
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

2025 No. 432 (W. 83) (C. 17)

EDUCATION, WALES

**The Tertiary Education and
Research (Wales) Act 2022
(Commencement No. 5 and
Transitory and Transitional
Provisions) Order 2025**

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.

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

Part 2 (articles 2 to 8) brings provisions of the Act into force on 5 April 2025. Article 2 brings certain provisions into force in full and article 3 brings others into force for specified purposes. Articles 4 and 5 bring provisions into force in full subject to temporary modifications and articles 6 and 7 bring provisions into force in full subject to transitional provisions. Article 8 brings provisions into force for specified purposes subject to temporary modifications.

Part 3 (articles 9 and 10) brings provisions of the Act into force in full on 1 January 2026 and 31 July 2026. Article 10 brings into force section 25(1) and (4) of the Act on 31 July 2026, to the extent that those provisions are not already in force. Section 25(1) requires the Commission to establish and maintain a register of tertiary education providers in Wales.

Article 2(a) brings into force subsections (2), (3), (5), (6) and (8) to (11) of section 25 of the Act, some of which are already in force for specific purposes. Article 9 brings into force section 26 of the Act, which relates to the registration procedure, on 1 January 2026. Article 2(b) to (f) brings into force sections 27 to

31 of the Act, some of which are already in force for specific purposes.

To register with the Commission an applicant must (amongst other things) be a tertiary education provider in Wales (section 25(4)(b) of the Act). This is defined in section 144(1) of the Act as an institution providing tertiary education, including tertiary education provided on its behalf, whose activities are wholly or mainly carried on in Wales. Section 83 of the Act enables the Welsh Ministers to designate a provider of tertiary education as an institution where they would not, but for the designation, be regarded as an institution for the purposes of the Act. Section 83 is brought into force to the extent it is not already in force by article 2(ee).

Applicants for registration must satisfy initial registration conditions (section 27 of the Act) and a provider's ongoing registration is subject to the provider satisfying general and any specific ongoing registration conditions (sections 28 and 29 of the Act). The Commission is obliged to keep such conditions under review (section 30(2) of the Act). Section 31 of the Act sets out mandatory ongoing registration conditions to be imposed as either general or specific ongoing registration conditions.

Article 2(g) brings into force section 32 of the Act to the extent it is not already in force. Under section 32, certain registered providers are to be subject to a fee limit condition. These providers must have a fee limit statement approved under section 47 of the Act and article 2(s) brings that section into force to the extent it is not already in force. Article 2(t) brings section 48 of the Act into force which requires that approved fee limit statements are published.

Section 33 of the Act requires that registered providers are subject to ongoing registration conditions on equal opportunity. Section 33 is in force for specified purposes and article 3(a) brings that section into force for additional purposes.

Article 2(h) brings into force section 35 of the Act to the extent it is not already in force. That section requires the Commission to publish guidance about ongoing registration conditions.

Article 2(i) to (l) brings into force sections 36 to 39 of the Act. Sections 36 to 38 provide for the Commission to monitor, provide advice and assistance and carry out reviews in relation to registered providers' compliance with ongoing registration conditions. Under section 39, the Commission may direct a provider in respect of a failure to comply with such conditions. Section 40 makes provision about directions given under section 39 and is brought into force by article 2(m). Article 2(dd) brings into force

section 82 of the Act which provides for the effect and enforcement of directions given under Part 2 of the Act.

Section 41 of the Act requires and enables the Commission to remove a tertiary education provider from a category of the register in certain circumstances. Article 2(n) brings into force section 41 to the extent it is not already in force. Article 2(o) and (p) brings into force sections 42 and 43 of the Act, respectively, which set out the de-registration procedure and make provision in respect of voluntary de-registration and de-registration with consent. Article 2(q) brings into force section 44 of the Act which enables the Commission to register a provider in a different category of the register if certain conditions are met.

Article 2(r) brings into force section 45 of the Act. Section 45 enables a provider to apply for a review by the decision reviewer (see section 79 of the Act) of certain registration-related decisions of the Commission.

Article 8(1) brings into force the Commission's intervention functions in sections 51 to 53 of the Act for the purposes of enabling the Commission to publish a statement setting out how it proposes to exercise its intervention functions, pursuant to section 81(1) of the Act. Article 8(5)(a) provides for a temporary modification to the Commission's duty to monitor and promote improvement in the quality of tertiary education in section 51(b) so that the duty does not include tertiary education funded by the Commission pursuant to its powers under section 65 of the Further and Higher Education Act 1992 ("1992 Act"). This modification will apply until section 65 of the 1992 Act is repealed (article 8(3)).

Article 8(5)(b) also provides for a temporary modification to the Commission's duty in section 51(b) of the Act so that it does not include tertiary education provided by, or on behalf of, a regulated institution that is not a registered provider. This modification will apply until the Higher Education (Wales) Act 2015 ("2015 Act") is repealed in full (article 8(4)). The terms "regulated institution" and "registered provider" are defined in article 1(2).

Article 8(6) provides for temporary modifications to sections 52(1)(b) and (c) and 53(b) and (c) of the Act. Those modifications exclude tertiary education provided by, or on behalf of, regulated institutions that are not registered providers from the scope of the Commission's powers to provide advice and assistance in respect of the quality of tertiary education and to carry out reviews relevant to the quality of tertiary education. The modifications are applied because regulated institutions that are not registered providers

will continue to be regulated for the purposes of quality under the 2015 Act. The modifications will apply until the 2015 Act is repealed in full (article 8(4)).

Section 54 of the Act confers functions on the Commission relating to the assessment of higher education provided by, or on behalf of, registered providers and provided by others. Section 56 of, and Schedule 3 to, the Act enable the Commission to designate a body to exercise those functions on its behalf.

Article 8(2) brings into force section 54 of the Act for the purposes of enabling the Commission to designate a body under Schedule 3. Article 8(7) makes temporary modifications to section 54(3) so that it has effect as if the Commission's assessment power does not include higher education provided in Wales by, or on behalf of, a regulated institution that is not a registered provider. Such higher education will continue to be regulated for the purposes of quality under the 2015 Act. The modifications will apply until the 2015 Act is repealed in full (article 8(4)).

Articles 2(u) and 5 bring into force, respectively, section 56 of, and Part 1 of Schedule 3 to, the Act. Article 5(2) to (4) modifies paragraphs 1 to 3 of Schedule 3 so that references to a registered provider (or providers) providing higher education have effect as if they were references to a regulated institution (or institutions). During the period in which these modifications apply, there will be no registered providers.

Part 2 of Schedule 3 to the Act provides for oversight of the designated body by the Commission. Article 3(c) brings paragraph 6 of Schedule 3 into force for the purposes of enabling the Commission to prepare arrangements under that paragraph.

Article 2(v) brings into force section 73 of the Act which requires certain governing bodies to co-operate with the Commission or persons exercising its functions in sections 51, 53 and 54(1) of the Act (including for the purpose of exercising any power under section 74 of the Act). Section 74 provides for persons to be authorised by the Commission for the purposes of entry and inspection in relation to certain of the Commission's intervention functions and the Commission's functions under section 54(1) of the Act. Section 74 of the Act is brought into force by article 2(w).

Article 2(x) to (bb) brings into force sections 75 to 79 of the Act. Sections 76 to 78 apply to notices and directions falling within section 75. Under section 76, the Commission must give a warning notice to a provider before giving the provider such a notice or

direction. Section 77 prescribes the information to be given with notices or directions falling within section 75 and their effect pending a review. Under section 78, a provider in receipt of such a notice or direction may apply for a review of that notice or direction. Section 79 of the Act requires the Welsh Ministers to appoint a person or a panel of persons to review decisions under sections 45 and 78 and also requires the Welsh Ministers to make regulations in connection with such reviews.

Article 2(cc) brings into force section 81(1), (2), (3)(b) and (4) of the Act relating to the Commission's statement on intervention functions. Section 81(1) requires the Commission to publish a statement setting out how it proposes to exercise its intervention functions in sections 36 to 39, 41, 51 to 53 and 73(4) of the Act. Before publishing the statement, or a revised statement, the Commission must consult the persons set out in section 81(3). Article 4 brings into force section 81(3)(a) subject to a temporary modification that the Commission must consult each regulated institution (instead of each registered provider). This modification is applied until 31 July 2026 because there will be no registered providers until that time.

Article 2(ff) brings into force section 84 of the Act to the extent it is not already in force. This section provides for the interpretation of Part 2 of the Act.

Section 87(1) of the Act requires the Commission to publish a statement of its policy on how it intends to exercise its funding powers. Section 87(1), (3) and (4) is brought into force by article 2(gg) to the extent it is not already in force. Article 3(b) brings section 87(5) into force, to the extent it is not already in force, except in relation to sections 88, 89 and 105 of the Act.

Article 2(ii) and (jj) brings into force sections 126 and 129 of the Act, respectively, which provide for learner protection plans and require the Commission to publish a learner engagement code. Section 101(3) of the Act requires the governing body of a maintained school with a sixth form in Wales to comply with the requirements of the learner engagement code and is brought into force by article 2(hh) to the extent it is not already in force. Article 2(kk) brings into force paragraph 16(1)(g) and (h) of Schedule 1 to the Act which requires the Commission to include information relating to the effectiveness of learner protection plans and the learner engagement code in its annual report.

Article 2(ll) brings into force paragraphs 8(8), 11 and 29(1) to (4), (6) to (8) and (10) to (13) of Schedule 4 to the Act. Paragraph 29 of Schedule 4 to the Act provides for amendments to be made to the School Standards and Organisation (Wales) Act 2013 ("the 2013 Act") concerned with school reorganisations.

These amendments include removing the Welsh Ministers' powers to make proposals to restructure local authority maintained sixth form education, instead giving the Commission powers to restructure sixth form education. Paragraphs 8(8) and 11 make amendments that are consequential to the amendments made by paragraph 29.

Article 6(1) brings paragraph 29(5) of Schedule 4 to the Act into force subject to a transitional provision. Paragraph 29(5) amends section 50(1) of the 2013 Act to remove the automatic requirement for approval by the Welsh Ministers of school organisation proposals affecting maintained school sixth form education, instead only requiring the approval of the Welsh Ministers where an objection to the proposals has been sent, in writing, to the proposer during the objection period (28 days beginning on the day the proposals were published) and has not been withdrawn in writing within 28 days following the end of the objection period. The transitional provision set out in article 6(2) provides that the Welsh Ministers' consent is still required in relation to any proposals published under section 48 of the 2013 Act before 5 April 2025.

Article 7 brings paragraph 29(9) of Schedule 4 to the Act into force, which amends section 80(3) of the 2013 Act, subject to a transitional provision. Section 80 of the 2013 Act enables a governing body of a foundation or voluntary school to discontinue a school by giving the Welsh Ministers and the local authority that maintains the school two years' notice of its intention to do so. Section 80(3) requires a governing body to consult the Welsh Ministers before giving such notice if discontinuing the school would affect the facilities for full-time sixth form education. The amendment made by paragraph 29(9) of Schedule 4 removes the requirement to consult the Welsh Ministers and instead inserts a requirement to consult the Commission before giving such notice. The transitional provision in article 7(2) provides that the duty to consult with the Welsh Ministers remains in relation to any consultation commenced under section 80(3) of the 2013 Act before 5 April 2025.

Part 4 (articles 11 to 18) makes transitory and transitional provision in connection with the 2015 Act and the registration system to be established under Part 2 of the Act. Tertiary education providers in Wales that register with the Commission and which are regulated institutions will cease to be regulated under the 2015 Act for the purposes of quality of education (Part 3 of the 2015 Act) and financial affairs (Part 4 of the 2015 Act) but will continue to be regulated under the 2015 Act for the purposes of fees and equality of opportunity in connection with access to higher education until the 2015 Act is repealed.

Article 11 makes transitory modifications to section 1(4) and (5) of the 2015 Act, which provides an overview of Parts 3 and 4 of that Act, so that regulated institutions that are registered providers are excluded from the references to institutions that have a fee and access plan.

Articles 12 to 18 make transitional provision in relation to the 2015 Act.

Under article 12, Parts 3 and 4 of the 2015 Act and related provisions in Parts 5 and 6 of that Act do not apply in relation to a regulated institution after it becomes a registered provider.

Article 13 applies where the Commission has given a warning notice under section 42 of the 2015 Act to a regulated institution relating to the quality of education or financial affairs of the institution and the institution becomes a registered provider. The Commission may not, despite the warning notice, give a direction or notice to that institution in relation to its quality of education or financial affairs.

Articles 14 and 15 apply to a direction or a notice, which is not in force, given by the Commission under the 2015 Act to a regulated institution that becomes a registered provider. After the regulated institution becomes a registered provider, the direction or notice is treated as having been, respectively, revoked or withdrawn if it relates to the quality of education or financial affairs of the institution.

Article 16 confirms that nothing in Part 4 of this Order affects the application of certain notices given under section 37 or 39 of the 2015 Act which are in effect in relation to an institution immediately before that institution becomes a registered provider.

Article 17 provides that a direction which is in force and which relates to the quality of education or financial affairs of a regulated institution does not apply after the institution to which the direction was given becomes a registered provider.

Article 18 provides that a statement published by the Commission under section 52 of the 2015 Act does not apply in relation to a regulated institution after that institution becomes a registered provider, in so far as the statement relates to quality of education and financial affairs.

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 order 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 6 (in so far as not already in force)	1 August 2024	S.I. 2024/806 (W. 130) (C. 51)
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	4 September	S.I. 2023/919

(partially)	2023	(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	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 23	1 August 2024	S.I. 2024/806 (W. 130) (C. 51)
Section 24	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 25 (partially)	4 September 2023	S.I. 2023/919 (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	4 September	S.I. 2023/919

(partially)	2023	(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 50 (partially)	1 August 2024	S.I. 2024/806 (W. 130) (C. 51)
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)
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 86	1 August 2024	S.I. 2024/806 (W. 130) (C. 51)
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 131 (partially)	1 August 2024	S.I. 2024/806 (W. 130) (C. 51)
Section 132 (partially)	4 September 2023	S.I. 2023/919 (W. 144) (C. 52)
Section 135	1 August 2024	S.I. 2024/806 (W. 130) (C. 51)
Section 136	1 August 2024	S.I. 2024/806 (W. 130) (C. 51)

Section 139 (partially)	1 August 2024	S.I. 2024/806 (W. 130) (C. 51)
Section 140	1 August 2024	S.I. 2024/806 (W. 130) (C. 51)
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 (partially); 11 (partially); 12	15 December 2022	S.I. 2022/1318 (W. 267) (C. 106)
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 1, paragraphs 4 (in so far as not already in force); 6; 8 (in so far as not already in force); 9 (in so far as not already in force); 11 (in so far as not already in force); 15 (in so far as not already in force)	1 August 2024	S.I. 2024/806 (W. 130) (C. 51)
Schedule 1, paragraphs 16 (partially); 17	1 April 2025	S.I. 2024/806 (W. 130) (C. 51)

(partially)		
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)
Schedule 4, paragraphs 2; 3 (partially); 5; 6 (partially); 7 (partially); 8 (partially); 12 (in so far as not already in force); 14 (partially); 15 (partially); 18 (partially); 19 (partially); 20 (partially); 22 (partially); 25 (partially); 27; 28 (in so far as not already in force); 31 (partially); 32; 33 (partially); 34; 36; 37; 38 (partially); 40; 41	1 August 2024	S.I. 2024/806 (W. 130) (C. 51)

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

2025 No. 432 (W. 83) (C. 17)

EDUCATION, WALES

**The Tertiary Education and
Research (Wales) Act 2022
(Commencement No. 5 and
Transitory and Transitional
Provisions) Order 2025**

Made

2 April 2025

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. 5 and Transitory and Transitional Provisions) Order 2025.

(2) In this Order—

“the 2013 Act” (“*Deddf 2013*”) means the School Standards and Organisation (Wales) Act 2013(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) 2013 anaw 1.
(3) 2015 anaw 1.
(4) S.I. 2015/1485 (W. 164).

“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;

“registered provider” (“*darparwr cofrestredig*”) has the meaning given by section 144(1) of the Act;

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

PART 2

PROVISIONS COMING INTO FORCE ON 5 APRIL 2025

Provisions coming into force on 5 April 2025

2. The following provisions of the Act come into force on 5 April 2025—

- (a) section 25(2), (3), (5), (6) and (8) to (11) (the register) in so far as not already in force;
- (b) section 27 (initial registration conditions) in so far as not already in force;
- (c) section 28 (general ongoing registration conditions) in so far as not already in force;
- (d) section 29 (specific ongoing registration conditions);
- (e) section 30 (proportionate conditions etc.) in so far as not already in force;
- (f) section 31 (mandatory ongoing registration conditions for each registered provider) in so far as not already in force;
- (g) section 32 (mandatory ongoing registration condition on fee limits) in so far as not already in force;
- (h) section 35 (Commission duty to give guidance about ongoing registration conditions) in so far as not already in force;
- (i) section 36 (Commission duty to monitor compliance with ongoing registration conditions) in so far as not already in force;
- (j) section 37 (advice and assistance in respect of compliance with ongoing registration conditions);
- (k) section 38 (reviews relevant to compliance with ongoing registration conditions);

- (l) section 39 (directions in respect of failure to comply with ongoing registration conditions);
- (m) section 40 (supplementary provision about directions under section 39);
- (n) section 41 (de-registration) in so far as not already in force;
- (o) section 42 (de-registration: procedure);
- (p) section 43 (voluntary de-registration and de-registration with consent) in so far as not already in force;
- (q) section 44 (change of registration category without application);
- (r) section 45 (registration decision reviews);
- (s) section 47 (approval of fee limit statement) in so far as not already in force;
- (t) section 48 (publication of approved fee limit statement);
- (u) section 56 (exercise of higher education assessment functions by a designated body);
- (v) section 73 (duty to co-operate);
- (w) section 74 (powers of entry and inspection);
- (x) section 75 (application of sections 76 to 78);
- (y) section 76 (proposed notices and directions: requirement to give warning notice);
- (z) section 77 (information to be given with notices and directions and effect pending review);
- (aa) section 78 (review of notices and directions);
- (bb) section 79 (decision reviewer);
- (cc) section 81(1), (2), (3)(b) and (4) (Commission's statement on intervention functions);
- (dd) section 82 (effect and enforcement of directions);
- (ee) section 83 (designation of other providers of tertiary education) in so far as not already in force;
- (ff) section 84 (interpretation of Part 2) in so far as not already in force;
- (gg) section 87(1), (3) and (4) (policy on funding powers) in so far as not already in force;
- (hh) section 101(3) (school sixth-forms) in so far as not already in force;
- (ii) section 126 (learner protection plans);
- (jj) section 129 (learner engagement code);
- (kk) in Schedule 1 (Commission for Tertiary Education and Research)—
 - (i) paragraph 16(1)(g);

- (ii) paragraph 16(1)(h);
- (II) in Schedule 4 (minor and consequential amendments)—
 - (i) paragraph 8(8);
 - (ii) paragraph 11;
 - (iii) paragraph 29(1) to (4), (6) to (8) and (10) to (13).

Provisions coming into force on 5 April 2025 to the extent specified

3. The following provisions of the Act come into force on 5 April 2025 to the extent specified in relation to each such provision—

- (a) section 33 (mandatory ongoing registration conditions on equal opportunity), for the purposes of enabling the Commission to—
 - (i) consult under section 28(7) of the Act in relation to any general ongoing registration conditions on equal opportunity;
 - (ii) prepare for ongoing registration conditions on equal opportunity that may be imposed as specific ongoing registration conditions under section 29 of the Act;
- (b) section 87(5) in so far as not already in force, except in relation to sections 88 (financial support to specified providers for higher education), 89 (financial support for higher education courses specified in regulations) and 105 (financial support for research and innovation) of the Act;
- (c) paragraph 6 (oversight by the Commission) of Schedule 3 (assessing higher education: designated body), for the purposes of enabling the Commission to prepare arrangements under that paragraph.

Provisions coming into force on 5 April 2025 subject to transitory provisions

4.—(1) Section 81(3)(a) of the Act comes into force on 5 April 2025 subject to the modification set out in paragraph (2), which applies during the period beginning with 5 April 2025 and ending with 31 July 2026.

(2) Section 81(3)(a) has effect as if the reference to registered provider were to regulated institution.

5.—(1) Part 1 (designation) of Schedule 3 to the Act comes into force on 5 April 2025 subject to the modifications set out in paragraphs (2) to (4), which

apply during the period beginning with 5 April 2025 and ending with 31 July 2026.

(2) Paragraph 1(3)(b)(i) of Schedule 3 has effect as if the reference to registered provider providing higher education were to regulated institution.

(3) Paragraph 2(2)(b) and (c) of Schedule 3 has effect as if both references to registered providers providing higher education were to regulated institutions.

(4) Paragraph 3(4)(b)(i) of Schedule 3 has effect as if the reference to registered provider providing higher education were to regulated institution.

Provisions coming into force on 5 April 2025 subject to transitional provisions

6.—(1) Paragraph 29(5) of Schedule 4 to the Act comes into force on 5 April 2025 subject to the transitional provision set out in paragraph (2).

(2) Section 50(1) (approval by Welsh Ministers) of the 2013 Act continues to apply on and after 5 April 2025 as it had effect immediately before that date in relation to proposals published under section 48 (publication and consultation) of that Act before 5 April 2025.

7.—(1) Paragraph 29(9) of Schedule 4 to the Act comes into force on 5 April 2025 subject to the transitional provision set out in paragraph (2).

(2) Section 80(3) (notice by governing body to discontinue foundation or voluntary school) of the 2013 Act continues to apply on and after 5 April 2025 as it had effect immediately before that date in relation to consultations commenced under section 80(3) of that Act before 5 April 2025.

Provisions coming into force on 5 April 2025 to the extent specified and subject to transitory provisions

8.—(1) Sections 51 (duty to monitor, and promote improvement in, the quality of regulated tertiary education) to 53 (reviews relevant to quality of tertiary education) of the Act come into force on 5 April 2025 for the purposes of enabling the Commission to publish a statement setting out how it proposes to exercise its intervention functions, pursuant to section 81(1) of the Act, subject to the modifications in paragraphs (5) and (6).

(2) Section 54 (assessment of quality of higher education) of the Act comes into force on 5 April 2025 for the purposes of enabling the Commission to designate a body under Schedule 3 to the Act, subject to the modification in paragraph (7).

(3) The modification to the Act, set out in paragraph (5)(a), applies during the period beginning with 5 April

2025 and ending immediately before the coming into force of paragraph 6(3)(c) of Schedule 4 to the Act.

(4) The modifications to the Act set out in paragraphs (5)(b), (6) and (7) apply during the period beginning with 5 April 2025 and ending immediately before the coming into force of paragraph 31 of Schedule 4 to the Act in full.

(5) Section 51(b) of the Act has effect as if the reference to tertiary education funded or otherwise secured by the Commission does not include tertiary education—

- (a) funded by the Commission pursuant to its powers in section 65 of the Further and Higher Education Act 1992⁽¹⁾;
- (b) provided by, or on behalf of, a regulated institution that is not a registered provider.

(6) Sections 52(1)(b) and (c) (advice and assistance in respect of quality of tertiary education) and 53(b) and (c) of the Act have effect as if the references to tertiary education, or a particular course of tertiary education, do not include tertiary education, or a particular course of tertiary education, provided by, or on behalf of, a regulated institution that is not a registered provider.

(7) Section 54(3) of the Act has effect as if the Commission's power to assess, or make arrangements for the assessment of, the quality of higher education provided in Wales by any tertiary education provider does not include higher education provided in Wales by, or on behalf of, a regulated institution that is not a registered provider.

(8) In this article, “higher education” and “tertiary education” have the meanings given by section 144(1) of the Act.

PART 3

PROVISIONS COMING INTO FORCE ON 1 JANUARY 2026 AND 31 JULY 2026

9. Section 26 (registration procedure) comes into force on 1 January 2026.

10. Section 25(1) and (4) in so far as not already in force comes into force on 31 July 2026.

(1) 1992 c. 13.

PART 4

TRANSITORY AND TRANSITIONAL PROVISIONS RELATING TO THE 2015 ACT

Transitory provision relating to section 1 of the 2015 Act

11.—(1) The modifications to section 1 of the 2015 Act set out in paragraph (2) apply during the period beginning with 31 July 2026 and ending immediately before the coming into force of paragraph 31 of Schedule 4 to the Act in full.

(2) Section 1(4) and (5) has effect as if both references to institutions that have a fee and access plan were to institutions that have a fee and access plan other than institutions that are also registered providers.

Disapplication of certain provisions of the 2015 Act

12.—(1) The provisions of the 2015 Act within paragraph (2) do not apply in relation to a regulated institution after it becomes a registered provider.

(2) The provisions are—

- (a) Part 3 (quality of education);
- (b) Part 4 (financial affairs of regulated institutions);
- (c) section 37(3)(d) and (e) (notice of refusal to approve new fee and access plan);
- (d) section 39(2)(c) and (d) (power to withdraw approval);
- (e) section 52(5)(c) to (f) (statement in respect of intervention functions);
- (f) section 52(5)(g) in so far as it relates to section 37(3)(d) and (e);
- (g) section 52(5)(h) in so far as it relates to section 39(2)(c) and (d).

(3) In paragraph (1), a regulated institution includes an institution that is treated as a regulated institution by virtue of section 26 (application of this Part where institution ceases to have approved plan) of the 2015 Act.

Warning notices under the 2015 Act

13.—(1) This article applies where the Commission has given a regulated institution a warning notice within paragraph (3) and the institution becomes a registered provider.

(2) Despite the warning notice, after the regulated institution becomes a registered provider the

Commission may not give it a direction nor notice under the provisions mentioned in paragraph (3).

(3) A warning notice is within this paragraph if it is given under section 42 (proposed notices and directions: requirement to give warning notice) of the 2015 Act and it relates to—

- (a) a proposed direction under—
 - (i) section 19 (directions in respect of inadequate quality) of that Act;
 - (ii) section 33 (directions in respect of failure to comply with Code) of that Act;
- (b) a proposed notice under—
 - (i) section 37(1) of that Act in connection with the condition in section 37(3)(d) or (e) of that Act;
 - (ii) section 39(1) of that Act in connection with the condition in section 39(2)(c) or (d) of that Act.

Directions under the 2015 Act which are not in force

14.—(1) This article applies to a direction given by the Commission to a regulated institution that becomes a registered provider.

(2) After the regulated institution becomes a registered provider, a direction within paragraph (3) and to which paragraph (4) applies is to be treated as having been revoked.

(3) A direction is within this paragraph if it is given under—

- (a) section 19 of the 2015 Act;
- (b) section 33 of the 2015 Act.

(4) This paragraph applies to a direction given where the governing body of the institution has—

- (a) not notified the Commission in writing that it accepts the direction and the period for making an application for a review under regulation 8 (procedure to apply for a review of notices and directions) 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 the Commission has not notified the governing body in writing that the direction has effect.

(5) In paragraph (4)(a), notification to the Commission in writing means notification under regulation 4(a) (treatment of notices and directions) of the 2015 Regulations.

Notices under the 2015 Act which are not in force

15.—(1) This article applies to a notice given by the Commission to a regulated institution that becomes a registered provider.

(2) After the regulated institution becomes a registered provider, a notice within paragraph (3) and to which paragraph (4) applies is to be treated as having been withdrawn.

(3) A notice is within this paragraph if it is given under—

- (a) section 37(1) of the 2015 Act in connection with the condition in section 37(3)(d) or (e) of that Act, or
- (b) section 39(1) of the 2015 Act in connection with the condition in section 39(2)(c) or (d) of that Act.

(4) This paragraph applies to a notice given where the governing body of the institution has—

- (a) not notified the Commission in writing that it accepts the notice and the 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 the Commission has not notified the governing body in writing that the notice has effect.

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

Certain notices under the 2015 Act which are in force

16.—(1) Nothing in this Part affects the application of a notice which is—

- (a) within paragraph (2), and
- (b) in effect in relation to an institution immediately before that institution becomes a registered provider.

(2) A notice is within this paragraph if it is given under—

- (a) section 37(1) of the 2015 Act in connection with the condition in section 37(3)(d) or (e) of that Act;
- (b) section 39(1) of the 2015 Act in connection with the condition in section 39(2)(c) or (d) of that Act.

(3) A notice is in effect if the governing body of the institution to which the notice is addressed—

- (a) has given notice 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 period for making an application to the review panel having expired, or
- (c) has received notification under regulation 10(2) (post review procedure) of the 2015 Regulations that the notice has effect following the conclusion of a review in respect of the notice.

(4) In paragraph (1), a notice given under section 37 of the 2015 Act is not in effect if—

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

Directions under the 2015 Act which are in force

17.—(1) A direction within paragraph (2) that is in effect does not apply after the regulated institution to which the direction was given becomes a registered provider.

(2) A direction is within this paragraph if it is given under any of the following sections of the 2015 Act—

- (a) section 19;
- (b) section 21(3) (quality assessment etc: duty to co-operate);
- (c) section 33;
- (d) section 35(2) (financial management: duty to co-operate).

(3) A direction within paragraph 2(a) or (c) is in effect—

- (a) if the governing body of the institution to which the direction is addressed—
 - (i) has notified the Commission in writing under regulation 4(a) of the 2015 Regulations that it accepts the direction,
 - (ii) is not able to apply for a review under regulation 8 of the 2015 Regulations due to the period for making an application to the review panel having expired, or
 - (iii) has received notification in writing from the Commission that the direction has effect following the conclusion of a review in respect of that direction,

- (b) if the Commission has not revoked the direction under section 46(b) (directions: general) of the 2015 Act, and
- (c) to the extent that the Commission has not given notice under section 45(3) (directions: compliance and enforcement) of the 2015 Act to the governing body of the institution to which the direction is addressed stating that the Commission is satisfied that the body has complied with—
 - (i) the direction, or
 - (ii) a particular requirement of the direction.

(4) In paragraph (1), a direction includes a direction which has been varied under section 46(b) of the 2015 Act.

Statement in respect of intervention functions under the 2015 Act

18.—(1) In so far as it relates to the provisions of the 2015 Act listed in paragraph (2), a statement published under section 52 of that Act does not apply in relation to a regulated institution after it becomes a registered provider.

- (2) The provisions of the 2015 Act are—
- (a) section 19;
 - (b) section 20(1) and (2);
 - (c) section 33;
 - (d) section 34;
 - (e) section 37(3)(d) and (e);
 - (f) section 39(2)(c) and (d).

Vikki Howells
Minister for Further and Higher Education,
under authority of the Cabinet Secretary for Education,
one of the Welsh Ministers
2 April 2025