



Elin Jones, MS
Llywydd
Senedd Cymru
Cardiff Bay
CF99 1SN

1 March 2022

Dear Llywydd

TERTIARY EDUCATION AND RESEARCH (WALES) BILL

On 1 October 2021, I submitted, for your consideration, the Tertiary Education and Research (Wales) Bill ('the Bill'), for you to determine whether it was within the legislative competence of the Senedd.

The Bill includes a provision which required the consent of the relevant Minister of the Crown under Schedule 7B to the Government of Wales Act 2006 ("GoWA"). Section 128 of the Bill provides that specified persons and bodies may give the Commission for Tertiary Education and Research ("the Commission") information for the purposes of the exercise of any of the Commission's functions. The persons and bodies specified in the provision include the Secretary of State and the Office for Students, which are 'reserved authorities' under the provisions of paragraph 8(3) of Part 1 of Schedule 7(B) to GoWA. Consequently, section 128 of the Bill is captured by paragraph 8(1)(a) of Schedule 7B to GoWA, and requires the consent of the Secretary of State to bring it within legislative competence. At the time of submission, consent had not been received.

The Bill also provides for a new apprenticeship system for Wales and repeals a number of the existing provisions in the Apprenticeships, Skills, Children and Learning Act 2009. The repeal of these sections amounts to the removal of a function of a Minister of the Crown, and consequently is captured by the provisions of paragraph 11(2) of Schedule 7B to GoWA, requiring the Welsh Ministers to consult with the Secretary of State.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The Secretary of State for Wales has now written to the Minister for Education and Welsh Language providing consent in respect of both of these provisions of the Bill.

Yours sincerely

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive style with a large initial 'M'.

MARK DRAKEFORD