

## **Government Response: The Commission for Tertiary Education and Research (Decision Review) (Wales) Regulations 2025**

**Technical Scrutiny point 1:** The “applicant” in these Regulations simply means the person making the application for a review under sections 45 and 78 of the Tertiary Education and Research (Wales) Act 2022, so there is no need to define the term beyond its ordinary meaning. These Regulations only deal with the procedure to be followed when dealing with a review and the possible outcomes, and do not seek to provide for who may apply for such a review. That is provided for in sections 45 and 78 of the Act, to which regulation 3 refers.

**Technical Scrutiny point 2:** The Regulations follow the language used in the relevant provisions of the Tertiary Education and Research (Wales) Act 2022. Section 79(1) refers to “decisions” made under both section 45 and section 78. Section 45 is concerned with, and refers to, registration decisions. Section 78 is concerned with, and refers only to, a notice or direction. In regulation 5(a) we have used “the decision, notice or direction” to reflect that (and we have used the same or similar wording in regulations 3(b), 4(a) and 9(a)).

Regulation 5(b) uses “its decision”, which encompasses Commission decisions under section 45 and decisions in respect of notices or directions under section 78. All three ‘types’ of decision are what the reviewer can review under section 79.

We acknowledge that it would have been clearer for the reader of regulation 5(b) to have referred to “the decision, notice or direction”. However, we do not consider that, when reading the provision in the context of the Regulations, there is a real risk of an incorrect interpretation, especially considering that regulation 5 must be read alongside regulation 9(a). Paragraph 9(a) is clear that a recommendation from the reviewer (under regulation 5) applies to registration decisions and decisions on notices and directions, as the duty to reconsider (on receipt of a recommendation) applies to a “decision, notice or direction”.

**Merit Scrutiny point 1:** We can confirm the only relevant enabling power is section 79(3) and (4) of the Tertiary Education and Research (Wales) Act 2022. The reference to section 143(2)(a) of that Act in the Explanatory Memorandum is incorrect and an amended version of the Explanatory Memorandum has been laid to correct this.