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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for fees to be charged by the Office for Students (“the OfS”) for the undertaking of assessments under the Higher Education and Research Act 2017 (c. 29) (“the Act”).

Regulation 3 defines undertaking an assessment for the purposes of these Regulations. This includes engaging in any activity in connection with undertaking the assessment, and communicating the outcome of the assessment, but does not include decisions and activities for which a fee is or would be payable under the Higher Education (Investigation Fees) (England) Regulations 2022 (S.I. 2022/1191) (the “2022 Regulations”).

Regulation 4 provides for a fee to be payable for an assessment by the OfS of the quality of, and the standards applied to, higher education provided by an institution where the assessment is undertaken under section 23(2)(a) of the Act. Assessments are undertaken under section 23(2)(a) of the Act to determine whether an institution satisfies any initial registration condition relating to the quality of, or the standards applied to, higher education provided by it. Regulation 5 specifies the amount of the fee and when it is payable.

Regulation 6 provides for a fee to be payable for an assessment by the OfS of the quality of, and the standards applied to, higher education provided by an institution where the assessment is undertaken under section 23(2)(b) of the Act, or for any of the purposes specified in regulation 6(2)(b). Assessments are undertaken under section 23(2)(b) of the Act to determine whether an institution satisfies any ongoing registration condition relating to the quality of, or the standards applied to, higher education provided by it. The purposes specified in regulation 6(2)(b) relate to the authorisation, variation, revocation and monitoring by the OfS of authorisations to grant taught awards, research awards or both.

Regulation 7 sets out how the amount of the fee payable under regulation 6 is to be determined and when it is payable.

Regulation 8 requires the OfS to publish statements about its approach to determining the amount of the fee payable under regulation 6.

Regulation 9 provides for fees to be paid by instalments with the approval of the OfS.

Regulation 10 provides for the waiver and reduction of fees by the OfS.

Regulations 11 and 12 make provision about the notification of fees under regulations 5 and 7. The notice must specify the period within which fee amounts are to be paid and other matters. In the case of the final settlement of the fee payable under regulation 6, the notice must allow a period for representations to be made.

Regulation 13 provides for interest to be charged on unpaid fees, and for unpaid amounts to be recoverable as a civil debt due to the OfS.

Regulation 14 provides that no fee is payable where the assessment was begun before the date on which these Regulations come into force.

Regulation 15 amends the 2022 Regulations so that the activities for which a fee is payable under these Regulations are not chargeable through the fee payable under those regulations.

A full impact assessment has not been produced for these Regulations because no, or no significant, impact on the private, voluntary or public sector is foreseen.