

**Explanatory Memorandum to the Education (Student Finance)
(Miscellaneous Amendments) (Wales) (No. 2) (Revocation) Regulations
2020**

This Explanatory Memorandum has been prepared by the Higher Education Division and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister for Education's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Education (Student Finance) (Miscellaneous Amendments) (Wales) (No. 2) (Revocation) Regulations 2020.

Kirsty Williams AM
Minister for Education
13 February 2020

Part 1

1. Description

The Education (Student Finance) (Miscellaneous Amendments) (Wales) (No. 2) (Revocation) Regulations 2020 revoke the Education (Student Finance) (Miscellaneous Amendments) (Wales) (No 2) Regulations 2020.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

The Regulations will come into force the day after they are made, before 21 days have elapsed since laying. The Minister for Minister for Finance and Trefnydd has written to the Llywydd as required by Section 11A(4) of the Statutory Instruments Act 1946. The coming into force date will enable the timely revocation of the Education (Student Finance) (Miscellaneous Amendments) (Wales) (No 2) Regulations 2020.

3. Legislative background

The Regulations are made under sections 22 and 42(6) of the Teaching and Higher Education Act 1998 ('the 1998 Act'). Section 22 provides the Welsh Ministers with the power to make regulations authorising or requiring the payment of financial support to students studying courses of higher or further education designated by or under those regulations.

Section 44 of the Higher Education Act 2004 ('the 2004 Act') provided for the transfer to the National Assembly for Wales of the functions of the Secretary of State under section 22 of the 1998 Act (except insofar as they relate to the making of any provision authorised by subsections (2)(j), (3)(e) or (f) or (5) of section 22). Section 44 of the 2004 Act also provided for the functions of the Secretary of State in section 22(2)(a), (c) and (k) of the 1998 Act to be exercisable concurrently with the National Assembly for Wales.

The functions of the Secretary of State under section 42(6) of the 1998 Act were transferred, so far as exercisable in relation to Wales, to the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672).

The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006.

This instrument will follow the negative resolution procedure.

4. Purpose and intended effect of the legislation

The regulations revoke the Education (Student Finance) (Miscellaneous Amendments) (Wales) (No 2) Regulations 2020 which omitted to include the date on which the Regulations were to come into force.

5. Consultation

There is no statutory requirement to consult on the Regulations.