

*These notes refer to the Higher Education Act 2004  
(c.8) which received Royal Assent on 1 July 2004*

# HIGHER EDUCATION ACT 2004

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## EXPLANATORY NOTES

### BACKGROUND

3. This Act is intended to assist in the implementation of a number of policies set out in the White Paper *The future of higher education* (Cm 5735), published on 22 January 2003 and available on the website [www.dfes.gov.uk/highereducation](http://www.dfes.gov.uk/highereducation), which set out the Government's position on higher education as a whole. Further detail on proposals to create an Office for Fair Access was contained in *Widening participation in higher education*, published on 8 April 2003, and available on the same website. The Act also contains provisions relating to three matters not covered by the White Paper: the provision of new powers to share information relating to student support, the exclusion of the jurisdiction of the Visitor over staff disputes, and the devolution of the tuition fee regime and student support in relation to Wales to the National Assembly for Wales.

### *Territorial Coverage*

4. [Part 1](#) of the Act extends to England, Wales, Scotland, and Northern Ireland. Provisions on information sharing apply to students in England and Wales, and student support authorities in England, Wales, Scotland and Northern Ireland. Provisions on the effect of bankruptcy extend to England, Wales, and Northern Ireland. Provision to amend section 22(3) of the Teaching and Higher Education Act 1998 extends to England, Wales, and Northern Ireland. The remainder of the Act extends to England and Wales only.
5. Annex A provides further detail on the provisions that affect the powers of the National Assembly for Wales.

### *Abbreviations*

6. Annex B contains a list of all abbreviations of terms used in these notes.