

# **SL(6)685 – The Education (Specified Courses of Higher Education) (Wales) Regulations 2025**

## **Background and Purpose**

These Regulations are made under section 89(1) and (2) of the Tertiary Education and Research (Wales) Act 2022 (“the Act”).

Section 89(3) of the Act enables the Commission for Tertiary Education and Research to provide financial resources to a person in respect of expenditure incurred, or to be incurred, by the person or a collaborating body (as defined in section 89(4) of the Act) for the purpose of the provision of an eligible course wholly or mainly in Wales or the provision of an eligible course to persons who are ordinarily resident in Wales.

Regulation 2 provides that the higher education courses set out in the Schedule to these Regulations are specified for the purposes of section 89(1) of the Act, meaning they are eligible courses for the purposes of that section.

Paragraph 1 of the Schedule sets out courses that fall within paragraph 1(g) or (h) of Schedule 6 to the Education Reform Act 1988 (“the 1988 Act”). A course is within paragraph 1(g) of Schedule 6 if it is a course in preparation for a professional examination and the standard of that examination is higher than the standard of examinations at advanced level for the General Certificate of Education (“GCE A-level”) or the examination for the National Certificate or the National Diploma of the Business & Technician Education Council (“BTEC”). A course is within paragraph 1(h) of Schedule 6 to the 1988 Act if the standard of the course (whether or not the course is in preparation for an examination) is higher than the standard of courses providing education in preparation for examinations at GCE A-Level or the examination for the National Certificate or the National Diploma of the BTEC.

Paragraph 2 of the Schedule sets out courses for the Higher National Diploma or Higher National Certificate of the BTEC which are identified within an apprenticeship framework issued under section 19(1) of the Apprenticeships, Skills, Children and Learning Act 2009, namely a recognised Welsh framework, from which recognition has not been withdrawn under section 19(2) of that 2009 Act.

## **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 two 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.**

It is noted that section 89(3) of the Act (described above), which is referred to in the Explanatory Memorandum accompanying these Regulations, and in the Explanatory Notes, is not fully in force at the date that these Regulations were made or will come into force. The Explanatory Memorandum states at paragraph 3.4 that:

*“It is intended to bring section 89(3), along with subsections (4) and (5) which make provision in respect of collaborating bodies, fully into force on 1 April 2026 through an Order to be made by the Welsh Ministers under section 148(2) of the 2022 Act (“the proposed 2026 Order”).”*

Paragraph 3.8 of the Explanatory Memorandum explains the Welsh Government’s reasoning for the earlier coming into force date of these Regulations:

*“The Regulations come into force on 25 December 2025. This coming into force date will allow Medr the opportunity to include reference to its funding function within section 89(3) when developing its policy on funding powers (as required under section 87 of the 2022 Act) prior to the coming into force of section 89(3) of the 2022 Act.”*

### **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 that the Regulations have not been subject to any consultation. In particular, we note the following paragraphs in the Explanatory Memorandum:

*“There is no statutory requirement to consult on these regulations, and a formal public consultation did not take place. The Welsh Government has engaged regularly with Medr on the development of these Regulations, and also engaged with certain stakeholders in relation to their purpose.*

*The aim of the Regulations is to provide Medr with a sufficient statutory basis upon which it may provide funding for certain higher education courses, including but not limited to the types of higher education courses that are currently funded by the Welsh Ministers under statutory functions that are due to be repealed.”*



## Welsh Government response

A Welsh Government response is not required.

## Committee Consideration

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

