
STATUTORY INSTRUMENTS

2017 No. 1189

**The Higher Education (Fee Limit
Condition) (England) Regulations 2017**

Qualifying person: exceptions

- 5.—(1) A person is not a qualifying person if—
- (a) the person holds a higher education qualification; and
 - (b) the qualifying course leads to a qualification which is an equivalent or lower qualification.
- (2) But paragraph (1) does not apply—
- (a) where—
 - (i) the qualifying course is a course for the initial training of teachers (including such a course leading to a first degree);
 - (ii) the duration of a full-time course does not exceed two years; or
 - (iii) the duration of a part-time course does not exceed four years; and
 - (iv) the qualifying person is not a qualified teacher; or
 - (b) in respect of any part of a single course where—
 - (i) 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
 - (ii) the qualifying person only has an honours degree which was received as part of that single course; or
 - (c) where the qualifying course is a foundation degree.
- (3) In this regulation—
- (a) Subject to paragraphs (3)(b) to (3)(e) “equivalent or lower qualification” has the meaning given in regulation 2 of the Education (Student Support) Regulations 2011;
 - (b) but a qualification is not an equivalent or lower qualification where it relates to a part-time course—
 - (i) which is a course in engineering, technology or computer science (or a combination of those subjects);
 - (ii) which leads to an honours degree; and
 - (iii) in respect of which the student begins the course on or after 1 August 2015.
 - (c) a qualification is not an equivalent or lower qualification where it relates to a part-time course—
 - (i) which is a course in agriculture and related subjects, biological sciences, mathematical sciences, physical sciences or veterinary sciences (or a combination of those subjects);
 - (ii) which leads to an honours degree; and
 - (iii) in respect of which the student begins the course on or after 1 August 2017.

- (d) a qualification is not an equivalent or lower qualification where it relates to a part-time course—
 - (i) which is a pre-registration course in an allied health profession subject, midwifery, nursing, nursing and social work or operating department practice;
 - (ii) which leads to an ordinary degree, honours degree, or, in respect of a course in operating practice, to an ordinary degree, honours degree or diploma; and
 - (iii) in respect of which the student begins the course on or after 1 August 2017.
- (e) “qualified teacher” has the meaning given in section 132(1) of the Education Act 2002⁽¹⁾ but does not include any person who—
 - (i) is a qualified teacher by virtue of paragraph 13B of Schedule 2 to the Education (School Teachers’ Qualifications) (England) Regulations 2003⁽²⁾ (“the 2003 Regulations”); and
 - (ii) has not been assessed by an accredited institution within the meaning of regulation 11 of the 2003 Regulations as meeting the specified standards within the meaning of paragraph 1 of Schedule 2 to the 2003 Regulations.

⁽¹⁾ 2002 c.32.

⁽²⁾ S.I. 2003/1662.