

SL(6)591 – The Education (Student Finance) (Amounts) (Miscellaneous Amendments) (Wales) Regulations 2025

Background and Purpose

These Regulations amend the following Regulations:

- the Education (European University Institute) (Wales) Regulations 2014;
- 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.

The changes made by these Regulations adjust amounts of undergraduate and postgraduate student support. These changes have been made in line with a measure of the Consumer Price Index (CPI).

The Regulations also make a correction to the Welsh text of the Education (European University Institute) (Wales) Regulations 2014.

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

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

Regulation 2 of these Regulations states that:

“Regulations 7 to 20 and 22 to 32 (update of amounts: the Education (Student Support) (Wales) Regulations 2017 and the Education (Student Support) (Wales) Regulations 2018) apply in relation to the provision of support to a student in relation to an academic year which began on or after 1 August 2025, whether or not anything done under these Regulations is done before, on or after that date”.



There is no definition of “academic year” included in these Regulations. The term is defined in in both the Education (Student Support) (Wales) Regulations 2017 and the Education (Student Support) (Wales) Regulations 2018. “Academic year” has a different meaning in relation to a “compressed first year course” in each of those Regulations. As such, it is unclear if “academic year” is intended to have the same meaning in these Regulations as that prescribed by either of those Regulations, or a different meaning.

We note that other legislation (such as the Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2024 (S.I. 2024/669) and the Education (Student Fees, Awards and Support) (Amendment) Regulations 2025 (S.I. 2025/162)) has included a definition of “academic year”.

Merits Scrutiny

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

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.

The Explanatory Notes to the Regulations state that:

“The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.”

However, the Explanatory Memorandum states at paragraph 6.1 that an RIA has been conducted:

“An RIA has been conducted for the 2025 Regulations.”

The RIA has been included later in Part 2 of the Explanatory Memorandum.

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.

The Explanatory Memorandum states at paragraph 5.1 that there has been no consultation in relation to the Regulations:

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

The RIA states at paragraph 6.3 that:



“the value of maintenance support for undergraduate students who begin a course on or after the 1 August 2019 has historically increased each year by the rate of increase in the National Living Wage (NLW)”.

An NLW based uplift to maintenance support rates for the 2025/26 academic year would be 7.3% (see paragraph 6.4(a) of the RIA). The RIA states that *“this option carries the largest financial risk and was discounted”* (paragraph 6.4(a)). Meanwhile a CPI based uplift would result in a lower proposed increase of 1.6% (see paragraph 6.4(b)), and this option was selected.

The RIA continues at paragraph 6.5 to state that “most allowances, postgraduate support, and maintenance support for pre-2018 registered undergraduate students, are increased each year by a forecast measure of inflation historically RPIX”. The RIA states that the RPIX value for the academic year 2025/26 would be 2.3%, whilst the CPI value is lower at 1.6%. Paragraph 6.6(b) of the RIA states that *“from a student’s perspective, CPI is expected to be slightly lower than RPIX and so annual increases to support will be smaller under this option from the 2025/26 academic year”.*

4. 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 make corrections to historical errors which were previously identified by the Committee in its report on the Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2024 (S.I. 2024/810 (W. 131)) (SL(6)510). However, this is not noted in section 2 of the Explanatory Memorandum (Matters of special interest to the Legislation, Justice and Constitution Committee).

Welsh Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 17 March 2025 and reports to the Senedd in line with the reporting points above.

