

Draft Regulations laid before Senedd Cymru under section 143(3) and (4)(b) 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
(Designation of Providers)
Regulations 2024**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about the Welsh Ministers' power to designate a provider of tertiary education as an institution under section 83(4) of the Tertiary Education and Research (Wales) Act 2022.

Regulation 3 sets out the procedure to be followed by a provider applying for designation.

Regulation 4 deals with the decision-making process and procedure for withdrawing a designation.

Regulation 5 provides that a designation may not be withdrawn while a provider is registered with the Commission for Tertiary Education and Research, or while it is still being treated as registered for any purpose.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Higher Education Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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**The Tertiary Education and
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(Designation of Providers)
Regulations 2024**

Made

Coming into force

11 November 2024

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 83(4) of the Tertiary Education and Research (Wales) Act 2022(1).

A draft of these Regulations was laid before, and approved by a resolution of, Senedd Cymru, in accordance with section 143(3) and (4)(b) of that Act.

Title and commencement

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

(2) These Regulations come into force on 11 November 2024.

Interpretation

2. In these Regulations—

“the 2022 Act” (“*Deddf 2022*”) means the Tertiary Education and Research (Wales) Act 2022;

(1) 2022 asc 1.

“charity regulator” (“*rheoleiddiwr elusennau*”) means the Charity Commission, the Office of the Scottish Charity Regulator, or the Charity Commission for Northern Ireland;

“governing documents” (“*dogfennau llywodraethu*”) means—

- (i) in the case of a provider of tertiary education that is a company, its memorandum and articles of association;
- (ii) in any other case, a document providing for the constitution and conduct of the provider;

“registered provider” (“*darparwr cofrestredig*”) has the meaning given by section 144(1) of the Tertiary Education and Research (Wales) Act 2022;

“the Commission” (“*y Comisiwn*”) means the Commission for Tertiary Education and Research;

“the Credit and Qualifications Framework for Wales” (“*Fframwaith Credydau a Chymwysterau Cymru*”) means the document with that title published by the Welsh Ministers, as updated from time to time, and which includes descriptions of levels of qualifications;

“tertiary education” (“*addysg drydyddol*”) has the meaning given by section 144(1) of the Tertiary Education and Research (Wales) Act 2022.

Applying for designation as an institution

3.—(1) An application by a provider of tertiary education to be designated as an institution under section 83 of the 2022 Act must be made in writing and contain—

- (a) the applicant’s name and principal address;
- (b) any other names under which the applicant operates;
- (c) a copy of the applicant’s governing documents;
- (d) if the applicant is a charity, the information specified in paragraph (2);
- (e) the information specified in paragraph (3).

(2) An applicant that is a charity must provide its charity registration number, and the charity regulator or regulators with whom it is registered or the reason why such registration is not required.

(3) An application must contain—

- (a) a description of the tertiary education the applicant provides in Wales, including the levels of courses, by reference to the Credit and Qualifications Framework for Wales;

- (b) a description of the awards that may be conferred on persons undertaking the applicant's tertiary education;
- (c) the number of persons undertaking the applicant's tertiary education on the date of the application, and how many of them are doing so in Wales;
- (d) the locations where the applicant provides tertiary education;
- (e) the address of any website maintained by the applicant in connection with its provision of tertiary education;
- (f) a copy of any prospectus published by the applicant in connection with its provision of tertiary education.

Withdrawing a designation

4.—(1) When deciding whether to withdraw a designation, the Welsh Ministers must take into account any request a provider has made to have its designation withdrawn.

(2) If the Welsh Ministers withdraw a provider's designation, they must give the provider written notice containing the reasons for the decision and the date on which the withdrawal takes effect.

5. The Welsh Ministers may not withdraw the designation of a provider while—

- (a) it is a registered provider, or
- (b) it is no longer a registered provider but is being treated as if it were still a registered provider for any purpose.

Name

Minister for Further and Higher Education, under authority of the Cabinet Secretary for Education, one of the Welsh Ministers

Date