



Tertiary Education and Research (Wales) Act 2022

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PART 2

REGISTRATION AND REGULATION OF TERTIARY EDUCATION PROVIDERS

CHAPTER 1

REGISTRATION OF TERTIARY EDUCATION PROVIDERS

Fee limit statements

46 Requirements of a fee limit statement

- (1) A fee limit statement is a document that complies with this section.
- (2) A fee limit statement must—
 - (a) specify a fee limit, or
 - (b) provide for the determination of a fee limit,
in relation to each qualifying course and in respect of each relevant academic year.
- (3) A fee limit statement may specify, or provide for the determination of, different fee limits in relation to different courses and in respect of different relevant academic years.
- (4) A fee limit statement must specify the date on which it begins to have effect and any variation of a fee limit statement must specify the date on which the variation begins to have effect.
- (5) In this Part—

- (a) a fee limit, in relation to a course, is a limit that the fees payable to the tertiary education provider by a qualifying person, in connection with the person's undertaking the course, must not exceed;
 - (b) 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 provider, and which begins on a day when the applicable provisions in the fee limit statement have effect.
- (6) Where a fee limit statement specifies a fee limit in relation to a year and course, the fee limit specified must not exceed whatever amount is specified in regulations made by the Welsh Ministers for the purposes of this section ("the maximum amount").
- (7) Where a fee limit statement provides for the determination of a fee limit in relation to a year and course, the statement must specify that the fee limit determined in accordance with the statement is not to exceed the maximum amount.

47 Approval of fee limit statement

- (1) The governing body of a tertiary education provider in Wales may apply to the Commission for the Commission's approval of a proposed fee limit statement relating to the provider.
- (2) If an application for approval of a fee limit statement is made to the Commission, the Commission must by notice to the governing body concerned either—
- (a) approve the statement, or
 - (b) reject the statement.
- (3) The governing body of a provider with an approved fee limit statement may apply to the Commission for approval of a variation or replacement of the statement.
- (4) If an application for approval of a variation or replacement is made, the Commission must by notice to the governing body either—
- (a) approve the variation or replacement, or
 - (b) reject the variation or replacement.
- (5) An approved fee limit statement ceases to be approved if the provider to which it relates ceases to be registered in a category of registration specified under section 32(2)(b) to which the statement relates.
- (6) For procedural provision about notice under subsections (2)(b) and (4)(b), see sections 75 to 78.

48 Publication of approved fee limit statement

- (1) Where the Commission has approved a fee limit statement, the governing body of the provider to which the statement relates must publish the statement (and any approved variation or replacement of the statement).
- (2) In discharging its duty under subsection (1), the governing body must have regard to the need to make the statement easily accessible to students and prospective students.

49 Validity of contracts

- (1) This section applies to a contract that provides for the payment of regulated course fees to a tertiary education provider, by a qualifying person and in connection with the person's undertaking a qualifying course, that exceed the applicable fee limit.
- (2) For the purposes of any rights and liabilities arising under the contract, and any proceedings in respect of those rights and liabilities, the contract is to be treated as providing for the payment of fees in an amount equivalent to the applicable fee limit.
- (3) Except as provided in subsection (2), the contract is not void or unenforceable in consequence of providing for the payment of fees exceeding the applicable fee limit.