



STATUTORY INSTRUMENTS.

S.I. No. 428 of 2024

QUALIFICATIONS AND QUALITY ASSURANCE (EDUCATION AND
TRAINING) ACT 2012 (PROTECTION OF ENROLLED LEARNERS
ANNUAL CHARGE) REGULATIONS 2024

QUALIFICATIONS AND QUALITY ASSURANCE (EDUCATION AND TRAINING) ACT 2012 (PROTECTION OF ENROLLED LEARNERS ANNUAL CHARGE) REGULATIONS 2024

I, PATRICK O'DONOVAN, Minister for Further and Higher Education, Research, Innovation and Science, in exercise of the powers conferred on me by section 66A (inserted by section 31 of the Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019 (No. 32 of 2019) of the Qualifications and Quality Assurance (Education and Training) Act 2012 (No. 28 of 2012) (as adapted by the Further and Higher Education, Research, Innovation and Science (Transfer of Departmental Administration and Ministerial Functions) Order 2020 (S.I. No. 451 of 2020)), hereby make the following regulations:

1. (1) These Regulations may be cited as the Qualifications and Quality Assurance (Education and Training) Act 2012 (Protection of Enrolled Learners Annual Charge) Regulations 2024.

(2) These Regulations come into operation on 1 September 2024.

2. In these Regulations:

“Act” means the Qualifications and Quality Assurance (Education and Training) Act 2012 (No. 28 of 2012);

“chargeable learners” in relation to a programme of an obligated provider, means enrolled learners who have fees payable or paid in relation to that programme in the calendar year ending on 31 December;

“chargeable learner fees” in relation to a programme of an obligated provider, means the fee payable, to include fees paid, by a chargeable learner in relation to that programme in the calendar year ending on 31 December, and in circumstances where not every enrolled learner pays the same fee in relation to a programme of an obligated provider, the fee payable in relation to that programme of an obligated provider shall be the sum of each of the chargeable learner fees paid or payable divided by the number of chargeable learners;

“fee payable” shall include tuition fees, registration fees, examination fees, library fees, student services fees and other fees payable or paid by or on behalf of the learner to the provider (or any intermediary of it) in respect of enrolment on the relevant programme and which relate to the provision of education, training and related services;

“liability date”, in relation to a programme in a given year, shall be the earlier of the date of commencement of provision by the obligated provider of the programme concerned and the date on which the obligated provider first accepts payment by or on behalf of any learners for enrolment on that programme, unless the Authority has determined a later date under section 65(3) of the Act, in which case that later date shall be the liability date;

“obligated English language education programme” means a programme of English language education provided by an obligated provider;

“obligated further education and training programme” means a programme of further education and training provided by an obligated provider;

“obligated higher education and training programme” means a programme of higher education and training provided by an obligated provider;

“obligated provider” has the same meaning as in section 65 of the Act.

3. These Regulations shall not apply to a provider of a programme of education and training listed in section 65(6) of the Act;

4. The annual charge payable in relation to each obligated further education and training programme shall be calculated in accordance with the class of each programme as follows:

(1) Programmes shall be classed in accordance with the number of chargeable learners in respect of the programme, in bands of 5 and in increments of 5, with the chargeable learner class denominator being the chargeable learner limit for that class, so that programmes with one to 5 chargeable learners shall be class 5, programmes with 6 to 10 shall be class 10, and so on in the same proportions;

(2) Programmes shall also be classed in accordance with the number of chargeable learner fees in respect of the programme, in bands of €250 and increments of €250, with the chargeable learner fee class denominator being the chargeable learner fee limit for that class so that programmes with €1 to €250 chargeable learner fees shall be class €250, programmes with €251 to €500 shall be class €500, and so on in the same proportions;

(3) The total annual charge payable in respect of each class of programme shall be calculated by multiplying the chargeable learner class denominator by the chargeable learner fee class denominator, and dividing the result by 50.

5. The annual charge payable in relation to each obligated higher education and training programme shall be calculated in accordance with the class of each programme as follows:

(1) Programmes shall be classed in accordance with the number of chargeable learners in respect of the programme, in bands of 5 and in increments of 5, with the chargeable learner class denominator being the chargeable learner limit for that class, so that programmes with one to 5 chargeable learners shall be class 5, programmes with 6 to 10 shall be class 10, and so on in the same proportions;

(2) Programmes shall also be classed in accordance with the number of chargeable learner fees in respect of the programme, in bands of €500 and increments of €500, with the chargeable learner fee class denominator being the chargeable learner fee limit for that class so that programmes with €1 to €500

chargeable learner fees shall be class €500, programmes with €501 to €1,000 shall be class €1,000, and so on in the same proportions;

(3) The total annual charge payable in respect of each class of programme shall be calculated by multiplying the chargeable learner class denominator by the chargeable learner fee class denominator, and dividing the result by 50.

6. The annual charge payable in relation to each obligated English language education programme of four weeks or less shall be calculated in accordance with the class of each programme as follows:

(1) Programmes shall be classed in accordance with the number of chargeable learners in respect of the programme, in bands of 15 and in increments of 15, with the chargeable learner class denominator being the chargeable learner limit for that class, so that programmes with one to 15 chargeable learners shall be class 15, programmes with 16 to 30 shall be class 30, and so on in the same proportions;

(2) Programmes shall also be classed in accordance with the number of chargeable learner fees in respect of the programme, in bands of €200 and increments of €200, with the chargeable learner fee class denominator being the chargeable learner fee limit for that class so that programmes with €1 to €200 chargeable learner fees shall be class €200, programmes with €201 to €400 shall be class €400, and so on in the same proportions;

(3) The total annual charge payable in respect of a class of programme with less than 16 chargeable learners and less than €201 chargeable learner fees shall be €25;

(4) The total annual charge payable in respect of each class of programme with 16 or more chargeable learners or €200 or more chargeable learner fees shall be calculated by multiplying the chargeable learner class denominator by the chargeable learner fee class denominator, dividing the result by 500 and rounding up to the nearest 25.

7. The annual charge payable in relation to each obligated English language education programme of a duration of more than four weeks but up to and including 12 weeks shall be calculated in accordance with the class of each programme as follows:

(1) Programmes shall be classed in accordance with the number of chargeable learners in respect of the programme, in bands of 15 and in increments of 15, with the chargeable learner class denominator being the chargeable learner limit for that class, so that programmes with one to 15 chargeable learners shall be class 15, programmes with 16 to 30 shall be class 30, and so on in the same proportions;

(2) Programmes shall also be classed in accordance with the number of chargeable learner fees in respect of the programme, in bands of €500 and increments of €500, with the chargeable learner fee class denominator being the chargeable learner fee limit for that class so that programmes with €1 to €1,000

chargeable learner fees shall be class €1,000, programmes with €1,001 to €1,500 shall be class €1,500, and so on in the same proportions;

(3) The total annual charge payable in respect of a class of programme with less than 16 chargeable learners and less than €1,001 chargeable learner fees shall be €300;

(4) The total annual charge payable in respect of each class of programme with 16 or more chargeable learners or €1,500 or more chargeable learner fees shall be calculated by multiplying the chargeable learner class denominator by the chargeable learner fee class denominator, and dividing the result by 50.

8. The annual charge payable in relation to each obligated English language education programme of a duration of more than 12 weeks shall be calculated in accordance with the class of each programme as follows:

(1) Programmes shall be classed in accordance with the number of chargeable learners in respect of the programme, in bands of 15 and in increments of 15, with the chargeable learner class denominator being the chargeable learner limit for that class, so that programmes with one to 15 chargeable learners shall be class 15, programmes with 16 to 30 shall be class 30, and so on in the same proportions;

(2) Programmes shall also be classed in accordance with the number of chargeable learner fees in respect of the programme, in bands of €1,000 and increments of €1,000, with the chargeable learner fee class denominator being the chargeable learner fee limit for that class so that programmes with €1 to €2,000 chargeable learner fees shall be class €2,000, programmes with €2,001 to €3,000 shall be class €3,000, and so on in the same proportions;

(3) The total annual charge payable in respect of a class of programme with less than 16 chargeable learners and less than €2,001 chargeable learner fees shall be €1,200;

(4) The total annual charge payable in respect of each class of programme with 16 or more chargeable learners or €2,000 or more chargeable learner fees shall be calculated by multiplying the chargeable learner class denominator by the chargeable learner fee class denominator, and dividing the result by 25.

9. The total annual charge payable by an obligated provider shall be the sum of the annual charges payable in respect of each programme provided by that provider.

10. In default of payment in full of the prescribed annual charge by the liability date, the additional charge payable to the Authority by the obligated provider shall be 50% of the amount of the annual charge that is outstanding, plus an amount calculated by applying from the liability date the statutory late payment interest rate set out in Regulation 5 of the European Communities (Late Payment in Commercial Transactions) Regulations 2012 (S.I. No. 580/2012) to the amount of the annual charge that is outstanding.

11. (1) Notwithstanding any other provision in these Regulations, in the case of an obligated provider in relation to whom the arrangements referred to in Section 65A of the Act continue in being and continue to have effect, the annual charge payable by that obligated provider shall, in relation to a programme protected by such arrangements,

- (a) for any full year in which those arrangements continue to have effect, be abated in full, and
- (b) for any year in which those arrangements continue to have effect for part of that year, be abated in proportion to the number of days of the year for which it had effect.

(2) This Regulation shall cease to have effect on the expiration of 3 years from the relevant commencement or on such earlier date as may be appointed by order made by the Minister under section 65A(4) of the Act.



GIVEN under my Official Seal,
28 August, 2024.

PATRICK O'DONOVAN,
Minister for Further and Higher Education, Research,
Innovation and Science.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations prescribe the amount of the annual charge to be paid by each provider referred to in section 65(1) of the Qualifications and Quality Assurance (Education and Training) Act 2012, referred to as an obligated provider, for the benefit of the Protection of Enrolled Learners Fund. The annual charge is prescribed on the basis of the number of programmes of the provider, and the number of chargeable persons on those programmes.

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