

SCHEDULES

SCHEDULE 11

Section 122

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 1

Public Records Act 1958

- 1 In Part 2 of the Table in paragraph 3 of Schedule 1 to the Public Records Act 1958 (definition of public records), omit—
- (a) “Director of Fair Access to Higher Education.”, and
 - (b) “Higher Education Funding Council for England.

Parliamentary Commissioner Act 1967

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation), omit—
- (a) “The Director of Fair Access to Higher Education.”, and
 - (b) “Higher Education Funding Council for England.

Superannuation Act 1972

- 3 In Schedule 1 to the Superannuation Act 1972 (kinds of employment to which a scheme under section 1 of the 1972 Act can apply), omit—
- (a) “Employment by the Director of Fair Access to Higher Education.”, and
 - (b) “Higher Education Funding Council for England.”

House of Commons Disqualification Act 1975

- 4 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices), omit—
- (a) “Director of Fair Access to Higher Education.”, and
 - (b) “Any member of the Higher Education Funding Council for England in receipt of remuneration.

Education (No. 2) Act 1986

- 5 (1) Section 43 of the Education (No. 2) Act 1986 (freedom of speech in universities etc) is amended as follows.
- (2) After subsection (4) insert—
- “(4A) The establishments in England to which this section applies are—
- (a) any registered higher education provider;
 - (b) any establishment of higher or further education which is maintained by a local authority;
 - (c) any institution within the further education sector.”

Status: This is the original version (as it was originally enacted).

- (3) In subsection (5), after “The establishments” insert “in Wales”.
- (4) In subsection (6), in the definition of “governing body”, for “in relation to any university” substitute “—
 - (a) in relation to a registered higher education provider, has the meaning given by section 85(1) of the Higher Education and Research Act 2017;
 - (b) in relation to a university in Wales.”.
- (5) In subsection (6), after the definition of “governing body” insert—

““registered higher education provider” has the meaning given by section 3(10) of the Higher Education and Research Act 2017;”.
- (6) After subsection (6) insert—

“(6A) For the purposes of this section—

 - (a) an establishment is taken to be in England if its activities are carried on, or principally carried on, in England;
 - (b) an establishment is taken to be in Wales if its activities are carried on, or principally carried on, in Wales.”
- (7) In subsection (7)(a), after “subsection” insert “(4A)(b) or”.

Education Reform Act 1988

- 6 The Education Reform Act 1988 is amended as follows.
- 7 In section 124B(2)(b) (accounts), for “the higher education funding council” substitute “the Higher Education Funding Council for Wales”.
- 8 (1) Section 128 (dissolution of higher education corporations) is amended as follows.
 - (2) In subsection (1)(b)(iii), for “a higher education funding council” substitute “the Higher Education Funding Council for Wales”.
 - (3) In subsection (4)(b), for “the higher education funding council” substitute “the Higher Education Funding Council for Wales”.
- 9 In section 129(1) (designation of institutions), for “a higher education funding council” substitute “the Higher Education Funding Council for Wales”.
- 10 (1) Section 133 (payments in respect of persons employed in the provision of higher or further education) is amended as follows.
 - (2) In the heading, omit “by Polytechnics and Colleges Funding Council”.
 - (3) In subsection (1)—
 - (a) for “A higher education funding council shall” substitute “The Office for Students and the Higher Education Funding Council for Wales each”, and
 - (b) for “the council” substitute “they”.
- 11 In Schedule 7 (higher education corporations), in paragraph 18(2)(b), for “higher education funding council” substitute “Higher Education Funding Council for Wales”.

Further and Higher Education Act 1992

- 12 The Further and Higher Education Act 1992 is amended as follows.
- 13 In section 61 (interpretation of Part 1), omit subsection (3)(b).
- 14 (1) Section 62 (establishment of the Higher Education Funding Councils) is amended as follows.
- (2) In the heading, for “The Higher Education Funding Councils” substitute “The Higher Education Funding Council for Wales”.
- (3) In subsection (1)—
- (a) omit paragraph (a), and
- (b) in paragraph (b), after “them” insert “(referred to in this Act as “the HEFCW”)
- (4) Omit subsection (2).
- (5) In subsection (4), for “a council” substitute “the HEFCW”.
- (6) Omit subsections (5) and (6).
- (7) In subsection (7)—
- (a) omit “institutions in England or”,
- (b) in paragraph (a), omit “England or, as the case may be,”, and
- (c) in paragraph (b), omit “, in both cases,”.
- (8) In subsection (7A), for “each council” substitute “the HEFCW”.
- (9) In subsection (8), for “one of the councils” substitute “the HEFCW or the Office for Students”.
- (10) In subsection (9), for “each of the councils” substitute “the HEFCW”.
- 15 (1) Section 65 (administration of funds by councils) is amended as follows.
- (2) In the heading, for “councils” substitute “the HEFCW”.
- (3) In subsection (1)—
- (a) for “Each council” substitute “The HEFCW”, and
- (b) for “the council” substitute “the HEFCW”.
- (4) In subsection (2)(a), for “the council’s” substitute “the HEFCW’s”.
- (5) In subsection (3)—
- (a) for “A council” substitute “The HEFCW”, and
- (b) for “the council” substitute “the HEFCW”.
- (6) In subsection (3A)—
- (a) for “a Council” substitute “the HEFCW”, and
- (b) for “the Council” substitute “the HEFCW”.
- (7) In subsection (3B), for “the Council in question” substitute “the HEFCW”.
- (8) In subsection (4)—
- (a) for “a council” substitute “the HEFCW”, and
- (b) for “the council”, in each place, substitute “the HEFCW”.

Status: This is the original version (as it was originally enacted).

- 16 (1) Section 66 (administration of funds: supplementary) is amended as follows.
- (2) In subsection (1)—
- (a) for “a council” substitute “the HEFCW”, and
- (b) for “the council”, in each place, substitute “the HEFCW”.
- (3) In subsections (2) and (3), for “a council” substitute “the HEFCW”.
- (4) In subsection (4), for “the council” substitute “the HEFCW”.
- 17 (1) Section 68 (grants to councils) is amended as follows.
- (2) In the heading, for “councils” substitute “the HEFCW”.
- (3) In subsection (1), for “each of the councils” substitute “the HEFCW”.
- (4) In subsection (2)—
- (a) for “either of the councils” substitute “the HEFCW”, and
- (b) for “the council”, in each place, substitute “the HEFCW”.
- 18 (1) Section 69 (supplementary functions) is amended as follows.
- (2) In subsection (1), for “Each council” substitute “The HEFCW”.
- (3) Omit subsections (1A) and (1B).
- (4) In subsection (2), for “Each council” substitute “The HEFCW”.
- (5) In subsection (3), for “A council” substitute “The HEFCW”.
- (6) In subsection (4)—
- (a) in paragraph (a), for “an institution” substitute “an institution in Wales”, and
- (b) for “the council” substitute “the HEFCW”.
- (7) In subsections (5) and (6), for “a council” substitute “the HEFCW”.
- 19 Omit section 70 (England: assessment of quality of education provided by institutions).
- 20 (1) Section 79 (duty to give information to funding councils) is amended as follows.
- (2) In the heading, for “the funding councils” substitute “the HEFCW”.
- (3) For “a council” substitute “the HEFCW”.
- 21 Omit section 79A (Higher Education Funding Council for England’s power to request information from institutions that are exempt charities).
- 22 (1) Section 81 (directions) is amended as follows.
- (2) In subsection (1), for “each council” substitute “the HEFCW”.
- (3) In subsection (2), for “a council” substitute “the HEFCW”.
- (4) In subsection (3), for “the council”, in each place, substitute “the HEFCW”.
- 23 (1) Section 82 (joint exercise of functions) is amended as follows.
- (2) Omit subsections (1) to (1B).
- (3) In subsection (2), for “Great Britain” substitute “Wales and Scotland”.

Status: This is the original version (as it was originally enacted).

- (4) In subsection (2A), after “Scottish” insert “Further and”.
- (5) In subsection (3)(a)—
- (a) for “a higher education funding council” substitute “the HEFCW”,
 - (b) for “the National Assembly of Wales” substitute “the Welsh Ministers”,
 - (c) for “it is discharging its” substitute “they are discharging their”, and
 - (d) after “Scottish” insert “Further and”.
- 24 In section 83 (efficiency studies), in subsection (1B), for “A higher education funding council” substitute “The HEFCW”.
- 25 In section 91(4) (interpretation of Education Acts), for the words from “a council established under section 62” to the end substitute “the Higher Education Funding Council for Wales.
- 26 (1) Section 92 (index) is amended as follows.
- (2) Omit the entry for “council (in Part 2), or higher education funding council”.
 - (3) After the entry for “governing body” insert—
- | | | |
|------------|--|----------------|
| “the HEFCW | | section 62(1)” |
|------------|--|----------------|
- (4) For “institution in England or in Wales (in relation to higher education funding councils)” substitute “institution in Wales (in relation to the HEFCW)”.

Education Act 1994

- 27 (1) Section 18 of the Education Act 1994 (power to reimburse certain payments to persons formerly employed in teacher training) is amended as follows.
- (2) In subsection (1), for “A higher education funding council” substitute “The Office for Students or the Higher Education Funding Council for Wales”.
 - (3) In subsection (4)—
 - (a) for “a higher education funding council” substitute “the Office for Students or (as the case may be) the Higher Education Funding Council for Wales”, and
 - (b) for “the council” substitute “they”.

Education Act 1996

- 28 In section 13 of the Education Act 1996 (local authorities’ general responsibility for education), for subsection (2)(b) substitute—
- “(b) the Higher Education Funding Council for Wales, or
 - (c) the Office for Students.”

Freedom of Information Act 2000

- 29 (1) Schedule 1 to the Freedom of Information Act 2000 (public authorities to which that Act applies) is amended as follows.
- (2) In Part 4 (educational institutions), in paragraph 53(1)—
 - (a) after paragraph (a) insert—

Status: This is the original version (as it was originally enacted).

- “(aa) a registered higher education provider of a description prescribed by regulations made by the Secretary of State for the purposes of section 39(1) of the Higher Education and Research Act 2017,”
 - (b) in paragraph (c), after “institution” insert “in Wales”, and
 - (c) in paragraph (e), after “institution of” insert “a registered higher education provider which falls within paragraph (aa) or”.
- (3) In Part 4, in paragraph 53(2)—
- (a) after paragraph (a) insert—
 - “(aa) “registered higher education provider” has the meaning given by section 3(10) of the Higher Education and Research Act 2017,” and
 - (b) in paragraph (c), after “paragraph (c),” insert “the reference to an institution in Wales is to be construed in accordance with section 62(7) of that Act, and”.
- (4) In Part 6 (other public bodies), omit—
- (a) “The Director of Fair Access to Higher Education.”, and
 - (b) “The Higher Education Funding Council for England.

Higher Education Act 2004

- 30 (1) The Higher Education Act 2004 is amended as follows.
- (2) Omit sections 22 to 41 and Schedule 5 (student fees and fair access).
- (3) In section 47 (orders and regulations)—
- (a) in subsection (3), omit paragraphs (a) and (c), and
 - (b) omit subsection (4).
- (4) In section 48 (general interpretation), omit the definition of “the 2005 Act”.
- (5) In Schedule 6 (consequential amendments)—
- (a) omit paragraph 1 (amendment to the Public Records Act 1958),
 - (b) in paragraph 4 (amendment to the House of Commons Disqualification Act 1975), omit ““Director of Fair Access to Higher Education.””, and
 - (c) in paragraph 10 (amendment to the Freedom of Information Act 2000), omit ““The Director of Fair Access to Higher Education.””

Education Act 2005

- 31 (1) The Education Act 2005 is amended as follows.
- (2) In section 92 (joint exercise of functions)—
- (a) in subsection (2), for “Higher Education Funding Council for England” substitute “Office for Students”, and
 - (b) omit subsection (5).
- (3) In Schedule 14, omit paragraphs 26 to 35 (which amend provisions of Part 3 of the Higher Education Act 2004 which are repealed by this Schedule).

Equality Act 2010

- 32 In Part 1 of Schedule 19 to the Equality Act 2010 (authorities subject to public sector equality duty), omit “The Higher Education Funding Council for England.

Education Act 2011

- 33 In the Education Act 2011, omit the following (which amend provisions of Part 3 of the Higher Education Act 2004 which are repealed by this Schedule)—
- (a) section 77;
 - (b) paragraphs 18 to 29 of Schedule 5;
 - (c) paragraph 22 of Schedule 16.

Charities Act 2011

- 34 In Part 2 of Schedule 7 to the Charities Act 2011, omit paragraph 97 (which amends section 40 of the Higher Education Act 2004 which is repealed by this Schedule).

Counter-Terrorism and Security Act 2015

- 35 In section 32(5)(b) of the Counter-Terrorism and Security Act 2015 (monitoring of performance: further and higher education bodies) for “Higher Education Funding Council for England” substitute “Office for Students”.