



# Higher Education and Research Act 2017

## 2017 CHAPTER 29

### PART 1

#### THE OFFICE FOR STUDENTS

##### *Mandatory registration conditions*

#### **10 Mandatory fee limit condition for certain providers**

- (1) The OfS must ensure that the ongoing registration conditions of each registered higher education provider of a prescribed description include a fee limit condition.
- (2) In this Part, “a fee limit condition” means a condition that requires the governing body of the provider to secure that regulated course fees do not exceed the fee limit.
- (3) “Regulated course fees” are fees payable to the provider by a qualifying person—
  - (a) in connection with his or her undertaking a qualifying course, and
  - (b) in respect of an academic year applicable to that course which begins at the same time as, or while, the provider is registered in the register.
- (4) A “qualifying person” means a person who—
  - (a) is not an international student, and
  - (b) is within a prescribed description of persons.
- (5) An “international student” means a person who is not within any description of persons prescribed under section 1 of the Education (Fees and Awards) Act 1983 (charging of higher fees in case of students without prescribed connection with the UK) for the purposes of subsection (1) or (2) of that section.
- (6) A “qualifying course” means a higher education course of a prescribed description.
- (7) The power to prescribe descriptions of higher education course under subsection (6) may not be exercised in such a way as to discriminate—
  - (a) in relation to courses of initial teacher training, between different courses on the basis of the subjects in which such training is given, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) in relation to other courses, between different courses at the same or a comparable level on the basis of the areas of study or research to which they relate.
- (8) The OfS has no power, apart from this section, to limit the fees payable to an English higher education provider.
- (9) In this section—
  - “higher education course” does not include any postgraduate course other than a course of initial teacher training;
  - “prescribed” means prescribed by regulations made by the Secretary of State for the purposes of this section.
- (10) Schedule 2 contains provision about determining “the fee limit”; see section 85(2) for the meaning of “fees”.