



# Higher Education Act 2004

## 2004 CHAPTER 8

### PART 3

#### STUDENT FEES AND FAIR ACCESS

##### *Supplementary*

#### **40 Provision of information**

- (1) If so requested by the Director, the Higher Education Funding Council for England and the Teacher Training Agency must provide the Director with any information which is in its possession and is reasonably required by the Director for the purposes of his functions.
- (2) If so requested by the Higher Education Funding Council for England or the Teacher Training Agency, the Director must provide the Council or the Agency with any information which is in his possession and is reasonably required by either of those bodies for the purposes of its functions.

#### **41 Interpretation of Part 3**

- (1) In this Part—
  - “course” does not include any part-time or postgraduate course other than a course of initial teacher training;
  - “the Director” has the meaning given by section 31(1);
  - “English approved plan” has the meaning given by section 22(b);
  - “fees”, in relation to undertaking a course, means fees in respect of, or otherwise in connection with, undertaking the course, including admission, registration, tuition and graduation fees but excluding—
    - (a) fees payable to an institution for awarding or accrediting any qualification where the institution does not provide the whole or part of the course and is not a publicly-funded institution (as defined by subsection (2)),

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*Status: This is the original version (as it was originally enacted).*

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- (b) fees payable for board or lodging,
  - (c) fees payable for field trips (including any tuition element of such fees),
  - (d) fees payable for attending any graduation or other ceremony, and
  - (e) such other fees as may be prescribed—
    - (i) in relation to England, by regulations made by the Secretary of State, or
    - (ii) in relation to Wales, by regulations made by the Assembly;
- “governing body”, in relation to an institution, has the meaning given by section 90(1) of the 1992 Act, but subject to any provision made by virtue of section 90(2) of that Act;
- “general provisions”, in relation to a plan, has the meaning given by section 33(4);
- “plan” has the meaning given by section 22(a);
- “the relevant authority” has the meaning given by section 30(1);
- “Welsh approved plan” has the meaning given by section 22(b).

(2) In subsection (1) “publicly-funded institution” means—

- (a) any university or other institution receiving grants, loans or other payments under section 65 of the 1992 Act, or under section 5 of the 1994 Act, any institution maintained by a local education authority in the exercise of their further and higher education functions, any institution receiving a recurrent grant towards its costs under regulations made under section 485 of the Education Act 1996 (c. 56) or any institution receiving financial resources under section 5 or 34 of the Learning and Skills Act 2000 (c. 21);
- (b) any institution within the higher education sector for the purposes of the Further and Higher Education (Scotland) Act 1992 (c. 37), any college of further education within the meaning of section 36(1) of that Act or any central institution within the meaning of section 135(1) of the Education (Scotland) Act 1980 (c. 44);
- (c) the Queen’s University of Belfast, the University of Ulster, a college of education in Northern Ireland within the meaning of Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3)) or any institution providing in Northern Ireland further education as defined in Article 3 of the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15)).