
Changes to legislation: Higher Education and Research Act 2017, Cross Heading: The fee limit where the provider has no access and participation plan is up to date with all changes known to be in force on or before 05 May 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

SCHEDULES

SCHEDULE 2

THE FEE LIMIT

The fee limit where the provider has no access and participation plan

- 3 (1) This paragraph applies if an access and participation plan approved by the OfS under section 29 in relation to the provider is not in force, and does not come into force, when the relevant academic year begins.
- (2) If the provider—
- (a) had a high level quality rating within the meaning of paragraph 2 at the relevant time, the fee limit is the basic amount, and
 - (b) in any other case, the fee limit is the sub-level amount.
- (3) “The relevant time” means on 1 January in the calendar year^{F1} ... in which the relevant academic year begins.
- (4) “The basic amount” means such amount as may be prescribed for the purposes of sub-paragraph (2)(a) as the basic amount.
- (5) “The sub-level amount” means such amount as may be determined by the Secretary of State for the purposes of sub-paragraph (2)(b)—
- (a) as the sub-level amount in respect of the basic amount, or
 - (b) where different amounts are prescribed as the basic amount for different cases or purposes by virtue of section 119(5)(a), as the sub-level amount in respect of each basic amount.
- (6) Different amounts may be determined under sub-paragraph (5) for different descriptions of provider.
- (7) Those descriptions of provider may be by reference only to—
- (a) whether a provider has or has not a rating given to it in accordance with arrangements under section 25, and
 - (b) where it has such a rating, the level, type or other description of the rating.
- (8) Any amount determined as “the sub-level amount”—
- (a) must not exceed the basic amount, and
 - (b) must be equal to or greater than the floor amount.
- (9) But any amount determined as “the sub-level amount” for a description of provider by virtue of sub-paragraph (6) must be equal to the basic amount where—
- (a) the description is of providers who have a rating given to them in accordance with arrangements under section 25, and
 - (b) the amount is in respect of an academic year which begins before 1 August 2020.

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- (10) “The floor amount” means such amount as may be prescribed for the purposes of this paragraph—
- (a) as the floor amount in respect of the basic amount, or
 - (b) where different amounts are prescribed as the basic amount for different cases or purposes by virtue of section 119(5)(a), as the floor amount in respect of each basic amount.
- (11) Where different amounts are prescribed as the basic amount for different cases or purposes by virtue of section 119(5)(a)—
- (a) the reference in sub-paragraph (8)(a) to the basic amount is to the basic amount in respect of which the sub-level amount is determined, and
 - (b) the reference in sub-paragraph (8)(b) to the floor amount is to the floor amount prescribed under sub-paragraph (10) in respect of that basic amount.
- (12) “Prescribed” means prescribed by regulations made by the Secretary of State.

Textual Amendments

- F1** Words in [Sch. 2 para. 3\(3\)](#) omitted (28.6.2022) by virtue of [Skills and Post-16 Education Act 2022 \(c. 21\)](#), [ss. 34, 36\(2\)](#)
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Commencement Information

- I1** [Sch. 2 para. 3](#) in force at 1.4.2018 by [S.I. 2018/241](#), [reg. 2\(p\)](#)

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Changes and effects yet to be applied to :

- Sch. 2 para. 3 cross-heading word substituted by [2023 c. 40 s. 1\(7\)](#)

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. A1 inserted by [2023 c. 16 s. 1](#)
- s. A4 and cross-heading inserted by [2023 c. 16 s. 2](#)
- s. A5A6 and cross-heading inserted by [2023 c. 16 s. 3](#)
- s. A7 and cross-heading inserted by [2023 c. 16 s. 4](#)
- s. 2(1)(aa)(ab) inserted by [2023 c. 16 s. 5\(1\)](#)
- s. 2(7A) inserted by [2023 c. 16 Sch. para. 2\(3\)](#)
- s. 8A inserted by [2023 c. 16 s. 6](#)
- s. 9(3A) inserted by [2022 c. 21 s. 16\(2\)](#)
- s. 10(3A) inserted by [2023 c. 40 s. 2\(2\)\(a\)](#)
- s. 10(6A) inserted by [2023 c. 40 s. 2\(2\)\(b\)](#)
- s. 10(7A) inserted by [2023 c. 40 s. 2\(2\)\(c\)](#)
- s. 10(7B)(7C) inserted by [2023 c. 40 s. 1\(2\)\(b\)](#)
- s. 11(1A)(1B) inserted by [2023 c. 40 s. 2\(3\)\(b\)](#)
- s. 11(2)(2A) substituted for s. 11(2) by [2023 c. 40 s. 2\(3\)\(c\)](#)
- s. 31(1)(1A) substituted for s. 31(1) by [2023 c. 40 s. 2\(4\)\(a\)](#)
- s. 31(2A)(2B) inserted by [2023 c. 40 s. 2\(4\)\(c\)](#)
- s. 31(4) inserted by [2023 c. 40 s. 4\(4\)\(e\)](#)
- s. 67B(3A) inserted by [2023 c. 16 Sch. para. 5\(3\)](#)
- s. 67C(3) inserted by [2023 c. 16 Sch. para. 6](#)
- s. 69A and cross-heading inserted by [2023 c. 16 s. 5\(2\)](#)
- s. 69C inserted by [2023 c. 16 s. 8\(1\)](#)
- s. 73(1A) inserted by [2023 c. 16 Sch. para. 7\(3\)](#)
- s. 73(4A) inserted by [2023 c. 16 Sch. para. 7\(6\)](#)
- s. 85(1A) inserted by [2022 c. 21 s. 16\(4\)\(b\)](#)
- s. 119(2)(ha)(hb) inserted by [2023 c. 40 s. 2\(6\)](#)
- Sch. 2 para. 5(4) inserted by [2023 c. 40 s. 2\(7\)](#)
- Sch. 2 para. 1-1I substituted for Sch. 2 para. 1 by [2023 c. 40 s. 1\(4\)](#)
- Sch. 6A inserted by [2023 c. 16 s. 8\(2\)](#)
- Sch. 7 para. 4(5) inserted by [2023 c. 16 Sch. para. 13\(6\)](#)