WELSH STATUTORY INSTRUMENTS

2011 No. 297 (W.50) (C.13)

EDUCATION, WALES

The Higher Education Act 2004 (Commencement No. 3) (Wales) Order 2011

Made - - - - 9 February 2011

The Welsh Ministers, in exercise of the powers conferred upon the National Assembly for Wales by sections 47(1), 52(3) and 52(6) of the Higher Education Act 2004(**1**) and now exercisable by them(**2**) make the following Order:

Title and interpretation

1.—(1) The title of this Order is the Higher Education Act 2004 (Commencement No. 3) (Wales) Order 2011.

(2) In this Order:

"the 1998 Act" ("*Deddf 1998*") means the Teaching and Higher Education Act 1998(**3**);

"the 2004 Act" ("*Deddf 2004*") means the Higher Education Act 2004.

Provisions coming into force

2. The following provisions of the 2004 Act come into force on 11 February 2011—

(a) section 22 in relation to Wales;

(b) section 28(6) so far as enabling regulations to be made;

(c) sections 33 to 36 in relation to Wales so far as enabling regulations to be made;

(d) section 38 so far as enabling regulations to be made;

(e) section 39 in relation to Wales so far as enabling regulations to be made;

(f) section 41 in relation to Wales.

3. The following provisions of the 2004 Act come into force on 31 March 2011—

(a) section 27;

(b) section 28(1) to (5);

(**1**) 2004 c. 8.

(**2**) The functions of the National Assembly for Wales under sections 47(1), 52(3) and 52(6) were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**3**) 1998 c. 30.

(c) section 28(6) in so far as not commenced by article 2(b);

(d) section 30(2) and (3);

(e) section 32(4);

(f) section 38 in so far as not commenced by article 2(b).

4. The following provisions of the 2004 Act come into force on 31 March 2011 in relation to Wales—

(a) section 29;

(b) section 30(1);

(c) sections 33 to 36 in so far as not commenced by article 2(c);

(d) section 39 in so far as not commenced by article 2(e);

(e) section 49 so far as it relates to the provisions of Schedule 6 set out in paragraphs (g) and (h);

(f) section 50 in so far as it relates to the provisions of Schedule 7 set out in paragraphs (i) and (j);

(g) in Schedule 6, paragraph 7, the omission of section 26(3), (4) and (6) to (11) of the 1998 Act;

(h) in Schedule 6, paragraph 8;

(i) in Schedule 7, the repeal of section 26(3), (4) and (6) to (11) of the 1998 Act;

(j) in Schedule 7, the repeal in section 28(1) of the 1998 Act of the definitions of "fees" and "publicly-funded institution".

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

9 February 2011