

Draft Regulations laid before Senedd Cymru under section 143(3) and (4)(e)(ii) of the Tertiary Education and Research (Wales) Act 2022, for approval by resolution of Senedd Cymru.

DRAFT WELSH STATUTORY
INSTRUMENTS

2024 No. (W.)

EDUCATION, WALES

**The Tertiary Education and
Research (Wales) Act 2022
(Consequential Amendments)
Regulations 2024**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 146 of the Tertiary Education and Research (Wales) Act 2022 (“the 2022 Act”) which enables the Welsh Ministers to make provision for the purposes of, in consequence of, or for giving full effect to any provision of the 2022 Act.

The 2022 Act establishes the Commission for Tertiary Education and Research, abolishes the Higher Education Funding Council for Wales, and makes provision in relation to the regulation and funding of tertiary education and research in Wales.

These Regulations make consequential amendments to primary and secondary legislation to reflect the provisions in the 2022 Act.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

Draft Regulations laid before Senedd Cymru under section 143(3) and (4)(e)(ii) of the Tertiary Education and Research (Wales) Act 2022, for approval by resolution of Senedd Cymru.

DRAFT WELSH STATUTORY
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2024 No. (W.)

EDUCATION, WALES

**The Tertiary Education and
Research (Wales) Act 2022
(Consequential Amendments)
Regulations 2024**

Made

Coming into force

1 August 2024

The Welsh Ministers make these Regulations in exercise of the powers conferred on them by section 146 of the Tertiary Education and Research (Wales) Act 2022⁽¹⁾.

In accordance with section 143(3) and (4)(e)(ii) of the Tertiary Education and Research (Wales) Act 2022, a draft of this instrument has been laid before, and approved by resolution of, Senedd Cymru.⁽²⁾

Title and coming into force

1.—(1) The title of these Regulations is the Tertiary Education and Research (Wales) Act 2022 (Consequential Amendments) Regulations 2024.

(2) These Regulations come into force on 1 August 2024.

(1) 2022 asc 1.

(2) See also section 40 of the Legislation (Wales) Act 2019 (anaw 4) for provision about the procedure that applies to this instrument.

Education Reform Act 1988

2.—(1) The Education Reform Act 1988(1) is amended as follows.

(2) In section 198 (transfers under Parts 1 and 2), in subsection (6), for “that Council” substitute “the Commission for Tertiary Education and Research”(2).

Welsh Language Act 1993

3.—(1) The Welsh Language Act 1993(3) is amended as follows.

(2) In section 6 (meaning of “public body”), in subsection (1), omit paragraph (k).

Education Act 1994

4.—(1) The Education Act 1994(4) is amended as follows.

(2) In section 18C (inspection of teacher training in Wales), in subsection (8), for “a funding agency” substitute “the Commission for Tertiary Education and Research”.

Government of Wales Act 1998

5.—(1) The Government of Wales Act 1998(5) is amended as follows.

(2) In section 28 (reform of other Welsh public bodies)—

- (a) in subsection (1)(a), omit “or III”;
- (b) in subsection (5)(b), omit “or III”.

Education (Fees and Awards) (Wales) Regulations 2007

6.—(1) The Education (Fees and Awards) (Wales) Regulations 2007(6) are amended as follows.

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- (1) 1988 c. 40. Section 198(6) was amended by the School Standards and Framework Act 1998 (c. 31), Schedule 29, paragraph 2(3), subject to transitional provision in S.I. 1999/120, article 4.
 - (2) The Commission for Tertiary Education and Research was established by section 1 of the Tertiary Education and Research (Wales) Act 2022.
 - (3) 1993 c. 38. Section 6 is repealed by the Welsh Language (Wales) Measure 2011 (nawm 1), section 145(2)(a) (not yet in force). There are other amending instruments but none are relevant to these Regulations.
 - (4) 1994 c. 30. Section 18C was inserted by the Education Act 2005 (c. 18), Schedule 14, paragraph 13, and amended by the Education Act 2011, Schedule 5, paragraph 9 and the Tertiary Education and Research (Wales) Act 2022 (asc 1), Schedule 4, paragraph 7(3).
 - (5) 1998 c. 38. Section 28 was amended by the Government of Wales Act 2006 (c. 32), Schedule 10, paragraph 42(2) to (4).
 - (6) S.I. 2007/2310 (W. 181), amended by S.I. 2021/481 (W. 148); there are other amending instruments but none are relevant to these Regulations.

(2) In regulation 2 (interpretation), in paragraph (1), omit the definitions of “the 2005 Act”, “HEFCW” and “training provider”.

(3) In regulation 4 (fee charging), omit paragraph (3)(c).

(4) Omit regulation 6 (payments by HEFCW to training providers).

Education (Student Support) Regulations 2011

7.—(1) The Education (Student Support) Regulations 2011(1) are amended as follows.

(2) In regulation 2 (interpretation: general), in paragraph (1), in paragraph (b) of the definition of “authority-funded”, after “Higher Education Funding Council for Wales” insert “before 1st August 2024 or the Commission for Tertiary Education and Research on or after 1st August 2024”.

Dissolution of Further Education Corporations (Publication of Proposals and Prescribed Bodies) (Wales) Regulations 2014

8.—(1) The Dissolution of Further Education Corporations (Publication of Proposals and Prescribed Bodies) (Wales) Regulations 2014(2) are amended as follows.

(2) In regulation 4(1)(h), for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”.

(3) In paragraph 5 of Schedule 2, for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”.

Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015

9.—(1) The Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015(3) are amended as follows.

(2) Omit regulation 6.

(1) S.I. 2011/1986, amended by S.I. 2013/1728 and S.I. 2019/142; there are other amending instruments but none are relevant to these Regulations.

(2) S.I. 2014/2126 (W. 209).

(3) S.I. 2015/1484 (W. 163); there are amending instruments but none are relevant to these Regulations.

Education (Student Information) (England) Regulations 2015

10.—(1) The Education (Student Information) (England) Regulations 2015⁽¹⁾ are amended as follows.

(2) In paragraph 1(5) of Schedule 2, for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”.

Education (Postgraduate Master’s Degree Loans) Regulations 2016

11.—(1) The Education (Postgraduate Master’s Degree Loans) Regulations 2016⁽²⁾ are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), in paragraph (b) of the definition of “authority-funded”, after “Higher Education Funding Council for Wales” insert “before 1st August 2024 or the Commission for Tertiary Education and Research on or after 1st August 2024”.

Name

Cabinet Secretary for Education, one of the Welsh Ministers

Date

(1) S.I. 2015/1567; there are amending instruments but none are relevant to these Regulations.

(2) S.I. 2016/606, amended by S.I. 2019/142; there are other amending instruments but none are relevant to these Regulations.