



Lifelong Learning (Higher Education Fee Limits) Act 2023

2023 CHAPTER 40

PROSPECTIVE

1 New method for determining fee limit

- (1) The Higher Education and Research Act 2017 is amended as follows.
 - (2) In section 10 (fee limit condition)—
 - (a) in subsection (3), for paragraph (b) substitute—

“(b) in respect of so much of the course as is undertaken during a regulated course year of that course.”;
 - (b) before subsection (8) insert—

“(7B) A “course year”, in relation to a qualifying course, means—

 - (a) the period of 12 months beginning with the first day of the month in which the course begins, and
 - (b) each subsequent period of 12 months (if any) in which part of the course is undertaken;

and a course year is a “regulated course year” if it begins at the same time as, or while, the provider of the course is registered in the register.
 - (7C) Regulated course fees “exceed the fee limit” if they exceed the fee limit applicable to the regulated course year in question (see subsection (3)(b)).”
- (3) The remaining subsections amend Schedule 2 (fee limit for purposes of fee limit condition).
- (4) For paragraph 1 substitute—
 - “1 (1) This Schedule provides for the determination of the fee limit, for the purposes of a fee limit condition, applicable to a course year of a qualifying course.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Lifelong Learning (Higher Education Fee Limits) Act 2023, Section 1. (See end of Document for details)

- (2) There are two methods of determining the fee limit: the credit-based method (see paragraphs 1A to 1G) and the fixed method (see paragraph 1H).
- (3) Which method is to be used in a given case is to be determined by regulations made by the Secretary of State.

The credit-based method: basic concepts

- 1A (1) For the purposes of this Schedule, “credits” are units used to signify the total amount of learning time that a student would ordinarily be expected to spend in order to complete a particular course or part of a course.
- (2) “Learning time” means time spent in any form of study, learning or assessment.

The credit-based method: attachment of credits

- 1B (1) Regulations must, in relation to each course year for which the credit-based method is to be used, make provision about the circumstances in which the course year is to be regarded as having a number of credits attached to it for the purposes of paragraphs 1D and 1E.
- (2) Such regulations may, for instance, provide that the course year is to be regarded as having a number of credits attached to it if—
 - (a) that number of credits is notified in relation to the year by the provider of the course to a particular person by a particular date;
 - (b) in arriving at that number, a particular number of credits is used by the provider to denote each hour of learning time.
- (3) Regulations may, in relation to a course year for which the credit-based method is to be used—
 - (a) provide for a particular description of activity to be undertaken during the course year to be “credit-differentiated activity”, and
 - (b) make provision about the circumstances in which a number of credits, out of those that are regarded as attached to the course year, are to be further regarded as attached to the credit-differentiated activity.
- (4) Credits are not to be regarded for the purposes of paragraphs 1D and 1E as attached to a course year, or to activity undertaken during a course year, except by virtue of regulations under sub-paragraph (1) or (3).

The credit-based method: maxima and defaults

- 1C (1) Regulations must, in relation to each course year for which the credit-based method is to be used, specify or provide for the determination of—
 - (a) a maximum number of credits for the course year, and
 - (b) a default number of credits for the course year (which may not exceed the maximum number).
- (2) Sub-paragraphs (3) and (4) apply in relation to a course year that includes credit-differentiated activity.

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- (3) Regulations must specify or provide for the determination of—
 - (a) a maximum number of credits, and
 - (b) a default number of credits (which may not exceed the maximum number),for each credit-differentiated activity to be undertaken during the course year.
- (4) In relation to a given course year—
 - (a) the total of those maximum numbers must not exceed the maximum number of credits for the course year, and
 - (b) the total of those default numbers must not exceed the default number of credits for the course year.
- (5) This paragraph does not apply in relation to qualifying courses that are modules.

The credit-based method: fee limit where credits attached

- 1D
- (1) If—
 - (a) the credit-based method is to be used for a course year, and
 - (b) credits are attached to the course year,the fee limit is to be determined in accordance with this paragraph.
 - (2) Unless the course year includes credit-differentiated activity to which credits are attached, the fee limit is the amount produced by multiplying the chargeable number of credits for the course year by the per-credit limit.
 - (3) For the purposes of sub-paragraph (2), the chargeable number of credits is—
 - (a) the number of credits attached to the course year, or
 - (b) if fewer, the maximum number of credits for the course year (see paragraph 1C(1)(a)).
 - (4) If the course year includes credit-differentiated activity to which credits are attached, the fee limit is the amount produced by—
 - (a) for each such activity, multiplying the chargeable number of credits by the per-credit limit, and
 - (b) adding together the sums arrived at under paragraph (a).
 - (5) For the purposes of sub-paragraph (4)(a), the chargeable number of credits is—
 - (a) the number of credits attached to the activity, or
 - (b) if fewer, the maximum number of credits for the activity (see paragraph 1C(3)(a)).
 - (6) In relation to a qualifying course that is a module—
 - (a) sub-paragraphs (2) and (4) do not apply, and
 - (b) the fee limit is the amount produced by multiplying the number of credits attached to the course year by the per-credit limit.

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- (7) The “per-credit limit” is the per-credit limit determined in accordance with paragraphs 1I to 3.

The credit-based method: fee limit where credits not attached

- 1E (1) If—
- (a) the credit-based method is to be used for a course year, but
 - (b) credits are not attached to the course year,
- the fee limit is to be determined in accordance with this paragraph.
- (2) Unless the course year includes credit-differentiated activity, the fee limit is the amount produced by multiplying the default number of credits for the course year (see paragraph 1C(1)(b)) by the per-credit limit.
- (3) If the course year includes credit-differentiated activity, the fee limit is the amount produced by—
- (a) for each such activity, multiplying the default number of credits (see paragraph 1C(3)(b)) by the per-credit limit, and
 - (b) adding together the sums arrived at under paragraph (a).
- (4) The “per-credit limit” is the per-credit limit determined in accordance with paragraphs 1I to 3.

The credit-based method: adjustments for transfer cases

- 1F (1) Regulations may provide, in relation to transfer cases, for a reduction in—
- (a) the chargeable number of credits for the purposes of paragraph 1D(2) or (4)(a), or
 - (b) the default number of credits for the purposes of paragraph 1E(2) or (3)(a).
- (2) “Transfer cases” are cases in which a provider relieves a student of the need to undertake part of a course because of activity undertaken by the student other than as part of that course.

The credit-based method: supplementary

- 1G (1) Regulations under paragraph 1B, 1C or 1F are to be made by the Secretary of State.
- (2) Such regulations may refer to matters determined or published by the Secretary of State or other persons (whether before or after the regulations are made).
- (3) If the fee limit determined in accordance with paragraphs 1D and 1E would, apart from this sub-paragraph, be an amount including a fraction of a penny, the fraction is to be disregarded.

The fixed method

- 1H Under the fixed method, the fee limit is the fixed limit determined in accordance with paragraphs 1I to 3.

Status: This version of this provision is prospective.

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Determination of the per-credit and fixed limits

- 11 (1) Paragraphs 2 and 3 apply for the purposes of determining both—
- (a) the per-credit limit (for the purposes of the credit-based method), and
 - (b) the fixed limit (for the purposes of the fixed method).
- (2) References in those paragraphs to “the relevant limit” are to be read accordingly.
- (3) References in those paragraphs to “the course year” are to the course year in respect of which the fee limit is being determined.
- (4) Where an amount is prescribed or determined under either paragraph, the regulations or determination must specify whether the amount is prescribed or determined for the purposes of the per-credit limit or the fixed limit.
- (5) The power for regulations to prescribe different amounts for different cases or purposes by virtue of section 119(5)(a) includes power for regulations under paragraph 2 or 3 to prescribe different per-credit limits in respect of different credit-differentiated activity.”
- (5) In the italic heading before paragraph 2, for “The fee limit” substitute “Limits”.
- (6) In paragraph 2 (fee limit with access and participation plan)—
- (a) in sub-paragraph (1), for “relevant academic” substitute “course”;
 - (b) in sub-paragraph (2), in paragraphs (a) and (b)—
 - (i) for “fee” substitute “relevant”;
 - (ii) omit “for the relevant course and for the relevant academic year”.
- (7) In the italic heading before paragraph 3, for “The fee limit” substitute “Limits”.
- (8) In paragraph 3 (fee limit without access and participation plan)—
- (a) in sub-paragraph (1), for “relevant academic” substitute “course”;
 - (b) in sub-paragraph (2), in paragraphs (a) and (b), for “fee” substitute “relevant”;
 - (c) in sub-paragraph (3), for “relevant academic” substitute “course”.

Commencement Information

- 11 S. 1 not in force at Royal Assent, see [s. 3\(2\)](#)

Status:

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Changes to legislation:

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