

Status: Point in time view as at 01/05/2012.

Changes to legislation: There are currently no known outstanding effects for the Education Act 2011, Cross Heading: HEA 2004. (See end of Document for details)

SCHEDULES

SCHEDULE 5

ABOLITION OF THE TDA: CONSEQUENTIAL AMENDMENTS

HEA 2004

18 Part 3 of HEA 2004 (student fees and fair access) is amended as follows.

Commencement Information

II Sch. 5 para. 18 in force at 1.4.2012 by S.I. 2012/924, art. 2

19 For section 23, substitute—

“23 Duty of Secretary of State to impose condition as to student fees, etc

- (1) Subsection (2) applies to a grant made by the Secretary of State to the Higher Education Funding Council for England under section 68 of the 1992 Act.
- (2) The grant must be made subject to a condition requiring the Council to impose a condition under section 24 in relation to any grants, loans or other payments made by the Council under section 65 of the 1992 Act to the governing body of a relevant institution.
- (3) Subsection (4) applies to financial assistance given by the Secretary of State under section 14 of the Education Act 2002 to the governing body of a relevant institution.
- (4) The terms on which the financial assistance is given must include a condition under section 24.
- (5) “Relevant institution” means—
 - (a) in the case of a grant to which subsection (2) applies, an institution specified, or of a class specified, by the Secretary of State in a condition under subsection (2);
 - (b) in the case of financial assistance to which subsection (4) applies, an institution specified, or of a class specified, by order made by the Secretary of State for the purposes of that subsection.”

Commencement Information

I2 Sch. 5 para. 19 in force at 1.4.2012 by S.I. 2012/924, art. 2

20 (1) Section 24 (condition to be imposed by English funding bodies) is amended as follows.

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- (2) In subsection (3)—
- (a) in paragraph (a)(ii), for the words from “of other” to “section 23” substitute “ (where the funding body is the Higher Education Funding Council for England) of other financial requirements determined by the Council in accordance with principles specified by the Secretary of State in the condition under section 23(2) ”;
 - (b) in paragraph (b), for the words from “financial requirements” to “section 23” substitute “—
 - (i) where the funding body is the Higher Education Funding Council for England, financial requirements determined by the Council in accordance with principles specified by the Secretary of State in the condition under section 23(2);
 - (ii) where the funding body is the Secretary of State, such financial requirements as the Secretary of State thinks appropriate”;
- (3) In subsection (4)(c), for “78 of the 2005 Act” substitute “ 14 of the Education Act 2002 ”.
- (4) In subsection (6)—
- (a) for the definition of “funding body” substitute—

““funding body” means—

 - (a) in the case of a grant, loan or other payment made under section 65 of the 1992 Act, the Higher Education Funding Council for England;
 - (b) in the case of financial assistance given by the Secretary of State under section 14 of the Education Act 2002 to the governing body of a relevant institution, the Secretary of State;”;
 - (b) in the definition of “the grant period”, for “to which the relevant condition under section 23 relates” substitute “ in question ”.

Commencement Information

I3 Sch. 5 para. 20 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 21 (1) Section 27 (power of NAW to impose conditions as to student fees, etc) is amended as follows.
- (2) In subsection (1)—
- (a) omit “82(1) or”;
 - (b) for “a funding body” substitute “ the Higher Education Funding Council for Wales ”;
 - (c) for “the funding body” (in both places) substitute “ the Council ”;
 - (d) omit “78 or”.
- (3) In subsection (2), omit the definition of “funding body”.

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Commencement Information

I4 Sch. 5 para. 21 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 22 (1) Section 28 (condition that may be required to be imposed by Welsh funding bodies) is amended as follows.
- (2) In subsection (3), for “funding body” substitute “ Higher Education Funding Council for Wales ”.
- (3) In subsection (4)(c), omit “78 or”.
- (4) In subsection (6), omit the definition of “funding body”.
- (5) In the heading, for “Welsh funding bodies” substitute “ HEFCW ”.

Commencement Information

I5 Sch. 5 para. 22 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 23 In section 29 (sections 23 to 28: supplementary provisions), in subsection (3)—
- (a) after “1992 Act” insert “ , the Education Act 2002 ”;
- (b) for “ , the Higher Education Funding Council for Wales or the Training and Development Agency for Schools ” substitute “ or the Higher Education Funding Council for Wales ”;
- (c) in paragraph (a), for “under section 23 imposed” substitute “ or terms imposed by virtue of section 23 ”;
- (d) in paragraph (c), for “that Agency” substitute “ the Secretary of State ”.

Commencement Information

I6 Sch. 5 para. 23 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 24 In section 31 (Director of Fair Access to Higher Education), in subsection (5), for “from the Training and Development Agency for Schools under section 78 of the 2005 Act” substitute “ financial assistance from the Secretary of State under section 14 of the Education Act 2002 ”.

Commencement Information

I7 Sch. 5 para. 24 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 25 In section 34 (approval of plans), for subsection (1) substitute—
- “(1) The governing body of any institution which—
- (a) is or may become eligible to receive grants under section 65 of the 1992 Act or section 86 of the 2005 Act, or
- (b) provides higher education and is or may become eligible to receive financial assistance from the Secretary of State under section 14 of the Education Act 2002,

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may apply to the relevant authority for approval of a proposed plan relating to the institution.”

Commencement Information

I8 Sch. 5 para. 25 in force at 1.4.2012 by S.I. 2012/924, art. 2

26 In section 37 (enforcement of plans: England), in subsection (1)(a), for “Training and Development Agency for Schools” substitute “ Secretary of State ”.

Commencement Information

I9 Sch. 5 para. 26 in force at 1.4.2012 by S.I. 2012/924, art. 2

27 In section 38 (enforcement of plans: Wales), in subsection (4), omit “or the Training and Development Agency for Schools”.

Commencement Information

I10 Sch. 5 para. 27 in force at 1.4.2012 by S.I. 2012/924, art. 2

28 (1) Section 40 (provision of information) is amended as follows.

(2) In subsection (1), omit “and the Training and Development Agency for Schools”.

(3) After subsection (1B) insert—

“(1C) The Secretary of State may provide the Director with information for the purposes of the exercise by the Director of the Director's functions.”

(4) In subsection (2)—

(a) for “Training and Development Agency for Schools” substitute “ Secretary of State ”;

(b) for “the Agency” substitute “ the Secretary of State ”;

(c) for “either of those bodies for the purposes of its functions” substitute “—

(a) the Council for the purposes of its functions, or

(b) the Secretary of State for the purposes of the Secretary of State's functions relating to training for members of the school workforce (within the meaning of Part 3 of the 2005 Act).”

Commencement Information

I11 Sch. 5 para. 28 in force at 1.4.2012 by S.I. 2012/924, art. 2

29 In section 41 (interpretation of Part 3), in subsection (2)(a)—

(a) omit “78 or”;

(b) after “2005 Act,” insert “ or financial assistance under section 14 of the Education Act 2002, ”.

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Commencement Information

I12 Sch. 5 para. 29 in force at 1.4.2012 by S.I. 2012/924, art. 2

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