This Statutory Instrument has been made in consequence of defects in S.I. 2016/606, 2018/599 and 2026/581 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2026 No. 1139

EDUCATION, ENGLAND

The Education (Student Support for Postgraduate and Lifelong Learning Provision) (Amendment) Regulations 2026

Made - - - -	*27th October 2026*
Laid before Parliament	*29th October 2026*
Coming into force - -	*19th November 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 22(1), (2)(aa) and (k) and 42(6) of the Teaching and Higher Education Act 1998(**1**).

Part 1

General

Citation, commencement, extent, application and interpretation

1.—(1) These Regulations may be cited as the Education (Student Support for Postgraduate and Lifelong Learning Provision) (Amendment) Regulations 2026.

(2) These Regulations come into force on 19th November 2026.

(3) These Regulations extend to England and Wales but apply in relation to England only.

(4) In these Regulations, "the Lifelong Learning Regulations" means the Lifelong Learning (Student Support) (Amendment of Fees and Awards etc.) Regulations 2026(**2**).

(**1**) 1998 c. 30. Section 22 was amended by section 146(2)(a) of the Learning and Skills Act 2000 (c. 21) and section 88(2) of the Higher Education and Research Act 2017 (c. 29); there are other amending instruments but none is relevant. See section 43(1) of the Teaching and Higher Education Act 1998 for the definitions of "prescribed" and "regulations".

(**2**) S.I. 2026/858.

Part 2

Amendment of the Lifelong Learning (Student Support) (Amendment of Fees and Awards etc.) Regulations 2026

Amendment of the Lifelong Learning (Student Support) (Amendment of Fees and Awards etc.) Regulations 2026

2. The Lifelong Learning Regulations are amended in accordance with this Part.

Amendment to regulation 5 (meaning of "course designation event", "in-year qualifying event", "protected category event", "settled status event", "module designation event" and related provision)

3.—(1) Regulation 5 is amended as follows.

(2) In paragraph (2)—

(a) in sub-paragraph (b) omit ", or on whose behalf the course is being provided,";

(b) after sub-paragraph (d), insert—

"(e) the English higher education provider on whose behalf the course is being provided becomes a registered provider, where the course start date is before 1st August 2028(**3**);

(f) the English higher education provider on whose behalf the course is being provided becomes a registered provider, where—

(i) the course start date is on or after 1st August 2028, and

(ii) the course is provided by one or more qualifying franchised providers.".

(3) In paragraph (6), for "paragraph (2)(b)" substitute "paragraph (2)(b), (e) or (f)".

Amendment to regulation 10 (designation of courses)

4.—(1) Regulation 10 is amended as follows.

(2) In paragraph (2)(e)—

(a) in paragraph (i), omit from ", or by" to the end;

(b) in paragraph (ii), after "United Kingdom" insert ", but not provided by that institution on behalf of the registered provider,";

(c) in paragraph (iv), after "England" insert "and have a course start date that is before 1st August 2028,";

(d) omit the "or" at the end of paragraph (vi);

(e) after paragraph (vii), insert—

"(viii) provided by a registered provider or unregistered provider(**4**) on behalf of a registered provider in England, and have a course start date that is before 1st August 2028, or

(ix) provided by one or more qualifying franchised providers on behalf of a registered provider in England, and have a course start date that is on or after 1st August 2028;".

(**3**) "Course start date", "English higher education provider" and "registered provider" are defined in paragraph 1 of Schedule 1 to S.I. 2026/858.

(**4**) "Unregistered provider" is defined by reference to "registered provider" in paragraph 1 of Schedule 1 to S.I. 2026/858.

(3) In paragraph 2(f)—

(a) omit the "or" at the end of paragraph (i);

(b) in paragraph (ii), after "registered provider" insert ", and have a course start date that is before 1st August 2028, or";

(c) after paragraph (ii), insert—

"(iii) provided by one or more qualifying franchised providers on behalf of a registered provider in England, and have a course start date that is on or after 1st August 2028;".

Insertion of Part 2A (designation of courses taught or delivered by franchised providers)

5. After regulation 15, insert—

"Part 2A

Designation of courses taught or delivered by franchised providers

Interpretation of Part 2A

15A.. In this Part—

"calculation reference period" means, in respect of a course, the service year(**5**) which begins 36 months before the first day of the implementation year;

"designation period" means, in respect of a course, the period of 11 months beginning with 1st September and ending with 31st July, which begins 11 months before the first day of the implementation year;

"exempt franchised provider" means an unregistered franchised provider which is—

(a) a school, as defined by section 4 of the Education Act 1996(**6**),

(b) an academy under section 1(10) of the Academies Act 2010(**7**),

(c) an academy proprietor, as defined by section 122J(1) of the Education and Inspections Act 2006(**8**),

(d) a federation or federated school, as defined by section 24(2) of the Education Act 2002(**9**),

(e) an institution within the further education sector, as defined by section 91(3) of the Further and Higher Education Act 1992(**10**),

(f) a local authority,

(g) a mayoral combined authority, as defined by section 107A(8) of the Local Democracy, Economic Development and Construction Act 2009(**11**),

(**5**) "Service year" is defined in paragraph 1 of Schedule 1 to S.I. 2026/858.

(**6**) 1996 c. 56. Relevant amendments to section 4 were made by sections 51 of, and paragraph 10 of Schedule 7 to, the Education Act 1997 (c. 44), Part 3 of Schedule 22 to the Education Act 2002 (c. 32), section 95 of the Childcare Act 2006 (c. 21), paragraph 9(2) of Schedule 13 to the Education Act 2011 (c. 21) and by S.I. 2010/1080 and 2019/1027, there are other amendments to section 4 which are not relevant.

(**7**) 2010 c. 32. Section 1(10) was amended by section 53(6) of the Education Act 2011.

(**8**) 2006 c. 40. Section 122J was inserted by section 57(2) of the Children's Wellbeing and Schools Act 2026 (c. 21).

(**9**) 2002 c. 32. Section 24 was amended by section 19(4) of the Education (Wales) Measure 2011 (nawm 7) and S.I. 2010/1158.

(**10**) 1992 c. 13. Section 91(3) was amended by paragraph 13(2) of Schedule 8 to the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22).

(**11**) 2009 c. 20. Section 107A(8) was inserted by section 2 of the Cities and Local Government Devolution Act 2016 (c. 1).

(h) an integrated care board established under section 14Z25 of the National Health Service Act 2006(**12**),

(i) an NHS trust established under section 25 of the National Health Service Act 2006,

(j) an NHS foundation trust within the meaning of section 30 of the National Health Service Act 2006(**13**),

(k) a police and crime commissioner established under section 1 of the Police Reform and Social Responsibility Act 2011(**14**),

(l) a government department, or

(m) the armed forces;

"implementation year" means, in respect of a course, the service year during which the course start date occurs;

"lead provider" means the registered provider on whose behalf a franchised provider provides a course or part of a course.

Meaning of "franchised provider", "franchised student", "student population", "unregistered franchised provider", "below-threshold franchised provider", " threshold", "qualifying franchised provider" and related provision

15B.—.—(1) This regulation defines "franchised provider", "franchised student", "student population", "below-threshold franchised provider" and "threshold" for the purposes of this Part, defines "qualifying franchised provider" for the purposes of these Regulations, and makes related provision for the purposes of this Part.

(2) A provider is a "franchised provider" in respect of a course if—

(a) it delivers or teaches the course, or part of the course, to students who are registered with a registered provider in England, and

(b) it does so on behalf of that registered provider.

(3) A student is a "franchised student" if—

(a) they are registered to study a course with a registered provider in England, and

(b) more than 50% of the modules, credits or other unit of their course or total credit value is, or may be, taught or delivered by(**15**)—

(i) a franchised provider, or

(ii) multiple franchised providers, where the total percentage of the course which is taught or delivered by, or on behalf of, the franchised providers is more than 50%.

(4) For the purposes of paragraph (3)(b), the percentage of a course that is taught or delivered by a provider is calculated as follows—

$$(A / B) \times 100$$

where—

A is the total number of modules, credits or other unit of that course or total credit value which may be taught or delivered by franchised providers to that student, and

(**12**) 2006 c. 41. Section 14Z25 was inserted by section 19(2) of the Health and Care Act 2022 (c. 31).
(**13**) Section 30 was amended by section 159(1) of the Health and Social Care Act 2012 (c. 7).
(**14**) 2011 c. 13. Section 1 was amended by section 22(1) of, and paragraph 87 of Schedule 1 to, the Policing and Crime Act 2017 (c. 3) and section 47(1) of the English Devolution and Community Empowerment Act 2026 (c. 23).
(**15**) "Module", "credits" and "credit value" are defined in paragraph 1 of Schedule 1 to S.I. 2026/858.

B is the number of modules, credits or other unit of that course or total credit value which that student would be likely to obtain within the period ordinarily required to complete that course.

(5) For the purposes of this regulation, a provider is deemed to teach or deliver a course, or percentage of a course, if that provider carries out teaching or delivery itself or sub-contracts that teaching or delivery to another provider.

(6) In respect of a franchised provider, its "student population" means the total number of franchised students that the franchised provider teaches or delivers a course or part of a course to, as published by the OfS(**16**) from time to time(**17**).

(7) For the purposes of paragraph (6) and subject to paragraph (8), a franchised provider's student population includes franchised students—

(a) who are studying for a—

(i) full-time course;

(ii) part-time course;

(iii) course which is not eligible for financial support by way of a grant or loan made by the Secretary of State;

(iv) publicly funded course;

(v) course which is delivered online;

(vi) qualification at level(**18**) 4 or higher;

(b) regardless of whether they fall within Schedule 1 to the 2007 Fees and Awards Regulations(**19**).

(8) For the purposes of paragraph (6), a franchised provider's student population does not include students who are studying—

(a) a course as part of an apprenticeship;

(b) for modules or credits only.

(9) If a franchised provider is a group undertaking in respect of another franchised provider, those franchised providers are to be treated as one provider for the purposes of calculating the student population.

(10) For the purposes of paragraph (9), "group undertaking" has the meaning given by section 1161(5) of the Companies Act 2006(**20**).

(11) Subject to paragraph (12), a provider is an "unregistered franchised provider" in respect of a course, if it is—

(a) a franchised provider in respect of that course, and

(b) an unregistered provider.

(12) A provider is not an unregistered franchised provider in respect of a course if it is—

(a) a college which is a constituent of a university or institution that is itself a registered provider, or

(b) jointly owned by two or more institutions, where—

(**16**) "OfS" is defined in paragraph 1 of Schedule 1 to S.I. 2026/858.
(**17**) The OfS student population data is published at https://www.officeforstudents.org.uk/data-and-analysis/size-and-shape-of-provision-data-dashboard/.
(**18**) "Level" is defined in paragraph 1 of Schedule 1 to S.I. 2026/858.
(**19**) "2007 Fees and Awards Regulations" is defined in paragraph 1 of Schedule 1 to S.I. 2026/858. Schedule 1 to the 2007 Fees and Awards Regulations is amended by S.I. 2011/87, 2018/137, 2020/1181, 2021/127, 2021/929, 2021/1348, 2022/57, 2022/534, 2023/74, 2024/85, 2024/669, 2026/130 and S.I. 2026/858.
(**20**) 2006 c. 46.

(i) those institutions are themselves registered providers, and

(ii) in connection with that course a student may be eligible for a healthcare bursary(**21**).

(13) An unregistered franchised provider is a "below-threshold franchised provider" if—

(a) it is not an exempt franchised provider, and

(b) it has a student population of less than the threshold.

(14) The "threshold" is such figure as may be published by the Secretary of State at gov.uk, or, if no figure has been published for the purposes of this regulation, 300.

(15) A franchised provider is a "qualifying franchised provider" if it is—

(a) an exempt franchised provider,

(b) a below-threshold franchised provider, or

(c) a registered provider.

Determination of student population

15C.—.—(1) During each designation period, the Secretary of State must determine the student population of any unregistered franchised provider which is not an exempt franchised provider.

(2) The unregistered franchised provider's student population will be calculated by reference to the student population data published by the OfS for the calculation reference period, subject to paragraph (3).

(3) Subject to paragraph (6), where the Secretary of State is unable to calculate an unregistered franchised provider's student population for the calculation reference period, the Secretary of State must determine the unregistered franchised provider's student population to be below the threshold.

(4) Paragraph (5) applies where an unregistered franchised provider—

(a) has a student population below the threshold for the duration of the calculation reference period, or does not have student population data for the calculation reference period, and

(b) intends to have a student population which is equal to or more than the threshold for the duration of the implementation year.

(5) Where this paragraph applies, that unregistered franchised provider must, as soon as reasonably practicable, notify the Secretary of State of—

(a) its intended student population for the implementation year, and

(b) whether it intends to become a registered provider for the implementation year.

(6) Following a notification under paragraph (5), the unregistered franchised provider's student population will be determined to be equal to or more than the threshold.

Notice of status

15D.—.—(1) Following a determination under regulation 15C, the Secretary of State must issue a notice (a "notice of status") to the unregistered franchised provider.

(2) A notice of status must contain—

(**21**) "Healthcare bursary" is defined in paragraph 1 of Schedule 1 to S.I. 2026/858.

(a) confirmation that the franchised provider is not a registered provider or exempt franchised provider,

(b) the Secretary of State's determination of the unregistered franchised provider's student population,

(c) confirmation of whether the unregistered franchised provider is a below-threshold franchised provider, and

(d) the Secretary of State's determination regarding whether any courses which are delivered or taught by the unregistered franchised provider during the implementation year will be designated for the purposes of section 22 of the 1998 Act.

Appeals against notices of status

15E.—.—(1) This regulation applies where the Secretary of State has issued a notice of status under regulation 15D.

(2) The franchised provider may appeal that notice on the ground that—

(a) it reasonably believes that it is, or will be, an exempt franchised provider during the implementation year, or

(b) it reasonably believes that it will have a student population below the threshold for the duration of the implementation year.

(3) An appeal under this regulation must be made to the Secretary of State in writing before the end of the period of one month beginning with the day on which the notice of status is issued.

(4) Where, on receipt of an appeal, the Secretary of State determines that the franchised provider is likely to—

(a) be an exempt franchised provider during the implementation year, or

(b) have a student population below the threshold for the duration of the implementation year,

the Secretary of State may determine that the franchised provider is to be deemed a qualifying franchised provider for the purposes of courses starting during the implementation year and must issue an updated notice of status confirming this determination.

Correction year

15F.—.—(1) Paragraphs (2) and (3) apply where—

(a) the Secretary of State issued a notice of status which—

(i) confirms that the unregistered franchised provider was a below-threshold franchised provider, and

(ii) gives notice of the Secretary of State's determination that a course which is taught or delivered by that unregistered franchised provider would be designated for student finance during the implementation year, and

(b) that unregistered franchised provider's student population was equal to or more than the threshold at any time between the beginning of the calculation reference period and the end of the implementation year.

(2) The Secretary of State may revoke the designation of any course which—

(a) is taught or delivered by that unregistered franchised provider on behalf of any lead provider, and

(b) commences at any time during the service year immediately following the Secretary of State issuing a notice under paragraph (3) ("the correction year").

(3) Before revoking the designation of any course under paragraph (2), the Secretary of State must issue a notice to the franchised provider (a "notice of a correction year") which includes—

(a) notification that the Secretary of State intends to revoke the designation of the course, and

(b) the correction year that would apply by virtue of paragraph (2).

(4) The Secretary of State may disapply a revocation made under paragraph (2) where, having regard to all the circumstances, the Secretary of State considers it appropriate to do so.

Appeals against correction years

15G.—.—(1) A franchised provider may appeal the Secretary of State's decision to apply a correction year, where, on the course start date of any designated course(**22**) during that implementation year, the franchised provider reasonably believed that it would have a student population below the threshold for the duration of the implementation year.

(2) An appeal under this regulation must be made to the Secretary of State in writing before the end of the period of one month beginning with the day on which the notice of a correction year is issued.".

Amendment to Schedule 1 (interpretation)

6. In paragraph 1 of Schedule 1, in the relevant place insert—

""qualifying franchised provider" has the meaning given by regulation 15B(15);".

Part 3

Amendment of the Education (Postgraduate Master's Degree Loans) Regulations 2016

Amendment of the Education (Postgraduate Master's Degree Loans) Regulations 2016

7. The Education (Postgraduate Master's Degree Loans) Regulations 2016(**23**) are amended in accordance with this Part.

Amendment to regulation 4 (designated courses)

8. In regulation 4(1)(b)—

(a) in paragraph (vii), for "September" substitute "August";

(b) in paragraph (viii), for "September" substitute "August".

(**22**) "Designated course" is defined in paragraph 1 of Schedule 1 to S.I. 2026/858.
(**23**) S.I. 2016/606, amended by S.I. 2019/142, 2023/74 and 2026/581; there are other amending instruments but none is relevant.

Amendment to regulation 7 (students becoming eligible in the course of an academic year)

9. In regulation 7(1)(a)—

(a) in paragraph (iv), for "September" substitute "August";

(b) in paragraph (v), for "September" substitute "August".

Amendment to regulation 8A (interpretation of Chapter 2A)

10.—(1) Regulation 8A is amended as follows.

(2) In the definition of "calculation reference period", for "academic" substitute "service".

(3) In the definition of "designation period", for "academic year beginning 12 months" substitute "period of 11 months beginning with 1st September and ending with 31st July, which commences 11 months".

(4) In the definition of "exempt franchised provider", for paragraph (c) substitute—

"(c) an academy proprietor, as defined by section 122J(1) of the Education and Inspections Act 2006;".

(5) In the definition of "implementation year", for the words from "academic" to "August," substitute "service year".

(6) In the relevant place, insert—

""service year" means a period of 12 months, beginning with 1st August and ending with the following 31st July;".

Amendment to regulation 8B (meaning of "franchised provider", "franchised student", "student population", "unregistered franchised provider", "below-threshold franchised provider" and "qualifying franchised provider")

11.—(1) Regulation 8B is amended as follows.

(2) In the heading, after ""below-threshold franchised provider"" insert ", "threshold"".

(3) In paragraph (12)(b), for the words from "300" to the end, substitute "the threshold.".

(4) For paragraph (13), substitute—

"(13) The "threshold" is such figure as may be published by the Secretary of State at gov.uk, or, if no figure has been published for the purposes of this regulation, 300.".

Amendment to regulation 8C (restriction of designation of courses taught or delivered by franchised providers)

12. In regulation 8C(1), for "September" substitute "August".

Amendment to regulation 8D (determination of student population)

13.—(1) Regulation 8D is amended as follows.

(2) In paragraph (3), for the words from "the unregistered" to the end, substitute "the Secretary of State must determine the unregistered franchised provider's student population to be below the threshold.".

(3) In paragraph (4)—

(a) in sub-paragraph (a), for "of less than 300 for" substitute "below the threshold for the duration of";

(b) in sub-paragraph (b), for "of 300 or more for" substitute "which is equal to or more than the threshold for the duration of".

(4) In paragraph (6), for "300 or more" substitute "equal to or more than the threshold".

Amendment to regulation 8F (appeals against notices of status)

14.—(1) Regulation 8F is amended as follows.

(2) In paragraph (2)(b), for "of less than 300 during" substitute "below the threshold for the duration of".

(3) After paragraph (3) insert—

"(4) Where, on receipt of an appeal, the Secretary of State determines that the franchised provider is likely to—

(a) be an exempt franchised provider for the implementation year, or

(b) have a student population below the threshold for the duration of the implementation year,

the Secretary of State may determine that the franchised provider is a qualifying franchised provider for the purposes of courses starting during the implementation year and must issue an updated notice of status confirming this determination.".

Amendment to regulation 8G (correction year)

15.—(1) Regulation 8G is amended as follows.

(2) In paragraph (1)(b), for "300 or more" substitute "equal to or more than the threshold".

(3) For paragraphs (2) and (3), substitute—

"(2) The Secretary of State may revoke the designation of any course which—

(a) is taught or delivered by that unregistered franchised provider on behalf of any lead provider, and

(b) commences at any time during the service year immediately following the Secretary of State issuing a notice under paragraph (3) ("the correction year").

(3) Before revoking the designation of any course under paragraph (2), the Secretary of State must issue a notice to the franchised provider (a "notice of a correction year") which includes—

(a) notification that the Secretary of State intends to revoke the designation of the course, and

(b) the correction year that would apply by virtue of paragraph (2).".

(4) Omit paragraph (5).

Amendment to regulation 8H (appeals against correction years)

16. In regulation 8H(1), for "of less than 300 for" substitute "below the threshold for the duration of".

Part 4

Amendment of the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018

Amendment of the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018

17. The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018(**24**) are amended in accordance with this Part.

Amendment to regulation 4 (designated courses)

18. In regulation 4(1)(b)—

(a) in paragraph (vii), for "September" substitute "August";

(b) in paragraph (viii), for "September" substitute "August".

Amendment to regulation 7 (students becoming eligible in the course of an academic year)

19. In regulation 7(1)(a)—

(a) in paragraph (iv), for "September" substitute "August";

(b) in paragraph (v), for "September" substitute "August".

Amendment to regulation 8A (interpretation of Chapter 2A)

20.—(1) Regulation 8A is amended as follows.

(2) In the definition of "calculation reference period", for "academic" substitute "service".

(3) In the definition of "designation period", for "academic year beginning 12 months" substitute "period of 11 months beginning with 1st September and ending with 31st July, which commences 11 months".

(4) In the definition of "exempt franchised provider", for paragraph (c) substitute—

"(c) an academy proprietor, as defined by section 122J(1) of the Education and Inspections Act 2006;".

(5) In the definition of "implementation year", for the words from "academic" to "August," substitute "service year".

(6) In the relevant place, insert—

""service year" means a period of 12 months, beginning with 1st August and ending with the following 31st July;".

Amendment to regulation 8B (meaning of "franchised provider", "franchised student", "student population", "unregistered franchised provider", "below-threshold franchised provider" and "qualifying franchised provider")

21.—(1) Regulation 8B is amended as follows.

(2) In the heading, after ""below-threshold franchised provider"" insert ", "threshold"".

(3) In paragraph (12)(b), for the words from "300" to the end, substitute "the threshold".

(**24**) S.I. 2018/599, amended by S.I. 2019/142, 2023/74 and 2026/581; there are other amending instruments but none is relevant.

(4) For paragraph (13), substitute—

"(13) The "threshold" is such figure as may be published by the Secretary of State at gov.uk, or, if no figure has been published for the purposes of this regulation, 300.".

Amendment to regulation 8C (restriction of designation of courses taught or delivered by franchised providers)

22. In regulation 8C(1), for "September" substitute "August".

Amendment to regulation 8D (determination of student population)

23.—(1) Regulation 8D is amended as follows.

(2) In paragraph (3), for the words from "the unregistered" to the end, substitute "the Secretary of State must determine the unregistered franchised provider's student population to be below the threshold.".

(3) In paragraph (4)—

(a) in sub-paragraph (a), for "of less than 300 for" substitute "below the threshold for the duration of";

(b) in sub-paragraph (b), for "of 300 or more for" substitute "which is equal to or more than the threshold for the duration of".

(4) In paragraph (6), for "300 or more" substitute "equal to or more than the threshold".

Amendment to regulation 8F (appeals against notices of status)

24.—(1) Regulation 8F is amended as follows.

(2) In paragraph (2)(b), for "of less than 300 during" substitute "below the threshold for the duration of".

(3) After paragraph (3) insert—

"(4) Where, on receipt of an appeal, the Secretary of State determines that the franchised provider is likely to—

(a) be an exempt franchised provider for the implementation year, or

(b) have a student population below the threshold for the duration of the implementation year,

the Secretary of State may determine that the franchised provider is a qualifying franchised provider for the purposes of courses starting during the implementation year and must issue an updated notice of status confirming this determination.".

Amendment to regulation 8G (correction year)

25.—(1) Regulation 8G is amended as follows.

(2) In paragraph (1)(b), for "300 or more" substitute "equal to or more than the threshold".

(3) For paragraphs (2) and (3), substitute—

"(2) The Secretary of State may revoke the designation of any course which—

(a) is taught or delivered by that unregistered franchised provider on behalf of any lead provider, and

(b) commences at any time during the service year immediately following the Secretary of State issuing a notice under paragraph (3) ("the correction year").

(3) Before revoking the designation of any course under paragraph (2), the Secretary of State must issue a notice to the franchised provider (a "notice of a correction year") which includes—

(a) notification that the Secretary of State intends to revoke the designation of the course, and

(b) the correction year that would apply by virtue of paragraph (2).".

(4) Omit paragraph (5).

Amendment to regulation 8H (appeals against correction years)

26. In regulation 8H(1), for "of less than 300 for" substitute "below the threshold for the duration of".

Part 5

Amendment of the Education (Student Support for Postgraduate Provision) (Amendment) Regulations 2026

Amendment of the Education (Student Support for Postgraduate Provision) (Amendment) Regulations 2026

27. The Education (Student Support for Postgraduate Provision) (Amendment) Regulations 2026(**25**) are amended in accordance with this Part.

Amendment to regulation 12 (interpretation of Part 4)

28. In regulation 12—

(a) in paragraph (1)—

(i) omit the definition of "academic year";

(ii) in the definition of "appeal reference period, for "academic" substitute "service";

(b) in paragraph (2), in the relevant places, insert—

""service year" has the meaning given in regulation 8A of the Postgraduate Doctoral Degree Regulations(**26**);";

""threshold" has the meaning given in regulation 8B(13) of the Postgraduate Doctoral Degree Regulations(**27**).";

(c) in paragraph (3), in the relevant place, insert—

""service year" has the meaning given in regulation 8A of the Postgraduate Master's Degree Regulations(**28**);";

""threshold" has the meaning given in regulation 8B(13) of the Postgraduate Master's Degree Regulations(**29**)".

(**25**) S.I. 2026/581.
(**26**) As inserted by regulation 20 of these Regulations.
(**27**) As inserted by regulation 21 of these Regulations.
(**28**) As inserted by regulation 10 of these Regulations.
(**29**) As inserted by regulation 11 of these Regulations.

Amendment to regulation 13 (ongoing applications for registration)

29. In regulation 13(2)—

(a) for "academic" substitute "service";

(b) for "September 2028" substitute "August 2028 for the purposes of the Postgraduate Doctoral Degree Regulations or the Postgraduate Master's Degree Regulations (whichever applies)".

Amendment to regulation 14 (transitional appeals)

30.—(1) Regulation 14 is amended as follows.

(2) In paragraph (1), for "August" substitute "July".

(3) For paragraph (3), substitute—

"(3) In addition to the grounds of appeal specified in regulation 8F of the Postgraduate Doctoral Degree Regulations or regulation 8F of the Postgraduate Master's Degree Regulations (whichever applies), the franchised provider may appeal this notice where the franchised provider reasonably believes that it had a student population below the threshold for the duration of the appeal reference period.".

(4) For paragraph (5)(b), substitute—

"(b) where the franchised provider's student population is below the threshold for the duration of the appeal reference period, determine that the franchised provider is a below-threshold franchised provider;".

Part 6

Transitional provisions

Interpretation of Part 6

31. In this Part—

"appeal reference period" means the service year which commences 24 months before the first day of the implementation year;

"below-threshold franchised provider" has the meaning given by regulation 15B(13) of the Lifelong Learning Regulations (as inserted by regulation 5 of these Regulations);

"franchised provider" has the meaning given by regulation 15B(2) of the Lifelong Learning Regulations (as inserted by regulation 5 of these Regulations);

"implementation year" has the meaning given by regulation 15A of the Lifelong Learning Regulations (as inserted by regulation 5 of these Regulations);

"notice of status" means a notice issued by the Secretary of State under regulation 15D of the Lifelong Learning Regulations (as inserted by regulation 5 of these Regulations);

"OfS" has the meaning given by paragraph 1 of Schedule 1 to the Lifelong Learning Regulations;

"qualifying franchised provider" has the meaning given by regulation 15B(15) of the Lifelong Learning Regulations (as inserted by regulation 5 of these Regulations);

"register" has the meaning given by paragraph 1 of Schedule 1 to the Lifelong Learning Regulations;

"service year" has the meaning given by paragraph 1 of Schedule 1 to the Lifelong Learning Regulations;

"student population" has the meaning given by regulation 15B(6) of the Lifelong Learning Regulations (as inserted by regulation 5 of these Regulations);

"threshold" has the meaning given by regulation 15B(14) of the Lifelong Learning Regulations (as inserted by regulation 5 of these Regulations).

Ongoing applications for registration

32.—(1) This regulation applies where the following conditions are met—

(a) a provider is a franchised provider,

(b) that franchised provider has, before 1st July 2026, submitted an application to be placed on the register,

(c) the OfS has, before 1st September 2027, confirmed that the application meets the criteria determined by the OfS(**30**), and

(d) the franchised provider has, before 1st September 2027, not received a final decision from the OfS in relation to that application.

(2) That franchised provider will be treated as if it is a qualifying franchised provider for the service year beginning with 1st August 2028 for the purposes of the Lifelong Learning Regulations.

Transitional appeals

33.—(1) This regulation will cease to have effect on 31st July 2029.

(2) This regulation applies where a franchised provider has received a notice of status which states that they are not a below-threshold franchised provider.

(3) In addition to the grounds of appeal specified in regulation 15E of the Lifelong Learning Regulations, the franchised provider may appeal this notice where the franchised provider reasonably believes that it had a student population below the threshold for the duration of the appeal reference period.

(4) An appeal under this regulation must be made to the Secretary of State in writing before the end of the period of one month beginning with the day on which the notice of status is issued.

(5) Following receipt of an appeal, the Secretary of State must—

(a) determine the student population of the franchised provider for the appeal reference period;

(b) where the franchised provider's student population is below the threshold for the duration of the appeal reference period, determine that the franchised provider is a below-threshold franchised provider;

(c) notify the franchised provider of the outcome of the appeal.

Smith of Malvern
Minister of State
Department for Education

27th October 2026

(**30**) The OfS's application criteria can be found at https://www.officeforstudents.org.uk/for-providers/registering-with-the-ofs / how-to-register-with-the-office-for-students/.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Lifelong Learning (Student Support) (Amendment of Fees and Awards etc.) Regulations 2026 (S.I. 2026/858) ("the Lifelong Learning Regulations"), the Education (Postgraduate Master's Degree Loans) Regulations 2016 (S.I. 2016/606), the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018 (S.I. 2018/599) and the Education (Student Support for Postgraduate Provision) (Amendment) Regulations 2026 (S.I. 2026/581).

Part 2 amends regulation 10 of the Lifelong Learning Regulations and inserts a new Part 2A into the Lifelong Learning Regulations. The amendments to regulation 10 introduce the changes made by the new Part 2A. The new Part 2A removes the automatic designation of courses offered by unregistered providers on behalf of registered providers. For a course to be designated under the Lifelong Learning Regulations it must be taught or delivered by a registered provider or an unregistered provider with less than 300 students or any other number published by the Secretary of State (the "threshold"), or a provider which is a specified school, state-funded or public body (a "qualifying franchised provider"). The new Part 2A additionally sets out how the Secretary of State will calculate the student population, notify providers, and revoke designation in the following year if the provider's student population exceeds the threshold, for the purposes of the Lifelong Learning Regulations. Part 2A also contains provision enabling providers to appeal a notice provided by the Secretary of State under this Part.

Parts 3 and 4 make amendments to S.I. 2016/606 and S.I. 2018/599, each of which contains similar provisions to those in the new Part 2A of the Lifelong Learning Regulations. The Regulations are amended to update the date on which the restriction on the designation of courses provided by franchised providers takes effect, to make other amendments consequential on this change and to make updates regarding the threshold. Part 5 amends transitional provisions contained within S.I. 2026/581, to align with the changes made in Parts 3 and 4.

Part 6 provides for transitional provision under which providers which have applied for registration with the Office for Students before 1st July 2026 and are awaiting a registration decision on 1st September 2027 will be treated as if they are a qualifying franchised provider, for the purposes of courses commencing during the period of 12 months beginning with 1st August 2028. It also contains transitional provision for appealing a notice issued by the Secretary of State under new Part 2A, where a provider's student population is less than the threshold in the academic year before that notice is issued.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector has been produced and is available within the impact assessment for S.I. 2026/459 and is also published alongside these Regulations on www.legislation.gov.uk. Hard copies are available from the Department for Education, Sanctuary Buildings, Great Smith Street, London SW1P 3BT.