

**Changes to legislation:** Higher Education (Wales) Act 2015, SCHEDULE is up to date with all changes known to be in force on or before 21 April 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) View outstanding changes

## SCHEDULE

(introduced by section 58)

### CONSEQUENTIAL AND TRANSITIONAL PROVISION ETC

#### PART 1

##### MINOR AND CONSEQUENTIAL AMENDMENTS

###### *Further and Higher Education Act 1992*

1 The Further and Higher Education Act 1992 is amended as follows.

###### Commencement Information

- I1** Sch. para. 1 in force at 1.9.2015 for specified purposes by S.I. 2015/1327, art. 5(s)(i)  
**I2** Sch. para. 1 in force at 1.8.2017 for specified purposes by S.I. 2017/239, art. 2

2 (1) Section 70 (assessment of quality of education provided by institutions) is amended as follows.

(2) In subsection (1), for “Each council” substitute “ The Higher Education Funding Council for England ”.

(3) In the title, for “Assessment” substitute “ England: assessment ”.

###### Commencement Information

- I3** Sch. para. 2 in force at 1.9.2015 by S.I. 2015/1327, art. 5(s)(ii)

3 In section 83 (efficiency studies), in the second column of the table in subsection (1B), after “An institution within the higher education sector” insert—

“A regulated institution for the purposes of the Higher Education (Wales) Act 2015 (including a provider designated under section 3 of that Act which is treated as being a regulated institution for the purposes of that Act).”

###### Commencement Information

- I4** Sch. para. 3 in force at 1.8.2017 by S.I. 2017/239, art. 2

4 (1) Section 91 is amended as follows.

(2) In subsection (5), after paragraph (a) insert—

“(aa) universities that are regulated institutions.”.

(3) After subsection (5) insert—

“(5A) For the purposes of subsection (5)(aa), a regulated institution is an institution to which an approved plan, within the meaning given in section 7 of the Higher Education (Wales) Act 2015, relates.”

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**Commencement Information**

**I5** Sch. para. 4 in force at 1.8.2017 by S.I. 2017/239, art. 2

*Education Act 1996*

- 5 In section 4 of the Education Act 1996 (schools: general), in subsection (4), at the end of paragraph (c) insert “, or  
 (d) a university to which an approved plan, within the meaning given in section 7 of the Higher Education (Wales) Act 2015, relates.”

**Commencement Information**

**I6** Sch. para. 5 in force at 1.8.2017 by S.I. 2017/239, art. 2

*Education Act 2002*

- 6 In section 140 of the Education Act 2002 (further education: general), after subsection (3) insert—  
 “(4) For the purposes of section 138(3), a university to which an approved plan relates is to be treated (in any case where it would not be so treated but for this subsection) as being a higher education institution.  
 (5) “Approved plan”, in subsection (4), has the meaning given in section 7 of the Higher Education (Wales) Act 2015.”

**Commencement Information**

**I7** Sch. para. 6 in force at 1.8.2017 by S.I. 2017/239, art. 2

*Higher Education Act 2004*

- 7 The Higher Education Act 2004 is amended as follows.

**Commencement Information**

**I8** Sch. para. 7 in force at 1.9.2015 by S.I. 2015/1327, art. 5(s)(iii)

- 8 In section 22 (meaning of “plan” etc), in paragraph (b), for the words from “or a” to the end substitute “ is a reference to a plan approved under section 34. ”

**Commencement Information**

**I9** Sch. para. 8 in force at 1.9.2015 by S.I. 2015/1327, art. 5(s)(iii)

- 9 Omit sections 27 and 28.

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#### Commencement Information

**I10** Sch. para. 9 in force at 1.9.2015 by S.I. 2015/1327, art. 5(s)(iii)

- 10 (1) Section 29 (supplementary provision) is amended as follows.
- (2) In subsection (1), omit “or 28”.
- (3) In subsection (2), omit “or 28(6)”.
- (4) In subsection (3)—
- (a) in the words preceding paragraph (a)—
- (i) for “, the Education Act 2002 or the 2005 Act” substitute “ or the Education Act 2002 ”;
- (ii) for the words from “, the Assembly” to “for Wales” substitute “ or the Higher Education Funding Council for England ”;
- (b) omit paragraph (b);
- (c) in paragraph (c), for the words from “or 28” to “Councils” substitute “ imposed by the Higher Education Funding Council for England ”.
- (5) In the title, for “28” substitute “ 26 ”.

#### Commencement Information

**I11** Sch. para. 10 in force at 1.9.2015 by S.I. 2015/1327, art. 5(s)(iii)

- 11 (1) Section 30 (meaning of “the relevant authority”) is amended as follows.
- (2) In subsection (1), omit paragraph (b) (and the “and” preceding it).
- (3) Omit subsections (2) and (3).

#### Commencement Information

**I12** Sch. para. 11 in force at 1.9.2015 by S.I. 2015/1327, art. 5(s)(iii) (with arts. 7-9)

- 12 In section 32 (general duties of relevant authority), omit subsection (4).

#### Commencement Information

**I13** Sch. para. 12 in force at 1.9.2015 by S.I. 2015/1327, art. 5(s)(iii) (with arts. 7-9)

- 13 (1) Section 33 (contents of plans) is amended as follows.
- (2) In subsection (2), for “In relation to England, a” substitute “ A ”.
- (3) Omit subsection (3).
- (4) In subsection (4), omit “or (3)”.
- (5) In subsection (5)—
- (a) in the words preceding paragraph (a), omit “or (3)”;
- (b) in paragraph (d), omit the words from “and” to the end of the paragraph.

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(6) In subsection (6), omit “or (3)”.

(7) In subsection (7)—

(a) for the definition of “the higher amount” substitute—

““the higher amount” means the amount from time to time prescribed as the higher amount under section 24(6);”;

(b) for the definition of “qualifying course” and “qualifying person” substitute—

““qualifying course” and “qualifying person” have the same meaning as in section 24;”;

(c) for the definition of “regulations” substitute—

““regulations” means regulations made by the Secretary of State.”

**Commencement Information**

**I14** Sch. para. 13 in force at 1.9.2015 by S.I. 2015/1327, art. 5(s)(iii)

14 (1) Section 34 (approval of plans) is amended as follows.

(2) In subsection (1)(a)—

(a) after “grants” insert “ from the Higher Education Funding Council for England ”;

(b) omit “or section 86 of the 2005 Act”.

(3) In subsection (7), for the words from “made” to the end of the subsection substitute “ made by the Secretary of State ”.

**Commencement Information**

**I15** Sch. para. 14 in force at 1.9.2015 by S.I. 2015/1327, art. 5(s)(iii) (with arts. 7-9)

15 In section 35 (duration of plans), in subsection (2) omit paragraph (b) (and the “or” preceding it).

**Commencement Information**

**I16** Sch. para. 15 in force at 1.9.2015 by S.I. 2015/1327, art. 5(s)(iii) (with arts. 8, 9)

16 (1) Section 36 (variation of plans) is amended as follows.

(2) In subsection (1), omit “or a Welsh approved plan”.

(3) In subsection (2), omit paragraph (b) (and the “or” preceding it).

**Commencement Information**

**I17** Sch. para. 16 in force at 1.9.2015 by S.I. 2015/1327, art. 5(s)(iii) (with arts. 7, 9)

17 In section 37 (enforcement of plans), in the title omit “: England”.

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**Commencement Information**

**I18** Sch. para. 17 in force at 1.9.2015 by S.I. 2015/1327, art. 5(s)(iii)

18 Omit section 38.

**Commencement Information**

**I19** Sch. para. 18 in force at 1.9.2015 by S.I. 2015/1327, art. 5(s)(iii)

19 In section 39 (review of decisions)—  
(a) in the words preceding paragraph (a), for “, 37(3)(b) or 38(3)(b)” substitute “ or 37(3)(b) ”;  
(b) in paragraph (b), omit sub-paragraph (ii) (and the “or” preceding it);  
(c) in paragraph (c), omit “or the Assembly”.

**Commencement Information**

**I20** Sch. para. 19 in force at 1.9.2015 by S.I. 2015/1327, art. 5(s)(iii) (with arts. 7, 9)

20 Omit section 40A (provision of reports etc by relevant authority in relation to Wales).

**Commencement Information**

**I21** Sch. para. 20 in force at 1.9.2015 by S.I. 2015/1327, art. 5(s)(iii)

21 In section 41 (interpretation of Part 3), in subsection (1)—  
(a) in the definition of “fees”, in paragraph (e), omit sub-paragraph (ii) (and the “or” preceding it);  
(b) omit the definition of “Welsh approved plan”.

**Commencement Information**

**I22** Sch. para. 21 in force at 1.9.2015 by S.I. 2015/1327, art. 5(s)(iii)

*Education Act 2005*

22 In Schedule 14 to the Education Act 2005 (amendments relating to the training of the school workforce), omit paragraphs 27 to 29.

**Commencement Information**

**I23** Sch. para. 22 in force at 1.9.2015 by S.I. 2015/1327, art. 5(s)(iv)

*Government of Wales Act 2006*

23 In Schedule 11 to the Government of Wales Act 2006 (transitional provisions), in paragraph 35—

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- (a) in sub-paragraph (3), in Table 1 omit the entry relating to section 33(3)(a)(ii) of the Higher Education Act 2004;
- (b) in sub-paragraph (4), in Table 2 omit the entries relating to sections 30(1)(b) and 38(2) of that Act.

**Commencement Information**

**I24** Sch. para. 23 in force at 1.9.2015 by S.I. 2015/1327, art. 5(s)(v)

*Education Act 2011*

24 The Education Act 2011 is amended as follows.

**Commencement Information**

**I25** Sch. para. 24 in force at 1.9.2015 by S.I. 2015/1327, art. 5(s)(vi)

- 25 (1) Section 77 (limit on student fees: part-time courses) is amended as follows.
- (2) In subsection (2), at the end insert “ by regulations made by the Secretary of State ”.
  - (3) Omit subsection (3).

**Commencement Information**

**I26** Sch. para. 25 in force at 1.9.2015 by S.I. 2015/1327, art. 5(s)(vi)

- 26 (1) Schedule 5 (abolition of the TDA: consequential amendments) is amended as follows.
- (2) Omit paragraphs 21 and 22.
  - (3) In paragraph 23, omit paragraphs (a) and (b).
  - (4) Omit paragraph 27.

**Commencement Information**

**I27** Sch. para. 26 in force at 1.9.2015 by S.I. 2015/1327, art. 5(s)(vi)

**PART 2**

TRANSITIONAL PROVISION

*Plans approved under the Higher Education Act 2004*

- 27 Paragraph 28 applies to the extent that a 2004 Act plan specifies, or provides for the determination of, a limit which is not to be exceeded by the fees payable by a person who is a qualifying person—
- (a) in connection with the person's undertaking a course that is a qualifying course, and

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- (b) in respect of an academic year applicable to the course and beginning during the transitional period (a “transitional academic year”).

**Commencement Information**

**I28** Sch. para. 27 in force at 1.8.2015 by S.I. 2015/1327, art. 4(b)(i)

- 28 The plan is to be treated during the transitional period as being a fee and access plan that has been approved under section 7, for the purposes of—
- (a) section 4(4)(b);
  - (b) sections 10 to 12, 14, 15(1)(a) and 16;
  - (c) sections 17 to 23;
  - (d) section 24(2)(a);
  - (e) section 28(2);
  - (f) sections 51(1)(e), 52(3) and 54(1);
  - (g) any other enactment, whenever enacted or made, specified in regulations (an “applied enactment”).

But this is subject to any provision made under paragraph 30.

**Commencement Information**

**I29** Sch. para. 28(a)-(f) in force at 1.8.2015 by S.I. 2015/1327, art. 4(b)(ii)

**I30** Sch. para. 28(g) in force at 20.5.2015 for specified purposes by S.I. 2015/1327, art. 2(t)(i)

- 29 (1) For this purpose—
- (a) the plan is to be treated as having been approved under section 7 on the day on which this paragraph comes into force;
  - (b) the period that is the transitional period (see sub-paragraph (2)) is to be treated as being the period specified in the plan under section 4;
  - (c) the limit provided by the plan for a course and a transitional academic year is to be treated as being the applicable fee limit for the course and academic year in question;
  - (d) the institution to which the plan relates is to be treated as being a regulated institution.
- (2) The transitional period is the period beginning with the coming into force of this paragraph and ending with 31 August 2017.
- (3) A “2004 Act plan” is a plan approved in relation to Wales, under section 34 of the Higher Education Act 2004, before the coming into force of this paragraph.

**Modifications etc. (not altering text)**

**C1** Sch. para. 29(3) modified (31.7.2015) by [The Higher Education \(Qualifying Courses, Qualifying Persons and Supplementary Provision\) \(Wales\) Regulations 2015 \(No. 1484\)](#), regs. 1(1), 6

**Commencement Information**

**I31** Sch. para. 29 in force at 1.8.2015 by S.I. 2015/1327, art. 4(b)(iii)

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- 30 (1) Regulations may make provision about the application of a provision referred to in paragraph 28(a) to (f), or an applied enactment, to a 2004 Act plan during the transitional period.
- (2) The regulations may (among other things) provide that a provision or an applied enactment—
- (a) is not to apply to a 2004 Act plan during the transitional period, or
  - (b) is to apply with modifications.

**Commencement Information**

**I32** [Sch. para. 30](#) in force at 20.5.2015 for specified purposes by [S.I. 2015/1327](#), [art. 2\(t\)\(ii\)](#)

*Members of Quality Assessment Committee*

- 31 (1) This paragraph applies to a person who, immediately before the coming into force of section 25, is a member of the Quality Assessment Committee established by HEFCW under section 70(1)(b) of the Further and Higher Education Act 1992 (“the old committee”).
- (2) On the coming into force of section 25, the person becomes a member of the committee established by HEFCW under that section (“the new committee”).
- (3) The person's membership of the new committee is—
- (a) on the same terms as the person's appointment to the old committee, and
  - (b) for a period equivalent to the period of that appointment which remains on the coming into force of section 25.

**Commencement Information**

**I33** [Sch. para. 31](#) in force at 1.9.2015 by [S.I. 2015/1327](#), [art. 5\(u\)](#)



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

- Act repealed by [2022 asc 1 Sch. 4 para. 31](#)