



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

43 Voluntary de-registration and de-registration with consent

- (1) The Commission must remove a registered provider from a category of the register if—
 - (a) the governing body of the provider applies to the Commission for the provider to be removed from that category of the register, and
 - (b) the application complies with any requirements imposed under subsection (6).
- (2) But if the application under subsection (1)(a) specifies that it is combined with an application under section 25(4)(a) for registration in another category, the duty in subsection (1) does not apply unless the condition in subsection (3) applies or both of the conditions in subsection (4) apply.
- (3) The condition in this subsection is that the Commission is required to register the provider in the other category in accordance with the application under section 25(4)(a).
- (4) The conditions in this subsection are—
 - (a) that the Commission would be required to register the provider in the other category in accordance with the application under section 25(4)(a) were it not

Changes to legislation: There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, Section 43. (See end of Document for details)

- for the effect of section 25(4)(e) in relation to the categories of registration that are the subject of the application under subsection (1)(a) and section 25(4)(a), and
- (b) that the Commission would be required to register the provider in the other category if the provider is removed from the category in respect of which the application under subsection (1)(a) is made.
- (5) The Commission may remove a registered provider from a category of the register if the governing body of the provider consents.
- (6) The Commission may determine—
- (a) the form of an application under subsection (1),
 - (b) the information to be contained in it or provided with it, and
 - (c) the way in which an application is to be submitted.
- (7) The Commission must notify the governing body of the provider of the date on which the provider is removed from the category of the register under this section (“the removal date”).
- (8) The Commission may vary the removal date at any time before that date by notifying the governing body of the provider.
- (9) A removal under this section may not take effect at any time when—
- (a) an application for a review under section 45(d) could be brought in respect of the decision to remove, or
 - (b) a review or a decision by the Commission following a such review is pending.
- (10) But that does not prevent a removal taking effect if the governing body of the provider notifies the Commission that it does not intend to apply for a review.
- (11) Where subsection (9) ceases to prevent a removal taking effect on the date specified under subsection (7), the Commission must determine a future date on which the removal takes effect.
- (12) But that is subject to what has been determined by the Commission following any review under section 45(d) in respect of the decision to remove.
- (13) The Welsh Ministers may, by regulations, make transitional or saving provision in connection with the removal of a provider from a category of the register under this section.
- (14) Regulations under subsection (13) may include provision treating the provider as a registered provider in that category for such purposes as the regulations may specify.
- (15) The Commission must—
- (a) maintain a list of tertiary education providers removed from categories of the register under this section,
 - (b) include in that list reference to any regulations made under subsection (13), and
 - (c) make the list publicly available by such means as it considers appropriate.

Commencement Information

II S. 43 not in force at Royal Assent, see [s. 148\(2\)](#)

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I2 [S. 43](#) in force at 4.9.2023 for specified purposes by [S.I. 2023/919](#), [art. 3\(y\)](#)

Changes to legislation:

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