



# Higher Education Act 2004

## 2004 CHAPTER 8

### PART 3

#### STUDENT FEES AND FAIR ACCESS

##### *Plans authorising fees of more than basic amount*

#### 34 Approval of plans

[<sup>F1</sup>(1) The governing body of any institution which—

- (a) is or may become eligible to receive grants [<sup>F2</sup>from the Higher Education Funding Council for England] under section 65 of the 1992 Act <sup>F3</sup>..., or
- (b) provides higher education and is or may become eligible to receive financial assistance from the Secretary of State under section 14 of the Education Act 2002,

may apply to the relevant authority for approval of a proposed plan relating to the institution.]

- (2) The relevant authority may, if it thinks fit, approve the plan.
- (3) The relevant authority may issue guidance to institutions falling within subsection (1) as to the matters to which the relevant authority will have regard in deciding whether to approve plans.
- (4) The relevant authority's functions under this section are to be exercised in accordance with regulations.
- (5) Regulations may, in particular, specify matters to which the relevant authority is, or is not, to have regard in making any determination relating to approval.
- (6) Regulations may require the institution to which any plan approved under this section relates to publish the plan in the prescribed manner.
- (7) In this section “regulations” means regulations [<sup>F4</sup>made by the Secretary of State]

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*Status: Point in time view as at 01/09/2015. This version of this provision has been superseded.*

*Changes to legislation: Higher Education Act 2004, Section 34 is up to date with all changes known to be in force on or before 13 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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#### Textual Amendments

- F1** S. 34(1) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 5 para. 25**; S.I. 2012/924, [art. 2](#)
- F2** Words in s. 34(1)(a) inserted (1.9.2015) by [Higher Education \(Wales\) Act 2015 \(anaw 1\)](#), s. 59(2), **Sch. para. 14(2)(a)** (with [Sch. paras. 27-30](#)); S.I. 2015/1327, art. 5(s)(iii) (with arts. 7-9)
- F3** Words in s. 34(1)(a) omitted (1.9.2015) by virtue of [Higher Education \(Wales\) Act 2015 \(anaw 1\)](#), s. 59(2), **Sch. para. 14(2)(b)** (with [Sch. paras. 27-30](#)); S.I. 2015/1327, art. 5(s)(iii) (with arts. 7-9)
- F4** Words in s. 34(7) substituted (1.9.2015) by [Higher Education \(Wales\) Act 2015 \(anaw 1\)](#), s. 59(2), **Sch. para. 14(3)** (with [Sch. paras. 27-30](#)); S.I. 2015/1327, art. 5(s)(iii) (with arts. 7-9)

#### Commencement Information

- I1** S. 34 partly in force; s. 34 in force for E. at Royal Assent, see s. 52(1)
- I2** S. 34 in force at 11.2.2011 for specified purposes for W. by [S.I. 2011/297](#), **art. 2(c)**
- I3** S. 34 in force at 31.3.2011 for W. in so far as not already in force by [S.I. 2011/297](#), **art. 4(c)**

**Status:**

Point in time view as at 01/09/2015. This version of this provision has been superseded.

**Changes to legislation:**

Higher Education Act 2004, Section 34 is up to date with all changes known to be in force on or before 13 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.