

**2008 No. 1640**

**EDUCATION, ENGLAND**

**The Student Fees (Qualifying Courses and Persons) (England)  
(Amendment) Regulations 2008**

<i>Made</i> - - - -	<i>23rd June 2008</i>
<i>Laid before Parliament</i>	<i>30th June 2008</i>
<i>Coming into force</i> - -	<i>1st September 2008</i>

The Secretary of State for Innovation, Universities and Skills makes the following Regulations in exercise of the powers conferred by sections 24(6) and 47 of the Higher Education Act 2004(a).

**Citation and commencement**

1. These Regulations may be cited as the Student Fees (Qualifying Courses and Persons) (England) (Amendment) Regulations 2008 and come into force on 1st September 2008.

**Amendment of the Student Fees (Qualifying Courses and Persons) (England) Regulations 2007**

2. The Student Fees (Qualifying Courses and Persons) (England) Regulations 2007(b) are amended as follows.

3. In regulation 2 after the definition of “course for the initial training of teachers” insert—  
““equivalent or lower qualification” has the meaning given in regulation 2 of the Education (Student Support) (No.2) Regulations 2008(c).”

4. In regulation 5—

(1) For paragraph (2) substitute the following—

“(2) Subject to the exceptions in paragraphs (3), (4) and (4A), 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) After paragraph (4) insert the following—

“(4A) Paragraph (2) does not apply where the qualifying course is a foundation degree.”

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(a) 2004 c.8. Section 24 was amended by the Education Act 2005 (c.18) section 98 and Schedule 14  
(b) S.I. 2007/778, amended by S.I. 2007/2263  
(c) S.I. 2008/1582

23rd June 2008

Department for Innovation, Universities and Skills

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Student Fees (Qualifying Courses and Persons) (England) Regulations 2007 (“the principal Regulations”) and come into force on 1st September 2008.

Regulation 5 of the principal Regulations prescribes the class of qualifying persons for the purposes of the Higher Education Act 2004 and lays out several exceptions to that class. Regulation 4 amends regulation 5 of the principal Regulations by redefining and adding to those exceptions.

Regulation 5(2) is amended so that a person is not a qualifying person if they hold a higher education qualification and the qualifying course leads to a qualification which is an equivalent or lower qualification. Regulation 3 of these Regulations inserts a definition of ‘equivalent or lower qualification’ into regulation 2 of the principal Regulations. A person is not a qualifying person if they hold a higher education qualification from an institution within or outside the United Kingdom and that qualification is of an academic level which is equivalent to or higher than a qualification to which the qualifying course leads.

New paragraph (4A) of regulation 5 provides that the equivalent or lower qualification exclusion does not apply where the qualifying course is a foundation degree.

An Impact Assessment has not been prepared specifically for these Regulations. However, the Government has recently produced an overarching Impact Assessment on the Equivalent or Lower Qualification policy for the Innovation, Universities, Science and Skills Committee, copies of which are available on request from the Department for Innovation, Universities and Skills.

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