

Changes to legislation: Higher Education (Wales) Act 2015, PART 1 is up to date with all changes known to be in force on or before 19 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

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)

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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](#)