

HIGHER EDUCATION (WALES) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS OF THE ACT

Part 8 – General

Sections 55 and 56 – Regulations and Directions

148. [Section 55](#) provides for regulations under the Act to be made by statutory instrument. Most regulations will be subject to the negative resolution procedure. The exceptions are those regulations made under sections set out in subsection (4) that must be approved by resolution of the National Assembly for Wales, namely:
- the first set of regulations to be made under section 2(4) (making of applications for approval of a fee and access plan);
 - section 3(4) (provision about designation of other providers of higher education);
 - section 4(3) (regulations amending the maximum period set out in section 4(2));
 - the first set of regulations to be made under section 5(3) (maximum fee amount);
 - section 6(1) (provision relating to the promotion of equality of opportunity and higher education that must be included in a fee and access plan);
 - section 7(3) (matters to be taken into account by HEFCW in respect of the approval or rejection of a fee and access plan);
 - section 38(2) (duty to withdraw approval) – if the regulations amend a provision of the Act; and
 - section 58 (consequential and transitional provision) – but only if the regulations amend primary legislation.
149. [Section 56](#) makes provision about directions given by the Welsh Ministers.