STATUTORY INSTRUMENTS

1999 No. 2265

EDUCATION, ENGLAND

The Education (Student Fees) (Exceptions) (England) Regulations 1999

Made - - - -	*9th August 1999*
Laid before Parliament	*11th August 1999*
Coming into force	*1st September 1999*

In exercise of the powers conferred on the Secretary of State by sections 28(1)(e) and 42(6) and (7) of the Teaching and Higher Education Act 1998**(a)**, the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education (Student Fees) (Exceptions) (England) Regulations 1999 and shall come into force on 1st September 1999.

(2) In these Regulations "the Act" means the Teaching and Higher Education Act 1998.

Application

2. These Regulations shall apply for the determination, for the purpose of Chapter I of Part II of the Act, of the meaning of fees payable to institutions in England.

Fees excluded from the definition of fees in section 28(1) of the Act

3. Any fee of a description specified in Part II of the Schedule to these Regulations is (insofar as it is a fee) prescribed for the purpose of section 28(1)(e) of the Act (which provides that fees which are prescribed are excluded from the meaning of fees in Chapter I of Part II of the Act).

Tessa Blackstone
Minister of State,
Department for Education and Employment

9th August 1999

(a) 1998 c. 30.

SCHEDULE

Regulation 3

FEES EXCLUDED FROM THE DEFINITION OF FEES IN SECTION 28(1) OF THE ACT

PART I

INTERPRETATION

1. In this Schedule "core provision" in relation to goods or services means the provision of goods or services related to a course which is intended, by enabling the student to acquire skills or knowledge, to afford the student the opportunity to attain up to the highest grade or qualification for the course (or, where more than one grade or qualification is comprised in a course, the highest of all the grades or qualifications for the course).

PART II

DESCRIPTION OF FEES

2. Any fee payable in connection with the supply to the student (whether by sale or hire) of goods other than individual lecture notes, summaries of lectures or similar materials, where–

(a) the goods do not form part of the core provision for the course, or

(b) the goods become the property of the student (whether at the time the fee is paid or at any later time),

provided that where goods form part of the core provision for the course and it is necessary to make available the goods to the student in connection with the student's health or safety when attending the course, subparagraph (b) shall not apply unless the institution also makes the goods available to the student (without the goods becoming the property of the student) without charge.

3. Any fee payable in connection with the supply of services to the student where the services do not form part of the core provision for the course.
For the purposes of this paragraph the reservation of books or other materials at the institution's library shall be treated as core provision for the course.

4. Any fee which represents a reimbursement of the cost of any fee or charge, other than a charge made in respect of the supply of goods to the institution, which the institution pays to some other person in connection with the student's attendance on, or completion of, the course.

5. Any fee in respect of any additional administrative expenses incurred by the institution as a result of any negligence or default by the student (including administrative expenses arising from the student re-taking an examination, assessment of course work, or module of a course).

6. Any fee in respect of travel facilities provided by the institution.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations except certain fees from the meaning of "fees" in Chapter I of Part II of the Teaching and Higher Education Act 1998 ("the 1998 Act").

Section 28 of the 1998 Act provides a definition of "fees" for the purposes of Chapter I of Part II of that Act, excluding certain categories of fees and "such other fees as may be prescribed".

The Regulations are made under section 28 of the 1998 Act and prescribe further categories of excepted fees. These are set out in the Schedule.

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