

SL(6)743 – The Tertiary Education and Research (Wales) Act 2022 (Consequential Amendments and Transitory Provision) Regulations 2026

Background and Purpose

These Regulations amend primary and secondary legislation as a consequence of the coming into force of provisions in the Tertiary Education and Research (Wales) Act 2022 (“the 2022 Act”) which:

- repeal the Welsh Ministers’ funding functions in Part 2 of the Learning and Skills Act 2000 (“the 2000 Act”) and which confer funding functions on the Commission for Tertiary Education and Research (“Medr”) in Part 3 of the 2022 Act;
- make amendments to sections 33A – 33Q of the 2000 Act (local curricula provisions) with current functions of the Welsh Ministers becoming functions of Medr;
- have repealed the Welsh Ministers’ functions relating to the restructuring of local authority maintained sixth form education and which confer functions on Medr (Chapter 3A of Part 3 of the School Standards and Organisation (Wales) Act 2013).

Amendments to primary legislation are also made as a consequence of the register of tertiary education providers to be established by Medr under section 25 of the 2022 Act and related amendments to the Further and Higher Education Act 1992.

Procedure

Senedd approval procedure

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 point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

In regulation 6, a new reference is inserted after “section 97” in section 1(4)(g) of the Learner Travel (Wales) Measure 2008. However, the words that include the reference to “section 97” in section 1(4)(g) of the 2008 Measure are inserted by paragraph 23(2) of Schedule 4 to the 2022 Act, which is yet to be commenced. Could the Welsh Government confirm that paragraph 23(2) of Schedule 4 to the 2022 Act will be commenced before the coming into force of these Regulations?



Merits Scrutiny

The following two points are identified for reporting under Standing Order 21.3 in respect of this instrument.

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

Regulation 4 refers to the Saint David's Catholic College Incorporation Order 2005 (S.I. 2005/2293 (W. 171)). However, it does not seem possible to access a copy of the Order on the legislation.gov.uk website or on commonly used subscription-based legal websites. This it raises issues of accessibility to the law for both legal practitioners and members of the general public. The Government is asked to provide further details as to how this Order is accessible to the public.

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

No consultation has been carried out in relation to these Regulations. The Explanatory Memorandum states:

No formal consultation has taken place as the Regulations make only consequential amendments and one (non-textual) temporary modification which relates to one of those consequential amendments.

Welsh Government response

A Welsh Government response is required for the first and second reporting points.

Legal Advisers

Legislation, Justice and Constitution Committee

18 February 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee