
STATUTORY INSTRUMENTS

2007 No. 778

**The Student Fees (Qualifying Courses
and Persons) (England) Regulations 2007**

Citation, Commencement, Application and Interpretation

1.—(1) These Regulations may be cited as the Student Fees (Qualifying Courses and Persons) (England) Regulations 2007 and come into force on 1st September 2007.

(2) These Regulations apply in relation to England.

2. In these Regulations—

“the Act” means the Higher Education Act 2004;

“course for the initial training of teachers” includes such a course leading to a first degree;

“public funds” means moneys provided by Parliament;

“publicly-funded” means maintained or assisted by recurrent grants out of public funds;

“qualified teacher” has the meaning given in section 132(1) of the Education Act 2002(1);

“single course” means a course to which regulation 6(5) of the Student Support Regulations 2007(2) applies and which falls within the description of a course in that regulation.

Revocation

3. The Student Fees (Qualifying Courses and Persons) Regulations 2006(3) are revoked.

Prescribed description of a qualifying course

4.—(1) A qualifying course which is prescribed for the purposes of section 24 of the Act is a course of higher education which, subject to paragraph (3), is a course which is designated for the purposes of section 22 of the Teaching and Higher Education Act 1998(4) on the first day of an academic year which begins during the grant period and is provided by an institution in England.

(2) For the purposes of paragraph (1) the reference to an institution in England means an institution whose activities are carried on in England.

(3) 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.

(1) 2002, c.32.

(2) S.I. 2007/176

(3) S.I. 2006/482.

(4) 1998 c.30; section 22 was amended by the Learning and Skills Act 2000 (c.21), section 146 and Schedule 11; the Income Tax (Earnings and Pensions) Act 2003 (c.1), Schedule 6; the Finance Act 2003 (c.14), section 147 and the Higher Education Act 2004, sections 42 and 43 and Schedule 7.

Prescribed description of a qualifying person

5.—(1) A qualifying person who is prescribed for the purposes of section 24 of the Act is a person who falls within the Schedule on the first day of an academic year which begins during the grant period, other than—

- (a) a person who is not eligible for support under the Student Support Regulations 2007 by reason of regulation 5(3)(c), (d), (e) or (f) of those Regulations, or
- (b) a person mentioned in paragraph (2) or (5).

(2) Subject to the exception in paragraphs (3) and (4), a person is not a qualifying person if he has an honours degree from an institution in the United Kingdom which was publicly funded for some or all of the academic years during which the person took the course leading to the award of the honours degree.

(3) Paragraph (2) does not apply where—

- (a) the qualifying course is a course for the initial training of teachers;
- (b) the duration of the course does not exceed two years (the duration of a part-time course being expressed as its full-time equivalent); and
- (c) the qualifying person is not a qualified teacher.

(4) Paragraph (2) does not apply in respect of any part of a single course where—

- (a) the single course leads to an honours degree being conferred on the qualifying person from an institution in the United Kingdom before the final degree or equivalent qualification; and
- (b) the qualifying person only has an honours degree which was received as part of that single course.

(5) Where an event occurs in the course of an academic year and as a result a person falls within the Schedule in the course of an academic year, he is not a qualifying person in respect of the academic year in which the relevant event occurred or any previous academic year.

Transitional Cases

6.—(1) Where a qualifying person, disregarding any intervening vacation, begins an end-on course within the meaning of regulation 2(1) of the Student Support Regulations 2006(5) immediately after a qualifying course (“the relevant course”) in a case where paragraph (3) or (4) applies, the end-on course shall be treated as if the offer for it had been received on the same date as the offer for the relevant course.

(2) In a case where paragraph (3) or (4) applies, where a qualifying person undertakes a qualifying course (“the relevant course”) which is a single course, an offer received for any part of the relevant course shall be treated as if it had been received on the same date as the offer for the first part of the relevant course.

(3) This paragraph applies where —

- (a) the qualifying person had on or before 1st August 2005 received an offer, whether conditional on obtaining specified qualifications or not, of a place on the relevant course, or a similar course, and
- (b) the first academic year of the relevant course begins before 1st September 2007.

(4) This paragraph applies where —

(5) [S.I.2006/119](#). to which there are amendments not relevant to these Regulations.

- (a) the qualifying person had received an offer of a place on a qualifying course (whether or not at the same institution as the relevant course) the first academic year of which began before 1st September 2006,
 - (b) he was unable to take up the offer because a specified qualification or grade was not awarded to him,
 - (c) he appealed against the decision not to award him the qualification or grade,
 - (d) the appeal was allowed after the last date on which he could have taken up the offer,
 - (e) as a result he was offered a place on the relevant course, and
 - (f) the first academic year of the relevant course begins after 31st August 2006 but before 1st September 2007.
- (5) For the purpose of paragraph 3(a) a course (“the original course”) is similar to the relevant course if—
- (a) it appears to the governing body of the institution providing the relevant course that the subject matter of the course is in whole or in part the same as the subject matter of the original course, and
 - (b) except where the original course is no longer being provided, the relevant course is provided by the institution which was to have provided the original course.

8th March 2007

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