
STATUTORY INSTRUMENTS

2016 No. 1205

EDUCATION, ENGLAND

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

<i>Made</i>	- - - -	<i>13th December 2016</i>
<i>Laid before Parliament</i>		<i>15th December 2016</i>
<i>Coming into force</i>	- -	<i>6th January 2017</i>

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)(a)(i) of that Act, the Secretary of State is satisfied that the increase to the basic 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 (Basic 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 same 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 basic amounts

5.—(1) The basic 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 basic 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 meaning given 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 basic amount from 1st August 2017

- 6.—(1) The basic amount is—
- (a) £6,165 in respect of an eligible institution; or
 - (b) £6,000 in respect of any other institution.
- (2) This regulation does not apply in relation to courses identified in either regulation 7 or 8.

Prescribed basic amounts 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 basic amount is—
- (a) £3,080 in respect of an eligible institution; or
 - (b) £3,000 in respect of any other institution.
- (2) The basic 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 basic amount is—
- (a) £1,230 in respect of an eligible institution; or
 - (b) £1,200 in respect of any other institution.
- (4) In respect of an Erasmus year, the basic amount is—
- (a) £920 in respect of an eligible institution; or
 - (b) £900 in respect of any other institution.
- (5) The basic 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 basic amount is—
- (a) £920 in respect of an eligible institution; or
 - (b) £900 in respect of any other institution.

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

8. The basic amount in respect of a part-time course is—
- (a) £4,625 in respect of an eligible institution; or
 - (b) £4,500 in respect of any other institution.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

13th December 2016

Joseph Johnson
Minister of State
Department for Education

SCHEDULE

Regulation 4

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
Bournville College
Bracknell and Wokingham College

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Bradford College
Bridgwater and Taunton College
British School of Osteopathy(the)
Brockenhurst College
Bromley College of Further and Higher Education
Brooklands College
Brunel University London
Buckinghamshire New University
Burnley College
Burton and South Derbyshire College
Bury College
Calderdale College
Cambridge Regional College
Canterbury Christ Church University
Carlisle College
Carshalton College
Central Bedfordshire College
Central College Nottingham
Central Sussex College
Chelmsford College
Chesterfield College
Chichester College
Cirencester College
City, University of London
City College Brighton and Hove
City College Coventry
City College Plymouth
City of Bristol College
City of Westminster College
City of Wolverhampton College
Cleveland College of Art and Design
Colchester Institute
College of Haringey, Enfield and North-east London, the
College of North West London, the
Cornwall College

Courtauld Institute of Art
Coventry University
Craven College
Croydon College
Darlington College
De Montfort University
Dearne Valley College
Derby College
Doncaster College
Dudley College
Ealing, Hammersmith & West London College
East Berkshire College
East Durham College
East Kent College
East Riding College
East Surrey College
Eastleigh College
Easton and Otley College
Edge Hill University
Exeter College
Falmouth University
Fareham College
Farnborough College of Technology
Furness College
Gloucestershire College
Goldsmiths' College
Grantham College
Great Yarmouth College
Grimsby Institute of Further and Higher Education
Guildford College
Guildhall School of Music & Drama
Hadlow College
Halesowen College
Harlow College
Harper Adams University

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Harrow College
Hartlepool College of Further Education
Hartpury College
Havering College of Further and Higher Education
Heart of Worcestershire College
Henley College Coventry
Hereford College of Arts
Herefordshire and Ludlow College
Hertford Regional College
Heythrop College
Highbury College Portsmouth
Hugh Baird College
Hull College
Imperial College of Science, Technology and Medicine
Isle of Wight College
Kendal College
Kensington and Chelsea College
King's College London
Kingston College
Kingston Maurward College
Kingston University
Kirklees College
Knowsley Community College
Lambeth College
Lancaster and Morecambe College
Leeds Beckett University
Leeds City College
Leeds College of Art
Leeds College of Building
Leeds Trinity University
Leicester College
Lewisham Southwark College
Liverpool Hope University
Liverpool John Moores University
Liverpool School of Tropical Medicine

London Metropolitan University
London South Bank University
Loughborough College
Loughborough University
Lowestoft College
Macclesfield College
Manchester College, the
Manchester Metropolitan University
Mid-Cheshire College
Middlesbrough College
Middlesex University
Mid-Kent College
Milton Keynes College
Moulton College
Myerscough College
NCG
Nelson and Colne College
New College Durham
New College Nottingham (NCN)
New College Stamford
New College Swindon
New College Telford
Newbury College
Newcastle and Stafford Colleges Group
Newham College of Further Education
Newman University
North East Surrey College of Technology (NESCOT)
North Hertfordshire College
North Kent College
North Lindsey College
North Warwickshire and South Leicestershire College
Northampton College
Northbrook College Sussex
Northern College for Residential Adult Education Limited(the)
Northumberland College

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Norwich University of the Arts
Nottingham Trent University
Oaklands College
Oxford Brookes University
Peter Symonds College
Peterborough Regional College
Petroc
Plumpton College
Plymouth College of Art
Preston College
Queen Mary University of London
Ravensbourne
Reaseheath College
Redbridge College
Redcar & Cleveland College
Richard Huish College
Richmond upon Thames College
Riverside College
RNN Group
Roehampton University
Rose Bruford College of Theatre and Performance
Royal Holloway and Bedford New College
Royal College of Music
Royal Northern College of Music
Runshaw College
Ruskin College
Salford City College
Sandwell College
Seevic College
Selby College
Sheffield College, the
Sheffield Hallam University
Shrewsbury Colleges Group
Solihull College and University Centre
South & City College Birmingham

South Cheshire College
South Devon College
South Downs College
South Essex College of Further and Higher Education
South Gloucestershire and Stroud College
South Tyneside College
Southampton City College
Southampton Solent University
Sparsholt College
St Helens College
St Mary's University, Twickenham
St. George's Hospital Medical School
Staffordshire University
Stanmore College
Stephenson College
Stockport College
Stockton Riverside College
Stratford-upon-Avon College
Strode College
Suffolk New College
Sunderland College
Sussex Coast College Hastings
Sussex Downs College
Swindon College
Tameside College
Teesside University
Telford College of Arts & Technology
The City of Liverpool College
The College of West Anglia
The Conservatoire for Dance and Drama
The Liverpool Institute for Performing Arts
The London School of Economics and Political Science
The Open University
The Royal Academy of Music
The Royal Agricultural University

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Royal Central School of Speech and Drama
The Royal Veterinary College
The School of Oriental and African Studies
The University of Bath
The University of Birmingham
The University of Bolton
The University of Bradford
The University of Chichester
The University of East Anglia
The University of Essex
The University of Huddersfield
The University of Hull
The University of Kent
The University of Lancaster
The University of Leeds
The University of Leicester
The University of Liverpool
The University of Manchester
The University of Reading
The University of Sheffield
The University of Surrey
The University of Warwick
The University of West London
The University of Westminster
The University of Wolverhampton
Tower Hamlets College
Trafford College
Tresham College of Further and Higher Education
Trinity Laban Conservatoire of Music and Dance
Truro and Penwith College
Tyne Metropolitan College
University College Birmingham
University College London
University for the Creative Arts
University of Bedfordshire

University of Brighton
University of Bristol
University of Cambridge
University of Central Lancashire
University of Chester
The University of Cumbria
University of Derby
University of Durham
University of East London
University of Exeter
University of Gloucestershire
University of Greenwich
University of Hertfordshire
University of Keele
University of Lincoln
University of London
University of Newcastle upon Tyne
University of Northampton,the
University of Northumbria at Newcastle
University of Nottingham, the
University of Oxford
University of Plymouth
University of Portsmouth
University of Salford, the
University of Southampton
University of St Mark & St John
University of Suffolk
University of Sunderland
University of Sussex
University of the Arts, London
University of the West of England, Bristol
University of Winchester
University of Worcester
University of York
Uxbridge College

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Wakefield College
Walsall College
Waltham Forest College
Warrington Collegiate
Warwickshire College
West Cheshire College
West Herts College
West Kent and Ashford College
West Nottinghamshire College
West Suffolk College
West Thames College
WKCIC Group
Weston College of Further and Higher Education
Weymouth College
Wigan and Leigh College
Wirral Metropolitan College
Writtle University College
Xaverian College
Yeovil College
York College
York St John University

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 24 of the Higher Education Act 2004 (c.8) enables the Secretary of State to impose a condition on grants to the Higher Education Funding Council for England requiring it to impose a condition on financial support given to the governing body of a relevant institution. This condition would require the governing body to secure that the fees payable for a qualifying course by a qualifying student do not exceed either the prescribed basic amount, or, where an institution has an approved plan in force, the amount specified in that plan which is not to exceed the prescribed higher amount.

These Regulations prescribe that the basic amounts in respect of a relevant course for an academic year of that course which starts on or after 1st August 2017 are those listed in Regulations 6, 7 and 8. Regulation 6 sets out the basic amounts which will ordinarily apply. For fees payable in respect of an

academic year of courses specified in Regulation 7, the basic amounts set out in that regulation will apply. Regulation 8 sets out the basic amounts which will apply in respect of part-time courses. The Higher Education (Higher Amount) (England) Regulations 2016 will prescribe the higher amounts.

For each type of course two basic amounts are prescribed. An upper basic amount applies in the case of an “eligible institution”, which regulation 4 defines as an institution listed in the Schedule to the regulations. These are institutions which have achieved a “Meets Expectations” rating for the purposes of Year One of the Teaching Excellence Framework, a scheme operated by the Department for Education for rating the quality of teaching in higher education. A second basic amount, which reflects the amounts prescribed in the Higher Education (Basic Amount) (England) Regulations 2010, will apply to any other institution that is subject to a condition imposed under section 24.

Regulation 5(2) provides that the amounts described above do not apply where the first academic year of a relevant course begins before 1st September 2012, where a student is an end-on student, or the student has transferred from a course that began before 1st September 2012 to a course that began on or after that date. In each of these cases the amounts set out in the Student Fees (Amounts) (England) Regulations 2004 ([S.I. 2004/1932](#)) will continue to apply.

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