

2011 No. 965 (W. 139)

EDUCATION, WALES

**The Higher Education Funding
Council for Wales (Supplementary
Functions) Order 2011**

EXPLANATORY NOTE

(This note is not part of the Order)

Section 69(5) of the Further and Higher Education Act 1992 provides that the Welsh Ministers may, by order, confer or impose on the Higher Education Funding Council for Wales such supplementary functions relating to the provision of education as they think fit.

This Order confers supplementary functions on the Higher Education Funding Council for Wales.

The functions conferred by this Order are functions exercisable by the Welsh Ministers in regulations made under section 22 of the Teaching and Higher Education Act 1998 which relate to the payment of tuition fee grant to higher education institutions (and the recovery of such grant) in respect of students starting designated higher education courses on or after 1 September 2012.

2011 No. 965 (W. 139)

EDUCATION, WALES

**The Higher Education Funding
Council for Wales (Supplementary
Functions) Order 2011**

Made 28 March 2011

Laid before the National Assembly for Wales
29 March 2011

Coming into force 19 April 2011

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by section 69(5) and 89(4) of the Further and Higher Education Act 1992(1), and now exercisable by them(2) make the following Order:

Title, commencement, application and interpretation

1.—(1) The title of this Order is the Higher Education Funding Council for Wales (Supplementary Functions) Order 2011 and it comes into force on 19 April 2011.

(2) This Order applies in relation to Wales.

(3) In this Order—

(a) “the 2011 Regulations” (“*Rheoliadau 2011*”) means the Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011(3); and

(1) 1992 c.13; section 89(4) was amended by the Further Education and Training Act 2007 (c. 25), section 26 and Schedule 1, paragraph 11.

(2) The functions of the Secretary of State under section 69(5) were transferred, so far as exercisable in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) – see the reference to the Further and Higher Education Act 1992 in Schedule 1 to that order. By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32) those functions are exercisable by the Welsh Ministers.

(3) S.I. 2011/886 (W. 130).

- (b) “new fee grant” (“*grant ffioedd newydd*”) has the meaning given by regulation 2(1) of the 2011 Regulations.

Supplementary Functions

2. The following functions, being functions of the Welsh Ministers under the 2011 Regulations⁽¹⁾, are conferred on the Higher Education Funding Council for Wales⁽²⁾—

- (a) functions relating to the payment of new fee grant under regulation 65 of the 2011 Regulations;
- (b) functions relating to the recovery of an overpayment of new fee grant under regulation 70 of the 2011 Regulations; and
- (c) functions relating to a request for and receipt of information under Schedule 3 to the 2011 Regulations, in so far as those functions relate to the payment or recovery of a new fee grant.

3. Nothing in this Order prevents the Welsh Ministers from exercising the functions described in article 2.

Leighton Andrews

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

28 March 2011

(1) Section 69(6) of the Further and Higher Education Act 1992 describes the circumstances in which a function is a supplementary function in relation to the Funding Council.

(2) Established by section 62 of the Further and Higher Education Act 1992.