



Tertiary Education and Research (Wales) Act 2022

2022 asc 1

PART 7

MISCELLANEOUS AND GENERAL

General

144 General interpretation

(1) In this Act—

“additional learning needs” (*“anghenion dysgu ychwanegol”*) has the meaning given by section 2 of the [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#);

“additional learning provision” (*“darpariaeth ddysgu ychwanegol”*) has the meaning given by section 3 of the [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#);

“the Commission” (*“y Comisiwn”*) means the Commission for Tertiary Education and Research (see section 1);

“facilities for Wales” (*“cyfleusterau i Gymru”*) includes—

- (a) facilities in Wales, and
- (b) other facilities available to persons ordinarily resident in Wales;

“financial resources” (*“adnoddau ariannol”*) means financial resources of any kind including grants, loans and other payments;

“functions” (*“swyddogaethau”*) means powers and duties;

“governing body” (*“corff llywodraethu”*)—

- (a) in relation to a training provider who but for this section would not be regarded as an institution, means any persons responsible for the provider’s management;

Status: This is the original version (as it was originally enacted).

- (b) in relation to a school, means its proprietor within the meaning given by section 579(1) of the [Education Act 1996 \(c. 56\)](#);
- (c) in relation to a provider designated under section 83, means any persons responsible for the provider’s management;
- (d) in relation to any other institution, has the meaning given by section 90(1) of the [Further and Higher Education Act 1992 \(c. 13\)](#), but subject to any provision made by virtue of section 90(2) of that Act;
- “higher education” (“*addysg uwch*”) means education provided by means of a course of any description mentioned in Schedule 6 to the [Education Reform Act 1988 \(c. 40\)](#);
- “institution” (“*sefydliad*”) includes any training provider (whether or not the training provider would otherwise be regarded as an institution);
- “local authority” (“*awdurdod lleol*”) means the council of a county or county borough in Wales;
- “maintained school” (“*ysgol a gynhelir*”) means a community, foundation or voluntary school, or a community special school;
- “notice” (“*hysbysiad*”) means notice in writing;
- “the register” (“*y gofrestr*”) means the register established and maintained under section 25;
- “registered provider” (“*darparwr cofrestredig*”) means a tertiary education provider which is registered in the register; and references to “registration” (“*cofrestru*”) are to be read accordingly;
- “school” (“*ysgol*”) has the meaning given by section 4 of the [Education Act 1996 \(c. 56\)](#);
- “secondary education” (“*addysg uwchradd*”) has the meaning given by section 2 of the [Education Act 1996 \(c. 56\)](#);
- “tertiary education” (“*addysg drydyddol*”) means higher education, further education or training;
- “tertiary education provider in Wales” (“*darparwr addysg drydyddol yng Nghymru*”) means an institution providing tertiary education, including tertiary education provided on its behalf, whose activities are wholly or mainly carried on in Wales;
- “trade union” has the meaning given by the [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#);
- “Welsh tertiary education” (“*addysg drydyddol Gymreig*”) means tertiary education—
- (a) provided by, or on behalf of, a tertiary education provider in Wales, or
 - (b) funded or otherwise secured by the Commission.
- (2) References in this Act to further education are to education (other than higher education) suitable to the requirements of persons who are over compulsory school age and organised leisure-time occupation connected with such education.
- (3) Accordingly for the purposes of this Act, further education includes education suitable to the requirements of pupils over compulsory school age but under 19 which is provided at a school at which secondary education is also provided.
- (4) References in this Act to training are to training suitable to the requirements of persons who are over compulsory school age and organised leisure-time occupation connected with such training.

- (5) For the purposes of subsections (2) and (4)—
- (a) education includes both full-time and part-time education;
 - (b) training includes both full-time and part-time training;
 - (c) training includes vocational, social, physical and recreational training.
- (6) In this Act—
- (a) references to institutions within the further education sector are references to institutions falling within section 91(3) of the [Further and Higher Education Act 1992 \(c. 13\)](#), and
 - (b) references to institutions within the higher education sector are references to institutions falling within section 91(5) of the [Further and Higher Education Act 1992](#).
- (7) Subsections (2) and (3) of section 8 of the [Education Act 1996 \(c. 56\)](#) apply to determine, for the purposes of this Act, whether a person is of compulsory school age, so far as that section applies in relation to Wales.
- (8) References in this Act (however expressed) to the provision of tertiary education by, or on behalf of, a tertiary education provider in Wales (including a registered provider or specified provider) include courses of tertiary education provided—
- (a) at one or more places in Wales or elsewhere,
 - (b) by means of correspondence, equipment or other facility that enables persons who are not in the same place (whether in Wales or elsewhere) to participate in the tertiary education, or
 - (c) by a combination of the ways described in paragraphs (a) and (b).
- (9) In subsection (1), “training provider” means a person who provides training for members of the school workforce (within the meaning given by section 100 of the [Education Act 2005 \(c. 18\)](#)).
- (10) For the purposes of this Act, tertiary education provided outside Wales is to be treated as provided in Wales if it is provided as part of a course that is provided mainly in Wales.