

**2011 No. 658 (W. 96)**

**EDUCATION, WALES**

**The Higher Education Act 2004  
(Relevant Authority) (Designation)  
(Wales) Regulations 2011**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations designate the Higher Education Funding Council for Wales (“the Council”) as the relevant authority in relation to Wales for the purposes of section 30 of the Higher Education Act 2004 (“the Act”).

The functions of the relevant authority in relation to Wales conferred by the Act are the approval and enforcement of plans submitted by those institutions in Wales who wish to charge tuition fees for full-time undergraduate courses in excess of the basic amount. The basic amount is prescribed in the Student Fees (Amounts) (Wales) Regulations 2011.

Regulation 2 designates the Council as the relevant authority. Regulation 3 amends the Act to confer additional functions relating to the provision of reports, information and advice on matters relating to the promotion of access to higher education and the promotion of higher education; and in relation to the identification of good practice.

The regulatory impact assessment applicable to these Regulations is available from the Welsh Assembly Government at Cathays Park, Cardiff, C10 3NQ.

**2011 No.658(W.96 )**

**EDUCATION, WALES**

**The Higher Education Act 2004  
(Relevant Authority) (Designation)  
(Wales) Regulations 2011**

*Made* 7 March 2011

*Laid before the National Assembly for Wales*  
8 March 2011

*Coming into force* 31 March 2011

The Welsh Ministers, in exercise of the powers conferred by section 30 of the Higher Education Act 2004(1) (“the Act”) and now exercisable by them(2), make the following Regulations.

In accordance with section 30(3) of the Act, it appears to the Welsh Ministers to be expedient to amend the Act as set out in regulation 3, in connection with the designation of the Higher Education Funding Council for Wales as the relevant authority in relation to Wales.

**Title, commencement, application and interpretation**

1. The title of these Regulations is the Higher Education Act 2004 (Relevant Authority) (Designation) (Wales) Regulations 2011 and they come into force on 31 March 2011.

**Designation**

2. The Higher Education Funding Council for Wales is designated as the relevant authority in relation to

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(1) 2004 c.8.  
(2) The functions of the National Assembly for Wales as constituted by the Government of Wales Act 1998 (c.38) under the Higher Education Act 2004 were transferred to the Welsh Ministers by paragraph 30(2)(c) of Schedule 11 to the Government of Wales Act 2006 (c.32).

Wales for the purposes of section 30 of the Higher Education Act 2004.

**Amendments to the Higher Education Act 2004**

**3.**—(1) The Higher Education Act 2004 is amended as follows.

(2) After section 40 insert—

**“40A Provision of reports, information and advice by the relevant authority in relation to Wales**

(1) The relevant authority in relation to Wales must provide to the Welsh Ministers as soon as possible after the end of each financial year, a report on how the relevant authority has performed its functions during that year.

For this purpose, “financial year” means a period of 12 months ending on 31 March.

(2) The Welsh Ministers may require the relevant authority either in a report under subsection (1) or in a special report, to report to them on such matters related to the promotion of equality of opportunity in connection with access to higher education and the promotion of higher education as the Welsh Ministers may specify.

(3) The relevant authority in relation to Wales—

- (a) must provide the Welsh Ministers with such information and advice relating to the promotion of equality of opportunity in connection with access to higher education and the promotion of higher education as the Welsh Ministers may from time to time require;
- (b) may provide the Welsh Ministers with such information or advice relating to the promotion of equality of opportunity in connection with access to higher education and the promotion of higher education as it thinks fit.

(4) The relevant authority in relation to Wales may, where it considers it appropriate to do so—

- (a) identify good practice relating to the promotion of equality of opportunity in connection with access to higher education (whether full-time or part-time) and the promotion of higher education, and
- (b) give advice about such practice to publicly-funded institutions.

For this purpose, “publicly-funded institution” means any institution receiving grants, loans or other payments from the Higher Education Funding Council for Wales under section 65 of the 1992 Act or under section 86 of the 2005 Act.”.

*Leighton Andrews*

Minister for Children, Education and Lifelong Learning, one of the Welsh Ministers

7 March 2011