

*Draft Regulations laid before Parliament under sections 26 of the Higher Education Act 2004, for
approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

2004 No. xxx

EDUCATION, ENGLAND

The Student Fees (Amounts) (England) Regulations 2004

Made - - - - 2004

Coming into force in accordance with regulation 1

Whereas—

- (1) these are the first regulations to be made under subsection (6) of section 24 of the Higher Education Act 2004⁽¹⁾ prescribing the basic amount and the higher amount for the purposes of that section;
- (2) a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament in accordance with section 26 of that Act; now therefore the Secretary of State for Education and Skills, in exercise of the powers conferred upon him by sections 24(6) and 47 of the Higher Education Act 2004 hereby makes the following Regulations:—

Citation, Commencement and Application

1. These Regulations may be cited as the Student Fees (Amounts) (England) Regulations 2004 and shall come into force on the day after the day on which they are made.
2. These Regulations apply in England.

Interpretation

3. In these Regulations—
 - “the 2004 Act” means the Higher Education Act 2004;
 - “academic year” has the meaning given in regulation 2(6) of the Education (Student Support) (No.2) Regulations 2002 ⁽²⁾;
 - “overseas institution” means an institution other than one in England, Wales, Scotland, Northern Ireland, the Channel Islands or the Isle of Man;
 - “sandwich course” has the meaning given in regulation 5(2) of the Education (Student Support) (No.2) Regulations 2002.

(1) [2004, c. 8](#)
(2) [S.I.2002/3200](#), amended by [S.I. 2003/1065](#) and [S.I. 2004/161](#)

Prescribed basic and higher amounts

4. Subject to regulation 5, for the purpose of section 24 of the 2004 Act the basic amount is £1,200 and the higher amount is £3,000.

Prescribed basic and higher amounts for specified courses

5. For the purpose of section 24 of the 2004 Act the basic amount is £600 and the higher amount is £1500 in the following cases:

- (a) the final academic year of a course where that academic year is normally required to be completed after less than 15 weeks' attendance;
- (b) in respect of a sandwich course, an academic year
 - (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) in respect of a course of initial training of teachers (including such a course leading to a first degree) an academic year during which any periods of full time study are in aggregate less than 10 weeks;
- (d) in respect of a course provided in conjunction with an overseas institution, an academic 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 of 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.

2004

Name
Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 24 of the Higher Education Act 2004 enables the Secretary of State to impose a condition on grants to the Higher Education Funding Council for England and the Teacher Training Agency requiring them 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 basic amount specified in these Regulations, or, where an institution has an approved plan in force, the amount specified in that plan which is not to exceed the higher amount specified in these Regulations.

These Regulations prescribe the basic and higher amounts. Regulation 4 sets out the amount which will ordinarily apply. For an academic year of certain courses specified in regulation 5, lower basic and higher fee amounts apply.

The regulatory impact assessment applicable to these regulations is the assessment which was published in respect of the White Paper “The Future of Higher Education” (Cm 5735, January 2003) and the Higher Education Bill 2004 and is obtainable from the website of the Department of Education and Skills at: www.dfes.gov.uk/hegateway/hereform.