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# Higher Education (Wales) Act 2015

# HIGHER EDUCATION (WALES) ACT 2015

#### PART 1

# INTRODUCTION

1 Overview of this Act

#### PART 2

# FEE AND ACCESS PLANS

Application for approval of fee and access plan

- 2 Application by institution for HEFCW's approval of fee and access plan
- 3 Designation of other providers of higher education

Contents of fee and access plan

- 4 Period to which plan relates
- 5 Fee limit
- 6 Promotion of equality of opportunity and higher education

Approval etc of fee and access plan

- 7 Approval of fee and access plan
- 8 Publication of approved plan
- 9 Variation of approved plan

#### Compliance with fee limit

- 10 Limits on student fees
- 11 Compliance and reimbursement directions
- 12 Supplementary provision about compliance and reimbursement directions

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#### Compliance with general requirements of approved plan

Directions in respect of failure to comply with general requirements of approved plan

#### Contracts

14 Validity of contracts

Approved plans: compliance and effectiveness

- 15 HEFCW's duty to monitor and evaluate compliance and effectiveness
- Monitoring and evaluating compliance and effectiveness: duty to cooperate

#### PART 3

#### QUALITY OF EDUCATION

Assessment of quality of education

17 Assessment of quality of education

Powers in respect of education of inadequate quality

- 18 Education of inadequate quality: general
- 19 Directions in respect of inadequate quality
- 20 Other measures in respect of inadequate quality

Co-operation with quality assessment etc

21 Quality assessment etc: duty to co-operate

Supplementary powers for purpose of quality assessment etc

22 Quality assessment etc: powers of entry and inspection

Guidance relating to quality of education

- 23 Guidance about matters relevant to quality
- 24 Guidance about criteria for assessing quality

Advice to HEFCW about quality assessment functions

25 Committee to advise HEFCW about exercise of quality assessment functions

# Supplementary

26 Application of this Part where institution ceases to have approved plan

#### PART 4

# FINANCIAL AFFAIRS OF REGULATED INSTITUTIONS

#### Financial management code

- 27 HEFCW's duty to prepare and publish Code
- 28 Procedure for approval of Code by Welsh Ministers
- 29 Procedure if draft Code not approved by Welsh Ministers

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30 Procedure if draft Code approved by Welsh Ministers

Monitoring compliance with Code

31 Monitoring compliance with Code

Powers in respect of failure to comply with Code

- 32 Failure to comply with Code: general
- 33 Directions in respect of failure to comply with Code
- 34 Other measures in respect of failure to comply with Code

Co-operation with monitoring etc

35 Financial management: duty to co-operate

Supplementary powers for purpose of monitoring etc

36 Financial management: powers of entry and inspection

#### PART 5

#### FEE AND ACCESS PLANS: WITHDRAWAL OF APPROVAL ETC

Refusal to approve new fee and access plan

37 Notice of refusal to approve new fee and access plan

Withdrawal of approval of existing fee and access plan

- 38 Duty to withdraw approval
- 39 Power to withdraw approval

Publication etc of notice under this Part

40 Publication etc of notice under this Part

## PART 6

#### NOTICES AND DIRECTIONS GIVEN BY HEFCW

Warning and review procedure for certain notices and directions

- 41 Application of sections 42 to 44
- 42 Proposed notices and directions: requirement to give warning notice
- 43 Information to be given with notices and directions
- 44 Review of notices and directions

General provisions about directions given by HEFCW

- 45 Directions: compliance and enforcement
- 46 Directions: general

# PART 7

#### SUPPLEMENTARY PROVISION ABOUT FUNCTIONS OF HEFCW

# Exercise of functions by HEFCW

- 47 Compatibility with charity law and governing documents of institutions
- Duty to take into account importance of protecting academic freedom

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49 Duty to take Welsh Ministers' guidance into account

## Reports to be made by HEFCW

- 50 Annual reports
- 51 Special reports

# Other information etc to be given by HEFCW

- 52 Statement in respect of intervention functions
- 53 Information and advice to be given by HEFCW to Welsh Ministers
- 54 Other information and advice

#### PART 8

#### GENERAL

- 55 Regulations
- 56 Directions given by Welsh Ministers
- 57 Interpretation
- 58 Consequential and transitional provision etc
- 59 Commencement
- 60 Short title etc

# 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...
- 2 (1) Section 70 (assessment of quality of education provided by...
- 3 In section 83 (efficiency studies), in the second column of...
- 4 (1) Section 91 is amended as follows.

# Education Act 1996

5 In section 4 of the Education Act 1996 (schools: general),...

#### Education Act 2002

6 In section 140 of the Education Act 2002 (further education:...

### 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),...
- 9 Omit sections 27 and 28.
- 10 (1) Section 29 (supplementary provision) is amended as follows.
- 11 (1) Section 30 (meaning of "the relevant authority") is amended...
- 12 In section 32 (general duties of relevant authority), omit subsection...
- 13 (1) Section 33 (contents of plans) is amended as follows....
- 14 (1) Section 34 (approval of plans) is amended as follows....
- 15 In section 35 (duration of plans), in subsection (2) omit...
- 16 (1) Section 36 (variation of plans) is amended as follows....
- 17 In section 37 (enforcement of plans), in the title omit...

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- 18 Omit section 38.
- 19 In section 39 (review of decisions)—(a) in the words...
- 20 Omit section 40A (provision of reports etc by relevant authority...
- 21 In section 41 (interpretation of Part 3), in subsection (1)—...

#### Education Act 2005

22 In Schedule 14 to the Education Act 2005 (amendments relating...

# Government of Wales Act 2006

23 In Schedule 11 to the Government of Wales Act 2006...

#### Education Act 2011

- 24 The Education Act 2011 is amended as follows.
- 25 (1) Section 77 (limit on student fees: part-time courses) is...
- 26 (1) Schedule 5 (abolition of the TDA: consequential amendments) is... PART 2 TRANSITIONAL PROVISION

# Plans approved under the Higher Education Act 2004

- 27 Paragraph 28 applies to the extent that a 2004 Act...
- 28 The plan is to be treated during the transitional period...
- 29 (1) For this purpose—(a) the plan is to be...
- 30 (1) Regulations may make provision about the application of a...

# Members of Quality Assessment Committee

31 (1) This paragraph applies to a person who, immediately before...

#### **Status:**

Point in time view as at 01/08/2017.

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