
WELSH STATUTORY INSTRUMENTS

2016 No. 110 (W. 54) (C. 9)

EDUCATION, WALES

The Higher Education (Wales) Act 2015
(Commencement No. 2) Order 2016

Made - - - - 2 February 2016

The Welsh Ministers, in exercise of the powers conferred upon them by section 59(2) and 59(3) of the Higher Education (Wales) Act 2015⁽¹⁾, make the following Order:

Title and interpretation

1.—(1) The title of this Order is the Higher Education (Wales) Act 2015 (Commencement No. 2) Order 2016.

(2) In this Order, “the Act” (“*y Ddeddf*”) means the Higher Education (Wales) Act 2015.

Provisions coming into force on the day after the day on which this Order is made

2. The following provisions of the Act come into force, to the extent specified, on the day after the day on which this Order is made—

- (a) section 38(3) (duty to withdraw approval) for all purposes; and
- (b) section 52(1) (statement in respect of intervention functions) for all remaining purposes.

Provisions coming into force on 1 August 2016

3. The following provisions of the Act come into force, to the extent specified, on 1 August 2016—

- (a) section 38(1) (duty to withdraw approval) for all purposes; and
- (b) section 40 (publication etc of notice) for all remaining purposes.

Provisions coming into force on 1 September 2016

4. The following provisions come into force, to the extent specified, on 1 September 2016—

- (a) section 27(1) (HEFCW’s duty to prepare and publish code) for all remaining purposes;
- (b) section 27(5) and (6) for all purposes; and

(1) 2015 anaw 1.

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(c) section 30 (procedure if draft code approved by Welsh Ministers) for all purposes.

2 February 2016

Huw Lewis
Minister for Education and Skills, one of the
Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This is the second commencement order made by the Welsh Ministers under the Higher Education (Wales) Act 2015 (“the 2015 Act”).

Article 2 brings section 38(3) of the 2015 Act into force, for all purposes, on the day after the day on which this Order is made. Section 38(3) concerns the power of the Welsh Ministers to make regulations under section 38(2)(b). Section 38(3) provides that regulations under section 38(2)(b) may (among other things) amend or apply, with or without modifications, any provision made by or under sections 41 to 44 of the 2015 Act.

Article 2 also brings section 52(1) of the 2015 Act into force, for all remaining purposes, on the day after the day on which this Order is made. Under section 52(1), the Higher Education Funding Council for Wales (“HEFCW”) must prepare and publish a statement setting out how they propose to exercise their intervention functions (as described in section 52(5)).

Article 3 brings section 38(1) of the 2015 Act into force, for all purposes, on 1 August 2016. Section 38(1) provides that if HEFCW are satisfied that a regulated institution is no longer within section 2(3) of the 2015 Act, they must withdraw their approval of the fee and access plan relating to the institution by giving notice under section 38 to the institution’s governing body.

Article 3 also brings section 40 of the 2015 Act into force, for all remaining purposes, on 1 August 2016. Section 40(1) provides that if HEFCW give notice under section 37, 38 or 39 of the 2015 Act, they must give a copy of the notice to the Welsh Ministers and publish the notice.

Article 4 brings section 27(1) of the 2015 Act into force, for all remaining purposes, on 1 September 2016. Section 27(1) provides that HEFCW must prepare and publish a code relating to the organisation and management of the financial affairs of regulated institutions.

Article 4 also brings sections 27(5) and (6) and 30 of the 2015 Act into force, for all purposes, on 1 September 2016. Section 27(5) provides that HEFCW may publish the code in whatever way they think appropriate. Under section 27(6), HEFCW must keep the code under review and, if they think appropriate, prepare and publish a revised code. Before publishing the first code or a revised code, HEFCW must prepare a draft of the code and submit the draft to the Welsh Ministers for their approval. Section 30 of the 2015 Act provides that, if the Welsh Ministers approve a draft of the code submitted to them, they must lay the approved draft before the National Assembly for Wales (“the Assembly”). If the Assembly resolves not to approve the draft code within the period of 40 days beginning with the day on which the draft is laid before the Assembly, HEFCW may not publish the draft. If no resolution is passed by the Assembly within the period of 40 days, HEFCW must publish the code in the terms of the approved draft.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
Section 2(1) to (3)	1 January 2016	S.I. 2015/1327 (W. 122) (C. 74)
Section 2(4)	20 May 2015	S.I. 2015/1327 (W. 122) (C. 74)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
Section 3(1) to (3)	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 3(4)	20 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 4(1) and (2)	1 January 2016	S.I. 2015/1327 (W. 122) (C. 74)
Section 4(3) and (4)	20 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 4(5)	1 January 2016	S.I. 2015/1327 (W. 122) (C. 74)
Section 5(1) and (2)(a)	1 January 2016	S.I. 2015/1327 (W. 122) (C. 74)
Section 5(2)(b)	20 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 5(2)(c)	1 January 2016	S.I. 2015/1327 (W. 122) (C. 74)
Section 5(3)	20 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 5(4)	1 January 2016	S.I. 2015/1327 (W. 122) (C. 74)
Section 5(5) to (9)	20 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 6(1)	20 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 6(2)	1 January 2016	S.I. 2015/1327 (W. 122) (C. 74)
Section 6(3) to (6)	20 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 6(7)	25 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 7(1) and (2)	1 January 2016	S.I. 2015/1327 (W. 122) (C. 74)
Section 7(3)	20 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 7(4)	1 January 2016	S.I. 2015/1327 (W. 122) (C. 74)
Section 7(5)	25 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 7(6) and (7)	1 January 2016	S.I. 2015/1327 (W. 122) (C. 74)
Sections 8 and 9	20 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 10	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 11(1) to (4)	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 11(5)	20 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 11(6)	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 12	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 14	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 15(1)(a)	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 16	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 17(1) to (3)	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 17(4)(a)	20 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 17(4)(b)	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Sections 18 to 25	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
Section 27(1) (in so far as it relates to the preparation of a code)	25 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 27(2), (3), (7) and (8)	25 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 27(9)	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Sections 28 and 29	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 37(7)	20 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 38(2)	20 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 39(4)	20 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 40(2)	20 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 41(1)(a)	1 January 2016	S.I. 2015/1327 (W. 122) (C. 74)
Section 41(1)(b), (d) and (2)	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 42(1) and (2)(a) to (c)	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 42(2)(d)	20 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 42(3) and (4)	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 43(a) and (b)	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 43(c)	20 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 44(1) and (2)	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 44(3) and (4)	20 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Sections 45 and 46	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Sections 47 to 49	25 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 51(1)(a), (e) and (2)	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 52(1) (in so far as it relates to the preparation of a statement)	25 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 52(1) (in so far as it relates to the publication of a statement in connection with section 52(5)(a), (c) and (d))	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 52(2) and (3)	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 52(4)	20 May 2015	S.I. 2015/1327 (W. 122) (C. 74)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
Section 52(5)	25 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 53	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 54(1)	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 54(3) and (4)	25 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 58(1) (in so far as it relates to the following paragraphs of the Schedule) and paragraph 1 (in so far as it relates to paragraph 2), paragraph 2 and paragraphs 7 to 26 of the Schedule	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 58(2) (in so far as it relates to the following paragraphs of the Schedule) and paragraphs 27, 28(a) to (f) and paragraph 29 of the Schedule	1 August 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 58(2) (in so far as it relates to the following paragraphs of the Schedule) and paragraphs 28(g) and 30 of the Schedule	20 May 2015	S.I. 2015/1327 (W. 122) (C. 74)
Section 58(2) (in so far as it relates to paragraph 31 of the Schedule) and paragraph 31 of the Schedule	1 September 2015	S.I. 2015/1327 (W. 122) (C. 74)