
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.
- [^{F1}(1A) A person is not a qualifying person if—
- (a) the current course is a course falling within regulation 2(1ZA)(e), (f), (g), (h) or (i) of the Education (Student Support) Regulations 2011; and
 - (b) the person has completed a previous course falling within regulation 2(1ZA)(e), (f), (g), (h) or (i) of those Regulations and achieved the intended qualification.]
- (2) But paragraph (1) does not apply—
- (a) where—
 - (i) the qualifying course is a course for the initial training of teachers ^{F2} ...;
 - (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.
- ^{F3}(2A)
- (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 [^{F4}engineering and technology or computing] (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.

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- (c) a qualification is not an equivalent or lower qualification where it relates to a part-time course—
 - [^{F5}(i) which is a course in agriculture, food and related studies, biological and sport studies, ^{F6}... [^{F7}geography, earth] and environmental studies, mathematical sciences, medicine and dentistry, physical sciences, psychology, subjects allied to medicine 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.
- [^{F8}(d) a qualification is not an equivalent or lower qualification where—
 - (i) it relates to a pre-registration course in an allied health profession subject, midwifery, nursing, nursing and social work or operating department practice;
 - (ii) that course commenced on or after 1st August 2017 (or in the case of a course in a dental profession subject, commences on or after 1st August 2018); and
 - (iii) the qualification falls within sub-paragraph (da);
- (da) a qualification falls within this sub-paragraph if—
 - (i) it leads to an ordinary or an honours degree;
 - (ii) in respect of a course in a dental profession subject, it leads to an ordinary degree, an honours degree, a diploma or a foundation degree; or
 - (iii) in respect of a course in operating department practice, it leads to an ordinary degree, an honours degree or a diploma;]
- (e) “qualified teacher” has the meaning given in section 132(1) of the Education Act 2002 ^{M1} 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 ^{M2} (“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.
- ^{F9}(f)
- [^{F10}(g) “course for the initial training of teachers” has the same meaning as in regulation 2(1) of the Education (Student Support) Regulations 2011.]

Textual Amendments

F1 Reg. 5(1A) inserted (with application in accordance with reg. 2(5)(a) of the amending S.I.) by The Education (Student Fees, Awards and Support) (Amendment) Regulations 2024 (S.I. 2024/85), regs. 1, 42(a)

F2 Words in reg. 5(2)(a)(i) omitted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1348), regs. 1(1), 50(a)

F3 Reg. 5(2A) omitted (with application in accordance with reg. 2(5)(a) of the amending S.I.) by virtue of The Education (Student Fees, Awards and Support) (Amendment) Regulations 2024 (S.I. 2024/85), regs. 1, 42(b)

F4 Words in reg. 5(3)(b)(i) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2019 (S.I. 2019/142), regs. 1(1), 46(2)(a)

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- F5** Reg. 5(3)(c)(i) substituted (with application in accordance with reg. 1(2)(5) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) Regulations 2019 \(S.I. 2019/142\)](#), regs. 1(1), **46(2)(b)**
- F6** Words in reg. 5(3)(c)(i) omitted (13.2.2020) (with application in accordance with reg. 1(2)(b) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **8(2)(a)**
- F7** Words in reg. 5(3)(c)(i) substituted (13.2.2020) (with application in accordance with reg. 1(2)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support etc.\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/48\)](#), regs. 1(1), **8(2)(b)**
- F8** Reg. 5(3)(d)(da) substituted for reg. 5(3)(d) (25.7.2018) by [The Higher Education \(Fee Limits and Fee Limit Condition\) \(England\) Regulations 2018 \(S.I. 2018/903\)](#), regs. 1, **15**
- F9** Reg. 5(3)(f) omitted (with application in accordance with reg. 2(5)(a) of the amending S.I.) by virtue of [The Education \(Student Fees, Awards and Support\) \(Amendment\) Regulations 2024 \(S.I. 2024/85\)](#), regs. 1, **42(c)**
- F10** Reg. 5(3)(f)(g) inserted (with application in accordance with reg. 1(3)(b) of the amending S.I.) by [The Education \(Student Fees, Awards and Support\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1348\)](#), regs. 1(1), **50(c)**

Marginal Citations

M1 2002 c.32.

M2 S.I. 2003/1662.

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Changes and effects yet to be applied to :

- reg. 5(3)(c)(i) words omitted by [S.I. 2020/46 reg. 8\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/46 was revoked by S.I. 2020/48, reg. 19 before ever coming into force)
- reg. 5(3)(c)(i) words substituted by [S.I. 2020/46 reg. 8\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/46 was revoked by S.I. 2020/48, reg. 19 before ever coming into force)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. para. 12(1)(a)-(d) Sch. para. 12(a)-(d) renumbered as Sch. para. 12(1)(a)-(d) by [S.I. 2019/139 reg. 25\(3\)\(e\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Amending Regulations revoked immediately before IP completion day by S.I. 2020/1181, regs. 1(2). 2)
- Sch. para. 12(1)(c) words inserted by [S.I. 2019/139 reg. 25\(3\)\(e\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Amending Regulations revoked immediately before IP completion day by S.I. 2020/1181, regs. 1(2). 2)
- Sch. para. 12(1)(d) words inserted by [S.I. 2019/139 reg. 25\(3\)\(e\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Amending Regulations revoked immediately before IP completion day by S.I. 2020/1181, regs. 1(2). 2)
- Sch. 1 Pt. 2 para. 5C inserted by [S.I. 2020/46 reg. 2\(6\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/46 was revoked by S.I. 2020/48, reg. 19 before ever coming into force)
- reg. 2(bbza)(i)(aa)-(ee) substituted for reg. 2(bbza)(i)(aa)-(dd) by [S.I. 2024/669 reg. 13](#)