
STATUTORY INSTRUMENTS

2023 No. 801

The Higher Education (Assessment Fees) (England) Regulations 2023

PART 3

Assessments of the quality of, and the standards applied to, higher education in connection with ongoing registration and authorisations to grant degrees etc.

Fee payable for assessment of the quality of, and the standards applied to, higher education in connection with ongoing registration and authorisations to grant degrees etc.

6.—(1) Subject to regulation 14, a fee is payable to the OfS by the governing body of an institution for the undertaking of an assessment of the quality of, and the standards applied to, higher education provided by that institution, where the assessment falls within paragraph (2).

(2) An assessment falls within this paragraph if—

- (a) it is undertaken by the OfS under section 23(2)(b) of the Act, or
- (b) it is undertaken by the OfS for the purpose of—
 - (i) deciding whether to make an order under section 42(1) of the Act authorising the institution to grant taught awards or research awards or both,
 - (ii) deciding whether to make an order under section 42(1) or 45(1) of the Act varying or revoking an authorisation given to the institution to grant taught awards or research awards or both, or
 - (iii) monitoring the exercise by the institution of an authorisation to grant taught awards or research awards or both in a case where that authorisation has been given to the institution for a limited period in accordance with section 42(6) of the Act.

Amount of the fee payable under regulation 6 and when it is payable

7.—(1) The amount of the fee payable under regulation 6 is to be determined in accordance with paragraphs (2) to (5).

(2) Within a reasonable period after making a decision to undertake an assessment, the OfS must—

- (a) prepare an estimate of the total amount of all the costs to be reasonably incurred by it in undertaking that assessment, and
 - (b) notify the governing body of the institution of that amount.
- (3) The amount of the estimate must be paid by the governing body—
- (a) within the period specified in accordance with regulation 11(1)(d) in the notice given to it under paragraph (2)(b), or

- (b) where the OfS has approved the payment of the amount of the estimate by instalments, in the amounts and within the periods specified in accordance with regulation 11(1)(d) in the notice given to it under paragraph (2)(b).
- (4) Within a reasonable period after completing an assessment, the OfS must—
 - (a) prepare a statement of the total amount of all the costs reasonably incurred by it in undertaking that assessment, and
 - (b) notify the governing body of that amount.
- (5) Where the total amount of all the costs reasonably incurred by the OfS in undertaking the assessment—
 - (a) is greater than the amount estimated in accordance with paragraph (2), the amount of the difference is payable by the governing body to the OfS;
 - (b) is less than the amount estimated in accordance with paragraph (2), the amount of the difference is payable by the OfS to the governing body;
 - (c) is equal to the amount estimated in accordance with paragraph (2), no further amount is payable.
- (6) The amount of the difference—
 - (a) if payable by the governing body under paragraph (5)(a), must be paid by the governing body—
 - (i) within the period specified in accordance with regulation 12(1)(d) in the notice given to it under paragraph (4)(b), or
 - (ii) where the OfS has approved the payment of the amount of the difference by instalments, in the amounts and within the periods specified in accordance with regulation 12(1)(d) in the notice given to it under paragraph (4)(b);
 - (b) if payable by the OfS under paragraph (5)(b), must be paid by the OfS within 30 days of the date on which the notice under paragraph (4)(b) is issued.

Duty of the OfS to publish statement about approach to determining the amount of the fee under regulation 7

- 8. The OfS must publish—
 - (a) a statement about its approach under regulation 7 to determining the total amount of all the costs reasonably incurred, or to be reasonably incurred, by it in undertaking assessments, and
 - (b) revised statements, where it changes the way in which it approaches such determinations.