



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

De-registration

41 De-registration

- (1) The Commission must remove a tertiary education provider from a category of the register if the Commission becomes aware that the provider—
 - (a) is no longer a tertiary education provider in Wales, or
 - (b) no longer provides, or has provided on its behalf, the kind of tertiary education that relates to the category.
- (2) The Welsh Ministers may, by regulations, specify other circumstances in which a registered provider must be removed from one or more categories of the register or all categories of the register.
- (3) The Commission may remove a registered provider from a category of the register if condition A or B is satisfied.
- (4) Condition A is satisfied if—
 - (a) the Commission has previously exercised its powers under section 39 (directions in respect of failure to comply with ongoing registration conditions) in relation to breach of one of the tertiary education provider's ongoing registration conditions that apply to the category of registration, and

Changes to legislation: *There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, Section 41. (See end of Document for details)*

- (b) it appears to the Commission that—
 - (i) there is again a breach, or a continuing breach, of that condition, or
 - (ii) there is or has been a breach of a different one of the provider’s ongoing registration conditions that apply to the category of registration.
- (5) Condition B is satisfied if it appears to the Commission that—
 - (a) there is or has been a breach of one of the tertiary education provider’s ongoing registration conditions that apply to the category of registration, and
 - (b) its powers under section 39 are insufficient to deal with the breach (whether or not they have been, are being or are to be, exercised in relation to it).
- (6) The Welsh Ministers may, by regulations, make transitional or saving provision in connection with the removal of a tertiary education provider from a category of the register under this section.
- (7) Regulations under subsection (6) may include provision treating the tertiary education provider as a registered provider for such purposes as the regulations may specify.
- (8) The Commission must—
 - (a) maintain a list of tertiary education providers removed from a category of the register under this section,
 - (b) include in that list reference to any regulations made under subsection (6), and
 - (c) make the list publicly available by such means as it considers appropriate.

Commencement Information

I1 S. 41 not in force at Royal Assent, see [s. 148\(2\)](#)

I2 S. 41 in force at 4.9.2023 for specified purposes by [S.I. 2023/919](#), [art. 3\(x\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, Section 41.