WELSH STATUTORY INSTRUMENTS

2005 No. 1860 (W.152)

EDUCATION, WALES

The Fees in Higher Education Institutions (Wales) Regulations 2005

Made - - - -	*7 July 2005*
Coming into force - -	*8 July 2005*

The National Assembly for Wales, in exercise of the powers in section 26(4) of the Teaching and Higher Education Act 1998(**1**), makes the following Regulations:

Title, application and commencement

1.—(1) The title of these Regulations is the Fees in Higher Education Institutions (Wales) Regulations 2005 and they come into force on 8 July 2005.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations —

"the Act" ("*y Ddeddf*") means the Teaching and Higher Education Act 1998;

"the Student Support Regulations" ("*y Rheoliadau Cymorth i Fyfyrwyr*") means the Education (Student Support) Regulations 2005(**2**) as amended from time to time, and any regulations under section 22 of the Act which replace with or without modification those regulations;

"sandwich course" ("*cwrs rhyngosod*") has the meaning given for that term in the Student Support Regulations.

Prescribed class of persons

3. The class of persons prescribed for the purpose of section 26(4) of the Act is the class comprising those persons who are specified in Schedule 2 to the Student Support Regulations other than —

(**1**) c. 30. The powers of the Secretary of State in section 26(4) were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672). Section 26(5) of the Act which defines the "prescribed amount" as an amount equal to the maximum amount of grant prescribed under section 22(2)(b) of the Act was repealed with effect from 7 July 2005 by virtue of the Higher Education Act 2004 (Commencement No.2 and Transitional Provision)(Wales) Order 2005.

(**2**) S.I. 2005/52.

(a) persons who are not eligible for support under the Student Support Regulations by reason of regulation 4(3) of those regulations;

(b) persons who are not eligible for a grant for fees under the Student Support Regulations by reason of regulation 11(3) of those regulations; and

(c) persons who do not, before or during the academic year in question, make an application for support in accordance with regulations 8 and 9 of the Student Support Regulations in connection with attendance on a course which comprises that academic year.

Prescribed description of courses

4.—(1) The description of courses which are prescribed for the purposes of section 26(4) of the 1998 Act are courses which are designated courses within the meaning of the Student Support Regulations and provided by an institution in Wales.

(2) For the purposes of paragraph (1) the reference to an institution in Wales is construed in accordance with section 62(7) of the Further and Higher Education Act 1992(**3**).

Prescribed amount

5.—(1) In relation to an academic year that begins on or after 1 September 2006, the prescribed amount for the purposes of section 26(4) is,

(a) in the case of a course or academic year not covered by any other sub-paragraph of this paragraph, £1200;

(b) for the final year of a course that is ordinarily required to be completed after less than 15 weeks' attendance, £600;

(c) for the academic year of a sandwich course during which any periods of full-time study are in aggregate less than 10 weeks, £600;

(d) for the academic year of a course for the initial training of teachers, including such a course leading to a first degree, during which any periods of full-time study are in aggregate less than 10 weeks, £600;

(e) for the academic year of a course provided in conjunction with an overseas institution during which the periods of full-time study at the institution in Wales are in aggregate less than 10 weeks, £600; and

(f) in the case of a sandwich course or a course provided in conjunction with an overseas institution where the periods of full-time study at the institution in Wales are 10 weeks or more, but in respect of the academic year and any previous such academic years the aggregate of any one or two periods of attendance which are not periods of full-time study at the institution (disregarding intervening vacations) exceeds 30 weeks, £600.

Revocation

6. The Education (Fees at Higher Education Institutions) Regulations 1999(**4**) are revoked in relation to Wales.

(**3**) c. 13
(**4**) S.I. 1999/603.