

Explanatory Memorandum to the Education (Student Finance) (Amounts) (Miscellaneous Amendments) (Wales) Regulations 2026

This Explanatory Memorandum has been prepared by the Strategy and Funding Division and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Education (Student Finance) (Amounts) (Miscellaneous Amendments) (Wales) Regulations 2026. I am satisfied the benefits justify the likely costs.

Vikki Howells MS

Minister for Further and Higher Education

22 January 2026

Part 1

1. Description

1.1 The Education (Student Finance) (Amounts) (Miscellaneous Amendments) (Wales) Regulations 2026 (“the Regulations”) amend:

- the Higher Education (Amounts) (Wales) Regulations 2015 (“the 2015 Regulations”);
- the Education (Student Support) (Wales) Regulations 2017;
- the Education (Student Support) (Wales) Regulations 2018;
- the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018; and
- the Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019.

1.2 The Regulations amend existing student support regulations to adjust the amounts of undergraduate maintenance support and other allowances and postgraduate contribution to costs support in line with a measure of the Consumer Price Index (CPI).

1.3 The Regulations also amend the 2015 Regulations to increase the full-time undergraduate tuition fee caps and apply these caps to all qualifying persons on qualifying courses at regulated Welsh institutions for academic years beginning on or after 1 August 2026. Raising the tuition fee cap does not increase the tuition fee charged, which is a matter for the institution providing the course.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

2.1 None.

3 Legislative background

3.1 The Regulations are made under sections 22(1)(a), (2)(b) and (c), and 42(6) of the Teaching and Higher Education Act 1998 (‘the 1998 Act’) and sections 5(3) and 55(2) of the Higher Education (Wales) Act 2015.

3.2 Section 22 of the 1998 Act provides the Welsh Ministers with the power to make regulations authorising or requiring the payment of financial support to students studying courses of higher or further education designated by or under those regulations. This power enables the Welsh Ministers to prescribe, amongst other

things, the amount of financial support (grant or loan) and who is eligible to receive such support.

- 3.3 Sections 5(3) and 55(2) of the Higher Education (Wales) Act 2015 enable the Welsh Ministers to increase the tuition fee cap by prescribing a “maximum amount”. A fee limit specified within a higher education institution’s fee and access plan cannot exceed this maximum amount. The power to prescribe the maximum amount is framed broadly, with no express qualifications or limitations on how it may be exercised
- 3.4 The functions of the Secretary of State in section 22(1)(a) and (2)(b) of the 1998 Act were transferred to the National Assembly for Wales, so far as they relate to making provision in relation to Wales, by section 44 of the Higher Education Act 2004 (c. 8). Section 44 of that Act also provided that the function in section 22(2)(c) of the 1998 Act was to be exercised by the National Assembly for Wales concurrently with the Secretary of State, so far as it relates to making provision in relation to Wales. The Secretary of State’s function in section 42(6) of the 1998 Act, in so far as being exercisable in relation to Wales, was transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, article 2 and Schedule 1 (S.I. 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
- 3.5 The Regulations are made under the Senedd annulment procedure by virtue of section 42(2) of the 1998 Act, section 55(5) of the Higher Education (Wales) Act 2015 and paragraph 5 of Schedule 1A to the Legislation (Wales) Act 2019.

4 Purpose and intended effect of the legislation

- 4.1 The Welsh Ministers make regulations to provide the basis for the system of financial support for students ordinarily resident in Wales, and certain other students studying in Wales, who are taking designated courses of higher education in the UK.

Tuition fees

- 4.2 The Regulations amend existing regulations as outlined below.
- 4.3 Establishing limits on the fees that may be charged by regulated providers is established policy. Increasing the value of tuition fee caps is in response to the financial challenges facing the higher education sector in Wales. Increasing the tuition fee caps in Wales for the 2026/27 academic year for full-time

undergraduate courses will mark the third consecutive annual increase in full-time tuition fee caps, providing significant additional revenue to the sector.

Changes to fee caps in Wales (full-time undergraduate courses)

- 4.4 The Higher Education (Wales) Act 2015 provides for a maximum fee level (the “tuition fee cap”) to be charged to certain people (“qualifying persons”) on certain courses (“qualifying courses”). A qualifying course, a description of which is provided for by regulations (the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015), is one which is captured by a provider’s “fee and access plan”, a plan which must be approved by Medr. A fee and access plan enables regulated providers to state how they will go about achieving certain policy objectives of the Welsh Ministers. If the plan is approved, providers may, for the courses in their plan, charge qualifying persons (also provided for by the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015) a fee up to the fee cap. The amount they will charge is specified in their fee and access plan.
- 4.5 Fee caps apply only to qualifying persons. These are students who have a connection to the UK and fall into three broad groups: those settled in the UK, EU nationals and certain others undertaking courses in Wales, and refugees and others who require humanitarian protection. Students may qualify for a tuition fee loan to meet the immediate cost of their education.
- 4.6 The maximum tuition fee caps that may be charged to qualifying persons on qualifying courses by a regulated provider in Wales will be increased for academic years beginning on or after 1 August 2026.
- 4.7 From 1 August 2026, the per annum tuition fee caps will be as recorded in table 1 (and will match those in England).

Table 1. Existing and new tuition fee caps*		
	Existing	New
Full-time undergraduate	£9,535	£9,790
The final year of certain courses	£4,765	£4,895
Academic year(s) which are work placements/sandwich	£1,905	£1,955
Academic year(s) of courses provided in conjunction with an overseas institution	£1,430	£1,465
* The three lower fee limits are linked by policy to the full-time undergraduate fee cap at the rate of 50%, 20%, and 15% respectively.		

- 4.8 These changes to tuition fee caps will apply to all new and continuing students who are qualifying persons on qualifying courses. Whilst the Regulations will change the tuition fee cap a Welsh regulated provider may charge for a higher education course it provides, the level of tuition fee charged to a student is a matter for the provider, as is the timing of any changes.

Tuition fee loan support for students ordinarily resident in Wales and studying a full-time course in Wales

- 4.9 Tuition fee loans for eligible students ordinarily resident in Wales studying on a full-time course offered by a Welsh regulated provider (an institution with a fee and access plan) will be increased to accommodate the new tuition fee caps (and the three lower limits, as set out in table 1) for academic years beginning on or after 1 August 2026.
- 4.10 If a Welsh institution does not wish to have a fee and access plan approved (or Medr refuses to approve one), they may charge any fee they choose. In this case, providers may apply for course designation (for the purposes of attracting student support) from the Welsh Ministers on a course-by-course basis. If an application is approved, a student ordinarily resident in Wales may access a reduced rate of tuition fee loan. The tuition fee loan available to students ordinarily resident in Wales on such courses will be increased to £6,525 for academic years beginning on or after 1 August 2026.
- 4.11 Tuition fee support is available for those students ordinarily resident in Wales who are on accelerated graduate entry courses in medicine and dentistry (which are four years in duration). Support consists of a mix of NHS tuition fee bursary and tuition fee loan (depending on year of course). Tuition fee loans for students undertaking accelerated graduate entry courses in medicine and dentistry will increase to £6,325 for academic years beginning on or after 1 August 2026.

Tuition fee loan support for students ordinarily resident in Wales and studying a part-time course in Wales

- 4.12 Tuition fees for part-time courses are not regulated in Wales. There is no fee cap set via regulations made by the Welsh Ministers.
- 4.13 Part-time provision is subsidised by grants from Medr. Part-time fees in Welsh institutions are therefore limited somewhat by the size of the fee loan that Welsh Government offers students.

- 4.14 The tuition fee loan for eligible students ordinarily resident in Wales studying on a part-time course has not increased since its introduction in the 2014/15 academic year and its real terms value had fallen by approximately 51% by the 2024/25 academic year. Financial challenges due to ongoing cost pressures are widely acknowledged. While the full-time undergraduate fee cap and loan has increased by £535 (+5.9%) over the two most recent academic years, no increase was made to the part-time fee loan, limiting the ability of providers to offset costs.
- 4.15 The tuition fee loan available to students ordinarily resident in Wales on such courses will be increased to £2,875 for academic years beginning on or after 1 August 2026.

Tuition fee loan support for students ordinarily resident in Wales and studying outside of Wales

- 4.16 The maximum tuition fee caps in England for undergraduate courses offered by approved (fee cap) providers (providers registered with the Office for Students to whom maximum fee caps apply) will increase to £9,790 for a standard full-time course and £7,335 for a part-time course for the 2026/27 academic year. Tuition fee loans for eligible students ordinarily resident in Wales studying on a course offered by an English approved (fee cap) provider will be increased to accommodate each of the new limits for academic years beginning on or after 1 August 2026.
- 4.17 Full-time and part-time undergraduate courses offered in England at approved providers are not subject to tuition fee caps. Tuition fee loans for eligible students ordinarily resident in Wales studying on such courses at approved providers will be increased to £6,525 for academic years beginning on or after 1 August 2026.
- 4.18 Higher education providers in Scotland and Northern Ireland can charge full-time undergraduate students from outside their respective countries a maximum tuition fee of up to £9,790 for the 2026/27 academic year. Tuition fee loans for Welsh students studying in Scotland and Northern Ireland will increase accordingly for academic years beginning on or after 1 August 2026.

Cost of living support

- 4.19 The Regulations amend existing student support regulations to adjust the amounts of undergraduate and postgraduate student support. Changes to student support amounts are based on the estimates of forecast inflation as measured by CPI in the year to Q1 2027 and published by the Office for Budget Responsibility (OBR) in March 2025.

Maintenance support

- 4.20 For students who began their undergraduate courses on or after 1 August 2018, to increase the maximum amount of maintenance support by CPI. This applies to full and part-time students. The amount of the base grant, maintenance grant and maintenance loan support will each increase by 2% for the 2026/27 academic year.
- 4.21 For full-time students who began their undergraduate courses on or after 1 August 2012 and before 1 August 2018, to increase the amount of maintenance loan by CPI. The amount of maintenance loan will increase by 2% for the 2026/27 academic year. Support is a mixture of grants and loans and is dependent on household income.

Other support grants

- 4.22 For all eligible students, to increase the amounts of Grants for Dependents, including the Childcare Grant, by CPI. These grants will increase by 2% for the 2026/27 academic year.
- 4.23 For all eligible students, to increase the amount of Disabled Student's Grant by CPI. This grant will increase by 2% for the 2026/27 academic year.

Postgraduate support

- 4.24 For postgraduate Master's students who begin a course on or after 1 August 2026, to increase the amount of support by CPI. The contribution to costs loan will increase by 2% for courses beginning from the 2026/27 academic year.
- 4.25 For doctoral students who begin a course on or after 1 August 2026, to increase the amount of support by CPI. The contribution to costs loan will increase by 2% for courses beginning from the 2026/27 academic year.

5. Consultation

- 5.1 There is no statutory requirement to consult on these regulations and no consultation has been undertaken.

Part 2 – Regulatory Impact Assessment (RIA)

- 6.1 An RIA has been conducted for the Regulations.
- 6.2 Student support costs are demand led. Costs are forecast based on assumptions about student numbers. Student loan advances are defined as Annually Managed Expenditure ('AME'), as spending is demand led, volatile and too large to be absorbed within normal DEL controls. His Majesty's Treasury (HMT) imposes rules on student loan AME expenditure.

Undergraduate tuition fee support – full-time

- 6.3 The full-time tuition fee cap and associated tuition fee loan have previously increased in both 2024/25 and 2025/26 academic years. The higher education sector in Wales continues to be faced with financial challenges and as such, two options have been considered.
- a) Do nothing – this option would mean that the higher education sector in Wales would continue to be faced with financial challenges and be at a disadvantage when compared to their counterparts in England. This option was therefore discounted.
 - b) Apply an inflationary increase to match the tuition fee caps in England for the 2026/27 academic year. This option was selected.

Undergraduate tuition fee support – part-time

- 6.4 The part-time fee loan has not increased since its introduction in the 2014/15 academic year and its value had fallen 51% by the 2024/25 academic year. Financial challenges due to ongoing cost pressures are widely acknowledged. Two options have been considered:
- a) Do nothing - this option would limit the ability of providers to offset costs and was therefore discounted.
 - b) Apply a one-off £250 increase (+9.5%), taking the part-time tuition fee loan to £2,875 which recognises historical inflationary pressures. This option was selected.

Undergraduate maintenance support

- 6.5 The value of maintenance support for undergraduate students who begin a course on or after the 1 August 2018 has historically increased each year by the rate of increase in the National Living Wage ('NLW'). This policy was established

as a result of the *Review of higher education funding and student finance arrangements* in 2018. Post-2018 students are the majority of current undergraduate students and fee and maintenance loans for these students forms the vast majority of costs covered by AME.

6.6 Due to continued pressure on AME, four options have been considered for increases to the rates of maintenance support for students who commence, or have commenced, courses on or after 1 August 2018 for the 2026/27 academic year:

- a) **CPI based uplift.** This option would continue the approach taken for the 2025/26 academic year. Total maintenance support would be increased by the CPI measure of inflation. The proposed increase to maintenance support rates for the 2026/27 academic year in this option is 2.0%, the CPI forecast published by OBR in March 2025. The grant component of support would be fixed and so this increase would be made via loan. As a result, the loan value would increase by a larger percentage than CPI. This option was discounted.
- b) **NLW based uplift.** The NLW is anticipated to increase to £12.53/hour for the 2026-27 financial year (the forecast rate published by the OBR in March 2025). Due to the modest CPI uplift to support for 2025/26, an increase of 14% would be required to restore parity with the NLW. Again, as the grant component of support would be fixed under this option, an increase would be made via loan, which would increase by a larger percentage than the NLW uplift. Calculations demonstrate that loans would increase by around 41% for those from lower income backgrounds, and by around 15% for those in the highest income bracket. This option carries the largest financial risk for the Welsh Government and was discounted.
- c) **CPI based uplift (both loans and grants increased)** This option increases maintenance support rates for the 2026/27 academic year by 2.0% (the CPI forecast). The maximum amount of support would increase to the same value as in option (a) but students would receive a 2.0% uplift to both their grant and their loan. This would be a one-off uplift to grants for the 2026/27 academic year, which have been fixed since 2018. Both the base and means-tested components of grants would be increased. This option was selected.
- d) **Restrict average loan uplift to CPI (loans increased, grants fixed)** This option restricts the increase to maintenance support in such a way that the average loan extended to a student, increases by no more than 2.0% (grants remain fixed). This would result in an overall uplift to the maximum rate of support of 1.35%. Of all the options, this option carries the least amount of financial risk for the Welsh Government but provides the smallest increase to support for students. This option was also discounted.

Postgraduate and other support

- 6.7 Existing policy is to increase all rates, other than the headline maintenance rate for post-2018, by CPI. Therefore, all relevant support/allowances will be subject to an increase of 2.0% for the 2026/27 academic year. This will include maintenance support for full-time students who began their undergraduate courses on or after 1 August 2012 and before 1 August 2018, support for postgraduate Master's and doctoral students, Disabled Students Grants, and Grants for Dependents.

7. Options

Option 1: Business as usual

- 7.1 If the Regulations are not made then the implications would be as follows:

- regulated providers of higher education, who have experienced continued cost inflation, would not be able to increase fees, reducing revenue in real terms and putting further pressure on their financial position.
- student debt would be unaffected. While there would be no direct (price) impact on participation, the ongoing reduction of resource available to providers of higher education may begin to impact the quality, and other aspects, of provision, making higher education less attractive.
- tuition fee loans for eligible students ordinarily resident in Wales studying on a course offered by an institution outside of Wales would not meet the tuition fee charged, where the institution has increased the fee for the 2026/27 academic year. This would be contrary to existing Welsh Government policy of ensuring no Welsh student having to meet tuition costs upfront.
- the value of student support will not increase by a forecast measure of inflation that reflects anticipated changes to everyday costs like food, transport, and clothing for the 2026/27 academic year.

Option 2: Make the Regulations

- 7.2 Making the Regulations ensures that the implications outlined above are avoided.

- 7.3 Students and the sector will recognise the amount of the increase to full-time undergraduate tuition fees as it will place regulated providers in Wales on an equal footing with institutions elsewhere.

8. Costs and benefits

Option 1: Business as usual

- 8.1 Leaving the existing student support and fee protection regulations in place would mean no additional costs are incurred via the student support system. Providers will continue to experience financial challenges with no scope to increase fees charged to a majority of their students, and with a maximum fee level below that which a provider outside of Wales may charge for the 2026/27 academic year. Students ordinarily resident in Wales studying on a course outside of Wales would bear the entire cost of any tuition fee increase charged. Students would also bear the entire cost of the real reduction in the value of their student support.

Option 2: Make the Regulations

- 8.2 Increasing the tuition fee caps will assist regulated providers of higher education in Wales to generate additional revenue for the 2026/27 academic year. Depending upon decisions taken by individual providers about whether to apply the fee increase, on which courses and on which cohort of students etc., the proposed change could generate up to an additional £19 million per annum in fee revenue.
- 8.3 Any change to the tuition fee charged by a provider of a course may impact students in the 2026/27 academic year. If full-time fees are increased, an eligible student ordinarily resident in Wales will be able to apply for an increased maximum fee loan of up to £9,790 (and similarly for the linked tuition fee caps). Where an eligible student ordinarily resident in Wales is studying a full-time undergraduate course specifically designated by the Welsh Ministers or a full-time undergraduate course provided by an approved provider in England (providers registered with the Office for Students to whom maximum fee caps do not apply), they will be able to apply for an increased maximum fee loan of up to £6,525. Where an eligible student ordinarily resident in Wales is studying an accelerated graduate entry course (of four years in duration) in medicine or dentistry within Wales, they will be able to apply for an increased maximum fee loan of up to £6,325.
- 8.4 If part-time tuition fee support is increased, an eligible student ordinarily resident in Wales will be able to apply for an increased maximum fee loan of up to £2,875 when studying a designated part-time undergraduate course in Wales. Where

an eligible student ordinarily resident in Wales is studying a part-time course in England, they will be able to apply for an increased maximum part-time fee loan of up to £7,335.

- 8.5 While a Welsh full-time or part-time student has no upfront costs to meet, debt is likely to increase marginally as a result (for example, £765 in total for a typical three-year full-time undergraduate course at a regulated Welsh institution). For Welsh part-time students specifically, an increase to the part-time undergraduate tuition fee loan for the 2026/27 academic year may negatively impact part-time study (if accompanied by a tuition fee increase by providers) and has a greater potential to impact those from low-income backgrounds and mature students. Such effects may not be large.
- 8.6 Repayment of student loan debt is income contingent, an increase in fee debt may mean some middle-income graduates are in repayment longer than they would otherwise be. For graduates on lower incomes, their repayment will be unaffected as their loans will be written off after 30 years. This may not be of such significance to deter applications, particularly given institutions outside of Wales will be able to charge similar fees for the 2026/27 academic year. Evidence on the price (tuition fee) elasticity of demand for higher education in the UK is fairly limited but generally points to demand being relatively inelastic¹. Nevertheless, students continue to be impacted by cost-of-living pressures and the changes to tuition fees may make some students more sensitive to increases in costs.
- 8.7 The costs arising from increasing the maximum tuition fee loans available for full-time and part-time undergraduate students are recorded in table 2 and table 3. This assumes the increase will apply to all students.

Table 2. Full-time tuition fee increase costs (£m)			
	Costs for the 2026/27 academic year	Costs by financial year	
		FY 2026-27	FY 2027-28
Additional cost to increase full-time fees for Wales from £9,535 to £9,790			
AME	6.02	2.92	3.10
Near Cash	0.00	0.00	0.00
Non-Cash (RAB) (a)	2.07	1.01	1.07
Total	8.09	3.93	4.17

(a) These costs were calculated using indicative figures from a new student loan repayment model. The delivery of the new student loan repayment model from the Department for Education is due at the end of 2025.

¹ See for example Sa, 2017 ([The Effect of University Fees_SA_Accepted13July2017_GREEN_AAM.pdf](#)) and Dearden et al, 2011 ([The impact of tuition fees and support on university participation in the UK](#))

Table 3. Part-time tuition fee increase costs (£m)			
	Costs for the 2026/27 academic year	Costs by financial year	
		FY 2026-27	FY 2027-28
Part-time undergraduate tuition fee increase of £250 – additional cost			
AME	1.6	0.8	0.8
Near Cash	0.0	0.0	0.0
Non-Cash (RAB) (a)	0.4	0.2	0.2
Total	1.9	0.9	1.0

(a) These costs were calculated based on RAB figures available from the existing student loan repayment model. The delivery of a new student loan repayment model from the Department for Education is due at the end of 2025.

- 8.8 By making the Regulations, the Welsh Ministers ensure that student support policy is implemented, financial sustainability is improved, and students receive an increase to their support. The Regulations will ensure that student support remains affordable within HMT's imposed constraints on AME whilst balancing the need to provide support for students which reflects changes to everyday costs.
- 8.9 The costs for the options for undergraduate maintenance support (as set out in para 6.6) are set out in table 4. The costs assume that postgraduate and other support are also increased by CPI.

Table 4. Student support costs ^{(a)(b)} (£m) - Options			
	Costs for the 2026/27 academic year	Costs by financial year	
		FY 2026-27	FY 2027-28
(A) Baseline option – CPI based uplift (loans increased, grants fixed)			
AME	959.7	558.3	401.4
Near Cash	223.6	148.7	74.8
Non-Cash (RAB)	107.5	62.0	45.5
Total	1290.8	769.0	521.8
(B) NLW based uplift (loans increased, grants fixed) – additional cost			
AME	+77.0	+51.3	+25.7
Near Cash	0.0	0.0	0.0
Non-Cash (RAB)	+12.3	+8.2	+4.1
Total	+89.2	+59.5	+29.7
(C) CPI based uplift (both loans and grants increased) – additional cost			
AME	-4.1	-2.7	-1.4
Near Cash	+4.0	+2.7	+1.3
Non-Cash (RAB)	-0.5	-0.4	-0.2
Total	-0.5	-0.4	-0.2
(D) Restrict average loan uplift to CPI (loans increased, grants fixed) – additional cost			
AME	-4.1	-2.7	-1.4
Near Cash	0.0	0.0	0.0
Non-Cash (RAB)	-0.5	-0.3	-0.2
Total	-4.6	-3.0	-1.5

Notes:

- (a) Total costs include all HE products but exclude FE products (EMA and WGLG FE).
(b) RAB costs were calculated based on RAB figures available from the existing student loan repayment model. The delivery of a new student loan repayment model from the Department for Education is due at the end of 2025.
(c) Baseline costs include an RPIX uplift to full-time undergraduate tuition fees

8.10 The total costs of student support for the two financial years which encompass the 2026/27 academic year are set out in table 5.

Table 5. Recommended Options Student support costs (£m)			
	Costs for the 2026/27 academic year	Costs by financial year	
		FY 2026-27	FY 2027-28
CPI increase +2.0% to all support allowances (including grant uplift for 2018 maintenance support), RPIX increase to full-time fees, £250 increase to part-time fees			
AME	957.3	556.4	400.9
Near Cash	227.6	151.4	76.2
Non-Cash (RAB) (a)	107.3	61.8	45.5
Total	1,292.2	769.6	522.6
Source: Welsh Government			

(a) These costs were calculated based on RAB figures available from the existing student loan repayment model. The delivery of a new student loan repayment model from the Department for Education is due at the end of 2025.

9. Competition Assessment

9.1 The making of the Regulations has no impact on the competitiveness of businesses, charities, or the voluntary sector.

10. Post-Implementation Assessment

10.1 The regulations governing the student support system are revised annually and are continually subject to detailed review, both by policy officials and delivery partners in their practical implementation of the regulations.