



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	Amendments to UK Government legislation to support the establishment of the Commission for Tertiary Education and Research
DATE	27 March 2024
BY	Lynne Neagle MS, Cabinet Secretary for Education

The Tertiary Education and Research (Wales) Act 2022 (the 2022 Act) provides for the establishment of the Commission for Tertiary Education and Research (the Commission) and the dissolution of the Higher Education Function Council for Wales (HEFCW).

The Commission will be the first ever national steward for the whole tertiary education and research sector, bringing together responsibility for overseeing Wales' higher and further education, school sixth forms, apprenticeships and research and innovation in one place. Through the reforms provided for in the 2022 Act we are seeking to shape a new structure and system to better support learners, and provide them with the knowledge and skills for lifelong learning, development and success.

A small number of technical amendments that are outside the Senedd's legislative competence are required as a consequence of the 2022 Act.

When issues arising from Senedd legislation require amendments to legislation beyond the Senedd's legislative competence, an Order under section 150 'Power to make consequential provision' of the Government of Wales Act 2006 can be developed in partnership with the Westminster Government.

The Secretary State for Wales has made the Tertiary Education and Research (Wales) Act 2022 (Consequential Amendments) Order 2024. This Order provides for consequential amendments to the following legislation to remove references to HEFCW, add references to the Commission and make technical amendments in relation to provisions that are being repealed as a consequence of the 2022 Act:

- House of Commons Disqualification Act 1975 - removing the reference to members of HEFCW in receipt of remuneration and inserting reference to members of the Commission in receipt of remuneration so that any member of the Commission in

receipt of remuneration will be disqualified from membership of the House of Commons.

- Further and Higher Education Act 1992 – substituting references to HEFCW and the Welsh Ministers with a reference to the Commission so that the Commission will be defined as a relevant authority for the purposes of section 82 of that Act and must, if directed to do so by the Secretary of State, make provision jointly with another relevant authority, or the Secretary of State, in relation to quality assessment of higher education.
- Freedom of Information Act 2000 – specifying the Commission as a public authority for the purposes of that Act and removing reference to HEFCW. Replacing the definition of an institution in Wales.
- Counter-Terrorism and Security Act 2015 – substituting reference to HEFCW with a reference to the Commission to enable the Secretary of State, by notice, to delegate the functions of a monitoring authority in relation to relevant higher education bodies in Wales to the Commission.
- Higher Education and Research Act 2017 – substituting reference to HEFCW with reference to the Commission to enable the Commission to exercise its funding functions jointly with another relevant authority, where exercising the function jointly would be more efficient, or would enable them more effectively to exercise their functions. Removing amendments which are superseded by amendments made by this Order.

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.