
STATUTORY INSTRUMENTS

2019 No. 214

EDUCATION, ENGLAND

The Higher Education (Fee Limits for Accelerated Courses) (England) Regulations 2019

Made - - - - 8th February 2019

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by section 119(5)(a) of, and paragraphs 2(5), 2(11), 3(4), 3(10) and 4(1) of Schedule 2 to, the Higher Education and Research Act 2017⁽¹⁾, makes the following Regulations.

In accordance with section 119(2)(i) of that Act, and the Secretary of State having been satisfied that these are not Regulations to which paragraph 5(2)(b) of Schedule 2 to that Act applies, a draft of this instrument has been laid before Parliament and approved by resolution of each House of Parliament.

Citation, commencement and application

1. These Regulations may be cited as the Higher Education (Fee Limits for Accelerated Courses) (England) Regulations 2019 and come into force on the day after the day on which they are made.
2. These Regulations apply to English higher education providers⁽²⁾.

Interpretation

3. In these Regulations—

“academic year” means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September of the calendar year in which the academic year of the course in question begins, according to whether that academic year begins on or after 1st January and before 1st April, on or after 1st April and before 1st July, on or after 1st July and before 1st August or on or after 1st August and on or before 31st December, respectively;

“the Act” means the Higher Education and Research Act 2017;

“Erasmus year” has the same meaning as in regulation 2(1) of the Student Support Regulations;

“overseas provider” means a provider other than one in the United Kingdom, the Channel Islands or the Isle of Man;

(1) 2017 c. 29. Paragraphs 2(13) and 3(12) of Schedule 2 to the Act provide that, for the purposes of paragraphs 2(5), 2(11), 3(4) and 3(10) of Schedule 2 to the Act, “prescribed” means prescribed by regulations made by the Secretary of State.

(2) See the definition of “English higher education provider” in section 83(1) of the Act.

“sandwich course” has the same meaning as in regulation 2(10) of the Student Support Regulations;

“the Student Support Regulations” means the Education (Student Support) Regulations 2011(3).

Higher, basic and floor amounts in the case of accelerated courses: general

4.—(1) Subject to paragraph (2), in these Regulations—

- (a) regulations 5 and 6 prescribe higher amounts for the purposes of paragraph 2(2)(a) of Schedule 2 to the Act in the case of an accelerated course(4);
- (b) regulations 7 and 8 prescribe basic amounts for the purposes of paragraph 3(2)(a) of that Schedule in the case of an accelerated course;
- (c) regulations 5 to 8 prescribe floor amounts, in respect of the higher or basic amounts to which they relate, for the purposes of paragraphs 2 and 3 of that Schedule in the case of an accelerated course.

(2) The amounts prescribed by these Regulations shall only apply in respect of an academic year of an accelerated course where the first academic year of that accelerated course begins on or after 1st August 2019.

Higher and floor amounts: general

5. Except as otherwise provided in regulation 6—

- (a) the higher amount is £11,100;
- (b) the floor amount in respect of that higher amount is £10,800.

Higher and floor amounts for specified cases

6.—(1) The higher amount and the floor amount in paragraph (2) are prescribed in respect of an academic year of a sandwich course—

- (a) during which any periods of full-time study are in aggregate less than 10 weeks; or
- (b) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the provider (disregarding intervening vacations) exceeds 30 weeks.

(2) Further to paragraph (1)—

- (a) the higher amount is £2,220;
- (b) the floor amount in respect of that higher amount is £2,160.

(3) In respect of an Erasmus year—

- (a) the higher amount is £1,660;
- (b) the floor amount in respect of that higher amount is £1,620.

(4) The higher amount and the floor amount in paragraph (5) are prescribed in respect of an academic year of a course (which is not an Erasmus year) provided in conjunction with an overseas provider—

(3) S.I. 2011/1986, as amended by S.I. 2012/1653, 2013/235, 2013/630, 2013/1728, 2013/3106, 2014/1766, 2014/2103, 2014/2765, 2015/1951, 2016/211, 2016/270, 2016/584, 2017/52, 2017/114, 2017/204, 2018/136, 2018/137, 2018/434, 2018/443 and 2018/472.

(4) See the definition of “accelerated course” in paragraph 4(2) of Schedule 2 to the Act.

- (a) during which any periods of full-time study at the provider in the United Kingdom are in aggregate less than 10 weeks; or
 - (b) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the provider in the United Kingdom (disregarding intervening vacations) exceeds 30 weeks.
- (5) Further to paragraph (4)—
- (a) the higher amount is £1,660;
 - (b) the floor amount in respect of that higher amount is £1,620.

Basic and floor amounts: general

7. Except as otherwise provided in regulation 8—
- (a) the basic amount is £7,400;
 - (b) the floor amount in respect of that basic amount is £7,200.

Basic and floor amounts for specified cases

8.—(1) The basic amount and the floor amount in paragraph (2) are prescribed in respect of an academic year of a sandwich course—

- (a) during which any periods of full-time study are in aggregate less than 10 weeks; or
 - (b) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the provider (disregarding intervening vacations) exceeds 30 weeks.
- (2) Further to paragraph (1)—
- (a) the basic amount is £1,475;
 - (b) the floor amount in respect of that basic amount is £1,440.
- (3) In respect of an Erasmus year—
- (a) the basic amount is £1,105;
 - (b) the floor amount in respect of that basic amount is £1,080.

(4) The basic amount and the floor amount in paragraph (5) are prescribed in respect of an academic year of a course (which is not an Erasmus year) provided in conjunction with an overseas provider—

- (a) during which any periods of full-time study at the provider in the United Kingdom are in aggregate less than 10 weeks; or
 - (b) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full-time study at the provider in the United Kingdom (disregarding intervening vacations) exceeds 30 weeks.
- (5) Further to paragraph (4)—
- (a) the basic amount is £1,105;
 - (b) the floor amount in respect of that basic amount is £1,080.

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8th February 2019

Chris Skidmore
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 10 of the Higher Education and Research Act 2017 (c. 29) (“HERA”) requires the Office for Students to ensure that the ongoing registration conditions of each registered higher education provider of a description prescribed by regulations made by the Secretary of State must include a fee limit condition. Such a condition requires the governing body of a provider to secure that “regulated course fees” do not exceed a fee limit. Schedule 2 to the Act sets out how fee limits are determined. The “regulated course fees” to which fee limits apply are fees which are paid by a “qualifying person” where that person undertakes a “qualifying course”.

Under section 3(1) of HERA, the Office for Students must establish and maintain a register of English higher education providers (providers whose activities are carried on, or principally carried on, in England (see section 83(1) of HERA)). These Regulations therefore apply to students resident in England, Wales, Scotland and Northern Ireland who are studying a higher education course at an English higher education provider. The description of registered higher education providers, and qualifying courses are prescribed in the Higher Education (Fee Limit Condition) (England) Regulations 2017 (S.I. 2017/1189) (as amended by the Higher Education (Fee Limits and Fee Limit Condition) (England) Regulations 2018 (S.I. 2018/903)) (“the general Fee Limits Regulations 2018”).

Paragraph 2 of Schedule 2 to HERA permits the Secretary of State to prescribe (i) the higher amount – being the regulated course fee limit applicable where the provider has an approved access and participation plan in force, and where the provider has been awarded a high level quality rating in accordance with arrangements made under section 25 of HERA, and (ii) the floor amount – being a level of regulated course fee above which providers may charge if they have an approved access and participation plan but have not been awarded a high level quality rating (but the amount they charge must not exceed any sub-level amount determined by the Secretary of State under Schedule 2, paragraph 2(6)). An “approved access and participation plan” means a plan that is approved by the Office for Students under section 29 of HERA.

Paragraph 3 of Schedule 2 to HERA permits the Secretary of State to prescribe (i) the basic amount – being the course fee limit applicable where the provider does not have an approved access and participation plan in force but does have a high level quality rating, and (ii) the floor amount – being a level of regulated course fee above which providers which do not have an approved access and participation plan in force, and which do not have a high level quality rating may charge (but the amount they charge must not exceed any sub-level amount determined by the Secretary of State under Schedule 2, paragraph 3(5)).

The general Fee Limits Regulations 2018 provide for the higher, basic and floor amounts applicable to different courses and cases in respect of an academic year of a course beginning on or after 1st August 2019, whether or not the course began before that date. Paragraph 4(1) of Schedule 2 to HERA provides that the power for the Secretary of State to prescribe by regulations different amounts for different cases or purposes under the Act includes power to prescribe different amounts as the higher amount, basic amount and floor amount in the case of an accelerated course. An “accelerated course” means a higher education course where the number of academic years applicable to the course is at least one fewer than would normally be the case for that course or a course of equivalent content leading to the grant of the same or an equivalent academic award (see paragraph 4(2) of Schedule 2 to HERA).

These Regulations provide that the higher amounts in the case of an accelerated course are those listed in regulations 5 and 6. They provide that the basic amounts in the case of an accelerated course

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are those listed in regulations 7 and 8. They provide that the floor amounts in respect of the relevant higher and basic amounts are those listed in regulations 5 to 8.

Regulation 4 provides that the amounts prescribed in regulations 5 to 8 apply in respect of an academic year of an accelerated course where the first year of that accelerated course begins on or after 1st August 2019. In the case of an accelerated course which began before 1st August 2019, the amounts prescribed in the general Fee Limits Regulations 2018 will apply.

An impact assessment has been produced for this instrument. That assessment concludes that there is not expected to be any additional impact on the costs of business, charities or the voluntary sector as a result of these new fee limits. The impact assessment is available at <https://www.gov.uk/government/publications/accelerated-degree-courses-assessment-of-impact>. Alternatively, a hard copy of the impact assessment is available from Julie Hull at the Department for Education, Sanctuary Buildings, Great Smith Street, London SW1P 3BT (or via email at julie1.hull@education.gov.uk).

An Explanatory Memorandum is published alongside the Regulations on www.legislation.gov.uk.