

2013 No. 3106

EDUCATION, ENGLAND

**The Education (Fees and Student Support) (Amendment)
Regulations 2013**

Made - - - - - *9th December 2013*

Laid before Parliament *10th December 2013*

Coming into force in accordance with regulation 1.

The Secretary of State for Business, Innovation and Skills makes the following Regulations in exercise of the powers conferred by sections 22 and 42(6) of the Teaching and Higher Education Act 1998(a) and sections 24(6) and 47(5) of the Higher Education Act 2004(b).

Citation and commencement

1.—(1) These Regulations may be cited as the Education (Fees and Student Support) (Amendment) Regulations 2013.

(2) Regulations 1, 2, and 5 to 9 come into force on 15th January 2014.

(3) Regulations 3, 4, 10 and 11 come into force on 1st August 2014.

Amendment of Regulations

2. The Education (Student Support) Regulations 2011(c) (“the Student Support Regulations”) are amended in accordance with regulations 5 to 9.

3. The Higher Education (Basic Amount) (England) Regulations 2010(d) are amended in accordance with regulation 10.

4. The Higher Education (Higher Amount) (England) Regulations 2010(e) are amended in accordance with regulation 11.

Amendment of the Student Support Regulations

5. In regulation 5 (designated courses) of the Student Support Regulations, after paragraph (10) insert—

(a) 1998 c.30. Section 22 was amended by the Learning and Skills Act 2000 (c. 21) section 146 and Schedule 11, the Income Tax (Earnings and Pensions) Act 2003 (c.1) Schedule 6, the Finance Act 2003 (c.14) section 147, the Higher Education Act 2004 (c.8) sections 42 and 43 and Schedule 7, the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) section 257, the Education Act 2011 (c.21) section 76 and S.I. 2013/1881. See section 43(1) of the 1998 Act for the definitions of “prescribed” and “regulations”.

(b) 2004 c.8. Section 24 was amended by the Education Act 2011 (c. 21), section 16 and Schedule 5.

(c) S.I. 2011/1986, amended by S.I. 2012/1653, S.I. 2013/235, S.I. 2013/630 and S.I. 2013/1728.

(d) S.I. 2010/3021, amended by S.I. 2012/433.

(e) S.I. 2010/3020, amended by S.I. 2012/433.

“(11) The Secretary of State may revoke or suspend the designation of a course which is designated under paragraph (10).”.

6. In regulation 22(1)(b)(iii), 22(1)(c)(iii) and 22(2)(c) (standard entitlement of current system students on end-on courses and certain degree courses) of the Student Support Regulations, after “taken” insert “(in whole or in part)”.

7. In regulation 122 (designated distance learning courses) of the Student Support Regulations, after paragraph (6) insert—

“(7) The Secretary of State may revoke or suspend the designation of a course which is designated under this regulation.”.

8. In regulation 139 (designated part-time courses) of the Student Support Regulations, after paragraph (7) insert—

“(8) The Secretary of State may revoke or suspend the designation of a course which is designated under paragraph (7).”.

9. In regulation 161 (designated postgraduate courses) of the Student Support Regulations, after paragraph (4) insert—

“(5) The Secretary of State may revoke or suspend the designation of a course which is designated under paragraph (4).”.

Amendment of the Higher Education (Basic Amount) (England) Regulations 2010

10. For regulation 5 (prescribed basic amount for specified courses) of the Higher Education (Basic Amount) (England) Regulations 2010 substitute—

“**5.**—(1) For the purpose of section 24 of the 2004 Act the basic amount is—

- (a) £3,000, in respect of the final academic year of a course where that academic year is normally required to be completed after less than 15 weeks’ attendance;
- (b) £1,200, in respect of an academic year of a sandwich course—
 - (i) during which any periods of full-time study are in aggregate less than 10 weeks; or
 - (ii) 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 institution (disregarding intervening vacations) exceeds 30 weeks;
- (c) £900, in respect of an academic year of a course provided in conjunction with an overseas institution which is not an Erasmus year—
 - (i) during which any periods of full-time study at the institution in the United Kingdom are in aggregate less than 10 weeks; or
 - (ii) 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 institution in the United Kingdom (disregarding intervening vacations) exceeds 30 weeks; and
- (d) £900, in respect of an Erasmus year.

(2) In this regulation, “Erasmus year” has the same meaning as in regulation 2(1) of the Education (Student Support) Regulations 2011^(a), insofar as that definition applies in relation to these Regulations.”.

^(a) S.I. 2011/1986, amended by S.I. 2013/1728. There are other amendments which are not relevant to these Regulations.

Amendment of the Higher Education (Higher Amount) (England) Regulations 2010

11. For regulation 5 (prescribed higher amount for specified courses) of the Higher Education (Higher Amount) (England) Regulations 2010 substitute—

- “**5.**—(1) For the purpose of section 24 of the 2004 Act the higher amount is—
- (a) £4,500, in respect of the final academic year of a course where that academic year is normally required to be completed after less than 15 weeks’ attendance;
 - (b) £1,800, in respect of an academic year of a sandwich course—
 - (i) during which any periods of full-time study are in aggregate less than 10 weeks; or
 - (ii) 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 institution (disregarding intervening vacations) exceeds 30 weeks;
 - (c) £1,350, in respect of an academic year of a course provided in conjunction with an overseas institution which is not an Erasmus year—
 - (i) during which any periods of full-time study at the institution in the United Kingdom are in aggregate less than 10 weeks; or
 - (ii) 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 institution in the United Kingdom (disregarding intervening vacations) exceeds 30 weeks; and
 - (d) £1,350, in respect of an Erasmus year.

(2) In this regulation, “Erasmus year” has the same meaning as in regulation 2(1) of the Education (Student Support) Regulations 2011^(a), insofar as that definition applies to these Regulations.”.

9th December 2013

David Willetts
Minister of State for Universities and Science
Department for Business, Innovation and Skills

^(a) S.I. 2011/1986, amended by S.I. 2013/1728. There are other amendments which are not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Student Support) Regulations 2011 (S.I. 2011/1986) (“the Student Support Regulations”), the Higher Education (Basic Amount) (England) Regulations 2010 (S.I. 2010/3021) (“the Basic Amount Regulations”) and the Higher Education (Higher Amount) (England) Regulations 2010 (S.I. 2010/3020) (“the Higher Amount Regulations”).

Regulations 5 to 9 amend the Student Support Regulations.

Regulations 5, 7, 8 and 9 amend the provisions dealing with the designation of full-time, distance learning, part-time and postgraduate courses to make explicit that the Secretary of State has the power to suspend or revoke the designation of courses which have previously been designated by the Secretary of State for student support purposes.

Regulation 6 makes a technical amendment to clarify which periods of previous study are taken into account when calculating fee loan entitlement.

Regulations 10 and 11 amend the Basic Amount Regulations and Higher Amount Regulations so that the maximum fee caps for students undertaking sandwich work placement years, overseas study years, Erasmus study and work placement years are aligned with the maximum fee loan amounts in the Student Support Regulations.

An impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities or the voluntary sector. The impact on the public sector is minimal. The Explanatory Memorandum is published alongside the Regulations on www.legislation.gov.uk.

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