

SL(6)644 – The Education (Student Support) (Wales) (Amendment) Regulations 2025

Background and Purpose

These Regulations amend the Education (Student Support) (Wales) Regulations 2018 (“the 2018 Regulations”). They describe the courses to be designated by the 2018 Regulations and provide for a maximum tuition fee loan, up to £9,535, to eligible students on those affected courses.

The Regulations are required as a result of a review carried out by the Student Loans Company of franchised courses uploaded by higher education providers (and delivered by private institutions in England) to its Courses Management Service (CMS) system. These courses are described on CMS as being designated for the purpose of attracting statutory student support for Welsh students. Designation enables financial support to be paid to students and higher education providers.

The review found that some courses have been designated for financial support from the UK Government but not from the Welsh Government. Providers of these courses are charging the maximum tuition fee in England but without these Regulations Welsh students are only entitled to a maximum tuition fee loan of £6,355 compared with the full rate of £9,535. For part-time students, the reduced tuition fee loan for those studying in England is £4,765 loan, compared with the full rate of £7,145. The Regulations are therefore necessary to enable students beginning or continuing a course with a course start date between the 1 September and the 31 December 2025 to be eligible for support, including provision of the maximum tuition fee loan, up to £9,535.

The Explanatory Memorandum states that the Regulations ensure no students on affected courses are disadvantaged by circumstances outside their control.

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 three points are 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

These Regulations were made on 27 August 2025, laid on 29 August 2025 and came into force on 31 August 2025. Section 11A(4) of the Statutory Instruments Act 1946 applies in the event that a statutory instrument that is subject to the negative procedure is not laid at least 21 calendar days before it comes into force. It provides that the Welsh Government must notify the Llywydd and explain that the 21 day requirement has not been observed.

The Cabinet Secretary for Education Lynne Neagle MS wrote to the Llywydd on 29 August 2025 (“the Cabinet Secretary’s Letter”) and stated that:

The Regulations will come into force before 21 days have elapsed. The Regulations must be in force before 1 September (the first day of the academic year) to enable students beginning or continuing a course with a course start date between the 1 September and the 31 December to be eligible for adequate tuition fee support. These Regulations ensure no students on affected courses are disadvantaged by circumstances outside their control.

2. 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

It is noted from the Explanatory Memorandum to the Regulations (“the EM”) and the Cabinet Secretary’s Letter that the amendments made by these Regulations are necessary as a result of a review carried out by the Student Loans Company of franchised courses uploaded by higher education providers, and delivered by private institutions in England, to its Courses Management Service system. This review identified that not all the courses had been designated by Welsh Ministers. However, neither the EM nor the Cabinet Secretary’s Letter provide any information as to when this review was concluded; when the Welsh Government became aware of the findings; nor an explanation as to why any length of time between the conclusion of the review and the making of the Regulations was required. The Committee would therefore be grateful if the Welsh Government would provide this and any other relevant information.

3. 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

No consultation has been carried out in relation to these Regulations. The Explanatory Memorandum notes that:

Given the urgent nature of these changes, a consultation has not been carried out.



Welsh Government response

A Welsh Government response is required in relation to the second reporting point only.

Committee Consideration

The Committee considered the instrument at its meeting on 15 September 2025 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee