

## **Government Response: The Equality Act 2010 (Relevant Welsh Authorities) (Amendment) Regulations 2023**

**Technical Scrutiny point 1:** We are grateful to the Committee for bringing this to our attention. We acknowledge that the headnotes do not follow the standard wording and will endeavour to ensure this does not occur again. However, in this case, they do both make clear the nature of the instrument and the Senedd procedure to be followed, and the headnotes will be removed prior to making.

**Technical Scrutiny point 2:** We agree that, ideally, the provision would have set out more detail as to the placement of the insertion. However, “in the appropriate place”, in conjunction with the title of the body to be inserted (the Commission for Tertiary Education and Research), makes it clear that it should be placed under the sub-heading of “Other educational bodies”. The original list in that sub-heading was alphabetical, but we acknowledge that previous amendments to that list have not been made alphabetically. However, it is clear that the term is to be inserted to Schedule 19 and within the “Other educational bodies” sub-heading; the term’s position at the start or end of the list at that sub-heading will have no effect on the legal meaning of the provision and on that basis, we do not propose amending this provision.

**Technical Scrutiny point 3:** Given that the only amendments made by this SI are to Part 2 of Schedule 19 to the Equality Act 2010, we do not consider there is any risk that a person reading regulation 3 would be misled (incidentally, there is no Schedule 19 to the Tertiary Education and Research (Wales) Act 2022). However, we agree that an explicit reference to the Equality Act 2010 would improve the clarity of the provision, and we would propose to make that amendment prior to making.

**Merit Scrutiny point 4:** The Commission for Tertiary Education and Research was established as a legal entity on 15th December 2022 to enable the appointment of the Chair and Deputy Chair, at that point neither the Chief Executive Officer nor the minimum number of ordinary members had been appointed (as required by paragraph 2 of Schedule 1 to the Tertiary Education and Research (Wales) Act 2022). As the Commission was not fully constituted on 15 December 2022 it was not able to exercise any functions.

The Commission will be fully established on 4th September 2023 when the CEO and at least four ordinary members take up their posts; it is at this point that the Commission will, subject to the making of a second commencement order over the summer, be able to exercise certain functions.

These Regulations are being brought into force in September 2023, rather than April 2024 to ensure the Commission is subject to the Public Sector Equality Duty from the point at which it is able to exercise any of its functions.

**Merit Scrutiny point 5:** We are grateful to the Committee for bringing this to our attention. The Explanatory Memorandum will be withdrawn and re-laid with the necessary amendments.