EXPLANATORY MEMORANDUM TO

THE MARSHALL SCHOLARSHIPS ORDER 2017

2017 No. 1109

1. Introduction

1.1 This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 Marshall Scholarships are offered to American post graduate students to study in the UK, in commemoration of assistance received by the UK under "Marshall Aid" after World War II. The Marshall Scholarships Order 2017 raises the maximum number of Marshall scholarships that may be offered in one year from 40 to up to 50, to meet an anticipated increase in available funding over the next five years.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 The Marshall Scholarships Order 2017 amends the Marshall Aid Commemoration Act 1953. To bestow necessary flexibility in the total number of scholarships that may be offered, it raises the number of Marshall scholarships that can be provided each year to postgraduate students from the United States to study at universities in the United Kingdom from 40 to 50.

4.2 The 1953 Act was amended by the Marshall Scholarships Act 1959 (the two Acts are cited together as the Marshall Aid Commemoration Acts 1953 and 1959). The 1959 Act increased the number of Marshall scholarships that could be offered under the 1953 Act, and provided power for Her Majesty by Order in Council to determine, from time to time, to substitute a reference to a greater number. Two Orders in Council have been made under the power and are to be revoked by the Order (see article 3 of the Order).

4.3 The Marshall Aid Commemoration Acts 1953 and 1959 currently provide for up to 40 scholarships. The new upper limit of 50 scholarships provided for by the Order is intended to avoid the need for further amendment over the next five years.

5. Extent and Territorial Application

5.1 The extent of this instrument is the UK.

6. European Convention on Human Rights

6.1 The Minister of State at the Foreign and Commonwealth Office, the Right Honourable Mark Field, MP, has made the following statement regarding Human Rights:

"In my view the provisions of the Marshall Scholarships Order 2017 are compatible with the Convention rights."

7. Policy background

What is being done and why

7.1 The Marshall Aid Commemoration Act 1953 established the Marshall Aid Commemoration Committee (MACC) to administer the Marshall Scholarship Programme. The Programme was conceived as an expression of thanks from the British people to the US for Marshall Aid funding received after World War II for post-war reconstruction. It enables talented postgraduate students from the United States to study in the UK. Marshall scholarships have become a key tool for buttressing the US/UK special relationship.

7.2 The Marshall Aid Commemoration Acts 1953 and 1959 currently provide for up to 40 scholarships. However increased grant-in-aid funding from the Foreign and Commonwealth Office (FCO) from £2,000,000 between 2012 and 2017 to £2,250, 000 in 2017-18, together with the more proactive strategy of MACC to increase corporate partnership funding and an assurance of more financial support from the Association of Marshall Alumni, has led MACC to seek greater flexibility in the number of scholarships it can offer. MACC has agreed with FCO that an upper limit of 50 is a realistic target for extension of the Programme over the next five years. The Order has been drafted to provide the flexibility required and avoid the need for further amendment over the five year period.

8. Consultation outcome

8.1 The FCO has consulted the body affected by the Order, the MACC. The MACC has agreed with FCO that an upper limit of 50 is a realistic target number of Marshall scholarships to be provided under the Marshall Scholarship Programme over the next five years.

9. Guidance

9.1 None.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument, because no impact on business, charities or voluntary bodies (other than MACC) is foreseen.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

There are no plans for monitoring or reviewing the Order. The objective of the instrument is to ensure that the maximum number of Marshall scholarships that may be provided in each year is commensurate with available funding.

13. Contact

13.1 Sara Campbell at Legal Directorate, Foreign and Commonwealth Office, King Charles Street, London SW1A 2AH, Telephone: 020 7008 3607 or email: Sara.Campbell@fco.gov.uk, can answer queries regarding the instrument.