



Tertiary Education and Research (Wales) Act 2022

2022 asc 1

PART 2

REGISTRATION AND REGULATION OF TERTIARY EDUCATION PROVIDERS

CHAPTER 4

GENERAL

83 Designation of other providers of tertiary education

- (1) The Welsh Ministers may, on the application of a provider of tertiary education within subsection (2), designate the provider for the purposes of this section.
- (2) A provider of tertiary education within this subsection is one that—
 - (a) provides tertiary education in Wales, but
 - (b) would not (but for the designation) be regarded as an institution for the purposes of this Act.
- (3) A provider of tertiary education designated under this section is, unless the designation is withdrawn, to be treated for the purposes of any provision made by or under this Act as being an institution.
- (4) The Welsh Ministers may, by regulations, make provision about—
 - (a) the making of applications for designation;
 - (b) the making of designations under this section (including provision about matters to be taken into account in determining whether to make a designation);
 - (c) the withdrawal of a designation (including provision about matters to be taken into account in determining whether to withdraw a designation);

- (d) the effect of a withdrawal of a designation (including provision for a provider whose designation is withdrawn to continue to be treated as an institution for prescribed purposes despite subsection (3)).

84 Interpretation of Part 2

In this Part—

- “academic year” (*“blwyddyn academaidd”*) means a period of 12 months;
- “applicable fee limit” (*“terfyn ffioedd cymwys”*) has the meaning given by section 32(8);
- “Chief Inspector” (*“Prif Arolygydd”*) means Her Majesty’s Chief Inspector of Education and Training in Wales;
- “decision reviewer” (*“adolygydd penderfyniadau”*) has the meaning given by section 79(5);
- “excess fees” (*“ffioedd uwchlaw’r terfyn”*) has the meaning given by section 39(7);
- “external provider” (*“darparwr allanol”*) has the meaning given by section 54(7);
- “fee limit” (*“terfyn ffioedd”*) has the meaning given by section 46(5);
- “fee limit condition” (*“amod terfyn ffioedd”*) has the meaning given by section 32(3);
- “fee limit statement” (*“datganiad terfyn ffioedd”*) has the meaning given by section 46(1);
- “fees” (*“ffioedd”*) means fees in respect of, or otherwise in connection with, undertaking a course, including admission, registration, tuition and graduation fees, and fees payable to a tertiary education provider for awarding or accrediting any part of the course, but excluding—
- (a) fees payable for board or lodging;
 - (b) fees payable for field trips (including any tuition element of such fees);
 - (c) fees payable for attending any graduation or other ceremony;
 - (d) any other fees specified in regulations made by the Welsh Ministers for the purposes of this definition;
- “governing body” (*“corff llywodraethu”*), in relation to an external provider that is not an institution, has the meaning given by section 54(7) (see section 144 for the meaning of “governing body” generally);
- “ongoing registration condition” (*“amod cofrestru parhaus”*) has the meaning given by section 25(10);
- “qualifying course” (*“cwrs cymhwysol”*) means a course specified in regulations under section 32(4);
- “qualifying person” (*“person cymhwysol”*) has the meaning given by section 32(9);
- “regulated course fees” (*“ffioedd cwrs rheoleiddiedig”*) has the meaning given by section 32(7);
- “relevant academic year” (*“blwyddyn academaidd berthnasol”*), in relation to a tertiary education provider to which a fee limit statement relates, has the meaning given in section 46(5).