



# Higher Education (Wales) Act 2015

2015 anaw 1

## PART 7

### SUPPLEMENTARY PROVISION ABOUT FUNCTIONS OF HEFCW

#### *Exercise of functions by HEFCW*

#### **47 Compatibility with charity law and governing documents of institutions**

- (1) Nothing in this Act confers power on HEFCW to require the governing body of an institution to do anything that is incompatible with—
- (a) any legal obligation or legal restriction that applies to the governing body by virtue of the institution being a charity, or
  - (b) the governing documents of the institution.
- (2) For the purposes of subsection (1)(b), the governing documents of an institution are—
- (a) in the case of an institution established by Royal charter—
    - (i) the institution's charter, and
    - (ii) any instrument relating to the conduct of the institution the making or amendment of which requires the approval of the Privy Council;
  - (b) in the case of an institution conducted by a higher education corporation, the corporation's instrument of government and the institution's articles of government;
  - (c) in the case of an institution conducted by a further education corporation, the corporation's instrument of government and articles of government;
  - (d) in the case of an institution designated under section 129 of the Education Reform Act 1988 or section 28 of the Further and Higher Education Act 1992, the institution's instrument of government and articles of government;
  - (e) in the case of an institution not falling within paragraphs (a) to (d) that is conducted by a company, the company's memorandum and articles of association.

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**Changes to legislation:** Higher Education (Wales) Act 2015, Section 47 is up to date with all changes known to be in force on or before 26 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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#### Commencement Information

**II** S. 47 in force at 25.5.2015 by [S.I. 2015/1327](#), [art. 3\(e\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act repealed by [2022 asc 1 Sch. 4 para. 31](#)