STATUTORY INSTRUMENTS

# 2026 No. 581

# EDUCATION, ENGLAND

## The Education (Student Support for Postgraduate Provision) (Amendment) Regulations 2026

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| *Made - - - -* | *2nd June 2026* |
| *Laid before Parliament* | *4th June 2026* |
| *Coming into force - -* | *25th June 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(**a**).

## PART 1
### General

**Citation, commencement, extent, application and interpretation**

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

(2) These Regulations come into force on 25th June 2026.

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

(4) In these Regulations—

"the Postgraduate Doctoral Degree Regulations" means the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018(**b**);

"the Postgraduate Master's Degree Regulations" means the Education (Postgraduate Master's Degree Loans) Regulations 2016(**c**).

(**a**) 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.
(**b**) S.I. 2018/599, amended by S.I. 2019/142 and 2023/74; there are other amending instruments but none is relevant.
(**c**) S.I. 2016/606, amended by S.I. 2019/142 and 2023/74; there are other amending instruments but none is relevant.

# PART 2

## 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**

**2.** The Postgraduate Doctoral Degree Regulations are amended in accordance with this Part.

**Amendment to regulation 2 (interpretation)**

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

""qualifying franchised provider" has the meaning given in regulation 8B(14);".

**Amendment to regulation 4 (designated courses)**

**4.** In regulation 4(1)(b)—

(a) in paragraph (i), omit from ", or provided" to "registered provider" (in the third place it occurs);

(b) in paragraph (iv), omit from "an institution" to ", or by";

(c) at the end of paragraph (v) (but before the semi-colon), insert ", except where the institution(**a**) which is situated outside the United Kingdom provides that course(**b**) on behalf of the registered provider(**c**) in England";

(d) after paragraph (vi), insert—

"(vii) provided by a registered provider or unregistered provider(**d**) on behalf of a registered provider in England, where the course start date(**e**) is before 1st September 2028;

(viii) provided by a qualifying franchised provider (or multiple qualifying franchised providers) on behalf of a registered provider in England, where the course start date is on or after 1st September 2028;".

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

**5.** In regulation 7(1)(a)—

(a) in paragraph (ii), omit "or on behalf of";

(b) at the end of paragraph (ii), omit "or";

(c) after paragraph (iii), insert—

"(iv) because the course is provided on behalf of an English higher education provider(**f**) which becomes a registered provider, where the course start date is before 1st September 2028; or

(v) because, where the course start date is on or after 1st September 2028—

(**a**) "institution" is defined in regulation 2(1) of S.I. 2018/599.
(**b**) "course" is defined in regulation 2(1) of S.I. 2018/599.
(**c**) "registered provider" is defined in regulation 2(1) of S.I. 2018/599.
(**d**) "unregistered provider" is defined in regulation 2(1) of S.I. 2018/599.
(**e**) "the course start date" is defined in regulation 2(1) of S.I. 2018/599.
(**f**) "English higher education provider" is defined in regulation 2(1) of S.I. 2018/599.

(aa) the English higher education provider, on whose behalf the course is being provided, becomes a registered provider, and

(bb) the course is provided by a qualifying franchised provider (or multiple qualifying franchised providers);".

**Insertion of new Chapter 2A (designation of courses taught or delivered by franchised providers)**

**6.** After regulation 8, insert—

"Chapter 2A

Designation of Courses Taught or Delivered by Franchised Providers

**Interpretation of Chapter 2A**

**8A.** In this Chapter—

"below-threshold franchised provider" has the meaning given in regulation 8B(12);

"calculation reference period" means, in respect of a course, the academic year(**a**) beginning 36 months before the first day of the implementation year;

"designation period" means, in respect of a course, the academic year beginning 12 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(**b**);

(b) an academy under section 1(10) of the Academies Act 2010(**c**);

(c) an academy trust;

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

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

(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(**f**);

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

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

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(**a**) "academic year" is defined in regulation 2(1) of S.I. 2018/599.
(**b**) 1996 c. 56. Section 4 was relevantly amended by sections 51 of, and paragraph 10 of Schedule 7 and Schedule 8 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.
(**c**) 2010 c. 32. Section 1(10) was amended by section 53(6) of the Education Act 2011.
(**d**) 2002 c. 32. Section 24 was amended by section 19(4) of the Education (Wales) Measure 2011 (nawm 7) and S.I. 2010/1158.
(**e**) 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).
(**f**) 2009 c. 20. Section 107A(8) was inserted by section 2 of the Cities and Local Government Devolution Act 2016 (c. 1).
(**g**) 2006 c. 41. Section 14Z25 was inserted by section 19(2) of the Health and Care Act 2022 (c. 31).

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

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

(l) a government department; or

(m) the armed forces;

"franchised provider" has the meaning given in regulation 8B(1);

"franchised student" has the meaning given in regulation 8B(2);

"implementation year" means, in respect of a course, the academic year starting with 1st September and ending with 31st August, 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;

"student population" has the meaning given in regulation 8B(5).

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

**8B.**—(1) In these Regulations, a provider is a "franchised provider" in respect of a course where—

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

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

(2) A student is a "franchised student" where—

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

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

(i) a franchised provider, including where the franchised provider contracts with other providers to teach or deliver the course on its behalf, 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%.

(3) For the purposes of paragraph (2)(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, credit points or other unit of that course which may be taught or delivered by franchised providers to that student, and

(**a**) Section 30 was amended by section 159(1) of the Health and Social Care Act 2012 (c. 7).
(**b**) 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 by S.I. 2017/470.

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

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

(5) 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(**a**) from time to time(**b**).

(6) For the purposes of paragraph (5), a franchised provider's student population includes franchised students—

(a) who are studying—

(i) full-time courses;

(ii) part-time courses;

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

(iv) publicly funded courses;

(v) courses delivered online;

(vi) for a qualification at level 4 or higher—

(aa) on the Framework for Higher Education Qualifications of UK-Degree Awarding Bodies(**c**), as amended from time to time, or

(bb) as described in the Ofqual Handbook: General Conditions of Recognition(**d**), as amended from time to time;

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

(7) For the purposes of paragraph (5), 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.

(8) Where a franchised provider is a group undertaking in respect of another franchised provider, those franchised providers will be treated as one provider for the purposes of calculating the student population.

(9) For the purposes of paragraph (8), "group undertaking" has the meaning given by section 1161(5) of the Companies Act 2006(**f**).

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

(a) a franchised provider, and

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(**a**) "OfS" is defined in regulation 2(1) of S.I. 2018/599.
(**b**) The OfS student population data is published at https://www.officeforstudents.org.uk/data-and-analysis/size-and-shape-of-provision-data-dashboard/.
(**c**) Copies of the Framework are available at https://www.qaa.ac.uk/the-quality-code/qualifications-frameworks/.
(**d**) Copies of the Handbook are available at https://www.gov.uk/guidance/ofqual-handbook/.
(**e**) S.I. 2007/779. Schedule 1 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 and 2026/130.
(**f**) 2006 c. 46.

(b) an unregistered provider.

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

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

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

(i) those institutions are themselves registered providers, and

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

(12) An unregistered franchised provider is a "below-threshold franchised provider" where—

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

(b) it has a student population of less than 300, determined in accordance with regulation 8D.

(13) The Secretary of State may vary the threshold specified at paragraph (12)(b), and must publish the updated threshold figure at gov.uk.

(14) 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.

**Restriction of designation of courses taught or delivered by franchised providers**

**8C.**—(1) This regulation applies to courses beginning on or after 1st September 2028.

(2) A course which is taught or delivered by a franchised provider on behalf of a lead provider in England will not be a designated course unless that franchised provider is a qualifying franchised provider.

**Determination of student population**

**8D.**—(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 determined by reference to the student population data published by the OfS for the calculation reference period.

(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 unregistered franchised provider's student population will be determined to be less than 300.

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

(a) has a student population of less than 300 for the calculation reference period, including where it does not have student population data for the calculation reference period, and

(b) intends to have a student population of 300 or more for 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 300 or more.

**Notice of status**

**8E.**—(1) Following a determination under regulation 8D, the Secretary of State must issue a notice ("a notice of status") to the unregistered franchised provider.

(2) A notice of status must contain—

(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**

**8F.**—(1) This regulation applies where the Secretary of State has issued a notice of status under regulation 8E.

(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 of less than 300 during 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.

**Correction year**

**8G.**—(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) determines 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 300 or more 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 is taught or delivered by that unregistered franchised provider on behalf of any lead provider.

(3) That revocation will apply to all courses which commence at any time during the academic year immediately following the Secretary of State becoming aware of the provider's breach of the student population threshold under regulation 8B(12)(b) ("the correction year").

(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.

(5) 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) confirmation that the Secretary of State intends to revoke the designation of the course, and

(b) the Secretary of State's determination as to which academic year is to be the correction year.

**Appeals against correction years**

**8H.**—(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 during that implementation year, the franchised provider reasonably believed that it would have a student population of less than 300 for 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.".

# 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 Postgraduate Master's Degree Regulations are amended in accordance with this Part.

**Amendment to regulation 2 (interpretation)**

**8.** In regulation 2(1), in the appropriate place, insert—

""qualifying franchised provider" has the meaning given in regulation 8B(14);".

**Amendment to regulation 4 (designated courses)**

**9.** In regulation 4(1)(b)—

(a) in paragraph (i), omit from ", or provided" to "registered provider" (in the third place it occurs);

(b) in paragraph (iv) omit from "an institution" to ", or by";

(c) at the end of paragraph (v) (but before the semi-colon), insert ", except where the institution(**a**) which is situated outside the United Kingdom provides that course(**b**) on behalf of the registered provider(**c**) in England";

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

(e) after paragraph (vi), insert—

"(vii) provided by a registered provider or unregistered provider(**d**) on behalf of a registered provider in England, where the course start date(**e**) is before 1st September 2028; or

(viii) provided by a qualifying franchised provider (or multiple qualifying franchised providers), on behalf of a registered provider in England, where the course start date is on or after 1st September 2028;".

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

**10.** In regulation 7(1)(a)—

(a) in paragraph (ii), omit "or on behalf of";

(b) at the end of paragraph (ii), omit "or";

(c) after paragraph (iii), insert—

"(iv) because the course is provided on behalf of an English higher education provider(**f**) which becomes a registered provider, where the course start date is before 1st September 2028; or

(v) because, where the course start date is on or after 1st September 2028—

(aa) the English higher education provider, on whose behalf the course is being provided, becomes a registered provider, and

(bb) the course is provided by a qualifying franchised provider (or multiple qualifying franchised providers);".

**Insertion of new Chapter 2A (designation of courses taught or delivered by franchised providers)**

**11.** After regulation 8, insert—

"Chapter 2A

Designation of Courses Taught or Delivered by Franchised Providers

**Interpretation of Chapter 2A**

**8A.** In this Chapter—

"below-threshold franchised provider" has the meaning given in regulation 8B(12);

"calculation reference period" means, in respect of a course, the academic year(**g**) beginning 36 months before the first day of the implementation year;

(**a**) "institution" is defined in regulation 2(1) of S.I. 2016/606.
(**b**) "course" is defined in regulation 2(1) of S.I. 2016/606.
(**c**) "registered provider" is defined in regulation 2(1) of S.I. 2016/606.
(**d**) "unregistered provider" is defined in regulation 2(1) of S.I. 2016/606.
(**e**) "the course start date" is defined in regulation 2(1) of S.I. 2016/606.
(**f**) "English higher education provider" is defined in regulation 2(1) of S.I. 2016/606.
(**g**) "academic year" is defined in regulation 2(1) of S.I. 2016/606.

"designation period" means, in respect of a course, the academic year beginning 12 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;

(b) an academy under section 1(10) of the Academies Act 2010;

(c) an academy trust;

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

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

(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;

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

(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;

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

(l) a government department; or

(m) the armed forces;

"franchised provider" has the meaning given in regulation 8B(1);

"franchised student" has the meaning given in regulation 8B(2);

"implementation year" means, in respect of a course, the academic year starting with 1st September and ending with 31st August, 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;

"student population" has the meaning given in regulation 8B(5).

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

**8B.**—(1) In these Regulations, a provider is a "franchised provider" in respect of a course where—

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

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

(2) A student is a "franchised student" where—

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

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

(i) a franchised provider, including where the franchised provider contracts with other providers to teach or deliver the course on its behalf, 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%.

(3) For the purposes of paragraph (2)(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, credit points or other unit of that course which may be taught or delivered by franchised providers to that student, and

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

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

(5) 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(**a**) from time to time.

(6) For the purposes of paragraph (5), a franchised provider's student population includes franchised students—

(a) who are studying—

(i) full-time courses;

(ii) part-time courses;

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

(iv) publicly funded courses;

(v) courses delivered online;

(vi) for a qualification at level 4 or higher—

(aa) on the Framework for Higher Education Qualifications of UK-Degree Awarding Bodies, as amended from time to time, or

(bb) as described in the Ofqual Handbook: General Conditions of Recognition, as amended from time to time;

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

(7) For the purposes of paragraph (5), 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.

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(**a**) "OfS" is defined in regulation 2(1) of S.I. 2016/606.

(8) Where a franchised provider is a group undertaking in respect of another franchised provider, those franchised providers will be treated as one provider for the purposes of calculating the student population.

(9) For the purposes of paragraph (8), "group undertaking" has the meaning given by section 1161(5) of the Companies Act 2006.

(10) Subject to paragraph (10), a provider is an "unregistered franchised provider" in respect of a course, where it is—

(a) a franchised provider, and

(b) an unregistered provider.

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

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

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

(i) those institutions are themselves registered providers, and

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

(12) An unregistered franchised provider is a "below-threshold franchised provider" where—

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

(b) it has a student population of less than 300, determined in accordance with regulation 8D.

(13) The Secretary of State may vary the threshold specified at paragraph (12)(b), and must publish the updated threshold figure at gov.uk.

(14) 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.

**Restriction of designation of courses taught or delivered by franchised providers**

**8C.**—(1) This regulation applies to courses beginning on or after 1st September 2028.

(2) A course which is taught or delivered by a franchised provider on behalf of a lead provider in England will not be a designated course unless that franchised provider is a qualifying franchised provider.

**Determination of student population**

**8D.**—(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 determined by reference to the student population data published by the OfS for the calculation reference period.

(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 unregistered franchised provider's student population will be determined to be less than 300.

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

(a) has a student population of less than 300 for the calculation reference period, including where it does not have student population data for the calculation reference period, and

(b) intends to have a student population of 300 or more for 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 300 or more.

**Notice of status**

**8E.**—(1) Following a determination under regulation 8D, the Secretary of State must issue a notice ("a notice of status") to the unregistered franchised provider.

(2) A notice of status must contain—

(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**

**8F.**—(1) This regulation applies where the Secretary of State has issued a notice of status under regulation 8E.

(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 of less than 300 during 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.

**Correction year**

**8G.**—(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) determines 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 300 or more 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 is taught or delivered by that unregistered franchised provider on behalf of any lead provider.

(3) That revocation will apply to all courses which commence at any time during the academic year immediately following the Secretary of State becoming aware of the provider's breach of the student population threshold under regulation 8B(12)(b) ("the correction year").

(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.

(5) 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) confirmation that the Secretary of State intends to revoke the designation of the course, and

(b) the Secretary of State's determination as to which academic year is to be the correction year.

**Appeals against correction years**

**8H.**—(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 during that implementation year, the franchised provider reasonably believed that it would have a student population of less than 300 for 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.".

# PART 4

## Transitional Provisions

**Interpretation of Part 4**

**12.**—(1) In this Part—

"academic year" means the period of twelve months beginning with 1st September and ending with 31st August;

"appeal reference period" means the academic year beginning 24 months before the first day of the implementation year;

"OfS" means the Office for Students, as established by section 1(1) of the Higher Education and Research Act 2017;

"register" means the register established and maintained by the OfS under section 3 of the Higher Education and Research Act 2017;

(2) In this Part, in respect of transitional cases which fall under the Postgraduate Doctoral Degree Regulations, the following definitions apply—

"below-threshold franchised provider" has the meaning given in regulation 8B(12) of the Postgraduate Doctoral Degree Regulations (as inserted by regulation 6 of these Regulations);

"franchised provider" has the meaning given in regulation 8B(1) of the Postgraduate Doctoral Degree Regulations (as inserted by regulation 6 of these Regulations);

"implementation year" has the meaning given in regulation 8A of the Postgraduate Doctoral Degree Regulations (as inserted by regulation 6 of these Regulations);

"notice of status" means a notice issued by the Secretary of State under regulation 8E of the Postgraduate Doctoral Degree Regulations (as inserted by regulation 6 of these Regulations);

"qualifying franchised provider" has the meaning given in regulation 8B(14) of the Postgraduate Doctoral Degree Regulations (as inserted by regulation 6 of these Regulations);

"student population" has the meaning given in regulation 8B(5) of the Postgraduate Doctoral Degree Regulations (as inserted by regulation 6 of these Regulations).

(3) In this Part, in respect of transitional cases which fall under the Postgraduate Master's Degree Regulations, the following definitions apply—

"below-threshold franchised provider" has the meaning given in regulation 8B(12) of the Postgraduate Master's Degree Regulations (as inserted by regulation 11 of these Regulations);

"franchised provider" has the meaning given in regulation 8B(1) of the Postgraduate Master's Degree Regulations (as inserted by regulation 11 of these Regulations);

"implementation year" has the meaning given in regulation 8A of the Postgraduate Master's Degree Regulations (as inserted by regulation 11 of these Regulations);

"notice of status" means a notice issued by the Secretary of State under regulation 8E of the Postgraduate Master's Degree Regulations (as inserted by regulation 11 of these Regulations);

"qualifying franchised provider" has the meaning given in regulation 8B(14) of the Postgraduate Master's Degree Regulations (as inserted by regulation 11 of these Regulations);

"student population" has the meaning given in regulation 8B(5) of the Postgraduate Master's Degree Regulations (as inserted by regulation 11 of these Regulations).

**Ongoing applications for registration**

**13.**—(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 from time to time(**a**);

(**a**) 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/.

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

(2) That franchised provider will be treated as if it is a qualifying franchised provider for the academic year beginning with 1st September 2028.

**Transitional appeals**

**14.**—(1) This regulation will cease to have effect on 31st August 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) The franchised provider may appeal this notice where the franchised provider reasonably believes that it had a student population of less than 300 for 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) make a final determination as to the appropriate student population for the franchised provider;

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

*Smith of Malvern*
Minister of State
Department for Education

2nd June 2026

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make amendments to the Education (Postgraduate Master's Degree Loans) Regulations 2016 (S.I. 2016/606) ("the 2016 Regulations") and the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018 (S.I. 2018/599) ("the 2018 Regulations").

Part 2 inserts a new Chapter 2A into the 2018 Regulations. The new Chapter 2A revokes the automatic designation of courses offered by unregistered providers on behalf of registered providers. For a course to be designated under the 2018 Regulations it must be taught or delivered by a registered provider or an unregistered provider with less than 300 students, or a provider which is a specified state-funded or public body (a "qualifying franchised provider"). The new Chapter 2A additionally sets out how the Secretary of State will calculate the student population, notify providers, and revoke designation in the following academic year if the provider's student population exceeds the threshold, for the purposes of the 2018 Regulations. Chapter 2A also contains provision enabling providers to appeal a notice provided by the Secretary of State under this Chapter.

Part 3 inserts a new Chapter 2A into the 2016 Regulations which is the same in content as the new Chapter 2A within the 2018 Regulations.

Part 4 provides for transitional provision which enables the Secretary of State to treat 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 as if they are a qualifying franchised provider, for the purposes of courses commencing during the academic year beginning with 1st September 2028. It also contains transitional provision for appealing a notice issued by the Secretary of State under new Chapter 2A, where a provider's student population is less than 300 students 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 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.

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