



# Higher Education (Wales) Act 2015

2015 anaw 1

## PART 2

### FEE AND ACCESS PLANS

#### *Compliance with fee limit*

#### **10 Limits on student fees**

- (1) The governing body of an institution within subsection (2) must ensure that regulated course fees do not exceed the applicable fee limit.
- (2) An institution is within this subsection if a fee and access plan relating to it has been approved under section 7 (whether or not that plan is still in force).
- (3) “Regulated course fees” are fees payable to the institution by a qualifying person—
  - (a) in connection with the person’s undertaking a qualifying course, and
  - (b) in respect of an academic year applicable to that course, where that year begins at a time within the period specified under section 4 in the institution’s most recent fee and access plan (whether or not the plan is still in force).
- (4) The institution’s most recent fee and access plan is the fee and access plan most recently approved under section 7 in relation to the institution.
- (5) The applicable fee limit is—
  - (a) in a case where the institution’s most recent fee and access plan specifies a fee limit for the course and year in question, that limit;
  - (b) in a case where the institution’s most recent fee and access plan provides for the determination of a fee limit for the course and year in question, that limit as determined in accordance with the plan.

## **11 Compliance and reimbursement directions**

- (1) This section applies where HEFCW are satisfied that the governing body of an institution has failed to comply with section 10(1).
- (2) HEFCW may direct the governing body to do either or both of the following—
  - (a) to comply with section 10(1);
  - (b) to reimburse excess fees paid to the institution.
- (3) A direction under this section (a “compliance and reimbursement direction”) may specify—
  - (a) steps that are (or are not) to be taken by the governing body for the purpose of compliance with section 10(1);
  - (b) the manner in which reimbursement of excess fees is to be, or may be, effected.
- (4) If HEFCW give a direction under this section, they must—
  - (a) give a copy of the direction to the Welsh Ministers;
  - (b) publish the direction.
- (5) Regulations may make provision about how and when HEFCW are to comply with subsection (4).
- (6) “Excess fees” are regulated course fees, to the extent that those fees exceed the applicable fee limit (as quantified for the purposes of the duty under section 10(1) with which the governing body has failed to comply).

## **12 Supplementary provision about compliance and reimbursement directions**

- (1) HEFCW may issue guidance about steps to be taken for the purpose of complying with a compliance and reimbursement direction.
- (2) Before issuing guidance under this section HEFCW must consult the governing body of each regulated institution; and may consult the governing body of any other institution within section 2(3) as they think appropriate.
- (3) A governing body to which a compliance and reimbursement direction has been given must, in complying with the direction, take into account any guidance issued under this section.
- (4) For procedural provision about compliance and reimbursement directions, see sections 41 to 44.