

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 before the calendar year 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.

Status: This is the original version (as it was originally enacted).

- (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.