



STATUTORY INSTRUMENTS.

S.I. No. 628 of 2025

QUALIFICATIONS AND QUALITY ASSURANCE (EDUCATION AND
TRAINING) ACT 2012 (PROTECTION OF ENROLLED LEARNERS
ANNUAL CHARGE) REGULATIONS 2025

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TRAINING) ACT 2012 (PROTECTION OF ENROLLED LEARNERS
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I, JAMES LAWLESS, 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 2025.

(2) These Regulations come into operation on 1 January 2026.

(3) The Qualifications and Quality Assurance (Education and Training) Act 2012 (Protection of Enrolled Learners Annual Charge) Regulations 2024 (S.I. 428/2024) is hereby revoked.

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;

“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 on the basis of a sum equal to 2% of the total chargeable learner fees for that programme.

5. The annual charge payable in relation to each obligated higher education and training programme shall be calculated on the basis of a sum equal to 2% of the total chargeable learner fees for that programme.

6. The annual charge payable in relation to each obligated English language education programme of four weeks or less shall be calculated on the basis of a sum equal to 0.2% of the total chargeable learner fees for that programme.

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 on the basis of a sum equal to 2% of the total chargeable learner fees for that programme.

8. The annual charge payable in relation to each obligated English language education programme of a duration of more than twelve weeks shall be calculated on the basis of a sum equal to 4% of the total chargeable learner fees for that programme.

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.(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,
17 December, 2025.

JAMES LAWLESS,
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 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.

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