

Government Response: The Higher Education (Qualifying Courses and Qualifying Persons) (Wales) Regulations 2026

Technical Scrutiny point 1: The Welsh Government acknowledges the error identified in the report and is in the process of preparing an instrument to correct that error. It is expected that the correcting instrument will be laid by the end of March.

Technical Scrutiny point 2: The Welsh Government does not consider it is necessary or appropriate to define “part-time course”. Part-time course will be given its ordinary meaning, which the Government considers is generally understood and capable of being applied in the context of individual courses, which vary significantly in their intensity of study and mode of delivery. The Welsh Government considers that there are limits to what could be achieved by attempting to define a part-time course, which is likely to create more questions than it answers.

Technical Scrutiny point 3: The paragraph numbers refer to paragraphs in the Schedule to the Regulations. The Welsh Government considers that the provisions are clear in this respect given that the reference to paragraph numbers are to the defined terms of “prescribed category” and “settled category”. In turn those defined terms refer to paragraphs in the Schedule to the Regulations.

Technical Scrutiny point 4: The Welsh Government considers that Regulation 4(6) is within the power contained in section 143(2)(b) of the Tertiary Education and Research (Wales) Act 2022. That provides for Regulations to make incidental or supplementary provision.

Regulation 4(5) specifies what is an equivalent or lower qualification. The determination by the Welsh Ministers in regulation 4(6) is limited to applying regulation 4(5) to the facts of a particular case. There are many qualifications which regularly change, and it would not be possible for the Regulations to contain a mechanism by which each course could be assessed against the requirement of regulation 4(5).

Accordingly, the provision in regulation 4(6) is required to supplement regulation 4(5) in order to make that provision work.

Technical Scrutiny point 5 and 6: The Welsh Government acknowledges the difference between the English and Welsh text and is exploring the possibility of a correction slip to correct this.

Technical Scrutiny point 7: Paragraph 23(2) provides that where a person is a family member (“A”) of an EU national or a relevant person of Northern Ireland (“B”), A does not need to meet the residency requirements in paragraph 23(1)(c) so long as B meets those requirements.