



Higher Education (Wales) Act 2015

2015 anaw 1

PART 2

FEE AND ACCESS PLANS

Contents of fee and access plan

5 Fee limit

- (1) A fee and access plan relating to an institution must—
 - (a) specify, or
 - (b) provide for the determination of, a fee limit, in relation to each qualifying course and in respect of each relevant academic year (and for this purpose may specify, or provide for the determination of, different fee limits in relation to different courses and in respect of different relevant academic years).
- (2) For this purpose—
 - (a) a fee limit, in relation to a course, is a limit that the fees payable to the institution by a qualifying person, in connection with the person's undertaking the course, may not exceed;
 - (b) a qualifying course is a course, of any prescribed description, that is wholly or principally provided in Wales;
 - (c) a relevant academic year, in relation to a course, is an academic year that is applicable to the course, and in respect of which fees are payable to the institution, and which begins within the period to which the fee and access plan relates.
- (3) Where a fee and access plan specifies a fee limit in relation to a year and course, the fee limit specified must not exceed whatever amount is prescribed for the purposes of this section (“the maximum amount”).

Changes to legislation: Higher Education (Wales) Act 2015, Section 5 is up to date with all changes known to be in force on or before 13 April 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

- (4) Where a fee and access plan provides for the determination of a fee limit in relation to a year and course, the plan must specify that the fee limit determined in accordance with the plan is not to exceed the maximum amount.
- (5) A qualifying person, for the purposes of subsection (2)(a), is a person who—
- (a) is not an international student, and
 - (b) falls within any class of persons prescribed for the purposes of this section.
- (6) The power to prescribe a description of course under this section may not be exercised so as to prescribe a postgraduate course, unless it is a course of initial teacher training.
- (7) Nor may the power to prescribe a description of course under this section be exercised so 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;
 - (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) An international student is a person who does not fall within any class of persons prescribed under section 1 of the Education (Fees and Awards) Act 1983 (charging of higher fees in case of students not having prescribed connection with the United Kingdom) for the purposes of subsection (1) or (2) of that section.
- (9) Regulations may make provision for circumstances in which fees payable to a person, in connection with a qualifying person's undertaking a course, or part of a course, provided on behalf of an institution, are to be treated for the purposes of subsection (2) (a) as being payable to that institution in connection with the qualifying person's undertaking the course.

Modifications etc. (not altering text)

- C1** S. 5(2)(b) modified (W.) (31.7.2015) by [The Higher Education \(Qualifying Courses, Qualifying Persons and Supplementary Provision\) \(Wales\) Regulations 2015 \(No. 1484\)](#), regs. 1(1), **5(1)**
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Commencement Information

- I1** S. 5(1)(2)(a)(c)(4) in force at 1.1.2016 by [S.I. 2015/1327](#), **art. 6(c)**
- I2** S. 5(2)(b)(3)(5)-(9) in force at 20.5.2015 for specified purposes by [S.I. 2015/1327](#), **art. 2(d)**
- I3** S. 5(2)(b)(3)(5)-(9) in force at 1.1.2016 in so far as not already in force by [S.I. 2015/1327](#), **art. 6(c)**

Changes to legislation:

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

- Act repealed by [2022 asc 1 Sch. 4 para. 31](#)