



Higher Education Act 2004

2004 CHAPTER 8

PART 3

STUDENT FEES AND FAIR ACCESS

Introductory

^{F1}22 Meaning of “plan” etc.

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Textual Amendments

F1 Ss. 22-41 omitted (1.4.2018) by virtue of [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 11 para. 30\(2\)](#); [S.I. 2018/241](#), [reg. 2\(s\)](#) (with transitional and savings provisions in [S.I. 2018/245](#), regs. 2, 3, 13-16)

Imposition of conditions as to fees

^{F1}23 Duty of Secretary of State to impose condition as to student fees, etc.

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Textual Amendments

F1 Ss. 22-41 omitted (1.4.2018) by virtue of [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 11 para. 30\(2\)](#); [S.I. 2018/241](#), [reg. 2\(s\)](#) (with transitional and savings provisions in [S.I. 2018/245](#), regs. 2, 3, 13-16)

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^{F1}24 Condition to be imposed by English funding bodies

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Textual Amendments

- F1** Ss. 22-41 omitted (1.4.2018) by virtue of [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 11 para. 30\(2\)](#); S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 13-16)

^{F1}25 Transitional cases in which condition must not allow fees to exceed basic amount

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Textual Amendments

- F1** Ss. 22-41 omitted (1.4.2018) by virtue of [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 11 para. 30\(2\)](#); S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 13-16)

^{F1}26 Regulations under section 24(6) relating to basic or higher amount

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Textual Amendments

- F1** Ss. 22-41 omitted (1.4.2018) by virtue of [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 11 para. 30\(2\)](#); S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 13-16)

^{F2} 27 Power of National Assembly for Wales to impose conditions as to student fees, etc.

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Textual Amendments

- F2** Ss. 27, 28 omitted (1.9.2015) by virtue of [Higher Education \(Wales\) Act 2015 \(anaw 1\)](#), s. 59(2), [Sch. para. 9](#) (with [Sch. paras. 27-30](#)); S.I. 2015/1327, art. 5(s)(iii)

^{F2}28 [^{F3} Condition that may be required to be imposed by [^{F4}HEFCW]]

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Textual Amendments

- F2** Ss. 27, 28 omitted (1.9.2015) by virtue of [Higher Education \(Wales\) Act 2015 \(anaw 1\)](#), s. 59(2), [Sch. para. 9](#) (with [Sch. paras. 27-30](#)); S.I. 2015/1327, art. 5(s)(iii)
- F3** S. 28 heading substituted (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(3)(a), [Sch. 14 para. 28\(2\)](#)

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F4 Words in s. 28 heading substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 5 para. 22(5)**; S.I. 2012/924, art. 2

^{F1}29 Sections 23 to [^{F5}26]: supplementary provisions

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Textual Amendments

- F1** Ss. 22-41 omitted (1.4.2018) by virtue of Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 11 para. 30(2)**; S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 13-16)
- F5** Word in s. 29 heading substituted (1.9.2015) by Higher Education (Wales) Act 2015 (anaw 1), s. 59(2), **Sch. para. 10(5)** (with Sch. paras. 27-30); S.I. 2015/1327, art. 5(s)(iii)

Plans authorising fees of more than basic amount

^{F1}30 Meaning of “the relevant authority”

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Textual Amendments

- F1** Ss. 22-41 omitted (1.4.2018) by virtue of Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 11 para. 30(2)**; S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 13-16)

^{F1}31 Director of Fair Access to Higher Education

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Textual Amendments

- F1** Ss. 22-41 omitted (1.4.2018) by virtue of Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 11 para. 30(2)**; S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 13-16)

^{F1}32 General duties of relevant authority

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Textual Amendments

- F1** Ss. 22-41 omitted (1.4.2018) by virtue of Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 11 para. 30(2)**; S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 13-16)

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F133 Contents of plans

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Textual Amendments

F1 Ss. 22-41 omitted (1.4.2018) by virtue of [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 11 para. 30\(2\)](#); S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 13-16)

F134 Approval of plans

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Textual Amendments

F1 Ss. 22-41 omitted (1.4.2018) by virtue of [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 11 para. 30\(2\)](#); S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 13-16)

F135 Duration of plans

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Textual Amendments

F1 Ss. 22-41 omitted (1.4.2018) by virtue of [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 11 para. 30\(2\)](#); S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 13-16)

F136 Variation of plans

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Textual Amendments

F1 Ss. 22-41 omitted (1.4.2018) by virtue of [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 11 para. 30\(2\)](#); S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 13-16)

F137 Enforcement of plans^{F6}...

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Textual Amendments

F1 Ss. 22-41 omitted (1.4.2018) by virtue of [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 11 para. 30\(2\)](#); S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 13-16)

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F6 Word in s. 37 heading omitted (1.9.2015) by virtue of [Higher Education \(Wales\) Act 2015 \(anaw 1\)](#), s. 59(2), [Sch. para. 17](#) (with [Sch. paras. 27-30](#)); S.I. 2015/1327, art. 5(s)(iii)

F7 38 Enforcement of plans: Wales

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Textual Amendments

F7 S. 38 omitted (1.9.2015) by virtue of [Higher Education \(Wales\) Act 2015 \(anaw 1\)](#), s. 59(2), [Sch. para. 18](#) (with [Sch. paras. 27-30](#)); S.I. 2015/1327, art. 5(s)(iii)

F1 39 Review of decisions made by relevant authority

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Textual Amendments

F1 Ss. 22-41 omitted (1.4.2018) by virtue of [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 11 para. 30\(2\)](#); S.I. 2018/241, [reg. 2\(s\)](#) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 13-16)

Supplementary

F1 40 Provision of information

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Textual Amendments

F1 Ss. 22-41 omitted (1.4.2018) by virtue of [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 11 para. 30\(2\)](#); S.I. 2018/241, [reg. 2\(s\)](#) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 13-16)

F8 40A Provision of reports, information and advice by the relevant authority in relation to Wales

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Textual Amendments

F8 S. 40A omitted (1.9.2015) by virtue of [Higher Education \(Wales\) Act 2015 \(anaw 1\)](#), s. 59(2), [Sch. para. 20](#) (with [Sch. paras. 27-30](#)); S.I. 2015/1327, art. 5(s)(iii)

F1 41 Interpretation of Part 3

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11(1) s. 11 renumbered as s. 11(1) by [2022 asc 1 s. 128\(2\)\(a\)](#)
- s. 11(1)(a) words substituted by [2022 asc 1 Sch. 4 para. 16\(2\)](#)
- s. 11(2)-(5) inserted by [2022 asc 1 s. 128\(2\)\(b\)](#)
- s. 12(2A) inserted by [2022 asc 1 s. 128\(3\)\(a\)](#)
- Sch. 2 para. 3(2)(d) inserted by [2023 c. 16 Sch. para. 19](#)