

SL(6)720 – The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2026

Background and Purpose

These Regulations amend various regulations which make provision about, and in connection with, student finance.

They:

- extend eligibility for student support and fee protections for bereaved partners and children of Gurkha and Hong Kong military veterans discharged before 1 July 1997;
- exclude means tested NHS bursary students and students in their sandwich year from qualifying for the additional weeks loan;
- enable care-experienced students to apply for Grants for Dependants on a non-means tested basis;
- provide for termination provisions within postgraduate regulations for persons who cease to have leave to enter or remain as a protected partner;
- revoke the Education (European University Institute) (Wales) Regulations 2014 and make consequential revocations and omissions; and
- make additional technical amendments to improve clarity within regulations and/or remove provisions that are no longer required, for example in relation to Oxbridge College Fee Loans, coronavirus, and eligibility for fee protections.

Procedure

Senedd annulment procedure.

These 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 two points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(x) – that there appears to have been unjustifiable delay in publishing it or laying it before the Senedd

We note the breach of the 21-day convention (i.e. the convention that 21 days should pass between the date an instrument subject to the Senedd annulment procedure is laid before



the Senedd and the date the instrument comes into force), and the explanation for the breach provided by Vikki Howells MS, Minister for Further and Higher Education, in a letter to the Llywydd dated 19 January 2026.

The Regulations were made on 13 January 2026 but were not laid before the Senedd until 16 January 2026. The Regulations come into force on 5 February 2026.

In particular, we note that the letter states that *“there was a delay with the registration process”*. As a result of the delay in laying the Regulations before the Senedd, the Regulations will come into force before the 21-day period has elapsed.

The letter does not provide further detail as to the cause of that delay.

The letter goes on to explain that the *“Regulations must be in force by 5 February in order to ensure the Student Loans Company’s student application system reflects the latest changes to student support policy ahead of when the application window launches.”*

The Welsh Government is asked to provide further explanation as to the reason for the delay with the registration process.

2. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

Regulation 53 inserts a new regulation 12GA into the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019. However, there appears to be an error in the formatting that has the effect of changing the meaning of the new regulation.

It appears that the words “Persons who cease to have leave to enter or remain as a protected partner” is intended to be the heading preceding the regulation, rather than forming part of the regulation itself. If that is the case, the regulation number “**12GA**” should appear by “Where-”, so that it becomes the opening word of that regulation.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

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

A consultation has not been carried out in respect of these Regulations. Paragraph 5.1 of the Explanatory Memorandum explains as follows:

“A number of amendments are technical in nature and are required to implement current policy or to remove redundant regulatory provision/references. Amendments to extend eligibility for bereaved partners and children of Gurkha and Hong Kong military veterans discharged before 1 July 1997, support the Welsh Government’s existing ‘Nation of Sanctuary’ policy.”



Welsh Government response

A Welsh Government response is required in relation to the technical reporting points only.

Committee Consideration

The Committee considered the instrument at its meeting on 2 February 2026 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee