



Higher Education Act 2004

2004 CHAPTER 8

PART 3

STUDENT FEES AND FAIR ACCESS

Plans authorising fees of more than basic amount

37 Enforcement of plans: England

- (1) If the Director is satisfied that the governing body of an institution which by virtue of a condition under section 24 is required to comply with the requirement specified in section 24(1)(a) or (c) has failed to comply with that requirement, the Director may do either or both of the following—
 - (a) direct the Higher Education Funding Council for England or the Teacher Training Agency (or both) to impose specified financial requirements on the governing body under section 24(3), or
 - (b) notify the governing body that on the expiry of the existing plan he will refuse to approve a new plan under section 34 during a specified period.
- (2) The governing body of an institution is not to be regarded for the purposes of subsection (1) as having failed to comply with the requirement specified in section 24(1)(c) by reason of its failure to comply with any of the general provisions of an English approved plan, if the governing body shows that it has taken all reasonable steps to comply with that provision.
- (3) The Secretary of State may by regulations make provision—
 - (a) as to the matters to which the Director must, or may not, have regard in exercising his powers under subsection (1),
 - (b) as to the procedure to be followed in connection with the giving of any direction or notification under subsection (1),
 - (c) as to the financial requirements that may be specified by virtue of subsection (1)(a), and
 - (d) as to the effect of a notification under subsection (1)(b).