

SL(6)741 – The Higher Education (Fee Limits) (Wales) Regulations 2026

Background and Purpose

These Regulations specify the maximum amount of fees a 'qualifying person' may be charged for a 'qualifying course' of higher education for the purposes of section 46(6) of the Tertiary Education and Research (Wales) Act 2022 (the 2022 Act). They also provide that if a qualifying course is delivered by a third party on behalf of a registered tertiary education provider fees payable in relation to that course are treated, for the purposes of section 32(7) and 46 of the 2022 Act, as payable to the registered provider.

Procedure

Senedd approval procedure.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

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

The maximum fees set out in these draft Regulations apply in relation to a 'qualifying course' undertaken by a 'qualifying person'. A Written Statement made by Vikki Howells MS, Minister for Further and Higher Education on 27 January 2026 confirms that a further statutory instrument will be made this month specifying both of these terms for these purposes. Paragraph 3.3 of the Explanatory Memorandum accompanying these draft Regulations confirms the terms are specified by the Higher Education (Qualifying Courses and Qualifying Persons) (Wales) Regulations 2026, which are not yet laid. Without that second set of Regulations we cannot consider the scope of these terms and therefore how the maximum fees will apply in practice. Could the two sets of Regulations have been made available together to enable more effective scrutiny.

Welsh Government response

A Welsh Government response is required.



Legal Advisers
Legislation, Justice and Constitution Committee
4 February 2026

