



# Higher Education Act 2004

## 2004 CHAPTER 8

### PART 3

#### STUDENT FEES AND FAIR ACCESS

##### *Imposition of conditions as to fees*

#### **24 Condition to be imposed by English funding bodies**

- (1) A condition under this section requires the governing body of the relevant institution—
- (a) to secure that, in respect of any qualifying course, the qualifying fees in respect of any academic year which begins during the grant period at a time when an English approved plan is in force in relation to the institution do not exceed such limit, not exceeding the higher amount, as is provided by the plan for that course and that academic year,
  - (b) to secure that, in respect of any qualifying course, the qualifying fees in respect of any academic year which begins during the grant period at a time when no English approved plan is in force in relation to the institution do not exceed the basic amount, and
  - (c) to comply with the general provisions of any English approved plan that is in force in relation to the institution during any part of the grant period during which it is in force.
- (2) For the purposes of subsection (1)—
- (a) an academic year which begins at the same time as the grant period is to be taken to begin during the grant period, and
  - (b) an academic year which begins with the day on which an English approved plan comes into force is to be taken to begin at a time when the plan is in force.
- (3) A condition under this section must provide—
- (a) in the event of a failure by the governing body to comply with the requirement specified in subsection (1)(a)—

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*Status: Point in time view as at 01/04/2012. This version of this provision has been superseded.*

*Changes to legislation: Higher Education Act 2004, Section 24 is up to date with all changes known to be in force on or before 21 May 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)*

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- (i) where the qualifying fees do not exceed the higher amount, for the imposition by the funding body on the governing body of any financial requirements required by a direction under section 37(1)(a), and
    - (ii) where the qualifying fees exceed that amount, for the imposition by the funding body on the governing body of any financial requirements required by a direction under section 37(1)(a) and <sup>[F1]</sup>(where the funding body is the Higher Education Funding Council for England) of other financial requirements determined by the Council in accordance with principles specified by the Secretary of State in the condition under section 23(2) ],
  - (b) in the event of a failure by the governing body to comply with the requirement specified in subsection (1)(b), for the imposition by the funding body on the governing body of
    - <sup>[F2]</sup>(i) where the funding body is the Higher Education Funding Council for England, financial requirements determined by the Council in accordance with principles specified by the Secretary of State in the condition under section 23(2);
    - (ii) where the funding body is the Secretary of State, such financial requirements as the Secretary of State thinks appropriate], and
  - (c) in the event of a failure by the governing body to comply with the requirement specified in subsection (1)(c), for the imposition by the funding body on the governing body of any financial requirements required by a direction under section 37(1)(a).
- (4) Any financial requirements imposed by virtue of subsection (3) must relate to one or more of the following—
- (a) the repayment, with or without interest, of the whole or any part of any sums received by the governing body in respect of the grant, loan or other payment in question,
  - (b) the withdrawal or reduction of any amount that has been awarded but not yet paid in respect of the grant, loan or other payment in question, or
  - (c) the refusal to award (or to award to the extent expected) any other grant, loan or other payment under section 65 of the 1992 Act or (as the case may be) section <sup>[F3]</sup> 14 of the Education Act 2002] in respect of the grant period or any subsequent period.
- (5) Where—
- (a) a condition is imposed under this section in connection with any grants, loans or other payments made to the governing body of a relevant institution, and
  - (b) those payments are to any extent made in respect of persons undertaking a course which is provided in whole or part by any other institution,
- then, for the purposes of this section, fees payable by such persons to the other institution are to be regarded as fees payable by them to the relevant institution.
- (6) In this section and section 25—
- “academic year”, in relation to a course, means an academic year applicable to the course;
- “the basic amount” means such amount as may be prescribed for the purposes of this section as the basic amount;
- <sup>[F4]</sup> “ funding body ” means—

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- (a) in the case of a grant, loan or other payment made under section 65 of the 1992 Act, the Higher Education Funding Council for England;
- (b) in the case of financial assistance given by the Secretary of State under section 14 of the Education Act 2002 to the governing body of a relevant institution, the Secretary of State;]

“the grant period” means the period in respect of which the grants, loans, or other payments [<sup>F4</sup>in question] are made;

“the higher amount” means such amount as may be prescribed for the purposes of this section as the higher amount;

“prescribed” means prescribed by regulations made by the Secretary of State;

“qualifying course” means a course of any description prescribed for the purposes of this section;

“qualifying fees”, in relation to a relevant institution, means the fees payable to the institution by a qualifying person in connection with his undertaking a qualifying course;

“qualifying person” means a person falling within any class of persons prescribed for the purposes of this section;

“relevant institution” has the same meaning as in section 23.

#### Textual Amendments

- F1** Words in s. 24(3)(a)(ii) substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 5 para. 20\(2\)\(a\)](#); [S.I. 2012/924, art. 2](#)
- F2** Words in s. 24(3)(b) substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 5 para. 20\(2\)\(b\)](#); [S.I. 2012/924, art. 2](#)
- F3** Words in s. 24(4)(c) substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 5 para. 20\(3\)](#); [S.I. 2012/924, art. 2](#)
- F4** Words in s. 24(6) substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 5 para. 20\(4\)\(b\)](#); [S.I. 2012/924, art. 2](#)

#### Commencement Information

- I1** S. 24 partly in force; s. 24(6) in force for certain purposes at Royal Assent, see s. 52(1)
- I2** S. 24(1)-(5) in force at 14.1.2006 for E. by [S.I. 2006/51, art. 2](#)
- I3** S. 24(6) in force at 14.1.2006 for E. in so far as not already in force by [S.I. 2006/51, art. 2](#)

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