

HIGHER EDUCATION (WALES) BILL – TABLE OF DERIVATIONS

This document is intended as an informal aid to debate on the Bill in the National Assembly for Wales. While care has been taken to ensure that the document is as accurate as reasonably practicable, it does not purport to be, and should not be relied on as, authoritative.

The attached tables are intended to provide information on the derivation of the provisions of the Higher Education (Wales) Bill. They do not provide definitive or exhaustive guidance, and should be read in conjunction with the Bill and with the explanatory notes on the Bill.

Key to Abbreviations

- (1) HEA 2004: Higher Education Act 2004;
- (2) FHEA 1992: Further and Higher Education Act 1992;
- (3) S.I. 2011/884: The Student Fees (Approved Plans) (Wales) Regulations 2011; and
- (4) “s.” denotes section.

HIGHER EDUCATION (WALES) BILL – TABLE OF DERIVATIONS		
SECTION/PARAGRAPH	EXISTING LEGISLATION	SUBSTANTIVE CHANGE
PART 1 – Introduction		
1	New	-
PART 2 – Fee and Access Plans		
2	s.34(1), HEA 2004	Yes
3	New	-
4	s.35, HEA 2004	Partial
5(1)	s.33(1), HEA 2004	Partial
5(2)(a)	s.33(1), HEA 2004	Partial
5(2)(b)	s.28(6), HEA 2004 (definition of “qualifying course”)	Partial
5(2)(c)	s.28(6), HEA 2004 (definition of “academic year”)	Partial
5(3)	s.33(1), HEA 2004	Partial
5(4)	s.33(1), HEA 2004	Partial
5(5)	s.28(6) (definition of “qualifying person”) and s.29(1), HEA 2004	Partial
5(6)	s.41(1), HEA 2004 (definition of “course”)	No
5(7)	s.29(2), HEA 2004	No
5(8)	s.29(1), HEA 2004	Partial
5(9)	s.28(5), HEA 2004	Yes
6(1)	s.33(3)(a), HEA 2004	No
6(2)	s.33(3)(b), HEA 2004	No
6(3)(a)	s.33(5)(a), HEA 2004	No
6(3)(b)	New	-
6(3)(c)	s.33(5)(b), HEA 2004	No
6(3)(d)	s.33(5)(c), HEA 2004	No
6(4)(a)	s.33(5)(d), HEA 2004	No

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SECTION/PARAGRAPH	EXISTING LEGISLATION	SUBSTANTIVE CHANGE
6(4)(b)	New	-
6(4)(c)	s.33(5)(e), HEA 2004	No
6(5)	s.33(6), HEA 2004	No
6(6)	s.33(5)(a), HEA 2004	No
6(7)	s.33(4), HEA 2004	No
7(1)	s.34(2) and s.34(4), HEA 2004 and regulation 5 of S.I. 2011/884	Partial
7(2)	New	-
7(3)	s.34(4), s.34(5) and s.34(7)(b), HEA 2004	No
7(4)	New	-
7(5)	New	-
7(6)	New	-
7(7)	New	-
8	s.34(6), HEA 2004	No
9	s.36(1) and s.36(2)(b), HEA 2004	No
10(1)	s.28(1)(a), HEA 2004	Yes
10(2)	New	-
10(3)	s.28(1)(a) and s.28(6) (definition of “qualifying fees”), HEA 2004	Yes
10(4)	New	-
10(5)	s.28(1)(a), HEA 2004	Yes
11	New	-
12	New	-
13	New	-
14	New	-
15(1)(a)	s.33(5)(f), HEA 2004	Yes
15(1)(b)	s.33(5)(f), HEA 2004	Yes
15(1)(c)	New	-

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15(1)(d)	New	-
15(2)	New	-
16(1)	s.33(5)(f), HEA 2004	Yes
16(2)	New	-
PART 3 – Quality of Education		
17(1)	s.70(1)(a), FHEA 1992	Yes
17(2)	New	-
17(3)	New	-
17(4)	New	-
18	New	-
19	New	-
20	New	-
21	New	-
22	New	-
23	New	-
24	New	-
25(1)	s.70(1)(b), FHEA 1992	Partial
25(2)	s.70(1)(b), FHEA 1992	Partial
25(3)(a)	s.70(2)(b), FHEA 1992	No
25(3)(b)	s.70(3), FHEA 1992	Partial
25(4)	s.70(3), FHEA 1992	No
25(5)	s.70(4), FHEA 1992	No
26	New	-
PART 4 – Financial Affairs of Regulated Institutions		
27	New	-
28	New	-
29	New	-
30	New	-
31	New	-
32	New	-

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SECTION/PARAGRAPH	EXISTING LEGISLATION	SUBSTANTIVE CHANGE
33	New	-
34	New	-
35	New	-
PART 5 – Fee and Access Plans: Withdrawal of Approval etc		
36(1)	s.38(1), HEA 2004	Partial
36(2)	s.38(1), HEA 2004	Partial
36(3)(a)	s.38(1), HEA 2004	Partial
36(3)(b)	s.38(1), HEA 2004	Partial
36(3)(c)	New	-
36(3)(d)	New	-
36(4)	New (although similar provision in force in relation to England under s.37(2), HEA 2004)	-
36(5)	New	-
36(6)	New	-
36(7)(a)	s.38(2), HEA 2004	No
36(7)(b)	s.38(3)(a), HEA 2004	Partial
36(7)(c)	New	-
36(8)	s.38(3)(b), HEA 2004	Yes
37	New	-
38	New	-
39	New	-
PART 6 – Notices and Directions Given by HEFCW		
40(1)(a)	s.34(4) and s.39, HEA 2004 and regulations 5, 11(a) and 12 to 18 of SI 2011/884	Partial
40(1)(b)	New	-
40(1)(c)	New	-
40(1)(d)	New	-
40(1)(e)	s.38(3)(b) and s.38(3)(c),	Partial

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SECTION/PARAGRAPH	EXISTING LEGISLATION	SUBSTANTIVE CHANGE
	HEA 2004 and regulations 10, 11(c) and 12 to 18 of SI 2011/884	
40(1)(f)	New	-
40(2)	New	-
41	<p>s.34(4), HEA 2004 and regulation 5 of SI 2011/884 (in so far as s.41 of the Bill relates to a notice under s.7(1)(b) of the Bill)</p> <p>s.38(3)(b) and s.38(3)(c), HEA 2004 and regulation 10 of SI 2011/884 (in so far as s.41 of the Bill relates to a notice under s.36 of the Bill)</p> <p>Otherwise, section 41 of the Bill is new (in terms of a direction under s.11, s.19 or s.32 of the Bill or a notice under s.38 of the Bill)</p>	Partial
42	<p>s.34(4), HEA 2004 and regulation 5 of SI 2011/884 (in so far as s.42 of the Bill relates to a notice under s.7(1)(b) of the Bill)</p> <p>s.38(3)(b) and s.38(3)(c), HEA 2004 and regulation 10 of SI 2011/884 (in so far as s.41 of the Bill relates to a notice under s.36 of the Bill)</p> <p>Otherwise, s. 42 of the Bill is new (in terms of a direction under s.11, s.19 or s.32 of the Bill or a notice under s.38 of the</p>	Yes

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SECTION/PARAGRAPH	EXISTING LEGISLATION	SUBSTANTIVE CHANGE
	Bill)	
43	s.39, HEA 2004 and regulations 11 to 18 of SI 2011/884 (in so far as s.43 of the Bill relates to a notice under s.7(1)(b) of the Bill and a notice under s.36 of the Bill) Otherwise, s. 43 of the Bill is new (in terms of a direction under s.11, s.19 or s.32 of the Bill or a notice under s.38 of the Bill)	Partial
44	New	-
45	New	-
PART 7 – Supplementary Functions of HEFCW		
46	s.32(4), HEA 2004	No
47(1)	s.40A(1), HEA 2004	Partial
47(2) and (3)	s.40A(2), HEA 2004	Partial
47(4) and (5)	s.40A(1), HEA 2004	Partial
47(6)	New	-
48(1)(a)	New	-
48(1)(b)	s.40A(2), HEA 2004	Partial
48(1)(c)	s.40A(2), HEA 2004	Partial
48(1)(d)	New	-
48(1)(e)	New	-
48(2)	New	-
49	New	-
50(1)	s.40A(3)(a)	No
50(2)	s.40A(3)(b)	No
51(1)	s.40A(4)	Partial
51(2)	New	-

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SECTION/PARAGRAPH	EXISTING LEGISLATION	SUBSTANTIVE CHANGE
51(3) and (4)	New	-
PART 8 - General		
52	New	-
53	New	-
54	New	-
55	New	-
56	New	-
57	New	-
Schedule		
Part 1 (paragraphs 1 to 26)	Contains minor and consequential amendments	-
Part 2 (paragraphs 27 to 31)	New (contains transitional provision)	-