

**EXPLANATORY MEMORANDUM TO  
THE EDUCATION (FEES AND STUDENT SUPPORT) (AMENDMENT)  
REGULATIONS 2013**

**2013 No. 3106**

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills (BIS) and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
  - 2.1 This instrument amends the Higher Education (Basic Amount)(England) Regulations 2010 and the Higher Education (Higher Amount)(England) Regulations 2010 which set limits on the fees universities may charge students on courses beginning on or after 1 September 2012. It also amends the Education (Student Support) Regulations 2011 which prescribe the amount of support for tuition and living costs for students taking higher education courses that are specifically designated for support.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
4. **Legislative Context**
  - 4.1 This instrument amends the following regulations:
    - The Higher Education (Basic Amount)(England) Regulations 2010 (“the Basic Amount Regulations” (S.I. 2010/3021)).
    - The Higher Education (Higher Amount)(England) Regulations 2010 (“the Higher Amount Regulations” (S.I. 2010/3020)
    - The Education (Student Support) Regulations 2011 (“the Student Support Regulations 2011” (S.I. 2011/ 1986))
  - 4.2 This instrument amends the Basic Amount Regulations and Higher Amount Regulations to set new limits on the fees universities and colleges in England may charge full-time students who are undertaking an Erasmus study or Erasmus work placement year. These changes will apply to students starting their courses at institutions in England on or after 1 September 2012 in respect of an academic year beginning on or after 1 September 2014
  - 4.3 This instrument also amends the Basic Amount Regulations and Higher Amount Regulations to set new limits on the fees universities and colleges in England may charge full-time students who are undertaking a period of study at an overseas

institution that is not an Erasmus year. These changes will apply to students starting their courses at institutions in England on or after 1 September 2012 in respect of an academic year beginning on or after 1 September 2014

4.4 Amendments are also made to the Basic Amount Regulations and Higher Amount Regulations to set new limits on the fees universities and colleges in England may charge students who are undertaking a work placement year on a sandwich course either in the UK or abroad. These changes will apply to students starting their courses at institutions in England or Wales on or after 1 September 2012 in respect of an academic year beginning on or after 1 September 2014.

4.5 This instrument makes an amendment to the Student Support Regulations 2011 to make explicit the Secretary of State's powers to suspend or withdraw designation of courses which have been specifically designated by the Secretary of State for student support purposes. This change will come into effect on 15 January 2014.

4.6 This instrument also makes a minor technical amendment to the Student Support Regulations 2011 to clarify periods of previous study that should be taken into account when calculating fee loan entitlement. This change will come into effect on 15 January 2014.

## **5. Territorial Extent and Application**

5.1 The Regulations apply to England.

## **6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

Section 22 of the Teaching and Higher Education Act 1998 makes provision for the Secretary of State to provide financial support for students in higher education. Such financial support is to be provided in accordance with regulations made by the Secretary of State. Student support regulations are made annually by the Secretary of State to provide this support to eligible students in connection with their undertaking designated higher education courses. The following paragraphs set out the changes in more detail:

### 7.1 Changes to maximum fee amounts for students undertaking Erasmus study and work placement years abroad.

Currently, full-time students undertaking a study or work placement (or combination of both) Erasmus year (European Region Scheme for the Mobility of University Students) are entitled to a fee waiver. This means that universities do not charge students for fees in respect of an academic year when they are undertaking an Erasmus year.

For the 2014/15 academic year, new arrangements will apply to eligible students who started their courses at universities or colleges in England on or after 1 September 2012 who are taking an Erasmus study year or Erasmus work placement year at an overseas university or college. Universities and colleges in England will be able to charge this group of students up to 15% of the maximum fee caps for 2014/15: £1,350 for students attending universities where the higher (£9,000) fee amount is permitted and £900 for students attending universities where the basic (£6,000) fee amount is permitted. This instrument amends the Basic Amount Regulations and Higher Amount Regulations to limit higher and basic and higher fee amounts for this group of students to £900 and £1,350 respectively.

### 7.2 Changes to maximum fee amounts for students undertaking non-Erasmus overseas study years.

Students starting their courses at universities or colleges in England on or after 1 September 2012 onwards who are taking a non-Erasmus study year at an overseas institution are currently charged up to 50% of the maximum fee caps for 2013/14: £4,500 for students attending universities where the higher (£9,000) fee amount is permitted and £3,000 for students attending universities where the basic (£6,000) fee amount is permitted.

For the 2014/15 academic year, new arrangements will apply to eligible students who started their courses at universities or colleges in England on or after 1 September 2012 who are taking a non-Erasmus study year at an overseas university or college. Universities and colleges in England will be able to charge this group of students up to 15% of the maximum fee caps for 2014/15: £1,350 for students attending universities where the higher (£9,000) fee amount is permitted and £900 for students attending universities where the basic (£6,000) fee amount is permitted. This instrument amends the Basic Amount Regulations and Higher Amount Regulations to limit higher and basic and higher fee amounts for this group of students to £900 and £1,350 respectively.

### 7.3 Changes to maximum fee amounts for students undertaking work placement years on sandwich courses.

Students starting their courses at universities or colleges in England on or after 1 September 2012 onwards who are taking a sandwich work placement year either in the UK or abroad are currently charged up to 50% of the maximum fee caps for 2013/14: £4,500 for students attending universities where the higher (£9,000) fee amount is permitted and £3,000 for students attending universities where the basic (£6,000) fee amount is permitted.

For the 2014/15 academic year, new arrangements will apply to eligible students starting their courses at universities or colleges in England on or after 1 September 2012 onwards who are taking a sandwich work placement year either in the UK or abroad. Universities and colleges in England will be allowed to charge this group of students up to 20% of the maximum fee caps for 2014/15: £1,800 for students attending universities where the higher (£9,000) fee amount is permitted and £1,200 for students attending universities where the basic (£6,000) fee amount is permitted. This instrument amends the Basic Amount Regulations and Higher Amount

Regulations to limit higher and basic and higher fee amounts for this group of students to £1,200 and £1,800 respectively.

#### 7.4 Amendment that makes explicit the Secretary and State's power to suspend or withdraw designation of courses for specifically designated courses.

The Student Support Regulations provide the Secretary of State may designate courses which are not automatically designated under the regulations. In June 2013, additional criteria were introduced for the specific designation of courses. These include financial sustainability and management and governance, course eligibility and quality of provision requirements, and from 2014/15 student number controls. For the avoidance of doubt this instrument makes an amendment to the Student Support Regulations which makes explicit the Secretary of State's existing implied powers to suspend or revoke designation.

#### 7.5 Technical amendment to clarify periods of previous study that should be taken into account when calculating fee loan entitlement.

The Student Support Regulations 2011 allow full-time students who have completed a lower level course, such as an HND or a Foundation Degree to apply for a minimum of two years additional fee support to top up their studies to honours degree level, if they haven't taken a further honours degree course between the lower level course and the honours degree course. The policy intent is that the reference to 'taken' means either 'started' or 'completed' rather than only 'completed'.

This instrument makes a technical change to the Student Support Regulations 2011 to clarify that, in line with policy intent, students who have completed a lower level course can apply for a minimum of two years additional fee support for an honours degree course if they haven't started or completed a further honours degree course after their lower level course.

## **8. Consultation outcome**

8.1 There is no statutory requirement to consult on these Regulations. Changes to maximum fee amounts in these Regulations align with maximum fee loan amounts for 2014/15 introduced in the Student Support Regulations 2013 which were quality reviewed by the higher education sector in Spring 2013 and came into force on 1 September 2013.

8.2 As part of its programme to enable a wider range of institutions to offer higher education courses, the Department for Business, Innovation and Skills (BIS) consulted on applying student number controls to private universities and colleges offering designated higher education courses in late 2012. This informed guidance published in June 2013 setting out conditions that private institutions would need to satisfy for their courses to be specifically designated for support.

## **9. Guidance**

9.1 The Minister of State announced the broad changes to student support for the 2014/15 Academic Year in a Written Statement to Parliament on 11 March 2013 and

the arrangements were circulated to institutions and the HE sector at that time. Changes to fee caps in relation to Erasmus Years, non-Erasmus overseas study years and Sandwich work placement years in this instrument reflect changes to student support introduced by the 2013 Amendment Regulations which fully came into force on 1 September 2013. Students, prospective students, universities, colleges and others have been given information on the 2014/15 support package through information provided on Gov.UK and Student Finance England's (SFE) practitioners' websites. Further guidance materials are being produced by SFE for those intending to apply for full-time and part-time financial support for 2014/15 and these are being made available in both hard copy and electronic formats.

9.2 BIS published guidance in June 2013 on the conditions that private universities and colleges would need to satisfy for their courses to be specifically designated for student support. This guidance is available on the Gov.UK website.

## **10. Impact**

10.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

10.2 The impact on the public sector is minimal.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 The Regulations will be kept under review.

## **13. Contact**

13.1 Mark Williams at the Department for Business, Innovation and Skills Tel: 020 7215 1546 or email: [mark.williams@bis.gsi.gov.uk](mailto:mark.williams@bis.gsi.gov.uk) can answer any queries regarding the instrument.