



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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<b>TITLE</b>	<b>Establishment of the Commission for Tertiary Education and Research - Tertiary Education and Research (Wales) Act 2022 (Commencement No.2 and Transitory Provision) Order 2023</b>
<b>DATE</b>	<b>22 August 2023</b>
<b>BY</b>	<b>Jeremy Miles MS, Minister for Education and Welsh Language</b>

I am pleased to inform Members that yesterday I made the Tertiary Education and Research (Wales) Act 2022 (Commencement No.2 and Transitory Provision) Order 2023.

The duty of the Welsh Ministers to publish a statement of their priorities for and in connection with tertiary education and research will be brought into force on 4 September 2023, with my intention being to publish the first statement in December.

In addition to commencing this duty, the Order also commences section 14 of the Act requiring the Commission to prepare a strategic plan setting out how it intends to discharge its strategic duties and address the statement of priorities. The Commission will be required to submit its draft plan to the Welsh Ministers by 15 December 2024.

The Commencement Order will bring into force, on 4 September 2023, provisions in relation to the following matters:

- Academic freedom of higher education providers and staff (section 17);
- Institutional autonomy of tertiary education providers (section 18);
- Compatibility with charity law and governing documents of tertiary education providers (section 19);
- Duty on Commission to have regard to guidance published by the Welsh Ministers. (section 20);
- Provision enabling the Welsh Ministers to give the Commission general directions about the use of any of its functions (section 21);
- Provision enabling the Welsh Ministers to confer supplementary functions on the Commission by way of regulations (section 22);

- Provision enabling the Welsh Ministers to make schemes for the transfer of staff and property, rights and liabilities from HEFCW and the Welsh Ministers to the Commission (section 24 and Sch. 2).
- Power of the Welsh Ministers to fund the Commission (section 85(1), (2)(a) and (b)). The Order brings the remainder of section 85 into force on 1<sup>st</sup> April 2024.
- Information and advice from the Commission and information from the Welsh Ministers (section 130)
- Ability of the Commission to share information (section 132 other than subsection (1)(f))
- The status, procedures, operational arrangements and committees of the Commission (Schedule 1)

The Commencement Order also includes provision bringing certain functions within the Act partially into force, so as to enable the Commission to undertake preparatory activities over the autumn and winter to support the implementation of key functions.

The functions being brought partially into force will enable the Commission to undertake the following preparatory activities in respect of the registration system:

- a. Initial preparation of the document specifying the requirements to be met in relation to the initial conditions of registration (section 27(1) and (2));
- b. Determination of the general ongoing registration conditions (section 28(1) to (3), section 31(1)(a) to (f), (i), (j) and (2) and sections 32 and 33);
- c. Start preparing guidance relating to ongoing registration conditions (sections 35 and 36);
- d. Undertake preparatory work to determine how it will monitor registered providers' compliance with ongoing registration conditions (sections 35 and 36);
- e. Start preparing a statement on its funding policy (section 87).

The Order also includes provision bringing into force the required powers to enable the Welsh Ministers to make the subordinate legislation necessary to support the establishment of the Commission and the ongoing implementation of the Act.

This statement is being issued during recess in order to keep members informed. Should members wish me to make a further statement or to answer questions on this when the Senedd returns I would be happy to do so.