



Higher Education (Wales) Act 2015

2015 anaw 1

PART 5

FEE AND ACCESS PLANS: WITHDRAWAL OF APPROVAL ETC

Withdrawal of approval of existing fee and access plan

38 Duty to withdraw approval

- (1) If HEFCW are satisfied that a regulated institution is no longer within section 2(3), they must withdraw their approval of the fee and access plan relating to the institution by giving notice under this section to the institution's governing body.
- (2) Regulations may make provision about—
 - (a) matters to be taken into account by HEFCW in making a determination for the purposes of this section;
 - (b) the procedure to be followed in connection with giving notice under this section.
- (3) Regulations making provision as described in subsection (2)(b) may (among other things) amend or apply, with or without modifications, any provision made by or under sections 41 to 44.

Annotations:

Commencement Information

- I1** S. 38(1) in force at 1.8.2016 by S.I. 2016/110, art. 3(a)
- I2** S. 38(2) in force at 20.5.2015 for specified purposes by S.I. 2015/1327, art. 2(1)
- I3** S. 38(3) in force at 3.2.2016 by S.I. 2016/110, art. 2(a)

Changes to legislation: There are currently no known outstanding effects for the Higher Education (Wales) Act 2015, Cross Heading: Withdrawal of approval of existing fee and access plan. (See end of Document for details)

39 Power to withdraw approval

- (1) If HEFCW are satisfied that a condition in subsection (2) is met in respect of a regulated institution, they may withdraw their approval of the fee and access plan relating to the institution by giving notice under this section to the institution's governing body.
- (2) The conditions are that—
 - (a) the governing body of the institution has persistently failed to comply with section 10(1) (duty to ensure that regulated course fees do not exceed applicable fee limit) or has failed to comply with a compliance and reimbursement direction,
 - (b) the governing body has persistently failed to comply with the general requirements of the institution's approved plan or has failed to comply with a direction under section 13 (directions in respect of failure to comply with general requirements of approved plan),
 - (c) the quality of education provided by or on behalf of the institution is seriously inadequate, or
 - (d) there has been serious failure by the governing body of the institution to comply with the Code.
- (3) A governing body is not to be treated for the purposes of subsection (2)(b) as having failed to comply with a general requirement of an approved plan if HEFCW are satisfied that the governing body has taken all reasonable steps to comply with the requirement.
- (4) Regulations may make provision about matters to be taken into account by HEFCW in deciding whether to give notice under this section.
- (5) For procedural provision about notice under this section, see sections 41 to 44.

Annotations:

Commencement Information

I4 S. 39(1)-(3)(5) in force at 1.8.2017 by [S.I. 2017/239](#), **art. 2**

I5 S. 39(4) in force at 20.5.2015 for specified purposes by [S.I. 2015/1327](#), **art. 2(m)**

Changes to legislation:

There are currently no known outstanding effects for the Higher Education (Wales) Act 2015,
Cross Heading: Withdrawal of approval of existing fee and access plan.