

SL(6)532 – The Tertiary Education and Research (Wales) Act 2022 (Designation of Providers) Regulations 2024

Background and Purpose

These Regulations make provision about the Welsh Ministers' power to designate a provider of tertiary education as an institution under section 83(4) of the Tertiary Education and Research (Wales) Act 2022. They set out the procedure to be followed by a provider when applying for designation as an institution, along with the decision-making process and the procedure for withdrawing a designation.

Procedure

Draft Affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

The following 2 point are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

In regulation 2, the Tertiary Education and Research (Wales) Act 2022 has been defined as "the 2022 Act". However, in the definitions of "registered provider" and "tertiary education" in regulation 2, the full title of the Act has been included in the references to "section 144(1) of the Tertiary Education and Research (Wales) Act 2022". In these references, "the 2022 Act" should have been used, rather than repeating the full title of the Act.

2. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

Regulation 2 defines "the Commission" as meaning "the Commission for Tertiary Education and Research". However, the Commission is not referred to anywhere else in the Regulations. Therefore, it is not clear why the inclusion of this definition in regulation 2 has been considered necessary.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.



3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy to be of interest to the Senedd

Regulation 2 defines “the Credit and Qualifications Framework for Wales” as meaning “the document with that title published by the Welsh Ministers, as updated from time to time, and which includes descriptions of levels of qualifications”.

To aid accessibility, it may have been helpful for the Regulations to have included a hyperlink or description as to the location of this document, as published from time to time, such as by way of a footnote.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

2 October 2024

