STATUTORY INSTRUMENTS

2026 No. 497 (C. 41)

EDUCATION, ENGLAND

The Lifelong Learning (Higher Education Fee Limits) Act 2023 (Commencement and Saving Provision) Regulations 2026

Made - - - - 11th May 2026

The Secretary of State makes these Regulations in exercise of the powers conferred by section 3(2), (3) and (5) of the Lifelong Learning (Higher Education Fee Limits) Act 2023(**a**).

Citation and interpretation

1.—(1) These Regulations may be cited as the Lifelong Learning (Higher Education Fee Limits) Act 2023 (Commencement and Saving Provision) Regulations 2026.

(2) In these Regulations—

"the 2017 Act" means the Higher Education and Research Act 2017(**b**);

"the 2023 Act" means the Lifelong Learning (Higher Education Fee Limits) Act 2023.

Commencement

2.—(1) For the purpose only of making regulations under the 2017 Act, the day appointed for the coming into force of sections 1 and 2 of the 2023 Act (which amend the 2017 Act) is the day after the day on which these Regulations are made.

(2) For all other purposes, the day appointed for the coming into force of sections 1 and 2 of the 2023 Act is 1st September 2026.

Saving provision for higher education courses that begin before 1st January 2027

3.—(1) Notwithstanding the coming into force of sections 1 and 2 of the 2023 Act by virtue of regulation 2, the 2017 Act(**c**) continues to have effect in relation to higher education courses

(**a**) 2023 c. 40.
(**b**) 2017 c. 29.
(**c**) Sections 1 and 2 of the Lifelong Learning (Higher Education Fee Limits) Act 2023 amend sections 10, 11, 31, 85(1) and 119(2) of, and Schedule 2 to, the Higher Education and Research Act 2017.

beginning before 1st January 2027 as if the amendments made to the 2017 Act by sections 1 and 2 of the 2023 Act had not been made.

(2) In paragraph (1), "higher education course" has the meaning given by section 83(1) of the 2017 Act(**a**) immediately before the amendment of that section by section 16(1) and (3) of the Skills and Post-16 Education Act 2022(**b**).

Smith of Malvern
Minister of State
Department for Education

11th May 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force sections 1 and 2 of the Lifelong Learning (Higher Education Fee Limits) Act 2023 (c. 40) ("the 2023 Act"). These sections amend various provisions of the Higher Education and Research Act 2017 (c. 29) ("the 2017 Act"), which (together with regulations made under them) govern tuition fee limits for higher education courses in relation to England. Section 3 of the 2023 Act came into force on Royal Assent, so these Regulations will bring the Act fully into force.

Regulation 2 brings into force sections 1 and 2 of the 2023 Act, for regulation-making purposes only, on the day after the day on which these Regulations are made. This is to enable regulations to be made under powers in the 2017 Act that have been inserted or amended by the 2023 Act. For all other purposes, sections 1 and 2 of the 2023 Act come into force on 1st September 2026.

Regulation 3 makes saving provision so that the amendments made by the 2023 Act do not apply to higher education courses that begin before 1st January 2027. By virtue of regulation 3(2), the term "higher education course" as used in regulation 3 is to be read without the amendment made to it by section 16 of the Skills and Post-16 Education Act 2022.

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(**a**) The definition of "higher education course" in section 83(1) of the Higher Education and Research Act 2017 is to be read together with section 10(9) of that Act (see section 83(5)(a) of that Act).

(**b**) 2022 c. 21. Section 16 has been commenced by S.I. 2026/498 for the purpose only of making regulations under the Higher Education and Research Act 2017 (c. 29). Section 16 will come into force for all remaining purposes on 1st September 2026.

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