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STATUTORY INSTRUMENTS

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**2023 No. 801**

**The Higher Education (Assessment Fees) (England) Regulations 2023**

**PART 4**

General provisions on fees

**Notice of fee under regulation 7(4)(b)**

**12.**—(1) A notice given to the governing body of an institution under regulation 7(4)(b) must—

- (a) state the date on which it is issued;
- (b) specify the amount of the fee which is payable;
- (c) explain how the OfS has determined that amount;
- (d) specify the period within which the fee must be paid in full or, in a case where the OfS has approved payment by instalments, the amount of each instalment and the period within which each instalment must be paid;
- (e) explain the consequences under regulation 13 of not paying the full fee or instalment within that period;
- (f) specify the period during which the governing body may make representations about the fee to the OfS (“the representations period”);
- (g) specify the way in which those representations may be made.

(2) The period specified under paragraph (1)(d) within which a fee must be paid in full or, in a case where the OfS has approved payment by instalments, within which the first instalment must be paid, must not be of less than 30 days beginning with the date on which the notice is issued.

(3) The representations period must not be of less than 14 days beginning with the date on which the notice is issued.

(4) For the purposes of this regulation, representations in writing are made when they are received by the OfS.

(5) Where the governing body makes representations about a fee during the representations period, the OfS—

- (a) must have regard to the representations, and
- (b) must within a reasonable period, by notifying the governing body—
  - (i) confirm the notice given under regulation 7(4)(b),
  - (ii) vary that notice, or
  - (iii) withdraw that notice.

(6) A notice under paragraph (5)(b) must state the date on which it is issued.

(7) Where the governing body makes representations about a fee during the representations period, the requirement to pay that fee is suspended until the date on which the OfS issues a notice under paragraph (5)(b) confirming or varying the notice given under regulation 7(4)(b).

(8) Where the OfS decides under paragraph (5)(b) to confirm or vary the notice given under regulation 7(4)(b)—

- (a) the OfS must ensure, by varying that notice as necessary, that the period within which the fee is required to be paid is a period of not less than 14 days beginning with the date on which the notice under paragraph (5)(b) is issued;
- (b) the OfS need not allow any further period for representations to be made by the governing body about the fee.