

Status: This version of this chapter contains provisions that are prospective.

Changes to legislation: Skills and Post-16 Education Act 2022, Chapter 3 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



Skills and Post-16 Education Act 2022

2022 CHAPTER 21

PART 1

SKILLS AND EDUCATION FOR WORK

PROSPECTIVE

CHAPTER 3

LIFELONG LEARNING

15 Support for lifelong learning

(1) After section 28 of the Teaching and Higher Education Act 1998 insert—

“28A Modules of courses: modification of Chapter in relation to powers of the Secretary of State

(1) Section 22 has effect, so far as it confers power exercisable by the Secretary of State, as if—

- (a) in subsection (1), after paragraph (b) there were inserted “or
 - (c) modules of higher education courses or further education courses,”;
- (b) in subsections (2) to (3) and (4B), references to a higher education course or further education course (however expressed) included references to a module of such a course;
- (c) in subsection (2), after paragraph (b) there were inserted—
 - “(ba) prescribing, or providing for the determination of, a maximum (a “lifetime limit”) in relation to a person in respect of all such loans or alternative payments made, or made available, under this section as may

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be prescribed, taken together (whether by reference to a monetary amount, course characteristics or otherwise);”;

(d) in subsection (2), after paragraph (c) there were inserted—

“(ca) for two or more modules of a higher education course or further education course to be treated as a single module of that course for any purpose of the regulations;”;

(e) after that subsection, there were inserted—

“(2ZA) Regulations under this section may prescribe the meaning of “module” in relation to a higher education course or further education course (and may, in particular, provide for it to include—

(a) a module lasting less than one full academic year, or comprising less than the equivalent of one full academic year of study;

(b) a module undertaken otherwise than as part of the higher education course or further education course of which it forms part).

(2ZB) Nothing in subsection (2)(b) is to be taken to limit the power conferred by this section to prescribe a maximum amount in relation to any grant, loan or alternative payment otherwise than in relation to an academic year.”;

(f) after subsection (2A) there were inserted—

“(2B) The provision which may be made by virtue of subsection (2)(ba) includes provision for amending any lifetime limit that has effect in relation to a person.”

(2) Section 23 has effect, so far as it relates to a function exercisable by virtue of regulations under section 22 made by the Secretary of State, as if the reference in subsection (1)(b) to courses included a reference to modules of higher education courses or further education courses.

(3) Section 28(2) has effect, so far as it confers power exercisable by the Secretary of State, as if—

(a) after “courses” in the first place where it occurs there were inserted “or modules”;

(b) after “higher education courses” there were inserted “or modules of such courses”.

(2) Until section 86(2) of the Higher Education and Research Act 2017 (power to make alternative payments) comes into force—

(a) the following provisions that are treated as inserted into section 22 of the Teaching and Higher Education Act 1998 by section 28A(1) of that Act have effect with the omission of references to alternative payments—

(i) paragraph (ba) of subsection (2);

(ii) subsection (2ZB);

(b) section 28A(1)(b) of that Act has effect with the omission of the reference to section 22(4B) of that Act.

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Commencement Information

I1 S. 15 not in force at Royal Assent, see [s. 36\(3\)](#)

16 Lifelong learning: amendment of the Higher Education and Research Act 2017

- (1) The Higher Education and Research Act 2017 is amended as follows.
- (2) In section 9 (mandatory transparency condition for certain providers), after subsection (3) insert—
 - “(3A) The OfS must not request information relating to modules of full courses by virtue of a transparency condition more frequently than it requests information relating to full courses by virtue of the condition.”
- (3) In section 83(1) (meaning of “English higher education provider” etc), for the definition of “higher education course” substitute—
 - ““higher education course” means—
 - (a) a course of any description mentioned in Schedule 6 to the Education Reform Act 1988, or
 - (b) a module of such a course, where it is undertaken otherwise than as part of that course;”.
- (4) In section 85 (definitions)—
 - (a) in subsection (1), at the appropriate place insert—
 - ““full course” means a higher education course that is not a module of another higher education course;”;
 - (b) after subsection (1) insert—
 - “(1A) References in this Part to modules (except in relation to references to the full course of which the module forms part) are to modules which are—
 - (a) modules of full courses, but
 - (b) undertaken otherwise than as part of those courses.”

Commencement Information

I2 S. 16 not in force at Royal Assent, see [s. 36\(3\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 19(2)(ga) inserted by [2023 c. 55 Sch. 4 para. 222](#)
- s. 20(7)(ca) inserted by [2023 c. 55 Sch. 4 para. 223](#)