



# Higher Education (Wales) Act 2015

2015 anaw 1

## PART 5

### FEE AND ACCESS PLANS: WITHDRAWAL OF APPROVAL ETC

#### *Refusal to approve new fee and access plan*

#### **37 Notice of refusal to approve new fee and access plan**

- (1) If HEFCW are satisfied that a condition in subsection (3) is met in respect of a regulated institution, they may give notice under this section to the institution's governing body.
- (2) Notice under this section is notice that HEFCW will not approve a new fee and access plan relating to the institution before the end of a period specified in the notice.
- (3) The conditions are that the governing body of the institution has failed to comply with—
  - (a) section 10(1) (duty to ensure that regulated course fees do not exceed applicable fee limit),
  - (b) a general requirement of the institution's approved plan,
  - (c) a direction under section 13 (directions in respect of failure to comply with general requirements of approved plan),
  - (d) a direction under section 19 (directions in respect of inadequate quality), or
  - (e) a direction under section 33 (directions in respect of failure to comply with the Code).
- (4) A governing body is not to be treated for the purposes of subsection (3)(b) as having failed to comply with a general requirement of an approved plan if HEFCW are satisfied that the governing body has taken all reasonable steps to comply with the requirement.

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*Changes to legislation: Higher Education (Wales) Act 2015, Cross Heading: Refusal to approve new fee and access plan is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (5) If HEFCW give notice under this section to the governing body of an institution, HEFCW must not approve a proposed fee and access plan relating to the institution before the end of the period specified in the notice.
- (6) Where HEFCW have given notice under this section—
- (a) they may withdraw the notice, and
  - (b) if they do so, the restriction in subsection (5) ceases to apply.
- (7) Regulations may make provision about—
- (a) the period that may be specified in notice under this section;
  - (b) matters to be taken into account by HEFCW in deciding whether to give or withdraw notice under this section;
  - (c) the procedure to be followed in connection with the withdrawal of notice.
- (8) If the governing body of an institution that is not a regulated institution fails to comply with a direction under section 13, this section applies in relation to that institution as it applies in relation to a regulated institution.
- (9) For procedural provision about notice under this section, see sections 41 to 44.

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**Commencement Information**

- I1** S. 37(1)-(6)(8)(9) in force at 1.8.2017 by [S.I. 2017/239](#), [art. 2](#)
- I2** S. 37(7) in force at 20.5.2015 for specified purposes by [S.I. 2015/1327](#), [art. 2\(k\)](#)

**Changes to legislation:**

Higher Education (Wales) Act 2015, Cross Heading: Refusal to approve new fee and access plan is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act repealed by [2022 asc 1 Sch. 4 para. 31](#)