

---

STATUTORY INSTRUMENTS

---

**2005 No. 1116**

**The Higher Education (Northern Ireland) Order 2005**

**PART II**

**STUDENT FEES IN HIGHER EDUCATION**

*Plans authorising fees of more than basic amount*

**Enforcement of plans**

9.—(1) If the Department is satisfied that the governing body of an institution which by virtue of a condition under Article 4 is required to comply with the requirement specified in Article 4(2)(a) or (c) has failed to comply with that requirement, the Department may notify the governing body that on the expiry of the existing plan the Department will refuse to approve a new plan under Article 7 during a specified period.

(2) The governing body of an institution is not to be regarded for the purposes of paragraph (1) as having failed to comply with the requirement specified in Article 4(2)(c) by reason of its failure to comply with any of the general provisions of an approved plan if the governing body shows that it has taken all reasonable steps to comply with that provision.

(3) Regulations may make provision—

- (a) as to the matters to which the Department must, or may not, have regard in exercising its powers under paragraph (1),
- (b) as to the procedure to be followed in connection with the imposing of any requirement or the giving of any notification under paragraph (1),
- (c) as to the effect of such a notification.

(4) Nothing in this Article affects the power of the Department to enforce the conditions imposed under Article 4 by imposing financial requirements on the governing body in pursuance of any condition imposed by virtue of Article 4(4).