



# Higher Education (Wales) Act 2015

2015 anaw 1

## PART 8

### GENERAL

#### 55 Regulations

- (1) A power to make regulations under this Act is exercisable by statutory instrument.
- (2) A power to make regulations under this Act includes power—
  - (a) to make different provision for different purposes;
  - (b) to make incidental, supplementary, consequential, transitional, transitory or saving provision.
- (3) A statutory instrument containing (whether alone or with other provision) regulations within subsection (4) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.
- (4) The regulations within this subsection are—
  - (a) the first regulations to be made under section 2(4);
  - (b) regulations under section 3(4);
  - (c) regulations under section 4(3);
  - (d) the first regulations to be made under section 5(3);
  - (e) regulations under section 6(1);
  - (f) regulations under section 7(3);
  - (g) regulations under section 13;
  - (h) regulations under section 38(2) which amend a provision of this Act;
  - (i) regulations under section 58 which amend or repeal a provision of—
    - (i) an Act of Parliament, or
    - (ii) a Measure or Act of the National Assembly for Wales.
- (5) Any other statutory instrument containing regulations made under this Act is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

**56 Directions given by Welsh Ministers**

A direction given by the Welsh Ministers under this Act—

- (a) must be in writing;
- (b) may be varied or revoked by a later direction.

**57 Interpretation**

(1) In this Act—

“academic year” (“*blwyddyn academaidd*”) means a period of 12 months;

“applicable fee limit” (“*terfyn ffioedd cymwys*”) has the meaning given in section 10;

“approved plan” (“*cynllun a gymeradwywyd*”) has the meaning given in section 7;

“compliance and reimbursement direction” (“*cyfarwyddyd cydymffurfio ac ad-dalu*”) has the meaning given in section 11;

“enactment” (“*deddfiad*”) means a provision contained in any of the following—

- (a) an Act of Parliament;
- (b) a Measure or Act of the National Assembly for Wales;
- (c) subordinate legislation within the meaning of the Interpretation Act 1978 (including subordinate legislation made under an Act of Parliament or under a Measure or Act of the National Assembly for Wales);

“equality of opportunity” (“*cyfle cyfartal*”) means equality of opportunity in connection with access to higher education;

“excess fees” (“*ffioedd uwchlaw'r terfyn*”) has the meaning given in section 11;

“external provider” (“*darparwr allanol*”) has the meaning given in section 17;

“fee and access plan” (“*cynllun ffioedd a mynediad*”) has the meaning given in section 2;

“fee limit” (“*terfyn ffioedd*”) has the meaning given in section 5;

“fees” (“*ffioedd*”) means fees in respect of, or otherwise in connection with, undertaking a course, including admission, registration, tuition and graduation fees, and fees payable to an institution for awarding or accrediting any part of the course, but excluding—

- (a) fees payable for board or lodging;
- (b) fees payable for field trips (including any tuition element of such fees);
- (c) fees payable for attending any graduation or other ceremony;
- (d) any other fees prescribed for the purposes of this section;

“general requirements” (“*gofynion cyffredinol*”), in relation to an approved plan, is to be read in accordance with section 6;

“governing body” (“*corff llywodraethu*”)—

- (a) in relation to a training provider who but for this section would not be regarded as an institution, means any persons responsible for the provider’s management;
- (b) in relation to a provider designated under section 3, means any persons responsible for the provider’s management;

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

- (c) in relation to any other institution, has the meaning given by section 90(1) of the Further and Higher Education Act 1992, but subject to any provision made by virtue of section 90(2) of that Act;
  - (d) in relation to an external provider that is not an institution, means any persons responsible for the provider’s management;
- “HEFCW” (“*CCAUC*”) means the Higher Education Funding Council for Wales;
- “higher education” (“*addysg uwch*”) means education provided by means of a course of any description mentioned in Schedule 6 to the Education Reform Act 1988;
- “inadequate” (“*annigonol*”), in relation to the quality of education or of a course, has the meaning given in section 18;
- “institution” (“*sefydliad*”) includes any training provider (whether or not the training provider would otherwise be regarded as an institution);
- “notice” (“*hysbysiad*”) means notice in writing;
- “prescribed” (“*rhagnodedig*”, “*a ragnodir*”) means prescribed by regulations;
- “qualifying course” (“*cwrs cymhwysol*”) means a course prescribed under section 5;
- “qualifying person” (“*person cymhwysol*”) has the meaning given in section 5;
- “regulated course fees” (“*ffioedd cwrs rheoleiddiedig*”) has the meaning given in section 10;
- “regulated institution” (“*sefydliad rheoleiddiedig*”) has the meaning given in section 7;
- “regulations” (“*rheoliadau*”) means regulations made by the Welsh Ministers;
- “relevant academic year” (“*blwyddyn academaidd berthnasol*”), in relation to an institution to which a fee and access plan relates, has the meaning given in section 5.
- (2) In subsection (1), “training provider” means a person who provides training for members of the school workforce (within the meaning given by section 100 of the Education Act 2005).
- (3) For the purposes of this Act, references to an institution in Wales—
- (a) are to an institution whose activities are wholly or principally carried on in Wales, and
  - (b) include the Open University.

## **58 Consequential and transitional provision etc**

- (1) For minor and consequential amendments, see Part 1 of the Schedule.
- (2) For transitional provisions, see Part 2 of the Schedule.
- (3) The Welsh Ministers may by regulations make such—
  - (a) incidental, supplementary or consequential provision, or
  - (b) transitional, transitory or saving provision,as they think appropriate in consequence of, or for giving full effect to, a provision of this Act.

- (4) The provision that may be made by regulations under this section includes provision amending, repealing or revoking an enactment.

## **59 Commencement**

- (1) The following provisions come into force on the day on which this Act receives Royal Assent—
- (a) Part 1;
  - (b) section 55;
  - (c) section 56;
  - (d) section 57;
  - (e) section 58(3) and (4);
  - (f) this section;
  - (g) section 60.
- (2) The other provisions of this Act come into force on such day as the Welsh Ministers may appoint by order made by statutory instrument.
- (3) An order under subsection (2) may—
- (a) appoint different days for different purposes;
  - (b) make transitional, transitory or saving provision in connection with the coming into force of a provision of this Act.

## **60 Short title etc**

- (1) The short title of this Act is the Higher Education (Wales) Act 2015.
- (2) This Act is to be included in the list of Education Acts set out in section 578 of the Education Act 1996.