



Higher Education (Wales) Act 2015

2015 anaw 1

PART 5

FEE AND ACCESS PLANS: WITHDRAWAL OF APPROVAL ETC

Refusal to approve new fee and access plan

37 Notice of refusal to approve new fee and access plan

- (1) If HEFCW are satisfied that a condition in subsection (3) is met in respect of a regulated institution, they may give notice under this section to the institution's governing body.
- (2) Notice under this section is notice that HEFCW will not approve a new fee and access plan relating to the institution before the end of a period specified in the notice.
- (3) The conditions are that the governing body of the institution has failed to comply with—
 - (a) section 10(1) (duty to ensure that regulated course fees do not exceed applicable fee limit),
 - (b) a general requirement of the institution's approved plan,
 - (c) a direction under section 13 (directions in respect of failure to comply with general requirements of approved plan),
 - (d) a direction under section 19 (directions in respect of inadequate quality), or
 - (e) a direction under section 33 (directions in respect of failure to comply with the Code).
- (4) A governing body is not to be treated for the purposes of subsection (3)(b) as having failed to comply with a general requirement of an approved plan if HEFCW are satisfied that the governing body has taken all reasonable steps to comply with the requirement.

Status: This is the original version (as it was originally enacted).

- (5) If HEFCW give notice under this section to the governing body of an institution, HEFCW must not approve a proposed fee and access plan relating to the institution before the end of the period specified in the notice.
- (6) Where HEFCW have given notice under this section—
 - (a) they may withdraw the notice, and
 - (b) if they do so, the restriction in subsection (5) ceases to apply.
- (7) Regulations may make provision about—
 - (a) the period that may be specified in notice under this section;
 - (b) matters to be taken into account by HEFCW in deciding whether to give or withdraw notice under this section;
 - (c) the procedure to be followed in connection with the withdrawal of notice.
- (8) If the governing body of an institution that is not a regulated institution fails to comply with a direction under section 13, this section applies in relation to that institution as it applies in relation to a regulated institution.
- (9) For procedural provision about notice under this section, see sections 41 to 44.