



# Higher Education Act 2004

## 2004 CHAPTER 8

### PART 3

#### STUDENT FEES AND FAIR ACCESS

##### *Plans authorising fees of more than basic amount*

### 33 Contents of plans

- (1) A plan under this section relating to an institution must, in relation to each qualifying course in connection with which fees are to be payable to the institution by qualifying persons, specify or provide for the determination of a limit (not exceeding the higher amount) which those fees are not permitted to exceed.
- (2) In relation to England, a plan under this section—
  - (a) must also include such provisions relating to the promotion of equality of opportunity as are required by regulations to be included in the plan, and
  - (b) may also include further provisions relating to the promotion of equality of opportunity.
- (3) In relation to Wales, a plan under this section—
  - (a) must also include such provisions relating to—
    - (i) the promotion of equality of opportunity, or
    - (ii) the promotion of higher education,as are required by regulations to be included in the plan, and
  - (b) may also include further provisions relating to either of those matters.
- (4) In this Part any reference to the “general provisions” of a plan under this section is a reference to the provisions included in the plan by virtue of subsection (2) or (3).
- (5) The general provisions that may be required by regulations made by virtue of subsection (2) or (3) include, in particular, provisions—

*Status: Point in time view as at 31/03/2011. This version of this provision has been superseded.*

*Changes to legislation: Higher Education Act 2004, Section 33 is up to date with all changes known to be in force on or before 24 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) requiring the governing body to take, or secure the taking of, measures to attract applications from prospective students who are members of groups which, at the time when the plan is approved, are under-represented in higher education,
  - (b) requiring the governing body to provide, or secure the provision of, financial assistance to students,
  - (c) requiring the governing body to make available to students and prospective students information about financial assistance available to students from any source,
  - (d) setting out objectives relating to the promotion of equality of opportunity and, in relation to Wales, the promotion of higher education,
  - (e) relating to the monitoring by the governing body of—
    - (i) its compliance with the provisions of the plan, and
    - (ii) its progress in achieving any objectives set out in the plan by virtue of paragraph (d), and
  - (f) requiring the provision of information to the relevant authority.
- (6) Regulations made under subsection (2) or (3) may not require a plan—
- (a) to include among the general provisions of the plan any provision referring to particular courses or to the manner in which courses are taught, supervised or assessed, or
  - (b) to include any provision relating to the criteria for the admission of students.
- (7) In this section—
- “equality of opportunity” means equality of opportunity in connection with access to higher education;
- “the higher amount” means—
- (a) in relation to England, the amount from time to time prescribed as the higher amount under section 24(6), and
  - (b) in relation to Wales, the amount from time to time prescribed as the higher amount under section 28(6);
- “qualifying course” and “qualifying person”—
- (a) in relation to England, have the same meaning as in section 24, and
  - (b) in relation to Wales, have the same meaning as in section 28;
- “regulations” means regulations made—
- (a) in relation to England, by the Secretary of State, and
  - (b) in relation to Wales, by the Assembly.

#### Commencement Information

- I1** S. 33 partly in force; s. 33 in force for E. at Royal Assent, see s. 52(1)
- I2** S. 33 in force at 11.2.2011 for specified purposes for W. by S.I. 2011/297, art. 2(c)
- I3** S. 33 in force at 31.3.2011 for W. in so far as not already in force by S.I. 2011/297, art. 4(c)

**Status:**

Point in time view as at 31/03/2011. This version of this provision has been superseded.

**Changes to legislation:**

Higher Education Act 2004, Section 33 is up to date with all changes known to be in force on or before 24 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.