



Higher Education Act 2004

2004 CHAPTER 8

PART 3

STUDENT FEES AND FAIR ACCESS

Imposition of conditions as to fees

- 28 Condition that may be required to be imposed by Higher Education Funding Council for Wales**
- (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 a Welsh 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 Welsh 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 Welsh 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 a Welsh 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, in the event of a failure of the governing body to comply with any of the requirements specified in subsection (1), for the imposition by the Higher Education Funding Council for Wales on the governing body

Status: This is the original version (as it was originally enacted).

of financial requirements determined by the Council in accordance with principles specified by the Assembly in the condition under section 27.

(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 5 of the 1994 Act 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—

“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;

“the grant period” means the period in respect of which the grants, loans, or other payments to which the relevant condition under section 27 relates 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 Assembly;

“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 27.