

Research Briefing

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# Lifelong Learning (Higher Education Fee Limits) Bill: Progress of the Bill



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## Summary

The [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) would establish a new method for calculating the maximum level of tuition fees providers could charge students for higher education courses and modules.

[The Bill](#) (PDF), which is Bill 240 of the 2022-23 parliamentary session, was introduced in the House of Commons on Wednesday 1 February 2023. It would extend to England and Wales but apply to England only.

## What would the Bill do?

The [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) would introduce a new ‘credit-based method’ to set tuition fee levels for higher education courses and modules. This method would use ‘credits’, which the Government defines as a “measurement of learning time”, to set tuition fee limits.

Currently, fee limits are set by reference to an ‘academic year’. As part of the new credit-based method, clause 1 would introduce the concept of a ‘course year’, which would be the period of twelve months from the first day of the month in which the course begins, to replace that of an academic year.

The Bill comprises two substantive clauses that would primarily amend sections 10, 11, 31, and Schedule 2 of the [Higher Education Research Act 2017](#), as well as giving Ministers powers to make regulations setting out the detail for how the Bill’s provisions would work in practice.

## Commons second reading

The Bill had its [second reading in the Commons on 27 February 2023](#). It passed to committee stage without amendments or a vote.

Much of the debate focused on the broader policy of lifelong learning and the Government’s plans for the Lifelong Loan Entitlement (LLE), rather than the specifics of the Bill.

While the Bill was broadly welcomed, and there was support on all sides of the house for making lifelong learning a success, a number of concerns were raised. Opposition parties were particularly critical of the Government for not publishing the response to its consultation on the policy and design of the LLE ahead of the Bill’s second reading.

## Commons committee stage

The Bill's committee stage comprised [two sessions of oral evidence on 21 March 2023 and two sessions of line-by-line scrutiny on 23 March 2023](#) (PDF). The Government published [its response to the lifelong loan entitlement consultation](#) ahead of the Bill's committee stage.

The Bill passed committee stage unamended. 12 amendments were tabled, all by the Labour party, and eight of them were put to a vote. These included amendments about continued consultation with the higher education sector, the definition of a "credit", and the financial sustainability of the further and higher education sectors.

## Commons report stage and third reading

The Bill had its [report stage in the Commons](#) on 3 May 2023. It passed without amendment.

[Two new clauses and five amendments](#) were tabled by opposition parties. Only new clause 1, which would have required the Government to publish an annual review of the legislation's effect, was put to a vote. It was defeated by 253 votes to 89.

Labour reiterated its support for the Bill and the underlying LLE policy. The party said its amendments were designed to ensure the Bill's success by increasing parliamentary oversight, providing greater clarity to the higher education sector, and ensuring continued opportunities for stakeholders to shape the policy.

The Bill had its [third reading in the Commons](#) on 3 May 2023 and passed without a vote.

## Lords second reading

The Bill had its [second reading in the Lords](#) on 19 June 2023. It passed without a vote and was committed to a [Grand Committee for committee stage](#).

The Lords welcomed the Government's commitment to flexible, lifelong learning, as demonstrated by the Bill and forthcoming introduction of the LLE, but they asked several questions about the policy, including the scope of the LLE, the potential demand in light of the low take-up numbers of the short courses trial, and why so many details had been left to secondary legislation.

## Lords committee stage

The Bill had its [committee stage in the House of Lords on 10 July 2023](#). The Bill was debated in Grand Committee, which meant all decisions had to be made unanimously. 12 amendments were tabled. Of the six that were moved for debate, all were subsequently withdrawn. No changes were made to the Bill.

Proposed amendments covered the definition of a credit, and the need for more consultation with the sector as well as post-legislative reviews to assess the Bill's impact once its provisions were in force.

## Lords report stage

The Bill had its [report stage in the House of Lords on 5 September 2023](#).

Four amendments were tabled, covering the definition of a credit and post-legislative reviews. None were put to a vote and no changes were made to the Bill. Labour again reiterated its support for the Bill but said it could be strengthened.

## Lords third reading

The Bill had its third reading in the Lords on 12 September 2023. No amendments were tabled and the Bill passed unchanged. It received royal assent on 18 September 2023 and became the Lifelong Learning (Higher Education Fee Limits) Act 2023.

# 1 Background

The [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) would establish a new method for calculating the maximum level of tuition fees providers could charge students for higher education courses and modules.

[The Bill](#) (PDF), which is Bill 240 of the 2022-23 parliamentary session, was introduced in the House of Commons on Wednesday 1 February 2023. It would extend to England and Wales but apply to England only, which means any practical effects would occur in England.

## 1.1 Tuition fee limits and student loans

Two pieces of primary legislation underpin the student loans and tuition fee limits systems in England:

- The [Teaching and Higher Education Act 1998](#) gives the Secretary of State the broad powers to issue loans and grants to further and higher education students.
- The [Higher Education and Research Act \(HERA\) 2017](#) gives the Secretary of State the power to set out in regulations the tuition fee limits that apply to particular providers and courses. It also established [the Office for Students](#) as the higher education regulator in England and gave it the power to regulate higher education providers' compliance with fee limits.

In general, fee limits for tuition apply in respect of an '[academic year](#)' to 'qualifying courses'. These are courses which can be funded through student finance (known as 'designated' courses under the Teaching and Higher Education Act 1998 and related regulations), and which are offered by higher education providers registered with the Office for Students in the [Approved \(Fee Cap\) category](#).

### Higher education student finance

Currently, students enrolled on 'designated courses' at [levels 4 to 6](#) can access higher education student finance. Designated courses include foundation degrees, higher nationals (HNDs and HNCs), certificates/diplomas of higher education (CertHE/DipHE), and undergraduate degrees.

Eligible students studying at eligible providers can get a tuition fee loan to cover all their fees. In addition to tuition fee loans, students may be eligible

for maintenance loans to help cover their living costs. These are dependent on household income, living arrangements while studying, and age. Additional grants are also available to eligible students depending on their personal circumstances, for example if they are disabled or have children. While loans must be repaid when graduates start earning a certain amount, grants do not have to be repaid.

## Advanced Learner Loans

Students aged 19 and over studying ‘non-designated courses’, such as diplomas, certificates, and awards in a wide range of vocational areas from [levels 3 to 6](#), can access [Advanced Learner Loans](#) (ALLs) for support with tuition fees.

The maximum loan amounts depend on the qualification type, size, and subject, ranging from £300 to £11,356.<sup>1</sup> Students can choose the amount they want to borrow up to the maximum available (the minimum available is £300). This is then put towards the fees charged by the provider.

Students cannot access maintenance loans for these courses, but there is a bursary fund to help pay for accommodation, travel, course materials and equipment, and childcare.

Repayment terms for these loans are the same as for current higher education undergraduate student loans. ALLs used to fund Access to Higher Education Diplomas are written off if the student goes on to complete a higher education course.

## 1.2

## The Lifelong Loan Entitlement

Chapter two of the [independent panel report to the Government’s Review of Post-18 Education and Funding \(the Augar report\)](#), published in May 2019, had made the case for flexible learning at [level 4 and above](#). It argued a core principle of any future post-18 education system should be that individuals can access a higher education loan allowance over a lifetime.<sup>2</sup>

On 29 September 2020, the then-Prime Minister, Boris Johnson, gave a speech at Exeter College in which he announced a new Lifetime Skills Guarantee. A “Lifelong Loan Entitlement” was to be an important part of this guarantee.<sup>3</sup> The Lifelong Learning (Higher Education Fee Limits) Bill would support the introduction of the [Lifelong Loan Entitlement](#) (LLE) from 2025.

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<sup>1</sup> There are some exceptions where higher amounts are available for courses that are included in the [Dance and Drama Awards scheme](#)

<sup>2</sup> Department for Education, [Independent panel report to the Review of Post-18 Education and Funding](#), 30 May 2019, pp38-44

<sup>3</sup> Prime Minister, [PM’s skills speech](#), 29 September 2020



The LLE will replace the two existing systems of publicly funded higher education student finance loans and Advanced Learner Loans. It will provide all new learners with a tuition fee loan entitlement to the equivalent of four years of post-18 education to use up to the age of 60. This would be £37,000 in current fees. Additional entitlement will be available for priority subjects, such as medicine. A “residual entitlement” will also be available to returning eligible learners who have already received publicly funded student finance.

The LLE is intended to be used flexibly, for full-time or part-time study of individual modules or full qualifications at [levels 4 to 6](#) in colleges or universities. Through provisions in the Lifelong Learning (Higher Education Fee Limits) Bill, traditional degree courses, short courses, and modules will be priced consistently according to their respective amount of learning.

To increase flexibility for people using their LLE to retrain, current restrictions on receiving funding for most courses at an equivalent or lower level to a qualification a student already holds will be removed.

Learners will have a personal account they can access throughout their life that will display their student finance LLE ‘balance’ as well as information, guidance, and details of eligible courses the LLE will fund. For all courses and modules the LLE funds, eligible learners will also be able to access maintenance loans towards their living costs, as well as targeted grants depending on their personal circumstances.

## 1.3

### What would the Bill do?

The [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) would introduce a new ‘credit-based method’ to set tuition fee levels for higher education courses and modules. This method would use ‘credits’, which the Government defines as a “measurement of learning time”, to set tuition fee limits.<sup>4</sup>

#### What are credits?

Credits are currently used by most providers in higher and further education to measure the amount of learning a student would be expected to do to complete a programme of study. They also signal the complexity and intellectual demand of a programme.

The Quality Assurance Agency for Higher Education (QAA), which has [published guidance on credits in England](#), considers one credit to be generally equal to ten hours of notional learning.<sup>5</sup> This learning time does not

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<sup>4</sup> Department for Education, [Lifelong Learning \(Higher Education Fee Limits\) Bill Policy Summary Note](#) (PDF), February 2023, p5

<sup>5</sup> QAA, [Credit framework for England](#)

just include formal classes, but also private study and the completion of coursework and exams.

Higher education courses are generally composed of several individual modules or units. Credits are assigned to each module, and students accumulate credits and modules towards the total required for a qualification. For example, according to the [QAA credit framework](#):

- A taught master’s degree is worth 180 credits;
- A bachelor’s degree with honours is worth 360 credits;
- A foundation degree is worth 240 credits;
- A higher National Certificate (HNC) is worth 120 credits.<sup>6</sup>

This understanding of credits is also reflected in the Office for Students’ registration condition for higher education providers on [sector-recognised standards](#) (PDF).<sup>7</sup>

Currently, fee limits are set by reference to an ‘academic year’. As part of the new credit-based method, clause 1 would introduce the concept of a ‘course year’, which would be the period of twelve months from the first day of the month in which the course begins, to replace that of an academic year.

The Government has said this is to allow fee limits to be applied with “greater precision” according to when a course starts.<sup>8</sup> It hopes the change would support more flexible patterns of study,<sup>9</sup> with course years more appropriate to modular study than the current academic years.<sup>10</sup>

In conjunction with the forthcoming Lifelong Loan Entitlement, the Government hopes the new method will encourage the study of modules and short courses, by ensuring the maximum level of tuition fees students pay for such courses are proportionate and consistent with traditional three-year degree courses.<sup>11</sup>

## Structure of the Bill

The Bill comprises two substantive clauses that would primarily amend sections 10, 11, 31, and Schedule 2 of the [Higher Education Research Act 2017](#),

<sup>6</sup> QAA, [Higher Education Credit Framework for England: Advice on Academic Credit Arrangements](#) (PDF), May 2021, p8

<sup>7</sup> Office for Students, [Sector-recognised standards](#) (PDF), May 2022, pp3-4

<sup>8</sup> Department for Education, [Lifelong Learning \(Higher Education Fee Limits\) Bill Policy Summary Note](#) (PDF), February 2023, p3

<sup>9</sup> Department for Education, [Lifelong Learning \(Higher Education Fee Limits\) Bill Policy Summary Note](#) (PDF), February 2023, p3

<sup>10</sup> Department for Education, [Lifelong Learning \(Higher Education Fee Limits\) Bill Policy Summary Note](#) (PDF), February 2023, p6

<sup>11</sup> Department for Education, [Lifelong Learning \(Higher Education Fee Limits\) Bill Explanatory Notes](#) (PDF), February 2023, p2

as well as giving Ministers powers to make regulations setting out the detail for how the Bill's provisions would work in practice.

### **Clause 1**

Clause 1 of the Lifelong Learning (Higher Education Fee Limits) Bill introduces a new method for determining the maximum tuition fee a higher education provider registered with the Office for Students can charge. This new method will be known as the credit-based method.

The clause sets out how the new method will work and gives the Secretary of State a number of new, associated powers. It also introduces the concept of 'course years', to replace that of 'academic years'.

### **Clause 2**

Clause 2 would amend the Secretary of State's powers and the reporting requirements the Office for Students and higher education providers.

The clause would also establish a consistent definition of "module" in legislation and clarify which fees are considered "regulated course fees".

### **Clause 3**

Clause 3 states the Bill would extend to England and Wales (but it would apply to England only) and clauses 1 and 2 would come into force on a day determined in regulations, which is likely to be in 2024.

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## 2

## Commons second reading

The Bill had its [second reading in the Commons on 27 February 2023](#).<sup>12</sup> Much of the debate focused on the broader policy of lifelong learning and the Government’s plans for the Lifelong Loan Entitlement (LLE), rather than the specifics of the Bill.

While the Bill was broadly welcomed, and there was support on all sides of the house for making lifelong learning a success, a number of concerns were raised. Opposition parties were particularly critical of the Government for not publishing the response to its consultation on the policy and design of the LLE ahead of the Bill’s second reading. This consultation was [launched in February 2022 and closed in May 2022](#).<sup>13</sup> The Liberal Democrat MP and education spokesperson Munira Wilson said:

First, we are debating the Bill in reverse. Parliament is meant to debate and approve the policy framework and then let the regulations deal with the technical details. This Bill does the opposite—it sets out the mechanism through which an LLE will be delivered without setting out any of the major policy decisions about how it will work.<sup>14</sup>

The Education Secretary, Gillian Keegan, promised to publish the response to the LLE consultation in full ahead of the Bill’s report stage.<sup>15</sup> Speaking in support of the Bill, she said that by enabling fee limits to be set on periods of study shorter than a year, the Bill would adapt the student finance framework to make different types of study more accessible. She also argued the new system would deliver “parity of esteem” and create a “fair, more flexible system and go a long way to encourage more people into post-18 education.”<sup>16</sup>

The Minister for Skills, Apprenticeships, and Higher Education, Robert Halfon, described the LLE as a “flexi-travelcard”, saying:

Regardless of background, income or circumstance, people will have access to a flexi-travelcard to jump on and off their learning as opposed to being confined to a single advance ticket. This is not just a train journey; it is a life journey.<sup>17</sup>

Responding for the Opposition, the Shadow Minister for Higher Education, Matt Western, criticised the Government’s record on lifelong learning and

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<sup>12</sup> [HC Deb 27 February 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#)

<sup>13</sup> Department for Education, [Lifelong Loan Entitlement Consultation](#), 24 February 2022

<sup>14</sup> [HC Deb 27 February 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#) c538-39

<sup>15</sup> [HC Deb 27 February 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#) c529

<sup>16</sup> [HC Deb 27 February 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#) c528

<sup>17</sup> [HC Deb 27 February 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#) c565

skills growth since 2010, but commended the commitment and work of the current Education Secretary and the Minister for Skills, Apprenticeships, and Higher Education.<sup>18</sup>

The Shadow Minister said that while Labour did not oppose the Bill, and the party was fully committed to supporting the Government in delivering lifelong learning,<sup>19</sup> it did have several concerns about the proposed legislation and the broader LLE policy:

- Matt Western noted the Government had not published its response to the LLE consultation ahead of introducing the Bill, and described the impact assessment as “skeletal”, saying this undermined Parliament’s ability to scrutinise the proposed legislation.
- He questioned whether the LLE would be deliverable from 2025 as planned, given the changes that would be required to the student finance system, the admissions system, and higher education courses.
- He called for more clarity to be included in the Bill about credits and modules, saying:

With so much power in the hands of the Secretary of State, depriving Parliament of the ability to hold the Government to account adequately, there are few brakes to prevent them from unilaterally deciding to redefine the nature of a credit or a module, and to make compliance with that change contingent on future funding.<sup>20</sup>

- He noted while it was important a minimum fee level was set to prevent students from being unfairly charged more for modular study, there were additional costs incurred by providers associated with modular provision, such as “additional wraparound support, including onboarding, mental health support and academic writing support”.<sup>21</sup> The Shadow Minister asked what plans there were to mitigate any additional cost burden for providers and whether there would be consultation with the sector on this point.
- Matt Western also asked what plans the Government had to minimise regulatory burden for the higher education sector during the implementation of LLE, and how modular-based courses will be assessed for quality.<sup>22</sup>

The Bill passed to committee stage without amendments or a vote.

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<sup>18</sup> [HC Deb 27 February 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#) c531-2

<sup>19</sup> [HC Deb 27 February 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#) c532

<sup>20</sup> [HC Deb 27 February 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#) c534

<sup>21</sup> [HC Deb 27 February 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#) c534

<sup>22</sup> [HC Deb 27 February 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#) cc531-35

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## 3 Commons committee stage

### 3.1 Summary

The Bill's committee stage comprised two sessions of oral evidence on 21 March 2023 and two sessions of line-by-line scrutiny on 23 March 2023.<sup>23</sup> The Bill passed unamended. The Government published the response to its consultation on the policy and design of the LLE ahead of the Bill's committee stage.<sup>24</sup>

The fate of each clause and amendment is set out in a document published on the [Bill pages of the Parliament website](#).<sup>25</sup> Transcripts of the committee stage debate are also available there.<sup>26</sup>

The clause numbers below reflect [the Bill as introduced for the 2022-23 parliamentary session](#) (PDF).<sup>27</sup>

### 3.2 Evidence sessions

There were two evidence sessions held on 21 March 2023. The committee heard oral evidence from:

- Association of Colleges
- Universities UK
- Confederation of British Industry
- Association of Employment and Learning Providers
- Sir Philip Augar, who chaired the independent panel as part of the Government's review of post-18 education and funding

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<sup>23</sup> Public Bill Committee, [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) (PDF), 21, 23 March 2023

<sup>24</sup> Department for Education, [Lifelong Loan Entitlement: Government consultation response](#), March 2023

<sup>25</sup> Lifelong Learning (Higher Education Fee Limits) Bill, [Committee Stage Decisions](#) (PDF), 23 March 2023

<sup>26</sup> Public Bill Committee, [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) (PDF), 21, 23 March 2023

<sup>27</sup> Note that clause numbers are liable to change as the Bill progresses through Parliament and is amended.

- senior leaders from colleges and universities.

Transcripts of the oral evidence sessions and published written evidence is available on the [Bill pages of the Parliament website](#).<sup>28</sup>

## 3.3

### Scrutiny

The Bill passed its committee stage unamended. 12 amendments were tabled, all by the Labour party, and eight of them were put to a vote. These included amendments about ensuring continued consultation with the higher education sector, the definition of a “credit”, and the financial sustainability of the further and higher education sectors.

#### Sector consultation

The Shadow Minister for Higher Education, Matt Western, tabled two amendments to clause 1 which would have required the Government to consult relevant stakeholders when:

- deciding whether the credit-based method or the fixed method should be used to determine the fee limit (**amendment 3**)
- deciding the nature and extent of “credit-differentiated activity” (such as work or study placements in the UK or overseas) and the number of credits attached to it (**amendment 5**).

In response, the Minister for Skills, Apprenticeships, and Higher Education, Robert Halfon, said:

Amendment 3 is unnecessary and burdensome, and amendment 5 seeks to require that the Government consult on an issue that they have already consulted on, and will continue to consult on and engage with all the way through.<sup>29</sup>

Both amendments were rejected by nine votes to five along party lines.<sup>30</sup>

#### Definition of a credit

Matt Western tabled **amendment 4**, which would have ensured the definition of a “credit” was aligned with sector-recognised standards. He argued this was necessary to increase awareness of the concept of credits among employers and the wider public.<sup>31</sup> The Shadow Minister also argued the

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<sup>28</sup> Public Bill Committee, [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) (PDF), 21 March 2023, cc3-62

<sup>29</sup> Public Bill Committee, [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) (PDF), 23 March 2023, c74

<sup>30</sup> Public Bill Committee, [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) (PDF), 23 March 2023, cc75, 79-80

<sup>31</sup> Public Bill Committee, [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) (PDF), 23 March 2023, c76

definition should be owned by the higher education sector, where the existing definition (one credit equating to ten notional hours of learning) is widely understood. He said:

In not making it clear on the face of the Bill, the inevitable concern is that Ministers may well step in and start amending the value of a credit, which has implications for the fee cap that providers are able to charge [...]

Our amendment would simply enshrine the autonomy of providers against potential interference by the Government.<sup>32</sup>

The Minister for Skills, Apprenticeships, and Higher Education, Robert Halfon, said the Government understood the importance of the definition of a credit aligning with sector-recognising standards. He said there was a definition of a credit in the Bill and regulations would also make it clear a credit must be equal to ten learning hours, in line with existing sector practice, for a course or module to be treated as credit-bearing.

He argued the amendment was not necessary because, in practice, the Government intended to align the concept of credits with sector standards. He said:

The Government do not intend to change regulations on the number of learning hours in a credit unless standards in the sector change. Learning hours are, and should continue to be, based on sector-led standards. I can give an assurance that regulations on learning hours will follow the affirmative resolution procedure so that Parliament will always get an opportunity to debate and formally approve any changes to regulations.<sup>33</sup>

The Shadow Minister put amendment 4 to a vote. It was rejected nine votes to five, along party lines.<sup>34</sup>

## Transcripts

Matt Western tabled **amendment 9**, which was an attempt to ensure consistency of the academic records of students wishing to transfer between providers through a standardised transcript. He said:

Some standardised transcript would be in everyone's interests, whether that is the employer, in understanding what someone has attained, the incoming institution, or, most certainly, the learner.<sup>35</sup>

The Minister for Skills, Apprenticeships, and Higher Education, Robert Halfon, said there would be a standardised transcript provided to students on completion of a module, but not a full course. He said the Government intended for this to be included in the regulations for loan funding purposes, and so it did not need to be referred to in legislation relating to fee limits.

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<sup>32</sup> Public Bill Committee, [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) (PDF), 23 March 2023, c76

<sup>33</sup> Public Bill Committee, [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) (PDF), 23 March 2023, c78

<sup>34</sup> Public Bill Committee, [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) (PDF), 23 March 2023, c79

<sup>35</sup> Public Bill Committee, [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) (PDF), 23 March 2023, c79



Moreover, the Minister argued it would be inappropriate in any case, since this legislation covered both modules and full courses.<sup>36</sup>

The Shadow Minister put amendment 9 to a vote. It was rejected seven votes to five, along party lines.<sup>37</sup>

## Maximum credits in a course year

The Shadow Minister for Higher Education, Matt Western, tabled **amendment 11**, which was an attempt to ensure when setting the maximum cap of credits per course year, the Government would:

- have regard to the impact on the variety of courses on offer from providers
- prepare and publish an equality impact assessment
- have regard to the impact on student numbers.

Matt Western was particularly concerned that accelerated degrees, which often comprise 180 credits per year – so they can be completed in two years instead of three years – would not be adversely affected.

In response, Robert Halfon said there would be opportunity for the sector to feedback on the proposed maximum credits before regulations are laid, and “the setting of the maximum credits per course year will be based on robust analysis of any impact on learners and providers.”<sup>38</sup> He also said the limit on credits will be set at 180 a year to accommodate accelerated degrees.<sup>39</sup>

Matt Western said he appreciated what the Minister had said on the issue but wanted the amendment included in the Bill, so put it to a vote. Amendment 11 was rejected eight votes to five, along party lines.<sup>40</sup>

## Financial sustainability of providers

Matt Western tabled **amendments 7 and 8**, which would have required the Government to consider the additional costs associated with delivering modular study, and the overall financial sustainability of providers, when exercising powers granted by the Bill.

The Shadow Minister argued the delivery of modules, additional administration, and student support needs associated with modular lifelong learning would increase the costs of providers, which were already suffering because tuition fee income had not kept pace with inflation. He said:

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<sup>36</sup> Public Bill Committee, [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) (PDF), 23 March 2023, c78

<sup>37</sup> Public Bill Committee, [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) (PDF), 23 March 2023, c89

<sup>38</sup> Public Bill Committee, [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) (PDF), 23 March 2023, c86

<sup>39</sup> Public Bill Committee, [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) (PDF), 23 March 2023, c86

<sup>40</sup> Public Bill Committee, [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) (PDF), 23 March 2023, c86

This skeletal Bill introduces sweeping reforms to the way in which the student finance model works, and I would hope that the Minister would be totally assured that the reforms will pose as little risk as possible to institutional financial sustainability.<sup>41</sup>

In response, the Minister said the Government would publish “a full and detailed impact assessment” of the Lifelong Loan Entitlement when the necessary secondary legislation is laid before Parliament.<sup>42</sup> He also said any additional funding towards the costs incurred by providers delivering modular study would be decided in future spending statements.<sup>43</sup>

The Shadow Minister put the amendments to a vote. They were both rejected eight votes to five, along party lines.<sup>44</sup>

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<sup>41</sup> Public Bill Committee, [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) (PDF), 23 March 2023, c91

<sup>42</sup> Public Bill Committee, [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) (PDF), 23 March 2023, c98

<sup>43</sup> Public Bill Committee, [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) (PDF), 23 March 2023, c99

<sup>44</sup> Public Bill Committee, [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) (PDF), 23 March 2023, c101

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## 4 Commons report stage

The Bill had its report stage in the Commons on 3 May 2023.<sup>45</sup> It passed without amendment.

### 4.1 Summary

Two new clauses and five amendments were tabled by opposition parties.<sup>46</sup> Only new clause 1, which would have required the Government to publish an annual review of the legislation's effect, was put to a vote. It was defeated by 253 votes to 89.

Labour reiterated its support for the Bill and the underlying Lifelong Loan Entitlement (LLE) policy. It said its amendments were designed to ensure the Bill's success by increasing parliamentary oversight, providing greater clarity to the higher education sector, and ensuring continued opportunities for stakeholders to shape the policy.

### 4.2 Proposed amendments

#### Annual review of the legislation

The Shadow Minister for Higher Education, Matt Western, tabled **new clause 1**, which would have required the Government to conduct and publish an annual review of the legislation's effect. The first review would have to take place after the launch of the Lifelong Loan Entitlement (LLE) in the 2025/26 academic year, but not before the 2027/28 academic year. The annual review would consider:

- uptake of modular study
- employer spending on lifelong learning, re-training, and upskilling opportunities for their employees

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<sup>45</sup> [HC Deb 3 May 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#)

<sup>46</sup> [Lifelong Learning \(Higher Education Fee Limits\) Bill \(Amendment Paper\): Report Stage](#) (PDF), 3 May 2023

- the provision of courses offered by higher education and further education providers
- the financial sustainability of the tertiary education sector
- the Student Loans Company
- the Office for Students.<sup>47</sup>

Matt Western described this as “the most important” of Labour’s amendments.<sup>48</sup> He said a review would “guard against any unintended effects of the policy, engage parliamentary oversight and provide an avenue for all stakeholders to continue to feed into the policy outcome”.<sup>49</sup>

In response, the Minister for Skills, Apprenticeships, and Higher Education, Robert Halfon, said while he agreed with the need to monitor the function of the LLE in line with policy intention, an ongoing review would be inappropriate before the policy has been fully implemented or had sufficient time to bed in.<sup>50</sup> He also said an annual report date could be “an undue and disproportionate burden”.<sup>51</sup>

Matt Western put new clause 1 to a vote. It was defeated by 253 votes to 89.<sup>52</sup>

## Parliamentary oversight

The Shadow Minister for Higher Education tabled three amendments which were intended to increase parliamentary oversight once the Bill had become law:

- New clause 2 would have required the Minister to publish a revised impact assessment before laying any regulations under the Act.
- Amendment 3 would have required regulations made under the Act to be subject to the affirmative procedure.
- Amendment 5 would have required the Minister to publish a written ministerial statement before laying any regulations, which would update Parliament on the progress of the Lifelong Loan Entitlement policy and how the regulations aimed to support the policy.<sup>53</sup>

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Regulations made under the affirmative procedure must be actively approved by both Houses of Parliament.

Under the negative procedure, regulations become or remain law if they are not rejected by either House within 40 sitting days.

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<sup>47</sup> [Lifelong Learning \(Higher Education Fee Limits\) Bill \(Amendment Paper\): Report Stage](#) (PDF), 3 May 2023, p1

<sup>48</sup> [HC Deb 3 May 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c161

<sup>49</sup> [HC Deb 3 May 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c161

<sup>50</sup> [HC Deb 3 May 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c162

<sup>51</sup> [HC Deb 3 May 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c162

<sup>52</sup> [HC Deb 3 May 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c165-7

<sup>53</sup> [Lifelong Learning \(Higher Education Fee Limits\) Bill \(Amendment Paper\): Report Stage](#) (PDF), 3 May 2023, pp2-3

In response, the Minister said the Government already intended to publish an updated impact assessment for the LLE ahead of laying regulations.<sup>54</sup> He also noted the regulations that could be made under the Bill’s new delegated powers would all be subject to the affirmative procedure.<sup>55</sup> Robert Halfon said:

The only delegated powers that will be subject to the negative resolution procedure relate to the minor amendments that the Bill makes to existing powers under section 10 of the Higher Education and Research Act on prescribing qualifying courses for fee limit purposes, which Parliament has already agreed should be subject to the negative resolution procedure.<sup>56</sup>

Finally, on amendment 5, the Minister said the Government “will endeavour to publish a written ministerial statement ahead of laying regulations under this Act”.<sup>57</sup> This would cover the development of regulations and the progress of the [higher education short course trial](#).

None of the amendments were put to a vote.

## Timetable for laying regulations

At the Bill’s committee stage, the Shadow Minister for Higher Education tabled an amendment that would have limited the use of the saving and transitional provisions in the Bill to the end of January 2024. In response, the Minister said the Government was not intending to lay most of the regulations needed to enable the LLE until after January 2024, and so these provisions would be needed then.<sup>58</sup>

On report, the Shadow Minister tabled amendment 4, which was a probing amendment to limit the use of the Bill’s saving and transitional provisions to the end of September 2024.<sup>59</sup> Matt Western said while he understood the reasons behind the need for flexibility, there was also a need for providers, students, and the Student Loans Company to have adequate time to prepare for the LLE ahead of its introduction from September 2025.<sup>60</sup> He asked the Minister:

What assurances can he give the sector that the vast majority—if not all—of the regulations will be laid by or before September 2024? Can he be a little more specific than any time after January 2024?<sup>61</sup>

In response, Robert Halfon said the Government intended to lay “the broader suite of regulations to enable the LLE” in mid to late 2024 at the earliest. He

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<sup>54</sup> [HC Deb 3 May 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c162

<sup>55</sup> [HC Deb 3 May 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c163

<sup>56</sup> [HC Deb 3 May 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c163

<sup>57</sup> [HC Deb 3 May 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c164

<sup>58</sup> Public Bill Committee, [Lifelong Learning \(Higher Education Fee Limits\) Bill](#) (PDF), 23 March 2023, c111

<sup>59</sup> [Lifelong Learning \(Higher Education Fee Limits\) Bill \(Amendment Paper\): Report Stage](#) (PDF), 3 May 2023, p3

<sup>60</sup> [HC Deb 3 May 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), cc159-60

<sup>61</sup> [HC Deb 3 May 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c160

agreed regulations need to be laid in a timely manner but said, since the laying of regulations was subject to available parliamentary time, “it would not be helpful at this point to prescribe a specific period”.<sup>62</sup>

Amendment 4 was not put to a vote.

## Definition of a credit

The Liberal Democrat MP Munira Wilson tabled amendment 2, which would have defined a credit to mean 10 notional learning hours.<sup>63</sup> Munira Wilson said she welcomed the Minister’s assurances that regulations would specify the number of hours that make up a credit, but she argued putting the definition in the Bill would give providers confidence that credit values “would not be devalued either by this Government or any future Governments”.<sup>64</sup>

In response, Robert Halfon said he understood the intention behind the amendment but argued it was inappropriate and unnecessary for several reasons:

- Putting the learning hours into secondary legislation rather than primary would mean providers that use a different number of learning hours per credit will simply have their courses treated as non-credit-bearing, rather than being considered in breach of fee limits as a whole.
- The Government does not intend to change the number of learning hours in a credit unless the standards in the sector change.
- Regulations on learning hours will have to follow the affirmative resolution procedure, so Parliament would always have chance to scrutinise any change.<sup>65</sup>

The Minister said:

The approach protects the existing use of credits as a standard that is owned and maintained by the sector, and ensures that the autonomy of the sector continues to be upheld but also allows a flexible approach in case standards change.<sup>66</sup>

Amendment 2 was not put to a vote.

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<sup>62</sup> [HC Deb 3 May 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), cc162-63

<sup>63</sup> [Lifelong Learning \(Higher Education Fee Limits\) Bill \(Amendment Paper\): Report Stage](#) (PDF), 3 May 2023, p2

<sup>64</sup> [HC Deb 3 May 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c163

<sup>65</sup> [HC Deb 3 May 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c163-64

<sup>66</sup> [HC Deb 3 May 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c164

## 5

## Commons third reading

The Bill had its third reading in the Commons on 3 May 2023.

The Minister for Skills, Apprenticeships, and Higher Education, Robert Halfon, described the Bill as “transformational” and thanked the Opposition for their engagement with it. He said:

I look forward to the LLE improving our skills system and supporting people into fulfilling and lasting careers. With this Bill, we are transforming lifelong learning in this country.

People will now be on a train journey with an end stop at which they get their qualification, but they will be able to start and stop at various points in their life through flexible and modular learning.<sup>67</sup>

The Shadow Minister for Higher Education, Matt Western, said reforms to encourage lifelong learning have never been so urgent and the Bill was “an important first legislative step”.<sup>68</sup> However, the Shadow Minister also argued that much of the Bill would ultimately be determined later by the Government through regulations, and this led to a degree of uncertainty. He said:

[T]he Bill is somewhat divorced from the policy it seeks to implement. This is not a party political point; it is a call for certainty and predictability, and an expectation that transformational reforms in the tertiary education sector are clear, open to debate and transparent.

I understand that most of the current student finance system is governed through regulations, but the point is, surely, that what we are trying to do with lifelong learning is break away from the current system. Does it not follow, therefore, that the limits of the old system—namely, government by regulation—should not necessarily impose a limit on the new system?<sup>69</sup>

The Conservative MP Peter Aldous said while the Bill had the potential to be transformational, it was only “one piece of the jigsaw”, and there remained a risk its objectives would not be met without a wider, coherent and co-ordinated strategy.<sup>70</sup> He called for improvements to careers advice, a maintenance support system that enables everyone to live properly while studying or training, and sustainable funding for the whole education and skills system.

The Bill passed its third reading without a vote.

<sup>67</sup> [HC Deb 3 May 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c168

<sup>68</sup> [HC Deb 3 May 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), cc168-69

<sup>69</sup> [HC Deb 3 May 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c169

<sup>70</sup> [HC Deb 3 May 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c169-71

## 6 Lords second reading

The Bill had its [second reading in the Lords](#) on 19 June 2023. It passed without a vote and was committed to a [Grand Committee for committee stage](#).

The Lords welcomed the Government's commitment to flexible, lifelong learning, as demonstrated by the Bill and forthcoming introduction of the Lifelong Loan Entitlement (LLE), but they asked several questions about the policy, including:

- The scope of the LLE, and why modules below 30 credits and level 3 and 7 courses were excluded.
- How the policy will apply to people who wish to move between different parts of the UK, or who move at different stages of their lives.
- How much demand there really is for the LLE in light of the low take-up numbers of the short courses trial,<sup>71</sup> and whether adults will really want to take on debt to improve their skills.
- The speed of the LLE's rollout.
- How maintenance support will work for modular provision, and why distance learning students continue to be excluded from such support.
- How the design details of the LLE will work in practice, particularly those relating to residual entitlements and equivalent and lower qualification rules for those who already have higher education qualifications.
- How positive student outcomes will be identified.
- What preparation has been done to ensure the Student Loans Company will be properly prepared to support the provisions of the Bill.
- Whether the universal credit system needs any adjustment to ensure learners do not risk losing their benefits when undertaking a course.
- What will be done to meet the associated demand for career information, advice, and guidance.

Some Lords, particularly from opposition parties, criticised the amount of detail that had been left to secondary legislation rather than being included

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<sup>71</sup> See "[Short course trial update](#)", Wonkhe, 15 June 2023 (accessed 30 June 2023)



in the Bill.<sup>72</sup> However, other Lords said this was necessary for flexibility in the future.<sup>73</sup>

Closing the debate on behalf of the Government, Baroness Barran responded to some of these points.<sup>74</sup> She said the Government was working closely with providers and stakeholders to inform LLE policy, including about how to encourage credit transfer without jeopardising the autonomy of the sector. She said she expected the secondary legislation covering the fee limit and the LLE to be laid by autumn 2024, in time for implementation in 2025.

On the scope of the LLE, Baroness Barran said funding would be available for 10 and 15 credit modules, provided they were combined to make at least 30 credits of study. This was because the Government agreed with the 2019 independent panel report to the post-18 education and funding review, which said:

A 30 credit course, in our view, represents a significant amount of teaching and learning, and is an appropriate minimum for upskilling or reskilling. It is also short enough to be combined fairly easily with work and other commitments.<sup>75</sup>

Baroness Barran also said there were three main reasons for the focus on [level 4 to 6 courses](#):

- Level 3 courses are funded for a range of individuals through other funding streams, such as the Adult Education Budget and the Government’s “free courses for jobs” offer. Individuals will also still be able to take out advanced learner loans for level 3 courses.
- While integrated master’s degrees would be within the scope of the LLE, courses at level 7 and above are already served by separate student finance products, such as postgraduate master’s and doctoral loans.
- The Government believe there is a “strong economic case” for focusing on levels 4 to 6 because of skills gaps in the economy, particularly at levels 4 and 5.<sup>76</sup>

On part-time learners and maintenance loans, Baroness Barran said support would be available for all part-time LLE-funded study below level 6. She described this as “a major change and positive step forward from the current system”, but also said she “absolutely heard the regret” expressed by several Lords about the lack of maintenance support for distance learners.<sup>77</sup>

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<sup>72</sup> [HL Deb 19 June 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\] c22, 24, 30, 50](#)

<sup>73</sup> [HL Deb 19 June 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\] c26, 46](#)

<sup>74</sup> [HL Deb 19 June 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\] cc57-61](#)

<sup>75</sup> Department for Education, [Independent panel report to the Review of Post-18 Education and Funding](#), 30 May 2019, p39

<sup>76</sup> [HL Deb 19 June 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\] cc59-60](#)

<sup>77</sup> [HL Deb 19 June 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\] c61](#)

Finally, Baroness Barran said the Office for Students, which regulates higher education in England, would be consulting on a new registration category for providers of courses formerly funded by advanced learner loans, and also on quality or performance measures for modules.<sup>78</sup>

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<sup>78</sup> [HL Deb 19 June 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\] cc60-61](#)

## 7

# Lords committee stage

The Bill had its [committee stage in the House of Lords on 10 July 2023](#).<sup>79</sup> The Bill was debated in Grand Committee, which meant all decisions had to be made unanimously.

12 amendments were tabled. Of the six that were moved for debate, all were subsequently withdrawn and no changes were made to the Bill.

## 7.1

# Proposed amendments

## Definition of a credit

During the Bill's committee stage in the Commons, the Liberal Democrats tabled an amendment that would have defined on the face of the Bill one credit to correspond to 10 learning hours. In the Lords, the Liberal Democrats again tabled an amendment (**amendment 2**) defining one credit as 10 learning hours.<sup>80</sup>

Baroness Barran, speaking on behalf of the Government, reiterated the Government's position that while it was important the definition of credits in the fee limit calculation aligned to standard practice in the sector, this would be set out in detail in secondary regulations.<sup>81</sup>

## Consultations

Labour reiterated its support for the Bill saying it was “a good Bill that could be even better.”<sup>82</sup> It tabled two amendments (amendment 1 and 4) that would have required consultation with the sector; firstly about whether the fee limit for a course should be fixed or module based, and secondly on the nature and extent of “credit-differentiated activity” and the number of credits associated with it.<sup>83</sup>

In response, Baroness Barran said the fixed method would only be used “by exception”, and that it had asked the sector about this as part of the lifelong loan entitlement (LLE) consultation that concluded in May 2022.<sup>84</sup> She also

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<sup>79</sup> [HL Deb 10 July 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#)

<sup>80</sup> [HL Deb 10 July 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), cc222-23GC

<sup>81</sup> [HL Deb 10 July 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c225GC

<sup>82</sup> [HL Deb 10 July 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c219GC

<sup>83</sup> [HL Deb 10 July 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), cc219-20GC

<sup>84</sup> [HL Deb 10 July 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), cc221-22GC

announced the Government would publish further details of the fee limits regulations in autumn 2023, which would provide another opportunity for scrutiny.<sup>85</sup>

Baroness Twycroft, speaking on behalf of Labour, welcomed this commitment to further detail and consultation and withdrew the amendment.<sup>86</sup>

## Reviews

Four amendments were tabled by Labour and Liberal Democrat MP calling for reviews of the Act and its related effects.

- **Amendment 7 (Baroness Twycroft, Labour)** would have required an annual review, starting in 2026, of the impact of the Act on various aspects of higher education, including learner uptake of modular study and non-modular part-time study, course provision, financial sustainability, the Student Loans Company, and the Office for Students.
- **Amendment 8 (Lord Addington, Liberal Democrat)** would have required a review before the end of 2026 of the impact of the credit-based method for determining fee limits on flexible study, skills gaps in the United Kingdom, students with disabilities, and students with a need for shariah-compliant loans.
- **Amendment 10 (Baroness Twycroft, Labour)** would have required a review and ministerial statement within six months of the Act being passed on its impact on the rollout of the lifelong loan entitlement.
- **Amendment 11 (Lord Watson, Labour)** would have required a review within six months of the Act being passed on its impact on the provision of level 3 courses, with a report to be published before the end of 2024.

In response, Baroness Barran said while the Government did not support the amendments, it agreed with their sentiment and was “fully committed to monitoring the impacts of this transformation of student finance.”<sup>87</sup>

Baroness Barran highlighted the impact assessment for the Bill and the impact assessment and equality assessment published alongside the Government’s response to the LLE consultation, as well as parliamentary accountability mechanisms already in place, such as post-legislative scrutiny reviews and the work of the Education Select Committee.<sup>88</sup> She also noted several vehicles through which some of the areas raised by the amendments will be monitored, included the annual reports and data releases produced by

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<sup>85</sup> [HL Deb 10 July 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c222GC

<sup>86</sup> [HL Deb 10 July 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c222GC

<sup>87</sup> [HL Deb 10 July 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), cc241-44GC

<sup>88</sup> [HL Deb 10 July 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c241GC

the Higher Education Statistics Agency, the Office for Students, and the Student Loans Company.<sup>89</sup>

Amendments 7, 8, and 11 were either not moved or withdrawn.

On amendment 10 and the review of rollout of the lifelong loan entitlement, Baroness Barran said full and detailed impact assessments would be published when the Government laid the secondary legislation to implement the LLE.<sup>90</sup> She also said the Government would “endeavour” to publish a written ministerial statement ahead of laying regulations under this Act.<sup>91</sup>

Speaking for Labour, Baroness Twycross noted the short course pilot and said it felt “a little ad hoc in that we are agreeing legislation while the pilot is ongoing; this strengthens the argument for building in a review at an early stage of the rollout of the policy.”<sup>92</sup> However, she withdrew amendment 10.

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<sup>89</sup> [HL Deb 10 July 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c241GC

<sup>90</sup> [HL Deb 10 July 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c249GC

<sup>91</sup> [HL Deb 10 July 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c249GC

<sup>92</sup> [HL Deb 10 July 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c250GC

## 8 Lords report stage

The Bill had its [report stage in the House of Lords on 5 September 2023](#).<sup>93</sup>

Four amendments were tabled. None were put to a vote and no changes were made to the Bill. Labour again reiterated its support for the Bill but said it could be strengthened.<sup>94</sup>

### 8.1 Proposed amendments

#### Definition of a credit

As she had done at committee stage, the Liberal Democrat peer Baroness Garden tabled an amendment (**amendment 1**) that would have defined one credit as 10 learning hours. She said:

It would be beneficial to have 10 hours written in the Bill in order to cement its definition, because that would mean that no new definition could be introduced or imposed at a later date for the purposes of setting fee limits.<sup>95</sup>

Speaking on behalf of Labour, Baroness Wilcox said while the party understood why this amendment had been tabled, it did not think putting a number of hours in the Bill at this point would be beneficial, and the Government should “think hard” about how to communicate the concept of a credit to the public and employers.<sup>96</sup> However, Baroness Wilcox said Labour would like a commitment from the Government that it would be led by the sector’s understanding of a credit.<sup>97</sup> Lord Willetts (Conservative) shared Labour’s concerns about putting the definition of a credit into the Bill, saying “trying to put that into primary legislation would inhibit necessary policy flexibility”.<sup>98</sup>

Responding for the Government, Baroness Barran said the Government did not intend to change the number of learning hours in a credit unless standards in the sector change.<sup>99</sup> She also said regulations on learning hours would follow the affirmative resolution procedure, meaning Parliament would

<sup>93</sup> [HL Deb 5 September 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#)

<sup>94</sup> [HL Deb 5 September 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c374

<sup>95</sup> [HL Deb 5 September 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c367

<sup>96</sup> [HL Deb 5 September 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c369

<sup>97</sup> [HL Deb 5 September 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c369

<sup>98</sup> [HL Deb 5 September 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c369

<sup>99</sup> [HL Deb 5 September 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c369

have the opportunity to debate and formally approve any changes to those regulations.<sup>100</sup>

Amendment 1 was withdrawn.

## Reviews

As at committee stage in the Lords, a number of amendments were tabled that would have required the Government to review the impact of the Bill on various aspects of higher education and adult learning policy once its provisions had come into effect.

- **Amendment 2 (Baroness Garden, Liberal Democrats)** would have required, before 2026, a review and report determining the impact of the credit-based method for determining fee limits on students with a need for shariah-compliant loans and skills gaps in the United Kingdom. It was similar to an amendment tabled at committee stage by the Liberal Democrat peer Lord Addington (amendment 8).
- **Amendment 3 (Baroness Twycross, Labour)** was a slightly different version of Baroness Twycross' amendment tabled at committee stage (amendment 7). It would have required an annual review of the impact of the Act on:
  - learner uptake of modular study and non-modular part-time study;
  - adult learner uptake of level 3, level 4, level 5 and level 6 course provision;
  - access to higher education for students with disabilities or from lower income or minority ethnic backgrounds;
  - employer spending on lifelong learning, retraining, and upskilling opportunities for their employees;
  - course provision offered by higher and further education providers
  - financial sustainability;
  - differences in higher education provision across different regions of England;
  - skills gaps in the UK.

The first review would have been within one year of the introduction of the level 4 lifelong loan entitlement provisions.

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<sup>100</sup> [HL Deb 5 September 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c369

- **Amendment 4 (Baroness Twycross, Labour)** would have required the Government to publish a review of the lifelong loan entitlement (LLE) before bringing in further regulations on fee limits.

Speaking in support of amendment 2, Baroness Garden said the Liberal Democrats were not convinced the introduction of the LLE would help to address skills gaps.<sup>101</sup> She argued grants, rather than loans, would better encourage adult reskilling.<sup>102</sup> Consequently, Baroness Garden said it would be important for the Government to review the impact of the provisions of the Bill to assess whether it will help alleviate skills shortages.<sup>103</sup>

Speaking in support of amendment 3, Baroness Twycross said Labour believed reviewing the impact of the Bill on various aspects of higher education and adult learning annually would make it more likely any issues would be identified.<sup>104</sup> This would help the policy to succeed in the long term and inspire trust in students and potential students that the lifelong loan entitlement would continue to exist in the future.<sup>105</sup>

Baroness Wilcox said Labour had tabled amendment 4 to make it clear students, the education sector, and Parliament needed to be given clear information on the details of the lifelong loan entitlement as soon as possible, particularly regarding timelines.<sup>106</sup> She highlighted the Department for Education’s accounting officer assessment which said: “The main feasibility risk of LLE [lifelong loan entitlement] is meeting the 2025 delivery timescale”.<sup>107</sup>

Responding for the Government, Baroness Barran agreed with the need to monitor the impact of the Bill’s provisions on student finance following the changes brought about by the lifelong loan entitlement.<sup>108</sup> However, as at committee stage in the Lords, Baroness Barran highlighted a previously published impact assessment and equality assessment, and noted other mechanisms of parliamentary scrutiny.<sup>109</sup> She also said the amendments would focus narrowly on fee limits, rather than the impact of the lifelong loan entitlement as a whole, and the Government intended to publish an updated impact assessment covering all aspects of the LLE when regulations are laid.<sup>110</sup>

Amendment 3 was withdrawn, while amendments 2 and 4 were not formally moved.

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<sup>101</sup> [HL Deb 5 September 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c367

<sup>102</sup> [HL Deb 5 September 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c367

<sup>103</sup> [HL Deb 5 September 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c367

<sup>104</sup> [HL Deb 5 September 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c374

<sup>105</sup> [HL Deb 5 September 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), cc374-75

<sup>106</sup> [HL Deb 5 September 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c368

<sup>107</sup> [HL Deb 5 September 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), cc368-69

<sup>108</sup> [HL Deb 5 September 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), cc370-72

<sup>109</sup> [HL Deb 5 September 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), cc370-72

<sup>110</sup> [HL Deb 5 September 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\]](#), c373, 377



## 9 Lords third reading

The Bill had its third reading in the Lords on 12 September 2023. No amendments were tabled and the Bill passed unchanged.

Speaking on behalf of the Government, Baroness Barran made three points in response to issues raised on report. She said:

- The Government was committed to monitoring the impact of the Bill's measures on the transformation of student finance under the Lifelong Learning Entitlement.
- The Government did not intend to change the number of learning hours in a credit unless standards in the sector change.
- The Government remained committed to delivering an alternative student finance product compatible with Islamic finance principles "as soon as operationally possible after 2025".<sup>111</sup>

The Bill received royal assent on 19 September 2023 and became the Lifelong Learning (Higher Education Fee Limits) Act 2023.

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<sup>111</sup> [HL Deb 12 September 2023 \[Lifelong Learning \(Higher Education Fee Limits\) Bill\] c791](#)

## Appendices

### Composition of the Commons Public Bill Committee

The Public Bill Committee in the House of Commons was chaired by Judith Cummins and Sir Robert Syms. It comprised ten Conservative MPs and seven Labour MPs. Its membership was as follows:

- Brendan Clarke-Smith (Bassetlaw) (Con)
- Sir David Evennett (Bexleyheath and Crayford) (Con)
- Katherine Fletcher (South Ribble) (Con)
- Gill Furniss (Sheffield, Brightside, and Hillsborough) (Lab)
- Mary Glendon (North Tyneside) (Lab)
- Robert Halfon (Minister for Skills, Apprenticeships and Higher Education)
- Eddie Hughes (Walsall North) (Con)
- Tom Hunt (Ipswich) (Con)
- Dan Jarvis (Barnsley Central) (Lab)
- Andy McDonald (Middlesbrough) (Lab)
- Robbie Moore (Keighley) (Con)
- Joy Morrissey (Beaconsfield) (Con)
- Mr Toby Perkins (Chesterfield) (Lab)
- Tom Randall (Gedling) (Con)
- Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op)
- David Simmonds (Ruislip, Northwood, and Pinner) (Con)
- Matt Western (Warwick and Leamington) (Lab)

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