

EXPLANATORY MEMORANDUM TO THE HIGHER EDUCATION (AMOUNTS) (WALES) REGULATIONS 2015

The Explanatory Memorandum has been prepared by the Department for Education and Skills of the Welsh Government 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's Declaration

In my view this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Higher Education (Amounts) (Wales) Regulations 2015. I am satisfied that the benefits outweigh any costs.

Huw Lewis

Minister for Education and Skills

15 June 2015

Description

1. These Regulations establish the maximum amount that may be charged for certain courses of higher education by institutions in Wales.

Matters of special interest to the Constitutional and Legislative Affairs Committee

2. None.

Legislative background

3. The National Assembly for Wales has the legislative competence to make provision for, and in connection with, higher education by virtue of Part 4 of the Government of Wales Act 2006. The relevant provisions are set out in section 108 and Schedule 7. Paragraph 5 of Part 1 of Schedule 7 sets out the subjects on which the Assembly may legislate under the heading 'Education and Training'.

4. The subjects provide the National Assembly for Wales with the competence to make the provision contained in the Higher Education (Wales) Act 2015 ('the Act'), which was granted Royal Assent in March 2015.

5. The Regulations are made under sections 5(3) and 5(9) of the Act. Section 55 of the Act stipulates that the first regulations under section 5(3) may not be made 'unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales'.

Purpose and intended effect of the legislation

6. Higher education fees have been regulated for some time. The Act requires regulated institutions to specify (or provide for the determination of) the fees they will charge, subject to a maximum amount. The Regulations specify that amount as £9,000. In certain circumstances the maximum amount is lower.

7. The purpose of the Regulations is to prescribe:

- the maximum fee that regulated institution may charge to qualifying persons on qualifying courses; and
- that fees paid to a person in connection with a franchised course, offered on behalf of a regulated institution, should be treated as being paid to the regulated institution.

8. These Regulations will ensure higher education remains affordable to the student by establishing a maximum fee amount and that the fee limit will apply to any qualifying persons on qualifying courses, including provision that is franchised.

Consultation

9. A formal consultation, 'Regulations as provided for by the Higher Education (Wales) Act 2015', took place between 17 March 2015 and 12 May 2015. The subject of the consultation was five sets of draft regulations, including these Regulations. The outcome is recorded in the Regulatory Impact Assessment below.

