STATUTORY INSTRUMENTS

2016 No. 1206

EDUCATION, ENGLAND

The Higher Education (Higher Amount) (England) Regulations 2016

Made - - - -	*13th December 2016*
Laid before Parliament	*15th December 2016*
Coming into force - -	*6th January 2017*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 24(6) and 47 of the Higher Education Act 2004(**1**).

In accordance with section 26(2)(b)(i) of that Act, the Secretary of State is satisfied that the increase to the higher amounts is no greater than is required to maintain the value of that amount in real terms.

In accordance with section 26(3) of that Act, the Secretary of State has had regard to the index of prices specified in regulations made under that subsection(**2**).

Citation, commencement and application

1. These Regulations may be cited as the Higher Education (Higher Amount) (England) Regulations 2016 and come into force on 6th January 2017.

2. These Regulations apply in relation to England.

Interpretation

3. In these Regulations—

"the 2004 Act" means the Higher Education Act 2004;

"Erasmus year" has the meaning given in regulation 2(1) of the Student Support Regulations;

"overseas institution" means an institution other than one in England, Wales, Scotland, Northern Ireland, the Channel Islands and the Isle of Man;

"sandwich course" has the meaning given in regulation 2(10) of the Student Support Regulations;

(**1**) 2004 c. 8. Section 24 was amended by the Education Act 2011 (c.21), section 16 and Schedule 5.
(**2**) S.I. 2006/507, as amended by the Student Fees (Inflation Index) (England) (Amendment) Regulations 2016. (S.I. 2016/1207)

"the Student Support Regulations" means the Education (Student Support Regulations) 2011(**3**).

Meaning of "eligible institution"

4. An eligible institution is an institution listed in the Schedule to these Regulations.

Application of the new higher amounts

5.—(1) The higher amounts prescribed in regulations 6, 7 and 8 apply in relation to the qualifying fees payable by a qualifying person in connection with a qualifying course in respect of an academic year of that course, if that academic year begins on or after 1st August 2017.

(2) The higher amounts do not apply if—

(a) the qualifying course began before 1st September 2012;

(b) the qualifying person is an end-on student; or

(c) the qualifying person transfers from a qualifying course beginning before 1st September 2012 to a qualifying course beginning on or after 1st September 2012.

(3) In this regulation—

"designated distance learning course" has the meaning given in regulation 122 of the Student Support Regulations;

"distance learning course" has the given meaning in regulation 2(1) of the Student Support Regulations;

"end-on student" means a student who is undertaking—

(a) a full-time honours degree course beginning on or after 1st September 2012 which, disregarding any intervening vacation, a student begins to attend immediately after ceasing to attend a full-time course which is mentioned in paragraph 2, 3 or 4 of Schedule 2 to the Student Support Regulations or a full-time foundation degree or ordinary degree course, which started before 1st September 2012, having achieved a qualification;

(b) a full-time distance learning honours degree course beginning on 1st September 2012 or after which, disregarding any intervening vacation, a student begins immediately after ceasing to undertake a full-time distance learning course which is mentioned in paragraph 2, 3 or 4 of Schedule 2 to the Student Support Regulations or a full-time distance learning foundation degree or ordinary degree course, which started before 1st September 2012, having achieved a qualification; or

(c) a part-time honours degree course beginning on or after 1st September 2012 which, disregarding any intervening vacation, a student begins immediately after ceasing to undertake a full-time distance learning course which is mentioned in paragraph 2, 3 or 4 of Schedule 2 to the Student Support Regulations or a part-time foundation degree or ordinary degree course, which started before 1st September 2012, having achieved a qualification;

"transfer" means that the qualifying person's status as student eligible for support has been transferred under regulations made under section 22 of the Teaching and Higher Education Act 1998(**4**) from a full-time course to another full-time course, a part-time course to another part-time course or a designated distance learning course to another designated distance learning course.

(**3**) S.I. 2011/1986, as amended by S.I. 2012/164, 2013/235, 2013/630, 2013/1728, 2013/3106, 2014/1766, 2014/2103 and 2014/2765.
(**4**) 1998 c.30.

Prescribed higher amount from 1st August 2017

6.—(1) The higher amount is—

(a) £9,250 in respect of an eligible institution; or

(b) £9,000 in respect of any other institution.

(2) This regulation does not apply in relation to courses identified in either regulation 7 or 8.

Prescribed higher amount for specified courses from 1st August 2017

7.—(1) In respect of the final academic year of a course if that academic year is normally required to be completed after less than 15 weeks' attendance, the higher amount is—

(a) £4,625 in respect of an eligible institution; or

(b) £4,500 in respect of any other institution.

(2) The higher amount is the amount specified in paragraph (3) 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 institution (disregarding intervening vacations) exceeds 30 weeks.

(3) The higher amount is—

(a) £1,850 in respect of an eligible institution; or

(b) £1,800 in respect of any other institution.

(4) In respect of an Erasmus year, the higher amount is—

(a) £1,385 in respect of an eligible institution; or

(b) £1,350 in respect of any other institution.

(5) The higher amount is the amount specified in paragraph (6) in respect of an academic year of a course provided in conjunction with an overseas institution which is not an Erasmus year—

(a) during which any periods of full-time study at the institution 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 institution in the United Kingdom (disregarding intervening vacations) exceeds 30 weeks.

(6) The higher amount is—

(a) £1,385 in respect of an eligible institution; or

(b) £1,350 in respect of any other institution.

Prescribed higher amount for part-time courses from 1st August 2017

8. The higher amount in respect of a part-time course is—

(a) £6,935 in respect of an eligible institution; or

(b) £6,750 in respect of any other institution.

Joseph Johnson
Minister of State
13th December 2016 Department for Education

SCHEDULE

Regulation 4

Eligible Institutions

Abingdon and Witney College

Accrington and Rossendale College

Activate Learning

Alton College

Amersham & Wycombe College

Anglia Ruskin University

Anglo-European College of Chiropractic

Arts University Bournemouth, the

Ashton Sixth Form College

Askham Bryan College

Aston University

Aylesbury College

Barnet & Southgate College

Basingstoke College of Technology

Bath College

Bath Spa University

Bedford College

Berkshire College of Agriculture, the (BCA)

Bexhill College

Birkbeck College

Birkenhead Sixth Form College

Birmingham City University

Birmingham Metropolitan College

Bishop Auckland College

Bishop Burton College

Bishop Grosseteste University

Blackburn College

Blackpool and the Fylde College

BMC (Brooksby Melton College)

Bolton College

Boston College

Bournemouth University