



# Tertiary Education and Research (Wales) Act 2022

2022 asc 1

## PART 2

### REGISTRATION AND REGULATION OF TERTIARY EDUCATION PROVIDERS

#### CHAPTER 1

##### REGISTRATION OF TERTIARY EDUCATION PROVIDERS

###### *Monitoring and enforcement of registration conditions*

- 36 Commission duty to monitor compliance with ongoing registration conditions**  
The Commission must monitor compliance with ongoing registration conditions by registered providers.
- 37 Advice and assistance in respect of compliance with ongoing registration conditions**  
The Commission may provide, or make arrangements for the provision of, advice or other assistance to a registered provider for the purpose of securing compliance by the provider with its ongoing registration conditions.
- 38 Reviews relevant to compliance with ongoing registration conditions**  
The Commission may carry out, or arrange for another person to carry out, a review of any matters that it considers relevant to compliance by a registered provider with its ongoing registration conditions.

### **39 Directions in respect of failure to comply with ongoing registration conditions**

- (1) The Commission may give the governing body of a tertiary education provider a direction under this section if it is satisfied that the governing body has failed, or is likely to fail, to comply with an ongoing registration condition.
- (2) In the case of a failure, or likely failure, to comply with an ongoing registration condition, the Commission may direct the governing body to comply with the condition.
- (3) In the case of a failure to comply with a fee limit condition, the Commission may also, as an alternative or in addition to a direction described in subsection (2), direct the governing body to reimburse excess fees paid to the tertiary education provider.
- (4) A direction under this section may specify steps that are (or are not) to be taken by the governing body for the purpose of compliance with the condition.
- (5) A direction of the kind described in subsection (3) may specify the manner in which reimbursement of excess fees is to be, or may be, effected.
- (6) If the Commission gives a direction under this section, it must—
  - (a) give a copy of the direction to the Welsh Ministers;
  - (b) publish the direction.
- (7) “Excess fees” are regulated course fees to the extent that those fees exceed the applicable fee limit (as quantified for the purposes of the duty under section 32 with which the governing body has failed to comply).
- (8) For procedural provision about directions under this section, see sections 75 to 78.

### **40 Supplementary provision about directions under section 39**

- (1) The Commission may issue guidance about steps to be taken for the purpose of complying with a direction under section 39.
- (2) Before issuing guidance under this section the Commission must consult the governing body of each registered provider; and may consult the governing body of any other tertiary education provider in Wales as it considers appropriate.