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**Changes to legislation:** Higher Education and Research Act 2017, Paragraph 2 is up to date with all changes known to be in force on or before 20 March 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

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## SCHEDULES

### SCHEDULE 2

#### THE FEE LIMIT

*The fee limit where the provider has an access and participation plan*

- 2 (1) This paragraph applies if an access and participation plan approved by the OfS under section 29 in relation to the provider is in force, or comes into force, when the relevant academic year begins.
- (2) If the provider—
- (a) had a high level quality rating at the relevant time, the fee limit is such limit, not exceeding the higher amount, as is provided by the plan for the relevant course and for the relevant academic year, and
  - (b) in any other case, the fee limit is such limit, not exceeding the sub-level amount, as is provided by the plan for the relevant course and for the relevant academic year.
- (3) “A high level quality rating” means such rating or ratings given in accordance with arrangements made under section 25 (rating the quality of, and the standards applied to, higher education) as the Secretary of State determines to be a high level quality rating for the purposes of this paragraph.
- (4) “The relevant time” means at the time when the access and participation plan is approved.
- (5) “The higher amount” means such amount as may be prescribed for the purposes of sub-paragraph (2)(a) as the higher amount.
- (6) “The sub-level amount” means such amount as may be determined by the Secretary of State for the purposes of sub-paragraph (2)(b)—
- (a) as the sub-level amount in respect of the higher amount, or
  - (b) where different amounts are prescribed as the higher amount for different cases or purposes by virtue of section 119(5)(a), as the sub-level amount in respect of each higher amount.
- (7) Different amounts may be determined under sub-paragraph (6) for different descriptions of provider.
- (8) Those descriptions of provider may be by reference only to—
- (a) whether a provider has or has not a rating given to it in accordance with arrangements under section 25, and
  - (b) where it has such a rating, the level, type or other description of the rating.
- (9) Any amount determined as “the sub-level amount”—
- (a) must not exceed the higher amount, and
  - (b) must be equal to or greater than the floor amount.

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- (10) But any amount determined as “the sub-level amount” for a description of provider by virtue of sub-paragraph (7) must be equal to the higher amount where—
- (a) the description is of providers who have a rating given to them in accordance with arrangements under section 25, and
  - (b) the amount is in respect of an academic year which begins before 1 August 2020.
- (11) “The floor amount” means such amount as may be prescribed for the purposes of this paragraph—
- (a) as the floor amount in respect of the higher amount, or
  - (b) where different amounts are prescribed as the higher amount for different cases or purposes by virtue of section 119(5)(a), as the floor amount in respect of each higher amount.
- (12) Where different amounts are prescribed as the higher amount for different cases or purposes by virtue of section 119(5)(a)—
- (a) the reference in sub-paragraph (9)(a) to the higher amount is to the higher amount in respect of which the sub-level amount is determined, and
  - (b) the reference in sub-paragraph (9)(b) to the floor amount is to the floor amount prescribed under sub-paragraph (11) in respect of that higher amount.
- (13) “Prescribed” means prescribed by regulations made by the Secretary of State.

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**Commencement Information**

**II** Sch. 2 para. 2 in force at 1.4.2018 by S.I. 2018/241, reg. 2(p)

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**Changes and effects yet to be applied to :**

- Sch. 2 para. 2(1) word substituted by 2023 c. 40 s. 1(6)(a)
- Sch. 2 para. 2(2)(a) word substituted by 2023 c. 40 s. 1(6)(b)(i)
- Sch. 2 para. 2(2)(b) word substituted by 2023 c. 40 s. 1(6)(b)(i)
- Sch. 2 para. 2(2)(a) words omitted by 2023 c. 40 s. 1(6)(b)(ii)
- Sch. 2 para. 2(2)(b) words omitted by 2023 c. 40 s. 1(6)(b)(ii)

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. A1 inserted by 2023 c. 16 s. 1
- s. A4 and cross-heading inserted by 2023 c. 16 s. 2
- s. A5A6 and cross-heading inserted by 2023 c. 16 s. 3
- s. A7 and cross-heading inserted by 2023 c. 16 s. 4
- s. 2(1)(aa)(ab) inserted by 2023 c. 16 s. 5(1)
- s. 2(7A) inserted by 2023 c. 16 Sch. para. 2(3)
- s. 8A inserted by 2023 c. 16 s. 6
- s. 9(3A) inserted by 2022 c. 21 s. 16(2)
- s. 10(3A) inserted by 2023 c. 40 s. 2(2)(a)
- s. 10(6A) inserted by 2023 c. 40 s. 2(2)(b)
- s. 10(7A) inserted by 2023 c. 40 s. 2(2)(c)
- s. 10(7B)(7C) inserted by 2023 c. 40 s. 1(2)(b)
- s. 11(1A)(1B) inserted by 2023 c. 40 s. 2(3)(b)
- s. 11(2)(2A) substituted for s. 11(2) by 2023 c. 40 s. 2(3)(c)
- s. 31(1)(1A) substituted for s. 31(1) by 2023 c. 40 s. 2(4)(a)
- s. 31(2A)(2B) inserted by 2023 c. 40 s. 2(4)(c)
- s. 31(4) inserted by 2023 c. 40 s. 4(4)(e)
- s. 67B(3A) inserted by 2023 c. 16 Sch. para. 5(3)
- s. 67C(3) inserted by 2023 c. 16 Sch. para. 6
- s. 69A and cross-heading inserted by 2023 c. 16 s. 5(2)
- s. 69C inserted by 2023 c. 16 s. 8(1)
- s. 73(1A) inserted by 2023 c. 16 Sch. para. 7(3)
- s. 73(4A) inserted by 2023 c. 16 Sch. para. 7(6)
- s. 85(1A) inserted by 2022 c. 21 s. 16(4)(b)
- s. 119(2)(ha)(hb) inserted by 2023 c. 40 s. 2(6)
- Sch. 2 para. 5(4) inserted by 2023 c. 40 s. 2(7)
- Sch. 2 para. 1-1I substituted for Sch. 2 para. 1 by 2023 c. 40 s. 1(4)
- Sch. 6A inserted by 2023 c. 16 s. 8(2)
- Sch. 7 para. 4(5) inserted by 2023 c. 16 Sch. para. 13(6)