

2012 No. 1630 (W. 209)

EDUCATION, WALES

**The Student Fees (Qualifying
Courses and Persons) (Wales)
(Amendment) Regulations 2012**

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Student Fees (Qualifying Courses and Persons) (Wales) Regulations 2011 (“the principal Regulations”) prescribe the qualifying courses and qualifying persons for the purposes of section 28 of the Higher Education Act 2004 (“the 2004 Act”). A course is a qualifying course for the purposes of section 28 if it is prescribed for that purpose.

The definition of “course” in section 41 of the 2004 Act, as originally enacted, did not include part-time courses. That section was amended by section 77 of the Education Act 2011 to include part-time courses.

These Regulations amend the principal Regulations by excluding part-time courses from being prescribed as qualifying courses for the purposes of section 28 of the 2004 Act.

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**The Student Fees (Qualifying
Courses and Persons) (Wales)
(Amendment) Regulations 2012**

Made 20 June 2012

Laid before the National Assembly for Wales
22 June 2012

Coming into force 1 September 2012

The Welsh Ministers in exercise of the powers conferred on the National Assembly for Wales by sections 28(6) and 47(5) of the Higher Education Act 2004⁽¹⁾ and now exercisable by them⁽²⁾, make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Student Fees (Qualifying Courses and Persons) (Wales) (Amendment) Regulations 2012 and they come into force on 1 September 2012.

(2) These Regulations apply in relation to Wales.

Amendment

2. In regulation 3 of the Student Fees (Qualifying Courses and Persons) (Wales) Regulations 2011⁽³⁾ after paragraph (5) insert—

“(6) A course is not a qualifying course if it is a part-time course.”

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- (1) 2004 c.8. There are amendments to section 28 which are not relevant to these Regulations.
- (2) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraphs 30(1) and 30(2)(c) of Schedule 11 to the Government of Wales Act 2006 (c.32).
- (3) S.I. 2011/691 (W.103), to which there are amendments not relevant to these Regulations.

Leighton Andrews

Minister for Education and Skills, one of the Welsh
Ministers

20 June 2012