

Government Response: The Education (Student Finance) (Amounts) (Miscellaneous Amendments) (Wales) Regulations 2025

Technical Scrutiny point 1: The term “academic year” in regulation 2 of these Regulations is intentionally not defined. It is intended to have its ordinary dictionary meaning, rather than the same meaning as that prescribed by the definition of “academic year” in regulation 2(1) of the Education (Student Support) (Wales) Regulations 2017 or paragraph 1 of Schedule 1 to the Education (Student Support) (Wales) Regulations 2018.

An academic year within the meaning given by the definitions in the 2017 and 2018 Regulations is a purely regulatory construct for the purposes of ensuring the administrative workability of those Regulations. It can only ever begin on 1 January, 1 April, 1 July or 1 September, according to when an academic year, within its ordinary meaning, actually begins. That is necessary in the context of the 2017 and 2018 Regulations to simplify the administrative process and give greater certainty on, for example, the time limits within which applications for support must be made, or the period for which students will remain eligible for support.

In these Regulations, “academic year” is referred to in the context of the application provision in regulation 2: “Regulations 7 to 20 and 22 to 32...apply...in relation to an academic year which begins on or after 1 August 2025...”. The purpose of this provision is to ensure that the regulations in question apply to any academic year beginning on or after the specified date, at whatever point in the year it actually begins. It reflects the reality that an academic year of any particular course can begin on any day of the year. In this context, therefore, the term “academic year” is intended to have its ordinary meaning.

An academic year within the meaning given by the definition in the 2017 and 2018 Regulations could not possibly begin on 1 August 2025, and could only begin on one of four dates specified in the definition. It would therefore be too limited in scope for the purposes of the intent behind the application provision in these Regulations.

Whilst an academic year within its ordinary meaning would correspond to the regulatory construct of an academic year under the 2017 or 2018 Regulations, it would not be synonymous with it. The drafting approach in these Regulations reflects the consistent past practice of similar Welsh amending instruments over many years.

Merit Scrutiny point 2: We acknowledge there is a contradiction between the Explanatory Notes and the Explanatory Memorandum in relation to the Regulatory Impact Assessment. We can confirm the correct position is that set out in the Explanatory Memorandum.

Merit Scrutiny point 3: There is no statutory requirement to consult on the Regulations. These Regulations continue the Welsh Government's established policy of increasing undergraduate and postgraduate student support rates each year.

Increasing these amounts by the CPI measure of inflation maintains the affordability of the student support system within the constraints imposed by His Majesty's Treasury on student loan expenditure. The Welsh Government does not undertake consultation when proposals are unlikely to change.

Merit Scrutiny point 4: Reference to corrections to historical errors previously identified by the Committee were omitted in error. The Explanatory Memorandum has been withdrawn, corrected and re-laid.