



Higher Education (Wales) Act 2015

2015 anaw 1

PART 2

FEE AND ACCESS PLANS

Contents of fee and access plan

4 Period to which plan relates

- (1) A fee and access plan relating to an institution must specify a period in respect of which it is to have effect.
- (2) The period specified must not exceed two years.
- (3) Regulations may amend subsection (2) to substitute a different period for the period for the time being mentioned in that subsection.
- (4) Before making regulations under subsection (3), the Welsh Ministers must consult—
 - (a) HEFCW,
 - (b) the governing body of each regulated institution, and
 - (c) any other persons they think appropriate.
- (5) References in this Act to the period to which a plan relates are to the period specified in it under this section.

Commencement Information

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| I1 | S. 4(1)(2)(5) in force at 1.1.2016 by S.I. 2015/1327, art. 6(b) |
| I2 | S. 4(3)(4) in force at 20.5.2015 for specified purposes by S.I. 2015/1327, art. 2(c) |
| I3 | S. 4(3)(4) in force at 1.1.2016 in so far as not already in force by S.I. 2015/1327, art. 6(b) |

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5 Fee limit

- (1) A fee and access plan relating to an institution must—
 - (a) specify, or
 - (b) provide for the determination of,

a fee limit, in relation to each qualifying course and in respect of each relevant academic year (and for this purpose may specify, or provide for the determination of, different fee limits in relation to different courses and in respect of different relevant academic years).
- (2) For this purpose—
 - (a) a fee limit, in relation to a course, is a limit that the fees payable to the institution by a qualifying person, in connection with the person's undertaking the course, may not exceed;
 - (b) a qualifying course is a course, of any prescribed description, that is wholly or principally provided in Wales;
 - (c) a relevant academic year, in relation to a course, is an academic year that is applicable to the course, and in respect of which fees are payable to the institution, and which begins within the period to which the fee and access plan relates.
- (3) Where a fee and access plan specifies a fee limit in relation to a year and course, the fee limit specified must not exceed whatever amount is prescribed for the purposes of this section (“the maximum amount”).
- (4) Where a fee and access plan provides for the determination of a fee limit in relation to a year and course, the plan must specify that the fee limit determined in accordance with the plan is not to exceed the maximum amount.
- (5) A qualifying person, for the purposes of subsection (2)(a), is a person who—
 - (a) is not an international student, and
 - (b) falls within any class of persons prescribed for the purposes of this section.
- (6) The power to prescribe a description of course under this section may not be exercised so as to prescribe a postgraduate course, unless it is a course of initial teacher training.
- (7) Nor may the power to prescribe a description of course under this section be exercised so as to discriminate—
 - (a) in relation to courses of initial teacher training, between different courses on the basis of the subjects in which such training is given;
 - (b) in relation to other courses, between different courses at the same or a comparable level on the basis of the areas of study or research to which they relate.
- (8) An international student is a person who does not fall within any class of persons prescribed under section 1 of the Education (Fees and Awards) Act 1983 (charging of higher fees in case of students not having prescribed connection with the United Kingdom) for the purposes of subsection (1) or (2) of that section.
- (9) Regulations may make provision for circumstances in which fees payable to a person, in connection with a qualifying person's undertaking a course, or part of a course, provided on behalf of an institution, are to be treated for the purposes of subsection (2)
 - (a) as being payable to that institution in connection with the qualifying person's undertaking the course.

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Modifications etc. (not altering text)

- C1** S. 5(2)(b) modified (W.) (31.7.2015) by [The Higher Education \(Qualifying Courses, Qualifying Persons and Supplementary Provision\) \(Wales\) Regulations 2015 \(No. 1484\)](#), regs. 1(1), **5(1)**

Commencement Information

- I4** S. 5(1)(2)(a)(c)(4) in force at 1.1.2016 by [S.I. 2015/1327](#), **art. 6(c)**
I5 S. 5(2)(b)(3)(5)-(9) in force at 20.5.2015 for specified purposes by [S.I. 2015/1327](#), **art. 2(d)**
I6 S. 5(2)(b)(3)(5)-(9) in force at 1.1.2016 in so far as not already in force by [S.I. 2015/1327](#), **art. 6(c)**

6 Promotion of equality of opportunity and higher education

- (1) A fee and access plan relating to an institution must include such provisions relating to the promotion of equality of opportunity or the promotion of higher education as may be prescribed.
- (2) A fee and access plan may also include further provisions relating to the promotion of equality of opportunity or the promotion of higher education.
- (3) The provisions that may be prescribed under subsection (1) for inclusion in a plan include provisions requiring the governing body—
 - (a) to take measures to attract applications from prospective students who are members of under-represented groups (or to secure the taking of such measures);
 - (b) to take measures to retain students who are members of under-represented groups (or to secure the taking of such measures);
 - (c) to provide financial assistance to students (or to secure the provision of such assistance);
 - (d) to make available to students or prospective students information about financial assistance available to students from any source (or to secure that such information is made available).
- (4) The provisions that may be prescribed for inclusion in a plan also include provisions—
 - (a) setting out objectives relating to the promotion of equality of opportunity and the promotion of higher education;
 - (b) setting out information about expenditure in respect of those objectives;
 - (c) relating to the monitoring by the governing body of—
 - (i) compliance with the provisions of the plan;
 - (ii) progress in achieving any objectives set out in the plan by virtue of paragraph (a).
- (5) But the power to prescribe provisions for inclusion in a fee and access plan may not be exercised so as to require a plan relating to an institution to include provision—
 - (a) referring to particular courses or to the manner in which courses are taught, supervised or assessed,
 - (b) relating to the criteria for the admission of students, or
 - (c) requiring the institution to incur expenditure, in any academic year, of an amount exceeding the amount of the qualifying fee income of the institution that is attributable to that academic year.
- (6) For the purposes of this section—

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- (a) the amount of the qualifying fee income of an institution that is attributable to an academic year is the aggregate amount of those fees payable to the institution, in respect of that academic year, in relation to which a fee limit applies that is specified in the fee and access plan relating to the institution, or for the determination of which the fee and access plan relating to the institution provides;
 - (b) “under-represented groups”, in relation to a fee and access plan, are groups that, as at the date of the plan's approval under section 7, are under-represented in higher education.
- (7) References in this Act to the general requirements of a fee and access plan are to provisions included in the plan by virtue of this section which require the governing body of the institution to do (or not to do) specified things.

Commencement Information

- I7** S. 6(1)(3)-(6) in force at 20.5.2015 for specified purposes by [S.I. 2015/1327](#), [art. 2\(e\)](#)
- I8** S. 6(1)(3)-(6) in force at 1.1.2016 in so far as not already in force by [S.I. 2015/1327](#), [art. 6\(d\)](#)
- I9** S. 6(2) in force at 1.1.2016 by [S.I. 2015/1327](#), [art. 6\(d\)](#)
- I10** S. 6(7) in force at 25.5.2015 by [S.I. 2015/1327](#), [art. 3\(a\)](#)

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

- Act repealed by [2022 asc 1 Sch. 4 para. 31](#)