

SL(6)455 – The Education (Student Finance) (Fee Limit and Loan Amounts) (Miscellaneous Amendments) (Wales) Regulations 2024

Background and Purpose

These Regulations amend—

- (a) the Higher Education (Amounts) (Wales) Regulations 2015 (“the **2015 Regulations**”),
- (b) the Education (Student Support) (Wales) Regulations 2017 (“the **2017 Regulations**”), and
- (c) the Education (Student Support) (Wales) Regulations 2018 (“the **2018 Regulations**”).

The 2015 Regulations prescribe the maximum tuition fees that institutions with a fee and access plan are able to charge for full-time undergraduate courses (and lower maximum amounts in respect of certain courses). Regulations 3 to 6 amend the 2015 Regulations to increase those amounts for academic years beginning on or after 1 August 2024.

The Explanatory Memorandum contains the following summary of the revised tuition fee caps:

	Existing	New
Full-time undergraduate	£9,000	£9,250
The final year of certain courses	£4,500	£4,625
Academic year(s) which are work placements/sandwich	£1,800	£1,850
Academic year(s) of courses provided in conjunction with an overseas institution	£1,350	£1,385

The 2017 Regulations provide for financial support for eligible students taking designated higher education courses which begin before 1 August 2018. Regulation 7 makes corrections to the 2017 Regulations.

The 2018 Regulations provide for financial support for eligible students taking designated higher education courses which begin on or after 1 August 2018. Regulation 8 amends the 2018 Regulations to increase the maximum amount of tuition fee loan available to certain categories of students undertaking courses at ordinary providers in Wales, corresponding to the increased maximum tuition fees referred to above.



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 2 points are 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 7 of these Regulations amends regulations 16(1), 19(1) and 20(1) of the 2017 Regulations. Those regulations make provision for certain students to qualify for fee grants or loans in connection with their attendance on designated courses provided by the bodies listed in regulation 5(1)(e) of the 2017 Regulations. Regulation 7 amends the references to those providers to also include the bodies listed in regulation 5(1)(ea) of the 2017 Regulations.

The amendments made by regulation 7 are described in the explanatory note to the Regulations as “corrections”. No further reference to these amendments appears in the Explanatory Memorandum and the reason for making these amendments is not immediately clear.

The Welsh Government is therefore asked to explain the purpose of the amendments to the 2017 Regulations made by regulation 7.

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

Regulation 8 amends the 2018 Regulations to increase the maximum amount of tuition fee loan available to certain categories of students undertaking courses in Wales.

The amendments made by regulation 8 are expressed to relate to an academic year “*Beginning on or after 1 **September** 2024*”. However, the explanatory note to these Regulations states that the increases are “*in respect of academic years beginning on or after 1 **August** 2024*”.

The Welsh Government is asked to clarify the period to which the relevant increased loan amounts apply.



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.

No consultation was undertaken in respect of these Regulations. In the Explanatory Memorandum, the Welsh Government states that,

“Increasing the value of these tuition fee caps is a direct response to the ongoing inflationary pressures experienced by regulated providers. These have now become too urgent to ignore, especially so when the Welsh Government’s budget is under exceptional pressure and other options limited. In order that these new fee limits are put in place as soon as possible, so allowing providers to begin increasing their fees and reduce the financial pressures on them, it was decided to introduce for the 2024/25 academic year which begins on 1 August 2024. The limited time available to legislate for this change given the timing of the launch of the Student Finance Wales undergraduate application service in March 2024 did not allow for consultation to be undertaken.”

Welsh Government response

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

Legal Advisers

Legislation, Justice and Constitution Committee

28 February 2024

