

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.
- 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”.
- 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).”

- 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.”

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.”

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.

Status: This is the original version (as it was originally enacted).

- (5) “Approved plan”, in subsection (4), has the meaning given in section 7 of the Higher Education (Wales) Act 2015.”

Higher Education Act 2004

- 7 The Higher Education Act 2004 is amended as follows.
- 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.”
- 9 Omit sections 27 and 28.
- 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”.
- 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).
- 12 In section 32 (general duties of relevant authority), omit subsection (4).
- 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.
- (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);”;

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- (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.”
- 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”.
- 15 In section 35 (duration of plans), in subsection (2) omit paragraph (b) (and the “or” preceding it).
- 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).
- 17 In section 37 (enforcement of plans), in the title omit “: England”.
- 18 Omit section 38.
- 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”.
- 20 Omit section 40A (provision of reports etc by relevant authority in relation to Wales).
- 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”.

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.

Government of Wales Act 2006

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

Status: This is the original version (as it was originally enacted).

Education Act 2011

- 24 The Education Act 2011 is amended as follows.
- 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).
- 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.