the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019 (‘the 2019 Regulations’).

Due to the coronavirus pandemic a new student undertaking a distance learning postgraduate Master’s course in Wales may find themselves unable to be present in Wales on the first day of the first academic year, as the 2019 Regulations require, through no fault of their own. The 2019 Regulations are amended to enable new students to receive support for their distance learning course if reasons connected to the coronavirus pandemic prevent them from being in Wales on the first day of the academic year. This applies in relation to courses the first year of the first academic year of which begin on or after 1 September 2020.

## Procedure

Negative.

## Technical Scrutiny

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

## Merits Scrutiny

The following point 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 Senedd**

We note the breach of the 21-day rule (i.e. the rule that 21 days should pass between the date a “made negative” instrument is laid before the Senedd and the date the instrument comes into force), and the explanation for the breach provided by Rebecca Evans MS, Minister for Finance and Trefnydd, in a letter to the Llywydd dated 28 August 2020 that:

*“The Regulations as made will come into force before 21 days have elapsed. This is due to the late stage in the year. The Regulations need to be in force by 1 September (the first day of the academic year) to enable students commencing their course on that date to remain eligible for support, as changes cannot be made retrospectively. This ensures that no students are disadvantaged by circumstances outside their control.”*



Whilst we recognise that a number of measures have had to be put in place urgently during the Coronavirus Pandemic, we are not clear why these Regulations in particular had to come into force so urgently as to breach the 21-day rule when the Welsh Ministers have had the power to do make these Regulations in good time.

## **Implications arising from exiting the European Union**

None.

## **Welsh Government response**

A Welsh Government response is not required as the explanation for breach of the 21 day rule has already been provided for in the Explanatory Memorandum and the letter sent to the Llywydd and Chair of the Committee as noted above.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**7 September 2020**



Senedd Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

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Welsh Parliament

**Legislation, Justice and Constitution Committee**