
W E L S H S T A T U T O R Y
I N S T R U M E N T S

2017 No. 239 (W. 65) (C. 21)

EDUCATION, WALES

**The Higher Education (Wales) Act
2015 (Commencement No. 3) Order
2017**

EXPLANATORY NOTE

(This note is not part of the Order)

This is the third commencement order made by the Welsh Ministers under the Higher Education (Wales) Act 2015 (“the Act”). It brings into force on 1 August 2017 those provisions of the Act which are not already in force.

The first commencement order made under the Act was the Higher Education (Wales) Act 2015 (Commencement No.1 and Saving Provision) Order 2015 (S.I. 2015/1327) (W. 122) (C. 74). The second commencement order made under the Act was the Higher Education (Wales) Act 2015 (Commencement No.2) Order 2016 (S.I. 2016/110) (W. 54) (C. 9).

Article 2(a) brings section 13 of the Act into force. Section 13 enables the Higher Education Funding Council for Wales (“HEFCW”) to give a direction to the governing body of an institution where HEFCW are satisfied that the governing body has failed, or is likely to fail, to comply with a general requirement of the institution’s approved plan.

Article 2(b) brings section 15(1)(b) to (d) and section 15(2) of the Act into force. These provisions concern HEFCW’s duty to monitor compliance with the general requirements of approved plans and to evaluate the effectiveness of approved plans.

Article 2(c) brings section 26 of the Act into force. Section 26 provides for the application of Part 3 of the Act where an institution ceases to have an approved plan.

Article 2(d) brings section 27(4) of the Act into force. Section 27(4) requires the governing body of a regulated institution to comply with any requirement imposed by the financial management code and to take into account any guidance contained in that code.

Article 2(e) brings sections 31 to 36 of the Act into force. These provisions concern HEFCW's duty to monitor, or make arrangements for the monitoring of, compliance by regulated institutions with the financial management code and HEFCW's powers in respect of an institution's failure, or likely failure, to comply with a requirement imposed by the code.

Article 2(f) brings section 37(1) to (6) and section 37(8) and (9) of the Act into force. These provisions concern HEFCW's power to give notice of refusal to approve a new fee and access plan.

Article 2(g) brings section 39(1) to (3) and section 39(5) of the Act into force. These provisions concern HEFCW's power to withdraw their approval of a fee and access plan.

Article 2(h) brings section 41(1)(c) and section 41(1)(e) to (g) of the Act into force. These provisions concern the warning notice and review procedure applicable in relation to certain notices and directions that may be given by HEFCW.

Article 2(i) brings section 50 of the Act into force. Section 50 provides for annual reports to be made by HEFCW.

Article 2(j) brings section 51(1)(b) to (d) and section 51(1)(f) of the Act into force. These provisions concern the making of special reports by HEFCW.

Article 2(k) brings section 54(2) of the Act into force. Section 54(2) requires the governing body of a regulated institution, in exercising its functions, to take into account information or advice given by HEFCW under section 54(1)(b).

Article 2(l) and article 2(m) bring into force the remaining minor and consequential amendments in Part 1 of the Schedule to the Act. These are amendments to sections 83 and 91 of the Further and Higher Education Act 1992, section 4 of the Education Act 1996 and section 140 of the Education Act 2002.

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2017**

Made

1 March 2017

The Welsh Ministers, in exercise of the powers conferred upon them by section 59(2) of the Higher Education (Wales) Act 2015⁽¹⁾, make the following Order:

Title and interpretation

1.—(1) The title of this Order is the Higher Education (Wales) Act 2015 (Commencement No. 3) Order 2017.

(2) In this Order, “the Act” (“*y Ddeddf*”) means the Higher Education (Wales) Act 2015.

Provisions coming into force on 1 August 2017

2. The following provisions of the Act come into force on 1 August 2017—

- (a) section 13 (directions in respect of failure to comply with general requirements of approved plan);
- (b) section 15(1)(b) to (d) and section 15(2) (HEFCW’s duty to monitor compliance and evaluate effectiveness);
- (c) section 26 (application of Part 3 where institution ceases to have approved plan);
- (d) section 27(4) (duties of the governing body of a regulated institution in respect of the financial management code);
- (e) sections 31 to 36 (monitoring compliance with code and powers in respect of failure to comply with code);

⁽¹⁾ 2015 anaw 1.

- (f) section 37(1) to (6) and section 37(8) and (9) (notice of refusal to approve new fee and access plan);
- (g) section 39(1) to (3) and section 39(5) (power to withdraw approval);
- (h) section 41(1)(c) and section 41(1)(e) to (g) (application of sections 42 to 44);
- (i) section 50 (annual reports);
- (j) section 51(1)(b) to (d) and section 51(1)(f) (special reports);
- (k) section 54(2) (duty of the governing body of a regulated institution in respect of information or advice given by HEFCW under section 54(1)(b));
- (l) section 58(1) (minor and consequential amendments) in so far as it relates to the paragraphs of Part 1 of the Schedule referred to in paragraph (m); and
- (m) in Part 1 of the Schedule (minor and consequential amendments)—
 - (i) paragraph 1 in so far as it relates to paragraphs 3 and 4; and
 - (ii) paragraphs 3 to 6.

Kirsty Williams

Cabinet Secretary for Education, one of the Welsh
Ministers

1 March 2017