
WELSH STATUTORY INSTRUMENTS

2013 No. 1733 (W. 172)

EDUCATION, WALES

**The Higher Education Funding Council for
Wales (Supplementary Functions) Order 2013**

<i>Made</i>	- - - -	<i>9 July 2013</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>15 July 2013</i>
<i>Coming into force</i>	- -	<i>31 August 2013</i>

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by sections 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 2013 and it comes into force on 31 August 2013.

(2) This Order applies in relation to Wales.

(3) In this Order—

- (a) “the 2012 Regulations” (“*Rheoliadau 2012*”) means the Education (Student Support) (Wales) Regulations 2012(3); and
- (b) “new fee grant” (“*grant newydd at ffioedd*”) has the meaning given by regulation 2(1) of the 2012 Regulations.

Supplementary Functions

2. The following functions, being functions of the Welsh Ministers under the 2012 Regulations, are conferred on the Higher Education Funding Council for Wales(4)—

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- (1) 1992 c.13; section 89(4) was amended by the Further Education and Training Act 2007 (c.25), section 29 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). 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. 2012/3097 (W.313) as amended by S.I. 2013/765 (W.91).
 - (4) Established by section 62 of the Further and Higher Education Act 1992.

- (a) functions relating to the payment of new fee grant under regulation 69 of the 2012 Regulations;
- (b) functions relating to the recovery of an overpayment of new fee grant under regulation 74 of the 2012 Regulations; and
- (c) functions relating to a request for and receipt of information under Schedule 3 to the 2012 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.

9 July 2013

Huw Lewis
Minister for Education and Skills, one of the
Welsh Ministers

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.

The functions conferred on the Higher Education Funding Council for Wales by article 2 of this Order relate to the payment of the new fee grant to higher education institutions (and the recovery of overpayments of such grant) and requesting and receiving information connected to the payment of the new fee grant. These functions apply in respect of students starting designated higher education courses on or after 1 September 2013.