



Further and Higher Education Act 1992

1992 CHAPTER 13

PART II **U.K.**

HIGHER EDUCATION

The new funding councils

[^{F1}62 [^{F2}The Higher Education Funding Council for Wales]. **E+W**

^{F1}(1)

^{F3}(2)

^{F1}(3)

^{F1}(4)

(a) shall have regard to the desirability of including persons who appear to him to have experience of, and to have shown capacity in, the provision of higher education or to have held, and to have shown capacity in, any position carrying responsibility for the provision of higher education and, in appointing such persons, he shall have regard to the desirability of their being currently engaged in the provision of higher education or in carrying responsibility for such provision, and

(b) shall have regard to the desirability of including persons who appear to him to have experience of, and to have shown capacity in, industrial, commercial or financial matters or the practice of any profession.

^{F4}(5)

^{F4}(6)

(7) In this Part of this Act references to ^{F5}... institutions in Wales—

(a) are to institutions whose activities are carried on, or principally carried on, in ^{F6}... Wales, but

(b) include ^{F7}... the Open University.

Changes to legislation: Further and Higher Education Act 1992, Section 62 is up to date with all changes known to be in force on or before 10 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F8}(7A) In exercising their functions, [^{F9}the HEFCW] shall have regard to the requirements of disabled persons.

(7B) In subsection (7A) “disabled persons” means persons who are disabled persons for the purposes of the [^{F10}Equality Act 2010].]

(8) Any dispute as to whether any functions are exercisable by [^{F11}the HEFCW or the Office for Students] shall be determined by the Secretary of State.

^{F1}(9)]

Textual Amendments

- F1** S. 62 omitted (1.8.2024 to the extent it omits section 62(1)(3)(4)(9)) by virtue of [Tertiary Education and Research \(Wales\) Act 2022 \(asc 1\)](#), s. 148(2), **Sch. 4 para. 6(3)(b)** (with s. 19); S.I. 2024/806, art. 3(c)(i) (with art. 28)
- F2** S. 62 heading substituted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), **Sch. 11 para. 14(2)**; S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2-4)
- F3** S. 62(2) omitted (1.4.2018) by virtue of [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), **Sch. 11 para. 14(4)**; S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2-4)
- F4** S. 62(5)(6) omitted (1.4.2018) by virtue of [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), **Sch. 11 para. 14(6)**; S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2-4)
- F5** Words in s. 62(7) omitted (1.4.2018) by virtue of [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), **Sch. 11 para. 14(7)(a)**; S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2-4)
- F6** Words in s. 62(7)(a) omitted (1.4.2018) by virtue of [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), **Sch. 11 para. 14(7)(b)**; S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2-4)
- F7** Words in s. 62(7)(b) omitted (1.4.2018) by virtue of [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), **Sch. 11 para. 14(7)(c)**; S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2-4)
- F8** S. 62(7A)(7B) inserted (31.7.1996) by 1995 c. 50, s. 30(5) (with ss. 59, 64, 65); S.I. 1996/1474, art. 2(2), **Sch. Pt.II**
- F9** Words in s. 62(7A) substituted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), **Sch. 11 para. 14(8)**; S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2-4)
- F10** Words in s. 62(7B) substituted by [Equality Act 2010 \(c. 15\)](#), Sch. 26 Pt. 1 para. 23 (as inserted (1.10.2010) by S.I. 2010/2279, art. 1(2), **Sch. 1 para. 5** (see S.I. 2010/2317, art. 2))
- F11** Words in s. 62(8) substituted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), **Sch. 11 para. 14(9)**; S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2-4)

Modifications etc. (not altering text)

- C1** S. 62 modified (temp.) (1.8.2024) by [The Tertiary Education and Research \(Wales\) Act 2022 \(Commencement No. 4 and Transitory and Transitional Provisions\) Order 2024 \(S.I. 2024/806\)](#), **art. 18(1)(3)** (with art. 28)
- C2** S. 62(7) applied (31.3.1999) by S.I. 1999/603, **art. 3(2)**.
- C3** S. 62(8) modified (1.7.1999) by S.I. 1999/672, art. 5, **Sch.2**.

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Commencement Information

II S. 62 wholly in force at 6.5.1992 see s. 94(3) and [S.I. 1992/831, art. 2, Sch. 1](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 16(6) inserted by [2007 c. 25 s. 14\(4\)](#)
- s. 17(2)(aa) inserted by [2007 c. 25 s. 14\(5\)\(b\)](#)
- s. 27(3A)(3B) inserted by [2007 c. 25 s. 15\(4\)](#)
- s. 27(9) inserted by [2007 c. 25 s. 15\(7\)](#)
- s. 51(1)-(2A) substituted for s. 51(1)(2) by [2007 c. 25 s. 16\(2\)](#)
- s. 76(8)(9) inserted by [2017 c. 29 s. 52\(4\)](#)
- s. 85D inserted by [2009 c. 22 s. 247](#)
- s. 85D(7) words inserted by [S.I. 2016/413 reg. 140](#) (This amendment comes into force on the day that section 85D of the Further and Higher Education Act 1992 (c. 13) comes into force. That provision is still prospective.)