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W E L S H S T A T U T O R Y  
I N S T R U M E N T S

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**2024 No. 806 (W. 130) (C. 51)**

**EDUCATION, WALES**

**The Tertiary Education and  
Research (Wales) Act 2022  
(Commencement No. 4 and  
Transitory and Transitional  
Provisions) Order 2024**

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force provisions of the Tertiary Education and Research (Wales) Act 2022 (“the Act”) and makes transitory and transitional provision in connection with the coming into force of certain provisions. This is the fifth order made by the Welsh Ministers under the Act. The previous (fourth) order provided for amendments to an earlier commencement order made by the Welsh Ministers under the Act.

Part 1 (article 1) makes provision in respect of the title and interpretation of this Order.

Part 2 (articles 2 to 13) brings provisions of the Act into force on 1 August 2024. Some provisions are brought into force in full and others are brought into force for certain purposes.

Article 2(b) brings into force section 23 of the Act which provides for the dissolution of the Higher Education Funding Council for Wales (“HEFCW”). This Order provides for the periods during which the Commission for Tertiary Education and Research (“the Commission”) will exercise, from HEFCW’s dissolution, certain of HEFCW’s functions under the Further and Higher Education Act 1992 (“the 1992 Act”) (article 18) and the Higher Education (Wales) Act 2015 (“the 2015 Act”) (articles 20 to 22).

Article 2(a) brings into force the Commission’s duties to promote research and innovation in section 6(1) of the Act. Article 4 brings into force section 6(2) which provides for the meaning of “relevant person” as referred to in section 6(1). “Relevant person” has

the meaning set out in article 4(2) during the period beginning with 1 August 2024 and ending immediately before the coming into force of section 105 of the Act in full.

Article 2(c) brings into force certain functions of the Commission relating to the publication of quality assurance frameworks under section 50(1) to (3), (4)(b) and (c), (7) and (8) of the Act. Article 5 brings into force section 50(4)(a) subject to a modification that the Commission must consult each regulated institution (instead of each registered provider) before publishing, revising or withdrawing any framework during the period beginning with 1 August 2024 and ending with 31 July 2026. This modification is required because there will be no registered providers during that period. A “regulated institution” is an institution with an approved fee and access plan in force (see section 7(5)(b) of the 2015 Act) and a “registered provider” is a tertiary education provider that is registered in the register established and maintained by the Commission under section 25 of the Act (see section 144(1) of the Act).

Article 2(d) brings into force section 86(2), (3) and (7) of the Act which sets out the limitations on the terms and conditions that the Welsh Ministers may attach to funding they provide to the Commission. Article 6 brings into force section 86(1), (5) and (6) and provides for temporary modifications so that the limitations on the terms and conditions that apply pursuant to those subsections also apply in respect of the provision of funding by the Commission to a person under section 65 of the 1992 Act. The modifications apply from 1 August 2024 until section 65 of the 1992 Act is repealed. Article 7 brings section 86(4) into force subject to the modification that the reference to the Commission’s power to fund research and innovation under section 105 of the Act is to the Commission’s funding power under section 65 of the 1992 Act. This modification applies from 1 August 2024 until section 105 of the Act is brought into force in full.

Article 2(e) brings into force section 131(1), (2)(c) and (d), (4) and (5). Section 131(1) enables the Commission, by notice, to require persons listed in subsection (2) to give it information it requests for the purposes of the exercise of its functions. A local authority is listed as a person in section 131(2)(c) and the governing body of a maintained school in Wales that is providing or has arranged to provide higher education at the school is a person for the purposes of section 131(2)(d). Article 8 brings section 131(2)(a) and (b)(viii) into force subject to the modification that references to “registered provider” in section 131(2)(a) and (2)(b), in so far as it applies to sub-paragraph (viii), are to be read as “regulated institution” during

the period beginning with 1 August 2024 and ending with 31 July 2026. Article 8 enables the Commission to require regulated institutions and persons other than regulated institutions in receipt of funding from the Commission pursuant to section 136 of the Act to give it information it requests for the purposes of the exercise of its functions.

Article 16 inserts new provision (aa) in section 131(2) and new provision (2A) after section 131(2) during the period beginning with 1 August 2024 and ending with 31 July 2026. These provisions enable the Commission to require a person other than a regulated institution in receipt of funding provided under section 65 of the 1992 Act to provide it with information it requests for the purposes of the exercise of its functions.

Article 3(a) brings into force section 131(3)(a) of the Act to the extent it relates to a person mentioned in subsection (2)(c) or (d). Article 3(b) brings into force section 131(6) of the Act to the extent it enables the Commission to give a person listed in section 131(2)(a), (aa), (b)(viii), (c) and (d) information about any matter in relation to which the Commission has a function.

Article 2(f) brings into force section 135(1), (2), (4) and (5) of the Act. Section 135(1) enables the Commission to give advice and issue guidance about the provision of tertiary education or matters connected to its functions. Section 135(2) obliges the Commission to identify good practice and issue advice and guidance in relation to the sharing of information by persons listed in subsection (3). Article 9 brings into force section 135(3) of the Act subject to the modification that both references to “a registered provider” are to be read as “a regulated institution” during the period beginning with 1 August 2024 and ending with 31 July 2026. Section 135(4) and (5) obliges the Commission to publish any guidance it issues under subsections (1) and (2) and to establish systems for collecting information.

Article 2(g) brings into force section 136 of the Act which enables the Commission or the Welsh Ministers to carry out or secure funding for others to carry out research falling within subsection (1)(a) to (d).

Article 2(h) brings into force section 139(1), (2) and (4) of the Act which provides for amendments to section 128(1)(b)(iii) and (4)(b) (dissolution of higher education corporations in Wales) of the Education Reform Act 1988 to substitute references to HEFCW with references to the Commission.

Article 2(i) brings into force section 140 of the Act. Section 140 inserts a new section 9A in the Employment and Training Act 1973 which obliges the

Welsh Ministers to consult the Commission in each financial year on strategic priorities in the next financial year.

Article 2(j) brings into force provisions in paragraphs 4, 8, 9, 11 and 15 of Schedule 1 (the Commission) to the Act to the extent they are not already in force, together with paragraph 6. These paragraphs of Schedule 1 make provision about the associate Commission staff member, terms of associate membership, the staff member appointment committee, and accounts and audit requirements.

Article 2(k)(i) to (xxiii) brings into force provisions in Schedule 4 (minor and consequential amendments) to the Act which make amendments to legislation arising in consequence of the Act.

Article 3(c)(i) to (vii) brings into force certain amendments set out in Schedule 4 to the Act to the extent specified.

Article 10 brings into force paragraph 32 of Schedule 4 to the Act which substitutes references to HEFCW with references to the Commission in section 6 (meaning of public body) and section 32 (other partners) of the Well-being of Future Generations (Wales) Act 2015 (“Well-being Act 2015”). Article 10 makes transitory provision in respect of the period during which the Auditor General for Wales must examine and report on the extent to which the Commission has acted in accordance with the sustainable development principle when setting its well-being objectives and taking steps to meet those objectives for the purposes of section 15(1) of the Well-being Act 2015.

Article 43 makes transitional provision in respect of section 9(2)(a) of the Well-being Act 2015 so that the Commission is required to set and publish its well-being objectives no later than 31 March 2025.

Articles 11(1) and 12(1) bring into force consequential amendments relating to section 145B (studies at request of educational bodies) of the Government of Wales Act 1998 (“1998 Act”) set out in paragraph 12(2)(a)(i) and (b) of Schedule 4 to the Act. Article 11(2) provides that where HEFCW is the requesting body for a study being undertaken immediately before 1 August 2024 by the Auditor General for Wales under section 145B(1), that study is on and after 1 August 2024 to be treated for the purposes of that section and section 145B(3) of the 1998 Act as having been requested by the Commission. Article 12(2) provides that where, immediately before 1 August 2024, the Auditor General for Wales is due to respond to a request for advice received from HEFCW before 1 August 2024 under section 145B(4) of the 1998 Act, that request for

advice is to be treated on and after 1 August 2024 as having been made by the Commission.

Article 13 brings into force consequential amendments relating to section 144 (designated institutions: disposal of land, etc.) of the Learning and Skills Act 2000 subject to transitional provisions set out in paragraph (2). Section 144 concerns certain disposals of land by trustees. The transitional provisions provide that, in relation to a disposal of land in Wales before 1 August 2024, the Welsh Ministers (rather than the Commission) remain the appropriate authority for the purposes of that section; and where an arbitrator is appointed in relation to such a disposal, the expenses of that arbitrator are borne equally between the trustees and the Welsh Ministers (rather than the Commission).

Part 3 (articles 14 and 15) brings into force from 1 April 2025 paragraph 16(1)(a) and (b) and (3) to (5) of Schedule 1 to the Act. These provisions require the Commission to prepare an annual report setting out how it has exercised its functions during a financial year, the progress it has made towards implementing its strategic plan and the extent to which it has addressed the Welsh Ministers' statement of strategic priorities. Article 15(2) provides that the Commission's duty to prepare an annual report in respect of how it has exercised its functions in paragraph 16(1)(a) does not include details of how it has exercised its functions under the 2015 Act during the period beginning with 1 August 2024 and ending immediately before the coming into force of paragraph 31 of Schedule 4 to the Act in full. The Commission must send a copy of the report to the Welsh Ministers who must lay a copy before Senedd Cymru. Article 14(b) brings into force paragraph 17(1) which provides the meaning of "financial year" for the purposes of paragraph 16.

Part 4 (articles 16 to 27) sets out temporary modifications to legislation arising in connection with the dissolution of HEFCW and the transition to the registration system established under Part 2 of the Act.

Part 5 (articles 28 to 45) makes transitional provision in respect of the dissolution of HEFCW. This includes provisions relating to the continuation of things done by HEFCW prior to its dissolution, submission of HEFCW's final statement of accounts, certain aspects of the 2015 Act and regulations made under the 2015 Act.

Article 28 provides for the continuation and treatment, from 1 August 2024, of things done or being done by, in relation to, or on behalf of HEFCW before that date, where those things are in connection with a function to be performed by the Commission by virtue of this Order or the coming into force of a provision of

the Act by virtue of this Order. Article 28 also provides that references to HEFCW in related guidance, information, advice or other documents are to have effect as if those references are references to the Commission. Article 28 does not apply in relation to articles 11 to 13, 30 to 42, 44 or 45 of this Order.

Article 29 provides for the Commission to submit HEFCW's final statement of accounts to the Welsh Ministers and the Auditor General for Wales by 30 November 2024. The statement must be prepared in accordance with any directions given by the Welsh Ministers. The Auditor General for Wales must examine, certify and report on the statement and lay a copy of that report and statement before Senedd Cymru.

This Order makes provision for the continuation and treatment, from 1 August 2024, of fee and access plans approved by HEFCW under Part 2 of the 2015 Act (article 30), directions, notices and any related warning notices given by HEFCW under that Act (articles 31, 32, 34 and 37 to 39) and reviews under Part 6 of the 2015 Act which are in progress immediately before that date (article 33). This Order also makes transitional provision concerning directions given by the Welsh Ministers under section 28(4) of the 2015 Act and guidance issued by the Welsh Ministers which have effect immediately before 1 August 2024 (articles 35, 40 and 41). Additionally, articles 36 and 42 make provision, respectively, for the continuation and treatment, from 1 August 2024, of the financial management code published under Part 4 of the 2015 Act and the statement in respect of intervention functions published under section 52 of the 2015 Act which have effect immediately before 1 August 2024.

As regards regulations made under the 2015 Act, article 44 makes transitional provision in respect of regulation 11 of the Higher Education (Fee and Access Plans) (Notices and Directions) (Wales) Regulations 2015. Article 45 makes transitional provision in respect of regulation 7 of the Higher Education (Fee and Access Plans) (Notices, Procedure and Publication) (Wales) Regulations 2016.

**NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
Section 1	15 December 2022	S.I. 2022/1318 (W. 267) (C.)

		106)
Section 2 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 2 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 3 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 3 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 4 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 4 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 5 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 5 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 6 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 7 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 7 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 8 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 8 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 9 (partially)	15 December 2022	S.I. 2022/1318 (W. 267) (C. 106)
Section 9 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 9 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 10 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 10 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)

Section 11 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 11 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 12 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 12 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 13	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 14	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 15, subject to a modification to subsection (1) which applies during the period beginning with 1 April 2024 and ending on 16 December 2024	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 16	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 17	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 18	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 19	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 20	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 21	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 22	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 24	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 25	4 September	S.I. 2023/919

(partially)	2023	(W. 144) (C. 52)
Section 27 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 28 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 30 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 31 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 32 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 33 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 34	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 35 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 36 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 41 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 43 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 46	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 47 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 54 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 57 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 63 (partially)	1 November 2023	S.I. 2023/1106 (W. 191) (C. 71)
Section 83 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 84 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)

		52)
Section 85 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 85 (in so far as not already in force)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 87 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 88 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 89 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 94 (partially)	1 April 2024	S.I. 2023/919 (W. 144) (C. 52)
Section 97 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 101 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 103 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 104 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 105 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 130	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 132 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 141	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 142	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 147	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Schedule 1, paragraphs 1 to 3; 4 (partially); 5 (partially); 7 (partially); 10	15 December 2022	S.I. 2022/1318 (W. 267) (C. 106)

(partially); 11 (partially); 12		
Schedule 1, paragraphs 5 (in so far as not already in force); 7 (in so far as not already in force); 8 (partially); 9 (partially); 10 (in so far as not already in force); 11(1) (in so far as not already in force); 11 (partially); 13; 14; 15 (partially); 18 to 22	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Schedule 2	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Schedule 4, paragraphs 20(1), (2)(a); 28(a)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)

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W E L S H S T A T U T O R Y  
I N S T R U M E N T S

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**2024 No. 806 (W. 130) (C. 51)**

**EDUCATION, WALES**

**The Tertiary Education and  
Research (Wales) Act 2022  
(Commencement No. 4 and  
Transitory and Transitional  
Provisions) Order 2024**

*Made*

*17 July 2024*

The Welsh Ministers, in exercise of the powers conferred by section 148(2) and (3) of the Tertiary Education and Research (Wales) Act 2022(1), make the following Order.

**PART 1**

**INTRODUCTION**

**Title and interpretation**

**1.**—(1) The title of this Order is the Tertiary Education and Research (Wales) Act 2022 (Commencement No. 4 and Transitory and Transitional Provisions) Order 2024.

(2) In this Order—

“the 1992 Act” (“*Deddf 1992*”) means the Further and Higher Education Act 1992(2);

“the 2015 Act” (“*Deddf 2015*”) means the Higher Education (Wales) Act 2015(3);

“the 2015 Regulations” (“*Rheoliadau 2015*”) means the Higher Education (Fee and Access Plans) (Notices and Directions) (Wales) Regulations 2015(4);

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- (1) 2022 asc 1.  
(2) 1992 c. 13.  
(3) 2015 anaw 1.  
(4) S.I. 2015/1485 (W. 164).

“the 2016 Regulations” (“*Rheoliadau 2016*”) means the Higher Education (Fee and Access Plans) (Notices, Procedure and Publication) (Wales) Regulations 2016(1);

“the Act” (“*y Ddeddf*”) means the Tertiary Education and Research (Wales) Act 2022;

“the Commission” (“*y Comisiwn*”) means the Commission for Tertiary Education and Research established by section 1 of the Act;

“governing body” (“*corff llywodraethu*”) has the meaning given by section 57(1) of the 2015 Act, except in relation to article 4(2)(b) where it has the meaning given by section 90(1) of the 1992 Act;

“HEFCW” (“*CCAUC*”) means the Higher Education Funding Council for Wales(2);

“regulated institution” (“*sefydliad rheoleiddiedig*”) has the meaning given by section 7(5)(b) of the 2015 Act.

## PART 2

### PROVISIONS COMING INTO FORCE ON 1 AUGUST 2024

#### Provisions coming into force on 1 August 2024

2. The following provisions of the Act come into force on 1 August 2024—

- (a) section 6(1) (promotion of research and innovation) in so far as not already in force;
- (b) section 23 (dissolution of the Higher Education Funding Council for Wales);
- (c) section 50(1) to (3), (4)(b) and (c), (7) and (8) (quality assurance frameworks);
- (d) section 86(2), (3) and (7) (funding the Commission: limitations on terms and conditions);
- (e) section 131(1), (2)(c) and (d), (4) and (5) (persons required to provide information to the Commission);
- (f) section 135(1), (2), (4) and (5) (other information, advice and guidance);
- (g) section 136 (research by the Commission or the Welsh Ministers);
- (h) section 139(1), (2) and (4) (dissolution of higher education corporations in Wales);

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(1) S.I. 2016/223 (W. 87).

(2) HEFCW was established under Part 2 of the 1992 Act and is dissolved by section 23 of the Act on 1 August 2024 pursuant to article 2(b) of this Order.

- (i) section 140 (duty to consult the Commission on careers services);
- (j) in Schedule 1 (Commission for Tertiary Education and Research)—
  - (i) paragraph 4 in so far as not already in force;
  - (ii) paragraph 6;
  - (iii) paragraph 8 in so far as not already in force;
  - (iv) paragraph 9 in so far as not already in force;
  - (v) paragraph 11 in so far as not already in force;
  - (vi) paragraph 15 in so far as not already in force;
- (k) in Schedule 4 (minor and consequential amendments)—
  - (i) paragraph 2;
  - (ii) paragraph 3(1) and (2)(b);
  - (iii) paragraph 5;
  - (iv) paragraph 6(1), (2), (3)(e) and (g), (5)(a) and (7);
  - (v) paragraph 7(1) to (3), (4)(a)(iii) and (iv) and (b);
  - (vi) paragraph 8(1), (3), (4) and (7);
  - (vii) paragraph 12(1), (2)(a)(ii) and (iii), (3) and (4);
  - (viii) paragraph 14(1), (24) and (26);
  - (ix) paragraph 15(1), (3) and (5);
  - (x) paragraph 18(1), (6), (8), (9)(a) and (c) and (10) to (13);
  - (xi) paragraph 19(1) and (2)(a);
  - (xii) paragraph 20(2)(b);
  - (xiii) paragraph 22(1) and (3);
  - (xiv) paragraph 25(1) and (3);
  - (xv) paragraph 27;
  - (xvi) paragraph 28 in so far as not already in force;
  - (xvii) paragraph 33(1), (2)(b) and (e);
  - (xviii) paragraph 34;
  - (xix) paragraph 36;
  - (xx) paragraph 37;
  - (xxi) paragraph 38(1);
  - (xxii) paragraph 40;
  - (xxiii) paragraph 41.

**Provisions coming into force on 1 August 2024 to the extent specified**

3. The following provisions of the Act come into force on 1 August 2024 to the extent specified in relation to each such provision—

- (a) section 131(3)(a) to the extent it relates to a person mentioned in subsection (2)(c) or (d);
- (b) section 131(6) to the extent it relates to section 131(2)(a), (aa) (as inserted by article 16 of this Order), (b)(viii), (c) and (d);
- (c) in Schedule 4 (minor and consequential amendments)—
  - (i) paragraph 6(3)(b) to the extent it omits section 62(1), (3), (4) and (9) of the 1992 Act;
  - (ii) paragraph 6(3)(f) to the extent it omits section 69(1) and (3) to (7) of the 1992 Act;
  - (iii) paragraph 6(6) to the extent it omits the entry for “the HEFCW” in section 92 of the 1992 Act;
  - (iv) paragraph 31 to the extent it omits the following provisions of the 2015 Act—
    - (aa) sections 25, 49, 50(5) to (7), 51 and 53,
    - (bb) paragraphs 2, 5 and 7 to 26 in Part 1 of the Schedule, and
    - (cc) Part 2 of the Schedule;
  - (v) paragraph 33(2)(c) to the extent it omits the word “HEFCW” and substitutes it with “the Commission”;
  - (vi) paragraph 33(2)(d) to the extent it omits the word “HEFCW” and substitutes it with “the Commission”;
  - (vii) paragraph 38(2) to the extent it omits paragraphs 7, 8, 11, 17, 18(2), (3) and (5) to (7), 20, 25 and 26(3) of Schedule 11 to the Higher Education and Research Act 2017<sup>(1)</sup>.

**Provisions coming into force on 1 August 2024 subject to transitory provisions**

4.—(1) Section 6(2) of the Act comes into force on 1 August 2024 subject to the modification set out in paragraph (2) which applies during the period beginning with 1 August 2024 and ending immediately before the coming into force of section 105 of the Act in full.

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(1) 2017 c. 29.

(2) Section 6(2) of the Act has effect as if for paragraphs (a) and (b) there were substituted—

- “(a) a higher education institution within the meaning given by section 65(5) of the 1992 Act that is in receipt of funding from the Commission pursuant to section 65 of that Act for the purposes of, or in connection with, the undertaking of research;
- (b) a connected institution within the meaning given by section 65(3B) of the 1992 Act, to which the governing body of a higher education institution in receipt of funding from the Commission pursuant to section 65 of that Act proposes to pay, with the consent of the Commission, the whole or any part of that funding for the purposes of, or in connection with, the undertaking of research.”

**5.**—(1) Section 50(4)(a) of the Act comes into force on 1 August 2024 subject to the modification set out in paragraph (2) which applies during the period beginning with 1 August 2024 and ending with 31 July 2026.

(2) Section 50(4)(a) has effect as if the reference to “registered provider” were to “regulated institution”.

**6.**—(1) Section 86(1), (5) and (6) of the Act comes into force on 1 August 2024 subject to the modifications set out in paragraph (2).

(2) Until the coming into force of paragraph 6(3)(c) of Schedule 4 to the Act—

- (a) section 86(1) has effect as if after “to a person under” there were inserted “section 65 (administration of funds by the Commission) of the 1992 Act,”;
- (b) section 86(5) has effect as if after “the Commission under” there were inserted “section 65 of the 1992 Act,”;
- (c) section 86(6) has effect as if after “the Commission under” there were inserted “section 65 of the 1992 Act,”.

**7.**—(1) Section 86(4) of the Act comes into force on 1 August 2024 subject to the modification set out in paragraph (2) which applies during the period beginning with 1 August 2024 and ending immediately before the coming into force of section 105 of the Act in full.

(2) Section 86(4) has effect as if the reference to “105 (research and innovation)” were to “65 (administration of funds by the Commission) of the 1992 Act”.

**8.**—(1) Section 131(2)(a) and (b)(viii) of the Act comes into force on 1 August 2024 subject to the modification set out in paragraph (2) which applies during the period beginning with 1 August 2024 and ending with 31 July 2026.

(2) Section 131(2)(a) and (b), in so far as it relates to sub-paragraph (viii), has effect as if both references to “a registered provider” were references to “a regulated institution”.

**9.**—(1) Section 135(3) of the Act comes into force on 1 August 2024 subject to the modification set out in paragraph (2) which applies during the period beginning with 1 August 2024 and ending with 31 July 2026.

(2) Section 135(3) has effect as if both references to “a registered provider” were references to “a regulated institution”.

**10.**—(1) Paragraph 32 of Schedule 4 to the Act comes into force on 1 August 2024 subject to the modification set out in paragraph (2), which applies during the period beginning with 1 August 2024 and ending with the date falling one day and one year before the date on which the next ordinary general election after May 2026 is to be held under section 3 of the Government of Wales Act 2006<sup>(1)</sup>.

(2) Section 15 of the Well-being of Future Generations (Wales) Act 2015<sup>(2)</sup> has effect in relation to the Commission as if for subsection (6) there were substituted the following subsection—

“(6) The period referred to in subsections (2) and (3)—

- (a) begins with 1 August 2024, and
  - (b) ends with the date falling one day and one year before the date on which the next ordinary general election after May 2026 is to be held under section 3 of the Government of Wales Act 2006.
- ”

### **Provisions coming into force on 1 August 2024 subject to transitional provisions**

**11.**—(1) Paragraph 12(2)(a)(i) of Schedule 4 to the Act comes into force on 1 August 2024 subject to the transitional provision set out in paragraph (2).

(2) In relation to a study being undertaken immediately before 1 August 2024 by the Auditor General for Wales under section 145B(1) of the Government of Wales Act 1998<sup>(3)</sup>, where the

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(1) 2006 c. 32.  
(2) 2015 anaw 2.  
(3) 1998 c. 38.

requesting body for the study is HEFCW, that study is on and after 1 August 2024 to be treated, for the purposes of that section and section 145B(3) of the Government of Wales Act 1998, as having been requested by the Commission.

**12.**—(1) Paragraph 12(2)(b) of Schedule 4 to the Act comes into force on 1 August 2024 subject to the transitional provision set out in paragraph (2).

(2) Where immediately before 1 August 2024 the Auditor General for Wales is due to respond to a request for advice received from HEFCW before that date under section 145B(4) of the Government of Wales Act 1998, that request for advice is to be treated on and after 1 August 2024 as having been made by the Commission.

**13.**—(1) Paragraph 14(27) of Schedule 4 to the Act comes into force on 1 August 2024 subject to the transitional provision set out in paragraph (2).

(2) In relation to a disposal of land in Wales by trustees before 1 August 2024 to which section 144 of the Learning and Skills Act 2000<sup>(1)</sup> applies—

(a) section 144(4A) of that Act has effect as if for paragraph (b) there were substituted the following paragraph—

“(b) in the case of land in Wales, the Welsh Ministers.”, and

(b) section 144(9) of that Act has effect as if for paragraph (b) there were substituted the following paragraph—

“(b) the Welsh Ministers, in respect of land in Wales.”

### PART 3

#### PROVISIONS COMING INTO FORCE ON 1 APRIL 2025

##### **Provisions coming into force on 1 April 2025**

**14.** The following provisions of the Act come into force on 1 April 2025—

(a) paragraph 16(1)(b) and (3) to (5) of Schedule 1 to the Act;

(b) paragraph 17(1) of Schedule 1 to the Act.

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(1) 2000 c. 21.

**Provisions coming into force on 1 April 2025  
subject to transitory provisions**

**15.**—(1) Paragraph 16(1)(a) of Schedule 1 to the Act comes into force on 1 April 2025 subject to the modification in paragraph (2) which applies during the period beginning with 1 August 2024 and ending immediately before the coming into force of paragraph 31 of Schedule 4 to the Act in full.

(2) Paragraph 16(1)(a) has effect as if the Commission’s functions referred to do not include its functions under the 2015 Act.

**PART 4**

**TRANSITORY PROVISIONS**

**Transitory provisions relating to the Act**

**16.**—(1) Paragraphs (2) and (3) apply during the period beginning with 1 August 2024 and ending with 31 July 2026.

(2) After section 131(2)(a) of the Act insert—

“(aa) a person other than a regulated institution in receipt of financial resources provided under section 65 (administration of funds by the Commission) of the Further and Higher Education Act 1992;”.

(3) After section 131(2) of the Act insert—

“(2A) In section 131(2)(aa), “regulated institution” has the meaning given in section 7(5)(b) of the Higher Education (Wales) Act 2015.”

**17.** During the period beginning with 1 August 2024 and ending immediately before the coming into force of paragraph 31 of Schedule 4 to the Act in full, paragraph 11(3) of Schedule 1 to the Act has effect as if the purpose of the Quality Committee established by that provision were to include advising the Commission on the exercise of the Commission’s functions under Part 3 of the 2015 Act.

**Transitory provisions relating to the 1992 Act**

**18.**—(1) The modifications to the sections of the 1992 Act set out in paragraph (3) apply during the period beginning with 1 August 2024 and ending immediately before the coming into force of, in respect of the modification to—

- (a) section 62, paragraph 6(3)(b) of Schedule 4 to the Act;
- (b) section 65, paragraph 6(3)(c) of Schedule 4 to the Act;

- (c) section 66, paragraph 6(3)(d) of Schedule 4 to the Act;
- (d) section 69, paragraph 6(3)(f) of Schedule 4 to the Act;
- (e) section 81, paragraph 6(3)(h) of Schedule 4 to the Act;
- (f) section 83, paragraph 6(4) of Schedule 4 to the Act.

(2) The modification set out in paragraph (4) applies during the period beginning with 1 August 2024 and ending immediately before the coming into force of paragraph 6(6) of Schedule 4 to the Act.

(3) Sections 62 (the Higher Education Funding Council for Wales), 65 (administration of funds by the HEFCW), 66 (administration of funds: supplementary), 69 (supplementary functions), 81 (directions) and 83 (efficiency studies) and the headings to those sections have effect as if references to “the HEFCW” and “the Higher Education Funding Council for Wales” were references to “the Commission”.

(4) In section 92 (index) the entry “institution in Wales (in relation to the HEFCW)” has effect as if it were “institution in Wales (in relation to the Commission)”.

#### **Transitory provisions relating to the Education Act 1996**

**19.** During the period beginning with 1 August 2024 and ending immediately before the coming into force of paragraph 8(2) of Schedule 4 to the Act, section 13 of the Education Act 1996<sup>(1)</sup> has effect as if subsection (2)(b) were omitted.

#### **Transitory provisions relating to the 2015 Act**

**20.** The modifications to the provisions of the 2015 Act set out in articles 21 and 22 apply during the period beginning with 1 August 2024 and ending immediately before the coming into force of paragraph 31 of Schedule 4 to the Act in full.

**21.**—(1) Except in relation to section 57(1) of the 2015 Act, the 2015 Act has effect as if all references to “HEFCW” or “the Higher Education Funding Council for Wales” in that Act were references to “the Commission”.

(2) Section 57(1) of the 2015 Act has effect as if the definition of “HEFCW” were omitted.

**22.**—(1) Section 50 of the 2015 Act has effect as if—

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(1) 1996 c. 56.

- (a) the first reporting period were the period beginning with 1 August 2023 and ending with the following 31 July, and
- (b) subsequent reporting periods were each successive period of 12 months.

(2) For the purposes of paragraph (1)(a), the Commission's annual report in respect of the first reporting period must give details of how HEFCW has discharged its functions under the 2015 Act during the period beginning with 1 August 2023 and ending with 31 July 2024.

#### **Transitory provisions relating to the Education (Fees and Awards) (Wales) Regulations 2007**

**23.** Regulation 7 of the Education (Fees and Awards) (Wales) Regulations 2007(1) (payments by HEFCW) has effect as if all references to "HEFCW" were references to "the Commission" during the period beginning with 1 August 2024 and ending immediately before the coming into force of paragraph 6(3)(c) of Schedule 4 to the Act.

#### **Transitory provisions relating to the Education (Student Support) Regulations 2011**

**24.—**(1) The modifications to the Education (Student Support) Regulations 2011(2) set out in paragraph (2) apply during the period beginning with 1 August 2024 and ending with 31 July 2026.

(2) In regulation 2(1) (interpretation: general)—

- (a) the definition of "non-regulated institution" has effect as if the reference to "the Higher Education Funding Council for Wales" were to "the Commission for Tertiary Education and Research";
- (b) the definition of "regulated institution" has effect as if the reference to "the Higher Education Funding Council for Wales" were to "the Commission for Tertiary Education and Research".

#### **Transitory provisions relating to certain Regulations made under the 2015 Act**

**25.—**(1) The Regulations referred to in paragraph (2) have effect as if all references to "HEFCW" were references to "the Commission for Tertiary Education and Research" during the period beginning with 1 August 2024 and ending immediately before the

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(1) S.I. 2007/2310 (W. 181), amended by S.I. 2021/481 (W. 148); there are other amending instruments, but none is relevant to this Order.

(2) S.I. 2011/1986 amended by S.I. 2017/114; there are other amending instruments, but none is relevant to this Order.

coming into force of paragraph 31 of Schedule 4 to the Act in full.

(2) The Regulations are—

- (a) the 2015 Regulations;
- (b) the Higher Education (Fee and Access Plans) (Wales) Regulations 2015<sup>(1)</sup>;
- (c) the 2016 Regulations.

#### **Transitory provisions relating to the Education (Student Support) (Wales) Regulations 2017**

**26.** During the period beginning with 1 August 2024 and ending immediately before the coming into force of paragraph 31 of Schedule 4 to the Act in full, the definition of “Welsh regulated institution” in regulation 2(1) of the Education (Student Support) (Wales) Regulations 2017<sup>(2)</sup> has effect as if the reference to “the Higher Education Funding Council for Wales” were a reference to “the Commission for Tertiary Education and Research”.

#### **Transitory provisions relating to the Education (Student Support) (Wales) Regulations 2018**

**27.**—(1) The modification to the Education (Student Support) (Wales) Regulations 2018<sup>(3)</sup> set out in paragraph (2) applies during the period beginning with 1 August 2024 and ending immediately before the coming into force of paragraph 31 of Schedule 4 to the Act in full.

(2) In paragraph 2A(1) of Schedule 1 the definition of “Welsh regulated institution” has effect as if the reference to “the Higher Education Funding Council for Wales” were a reference to “the Commission for Tertiary Education and Research”.

## **PART 5**

### **TRANSITIONAL PROVISIONS IN CONNECTION WITH THE DISSOLUTION OF HEFCW**

#### **General**

**28.**—(1) Anything done (or having effect as if done) before the coming into force of section 23 of the Act by, in relation to, or on behalf of HEFCW in

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(1) S.I. 2015/1498 (W. 170).  
(2) S.I. 2017/47 (W. 21).  
(3) S.I. 2018/191 (W. 42) amended by S.I. 2019/235 (W. 54); there are other amending instruments, but none is relevant to this Order.

connection with a function of HEFCW that is made exercisable by the Commission by—

- (a) virtue of this Order, or
- (b) the coming into force of a provision of the Act by virtue of this Order,

has effect, as far as necessary for continuing its effect from the coming into force of section 23 of the Act, as if done by, in relation to, or on behalf of the Commission.

(2) Anything (including legal proceedings) which, immediately before the coming into force of section 23 of the Act is in the process of being done by, in relation to, or on behalf of HEFCW in connection with a function of HEFCW that is made exercisable by the Commission by—

- (a) virtue of this Order, or
- (b) the coming into force of a provision of the Act by virtue of this Order,

may, from the coming into force of section 23 of the Act, be continued by, in relation to, or on behalf of the Commission.

(3) Any guidance, information, advice or other document approved, given or made before the coming into force of section 23 of the Act is to have effect, in so far as necessary for the purposes of, or in connection with, paragraphs (1) and (2) as if any references to “HEFCW” (however expressed) in that guidance, information, advice or other document were references to “the Commission”.

(4) This article does not—

- (a) apply in relation to articles 11 to 13, 30 to 42, 44 or 45;
- (b) affect the validity of anything done (or having effect as if done) by, in relation to, or on behalf of HEFCW before 1 August 2024.

#### **HEFCW’s final statement of accounts**

**29.**—(1) The Commission must prepare a statement of accounts for HEFCW in respect of the period beginning with 1 April 2023 and ending with 31 July 2024 (“HEFCW’s statement of accounts”).

(2) HEFCW’s statement of accounts must be prepared in accordance with any directions given by the Welsh Ministers to the Commission which may make provision as to the—

- (a) information to be contained in it,
- (b) manner in which the information is to be presented,
- (c) methods and principles according to which the statement is to be prepared, or

- (d) additional information that is to accompany the statement.

(3) The Commission must submit HEFCW's statement of accounts to the Welsh Ministers and the Auditor General for Wales by 30 November 2024.

(4) The Auditor General for Wales must examine, certify and report on HEFCW's statement of accounts and lay a copy of that report and statement before Senedd Cymru.

### **Fee and access plans**

**30.**—(1) A fee and access plan within paragraph (2)—

- (a) continues in force on and after 1 August 2024, and
- (b) has effect as if it has been approved by the Commission.

(2) A fee and access plan is within this paragraph if it—

- (a) has been approved by HEFCW under section 7 of the 2015 Act, and
- (b) is, immediately before 1 August 2024, in force for the purposes of section 7(4) of the 2015 Act.

(3) For the purposes of paragraph (2)(a) a fee and access plan approved by HEFCW includes a fee and access plan which is subject to a variation approved by HEFCW under section 9 of the 2015 Act.

(4) In so far as necessary for the purpose of the exercise by the Commission of its functions pursuant to the 2015 Act, references to “HEFCW” or to “the Higher Education Funding Council for Wales” in a fee and access plan within paragraph (1) have effect as if they were references to “the Commission” and related expressions are to be interpreted accordingly.

### **Warning notices**

**31.**—(1) A warning notice given by HEFCW which is in effect immediately before 1 August 2024—

- (a) continues in effect on and after 1 August 2024, and
- (b) has effect as if it has been given by the Commission.

(2) For the purposes of paragraph (1) a warning notice is in effect if the period for making representations in respect of that notice has not expired.

(3) In paragraph (2) the period for making representations means the period specified—

- (a) in regulation 3 of the 2015 Regulations, or

- (b) in the case of a warning notice given in relation to section 38 of the 2015 Act, in regulation 3 of the 2015 Regulations as applied by regulation 5 of the 2016 Regulations.

(4) Representations made to HEFCW in accordance with the regulations referred to in paragraph (3) in relation to a warning notice within paragraph (1) have effect on and after 1 August 2024 as if they were representations made to the Commission.

(5) In so far as necessary for the purpose of the exercise by the Commission of its functions pursuant to the 2015 Act, references to “HEFCW” or to “the Higher Education Funding Council for Wales” in a warning notice within paragraph (1) have effect as if they were references to “the Commission” and related expressions are to be interpreted accordingly.

(6) In this article “warning notice” means a warning notice as set out in section 42 of the 2015 Act.

#### **HEFCW directions which are not in force**

**32.**—(1) A direction within paragraph (2) which is given by HEFCW before 1 August 2024 and to which paragraph (3) applies—

- (a) continues in effect on and after 1 August 2024, and
- (b) has effect as if it has been given by the Commission.

(2) A direction within this paragraph is a direction given to the governing body of an institution under any of the following sections of the 2015 Act—

- (a) section 11;
- (b) section 13;
- (c) section 19;
- (d) section 33.

(3) This paragraph applies to a direction given to the governing body of an institution where, immediately before 1 August 2024, that governing body has—

- (a) not notified HEFCW in writing that it accepts the direction and the time period for making an application for a review under regulation 8 of the 2015 Regulations has not expired, or
- (b) made an application to the review panel under regulation 8 of the 2015 Regulations and the review has—
  - (i) not concluded, or
  - (ii) concluded but HEFCW has not notified the governing body in writing that the direction has effect.

(4) In paragraph (3)(a), notification to HEFCW in writing means notification under regulation 4(a) of the 2015 Regulations.

(5) Nothing in this article affects the treatment of a direction for the purposes of the 2015 Regulations as set out in regulation 4 of those Regulations.

(6) In so far as necessary for the purpose of the exercise by the Commission of its functions pursuant to the 2015 Act, references to “HEFCW” or to “the Higher Education Funding Council for Wales” in a direction within paragraph (1) have effect as if they were references to “the Commission” and related expressions are to be interpreted accordingly.

### **Reviews**

**33.**—(1) A review which is being carried out under section 44 of the 2015 Act immediately before 1 August 2024 continues on or after 1 August 2024 as if the direction or notice which is the subject of the review is a direction or notice from the Commission.

(2) For the purposes of paragraph (1) a review is not being carried out if, before 1 August 2024, the review panel has sent a copy of its written report in accordance with regulation 9(8)(g) of the 2015 Regulations.

### **HEFCW directions which are in force**

**34.**—(1) A direction given by HEFCW under any of the sections of the 2015 Act referred to in article 32(2) and which is in effect immediately before 1 August 2024—

- (a) continues in effect on and after 1 August 2024, and
- (b) has effect as if it has been given by the Commission.

(2) For the purposes of paragraph (1) a direction is in effect if the governing body of the institution to which it has been given—

- (a) has notified HEFCW in writing under regulation 4(a) of the 2015 Regulations that it accepts the direction,
- (b) is not able to apply for a review under regulation 8 of the 2015 Regulations due to the time period for making an application to the review panel having expired, or
- (c) has received notification in writing from HEFCW that the direction has effect following the conclusion of a review in respect of that direction.

(3) A direction given by HEFCW to a governing body under any of the sections of the 2015 Act

referred to in paragraph (4) and which is in effect immediately before 1 August 2024—

- (a) continues in effect on and after 1 August 2024, and
- (b) has effect as if it has been given by the Commission.

(4) The sections of the 2015 Act are—

- (a) section 16;
- (b) section 21;
- (c) section 35.

(5) For the purposes of paragraphs (1) and (3) a direction given by HEFCW—

- (a) includes a direction which has been varied by HEFCW before 1 August 2024 under section 46(b) of the 2015 Act;
- (b) is in effect to the extent that HEFCW has not given notice under section 45(3) of the 2015 Act to the governing body in receipt of the direction stating that HEFCW is satisfied that the body has complied—
  - (i) with the direction, or
  - (ii) with a particular requirement of the direction;
- (c) is not in effect if HEFCW has revoked the direction under section 46(b) of the 2015 Act.

(6) In so far as necessary for the purpose of the exercise by the Commission of its functions pursuant to the 2015 Act, references to “HEFCW” or to “the Higher Education Funding Council for Wales” in a direction within paragraph (1) or (3) have effect as if they were references to “the Commission” and related expressions are to be interpreted accordingly.

#### **Directions of the Welsh Ministers under section 28(4) of the 2015 Act**

**35.**—(1) A direction given under section 28(4) of the 2015 Act by the Welsh Ministers to HEFCW and which is in effect immediately before 1 August 2024—

- (a) continues in effect on and after 1 August 2024, and
- (b) has effect as if it has been given by the Welsh Ministers to the Commission.

(2) For the purposes of paragraph (1) a direction is in effect if—

- (a) the period specified in the direction commences before 1 August 2024 and ends on or after that date, and
- (b) it has not been revoked by a subsequent direction given by the Welsh Ministers under section 56(b) of the 2015 Act.

(3) In so far as necessary for the purpose of the exercise by the Commission of its functions pursuant to the 2015 Act, references to “HEFCW” or to “the Higher Education Funding Council for Wales” in a direction within paragraph (1) have effect as if they were references to “the Commission” and related expressions are to be interpreted accordingly.

#### **Financial management code**

**36.**—(1) A financial management code to which paragraph (2) applies and which has effect immediately before 1 August 2024—

- (a) continues in effect on and after 1 August 2024, and
- (b) has effect as if—
  - (i) approved by the Welsh Ministers and Senedd Cymru under section 30 of the 2015 Act, and
  - (ii) published by the Commission under section 30(7) of the 2015 Act.

(2) This paragraph applies to a financial management code which has been—

- (a) approved by the Welsh Ministers and Senedd Cymru under section 30 of the 2015 Act, and
- (b) published by HEFCW under section 30(7) of the 2015 Act.

(3) In so far as necessary for the purpose of the exercise by the Commission of its functions pursuant to the 2015 Act, references to “HEFCW” or to “the Higher Education Funding Council for Wales” in a financial management code within paragraph (1) have effect as if they were references to “the Commission” and related expressions are to be interpreted accordingly.

#### **HEFCW notices which are not in force**

**37.**—(1) A notice within paragraph (2) which is given by HEFCW before 1 August 2024 and to which paragraph (3) applies—

- (a) continues in effect on and after 1 August 2024, and
- (b) has effect as if it has been given by the Commission.

(2) A notice within this paragraph is notice given to the governing body of an institution under any of the following sections of the 2015 Act—

- (a) section 37;
- (b) section 38;
- (c) section 39.

(3) This paragraph applies to a notice given to the governing body of an institution where, immediately before 1 August 2024, that governing body has—

- (a) not notified HEFCW in writing that it accepts the notice and the time period for making an application for a review under regulation 8 of the 2015 Regulations has not expired, or
- (b) made an application to the review panel under regulation 8 of the 2015 Regulations and the review has—
  - (i) not concluded, or
  - (ii) concluded but HEFCW has not notified the governing body in writing that the notice has effect.

(4) In paragraph (3)(a) notification to HEFCW in writing means notification under regulation 4(a) of the 2015 Regulations.

(5) Nothing in this article affects the treatment of a notice for the purposes of the 2015 Regulations as set out in regulation 4 of those Regulations.

(6) In so far as necessary for the purpose of the exercise by the Commission of its functions pursuant to the 2015 Act, references to “HEFCW” or to “the Higher Education Funding Council for Wales” in a notice within paragraph (1) have effect as if they were references to “the Commission” and related expressions are to be interpreted accordingly.

#### **HEFCW notices which are in force**

**38.**—(1) A notice given by HEFCW under a section of the 2015 Act referred to in article 37(2) which is in effect immediately before 1 August 2024—

- (a) continues in effect on and after 1 August 2024, and
- (b) has effect as if it has been given by the Commission.

(2) For the purposes of paragraph (1) a notice is in effect if the governing body of the institution to which it has been given—

- (a) has notified HEFCW in writing under regulation 4(a) of the 2015 Regulations that it accepts the notice,
- (b) is not able to apply for a review under regulation 8 of the 2015 Regulations due to the time period for making an application to the review panel having expired, or
- (c) has received notification in writing from HEFCW that the notice has effect following the conclusion of a review in respect of the notice.

(3) For the purposes of paragraph (1) a notice given by HEFCW under section 37 of the 2015 Act is not in effect if—

- (a) the period specified in the notice has expired;
- (b) HEFCW has withdrawn the notice under section 37(6) of the 2015 Act.

(4) In so far as necessary for the purpose of the exercise by the Commission of its functions pursuant to the 2015 Act, references to “HEFCW” or to “the Higher Education Funding Council for Wales” in a notice within paragraph (1) have effect as if they were references to “the Commission” and related expressions are to be interpreted accordingly.

#### **HEFCW notices under section 45(3) of the 2015 Act**

**39.** A notice given under section 45(3) of the 2015 Act by HEFCW which has effect immediately before 1 August 2024—

- (a) continues in effect on and after 1 August 2024, and
- (b) has effect as if it has been given by the Commission.

#### **Guidance issued by the Welsh Ministers**

**40.** In so far as necessary for the purpose of the exercise by the Commission of its functions pursuant to the 2015 Act, references to “HEFCW” or to “the Higher Education Funding Council for Wales” in any guidance issued by the Welsh Ministers in relation to the 2015 Act which has effect immediately before 1 August 2024 have effect on and after 1 August 2024 as if they were references to “the Commission” and related expressions are to be interpreted accordingly.

**41.** Guidance issued by the Welsh Ministers to HEFCW under section 49 of the 2015 Act and which has effect immediately before 1 August 2024 has effect on and after 1 August 2024 as if it has been given by the Welsh Ministers to the Commission under section 20 of the Act.

#### **Statement in respect of intervention functions**

**42.—(1)** A statement in respect of intervention functions which has effect immediately before 1 August 2024—

- (a) continues in effect on and after 1 August 2024, and
- (b) has effect as if it has been prepared and published by the Commission under section 52 of the 2015 Act.

(2) In so far as necessary for the purpose of the exercise by the Commission of its functions pursuant

to the 2015 Act, references to “HEFCW” or to “the Higher Education Funding Council for Wales” in a statement in respect of intervention functions within paragraph (1) have effect as if they were references to “the Commission” and related expressions are to be interpreted accordingly.

(3) In this article “statement in respect of intervention functions” means a statement published under section 52 of the 2015 Act.

#### **Transitional provisions relating to the Well-being of Future Generations (Wales) Act 2015**

**43.** In its application to the Commission, paragraph (a) of section 9(2) of the Well-being of Future Generations (Wales) Act 2015 has effect as if for that paragraph there were substituted—

“(a) no later than 31 March 2025, and”.

#### **Transitional provisions relating to the 2015 Regulations**

**44.—**(1) Where in accordance with regulation 11(1)(b) of the 2015 Regulations a direction under section 11 of the 2015 Act is being published on HEFCW’s website immediately before 1 August 2024, the Commission must publish a copy of that direction on its website.

(2) Publication of the direction by the Commission under paragraph (1) has effect as publication in accordance with regulation 11(1)(b) of the 2015 Regulations for the purposes of regulation 11(2) of those Regulations.

#### **Transitional provisions relating to the 2016 Regulations**

**45.—**(1) Where in accordance with regulation 7(b) of the 2016 Regulations a notice given under section 37, 38 or 39 of the 2015 Act is being published on HEFCW’s website immediately before 1 August 2024, the Commission must publish a copy of that notice on its website.

(2) Publication of the notice by the Commission under paragraph (1) has effect as publication in accordance with regulation 7(b) of the 2016 Regulations for the purposes of regulations 9 and 10 of those Regulations.

*Lynne Neagle*  
Cabinet Secretary for Education, one of the Welsh  
Ministers  
17 July 2024