
WELSH STATUTORY INSTRUMENTS

2016 No. 276 (W. 100)

EDUCATION, WALES

**The Higher Education (Qualifying Courses,
Qualifying Persons and Supplementary Provision)
(Wales) (Amendment) Regulations 2016**

<i>Made</i>	- - - -	<i>2 March 2016</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>4 March 2016</i>
<i>Coming into force</i>	- -	<i>26 March 2016</i>

The Welsh Ministers, in exercise of the powers conferred on them by sections 5(2)(b), 55(2) and 57(1) of the Higher Education (Wales) Act 2015(1), make the following Regulations:

Title, commencement, interpretation and application

1.—(1) The title of these Regulations is the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) (Amendment) Regulations 2016 and they come into force on 26 March 2016.

(2) In these Regulations, “the 2015 Regulations” (“*Rheoliadau 2015*”) means the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015(2).

(3) These Regulations apply in relation to Wales.

Amendment to the 2015 Regulations

2. The 2015 Regulations are amended as follows.

3. In regulation 2(1), in the appropriate place in alphabetical order insert—

““the 1998 Act” (“*Deddf 1998*”) means the Teaching and Higher Education Act 1998(3);”
and

““publicly-funded” (“*yn cael ei gyllido’n gyhoeddus*”) means maintained or assisted by recurrent grants out of public funds;”.

(1) 2015 anaw 1.
(2) S.I. 2015/1484 (W. 163).
(3) 1998 c. 30.

4. For regulation 3 substitute—

“Prescribed description of a qualifying course

3.—(1) Subject to paragraph (2), a qualifying course in relation to a 2004 Act plan for the purposes of the transitional period is:

- (a) a course of higher education;
- (b) designated for the purposes of section 22 of the 1998 Act on the first day of an academic year which begins on or after 1 September 2012; and
- (c) provided by an institution in Wales.

(2) A course is not a qualifying course if at the time the qualifying person received an offer of a place on that course the institution providing it was not publicly-funded.

3A.—(1) Subject to paragraph (2), a qualifying course for the purpose of a fee and access plan which is not a 2004 Act plan is a course of higher education capable of being designated by regulations made under section 22 of the 1998 Act (regardless of whether the institution providing the course is publicly-funded).

(2) Where a course is provided by a person on behalf of an institution, that course is not a qualifying course if that person is not a charity.

3B. For the purposes of regulations 3 and 3A, a course is not a qualifying course if:

- (a) the first academic year of the course began before 1 September 2012;
- (b) it is an end-on course and the preceding course was not a qualifying course by reason of paragraph (a); or
- (c) it is a part-time course.”

2 March 2016

Huw Lewis
Minister for Education and Skills, one of the
Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015 (“the 2015 Regulations”) prescribe the qualifying courses and qualifying persons for the purposes of the Higher Education (Wales) Act 2015 (“the 2015 Act”), section 5 of which sets out that fee and access plans must specify (or provide for the determination of) fee limits in relation to qualifying courses each academic year.

Regulation 3 of these Regulations amends the interpretation provisions of the 2015 Regulations by inserting two new definitions.

Regulation 4 of these Regulations substitutes new regulations 3, 3A and 3B for regulation 3 of the 2015 Regulations.

New regulation 3 prescribes the description of a qualifying course in relation to a 2004 Act plan (a plan approved in relation to Wales under section 34 of the Higher Education Act 2004 before 1 August 2015) for the purposes of the transitional period under the 2015 Act.

New regulation 3A prescribes the description of a qualifying course in relation to a fee and access plan under the 2015 Act which is not a 2004 Act plan.

New regulation 3B provides, for the purposes of new regulations 3 and 3A, for when a course is not a qualifying course.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Higher Education Division, Cathays Park, Cardiff, CF10 3NQ.