

**2012 No. 433**

**EDUCATION, ENGLAND**

**The Student Fees (Basic and Higher Amounts) (Approved Plans)  
(England) (Amendment) Regulations 2012**

*Made* - - - - - *14th February 2012*

*Laid before Parliament* *22nd February 2012*

*Coming into force in accordance with regulation 1*

The Secretary of State for Business, Innovation and Skills makes the following Regulations in exercise of the powers conferred by sections 24(6), 36 and 47 of the Higher Education Act 2004<sup>(a)</sup> and section 77 and 78 of the Education Act 2011<sup>(b)</sup>.

In accordance with section 26(2)(a)(i) and (b)(i) of the Higher Education Act 2004, the Secretary of State is satisfied that the increases to the basic and higher amounts are no greater than are required to maintain the value of those amounts in real terms.

In accordance with section 26(3) of the Higher Education Act 2004, the Secretary of State has had regard to the index of prices specified in regulations made under that subsection<sup>(c)</sup>.

**Citation and commencement**

**1.**—(1) These Regulations may be cited as the Student Fees (Basic and Higher Amounts) (Approved Plans) (England) (Amendment) Regulations 2012.

(2) Regulations 1 and 2 come into force on 15th March 2012.

(3) Regulation 3 comes into force on 1st August 2012.

(4) Regulations 4 and 5 come into force on 1st September 2012.

**Amendment of the Student Fees (Approved Plans) (England) Regulations 2004**

**2.** In regulation 8 (variation of plans) of the Student Fees (Approved Plans) (England) Regulations 2004<sup>(d)</sup>, for the words “within the period during which an approved plan is in force”, substitute “after a plan has been approved”.

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(a) 2004 c.8.

(b) 2011 c. 21.

(c) The Student Fees (Inflation Index) Regulations 2006 (S.I. 2006/507).

(d) S.I. 2004/2473.

### **Amendment of the Student Fees (Amounts) (England) Regulations 2004**

3.—(1) The Student Fees (Amounts) (England) Regulations 2004(a) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 4 (prescribed basic and higher amounts), for “£1,345” substitute “£1,380” and for “£3,375” substitute “£3,465”.

(3) In regulation 5 (prescribed basic and higher amounts for specified courses), for “£665” substitute “£680” and for “£1,680” substitute “£1,725”.

(4) In regulation 6 (application of regulations 4 and 5 from 1st September 2012), after “1st September 2012” insert—

“except where—

- (a) the qualifying person is an end-on student; or
- (c) the qualifying person transfers from a qualifying course beginning before 1st September 2012 to a qualifying course beginning on or after 1st September 2012.”.

(5) Regulation 6 is renumbered as paragraph (1) of that regulation.

(6) After regulation 6(1) as so renumbered, insert—

“(2) In this regulation—

“designated distance learning course” has the same meaning as in regulation 122 of the Student Support Regulations;

“distance learning course” has the same meaning as in regulation 2(1) of the Student Support Regulations;

“end-on student” means a qualifying person who is undertaking—

- (a) a full-time honours degree course beginning on or after 1st September 2012 which, disregarding any intervening vacation, a student begins to attend immediately after ceasing to attend a full-time course which is mentioned in paragraph 2, 3 or 4 of Schedule 2 to the Student Support Regulations or a full-time foundation or ordinary degree course, which started before 1st September 2012, having achieved a qualification;
- (b) a full-time distance learning honours degree course beginning on or after 1st September 2012 which, disregarding any intervening vacation, a student begins immediately after ceasing to undertake a full-time distance learning course which is mentioned in paragraph 2, 3 or 4 of Schedule 2 to the Student Support Regulations or a full-time distance learning foundation or ordinary degree course, which started before 1st September 2012, having achieved a qualification; or
- (c) a part-time honours degree course beginning on or after 1st September 2012 which, disregarding any intervening vacation, a student begins immediately after ceasing to attend or undertake a part-time higher education course which is mentioned in paragraph 2, 3 or 4 of Schedule 2 to the Student Support Regulations or a part-time foundation or ordinary degree course, which started before 1st September 2012, having achieved a qualification;

“the Student Support Regulations” means the Education (Student Support) Regulations 2011(b);

“transfer” means that the qualifying person’s status as a student eligible for support has been transferred under regulations made under section 22 of the Teaching and Higher Education Act 1998 from a full-time course to another full-time course, a part-time course to another part-time course or a designated distance learning course to another designated distance learning course.

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(a) S.I. 2004/1932, as amended by S.I. 2010/3020, S.I. 2010/3021 and S.I. 2011/432.

(b) S.I. 2011/1986.

(3) The circumstances described in paragraphs (1)(a) and (b) are those prescribed for the purposes of section 77 of the Education Act 2011<sup>(a)</sup> in so far as the paragraphs relate to a part-time course that a student begins on or after 1st September 2012.”.

#### **Amendment of the Higher Education (Basic Amount) (England) Regulations 2010**

**4.—**(1) The Higher Education (Basic Amount) (England) Regulations 2010<sup>(b)</sup> are amended in accordance with paragraphs (2) to (4).

(2) In regulation 3 (application of the new basic amount)—

(a) for “regulations 4 and 5” substitute “regulations 4, 5 and 5A”;

(b) after “1st September 2012” insert—

“except where—

(a) the qualifying person is an end-on student; or

(c) the qualifying person transfers from a qualifying course beginning before 1st September 2012 to a qualifying course beginning on or after 1st September 2012.”.

(3) Regulation 3 is renumbered as paragraph (1) of that regulation.

(4) After regulation 3(1) as so renumbered, insert—

“(2) In this regulation—

“designated distance learning course” has the same meaning as in regulation 122 of the Student Support Regulations;

“distance learning course” has the same meaning as in regulation 2(1) of the Student Support Regulations;

“end-on student” means a qualifying person who is undertaking—

(a) a full-time honours degree course beginning on or after 1st September 2012 which, disregarding any intervening vacation, a student begins to attend immediately after ceasing to attend a full-time course which is mentioned in paragraph 2, 3 or 4 of Schedule 2 to the Student Support Regulations or a full-time foundation or ordinary degree course, which started before 1st September 2012, having achieved a qualification;

(b) a full-time distance learning honours degree course beginning on or after 1st September 2012 which, disregarding any intervening vacation, a student begins immediately after ceasing to undertake a full-time distance learning course which is mentioned in paragraph 2, 3 or 4 of Schedule 2 to the Student Support Regulations or a full-time distance learning foundation or ordinary degree course, which started before 1st September 2012, having achieved a qualification; or

(c) a part-time honours degree course beginning on or after 1st September 2012 which, disregarding any intervening vacation, a student begins immediately after ceasing to attend or undertake a part-time higher education course which is mentioned in paragraph 2, 3 or 4 of Schedule 2 to the Student Support Regulations or a part-time foundation or ordinary degree course, which started before 1st September 2012, having achieved a qualification;

“the Student Support Regulations” means the Education (Student Support) Regulations 2011<sup>(c)</sup>;

“transfer” means that the qualifying person’s status as a student eligible for support has been transferred under regulations made under section 22 of the Teaching and Higher Education Act 1998 from a full-time course to another full-time course, a part-time

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(a) 2011 c. 21.

(b) S.I. 2010/3021.

(c) S.I. 2011/1986.

course to another part-time course or a designated distance learning course to another designated distance learning course.”.

(5) In regulation 4 (prescribed basic amount from 1st September 2012), for “regulation 5”, substitute “regulations 5 and 5A”.

(6) After regulation 5, insert—

**“Prescribed basic amount for part-time courses from 1st September 2012**

**5A.** For the purpose of section 24 of the 2004 Act the basic amount is £4,500 in respect of a part-time course.”.

**Amendment of the Higher Education (Higher Amount) (England) Regulations 2010**

**5.**—(1) The Higher Education (Higher Amount) (England) Regulations 2010(a) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 3 (application of the new higher amount)—

(a) for “regulations 4 and 5” substitute “regulations 4, 5 and 5A”;

(b) after “1st September 2012” insert—

“except where—

(a) the qualifying person is an end-on student; or

(c) the qualifying person transfers from a qualifying course beginning before 1st September 2012 to a qualifying course beginning on or after 1st September 2012.”.

(3) Regulation 3 is renumbered as paragraph (1) of that regulation.

(4) After regulation 3(1) as renumbered, insert—

“(2) In this regulation—

“designated distance learning course” has the same meaning as in regulation 122 of the Student Support Regulations;

“distance learning course” has the same meaning as in regulation 2(1) of the Student Support Regulations;

“end-on student” means a qualifying person who is undertaking—

(a) a full-time honours degree course beginning on or after 1st September 2012 which, disregarding any intervening vacation, a student begins to attend immediately after ceasing to attend a full-time course which is mentioned in paragraph 2, 3 or 4 of Schedule 2 to the Student Support Regulations or a full-time foundation degree or ordinary degree course, which started before 1st September 2012, having achieved a qualification;

(b) a full-time distance learning honours degree course beginning on or after 1st September 2012 which, disregarding any intervening vacation, a student begins immediately after ceasing to undertake a full-time distance learning course which is mentioned in paragraph 2, 3 or 4 of Schedule 2 to the Student Support Regulations or a full-time distance learning foundation degree or ordinary degree course, which started before 1st September 2012, having achieved a qualification; or

(c) a part-time honours degree course beginning on or after 1st September 2012 which, disregarding any intervening vacation, a student begins immediately after ceasing to attend or undertake a part-time higher education course which is mentioned in paragraph 2, 3 or 4 of Schedule 2 to the Student Support Regulations or a part-time foundation degree or ordinary degree course, which started before 1st September 2012, having achieved a qualification;

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(a) S.I. 2010/3020.

“the Student Support Regulations” means the Education (Student Support) Regulations 2011(a).

“transfer” means that the qualifying person’s status as a student eligible for support has been transferred under regulations made under section 22 of the Teaching and Higher Education Act 1998 from a full-time course to another full-time course, a part-time course to another part-time course or a designated distance learning course to another designated distance learning course.”.

(5) In regulation 4 (prescribed higher amount from 1st September 2012), for “regulation 5”, substitute “regulations 5 and 5A”.

(6) After regulation 5, insert—

**“Prescribed higher amount for part-time courses from 1st September 2012**

**5A.** For the purpose of section 24 of the 2004 Act the higher amount is £6,750 in respect of a part-time course.”.

14th February 2012

*David Willetts*  
Minister of State for Universities and Science  
Department for Business, Innovation and Skills

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(a) S.I. 2011/1986.

## EXPLANATORY NOTE

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

These Regulations make various amendments to existing regulations which prescribe the contents of access plans of higher education institutions and the basic and higher amounts which higher institutions in England may charge by way of tuition fees.

Regulation 2 amends the Student Fees (Approved Plans) (England) Regulations 2004 to enable the access plans of higher education institutions to be varied by the Director of Fair Access before they come into force. This amendment comes into force on 15th March 2012.

Regulation 3 inserts new higher and basic amounts into the Student Fees (Amounts) (England) Regulations 2004 which apply in respect of students starting courses before 1st September 2012.

Regulation 3 also amends the 2004 Regulations so that those regulations continue to apply to: students transferring to a course starting on or after 1st September 2012 from a course starting before 1st September 2012 and end-on students. These amendments come into force on 1st August 2012.

Regulations 4 and 5 amend the Higher Education (Basic Amount) (England) Regulations and the Higher Education (Higher Amount) (England) Regulations 2010 in respect of students starting courses on or after 1st September 2012 so that these Regulations do not apply to students transferring to a course starting on or after 1st September 2012 from a course starting before 1st September 2012 nor to end-on students.

Regulations 4 and 5 also insert new provision into the 2010 Regulations prescribing a basic and higher amount for part-time courses. (Part-time courses were brought within scope of the fee caps by virtue of section 76 of the Education Act 2011). These amendments come into force on 1st September 2012.

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STATUTORY INSTRUMENTS

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