

Constitutional and Legislative Affairs Committee

(CLAC(4)-...-12)

CLAC...

Constitutional and Legislative Affairs Committee Draft Report

Title: ... The Education (Student Loans) (Repayment) (Amendment) Regulations 2013

Procedure: Negative

These Regulations amend the Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470) ("the Principal Regulations"). The Principal Regulations govern the repayment of income-contingent student loans paid to students under section 22 of the Teaching and Higher Education Act 1998(c.30). The Regulations make a number of detailed technical amendments as explained in the Explanatory Memorandum and in the Explanatory Note to the Regulations.

Technical Scrutiny

The following points are identified for reporting under Standing Order 21.2 in respect of this instrument:

1. Being composite regulations subject to a parliamentary procedure at Westminster, these Regulations have been made in English only.

[Standing Order 21.2(ix) – that the instrument is not made in both English and Welsh.]

Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Most composite instruments are made by the Secretary of State in relation to England and the Welsh Ministers in relation to Wales. In this case the enabling powers are not as clear cut. The powers in section 22 of the Teaching and Higher Education Act 1998 were only partially transferred to the National Assembly by section 44 of the Higher Education Act 2004. Many were retained by the Secretary of State as they relate to the application of the tax system to the repayment of loans.

Therefore, whilst some of the provisions of these Regulations are made by the Secretary of State in relation to England and the Welsh Ministers

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in relation to Wales in the usual way, many are made by the Secretary of State that extend to the whole of the UK as they relate also to those who studied in England or Wales, but are now employed (and taxed) in Scotland or Northern Ireland.

[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 Assembly.]

**Legal Advisers
Constitutional and Legislative Affairs Committee**

April 2013