

2015 No. 1353

CONSTITUTIONAL LAW

DEVOLUTION, WALES

EDUCATION, ENGLAND AND WALES

**The Higher Education (Wales) Act 2015 (Consequential
Provision) Order 2015**

Made - - - - - *4th June 2015*

Laid before Parliament *9th June 2015*

Coming into force - - - *1st September 2015*

The Secretary of State makes the following Order in exercise of the powers conferred by section 150(1) and (2) of the Government of Wales Act 2006(a).

Title and commencement

1.—(1) The title of this Order is the Higher Education (Wales) Act 2015 (Consequential Provision) Order 2015.

(2) This Order comes into force on 1st September 2015.

Interpretation

2. In this Order—

“the 2015 Act” means the Higher Education (Wales) Act 2015(b);

“external provider” has the same meaning as in section 17 of the 2015 Act; and

“regulated institution” has the same meaning as in section 7 of the 2015 Act.

Provision in consequence of the Higher Education (Wales) Act 2015

3. For the purpose of Part 2 of the 2015 Act (fee and access plans) a course that is wholly or principally provided in England by an institution within section 2(3) of the 2015 Act is to be treated as being a course wholly or principally provided in Wales.

4.—(1) For the purpose of Part 3 of the 2015 Act (quality of education), education provided in England—

(a) by a regulated institution, or

(a) 2006 c. 32.
(b) 2015 anaw 1.

(b) on behalf of a regulated institution (whether by another regulated institution or by an external provider),

is to be treated as being education provided in Wales.

(2) For the purposes of paragraph (1), any education that is part of a course provided principally in England is to be treated as education provided in England.

4th June 2015

Stephen Crabb
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in consequence of the Higher Education (Wales) Act 2015.

That Act enables an institution in Wales which provides higher education and which is a charity to apply to the Higher Education Funding Council for Wales (HEFCW) for approval of a fee and access plan. Section 5 of the Act requires a fee and access plan to set a fee limit for certain courses and section 10 prevents an institution from charging fees in excess of those limits. HEFCW can take action to ensure compliance.

The effect of article 3 of this Order is that where such an institution provides a course in England, the provisions of the Act about fee limits apply to that course in the same way as they apply to courses provided by the institution in Wales.

Part 3 of the Act requires HEFCW to assess the quality of education provided in Wales by or on behalf of a regulated institution (i.e. an institution in Wales with a fee and access plan) and enables HEFCW to take steps if satisfied that the quality of education is inadequate or likely to become inadequate.

The effect of article 4 of this Order is that where education in England is provided by or on behalf of a regulated institution, HEFCW's functions in relation to the assessment of the quality of the education provided by the institution apply to that education in the same way as they apply to the education provided by that institution in Wales.

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