

SL(6)461 – The Tertiary Education and Research (Wales) Act 2022 (Commencement No. 2 and Transitory Provision) (Amendment) Order 2024

Background and Purpose

The Tertiary Education and Research (Wales) Act 2022 (Commencement No. 2 and Transitory Provision) Order 2023 (“the 2023 Order”) was made on 21 August 2023 and commences certain provisions of the Tertiary Education and Research (Wales) Act 2022 (“the 2022 Act”).

The Tertiary Education and Research (Wales) Act 2022 (Commencement No. 2 and Transitory Provision) (Amendment) Order 2024 (“the Order”) amends the 2023 Order to:

- Omit article 4(d), which would have brought into force on 1 April 2024 provisions of the 2022 Act relating to the associate staff member of the Commission for Tertiary Education and Research (“the Commission”), and
- Omit article 4(e), which would have brought into force on 1 April 2024 provisions of the 2022 Act making amendments to Schedule 6 to the Welsh Language (Wales) Measure 2011 and to regulation 3(4) of the Welsh Language Standards (No. 6) Regulations 2017 consequential on the dissolution of the Higher Education Funding Council for Wales (“HEFCW”).

According to the Explanatory Note, these provisions are not needed on 1 April 2024 because the Commission will not be substantially staffed on that date, and because HEFCW will not have been dissolved on that date.

Procedure

No procedure

Scrutiny under Standing Order 21.7

The following point is identified for reporting under Standing Order 21.7 in respect of the Order.

1. The Order has the effect of delaying the coming into force of certain provisions of the 2022 Act relating to the establishment of the Commission and the dissolution of HEFCW. We note that the Minister for Education and Welsh Language issued Written Statements on [29 November 2023](#) and [24 January 2024](#) providing updates in relation to the Commission, but these do not provide a clear explanation as to the necessity of making this Order to revoke the specified commencement provisions in the 2023 Order.



We are unclear if Members of the Senedd and other relevant stakeholders have been given an explanation by other means. The Welsh Government is therefore asked to explain the reasons for making the Order, and in particular:

- The reasons for any delay in staffing the Commission, and
- The reasons for not dissolving HEFCW by 1 April 2024 as anticipated when the 2023 Order was made.

Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

5 March 2024



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee