

HIGHER EDUCATION (WALES) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS OF THE ACT

Part 8 – General

Schedule

151. Part 1 of the Schedule (paragraphs 1 to 26) lists those enactments to which consequential amendments are made. One effect of Part 1 of the Schedule will be to repeal the provisions of the Higher Education Act 2004 concerned with fee plans in so far as they relate to Wales.
152. Part 2 of the Schedule (paragraphs 27 to 31) makes provision for transitional arrangements. Transitional arrangements will apply to fee plans approved under the Higher Education Act 2004 which set fee limits for academic years beginning during the transitional period, which is the period up to and including 31 August 2017. The arrangements will provide for those plans to be treated as fee and access plans approved under the Act for certain purposes. This will allow institutions with fee plans approved before the Act comes into force to operate, to a limited extent, under the regulatory scheme established by the Act.
153. Institutions that are subject to the transitional arrangements will be subject to most of the provisions of the Act relating to limits on student fees and quality of education, but will not be subject to the Code.
154. Transitional arrangements will require the Welsh Ministers to consult institutions with fee plans approved under the Higher Education Act 2004 on any regulations to be made under section 4(3) during the transitional period. Transitional arrangements will also require HEFCW to consult such institutions on any guidance to be issued or approved under section 24, on a draft Code and on a draft Statement of intervention policy. HEFCW will also be able to provide advice and assistance (under section 54(1)) to those institutions. It is anticipated that HEFCW will prepare and consult on the statement of intervention policy and the Code during the transitional period (see paragraph 29(2) of the Schedule). It is anticipated that the statement and the Code will take effect from September 2017.