

Explanatory Memorandum to the Housing Renewal Grants (Amendment) (Wales) Regulations 2024

This Explanatory Memorandum has been prepared by the Education, Culture and Welsh Language Department of the Welsh Government and is laid before Senedd Cymru in conjunction with the above Regulations and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Housing Renewal Grants (Amendment) (Wales) Regulations 2024.

Julie James MS
Cabinet Secretary for Housing, Local Government & Planning
14 June 2024

1. Description

The Housing Renewal Grants (Amendment) (Wales) Regulations 2024 ('the Regulations') amend the Housing Renewal Grants Regulations 1996 ('the 1996 Regulations') to reflect the revised legislative position resulting from the Tertiary Education and Research (Wales) Act 2022 ('TERA').

Amendments are required to replace references to legislation which is repealed by TERA, with references to the relevant sections of TERA, along with references to the Welsh Ministers / National Assembly for Wales / Council which need to be replaced with references to the Commission for Tertiary Education and Research ('the Commission') or the Welsh Ministers.

Amendments are also required to remove references to legislation which has previously been repealed, including references to student support Regulations which are out of date and need replacing with references to the current student support Regulations.

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

None.

3. Legislative background

These Regulations are made under sections 30 and 146(1) and (2) of the Housing Grants, Construction and Regeneration Act 1996 ('the 1996 Act') and are subject to the negative procedure. The powers of the Secretary of State under sections 30, 146(1) and 146(2) of the 1996 Act in relation to Wales were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 and are now vested in the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006. The National Assembly for Wales was renamed Senedd Cymru or the Welsh Parliament by section 2 of the Senedd and Elections (Wales) Act 2020. By virtue of paragraph 7 of Part 2 of Schedule 3 to the Government of Wales Act 2006, the requirement for Treasury approval in section 30(9) of the Housing Grants, Construction and Regeneration Act 1996 is dis-applied.

These Regulations amend the 1996 Regulations which were originally made by the Secretaries of State for England and Wales and have since been amended by the Secretary of State in relation to England and by the Welsh Ministers in relation to Wales separately on numerous occasions.

These Regulations come into force on the 1st August 2024.

4. Purpose and intended effect of the legislation

The Commission was established by section 1 of TERA (as commenced by the Tertiary Education and Research (Wales) Act 2022 (Commencement No. 1) Order 2022). Section 23 of TERA, due to be commenced on 1 August 2024, will dissolve the Higher Education Funding Council for Wales ('HEFCW'). Amendments to the 1996 Regulations are required as a consequence of the creation of the Commission, the dissolution of HEFCW, and the consequential amendments made by Schedule 4 to TERA. Further amendments to the 1996 Regulations are required to update out of date references to student support legislation.

5. Consultation

No public consultation has taken place in respect of these Regulations. The amendments to this statutory instrument are technical in nature and are consequential on provisions within TERA, and do not represent any substantive policy changes. This approach is in line with standard Welsh Government practice in relation to consulting on draft subordinate legislation.

6. Regulatory Impact Assessment (RIA)

As these Regulations makes factual amendments to update subordinate legislation and the amendments do not alter the policy (or its impact) in any significant way or how it is applied in a given situation, an RIA is not required. This is in line with the policy set out in the Welsh Ministers' code of practice for carrying out regulatory impact assessments for subordinate legislation. However, the [RIA](#) to accompany TERA at its introduction to the Senedd assessed the potential costs and benefits associated with establishing the Commission.