



STATUTORY INSTRUMENTS.

S.I. No. 430 of 2024

QUALIFICATIONS AND QUALITY ASSURANCE (EDUCATION AND
TRAINING) ACT 2012 (LEARNER PROTECTION FUND) REGULATIONS
2024

QUALIFICATIONS AND QUALITY ASSURANCE (EDUCATION AND TRAINING) ACT 2012 (LEARNER PROTECTION FUND) 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 66 (inserted by section 30 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), and the Public Expenditure and Reform (Alteration of Name of Department and Title of Minister) Order 2023 (S.I. No. 19 of 2023)), with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, hereby make the following regulations:

1. (1) These Regulations may be cited as the Qualifications and Quality Assurance (Education and Training) Act 2012 (Learner Protection Fund) 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);

“Authority” means the Qualifications and Quality Assurance Authority of Ireland established under the Act;

“Minister” means the Minister for Further and Higher Education, Research, Innovation and Science.

3. These Regulations prescribe the requirements of the Minister in relation to the establishment, maintenance and operation of the Learner Protection Fund.

4. The Authority shall open and maintain a separate bank account for the Learner Protection Fund.

5. The following shall be paid into the Learner Protection Fund:

(1) all interest, dividends and other income and accretions of capital arising from the investment of the Learner Protection Fund or any part of it;

(2) the proceeds of any realisation of any investments of the Learner Protection Fund;

(3) all moneys as provided by the Minister pursuant to Section 66A(4) of the Act; and

(4) any other moneys which may belong to or accrue to the Learner Protection Fund or be received by the Authority in respect of it.

6. The Authority shall keep all proper and usual accounts of all moneys paid into the Learner Protection Fund and disbursements from the Learner Protection Fund, including:

- (1) an income and expenditure account,
- (2) a cash-flow statement, and
- (3) a balance sheet.

7. In the annual report produced pursuant to subsection 66(11) of the Act the Authority shall include annual accounts.

8. In determining whether to use the moneys standing to the credit of the Learner Protection Fund in the manner set out in section 66(3)(a) or 66(3)(b) of the Act, the Authority shall have regard to the following matters:

- (1) The availability of arrangements which were put in place under the previous section 65;
- (2) The interests of the enrolled learners affected;
- (3) The availability of a similar programme;
- (4) The relative potential risks and costs of defrayment involved;
- (5) The integrity of the National Framework of Qualifications; and
- (6) The integrity of the International Education Mark.

The Minister for Public Expenditure, National Development Plan Delivery and Reform consents to the making of the foregoing Regulations



GIVEN under my Official Seal,
27 August, 2024.

PASCHAL DONOHOE,
Minister for Public Expenditure, National Development
Plan Delivery and Reform.



GIVEN under my Official Seal,
27 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 set out the requirements of the Minister for Further and Higher Education, Research, Innovation and Science on the establishment, maintenance and operation of the Protection of Enrolled Learners Fund by the Authority, Quality and Qualifications Ireland, including requirements with respect to the exercise by the Authority of the power of defrayment from moneys standing to the credit of the Protection of Enrolled Learners Fund.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach 6
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

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