

SL(6)237 – The Education (Student Finance) (Ukrainian Nationals and Family Members) (Miscellaneous Amendments) (Wales) Regulations 2022

Background and Purpose

These Regulations amend existing student support legislation to:

- make persons granted leave under the Ukraine Scheme, including those persons granted leave outside the immigration rules in connection with the Russian invasion of Ukraine, eligible for student support, home fee status, and the undergraduate tuition fee cap when starting or continuing a course on or after 1 August 2022; and
- make students undertaking an undergraduate distance learning course eligible to apply for Grants for Dependents.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

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

Merits Scrutiny

The following point is 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 convention (i.e. the convention 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 Jeremy Miles MS, Minister for Education and Welsh Language in a letter to the Llywydd dated 7 July 2022.

In particular, we note the following part of the letter:



"...the 2022 Regulations as laid will come into force before 21 days have elapsed. If the 21 day convention were to be observed, Ukrainian students would experience avoidable delays in accessing support, contrary to Welsh Government policy, placing them at a disadvantage when compared with other students. It could adversely impact the ability to start a course of higher education in the new academic year. This would be an unfortunate and avoidable source of distress, disappointment and harm to students already suffering the trauma of war."

Welsh Government response

A Welsh Government response is not required.

Committee Consideration

The Committee considered the instrument at its meeting on 26 September 2022 and reports to the Senedd in line with the reporting point above.

