
STATUTORY INSTRUMENTS

2023 No. 801

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

PART 4

General provisions on fees

Payment by instalments

9.—(1) All or part of any fee payable under these Regulations may be paid by instalments with the approval of the OfS.

(2) Where the OfS approves the payment of all or part of a fee by instalments in a case where a notice relating to that fee has already been given to the governing body of an institution under regulation 5(2) or 7(2)(b) or (4)(b), the OfS may vary that notice.

Waiver and refund of fees

10. The OfS may—

- (a) waive all or part of any fee payable under these Regulations;
- (b) refund all or part of any fee payable under these Regulations.

Notice of fee under regulation 5(2) or amount of estimate under regulation 7(2)(b)

11.—(1) A notice given to the governing body of an institution under regulation 5(2) or 7(2)(b) must—

- (a) state the date on which it is issued;
- (b) specify the amount which is payable;
- (c) in the case of a notice given under regulation 7(2)(b), explain how the OfS has determined that amount;
- (d) specify the period within which the amount must be paid in full or, in a case where the OfS has approved payment by instalments, the amount of each instalment and the period within which each instalment must be paid;
- (e) explain the consequences under regulation 13 of not paying the full amount or instalment within that period.

(2) The period specified under paragraph (1)(d) within which an amount must be paid in full or, in a case where the OfS has approved payment by instalments, within which the first instalment must be paid, must not be of less than 30 days beginning with the date on which the notice is issued.

Notice of fee under regulation 7(4)(b)

12.—(1) A notice given to the governing body of an institution under regulation 7(4)(b) must—

- (a) state the date on which it is issued;
 - (b) specify the amount of the fee which is payable;
 - (c) explain how the OfS has determined that amount;
 - (d) specify the period within which the fee must be paid in full or, in a case where the OfS has approved payment by instalments, the amount of each instalment and the period within which each instalment must be paid;
 - (e) explain the consequences under regulation 13 of not paying the full fee or instalment within that period;
 - (f) specify the period during which the governing body may make representations about the fee to the OfS (“the representations period”);
 - (g) specify the way in which those representations may be made.
- (2) The period specified under paragraph (1)(d) within which a fee must be paid in full or, in a case where the OfS has approved payment by instalments, within which the first instalment must be paid, must not be of less than 30 days beginning with the date on which the notice is issued.
- (3) The representations period must not be of less than 14 days beginning with the date on which the notice is issued.
- (4) For the purposes of this regulation, representations in writing are made when they are received by the OfS.
- (5) Where the governing body makes representations about a fee during the representations period, the OfS—
- (a) must have regard to the representations, and
 - (b) must within a reasonable period, by notifying the governing body—
 - (i) confirm the notice given under regulation 7(4)(b),
 - (ii) vary that notice, or
 - (iii) withdraw that notice.
- (6) A notice under paragraph (5)(b) must state the date on which it is issued.
- (7) Where the governing body makes representations about a fee during the representations period, the requirement to pay that fee is suspended until the date on which the OfS issues a notice under paragraph (5)(b) confirming or varying the notice given under regulation 7(4)(b).
- (8) Where the OfS decides under paragraph (5)(b) to confirm or vary the notice given under regulation 7(4)(b)—
- (a) the OfS must ensure, by varying that notice as necessary, that the period within which the fee is required to be paid is a period of not less than 14 days beginning with the date on which the notice under paragraph (5)(b) is issued;
 - (b) the OfS need not allow any further period for representations to be made by the governing body about the fee.

Interest on fees and recovery of unpaid amounts

- 13.**—(1) This regulation applies where all or any part of a fee payable under these Regulations by the governing body of an institution remains unpaid by the date on which it is required to be paid.
- (2) The OfS may charge the governing body interest on the unpaid amount of the fee for the time being at the rate specified in paragraph (3) accruing on a daily basis until the unpaid amount is paid in full.
- (3) The rate is the percentage per annum found by applying the following formula—

Bank of England rate + 5

where the “Bank of England rate” is the official bank rate announced at the most recent meeting of the Monetary Policy Committee of the Bank of England⁽¹⁾.

(4) The total amount of interest charged under paragraph (2) must not exceed the amount of the fee.

(5) The OfS may recover from the governing body, as a civil debt due to the OfS, the unpaid amount of the fee and the amount of any unpaid interest charged under paragraph (2).

No fee payable for assessments begun before these Regulations come into force

14. No fee is payable under these Regulations for the undertaking of an assessment where the assessment was begun before the day on which these Regulations come into force.

(1) The Monetary Policy Committee of the Bank of England was established by section 13 of the Bank of England Act 1998 (c. 11).