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STATUTORY INSTRUMENTS

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**1999 No. 603**

**EDUCATION, ENGLAND AND WALES**

**The Education (Fees at Higher  
Education Institutions) Regulations 1999**

<i>Made</i>	- - - -	<i>4th March 1999</i>
<i>Laid before Parliament</i>		<i>9th March 1999</i>
<i>Coming into force</i>	- -	<i>31st March 1999</i>

In exercise of the power conferred on the Secretary of State by section 26(4) of the Teaching and Higher Education Act 1998<sup>(1)</sup> the Secretary of State for Education and Employment, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Education (Fees at Higher Education Institutions) Regulations 1999 and shall come into force on 31st March 1999.

(2) In these Regulations—

“the Act” means the Teaching and Higher Education Act 1998;

“the Student Support Regulations” means the Education (Student Support) Regulations 1999<sup>(2)</sup>.

**Prescribed class of persons**

2. The class of persons prescribed for the purpose of section 26(4) of the Act is the class comprising those persons who are specified in Schedule 1 to the Student Support Regulations other than—

- (a) persons who are not eligible for support under the Student Support Regulations by reason of regulation 4(2) of those regulations;
- (b) persons who are not eligible for a grant for fees under the Student Support Regulations by reason of regulation 10(2) of those regulations; and

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(1) 1998 c. 30: see section 43(1) for the definition of “prescribed”.

(2) S.I. 1999/496.

- (c) persons who do not, before or during the academic year in question, make an application for support in accordance with regulation 6 of the Student Support Regulations in connection with attendance on a course which comprises that academic year.

**Prescribed description of courses**

**3.—(1)** The description of courses which are prescribed for the purposes of section 26(4) of the 1998 Act are courses which are designated courses within the meaning of the Student Support Regulations and provided by an institution in England or Wales.

(2) For the purposes of paragraph (1) the reference to an institution in England or Wales shall be construed in accordance with section 62(7) of the Further and Higher Education Act 1992<sup>(3)</sup>.

2nd March 1999

*Tessa Blackstone*  
Minister of State,  
Department for Education and Employment

4th March 1999

*Peter Hain*  
Parliamentary Under Secretary of State, Welsh  
Office

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(3) 1992 c. 13.

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## EXPLANATORY NOTE

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

Section 26(4) of the Teaching and Higher Education Act 1998 enables the Secretary of State to impose a condition on grants to the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Teacher Training Agency requiring them to impose a new type of condition on financial support given to the governing body of a relevant institution. This condition would require the governing body to secure that the fees payable by a prescribed class of persons, in connection with them attending courses of any prescribed description are equal to “prescribed amount” as defined in section 26(5). The amounts in question are prescribed in the Education (Student Support) Regulations 1999 (S.I.1999/496).

These Regulations prescribe the class of persons and description of courses by reference to the Education (Student Support) Regulations 1999. The class of persons are those persons specified in Schedule 1 to the Student Support Regulations (that is persons who, subject to the provisions of those regulations, are eligible for support) other than persons who are not eligible for student support by reason of regulation 4(2) of those regulations, who have attended a previous course or who have not applied for student support. The description of courses are those courses which are “designated courses” as defined in the Student Support Regulations provided at institutions in England or Wales.