

## SCHEDULE

(introduced by section 58)

### 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—

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“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).”

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- 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.

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(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.

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*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.

**PART 2**

TRANSITIONAL PROVISION

*Plans approved under the Higher Education Act 2004*

- 27 Paragraph 28 applies to the extent that a 2004 Act plan specifies, or provides for the determination of, a limit which is not to be exceeded by the fees payable by a person who is a qualifying person—
- (a) in connection with the person’s undertaking a course that is a qualifying course, and
- (b) in respect of an academic year applicable to the course and beginning during the transitional period (a “transitional academic year”).
- 28 The plan is to be treated during the transitional period as being a fee and access plan that has been approved under section 7, for the purposes of—
- (a) section 4(4)(b);
- (b) sections 10 to 12, 14, 15(1)(a) and 16;
- (c) sections 17 to 23;
- (d) section 24(2)(a);
- (e) section 28(2);
- (f) sections 51(1)(e), 52(3) and 54(1);
- (g) any other enactment, whenever enacted or made, specified in regulations (an “applied enactment”).

But this is subject to any provision made under paragraph 30.

- 29 (1) For this purpose—
- (a) the plan is to be treated as having been approved under section 7 on the day on which this paragraph comes into force;
- (b) the period that is the transitional period (see sub-paragraph (2)) is to be treated as being the period specified in the plan under section 4;
- (c) the limit provided by the plan for a course and a transitional academic year is to be treated as being the applicable fee limit for the course and academic year in question;

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- (d) the institution to which the plan relates is to be treated as being a regulated institution.
  - (2) The transitional period is the period beginning with the coming into force of this paragraph and ending with 31 August 2017.
  - (3) A “2004 Act plan” is a plan approved in relation to Wales, under section 34 of the Higher Education Act 2004, before the coming into force of this paragraph.
- 30
- (1) Regulations may make provision about the application of a provision referred to in paragraph 28(a) to (f), or an applied enactment, to a 2004 Act plan during the transitional period.
  - (2) The regulations may (among other things) provide that a provision or an applied enactment—
    - (a) is not to apply to a 2004 Act plan during the transitional period, or
    - (b) is to apply with modifications.

*Members of Quality Assessment Committee*

- 31
- (1) This paragraph applies to a person who, immediately before the coming into force of section 25, is a member of the Quality Assessment Committee established by HEFCW under section 70(1)(b) of the Further and Higher Education Act 1992 (“the old committee”).
  - (2) On the coming into force of section 25, the person becomes a member of the committee established by HEFCW under that section (“the new committee”).
  - (3) The person’s membership of the new committee is—
    - (a) on the same terms as the person’s appointment to the old committee, and
    - (b) for a period equivalent to the period of that appointment which remains on the coming into force of section 25.