
WELSH STATUTORY INSTRUMENTS

2016 No. 276

**The Higher Education (Qualifying Courses,
Qualifying Persons and Supplementary Provision)
(Wales) (Amendment) Regulations 2016**

Amendment to the 2015 Regulations

4. For regulation 3 substitute—

“Prescribed description of a qualifying course

3.—(1) Subject to paragraph (2), a qualifying course in relation to a 2004 Act plan for the purposes of the transitional period is:

- (a) a course of higher education;
- (b) designated for the purposes of section 22 of the 1998 Act on the first day of an academic year which begins on or after 1 September 2012; and
- (c) provided by an institution in Wales.

(2) A course is not a qualifying course if at the time the qualifying person received an offer of a place on that course the institution providing it was not publicly-funded.

3A.—(1) Subject to paragraph (2), a qualifying course for the purpose of a fee and access plan which is not a 2004 Act plan is a course of higher education capable of being designated by regulations made under section 22 of the 1998 Act (regardless of whether the institution providing the course is publicly-funded).

(2) Where a course is provided by a person on behalf of an institution, that course is not a qualifying course if that person is not a charity.

3B. For the purposes of regulations 3 and 3A, a course is not a qualifying course if:

- (a) the first academic year of the course began before 1 September 2012;
- (b) it is an end-on course and the preceding course was not a qualifying course by reason of paragraph (a); or
- (c) it is a part-time course.”